



# MEMORANDUM

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DATE: November 21, 2005

TO: Zoning Administration Division  
DSD Zoning Review Section

FROM: Walter Tellez  
Zoning Administrator

SUBJECT: LUC 3.2.14.2.B.1, Minimum Lot Size Exceptions  
Land Use Code: Zoning Administrator Determination

LUC 3.2.14.2.B.1 allows the development of any lot that is less than the minimum lot size where the lot was legally created under Pima County jurisdiction prior to annexation and was a lot of record as of the time of annexation.

If the condemnation occurs after annexation, the lot becomes nonconforming by the governmental act of condemnation and may be developed.

If there is a voluntary transfer of the property in lieu of condemnation, that may be reviewed by the Zoning Administrator. If the Zoning Administrator determines the transfer is in fact in place of condemnation, he may issue a letter stating that the lot will become legally nonconforming upon the transfer.

The above applies only for a development of a single family dwelling.

s:zoning administration/za determination/LUC 3.2.14.2.B.1.doc

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**From:** William Balak  
**To:** Joanne Hershenhorn; Walter Tellez  
**Date:** 08/04/2005 11:41:09 AM  
**Subject:** Re: Fwd: loading space in "P" zone? & dumpsters

We allowed dumpsters but not loading spaces or loading docks or truck parking.

>>> Walter Tellez 08/04/2005 11:36:27 AM >>>  
I believe we have allowed dumpsters, but not loading spaces.

Bill, it would be similar to what we did for nonconforming parking in R-1 for El Con and the center to the east by Alvernon. Do you remember.

>>> Joanne Hershenhorn 08/04/2005 11:23:27 AM >>>  
Walter, maybe this is a question for you. Also, we may be talking about a loading dock, since it's 70 feet long. If you want me to fax the site plan, please let me know. Thanks.

>>> Joanne Hershenhorn 8/4/2005 10:51:28 AM >>>  
Hi David, how's things?

I'm working on a plan amendment at the northwest corner of E. 25th Street & Alvernon. The owners of two parcels (130-07-158H, 3825 E. 25th St. and 130-07-158G, 1450 S. Alvernon) , want to do a lot combination, tear down the donut shop that's on the site now, and redevelop it with a new business, probably a hardware store. The building would be near the corner of Alv. & 25th, and parking would be to the north and west. The area along Alvernon is zoned C-2; the rear part of one of the parcels is zoned R-1 (there's split zoning for the entire block between Juarez and 25th Streets). They need to amend the *Arroyo Chico Area Plan* in order to be able to rezone the R-1 area to P. The combined redevelopment site is about 1 acre.

Can a loading space be located in a P zone? Or would it need to be in the C-2 part? If it's in the C-2 area, can the P area be used for maneuvering the delivery vehicle? Also, what about the dumpster? Can it be in the "P" area, or does it also need to be in the C-2 zone? And can the "P" area be used for maneuvering the garbage trucks?

We were at Planning Commission study session last night, and these very good questions came up. I have a preliminary site plan I could fax to you, if you'd like. Thanks.

C-2 zone 2, 3, 4  
R-1 zone 2, 3, 4  
P zone 2, 3, 4  
5, 4, 2, 1, B  
5, 1, 5  
5, 4, 0  
H

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**From:** Ernie Duarte  
**To:** Tellez, Walter  
**Date:** 07/13/2005 11:13:48 AM  
**Subject:** Re: Lofts at 5th Ave

great. good work! I think that's the right decision for this particular and similar type projects

>>> Walter Tellez 07/13/2005 9:27:38 AM >>>

I discussed the dumpster issue with Craig and Trish. We could determine that it was allowed when ADT's are less than 140 and the alley/street width is less than 30 feet.

>>> Ernie Duarte 07/12/2005 8:48:20 AM >>>

Let's talk to Walter about the trash enclosure through the landscape border.

>>> Craig Gross 07/11/2005 5:10:29 PM >>>

Spoke with Wayne Silberschlag about the signage. They are only interested in the the major building identification signage at this time. Wayne really hadn't thought about the tenant signage. He will start working on a signage package for the building and tenant spaces. His first thought is that they will restrict tenants to window signage only or maybe a small sign hanging under the canopies..

I also talked to him about the loading zone and parking issues. He said that they understood the limitations and would probably work on it case by case if that type of tenant became involved. He realizes that variances might be needed for certain uses but they aren't that concerned with variances after the building is constructed.

**CC:** Gehlen, Patricia; Gross, Craig

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**From:** Walter Tellez  
**To:** Duarte, Ernie  
**Date:** 07/13/2005 9:27:38 AM  
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**CC:** Gehlen, Patricia; Gross, Craig

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