

11.07.2024

Prior to appealing the particular findings for the DDO in question, I think it is important to establish what it is we are looking at. It is equally important that the appeal board review the totality of the circumstances when it comes to this particular DDO.

1. Richland Heights East, where the subject "shed" is located, is zoned RX2 and as noted more than once by the City planning department that "the minimum setback is 20 feet facing each interior property line (Table 6.3-1.A). The DDO approved a 1'6" setback from the north property line. The one foot was in the form of a quit claim deed from the neighbor to the north. You will not find any other home in Richland Heights East with a 1'6" setback (or anything close to it), and allowing this one for a shed sets a very poor precedent.

2. The structure in question was illegally created sometime after 2008, and completed by 2011, per Google Earth. In 1983, the then owner had signed a home occupation agreement with the City of Tucson initialing that the activity would be conducted entirely within the home or living quarters.

3. The structure is a lean-to that rests on the north property line of the and leans on the north portion existing house. The shed is very basic, there is no floor, no windows and pretty much a tear down. The pictures the Code Violation inspector took in October 2022 show the condition of the building. I have personally been in the shed when the owner was alive, and it was a shed.

4. The structure in question is the shed that is on the north property line, not the metal building erecting at the east of the house which is mentioned in a lot of the records.

Appeal Responses Based Upon the Findings for DDO Approval:

We are requesting that the DDO decision be reversed on the below DDO#s that we feel the DDO did decide correctly based upon the situation at hand.

1d. The essence of the Richland Heights East neighborhood is that, in its own way, creates a scenic corridor due to our larger lots and spacious set-backs. We provide a scenic corridor for the wildlife that gets scarcer each year due to neighbors encroaching on setbacks.

1e. RHE is not a zero-lot line neighborhood and you will not find one in the neighborhood. If the applicant was building new (which he essentially is due to the current condition of the shed) he would be held to the current setbacks. Even an ADU would require a minimum 6' setback from the property line. The reduction is excessive and not in keeping with current City setbacks, or RX-2 zoning setbacks. The set-back is unprecedented in our neighborhood.

1f. The cost to bring this structure into compliance (it has no foundation, floor or structural support), plus the 200% penalty assessed to permit the illegal structure..., has got to be considerable. The participant could easily build a different structure elsewhere on the site. This particular structure did not predate any codes as it was erected sometime after 2008.

1g. As neighbors and residents of RHE we are all stakeholders in the outcome of this appeal. A great number of us are daily walkers, and our privacy is invaded daily with the coming and goings of the construction yard located at this address.

1h. The applicant used to park his construction trucks in the street (he has stopped while this case has been ongoing) creating blind spots for both walkers and drivers. The applicant denies that this is a problem, but it is. We have other neighbors who occasionally do the same with their commercial vehicles, but for the most part they are in compliance. We have had to report some neighbors to Code Violation and they confirmed that commercial vehicles are not allowed in a residential neighborhood. If you have been in our neighborhood, you are aware of the poor condition of our roads, and construction equipment is hard on them.

1i. Since the applicant began construction on his personal home (across the street from subject) in 2013, Wilson has become a construction zone. At some point applicant became a general contractor and started using his personal home and the subject as a construction yard with workers coming and going, along with the requisite equipment and materials. Recently, on October 30, 2024, at approximately 4pm, construction activity was observed and photographed.

1j. While the DDO approval is for a "workshop" the comments are made that it is legal because it is a correct use in a residential neighborhood. I am not sure on what grounds, and would like this explained. My guess is that he will turn the "workshop" into an ADU which he is legally entitled to do, in which case he should have to comply with the ADU set-backs. If he was to keep it as a home business, the size of the structure is already too large. Furthermore, construction is not a legal use in an RX2 zone. The plans submitted had no floor plans or MEP, so the use can only be surmised based up his dealings with a rental he owns at 3443 Wilson.

2b. While many RHE homes do not have the required 20' setbacks, we have significant setbacks. My home was built in 1959, as part of 3 homes built on a .83 acre lot. We all have 10' set backs on the inside property lines to provide distance from the neighbor. I would love to have a whole .83 acre lot to myself, but that was not available to me. What you will see on aerial views are a lot of set sheds on the property lines as typically they are held up by the wall that they lean onto. They are not permanent and not attached to the primary homes. RHE has not zero lot line properties

2d. Since we do not know the nature of this "workshop" we do not know that we will not be impacted by noise levels. A metal building, "workshop" was allowed on Lind just west of Olsen. The workshop turned out to be a personal gym, and with more than 5 customers a day. The neighbor to the east living on Olsen is constantly bombarded by the sounds of the 50lb weights being dropped. It calmed down during the pandemic, but she said the noise is back again and once again she will have to take time off work and caring for her mother who has Alzheimer's and is living with her to deal with this illegal use. The neighbor who built the "workshop" actually has a .83 acre lot but rather than build away from other neighbors they chose to set the structure as close as possible to the neighbor's house.