

STAFF REPORT

DATE: October 25, 2017

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T17SA00392

C10-17-20 PACE RESIDENCE DETACHED PLAY STRUCTURE / LAUREN PACE / 1640 EAST SILVER STREET, R-1

The applicant's property is an approximately 15,000 square foot lot zoned R-1 "Residential" and is developed with two single-family dwelling units. The applicant constructed a detached skateboard ramp without prior zoning approval. The applicant is seeking the necessary zoning approval to allow the skateboard ramp to remain as constructed with a height that exceeds the maximum allowed for a detached accessory structure.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the detached skateboard ramp to remain, as constructed with a height of 12' -10" as measured from design grade to the top of the ramp, which exceeds the 12' height limit, 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

Section 6.6.3 *Specifically Within Residential Zones*, which provides the development standards applicable to all accessory structures in a residential zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

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

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

South: Zoned R-1; (single-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 or adverse comments.

RELATED CASE

Environmental Services Department (ESD) - Code Enforcement Division: Case No. T17DV01233 - A notice of violation was issued on March 29, 2017 for construction of the skateboard ramp without permit. The status is now pending the outcome of this variance application.

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 15,000 square foot lot zoned R-1 "Residential" and is developed with two single-family dwelling units. The applicant constructed a detached accessory structure (skateboard ramp) without prior zoning approval. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Detached Accessory Structure

Per *UDC* Section 6.6.3, detached accessory structures cannot exceed 12' in height. The applicant has constructed a skateboard ramp that exceeds the maximum height by 10".

Discussion

The property is located in the Samos neighborhood which typically consists of lots developed with a residence and detached accessory structure. Accessory structures are incidental to a residential use and are permitted in the R-1 zone. According to the applicant, the detached accessory structure (skateboard ramp) was constructed for the resident in order to practice and remain competitive at a national level since no other training structure meeting competition specifications exist in Arizona. In order for the ramp to function as it is intended to, which is for training purposes, the ramp was designed to meet the minimum competition specifications as stated in the variance application. The structure was built to meet these specifications which resulted in the structure exceeding the 12' maximum height limit. The skateboard ramp has been oriented in a manner so that the visual impact on the west and east adjacent properties are mitigated by an existing tree on the west side and an existing workshop on the east. Only the vertical ends and transitional curves of the ramp are visible from the south adjacent alley. Although the structure is unusual, it meets all other zoning regulations, i.e. setbacks.

Conclusion

Given that the physical circumstance for the height of the structure is driven by competition specifications, and that it exceeds the height by less than one-foot and is the minimum necessary to afford relief, staff has no objection to the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated August 31, 2017 and the summary of the onsite meeting dated September 10, 2017.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variance.

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

RW:mc: s/zoning administration/ba/1720.doc