

STAFF REPORT

DATE: March 28, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00079

C10-18-02 PERALTA RESIDENTIAL LOT SPLIT / SERGIO H AND MARIA R PERALTA / 1215 AND 1217 EAST KENTUCKY STREET, R-2

The applicants' property is an approximately 7,256 square foot lot zoned R-2 "Residential". The property is developed with two attached single-family dwellings. The applicants are proposing to split the parcel to create an approximately 3,288 square foot lot (Parcel 1) and an approximately 3,968 square foot lot (Parcel 2) in order to allow each dwelling unit to be located on its own lot.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow proposed Parcel 1 to be created with a lot area reduced from the minimum 5,000 square feet to approximately 3,288 square feet;
- 2) Allow a reduced side perimeter yard setback for Parcel 1 from 6'-0" to 0' as measured from the existing building wall to the new interior lot line;
- 3) Allow proposed Parcel 2 to be created with a lot area reduced from the minimum 5,000 square feet to approximately 3,968 square feet; and
- 4) Allow a reduced side perimeter yard setback for Parcel 2 from 6'-0" to 0' as measured from the existing building wall to the new interior lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.9 *Residence Zone (R-2)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-2 zone; and

Table 6.3-2.A *Dimensional Standards for the R-2 Zone*, which provides the minimum lot size and perimeter yard setback standards for the R-2 zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-2; (single-family residential)

North: Zoned R-2; (single-family residential)

South: Zoned R-2; (single-family residential)

East: Zoned R-2; (single-family residential)

West: Zoned R-2; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objections or adverse comments.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized 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.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicants' property is an approximately 7,256 square foot lot zoned R-2 "Residential". The property is developed with two attached single-family dwellings. The applicants are proposing to split the parcel to create an approximately 3,288 square foot lot (Parcel 1) and an approximately 3,968 square foot lot (Parcel 2) in order to allow each dwelling unit to be located on its own lot. The proposed lot split triggers compliance with the Tucson *Unified Development Code (UDC)*.

Lot Split

Per *UDC* Table 6.3-2.A, the minimum lot size requirement for a single-family residence in the R-2 zone is 5,000 square feet. The applicants are requesting variances to allow a lot split that will result in an approximately 3,288 square foot lot (Parcel 1) and an approximately 3,968 square foot lot (Parcel 2).

Per *UDC* Table 6.3-2.A, the minimum side perimeter yard setback required to the new lot line is 6'-0". The applicants are requesting to maintain the existing common wall between the two units which will result in required variances for a 0' setback to the new interior lot line for Parcels 1 and 2.

Discussion

The applicants' property is located in a neighborhood that is developed with attached single-family residences on both sides of a local street. The subject parcel consists of two attached single-family dwelling units. The remaining lots on this street each consist of one unit that is attached to another unit on a separate lot. Per the application and aerial photography, it appears that the subject parcel is the only property that consists of two attached residential units. The side perimeter yard setbacks between the two units will be zero which is a common occurrence throughout this neighborhood.

The majority of the individual lots are undersized for single-family residential use in the zone. The lot sizes range anywhere from approximately 2,000 to 4,000 square feet in size. There are only three other lots that meet or exceed the minimum lot size requirement. The new interior lot line is a straight line that extends from the common wall towards the street and rear lot lines, which is consistent with the rest of the neighborhood. Creating one lot to meet the minimum lot size would alter the configuration of the lots, thus making the split out of character with the rest of the neighborhood. The proposed lot split does not include any new residential construction and therefore will not have any negative impacts on density.

Conclusion

Given that the proposed lot split is not out of character with other similar undersized parcels in this neighborhood; and that the lot split will not be detrimental to public welfare; and is the minimum necessary to afford relief, staff can support the applicants' requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notifications dated January 25 and February 26, 2018, and the meeting sign-in sheet dated February 10, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicants' requested variances.

It is the opinion of staff that granting of the variances will 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, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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