



Board of Adjustment  
P.O. Box 27210  
Tucson, Arizona 85726-7210  
(520) 791-4213 (Voice)  
(520) 791-2639 (TDD)  
(520) 791-4017 (FAX)

### 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, June 28, 2023 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 “Join the current Board of Adjustment Meeting” hyperlink to join the meeting.

You can also dial in using your phone.

+1 346 248 7799 US (Houston) OR +1 929 205 6099 US (New York)

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](mailto: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
- ( ) Miranda Schubert
- ( ) Erma Duran
- ( ) Bonnie Poulos

**AT OR AFTER 1:30 P.M.**

### **NEW CASES**

#### **1. C10-23-04 AGAVE SUN LLC NEW MULTIFAMILY DEVELOPMENT / 4441-4459 EAST BELLEVUE ST / R-2**

The appellant, Lois Pawlak, is appealing the Planning and Development Services Director's (PDS) decision to approve Design Development Option (DDO) Case DDO-23-08. Case DDO-23-08 is a request by property owners, Agave Sun LLC, to construct a new, two-story multifamily development with reduced front street and side perimeter yard setbacks. The property owners filed a Design Development Option (DDO) application with the Planning and Development Services Department requesting the zoning approval necessary to allow the new, two-story multifamily development to be constructed with reduced building setbacks, as measured from the south, west, and east property lines. The DDO application was approved by the PDS Director, finding the project in compliance with all required DDO General and Specific Findings of Tucson *Unified Development Code (UDC)* Section 3.11.1.D.1&2. The appellant is requesting a reversal of the Planning and Development Services Director's decision to approve DDO-23-08.

#### **2. C10-23-06 POVERELLO HOUSE OF TUCSON / 267 EAST BLACKLIDGE DRIVE / R-2**

The appellant, Laurie Clark, is appealing the Zoning Administrator's Determination (TZ-CMP-0223-00063), issued April 21, 2023, relating to the land use classification of the Poverello House as a "Home Occupation: Adult Day Care" use. Pursuant to the authority granted the Zoning Administrator (ZA) by UDC Article 11.3.1.B, when a proposed use does not "conform to the wording of any Land Use Class description, the Zoning Administrator shall determine the most appropriate Land Use Class for that use." The appellant contends that the Poverello House fails to provide Adult Day Care services that can be licensed by the Arizona Department of Health Services (ADHS) and that the use cannot be classified as a Home Occupation as it involves a non-profit business conducting its operations within a residential house.

### **3. Adjournment**

**OTHER BUSINESS:**

- A. 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. Chairman, Opportunity to Speak on Scheduled Agenda Items
- C. Vice Chairman, Same Opportunity
- D. Members, Same Opportunity
- E. Staff, Same Opportunity
- F. Adjournment

Persons with a disability may request 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.