

STAFF REPORT

DATE: September 30, 2026

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. TP-MOD-0826-000090

**C10-26-10 TOM RESIDENCE NEW ADDITION & REMODEL / HENRY TOM /
20 EAST CALLE MIRASOL / RX-2**

The applicant's property is an approximately 0.44-acre lot zoned RX-2 "Residential" and is developed with a single-family residence. The applicant is proposing a remodel of the existing residence and addition which includes a new garage.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the garage to be constructed with a front street setback reduced from 20' to 5', as measured to the north lot line.
- 2) Allow the garage to be constructed with a side perimeter yard setback reduced from 20' to 10', as measured to the east lot line.
- 3) Allow the addition to be constructed with a side perimeter yard setback reduced from 20' to 16', as measured to the west lot line, all as shown on the 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 4.7.7 *Residence Zone (RX-2)* and Table 4.8-1 *Permitted Uses – Rural and Suburban Residential Zones*, which provides the use criteria in the RX-2 zone, and

Section 6.4.5 *Perimeter Yards*, which provides the setback standards for principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED RX-2; (single-family residential)

North: Zoned RX-2; (single-family residential)

South: Zoned RX-2; (single-family residential)

East: Zoned RX-2; (single-family residential)

West: Zoned RX-2; (single-family residential)

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 0.44-acre lot zoned RX-2 "Residential" and is developed with a single-family residence. The applicant is proposing a remodel of the existing residence and addition which includes a new garage. The addition triggers compliance with *UDC* sections applicable to the new construction.

Building Setbacks

Per *UDC* Section 6.4.5., the minimum required perimeter yard setback is 20', as measured from the building wall to the north, east and west lot lines. The applicant is requesting to reduce the setbacks to allow for an addition and new garage. The requested setback reduction to the front street lot line for the garage triggers the need for a variance.

Discussion

The property is located northeast of Country Club Road and Broadway Boulevard within the El Encanto neighborhood. The neighborhood consists of primarily large lots of various shapes. The subject property is developed with a 'flag' shaped residence. The project consists of remodeling the existing residence which includes expanding

the footprint. The current footprint of the residence complies with setbacks with the exception of the west side yard. Any additions to the west or east facades would trigger the need for setback reductions.

The existing garage is located at the southeast portion of the residence. The entrance to the garage faces the east interior lot line, which makes maneuvering in and out of the garage difficult. As part of this remodel project, a new garage will be added to the front of the residence. This will provide direct access to the garage from Calle Mirasol. The garage will be 18' from the face of curb, which still allows for vehicle and pedestrian visibility when backing out of the garage onto the street.

A review of the latest available aerial photography provides evidence of other properties in El Encanto that have structures that appear to encroach into standard setbacks. The addition of the garage and expansion of the west side of the residence are compatible and not out of character with other properties in the neighborhood.

Conclusion

Given that there are special circumstances such as the existing building footprint and location of the existing garage, and that the requested variances do not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone since similar properties in El Encanto exhibit relief from setbacks, and the request is the minimum necessary to afford relief, staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

Refer to the neighborhood notification dated August 10, 2026, and the meeting summary dated August 20, 2026 attached to the application.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

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

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 the request is the minimum necessary to afford relief and the least modification possible of those *UDC* provisions which are in question.

Mark Castro, Principal Planner
for
Chris Poirer
Zoning Administrator