

STAFF REPORT

DATE: March 26, 2025

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. TC-RES-1124-06636

C10-25-02 FURROW RESIDENCE NEW WORKSHOP / JESSE FURROW / 4809
E 3RD ST / R-1

The applicant's property is a 11,012 square-foot lot zoned R-1 "Residential" and is developed with a single-family residence. The property is located on E 3rd Street, east of N Swan Road. The applicant is proposing to construct a 320 square-foot detached accessory structure (workshop).

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variance:

- 1) Allow the construction of a workshop with a height of (12'-6"), measured from design grade to the midpoint between the eave and ridge of the pitched roof, which exceeds the maximum height of (12') for a detached accessory structure 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 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-1 zone,

Section 6.4.5 *Perimeter Yards* and Table 6.3-2.A *Dimensional Standards for the R-1 Zone*, which provide the development standards applicable to all principal and accessory structure And
Section 6.6.3

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)

North: Zoned R-1; (single-family residential)

South: Zoned R-1; (single-family residential)

East: Zoned R-1; (single-family residential)

West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of the Planning and Development Services Department (PDSD) has no objection or adverse comments.

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 a 11,012 square-foot lot zoned R-1 "Residential" and is developed with a single-family residence. The property is located on East 3rd Street, and is east of N Swan Road. The applicant is proposing to construct a 320 square-foot detached accessory structure (workshop). The proposed new construction triggers compliance with applicable sections of the Tucson Unified Development Code (UDC).

Workshop Height

Per *UDC* Section 6.6.3, detached accessory structures shall not exceed 12 feet in height, unless attached to a principal structure. The applicant is requesting a variance to allow the detached workshop to be constructed with a height of 12'-6" as measured from design grade to the midpoint between the eave and ridge of the roof.

Discussion

The property is located in the Swan Way Park neighborhood northeast of the intersection of East 5th Street and North Swan Road. The majority of lots within the neighborhood are characterized by narrow rectangular configurations, with a substantially deeper length than width. The subject property was originally developed in unincorporated Pima County in 1972 with a single-family residence and a detached accessory structure.

According to the submitted site plan, the proposed workshop is 6' from the west lot line, and the applicant has obtained a written waiver from the owner of 4801 E 3rd St for this reduced setback. Additionally, the workshop is setback 11' from the north property line. Detached accessory structures are common throughout the neighborhood. In order to match the existing architectural style of the 1948 home, the applicant has designed the workshop to sit on top of CMU block, which increases the total height of the workshop. The increase in height will allow the applicant to unload materials directly from a truck into the shop, allows for taller material, and provides space for extra storage. The increase in height also provides for enough room for a crawl space, which will then allow for a wood floor to match the existing residence.

Conclusion

Given that the requested modifications do not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone as there are several other properties in the neighborhood with detached structures exceeding 12', and is the least modification possible of the *UDC* provisions to allow the applicant adequate loading/unloading and storage of taller materials, staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated January 25, 2025 and the meeting summary dated February 17, 2025.

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 variances 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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Zoning Administrator

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