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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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DATE: August 4, 2015

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)15-02 DR HORTON INC – W. HERSCHEL H HOBBS PL.**  
Scheduled for public hearing on August 11, 2015.

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**LOCATION:**

The subject property is in the New Tucson Unit No 5 subdivision. This is a platted subdivision that dates from 1964. Lots in the subdivision are zoned CR-3. The property is in an area of Pima County that is known as Corona De Tucson.

**SURROUNDING ZONING / LAND USES:**

North -	CR-3	Residential
West -	CR-3	Residential
South -	CR-1	Residential
East -	CR-3	Residential

**PUBLIC COMMENT:**

Staff has not received any public comments on this case.

**PREVIOUS CASES ON PROPERTY:**

There are no previous cases on this property.

**REQUEST:**

The applicant requests the following variance:

- 1. To decrease the Major Street and Scenic Route setback on Camino Del Toro from 105 feet to 97 feet.**

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

The Department of Transportation has no objection to this request. The Flood Control District will review this project as needed during the permit process.

**BACKGROUND:**

The subject of the variance request is a property where the side lot line is located along Camino Del Toro which is a Major Street and Scenic Route. Even though the subdivision dates from the 1960's the lots in the area have only recently been developed. Camino Del Toro was named a scenic route after the plat was recorded.

In the applicants material they discuss how there is no common area between the right of way and the lot line. Therefore the Major Street and Route Setback (MSSR) is located on the private property and not in the common area. Given the small lot width and the MSSR setback there is limited availability to locate the residence.

**RECOMMENDATION:**

Staff recommends **APPROVAL** of the variance request. Staff believes that most of the standards below justify the granting on the request. Staff believes that the strongest basis for granting the variance is the fact that the subdivision was approved prior to Camino Del Toro being named a Major Street and Scenic Route. Requiring a 30 foot setback from the south property line would limit or totally restrict the buildability of the lot. The applicant has placed the home far to the northern section of the property and is only encroaching into the MSSR setback by 8 feet. Lastly, no public comment has been received on the case.

Staff believes that standards 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 all support the approval of the variance request.

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

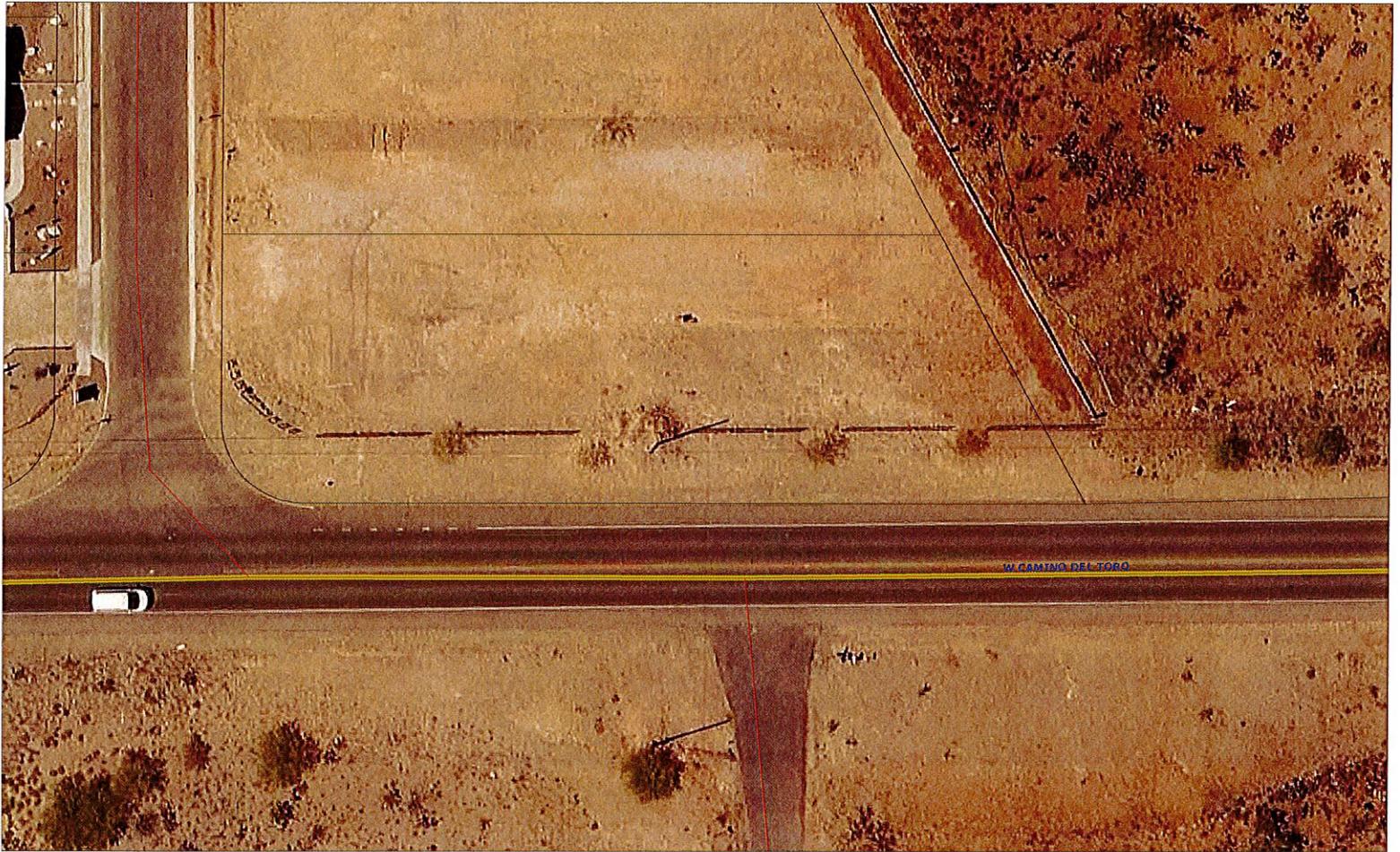
1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition 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.

Respectfully submitted,

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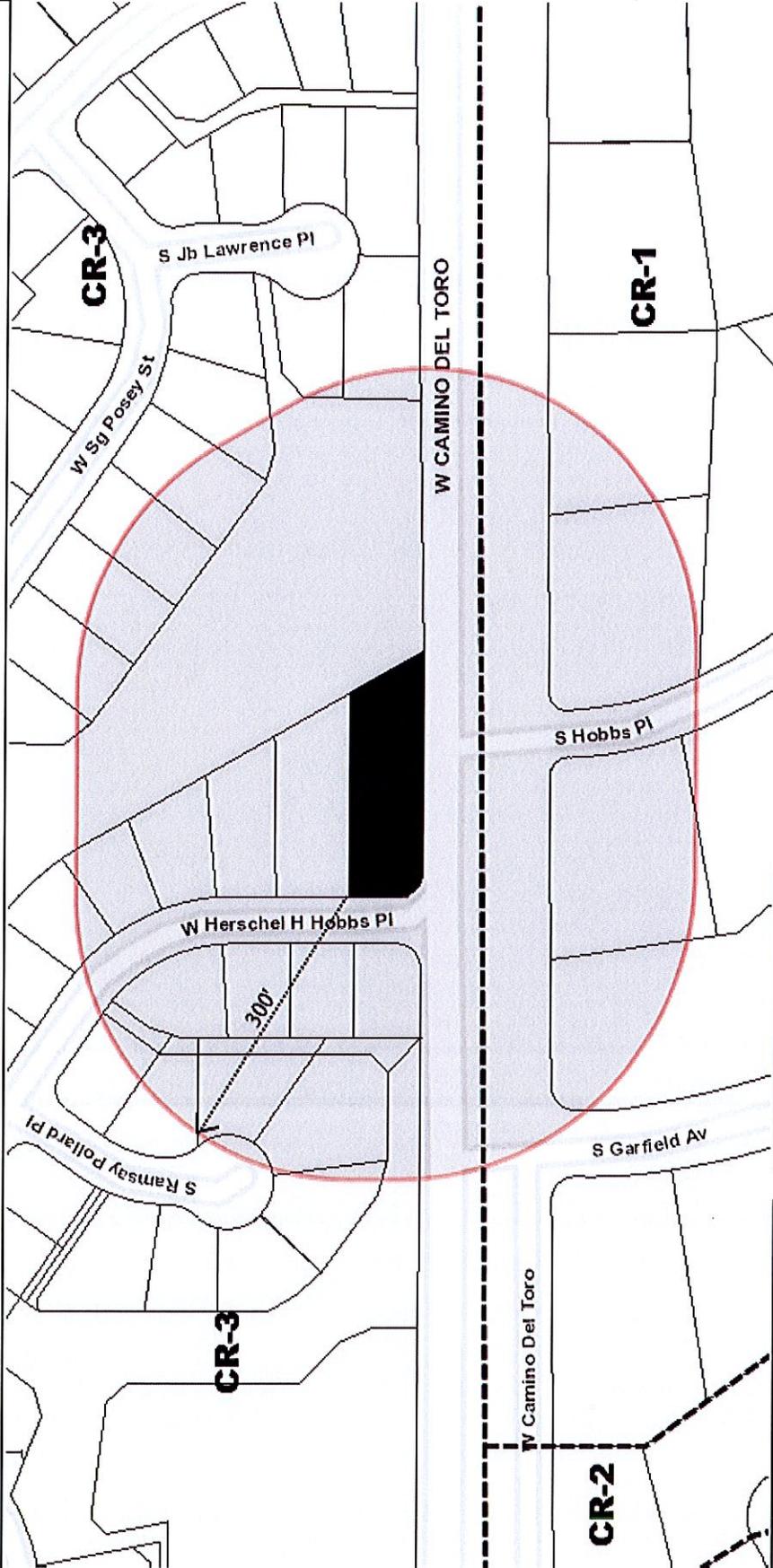
Tom Drzazgowski  
Deputy Chief Zoning Inspector

Co10(4)15-02 DR HORTON INC - W. HERSCHEL H HOBBS PL. DR Horton Inc., on property located at 216 W. Herschel H Hobbs Pl., in the CR-3 zone, requests a variance to decrease the Major Street and Scenic Route setback on Camino Del Toro from 105 feet to 97 feet. Sections 18.77.030B & 18.77.040 of the Pima County Zoning Code requires a 105 foot setback from the centerline of Camino Del Toro.



# NOTIFICATION MAP

DR HORTON INC—W. HERSCHEL H HOBBS PLACE



**LEGEND**

- Petition Area
- Notification Area

**NOTES**

<b>File no.:</b>	Co10(4)15-02	<b>Tax Code(s):</b>	305-30-1130
<b>Application:</b>	VARIANCE	<b>Base Map:</b>	470
		<b>Drafter:</b>	A.H.
	 0 300'		



6/19/2015



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**Variance Application**

Revised 12/2013

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

Property Owner: D.R. HORTON, INC Phone: 520-790-6005

Owner's Mailing Address: 3580 W. INA RD. STE 100 City: TUCSON Zip: 85741

Authorized Representative: DANIEL CUCCI Phone: 520-572-5077

Rep's Mailing Address: 3580 W. INA RD. STE 100 City: TUCSON Zip: 85741

Property Address: 216 W. HERSCHEL H. HOBBS PL City: VAIL Zip: 85641

Tax Code Number(s): 305 - 30 - 1130 Zone: CR-3

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

Owner or Applicant's Email Address: deucci@drhorton.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: 06/17/15

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

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

Case Title: DR Horton, Inc - W. Herschel H. Hobbs Pl. Co10(4) 15 - 02  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18:77.040(B)(1) of the Pima County Zoning Code which requires \_\_\_\_\_

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 6/17/15.



D.R. Horton  
3580 W. Ina Rd., Suite 100  
Tucson, AZ 85741  
December 4, 2014

Pima County Development Services Dept.  
Planning Division  
201 N. Stone Ave, 2<sup>nd</sup> Floor  
Tucson, AZ 85701

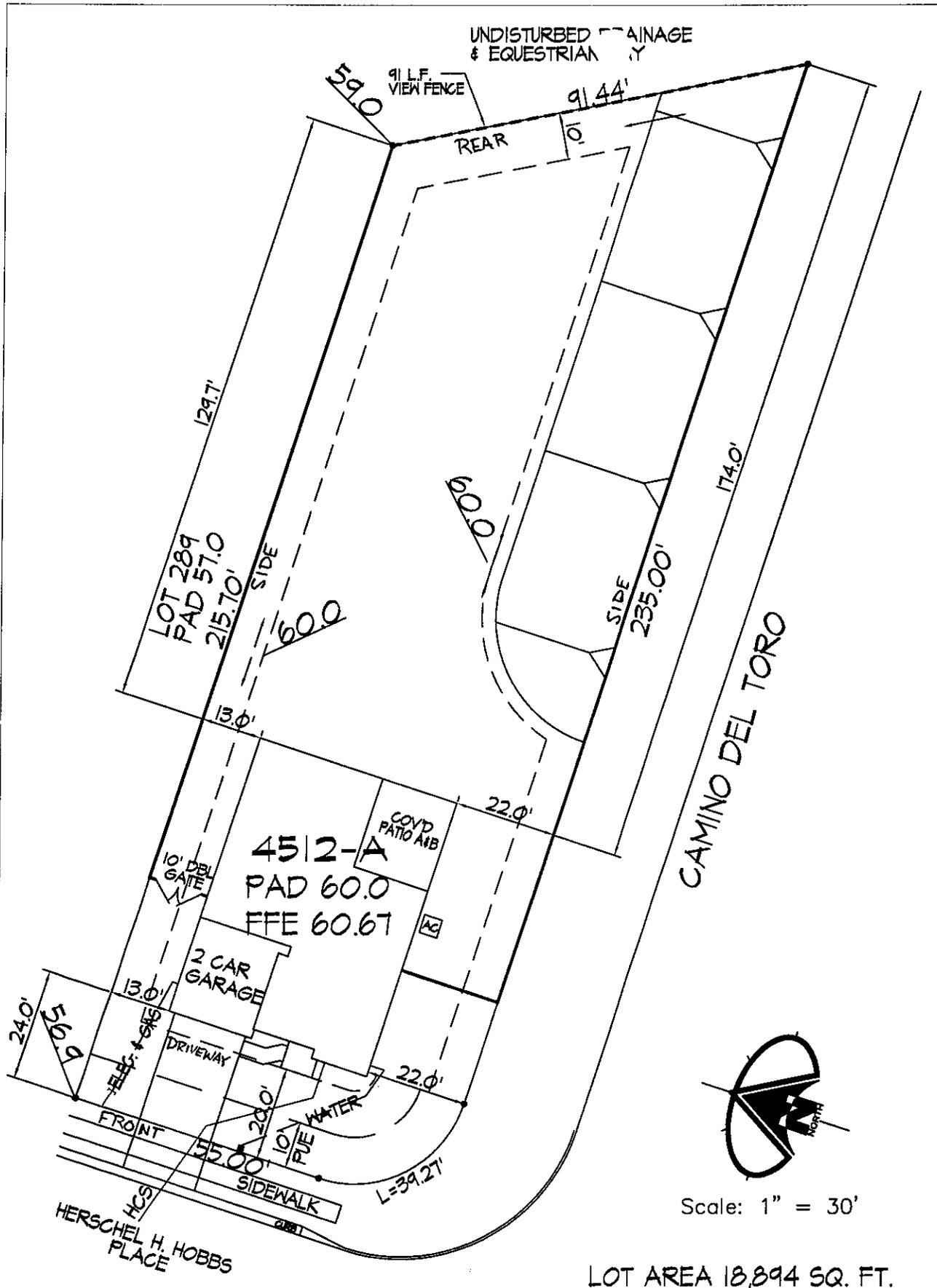
This is a letter to request a variance on Lot 290 of New Tucson Unit 5. Lot #290 is adjacent to Camino del Toro which is designated a Major Local Street. Since there is no common area between the R.O.W. for Camino del Toro and Lot 290, a thirty foot building setback is required per **18.77.030.B.1.**

Due to the width of the lot and the zoning side setback, this would prohibit a house wider than 42' being built on this lot. We would like to request a reduction in the 30' MSR setback to **22'** in order to fit a new 45' wide house on the vacant lot.

Sincerely,

A handwritten signature in blue ink, appearing to read "BD", with a horizontal line underneath.

Brent Davis  
Division President  
D.R. Horton, Inc. - Tucson



LOT AREA 18,894 SQ. FT.

**D-R HORTON**  
America's Builder  
3580 W. INA RD.  
SUITE 100  
TUCSON, AZ. 85741  
520-790-6005

**SYCAMORE VISTA (NEW TUCSON UNIT 5)**  
**ADDRESS: 216 W. HERSCHEL H. HOBBS PL.**  
**PIMA COUNTY, ARIZONA**      **LOT 290**