

STAFF REPORT

DATE: March 25, 2026

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. TP-MOD-0226-000018

**C10-26-01 MACKOWIAK RESIDENCE ACCESSORY DWELLING UNIT /
MITCH MACKOWIAK / 514 W 17th St, HO-3**

The applicant's property is an approximately 2,960-square-foot parcel zoned HO-3 "Office" within a Historic Preservation Zone overlay and is developed with a single-family residence. The applicant is proposing to construct a detached accessory dwelling unit (ADU) in the area between the principal structure and front street lot line. The applicant is requesting a variance to allow the construction of a detached accessory dwelling unit within the area defined as the front yard, all as shown on the submitted plans.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variance:

1. Allow the construction of a detached accessory dwelling unit between the principal structure and the front street lot line, all as shown on submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to the following:

Section 4.7.15 *Office Zone (O-3)* and Table 4.8-3 Permitted Uses – Office Zones, which provide the development criteria for residential uses in the O-3 zone.

Section 6.6.3.C *Accessory Structures*, which provides development standards applicable to accessory structures within the zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED HO-3 Residential

North: Zoned HR-2; (historic single-family residential)

Southwest: Zoned HO-3; (historic single-family residential)

Southeast: Zoned C-3 (commercial, City of Tucson owned property)

East: Zoned HO-3 (historic single-family residential)

West: Zoned HR-3; (historic single-family residential)

RELATED PLAN REVIEWS

Historic Preservation Review

The subject property is located within the Barrio Historico Historic Preservation Zone. The project has undergone review through the Barrio Historico Historic Zone Advisory Board (BHHZAB) and Tucson Pima County Historical Commission, Plans Review Subcommittee under application number SD-0525-00062. The HPZ review evaluated the design of the proposed accessory dwelling unit for compatibility with the historic character of the neighborhood and the contributing structure located on the site. PDS Director's Decision for this review was approved with the following conditions:

1. Site landscape wall to be limited to 7'
2. Variance for ADU in the front is acceptable
3. Zero setback at south lot line is acceptable
4. The courtyard grade is to be maintained so that the building height does not exceed 13' as measured from the street at the midpoint of the structure

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the *UDC*. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.

7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 2,960-square-foot parcel zoned HO-3 "Office" within a Historic Preservation Zone overlay and is developed with a single-family residence. The applicant is proposing to construct a detached accessory dwelling unit (ADU) in the area between the principal structure and front street lot line. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Detached Accessory Structure and Detached Sleeping Quarters

Per UDC Section 6.6.3, detached accessory buildings are not permitted in the buildable area extending the full width of the lot between the principal building and the front street lot line. The applicant is requesting to construct a detached accessory dwelling unit between the wall of the principal building (residence) facing the street and the street front lot line.

Discussion

The property is located within the established historic neighborhood of Barrio Historico. The neighborhood contains older residential development patterns, commonly placed with minimal setbacks, and lot configurations are often constrained by the location of original historic buildings.

The subject property is developed with a single-family residence constructed in 1923. The principal structure is located near the rear portion of the lot and spans much of the lot width, which limits the available area for construction of a detached accessory structure. The applicant proposes to construct a detached accessory dwelling unit, and based on the existing site configuration, the area between the principal structure and the front street lot line is the most reasonable location for that structure.

The surrounding neighborhood provides context for the request. Project materials show that the development zone includes structures with zero or reduced front setbacks, and the proposed ADU is designed to continue that historic pattern of development. The proposal has undergone historic review for compatibility with the architectural character of the area, including its siting, scale, and relationship to surrounding structures.

Conclusion

Given that special circumstances exist that limit the buildable area; and that the proposed ADU is compatible with the surrounding historic context and does not appear to constitute a grant of special privilege inconsistent with the limitations upon

other properties in the vicinity and zone, and is the minimum necessary to allow construction of a detached ADU on the property, staff recommends approval of the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated February 6, 2026, and the meeting summary and sign-in sheet dated February 16, 2026.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variance.

It is the opinion of staff that there are special circumstances applicable to the property; and that the requested variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Georgia Pennington, Lead Planner
for
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Deputy Director, acting Zoning Administrator

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