



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: August 5, 2015

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)15-04 RUSTAND ET. AL. – EAST SANTA FEE**
Scheduled for public hearing on August 11, 2015.

LOCATION:

The property is located to the northwest of Tucson Estates. The property is located in-between the Pantano Wash and the Tanque Verde Wash. It is located in an area of low density residential where lots are a minimum of 3.3 acres. The zoning on the property is zoned SR (Suburban Ranch). Properties in the area are highly affected by FEMA and Regional Flood Control issues.

SURROUNDING ZONING / LAND USES:

North -	TUS	City of Tucson
West -	TUS	City of Tucson
South -	SR	Residential
East -	SR	Residential

PUBLIC COMMENT:

Staff has not received any public comments on this case.

PREVIOUS CASES ON PROPERTY:

There are no previous cases on this property.

REQUEST:

The applicant requests the following variance request:

- 1. To increase the coverage permitted for accessory structures from 3180 square feet to 9897 square feet.**
- 2. To increase the maximum height for an accessory building (Stable) from 24 feet to 29.5 feet.**

TRANSPORTATION AND FLOOD CONTROL REPORT:

The Department of Transportation will not review this project. The Flood Control District has reviewed the project and recommends a denial of the project. The Flood Control District has provided a comment memo which has been included in the Board packet.

BACKGROUND:

The subject of the variance request is to permit a large stable that is above the maximum height permitted in SR zoning. In addition, the stable is over the maximum coverage for accessory buildings and needs relief from that requirement also. There is an existing large residence on the property. The property is located near the coverage of the Tanque Verde Wash and the Pantano Wash. These are two major wash areas that provide drainage to large areas. The two washes coverage less than 2500 feet to the northwest. The property has FEMA Floodway and other Flood Control issues that may prevent development on the property.

RECOMMENDATION:

At this time staff recommends **DENIAL** of the variance request. The concerns raised by the Flood Control District are valid. Instead of denying the variance request, it may be valuable for the applicant to request a continuance for 60 or 90 days to permit them time to work with the Flood Control District on an appropriate location and design that may eliminate or mitigate the concerns of the District. If the applicant was able to accomplish this, staff would be more supportive of the request. Without a dialogue and change in the Flood Control District's position of denial, Development Services Staff cannot support the request.

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,

Tom Drzazgowski

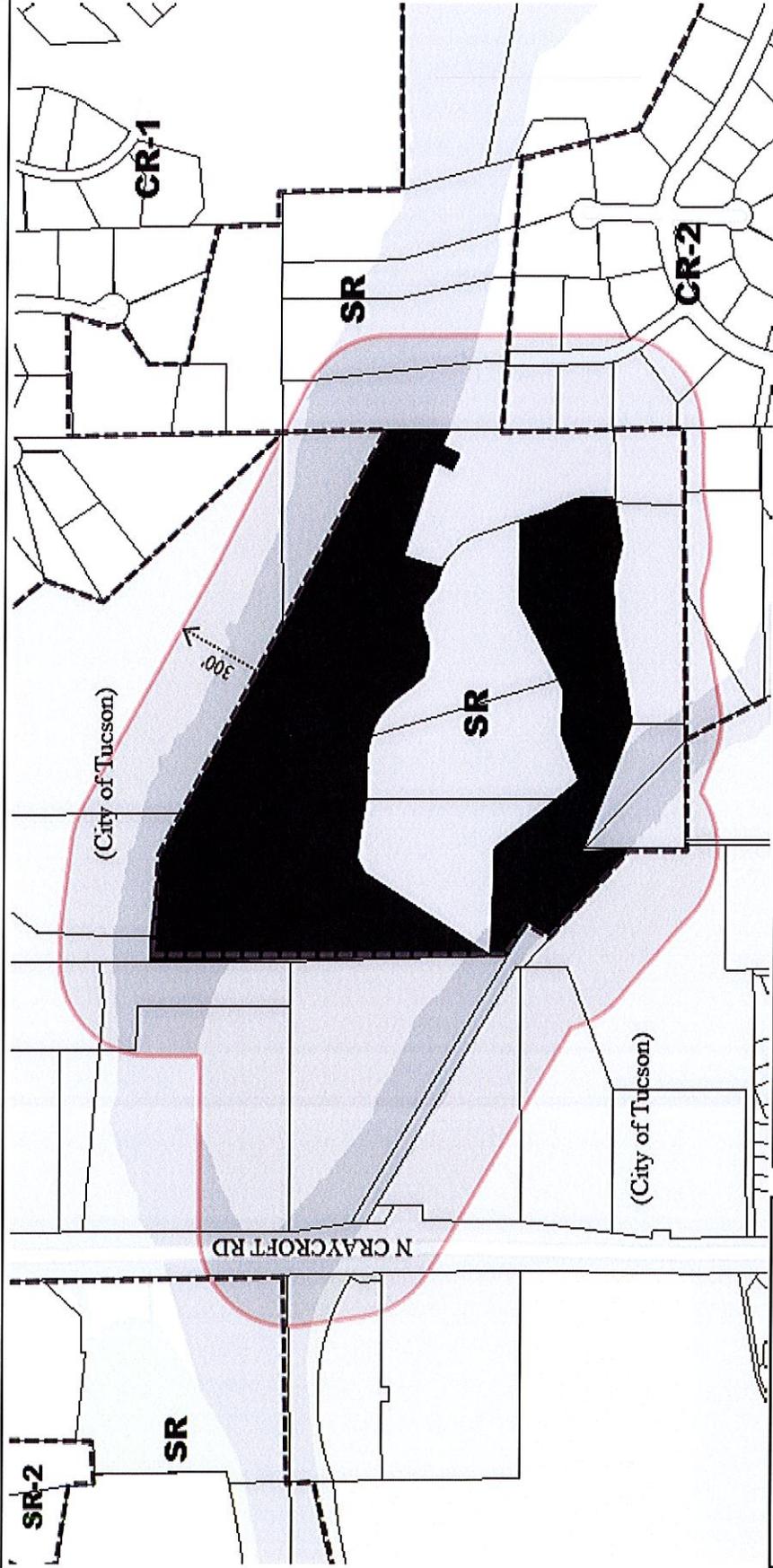
Deputy Chief Zoning Inspector

Co10(4)15-04 RUSTAND CARSON B IRREVOC TR & RUSTAND WARREN S & CARSON B – E. SANTA FEE Jeff Stewart, for the property owner, on property located at 5750 E. Santa Fee., in the SR zone, requests the following variances;

1. To increase the coverage permitted for accessory structures from 3180 square feet to 9897 square feet. Section 18.17.050A of the Pima County Zoning Code limits accessory structures to 1500 square feet or 70% the size of the largest main building whichever is more.
2. To increase the maximum height for an accessory building (Stable) from 24 feet to 29.5 feet. Section 18.17.050B of the Pima County Zoning Code limits accessory structure height to 24 feet.

NOTIFICATION MAP

RUSTAND CARSON B IRREVOC TR & RUSTAND WARREN S & CARSON B CP/RS—E. SANTA FEE



LEGEND

- Petition Area
- Notification Area

NOTES

File no.:	Co10(4)15-04	Tax Code(s):	109-22-020R
Application:	VARIANCE	Base Map:	10,25
	0 300'	Drafter:	A.H.

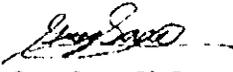


7/08/2015



DATE: July 30, 2015

TO: Thomas Drzazgowski, DSD
Zoning Inspector Supervisor

FROM: 
Greg Saxe, Ph.D.
Env. Plg. Mgr

SUBJECT: Co10(4)15-04 Rustand – Santa Fee Variance

The Pima County Regional Flood Control District (District) has reviewed the subject variance request and has the following comments:

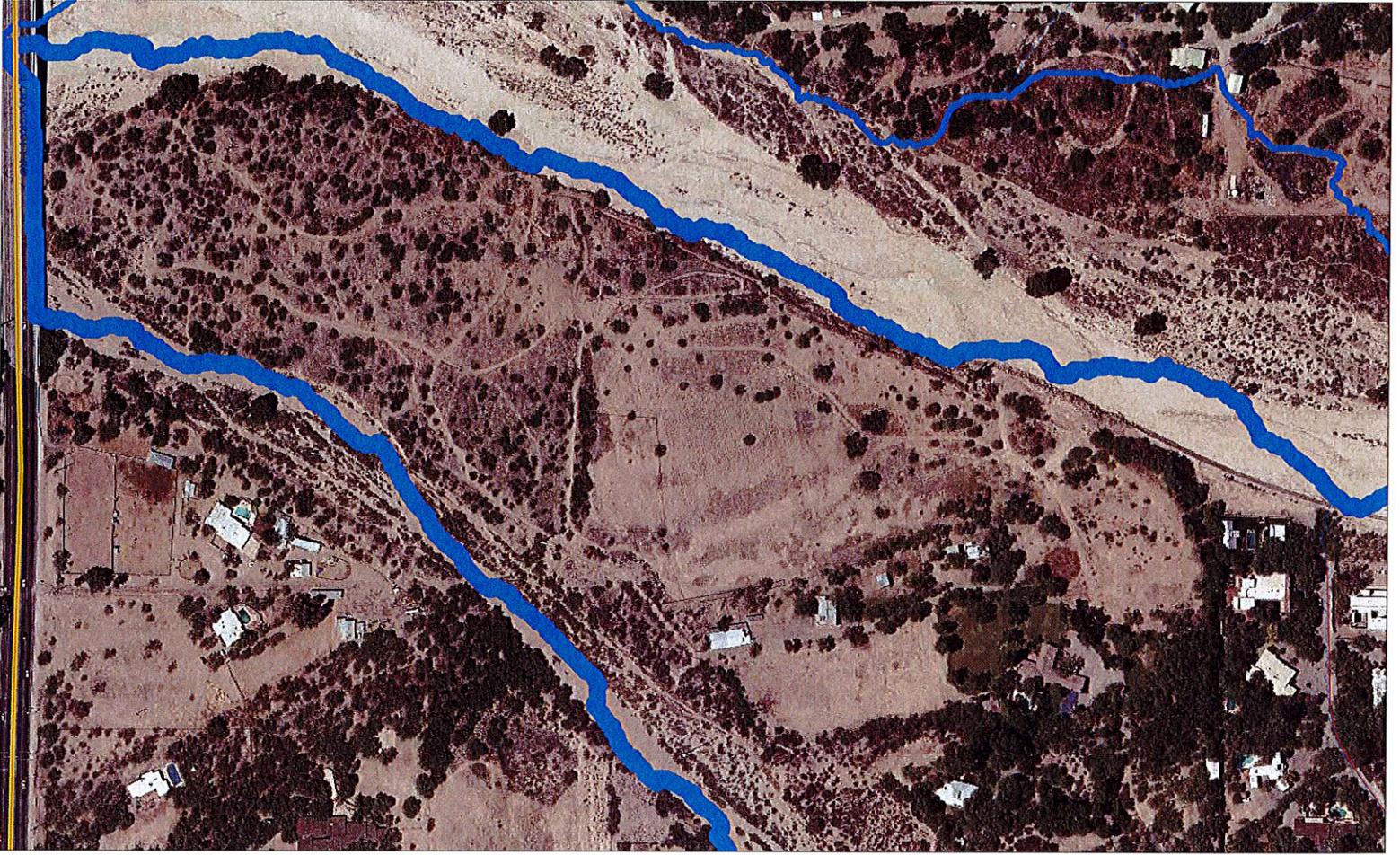
The proposed barn is located within the 500 foot Erosion Hazard Setback associated with the Pantano Wash as well as within a FEMA Special Flood Hazard Area. The barn also lies within Pima County Regulated Riparian Habitat designated as Important Riparian Area.

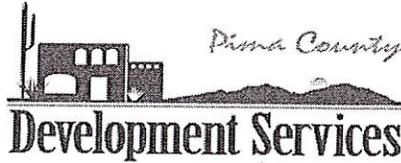
As submitted, the proposal is in non-conformance with Title 16 of the Pima County Code. Until an alternative location is proposed that is outside the Erosion Hazard Setback and in conformance with standards for construction in FEMA Special Flood Hazard Areas, the District shall recommend **denial** of the variance request to increase the allowable accessory building lot coverage.

If you have any questions regarding these comments, please contact me at 724-4600.

GS/ES/sm

cc: File





Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

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

Property Owner: CARSON RUSTAND Phone: _____

Owner's Mailing Address: 5750 E. SANTA FEE City: TUCSON
Zip: 85715

Authorized Representative: JEFF STEWART Phone: 907-8070

Rep's Mailing Address: 861 W. COOL DR City: TUCSON Zip: 85704

Property Address: 5750 E SANTA FEE City: TUCSON Zip: 85715

Tax Code Number(s): 102-22-020R Zone: SR

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

Owner or Applicant's Email Address: jstewart@steadfastdrafting.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: [Signature] Date: 6.25.2015

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Rustand Carson B Irrevocable Tr - E Santa Fee Co10(4) 15 - 04
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 19.17.050A & B of the Pima County Zoning Code which
1) allows requires 1,500 sq ft or 70% of the main bldgs floor area whichever is greater.
2) Restricts the maximum height by accessory structures to 24' 0"

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 6/30/2015

P15BA00070

STEADFAST DRAFTING & DESIGN, LLC.

861 West Cool Drive
Tucson, Arizona 85704
Phone: (520) 907-8070

June 25, 2015

Board of Adjustment, District 4
Thomas Drzazgowski
Board of Adjustment Executive Secretary
Development Services
201 N. Stone Ave.
Tucson, AZ 85701

Dear Mr. Secretary:

This letter is submitted in support of the application of Carson Rustand for certain variances before the Board of Adjustment, District 4.

The owner, Carson Rustand, owns a parcel (APN #102-22-020R) of property located at 5750 East Santa Fee, Tucson, Pima County, Arizona.

The variance is requested to build a new equipment & hay storage barn. There are two variances which are necessary in order to construct this project. The first is a variance is to allow an increase in permitted coverage for accessory buildings and structures. There is an existing main residence, 3808 s.f.; with an attached carport, 630 s.f.; storage, 105 s.f.; a guest house, 1603 s.f.; and covered porches, 294 s.f. The new barn is 5600 s.f. with an additional 2400 s.f. of covered porches along the length of both sides. SR zoning allows for 70% on the largest main building on the site or 1500 s.f. The barn clearly exceeds this limitation. The other variance is for building height. The building height is 29'-1-1/2", as defined in Pima County Code 18.03.020b(3), from finished grade, with finished floor 8" above finished grade. SR zoning allows for a maximum height of 34' and a maximum height of 24' for accessory buildings and structures.

A. Factual Background

The subject parcel is approximately 28.26 acres in size and its boundaries touch both the Pantano Wash and Rillito River. The area has a long history of agricultural uses that pre-date the zoning of this property by Pima County. Private and commercial stables and barns of various size and height are scattered throughout the area. Some of these have been built subsequent to the adoption of the zoning code and some may pre-date it.

The property is zoned "SR (Suburban Ranch) and is intended as a low density zone principally for single-family residences and associated conditional uses on large lots. A wide range of agricultural and ranch uses are permitted. The large minimum lot size requirement of this zone insures a considerable reservation of open space."

There are several utility easements on the property and none are in the vicinity of the proposed barn. There is no building or zoning violation at this location.

B. Conditions

The owner uses a number of different tractors, farm and ranch equipment in order to maintain the property and livestock. The required height to adequately store and service that equipment, with required head

heights, combined with the storage of hay and feed require a building height greater than the maximum for an accessory building in SR Zone. It is essential that hay not be stored in close proximity to farm equipment and repair equipment (welders, etc.) that may generate sparks and thus a fire. It is also preferred to store hay off of concrete to avoid the water that wicks up from the ground and through the slab, degenerating the hay. The barn design provides the needed space to store and maintain the equipment and feed.

C. Conditions Not Applicable to Other Properties Generally

The conditions upon which the petition for a variance is based are not applicable, generally, to most other property within the same district. The parcel, 1,220,166 s.f., 28.26 acres, most of it open space, is much larger than the required minimum lot size of 144,000 s.f. and of most of the nearby and adjacent lots. It has history of and continued uses in agriculture. Most SR zoned parcels are used primarily as residence, some with horses, and are much closer in size to the minimum of 144,000 s.f.

A 144,000 s.f. lot with 1500 s.f. of accessory buildings is equivalent to about 1%. The same percentage applied to the subject parcel is equal to over 12,000 s.f. of accessory buildings

D. Self-Created Hardship

The unusual conditions of this property have not been created by the property owner, or any predecessor of this property owner in title. The zoning is something that the owner has to live with, but certainly did not contribute to in any way, shape or form. The parcel has not increased in size and in fact has been reduced by a previous parcel split.

E. The Public Welfare

The granting of these variances will not be detrimental to the public welfare or injurious to other property or improvements in the area in which it is located. The property is secluded and the proposed barn is approximately 1600 feet from Craycroft Road, further if the line of sight from the Rillito bridge is followed and over 1,000 feet from Santa Fee. Dense tree formation, existing and new, keeps most of the property completely out of public view. The closest neighbor, to the south, has a barrier of trees around their property making it almost impenetrable to view. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents. There is also precedent for large barns at nearby properties

F. Conclusion

The project conforms to the intent of the Suburban Ranch Zoning, the variance will not authorize activities other than those permitted by this zone, and the variance is in harmony with the general intent and purposes of the code and the provision from which the variance is requested.

Carson Rustand therefore respectfully requests that the variances applied for in this case be granted,

1. The maximum height for accessory structures be increased to 29'-2".
2. The lot coverage for accessory buildings and structures be increased to 10,632 s.f.

Sincerely,



Jeff Stewart, Agent for the owner
Steadfast Drafting & Design, LLC

DEVELOPMENT SERVICES DEPARTMENT

201 N. STONE AVENUE, 2ND FLOOR TUCSON, AZ 85701

PHONE: 740-6800 FAX: 623-5411

RECEIPT PIMA COUNTY, ARIZONA

ACTIVITY P15BA00070

FEE RECEIPT# 15P00122

SITE ADDRESS:

CASE NUMBER:

DATE: 06/30/2015
COMP TYPE: BOA

TIME: 11:31 AM
TYPE: VARIANCE

DESCRIPTION OF WORK: VARIANCE Co10(4)15-04 INCREASE ACCESSORY STURCTURE LOT
COVERAGE AND HEIGHT

APPLICANT: CARSONB RUSTAND TR/STEADFAST DRAFTING

Receipt by: KS

Notation:

PAID BY:

Type	Method	Description	Amount
Payment	Check	840	1,024.00

TOTAL: 1,024.00

FEES PAID:

DESCRIPTION	CURRENT PMTS
BOARD OF ADJUSTMENTS	1,024.00
TOTAL:	1,024.00

Reference # (if applicable):

DEVELOPMENT SERVICES DEPARTMENT

201 N. STONE AVENUE, 2ND FLOOR TUCSON, AZ 85701

PHONE: 740-6800 FAX: 623-5411

RECEIPT

PIMA COUNTY, ARIZONA

ACTIVITY P15BA00070

FEE RECEIPT# 15P00123

SITE ADDRESS:

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COVERAGE AND HEIGHT

APPLICANT: CARSONB RUSTAND TR/STEADFAST DRAFTING

Receipt by: KS

Notation:

PAID BY:

Type	Method	Description	Amount
Payment	Check	1227	18.00

TOTAL: 18.00

FEES PAID:

DESCRIPTION	CURRENT PMTS
BOARD OF ADJUSTMENTS	18.00

TOTAL: 18.00

Reference # (if applicable):

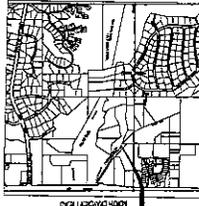
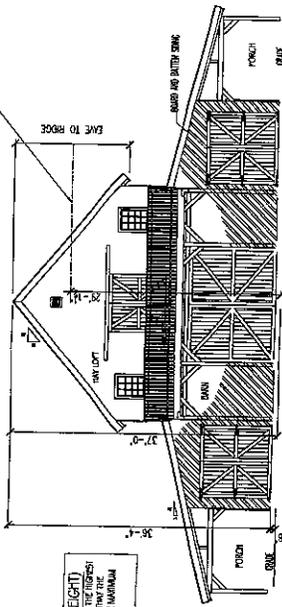
THE RUSTAND BARN

SITE NOTES

1. THE GENERAL CONTRACTOR SHALL VERIFY ALL SITE INFORMATION AND SECURE THE ADJACENT PROPERTY BEFORE CONSTRUCTION OF ANY NATURAL FEATURES.
2. THE GC IS RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF EXISTING UTILITIES IN THE FIELD.

NOTE:
ALL CONSTRUCTION TO OCCUR WITHIN AREAS OF PROHIBITED DISTURBANCE SHALL BE COMPLETED PRIOR TO THE EFFECTIVE DATE OF PINA COUNTY ORDINANCE 2005-102 (PINAWM HURRICANE EFFECTIVE DATE: 10-30-2009)

PINA COUNTY CODE 18.03.020 (BUDG HEIGHT)
BUDGET HEIGHT SHALL BE THE MEAN AVERAGE HEIGHT MEASURED FROM THE BASE AND TO THE PEAK OF THE ROOF SHALL NOT EXCEED FOUR FEET ABOVE THE MAXIMUM PERMITTED BUILDING HEIGHT OF THE ZONE.



LEGAL DESCRIPTION:
LOT 1 IN 7509 ANA SVY CTRL PTK SW/4
AS 61/4 PIMA RILLITO SUBD & PANTANO WASH
28-01-PC SEC 25-13-1-4

AREA CODES:
PANTANO # 175-22-000X
RILLITO # 175-22-000X

PERMITS:
PERMITS # 175-22-000X

CRAYCROFT ROAD

ROAD

SITE PLAN

CARSON RUSTAND
5750 EAST SANTA FEE
TUCSON, ARIZONA 85715

STEADFAST
DRAFTING & ARCHITECTURE, LLC
3000 N. 10TH AVE.
TUCSON, AZ 85715
PH: 520-795-1111
WWW.STEADFASTAZ.COM

C-1

SITE PLAN
SCALE: 1" = 100'-0"

6010(h)15-04

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