

R. MICHAEL WEST
10971 N. POINSETTIA DRIVE
ORO VALLEY, ARIZONA 85737
Home Telephone (520) 797-8689
Cell Number (916) 599-2798
e-mail k6nc@saciplaw.com

Via E-mail Planning@orovalleyaz.gov

February 19, 2020

Town Of Oro Valley
Community And Economic Development Department
11000 N. La Cañada Drive
Oro Valley, Arizona 85737

Attention: Planning

Re: Application For Variance
Applicant/Owner: R. Michael West
Subject Property: 10971 N. Poinsettia Drive, Oro Valley, Arizona

Please find submitted herewith, the undersigned's Application for a Variance from the Zoning Code provision of the single family residential district R1-43, which prohibits building a detached garage closer to the front lot line than the main house.

The Application includes the following materials:

The completed General Application form;
A Site Plan;
Narrative Describing Nature Of Request;
Detailed Answers To Each Of Five Findings - Discussion And Evidence Providing
Justification For Grant Of Variance; and,
Supporting Documents:
Exhibit 1
Exhibit A
Exhibit B
Exhibit C

The Fee related to this Application For Variance, in the amount of \$150 will be paid by credit card. Please contact the undersigned by telephone for the credit card information.

Respectfully submitted,

R. Michael West
R. Michael West

RMW/cb
Enclosures: as stated

Narrative Describing Nature Of Request

Applicant seeks a variance from the general R1-43 Zoning Code provision which prohibits building a detached garage closer to the front lot line than the main house. Applicant was first advised of this provision, when he made a preliminary submission of his building plans to the Building Permit Division, of the Town Of Oro Valley. Applicant was advised that owing to the location of the proposed detached garage on his property, he would have to apply for and be granted, a variance, before a building permit could issue.

The legal description of the subject property is Lot 21 of the Monte Del Oro subdivision in Oro Valley. Lot 21 is a long and narrow piece of property, extending up hilly terrain from the west side of Poinsettia Drive. There is an existing driveway leading up a ridge to the main house, located approximately 3/4 of the distance from the front lot line to the rear lot line. The terrain from the rear of the main house drops off sharply to a wash running along the rear lot line.

As explained more fully below, Applicant has substantial need for additional garage and storage space on his property. There is no room for expanding the existing garage, because the existing driveway, the garage turn-around area, and the main house prohibit such expansion. Thus, Applicant turned to the concept of a detached garage to meet that need.

In reviewing possible locations for a new garage, it became apparent that there was only one feasible area on the subject property for that proposed garage. That area is between the main house and the front lot line, to the north of the existing driveway. Applicant is therefore seeking from the Board of Adjustment, a variance in the literal provisions of the zoning code. Such a variance would allow Applicant to build a detached garage in the sole feasible area on his property, and would avoid undue hardship on Applicant.

**Detailed Answers To Each Of the Five Finding In Section 2.0 With
Discussion And Evidence Providing Justification For Grant Of Variance**

- A. There are special circumstances or conditions applying to the property referred to in the application including its size, shape, topography, location or surroundings which do not apply to other properties in the district.**

The subject property is located on the west side of North Poinsettia Drive, in the Monte Del Oro subdivision of Oro Valley. The subject property and the lots around the subject property, are approximately 1+ acres in size. However, owing to the topography of the lots on the west side of Poinsettia Drive, the lots are long and narrow, rising westerly from street level to higher terrain where homes are built.

The home and the existing garage on the subject property were built on the highest portion of the lot, approximately 3/4 of the distance from Poinsettia Drive, to the back lot line. The terrain between the west side of the house drops off steeply to the back lot line, leaving an inadequate amount of room for a garage and a vehicle turn-around space. Also, access to the rear portion of the property is limited to one approximately 30' setback strip on the south side of the house, where existing mature natural plants and landscaping would have to be removed to provide access to a rear-located garage. (See, Exhibit 1). The septic system and the leech line are located on the north side of the house, so an access road could not be built there. Lastly, access to a rear-located garage would be problematical for access by the fire department.

The driveway on the subject property is long, ending in a confining turn-around space in front of the existing garage. The existing garage cannot be enlarged in any direction, as there are existing structures and the turn-around space would no longer be usable.

In a more typical lot, there would be more buildable spots for a detached garage, or for the expansion of an existing garage. However, the shape, topography, locations of the existing driveway, home, and garage, and the existing setbacks, all create special circumstances which do not apply to other properties in the district. These special circumstances make the proposed location for the detached garage the only possible location for it on the subject property.

B. Special circumstances were not created by the owner or applicant.

Applicant for the present variance purchased the subject property in 1991, from a private financier who had foreclosed on a loan made by the builder/owner. The builder/owner was a contractor who designed and built the home for himself, but never lived in it. In other words, decisions regarding the size and location of the driveway, the present two-car garage, and the house were all made by the foreclosed-upon builder/owner, not by Applicant.

Applicant did not create the size and shape of the subject property, nor did he have any say about the topography and terrain which likely resulted in the long and narrow configuration of the subject property. Consequently, the special circumstances necessitating the request for the present variance, were not caused by Applicant.

C. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.

Applicant's existing two-car garage is very inadequate, both for garaging vehicles, and for storage. Applicant has six vehicles registered in the State of Arizona, and no room to house them safely and securely on his property. Three of these vehicles are covered under special policies which

require that the vehicles be housed in a secure garage.

Because multiple vehicles have to be parked outside the garage in the turn-around space, vehicles often have to be moved temporarily down for parking on the shoulder of Poinsettia Drive, when service vehicles or company is expected. This creates potential safety hazards for the public, and property security issues for Applicant.

The existing two-car garage is short and narrow, providing little room for storage at the end or sides of the garage. A new and much larger detached garage would not only allow Applicant to house all of his vehicles, but it would also provide much needed space for storage racks and cabinets.

Authorizing the requested for variance is therefore necessary for the preservation and enjoyment of substantial property rights.

D. Any variance granted imposes such conditions as will assure that the authorizing of the adjustment 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.

If a variance is granted for the subject property, the detached garage will be built in a specific location on the property, based upon the previously discussed special circumstances which exist on that property.

There is no other location on the subject property where a detached garage could be built, Applicant did not create the special circumstances which necessitate the variance, and grounds have been shown that grant of the variance will preserve the integrity of the property and enhance the enjoyment of Applicant's property rights. Moreover, as discussed below, the grant of the variance

will not detrimentally affect adjacent property owners or the public in general.

Under these circumstances, authorizing the allowance of a detached garage in the proposed specific location does not constitute a grant of special privileges which are inconsistent with the limitations upon other properties in the vicinity. The general zoning prohibition on building a detached garage closer to the front lot line than the main house still remains; the grant of a variance to build a detached garage in a specific location when special circumstances have been shown is not inconsistent with that general prohibition.

E. The authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

Attached hereto, and identified as Exhibit A, is an aerial photograph of the subject property, showing the front and side property lot lines, the existing house (including attached garage and porches), the existing driveway, Poinsettia Drive, and the area of the proposed detached garage, including an access driveway. There are no accessory structures on the property.

Attached hereto, and identified as Exhibit B, is a drawing sheet of the proposed garage, showing the floor plan, the roof framing plan, a north/south sectional view, a front elevational view, and a south elevational view, the north elevational view being identical thereto.

The proposed detached garage is more than 30 feet from any property line, so no offset variance is needed.

The proposed garage is located at an elevation substantially below the upper end of the existing driveway, and some of the walls will be partly below the grade of the surrounding ground,

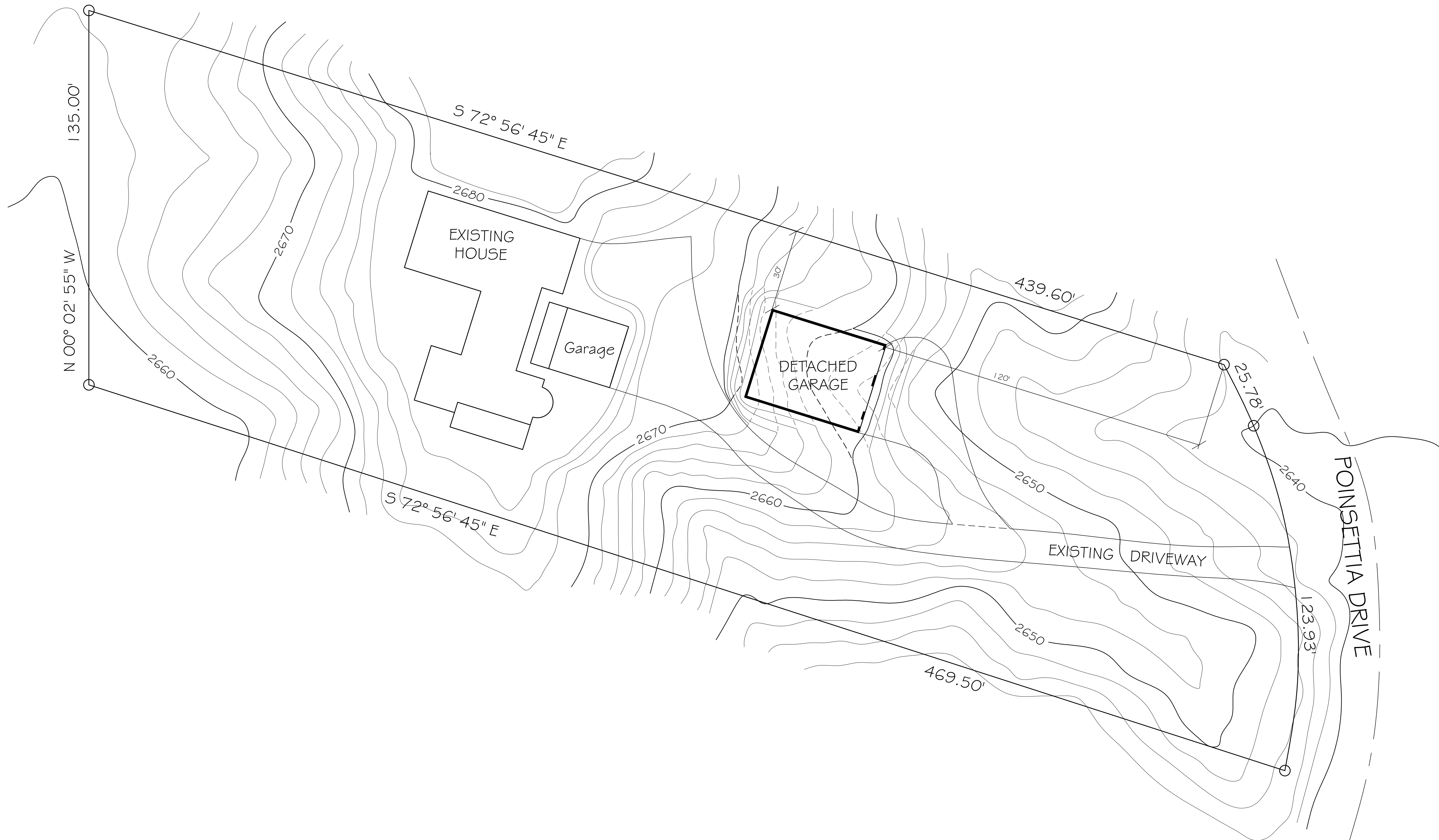
imbedded in the hillside. As a consequence, there will be no impairment of any views toward the mountains, either from the subject property or from the property of the neighbor to the north, or from the vacant property to the south.

Attached hereto, and identified as Exhibit C, is a photo taken from Poinsettia Drive toward the location of the proposed detached garage. Owing to the existing trees and the partially imbedded walls of proposed structure, very little, if any, of the proposed garage will be visible from Poinsettia Drive.

All utilities to the proposed garage will be underground, and the architecture and exterior color of the proposed garage are consistent with the existing main house.

Attached hereto, and identified as Exhibit D, is the approval of the Monte Del Oro Home Owners Association, dated September 9, 2019, for building the proposed detached garage.

In view of the foregoing, Applicant respectfully submits that authorizing the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property owners, to the Monte Del Oro neighborhood, or to the public welfare, in general.



LEGAL DESCRIPTION
MONTE DEL ORO LOT 21
LOCATED IN SECTION: 11, T-12-S, R-13-E, G.S.R.B. & M.
BOOK 27, PAGE 99
PARCEL: 224-27-1330
ZONING: R1-43, Single Family Residential 1 RAC

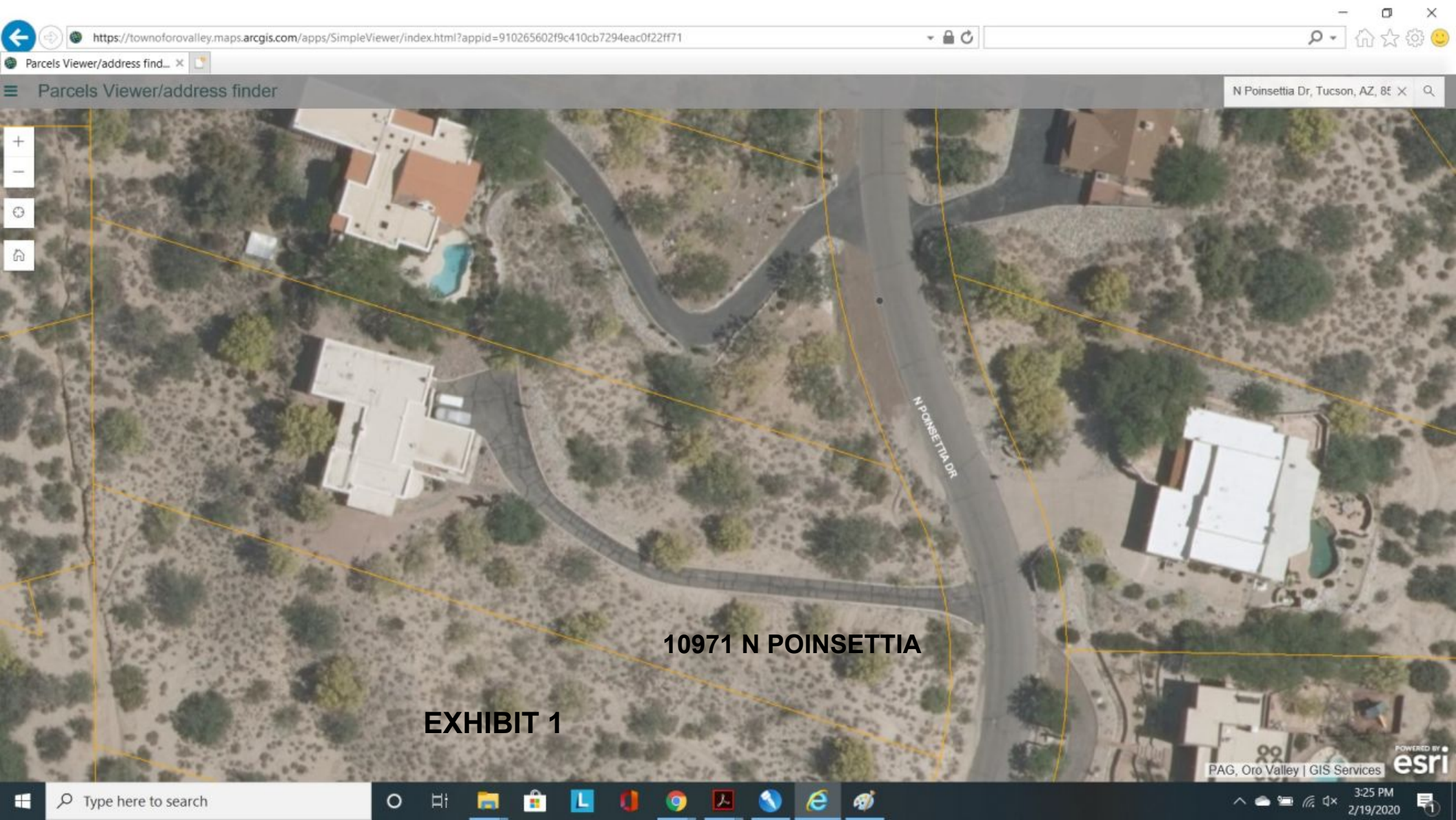
AREA BREAKDOWN	
<u>TOTAL AREA FOR</u>	<u>SQ. FT.</u>
LOT:	60,994
LIVING AREA:	3,001
COVERED PORCHES:	140
EXISTING GARAGE:	600
VEHICULAR USE AREA:	6,320
NEW DETACHED GARAGE:	1,496

DRAWING PACKAGE	
SHEET 1	SITE PLAN
SHEET 2	FOUNDATION PLAN
SHEET 3	FLOOR PLAN / ROOF FRAMING PLAN
SHEET 4	ELEVATIONS / SECTIONS
SHEET 5	DETAILS
SHEET 6	ELECTRICAL PLAN

SITE PLAN
SCALE: 1" = 20'



SITE PLAN	
SCALE: 1" = 20'-0"	SHEET # 1
DETACHED GARAGE MIKE WEST & CATHERINE STRAIGHT 10971 N. POINSETTIA DRIVE ORO VALLEY, AZ 85737	



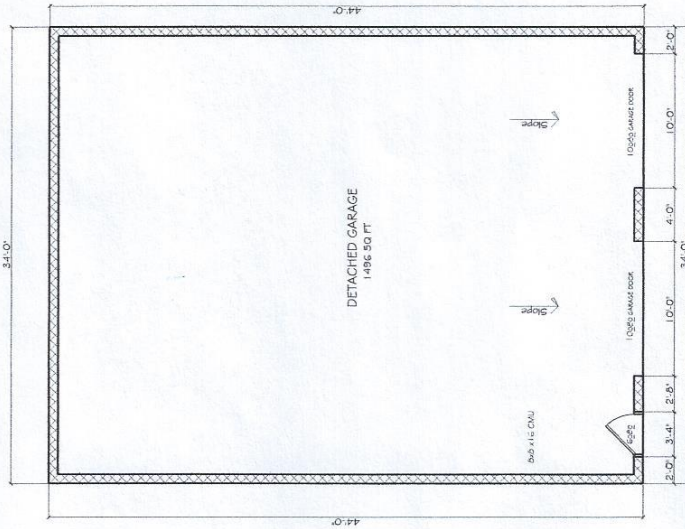
10971 N POINSETTIA

EXHIBIT 1

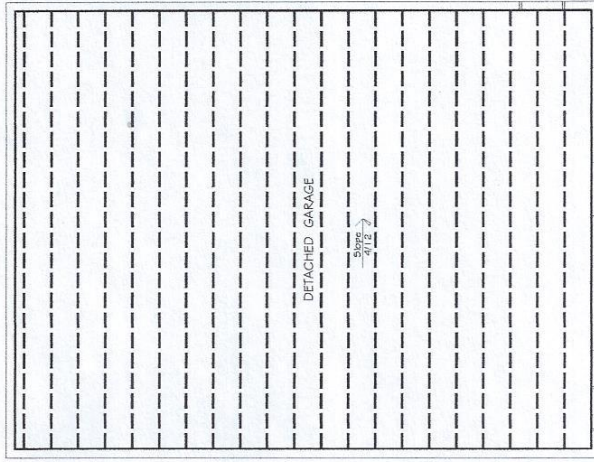
EXHIBIT A



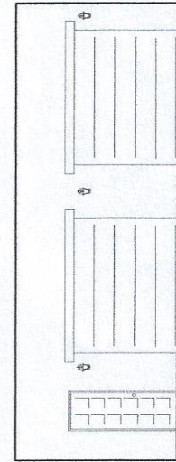
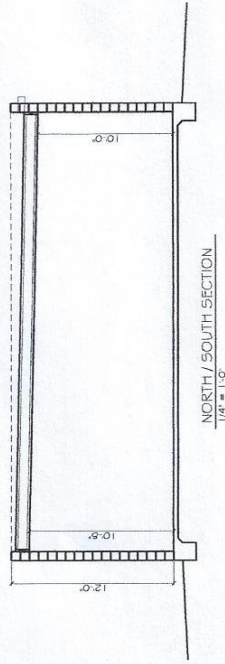
EXHIBIT B



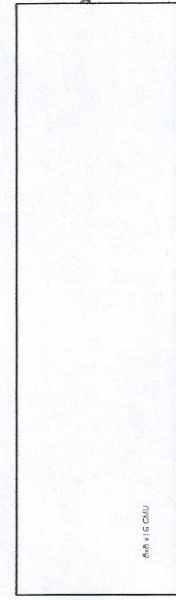
FLOOR PLAN
SCALE: 1/4" = 1'-0"



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

FLOOR / ROOF ELEVATIONS		
SCALE: 1/4" = 1'-0"	1'-0"	SHEET # 2
DETACHED GARAGE		
10971 N. POINSETTA		
ORO VALLEY, AZ 85737		

8/19/2019

10978 N Poinsettia Dr - Google Maps

Google Maps 10978 N Poinsettia Dr

EXHIBIT C

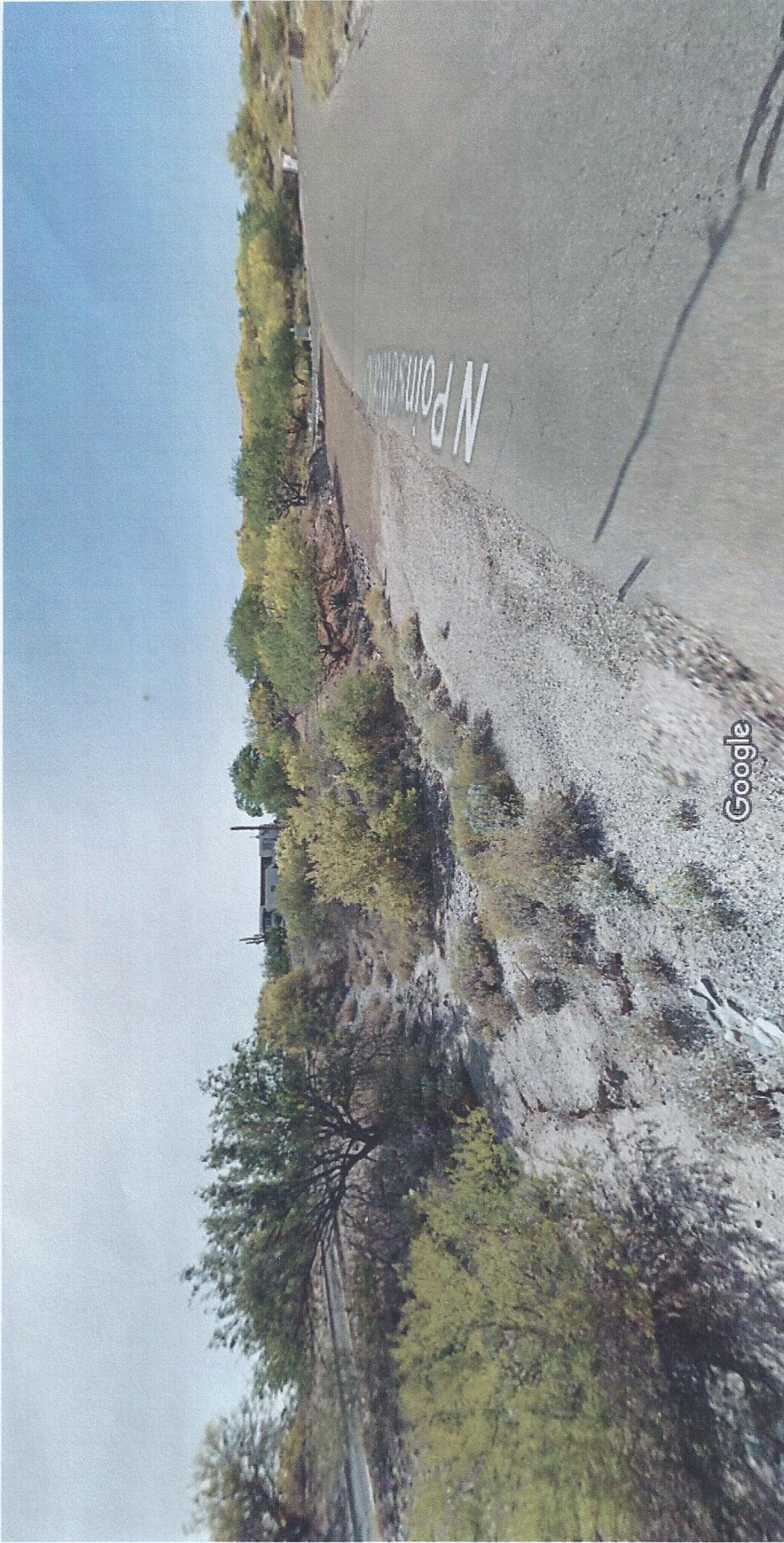
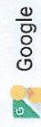
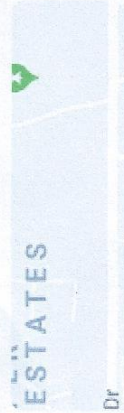


Image capture: Apr 2015 © 2019 Google

Oro Valley, Arizona



Street View - Apr 2015



<https://www.google.com/maps/@32.4053808,-110.9857468,3a,90y,292.07h,79.32t/data=!3m6!1e1!3m4!1suxmzAQQIxOQJHkrIDchkg!2e0!71133121816656>

Monte Del Oro Home Owners Association
1870 W Prince Rd Suite 47 - Tucson, AZ 85705
Telephone: 520-297-0797 - Fax: 520-742-2618
ARC Approval

Date: September 9, 2019

MDO/Lot #21
R. Michael West
PO Box 530
Wilton, CA 95693

RE: 10971 N Poinsettia Dr - Garage

Dear R. Michael West:

Thank you for following the architectural process for Monte Del Oro Home Owners Association. The Committee has reviewed your submittal.

Your application has been approved to install a detached garage with the following specifications:

1. No changes to the submitted paint color for all walls and doors.
2. Trim color needs to be submitted (if any).
3. Roof color to be Desert Tan, not White.
4. Exterior lighting to be downward focused, no glare toward adjoining lots or street.
5. No kitchen or living quarters to be installed.

Approval of the modification relates to conformity of the plans and specifications to the general architectural style and compliance with the governing documents of Monte Del Oro. This letter does not imply approval for engineering design or architectural specifications and codes.

The Association reserves the right to make a final inspection of the modification to make sure it matches the request you submitted for approval. Please follow the plan you submitted or submit an additional request for any modifications to the original plan.

You must follow all local building codes and setback requirements when making this modification. A building permit may be needed, which can be applied for at your local governmental offices.

Please keep this approval letter with your official records for your home.

Please do not hesitate to contact me at the office 520-297-0797 or e-mail kolson@cadden.com.

For the Association,



Keren Olson, CAAM®
Community Association Manager
Cadden Community Management