



PIMA COUNTY
DEVELOPMENT SERVICES

DATE: March 2, 2016
TO: BOARD OF ADJUSTMENT District 1
FROM: Terrill L. Tillman, Assistant Executive Secretary 
SUBJECT: **P16VA00006 CARLISLE – NORTH COMO DRIVE**
Scheduled for public hearing on March 7, 2016

LOCATION:

The subject property is located approximately 1,300 feet north of W. Cougar Canyon Trail and approximately 660 feet west of N. Como Drive. The property is zoned RH (Rural Homestead).

SURROUNDING ZONING / LAND USES:

North	RH	Developed Residential
South	RH	Developed Residential
East	RH	Developed Residential
West	RH	Undeveloped Residential

PUBLIC COMMENT:

To date, no written public comments have been received.

PREVIOUS CASES ON PROPERTY:

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

REQUEST:

The applicant requests a variance to reduce the minimum lot size of a legal non-conforming RH parcel of land from 2.43 acres to 2.41 acres. Section 18.13.060A of the Pima County Zoning Code allows for parcels of land to contain less than the minimum lot size of one-hundred eighty thousand square feet if the property was split and recorded prior to November 5, 1985 when the RH zoning designation was adopted.

TRANSPORTATION AND FLOOD CONTROL REPORT:

No Transportation or Flood Control review is necessary with this request.

BACKGROUND:

The subject property is approximately 2.41 acres and is not part of a recorded subdivision. The property was a 2.43 acres parcel prior to 1985 and considered a legal non-conforming RH parcel. The property was originally 2.43 acres when RH zoning came into existence and had remained the 2.43 acres of land for over 27 years. The recent split recorded in 2012 is for a well-site for the adjacent property which undersized the legal non-conforming RH property by 755.8 square feet. The Pima County Zoning Code establishes that a legal non-conforming property may not be further undersized or the legal non-conforming status is lost.



The property owners sold that portion of the lot in good faith to the neighbors for their well-site without the realization of the non-conforming status or the possible loss thereof.

The surrounding properties to the east and west are also legal non-conforming RH properties. Further east, adjacent to Como Drive there are 6 legal non-conforming RH properties and to adjacent to the northeast corner of the subject property is one additional legal non-conforming RH parcel. The parcels range in size from 1.25 acres to 2.50 acres. The subject property also has an additional 2,500 square feet of well-site on the southern boundary that was not a part of this property.

This variance request addresses the 756 square feet of property that was sold to the adjacent lot for the well-site. Staff supports this variance request to allow an undersized parcel because this parcel remained as a legal non-conforming RH parcel for many years. The Pima County Zoning Code exempts well-sites from meeting the minimum lot size requirements of the code, therefore, any size lot may be carved out of a property for the location of a well-site to provide water. The property owners have approached their neighbor requesting to purchase the additional 756 square feet to remedy the under sizing of the property and to retain the legal non-conforming status, but have had no response to their request.

Staff deems it unreasonable to suggest that the property owners rezone the property to meet the required lot size since the required lot size by the code was never met without the exception or legal non-conforming status of the property. RH zoning requires a minimum lots size of 4.13 acres and the property was already well below (1.7 acres) the minimum lot size for the RH zoning designation when RH zoning was adopted. The process of rezoning requires two public hearings and two notifications allowing additional time for public comment and is the process to obtain the appropriate lot size in a particular zone. In this case, however, the variance request to remedy the under sizing of a legal non-conforming parcel by 776 square feet is reasonable. In addition, the subject property is lushly vegetated surrounded by mountainous terrain and views and is not suitable to rezone because of its comprehensive land use designation.

RECOMMENDATION:

Staff recommends **APPROVAL** of this variance requests. The variance is the minimum to afford relief; the strict applications of the code would work an unnecessary hardship and is the minimum to afford relief.

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

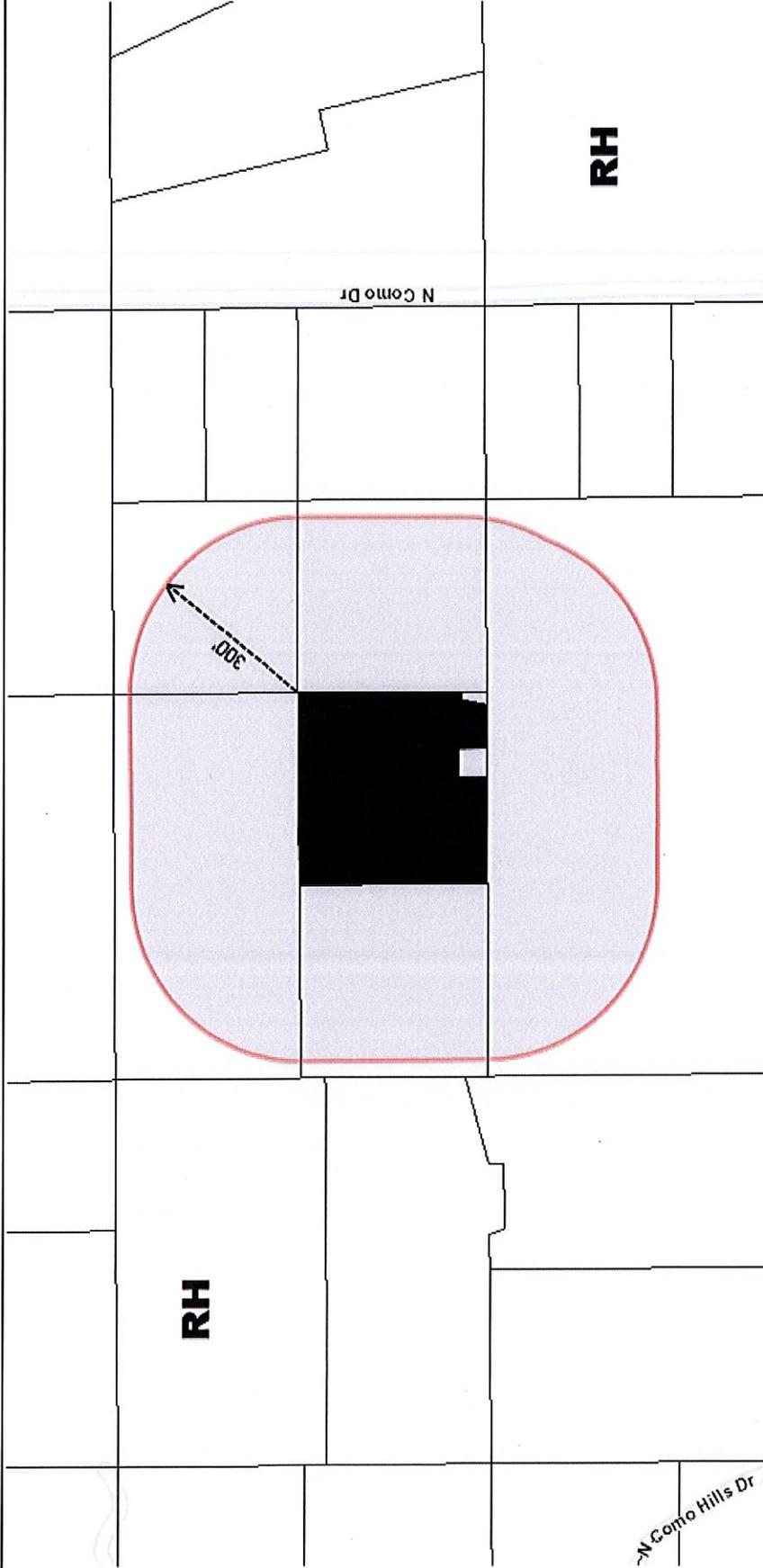
1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;



3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.

NOTIFICATION MAP

CARLISLE—COMO DRIVE



LEGEND

- Petition Area
- Notification Area

NOTES

File no.:	P16VA00006	Tax Code(s):	219-14-011A
Application:	VARIANCE	Base Map:	351
		Drafter:	A.H.



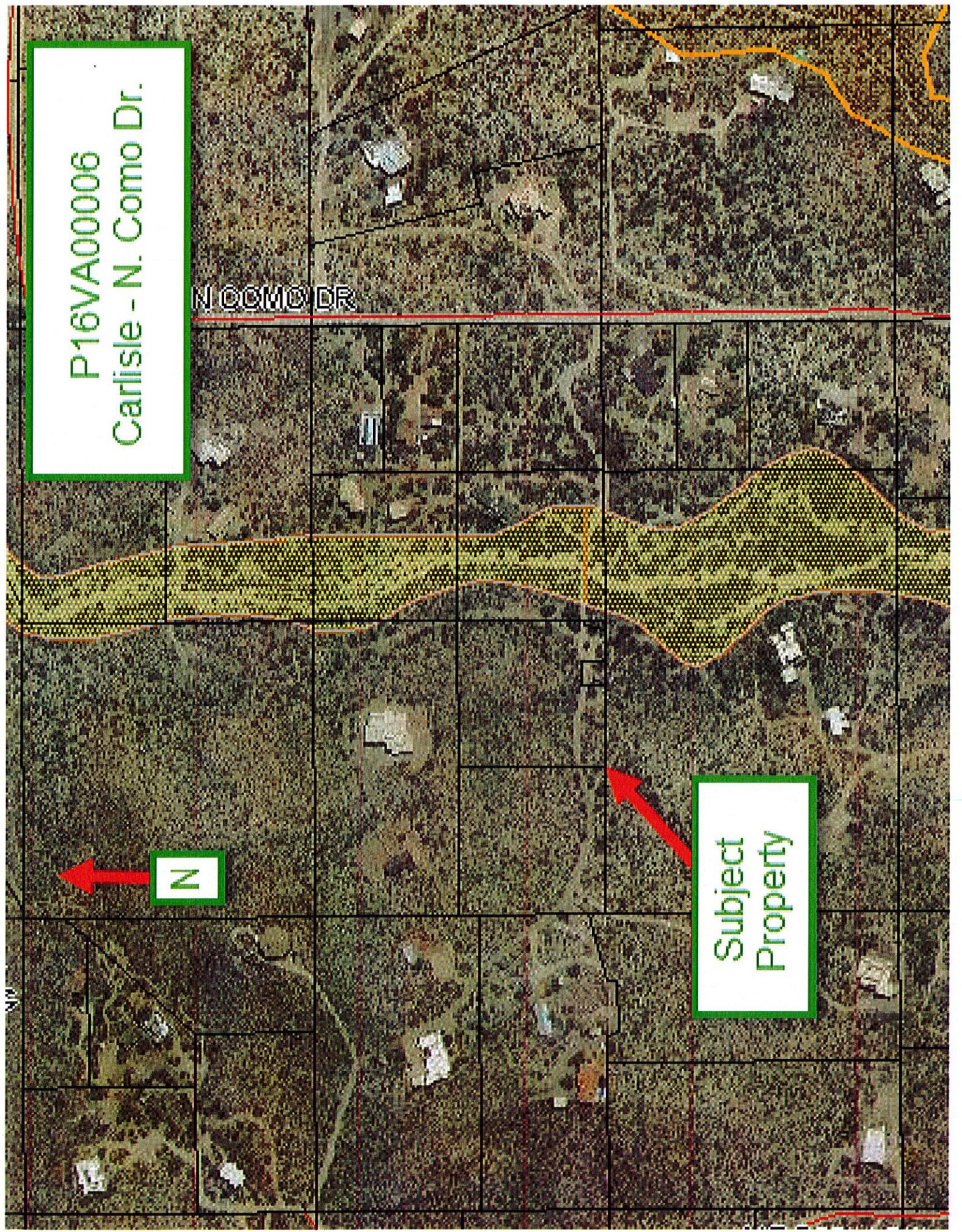
2/17/2016

P16VA000006
Carlisle - N. Como Dr.

N COMO DR



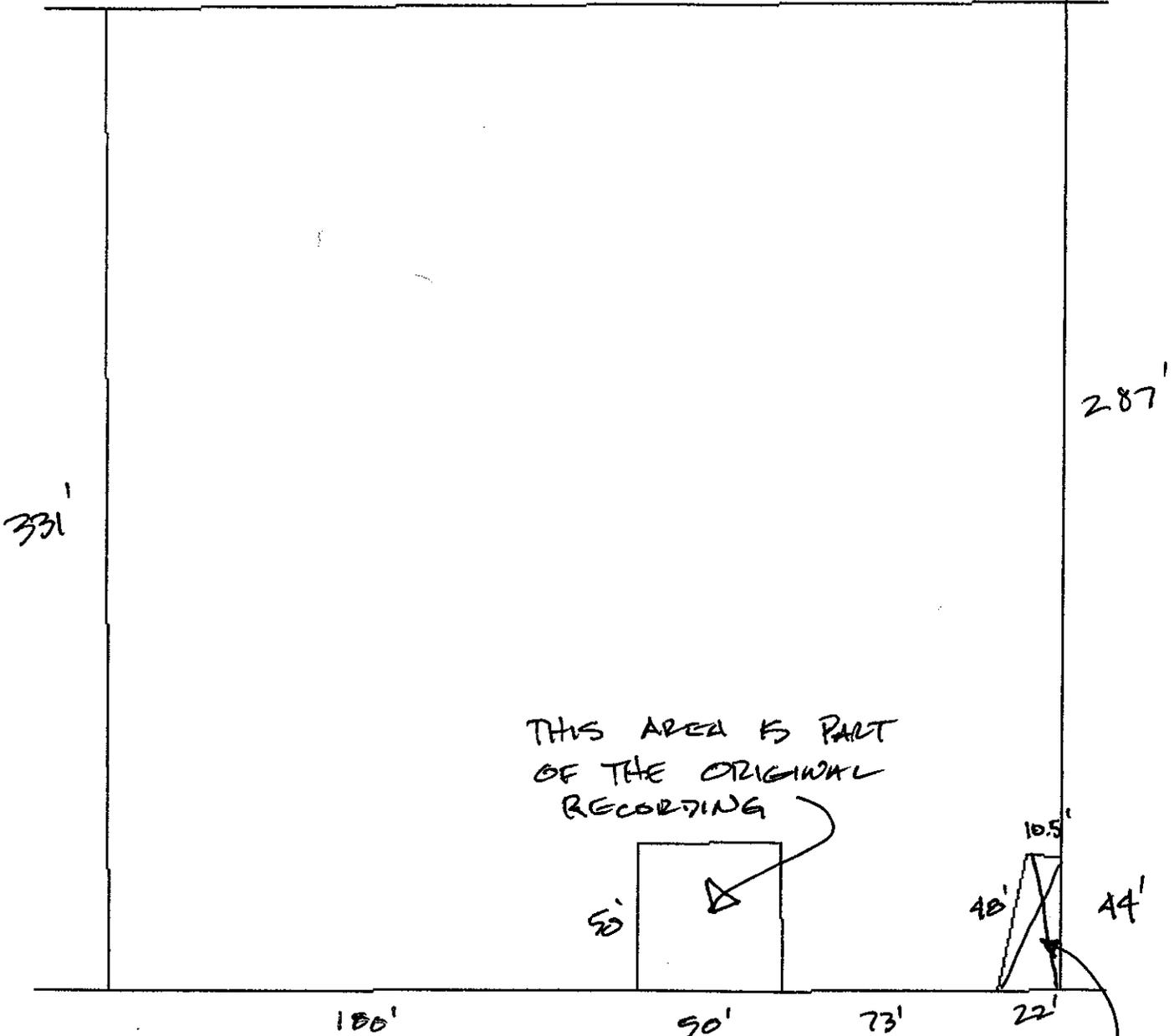
Subject
Property



PARCEL # 219,4011A
FORMERLY # 202-25-020
ORIGINALLY RECORDED AS 2.44 AC.
IN 1983 (106286.40 ϕ)



320'



THIS AREA IS PART
OF THE ORIGINAL
RECORDING

THIS NEWLY SPLIT OFF PARCEL
REDUCES LOT SIZE TO 2.43 AC.
(105850.80 ϕ)

NEWLY SPLIT OFF
PARCEL IN 2014

E	50.00
E	50.00'



EXPIRES 12/31/12

TODD A. HOUT
REGISTERED LAND SURVEYOR
ARIZONA REGISTRATION No. 35543

30.00' INGRESS-
EGRESS EASEMENT
DKT. 6705 PG.9
AND OTHERS

TRANSFER PARCEL DETAIL

'G. 1559
4-0110
Q. FT.
(CURRENT)
Q. FT.
(PROPOSED)

30.00' INGRESS
EASEMENT PER
DKT. PG. 6870

WELL SITE PARCEL
219-14-0120
EXCLUDED PER
DKT. 13223 PG. 8
2,500.00 SQ. FT.

PARCEL 219-14-0130
KIMBER 13825 N COMO DR

PARCEL 219-14-0130
KIMBER 13825 N COMO DR

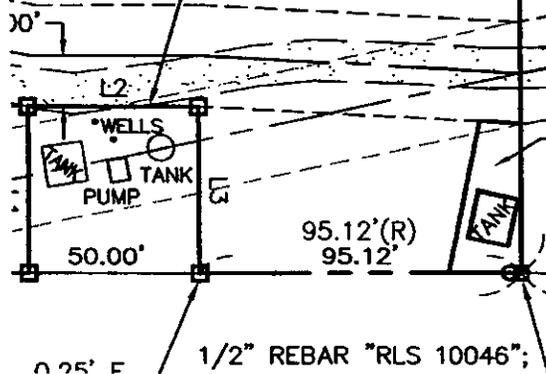
30.00' INGRESS/EGRESS
EASEMENT PER
DKT. 13172 PG. 6870

DKT. 13670 PG. 1559
PARCEL 219-14-0110
105,769.2 SQ. FT.
2.43 ACRES (CURRENT)
105,013.4 SQ. FT.
2.41 ACRES (PROPOSED)

PROPOSED
TRANSFER
PARCEL
755.8 SQ. FT.
0.02 ACRES



GRAPHIC SCALE: 1 Inch = 20 Feet



PROPOSED
TRANSFER
PARCEL-SEE
DETAIL RIGHT

656.31'

1/2" REBAR
"RLS 10046"

COMO DRIVE

DATE: 2-5-10
REVISION: SPLIT
DATE: 8-8-12

BY: JCR
TAH
LED:TAH



POLARIS LAND

3528 N. FLOWING WELLS
TUCSON, ARIZONA 8570



PIMA COUNTY
DEVELOPMENT SERVICES

Variance Application

Revised 12/2013

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

Property Owner: FREDDY & KIMBERLY CARLISLE Phone: 520-631-4584
KS20-471-0040

Owner's Mailing Address: 13251 N. Tanner Robert Dr. City: Oro Valley Zip: 85755

Authorized Representative: TEO J. BEDNAR III Phone: 520-403-3103

Rep's Mailing Address: 4312 E. 7th St. City: Tucson Zip: 85711

Property Address: NOT ADDRESSED YET City: Tucson Zip: RH

Tax Code Number(s): 219 - 19 - 011A Zone: _____

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

Owner or Applicant's Email Address: tedbednar@cox.net

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: 2/3/16

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

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

Case Title: Carlisle - Como Dr Co10() PHVA00006
OWNER'S NAME -- STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.13.000A of the Pima County Zoning Code which requires allows a legal non conforming parcel of land to contain less than the RH requirement of 180,000 sq ft recorded prior to Nov 5, 1985

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 2/12/16

Board of Adjustment District – Board Members,

I request a variance to reduce the amount of lot size area for a property that was formerly GR1 and is now in RH zone.

I need this variance because the original lot with a 50 x 50 well area property was originally recorded in 1983 and has grandfather rights even though the zoning is now changed to RH (which requires more square footage area). However in 2014 a very small portion (747.5 square feet) has been split off and given to the neighbor for a well head. I do understand that the recent split can do away with the grandfather clause but I am requesting a variance to reduce the size of area required to maintain that this can be a build-able lot.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Ted Bednar III', with a stylized flourish at the end.

Ted Bednar III

Bednar Design & Construction, Inc.

4312 e. 7th St. Tucson AZ, 85711

520-403-3103

**LETTERS RECEIVED
ON
MARCH 2, 2016**

(After staff report was completed)

OBJECTION TO REQUEST FOR VARIANCE
Case number P16VA00006 CARLISLE

The undersigned (Erik Rydberg, Lisa Kimber and Mel Hockwitt) are the neighbors owning the adjacent parcels of land to the subject plot under consideration for variance (parcel 219-14-011A). ***We respectfully request this variance be disapproved*** for several reasons ranging from violation of the standards for approval, concern for neighboring property values, the impact of the necessity to drill a well on the plot which already has two operating wells owned/used by neighboring residences, zoning and code challenges related to FEMA Special Flood Hazard Zones, additional erosion damage to the shared driveway caused by building on the parcel, disturbance of the natural setting which cannot be mitigated and the context of the property which reduces the viable area to approximately 1.7 Acres which is far below the requested variance reduction. Our explanation is outlined below in paragraph format and the justification for the stated concerns immediately follow.

1. **CONCERN #1.** The request for variance violates the standards for approval as defined in pima county code section **18.93.030, Para B, sections 3, 6 and 10:**
 3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property
 6. The variance is not granted solely to increase economic return from the property
 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

EXPLANATION FOR CONCERN#1:

1. Para 3 of the Code - The subject lot (219-14-011A) has been for sale for several years by the current owners (Carlisle) and was originally bought in addition to the neighboring lot to the north where a house was built and subsequently sold to the current owners (Rydberg, parcel# 219-14-0050). For clarity, only the parcel 219-14-0050 and its residence were sold, not the subject parcel. When Mr Carlisle purchased the subject lot under consideration for variance (which he did shortly after he purchased the neighboring lot where he built his house, circa 2007), he was forced to relinquish a portion of that lot which contains an two active wells, one of which had already been previously separated out and one owned and used by Lisa Kimber, and established by eminent domain. Lisa Kimber also owns parcels 219-14-013 and 219-14-014 to the East of the subject parcel in addition to that well. Mr Carlisle relinquished the deed to this portion to the Kimbers knowing that it would cause a problem should he be required to sell this plot (as he is now) due to minimum lot size requirements and water availability as well as forcing the prospective buyers to drill their own well on the property. This action created the new parcel 219-14-011B, which is a

small sliver of land containing the well in the southeastern corner of the lot under consideration for variance. Please see attachment A, the Pima County Assessor Record Map of the area. The Carlisle's recently accepted an offer for the subject property under consideration for variance after a lengthy sale period, which involved several significant price reductions. Immediately following that acceptance, requests were made directly to the Kimbers through the Carlisle's agent asking that they "give back that portion of the lot containing the well." Lisa Kimber refused to do so for obvious reasons as it is her only source of water for her house to the East thusly causing the Carlisle's to request a variance in order to satisfy the prospective buyers to go through with the purchase. In other words, the Carlisles knew that due to their previous action of relinquishing a portion of the subject parcel it would create a condition, which would make it very difficult to sell the piece of land because of water access and minimum lot size. Therefore, these actions violate the standards for approval of the requested variance as they were self imposed.

2. Para 6 of the code – The request for variance is solely driven by the desire of the owners to sell the subject parcel. The intent to build on this property (and therefore the request for variance) is not for the owners to do so *but to allow the due diligence period of the prospective buyers complete on 9 Mar 2016 with the knowledge that they will be able to build*. Therefore, this request for variance is purely to allow the current owners to sell the subject parcel, which violates the standards for approval of the requested variance.

3. Para 10 of the code – As explained in the last two paragraphs, this request for variance is based purely on the needs of the owner in order to sell the subject parcel of land. Again, the circumstances were created by the actions of the owners as described in the explanation for para 3 of the code (condition created by an action of the owner of the property). Therefore the request for variance violates the standards set forth in Pima County Code **18.93.030, Para B** for a third time and we respectfully request that it be denied on those grounds.

2. **CONCERN #2.** The request for variance does not adequately represent the context of the parcel, which in reality is 70% the size of what the variance is asking for due to a shared driveway by other property owners and a FEMA flood plain wash.

EXPLANATION FOR CONCERN#2: Please see Figure 1 on the next page. This figure is the satellite photo taken from a Pima county website which shows the property boundaries (although it is missing the carve out for parcel 219-14-011B as discussed above and shown in the assessor map). In its totality, the parcel acreage, with the reduction of 219-14-011B takes it down to the amount requested in the variance, 2.41 acres. However, the Southern third of the parcel contains the driveway used by the four property owners adjacent and to the west of the subject parcel, which has been established by eminent domain over decades. Further, the Eastern portion of

this parcel is also covered by a FEMA Special Flood Hazard Zone as shown in Figure 2. When you account for these facts it reduces the buildable area to a parcel size that is approximately 1.7 Acres (this was done calculating a rectangular area encompassing the driveway in the southern portion and a triangular area covering the wash which lies in the flood zones to the east). Given this context, the request for variance does not account for these realities. Further, the topography of the parcel limits the reality of what is realistically developable. We respectfully conclude that allowing a property to be developed on such a small usable plot will adversely affect the property values of the adjacent lots, which are minimum 5 acres in a natural setting.

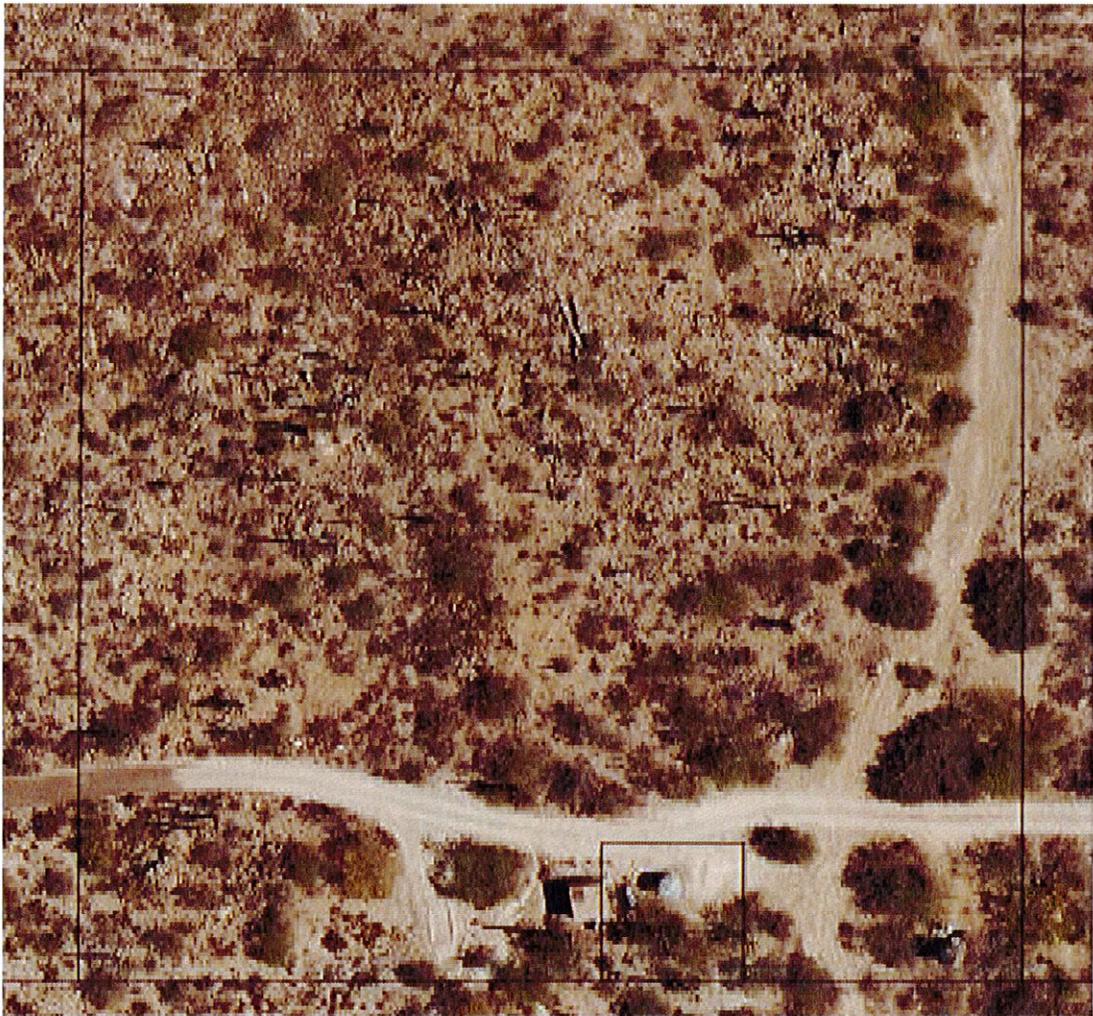


FIGURE 1. Parcel 21914011A with Shared Driveway and Wash

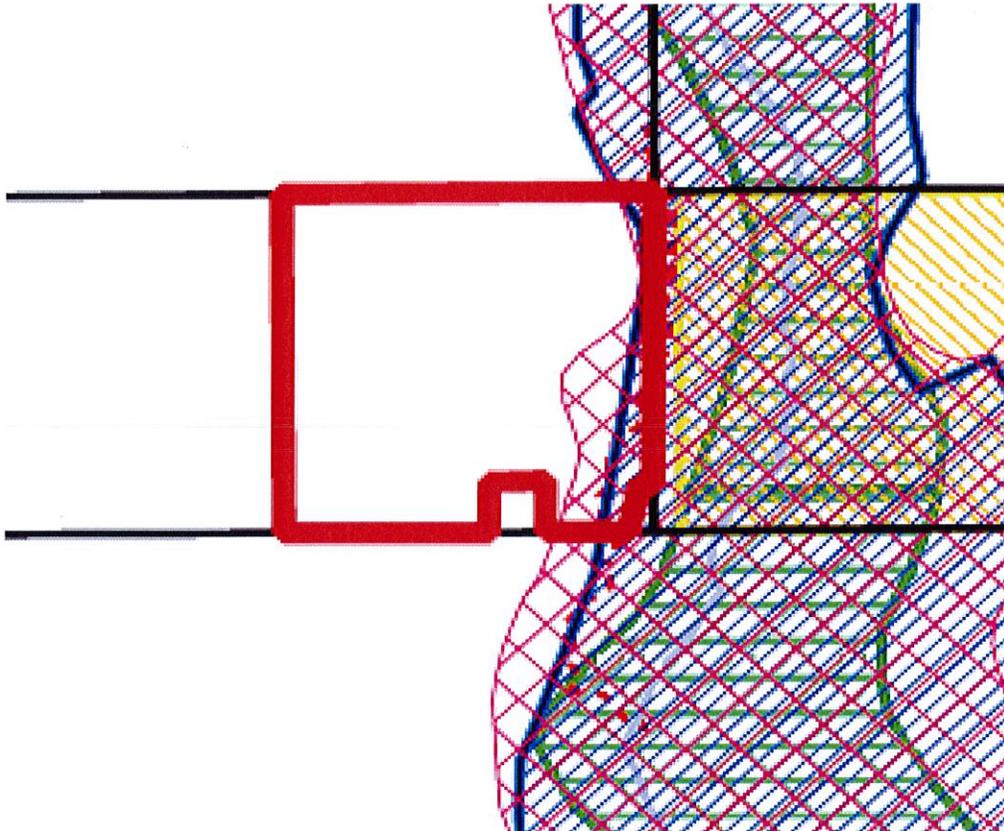


FIGURE 2 FEMA Floodplain Map

3. **CONCERN #3.** The subject parcel lies within a FEMA designated Special Flood Hazard zone (zone AO alluvial 3) with base flooding resulting in 1-3 feet water depths. This creates concern for degraded property values due to flood damage to developments as well as concern for additional erosion being caused by flooding aggravated by running through the developed plot, which will incur additional costs on four homeowners who use the shared driveway occupying the Southern third of the parcel. Costs for maintaining this shared driveway have already approached several thousand dollars in the last year, shared by a private road maintenance agreement amongst those owners.

EXPLANATION FOR CONCERN#3: Reference Figure 2 and attachment B, Pima County Parcel Floodplain information. The subject lot falls into two definitions of floodplain, one is Zone X and one, more severe, which falls into Zone AO alluvial 3. The latter of these two indicates the possibility of 1 to 3 feet of flooding within that area. The determination by Pima County is that

this will require engineering and may require erosion control (reference attachment B). Further, please see Figure 3. The picture in Figure 3 was taken on 8 Aug 2015, the day after an average summer rainstorm. This picture was taken on the shared driveway (you can see one of the wells used/owned by other property owners in the picture) approximately in the middle of the property looking to the east. It should be noted that this is *not* within the FEMA Special Flood Hazard Zone, but to the west of it. Due to the geology of the parcel in question the water funnels in several places, one of which is right in the heart of the plot where a house would necessarily need to be built due to the topography (with any semblance of cost in mind). This should reinforce the parcel floodplain information in which engineering and erosion control would be required. Please see Figure 4.



Figure 3. Flooding and Erosion 8 Aug 2015



Figure 4. Wash Flooding 21 Oct 2015

Figure 4 was taken of the wash to the east of the subject property on 21 October 2015, the day after a slightly above average rain storm. Please note the erosion was in excess of *one foot* where the water was running and required extensive work to reconstitute. It is not uncommon to have this type of flooding during summer rain season. Please see Figure 5.



Figure 5. Severe Erosion from Flooding on Subject Parcel

The picture in Figure 5 was taken on 8 Aug 2015 (the same as figure 3) in the middle of the property facing west on the shared driveway (the opposite direction of Figure 3). It is clear in this picture that flooding occurs in many directions onto the subject parcel. It is inevitable that any structure built on this parcel will encounter flooding on a regular basis. The adjacent property owner to the north (Mr Rydberg) maintains the driveway with his tractor regularly for the shared owners, and routinely has significant amounts of work to repair extensive erosion damage on the driveway, a large part of which occurs via flooding through the area contained by the subject parcel. *This opinion of inevitable flood damage to any improvements on that parcel is reinforced by regular first hand repair experience.*

The concern here is twofold. First, these clear indications of flooding and erosion on the subject parcel, which are also compounded by the topography of the parcel which slopes up steeply in the northern half will create a situation in which ***flood damage to whatever is built on this plot is inevitable. This will adversely affect aggregate property values in the area.*** Second, and of more direct impact to neighboring property owners, is the fact that any structures developed on this parcel will aggravate the already heavy flood and erosion patterns. The driveway, which occupies the Southern third of the parcel in question and owned by the existing homeowners in the area, will suffer more severe cases of erosion due to focused water flow patterns. This will incur cost to four other households by way of additional driveway reconstitution after rains. To reiterate, this work already takes place at homeowner expense as demonstrated in figures 3-5 and by approving the variance request which will result in the sale of and the eventual development of the parcel as described in concern #1 developing this lot, additional cost will be incurred onto neighboring properties by further focused erosion damage. Therefore, the flooding and erosion characteristics of this parcel, as evidenced by FEMA flood zone designation and pima county parcel flood information, and more importantly, day to day observation of flooding and erosion patterns following normal precipitation patterns, will present a direct cost to the adjacent property owners by both a degradation in aggregate property values due to inevitable flood damage and on a practical level it will most certainly cost the neighboring homeowners more money in shared driveway upkeep.

4. **CONCERN #4.** There are two existing wells located within the confines parcel, which are not part of the parcel and are owned and being used by the neighbors. These wells are already flow rate challenged.

EXPLANATION FOR CONCERN#4: Please see Figure 6. If you look at the outer boundaries of the subject parcel there are two wells, both of which are owned/used and separated out as different parcels. These wells are low flow rate challenged wells. Due to the low flow rates, it is sometimes necessary for those owners to truck in water to augment the well production. The

neighbors have very serious concerns about the addition of another well on such a small piece of land and in such close proximity to their own wells. As a reminder, if this variance were approved, the prospective buyers intend to build a house on it and with it they will also drill their own well (they have said that explicitly to Mrs Kimber when the request to have the parcel 219-14-011B given back was denied). To put a third well onto this property will have a negative impact on the long term health of the existing wells. The owners of those wells request, at a minimum, prior to any consideration of variance, a study be performed on the impact of a new well being drilled in such close proximity to the existing infrastructure.

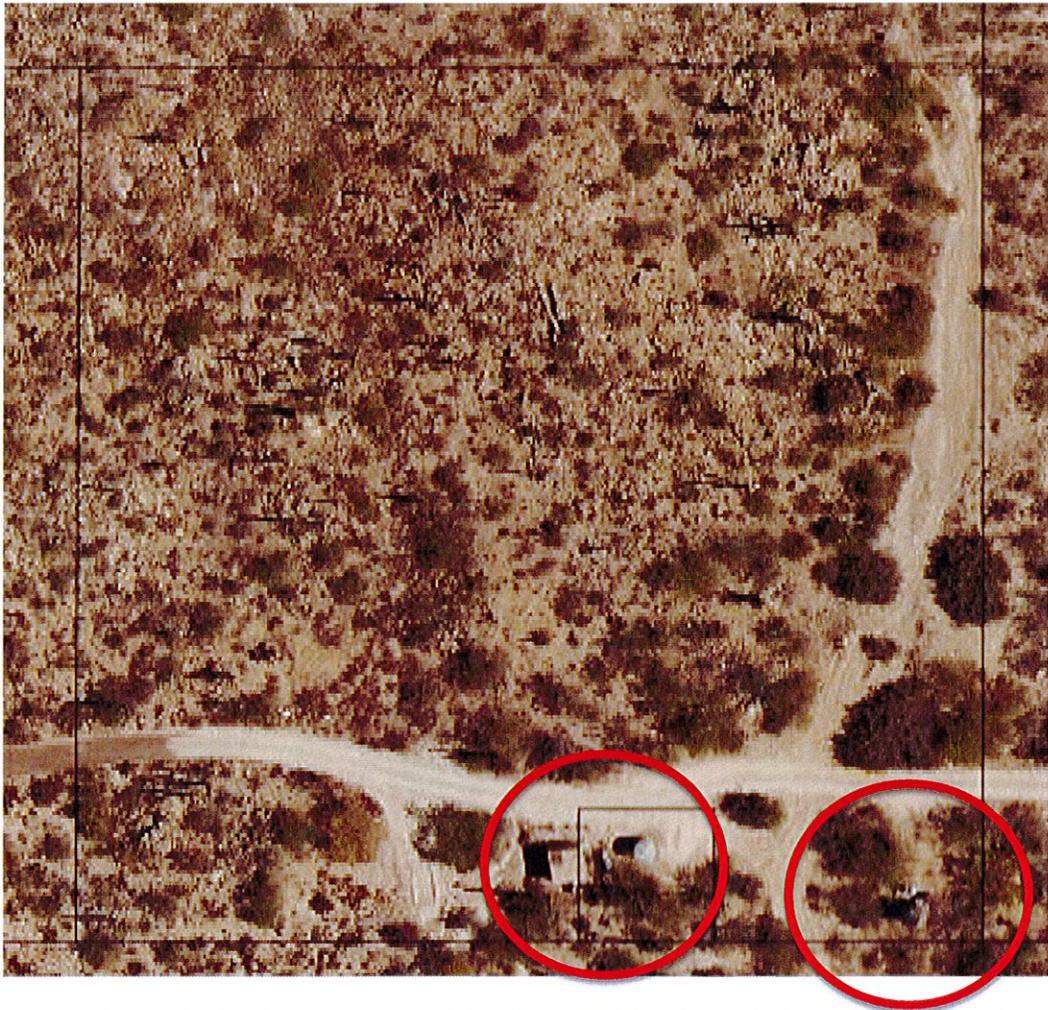


Figure 6. Existing Wells within the outer boundaries

Further, the adjacent property owners also believe putting another well within such a small geographic area goes counter to the Pima county code

contained within **STATUTES AND RULES GOVERNING MINIMUM WELL CONSTRUCTION STANDARDS AND THE LICENSING OF WELL DRILLERS**. Specifically, section 45-454 as highlighted in yellow below:

45-454. Exemption of small non-irrigation wells; definitions

I. In an active management area only one exempt well may be drilled or used to serve the same non-irrigation use at the same location, except that a person may drill or use a second exempt well to serve the same non-irrigation use at the same location if the director determines that all of the following apply:

1. Because of its location, the first exempt well is not capable of consistently producing more than three gallons per minute of groundwater when equipped with a pump with a maximum capacity of thirty-five gallons per minute.

2. The second exempt well is located on the same parcel of land as the first exempt well, the parcel of land is at least one acre in size, all groundwater withdrawn from both exempt wells is used on that parcel of land and there are no other exempt wells on that parcel of land.

Although the concerns raised here are not explicitly covered by these regulations, we believe the intent and spirit of these codes would be violated by approving the variance which would necessarily cause another well to be drilled in very close proximity to the wells which serve residences not on that parcel (or even close to it). The interpretation of "all groundwater withdrawn from...is used on that parcel of land and there are no other exempt wells on that parcel of land," is where the other property owners believe the spirit would be violated by allowing this to happen. Although the consideration for the variance under question doesn't necessarily address Arizona state ground water and well codes, the impact of that will necessarily follow should the variance be approved. Per **18.93.030 - Variances, Paragraph F**, applies to this section by extension.

The addition of another well, the proximity of this well to existing water supplies of adjacent owners, will have a negative impact on property values in the least and could cause irreparable damage to water supplies of existing owners in the worst case. We respectfully request the request for variance be denied for these reasons, among the several others already explained.

5. **CONCERN #5.** The necessity for a septic system in close proximity to existing wells and the natural drainage patterns.

EXPLANATION FOR CONCERN #5. As already demonstrated in Figures 3-5, it is quite clear that water runs off of this property in many places and funnels towards the wells located on the southern periphery of the parcel.

Based on the layout of the parcel, the only realistic placement of a septic system is north of the shared driveway (which is effectively owned by eminent domain amongst neighboring and other parcel owners). First, it becomes apparent rather quickly that the placement of a dwelling, garage, a well and a septic system within the usable 1.7 acres of land with all of the setbacks, FEMA Special Flood Hazard Zone considerations *and the topography* of the parcel will be a major setback challenge and the layout of such a significant logistical infrastructure buildup in a space that is a fraction of those adjacent to it in its natural setting will adversely affect property values in the area. Second, because the septic system will need to be placed north of the shared driveway, and in consideration of the evident natural drainage and flooding patterns, there is significant concern among the well owners that runoff from the potential septic system will contaminate the water supplies of the existing wells. This poses a health and safety hazard that is *perceived* by the owners, and even if shown to be technically adequate, will still have a negative impact of property values for the owners of the wells, due to the perception of that.

6. **CONCERN#6.** The approval of variance will result in a structure being built in close proximity to the house on the adjacent lot to the north, which will adversely affect privacy, light and property value of the current owners.

EXPLANATION FOR CONCERN#6. If a variance is approved the result will be the development of a residence on the lot. Due to the numerous aforementioned challenges with flooding, drainage, reduction of usable area due to the existence of a shared driveway owned by the adjacent property owners, the base grade of the structure will necessarily need to be significantly higher than the average low elevation on the parcel (or a massive undertaking of demolition in the Northern part which is almost entirely rock/granite). The result of this will be the construction of a residence, which will immediately block the natural south looking views from the adjacent residence to the North, and will invade the privacy of that existing house and backyard. The parcel under question was purchased by Mr Carlisle originally (as described in concern #1) in order to protect these attributes and the value of the property and the house that he built adjacent to the north of the subject parcel. However, in contravention of the valid reasons for approving the variance, he is trying to sell the property to get rid of it, however the only way he can do that is to get a variance due to the well situation that he knew was a problem from the beginning (having to relinquish a deed and the subsequent breakout of parcel 219-14-011B). In other words, Mr Carlisle needs to sell the subject parcel, knew he would have an issue with the sale of that parcel because of what he had to do to originally get it, and is trying to offload it full well knowing it would significantly impact the value and privacy of the house he originally built on the adjacent parcel to the north. The owners of that parcel to the north respectfully request the

variance be denied for procedural reasons as well as the negative impacts on the privacy and value of their investment.

7. **CONCERN #7.** The subject parcel is replete with naturally developed Saguaro cacti and other native desert vegetation and due to the amount of area available for development as already discussed, a mitigation/relocation plan is not viable.

EXPLANATION FOR CONCERN #7. The subject parcel is covered with natural desert vegetation, which includes *50 well developed Saguaro cacti*. If one were to look at the plot with all of the above mentioned factors over a fifth of those cacti (approximately 13) would have to be transplanted to build a dwelling and associated structures. The concern is that due to the factors described in Concern #2, which is further aggravated by the geology of the parcel, relocating that vegetation will be very difficult if not impossible. The subject parcel is almost entirely rock of various vertical relief. A reasonable person could not expect to relocate all of the vegetation as required by Arizona state law considering the challenge of the surface and subsurface makeup of the parcel. In summary, the environmental impact of trying to develop a house, garage, driveway, well, septic system, grading, etc onto such a small plot of land which is almost completely rock and covered with statewide protected vegetation like aged Saguaros will be almost impossible to mitigate.

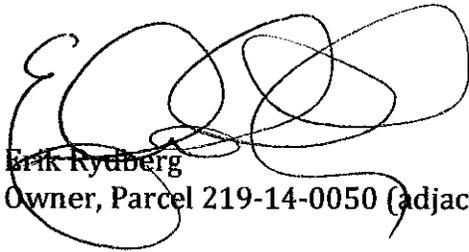
SUMMARY. We respectfully request this variance be denied for numerous reasons. The condition that created the need for variance was created by the property owners. The intent in requesting the variance is for financial gain and is solely for the needs of the owner to sell this property. All of these go counter to what we the adjacent property owners believe is the intent of the Pima County code and that validates disapproving this variance request. Further, when looking at the totality of the parcel under question, it is clear to the adjacent owners that allowing the variance and the resultant actions on the part of the prospective buyers, will adversely affect property values in the area due to 1) the enormous disparity in property quality, particularly considering the natural setting and environmental impact to protected desert vegetation 2) the impact on existing wells both by the addition of another well as well as the installation of a septic system and its actual and perceived threat to existing water supplies 3) the clear evidence of water drainage patterns and the existence of FEMA Special Flood Hazard Zones will result in inevitable property damage which will further aggravate area property values. Further these already evident flood and erosion patterns will be aggravated by developing that parcel, causing an added financial burden on four other homeowners who own the shared driveway on the southern third of the parcel.

Therefore, we respectfully request this variance be denied. Further, if the case for disapproving this variance does not appear to meet the standard of disapproval,

which based on the facts presented does not appear to be the case, then we request the hearing for this variance be extended in order to provide additional information including a complete proposed site plan which contains details of the residence, well, septic system and any proposed setback variances they intend to request as well as a study, paid for by the owners, which conclusively demonstrates there will be no impact to the existing well owners on the southern portion of the parcel in question by either the installation of another well or the addition of a septic system and the possible contamination of the existing wells.

We believe the burden of proof for our concerns have been met to disapprove the variance request and that they are valid.

Thank you for your time and consideration.



Erik Rydberg
Owner, Parcel 219-14-0050 (adjacent to the North)

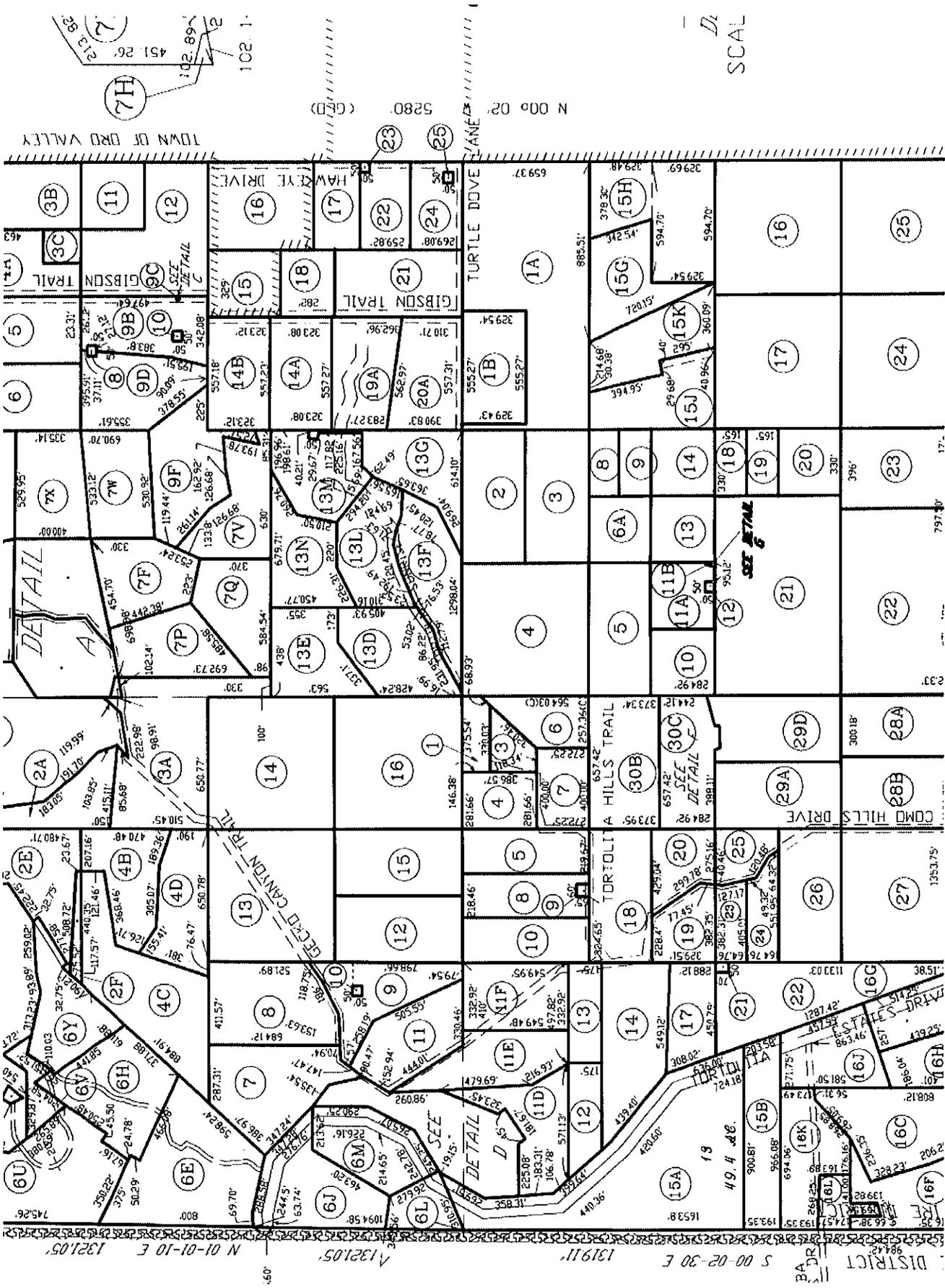


Lisa Kimber
Owner, Parcels 219-14-011B (well), 219-14-0013, 219-14-0014 (adjacent to the East)



Mel Hockwitt
Owner, Parcel 219-14-029D

ATTACH A



745.26
 1321.05
 1321.05
 1319.11
 5 00-02-30 E
 1321.05
 N 01-01-10 E
 1321.05
 DISTRICT 984
 500-02-30 E
 1321.05
 N 01-01-10 E
 1321.05



Parcel Floodplain Information

Parcel 219-14-011A

Read the [Disclaimer](#). Information on this page is **unofficial**.

219-14-011A
 CARLISLE FREDDY N JR & KIMBERLY
 CP/RS
 13251 N TANNER ROBERT DR
 ORO VALLEY AZ 85755-1795

SE4 SW4 NW4 SE4 EXC 50'X50' WELLSITE &
 EXC PTN
 E21.33' S46.56' THEREOF 2.42 AC SEC 21-11-
 13

Street Address

There is no situs address information.

Jurisdiction Postal City Zip Code

Be sure to read [Important Note on Flood Hazard Areas](#) and [Parcel information derived from GIS data](#) below.

RFCD Floodplain MapGuide Map of the parcel's area

Use this map to see an overview of *all* available floodplain data for the parcel.

- Read the [Disclaimer](#) and [Using Autodesk MapGuide](#).
- **To have the yellow map tip information display flood hazard zone information** instead of showing parcel information when the mouse is hovered over the map, turn the parcel layer off using the checkbox in the legend or the checkboxes above the map windows. The parcel layer (as well as all other layers) on each map frame can be controlled independently.

Zoom to parcel area on the [Unincorporated Pima County Floodplain Map with Local Floodplains](#)

Parcel Floodplain Details

The "Map*" links next to each floodplain detail show *only the map layer corresponding to the displayed detail*. They do not show other floodplain layers by default.

- Parcel FEMA Flood Hazard Zones

	Map*	Flood Control Jurisdiction	<u>UNINCORPORATED PIMA COUNTY</u>
	Map*	Flood Insurance Rate Map	<u>04019C1060L</u>
	Map*	LOMC/LOMA/LOMR-F Excluded Structure or Parcel	(none)
	Map*	Floodplain not digitized - See LOMR document	(none)
	Map*	LOMR Revision - Completed	(none)
	Map*	FEMA Floodway	Out
	Map*	FEMA Flood Hazard Zone	<u>ZONE X</u> (93.25% or about 2.26 acres) <u>ZONE AO - ALLUVIAL FAN</u> <u>3</u> (6.75% or about 0.163 acres)

- Local Floodplain Defined by Pima County Regional Flood Control District (RFCD)

	Map*	Special Studies Floodplain Delineation	Study name: TORTOLITA AREA BASIN MANAGEMENT PLAN, Date: 8/3/1993 (15.33% or about 0.371 acres)
	Map*	Black Wash Floodway	Out
	Map*	Local Floodplain Flow Corridor	(none)
	Map*	Sheet Flooding Area	(none)
	Map*	Basin Management Study Area	Study name: <u>TORTOLITA AREA BMP, PH.IIB</u> , Study Number: 24, Date: 8/3/1993
	Map*	Subdivision (Not all subdivision plats contain floodplain)	(none)

		information.)	
i	Map*	Riparian Habitat - Pima County Ord. 2005-FC2, Effective 10/20/2005	(none)
i	Map*	Geology - Tortolita	Requires Engineering (15.46% or about 0.374 acres) ----- May Need Erosion Protection (4.70% or about 0.114 acres)

Parcel area	This is only an estimate from GIS data. See Finding Parcel Areas. ----- Approximately 2.42 acres or 105,353 square feet.
--------------------	---

***Using Map links**

- Map links open an interactive map to see the parcel in the context of the corresponding GIS detail map layer. The map link either goes directly to a [MapGuide Map](#) or offers a choice of using MapGuide or [PimaMaps](#) when the detail layer is also available on a PimaMaps Map. Some detail map links may not display the GIS detail map layer. You may need to turn on other map layers or refer to other maps to do additional research.
- For MapGuide maps, un-check "Parcels" to have identifying information for the detail's map layer displayed by the cursor's yellow map tips.
- On MapGuide, the parcel is "selected" on the map to help you find it. The parcel appears black or discolored. This may interfere with interpreting the displayed detail map layer colors. If so, right-click in the map area and choose "Clear Selected Objects".
- For PimaMaps, you can highlight the parcel by holding the mouse over the parcel attribute text in the search results below the map. Click on that same parcel search result to ensure you are seeing the entire parcel area. You can also hide or close the search results pane to see more of the map.

Contact

- Please **contact PIMA COUNTY** with questions regarding the Flood Hazard Areas for this parcel.

<p><u>National Flood Insurance Program (NFIP) Community Number: 040073</u></p> <p>Unincorporated Pima County Pima County Regional Flood Control District Floodplain Management Division 97 E. Congress St., 3rd Floor Tucson, Arizona 85701-1797 (520) 243-1800</p>

Pima County Regional Flood Control District

More Information

- **Pima County RFCD main [FEMA Digital Flood Insurance Rate Maps \(DFIRMs\)](#) page.**
 - [Main Parcel Detail Page](#) with general information and links for this parcel.
-

Important Note on Flood Hazard Areas

Flood Hazard Area information is for the entire property, while insurance requirements are based on the flood hazard zone(s) impacting the insurable structure(s) on the property. It is possible for a property to be partially in a floodplain while the structure is outside of the floodplain. Only a review of the maps can be used to determine if your structure is in the floodplain or not.

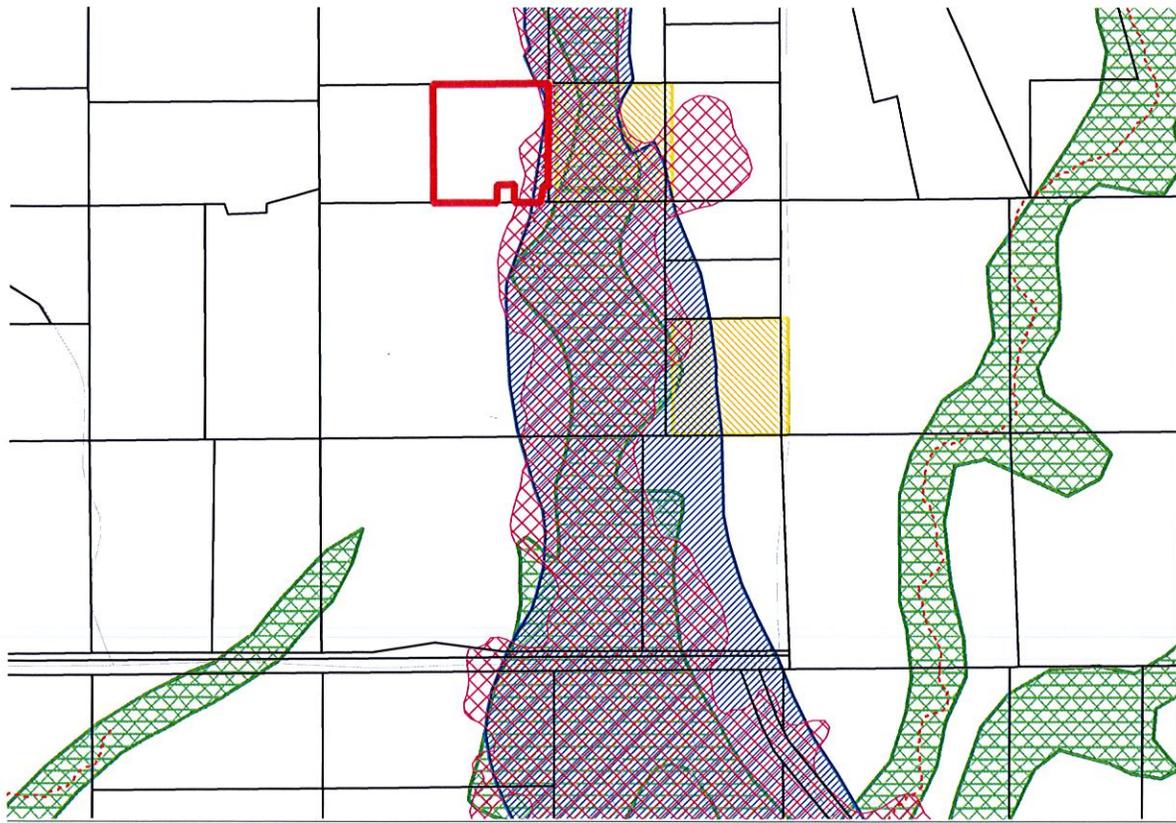
About parcel information derived from GIS data

Displayed floodplain information is derived by [GIS overlay analysis](#). This information is inferred and is not official. It does not come directly from parcel records. **Accuracy is limited to that of the underlying GIS data. All data is subject to this [disclaimer](#).**

One or more displayed overlay details may be the result of slight geometry inaccuracies called "*sliver areas*" in the overlaid GIS layers, especially if the overlay percentage is small. Watch for and review displayed detail percentages! What may appear to be a meaningful detail, may just be the result of a sliver and have no real significance.

Displayed percentages are overlay area percentage(s) of the total parcel area, not percentage(s) of the total overlaid area. Overlay results of less than 0.01% (one hundredth of one percent) of a parcel's area are not displayed as they are generally slivers or the result of calculation rounding errors. Generally, percentages are shown when only a portion of the overlay area(s) are in the parcel area; that is, when not 100%. In these cases, the percentages may not add up to 100%. A parcel may overlay attribute areas that have more than one underlying area, such as multiple historical plans that include the parcel's area. In these cases, the percentages can exceed 100% and could easily be multiples of 100%. You should review the parcel and overlay layers on maps such as [PimaMaps](#) or [MapGuide](#) to fully understand overlay detail results.

Area C



The information on this map is defined information for flood hazard assessment purposes. Flood and erosion washes and watercourses have been mapped so the information is not complete. Do not rely solely on this information for hazard assessment purposes. Flood and erosion hazard assessment purposes delineated floodplain will still be updated. Additionally, erosion hazards may require specific conditions for particular property. This map is strongly recommended for improving property, you visit 197. E Congress in order to get information on flood and erosion information presented on this Pima County ITD Disclaimer for GIS Data.

FCD ANALYSIS RESULT
Parcel: 21914011A
Address:
Legal: SE4 SW4 NW4 SE
FIRM Boundaries: 04019
Special Study Area: 24

The information depicted on this display is the result of digital analysis performed on a variety of databases provided and maintained by several governmental agencies. The accuracy of the information presented is limited to the collective accuracy of these databases on the date of the analysis. Pima County Information Technology Department Geographic Information Systems makes no claims regarding the accuracy of the information depicted herein.

This product is subject to the GIS Division Disclaimer and Use Restrictions.

Pima County ITD GIS
(520)724-6670 - FAX:(520)931-6558
<http://gis.pima.gov>

Sunday, February 21

NOW THAT YOU HAVE THE MAP, TAKE THE NEXT STEPS

TALK TO US!

Maps don't give you the whole picture, and **not all flood hazards are currently on the maps.** Flood Control District can give you more information than found on a map, even if the map says you are not in a mapped floodplain.

HOMEOWNER'S INSURANCE DOES NOT COVER FLOOD DAMAGE



- Renters can get flood insurance for their contents.
- Flood insurance may be cheaper than you think! Especially if you're not in a FEMA Special Flood Hazard Area.

Visit www.floodsmart.gov for more information

Please protect your home and your contents/belongings with a flood insurance policy today.

- Over 25% of flood claims occur outside of mapped high hazard floodplains.
- Just inches of water inside your home can cause tens of thousands of dollars in damages to the building and its contents.

TURN AROUND, DON'T DROWN!

Don't put the life of yourself or others in danger by driving through flooded washes or streets. **Plan ahead!** Identify alternate routes or find a safe place to wait until flood water recedes.

When in doubt, wait it out. A delay in your day is better than being washed away.



BUILD RESPONSIBLY

- ✓ Know the rules.
- ✓ Get a permit before you build.



PROTECT THE FLOODPLAIN

A naturally functioning floodplain is your best bet for reducing flood damage.