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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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DATE: March 31, 2014

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)14-02 MCCONNELL – EAST 8<sup>TH</sup> ST.**  
Scheduled for public hearing on April 8, 2014.

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**LOCATION:**

The subject site is located in east Pima County in an area known as Tanque Verde Valley. The property is located on 8<sup>th</sup> St. The property is located approximately 650 feet west of the intersection of 8<sup>th</sup> St. and Avenida Javalina. The property is approximately 3.60 acres and the zoning on the property is SR (Suburban Ranch).

**SURROUNDING ZONING / LAND USES:**

North -	SR	Rural
West -	SR	Rural
South -	SR	Rural
East -	SR	Rural

**PUBLIC COMMENT:**

This case was originally started as an MSR. It appears that as part of the MSR process a protest was received. The property owner then submitted a variance.

To date staff has received three letters of protest. One of the letters of protest was signed by five property owners. Therefore there are seven property owners who have protested the case. Staff would consider six of the owners to be immediate neighbors and are affected by the approval or denial of the request. Copies of the letters of protest have been included for the Board's review.

**PREVIOUS CASES ON PROPERTY:**

There is an existing violation on the property for the guest house and additions to the guest house. A check of the code violation shows that citations were issued to the owner of the property in November of 2013. There were two citations issued to the owner. One is for construction without permits and the second is renting of a guest house which is not permitted.

**REQUEST:**

The applicant requests the following variances:

1. To reduce the minimum setback for a guest house from 20 feet to 14 feet.

2. **To increase the maximum percentage allowed for a guest house from 45% to 67% the square footage of the main building.**

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

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

**BACKGROUND:**

The subject site is a residential property in SR zoning. Properties in the area are located on a minimum of 144,000 square feet (3.31 acres). The area can be classified as rural in nature. The guest house that is the subject of the request was originally permitted as a shop. No permit to convert the shop to a guest house can be found. This is important since guest houses have unique setbacks that other accessory buildings are not required to meet. In this case the guest house must be 20 feet from the rear property line where other accessory buildings would only need to be 10 feet. In addition, guest houses have more restrictive coverage limitations. Guest houses must be no more than 45% the size of the main building where as other accessory buildings are limited to no more than 70% the size of the main building. It appears from reviewing the property that when the shop was permitted it met the requirements of the zoning code and has been converted to a different use without the appropriate permits and setbacks being met.

**RECOMMENDATION:**

Staff recommends **DENIAL** of the variance requests. It appears that many neighbors in the area object to the use of the structure as a guest house and that the guest house has been used as an additional dwelling unit and not as a location for none paying guests of the main building. It does appear that the hardship has been brought on by the owners of the property. Four of the five abutting property owners have submitted protests. In addition two additional protests were received by property owners in the immediate area.

After reviewing the applicants material staff does agree that the guest house is located a great distance from neighboring structures on adjacent properties. It does appear that the guest house is located a minimum of 400 feet from a structure on an adjacent property. While this alone does not justify the approval of the variance, the large distance between the structure and a neighboring property does assist in mitigating adverse effects on the neighboring property owners.

In conclusion, staff's greatest concern is the use of the structure as a guest house which appears to have been rented. This use of the structure increases the density of the property without the appropriate permits and changes the rural character of the area by allowing two residences on one property where many properties are 4.5 to 5.0 acres in size.

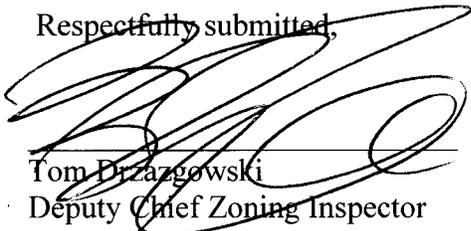
\*\*\*\*\*:

**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.

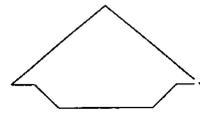
Respectfully submitted,



Tom Drzazgowski  
Deputy Chief Zoning Inspector

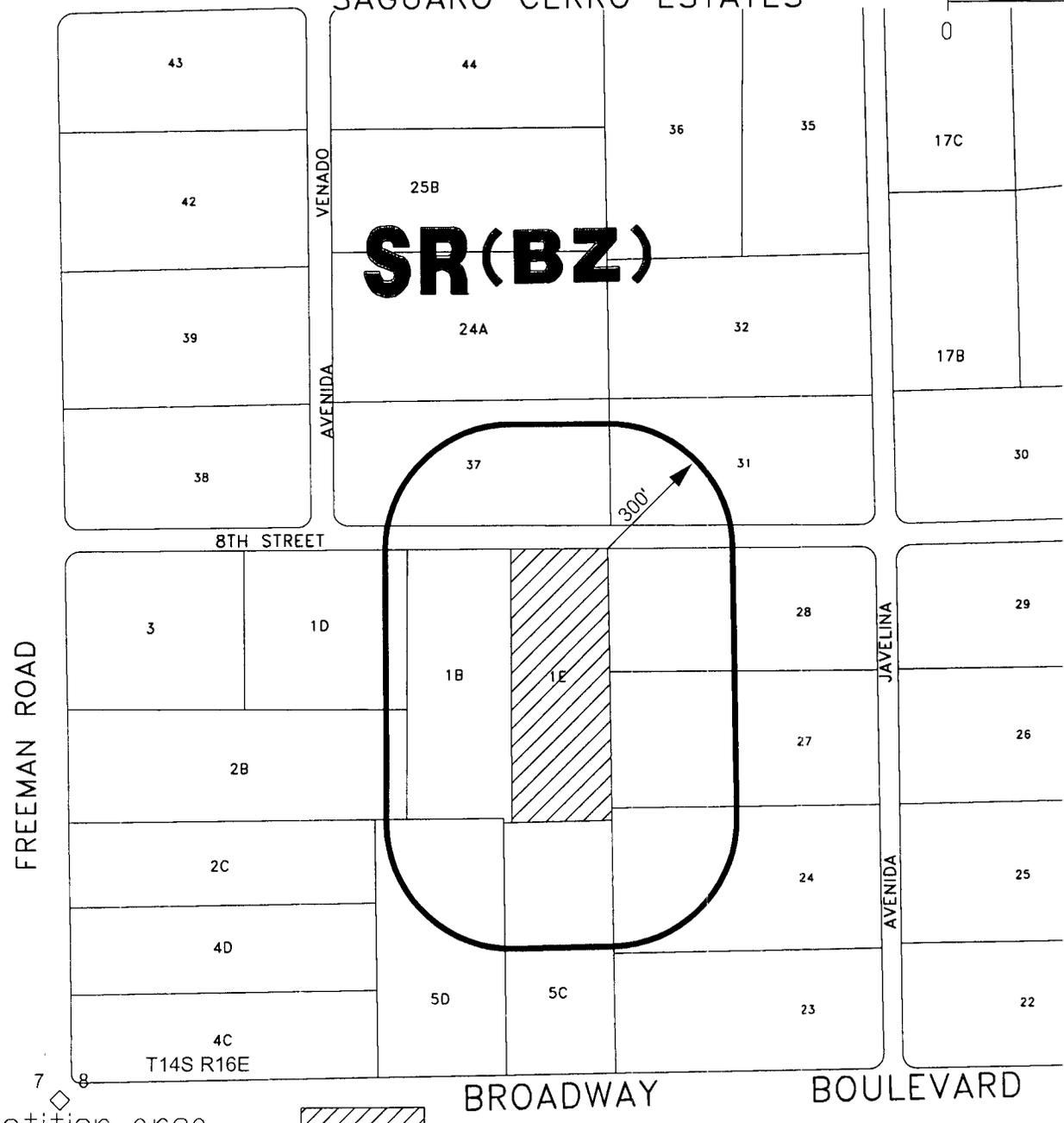
Co10(4)14-02 MCCONNELL – EAST 8<sup>TH</sup> ST. Michael Baldwin, for the property owner, Martha McConnell, on the property located at 12080 E. 8<sup>th</sup> St., in the SR zone, requests a the following variances;

1. To reduce the minimum setback for a guest house from 20 feet to 14 feet. Section 18.09.020G4 of the Pima County Code requires a minimum setback of 20 feet for a guest house from a side or rear property line.
2. To increase the maximum percentage allowed for a guest house from 45% to 67% the square footage of the main building. Section 18.09.020G2 requires a guest house not exceed 45% the floor area of the main building.



0 400'

# SAGUARO CERRO ESTATES



# SR(BZ)

Petition area 

Notification area 

BASE MAP 86

Notes \_\_\_\_\_

Tax codes 205-55-001E

Date 03/03/14

File no. CO10(4)14-01

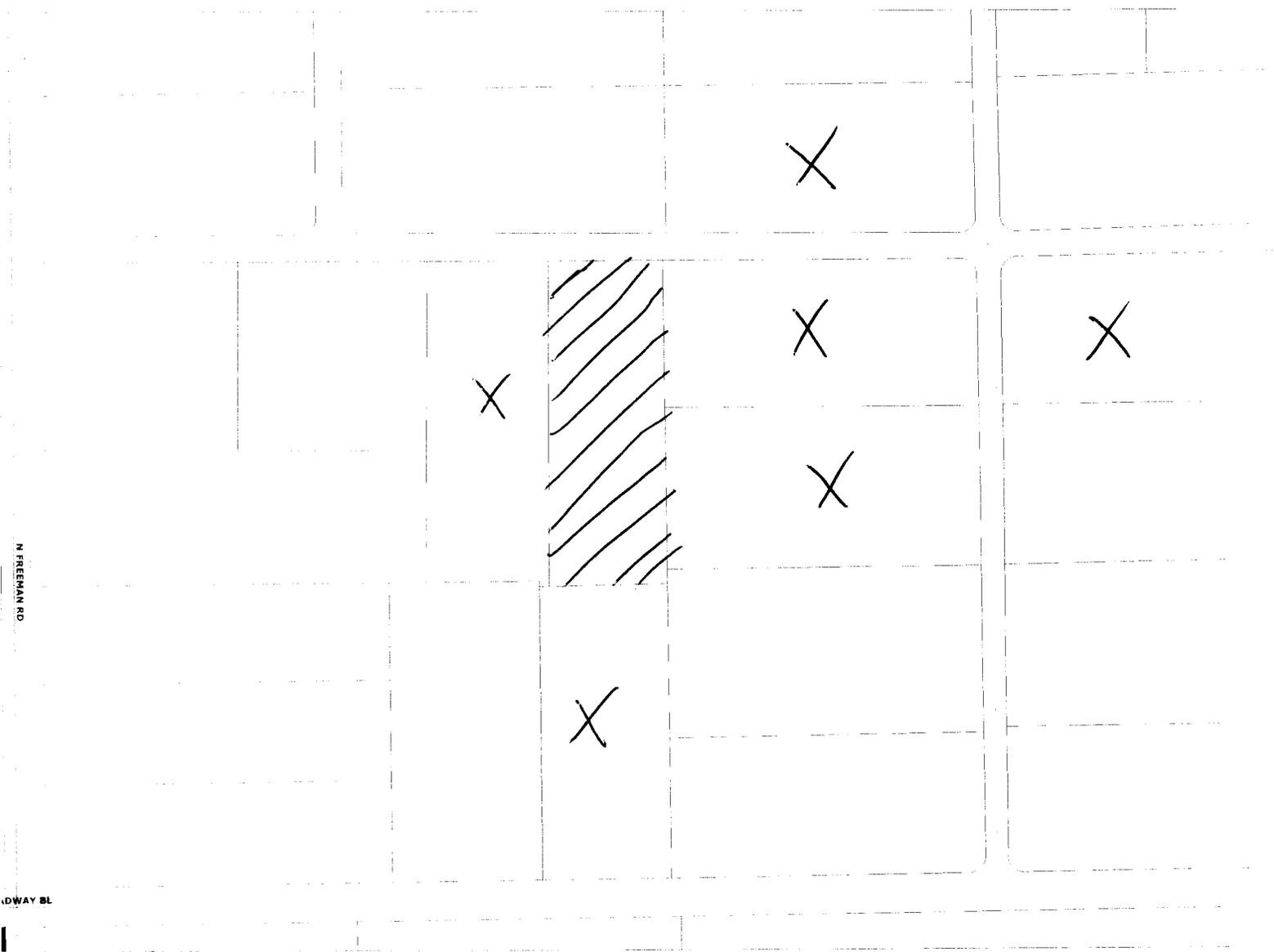
\_\_\_\_\_

Drafter DS

MCCONNELL

EAST 8TH STREET

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



N FREEMAN RD

DWAY BL



FFR 28 2014  
JRV

### Variance Application

Revised 12/2013

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

Property Owner: Marta V McConnell Phone: \_\_\_\_\_

Owner's Mailing Address: 12080 E 8th St. City: Tucson Zip: 85748

Authorized Representative: Michael W Baldwin, Esq. Phone: (832) 488 3158

Rep's Mailing Address: 12080 E 8th St. City: Tucson Zip: 85748

Property Address: 12080 E 8th St. City: Tucson Zip: 85748

Tax Code Number(s): 205-55-001E Zone: SR

Does the subject parcel have an active building or zoning code violation? Yes - Judgment in P13CV00481-1

Owner or Applicant's Email Address: michael.baldwin@azbar.org & mvmcconnell@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: Michael Baldwin Date: 2/27/2014

### INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Co 10(4)14-02 McConnell - E. 8th Street Co10(4)14-02  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.09020 G of the Pima County Zoning Code which requires 20' rear yard; 45' to floor over of main dwelling - Refused from MSR process.

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY JV DATE 02/28/14

Current zoning regulations require that the square footage of a guest house “[s]hall be no larger than forty-five percent of the floor area of the main dwelling”. See Pima County Zoning Ordinance § 18.09.020(G)(2)—(hereinafter referred to as the “**45% RATIO**”). Current zoning also requires that any structure on the property may be constructed so that it is not less than 20 feet from the rear lot line. § 18.09.020(G)(4)(b); (this Minimum Setback Requirement is referred to as the “**MSR**”).

Ms. McConnell purchased the property generally known as 12080 E 8<sup>th</sup> Street, Tucson, AZ 85748, in June of 1999. The property is zoned as Suburban Ranch. At the time of purchase, there was an existing guest house located on the property of approximately 1,183 square feet. The main house is approximately 1,788 sq. ft. The ratio between those two numbers is approximately 66%, i.e., the guest house is 66% “...of the floor area of the main dwelling”.

#### **PART ONE—MINIMUM SETBACK ISSUES**

The Guest House is located approximately 14 feet 9 inches from a barbed wire fence erected on what appears to be, and what Pima County Development Services (“PCDS”) asserts is, the rear property line. The property has not been surveyed in preparation for this Zoning Variance Request.

The Guest House was constructed in approximately its present footprint---i.e., with all of its exterior walls and roof as they presently are situated---as of no later than December, 1979. Evidence of the existing structure can be found in maps maintained by Pima County Development Services (“PCDS”) on the “Mapguide” site. Printouts of the subject property taken from an orthographic map labeled by the County as “” are attached hereto as Exhibit 1 (containing three sheets, that are of the same image, zoomed to different magnifications). Printouts of the subject property taken from an orthographic map labeled by the County as “” are attached hereto as Exhibit 2 (again, three sheets that are of the same image, at different magnifications). Attached hereto as Exhibit 3 is an archival photograph reprinted for use in this application by Cooper Aerial Survey, showing that the house was in essentially identical physical structure---width, height, depth and setback from the rear fence/property line---as of December 1979. In sum, McConnell asserts that the setback of the property was 14’9” when she purchased it, and any setback violation should be grandfathered in light of such having been in place for what is now almost 35 years. Similarly, the Guest House existed with the walls of its habitable structure approximately as they are today---when she acquired the subject property in 1999. Similarly, comparison of the 1979 photo in Exhibit “3” and the Mapguide printout in Exhibit “2” from 1998, that structure had existed with the outside walls of its habitable area from approximately 1979 until the time of acquisition in 1999. This assertion is also based upon an interview of the neighbors to the East, who say that they knew former owner well, and know the guest house was converted from a shop many, many years ago, but they are not sure of the exact date.

In sum, McConnell has compelling proof that the Guest House’s present violations of the zoning ordinances as to maximum size is not a violation at all because the conditions were in existence at the time of enactment of § 18.09.020(G)(2)---colloquially referred to as “Grandfathered”. In addition, an informal survey of the contiguous property owners revealed that some do not care at all, and none of them seem to be of the opinion that destruction of the Guest House is reasonable. Finally, on this

subject, see Exhibit "5" which is a printout from Google Earth showing approximate measurements from the Guest House to the structures located on contiguous properties. The distance to the *nearest* structure that lies on the Subject Property's southern border is approximately 413 feet, and the longest distance is approximately 1/8 of a mile. On information and belief all but one of those contiguous property owners acquired their respective property at a time when the Guest House was already in existence, with a roof that is approximately 73 feet long and 24 feet wide, and located within less than the MSR of 20 feet.

It is easy to see that each one of those property owners are not adversely affected, if affected in any manner, by allowing McConnell's request for variance of the requirements of the 45% RATIO set forth in 18.09.020(G)(2). The three property owners to the South, SE and SW of McConnell's property have informed McConnell that they do not object to a zoning variance. Once this Application is filed, McConnell will seek their written consent after they have a chance to review all of the materials contained herein.

#### **PART TWO—"45% RATIO"**

In 2013, Ms. McConnell's brother began a construction project for her to enclose the existing carport (it had three walls and an open space to the north), and convert one half of such structure to a gymnasium area, with a small bathroom and also planned to move the laundry facilities into a portion of what had been the carport at the East end of the roofed structure. When PCDS was called to the scene by a neighbor's inquiry, McConnell discovered she was in violation of ordinances that require a permit for the construction activity that had been started, and PCDS thereafter pursued an administrative hearing to enforce future compliance with the Building Permit Requirements. The County also requested that a judgment be entered that would give McConnell adequate procedural mechanisms to obtain such permit. A copy of the Stipulated Judgment entered in P13CV00481-1 is attached behind the Variance Request submitted herein.

Since the main house is 1,788 square feet, if the owner was required to comply with the 45% RATIO, the Guest House could not exceed 805 square feet. There is no financially feasible way of bringing the property into compliance with the 45% RATIO, because there is no feasible way of chopping off 378 square feet of the property.

McConnell asserts that the most salient factor for the County to consider is the degree to which contiguous property owners would be adversely affected by the grant of a Zoning Variance as request by McConnell herein. In this case, that is an easy decisions to make because--as stated above, and See Exhibits "1" to "4"--the Guest House was built to its present exterior dimensions approximately 35 years ago. It is not being expanded. It is not being increased in height. It will have the same profile as seen from neighbors' properties as it has had for the last 35 years. Minor changes may include new windows and a fresh coat of paint, but given the distances between the Guest House and the actual homes on contiguous properties, McConnell asserts that her neighbors will not likely be able to decipher the changes unless they walk out to the edge of the property.

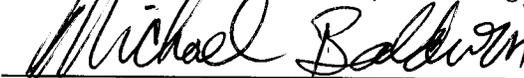
Thus, it is a most reasonable request on McConnell's part that a Zoning Variance is granted that (a) determines that the existing structure, including its carport on the eastern end of such structure and a total footprint of 71'3" X 24'0", is not in violation of 18.09.020(G)(2); and (b) allows the construction of the gymnasium as set forth in Mr. Campos' drawings in Exhibit 5, so long as it is constructed within the above stated footprint of the 1979 building; and (c) if an alternate use of the carport at the east end of the structure is determined by McConnell to be in her best interest, that allows the future construction work necessary to enclose the entire carport so long as it is constructed within the above stated footprint of the 1979 building.

**REQUEST FOR VARIANCE OF THE 45% RULE**

- (A) McConnell requests a variance of the 45% RULE as it applies to entirety of the Guest House, especially as to the Carport area depicted in the several photographs, included in the Exhibits. Because there is a very strong set of evidence indicating that the carport was constructed in 1979, and has thus been in place for 35 years, McConnell requests the allowance of variance of the 45% Rule that will enable her to enclose, if it meets design criteria and can be fully permitted, the entire carport area, thus substantially exceeding the 66% that is the present ratio between main house and Guest House. It likely will be Ms. McConnell's only commercially reasonable solution to the zoning problem she has come to realize that she purchased in 1999. And, it will not adversely affect the surrounding properties nor adversely affect the neighborhood---because anyone who has looked at the property in the last 35 years has seen the footprint of a building that will be no larger, no longer, no wider, and no taller than what they have seen since 1979.
- (B) Alternately McConnell requests a variance of the 45% RULE as it applies to both the existing Guest House and partially completed construction of the Gymnasium as depicted in Architect Campos' detailed drawings.
- (C) Alternately, McConnell requests a retrospective variance from the 45% RULE as it applies to the existing structure. Though there may have been minor changes (paint, tile, a window, etc.) McConnell believes, the photographs say, and the neighbors say, that the Guest House today has the very same footprint, and square footage of 1,138 square feet (66%) as it did in December 1979. And, the prior owner obtained a permit for a "Carport" and constructed same while complying with all legal requirements as they *then* existed. Given the history of the property, and the fact that McConnell did nothing to create the 1979 building, only bought it thinking it had been constructed entirely legally, it would be a travesty of justice if this variance is not granted by the County.

RESPECTFULLY SUBMITTED THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2014

MARTA Veronica McConnell, by and through



---

Michael W. Baldwin, Esq., her counsel of record



**Citation**  
**Code Enforcement**  
 201 N. Stone Avenue, 2nd Floor  
 Tucson, AZ 85701  
 (520) 740-6441 Fax: (520) 623-5411



**NOTICE OF DESIGNATED REPRESENTATIVE**

**CITATION #: P13CV00481, 1-2**

Pursuant to the Pima County Zoning and Building Code Enforcement Rules of Procedure Section 206, the named Defendant(s) may be represented by counsel or by any other adult person designated. **If the Designated Representative is an attorney, notification must be made in writing and submitted to the Hearing Officer a minimum of 10 days prior to the Hearing date.** The Designated Representative's address will be used for all notices and correspondences related to this Administrative Hearing process. Mail this form to: Pima County Code Enforcement, 201 N. Stone Avenue, Tucson, AZ 85701. To contact our office please call Code Enforcement at (520) 740-6441.

Defendant Name: <i>Veronica McConnell</i>	Defendant's address: <i>120806 8th St</i>
	City, State, Zip Code: <i>Tucson AZ 85748</i>
Designated Representative Name: <i>Michael W. Baldwin</i>	Representative's Address: <i>PO Box 40204</i>
	City, State, Zip Code: <i>Tucson AZ 85717</i>
	Phone #: <i>(520) 870-0709</i>

Is Designated Representative an Attorney? Yes  No

Signature of Defendant *Veronica McConnell* Date: *Jan 7 2014*

# Pima County Recorder's Office

[New Search](#)

Grant Name	Grant Name	Ex. From	Instrument Type	Sequence	Docket	Page	Recorded
MCCONNELL	MARTA V	T	WARRANTY DEED	19991110898	11065	2484	06/10/1999
RIEBEL	FLORENCE W	F	WARRANTY DEED	19991110898	11065	2484	06/10/1999

1

[Export Search Results To Excel](#)

Document Details

Donors Grfnhw GrfnhwSdjh Vhtxhqfh Uhtxhqfh Fxwep hufqfh Diihdyle Hfhp swrq	Sdjh	Grantor / Grantees			Cross References				
		Wr2Iurp	odvwQdp h	IiwWQdp h	Wlch	Glu	Vhtxhqfh	GrfnhwSdjh	Wls

BEFORE THE PIMA COUNTY ZONING/BUILDING CODES  
ENFORCEMENT HEARING OFFICER

201 N. Stone Ave., Tucson, AZ 85701  
(520) 740-6800

<p>PIMA COUNTY vs.  McCONNELL*, Marta V.,  Defendant</p>	<p>Case No. <u>P13CV00481-1</u>  JUDGMENT</p>
--	---

\* also represented at hearing by Michael D. Baldwin, Attorney for the Defendant

Defendant Present X Defendant Not Present \_\_\_\_\_

The Hearing Officer having heard the evidence by all parties in the matter of the above captioned Zoning/Building Codes Enforcement Complaint, the Hearing Officer finds as follows:

**Based upon photographic and other evidence presented by the Pima County Code Enforcement Inspector at the hearing of January 16, 2014, the defendant is found responsible for a violation of Sections 105 (Permits), 109 (Inspections), 113 (Violations), and 114 (stop-work order) of the 2012 International Building Code (IBC) pertaining to the conversion of a work shop into a guesthouse and the remodeling of carport to include laundry facilities and storage.**

**BASED ON THE ABOVE FINDINGS, IT IS HEREBY ORDERED THAT:**

X Judgment is entered in favor of Pima County and against Defendant, who is ordered to pay a civil fine in the amount of Seven hundred fifty dollars Dollars ( \$750.00 ), to be paid as follows:

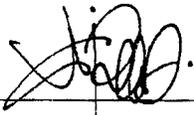
A fine of seven hundred fifty dollars (\$750.00) is levied, \$50.00 of which is due within fourteen (14) days of the date of this Judgment and the remaining amount of \$700.00 is suspended as outlined below so as to provide the Defendant the opportunity to bring the property into full compliance with the Code. Upon achievement of compliance in accordance with the following, the remaining portion of the fine shall be dismissed:

1. Within thirty (30) days of the date of this Judgment, the defendant shall either: 1) return the guesthouse to a shop and carport and obtain permits for all utilities to the shop, OR: 2) convert the current modification of setback request (MSR) into a variance application that addresses all issues associated with permitting it as a guesthouse, including but not limited to setbacks and size. If the variance is applied for within the 30-day timeframe, the fines will remain in suspension for a period of ninety (90) days after a decision is rendered by the Board of Adjustment.
2. If the variance application is approved, the defendant shall, within the subsequent 90-day period, obtain all permits and final inspection approval for the converted shop, guesthouse, former RV carport converted to laundry facilities, utilities, etc.
3. If the variance is denied, the defendant shall, within the same 90-day period, remove all unpermitted construction, including the conversion of the shop, the guesthouse improvements, the RV carport, and obtain permits for whatever utilities require them.

Note: the Hearing Officer is willing to consider additional compliance time beyond the above 90-day period only in the event that significant progress and a clear, on-going good faith effort is demonstrated during the initial ninety (90) days.

**FAILURE TO CORRECT VIOLATIONS MAY RESULTS IN FURTHER SANCTIONS.**

ORDERED this 21<sup>st</sup> day of January, 2014.

  
\_\_\_\_\_  
HEARING OFFICER (Jim Portner)

**NOTICE OF RIGHT TO APPEAL:** Any party may appeal the Hearing Officer's final Judgment to the Board of Supervisors by filing a written notice of appeal. The notice of appeal shall identify the order or judgment being appealed and shall conform to the requirements of Chapter 4 of the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure. A copy of the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure may be obtained from the Hearing Officer for a nominal charge. THE NOTICE OF APPEAL MUST BE FILED WITHIN FIFTEEN CALENDAR DAYS AFTER THE ENTRY OF THE ORDER OF JUDGEMENT.

Copies mailed/delivered to parties by AR on 01-22-14

Form HO-86-3  
REV. 1/2007

JOB NUMBER: 02012-14

COOPER AERIAL  
1692 W. GRANT RD.  
TUCSON, AZ 85745  
Ph 520-884-7580 Fax 520-623-7952

Date Received: 2/26/2014  
Ordered By: Michael Baldwin  
Taken By: Gary  
Customer PO Number:  

PROJECT NAME:  

Bill To: <b>Michael Baldwin</b>  michael.baldwin@azbar.org	Ship To:  
---	------------------

**JOB DESCRIPTION**

Provide (2) digital images of 12080 E. 8th Street from 1973 and 1979

**LAB REQUIREMENTS**

# Prints	Resolution	File Type	CD/DVD/HD	Size	File #	Frame #	Date	Scale
		tif	CD		79Tuc	38-35	12/06/1979	
					73Tuc	23-15	12/26/1973	

SALES AMOUNT:	\$	100.00
TAX:	\$	8.10
TOTAL:	\$	108.10

P/U	
Deliver	
UPS/FEDX	
Mail	

PREPAID M/C

INVOICE NO.:  

DATE:

# DEVELOPMENT SERVICES DEPARTMENT

201 N. STONE AVENUE, 2ND FLOOR TUCSON, AZ 85701

PHONE: 740-6800 FAX: 623-5411

## RECEIPT

## PIMA COUNTY, ARIZONA



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ACTIVITY P14BA00019

FEES RECEIPT# 14P00042

SITE ADDRESS:

CASE NUMBER:

DATE: 02/28/2014

COMP TYPE: BOA

TIME: 01:06 PM

TYPE: VARIANCE

DESCRIPTION OF WORK: Co10(4)14-02

APPLICANT: MICHAEL W BALDWIN ESQ

by: CT

Receipt

\*\*\*\*\*

Notation:

PAID BY:

Type	Method	Description	Amount
Payment	Check	100	759.00

TOTAL: 759.00

FEES PAID:

DESCRIPTION	CURRENT PMTS
BOARD OF ADJUSTMENTS	759.00

TOTAL: 759.00

Reference # (if applicable):

# **Exhibit 1**





Notice the Shadow  
Cast by the  
Motorhome sized  
Garage @ east end  
of Roofline



Notice the Shadow  
Cast by the  
Motorhome sized  
Garage @ east end  
of Roofline





Activity: P13CV00481 9/26/13 #6

P13CV00481. 12080 E 8TH ST. KGS.

Printed: 01-15-2014 KATHLEEN SIMPSON, Inspector

This 2013 photo shows the Motorhome-sized carport opening that one can trace--via sun angle and shadows--from December 1979, following the building permit that said only "Carport" to the date that construction ceased on the gym McConnell sought to construct in this area. (P.S. The Window Openings are new).



Activity: P13CV00481 9/26/13 #6

P13CV00481. 12080 E 8TH ST. KGS.

Printed: 01-15-2014 KATHLEEN SIMPSON, Inspector

This 2013 photo shows the Motorhome-sized carport opening that one can trace--via sun angle and shadows--from December 1979, following the building permit that said only "Carport" to the date that construction ceased on the gym McConnell sought to construct in this area. (P.S. The Window Openings are new).

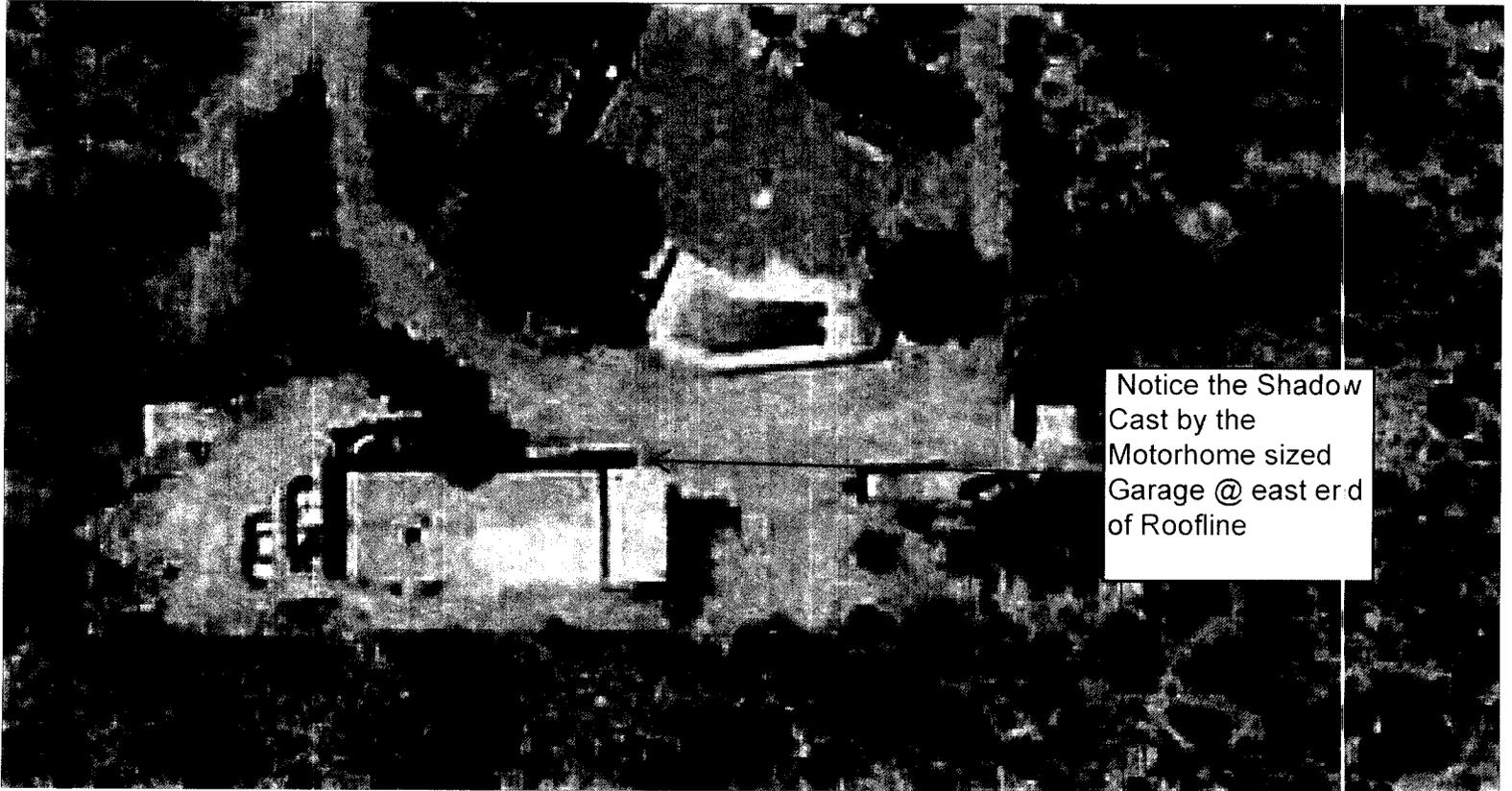


# **Exhibit 2**



Notice the Shadow  
Cast by the  
Motorhome sized  
Garage @ east end  
of Roofline





Notice the Shadow  
Cast by the  
Motorhome sized  
Garage @ east end  
of Roofline

# **Exhibit 3**



Notice the Shadow cast by the Motorhome sized Carport opening which can be traced through the Courty's 1996 Orthographic Map the 2012 Orthographic Map and as seen in Ms. Simpson's Sept. 2013 photographs taken of that opening at ground level.



Notice the Shadow  
Cast by the Motorhome  
sized Garage: @ east  
end of Roofline

Activity: P13CV00481 9/26/13 #1

P13CV00481. 12080 E 8TH ST. KGS.

Printed: 01-15-2014 KATHLEEN SIMPSON, Inspector



Activity: P13CV00481 9/26/13 #1

P13CV00481. 12080 E 8TH ST. KGS.

Printed: 01-15-2014 KATHLEEN SIMPSON, Inspector







Activity: P13CV00481 9/26/13 #6

P13CV00481. 12080 E 8TH ST. KGS.

Printed: 01-15-2014 KATHLEEN SIMPSON, Inspector

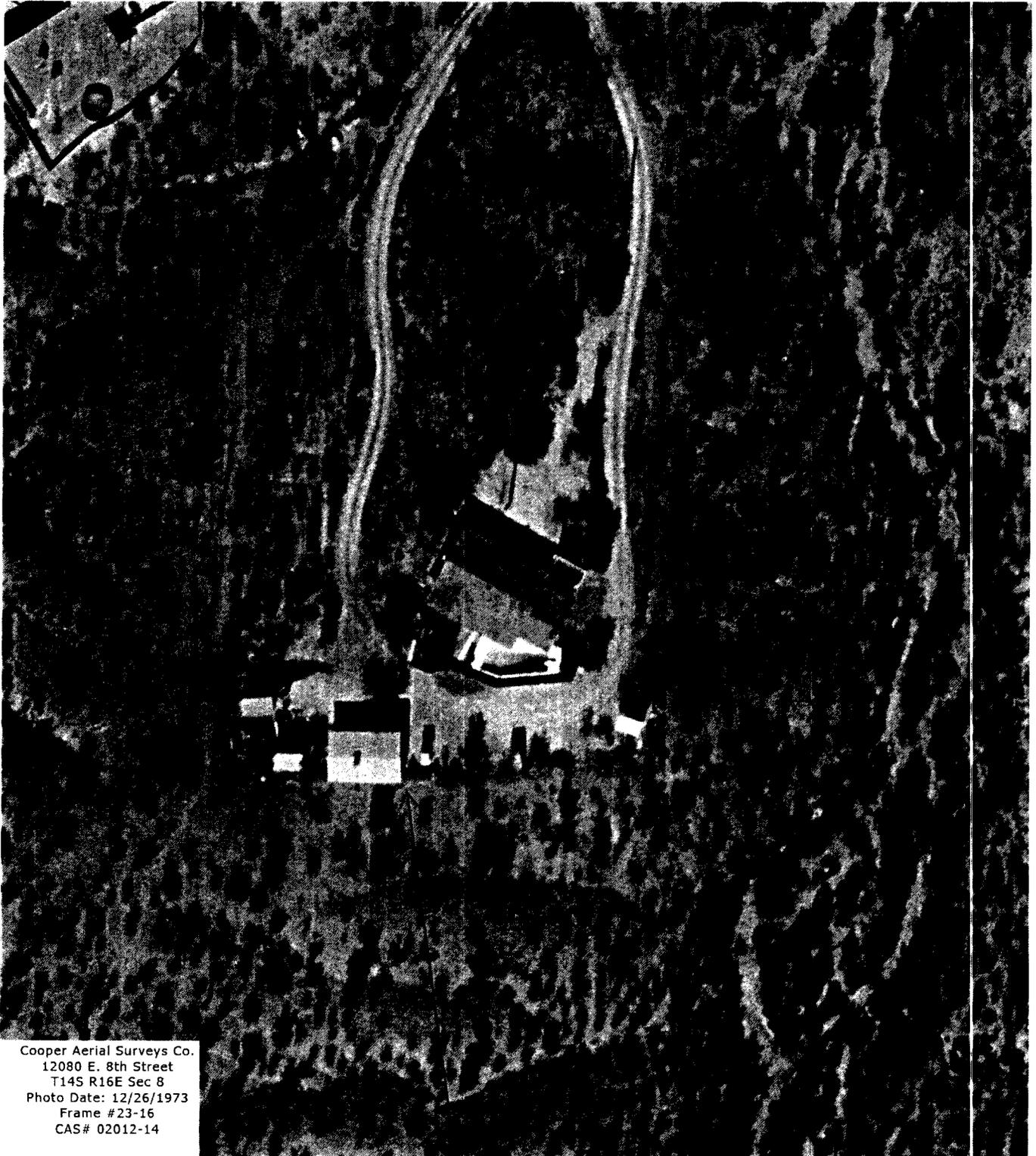




Google earth



I created this document using Google Earth and its "Ruler" tool, which enables one to estimate the distances while viewing a Google Earth webpage. Then, keeping track of the relative position of each of the nine properties, I compiled a table of the distances using such "Ruler" tool, and then created the "Callout Boxes" utilizing software provided by Adobe Acrobat, and transferred all of the distances to the respective callout boxes. This is therefore not a perfectly precise system. On the other hand, it would seem to matter very little whether the actual distance is 642 feet or +/- by 2% or 5%. It is for illustrative purposes, but does indeed illustrate that all adjacent properties are far separated from the subject property, and therefore less likely to be materially affected by the proposed Zoning Variance Request.



Cooper Aerial Surveys Co.  
12080 E. 8th Street  
T14S R16E Sec 8  
Photo Date: 12/26/1973  
Frame #23-16  
CAS# 02012-14

Compare this "Shortened" Guest House with the 1974 and 1979 building permits, and the 1979 aerial photo, and the most reasonable, and perhaps only logical conclusion is the former owner Reibel took out the 1979 permit, and added on 24 foot wide carport to the East end of the building, including the oversized Motorhome opening, and COMPLETED ALL THAT CONSTRUCTION after the July 1979 permit and before the Dec. 6, 1979 photo

# **Exhibit 4**

Map No. **86**

INO. 00000

FEE \$ **8.50**

Street & No. **12080 E. 8th St.**

(NEW CONSTRUCTION)

Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Zone **SR**  
**Full Legal attached** E. **241.91'** of

Subdivision: \_\_\_\_\_ Parcel No. **1**  
Section **8**  
Township **14** Range **16**

Owner **Richard Kiebel**  
Address \_\_\_\_\_ PH. **296-6175**  
Builder **Woodsworth Const Co. 7700 E. Tanque Verde**  
To Permit **Res & carport & porch**  
**Block 1700 sq.ft.**

Est. Cost (Labor & Material) **15000**  
Date Issued **10/22/69**  
Date Expires **7/22/70**  
Inspection Date \_\_\_\_\_  
Conditions Imposed by B/A Case \_\_\_\_\_

This permit is issued on the basis of your application and plot plan Any changes must be cleared by the Inspector.

Applicant  
Owner  Builder  Agent

Zoning Inspector \_\_\_\_\_  
Sanitary Facilities: Sewer  Septic   
Remarks \_\_\_\_\_

### ZONING INSPECTION RECORD

Date Requested	Date Inspected	Conform		Inspector's Initials	REMARKS
		Yes	No		
FOUNDATION SET BACKS	11-3-69	✓		[Signature]	
	12-16-69			[Signature]	
	1-28-70			[Signature]	
	5-28-70			[Signature]	Complete

EXHIBIT # **4**

PERMIT: BUILDING USE OCCUPANCY: NU 112943

86

4.00

12 080 E 8TH ST

SR

E241.91 OF

1

8

TABLET NET

14

16

RANGE

RICHARD RIEBEL

298 3242

SAFE

PHONE

SAFE

ADD CARPORT TO SHOP BLDG 480 SQ. FT

ADD CARPORT TO RESIDENCE

412 SQ. FT. (FRAME)

1000

INSPECTION DATE

7-1-74

4-1-75

THIS PERMIT IS ISSUED ON THE BASIS OF YOUR ARCHITECTURAL AND MECHANICAL PLAN. ANY CHANGES MUST BE APPROVED BY THE INSPECTOR.

Map No. 86

170. 000000

8TH ST

12 080 E.

MAP 86

TD # 87 02 30

ZONE: SR

DATE 7-2-79

CARPORT

OWNER:

Florence Riebel

Lot

Sec 8 T14 R16

PERMIT:

BUILDING

USE

PANTRY

NO. 116949

# **Exhibit 5**



Google earth



created this document using Google Earth and its "Ruler" tool which enables one to estimate the distances while viewing a Google Earth webpage. Then keeping track of the relative position of each of the nine properties I compiled a table of the distances using such "Ruler" tool and then created the Callout Boxes utilizing software provided by Adobe Acrobat and transferred all of the distances to the respective callout boxes. This is therefore not a perfectly precise system. On the other hand it would seem to matter very little whether the actual distance is 642 feet or +/- by 2% or 5%. It is for illustrative purposes, but does indeed illustrate that all adjacent properties are far separated from the subject property and therefore less likely to be materially affected by the proposed Zoning Variance Request.

# **Exhibit 6**

# INDEX OF DRAWINGS

- C-1 SITE PLAN, LOCATION MAP & INDEX OF DRAWINGS
- A-1 FOUNDATION, FRAMING, F PLANS, SECTION, ELEVAT AND DETAILS
- A-2 MECHANICAL / ELECTRIC PLUMBING PLANS, NOTES SCHEDULES

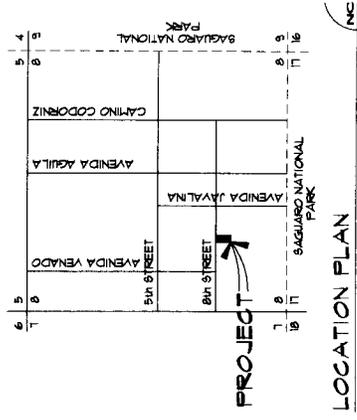
## CODE DATA

ZONING SR - SUBURBAN RANCH ZONE  
 USE SINGLE FAMILY DWELLING  
 TYPE OF CONSTRUCTION TYPE 3-B  
 NO. OF STORIES 1 STORY/25' MAX. HEIGHT  
 ROOF LINE VARIES, 13'-0" MAX  
 OCCUPANCY R-3 DWELLING  
 BASIC AREA UNLIMITED  
 LOT SIZE 147,000 SF. (3.3 ACRES)

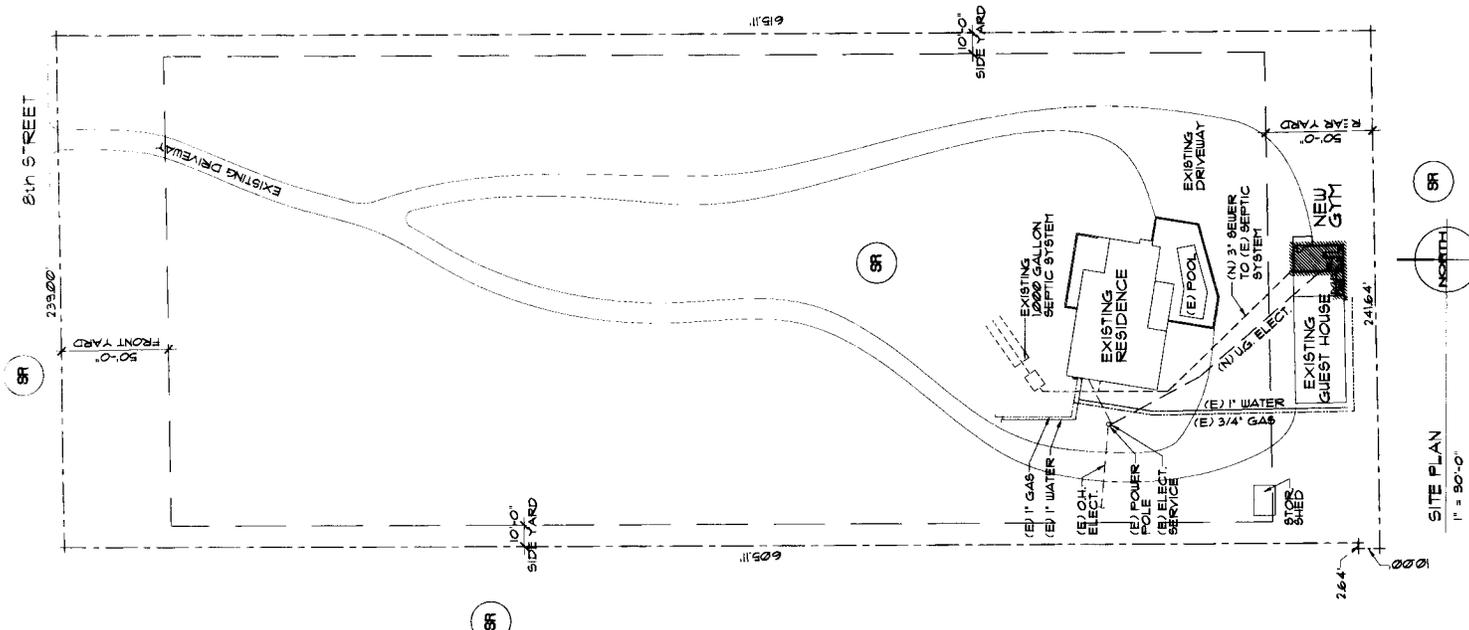
SITE DATA ID. 76935602E  
 OWNER: MARTA V. MCCONNELL  
 LEGAL DESCRIPTION: E. 23<sup>RD</sup> NE/4 SE/4 EXC RD PLUS 1/2 E. 241.64' 8E4 8U4 3.45 AC SEC 1

## AREA CALC

(E) MAIN HOUSE 2,349 SF  
 LIVING 188 SF  
 PORCH 2,161 SF  
 (E) GUEST HOUSE 1,183 SF  
 LIVING 722 SF  
 TO REMAIN 292 SF  
 NEW GYM 1,143 SF  
 TOTAL 4,288 SF.  
 NO CHANGE IN TOTAL AREA



LOCATION PLAN  
 NO SCALE  
 SECTION 8, T14S, R16E  
 TUCSON, ARIZONA



SITE PLAN  
 1" = 50'-0"  
 NORTH

## OUTDOOR LIGHTING CODE (700%)

AREA CLASS	E7	NET ACRES	3.3	ALLOWABLE LUMENS PER ACRE: 14,000(16,000) UNSHIELDED	ALLOWABLE LUMENS THIS PROPERTY: 15,200(18,000)	NO. OF FIXTURE	LAMP / FIXTURE	LUMENS / LAMP	% TO APPLY
(E) FIXTURES UNDER OVERHANGFULLY SHIELDED	3	1 - 60 WATT	360	100					
(E) FIXTURES UNSHIELDED	2	1 - 60 WATT	360	100					
(N) FIXTURE SHIELDED	1	1 - 60 WATT	360	100					
TOTAL LUMEN OUTPUT									
(E) FIXTURE (SHIELDED)	2,580								
(E) FIXTURE (UNSHIELDED)	1,100								
(N) FIXTURE (SHIELDED)	360								
TOTAL LUMENS	5,100								

THIS TABLE EXHIBITS COMPLIANCE FOR THIS PROPERTY WITH THE TUCSON / PIMA CO / OUTDOOR LIGHTING CODE.

Montague Brown  
1050 N. Avenida Venado  
Tucson, AZ 85748  
520-885-8752  
520-400-4181(c)  
[brnmont123@gmail.com](mailto:brnmont123@gmail.com)

MAR 31 2014

Members  
Board of Adjustment, (Dist.4)  
Developmental Services  
201 Stone Avenue  
Tucson, AZ 85701

RE: Case No. <sup>10</sup>Co~~28~~(4)14-01, ~~Mc~~ **Connell - East 8th Street**

Greetings:

I am a resident of the Historic Notch Neighborhood, a neighbor of the parties, former Neighborhood block leader for N. Javalina, and often hiker on 8th Street.

I have read Mr. Baldwin's application on behalf of Ms. McConnell. I speak against granting the variance on the setback and size of the guest house. Both the technical details and uses are contrary to SR zoning.

Views of this property as shown in Exhibit 3, in 1973, nearer to the time it was built, shows no car and motorhome shed. It shows many small structures all along the same line. Today as I viewed it from Broadway it is larger and the motor home is parked in the open thus further burdening the views of structures and activities. This property loads most of its storage and guest quarters along that border. No neighbor with that view would want to approve the greater burden of its proximity and its commercial use. Surely any consideration of grandfathering this application would be wrong to think that they are approving that original use as a workshop for the original owner.

This applicant has made the size and uses of the guest house a central issue. Whatever decision is made on the setback issue, it must not at the same time endorse the outrageous request for allowing the changes implied by the applicants testimony and suggested remedies.

This so called "guest house" doesn't fit the Chapter 18.03 definition of a guest house which "**having no kitchen, used primarily by members of the family occupying the main dwelling and their nonpaying guest.**" By admission the occupant(s) of the guest house are not of the same family as the main house; they are paying renters, and probably have a kitchen.

The Car and motor ports are technically one Carport, and it is enclosed on three sides now, and about to be enclosed on all sides. **This is not a typical guest house size or**

**rental issue, this is a commercial multi unit housing issue, with the owner renting up to three units and possible four if the request is approved.**

In fact, this is a growing commercial operation in a neighborhood zoned for single residences only. Since Ms. McConnell purchased the house many different renters and uses have been noted, perhaps the most egregious was the use of the main house to store and distribute marijuana occasioning a wild drug bust. At other times the main house has had one group, the guest house another and another in the trailer house. This application asserts that the reason for approval is to make this more a commercially reasonable solution. Many renters, multiple uses.

**Mr. Baldwin says that the only likely “commercially reasonable solution” is for you to allow the exceptions request and approve the building out of the guest house to include a “gym” and laundry room.** The Campo's drawing in exhibit 5 shows these two areas. What it doesn't show is that within a few feet within the guesthouse of which this space is a part, are bathing and toilet facilities. It defies imagination that a prudent business person concerned for a good “commercial” decision would spend the money for another toilet, shower and sink just so a guest using the guest house would not have to walk back to their bedroom to shower and change. **You are being asked to not only approve illegal changes many in effect since 1999 but to actually expand what amounts to a multiple unit housing development.**

The main house is not the size indicated in this application nor will Mr. Baldwin's suggested solutions reduce the disparity; indeed if they are approved Ms. McConnell will increase the size of the guest house making the disparity greater. At a minimum, the size of the guest house should not be allowed to expand into the two garage area. Pertinent parts of Mr. Baldwin's testimony is noted to support this conclusion.

**The Main house size is 2335 sq ft according to the County Assessor Records(see attachment). The purported ratio is not 66% but is only 51%. BUT if Mr. Baldwin's recommendations are accepted it will become about 68%.**

**This is the travesty: if the request is granted, the disparity between the main house and guest house will be larger, not smaller. The uses are not residential as required by SR zoning.**

Mr. Baldwin asserts that the walls and roofs are as they were originally constructed in 1979. The main house was approved for a residence of 1788 square feet and a carport. Today there is no carport at the main house and the County Assessor list it as 2335 sq. ft (see attachment). The initially approved car port of 412 sq ft has apparently been incorporated into the main house.

The resulting ratio of main to guest/shop house is 1183 /2335 or 51%, thus much closer to compliance than charged. However if Mr Baldwin prevails on any of his recommendations, Ms McConnell will be allow to expand the guest house by the size of

the car and trailer port, about 450 sq ft, thus taking the proportions from 51% and near compliance to 1583 sq ft/2335 or 68% of the main house. In essence **Mr. Baldwin proposed solutions would actually increase the illegal disparity, not reduce it.**

**Roof size alone is not the criteria to determine impact of these changes.**

The conversion of the main house car port to interior space did not change the essential one residential home per lot. But allowing the already oversized rental house to be expanded will essentially be a splitting of a single home per lot into two lots with full scale rental homes, a major change. It is not mere semantics to say this isn't the same: shop/guest house under these roofs put there by the prior owner. This car and trailer home port is rapidly becoming interior living space. If completed, it will increase the guest house to main house disparity. It will probably become a residence for still another person, perhaps even two more if the trailer home is also rented.

Mr. Baldwin asserts that the nearby owners knew of the guest house when they purchased. Most knew of it as a workshop which was later converted to allow a son to live there. Those same owners did not know of Ms. McConnell's conversion into a much larger rental house and the elimination of the car and motor home ports. Nor when she asserted that this was an owner occupied home, did they know it was an investment property to be rented continuously. This is relatively recent news. She did live there and rent to others, sometimes using a trailer home for her home and renting both the main house and "guest" house. Nor did they know that she would become an absentee landlord with no local agent. When neighbors call to complain no one is there to answer or act on complaints. Now the neighbors realized her soaring ambitions to eventually have perhaps up to four rental units on this property, a fact demonstrated by her expansion of the already oversized "guest" house adding a separate rental room.

**"Ms McConnell only discovered the need for a permit to expand the guest house when neighbors complained of unauthorized construction."**

It is asserted by Mr. Baldwin that upon the arrival of the County Inspectors she "discovered" she was in violation of ordinances that require a permit. That Ms. McConnell didn't know of these requirements defies imagination. Especially since her tenant, Mr. Baldwin is an attorney and was living there and helping out at the time. Ms. McConnell knew or should have known of this requirement; her brother who has worked in real estate knew or should have known. **Ms McConnell was apparently counting on no one taking notice of her exploitation of the property contrary to zoning ordinances as she converts it from her personal living space into up to four or more rental units, in essence creating a commercial enterprise in a residential zone.**

**Mr. Baldwin's asserts that neighbors will see no change. Changes here will be the equivalent of splitting the property into three or more lots with attendant impact on neighbors, roads, services and the national park. If all four rental**

**spaces are used that means more than the impact of a single resident and occasional guest.**

Sadly her assertions reported through Mr. Baldwin are not credible. One can go to the County Assessors office and see that she has until the complaint and inspection claimed a tax status that did not acknowledge she is running a rental property. Most of the neighbors have noticed the heavier traffic than created by Ms. McConnell herself, the owner. For every renter, more service traffic such as meter reading, solicitations, visitors, pizza delivery, power inspections, water inspections, electricity readings, etc. All will increase. On one occasion one renter and children brought off road motorized vehicles, vehicles not allowed on the roads but greatly distressing neighbors as they rode up and down the driveways. Some rent short term for big parties. This is all noticed. Noise. Dust. Impact on roads. And more.

**Worse, there are others in this neighborhood who are violating the zoning ordinances, although none so blatantly, and would no doubt love to see this approved, and their changes as well.**

Approval of this adjustment will be a change noticed by others in the area who are violating building codes, tax codes and ordinary rules of good social conduct. It will impact the neighbors and other violators in the nearby area will notice, no penalty for violating the codes. It is the abuse of the use of this property and the subterfuge in renting it out without notice to the county and abuse of building without permission and the toll taken on neighbors for the abuse by renters of the property including a marijuana distribution center which led neighbors to complain and say NO MORE. These many abuses constitute a disease of creeping commercialism coming to this Historic Notch Neighborhood. Every neighbor notices the use and expansionist of this property owner to abuse the laws and disrupt the tranquility of this neighborhood.

**Mr. Baldwin suggested solutions make matters worse, a mockery really of the SR residential zoning rules.**

Mr. Baldwin asserts in his request point (A) that the only commercially viable option for Ms. McConnell is to expand the guest house for a larger rental and more space. Did Ms. McConnell when she bought the space contemplating it as a rental and never registered it as such? This neighborhood is not zoned for multi unit rental properties. What the applicant is asserting is a right to commercialize owner occupied housing to realize the greatest market return. This is the equivalent of rezoning to require only 1.75 acres or less per household. Or worse she is trying to shoehorn into the property a motel type array of a main house, guest house, single room, and trailer house.

Property owners have a right to have laws upheld and enforced, not to at will change things unsettling everyones expectations of settled law and then ask for exceptions because a mere single residence is not "commercially feasible" as zoned. It fact SR is not for primary commercial purposes, period. It was never intended to be commercially

feasible. In fact those uses are banned. Guest houses are for family and friends who do not pay!

In section (B) the request is for a roof variance that includes expanding the guest house as illegally begun but not yet approved. This is little different from (A) but with no excuses and is objected to on the same grounds as the above. Mr. Baldwin assert that it would be a travesty of this request isn't granted. The travesty of justice would be to approve this variance request.

## Summary

**This request represents the creeping commercialism** which has been fought to stop a house being converted to a meeting facility, to stop a small clinic residence for weight issues, and other illegal uses. **This is not a variance request, it is a re-zoning for multiple housing units, a commercial zoning request.**

**This property has been used in violation of both building codes and tax codes since Ms. McConnell acquired it.** When she rented the guest house, neighbors noticed it. When the marijuana bust happened the neighbors were alarmed. When she moved out to another state and rented both places they becomes further concerned. With the expansion without permits they finally said, essentially, enough is enough. Before this goes further we must ask the County to intervene, do not grant an exception to the size rule and do not encourage further expansion of the guest house.

Ms. McConnell's commercial solution is to sell this residential house and lot and invest in a properly zoned area where housing density is larger, not changing this neighborhood to support her inappropriate use request.

**I urge you to reject all of Ms McConnell's pleading for a better deal for her business at the expense of the neighbors, law and order and the fragile environment is this protect niche of Saguaro National Park, East. The extensive new construction going on to convert the car and motor home ports should be stopped and dismantled, perhaps along with the roof and frames for the carports which are implicated in this illegal operation.**

Sincerely,



Montague Brown

Attachment: County Assessors Report on the McConnell property  
CC: concerned neighbors

*Appendix*

**Taxpayer Information:**  
 MC CONNELL MARTA V  
 12080 E 8TH  
 TUCSON AZ

**Property Description:**  
 E239' NE4 SW4 SW4 EXC RD PLUS N10'  
 E241.64' SE4 SW4 SW4 3.45 AC SEC 8-14-16

85748- 8903

**Valuation Data:**

	LEGAL CLASS	2014		ASSESSED VALUE	LEGAL CLASS	2015		ASSESSED VALUE
		VALUE	ASMT RATIO			VALUE	ASMT RATIO	
TOTAL FCV	Res Other (4)	\$275,801	10.0	\$27,580	Res Other (4)	\$274,549	10.0	\$27,455
LIMITED VALUE	Res Other (4)	\$271,664	10.0	\$27,166	Res Other (4)	\$274,549	10.0	\$27,455

**Property Information:**

Section: 8  
 Town: 14.0  
 Range: 16.0E  
 Map & Plat: /  
 Block:  
 Tract:  
 Rule B District: 5  
 Land Measure: 3.45A  
 Group Code: 000  
 Census Tract: 4017  
Use Code: 0132 (SFR GRADE 010-3 URBAN NON-SUBDIVIDED )  
 File Id: 1  
 Date of Last Change: 10/29/2013

**Residential Characteristics:**

**Property Appraiser: Rich B. Phone: (520)724-3041**

Appraisal Date:	12/1/1986	Property Type:	Single Family Residence
Building Class:	3	Physical Condition:	Fair
Total Livable Area:	2335	Garage Type:	Garage/Carport
Effective Construction Year:	1970	Garage Capacity:	3
Stories:	1.0	Patio Type:	Covered
Rooms:	7	Patio Number:	1
Quality:	Fair	Pool Area:	450
Exterior Walls:	Framed Block	Valuation Type:	00
Roof Type:	Built Up	FCV Adjustment Factor:	1.000
Heating:	Forced	Enhancement:	0
Cooling:	Evaporative	Bath Fixtures:	8
Area ID:	Ed 7-010037-13-3		

**Valuation Area:**

Condo Market: 91  
 DOR Market: 5  
 MFR Neighborhood: Undefined  
 SFR Neighborhood: 01003713  
 SFR District: 7

**Sales Information:**

Affidavit of Fee No.	Parcel Count	Sale Date	Property Type	Sale	Time Adjusted Sale	Cash
19991110898	1	06/1999	Single Family	221500	221500	N

DEED: Warranty Deed

**Recording Information:**

Sequence No.	Docket	Page	Date Recorded	Type
19991110898	11065	2484	1999-06-10	
0	3821	360	1970-08-31	

March 24, 2014

MAR 28 2014

Pima County Board of Adjustment  
County-City Public Works Center  
201 North Stone Ave  
Tucson, Arizona 85701

To whom it may concern,

This letter is in response to case # Co10 (4)14-02 MCCONNELL-EAST 8<sup>th</sup> ST.

One's home is the largest purchase an individual makes. The homeowner wants this investment to be protected and ensure enjoyment for many years. As a result you purchase a home knowing the setbacks and other requirements needed to protect your property. When Ms. McConnell purchased her property she should have been aware of the zoning and setback requirements. She now seeks to change the established requirements to the damage of surrounding neighbors

I am the current property owner of lot #5C immediately to the south of said case # above.

Please accept this letter as my absolute opposition to these code variances requested by Mr. Baldwin for Ms. McConnell.

At the present Ms. McConnell has a guest building at the rear of her property. I am not sure if this present building was constructed with knowledge of the existing code, or if a variance was granted for it, as I am a new homeowner to property #5C. Ms. McConnell would like to place a new addition on this existing building, which to my knowledge is infringing on my property line. This requested variance to section # 18.09.020G4 would allow her to have additional structures potentially infringing on my property, which is unacceptable to me. One wrong does not make it right! She has already requested this variance change once before and it was denied. What has changed since the last request?

In regards to the 2<sup>nd</sup> request of the increase in maximum percentage code (section # 18.09.020G2) from 45% to 67% of the main building square footage, I am also opposed to this change. These buildings and the requested changes will impact my views and line of site the most significantly since they are at the back of my property and my home is situated whereas my views overlook these buildings. We are talking of a 22% increase in structure size that is in my direct line of view. Also, I question the possible noise a larger structure may allow from activities taking place within and around this structure.

These codes are in place to allow all residents of this area the views and spacing for which their properties were purchased. By allowing changes to these codes, for one individual, a precedent is being set for any other changes by this homeowner, or others. How would this owner respond if I requested similar code variances for construction of a building at the back of my property line which would be infringing on her property rights?

In closing I DO NOT believe that these requests are in keeping with the rights of all surrounding property owners and as stated would set a precedent which could lead to similar or even worse code change requests, in the future, and discord for the surrounding homeowners. It is important that we all live within the established codes of zoning and setbacks; if a precedent for change is established where does it end?

I appreciate your time on this matter,

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Vagnetti Jr.", with several overlapping loops and a long horizontal stroke extending to the left.

John D. Vagnetti Jr. (Lot 5C)

12059 E. Broadway Blvd

Tucson, Arizona 85748

Taxcode 205-55-005C

MAR 31 2014

Members  
Board of Adjustment (District 4)  
Developmental Services  
201 Stone Avenue  
Tucson, AZ 85701

In Re: <sup>Co 10</sup> ~~Co 28~~(4)14-07<sup>2</sup> MC CONNELL - 12080 East 8th Street

Greetings:

We, the undersigned are neighbors of the McConnell property. We have reviewed the criteria by which you judge such applications as well as the written testimony of the applicant's lawyer and tenant, Mr. Michael Baldwin.

***Criteria: 1: The lot coverage increase will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.***

By allowing this super sized rental guest house to be expanded and laundry facilities added, absentee landlord McConnell will have built additional rental space for this commercial operation. This is tantamount to having subdivided this property into two or more properties.

Also, neighbors have observed that many tenants have been short term. One does not easily become "neighbors" to transient populations. Nor are multiple renters likely to engage in neighborhood activities as one long term owner/resident. This reality weakens the friendliness of the neighborhood.

***Criteria 2: Significant views of prominent land forms, unusual stands of vegetation or parks from nearby properties ....will not be affected by this request.***

With several groups living at this one site, density will increase. Also, the view will be more crowded and the those living there viewing us will lessen our privacy. With four or more renters, instead of one permanent

resident, how could we not lose more of our privacy? With this residence becoming a major commercial operation in a residential neighborhood, privacy of other home owners is being destroyed. We are also concerned About the frequent turnover of strangers in the immediate area of our homes.

***Criteria 3: Traffic visibility on adjoining streets will not be affected.***

Traffic from two or more renters on one property is greater than for one family and occasional guest. As a result, noise, dust, erosion negatively impact the neighbors with greater frequency.

This is a multiple rental facility and will greatly increase the traffic onto dirt roads with already serious erosion problems at this location. Renters have been noted moving at fast speeds, generating clouds of dust and with reckless disregard for the impacts on neighbors, the local air quality and noise levels. Also, renters are notable for caring less about their impact on land and housing than owners. On one occasion, renters brought off road vehicles (banned on the streets) and drove them up and down the hill upon which these two homes sit.

***Criteria 4: Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights of way.***

The property homes are on a hill top( see photos, exhibit three) with two roads going up the hill. This property already creates a serious drainage problem on 8th street. Water running from this property often causes a road erosion sufficient to close it completely to traffic.

The landlord is using two of the approved car ports for internal resident use. So for every car port taken out of service it adds the roof space of uncovered cars to catch and influence the drainage of water from the property. This is tantamount to paving over the land. Cars formerly sheltered now add to the space where water is not directly absorbed by the land and diverted to washes, thus causing more erosion down stream on 8th street.

***Criteria 5: The location of proposed building and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties.***

As noted in item 4, the continued expansion of living space, using all of the car and motor home roofing to build interior living space, implies that all vehicles and other devices, trailer homes and the like will be left out in the open. They will add to the temperature buildup in the area; they will when struck by sunlight reflect glare into adjoining properties.

To argue that the exception being requested changes nothing is without foundation when one can see in the pictures, supplied by the Inspector and the building plans submitted by the applicants, this **under roof space** is not being used for housing cars, motor homes and other metal appliances. As a result, when this is approved without change, the results is more solar pollution by reflection and metal heating than before. This is a change in use that puts out more solar reflectors in the open space.

***Criteria 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.***

Noise levels of two or more families rather than one exacerbates noise levels. This is simply mathematics. With both big houses now for rent to two or more separate renters, one can easily predict from social science findings widely known, renters care less for how they treat property. With the increase in tenant capacity, there will be more traffic, more garbage, more trash, more deliveries to be made, etc. All of these factors are negative impacts on the immediate neighbors and the fragile desert of this notch bordered on two sides by Saguaro National Park.

In a larger sense, there are other neighbors watching this property for outcomes. The members of this neighborhood know that this situation has become a rental property sometimes with owner staying in the guest house or with two renters and she staying in the trailer home. The main house was modified to incorporate the approved car port into living space. The guest house car port and motor home port are being converted into living space. In essences this property is being split into two properties with all

amenities and all the burdens of a single SR3 property. This is a major noise, traffic, and privacy issues for all the neighbors, close and afar.

However, other neighbors watch all this activity and wonder if they could maximize their income by also transforming their SR plot to accommodate other units. Within a few hundred yards of this place is another guest house that is rented out illegally and with no rental property tax being paid, down the street a couple of blocks is still another. This is the test case for many illegal things and should be recognized as such. Your actions here will have a profound negative impact on this neighborhood.

## **Summary**

Profound negative effects of the expansion of the size of this guest house as sought by Ms McConnell as represented by her lawyer and tenant, Mr. Baldwin, pose many serious problems for this neighborhood. The Historic Notch Neighborhood is bordered on both the South Saguaro National Park, a short distance from the subject property. The area is designated as a Buffer Zone to the Saguaro National Park and intended to maintain its Suburban Ranch character such as dirt roads and openness to animals that migrate and graze through both Saguaro National Park and the neighborhood. Population density matters. Multiple rental space on one lot matters. Drainage matters. Dust matters. Privacy matters. All of these and more are disturbed when developers and exploiters seek to over use the land.

We urge that this exemption to the rules not be allowed.

Sincerely,

Marquita Jensen  
12121 E. 8th



Carolyn Robinson  
251 N. Avenida Javalina



Walter Danloe  
250 N. Avenida Javalina



Les and Phyllis Candee  
12050 E. 8th



Christine Becker  
151 N. Avenida Javalina

