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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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DATE: April 4, 2015

TO: BOARD OF ADJUSTMENT District #2

FROM: Miguel Velez, Assistant Executive Secretary 

SUBJECT: **Co10(2)15-01 MOLINA – EAST WOODEN BUCKET STREET**  
Scheduled for public hearing on April 14, 2015

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### LOCATION:

The subject parcel is located approximately 1.15 miles east of the intersection of South Old Nogales Highway and East Summit Street. The property is zoned GR-1 (Rural Residential Zone).

### SURROUNDING ZONING / LAND USES:

North	GR-1	Developed - Residential
West	GR-1	Developed - Residential
South	GR-1	Developed - Residential
East	GR-1	Developed - Residential

### PUBLIC COMMENT:

One Letter of Protest was received in response to an Modification to Reduce Setback (MSR) application in Co28(2)15-01. The objecting party is located on the applicant's west property line at 2584 E Wooden Bucket Street. He objected to the MSR on the basis the construction was too close to his property line, was a potential fire risk and the use of a large structure on near his lot line as a stable caused odor, flies and risk of animals crossing onto his property. During a recent telephonic conversation with staff, this property owner reiterated his concerns and expressed objection to the proposed variance.

### PREVIOUS CASES ON PROPERTY:

Co28(2)15-01 Modification of Setback Request. The application was DENIED due to opposition from a noticed property owner:

### REQUEST:

The applicant requests the following **variances**:

1. **To increase the maximum lot coverage allowed by accessory structures to 10,150 square feet.** Section 18.14.050A of the Pima County Zoning Code restricts the maximum lot coverage by accessory structure to 1,500 square feet or 70% of the largest main building on the site, whichever is greater;

2. **To reduce the minimum side yard setback for two existing storage buildings to 6 feet.** Section 18.14.050C2a of the Pima County Zoning Code requires a 10 foot minimum setback;
3. **To reduce the minimum side yard setback for an existing horse stable to 6 feet.** Section 18.14.050C2c of the Pima County Zoning Code requires a 50 foot minimum setback;
4. **To reduce the minimum rear yard setback for an existing ramada type structure to 4 feet.** Section 18.14.050C2a of the Pima County Zoning Code requires a 10 foot minimum setback;
5. **To reduce the minimum rear yard setback for an existing main residence to 2 feet.** Section 18.14.040C3 of the Pima County Zoning Code requires a 40 foot minimum setback.

#### **TRANSPORTATION AND FLOOD CONTROL REPORT:**

The variance request will require permitting of structures on site and therefore will require Flood Control District review at the time of permitting. This request does not require transportation review.

#### **BACKGROUND:**

This site is located at 2662 East Wooden Bucket Street, approximately 1.15 miles east of the intersections of South Old Nogales Highway and East Summit Street. The subject property is slightly over 2 acres in size and is zoned GR-1. The property is not in a recorded subdivision.

The parcel is located in an area entirely zoned GR-1 with distal State of Arizona land to the east and south. All adjacent parcels are developed in low density residential use. The parcel on the south lot line is developed, but due to both its large size and unusual shape, all development is approximately 1000 feet away to the west. The parcel on the east lot line is in use with residential and accessory animal stables and corrals for horse raising.

Permit history on the property is limited. In 2004, a single mobile home with septic and electric was finalized in P03CP06701. There is a second permit associated with this structure in 2013 for electrical reconnect. There is no further permit activity for any structures on site other than the one mobile home. The applicant purchased the property in July 2013 and stated they were unaware of issues on site.

The property is currently subject to Code Enforcement action. On August 20, 2014 a complaint was filed alleging there were two mobile homes and other structures without permits. A subsequent inspection revealed there were two mobile homes, two site built structures and a large stable on site, several of which did not appear to meet minimum required setbacks. With the exception of one mobile home, all structures were determined to be having been built without permits. A review of historical aerial imagery indicates most of the structures were constructed between 2003 and 2005.

Citations were issued on September 15, 2014 for multiple Code violations. The property owner subsequently applied for an MSR to address setback issues of the unpermitted structures. However, due to protest the MSR was denied and the current variance request was initiated to address the same issues identified in the MSR. On March 9,

2015, the property owner was found in violation of Code for corrals and fencing without permits, structures without permits, excessive numbers of dwelling units and structures not meeting setbacks. The property owner has until July 9, 2015 to bring the property into compliance. The proposed variance will allow for the owner to apply for building permits for the unpermitted structures on site. A recent site inspection revealed the second home mobile home originally observed by Code Enforcement staff has since been removed.

*Analysis: A recent site inspection revealed the requested variance will address the Zoning Code issues for the unpermitted structures on site and the second mobile home was removed. **If the variance request is approved the applicant must subsequently obtain the necessary building permits for all the unpermitted structures.** The justification for variance support is the variance will not cause injury to or adversely affect the rights of surrounding property owners and residents and variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested, as evidenced by the similar residential and accessory uses in the area. **Staff recommends APPROVAL of the variance with Conditions. Staff reiterates all unpermitted structures also require building code permits and conformance to applicable building code requirements.***

#### **RECOMMENDATION:**

1. To increase the maximum lot coverage allowed by accessory structures to 10,150 square feet. Section 18.14.050A of the Pima County Zoning Code restricts the maximum lot coverage by accessory structure to 1,500 square feet or 70% of the largest main building on the site, whichever is greater. **Staff recommends APPROVAL of the variance.**
2. To reduce the minimum side yard setback for two existing storage buildings to 6 feet. Section 18.14.050C2a of the Pima County Zoning Code requires a 10 foot minimum setback. **Staff recommends APPROVAL of the variance with the following condition:**
  - a. The structures will be used as storage only and shall not be used as stables or in conjunction with housing, boarding, working or caring for horses or other livestock or animals.
3. To reduce the minimum side yard setback for an existing horse stable to 6 feet. Section 18.14.050C2c of the Pima County Zoning Code requires a 50 foot minimum setback. **Staff recommends APPROVAL of the variance.**
4. To reduce the minimum rear yard setback for an existing ramada type structure to 4 feet. Section 18.14.050C2a of the Pima County Zoning Code requires a 10 foot minimum setback. **Staff recommends APPROVAL of the variance with the following condition:**
  - a. The structure will be used as storage only and shall not be used as stables or in conjunction with housing, boarding, working or caring for horses or other livestock or animals.

5. To reduce the minimum rear yard setback for an existing main residence to 2 feet.  
**Staff recommends APPROVAL of the variance.**

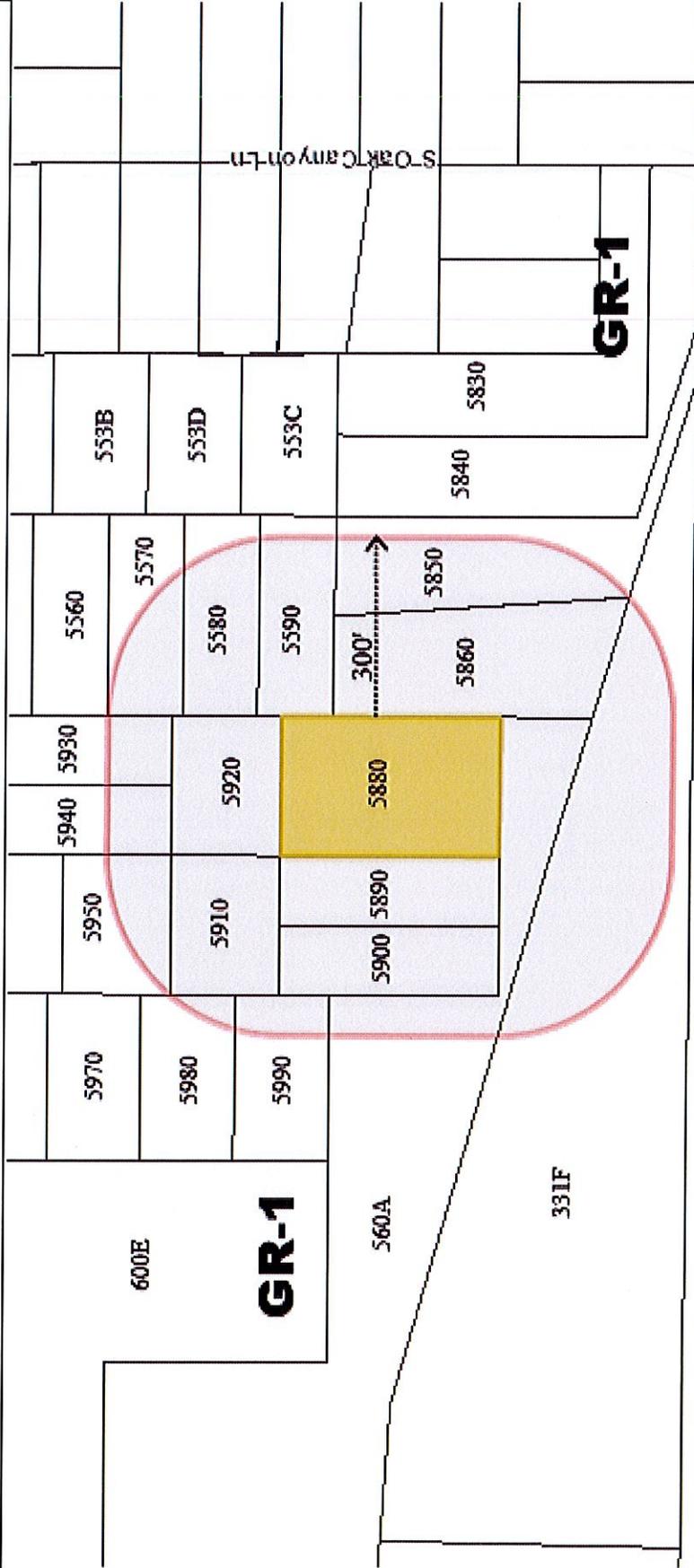
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**Standards that must be considered by a board of adjustment when considering a variance request include:**

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.

# NOTIFICATION MAP

MOLINA—E. WOODEN BUCKET STREET



**LEGEND**

- Petition Area
- Notification Area

**NOTES**

<b>File no.:</b>	Co10(2)15-01	<b>Tax Code(s):</b>	303-10-5880
<b>Application:</b>	Variance	<b>Base Map:</b>	138
		<b>Drafter:</b>	A.H.

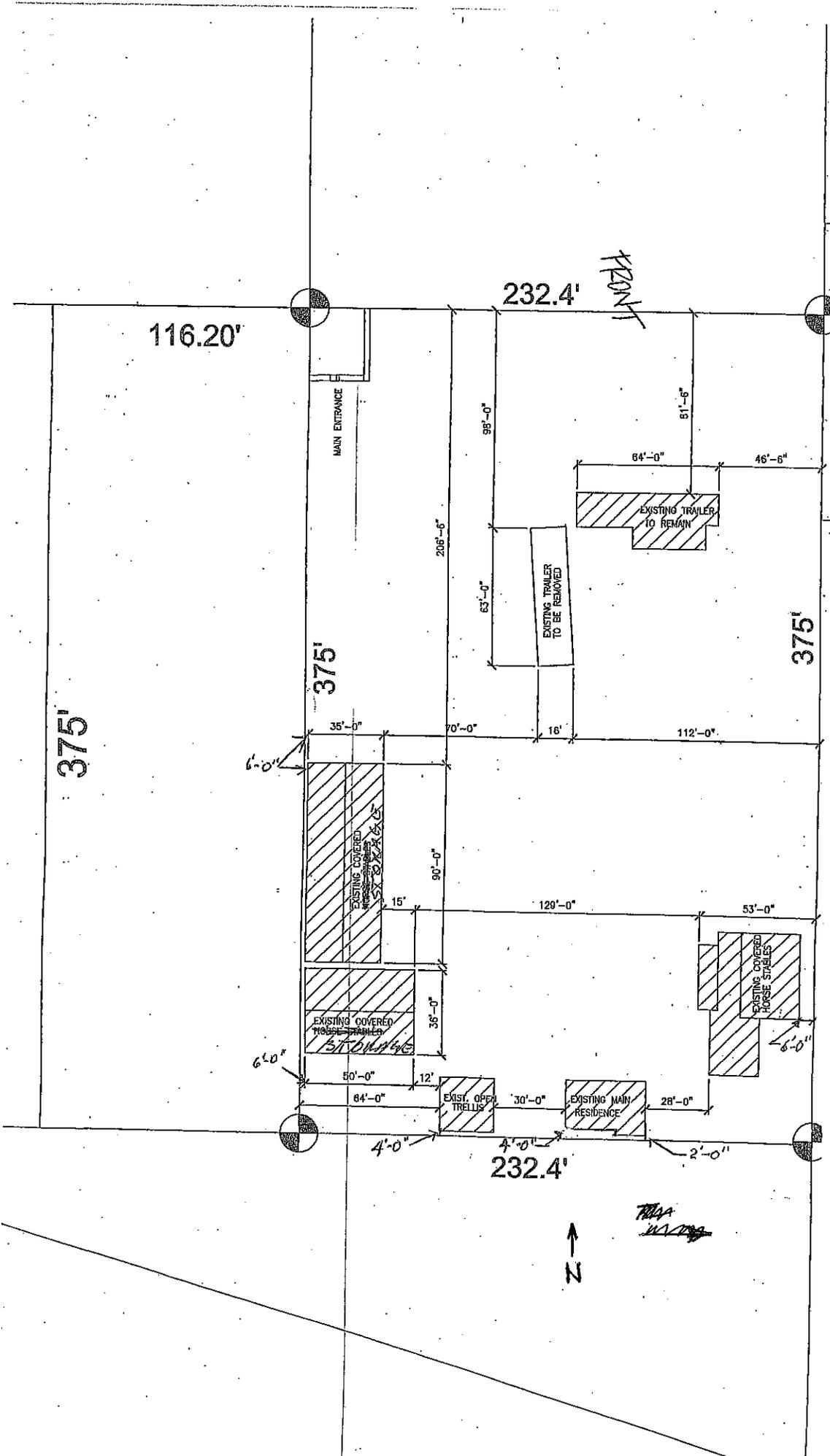


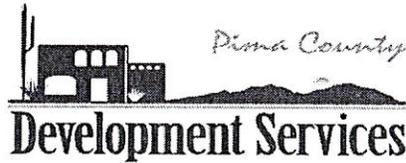
03/16/2015



**Subject**

Co10(2)15-01 Molina Variance Request - 2662 E. Wooden





Pima County Development Services – Planning Division

**Variance Application**

Revised 11/2007

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

Property Owner: EDUARDO MOLINA Phone: (520) 389-9617

Owner's Mailing Address: 2662 E WOODEN BUCKET ST City: TUCSON AZ  
Zip: 85756

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

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

Property Address: 2662 E WOODEN BUCKET ST City: TUC Zip: 85756

Tax Code Number(s): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Zone: \_\_\_\_\_

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

YES.

Owner or Applicant's Email Address: MMMNAVARKO@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: *Elyandra Molina* Date: 03-06-15

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

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

ONLY\*\*\*\*\*

Case Title: MOLINA - WOODEN BUCKET ST Co10(2)15-01  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 10.14.050 of the Pima County Zoning Code which requires \_\_\_\_\_

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY ELVA DATE 3/6/15



Existing Storage Building - S/W corner 1



Existing Storage Building - S/W corner 2



Existing Trellis Structure and Residence 1



Existing Horse Stable (Background) 1

## Elva Pedrego

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**From:** martin m mendoza <mmmnavarro@hotmail.com>  
**Sent:** Thursday, March 12, 2015 7:12 PM  
**To:** Elva Pedrego  
**Subject:** RE: Reminder

03/12/2013

To whom it may concern:

On July 2013 Mr. and Mrs. Molina purchased this property on 2662 E. Wooden Bucket in Tucson, AZ. With the following buildings on the property. A barn, corrals, stables, ramada and an 800 sq. feet house on the west side of the property. Buyers did not know that there where violation of the pima county codes on the property at the time of purchase. On September of 2014, Mr. and Mrs. Molina received a notice from pima county stating that there was a violation for those particular buildings. Ever since the Molinas have tried to submit the proper documentation for specific permits. Based on the site property requirements they have payed the amount of \$268.00 for the neighbors notification. The owner of the south side property (Mr. Marcos Grijalva) has denied negotiation with Molina's property. Mr. Grijalva does not live in this property anymore. We have tried being civil and coming to an agreement so he can sign the site variance on the south side of the property. Mr. Grijalva has refused to sign any paperwork and give us any answer without receiving and beneficiary outcome to his part. Mr. Grijalva had mention he wanted to sell the property. The Molinas have asked for the value of the property, they were also interested in that property, Mr. Grijalva denied making any negotiation to the Molinas. The Molinas have tried numerous times to contact Mr. Grijalva for the last 3 months and have not succeeded any contact from Mr. Grijalva. He has ignored the calls and has not returned or respond to any messages Mr. Molina leaves. Thank you very much for your time.

Best regards,

Mr. and Mrs. Molina

February 5, 2015

Attention: Elva Pedregó  
Case No. CO 28(2)15-01 MOUNA - E WOODEN BUCKET.

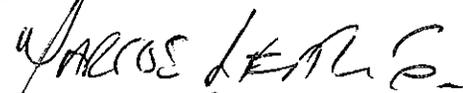
I disagree with the standards addressed  
in the application.

FEB 06 2015

my Reasons are:

1. Privacy, the construction is too close to my property, on the existing covered areas horse stables (STORAGE), there is 5 feet distance between my property line and construction, on the north corner and decreases to less than 3 feet on the south corner of building.
2. Till this day this construction is being used as a horse stable, yet and in the application they address it as a STORAGE.
3. Odor, flies and the risk of the animals crossing my property due to the conditions that the fence is in because of the previous animals, who have also caused damages to our plants.
4. Risk of fire occurring in the storage areas which can spread to my property.

If you have any question regarding this letter, you can contact me at (520) 460 8414 or by email at maleal73@gmail.com.

  
MARCOS LEAL GUTIÉRREZ  
MARCOS LEAL GUTIÉRREZ - 2594 E. WOODEN BUCKET ST.