



**PIMA COUNTY**

DEVELOPMENT SERVICES

DATE: August 6, 2014

TO: BOARD OF ADJUSTMENT District #3

FROM: Elva Pedregó, Assistant Executive Secretary *[Signature]*

SUBJECT: **Co10(3)14-01 CASSIDY – NORTH TEAM ROPER ROAD**  
Scheduled for public hearing on August 18, 2014

**LOCATION:**

The subject parcel is located approximately 300 feet south of Ina Road, and 1,000 feet west of Sandario, on North Team Roper Road (easement).

**SURROUNDING ZONING / LAND USES:**

North	GR-1	Developed
West	GR-1	Developed
South	GR-1	Developed
East	GR-1	Developed

**PUBLIC COMMENT:**

1 Letter of opposition from the same neighbor to the Secondary Dwelling Permit (P27-14-006) and to the appeal has been received.

**PREVIOUS CASES ON PROPERTY:**

None.

**REQUEST:**

The applicant **has made an appeal to allow a secondary dwelling** on property located at **7935 North Team Roper Road** in the GR-1 zone. Section 18.09.020.J of the Pima County Zoning Code states that in the GR-1 zone, a property owner may apply to the zoning inspector for a permit to allow a secondary dwelling for the use of an ill, handicapped, or elderly person in need of special care, or a care provider for such person, if the ill, handicapped, or elderly person is the owner or resident of the main dwelling . . . and that prior to the issuance of a secondary dwelling permit, property owners within 300 feet of the subject property shall be notified by mail and given 15 days from the date of mailing the notice, to file written protest. If written protest is received, the board of adjustment shall hear the appeal.

**TRANSPORTATION AND FLOOD CONTROL REPORT:**

No comment

**BACKGROUND:**

The subject property is located in northwest Pima County in the Picture Rock community. The properties in the immediate area all consist of developed one acre parcels served by dirt roads (easements).



Permit history indicates the property was first developed in 1989 when a mobile home was placed on the property (#35467). In 2002 a replacement mobile home was placed on the property; there have been no other permits since then.

The property is also the subject of a code violation complaint P14CV00149, submitted in March by the property owner to the south (the protestor to the Secondary Dwelling and this appeal). The complaint stated there were no permits for the mobile homes and possible electrical hazards. The zoning inspector conducted a site visit and noted the second mobile home located at the rear of the property, it was uninhabited and there were no permits. When the property owner contacted the inspector, he indicated he was ill and would be seeking a Secondary Dwelling Permit for the unit.

The property owners applied for a Secondary Dwelling permit in May. A letter to all property owners within 300 feet was mailed on June 17<sup>th</sup>, notifying them of the permit application and advised them that any written protest had to be received on or before July 3<sup>rd</sup>, 2014. A protest letter was received from the property owner to the south; the secondary dwelling permit application was then appealed to the Board of Adjustment.

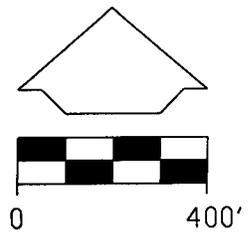
In the protest letter submitted, the neighbor states they object due to potential impact on the existing septic system, the additional unit could cause a decrease in property values and questions the need for an on-site care provider.

Staff has recommends **APPROVAL** of the secondary dwelling permit. Staff finds the request meet standards 1-6.

\*\*\*\*\*

**Standards for a secondary dwelling are:**

1. The property owner shall provide a statement signed by a physician stating that special care or supervision is required by an ill, elderly or handicapped relative;
2. Only one secondary dwelling per lot shall be allowed;
3. Secondary dwellings shall meet the minimum required setbacks prescribed in the development standards - general, of the property's zoning classification;
4. The same access which serves the main dwelling shall be used by the secondary dwelling;
5. The owner shall record a covenant running with the land that states the secondary dwelling shall be removed from the property within 90 days of the date it is no longer occupied by the person in the secondary dwelling permit;
6. The secondary dwelling will not cause adverse effects to the surrounding property owners.



17B  
FEDERAL LAND

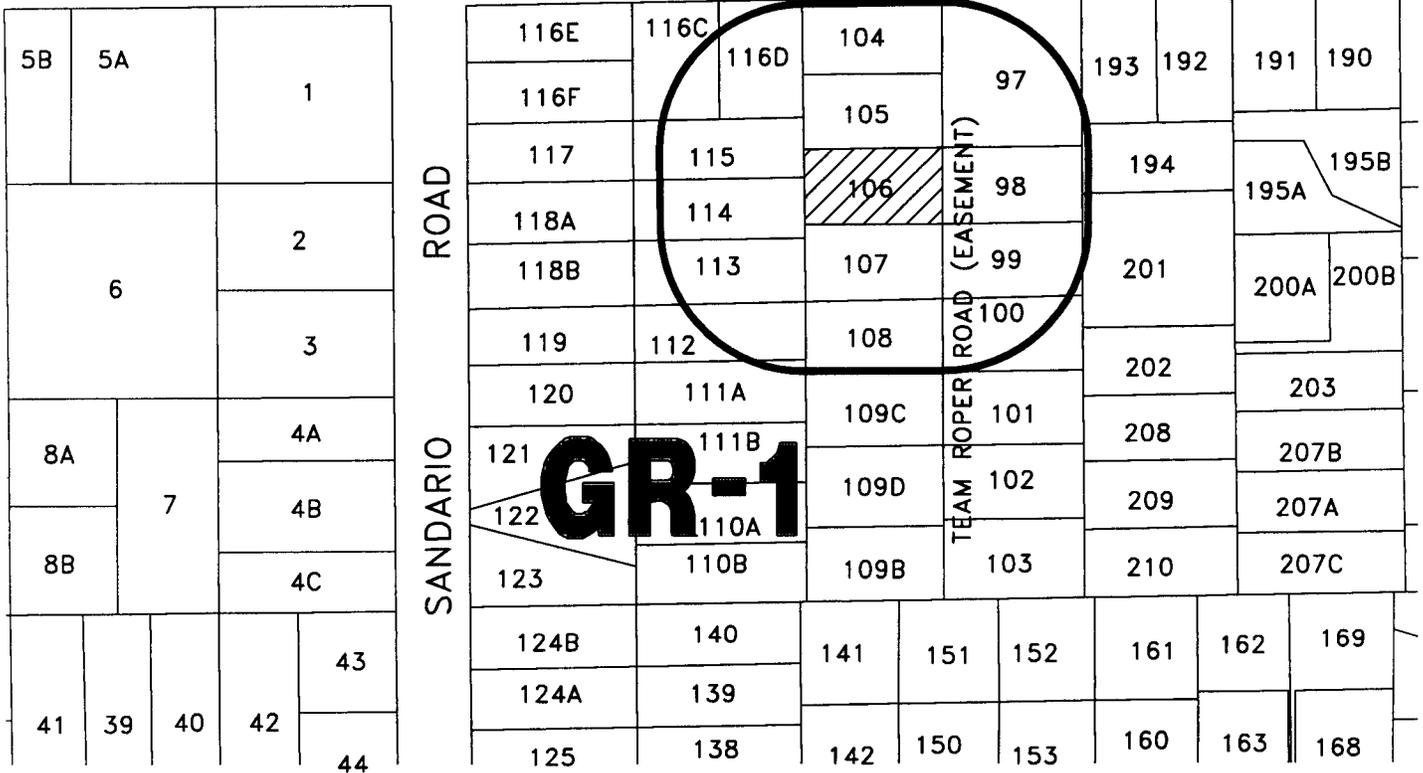
# RH

FEDERAL LAND  
3

28 27  
33 34

T 12S R 11E

MAGEE ROAD



Petition area

Notification area

BASE MAP 156

Notes REF: P27-14-006

Tax codes 215-37-1060

Date 07/21/14  
 Drafter DS

File no. CO10(3)14-01  
CASSIDY  
N TEAM ROPER ROAD (EASEMENT)

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

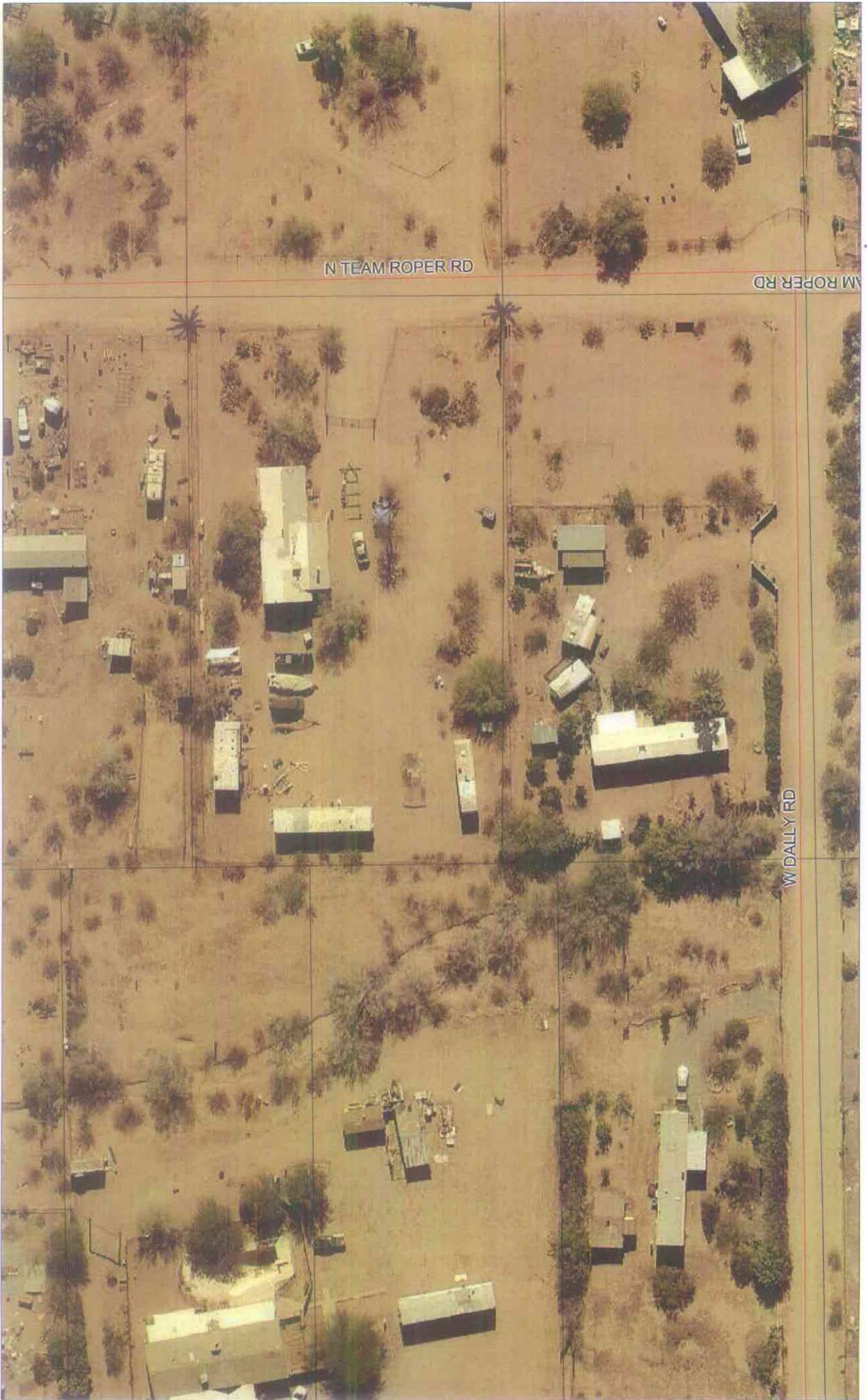
Case NO  
RD-PH200149  
#4675  
724-6675

NORTH

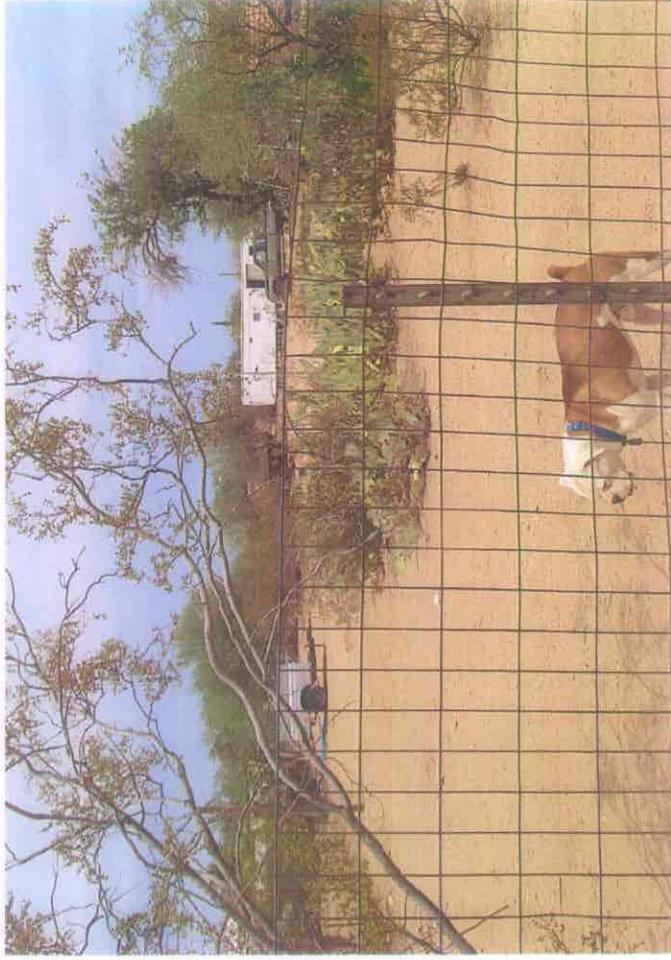
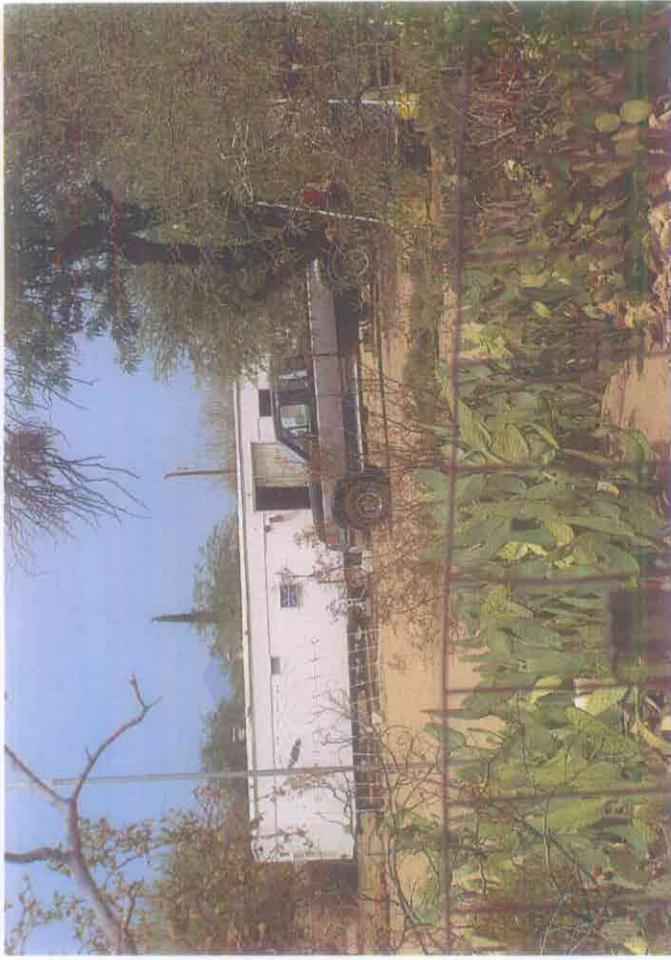


DAILY RD W SOUTH

Co10(3)14-01



\* - SUBJECT PROPERTY



SECONDARY DWELLING



MAIN DWELLING

## **CHARLES G. BRAY**

6160 West Placita Pico Vista  
Tucson, AZ 85742  
(520) 579-0748  
[gbray@yahoo.com](mailto:gbray@yahoo.com)

August 2, 2014

Development Services Center  
Zoning Enforcement Division  
201 N. Stone Avenue, First floor  
Tucson, AZ 85701

Ref: Case #CO10(3)14-01

Gentlemen:

I own the property immediately to the south of the lot owned by Mr. Edward Cassidy, who is seeking permission for a secondary dwelling to be placed at 7935 N. Team Roper Road. Attached is a copy of my previous letter objecting to the granting of this permit, and I also wish to supply additional information.

I respect the fact that Mr. Cassidy has served our country in a military capacity and the Veteran's Administration has classified him as disabled or partially disabled. But, it is obviously apparent that he does not require special care or a resident care provider as outlined in the Pima County Zoning Code. I have previously stated that since he lives alone and his existing dwelling has numerous bedrooms, it would provide ample space for such a care giver if one was truly needed.

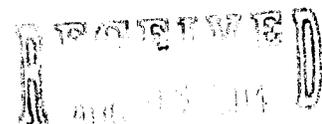
Please find enclosed numerous photographs of Mr. Cassidy as he performs strenuous activities around his house and property which certainly eliminates "bedridden" as a supporting argument for his petition. The photos also indicate that his need for a secondary dwelling to accommodate a constant live-in care giver is questionable.

Since the secondary dwelling would be situated below the level of the existing septic tank, appropriate building codes must be re-examined to insure compliance. The secondary dwelling is currently using electrical service provided by temporary extension cords, so those codes would also have to be reviewed.

I firmly believe that Mr. Cassidy needs the additional rental income the secondary unit could provide, in order to meet other financial obligations, and is the primary reason for his petition. For the above reasons, I continue to object to the granting of a secondary unit to be placed upon Mr. Edward P. Cassidy's property.

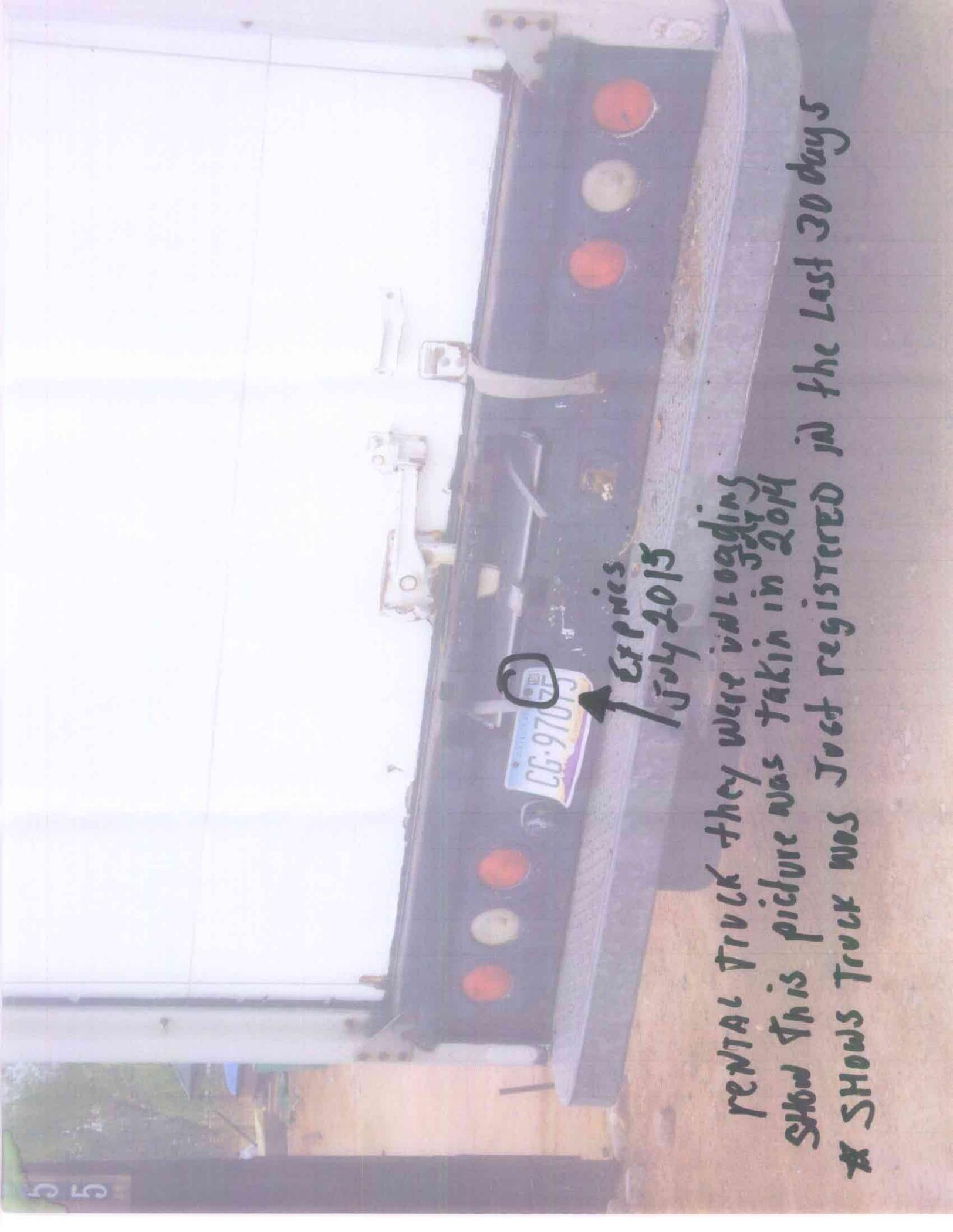
Sincerely,

  
Charles G. Bray



RY





Expires  
July 2015

RENTAL TRUCK they were investigating  
SHOW THIS picture was taken in 2014  
\* SHOWS TRUCK was just registered in the last 30 days



Ed Cassidy  
unloading wood out of Leath's Truck

07/24/2014 @ 1:10 pm

walking, talking, Kelly Friction  
NOT BED RIDIN NO COG TAKER NEEDED

ED CASSIDY  
UNLOADING WOOD OUT OF RENTAL TRUCK

07/24/2014 1:12 PM

WALKING, TALKING, FULLY FUNCTIONAL  
NOT BED RIDDEN AND NO CARE TAKER NEEDED!

\* LUTHER  
NEIGHBOR





PIMA COUNTY  
DEVELOPMENT SERVICES

201 N. Stone Avenue, 1<sup>st</sup> Floor  
Tucson, Arizona 85701-1207  
(520) 724-6675

APPLICATION FOR SECONDARY DWELLING

OWNER: EDWARD CASSIDY PHONE: 562-277-5968  
MAILING ADDRESS: 7935 N Team Roper RD ZIP: 85743  
AGENT (if not the owner): \_\_\_\_\_ PHONE: \_\_\_\_\_  
PROPERTY ADDRESS: 7935 N Team Roper RD ZIP: 85743  
LEGAL DESCRIPTION: E 286' W 106' N 2 NW 4 E XCS 775.22 TAX CODE: 215-37-1060  
ZONE: GR1 LOT DIMENSIONS: 286 x 156.63 LOT AREA: 1.03 A.  
NAMES OF PERSONS TO OCCUPY THE SECONDARY DWELLING: Son or wife

THE FOLLOWING DOCUMENTS ARE REQUIRED:

- 1. Sketch plan of lot, showing all existing structures and proposed structure with dimensions and distances from structures to property lines and to other structures.
- 2. Letter of authorization (if not the owner)
- 3. Signed statement describing how the request complies with the standards in Section 18.09.020J2 of the Zoning Code (form provided)
- 4. Statement from physician that the ill, handicapped, or elderly relative requires special care or supervision.
- 5. Recorded covenant (form provided)
- 6. A \$310.00 zoning fee (make check payable to Pima County Treasurer)

I, the undersigned, represent that all the facts in this application are true to the best of my knowledge. I am aware that a covenant running with the land must be recorded stating that the secondary dwelling must be removed from the property within ninety days of the date the secondary dwelling is no longer occupied by the persons specified above. I have read and understood the Secondary Dwelling guidelines and standards.

Edward Cassidy  
Signature of Applicant

05-07-2014  
Date

(OFFICE USE ONLY)

P27 -14-006

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

300 Foot Notification (Notice, Planning Map & Sketch Plan): \_\_\_\_\_

Southern Arizona VA Healthcare System  
3601 S. 6th Ave  
Tucson, AZ 85723

520-629-4881 Ocotillo

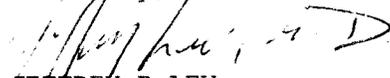
Apr 14, 2014

EDWARD PATRICK CASSIDY  
7935 NORTH TEAM ROPER ROAD  
TUCSON, ARIZONA 85743

To Whom It May Concern:

The above stated patient suffers from multiple medical illnesses (including cancers) that have caused significant disability. He will need daily assistance. One of his children has agreed to serve as caregiver, requiring additional living quarters to be added to the existing property.

Sincerely,



JEFFREY D LEV  
Physician

**DEPARTMENT OF  
VETERANS AFFAIRS**

**SAVAHCS  
3601 South 6th Ave  
Mail Stop: 11-136D3  
Tucson, Arizona 85723**

**DATE: 4/2/2014  
In Reply Refer To: 11-136D3  
SSN: 1450**

***EDWARD PATRICK CASSIDY  
7935 NORTH TEAM ROPER ROAD  
TUCSON, AZ 85743***

**RE: ROI Plus Request for EDWARD PATRICK CASSIDY**

**Dear MR CASSIDY:**

**This individually identifiable information is privileged. Its confidentiality should be maintained along with appropriate security safeguards to protect against individual harm (identity theft), embarrassment, or inconvenience.**

**Sincerely,**

**RAMONA J PIZZI - Release of Information**

## STATEMENT OF AGREEMENT

### STANDARDS AS LISTED IN SECTION 18.09.020J

1. Property owner shall provide a statement signed by a physician that special care or supervision is required by the ill, handicapped, or elderly relative.
2. Only one secondary dwelling per lot shall be allowed.
3. Secondary dwelling shall meet the minimum setback requirements described in the Development Standards-General of the property's zoning classification
4. The same access which serves the main dwelling shall be used for the secondary dwelling.
5. The owner shall record a covenant running with the land stating that the secondary dwelling shall be removed from the property within ninety days of the date the secondary dwelling is not longer occupied by the person specified in the secondary dwelling permit.
6. The secondary dwelling will not cause adverse effects to surrounding properties.

I the undersigned, owner or agent of owner for the subject property agree to adhere to the Standards listed above and as listed in Section 18.09.020.J.2 of the Pima County ZoningCode.

Furthermore, I the applicant, understand that a secondary dwelling permit shall be valid for up to three years and may be renewed by the Zoning Inspector. A property owner requesting renewal of the permit shall submit to the Zoning Inspector evidence that the secondary dwelling is still needed and that conditions of the permit have been met.

Edward Ramirez  
Name

05-07-2014  
Date

7935 N Team Roper RD TUCSON AZ 85743  
Address



SEQUENCE: 20141270138  
NO. PAGES: 2  
COV 05/07/2014 11:27  
MAIL  
AMOUNT PAID: \$10.00

W  
EDWARD CASSIDY  
7935 N TEAM ROPER RD  
TUCSON AZ 85743

**SECONDARY DWELLING UNIT  
DECLARATION OF COVENANTS RUNNING WITH THE LAND**

This Declaration of Covenant is made by:

*Edward Cassidy*

\_\_\_\_\_, the Declarant.

1. **Affected Property.** Declarant is the owner of the land referred to in this Declaration as the Affected Property and more particularly described as:

*7935 N. Team Roper Rd  
Tucson, AZ 85743*

(address)

*E 286' W 1061' of N 2 NW 4 EX 715.22 AND EX N 387.48' 1.02 ACS 0034*  
and legally described in Exhibit A attached to and made part of this Declaration. *12-11*

2. **Purpose.** This Declaration is executed in order to satisfy Declarant's obligations arising from the issuance of a Pima County Zoning Use Permit allowing a secondary dwelling pursuant to Pima County Zoning Code Section 18.09.020(J)(1)(b)(6).
3. **Declaration.** Declarant, for itself and its successors and assigns, hereby declares that all of the Affected Property and each part thereof shall be owned, held, transferred, conveyed, sold, leased, rented, encumbered, used, occupied, maintained, altered and improved Affected to the covenants, conditions, restrictions and other provisions set forth in these Covenants for the period these Covenants are in effect.
4. **Effect.** The provisions of these Covenants are not personal and are intended to and shall run with the land and, until their expiration or termination, shall bind, be a charge upon and insure to the mutual benefit of (a) the owners of all or a portion of the Affected Property, (b) Declarant and its successors and assigns, and (c) Pima County and any successor governmental entity.

- 5. **Restriction.** The secondary dwelling unit for the use of ill, handicapped or elderly relatives who are in need of special care or supervision which is described in the Pima County Use Permit issued pursuant to Pima County Zoning Code Section 18.09.020(J)(1)(b)(6) shall be removed a) from the from the Affected Property within ninety days of the date the secondary dwelling unit is no longer occupied by the person specified herein,  
Ex-wife Michelle Cassidy or Son Joseph Cassidy and in the Use Permit.  
(name of secondary dwelling occupant)
- 6. **Effective Date.** These Covenants shall be effective on the day they are recorded in the Office of the Pima County Recorder.
- 7. **Duration.** All provisions of the Declaration shall continue in full force and effect for a period of ninety-nine years from the effective date of this Declaration.
- 8. **Amendment.** These Covenants may be amended only upon the concurrence of both Pima County or any successor governmental entity and Declarant or its successors and assigns.
- 9. **Enforcement.** The covenants contained in this Declaration are not personal and shall run with the Affected Property and shall be a servitude in favor of Pima County as (a) body politic and (b) trustee of real property dedicated to the public in the vicinity of the Affected Property.

Executed: 15-07-2014  
(Date)

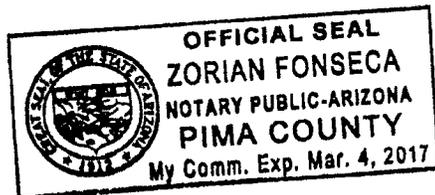
By: Edward Cassidy  
(Declarant)

STATE OF ARIZONA        )  
County of Pima            ) ss.

This instrument was acknowledged before me on this 07 day of May, 20 14.

[Signature]  
Notary Public

My Commission Expires: 03/04/2017





**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

201 N. Stone Ave., 1st Floor  
Tucson, Arizona 85701-1207

**ZONING ENFORCEMENT  
DIVISION**

Phone: (520) 740-6675

June 17, 2014

**NOTICE**

This is to notify you that Edward Cassidy has submitted a permit application for a secondary dwelling to be placed on property located at 7935 N. Team Roper Rd. In accordance with the Pima County Zoning Code, the secondary dwelling would be for the use of an ill, handicapped or elderly person in need of special care or supervision, or a care provider for such person, and must meet the following standards:

1. Property owner shall provide a statement signed by a physician that special care or supervision is required by the ill, handicapped, or elderly relative,
2. Only one secondary dwelling per lot shall be allowed,
3. Secondary dwellings shall meet the minimum setback requirements prescribed in the Development Standards-General of the property's zoning classification,
4. The same access, which serves the main dwelling, shall be used for the secondary dwelling,
5. The owner shall record a covenant running with the land stating that the secondary dwelling shall be removed from the property within ninety days of the date the secondary dwelling is no longer occupied by the person in the secondary dwelling permit, and
6. The secondary dwelling will not cause adverse effects to surrounding properties.

If you have objection to the granting of a permit for the secondary dwelling, your written protest must be made to Development Services Center, Zoning Enforcement Division, 201 N. Stone Avenue, 1st Floor, Tucson, AZ 85701 on or before July 3, 2014. A written protest must include the name and address of the person submitting the protest and the reason why the application does not meet the above listed standards.

If you have any questions concerning the application please call me at 724-6675.

  
\_\_\_\_\_  
Tom Drzazgowski  
Deputy Chief Zoning Inspector

# **CHARLES G. BRAY**

6160 West Placita Pico Vista  
Tucson, AZ 85742  
(520) 579-0748  
[gbray@yahoo.com](mailto:gbray@yahoo.com)

June 24, 2014

Development Services Center  
Zoning Enforcement Division  
201 N. Stone Avenue, First floor  
Tucson, AZ 85701

Gentlemen:

I own the property immediately to the south of the lot owned by Edward Cassidy, who is seeking permission for a secondary dwelling to be placed at 7935 N. Team Roper Road.

I greatly object to the granting of such a permit for the following reasons:

The potential impact on the existing septic system and leech field has not been considered. The crowding created by adding an additional unit could cause a decrease in the property values of surrounding homes.

The rough drawing that was submitted with the application does not reflect reality. Mr. Cassidy has ignored setback requirements in the past, and moved the second mobile home onto his lot without obtaining permits.

Although Mr. Cassidy does have a handicap, the requirement for an on-site care provider is questionable. He has been recently observed on several occasions performing strenuous jobs around his house and yard without apparent difficulty.

The main dwelling consists of four or more bedrooms and could, if necessary, accommodate such a care giver if one was truly needed. I understand that some of these bedrooms are currently being rented out on a monthly basis, and furthermore I firmly believe that the secondary unit would only be used for the same rental purposes if this permit is granted.

Sincerely,

Charles G. Bray