

EXPANDED AGENDA
Board of Adjustment, District 1
Wednesday, January 23, 2013
Cochise County Service Center
4001 E. Foothills Drive (In the Former Courtroom)
Sierra Vista, Arizona

6:00 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant may have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 (Page 1) – Introduce Docket and advise public who the Applicants are.

Docket BA1-13-01 (Nash): The Applicant is requesting a Variance to Section 704.03 of the Zoning Regulations, which requires that all structures in a TR-18 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to expand an existing garage that was approved to be built 10 feet from the east property line under a previous variance. The subject parcel (Parcel # 107-22-091B) is located at 405 North Central Avenue in Sierra Vista, AZ.

Applicant: Donald Nash.

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Call for Planning Director's Report

Call to the Public

ADJOURNMENT



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Peter Gardner, Planner I *PG*
For: Beverly Wilson, Deputy Director Planning Division *low*
SUBJECT: Docket BA1-13-01 (Nash)
DATE: January 10, 2013 for the January 23, 2013 Meeting

APPLICATION FOR A VARIANCE

Docket BA1-13-01 (Nash): The Applicant seeks to expand an existing Residential Accessory Structure, and is requesting a Variance from Section 704.03 of the Cochise County Zoning Regulations, which requires that structures in a TR-18 Zoning District be set back no less than 20-feet from all property lines. The Applicant seeks to expand an existing 896-square foot detached garage which is 10-feet from the east property line. The subject parcel (Parcel # 107-22-091B) is located at 405 North Central Avenue in Sierra Vista, AZ. The Applicant is Mr. Donald Nash.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 21,107-sq. ft. (0.48 Acres)
 Zoning: TR-18 (Transitional Residential – 1 dwelling per 18,000 square feet)
 Growth Area: Category A (Urban Growth Area)
 Plan Designation: Neighborhood Conservation
 Area Plan: None
 Existing Uses: Single Household Dwelling with Accessory Structures
 Proposed Uses: Same, with expansion of Accessory Structure

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	Maintained Road / TR-18	E Pearce Place/Single Household Dwelling
South	TR-18	Single Household Dwelling
East	TR-18	Single Household Dwelling
West	Maintained Road / TR-18	N Central Ave/Single Household Dwelling

II. PARCEL HISTORY

In May of 2000, a Variance (BA1-00-03) was granted to allow the construction of an 896-square foot detached garage 10-feet from the east property line. In November 2012 the Applicant applied for a permit to expand the garage along the same wall alignment, which would place the expansion ___ feet from the property line. It was determined that the previous Variance would not cover this expansion and therefore another Variance was applied for. There have been numerous other residential permits issued for this property between 2000 and today.

III. PROJECT DESCRIPTION

The Applicant proposes to expand an existing detached garage located 10 feet from the east property line along the same wall alignment -.



Above: Looking South from East Pearce Place. Garage is on the left side.

IV. ANALYSIS OF IMPACTS

The project site is within a medium-density residential neighborhood. While the entire area is zoned TR-18, the parcels to the west across North Central Avenue are *Legal Non-Conforming* parcels of approximately 8,000-square feet, and are thus allowed greatly reduced setbacks. Many of the surrounding parcels have a variety of accessory structures in addition to the dwelling. These factors contribute to create a neighborhood with a fairly high density of structures.

When the initial Variance to construct the garage was applied for in 2000, the Applicant desired to locate the garage in its current position for several reasons. The primary factor was to maintain a 15-foot separation from the home, which is the required minimum distance suggested by Building and Fire Codes. This location also created a safe turning radius from the existing gate on the property. It was determined that granting the Variance would result in no negative impacts on the surrounding properties.

The current request to extend the existing garage on the same wall alignment would not create any new impacts on surrounding properties. As the garage currently stands it is approximately 70-feet from the nearest home, located on the parcel directly east. The expansion of the garage would reduce this distance to approximately 60-feet which is 50% greater than the minimum separation of two structures on adjoining parcels that both meet the minimum setback. The addition does not impact sightlines from the adjoining parcel or the street due to the existing configuration of the properties.



Above: View of garage with adjoining parcel in background. Below: View of garage with adjoining parcel in background, showing setback.



V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on January 8, 2013, and published a legal notice in the *Bisbee Observer* on December 27, 2012. To date, the Department has received one letter of support in response to the Variance request.

VI. Summary and Conclusion

Factors in Favor of Approving the Variance

1. Approving the Variance would not substantially impact neighboring properties due to the current permitted location of the structure to be expanded.
2. The parcel is surrounded by sub-standard sized parcels where a reduced setback would not be out of character for this area.
3. Staff received two statements of support from neighboring property owners.

Factors Against Approving the Variance

None Apparent.

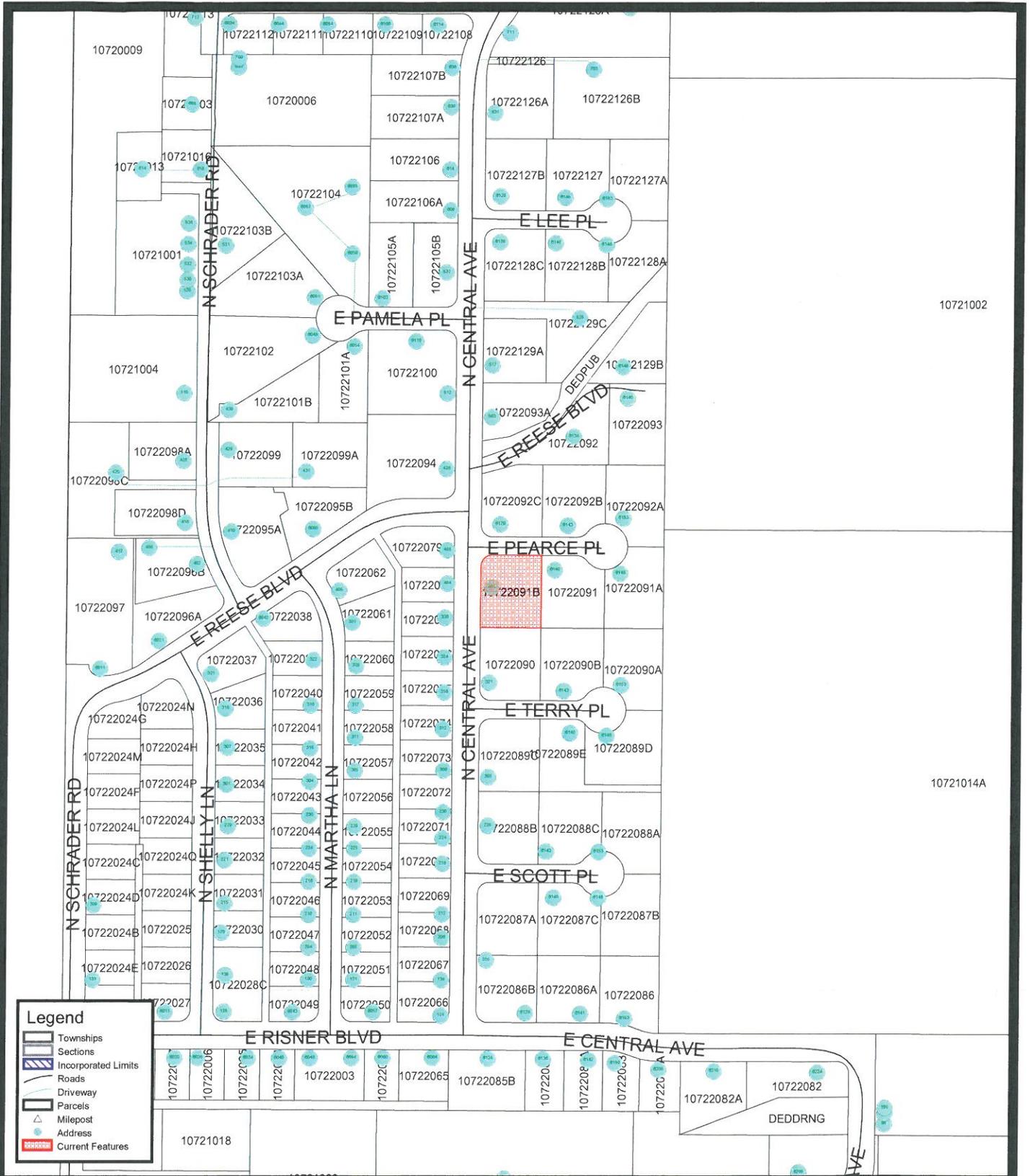
VII. RECOMMENDATIONS

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variance as requested:

Sample Motion: Mr. Chair, I move to approve Docket BA1-13-01, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.

VIII. ATTACHMENTS

Variance Application
Location Map
Site Plan
Public Comment



Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Current Features



BA1-13-01 (Nash)
 107-22-091B

This map is a product of the Cochise County GIS

0' 1" = 300'



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

BAI-13-01

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 1

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District _____

to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 107-22-091 B7

2. Address of parcel: MOUNTAIN MESAS EAST POR OF LOT 39
BY M & B BEG AT SW COR OF LOT 39 THN N133, 86' TANALNG CURVE
CONCAVE

3. Area of Parcel (to nearest tenth of an acre): 1/2 ACRE

4. Zoning District designation of Parcel: TR 18

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

LOCATION OF EXISTING STRUCTURES
ARE INDICATED ON DRAWING

6. Describe all proposed uses or structures, which are to be placed on the property.

ADDITION TO EXISTING GARAGE

7. State the specific nature of the variance or variances sought.

TO ADD MORE STORAGE ROOM

SIGNATURE OF PETITIONER

ADDRESS

DATE

Donald P. Nash 405 N CENTRAL AVE
SIERRA VISTA AZ 85635

APPLICANT'S PHONE NUMBER 520-439-4362

APPLICANT'S EMAIL ADDRESS DNMR@COX.NET

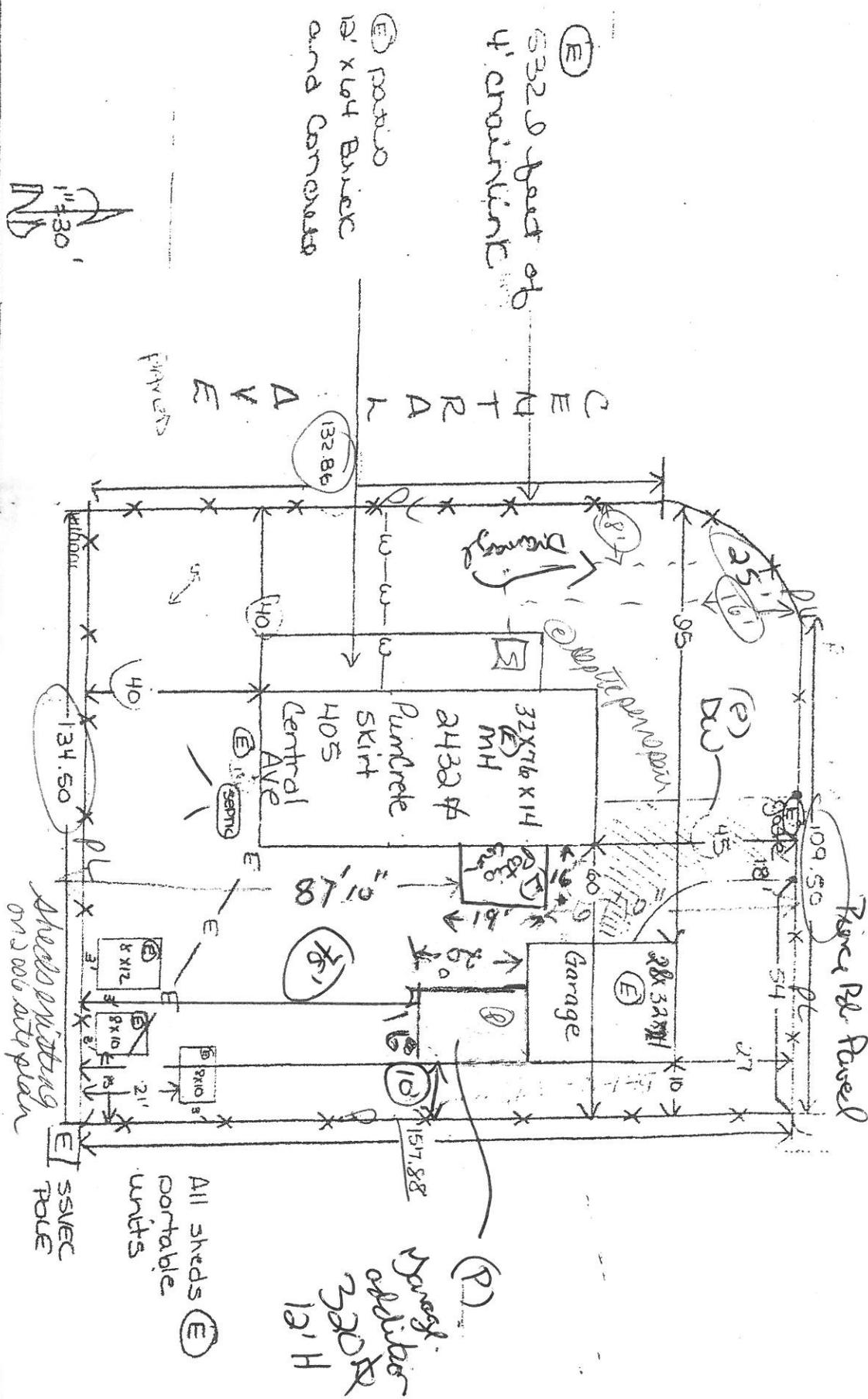
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.



(E) 532.0 part of 4' crainline
 (E) postho 12' x 14 Brick and Concrete

no washer 300' Dr 11/5/12
 107-22-091B

All sheds portable units
 (E) SSVEC POLE
 Sheds sitting on 2000 aty plan

(P) Youngst. alibier 320' x 12' H

Rear Rd. Paved

Variance: Docket BA1-13-01 (Nash)

COCHISE COUNTY

JAN 03 2013

PLANNING

X

YES, I SUPPORT THIS REQUEST

Please state your reasons:

DON NASA AND FAMILY ARE GOOD
AND THERE GREAT NEIGHBORS. I THINK
SHOULD BE ABLE TO DO WHAT EVER
THEY WANT.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Linton Mares LINTON MARES

SIGNATURE(S):

Linton Mares

YOUR TAX PARCEL NUMBER:

107-22-090

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment District 1. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Monday, January 14, 2013

RETURN TO: Peter Gardner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Variance: Docket BA1-13-01 (Nash)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I support my neighbor's desire to improved his property

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

HeleneMickey Wilson, TTEE HeleneMickey Wilson Living Trust

SIGNATURE(S):

HeleneMickey Wilson

YOUR TAX PARCEL NUMBER: 107-22-0625 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment District 1. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Monday, January 14, 2013

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Cochise County Planning Department
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Bisbee, AZ 85603