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From: Walter Tellez
To: Thrall, Heather
Date: 04/24/2006 1:43:50 PM
Subject: Re: R-1, 5 bedrm tandem parking question

Your memory is correct. No tandem.

>>> Heather Thrall 04/24/06 1:35 PM >>>
Good afternoon Walter,

Is tandem parking permitted for the R-1, 5 bedroom projects? I thought we had a discussion about this at one point - and we decided that tandem parking was not permitted. Is my memory correct?

CC: Rivera, David

Page 2 of 2
5/1/06

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37

From: Ernie Duarte
To: Bogdan, Wayne; St. Paul, Michael; Tellez, Walter
Date: 04/05/2006 3:07:24 PM
Subject: Re: Follow up Boys & Girls Clubs

agreed.

>>> Walter Tellez 04/05/06 9:50 AM >>>

I think we can trust TUSD and the Boys and Girls Club. No more letters.

>>> Michael St. Paul 04/05/06 9:45 AM >>>

Bill gave me a copy of the letter. The conditions are rather specific (I'm sorry, this sounds like a silly bureaucratic question, because it is; but...) Shall we just have them refer to that letter or should we tell to just submit and we'll refer to the letter?

I think that we need a letter from them stating that this club is part of the school or that all the Boys & Girls Clubs on TUSD grounds are part of the school system. (See previous apology.)

michael

>>> Walter Tellez 04/05/06 7:31 AM >>>

We have approved before. Don't think we need info from TUSD each time.

>>> Wayne Bogdan 04/04/06 2:46 PM >>>

Good Memory,

See Attached 2003 letter...but we should still have them submit info on this new site to be prudent..
bogz

>>> Ernie Duarte 04/04/06 2:30 PM >>>

what was the zoning at Doolen Mid School at Grant, Country Club. They went in there also.

>>> Wayne Bogdan 04/04/06 2:27 PM >>>

Hi Michael,

Please call and tell them to send us a letter detailing the project as best they can. Specifically, they need to document (in detail) for us their relationship with TUSD (i.e. whether its just a rental agreement, or a joint use of facilities or programs or both, does TUSD provide any funding, any teachers, etc. etc.). A letter from TUSD verifying the relationship would be most helpful as well.

bogdan

>>> Michael St. Paul 04/03/06 12:04 PM >>>

Walter:

I had people for Tuesday's pre-sub who wanted to put a Boys & Girls Club on school grounds that belong to TUSD. There is a school there at 1945 S Couumbus Bl &/or 4335 E Calle Aurora. I said that I think that it all comes under TUSD.

David said that I was wrong and that they cannot put a membership organization in the R-1 zone. Craig said that he believes that they can.

This has that none of the above feel to it. I need to call these people back. What shall I tell them?

michael

248 P

234
③

From: Ernie Duarte
To: NFANDMF@aol.com
Date: 04/03/2006 4:00:28 PM
Subject: Re: 330 E. Speedway

Mike:

I appreciate your patience in awaiting our response. I've consulted with the Zoning Review staff and the Zoning Administrator. Consistent with prior zoning determinations, access from the alley for a SFR, 5 bedroom house is allowable provided, all vehicular maneuvering occurs on site. Use of the alley for the vehicular maneuvering would require a variance from the Board of Adjustment. I hope this information helps you.

If you have any questions, please call me, walter Tellez or Wayne Bogdan.

Ernie Duarte

>>> <NFANDMF@aol.com> 03/31/06 6:26 PM >>>
Hello Ernie,

I am witting in follow up to our meeting yesterday afternoon, as I did not hear from you today as anticipated. I negotiated an extension with the seller to extend the due diligence period through Monday April 03, 2006. I need to know if we can obtain administrative approval for vehicular access from Herbert to a proposed SFR, or if some other procedure will be required. I would greatly appreciate it if you would get back to me before noon Monday. Please respond via email so that I have something in witting for my files.

If it helps, attached is a PDF of a draft of the proposed site plan. This in not final as Herbert is not shown properly and the future ROW is not located correctly. As I indicated in my email yesterday, Herbert is 26.4' wide.

Thank you for your assistance with this matter.

Best regards,

Mike Finkelstein
QuatroVest, Inc.
Principal

CC: Bogdan, Wayne; Walter Tellez

R - 1 2/3
3.2.8 (A) 213

23 f (39)

From: David Rivera
To: JMAHERJRAIA@aol.com; Thrall, Heather
Date: 03/13/2006 11:31:09 AM
Subject: Re: PS No \$ 10K in pavement for a home driveway

Joseph, I was looking at the floor plan submitted with the request. Walter made an interpretation back in June of 2005 that may provide for some relief. It means revising the plan to comply with the administrators determination.

The determination is interpreted as follows:

If the proposed room considered a bedroom (based on the definition) but has a direct opening of five feet in width (with no door) and connection to a living room, dining room or kitchen the proposed rooms can be considered an extension of the room it connects to. In this case, if the Libray has a connection to the living room/dining area through a five foot wide between the kitchen wall and the heater wall (doors) this will meet the intent of LUC section 3.5.7.1.H, first sentence. This is assuming that the prinicipal structure does not have five bedrooms.

David Rivera
Principal Planner
Development Services Department
(520) 791-5608 Ext. 1181
david.rivera@tucsonaz.gov

>>> <JMAHERJRAIA@aol.com> 03/13/06 11:00 AM >>>

Also, we are not spending \$ 10K to pave the driveway for a home. These are not comercial projects.

If needed we need an "administrative waiver" (no cost, no special processing) to get rid of this stupid requirement.

thxs
Joseph Maher

CC: Craig Gross; Patricia Gehlen; Walter Tellez



23 f (40)

MEMORANDUM

DATE: February 17, 2006

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.3.4, House Rentals
Land Use Code: Zoning Administrator Determination

It is not illegal to rent a house, or to rent a house to students, or for unrelated persons to live together. An inspector has no right to demand ID of anyone living in a rental house.

s:zoning administration/za determination/LUC 2.3.4.doc

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From: Walter Tellez
To: Gross, Craig
Date: 02/15/2006 12:59:34 PM
Subject: Re: Adkins property

Should be OK. See LUC 3.2.10.2.B.2 and 3.2.11.2.B.2. McCrory has also allowed some City purchases the same as condemnations to make a site legal nonconforming.

>>> Craig Gross 02/15/2006 12:39:58 PM >>>

Walter, the City wants to buy a portion of the common area of a subdivision adjacent to the Atkins property on Craycroft (they don't want to condemn it) to expand the park. It is a triangular portion between the Atkins property and San Francisco Blvd. The subdivision association is willing to voluntarily sell it to the City. It is part of the La Sonrisa Townhomes originally platted for 28 lots but fully developed with 26 lots (partial lot combos). The zoning is HR-1. The original plat was 4.281 acres with a density of 6.54 RAC (which actually exceeds the maximum 6.25 allowed in R-1) but it was developed at 6.07 RAC. The portion of the common area that the City wants to buy is about .28 acres which means the project would end up with 26 units on 4.0 acres for a density of 6.5 RAC. Since the revised density would still be less than the original approved density do you think this would be OK? The area in question is natural open space not required by NPPO or other regs.

CC: Duarte, Ernie

SEARCHED
SERIALIZED
INDEXED
FILED
FEB 15 2006
FBI - MEMPHIS
223

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From: David Rivera
To: Tellez, Walter
Date: 02/10/2006 2:02:07 PM
Subject: Re: R-1 lots less than 7000 sq.ft.

Walter

Yes!

What we have done in the past is ask the customer for a copy of the title or deed of the property. If the legal description on the deed or title describes the lot in it's original configuration prior to the date in the LUC, I have accepted the lot as non-conforming with regards to lot size. The design or proposed development must meet code or applicable variances/DDO's must be applied for and approved before we will sign off on the plan. We also check the original plat because some of the subdivisions were platted with lots smaller in size than our code requires today. The guys should and for the most part talk to me first if there is a question with a possible non-conforming lot size.

David

>>> Walter Tellez 02/10/2006 11:39:17 AM >>>

David,
if the lot meets date of 1948, can't it be approved by your staff without a ltr to me?

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From: Walter Tellez
To: Gross, Craig
Date: 09/29/2005 7:15:05 AM
Subject: Re: height restrictions in city park zoned R-1

It's part of the principal use in a park.

>>> Craig Gross 09/28/2005 4:22:33 PM >>>

Walter, would we use the standard R-1 height restriction (25 foot) for structures in the park such as a large picnic canopy? or are they all accessory structures (12 foot)?

09/29/2005 7:15:05 AM
233

504-003
R-1 234 (44)

From: Wayne Bogdan
To: cmartin@rickengineering.com
Date: 08/15/2005 4:40:45 PM
Subject: Setbacks: Paired Houses: Tres Pueblos

August 15, 2005

Chuck Martin, R.A.
Principal Project Planner
Rick Engineering Company, Inc.
1745 East River Road, Suite 101
Tucson, AZ 85718-7633

Subject: Tres Pueblos R.C.P.: Paired House Setbacks
Land Use Code (LUC) Information

Dear Mr. Martin:

Thank you for your letter dated August 3, 2005 requesting clarification on the perimeter setbacks to be required for the paired houses in Tres Pueblos. Attached with your letter were sample plot plans for the subdivision. Specifically, you want to know whether the paired houses in Tres Pueblos are to be considered "attached" single family units subject to the setback requirements of LUC Sec. 3.6.1.4.D.2.c, or "detached" single family units subject to the setback requirements of LUC Sec. 3.6.1.4.D.2.d?

The Zoning Administration Division has reviewed your letter, the subdivision plot plans, the applicable LUC regulations, and discussed this matter with the Zoning Compliance Plans Review Section. Based on this review, staff concurs with your opinion and considers the paired housing in Tres Pueblos to be "attached" single family dwellings subject to the requirements of LUC Sec. 3.6.1.4.D.2.c.

Please note, a copy of this letter is to be attached to the project's site plan when resubmitted to DSD, 1st Floor, 201 North Stone Avenue for the zoning compliance review process. If you should have any further questions concerning this zoning matter, please contact me at 791-4541 ext. 1116 or by email at: wayne.bogdan@tucsonaz.gov.

Sincerely;

Wayne F. Bogdan
Principal Planner
Zoning Administration Division
Development Services Department
City of Tucson

CC: Patricia Gehlen; RTWilliams@drhorton.com; Walter Tellez

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234 (45)

From: Walter Tellez
To: Gross, Craig
Date: 07/27/2005 3:49:22 PM
Subject: Re: Fwd: Ormsby Park 899 W. 24th Street

Park is the principal use, I would think all structures ok for principal height.

>>> Craig Gross 07/27/2005 3:40:11 PM >>>
what do you think? a City Manager waiver or should we worry about it?

>>> Mary Muszynski 07/26/2005 3:52:14 PM >>>

Craig,
The contractor has told me that the sun shade structure is taller than the R1 height allowance. The structure is 27' at the high point.
What is needed to apply for a waiver?
Thank you,
Mary

Mary Muszynski
Landscape Architect
Capital Development & Planning Unit
Parks and Recreation Department
791-4873 x 223

CC: Duarte, Ernie

234 (46)

From: Wayne Bogdan
To: Joe Comella
Date: 07/20/2005 3:18:52 PM
Subject: Re: Alleys

July 20, 2005

Joseph Comella
Chief Architect
Community Services Department

Subject: Silverbell Subdivision, DSD #S05-093: Zoning Determination: Rear Access Driveways
Land Use Code (LUC) Information

Dear Mr. Comella:

This zoning determination is made in regards to the access issues you recently discussed with Sarah More of the Department of Urban Planning & Design in email dated June 1, 2005. Specifically, the "new urbanism" concept of using rear accessways in residential subdivisions, such as proposed in Silverbell Subdivision, DSD #S05-093. Per your information the first submittal of the tentative plat was made 6/8/2005 by Dan Elder of Landmark Engineering. Within the new subdivision there are to be 121 lots of about 47 feet x 94 feet in dimension. 106 lots are planned to be detached single family units. 58 lots will have rear access. The rear accessways will have a 24 foot rear access paving width, with bollards to break the accessways into segments serving not more than the 14 units. The plan shows that the longest rear accessway would serve 37 units. All lots with rear access are to have garages on the rear accessway. The garages should not be closer than 2 feet from the accessway, and should have a total of a 24 foot paved area to exit the garage (e.g. if the accessway paving is 16 feet, then the garage needs to be at least 8 feet from the accessway to allow adequate maneuvering room of 24 feet). Given this project information, you are requesting clarification on whether the rear accessways, as proposed by this subdivision design, will be considered acceptable types of access per LUC Sec. 3.2.8.2.

The Zoning Administrator has reviewed the project information and the LUC regulations applicable to access. For the purposes of LUC Sec. 3.2.8.2, the Zoning Administrator has determined that the rear accessways proposed for new Silverbell subdivision, designed to provide private access for local lot owner use and not for general traffic circulation purposes, can be considered the equivalent to secondary streets provided the accessways are paved to a minimum width of 20', are curbed and abut paved 5' wide pedestrian walkways. The abutting walkways can be eliminated from the rear accessway design if the lots within the Subdivision also have frontage on a public or private street that provide the pedestrian facilities per LUC Sec. 3.2.8.4. Those rear accessway designs that fail for whatever reason to comply with the secondary street standards set forth by this zoning determination must obtain DSMR approval. Detached garages and carports are allowed in the rear yard areas of the lots with setbacks of 8' or less as allowed per LUC Sec. 3.2.6.5.B.2. Those garages or carports that fail to comply with the street/sidewalk setbacks of this LUC regulation will require variance approval from the Board of Adjustment.

Please note, that a rear accessway 20' wide that is paved and curbed and abuts a 5' wide paved walkway is equivalent to a secondary street is a determination by the Zoning Administrator that is appealable to the Board of Adjustment provided the appeal is made in writing and filed, along with the appropriate fees, with the Zoning Administration Division, 2nd floor, 201 North Stone Avenue within 30 days of the date of this email. If you have any questions concerning this zoning matter, please contact either myself (ext. 1116) or Walter Tellez (ext. 1154) at (520) 791-4541.

Sincerely,

Wayne F. Bogdan
Principal Planner
for
Walter Tellez
Zoning Administrator
Development Services Department
City of Tucson

CC: Craig Gross; David Rivera; Ernie Duarte; Walter Tellez

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3490 N Silverbell

R-1

From: Walter Tellez
To: Bogdan, Wayne; Duarte, Ernie; Gehlen, Patricia
Date: 06/21/2005 10:31:01 AM
Subject: Re: DRAFT ZA Det : Silverbell Sub

We were thinking DSMR for street width.

>>> Patricia Gehlen 06/21/2005 10:29:42 AM >>>

When I read the last paragraph it implies that if a house does not meet the setbacks a DSMR may be obtained...shouldn't this be a variance?

Patricia Gehlen
CDRC/Zoning Manager
Development Services Department
City of Tucson
(520) 791-5608 ext 1179
(520) 879-8010 Fax

>>> Wayne Bogdan 06/21/2005 9:39:06 AM >>>

Hi,
Here is the draft...Joe is asking for a zoning det that basically will bless the Silverbell Sub...this is close...the only diff is that we want a min 20' accessway and abutting 5'walkway...and I believe they may have, in some places, a 16' wide accessway...but if this is so...we tell them they can apply for a DSMR...your thoughts..
bodgna

June 21, 2005

Joseph Comella
Chief Architect
Community Services Department

Subject: ZA Determination - Rear Access Driveways
Land Use Code (LUC) Information

Dear Mr. Comella:

This zoning determination is made in regards to the access issues you recently discussed with Sarah More of the Department of Urban Planning & Design in email dated June 1, 2005. Specifically, the "new urbanism" concept of using rear accessways in residential subdivisions, such as proposed in Silverbell Subdivision, DSD #S05-093. Per your information the first submittal of the tentative plat was made 6/8/2005 by Dan Elder of Landmark Engineering. Within the new subdivision there are be 121 lots of about 47 feet x 94 feet. 58 of these lots have rear access. The longest rear accessway would serve 37 units. As a part of Community Services requirements to the developer, all lots with rear access are to have garages on the rear accessway. The plan currently shows a 24 foot rear access paving width, with bollards to break the accessways into segments serving not more than the 14 units. 15 of the lots will be split to accommodate 30 one bedroom units and remain under City ownership as public housing. Only the 15 City owned lots will have "duplexes", and therefore will need to be divided by a property line to conform to the R-1 zoning (the final plat will show 30 lots).

DSD requires a floor plan if lots are less than 4,000 sf. Because the lot lines will be tied to the building design, we are still working out the location & size of the City lots with the engineer). These are the only attached townhouse units - the remaining 106 lots are planned to be detached single family units.

Garages should not be closer than 2 feet from the accessway, and should have a total of a 24 foot paved area to exit the garage - e.g. if the accessway paving is 16 feet, then the garage needs to be at least 8 feet from the accessway to allow adequate maneuvering room of 24 feet. The concept is to design duplex units to achieve the same massing & design details as the market units, but with a property line between them to conform to the R-1 zoning. Thus, given this project information, you are requesting clarification on whether the rear accessways, as proposed for the project, will be considered acceptable types of access per LUC Sec. 3.2.8.2.

The Zoning Administrator has reviewed the project information, the LUC regulations applicable to access, and has consulted with the City Attorney's Office on the matter. For the purposes of LUC Sec. 3.2.8.2, the Zoning Administrator has determined that the rear accessways proposed for new Silverbell subdivision can be considered the equivalent to secondary streets provided the accessway are paved a minimum 20' wide, are curbed and abut paved 5' wide pedestrian walkways. The abutting walkways can be eliminated from the accessway design if the lots within the Subdivision have frontage on a public or private street that provides the pedestrian facilities per LUC Sec. 3.2.8.4. Detached garages and carports are allowed in the rear yard areas of the lots with setbacks of 8' or less as allowed per LUC Sec. 3.2.6.5.B.2. Those rear accessway designs that fail for whatever reason to comply with the design criteria set forth by this zoning determination must obtain DSMR approval. Please note, that a rear accessway 20' wide that is paved and curbed and abuts a 5' wide paved walkway is equivalent to a secondary street is a determination by the Zoning Administrator that is appealable to the Board of Adjustment provided the appeal is made in writing and filed, along with the appropriate fees, with the Zoning Administration Division, 2nd floor, 201 North Stone Avenue within 30 days of the date of this email. If you have any questions concerning this zoning matter, please contact either myself (ext. 1116) or Walter Tellez (ext. 1154) at (520) 791-4541.

Sincerely,

Wayne F. Bogdan
Principal Planner
for
Walter Tellez
Zoning Administrator
Development Services Department
City of Tucson

CC: Gross, Craig

234 (48)

June 13, 2005



CITY OF
TUCSON

DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION

Jansen Blanton
5935 East 4th Street
Tucson Arizona 857

SUBJECT: 5935 East 4th Street
Land Use Code (LUC) Information

Dear Ms. Johnson:

The zoning information requested in a letter dated April 12, 2005 is as follows. The property addressed 2937 North Stone Avenue is zoned "R-1", a residential zoning designation. There is an existing single family residence on the property. The back patio was enclosed with sliding glass doors and two end walls in 1998 without approval or permits from the Development Services Department. You are requesting a retroactive building permit and for the room to not be considered a bedroom for zoning purposes.

The Zoning Administration Division has your letter, Development Services Department (DSD) records and the Land Use Code (LUC) regulations applicable to the property. The enclosed patio will require review and approval of a site plan and building plans by the Development Services Department before a permit can be issued. The Development Services Department does not issue retroactive permits without review and approval of plans.

The enclosed patio room must have a permanent opening to the existing house with a minimum width of 5 feet if connecting to a living room, dining room, kitchen or bathroom or 50 percent of the length of the wall if connecting to any other room. The opening must be shown and labeled on the floor plans as a permanent opening without doors or other type of enclosure and the room must be labeled as not to be used as a bedroom. You will need to remove the sliding glass door and tracks in order to meet these requirements.

DEVELOPMENT SERVICES DEPARTMENT • 201 NORTH STONE AVENUE
P.O. BOX 27210 • TUCSON, AZ 85726-7210
791-4571, 791-4541 • FAX (520) 791-4340 OR 791-4475

R-123.3.4
2005.5.15
151

A copy of this letter should be attached to the plans when you submit them for review. If you should require further LUC information from the Zoning Administration Division, please contact William Balak (ext. 1168) or Wayne Bogdan (ext. 1116) at (520) 791-4541.

Sincerely,



Walter Tellez
Zoning Administrator
Development Services Department

s:\Zoning Administration\zoning\2005\5935 East 4th2.doc

From: Russlyn Wells
To: David Rivera; Patricia Gehlen; Walter Tellez
Date: 03/02/2005 11:23:33 AM
Subject: C10-05-14 >5 bedrooms parking/maneuvering variances

This case is being withdrawn by Staff. I met with Trish/David to get clarification on the what is considered to be a bedroom. It was determined by Trish that this is project does not have 5 bedrooms and therefore does not need to meet the parking requirements. I have agreed to draft a memo for the applicant to this effect so that whoever reviews the plans for permits will be aware that a variance is not needed for this project.

Also, as a result of this conversation Trish decided that all LUC compliance review comments related to more than 5 bedrooms will be finalized (written by or initialled by) by either Trish or David. This process will be in effect until Trish says otherwise. This is to insure consistent review of the 5 bedroom requirement.

Russ

RA = 2.342A.1
3.5.11.1 G. E.H
DSD = 5.11
142

From: Walter Tellez
To: Gehlen, Patricia; McCrory, Michael
Date: 06/01/2004 3:00:10 PM
Subject: Re: R-1(RCP)

R-1 RCP, 2.3.4.2.A.3, does not refer to 3.5.7.1.G. or H.

>>> Patricia Gehlen 06/01/2004 2:54:59 PM >>>

I am confused. The last I heard the new R-1 regulations apply to RCP's. Now I hear they don't. Please clarify

CC: Gross, Craig

R-1
R.P. (M)
P2

234 (51)

From: Patricia Gehlen
To: Michaels, Warren
Date: 04/18/2004 12:55:15 PM
Subject: Re: Lot Split Question

Hi Warren,
Sorry for so many voice mail messages. The quick answer to your question is "no" for combining a portion of the HR-1 lot with the HR-3 lot to meet the minimum lot size of 5,000 square feet for the HR-3 lot. We did discuss several other options concerning the other HR-3 properties you own in the area which would allow you to accomplish the same goal (5,000 square foot lot minimum). These options are best discussed with a map in hand so please let me know when you are available to stop so we may discuss them.

Patricia

>>> Warren Michaels <warren.michaels@direcway.com> 04/05/2004 1:01:18 PM >>>
Hi Patricia,

Thanks for your help on this. Here's the question;

1025 N. Euclide Ave is a single family house on a 9,143.75 sq ft lot zoned HR1. 1017 N. Euclid Ave is contiguous and is located directly south of the aforementioned parcel; it is a single family house of 1,472 sq ft on a lot shared with a 1,303 sq ft duplex (actually two duplex, but one is being demo'd). that lot is 10,656 sq ft and is zoned HR3.

Here's the question in all of this; Can I split off a 3.6 ft x 96 ft strip of the HR1 zoned lot and add it to the HR3 zoned lot so that the logical split for the single family house (1017 N. Euclid Ave) on the HR3 lot would total 5,000 sq ft? In other words, the logical split for 1017 N. Euclid Ave would equal 4,656 sq ft of the HR3 lot and 344 sq ft of the contiguous HR1 zoned lot. Will that meet the LUC?

Also, being that this type of split regarding a single family home was largely overlooked when it came to splitting an R3 lot, is there the possibility an administrative decision could be made so as to avoid bastardizing the HR1 with the taking of the 3.6 ft x 96 ft strip?

Thanks again for your help on this.

Warren Michaels

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MEMORANDUM

234

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DATE: November 13, 2003

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.3.4, R-1 and Other Residential Zones; Residential sewer connection for RV's
Land Use Code: Zoning Administrator Determination

A sewer connection used for emptying the holding tanks on a RV is permitted on a residential property provided the property owner provides the Zoning Administrator a letter requesting the use. In the letter, the homeowner must explain why the sewer connection is needed and agree to limit the use of the connection to emptying the holding tanks on their RV and the connection must be only for the time needed to empty the holding tanks. The letter must state that the homeowner agrees to follow all Land Use Code regulations.

s:zoning administration/za determination/LUC 2.3.4.doc

234

FYI (53)

October 30, 2003

→ YOUR COPY
- ERNIE OK'D
- WAMO 3
M McC
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COPY
- ORIGINAL
MAILED

Vol



CITY OF
TUCSON

DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION

Theodore and Carmen G. Downing
1436 East Edison Street
Tucson, AZ 85719

SUBJECT: 1436 E Edison Street – Enclosure Duplex Garage Space
Land Use Code (LUC) Information

Dear Mr. And Mrs. Downing:

Thank you for your letter, dated October 20, 2003, regarding the above referenced residential project. The subject property is addressed 1436 East Edison Street and zoned "R-1" Residential. The 9,000 square foot property is developed with an existing single family dwelling in the front portion of the property, and a 2-story duplex in the rear portion of the property. The duplex was constructed with two residential units on the 2nd floor and garage stalls on the 1st floor. The residential development of this property is considered nonconforming for the LUC development criteria applicable to an R-1 zoned property of this size (e.g. density, parking area, landscaping, screening, etc.) You are requesting the zoning approval necessary to fully enclose the 1st floor duplex garage area and convert its use to new storage and bedroom space (the project.)

The Zoning Administration Division, has reviewed your letter, the LUC regulations applicable to the project, and to the property's nonconforming status. It is the Zoning Administrator's determination that the enclosure and conversion of the existing garage space, as proposed, is prohibited by the LUC for the following reasons. The property's established nonconforming status allows for the three (3) residential units on the property (i.e. the single family dwelling in the front and the duplex in the rear), and not more. The duplex 1st floor garage parking and the single family dwelling surface parking together represent the approved vehicular use area for these three (3) units within the property's nonconforming status. The property's parking is nonconforming for number of spaces, surfacing, landscaping, screening, etc.

LUC regulations applicable to the property's parking or vehicular use area include Section 3.3.3.10 "Change of Approved Vehicular Use Area" which acts to prohibit any change or modification to the parking area

134A

53

1436 E Edison
10/31/03

unless that change serves to bring it closer or into LUC compliance. The LUC regulations applicable to the property's nonconforming status include Section 5.3.6.1 "Nonconforming Uses and Parking Areas" and Section 5.3.6.2 "Nonconforming Structures." These regulations act to prohibit any intensification or expansion of the property's nonconforming status, whether by the reduction in the number of approved parking spaces or by the increase of the number of onsite residential units. This determination by the Zoning Administrator considers the proposed enclosure of the duplex garage space and its conversion to other use to be such a change, intensification and/or expansion, and thus is not permitted.

This zoning determination is appealable to the Board of Adjustment provided the appeal is made in writing and filed, along with the appropriate fees and documents, within thirty (30) calendar days of the date of this letter. Board of Adjustment appeal information can be obtained by contacting either Russlyn Wells (ext. 1134) or Wayne Bogdan (ext. 1116) at (502) 791.4541. If you should require further LUC information from the Zoning Administration Division, please contact William Balak (ext. 1168) or Wayne Bogdan (ext. 1116) at (520) 791-4541.

Sincerely,



Walter Tellez
Zoning Administrator

s:zoning administration/zoning/2003/1436edison.doc

c: Ernie Duarte, DSD Director
Michael McCrory, City Attorney's Office

134B

To: Walter Teyes
City of Tucson Zoning Department
Development Services
10/20/03
From: Carmen Garcia Downing
Re: 1436 East Edison

I am writing to request permission to enclose our garages at 1436 East Edison, as you have requested. You stated it was your opinion that since this structure is a non-conforming use and we needed to make our request for an alteration in writing. You stated we needed to include the following: The reasons for the enclosing.

1. To prevent further flooding of the structure. Water seeping under the garage doors is weakening the structural integrity of the beams supporting the structure. Enclosing the garages with a masonry wall will solve this problem. Not allowing us to do so will lead to further flooding and possible litigation with the city should we not be allowed to take measures to protect the property from this potential damage. City staff in development services has seen this problem first hand and is prepared to sign off on our permit.
2. The garages are not currently used for parking.
3. The garages in question will not be turned into bedrooms as you have expressed concern over they will be used for storage purposes only.
4. We currently use the garages for storage purposes only.
5. There are a total of 7 available parking spots on the property. This is more than sufficient to meet the requirements of the code.

I hope this is sufficient to meet with your approval. Please contact my son, Demitri Downing, should you need any further information on the property. 520-909-4334.

Carmen Garcia Downing
Carmen Garcia Downing



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From: Kathleen Dunbar
To: Andy Dinauer; Carol Clark; Craig Gross; David Mann; David Rivera; Ernie Duarte; Jim Vogelsberg; Lee Gagnier; Patricia Gehlen; Walter Tellez
Date: 10/14/03 3:07PM
Subject: Re: Alert per Council Member Dunbar, Ward 3

THANK YOU!!!!

Mr. Downing is trying to pull one on all of us and he needs to be stopped.

kd

>>> Jim Vogelsberg 10/14/03 01:42PM >>>

Carol,

An update on this case:

Yesterday Mr. Downing's site plan was intercepted by our residential plan reviewer and referred to our Zoning review section. After Mr. Downing's disclosed there were three kitchens in the 'garage storage building' the improvement plans were rejected for building permits; he was directed to speak to Mr. Tellez regarding his proposed use.

No building permits were issued.

Thanks,

JPV

>>> Carol Clark 09/08/03 10:37AM >>>

Information has come to the attention of our office that Mr. Dimitri Downing, 1436 E. Edison, owner/operator of 5 bedroom rentals on his residential property, is bragging to neighbors that he will avoid city of Tucson DSD enforcement and build an additional bedroom in his garage.

I worked with several of you last week assisting Mr. Downing and his surrounding neighbors to resolve a stormwater/flooding issue in the alleyway south of his home. I understand that Streets will be grading the alley and that Mr. Downing first needs to remove the pile of concrete on the rear side of the lot.

Council Member Dunbar hopes no permits will be issued to Mr. Downing regarding his garage without the appropriate inspections to assure additional bedrooms are not added under guise of other use without providing for adequate and legal parking for his tenants. There is habitual illegal parking in the front R-O-W.

Thank you for your assistance in this matter.

Carol Clark
Aide to Council Member Kathleen Dunbar
Tucson City Council, Ward III
1510 E. Grant Rd.
Tucson, AZ 85719
Phone: (520) 791-4711
Fax (520) 791-5391
Email: cclark1@ci.tucson.az.us

CC: Chris Leighton

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(53)

From: Ernie Duarte
To: Keene, James
Date: 10/20/03 8:53AM
Subject: Information for your weekly meeting with CM Dunbar

Jim:

I thought I'd let you know of an issue in Ward 3 that's receiving CM Dunbar's attention in case she brings it up at your weekly meeting. It involves State Representative Ted Downing and his son, Dmitri. The project is in Jefferson Park.

The Downing's have an existing nonconforming development (3 units in an R-1 zone) . They're wanting to enclose the garage for floodproofing purposes. The proposed enclosure eliminates 4 parking spaces. His drawings are marginally prepared on 8 1/2x 11 graph paper and leave much to be desired. In fact, Mr. Downing cannot take on the design of the project himself because he has more than 3 units on his property and it is considered a commercial development. State Law will require the services of an architect, should he continue to pursue the project.

When we met with Rep Downing on Friday, Walter Tellez and I walked him through the process. Because his site right now is non-conforming, we need to document closely what he is proposing to do. Upon OK from the Zoning Administrator, he may pursue his project with the assistance of an architect. Rep. Downing accused us of being anti-infill and not being helpful to "the little guy".

Let me know if you have any questions.

Ernie

CC: Pesqueira, Suzette; Walter Tellez; Young, Benny

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MEMORANDUM

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DATE: September 9, 2003

TO: Zoning Administration Division
DSD Zoning Review Section

FROM: Walter Tellez
Zoning Administrator

SUBJECT: LUC 2.3.4, Commercial parking on residential property (5747 East 5th)
Land Use Code: Zoning Administrator Determination

Dentist owned but did not occupy single family residence adjacent to commercial dentist office and was parking his vehicles at residence when going to work. Zoning Administrator stated that the dentist can not use an adjacent residential property for commercial parking his car even though he owned the property.

s:zoning administration/za determination/LUC 2.3.4.doc

234 (59)

From: James Maurer
To: Walter Tellez
Date: 09/03/2003 12:25:19 PM
Subject: Re: Multiple meters

Thank you.

>>> Walter Tellez 09/03/03 12:20PM >>>

The interpretation was one meter per allowed dwelling. 10,000 foot lots could have two dwellings, two meters. Would not allow one of the dwellings to have 2 meters to have a total of 3. 7000 foot lots with one dwelling could only have one meter. In the past, requests for a separate meter to a hot tub have been approved. So I review the requests now. Have only had the one request.

>>> James Maurer 09/03/03 11:39AM >>>

Walter:

During a meeting this morning, a clarification was asked as to whether two separate dwellings on a single R-1 10,000 square foot lot could have separate meters. I understood your interpretation to mean that if someone asked for multiple meters for a single dwelling then you need to see the plans. In the example you sent over, it was stated that the meter was for a separate dwelling, but the lot size did not support a separate dwelling (insufficient lot size), and the letter accompanying the plot plan indicated the second "dwelling" was a detached bedroom structure, even though the plan showed a kitchen. Is that interpretation or your interpretation correct? Please let me know before tonight's PC meeting. Thanks

Jim

CC: Michael McCrory; Sarah More

2.3.11

234 (56)



CITY OF TUCSON

The Sunshine City

CITY HALL
P.O. BOX 27210
TUCSON, ARIZONA 85726-7210.

DEPARTMENT OF PLANNING
791-4505 • 791-4571 • 791-4541
FAX (520) 791-4130 OR 791-2663

December 28, 2000

Anne Warner, Principal
Planning Resources
270 North Church Avenue
Tucson, AZ 85701

Subject: 2675 North Wyatt Drive, R-1 - New TMC Medical Records and Hospice Facility
Land Use Code (LUC) Information

Dear Ms. Warner:

Thank you for your letter dated December 14, 2000 and documentation. The documentation included detailed project information, a copy of the master plan for the TMC Health Care Site, and a copy of the site's master parking plan with a use by use breakdown. The Master Parking Plan indicates that after the parking requirements for the existing uses within the site are met there remains an excess of 860 off-street parking spaces available for the site's new or future expansion. The new Medical Records and Hospice Facility is located in the northwestern most portion of the HealthCare site west of Wyatt Drive. The facility will be addressed 2675 North Wyatt Drive. The primary function of the facility will be to manage and retain the site's office, personnel and medical records.

The Planning Department has concluded its review of the information you have provided. Based on this information, the facility is considered to be for zoning purposes, an "Administrative and Professional Office" land use. Office use of this portion of the site will require rezoning its current R-1 zoning designation to O-3. The parking requirements for the facility must be provided by revising the Master Parking Plan and utilizing the site's available excess spaces. Rezoning information can be obtained by contacting Dorothy Montgomery or Glenn Moyer at 791-4571. Please note that a copy of this letter must be attached to any site plan submitted to the Development Services Department (DSD), 201 North Stone Avenue for the LUC compliance review process.

Should you require further zoning information, please contact Bill Balak, Wayne Bogdan or myself at 791-4541.

Sincerely,

W. Tellez
Walter Tellez
Zoning Administrator

s:zoning/2000/2675wyatt.doc

E-Mail: comments_planning@ci.tucson.az.us • Website: <http://www.ci.tucson.az.us/planning>

R-1 zone = 2.3.4
O-3 = 1.2.4.3
Reasoning = 5.3.2
PKG = 3.3.4

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