

**EXPANDED AGENDA**  
**Board of Adjustment, District 1**  
**Wednesday, March 25, 2015**  
**Cochise County Service Center**  
**4001 E. Foothills Drive (In the Former Courtroom)**  
**Sierra Vista, Arizona**

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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 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 BA1-15-01 (Wardle): The Applicant is requesting a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-43 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to a detached garage 10 feet from the north property line. The subject parcel (Parcel # 105-99-422) is located at 2717 E. Atsina Drive in Sierra Vista, AZ.

**Applicant:** Rand. S Wardle

- 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)

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**Call for Planning Director's Report**

**Call to the Public**

**ADJOURNMENT**



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs... Personal Service"*

**TO:** Board of Adjustment, District 1  
**FROM:** Peter Gardner, Planner I  
For: Beverly Wilson, Planning Director  
**SUBJECT:** Minutes of the Regular Meeting of September 25, 2013  
**DATE:** November 2, 2013

**Members Present:**

Tom Borer, Chairman  
Ed Cottingham, Vice Chairman  
Michael Cerepanya, Member

**Staff Present:**

Dora Flores, Customer Service and Permit Coordinator

**Others Present:**

Applicants

*These minutes for the BA1 meeting held on September 25, 2013 are complete only when accompanied by the memoranda for said meeting dated September 25, 2013.*

**Call to Order / Roll Call:**

Chairman Tom Borer called the meeting to order at 5:56 p.m. at the Cochise County Service Center Conference Room in Sierra Vista. He noted that all three members of the Board were present, establishing that the Board had a Quorum and could proceed. Mr. Cerepanya made a motion to approve the minutes of the January 23, 2013 regular meeting. Mr. Cottingham seconded the motion, and the vote was 3-0 to approve the minutes of the January 23, 2013 meeting.

Chairman Borer explained the procedures of the meeting to those present, and moved on to the docket.

**NEW BUSINESS**

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

Docket BA1-13-02 (Coulter): The Applicant is requesting a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-43 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to construct an RV cover 8-feet from the west property line.

The subject parcel (Parcel # 105-99-300) is located at 3388 East Kalispell Avenue in Sierra Vista, AZ.

Chairman Borer called for the Planning Director's presentation on the Docket.

Dora Flores 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. She explained the background of the case and the circumstances surrounding the Variance request under consideration. She concluded by offering factors in favor and against approval.

Chairman Borer declared the Public Hearing open, and then called for the Applicant's statement. Mr. Borer asked the Applicant if there was additional information he wished to present. The Applicant stated that he did not. Chairman Borer noted there were no other members of the public present and called the Public Hearing closed and called for Board discussion. There was no further discussion and Chairman Borer asked for Staff's recommendation. Mr. Gardner explained that Staff's recommendation was Approval.

Mr. Cottingham made a motion to approve the Variance per the Applicant's request. Mr. Cerepanya seconded and the motion passed 3 – 0.

**Planning Director's Report:**

There being no business to report, Mr. Borer adjourned at 6:13 p.m.



**Cochise County**  
**Community Development**  
 Highway and Floodplain Division

Public Programs...Personal Service  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 1  
**FROM:** Peter Gardner, Planner I *(PG)*  
**FOR:** Beverly Wilson, Planning Director  
**SUBJECT:** Docket BA1-15-01 (Wardle)  
**DATE:** March 13, 2015 for the March 25, 2015 Meeting

**APPLICATION FOR VARIANCE**

**Docket BA1-15-01 (Wardle):**

The Applicant is requesting a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-43 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to a detached garage 10 feet from the north property line. The subject parcel (Parcel # 105-99-422) is located at 2717 E. Atsina Drive in Sierra Vista, AZ. The Applicant is Rand S. Wardle.

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

**Site Size:** 1.00-acre (43,560-square feet)  
**Zoning:** SR-43 (Single Family Residential, one dwelling per acre)  
**Growth Area:** Category A (Urban Growth Area)  
**Plan Designation:** Neighborhood Conservation  
**Area Plan:** None  
**Existing Uses:** Single Family Residential  
**Proposed Uses:** Same, with additional accessory structure

**Surrounding Zoning and Uses**

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road/SFR-36 (City Zoning)	E. Kachina Tr/Single Family Dwelling
South	County Maintained Road/SR-43	E. Atsina Dr/Single Family Dwelling
East	SR-43	Single Family Dwelling
West	SR-43	Single Family Dwelling

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov



a neighborhood with a fairly high density of structures on individual parcels, with buffers between each cluster of development.

The current request to construct a detached garage would not create any untoward impacts on surrounding properties. The impacted property line borders a residential street and is buffered by an existing block wall. There is no immediately impacted neighbor. The proposed cover does not impact sightlines from the adjoining parcels or the street due to the existing configuration of the properties.

In addition, the proposed location of the garage would increase the separation between the garage and the existing home. While there is no required separation between an accessory structure and a principal structure, this request would permit a 15-foot separation as would be required between principal structures. The intent of this separation, both in code and the applicant's request, is to create fire separation.

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

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on March 9, 2015 and published a legal notice in the *Bisbee Observer* on March 5, 2015. To date, the Department has received no response from neighboring property owners within the 300-foot radius.



*Above: View of the site.*

## **VI. SUMMARY AND CONCLUSION**

### **Factors in Favor of Approving the Variances**

1. Approving the Variance would not substantially impact neighboring properties due to the configuration of the surrounding properties and streets; and
2. The proposed location would increase safety by creating a 15-foot fire separation between the garage and home; and
3. Staff has not received any opposition to the request.

### **Factor Against Approving the Variances**

None Apparent

## **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. Chairman, I move to approve Docket BA1-15-01, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact. Furthermore, the Variances shall apply to any current or future permitted use.*

## **VIII. ATTACHMENTS**

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



BA1-15-01  
Fee Month 25

# 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 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: 10599422

2. Address of parcel: 2717 E-ATSINA DR, SIERRA VISTA, AZ 85650

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

4. Zoning District designation of Parcel: MOUNTAIN SHADOWS PHASE E LOT 211

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

RESIDENCE, 2784 SQFT, SANTE FE, 130' 6" FROM ATSINA DR, 65' 10" WEST PROPERTY LINE, 38' EAST PROPERTY LINE, 79' FROM NORTH PROPERTY LINE, 12' X 16' SHED ON SKIDS TO BE RELOCATED FOR PROPOSED GARAGE, 7' X 8' "LEAN TO" ON SKIDS

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

30' X 40' GARAGE, 3 VEHICLE AND STORAGE, SANTE FE DESIGN TO MATCH

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

REQUEST A CHANGE IN SETBACK FROM 20' TO 10' TO ACCOMMODATE 35' X 40' GARAGE

5 A

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.

WITH THE SETBACK SET AT 20', THE SE CORNER OF PROPOSED STRUCTURE WOULD BE CLOSER TO THE NW CORNER OF THE EXISTING RESIDENCE. WOULD LIKE TO HAVE MORE SPACING BETWEEN STRUCTURES FOR FIRE SAFETY. ALSO, WITH THE SETBACK AT 20', THAT PUTS THE PROPOSED STRUCTURE INTO A SLIGHT BERM TO THE EAST, (SEE ADDENDUM

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.

AT THIS TIME, SETBACK IS SET AT 20'. NORTH WALL IS 4.5' FROM PROPERTY LINE, FROM NORTH PROPERTY LINE IS A DITCH 31' WIDE TO KACHINA RD WHICH IS 40' WIDE THEN TO SIERRA VISTA NEIGHBORHOOD. PROPOSED GARAGE HEIGHT WOULD BE LESS THAN EXISTING <sup>RESIDENCE</sup> RESIDENCE WOULD NOT IMPAIR VIEWS OF PROPERTY OWNERS TO THE NORTH OF PROPOSED GARAGE. PROPERTIES TO THE EAST AND WEST ARE MORE THAN 50' AWAY FROM PROPOSED GARAGE.

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>THE ADRIC'S</u>	<u>2767 E. ATSINA DR, SIERRA VISTA, AZ 85650</u>
<u>THE DUFOUR'S</u>	<u>2655 E. ATSINA DR, SIERRA VISTA, AZ 85650</u>
<u>THE FAULKNER'S</u>	<u>2680 E. SUMA DR, SIERRA VISTA, AZ</u>
<u>THE OAKES,</u>	<u>4061 E. SUMA DR, SIERRA VISTA, AZ</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.

SIGNATURE OF PETITIONER

ADDRESS

DATE

RAND S. WARDLE

2717 E. ATSINA DR

13 FEB 2015

SIERRA VISTA, AZ 85650

APPLICANT'S PHONE NUMBER 520-266-4758

APPLICANT'S EMAIL ADDRESS WARDLER@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.

ADDENDUM:

#8 CONTINUATION: WHICH WOULD REQUIRE THE FOUNDATION TO BE CONSTRUCTED AT A HIGHER LEVEL WHICH INCREASES TOTAL HEIGHT OF PROPOSED GARAGE.

A 10' SETBACK WOULD REDUCE THE FIRE RISK AND RAIN WATER RUN OFF FROM THE BERM AWAY FROM THE PROPOSED GARAGE. EXISTING TREES AND YARD WOULD NOT BE DISTURBED.

↑ NORTH

SIERRA VISTA RESIDENTS NEIGHBOR HOOD

KACHINA RD

40'

133'  
54'

DITCH

IN QUESTION

10' SETBACK REQUESTED  
20' SETBACK  
WALL

WARDLE PROPERTY

52'

PROPOSED GARAGE

105'

EXISTING SHED

GATE

WARDLE HOUSE

EXISTING

WARRANTY

PROPERTY LINE

PROPERTY LINE

ATSINA DR

NOT TO SCALE

9 B



Variance request Docket BA1-15-01 (Wardle)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

THIS ADDITION WILL NOT IMPACT  
IN ANY WAY THE VALUE AND USE OF OUR  
PROPERTY  
4061 S CHICKASAW CT  
SIERRA VISTA AZ 85650

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT

George Oakes

NAME(S):

SIGNATURE(S):

Ben R Oakes

YOUR TAX PARCEL NUMBER: 105 99471 9 (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 on March 25, 2015. 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. This form is due to our Department by Monday, March 23, 2015.

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

COCHISE COUNTY

MAR 16 2015

PLANNING

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