

STAFF REPORT

DATE: July 25, 2017

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00255

C10-18-10 BADILLO AND WILSON RESIDENCE DETACHED CARPORT / MELANIE BADILLO AND MARK WILSON / 1810 NORTH CLOVERLAND AVENUE, R-1

The applicants' property is an approximately 12,103 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and accessory structures. A detached carport was constructed without prior zoning approval or permits. The applicants are seeking the necessary zoning approval to allow the carport to remain as constructed.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the detached carport, to remain as constructed in the buildable area between the principal building and the front street lot line;
- 2) Allow the front street perimeter yard setback for the detached carport to remain reduced from 20' to 11' -5", as measured from the front street lot line; and
- 3) Allow a reduced driveway length from 18' to 11'5" as measured to the front street lot line. There is no sidewalk along the front street perimeter yard. All items are 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 the criteria for residential development in the R-1 zone; and

Section 6.4.5 and Table 6.3-2.A, which provide the dimensional standards applicable to all principal and accessory structures; and

Section 6.6.3 which provides standards specific to accessory buildings in a 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)

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

RELATED PLAN REVIEWS

Residential

Residential review advised the carport will require engineered plans and calculations for attachments and footings. While it is also possible to attach the carport to the residence via a covered breezeway, it will require engineered plans and to meet residential building code.

Environmental Services Department (ESD) - Code Enforcement Division:

Case No. T17DV05765 - A notice of violation was issued on December 14, 2017 for a complaint related to a home business activity and construction of the detached carport without obtaining zoning approval. The status of the carport is now pending the outcome of this variance application.

Zoning Review and Administration

It should be clarified the application for this carport was originally processed under a Design Development Option (DDO), case DDO-18-30. At the time notifications were sent within a 50' radius of the property, (excluding right of way) and no concerns were received. Upon the applicant returning for the remainder of the permit review process, staff found a process error in that a detached carport in the buildable area between the front wall of the residence and the street front property line requires a variance process, which is a 300' notification area.

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 12,103 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and accessory structures. A detached carport was constructed without prior zoning approval or permits. The applicants are seeking the necessary zoning approval to allow the carport to remain as constructed in the area of the property defined as the front yard with a reduced front street setback. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Detached Accessory Structure in the Front Yard

Per *UDC* Section 6.6.3, detached accessory structures 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 has constructed a detached carport and is requesting a variance to allow the structure to remain in the front yard area.

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, the required front street setback for the detached carport is 20' as measured from the front street lot line to the carport. The applicant is requesting a variance to allow the front street setback to be reduced to 11'5".

Per *UDC* Section 6.4.5.C.2, the required driveway length is 18' to the property line. The applicant is requesting a variance to allow the driveway length to be reduced from 18 to 11'5".

Discussion

The property is located in a neighborhood surrounded primarily by single-family residential homes. The property is constructed with an approximately 1400 square foot home and attached garage at 616 square feet, per submitted plans. The garage is located at the northern end of the property, as is the only driveway access. The length of the driveway, per the plans, is 35' to the front building wall of the

residence. The double-car carport, as depicted in the submitted plans, covers approximately 20' of the 35' long driveway, and is built 4' back from the home. The carport is constructed of metal posts and roofing, per photographs and mapped street views.

Plans and an aerial show the house is built at an approximate setback of 9'4" to the building wall from the north property line, and near 7' to the building wall from the south property line. An attached porch is constructed along the east side of the residence near the garage.

Existing mature trees are planted in the remaining front yard area. Given these existing conditions, such as the depicted side yard setbacks, a porch in the rear yard, and mature trees in both the front and east (rear) yard, make other locations for additional covered parking on the property impractical.

Conclusion

Given there are special circumstances such as the construction of the residence and existing site conditions, and that the carport allows visibility for entry to and from the parking area, and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated June 7, 2018 and the summary of the onsite meeting dated June 18, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDS staff no objection to the applicant's requested variances.

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

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