STAFF REPORT

DATE: August 29, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00278

C10-18-11 GROVER NEW SINGLE-FAMILY RESIDENCE / GOLDIE A GROVER, LLC / 1131 NORTH TUCSON BOULEVARD, R-1

The applicants' property is an approximately 5,965 square foot lot zoned R-1 "Residential", to be developed with a single-family residence. The lot is nonconforming for reduced lot size within the R-1 zone due to a right of way expansion. The applicants seek the necessary zoning approval to allow primary access off the alley immediately south of the property.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

1) Allow an alley as the primary access to the lot (a proposed single family home).
2) Allow alley access at a reduced width.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to,

Section 4.7.9 and Table 4.8-2 which provides the criteria for residential development in the R-1 zone; and

Sections 7.8 and 7.4.6.K, which provides the standards for alley access.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)
North: Zoned R-1; (single-family residential)
South: Zoned O-3; (office or residential zone, across alley, office use)
East: Zoned O-3; (office or residential zone, across Tucson Blvd, apartments)
West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department had no comments, as the location is not within a floodplain.

Department of Transportation, Engineering Section

A curb cut for access from Tucson Boulevard cannot be granted for this lot, per TDOT Engineering Review. To utilize the alley will require the applicant to pave the alley per TDOT standards. Maintenance for the paving would be conducted by TDOT.

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 5,965 square foot lot zoned R-1 "Residential", to be developed with a single-family residence. The lot is nonconforming for reduced lot size within the R-1 zone due to a right of way expansion. The applicants seek the necessary zoning approval to allow primary access off the alley immediately south of the property. The plan review process triggers compliance with technical codes for new construction.

Access

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.9 and Table 4.8-2 which provides the criteria for residential development in the R-1 zone; and Sections 7.8 and 7.4.6.K, which provides the standards for alley access.

Acceptable types of property access include easements across private parcels and from public or private streets. To utilize an alley for access requires a minimum width of 20 feet, and surfaced with a dust control acceptable to the TDOT City Engineer. The applicant is requesting variances to allow the alley along the south lot line to serve as primary access to the lot, and to reduce the required width of the alley to 13 feet.

Discussion

The property is located in an established single-family residential neighborhood platted in 1925. The neighborhood is zoned "R-1" residential. Over time, lot sizes have been reconfigured from 9,750 square feet to range from approximately 6,000 to 9,750 square feet in area. Along Tucson Boulevard, a roadway widening and land reconfiguration affected three lots prior to 1999 (Pima County Assr data), including the subject lot, which was reduced to the present lot size of 5,965 square feet. Submitted plans show the single family residence to meet all other zoning criteria, such as lot coverage and setbacks, as measured from all perimeter yards and the Tucson Boulevard

Per TDOT Engineering, as a curb cut cannot be granted to provide driveway access from Tucson Boulevard, the applicants are seeking the necessary zoning approval to allow the lot to be accessed by the alley running along the south boundary. At it's fullest width, the alley is 15' wide, as was platted. Submitted plans show a light pole adjacent to the alley entry that reduces the width to 13 feet. It should be noted the alley is used for access by trash removal vehicles and residents for back yard access, given photos and aerial views of the area.

The submitted site plan shows three angled parking spaces, contained on site, accessed directly off the alley way for the planned single family residence. The angle of the parking indicates the access for this lot would be from Tucson Boulevard, with exit west via the alley to Norton Street.

Conclusion

Given that special circumstances exist such as existing roadway conditions that restrict the access area; and does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, staff has no objection to the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification by the applicant, dated April 20, 2018 and the summary of the onsite meeting dated May 9, 2018. The meeting was held on the property on May 9, 2018; six people attended.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variance. Should the board move to approve this request, staff recommends the following conditions:

1) Along entire southern boundary of this property, alley is to be paved in accordance with standards established by Tucson Department of Transportation (TDOT).
2) Applicant to submit paving plan to TDOT Traffic Engineering staff for review and approval prior to obtaining permits. Site plan must note Conditions 1 & 2.

It is the opinion of staff there are special circumstances applicable to the property; that 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; and that the variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Heather Thrall, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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