



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan Colton, Planning Director *mc*

DATE: October 2, 2013

SUBJECT: Co12-72-03 LAS PRIMERAS LOMAS, LOT 63 & LOT 76

The above referenced Plat Note Waiver is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 15, 2013** hearing.

REQUEST: The applicant requests a waiver of the plat note which depicts an 85-foot building setback line from the northern boundary of the Las Primeras Lomas Subdivision to allow a 12-foot encroachment to construct a roofed porch which will be attached to her townhome which covers the entirety of Lot 63. The 85-foot building setback area is a portion of Lot 76 and is "common area" controlled by the Las Primeras Lomas Townhome Association which has given its permission and approval for the request.

OWNERS: Ellen Goldberg
689 E. Camino Alteza
Tucson, AZ 85704

Las Primeras Lomas Townhouse Association
Attn: Kevin Perkins, ADAM, LLC
516 E. Fort Lowell Road
Tucson, AZ 85705-3965

AGENT: Same

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of October 2, 2013, staff has received no written public comment.

STAFF RECOMMENDATION: APPROVAL.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subdivision lies outside the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/DP/ar
Attachments



Board of Supervisors Memorandum

Subject: Co12-72-03

Page 1 of 2

FOR OCTOBER 15, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan Colton, Planning Director *[Signature]*
Public Works-Development Services Department-Planning Division

DATE: October 2, 2013

UNADVERTISED ITEM FOR PUBLIC HEARING

PLAT NOTE WAIVER

Co12-72-03 LAS PRIMERAS LOMAS, LOT 63 & LOT 76

Request of Ellen Goldberg for a waiver of the plat note which depicts an 85-foot building setback line from the northern boundary of the Las Primeras Lomas Subdivision (Bk. 24, Pg. 96). The applicant requests to construct a roofed porch which will encroach 12 feet into the setback area within Lot 76 of the plat. The roofed porch will connect to the townhome on Lot 63 which is 1,612 square feet zoned CR-4 and is located on the north side of Camino Alteza, near the northern terminus of Avenida Primera and approximately 65 feet west of First Avenue. Reference case: Co9-71-69. Staff recommends **APPROVAL**.
(District 1)

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the plat note waiver to allow a roofed porch for Lot 63 to encroach 12 feet into the 85-foot building setback area within Lot 76 of the plat. Lot 76 functions as natural common area.

PLANNING REPORT

The subdivision plat for Las Primeras Lomas was approved in 1973. The 85-foot building setback line depicted on the plat appears to have resulted from a rezoning condition pertaining to case Co9-71-69 which granted CR-4 zoning for the bulk of the area of the subject plat. However, the rezoning condition (#4 on the attached Board of

Supervisors' Minutes of 8-17-71) only required that the northerly 85 feet of the area requested for rezoning be left as CR-1 and restricted to no building construction. The north boundary of this area commenced at the midpoint of Section 13, Township 13, Range 14. The actual townhome building setback from this midpoint going south is approximately 110 feet, leaving a compliance cushion of approximately 25 feet for building area. The proposed 12-foot encroachment into this area is therefore well within compliance with the original rezoning condition. Additionally, the normal CR-4 building setback requirements are from the subdivision site boundaries, and not from individual lots. The north boundary of the subdivision is a side boundary subject to a minimum 10-foot setback. So the request is also well within compliance with this setback requirement. It is understood that, by code, the porch roof can extend an additional three feet from a supporting post set at 12 feet from the rear wall of the townhome (allowing for a maximum 15-foot porch roof extension from the rear wall of the townhome).

The 85-foot building setback area within the plat consists of a naturally vegetated hillside that flattens-out near the existing townhomes. A concrete slab already exists at the rear of the subject Lot 63 townhome. The slab is apparently the remains of an addition to the townhome that was built without permits by a former owner of the townhome and subsequently removed. The slab remained because it is not considered a building and is therefore not subject to building setbacks. The applicant merely requests to allow roof cover over the slab. The site plan depicts a proposed 12' x 21' porch.

The applicant's neighbors on Lots 64 and 65 also have covered porches similar to that requested. Staff finds no evidence of plat note waivers granted for those two lots.

Public notice of the plat note waiver request has been sent to property owners within, and within 300 feet of, the Las Primeras Lomas subdivision. No public comment has been received as of the date of this report. The applicant should be aware that a property owner within the subdivision may privately enforce the plat note, even after the Board of Supervisors grants the waiver request. The manager for the Las Primeras Lomas subdivision has stated that the proposed roofed patio does not violate any existing subdivision CC&R's and has been approved by the Board of Directors. The applicant has submitted a copy of the townhome association's Architectural Review Committee Submittal Form which includes signatures of approval of her request for the roof cover from her two immediate neighbors.

CP/DP/ar
Attachments

c: Ellen Goldberg, 689 E. Camino Alteza, Tucson, AZ 85704
Las Primeras Lomas Townhouse Association, Attn: Kevin Perkins, ADAM, LLC
516 E. Fort Lowell Road, Tucson, AZ 85705-3965
Chris Poirier, Assistant Planning Director

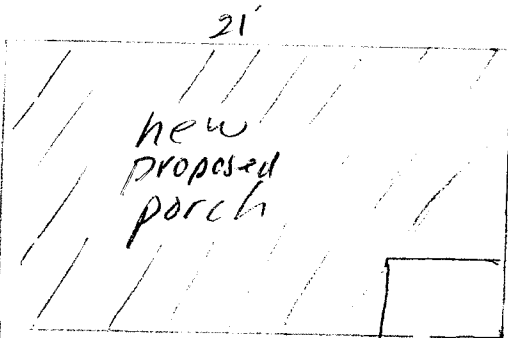
Co12-93-11

Co12-72-03 (Lot 63 & Lot 76) File

Page 2 of 2

2012
N





24

Existing
Townhouse
(Entire Lot 63)

Lot 64

Lot 62

Site Plan

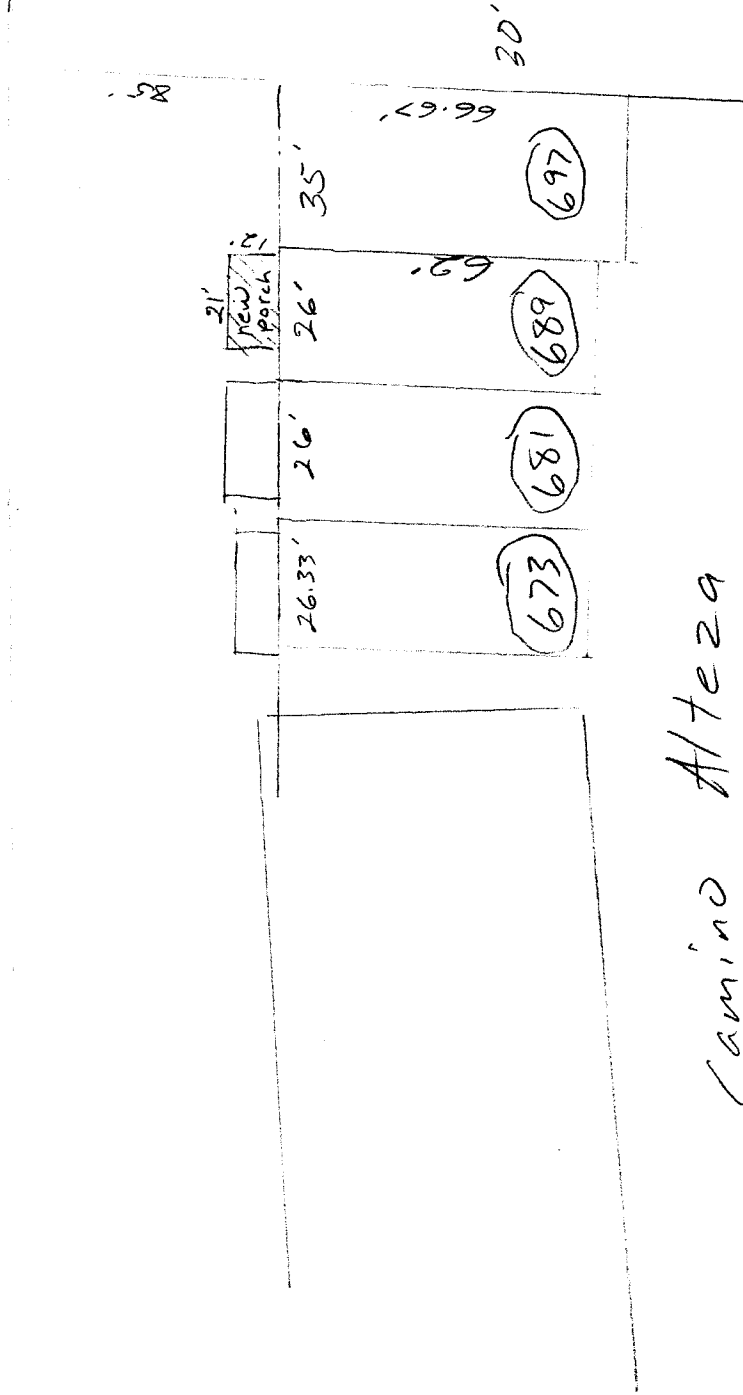
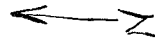
62'

681

689

697

Camino Altea



Camino Alteza

site plan

August 14, 2013

Mr. Chris Poirer
Asst. Planning Official
Pima County Development
Services Dept. – Planning Division
201 North Stone Avenue, 2nd Floor
Tucson, AZ 85701

Dear Mr. Poirer:

The following is the information asked for in the Submittal Item Checklist for Special Board of Supervisors' Hearing Requests:

Owner/Applicant: Ellen P. Goldberg
Address: 689 E. Camino Alteza Tucson, AZ 85704
Phone numbers: (Home phone): (520) 408-7731; (Cell phone): (520) 331-9880
Assessor's Tax Code ID #:105-04-0930
Size of property: 1,612 sq. ft. (With the additional 252 sq. ft.: 1,864 sq. ft.)

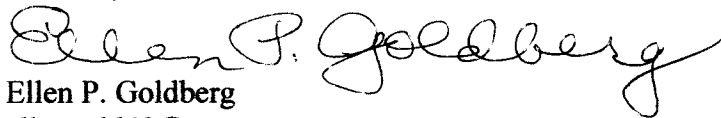
I would like to request a Modification Hearing in order to obtain a Plat Note Waiver for Lot #63 at Las Primeras Lomas Townhomes for the purpose of the installation of a new porch at the northern end of my home at 689 E. Camino Alteza, Tucson, AZ 85704.

I have enclosed the following for your review:

- Two site plans (One shows two properties to left of mine with a porch/roof)
- Original Notice of Architectural Approval with original signature
- Copy of Architectural Review Committee Submittal Form submitted to my HOA board of directors for approval, which includes permission from my two neighbors
- Copies of two letters from 1998, which granted the owner at that time and any following owner(s), easement rights for the patio, which therefore became the owner's responsibility

Thank you for your consideration. I look forward to hearing from you regarding the requested Modification Hearing.

Sincerely,



Ellen P. Goldberg
ellengold48@comcast.net

RECEIVED
AUG 16 2013

BY:



A Different Association Management Company, LLC

Las Primeras Lomas Townhome Association
c/o ADAM, LLC
516 E. Ft. Lowell Road
Tucson, AZ 85705

516 East Fort Lowell Road
Tucson, AZ 85705
520-624-1206 Fax: 388-4944

August 29, 2013

Mr. Dave Petersen/Senior Planner
Pima County Development Services Dept.
201 North Stone Avenue, 2nd Floor
Tucson, AZ 85701

Dear Mr. Peterson:

The roof that is going to be constructed for Ms. Ellen Goldberg at 689 E Camino Alteza, Tucson, AZ 85704 lot #063 will be built in the Homeowners Associations "common area" and the Homeowners Association does not object to this improvement. Also the proposed roofed patio does not violate any of the existing CC&R's. It has been approved by the Board of Directors and is accordance with the CC&R's.

Should you have other questions or concerns please feel free to contact me at 520-624-1206x316 or I can be reached by email at kevin@adamllc.com.

Thank you,

Kevin Perkins
Community Association Manager
Las Primeras Lomas Townhome Association

RECEIVED
SEP 03 2013

BX:



A Different Association Management Company, LLC

Las Primeras Lomas

516 E Ft Lowell Rd. Tucson, AZ 85705

Tel: 520-624-1206 Fax: 520-388-4944 Email: kevin@adamllc.com

Notice of Architectural Approval

June 17, 2013

Ellen P Goldberg
689 E Camino Alteza
Tucson AZ 85704

RE: 689 E Camino Alteza Lot#063

Dear Ellen P Goldberg:

Your Request for Architectural Change has been approved. Specifically, you have approval to proceed with the following:

A roof over your rear patio.

Stipulations:

Please provide a copy of the the Building Permit for the files.

We reserve the right to make a final inspection of the change to make sure it matches the Request you submitted for approval. Please follow the plan you submitted or submit an additional Request form if you cannot follow the original plan.

You must follow all applicable local building codes and setback requirements when making this change. A building permit may be needed. This can be applied for at the county offices.

Our approval here is only based on the aesthetics of your proposed change. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Be aware that you are responsible for contacting the appropriate utility companies if any digging is needed to complete your project.

We appreciate your cooperation in submitting this Request for Approval. An attractive Community helps all of us get the full value from our homes when we decide to sell.

Sincerely,

Kevin Perkins

ADAM LLC, agent for Las Primeras Lomas

Cc: Board of Directors

Las Primeras Lomas
c/o ADAM, LLC
516 E. Fort Lowell Rd.
Tucson, AZ 85705

Tel 624-1206 Fax 388-4944 email kevin@adamllc.com

ARCHITECTURAL REVIEW COMMITTEE SUBMITTAL FORM

DATE: 5/29/13

Owner's Name(s): Ellen P. Goldberg
Property Address: 689 E. Camino Altiza
Property City, State and Zip: Tucson, AZ 85704

NOTE: DO NOT BEGIN WORK PRIOR TO APPROVAL

Description of work to be done: Installation of roof over patio in back of home
"New porch"

A sketch of all improvements must be submitted with application showing the above specifications

Contractor Name, Address and Tel# if applicable

Gerry Provencio 855 E. Windsor St. License #
Tucson, AZ 85719 (520) 235-9994

Type of materials to be used see sketch

Color(s) to be used Colorado Trail

Other Information, Dimensions, Start Date **

Completion Date **

Other information, dimensions can be found on pages submitted w/ this application; Proper drainage accounted for

* Gerry has been doing LPL's woodwork
Surrounding neighbors visually impacted by improvement should be informed and sign their approval

below:

Name	Address	Lot#	Approve Yes/No
Lynda Johnson	689 E Camino Altiza		yes
Kathy Smith	691 E Camino Altiza		yes

Remember:

1. Permits either City/County should be obtained prior to construction.

2. Improvements should not deviate from submitted plan without approval of Architectural

Committee

3. Completion dates can be modified with written notice and approval of Architectural

Committee

Forward applications to ADAM, LLC, 516 E. Fort Lowell Rd., Tucson, AZ 85705

Should have questions about your application, please contact your association manager at 624-1206X316, Fax 388-4944 or email ho@adamllc.com

Signed

Ellen P. Goldberg

Date

5/29/13

Receipt (completed by Association)

Approval	Yes / No	date	Committee Member
Approval	Yes / No	date	Committee Member
Approval	Yes / No	date	Committee Member

Thank you!

DISMISSAL OF COMPLAINT

RELEASE AND DISMISSAL OF COMPLAINT #P97BV00073

689 East Camino Alteeza, Pima County, Arizona

Whereas on 5/13/98 the site was inspected by an agent of the Division of Zoning Enforcement Pima County office at the request of Louise Badoux, owner of said property. She has removed the room addition and has now met requirements for compliance in this case. Pima County Division of Zoning Enforcement has closed the file on this matter.

Therefore Las Primeras Lomas Homeowner's association hereby release their complaint and assure easement rights for the patio as it now exists.

Roberta McCloud President
Las Primeras Lomas Homeowner's Association
date



TOWNHOMES IN THE FOOTHILLS

5175 AVENIDA PRIMERA
TUCSON, ARIZONA 85704

June 16, 1998

Mrs. Louise Badoux
635 E. Camino Alteza
Tucson, AZ 85704

RE: 689 E. Camino Alteza - Patio Extension

Dear Mrs. Badoux:

Pima County Building Codes Division has advised that the subject property has been inspected and is in compliance with Pima County Building Codes, resulting in the closure of the complaint filed against the property in December, 1996 by the Board of Directors of LPL.

The Las Primeras Lomas Homeowners' Association has fulfilled its responsibility in granting you permission to so extend the patio and considers the matter closed.

Maintenance of the patio extension will be the owner's responsibility and will be a point of disclosure on any forthcoming sales documents.

Sincerely,

Bobbi McCloud
President
Las Primeras Lomas Homeowners' Association

ANNOTATED COPY

ORACLE FOOTHILLS ESTATES NO. 7 LOTS 301 THRU 383
RECORDED MAY 22, 1964, MAPS & PLATS BOOK 17, PAGE 72

5200-N.

UNSUBDIVIDED
N 89° 47' 39" E 1325.06'
N 89° 46' 29" E 433.73'

TR CR-4®

BLOCK 76

EAST 1/4 COR
SECTION 13
FOUND P.C.H.D
SURVEY MON.

700-E.

AVENUE

FIRST

BOOK 8 PAGE 83

ROAD MAPS

5100-

SCA

NORTHBRIDGE ESTATES
RECORDED SEPTEMBER 13, 1959
MAPS & PLATS BOOK 14, PAGE 14

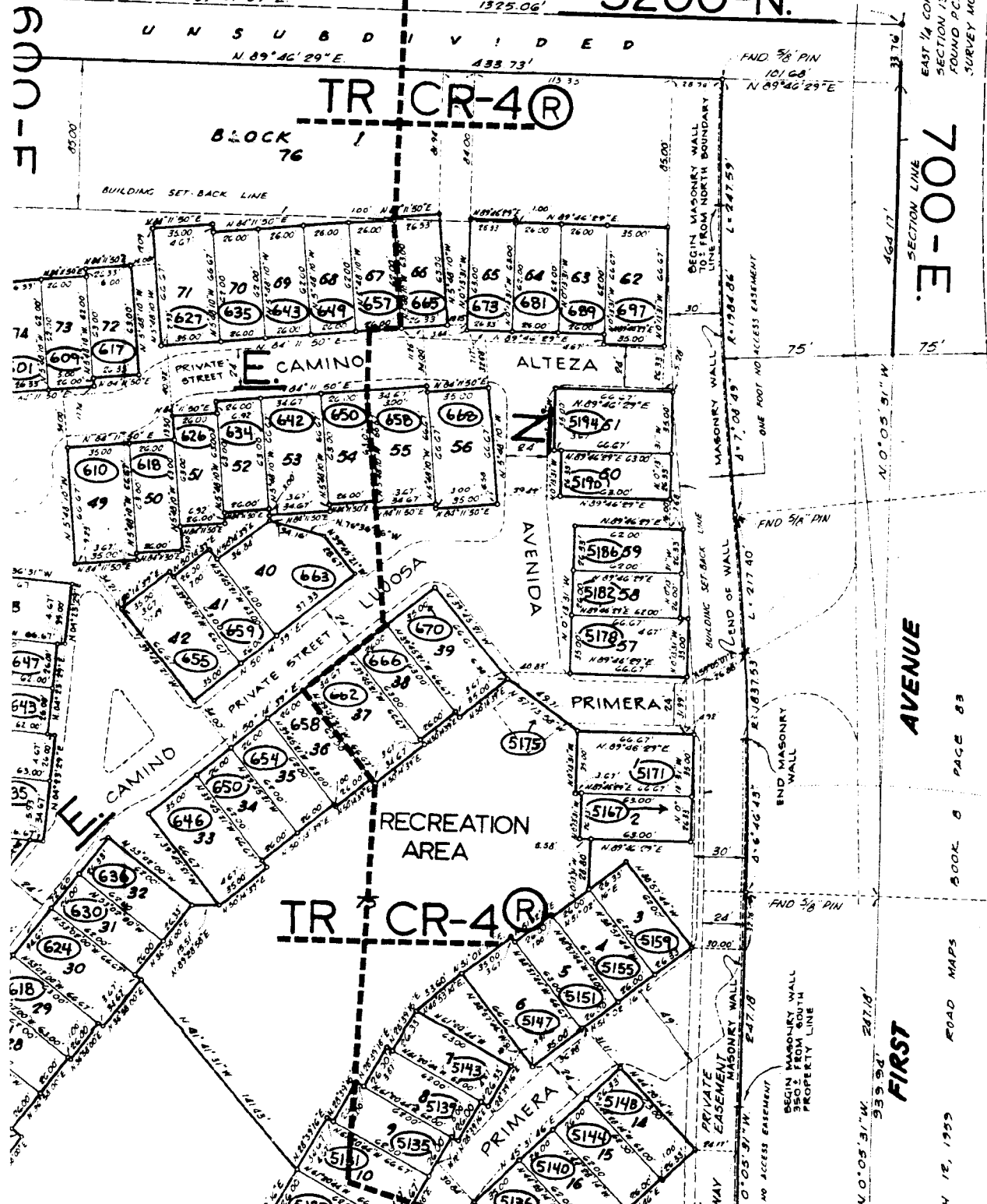
C-17-A-D 2' 32' 21"
103' 153'
81' 43'
40' 12'
81' 43'

C-17-A-P 3' 55' 34"
103' 153'
122' 16'
61' 10'
122' 14'

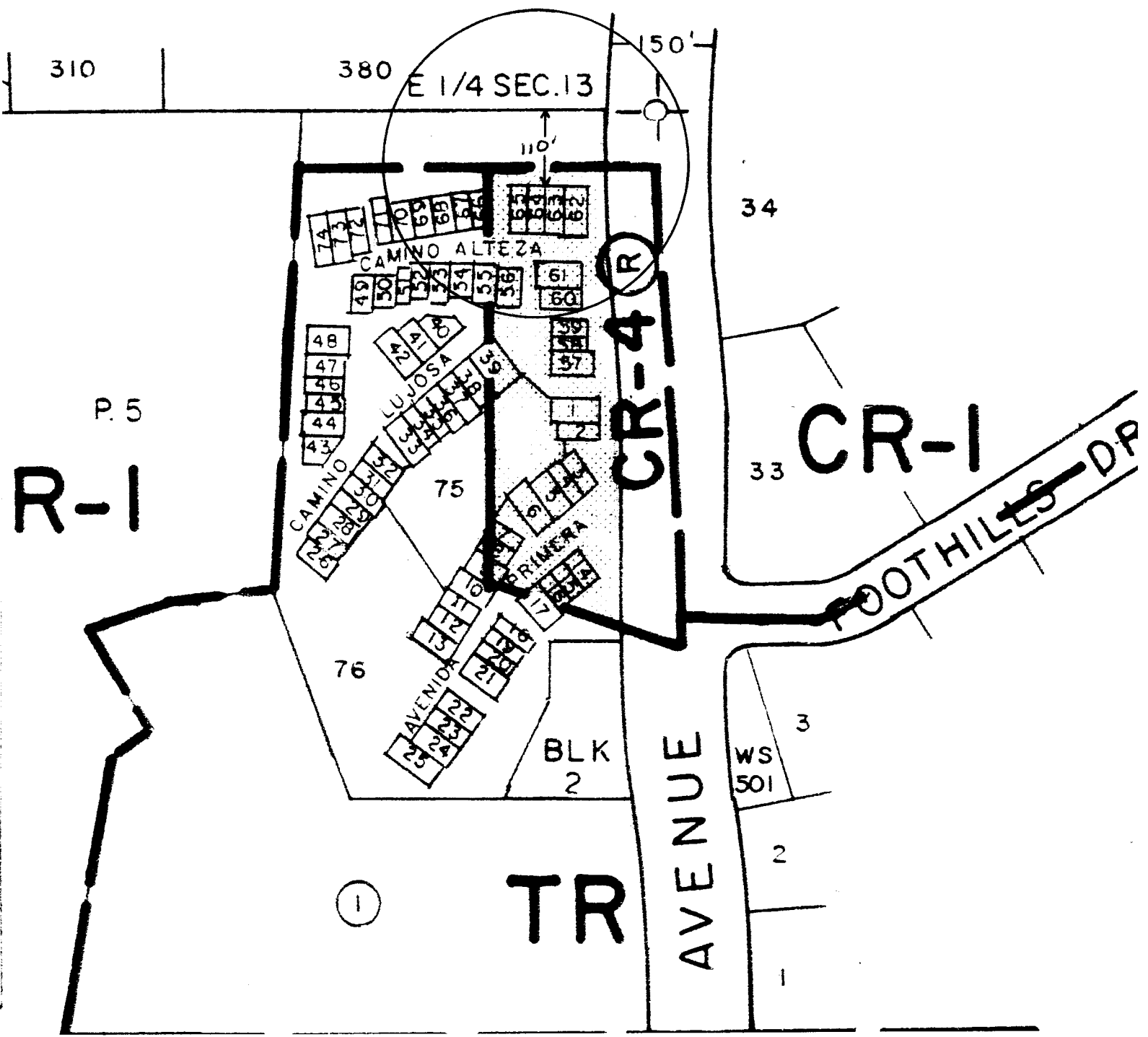
33

34

0000-11



BY ORDINANCE NO. 1973-54
MAP NO. 46; TUCSON, ARIZONA
LOMAS, BEING PART OF THE
SEC. 13, T13S R13E



NOTES

1. AREA OF SUBDIVISION = 10.123 ac.
2. INDICATES A 1/2 IN. DIST. - TAGGED 11.14 (EXCEPT AS NOTED).
3. BOUNDARIES ARE BASED ON THE WEST LINE OF NORTHERLY
EXTENSION OF RAILROAD RECORDED SEPTEMBER 16, 1909, IN MAPS
AND PLATS BOOK 14 AT PAGE 14, AND BEARING BEING
N 0° 00' 31" W
4. A DEVELOPMENT PLAN WILL BE SUBMITTED TO THE ZONING
INSPECTOR PRIOR TO THE ISSUANCE OF ANY PERMITS FOR
BLOCK 2.

Robert L. Peazer
ROBERT L. PEAZER
REGISTERED LAND SURVEYOR

⑥ IMPACT FELS (C.U.I.), CANADA DEL ORO AREA, HIGH DENSITY DISCOUNT

CONSENT TO DEDICATION

BY WAYNE CLOVER, JR., TRUST OFFICER
ON THIS 11 DAY OF UNDERSIGNED 0912, BEFORE ME
APPEARED WAYNE CLOVER, JR. WHO ACKNOWLEDGED HIMSELF TO BE
THE PERSON WHOSE NAME IS SET FORTH IN THE FOREGOING INSTRUMENT FOR
THE PURPOSE THEREIN CONTAINED IN WITNESS WHEREOF I HEREBY
SIGN THIS INSTRUMENT.

STATE OF ARIZONA 5
COUNTY OF PIMA

ON THIS 12 DAY OF SEPTEMBER, 1913, BEFORE ME

APPEARED WAYNE CLOVER, THE UNDERSIGNED, A PERSONALLY KNOWN TO ME, A JUSTICE OF THE PEACE, AND BEING THE TRUST OFFICER OF GREAT WESTERN BANK, TRUST AND SAVINGS COMPANY, OF THE CITY OF PHOENIX, ARIZONA, WHO REQUESTED THAT I AUTHORIZED HIM TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND SEAL OF OFFICE.

MY COMMISSION EXPIRES

LAWYERS TITLE OF ARIZONA, AN ARIZONA CORPORATION, AS TRUSTEE BY ASSIGNMENT OF MORTGAGE, DATED APRIL 30, 1972, AND RECORDED APRIL 11, 1976, IN BOOK 4221 OF DOCKETS, AT PAGE 580, DOES HEREBY CONSENT TO SUBORDINATING THE REAL PROPERTY ON THIS PLAT IN THE MANNER DESIGNATED HEREON, AND TO THE DEDICATION HEREON MADE BY 50LOT REALTY CO., AN ARIZONA CORPORATION

ON THIS THE 11TH DAY OF JULY 1974 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED WAYNE CLOVER JR., WHO ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF LAWYERS ASSOCIATES, P.A., A CORPORATION, AND A PERSON AUTHORIZED AND TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS TRUST OFFICER OF LAWYERS ASSOCIATES, P.A. HEREUNTO SET MY HAND AND OFFICIAL SEAL AT THE CITY OF PHOENIX, STATE OF ARIZONA, 4.

AC. COMMISSION EXPIRES

5

[illegible]

BY
BEN SHEN

POLICE L. F. R. 12-1-68
 12-1-68

STATE OF ARIZONA
COUNTY OF PIMA
ON THIS 21 DAY OF February, 1972, BEFORE ME,
THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BEN
JOHN F. HUBER, WHO ACKNOWLEDGED HIMSELF TO BE
THE VOICE PROMPT AND PRINCE L. HUBER, WHO ACKNOWLEDGED HIM-
SELF TO BE THE SECRETARY, TREASURER OF SOLIST REALTY CO., AN
ARTIZO CORPORATION, AND BEING AUTHORIZED SO TO ENACTED THE
FOREGOING INSTRUMENT FOR THE PURPOSE HEREIN CONTAINED.
IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES

MAP 46
ZONE CR-4® TR
ADMINISTRATIVE
ADDRESS: 5175 N AVENIDA PRIMERA
1. NORTHERLY 85' TO REMAIN CR-1
2. NO BUILDING ON IT
3. NO MORE THAN 90 RES. FOR AT
LEAST 30 YRS.
4. DEVELOPMENT OF AREA IN
CONFORMANCE WITH DEV. PLAN
SHOWN AT HEARING.

ANNOTATED
COPY

LAS PRIMERAS LOMAS

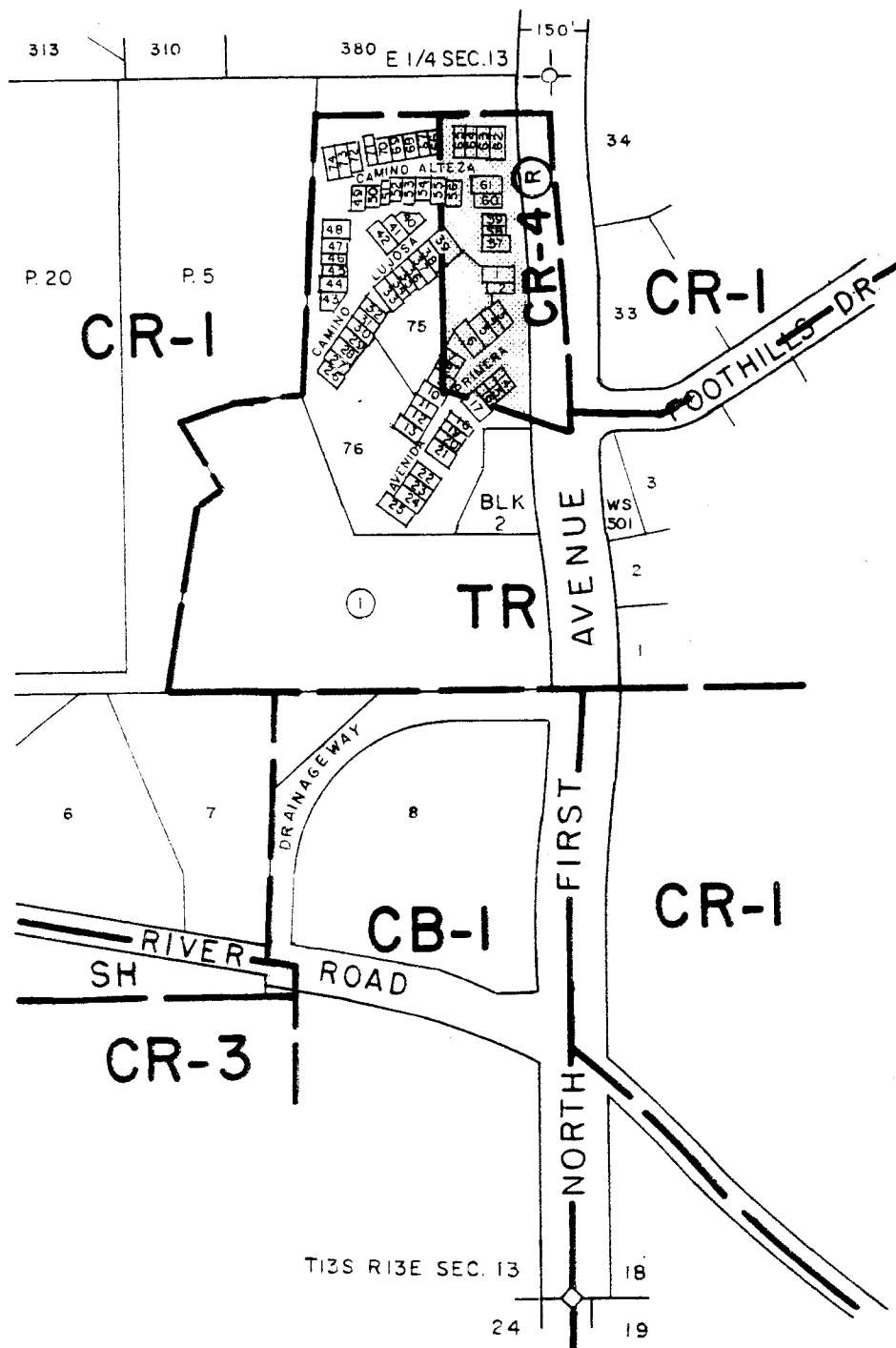
BEARING: A SUBDIVISION OF A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, T13S, R13E, AND A RESUBDIVISION OF MOST 1/4 CATALINA TERRACE SUBDIVISION, AS RECORDED OCTOBER 27, 1987, IN MAPS AND PLATS, BOOK 141 AT PAGE 7, AND A RESUBDIVISION OF A PORTION OF BLOCK 1, POOTHILL HEIGHTS ANNEX SUBDIVISION, AS RECORDED JULY 11, 1984, IN MAPS AND PLATS, BOOK 171, AT PAGE 85. SECTION 13, T13S, R13E, S2, S4, S8, PIMA COUNTY, ARIZONA.

blanton & co. architects engineers
TUCSON, ARIZONA SEPTEMBER, 1912 11-915

[illegible]

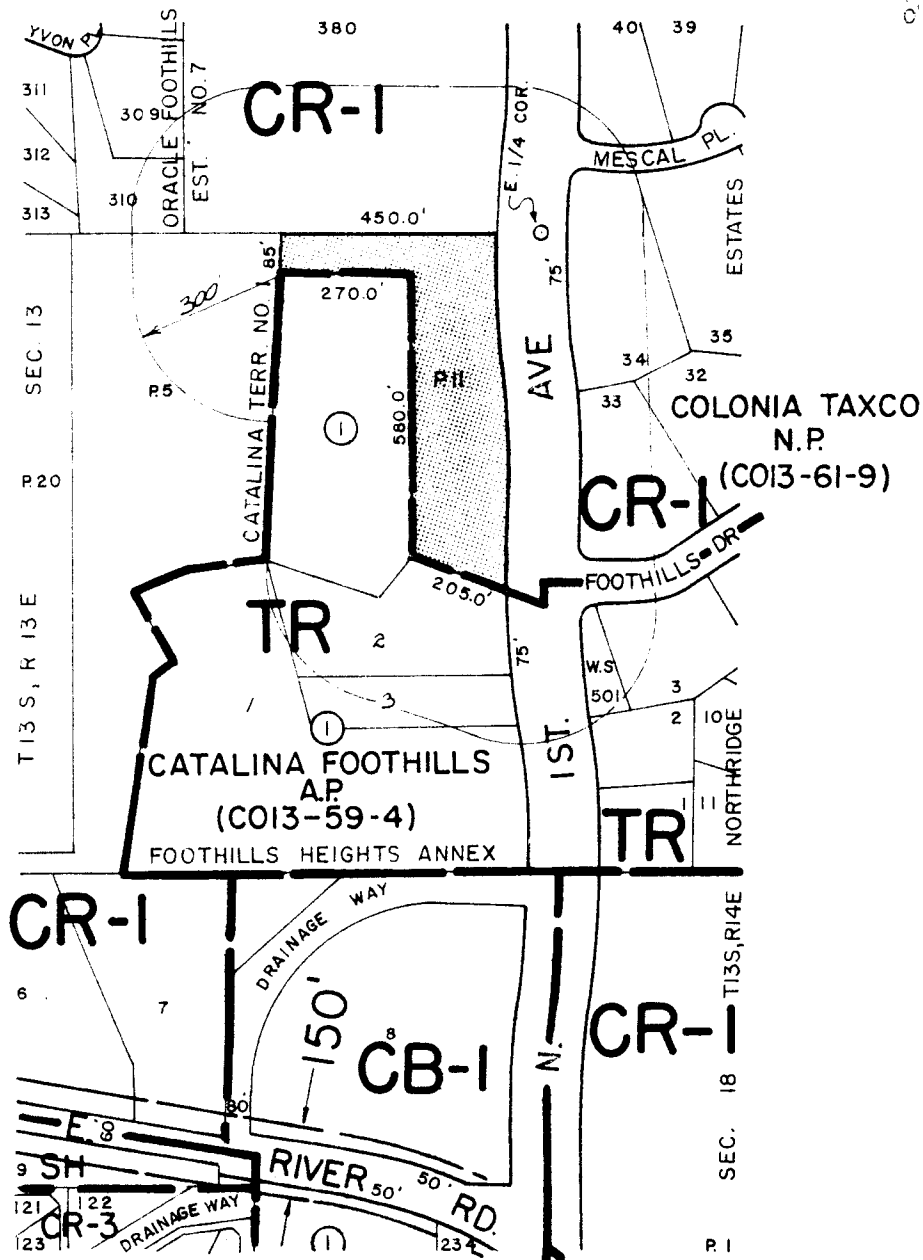
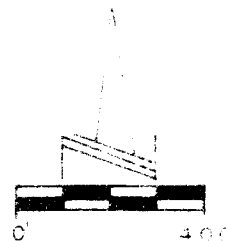
LAS PRIMERAS LOMAS
BLOCK 1, LOTS 1 THRU 76, AND BLOCK 2


SHEET 2
OF 2 SHEETS



Art R. Garcia

CO 9-71-69
CO 13-59-4



Area of proposed rezoning from **CR-1** to **TR** 

Area of original request

Notification area

BASE MAP NO. **46**

MASTER PLAN CONSIDERATIONS

**PIMA COUNTY
PLANNING DEPT.**

G.B.L. 4/12/71

C09-71-69
DAY - N. FIRST AVE
REZONING

MINUTES, BOARD OF SUPERVISORS' MEETING

August 17, 1971

(Approved September 7, 1971)

1. The Board of Supervisors of Pima County, Arizona, met in regular session at the regular meeting place of the Board in the Administration Building of the Governmental Center, Tucson, Arizona, at 10:00 a.m. on Tuesday, August 17, 1971. Upon roll call, those present and absent were as follows:

Present:

Dennis Weaver, Chairman
Jim Murphy, Member
Thomas S. Jay, Member
Elsa B. Hanna, Clerk

Absent:

None

2. DP&Z-P: Col3-59-4, CATALINA FOOTHILLS AREA PLAN
DP&Z-Z: Co9-71-69, MARSHALL DAY PETITION

The Chairman stated that this is the time and the place designated and legally advertised for hearing on a proposal to amend the Catalina Foothills Area Plan (Col3-59-4) to provide for additional CR-4 uses and on the petition (Co9-71-69) of Marshall Day to rezone from CR-1 to CR-4 property on the west side of North First Avenue, approximately 600 feet north of River Road. The Planning Director (A. R. Garcia) reported that the petition is in order and that the Planning and Zoning Commission unanimously recommends that the petition be approved subject to:

- "(1) Recording a covenant holding Pima County harmless in the event of flooding;
- (2) A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities;
- (3) Compliance with the covenant recorded with Catalina Terrace stipulating that no more than 30 feet for access to the area be incorporated in the plat;
- (4) Leaving the northerly 85 feet CR-1 and restricting it to no building construction;
- (5) Recording a covenant that will limit the use of the applicant's property (approximately 10 acres) to not more than 90 residential units together with a community pool and related facilities, for a period of not less than 30 years. Such restrictions shall run in favor of Pima County, the public, all lot owners in Northridge Estates and Oracle Foothills Estates; and,
- (6) Development of the applicant's property in accord with the development plan submitted at the hearing (P/Z Commission 7/27/71) including a suitable wall to be approved in conjunction with the development plan along First Avenue except where used for ingress and egress."

The Chairman inquired whether anyone wished to be heard. Richard Harris, attorney representing the applicant, reported plans for a 90-unit condominium development had been submitted to and reviewed by the neighbors, who have approved them. He stated Mr. Day was not attempting to obtain more units but simply to locate them so as not to disturb the terrain. No one else appeared. It was thereupon moved by Mr. Murphy, seconded by Mr. Jay, and carried that the plan amendment and rezoning from CR-1 to CR-4 be approved subject to the Commission's recommendations and that the necessary ordinance be drawn for presentation to the Board upon compliance with the requirements.

