



DATE: July 19, 2016  
TO: BOARD OF ADJUSTMENT District 1  
FROM: Terrill L. Tillman, Assistant Executive Secretary  
SUBJECT: **P16VA00022 HEIGHTS PROPERTIES, LLP – NORTH ORACLE ROAD**  
Scheduled for public hearing on August 1, 2016

**LOCATION:**

The subject property is located on the northeast corner of North Oracle Road and West Ina Road. The property is zoned CB-1 (Local Business).

**SURROUNDING ZONING / LAND USES:**

North	CB-1	Tucson Federal Credit Union
South	CB-1	Safeway Shopping Center
East	TR/CR-1	Pet Clinic/Developed Residential
West	CB-1	Mattress Store/Strip Office/Retail

**PUBLIC COMMENT:**

To date, no public comments have been received.

**PREVIOUS CASES ON PROPERTY:**

The Board of Adjustment approved variance request Co10(1)15-07 to increase the incidental sign area from a maximum of 40 square feet to 53 square feet on July 6, 2015.

**REQUEST:**

The applicant requests a variance to increase the height of a freestanding identification sign to 18 feet. Section 18.79.110E8 of the Pima county Zoning Code limits the height to 14 feet.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

Flood Control will review this proposed sign at the time of permitting.

**BACKGROUND:**

The subject property is approximately .68 acres and was originally developed under an approved development plan Co12-91-12 for Brake Masters. The site was built in conformance with the development plan with approved building permits in 1992. An expansion for a cell tower and a paved parking area was approved by permit activity P16SC00001 and is currently under construction.

Brake Masters applied for permits (72469 & 75728) and were given approval to install two main wall identification signs containing the Brake Masters logo on the south and west elevations of the building and received approval for the installation of the monument style freestanding identification sign adjacent to Ina Road. Subsequent to the installation of the approved signage



and in approximately 1996, two incidental signs "Oil Change, Valvoline" and "Lifetime Brakes \$89.00 & Up" were added to the west building elevation without permits and were the subject of both a previous zoning violation complaint (P14CV00502) for signage and variance (Co10(1)15-07) request and subsequent approval to remedy the violation. The "Valvoline" portion of the "Oil Change" sign was removed and the remaining incidental signage which is a part of the Brake Masters corporate identity and service mark was permitted.

The Oracle Road and Ina Road intersection has had recent road improvements that contain newly signalized turn arounds on Ina Road to accommodate indirect left turns with dual right-turn lanes. The new right-turn lanes at the northeast corner of Ina Road and Oracle Road, took a portion of a developed lot that contained a gasoline station that was demolished for the installation of the right-turn lanes. The small pie shaped remnant lot adjacent to the existing Brake Masters was purchased for the expansion to Brake Masters. The existing access that will serve this project from Oracle Road is located within the development to the north and will connect to the Brake Master's expansion and original development. This expansion will afford Brake Masters safe passage onto the site because of the speed by which cars are operating along Ina Road to go through the intersection that allows only indirect left turns.

This variance request is to increase the height of a proposed freestanding identification sign from 14 feet to 18 feet. The Pima County Zoning Code allows a business that has a street frontage greater than 300 feet up to 549 feet to have a freestanding identification sign with a maximum square footage of 64 feet and a maximum height of 14 feet with a required 18 foot front yard setback. The length of this property boundary is 317 feet containing a radius abutting two streets which gives the benefit of an elongated frontage rather than a typical rectangular parcel located on a corner lot in which the property would be allowed a sign with a maximum square footage of 50 square feet, a maximum height of 10 feet with a minimum front yard setback of 10 feet. The request for the increased height seems excessive given the existing signs that are located within the proximity of this request.

Oracle Road is a Major Street and Scenic Route, and as such a freestanding identification sign is required to meet architectural and color guidelines. The code requires that the sign be a Monument type freestanding identification sign in which the architectural structure supporting the background panel of the sign is at least fifty percent as wide as the background panel and be earth tone in color. Staff has concerns that any monument style sign would block the existing sign for the credit union.

**RECOMMENDATION:**

Staff has **NO OBJECTION** to the variance request to increase the height of the proposed freestanding identification sign to 18 feet. The applicant should be prepared to demonstrate the necessity for the increased height. If the Board of Adjustment should approve this request, the following standards may be applicable to the site: The hardship arises from a physical condition that is somewhat unusual from the signalized traffic change along both Oracle Road and Ina Road and is not solely based upon the need of the owner.

\*\*\*\*\*



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

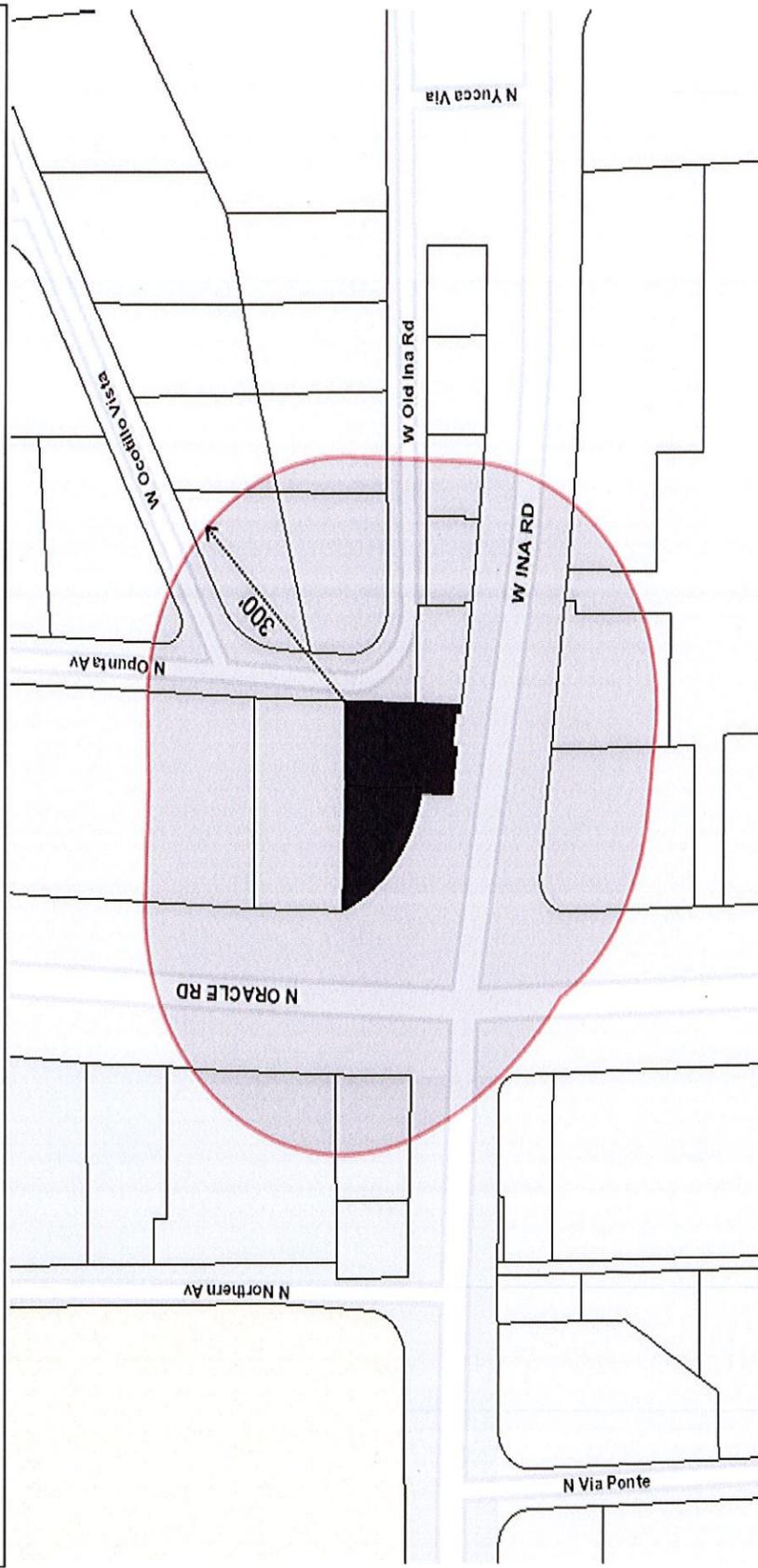
1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition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



P16VA00022 Heights Properties, LLP - North Oracle Road

# NOTIFICATION MAP

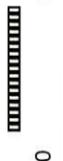
HEIGHTS PROPERTIES LLP—N. ORACLE ROAD



**LEGEND**

- Petition Area
- Notification Area

**NOTES**

<b>File no.:</b>	P16VA00022	<b>Tax Code(s):</b>	225-51-235A, -234B
<b>Application:</b>	VARIANCE	<b>Base Map:</b>	77
		<b>Drafter:</b>	A.H.



7/12/2016

LEGAL DESCRIPTION

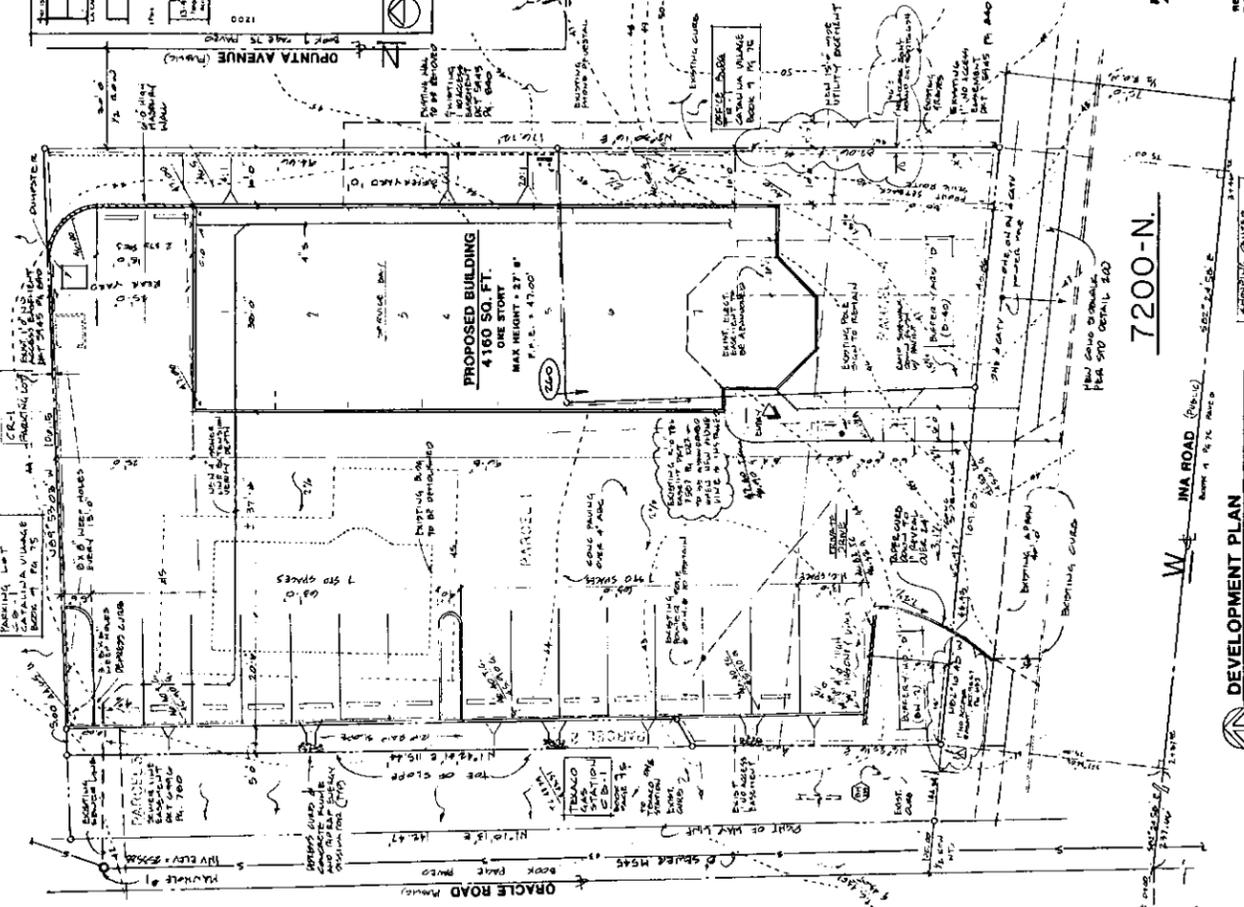
LEGAL DESCRIPTION: A certain portion of the Section 36, T12S, R13E, Coconino County, Arizona, containing approximately 1.15 acres, more or less, as shown on the attached plat...

GENERAL NOTES

- 1. THE PROJECTOR HAS REVIEWED THE RECORD PLANS AND RECORDS OF THE PROJECT AND HAS FOUND THEM TO BE CORRECT AND COMPLETE...
2. THE PROJECTOR HAS REVIEWED THE RECORD PLANS AND RECORDS OF THE PROJECT AND HAS FOUND THEM TO BE CORRECT AND COMPLETE...

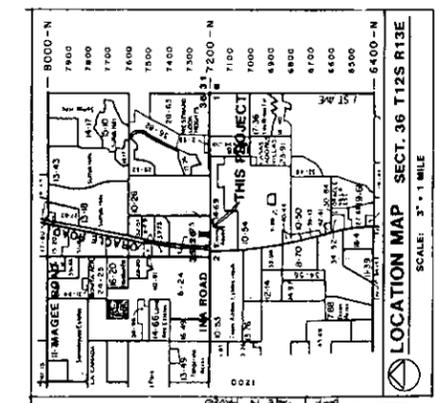
RESTRICTIVE NOTES

- 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE RECORD PLANS AND RECORDS OF THE PROJECT...
2. THE PROJECTOR HAS REVIEWED THE RECORD PLANS AND RECORDS OF THE PROJECT AND HAS FOUND THEM TO BE CORRECT AND COMPLETE...



DEVELOPMENT PLAN

SCALE: 1" = 100'



LOCATION MAP, SECT. 36 T12S R13E, SCALE: 3" = 1 MILE

OWNER: BRACE MASTERS
DEVELOPER: EQUICORP & ASSOCIATES
ARCHITECT: EQUICORP & ASSOCIATES
CIVIL ENGINEER: S&W ASSOCIATES

MAP 77
ZONE CB-1
CO 12-91-12

A DEVELOPMENT PLAN FOR
BRACE MASTERS
260 WEST INA ROAD

BRACE MASTERS
260 WEST INA ROAD
PHOENIX, ARIZONA 85001

REFERENCE:
CO 12-91-12
CO 8-80-34
CO 13-82-2

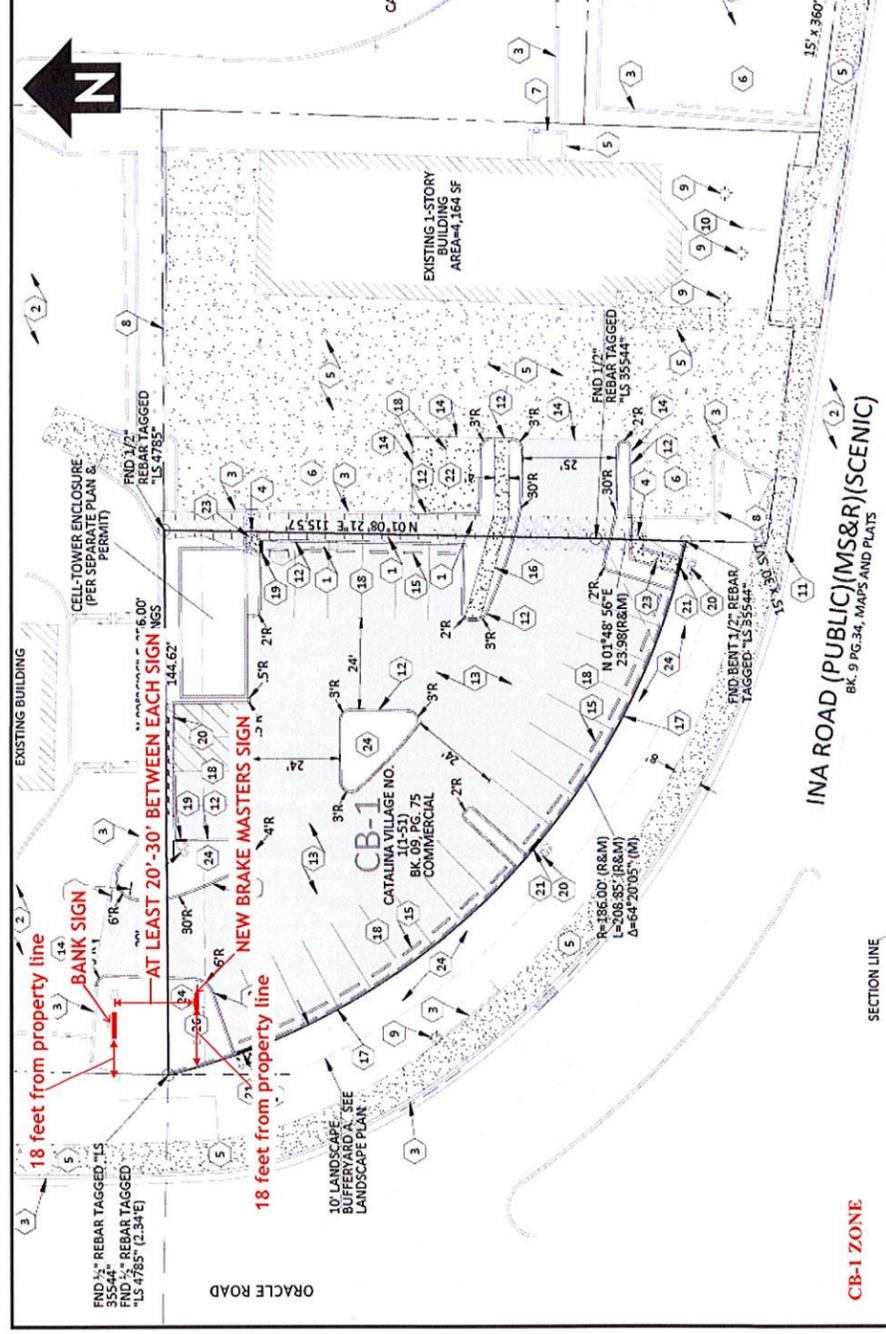
REVISION:
7-5-91
3-1-91

CO 8-89-69
D.P. 11 PG. 42 SHT. 1 of 1

Project information and logos including EQUICORP & ASSOCIATES ARCHITECTS, BRACE MASTERS, and SD-1.

**SITE PLAN**

SCALE 1" = 30'

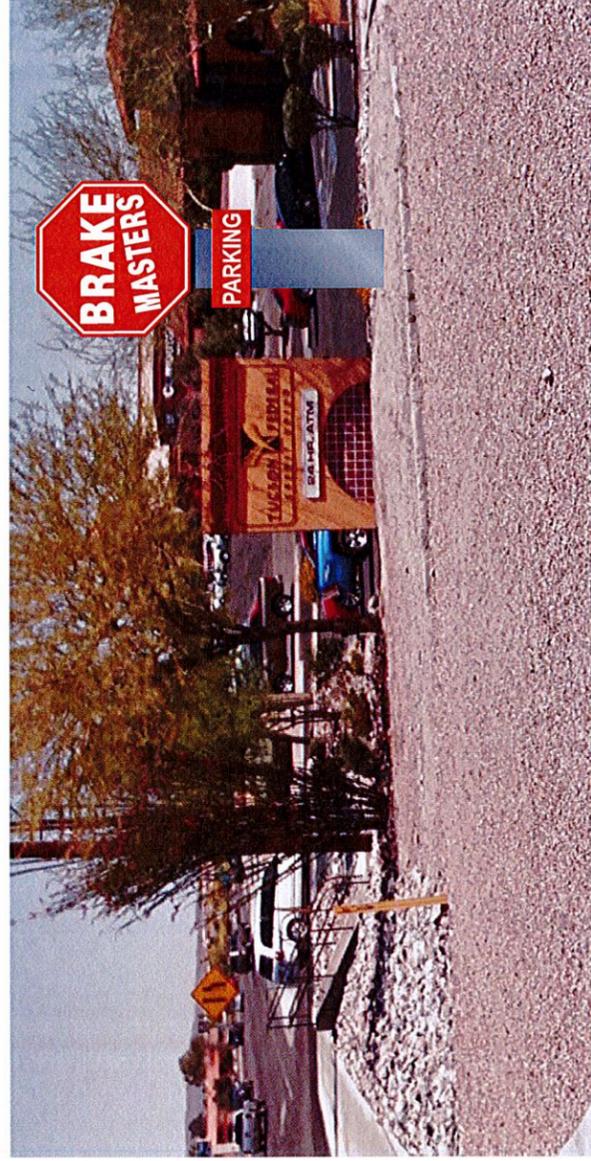


**addsigns**  
3808 E. 38TH STREET  
TUCSON, ARIZONA 85713  
**520.748.1540**  
**520.571.9120** Fax

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**Variance Application**

Revised 12/2013

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

Property Owner: Heights Properties LLP Phone: \_\_\_\_\_  
Owner's Mailing Address: 6179 E. Broadway Blvd City: Tucson Zip: 85711  
Authorized Representative: Addisigns Phone: 748-1540  
Rep's Mailing Address: 3203 E. 23rd St City: Tucson Zip: 85713  
Property Address: 7210 N. Oracle Rd City: Tucson Zip: 85704

Tax Code Number(s): 225-51-235A Zone: CB-1

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

Owner or Applicant's Email Address: aj@addisigns.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: A.J. Yun Date: 7-5-16

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

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

Case Title: Heights Properties LLP - Oracle Road P. 16VA00022  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.79.110 of the Pima County Zoning Code which requires allows a maximum height of 14 feet.

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 7, 7, 16.

Brake Masters/Heights Properties variance request.

Heights Properties, LLP represented by Addisigns, on property located at 7210 N. Oracle Road, in the CB-1 Zone, requests a variance:

1. **To increase the height of a freestanding identification sign from 14 feet to 18 feet..** 18.79.110E.8.c allows a maximum height of 14 feet.

The variance request for the increase of the height will help with better identification to the Brake Masters building and the new parking area. The additional height of the sign is necessary because of a 6 foot screen wall that will be blocking visibility of the sign and parking area for the Brake Masters.



PIMA COUNTY  
 DEVELOPMENT SERVICES DEPARTMENT  
 201 N. Stone Avenue, 2nd Floor  
 Tucson, AZ 85702-1207

CARMINE DEBONIS, JR.  
 Director

Phone: (520) 740-6800  
 FAX: (520) 623-5411

**LETTER OF AUTHORIZATION**

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and the party whose name is listed below is authorized to apply for a Rezoning/ Variance/ Minor Land Division – Lot Split/ Modification of Setback Requirement (circle one).

7210 N. Oracle Rd.  
 Property Address (Where permit is being applied for)

A. J. Lu  
 Signature of Applicant

7-1-16  
 Date

**AUTHORIZED BY:**

[Signature]  
 Signature of Property Owner

7-1-16  
 Date