



533
422

MEMORANDUM

DATE: January 13, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.5.11.E, Variance from AEZ Height Limits
Land Use Code: Zoning Administrator Determination

LUC 2.8.5.11.E allows variances from the height limitations in the AEZ as set forth in the provisions of ARS, Title 28 that apply to airports and military airports. A variance in a military zone requires the additional finding by the Board of Adjustment – *a variance shall not be granted without a specific finding that the purpose of the military airport or ancillary military facility compatibility is preserved.*

s:zoning administration/za determination/LUC 2.8.5.11.doc

533
423

From: Wayne Bogdan
To: Howard @ Tucson Kong
Date: 10/07/2005 4:23:47 PM
Subject: RE: I-1 Variance

3990 S. EVANS

October 7, 2005

Howard Kong
Senior Analyst
CB Richard Ellis Brokage Services
3333 East Speedway Boulevard
Tucson, AZ 85716

Dear Mr. Kong:

Thank you for patience in waiting for staff's reply to your email requesting whether the variance process could be used to allow school grades 6-12 in the I-1 zone. Today, staff consulted with the City Attorney's Office on the question. And as you and I had discussed earlier the anticipated answer would be: No, it is the opinion of the City Attorney the variance process could not allow a land use in a zone its prohibited in. For zoning purposes, schools for the grades 6-12 are considered to be a "Educational Use: Elementary and Secondary School" land use. This land use is defined by LUC Section 6.3.4.6.A, which states:

6.3.4.6 Educational Use. Educational Use is a use providing a student with knowledge and instruction through a course or group of courses.

Educational Uses are divided into the following subclasses:

A. Elementary and Secondary Schools. Elementary and Secondary Schools are uses providing primary and secondary education for grades kindergarten through twelve (12), as required by the Arizona State Board of Education. Typical uses include elementary, middle, junior high, and high schools.

Because this land use is not listed as a permitted use in the I-1 zone (LUC Sec. 2.7.2.2.B), its a prohibited use (LUC Sec. 1.2.5). The following LUC regulations were reviewed by staff prior to making its decision:

1.2.5 LAND USES AS ALLOWED IN THE LUC. The LUC applies land use restrictions through the use of zoning categories or districts. The zones are described in Article II of the LUC, and districts are delineated on the City Zoning Maps. Within Article II, each zone lists the land use classes permitted within the zone and the conditions under which they are allowed. Only those land uses listed for that zone are permitted within the zone.

2.7.2 "I-1" LIGHT INDUSTRIAL ZONE.

2.7.2.1 Purpose. This zone provides for industrial uses, that do not have offensive characteristics, in addition to land uses allowed in more restrictive nonresidential zones.

2.7.2.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. 3.2.3.

B. Civic Use Group, Sec. 6.3.4

3. Educational Use: Instructional School "34"

4. Educational Use: Postsecondary Institution "34"

27

423

CB Richard Ellis | Brokerage Services
3333 E. Speedway Boulevard | Tucson, Arizona 85716
T 520 321 3336 | F 520 321 3331
howard.kong@cbre.com | www.cbre.com/tucsonspeedway

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

From: Wayne Bogdan [<mailto:Wayne.Bogdan@tucsonaz.gov>]
Sent: Monday, August 15, 2005 10:56 AM
To: Kong, Howard @ Tucson
Subject: Re: I-1 Variance

Good Morning Howard,
I have forwarded your email to staff and the attnys for their review and comments. As soon as I get their feedback I will email back to you.
Wayne

>>> "Kong, Howard @ Tucson" <Howard.Kong@cbre.com> 08/15/2005 9:15:57 AM >>>
Wayne,

I am working with a Charter School that his being supported by the department head of the University of Arizona's College of Education. They are looking to launch a school to being Jan '06. We have identified a property that is zoned I-1 (3990 S. Evans Blvd). We understand that there is a special exception that allows grades 9-12; however the school would run from grades 6-12. Would a variance to allow grades 6-8 be permissible? What is the process to determine this?
Please advise. Thanks.

Howard Kong | Senior Analyst

CB Richard Ellis | Brokerage Services

3333 E. Speedway Boulevard | Tucson, Arizona 85716

T 520.321.3336 | F 520.321.3331

howard.kong@cbre.com <<mailto:howard.kong@cbre.com>> |
www.cbre.com/tucsonspeedway <<http://www.cbre.com/tucsonspeedway>>

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60

427

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CC: Viola Romero; Walter Tellez



533
424

MEMORANDUM

DATE: October 3, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 5.3.3, Board of Adjustment
C10-05-40
Land Use Code: Zoning Administrator Determination

The applicant was granted a continuance because of problems with the plans. Prior to the next meeting the plans were revised which required additional variances not covered in the original application.

In consultation with the City Attorney's office, the Zoning Administrator determined that the applicant must order new labels and hold another neighborhood meeting to discuss the new variances.

s:zoning administration/za determination/LUC 5.3.3b.doc



MEMORANDUM

533
425

DATE: September 22, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 5.1.7, Board of Adjustment, DDO Appeal Process; LUC 5.3.4, DDO
Land Use Code: Zoning Administrator Determination

The following modifications should be made to the DDO Notice of Decision and the DDO Appeal process to ensure consistency and to provide applicants the maximum time allowed to file an appeal to a DDO decision.

DECISION NOTICE

Decision is made the third day after the end of the public comment period.

Effective Date of the decision is the same day of the next week.

Intent to Appeal the decision must be filed by the same day plus one day the week following the Effective Date.

DDO APPEAL

The Full Notice procedure for neighborhood meeting is not applicable, just the public hearing provisions. Applicant has up to 30 days from the Effective Date of the decision to submit a complete application which is essentially the same materials submitted for the DDO including the B/A forms and the fees. The date when all the appeal materials have been filed, not the date of the notice of intent to appeal, is the date when the appeal is filed for the purpose of scheduling the BA public hearing.

s:zoning administration/za determination/LUC 5.1.7a.doc



MEMORANDUM

533
426

DATE: September 16, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.8.5.11.E, Variances to the AEZ
Land Use Code: Zoning Administrator Determination

Variance requests from the provisions of the AEZ must be in writing to the Zoning Administrator.

s:zoning administration/za determination/LUC 2.8.5.11.doc

533
427

From: Walter Tellez
To: Gross, Craig
Date: 09/07/2005 12:37:15 PM
Subject: Re: DDO Process

Don't think so. LUC 3.5.4.3.B says for Dev. Designator setbacks only, not Performance Criteria.

>>> Craig Gross 09/07/2005 12:20:45 PM >>>

Could we use the administrative DDO process to modify setbacks in LUC 3.5.6.3.C (for golf courses)? If they offer a lesser setback with trees and safety nets?

11/10/05
285
6.3.C

533
428

From: Walter Tellez
To: Bogdan, Wayne; Wells, Russlyn
Date: 08/08/2005 4:18:58 PM
Subject: Fwd: Zoning Review for Board of Adjustment

FYI

>>> Craig Gross 07/22/2005 4:16:54 PM >>>

After discussing with Walter we have agreed to the following when a parking variance is requested:

IF NO PARKING CURRENTLY EXISTS (like 4th Avenue):

Indicating that a 100% variance of the parking will include all associated variances (landscaping, screening, etc.)

IF PARKING CURRENTLY EXISTS:

if expansion is less than 25%: indicating that a 100% variance of the additional parking will include all associated variances.

if expansion is over 25%: indicating that a 100% variance of the additional parking will include all associated variances but all of variances will need to be identified if they do not want to bring the existing site into compliance.

If expansion is change of use :indicating that a 100% variance of the additional parking will include all associated variances but all other variances will need to be identified if they do not want to bring the existing site into compliance.

This seems to make sense late Friday afternoon.

5.17. 100% of parking
2008 - 100%
2009 - 100%
2010 - 100%
2011 - 100%



533
429

MEMORANDUM

DATE: April 28, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 5.3.3a, Board of Adjustment, ZA Determination Appeal Period
Perma Glaza ZA Determination – Don Laidlaw
Land Use Code: Zoning Administrator Determination

The appeal period of a Zoning Administrator's Determination is 30 days and can not be extended by Code. The applicant must submit a letter of intent to appeal within the 30 days. The applicant was requesting additional time to submit the appeal documents and fees but the Zoning Administrator determined that the applicant had lost his opportunity to appeal.

s:zoning administration/za determination/LUC 5.3.3a.doc

533
430

From: Russlyn Wells
To: David Rivera; Patricia Gehlen; Walter Tellez
Date: 03/02/2005 11:23:33 AM
Subject: C10-05-14 >5 bedrooms parking/maneuvering variances

This case is being withdrawn by Staff. I met with Trish/David to get clarification on the what is considered to be a bedroom. It was determined by Trish that this is project does not have 5 bedrooms and therefore does not need to meet the parking requirements. I have agreed to draft a memo for the applicant to this effect so that whoever reviews the plans for permits will be aware that a variance is not needed for this project.

Also, as a result of this conversation Trish decided that all LUC compliance review comments related to more than 5 bedrooms will be finalized (written by or initialled by) by either Trish or David. This process will be in effect until Trish says otherwise. This is to insure consistent review of the 5 bedroom requirement.

Russ

Russ - 2.3.4.2A.1
3.5.7.16.1A
DSD - 5.11
142



533
931

MEMORANDUM

DATE: February 22, 2005

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 5.3.3 Board of Adjustment Appeal, Westview Subdivision
retention/detention basin
Land Use Code: Zoning Administrator Determination

The Zoning Administrator's determination that a retention/detention basin is not a structure therefore does have setback requirements was appealed by a neighbor to the Board of Adjustment but the appeal was not filed within the 30 day appeal period. The City Attorney's office concurred with the Zoning Administrator that the appeal could not apply to the Westview case because the appeal period had passed. The BofA could hear the case as an appeal of a general zoning issue but the findings would only apply to future plats. There is no legal requirement that the BofA has to hear a general interpretation question, the BofA hearing the case was based on legal precedent.

s:zoning administration/za determination/LUC 5.3.3.doc

533
432

From: Craig Gross
To: Catallini, Lou
Date: 09/16/2004 4:41:49 PM
Subject: Re: ENCANTO VILLAGE, #04-086

Lou:

They are both correct. That section is only applicable when a zoning boundary splits a lot of record as of 1948. Once you resubdivide you eliminate the original lot of record thus eliminating that encroachment option. Options are to develop under existing zoning or rezone. A variance would probably not be an option as it would likely be considered a self-imposed hardship.

See you Monday.

Craig

Please make a note of my new e-mail address

craig.gross@tucsonaz.gov

>>> "Lou Catallini" <lcatalini@walbaker.com> 09/16/2004 3:37:11 PM >>>
Craig,

Good to see you this afternoon. I look forward to seeing you on Monday (9/20) at 10:30 AM to discuss Encanto Village Tentative Plat. We wish to address comments received regarding the use of Section 1.3.5 of the LUC - allowing 25' zone encroachment. Both Walter and Patricia have stated that this option is not available for a resubdivision.

Call me if you have questions, otherwise see you Monday.

Lou

4.16.11



MEMORANDUM

533
473

DATE: August 18, 2004

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 5.1.7, Board of Adjustment Exparte Communications
Land Use Code: Zoning Administrator Determination

The Board of adjustment is a quasi-judicial body that determines cases solely based upon the materials presented in the public hearing held by the Board. Board members are prohibited from discussing the merits of any case outside of the public hearing and the study session held by the Board immediately prior to the public hearing.

s:zoning administration/za determination/LUC 5.1.7.doc

533
435

From: Walter Tellez
To: Dinauer, Andy
Date: 06/17/2004 3:59:43 PM
Subject: Re: Prince Road, Campbell Avenue to Country Club Road

This is fine, thanks. We will keep it in the pending file.

>>> Andy Dinauer 06/17/2004 3:54:16 PM >>>

On previous B of A cases, an e-mail was sufficient. Would this e-mail (or one from Jim Glock) suffice as TDOT's recommendation of approval for this case?

>>> Walter Tellez 6/17/2004 3:50:04 PM >>>

Andy,

Thanks for the information. I had met with the Frey's yesterday and explained that because the MS&R Plan required the 120, that a Board of Adjustment variance would be required to build in the future right of way. I told them that the recommendation from TDOT would be crucial for their variance case. They said that their contractor had received different answers to their proposal, so I recommended they send a letter to get an official recommendation from TDOT. Let me know if we need to discuss this further.

>>> Andy Dinauer 06/17/2004 3:36:01 PM >>>

Earlier today I took a call from a resident by the name of Carol Frey who owns the property at 3565 N. Stewart Avenue (SWC of Prince and Stewart, about 2 blocks west of Country Club). She was asking about our future widening plans for Prince Road in that area. Apparently she is wanting to build a garage on her property but she ran into some hurdles because the future MS&RP right-of-way requirements for Prince Road call out a 120' cross-section (which equates to a 6-lane divided roadway). I told her I would provide you with an e-mail to see if that might provide her with some assistance/relief.

TDOT does not have plans to improve/widen the subject section of Prince Road. TDOT anticipates that the ultimate roadway cross-section for this portion of Prince Road will not exceed the 5-lane cross section that currently exists on Prince Road from Campbell Avenue, west, to I-10. The existing 105' right-of-way on Prince Road along the frontage of the Frey property would accommodate the referenced 5-lane cross-section (although, as Prince Road essentially stops at Country Club Road, it is unlikely that the section of Prince Road abutting the Frey property would ever warrant a 5-lane cross-section). TDOT does not object to the Frey's constructing a garage within the confines of their existing property. Please advise if TDOT can provide any further information that might assist the Frey's in moving forward with their garage. Thanks.

CC: Bogdan, Wayne; Wells, Russlyn

11/8

533
457

From: Craig Gross
To: i:kckiernan@aol.com
Date: 09/12/2003 9:31:08 AM
Subject: Carports in Williams Center

Kevin: It has been determined that if it an issue is not specifically addressed in the Williams Center PAD, then it reverts to the requirements of the Land Use Code. Therefor, since accessory structures are not specifically addressed, you will be able to utilize the Board of Adjustment rather than having to go back to the Mayor and Council. The Board of Adjustment meets once a month and is administered by Walter Tellez with assistance from Wayne Bogdan. Wayne can be contacted at 791-5550 ext 1116. There is some work that needs to be done before you can apply so you should start soon.

Craig

CC: Bogdan, Wayne; Tellez, Walter

PAD - Williams
5.17: Bogdan
5.33: v...
b6

533
438

From: Walter Tellez
To: Bogdan, Wayne; Gross, Craig; Howlett, Roger; McCrory, Michael; Moyer, Glenn; Podgorski, Frank
Date: 09/10/2003 9:14:12 AM
Subject: Re: Williams Center

C10-95-128 Doucette Homes, SP-1. December, 1995 B/A approved variances to developing area setbacks. It seems that LUC applications within PADs can request B/A variances.

>>> Craig Gross 09/05/03 01:20PM >>>

The developer of the recently completed building for KB Homes in Williams Center is requested approval for some parking covers. In reviewing the plan I do not find a separate setback for carports or accessory structures, only for a structure. Do any of you know anything about accessory structures in Williams Center? Have we ever done an LDO or variance? Would a reduced setback from a PAD requirement need M&C? Would it be a change of condition? I'm sure we must have done carports in Williams Center before.

PAD 2.6.3
Regis 5.17
3.2.3
128



MEMORANDUM

533
439

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

533
440

From: Liz Miller
To: James Keene; Jose Ibarra
Date: 5/10/02 3:10PM
Subject: RESPONSE: Victory Outreach-Homeless Feeding Site

The Zoning Examiner advises that feeding the homeless by a church is considered a religious function and is allowed, as long as it is onsite with the church. This use was established approx. 17 years ago by a ruling of the Board of Adjustment, when Casa Maria began feeding the homeless. It was re-affirmed 10 years ago again by the Board of Adjustment when Armory Park challenged the interpretation. If there is indication that the Victory Outreach food service is not onsite, Zoning staff can go out and assess, but the most that could be done is to have them move the service back onto their site. FYI, Community Services advises that Victory Outreach is NOT part of the Caridad network, which is the network of faith based organization who are providing meals at location through out the county. (Caridad works directly with Prima Vera works to provide neighborhood clean up surrounding those sites.) Please call me if there are additional questions or follow-up needed. Thanks.

>>> Jose Ibarra 05/10/02 10:40AM >>>

Jim,

Victory Outreach on Grande Ave. is currently providing a feeding site for the homeless. Are they allowed under the zoning code and other city regulations, please respond.

CC: Emily NOTTINGHAM; Melissa Hartman; Richard Harper

Religious 442
2.04.1
May 10
18



MEMORANDUM

533
44

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
791-4505
791-4571
791-4541
FAX (520) 791-4130

537
442

February 3, 2000

FEB 4 2000

Lewis & Roca

Keri Silvyn
Lewis and Roca, LLP
One South Church Avenue, Suite 700
Tucson, AZ 85701-1620

Subject: Board of Adjustment Case C10-00-12, Storage And Auction Of Impounded Vehicles
Land Use Code (LUC) Information

Dear Mr. Silvyn:

Thank you for your letter dated January 18, 2000. The proposed site is addressed 2570 South 12th Avenue and proposed for the new vehicle storage and auction of impounded vehicles. The vehicles are impounded and auctioned off by the U. S. Border Patrol, U. S. Customs and other federal agencies. Of the 19 acres within the site, approximately 13.5 acres will be used for storage and the remaining 5.5 acres will be used for parking, office and occasional auction purposes. The site will be closed to the general public except for auction day and the day before the auction. The auctions will be held periodically, throughout the year. For the remainder of the year the vehicles will be securely stored onsite.

Having consulted the City Attorney's Office on this matter, staff considers the primary or principal use of the site, as proposed, to be "Commercial Storage". For the purposes of zoning, the auction sales, as proposed, is considered to be an accessory use to the principal use of the site for vehicle storage. Please note that a copy of this letter must be attached to any site plan submitted to the Development Services Department (DSD), 201 North Stone Avenue for the LUC compliance review process. Should you require further information on this zoning matter, please contact Glenn Moyer, Wayne Bogdan or myself at 791-4541.

Sincerely,

Walter Tellez
Zoning Administrator

s:ba/0012ltr.doc

cc: Michael McCrory, City Attorney's Office
Board of Adjustment Case File C10-00-12

Board Adj = 5.1.7
Comm Storage = 6.3.11.2



The Sunshine City

CITY OF TUCSON

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532
443

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:\dianefzv96250

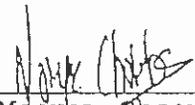
Upheld by Board of Adjustment on 10.4.96
and Mayor and Council 11.18.96 R.4

202

44f

July 25, 1990

* ALL APPROVALS EXPIRE WITHIN 180 DAYS FROM THE DATE OF THIS *
* MEETING *
* *
* The Building Safety Administrator may grant one additional *
* 180 day extension for good cause. *
* *
* * * * *



Marye Chartos
Secretary for the Board of
Adjustment

If you wish further information, please call 791-4541.

444

STAFF REPORT

DATE: July 25, 1990

TO: Board of Adjustment

FROM: Planning Department
Zoning Administration

C10-90-58 MANUEL A. LOPEZ/CATHOLIC DIOCESE OF TUCSON AND CASA MARIA FREE KITCHEN, 352 EAST TWENTY-FIFTH STREET, R-2

APPLICANT'S REQUEST TO THE BOARD

The applicant, Mr. Manuel A. Lopez, neighborhood resident, president of the Santa Rita Park Neighborhood Association, and agent for several owners of real property in the Santa Rita Park neighborhood, is appealing the Zoning Administrator's determination that the principal use of the property at 352 East Twenty-Fifth Street, known as Casa Maria, is for zoning purposes, a religious use, and thus permitted in the R-2 zone (Attachment 1).

This requires:

- (1) The Zoning Administrator's determination in this matter be upheld, modified or reversed.

APPLICABLE TUCSON CODE SECTIONS

Section 23-506.(a) states that the Board of Adjustment shall hear and decide appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the Zoning Administrator in the enforcement of this chapter.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-2; OUR LADY OF GUADALUPE CHAPEL/CASA MARIA FREE KITCHEN.

North: Zoned R-2; Vacant and Residential.

South: Zoned R-2; Residential.

East: Zoned R-2; Residential.

West: Zoned R-2; Residential.

Area or Neighborhood Plan

Old Pueblo South Neighborhood Plan

R

449

BACKGROUND INFORMATION

On October 26, 1983 the Board of Adjustment on case C10-83-72 reversed the Zoning Administrator's determination finding that: 1) That our Lady of Guadalupe Chapel and Free Kitchen is a religious use, a church and place of worship which is a permitted use in the R-2 zoning; and 2) That feeding the hungry is a moral and an integral responsibility of religious organizations.

On November 19, 1986, in Case C10-86-149, The Diocese of Tucson appealed the Zoning Administrator's determination to the Board of Adjustment to allow an expansion to Our Lady of Guadalupe/Casa Maria Free Kitchen use to include laundry and shower facilities. The Board of Adjustment reversed the Zoning Administrator's determination that the proposed expansion was not a religious use.

PLANNING CONSIDERATIONS

Our Lady of Guadalupe Chapel and Casa Maria Free Kitchen is one of three buildings serving the Casa Maria religious community. The Hospitality House located at 401 East 26th Street and the Staff house located at 334 East 25th Street are across the City boundary line in South Tucson. The Chapel and Kitchen are located in a house on a 7,200 square foot R-2 Lot at the southwest corner of 25th Street and Third Avenue. The existing 800 square foot building is used for a weekly service and daily to prepare and distribute free food to the hungry.

The appeal is based on the contention that the Diocese of Tucson and other non-neighborhood residents and organizations provided false and misleading information to the Board of Adjustment at the time public hearing on this case, C10-83-72, and that the operation of the Free Kitchen has been detrimental to the neighborhood in which the use is located.

Staff has reviewed the decision on the Board of Adjustment case C10-83-72, the Zoning Administrator's determination and the material/information provided by the appellant and considers the use to be unchanged. Staff maintains the Board of Adjustment's determination that Our Lady of Guadalupe Casa Maria Free Kitchen is a religious use is still valid.

444

RECOMMENDATIONS

It is recommended that the Zoning Administrator's determination be upheld.

Cecilia Cruz, Principal Planner
for
Walter Tellez, Zoning Administrator

Attachments:

1. Appeal to the Board of Adjustment from Manuel A. Lopez, dated July 2, 1990
2. Zoning Administrator's determination letter dated May 29, 1990

E.