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# Board of Supervisors Memorandum

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July 1, 2014

**Continued Plat Note Waiver Request from May 6, 2014 Hearing  
Co12-71-60A Oshrin Park Subdivision**

The Oshrin Park Subdivision Plat Note Waiver Request was continued to the meeting of July 1, 2014. In response to concerns expressed to the Board of Supervisors at the May 6 hearing, I requested a complete review of the history of compliance with regulations enforced by both the Development Services and Environmental Quality Department as they pertain to zoning and sewer disposal matters.

In response to my May 7, 2014 request (Attachment 1), the two departments submitted their findings in memoranda of May 21, 2014 (Attachment 2). In summary, their findings are as follows:

**Development Services**

- Oshrin Park has been the subject of 45 complaints in the last 10 years, with 20 violations opened and 17 of those violations resolved. The violations were primarily related to unpermitted construction and open storage concerns. The remaining three violations are continuing to be pursued.
- The Curry family owns three lots within Oshrin Park with the following regulatory history:
  - Lot 64: A May 2014 inspection revealed a site-built addition and a detached structure that have not been permitted. A new violation will be opened.
  - Lot 77: A 2007 violation pertaining to unpermitted structures was resolved. A May 2014 inspection revealed an open storage issue and a new violation will be opened.
  - Lot 71 (subject of this request): A January 2013 violation for two unpermitted manufactured homes resulted in one of the homes being removed in April 2013. The request for a waiver to address the second unpermitted home was not filed until February 2014, more than one year after the notice of violation. This second home on the same lot is the subject of this request. A May 2014 inspection revealed an open storage issue and a new violation will be opened.

**Environmental Quality**

- One failed septic tank complaint has been filed in Oshrin Park in the last 10 years, and the matter was resolved.

The Honorable Chair and Members, Pima County Board of Supervisors  
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Oshrin Park Subdivision

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- Lot 71: An existing and occupied manufacture home is connected to a permitted septic tank. The second manufactured home on this lot (the subject of this request) is vacant and not connected to a septic tank.

Summary and Recommendation

The three lots owned by the Curry family have a history of violations of Pima County zoning codes and have current violations pending; primarily pertaining to open storage, inoperable vehicles, machinery, and construction materials and debris. I recommend approval of the plat note waiver be postponed until confirmation of the resolution of the current zoning code violations for open storage issues on Lot 71, the subject of this request for a Plat Note Waiver.

Respectfully submitted,

  
C.H. Huckelberry  
County Administrator

CHH/mjk – June 2, 2014

Attachments

c: John Bernal, Deputy County Administrator for Public Works  
Carmine DeBonis, Jr., Director, Development Services  
Arlan Colton, Planning Director, Development Services



DATE: May 21 2014

TO: John Bernal, Deputy County Administrator for Public Works

FROM: Chris Poirier, Assistant Planning Official

SUBJECT: May 6, 2014 Board Agenda Item 24, Plat Note Waiver- Oshrin Park

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On May 6, 2014, in response to a request for a plat note waiver, the Board of Supervisors directed staff to evaluate compliance with Pima County Codes within Oshrin Park Lots 31-113. The Board continued the request until July 1, 2014 pending the compliance evaluation. The following is a summary of Zoning Code activity and compliance with special emphasis on properties owned by the applicant, Coty Curry and his family:

Over the past 10 years, Pima County Development Services has received 45 code complaints within Oshrin Park Lots 31-113. Of the 45 complaints investigated, 20 have been found in violation. 17 of the 20 in violation have been brought into compliance through obtaining appropriate permits, removing open storage, or removing unpermitted structures. The remaining 3 are either in the Superior Court process or currently under investigation.

It appears that the Curry family owns 3 lots with Oshrin Park, Lot 64, Lot 71 (The lot subject of the plat note modification), and Lot 77.

**Lot 64** (5200 W Calle Paint, Cheyenne Curry): In July 2012 staff received a complaint on the property. Even though a site visit revealed potential violations of inoperable vehicles and an addition without permits, staff closed the case because it was determined that the complaint received may have been forged.

In response the Board directive staff visited the site on May 20, 2014 and discovered two permitted dwelling units, one of which has a site built addition of which there is no permit record. There is also a detached accessory structure larger than 200 square feet of which there is no permit record. There is also a small amount of open storage in the form of two inoperable vehicles.

**Lot 71** (5345 W Calle Paint, Coty Curry): Staff responded to a complaint on Lot 71 in January 2013. The inspector found 3 manufactured homes on the property, only 1 of which was permitted. The owners were cited for: 1) structures without permits, and 2)

excessive numbers of dwelling units. Prior to the hearing before the Hearing Officer on April, 2013 the owner removed 1 of the 3 manufactured homes. As a result the Hearing Officer dismissed the citation for "excessive number of dwelling units," but found the owner in violation of "structure without permit." In order to obtain a permit, the applicant needs approval from the Board of Supervisors for the requested plat note waiver. The applicant did not apply for the waiver until February, 2014. If the Board approves the request the owner would then be eligible to obtain a permit for the 2<sup>nd</sup> home. If denied, the 2<sup>nd</sup> home would have to be removed.

In response the Board directive staff visited the site on May 20, 2014 and discovered two dwelling units, only one of which is permitted at this time. The second unit is the subject of the current Plat Note Waive application. There is also open storage on site in the form of inoperable vehicles and construction vehicles.

**Lot 77** (5330 Calle Appaloosa, Cheyenne Curry): In 2007 staff responded to a complaint and issued citations for structures without permits (pig pen, stables) and excessive amount of pigs. Eventually, the amount of pigs was reduced and permits were obtained. The case was closed.

In response the Board directive staff visited the site on May 20, 2014 and discovered are two permitted dwelling units and numerous detached accessory structures and animal enclosures. The detached structures appear permitted. However, there appears to be an amount of open storage at rear of property in the form of machinery, construction materials and household materials.

Code Enforcement Staff will open violations on the three Curry family properties. Staff will provide a verbal update at the July 1, 2014 Board of Supervisor hearing.



33 N. Stone Avenue, Suite 700  
Tucson, Arizona 85701-1429  
[www.pima.gov/deq](http://www.pima.gov/deq)

Ursula Kramer, P.E.  
Director

(520) 724-7400  
FAX (520) 838-7432

DATE: May 21, 2014

TO: John Bernal, Deputy County Administrator for Public Works

FROM: Ursula Kramer, Director, PDEQ *U.K.*

SUBJECT: May 6, 2014, Board Agenda Item 24, Plat Note Waiver- Oshrin Park

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On May 6, 2014, in response to a request for a plat note waiver, the Board of Supervisors (BOS) directed staff to evaluate compliance with Pima County Codes within Oshrin Park. The County Administrator specifically directed the Pima County Department of Environmental Quality (PDEQ) to investigate if there has been a history of failed septic systems at Oshrin and if the three lots owned by the Curry family were in compliance with Pima County Codes regarding septic systems.

PDEQ searched its complaint database for the last ten years and found only one complaint of a failed septic system at Oshrin Park. In 2004, PDEQ responded to a sewage complaint at 5460 W. Calle Paint. The PDEQ inspector issued the property owner a Notice of Violation for raw sewage. The property owner had his septic tank pumped and cleaned the contaminated area. The case was then closed. There have been no other sewage complaints for Oshrin Park in the past ten years. There could have been instances of a septic system failing, but if the owner took immediate steps to repair or replace the system it is likely that no complaint would be filed. Based upon PDEQ's records, there does not appear to be history of failed septic systems within the Oshrin Park subdivision.

Based upon the Assessor's records, the Curry family owns three (3) lots within the Oshrin Park subdivision: Lot 64, Lot 71 (The lot subject of the plat note modification), and Lot 77. PDEQ received no sewage complaints for the three (3) properties owned by the Curry family.

**Lot 64 (5200 W. Calle Paint, Cheyenne Curry):** This property has two permitted septic systems and PDEQ has not received any sewage complaints.

**Lot 71 (5345 W. Calle Paint, Coty Curry):** PDEQ did send an inspector to this property on May 8, 2014, to determine if there was an unpermitted septic tank being used for a second mobile home. The inspector did observe the second mobile home on the southern portion of the property as it was shown in the plat waiver application. The mobile home appeared to have no utility hookups and the PDEQ inspector was informed by the occupant of the first mobile home located

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on the northern portion of the property that the southern mobile home is currently vacant. The existing mobile home has a permitted septic system.

**Lot 77 (5330 Calle Appaloosa, Cheyenne Curry):** This property has two permitted septic systems and PDEQ has not received any sewage complaints.

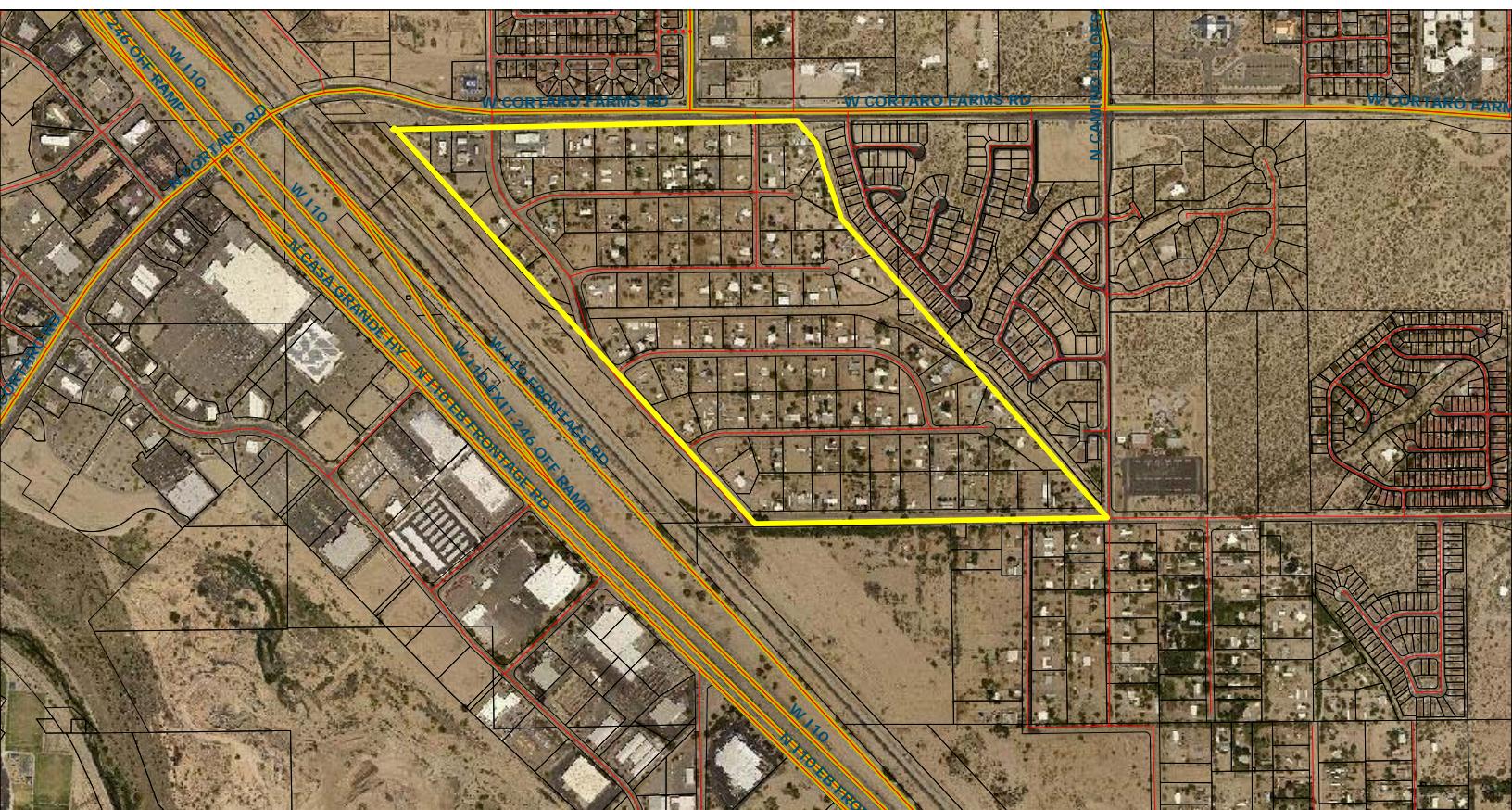
Based upon a review of records from DSD, the three properties owned by the Curry family have permitted septic systems except for the current mobile home for which the plat waiver is being requested. There have been no sewage complaints received by PDEQ on these properties. The Oshrin Park subdivision does not appear to have a history of failed septic systems based upon sewage complaints received by PDEQ.

I am available at your convenience to answer any questions or to discuss this matter.

UK/RG/vb

Attachments: Curry-owned parcels and details

OSHRIN PARK SUBDIVISION  
LOTS 1 - 113



OSHRIN PARK  
PARCELS OWNED BY THE CURRY FAMILY

