

# STAFF REPORT

**DATE:** December 19, 2018

**TO:** Board of Adjustment

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

**ACTIVITY NO. T18SA00510**

**C10-18-21 CHONG - FORSTER RESIDENCE / DETACHED CARPORT AND SHED / JENNY CHONG AND KENNETH FORSTER / 3443 NORTH TUCSON BOULEVARD, RX-2**

The applicants' property is an approximately 27,582 square foot lot zoned RX-2 "Residential" and is developed with a single-family residence with detached carport and shed. The applicants are seeking the necessary zoning approval to replace the existing carport with a new carport in the same location, and allow the existing shed to remain in the present location.

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

The applicant is requesting the following variances:

- 1) Allow a new detached carport to be constructed in the buildable area between the principal building and the front street lot line; and
- 2) Allow the new detached carport to be built with a reduced side perimeter yard setback of approximately 7'7" from the south lot line; and
- 3) Allow a reduced side perimeter yard setback of approximately 7'9" from the south lot line for an existing detached accessory structure (shed), 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 4.7.7 and Table 6.3.1.A, which provides criteria for residential development in the RX-2 zone, and

Section 6.6.3, which provides the dimensional standards applicable for accessory structures in residential zones.

## **GENERAL DEVELOPMENT INFORMATION**

### **Zoning and Land Use**

**SITE: ZONED RX-2; (single-family residential)**

North: Zoned RX-2; (single-family residential)

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

East: Zoned R-1; (single-family residential, across Tucson Boulevard)

West: Zoned RX-2; (single-family residential)

## **RELATED PLAN REVIEWS**

### **Engineering Review**

The entire parcel is within a FEMA special flood hazard area zone AE. A floodplain use permit will be required for any development. Carports without walls will be allowed as long as floodplain requirements are met.

## **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 27,582 square foot lot zoned RX-2 "Residential" and is developed with a single-family residence with detached carport and shed. The applicants are seeking the necessary zoning approval to replace the existing carport with a new carport in the same location, and allow the existing shed to remain also in the present location. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction and existing shed built without prior permit approval.

### **Detached Accessory Structure in the Front Yard & Reduced Perimeter Yard Setbacks**

Per *UDC* Section 6.6.3, detached accessory structures are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line. The applicant proposes to replace the existing carport in this area with a new carport in the same position, with the additional purpose of adding solar panels, and is requesting a variance to allow a structure within the front yard area.

Per *UDC* Section 4.7.7 and Table 6.3.1.A., the required minimum perimeter yard setback is 20 feet for a structure. The applicant is requesting a variance to allow a reduced setback from 20 to 7'7" for the carport, as measured from the south property line. In addition, the applicant is requesting a variance to reduce the perimeter yard setback from 20 to 7'9" for an existing shed, as measured from the south property line.

### **Discussion**

The property is located in a neighborhood surrounded by single-family residential homes. The irregular shaped parcel is constructed with an approximately 2300 square foot home and detached carport and shed, per submitted plans. The residence is built on the far northwest side of the lot, with a span of trees and yard wall between the structure and the north property line.

The current, and proposed carport replacement, is to be located centrally, at the end of the only driveway access off Tucson Boulevard at the east property line. The driveway is over 200' long and 20' wide, lined on both the north and south sides with mature trees. The length of the driveway, per city maps and aerials, exceeds 240' from east property line to the front building wall of the residence. The double-

car carport is to be built approximately 20' southeast from the residence. The carport would be constructed of metal posts and solar panel roofing materials.

Existing trees are also planted along west and south property lines in the "rear yard". Given these existing conditions, such as the length of the driveway, orientation of the site structures, and mature trees covering the lot, other locations for a shed and covered parking on the property impractical.

**Conclusion**

Given there are special circumstances such as existing site conditions; the irregular shaped lot, orientation of the residence to the northeast side of the lot, heavily tree lined and elongated driveway, and that the carport and shed would be built in an area for the lot to still have a yard, and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, staff recommends approval to the requested variances.

**NEIGHBORHOOD CONTACT (BY APPLICANT)**

See the attached neighborhood notification dated November 1, 2018 and the summary of the onsite meeting dated November 12, 2018.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDSO recommends approval of the applicant's requested variances.

It is the opinion of staff that there are special circumstances applicable to the property; and 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.

Heather Thrall, Lead Planner  
for  
Russlyn Wells, Acting Zoning Administrator

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