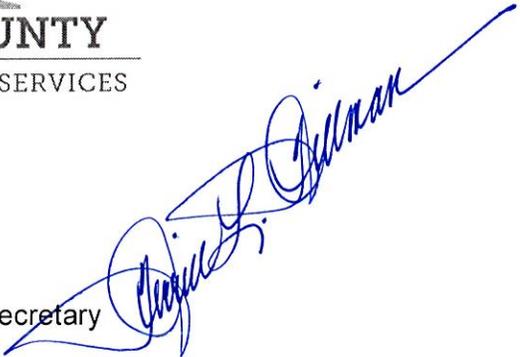




PIMA COUNTY
DEVELOPMENT SERVICES

DATE: June 25, 2015
TO: BOARD OF ADJUSTMENT District 1
FROM: Terrill L. Tillman, Assistant Executive Secretary
SUBJECT: **Co10(1)15-08 MUNOZ – WEST CAMINO DESIERTO**
Scheduled for public hearing on July 6, 2015



LOCATION:

The subject parcel is located approximately one-third of a mile south of West Magee Road and one-half of a mile east of North La Canada Drive on the north side of West Camino Desierto. The property is zoned CR-1 (Single Residence).

SURROUNDING ZONING / LAND USES:

North	CR-1	Developed Residential
East	SR	Developed Residential
South	SR	Developed Residential
West	CR-1	Developed Residential

PREVIOUS CASES ON PROPERTY:

There have been no previous Board of Adjustment cases.

PUBLIC COMMENT:

No written public comment has been received.

REQUEST:

The applicant requests the following **variances**:

1. **To reduce the front yard setback to 14 feet.** Section 18.21.030 of the Pima County Zoning Code requires a minimum front yard setback of 30 feet.
2. **To reduce the side yard setback to 4 feet.** Section 18.21.030 of the Pima County Zoning Code requires a minimum side yard setback of 10 feet.

TRANSPORTATION AND FLOOD CONTROL REPORT:

Transportation and Regional Flood Control District will review this request during the permitting process if needed.

BACKGROUND:

This subject property (Lot 34) lies within the Vista De La Canada Subdivision, Lots 1-56 and is approximately .86 acres. The subdivision contains a large area of mapped riparian and delineated floodplain because of the proximity to the un-named wash. The subject property has limited developable area because of the floodplain and riparian area located to the north of the residence. The vegetative characteristics of the subject property and surrounding neighborhood are relatively dense with mesquite trees, desert scrub brush, and mature landscaping. The local



neighborhood contains single story houses and an elementary school with athletic fields to the south of the subdivision.

The subject property was originally developed by permit 45-01-49 with a residence and fence in 1976. A porch addition to the property was completed in 1983. Permit P03CP04611 for a pool, wrought iron fence, and straw bale wall were issued and finalized in 2003. An addition of a work shop and the enclosure of the existing carport to a garage was permitted (P11CP01004) in 2011.

The existing structures were built to meet the CR-1 setbacks, but because of the proximity of the residence to the wash, expansion of the site is limited. The applicant has requested to reduce the front yard setback to 14 feet for the addition of a 460 square feet carport and to reduce the required side yard to 4 feet for the addition of a 283 square feet shop. The request is not unreasonable given that the reduced setback will not create any visibility issues when accessing the site, nor does it appear to impact any views from adjacent properties.

RECOMMENDATION:

Staff recommends **APPROVAL** of this variance request. Based upon the existing conditions of the site and surrounding uses, the front yard and side yard setback requests appear to be the minimum to afford relief and the unnecessary hardship does not arise from a condition created by an action of the owner of the property.

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

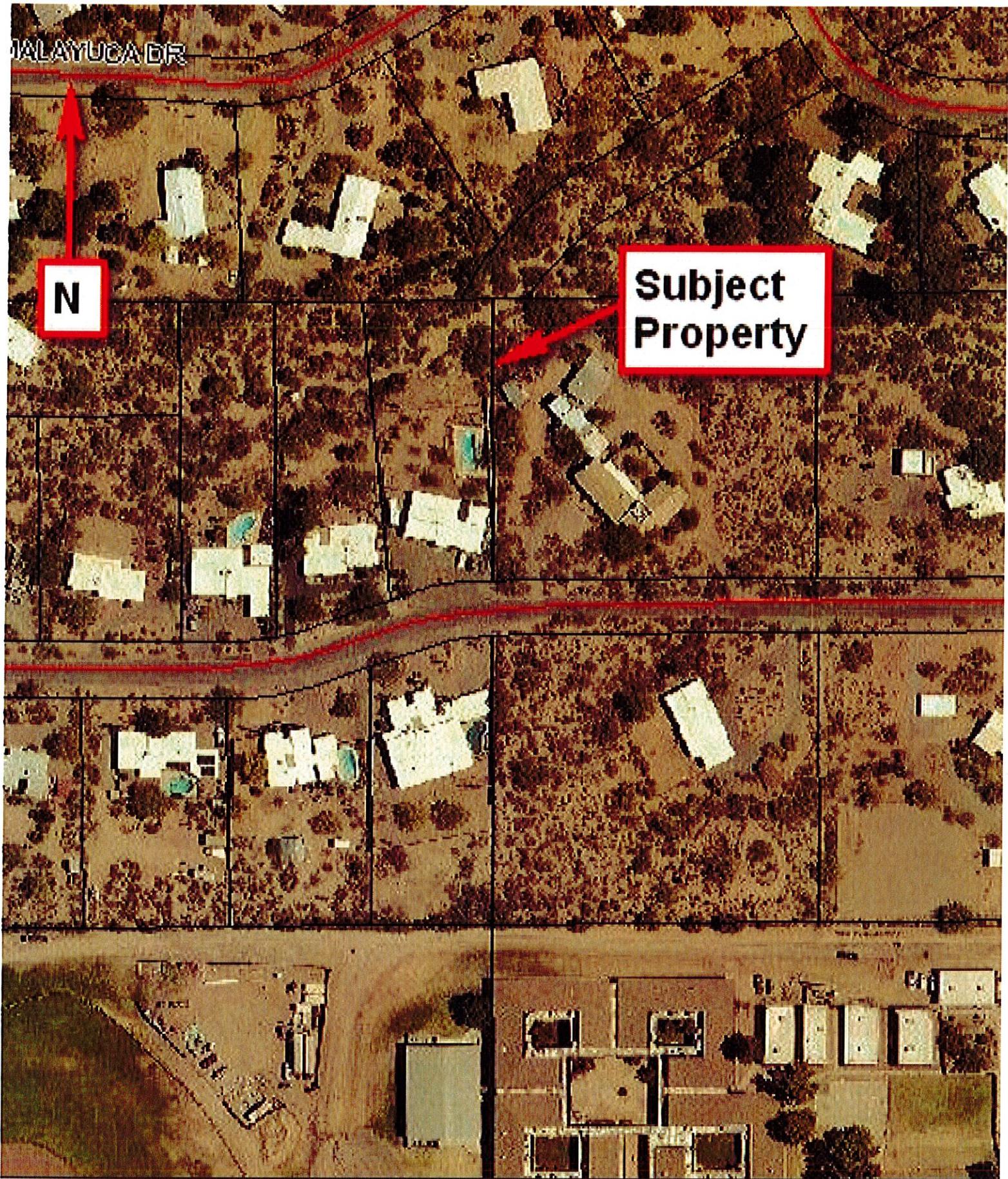
1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition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



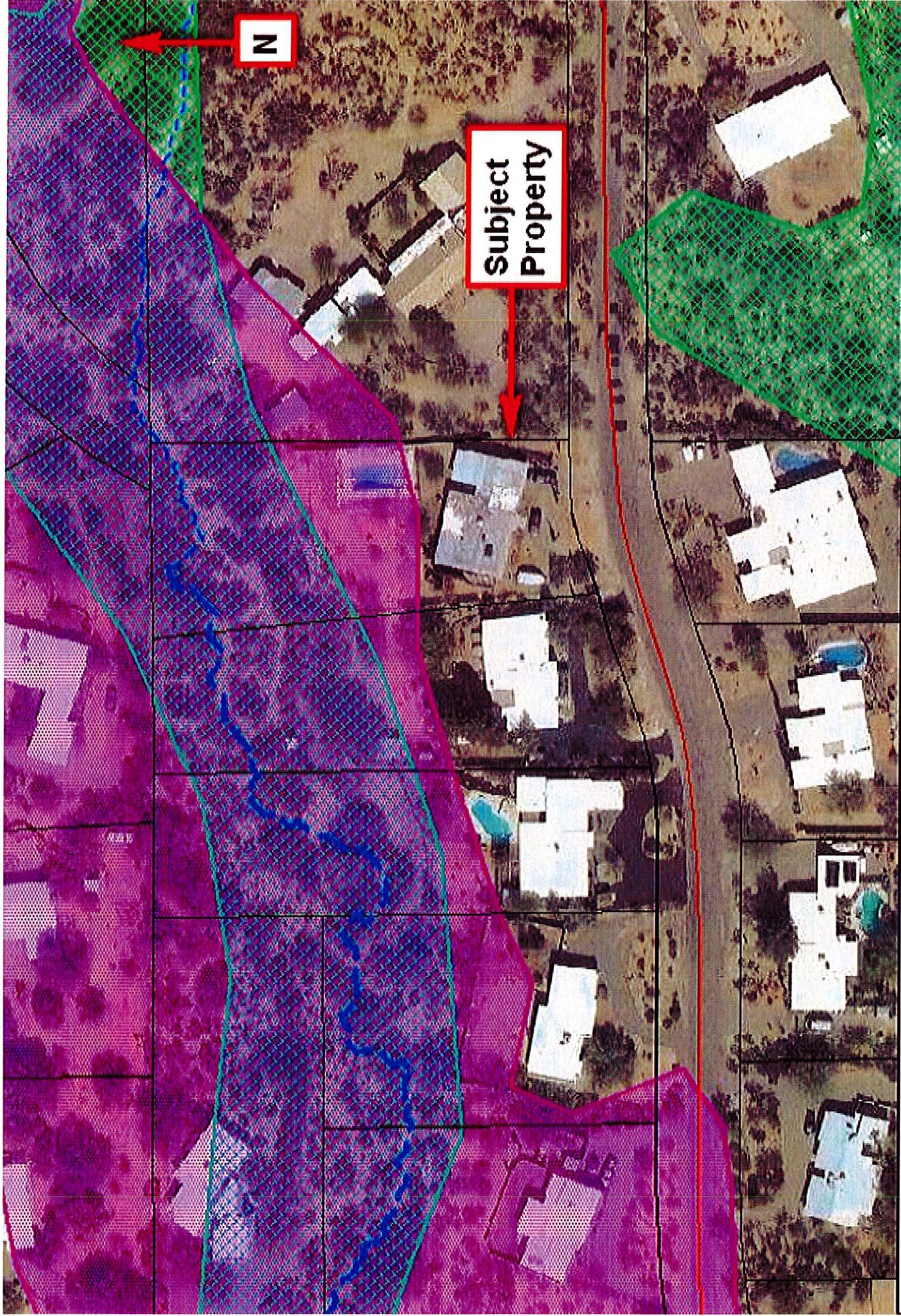
PIMA COUNTY

DEVELOPMENT SERVICES

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.



***Co10(1)15-08 Munoz
1000 W. Camino Desierto Variance Request***



Co10(1)15-08 Munoz - 1000 W. Camino Desierto
Riparian Habitat in Green
Flood Plain Area in Pink

Board of Adjustment Members,

I am requesting a variance to reduce my front yard setback from ~~20~~²⁰ ft to 14 ft for a proposed two car carport , structure will not be enclosed. I am also requesting my side yard setback (east wall) be reduced to ~~4~~⁴ ft for a proposed addition to my workshop.

I need the variance because I would like a carport to shade my vehicles. The property line is currently 34 ft from my residence. There is also a 19 ft easement from the street to my property line, The proposed carport would still be 33 ft from the street. The proposed carport will not block any views or cause issues for neighbors . The cars are normally parked in these spots anyways.

I am also requesting my east wall setback be reduced to 4 ft so that I may add to my workshop/garage. This will also not affect any mountain or street views . The proposed area is blocked by trees and brush so my neighbors will not be affected by the proposed addition. I do not have the funds to build a large workshop in my backyard , so this is a more cost friendly way to add workshop space.

Thank you for your time and consideration

Joseph Munoz

1000 w Camino Desierto

Tucson ,AZ 85704



Variance Application

Revised 12/2013

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

Property Owner: Joseph Muñoz Phone: 520-331-3028

Owner's Mailing Address: 1000 W. Camino Desierto City: Tucson Zip: 85704

Authorized Representative: _____ Phone: _____

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

Property Address: _____ City: _____ Zip: _____

Tax Code Number(s): 225 - 49 - 1070 Zone: _____

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

Owner or Applicant's Email Address: Muñoz1956@yahoo.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: Joseph Muñoz Date: 6-3-15

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Muñoz - W Camino Desierto Co10/15-08
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) _____ of the Pima County Zoning Code which requires 30' front yard setback / 10' side yard
Reduce side yard setback to 7'
Reduce front yard setback to 14' in all

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 6/10/15