



Board of Adjustment STAFF REPORT

AGENDA

TO: CASA GRANDE BOARD OF ADJUSTMENT

FROM: Laura Blakeman, City Planner

MEETING DATE: November 12, 2013

REQUEST

Request by Tod A. Miller, for the following land use request for R-1 zoned property located at 114 N. Morrison Avenue, APN 507-06-101:

1. **DSA-13-00130:** Variance from the following City Code Provisions:
 - a. Section 17.20.140A: To have a Minimum Lot Area of 5,600 square feet, whereas the minimum lot area is 7,000 square feet
 - b. Section 17.20.140B: To have a "Minimum Lot Width" of 40', whereas the minimum lot width is 70'.

APPLICANT/OWNER

Tod A. Miller, Architect
 Clear Blue Services
 1101 S. 48th Street, #210
 Phoenix, AZ 85044
 P: 602-426-9500
 Email: todmiller@clearblueservices.com

Linn Ballard
 705 E. Melrose Drive
 Casa Grande, AZ 85122
 P: 610-585-6628

HISTORY

February 24, 1920 - The final plat was recorded for the Myers Addition to Casa Grande.

June 1948 – The site was zoned Class B Residence

May 1969 – The site was zoned R-3 (Multiple Family).

April 1975 – The site was zoned R-2 (Two-four family).

November 16, 1987 - The site received official zoning of R-1 (Single-family residential) with the adoption of the Zoning Ordinance and map.

October 2002: Code Enforcement case: Illegal dumping in alley of site.

July 2008:

Code Enforcement case: Abandoned building – unsecured, broken windows, dead grass and weeds.

Surrounding Area Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
North	Community Center	R-1 (Single-family residential)	Residential
South	Community Center	R-1 (Single-family residential)	Residential
East	Community Center	R-1 (Single-family residential)	Residential
West	Community Center	R-1 (Single-family residential)	Residential

Overview

The applicant, representing the owner is applying for a lot width and lot area variance since the owner's parcel is substandard in both of these conditions. This situation is apparently the result of a lot reconfiguration that occurred in 1992 prior to the current owner's purchase of the property in 2008. The owner desires to construct a new modest single family home on this parcel but a building permit cannot be issued due to the fact that the parcel does not meet the minimum lot area, nor lot width required in the R-1 zone district. Without variance relief the property will remain unbuildable. Greater detail regarding this situation is provided in the review criteria section of the Staff Report.

Aerial of site:



In December of 1998, Elroy Investments purchased the property and at the time the property had a residence located on it. According to Pinal County Records, the property was designated as “rental residential” which is considered property that is leased or rented for residential purposes. In July of 2008, the property was cited by Code Enforcement for the building being abandoned and unsecured. The property was unsightly with uncut dead grass, weeds and the back yard was covered with debris. Shortly after, the property was sold to Linn Rene Ballard and a demolition permit was obtained from the city to tear down the house.

Presently the property is vacant and is a common dumping ground for trash and weeds (see the picture below).



The property owner is proposing to build a new 2-story 1,452 square foot single family residence. The exterior of the residence will complement the existing neighborhood homes with painted stucco exterior, wood trim, shingle roof and anodized aluminum windows.

The site is zoned R-1 single family residential. The R-1 Zoning allows single family

detached dwellings with a minimum of 7,000 square foot lot area and a minimum lot size of 70' x 100'.

The table below lists the R-1 zoning code requirements and the requested deviations from the code per this variance request.

R-1 Zoning:	Proposed Development:
Minimum Lot Area – 7000 sq. ft	Minimum Lot Area - 5,600 sq. feet (17.20.140A)
Minimum Lot Size: Width – 70' Depth - 100'	Minimum Lot Size: Width – 40' (17.20.140B) Depth - 140'
Setbacks: Front – 20' Rear - 20' Sides – 5' & 10'	Setbacks: Front – 20' Rear - 20' Sides – 5' & 10'
Building height: 28' maximum	Building Height – 25' 4" to top of ridge

As shown in the table above the applicant is asking for a Variance of Section 17.20.140A: to have a minimum lot area of 5,600 square feet and a Variance of Section 17.20.140B: to have a “Minimum Lot Width” of 40'.

The Non Conforming Uses City Code Section 17.64.030 Applicability to existing lots states the following:

- A. At the time of enactment of this title, if any owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him/her to conform to the minimum lot width requirements or does not have sufficient lot width to conform to the minimum lot width requirements, **such plot of land may nevertheless be used as a building site.** The dimensional requirements of the district in which the piece of land is located **may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the board of adjustment.**

- 1. In the UR, **R-1**, RF-1a and R-4 Zones, the reduction shall permit only a single-family residence.

According to City Code 17.54. 010, the board of adjustment may allow a departure from the terms of these zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this title would deprive the owner of the reasonable use of the land and/or building involved.

Upon Staff's research, it was determined that the current owner was not associated with the original lot splits and if the Variance is granted, the property owner's next step is to apply for a building permit.

CONFORMANCE WITH THE VARIANCE CRITERIA:
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The Board, in reviewing a Variance request, shall find that the request satisfies the considerations listed below.

The applicant provided a Justification Statement (Exhibit B) that presents how they believe their request meets the criteria. Staff's analysis is as follows:

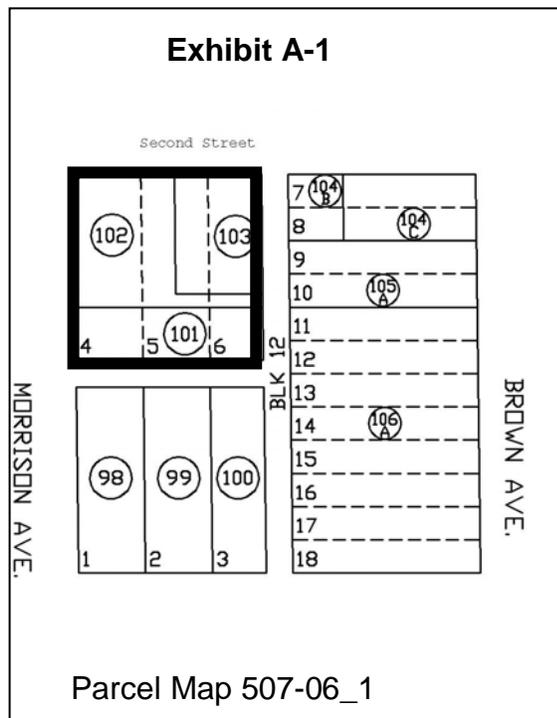
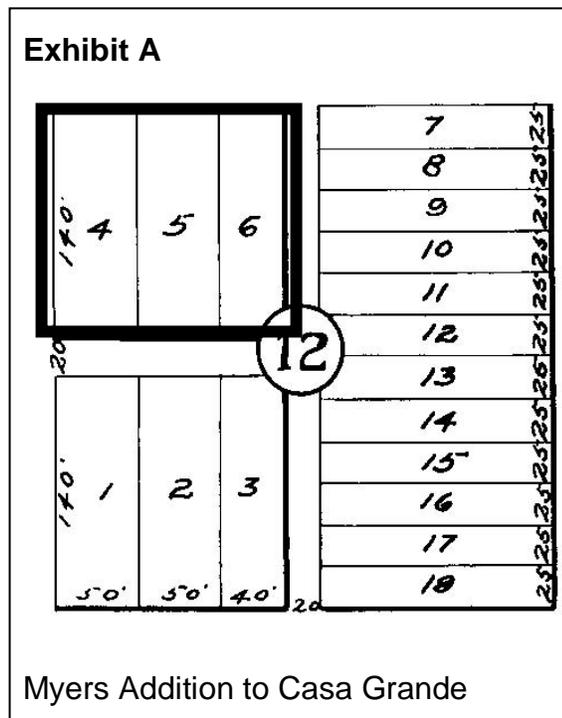
A. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;

At the time the Myers Addition to Casa Grande Final Plat was recorded in the 1920's, Lots 4, 5 were platted as 50' foot wide lots with 7,000 square feet of lot area and Lot 6 was platted as a 40 foot wide lot with 5,600 square feet of lot area (see Exhibit A). At the time the City first zoned these lots in 1948, as Class B Residence which required a minimum lot area of 5,800 square feet, Lot 6 was classified as legal non-conforming in terms of lot area. When the City rezoned all three lots in 1964 into the R-3 zone district with a minimum lot width of 60 feet, all three lots became legal non-conforming as to lot width.

As previously mentioned, in 1992 a prior owner of these three lots (4, 5 & 6) split and reconfigured them into three new parcels (see Exhibit A-1). One of the reconfigured parcels (APN 507-06-102) did comply with both the lot area and lot width requirements of the current R-1 zone district while the other two (APN's 507-06-101 & 506-07-103) did not.

This prior lot split was done without any City review or oversight as there is no record of a re-subdivision process, which would have been required per the City Code.

However, since all three of these parcels contained single family homes at the time of the lot reconfiguration no building nor zoning issues came to light. Subsequent to this lot reconfiguration the structure on the subject property (114 N. Morrison Avenue) was demolished. At this point and time, the applicant cannot obtain a building permit to construct a new single family home on this lot due to it's substandard lot width and lot area condition.



B. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights

- The applicant is seeking to construct a single family residence on the lot. If the variance is not permitted it would prevent the homeowner from using the lot to construct a single family residence. Without the variance there is no economic use for the property. The enforcement of the City Code requirements would deprive the owner of the reasonable use of the land.

C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

- The surrounding area is residential in nature and development of this site will improve the existing conditions of the site that is currently blighted with weeds and trash.
- Staff finds that the proposed development of a single family residence will improve the property's appearance and will be compatible with the existing land uses in the area.
- Staff does not find any potential negative impacts to the affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or

improvements of the neighborhood.

Public Notification

Public hearing notification efforts for this request meet the requirement set out by City Code:

- A notice was published in the Casa Grande Dispatch on October 25, 2013
- A notice was sent to all property owners within 200 ft. of the subject site on October 21, 2013.
- A public hearing sign was posted by the applicant on the subject site on October 25, 2013.

Inquiries/Comments

City Staff received a phone call from a property owner to the north. The resident was concerned with the blighted property and questioned whether the residence would be rented or owner occupied.

STAFF RECOMMENDATION

Staff recommends the Board approve DSA-13-00130, the Variance from Section 17.20.140A, minimum lot area (5,600 sq. ft. minimum) and 17.20.140B, minimum lot width (40' ft. minimum).

Exhibits:

Exhibit B - Applicant's Justification Statement

Exhibit C - Site Plan

Exhibit D - Elevations

Exhibit B



Date: 13 September 2013

RE: Variance Justification Letter
Pinon Residence
114 N. Morrison Ave.
Casa Grande, Arizona 85122

Ms. Blakeman:

We are requesting a change in the zoning for the above referenced site from an R-1 Zone to an R-2 Zone.

This lot is currently located in an R-1 Zone in an existing neighborhood. The R-1 Classification has a minimum lot size of 7,000s.f., and due to previous parcel splits, this lot has resulted with a lot size that does not conform to the minimum lot size, but has a lot size of 5,600s.f. The lots adjacent to this property do not have this issue and have structures already in place, and therefore this rezoning would not prevail upon the adjacent properties.

The current lot cannot be built upon as it does not conform. Therefore this lot sits empty and is being utilized as a common dumping ground for plant debris and trash. Keeping this lot in it's current zone will prevent any improvements and result in substantial financial loss to the owner as it becomes unusable.

Rezoning this parcel to an R-2 Zone would enable this property to be built upon, thus ensuring the enjoyment and substantial property rights of the owner. Rezoning will also enable the improvement of the overall public health environment of the neighborhood as it would eliminate the dumping ground. It would also serve the local neighborhood by improving the overall value of the adjacent properties and the general neighborhood.

Thank you for your time and consideration. Please call anytime with any questions, comments or concerns.

Sincerely,

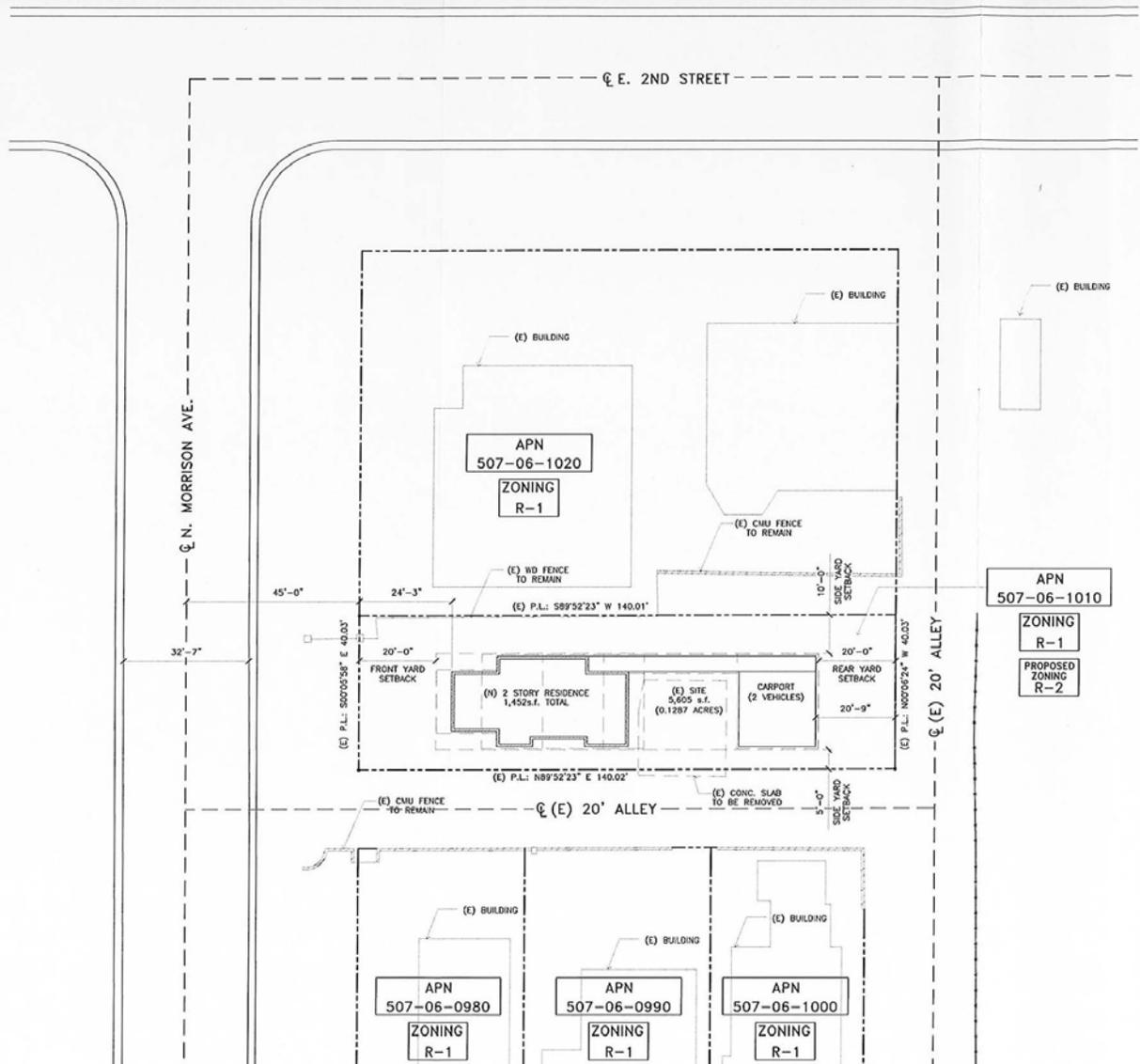
A handwritten signature in black ink, appearing to read "Tod A. Miller", written over a horizontal line.

Tod A. Miller
Project Architect, RA
602 426 9500, x119

Encl.:
Variance Justification Letter
Construction Drawings

cc: File

Exhibit C



JURISDICTION:	CITY OF CASA GRANDE
ASSESSORS PARCEL NUMBER:	507061010
PROPOSED USE:	RESIDENCE
EXISTING LOT AREA:	5,600s.f.
EXISTING LOT SIZE:	40' X 140'
CURRENT ZONING:	R-1
MINIMUM LOT AREA:	7,000s.f.
MINIMUM LOT SIZE:	70' X 100'
SETBACKS:	FRONT: 20' REAR: 20' SIDES: 5'/10' MIN. ONE SIDE
BUILDING HEIGHT:	28'-0" MAX.
ZONING ANALYSIS	

Exhibit D

