



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

October 11, 2018

**C9-18-14 Chirco – Brown Street
SR to RX-1 (Ward 2)**

BACKGROUND

This is a request by JoJo Chirco, on behalf of the property owner, Santo M. Chirco, to rezone approximately 2.49 acres from SR to RX-1 zoning. The rezoning site is located on the east side of Brown Street, approximately 700 feet south of East Broadway Boulevard. The preliminary development plan proposes splitting the parcel into two parcels.

Land use policy direction for this area is provided by the *Pantano East Area Plan* and *Plan Tucson*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Zoning Examiner Hearing August 30, 2018

The Applicant's representative spoke in favor of the rezoning at the August 30, 2018 public hearing. A representative of the owners of the lot adjacent to the rezoning site to the north, and one of the owners of the adjacent lot, also spoke. They did not oppose the rezoning, but expressed concerns about the location of the proposed driveway near the northern boundary of the rezoning site, and the removal of existing, mature vegetation along the boundary of the rezoning site and the adjacent lot to the north. The Zoning Examiner requested that the parties meet to discuss these concerns and continued the public hearing to September 27, 2018 to permit them to do so. As of the date of the August 30, 2018 Public Hearing, there were three (4) written approvals and one (1) written protest (from the neighbor to the north).

Zoning Examiner Hearing September 27, 2018

The Applicant's representative reported that she had discussed the adjacent neighbors' concerns with the adjacent neighbors and their representative, and that the Applicant was willing to relocate the proposed driveway on the north side of the rezoning site by moving it 20 feet from the north property line. The Applicant's representative also stated that the Applicant agreed to leave the existing, mature vegetation along the boundary of the two properties undisturbed, and that the Applicant planned to construct a wrought iron fence along the boundary. The adjacent neighbor and her representative reported that these measures mitigated their concerns.

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FINDINGS OF FACT

This is a request by JoJo Chirco, on behalf of the property owner, Santo M. Chirco, to rezone approximately 2.49 acres from SR to RX-1 zoning. The rezoning site is located on the east side of Brown Street, approximately 700 feet south of East Broadway Boulevard. The preliminary development plan proposes splitting the parcel into two parcels.

Land Use Plans--Land use policy direction for this area is provided by the *Pantano East Area Plan* and *Plan Tucson*. The rezoning site is located within an Existing Neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. Within Existing Neighborhoods, the *Plan Tucson* goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Pantano East Area Plan policies support preserving the integrity of established neighborhoods, and promote low-density residential developments within the interior of established low-density neighborhoods. The *Pantano East Area Plan* defines low-density residential as six (6) residences per acre or less. The proposal meets the density requirement.

Land Use Compatibility – The subject property is a slightly irregular rectangle parcel, with an east-west orientation. The existing residence will remain on a 1.458 acre parcel. A second parcel, 1.032 acre in size, is proposed and a new dwelling will be constructed on it.

The lots adjacent to the south of the rezoning site are 1.06 and 1.01 acre in size. The developed lot adjacent to the north is 1.4 acre. The lot to the west, across Brown Street, is 0.98 acre in size. The size of the proposed lots on the rezoning site is consistent with the surrounding developed lots. Both the SR Zone and the RX-1 zone allow a maximum height of 30 feet. Due to the irregular shapes of the lots in the immediate area of the rezoning site, the varying orientations of the dwellings, and the same maximum heights of the two zones, privacy should not be an issue.

Drainage/Grading/Vegetation – The site is relatively flat, with an approximately 10 foot grade from the existing residence to a natural, unnamed and unregulated watercourse that runs along the Brown Street frontage. The Ricard Small Wash, a constructed wash maintained by the City of Tucson, skirts the extreme eastern edge of the site and will not be impacted by future development on the new lot.

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Road Improvements/Vehicular Access/Circulation – Brown Street is a local 2-lane road, with a 60 foot-wide right-of-way and no curbs or sidewalks. Brown Street runs north and south from Broadway Boulevard to Old Spanish Trail. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 9.55 vehicle trips per day. No improvements are required.

Zoning Descriptions

SUBURBAN RANCH ZONE (SR): This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted. Minimum lot size is 144,000 SF (3.3 acres).

RESIDENCE ZONE (RX-1): This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses. Minimum lot size is 36,000 SF (0.826 acre).

Surrounding Zones and Land Uses

North: Zoned SR; Single-family residence and undeveloped lot

South: Zoned RX-1; Single-family residence

East: Zoned SR; TUSD middle school and bus yard

West: Zoned SR; Single-family residence

CONCLUSION

The proposed rezoning, lot division and subsequent development of an additional single-family residence is supported by *Plan Tucson* and the *Pantano East Area Plan*, and is consistent with the surrounding development. To protect the privacy of the residence on the adjoining parcel north of the rezoning site, the proposed new driveway should be moved to a location 20 feet from the north property line of the rezoning site and the mature, healthy vegetation along the north property line should be left undisturbed. Subject to this, and to compliance with the preliminary conditions proposed by the Staff Report, approval of the requested RX-1 zoning is appropriate.

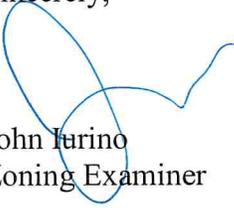
RECOMMENDATION

The Zoning Examiner recommends approval of the rezoning of the property to RX-1, subject to the following conditions: 1) the proposed new driveway shall be at least 20 feet from the north property line of the rezoning site, 2) the mature, healthy vegetation along

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the north property line shall be left undisturbed; and 3) any fence installed by the Applicant along the north property line shall be constructed of wrought iron material.

Sincerely,



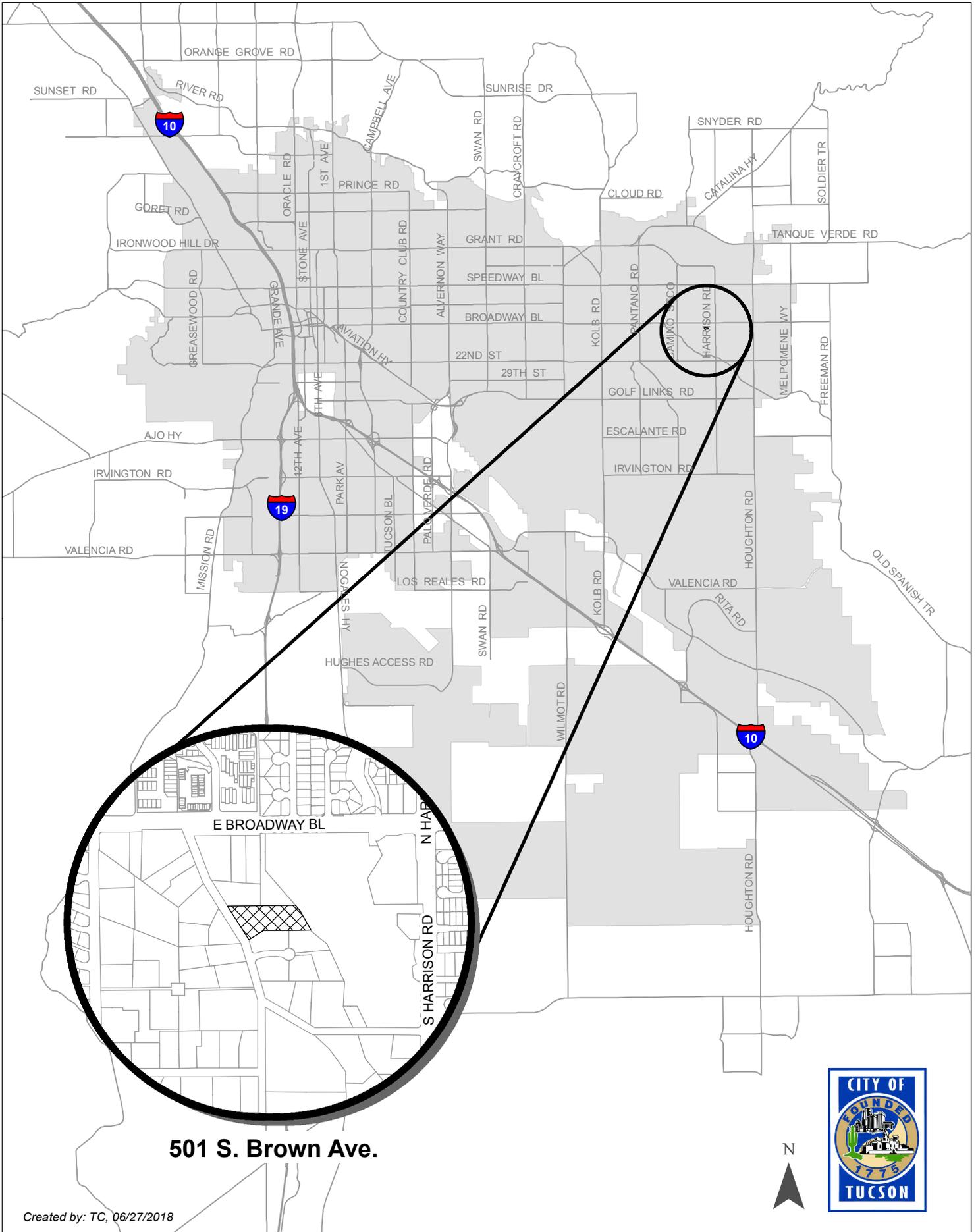
John Turino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map
Public Hearing Minutes

C9-18-14 Chirco - Brown Avenue

Rezoning Request: From SR to RX-1



501 S. Brown Ave.

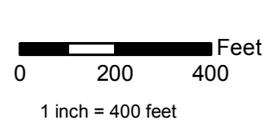
C9-18-14 Chirco - Brown Avenue

Rezoning Request: From SR to RX-1



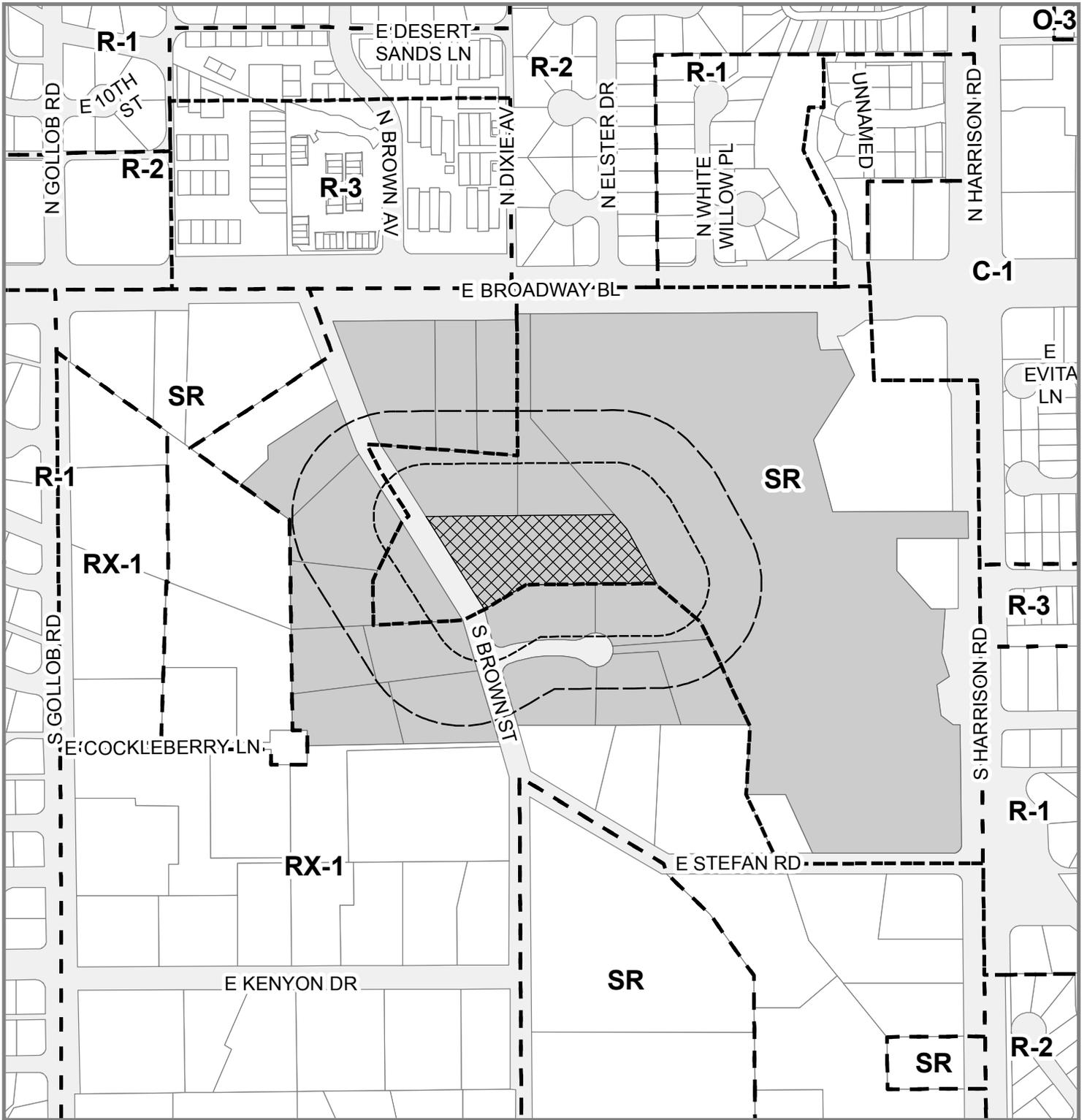
 Area of Rezoning Request: SR to RX-1

Address: 501 S. Brown Ave.
Base Maps: Twp.14S Range15E Sec. 15
Ward: 2



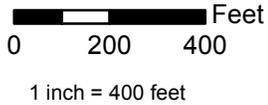
C9-18-14 Chirco - Brown Avenue

Rezoning Request: From SR to RX-1



- Area of Rezoning Request: SR to RX-1
- Notification Area (300-foot Radius)
- Protest Area (150-foot Radius)
- Zone Boundaries
- Properties Notified

Address: 501 S. Brown Ave.
 Base Maps: Twp.14S Range15E Sec. 15
 Ward: 2



ZONING MEMBERS PRESENT:

John Iurino, Zoning Examiner
John Beall, Planning & Development Services
Andrea Ochoa, City Recording Clerk

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1 ZONING EXAMINER: The next case is Case: C9-18-14 Chirco -
2 Brown Street. Mr. Beall will give a presentation on it and then we'll
3 ask the Applicant to come up.

4 MR. BEALL: This is a request by JoJo Chirco on behalf of
5 the property owner, Santo Chirco, to rezone approximately 2.49 acres
6 from SR to RX-1 zoning. The rezoning site is located on the east side
7 of Brown Street approximately 700 feet south of East Broadway
8 Boulevard.

9 The Preliminary Development Plan proposes splitting the
10 parcel into two parcels. Land use policy direction for this area is
11 provided by the Pantano East Area Plan, excuse me, and Plan Tucson.

12 Within the Plan Tucson goal is to maintain the character of
13 these neighborhoods while accommodating some new development and
14 redevelopment and encouraging reinvestment and new services and
15 amenities that contribute further to neighborhood stability.

16 The Pantano East Area Plan policies support preserving the
17 integrity of established neighborhoods and promote low-density
18 residential developments within the interior of established low-
19 density neighborhoods.

20 The Pantano East Area Plan defines low-density residential
21 as six residences per acre or less. The proposal meets the density
22 requirement. The subject property is a slightly irregular rectangle

1 with an east-to-west orientation. The existing residences will remain
2 on a 1.45-acre parcel.

3 The second parcel is proposed for a dwelling for the
4 Applicant's family member. That parcel will be 1.03 acre in size.
5 The lots adjacent to the south of the rezoning site are 1.06 and 1.01
6 acres in size.

7 The proposed rezoning, lot division and subsequent
8 development of an additional single-family residence is supported by
9 the Pantano East Area Plan and is consistent with the surrounding
10 development.

11 Subject to compliance with the attached Preliminary
12 Conditions, approval of the requested RX-1 zoning is appropriate. As
13 of to date, there have been four approvals and one protest. One
14 protest is within the 150-foot area. And protest by total lots is 11%
15 and protests by total area is 11%.

16 ZONING EXAMINER: Thank you. Would the Applicant like to
17 speak?

18 MS. CHIRCO: Good evening. My name is JoJo Chirco. What
19 we are proposing is this original parcel was my grandparents'
20 property. My father built it, Mr. Chirco, and he is a developer and
21 builder of many, many homes in Tucson. We built many homes on Brown
22 and the surrounding area.

23 So, what I am proposing is to maintain the integrity of
24 Grandma's home and the guest house that was there, split off the front
25 piece which would allow us to build our main residence, my husband and

1 I, and with a guest facility for my parents and a garage. We would
2 stay within the integrity of the property, keeping the, the required
3 setbacks maintained and build a high-quality home for the area only to
4 improve the Halcyon Acres development.

5 So, we just would like to keep the property in the family
6 and just better what we're doing and downsize for my husband and I
7 from the property we're at right now.

8 ZONING EXAMINER: Thank you.

9 MS. CHIRCO: Thank you.

10 ZONING EXAMINER: I did have one question if I may?

11 MS. CHIRCO: Sure.

12 ZONING EXAMINER: I saw in the one protest that was
13 received a concern about the location of the proposed access driveway
14 to the new residence. Are you aware of that and can you speak to
15 that?

16 MS. CHIRCO: Yes. We spoke earlier, and we've had open
17 discussions. We have no - there's nothing set in stone as to what
18 we're doing, but we don't want to be restricted as to finalizing it
19 until we know exactly what our final plan is gonna be.

20 We're building probably about a 3,000-square-foot home with
21 the attached guest residence and garage. We currently have a circular
22 drive on our property now, an entrance, and you know, that allows you
23 to come from both directions.

24 We want to try to maintain and do something similar that we
25 have now on a lower scale. And then have an easement that will allow

1 access to what I call Grandma's existing home to the back so that
2 property maintains its separate entrance, which is further to the
3 south.

4 So, it's the property to the north of us that's got very
5 large trees kind of on the buffer. We don't intend to, to try to
6 demolish any of those, but we want to stay within the 20-foot required
7 setback as much as possible and maintain the integrity of those so
8 that they have their trees there, too. But I think most of them are
9 on our property.

10 MALE SPEAKER: (Inaudible)

11 MS. CHIRCO: Yeah. So, we just want to be able to have the
12 building PAD. The main concern for us is the entrance area. There is
13 a culvert in the front of this property, so, we're gonna have to
14 reconstruct that culvert 'cause it's been bent and down the way
15 they've run over it.

16 So, we're gonna have to reconstruct that with the entrances
17 that we do to maintain that water flow. So, to us, the main part that
18 we're gonna be clearing will be those entrances coming from directly
19 Brown to allow us access into the property. Does that make sense?

20 ZONING EXAMINER: Yes, it does. Thank you.

21 MS. CHIRCO: Okay. Thank you.

22 ZONING EXAMINER: Would anyone like to speak in opposition
23 to the case?

24 MS. WEICKHARDT: Yes, sir.

25 ZONING EXAMINER: Please.

1 MS. WEICKHARDT: Hello. Good evening. May I hand over a
2 couple of things (inaudible)

3 ZONING EXAMINER: Sure. Are they the same as what you
4 submitted in the first one?

5 MS. WEICKHARDT: Most of it is. So, I can hold that if
6 it's not helpful to you. There is one additional (inaudible) a copy
7 of the protest that I signed, along with permission from my client to
8 sign on their behalf. But I've just presented to you the protest that
9 Carla West, my client, signed.

10 So, my name is Jill-Ann Weickhardt. I'm an attorney. I
11 represent James and Carla West. I work with Waterfall - I work for
12 Waterfall-Economidis. And so, what - so, I, I think what JoJo just
13 said sounds great.

14 It's just that when you look at the rendering there and it,
15 it leads one to wonder how much of the trees and, you know, other
16 vegetation would actually be left standing because the driveway seems
17 to come up right along the property line.

18 I do appreciate that the setbacks, the 20-foot setbacks for
19 building structures are correct. But there is a driveway that butts
20 up right against the property line.

21 So, if I may, I'll start by saying that we're not really
22 here in opposition of the rezoning. We're hoping that we can build
23 some protections into this plan. The way that the architectural
24 drawing is laid out right now, the driveway to my clients' home would
25 be very close to the proposed driveway on the rezoning site, which

1 could be confusing. Additionally, would require the removal of mature
2 vegetation that is along a wash.

3 And most importantly, the driveway on the rezoning site
4 would be feet from James and Carla West's front door. There's,
5 there's noise considerations, dust considerations, light
6 considerations in the evening, along with other issues.

7 Again, we're not trying to stop anything, but there are
8 other options that don't have these issues, that don't negatively
9 impact James and Carla West. As JoJo pointed out, there is an
10 existing driveway on the south end of the property that leads to the
11 other lots. And it provides access to 205 South Brown Street. That,
12 that's one alternate. And the other alternate is a driveway at the
13 center of the, of the rezoning site.

14 These changes shouldn't be a hardship because these plans
15 have not been submitted or finalized, as JoJo also has pointed out.
16 And JoJo and I have tried to get together, and unfortunately, she had
17 a family emergency. And so, we, we were unable to meet, but we have
18 been talking.

19 So, it's, basically, the request is if the rezoning is
20 approved, we are requesting a restriction that any driveway entering
21 the property from Brown Street should be located on the half of the
22 Brown Street frontage that is farthest from the West property.

23 ZONING EXAMINER: Okay. So, I understand you've had some
24 discussions, but you believe that further discussions will be
25 beneficial?

1 MS. WEICKHARDT: I'm sorry, John. Could you repeat that?

2 ZONING EXAMINER: Sure.

3 MS. WEICKHARDT: Yes.

4 ZONING EXAMINER: I understand you've had some discussions
5 with -

6 MS. WEICKHARDT: Yes. Yes.

7 ZONING EXAMINER: - the Chircos. But do you believe
8 further discussions would be beneficial to try to work something out,
9 or do you think you're at the end of talking about it?

10 MS. WEICKHARDT: You know, I'm, I'm not sure of the answer
11 to that.

12 ZONING EXAMINER: I'm gonna ask Ms. Chirco the same
13 question.

14 MS. CHIRCO: Yeah. I would like to see this continue on,
15 but I feel like us being told where our driveway has to be is kind of
16 (inaudible)

17 ZONING EXAMINER: Ms. Chirco, you'll have to come up and
18 you don't need to repeat everything. I've heard all you said, but
19 it's being recorded.

20 MS. CHIRCO: Oh, okay. I'm sorry.

21 ZONING EXAMINER: So, I understood what you said in part,
22 and I'll recap it. Go ahead.

23 MS. CHIRCO: I don't want to be restricted into the exact
24 location of our entrance. We currently have a very gorgeous home that
25 has this circular drive concept. We're trying to redo that same

1 design. But we have to maintain that separate southern entrance for
2 the existing homes. There will be an easement that has, has been
3 created there.

4 So, I don't want to be buffered up close to them. I want
5 to be within the frontage of the property. We're not gonna be all the
6 way over to the, to the - their property. And we want to keep the
7 integrity nice and the buffer there, too.

8 What we've done in the past is, is wonderful. We, we've
9 been building a long time. I don't plan on doing something that isn't
10 gonna be conceptually beautiful to the eye. It'll have a front, a
11 beautiful frontage to it and the concept is just to have the circular
12 entrance for access to the existing, the home that we'll build, the
13 guest area, and then a separate entrance to the homes in the back.

14 ZONING EXAMINER: Okay. I understand all of that. I guess
15 what I'm asking, though, is do you think that meeting with the Wests'
16 lawyer would possibly lead to a resolution that didn't fence you in,
17 but that did accommodate their concern about the landscape, I'll call
18 a landscape buffer, which I understand some of the trees are on your
19 property.

20 But if more discussion between the two of you will be
21 beneficial, then I would continue this case 'til the 27th to give you
22 some time to talk through the issues. And then you come on the 27th,
23 and then you say, "We worked it out," or you say, "We've tried, but we
24 can't."

1 And then I'll make whatever decision I make. It won't be
2 based on whether you can work it out or not, it'll be based on the
3 facts and the record of the case.

4 MS. CHIRCO: Uh-huh.

5 ZONING EXAMINER: So, all I'm asking is right now, Ms.
6 Chirco, is, do you think more discussion will be beneficial?

7 MS. CHIRCO: If that's what they feel they need, that's
8 fine. I just would like to see this move on. I don't want a
9 continuation and us not being able to move forward.

10 ZONING EXAMINER: Understood.

11 MS. CHIRCO: (Inaudible) So, -

12 ZONING EXAMINER: Please.

13 MS. WEST: (Inaudible)

14 ZONING EXAMINER: That's okay. Just state - for the
15 record, just state your name.

16 MS. WEST: I'm Carla West. I reside at 101 South Brown
17 Street and -

18 ZONING EXAMINER: Okay.

19 MS. WEST: - I am the neighbor that will be next to them.

20 ZONING EXAMINER: Understood.

21 MS. WEST: I don't want to speak out of turn here, but I
22 don't know that a continuance - I mean it would be beneficial to give
23 us a chance to talk, but I think if we could get some type of
24 guarantee - yes, the trees are on their property and we're not trying
25 to tell you what to do with your property. But if we could have that

1 20-foot buffer of already mature, grown trees, and we were guaranteed
2 to keep that, I'm good.

3 MS. CHIRCO: Those trees are in that 20-foot buffer. I
4 haven't taken a tape out, so, I don't know -

5 MS. WEST: We did. We did and it is -

6 MS. CHIRCO: I don't know how many are in that buffer, but
7 if they're in that 20-foot, they're gonna stay.

8 MS. WEST: Okay. And also, another thing you mentioned was
9 that, you know, I, I don't doubt that you're build a beautiful home.
10 But to me, looking - sitting in my living room, looking out the front
11 window, nothing is gonna be more beautiful than nature. And that
12 would be those trees.

13 MS. CHIRCO: And that's something we can't stop.

14 MS. WEST: I agree. And we're trying to - again, we're not
15 trying to stop your rezoning. We're just asking for as much of that
16 buffer as possible so we have a natural wall, so to speak.

17 ZONING EXAMINER: Well, I think the parties understand
18 where each other is coming from. I'm gonna continue the hearing to
19 September 27th. And maybe you can both get your tape measures out and
20 figure out if you can accommodate each other. If not, that's okay,
21 too. You come back on the 27th either way. You'll tell me whether you
22 worked something out or not, and I'll rule on the case either way.

23 MS. WEST: Thank you.

24 ZONING EXAMINER: Thank you.

25 MS. WEST: Thank you for your time.

1 MS. CHIRCO: Thank you very much.

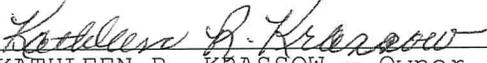
2 ZONING EXAMINER: Yes. So, this case is continued to

3 September 27th.

4 (Case: C9-18-14 was continued to September 27th, 2018.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 09/05/18



KATHLEEN R. KRASSOW - Owner
M&M Typing Service

ZONING MEMBERS PRESENT

John Iurino, Zoning Examiner

John Beall, Planning & Development Services

Jesus Acedo, City Recording Clerk

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1 ZONING EXAMINER: The next case is Case: C9-18-14 Chirco -
2 Brown Street. Mr. Beall, is there any update?

3 MR. BEALL: There's been no update since the last meeting.

4 ZONING EXAMINER: Ms. Chirco, would you like to speak?

5 Thank you. And just please state your name and address.

6 MS. CHIRCO: Good evening. My name is Jo Jo Chirco, and I
7 reside at 11555 East Pantano Trail. I am here, along with my husband,
8 Howard Mortenson. We're in the midst of doing the rezoning for the
9 property at 205 South Brown.

10 We, I believe, the Wests who are to the north of us and
11 then their attorney Jill-Ann, is here this evening. I believe we've
12 come to an agreement, but I know that there is still a question in
13 regards to a fence that we would eventually like to put up, or would
14 put up.

15 I think we've been very in touch with them in letting them
16 know what we were wanting to do as far as the - we, the brush that
17 exists that's there, the heavy vegetation. There is some dead brush
18 that will be removed and there is some packrat nests we've evaluated
19 and I've shared with them. We will remove those.

20 We have agreed that we will put our driveway 20 feet from
21 the property line which I think was something that satisfied them,
22 which pushes our, our home and the other property further over.

1 I think something that they had no - nothing they can
2 control. When they bought their property, their home was actually
3 built back in the day closer to the southern portion of that lot,
4 which is the northern portion of our lot. It is what it is.

5 But we want to be good neighbors. We want to maintain a
6 reasonable friendship that, you know, we want to do what makes
7 everybody happy.

8 I had invited them out many times to, to come and see what
9 we have at our home now. And I have pictures that shows the lush
10 grounds that we have and that we maintain on our home because we want
11 the privacy and because we want to keep that, that buffer.

12 So, I wanted to share with them that. But I also brought
13 pictures showing the fence line that we currently have. And the only
14 reason we would do that is we are gated in, in our - on our nine acres
15 that we live on right now.

16 Because my husband had planted so much vegetation, and you
17 can see from these pictures, the javelina were destroying everything.
18 So, we did a decorative, nice wrought iron that kind of blends in with
19 the landscaping in time. It's view fencing basically. It's not a
20 chainlink fence.

21 It's expensive fencing but it looks nice, and it maintains
22 a security but it also keeps - of course, bobcats and anything else is
23 gonna come in, but it keeps the javelina, which destroy the expensive
24 plants that we do. And we want to maintain that on the property that
25 we are, are proposing to do.

1 So, I think with that being said, we want to maintain that
2 fence. We would go no higher than, than six feet, no higher than ten,
3 which I believe is the requirement. I think our current fence is six
4 feet. I think that the, let's see, I think that's pretty much
5 everything I have.

6 I, I didn't get a chance to share with them these pictures,
7 or with you if you would like to see them. But our house is very
8 large that we're in right now and you can barely see it from the
9 lushness that we have, and that I want to assure them if anything is
10 dead and, and not able to be kept, we will replant to keep that
11 growth.

12 But the big things we don't want to remove. There's
13 saguaros, there's, there's big trees that exist right up against their
14 lot line which what we did also during this time was we had the
15 surveyor come out and put stakes up every 20, 30 feet just so we had a
16 visual to actually see through the brush where that was. And I think
17 all of us were a little surprised that it was actually closer to them.

18 So, that's why we said we would maintain the driveway 20
19 feet, but we want to get rid of any of the junk, any of the packrat
20 junk that's there, and dead debris. But the fencing would be
21 important for us, too, so that we can maintain our security and our
22 privacy as well.

23 ZONING EXAMINER: So that I understand. Is there a fence
24 there now?

1 MS. CHIRCO: There is a fence on - they have a fence that
2 is further in. There is a fence on what I'm gonna call Grandma's
3 guest house area, but that is way in and that would not be part of
4 this. So, no, there has never been -

5 ZONING EXAMINER: All right.

6 MS. CHIRCO: - a fence. It was just opened.

7 ZONING EXAMINER: All right. And then did I understand
8 correctly that you're willing to agree as a condition to the rezoning
9 that the driveway be moved 20 feet to the south from where it's shown
10 on the plans that are in the submittal?

11 MS. CHIRCO: Correct.

12 ZONING EXAMINER: All right. And you're - am I - I don't
13 want to put words in your mouth. But I'm also understanding that
14 you're willing to agree to leave the larger trees and plantings that
15 are healthy in an undisturbed condition -

16 MS. CHIRCO: Absolutely.

17 ZONING EXAMINER: - along the north, along the north -

18 MS. CHIRCO: Absolutely. We want to maintain that, that
19 privacy as well.

20 ZONING EXAMINER: Along the north boundary of your
21 property.

22 MS. CHIRCO: Along the north boundary.

23 ZONING EXAMINER: All right.

24 MS. CHIRCO: Yes.

25 ZONING EXAMINER: Okay. Thank you.

1 MS. CHIRCO: Anything else?

2 ZONING EXAMINER: No. Ms. Weickhardt or Ms. West, did you
3 want to speak?

4 MS. WEICKHARDT: Good evening.

5 ZONING EXAMINER: Good evening.

6 MS. WEICKHARDT: So, -**

7 ZONING EXAMINER: Please state your name just for the
8 record.

9 MS. WEICKHARDT: My name is Jill-Ann Weickhardt. I'm here
10 from Waterfall, Economidis representing Jim and Carla West. Jo Jo is
11 absolutely correct. We've, we've had multiple conversations, we've
12 been in touch and, and we did come to an understanding about the
13 driveway. And now there is a question about a wall.

14 You know, I just - I wonder - so, I actually prepared some
15 photos that I think would be helpful. May I -

16 ZONING EXAMINER: Sure. And so, I guess my question is,
17 the stakes which, you know, I, I tried with my iPhone to take the best
18 photos that I can, if you look at the stakes which represent the
19 property line -

20 ZONING EXAMINER: And Ms. Weickhardt, these are taken from
21 your client's driveway -

22 MS. WEICKHARDT: Yes.

23 ZONING EXAMINER: - looking south? Thank you.

24 MS. WEICKHARDT: Yes. That is correct. There is a lot of
25 mature vegetation that is right along the property line. And so, I

1 guess I wonder what would happen to that. I understand - I hear from
2 Jo Jo that they clearly enjoy mature vegetation and want, want to keep
3 it lush along the property line. But at the same time, it looks like
4 a lot of it would have to come down.

5 And then there would be a fence right along the driveway in
6 no way for my client to mitigate that fence with plantings because
7 she'd have to tear up her driveway. And so, I wonder whether this
8 fence could be set back slightly to allow for all of that which is
9 just right along the property line to continue to thrive.

10 ZONING EXAMINER: Okay. I hear your question. Anything
11 else, we'll ask Ms. Chirco to respond to that.

12 MS. WEICKHARDT: Okay. Thank you.

13 ZONING EXAMINER: But - okay.

14 MALE SPEAKER: (Inaudible)

15 ZONING EXAMINER: Okay. Sir, because - and I, I appreciate
16 it. Because we're recording, if you could project it a little more,
17 I'll be able to hear (inaudible)

18 (Inaudible discussion.)

19 MS. CHIRCO: It wouldn't be on top of the trees. We'd have
20 to adjust for that. I think what they had, they had proposed when
21 they asked me and when we agreed to the 20 feet, they then wanted me
22 to put my fence 20 feet in also.

23 MALE SPEAKER: (Inaudible)

24 MS. CHIRCO: But that was what Jill had proposed. And
25 said, no, we wouldn't bring the fence in 20 feet, giving them 20 feet

1 of land basically on their side. We would keep it probably close to
2 the buffer line, taking into consideration the trees that are there.
3 The fencing that we have runs right along trees that are existing and
4 built very - that exist on our property right now.

5 So, I wanted to show that this is what we were going to do
6 and propose. Again, their home was built on the southern portion of
7 that property. I have no control over that, but I want to maintain
8 our privacy. And as it is right now, their northern portion - I'm
9 sorry.

10 Their southern portion closest to their driveway is our lot
11 line. And they're, they're using that. I'm not making a big deal
12 about that. I, I - we don't care about that. But I'm just trying to
13 be reasonable with what we're trying to do. And I think these stakes
14 did help us see in relationship to really where the lot lines were.

15 ZONING EXAMINER: Okay. I, I think the concern is - and I
16 may be wrong. But we're having a dialog now, so -

17 MS. CHIRCO: Sure.

18 ZONING EXAMINER: - I think the concern is that you will
19 clear a path along the property line, take out a lot of mature,
20 existing healthy vegetation so you can up your very attractive wrought
21 iron fence. And the photo is very impressive, I, I appreciate that.
22 That's, I think, what the concern is. Could you speak to that?

23 MS. CHIRCO: We will not take out any of the mature trees.
24 We will keep that to a very minimum. And as they can see from the
25 photos, you can go around - I mean it's, that's what these guys do.

1 They can go around and manipulate around some of these brush and
2 everything to maintain that attractive look, and not to kill any of
3 the mature trees. We don't want to do that. It's the ugly, dead
4 stuff. And believe me, there is a lot of ugly, dead stuff along that
5 side.

6 ZONING EXAMINER: All right. That clarifies it for me.
7 Thanks.

8 MS. CHIRCO: Okay. Thank you. Does that for you?

9 MALE SPEAKER: Yes.

10 MS. WEST: Carla West, 101 South Brown Street. The only
11 question I had was how the fence was gonna be set on top of the agave
12 and on top of that palo verde. That was the only question I had
13 because you can see that the property line splits those two plants.

14 MS. CHIRCO: I think with anything like that, Carla, they
15 would probably jump over that. They would not touch the agave, they
16 would keep it there and start the fencing. Our main concern is - the
17 only wildlife we really want to keep out is the javelina. They're -
18 they destroy everything.

19 And when you look at our pictures of our property, and I'll
20 let you see them all, I mean we have many, many - we have a hundred
21 thousand dollars' worth of vegetation that we planted just because he
22 loves that lushness.

23 So, no, we don't want to kill any of the agave or anything
24 like that. And I think there's a tactful way to bring the fence line
25 as close as possible to that and to keep it growing without disturbing

1 that. We're not gonna take down a tree, but we want to keep it
2 uniform and just running in an easy flow. Am I, am I correct, Howard?

3 MR. MORTENSON: Yeah.

4 MS. CHIRCO: Okay.

5 ZONING EXAMINER: Okay. Thank you.

6 MS. CHIRCO: Thank you.

7 ZONING EXAMINER: You're welcome.

8 (Inaudible discussion.)

9 ZONING EXAMINER: If there's anything else you'd like to
10 have in the record, we can continue. Or, if not, perhaps the two of
11 you can visit on these issues separately.

12 MS. CHIRCO: I think we're -

13 MS. WEICKHARDT: I, I would just like to make a couple of
14 notes for the record. I don't personally think that, that continuing
15 it is necessary.

16 ZONING EXAMINER: No, I not suggesting -

17 MS. WEICKHARDT: Oh. Okay.

18 ZONING EXAMINER: - we continue the hearing.

19 MS. WEICKHARDT: Sorry. I misunderstood.

20 ZONING EXAMINER: I meant you could continue talking.

21 MS. WEICKHARDT: Oh, got it. Okay.

22 ZONING EXAMINER: We have one more -

23 MS. WEICKHARDT: I know. I know -

24 ZONING EXAMINER: - matter to be heard.

25 MS. WEICKHARDT: - that they want to get through.

1 ZONING EXAMINER: No, that's quite all right. If you have
2 more to say, though, on this matter, I'm happy to hear it.

3 MS. WEICKHARDT: Thank you. I just wanted to note for the
4 record, and as potential conditions on zoning, that the driveway as
5 discussed will be 20 feet back, that a wrought iron fence will be
6 built as opposed to, you know, other materials like a solid concrete
7 wall or something like that. That it'll be wrought iron -

8 MS. CHIRCO: Just like we're showing, yes.

9 MS. WEICKHARDT: - just like is being shown in these
10 photos. And that attention will be paid to the mature agaves and palo
11 verdes and other mature vegetation along the property line, even if
12 that means setting back the fence slightly just to get around those
13 plants.

14 MS. CHIRCO: Yes.

15 ZONING EXAMINER: Okay.

16 MS. WEICKHARDT: Okay.

17 MS. CHIRCO: Thank you.

18 ZONING EXAMINER: Thank you very much.

19 MS. WEICKHARDT: Thank you so much.

20 ZONING EXAMINER: We're closing the hearing on Case No.

21 C9-18-14. And thank you all for coming tonight. Good night.

22 (Case: C9-18-14 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case reference on page 1 above.

Transcription Completed: 10/09/2018



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