

April 29, 2022

Pima County Board of Supervisors, COB\_Mail@pima.gov; DSDPlanning@pima.gov

Re: P22RZ0003 – S. Butts Road Rezoning #2

Item 27 on Board of Supervisors Agenda for May 3, 2022,

Honorable Supervisors,

We PROTEST the request for rezoning submitted in the matter of P22RZ00003, from SR with minimum lot area of 144,000 square feet, to CR-1, with minimum lot area of 36,000 square feet. We live at 5080 W Nebraska Street, within 1000 feet of the property in question. We respectfully request that this proposed rezoning be DENIED for these reasons:

- 1) We recently retired. The purchase of our home in February of 2021 was the largest single purchase of our lives. We waited (and saved) for years to be able to move back to Pima County and to finally be able to “peacefully enjoy” the beauty and wildlife of this area without the noise and smoke of neighbors in densely built-up areas like those in which we previously lived and worked. If the zoning change is permitted, we, like others who purchased in the SR zoning area very deliberately, will lose those priceless (yet expensive) benefits of the SR zoning, along with a portion of the economic value.
- 2) Butts Road is already in substandard condition. Additional traffic will further damage the road. Parents picking up and dropping off their children at the elementary school at Butts and Irvington already cause traffic delays on school days by stopping in a long, slow line on Butts road on school days. More houses on Butts road means more traffic, and more risk to young pedestrians. We have no sidewalks.
- 3) The SR designation helps to keep the neighborhood relatively stable and quiet. The request in question is for THREE large new homes. Were the request made to add a small home for an aging parent who needed assistance, the impact would not be so dramatic, and we would not find the prospect of rezoning so devastating. One of the comments by a decision-maker at the first hearing on this matter was something to the effect of, “well, some other properties in the area have already been rezoned.” We do not understand that as a reason to grant even more rezoning requests; quite the opposite.
- 4) We bought our home among other SR lots in part because I have serious negative health effects where there is smoke from fireplaces in the air and even from secondhand cigarette smoke. If these homes have fireplaces or woodburners without catalytic converters, I will have health problems if I go outside when they are in use.
- 5) In 2003 when the original rezoning request was made, the concern about dust in the air was raised then, and is still a concern. The petitioners offered the solution of paving their driveway to ameliorate that problem, documented in the first unsuccessful attempt to rezone. It is notable that the driveway at that home is still paved only with gravel.

APR 29 2022 PM 04:09 PCD/KDF/ED

- 6) The area has sheet flooding. Changes to the property at 5450 Butts Road would foreseeably make that worse. A water catchment system there would increase the presence of mosquitos.
- 7) There is no sewer system. It is unknown if a conventional septic system can be placed on the proposed lots.
- 8) Whether the stated plan to build 3 new homes for 3 separate family members will be carried out is unknown; the homes could be sold regardless, including to people who would rent them out through AirBNB or another service. There is already an increasing number of homes in the area using homes for this purpose, carrying a known risk of unacceptable noise, traffic, and other problems.
- 9) There is value not only to individuals but to the county as a whole in having areas designated SR. Further changes in zoning in the current SR zone would risk making the intangible value of having this particular “suburban ranch” area disappear altogether.
- 10) Incidentally, the original recommendation by the staff person to the Planning and Zoning Commission was made without the full benefit of proper notification to the public. I do not know who was responsible for providing the 11 x 17 inch sign for the public to see for the 15 days prior to the hearing, but by March 20<sup>th</sup>, the sign had fallen flat on the ground. It was still lying there March 22 or 23; I took a photo and I saw its condition days later. I unfortunately had to leave town for a family emergency on March 24 and am still out of town. The notice sign was still lying flat on the ground on March 29; we also have a photo of that. I mentioned the lack of notice at my statement to the Commission during the first hearing. I presume that this problem would have been noticed by the petitioner who lives at 5450 S. Butts. It appears that no reasonable effort has been made to assure that the notice would be visible to the public for anything close to 15 days so that due process – fair notice and hearing – could take place March 30<sup>th</sup>. This problem surely could have been recognized and solved by the petitioner. The agenda and attached items were not posted online regarding the hearing before the Commission within the time requirements either. Still – others who might have weighed in on this rezoning request, had the notice been proper, were denied that opportunity.

For these and other reasons, we request that the proposed rezoning be DENIED.

Thank you sincerely for your consideration.

Respectfully,

/s/Judy Lutgring

Judy Lutgring and David Semega (David Semega is the titled property owner at 5080 W Nebraska Street. I am his fiancé. I am his agent for this matter. I am a retired public lawyer but I am not representing David or myself in that capacity.