

STAFF REPORT

DATE: APRIL 27, 2022

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T22SA00163

C10-22-03 LOPEZ RESIDENCE NEW CARPORTS AND STORAGE SHED / ANTONIO AND THERESA LOPEZ / 9024 EAST KIRKPATRICK CIRCLE / R-1

The applicants' property is an approximately 8,466 square-foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicants constructed a carport and shed without prior zoning approval and are proposing to construct a second carport attached to the front of the residence.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow an existing carport to remain with a reduced side perimeter yard setback from 6' to 0', as measured to the west lot line.
- 2) Allow an existing storage shed to remain with a reduced side perimeter yard setback from 6' to 0', as measured to the east lot line.
- 3) Allow a new carport with a reduced front street perimeter yard setback from 20' to 4', as measured to the north lot line.

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 provide the use criteria applicable in the R-1 zone, and

6.4.5 *Perimeter Yards*, and Table 6.3-2 *Dimensional Standards for the R-1, R-2, R-3, MH-1, and MH-2 Zones*, which provides the dimensional standards applicable to 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 R-1; (single-family residential)

East: Zoned R-1; (single-family residential)
West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

City Engineer (CE)

The Engineering Section of Planning and Development Services Department has no objection or 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 that are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicants' property is an approximately 8,466 square-foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicants constructed a carport and shed without prior zoning approval and are proposing to construct a second carport attached to the front of the residence. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

New Carports and Shed

Per *UDC* Section 6.4.5, the required front street perimeter yard setback for the front attached carport structure is 20' as measured to the north lot line. The applicants are requesting a variance to allow the front street perimeter yard setback to be reduced to 4' as measured to the north lot line.

Per *UDC* Section 6.4.5, the required side perimeter yard setbacks for the side attached carport and side detached storage shed structures is 6' or 2/3 the height of the structure, as measured to the east and west lot lines, respectively. The applicants are requesting a variance to allow the side perimeter yard setbacks to be reduced to 0', as measured from the carport and storage shed to both the east and west lot lines, respectively.

Discussion

The subject property is an approximately 8,466 square foot lot located in the Centennial Park subdivision east of South Camino Seco, between East Broadway Boulevard and East Old Spanish Trail. The existing single-family residence (2,046 square feet) is the only principal structure on the property. A wall constructed at the property line surrounds the lot on the side and rear. Vehicular access to the carport is via the existing driveway off Kirkpatrick Circle. Parking is permitted in this area of the lot. In the rear yard, there is an existing pool that will be demolished.

The proposed carport to be attached to the front of the residence will be constructed with a standard depth of 16' and a width of 24'. As the current residence is setback 26' from the street property line, this location for the new proposed carport is reasonable given the lack of space to meet setback requirements. There are other properties in the neighborhood that have reduced front street setbacks, so it would not be unusual for this neighborhood.

The existing carport attached to the west side of the residence is able to accommodate one vehicle. Based on the location of the existing access and driveway and a history of using this area as for vehicular access and storage, the location is reasonable. There is an existing driveway to this carport, which the east side of the property does not offer.

The existing 74 square foot storage shed is located at the east side of the residence. Based on the physical constraints of the rear yards existing usage and available space, the age of the structure (constructed prior to 2002), and that it is common in the surrounding neighborhood residences to have storage structures with reduced setbacks, the proposed location is not unreasonable.

Conclusion

Given there are physical constraints such as the perimeter wall, existing access and driveway that restrict the location for the carports and shed; that these reduced setbacks are common in the neighborhood consistent with other properties, and given that the variances requested do not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, staff has no objection to the granting of the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated January 29, 2022, and meeting summary dated February 26, 2022.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objections to the applicants' requested variances, subject to the following conditions:

- A. No motor vehicle parking in the area between the carport attached to the front of the residence and the street.
- B. Carport at the front of the residence shall not be enclosed.

It is the opinion of staff that 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 the variance requested is the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Georgia Pennington, Planner
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Zoning Administrator

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