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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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DATE: September 2, 2014

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)14-11 RARICK FAMILY TR. – NORTH CALLE LADERA**  
Scheduled for public hearing on September 9, 2014.

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### **LOCATION:**

The subject site is located in northeastern Pima County. The property is located in the subdivision Sunset North. The site is located in Tucson Estates which is a gated community. The property is located on the southwest corner of Calle Ladera and Calle Luciente. The property is approximately 15,000 and is zoned CR-2 (Single Residence).

### **SURROUNDING ZONING / LAND USES:**

North -	CR-2	Residential
West -	CR-2	Residential
South -	CR-2	Residential
East -	CR-2	Residential

### **PUBLIC COMMENT:**

One letter of protest has been received on this case. In addition an email has been received that addresses concerns about the project.

### **PREVIOUS CASES ON PROPERTY:**

This case was originally started as a Modification of Setbacks (MSR). During the MSR process, a protest letter was received from the property owner who staff believes is most affected by the request. Since a protest was received, the MSR process ended and the property owner submitted a variance request.

### **REQUEST:**

The applicant requests the following variances:

1. To reduce the minimum rear yard setback from 40 feet to 10 feet.
2. To reduce the minimum side yard setback from 10 feet to 7 feet.

### **TRANSPORTATION AND FLOOD CONTROL REPORT:**

The Department of Transportation will not review this project. The Flood Control District will review this project as needed during the permit process.

### **BACKGROUND:**

This property is located in the northeastern area of Pima County near the intersection of Tanque Verde Rd. and Sabino Canyon Rd. The property is in a subdivision that was platted in 1976. The residence was permitted in 1978.

The owners of the property applied for a MSR in July of 2014. During the notification process a protest was received from the property owner to the west. The owners applied for a variance after the protest was received. During the MSR, the front property line was labeled as the east property line, the sides were labeled on the north and south and the west was labeled as the rear. When the owners submitted the variance the front was changed to the north property line. This is not permitted without the approval of the Zoning Inspector per section 18.03.020L10 of the Pima County Zoning Code (PCZC). The PCZC further requires the Zoning Inspector to consider whether or not the change in the front property line “will not be injurious to the existing or desirable future development of adjacent properties”.

It should also be noted that the existing residence does not currently meet the applicable setbacks for CR-2. Based on the front property line being the east property line, the garage encroaches approximately 12 feet into the setback. If the front was permitted to be changed to the north property line, approximately 50% of the residence would be located in the rear yard setback.

**RECOMMENDATION:**

Staff recommends **APPROVAL** of variance request #2, and believes that a **MODIFIED APPROVAL** to request #1 is warranted. Given the minor encroachment proposed into the side yard setback on the south side and no objection being received, specific to this request, approval of the request appears justified. Staff believes that some of the standards below are being met. The lot is smaller in size and since the lot is on a corner there is less area to build than on a traditional lot that only fronts on one street. In addition, no negative feedback has been received from the adjacent property owner to the south on the request.

For request #1, staff believes that a reduced setback less than that requested by the applicant should be considered by the Board of Adjustments. Staff is not supportive of a reduction to 10 feet. The property owner most affected by the request has protested and has valid concerns. It should be noted that in the protest letter, the neighboring property owner commented that they thought a one car garage would be a good solution. Staff is supportive of this type of request. Should the applicant be able to work with the neighboring property owner to find a solution that is amicable to both, staff would be supportive of a reduction in the setback.

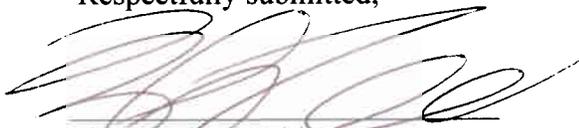
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**Standards that must be considered by a board of adjustment when considering a variance request include:**

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.

Respectfully submitted,



Tom Drzazgowski  
Deputy Chief Zoning Inspector

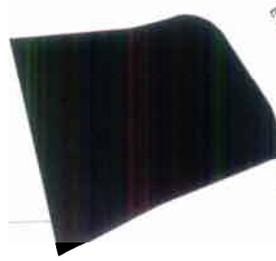
**Co10(4)14-11 RARICK FAMILY TR. – NORTH CALLE LADERA** Frank Rendon, for the property owner, Rarick Family TR., on the property located at 2970 N. Calle Ladera., in the CR-2 zone, requests the following variances;

1. **To reduce the minimum rear yard setback from 40 feet to 10 feet.** Section 18.23.030D of the Pima County Zoning Code requires a minimum rear yard setback of 40 feet.
2. **To reduce the minimum side yard setback from 10 feet to 7 feet.** Section 18.23.030D of the Pima County Zoning Code requires a minimum side yard setback of 10 feet.

LADERA

N CALLE LADERA

N CALLE LADERA



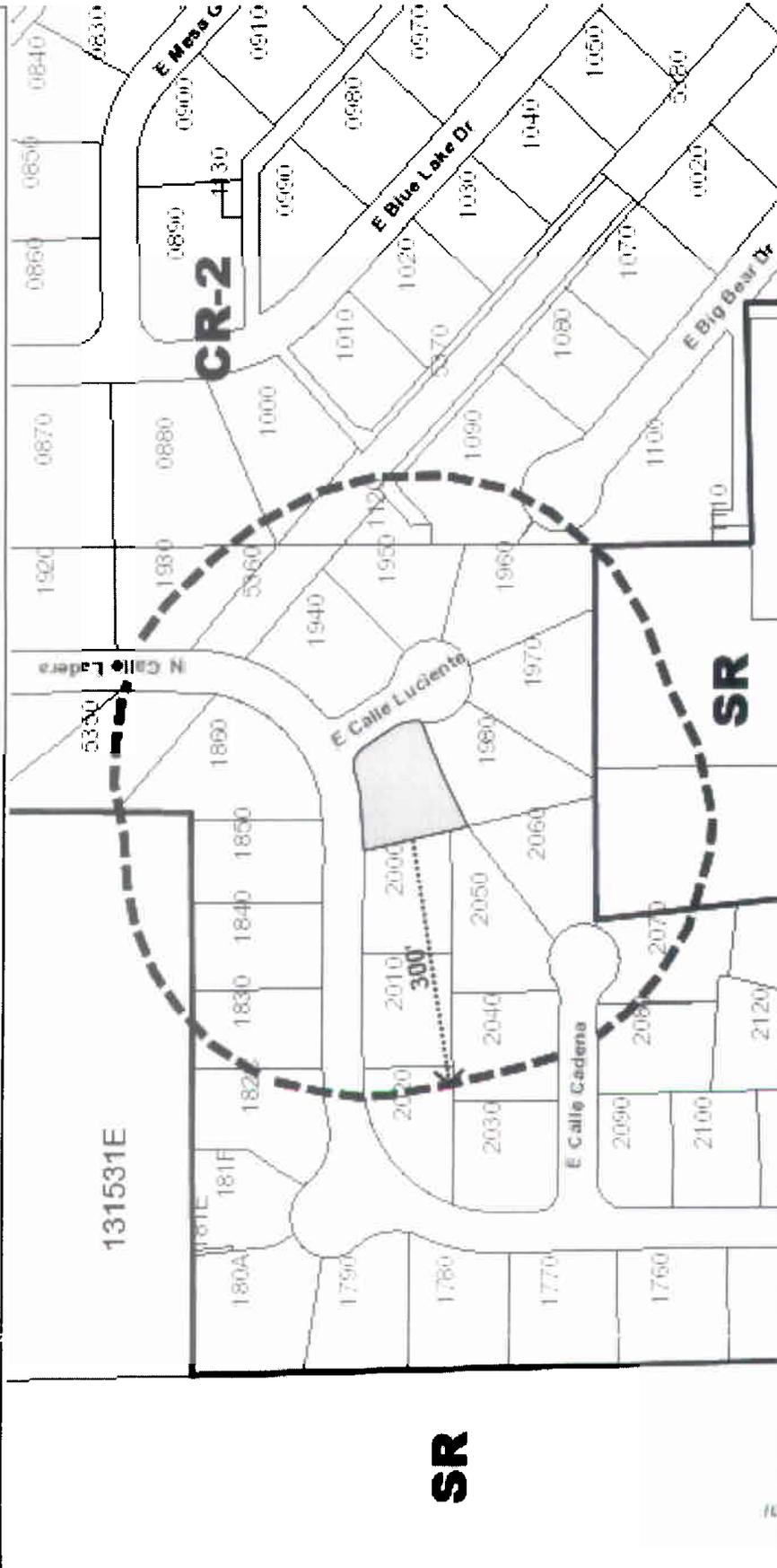
E CALLE LUJENTE

E CALLE CADENA

E BIG BEAR DR

# NOTIFICATION MAP

RARICK FAMILY TR—N. CALLE LADERA



### LEGEND

Petition Area

Notification Area

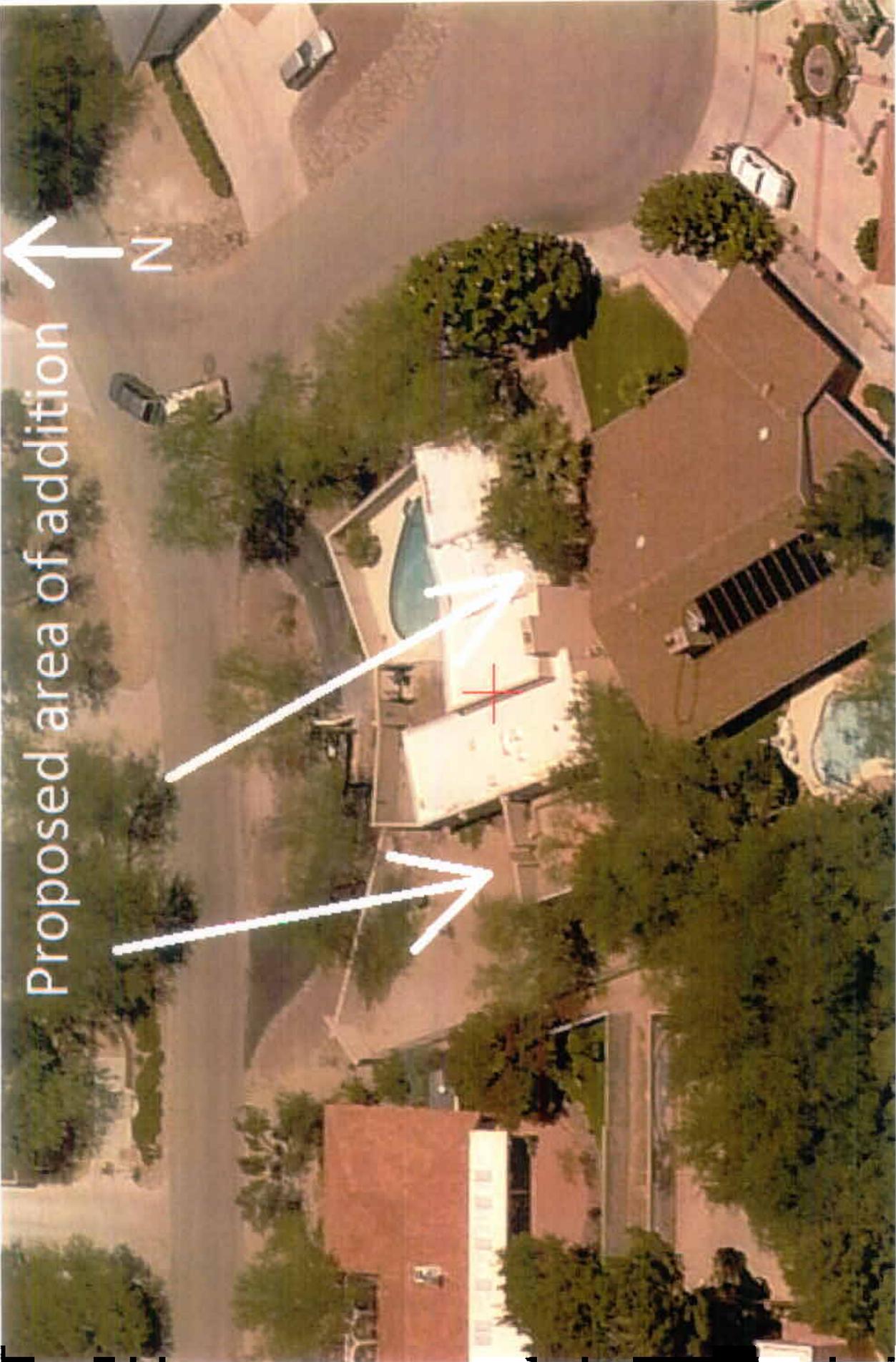
### NOTES

<b>File no.:</b>	Co10(4)14-11	<b>Tax Code(s):</b>	114-39-1990
<b>Application:</b>	Variance	<b>Base Map:</b>	27
		<b>Drafter:</b>	A.H.

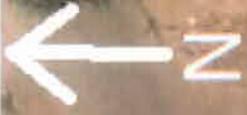


8/06/2014





Proposed area of addition







Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

(Please print or type) NO PENCIL

Property Owner: PARICK FAMILY TRUST Phone: 520-661-1070

Owner's Mailing Address: PO BOX 20001 City: TSN

Zip: 85751 Authorized Representative: FRANK PENDON Phone: 790-6921

Rep's Mailing Address: 7660 E LAKEVIEW DR City: TSN Zip:

Property Address: 2970 N CALLE LADERA City: TSN Zip: 85751

Tax Code Number(s): 114 - 27 - 1990 Zone: CP-2

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

Owner or Applicant's Email Address:

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: [Signature] Date: 8-5-14

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: PARICK FAMILY TRUST - N CALLE LADERA Co10( ) 14 - 11

requests a variance(s) to Section(s) 18.23.030B of the Pima County Zoning Code which requires ~40' minimum rear yard setback

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 8/5/14

# *3D Architectural Designs*

*7660 E. Lakeside Drive*

*Tucson, Arizona 85730*

*(520) 790-6921 phone*

*(520) 748-2470 fax*

*3darch2@cox.net*

9/5/14

Re Co28(4)-14-14 RARICK- CALLE LADERA

Dear Elva Pedrego, Senior Planner

We are writing this letter so we can contest the MSR being denied due to one neighbor (Westside property line) opposing the project. Her concerns are the views and building height. We tried to contact her to go over the new proposal but would not return our calls or messages. Per Pima County standards side yard setback in a CR-2 zone is 10'-0". We have modified the building so that the building addition is no longer in the side yard setback of 10 ft.

Originally we submitted a site plan with the frontage of the property to the eastside property line, due to the Tucson County Club Estates suggesting that that was the frontage of the property. But, even with that being the frontage of the property the building (house) was not per county setbacks. The property address is 2970 N Ladera suggesting that the frontage is to the north, as the house was built with the house entryway in from the north and main driveway is at the north side property line.

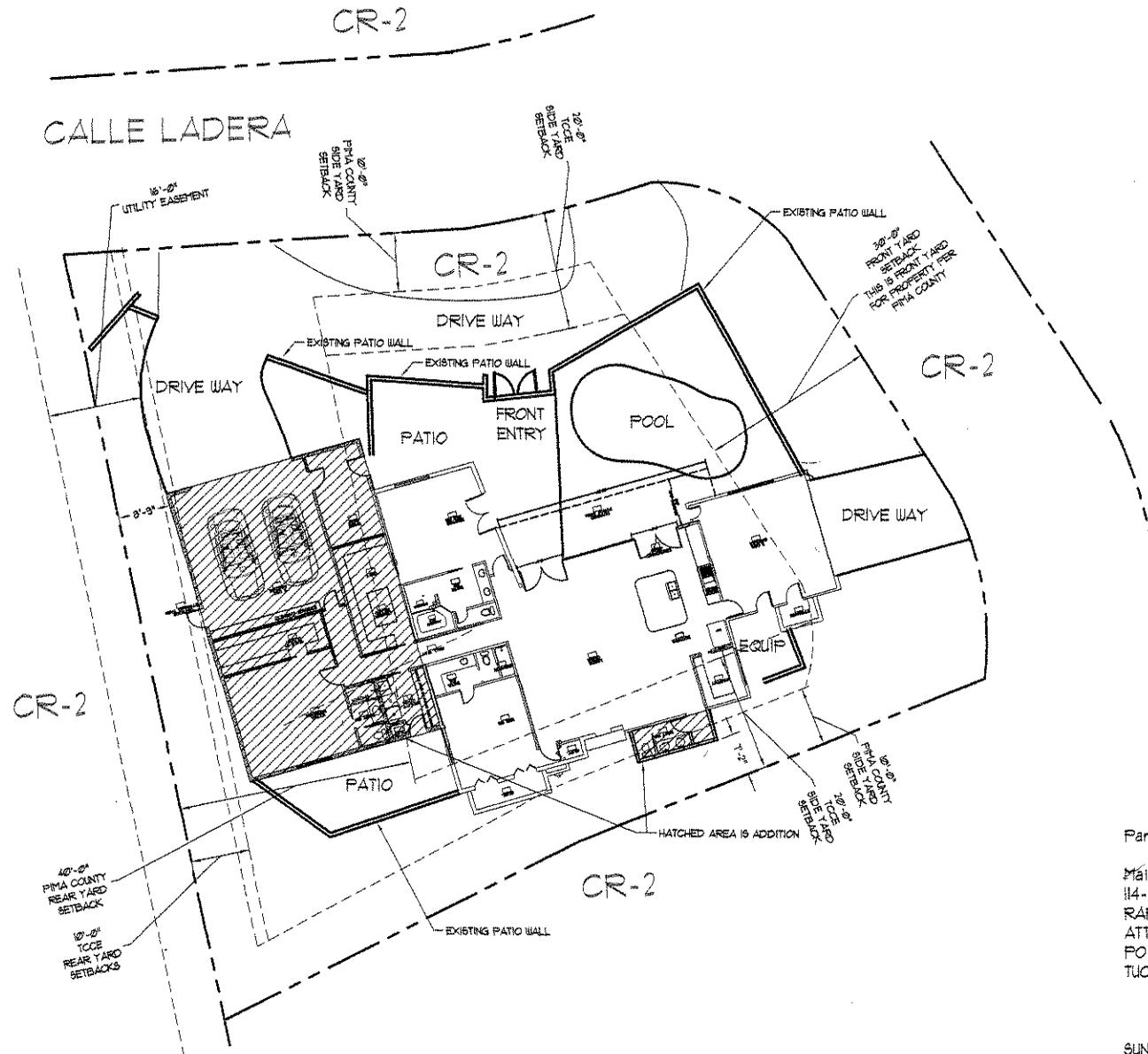
We have provided a new site plan showing the setbacks with setbacks to reflect the true frontage of the property to the North side of the house. In doing this, the rear yard setback is 40'-0" per Pima County but the original house is encroaching into that setback. With the first site plan we submitted and frontage to the east side the entire garage was encroaching into the front yard setback.

What we are asking is for an approval with the way it's existing and the side yard to the west were the neighbor that opposed our project lives. We are in no way taking any views away from her bedroom window as in fact the current height of the building is 10'-6" and the addition is going to be the same height of 10'-6" at that side of the building and entire addition for that matter.

Thank you



Frank Rendon  
3D Architectural Designs



Parcel 14-39-1990

Mail name and address

14-39-1990  
 RARICK FAMILY TR  
 ATTN: RICK RARICK II & LOIS A RARICK TR  
 PO BOX 30001  
 TUCSON AZ 85751-0001

Legal description  
 SUNSET NORTH RESUB LOT 28

Situs (property) address

Street Address      Jurisdiction      Postal City      Zip Code  
 2910 N CALLE LADERA      PIMA COUNTY      TUCSON      85715

**SITE PLAN**

1" = 10'



DRAWING NO: <b>RICK RARICK</b> 2870 N. CALLE LADERA PIMA COUNTY 0	CONTRACTOR: <b>3D Architectural Designs</b> Tucson, Arizona Phone: (520)790-8921 E-MAIL: 3darch2@cox.net	PROJECT: <b>REMODEL / ADDITION</b>	DRAWING TITLE: <b>SITE PLAN</b>
DRAWN BY: <b>FRANK RENDON</b>	CHECKED BY: <b>FR</b>	APPROVED BY: <b>RARICK</b>	SCALE: <b>NTS</b>
DATE: <b>7/9/14</b>	JOB NUMBER: <b>RARICK</b>	# OF SHEETS: <b>1</b>	SHEET NO: <b>C1</b>

### APPLICATION FOR MODIFICATION OF SETBACK REQUIREMENTS

Please print (no pencil) or type

Property Owner: RICH RARICK II Phone: 520-661-1070  
Owner's Mailing Address: P.O. Box 30001 City: TUCSON Zip: 85751  
Authorized Representative: FRANK RENDON Phone: 520-790-6921  
Rep's Mailing Address: 7660 E. LAKESIDE DR City: TUCSON Zip: AZ  
Property Address: 2970 N. CAHLE LADERA City: TUCSON Zip: AZ  
Tax Code: 114-39-1990 Zone: C12

Specify the setback modification request (identify structure and the proposed setback in feet):

WEST REAR YARD TO 8'9" FROM PROPERTY LINE  
SOUTHSIDE SIDE YARD TO 7'2"

I, the undersigned represent that all the facts in this application are true to the best of my knowledge. I am aware that application for building permits must be made within nine months of approval of the Modification of Setback Requirements and that failure to apply for building permits within that time renders the modification approval null and void. I have read and understood the Modification of Setback Requirements guidelines and standards.

Signature of Owner or Representative [Signature] Date 7-9-14

Email Address of Owner or Representative 3darch2@cox.net

The following documents are attached: NO PENCIL  
**Sketch plan [size 8½" x 11" preferred, maximum 11" x 17"];  
County Assessor's map showing the boundaries of the subject property;  
APIQ print out (County Assessor's print out showing current owner of property);  
Letter of authorization for Representative to apply (original signature of owner is required);  
Appropriate fee \$263.00;  
Standards Evaluation Form;  
Original signatures of owner or representative (two signatures).**

If the Owner or Applicant is submitting signatures of neighboring property owners, please check the appropriate box that best describes the signatures that are provided;  
Applicant is submitting neighbor's signatures and believes all applicable property owners have signed.  
Applicant is submitting neighbor's signatures for some of the required property owners. The applicant understands that property owners whose signature has not been provided will be noticed by Pima County and provided 15 days to protest the MSR.

OFFICE USE ONLY  
Co28(1) 14 RARICK - N CAHLE LADERA  
(Last name - Direction, Street Name)  
Date Received: 7-9-14 Received by: EVA (planner's initials)  
Affected section of code(s): 18.23.030 D2 + D  
Crear

## MODIFICATION OF SETBACK REQUIREMENTS STANDARDS EVALUATION

In the spaces provided below, please explain how the proposed setback modification meets each of the six standards listed in Chapter 18.07.070D of the Pima County Zoning Code. The application cannot be processed without this information. Answer each question using full sentences. You may attach a separate sheet if necessary. **DO NOT USE PENCIL.**

1. Describe how the proposed reduction of setback affects the amount of privacy that would be enjoyed by nearby residences:

THE REAR YARD REQUEST IS ADJACENT PROPERTY OWNERS  
SIDE YARD. SOUTH YARD REQUEST, ALSO ADJACENT  
PROPERTY OWNERS SIDE YARD. NO WINDOWS TOWARDS  
PROPERTY LINE. SINGLE STORY

2. Explain how significant views from nearby properties of prominent landforms, unusual stands of vegetation, or parks would not be affected by this request:

SINGLE STORY DWELLING

3. Explain how traffic visibility on adjoining streets will not be affected by this request:

TRAFFIC VISIBILITY NOT AFFECTED - ADDITION IN  
REAR YARD & SIDE YARD

4. Describe how drainage from proposed buildings and structures affects adjoining properties and public rights-of-way:

NOT AFFECTED, NOT IN FLOOD ZONE, EXISTING  
COMMUNITY HOME

5. Describe in detail the use of structures involved in this request:

REAR YARD IS GARAGE / BEDROOM ADDITION  
SOUTH SIDE YARD IS RESTROOM ADDITION

6. Explain how the location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjacent properties:

ENCLOSED AREAS



July 30, 2014

Rarick Family Trust  
Rick & Lois A. Rarick  
PO Box 30001  
Tucson, AZ 85751

**Re: Co28(4)14-14 RARICK – N. CALLE LADERA**

Dear Applicant:

We have received a letter of opposition from a noticed property owner regarding your request for Modification of Setback Requirements for the property located at **2970 North Calle Ladera**. Receiving a letter of protest closes the Modification of Setback Requirements process.

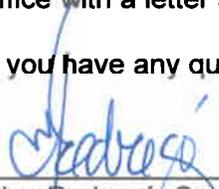
According to the Pima County Zoning Code, if a protest to a setback modification or lot coverage limits is submitted by an owner of an affected property (as defined in Section 18.07.070C), the zoning inspector may refer the application to the Board of Adjustment as a variance request. An additional fee of \$774 is required should you wish to proceed with this request as a variance before the Board of Adjustment.

**NOTE:** It is to your advantage to submit the required letter of explanation and the enclosed variance application form. Your letter should be more detailed, and explain the reasons for requesting your variance. If you wish to proceed to the Board of Adjustment, please submit the completed information to our office by **\*Friday August 1, 2014** to meet the next deadline. No other materials need to be submitted since they were already submitted with your MSR application, unless you wish to submit a new map, or supplemental information.

The variance process includes a public hearing before the Board of Adjustment for your particular district. Your variance request would be scheduled for the next available District 4 hearing to be held on Tuesday, **September 9, 2014** in the basement of the Public Works building in conference room C at 1:30 p.m.

If you elect not to proceed to the Board of Adjustment with a variance, please provide this office with a letter stating your decision to withdraw the application.

If you have any questions concerning the application, please call me at 724-9000.

  
\_\_\_\_\_  
Elva Pedregó, Senior Planner

Via email: [bdarch@cox.net](mailto:bdarch@cox.net)



## Notice of Application Denial

Please view permit application process and requirements at [www.dsd.pima.gov](http://www.dsd.pima.gov) .

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**Activity Number: P14BA00059**

If you have any questions please call 520-724-9000 to discuss this denial.

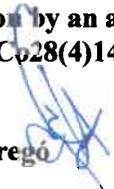
**Zoning Code due process:** Disputes about the interpretation of the Zoning Code may be appealed to a Pima County Board of Adjustment under A.R.S. § 11-816 and P.C.C. § 18.93.060.

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### Denial Comments

**Opposition by an affected property owner to the requested Modification of Setback Requirements request (Co28(4)14-14) was received within the 15-day notice period.**

Elva Pedregó 

**Date: 07/30/2014**

EVELYN GERZETIC  
2962 N. CALLE LADERA  
TUCSON, AZ 85715

July 17, 2014

Elva Pedregó, Senior Planner

Pima County Development Services

201 N. Stone Avenue, Tucson, AZ 85701

Dear Elva: re: Co28(4)-14 RARICK - N. CALLE LADERA

I received your letter re the setback requirement for the above property, which adjoins mine on Calle Ladera.

I was surprised with the letter and plot plan because on the Sunday of the July 4th weekend - July 6 - I met with Lois and Rick at the property with this very plan and voiced my objections. The new 2 car garage will be right outside my bedroom window and the side of the garage is quite tall.

Lois suggested that maybe they could just add a one car garage, which I thought was a good solution.

I do have an objection to the granting of the modification of setback requirements. The Raricks are out of town (I believe) so I cannot meet with them about this again.

Yours truly,



Evelyn M. Gerzetic

RECEIVED  
JUL 18 2014

BY: .....

## Thomas Drzazgowski

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**From:** Elva Pedrego  
**Sent:** Wednesday, August 20, 2014 10:12 AM  
**To:** Thomas Drzazgowski  
**Subject:** FW: Calle Ladera Propert

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

**From:** James Click [mailto:jimclick@jimclick.com]  
**Sent:** Monday, August 18, 2014 4:58 PM  
**To:** Elva Pedrego  
**Subject:** FW: Calle Ladera Propert

Elva,

I am sorry I am late getting this to you. But, I thought you would like to see the comments my architect made regarding improvements on the lot.

Best regards,  
Jim Click, Jr.  
JC/lh  
(as dictated, not read)  
Jim Click Automotive  
Phone: (520) 570-7340  
Fax: (520) 747-9965

-----Original Message-----

**From:** Kim Acorn [mailto:kim@acornarchitecture.com]  
**Sent:** Thursday, August 14, 2014 4:25 PM  
**To:** James Click  
**Subject:** RE: Calle Ladera Propert

JIM,  
This was submitted to the Architectural Review Committee and was NOT Approved.  
The proposed additions are too large for the lot size and the existing home already violates the front yard setback requirement.  
The proposed addition to the West needs a 32 foot variance to the required 40 foot rear yard, which is way too much to be acceptable and not effect property values.  
You should probably call the County planner at 724-9000, since I noticed their letter asked for a response by 7.29.14.  
Hope this is helpful. Let me know if you need anything else.  
Best,  
KIM

ACORN ASSOCIATES ARCHITECTURE, LTD.

4400 E. BROADWAY BLVD., STE. 505 TUCSON, AZ 85711  
TELEPHONE: 520. 881. 0731 FACSIMILE: 520. 881. 0995

[www.acornarchitecture.com](http://www.acornarchitecture.com)



July 15, 2014

Case No. **Co28(4)14-14 RARICK – N. CALLE LADERA**

**NOTICE**

This is to notify you that **Rick & Lois A. Rarick** have submitted an application for a Modification of Setback Requirements (MSR) for property located at **2970 North Calle Ladera** in the **CR-2** zone. The applicant requests a modification to **reduce the rear yard setback (west) to eight feet (8') and the side yard setback (south) to seven (7')** for a **proposed garage, bedroom and restroom addition**, as shown on the attached site plan. The Pima County Zoning Code Chapter 18.23.030D2 & 3 requires a ten foot (10') minimum side yard and a forty foot (40') rear yard setback.

The modification of setback requirements must meet the following standards:

1. The lot coverage increase will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.
2. Significant views of prominent land forms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback was not modified.
3. Traffic visibility on adjoining streets will not be adversely affected.
4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights of way.
5. The location of proposed buildings and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties.
6. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

If you have an objection to the granting of the modification of setback requirements, your written protest must be received by Pima County Development Services - Planning Division, Attention: Elva Pedregó, 201 N. Stone Avenue, Second Floor, Tucson, Arizona 85701 on or before **Tuesday, July 29, 2014**. A written protest must include the name and address of the person submitting the protest, the case number, and the reasons why the application does not meet the above listed standards.

If you have any questions concerning the application, please call Elva Pedregó at 724-9000.

  
\_\_\_\_\_  
Elva Pedregó, Senior Planner