



PIMA COUNTY

DEVELOPMENT SERVICES

DATE: August 5, 2016

TO: BOARD OF ADJUSTMENT District #3

FROM: Elva Pedregó, Assistant Executive Secretary

SUBJECT: **P16VA00023 DENTER – WEST SHAFFER PLACE**
Scheduled for public hearing on August 15, 2016

LOCATION:

The subject parcel is located approximately three hundred feet north of the Wetmore Road and La Cholla Boulevard intersection on West Shaffer Place.

SURROUNDING ZONING / LAND USES:

North	MU	Developed
West	MU	Developed
South	MU	Developed
East	MU	Developed

PUBLIC COMMENT:

None

PREVIOUS CASES ON PROPERTY:

None

REQUEST:

The applicant requests the following **variances**:

1. **To reduce the minimum front yard setback to 1 foot.** Section 18.37.030D1 of the Pima County Zoning Code requires a minimum 20 foot setback;
2. **To reduce the minimum side yard setback to 0 feet.** Section 18.37.030D2 of the Pima County Zoning Code requires a minimum 7 foot setback.

TRANSPORTATION AND FLOOD CONTROL REPORT:

No comment

BACKGROUND:

The subject property is in the Melody Lane Estates subdivision recorded in 1961. The area, known as the Flowing Wells Neighborhood, is comprised of site built homes where the density is predominantly 5 to 7 residences per acre. All of the arterial and collector streets are paved and Flowing Wells High School is located just west of the site.



Other than the original permit for the duplex issued in February of 1981, there has been no other permit activity on the property.

The owner is now proposing to build a carport on the west side of the lot in front of the duplex. Due to the lot's configuration, the radii of the cul-de-sac and the location of the duplex, there is no room for any addition without a setback encroachment.

RECOMMENDATION:

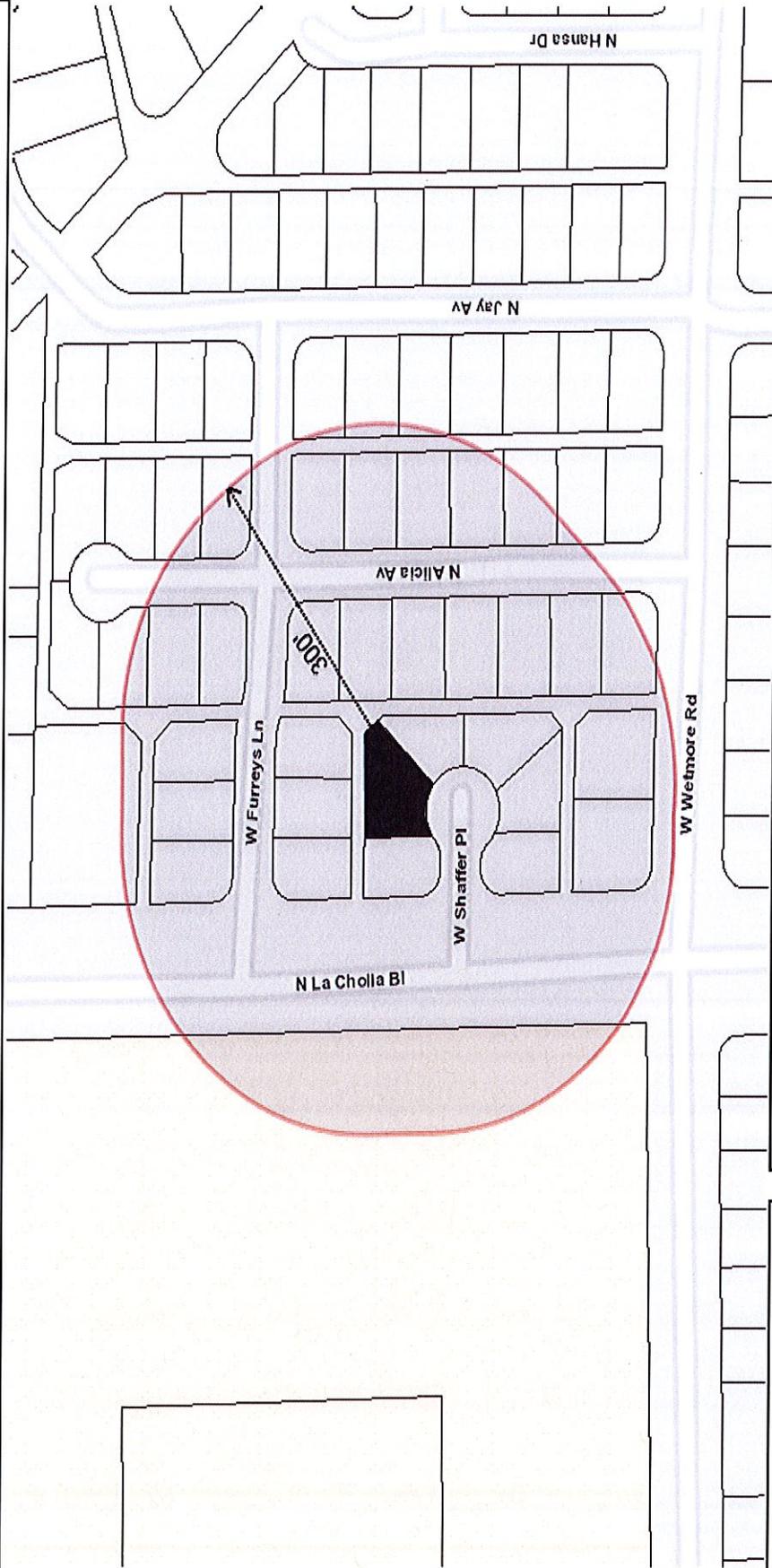
Staff recommends **APPROVAL** of the variance request. The property to the west and south have similar structures that encroach into the front and side yard setback so the proposed carport would not seem out of character in the area. As a matter of fact, the property owner has submitted a consent form with the signatures of adjacent property owners agreeing to this request. Additionally, due to the property's location (short cul-de-sac) there is a minimal amount of traffic so safety is not an overwhelming concern. There has been no negative public comment on the request; it appears the variance will not cause injury or adversely affect the surrounding property owners and is the minimum to afford relief.

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

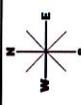
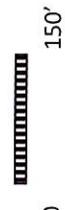
DENTER — W. SHAFFER PL



LEGEND

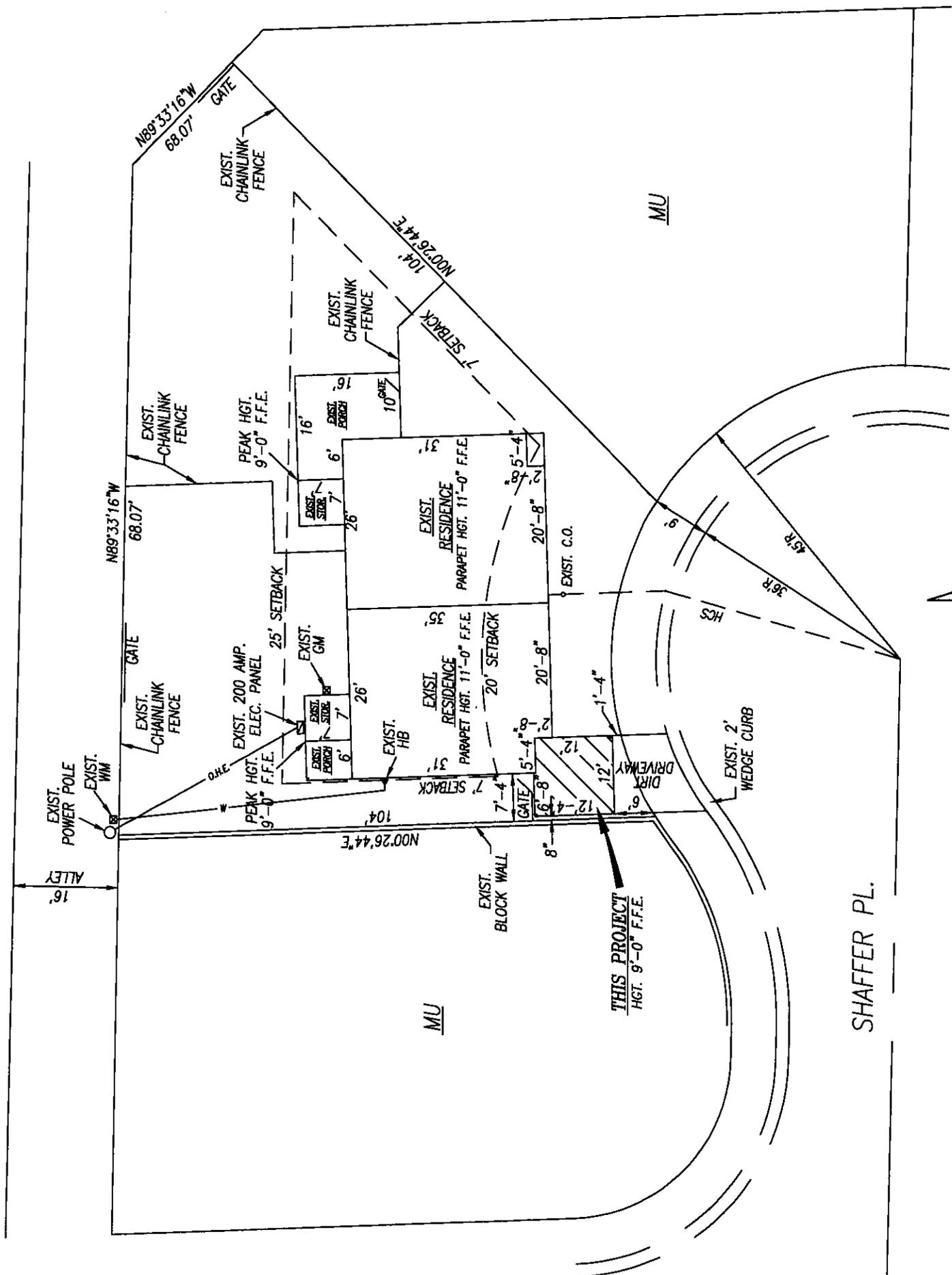
- Petition Area
- Notification Area

NOTES

File no.:	P16VA00023	Tax Code(s):	104-04-130A
Application:	VARIANCE	Base Map:	22
	0	Drafter:	A.H.
			

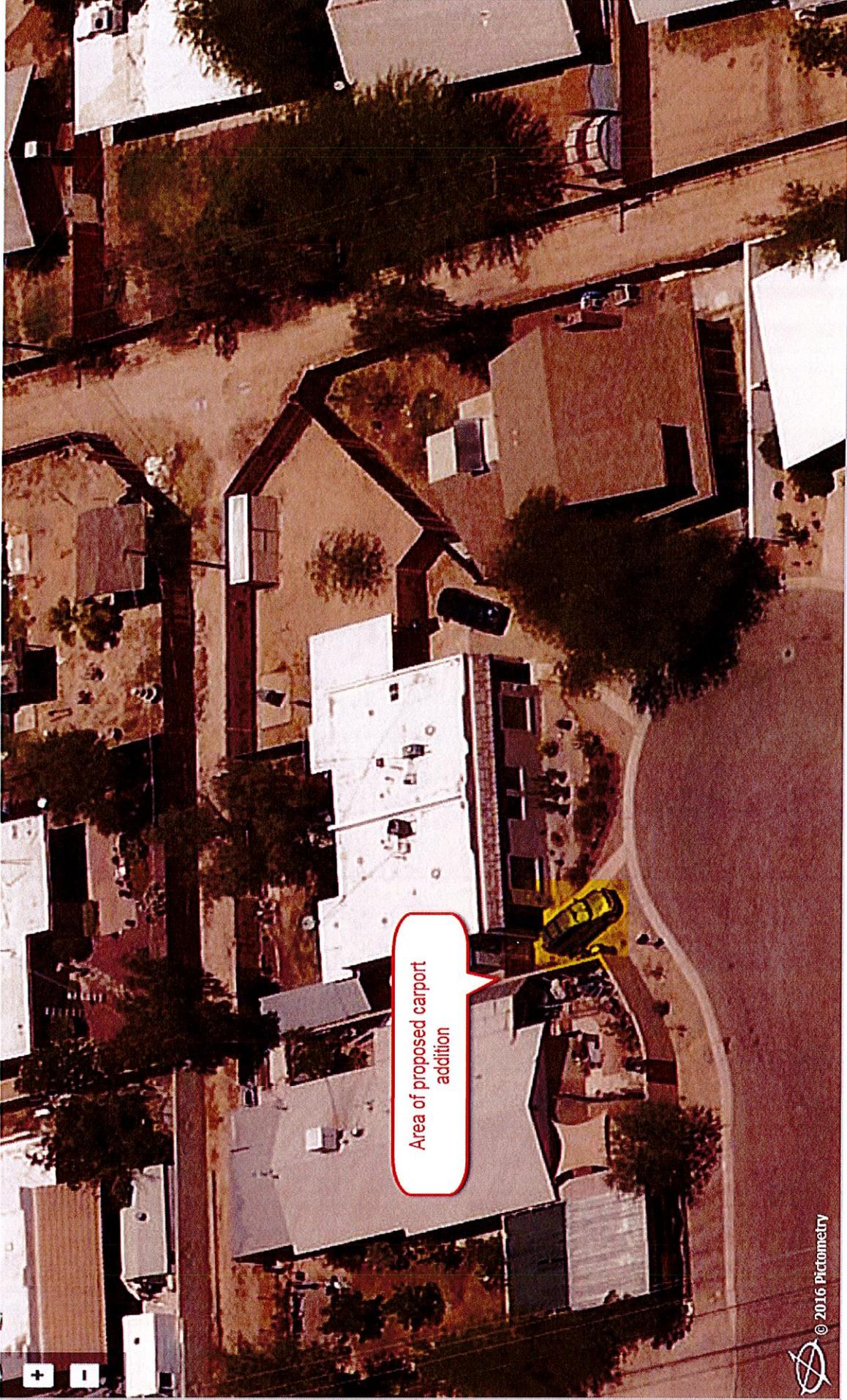


7/12/2016



SITE PLAN
 SCALE: 1"=20'-0"

LA CHOLLA BLVD.



Area of proposed carport
addition

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VIEW OF SUBJECT PROPERTY AND AREA OF PROPOSED CARPORT ADDITION



Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

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

Property Owner: SUE DENTER Phone: 520-820-2984

Owner's Mailing Address: 2068 W. SHAFFER PL. City: TUCSON, AZ
Zip: 85705

Authorized Representative: JOE ROMO Phone: 520-241-9323

Rep's Mailing Address: 2710 W. CAMINO DE LA JOYA City: TUCSON, AZ Zip: 85742

Property Address: 2068 W. SHAFFER PL. City: TUCSON, AZ Zip: 85705

Tax Code Number(s): 104 - 04 - 130A Zone: MU

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

Owner or Applicant's Email Address: joe-dallas@attlook.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: Sue Denter Date: 7/6/16

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Denter - W. Shaffer Place Co10() (3) PIVA00027
OWNER'S NAME – STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.31.03051+2 of the Pima County Zoning Code which requires a 20' front yard setback and 7 foot side yard setback

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY Dwa DATE 7, 7, 2016

Board of Adjustment District __ Board Members,

I request a variance to reduce the front yard setback from 20 feet to 6 feet on the west side of proposed carport and from 20 feet to 1 foot 4 inches on the east side of proposed carport. I also request a variance to reduce the side yard from 7 feet to 8 inches on the west side of proposed carport.

This variance request is for a proposed carport that will be constructed in front of the existing residence.

This variance is **NOT** being requested for a building or zoning violation.

The existing residence is currently located out of the front yard setback, so the proposed carport will be constructed as described in the beginning of this letter. There is no other location on the property that will accommodate the proposed carport.

I have enclosed signatures of my adjacent neighbors that have no issues on the carport being constructed at this location.

Thank you for your time and consideration,

Sue Denter

2068 W. Shaffer Pl.

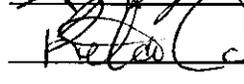
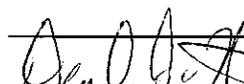
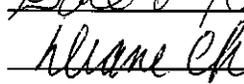
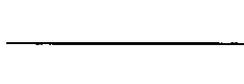
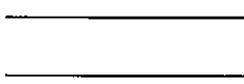
Tucson, AZ 85705

CONSENT FORM FOR MODIFICATION OF SETBACK REQUIREMENTS

Applicant: If you wish to obtain signatures, you may request the Planning staff to list all affected properties. ("all abutting lots and lots within 100' when separated by a road or common area")

- The standards for a modification of setback requirements are as follows:
1. The reduced setback 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.

"I, the undersigned, have reviewed the attached sketch plan for the proposed modification of setback requirements and **do not have any objections.**"

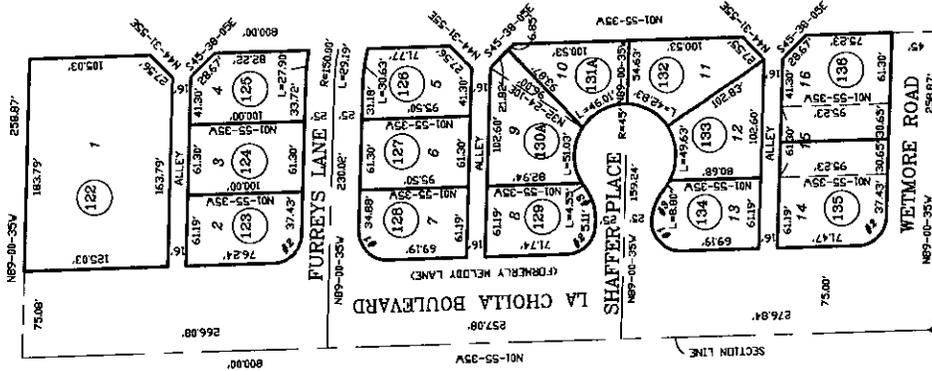
Tax Code	Lot	Name of Owner (please print)	Signature*	
104-04-1290	8	JESUS & ERNESTINA ORTIZ		2076 W. SHAFFER PL.
104-04-131A	10	TOMMY & BARBERAE THOMPSON		2060 W. SHAFFER PL.
104-04-1320	11	RICHARD & LANGLEY ELIZABETH BOVE		2061 W. SHAFFER PL.
104-04-1330	12	DAVID BOGLE		2089 W. SHAFFER PL.
104-04-1340	13	JOH & RITA CAIN		4440 N. LACHILLA BL.
104-04-1280	7	DARREL HULTS		2071 W. FURREYS LN.
104-04-1270	0006	DIANE CHAPMAN		2069 W. FURREYS LN.
104-04-1260	5	JEFFREY & PATRICKA STANLEY		2061 W. FURREYS LN.

* Signer must be the current owner of record as shown on the property's Assessor's APIQ printout.
Only original signatures will be accepted.

ASSESSOR'S RECORD MAP
 MELODY LANE ESTATES NO. 3
 LOTS 1-16

104-04

UNSUBDIVIDED



UNSUBDIVIDED

MELODY LANE ESTATES NO. 1
 BOOK 15, PAGE 007 M&P

CURVE TABLE

NO.	R	L
1	92-55-00	4054'
2	52-00'	3800'
3	43-00'	3038'

1/4 COR SEC 22
 170' 3/4" CAPPED PIPE

MELODY LANE ESTATES NO. 2
 BOOK 15, PAGE 034 M&P

SEE BOOK 15 PAGE 081 M&P
 1982-2

788 800X 03, 8456 050 S.S.

S22.713S.R13E

NMP1515081- 03/13/14



FEET





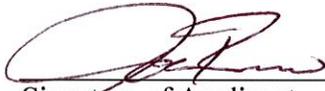
Building & Site Development
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701-1207

LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

2068 W. SHAFER PL., TUCSON, AZ 85705
Property Address

CARPENT ADDITION FOR RESIDENTIAL
Type of Permit Applied for: (SFR/MF/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Secondary Dwelling/Assisted Living Home/Group Home)


Signature of Applicant

6/22/2016
Date

AUTHORIZED BY:


Signature of Property Owner

6/20/16
Date

Per Board of Technical Registration and Registrar of Contractors regulation, Registrants and Licensed Contractors may apply for building permits without use of this form.