



PIMA COUNTY
DEVELOPMENT SERVICES

DATE: July 24, 2015
TO: BOARD OF ADJUSTMENT District 1
FROM: Terrill L. Tillman, Assistant Executive Secretary 
SUBJECT: **Co10(1)15-09 FELIX – NORTH SAN ANNA DRIVE**
Scheduled for public hearing on August 3, 2015

LOCATION:

The subject parcel is located at the northwest corner of Ina Road and San Anna Drive. The property is zoned CR-1 (Single Residence Zone).

SURROUNDING ZONING / LAND USES:

North	CR-1	Developed Residential
East	CR-1	Developed Residential
South	CR-1	Developed Residential
West	CR-1	Developed Residential

PREVIOUS CASES ON PROPERTY:

There have been no previous Board of Adjustment cases.

PUBLIC COMMENT:

No public comment has been received.

REQUEST:

The applicant requests the following variances:

1. **To reduce the required front yard setback to 41 feet for an existing carport.** Section 18.21.040 of the Pima County Zoning Code requires a minimum 60 feet front yard setback.
2. **To reduce the Major Street and Scenic Routes setback for an existing carport to 6 feet.** Section 18.77.040 of the Pima County Zoning Code requires a minimum 30 feet setback in addition to half the required right-of-way.

TRANSPORTATION AND FLOOD CONTROL REPORT:

The Department of Transportation (DOT) has no objection. The planned future right-of-way for this segment of Ina Road is 150 feet and the existing right-of-way is 175 feet. Flood Control will review this request during permitting.

BACKGROUND:

The .83 acre subject property is lot 26 of the Casa Roma Estates subdivision, Lots 1-29 recorded (Book 16 and Page 56) in November of 1962. A second and adjacent subdivision plat to the east, Casa Roma Estates Lots 30-63 (Book 17 and Page 57) was approved in March of 1964. Both subdivisions dedicated a 100 feet half right-of-way for Ina Road. Ina Road is a



Major Street and Route (MSR) as labeled on the Major Streets and Scenic Routes Plan (MSSR) with a planned right-of-way of 150 feet. As a result of these subdivision plats, there is an existing 175 feet Ina Road right-of-way which exceeds the planned right-of-way width by 25 feet (75 feet half right-of-way) per the MSSR plan. The 175 feet right-of-way extends from the boundaries of both subdivision plats which begins at subject property's west boundary line and extends to the east up to La Canada Drive. The attached aerial photograph shows the townhouse development adjacent to the subdivision which is a re-subdivision of a portion of the Casa Roma Estates, Lots 30-63. The re-subdivision was approved for the Las Quintas Townhouses (Book 25 and Page 14) and is contiguous to the Casa Roma Estates, Lots 1-29. The re-subdivision maintained the dedicated 100 feet half right-of-way. This right-of-way width exists only within this portion of Ina Road.

Lots 1-7, and 25 of the Casa Roma Estates subdivision access is directly onto Ina Road. The remaining abutting lots 8 and 26 (subject property) access is from San Anna Drive. Because this section of Ina Road contains an additional 25 feet of dedicated right-of-way, it is staff's opinion that the effect of the location of the existing carport is minimized. The subject property does not have direct access off of Ina Road creating any sight visibility issues. In respect to variance request #1, the MSR setback is half of the future right-of-way plus 30 feet (*the 30 feet is measured from the property boundary*). In this case and specific to this locale, the applicable 30 feet is excessive based upon the additional 25 feet of right-of-way and staff recommends approval of this request.

Variance request #2 is to reduce the required 60 feet front yard setback for a detached carport to 41 feet. The carport is far enough from the street to accommodate off street parking and staff recommends approval of this request. Typically a carport or garage are attached to the house and are required to meet a 30 feet front yard setback.

RECOMMENDATION:

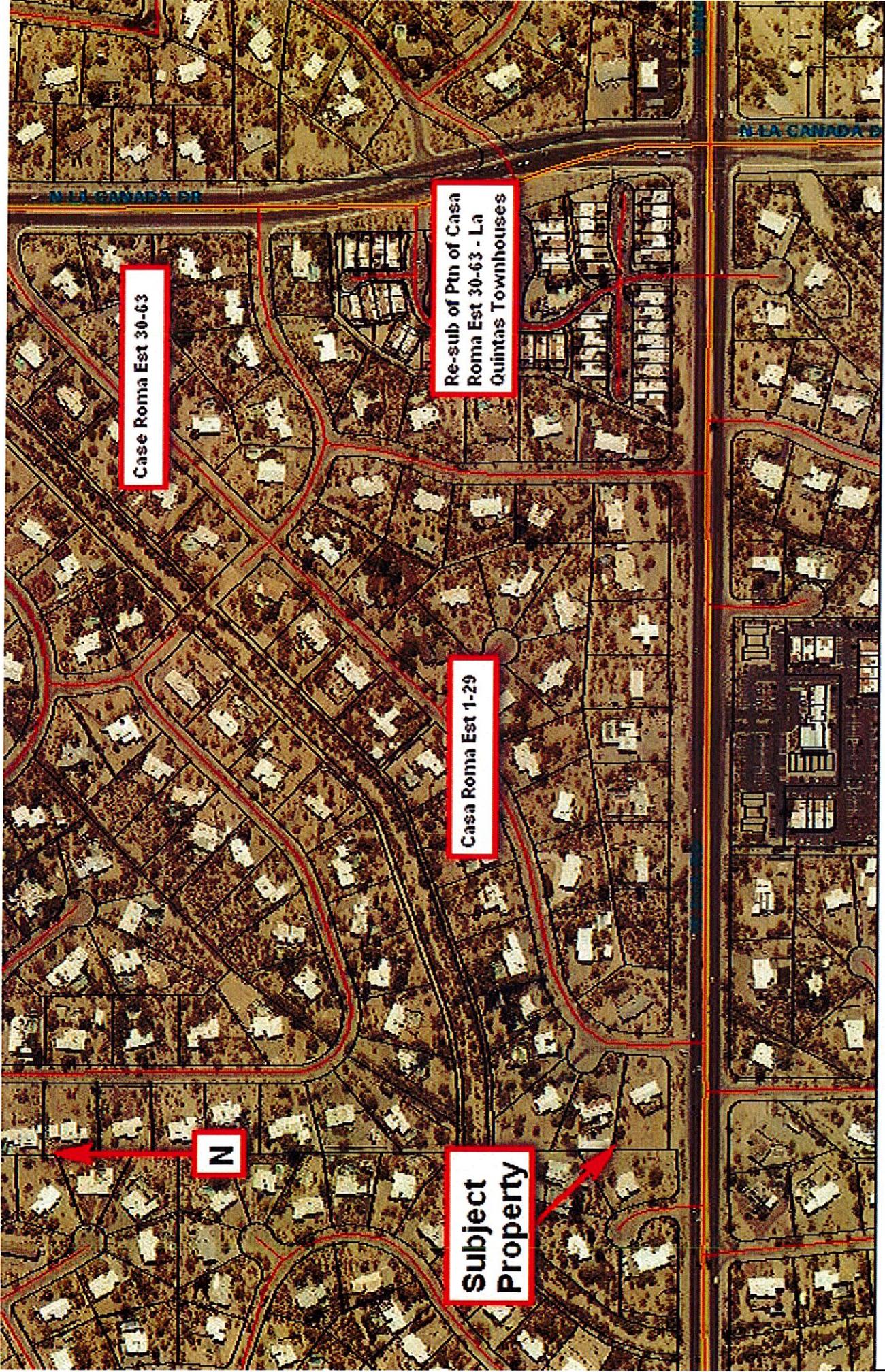
Staff recommends **APPROVAL** of these variance requests. The strict application of the code would work an unnecessary hardship and the variance request is related to the characteristic of the land generally not found in other locations.

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.



Case Roma Est 30-63

Re-sub of Ptn of Casa
Roma Est 30-63 - La
Quintas Townhouses

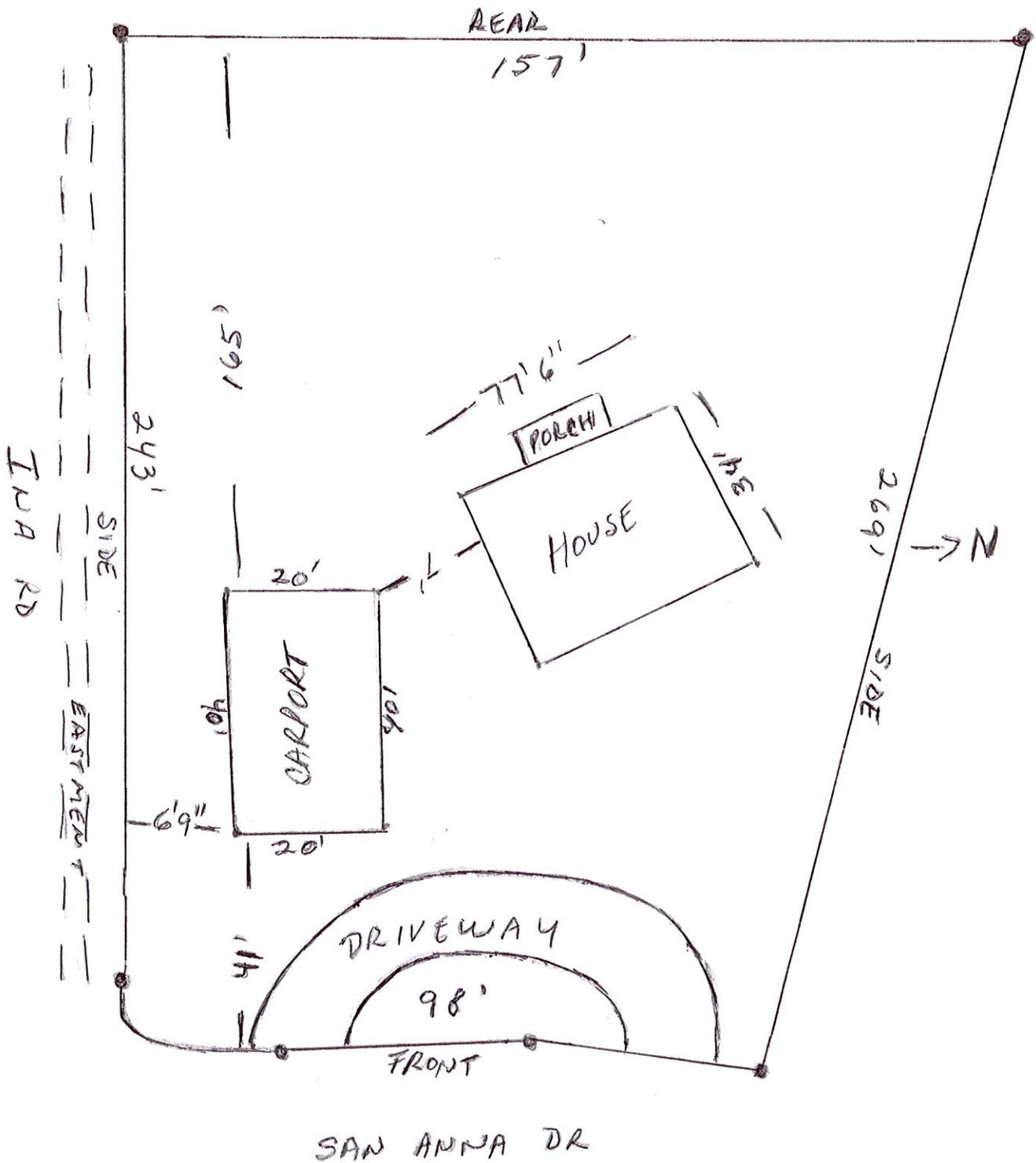
Casa Roma Est 1-29

Subject
Property

N

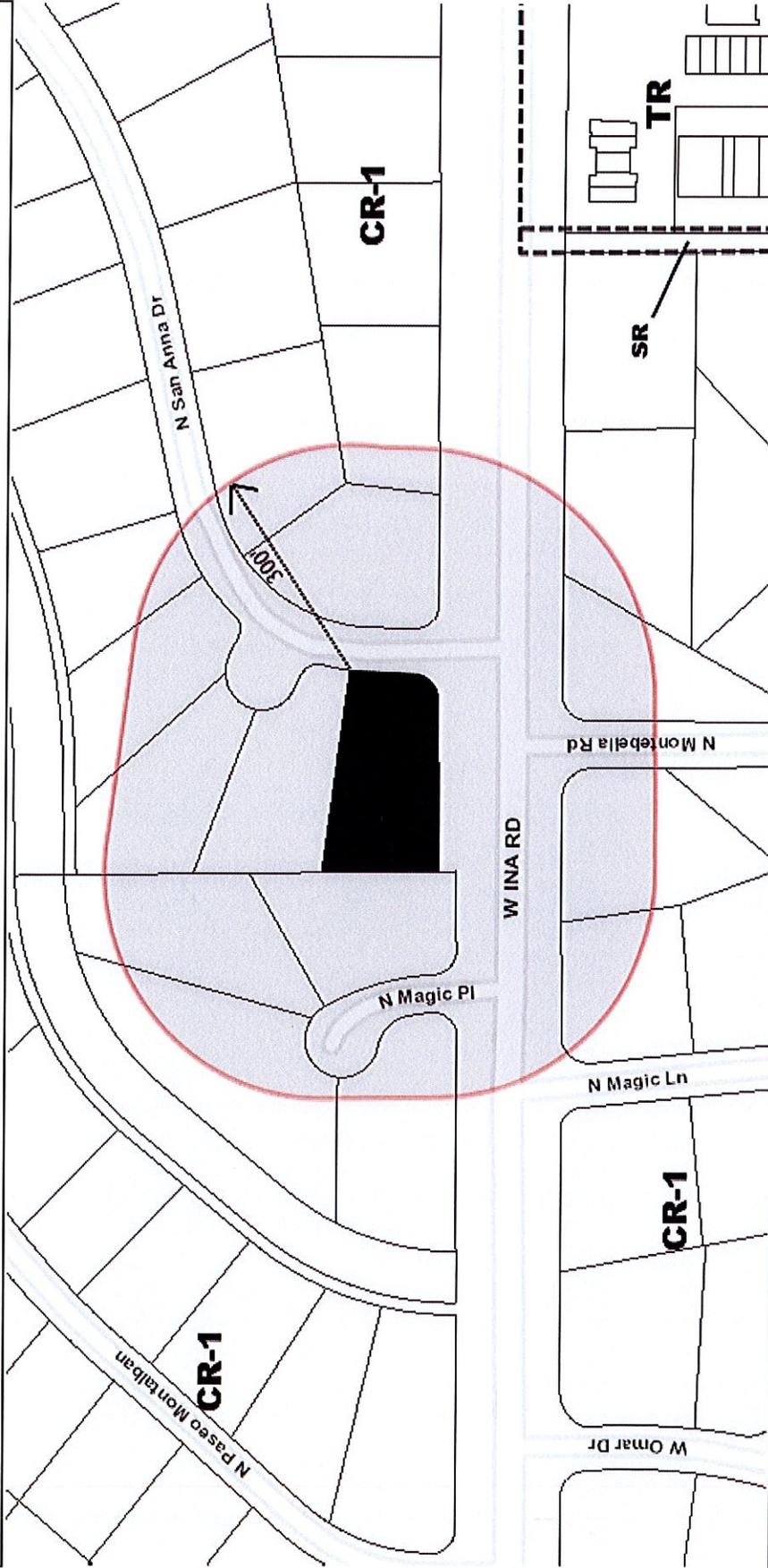
Co10(1)15-09 FELIX - NORTH SAN ANNA DRIVE

VICTOR R. & CLARA FELIX
7201 N. SAN ANNA DR.
TUCSON, AZ. 85704



NOTIFICATION MAP

FELIX—N. SAN ANNA DRIVE



LEGEND

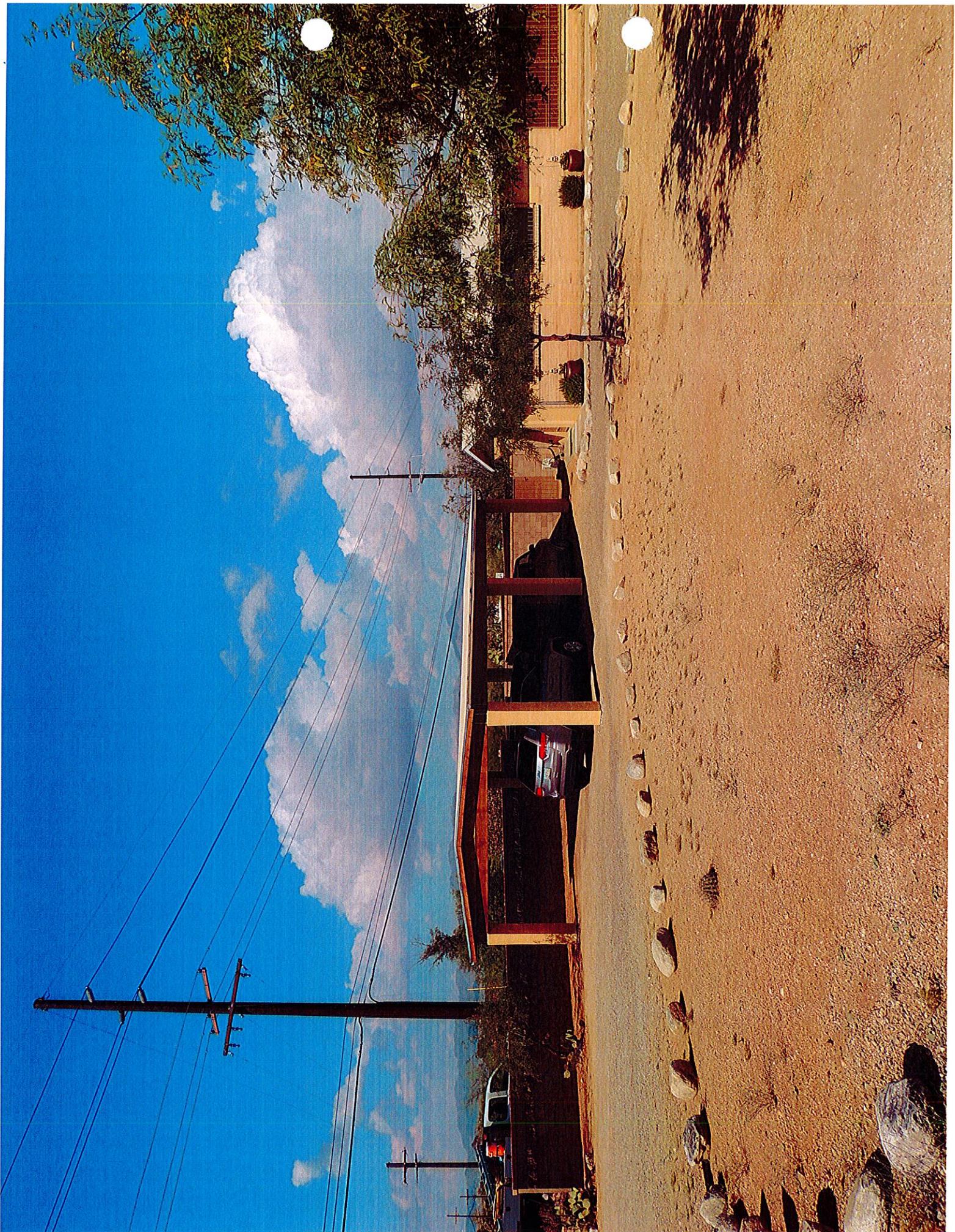
-  Petition Area
-  Notification Area

NOTES

File no.:	Co10(1)15-09	Tax Code(s):	225-47-0260
Application:	VARIANCE	Base Map:	76
		Drafter:	A.H.
	0 300'		



6/19/2015





Variance Application

Revised 12/2013

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

Property Owner: VICTOR R. & CLARA FELIX Phone: (520) 313-0990

Owner's Mailing Address: 7201 N. SAN ANNA DR. City: TUCSON Zip: 85704

Authorized Representative: _____ Phone: _____

Rep's Mailing Address: _____ City: _____ Zip: _____

Property Address: 7201 N. SAN ANNA DR. City: TUCSON Zip: 85704

Tax Code Number(s): 225-47-0260 Zone: P21

Does the subject parcel have an active building or zoning code violation? P15CV00287

Owner or Applicant's Email Address: cfelix218@gmail.com

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: [Signature] Date: 06/11/15

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Felix - N. San Anna Drive Co10(1) 15-0809
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.21.0401 & 18.77.0402 of the Pima County Zoning Code which requires a 60' front yard setback and a 30' in addition to half the right of way for a scenic route

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 6/12/15

June 11, 2015

Dear Board of Adjustment Members,

We request a variance to reduce the front yard setback from 60 feet to 41 feet and the south set back from 30 feet to 6 feet for a carport addition to our home that has already been built.

We sincerely apologize for our error in constructing this structure without requesting a permit. We are new to Tucson from Nogales and we based our decision off of our builder's word that a permit was not necessary, as well as information that had been told to us in Nogales years past thinking that the regulations were the same. We need the variance to keep the carport because prior to the construction of the carport there was no shade under which we could park our vehicles, thus causing sun damage to them. Keeping this carport will prolong the life and value of our vehicles.

The carport is 20X40 ft. and it is detached from the house and has no utilities. The carport is situated approximately 57 ft. from the edge of Ina Rd. The wall that we have along Ina by the carport is approximately 6 ft. in height and the carport height is approximately 10 ft. Along Ina there is a lot of vegetation and the carport has minimum visibility from Ina Rd.

This carport has been a tremendous relief to us, and we would greatly appreciate the opportunity to keep it. If you have any questions please do not hesitate to call at (520) 313-0990 or email at cfelix218@gmail.com.

Thank you for your time and consideration.

Victor and Clara Felix

7201 N. San Anna Dr.

Tucson, AZ. 85704