



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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April 18, 2016

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P16CU00005  
MAMMAS — W. INA ROAD  
Type I Conditional Use – Adaptive Reuse**

**Background/Authority**

Chapter 18.97, in accordance with Section 18.09.020.R of the Pima County Zoning Code, requires a Type I conditional use permit for an adaptive reuse on property zoned CR-1 (Residential). This particular request is to use a portion of an existing single-family residence structure for a legal office; the remainder of the home will be the owner's private residence. The property in question is approximately 0.82 acres in area and is located on the north side of Ina Road, approximately 1,600 feet west of La Canada Drive.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on April 13, 2016. The applicant (John and Becky Assini) presented the application to the Hearing Administrator and answered his various questions on the application.

The applicants indicated that they had conducted personal outreach with their neighbors on this request by going door-to-door and visiting each property located within the 300' public notice area. This resulted in them personally speaking with twenty (20) of the twenty-nine (29). The applicants indicated that several of the individuals had questions, but all eventually were comfortable with the request once they understood the specifics of it.

One (1) member of the public attended the hearing to speak on the matter, this being the neighbor to the immediate west of the subject property. The speaker indicated that he attended the hearing to learn the particulars of the application and that, after speaking with the applicants prior to the hearing, did not have any objection to it as long as the character and exterior of the existing residence was not altered and the property did not appear commercial in nature. He welcomed the applicants to the neighborhood.

Staff reported that they had received three (3) telephone inquiries after mailing the public notices, all of which had questions about the application. These inquiries apparently occurred prior to the applicant's door-to-door visits. No written correspondence or emails had been received as of the hearing date.

After hearing all of the above, asking some final questions to the applicant, and reassuring the neighbor in attendance that the exterior look and character of the existing residence could not be altered for an adaptive reuse under the County Zoning Code, the Hearing Administrator verbally rendered his decision to approve the conditional use permit, subject to standard and special conditions. He then closed the public hearing and thanked those in attendance for their testimony. The special conditions governing the approval are presented later in this written decision.

### **Hearing Administrator's General Comments**

The office use being proposed here is for a private legal practice and is found to be a low-intensity one that will not change or negatively impact the established residential character of the area. The practice employs only two additional individuals and most, if not all, of the professional activity at the office will occur only between Monday through Friday during normal daytime business hours. Access to the property will occur only via Ina Road and no access will occur into the surrounding residential neighborhood.

### **Required Standards and Findings**

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

**1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.**

The Comprehensive Plan presently places the subject property within an area designated *Low Intensity Urban (LIU)*, the purpose of which is to, "designate low-intensity residential areas, together with other compatible uses."

Given the above designation, the Hearing Administrator finds that the proposed adaptive re-use is low in its intensity and that, when operated properly and in accordance with the special conditions which have been crafted, it will not alter the single-family residential character of the subject property or the surrounding area. With this in mind, the proposed use is found to be appropriate in this location and in not in conflict with the Comprehensive Plan.

**2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.**

The Zoning Code has built-in safeguards for the adaptive reuse of existing single-family residential structures, including no aesthetic alteration of the structure's exterior, minimal parking allowances, access only to and from a major arterial, and generally maintaining the look and feel of a single-family residence. These standing Code prescriptions are found to be significant in safeguarding the surrounding properties. Additional *Special Conditions* have been crafted by the Hearing Administrator to address other particulars of this specific use so as to more fully safeguard the neighboring property owners.

**3. It has adequate accessibility to the County road network.**

The site has direct access to Ina Road, which is a designated “major street” on the Pima County Major Streets & Routes Plan (MSRP). Access is therefore found to be adequate.

**4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.**

Sufficient on-site parking, loading, etc. will be provided and verified by staff during the permitting process.

**5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.**

The proposed use is found to not threaten the surrounding properties in any of the above ways, including noise. Standard Zoning Code requirements (i.e. setback, buffering, etc.), together with the supplemental *Special Conditions* crafted by the Hearing Administrator, are considered sufficient to address these matters.

**6. Hours of operation will not be detrimental to adjoining residents.**

Hours of operation are addressed in the *Special Conditions* crafted by the Hearing Administrator.

**7. Landscaping will be fully in conformance with zoning code regulations.**

Applicable landscaping requirements will be verified by staff during the permitting process.

**Hearing Administrator’s Decision**

This application for a Type I conditional use permit for an adaptive reuse, on property zoned CR-1, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* outlined below, as well as the supplemental *Special Conditions* crafted by the hearing administrator. Conditions of approval are therefore as follows:

**Standard Conditions & Zoning Code Requirements**

1. The proposed use shall conform with all requirements of Section 18.09.020.R (Adaptive Reuse) of the Pima County Zoning Code.

**Special Conditions**

1. This conditional use permit is approved for office uses and administrative functions attendant to a legal practice, all of which shall occur within the confines of the existing residential structure. No other commercial uses are implied or allowed.
2. Any non-residential uses on the property which depart substantially from the above shall require a new conditional use permit application, public notice, and public hearing process.
3. Vehicular access shall occur to and from the property via Ina Road only.

4. This adaptive reuse approval applies only to the subject property (1642 W. Ina Road). Any future acquisition of adjacent properties to expand the approved office use or attendant operations shall require a formal rezoning and attendant public process, encompassing all of the properties involved, to seek an appropriate new zoning district prior to any expansion of the use.
5. Based upon the testimony of the applicant at public hearing, the hours of operation by the legal practice are expected to be on weekdays only, and only during normal business hours. In the event that evening, late-night, or weekend hours become frequent or substantial and this has a material impact upon or constitutes a nuisance to the neighbors, the Hearing Administrator reserves the right to revisit this *Special Condition* and stipulate a more restrictive framework of business hours.
6. No outdoor office, meeting, or administrative activities are allowed.
7. In accordance with the Zoning Code, overnight lodging is only allowed for the individuals whose permanent residence and primary address is that of the subject property (1642 W. Ina Road).
8. No formal Pima County Development Plan or review process is required. The owner/applicant shall submit a Site Plan for the property, which shall be reviewed and approved by the Deputy Chief Zoning Inspector, who shall work with the owner to insure that all pertinent annotations regarding dimensions, setbacks, required parking spaces, etc. are provided thereon.

### **Appeal Procedures**

The owner, applicant, or any owner-of-record within the legal notification area can appeal this decision, which will result in a subsequent public hearing on this matter before the Pima County Board of Supervisors. The appeal must be filed, in writing, within thirty (30) days of the Hearing Administrator rendering his decision. In that the Hearing Administration verbally rendered his decision on this matter at the April 13, 2016 public hearing date, the thirty (30) day appeal period shall commence from that date.

Any party interested in filing an appeal should contact Mr. Tom Drzazgowski, Pima County Deputy Chief Zoning Inspector, at phone number 724.6675. Please be advised that filing fees apply to any appeal, and that these fees are payable by the party filing the appeal request.

Respectfully Submitted:



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Jim Portner  
Pima County Hearing Administrator

April 18, 2016  
Date