

STAFF REPORT

DATE: October 24, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00370

C10-18-17 LUTZ RESIDENCE /REDUCED SETBACK, SLEEPING QUARTERS / ANDREW LUTZ / 1250 EAST BLACKLIDGE DRIVE, R-2

The applicant's property is an approximately 7,500 square foot lot zoned R-2 "Residential" and is developed with a single-family residence and attached garage and a detached accessory structure (garage) located in the south side perimeter yard. The applicant proposes to attach and convert the garage into a bedroom, and construct a bathroom addition.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow the existing detached accessory structure, to be attached to the principal dwelling and converted into a bedroom, with a setback to remain as constructed at 0'0", as measured from the south lot line.
- 2) Allow the proposed bathroom addition to be constructed with a reduced setback of approximately 3'5", 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 4.7.9 *Residence Zone (R-2)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones* which provides criteria for residential development in the R-2 zone; and

Sections 6.3.2, *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards*, and Table 6.3-2.A *Dimensional Standards for the R-2 Zone*, which provide dimensional standards applicable to all principal and accessory structures in the R-2 residential zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-2; (single-family residential)

North: Zoned R-2; (single-family residential, across Blacklidge Drive)

South: Zoned R-2; (single-family residential)

East: Zoned R-2; (multi-family residential, across Mountain Avenue)
West: Zoned R-2; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department reviewed the proposal for compliance with floodplain regulations and wrote the following comments: "The property is impacted by the Mountain Avenue Wash. A floodplain use permit will be required for this project. A valuation for the existing structure will be needed along with a valuation for the proposed work. If the valuation for the proposed work exceeds 50% of the value of the structure, the structure will need to be flood proofed or elevated."

Residential Review

The Residential Review Section of Planning and Development Services Department confirmed for fire rating purposes, the south wall of the living area conversion is required to have, at minimum, one (1) hour fire rated materials for a 0' setback at the south perimeter yard.

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 7,500 square foot lot zoned R-2 "Residential" and is developed with a single-family residence and attached garage and a detached accessory structure (garage) located in the south side perimeter yard. The applicant proposes to attach and convert the garage into a bedroom, and construct a bathroom addition. The applicant is seeking the necessary zoning approval to allow the proposed converted living area and bathroom addition to remain as constructed with a reduced building setbacks as measured from the south lot line. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new use of the space and new construction.

Garage Conversion and Bathroom Addition

The required perimeter yard setback for the proposed converted living space is 6'10", as measured from the south lot line. The applicant is requesting a variance to allow the structure to remain, as constructed, with a zero (0'0") foot setback.

The required perimeter yard setback, as measured from the south lot line to the south wall of the proposed bathroom addition, is 6'0" feet. The applicant is requesting a variance to reduce the perimeter yard setback to 3'5".

Discussion

In 2007, the house was remodeled and expanded with a new master bedroom, laundry/mudroom, breakfast nook and drive through garage that is accessed from both Blacklidge and Mountain. The applicant proposes to create additional living space by converting the detached garage into sleeping quarters and expanding it with a bathroom addition. The proposed sleeping quarters will be attached to the principal dwelling via a new covered porch. The conversion and bathroom addition increase the living space by approximately 314 square feet. The location and siting of the house on the lot and the vehicular access areas to the garage leave little room for expansion without eliminating most the back yard. The logical area to create additional living space is to utilize the existing garage.

The property is located in a neighborhood experiencing a surge in redevelopment activity with expansions and updates to existing homes and an increase in the number of new infill development projects. The proposed living space expansion is not out of character with other development in the neighborhood.

CONCLUSION

Given that there are special circumstances such as existing site conditions that restrict the buildable area and that the proposed garage conversion to expand living space is not out of character with other development in this neighborhood, staff can support the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification by the applicant, dated August 8, 2018 and the summary of the onsite meeting dated August 20, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDS staff recommends approval of 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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