



**PIMA COUNTY**  
DEVELOPMENT SERVICES

DATE: February 5, 2016  
TO: BOARD OF ADJUSTMENT District 3  
FROM: Elva Pedregó, Assistant Executive Secretary  
SUBJECT: **P16VA00002 WILCOX – N. RED HILL ROAD**  
Scheduled for public hearing on February 16, 2016

**LOCATION:**

The subject property is located approximately 10 miles west of Silverbell Road and less than a mile north of El Tiro Road on North Red Hill Road.

**SURROUNDING ZONING / LAND USES:**

North	RH	Developed Residential
South	RH	Developed Residential
East	RH	Developed Residential
West	RH	Developed Residential

**PUBLIC COMMENT:**

To date, one letter of opposition has been received.

**PREVIOUS CASES ON PROPERTY:**

MSR #P15VA00012 Request to increase accessory structure lot coverage to 5,720 square feet was protested by two noticed property owners.

**REQUEST:**

The applicant requests a variance to **increase the maximum accessory structure lot coverage allowed to 4,888 square feet for existing shade structures, shed and proposed storage building.** Section 18.13.050A of the Pima County Zoning Code restricts the maximum lot coverage allowed by accessory buildings to 1,500 square feet or 70% of the area of the largest main building on site, whichever is greater.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No Transportation review is necessary with this request. Flood Control District will review at time of permit issuance but property does not appear to be in a floodplain.

**BACKGROUND:**

The subject property is located in a sparsely developed rural area of northwest Pima County. It is approximately 5 acres, and not part of a recorded subdivision. Most of the surrounding properties vary in size from just under 5 acres to 10 acres.



Records indicate the property was first developed in 2001 with the installation of a mobile home, electric and septic. There hadn't been any other permit activity on the property until last year, 2015, when the applicants applied for a Modification of Setback Requirements or Lot Coverage Limits ('MSR') to build a 5,000 square foot storage building. The owners, thru their contractor applied for the modification in August. The notices were mailed to affected property owners on August 25, 2015, giving the noticed property owners until September 8<sup>th</sup> to provide written protest to the request. A protest letter was received on September 2<sup>nd</sup> from the owners of the property to the immediate south (parcel 021D on the notification map) so the MSR was denied. An additional protest letter was received on September 9<sup>th</sup> from the property owner of the parcel located to the northwest (parcel 016C).

On December 18, 2015 a building permit application for a 4,000 square foot metal building was submitted (P15BP08197) along with one for a large porch addition to the main dwelling (P15BP08198). It was believed the residence with the proposed porch addition would be large enough to meet the 70% area for the reduced 4,000 square foot metal building. However, a dwelling's living area must be a minimum of 51% of the total area. The proposed porch addition was too large and both permit applications were denied. The owners have now applied for a variance.

The owners had originally planned on locating the storage building at the southeast corner of their property (see "MSR Site Plan"). Due to its location and potential obstruction of their views, the owners to the south protested the MSR. The owners in their letter state they've taken this into consideration and thus relocated the building further west and in the middle of the property. The new location should not have much of an impact on the property to the south.

**RECOMMENDATION:**

Staff has **NO OBJECTON** to this variance request. The letter of protest refers to the storage of numerous vehicles on the site, including trailers and a tractor. The owner states the new building will be used to "store and protect all our personal vehicles" this includes a tractor, boat horse and transport trailers; this will address one of their concerns. Staff does want to note that the minimum side yard setback for an accessory structure in RH is 20 feet. Per the site plan, one corner is only 15 feet; the entire structure must be located a minimum of 20 feet.

Staff believes the strict application is an unnecessary hardship and the minimum to afford relief. The parcel is large enough to accommodate these types of structures without overdeveloping the site.

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**Standards that must be considered by a board of adjustment when considering a variance request include:**

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;



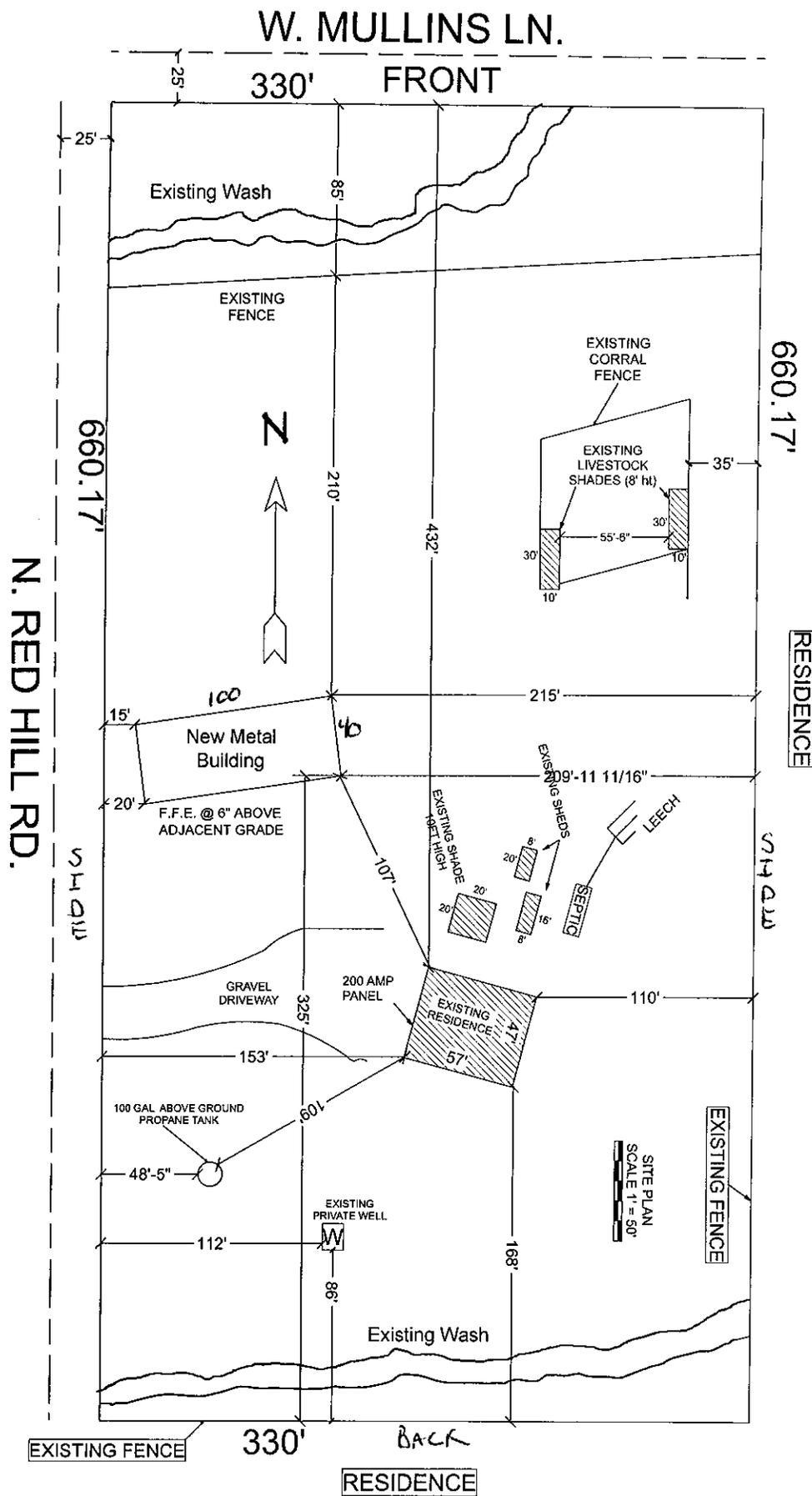
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.



OWNER: WILCOX, BROOK  
 ADDRESS: 13050 N. RED HILL RD. MARANA, AZ 85653  
 LOT SIZE: 217,856 S.F.  
 ZONING: R.H.  
 LOCAL JURISDICTION: PIMA COUNTY  
 PARCEL NUMBER: 208-040-228  
 LOT: 228

STORAGE BUILDING  
 -BUILDING OCCUPANCY CLASS (U)  
 -BUILDING CONSTRUCTION TYPE: PRE-ENGINEERED STEEL BUILDING  
 -NO PLUMBING OR ELECTRICAL  
 -ATTN: FIRE DEPT - ALL STEEL CONSTRUCTION, NON COMBUSTIBLE

LOT COVERAGE  
 LOT AREA: 217,856 S.F. (5 ACRE PARCEL)  
 EXISTING DWELLING: 2,679 S.F.  
 NEW METAL BUILDING: 4,000 S.F.  
 EXISTING OUT BUILDINGS: 1,288 S.F.  
 TOTAL UNDER ROOF: 7,967 S.F.  
 3% COVERAGE

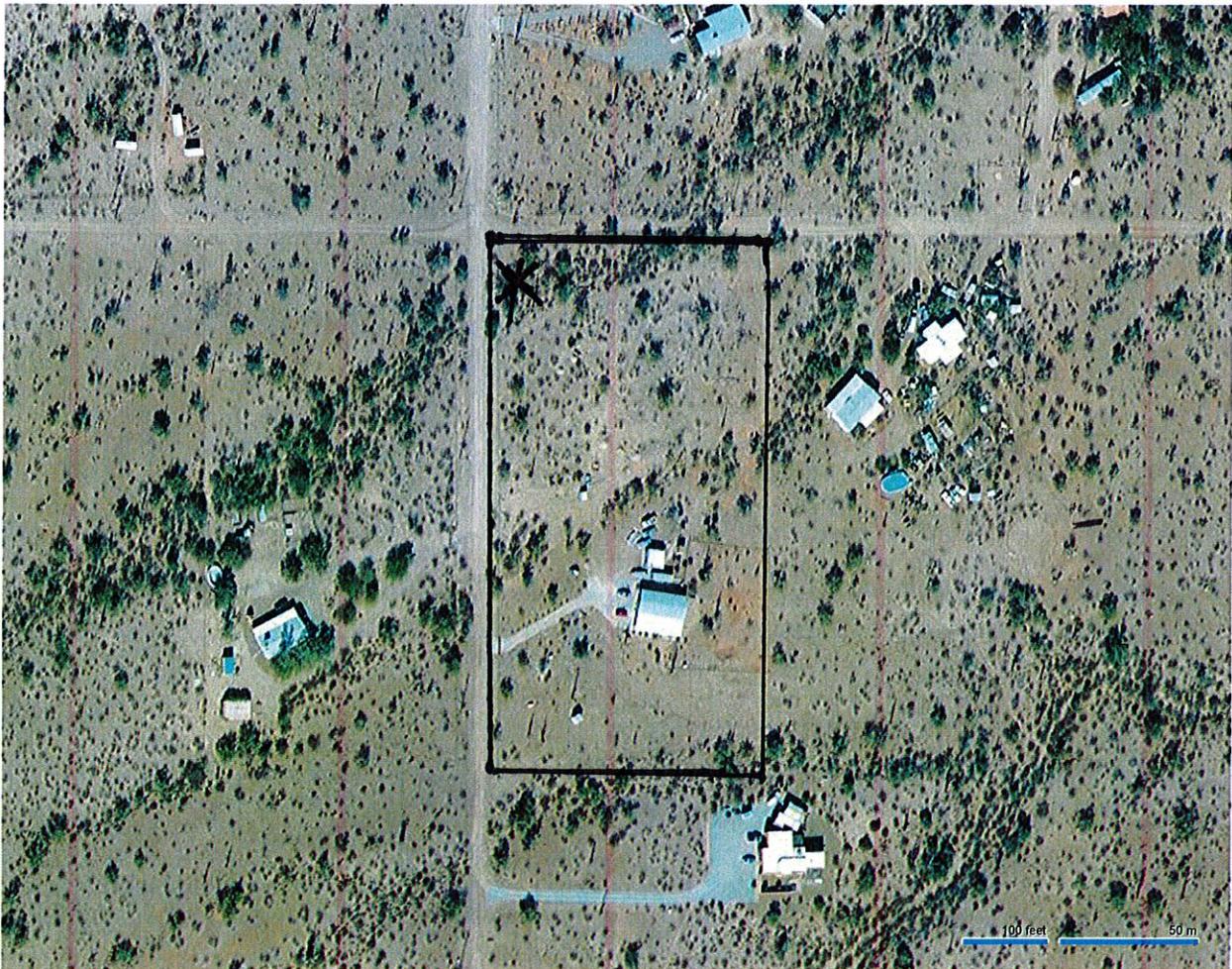
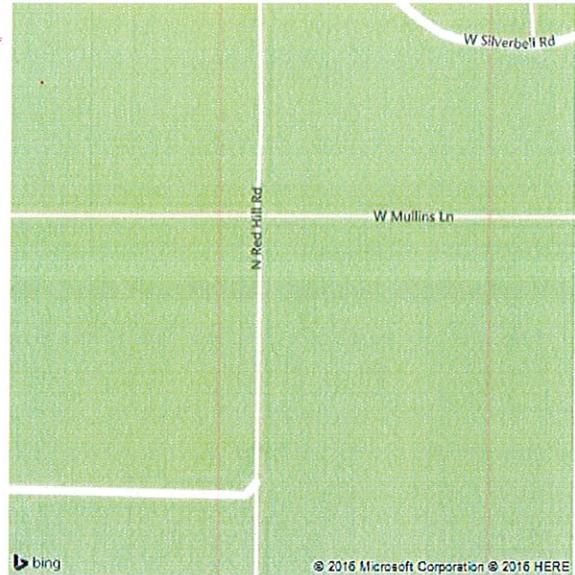


COVER	SHEET:	<b>WILCOX METAL BUILDING</b> 13050 N. RED HILL RD. MARANA, AZ 85653	<b>SENTRY BUILDERS LLC</b>
	SITE PLAN		



Notes

P16VA000002 Witox - North Red Hill Road  
View of subject property \*



COUNTY  
2B

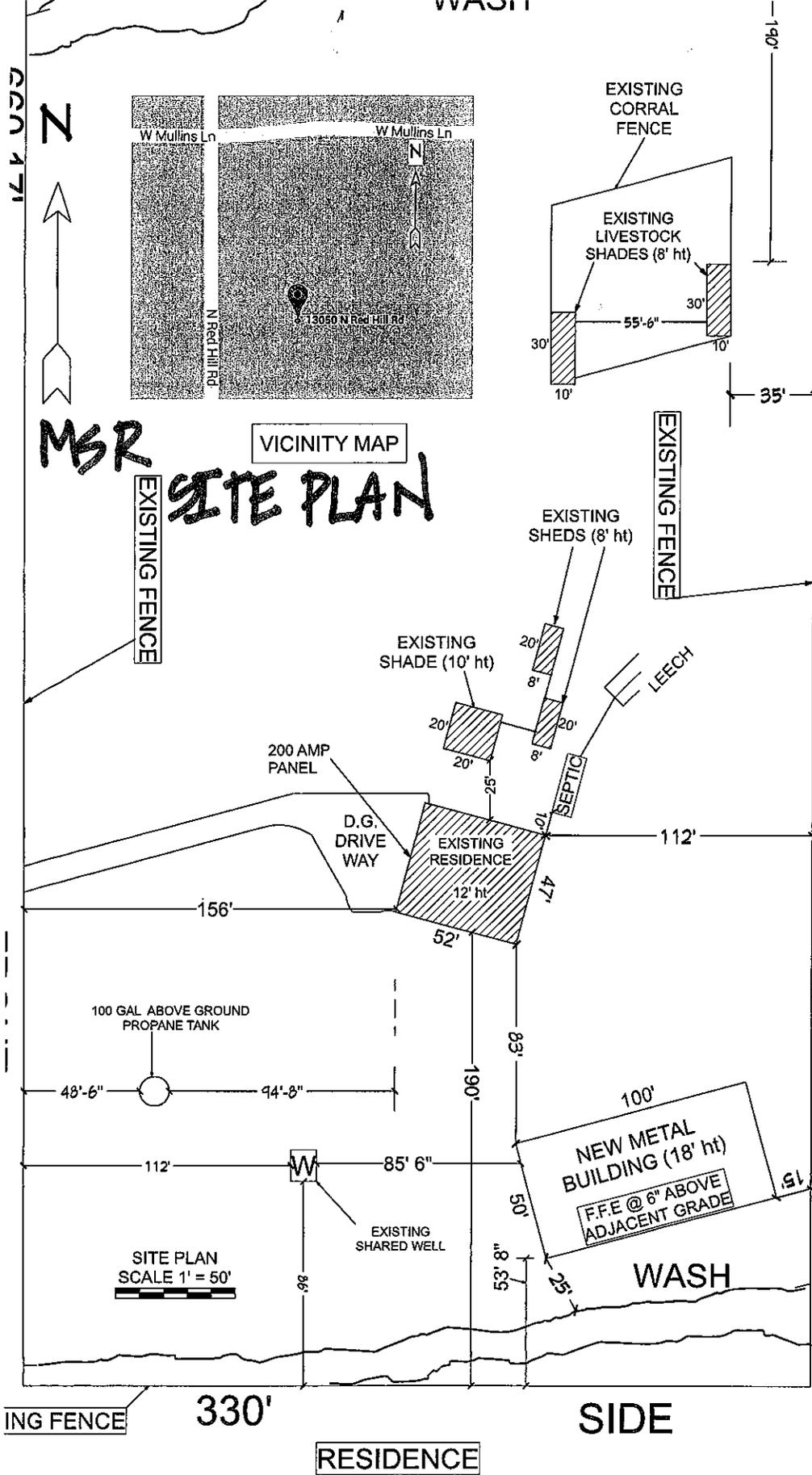
-ATTN: FIRE DEPT - ALL STEEL CONSTRUCTION, NON COMBUSTABLE

660.17'

RESIDENCE

REAR

EXISTING DWELLING: 2,444 S.F.  
NEW METAL BUILDING: 5,000 S.F.  
EXISTING OUT BUILDINGS: 720 S.F.  
TOTAL UNDER ROOF: 8,164 S.F.  
4% COVERAGE



<p>SITE PLAN</p>	<p><b>WILCOX METAL BUILDING</b> 13050 N. RED HILL RD. MARANA, AZ 85653</p>	<p><b>SENTI BUILDE</b></p>
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Board of Adjustment  
County-City Public Works Center, 2<sup>nd</sup> Floor  
201 North Stone Avenue  
Tucson, AZ 85701

RE: Notice of Hearing  
**P16VA00002 Wilcox, Brook and Maria**  
**13050 N. Red Hill Road, Marana**

We would like to present our objection to having the above property variance be approved.

It is our opinion and feeling that this homeowners **should not be allowed** to build this excessively larger structure on their property.

In addition to the existing home, this property also has several other structures that cover a portion of their 5 acres. This property is also used to store numerous automobiles that do not appear to run or be used several trailers, tractor and boat. Covering the land with an additional 4,888 foot structure to supposedly provide shade and storage is extremely excessive and only allowing for further destruction of this acreage. Perhaps the answer to their storage problems would be to remove unused vehicles from the property!

Regardless of the fact that this property is rural, allowing this building to be erected will negatively impact neighboring properties and property values, and allow for future homeowners to do the same. The building codes and variances are in place to preserve and protect acreage from over improvement, therefore the current building codes should prevail.

Donald (Mike) and Jan Pitts  
13220 N Red Hill Road  
Marana, AZ 85653  
mjpittso@yahoo.com



PIMA COUNTY  
DEVELOPMENT SERVICES

**Variance Application**

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: Brook & Maria Wilcox Phone: 951-218-2702

Owner's Mailing Address: 13050 N. Red Hill Rd City: Marana Zip: 85653

Authorized Representative: N/A Phone: \_\_\_\_\_

Rep's Mailing Address: N/A City: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Address: 13050 N Red Hill Rd City: Marana Zip: 85653

Tax Code Number(s): 208 - 04 - 022B Zone: RH

Does the subject parcel have an active building or zoning code violation? NO

Owner or Applicant's Email Address: Wilcox214@triconet.org

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.

Signature: Maria Wilcox Date: 1-13-16

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Case Title: Wilcox - N Red Hill Road Co10( ) P16VA00002  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.13.050A of the Pima County Zoning Code which requires restricts the lot coverage to 1,500 sq ft or 70% of the main dwelling's floor area whichever is greater.

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY Ewa DATE 1 / 20 / 16

Board of Adjustments District 3 Board Members

We respectfully request a variance to increase the accessory coverage from 1500 to 4000 square feet.

We had originally filed a request for a Modification of Setback Requirements (MSR lot coverage limit). Only one neighbor filed a letter of opposition. That was our neighbor to our South, Mr & Mrs Shaw. In our selection of the original site location for the accessory building, we had taken into account all of our neighbors. The original location would have had no impact on all the properties. The original location (per MSR) was our 1<sup>st</sup> choice. However, taking into account the Shaw's opposition, we have reduced the size of the building in height and size from its original 16' height and 5000 square foot to 14' in height and 4000 square feet from what we had originally proposed. Our train of thought was to insulate the Shaws' from the noise he has on multiple occasions stated comes from my dogs and chickens. The building would help block and deflect any noise our animals may be making.

In selecting the new location, we looked at every possible location. All the mountain views are to the west of the property. We took into account all of our neighbors. We did not want to place it to the northern side (front) due to the wash and it would block the view of the mountains for our eastern neighbor. We looked at sitting it on the eastern side, but the leach field of the septic system kept getting in the way. The building would sit on top of it or we would need to constantly have to drive over the leach field. We looked at the southwestern side but that would block the Shaw's view of the mountains. The least impact would still be the southeastern part of the property (rear). We took a 16 foot piece of wood marked it at the 14 foot level. Then we took it and stood it up so we could get a visual reference at the current proposed location. Our property is 660 feet long by 330 feet wide (5 acres). We decided that the middle of the western side would be the next best choice with the least impact, or no impact on our neighbors. The building would sit on the western side of the property at about 290 feet from the front of the property and 325 feet from the rear of the property. From the southeast corner of the proposed building, it would be 390' to our southeast property corner with our residence in between the proposed building and the Shaws residence. Due to the trees on our property, it does not appear to block any additional views for our eastern or northern neighbors. Since the mountain views are to the west, it does not impact our Western neighbor or our Southern neighbor the Shaws.

We plan to use the accessory building to store and protect all our personal vehicles. Our vehicles range from our tractor, boat, classic cars, offroad vehicles, water trailer, horse trailer, transport trailers, as well as our regular daily use vehicles. It would also store all our hobby equipment such as saddles, tack and various hand tools used in maintaining our property.

Respectfully,

Brook & Maria Wilcox

*Brook Wilcox* *Maria Wilcox*  
01-14-16