



Board of Adjustment

November 30, 2022 at
1:30pm
Zoom Meeting

Legal Action Report

1. **CALL TO ORDER/ROLL CALL**

A quorum was established and the meeting started at 1:31 pm.

Members present: Michael Marks, Bruce Dawson, Lee Pagni, Miranda Schubert,

2. **C10-22-08 FERENCE RESIDENCE / NEW CARPORTS ANTHONY FERENCE / 1700 EAST 9TH STREET / R-2**

The applicant's property is an approximately 6,500 square-foot lot zoned R-2, a "Residential" zoning classification, and is developed with two detached, single-family dwellings. The previous owner constructed two carports without prior zoning approval. Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.9 and Table 4.8-2 which provide the criteria for residential development in the R-2 zone; Section 6.4.5 and Table 6.3-2.A which provide the dimensional standards applicable to principal and accessory structures; and Section 6.6.3 which provides standards specific for accessory structures to a residential use. The applicant is requesting the following variances: **1)** Allow the existing north detached carport to remain as constructed with a reduced front street perimeter yard setback from 20'-0" to 6'-1" as measured to the north lot line, **2)** Allow the existing north detached carport to remain as constructed with a reduced side perimeter yard setback from 6'-0" to 4'-9" as measured to the east lot line, **3)** Allow the existing north detached carport to remain as constructed in the building area between the principal building and the front street lot line, and **4)** Allow the existing southwest carport to remain as constructed with a reduced side street perimeter yard setback from 10'-0" to 0'-0" as measured to the west lot line, all as shown on the submitted plans.

Motion by Mr. Dawson, duly seconded by Mr. Pagni, to grant the variances with conditions, was passed by a voice vote of 4 – 0.

DECISION: VARIANCES 1, 2, 3, AND 4 GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- A. No motor vehicle parking in the area between the north detached carport and the curb.**
- B. Carports shall not be enclosed.**

3. **C10-22-09 MOSS RV GARAGE / BRANDON AND DUSTY MOSS / 11001 E OLD SPANISH TR / SR**

The applicant's property is an approximately 3.76-acre, residential lot zoned SR "Suburban Ranch". The applicant is proposing to construct a new RV garage. The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to,

Section 4.7.4 and Table 4.8-3 which provides the criteria for residential development in the SR zone, and 6.6.3. which provides the criteria for detached accessory structures in a residential zone. The applicants are requesting the following variances: **1)** Allow the detached garage to be constructed with an increased height from 12' to 18'-8" as measured from design grade to the midpoint between the eave and ridge of the roof; and **2)** Allow the combined total gross floor area of all accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the principal structure, all as shown on the submitted plans.

Motion by Mr. Dawson, duly seconded by Ms. Schubert, to grant the variances with conditions, was passed by a voice vote of 4 – 0.

DECISION: VARIANCES 1 AND 2 GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- A. An NPPO waiver shall be submitted along with the resubmittal of the plans.**
- B. Prior to issuance of a building permit, an approved grading plan shall be required.**
- C. The entire garage shall be painted to match the gray roof of the existing residence.**
- D. At a minimum, plant five 15-gallon native desert trees along the southeasterly and south side of the new garage.**

4. C10-22-10 KNIPE SECOND DWELLING UNIT / DAVID KNIPE / 720 N ALDER AV / C-1

The applicant's property is an approximately 0.14-acre, residential lot zoned C-1 "Commercial" and is developed with one single-family dwelling and one detached storage structure. The applicant is proposing to expand and convert the existing storage building to a second dwelling unit. The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.20 and Table 4.8-6 which provides the criteria for residential development in the C-1 zone, Sections 6.3.4 and 6.4.5 which provide the dimensional standards and rules of measurements for all principal and accessory uses, buildings, and structures, in a commercial zone. The applicant is requesting the following variance: **1)** Allow a second dwelling unit with a side perimeter yard setback reduced from 10'-6' to 0'-6", as measured to the south lot line.

Motion by Mr. Dawson, duly seconded by Mr. Pagni, to grant the variance, was passed by a voice vote of 4 – 0.

DECISION: VARIANCE GRANTED

5. Request for continuance of case C10-21-09 TEP - Kino to DMP 138 kV Transmission Line Upgrade, which is an Appeal of a Zoning Administrator Determination pertaining to UCD Section 5.5.4.B.

The petitioner, Jeffrey Gross, on behalf of Tucson Electric Power, is asking for a final 6-month extension, to end June 2023. Motion by Mr. Pagni, duly seconded by Ms. Schubert, to grant the request, was passed by a voice vote of 4 – 0.

6. ADJOURNMENT Meeting was adjourned at 3:00 pm.