



GATES PASS AREA NEIGHBORHOOD ASSOCIATION

C/O 1124 N. Camino de Oeste Tucson AZ 85745
Ph. (520) 622-4070 < eidolon2@mindspring.com >

The Pima County Board of Supervisors
C/O. The Clerk of the Board
130 W. Congress St., 5th Floor
Tucson AZ 85701

Re: Co9-84-41, Timmins' guest house

Dear Pima County Supervisors:

On March 27, 2013, the Planning and Zoning Commission turned down, by a vote of 10 - 0, a request by a Mr. Timmins to approve some exceptions to the County code. The Commission's judgement on this case, # **Co9-84-41**, was only a recommendation, and Mr. Timmins appeal to remove the 85-ft set back from his land, and / or to allow his Building to remain in the scenic zone, will be heard soon by the Board of Supervisors.

Among the materials you will review for this case are not only Pima County Staff descriptions, and various views of the site, but some petition signatures from neighbors who have been very much upset about this guest house since construction first began three years ago.

At a recent membership meeting of the Gates Pass Area Neighborhood Association, additional signatures of people opposed the continued existence of this structure were collected. The two petition pages are enclosed with this letter in order that they will be included in the file for this case.


We all thank you all for you close attention to this matter.

Sincerely yours,



Roger E. Carpenter
(GPANA Board member)

CLERK'S NOTE:
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR

DATE 4/17/13 

cc: Development Service

APR 17 13 PM 01 09 PM CLK/D

Petition to Save Scenic Gates Pass 85' Setback

Petition summary and background	A Public Hearing to consider modifying rezoning conditions requiring an 85 foot setback from the planned right of way adjacent to Gates Pass Road, and a Plat Note Waiver allowing an existing non-compliant structure adjacent and north of Gates Pass Road and adjacent and northeast of McElroy Drive of Paseo Montana Subdivision, will be heard by the Pima County Planning and Zoning Commission on March 27, 2013 at 9:00 A.M.
Action petitioned for	We, the undersigned, are concerned citizens who urge the Planning and Zoning Commission and the Pima County Board of Supervisors to DENY the proposed change to the Rezoning Conditions and to DENY a Plat Note Waiver to existing non-compliant structure at McElroy and Gates Pass Road.

Printed Name	Signature	Address	Comment	Date
Olivia Caseno Boston	Olivia Caseno Boston	P.O. Box 85477 ^{Tuc. AZ} 85754		4/13/13
Katharine W Randall	Katharine W Randall	1726 N. Plaza La Zaca ⁸⁵⁷⁴⁵		4/13/13
Wylie Baker	Wylie Baker	1726 N. Plaza La Zaca ⁸⁵⁷⁴⁵		4/13/13
Jim Wilson	Jim Wilson	5220 W VIA MANORCA		4/13/13
Carolyn Leigh	Carolyn Leigh	4530 West Speedway ^{Tucson} 85745		4/13/13
Michael Addis	Michael Addis	5318 W Camino Del Desierto ^{Tucson 85745}		4/13/13
Rebecca Patterson	Rebecca Patterson	5010 W Monte Carlo Dr ^{Tucson AZ} 85745		4/13/13
Peter Pennings	Peter Pennings	5010 W. Monte Carlo Dr. ^{Tucson, AZ 85745}		4/13/13
Gary A. Kurdosky	Gary A. Kurdosky	5345 W Camino del Desierto ⁸⁵⁷⁴⁵	85745	4/13/13
Ann M Becker	Ann M Becker	5300 W Cmo del Desierto		4/13/13
ALAN GILPATRICK	Alan Gilpatrick	5061 W. Cmo DEL DESIERTO ⁸⁵⁷⁴⁵		4/13/13

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[illegible]

Robin Brigode

From: Shreve, Marcus <mshreve@sc.pima.gov>
Sent: Monday, April 29, 2013 8:04 AM
To: Robin Brigode
Subject: Re Co9-84-41

Re Co9-84-41

Board members,

I am writing to give you my comments about the above referenced case request for a variance.

Unfortunately, I am out of the country and cannot appear in person. My home and property is the most directly affected by the Timmins guest house which is directly across the street (Gates Pass) from us.

I am requesting that you donot approve their request. The Timmins' have knowingly created this problem. From the beginning they have not followed the rules. They did not locate the guest house where it was supposed to legally be placed because it would have been in the wash between their house and the guest house.

They did not follow the ordinances regarding electrical and sewer for the guest house.

They installed a kitchen when they were not allowed to.

They rented the guesthouse to two women, and these women lived there even though they did not have a certificate of occupancy.

They put in a concrete driveway, when this was also not allowed.

From the beginning they have thumbed their nose at the county and their neighbors.

If you should decide to approve their request, then please do so with the followings conditions.

Remove the driveway.

Remove the porch that faces Gates Pass and our house. Also make them remove the door and seal it up or install a window only.

Allow no kitchen to be installed and forbid any rental of the guesthouse.

Require the appropriate landscape screening to help reduce the visibility from Gates Pass.

Thank you for your consideration.

Patricia Noland & James Butcher
4851 W. Gates Pass Rd.

CLERK'S NOTE:
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR

DATE 5/1/13 KW
CC: Development Services,
Angie Rangel

Donald and Susan Faulkner
4940 West Monte Carlo Drive
Tucson, AZ 85745
(520) 490-3495 * (520) 490-1812

May 6, 2013

Hand Delivered

Clerk of the
PIMA COUNTY BOARD OF SUPERVISORS
130 West Congress
Tucson, AZ 85701

Re: Co9-84-41 INTERNATIONAL WILDLIFE – GATES PASS REZONING

Dear Supervisors:

We are homeowners in Paseo Montana Subdivision, which is the subdivision that is being greatly impacted by the above rezoning request. We are most concerned of the legal ramifications that would be caused by passage of this request. We strongly urge that the Gates Pass Rezoning be DENIED.

At the March 27, 2013, hearing of the Pima County Planning and Zoning Division, Paseo Montana Subdivision presented a "Petition to Save Scenic Gates Pass 85' Setback", signed by 19 of the 25 lots, a **clear majority** of homeowners. We have been assured by Terri Tillman, Supervisor of said Division, that the Petition will be forwarded to you for the May 14, 2013 hearing.

Gates Pass Road has been a scenic route of pride for Tucsonans for many years. It is a very unique area, in that it is in the vicinity and has the same characteristics as the Saguaro National Park West. Having this residence built so close to the road negates and encroaches upon the beauty of our Tucson Mountains.

Pima County's Code 18.77.040 clearly defines the purposes for protecting the scenic areas located in Pima County, while enhancing the visual resources of the area. The **encroachment of this family residence clearly negates the scenic route**, and further sets a precedent of allowing future and additional buildings in any historic or scenic setback area.

Pima County Board of Adjustment, in a public hearing on January 13, 2011, found that Mr. Timmins caused all of these issues, and concluded that all zoning variances were denied. This second residence was constructed on a CR-1 Lot, and in effect, subdivides the lot. This is all in direct violation of the County's own zoning requirements and the CC&Rs of the Paseo Montana Subdivision. It is clear that allowing this building to remain would set an undesirable precedent within the scenic setback of Gates Pass Road.

CLERK'S NOTE:

COPY TO SUPERVISORS

COUNTY ADMINISTRATOR

Angie Rangel

5/6/13

BT

MAY 06 10AM 11:42 PM CLK OF ED

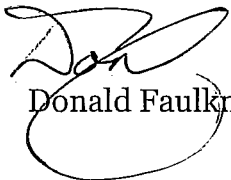
BT

Further, Mr. Timmins unanimously lost his variance request at the March 27, 2013 hearing.

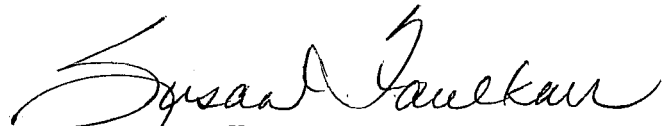
Now, while the verbiage may be different, the matter remains the same. Mr. Timmins' dwelling remains a second residence built on a CR-1 zoned lot, cannot be called a "guest house" by the County's own definition, and dramatically encroaches in the Gates' Pass scenic setback. Additionally, the driveway to this dwelling, which still is in place today, creates a potential traffic hazard, as it is so very close to the corner of Gates Pass and McElroy Drive. As of this writing, the dwelling still has electrical power to it, as the porch light remains on causing further attention to this eyesore.

As previously mentioned, the majority of owners of Paseo Montana Subdivision believe that this dwelling is in violation of over 20 of the CC&Rs that run with this property. Clearly, this demonstrates the owner's lack of respect for rules, regulations and laws.

We would hope that the Board of Supervisors continue to protect the quality of Tucson's Gates Pass Road scenic area, and that all requests relative to Mr. Timmins' petition are denied.



Donald Faulkner



Susan Faulkner