



PIMA COUNTY
DEVELOPMENT SERVICES

DATE: April 27, 2015
TO: BOARD OF ADJUSTMENT, District 1
FROM: Terrill L. Tillman, Assistant Executive Secretary *Terrill L. Tillman*
SUBJECT: **Co10(1)15-02 MARANA HEALTH CENTER, INC – WEST OASIS ROAD**
Scheduled for public hearing on May 6, 2015/Continued from April 6, 2015

LOCATION:

The subject property is located at the southwest corner of Oasis Road and Camino de Oeste. The property is zoned SR (Suburban Ranch).

SURROUNDING ZONING / LAND USES:

North	SR	Mostly Developed Residential
South	SR	Developed Residential
East	SR	Developed Residential
West	SR	Mostly Developed Residential

PUBLIC COMMENT:

To date, no written public comments have been received, although staff has received several phone calls to discuss the request.

PREVIOUS CASES ON PROPERTY:

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

REQUEST:

The applicant requests a variance to reduce the minimum lot size and site area in the SR zone. Section 18.17.040 of the Pima County Zoning Code requires a minimum lot size and site area of one hundred forty-four thousand square feet or 3.31 acres.

TRANSPORTATION AND FLOOD CONTROL REPORT:

No Transportation or Flood Control review is required within this request.

BACKGROUND:

The subject property is approximately 2.96 acres, zoned SR (Suburban Ranch) and is not part of a recorded subdivision. The property was undersized by approximately one-third of an acre as a result of lot splits that occurred in 1977 and then re-recorded because of an incorrect legal description in 1978. The subject parcel was created from a parcel of land approximately 9.1 acres in size on the south side of Oasis Road which spanned from the southeast corner of Oasis Road and Carolanne Drive to the southwest corner of Oasis Road and Camino de Oeste. The 9.1 acre property was split into three parcels of land containing approximately 2.96 acres (subject property), 3.31 acres (property adjacent to the subject property to the west) and the

2.83 acres of land located at the southeast corner of Oasis Road/Carolanne Drive. A lot line adjustment to the property located on the southeast corner of Oasis Road/Carolanne Drive occurred in 2004 to remedy the undersized SR zoned parcel from 2.83 acres to 3.36 acres. The subject property has remained the same vacant, 2.96 acres of land since the original division of the 9.1 acres into three parcels.

This variance request addresses the current undersized parcel of 2.96 acres created over 37 years ago and subsequently donated to the Marana Health Clinic. The Marana Health Clinic has a purchase agreement contract for the property pending the approval of the variance request. The purchaser is proposing to build one, single family dwelling unit on site. The variance was originally scheduled to be heard on April 6th but staff received several phone calls from the surrounding neighborhood regarding the request. One of the concerns cited was that the variance approval may set a precedence that would allow others to create undersized parcels and apply for variances rather than to meet the density requirements of the zoning designation. Another concern cited was for the possible uses of the property. Staff recommended that the property owners clarify their intentions to the neighborhood regarding the proposed residential use of the property and investigate the possible purchase of property from the neighbor to the south to remedy the undersized parcel. As such, the Board approved a continuance of the variance request to May 6, 2015 to allow the property owners additional time to meet with the neighbors.

The surrounding neighborhood contains mostly SR zoned properties meeting the required 3.3 acre lot size. Staff did identify one undersized parcel about 2,000 feet south of the subject property abutting Carolanne Drive that contains 2.5 acres. The nearest smaller lot subdivision (Stone Creek, Lots 1-41) is approximately 750 feet to the southeast of the subject property and zoned CR-4 which requires a minimum 7,000 square feet site size.

Staff is recommending denial of the variance request to allow an undersized parcel because the owners may apply for a rezoning of the property or purchase a portion of the property to the south in order to meet the required lot size. The process of rezoning requires two public hearings and two notifications allowing additional time for public comment and is the process to obtain the appropriate lot size in a particular zone. In this case, however, the variance request to remedy the undersized parcel may have the most favorable outcome for the adjacent property owners and the neighborhood based upon the subject property LIU-0.3 (Low Intensity Urban) comprehensive plan land use designation. The comprehensive plan designation of LIU-0.3 allows for rezoning to SR-2 (Suburban Ranch), SH (Suburban Homestead), CR-1, CR-2, and CR-3 (Single Residence). A rezoning to SR-2 would allow for one residence to be placed on the property and generally be in keeping with the surrounding neighborhood. All other zoning designations allowed under the existing comprehensive land use designation could increase the density of the subject property from a minimum of two up to a maximum of nine residences. There is no guarantee which zoning designation an applicant may apply for. If the Board of Adjustment members are inclined to approve this variance request, staff suggests the addition of the following condition: "The use of this property is limited to one, single family residence and accessory uses."

RECOMMENDATION:

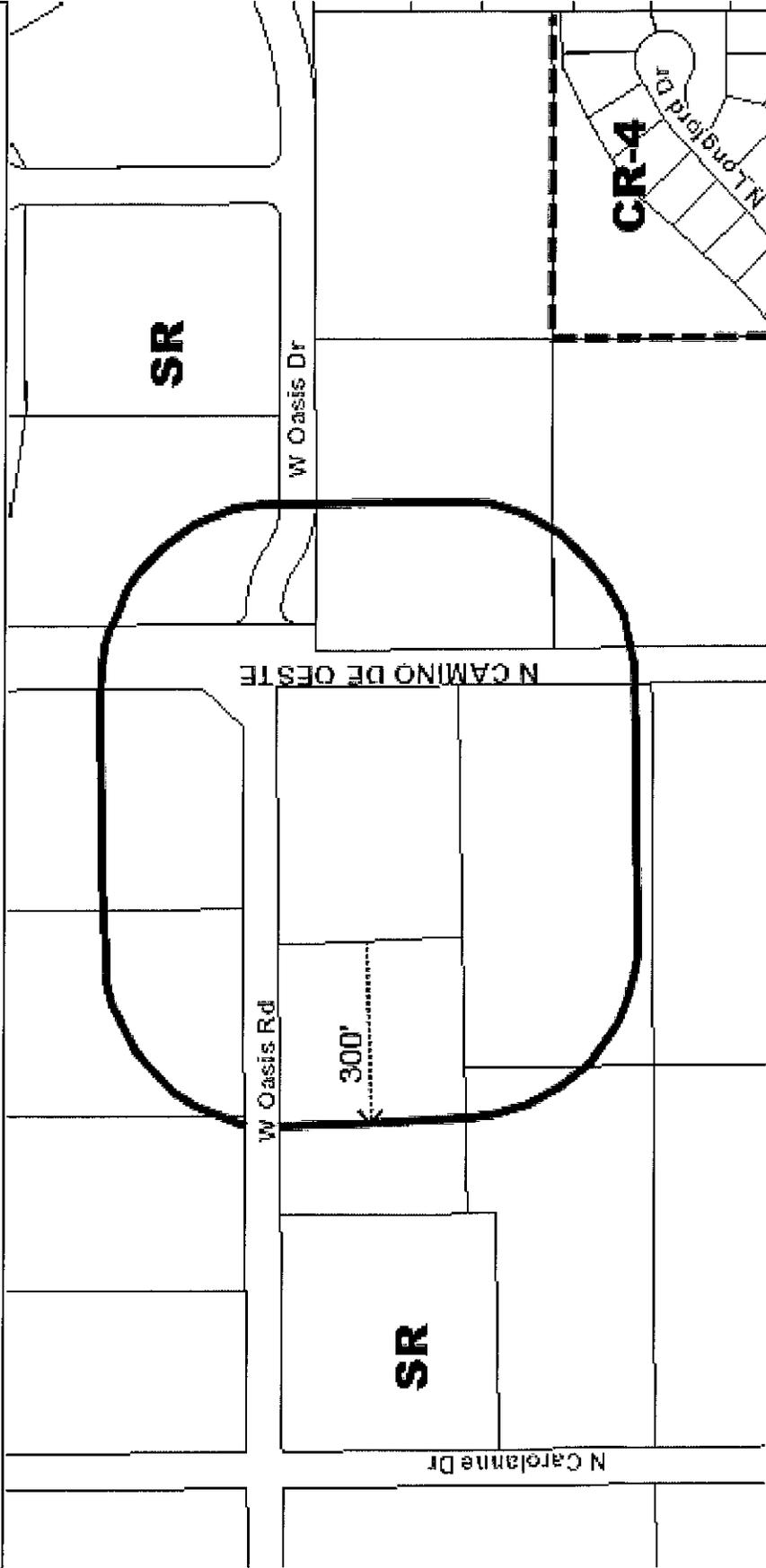
Staff recommends **DENIAL** of the variance request since the appropriate path to remedy the undersized parcel is rezoning. The applicant should be prepared to demonstrate to the Board of Adjustment the hardship the undersized parcel has caused.

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.

NOTIFICATION MAP

MARANA HEALTH CENTER — W. OASIS ROAD



LEGEND

- Petition Area
- Notification Area

NOTES

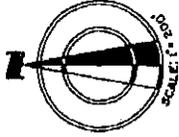
File no.:	Co10(1)15-02	Tax Code(s):	216-31-030J
Application:	Variance	Base Map:	161
		Drafter:	A.H.



3/10/2015

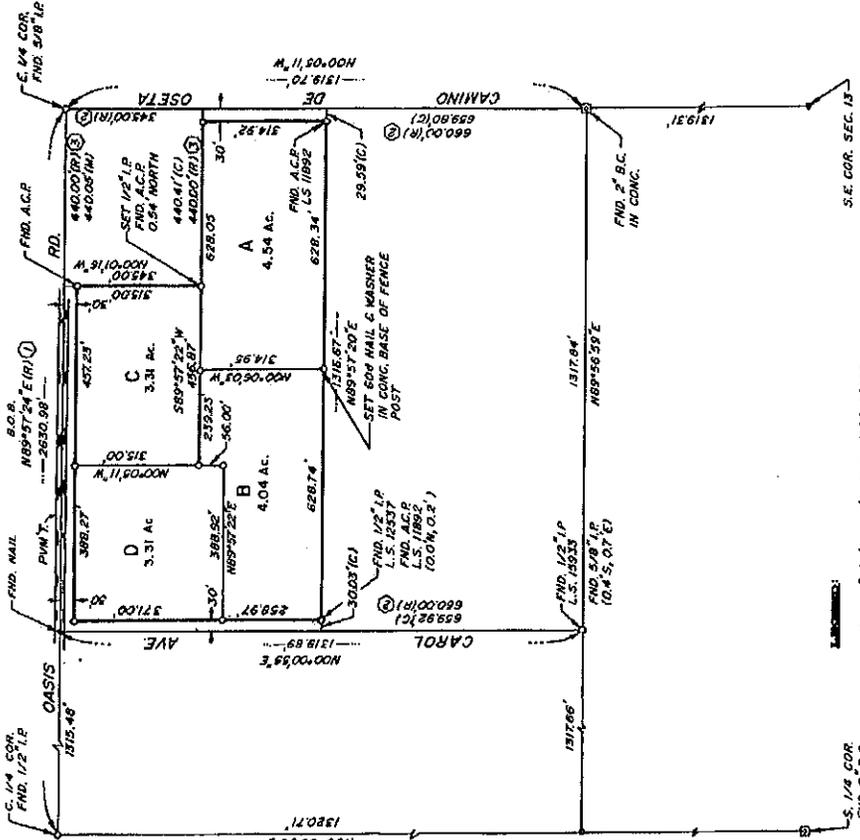


Co10(1)15-02 Marana Health Center, Inc - West Oasis Road Variance Request



NOTES:

1. This survey was performed without a title report. No attempt has been made to locate monuments. The legal description was supplied by the client.
2. According to Arizona Statutes it is unlawful to deface, destroy or destroy a land survey monument that bears the name of a land surveyor or bears the agency's name.
3. It appears as if a non surveyor has written the legal descriptions in the Lin Trust as recorded in Docket 8857, the 32 of PCR. It also appears that the intention of the surveyor was to divide the quarter in half. The survey is in Parcel number 1 and 2 they both EXCEPT 4 portion that is 660 feet. If this quarter were 1220 feet in a North to South direction these legal descriptions would work. Since the dimensions of this quarter are slightly less than 1220 feet (1216.67 feet) a record 1220 feet there is on paper, an overlap of property lines.
4. We have been unable to contact either land surveyor, as of this time, and have accepted this location for the property line locations it better fits the existing conditions in an east West location.
5. It appears as if the other two (2) land surveyors were willing to split the North to South lines for the location of this line, but did not appear to correct the legal descriptions in this area.
6. Points shown as found in Oasis Road may not exist as road has been paved.



Surveyed 2003-03-27 10:04
 State of Arizona
 County of Maricopa
 I, JAMES RODRIGUEZ, County Recorder
 do hereby certify that the within
 and thereunto annexed
 OF JAMES RODRIGUEZ, County Recorder
 This 27th day of March, 2003.
 JAMES RODRIGUEZ, County Recorder
 P. JAMES RODRIGUEZ, County Recorder
 P. JAMES RODRIGUEZ, County Recorder



ALTERNATIVE RECALCULATION

This is to state that this map, consisting of (1) sheet correctly represents a survey made under my supervision during the month of January 1999 that the survey is true and complete. All monuments shown and said monuments are sufficient to enable the survey to be retraced.

Alan W. Speth, R.L.S., No. 19929
 12-SP-99

REVISED 12/17/03 (CHANGED PARCELS B & D)
 REVISED 7/9/99 (ADDED PARCELS C & D)

RESULTS OF SURVEY

DATE	JAN 1999	JOB NO.	B98118-B	SHEET	1 OF 1
SCALE	1" = 100'	DRN.	W.J.A.	DES.	
PROJECT	PIMA COUNTY, ARIZONA	SCALE	1" = 100'	DRN.	W.J.A.
OWNER	JONES & ASSOC., INC.	SCALE	1" = 100'	DRN.	W.J.A.
OWNER	SURVEYING/SUBDIVISION	SCALE	1" = 100'	DRN.	W.J.A.
OWNER	2627 North First Ave.,	SCALE	1" = 100'	DRN.	W.J.A.
OWNER	Tucson, Arizona 85719	SCALE	1" = 100'	DRN.	W.J.A.
OWNER	(520) 624-1251	SCALE	1" = 100'	DRN.	W.J.A.

- LEGEND:**
- Set iron pin tagged LS 15933 Unless otherwise noted.
 - Not found/lost
 - E.O.B. Basis of bearing
 - B.C. Brass cap
 - L.S. Lead surveyor
 - I.P. Iron pin
 - A.C.P. Aluminum capped pin
 - (R) Record
 - (M) Measured
 - (C) Calculated
 - (P) Protracted
 - PCR Pima County Records
 - MAP Map & Plat
- REFERENCES:**
- 1 Jones & Associates, Inc. drawing # 93057.
 - 2 Docket 9861, Page 2012 of PCR.
 - 3 Docket 8857, Page 362 of PCR.
 - 4 Countryside as recorded in BK 32 of MAP, Pg 83 of PCR.
 - 5 Stone Creek as recorded in BK 40 of MAP, Pg 72 of PCR.



Variance Application

Revised 12/2013

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

Property Owner: MARANA Health Center, Inc. Phone: 520-616-1443

Owner's Mailing Address: 13396 N. MARANA MAIN ST City: MARANA Zip: 85653

Authorized Representative: CLINTON KWANTZ, CEO Phone: 520-616-1443

Rep's Mailing Address: 13396 N. MARANA MAIN ST City: MARANA Zip: 85653

Property Address: 4637 W. OASIS ROAD City: TUCSON Zip: 85742

Tax Code Number(s): 216-31-0305 Zone: SR

Does the subject parcel have an active building or zoning code violation? ZONING

Owner or Applicant's Email Address: KEARLEY@MHCHEALTHCARE.ORG

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: 2/25/15

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Marana health center INC W OASIS RD Co10(1) IS - 02
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 1817.040 A + B of the Pima County Zoning Code which requires Minimum site area - One hundred forty - four thousand square feet
Minimum lot area - One hundred forty - four thousand square feet

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY MT DATE 03/02/15



February 25, 2015

Mr. Tom Drzazgowski
Deputy Chief Zoning Inspector
Pima County Development Services
201 N. Stone Ave., 1st Floor
Tucson, AZ 85701-1207

Re: 4637 W. Oasis Road, Tucson, AZ 85742
Parcel No. 216-31-030J

Dear Mr. Drzazgowski:

We are requesting a Variance to allow the ability to construct a residential building on subject property. Due to two road easements being taken out of our property, and through no fault of our own, we are left with 2.96 acres and not the 3.3 acres as required by zoning. The road easements were deeded to the County on February 4, 1952, and recorded in Book 428 Page 25. I will obtain a copy of this Deed from the Records Office and send you a copy.

We have a buyer for this property and the purchase contract is contingent upon the buyer being able to construct a residential structure; thus is contingent upon the issuance of a Variance by the County.

We are desirous of securing a Variance from minimum lot size of 3.3 acres as required in the Zoning code.

If you need any other information, please let me know. I do have my notes from the time I started discussing the Variance with the Pima County Development Department.

Thank you for your time and consideration.

Sincerely,

Karen Earley, Executive Assistant to
Clinton Kuntz, CEO