

STAFF REPORT

DATE: June 24, 2026

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. TP-MOD-0526-000053

**C10-26-05 STONE BROTHERS / STONE BROTHERS DEVELOPERS, LLC /
640 NORTH STONE AVENUE, C-3**

The applicant's property is an approximately 0.56-acre lot zoned C-3 "Commercial" and is developed with several buildings and storage. The applicant is proposing new building additions, bathrooms, covered patio and a pad for a shipping container.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variance:

- 1) Delete the required 20' street setback as measured from the new buildings to the east lot line, 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 the following:

Section 4.7.22 *Commercial Zone (C-3)* and Table 4.8-4 *Permitted Uses – Commercial and Mixed-Use Zones*, which provides the use criteria in the C-3 zone, and

Section 6.4.5 *Perimeter Yards*, which provides the setback standards for principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED C-3; (retail and storage)

North: Zoned C-3; (office)

South: Zoned C-3; (retail)

East: Zoned HC-1; (education, residential)

West: Zoned C-3; (retail)

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the *UDC*. 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 0.56-acre lot zoned C-3 "Commercial" and is developed with several buildings and storage. The applicant is proposing new building additions, bathrooms, covered patio and a pad for a shipping container. The expansion triggers compliance with *UDC* sections applicable to the new construction.

Building Setbacks

Per *UDC* Section 6.4.5., the minimum required street setback along Echols Avenue is 20', as measured from the street property line. The applicant is requesting to reduce the setback to 0' for new storage structures along Echols Avenue.

Discussion

The site is located on the east side of Stone Avenue between University Boulevard and 6th Street within the West University neighborhood. This stretch of the Stone Avenue corridor consists of properties developed as multi-family or commercial uses. The subject property is developed with four buildings, two of which occupy the north central part of the site, while the remaining two abut the east and south property lines. Two of the proposed structures will be located along the east property line and maintain the prevailing setback of 0'.

A review of the latest available aerial photography provides evidence of other properties along Echols Avenue that have structures abutting the property line along the street. The location of these structures is logical given the existing site constraints and to maintain access and maneuverability throughout the site.

Conclusion

Given that there are special circumstances such as the existing site conditions that limit placement of new structures, and that the requested variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone since similar properties along Echols Avenue exhibit relief from setbacks, and the request is the minimum necessary to afford relief, staff has no objection to the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated February 9, 2026, and the meeting summary dated February 24, 2026.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

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

It is the opinion of staff that there are special circumstances applicable to the property; and that the requested variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and the request is the minimum necessary to afford relief and the least modification possible of those *UDC* provisions which are in question.

Mark Castro, Principal Planner
for
Chris Poirer
Zoning Administrator

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