
Subject: FW: Certification that a substandard size lot in RH zone is grandfathered (306-09-001R)

From: David Petersen (David.Petersen@pima.gov)

To: webmaster@666ismoney.com;

Cc: Thomas.Drzazgowski@pima.gov;

Date: Monday, April 30, 2018 1:47 PM

Hello Ms. Baranow,

Based on the information provided by the Assessor's Office, it appears the land area forming tax parcel 306-09-001R has existed in its current separate state since 1983 and would have conformed in size to the former GR zone. Therefore, the Pima County Development Services Department has determined that the parcel is legally nonconforming in size, and it shall be treated as if it contains 180,000 square feet relative to the RH zone.

Please keep this information for your records as evidence of this determination.

If you have any questions, please contact me.

Thank you,

David

David Petersen, AICP

Senior Planner

Planning Division

Pima County Development Services Department

(520) 724-9000

From: Roy Kline

Sent: Friday, April 27, 2018 4:48 PM

To: David Petersen <David.Petersen@pima.gov>

Cc: Pamela Biggers <Pamela.Biggers@pima.gov>

Subject: RE: Certification that a substandard size lot in RH zone is grandfathered (306-09-001R)

4/27/18

David,

Apparently, while working a split for the 2000 tax roll, Sr. Appr. Gary Ault discovered that a portion of what we were assessing as a southerly part of parcel 306-09-001M was actually a missed residue from an earlier split. He said it was from a tax-year 1983 split as you can see from the attached copies of his property card and redline map.

Although the property card for 306-09-001M said 001M was a residue from a tax-year 1993 split (where 306-09-001F split into 001L,M,N,P after 1991&1992 deeds), we do not know if that has anything to do with the missed split Gary was referring to. He did not identify the deeds that his created "missed parcel" #001R was a residue of.

We do come across tracts like this every so often that have escaped tax due to a misunderstanding or mishandling of split deeds by our staff in earlier days. Our sole concern is to put those tracts back on the tax roll so they can be valued and taxed. My reply letter, which I see was provided to you by Ms. Baranow, sets out our position on the matter from our assessment-for-tax-valuation limitations.

Roy W Kline

Property Technician Senior

Property Ownership & Mapping

Pima County Assessor's Office

240 N Stone Ave, Tucson AZ 85701-1200

(520) 724-6696 Phone & (520) 724-4251 Fax

roy.kline@pima.gov

<http://www.asr.pima.gov>

From: David Petersen

Sent: Friday, April 27, 2018 3:09 PM

To: Roy Kline <Roy.Kline@pima.gov>

Cc: Thomas Drzazgowski <Thomas.Drzazgowski@pima.gov>

Subject: FW: Certification that a substandard size lot in RH zone is grandfathered

Hi Roy,

You have apparently been working with Ms. Baranow regarding tax parcel 306-09-001R. From the information that you provided her, am I correct in understanding that the parcel , in fact, has existed since 1983 and remains in its current form? She is trying to establish legal nonconformance to the minimum RH zone parcel size. We usually rely on a legal description recorded prior to November 5, 1985 and then compare the current legal description to ensure it's the same to certify the nonconforming size.

The mishmash of information attached is beyond our easy ability to determine the nonconformance and our person who normally can discern this information is out for another couple of weeks.

Any help you can provide would be appreciated.

Thank you,

David

David Petersen, AICP

Senior Planner

Planning Division

Pima County Development Services Department

(520) 724-9508

From: Raquel Baranow [<mailto:markofthebeastismoney@yahoo.com>]

Sent: Friday, April 27, 2018 10:52 AM

To: David Petersen <David.Petersen@pima.gov>

Subject: Re: Certification that a substandard size lot in RH zone is grandfathered

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's

Dear Mr. Petersen,

Here's the genealogy of my parcel. Note how it is isolated from other parcels by Marsh Station Road and the railroad tracks (which are part of the legal descriptions). Also note that land east of my lot is State owned land, my parcel was never recently a part of State owned land.

1. Mother parcel at Docket 1644 Page 489 at 492 transfers title to AZ Land Title Trust 5979, 25 July 1960
2. AZ Land Title Trust 5979 sold parcel F (which became parcels L, P, M) to Thompson at D3559-432, 14 Aug 1969; thus splitting my lot from the lots North of mine.
3. AZ Land Title Trust became Lawyers Title Trust 5979 who sold parcel C and E to Silver Creek Ranch, splitting my lot from Parcel C (which later became Parcel Q) across the Road at D6574-P765, 17 July 1981.
4. The Assessor made a mistake associating my lot with D7184-P885 (22 December 83), which is not associated with AZ/Lawyer's Trust 5979 and I don't know if Trust 5979 or its predecessor owned this lot west of mine on the other side of the tracks, which is now Parcel 5A.

My parcel was, according to the Assessor orphaned, "lost" and assigned a new parcel number with a unique legal description.

Not sure how the Assessor decided it was 4.01 acres. Not sure either how it could have lost any of its size after 1985 since it was/is orphaned/essentially landlocked.

Attached are documents/deeds

Please let me know if more info is needed!

Best Wishes,

Raquel!

From: David Petersen <David.Petersen@pima.gov>
To: Raquel Baranow <webmaster@666ismoney.com>
Cc: Thomas Drzazgowski <Thomas.Drzazgowski@pima.gov>
Sent: Thursday, April 26, 2018 4:58 PM
Subject: RE: Certification that a substandard size lot in RH zone is grandfathered

The way we certify nonconformance is by way of recorded deed as stated in the code. If there was a deed recorded that caused a split of a parcel from which the subject property was a part, then that recorded document should be provided. I trust you are correct in your assertion, but the evidence needs to be provided if you want certification from staff. The legal description at the time of recording should match the current legal description, meaning it's the same size then as now. The parcel can be sold without certification, but I understand your desire to assure would-be purchasers.

From: Raquel Baranow [<mailto:webmaster@666ismoney.com>]
Sent: Thursday, April 26, 2018 3:15 PM
To: David Petersen <David.Petersen@pima.gov>
Subject: Re: Certification that a substandard size lot in RH zone is grandfathered

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Hi Mr Peterson,

Thanks for your reply.

The Assessor's notes on this parcel say it was "lost in 1983 when the original parcel was split" thus forming a separate parcel and was assigned a parcel number.

I don't understand why a deed is necessary showing this parcel's size. This parcel was created before 1985 and seems to fit the criteria of the Code exceptions cited below: **18.13.060**

It existed as a separate parcel prior to the zoning change. The owner could have sold it before 1985 by using the parcel number or legal description. Why should their option to sell change after 1985?

Best Wishes,

RAQUEL!

On Thursday, April 26, 2018, 10:14 AM, David Petersen <David.Petersen@pima.gov> wrote:

Hello Ms. Baranow,

The Assessor's Office Parcel Inquiry shows the parcel as 4.01 acres . In order to establish legal nonconformance for an under-sized RH parcel, please submit a deed recorded prior to November 5, 1985 showing the parcel at its current size. Below is the specific RH zone code for this purpose.

If you have questions, please contact me.

Thank you,

David Petersen, AICP
Senior Planner
Planning Division
Pima County Development Services Department
[\(520\) 724-9000](tel:(520)724-9000)

- **18.13.060 - Exceptions.**

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A.

Nonconforming parcels:

1.

Parcels of less than one hundred eighty thousand square feet, recorded prior to the adoption of this chapter (November 5, 1985) which conformed to Pima County minimum lot size requirements at the date of recording, shall be treated as if they contained an area of one hundred eighty thousand square feet.

2.

A parcel of less than one hundred eighty thousand square feet, recorded prior to December 1, 1985, which would have conformed to Pima County minimum lot size requirements but for the adoption of Ordinance [1985-187](#), shall be treated as if it contained an area of one hundred eighty thousand square feet provided that the transaction creating the parcel was in escrow prior to November 5, 1985, or is evidenced by a binding contract entered into prior to November 5, 1985.

B.

Nonconforming uses and buildings: In accordance with Section 18.01.030D (General Provisions).

Hello,

I own a really nice vacant lot adjacent to the Cienega Preserve in the RH zone but it is substandard size. Legal description is 4.01 acres but that is obviously not true. Pima County GIS map says it's 2.74-acres. It's parcel 306-09-001R

All these years I owned it, I thought it was NOT grandfathered in but this year the Assessor doubled the FCV to \$40k so I looked a little deeper and paid a title company for title research. I'm pretty sure this parcel is grandfathered in to RH zoning because it was created before 1985.

Note that parcel 306-09-001E is one-acre, grandfathered in.

I'm thinking of selling this lot and it would be much easier if I could guarantee that it is grandfathered. How can I get this certification?

Please see the attached PDF documents and advise what I should do?

Best Wishes,

Raquel Baranow
[882-7769](tel:882-7769)

Attachments

- 001R LOST PCL CREATE.pdf (37.97KB)
- 09001R.tif (410.52KB)