

2-15-05



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY

JUL 08 2015

COCHISE COUNTY REZONING APPLICATION

PLANNING

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: KRISTIN ANN PREBLE

2. Mailing Address: 4905 CAMINO DEL NORTE

SIERRA VISTA AZ 85635

City _____ State _____ Zip Code _____

3. Telephone Number of Applicant: () 520-227-2923

4. Telephone Number of Contact Person if Different: () N/A

5. Email Address: kristinandpaige@gmail.com

6. Assessor's Tax Parcel Number: 107 - 68 - 050A (Can be obtained from your County property tax statement)

7. Applicant is (check one):
- Sole owner:
 - Joint Owner: N/A (See number 8)
 - Designated Agent of Owner: N/A
 - If not one of the above, explain interest in rezoning: N/A

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): N/A

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
- If corporation, corporate resolution designating applicant to act as agent: N/A
 - If partnership, written authorization from partner: N/A
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: N/A
- Copy of title report: N/A
- Copy of tax notice: (P)
- Other, list: N/A

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No (P)

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No (P)

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: R-30

14. Indicate proposed Zoning District for Property: R-18

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: B (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: NC (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: _____

ALL STRUCTURES ARE CURRENTLY BEING REMOVED FROM PROPERTY TO UPGRADE TO NEWER STRUCTURES.

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

I PLAN ON PUTTING A NEW MANUFACTURED HOME ON THE PROPERTY, UPGRAADING FROM A 1966 MOBILE HOME.

19. Are there any deed restrictions or private covenants in effect for this property?

- No (Y) Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes N/A No N/A
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

EASEMENT GIVEN TO 107-68-050A FROM 107-68-050B & POSSIBLE ENTRANCE FROM SANTA LUCIA. EASEMENT WAS GIVEN WHEN PROPERTY WAS SPLIT BY PREVIOUS OWNER & HAS BEEN BEING USED SINCE THE SPLIT.

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? NONE

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic	<u>2BDRM SYSTEM IN PLACE</u>	<u>PROPERTY HAS BEEN USED AS AN INVESTMENT SINCE I HAVE BEEN THE OWNER.</u>
Electricity		
Natural Gas	<u>ALL UTILITIES HAVE BEEN SET UP SINCE PREVIOUS</u>	
Telephone		
Fire Protection		

OWNER SPLIT PROPERTY.

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

I BOUGHT THIS PROPERTY YEARS AGO WITHOUT KNOWING THAT RE-ZONING AFTER A PROPERTY SPLIT HAD NOT BEEN COMPLETED. AFTER RECEIVING NOTICE OF A RE-ZONING OF THE OTHER HALF OF THE SPLIT PROPERTY, I TALKED WITH THE COUNTY AND FOUND THAT I ALSO NEEDED TO COMPLETE A RE-ZONING TO COMPLETE ANY IMPROVEMENTS AT MY PROPERTY. I AM REQUESTING THIS RE-ZONING SO I CAN IMPROVE MY PROPERTY BY PLACING A NEW MANUFACTURED HOME ON IT. THIS WILL IMPROVE MY PROPERTY, MAKING ME A PROUD PROPERTY OWNER. THE LOOKS AND VALUE WILL BE MUCH BETTER FOR THE NEIGHBORHOOD.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Keistin Ann Prebble

Date: 7/8/15

Kristin Preble

**4905 Camino Del Norte
Sierra Vista AZ 85635
520-227-2923**

June 15, 2015

**Mr. and/or Mrs. Neighbor
Sierra Vista Estates
Sierra Vista AZ 85650**

Dear Neighbor...

I am writing this letter to inform you of the zoning change I am requesting from the County. I own and have owned my piece of property at 4409 Camino Segundo for some time and never knew that once I remove my old trailer I could not replace it with a newer one because the property is zoned TR-36.

I am requesting a re-zoning to TR-18. Once this re-zoning is completed, I will then be able to put a newer home on my property and improve the sight of it. If you have any questions, comments, or a reaction to my re-zoning request or my property, feel free to contact me using the above information.

Thank you for your time,



Kristin Preble



David Satterlee and Dianna Satterlee and Priscilla Wright
4401 E. Camino Segundo
Sierra Vista, AZ 85650

Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

July 27, 2015

Public Comment on Special Use Docket Z-15-05 (Preble)

Thank you for the mailed written notice (postmarked July 21, 2015) of “a public hearing to be held at or after 4:00 p.m., on Wednesday, April 8, 2015.” We live in the adjacent site built house in the half-lot to the immediate south. The resolution of this matter will have multiple impacts on the developing character of this neighborhood and our use and enjoyment of our home.

Documents (including the Docket Hearing Notice, Development Review Team Transmittal Letter and the Preble neighbor letter) have factual, procedural and conceptual errors. I itemize and comment on some of these issues in **Appendix A: Corrections and clarifications to the Docket Hearing Notice and other notifications.**

I have provided a chronological account of events leading to the current situation, along with our opinions and comments in **Appendix B: Recent activities and contextual history of Lot -050 development.**

Traffic and access

Granting this application without modification would permit the construction of a new residence on property that currently has none. The owner has stated that she intends to install a newer trailer immediately behind our existing site built home.

Construction of a new residence would create additional traffic:

- Through the neighboring yard on the west side of 4401 E. Camino Segundo and onto E. Camino Segundo (a Major Street/Collector Road) at the point designated as “4409” –or–
- Onto a newly-constructed future entry cut from Santa Lucia Avenue, the only public road actually abutting the parcel.

In any event, the driveway easement across my lawn was recorded on 10/29/1999 and granted by Stephen Preble explicitly by name to “Kristin A. Preble, A single woman.” [Copy attached]

- I am not given to understand that this easement extends to unnamed and unlimited additional parties.
- Nor do I believe that I have an obligation to maintain this part of my lawn to a condition that is safe and serviceable for vehicular or pedestrian traffic.

I am also concerned about our liability for accidents that might occur to individuals while using this driveway without my knowledge, consent, or control. For instance, children might need to use this easement to access and cross E. Camino Segundo, a Primary Road, to catch their school bus.

Future impact

The application seems to provide only brief, vague and sometimes-ambiguous descriptions of land use and concept plans. Will more-detailed information be required for a building permit?

Because the property considered for rezoning is currently an empty lot, the proposed rezoning would establish the precedent of sanctioning the creation of a **new non-conforming land use**.

In our opinion, the trend in this neighborhood has been for “economy” and “investment” trailers to fall into disrepair and disuse while lots with site-built homes are better-maintained by their owner-occupants as primary residences. It is our belief that it is not in the interests of responsible area homeowners to see an increase in the density of small rental investment housing (even when they may be described as an “upgrade” from a preceding trailer).

Future compliance

In the past, Lot -050/A/B appears to have suffered from indifference to, ignorance of, or deliberate circumvention of the usual obligations needed to comply with the spirit and letter of community regulation. We do not have confidence that the County can reliably expect compliance if granting further exceptions.

Public comment statement – our bottom line

I/WE **do not support** this rezoning application as it stands.

I/WE **could support** a rezoning application with the condition(s) that, before occupancy of any new dwelling constructed on -050A, the applicant would commit to:

- **Engage a licensed surveyor** to establish, mark, certify and record the results of the previous illegal split of -050 to A/B.
- Provide and record a water line **access/maintenance easement** for all current and future owners and occupants of 107-68-050B along the path (including ten feet on each side) of the water line serving that plot.
- Create a **new vehicle/driveway access point** on Santa Lucia Avenue. [This would modify item 22 in the rezoning application.]
- Quit (and record) all claims to the **driveway access easement** granted by Stephen J. Preble to Kristin A. Preble as recorded on 10/29/1999. [This would modify item 20 in the rezoning application.]
- Install a **permitted site built home (as previously approved on 10/24/1995 in Variance BA1-95-07)** or install a **permitted new manufactured home on a permanent foundation**.

(Note that, in the rezoning application, item 24, a new manufactured home is proposed.)

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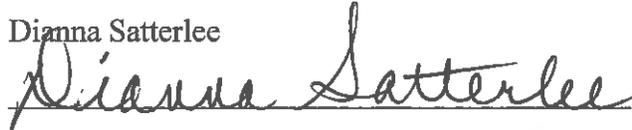
(Note that the existing septic system at -050A is permitted for only a two-bedroom residence.)

- Install an opaque privacy fence with a minimum 6' height on the lot line shared with -050B; and extending laterally at least twelve feet beyond the east and west ends of our home.

David Satterlee



Dianna Satterlee



Priscilla Wright



Tax Parcel Number: 107-68-050B

DavidWSatterlee@gmail.com

520-508-3555

Appendix A
Corrections and clarifications to the Docket Hearing Notice
and other notifications

Rezoning Application

The application includes a “letter to neighbors” exhibit dated June 15, 2015. **We did not receive** a copy of this letter.

The application pleads ignorance of the consequences of splitting lots. However, it appears that the Prebles in Sierra Vista regularly engage in property development, management and sales. It also appears that Kristin Preble personally initiated the illegal split of -050 in the first place.

Site-posted Docket Notice

As of July 27, 2015, I have **not been able to find** any physical signage advising the community of the upcoming Docket Hearing.

Mailed Docket Notice

The Docket Notice **hearing date appears to be in error**. I noted a variant public announcement in the *Bisbee Observer* that a hearing for the same Docket ID is scheduled on or after 4:00 p.m. on Wednesday, August 12, 2015. We look forward to attending at that time.

Also, the Docket Notice said that Rezoning to R18 would “permit replacement of the existing home at a later date.” For what it’s worth, **there is no existing home**. The unoccupied trailer has previously been removed and the lot partially cleared.

Further, the notice stated, “The subject parcel, 107-68-050A, is **located at 4409 E. Camino Segundo** in Sierra Vista.” This is not strictly accurate. Access to the north half-lot currently requires traversing a private easement through the yard of parcel 107-68-050B at 4401 E. Camino Segundo. The address “4409” was probably invented for the convenience of delivery agents. The parcel actually abuts Santa Lucia Avenue only, but without a developed entry cut.

Development Review Team Transmittal Letter

The Development Review Team Transmittal Letter describes the site as “S. Santa Lucia Avenue and E. Camino Segundo.” The plot under consideration is **not now part of a corner lot and does not face on E. Camino Segundo** at any point.

The Transmittal Letter also notes that “The subject parcel, APN 107-68-050A, is located at **4401 E Camino Segundo**.” Later, the address is again incorrectly shown as 4401 E. Camino Segundo. Actually, my adjacent parcel is at that address.

I assume that, because there is no entry to -050A from Santa Lucia Avenue at this time, delivery agents have assigned the address **4409 E. Camino Segundo**. This may be the approximate attachment point of the driveway easement through our yard that is currently the only vehicular access to -050A. Others have consistently used this “4409” address as well.

Appendix B

Recent activities and contextual history of Lot -050 development

Recently

Late May, 2015 – Kristin Preble and a companion visited -050A. I introduced myself and had two conversations with her. Kristin told me that:

- her companion had occupied the trailer for about seven years but that it had been vacant for the last several years.
- she intended to dismantle the trailer and have the frame towed away.
- she intended to replace it with another trailer that would be rented out as part of a new investment enterprise.
- the replacement trailer would be close to the back of my house, but that she would try to minimize noise, activity and loss of privacy by selecting a unit with fewer windows facing in our direction.
- since the two dwellings would be so close, she was considering building a tall fence to provide for mutual privacy. (Kristin amended “or share the cost” the next time she mentioned the price of such fencing as being about \$50 per 8-foot section.)
- she hoped to acquire additional lots to the north along Santa Lucia Avenue and add them to a cluster of mobile home rentals. (The next two lots appear to be unoccupied; probably a ripe opportunity.) My wife, Dianna, participated in this conversation and remembers that Kristin also said that she wanted to put multiple rental trailers on each lot.
- she was considering using the graveled drive through the west side of 4401 E. Camino Segundo to provide additional access to the rear of those lots. I only blinked and did not consent or object in response to this revelation.

6/11/2015 – A heavy Cochise County truck delivered a large open-top waste disposal container. [Picture available] Ms. Preble directed the dismantling of the single-wide trailer. [Video available] Part of the waste was loaded into a large, white, closed trailer. Subsequently, the steel frame of the trailer was removed, leaving little but brush and the remains of rock-and-mortar walls. [Picture available]

Contextual history of lot 050 [050A/050B]

- 10/24/1995 – Variance BA1-95-07 approved to permit Stephen and Kathleen Preble to **replace both homes** on parent parcel (Two dwellings on 43,560-square feet of TR-36) [Copy available]

[Specifically, the variance notice stated, “You can now replace the two mobile homes with site built houses, each being 26’ X 60’ in size as shown on your site plan.” It appears that, after 20 years, the owner plans to replace the -050A mobile home **with another mobile home, not the site built house proposed and approved in this variance.**]

[In any event, substantial construction, allowed by this variance, was not initiated within

12 months of the date of approval. Per 2103.02 Variances, the Board of Adjustment is directed to **consider their decision for revocation**. This foundational variance should probably **not be considered as valid** and active for the purpose of initiating new construction.]

- 1995 – Permit issued to replace mobile home on [south half (later -050B)] with a site built home. I have been told that this home was constructed “in the mid-1990s” by the Preble sibling’s father.
- 5/9/1997 – Lot -050 was sold [FEE #970511827] by Kathleen Preble to Stephen Preble. [History Inquiry dated 9/10/2003 – Copy available]
- 11/3/1997 – Docket Z-97-12, Steven Preble’s **application for rezoning** Lot -050 from TR-36 to TR-18 **was denied**.
- 12/30/1997 – Steven Preble granted a Quit Claim Deed for “The North ½ of Lot 50” to Kristin Preble.
- 1/20/1998 – The above Quit Claim Deed was recorded with the notation to mail to Kristin Preble when recorded. **On this same day**, the property was **illegally split** (presumably by Kristin). (Cancel 107-68-050; New 107-68-050A; Split 107-68-050B) [History Inquiry dated 9/10/2003 – Copy available]

I have not found any evidence that a surveyor was engaged to provide documentation during the above application for rezoning or during execution of this split.

- 2/18/1998 – Parcel 107-68-050 was deleted.
- October 28, 1999 – Stephen Preble sold “The south half of lot 50” to Bloomgarden Trust (as is/in its current state). **NOTE: The Warranty Deed for this sale appears to incorrectly record this property as “Tax Code 107-68-050A.”** (The south half is designated in tax records as -050B. I was assured by Lisa E. in the Assessor’s office that this is an inconsequential error.) [Warranty Deed, dated October 28, 1999, Recorded October 29, 1999; Hour 4, Fee # 991032785 – Copy available]

On this same day, Stephen Preble granted to Kristin Preble “an easement for a driveway over the west 20 feet of the south half of lot 50.”

[Easement, dated October 28, 1999, Recorded October 29, 1999; Hour 4, Fee # 991032784 – Copy available]

- 9/10/2003 – Amelia Byrd (Staff) filed a **zoning complaint form** noting the previous rezoning denial and the illegal split. Ms. Byrd also noted that, at that time, Lot 050 contained 2 SFR built under Variance BA1-95-07.

[Copy of complaint available]

James Vlahovich recommended that a home occupation request for 4401 E. Camino Segundo (-050B) be processed and granted to Charles Miller dba EspressoMan (9/22/2003). [Copy available]

- 12/2/2014 – The Board adopted Zoning Ordinance 14-11 approving Docket Z-14-07, amending the zoning district designation for parcel 107-68-050B to R-18 from R-36, pursuant to the request of Bloomgarden Living Trust. This allowed the existing site built home on that parcel to be sold and re-occupied.
- 4/27/2015 – Parcel 107-68-050B purchased and occupied by David Satterlee (with Dianna Satterlee) and Priscilla Wright as their joint primary residence.

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