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 **APRIL 29, 2026**

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-0226-00001**

CASE NO. THE APPLICANT

C10-26-02 ENCLAVES AT TUMAMOC LOTS 1-129 / KB HOME TUCSON INC TR / 1802 WEST SAINT MARY'S ROAD, R-1, O-3

The appellant, Shana West, is appealing the Zoning Administrator's Determination (ZAD), TZ-CMP-1125-00197, issued January 22, 2026 regarding how the General Plan and applicable or neighborhood plans are treated when applied to Flexible Lot Developments (FLDs). The Zoning Administrator (ZA) determined General Plan and Area Plan policies should not be treated as binding zoning rules for FLDs, and under Arizona law, the General Plan and Area or Neighborhood Plans are not zoning laws, and finally, the Tucson Unified Development Code (UDC) is the City's enforceable land use law which provides FLDs flexibility as it applies to UDC dimensional and design standards. The appellant contends that the policies, guidelines, and "shall" statements within the General Plan and area plans are mandatory and enforceable as part of the zoning code. UDC Sections applicable to this appeal include, in part, but are not limited to the following: Section 8.7.3 which provides the standards for the FLD; Sections 4.7.8 and (15) and Tables 4.8-2 and (3) which provides criteria for residential development in the R-1 and O-3 zones; Section 1.5.1 which provides for the ZA to interpret the provisions of the UDC; Section 1.6.1 which provides resolution for conflicts of provisions within the UDC; and Section 3.10.2 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the ZAD, issued January 22, 2026 and a reassessment of the issued development package for conformance to the General Plan and Tumamoc Area Plan.

DECISION: UPHOLD THE ZONING ADMINISTRATOR'S DETERMINATION

Sonya Bermudez
Sonya Bermudez, Secretary
Board of Adjustment

s: zoning administration/ba/decision/2602