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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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DATE: June 30, 2014

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)14-07 LA COMBE FAMILY TR – EAST HUPPENTHAL BL.**  
Scheduled for public hearing on July 11, 2014.

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**LOCATION:**

The subject site is located in the Rincon Valley in the Vail Valley Specific Plan. The property is located on the south side of Prince Rd. The property is part of the Four Seasons Phase 1 development. The zoning on the property is SP (Specific Plan).

**SURROUNDING ZONING / LAND USES:**

North -	SP	Residential
West -	SP	Residential
South -	SP	Golf Course
East -	SP	Residential

**PUBLIC COMMENT:**

To date staff has received over twenty letters of support for this case. In addition, one letter of protest was received during the Modification of Setback Requirements (MSR) process.

**PREVIOUS CASES ON PROPERTY:**

This case was originally started as an MSR. During the MSR process a protest was received by the owner to the west of the subject property. When a protest is received it ends the MSR process and the owner may continue by submitting a variance request.

**REQUEST:**

The applicant requests the following variances:

1. **To reduce the minimum rear yard setback from 10 feet to 5 feet.**

**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:**

This property is part of a large specific plan located in the Rincon Valley. Over the last 10 years or so, site built homes have been constructed throughout the specific plan. This home was constructed approximately 3-4 years ago along with other homes in the subdivision. The pergola is being used to protect the house and occupants from errant golf balls from the neighboring golf course. In addition, it will provide shade from the sun on the southern side of the residence.

**RECOMMENDATION:**

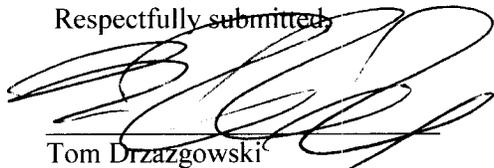
Staff recommends **APPROVAL** to the variance request. Staff believes that some of the standards listed below are being met. The property owner has provided over 20 letters of support to the request. Many of these neighbors are in the immediate area and could be affected by the request. In reviewing the residence and associated golf course, it appears that the residence is located in a landing area for golf balls. Staff believes that protection from the golf balls warrants the approval of the variance request. The property owner has crafted the plan so that the setback is being met from the rear property line closest to where the pergola will be closest to the neighboring property owner who objected. The applicant will be meeting the setback in this area. As you move further to the east where the pergola is proposed to encroach into the setback, the pergola appears to not further obstruct the neighbor's to the west view. This is due to the design of the lots and the rear lot line which runs at an angle. Staff is also supportive of the shade that will be provided which will permit the use of the yard throughout the year and screen the residence from summer sunshine.

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

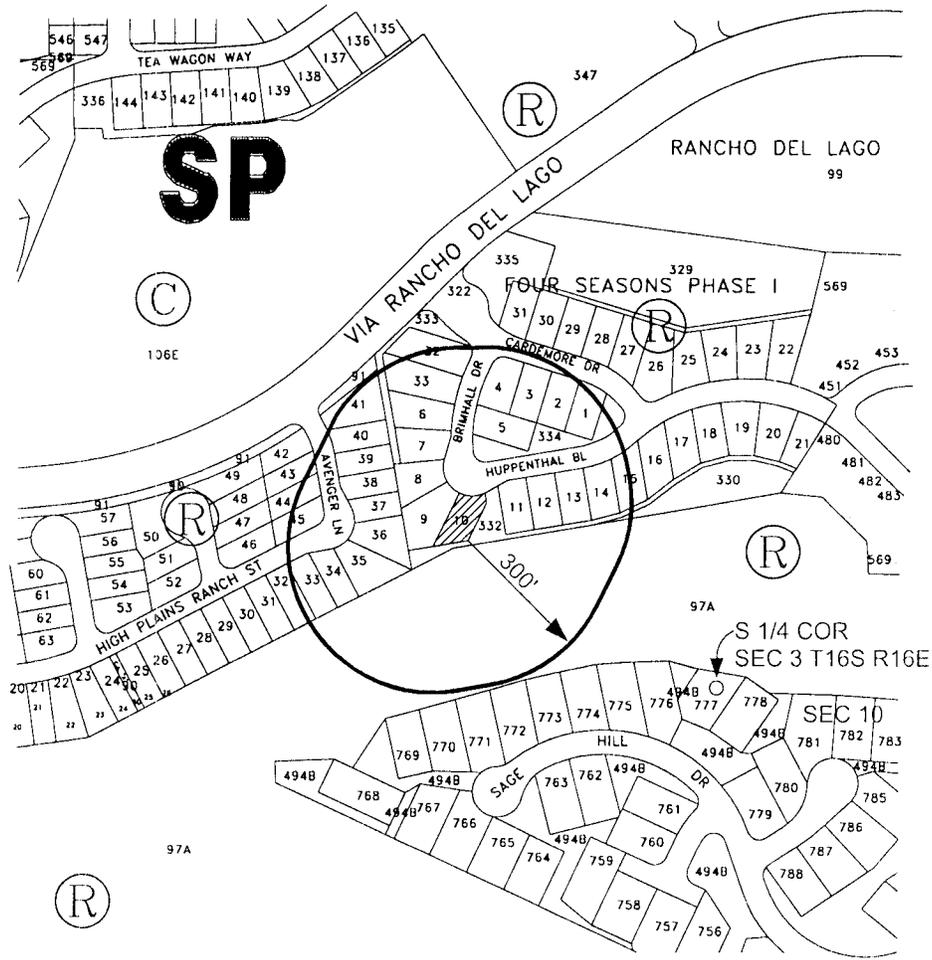
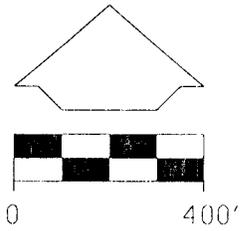
1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition 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.

Respectfully submitted,



Tom Drzazgowski  
Deputy Chief Zoning Inspector

Co10(4)14-07 LA COMBE FAMILY TR – EAST HUPPENTHAL BL. La Combe Family TR (William and Joy La Combe), on the property located at 13826 E. Huppenthal Bl., in the SP zone, requests a variance to reduce the minimum rear yard setback from 10 feet to 5 feet. The Vail Valley Ranch Specific Plan MDR designation requires a minimum rear yard setback of 10 feet.



Petition area

Notification area

BASE MAP ERC

Notes REF: CO28(4)14-13

Tax codes 305-73-0100

Date 05/26/14  
 Drafter DS

File no. CO10(4)14-07  
LA COMBE FAMILY TR  
EAST HIPPEHENTAL BOULEVARD

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

X = Neighbors who submitted letter of support



↑  
N



N





Pima County Development Services – Planning Division

**Variance Application**

Revised 11/2007

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

Property Owner: WILLIAM & JOY LACOMBE Phone: 520-749-5197  
520-237-2757

Owner's Mailing Address: 13826 E. HUPPENTHAL BLVD City: VAIL  
Zip: 85641

Authorized Representative: — Phone: —

Rep's Mailing Address: — City: — Zip: —

Property Address: 13826 E. HUPPENTHAL BLVD City: VAIL Zip: 85641

Tax Code Number(s): 305-73-0100 Zone: SP

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

Owner or Applicant's Email Address: WGLACOMBE@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: William G. LaCombe Date: 5/23/2014

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

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

Case Title: LA COMBE - E HUPPENTHAL BL Col 10/14-07  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)  
Vail Valley Ranch SP requests a variance(s) to Section(s) MDR dev standards  
of the ~~Pima County Zoning Code~~ which requires a 10' rear yard setback

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 5/23/14

Variance Application Request Letter Re: Co28(4)14-13 LA COMBE - E. Huppenthal Blvd.

Request for Pergola Modified Setback Requirement

**I. Explanation and Justification for Variance**

- a. The specific dimensional variance we are requesting is for a 5' setback at only the east end of our pergola, instead of the standard 10' BSL and this is necessary due to the unique triangular shaped rear property line.
- b. The variance is being requested for a proposed pergola structure, not an existing structure.
- c. The variance is not being requested due to any violation of a building or zoning code, but to ensure that this property/home backyard can be utilized safely.
- d. The variance is needed for:
  - 1) Protection from errant golf balls from adjacent golf course, risking injury to ourselves, grandchildren and guests.
  - 2) Protection of personal property/residence from errant golf balls
  - 3) Protection from Arizona sun and provision of some shade in order to allow utilization of yard space. An unnecessary hardship is due to the limited/unique triangular shape of our back property line.
  - 4) Due to the winds in the Vail area, we are unable to use umbrellas to provide shade. The average wind speed in Vail ranges from 20 mph - 40 mph during May. We have been attempting to deal with the golf balls and the shade issue for three years using shade umbrellas and found them not be a suitable alternative to this proposed pergola.

We have reduced the original intended size of the pergola by 65 sq feet in an attempt to placate our neighbors to the west. There is no alternative location or further size reduction for the pergola that would achieve the above objectives.

**II. Objectives of the pergola with setback modification:**

- a. The pergola objectives are for protection of grandchildren, ourselves and guests, protection of property from errant golf balls and shade to increase the livability of our home. This home has three large windows and a sliding glass door on its south side. We have had five balls hit our home in our 3 yrs of residence and numerous others in our yard. Hundreds of balls have landed on the bluff beyond our back yard indicating the need to have a structure to prevent balls from reaching into our yard and causing harm to us and to our home. Golf balls enter the yard so quickly and silently that no one can remove themselves from harm's way.

(Attachment 1A-D - photos of back yard)

- b. Our initial desire, November 2013, was to have the pergola run 5' parallel to our rear wall property line, in order to afford us maximum protection from golf balls and sunshine (attachment

2 - original plan). That plan was objected to by our neighbors to the west. We then modified our design by reducing the length of the west end of the pergola by 5' (Attachment 3), maintaining the 10' BSL requirement at that end. This modification, despite continued objection from our neighbor to the west, was approved by both Del Webb/Pulte ARC and by the Master HOA ARC. Further modifications are not possible due to our built in BBQ area. Our pergola will not alter the character of the area/community; as there are presently greater than 25 similar structures in the Del Webb/Vail community.

### **III. Del Webb and Master Community ARC approvals:**

Del Webb, Rancho del Lago ARC process: Residents submit a plan to Del Webb ARC for approval. If approved, Del Webb ARC submits their approval to the Master Community (HOA Mgmt. Solutions) for Master Rancho del Lago community approval. (Attachment 4 - 3 approval letters). Attached is a timeline of the process we have been through (Attachment 5).

In March, 2014 we compromised on our initial plan by reducing the length of the pergola by 5' along our neighbor's common wall (attachment 6 - modified plan) to accommodate their perceived obstruction of view. The modified plans place our pergola entirely north of the Kasner's south wall of their house; (attachment 7 - top view). The Del Webb ARC and the Master ARC on 4/7/2014 approved our pergola plan despite Kasner's continued objection.

The Kasners have demonstrated unreasonableness in their desire to have unrestricted views over our entire property (attachment 8 - satellite photograph with arrows submitted by Kasners to ARC) despite our compromise to put the pergola structure north and out of view of their home. In order for the Kasner's to have unrestricted views over our lot, we would not be able to build *any* structure and this would cause us unnecessary hardship, as it would prevent us from having any meaningful golf ball protection and/or shade improvements.

### **IV. Neighbor's protest to our request for Modified Setback Requirement**

a. The Kasners submitted an outdated copy of an ARC denial letter to the county in protest of our building permit. They also contacted Mabelle Gummere at HOA mgmt Solutions on or about 5/12/14 to complain that we had not received approval from Del Webb/Pulte ARC. The Kasners appear to have misrepresented the facts to Mabelle/HOA Mgmt Solutions and to the county further delaying our building efforts by 8 months and creating a financial hardship for us as well.

b. The Kasner protest letter to the county is objecting to the pergola in its entirety. They do not simply address the 5' modified setback of the east end of the pergola, which is the only item that should be under their consideration for this protest. They also state that they would consider any design that would "reduce the 23' extension along the lot line". We gave the Kasner's permission to build a pergola approx 26' x 18' and yet they don't think that we should have 23' x 10' pergola at the east end of our property demonstrating total unreasonableness.

c. There are two relevant paragraphs in the "Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Del Webb at Rancho del Lago" that apply to this particular situation:

- CC&Rs paragraph 10.23.3 "Views Not Guaranteed" states that views may be impaired or obstructed by further construction within the property by other property owners. The Kasner's should be aware of this as they received a copy of the CC&Rs upon buying their house and they would have signed off at close of escrow that they had read, and would adhere to, CC&R's as is true for all homeowners in our community. (Attachment 9 - copy of CC&Rs paragraph)

- CC&R's paragraph 8.1.5 "Improvements and Alterations". We also have the right to protect our property from damage and personal injury. If there is a risk of "Personal injury or extensive damage to homeowner's property" we do not even need HOA ARC approval but we applied anyway in order to adhere to the legal route. Errant golf balls represent a risk of both personal injury and damage to property. (attachment 9 - copy of CC&Rs paragraph).

d. The Kasner's primary view is through their wrought iron view fence in the direction that their backyard faces to the Southwest to the Rancho del Lago Golf Course. Since our home sits to the east of the Kasner's lot and the southern wall of their home extends 30 feet beyond the southwestern edge of our home, it is more than unreasonable to think that any structure we add to our yard would adversely impact their property. (Attachment 10 - satellite view view of Lots 9 & 10)

e. There are no "Significant views of prominent landforms, unusual stands of vegetation, or parks from nearby properties". Small hills to the east do not comprise "prominent landforms". In addition, the building currently taking place in Phase 2 of Del Webb alone will further restrict the view of these hills for any homeowner looking to the east.

f. The Kasners have a large pergola that we were asked to approve in 10 minutes as their construction was set to begin the next morning. Their pergola is considerably larger than what we are planning and yet they have continually refused to approve either our original or our modified plans. We have also given our neighbors on lot #11 approval to build a similar pergola. Since we first applied to build a pergola, November 2013, numerous other pergolas in the neighborhood have been constructed, as no one else in the community has had objections from their neighbors as we have encountered with the Kasner's.

g. Lot Premium: One of the Kasner's arguments to the ARC was that they paid a premium for their lot which protected their views to the East in two letters to the ARC. We paid a lot premium also, so we know for a fact that the home purchasing contract says nothing about what that lot premium charge applies to, besides the lot itself. (attachment 11 - order page).

h. There is no factual basis that our proposed pergola, as modified, will impinge on the Kasner's views. The only perceived view that could be affected is to the east end of the pergola where the setback is being modified. This represents a minimal 4 degree horizontal view area. (attachment 12 - diagram illustrating 4 degree view).

i. The Kasner's objection to our revised plan noted that they expect unobstructed views over our entire property. This is an unreasonable expectation as they do not own our property. (attachment 8)

j. Property Value: There is no appraisal report evidence that our construction of a pergola will adversely affect the Kasner's property value; nor do I suspect they could get an appraiser to attest to a decreased property value if we build on our lot. In fact, our improvement could increase their property value, as we are spending \$9,600 to build this improvement and neighboring property values tend to increase with other neighbors' home improvements.

**VI. County 5' setback requirement**

- a. We are only concerned with the 5' setback in this discussion with the county.
- b. The west end of the pergola (23 feet long) is not even in question with the county because it does not require an MSR, as it is proposed at 10' north of our rear yard wall. (Reference plot plan w/ pergola).

This is simply a matter of the unreasonable neighbors who have demonstrated an unwillingness during the last 7 months to be neighborly and consider the needs of others. They did not purchase our Lot #10, but want to exercise illegitimate property rights above our lot.

**VII. Conclusion:**

We agree that it is desirable to obtain adjacent neighbors' approval to our improvement, as we graciously gave our immediate approval to this same neighbor two years ago to build their pergola (Attachment 13 - Photo: Kasner's pergola). We gained instant approval by our other adjacent neighbors on lot # 11. We are good neighbors and have made a good faith effort by meeting with our contractor and reducing the size of our pergola, specifically to accommodate more of the Kasner's perceived view over our backyard to the east. Both ARC's agreed with us and granted us approval to build even when taking Kasner's objection into consideration.

We are asking the county not to deny us the safety we desire for ourselves and our young grandchildren and for the right to improve and protect our property and make it more livable.

We believe that the approval of two ARC's and our CC&R's more than support our request for reconsideration and approval from Pima County to proceed to build our modified pergola.

We appreciate your time in reviewing our request and we realize that these decisions are not easy to make, but we are certain this is a situation where we have an unreasonable neighbor making unreasonable constraints on the improvements to our property and our ability to live in and properly utilize our residence.



William G. LaCombe



Joy D. LaCombe

8.1.5 Improvements and Alterations. No improvement, alteration, landscaping, repair, excavation or other work which in any way alters the exterior appearance of the Property or the improvements located thereon from its natural or improved state existing on the date such Property was first conveyed by Declarant to an Owner shall be made without the prior approval of the Architectural Committee, except as otherwise expressly provided in this Declaration, and except in emergency circumstances. Emergency circumstances shall include any circumstance in which personal injury or extensive damage to the Owner's property, neighboring property or the Common Area is likely to occur if alteration, improvement, repair, excavation or other work is not undertaken immediately. No building, fence, wall or other structure shall be erected, maintained, improved, altered, made or done (including choice of exterior color scheme and building materials) without the prior written approval of the Architectural Committee or any subcommittee thereof, except in emergency circumstances as provided above. Any Owner desiring approval of the Architectural Committee for a proposed improvement, alteration or other change requiring approval pursuant to this Section shall submit to the Architectural Committee a written request for approval specifying in detail the nature and extent of the proposed improvement, alteration or other change that the Owner desires to perform, including, without limitation, the distance of the change from neighboring properties, if applicable, and the approximate dates upon which the Owner intends to commence and complete the change. Any Owner requesting the approval of the Architectural Committee shall also submit to the Architectural Committee any additional information, plans and specifications that the Architectural Committee may request. The Architectural Committee shall have the right, in its sole discretion, to refuse to approve any plans, specifications or grading plans, which are not suitable or desirable, for aesthetic or other reasons, and in so evaluating such plans, specifications and grading plans, and without any limitation of the foregoing, it shall have the right to take into consideration the suitability of the proposed building or other structure, the building materials used and the site upon which it is proposed to be erected, and the harmony thereof with the surroundings and the effect of the building or other structure as planned, and the

appearance thereof from adjacent or neighboring Property. No changes or deviation in or from such plans and specifications once approved shall be made without the prior written approval of the Architectural Committee. The provisions of this Section 8.1.5 do not apply to, and approval of the Architectural Committee shall not be required for, the construction, erection, installation, addition, alteration, repair or replacement of any improvements made by, or on behalf of, Declarant.

10.24.3 Views Not Guaranteed. Although certain Lots in the Property at any point in time may have particular views, no express or implied rights or easements exist for views or for the passage of light and air to any Lot. No representation or warranty whatsoever, express or implied, is made by Declarant Parties or the Association concerning the view that any Lot will have whether as of the date this Declaration is Recorded or thereafter. Any view that exists at any point in time for a Lot may be impaired or obstructed by further construction within or outside the Property, including, without limitation, by construction of improvements (including, without limitation, landscaping) by Declarant, construction by third parties (including, without limitation, other Owners and Residents) and by the natural growth of landscaping. No third party, including, without limitation, any broker or salesperson, has any right to bind either Declarant or the Association with respect to the preservation of any view from any Lot or any view of a Lot from any other property.

ATTACHMENT 9

**Change Order**  
**Rancho del Lago 60' (3660)**

12/17/2010

Change Order Type: Option Change  
 Number: 1  
 Created Date: 12/02/2010  
 Sales Status: Pending  
 Construction Status:  
 Description: Add Design Center Items - dbc 12-17-10

Agreement Id: HB00210883  
 Agreement Created: 11/30/2010  
 Agreement Approved: 12/02/2010  
 Sales Consultant: Kate Turner  
 JIO/CO Created By: Rebecca Lundberg  
 Home Site: 01001

28194	Rope Crown Molding Spring Valley & Up	1	\$425.00
13069	Seat at Master Shower	1	\$300.00
28143	Seneca Ridge Cherry 42" - Paprika	1	\$3,425.00
31005	Spring Valley 36" Laundry - Cherry (Paprika)	1	\$500.00
30026	Upgrade 24" Box Trees (2)	1	\$325.00
	Base House Cultured Marble - White	1	\$0.00
	Base House Grout - Tumbleweed - 252	1	\$0.00

**Pricing Information:**

	<b>\$174,990.00</b>
Base Price:	<b>\$27,000.00</b>
Lot Premium:	<b>\$20,962.00</b>
Options Total:	\$0.00
Non-Standard Options Total:	\$0.00
Elevation:	(\$15,000.00)
Sales Program:	\$0.00
Price Adjustment:	<b>\$207,952.00</b>
<b>Total Purchase Price:</b>	
	<b>\$5,250.00</b>
Other Sales Program Amount	

This Change Order amends and supplements that certain Home Purchase Agreement dated 11/30/2010 between Buyer and Seller for the Property described above. Terms set forth in this Change Order shall have the same meaning as defined in the Agreement. In the event there is a conflict between the terms set forth herein and the Agreement, this Change Order shall prevail.

**FEDERAL HOUSING ADMINISTRATION AMENDATORY CLAUSE**

If Buyer has elected to finance all or any portion of the purchase of the Property using a mortgage insured by the Department of Housing and Urban Development ("HUD"), it is expressly agreed that notwithstanding any other provisions of the Agreement, the Buyer shall not be obligated to complete the purchase of the Property described herein or to incur any penalty by forfeiture of earnest money deposits or otherwise unless the Buyer has been given, in accordance with HUD/FHA or VA requirements, a written statement by the Federal Housing Commissioner, Department of Veteran Affairs, or a Direct Endorsement lender setting forth the appraised value of the Property of not less than the Total Purchase Price set forth in this Change Order. The Buyer shall have the privilege and option of proceeding with the consummation of the Agreement without regard to the amount of the appraised valuation.

The appraised valuation is arrived at to determine the maximum mortgage HUD will insure. HUD does not warrant the value nor the condition of the Property. Buyer should satisfy himself/herself that the price and condition of the Property are acceptable.

*ATTACHMENT 11*



## Status of our Modified Pergola ARC Request

Judith Dakin <JDakin@cadden.com>  
To: Bill LaCombe <wglacombe@gmail.com>

Thu, Mar 27, 2014 at 1:59 PM

Good Afternoon Bill,

I have received an approval for the modified pergola plan submitted on March 14, 2014. The approval is only from Del Webb at this time. However, your request has been forwarded onto the Master Association with a request to place your request in priority status. The Master will notify you directly when you have been approved and should you get your approval from them please let me know so that I can follow-up with them and close out the request.

Best Regards,

Judy



**Judy Dakin, CAAM®**

*Community Association Manager*

### **Cadden Community Management**

1870 West Prince Road, Suite 47, Tucson, AZ 85705

(520) 297-0797 **tel** | (520) 742-2618 **fax**

jdakin@cadden.com

www.cadden.com

*ATTACHMENT 4A*

# Del Webb®

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## RANCHO DEL LAGO

10264 S. Blendu Way  
Vail, AZ 85641  
520-207-2334

March 27, 2014

HOA Management Solutions  
Portmere, LLC  
8987 E. Tanque Verde #309-128  
Tucson, AZ 85749

On behalf of the Del Webb at Rancho del Lago Homeowners Association I am submitting an ARC Request on behalf of Bill and Joy LaCombe (13826 E. Huppenthal Blvd., Lot 10) and at Del Webb at Rancho del Lago.

The Del Webb at Rancho del Lago HOA requires all residents to submit plans for architectural modifications to the exterior of the home. These plans are submitted to the Architectural Review Committee (ARC) for review and approval. Once they are approved, the plans are then forwarded to the Master Association by the Community Manager on behalf of the Homeowner.

Lot 10 – Install a pergola patio cover.

If you should have any further questions or concerns, please do not hesitate to contact me at the Del Webb Lodge where the on-site Management office is located or (520) 207-0729, via fax at (520) 207-0408 or via e-mail at "jdakin@cadden.com". Please mail all correspondence and written approvals to: Del Webb at Rancho del Lago HOA - c/o: Cadden Management – 1870 W. Prince Rd. #47 – Tucson, AZ 85705 or fax directly to the on-site office.

For the Association,

*Judy Dakin*

Judy Dakin  
Community Association Manager  
Del Webb at Rancho del Lago

ATTACHMENT 4B

# Rancho del Lago Community Association

c/o HOA Management Solutions  
8987 E. Tanque Verde Road #309-128  
Tucson, Arizona 85749  
(520) 760-7793 FAX (520) 760-5935

April 7, 2014

Bill & Joy LaCombe  
13826 E. Huppenthal Blvd.  
Vail, Arizona 85641

Re: Lot # 10

Dear Mr. & Mrs. La Combe:

Thank you very much for the request for architectural approval for the pergola patio cover. Congratulations! Your request has been approved, as submitted, by the Rancho del Lago Board of Directors.

Please abide by all Pima County building regulations. It is the owner's responsibility to obtain any necessary permits. All work should commence and end in a timely manner, or within 90 days.

Thank you for complying with the architectural review process, and for your efforts to improve and enhance the property.

Sincerely,  
Mabelle Gummere  
Director, HOA Management Solutions  
for Rancho del Lago Community Association

*ATTACHMENT 4C*

## **Timeline/Sequence of Events Pergola Approval Request to ARC/BOD**

- 11-10-13 Requested Kasner Lot #9 approval for pergola; their son in law responded with modification of 10' by 10' x 26' patio length (rectangular). Unacceptable to us...too small.
- 11-11-13 Submitted Written request packet to ARC/Judy Dakin
- 12-11-13 Rec'd 1st Denial letter mailed from Del Webb, dated 12-5-13
- 12-12-13 Appeal letter sent to Del Webb with invitation for site visit
- 12-16-13 Got email from Judy Dakin with reason for rejection - neighbor's view
- 1-30-14 Mike Gardner (ARC new member) visited our home with Judith Dakin & took photos
- 2-21-14 Rec'd in mail ARC request for 'Adjacent impacted neighbor' statement
- 2-22-14 Asked Lot #9 neighbors for statement; provided them with written sample letters, approving, disapproving, etc.
- 2-23-14 Rec'd Kasner response letter - again denying
- 2-24-14 Hand delivered Kasner response letter to Judy Dakin
- 3-2-14 Kristofik neighbor approval letter (Lot 11) Exhibit B letter emailed to Judy, Scott, Josh
- 3-3-14 Kristofik approval letter (Lot 11) hand delivered to Judy Dakin
- 3-12-14 ARC 2nd denial letter received requesting alternate plan
- 3-13-14 Retained Valentine & Valentine to dispute denial (Catherine M. Keenan)
- 3-14-14 Modified plan submitted to Judy and Kasners with reduced length of west end.
- 3-17-14 Received Kasner denial of modified plan.
- 3-17-14 Passed on Kasner Letter with our response to their letter to Judy Dakin
- 3-27-14 Del Webb approval of revised plan
- 4-10-14 RDL Master community approval
- 4-25-14 Signed contract with Westerner. Forwarded to Ron Williams by email.
- 4-28-14 Filed for building permit and MSR form.
- 5-9-14 Received call from Mabelle, HOA Mgt. Solns. asking why we had started building. They had lost letter from Del Webb with approval of our plans. We had NOT started building but had only applied for permit. She had spoken with neighbors.
- 5-13-14 Received County MSR denial

*ATTACHMENT 5*





Google earth

feet 100  
meters 30



AERIAL PHOTOGRAPH SHOWING  
RELATIONSHIP OF THE TWO HOMES

ATTACHMENT 10

3/14/2014

Google Maps



LACOMB

FROM

OR  
OPES  
AT  
RDS.

PROPOSED REAR  
SETBACK MODIFICATION  
FROM 10'  
TO 5'

BLK FENCE (TYP.)  
178 L.F.

3114114  
2222222  
2222222  
2222222  
2222222

12'-8 1/2"  
73.83'

15'-3 1/4"

4'-10"  
90°

STD. GATE

OPT. BAY

WINDOW @ MST

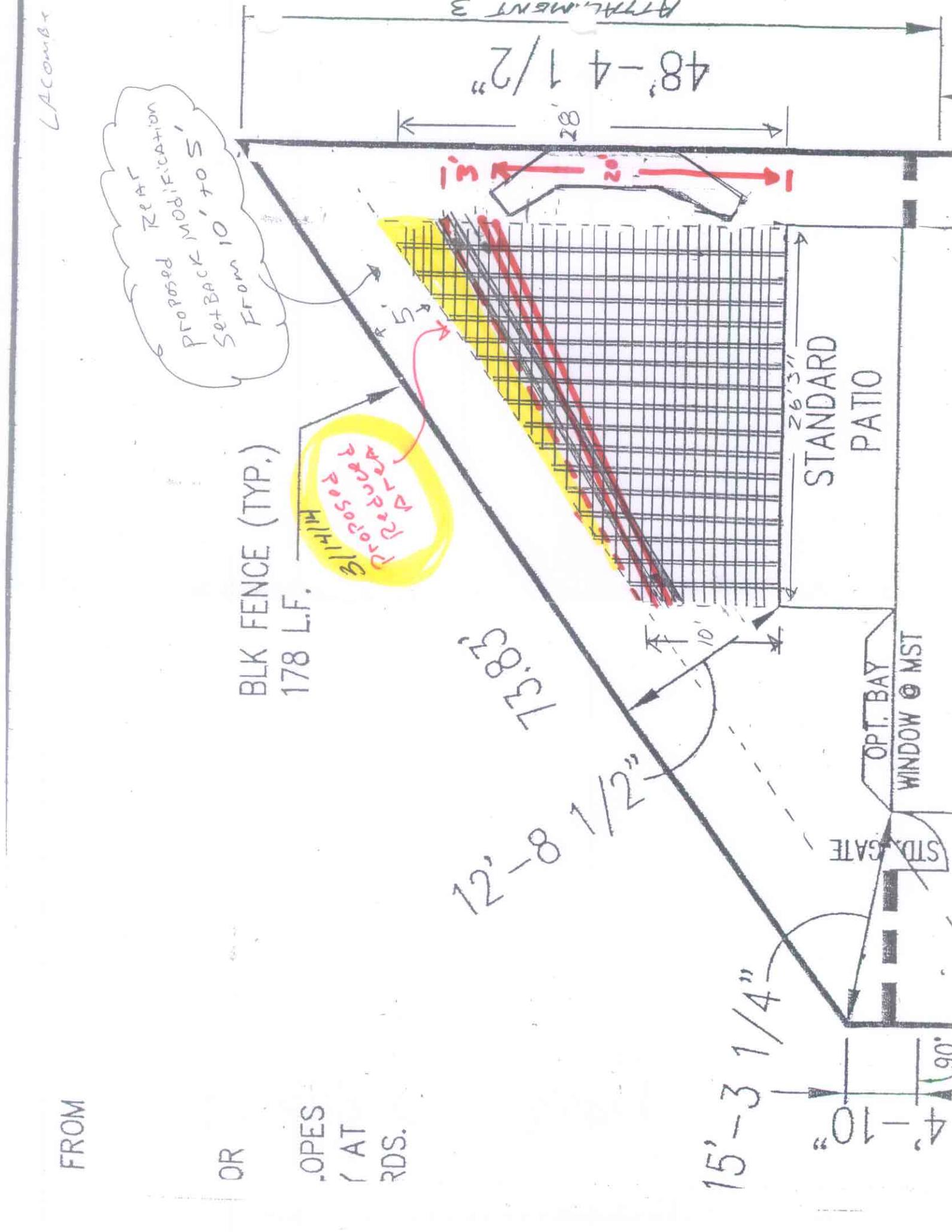
STANDARD  
PATIO

26'3"

28'

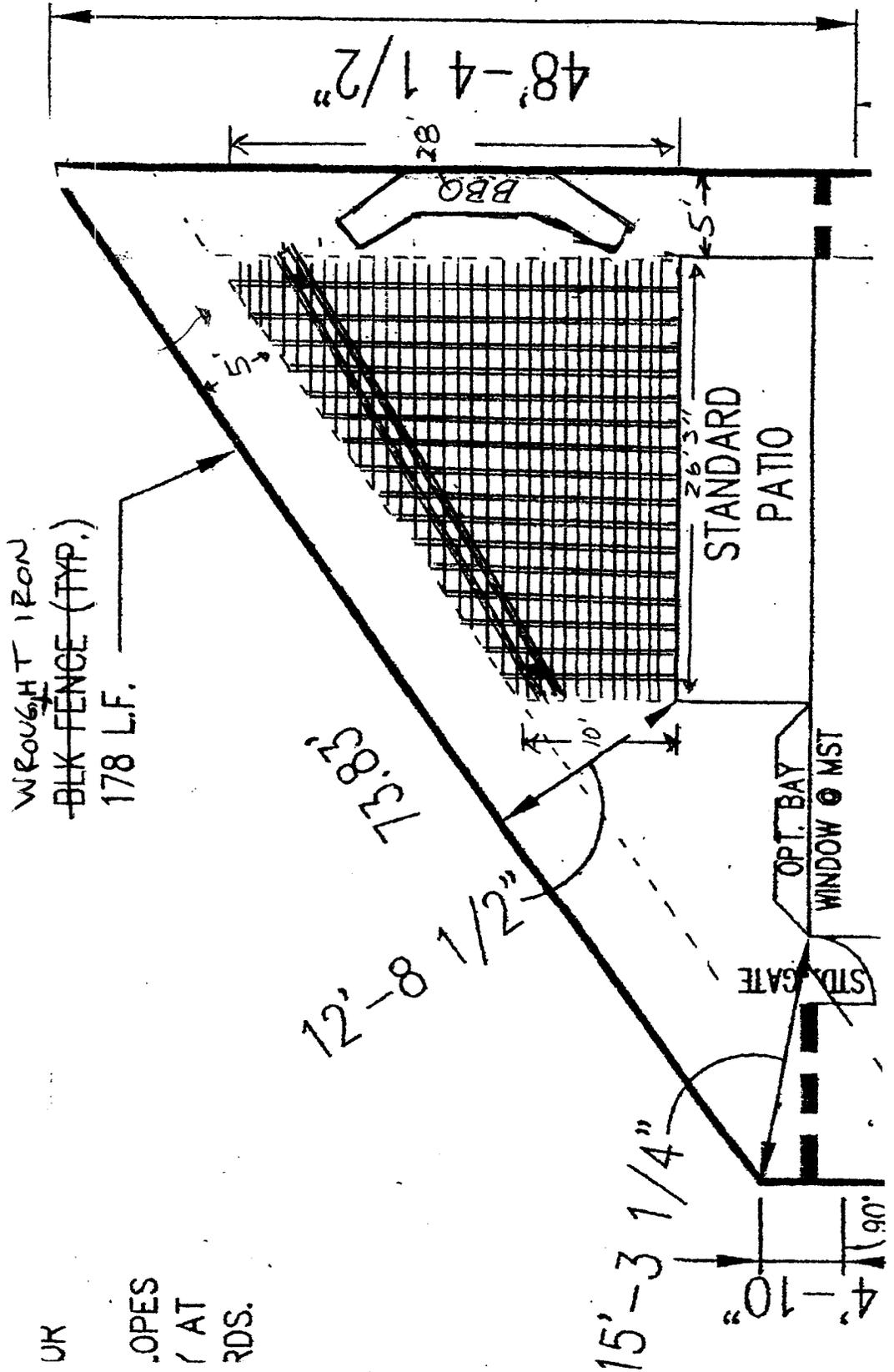
48'-4 1/2"

ATTACHMENT 3



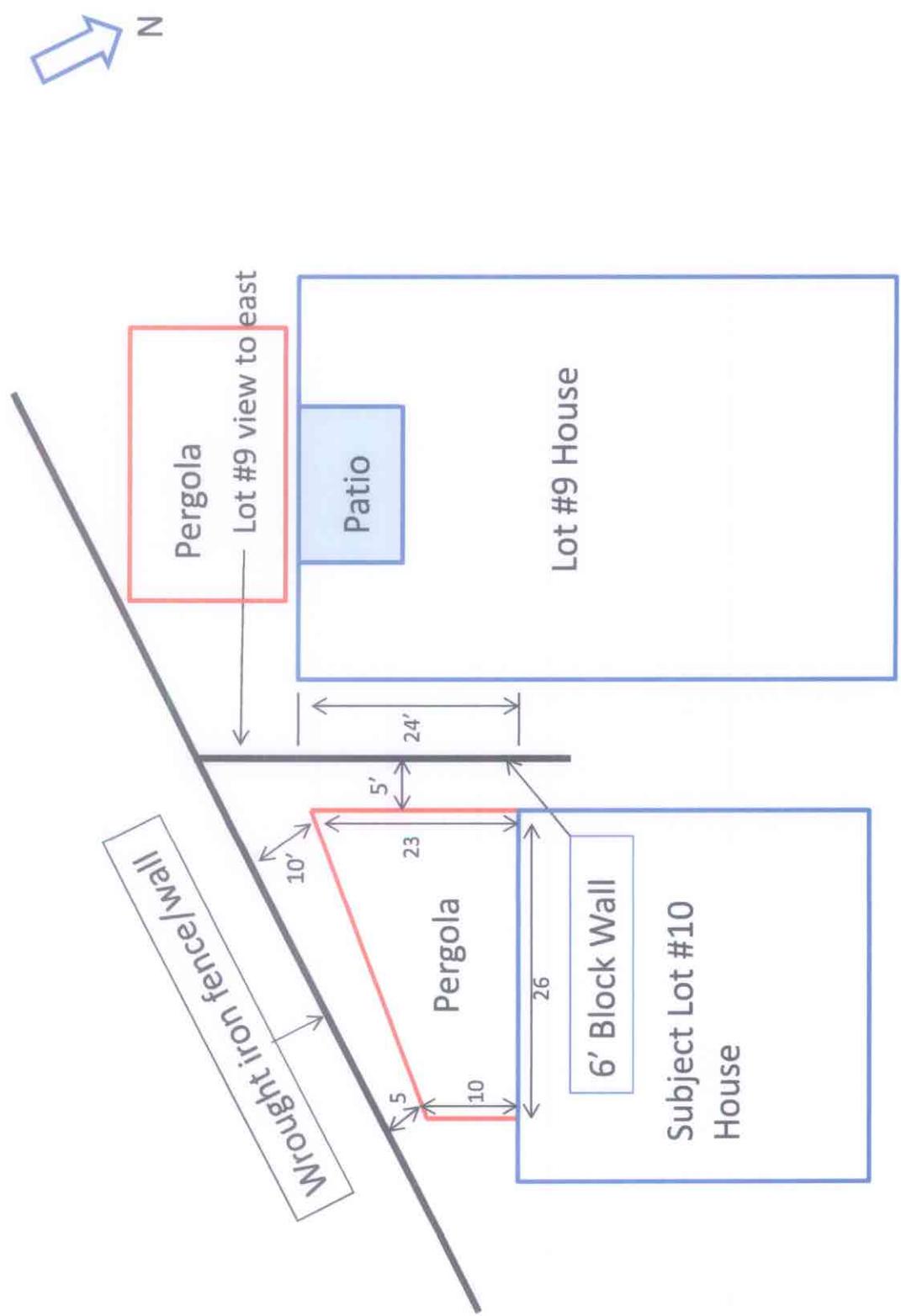
ATTACHMENT 2

Color Tuscan clay (brown)



OK  
 OPES  
 AT  
 RDS.





Relationship of Lot #10 pergola to adjacent neighbor's house to West

Figure 2

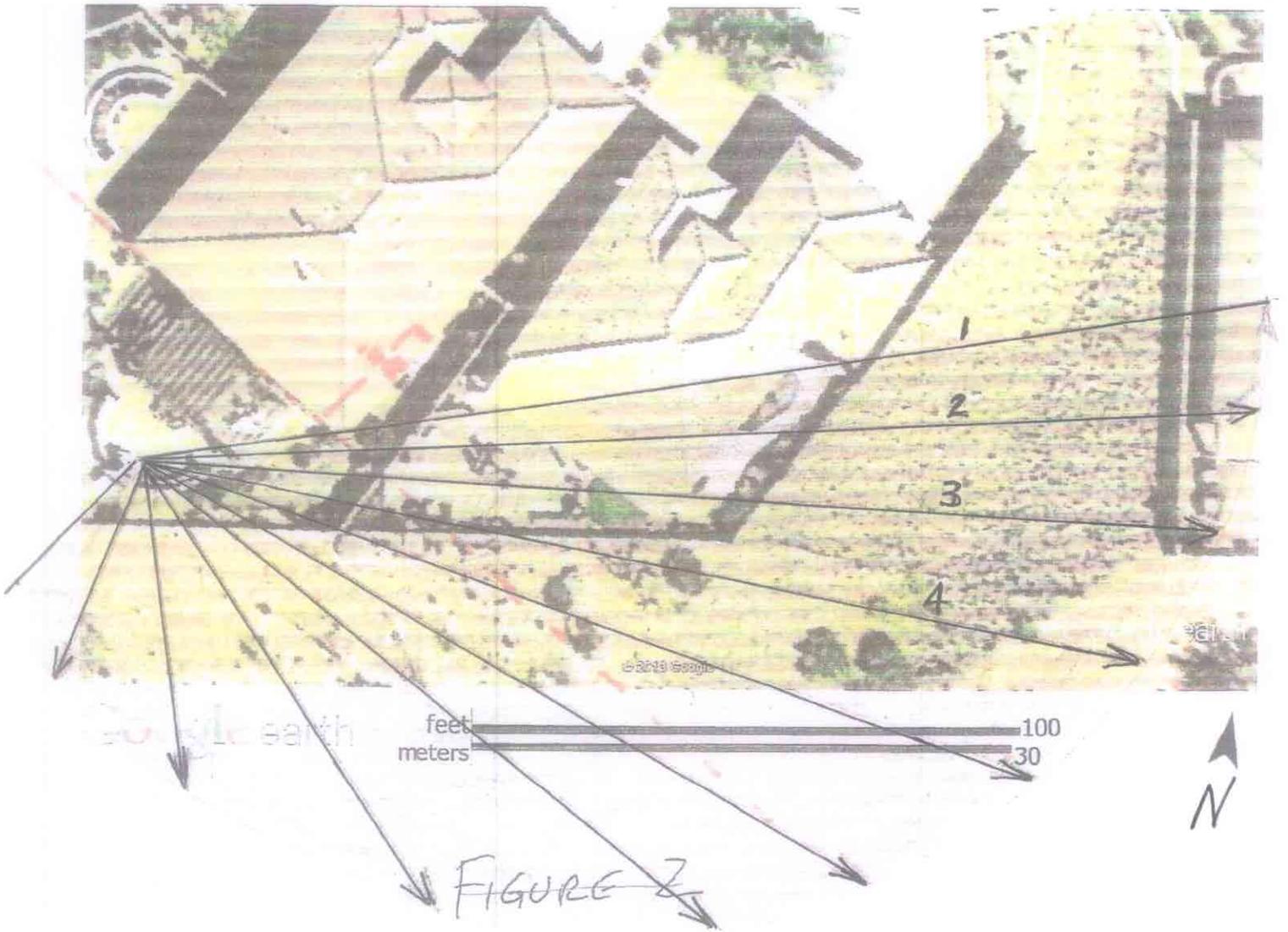
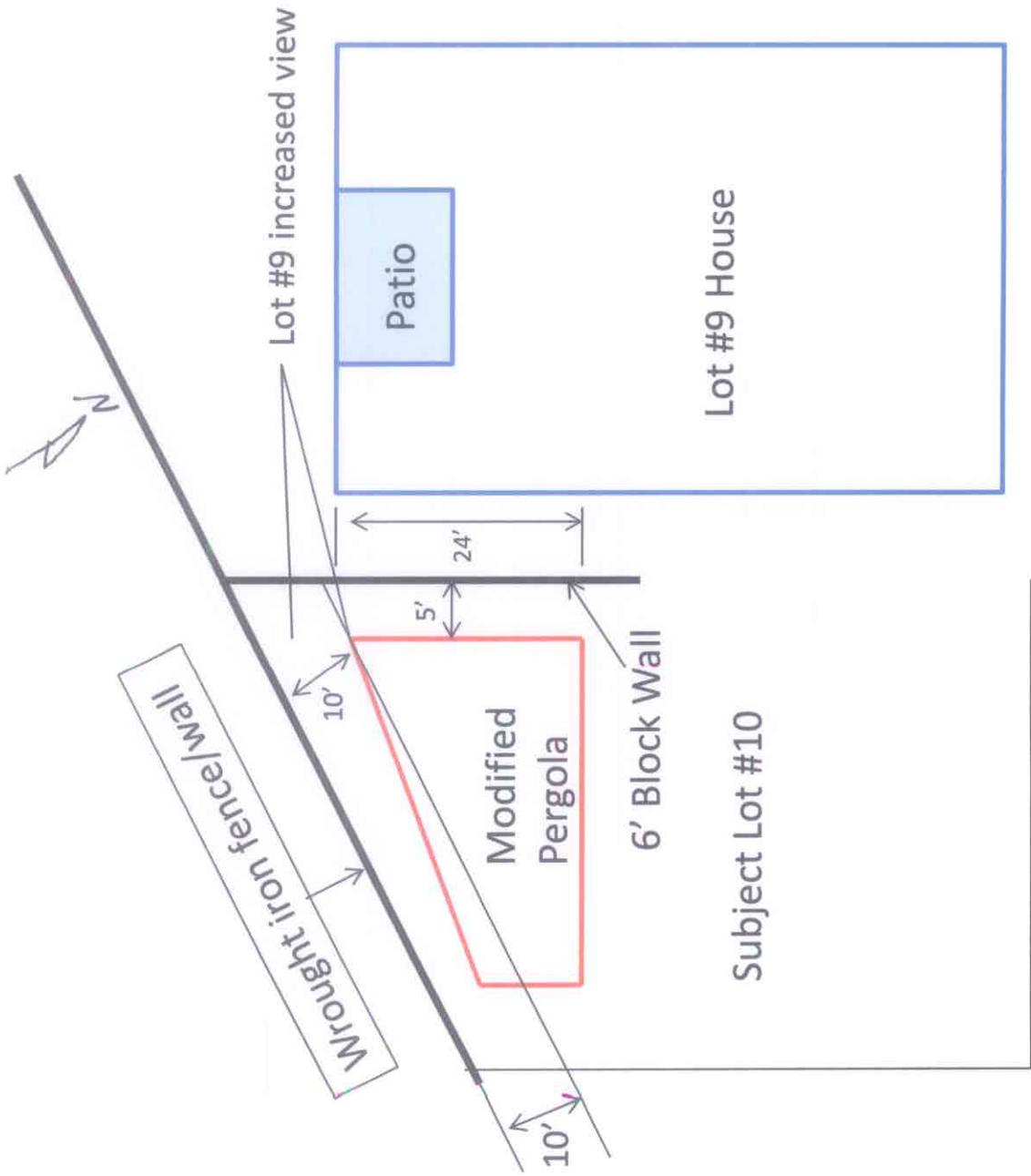


Fig. 2A  
 VIEWING AREA 120°



ATTACHMENT 12

Modified relationship of pergola to adjacent neighbor's house



Kasners pergola viewed from our yard  
photo 5

ATTACHMENT 1A



View from door to patio area to be covered  
Photo 1

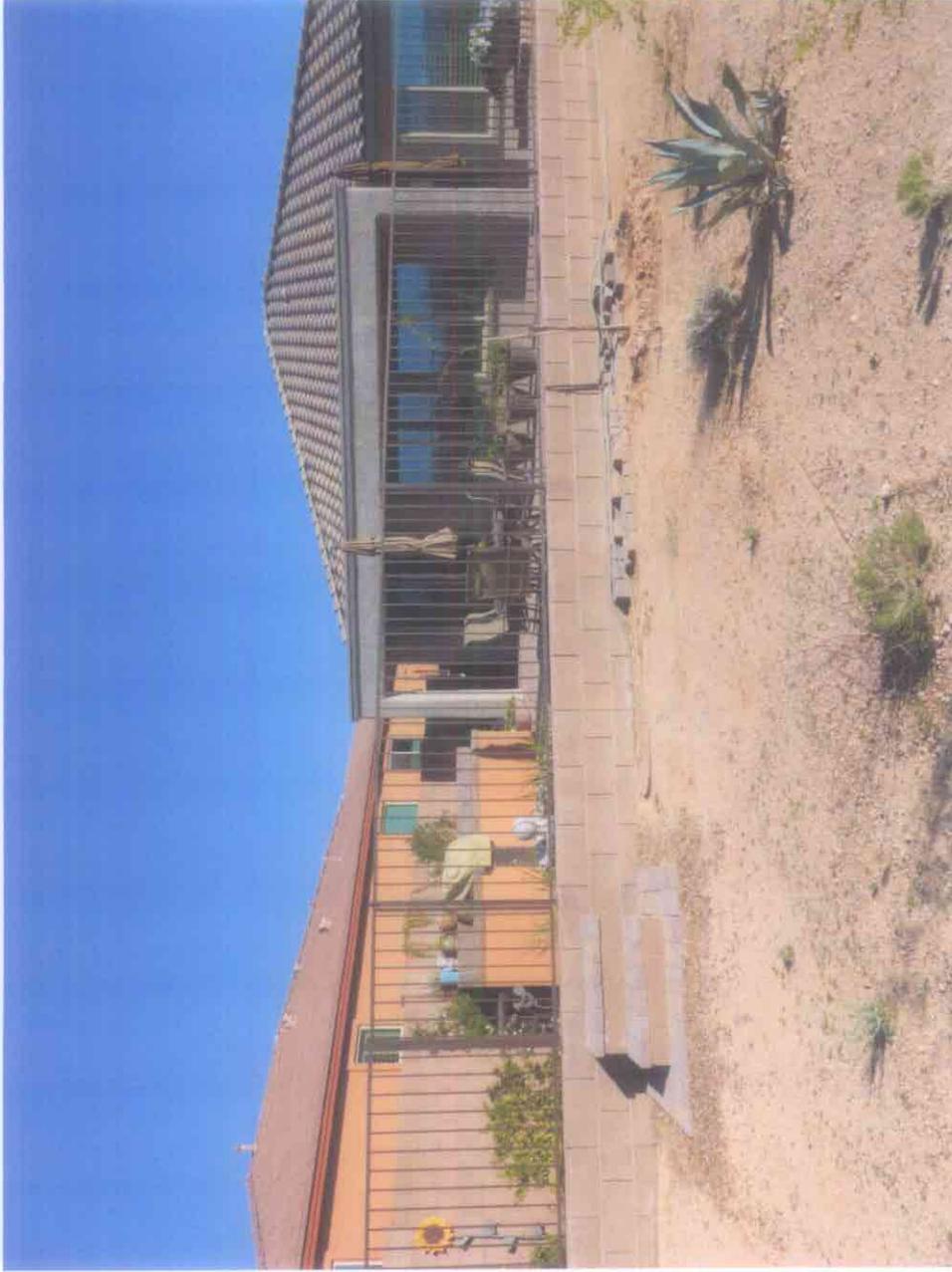
ATTACHMENT 1B



View from East end of backyard looking toward Lot#9

Photo 2

ATTACHMENT 1C



View from south on Golf course bluff into backyard patio area

Photo 3



View from West end looking East

Photo 4

## Thomas Drzazgowski

---

**From:** Karla Erickson <kerickson@earthlink.net>  
**Sent:** Saturday, June 21, 2014 6:33 AM  
**To:** Thomas Drzazgowski  
**Subject:** Case Co10(4)14-07

Re: Case # Co10(4)14-07

Mr. Drzazzgowski;

Both my husband and I , Scott and Karla Erickson, are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls. These pergolas have been built already on both sides of the LaCombe's home for these reasons. There are also many other pergolas in this development that were approved and installed with no issues.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,  
Scott and Karla Erickson  
13893 E Huppenthal Blvd  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob and/or Lil Sanchez', written over a horizontal line.

Bob and/or Lil Sanchez  
13857 E. Cardemore Dr.  
Vail, AZ 85641

## Thomas Drzazgowski

---

**From:** send2pat@earthlink.net  
**Sent:** Friday, June 27, 2014 5:46 PM  
**To:** Thomas Drzazgowski  
**Subject:** Case # Co10(4)14-07

Dear Mr. Drzazgowski:

I am writing to you about my neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard. I will admit that I am unclear as to why this issue is coming to the County for resolution. I thought that these decisions were handled by the HOA and believe that it is important to keep them at that level. The Lacombe's proposal have been approved by both the Del Webb ARC and the Master HOA so it would seem unnecessary for the County to intercede.

That said, I must also say that I feel it is important for homeowners to make reasonable home improvements on their property.

My property is also on the golf course but has a different orientation from the LaCombe's. They have been very frustrated by the number of errant golf balls that end up in their yard. I know that just the few that have gotten into my yard have caused me concern and so I can appreciate their desire to protect themselves and their grandchildren who visit. The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

I hope that you will uphold the decisions of the Del Webb ARC and the Master HOA and issue the building permits the Lacombe's are requesting.

Thank you,

Patricia Carlson

13878 E Huppenthal Blvd.

Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

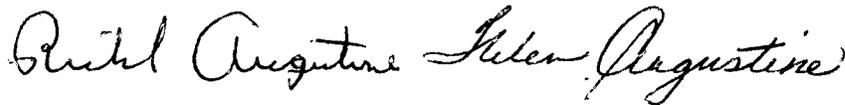
I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

A handwritten signature in cursive script that reads "Richard Augustine Helen Augustine". The signature is written in black ink and is positioned above the typed name of the signatories.

Richard and/or Helen Augustine  
13842 E. Cardemore Dr.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

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The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

Handwritten signatures of Steve and Carol Boyd. The signature on the left is "Steve Boyd" and the signature on the right is "Carol Boyd".

Steve and/or Carol Boyd  
13886 E Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

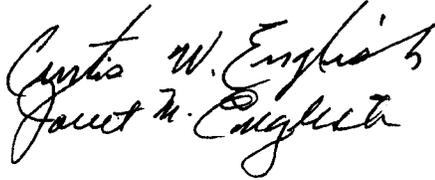
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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

Handwritten signatures of Curt W. English and Janet W. English in cursive script.

Curt and/or Janet English  
13858 E Gardemore Dr.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

A handwritten signature in cursive script that reads "Marianne Ford".

Marianne Ford  
13924 E. Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,



Jim and/or Pat FranCoeur  
10406 S. Brimhall Dr.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

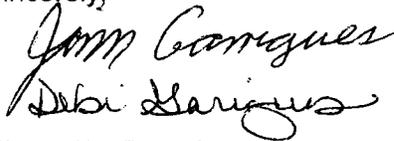
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The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

Handwritten signatures of Jim and Debi Garrigues. The signature for Jim is written above the signature for Debi.

Jim and/or Debi Garrigues  
13865 E. Cardemore Dr.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

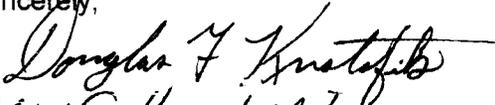
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It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

  
  
Doug and/or Jane Kristofik  
13838 E. Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Lindsey". The signature is fluid and cursive, with a large loop at the end.

Janice Lindsey  
13894 E. Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

PEGGY AND/OR Jim MADDUX  
13849 E. CARDEMORE DR.  
Vail, AZ 85641

*James E Maddux*  
*Peggy L Maddux*

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

This is regarding the building of an attached pergola by the LaCombes. I support them in their efforts to build the pergola to give them screening from the sun and protection from errant golf balls that hit their home from the adjacent golf course. Since they have gone through all of the protocols required by the two Homeowners Associations and have met all of the requirements there should be no reason to deny them the right to construct the pergola.

As I understand the situation there have been objections made by their neighbors who feel that their views will be compromised. Those of us who have "View Lots" have paid substantial premiums for these views and they are extremely important to us. However, it is clearly noted in our sales contracts that no view is guaranteed. I fully understand and appreciate that the neighbors want to maintain the view that they paid for; however from what has been explained to me their primary view will not be obstructed by the LaCombe's pergola. Also, a pergola is not a solid structure and can be seen through easily. This situation should NOT be an issue.

It is a difficult situation when neighbors have a difference of opinion. Since the LaCombes were cooperative with their neighbors and gave them acceptance to build their patio covering two years ago, I think that the courtesy should be returned. I understand the neighbors feelings about the view, it gives them peace and pleasure, but since they are NOT losing the view nor is the view being obstructed by a solid structure, the LaCombes should be given their building permit given that nothing should be added to completely block the view.

As a former ARC Committee member in our previous HOA I am familiar with the CC&R's and the submittal procedures. I am a firm believer in following the rules governing our community and in being fair and open to everyone's needs and opinions. Courtesy and cooperation make for a happy place to live and hopefully this can be resolved without hard feelings.

Respectfully,



Judy McBride  
13833 E. Cardemore Dr.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

The LaCombe's unique triangular shaped yard has required them to request the 5' variance on the east end only of their pergola.

We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,



Don and/or Diana Richards  
13870 E. Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

  
Vail, AZ 85641

Tracy Reilly  
Bruce Reilly  
13945 E. Barouche DR  
VAIL, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

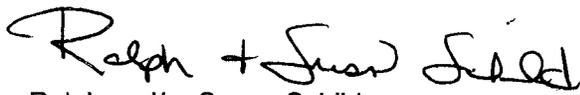
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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

A handwritten signature in black ink that reads "Ralph + Susan Schild". The signature is written in a cursive, flowing style.

Ralph and/or Susan Schild  
13881 E. Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

It is vital that all homeowners in our community are allowed to make ARC permitted home improvements in order to provide additional shade for their guests, families and, in the LaCombe's case, protect themselves and their home from damage caused by errant golf balls.

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

Handwritten signatures of Jim and Anita Smith in black ink. The signature for Jim is on top and Anita's is below it, both written in a cursive style.

Jim and/or Anita Smith  
13902 E Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

I/We are writing to you in support of our neighbors, Bill and Joy LaCombe and their petition for a 5' variance and subsequent building permit for a pergola in their back yard.

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,



Mary Kay and/or Michael Trenkle  
13854 E Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,

A handwritten signature in black ink that reads "Jeff & Kathy Wilner". The signature is written in a cursive, flowing style.

Jeff and/or Kathy Wilner  
13913 E. Huppenthal Blvd.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,



KIM AND/OR HUNG  
13948 E. HUPPENTHAL BLVD.  
Vail, AZ 85641

June 3, 2014

Tom Drzazgowski  
Assistant Executive Secretary  
Pima County Board of Adjustment  
County-City Public Works Center, Second Floor  
201 N. Stone Avenue  
Tucson, AZ 85701

Re: Case # Co10(4)14-07

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We understand & emphasize the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of each of our homes and respectively request that you grant The LaCombe's a building permit and 5' variance.

Sincerely,



Len Anderson  
13862 E Huppenthal Blvd.  
Vail, AZ 85641



**PIMA COUNTY**  
DEVELOPMENT SERVICES

May 13, 2014

La Combe Family TR  
William G. & Joy D La Combe  
13826 E. Huppenthal Blvd  
Tucson, AZ 85641-5954

**Re: Co28(4)14-13 LA COMBE – E. HUPPENTHAL BOULEVARD**

Dear Applicant:

We have received a letter of opposition from noticed property owners regarding your request for Modification of Setback Requirements (lot coverage increase) for the property located at **13826 East Huppenthal Boulevard**. Receiving a letter of protest closes the Modification of Setback Requirements process.

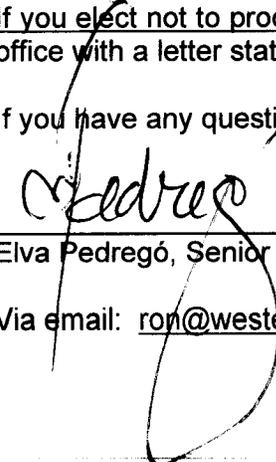
According to the Pima County Zoning Code, if a protest to a setback modification or lot coverage limits is submitted by an owner of an affected property (as defined in Section 18.07.070C), the zoning inspector may refer the application to the Board of Adjustment as a variance request. An additional fee of \$759 is required should you wish to proceed with this request as a variance before the Board of Adjustment.

**NOTE:** It is to your advantage to submit the required letter of explanation and the enclosed variance application form. Your letter should be more detailed, and explain the reasons for requesting your variance. If you wish to proceed to the Board of Adjustment, please submit the completed information to our office by **\*Friday, May 30, 2014** to meet the next deadline. No other materials need be submitted since they were already submitted with your MSR application, unless you wish to submit a new map, or supplemental information.

The variance process includes a public hearing before the Board of Adjustment for your particular district. Your variance request would be scheduled for the next available District 4 hearing to be held on **Tuesday, July 8, 2014** in the basement of the Public Works building in conference room C at 1:30 p.m.

If you elect not to proceed to the Board of Adjustment with a variance, please provide this office with a letter stating your decision to withdraw the application.

If you have any questions concerning the application, please call me at 724-9000.



Elva Pedregó, Senior Planner

Via email: [ron@westernerproducts.com](mailto:ron@westernerproducts.com)



## Notice of Application Denial

Please view permit application process and requirements at [www.dsd.pima.gov](http://www.dsd.pima.gov) .

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**Activity Number: P14BA00039**

If you have any questions please call 520-724-9000 to discuss this denial.

**Zoning Code due process:** Disputes about the interpretation of the Zoning Code may be appealed to a Pima County Board of Adjustment under A.R.S. § 11-816 and P.C.C. § 18.93.060.

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### Denial Comments

**Opposition by an affected property owner to the requested Modification of Setback Requirements request (Co28(4)14-13) was received within the 15-day notice period.**

Elva Pedrego

**Date: 05/13/2014**



May 1, 2014

Case No. **Co28(4)14-13 LA COMBE – E. HUPPENTHAL BOULEVARD**

**NOTICE**

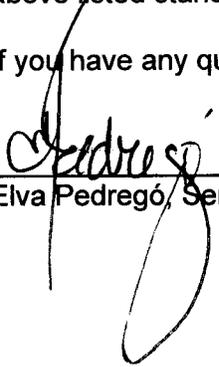
This is to notify you that **William G. and Joy D. La Combe** have submitted an application for a Modification of Setback Requirements (MSR) for property located at **13826 East Huppenthal Boulevard to reduce the rear yard setback to five feet (5') for a proposed ramada addition**, as shown on the attached site plan. The Vail Valley Ranch Specific Plan MDR designation requires a 10 foot minimum rear yard setback.

The modification of setback requirements must meet the following standards:

1. The lot coverage increase will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.
2. Significant views of prominent land forms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback was not modified.
3. Traffic visibility on adjoining streets will not be adversely affected.
4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights of way.
5. The location of proposed buildings and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties.
6. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

If you have an objection to the granting of the modification of setback requirements, your written protest must be received by Pima County Development Services - Planning Division, Attention: Elva Pedregó, 201 N. Stone Avenue, Second Floor, Tucson, Arizona 85701 on or before **Friday, May 16, 2014**. A written protest must include the name and address of the person submitting the protest, the case number, and the reasons why the application does not meet the above listed standards.

If you have any questions concerning the application, please call Elva Pedregó at 724-9000.

  
\_\_\_\_\_  
Elva Pedregó, Senior Planner





© 2013 Google

Google earth

Google earth



Location of Proposed Structure



View from door to patio area to be covered  
Photo 1



View from East end of backyard looking toward Lot#9

Photo 2



View from south on Golf course bluff into backyard patio area

Photo 3

### APPLICATION FOR MODIFICATION OF SETBACK REQUIREMENTS

Please print (no pencil) or type

Property Owner: Bill + Joy LaCombe Phone: 520-237-2757  
Owner's Mailing Address: 13826 E Huppenthal Blvd City: Vail Zip: 85641  
Authorized Representative: Westerner Products, Inc Phone: 520-622-6722  
Rep's Mailing Address: 201 E. Grant Rd City: Tucson Zip: 85705  
Property Address: 13826 E Huppenthal Blvd City: Vail Zip: 85641  
Tax Code: \_\_\_\_\_ Zone: \_\_\_\_\_

Specify the setback modification request (identify structure and the proposed setback in feet):

one end of structure to extend to 5' setback  
from standard 10' setback

I, the undersigned represent that all the facts in this application <sup>(near)</sup> are true to the best of my knowledge. I am aware that application for building permits must be made within nine months of approval of the Modification of Setback Requirements and that failure to apply for building permits within that time renders the modification approval null and void. I have read and understood the Modification of Setback Requirements guidelines and standards.

Signature of Owner or Representative Ron Williams Date \_\_\_\_\_

Email Address of Owner or Representative Ron@WesternerProducts.com

The following documents are attached:

NO PENCIL

- Sketch plan [size 8½" x 11" preferred, maximum 11" x 17"]; (near)
- County Assessor's map showing the boundaries of the subject property;
- APIQ print out (County Assessor's print out showing current owner of property);
- Letter of authorization for Representative to apply (original signature of owner is required);
- Appropriate fee \$258.00;
- Standards Evaluation Form;
- Original signatures of owner or representative (two signatures).

If the Owner or Applicant is submitting signatures of neighboring property owners, please check the appropriate box that best describes the signatures that are provided;

- Applicant is submitting neighbor's signatures and believes all applicable property owners have signed.
- Applicant is submitting neighbor's signatures for some of the required property owners. The applicant understands that property owners whose signature has not been provided will be noticed by Pima County and provided 15 days to protest the MSR.

OFFICE USE ONLY	
Co28 ( <u>4</u> ) <u>A-B</u> <u>LaCombe - E. Huppenthal Pt</u>	
<small>(Last name - Direction, Street Name)</small>	
*Date Received: _____	Received by: <u>Tom</u> <del>_____</del> <small>(planner's initials)</small>
Affected section of code(s): <u>Vail Valley Ranch 9P MDR designation</u>	
<u>requires 10' setback.</u>	

\*4-21-14 w/whong fee (5'-short)

The Del Webb Community ARC & The Rancho Del Lago Master Community Association ARC have both reviewed and approved our proposed pergola plan; letter attached. We are requesting a 5' modification only for the east end of our pergola from 10' to 5'. Photos for your review attached.

1. Proposed reduction of setback will not affect the privacy of any nearby residence (see attached plot map of neighboring lots #9 & #11 and subject lot #10 - Figure 1). Lot #9 has an existing 28' x 24' pergola, Lot #11 has been approved to build a 12' x 12' pergola and we gave permission to both Lot#9 & Lot# 11 homeowners to build each of their perspective pergolas. The pergola construction in this community is quite common, due to residents need to protect their homes from errant golf balls and sunshine.

2. There are no prominent landforms, unusual stands of vegetation or parks in view. All neighboring lots 9-21, & phase 2 lots 452-469 have southwest facing wrought iron view fences to the Rancho del Lago golf course. On subject Lot#10 there is approximately 100' of 'desert bluff' beyond the view fence which then slopes down 20' to the golf course level.

Neither the pergola, nor the setback reduction has any affect on the views, since subject property & adjacent lots in Del Webb 9-21 & 452-459 all border the golf course and there are no properties located immediately to the south of any of these properties. The proposed pergola subject Lot#10 has only one end on the east side that requires a setback reduction from 10' to 5'.

3. The pergola is in the back yard of our house, Lot #10. There are no adjoining streets near the proposed pergola nor is any traffic affected by reduction of the setback; since the setback border golf course property.

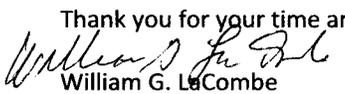
4. Property drainage from pergola will be unaffected since pergola top is not solid. Rain now falls and drains out to the front of Lot #10 into culvert to the east of Lot #10. All drainage from Lot #10 property is to the north & east.

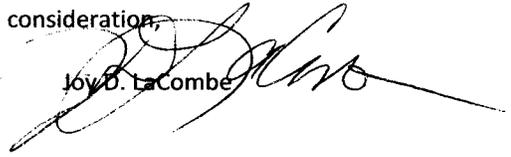
5. Pergola is to be constructed for three reasons: 1) to minimize the risk and/or eliminate personal injury to residents, resident's grandchildren, guests from incoming errant golf balls; 2) for shading of back yard and 3) to minimize risk of damage to our house from errant golf balls. We have had several golf balls hit our home during the two and a half years we have lived here which have required repairs. We have had 363 balls to date land on the bluff in back of our home or in our yard; indicating the risk factor of balls landing on our property. Subject property is located along north side of Rancho del Lago's par 4 sixth fairway at a range where many of the errant first drive balls land.

6. Pergola will not increase noise levels, or create odors to adjacent properties. We are considered very quiet & good neighbors. The proposed pergola will not increase activities or noise levels; only allow for protection from golf balls and the sun while outside in our backyard.

In review, the Del Webb Community Architectural Review Committee & The Rancho Del Lago Master Community have both reviewed and approved our proposed pergola plan and we welcome any additional questions you may have regarding this proposed home improvement.

Thank you for your time and consideration,

  
William G. LaCombe  
13826 E. Huppenthal Blvd.  
Vail, AZ 85641

  
Joy D. LaCombe

# Rancho del Lago Community Association

c/o HOA Management Solutions  
8987 E. Tanque Verde Road #309-128  
Tucson, Arizona 85749  
(520) 760-7793 FAX (520) 760-5935

April 7, 2014

Bill & Joy LaCombe  
13826 E. Huppenthal Blvd.  
Vail, Arizona 85641

Re: Lot # 10

Dear Mr. & Mrs. La Combe:

Thank you very much for the request for architectural approval for the pergola patio cover. Congratulations! Your request has been approved, as submitted, by the Rancho del Lago Board of Directors.

Please abide by all Pima County building regulations. It is the owner's responsibility to obtain any necessary permits. All work should commence and end in a timely manner, or within 90 days.

Thank you for complying with the architectural review process, and for your efforts to improve and enhance the property.

Sincerely,  
Mabelle Gummere  
Director, HOA Management Solutions  
for Rancho del Lago Community Association

## Exhibit 3

March 1, 2014

To: Del Webb ARC

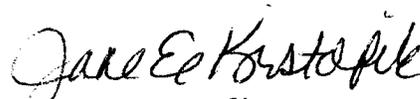
Adjacent Neighbor Impact Statement:

Re: Del Webb LaCombe Lot #10's proposed Pergola/Ramada ARC request dated 11/11/2013

We the undersigned give permission to our neighbors, Lot #10, Bill & Joy LaCombe to build a pergola per attached plan. We understand the importance of protecting oneself and one's property from errant golf balls and the need for shade to improve the livability of their home.

Physical address of the LaCombe residence is 13826 E. Huppenthal Blvd Vail, AZ 85641

  
Doug Kristofik

  
Jane Kristofik

13838E. Huppenthal ( Lot #11)

Vail, AZ 85641