

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, March 11, 2014
J.P. Courtroom, County Service Center
126 W. 5th Street
Benson, Arizona

6:30 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 BA3-14-04 (High Desert Auction): The Applicant proposes to change the use of an existing warehouse to an auction house, a use considered retail sales, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 1203.05 & 1804.08 (screening and surfacing of outdoor storage areas); 1804.06.D (direct access from a parking space to the street); 1804.06.F.1 (driveway must be clearly defined); 1804.07.C (native surface in lieu of DBST for driving and parking areas); 1806 (landscaping requirements); 1804.06.F.3 (minimum driveway width); and 1203.02 (minimum setbacks). The Applicant is Erin Peters.

Applicant: Ms. Heather Anderson

- 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"

TO: Board of Adjustment, District 3
FROM: Peter Gardner, Planner I *PAG*
FOR: Beverly Wilson, Planning Director *BW*
SUBJECT: Final Minutes of the Regular Meeting of February 11, 2014
DATE: February 27, 2014

Members Present:

Paul Brick, Chairman
Shawn Wales, Vice-Chair
Helen Barnard, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

None

These minutes for the BA3 meeting held on February 11, 2014 are complete only when accompanied by the memoranda for said meeting dated February 11, 2014.

Call to Order / Roll Call / Election:

Chairman Paul Brick called the meeting to order at 6:30 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all members of the Board were present and that as such, a quorum was established and business could proceed.

Mr. Wales made a motion to approve the minutes of the January 14, 2014 regular meeting. Ms. Barnard seconded the motion, and the vote was 3-0 to approve the minutes of the January 14, 2014 meeting.

NEW BUSINESS

Docket BA3-14-02 (Mustang Mountain): The Applicant proposes to change the use of an existing retail establishment to a church, and requests a Variance from Section 1804.07.C.1 of the Cochise County Zoning Regulations requiring a DBST surface in all parking areas. The Applicant is requesting to use gravel in lieu of DBST. The subject parcel, 106-05-018F, is located at 2281 N. Highway 90, in Huachuca City, AZ. The Applicant is Larry Whitney.

Chairman Brick called for the Planning Director's presentation of the Docket. Mr. Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variance.

Mr. Gardner explained the temporary nature of the Applicant's proposal. He concluded by offering factors in favor and against approval.

Chairman Brick noted that the Applicant was not present, nor were any members of the public. Mr. Brick noted a typographical error on the report, and then asked if Staff had more photographs, which Mr. Gardner provided. Mr. Wales asked why the gravel lot was not previously permitted. Mr. Gardner explained that the change of use caused the current standards to apply, driving the need for the Variance. Mr. Wales asked why the Applicant was applying for the permit since the use was intended to be Temporary. Mr. Gardner explained that County Regulations required it. Mr. Wales then asked if another permit and Variance would be required when the site reverted to a retail establishment. Mr. Gardner explained that this was the case, and noted that the Board could separate the Variance from the use and apply it in perpetuity to the site. Mr. Gardner amended the sample motion to reflect this change. Mr. Wales asked if there were tax benefits to the property owner, and Mr. Gardner stated that tax issues were not within Staff's purview or knowledge.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variance, with the addition that the Variance would not be tied to the use, but would remain attached to the site.

Chairman Brick called for a motion. Mr. Wales made a motion to grant the Variance, with the addition to separate the Variance from the use as recommended by Staff citing the factors in favor. Ms. Barnard seconded the motion and Mr. Brick called for a vote. There was no further discussion.

The vote was 3-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report, incorrectly informing the Board that there were no Dockets for the next month. The proposed light pollution and water conservation regulations were discussed as well. Mr. Gardner closed by explaining the new regulations that had been sent to the Board.

Ms. Barnard made a motion to adjourn. Mr. Wales seconded, and the meeting was adjourned at 6:53 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner *PM2*
FOR: Beverly Wilson, Planning Director *BW*
SUBJECT: Docket BA3-14-04 (High Desert Auction)
DATE: February 24, 2014 for the March 11, 2014 Meeting

APPLICATION FOR VARIANCE

Docket BA3-14-04 (High Desert Auction): The Applicant proposes to change the use of an existing warehouse to an auction house, a use considered retail sales, and requests Variances from the following Sections of the Cochise County Zoning Regulations:

- 1203.05 and 1804.08 (screening and surfacing of outdoor storage areas);
- 1804.06.D (direct access from a parking space to the street); 1804.06.F.1 (driveway must be clearly defined);
- 1804.07.C (native surface in lieu of DBST for driving and parking areas); 1806 (landscaping requirements); and
- 1804.06.F.3 (minimum driveway width); and 1203.02 (minimum setbacks).

The subject parcel, 202-69-009, is located at 2060 N. Haskell Avenue, in Willcox, AZ. The Applicant is Erin Peters.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

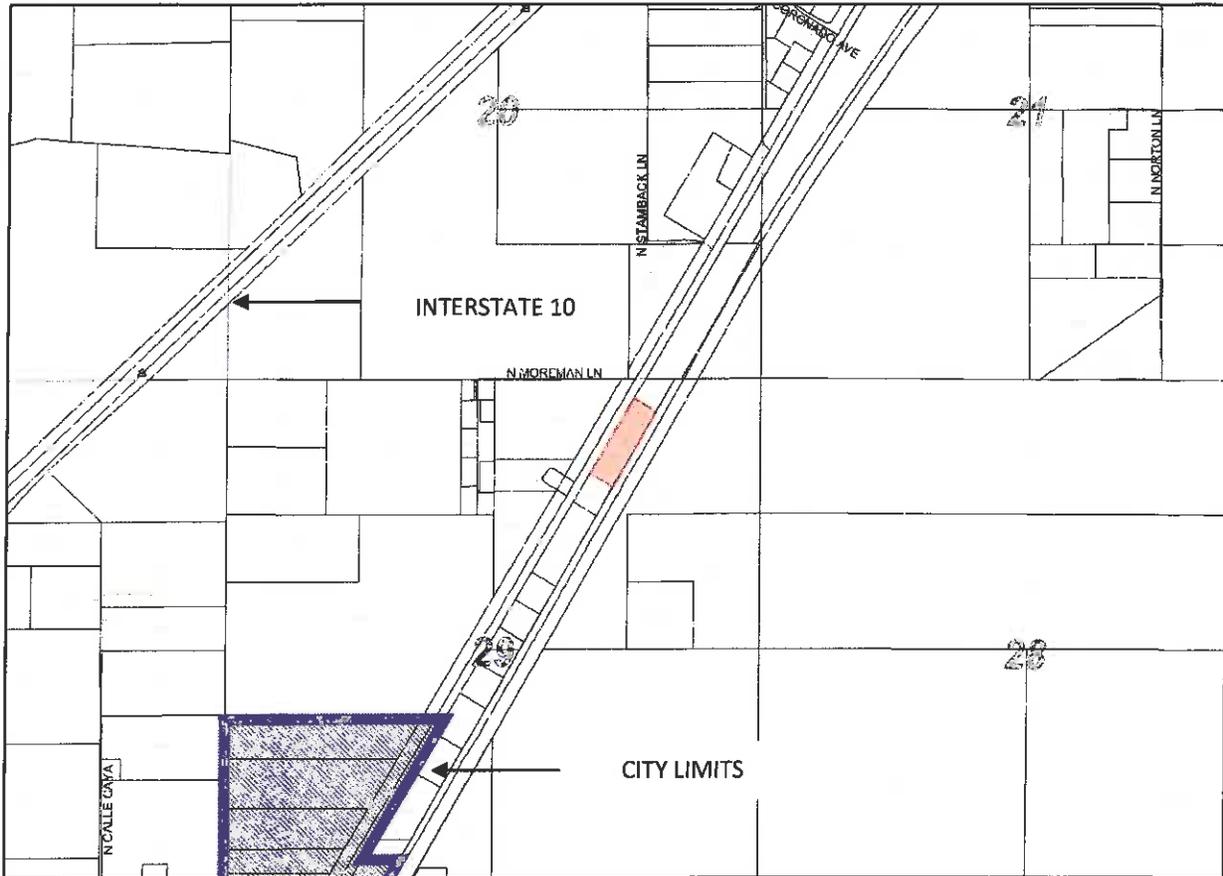
Site Size: 5.05-acres
Zoning: GB (General Business)
Growth Area: Category B (Community Growth Area)
Plan Designation: Developing
Area Plan: None
Existing Uses: Warehouse
Proposed Uses: Auction House – Retail Establishment

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Vacant
South	GB	Warehouse
East	GB	Railroad Property N. Railroad Ave
West	State Highway / GB	N. Haskell Ave / Vacant

II. SITE HISTORY

- 1960 – Warehouse constructed.
- 1994 – Special Use granted for Winery. Winery was never established.
- 2006 – Permit issued to change use to an Auto Body Shop. Shop was never established.
- 2014 – Permit to establish Auction House issued, conditional on Variance approval.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes to use the existing structure as an auction house. The Applicant is proposing to use the existing native parking surface in place of the required double-bituminous surface treatment (chip-seal) parking surface. The parking area also lacks a defined driveway, and the parking spaces require backing out directly into the right-of-way. The Applicant is also proposing to use the existing unscreened, native surface yard for outdoor storage of goods and to waive the landscaping requirements. The existing structure also does not meet required minimum setbacks.

IV. ANALYSIS OF IMPACTS

The intention of the surfacing requirements for the driveway, parking, and outdoor storage areas is to reduce dust. The site is located in an area of the County with dense, hard packed soils. Even on windy days there is minimal dust produced.

Staff is confident that permitting the existing native surfaces to remain will not create untoward dust impacts on nearby properties. While outdoor storage areas are also required to be screened with an opaque barrier, this site has been in use as a warehouse and storage yard off and on for over 50 years without incident. This is due to the location in a commercially and industrially developed area along a business loop of Interstate 10. Permitting the condition to continue will not create additional off-site impacts.

The existing parking area also does not meet the required back-out distance to the ADOT right-of-way, nor is there a defined driveway from Haskell Avenue. These conditions have also existed since the site was constructed without incident. While the defined right-of-way is 200-foot wide, the actual road travel way is less than 30-foot wide. Vehicles have sufficient room to back out of parking spaces while maintaining safe distance from the road travel way, despite using right-of-way to do so. As the parking spaces abut the right-of-way, they technically have access directly to the street, but the distance to the actual road travel way ensures that vehicles do not physically pull out directly onto Haskell Avenue. While the driveway is not clearly defined, there are no curbs or changes in grade that make transition from Haskell Avenue onto the parking area physically unsafe. The relatively low traffic levels that are expected to be generated by this use may safely be accommodated by the sub-optimal conditions. Staff is comfortable with permitting the conditions to remain as is.

The site also fails to meet current setbacks, and if the use had not changed from a warehouse, the location would be deemed legal non-conforming due to the structure being built in 1960, 15 years prior to the adoption of the Zoning Regulations in 1975. Staff finds no reason to require the structures to be relocated due to the change of use.

The final request is to waive the landscaping requirement. As a substantial portion of the site is open space, and the surrounding area is either undeveloped, or is unlandscaped industrial property, Staff is comfortable is permitting the existing conditions to remain.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on February 12, 2014 and published a legal notice in the *Bisbee Observer* on February 20, 2014. To date, the Department has received one letter of support from a neighboring property owner.



Above: View of the site from across N. Haskell Avenue. Below: View of a portion of the storage area, and the adjoining parcel.



VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variances 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 without compromising safety or quality-of-life for area residents;
3. The existing parking is in good condition and will safely accommodate the expected traffic for this specific use; and
4. Staff has received one letter of support from a neighboring property owner.

Factors Against Approving the Variances

1. If N. Haskell Avenue is widened it may create an unsafe parking condition.

VII. RECOMMENDATION

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

Sample Motion: *Mr. Chair, I move to approve Docket BA3-14-04, granting the Variances 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 Comment



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 3

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3

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: 202-09-009
2. Address of parcel: 2000 N Haskell Ave.
Willcox, AZ 85643
3. Area of Parcel (to nearest tenth of an acre): 5 acres
4. Zoning District designation of Parcel: SB - change of use to Retail
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.
Warehouse - 14,134.25 sq. ft. NW on lot.
Storage shed - 900 sq. ft. NW on lot.
6. Describe all proposed uses or structures, which are to be placed on the property.
~~Proposed use of auto auction, for~~
existing building.
7. State the specific nature of the variance or variances sought.
See attached.

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.

we will be having 12 auctions per year
and so therefore will only have customers
12 times through the year. Having 40 parking
spots chip sealed or paved is not logical or
necessary to run this business. Also just starting
out the company does not have the financial ability to

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.

This would not impair the rights of surrounding owners
because the spaces will be dirt + gravel. Also
as a business we will have the property looking
good without landscaping.

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

<u>PROPERTY OWNER</u>	<u>MAIL ADDRESS</u>
<u>Erin Peters</u>	<u>2000 N. Haskell Ave Willcox AZ 85643</u>
<u>Justin Peters</u>	<u>same</u>

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.

<u>SIGNATURE OF PETITIONER</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Gene Peters</u>	<u>2000 N. Haskell Ave</u>	<u>1/23/14</u>
<u>Gene Peters</u>	<u>same</u>	<u>1/23/14</u>

APPLICANT'S PHONE NUMBER 520-457-8376

APPLICANT'S EMAIL ADDRESS highdesertauctions@hotmail.com

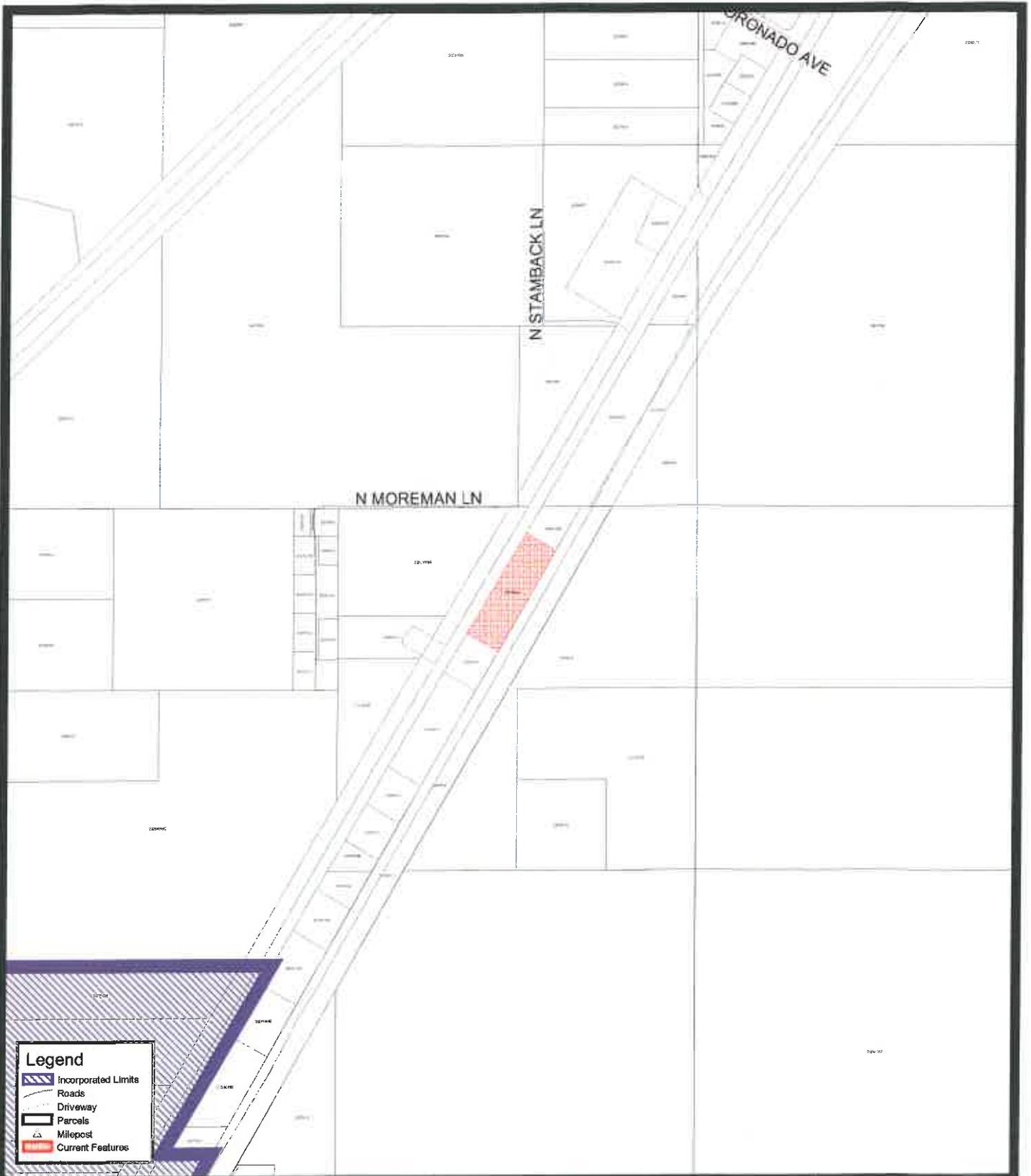
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise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

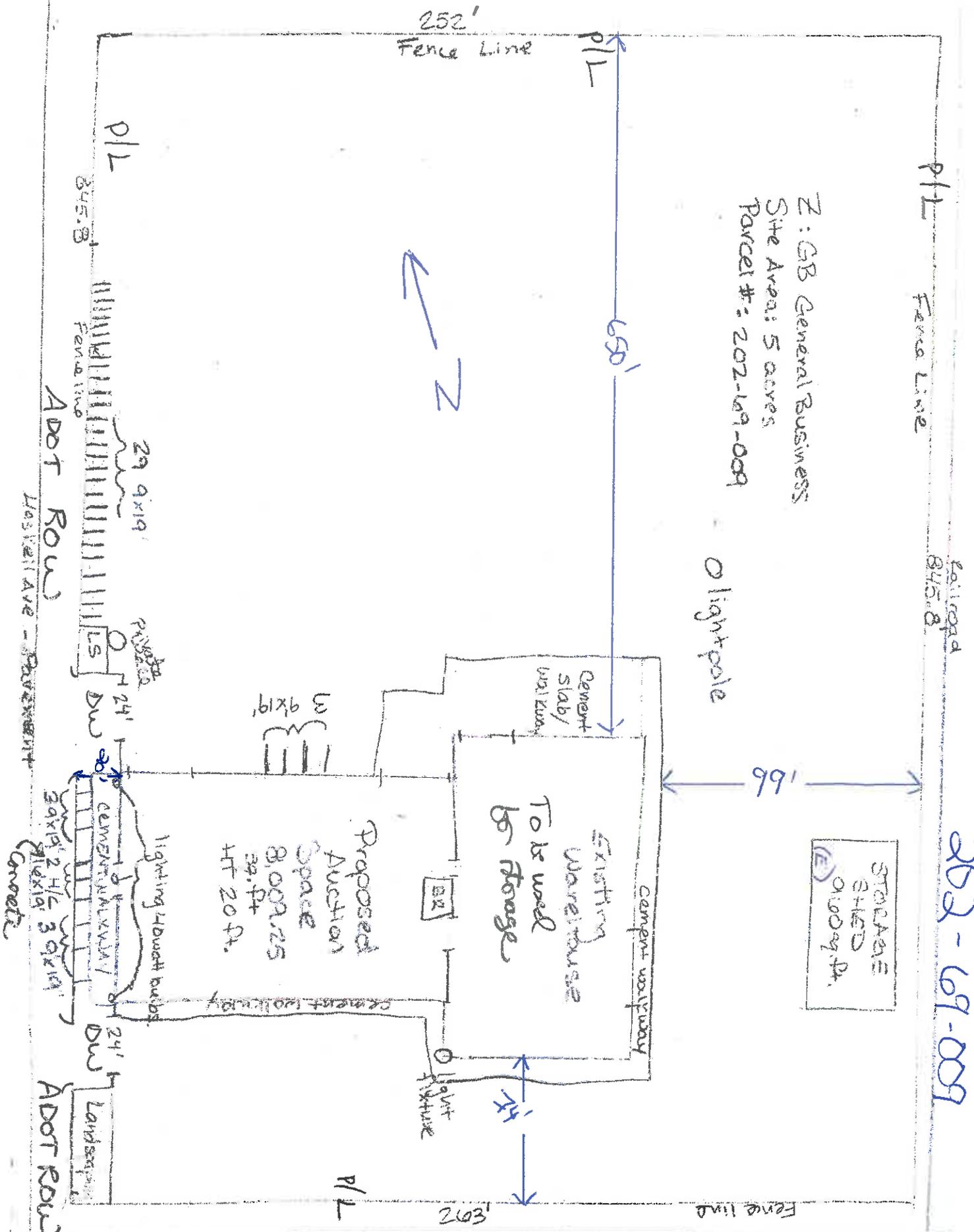


3-14-04 (High Desert Aucti
202-69-009

This map is a product of the
Cochise County GIS



9
B



Z: GB General Business
 Site Area: 5 acres
 Parcel #: 202-69-009

202-69-009

01

Variations: Docket BA3-14-04 (High Desert Auction)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Will improve security - Less wildfire danger
The ground is hard here
Mud and dust are not a problem here
Best location for auction on B.R. 10

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

William D. Clardy

COCHISE COUNTY
FEB 18 2014
PLANNING

SIGNATURE(S):

William D Clardy

YOUR TAX PARCEL NUMBER: 202-69-010 5 (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 3 on March 11, 2014. 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 Thursday, February 27, 2014.

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