



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

**TO:** Board of Adjustment, District 3  
**FROM:** Peter Gardner, Planner I  
**FOR:** Beverly Wilson, Planning Director  
**SUBJECT:** Minutes of the Regular Meeting of July 8, 2014  
**DATE:** July 30, 2014

**Members Present:**

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

**Staff Present:**

Peter Gardner, Planner I

**Others Present:**

Kenneth Seaman – Applicant  
Anthony Tilden – Applicant  
Kendie Tilden – Applicant  
Timothy Meracle  
Karen Meracle

*These minutes for the BA3 meeting held on July 8, 2014 are complete only when accompanied by the memoranda for said meeting dated July 8, 2014.*

**Call to Order / Roll Call / Election:**

Chairman Paul Brick called the meeting to order at 6:35 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 three members 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 July 8, 2014 regular meeting. Mr. Brick seconded the motion adding one typographical correction, and the vote was 2-0 to approve the minutes of the July 8, 2014 meeting, with Ms. Barnard abstaining.

**NEW BUSINESS**

**Item 1**

**Docket BA3-13-05 (Seaman):** The Applicant proposes to change the use of an existing

convenience store to a commercial plant nursery, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 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); 1807.02.B.1 (driveway within 200-feet of an arterial road);

The subject parcel, 114-17-001, is located at 501 N. Frontage Road, in Pearce.

The Applicant is Kenneth Seaman.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner 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. He concluded by offering factors in favor and against approval. Mr. Wales asked if the proposed number of parking spaces was adequate. Mr. Gardner stated that it was.

Chairman Brick noted that the Applicant was present, and invited him to make a statement. Mr. Kenneth Seaman explained his background and the plans for the business, including the work already done at the site.

Ms. Barnard expressed support for the project. Mr. Wales asked if the change of use would affect signage requirements. Mr. Gardner explained that it would not since sign regulations were tied to area and street frontage. Ms. Barnard asked about future construction and expansion plans, which Mr. Seaman supplied. Mr. Wales asked if the surrounding area was also zoned General Business. Mr. Gardner affirmed that it is. Mr. Brick asked about a discrepancy in the report regarding the level of support. Mr. Gardner clarified that the higher level of support was correct. Ms. Barnard asked if someone was living in the building. Mr. Seaman stated that was the original intent, but was not being used as such.

Mr. Tim Meracle of Saint David spoke in support of the project as an asset to the community. There being no further speakers, Mr. Brick closed the public hearing and asked for discussion. Ms. Barnard expressed support for the project. Mr. Wales concurred.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Mr. Wales made a motion to grant the Variance as recommended by Staff citing the factors in favor. Ms. Barnard seconded the motion and Mr. Brick called for discussion. Mr. Brick asked if the Variances could be tied to the property rather than the use. Mr. Gardner recommended limiting the Variances to retail or service uses. Mr. Wales amended the motion, and Ms. Barnard seconded the amendment. There was no further discussion, and Mr. Brick called for a vote.

The vote was 3-0 to approve the motion.

**Item 2**

**Docket BA3-13-06 (Tilden):** The Applicant proposes to construct an accessory detached garage, and requests a Variance from Section 704.03 of the Cochise County Zoning Regulations, which requires any structure in an R-36 Zoning District to be a minimum of 20-feet from any property line. The Applicant proposes to construct the garage 14-feet from the east property line. The subject parcel, 121-18-009, is located at 451 E. Vail Lane, in Saint David. The Applicant is Anthony Tilden.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner 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. He concluded by offering factors in favor and against approval. Mr. Wales asked about easements and other buildings in the area. Mr. Gardner explained that there was no interference with any easements or other structures.

Chairman Brick noted that the Applicant was present, and invited him to make a statement. Mr. Anthony Tilden explained the background behind the request. He explained the use of the building and the reason for the infringement of the setback.

Mr. Tim Meracle of Saint David identified himself as the property owner opposite the property line in question and stated he supported the request and considered it an asset to the neighborhood.

There being no further speakers, Mr. Brick closed the public hearing and asked for discussion. Mr. Brick asked the Applicant where the driveway was, expressing concern about the septic system. The Applicant provided clarification, noting that the site plan was not to scale. Mr. Brick asked if the neighbor in opposition could see the proposed structure. It was determined that it was not visible from the neighbor's property.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant the Variance as recommended by Staff citing the factors in favor. Mr. Wales 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 informing the Board that there was one Docket for the next month. He noted to the Board that several Staff members had left the Department. The proposed Comprehensive Plan update and public meetings were also discussed, along with dockets heard by the Planning Commission.

Mr. Wales made a motion to adjourn. Ms. Barnard seconded, and the meeting was adjourned at 7:25 p.m.