

MINUTES
ORO VALLEY BOARD OF ADJUSTMENT
SPECIAL SESSION
December 21, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

[CALL TO ORDER AT OR AFTER 3:00 PM](#)

Chairman Parisi called the meeting to order at 3:30 p.m.

[ROLL CALL](#)

PRESENT: Paul Parisi, Chairman
John Hickey, Vice Chair
Sandra Hoy-Johnson, Member

EXCUSED: Jimmy Fields, Member
Jeremy Christopher, Member

AT THE CALL OF THE CHAIR, THE AGENDA ITEMS MAY BE TAKEN IN ANY ORDER, AS DEEMED APPROPRIATE.

1. [Approval of the September 28, 2010 minutes.](#)

MOTION: A motion was made by Vice Chair Hickey and seconded by Member Hoy-Johnson to approve the September 28, 2010, Board of Adjustment minutes.

MOTION carried, 3-0.

2. PUBLIC HEARING:

[OV1010-09, Richard Gosla requests a variance from the Oro Valley Zoning Code Revised Section 23.4, Table of Dimensional Requirements, R1-36 Single Family Residential District, to reduce the required fifteen foot side yard setback to eight feet in order to convert and expand a carport into a garage. Subject: Parcel # 225-11-1100 located at 225 W. Meadowbrook Drive, Oro Valley, AZ 85704. For questions and additional information, please contact Karen Berchtold, Senior Planner, at \(520\) 229-4814 or \[kberchtold@orovalleyaz.gov\]\(mailto:kberchtold@orovalleyaz.gov\).](#)

Chairman Parisi swore in the applicant, Richard Gosla. Mr. Gosla said he is requesting a variance to a setback requirement. The existing carport was built in 1960 with an eight foot setback from the property line. Mr. Gosla said he would like to replace the carport with a garage and maintain the same setback.

Discussion noted the following:

- Garage roof to be peaked at a height to match existing house
- No alternative possibilities due to: recreational vehicle and travel trailer parked on the side of the house; basketball court and trees that provide shade to the house in the backyard; and no direct access to the house from the backyard

Mr. Gosla mentioned the following exceptions he found in the staff report:

- Comments from e-mails not included
- No encroachment on the 30 ft. yard setback from the street
- No issues with the neighbor to the east
- In response to paragraph E, last sentence; Mr. Gosla showed pictures of houses similar to his request located on Shadow Mountain, east of his home and on Spring Valley Drive, south of his home, including vegetation from the road facing the proposed garage.

Vice Chair Hickey asked why the covered entry could not be moved and attached directly to the house. Mr. Gosla responded that the problem is getting access into the side yard.

Member Hoy-Johnson asked for clarification regarding the increase of square footage. Mr. Gosla said the increased garage area would cover all his equipment, along with a truck that is currently not covered.

Karen Berchtold, OV Senior Planner, presented the following:

- Location Map
- Zoning Map
- Aerial Map
- Property Detail
- History
- Variance Request
- Proposed Request
- Site Photos
- BOA (Board of Adjustment) Findings

David Williams, OV Planning Division Manager, said the variance request is a self-imposed situation where the request is based on the needs of the property owner.

Member Hoy-Johnson asked if there are attached garages in that area. Mr. Gosla said there is a combination of both garages and carports throughout the neighborhood.

Mr. Williams said it is his opinion that a variance should be evaluated on its own merits. It is good to understand the neighborhood, character, and uses but, per the Board of Adjustment criteria, it should be specific to this individual lot.

Chairman Parisi opened the public hearing at 3:50 p.m. There being no speakers, the public hearing was closed.

Mr. Gosla added that by moving the setback to 15 ft. in the front of the house, it would remove the circular driveway which would make it more difficult to get in and out of the property. Mr. Gosla asked for the definition of "self-imposed".

Mr. Williams responded that the requests are based on one's own needs versus something unusual about the property. The need for a variance is due to a design you would like to achieve on the property, above and beyond the basic residential use.

Mr. Gosla said there is no other place on the property to place a garage. The west side of the property slopes, which would allow massive amounts of water to flow if the garage is placed in the front yard, and it would be a substantial walk to the house when carrying items in.

Vice Chair Hickey said if you were to move a portion of the attachment out of the encroached area you could add 30 sq. ft., which could be converted to an access way and maintain the same amount of storage area.

Mr. Gosla said it did not make sense to move the garage in for reasons that he explained earlier, but if he had to compromise to meet the 15 ft. setback, that would be the option.

Vice Chair Hickey asked why he could not move the new garage portion north of the existing carport outside the encroachment zone. Mr. Gosla said he would lose the circular driveway or have to move the saguaro and vegetation, which he is not willing to do.

MOTION: A motion was made by Vice Chair Hickey and seconded by Chairman Parisi to deny OV1010-09, request for a variance from the Oro Valley Zoning Code Revised Section 23.4, Table of Dimensional Requirements, R1-36 Single Family Residential District, to reduce the required fifteen foot side yard setback to eight feet in order to convert and expand a carport into a garage.

Vice Chair Hickey cited his reasons for denial as follows:

- Variance does not meet Criteria C which is necessary for the addition, and there are other options
- The change from Pima County to Oro Valley brings this issue forward all the time, so he fully accepts and agrees with Criteria A & B
- In regard to Criteria D, if a variance is granted, a precedent would be set

Member Hoy-Johnson agreed with Criteria C and said these guidelines are very strict and the Board needs to follow them.

Chairman Parisi commended Mr. Gosla on his presentation. Chairman Parisi said this is not a question about building the garage; it is the variance to the setback. Although this would be the best approach for the applicant, there are other ways to get it done and the Board needs to stick with the finding of facts.

MOTION carried, 3-0.

3. [Staff Update.](#)

Mr. Williams noted the following:

- Filling of BOA vacancy is set for Town Council action on January 5, 2011.
- No items for the January agenda.
- Town Council took action to combine the Development Review Board and Art Review Commission into one new board to be called the Conceptual Design Review Board. First meeting is anticipated in April/May. December 2010 to May 2011: staff will be working on zoning code amendments, review criteria, rules and procedures for the new board.
- Zoning code updates that include changes to zoning commercial neighborhood district, recreation area requirements for subdivisions, code amendments for signs, and public art zoning code amendment addressing the in-lieu fee.
- Planning & Zoning Commission will meet January 13, 2011, and currently has vacancies.

Vice Chair Hickey asked if staff could look at modifications on annexation. He said it seems to be a recurring variance request and the modification would help the board deal with it better. Mr. Williams suggested it be placed on a future agenda.

[ADJOURNMENT](#)

MOTION: A motion was made by Vice Chair Hickey and seconded by Member Hoy-Johnson to adjourn the BOA meeting at 4:11 p.m.

MOTION carried, 3-0.

Prepared by,

Suzanne Molinar
Recording Secretary