

# STAFF REPORT

**DATE:** September 27, 2017

**TO:** Board of Adjustment

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

**ACTIVITY NO. T17SA00348**

**C10-17-18 CROOKS RESIDENCE DETACHED GARAGE / KIMBERLY KAY  
CROOKS / 2710 EAST 7<sup>TH</sup> 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 and detached accessory structures. The applicant is proposing to construct a new detached garage.

## **THE APPLICANT'S REQUEST TO THE BOARD**

The applicant is requesting the following variances:

- 1) Allow the combined total gross floor area of all accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the principal structure;
- 2) Allow the detached garage to be constructed with a side perimeter yard setback reduced from 8' -0" to 1' -2", as measured from the west lot line; and
- 3) Allow the detached garage to be constructed with a rear perimeter yard setback reduced from 8' -0" to 3' -8", as measured from the south 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;

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 the development standards applicable to all 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**

The Engineering Section of Planning and Development Services Department has no objection or adverse 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 an approximately 6,750 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and detached accessory structures. The applicant is proposing to construct a new detached garage. The proposed construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

#### **Detached Garage**

Per *UDC* Section 6.6.3, the total gross floor area (gfa) of all accessory structures (200 square feet or larger) shall not exceed 50% of the total gfa of the principal structure. The total gfa of the principal structure is approximately 1,262 square feet. The combined gfa of the existing detached sleeping quarters and the proposed garage is 992 square feet which is 79% of the gfa of the principal structure.

Per *UDC* Table 6.3-2.A, the minimum side and rear perimeter yard setback is the greater of 6', or two-thirds the height of the structure's wall facing each interior property line. Based on a wall height of 12', the required perimeter yard setback to the south and west property line is 8'. The applicant proposes a 1' -2" and 3' -8" setback to the west and south property lines respectively as measured from the wall of the detached garage.

#### **Discussion**

The applicants' property is located in the Sam Hughes residential neighborhood. The *Sam Hughes Neighborhood Plan* calls for land use in the Sam Hughes Neighborhood to preserve the unique diversity and character of the neighborhood's historic and architectural value. The *Plan* also calls for new construction to be complementary and compatible with surrounding development.

The subject property is a deep narrow lot, which is typical for the neighborhood. Most properties in the area are developed in the same manner with carports and garages located in the rear yard with access from an alley. Reduced side and rear yard building setbacks are inherent to this older neighborhood which is characterized by detached accessory structures and additions to the principal dwellings. The gfa of most homes in the neighborhood are under 2,000 square feet. As a result, a typical property in this neighborhood with a detached garage and sleeping quarters could exceed the maximum 50% gfa of detached accessory structures over 200 square feet to the principal structure.

The existing carport, located at the southwest corner of the lot, will be demolished and replaced with a new two-car garage in the same general location. This is the most logical location as it has already been established as parking for the residence when the carport was constructed years ago. A site inspection of the property and the surrounding properties substantiate that prevailing setbacks of existing homes and detached accessory structures would support the request for reducing the side and rear perimeter yard setbacks. The architecture of the proposed garage will match that of the main residence and sleeping quarters which is compliant with *Plan* policy.

**Conclusion**

Given that special circumstances exist such as existing site conditions that restrict the buildable area; and that the proposed garage is 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 notification dated July 4, 2017 and the summary of the onsite meeting dated July 30, 2017.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

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

It is the opinion of staff that granting of the variances will 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, will not be detrimental to the public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

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

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**John Beall - Re: Fwd: Little Help**

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**From:** Lynne Birkinbine  
**To:** John Beall  
**Date:** 09/18/2017 1:54 PM  
**Subject:** Re: Fwd: Little Help

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John-

Can you please assist me with this?

- Lynne

>>> Lynne Birkinbine 09/12/2017 4:12 PM >>>  
John-

I'm guessing this might fall in your shop but it is a little unusual. Fred wants to communicate with commercial property owners in the boundary defined by 3rd Ave to 5th Ave and University Blvd to 9th St. He's trying to find out their interest in an improvement district or a BID. He needs their names and mailing addresses. First, can we provide this service? Second, do we charge for this? It's not really labels...

- Lynne

>>> Fred Ronstadt <fred@fourthavenue.org> 09/11/2017 4:37 PM >>>

Hey Lynne!

Could you please give me a call at [\(520\) 444-3630](tel:5204443630)?

I need help getting a list of property owners.

Thanks!!!

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Sláinte,

**Fred Ronstadt, Executive Director**



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