

From: [REDACTED]
Subject: 10/9/2017 Board of Adjustments C15-2017-0040 7513 Cooper Lane
Date: Sunday, October 08, 2017 10:19:14 PM

10/6/2017

To: Board of Adjustments-Leanne Heldenfeld
R.E. 7513 Cooper Lane
C15-2017-0040

From: Abbe Waldman-Representing the Estates of Ygnacio and Rosa Perez

I cannot attend the Board of Adjustments Hearing on October 9th. Michael Perez the Court appointed Administrator for the Estates of Ygnacio and Rosa Perez will be there to speak on behalf of the Estates.

The Perez Family is asking for another 1 month postponement of any decision being considered regarding the request for a variance on a driveway setback from TownBridge Homes LLC. The Perez Family feels a postponement is still warranted because:

1. The family reviewed a purported site plan 3 weeks ago. We have no assurances that this plan will remain the same until it is actually filed with and/or edited by City Staff. Hence, a variance might not be necessary or warranted. The Perez Estate can only say that at this point they want another postponement of this variance as nothing concrete has been provided to give exact detail and description of what Townbridge's final plans will entail.
2. It appears that with the removal of 2 Arizona ash trees (soft-wooded trees that frequently lose limbs in high winds) on the south side of the existing home on the TownBridge tract the hardship may not exist for the access driveway. As TownBridge is removing countless heritage trees on the majority of their property we do not understand why the claim of hardship is a valid claim to warrant a variance being granted for their driveway. Our suggestion would maintain the preservation of the large heritage oak located away from and south of the existing home to be preserved.
3. As noted in the last Board of Adjustments hearing, having potentially 60 plus cars a day driving within two feet of the Perez Estate property line creates a traffic nuisance and creates an adverse effect on the Perez property.

The Perez Estate, based on these circumstances, are asking for a postponement of this decision today.

In addition, if the Board chooses to grant this variance tonight, we are requesting the Board make it a condition of the variance that in fact no existing trees will be allowed to be removed by the applicant, and that the home will have to remain in their final plan as this would ensure that the hardship claimed by applicant does actually exist that would not allow the option we proposed to be a viable option. In fact, the option we are proposing allows placement of their driveway just a few feet south of the existing home and would allow the majority of trees and the home to remain undisturbed and has no need for a variance to be granted at all.

In conclusion, the Perez Estate has been issued a court order stating that Tract 1 must be sold. The potential buyer may need to apply for their own variance with the Board of Adjustments. In this particular situation, aren't most variances 25 ft? If we could compromise an alternative solution, maybe we could meet at the halfway point of 12 ft versus the requested 2 ft..

We thank the Board and TownBridge Homes in advance for their willingness to allow new solutions to be found as we feel this variance places unwanted noise, traffic and financial impact on the shoulders of the Perez Family as to how this variance will impact their properties.

Thank you so much for your consideration of these matters.
Michael Perez-Court Appointed Administrator