

# STAFF REPORT

**DATE:** June 27, 2018

**TO:** Board of Adjustment

**FROM:** Zoning Administration  
Planning & Development  
Services Department

**ACTIVITY NO. T18SA00211**

**C10-18-07 KIVA RANCH TUCSON, LLC, NEW STABLE, EQUESTRIAN SHADE STRUCTURE AND CORRAL / SUSAN WICK / 8525 EAST WOODLAND ROAD, SR**

The applicant's property is a 7.88 acre lot zoned SR "Suburban Ranch Residential", developed with a single-family dwelling, a stable, storage building and corrals. The applicant proposes to construct additional detached accessory structures: a stable and an open equestrian shade structure with corral in the front street perimeter yard. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

## **THE APPLICANTS' REQUEST TO THE BOARD**

The applicants are requesting the following variances:

- 1) Allow construction of the equestrian shade structure in the buildable area between the wall of the principal building facing the street and the front street lot line.
- 2) Allow combined total gross floor area of all proposed accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the principal structure, all as shown on the submitted plans.

## **APPLICABLE TUCSON ZONING CODE SECTIONS**

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.4 *Rural and Suburban Residence Zone (SR)* and Table 4.8-3 *Permitted Uses - Rural and Suburban Residential Zones* which provides the use criteria for residential development in the SR zone, and

Section 6.6.3, which provides development standards applicable to accessory structures within residential zones; and

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards*, and Table 6.3-1.A *Dimensional Standards for the SR Zone*, which provide the development standards applicable to all principal and accessory structures.

## **GENERAL DEVELOPMENT INFORMATION**

### **Zoning and Land Use**

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

North: Zoned SR; (rural residential)

South: Zoned SR; (rural residential)

East: Zoned SR; (rural residential)

West: Zoned SR; (rural residential)

## **RELATED PLAN REVIEWS**

### **Engineering**

The Engineering Section of Planning and Development Services Department had no comments.

## **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 a 7.88 acre lot zoned SR "Suburban Ranch Residential", developed with a single-family dwelling, a stable, storage building and corrals. The applicant proposes to construct additional detached accessory structures: a stable and an open equestrian shade structure with corral. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

### **Stable and Equestrian Shade Structure**

Section 4.7.4 and 4.8-3 provides criteria for residential development in the SR zone.

Per *UDC* Section 6.6.3, detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line. The applicant is requesting a variance to construct a detached accessory structure (equestrian shade structure and corral) between the wall of the principal building (residence) facing the street and the street front lot line.

Per *UDC* Section 6.6.3, the total gross floor area (gfa) of all accessory structures shall not exceed 50% of the gfa of the principal structure. Accessory structures less than 200 square feet gfa are exempt from this requirement. The combined total of existing and proposed accessory structures that are 200 square feet or greater in size exceeds the 50% of the gfa of the house, as shown on the submitted plans.

### **Discussion**

The property is located in an established suburban, rural residential neighborhood known as the Tanque Verde Country Estates, where lots vary in size from 3.3 to 15 acres. Many properties are developed with single family homes in a ranch setting with equestrian accessory structures. The applicant's property is developed as a single-family residence with a stable, storage building, and corrals. The proposal overall involves constructing a new equestrian shade structure at approximately 11,250 square foot in area with a new corral adjacent, and building a new stable at approximately 3400 square feet. These structures would be completed in phases.

The location of the existing structures on the property, mature vegetation, a wash, a floodway and the access point, limits the location where the structures can be built. Based on existing conditions, the area southwest of the residence, just out of the floodway is the most reasonable location for the proposed structures.

### **Conclusion**

Given that special physical circumstances exist that limit the buildable area; and that the proposed stable and equestrian shade structure are not out of character with other development in this neighborhood, and does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, staff has no objection to the requested variances.

## **NEIGHBORHOOD CONTACT (BY APPLICANT)**

See the attached neighborhood notifications by the applicant, dated May 9 and May 30, 2018, and summary of the onsite meeting dated May 22, 2018. The meeting was held at the nearby public library the evening of May 21, 2018; no one attended.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSD staff has no objection to the applicant's requested variances.

It is the opinion of staff there are special circumstances applicable to the property; 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; and that the variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

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

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