



Board of Adjustment

October 25, 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, Erma Duran, and Bonnie Poulos

Motion by Mr. Dawson, duly seconded by Ms. Poulos, to take the cases out of order and hear C10-21-09 last. The motion passed by a voice vote of 5 - 0.

2. C10-23-08 THE CROSSINGS ON ROGER / SIXTY ON ROGER DELAWARE BY LEVELUP LLC / 1241 WEST ROGER ROAD / R-3

The applicant's property is an approximately 2.20-acre property zoned R-3 "Residential" and is developed with a two-story apartment complex. The applicant is proposing to convert four storage rooms into four dwelling units. The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.12 and Table 4.8-2 which provides the criteria for residential development in the R-3 zone, and Section 7.4.6 which provides the required vehicle maneuvering standards. The applicant is requesting the following variance: **1)** Allow the use of Roger Road right-of-way and the alleys for maneuvering directly into or from any parking space, all as shown on the submitted plans.

Motion by Ms. Poulos, duly seconded by Mr. Dawson, to grant the variance. The motion passed by a voice vote of 5 - 0.

3. C10-23-09 LOMBARD RESIDENCE NEW DETACHED WORKSHOP, SLEEPING QUARTERS, AND PATIO / RAFE COPELAND / 1015 WEST ALAMEDA STREET / R-2

The applicant's property is an approximately 8,992 square foot lot zoned R-2 "Residential" and is developed with a single-family residence and a detached accessory structure. The applicant is proposing to convert and enlarge the existing detached accessory structure into a new workshop and sleeping quarters, as well as construct a new detached patio. Tucson *Unified Development Code (UDC)* sections applicable to the project include, but are not limited to, Section 4.7.9 and Table 4.8-2 which provide the criteria for residential development in the R-2 zone; Sections 6.3.4 and 6.4.5 which provide the dimensional standards and rules of measurements for all principal and accessory uses, buildings, and structures; and Section 6.6.3 which provides the development standards specific to accessory structures for residential uses. The applicant is requesting the following variances: **1)** Allow the total gross floor area of all accessory structures (200 square feet or larger) to exceed 50% of the gross floor area of the principal structure; **2)** Allow the construction of a new detached sleeping quarters with a reduced side perimeter yard setback from 9'-4" to 3'-0" as measured from the east lot line; **3)** Allow the construction of a new detached patio with a reduced side perimeter yard setback from 8'-0" to 2'-6" as measured from the west lot line; and **4)** Allow the construction

of a new detached workshop with a reduced rear perimeter yard setback from 9'-4" to 3'-5" as measured from the south lot line, all as shown on the submitted plans.

Motion by Ms. Poulos, duly seconded by Mr. Dawson, to grant variances 1, 2, 3, and 4. The motion passed by a voice vote of 5 - 0.

4. C10-21-09 TUCSON ELECTRIC POWER - KINO TO DMP 138KV TRANSMISSION LINE PROJECT

Tucson Electric Power (TEP) is appealing the Zoning Administrator's Determination (T21SA00285), issued on August 25, 2021, relating to the City's application of the undergrounding of utilities within a Gateway Corridor Zone. The Zoning Administrator Determination states that the proposed new transmission lines to support the proposed UA North Substation next to Banner Health at the University of Arizona must comply with UDC Article 5.5.4.B.1.a, which states "New utilities for development on private and on public right-of-way along Gateway Routes shall be underground." The appellant contends that the "replacement and improvement of the 46 kV electrical system with the 138 kV transmission system is an upgrade that is expressly permitted by the UDC to remain overhead" and that "the City is prevented by legal doctrines of preemption and estoppel from requiring TEP to underground the upgraded facilities." TEP is requesting reversal of the August 25, 2021 ZAD.

Motion by Mr. Lugo, duly seconded by Ms. Poulos, to uphold the ZAD. The motion passed by a voice vote of 5 - 0.

5. HEARING ADJOURNMENT Hearing was adjourned at 4:24 pm.