

EXPANDED AGENDA
Board of Adjustment, District 2
July 3, 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 BA2-13-03 (Weisberg; Oasis Water Harvesting):

The Applicant is requesting Variances from the following Sections of the Cochise County Zoning Regulations: 1203.05 (Screening requirement); 1804.07.C (Paving of driveway, parking and loading areas); 1804.08 (Gravel surface for outdoor storage areas); and 1806.02.B (Landscaping requirements). The Applicant intends to store and advertise rainwater harvesting cisterns on the site.

The subject parcel (107-66-067B) is located at 4433 South Highway 92 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 Applicant is Rick Weisberg doing business as Oasis Water Harvesting.

- 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
For: Beverly Wilson, Deputy Director, Planning Division
SUBJECT: Minutes of the Regular Meeting of April 3, 2013
DATE: June 20, 2013

Members Present:

Patrick Greene, Chairman
Albert Young
Andy Salaiz

Staff Present:

Peter Gardner, Planner I

Others Present:

None

These minutes for the BA2 meeting held on April 3, 2013, are complete only when accompanied by the memoranda for said meeting dated April 3, 2013.

Call to Order / Roll Call:

Chairman Patrick Greene called the meeting to order at 6:05 p.m. at the Board of Supervisors' Executive Meeting Room at the County Complex in Bisbee. He noted that all three 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 March 6, 2013 regular meeting. Chairman Greene seconded the motion, and the vote was 2-0 (with Mr. Salaiz abstaining) to approve the minutes of the March 6, 2013 meeting.

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

NEW BUSINESS

Docket BA2-13-02 (Yesca): The Applicants are requesting a Variance from Section 1004.03 of the Cochise County Zoning Regulations which requires that structures in a MR-1 Zoning District be set back no less than 5-feet from all property lines. The Applicant intends to legitimize a second home built approximately 4-feet from the south property line. The subject parcel (102-57-338) is located at 3790 South Giesler Ave. in Naco.

Chairman 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 Variance request under consideration. Mr. Gardner explained that a rezoning request from TR-9 to MR-1 had been approved by the Board of Supervisors on March 26 to facilitate the legitimization of the second dwelling. He concluded by offering factors in favor and against approval. As the Applicant was not yet present, Mr. Gardner gave Staff's recommendation of approval.

Chairman Greene noted that the Applicant was not present and opened Board discussion.

There was no further discussion and Chairman Greene noted Staff's recommendation of approval. Chairman Greene noted that the only reason to oppose the request was the failure of the Applicant to obtain a permit prior to construction.

Mr. Young made a motion to approve the Variance to allow the structure to stand in its current location, per the Applicant's submitted diagram. Mr. Salaiz seconded and the motion passed 3 – 0. Mr. Greene did ask Staff if the project was being done by a contractor or by the homeowner. Mr. Gardner explained that the project had been initiated by the homeowner, but due to the intent to rent the second dwelling licensed contractors would be required under state law.

Planning Director's Report:

Mr. Gardner noted that there were no dockets for the May meeting.

Mr. Young made a motion to adjourn. Chairman 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 I
FOR: Beverly Wilson, Deputy Director, Planning Division
SUBJECT: Docket BA2-13-03 (Weisberg; Oasis Water Harvesting)
DATE: June 19, 2013, for the July 3, 2013 Meeting

REQUEST FOR A VARIANCE

The Applicant requests Variances from the following Sections of the Cochise County Zoning Regulations: 1203.05 (Screening requirement); 1804.07.C (Paving of driveway, parking and loading areas); 1804.08 (Gravel surface for outdoor storage areas); and 1806.02.B (Landscaping requirements). The Applicant intends to store and advertise the sale of rainwater harvesting cisterns on the site.

The subject parcel (107-66-067B) is located at 4433 South Highway 92 in Sierra Vista. The Applicant is Rick Weisberg doing business as Oasis Water Harvesting.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 0.33 acres
Growth Area: Growth Category B
Comprehensive Plan Designation: Enterprise (ENT)
Area Plan: None
Existing Uses: Vacant Land
Proposed Uses: Contract Construction Yard

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Day Care Establishment
South	GB	Manufactured Home Sales Lot
East	GB	Single Family Homes
West	State/Highway/SR-43	Highway 92, Single Family Homes

II. PARCEL HISTORY

- 2006 – Permit to build fence.

- 2008 – Commercial Permit for Contract Construction Yard and Variance for site development standards issued. Permit voided by Applicant which also voided the Variance.
- 2013 – Applicant applied for permit for Contract Construction Yard.

III. PROJECT DESCRIPTION

This is a request for four Variances in conjunction with an application for a Commercial Permit to establish a Contract Construction Yard. The Applicant proposes to store and advertise plastic rainwater harvesting tanks on the property. The site will not be a manned facility. The tanks will be stored on site until delivery to end customers, and a forklift will also be kept on site to handle the tanks. The Applicant is also installing advertising on the site, with information available to the public regarding the tanks and his business.



Above: View of the project site.

IV. ANALYSIS OF IMPACTS

The Applicant is requesting a Variance from Section 1203.05 that requires outdoor storage areas to be screened by a six-foot high solid screen. As the Applicant plans to use the presence of the tanks on the site as advertising (to be supplemented with a sign and an information box) the Applicant maintains that screening would negate this benefit.

The landscaping requirement in Section 1806.02.B would also detract from the advertising potential of the site by masking the sign and the tanks themselves.

As this is a well-developed commercial corridor, Staff does not anticipate that waiving the screening and landscaping requirements to better allow the Applicant to advertise his products and services will not adversely impact the neighborhood.

The Applicant is also requesting a Variance from Section 1804.08, which requires that any areas used for outdoor storage of materials be maintained with a dust-free gravel surface or superior. As the Applicant will be using a forklift to handle the plastic water tanks he is requesting a Variance from this section on the basis that forklifts handle very poorly on gravel. Because the site is hard packed soil as seen below, Staff is supportive of this request.

The fourth request is a Variance from Section 1804.07.C requiring that all parking, driving, and loading areas be paved. The property currently shares a paved driveway with the Day Care Establishment to the north. This paved area is also large enough to accommodate the federally required handicapped parking space. The Applicant is requesting that he not be required to pave the additional required parking space or the designated loading area. The loading area falls within the fenced storage area which the Applicant proposes to maintain in its native surface. Staff concurs that the loading area being maintained in a native condition is reasonable as well. Based on the conditions of the native surface in the proposed parking area being a very hard-packed base, Staff supports the request regarding the parking surface.

The subject parcel is located in an area designated *Enterprise* by the Comprehensive Plan. These areas consist of commercial or industrial enterprises on sites zoned Neighborhood Business, General Business, Light Industry or Heavy Industry. In addition, this project meets the goals of the Enterprise designation by using infill for new development.



Above: View of existing terrain on site.

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 June 18, 2013 and published a legal notice in the *Bisbee Observer* on June 13, 2013. To date, the Department has received no comment from neighboring property owners.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variances

1. Allowing the Variances would not generate any substantial adverse on-site or off-site impacts;
2. This project meets the goals of the Enterprise designation under the Comprehensive Plan by using infill for new development; and
3. The project upholds the purpose of the General Business Zoning District.

Factors Against Allowing the Variances

None Apparent

VII. RECOMMENDATION

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

Sample Motion: *Mr. Chair, I move to approve Docket BA2-13-03, 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



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: 02 107-66-067 B 6

2. Address of parcel: 4433 S. Hwy 92

3. Area of Parcel (to nearest tenth of an acre): .33AC / 14,167.09 sq ft

4. Zoning District designation of Parcel: MB

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

vacant lot 60' wide, 236' deep with 6' high chain link fence and 12' wide gate in front, 6' high, no utilities

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

storage area for plastic water tanks

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

would like to not have to screen fence - 1203.05;
1804.07.C DB ST paving requirement - wish to leave as native;
1806.02B - waive all landscaping requirements;
1804.08 - gravel surface for outdoor storage;

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.

I am renting this property so I don't want to put permanent additions and upgrades if I don't have 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.

Tanks would just sit in storage, a forklift would be used to move around, load + unload larger tanks; current grass (cut weeds) would be kept mowed which would help cut down on dust,

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

PROPERTY OWNER

MAIL ADDRESS

Nolan + Waltrud Branstetter / 3678 Dagoon Ct, S.V. 85650

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.



Legend

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

326

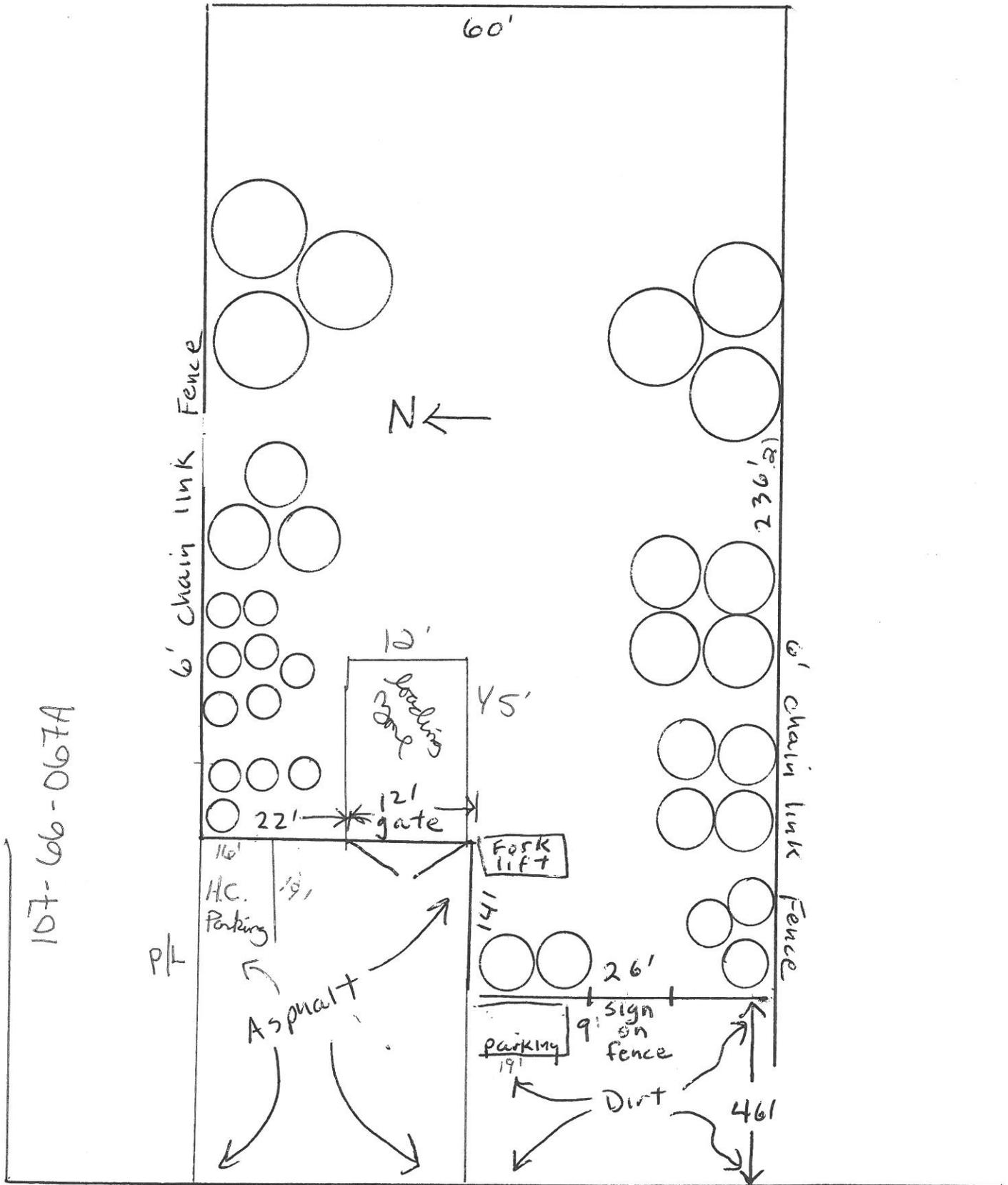


BA2-13-03
107-66-067B

This map is a product of the Cochise County GIS



Tax parcel 107-66-067-B



107-66-067A

40' wide shared DW
(e)

Hwy 92

No washes within 300'

AW 5/6/13
OK