



DATE: September 6, 2016  
TO: BOARD OF ADJUSTMENT District #2  
FROM: Miguel A. Velez, Assistant Executive Secretary   
SUBJECT: **P16VA00024 MIRANDA – EAST BEHAN STREET**  
Scheduled for public hearing on September 14, 2016

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**LOCATION:**

The subject parcel is located on 3202 East Behan Street, approximately 700 feet east from South Country Club Road and 1,400 feet south of East Drexel Road.

**SURROUNDING ZONING / LAND USES:**

North	MU	Developed
West	MU	Developed
South	MU	Developed
East	MU	Developed

**PUBLIC COMMENT:**

None

**PREVIOUS CASES ON PROPERTY:**

None

**REQUEST:**

The applicant requests the following **variances**:

- 1. To reduce the front yard setback to 3 feet for an existing porch.** Pima County Zoning Code Section 18.37.030D1 requires a minimum 20 feet front yard setback;
- 2. To reduce the side yard setback to 3 feet for two existing porchs.** Pima County Zoning Code Section 18.37.030D2 requires a minimum 7 feet side yard setback;
- 3. To reduce the side yard setback to 3 feet for an existing detached accessory structure.** Pima County Zoning Code Section 18.37.050C2 requires a minimum 4 feet minimum side yard setback for detached accessory structures;
- 4. To reduce the rear yard setback to 3 feet for an existing detached accessory structure.** Pima County Zoning Code Section 18.37.050C3 requires a minimum 4 feet minimum rear yard setback for detached accessory structures.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No comment



**BACKGROUND:**

The subject property is in the Los Ranchitos subdivision recorded in 1941. The subdivision and surrounding area are zoned MU (Multiple Use) and is comprised of mobile homes, where the lots vary from 6,000 square feet up to 2 acres in size. All of the arterial and collector streets are paved.

The first permit record for the property was for a mobile home set up in 1992. Since then, the dwelling units on site have been replaced four times, the most recent in 2011. A permit was issued in 2013 for a six-foot high, 360 linear foot fence. Other than sewer permits obtained in 2009 and 2011, there has been no significant permit activity on the property.

The property was subject to three separate Code Enforcements complaints since 1992. In 1999 a complaint was submitted about junk on site. No violation was observed. Another complaint was filed in 2001, alleging the dwelling unit was abandoned and hazardous. No violation was observed.

In April 2016, a complaint was filed alleging the existing mobile home was replaced with a double wide unit and a front and side carport were added without permits. Code Enforcement conducted an inspection and subsequently cited the owners for structure without permit (mobile home replacement), construction without permit (porches) and structure (mobile home) not meeting setbacks. The porch additions to the mobile home do not meet the minimum setbacks to the front and also to both sides of the property. The administrative hearing is continued until after for the variance application is considered.

It is since been observed a detached accessory structure at rear of the property does not meet the minimum side and rear yard setback requirement. The detached accessory does not require a permit as it is under the minimum requirements.

**RECOMMENDATION:**

The owner indicated he purchased the property with the mobile home on site and added the additions without permits.

Based on the aerial photos, it appears the unpermitted double wide mobile home was placed on site between 2012 and 2014. There are two porch additions to the mobile home. One addition is on the north (front yard) side of the lot and the second is on west (side yard) of the lot. The additions were constructed sometime between 2014 and 2016. The detached accessory structure not meeting setbacks was built sometime between 2012 and 2014. Site and aerial photos indicate the additions pose minimal practical hardships on the surrounding neighbors and do not impose privacy concerns.

Staff has **NO OBJECTION** to the variance request. No negative public comment regarding the request has been received; it appears the variance will not cause injury, or adversely affect the rights of surrounding property owners or allow a use which is not permitted by the Code. If the board grants the variance, Staff requests it do so with the following conditions:

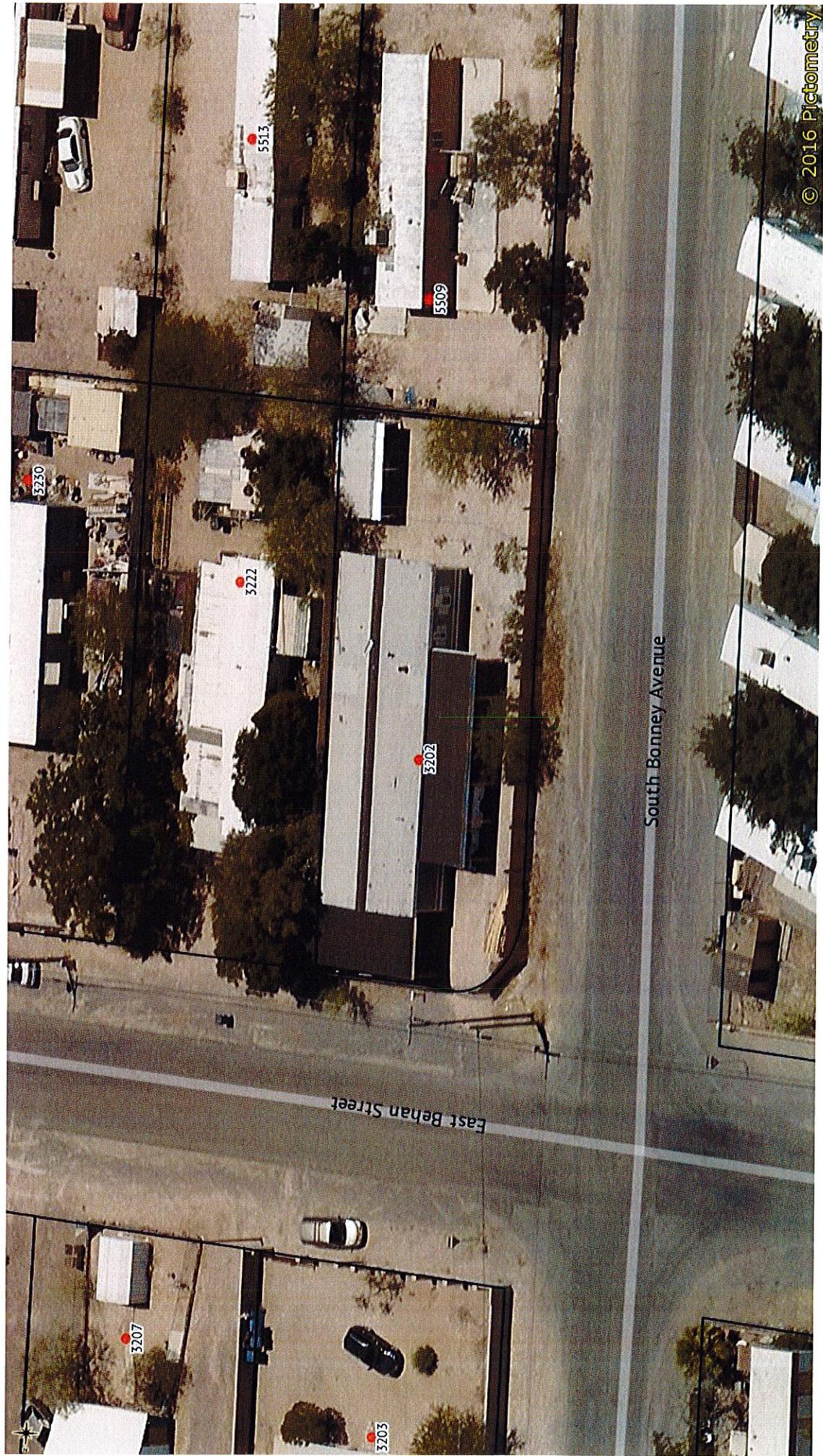


1. *A finalized mobile home replacement permit shall be obtained.*
2. *Approval of the front yard setback is for the open porch and at no time shall it be enclosed. Approval will not transfer to any other addition that would encroach into the front yard setback.*
3. *Approval of the side yard setback is for the open carport and at no time shall it be enclosed. Approval will not transfer to any other addition that would encroach into the side yard setback.*

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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.



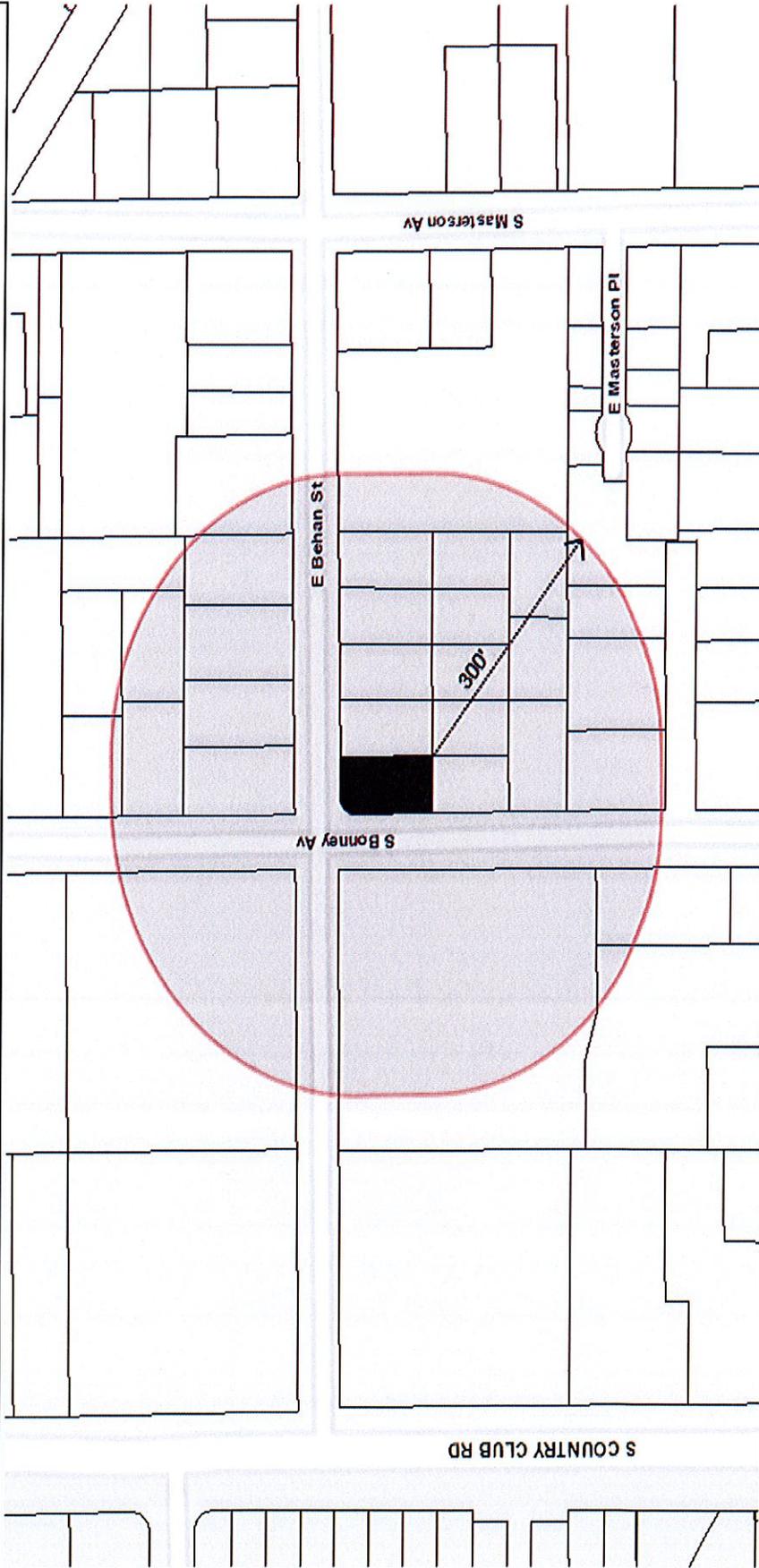
05/16/2016



05/16/2016

# NOTIFICATION MAP

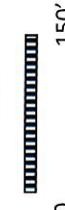
MIRANDA—E. BEHAN STREET



**LEGEND**

- Petition Area
- Notification Area

**NOTES**

<b>File no.:</b>	P16VA00024	<b>Tax Code(s):</b>	140-09-096C
<b>Application:</b>	VARIANCE	<b>Base Map:</b>	33
	0	<b>Drafter:</b>	A.H.
			



8/3/2016

OWNER NAME, MIRANDA PEDRO

ADDRESS: 3202 E BEHAN ST

EXIST. DWG: 2016 SQ FT

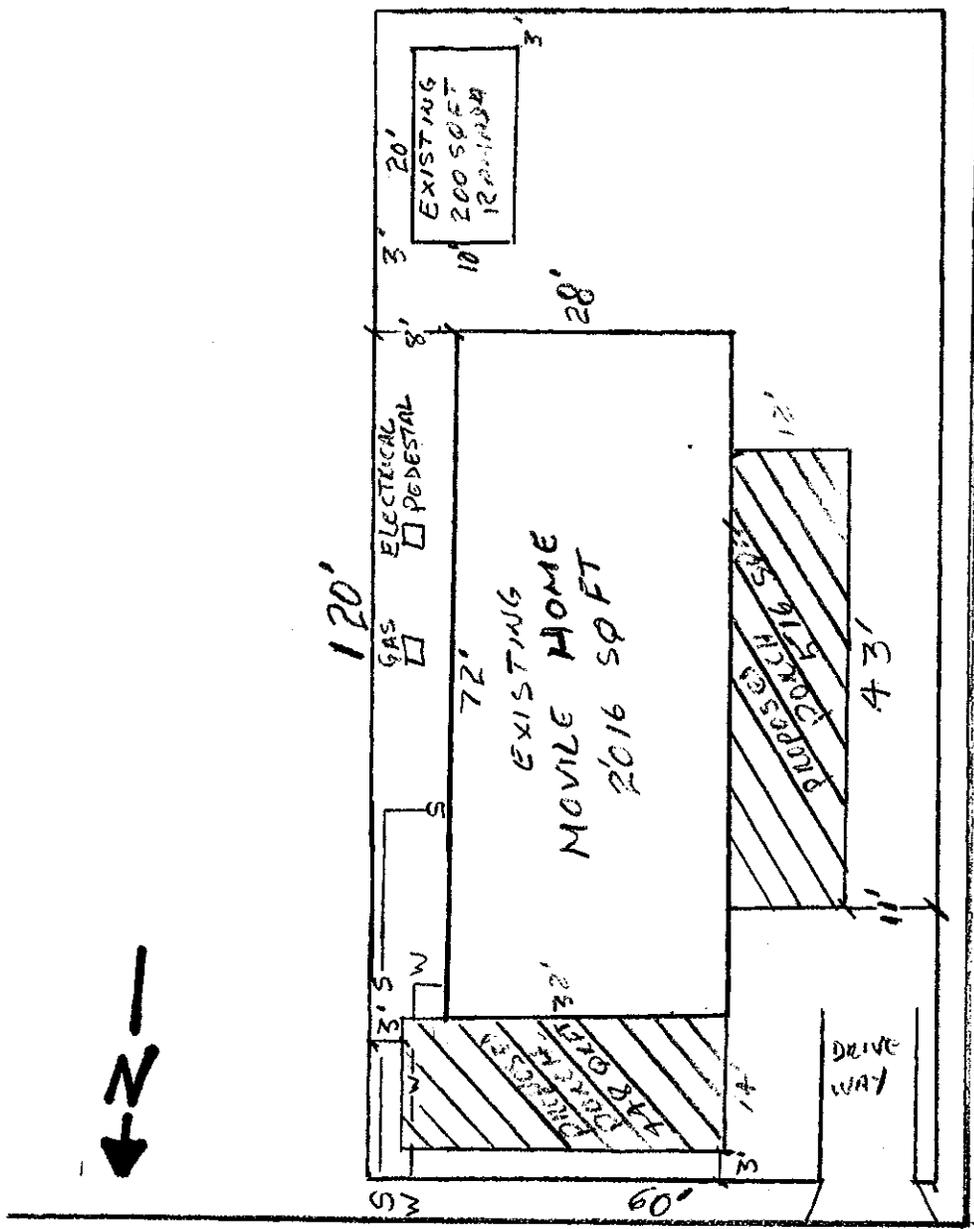
ADDITIONS: 964 SQ FT

DRIVEWAY: 200 SQ FT

LOT COVERAGE: 3180 SQ FT

LOT AREA: 7,200 SQ FT

TOTAL COVERAGE: 44%



3202 E BEHAN ST



PIMA COUNTY  
DEVELOPMENT SERVICES

**Variance Application**

Revised 12/2013

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

Property Owner: PEDRO U MIRANDA Phone: (520) 990-8077

Owner's Mailing Address: 3202 E BEHAN ST City: TUCSON Zip: 85706

Authorized Representative: MARTIN MENDOZA Phone: (520) 975-1194

Rep's Mailing Address: 1303 W SONORA ST City: TUCSON AZ Zip: 85745

Property Address: 3202 E. Behan St City: Tucson Zip: 85706

Tax Code Number(s): 140-09-096C Zone: MU

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

Owner or Applicant's Email Address: MMNAVARRO@HOTMAIL.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: 7/15/16

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

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

Case Title: ABING/MIRANDA - EAST BEHAN STREET P16VA00024  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD) Co10(2)

requests a variance(s) to Section(s) \_\_\_\_\_ of the Pima County Zoning Code which requires 10.27.03001 requires a 20' setback  
10.27.05002 requires a 4' side + rear yard setback for detached accessory structures

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 7/20/16

July 18, 2016

Board to Adjustment District\_ Board Members,

I request a variance to reduce the front yard setback from 20 ft. to 3 ft. for a proposed addition to my home.

I requesting the variance because a few years ago I **Pedro Miranda** purchase the lot on 3202 E Behan st. with the MOBILE HOME included, I build 2ea carports without permits, the mobile home does not meet the requirement of 20ft on front of the m-home. The mobile Home was setup 17ft to the property line when I purchase it. If is possible that I can keep the 3ft of distance from property line to the carport.

Thank you for your time.

Pedro Miranda.  
3202 s E Behan st.  
Pima County, Arizona