



**BOARD OF ADJUSTMENT**  
**Wednesday, January 29,**  
**2025 (Hybrid Meeting)**  
**Mayor and Council Chambers, City Hall**  
**255 W. Alameda Street**

**Legal Action Report**

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

A quorum was established and the meeting started at 1:31 pm.

Members present: Bruce Dawson, Miranda Schubert, Michael Marks, and Bonnie Poulos attended in person. Erma Duran Was absent.

**2. ELECTION OF OFFICERS**

Ms. Schubert nominated Mr. Dawson as the Chairman, the motion was seconded by Ms. Poulos. Motion passed 4 – 0. Ms. Poulos nominated Ms. Schubert as Vice-Chair, the motion was seconded by Mr. Marks. Motion passed 4 – 0.

**3. C10-24-07 TAYLOR RESIDENCE DETACHED WORKSHOP AND SHED / 3438 N WILSON AV / RX-2**

The appellant, Maureen Pollack, is appealing the Planning and Development Services Director's (PDSD) decision to approve Design Development Option (DDO) Case DDO-24-81. Case DDO-24-81 is a request by property owner, Dan Taylor, to allow an existing workshop and shed, constructed without prior zoning approval, to remain with reduced side and rear perimeter yard setbacks. The property owner filed a Design Development Option (DDO) application with the Planning and Development Services Department requesting the zoning approval necessary to allow the construction to remain with reduced building setbacks, as measured from the north, and east property lines. The DDO application was approved by the PSDS 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-24-81.

Motion by Ms. Schubert, duly seconded by Mr. Marks, to uphold the Director's decision. The motion passed by a voice vote of 4 - 0.

**4. C10-24-08 CHICK-FIL-A NEW AWNING / SOLAR HOLDINGS LLC / 4585 N ORACLE RD / C-3**

The applicant's property is an approximately 1.37-acre lot zoned C-3 "Commercial" and is developed with a restaurant. The applicant is proposing to construct a new drive-thru shade canopy as part of a remodel to the building. Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.22 and Table 4.8-4, which provide the criteria for food service in the C-3 zone, and Section 6.4.5 which provides the perimeter yard standards applicable to the development. The applicant is requesting the following variance: **1)** To allow a shade canopy to be constructed with a street perimeter yard setback reduced from 10' to 4.5', as measured to the east lot line, all as shown on the submitted plans.

Motion by Mr. Marks, duly seconded by Ms. Poulos, to grant the variance. The motion passed by a voice vote of 4 – 0.

**5. C10-24-09 ANDERSON RESIDENCE ACCESSORY STRUCTURES / DAVID ANDERSON / 1 N TUCSON TER / R-2**

The applicant's property is a 0.66-acre sized lot zoned R-2 "Residential" and is developed with a single-family residence and several accessory structures. The applicant is seeking zoning approval necessary to allow the accessory structures to remain as constructed in addition to constructing a new fence. Tucson *Unified Development Code (UDC)* sections applicable to this 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, and Section 6.6.3 which provides the standards for accessory structures. The applicant is requesting the following variances: **1)** Allow the cistern to remain in the front yard; **2)** Allow the attached shade structure to remain with a front street perimeter yard setback reduced from 20' to 2' as measured to the south lot line; **3)** Allow the attached shed to remain with a front street perimeter yard setback reduced from 20' to 6' as measured to the south lot line; **4)** Allow the cistern to remain with a front street perimeter yard setback reduced from 20' to 0' as measured to the south lot line; and **5)** Allow the privacy fence to be constructed along the west lot line at a height of 13', which exceeds the 6' maximum height, all as shown on the submitted plans.

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

**6. C10-24-10 CLARK RESIDENCE NEW SLEEPING QUARTERS AND SHED / BRUCE CLARK / 345 S IRVING AVE / R-1**

The applicant's property is a 13,939 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and accessory structures. The applicant is proposing to construct a new sleeping quarters and requesting zoning approval for a detached shed in the front yard. The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.8 and Table 4.8-2 which provides the criteria for residential development in the R-1 zone, Table 6.3-2.A which provides the dimensional standards applicable to all principal and accessory structures, Sections 4.9.7.B.7 which provides the criteria for required parking in the R-1 zone, and 6.6.3 which provides the standards for accessory structures. The applicant is requesting the following variances: **1)** Allow the four required parking spaces, based on a total of six bedrooms for the site, to be located in the front yard; **2)** Allow the detached shed to remain in the front yard; and **3)** Allow the sleeping quarters addition to be constructed with a reduced side perimeter yard setback from 6' to 4'-2" as measured to the north lot line, all as shown on the submitted plans.

Motion by Mr. Marks, duly seconded by Ms. Poulos, to grant variances 1, 2, and 3, subject to the following condition:

A. For the entirety of the life of the shed located in the front yard, an opaque fence of a minimum 6' height shall remain to screen the shed from the street. The motion passed by a voice vote of 4 – 0.

**7. ADJOURNMENT** Hearing was adjourned at 3:22 pm.