



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: January 28, 2014

TO: BOARD OF ADJUSTMENT District #1

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(1)13-14 J FOOTHILLS LLC – NORTH LA CHOLLA BL.**
Scheduled for public hearing on January 6, 2013.

LOCATION:

The subject site is located in the Foothill's Mall which is location northwest of the intersection of Ina Rd. and La Cholla Bl. The Foothill's Mall property is zoned a combination of CB-1 (Local Business) and CB-2 (General Business).

SURROUNDING ZONING / LAND USES:

North -	TR	Business
North -	CB-1	Business
West -	CR-5	Residential
West -	TR	Residential
South -	CB-1	Business
East -	CB-1	Business
East -	TR	Business

PUBLIC COMMENT:

To date no public comment has been received on this case.

PREVIOUS CASES ON PROPERTY:

This property is part of the Foothill's Mall. There have been numerous variance requests for this complex over the years. One case was heard last month for the Famous Footwear to increase the interior tenant signage. In the case last month it was for Famous Footwear to replace the existing signs with new signs. In addition, there have been many other requests that have dealt with relief from the sign code requirements. It should also be stated that the Board has approved a numerous number of these requests. Some of the requests that have been approved by the Board of Adjustments for signs involve the movie marquee and other freestanding signs, signs for businesses on the building walls of the mall and on satellite pads and the food court sign at the entrance to the mall. Not all the requests for variances at the mall have been approved. One recent request was to increase the allowable main wall identification signage allowed for the Wal-mart located at the northern end the site. This request was heard by the Board in 2012 and the request was denied.

REQUEST:

The applicant requests the following variance:

1. **To increase the maximum area allowed for interior tenant signage from 16 square feet per sign to 55 square feet.**

TRANSPORTATION AND FLOOD CONTROL REPORT:

The Department of Transportation and the Flood Control District will not review this project. These requests involve signs that are located on a building wall. Neither department's requirements will be affected by the request.

BACKGROUND:

The subject site is the Foothills Mall located in northwest Tucson. The mall and surrounding area can be classified as commercial in nature. The mall is bound by two major roadways to the south and east side. Ina Rd. runs to the south of the mall and La Cholla Bl. is to the east. The location of the variance request is on the east side of the mall midway between the two major access points to the inside of the mall.

The applicant provided a justification letter which states that it will not cause injury or affect the rights of neighboring property owners.

RECOMMENDATION:

Staff has **NO OBJECTION** to the variance requests. It appears that some of the standards listed below are being met.

The sign is to be located on the tenant space wall of the business that will occupy that space. In addition, in the applicant's photo simulation it appears that there is an access point to the store but in discussion with the applicant, it appears that this access is not usable. All patrons to the store must first go through the mall access and then into the tenant's store. If the exterior access point to the store were restored the signage that is proposed would be permitted and would be well within the limits of the code.

To date no public comment has been received. Since no public comment has been received it appears that neighboring property owners will not be adversely affected by the request. The proposed sign is located on the east side of the mall. Businesses located on the east side of the mall do not abut neighboring residential properties.

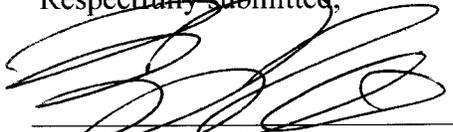
Should the Board of Adjustments be inclined to approve the variance, staff would request they instruct the applicant to address the standards listed below as to why the variance should be approved. In the applicant's submittal there was no information that addresses the standards listed below. It is these standards that the Board uses to determine whether or not a variance should be approved.

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.

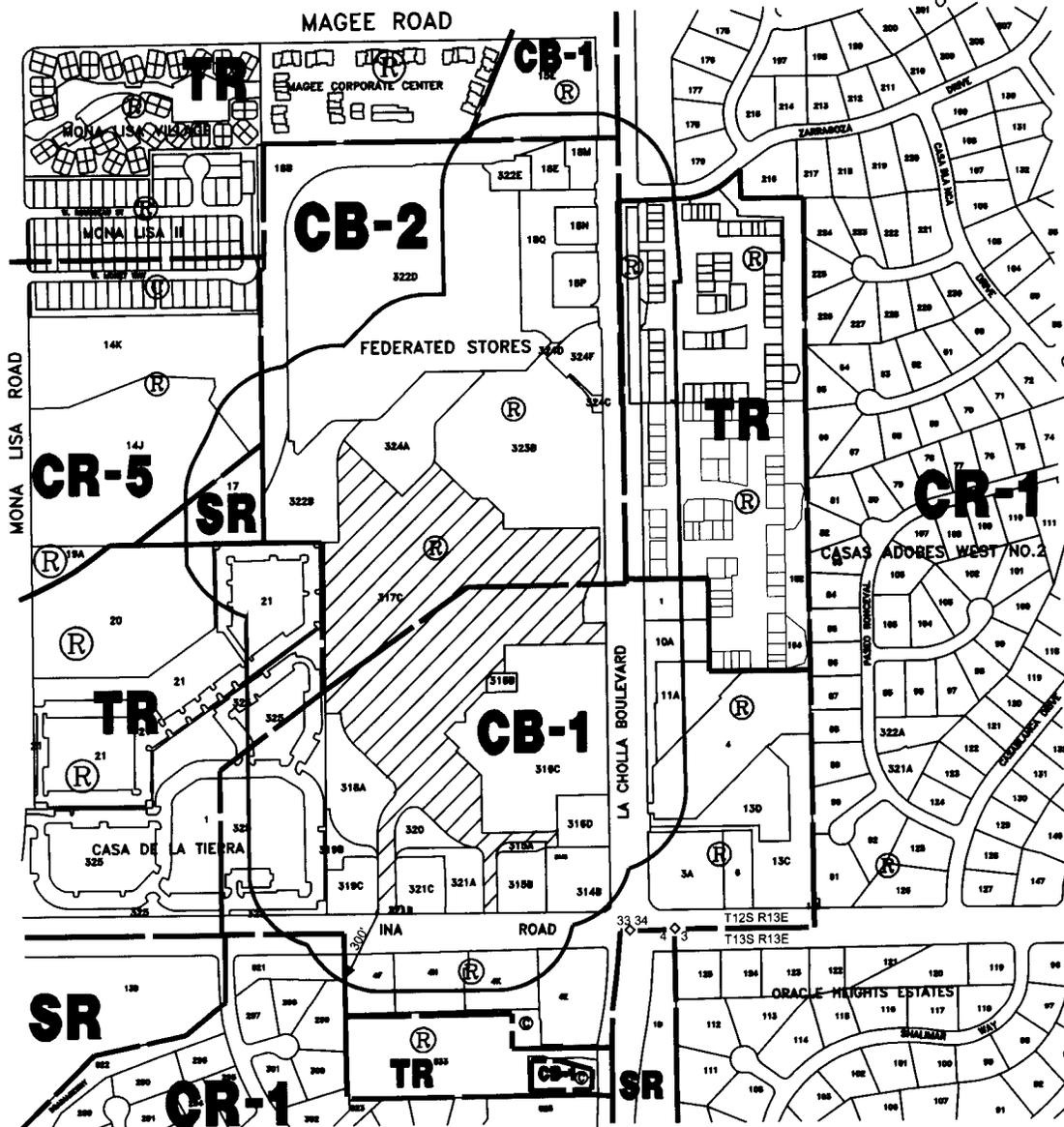
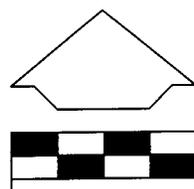
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Drzazgowski', written over a horizontal line.

Tom Drzazgowski
Deputy Chief Zoning Inspector

Co10(1)13-14 J FOOTHILLS LLC – NORTH LA CHOLLA BL. Pearson’s Signs., for the property owner, J Foothills LLC, on the property located at 7401 N. La Cholla Bl., in the CB-1 zone, requests a variance to increase the maximum area allowed for interior tenant signage from 16 square feet per sign to 55 square feet.

Section 18.79.110E13 of the Pima County Zoning Code allows 16 square feet per interior tenant sign.



Petition area 

Notification area 

BASE MAP 76.115

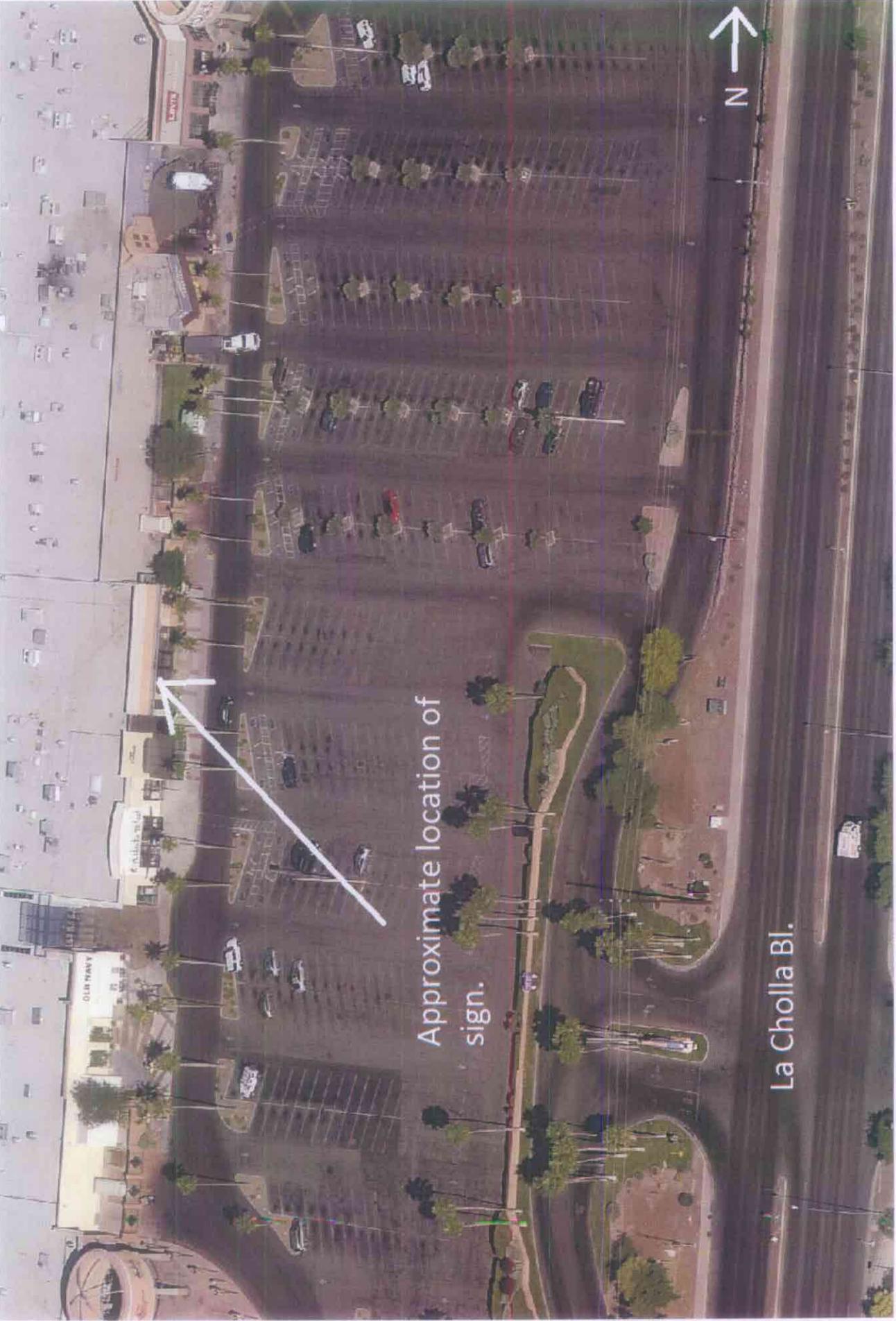
Notes _____

Tax codes 225-44-317C

Date 12/30/13
Drafter DS

File no. CO10C1D13-14
JFOOTHILLS LLC
NORTH LA CHOLLA BOULEVARD

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Approximate location of sign.

La Cholla Bl.





Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

(Please print or type) NO PENCIL

Property Owner: J FOOTHILLS LLC Phone: _____

Owner's Mailing Address: PO BOX 24550 City: COLUMBUS, OH.

Zip: 43224-0550 Authorized Representative: RAYMOND A. GIANNINI-PEARSON'S SIGNS Phone: 792-2563

Rep's Mailing Address: 3162 E. 47th ST. City: TUCSON AZ Zip: 85713

Property Address: 7401 N. LACHOLLA BLVD #160 City: TUCSON Zip: 85741

Tax Code Number(s): 225 -44 -317C Zone: CB-2

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

Owner or Applicant's Email Address: RAY @ PEARSONSIGNS.NET

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: 12/19/13

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: J Foothills LLC - 110's No 2000 Co10(!) 2-1
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 10.79.110 of the Pima County Zoning Code which requires allows 10' (variance to increase sign area)

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 12/24/13



PHONE:(520) 792-2563
FAX: (520) 792-9871

3162 E. 47th St.
Tucson, AZ 85713-5217

ray@pearsonsigns.net

12-17-13

Pima County Development Services
Planning Division
201 N. Stone Ave
Tucson, Az. 85701

Board of Adjustment District 1 Board Members

I request a variance to have a larger main identification sign, code allows 16 square feet, we're asking for an additional 38.3 square feet.

I need the variance because at this specific location, the allowed size would not be visible to potential customers. The property is located at The Foothills Mall and the frontage is facing East towards the parking lot. Because the entrance to the business is inside the Mall, the code only allows 16 sf, but the business frontage is at the front of the Mall. These signs are visible from La Cholla Blvd. approaching the Mall from the North and South. The variance does not allow a use which is not permitted in the zone by the code, nor will it cause injury to or adversely affect the rights of surrounding property owners.

Sincerely,

Raymond A. Giannini
Pearson's Signs
Pima County, AZ.





Levi's OUTLET STORE

ROSS Dress for Less

702-491-1111

702-491-1111

702-491-1111

702-491-1111







BLAIR COMPANIES
 ARCHITECTURAL IMAGING
 SIGNS • FIXTURES • LIGHTING

address : 5107 Kissell Avenue
 Altoona PA 16601
 telephone : 814.949.8287
 fax: 814.949.8293
 web : blaircompanies.com

project information

client: American Eagle Outfitters
 address: 7401 N. La Cholla Blvd.
 Tucson, Arizona 85741

store #: 2372
 m number: 38204
 date: 08/14/13
 rendered: JJD
 file name: AEO 38204_13

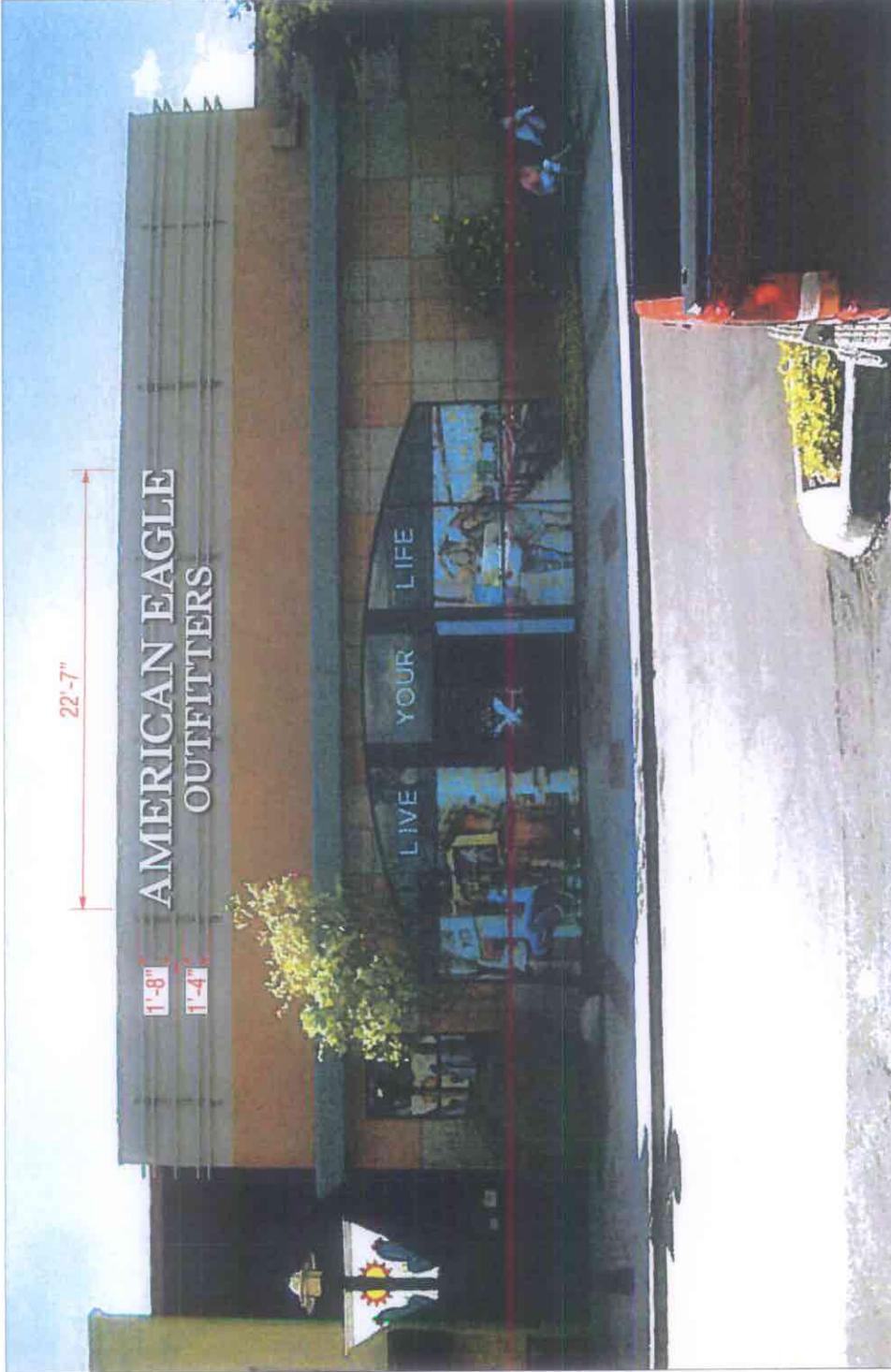
Category:

revisions

- a. 12-18-13; JP: Add photo rendering,
 Update Dim's and info on all signs.
- b.
- c.
- d.
- e.

These drawings are not for construction. The information contained herein is intended to express design intent only.

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STOREFRONT ELEVATION

Scale 1: 106