

# STAFF REPORT

**DATE: FEBRUARY 23, 2022**

**TO:** Board of Adjustment

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

**ACTIVITY NO. T22SA00029**

**C10-22-01 WILEY AND CALHOUN RESIDENCE SOLAR CARPORT /  
TECHNICIANS FOR SUSTAINABILITY / 1844 NORTH VINE AVENUE /  
NR-1**

The applicants' property is an approximately 27,000 square-foot lot zoned NR-1 "Residential" and is developed with a single-family residence and four detached accessory structures. The applicant is proposing to replace the unpermitted existing carport with a new carport with solar panels.

## **THE APPLICANTS' REQUEST TO THE BOARD**

The applicants are requesting the following variances:

- 1) Allow a new solar panel carport to replace the existing carport with a reduced side street perimeter yard setback from 10' to 1' as measured to the south lot line.
- 2) Allow the combined total gross floor area of all accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the residence, 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 provide the use criteria applicable in the R-1 zone,

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, and,

Section 6.6.3 *Specifically Within Residential Zones* which provides standards for gross floor area of accessory structures in a residential zone.

## **GENERAL DEVELOPMENT INFORMATION**

### **Zoning and Land Use**

**SITE: ZONED NR-1; (single-family residential)**

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

South: Zoned NR-1; (single-family residential)

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

### **RELATED CASES**

#### **Jefferson Park Neighborhood Preservation Zone (NPZ)**

The parcel is in the Jefferson Park NPZ and is zoned NR-1, the 'N' signifying its inclusion in the NPZ. The detached accessory structure subject to the requested variances is visible from the street; therefore, NPZ review is required for this project.

NPZ case (T21SA00447) related to the construction of the proposed solar carport was reviewed and an approval was issued by the PDSD Director on November 15, 2021.

### **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 27,000 square foot lot zoned NR-1 "Residential" and is developed with a single-family residence and four detached accessory structures. The applicants are proposing to replace the existing unpermitted carport with a new carport with solar panels. The proposed construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

#### **Detached Solar Carport**

Per *UDC* Section 6.4.5, the required side street perimeter yard setback for the detached structure is 10' as measured to the south lot line. The applicants are requesting a variance to allow the side street perimeter yard setback to be reduced to 1' as measured to the south lot line.

Per *UDC* Section 6.6.3, the total gross floor area (GFA) of all accessory structures (200 square feet or greater in size) cannot exceed 50% of the total GFA of the residence. The combined GFA of all accessory structures is 1,670 square feet which is approximately 93% of the GFA of the 1,790 square foot residence.

#### **Discussion**

The subject property is an approximately 27,000 square foot lot located in a subdivision in the Jefferson Park Neighborhood Preservation Zone (NPZ) west of Campbell Avenue, between east Speedway Boulevard and east Grant Road.

The subject property consists of three combined lots. The existing single-family residence (1,790 square feet) is the only principal structure on the property. There are four existing accessory structures on the property that are greater than 200 square feet: an artist studio (475 square feet), a workshop (350 square feet), a storage structure (325 square feet), and a carport (520 square feet). The total combined GFA of the four existing accessory structures is 1,670 square feet.

A wall constructed at the property line surrounds the lot. Vehicular access to the carport is via the existing curb cut and driveway off Lester Street. Parking is permitted in this area of the lot. The roof of the existing carport currently overhangs the south property line by approximately two feet. The replacement solar carport roof is proposed to be constructed in line with the current perimeter wall with a proposed setback of 1' as measured from the south lot line to the carport posts. The carport has a width that is approximately 4' narrower than the existing carport.

The new carport is proposed with a standard depth of 20'-00" and a width of 23'-10". A combination fence/wall at its rear and sides provides a physical barrier to direct access from the street into the interior yard and it maintains privacy. An aerial photograph and street views reveal mature vegetation near the carport. Shifting the carport further north to increase the setback would require removal of the fence/wall and possibly removal of mature vegetation. Based on the physical constraints of the perimeter wall surrounding the property, the location of the existing access and driveway, location of the wall/fence

and the presence of mature vegetation, the proposed location does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity.

There are special circumstances applicable to the property. All principal and accessory structures were existing prior to the adoption of standards restricting the combined square footage of accessory structures to 50% of the GFA of the principal residence. The combined GFA of the artist studio, workshop and storage structure exceed the restriction. The replacement of the existing carport triggers conformance with this regulation and necessitates a variance to allow all structures to remain and the carport to be replaced.

**Conclusion**

Given there are physical constraints such as the perimeter wall, existing curb cut and driveway that restrict the location for the carport; and given the special circumstances that the accessory structures predate the regulations restricting the combined GFA of accessory structures and that such special circumstances were not self-imposed; 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 December 21, 2021, and meeting summary dated January 11, 2022.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

PDS 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 and the street.
- B. Carport 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.

Wyatt Berger, Planner  
for  
Russlyn Wells, Zoning Administrator

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