



# MEMORANDUM

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236 (57)

**DATE:** February 21, 2006

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 2.3.5, R-2 Zone, Goodman Properties Appeal  
Land Use Code: Zoning Administrator Determination

Regarding the Goodman properties on Elm Street: it has been determined that the first issue raised by your development is the zoning determination that this is a single site. Based upon that determination, the Building Official has no discretion to approve continued work on the project. The zoning determination is subject to a separate appeal procedure to the Board of Adjustment which must be completed before there is any issue to appeal under the building codes. It was therefore determined that DSD accepted your Appeal to the Building Official in error.

See February 27, 2006 letter to Mike Goodman, Elm Street properties in Address Files.

s:zoning administration/za determination/LUC 2.3.5b.doc



236  
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# MEMORANDUM

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**DATE:** October 25, 2004

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 2.3.5, R-2 Zone, Mobile Post Office on City Property  
Land Use Code: Zoning Administrator Determination

The R-2 zone allows government owned and operated postal uses. The user and the ownership of the property can be separate governmental entities under the Performance Criteria in LUC 3.5.3.2.

s:zoning administration/za determination/LUC 2.3.5.doc

236 (59)

**From:** Walter Tellez  
**To:** Gross, Craig  
**Date:** 08/18/2004 12:53:37 PM  
**Subject:** Re: non-conforming use

If it is documented, you can approve.

>>> Craig Gross 08/18/2004 11:59:10 AM >>>

Property at 52 E. Roger Rd is zoned R-2 but has been used as retail food and general merchandise sales since 1954. They now want to change to selling retail antiques. Everything is in enclosed building. What do you want them to do?

Please make a note of my new e-mail address

[craig.gross@tucsonaz.gov](mailto:craig.gross@tucsonaz.gov)

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
4/6

236 (60)

March 14, 2003



CITY OF  
TUCSON

DEVELOPMENT  
SERVICES  
DEPARTMENT

ZONING  
ADMINISTRATION

Marcus E. Jones, Director  
TUSD Engineering & Planning Services  
2025 East Winsett Street  
Tucson, AZ 85719

SUBJECT: 2400 N. Country Club, Doolen Middle School – Boys/Girls  
Club

Dear Mr. Jones:

Thank you for your letter, dated February 17, 2003, requesting Land Use Code (LUC) information on the above referenced project. The project property is the Doolen Middle School campus site at 2400 North Country Club Road, R-2 zoned. The project proposes to construct a new Boys and Girls Club headquarters and clubhouse facility on the School campus. The Club will allow the School use of the facilities gym for physical education and other similar activities. The facility itself will function similarly to a governmental agency in the services provided for the students. After regular school hours, the facility will be used for Boys and Girls Club activities. You are requesting verification that the Club facility, as proposed, will be considered the same as a governmental use.

The Zoning Administration Division, and the City Attorney's Office, have reviewed your letter and do consider the proposed facility the same as a governmental use, thus exempt from LUC regulations applicable to new uses of land. Please note that a copy of this letter must be attached to the project's site plan when submitted to the Development Services Department (DSD), First Floor, 201 North Stone Avenue, for the building permit review process. 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,

*W. Tellez*  
Walter Tellez  
Zoning Administrator

s:zoning administration/zoning/2003/2400coun.doc

c: Thomas Sayler-Brown, SBBA, 1010 N. Alvernon Way, Tucson, 85711

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

*P.O. gone 2/22/03  
Time Rec'd Membership =  
6-3-03  
Civic Use / Student  
2/22/03*



CITY OF  
TUCSON  
PLANNING  
DEPARTMENT

November 30, 2001

Rev. Kim Pflueger  
Church of Mankind  
1231 South Van Buren Avenue  
Tucson, AZ 85711

SUBJECT: 1231 South Van Buren Avenue, Tucson, Arizona  
Land Use Code (LUC) Information

Dear Rev. Pflueger:

The zoning information you requested, in your letter dated November 7, 2001 is as follows. The property addressed 1231 South Van Buren Avenue, known as the Church of Mankind, is currently zoned "R-2". The church intends to roast and sell coffee beans and use them as a fundraising project for the church. The roasting and sales will be limited to one day a week with the beans sold at the church. A fundraising project such as the proposed coffee bean roasting and selling is considered a incidental use to the principal religious use of the property and is a permitted use of land in R-2 zone.

Should you require further zoning information regarding this matter, please contact William Balak, Wayne Bogdan or myself at 791-4541.

Sincerely,

Walter Tellez  
Zoning Administrator  
Planning Department

s:\zoning\2001\1231 South Van Buren Avenue.doc

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From: Walter Tellez  
 To: Rivera, David  
 Date: 9/6/01 11:12AM  
 Subject: Re: Proposed Carwash at Mission and Drexel *5627 S. mission*

Hi David, all development related to the commercial use has to be on commercial zoned land.

>>> David Rivera 09/06/01 10:54AM >>>  
Walter,

I had a customer by the name of Phil Veneziano (Architect) in the office a couple of weeks ago requesting information on the possibility of development of a carwash northeast corner of the Drexel Road and Mission Road. The Carwash would be developed adjacent to the north and east property boundaries of the Diamond Shamrock convenience/gas store. The parcel is zoned C-1 and the north portions zoned R2.

I spoke to Phil yesterday regarding the possibility of placing the required screen wall at the north boundary of the site which is the R-2 zone portion. The code requires that the wall be placed where adjacent to the street or adjacent zone developed or vacant. My question is, can the required screen wall be placed on the north property line instead of at the split zone boundary location or will this be a Board of Adjustment variance approval?

The second item we discussed was the possibility of placing the detention basin on the R-2 portion of the parcel. Would the detention basin be considered an extension of the commercial use and thus would the detention basin not be allowed in the R-2 portion? I could not find a specific use for a detention basin in the LUC.

What are the possibilities either of the two items working? The parcel is in southeast corner of section 4 T.15 R.13.

David Rivera  
DSD 791-5608 x181

CC: Craig Gross; GEHLEN, Patricia

*R-2 zone = 2.3.5  
 C-1 zone = 2.5.3  
 Carwash: 6.3.5.5  
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236 (63)

# MEMORANDUM

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**DATE:** October 6, 2000

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 2.3.5, Duplexes, LUC Requirements  
Land Use Code: Zoning Administrator Determination

For consistency in the LUC, Duplexes can be treated as Single Family Residences for most LUC requirements (PAAL width, landscaping, pedestrian circulation, etc.) unless specifically addressed in the LUC.

s:zoning administration/za determination/LUC 2.3.5a.doc

Casa Maria  
235 236 (64)

BOARD OF ADJUSTMENT  
255 West Alameda  
Tucson, Arizona

\*\*\* NOTICE OF DECISIONS \*\*\*

DATE OF PUBLIC HEARING July 25, 1990

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE MAYOR AND COUNCIL BY FILING AN APPEAL WITH THE CITY CLERK WITHIN FIFTEEN (15) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION AND/OR 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)

CASE NUMBER APPLICANT

C10-90-58 MANUEL A. LOPEZ/CATHOLIC DIOCESE OF TUCSON AND CASA MARIA FREE KITCHEN, 352 EAST TWENTY-FIFTH STREET, R-2

The applicant, Mr. Manuel A. Lopez, representing himself as a neighborhood resident, the Santa Rita Park Neighborhood Association in his capacity as Association president, and as agent of several owners of real property in the Santa Rita Park neighborhood is appealing the Zoning Administrator's determination that the existing principal use of the property, addressed as 352 East Twenty-Fifth Street is, for the purposes of zoning, a religious use and thus permitted in the R-2 zone. Section 23-506.(a) of the Tucson Code states that the Board of Adjustment shall hear and decide appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the Zoning Administrator in the enforcement of this chapter. This requires: (1) the Zoning Administrator's determination that the existing principal use of the property addressed as 352 East Twenty-Fifth Street, is for the purposes of zoning, a religious use and thus permitted in the R-2 zone be upheld, modified or reversed.

DECISION: ZONING ADMINISTRATOR'S DETERMINATION: UPHELD.

\* \* \* \* \*  
\*  
\* IMPORTANT NOTICE: IN CASES GRANTED THAT REQUIRE A  
\* BUILDING PERMIT, PERMIT MUST BE SECURED FROM THE BUILDING  
\* SAFETY DIVISION WITHIN 180 DAYS FROM THE DATE OF THIS  
\* MEETING. \*

203 P. E  
A



July 25, 1990

\* ALL APPROVALS EXPIRE WITHIN 180 DAYS FROM THE DATE OF THIS \*

\* MEETING \*


\* \*

\* The Building Safety Administrator may grant one additional \*

\* 180 day extension for good cause. \*

\* \*

\* \* \* \* \*

  
 \_\_\_\_\_  
 Marye Chartos  
 Secretary for the Board of  
 Adjustment

If you wish further information, please call 791-4541.

STAFF REPORT

DATE: July 25, 1990

TO: Board of Adjustment

FROM: Planning Department  
Zoning Administration

C10-90-58 MANUEL A. LOPEZ/CATHOLIC DIOCESE OF TUCSON AND CASA  
MARIA FREE KITCHEN, 352 EAST TWENTY-FIFTH STREET, R-2

APPLICANT'S REQUEST TO THE BOARD

The applicant, Mr. Manuel A. Lopez, neighborhood resident, president of the Santa Rita Park Neighborhood Association, and agent for several owners of real property in the Santa Rita Park neighborhood, is appealing the Zoning Administrator's determination that the principal use of the property at 352 East Twenty-Fifth Street, known as Casa Maria, is for zoning purposes, a religious use, and thus permitted in the R-2 zone (Attachment 1).

This requires:

- (1) The Zoning Administrator's determination in this matter be upheld, modified or reversed.

APPLICABLE TUCSON CODE SECTIONS

Section 23-506.(a) states that the Board of Adjustment shall hear and decide appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the Zoning Administrator in the enforcement of this chapter.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

- SITE: ZONED R-2; OUR LADY OF GUADALUPE CHAPEL/CASA MARIA FREE KITCHEN.
- North: Zoned R-2; Vacant and Residential.
- South: Zoned R-2; Residential.
- East: Zoned R-2; Residential.
- West: Zoned R-2; Residential.

Area or Neighborhood Plan

Old Pueblo South Neighborhood Plan

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BACKGROUND INFORMATION

On October 26, 1983 the Board of Adjustment on case C10-83-72 reversed the Zoning Administrator's determination finding that: 1) That our Lady of Guadalupe Chapel and Free Kitchen is a religious use, a church and place of worship which is a permitted use in the R-2 zoning; and 2) That feeding the hungry is a moral and an integral responsibility of religious organizations.

On November 19, 1986, in Case C10-86-149, The Diocese of Tucson appealed the Zoning Administrator's determination to the Board of Adjustment to allow an expansion to Our Lady of Guadalupe/Casa Maria Free Kitchen use to include laundry and shower facilities. The Board of Adjustment reversed the Zoning Administrator's determination that the proposed expansion was not a religious use.

PLANNING CONSIDERATIONS

Our Lady of Guadalupe Chapel and Casa Maria Free Kitchen is one of three buildings serving the Casa Maria religious community. The Hospitality House located at 401 East 26th Street and the Staff house located at 334 East 25th Street are across the City boundary line in South Tucson. The Chapel and Kitchen are located in a house on a 7,200 square foot R-2 Lot at the southwest corner of 25th Street and Third Avenue. The existing 800 square foot building is used for a weekly service and daily to prepare and distribute free food to the hungry.

The appeal is based on the contention that the Diocese of Tucson and other non-neighborhood residents and organizations provided false and misleading information to the Board of Adjustment at the time public hearing on this case, C10-83-72, and that the operation of the Free Kitchen has been detrimental to the neighborhood in which the use is located.

Staff has reviewed the decision on the Board of Adjustment case C10-83-72, the Zoning Administrator's determination and the material/information provided by the appellant and considers the use to be unchanged. Staff maintains the Board of Adjustment's determination that Our Lady of Guadalupe Casa Maria Free Kitchen is a religious use is still valid.

7-AD

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RECOMMENDATIONS

It is recommended that the Zoning Administrator's determination be upheld.

Cecilia Cruz, Principal Planner  
for  
Walter Tellez, Zoning Administrator

Attachments:

1. Appeal to the Board of Adjustment from Manuel A. Lopez, dated July 2, 1990
2. Zoning Administrator's determination letter dated May 29, 1990

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