



DATE: April 17, 2019  
TO: BOARD OF ADJUSTMENT District 1  
FROM: Tom Coyle, Assistant Executive Secretary  
SUBJECT: **P19VA00006 FREESE – 9120 N. CAMINO DE LA TIERRA**  
Scheduled for public hearing on May 6, 2019

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**LOCATION:**

The subject property is located on the east side of N. Camino De La Tierra, approximately 450 feet south of W. Overton Road. The property is zoned CR-1 (Single Residence Zone).

**SURROUNDING ZONING / LAND USES:**

North	CR-4	Residential
South	SR	Residential/Horse Arena
East	SR	Residential
West	SR	Church and Natural Area

**PUBLIC COMMENT:**

No comments have been received as of the date of this report preparation.

**PREVIOUS CASES ON PROPERTY:**

No earlier Board of Adjustment cases have occurred on this property.

**REQUEST:**

The applicant (William and Jennifer Freese) requests a variance to allow a reduced front yard setback to 5 feet to allow for construction of an attached garage to accommodate equipment/vehicle storage. The proposed expansion is approximately 20 by 40 feet and will be attached to the existing dwelling. Access will be via the existing drive from N. Camino De La Tierra.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No issues are associated with this request. Of note, much of the property is constrained by flood considerations.

**BACKGROUND:**

The subject property (9120 N. Camino De La Tierra) is 1.71 acres and is located adjacent to residential land uses on the north, south, and east. A church use is located to the west, with improvements located along W. Overton Road, and natural area on the southern portion of the parcel, immediately west of the subject site.

The use of this property is a single-family detached residential dwelling, which is compatible with adjacent and surrounding land uses. Three single family residential land uses are served by N.



Camino De La Tierra, this parcel and two to the north. None of these land uses will be adversely affected by approval of this variance request.

Typically, setback provisions provide for continuity of aesthetic appearance of development and limit lot coverage in a manner that promotes separation of physical construction within a legal parcel. Of note, development along the front yard of this lot is significantly reduced due to surface drainage patterns. Additionally, because of the mix of land uses, and limited traffic along the local street, aesthetic concerns and impacts to adjacent properties owners would not likely occur in response to this request. The adjacent residence to the north has the dwelling sited towards the rear of the parcel, and the corresponding yard to the south is not impacted given the accessory uses in the northern portion of that property.

Approval of this variance will not result in an excessive lot coverage or height increases typically expected in a residential zone. The proposed addition will result in a lot coverage of less than 5% and the height proposed for the garage is within that of the primary structure. Additionally, the use provided for this addition, vehicle storage is consistent with that of the CR-1 Zone.

**RECOMMENDATION:**

Staff recommends approval of this application. Should the Board concur, Standards four (4) through nine (9) appear to be most applicable to this consideration.

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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.



**PIMA COUNTY**  
DEVELOPMENT SERVICES

201 N. Stone Avenue, 2nd Floor  
Tucson, AZ 85701-1207  
(520) 724-9000

*MILLER  
DISTRICT 1*

*P19 VA 00006*

Variance Application

Property Owner: William & Jennifer Freese Phone: (520) 762-1274

Owner's Mailing Address, City, State & Zip: Same as Property

Applicant (if different from owner): NA Phone: NA

Applicant's Mailing Address, City, State & Zip: NA

Applicant's or Owner's Email Address: wfreese220@gmail.com

Property Address: 9120 N. Camino De La Tierra Tucson, AZ 85742

I request a variance to: (identify the structure and the proposed setback in feet and/or identify the structure and the lot coverage increase in square feet, etc.): Variance of front yard  
setback from 30 feet to 5 feet. Enabling erection of 20 foot by 40 foot attached garage (along N. Camino De La Tierra).

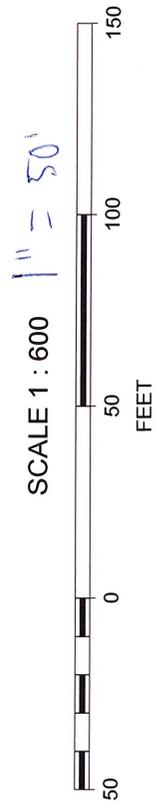
**Terms and Conditions**

I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. I have considered the applicable standards that apply to my request from the Pima County Zoning Code Section 18.93.030B and certify that my request conforms to the standards. (By checking the box, I am electronically signing this application.)

Date: April 5<sup>th</sup> 2019

*William Freese*

*Jennifer Freese*



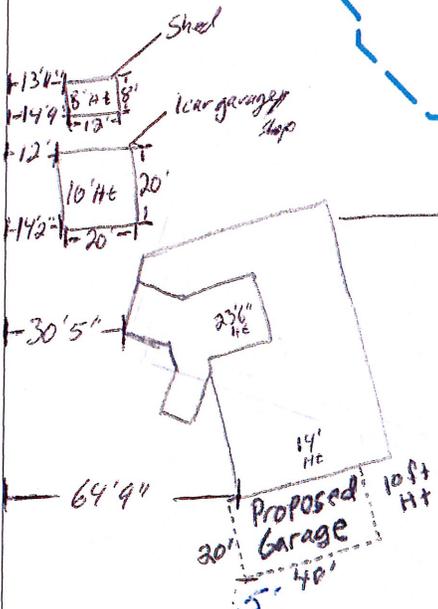
N CAMINO DE LA TIERRA



Rear

Side

Side



Please see other side for house dimensions

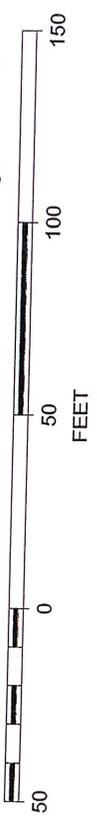
Reduce front yard setback from 30' to 10'

Front

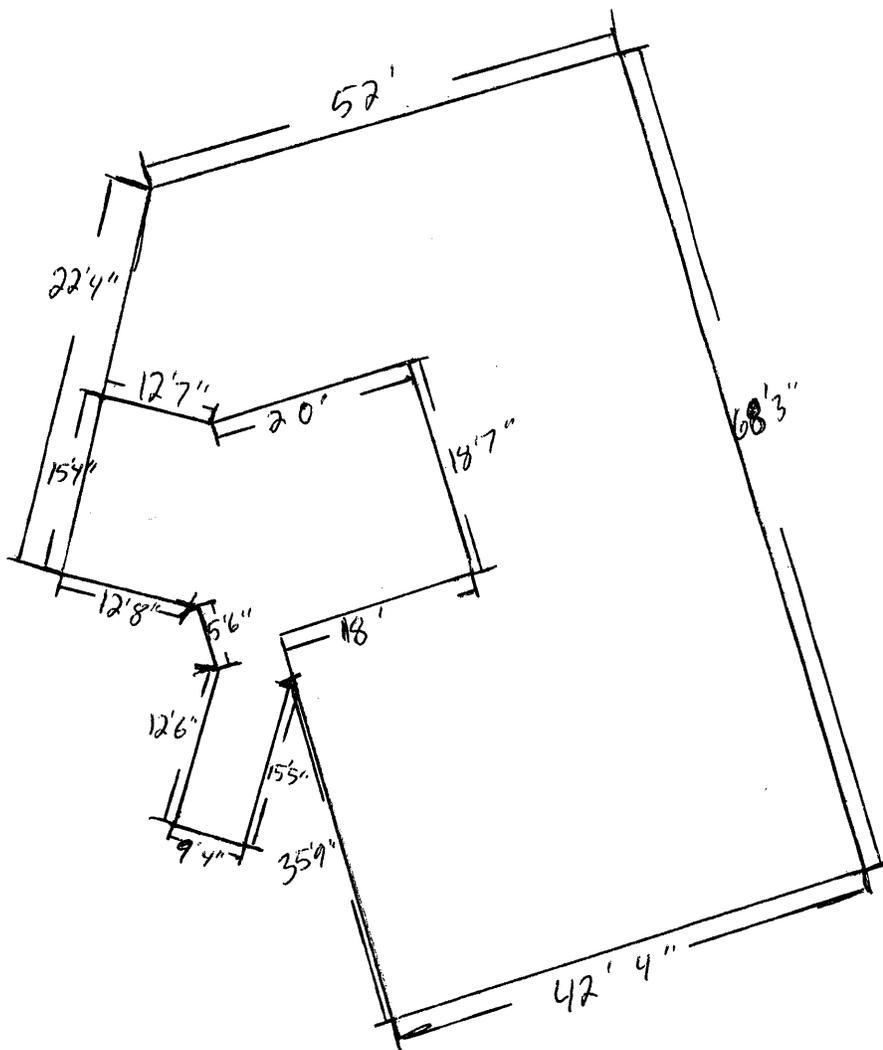
N CAMINO DE LA TIERRA

9120 N. Camino De La Tierra

SCALE 1 : 600 1" = 50'



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9120 N Camino De La Tierra