

SANTA CRUZ COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

TO Board of Adjustment District 3
FROM Frank Dillon, Director
DATE October 15, 2020
SUBJECT VAR-20-3-3 (Child)

APPLICATION REQUEST

A request for a variance from Article 16, Section 1600 (F) of the Santa Cruz County Zoning and Development Code to build a swimming pool on the required front yard and reduce the required front yard setback from 25 feet to 15 feet.

LEGAL DESCRIPTION Tubac Valley Country Club Estates Lot 268
PARCEL NUMBER 112-11-043
OWNERSHIP Jeffrey and Brenda Child
LOCATION 35 Circulo De Prado, Tubac, AZ
PARCEL SIZE 0.48 acre
EXISTING ZONING R-1 (Single-Family Residential Zoning District)
EXISTING LAND USE Residential
COMP PLAN Low Density Residential

SURROUNDING PROPERTIES

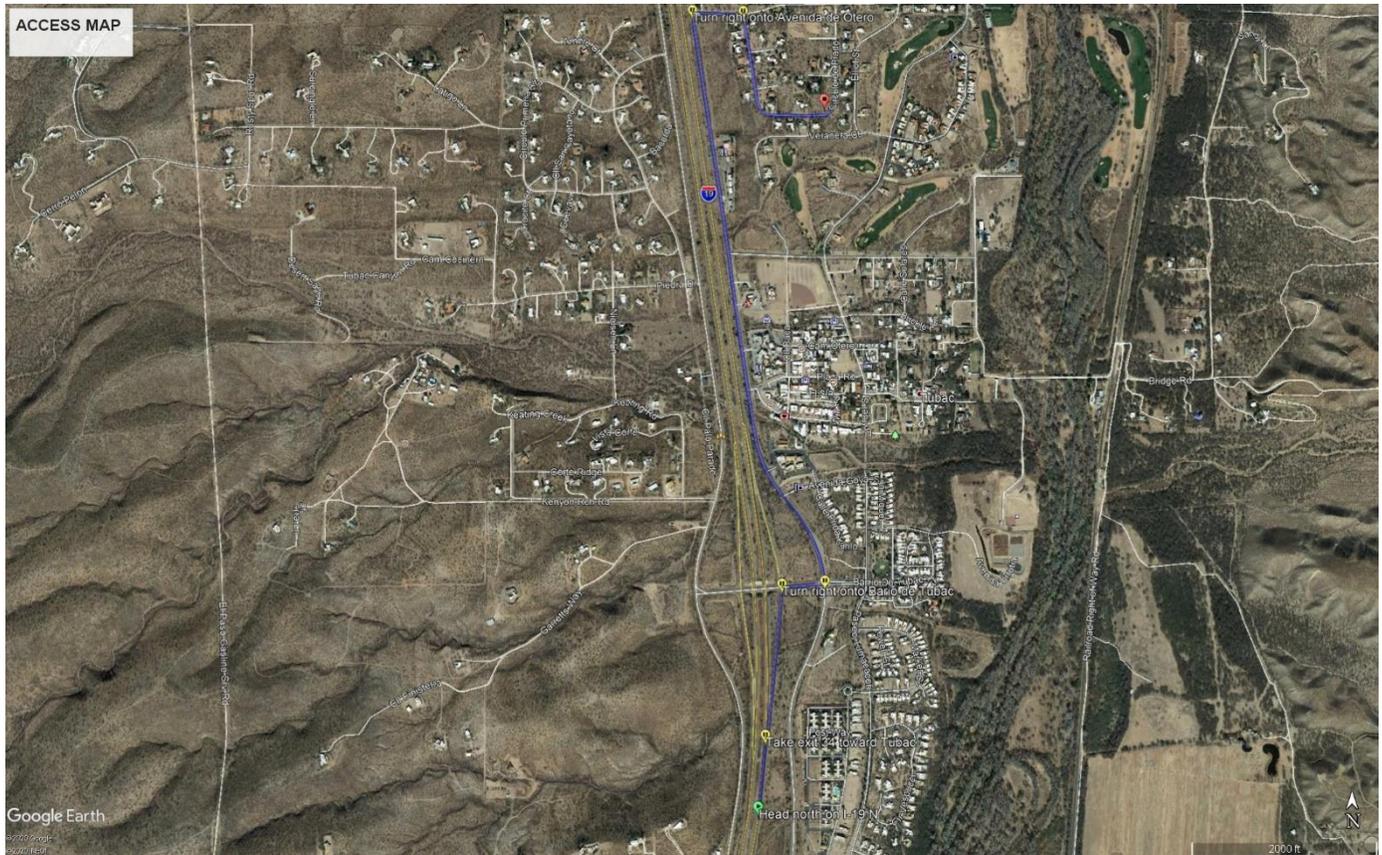
Direction	Zoning	Use of property
North	R-1 (Residential)	Vacant/Residential
South	R-1 (Residential)	Vacant/Residential
East	R-1 (Residential)	Residential
West	R-1 (Residential)	Vacant/Residential

INFRASTRUCTURE AND PUBLIC FACILITIES SERVING THE SITE

Water	Epcor Utilities
Wastewater	Septic
Electric	UniSource
Gas	UniSource
Fire Protection	Tubac Fire District

ACCESS TO SITE

This site is located in the Tubac Valley Country Club Estates Subdivision accessed along public roads situated in Tubac from Interstate 19. Take exit 34 toward Tubac, turn right onto Barrio De Tubac, turn left onto E Frontage Rd, turn right onto Avenida De Otero, and right to Circulo De Prado to the subject property.



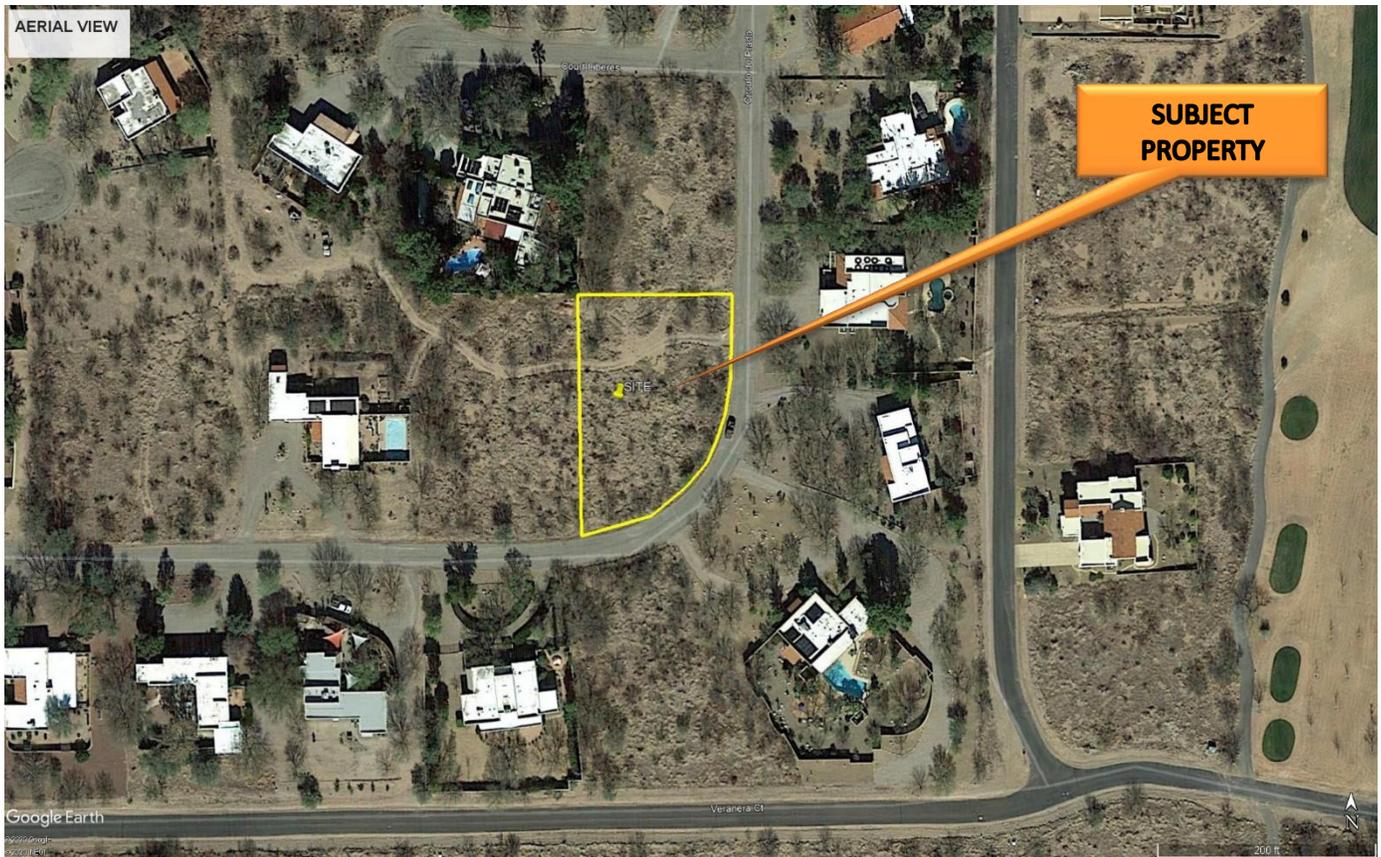
Access Map

Source: Google Earth Pro

BACKGROUND

The subject property is currently a developed lot in the Tubac Valley Country Club Estates Subdivision. There are few undeveloped residential lots to the North and West. There is a recently built residence on the triangle shape and corner lot.

The owners recently built a residence and obtained the certificate of occupancy on 9/25/2020. Now they want to build a swimming pool but the lot is a corner lot with an uncommon triangle shape where after the built of the residence, the septic tank and utility lines location, there is not much space to put a swimming pool other than the front yard.



Aerial View

Source: Google Earth

Pursuant to Santa Cruz County Zoning and Development Code Article 16, Section 1600 (F), swimming pools are permitted on the front yard in residential zoning districts upon the review and approval of the Board of Adjustment:

F. The site of the contained body of water and all accessory equipment shall be subject to this section and shall be located in the side and/or rear yard only.

The following setbacks apply:

R-1, R-2, R-3, R-4, R-5, MF, MH, and MFR: - Seven and one half (7.5) feet, side and rear only.

GR-40, GR, SR, B-1, B-2, and M-1: - Fifteen (15) feet, side and rear only.

The site of the contained body of water may be located in the front yard upon the review and approval of the appropriate Board of Adjustment. Minimum Front Yard setbacks apply.



Location and Zoning Map

Source: Santa Cruz County GIS

PUBLIC COMMENT

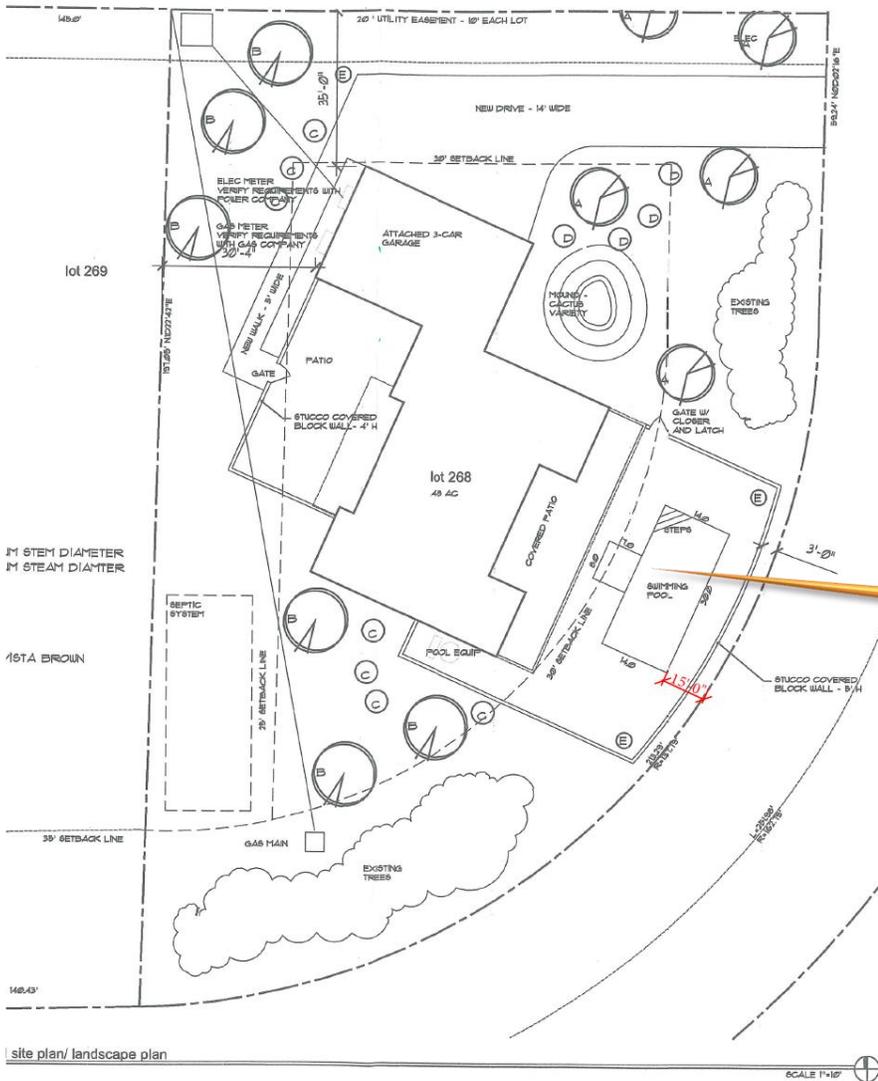
Since advertising this application for hearing, the Department has not received comments related to this project.

EVALUATION OF THE REQUEST

The subject property has an uncommon shape being the front yard on the curb of Circulo De Prado, making it a three (3) sides lot. In addition, the property is an uncomfortable lot in the R-1 zoning district because it does not have the required thirty-six thousand (36,000) square feet and with the setback requirements; the buildable area is reduced considerably due to the long front yard along Circulo De Prado. The recently built residence occupies most of the buildable area within the setbacks requirements, one side is occupied by the septic tank, the other side is occupied by the driveway, and underground power lines run at the Northwest corner as shown on the site plan. Therefore, there is no other place in the lot to put the swimming pool other than the front yard.

The subject structure will be built fifteen (15) feet from the front property line and will be screened from the street view with a five (5) feet high stucco covered block wall which will also serve to meet the safety requirements for swimming pools as per section 1600(B) of the Santa Cruz County Zoning and Development Code.

The Tubac Valley Owners' Association has approved the proposed location of the swimming pool.



APPROVED MAKE NOTED CORRECTIONS
 REJECTED REVISE AND RESUBMIT

REVIEW IS ONLY FOR GENERAL COMPLIANCE WITH THE DOCUMENT TITLED "DECLARATION OF ESTABLISHMENT OF CONDITIONS AND RESTRICTIONS FOR TUBAC VALLEY COUNTRY CLUB ESTATES." APPROVAL OF THESE SUBMITTED DOCUMENTS DOES NOT REMOVE THE OWNER FROM RESPONSIBILITY OF THIS PROJECT COMPLYING WITH REQUIREMENTS OF THAT DOCUMENT. COMPLIANCE REMAINS SOLELY THE RESPONSIBILITY OF THE OWNER.

TUBAC VALLEY OWNERS' ASSOCIATION
DATE 2.21.22 BY *[Signature]*

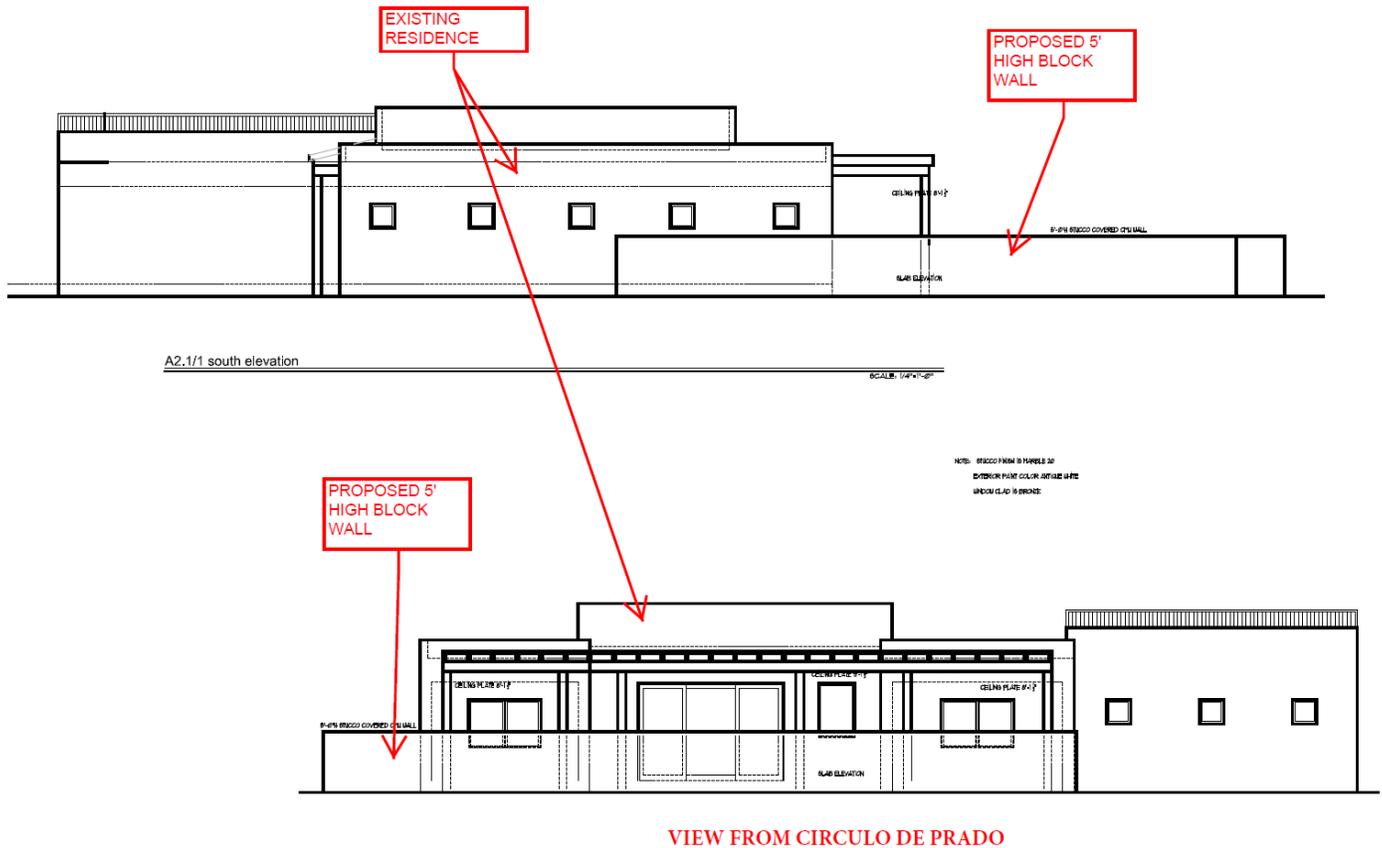
PROPOSED SWIMMING POOL

Site Plan

Source: Applicant

SUMMARY

The applicants, Jeffrey and Brenda Child, are requesting a Variance from Section 1600(F) of the Santa Cruz County Zoning and Development Code to build a swimming pool on the required front yard and reduce the front yard setback from twenty-five (25) feet to fifteen (15) feet. The swimming pool will be screened from the public view with a five (5) feet high block wall.



Elevations

Source: Applicant

Factors in Favor of Approving the Variance request

1. The swimming pool does not conflict with the Comprehensive Plan Low Density Residential;
2. The subject structure will not create an adverse impact to adjacent properties;
3. The subject structure will be screened from the street view;
4. No opposition to date.

Factors in Favor of Denying the Variance

1. None.

RECOMMENDATION

Base on the factors on favor of Approving the Variance request staff recommends Approval of the request subject to the following Conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS §12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Variance request, otherwise the Variance authorization may be deemed void upon 30-day notification to the Applicant;

2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations;
3. Changes to the approved Variance shall be considered a new application and will require additional review and approval;
4. The screen wall shall be a stucco covered block wall without openings.

SUGGESTED MOTION

Mr. Chairman, I move to approve VAR-20-3-3, with the Conditions of Approval as recommended by staff with the Factors in Favor of approval constituting the Findings of Fact.

ATTACHMENTS

1. Complete Application Submittal
2. Letter of Intent
3. Assessor's Property Profile
4. Site Plan
5. Elevations
6. Zoning Map



**Santa Cruz County
Community Development Department**

VARIANCE APPLICATION

2150 N Congress Drive, Suite 206 ■ Nogales AZ 85621 ■ 520-375-7930

DESIRING A VARIANCE FROM THE TERMS OF THE SANTA CRUZ COUNTY ZONING AND DEVELOPMENT CODE:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3.

I (we), the undersigned, hereby petition the Santa Cruz County Board of Adjustment, District 3 to grant a Variance from the terms of the Santa Cruz County Zoning and Development Code as follows:

NOTE: Complete all of the following items. If necessary, attach additional sheets.

1. List the name(s) and address(es) of all owners of the parcel for which the Variance is sought.

PROPERTY OWNER	ADDRESS	PHONE
Jeff and Brenda Child	2561 E Tuxedo Circle Sandy, UT 84093	801-891-7274

2. Tax parcel identification number: 112-11-043

3. General location of parcel: TVCCE Lot 268

4. Area of Parcel (to the nearest tenth of an acre): .48

5. Zoning District Classification: _____

6. Infrastructure and Public Facilities Serving the Site:

Water: <u>Epcor</u>	Gas: <u>Unisource</u>
Wastewater: <u>Septic</u>	Fire Protection: <u>Tubac</u>
Electric: <u>Unisource</u>	School District: <u>SCV</u>

7. Describe the existing uses of the parcel and the size and location of existing structures and buildings in use on it. Single family home of 1890 sq feet is located the lot, please see included drawings.

8. Describe all proposed uses and/or structures, which are to be placed on the property. Swimming Pool

9. State specifically why you are requesting a Variance The lot is a triangle shaped lot, which would put pool in front yard in most conditions. Based on location and size of Septic, west side is not possible. Based on house gas line and driveway, still would be front facing. Please see enclosed pictures and letter.

NOTE: THE APPLICANT HEREBY CONSENTS TO SITE VISITS IN ORDER FOR PLANNING STAFF TO PREPARE THE CASE REPORT TO THE BOARD OF ADJUSTMENT, PLANNING COMMISSION AND/OR THE BOARD OF SUPERVISORS AND TO POST THE PROPERTY PURSUANT TO A.R.S. §§11-805, 11-813, 11-816, 11-829, OR 11-831.

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a Variance from the Santa Cruz County Zoning and Development Code are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

Brenda Child

dotloop verified
08/27/20 6:02 PM CDT
V98Y-NOZ4-PCW-TZCU

Jeff Child

dotloop verified
08/27/20 6:12 PM CDT
5EEO-6XZG-XENR-2B8K

APPLICANTS PHONE NUMBER: _____

FOR OFFICE USE ONLY

DISTRICT NUMBER: 3 DATE: _____

CASE NUMBER: VAR-20-3-3

CASE NAME: CHILD POOL

RECEIVED
AUG 31 2020
157 Cruz County Planning and Zoning Department

APPLICABLE SECTION OF THE CODE: 1600 (F)



August 24, 2020

Attn: Frank Dillon Community Development Director
Santa Cruz County
2150 N. Congress Drive
Nogales, AZ 85621

Frank,

Please find the enclosed information regarding the Child Residence Pool, located at 35 Circulo de Prado in Tubac.

- A. 2 Copies of Landscape Plan
- B. 2 Copies of Elevations
- C. Approval Letter for HOA
- D. Picture of Septic installation

As you can see from the picture the size and depth of the septic would have made a pool there impossible, let alone the main gas line running up through the lot. As you know this is a triangle shaped lot making the whole road section the front of the lot. With Septic and Gas on one side, as well as drive, gas meter, on the other side, location is difficult.

Of course all safety measures will be met and frankly a pool won't be able to be seen from the street. Look forward to speaking with you soon.

Dave
5203340145

[Property Records Inquiry](#)

[Revise Search](#)

[Print This Page](#)

General Information

2021 ▼

Property Address

35 CIRCULO DE PRADO
TUBAC, 85646

Owner Name & Address

Primary Owner
CHILD JEFFREY & BRENDA
2561 E TUXEDO CIRCLE
SANDY, UT 84093
100.00%

Legal Description

Subdivision: **Lot:** **Block:**

Range: -

Extended Legal: TUBAC VALLEY CTRY CLUB EST LOT 268

Property Information

Parcel Number: 11211043

Account Number: R000012794

Tax District: 3501

Current Mill Levy: 0

Square Feet: 20,908.80

Total Acres: 0.48

Primary Use Description: 2801-PT COMP SFR ON 5AC/LESS

Sales Information

Reception #	Sale Price	Deed Type	SaleDate	Grantor	Grantee
20190004290	\$55,000	WARRANTY DEED	07/01/2019	MACLEOD GWYN R & MURDO I , TRUSTEES, THE MACLEOD FAM REV TRUST	CHILD JEFFREY & BRENDA
19890007885	\$0	QUIT CLAIM	11/09/1989		

Value Information Approach: Cost

Abstract Code/Description	Value Type	Appraised Value	Assessed Value	Taxable Value
0401I Non Primary/Bank Owned/Not In Other Classes Residential	Improvement	\$160,452	\$16,045	\$16,045
0401L Non Primary/Bank Owned/Not In Other Classes Residential	Land	\$44,000	\$4,400	\$4,400
	Totals:	\$204,452	\$20,445	\$20,445

Limited Property Value (LPV)

Abstract Code/Description	Value Type	LPV Actual	LPV Assessed	LPV Taxable Value
0401I Non Primary/Bank Owned/Not In Other Classes Residential	Improvement	\$156,833	\$15,683	\$15,683
0401L Non Primary/Bank Owned/Not In Other Classes Residential	Land	\$43,008	\$4,301	\$4,301
	Totals:	\$199,841	\$19,984	\$19,984

Account Flags

Flag Type	Flag Description	Unit Count

Property Attributes & Descriptions

Attribute	Attribute Description
Access	Paved
Amenities	Deed Restrictions
Location	Freeway Access
Roads	Paved
Topography	Level
Utilities	Sewer
View	Mountain - Full

The Parcel has the following Exemptions:

B5 Partial Completions

Building ID 1.00



Occupancy Description	Single Family Residential	Rooms	4
Built As	Ranch 1 Story	Bedrooms	3.00
Exterior	Masonry Stucco Block	Baths	2.00
HVAC		Year Built	2020

[BuildingImage]

Detail Type	Detail Description	Units
Garage	Attached	857.0000
Porch	Slab Roof Ceil	670.0000
Porch	Slab Roof Ceil	116.0000
Fixture	Bath 4	1.0000
Fixture	Bath 3	1.0000

[<< Return to Results](#)



Richard J. Griese, A.I.A. Emeritus

Architectural Consultant

August 21, 2020

Mr. & Mrs. Jeff Child
2561 E Tuxedo Circle
Sandy, UT 84093

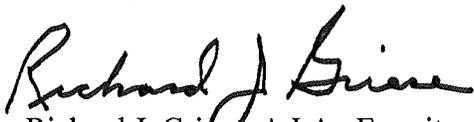
Subject: Landscaping Plan for New Residence for
Mr. & Mrs. Jeff Child
Lot No. 268, Tubac Country Club Estates
Santa Cruz County, Arizona

Dear Mr. & Mrs. Child,

Attached herewith is one copy of the Landscaping Drawings
for the above project stamped "APPROVED, See Correspondence." I have asked D. Edraney of
Double E. Builders to deliver it to you for your records.

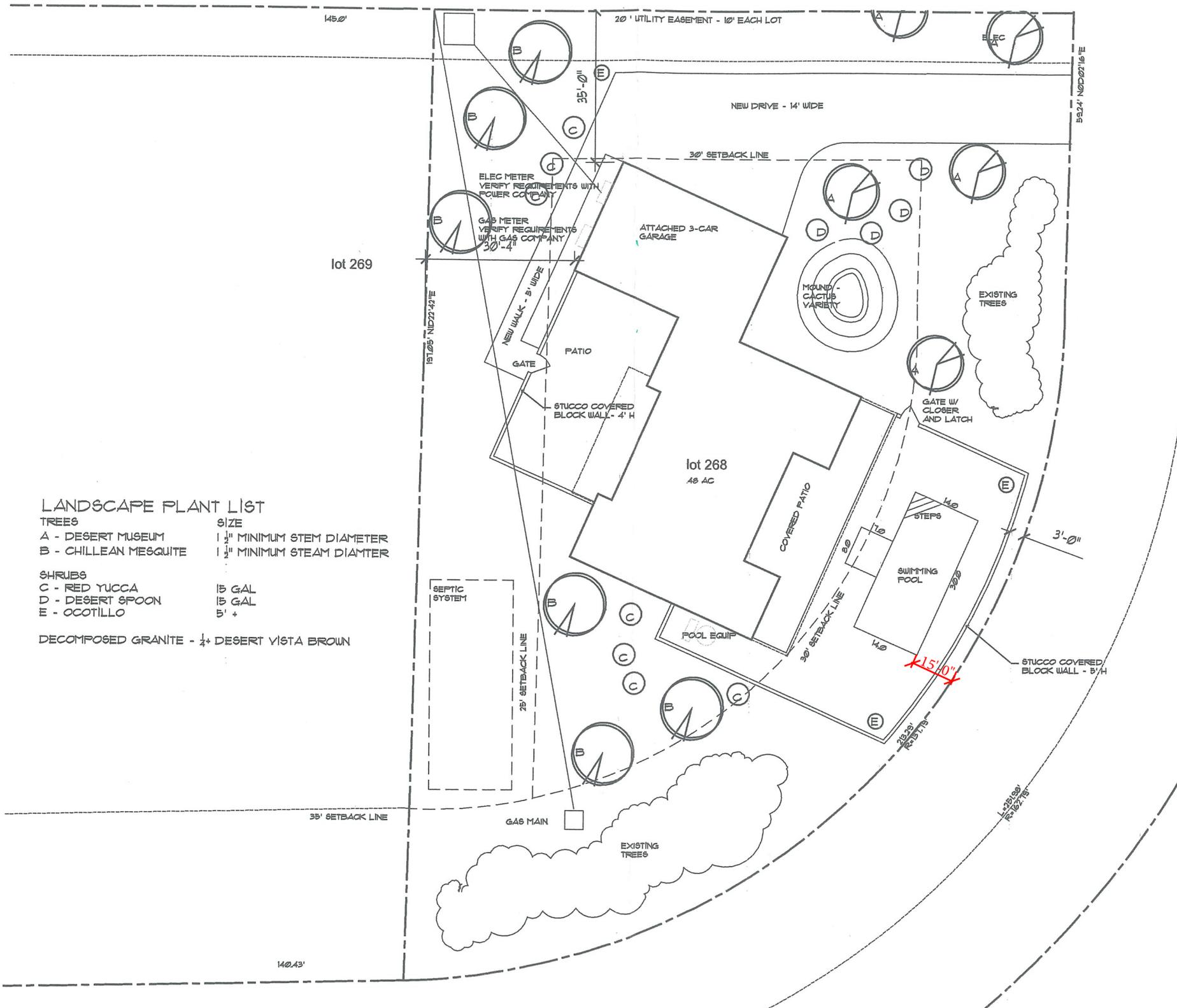
I hope the construction phase of your new residence goes smoothly. If you have any questions,
please call.

Sincerely,



Richard J. Griese, A.I.A. Emeritus

cc: Arch. Comm.



- LANDSCAPE PLANT LIST**
- TREES**
- | | |
|-----------------------|------------------------------|
| A - DESERT MUSEUM | 1 1/2" MINIMUM STEM DIAMETER |
| B - CHILLEAN MESQUITE | 1 1/2" MINIMUM STEM DIAMETER |
- SHRUBS**
- | | |
|------------------|--------|
| C - RED YUCCA | 15 GAL |
| D - DESERT SPOON | 15 GAL |
| E - OCOTILLO | 5' + |
- DECOMPOSED GRANITE - 1/4" DESERT VISTA BROWN

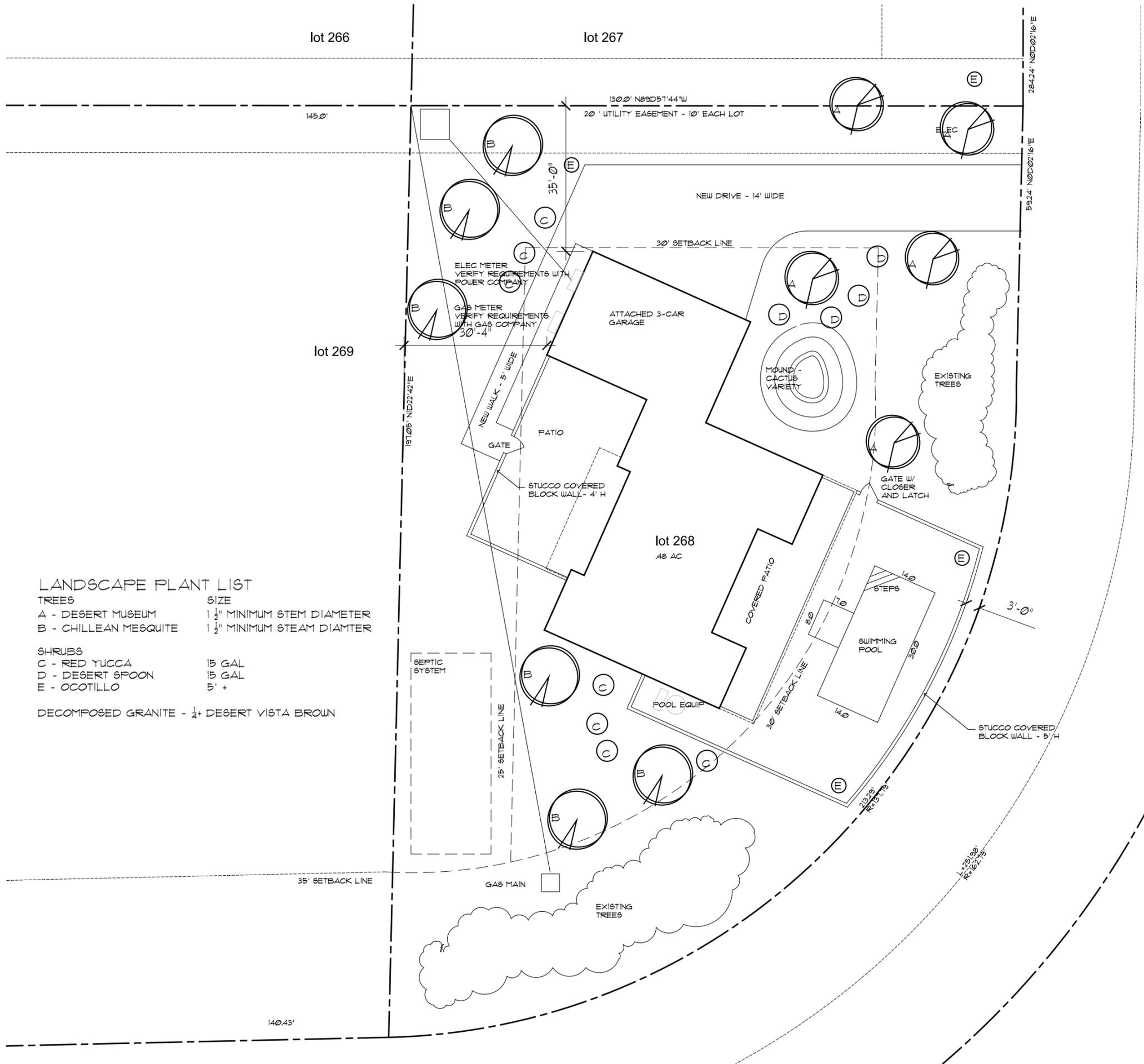
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TUBAC VALLEY OWNERS' ASSOCIATION

DATE 2.21.20 BY *RJ Bruce*



LANDSCAPE PLANT LIST

- TREES**
- | | |
|----------------------|------------------------------|
| A - DESERT MUSEUM | 1 1/2" MINIMUM STEM DIAMETER |
| B - CHILEAN MESQUITE | 1 1/2" MINIMUM STEAM DIAMTER |
- SHRUBS**
- | | |
|------------------|--------|
| C - RED YUCCA | 15 GAL |
| D - DESERT SPOON | 15 GAL |
| E - OCOTILLO | 5' + |
- DECOMPOSED GRANITE - 1/4+ DESERT VISTA BROWN

lot 245

lot 244

lot 143

project information

APN 112-11-043
 SUBDIVISION NAME TUBAC VALLEY COUNTRY CLUB ESTATES
 LEGAL DESCRIPTION TOWNSHIP 21S RANGE 13E BOOK 112 MAP 11 SECTION 1-NE-1/4
 LOT NUMBER LOT 268
 PARCEL AREA .48 ACRES

ALL UTILITIES INCLUDING BUT NOT LIMITED TO ELEC, GAS, WATER, SANITARY, TELEPHONE AND DATA TO BE LOCATED BY SURVEYOR PRIOR TO CONSTRUCTION.



Double E Builders Inc
 PO Box 4802
 Tubac, AZ 85646
 520-334-0145

Child Residence
 Tubac Valley Country Club
 Country Club Estates
 Lot 268

ISSUED FOR:
 CONSTRUCTION

DRAWN BY:
 DA

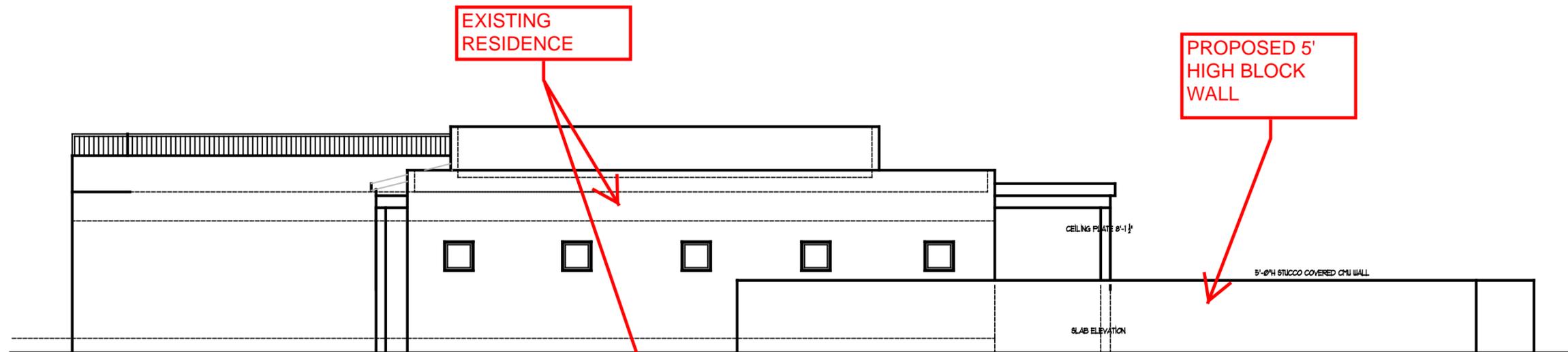
CHECKED BY:
 DA

DATE:
 08-11-2020

SP1.0
 SITE PLAN

SP1.0 proposed site plan/ landscape plan

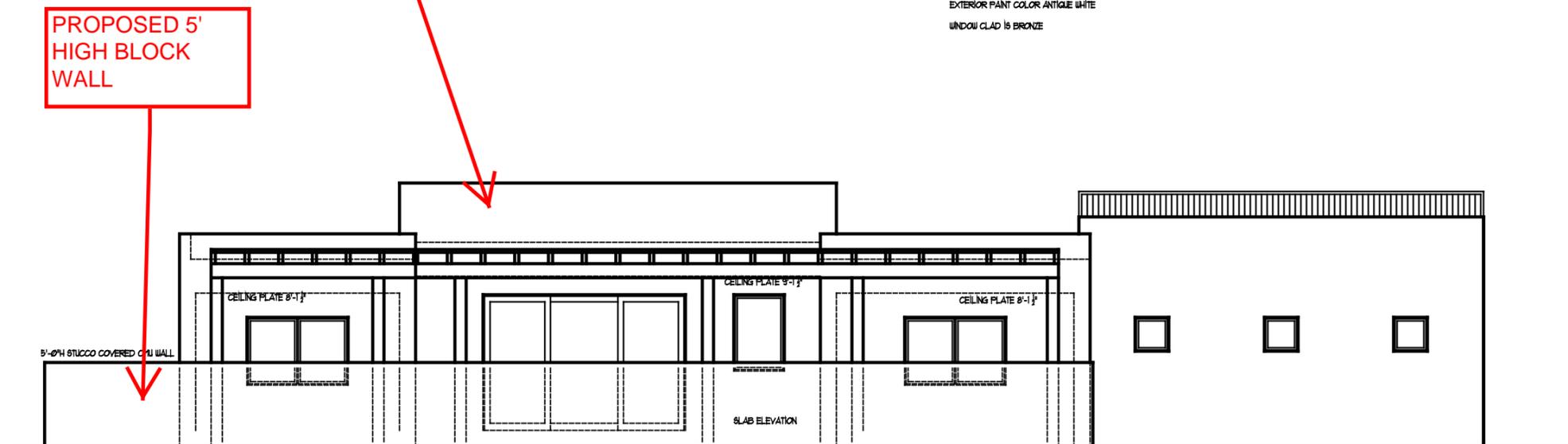
SCALE 1"=10'



A2.1/1 south elevation

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

NOTE: STUCCO FINISH IS MARBLE 20
 EXTERIOR PAINT COLOR ANTIQUE WHITE
 WINDOW CLAD IS BRONZE



VIEW FROM CIRCULO DE PRADO

A2.1/2 east elevation

SCALE: 1/2"=1'-0"



Double E Builders Inc
 PO Box 4802
 Tubac, AZ 85646
 520-334-0145

Child Residence
 Tubac Valley Country Club
 Country Club Estates
 Lot 268

ISSUED FOR:
CONSTRUCTION
 DRAWN BY:
 DA
 CHECKED BY:
 DA
 DATE:
 20-11-2020

A2.0
 ELEVATIONS

