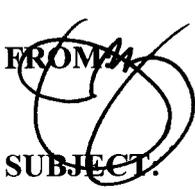


SUMMARY OF AGENDA ITEM

DATE: March 19, 2007
TO: Mayor and Council
FROM:  Jerry Owen
Community Development Director
SUBJECT: 509 W. Locust Road – CUP-156-07A
Appeal of CUP-156-07

PURPOSE:

An appeal of the Planning & Zoning Commission decision approving a conditional use permit (CUP-156-06) allowing guest quarters with cooking facilities in a R1-10-MH zoning district at 509 W. Locust Road.

SUMMARY:

James Keith, the applicant of the conditional use permit, requested the allowance of guest quarters with kitchen facilities at his residence, 509 W. Locust Rd., to allow his elderly parents to live with him. If the CUP were to be allowed, Mr. Keith would have to convert an existing detached garage into living quarters. Mr. Keith met all Town requirements for this request.

CUP-156-07 was originally heard by the Planning and Zoning Commission on January 8, 2007, at which time the Commission tabled it and directed the applicant, Mr. Keith, to work with the neighbors to address concerns raised at the hearing.

The Planning & Zoning Commission approved the CUP listed above at a public hearing on February 12, 2007 on a 7-0 vote with four conditions as attached. Linda Reyes, a neighbor, has submitted an application (CUP-156-06A), a letter and information as an appeal to the Town Council of that decision.

APR 05 2007 F.L

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION or
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- | | |
|--|--|
| <input type="checkbox"/> Abandonment Request | <input type="checkbox"/> General Plan or Land Use Plan Amendment |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Minor Land Division |
| <input type="checkbox"/> Code Amendment | <input checked="" type="checkbox"/> P & Z Commission Appeals |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Subdivision Plat |
| <input type="checkbox"/> Development Master Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Zone Change |

Project Address: 509 W. LOCUST RD Tax Parcel Number: N
 Subdivision: NA Lot Number: NA
 Name of Applicant(s): Lynda Reyes Phone #: 472-7613
 Mailing Address: 515 W Locust Rd Town: PAYSON St: AZ Zip: 85541
 Name of Property Owner(s): JAMES Keith
 Mailing Address: _____ Town: _____ St: _____ Zip: _____
 Contact Person: Lynda Reyes Phone #: 928-472-4613 Fax #: N/A
 Payson Business License # NA Sales Tax # NA
 Detailed Description of Request: P+Z Commission decision reversed for CUP to allow guest & waiters w/ cooking facilities

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent on the owners behalf.

LYNDA REYES
Print Name

Lynda Reyes
Signature

3-6-07
Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: \$ <u>125.⁰⁰</u> <u>7d SLD</u> CHECK NUMBER: #1143 DATE: <u>3/6/05</u>
DATE FILED	<u>3-6-07</u>	<u>SLD</u>	
COMPLETED APPLICATION	<u>3-6-07</u>	<u>(RE)</u>	
NEWSPAPER PUBLICATION	<u>3-20-07</u>	<u>(RE)</u>	
300' NOTIFICATION MAILOUT	<u>3-19-07</u>	<u>(RE)</u>	
POSTING DATE	<u>3-19-07</u>	<u>(RE)</u>	

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____

March 5th, 2007

Re: Appeal of Approval of Conditional
Use Permit file by James Keith
CUP-156-06

To Whom This May Concern:

On January 8th, 2007 a hearing was held with regards to the above mentioned Conditional Use Permit filed by James Keith. At that time a Petition was presented with 9 signatures of residents who opposed the approval of the Conditional Use Permit. A question was presented regarding the permits, or lack of them, on the garage Mr. Keith wanted to convert to a guest quarters with cooking facilities. Barbara Underwood made a motion to reschedule the hearing to February 12th, 2007 to give time for planning and zoning to research the permits, or lack of permits, on the garage.

On February 9th, 2007, 2 additional letters from residents living in the area of 509 W. Locust were presented to the Planning and Zoning Department opposing the approval of the Conditional Use Permit. This made a total of 11 local residents opposing CUP-156-06. All the signatures, representing the voices of the residents, are stating we want to maintain our neighborhood as it is today, a single family residence zoning with no multiple family structures on properties located on Locust Road. We felt with the strength of the opposition the Planning and Zoning Department would not approve the CUP.

Usually Hearings are held during the daytime hours, making it difficult if not impossible for those residents working an 8AM-5PM job to attend the hearings. This was the situation we faced but believed the Petition and letters presented would represent our voices, even if we were not at the hearing in person.

The hearings were reviewed on the Town of Payson's web site. During the second hearing on February 12th, 2007 Barbara Underwood asked Mr. Keith if there were any covenants, conditions and restrictions (AKA CC&Rs) for this area. Mr. Keith replied "No". His answer came as a surprise. CC&Rs were formed and signed on December 1st, 1982 becoming effective on August 26th, 1982. A copy is enclosed with this letter for your review. It is the best copy available as it was microfilmed years ago. The Reyes' as well as other homeowner's received a copy of the CC&Rs when they purchased their property. It is believed Mr. Keith's home falls within the legal description of property in the CC&Rs and effects what Mr. Keith's can do with his home and property.

Paragraph 2 of the CC&Rs state “Any and all residences built upon any portion of the subject property shall be single family residences and no multiple family structures shall be built, erected, maintained or permitted to remain”.

Paragraph 4 states “The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 1,200 square feet in the case of a one-story structures, no less than 1,000 square feet in the case of a one and one half, two or two and one half story structures.”

Paragraph 6 states “The covenants, agreements, conditions, restrictions and terms thereof hereby created and established herein may be waived, terminated or modified as to the whole of the subject property of any portion thereof only with the written consent of the owners of record of 75% of the subject property herein encumbered,by area. No such waiver, termination or modification shall be effective until the proper instrument in writing shall be duly executed and recorded in the Office of the Recorder of Gila County, Gila County, Arizona.”

Paragraph 9 states “It is expressly understood and agreed that each and every one of the covenants, conditions and restrictions herein shall attach to and run in, with, and under the land, the subject real property, and it shall be lawful not only for the undersigned, their heirs and assigns, but also for the owner or owners of any parcel or the whole thereof of the subject property, to institute and prosecute any proceedings at law or in equity against any person or persons whomsoever who may violate or threaten to violate any or all of the said covenants, conditions or restrictions.

Paragraph 10 (in part) states “Any successors in intern(?), heirs, executors, administrator, or assigns shall be deemed participants (?) in the same effect as the original signers.

Paragraph 11 in part states “Any party, their heirs or other successors in interest may prosecute, petition, or maintain an action to enforce these covenants, conditions and restrictions, at law or in equity, violations of use or for any conveyance of any type which is in violation of these covenants, conditions and restrictions.

The CC&Rs were a deciding factor for many of us purchasing our homes in this area. The CC&Rs gave reassurance that our area would not change from what it is. It reassured us that a homeowner could not build or erect a structure that would decrease the value of our properties, would not allow friends and/or relatives to live in a travel trailer or motor home on a homeowner’s property, does not allow mobile homes or manufactured homes on these properties. These are just a few items of importance mentioned in the CC&Rs.

It is our opinion that the Planning and Zoning Department was not aware of the CC&Rs before the decision to approve the Conditional Use Permit filed for by James Keith was made.

We all face times when it becomes necessary to help family members. We are certainly not opposed to Mr. Keith helping his parents. We are opposed to him converting his garage into a guest quarters with cooking facilities to do so.

We feel Mr. Keith has not explored the possibility of constructing an addition to his existing home to accommodate his parents needs. Mr. Keith stated that his property slopes upward and he feels this would prevent him from adding an addition to his home. We feel an addition to his home can be accomplished. It may require excavating some of their land and possibly a variance to the required property set backs. The land where his home is built was excavated to allow for the original building of the home. This is evidenced by the fact that the kitchen window is (or was when the Keith's purchased the home) at level with the ground.

Mr. Keith stated his parents would not want to climb stairs if in fact an addition to his home meant a second story addition was made. The home has 2 bedrooms on the ground level. It is our suggestion that Mr. Keith's parents could occupy the bedroom(s) on the ground level of the existing home. This would elevate his parents climbing stairs. It is our suggestion that the Keith's son could occupy the new addition.

We have nothing against Mr. and Mrs. Keith, his parents or his son. We understand that he wants to help his parents but we feel it is not necessary to convert the garage into a guest quarters to accomplish this.

Before the Keith's closed escrow on the purchase of their home last August, Mrs. Keith stated her in-laws would be living with them. It was assumed the in-laws would be living in the home with them. We did not know their intent was to convert the garage into a guest quarters with cooking facilities for Mr. Keith's parents to live in.

Mr. Keith is a professional Realtor in Payson. One might think he would be familiar with properties in Payson and surrounding areas that have guest quarters already established. This has us wondering why he didn't purchase a home with an existing guest quarters for his parents to live in, if the intent was to have his parents live near him but in a separate quarters.

We urge you to revoke the approved Conditional Use Permit filed for by James Keith and approved by the Planning and Zoning Department on February 12th, 2007. We feel Mr. Keith should explore avenues to construct an addition to his existing home if additional living space is required to accommodate his parents needs. Constructing an addition to his home will keep our neighborhood as it is today, with no multiple family structures.

Thank you for your time and consideration regarding this matter.

Sincerely,

Homeowners on Locust Rd who have signed letters and petition previously presented.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

We, the undersigned owners of certain real property in Gila County, Arizona, legally described as:

See Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full

for the purpose of maintaining fair and adequate property values in the subject real property and of continuing the subject real property as a desirable residential part of the Town of Payson, Gila County, Arizona, in consideration of our mutual interests as owners of real estate in the subject real property, do hereby covenant, contract and agree with one another that not any one of us, his or her heirs, executors, administrators, personal representatives or assigns shall ever do or permit to be done any thing, act or occurrence in violation of the following covenants, conditions and restrictions:

1. No trailer house, mobile home or motor home shall ever be permitted upon the subject premises, except, that after a primary residence has been built, a travel trailer, motor home or recreational vehicle may be parked upon the subject property, if, and only if, such parking is for the convenience of the landowner's own such travel trailer, motor home or recreational vehicle and not for any type of occupancy, whether or not such travel trailer, motor home or recreational vehicle is hooked to utilities or septic or is self-contained.

2. Any and all residences built upon any portion of the subject property shall be single family residences and no multiple family structures shall be built, erected, maintained or permitted to remain.
3. No business, commercial or industrial use of the subject property shall be permitted.
4. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 1,200 square feet in the case of a one-story structure, nor less than 1,000 square feet in the case of a one and one-half, two or two and one-half story structure.
5. No rubbish, trash or garbage, or other waste material shall be kept or permitted on any portion of the subject real property except in sanitary containers.
6. The covenants, agreements, conditions, restrictions and terms thereof hereby created and established herein may be waived, terminated or modified as to the whole of the subject property or any portion thereof only with the written consent of the owners of record of 75% of the subject property herein encumbered, by area. No such waiver, termination or modification shall be effective until the proper instrument in writing shall be duly executed and recorded in the Office of the Recorder of Gila County, Gila County, Arizona.
7. Should any mortgage, deed of trust or agreement for sale be foreclosed or forfeited on or upon any or all of the subject

real property, then the title acquired by such foreclosure or forfeiture, and the person or persons who thereupon and thereafter become the owner or owners of such property, shall be subject to and bound by all the covenants, conditions and restrictions herein, as presently enumerated and as they may be afterwards modified.

8. All and each of the above covenants, conditions and restrictions herein created shall terminate and end and be of no further effect, whether legal or equitable, and shall not be enforceable on or after July 4, 2025.
9. It is expressly understood and agreed that each and every one of the covenants, conditions and restrictions herein shall attach to and run in, with, and under the land, the subject real property, and it shall be lawful not only for the undersigned, their heirs and assigns, but also for the owner or owners of any parcel or the whole thereof the subject property, to institute and prosecute any proceedings at law or in equity against any person or persons whomsoever who may violate or threaten to violate any or all of the said covenants, conditions or restrictions.
10. Any deed, lease, conveyance or contract made in violation of these covenants, conditions and restrictions shall be void and of no effect and may be set aside on petition of any one or more of the parties hereto, and any successors in inter-

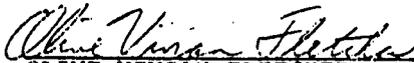
est, heirs, executors, administrators or assigns shall be deemed parties to the same effect as the original signers.

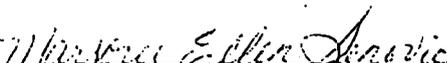
11. Any party, their heirs or other successors in interest may prosecute, petition or maintain an action to enforce these covenants, conditions and restrictions, at law or in equity, for violations of use or for any conveyance of any type which is in violation of these covenants, conditions and restrictions. When such conveyance or other instrument is set aside by decree of a Court of competent jurisdiction or when such use is judicially declared to be in violation of these covenants, conditions and restrictions by decree of a Court of competent jurisdiction, all costs and all expenses of such proceedings, together with a reasonable attorney's fees as determined by said Court, shall be taxed against the offending party or parties and shall be declared by the Court to constitute a lien upon and against the real estate so wrongfully used, deeded, leased, sold or conveyed, the same to bear 12% interest until paid, plus any after-accruing costs, and such lien may be enforced in such a manner as the Court may order, including all remedies available to any judgment creditors.
12. No landowner shall maintain, erect or cause to be maintained or erected upon any portion or the whole thereof of the property described in Exhibit A, expressly including the roadway easements lying within the boundaries of said Exhibit

A, any above-ground utilities, power and telephone poles, above-ground power transmission lines, above-ground telephone lines, or any other above-ground lines or poles. All utility services shall be underground, in order to preserve the aesthetical values of the property, to prevent and/or reduce dangers and hazards from above-ground lines and poles, and to reduce problems of maintenance and service of such utility lines and services, which problems are increased when such lines and services are above-ground, exposed to the elements and more susceptible to tampering, mischief and accident, including accidental death from electrocution

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 1st day of December, 1982. Effective date August 26, 1982, per Decree of Court.


CHARLES ELMO FLETCHER II


OLIVE VIVIAN FLETCHER


MARJORIE ELLEN SENOVIC
 (formerly known as Marjorie
 Ellen Groenwold)

STATE OF ARIZONA)
) SS.
County of Gila)

SUBSCRIBED AND SWORN to before me this 27th day of December, 1982 by CHARLES ELMO FLETCHER II, OLIVE VIVIAN FLETCHER and MARJORIE ELLEN JENOVIC (formerly known as Marjorie Ellen Groenvold).



[Handwritten Signature]
Notary Public

S P A L

My Commission Expires:

EXHIBIT "A"
LEGAL DESCRIPTION

DEKEL 580 PAGE 493

PARCEL I:

That part of the Northeast quarter of the Southeast quarter of Section Thirty-three (33), Township Eleven (11) North, Range Ten (10) East, Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of said Northeast quarter, Southeast quarter, 420.59 feet;

THENCE South $0^{\circ} 3' 37''$ West, 258.41 feet;

THENCE South $89^{\circ} 52' 39''$ West, 420.59 feet to a point on the West line of the Northeast quarter of the Southeast quarter of Section 33;

THENCE North $0^{\circ} 03' 37''$ East, along said West line of the Northeast quarter of the Southeast quarter to the point of beginning.

RESERVING UNTO THE GRANTOR an easement for ingress, egress, and public service and public utilities over the South thirty (30) feet of the East 235.29 feet of the above described parcel.

TOGETHER with an easement for ingress and egress over the South thirty (30) feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of said Northeast quarter of the Southeast quarter, 420.59 feet to the True Point of Beginning.

THENCE, continuing North $89^{\circ} 52' 39''$ East, 510.39 feet;

THENCE South $8^{\circ} 54' 00''$ West, 176.61 feet to the beginning of a curve to the right with a radius of 642.04 feet and a Delta of $12^{\circ} 26' 40''$;

THENCE Southwesterly along the arc of said curve 85.25 feet;

THENCE South $89^{\circ} 52' 39''$ West, 464.60 feet;

THENCE North $0^{\circ} 03' 37''$ East, 258.41 feet to the TRUE POINT OF BEGINNING

EXHIBIT "A"
LEGAL DESCRIPTION
continued...

BOOK 580 PAGE 494

AND TOGETHER with an easement for ingress and egress over the North thirty (30) feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of the said Northeast quarter of the Southeast quarter, 420.59 feet;

THENCE South $0^{\circ} 03' 37''$ West, 258.41 feet to the True Point of Beginning;

THENCE continuing South $0^{\circ} 03' 37''$ West, 336.12 feet;

THENCE North $89^{\circ} 52' 39''$ East, 335.61 feet;

THENCE North $21^{\circ} 20' 40''$ East, 307.13 feet to the beginning of a curve to the left with a radius of 642.04 feet and a Delta of $12^{\circ} 26' 40''$;

THENCE Northeasterly along the arc of said curve 54.20 feet;

THENCE South $89^{\circ} 52' 39''$ West, 464.60 feet to the TRUE POINT OF BEGINNING

LEGAL DESCRIPTION
continued...

PARCEL II:

That part of the Northeast quarter of the Southeast quarter of Section Thirty-three (33), Township Eleven (11) North, Range Ten (10) East, Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of said Northeast quarter, Southeast quarter, 420.59 feet;

THENCE South $0^{\circ} 03' 37''$ West, 258.41 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South $0^{\circ} 03' 37''$ West, 336.12 feet;

THENCE South $89^{\circ} 52' 39''$ West, 210.29 feet.

THENCE North $0^{\circ} 03' 37''$ East, 336.12 feet;

THENCE North $89^{\circ} 52' 39''$ East, 210.29 feet to the TRUE POINT OF BEGINNING.

RESERVING UNTO THE GRANOR an easement for ingress, egress and public service and public utilities over the North thirty (30) feet of the within described property.

TOGETHER with an easement for ingress and egress over the South thirty (30) feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of said Northeast quarter of the Southeast quarter, 420.59 feet to the True Point of Beginning.

THENCE, continuing North $89^{\circ} 52' 39''$ East, 510.39 feet;

THENCE South $8^{\circ} 54' 00''$ West, 176.61 feet to the beginning of a curve to the right with a radius of 642.74 feet and a Delta of $12^{\circ} 26' 40''$;

THENCE Southwesterly along the arc of said curve 85.25 feet;

THENCE South $89^{\circ} 52' 39''$ West, 464.60 feet;

THENCE North $0^{\circ} 03' 37''$ East, 258.41 feet to the TRUE POINT OF BEGINNING

EXHIBIT "A"
LEGAL DESCRIPTION
continued...

BOOK 580 PAGE 496

AND TOGETHER with an easement for ingress and egress over the North thirty (30) feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of the said Northeast quarter of the Southeast quarter, 426.59 feet;

THENCE South $0^{\circ} 03' 37''$ West, 258.41 feet to the True Point of Beginning;

THENCE continuing South $0^{\circ} 03' 37''$ West, 336.12 feet;

THENCE North $89^{\circ} 52' 39''$ East, 335.61 feet;

THENCE North $21^{\circ} 20' 40''$ East, 307.13 feet to the beginning of a curve to the left with a radius of 642.04 feet and a Delta of $12^{\circ} 26' 40''$;

THENCE Northeasterly along the arc of said curve 54.20 feet;

THENCE South $89^{\circ} 52' 39''$ West, 464.60 feet to the TRUE POINT OF BEGINNING

LEGAL DESCRIPTION
continued...

BOOK 580 PAGE 497

PARCEL III:

That part of the Northeast quarter of the Southeast quarter of Section Thirty-three (33), Township Eleven (11) North, Range Ten (10) East, Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE South $0^{\circ} 03' 37''$ West, along the West line of the Northeast quarter of the Southeast quarter, 258.41 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South $0^{\circ} 03' 37''$ West, 336.12 feet;

THENCE North $89^{\circ} 52' 39''$ East, 210.30 feet;

THENCE North $0^{\circ} 03' 37''$ East, 336.12 feet;

THENCE South $89^{\circ} 52' 39''$ West, 210.30 feet to the TRUE POINT OF BEGINNING;

RESERVING UNTO THE GRANTOR an easement for ingress, egress and public service and public utilities over the East twenty-five (25) feet of the North thirty (30) feet of the above described parcel.

TOGETHER with an easement for ingress, and egress over the South thirty (30) feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North $89^{\circ} 52' 39''$ East, along the North line of said Northeast quarter of the Southeast quarter, 420.59 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North $89^{\circ} 52' 39''$ East, 510.39 feet;

THENCE South $8^{\circ} 54' 00''$ West, 176.61 feet to the beginning of a curve to the right with a radius of 642.04 feet and a Delta of $12^{\circ} 26' 40''$;

THENCE Southwesterly along the arc of said curve 85.25 feet;

THENCE South $89^{\circ} 52' 39''$ West, 464.60 feet;

THENCE North $0^{\circ} 03' 37''$ East, 258.41 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "A"
LEGAL DESCRIPTION
continued...

BOOK 580 PAGE 498

AND TOGETHER with an easement for ingress and egress over the North thirty (30) feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;

THENCE North 89° 52' 39" East, along the North line of the said Northeast quarter of the Southeast quarter, 420.59 feet;

THENCE South 0° 03' 37" West, 258.41 feet to the True Point of Beginning;

THENCE continuing South 0° 03' 37" West, 336.12 feet;

THENCE North 89° 52' 39" East, 335.51 feet;

THENCE North 21° 20' 40" East, 307.13 feet to the beginning of a curve to the left with a radius of 642.04 feet and a Delta of 12° 26' 40";

THENCE Northeasterly along the arc of said curve 54.20 feet;

THENCE South 89° 52' 39" West, 464.60 feet to the TRUE POINT OF BEGINNING

#1208
3:25
C

492179

STATE OF ARIZONA, County of Gila, ss:

I do hereby certify that the within instrument was filed and recorded at request of

First American Title Insurance Agency of Gila

Date Feb. 15, 1983 Time 3:25 P. M., Doc. No. 580

Official Records Page 3 487 - 498

Records of Gila County, Arizona

WITNESS my hand and official seal the day and year first above written.

INDEXED

MARY V. DE PAOLI, County Recorder

By *Kathryn A. Elcomby* Deputy

PAGED

Return to First American

QUIT-CLAIM DEED

For the consideration of Ten Dollars, and other valuable consideration, I,

SAMUEL I. STREICHMAN, a married man, dealing with my sole and separate property, GRANTOR, hereby quit-claim to

OLIVE V. FLETCHER, a married woman, dealing with her sole and separate property, GRANTEE, all right, title or interest in the following real property situated in Gila County, Arizona:

SEE ATTACHED LEGAL DESCRIPTION

EXEMPT from the Affidavit of Value Requirements by virtue of A.R.S. §42-1614-A-5.

Effective date August 26, 1982, per Decree of Court.

Dated this 27th day of September, 1982.


SAMUEL I. STREICHMAN

STATE OF ARIZONA)
County of Gila) ss.

This instrument was acknowledged before me
this 27th day of September, 1982 by
OLIVE V. FLETCHER

LEGAL DESCRIPTION

THAT part of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Thirty-Three (33), Township Eleven (11) North, Range Ten (10) East, Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section 33;

THENCE, North $89^{\circ}52'39''$ East, along the North line of said Northeast Quarter ($\frac{1}{4}$), Southeast Quarter ($\frac{1}{4}$), 420.59 feet;

THENCE, South $0^{\circ}03'37''$ West, 258.41 feet to the TRUE POINT OF BEGINNING;

THENCE, continuing South $0^{\circ}03'37''$ West, 336.12 feet;

THENCE, South $89^{\circ}52'39''$ West, 210.29 feet;

THENCE, North $0^{\circ}03'37''$ East, 336.12 feet;

THENCE, North $89^{\circ}52'39''$ East, 210.29 feet to the True Point of Beginning.

RESERVING UNTO THE GRANTOR an easement for ingress, egress and public services and public utilities over the North thirty (30) feet of the within described property.

HEREBY CREATING an easement for ingress, egress and public services and public and private utilities over the West twenty-five (25) feet of the North 236.12 feet of the withinabove described property.

AND TOGETHER with an easement for ingress and egress over the North thirty (30) feet of that part of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section 33, Township 11 North, Range 10 East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section 33;

THENCE, North $89^{\circ}52'39''$ East, along the North line of the said Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$), 420.59 feet;

THENCE, South $0^{\circ}03'37''$ West, 258.41 feet to the TRUE POINT OF BEGINNING;

THENCE, continuing South $0^{\circ}03'37''$ West, 336.12 feet;

THENCE, North $89^{\circ}52'39''$ East, 335.61 feet;

THENCE, North $21^{\circ}20'40''$ East, 307.13 feet to the beginning of a curve to the left with a radius of 642.04 feet and a Delta of $12^{\circ}25'40''$;

THENCE, Northeasterly along the arc of said curve, 54.20 feet;

THENCE, South $89^{\circ}52'39''$ West, 464.60 feet to the True Point of Beginning.

TOGETHER with an easement for ingress and egress over the South thirty (30) feet of that part of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section 33, Township 11 North, Range 10

East, Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast Quarter (1/4) of Southeast Quarter (1/4) of said Section 33;

THENCE, North 89°52'39" East, along the North line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4), 420.59 feet to the TRUE POINT OF BEGINNING;

THENCE, continuing North 89°52'39" East, 510.39 feet;

THENCE, South 8°54'00" West, 176.61 feet to the beginning of a curve to the right with a radius of 642.04 feet and a Delta of 12°26'40";

THENCE, Southwesterly along the arc of said curve, 85.25 feet;

THENCE, South 89°52'39" West, 464.60 feet;

THENCE, North 0°03'37" East, 258.41 feet to the True Point of Beginning.

FURTHER, TOGETHER WITH an undivided 2/7 interest in the well, pump and equipment located on the following described property, which interest also includes rights of use of water lines lying in the easements of record, and, further, which interest is subject to an undivided 2/7 liability for costs, maintenance and capital outlay expense for the said well, as more particularly described in that certain Cooperative Well Agreement of December 1, 1982, which is on record in the Recorder's Office, Gila County, Arizona:

THAT part of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty-Three (33), Township Eleven (11) North, Range Ten (10) East, Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section 33;

THENCE, South 0°03'37" West, 258.41 feet;

THENCE, North 89°52'39" East, 160.30 feet to the TRUE POINT OF BEGINNING;

THENCE, continuing North 89°52'39" East, 25.0 feet;

THENCE, North 0°03'37" East, 25.0 feet;

THENCE, South 89°52'39" West, 25.0 feet;

THENCE, South 0°03'37" West, 25.0 feet to the True Point of Beginning, AND TERMINOUS.

492186

STATE OF ARIZONA, County of Gila, ss:
I do hereby certify that the within instrument was filed and recorded at request of First American Title Insurance Agency of Gila
Date Feb. 15, 1983 Time 3:25 P. M., Docket 580 Official Records Page 9 529 - 531
Records of Gila County, Arizona.
WITNESS my hand and official seal the day and year first above written.

MARY V. DE PAOLI, County Recorder

INDEXED

By Kathryn A. Cloutier Deputy.



Gila County, AZ

JTD

2006-017543

Page: 2 of 2
10/13/2006 10:34A
13.00

Exhibit A

PARCEL NO. 1

That part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;
THENCE North $89^{\circ}52'39''$ East, along the North line of said Northeast quarter of the Southeast quarter, 420.59 feet;
THENCE South $00^{\circ}03'37''$ West, 258.41 feet to the **TRUE POINT OF BEGINNING**;
THENCE continuing South $00^{\circ}03'37''$ West, 136.12 feet;
THENCE South $89^{\circ}52'39''$ West, 210.29 feet;
THENCE North $00^{\circ}03'37''$ East, 136.12 feet;
THENCE North $89^{\circ}52'39''$ East, 210.29 feet to the **TRUE POINT OF BEGINNING**.

EXCEPT the West 25 feet and the North 25 feet thereof.

PARCEL NO. 2

An easement for ingress and egress as created in instrument recorded in Docket 447, Page 399, records of Gila County, Arizona, over the South 30 feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;
THENCE North $89^{\circ}52'39''$ East, along the North line of said Northeast quarter of the Southeast quarter, 420.59 feet to the **TRUE POINT OF BEGINNING**;
THENCE continuing North $89^{\circ}52'39''$ East, 510.39 feet;
THENCE South $08^{\circ}54'00''$ West, 176.61 feet to the beginning of a curve to the right with a radius of 642.04 feet and a delta of $12^{\circ}26'40''$;
THENCE Southwesterly, along the arc of said curve, 85.25 feet;
THENCE South $89^{\circ}52'39''$ West, 464.60 feet;
THENCE North $00^{\circ}03'37''$ East, 258.41 feet to the **TRUE POINT OF BEGINNING**.

PARCEL NO. 3

An easement for ingress and egress as created in instrument recorded in Docket 447, Page 404, records of Gila County, Arizona, over the North 30 feet of that part of the Northeast quarter of the Southeast quarter of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 33;
THENCE North $89^{\circ}52'39''$ East, along the North line of said Northeast quarter of the Southeast quarter, 420.59 feet;
THENCE South $00^{\circ}03'37''$ West, 258.41 feet to the **TRUE POINT OF BEGINNING**;
THENCE continuing South $00^{\circ}03'37''$ West, 336.12 feet;
THENCE North $89^{\circ}52'39''$ East, 335.61 feet;
THENCE North $21^{\circ}20'40''$ East, 307.13 feet to the beginning of a curve to the left with a radius of 642.04 feet and a delta of $12^{\circ}26'40''$;
THENCE Northeasterly, along the arc of said curve, 54.20 feet;
THENCE South $89^{\circ}52'39''$ West, 464.60 feet to the **TRUE POINT OF BEGINNING**.

PLANNING & COMMISSION
DECISION

February 12, 2007

CUP-156-06

Jere Jarrell moved, seconded by Russell Goddard, to approve the granting of a CUP. The motion was **amended** to include the conditions as read by staff.

Motion carried 7-0.

Conditions for CUP-156-06 (509 West Locust Road)

1. That the proposed guest quarters shall be used for members of the family, servants or non-paying guests only and shall not be utilized for lease or renting.
2. That the proposed guest quarters use shall be connected to the Northern Gila County Sanitary District prior to issuance of a Certificate of Occupancy.
3. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as this property is used for a single family residence with a detached, guest quarters use, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process.
4. Failure to comply with conditions one (1) thru three (3) above shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department, with a 24 hour notification to the property owner, a zoning inspection shall be allowed at the guest quarters. If violations of the conditions of this CUP persist, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator.

STAFF REPORT

PLANNING & ZONING COMMISSION
MEETING

February 12, 2007



COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF PAYSON

303 N. BEELINE HIGHWAY
PAYSON, ARIZONA 85541-4306

PHONE: (928) 474-5242 X. 263 • FAX: (928) 472-7490 • TDD: (928) 472-6449

March 7, 2007

James Keith
509 West Locust Road
Payson, AZ 85541

Re: CUP-156-06, Conditional Use Permit – 509 West Locust Road

Dear Mr. Keith,

This letter serves to inform you that an Appeal of the Planning and Zoning Commission's decision to approve your application for Conditional Use Permit CUP-156-06, on February 12, 2007, has been filed. This appeal has been scheduled for Town Council consideration on April 5, 2007.

If you have any questions please feel free to contact me at your convenience.

Respectfully,

Ray Erlandsen
Zoning Administrator

* AS MAILED
3-7-07 (R)



Planning and Zoning Commission Report

February 12, 2007

CASE NUMBER: CUP-156-06

SUBJECT: 509 W. Locust Road
Proposed Detached Guest Quarters Use with Cooking Facilities

- * **This item was tabled at the January 8, 2007, P & Z Commission Meeting.**
- * Commission directed the applicant to work with neighbors to address concerns brought up during the first application for approval.
- * A report from the applicant outlining subsequent meetings is attached for review.
- * The structure was inspected by the Town of Payson Building Department subsequent to the January 8, 2007 Planning and Zoning Commission Meeting. The structure could meet all applicable requirements for conversion.
- * The Unified Development Code contains the following definition for Guest Quarters:

Guest Quarters- A habitable structure, attached or detached, used by members of the family occupying the main dwelling and their nonpaying guests or servants.

RECEIVED

JAN 31 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Date: January 31, 2007

To: Town of Payson
Planning and Zoning Commission

From: Jim Keith

RE: CUP 156-06 Guest Quarters

Dear Commissioners,

After the recent hearing on January 8th, 2007 regarding the Conditional Use Permit request at 509 W. Locust Rd. Payson, AZ you requested me to contact my neighbors in opposition to this matter to find out what they were thinking.

As of January 31, 2007 the following comments are a summary of my conversations with them:

January 8th, 2007: I spoke with Bill Ewan at 505 W. Locust Rd. I read him the terms and conditions of the CUP. He was under the impression that this project would result in a new rental home. He also believed that the guest quarters meant only part time. I explained my motives and how the CUP would work. He had no further comments.

January 8th, 2007: I spoke with Barry Smith at 506 W. Locust Rd. I read him the terms of the CUP. He was not aware that it could not be a rental. He also said he did not want anymore density in this neighborhood. Please refer to the opposition letter and the sentence about how it is ok for my parents to live here with me??

January 30th, 2007: I spoke with Frank Rekart at 507 W. Locust Rd. His home is located adjacent to my property on the east side. I explained the terms of the CUP to him and he was sure even with those terms that it would become a rental when I sold it. I explained how any new owners would be subject to the terms and conditions of the CUP with an enforceable clause. He seemed indifferent and wanted a copy of the Town Code explaining the definition of what guest quarters means.

January 30th, 2007: I spoke to Wandel (Bill) Graham at 1000 N. Mclane. I explained to him the terms of the CUP. He understood it was going to be a rental or could be. I explained it would run concurrent with the land and would be enforceable on any new owners. He said he had to help his elderly parents in a similar way also .He told me to put an *A* besides his name on the petition for his approval. His home is located on the north corner of Mclane and Locust Rd.

January 31st, 2007: I spoke to Frank and Sally Glemba at 510 W. Locust Rd. After explaining the CUP in detail they were very much in *favor* of the request. They were under the impression that I was putting up a new building and that zoning in the area would not allow it. They also did not want a rental unit there also.

There are 3 other neighbors I will continue to try to contact about this matter.

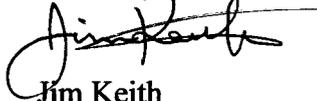
Since the hearing on January 8th, 2007 I have found out some additional information that may influence your decision making process. Bernie the town building inspector came out to inspect the subject garage. After he inspected my home site and the garage he was very pleased with the quality of workmanship that had been done here. A few minor details came up about GFCI outlets . No other major concerns were noted.

Also after reviewing setbacks and dimensions of my home site the ability to split this property has been established. I do not intend to split this property but it could be an option. I also received a letter to this effect from the Gila County Sanitary District. (see attached) requesting an impact fee.

In conclusion I believe I have addressed most of the questions you had about this request and in light of the fact that approximately 95% of all the similar residential CUP permits requested have been approved by this board in the last seven years this request should be approved regardless of any opposition from misinformed neighbors.

Thank you for your consideration and your public service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Keith", with a long horizontal flourish extending to the right.

Jim Keith
509 W. Locust Rd.
Payson, AZ 85541



**COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF PAYSON
303 N. BEELINE HIGHWAY
PAYSON, ARIZONA 85541-4306**

PHONE: (520) 474-5242 X. 263 • FAX: (520) 472-7490 • TDD: (520) 472-6449

Address: 509 W. Locust

Issues:

Permit taken out 4/23/84 for a storage shed. Currently a large garage occupies the area. Garage has no permit. Requested by Jim Keith to conduct inspection.

Inspection performed 1/17/07

Multiple code issues exist, see Correction Notice this date.

The Town of Payson Building Department will issue permits for accurately described building to be remodeled on this site.

TOWN OF PAYSON
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION

Type of Inspection: Investigation

Address: 509 W. Locust

Date 1-17-07

CORRECTION NOTICE

PLEASE DO NOT REMOVE FROM JOB SITE

Permit No. N/A

- ① GFI Protection For Garage Receptacles
- ② Light in Attic not installed
- ③ Provide 6" clearance from Earth to wood
- ④ Neutral not hooked up for 220 outlet
- ⑤ Provide 5% slope away from house
- ⑥ Direct Access from Garage to a Bedroom is Prohibited
- ⑦ Arc Fault Required for Bedrooms
- ⑧ smoke Detectors Required in ALL sleeping Rooms
- ⑨ This project has has no permit
- ⑩ Double Fees ~~may~~ ^{MAY} Be Required
- ⑪ Dig 2' plus for Footings if a 2 story
- ⑫ Sleeping Room Proh. in Garage
- ⑬ Fire Rating
- ⑭ if intended to be Garage then Bedroom Goes Away
- ⑮ Double fee for Garage if staying Garage
- ⑯ Living Space w/o penalties

PLEASE MAKE THE ABOVE CORRECTIONS & CALL FOR RE-INSPECTION

INSPECTOR



PHONE (928) 474-5242 Ext. 263

Town of Payson
Planning and zoning Dept.
3037. Decline Hwy
Payson, Az 85544

Re: Public Hearing/Conditions Use Permit
Application C.U.P.-156-06
Filed by James Keith
509 W. Rowest, Payson Az.

RECEIVED

FEB 09 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

To Whom this may concern:

As property owners located at 503 W Rowest Rd, Payson Az, we
are strongly opposing the C.U.P. requested by James
Keith to convert his 3 garage into a guest quarters with
cooking facilities. Our zoning is that of a single family
residence, R-1-10 M.H.S. We bought our home in
this area of Payson because it is zoned for single family
residences and not multiple family residence zoning.

When I signed the petition I was aware of what
I was signing. We have a great backyard
and like our small neighborhood, if there
are no garages for trucks, cars etc, to house
them, this all flows outside and the way this
property is set up, there is a lot of visible
clutter.

We are not able to attend the hearing
but strongly urge the Town of Payson to deny
Mr Keith's request.

Sincerely
Cynthia Ward

RECEIVED

FEB 12 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

January 13, 2007

Town of Payson
Planning and Zoning Department
303 N. Beeline Hwy
Payson, AZ 85541

Re: Public Hearing/Conditional Use Permit
Application CUP-156-06
Filed by James Keith
509 W. Locust Payson, AZ

To Whom This May Concern:

I own property located at ⁵¹⁶~~312~~ W. Locust Rd. Payson, Arizona. I am opposing the Conditional Use Permit requested by James Keith to convert his 3 car garage into a guest quarters with cooking facilities. Our current zoning is that of Single Family Residence, R1-10 MH. I purchased my home in this area of Payson because it is zoned for single family residences and not multiple family residence zoning.

I may not be able to attend the upcoming hearing but this letter will represent my opposition and I strongly urge the Town of Payson to deny Mr. Keith's request for a Conditional Use Permit to convert his 3 car garage into a guest quarters with cooking facilities.

Sincerely,



Donald M. Pena

Payson, AZ 85541

516 W. Locust
Payson Ariz 85541

February 8th, 2007

Town of Payson
Planning and Zoning Department
303 N. Beeline Hwy
Payson, AZ 85541

Re: Public Hearing/Conditional Use Permit
Application CUP-156-06
Filed by James Keith
509 W. Locust Payson, AZ

To Whom This May Concern:

We own property located at 514 W. Locust Rd. Payson, Arizona. We are opposing the Conditional Use Permit requested by James Keith to convert his 3 car garage into a guest quarters with cooking facilities. Our current zoning is that of Single Family Residence, R1-10 MH. We purchased our home in this part of Payson because it is zoned for single family residences and not multiple family residence zoning.

Mr. and Mrs. Keith have many recreational vehicles, trailers, a golf cart, trampoline, boat, metal storage shed, and other personal property that sits in the back yard behind their garage. The garage doors are open most of the time exposing their personal belongings that are inside the garage. We find this very unsightly and wish the Keith's would clean up their back yard and close the garage doors so their contents are not visible to people driving down the road.

If we are not able to attend the upcoming hearing on February 12th, 2007 at 3:00 PM at the Town of Payson, this letter will represent our opposition. We strongly urge the Town of Payson to deny Mr. Keith's request for a Conditional Use Permit to convert his 3 car garage into a guest quarters with cooking facilities.

Sincerely,



James and Pat Ennis
514 W. Locust Rd
Payson, AZ 85541

RECEIVED

FEB 09 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

STAFF REPORT

**PLANNING & ZONING COMMISSION
MEETING**

January 8, 2007



COMMUNITY DEVELOPMENT DEPARTMENT

TOWN OF PAYSON

303 N. BEELINE HIGHWAY

PAYSON, ARIZONA 85541-4306

PHONE: (928) 474-5242 X. 263 • FAX: (928) 472-7490 • TDD: (928) 472-6449

NOTICE OF ACTION

January 16, 2007

James Keith
509 West Locust Road
Payson, AZ 85541

Re: CUP-156-06, Conditional Use Permit – 509 West Locust Road

Dear Mr. Keith,

This letter serves to inform you that the Planning and Zoning Commission tabled your application for Conditional Use Permit CUP-156-06, on January 8, 2007.

If you have any questions please feel free to contact me at your convenience.

Respectfully,


Ray Erlandsen
Zoning Administrator

CUP-156-06

Barbara Underwood moved, seconded by Hal Baas, to table CUP-156-06 to the first meeting in February.

Motion carried 7-0.



STAFF REPORT TO THE PLANNING & ZONING COMMISSION

CUP 156-06 - GUEST QUARTERS

HEARING DATE: January 8, 2007

APPLICANT : James P. Keith

SUBJECT SITE: 509 W. Locust Rd, APN 302-40-025E

PROJECT DESCRIPTION: Single Family Detached Guest Quarters with cooking facilities

FINDINGS OF FACT: Site Plan Complies with all applicable UDC requirements for the R1-10 MH zoning district.

The proposed guest quarters with kitchen facilities use could be compatible with the topography and adjacent property uses. Applicant proposes to convert existing garage.

The applicant must meet the requirements of the Town of Payson Water Department and the Northern Gila County Sanitary District.

RECOMMENDATION: APPROVAL, subject to the following conditions;

1. That the proposed guest quarters use shall be for servants or non-paying guests only and shall not be utilized for lease or renting.
2. That the proposed guest quarters use shall be connected to the Northern Gila County Sanitary District prior to issuance of a Certificate of Occupancy.
3. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as this property is used for a single family residence with a detached, guest quarters use, then the use permit is applicable. Change in uses or additional uses shall require approval through the CUP process.
4. Failure to comply with conditions one (1) thru three (3) above shall be grounds for zoning citations and possible revocation of the Conditional Use Permit. If alleged violations of the conditions of this CUP are brought to the attention of the Community Development Department, with a 24 hour notification to the property owner, a zoning inspection shall be allowed at the guest quarters. If violations of the conditions of this CUP persist, a request for review may be brought before the P & Z Commission at the discretion of the Zoning Administrator."

CUP 156-06

Page 2

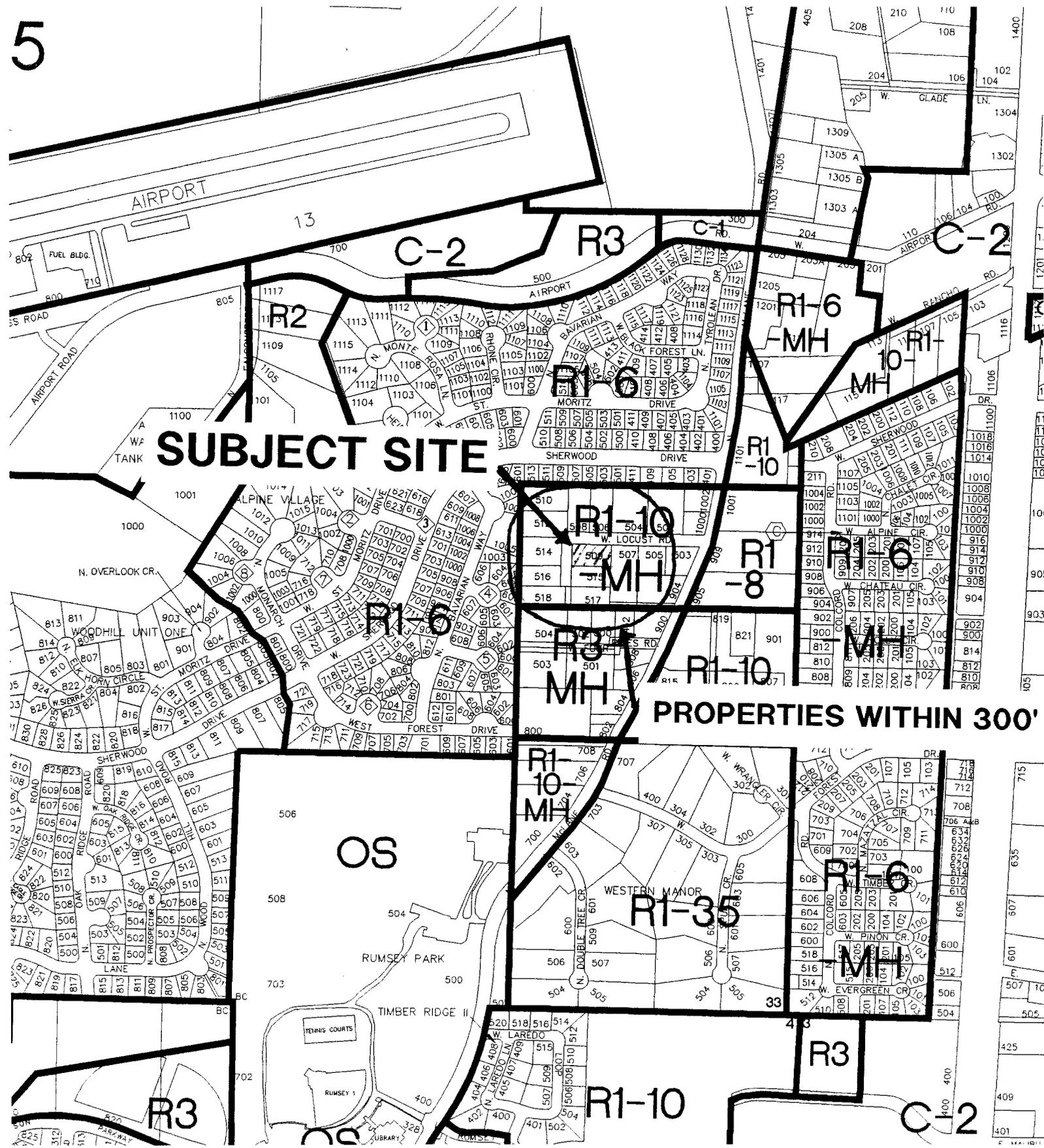
Town Staff shall record the Application, the P & Z Commission motion, and the required conditions, to assure that subsequent owners of this property shall be informed of the conditions in conjunction with the guest quarters and Conditional Use Permit.

If a Commissioner concurs with staff, the following could be an appropriate motion;

“I move the Planning and Zoning Commission approve CUP-156-06 a request filed by James P. Keith to allow detached guest quarters use with cooking facilities at 509 W Locust Rd, APN 302-40-025E, subject to the four (4) conditions prepared by staff.”

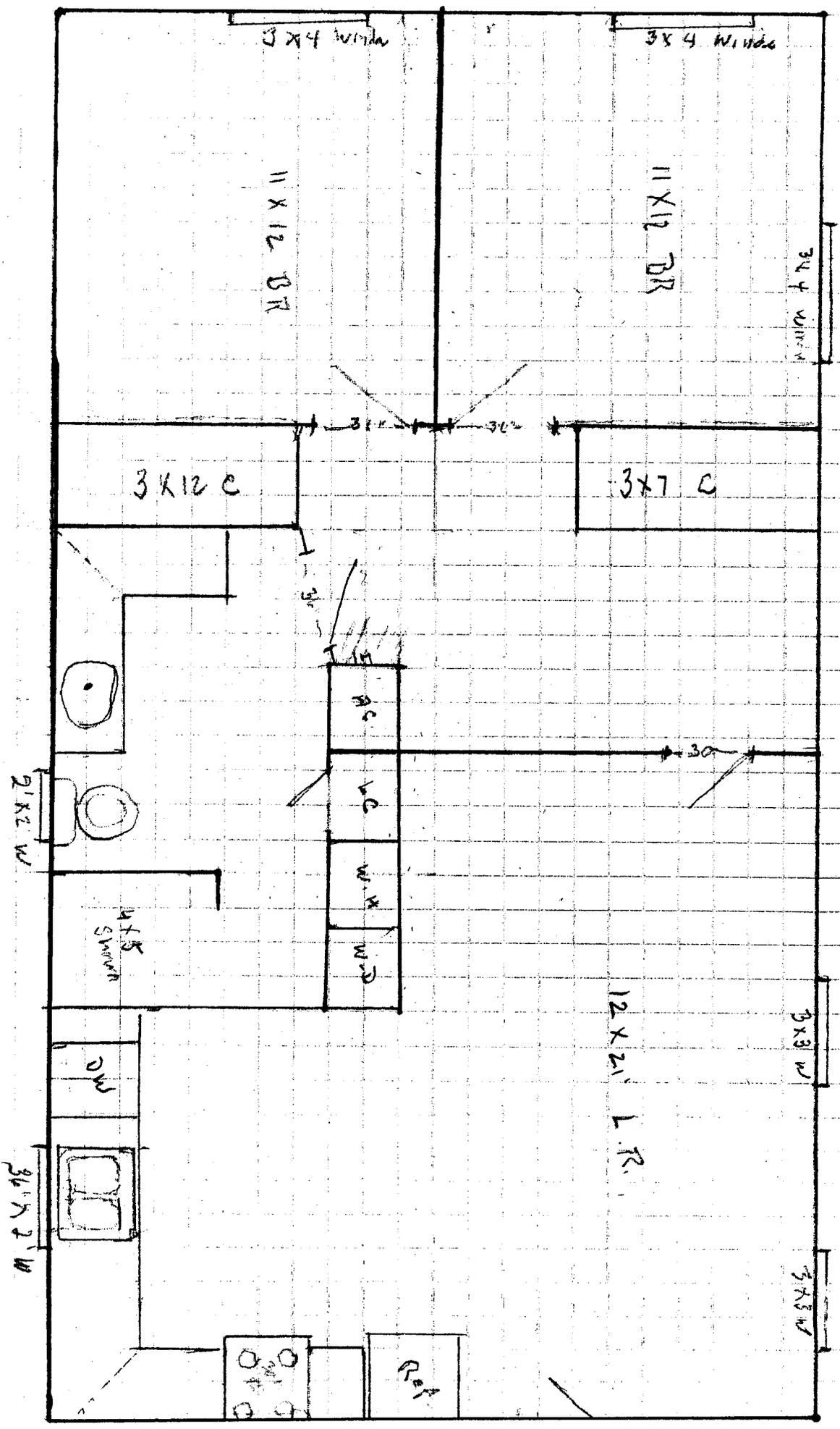
Zoning Map Depicting Subject Site,
300' Radius & Notification Area
for 509 W. Locust Road

5



22 X 42 Double Garage existing Floor plan

Jim Keith house



Garport

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION or
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- | | |
|--|--|
| <input type="checkbox"/> Abandonment Request | <input type="checkbox"/> General Plan or Land Use Plan Amendment |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Minor Land Division |
| <input type="checkbox"/> Code Amendment | <input type="checkbox"/> P & Z Commission Appeals |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Subdivision Plat |
| <input type="checkbox"/> Development Master Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Zone Change |

Project Address: 509 W. Locust Rd Tax Parcel Number: 302-40 025 E
 Subdivision: None Lot Number: Lot 1025E
 Name of Applicant(s): James P. Keith Phone #: 928 478 6012
 Mailing Address: 509 W. Locust Rd Town: Payson St: A2 Zip: 85541
 Name of Property Owner(s): James P. Keith
 Mailing Address: 509 W. Locust Rd Town: Payson St: A2 Zip: 85541
 Contact Person: James Keith Phone #: 928 978 1076 Fax #: 928 468 8028
 Payson Business License # N/A Sales Tax # N/A

Detailed Description of Request: Remodel of existing garage to
accommodate guest quarters / parents living quarters
2 Bedrooms 1 Bathroom inside, Kitchen

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent on the owners behalf.

James P. Keith Print Name James P. Keith Signature 11/27/06 Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE: \$ <u>CONDITIONAL Use Permit = 15000</u> <u>SFR</u> <u>Pd</u> <u>PK</u> CHECK NUMBER: <u>#6891</u> DATE: <u>12-1-06</u>
DATE FILED	<u>12-1-06</u>	<u>(PK)</u>	
COMPLETED APPLICATION	<u>12-1-06</u>	<u>sld</u>	
NEWSPAPER PUBLICATION	<u>12-22-06</u>	<u>sld</u>	
300' NOTIFICATION MAILOUT	<u>12-21-06</u>	<u>sld</u>	
POSTING DATE	<u>12-22-06</u>	<u>sld</u>	

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____

**TOWN OF PAYSON
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission will hold a Public Hearing on Monday, January 8, 2007, at 3:00 PM, concerning Application CUP-156-06 filed by James P. Keith, owner. This Conditional Use Permit request is submitted to consider the allowance of a guest quarters with cooking facilities in a R1-10 MH zoning district at 509 W. Locust Rd., Gila County Tax Parcel Number 302-40-025E.

Interested persons may file a statement in writing for or against the proposed Conditional Use Permit or appear and be heard at the hearing date set forth. Planning and Zoning Commission hearings are held in the Council Chambers at Town Hall, located at 303 North Beeline Highway, Payson, Arizona, Phone Number 928-474-5242.

The Town of Payson endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 928-474-5242 (voice) or 928-472-6449 (TDD) to request an accommodation to participate in this meeting.

Jere Jarrell, Chairman
Planning and Zoning Commission

PUB: December 19, 2006

517+518 W. LOCUST Rd.

Jan 2, 2007

We live at the very bottom of Locust Rd. We built here 26 yrs ago. We love Payson + all that comes with it. We have always tried to be good neighbors. More or less live + let live. I don't have a problem with what the Keiths need to do. I really commend them for want^{ing} to take care of their parents. We should all be so blessed.

Darlene Earl

RECEIVED

JAN 08 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Signed
petition
and wrote
letter

December 25, 2006

Town of Payson
Planning and Zoning Department
303 N. Beeline Hwy.
Payson, AZ 85541

Re: Public Hearing on Monday, January 8th, 2006 @ 3 PM
Conditional Use Permit/Application CUP-156-06 filed by James P. Keith
509 W. Locust Rd. Payson, AZ 85541 Tax Parcel # 302-40-025E

I am opposed to this request. Our zoning is for single family residences. When Mr. and Mrs. Keith moved into this home last summer, Mrs. Keith told me she and her husband were planning to move his parents into their home with them due to failing health. I have no objection to his parents living in their home with them.

I strongly oppose their request to convert their 3 car garage into an apartment. The purpose of doing this would be for Mr. Keith's parents to live in year around. This will not be used as a "guest quarters". Guest quarters are usually used for a short period of time while "guests" visit. Usually this is for approximately 2 weeks to a month. The garage they want to convert was built within the building code for a garage and not as a living quarters.

In addition, the property is on approximately 1/2 acre. Currently there is a large 3 car garage and a fairly good size wooden storage shed. A metal storage shed has been moved onto the property also. The Keith's have many recreational vehicles such as all terrain vehicles, motor home, fishing boat, "dirt" motorcycles (dirt bikes), utility trailer & trailer(s) to haul the quads and "dirt" motorcycles with. They also own two other vehicles. Mr. Keith's parents have a vehicle so that would mean another vehicle on the property that is already crowded with all of this and is not a pleasant sight to look at. I strongly believe the property value of my home will depreciate if the Town of Payson approves the conditional use permit and allows the Keith's to convert the 3 car garage into an apartment in a R1-10 MH zoning. I use the word apartment because it will not truly be a "guest" quarters.

The Keith's knew of their intentions of having their elderly parents living with them prior to purchasing this home. Knowing this, they should have purchased a home that had enough land and was zoned to build a place for their parents to live in. The home they purchased at 509 W. Locust is not zoned for additional living quarters and does not have enough land to use for the purpose they have in mind.

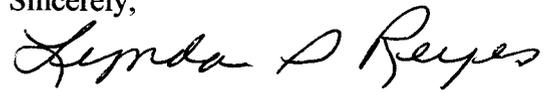
RECEIVED

JAN 05 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Due to the time of day this hearing is being held I am unable to attend. Therefore, I have asked my brother-in-law and sister, Larry and Geri Hinds, to attend the hearing to represent me and my concerns. My address is 515 W. Locust Payson, AZ 85541. I live next door to the Keith's property. I urge the Town of Payson to deny the request for a conditional use permit regarding the above mentioned property.

Sincerely,

A handwritten signature in cursive script that reads "Lynda S. Reyes". The signature is written in black ink and is positioned below the word "Sincerely,".

Lynda S. Reyes

December 28, 2006

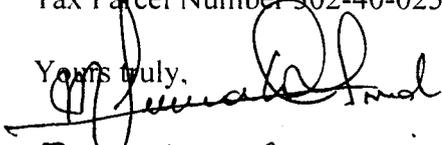
Town of Payson
Jere Jarrell, Chairman
Planning & Zoning Commission

Didn't sign
Petition
Lives in the
Valley so
mailed letter
of opposition

Reference: Public Hearing on January 8, 2007
Application CUP-156-06
Owner: James P. Keith

To Whom It May Concern:

We are against the proposed Conditional Use Permit request to allow a guest quarters with cooking facilities in a R1-10 MH zoning district at 509 W. Locust Rd., Gila County Tax Parcel Number 302-40-025E.

Yours truly,

Mireille Telleria

Dr. Moises and Mireille Telleria
508 W. Locust Rd. Payson

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COMMUNITY DEVELOPMENT
DEPARTMENT

12/31/06

We, the homeowners located near 509 W. Locust, Payson AZ 85541, are strongly opposed to the approval of the requested Conditional Use Permit for this property, by Mr. Keith, to convert the garage into a "guest" quarters with cooking facilities. We are aware that Mr. Keith's intent is for his parents to live in the "guest" quarters all year long. Therefore, it will not be used as a true "guest" quarters, which is used for visiting guests, but like an apartment for his parents. This area is not zoned for 2 living quarters on approximately 1/2 acre of land. We purchased our homes in this area of Payson because it is a quiet neighborhood zoned for single family residences. Please understand we are not opposed to Mr. Keith's parents living in their home with them. We do not want homeowners within this area building additional living quarters on their property. We may not be able to attend this hearing but this petition will represent our opposition to this request.

Printed Name

Address

Signature

LYNDA REYES	515 W. LOCUST	Lynda Reyes
SALLY GLEMBA	510 W. LOCUST	Sally M. Glemba
STEVE MALLOTT	512 W LOCUST	Steve MalloTT
Barry Smith	506 W LOCUST	Barry Smith
FRANK REKART	507 W. LOCUST	Frank Rekart
Barbara A Ward	503 W Locust	Barbara A Ward
Wandel Graham	1000 N. McLANE	Wandel Graham
Bill D. Ewan	505 W. LOCUST	Bill D. Ewan
Douglas Herlster	502 West Locust	Douglas Herlster

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JAN 05 2007

COMMUNITY DEVELOPMENT
DEPARTMENT