

TO THE MESA CITY ADJUSTMENT BOARD AND OTHERS WHOM IT MAY CONCERN IN
MESA GOVERNMENT

The Murtagh, Pace, Ross, and Garcia families comprise, along with Mr. Schmuker and his tenants, the area known as Cholla Estates.

We would like to provide a synopsis of the discussions resulting from three (3) meetings held with the four families who, along with Mr. Schmuker comprise the area known as "Cholla Estates".

Neither Mr. Schmuker nor his tenants were invited to these meetings due to the long history of "issues" all the residents of this small area have had with Mr. Schmuker. The tenants have no knowledge of these issues.

1. We request the city of Mesa to deny the request for Variance to allow detached accessory buildings and accessory living quarters to be placed in front of the front line of the primary dwelling.

We also ask the city of Mesa to carefully consider the impact to the families residing in Cholla Estates and the area just West of Cholla Estates of any other requests by Mr. Schmuker to be granted Variances, Special Use Permits or Land Splitting requests.

2. For many years the property at 1440 N. Crismon road was used by Mr. Schmuker to raise and sell Arabian horses. Most of the structures on the property were biased towards that effort. During 2012 he sold off most of the remaining horses. The last two departed this summer. In January of 2013 he put the property up for sale as a Horse property.

When it became evident that the property couldn't be sold in its current situation he started modifying the buildings etc. away from a primary use horse property. He rebuilt the barn as an enclosed shop-type building, modified the hay storage area into an enclosed building with a high roof which is now an eye-sore, and rebuilt the storage building into an accessory dwelling as it had water, electric and sewer and had been used to temporarily house individuals who worked around his property.

At the same time he dug an unprotected drainage ditch (approx. 5' wide by 5' deep) across the Eastern portion of the property north of the Accessory Dwelling. This is needed to protect the Accessory Dwelling from flood damage as it is not built to current standards for water intrusion. No Flood Control plan was ever produced or executed when he sub-divided the property. As a result there have been subsequent flooding problems affecting all the families residing in Cholla Estates, most notably Mr. Schmuker's Accessory Dwelling.

See picture of drainage ditch, next page. The dark area to the left of the tree and in the V of the tree is the route of the ditch. The dark to the right is a shadow. This ditch empties into the wash on the East side of his property running north to south along the west side of N. Crismon Road.



In 2014 Mr. Schmuker applied for a Land Split (LS 14-010, PLN 2014-00554). Ostensibly to divide the property and put the properties up for sale individually, no longer as horse properties, possibly obviating the need for Variances and Special Use Permits for structures such as the building pictured below. This is an eye-sore visible to people living around the area as well as people driving on N. Crismon Road.



Other Issues not directly related to this board but impacting the other residents of Cholla Estates:

The earthen bridge, constructed by Mr. Schmucker on the Northeast corner of his property to provide ingress/egress for the four families as well as the Schmucker's and his tenants in Cholla Estates is a safety hazard. It may not support the weight of emergency vehicles in the event of a fire in any of the four homes that have that bridge as their only ingress/egress route. The Schmucker's and their tenants have an easement (MCR 830178701) on the south side of his property as an emergency exit. The tenants use the earthen bridge and easement on the north side as their entryway.

Mr. Schmucker has also weakened the bridge, with heavy equipment, in the recent past in order to keep water from entering his property and damaging the accessory dwelling and other structures during heavy rains and runoff from Crismon Road.

We discovered, due to a water leak, that PVC lines had been placed along the interior roadway, across property lines, that were coming from the well electrics and water tanks located in the center of the four northern properties. These lines were discovered south of the four houses heading towards Mr. Schmucker's property (water) and Southeast towards the front gate (Electric) across the 1502 property. These were put in after Mr. Schmucker had the well put in and built the house at 1502 N. Crismon. He never disconnected these lines nor told the buyers of the house or any of the other homeowners using the well, of their existence.

We are also concerned due to the number of trucks coming and going to the main house at 1440 N. Crismon, due to the fact that the house is rented and the amount of vehicular traffic will cause further deterioration to the bridge and the roadway. The four families who use this bridge and road, not the Schmucker's or their tenants, are paying to keep this single ingress/egress path serviceable.

Thank you for your support to the families below;

Henry and Deanna Garcia (signed)

Frank and Sian Murtagh (signed)

Brian and Penny Pace submitted a separate statement to the City of Mesa Planning Division

David Ross (signed)