



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: December 4, 2014

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)14-16 SCHUETTA – EAST WETSTONES RD.**
Scheduled for public hearing on December 9, 2014.

LOCATION:

The subject site is located in southeastern Pima County. The property is located on the north side of Wetstones Rd, approximately 1600 feet east of the intersection of Wetstones Rd. and Wentworth Rd. The property is approximately 1.10 acres and the zoning on the property is 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:

One formal letter of protest with numerous associated photos has been received by staff. The protest was received from the neighboring property owner to the east and is one of the property owners most affected by the request. Staff has also spoken to a few neighbors who have addressed issues on the property.

PREVIOUS CASES ON PROPERTY:

There are two previous code violations on the property. One violation is from 2013 for grading and operating a contractor's yard without permits. Three citations were issued to the property owner. The citations were;

- 1) CARGO CONTAINERS (3) NOT PERMITTED
- 2) OPEN STORAGE - VEHICLE PARTS, USED MATERIALS, ETC
- 3) COMMERCIAL VEHICLE NOT PERMITTED.

The property owner denied responsibility but the site was brought into compliance before the hearing occurred and the citations were dismissed.

A second complaint was received in April of 2014 for additional violations. Two citations were issued to the property owner. The citations were;

- 1) WALL INCLUDING COLUMNS AND GATE EXCEEDING 7' BUILT WITHOUT A VALID PERMIT OR INSPECTIONS

2) WALL NOT MEETING REQUIRED SETBACKS.

The Hearing Officer found the property owner responsible for two violations. Receiving a variance is one potential way to remedy the violations.

It should be noted that the Code Enforcements Officer has received numerous calls and questions from neighboring property owners about what is occurring on the property. Many callers believe a contactors yard is occurring onsite. To date staff has not gathered enough information and evidence on this to issue citations.

REQUEST:

The applicant requests the following variances:

- 1. To decrease the Major Street and Route setback on Wetstones Rd. from 105 feet to 75 feet.
- 2. To decrease the front yard setback for an 8' high wall from 60 feet to 0 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:

The property is currently being developed with a residence under construction. The permit for the residence was issued in October 2013. There are also permits for a septic and wall. The permit for the wall is for a wall up to six feet in height. The wall that is under construction exceeds the height limit.

In reviewing the site and the residence it should be noted that the residence is not in the same character as the surrounding homes. While this has generated concerns from neighbors, the zoning code does not address aesthetics in the permit process. It does appear that the property has been completely graded. Neighboring properties in the area do have much more vegetation on the property then the subject property.

RECOMMENDATION:

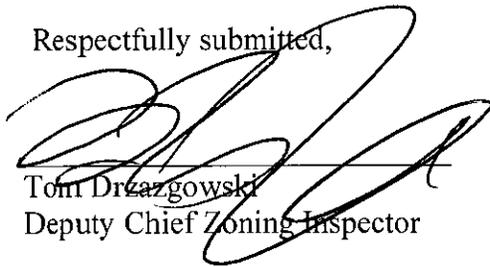
Staff recommends **DENIAL** of the variance request. Staff does not believe the standards listed below are being met. Staff believes the hardship has been created by the property owner and does not warrant the approval of the variance. In reviewing the site, the wall is out of character with the neighborhood and to permit the property owner to increase the height, it appears there would be adverse impacts on neighboring property owners. Staff also believes that given the amount of calls we have received throughout the enforcement process, there is substantial neighbor concern.

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,



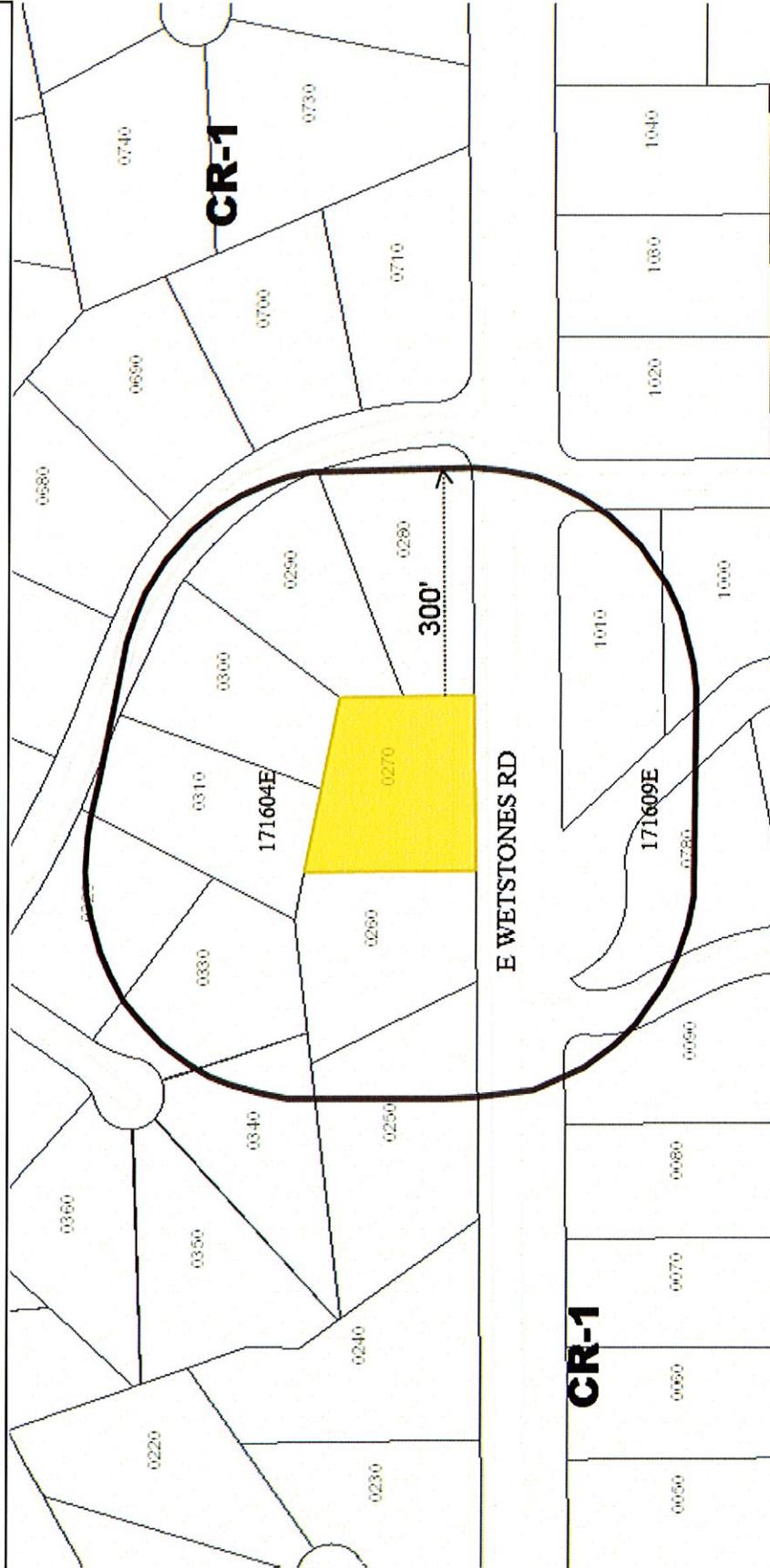
Tom Drzazgowski
Deputy Chief Zoning Inspector

Co10(4)14-16 SCHUETTA – EAST WETSTONES RD. Craig Schuetta Sr., on the property located at 2661 E. Wetstones Rd., in the CR-1 zone, requests the following variances;

1. **To decrease the Major Street and Route setback on Wetstones Rd. from 105 feet to 75 feet.** Section 18.77 of the Pima County Zoning Code requires a 105 foot setback from the centerline of Wetstones Rd.
2. **To decrease the front yard setback for an 8' high wall from 60 feet to 0 feet.** Section 18.21.040C of the Pima County Zoning Code requires a front yard setback of 60 feet for a wall over six feet in height.

NOTIFICATION MAP

SCHUETTA—E. WETSTONES ROAD



LEGEND

- Petition Area
- Notification Area

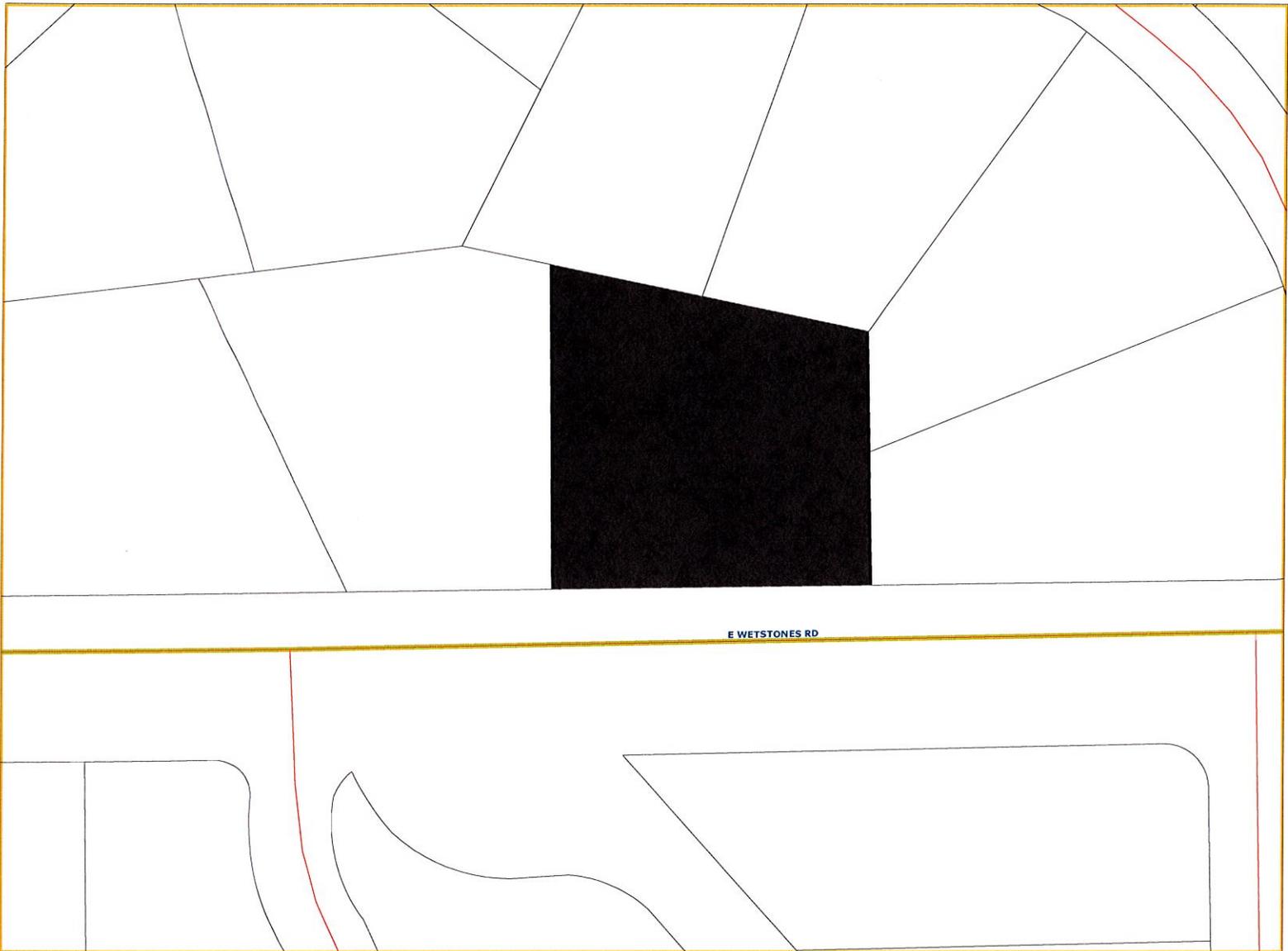
NOTES

File no.:	Co10(4)14-16	Tax Code(s):	305-43-0270
Application:	Variance	Base Map:	385
	 0 300'	Drafter:	A.H.



10/30/2014

↑
N

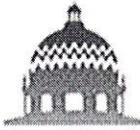


↑
N



↑
N





PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

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

Property Owner: Craig Schuetta Phone: 520-400-0289

Owner's Mailing Address: PO Box 879 City: Vail Zip: 85641

Authorized Representative: _____ Phone: _____

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

Property Address: 2661 E Wetstones Rd City: Vail Zip: 85641

Tax Code Number(s): 305-43-0270 Zone: CR-1

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

Owner or Applicant's Email Address: CraigSchuetta@yahoo.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: 10-20-14

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Schuetta - E. Wetstones Road Co10(a) 14-16
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.77.030 B1 of the Pima County Zoning Code which requires a minimum setback of 30ft. in addition to half of the required right-of-way width for a major route street for all buildings and structures - in this case 8' gate

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY JE DATE 10 / 30 / 14.

18.07.050 walls



Board of Adjustment - Board Members,

I request a variance to increase the front yard height restriction from 6 feet to 8 feet for an existing project in progress. I request the variance because I have a designed a CMU wall/ column enclosure with privacy gates. Pima County Flood Control has signed off on this current site plan. The existing roadway (Wetstones) sits up higher on one side of the property causing ample road noise. This project limits the road noise filtering into the property. It would not be possible to construct the wall at the 30 foot front set back due to not leaving enough room to enter into the existing structure. The front of my property will be very heavily vegetated with native Mesquite and Palo Verde trees which grow 25 to 30 feet tall. Mature vegetation and landscaping would screen the proposed project once complete. This project was designed with surrounding neighbors in mind and is not in a direct line of sight from their property.

Thank you for your time and consideration.

Craig Schuetta

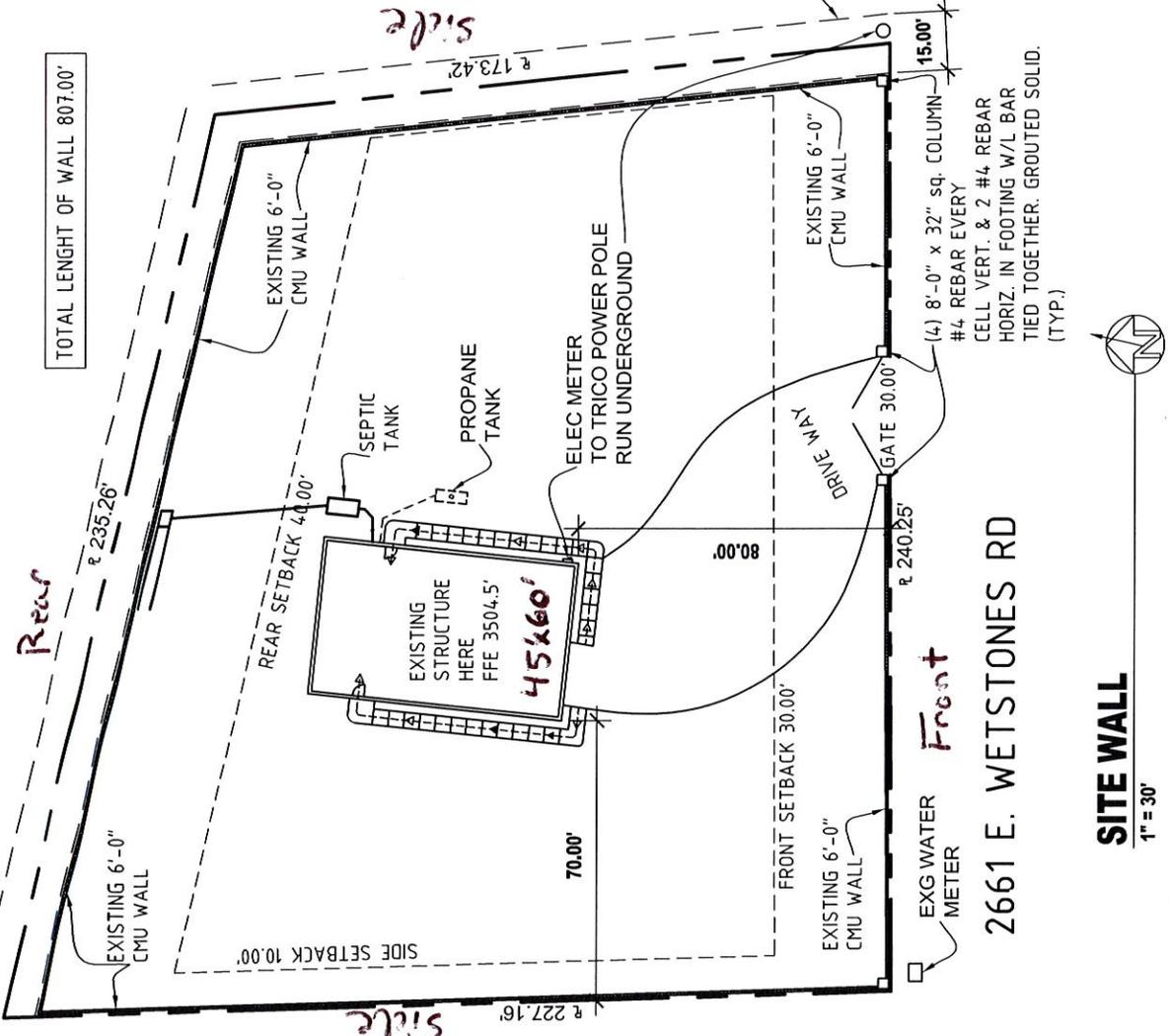
2661 E Wetstones Rd.

Vail AZ 85641

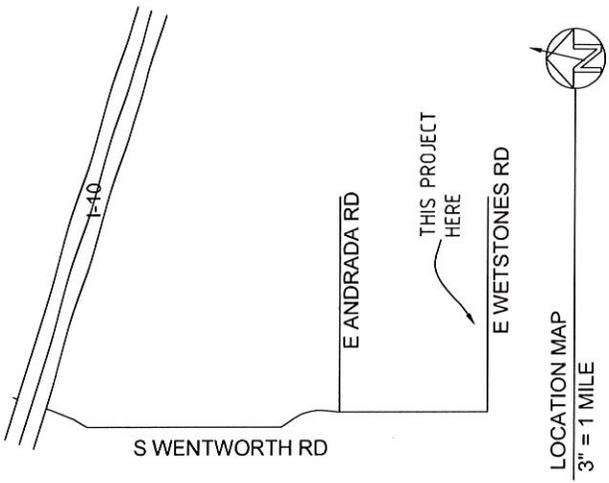
CODE VIOLATION COMPLAINT
NUMBER P14-CV00178

PERMIT NUMBER FOR WALL
P13CP006396

TOTAL LENGTH OF WALL 807.00'



SITE WALL
1" = 30'



LOCATION MAP
3" = 1 MILE

ROADRUNNER CONSTRUCTION
P.O. BOX 879 VAIL, AZ 85641
(520) 904 - 1799 (520) 400-0289 (c)
craig@roadrunnerconstructionllc.com

PROJECT ADDRESS 2661 E. WETSTONES RD VAIL, AZ 85641 TAX PARCEL NUMBER 123 - 07 - 0420

OWNER CRAIG SCHUETTA P.O. BOX 879 VAIL, AZ 85641 LEGAL DESCRIPTION NEW TUCSON UNIT NO. 23 LOT 16c SECTION 4, T-17 S, R-16 E, G&SRM PIMA COUNTY, ARIZONA

CURRENT ZONING CR-1 SET BACKS FRONT 30 FT. REAR 40 FT. SIDE 10 FT.

ADJACENT ZONING NORTH & WEST CR-1 SOUTH CR-1 EAST CR-1

SIZE OF PARCEL 47,943 S.F. = 1.1 ACRES

0010(4)14-16

RECEIVED
DEC 04 2014

To whom it may concern,

RE:

December 1, 2014

I wish to formally state my objections to the application for variances, C010(4)14-16 Schuetta.

When Mr. Schuetta and his company, Another Roadrunner Construction first purchased the property at 2661 E. Wetstones Rd, Vail, he immediately proceeded to grade the entire 1 acre parcel, removing all native vegetation, without a permit.

Since then, he has been operating an unpermitted construction yard, under the pretense of building his home. He has gutter construction materials, even though he has no gutters. He has large quantities and colors of flagstone, of which none of the flagstone is being used for home purposes. Bricks and cinderblocks appear and disappear from the yard, even though the building is constructed of Styrofoam blocks. Landscape materials come and go.

I believe that Mr. Schuetta and his company, Another Roadrunner Construction, probably have a long history of permit violations, due to his track record with this particular property, as well as the permit violations on other properties that he and his company seem to be involved with.

With regards to the variance in question, we object to the decrease in setbacks for a number of reasons.

1) The permits on record are for a 6' wall. The wall is in places 7' tall, especially in front, where he is impinging on the setback. I believe this was done to mask the work activities, equipment storage and loading dock. By building his wall so tall and so close to the street, we have lost our beautiful view of the sunsets from our front yard. Now, in order to see the sunsets on the horizon, we have to walk practically out into the middle of Wetstones Road in order to have an unimpeded view. Instead of requesting the variance first, then building his wall, he built his wall and is counting on the county to have sympathy for his cause, because of the amount of money he has already invested in his project.

2) We can see the block wall and the two story building from all parts for the yard, as well as up to two blocks from the structure itself. Whereas the other homes in the neighborhood have livestock fencing and are set back from the road, Mr. Schuetta proceeded to build these structures with no regard to the tenor of the neighborhood.

3) Because of the undulating nature of Wetstones Road, there is a natural blind spot in front of the structure. This owner is moving equipment (bobcat, cement mixer, large flatbeds - photos included) in and out of the driveway, aggravating the blind spot further especially for us, his immediate neighbors

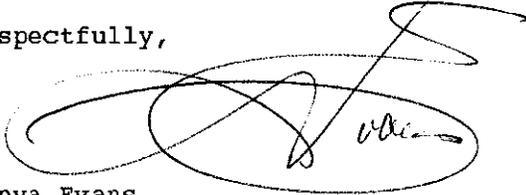
4) The natural riparian area to the northeast has been affected. Previously, rainwater drained from the property north and northeast, into a natural wash. Mr. Schuetta proceeded to import tons of fill material onto the property, elevating his entire parcel almost 2 feet, then flattening the parcel and building a wall around it. With the block wall, now there is a barrier to the natural flow of water

As one of his immediate neighbors, we had no objection to Mr. Schuetta building a home, in a style and tone consistent with our humble neighborhood. But the evidence of the structures themselves, as well as his history at 2961 E. Wetstones Road, indicate that Mr. Schuetta has very little regard to his neighbors, or the neighborhood, and may be attempting, between these two properties he owns, to change the nature of our neighborhood. At his previous address, the consensus was that he was also running a gutter production operation from the back of his property. The second Wetstones property also impinges on the setback. I have documentation that indicates he may also be running another non-permitted commercial operation from that address as well. Please bear in mind that we are a residentially zoned neighborhood. I realize that certain home-based businesses are allowed in our zoning, but a construction yard is not one of those.

I respectfully request that you do not grant this variance, and if it is within the county's power and jurisdiction, that this property and its structures be returned to code, with proper setbacks and heights of walls and gates. I understand that there is no accounting for the tastes of one individual, but I would like the county to enforce the codes and rules, and not allow illegal, unpermitted activity and structures to be built in the neighborhoods over which it has jurisdiction. Simply because an individual spends a great deal of money building a structure, should not allow that same individual to continue disregarding the codes and allow such a structure to remain.

Please do not grant this variance.

Respectfully,

A handwritten signature in black ink, appearing to read 'Sonya Evans', is written over a large, loopy scribble. The signature is positioned to the right of the main scribble.

Sonya Evans
2691 E. Wetstones Rd.
Vail, AZ 85741



WALL



BLIND SPOT



11.28.2014 10:02

BLIND SPOT



11.26.2014 11:21

BLIND SPOT
MORE

EQUIPMENT

LEADING YARD



05.06.2014 07:25

BLIND SPOT



CONSTRUCTION EQUIPMENT



06.03.2014 15:06

Blocks AWAY

BUILDING CT

WALL

DO NOT ENTER
WHEN FLOODED

11.26.2014 11:08



LOW SOLAR



View of 2661 E. Wetstones Rd, from Solar



View of 2661 E. Wetstones Rd, from Maxine Dr. - notice storage container visible in the loading dock



Stockpiles of construction material that have since been removed/relocated.



Stockpiles of construction material that have since been removed/relocated

ON MATERIAL STORAGE -
WHICH IS BEING USED
PROPERTY IN QUESTION



Stockpiles of construction material that have since been removed/relocated.



Construction material getting loaded into a forklift - note that this material was not being used on the house at this time, the interior and roof were not in the process of construction at this time



Stockpiles of construction material that have since been removed/relocated.

DRIFT WOOD ONTO
- NO WOODWORK WAS
USE ON THE BUILDING



Stockpiles of construction material that have since been removed/relocated. Crews loading material which subsequently left the "yard"



Crews and forklift returning to 2661 E. Wetstones Rd. from an indeterminate site off Solar Rd.

OUR YARD FOR
SITE



Concrete mixer leaving 2661 E. Wetstones Rd from another site



Bobcat returning palettes to 2661 E. Wetstones Rd
from another site

BOBCAT RETURNING PALETTES
FROM ANOTHER SITE



Bobcat returning pallettes to 2661 E. Wetstones Rd
from another site - note blind spot behind bobcat

A7 LEAVING YARD TO
GO TO 1375 N. CALLE RINCONADO



Bobcat in transit from 2661 E. Wetstones Rd to
1375 N. Calle Rinconado



Flatbed truck getting loaded with equipment, for transport to another site

DELIVERED FROM
WETSTONES TO
CALLE RINCONADO



Flatbed truck with materials arriving at 1375 N. Calle Rinconado from 2661 E. Wetstones Rd.



Bobcat arriving at 1375 N. Calle Rinconado from
2661 E. Wetstones Rd.

MATERIAL BEING
DELIVERED FROM
2661 E. WETSTONES TO
1375 N. CALLE RINCONADO



Flatbed truck with materials arriving at 1375 N.
Calle Rinconado from 2661 E. Wetstones Rd.