



*Town of Oro Valley
Community Development and Public Works*

Date: August 24, 2017
Subject: Zoning Interpretation – Yard designation (OV1702048)
Property: 13420 N. Lindbergh Drive, La Cholla Airpark

REQUEST

A zoning interpretation was requested by James McMurtrie, a civil engineer representing the owner of the above mentioned property. The subject lot is a 7 acre parcel located in an unsubdivided area known as the La Cholla Airpark.

The nature of the request is to determine the front, rear and side yard designations of the lot. That determination will then define the rear and side yard area which will provide the calculations of the maximum allowed size of a detached accessory building.

APPLICABLE ZONING REFERENCES

R1-300: Other Detached Accessory Buildings (Not Including Hangars).

a. Permitted coverage: ten percent (10%) of the total area of rear and side yard. (OVZC 23.6.B.4)

Yard: *Those required areas established by setbacks to provide an open space at grade level between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein (OVZC Chapter 31)*

- **Front**

An open, unoccupied space on the same lot with the main building extending the full width of the lot and situated between the street line and the front line of the main building, projected to the side lines of the lot. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the Town Engineer.

Street Line

A dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Lot Lines (OVZC Chapter 31)

The lines which form the boundary of a lot.

- **Front**

The line along the street on which the lot is addressed for residential lots, or the major street as determined by the Town Engineer for commercial lots.

- **Rear**

The line that is opposite and most distant from the front lot line.

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- **Side**
All lot lines not front or rear are side lot lines.

Street (OVZC Chapter 31)

A street, avenue, boulevard, road, lane, parkway, place, alley easement for access, viaduct or bridge and approaches thereto. A street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavements, shoulders, curbs, gutters, sidewalks, parking areas and lawns.

a. Arterial Route (principal arterial)

Those Interstate, State, or County highways, freeways, expressways, and major thoroughfares having regional continuity.

b. Collector Street

Those streets providing the traffic movement within neighborhoods of the Town and between major streets and local streets and for direct access to abutting property.

c. Local Street

Those streets providing direct access to residential, commercial, or other abutting land or for local traffic movements and connects to collector or major streets.

d. Frontage Street

A local street parallel and adjacent to an arterial route which intercepts local streets and controls access to an arterial route.

e. Cul-de-Sac

A short local street permanently terminated in a vehicular turnaround.

f. Alley

A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.

Along (Websters Dictionary)

Through, on, beside, over, or parallel to the length or direction of; from one end to the other of: to walk along a highway; to run a border along a shelf.

Required yard is a term commonly used in the code to identify a front, side or rear setback area on a lot.

Easement

A grant by the owner of the use of a strip of land by the public, a corporation, or persons for specific uses and purposes and is so designated.

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INTERPRETATION

The front lot line of a property is commonly the same lot line that abuts the street on which the property is addressed. However, there is ambiguity in identifying the front lot line of the subject lot since the lot does not abut the street, Lindbergh Drive. However, an access easement from Lindbergh through the neighbor's property, extends to the subject lot as the street. The prevailing intent of the layout of the lot and the access easement, that provides the primary ingress/egress, shows that the southern lot line is to be considered the street line and therefore the front lot line of the property.

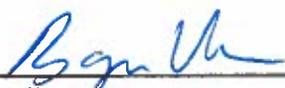
The southern lot line is considered the front lot line, therefore the rear lot line is the northern lot line opposite to the front. This will then allow the accessory building calculations, which measures 10% of the side and rear area to include all areas beside (east and west) and behind (north) of the house, excluding any area occupied by existing accessory buildings.

SUMMARY

The south lot line, that abuts the Lindbergh easement (street line), is considered the front lot line, which is the line along the street (access) that contains the address.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Bayer Vella, LEED-AICP
Planning and Zoning Manager



Date

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