

EXPANDED AGENDA
Board of Adjustment, District 2
March 6, 2013, 6 P.M.
Board of Supervisors' Conference Room
1415 Melody Lane, Building G
Bisbee, Arizona 85603

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 - Introduce Docket and advise public who the Applicants are.

Docket BA2-13-01 (Luziana): The Applicants, Jesus and Martha Luziana, request a Variance from Section 704.03 of the Cochise County Zoning Regulations which requires that structures in a TR-9 Zoning District be set back no less than 10-feet from all property lines. The Applicant intends to legitimize and complete an addition approximately 4-feet from the east property line. The subject parcel is located at 430 West Pirtle Ave. in Pirtleville.

- 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)

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, Deputy Director Planning Division *bw*

SUBJECT: Minutes of the Regular Meeting of January 2, 2013

DATE: January 8, 2013

Members Present:

Patrick Greene, Chairman
Albert Young

Staff Present:

Peter Gardner, Planner I

Others Present:

Kevin Steiner, Applicant

These minutes for the BA2 meeting held on January 2, 2013, are complete only when accompanied by the memoranda for said meeting dated January 2, 2013.

Call to Order / Roll Call:

Chairman Patrick Greene 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 members of the Board were present, establishing that the Board had a Quorum and could proceed. Mr. Young made a motion to approve the minutes of the December 5, 2012 regular meeting. Chairman Greene seconded the motion, and the vote was 2-0 to approve the minutes of the December 5, 2012 meeting.

Chairman Greene explained the procedures of the meeting to those present, noting that the docket to be presented had been tabled at the previous meeting.

OLD BUSINESS

Docket BA2-12-06 (Golden Rule – Jewelry Antiques & More): The Applicant is requesting a Variance from Section 1908.03 of the Cochise County Zoning Regulations which allows for a maximum 80-square foot On-Site Advertising Sign. The Applicant is proposing a 144-square foot sign for Golden Rule – Jewelry Antiques & More. The subject parcel (107-66-069) is located at 4301-A S Highway 92 in Sierra Vista, AZ. The Applicant is Kevin Steiner of Golden Rule – Jewelry Antiques & More.

Chairman Greene called for the Planning Director's presentation on the Docket, asking if Staff had any new information to present. Peter Gardner misunderstood the request and presented the final report. After clarification from Chairman Greene, Mr. Gardner stated that Staff had no new information regarding the docket.

Chairman Greene declared the Public Hearing open, and then called for the Applicant's statement, reminding Mr. Steiner about the Board's request at the previous meeting that he make a good faith effort to show a spirit of compliance. Mr. Steiner explained that he planned changes to the sign that would reduce the sign to 113.1-square feet. Chairman Greene noted that the sign still exceeded the limit but noted that a good faith effort was made. The Applicant provided a memo from the owner of the building permitting and supporting the Applicant's request, and Chairman Greene read the memo into the record.

Chairman Greene then closed the Public Hearing and called for Board discussion. Chairman Greene asked Staff if any further correspondence had been received. Mr. Gardner answered in the negative. There was no further discussion and Chairman Greene asked for Staff's recommendation. Mr. Gardner explained that Staff's recommendation had not changed and recommended denial. Chairman Greene addressed the Applicant and stated the he felt the requested good faith effort was met. Mr. Young agreed.

Mr. Young made a motion to approve the Variance for the 113.1-square-foot sign, per the Applicant's submitted diagram. Chairman Greene clarified the motion and seconded and the motion passed 2 – 0.

Planning Director's Report:

Mr. Gardner reiterated the information he provided in error earlier, noting that the Board's vacancy had not yet been filled and that there were no dockets and hence no meeting in February.

Mr. Young made a motion to adjourn. Chairman Greene seconded, and the meeting was adjourned at 6:11 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Peter Gardner, Planner *PGM*
FOR: Beverly Wilson, Deputy Director, Planning Division *BW*
SUBJECT: Docket BA2-13-02 (Luziana)
DATE: February 19, 2013, for the March 06, 2013 Meeting

REQUEST FOR A VARIANCE

Docket BA2-13-01 (Luziana): The Applicant requests a Variance from Section 704.03 of the Cochise County Zoning Regulations which requires that structures in a TR-9 Zoning District be set back no less than 10-feet from all property lines. The Applicant intends to legitimize and complete an addition approximately 4-feet from the east property line. The subject parcel (408-20-044) is located at 430 West Pirtle Avenue in Pirtleville. The Applicants are Jesus and Martha Luziana.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 0.25 acres
Zoning: TR-9 (Transitional-Residential; one dwelling per 9,000 sq.-ft.)
Growth Area: Growth Category B
Comprehensive Plan Designation: Neighborhood Rehabilitation (NR)
Area Plan: None
Existing Uses: Single Family Home Residential
Proposed Uses: Same, with a 100 sq.-ft. addition.

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	Alley - TR-9	Alley / Manufactured Home and Single Family Residential
South	County Maintained Road – TR-9	West Pirtle Avenue / Manufactured Home Residential
East	TR-9	Single Family Residential
West	TR-9	Single Family Residential

II. PARCEL HISTORY

- 1978 – Single Family Home built.
- 2003 – Permit issued to construct addition.
- December 2012 – Violation issued for construction of an addition without a permit.

III. PROJECT DESCRIPTION

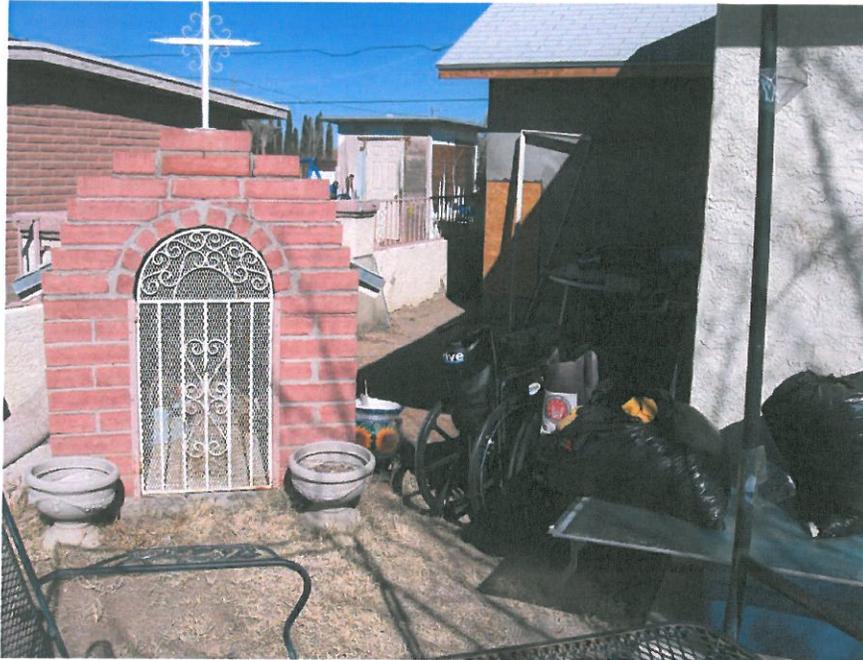
This docket is a request for a Variance to allow the permitting and completion of an approximately 100-sq.-ft. addition built approximately 4-ft. from the west property line. The Variance request comes as the result of a Violation for building without a permit. If the Variance is granted, the Applicant will then apply for a permit which would rectify the Violation.



Above: View of subject addition from the North.

IV. ANALYSIS OF IMPACTS

The proposed location of the addition on parcel 408-20-044 will not, in staff's estimation, create any significant on-site or off-site impacts. As shown in the photo below, the addition is located in an area with several existing accessory structures on both the Applicant's parcel and the adjoining parcel. The location of the addition does not substantially impact the character of the neighborhood, which is characterized as a moderately dense neighborhood of single family and manufactured homes and accessory structures with relatively small setbacks. This request would not affect the current character of the neighborhood. The property is also located in an area designated as Neighborhood Rehabilitation under the Comprehensive Plan. The Plan encourages flexibility in site development and building code standards in such areas to encourage improvements to the neighborhood; this project achieves this goal.



Above: View of addition and nearby accessory structures.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property and published a legal notice in the *Bisbee Observer* on February 14, 2013. To date, the Department has received two letters from neighboring properties, one supporting the request and one opposing it. The opposing neighbor's opposition was based on finding no reason to support the request rather than a specific reason to oppose it.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Allowing the addition would not generate any substantial on-site or off-site impacts.
2. This project meets the goals of the Neighborhood Rehabilitation designation under the Comprehensive Plan.
3. The Pirtleville area has a proliferation of similar legal, non-conforming structures.
4. Staff received one statement of support from a neighboring property owner.

Factors Against Allowing the Variance

1. This request is the result of a Violation for building without a permit.
2. Staff received one statement of opposition from a neighboring property owner.

3. A purpose of Section 704.03 is to protect residential neighborhoods from crowded appearances.

VII. RECOMMENDATION

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

Sample Motion: *Mr. Chair, I move to approve Docket BA2-13-01, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan
- D. Public Comments



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: 408-20-044
2. Address of parcel: 430 Pirtle Ave Pirtleville, AZ 85626
3. Area of Parcel (to nearest tenth of an acre): 0.25
4. Zoning District designation of Parcel: TR-9
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

Single Family Residence 1896 square feet

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

Additions to home, closet and bay window

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

Closet has setback of 4' rather than 10'.

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.

Additional storage space required for master bedroom
~~Add~~ No other location was available due
to location of windows and bathroom.

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.

Doesn't block views of any neighbors. Fence
exists between adjacent parcels.

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

PROPERTY OWNER

MAIL ADDRESS

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

[Signature] 430 Piertle Av. 1-23-13

APPLICANT'S PHONE NUMBER

364-3661

APPLICANT'S EMAIL ADDRESS

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.

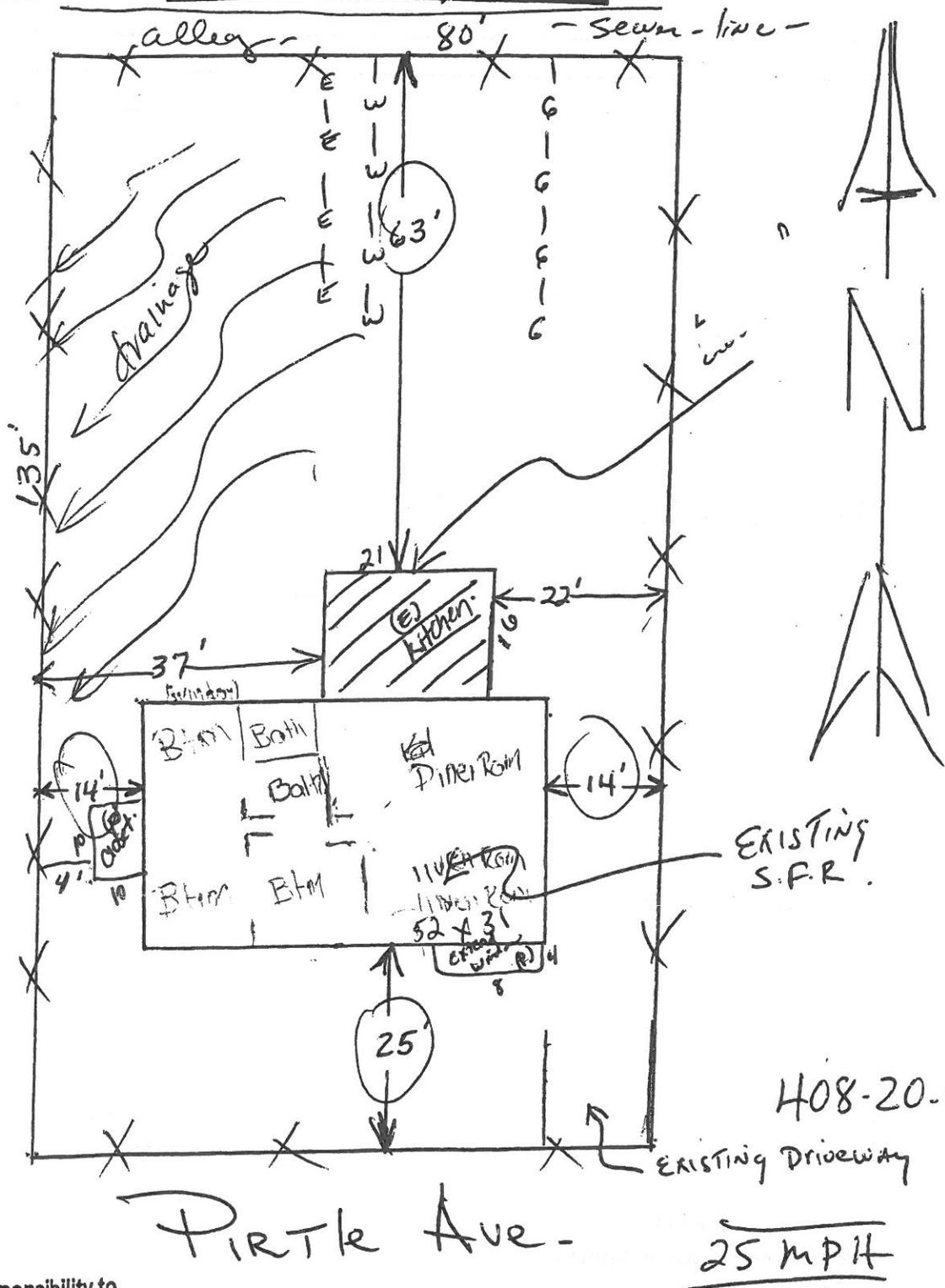
Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, 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.

setback will be measured from the closest point on the property line or edge of road travelway to the structure/use whichever is closer

APPROVED COCHISE COUNTY PLANNING & ZONING

For Addition to SFR 3362
 Permit # 030054 Date 1/15/83
 By Debbie Lee

No structure/use permitted herein shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easements



= chain-link fence (EXISTING)

It is the applicant's responsibility to obtain any additional permits, or meet any additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state or local laws or regulations

All on-site residential outdoor light fixtures must comply with the, "Cochise County Light Pollution Code". for a copy call (520) 432-9450

If any changes need to be made to this approved site plan due to conflicting requirements from any other County department, this site plan must be re-approved by the Planning Department BEFORE any construction begins

Variance Request: Docket BA2-13-02 (Luziana)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

DUE TO THE FACT THAT THE ADICION TO THEIR HOUSE IS TO THE WEST, IT DOES NOT BOTHER US. HOWEVER WE WOULD OBJECT IF IN THE FUTURE THEY DECIDE TO BUILD AN ENCLOSED STRUCTURE OR A PORCH THAT THE ROOF DRAINS IN TO OUR PROPERTY TO THE EAST OF THEIR HOUSE

NO, I DO NOT SUPPORT THIS REQUEST:

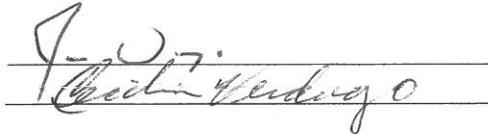
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JESUS & CECILIA VERDUGO

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: _____ (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 2 on March 6, 2013. 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 Friday, February 22.

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

Variance Request: Docket BA2-13-02 (Luziana)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I have no reason to support this request

I'm not bother with it

(Attach additional sheets, if necessary)

PRINT NAME(S):

Andres + Betty Fscarcega

SIGNATURE(S):

Andres Fscarcega
Betty Fscarcega

YOUR TAX PARCEL NUMBER: 408-20-029 (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 2 on March 6, 2013. 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 Friday, February 22.

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