



**PIMA COUNTY**  
DEVELOPMENT SERVICES

DATE: June 29, 2016  
TO: BOARD OF ADJUSTMENT District #5  
FROM: Elva Pedregó, Assistant Executive Secretary  
SUBJECT: **P16VA00015 NAVARRO – SOUTH ORIOLE AVENUE**  
Scheduled for public hearing on July 14, 2016

**LOCATION:**

The subject parcel is located approximately a third of a mile east of Cardinal Avenue, one thousand feet north of Drexel Road on South Oriole Avenue.

**SURROUNDING ZONING / LAND USES:**

North	CR-3	Developed
West	CR-3	Developed
South	CR-3	Developed
East	CR-3	Developed

**PUBLIC COMMENT:**

3 Letters of Support

**PREVIOUS CASES ON PROPERTY:**

None

**REQUEST:**

The applicant requests the following **variances**:

1. **To reduce the minimum front yard setback for an existing carport addition to the main dwelling to 7 feet.** Section 18.25.030D1 of the Pima County Zoning Code requires a 20 foot minimum setback;
2. **To reduce the minimum side yard setback for existing carport additions to the main dwelling to 3 and 4 feet.** Section 18.25.030D2 of the Pima County Zoning Code requires a 7 foot minimum setback.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No comment

**BACKGROUND:**

The subject property is in the Manzanita Manor subdivision recorded in 1960. The area is comprised of site built homes, where the density is predominantly 5 residences per acre. All of the arterial and collector streets are paved and a middle school is located just west of the site.



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Permit records indicate the original home was permitted and built shortly after the subdivision plat was recorded; November of 1960. A porch and fence were permitted in 1969. Other than an electrical and a plumbing permit obtained in 2007 and 2009, there has been no other permit activity on the property.

In April of this year a code violation complaint was received by Zoning Enforcement. The complaint indicated there was "work without permits. Large structure of steel with electric in the front yard of property". The zoning enforcement inspector conducted a site inspection after notifying the owners by mail of the complaint. A site visit was conducted where the inspector did find a large accessory type structure abutting the front of the residence that did not meet the required setbacks. It was also noted that an older carport addition had been constructed on the side yard and that it was also not meeting the required setback. The owner was advised that they would either have to demolish the unpermitted structure and addition or obtain a variance and permits.

The owners opted to obtain a permit for the carport addition and carport structure but a variance is required for the setback encroachment before permit approval can be granted.

**RECOMMENDATION:**

The owner's agent states "The owners were not aware they needed a building permit to build the carport. The structure was built for very much needed shade for the owner's cars. The existing house does not have a garage".

Based on aerial photos, it appears the unpermitted carport addition to the north (side yard) was done sometime between mid-2011 and 2014. The steel carport at the front was erected more recently probably within the last year; the current owners have owned the property since 2000.

Staff has **NO OBJECTION** to the variance request. Although the hardship has been self-imposed; they had the additions built without obtaining permits, they have provided letters of support from three noticed property owners stating they have no problem with the carport. Additionally, no negative public comment regarding the request has been received; it appears the variance will not cause injury, adversely affect the rights of the surrounding property owners or allow a use which is not permitted in the zone by the Code. The side yard setback encroachment was brought to light when the inspector conducted the site visit and when site plan was submitted. These were never mentioned in the violation complaint but do need to be addressed in the variance request.

If the board grants the variance Staff requests it do so with the following condition:

*Approval of front yard setback is for the existing steel open carport and at no time shall it be enclosed. Approval will not transfer to any other addition that would encroach into the front yard setback.*



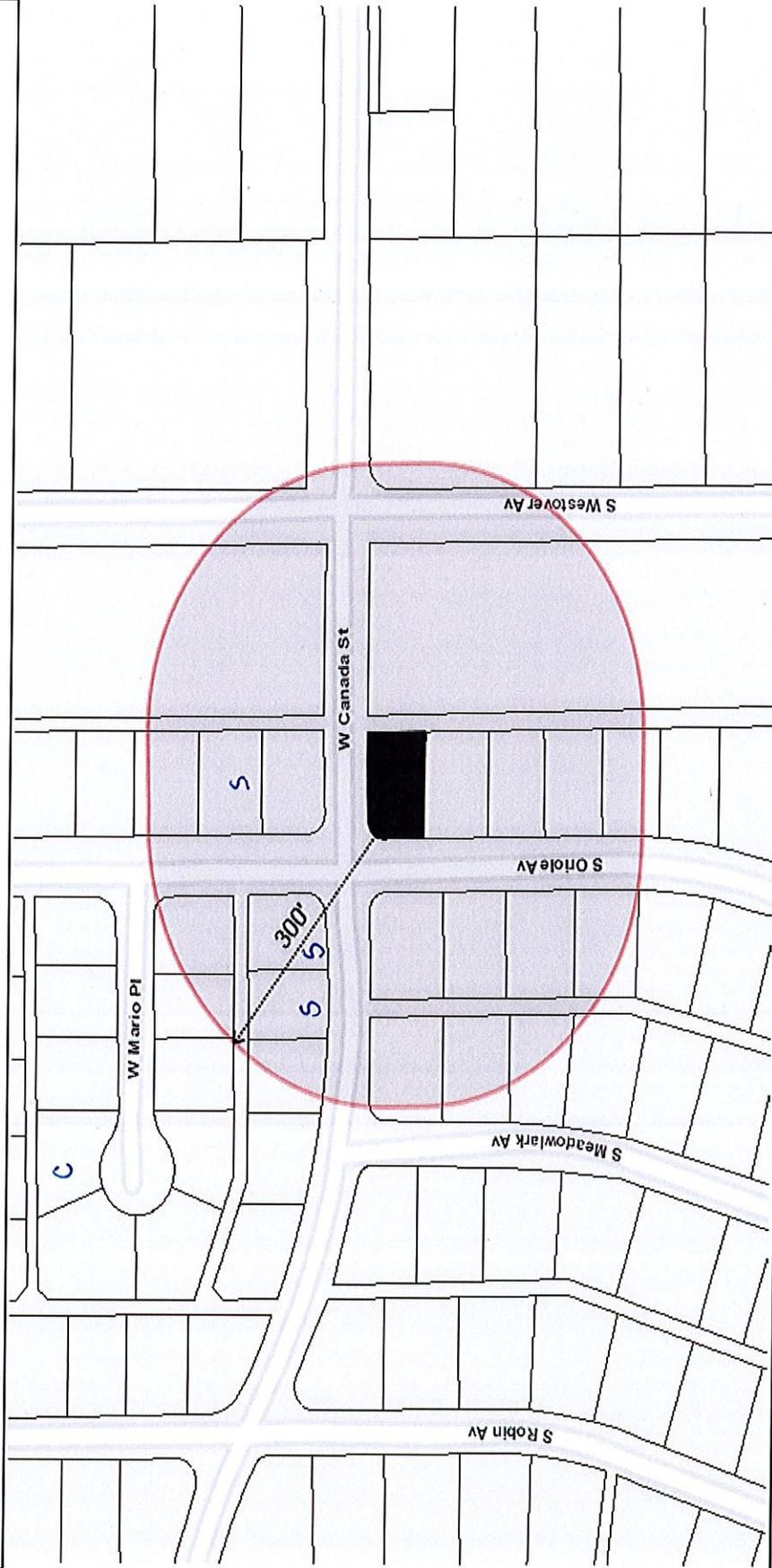
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**Standards that must be considered by a board of adjustment when considering a variance request include:**

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

## NAVARRO—S. ORIOLE AVENUE



**LEGEND**

- Petition Area
- Notification Area

**NOTES**

<b>File no.:</b>	P16VA00015	<b>Tax Code(s):</b>	137-14-1000
<b>Application:</b>	VARIANCE	<b>Base Map:</b>	35
		<b>Drafter:</b>	A.H.

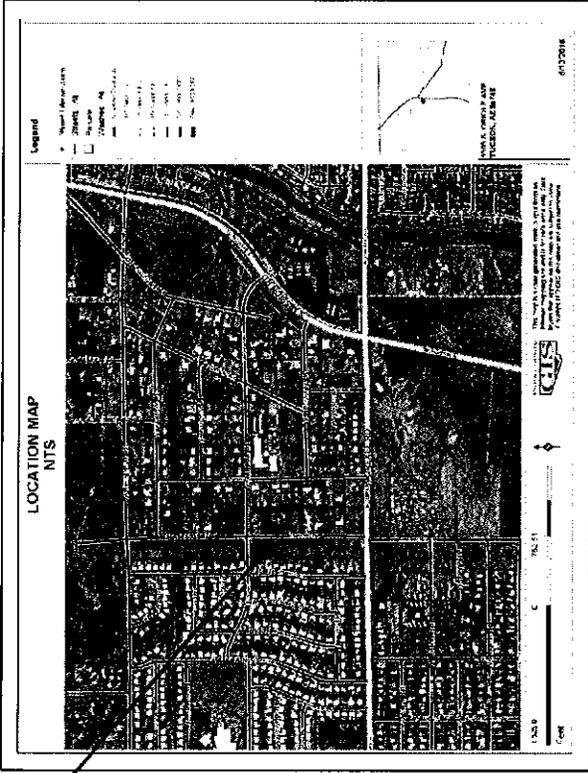


6/16/2016

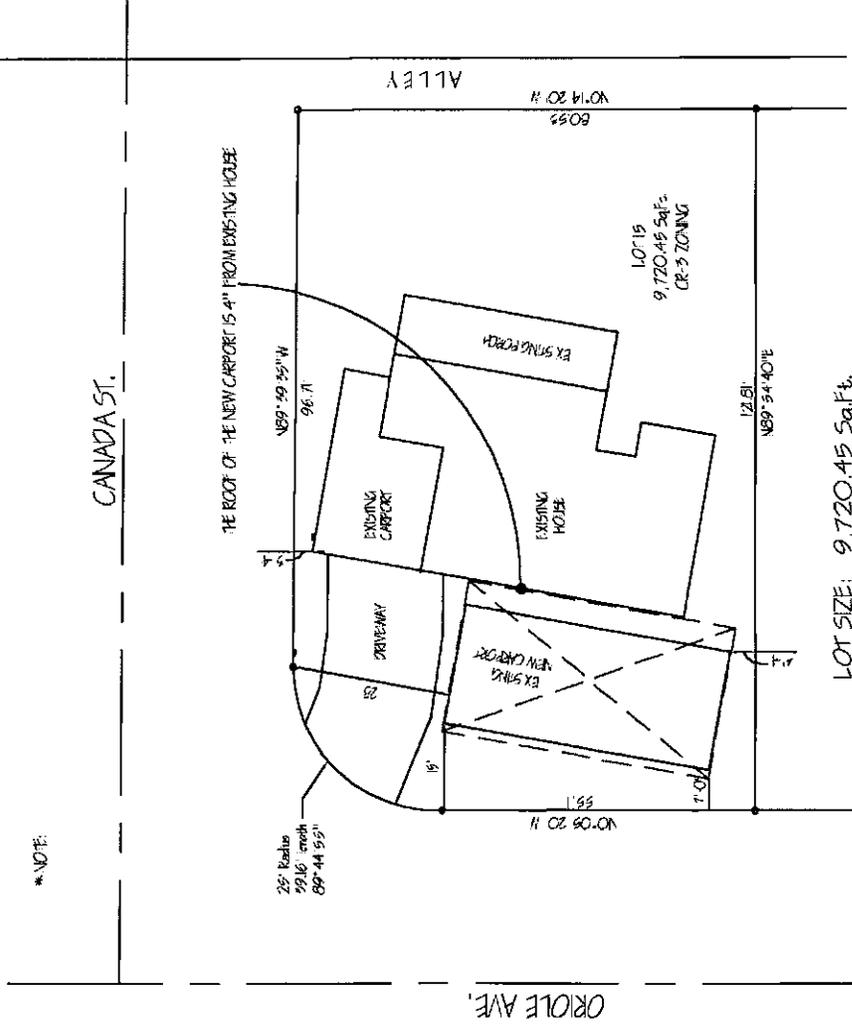
LEGAL DESCRIPTION: MANZANITA MANOR NO 2 LOT 15 BLK 5  
 PARCEL #: 157-14-1000  
 PROJECT ADDRESS: 5505 S. ORIOLE AVE  
 TUCSON, AZ 85746  
 ZONING: CR-3

PROPOSED PROJECT LOCATION

LOCATION MAP NTS



SITE PLAN  
 SCALE 1" = 10'-0"



LOT SIZE: 9,720.45 Sq.Ft.  
 EXISTING NEW CARPORT: 988 Sq.Ft.  
 EXISTING HOUSE AREA: 1,755 Sq.Ft.  
 EXISTING PORCH AREA: 400 Sq.Ft.  
 EXISTING CARPORT AREA: 500 Sq.Ft.  
 TOTAL LOT COVERAGE: 3,643 Sq.Ft.  
 38% LOT COVERAGE

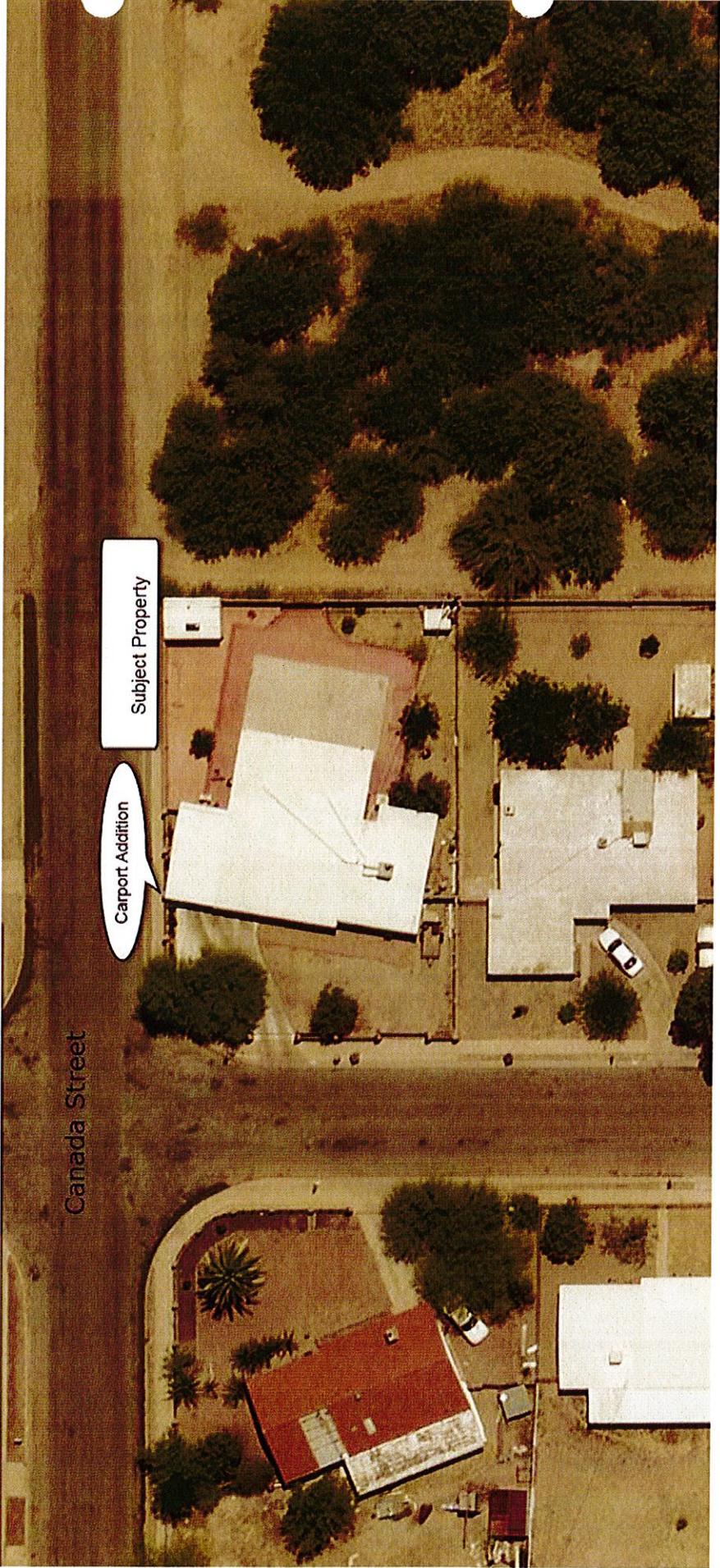
\*HEIGHT OF NEW CARPORT IS 10'-6"  
 SUBPARCELS FOR LOTS FROM 20 FEET FRONT, 20 FEET BACK, 20 FEET SIDES, EIGHT FEET

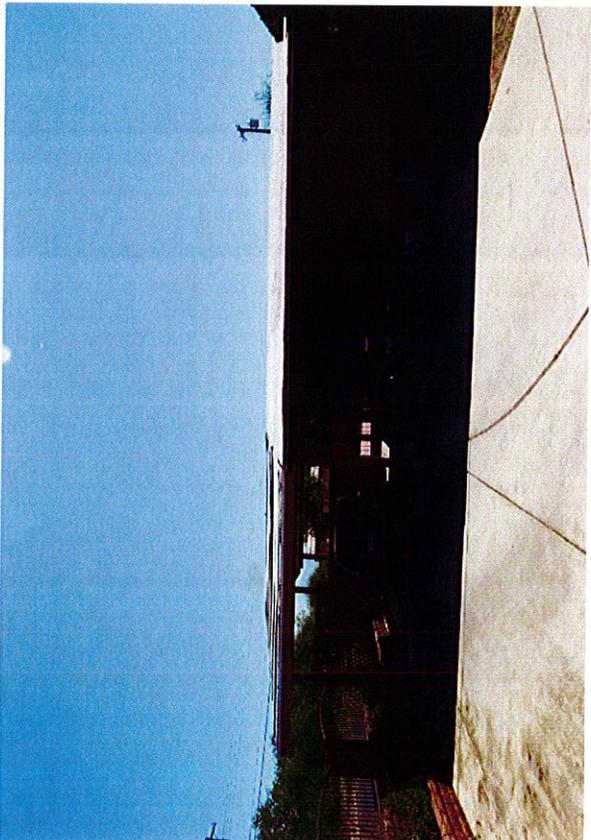
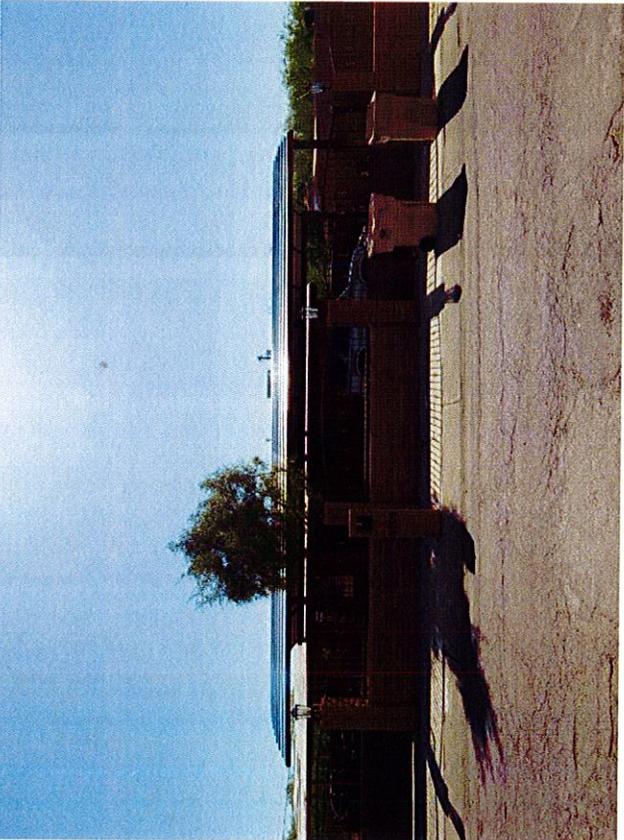
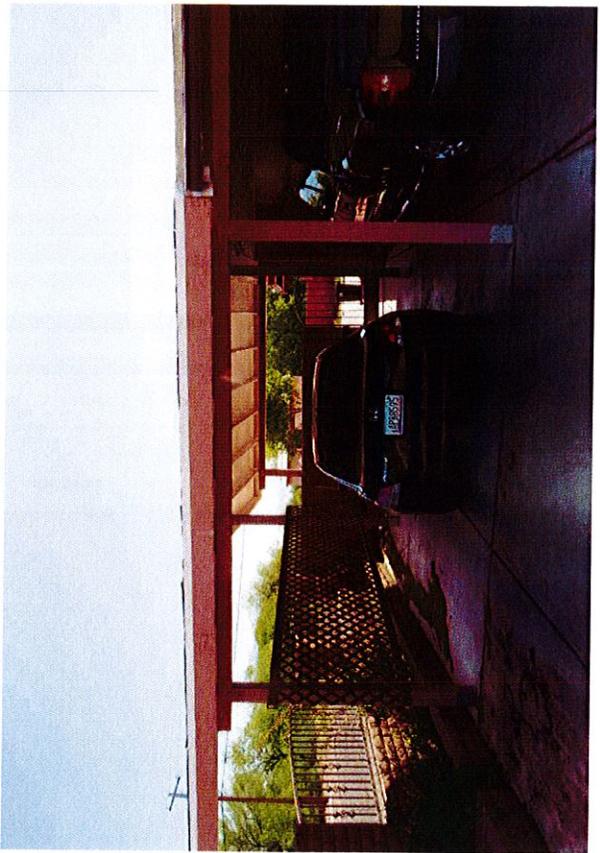
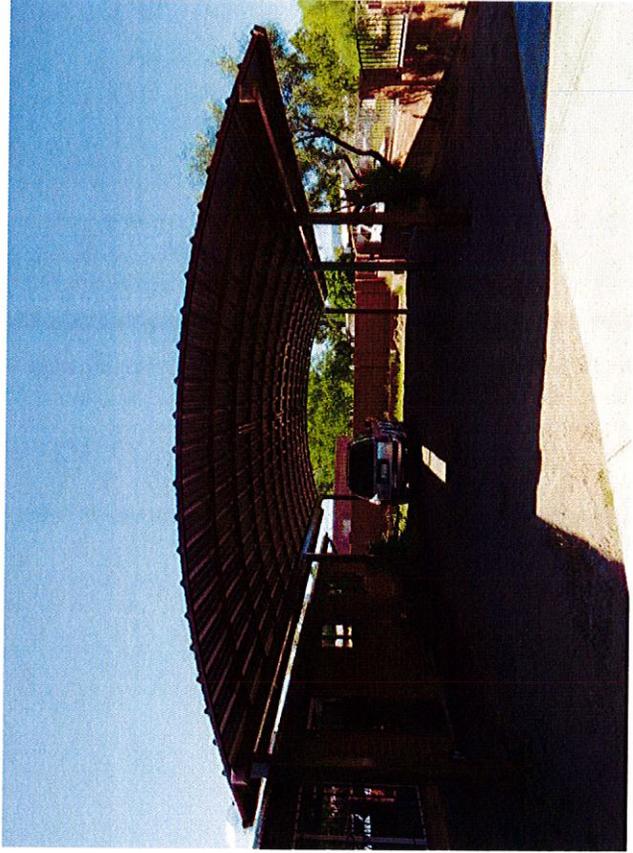
5505 S Oriole Ave  
 MR. & MRS. NAVARRO  
 A NEW CARPORT FOR

STE PLN.

1 of 1

**P16VA00015 Navarro – South Oriole Avenue**





View of existing carports



PIMA COUNTY  
DEVELOPMENT SERVICES

**Variance Application**

Revised 12/2013

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

Property Owner: Francisco A. Navarro & Angelica Navarro Phone: (520) 419-9882

Owner's Mailing Address: 5505 S. Oriole Ave. City: Tucson Zip: 85746

Authorized Representative: ELISA A. AUBREY Phone: (520) 245-3443

Rep's Mailing Address: 2251 W. Virginia Pl. City: Tucson Zip: 85746

Property Address: 5505 S. Oriole Ave City: Tucson Zip: 85746

Tax Code Number(s): 137-14-1000 Zone: CR-3

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

Owner or Applicant's Email Address: elisa\_studio@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: ELISA A. AUBREY Date: 5/31/16

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

#5

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

Case Title: Navarro - 5 Oriole Avenue Co10( ) PLWA00015  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 100.25.03001+2 of the Pima County Zoning Code which requires a 20' front yard setback and an 8' side yard setback

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY Mark DATE 6/2/2016



PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT  
201 N. Stone Avenue, 2nd Floor  
Tucson, AZ 85702-1207

CARMINE DEBONIS, JR.  
Director

Phone: (520) 724-9000  
FAX: (520) 623-5411

### LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and the party whose name is listed below is authorized to apply for a Rezoning/ Variance/ Minor Land Division – Lot Split/ Modification of Setback Requirement (circle one).

5505 S. ORIOLE AVE. TUCSON, AZ 85746

Property Address and/or Tax Code (Where permit is being applied for)

ELISA A. AUBREY / ELISA A. AUBREY

Authorized Agent PRINT/SIGNATURE

Date

5/31/16

#### AUTHORIZED BY:

Angelica NAVARRO

Property Owner(s) (Please Print)

5-23-16

Date

Angelica Navarro

Property Owner(s) (Signature)

5-23-16

Date

June 6, 2016

Board of Adjustment District Board Members,

I am requesting a variance to reduce the front yard setback from 20 feet to 7 feet for and existing Carport at 5505 S. Oriole Ave. Also the Side yard setback from 8 feet to 4 feet. The New Carport was built without a permit and the owners were cited. The owners were not aware they needed a building permit to build the Carport. The structure was built for very much needed shade for owner's cars. The existing house does not have a Garage.

After being cited, they became aware that the carport does not meet setback limits for the Zoning in the area. The New existing Carport has a metal roof that is only 4 inches from the existing house. The New Carport is 7 feet from the front yard property line. I have enclosed letters of support from the adjacent neighbors.

Sincerely,  
Elisa Aubrey  
(Authorized Agent)  
(520) 245-3443

Hi my name is Oscar Rodriguez  
Angelica and Francisco Navarro  
have been my neighbors for  
16 years they are a Christian  
Family never had problems they  
build this porch for their  
Childrens cars its a very nice  
and well build porch we have  
no problem with it what so  
ever please feel free to  
contact me if you have  
any questions. 2560 W CANADA

Sincerely  
Oscar Rodriguez 260-3483

137-14-1400

My name is Albert J. Rodriguez  
I am the homeowner at  
2550 West Canada St.

In regards to the construction  
of a carport at the Navarro  
residence I see no problem  
whatsoever. It is professionally  
built and add to the neighborhood.  
Please feel free to contact  
me at (520) 954-7718.



137-14-1390

6/1/16

My name is Manuel Gaban.  
I live at 5461 S. ORIOLE AVE.  
I have no problem whatsoever  
with the car port that was built  
at Angelica and Francis's house.  
It was professionally done. If you  
have any questions, please contact  
me at 520-883-7429.

Thank you

Manuel Gaban

137-14-1020