



**PIMA COUNTY**  
DEVELOPMENT SERVICES

DATE: December 24, 2014  
TO: BOARD OF ADJUSTMENT District #5  
FROM: Elva Pedregó, Assistant Executive Secretary  
SUBJECT: **Co10(5)14-02 STEWART TITLE & TRUST TR 1580 – WEST AJO HIGHWAY**  
Scheduled for public hearing on January 8, 2015

**LOCATION:**

The subject parcel is located on the northeast corner of Kinney Road and Ajo Highway in the Gateway Overlay Zone.

**SURROUNDING ZONING / LAND USES:**

North	CB-2	Vacant
West	CB-2	Vacant
South	CB-2	Developed
East	CB-2	Vacant

**PUBLIC COMMENT:**

None to date

**PREVIOUS CASES ON PROPERTY:**

Co10(5)12-02 and Co10(5)13-01 (same requests 12-02 dismissed due to applicant's failure to appear). The requests:

1. To increase the square footage for a freestanding menu board to 40 square feet;
2. To increase the maximum height for a freestanding menu board to 7 feet;
3. To increase the number of freestanding menu board signs allowed to two.
4. To allow a third main wall identification sign.

The board approved requests #1-3 and denied request #4

**REQUEST:**

To reduce the front and side yard setback for a freestanding monument identification sign to six and a half (6 ½) feet. Section 18.79.110E8c of the Pima County Zoning Code requires a minimum 10 foot front yard setback and a minimum 30 foot side yard setback.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No comment

**BACKGROUND:**

Permit records indicate building permits for the improvements to this site were issued in late 1997 and finalized in 1998. There had been no building permit activity on the site until early 2012



when the tenant applied for a remodel (P12CP01849), incidental signs (P12CP02126) and the menu board signs (P13CP01090) which were the subject of the 2013 variance request.

The applicant states a variance is required for the new sign because "Arizona Department of Transportation changed the parcel boundaries which caused the existing monument sign to fall within the new DOT right-of-way". He further states that if the new sign were placed within the required setbacks, it would fall within the drive-thru lane.

Staff has recommends **APPROVAL** of the variance request. The relocation of the sign was necessitated by the state's acquisition of additional right-of-way; the hardship was not self-created. There has been no public protest and since the sign will be located adjacent to the intersection where there is no immediate "neighbors" it appears the variance will not adversely affect the rights of surrounding property owners. Staff also finds the request is the minimum to afford relief and does not allow a use which is not permitted in the zone.

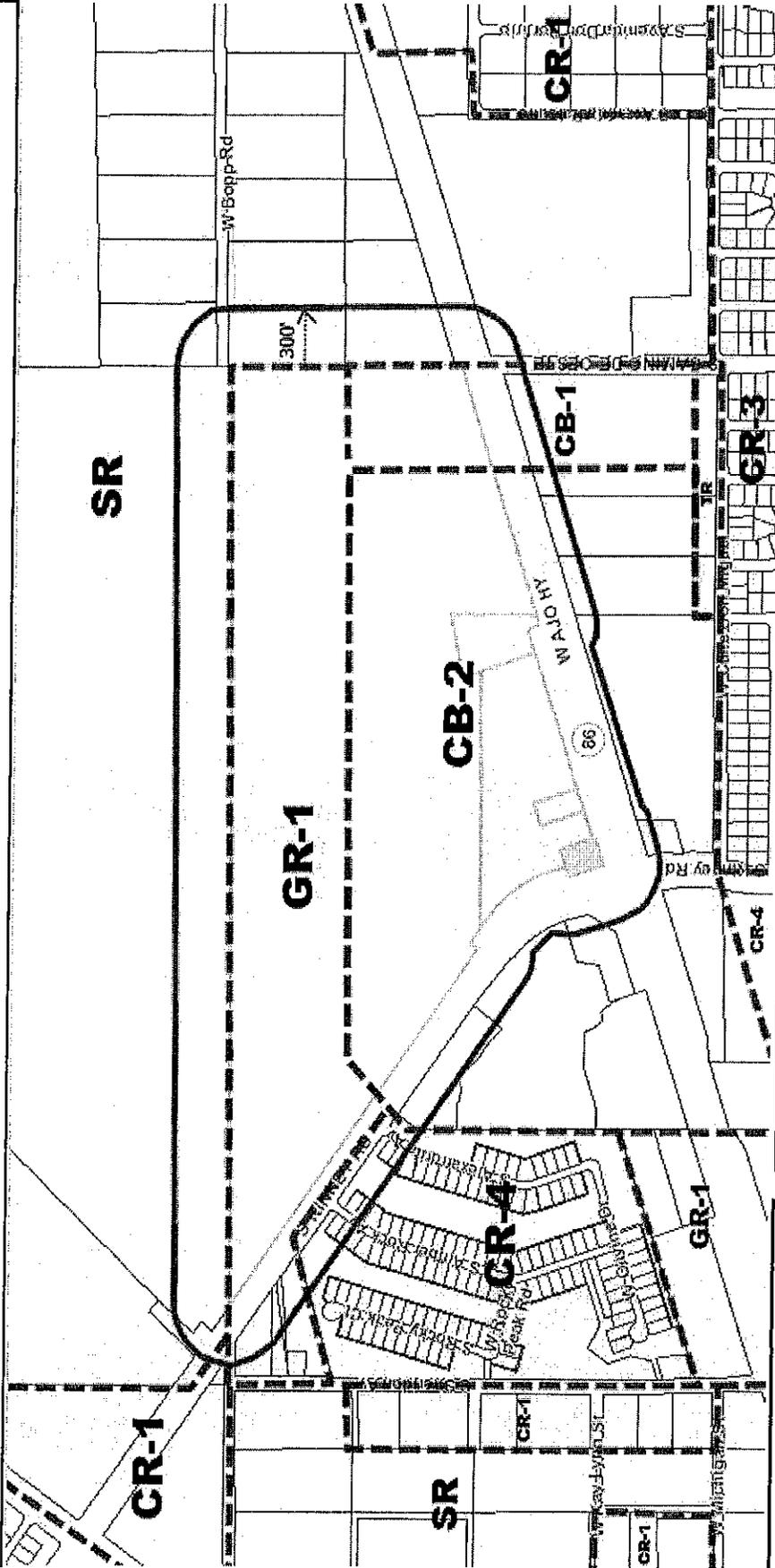
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**Standards that must be considered by a board of adjustment when considering a variance request include:**

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.

# NOTIFICATION MAP

STEWART TITLE & TRUST TR 1580 / % SEYMOUR MONTE—W. AJO HIGHWAY



**LEGEND**

	Petition Area
	Notification Area

**NOTES**

<b>File no.:</b>	Co10(5)14-02	<b>Tax Code(s):</b>	212-50-001G
<b>Application:</b>	Variance	<b>Base Map:</b>	17,38
		<b>Drafter:</b>	A.H.



12/16/2014

174 ft

S KINNEY RD



27 in West of Curb  
6.5 ft from Property Line

21 in North of Curb

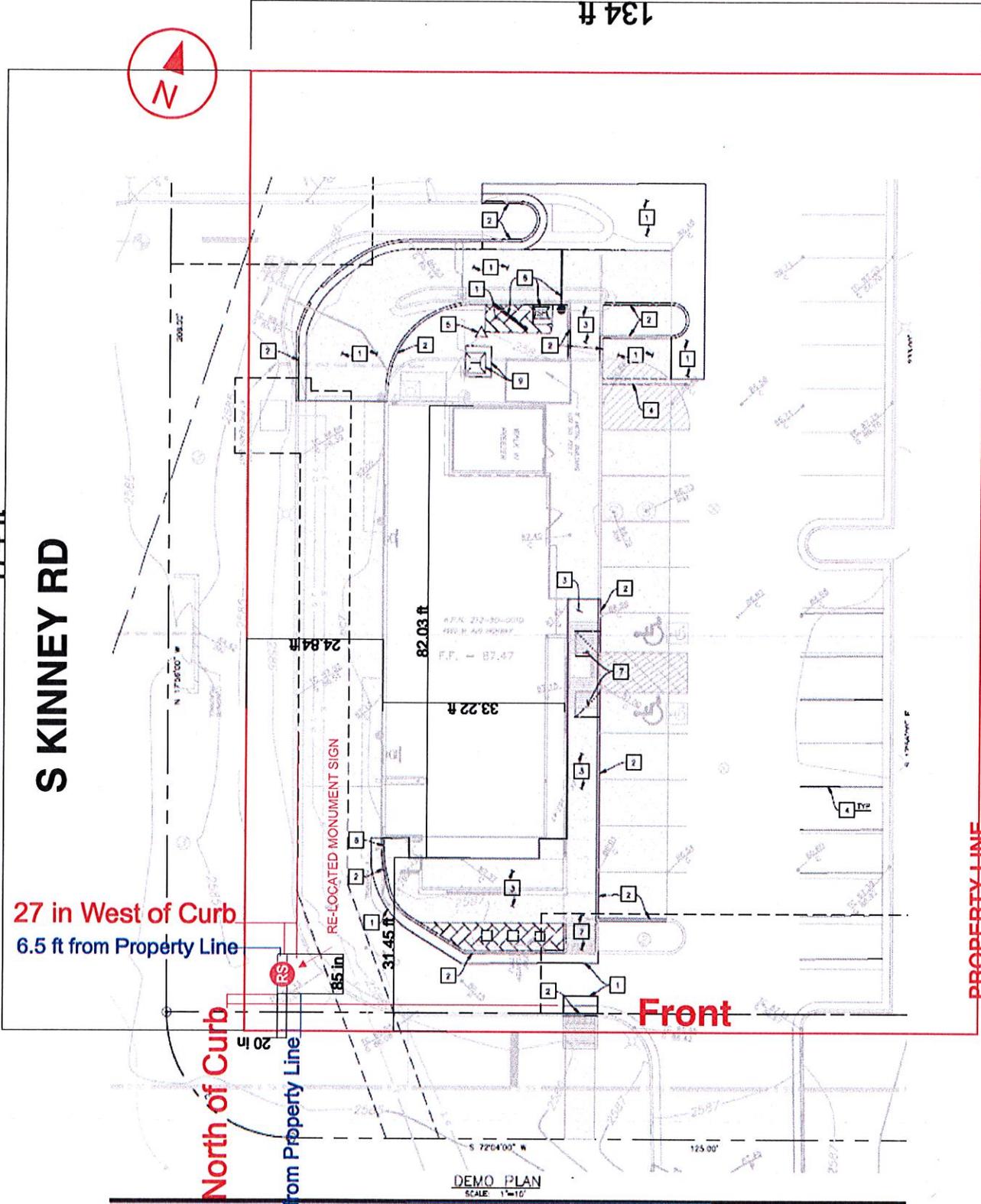
6.5 ft from Property Line

86 (W AJO HWY)

Front

PROPERTY LINE

134 ft



DEMO PLAN  
SCALE: 1"=10'

**1" FOR SCALING**  
**DESIGN DRAWING 1 of 1**  
Request Number: 1  
File No:  
File Location: DESKTOP  
Designer: WES

This sign will be constructed to meet safety standards specified by Underwriters Laboratories Inc. and will be labeled with the UL Listed logo.  
This sign is intended to be installed in accordance with the requirements of Article 800 of the National Electrical Code and all applicable codes. This includes proper grounding and bonding of the sign.  
All information contained in this and subsequent documents are the sole property of Signarama, Chandler. Any use or re-distribution of said information contained within this documentation may be done only with the express written consent of Signarama, Chandler or any of its authorized agents.  
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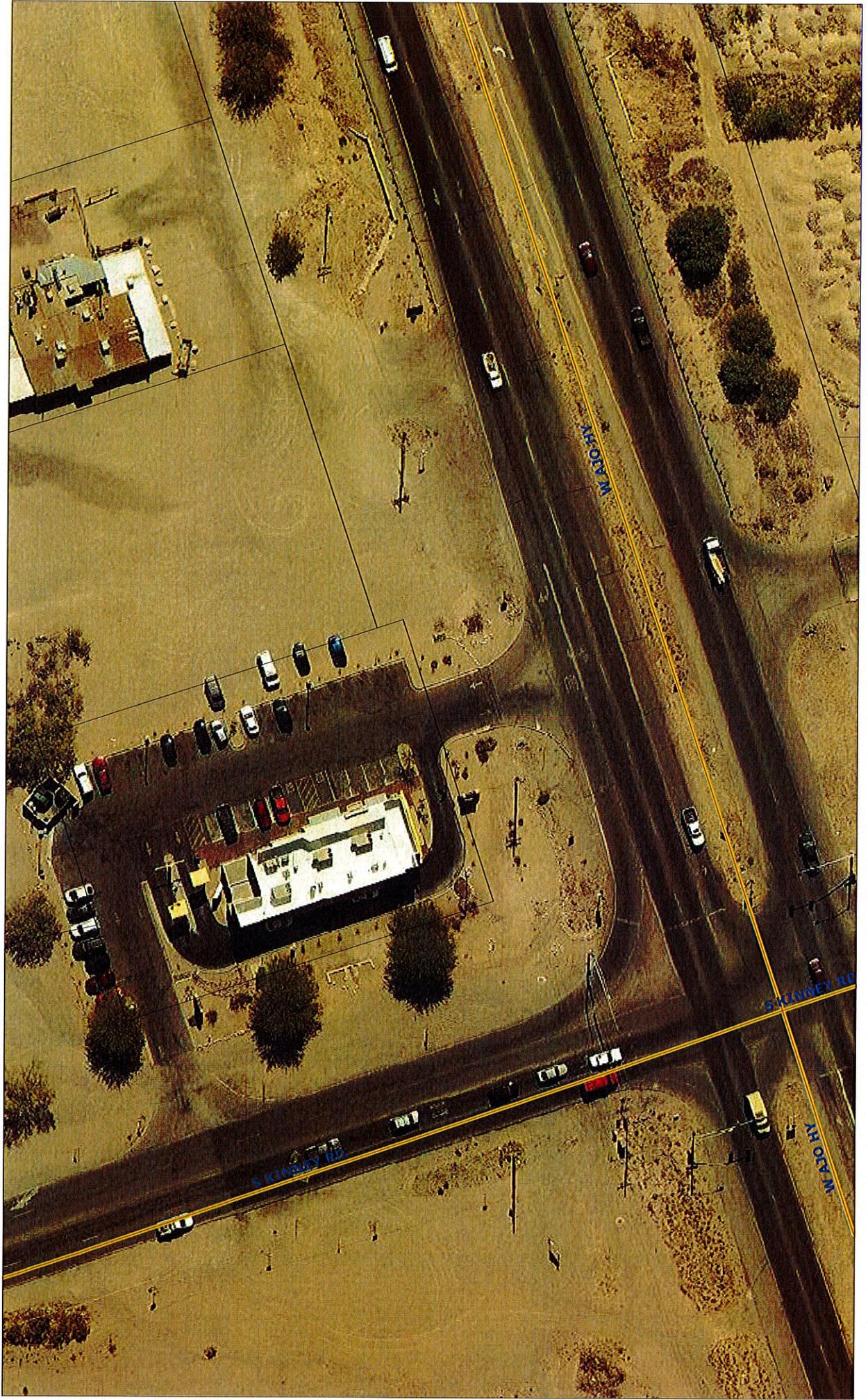
Project Name: MCDONALDS - 4960 AJO HWY  
Address: 4960 W AJO HIGHWAY  
City/State: PIMA COUNTY, AZ  
Zip Code: ZIP

Date: 12.8.14  
Scale: 1" : 27'  
Drawer: 12.8.14  
Sales: BE



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Co10)5)14-02





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RECEIVED  
DEC 12 2014

Board of Adjustment District Board Members,

I request a variance to reduce the sign set back length on the West side of property from 30 feet to 6.5 feet and to reduce the setback length on the South side of the property from 10 feet to 6.5 feet.

The AZ-DOT changed the parcel boundaries which caused the existing monument sign to fall within the new DOT right-of-way. Per the new parcel boundaries, McDonald's would be required to install their monument signage in the middle of the drive-thru lane.

As a result, we ask the Board of Adjustment District Board Members for a variance on the West and South sides of the property to 6.5 feet so that our customer may install their monument signage at the corner of their property.

Thank you for your time and consideration on this variance,



Wesley Bails  
Signarama Chandler  
3400 N Arizona Ave #117  
Chandler, AZ 85225





Pima County Development Services – Planning Division

RECEIVED  
DEC 12 2014  
PM

Variance Application

Revised 11/2007

(Please print or type) NO PENCIL

Property Owner: McDonald's USA, LLC. Phone: 602-293-5300

Owner's Mailing Address: 17550 N PERIMETER DRIVE #400 City: Scottsdale  
Zip: 85255

Authorized Representative: Sigmarra Chandler/Wesley Bails Phone: 480-821-1100

Rep's Mailing Address: 3400 N ARIZONA AVE #117 City: Chandler Zip: 85225

Property Address: 4960 W Apo Hwy City: Tucson Zip: 85757

Tax Code Number(s): 212-50-0016 Zone: CB2

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

NO

Owner or Applicant's Email Address: wesb@sarchandler.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: 12/8/14

meeting  
1-8-15

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Stewart Title + Trust 1500 W Apo Way Co10(5)14-02  
OWNER'S NAME - STREET NAME (EX. JONES - E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.79.110500 of the Pima County Zoning Code which requires a minimum 10' front yard setback and a minimum 30' side yard setback

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_.



McDonald's USA, L.L.C.  
Rocky Mountain Region  
17550N. Perimeter Drive  
Suite #400  
Scottsdale, AZ. 85255  
Phone # (602) 293-5300  
Facsimile (602) 293-5302

02 October 2014

Project:  
McDonald's Monument Sign Relocation  
4960 W Ajo Hwy  
Tucson, AZ, 85757

To whom it may concern:

I am an authorized agent for the above referenced address.

In my capacity as construction manager, I do hereby authorize Persona Inc. to perform all sign work associated with the above referenced location. I approve of the sign drawings submitted. I further authorize Persona Inc. and/or its representative to obtain a permit.

Authorized by: Dave Boetger, Construction Manager

Authorized signature:

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a vertical line extending downwards.