

From: noreply@civicplus.com
To: [Coxworth, Daniel](#); [McLachlan, Christine](#); [Bronson, Susan](#); [Taylor, Matthew](#)
Subject: Online Form Submittal: Public Hearings - Public Comment Form
Date: Wednesday, June 5, 2024 4:18:20 PM

CAUTION: EXTERNAL EMAIL*

Public Hearings - Public Comment Form

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|--------------------------------|---|
| Docket Number | VAR24-03 (Pinto Setbacks) |
| Select one of the following: | No, I do not support this request |
| Explanation | See Attached PDF file and 10 pictures. Pictures were sent to Matthew Taylor at mtaylor@cochise.az.gov . This form would not allow more than 1 attachment so see Matthew for the pictures. Also I plan on attending the meeting in Sierra Vista. |
| Name | David Ames |
| Email Address | arizonabmrk@msn.com |
| Address | 3294 W Pinto Place |
| City | Benson |
| State | AZ |
| Zip Code | 85602 |
| Phone Number | 520 247 4992 |
| Your Tax Parcel Number | 1240318406 |
| File Upload | VAR24-03_Response_David_Ames_124_03_18406.pdf |
| Electronic Signature Agreement | I agree. |
| Electronic Signature | David C Ames |

Your comments will be made available to the public board responsible for reviewing them. Submission of this form or any other correspondence becomes part of the public record and is available for review by the Applicant or other members of the public.

Email not displaying correctly? [View it in your browser.](#)

David Ames
3294 W Pinto Place
Benson, AZ 85602

Located within 300 feet West of Mr. Insalaco's property.

I received a letter in the mail outlining VAR24-03 submitted by Mr. Insalaco. I performed a thorough review and I DO NOT SUPPORT THIS REQUEST!!!

According to what I read on the Cochise County website listed here: [Variances | Cochise County, AZ](#). The applicant must successfully demonstrate the following 3 conditions.

1. An unnecessary hardship results from the strict application of the regulations and;
2. The hardship results from conditions that are peculiar to the property and;
3. The hardship is not "self-created"

Upon reviewing and reading the entire variance "VAR24-03" it is evident that the applicant does not meet any of the conditions mentioned above.

Below are the inputs Mr. Insalco wrote on the Variance Application. My inputs are directly below his. I DO NOT SUPPORT this requested Variance. If the Board of Supervisors still wish to grant a variance after reading my responses then please consider the variance be approved for the most Northern and Eastern locations of the property.

Under #3 Describe any specific physical conditions, unique to your property, that do not allow it to develop in the same manner as other properties within the same zoning district.

Mr. Insalaco wrote:

"(1) First, it is the land owner's desire that the conex container not be located or visible anywhere in the land owner's front yard, or visible from the forward looking windows of the land owner or nearby neighbor residences forward-looking front windows."

My response:

Per the response above Mr. Insalaco has a "want/desire" and not a "Need" for this variance.

His logic doesn't make any sense. He said he doesn't want any forward looking structures in the land owner's front yard; but He already has a 10x12 structure almost in the center of his front yard (See Site Plan "F" (She Shed)

His justification above does not make a unique physical property issue. He simply does not want to look at it but it is ok for the West neighbor to look at it through their East Facing Master Bedroom Window. This impacts their privacy, creates noise issues, and is visually unappealing. He is considering his want/desire over the impact of the Western neighbor's.

Also under #3. He wrote:

"(2) Second, all of the home owner's land north of an existing east-west line of mature Arizona native mesquite trees, and slightly north of the applicant's primary residence structure, slopes prominently downhill to the north, and it would be an unreasonable financial burden to attempt excavate and level said property to facilitate a level installation of the conex container."

My Response:

The land that is slightly north of the applicant's primary residence structures slope is no greater than the slope the Conex container is currently located and no greater than the slope in the setback area that Mr. Insalaco wishes to put the Conex container into. The land North of his residence has ample space all the way back to the North-East Corner that would fit both the Conex container, and the new shed with room for several more out buildings in the future and stay within the setback boundaries. It would also have less impact to both Eastern and Western neighbors.

Also #3 he wrote:

"(3) Additionally, sloped land to the north of the home owner's residence includes a 1250-gallon septic tank, two 75-foot septic leach lines, and provision for an additional double 75-foot backup septic leach line field, as imposed by the county, if-and-when needed. These septic leach lines should not be subject to either the carrier truck's weight to relocate the conex container, nor the weight of a fully loaded conex container."

My response:

By looking at Mr. Insalaco's Site Plan, there is no physical limitations to put the buildings in question directly behind "J" (Chicken Coop) and extend as much as 150' North and 20' from the East property line all the way back to the far North-East Corner of his property. On the Eastern side of the property there exist a dirt road that leads all the way back to Mr. Insalaco's property which is wide enough to drive vehicles so there would be room to move his Conex using that route without interfering with any infrastructure

Under #4 State any potential impacts caused by the application of your variance and how you intend to minimize these impacts on neighboring properties.**He states Minimization of Impacts:**

"(2) The proposed conex container relocation has been openly discussed verbally, face-to-face, between the home owner and the western-most neighbor (Stephen Kontowicz), and has received Mr. Kontowicz's blessing on the proposed conex container relocation. It is additionally understood that this neighbor will be notified by the county of the proposed variance application, and be afforded an opportunity to comment."

My response:

I approached Mr. and Mrs. Kontowicz, and then we all had a face-to-face discussion with Mr. Insalaco. After the discussion Mrs. Kontowicz may have reconsidered her position. They plan on submitting separate responses which may have opposing positions. A major concern we discussed is that Mr. Insalaco has a messy yard with several outbuildings already. This has provided shelter and breeding grounds for mice, rats, and skunks. We have a current infestation of mice and rats now because of his horde. Having these buildings this close to the West property line allows his horde to increase hiding places and create a large issue with rodents.

Mr. Insalaco is also not taking into consideration that the Master Bedroom of the Western Neighbor is extremely close to where these structures will reside if the variance is approved. This creates a privacy issue.

Mr. Insalaco is also not taking into consideration of the property value of “other existing neighbors”. This variance will allow him to have 4 structures of different shapes and sizes directly clustered on the West side creating an unappealing visual effect. He already has several out buildings on his property and is starting to horde up his yard. These buildings are easily visible from the primary road (Pinto Place). Several friends and family members have negatively commented about the number of structures and how cluttered and messy it makes the area look. I believe this would significantly decrease our property value if this variance is approved.

Under #5 Justify how what is proposed by this request is the minimum variance that will afford relief.

He wrote:

“(1) This variance application requests only a modest minimal 10-foot incursion into a western setback region for a single ancillary structure, and represents the home owner's best compromise in solving a secondary structure relocation problem with minimal impacts.”

My Response:

This variance does not include the current building “G” (Man Cave) from the site plan that has already been placed 5’ from the Western property line. He put that structure there about a month ago knowing it was inside the setback and also assuming the Cochise County would approve a Variance for this structure. This was not a quick rash decision; this was a thought-out calculated risk. This is now a potential self-created hardship because it needs to be moved within proper setback requirements. Also moving the Conex 10 feet to the left or 100 feet to the North East does not cost any additional cost or burden to Mr. Inslaco.

He wrote:

“(2) The conex container relocation by this application, will provide no adverse impacts with respect to existing or future overhead or Subterranean electrical, water, propane gas, sewer or septic system lines. This variance application will not result in any adverse impacts to neighboring properties or public right-of-ways.”

My Response:

See above reasons I already addressed why this has adverse impacts to neighboring properties.

He wrote:

“(3) it will provide minimal site preparation effort and costs to relocated the conex container, as compared elsewhere on the property, especially in the personal financial environment already stressed by the proposed construction of the garage/shop structure/permit application.”

My Response:

Moving the Conex container 10 feet or 100 feet is the exact same cost. There is no financial burden above and beyond what he already needs to pay to have it moved. As I mentioned in other responses, all of his property has almost the same slope which should not create any additional preparation or expenses to move the Conex container somewhere else on his property.

He wrote:

“(4) Because of its proposed relocation proximity, it will facilitate the greater ease of material, hardware, and tools between the conex container and the proposed garage/shop structure where there are expected to be heavily used.”

My Response:

This is again a “want/desire” and not a “Need” for this variance. Convenience isn’t a hardship or a unique property issue that would warrant this variance.

He wrote:

“(5) Again, because of the proposed conex container's proposed amended site location, it will also facilitate the greater ease of kitchen appliance movement between the conex container and the primary residence, this due to the limited primary residence's kitchen cabinet space.”

My response:

This is again a “want/desire” and not a “Need” for this variance. Convenience isn’t a hardship or a unique property issue that would warrant this variance.

He wrote:

“(6) Since the home owner suffers from Diabetic Neuropathy and associated weakness in his legs, there would be substantial relief found by this variance request in minimizing the homeowner's hardship in walking long distances while moving material between the conex container, to either the garage or primary residence. If the conex container had to be relocated outside of the proposed setback incursion, and further away from the residence or garage/shop structure to meet setback requirements, that would add substantially to the home owner's physical strife. The home owner has not presently declared a handicap status (subject to change), but walks with a cane, and his diabetic medical condition is expected to worsen with time, making the relief afforded by this variance request similarly intensify with time, thus further justifying the variance request. The home owner has a wooden cane located inside his residence, and a light-weight metal cane in each, the home owner's car, truck, and wife's car.”

My Response:

If a disability is the issue for the setback variance, then make access to the structures more accessible by putting it directly North of the Primary Living structure. See Site Plan item “A”. According to the site plan there is ample space to put both of these structures North of the manufactured home and South of “D” (Storage Shed) and “E” (Garden Shed) where the ground is equally level as the proposed setback area listed in the variance. It would also put most of the outbuildings together making them all easily accessible from the back door of the manufactured home. This also resolves the issue of cluttering up the Western property line.

Under #6 Is there anything you or the previous owner could have reasonably done to prevent the need for this variance?**He wrote:**

“The current home owner (Stephen Insalaco) purchased (2009) the said property from a previous property owner, whom sold the property to the current home owner as one of four (subdivided?) undeveloped lots. Each of the four lots were surveyed as relatively elongated rectangular lots with a large aspect ratios - meaning relatively long (north-south) and narrow (east-west). Hence, once the primary residence was placed on each of these lots, facing south, there remains little east-west side-by-side clearance for other structures without penetrating the setback provision. Hindsight is always 20-20, and in hindsight, I as the home owner might have positioned the primary residence further south towards the Pinto Place roadway, perhaps making greater room for a proposed conex container relocation in the home's backyard - not possible now. However, that maneuver would have placed even

greater stress on road dust and dirt problem inside the home owner's primary residence from the Pinto roadway, a problem already being dealt with.”

My Response:

How does placing a structure (Conex container) on your property 15 years ago now justify a variance? At the time it was placed there, the proposed garage “B” on the site plan already had the footers and surface prepared to pour concrete. This is a self-created hardship that you now need to deal with. There are several places on the property that the Conex container can be moved to. In my opinion you put it there out of convenience.

Placing the Conex container in its current position 15 years ago was self-inflicted. There are currently several other places within the normal setback spaces that this could fit into. To move this to another location on his property would not create any further hardship financially as he has to pay to move it anyway.





















From: [Catherine Layton](#)
To: [Taylor, Matthew](#)
Subject: Docket VAR 24-03 (Pinto Setbacks)
Date: Wednesday, June 5, 2024 10:20:13 PM

CAUTION: EXTERNAL EMAIL *

Dear Mr. Taylor,

My husband Jeffrey Layton, and I, have reviewed the proposed variance request for the Pinto property that is in our neighborhood. We do not support this request because it will set a precedent for future variances on other properties in the area.

Setbacks are put in place to maintain a reasonable distance for building structures too close to adjoining property boundaries. Without maintaining current protocols there could be a variety of future issues.

Sincerely,

Catherine and Jeffrey Layton
Tax Parcel #: 12403105B

This E-mail is from an EXTERNAL address. DO NOT click on links or open attachments unless you trust the sender and know the content is safe. If you suspect this message to be phishing, please report it using the Phish Alert Button at the top of the email, or forward to cochise.az.gov@missedspam.com <<mailto:cochise.az.gov@missedspam.com>> or contact IT support at 520-432-8301.


DOCKET VAR24-03

(PINTO SETBACKS)

YES, I SUPPORT THIS REQUEST
Please state your reasons: *I really don't care what this knucklehead does on his property as long as he has respect for quite time from 8 PM to 8 AM so neighbors can get sleep at night*

NO, I DO NOT SUPPORT THIS REQUEST
Please state your reasons:

PRINT NAME(S): Stephen Kostowicz

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 124-03-185 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **June 12, 2024**, to be included with the staff report to the Board.

Return comments via email to mtaylor@cochise.az.gov or by regular mail:

Matthew Taylor
Development Services Department
1415 Melody Lane, Building F
Bisbee, AZ 85603

Visit our website at <https://www.cochise.az.gov/FormCenter/Development-Services-6/Public-Hearings-Public-Comment-Form-140> or scan the QR code to the right to submit comments online.



DOCKET VAR24-03
(PINTO SETBACKS)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST
Please state your reasons:

PRINT NAME(S): STEPHEN INSALACO & Karen Insalaco

SIGNATURE(S): *Stephen G. Insalaco & Karen Insalaco*

YOUR TAX PARCEL NUMBER: 12403186 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Return comments via email to mtaylor@cochise.az.gov or by regular mail:

Matthew Taylor
Development Services Department
1415 Melody Lane, Building F
Bisbee, AZ 85603

*I WILL BE ATTENDING THE
VARIANCE MEETING (Docket VAR24-03)
AT 5:00pm, June 12, 2024, in
SIENNA VISTA, AZ.*

Stephen G. Insalaco Jr.

Visit our website at <https://www.cochise.az.gov/FormCenter/Development-Services-6/Public-Hearings-Public-Comment-Form-140> or scan the QR code to the right to submit comments online.



DOCKET VAR24-03

(PINTO SETBACKS)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST

Please state your reasons:

PRINT NAME(S): Crystal Simpson

SIGNATURE(S): Crystal Simpson

YOUR TAX PARCEL NUMBER: ? (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Return comments via email to mtaylor@cochise.az.gov or by regular mail:

Matthew Taylor
Development Services Department
1415 Melody Lane, Building F
Bisbee, AZ 85603

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SCAN ME