



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: October 2, 2014

TO: BOARD OF ADJUSTMENT District 2

FROM: Miguel A. Velez, Assistant Executive Secretary 

SUBJECT: **Co10(2)14-03 John & Marsha Dyer Family Trust/Belvedere 71 LLC – South Belvedere Avenue**
Scheduled for public hearing on October 15, 2014

LOCATION:

The subject site is located on the south side of South Belvedere Avenue, west of Interstate 10, south of East Drexel Road and north of East Benson Highway. The property is zoned CI-1 (Light Industrial/Warehousing Zone).

SURROUNDING ZONING / LAND USES:

North	CI-1/Interstate 10	Vacant Commercial/Fencing and Barrier Contractor
South	CI-1/TH/CR-3/TR	Automotive Repair/Contractor's Yard
East	CI-1/Interstate 10	Compressed Natural Gas Station
West	CR-3/TR	Single Family Residential

PUBLIC COMMENT:

To date, no public comments have been received.

PREVIOUS CASES ON PROPERTY:

There have been no previous Board of Adjustment cases on this property.

REQUEST:

The applicant requests the following variances:

1. **To allow the frontage for primary access for a proposed fire station site be located on a road that is not shown on a Major Streets and Scenic Route Plan.** Pima County Zoning Code Section 18.07.030 G3.b requires all fire stations shall have a minimum one hundred feet of frontage for primary access on a road shown on the Major Streets and Scenic Routes Plan.

TRANSPORTATION AND FLOOD CONTROL REPORT:

Flood Control will review this proposal at the time of permitting. This request does not require transportation review. Transportation will review at the time of development plan.

BACKGROUND:

This site is located on South Belvedere Avenue, midway between South Drexel to the north and East Benson Highway to the south, with Interstate 10 running parallel to the east. The subject property is approximately 1.27 acres and is zoned CI-1. The property was originally recorded as a subdivision on March 31, 1948 as Desert View Addition (Book 8, Page 76), allowing for commercial, industrial and residential in their respective zones. In 2002, a portion of the subdivision was split into a 13.98 acre site of multiple parcels in development plan in P1203-102, with the listed intended business on this site named Southern Arizona Recovery Service. The lot was subsequently split from its 2.5 acre size to the current configuration is now parcel number 14033054H. The parcel is vacant with no structures on site. There is no permit history for the parcel other than the recent application and new address creation. It shares common access with the adjacent parcel created when the lot was split from the original 2.5 acre configuration.

The parcel is located in area with multiple zones and uses. The adjacent parcels to the north, east and south are CI-1 and are either vacant or in use as commercial businesses. Directly to the west is a large CR-3 subdivision. Interstate 10 runs along the east and curves northwest as a slightly more distant boundary and to the south is mixed commercial and some residential use, primarily mobile home parks. East Benson Highway is slightly further south and runs in lateral direction from northeast to southwest.

The variance requests to locate a Rural/Metro fire station on the property. Rural/Metro provides essential emergency medical services and fire protection for unincorporated communities throughout the country, including Pima County. The proposed station will relocate the services from the existing station, which is located on East Benson Highway and is less than 1000 feet away. The current fire station is located in an area similar to the zoning and use activities as the proposed new station.

Pima County Zoning Code requires fire stations have a minimum 100 feet of frontage for primary access on a road shown on the Major Streets and Scenic Routes Plan. Variance requests to allow the frontage for primary access for a proposed fire station site located on a road that is not shown on a Major Streets and Scenic Route Plan. Pima County Zoning Code Section 18.07.030 G3.b requires all fire stations shall have a minimum one hundred feet of frontage for primary access on a road shown on the Major Streets and Scenic Routes Plan.

Analysis: Staff supports the variance with conditions. The justification for variance support is the strict application of the provision would work an unnecessary hardship and the variance will not cause injury to or adversely affect the rights of surrounding property owners and residents, as evidenced by the current location of the existing station in the immediate vicinity and the lack of objections submitted by affected residents for the proposed variance.

RECOMMENDATION:

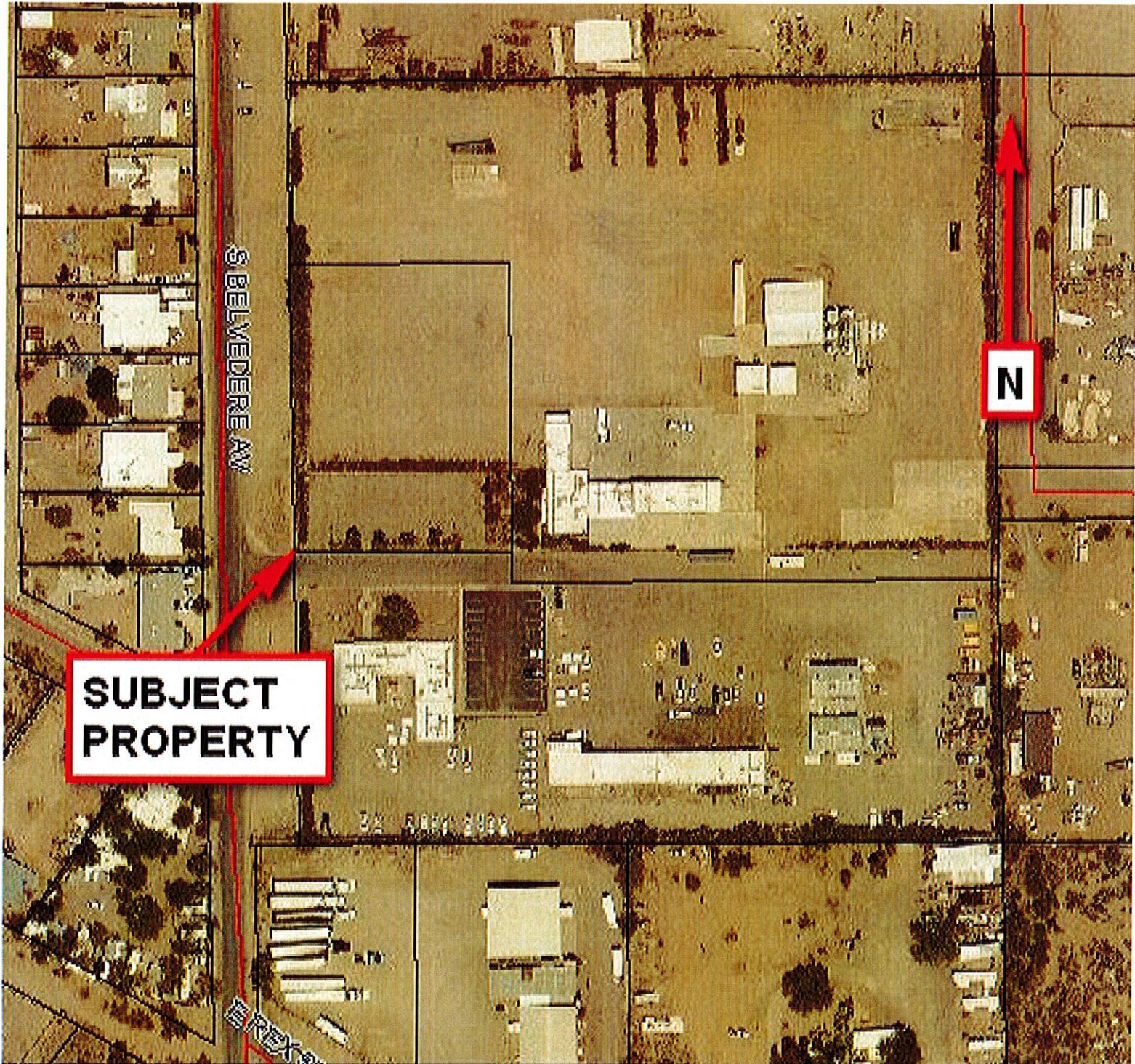
Staff recommends **APPROVAL** of the variance with the following conditions:

1. Record a shared access agreement with the adjacent property owners for the shared use of the driveway access.
2. All emergency service vehicles leaving for an emergency call will not activate their emergency lights and sirens until reaching a major street such Benson Highway or Drexel Road and will travel at the posted speed limit until reaching a major street.

3. The propose fire station will be constructed to blend in with the adjacent commercial and industrial structures in the area.

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.



**SUBJECT
PROPERTY**

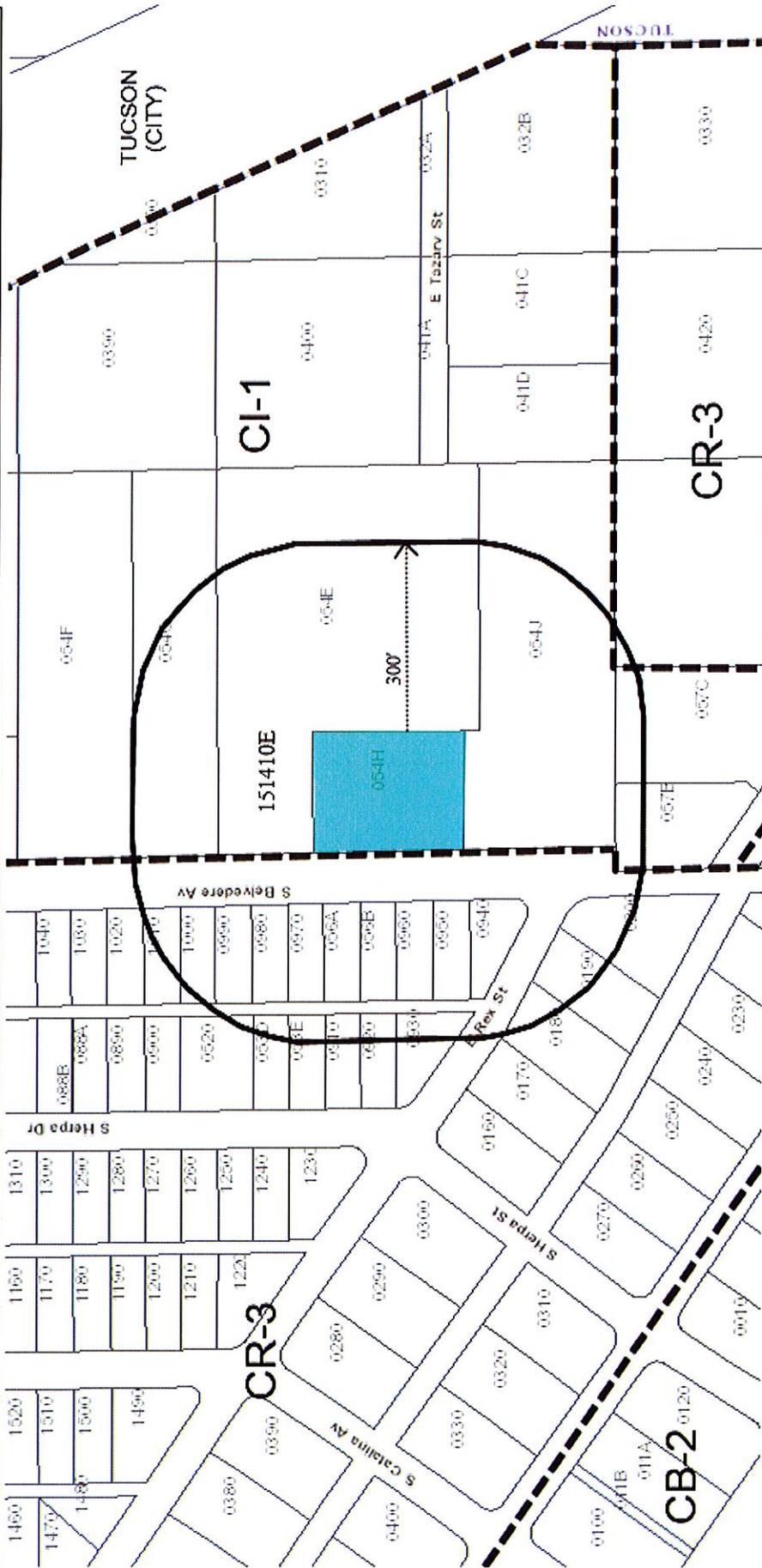
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***Co10(2)14-03 John & Marsha Dyer Family TR/Belvedere 71, LLC
South Belvedere Avenue Variance Request***

NOTIFICATION MAP

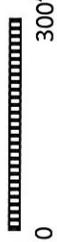
BELVEDERE 71 LLC—S. BELEVEDERE AVENUE



LEGEND

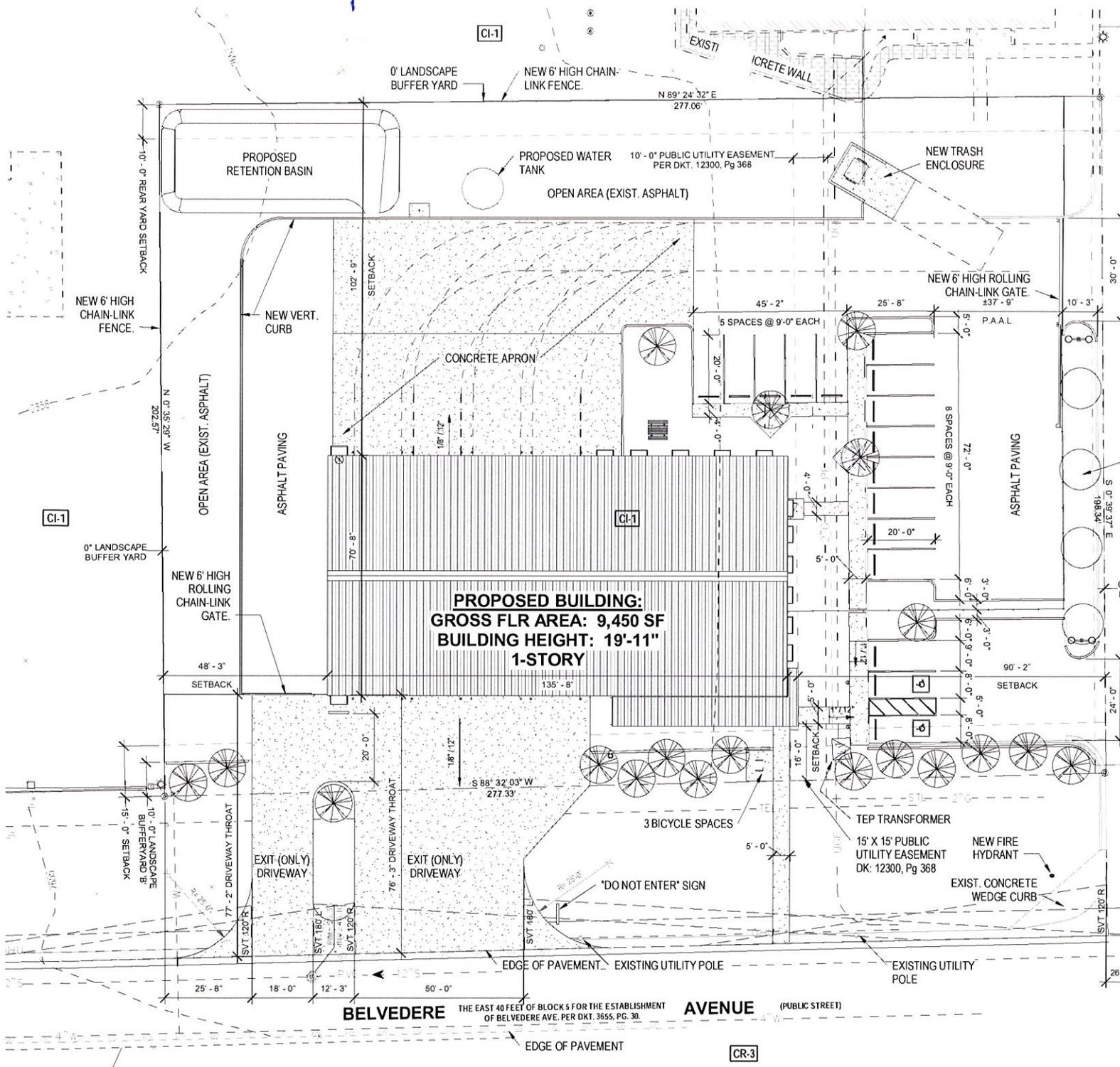
- Petition Area
- Notification Area

NOTES

File no.:	Co10(2)14-03	Tax Code(s):	140-33-054H
Application:	Variance	Base Map:	32
	 0  300'	Drafter:	A.H.



9/16/2014



1 PRELIMINARY DEVELOPMENT PLAN
1" = 20'-0"

PROPERTY DESCRIPTION

LEGAL DESCRIPTION: A PORTION OF LOTS 5 AND 6, BLOCK 5, OF DESERT VIEW ADDITION, A SUBDIVISION OF PIMA COUNTY, ARIZONA ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE PIMA COUNTY RECORDER IN BOOK 8 OF MAP & PLATS AT PAGE 76 WITHIN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 15S, RANGE 14E, G&SRM, PIMA COUNTY, ARIZONA.

BASIS OF BEARINGS: EAST LINE OF BELVEDERE AVENUE AS SHOWN ON BOOK 15 OF SURVEYS AT PAGE 93, RECORDS OF PIMA COUNTY, ARIZONA.

REFERENCE: RECORD OF SURVEY, BOOK 75, SURVEYS, PAGE 55.

SITE GENERAL NOTES:

- A. The Site is not located within a "Proposed Trail Right-Of-Way" based upon the "Pima Regional Trail System Master Plan Map or successor"
- B. There are no significant physical features such as Restricted Peaks or Ridges within the Site location.
- C. There are no areas where the natural grade of the Site will be changed by more than five feet.
- D. There are no Wells or Well Sites within 100 feet of the Site.
- E. The Site is not located within any areas identified in the Sonoran Desert Conservation Plan Map or in the Maeveen Marie Behan Conservation Lands System Categories. Therefore, per the Pima County Planning Division, no Biological Impact Report shall be required for this Site.

VARIANCE REQUEST ITEM:

Variance Item: In accordance with Pima County Zoning Code, Section Paragraph G.3b, whereby: "All fire station sites shall have a minimum feet of frontage for primary access on a road shown on the Major Street Routes Plan."

Variance Request: Request a Variance to allow the frontage for proposed fire station site to be on a road that is not shown on the Major Scenic Routes Plan.

0010(2)14-03