

STAFF REPORT

DATE: November 29, 2017

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T17SA00427

**C10-17-21 TURNER RESIDENCE NEW GARAGE / RUDY W AND ROSE ANN
TURNER / 7828 EAST 34TH STREET, R-1**

The applicants' property is an approximately 7,853 square foot lot zoned R-1 "Residential" and is developed with a single-family dwelling. The applicants propose to convert an existing attached carport to a garage and expand it towards the north and east lot lines.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) To allow a reduced front street setback to the new garage from 20' to 14', as measured from the front street lot line; and
- 2) To allow a reduced driveway length to the new garage from 18' to 14', 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; and

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 Zone*, which provides the dimensional standards applicable to all principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)

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

South: Zoned C-1; (multi-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/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 applicants' property is an approximately 7,853 square foot lot zoned R-1 "Residential" and is developed with a single-family dwelling. The applicants propose to convert an existing attached carport to a garage and expand it towards the north and east lot lines. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Attached Garage

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, the required front street setback for the attached garage is 20' as measured from the front street lot line to the garage. The applicant is requesting a variance to reduce the front street setback to 14'. A driveway length of 18' as measured from the front street lot line to the attached garage is required. The applicant is requesting a variance to reduce the driveway length to 14'.

Discussion

The applicants' project consists of converting an existing attached carport to a garage and expanding it toward the east and front street lot lines. According to the application, the garage will provide additional protection for the property owners when moving from the garage to the inside of the home. Attached garages are common throughout this neighborhood and therefore would not be out of character with the area. The existing site conditions and installation of a functional garage door drive the design of this project. As indicated in the application, the existing carport beam is too low for a garage door to fully open and be functional. In addition, in order to properly install a garage door track, the front will need to extend approximately 10'-6" to accommodate the track and allow the door to open fully. The neighborhood meeting notes did not indicate any protests or objections to the applicants' project.

Conclusion

Given that there are special circumstances such as an existing low beam that prevents a garage door from functioning properly; and garages are common in the neighborhood and therefore would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and that the proposal is the minimum requested to afford relief given the design is driven on an existing low beam and functional garage door, staff can support the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notifications dated September 21, 2017 and the summary of the onsite meeting dated October 18, 2017.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval of the applicants' requested variances subject to the following condition:

- A. No parking in the area between the garage and the front street lot line.

It is staff's opinion that there are physical circumstances applicable to the property; and that the proposed garage 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.

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

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