

ATTN: Pima County Board of Adjustment District 4
Re: 11101 E TANQUE VERDE RD (The subject property) Represented by
P21VA00017 TK FAMILY LLC, who are requesting a Temporary Use Permit to
use their land as a parking lot.

**WE PROTEST AND ARE OPPOSED TO THE TEMPORARY USE PERMIT
BEING GRANTED FOR USE OF 11101 EAST TANQUE VERDE ROAD AS
A PARKING LOT.**

We (**Michael and Leona Freeman**) are the property owners of **11107 E TanqueVerde Rd, Tucson AZ 85749**, which is adjacent to 11101 to the North on the West half of the subject property. We moved to Tucson and purchased our home in June 2011. We are senior citizens and this is our forever home. We specifically chose the TanqueVerde area because it was quiet and out of the way. We are happy to have a restaurant nearby. We have visited Barnyard several times and enjoyed it.

Our **protest and objection** is only toward the parking lot and how it affects the quiet enjoyment of our property.

We always knew that at some point that the subject property would be developed. We expected that development to be done in an ethical, environmentally conscious, considerate, and legal manner, in accordance with current rules and regulations of Pima County. That is not what is happening with the subject property.

My Husband and I met with Jerry Kertesz (the owner) shortly after they purchased the subject property. He informed us of the purchase and said he only intended to clean up some of the down tree limbs and debris. Together, we walked over to our home and he saw the close proximity of the subject property to our driveway and yard. We expressed concern about removing trees and having to see traffic on TanqueVerde Rd, which was obscured by desert foliage. We were assured they were only cleaning up the lot.

Shortly after, LandTamers Landscaping came out and cleaned up some down limbs and removed some trees that appeared dead. A few days later, we were awakened early to find trucks and heavy equipment pulling down trees, clearing cacti, and other native plants and leaving mostly dust and dirt. We asked if they had authority to do this and they responded by saying that the owner of the property had instructed it. We were devastated. The dust became a problem and required us to wear face coverings in our own yard. Afterwards, Barnyard patrons and later employees began accessing the lot from the dirt road to our West and parking, without marked spaces, and often only a few feet from the front of our lot.

The environmental damage done to the property and exposing our family and the nursing home residents at 11109 to airborne dust and debris is egregious and inconsiderate. It's unclear to us at this time where the property line is, without a proper land survey.

The owner mentioned a 20 foot set back during our meeting. We don't understand the significance of the setback. We briefly spoke to the owner at one of our visits to the restaurant about how the cars were parking close to our yard and his solution was to lay railroad ties and put up a rope around the perimeter of the property. (See attached Photos) Later, they stopped parking there and we learned that everything done to the subject property was illegal and done without proper permits.

We are protesting and petitioning the board not to approve a year long temporary use permit until the owners can submit a plan that takes into consideration the negative impact this lot has on the environment and the health of our family due to excessive dust and fumes from cars and trucks. Our ability to safely and privately enjoy the use of our property without the intrusion of

strangers standing/walking/ sitting, and on one occasion changing clothes in the parking lot. We do not feel it's safe for our grandchild to play out front when the lot is in use. This is not what makes for good neighbors.

The several residential neighbors that border the Barnyard main parking lot on the West and North are protected from dust, noise, car lights, unwanted traffic and an unwanted view of traffic on Tanque Verde Rd, by a wall built and paid for by the owners. **Why shouldn't we be given the same consideration?**

OTHER POINTS OF OBJECTIONS AND PROTEST:

Items numbered 4, 5, and 6 of the proposed parking layout notes, as presented, do not adequately address the environmental, privacy, safety and **flood plain** impact this lot will have on our home.

ENVIRONMENTAL CONCERNS: Proposal Note #5

We object to Watering as needed. This is not acceptable and cannot be practically enforced. We suffer from respiratory illness and the amount of dust caused by the trucks, cars, and weather make it difficult to use our yard. Because of the way the lot was cleared, there are no native plants or ground cover to limit dust and water runoff. Our front driveway and the Southwest corner of our lot suffers from greatly increased pooling during the recent monsoons. Some sort of paving is more acceptable than "watering as needed" as the lot is all dirt and dust. **This area is a Flood Plain and something must be done to direct the runoff. The clearing of the lot changed the direction of the flow of water.**

BUFFER ZONE/WALL-Safety, Security and Privacy

Note #4 We object to railroad ties to denote parking spaces being placed so close to our driveway, and request they be moved back and placed in a straight line across the property. That would keep many cars from parking so close to our home.

Note #6 suggests a Light Suppression. We object to and protest this vague and ambiguous answer. We have encountered intrusive light from cars in the lot at night as we have a front facing Bedroom. A wall might be an acceptable solution, at the owner's expense, to block our homes from the impact of the parking lot.

We **protest and object to this application** and request that the Board not reward the applicant a year long permit after they violated county rules, unless these concerns can be addressed.

Respectfully submitted,
Michael and Leona Freeman
520-334-9695