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Zoning Administration

NOV 13 2018

BOARD OF ADJUSTMENT VARIANCE APPLICATION  
Planning & Development Services



Case Number: C10- 18/21 Activity Number: T18CM08352 Date Accepted: 11.13.18

**PROPERTY LOCATION INFORMATION**

Property Address: 3443 N. TUCSON BLVD., TUCSON, AZ 85716

Project Description: NEW SOLAR CARPORT TO REPLACE OLD CARPORT, NEW SHED

Zoning: Rx-2 Property Size (sqft): 28,053 SF

Number of Existing Buildings: 4 Number of Stories: 1 Height: 12'

Legal Description: RICHLAND HEIGHTS SLY PTN OF LOTS 1 2+3 BLK 16

Pima County Tax Parcel Number/s: 113.05.200B

**APPLICANT INFORMATION** (The person processing the application and designated to receive notices):

APPLICANT: EARL C. YOUSEY II, RA

ADDRESS: 5643 E. 18<sup>th</sup> ST., TUCSON, AZ 85711

PHONE: (520) 229.7718 FAX: (---) ----- EMAIL: EARL@DBFLLC.COM

PROPERTY OWNER (If ownership in escrow, please note): JENNY CHONG + KENNETH FORSTER

ADDRESS: 3443 N. TUCSON, BLVD., TUCSON, AZ 85716

PHONE: (520) 991.4742 FAX: (---) ----- EMAIL: JCHONG@EMAIL.ARIZONA.EDU

PROJECT TYPE (check all that apply):

- New building on vacant land
- New addition to existing building
- Existing building needs permits
- Landscaping / Screening substitution

- Change of use to existing building
- New building on developed land
- Modification to wall/fence height
- Other \_\_\_\_\_

Related Permitted Activity Number(s): T18CM06840 (SOLAR WAIVER) (Residence)

I hereby certify that all information contained in this application is complete and true to the best of my knowledge.

SIGNATURE OF OWNER/APPLICANT

11.12.18  
Date



**BOARD OF ADJUSTMENT - PROJECT DESCRIPTION**

Provide a description of the project including, but not limited to its lot area, square footage of proposed or existing structures, proposed use/s, is a multiphase project, etc. If this project is the subject of a rezoning or special exception request, HPZ review, or a zoning violation, please provide current status of that case.

THE PROPOSED SINGLE PHASE PROJECT AIMS TO REPLACE AN EXISTING 2-CAR CARPORT WITH A 2-CAR SOLAR CARPORT. THE DETACHED CARPORT SHALL BE PLACED IN THE SAME LOCATION AS THE EXIST. CARPORT AND BE 12'-0" HIGH OR LESS. THE NEW CARPORT SHALL BE ABOUT 473 SF, WHICH IS ABOUT 73 SF LARGER THAN THE EXISTING STRUCTURE. DUE TO EXISTING SITE ACCESS, HOUSE LOCATION, AND FLOODPLAIN LIMITS, OVER 44% OF THE 28,000 SF PARCEL LIES WITHIN THE DEFINED FRONT YARD. THESE CONDITIONS LIMIT THE USABILITY OF THE SITE IF VEHICULAR USE WAS RESTRICTED TO SIDE OR REAR YARD ONLY. TAKING INTO CONSIDERATION EXISTING SITE WALLS, FLOODWALLS, AND VEHICLE ACCESS, A FRONT YARD DETACHED CARPORT THAT IS WEIGHTED TOWARDS THE SOUTH PROPERTY LINE WILL HELP TO AVOID SITE DISTURBANCE AND PRESERVE A USABLE SECURED REAR AND SIDE YARD. IN ADDITION, WE PROPOSE A 200 SF DETACHED SHED THAT IS ALSO WITHIN THE SOUTH "SIDE" YARD SETBACK. THIS FURTHER HELPS TO PRESERVE THE USABILITY OF THE REAR YARD.

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APPLICANT'S REQUEST TO THE BOARD OF ADJUSTMENT

Provide applicable UDC Section reference, what is required and what is proposed/provided for each variance requested.

OUR VARIANCE REQUEST HAS THREE (3) REQUESTS. TWO (2) APPLY TO THE DETACHED SOLAR CARPORT, AND ONE (1) THAT APPLIES TO THE DETACHED STORAGE SHED.

DETACHED STORAGE SHED:

1) UDC TABLE 6.3-1.A (RX-2) - SIDE INTERIOR SETBACK IS 20'-0". WE ARE REQUESTING A REDUCTION OF THIS SETBACK FROM 20'-0" TO 7'-9".

DETACHED CARPORT:

1) UDC 6.6.3.B - DETACHED ACCESSORY STRUCTURED NOT PERMITTED IN THE FRONT YARD. WE ARE REQUESTING RELIEF TO ALLOW OUR NEW/REPLACED CARPORT TO BE PLACED IN THE FRONT YARD DUE TO LOT CONFIGURATION.

2) UDC TABLE 6.3-1.A (RX-2) - SIDE INTERIOR SETBACK IS 20'-0". WE ARE REQUESTING A REDUCTION OF THIS SETBACK FROM 20'-0" TO 7'-7".

Case Number: C10-

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BOARD OF ADJUSTMENT – REQUIRED FINDINGS

Arizona State Statutes and UDC Section 3.10.3.K. state that the Board may grant a variance only if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

- 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;

WITH A FRONT YARD COVERING 44% OF THE PARCEL, STRICT ENFORCEMENT OF THE UDC WOULD FORCE THE CARPORT AND STORAGE SHED INTO THE SIDE/REAR YARD. THIS WOULD DIMINISH THE USABILITY OF THE YARD AND SUCH PRIVILEGES.

- 2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;

EXISTING HOUSE PLACEMENT AND PAST LOT SUB-DIVISION HAVE CREATED A LIMITED PRACTICAL AREA FOR VEHICLE ACCESS AND STORAGE.

- 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;

BECAUSE OUR LOT IS CONFIGURED DIFFERENTLY THAN OTHER RX-2 LOTS, AND WITH THE PRESENCE OF A LOCAL FLOODPLAIN, WE FEEL THAT OUR VARIANCE REQUEST DOES NOT GRANT SPECIAL PRIVILEGE. OUR REQUEST IS IN RESPONSE TO SITE RESTRICTIONS.

- 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;

DUE TO EXISTING HOUSE PLACEMENT, VEHICLE ACCESS, AND FLOODPLAIN VICINITY, THE PROPOSED CARPORT AND SHED LOCATIONS ARE DIRECT RESPONSE TO SITE RESTRICTIONS. UDC PROVISIONS WOULD FORCE ALL NEW STRUCTURES INTO THE SIDE YARD. THIS EFFECTIVELY DIMINISHES THE USABILITY OF THIS AREA FOR THE OWNERS.

Case Number: C10-

Activity Number: T1BCM08352



**BOARD OF ADJUSTMENT – REQUIRED FINDINGS (CONTINUED)**

5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

THIS PROJECT INCLUDES (2) DETACHED STRUCTURES THAT WORK WELL TO PROVIDE STORAGE + VEHICLE COVERAGE. THEY HAVE BEEN LOCATED IN A MANNER TO PROVIDE SECURE STORAGE FOR THE OWNER, AND SENSIBLE VEHICLE ACCESS TO OWNERS + VISITORS.

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; and,

PROPOSE STRUCTURES DO NOT IMPAIR LIGHT OR VENTILATION TO ADJACENT PROPERTIES AND HELP TO AVOID REMOVAL OF VEGETATION BY USING EXISTING BUILDING FOOTPRINTS. A SOLAR CARPORT WITH ADDITIONAL SECURED STORAGE WILL ADD TO THE PROPERTY VALUE.

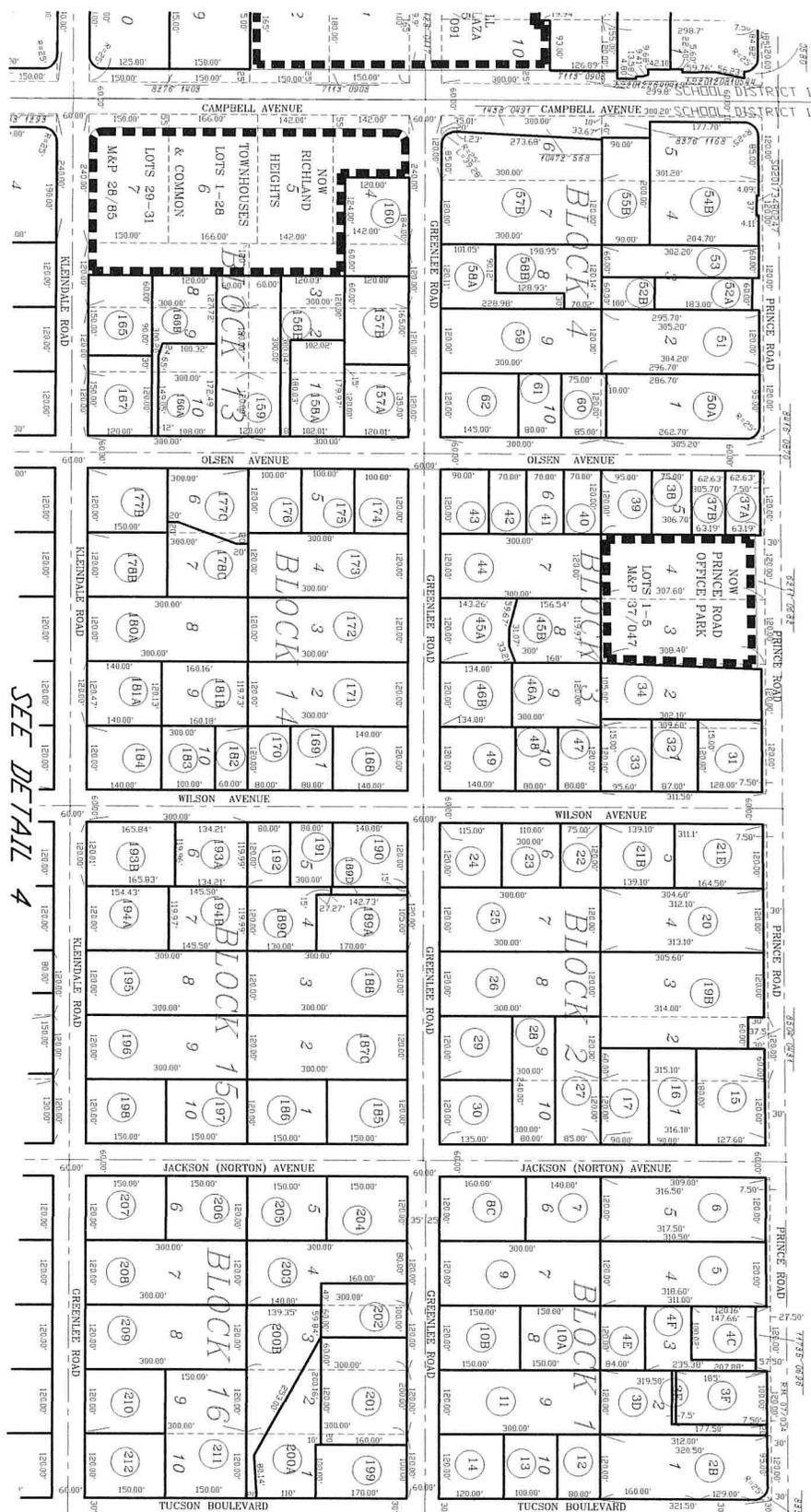
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

BY USING EXISTING BLDG. FOOTPRINTS AND VEHICLE ACCESSWAYS, WE FEEL THAT OUR VARIANCE IS THE MINIMUM REQUESTED TO AFFORD RELIEF.

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SEE DETAIL 2



SEE DETAIL 4

HEDRICK ACREAGE NO. 1  
BOOK 03 PAGE 108 M&P



City of  
Tarrant  
County  
Assessor



Planning & Development Services Department  
201 N. Stone Avenue  
PO Box 27210  
Tucson, AZ 85726  
(520) 791-5550

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City of Tucson  
Planning & Development Services

Letter of Agency/Authorization

If the applicant is not the owner of record of the subject site, a Letter of Agency from the owner or the owner's authorized representative must be submitted which grants the applicant permission to submit an application for the requested entitlement(s).

Date: 11.12.18

To:  
City of Tucson  
Planning & Development Services Department  
Zoning Administration Division  
PO Box 27210  
Tucson, AZ 85726

Planning & Development Services Department:

I, the undersigned legal owner of record, hereby grant permission to:

Applicant:  
EARL C. YOUSSEY IV, RA Phone: 229.7718

Applicant's Address:  
5643 E. 18<sup>th</sup> ST., TUCSON, AZ 85711

To submit a Board of Adjustment variance application on my behalf.

The subject property located at:	<u>3443 N. TUCSON BLVD.</u>
Assessor's Parcel Number:	<u>113.05.200B</u>
Printed Name of Owner of Record:	<u>JENNY CHONG + KENNETH FORSTER</u>
Address of Owner of Record:	<u>3443 N. TUCSON BLVD.</u>
Phone Number of Owner of Record:	<u>520.991.4742</u>
Signature of Owner of Record: (must be original signature)	

Case Number: C10-18-21 Activity Number: T1BCMA08352

November 1, 2018

RE: **NEIGHBORHOOD MEETING NOTICE- VARIANCE AT 3443 N. TUCSON BLVD.**

Dear Neighbor,

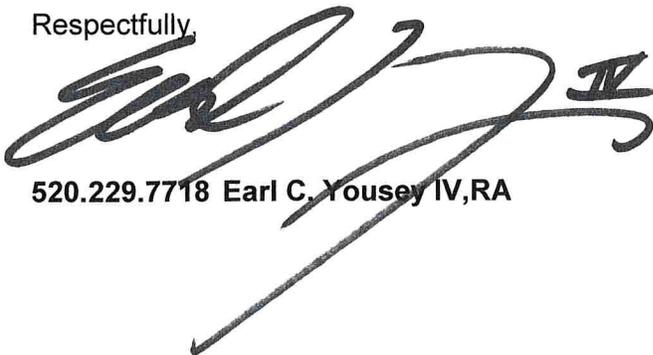
Mrs. Jenny Chong, and her Architect would like to personally invite you to our Neighborhood Meeting from 4:00-5:00pm, on November 12<sup>th</sup>, 2018. Our meeting will be held at the site, located at 3443 N. Tucson Blvd. We are submitting to the City of Tucson in order to...

1. Build a 2-Car Solar Carport in the same location as our existing carport. This will require a reduction of side yard setback from 20' to 7'-7", and an approval to construct the detached carport in front of the existing residence.
2. Build a 200sf detached storage shed that is within the side yard setback. This will require a reduction of side yard setback from 20' to 7'-9".

We will be there to show you plans of the project and answer any questions that you may have. Please Contact Earl C. Yousey IV, RA for any additional information you may need in reference to the meeting (phone number listed below).

Note: Our variance application to the Board of Adjustment will be submitted to city staff for processing. Staff will send an official notice with the date, time, and place of the Board of Adjustment Public Hearing. Written responses may be mailed to city staff to be read at the hearing.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read 'Earl C. Yousey IV'. The signature is written over the typed name and phone number below it.

520.229.7718 Earl C. Yousey IV,RA

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Planning & Development Services

3443 N. Tucson Blvd.  
Jenny Chong Variance  
**SIGN-IN SHEET**  
November 12, 2018

Attendant: Sandy Miller Phone: 425-2269 Email: slm949@gmail.com

Attendant: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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City of Tucson  
Planning & Development Services

3443 N. Tucson Blvd.  
Jenny Chong Variance  
**NEIGHBORHOOD MEETING NOTES**  
November 12, 2018

Meeting Summary:

We only had one visitor that was notified by the Neighborhood Meeting Letter. Sandy Miller actually received (2) notices, as she is the HOA President and a resident within the notification area. Ken, Jenny, myself (Earl Yousey), and Sandy all had a brief conversation about the carport and detached storage shed. As HOA president, she said that the association rarely has any objections to new structures and that they rely upon comments that adjacent property owners would have. In our case, we discussed that the south property line would be the only one impacted, if at all. (No other residents attended the meeting and we stayed there for the entire hour as stated on the notice) We talked about the existing structures on site and that they represent the actual location of the storage shed and the carport to be replaced. Due to the setbacks of the existing structures, we felt that there was an adequate buffer to the property line and neighboring structures to avoid any nuisance. We considered that the structures have been here for years with no complaints, further supporting our light impact to neighbors. We concluded the meeting promptly at 5pm.

Prepared by: Earl C. Yousey IV, RA

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Planning & Development Services

**Parcel Number: 113-05-200B**

**Property Address**

Street Number	Street Direction	Street Name	Location
3443	N	TUCSON BL	Tucson

**Contact Information**

**Property Owner Information:**

FORSTER KENNETH IAN & CHONG WOAN CHIN JENNY CP/RS  
 3443 N TUCSON BLVD  
 TUCSON AZ

85716-1132

**Property Description:**

RICHLAND HEIGHTS SLY PTN OF  
 LOTS 1 2 & 3 BLK 16

**Valuation Data**

Valuation Year	Property Class	Assessment Ratio	Total FCV	Limited Value	Limited Assessed
2018	PRIM RESIDENCE (3)	10.0	\$182,992	\$182,992	\$18,299
2019	PRIM RESIDENCE (3)	10.0	\$207,391	\$192,142	\$19,214

**Property Information**

<b>Township:</b>	13.0	<b>Section:</b>	29	<b>Range:</b>	14.0E
<b>Map &amp; Plat:</b>	4/100	<b>Block:</b>	016	<b>Tract:</b>	
<b>Rule B District:</b>	4	<b>Land Measure:</b>	27,582.00F	<b>Lot:</b>	00001
<b>Census Tract:</b>	2702	<b>File Id:</b>	1	<b>Group Code:</b>	000
<b>Use Code:</b>	0131 (SFR GRADE 010-3 URBAN SUBDIVIDED )			<b>Date of Last Change:</b>	10/18/2017

**Sales Information (4)**

Affidavit of Fee No.	Sale Date	Property Type	Sale	Validation
20172510263	8/2017	Single Family	\$285,000	W1 Aut
20130040131	11/2012	Single Family	\$226,500	X Aut
20031031786	5/2003	Single Family	\$215,000	W1 SKD DEED: Joint Tenancy Deed
20001450877	7/2000	Single Family	\$110,000	X JAC DEED: Joint Tenancy Deed

**Valuation Area**

**District Supervisor: SHARON BRONSON District No: 3**

Condo Market	DOR Market	MFR Neighborhood	SFR Neighborhood	SFR District
40	4	NC_LA_MADERA	05004501	9

### Recording Information (7)

Sequence No.	Docket	Page	Date Recorded	Type
20172650284	0	0	9/22/2017	WTDEED
20172510263	0	0	9/8/2017	WTDEED
20130040131	0	0	1/4/2013	WTDEED
20031031786	12060	12961	5/29/2003	JTDEED
20010590517	11514	1117	3/27/2001	
20001450877	11349	2795	7/27/2000	
0	5709	159	2/7/1978	

### Residential Characteristics

Property Appraiser: Stephen Hamner Phone: (520) 724-3061

#### Main Structure:

Appraisal Date:	6/24/2013	Property Type:	Single Family Residence	Area ID:	Ed 9-050045-01-3
Processed:	12/31/1969	Building Class:	3	Physical Condition:	Fair
Total Living Area:	1,697	Garage Type:	Carport	Effective Construction Year:	1964
Garage Capacity:	2	Stories:	1	Patio Type:	Covered
Rooms:	7	Patio Number:	2	Quality:	Fair
Pool Area:	0	Exterior Walls:	8in Stucco	Valuation Type:	00
Roof Type:	Prepared Roll	Total Main:	\$174,278	Heating:	Forced
Total Control:	\$174,278	Cooling:	Refrigeration	Total Actual:	\$207,391
Bath Fixtures:	5	FCV Adjustment Factor:	1.000	Enhancement:	\$0
Last Calc:	0903				

### Permits (1)

Permit	Status	Issued	Final	City	Value	SqFt	Sub	FirstInsp	LastInsp	Processed	% Complete
T01CM02624	SADD ~ FINAL	06/28/2001	01/13/2014	TUC	\$22,994	394	4/*				
Description: ADDITION:TO KITCHEN/ REMODEL INTERIOR											

### Notes (3)

- Created: 4/2/2018 2019 no change SQ20172510263 per sales affidavit remains class 3.1 primary
- Modified: 4/2/2018
- Created: 10/23/2017 ^20172510263 CORRECTED BY ^20172650284:
- Modified: 10/23/2017
- Created: 6/24/2013 Per aerial no change except PU COV2 for 2015.
- Modified: 6/24/2013



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ZONING REVIEW TRANSMITTAL

**FROM:** Mark Castro   
Lead Planner

**PROJECT:** T18CM08352  
3443 N Tucson Blvd  
New Carport and existing detached shed

**TRANSMITTAL:** October 22, 2018

**COMMENTS:** The following comments are for the purpose of applying for a variance before the Board of Adjustment (UDC Section 3.10.1).

This site is located in the RX-2 zone (UDC 4.7.6<sup>7</sup>). A single-family residence (SFR) is a permitted use in this zone (Table 4.8-3).

The minimum setback is twenty feet (20) facing each interior property line (Table 6.3-1.A).

The applicant is proposing to construct a new carport in the front yard area, with a side perimeter yard setback reduced from 20'-0" to 7'-7" as measured from the south lot line.

The applicant is requesting approval to allow the existing 200sq ft shed to remain with a side perimeter yard setback reduced from 20'-0" to 7'-9" as measured from the south lot line.

Detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line, except for terraces and steps not over three feet high above the natural grade, paved areas, and fences or walls (UDC 6.6.3.B)

Proposed carport will be located in the area of the property defined as the front yard.

Board of Adjustment approval is required prior to zoning approval of the submitted plans.



### SUBMITTAL REQUIREMENTS

A complete Board of Adjustment Variance submittal must contain all of the items listed below. Please review this checklist to make sure your submittal is complete. Incomplete and poorly prepared submittals will be returned to the applicant.

**PLEASE PROVIDE THE FOLLOWING MATERIALS IN THIS ORDER:**

• ✓	1. Application form (signed by the Property Owner or Authorized Agent - <u>include letter of authorization</u> ).
N/A	2. Related UDC process decision or recommendation letters (Historic Plans Review Subcommittee, Special Exception, SCZ, Rezoning, etc.)
• ✓	3. Final UDC compliance review comments (obtained at the 1 <sup>st</sup> floor).
• ✓	4. Proof of applicant's mail notice and meeting (Proof of mailing – Copy of letter to neighbors - <u>Summary of onsite meeting with sign-in sheet</u> )
• ✓	5. 15 folded copies* of project site plan (Detailed plan that was submitted to PDSD for final UDC compliance review comments)
• ✓	6. 15 folded copies* of project building elevation and/or floorplans (If applicable to the project's variance request – Ask Zoning Admin staff at PDSD if unsure)
N/A	7. 15 folded copies* of project landscape plan (If applicable to the project's variance request – Ask Zoning Admin staff at PDSD if unsure)
• ✓	8. If full size (24"x32") plans are provided, then also include one each at 11"x17"
• ✓	9. Pima County Assessor Parcel Detail ( <a href="http://www.asr.pima.gov/index.aspx">http://www.asr.pima.gov/index.aspx</a> )
• ✓	10. Pima County Assessor Record Map
N/A	11. (Other)
• ✓	12. Board of Adjustment Filing Fees

*will email digital send PDF 1/13/18*

Applications to the B/A that include **LANDSCAPE, SCREEN or SCENIC ROUTE** variances or **APPEALS** must also submit an application for Design Review Board (DRB) review.

\* Copies of plans to be provided in 11"x17" size

Additional application materials may be required at the time of your meeting with staff.

Refer to Supplemental Information per review process for material instructions, etc.

*For Zoning and Subdivision review, the Unified Development Code (UDC) applies to this application. Applicable timeframes can be provided at your request or found in Administrative Manual Sec. 3-02 or found on our website at <http://cms3.tucsonaz.gov/pdsd>. For information about applications or applicable policies and ordinance, please contact us at (520) 791-5550.*

*By state law, we cannot initiate a discussion with you about your rights and options, but we are happy to answer any questions you might have.*