

STAFF REPORT

DATE: August 29, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00290

C10-18-12 VILD RESIDENCE DETACHED PORCH / DUANE VILD / 3219 EAST ELIDA STREET, R-1

The applicant's property is an approximately 6,695 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. A detached porch was constructed without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the porch to remain as constructed.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the detached porch, to remain as constructed in the area between the principal building and the front street lot line; and
- 2) Allow the front street perimeter yard setback for the detached porch to remain, as constructed with the setback reduced from 20' to 0', 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;

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; and

Section 6.6.3 *Specifically Within Residential Zones*, which provides standards specific to accessory structures 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

Engineering

Engineering staff conducted a site visit and offers the following comment. The changes to the site will not increase the volume of stormwater run-off from the site. Before the wall and gate portal were constructed the run-off from the front of the lot was discharged to the street through the two existing curb cuts. This pattern is not significantly changed by the wall and portal construction. The Engineering Section has no objection to this request.

RELATED CASE

Environmental Services Department (ESD) - Code Enforcement Division: Case No. T18DV02611 - A notice of violation was issued on May 8, 2018 for construction of a wall and porch forward of the principal structure 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 applicant's property is an approximately 6,695 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. A detached porch was constructed without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the porch to remain as constructed. The project triggers compliance with the Tucson *Unified Development Code (UDC)*.

Detached Porch

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 is requesting a variance to allow the detached porch to remain as constructed in the area between the principal building and the front street lot line.

Per *UDC* Sections 6.3.4, 6.4.5 and Table 6.3-2.A, the required front street setback for the detached porch is 20' as measured from the front street lot line. The applicant is requesting a variance to allow the front street setback to remain reduced from 20' to 0' as measured from the front street lot line.

Discussion

The property is located in an established neighborhood consisting of single-family residences. The applicant constructed a 2' tall perimeter wall with a covered, gated entry that meets the definition of a detached accessory structure. The purpose of the covered gated entry is to provide an inviting atmosphere and display an architectural feature from the original Drachman School. Perimeter walls and fences with gated entries are common throughout this neighborhood. The detached porch includes a historic gate, which compliments the structure and enhances the property. The structure appears to be well constructed and compatible with the rest of the neighborhood. The location of the structure at the lot line is the most reasonable as it is the entry feature of the wall. In addition, even if the structure were moved back and attached to the residence, a front street setback modification would still be required.

Conclusion

Given that walls and gated entries are common in the neighborhood; and that it is logical to locate the structure at the lot line as an entry feature of the perimeter wall; staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated June 6, 2018, and the meeting sign-in sheet dated June 16, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

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

It is staff's opinion that the granting of the variances 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; and is the least modification possible of the UDC provisions which are in question.

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

RW:mc: s/zoning administration/ba/1812.doc