

STAFF REPORT

DATE: November 20, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00322

**C10-19-16 SENOR AND COHEN RESIDENCE SECOND DWELLING UNIT / ZB
PROPERTY LLC / 519 NORTH OLSEN AVENUE, R-2**

The applicant's property is an approximately 10,032 square foot lot zoned R-2, developed with a single-story dwelling unit and detached garage. The applicant is proposing to build a second dwelling unit, at two-stories, with an attached garage. The applicant is requesting variances to allow construction of the second dwelling unit with reduced perimeter yard setbacks, to allow the alley, at a reduced width, as primary access and for maneuvering, and to eliminate and modify commercial parking standards, all as shown on the submitted plans.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow construction of the second dwelling unit with reduced perimeter yard setbacks to the south;
- 2) Allow the alley as primary access and for maneuvering, and at a reduced width from 20 to 15 feet; and
- 3) Allow required parking for the residences to be located in the garages in lieu of providing a commercial parking lot, all 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 4.7.9 and Table 4.8-2 which provides the criteria for residential development in the R-2 zone;

Sections 6.3.4 and 6.4.5 which provide dimensional standards applicable to all principal and accessory structures;

Sections 7.8 and 7.4.6.K, which provides the standards for alley access; and

Section 7.4 and 7.6 which provides standards for motor vehicle parking and landscaping and screening.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

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

North: Zoned R-2; (multi-family residential)

South: Zoned R-2; (multi-family residential, across alley)

East: Zoned R-2; (multi-family residential, east side of Olsen Av)

West: Zoned R-2; (multi-family residential)

RELATED PLAN REVIEWS

Historic Preservation Officer

The Sam Hughes neighborhood is a National Register Historic District. The existing home is a contributing structure on the National Register of Historic Places. As such, the Historic Preservation Officer (HPO), provides a courtesy review on behalf of the State Historic Preservation Office (SHPO) to evaluate construction for compatibility with the National Historic District standards.

The City's Historic Preservation Officer noted while it is good the building is detached and in the rear yard, the bulk and scale of the proposed building does not fit in to the immediate vicinity. The surrounding homes are all one story. The overall foot print/height should be reduced. The 10' plate on the house adds to the overall height of the house. The plate height should be reduced. Windows on historic homes are generally taller than they are wider. The windows on new construction should have a similar orientation. Windows should be recessed in the wall plane and they should have an operation similar to what you would find on a historic home (casement, double hung, awning). The stucco on the new house should not match the historic house to provide distinction. As proposed I cannot deem this design consistent with the Secretary of the Interior's Standards. The proposal overall would likely allow the existing home to remain a contributing structure to the district.

Department of Transportation, Engineering Section

In conjunction with this project, TDOT will require the applicant to pave the alley with double-shot chip seal surfacing. An engineered drainage report demonstrating no changes to drainage patterns will be required to obtain the paving permit. TDOT will assume future maintenance of the pavement.

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 10,032 square foot lot zoned R-2, developed with a single-story house and detached garage located to the rear of the house. The existing home is oriented along Olsen Avenue, at the east side (front) of the lot. The applicant is proposing to build a second dwelling unit, at two stories, with an attached garage at the west side (rear) of the lot. The applicant is requesting variances to allow construction of the second dwelling unit with reduced perimeter yard setbacks along the south lot line, to allow the alley, at a reduced width, as primary access and for maneuvering, and to eliminate and modify commercial parking standards, all as shown on the submitted plans. The plan review process triggers compliance with technical codes for new construction.

Setbacks

Section 4.7.9 and Table 4.8-2 of UDC provides the criteria for residential development in the R-2 zone. The minimum setback from interior property lines is the greater of 6 feet, or 2/3 the height of the building wall, as measured from building wall to property line. The applicant is proposing to construct a second dwelling unit, at two-stories, with reduced building setback from the south lot line. The building wall height along the south elevation is 19.5', requiring a 13' setback from the south lot line. The proposed setback at the south lot line is 6 feet. The applicant is requesting a variance for a reduced building setback from the south lot line.

Access

Sections 7.8 and 7.4.6.K provide standards for alley access. Use of an alley for primary residential access requires the alley to be a minimum width of 20 feet and surfaced with a dust control acceptable to the TDOT City Engineer. The applicant is

requesting variances to allow primary residential access from the 15' wide alley located along the south lot line and to allow vehicle maneuvering in the alley.

Parking

Sections 7.4 and 7.6 provide standards for motor vehicle parking, and landscaping and screening. When a development requires five parking spaces, a commercial parking lot is required. The proposal includes two dwelling units with six bedrooms altogether, requiring a total of five parking spaces. The applicant is requesting a variance to allow required parking for the residences to be located in the garages in lieu of providing a commercial parking lot.

Discussion

The applicants' property is a 10,032 square foot lot zoned R-2 and is located in Sam Hughes, an established single-family subdivision that is now a National Register Historic District. The historic neighborhood is characterized by lots ranging in size from 6,750 square feet to approximately 10,000 square feet developed mostly with single-story residences. The subdivision was created primarily without curb cuts and typical for this era, garages were constructed at the rear of the lot with access most often from the alley.

The proposed two-story second dwelling unit with an attached garage, will be constructed at the rear of the lot. Access off Olsen is not available due to lack of a curb cut in combination with the location of the existing home on the lot. Providing alley access is not out of character in surrounding development and is the only access option available for the rear dwelling.

The applicants are seeking the necessary zoning approval to allow construction of the second dwelling unit and attached garage at reduced building setbacks (as measured from building wall to property line) of 6' from the south lot line. The lot is a long narrow lot. The second dwelling is 1,890 square feet. In order to develop a house of this size a second story is necessary. Reduced setbacks are proposed given the narrowness of the lot. The designer has taken action to mitigate privacy concerns through additional setbacks for the second dwelling and use of solid walls where feasible.

The applicants are seeking the necessary zoning approval to allow the lot to be accessed from the alley running along the south boundary, and to utilize the alley for vehicle maneuvering. The alley is 15' wide, as platted. During the site visit, staff noted the reduced width alley provides access to rear parking for most of the surrounding properties. The alley is partially paved. The proposal to pave the alley will be an improvement for all who use it.

The submitted site plan shows two garages: the existing two-car garage and a new three-car garage attached to the proposed second dwelling. The applicants are requesting the necessary zoning approval to allow the five required parking spaces to be provided within the existing and proposed garages, in lieu of providing a commercial parking lot. During the site visit, staff noted that some properties provide multiple parking spaces at the rear of the lot and these spaces are accessed from the alley. The spaces are not designed to commercial parking standards. A

commercial parking lot would be out of character and provision of parking inside the garages is a practical solution.

Conclusion

Staff can support the requested variances, given special circumstances exist such as the length and width of the lot, and lack of curb cut off Olsen that restricts the access point to the alley. The design proposed provides privacy mitigation to the adjacent properties to the north and northwest.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notifications by the applicant, dated July 31 2019, and the summary of the onsite meeting dated August 14, 2019. The meeting was held on the property on August 14, 2019; four people attended.

The proposal was revised to the present outlined variance requests, with neighborhood notification again on October 15, 2019, and on site meeting November 3 2019. One neighbor was in attendance to discuss the revised plans addressing privacy mitigation.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff can support the applicant's requested variances.

Should the board move to approve this request, staff recommends the following conditions:

- A. Along entire southern boundary of this property, alley is to be paved in accordance with standards established by Tucson Department of Transportation (TDOT).
- B. Applicant to submit paving plan to TDOT Traffic Engineering staff for review and approval prior to obtaining permits. Site plan must note Conditions A & B.

It is the opinion of staff there are special circumstances applicable to the property; that granting of the variances 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 these specific 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, Zoning Administrator

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