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 August 28, 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).

<u>ACTIVITY NO.</u> TC-RES-0424-02472

CASE NO.

THE APPLICANT

C10-24-05 BERMAN RESIDENCE GARAGE CONVERSION / BERMAN SALLY C LIVING TR / 2406 E HAWTHORNE ST / R-1

The applicant's property is an approximately 0.3-acre parcel zoned R-1 "Residential." The applicant is proposing to convert an existing garage to an Accessory Dwelling Unit (ADU). *Tucson Unified Development Code* (*UDC*) sections applicable to this project include, but are not limited to, Section 4.7.8 and Table 4.8-2 which provide the criteria for residential development in the R-1 zone, and Section 6.3.4 and Table 6.3-2.A which provide the dimensional standards applicable to all principal and accessory structures. Additionally, Section 6.6.3 provides criteria for maximum height of an ADU. The applicant is requesting the following variances: 1) Reduce the required rear perimeter yard setback from 9'4" to 0'-0"; and 2) Allow the ADU conversion to be constructed with an increased height from 12' to 14', all as shown on the submitted plans

DECISION:

VARIANCE 1 (Reduce the required rear perimeter yard setback from 9'4" to 0'-0"):

GRANTED. SUBJECT TO THE FOLLOWING CONDITION:

A. Two off-street parking spaces must be provided for the primary residence.

VARIANCE 2 (Allow the ADU conversion to be constructed with an increased height from 12' to 14'):

DENIED.

[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.

RECONSIDERATION: THE BOARD OF ADJUSTMENT MAY CONSIDER ONE REQUEST FOR RECONSIDERATION BY THE APPLICANT OR A PARTY OF RECORD, PROVIDED: A) A WRITTEN REQUEST IS FILED WITH THE ZONING ADMINISTRATOR WITHIN FOURTEEN (14) CALENDAR DAYS AFTER THE BOARD HAS RENDERED ITS DECISION, AND B) THE REQUEST IS BASED UPON NEW EVIDENCE OR MATERIALS WHICH WERE NOT PRESENTED AND COULD NOT HAVE BEEN REASONABLY PRESENTED AT THE PUBLIC HEARING ON THE CASE.

APPEALS OF THE BOARD'S DECISION: MUST BE FILED WITH PIMA COUNTY SUPERIOR COURT WITHIN THIRTY (30) CALENDAR DAYS AFTER THE BOARD HAS RENDERED ITS DECISION.

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

Sónya Bermudez, Secretary

Board of Adjustment