

STAFF REPORT

DATE: May 29, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00160

**C10-19-10 PAULES RESIDENCE / DETACHED GARAGE / DELMAR AND
AUDREY PAULES TRUST / 2246 EAST 7TH STREET, R-1**

The applicant's property is an approximately 6,750 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The lot is nonconforming for size within the R-1 zone per the original 1923 subdivision plat, and subsequent lot line reconfiguration in 2003 resulting in the same size land area. The applicant is remodeling and adding onto the home, and is further seeking the necessary zoning approval to construct a detached, tandem style garage in the rear yard at reduced building setbacks, all as shown on the submitted plans.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow a reduced side yard perimeter setback for the construction of the garage, as measured at approximately 6' from the west property line;
- 2) Allow a reduced side yard perimeter setback for the construction of the garage, as measured at approximately 1'6" from the south property line; and
- 3) Allow a reduced street perimeter yard setback for construction of the garage, as measured at approximately 6' from the east lot line along Wilson Avenue; all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to:

Section 4.7.8 and Table 4.8-2 which provides criteria for residential development in the R-1 zone; and

Sections 6.3.4, 6.4.5 and Table 6.3-2.A which provide dimensional standards applicable to all principal and accessory structures in the R-1 residential zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)

North: Zoned R-1; (single-family residential)

South: Zoned R-1; (single-family residential)

East: Zoned R-1; (single-family residential, across Tucson Boulevard)

West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

State Historic Preservation Office

The home is a contributing structure within the Sam Hughes Residential Historic District, a National Register Historic District. The State Historic Preservation Office (SHPO) reviewed the proposal. In a written advisement dated April 2, 2019, SHPO indicated partial demolition, remodel, and an addition to the home, as well as construction of a new detached garage, met the Secretary of the Interior's Standards for treatment of historic properties.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 6,750 square foot lot zoned R-1 "Residential" developed with a single-family residence. The applicants are seeking the necessary zoning approval to construct a detached tandem style garage in the rear yard with reduced building setbacks. As shown on submitted plans, the garage is proposed with reduced setbacks from both west and south perimeter yard property lines and the east street perimeter yard property line. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable for the new garage.

Detached Accessory Structure with Reduced Perimeter Yard Setbacks

The applicant proposes to construct a new tandem garage in the rear yard. The applicant is requesting variances to allow the detached structure to have reduced building setbacks from west, south and east lot lines.

Per *UDC* Section 4.7.7 and Table 6.3.1.A., the required minimum setback is 10 feet for a structure off a perimeter side street. The applicant is requesting a variance to allow a reduced setback from 10' to 6' for the proposed garage, as measured from the east property line along Wilson Avenue.

In addition, the applicant is requesting variances to reduce both west and south perimeter yard lot line setbacks for the detached garage. The minimum building setback from both west and south lot lines to the building elevations, is the greater of 6' or 2/3 the height of the exterior building wall. The applicant is requesting a reduction to 1'6" as measured from the south property line to the south elevation of the new garage, and a reduction to 6' as measured from the west property line to west elevation of the new garage.

Discussion

The property is within the Sam Hughes National Register Residential Historic District, located at the southwest corner of 7th Street and Wilson Avenue. The lot is constructed with a single story home with planned remodel and addition. The applicants also propose a detached garage in the rear yard, per submitted plans. Per Pima County Assessor information, the residence was built circa 1928, oriented on the north side of the lot along 7th Street, which has no driveway access.

The subject of the Board of Adjustment review, the detached garage, would be located 10' south of the home, on the south side of the property. The garage would be accessed off Wilson Avenue, at the only driveway access point to the lot. Given existing conditions, such as orientation of the site structures and location of the only driveway, construction of the garage elsewhere on the property would be impractical.

Conclusion

Given there are special circumstances such as the orientation of the residence to the north side of the lot, the existing driveway access from Wilson Avenue, and the proposal is not out of character with other properties and would not be detrimental

to the public welfare or injurious to other property or improvements in the neighborhood, staff recommends approval to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated March 12, 2019, and the summary dated April 22, 2019 reviewing the discussion points of the March 25th onsite meeting.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD recommends approval of the applicant's requested variances subject to the following condition:

- A. No parking in the area between the garage and street.

It is the opinion of staff that there are special circumstances applicable to the property; and that granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Heather Thrall, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

RW:HT: s/zoning administration/ba/1910.doc