

STAFF REPORT

DATE: July 25, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00237

C10-18-09 LENTINI RESIDENCE GARAGE ADDITION / LINDA LENTINI / 2509 SOUTH SAHUARA AVENUE, R-1

The applicant's property is an approximately 8,400 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. An attached garage was constructed without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the garage to remain as constructed.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the garage to remain as constructed with the front street perimeter yard setback reduced from 20' to 9' as measured from the front street lot line; and
- 2) Allow the driveway length for the garage to remain reduced from 18' to 9', as measured from the front street lot line, 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 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-1 zone; and

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards* and Table 6.3-2.A *Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-2 Zones*, which provides the dimensional standards applicable to all principal and accessory structures.

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)

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

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objections or adverse comments.

RELATED CASE

Environmental Services Department (ESD) - Code Enforcement Division: Case No. T18DV01829 - A notice of violation was issued on April 10, 2018 for construction of an attached garage without permits. The status is now pending the outcome of this variance application.

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 applicants' property is an approximately 8,400 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. An attached garage was constructed without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the garage to remain as constructed. The project triggers compliance with the Tucson *Unified Development Code (UDC)*.

Attached Garage

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, the required front street setback for the attached garage is 20' as measured from the front street lot line to the garage. The applicant is requesting a variance to allow the front street setback to remain reduced to 9'. A driveway length of 18' as measured from the front street lot line to the attached garage is required. The applicant is requesting a variance to allow the driveway length to remain reduced to 9'.

Discussion

The property is located in a neighborhood that consists of properties developed with single-family residences and attached carports or garages. The property owner constructed an attached 360 square-foot, two car garage in front of the existing carports. This would be the most logical location given the existing conditions, driveway access and parking. Although there are existing carports, they cannot accommodate the full-size truck and car if they were converted to a garage. The garage was constructed primarily to allow for a personal full-size crew cab truck and another vehicle to fit inside in order to protect and secure them. The length of the truck is what determined the length of the garage. The garage can accommodate the full-size truck with approximately 8" to spare between the truck and garage door.

There is approximately 25' between the front street lot line and the curb, which does keep the garage from encroaching into the street and allows for more visibility when backing out onto the street.

Conclusion

Given that there are special circumstances that exist such as the width of the right of way; and that the granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood given the sight visibility will not be negatively impacted; and is the minimum necessary to afford relief to allow for the full-size truck to be parked in a garage, staff has no objection to the applicant's requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated May 11, 2018, and the meeting sign-in sheet dated June 2, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDS staff has no objection to the applicant's requested variances subject to the following condition:

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

It is staff's opinion that there are physical circumstances applicable to the property; and that the proposed garage would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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