

**EXPANDED AGENDA**  
**Board of Adjustment, District 2**  
**February 5, 2014; 6 P.M.**  
**Board of Supervisors' Conference Room**  
**1415 Melody Lane, Building G**  
**Bisbee, Arizona 85603**

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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 can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

**NEW BUSINESS**

***Item 1 – Election of Officers***

***Item 2 - Introduce Docket and advise public who the Applicants are.***

**Docket BA2-14-01 (Taylor):** The Applicant is requesting a Variance from the following Sections of the Cochise County Zoning Regulations; 1804.06.F.3 (Minimum Driveway Width); 1086.02.B (Landscaping requirements); and 1807.02.B.1 (Minimum driveway distance from an intersection). The Applicant intends to use an existing warehouse as a furniture repair shop. The subject parcel (107-67-001A) is located at 4023 E. Ramsey Road in Sierra Vista, AZ. It is further described as being situated in Section 31 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Anthony Taylor.

- 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 QUESTIONS
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

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***Item 2 - Call for Planning Director's Report***

***Item 3 - Call to the Public***

**ADJOURN**



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

**TO:** Board of Adjustment, District 2  
**FROM:** Peter Gardner, Planner I *PM*  
For: Beverly Wilson, Planning Director *ow*  
**SUBJECT:** Minutes of the Special Meeting of January 2, 2014  
**DATE:** January 24, 2014

**Members Present:**

Albert Young, Vice-Chair  
Andy Salaiz

**Staff Present:**

Peter Gardner, Planner I

**Others Present:**

None

*These minutes for the BA2 meeting held on January 2, 2014, are complete only when accompanied by the memoranda for said meeting dated January 2, 2014.*

**Call to Order / Roll Call:**

Vice Chair Albert Young called the meeting to order at 6:00 p.m. at the Board of Supervisors' Executive Meeting Room at the County Complex in Bisbee. He noted that two Board members, himself and Mr. Salaiz, were present, establishing that the Board had a quorum and could proceed. Mr. Salaiz made a motion to approve the minutes of the November 6, 2013 regular meeting. Mr. Young seconded the motion, and the vote was 2-0 to approve the minutes of the November 6, 2013 meeting.

Vice Chair Young explained the procedures of the meeting to those present.

**NEW BUSINESS**

**Docket BA2-13-05 (Kiesling):** The Applicant is requesting a Variance from Section 704.03 of the Cochise County Zoning Regulations requiring all structures in a TR-9 Zoning District to be set back a minimum of 10-feet from all property lines. The Applicant intends to construct a shade structure three-feet from the west property line. The subject parcel (102-57-286) is located at 3572 S. Towner Ave. in Naco, AZ. The Applicants are John and Dorothy Kiesling.

Vice Chair Young called for the Planning Director's presentation on the Docket. Peter Gardner, Planner I, delivered the report on behalf of the Planning Director, illustrating the facts of the case, as

well as the staff recommendation, utilizing photos, maps and other visual aids. He explained the background of the case and the circumstances surrounding the Variances requested under consideration.

Mr. Young noted that the Applicant was not present, nor were any members of the public present. There being no need for a public hearing, Mr. Young asked for Staff's recommendation. Mr. Gardner offered factors in favor and against approval and indicated that Staff recommended Approval of the Variance requests. Mr. Salaiz made a motion to approve the Variances as recommended by Staff. Mr. Young seconded and the motion passed 2 – 0.

**Planning Director's Report:**

Mr. Gardner noted that there was one docket for the February meeting, a suite of Variances for a commercial property in Sierra Vista.. Mr. Salaiz made a motion to adjourn. Mr. Young seconded, and the meeting was adjourned at 6:23 p.m.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## MEMORANDUM

**TO:** Cochise County Board of Adjustment, District 2  
**FROM:** Peter Gardner, Planner I *PG*  
**FOR:** Beverly Wilson, Planning Director *BW*  
**SUBJECT:** Docket BA2-14-01 (Taylor)  
**DATE:** January 22, 2014 for the February 5, 2014 Meeting

### REQUEST FOR A VARIANCE

**Docket BA2-14-01 (Taylor):** The Applicant is requesting a Variance from the following Sections of the Cochise County Zoning Regulations: 1804.06.F.3 (Minimum Driveway Width); 1086.02.B (Landscaping requirements); and 1807.02.B.1 (Minimum driveway distance from an intersection). The Applicant intends to use an existing warehouse as a furniture repair shop. The subject parcel (107-67-001A) is located at 4023 E. Ramsey Road in Sierra Vista, AZ. The Applicant is Anthony Taylor.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

**Parcel Size:** 1.94-acres (84,554-square feet)  
**Zoning:** GB-General Business  
**Growth Area:** Growth Category B  
**Comprehensive Plan Designation:** Enterprise (ENT)  
**Area Plan:** Sierra Vista Sub-Watershed  
**Existing Uses:** Warehouse  
**Proposed Uses:** Furniture Repair Shop

### Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Telecommunications Facility
South	County Maintained Road / GB	E. Ramsey Rd / Vacant Land
East	GB	Vacant Land
West	State Highway / SR-43	Highway 92/Single-Family Residential

### II. PARCEL HISTORY

- 1993 – Permit issued for construction storage lot.
- 2002 – Permit issued for electrical work.
- 2009 – Permit issued to demolish manufactured home.

- 2013 – Permit issued for furniture repair shop, with conditions related to the Variances in question.
- 2013 – Violation issued for Occupied Recreational Vehicle. (Not related to current permit or Variances).

### **III. PROJECT DESCRIPTION**

This is a request for Variances pertaining to the driveway and landscaping requirements for a Commercial property. The existing warehouse is being used for a small-scale furniture repair business. The Applicant picks up furniture at customers' locations and transports the items to the warehouse to complete the work, before returning the items to the customers. If the Applicant were performing the work at his home, Staff would consider the use a Home Occupation based on the limited scope. As the work is being done at an existing commercial structure, a commercial permit was needed. The limited use of the property is a key factor in Staff's analysis of the Variance requests.



*Above: View of existing driveway.*

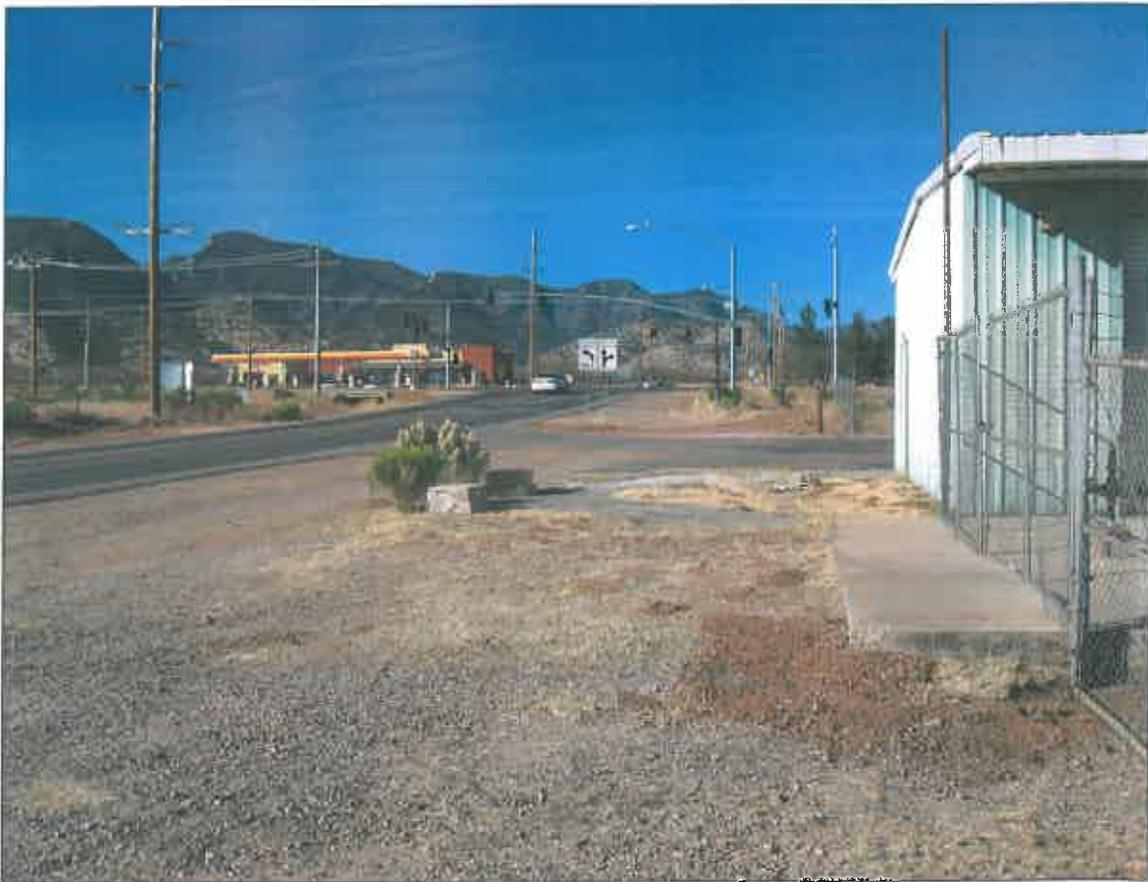
### **IV. ANALYSIS OF IMPACTS**

The proposed use of the structure, while considered a repair shop under the zoning regulations, is more akin to a hobby workspace. The Applicant will be the only vehicle entering or leaving the site, rendering the two-way driveway width unnecessary. The requirement in developed (Category A & B) areas that any driveway accessing an arterial street such as E. Ramsey Road be at least 200-feet from an intersection is intended as a safety requirement that also presumes a level of traffic through the driveway that will not be generated by the currently proposed use. In addition, the existing driveway is approximately 175-feet from the intersection. These two factors, taken together, indicate that the existing driveway will not present a safety hazard.

The requirement for landscaping, while having multiple purposes, is problematic in this case, as the only portion of the developed site that may be readily used to fulfill the landscaping requirement fits within the triangle created by the intersection of E. Ramsey Road and Highway 92. If the landscaping were placed in this area, it would create a potential traffic hazard by hindering visibility at a major intersection. The safety concerns outweigh the factors in favor of the landscaping. Overall, Staff is supportive of the requests for this particular use and scope, with the caveat that if either changes then the traffic concerns should be reanalyzed.

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300-ft. of the subject parcel. Staff posted a legal notice on the property on December 19, 2013 and published a legal notice in the Bisbee Observer on December 19, 2013. To date, the Department has received no correspondence from neighboring property owners.



*Above: View of building, driveway, and intersection.*

**VI. SUMMARY AND CONCLUSION**

**Factors in Favor of Allowing the Variance**

1. Approving the Variance would not substantially impact neighboring properties;
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more “business and customer friendly.” Allowing the Variances would reinforce this effort; and
3. The existing driveway is in good condition and may safely accommodate the expected traffic for this specific use.

**Factor Against Allowing the Variance**

1. If the use expands into a more traditional repair shop, the driveway may be inadequate.

**VII. RECOMMENDATION**

Based on the Factors in Favor of Approval as Finding of Facts, staff recommends **Conditional Approval** of the Variance requests.

Sample Motion: *Mr. Chair, I move to approve Docket BA2-14-01, granting the Variances as requested by the Applicant, with the condition that prior to any expansion of the use Staff re-evaluate the driveway for traffic concerns, the Factors in Favor of approval constituting the Findings of Fact.*

**VIII. ATTACHMENTS**

- A. Variance Application
- B. Location Map
- C. Site Plan



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## APPLICATION FOR VARIANCE

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

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 2

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 2

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: 107-67-001A
2. Address of parcel: 4023 E Ramsey Road Sierra Vista, AZ 85650
3. Area of Parcel (to nearest tenth of an acre): 1.94
4. Zoning District designation of Parcel: GB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

1,223 Square foot warehouse, built in 1974. No current use.

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

Furniture Repair Workshop, not open to the public

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

Waiver of landscaping requirement; Waiver to allow existing 20' driveway  
Waiver to allow existing drive way less than 200' from an intersection

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

No new construction is proposed. This use would utilize existing structures and infrastructure at an existing, vacant commercial site.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

There will be no change to the site, and the nature of the use will minimize impacts compared to other possible permitted uses.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

Jack Nelson Hun

PO Box 1063 Redding Center, CT 06875-1063

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

Anthony K Taylor

3624 Coral Ridge DR  
SIERRA VISTA AZ 85650

12/13/13

OR 4023 Ramsey RD. SIERRA VISTA

APPLICANT'S PHONE NUMBER (540) 487-1463

APPLICANT'S EMAIL ADDRESS A.KTaylor@yahoo.com

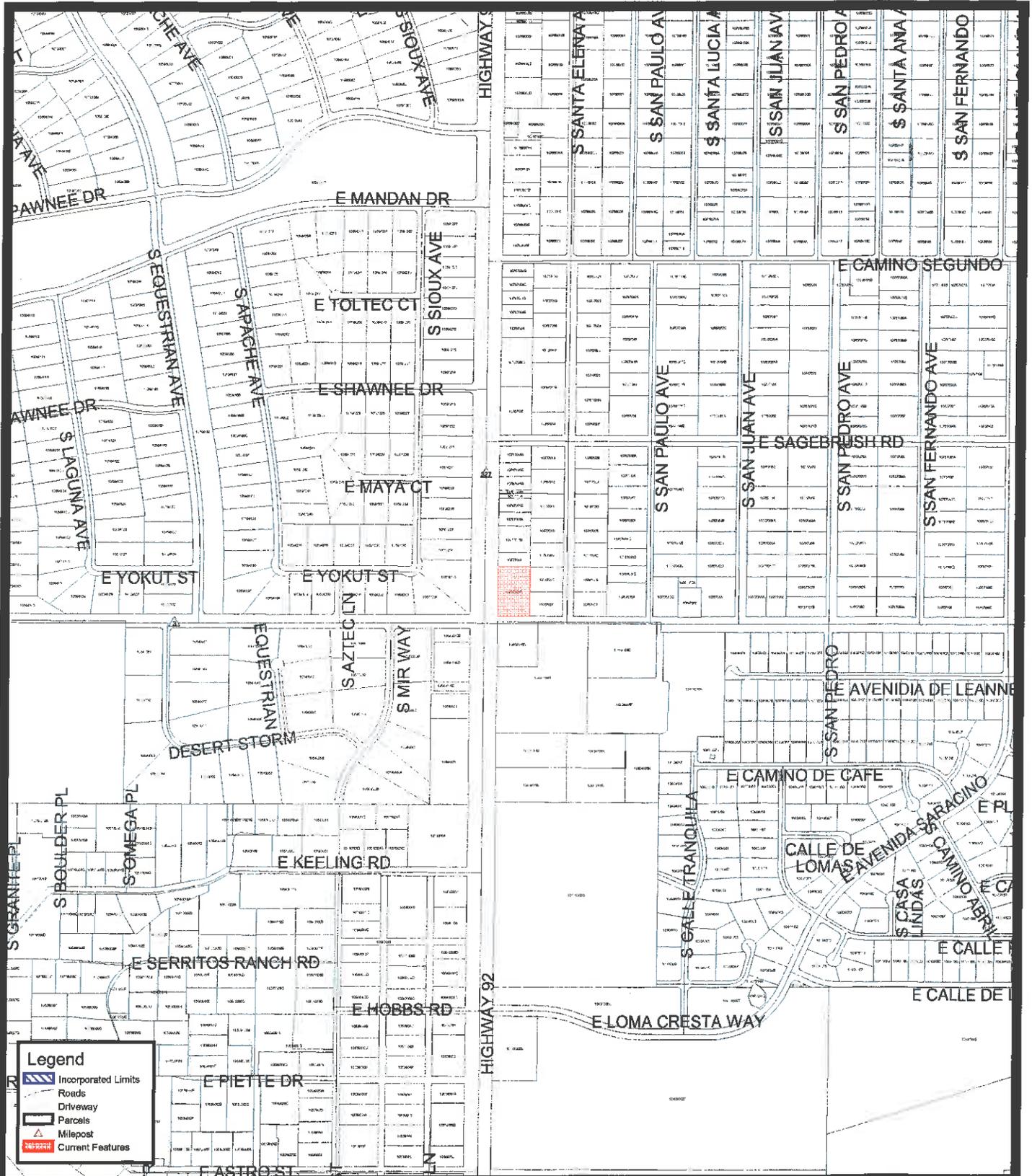
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise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



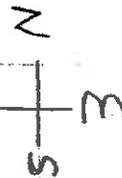
## BA2-14-01 (Taylor) Location Map

This map is a product of the  
Cochise County GIS



Century Link

Site Plan #1



NO washes  
w/in 300'

XX = existing  
unslated 17'  
high chainlink  
fence

107-67-001A

APPROVED PER CONDITIONS  
OF LETTER DATED SAME

APPROVED:  
Cochise County Joint  
Permit Process

Master Permit Number:  
13-1563

Date of Issuance:  
12-11-13

Signature of Permit  
Coordinator:  
*[Signature]*

SOUTH SANTA ELENA AVE

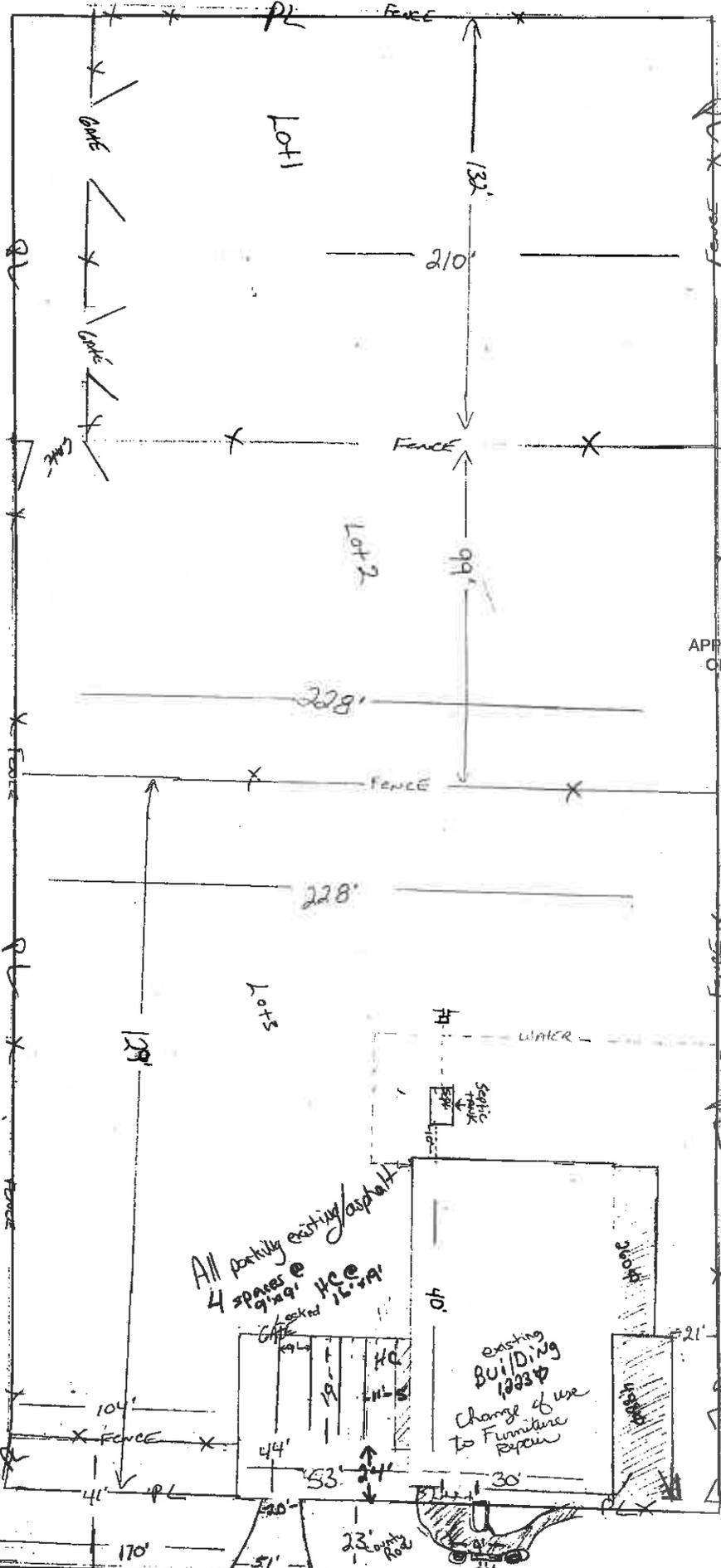
CHURCH OF CHRIST

400' Right of Way

Heavy 92' Paved 35MPH

All parking existing asphalt  
4 spaces @ 9'x9' HC @ 15'x19'

existing Building  
1033  
Change of use  
to Furniture  
Repair



E. RAMSEY ROAD 35MPH Paved

# Site Plan #2

APPROVED PER CONDITIONS  
OF LETTER DATED SAME

E. RAMSEY RD

