

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, July 8, 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 BA3-13-05 (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.

Applicant: Mr. Kenneth Seaman

Item 2 (Page 12) – Introduce Docket and advise public who the Applicants are.

Docket BA3-13-06 (Tilden): The Applicant proposes to construct and 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.

Applicant: Mr. Anthony Tilden

- 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 3
FROM: Peter Gardner, Planner I *PG*
FOR: Beverly Wilson, Planning Director *bw*
SUBJECT: Final Minutes of the Regular Meeting of March 11, 2014
DATE: June 26, 2014

Members Present:

Paul Brick, Chairman
Shawn Wales, Vice-Chair

Staff Present:

Peter Gardner, Planner I

Others Present:

Erin Peters - Applicant

These minutes for the BA3 meeting held on March 11, 2014 are complete only when accompanied by the memoranda for said meeting dated March 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 he and Mr. Wales 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 February 11, 2014 regular meeting. Mr. Brick seconded the motion, and the vote was 2-0 to approve the minutes of the February 11, 2014 meeting.

NEW BUSINESS

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

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. Brick and Mr. Wales both asked about previous uses of the property, and Mr. Gardner clarified that while permits had been issued, no use had ever been legally established. Mr. Wales asked for clarification about the surrounding properties. Mr. Gardner and Ms. Peters offered clarification.

Chairman Brick noted that the Applicant was present, and invited her to make a statement. Ms. Erin Peters explained her background and the plans for the business, including the sorts of items and vehicles to be sold. There being no further speakers, Mr. Brick closed the public hearing and asked for discussion.

Mr. Wales asked about the details of the operation of the auctions, including storage provisions. Ms. Peters explained the operations. Mr. Wales asked Staff if another Variance would be needed to store items after sale. Mr. Gardner explained that the currently proposed Variances covered this. Mr. Brick asked if the auctions were open to the public. Ms. Peters responded that they were.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances. Mr. Brick asked Staff for a suggested motion that would separate the Variances from the Use and tie them to the property.

Chairman Brick called for a motion. Mr. Wales made a motion to grant the Variance as recommended by Staff citing the factors in favor. Mr. Brick seconded the motion and called for a vote. There was no further discussion.

The vote was 2-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report 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. Wales made a motion to adjourn. Mr. Brick seconded, and the meeting was adjourned at 7:46 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner I *(PG)*
FOR: Beverly Wilson, Planning Director *(BW)*
SUBJECT: Docket BA3-14-05 (Seaman)
DATE: June 23, 2014 for the July 8, 2014 Meeting

APPLICATION FOR VARIANCE

Docket BA3-14-05 (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); and
- 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, AZ. The Applicant is Kenneth Seaman.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

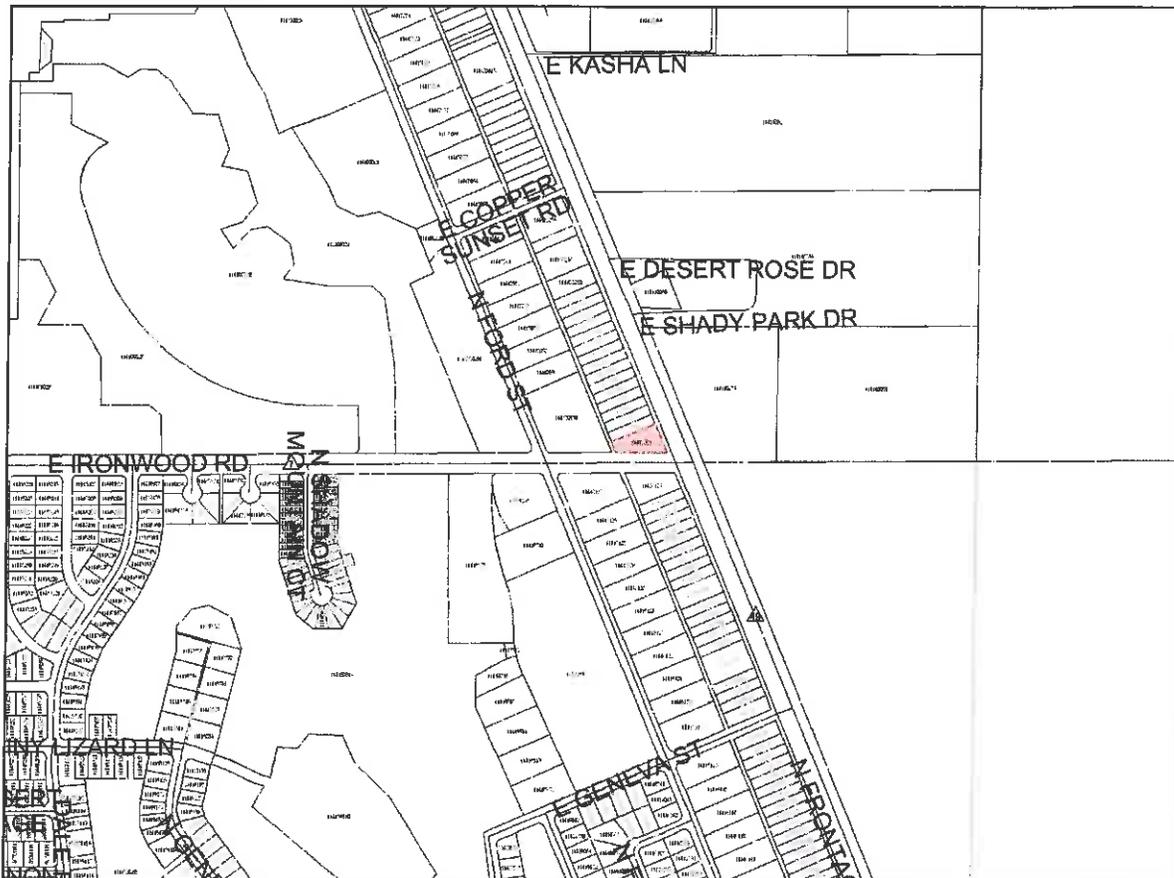
Site Size: 0.80-acres (35,067-square feet)
Zoning: GB (General Business)
Growth Area: Category B (Community Growth Area)
Plan Designation: Business (Retail and Services)
Area Plan: Mid-Sulphur Springs Valley Plane
Existing Uses: Convenience Store
Proposed Uses: Commercial Plant Nursery

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Vacant
South	County Maintained Road/GB	E. Ironwood Road/Vacant
East	State Highway/GB	State Highway 191/Vacant
West	GB	Vacant

II. SITE HISTORY

- 1963 – Convenience Store Constructed.
- 2004 – Permit applied for to repair and remodel Store. Permit was voided prior to issuance.
- 2013 – Stop Work Order followed by Violation issued for remodel and change of use into a residence without a permit.
- 2014 – Permit to establish Commercial Plant Nursery applied for.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes to use the existing structure as a Commercial Plant Nursery. 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, as well as having a driveway area within 200-feet of an intersection with Highway 191, an arterial roadway. The Applicant is also proposing to waive the landscaping requirements.

IV. ANALYSIS OF IMPACTS

The site has been in operation in its current configuration off and on for 50-years. While the area has experienced some growth, the surrounding community is still characterized as a small townsite with scattered development. At the present time, Staff is confident that permitting the site to remain as is with the change of use will not negatively impact surrounding properties or safety. While the proposed use is considered a Commercial Plant Nursery under the Zoning Regulations, the scope of the use, as limited by the size of the parcel, is more akin to a standard retail establishment than a more conventional, large-scale nursery with substantial growing and/or wholesaling areas.

The Mid-Sulphur Springs Valley Community Plan does encourage paved parking on all commercial sites, however, for this proposed use, native parking areas are more fitting for the site, as they will prevent standing water from irrigation that may present a hazard. Staff is supportive of the request. The Community Plan also encourages “grandfathered” sites to come into compliance with current regulations whenever possible. In better economic times, this sentiment is fitting, as it contributes to the overall quality of the local community. In the current economic down turn however, permitting the continued use of non-compliant sites is deemed more important than requiring all possible improvements be made.

The final request is to waive the landscaping requirement. While the regulations do not specifically permit the use of plants for retail sale to be used as landscaping, Staff feels that the intent of the regulations is met by the proposed use, and supports the landscaping request.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on June 19, 2014 and published a legal notice in the *Bisbee Observer* on the same date. To date, the Department has received one letter of support from a neighboring property owner.



Above: View of the site from across the frontage road. Below: View of a portion of the site including the driveway area onto E. Ironwood Road.



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 two letter of support from neighboring property owners.

Factors Against Approving the Variances

1. The Mid-Sulphur Springs Valley Community Plan encourages paved commercial parking and bringing existing “grandfathered” structures into compliance.

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 BA3-14-05, 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. 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: 114-17-001
2. Address of parcel: 501 N. Frontage Road Pearce, AZ 85623
3. Area of Parcel (to nearest tenth of an acre): ~~1.83~~ 1.26 acres
4. Zoning District designation of Parcel: GB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

Convenience Store

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

Commercial Nursery

7. State the specific nature of the variance or variances sought.
Use gravel in place of DBST for driveway and parking area; Minimum Driveway width; Driveway clearly defined; Landscaping (Location and total area); Driveway within 200' of an arterial road intersection

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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.

The property has been used for various commercial uses in its current condition for 10+ years.

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.

There will be no physical changes if the variances are approved.

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

PROPERTY OWNER

MAIL ADDRESS

Kenneth Seaman P.O. Box 421 Santa Clara Nm 88026

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.

A

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SIGNATURE OF PETITIONER

ADDRESS

DATE

Kenneth Seaman P.O. Box 421 Santa Clara nm 88026 5-21-14

APPLICANT'S PHONE NUMBER 575 574 7458

APPLICANT'S EMAIL ADDRESS _____

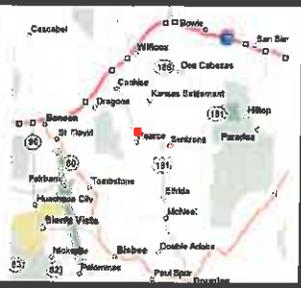
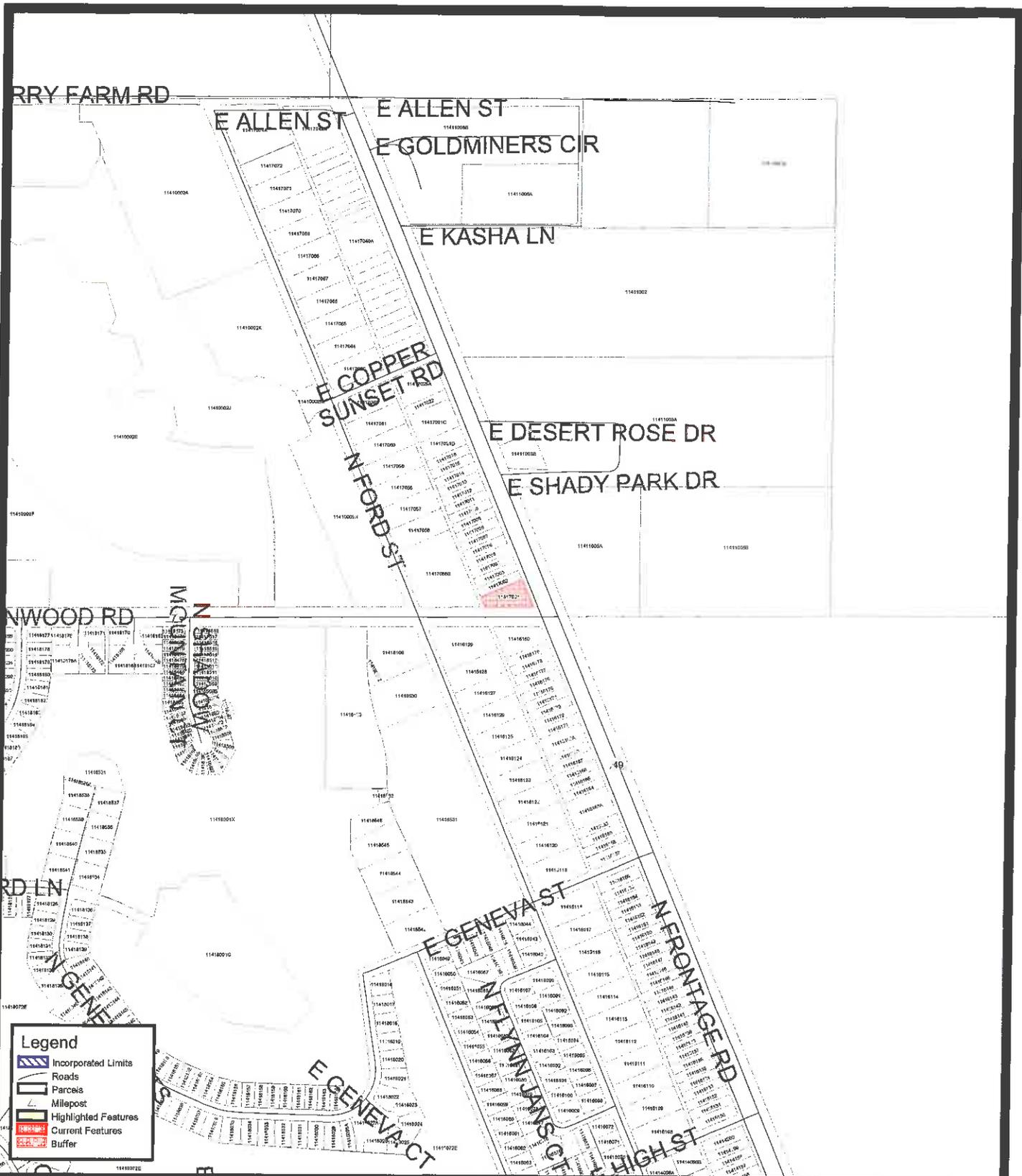
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise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



BA3-14-05 (Seaman)
114-17-001

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

0' 700'

9

Variances: Docket BA3-14-05 (Seaman)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

New businesses should be welcomed.
The variances requested do not harm
us, their neighbor, nor do these variances
harm the community. Please grant their
request as granted.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

COCHISE COUNTY
JUN 23 2014
PLANNING

(Attach additional sheets, if necessary)

PRINT NAME(S): Desert Dutchman Ent. LLC

SIGNATURE(S): Phil G. Van Dyck
Member - Manager

YOUR TAX PARCEL NUMBER: 114-16-125 thru 129 AND 173 thru 180 (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 July 8, 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 Friday, June 27, 2014.

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

C
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Variations: Docket BA3-14-05 (Seaman)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

It would be great for our community to have another business providing additional services for the area. The variations requested do not impose any problems. Please grant their request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

COCHISE COUNTY

JUN 23 2014

PLANNING

(Attach additional sheets, if necessary)

PRINT NAME(S): Earl G. + Nellie I. VanDeYacht

SIGNATURE(S):
Earl G. VanDeYacht
Nellie I. VanDeYacht

YOUR TAX PARCEL NUMBER: 114-11-005B (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 July 8, 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 Friday, June 27, 2014.

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

C
11



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner I *(PG)*
FOR: Beverly Wilson, Planning Director *(BW)*
SUBJECT: Docket BA3-14-06 (Mercele)
DATE: June 25, 2014 for the July 8, 2014 Meeting

APPLICATION FOR VARIANCE

Docket BA3-14-06 (Mercele):

The Applicant proposes to construct an accessory detached garage, and requests Variances 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, AZ. The Applicants are B. and Tim Mercele.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

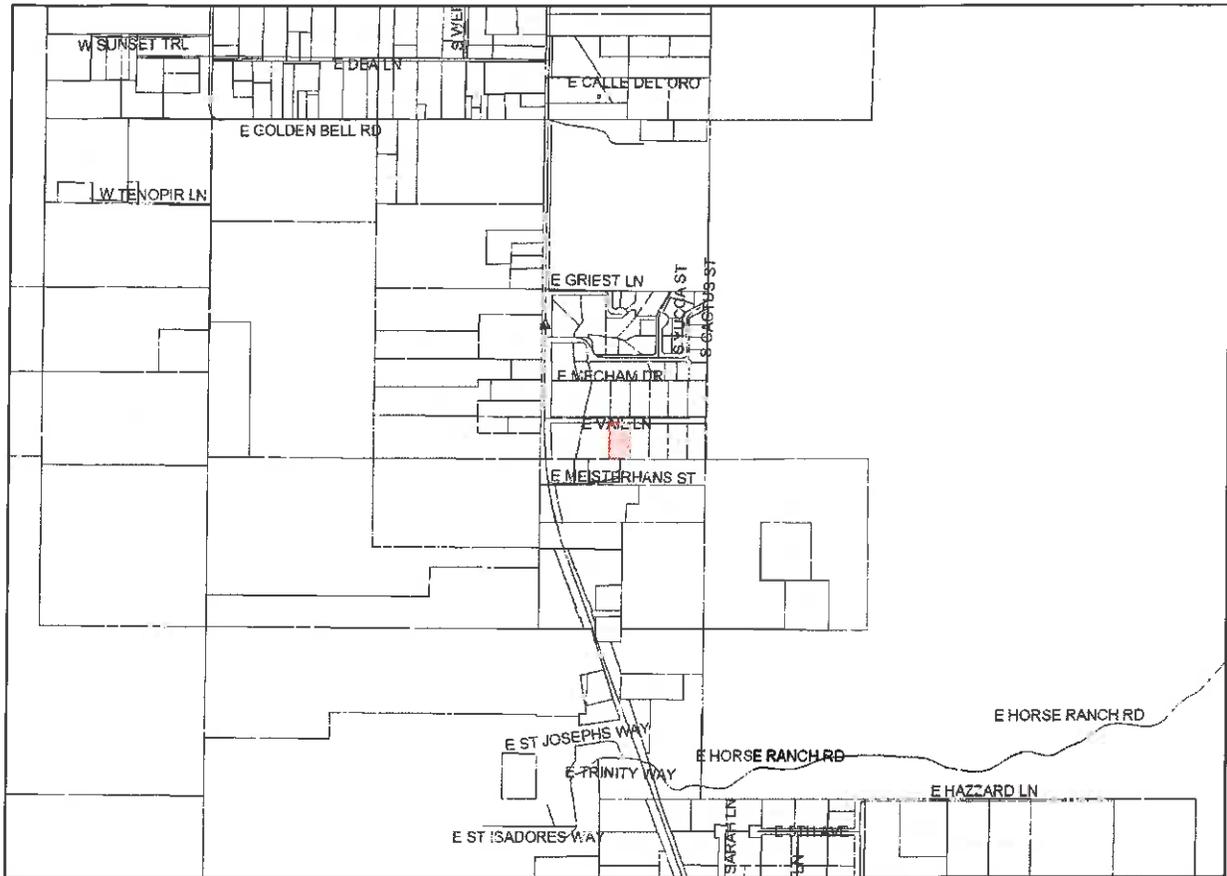
Site Size: 0.97-acres (42,212-square feet)
Zoning: R-36 (Residential, one dwelling per 36,000-square feet)
Growth Area: Category D (Rural Area)
Plan Designation: Rural Residential
Area Plan: Saint David Area Plan
Existing Uses: Residential
Proposed Uses: Same, with additional accessory structure

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road/R-36	E. Vail Lane/Residential
South	R-36	Residential
East	R-36	Residential
West	R-36	Residential

II. SITE HISTORY

- 1973 – Manufactured Home installed per Assessor records.
- 2010 – Permit issued for replacement Manufactured Home and Septic System.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes to construct a detached garage. The Applicant had a pad for the garage prepared, which does not require a building permit, prior to contacting Staff. The proposed garage location does not meet the required minimum setbacks.

IV. ANALYSIS OF IMPACTS

The proposed location of the garage 14-feet from the east property line does not unduly impact neighboring properties. The neighborhood is rural in character, with a proliferation of accessory structures and livestock. This request, while not in compliance with the Zoning Regulations, is not out of character for the community.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on June 19, 2014 and published a legal notice in the *Bisbee Observer* on the same date. To date, the Department has received one letter of opposition from a neighboring property owner.



Above: View of the pad and neighboring property. Below: View of the site, showing existing accessory structures.



VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variances would not substantially impact neighboring properties;
2. The neighborhood is characterized by similar rural development with associated accessory structures.

Factors Against Approving the Variances

1. One neighboring property owner has expressed opposition to the request.

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 BA3-14-06, 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"

COCHISE COUNTY

MAY 28 2014

APPLICATION FOR VARIANCE

PLANNING

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: 1248009
- 2. Address of parcel: 451 E. Vail Lane Saint David
AZ 85630
- 3. Area of Parcel (to nearest tenth of an acre): 20x40
- 4. Zoning District designation of Parcel: 2170

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

① Main structure Carco manufactured home 1,900 square feet located to ① mid section. ② Small shed 10x12 located to ② back section ③ Metal Shed 20x20 on ③ mid section. ④ Small shed 6x8 located to mid/back ①

6. Describe all proposed uses or structures, which are to be placed on the property.
work shop to house all work equipment, tools,
use as a work space.

7. State the specific nature of the variance or variances sought.
Building placed 14 feet in distance from
property line (stem wall currently)

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.

Stem wall was placed in incorrect distance from property line. At 14 feet instead of the correct 20 feet.

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.

The variance would not cause injury or impair the rights of surrounding property owner as identified by speaking with land owner. Land owner has no concerns, related to the shorter distance.

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>B. Mercle</u>	<u>511 E. Vail Lane St. David, AZ 85630</u>
<u>Tim Mercle</u>	<u>427 E. Vail Lane St. David, 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

[Handwritten Signature]

PO BOX 332 St. David, AZ 85630 5/24/14
or 451 E. Vail Lane, St. David, AZ 85630

APPLICANT'S PHONE NUMBER 520-254-9086

APPLICANT'S EMAIL ADDRESS aandklandscapingllc@yahoo.com

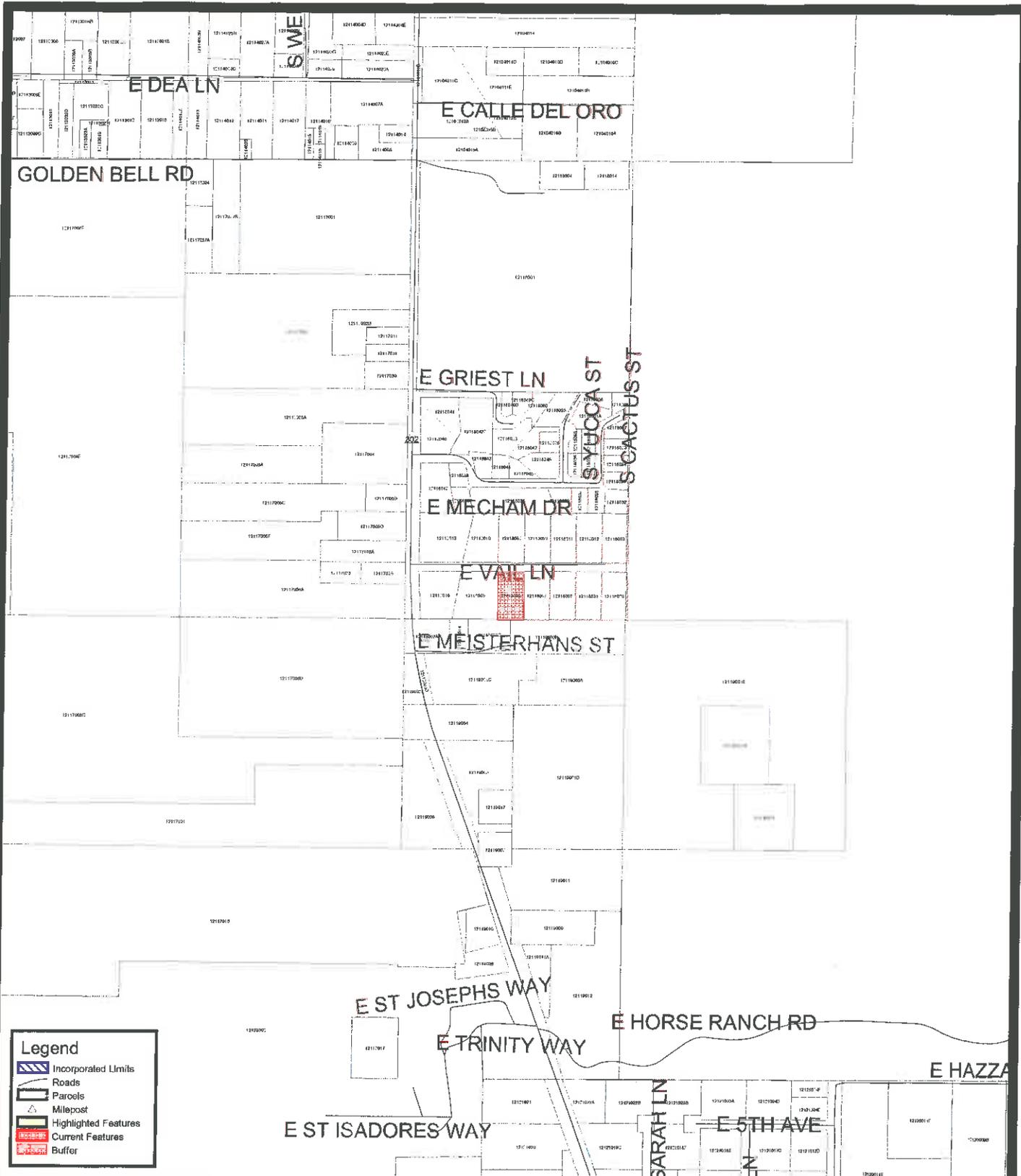
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise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

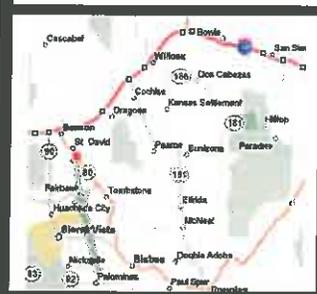
These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity 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.



Legend

- Incorporated Limits
- Roads
- Parcels
- Milepost
- Highlighted Features
- Current Features
- Buffer



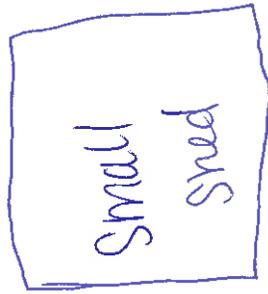
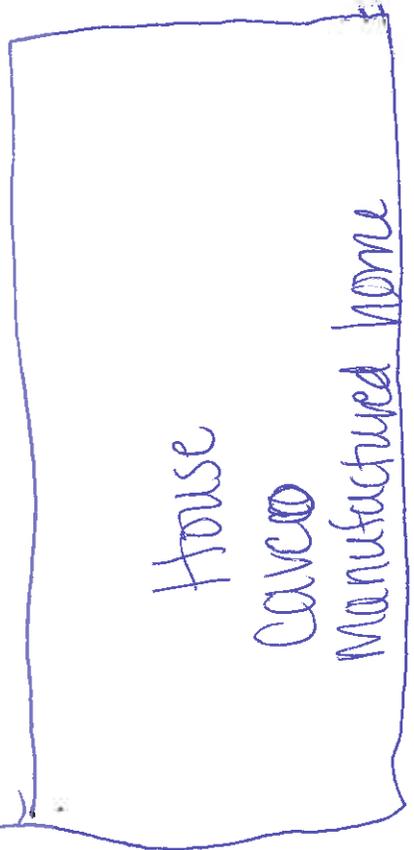
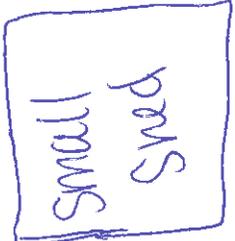
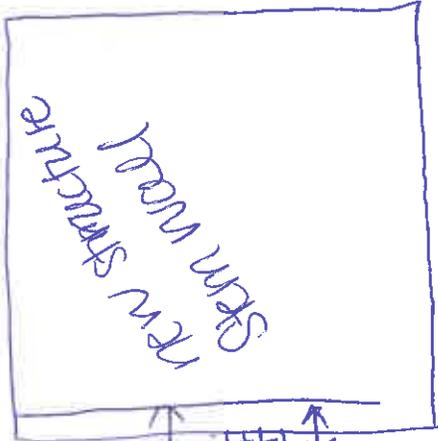
BA3-14-06 (Tilden)

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



 0' 1" = 600'

19



property entrance

Vail Lane

Variances: Docket BA3-14-06 (Mericle) COCHISE COUNTY

JUN 25 2014

YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLANNING

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

My wife and I do not support this request for variance. There are no extraordinary circumstances. This was the cause of an error on the part of the contractor failing to perform. Correcting the error is simple and does not involve a concrete slab. To make an exception for one, demands an exception for all. Then, do away with the rule.

(Attach additional sheets, if necessary)

PRINT NAME(S): Ms. & Mrs. L. K. Lubian

SIGNATURE(S): *Lubian*

YOUR TAX PARCEL NUMBER: 121-18-011 (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 July 8, 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, June 27, 2014.

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

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