



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: February 28, 2014

TO: BOARD OF ADJUSTMENT District 2

FROM: Terrill L. Tillman, Assistant Executive Secretary 

SUBJECT: **Co10(2)1-01 Alvarado Lorenzo & Barrera Victoria – East Felix Road**
Scheduled for public hearing on March 10, 2014

LOCATION:

The subject site is located on the north side of Felix Road approximately 1,000 feet west of Palo Verde Road. The property is zoned MU (Multiple Use Zone).

SURROUNDING ZONING / LAND USES:

North	CI-1	Drainage Ditch/Chapman Auto Collision Center
South	CB-2	Motel/Hotel
East	MU	Residential
West	MU/TR	Residential/Campgrounds

PUBLIC COMMENT:

No public comment has been received to date.

PREVIOUS CASES ON PROPERTY:

There have been no previous Board of Adjustment cases on this property.

REQUEST:

The applicant requests the following variances:

1. **To allow a five-foot high wrought iron fence with bufferyard plantings inside the fence.** Table 18.73-1 requires a bufferyard "A" with a six-foot high masonry wall adjacent to the street. The landscape design manual requires that at least 15% of the total required plants shall be located between the fence or wall and the higher intensity use.
2. **To reduce the rear yard setback to 12 feet.** Section 18.37.040.C.3 of the Pima County Zoning Code requires a 25 feet rear yard setback.

TRANSPORTATION AND FLOOD CONTROL REPORT:

Department of Transportation and Regional Flood Control will review this request at the time of permit application.

BACKGROUND:

This site is located on the north side of Felix Road, approximately 1,000 feet west of Los Reales Road. The subject property lies within the Felix Subdivision (recorded at book

26 and page 34) and is approximately 1.05 acres in size. The site was developed residentially with permits for a mobile home setup in 1998. There is a 20' X 30' detached accessory storage building on site. The applicant is proposing to use the property as a contractor's yard for a roofing company. The use of the contractor's yard constitutes conformance with the development standards of Section 18.37.040 of the Pima County Zoning Code which requires a 25' rear yard setback. When the property was originally developed, the existing accessory building met the rear yard setback. The change of use to a commercial development has caused the existing structure to be out of compliance with the rear yard setback. A development plan for a contractor's yard and an MU Special use permit will be required and the applicant is in the process of preparing a development plan for submittal to Pima County. The subject site is mostly surrounded by mixed, business and industrial zoning. The MU industrial zoning designation allows for residential uses; hence residential uses exist in the neighborhood within the Felix Subdivision. The subject site has a large drainage ditch to the rear of the subject property and there is a collision center in operation across the ditch. It is staff's opinion that the reduced rear yard setback will have no effect on adjacent properties because of the drainage ditch.

The Pima County Zoning Code, Section 18.73-1 requires a bufferyard "A" adjacent to the street. The applicant is requesting that the bufferyard plantings adjacent to the street be contained within the existing wrought iron fence. The relocation of the wrought iron fence may work an unnecessary hardship as the applicant is proposing to install the bufferyard that will be visible through the fence.

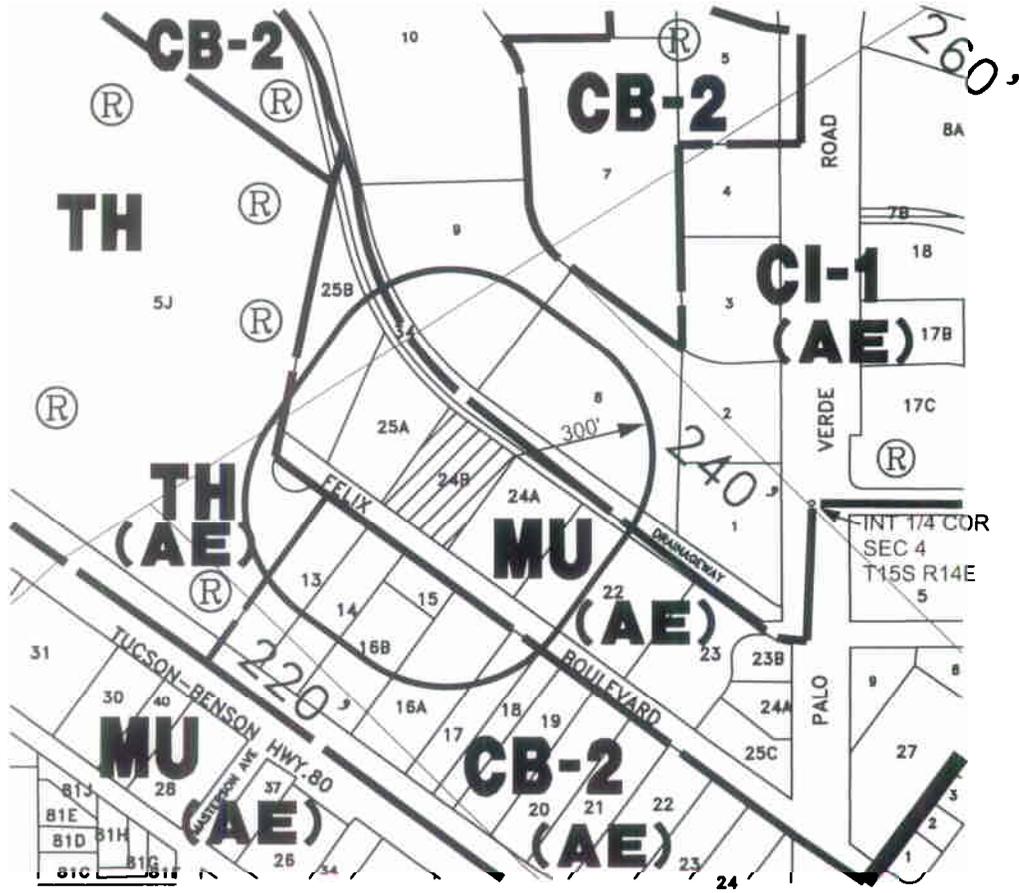
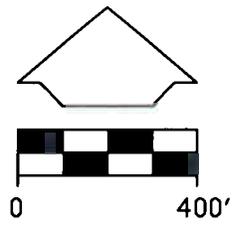
RECOMMENDATION:

Staff recommends **APPROVAL** of the variance requests to allow a five-foot high wrought iron fence with bufferyard plantings inside the fence and to reduce the rear yard setback to 12 feet. The location of the bufferyard and the reduced setback do not appear to cause injury to or adversely affect the rights of surrounding property owners noted by the lack of public comment. The unnecessary hardship does not arise from a condition created by an action of the owner of the property.

Standards that must be considered by a board of adjustment when considering a variance request include:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;

10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.



Petition area

Notification area

BASE MAP 33

Notes _____

Tax codes 140-08-024B

Date 02/06/14

File no. CO10(2)14-01

Drafter DS

ALVARADO/BARRERA

EAST FELIX BOULEVARD

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

(Please print or type) **NO PENCIL**

Property Owner: Alvarado, Lorenzo Phone: 520-400-5906

Owner's Mailing Address: 3236 E. Holladay St. City: Tucson, AZ
Zip: 85706-2822

Authorized Representative: Calza, Gerardo Phone: 520-988-0773

Rep's Mailing Address: PO BOX 926 City: Patagonia, AZ Zip: 85624

Property Address: 3395 E. Felix Blvd. City: Tucson, AZ Zip: 85706

Tax Code Number(s): 140 / 104 - 08 - 024B Zone: MU

Does the subject parcel have an active building or zoning code violation?
No

Owner or Applicant's Email Address: lalvarado13@cox.net ; gcalzaengineering@cox.net

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.

Signature: [Handwritten Signature] Date: 11-25-2013

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

*****FOR OFFICE USE ONLY*****

Case Title: Alvarado/Barrera - E Felix Bl Co102) 14 - 01
OWNER'S NAME – STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.73.040C + 18.37.040C3 of the Pima County Zoning Code which requires adherence to table 18.73-1 and a minimum rear yard setback of 25 feet 18.37.040 C.3

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 1, 27, 14.

January 22, 2014

Board of Adjustment
District 2 Board Members

I request a variance for the following:

1. Front yard installation of "Streetscape Bufferyard A" behind existing "Decorative Wrought Iron Fence" (5' wide).
2. Reduce rear yard setback from 25 feet to 12 in order to accommodate an existing Storage Shed.

The installation of the bufferyard behind the existing decorative wrought iron fence will be an amenity to the streetscape of Felix Blvd. by properly protecting the plants contemplated (canopy trees, shrubs, and accents flower vines) with more maintenance.

At the rear of the lot is an existing 16-foot Public Alley and a 52-foot Public Drainageway. The reduction of the rear setback will not impede any activity associated with access and maintenance of the Public Drainageway.

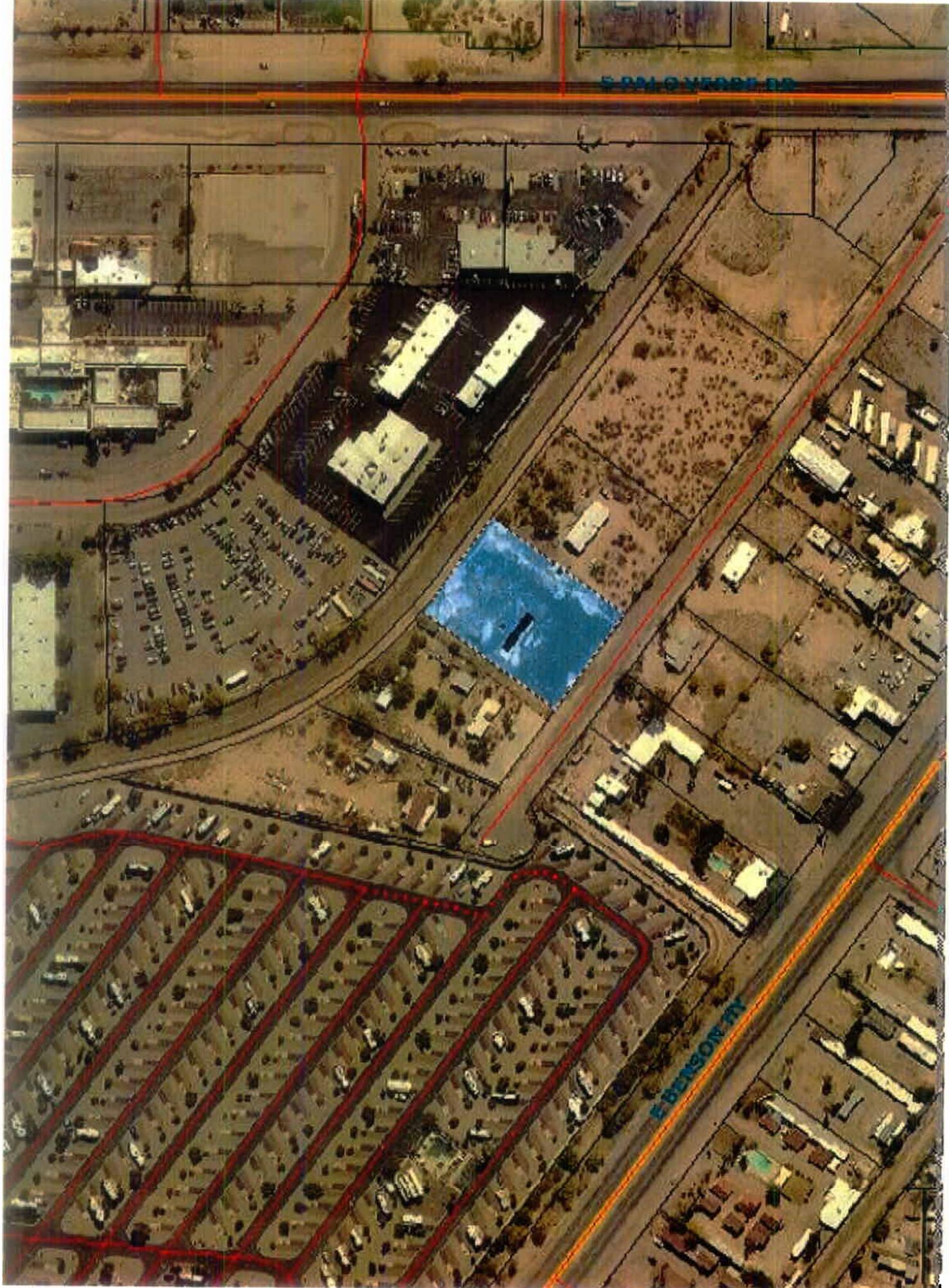
The variance is requested to alleviate the burden of moving existing features of the property and to assist with the effort of providing the room required to establish a "Roofing" business.

The lot improvements are for the storage of roofing materials and company vehicles; actual business is offsite (at client facilities).

Thank you for your time and consideration.



Gerardo Calza, P.E.
3674 . Liberty Ave.
Tucson, AZ 85713



Co10/2014.01 AlvaradoRivers - Fast Folly Rovers

