

357  
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May 3, 2006



Michael Hastings  
7975 S. Farmbelt Drive  
Tucson, AZ 85706

CITY OF  
TUCSON

SUBJECT: 7975 S. Farmbelt Dr., SH: New Detached Accessory Garage  
Land Use Code (LUC) Information

DEVELOPMENT  
SERVICES  
DEPARTMENT

Dear Mr. Hastings:

ZONING  
ADMINISTRATION  
DIVISION

Thank you for your letter and plot plan regarding the above referenced project. The property is addressed 7975 South Farmbelt Drive and zoned "SH" Suburban Ranch. The site (Parcel No. 140-44-1070) includes the east adjacent vacant lot addressed 7695 S. Farmbelt Drive (Parcel No. 140-44-1060). The site is developed with an existing 1,160 square foot single family dwelling. The project proposes to construct a new 2,400 square foot detached garage building to the east and rear of the dwelling. Given this information you are requesting zoning approval for the project.

The Zoning Administration Division has reviewed your letter, the project plot plan, and the LUC regulations applicable to accessory buildings. Staff notes that the desired size of the new accessory garage (the floor area) exceeds the limits set by the LUC for detached accessory buildings in residential zones. The design of a residential accessory structure is required to be both "incidental" and "subordinate" to that of the principal dwelling (LUC Sec. 3.2.5 et. seq.). The Zoning Administrator has interpreted these regulations as follows:

- Detached accessory structures, in addition to a 12' height limit, are further limited to a gross floor area (g.f.a.) of not more than 50% of the principal dwelling's g.f.a.,
- This g.f.a. limitation for detached accessory structures does not include tuff shed style structures less than 200 square feet in g.f.a., and finally
- All detached accessory structures regardless of g.f.a. count towards the property's lot coverage maximum.

Because the gross floor area proposed for the new garage will exceed the 50% limitation rule it cannot be approved for LUC compliance. Your LUC options available to you are; downsize the size of the new garage to meet the applicable regulations, to attach the new garage to the existing dwelling (thus the limiting regulations for detached structures would not apply), or to request a variance to

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7975 S. Farmbelt Drive  
05/03/06

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this floor area limitation from the Board of Adjustment. Please note, LUC Sec. 1.2.1 does state that an interpretation or determination made by the Zoning Administrator is appealable to the Board of Adjustment and thus provides you with another option. To file an appeal to this zoning interpretation you must submit your request in writing along with the appropriate fees and documentation, with the Zoning Administration Division, 2<sup>nd</sup> Floor, 201 North Stone Avenue within thirty (30) days of the date of this letter.

Complete Board of Adjustment appeal information, and variance information, can be obtained by contacting Russlyn Wells (ext. 1134) of the DSD Board of Adjustment Section at (520) 791-4541. And if you should require other LUC information from the Zoning Administration Division, you can contact William Balak (ext. 1168) or Wayne Bogdan (ext. 1116) also at (520) 791-4541.

Sincerely,



Walter Tellez  
Zoning Administrator

s:zoning administration/zoning/2006/7975 s farmbelt.doc

221B



# MEMORANDUM

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DATE: April 25, 2006

TO: Zoning Administration Division  
DSD Zoning Review Section

FROM: Walter Tellez  
Zoning Administrator

SUBJECT: LUC 6.3.8.5.D, Domestic Violence Shelter Confidentiality  
Land Use Code: Zoning Administrator Determination

Domestic Violence Shelters (under Residential Care Services) are protected by ARS Sec. 36-3009 which prohibits a public agency from disclosing the location or address of a DV Shelter once a public agency knows the location and that it will be used as a DV shelter. If the location is disclosed and it threatens the safety of the inhabitants then a civil penalty can be imposed. There is no requirement in the State statute that anyone in the City sign a confidentiality agreement.

s:zoning administration/za determination/LUC 6.3.8.5.D.doc

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From: "Silvyn, Keri" <KSilvyn@lrlaw.com>  
To: "Walter Tellez" <Walter.Tellez@tucsonaz.gov>  
Date: 12/06/2005 2:37:37 PM  
Subject: RE: Rezoning Condition C9-81-45 (Ordinance No. 5653)

Walter: Thank you. That is what we expected to hear.

Keri Lazarus Silvyn  
Of Counsel  
Lewis and Roca LLP  
One S. Church Avenue, Suite 700  
Tucson, Arizona 85701  
520-629-4438  
fax 520-879-4721  
ksilvyn@lrlaw.com

-----Original Message-----

From: Walter Tellez [mailto:Walter.Tellez@tucsonaz.gov]  
Sent: Tuesday, December 06, 2005 2:35 PM  
To: Silvyn, Keri  
Cc: Craig Gross; Ernie Duarte; Michael McCrory; Viola Romero  
Subject: Fwd: Rezoning Condition C9-81-45 (Ordinance No. 5653)

Keri,

I reviewed your attached letter with staff, including the City Attorney's office. It is staff's opinion that the condition of rezoning would not allow the separation of the duplex to separate owners. It would in affect create one unit on 18,000 square feet of lot area. You would need to have the condition of rezoning changed to accomplish your proposal.

Let me know if you have any further questions.

Walter Tellez.

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For more information about Lewis and Roca LLP, please go to [www.lewisandroca.com](http://www.lewisandroca.com).

Phoenix (602) 262-5311  
Tucson (520) 622-2090  
Las Vegas (702) 949-8200  
Albuquerque (505) 764-5400

RECEIVED  
12/06/2005

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From: William Balak  
To: Melinda Jacobs; Walter Tellez  
Date: 08/15/2005 12:11:21 PM  
Subject: Re: Fwd: City Code on Selling Cars

Melinda,

Selling cars on vacant lots is regulated by the Tucson Code and enforced by the police as follows:

Sec. 20-253. Parking for purposes of sale on unpaved lots.

It is unlawful to park a motor vehicle for the purpose of sale upon any lot or area which is not paved within the city. The display of any signs or other markings indicating that a motor vehicle is for sale shall be prima facie evidence that the motor vehicle has been parked for the purpose of sale. For the purposes of this section, a lot or area which is not paved means the absence of any of the surfacing methods described in chapter 23. The provisions of this section shall not apply to a maximum of one (1) motor vehicle parked for the purpose of sale where the motor vehicle is owned by the resident of the lot or area on which the motor vehicle is parked, and the sale of such motor vehicle would come within the meaning of a casual activity or sale as described in section 19-100.  
(Ord. No. 9196, § 1, 1-25-99)

Sec. 19-100. General definitions.

For the purposes of this article, the following definitions apply:

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this article. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable by this article shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

Selling a vehicle on a vacant or developed property would also be a violation of the Land Use Code if there is no approved plans for a vehicle sales land use. For example: it is a violation to sell a vehicle in a shopping center parking lot or sell a vehicle from a residence or vacant lot unless it is your own vehicle and you own the property.

Bill

>>> Walter Tellez 08/15/2005 10:50:12 AM >>>  
Please respond.

>>> Melinda Jacobs 08/15/2005 9:35:35 AM >>>  
Walter,

What is the City Code regarding selling cars on property either a business or private property and also what is the stipulation on paved and unpaved vacant lots?? We are having continuous problems in Fairgrounds Neighborhood regarding this issue. Lupe Rodriguez wanted to know what the code actually says. Thanks for your help!

Melinda

Melinda Jacobs  
Council Aide  
Councilman Steve Leal  
4300 South Park Avenue

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**From:** William Balak  
**To:** Zoning Enforcement Staff  
**Date:** 04/27/2005 3:25:36 PM  
**Subject:** Fwd: Hi We now regulate alarm companies and agents. I have tpd approvals back for Young Alarms and thei

They will be coming over together so we approve each application separately but do the stack of them at the same time. Because they are time sensitive, they will need to be done first.

>>> Ann Cox 04/27/2005 2:55:23 PM >>>

Hi We now regulate alarm companies and agents. I have tpd approvals back for Young Alarms and their employees which are classified as agents. I have been trying to keep them together and with a note to come back to me. They are time sensitive so if there is a way to get them to me sooner I would appreciate it. Central Alarm just went over with 42 employees. Which means 43 applications from the same location. Let me know and if you have any suggestions let me know. All of the companies so far already have licenses but the regular occ is being replaced with a 1 year license. And each agent has their own but out of the business location of the alarm company. Thank you Ann

**CC:** Ann Cox

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From: Patricia Gehlen  
To: ALL\_DSD\_STAFF.DSPO2.CHDOM2@tucsonaz.gov; Desk, Zone1  
Date: 04/21/2005 9:00:19 AM  
Subject: Re: block walls

\$27 and they start at the Ambassador desk

>>> Zone1 Desk 04/21/2005 8:52:19 AM >>>

How much does it cost and where do they start (application from Ambassador)? We get these questions frequently.

>>> Patricia Gehlen 04/21/2005 8:27:59 AM >>>

Effective Immediately....all walls of any height must have a compliance review. The compliance review consists of Zoning and Engineering. Permits and inspections are required once the wall is 6 feet or more. The web page and process manual are being changed and we will post some signs around DSD. Please let me know if you have any questions.

Patricia Gehlen  
CDRC/Zoning Manager  
Development Services Department  
City of Tucson  
(520) 791-5608 ext 1179  
(520) 879-8010 Fax

Residential Department  
3.25.11  
Si. 5.1.11  
143 A

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From: Patricia Gehlen  
To: Gross, Craig; Tellez, Walter  
Date: 10/28/2004 2:28:07 PM  
Subject: Re: Fwd: FAR

Only enclosed building areas are included.

>>> Walter Tellez 10/28/2004 12:34:46 PM >>>  
What do you include? I thought it was only buildings.

>>> Sarah More 10/28/2004 12:20:42 PM >>>  
do carports or other shade structures count towards FAR limits? this is for AEZ, but should be consistent with other determinations

thanks

Calculations  
FAR = 3.2.11  
ASD = 5.1.11  
AEZ = 7.8.5



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3-14

**From:** Patricia Gehlen  
**To:** Herron, Diane  
**Date:** 10/11/2004 8:10:32 AM  
**Subject:** Re: 4+ bedroom zoning questions

Yes, Zoning does review all residential plans. The change is we no longer do residential plans for 4+ bedrooms over the counter. They must be submitted for a 4 week review. It will apply to any new construction which will create a new 4+ bedroom home (new home, an addition, conversion of a garage). Let me know if this clears things up.

>>> Diane Herron 10/08/2004 11:23:34 AM >>>  
Two questions came up:

1. Doesn't Zoning review all houses anyway?
2. Is this just for new construction or for any permit in a home with 4 + bedrooms?

**CC:** Duarte, Ernie; Gross, Craig; Jessie Sanders; Tellez, Walter

5.1.11 = DSD



# MEMORANDUM

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**DATE:** September 9, 2004

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 6.2.13 Manufactured Housing Dimensions  
Land Use Code: Zoning Administrator Determination

LUC 6.2.13 defines the minimum size of a Manufactured Housing unit as 24 feet by 40 feet. The "24 feet" refers to the 24 foot model, not the exact measurement.

s:zoning administration/za determination/LUC 6.2.13.doc

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**From:** Patricia Gehlen  
**To:** Tellez, Walter  
**Date:** 03/15/2004 11:16:46 AM  
**Subject:** Re: Keri Sillvan 629.4438

In areas that have been around for awhile and have no sidewalk, the ROW back of curb is generally wide enough to place sidewalk at least one (1) foot in front of property line so I let them measure 18 feet from property line. in newer subdivision this may not be the case but then they all have sidewalks.

>>> Walter Tellez 03/15/2004 8:51:34 AM >>>

Could you give her a call? She wants to know where to measure in 3.2.6.5.B.2 when there is no sidewalk. Let me also know.  
Thanks.

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**From:** William Balak  
**To:** BJ Viestenz; Heather Thrall; Patricia Krausman; Richard Diaz; Zone1 Desk  
**Date:** 01/06/2004 11:16:24 AM  
**Subject:** Certificates of Occupancy

Please be aware that all Residential Care Service, Day Care and Travelers' Accommodation-Lodging Land Uses require a Certificate of Occupancy for both Home Occupation and Commercial uses. A copy of the C of O must be provided to the Zoning Information Desk when applying for a business license for any of these type uses. The C of O must have the current owner and address as listed on the business license. The business license can only be approved for the number of occupants listed on the C of O. Nonprofit organizations are also required to have a current C of O even though a business license may not be required. If there are any questions, please contact me.

**CC:** Craig Gross; David Mann; Patricia Gehlen; Walter Tellez; Wayne Bogdan

6.3.8.5 A : Agricultural  
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# MEMORANDUM

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DATE: August 18, 2003

TO: Zoning Administration Division  
DSD Zoning Review Section

FROM: Walter Tellez  
Zoning Administrator

SUBJECT: LUC 3.2.8.3, Duplexes  
Land Use Code: Zoning Administrator Determination

LUC 3.2.8.3.B states "If access is provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a parking area access lane (PAAL).

In consultation with the City Attorney's office, the Zoning Administrator determined that "serves more than three (3) single-family homes or duplexes" refers to more than 3 units with a duplex calculated as 2 dwelling units.

s:zoning administration/za determination/LUC 3.2.8.3.doc

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From: Patricia Gehlen  
To: Tellez, Walter  
Date: 8/11/03 1:17PM  
Subject: Interpretation of LUC 3.2.8.3

Hey Walter,

Per our conversation I would like to get a written interpretation for the above listed standard. The current code reads "If access is provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a PAAL". I would like an interpretation which changes this to "Three (3) or more units". My reasoning is for consistency. Throughout the LUC current development must meet stricter criteria once three or more units are placed on one property. This includes surfacing of vehicle use areas LUC 3.3.7.3.D), use of street or alley for vehicle maneuvering (LUC 3.3.7.4), tandem parking (LUC 3.3.7.6), Screening and landscaping (3.3.7.7), on-street parking (LUC 3.3.7.1.E). The entire landscape and screening section of the code is applicable once three (3) or more units are proposed on one lot.

The only example I can find that does not require stricter development criteria at three or more units is bicycle parking which kicks in at four (4) or more units.

I am asking for a written interpretation for the access provision listed above to be "at the City's discretion" once the access easement provides access to three (3) or more units. This would go along way to consistency within the department and code and make my life somewhat easier.

Thanks and let me know if you need more documentation.

or lots

CC: Gross, Craig

3.2.8.3 = Access Provisions  
W. 8/11/03  
1/9/

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**From:** Walter Tellez  
**To:** Gehlen, Patricia  
**Date:** 2/5/03 12:56PM  
**Subject:** Re: Solar Collectors

I believe it only applies if they ground mounted.

>>> Patricia Gehlen 02/05/03 11:51AM >>>

Good Morning

I had a questions this morning concerning LUC 3.2.9.3.A.5. If the solar collectors are on top of the garage or house, is the structure then exempt from the lot coverage calculations?

Thanks

**CC:** Gross, Craig

*Lot Coverage*



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# MEMORANDUM

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**DATE:** June 6, 2002

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 3.5.7.2, LUC 5.1.7.3, Variance to Home Occupation Regulations  
Land Use Code: Zoning Administrator Determination

Greg Puhler, 701 North Country Club Road, R-1 zoning, used a large Snap-On Tool truck in his home occupation business and was issued a violation notice (ZV-02-048) for having a vehicle used for his business that did not meet the size limits in the Home Occupation regulations. He requested information on getting a variance to the Home Occupation regulations limiting the height and length of any vehicle used in the home occupation.

The Zoning Administrator, in consultation with the City Attorney's office, determined that the size of a vehicle used under the Home Occupation regulations in the LUC is a self-imposed circumstance under LUC 5.1.7.3.B.2.c and not within the powers of the Board of Adjustment to grant a variance for the size.

s:zoning administration/za determination/LUC 3.5.7.2.doc



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**From:** Walter Tellez  
**To:** Craig Gross; GEHLEN, Patricia  
**Date:** 11/27/01 11:27AM  
**Subject:** 2nd kitchen for home occupation

Just a reminder that a second kitchen for commercial purposes at a residence is not allowed. I told the individual that for Health Dept. purposes he can use an existing restaurant as his commissary. He will also look for commercial property to build one. Told him C-2 and above ok.

**CC:** Balak, William; Bogdan, Wayne



# MEMORANDUM

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DATE: April 13, 2001

TO: Zoning Administration Division  
DSD Zoning Review Section

FROM: Walter Tellez  
Zoning Administrator

SUBJECT: LUC 3.5.7.2, Home Occupation Sign Regulations  
Land Use Code: Zoning Administrator Determination

Home Occupation signs are regulated by both the LUC and the Sign Code therefore a variance to LUC 3.5.7.2.I will also require a variance from the sign code board (SCAAB).

s:zoning administration/za determination/LUC 3.5.7.doc



The Sunshine City

# CITY OF TUCSON

CITY HALL  
P.O. BOX 27210  
TUCSON, ARIZONA 85726-7210

DEPARTMENT OF PLANNING  
791-4506  
791-4571  
791-4541  
FAX (520) 791-2663

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May 29, 1996

Robert Bowers  
10015 East Lorian Street  
Tucson, Arizona 85748

Subject: Zoning violation 96-250, 10015 East Lorian Street

Dear Mr. Bowers:

This letter is in response to your correspondence dated May 11, 1996. Upon review of your letter, the building plans for the residential addition on your property dated May 31, 1994, and the conversation you had with the planner, Diane Foray, it appears that you have two residential units on your property. Your property is zoned RX-1 which allows one unit per lot. As you described to Diane Foray over the phone on May 23, 1996, the addition has a kitchen with a range and the original portion of the house has a kitchen with a gas cooktop.

In order for the addition to not be considered a residential unit, the addition is limited to having a refrigerator that can fit below a sink counter, a wet bar sink, and no cooking facilities. The plan for the addition shows no kitchen facilities and was therefore approved as a room addition in 1994. To abate the current zoning violation you must either remove the kitchen facilities in the addition or you must rezone the property to a suitable zone that allows two residential units on one property. For information and assistance with the rezoning process, please contact Sarah More or Tim DeNiro at 791-4571.

You are advised that my determination in this matter is subject to appeal, within thirty (30) days, by any person aggrieved to the City of Tucson Board of Adjustment. Their decision is appealable to the Mayor and Council and to the Superior Court of Pima County. Board of Adjustment appeal fees and process information can be obtained by calling Ceci Cruz or Aline Bertelsen at 791-4541.

Please contact Diane Foray by June 14, 1996, to inform her of your intentions to abate the current violation. Thank you for your cooperation.

Sincerely,

Walter Tellez  
Zoning Administrator

DF@s:\dianef\zv96250

Upheld by Board of Adjustment on 10.4.96  
and Mayor and Council 11.18.96 R.Y.

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