

**PIMA COUNTY**

DEVELOPMENT SERVICES

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**MEMORANDUM**

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DATE: November 21, 2014  
TO: BOARD OF ADJUSTMENT, District 1  
FROM: Terrill L. Tillman, Assistant Executive Secretary  
SUBJECT: **Co10(1)14-05 MARTIN, JOYCE P- EAST CLOUD ROAD**  
Scheduled for public hearing on December 1, 2014

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**LOCATION:**

The subject property is located approximately one-fourth of a mile south of Cloud Road and approximately one-fourth of a mile east of Sabino Canyon Road. The property is zoned SR (Suburban Ranch).

**SURROUNDING ZONING / LAND USES:**

North	CR-2	Developed Residential
South	SR	Tanque Verde Wash
East	SR	Developed Residential
West	SR	Developed Residential

**PUBLIC COMMENT:**

To date, no public comments have been received.

**PREVIOUS CASES ON PROPERTY:**

There have been no previous Board of Adjustment cases on this property.

**REQUEST:**

The applicant requests a variance to reduce the minimum lot size in the SR zone. Section 18.17.040 of the Pima County Zoning Code requires a minimum site area of one hundred forty-four thousand square feet or 3.31 acres.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No Transportation or Flood Control review is required within this request.

**BACKGROUND:**

The subject property is approximately 1.51 acres and zoned SR and is not part of a recorded subdivision. The original size of the property when acquired by the current owner was 4.6 acres in 1974 meeting the minimum lot size for the SR zone. A house was built and finished in 1975 by permit 112221 and subsequent permitted expansion of the site included a bathroom addition, a pool and fence, and a ramada. Because the property abutted the Tanque Verde Wash to the south, Pima County Flood Control purchased 2.8 acres of the subject property to install bank protection along the wash. The remaining parcel was 1.8 acres and was considered a legal non-conforming parcel retaining all development rights under the SR zone. A legal non-

conforming parcel may not adjust lot lines in order to retain non-conforming status. The lot lines were then adjusted by the selling of .55 acres of property to the neighbor to the west so that they could have wash access leaving approximately 1.26 acres remaining. The current property owner also owned the property to the east which was sold in 2003 but retained .2 acres to create a larger buffer to the existing home. The property has been 1.46 acres since 2003.

This variance request addresses the current undersized parcel of 1.46 acres created over a period of many years due to its proximity to the Tanque Verde wash. The surrounding neighborhood to the north contains developed properties with lot sizes of approximately .33 acres and the developed properties across the wash to the south contain approximately .18 acre lots or smaller. The properties to the east that were also affected by the wash contain mostly undersized parcels in the SR zone. The undersized parcels range in size from approximately .80 acres to 2.35 acres. There are two parcels to the east that contain the minimum lot size in the SR zone.

Typically staff will recommend denial of a variance request to allow an undersized parcel because the owners may seek relief through a rezoning of the property which allows for additional property notice and public comment and is the process in place in order to obtain the appropriate lot size in a particular zone. However, in this case, staff has no objection to the request even though the final undersized parcel was created by an act of the property owner because of the location of the property to the wash, the fact that no additional developable areas may be created, and the rural nature of these existing homes on the undersized parcels that are located in between the wash and the properties to the north.

**RECOMMENDATION:**

Staff has **NO OBJECTION** to the variance request. The decreased lot size does not seem to cause injury or adversely affect the rights of surrounding property owners since there are many undersized SR parcels in the area and the hardship arises from a physical condition of the property.

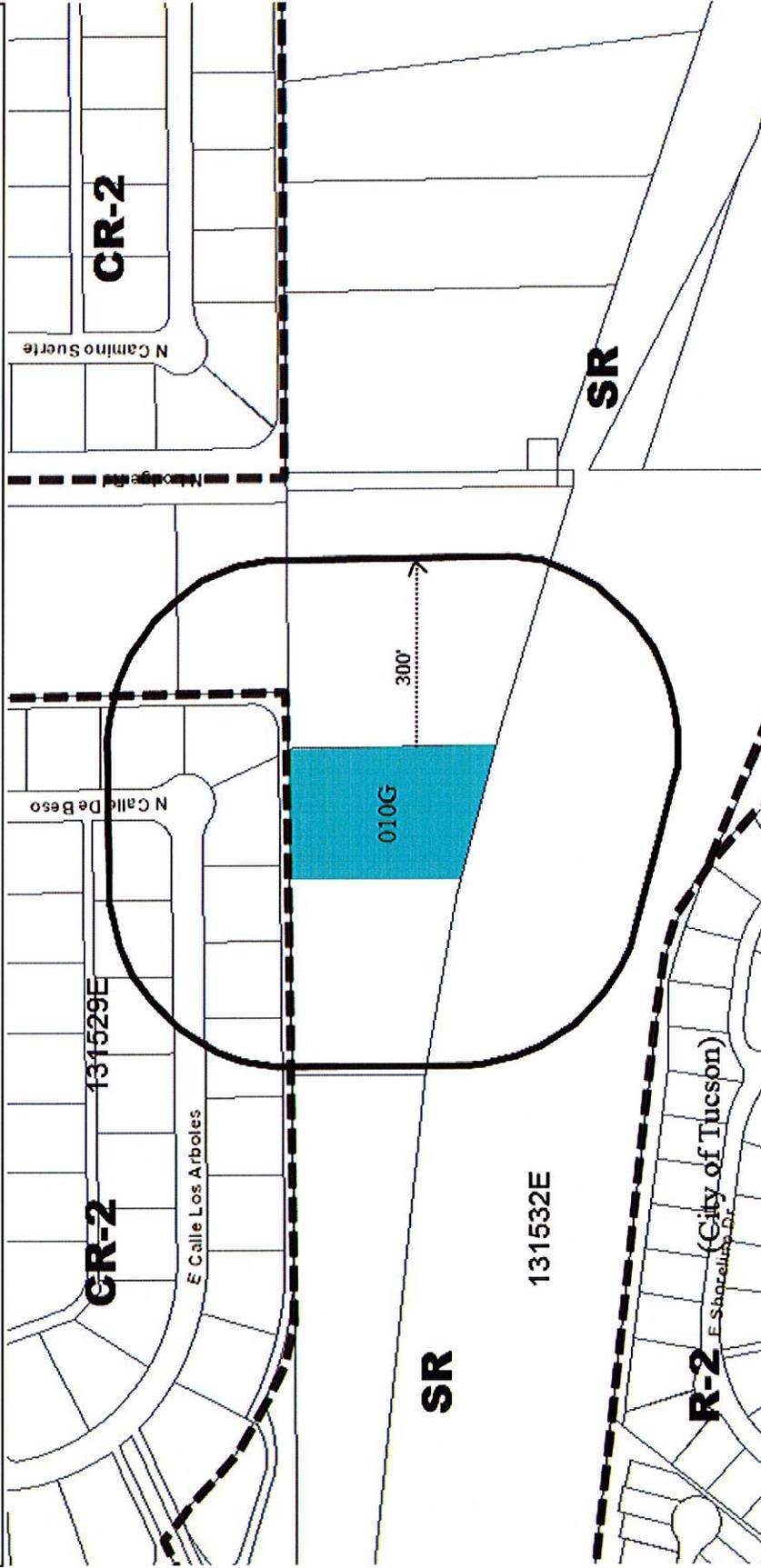
**Standards that must be considered by a board of adjustment when considering a variance request include:**

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.

# NOTIFICATION MAP

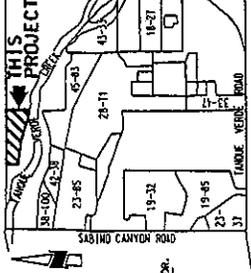
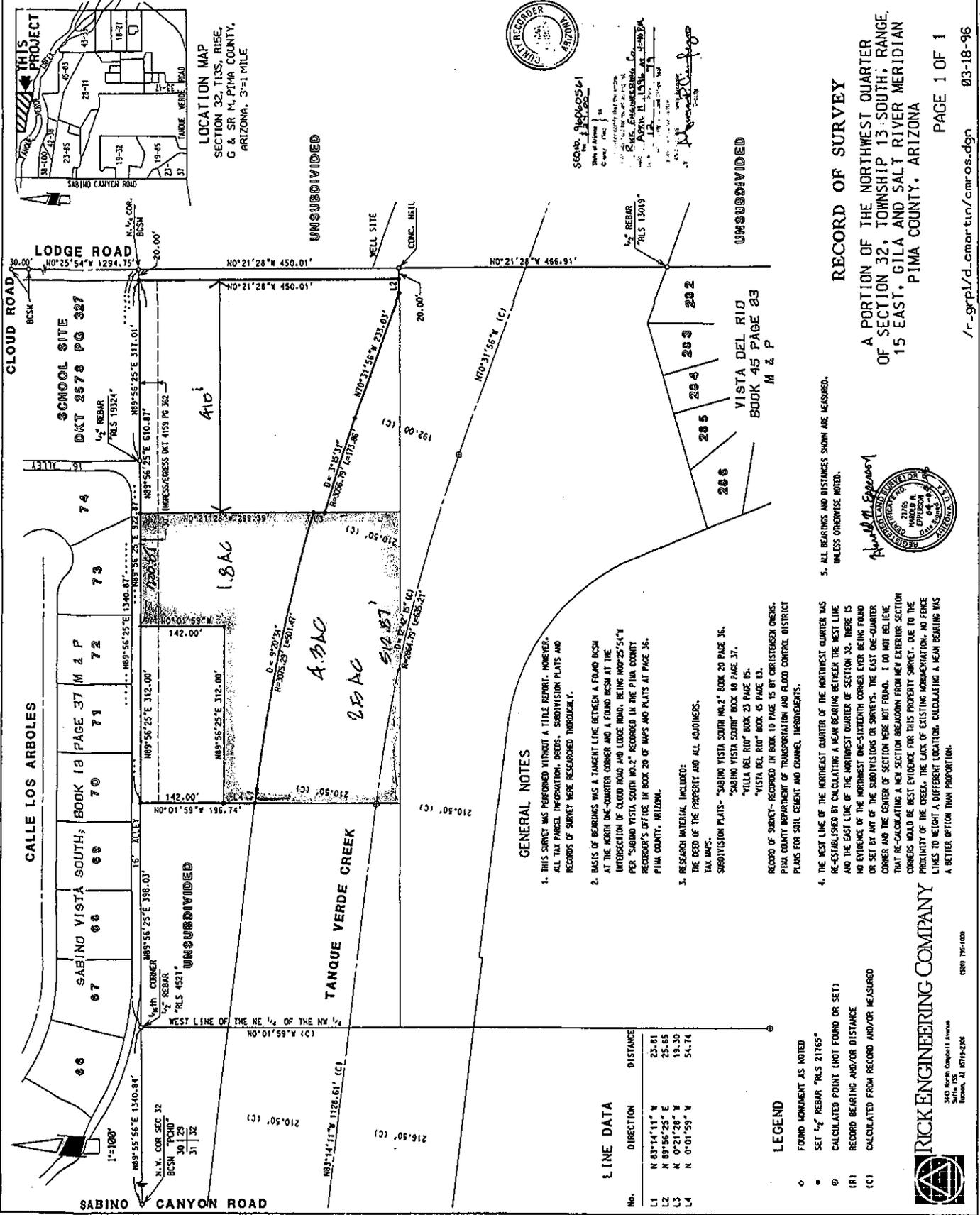
MARTIN—E. CLOUD ROAD



10/23/2014

NOTES			
File no.:	Co10(1)14-05	Tax Code(s):	114-46-010G
Application:	Variance	Base Map:	27
		Drafter:	A.H.

LEGEND	
	Petition Area
	Notification Area



LOCATION MAP  
SECTION 32, T13S, R15E,  
G & SR M, PIMA COUNTY,  
ARIZONA, 3.1 MILE



SEAL NO. 94600561  
Date of Issue: 11-13-2008  
Name of Recorder: RAE, ENGINEERING, L.P.  
Name of Surveyor: APRIL L. LINDSEY, L.S. 1017  
Name of Surveyor: [Signature]

RECORD OF SURVEY  
A PORTION OF THE NORTHWEST QUARTER  
OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE,  
15 EAST, GILA AND SALT RIVER MERIDIAN  
PIMA COUNTY, ARIZONA

GENERAL NOTES

- THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT. HOWEVER, ALL TAX PARCEL INFORMATION, DEEDS, SUBDIVISION PLATS AND RECORDS OF SURVEY WERE RESEARCHED THOROUGHLY.
- BASIS OF BEARINGS WAS A TANGENT LINE BETWEEN A FOUND BCSM AT THE NORTH ONE-QUARTER CORNER AND A FOUND BCSM AT THE INTERSECTION OF CLOUD ROAD AND LODGE ROAD, BEING N00°25'54" W PER "SABINO VISTA SOUTH NO. 2" RECORDED IN THE PIMA COUNTY RECORDER'S OFFICE IN BOOK 20 OF MAPS AND PLATS AT PAGE 36, PIMA COUNTY, ARIZONA.
- RESEARCH MATERIAL INCLUDED:  
THE DEED OF THE PROPERTY AND ALL ADDRESSES,  
TAX MAPS,  
SUBDIVISION PLATS- "SABINO VISTA SOUTH NO. 2" BOOK 20 PAGE 36,  
"SABINO VISTA SOUTH" BOOK 18 PAGE 37,  
"VILLA DEL RIO" BOOK 23 PAGE 85,  
"VISTA DEL RIO" BOOK 45 PAGE 83.  
RECORD OF SURVEY- RECORDED IN BOOK 10 PAGE 15 BY CHRISTENSEN ENGINEERING, PIMA COUNTY DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT PLANS FOR SOIL CEMENT AND CHANNEL IMPROVEMENTS.
- THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER WAS RE-ESTABLISHED BY CALCULATING A BEARING BETWEEN THE WEST LINE AND THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 32. THERE IS NO EVIDENCE OF THE NORTHWEST ONE-SIXTEENTH CORNER EVER BEING FOUND OR SET BY ANY OF THE SUBDIVISIONS OR SURVEYS. THE EAST ONE-QUARTER CORNER AND THE CORNER OF SECTION WERE NOT FOUND. I DO NOT BELIEVE THAT RE-CALCULATING A NEW SECTION BEGINS FROM THE EXTENSION SECTION CORNER WOULD BE BEST EVIDENCE FOR THIS PROPERTY SURVEY. DUE TO THE PRECEDENCE OF THE CREEK, THE LACK OF EXISTING MONUMENTATION, NO FENCE LINES TO WEIGH A DIFFERENT LOCATION, CALCULATING A BEARING WAS A BETTER OPTION THAN PROPORTION.

LINE DATA

NO.	DIRECTION	DISTANCE
L1	N 83°14'11" W	23.81
L2	N 89°56'25" E	25.65
L3	N 0°21'28" W	19.30
L4	N 0°01'59" W	54.74

LEGEND

- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR "PLS 21165"
- ⊙ CALCULATED POINT (NOT FOUND OR SET)
- (R) RECORD BEARING AND/OR DISTANCE
- (C) CALCULATED FROM RECORD AND/OR MEASURED



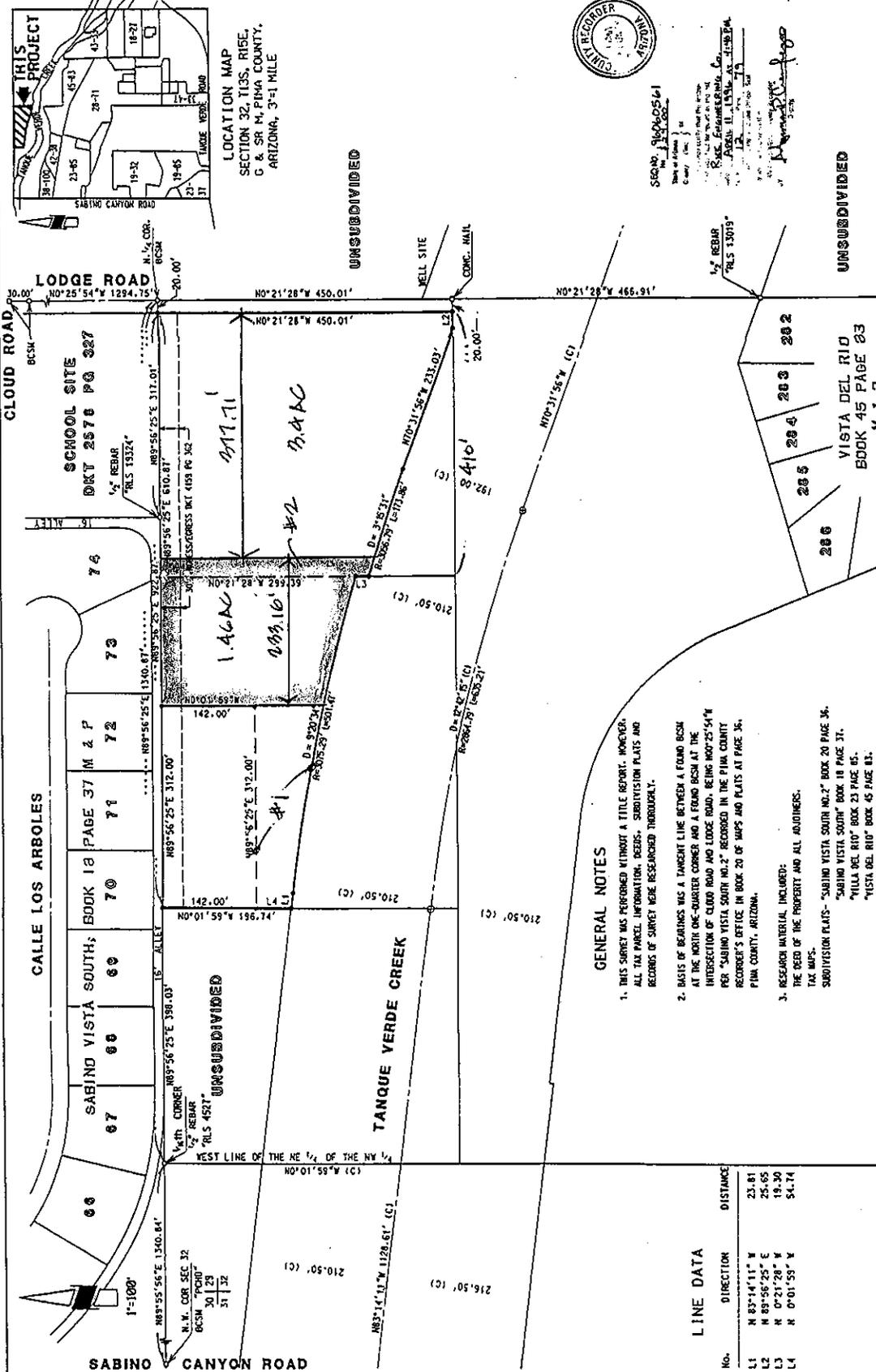
TRICK ENGINEERING COMPANY

344 North Campbell Avenue  
Tucson, AZ 85719-2206

CS99 796-1000



ALL BEARINGS AND DISTANCES SHOWN ARE MEASURED, UNLESS OTHERWISE NOTED.



Scale: 1"=100.00'  
 Date of Survey: 12/15/2018  
 Surveyed by: Rick Engineering Company  
 State of Arizona  
 License No. 12345  
 Date of License: 12/15/2018

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**RICK ENGINEERING COMPANY**  
 3443 North Campbell Avenue  
 Suite 105  
 Tucson, AZ 85718-0208  
 (520) 795-1000

**RECORD OF SURVEY**

A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 15 EAST, GILA AND SALT RIVER MERIDIAN PIMA COUNTY, ARIZONA

PAGE 1 OF 1

/r-grpl/d.comartm/cmr.os.dgn 03-18-96

MADE EXCESS EASES

11.60

1.950

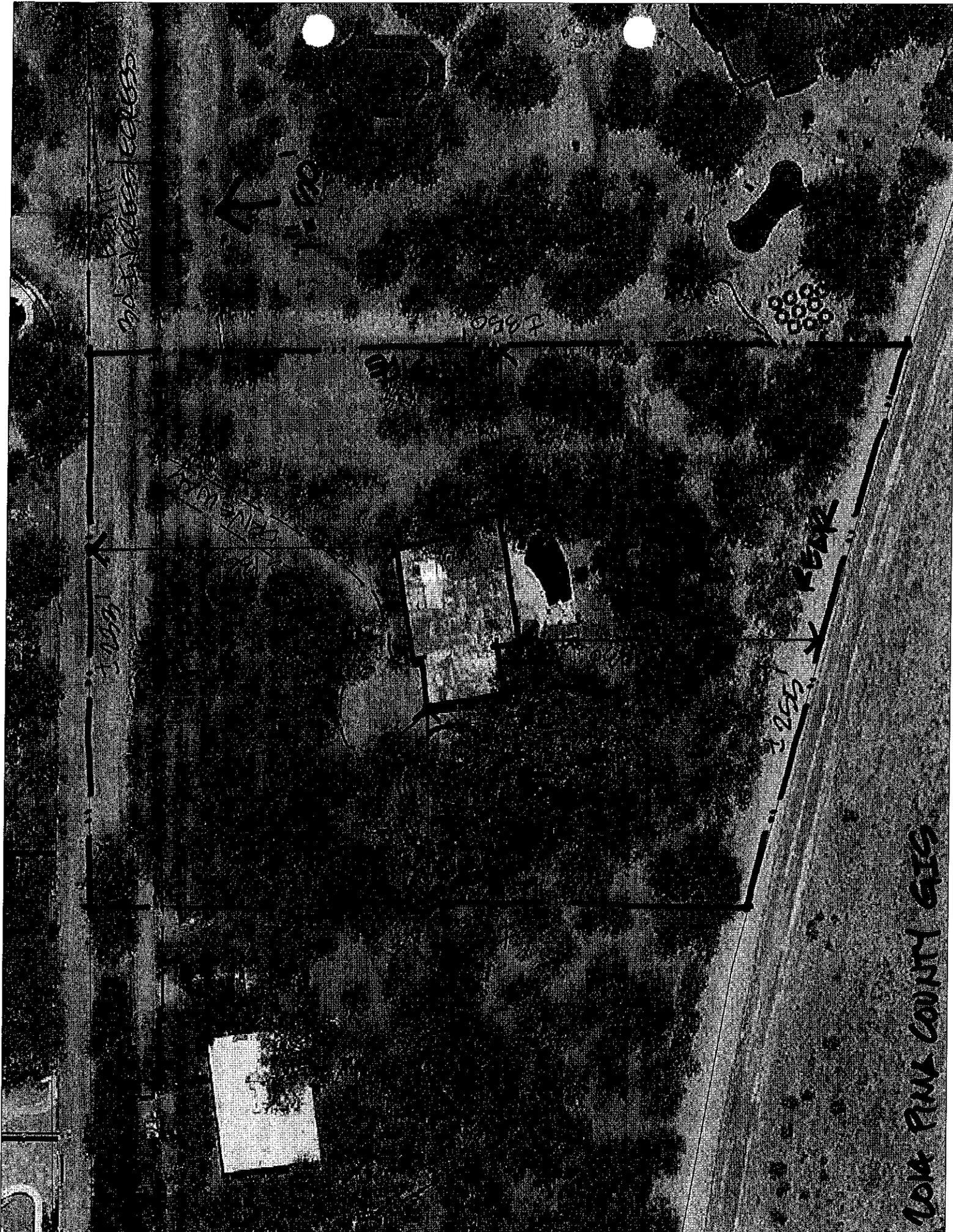
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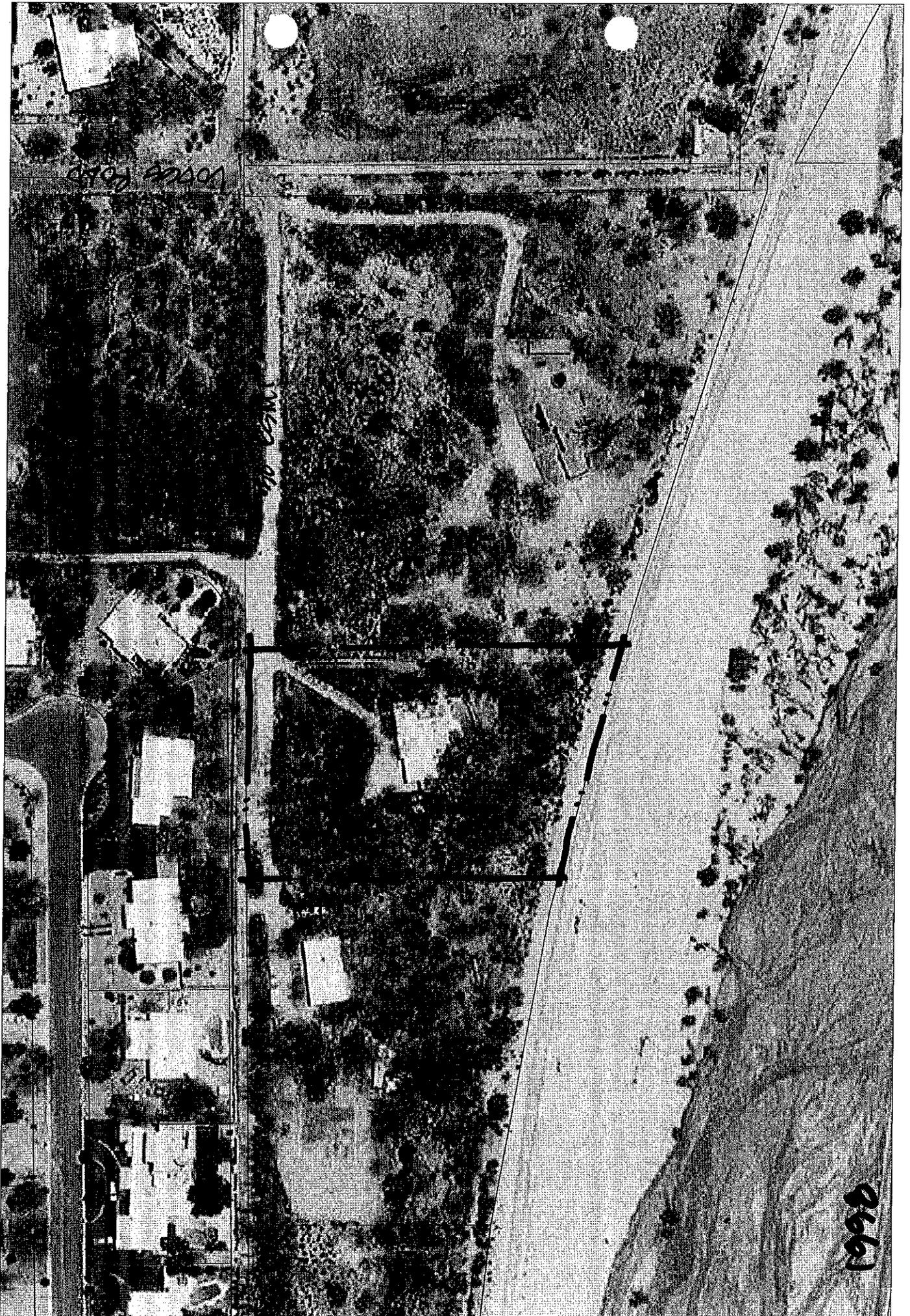
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2014 PINK COUNTY GIS

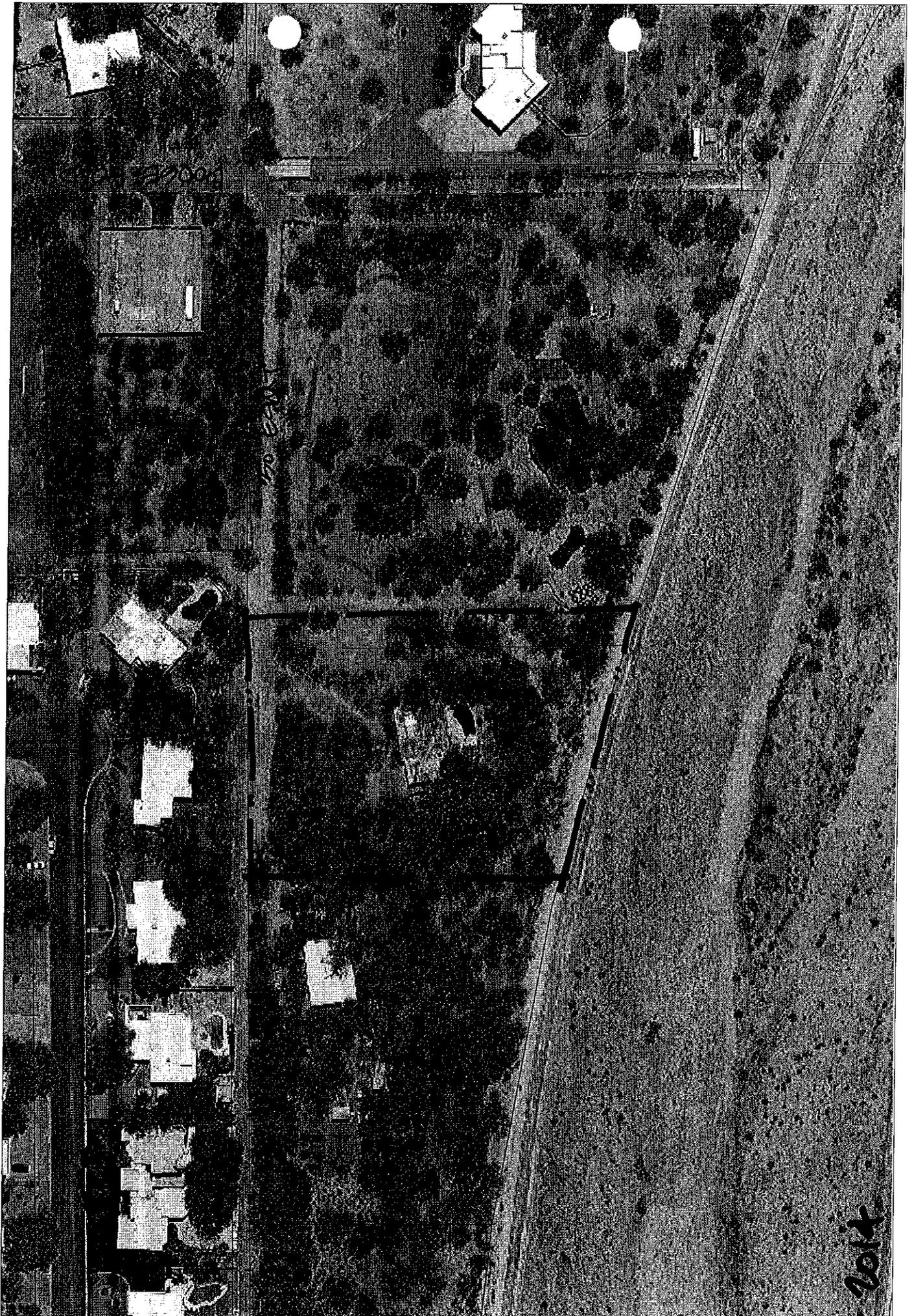




LOOSE ROSES

NO CEMETERY

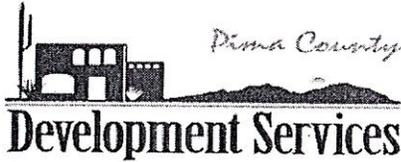
9661



170 220

170 220

2014



Pima County Development Services – Planning Division

**Variance Application**

Revised 11/2007

(Please print or type) **NO PENCIL**

Property Owner: JOYCE P. MARTIN Phone: 730.1635

Owner's Mailing Address: 6053 E. CARONDELET DR #219 City: TUCSON  
Zip: 85710

Authorized Representative: CHUCK MARTIN Phone: 795.1000

Rep's Mailing Address: 841 N. PANTANO RD City: TUCSON Zip: 85710

Property Address: 7447 E. CLOUD RD. City: TUCSON Zip: 85750

Tax Code Number(s): 114-46-0109 Zone: SR

Does the subject parcel have an active building or zoning code violation?  
NO

Owner or Applicant's Email Address: cmartin@rick-engineering.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: Chuck Martin Date: 10/14/14

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

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

Case Title: MARTIN- E.CLOUD RD Co10 A14-14  
OWNER'S NAME – STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.17.040a of the Pima County Zoning Code which requires exception to undersized lot in SR Zone  
Require 3.3 ACRES; PROPOSED 1.2. Went from approved non-conforming to undersized lot

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY SM DATE 10/14/14

October 11, 2014

Pima County  
Board of Adjustment District 4

To whom it may concern:

I, Joyce P. Martin, request a variance to reduce the required size for my lot from 3.3 acres to 1.46 acres.

My husband and I purchased about 4.6 acres along the Tanque Verde Wash, east of Sabino Canyon Road, in 1974. We build the existing home in 1975. After the floods in 1983, Pima County Flood Control purchased about 2.8 acres from us in order to build bank protection along the north bank of the Tanque Verde. This left us with about 1.8 acres. We understood that the parcel would be non-conforming, but that would not affect the right to get further permits.

The reason I need this variance is that I did not realize that small changes to my lot size would cause an issue with the non-conforming status, since the County had taken so much of the original lot.

There were two changes to the lot size after the County purchase.

1. In about 1998, I was approached by my neighbor to the west about buying the 0.55 acre portion of my lot behind their house so that they could gain access to the wash. I sold them the sliver, not knowing that selling this parcel would change the non-conforming status of my lot. This made my lot size approximately 1.26 acres.
2. We also owned the property to the east of our parcel. When I sold the parcel in about 2003, I retained a portion along my eastern property line to give increase the setback and buffer to my home. The area retained was about 0.2 acres, which increased the lot area to the current 1.46 acres.

As shown on the attached maps of the property, the number of homes has not changed since 1974.

I will contact my neighbors to inform them of this action.

Thank you for your time and consideration,

  
Joyce P. Martin