



BOARD OF ADJUSTMENT
Wednesday, May 28, 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 1:30 pm.

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

- 2.** Motion by Ms. Poulos, duly seconded by Mr. Marks, to take the cases out of order. The motion passed by a voice vote of 5 – 0.

3. C10-25-04 FRISINA RESIDENCE NEW CARPORT / JOSEPH FRISINA / 7043 E HAYNE PL / R-1

The applicant's property is an approximately 8,150 square foot lot zoned R-1 and is developed with a single-family residence. The applicant is proposing to construct a new carport attached to the southwest portion of the residence. The Tucson Unified Development Code (UDC) sections applicable to this project include, but are not limited to, Sections 4.7.8 and Table 4.8-2 which provides the criteria for residential development in the R-1 zone, and Sections 6.3.4, 6.4.5 and Table 6.3-2.A which provide the dimensional standards applicable to all principal and accessory structures. The applicant is requesting the following variances: 1) Allow the construction of an attached carport with a reduced front street perimeter yard setback from 30'-0" to 10'-0" as measured from the south lot line, and 2) Allow the construction of an attached carport with a reduced side street perimeter yard setback from 10'-0" to 6'-0" as measured from the west lot line as shown on the submitted plans.

Motion by Ms. Poulos, duly seconded by Ms. Schubert, to grant variances 1 & 2 subject to the following condition, A. No parking in the area between the carport and street. The motion passed by a voice vote of 5 - 0.

4. C10-25-03 OXFORD HOUSE - SAHUARO / SWAN-ISABEL LLC / 2601 N SWAN RD / R-1

The appellant, Heather Dukes, Esq., on behalf of Swan-Isabel, LLC and Oxford House-Sahuaro, is appealing the Zoning Administrator's Determination (ZAD) TZ-CMP-0724-00095, issued January 27, 2025, relating to the restriction on the number of residents allowed at the Oxford House. A ZAD is a request for clarification or determination in connection with a pending application or request for approval and the identity of the proposed project or development. Pursuant to Unified Development Code (UDC) Section 1.5.1.E, a party of record can appeal the zoning determination. The appellant contends that "portions of the determination which limit the number of residents and impose "group dwelling" zoning and commercial building code standards to properties with more than eight residents, are arbitrary, capricious and an abuse of discretion and violate the Fair Housing Act." The appellant is

requesting a modification to the January 27, 2025, ZAD. Specifically, the appellant requests a revision to Condition No. 1 to state: "Total number of residents is limited to 10," and deleting Condition No. 4.

Motion by Ms. Poulos, duly seconded by Mr. Marks, to modify the Zoning Administrator's Determination (TZ-CMP-0724-00095) related to case C10-25-03 as follows:

- A. Revise condition no. 1 to state, "Total number of residents is limited to 10."
- B. Delete condition no. 3.
- C. Revise condition no. 4 to state, "The use will be subject to all applicable building codes."

The motion passed by a voice vote of 4 – 1, Mr. Dawson dissenting.

5. **ADJOURNMENT** Hearing was adjourned at 2:50 pm.