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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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DATE: April 29, 2014

TO: BOARD OF ADJUSTMENT District #1

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(1)14-01 STERNBERG TR. – NORTH CAMINO ESQUINA**  
Scheduled for public hearing on May 5, 2014.

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### **LOCATION:**

The subject site is located on the east side of Camino Esquina. The property is located in the Skyline Bel Air Estates subdivision. The property is approximately 1.36 acres and is zoned CR-1 (Single Residence).

### **SURROUNDING ZONING / LAND USES:**

North -	CR-1	Residential
West -	CR-1	Residential
South -	CR-1	Residential
East -	CR-1	Residential

### **PUBLIC COMMENT:**

To date staff has met with one neighboring property owner. This neighbor lives on the west side of Camino Esquina and is an affected property owner in the area. This neighbor had concerns with the variance and was not in support.

### **PREVIOUS CASES ON PROPERTY:**

There is an existing approved variance to allow the guest house to exceed the 45% maximum size limit. A variance was approved in 2004 to allow the guest house to be 50% the size of the main building.

### **REQUEST:**

The applicant requests the following variance;

1. **To allow a guest house to be used by permanent occupants.**

### **TRANSPORTATION AND FLOOD CONTROL REPORT:**

The Department of Transportation will not review this project. The Flood Control District will review this project as needed during the permit process.

### **BACKGROUND:**

The subject site is CR-1 zoned property in an established subdivision on the northeast side of Tucson. The location of the home and guest house are northwest of the intersection of

Craycroft Rd and Sunrise Dr. It appears that homes in the subdivision were built in the 1960's and 1970's. The house on this property was built in 1970 and the guest house was added in 2004.

**RECOMMENDATION:**

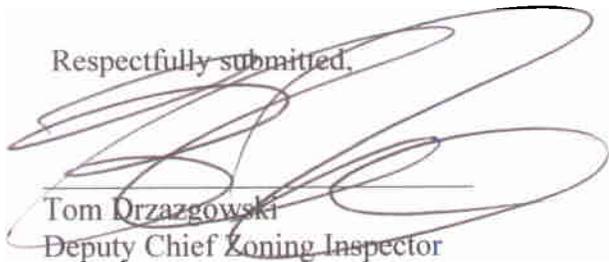
Staff recommends **DENIAL** of the variance request. It does not appear that the standards listed below are being met. The applicant appears to want to increase the amount of economic return on the property to provide care to a family member. The code allows assisted living homes in the residential setting, on the premise that an assisted living home would have a similar impact on surrounding properties provided that patients and care givers live under one roof. Allowing patients or the operators to permanently occupy the guest house is akin to allowing a duplex in a neighborhood zoned only for single family residences. Allowing the guest house to be used for the assisted living home will allow an increased number of patients that would not otherwise be permitted. This could adversely affect neighboring property owners and does not appear to meet the standards listed below. Should the Board be inclined to approve the request, staff would request they include in a motion the standards that are being met to justify approval.

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**Standards that must be considered by a board of adjustment when considering a variance request include:**

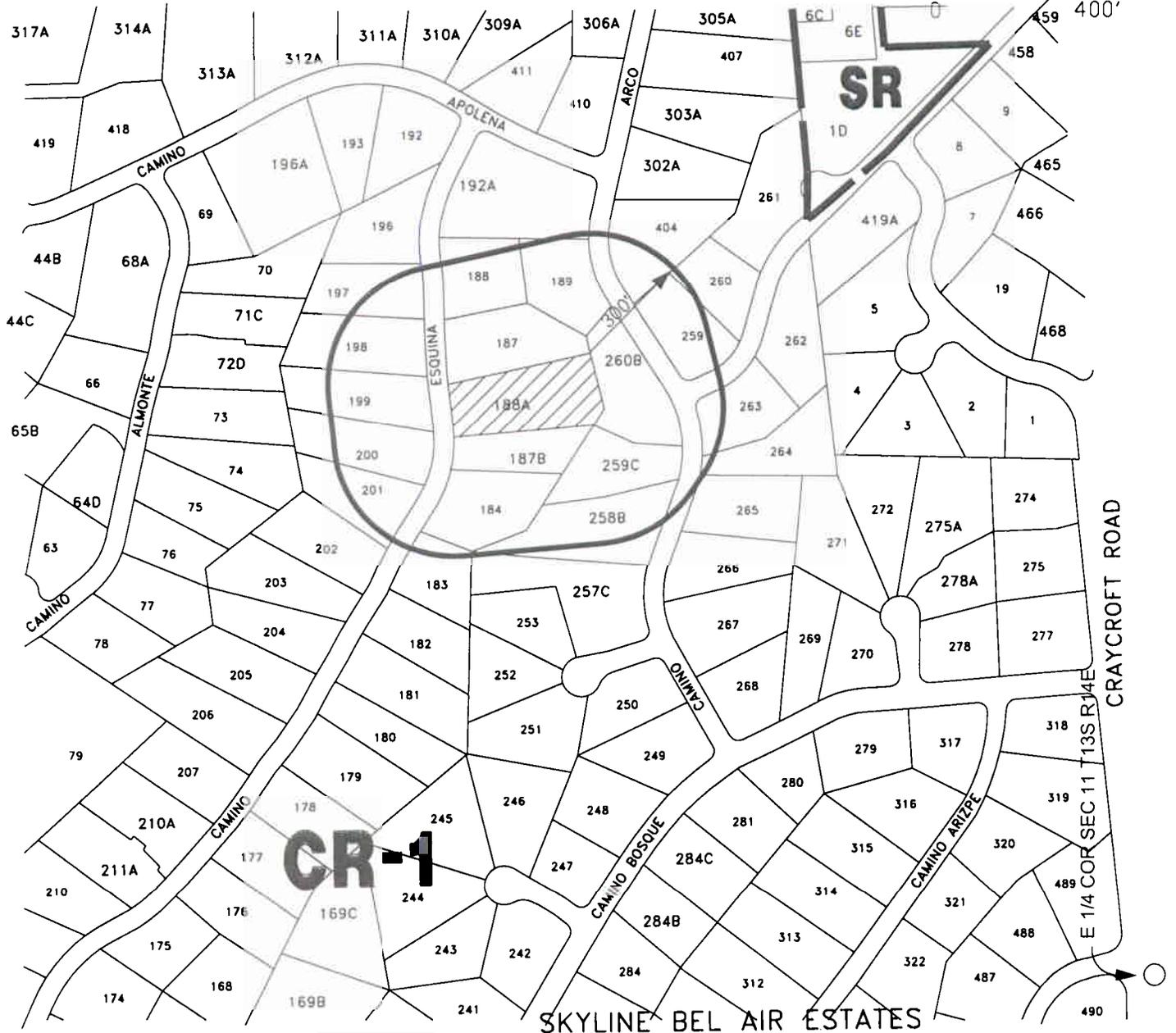
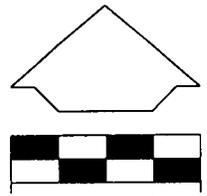
1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted. Standards: A temporary use permit may be issued only after a finding by the board that the temporary use:

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Drzazgowski', is written over the typed name and title. The signature is stylized and somewhat illegible due to its cursive nature.

Tom Drzazgowski  
Deputy Chief Zoning Inspector

**Co10(1)14-01 STERNBERG TR – NORTH CAMINO ESQUINA.** Allison Mello and Joseph Sternberg, for the property owner, Sternberg Trust, on the property located at **6220 N. Camino Esquina.**, in the CR-1 zone, requests a variance to allow a **guest house to be used by permanent occupants.** Section 18.09.02OG.7 of the Pima County Zoning Code requires a guest house must be used primarily by members of the family occupying the main dwelling and their non paying guests.



Petition area 

Notification area 

BASE MAP 79

Notes \_\_\_\_\_

Tax codes 109-08-188A  
\_\_\_\_\_

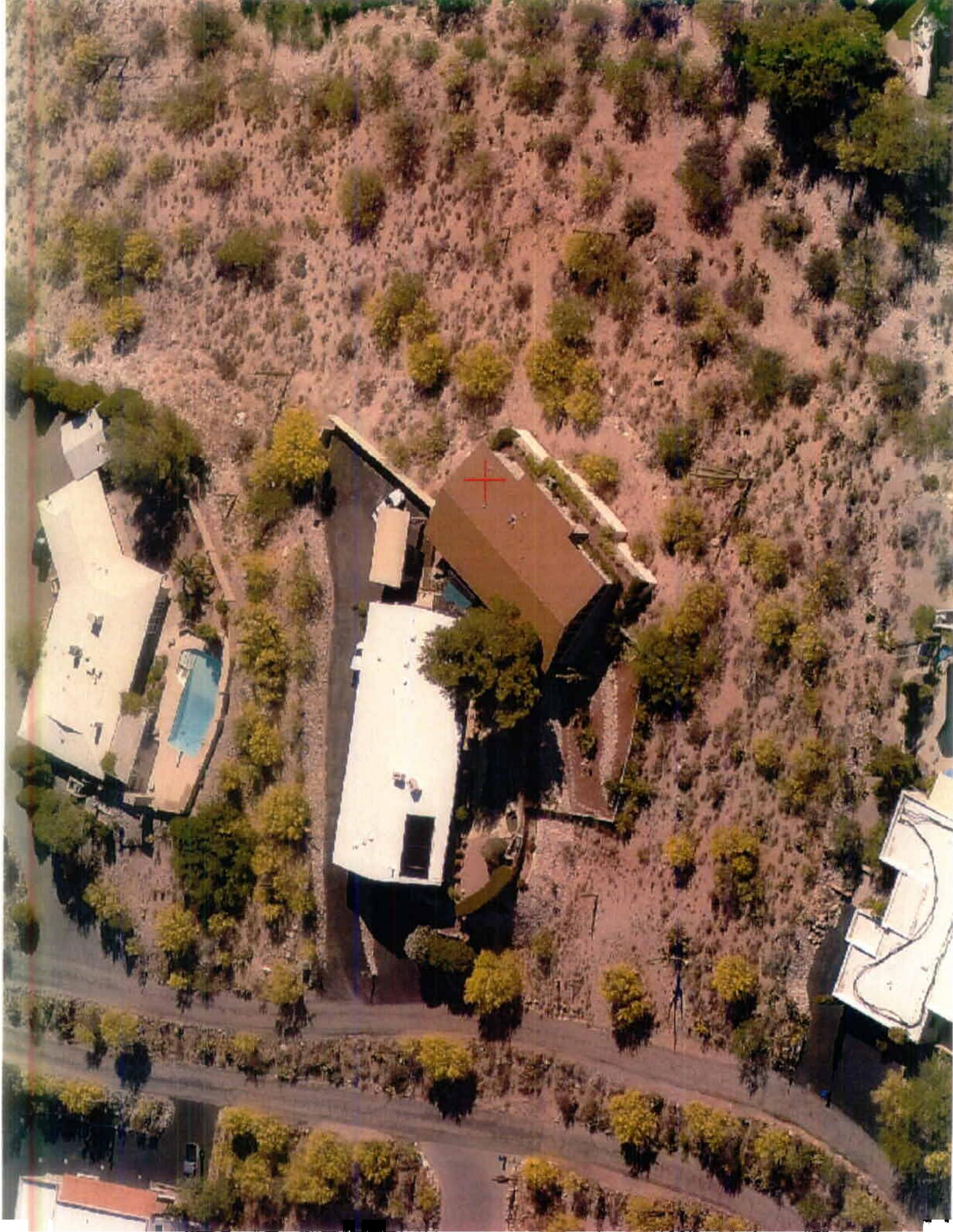
Date 04/03/14  
Drafter DS

File no. CO10C114-01  
STERNBERG TR  
NORTH CAMINO ESQUINA

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

(Please print or type) NO PENCIL

Property Owner: Brian & Lisa Sternberg Phone: 520-591-0085

Owner's Mailing Address: 6220 N. Camino Esquina City: Tucson Zip: 85718

Authorized Representative: Allison Mello & Joseph Sternberg Phone: 520-990-2188 / 520-591-204

Rep's Mailing Address: 6805 W. Copperwood Way City: Tucson Zip: 85757

Property Address: 6220 N. Camino Esquina City: Tucson Zip: 85718

Tax Code Number(s): 109-08-188A Zone: CR-1

Does the subject parcel have an active building or zoning code violation?

NO Skyline BELAIR ESTATES LOT 186 / PORTION 185 Owner or Applicant's Email Address: jambillc@gmail.com

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request. Signature: Allison Mello Date: 4/01/14

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED 01 2014 SM

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Case Title: STERNBERG-N.CAMINO ESQUINA Co10(1)14-01 OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) of the Pima County Zoning Code which requires per TOM D & TERRI

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY DATE

TOM - 2-Days Past Deadline / Applicant said it was worke out



Pima County Development Services – Planning Division

Variance Application

Revised 11/2007

(Please print or type) NO PENCIL

Property Owner: Brian & Lisa Sternberg Phone: 520-591-0085

Owner's Mailing Address: 6220 N. Camino Esquina City: Tucson Zip: 85718

Authorized Representative: Allison Mello & Joseph Sternberg Phone: 520-990-2188 / 520-591-2046

Rep's Mailing Address: 6805 W. Copperwood Way City: Tucson Zip: 85757

Property Address: 6220 N. Camino Esquina City: Tucson Zip: 85718

Tax Code Number(s): 109-08-188A Zone: CR-1

Does the subject parcel have an active building or zoning code violation?

NO

Owner or Applicant's Email Address: Skyline BELAIR ESTATES LOT 186 / PORTION 185 jamblllc@gmail.com

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.

Signature: [Signature] Date: 4/01/14

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Case Title: STERNBERG-N. CAMINO ESQUINA Co10(1)14-01

requests a variance(s) to Section(s) 18.03.020.48 of the Pima County Zoning Code which requires per TOM D & TERRI - Guest House to

allow designation of Group Home - Not more than 10 residents total for Guest House & Main House

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 4/1/14

TOM - 2-Days Past Deadline / Applicant said it was worked out w/ you

Allison Mello R.N.  
Joseph Sternberg  
6220 N Camino Esquina  
Tucson, AZ 85718

March 31, 2014

Pima County Development Services Dept.  
201 N. Stone Avenue  
Tucson, AZ 85705

Dear Pima County Board of Adjustment,

We are requesting a variance in order to permit the use of our guest home to operate as an *Assisted Living Home* in conjunction with the main home; both homes are located at 6220 N Camino Esquina Tucson, AZ 85718. The guest house is located adjacent to the main house in which we are currently undergoing the application/licensing process to become an Adult Care Residential Facility/Assisted Living Home.

The zoning inspector of Pima County has stated that a guest house has a separate zoning classification and is not permitted to be used solely as an assisted living. The guest house was an addition built after the owner's daughter, Marissa Sternberg, was involved in a rollover that left her with a severe traumatic brain injury and in need of 24/hr care. It was constructed to provide easy access to persons in need, and includes an open floor plan, a full kitchen, three bedrooms & two baths, in addition to an enclosed handicap accessible therapy pool.

Permitting this variance would not violate state law or other provisions of Pima County ordinances. The assisted living facility and utilization of both homes is an economic necessity to continue to provide the best care possible for Marissa throughout her lifetime. By sharing the cost of Marissa's care with other clients in need of high quality residential care, we will be able to further utilize our services & amenities to serve others in our community. Excluding the guest house would leave 3 rooms unoccupied, which ultimately could be utilized for clients in need. All things considered, we would like the variance in order to move forward with expanding our residential care services and maintaining the highest standard of care possible, while operating in full compliance with the Pima County Code classifications.

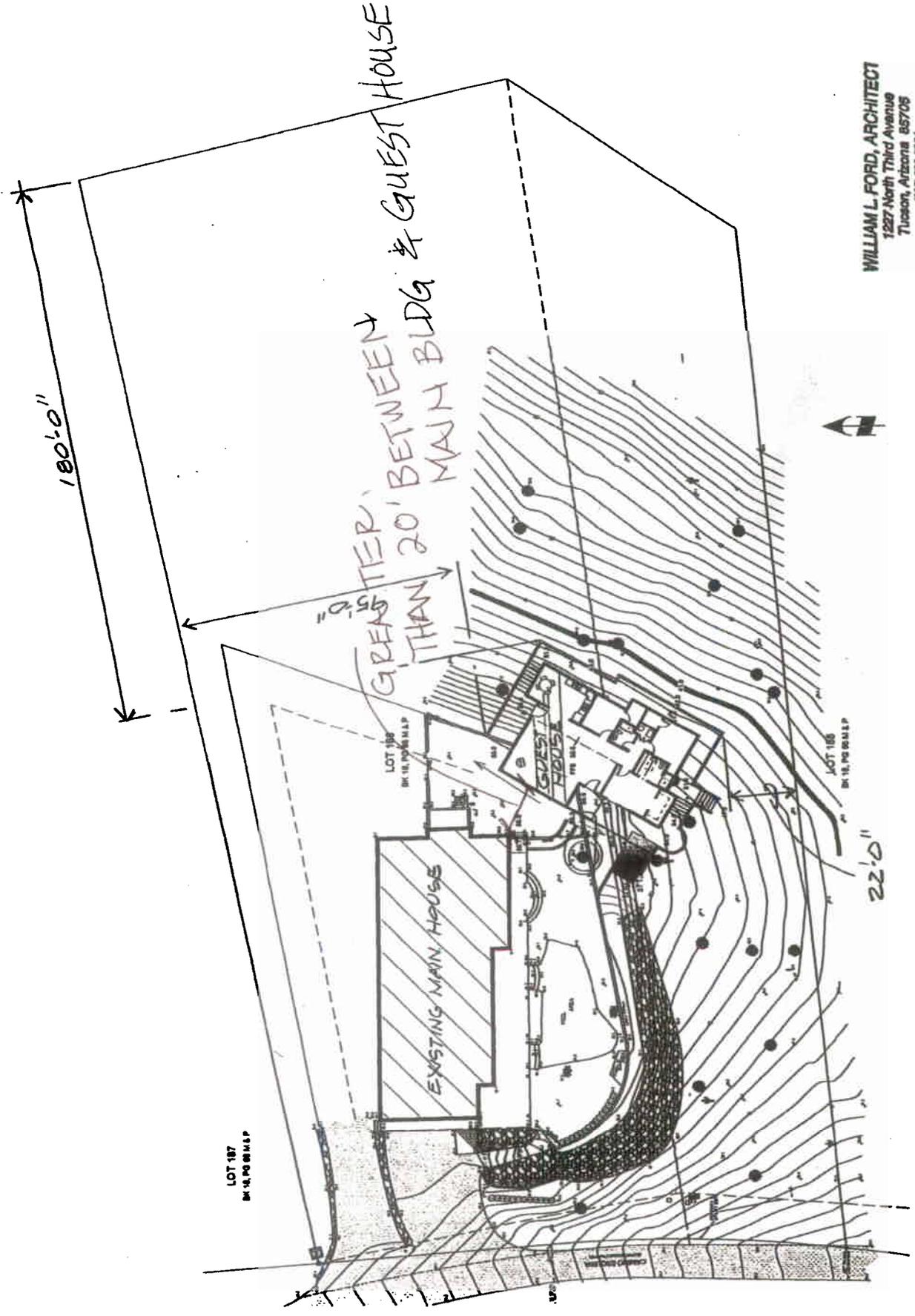
Thank you for your time and consideration,

Sincerely,

  
Allison Mello R.N.

Joseph Sternberg

WILLIAM L. FORD, ARCHITECT  
1227 North Third Avenue  
Tucson, Arizona 85705  
(602) 625-0344



GREATTER THAN 20' BETWEEN MAIN BLDG & GUEST HOUSE

180'0"

22'0"

LOT 187  
BY 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

LOT 188  
BY 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

LOT 186  
BY 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

EXISTING MAIN HOUSE

GUEST HOUSE