



Board of Adjustment

April 26, 2023, at 1:30pm
Zoom Meeting

Legal Action Report

1. **CALL TO ORDER/ROLL CALL**

A quorum was established and the meeting started at 1:30 pm.

Members present: Michael Marks, Bruce Dawson, Jesse Lugo, Miranda Schubert, Erma Duran, and Bonnie Poulos

2. **C10-23-03 MOE NEW BARN / KEVIN AND DIANE MOE / 9111 EAST MAGDALENA ROAD, RX-1**

The applicants' property is an approximately 3.44-acre parcel zoned RX-1 "Residential" and is developed with a single-family residence, guest house, and several other accessory structures. The applicants are proposing to construct a new steel barn. Tucson Unified Development Code (UDC) sections applicable to this project include, but are not limited to, Section 4.7.6 and Table 4.8-1 which provide the criteria for residential development in the RX-1 zone; and Section 6.6.3 which provides the standards for accessory structures in a residential zone. The applicants are requesting the following variances: **1)** Allow the barn to be constructed with a height of 21'-1/2" as measured to the midpoint between the eave and ridge of the roof, which exceeds the 12' height limit, and **2)** Allow the combined total gross floor area of all accessory structures (200 square feet or larger) to exceed 50% of the combined total gross floor area of the principal structure, all as shown on the submitted plans.as shown on the submitted plans.

Motion by Ms. Poulos, duly seconded by Ms. Schubert, to approve variances 1 and 2 with the following conditions:

- A.** Vehicle and pedestrian access to the barn shall be from the east side of the building only.
- B.** Apply a technique to capture rainwater from the roof of the barn to create and maintain passive water harvesting basins on two sides of the barn, each planted with three, minimum five-gallon trees chosen from the following native varieties:
 - *Cercidium microphyllum* – foothill palo verde
 - *Prosopis velutina* – velvet mesquite
 - *Acacia constricta* – white thorn acacia
- C.** Commercial uses are not permitted on site or within the new building.
- D.** Mature trees to the west shall remain preserved in situ.

The motion passed by a voice vote of 5 – 1.

3. HEARING ADJOURNMENT Hearing was adjourned at 2:11 pm.

4. OTHER BUSINESS

A. Reconsideration request for case C10-23-02 / 990 N BENTON AV METAL GARAGE

Motion by Mr. Dawson, duly seconded by Ms. Schubert to grant a reconsideration in the case of C10-23-02. The motion passed by a voice vote 5 – 1. The new hearing will be scheduled for the next available hearing.

B. Appeal of Design Development Option (DDO) Training

Staff presented information on the process and responsibilities of the Board regarding a DDO appeal. Staff reviewed the applicable UDC sections and “Findings of Approval” with the Board members.

C. Chairman Marks and the Board discussed the technological issues with virtual meetings and proposed moving forward with in-person meetings. A roll call was taken to determine if everyone was in favor of the proposal. The motion passed 6 – 0. Staff was directed to start the process of moving back to in-person meetings.

5. ADJOURNMENT Meeting was adjourned at 2:39 pm