

Lauren Whetstone

From: Bernadette A. Ruiz <baruiz@aol.com>
Sent: Monday, December 6, 2021 7:26 AM
To: DSD Planning
Subject: Catalina Foothills Church (CFC) sign variance request

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Pima County District 1 Board of Adjustment:

Please deny the request from Catalina Foothills Church (CFC) sign variance request. County law includes 12 standards to be met for a variance to be granted. These standards must be met. CFC has not been able to meet them, especially CFC has not been able to establish that it will incur a hardship if the request for the variance is not granted. Please protect our community from the type of signage CFC is requesting.

Very truly yours,
Bernadette A. Ruiz
4911 N. Camino Antonio
Tucson, AZ 85718
520-229-0974

Lauren Whetstone

From: Laura Pew <laurapew@casapew.com>
Sent: Sunday, December 5, 2021 5:29 PM
To: DSD Planning
Subject: Catalina Foothills Church sign variance

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To the Board:

Please do not allow the church to flout the sign rules, with their request to go far beyond the size and light limits. Please hold the sign to 30 square feet or less, and please do not allow it to be lighted beyond 9:00 p.m.

Please also hold the Church to having their signs at the church, and not on Skyline Drive. The requested size, bright lights and placement have no place in the Foothills! Other churches in Pima County have abided by the rules, which have caused no detriment to them or their parishioners.

Sincerely,
Laura Pew
5445 N Camino Escuela
Tucson 85718

Lauren Whetstone

From: Daniela Feldhausen <danifeld@aol.com>
Sent: Sunday, December 5, 2021 3:26 PM
To: DSD Planning
Subject: Catalina Foothills Church signage and lighting

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Board of Adjustment,

I live in the Cat 8 community, not far from Catalina Foothills Church, and I oppose the church's request for signage and lighting.

A few points:

- we live in a Dark Sky area. The church should comply with the rules for Dark Sky areas. Those rules exist for a reason, and the church shouldn't be allowed to violate them.
- there is no entrance to the church on Skyline, so there shouldn't be a sign on Skyline either. Drivers should not be encouraged to turn into Camino Miraval - that is an exit only, not an entrance. Besides, the rules say there should only be one sign. Again, the church should comply with the rules
- an 8 foot high sign on Orange Grove is out of character for our neighborhood and unnecessary. 6 feet is plenty for visitors to find the church. Also, the sign should be in the right of way, not on the property line.

Please protect our neighborhood!

Daniela Feldhausen
2228 E Cerrada Bala
Tucson, AZ 85718

Lauren Whetstone

From: tom@casapew.com
Sent: Sunday, December 5, 2021 6:17 PM
To: DSD Planning
Subject: Catalina Foothills Church

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Pima County Planning Committee:

I am writing to you as a long-term resident of Catalina Foothills Estates #1.

If the sign and lighting ordinances wisely put in place and enforced by you for the 49 years we have lived here are applied to Catalina Foothills Church (“**CFC**”) you will appropriately executed your responsibilities to the resident voters of Pina County.

Please do the correct and legal thing in your decision re the CFC’s willful and illegal efforts to overturn the legitimate and wise sign size, location and lighting rules.

Thank you for your consideration.

Respectfully,

Tom Pew

Sent Via Mobile

Lauren Whetstone

From: tlb5593@gmail <tlb5593@gmail.com>
Sent: Sunday, December 5, 2021 6:40 PM
To: DSD Planning
Subject: CFC sign hearing December 6, 2021

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

I am Tamara Benson, a homeowner in Catalina Foothills Estate #8, immediately adjacent to the church property.

I am strongly opposed to any new light-up signage or variance, as the Church has requested.

My degree and experience are in Astronomy. Tucson has been known for years for its' dark skies and light reduction ordinances. This is to preserve the environment for future star gazers and science, and for the wildlife here. Astronomy is a large industry here, contributing to our economy, and our way of life, and the world community.

I see no advantage to the Church using the light polluting sign. I do not believe it will increase their attendance or their revenue, rather I think the sign will be used at inappropriate hours of dark to make Orange Grove and Skyline appear more like Las Vegas. I believe they are misguided in their efforts and will ruin our neighborhood.

The church is not even open late at night so why should their sign be lit to pollute God's sky? If this variance is approved, the damage will be done, the precedent will set, and light pollution and damage will continue to grow in this area.

We have a lot of wildlife in this area; for many, that is the reason people settled here. The timing and amount of light will directly affect wildlife here, disorienting birds and animals, disrupting their circadian rhythms and behavior.

The increase in size of both lighting and signs will decrease all property values in this area, as well as cause pain and suffering for the residents living here.

In my experience, God, the Universe, and whatever is bigger than us, encourages us to protect our environment and all that it contains.

I vote NO. The Earth is more important. The moderate course, for the neighborhood and church, is compliance with Pima County's sign ordinance.

We moved up here because we love the Tucson Desert.
We need to protect that.

Sincerely,
Tamara Benson

Lauren Whetstone

From: Dr.Eve Shapiro <shapiroe@email.arizona.edu>
Sent: Saturday, December 4, 2021 6:55 AM
To: DSD Planning
Subject: Church sign hearings P21VA00010

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

I am writing to express my support for the recommendations of the Neighborhood Working Group. The first issue is that there was no hardship expressed by the Catalina Foothills Church to request these variances in the first place. Given that, the board should:

1. require all 3 Dark Sky Incentive elements for any increase in sign size and height.
2. require that the CFC adhere to the 30 sq ft limit or abide by the Dark Sky light limits and enjoy the 25% increase in size.
3. deny the freestanding sign along Skyline.
4. support making compliance with Sign Code rules for banner signs and directional signs conditions for any granted variances.

Thank you for your consideration.

Eve Shapiro
5373 N Via Alcalde
Tucson

Frank S. Bangs, Jr.
2575 E. Avenida de Posada
Tucson, AZ 85718
(520) 757-7577
frank.bangs@gmail.com

December 5, 2021

Chair Lynn Wildblood and Board Members
Pima County Board of Adjustment, District 1
c/o Elva Pedrego, Assistant Executive Secretary
Development Services
201 N. Stone Ave.
Tucson, AZ 85718

Re: P21VA00010, Catalina Foothills Church—E. Orange Grove Road; Neighborhood
Objections to Requested Variances

Chair Wildblood and Board Members,

Chair Wildblood and board members Carroll and Call may recall that Katherine Jacobson of Catalina Pueblo Condominiums and I have appeared before the Board four times in the past opposing sign variances in the Ina/Skyline/Sunrise corridor on behalf of my neighborhood association, Catalina Pueblo. We opposed those variances for two reasons: (1) the excessive size and number of the proposed signs in the requests compared with code standards and existing signs; and (2) the lack of any showing of hardship or special circumstances legally required to grant variances.

Those factors are also present in this case, plus another very significant one. The application was filed just four months after Pima County adopted a comprehensive revision of its sign regulations. That adoption followed almost two years of research by County staff and extensive consultation with a wide spectrum of stakeholders, including sign companies, business sign users, environmental groups, representatives of our astronomical observatories and neighborhood associations like ours (Katherine and I were among the stakeholders invited by the County to participate in the revision process).

In addition to general dissatisfaction from all quarters with the complexity and inflexibility of the previous sign regulations, the County was motivated to revise its sign code by changes in Arizona law protecting political expression and a 2015 U.S. Supreme Court decision striking down local sign controls where the plaintiff alleged religious signs were treated more restrictively than other forms of expression.

Because of difficulties recovering the now-repealed sign code provisions from the internet, it is hard to tell if the applicant—as a permitted use in the CR-1 zone—is treated differently in the revised Sign Standards. However, it is clear that as a “non-residential use” it is allowed a full range of sign types, including freestanding signs and wall signs, not allowed for residential uses in the same zone.

The recently revised Sign Standards also contain two new provisions that could have been used by the applicant to address, without resort to a variance, its signage needs expressed in the variance application as well as potential issues resulting from the recent installation of new several signs, apparently without permits, some of which violate the sign standards.

Those provisions are the Dark Sky Protection Option and the Master Sign Plan found in Sec. 18.79.100. The first authorizes 25% increases in sign area and height in exchange for more restrictive limits on sign illumination—brightness, color temperature and earlier termination—than those imposed by the Outdoor Lighting Code. The second authorizes Development Services to administratively approve sign area, height, number and time of display increases of between 10 and 25%.

In the four months that the Neighborhood Working Group has been discussing the variances with the applicant’s representatives, they have never expressed any interest in pursuing these non-variance alternatives. Nor has Development Services staff indicated any inclination to encourage the applicant to do so.

The public policies these incentives were meant to encourage are meaningless if sign users can obtain much greater signage through unwarranted variances. You should be skeptical of such cynical attempts to circumvent the Sign Standards with variances.

I look forward to addressing you on December 6 and answering any questions you may have. Thank you for your attention to these comments.

Sincerely,

Frank Bangs
Vice President
Catalina Pueblo Association

Cc: Thomas Drzazgowski
Chris Poirier
Katherine Jacobson

Neighborhood Working Group Proposed Form of Variances and Conditions:

P21VA00010, Catalina Foothills Church—E. Orange Grove Road

Catalina Foothills Church, represented by Mike Addis, Addisigns, Inc., on property located at 2150 E. Orange Grove Road, in the CR-1 (Single Residence Zone) requests the following variances:

1. To increase the area of two (2) proposed freestanding signs to 50 square feet. Section 18.79.080.D.3.a of the Pima County Zoning Code restricts sign area to 32 square feet. **This request has been withdrawn by the applicant.**
2. To increase the height of two (2) proposed freestanding signs to 10 feet (Sign A, E. Skyline Drive) (**reduced to 8 feet**) and 8 feet (Sign B, E. Orange Grove Road). Section 18.89.080.D.4.a restricts sign height to 6 feet.
3. To increase the area of a proposed wall sign to 114.71 square feet (**reduced to 80 square feet**). Section 18.79.080.H.3 restricts sign area to 30 square feet.

RECOMMENDATION: Staff recommends **APPROVAL IN PART** of the variance request as described below and **SUBJECT TO CONDITIONS** listed with each variance:

1. To increase the height of the proposed freestanding sign on E. Skyline Drive (Sign A), to 7 feet; and the height of the proposed freestanding sign on E. Orange Grove Road (Sign B), to 8 feet, subject to the following conditions:
 - a. Illumination of Signs A and B to cease at 10:00 p.m.
 - b. Design, color, method of illumination and construction of both signs to be as shown on applicant's revised plans, pages 4 and 5 of 15, dated December 2, 2021. Only letters, logos and street address numbers shall emit light.
 - c. Locations of Sign A and Sign B to be as shown on the Site Map, p. 11 of 15 of applicant's revised exhibits dated December 2, 2021. Location of Sign B in the public right-of-way of Orange Grove Road is subject to Pima County Department of Transportation approval of a temporary revocable easement.
 - d. Removal of the existing freestanding sign at the southeast corner of Orange Grove Road and Skyline Drive as shown on the Site Map.
2. To increase the area of a proposed wall sign (Sign C) to [40] square feet with maximum letter height of 21 inches, subject to the following conditions:
 - a. Illumination of Sign C to cease at 9:00 p.m.
 - b. Design, color, method of illumination and construction of Sign C to be as shown on the applicant's revised plan, page 9 of 15, dated December 2, 2021, incorporating illuminated reverse pan channel letters ("halo" illumination).

- c. Location of Sign C to be as shown as on the Site Map, p. 11 of 15 of applicant's revised exhibits dated December 2, 2021.

Lauren Whetstone

From: Katherine Pew <katherine@katherinepew.com>
Sent: Sunday, December 5, 2021 10:15 PM
To: DSD Planning
Cc: Troy
Subject: Objection to Catalina Foothills Church's Unlawfully Over-Sized Illuminated Sign

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Pima County Planning Committee,

I grew up in Catalina Foothills Estates #1, and my husband and I are longtime residents of this beautiful area of the desert.

Our local sign and lighting ordinances have made an important contribution to the character of our neighborhood since it was established. We are very concerned by the Catalina Foothills Church's disrespectful, aggressive and illegal efforts to overturn the sign size, location and lighting rules. We are also worried that if the church gets away with this, it could set a precedent in this regard for future business owners.

Please do not allow Catalina Foothills Church to pressure your planning committee. The resident voters of Pima County are counting on you to enforce the law.

We deeply appreciate your consideration.

Respectfully,

Katherine Pew & Troy Hollar

3160 E. Via Celeste

Tucson, AZ 85718

646-489-1001

Lauren Whetstone

From: Will Pew <Will@heckerpew.com>
Sent: Sunday, December 5, 2021 11:50 AM
To: DSD Planning
Subject: P21VA00010 - Catalina Foothills Church Sign Variance Application

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Dear Pima County Planning Committee:

I am a resident of Catalina Foothills Estates #5, just south of the Catalina Foothills Church (“CFC”). I have lived in the neighborhood for the past 49 years. I am opposed to the sign variance request by CFC as it currently stands. Although I would like an opportunity to speak at the meeting my views are, generally, as follows:

1. There is no hardship to CFC that would necessitate the variance requested.
2. To the extent signs are lighted, it is imperative that they satisfy all “Dark Sky Incentive Elements,” in keeping with the neighborhood generally, and the typical hours of operation of CFC.
3. There is not only no need for a sign on Skyline but allowing CFC to install a sign there will create additional traffic problems for the neighborhood on Casmino Miraval. The rear entrance to CFC should be only used for staff and handicapped patrons. I would like to see the County ticket people that park on the shoulder of the narrow neighborhood streets, which creates traffic flow problems and safety issues for residents.
4. I do not have objection to a sign at the Orange Grove entrance to the Church or the intersection pointing traffic to the Orange Grove entrance, subject to size and lighting restrictions.
5. CFC has consistently used unpermitted signs and banners to the detriment of its neighbors.

Thank you for your consideration of my concerns.

Sincerely,

Will Pew

T. William Pew III
Attorney
Hecker Pew PLLC | Rockwell Building
405 W. Franklin
Tucson, Arizona 85701
(T) 520 798 3803 x.42 | (F) 520 620 0405
Will@HeckerPew.com | www.heckerpllc.com

www.linkedin.com/in/WillPew/

T. WILLIAM PEW III

2021

RECOGNIZED BY
Best Lawyers®

Martindale-Hubbell®



Lauren Whetstone

From: Bill and Mary Read <maread05@msn.com>
Sent: Friday, December 3, 2021 4:34 PM
To: DSD Planning
Subject: P21VA00010 - Catalina Foothills Church

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

The following information is show the inconsistencies in the variance application as well as illustrations of existing signs that violate the sign code.

These charts show 3 different sizes for each sign, in the original application and the revised one. How is the Board supposed to know what size variance to grant (or deny)?

Comparison of original application with latest revised application

Original Application				Revised Application			
	Size stated in narrative	Size in spec sheet chart in drawing	Size based on drawing measurement		Size stated in narrative	Size in spec sheet chart in drawing	Size based on drawing measurement
Wall sign NW elevation	114.71 sq. ft.	105 sq. ft.	104.5 sq. ft. 27" letters	Wall sign NW elevation	80 sq. ft.	60 sq. ft.	47.5 sq. ft. 24" letters
Monument sign Skyline	50 sq. ft.	34 sq. ft.	31.7 sq. ft.	Monument sign Skyline	30 sq. ft.	30 sq. ft.	31.7 sq. ft.
Monument sign Orange Grove	50 sq. ft.	14 sq. ft.	31.7 sq. ft.	Monument sign Orange Grove	30 sq. ft.	30 sq. ft.	31.7 sq. ft.

To a casual observer, it would appear that CFC has made great efforts to address the concerns of the neighbors. However, looks can be deceiving.

1. The proposed monument signs in the revised application are the **same area** as in the original application. The original request for 50 sq. ft. in the narrative was in error. These signs were always less than 32 sq. ft. and did not require a variance for size, only for height and placement in the ROW
 - a. Sign panel size – both original and revised - 7.6' x 3.5'
 - b. Logo size – both original and revised - 2.25'
2. The proposed Orange Grove monument sign height has always been 8 feet. It was mislabeled as 10' in the measurement on the drawing of the original application, but the text on that page (yellow box) stated the height as 8 feet. This sign was not changed from the original application.

3. The wall sign area was reduced from 105 sq. ft. to 47 sq. ft. in large part because the design was changed from a raceway to individual letters. Individual letters use the size of each letter to calculate the sign area. Raceway design uses a rectangle surrounding the letters & logo to calculate the area.
 - a. The original proposed sign was 34.25 feet wide. The revised proposed sign is 30 feet wide.
 - b. The original letter height was 27 inches. The revised letter height is 24 inches.
 - c. The actual reduction is about 12 percent, not 55 percent, as it would appear at a glance.
 - d. The proposed wall sign is still over 50 percent larger than allowed.
4. The narrative of the application states that the Catalina Foothills Church stretches along both Skyline Rd and Orange Grove Rd, and that the property has two entrances along both wings of the property. This statement misinforms the Board of Adjustment members about the actual number of entrances, leading the members to believe that signs are needed for two entrances. **There is no entrance along Skyline.**

The following information illustrates current sign violations that must be corrected:

- a. CFC has installed signs in the ROW on Camino La Zorrela and Camino Miraval, indicating parking lot entrances, without permits.
 - i. The sign on Camino La Zorrela is only 6 feet from the street and is located in the SVT. This is a safety hazard and a potential liability for both CFC and Pima County if an accident should occur because of the lack of visibility.
- b. CFC has four unpermitted sign frames along Skyline and Orange Grove that they use for banner signs. The frames are an eyesore along a scenic route.
- c. The wall sign on the east end of the building that was installed without a permit seems to be addressed in the revised application.

Entrance signs in ROW installed without permits. Sign on left is within SVT – a safety hazard



Banner signs along Skyline. The sign frames are any eyesore even when banners are not present



Banner signs in ROW along Orange Grove Rd



Sent from [Mail](#) for Windows

Lauren Whetstone

From: Jforinash <jforinash@aol.com>
Sent: Sunday, December 5, 2021 5:59 PM
To: DSD Planning
Cc: jerforin@aol.com; churchsignprotest@gmail.com
Subject: P21VA00010 Variance Request

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To Whom It May Concern,

It has been brought to our attention that the Catalina Foothills Church (CFC) has requested a variance to install a number of signs. After reading the information and the details of the request, we respectfully request that the variance request be denied. The current rules and regulations established and in place seem reasonable and respectful for all of our neighbors and the Catalina Foothills.

Very Respectfully,

John and Jerri Forinash
5585 N Via Elena
Tucson, AZ 85718
CFA Area #6

Lauren Whetstone

From: Aaron Rottenstein <aaron.rottenstein@gmail.com>
Sent: Monday, December 6, 2021 6:08 AM
To: DSD Planning
Subject: P21VA00010

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

As a neighbor in this community for over ten years, I urge you not to grant any variance without requiring the stipulations set forth from the neighborhood working group. This process has made clear that there are no hardships that would necessitate the variances and as the church continues to operate in bad faith based on other previous agreements, it's clear that there is little desire from their part to find a community agreed upon solution.

More than a corner with a church, this intersection is a neighborhood with similar landscaping, lot sizes and house styles. In order to preserve that, this church must look and act like a neighbor, which would prohibit allowing them signs that appear to be more conspicuous and larger than many of the signs found at the retail and shopping centers just one block down. Rewarding the church after their unresponsive behavior to the community process would set a troubling precedent that allows the regulatory system designed to protect neighborhoods to supersede those same neighborhoods.

These signs are designed to be big and loud-that is their feature. There have been many suggested ways to increase visibility at their entrances in a way that comports with community standards and existing sign codes. I urge the board to require adherence to those codes, granting variance only where the neighborhood working group has provided it.

Thanks

Aaron Rottenstein