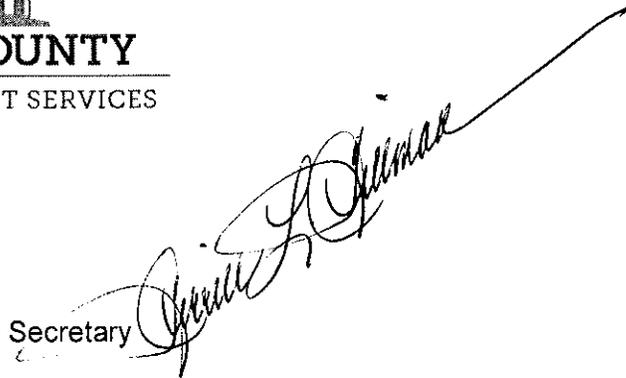




PIMA COUNTY
DEVELOPMENT SERVICES

DATE: April 27, 2015
TO: BOARD OF ADJUSTMENT District 1
FROM: Terrill L. Tillman, Assistant Executive Secretary
SUBJECT: **Co10(1)15-03 DECKER – ORANGE GROVE CI**
Scheduled for public hearing on May 6, 2015



LOCATION:

The subject parcel is located at the northwest corner of West Chula Vista Road and North Orange Grove Circle. The property is zoned CR-1 (Single Family Residence).

SURROUNDING ZONING / LAND USES:

| | | |
|-------|------|-------------------------------|
| North | CR-1 | Developed Residential |
| West | CR-1 | Developed Residential |
| South | TR | Vacant/Developed Condominiums |
| East | CR-1 | Developed Residential |

PUBLIC COMMENT:

One letter of opposition to Modification of Setback Requirements (MSR) case Co28(1)15-07 was received citing that the MSR will substantially reduce the amount of privacy currently enjoyed and impose objectionable noise levels or odors to the adjoining property to the west.

PREVIOUS CASES ON PROPERTY:

A Modification of Setback Requirements was applied for by case Co28(1)15-07. The legal notification was sent on March 10, 2015. A letter of protest was received within the 15 day protest period to the granting of the MSR, hence, this case is heard as a variance request.

REQUEST:

The applicant requests a variance to:

1. To reduce the required rear yard setback to 24 feet. **Section 18.79.21.030 requires a minimum rear yard setback of 40 feet.**
2. To reduce the rear yard setback for a guest house to 15 feet. **Section 18.09.020G of the Pima County Zoning Code requires a minimum rear yard setback of 20 feet.**

TRANSPORTATION AND FLOOD CONTROL REPORT:

No comment



PIMA COUNTY
DEVELOPMENT SERVICES

BACKGROUND:

The 1.20 acre subject property is located approximately 450 feet west of North Oracle Road at the northwest corner of West Chula Vista Road and North Orange Grove Circle. Assessor records indicate that the property was developed with a single family residence in 1953. An addition of a guest house occurred in 1983. There are no permit records as no permits were issued in 1953 and no building permits were required for this site in 1983. There have been subsequent permits issued on site for electrical and mechanical upgrades.

The new owners of the subject property are proposing to add several additions to the single family residence which requires that the site be brought into compliance with the requirements of the code. The proposal includes a kitchen addition of 184 square feet to the rear of the house which will not encroach any further into the existing rear yard 24 foot setback and a bath and closet addition (250 square feet) to the north side of the property which meets the side yard setback. The request to reduce the rear yard setback for the existing guest house is simply to bring the guest house into compliance, although there is no proposal for any addition to the guest house. The applicants are also proposing a new 7' high masonry wall along the western boundary of the property.

RECOMMENDATION:

Staff recommends **APPROVAL** of the variance requests. The subject property's residence has been in existence for 62 years and the guest house for 32 years. There is extensive vegetative growth and screening (wall and fence) to the rear of the subject property adjacent to the protestor. The protestor's residence and carport have been in existence since 1953 (62 years) and states that she believes this will reduce the amount of privacy and impose objectionable noise levels or odors. Staff believes that this will not impact the amount of privacy as the established by the long term, unchanged, ongoing uses of both residential properties. The reduced setback exists and a kitchen is simply a function of a single family residential use and does not impose any additional noise or odor levels different from any other residence.

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;



PIMA COUNTY

DEVELOPMENT SERVICES

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

DECKER/MORGAN — N. ORANGE GROVE CIRCLE



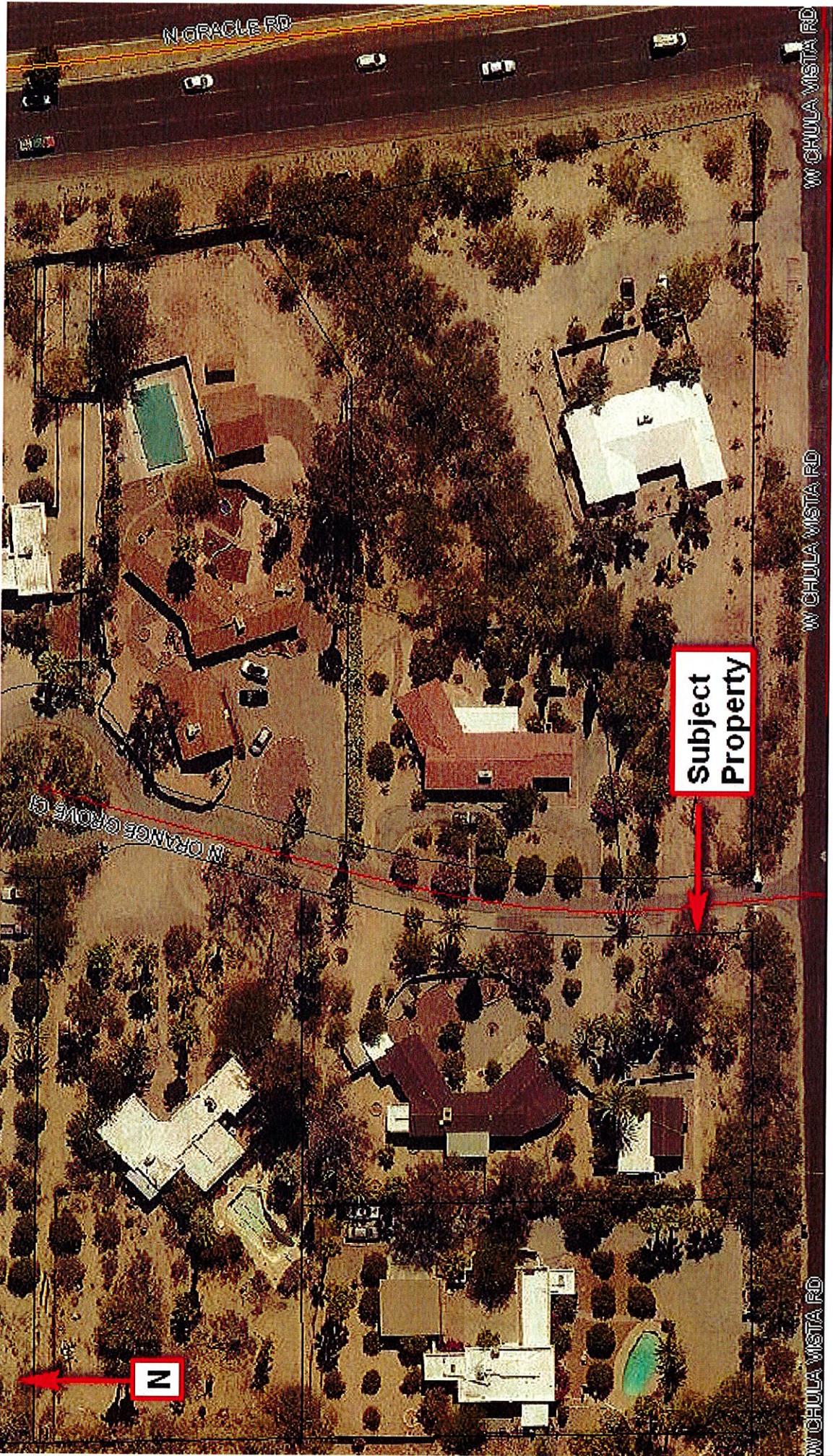
LEGEND

- Petition Area
- Notification Area

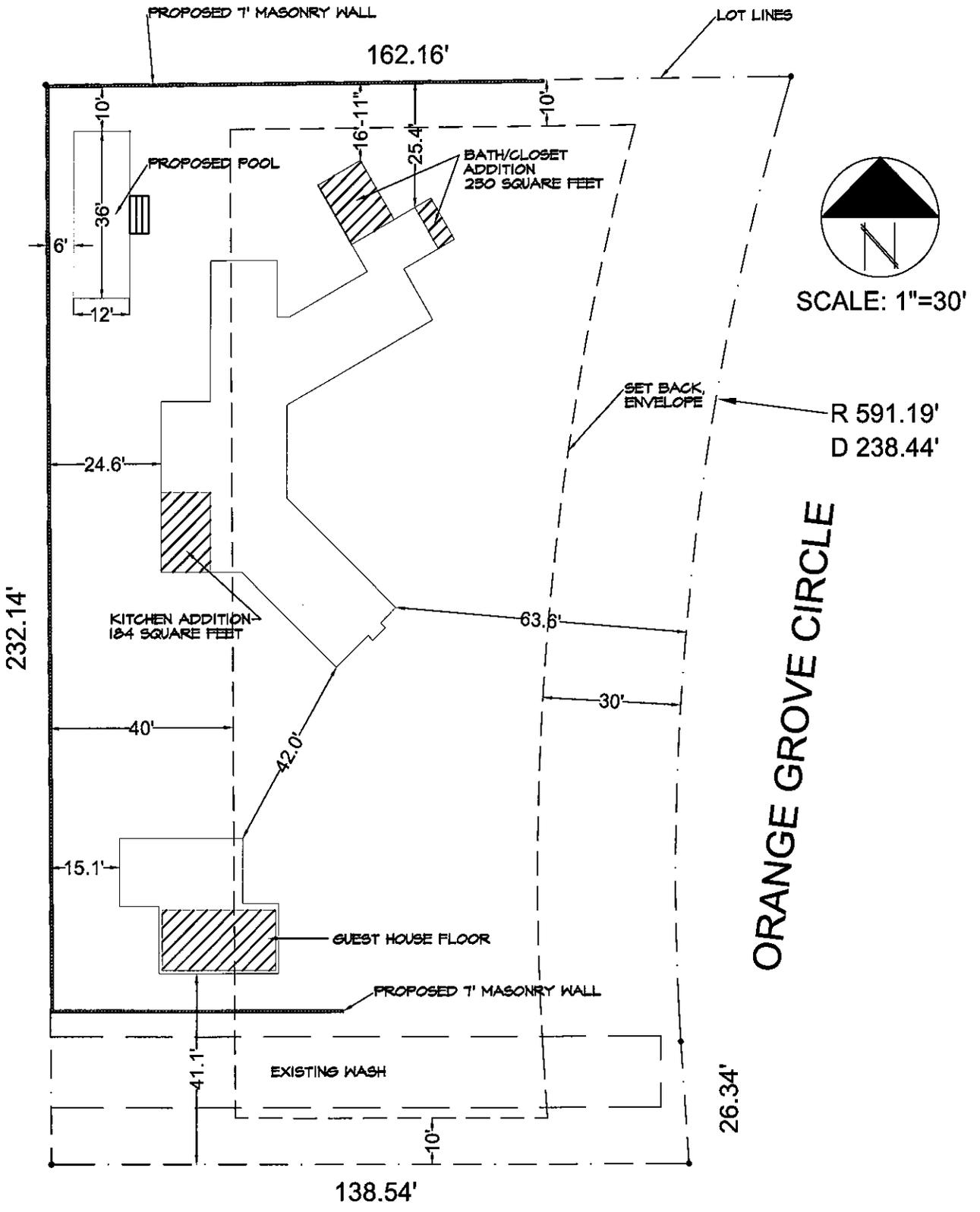
NOTES

| | | | |
|---------------------|--------------|---------------------|-------------|
| File no.: | Co10(1)15-03 | Tax Code(s): | 102-03-1440 |
| Application: | Variance | Base Map: | 77 |
| | | Drafter: | A.H. |

0 300'

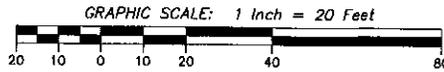


Co10(1)15-03 Decker - Orange Grove Circle Variance Request



CHULA VISTA ROAD

| | |
|-------------|---------|
| MAIN HOUSE | 2438 SF |
| GUEST HOUSE | 772 SF |
| LIVING AREA | 3210 SF |



NOTES

1. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY ARE UNKNOWN AND NOT SHOWN.
2. THIS MAP DOES NOT REPRESENT AN ALTA SURVEY. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT RESEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS BEYOND THOSE SHOWN ON THE SCHEDULE B, SECTION II OF A COMMITMENT FOR TITLE INSURANCE BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE No. 600-36488-CM, ESCROW No. 4742007986, DATED JAN. 13, 2015. NO EASEMENTS WERE FOUND IN SAID TITLE REPORT THAT DIRECTLY AFFECT THE SUBJECT PARCEL.
3. ALL DIMENSIONS SHOWN ON THIS MAP ARE MEASURED OR A CALCULATED DERIVATIVE THEREOF UNLESS STATED OTHERWISE.
4. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF "CHULA VISTA ROAD" PER THE DEED RECORDED IN DOCKET 13862 PAGE 3415, RECORDS OF PIMA COUNTY, AZ., THE BEARING OF SAID LINE IS S.89°58'30"E.

1/2" REBAR
"RLS 25086"

A.P.N. 102-03-1460
6925 N. ORANGE GROVE CI.
DKT. 12175 PG. 301

1/2" REBAR

5/8" REBAR

A.P.N. 102-03-1450
620 W. CHULA VISTA RD.
SEQ. 20131160286

SUBJECT PARCEL
A.P.N. 102-03-1440
6901 N. ORANGE GROVE CI.
PREV. DKT. 13862 PG. 3415
33,080 SQ. FT.
0.76 ACRES

ORANGE GROVE CIRCLE
(PRIVATE, CREATED BY ADJACENT DEEDS)

CHULA VISTA ROAD
60' R.O.W. - BK. 7 PG. 67 ROAD MAPS

S 89°58'30" E 969.66' (R)
S 89°58'30" E 969.66'
413.89'

POINT OF BEGINNING
DKT 13862 PG 3415

S 89°58'30" E 260.20' (R)
S 89°58'30" E 260.20'

TRUE POINT OF BEGINNING
DKT 13862 PG 3415

LEGEND

- SET 1/2" REBAR TAGGED "RLS 41603"
- × SET 40d NAIL & LATH ON PROPERTY LINES
- ▣ FOUND 2" BRASS CAP STAMPED "RLS 28745"
- FOUND REBAR PIN, SIZE AND TAG AS NOTED
- (R) RECORD DIMENSION PER DKT. 13862 PG. 3415 DEED
- PROPERTY LINE
- - - EASEMENT LINE
- CENTER LINE

CERTIFICATION OF SURVEY

THIS IS TO CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECTION DURING THE MONTH OF FEBRUARY, 2015 AND THAT ALL MONUMENTS EXIST AS SHOWN.



EXPIRES 12/31/16

JOHN DAVID REYES
REGISTERED LAND SURVEYOR
ARIZONA REGISTRATION No. 41603

SEQUENCE _____

FEE _____

STATE OF ARIZONA

COUNTY OF PIMA

I HEREBY CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF _____

DATE _____

TIME _____

WITNESS MY HAND AND OFFICIAL SEAL DAY AND YEAR WRITTEN ABOVE

F. ANN RODRIGUEZ, COUNTY RECORDER

BY _____

DEPUTY

SURVEY: FC, JDR
CAD: JDR-TAH
CHECKED: JDR-TAH
JOB No.: 15028
SHEET 1 OF 1

DATE: 3-2-15
REVISION:
DATE:
REVISION:
DATE:



**POLARIS
LAND
SURVEYING, LLC**

3528 N. FLOWING WELLS RD.
TUCSON, ARIZONA 85705
TEL.: (520) 322-6400
FAX: (520) 322-6401

**BOUNDARY SURVEY OF PARCEL 102-03-1440,
LOCATED IN THE N.E. 1/4 OF SECTION 2, T. 13 S.,
R. 13 E., G. & S. R. M., PIMA COUNTY, ARIZONA**



PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

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

Property Owner: Richard & Melinda Decker Phone: 310 466-9306

Owner's Mailing Address: 6901 N. Orange Grove Cir City: Tucson Zip: 85704

Authorized Representative: _____ Phone: _____

Rep's Mailing Address: _____ City: _____ Zip: _____

Property Address: 6901 N Orange Grove Circle City: Tucson Zip: 85701

Tax Code Number(s): 102 - 03 - 1440 Zone: CR-1

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

Owner or Applicant's Email Address: Dick@woodmart.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: [Handwritten Signature] Date: 3/26/15

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Decker - N. Orange Grove Circle Co10(1) 15-03
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.21.030 of the Pima County Zoning Code which requires a minimum of 40' for a rear setback of a main residence and 18.09.020 G requires a minimum of 20' for a rear setback of a guest house.

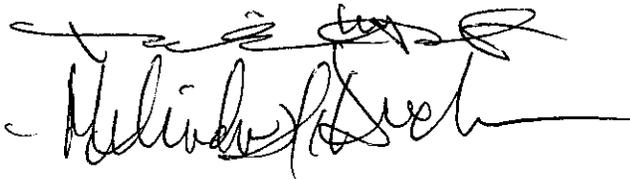
REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY jc DATE 3 / 26 / 15.

Board of Adjustment
Variance Procedure
Request Letter
6901 Orange Grove Circle

Board of Adjustment District Board Members,

1. We are requesting a variance to reduce the rear setback to 24 feet. The existing house was built in the early 1950s, the same year Pima County adopted their present zoning requirements. The existing block home was built with only a 24.6 foot setback (see Survey) and has never complied with CR-1 rear set back requirements. This variance request is first a request for the existing structure. If it is granted, we plan a proposed addition to the existing structure (see site plan) and that addition will have a rear set back equal to the existing structure. This is not being requested because of a building or zoning violation, per se, (there have been no citations) but it is being requested because we had a land survey performed and started planning small improvements when we learned the existing structure was non compliant. The Closet, Bathroom, laundry room addition on the North side fall within standard set back requirements. The Kitchen addition is just that. It is addition onto the existing kitchen and can not be constructed in a different way.
2. We are requesting approval of the existing 15.1 foot rear set back on the existing Block Guest House. This was originally built as a garage then converted to a guest house. It is requested for an existing structure. If approved, we plan to remodel the interior for our 85 year old mother (in law). There are 2 rooms in the guest house and there is a 5 inch step between them creating an uncomfortable (perhaps dangerous) step up or down for her. We plan on lowering the floor on one half to make them even but can not do so without a variance.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'Richard and Melinda Decker', written over a horizontal line.

Richard and Melinda Decker
6901 Orange Grove Circle
Tucson, AZ 85704



March 10, 2015

Case No. **Co28(1)15-07 DECKER/MORGAN – N. ORANGE GROVE CIRCLE**

NOTICE

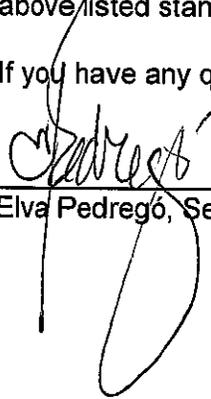
This is to notify you that **Richard and Melinda Decker** have submitted an application for a Modification of Setback Requirements (MSR) for property located at **6901 North Orange Grove Circle** in the **CR-1** zone. The applicant requests a modification to **reduce the rear yard setback to twenty-four feet (24')** for the existing main residence and to **fifteen feet (15')** for the existing guest house, as shown on the attached site plan. The Pima County Zoning Code Section 18.21.030D3 requires a forty foot (40') minimum rear yard setback and Section 18.09.020G4b requires a twenty foot (20') minimum rear yard setback for a guest house.

The modification of setback requirements must meet the following standards:

1. The lot coverage increase will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.
2. Significant views of prominent land forms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback was not modified.
3. Traffic visibility on adjoining streets will not be adversely affected.
4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights of way.
5. The location of proposed buildings and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties.
6. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

If you have an objection to the granting of the modification of setback requirements, your written protest must be received by Pima County Development Services - Planning Division, Attention: Elva Pedregó, 201 N. Stone Avenue, Second Floor, Tucson, Arizona 85701 on or before **Tuesday, March 24, 2015**. A written protest must include the name and address of the person submitting the protest, the case number, and the reasons why the application does not meet the above listed standards.

If you have any questions concerning the application, please call Elva Pedregó at 724-9000.



Elva Pedregó, Senior Planner



PIMA COUNTY
DEVELOPMENT SERVICES

March 24, 2015

Richard Decker
Melinda Decker
6901 N. Orange Grove Circle
Tucson, AZ 85704

Re: Co28(1)15-07 DECKER/MORGAN – N. ORANGE GROVE CIRCLE

Dear Applicant:

We have received a letter of opposition from noticed property owners regarding your request for Modification of Setback Requirements for the property located at **6901 North Orange Grove Circle**. Receiving a letter of protest closes the Modification of Setback Requirement process.

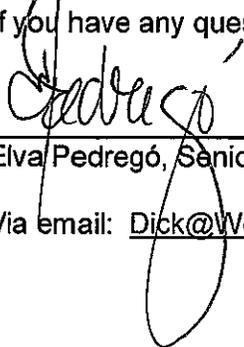
According to the Pima County Zoning Code, if a protest to a setback modification or lot coverage limits is submitted by an owner of an affected property (as defined in Section 18.07.070C), the zoning inspector may refer the application to the Board of Adjustment as a variance request. An additional fee of \$774 is required should you wish to proceed with this request as a variance before the Board of Adjustment.

NOTE: It is to your advantage to submit the required letter of explanation and a variance application form. Your letter should be more detailed, and explain the reasons for requesting your variance. If you wish to proceed to the Board of Adjustment, please submit the completed information to our office by ***Friday March 27, 2015** to meet the next deadline. No other materials need be submitted since they were already submitted with your MSR application, unless you wish to submit a new map, or supplemental information.

The variance process includes a public hearing before the Board of Adjustment for your particular district. Your variance request would be scheduled for the next available District 1 hearing to be held on **Monday, May 4, 2015 or Monday**, in the basement of the Public Works building in conference room C at 1:00 p.m.

If you elect not to proceed to the Board of Adjustment with a variance, please provide this office with a letter stating your decision to withdraw the application.

If you have any questions concerning the application, please call me at 724-9000.



Elva Pedregó, Senior Planner

Via email: Dick@Woodmart.com

Carmen Panizo
620 West Chula Vista Road
Tucson, Arizona 85704
Phone: 520-204-1600

Pima County Development Services
Planning Division
Attention: Elva Pedrego
201 N Stone Avenue 2nd Floor
Tucson, Arizona 85701

MAR 23 2015

Tucson March 23, 2015

To Whom it May Concern:

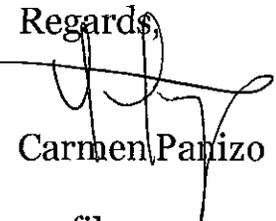
This letter is in response to a letter I received from your office regarding Case No. Co28(1)15-07 Decker/Morgan 6901 N Orange Grove Circle. Based on advise I have received regarding subject matter, I would like to officially protest for the granting of Modification of Setback Requirements (MSR) set forth above. Furthermore, it does not meet the following requirements:

1. The lot coverage increase will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.
2. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

Granting of this MSR will substantially reduce the amount of privacy that we currently have and it will impose objectionable noise levels or odors onto my property.

If you have any questions, feels free to contact me at the above address or telephone number.

Regards,


Carmen Panizo

cc. file