BOARD OF ADJUSTMENT

Zoning Administration Division Planning and Development Services Department (PDSD) 201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISION ***

DATE OF PUBLIC HEARING APRIL 24, 2024

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J) & (K).

ACTIVITY NO. TC-RES-0423-04365

<u>CASE NO.</u> <u>THE APPLICANT</u>

C10-24-01 MILLENNIUM PREMIER LLC RESIDENCE NEW GARAGE / RICHARD ROBERTS 4302 N WEGNER LN / MU

The applicant's property is an approximately 6,933 square foot lot zoned MU "Mixed Use" and is developed with a mobile home and detached garage. The owner constructed the detached garage without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the garage to remain as constructed. Tucson Unified Development Code (UDC) sections applicable to this project include, but are not limited to, Section 4.7.23 and Table 4.8-7 which provide the criteria for residential development in the MU 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; and Section 6.6.3 which provides the standards for accessory structures of a residential use. The applicant is requesting the following variances: 1) Allow the detached garage to remain as constructed with an increased height from 12' to 12'-10" as measured from design grade to the midpoint between the eave and ridge of the sloped roof, 2) Allow the 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, 3) Allow the detached garage to remain as constructed with a side street perimeter yard setback reduced from 10' to 0'-5" measured from the garage to the south lot line, and 4) Allow the detached garage to remain as constructed with a rear perimeter yard setback reduced from 10' to 3'-9" measured from the garage to the east lot line, all as shown on the submitted plans.

DECISION: VARIANCES 1, 2, 3 AND 4 GRANTED.

[DECISION NOTE]

By UDC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (PDSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD'S DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION THAT PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE ENVIRONMENTAL SERVICES DEPARTMENT (ESD): CODE ENFORCEMENT DIVISION FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

For additional information please email DSD_Zoning_Administration@tucsonaz.gov or call 520-791-5550

Sonya Bermudez, Secretary

for

Board of Adjustment