July 31, 2012

GILA COUNTY COMMUNITY DEVELOPMENT DIVISION
745 North Rose Mofford Way
Globe, Arizona 85501

RE: Application No. Z-12-01 & CPA-12-01

Sir(s):

Please accept the following as addendum(s) to the letter submitted to the Gila County Community Development Division on July 10, 2012, stating our objection to the application for change in the zoning from R1-D8 to C2. The application was tabled at the meeting on July 19, 2012, with a request that the applicant resubmit the application.

Prior to the above application being heard, we listened to the arguments on another request for zoning change. From that discussion we learned that once such an application is granted, for whatever reason the applicant states, it is changed forever with little repercussions if the usage changes. We have been told that potential leasers or renters for any commercial establishment would be highly selective using "candle shop or real estate sales." But, it seems, the limitations on commercial zoning cover a multitude of establishments, and down the road the quiet commerce of candle shop or real estate sales could dramatically change. Trust that it wouldn't does not reassure us.

With the above in mind, we would have no objection to the change of zoning on the above application should there be a condition that would restrict any commercial enterprise that exceeded the normal business hours of 8:00 AM - 6:00 PM and that business be such that it is conducted within the confines of the building.

Further, of great concern is the public usage of the dedicated easement, Lamina Lane, which is proposed to be access for handicapped parking. The usage of this easement has caused difficulties, in the past, for the property owners adjacent to Lamina Lane to the point that the county engaged a paid arbitrator so settle any dispute. (July 27, 2001, copy attached) This agreement has stood in good stead since. The final sentence states,

"Lamina Lane is an easement and the adjacent property owners have a right to use I for ingress and egress." Having public access to a private drive to access the proposed handicapped parking puts the possibility of restricting that ingress and egress for the residents of Lamina Drive.

Hopefully, our request for denial of the applicants request for zoning change or the restriction of hours of operation should the change be granted, will be given your most serious consideration.

Sincerely,

Daniel E. Bonow

Daniel E. Bonow
Property Owner

Helen E. Bonow

Helen E. Bonow
Property Owner

his agreement pertains to a dispute regarding Lamina Lane and easement thereto escribed on assessor's map 301-21 and in Docket 171 page 472 of the Gila County ecorder's Office. This easement is the same easement as the one described in Ed and Iartha Rush v. H.E. Grant, Gila County Case No 14,003-B and recorded in Docket 171 age 531 in Gila County Recorder's Office.

he agreement is as follows:

Signs. There shall be two signs erected, one at the intersection of Hardscrabble and amina Lane and one at the intersection of Hardscrabble and Brown Drive. Each sign ıall say "Private Drive, 5 m.p.h."

The signs shall be paid for by the undersigned jointly.

Lamina lane shall be graveled. This shall paid for by the undersigned jointly.

Gate. There shall be a gate installed approximately 30 feet from the intersection of rown Road and Lamina Lane. The gate shall be of metal construction, of triangular ıape with a pivot on one side and a post on the other. It shall be similar to forest service ıtes.

The gate shall never be locked.

The purpose of the gate is not to create a gated community nor restrict access by th roperty owners on Lamina Lane but to limit unnecessary traffic.

The gate can be left in an open or shut position without being locked. The gate sha e left open most of the time. Any property owner may open or shut the gate.

The gate shall be paid for by James and Rosemary Kienitz.

Lamina lane is an easement and the adjacent property owners have a right to use i ır ingress and egress.

ıly 27, 2001

Dan Bonow

Robert Fuller

Mark Johnson

Ola Rae Johnson

James Kienitz

Rosemary Kienitz

Lonnie Prince

Opal Prince

Gertrud Seiverd

Charles Kienitz

Rita Kienitz