



Board of Adjustment
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MEETING NOTICE

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Board of Adjustment and to the general public that the Board will hold the following meeting which will be open to the public on:

Wednesday, May 25, 2022 at 12:30 pm Study Session and Executive Session as authorized under A.R.S. Section 38-431-03.A.3

IN-PERSON ATTENDANCE BY MEMBERS OF THE PUBLIC WILL BE PROHIBITED.

- A live stream of the hearing will be broadcast so that members of the public may view and listen to the hearing online. Please join the meeting from your computer, tablet or smartphone. This meeting will be conducted via Zoom. Some browsers will require you to download the App, while others will allow an "In-Browser" version. Please test your functionality prior to the scheduled meeting.

Please join the meeting from your computer, tablet or smartphone at the following link:

<https://www.tucsonaz.gov/pdsd/board-adjustment-agenda-materials>

Click on "Click here to Join the Meeting" link.

You can also dial in using your phone.

1 346 248 7799 United States (Toll)

Meeting ID: 899 7505 6744

Passcode: 130557

- Anyone wishing to present information to the Board at the public hearing can notify staff of their intentions by e-mailing DSD_Zoning_Administration@tucsonaz.gov. Please provide your name, address, and phone number.

AGENDA

1. Call to Order/Roll Call *

- () Michael Marks
- () Bruce Dawson
- () Jesse Lugo
- () Kathe Kubish
- () Lee Pagni
- () Miranda Schubert

AT OR AFTER 1:30 P.M.

CONTINUED CASE

2. C10-22-02 WHITE AND TREADWAY LOT LINE ADJUSTMENT / GLENN WHITE AND MONA TREADWAY / 86 WEST SIMPSON STREET / HO-3

The applicants' property is an approximately 4,715 square-foot lot zoned HO-3, an "Office" zoning classification, and is developed with a single-family residence. The applicant is proposing to reposition the lot line between 86 and 92 W Simpson Street to provide parking for 92 W Simpson Street, and create a reduced lot size and reduced building setback at the west lot line to the residence of 86 W Simpson Street. Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.9.7. and Table 4.8-5 which provide the criteria for residential development in the O-3 zone, Section 6.3.-3.A., which provides standards specific to lot size and setbacks, and Section 5.8., which provides development criteria for property within Historic Preservation Zones. The applicants are requesting variances to allow a reduced lot size, and reduced side perimeter yard setback, all as shown on the submitted plans.

NEW CASE

C10-22-05 DOWNTOWN DISPENSARY / 221 E 6TH ST LLC / 221 EAST 6TH STREET / C-3

The appellant, Jesse R. Callahan, May Potenza Baran & Gillespie, on behalf of Forever 46, LLC, is appealing the Zoning Administrator's Determination (T22SA00041), issued March 18, 2022 relating to the City's application of setbacks to the marijuana dispensary required by the UDC in Section 4.9.9.E.1.j, which states that "the expansion of an existing marijuana dispensary shall be setback a minimum of 500 feet from a K-12 public, private, or charter school." The Zoning Administrator (ZA) determined that for the purposes of applying the required zoning setbacks of a marijuana dispensary, as indicated in UDC Sections 4.9.9.E.1.h & j, that the use of the property addressed 440 North 6th Avenue does meet the definition of "K-12 public, private, or charter school" as established through a Certificate of Occupancy and as provided in the UDC, Arizona Revised Statutes and Arizona Administrative Code. The appellant contends that the ZA "mischaracterizes UDC Sections 4.9.9.E.1.h & j as imposing a setback requirement from any property whereon a school may conduct "educational land use activities."

3. Adjournment

OTHER BUSINESS:

- A. Unopposed request for continuance of case C10-21-09 TEP - Kino to DMP 138 kV Transmission Line Upgrade, which is an Appeal of a Zoning Administrator Determination pertaining to UDC Section 5.5.4.B.
- B. Procedures/Protocol Training
- C. Chairman, Opportunity to Speak on Scheduled Agenda Items
- D. Vice Chairman, Same Opportunity
- E. Members, Same Opportunity
- F. Staff, Same Opportunity
- G. Adjournment

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the (support staff/office information). Requests should be made as early as possible to allow time to arrange the accommodation.