## **BOARD OF ADJUSTMENT**

## Zoning Administration Division Planning and Development Services Department (PDSD) 201 North Stone Avenue, Tucson, Arizona 85701

## \*\*\* NOTICE OF DECISION \*\*\*

DATE OF PUBLIC HEARING MAY 28, 2025

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J) & (K).

ACTIVITY NO. TZ-ZCA-0225-00001 (TZ-CMP-0724-00095)

CASE NO.

THE APPLICANT

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.

## <u>DECISION</u>: 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."

- 1. Total number of residents is limited to eight 10.
- 2. Registration with the City will be required.
- 3. Further building permits will not be required and the assumed existing Certificate of Occupancy for the single-family home will be considered valid.
- 4. If the use expands beyond eight residents, the zoning and building regulations will change. Zoning review shall consider the use a Group Dwelling and will be subject to all zoning standards for the use. Building code review shall consider this a change of use and applicable commercial building code standards shall apply. A new certificate of occupancy will be required. The use will be subject to all applicable building codes.

Sonya Bermudez
Sonya Bermudez, Secretary

**Board of Adjustment** 

s:zoning administration/ba/decision/2503 ZAD Appeal