

### **BOARD OF ADJUSTMENT VARIANCE APPLICATION**

Case Number: C10- 23-10	Activity Number:	DP22-0173	Date Accepted:_	9/13/23
PROPERTY LOCATION INFORMAT	<u> </u>			
Property Address: 2101 N. Orac	ele Road			
Project Description: Developmen	nt Package for Co	mmercial Stora	age Building	
Zoning: C-2	Ī	Property Size (sqft):	12,509	
Number of Existing Buildings: 0	Number of Sto	ries:	Height:	
Legal Description: EL SAHUARO	O S50' LOT 6 BLI	<b>K</b> 3		
Pima County Tax Parcel Number/s:	115-15-0330			
APPLICANT INFORMATION (The pe		ication and designate	d to receive notices):	
APPLICANT:				
ADDRESS: 4861 S. Hotel D	r., Suite 125			
PHONE: ( ) F	FAX: ( )	EMAIL	georgez@qact	ucson.com
PROPERTY OWNER (If ownership in	escrow, please note): Jo	se Luis Villegas,	JesusVillegas & M	ario Villegas
ADDRESS: 1313 E Seneca St	, Tucson, AZ 857	'19		
PHONE: (520 2583897 F	-AX: ( )	EMAIL	jlvillega83@gm	nail.com
PROJECT TYPE (check all that apply New building on vacant land New addition to existing building Existing building needs permits Landscaping / Screening substitution		( Ne ( Mo	ange of use to existing w building on develop dification to wall/fence	ed land e height
Related Permitted Activity Number(s	<sub>):</sub> DP22-0173			
I hereby certify that all information cont	tained in this application	is complete and true	to the best of my know	vledge.
George Zazueta				9-01-23
SIGNATURE OF OWNER/APPLICAL	NT		D	ate



### **BOARD OF ADJUSTMENT - PROJECT DESCRIPTION**

Provide a description of the project including, but not limited to its lot area, square footage of proposed or existing structures, proposed use/s, is a multiphase project, etc. If this project is the subject of a rezoning or special exception request, HPZ review, or a zoning violation, please provide current status of that case.

The project consists of a development for a commercial storage building. The project is located at 2101 N. Oracle Road. The lot of this development is vacant and has an area of 12,509 s.f. The proposed building is for commercial storage use and has an area of 7,000 s.f. The height of the proposed building will be 20 feet or less. The project site is bordered on the north by a multifamily development, on the east by Oracle Road, on the South by Flores Street and on the West by 13th Avenue. The developed project includes parking access from Flores Street and 13th Avenue. The parking spaces are located on the West side of th building. The building is situated such as the north wall will be at the north property line having a zero setback line. The East building setback will be 21 feet from the future Right Of Way (R.O.W.) of Oracle Road. The South building setback will be 21 feet from 13th Ave R.O.W. The landscape requirements call for a 10 foot street-scape border on three sides of the property. They also require a 10 foot landscape border on the north due to the residential use of the north property. The property dimension from North to South is only 50 feet. The narrow nature of the property along with the area taken up by the landscape screening contributes to a constrained building width. The variance requested is to allow for the placement of the building at the north property boundary to permit a reasonable building layout. Flexible design considerations of placing the South landscape border 5 feet inside the R.O.W have been considered and granted permission by the Dept. of Transportation which have allowed for an accessible walkway on the South side of the building. A 10 foot landscape border is being proposed for a partial length of the North property line, however. The process for the variance has been started. The neighborhood meeting occurred on August 25th at 12:00 pm. Activity Number: \_\_\_\_\_ Case Number: C10-



### APPLICANT'S REQUEST TO THE BOARD OF ADJUSTMENT

Provide applicable UDC Section reference, what is required and what is proposed/provided for each variance requested.

UDC Section 7.6.4.C.3 Interior Lar	ndscape Borders are required as a buffer as determined in
Table 7.6.4-1. According to Table 7.6	6.4-1 a Commercial Land Use shall have an Interior Landscape
Border along the site boundary when	n adjacent to a Residential Use. This Landscape Border shall
include a 5 foot tall screen. It also in	cludes one canopy tree for every 33 linear feet. The variance
requested is to allow for the building	exterior wall to serve as the screen for the 166' of length on the
north property line. A 5 foot tall scree	en wall will continue from each end of the building towards the
corner of the property line. The variar	ce requested also seeks forgiveness of the 10' deep landscape
border for the entire length of the bu	illding which is 166 feet. The 10' deep landscape border will
be implemented beyond the building	corner towards the East and West. The 5 trees required for the
166 linear feet will be incorp	orated into the other landscape borders on site.
Case Number: C10-	Activity Number:



### **BOARD OF ADJUSTMENT – REQUIRED FINDINGS**

Arizona State Statutes and UDC Section 3.10.3.K. state that the Board may grant a variance <u>only</u> if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

 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:

Due to the narrow width of the property, the full enforcement of the landscape requirements restricts many commercial uses for this lot.

A less parking intensive use is being proposed to optimize the vehicular circulation that is needed to accommodate the project. However, the landscape borders enforced by the UDC on this shape lot strictly affects a reasonable building size for this type of use.

2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;

Aerial imagery shows the subject property has been vacant and undeveloped before 1998. The subdivision that gave this lot its shape occurred long before then. The UDC was adopted in 2012. The landscape requirements have existed and have been modified throughout the years.

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;

The approved adjustment will not create special privileges to the user. There are several commercial properties in the vicinity that share a property line with a residential use property. These properties don't exhibit the bufferyards enforced by the UDC. This seems consistent with similar developments in the vicinity.

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;

Being next to a residential use property and being bound by streets on three sides impose the rule of having landscape borders on all 4 sides of the property. The buildable width is already limited by the narrow shape of the property while the combined size of the landscape borders take up a good portion of the available space.

The available space is significant for the success of the business.

Case Number:	C10-	Activity Number:



## BOARD OF ADJUSTMENT – REQUIRED FINDINGS (CONTINUED)

<ol> <li>That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;</li> </ol>	ır
Approving the variance will not impose any risk to the public or the adjoining neighbor. Any wall built	ilt or
the property line will incorporate fire resistive qualities required by the International Building Co	ode.
<ol> <li>That the proposed variance will not impair an adequate supply of light and air to adjacent property, substant increase congestion, or substantially diminish or impair property values within the neighborhood; and,</li> <li>The residential units north of the property are setback 12 feet from the property line. This distance proving</li> </ol>	•
adequate air and light to the units rear yard. The existing rear yards will be maintained. The propo	sed
building wall will provide better security to some of the units.	
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possil of the UDC provisions that are in question. Every effort has been taken into account to allow for a practical size building in order to make the	
viable project for the business. The approval of the variance will assure a practical layout	t of
the spaces that include paths of egress both inside and out.	
Case Number: C10 Activity Number:	



Planning & Development Services Department 201 N. Stone Avenue PO Box 27210 Tucson, AZ 85726 (520) 791-5550

### Letter of Agency/Authorization

If the applicant is not the owner of record of the subject site, a Letter of Agency from the owner or the owner's authorized representative must be submitted which grants the applicant permission to submit an application for the requested entitlement(s).

Date: 09/11/2	23
То:	
City of Tucson Planning & Development Services Departme Zoning Administration Division PO Box 27210 Tucson, AZ 85726	ent
Planning & Development Services Department:	
I, the undersigned legal owner of record, hereby gran	t permission to:
Applicant:	500 504 4574
George Zazueta	Phone: 520 5914571
Applicant's Address: 4861 S. Hotel Drive, Suite 125, Tucson	, AZ 85714
To submit a Board of Adjustment variance application	n on my behalf.
The subject property located at:	2101 N. Oracle Road
Assessor's Parcel Number:	115-15-0330
Printed Name of Owner of Record:	Jose Luis Villegas
Address of Owner of Record:	1313 E Seneca St, Tucson, AZ 85719
Phone Number of Owner of Record:	520-258-3897
Signature of Owner of Record: (must be original signature)	1
(accuse original original sy	<del>U</del>
Case Number: C10-	Activity Number:

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Microfiche records prior to 2006 have not been completely digitized and may not be available yet on PRO. If you can not find what you are looking for please submit a records request.

### Permit Review Details

Permit: DP22-0173 Parcel: 115150330		
Addresses: 2101 N ORACLE RD		

### Review Status: **Completed**

### **Review Details**

Show 10	<b>∨</b> entries				s	earch:
Task End Date	Reviewer's Name	Type of Review	Description	Status	Comment	
7/6/2022	SBEASLE1	START	PLANS SUBMITTED	Completed	None	

Reqs Change	PROJECT: Villegas Storage Development Package (1st Review) PROJECT: Villegas Storage Development Package (1st Review) DP22-0173 TRANSMITTAL DATE: July 20, 2022  DUE DATE: July 26, 2022  COMMENTS: Resubmit revised drawings and a detailed response letter, which states how all Zoning Review Section comments were addressed. This plan has been reviewed for compliance with the Unified Development Code (UDC) Administrative Manual (AM) Section 2-06. Also, compliance with applicable development criteria for the proposed use as listed in the City of Tucson Uniform Development Code (UDC) and the UDC Technical Standards Manual (TSM).  Section 3.3.3.G.5. UDC, an applicant has one year from the date of application to obtain approval of a site plan that complies with zoning and other development requirements in effect at the time of application, unless an ordinance adopted by Mayor and Council during this period states otherwise. A site plan application that has been in review for a period of one year and has not yet been approved is considered denied. To continue the review of a site plan for the property, a new site plan must be submitted that complies with regulations in effect at the time of re-submittal. The new submittal initiates a new one-year review period. One-year Expiration date is June 26, 2023.  CONTENT REQUIREMENTS  1. COMMENT: 2-06.4.4.C – Label the section corners on the location map  2-06.4.7 General Notes The following general notes are required. Additional notes specific to each plan are required where applicable.  2-06.4.7 General Notes The following general notes are required. Additional notes specific to each plan are required where applicable.  2-06.4.7 General Notes The following general notes are required. Additional notes specific to each plan are required where applicable.  2-06.4.7 General Notes The following formation for MET THE OVERLAY ZONE(S) CRITERIA, UDC ARTICLE 5.4 MAJOR STREETS AND ROUTES SETBACK ZONE (MS&R) & UDC ARTICLE 5.5 Markey Complete Care Conditions The following inform
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	2-06.4.9 - Information on Proposed Development The following information on the proposed project shall be shown on the drawing or added as notes.
	6. COMMENT: 2-06.4.9.F – Provide the zoning for the parcels east of Oracle, west of 13th and south of Flores.
	7. COMMENT: 2-06.4.9.H.5.a – The vehicle parking space calculation shall include the number of accessible spaces required and provided to include van accessible.
	8. COMMENT: 2-06.4.9.H.5.a – Per the 2018 IBC Chapter 11 Section 1106.5 the accessible parking space is required to be van accessible meeting the requirements of ICC A117.1-2009 Section 502.
	9. COMMENT: 2-06.4.9.H.5.a – Provide the applicable mounting height for the proposed accessible sign on the detail.
	10. COMMENT: 2-06.4.9.H.5.c – Provide a loading space calculation on the plan that includes the number required and provided along with the type required.
	11. COMMENT: 2-06.4.9.H.5.d – Clearly show the required long-term bicycle parking on the plan and provide a detail that demonstrates that the requirements of UDC Article 7.4.9 are met.
	12. COMMENT: 2-06.4.9.J – Depending on how comment 5 is addressed and ff Oracle Rd is not at future width, based on the COT MS&R Map the following may apply; shown the future right-of-way line, curb and sidewalk for Oracle on the plan.
	13. COMMENT: 2-06.4.9.0 – It does not appear that street perimeter yard setbacks are shown correctly. Per UDC Table 6.4.5.C-1: Oracle Rd setback should be 21' or the H = The height of the proposed exterior building wall, greater of the two as measured from the back of curb or futured curb, Flores & 13 should be 1' or the H = The height of the proposed exterior building wall, greater of the two as measured from the outside edge of the nearest adjacent travel lane.
	14. COMMENT: 2-06.4.9.R - Demonstrate on the plan that the requirements of TSM Section 7-01.4.1.A are met on the plan.
	15. COMMENT: 2-06.4.9.R - Detail 3 sheet 2 shows the proposed HC Sign located within the sidewalk, clearly demonstrated that the minimum sidewalk width is maintained, see TSM 7-01.4.3.A.
	16. COMMENT: 2-06.4.9.W - Indicate the locations and types of proposed signs (wall, free-standing, pedestal) to assure there are no conflicts with other requirements and that minimal locational requirements can be met. Also provide a general note stating all signs require separate permits.
	If you have any questions about this transmittal, please contact Nicholas Ross at Nicholas. Ross @ tucsonaz.gov.
	To resubmit your plans for additional review, please visit: https://docs.tucsonaz.gov/Forms/tucsonpermitapp
	RESUBMITTAL OF THE FOLLOWING IS REQUIRED: Revised development package
Reqs Change	1. Reduced pressure backflow prevention assemblies are required at the water meter for multi-use commercial buildings. Reference: Chapter XXVII, Article V, Section 27-72, the Tucson Code, http://www.tucsonaz.gov/files/water/docs/backflow-ordinance.pdf. 2. Reduced pressure backflow prevention assemblies are required to be installed directly after the water meter for buildings that have chemicals or other contaminants that may come in direct contact with water (e.g. irrigation systems). Reference: Chapter XXVII, Article V, Section 27-72, the Tucson Code, http://www.tucsonaz.gov/files/water/docs/backflow-ordinance.pdf
EW	

Task End Reviewer's
Date Name Type of Review Description Status Comment

Task End Date	Reviewer's Name	Type of Review	Description	Status	Comment
8/2/2022	AWARNER1	LANDSCAPE	REVIEW	Reqs Change	CDRC TRANSMITTAL TO: Planning and Development Services Department, Plans Coordination FROM: Anne Warner, RLA PDSD Landscaper/Native Plant Preservation Section
					PROJECT: Villegas Storage ACTIVITY NO: DP22-0173 Address: 2101 N Oracle Zoning: C-2 Existing Use: disturbed vacant land
					Proposed Use: Self-storage  TRANSMITTAL DATE: August 1, 2022
					DUE DATE: July 25, 2022  COMMENTS: Please resubmit revised drawings along with a detailed response letter, which states how all Landscape Review Section comments were addressed.
					This plan has been reviewed for compliance with applicable development criteria in the City of Tucson Unified Development Code (UDC) Administrative Manual (AM) Section 2-11 and Technical Manual (TM) Section for landscape, native plants and water harvesting. General Note - UDC 2-10.4.1 Identification and Descriptive Data - All improvements and site information, such as adjacent rights-of-way and property lines, shown on the landscape plan will be identical in size and location to those shown on the base plan (site plan or tentative plat). Should amendments be required to the base plan through the review process, the same amendments will be made to the landscape plan which will then be resubmitted along with the base plan.
				5	1. The north boundary requires a 10' interior landscape border adjacent to residential zones. While the building can act as a wall, trees are required (1/33'). The interior border extends along the entirety of the lot 250' not 66'. If necessary, trees can be planted elsewhere on the site, as long as the required quantities are shown and the same square footage of landscape is provided.
					2. Civil Eng. Comment – it is not clear how water is flowing into the water harvesting basin along the south side. There is only one curb opening shown on the grading plan and more shown on the water harvesting plan. Identify curb inlets/splash pads, etc. to landscape areas on grading and water harvesting plans. The water harvesting and grading plans must match. Notes on landscape plan say basins will depressed a min. of 6". UDC Technical Standards Manual – Section 4-01.00. and Section 5-01.00 Landscaping and Screening.
					3. Civil Eng.– Landscape areas should not be compacted, please revise note on civil dwg.
					5. FYI Only Engineer & LA comment - The table in the PCRFCD Manuel can be used in lieu of the Water Budget Table, the only thing that is missing is water demand for plants, which can be added. Make sure units match.
					6. Please add a detail to show depressed landscape areas or indicate with notes. Revise note to read "6" min. to 9' max. depth".
					7. The basin floor requires something other than bare dirt or d.g.; hydroseed or rock larger than 4" is acceptable.
					8. Please correct landscape calculation D on the landscape plan, Admin. Manual 2-10-4.2.A.2.c and landscape borders, UDC Technical Standards 2-10.4.2.f & g.
					9. The trees should be drawn with a diameter of 20' not 8'-4", please revise.
					10. Please label the existing and future rights of way for all public streets, UDC 7.6.4.C.2.a. Please label the existing for all public streets, and the and future rights of way for Oracle Rd UDC 7.6.4.C.2.a.
					11. Installing landscape/irrigation in the right of way requires approval from DoT&M, contact david.marhefka@tucsonaz.gov, plans cannot be approved without the department's consent. Upload documentation with next submittal.
					12. This comment was not adequately addressed - Provide a maintenance schedule for the landscape and irrigation for this project. UDC 2-10-4.2.A.4., please be specific.
					RESUBMITTAL OF THE FOLLOWING IS REQUIRED: Revised development package
					YOUR NEXT STEPS: Submit documents to the Filedrop https://docs.tucsonaz.gov/Forms/tucsonpermitapp Select "Existing Application" 1) Comment Response Letter (your response to the reviewer's Requires changes comments) 2) Plan Set (or individual sheets) 3) Any other items requested by review staff
					If you have any questions, please contact me at anne.warner@tucsonaz.gov
8/15/2022	JPEELDA1	FIRE	REVIEW	Approved	None
8/24/2022	SBLOOD1	ENGINEERING	REVIEW	Reqs Change	1. 5 foot sidewalks are required to be installed along both N 13th Av and W Flores St and the existing sidewalk along N Oracle Rd needs to be dimensioned because if it is less than 4 feet it will need to be widened to 6 feet.  2. Show a complete pedestrian circulation path including out to both N Oracle Rd and to 13th Av.  3. Show how the site is maximizing water harvesting. Show all landscaped areas depressed 6"-9" along with a way for water runoff to get into the landscaped area. Also, show how the roof is being drained, the downspout, discharge point, and the direction of flow from the discharge point.  4. Note or show that the trash enclosure is compliant with the Technical Standards Manual section 8 Fig 3B.
					Stephen Blood (520) 837-4958 Stephen.blood@tucsonaz.gov

Task End Date	Reviewer's Name	Type of Review	Description	Status	Comment			
8/25/2022	SBEASLE1	ZONING- DECISION LETTER	REVIEW	Reqs Change	Email from: COTDSDPermits To: George Z. 08/25/2022			
					REVIEW NOTICE Returned for Corrections: DP22-0173 Site - Villegas Storage. Commercial storage. 2101 N ORACLE RD			
					Fee Balance: \$0 (zero) Thank you for the payment.			
					YOUR NEXT STEPS  1. SEE REVIEW COMMENTS and documents on PRO: www.tucsonaz.gov/pro  - Home page, Activity Search, enter the Activity/Permit Number  - Permits - click on blue tab  - Reviews section - click on REVIEW DETAILS  - Documents section - click on VIEW  2. Title your SECOND submittal documents accordingly, example: 2_Comment Response Letter  3. UPLOAD documents to Filedrop:  - Comment Response Letter (your response to REQUIRES CHANGE comments)			
					- Plan Set (all pages, full set, even if no changes were made) - Any other documents requested by review staff			
					FILEDROP https://docs.tucsonaz.gov/Forms/tucsonpermitapp - "Existing Application" - "Permit Number" field: enter the number (and any notes for our staff)			
					Sharon Beasley, Certified Permit Technician			
					City of Tucson, Planning & Development Services Dept. Email: COTDSDpermits@TucsonAz.gov (for development packages, land splits, Thursday Presubmittal meetings) Email: PDSDinquiries@TucsonAz.gov (for building permits)			
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# **Notice of Neighborhood Meeting**

August 11, 2023

TP-PRE-0323-00160

2101 N Oracle Rd

Dear Property Owner,

This letter is being sent to notify you of a neighborhood meeting regarding a Variance request for a Development Plan filed with the City of Tucson Planning and Development Services. The proposed project will consist of a 6,640 s.f. indoor commercial storage building. The development also includes access drives, parking spaces, loading zones, trash enclosure, sidewalks, and landscape borders.

As per the Unified Development Code Landscape Standards, a landscape border is required on all four property boundaries of this lot. These landscape borders take up a considerable amount of space, thus reducing the buildable area. This being a very narrow lot, a variance is being sought to allow for a reduction of the landscape border only at the north side of the property line to make this a viable project.

The purpose of this meeting is to provide residents like yourself with an opportunity to learn more about the proposed variance and answer any questions you may have. The date, time and location of the meeting will be as follows:

Date: August 25, 2023

Time: 12:00pm

Location: 2101 N Oracle Rd

This meeting is an essential part of the public review process. Any comments on the proposed changes may be directed to the City of Tucson's Principal Planner, Mark Castro at 520-791-5550 or <a href="Mark.Castro@tucsonaz.gov">Mark.Castro@tucsonaz.gov</a>. This notice shall advise the recipients of the notice that they may submit comments to the PDSD Director or, when applicable, speak at the public hearing.

In the interest of fostering a productive and respectful discussion, we kindly request all attendees to adhere to the following guidelines:

- 1. Keep discussions focused on the variance request and its potential impacts.
- 2. Allow everyone an opportunity to speak and listen attentively to others' opinions.
- 3. Express thoughts and concerns in a courteous manner, promoting a positive atmosphere.

For any further information regarding the variance request or the upcoming neighborhood meeting, please contact George Zazueta at 520-591-4571 or <a href="mailto:georgez@qactucson.com">georgez@qactucson.com</a>.

Thank you for your cooperation and active involvement in shaping our community. Together, we can work towards responsible and thoughtful development that enhances the quality of life for all residents.

Sincerely,

George Zazueta

QUIHUIS ARCHITECTURE COMPANY, LLC

# CASAS ADOBES

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# **NIEGHBORHOOD MEETING**

PROJECT:

Villegas Storage DP

MEETING DATE:

August 25, 2023

FACILITATOR:

George Zazueta

LOCATION:

2101 N Oracle

NAME	COMPANY	PHONE	EMAIL
Hario Villeges	Owner		Marior Rgraposovino
CAFORUEZAZUETA	QAC	CONTROL OF THE CONTRO	The street of th
	Wildcat Auto	520-624-2233	george 20 que tocson Wildcatanto @ Notmail. Co
Dous Davenport Cherella McKinney	Apirona Cordwood	520-744-2330	infocarrona condumbles
			U





QUIHUIS ARCHITECTURE COMPANY LLC

### **Neighborhood Meeting Summary**

August 25, 2023 Time: 12:00pm

TP-PRE-0323-00160 2101 N Oracle Rd

Attendees: Mario Villegas, Owner

George Zazueta, QAC

Doug Davenport, Wildcat Auto

Chevella McKinney, Arizona Cordwood

To Whom it may concern,

The neighborhood meeting was held on the said date and time. The attendees were shown the landscape and development plans to get them familiar with the proposed development. The participants asked the location of the area particular to the variance. The landscape bufferyard that is the topic of the requested adjustment was pointed out to the attendees. No further questions were asked by the attendees.

For any further information regarding the neighborhood meeting, please contact George Zazueta at 520-591-4571 or <a href="mailto:georgez@qactucson.com">georgez@qactucson.com</a>.

Sincerely,

George Zazueta

QUIHUIS ARCHITECTURE COMPANY, LLC