

EXPANDED AGENDA
Board of Adjustment, District 2
June 04, 2014; 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 – Election of Officers

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

Docket BA2-14-02 (Kimbrough): The Applicant is requesting a Variance from Section 705 of the Cochise County Zoning Regulations requiring all Accessory Structures in an R-36 Zoning District to be incidental to and smaller than the Principal Structure. The Applicant intends to construct a 2,400 square-foot car barn, which is larger than the 2,216 square-foot home. The subject parcel (107-69-001A) is located at 4837 E. Camino Principal in Sierra Vista, AZ. It is further described as being situated in Section 30 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are V. Gene and Judy R. Kimbrough.

- 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)

Item 3 - Call for Planning Director's Report

Item 4 - Call to the Public

ADJOURN



COCHISE COUNTY **COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

TO: Board of Adjustment, District 2
FROM: Peter Gardner, Planner I *(PG)*
For: Beverly Wilson, Planning Director *(BW)*
SUBJECT: Minutes of the Regular Meeting of February 5, 2014
DATE: May 20, 2014

Members Present:

Patrick Green, Chair
Andy Salaiz

Staff Present:

Peter Gardner, Planner I

Others Present:

Anthony Taylor, Applicant

These minutes for the BA2 meeting held on February 5, 2014, are complete only when accompanied by the memoranda for said meeting dated February 5, 2014.

Call to Order / Roll Call:

Chair, 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 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 January 2, 2014 special meeting. Mr. Greene seconded the motion, and the vote was 1-0 to approve the minutes of the January 2, 2014 meeting, with Mr. Greene abstaining.

Chair Greene explained the procedures of the meeting to those present.

NEW BUSINESS

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.

Chair Greene 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. Greene noted that the Applicant was present, and invited him to make a statement. Mr. Taylor explained the background and nature of his business. He also explained the requested Variances and the rationale behind them.

There being no other speaker present, Mr. Greene noted that there was no need for a public hearing, Mr. Greene 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. Greene seconded and the motion passed 2 – 0.

Planning Director's Report:

Mr. Gardner noted that there were no dockets on the agenda for March. Mr. Salaiz made a motion to adjourn. Mr. Greene seconded, and the meeting was adjourned at 6:25 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Peter Gardner, Planner (PG)
FOR: Beverly Wilson, Planning Director (BW)
SUBJECT: Docket BA2-14-04 (Kimbrough)
DATE: May 20, 2014 for the June 4, 2014 Meeting

REQUEST FOR A VARIANCE

The Applicants request a Variance from Section 705 of the Cochise County Zoning Regulations requiring all Accessory Structures in an R-36 Zoning District (Residential; minimum lot size 36,000-sq. ft.) to be incidental to and smaller than the Principal Structure. The Applicant intends to construct a 2,400-square-foot garage, which is larger than the 2,216-square-foot home. The subject parcel (107-69-001A) is located at 4837 E. Camino Principal in Sierra Vista. The Applicants are V. Gene and Judy R. Kimbrough.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 0.80 acres (34,640-square feet)
Growth Area: Growth Category B
Comprehensive Plan Designation: NC – Neighborhood Conservation
Area Plan: Sierra Vista Sub-Watershed Overlay Zone
Existing Uses: Single-family residence with accessory structures
Proposed Uses: Same with additional accessory structure

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Alley / Single-family residences
South	County Maintained Road / R-36	E. Camino Principal / Single-family residences
East	R-36	Single-family residence
West	R-36	Single-family residence

II. PARCEL HISTORY

- 1972 – Single-family residence and detached garage constructed.
- 1973 – Property split into current configuration.
- 1975 – Zoning regulations take effect, rendering parcel Legal Non-Conforming, as the parcel does not meet the required minimum site area for the R-36 zoning district.
- 2013 – Permit issued to upgrade electrical service.

III. PROJECT DESCRIPTION

This is a request for a Variance to allow the permitting and construction of 2,400-square foot steel garage to be constructed. The proposed garage exceeds the 2,216-square feet of the principal dwelling. The Zoning Regulations require all accessory structures in the R-36 zoning district to be incidental and subordinate to the principal structure. The purpose of the structure is to provide storage for the Applicant's recreational vehicle and several antique automobiles.



Above: View of location of the proposed garage, taken from the alley north of the property.

IV. ANALYSIS OF IMPACTS

The Applicant is requesting a Variance to construct a garage larger than the existing residence. The properties most affected would be the two immediately to the north and the sites abutting the east and west property lines. As the attached aerial photo (Attachment D) shows, the only structures on the adjoining properties near the proposed garage are small accessory structures on the parcels to the north. A 16-foot wide alley runs between the subject parcel and the parcels to the north. This alley provides utility access to the properties, and is relatively overgrown with vegetation, providing a visual barrier between the properties. While no substantial barrier exists to the east or west, all development on those parcels is concentrated near the street. The proposed garage will therefore not interfere with the use of either of the adjoining properties. Due to the size and placement of the existing home and garage, the structure will be mostly obscured from the street.

While the Zoning Regulations require each accessory structure to be smaller than the principal structure, there is no such prohibition on the aggregate size of multiple accessory structures on a property.

The homeowner could potentially construct two garages, each of 2,000-square feet and be within the Regulations. The proposed garage will generate less impact than multiple smaller structures.

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 May 16, 2014 and published a legal notice in the Bisbee Observer on May 15, 2014. To date, the Department has received no comment from neighboring property owners.



Above: View of the site from the street, showing obscured visibility of the back of the property.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Allowing the construction of the 2,400-square foot garage will not threaten or prohibit the enjoyment of neighboring properties; and
2. The structure complies with all other site development standards.

Factors Against Allowing the Variance

1. None Apparent



Above: View of the site and the home to the west, showing obscured view from the street.

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 BA2-14-02, 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. Aerial Photo



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 Two

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: 107-69-001A

2. Address of parcel: 4837 Camino Principal
Sierra Vista AZ 85650

3. Area of Parcel (to nearest tenth of an acre): .8+

4. Zoning District designation of Parcel: 2

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

Single family home with garage/workshop. Home is 2216 sq. ft.; garage is 8' away from house and is 896 sq. ft, not counting roof extensions.

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

Metal car barn is to be 2400 sq. ft. to be used as storage for motor home and 4 antique cars to keep them out of sight and out of weather.

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

Current regulations state that the barn cannot be larger than main dwelling. Since house/garage-workshop total over 3000 sq ft, approval is requested.

COCHISE COUNTY

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PLANNING

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.

Garage-Workshop is 8' from house and with the sq footage with
it and house total over 3000 sq ft. Car barn will
be completely hidden behind garage/house at back
of property and will not be visible from Camino Principal.

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.

owner has spent his lifetime collecting these antiques and has owned
the property since 1976
Back of property is cleared and empty of any
obstructions. The car barn will not present any
obstruction that would adversely impact any
neighbors. two of whom have outbuildings at the
back of their properties.

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>V. GENE Kimbrough</u>	<u>4837 Camino Principal S.V. AZ 85630</u>
<u>Judy R. Kimbrough</u>	<u>4837 Camino Principal, S.V., Az 85630</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

V. Gene Kimbrough 4837 Camino Principal 4/8/14
Judy Rae Kimbrough 4837 Camino Principal 4/8/14

APPLICANT'S PHONE NUMBER 602 510 4812 (cell)

APPLICANT'S EMAIL ADDRESS VGENE.Kimbrough@yahoo.com

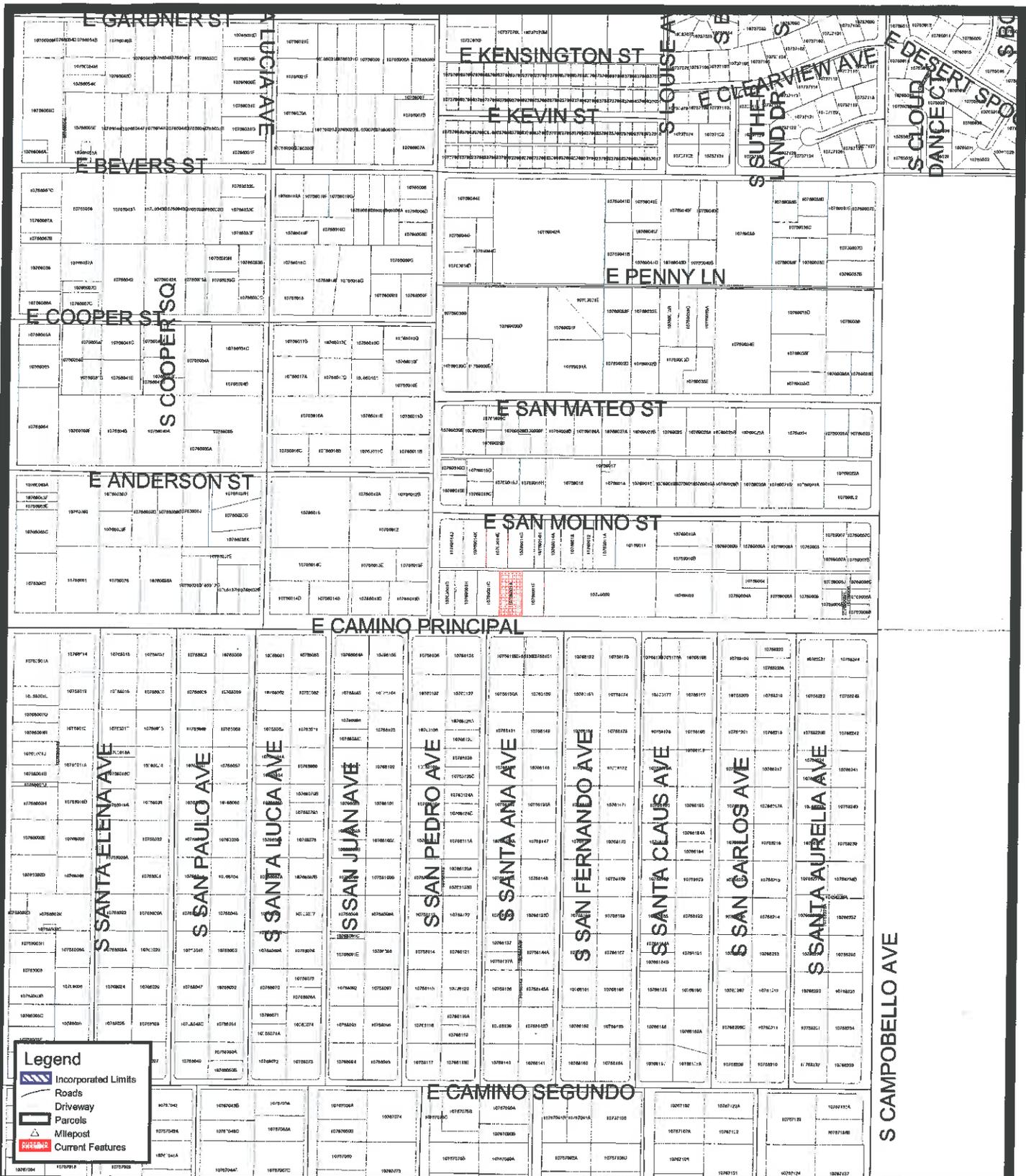
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise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



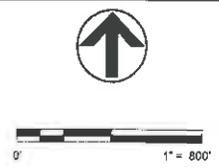
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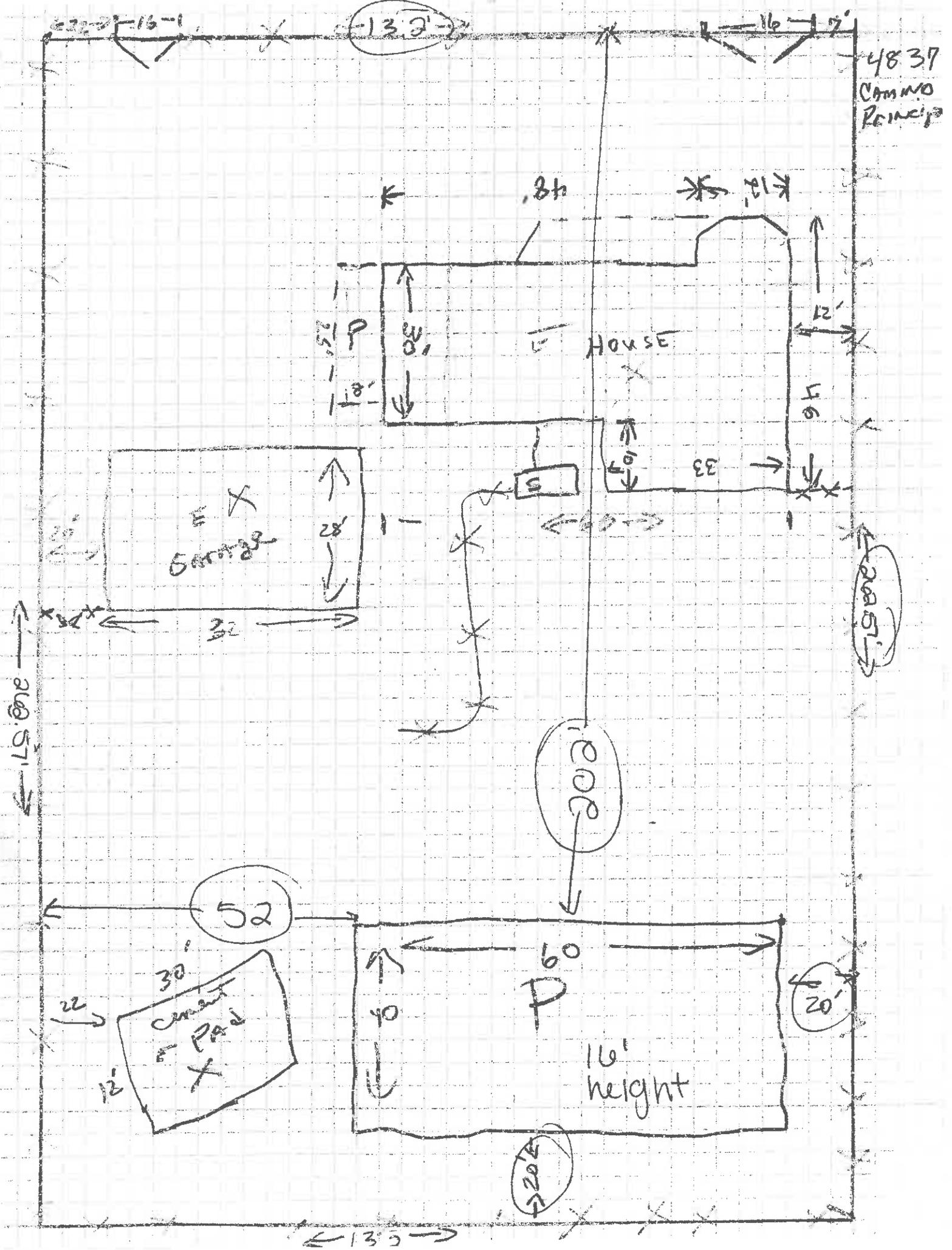
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Current Features



Location Map BA2-14-02 (Kimbrough)

This map is a product of the Cochise County GIS Information Technology Dept.







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