



MEMORANDUM

536
461

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

22 13
225



MEMORANDUM

DATE: October 14, 2003

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 3.2.13, LUC 2.8.5, Clairmar Terrace
Land Use Code: Zoning Administrator Determination

A subdivision (Clairmar Terrace) platted in 1973 was only half completed with a 150 foot long cul de sac (Clair Circle) never improved with curbs, sidewalks, or paving. What is the mechanism available to the City to make the property owners improve the right of way before we issue building permits.

In consultation with the City Attorney's office, the Zoning Administrator has determined that the plat itself does not establish any legal right to proceed under the 1973 Zoning Code. Any such rights were extinguished when the LUC was adopted. The plat looks like there are two completely separate developments of 8 lots on two cul de sacs. One has been developed, the other has not. Since the undeveloped cul de sac is completely independent, there is no basis for a vested rights claim. Thus any development must be fully reviewed for compliance with the LUC.

s:zoning administration/za determination/LUC 4.1.2.doc

6/14