

EXPANDED AGENDA
Board of Adjustment, District 1
Wednesday, July 22, 2015
Cochise County Service Center
4001 E. Foothills Drive (In the Former Courtroom)
Sierra Vista, Arizona

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 BA1-15-02 (Kirkman): The Applicant is requesting a Variance to Section 904.03 of the Zoning Regulations, which requires that all accessory structures in an R-36 Zoning District be no taller than 20 feet above grade. The Applicant seeks to construct a RV garage and storage building approximately 30 feet above grade on one side due to the parcel's topography. The subject parcel (Parcel # 105-90-004) is located at 1400 S. El Camino Real in Sierra Vista, AZ.

Applicants: Mark and Carol Kirkman

- 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)

Call for Planning Director's Report

Call to the Public

ADJOURNMENT



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

TO: Board of Adjustment, District 1
FROM: Peter Gardner, Planner I
For: Mary Gomez, Interim Planning Director
SUBJECT: Minutes of the Regular Meeting of March 25, 2015
DATE: July 13, 2015

Members Present:

Tom Borer, Chairman
Ed Cottingham, Vice Chairman
Ron Wilson, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

Applicants

These minutes for the BA1 meeting held on March 25, 2015 are complete only when accompanied by the memoranda for said meeting dated March 25, 2015.

Call to Order / Roll Call:

Chairman Tom Borer called the meeting to order at 6:05 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. Cottingham made a motion to approve the minutes of the September 25, 2013 regular meeting. Mr. Wilson seconded the motion, and the vote was 2-0 to approve the minutes of the September 25, 2013 meeting, with Mr. Wilson abstaining.

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 BA1-15-01 (Wardle): The Applicant is requesting a Variance to Section 904.03 of the Zoning

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

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

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.

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

Peter Gardner 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. He concluded by offering factors in favor and against approval. The Board asked for additional clarification of the location and layout of the property, which Mr. Gardner provided.

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. Wilson seconded and the motion passed 3 – 0.

Planning Director's Report:

There being no business to report, Mr. Borer adjourned at 6:23 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 *(Signature)*
FOR: Mary Gomez, Interim Planning Director
SUBJECT: Docket BA1-15-02 (Kirkman)
DATE: July 7, 2015 for the July 22, 2015 Meeting

APPLICATION FOR VARIANCE

Docket BA1-15-02 (Kirkman):

The Applicant is requesting a Variance to Section 904.03 of the Zoning Regulations, which requires that all accessory structures in an R-36 Zoning District be no taller than 20 feet above grade. The Applicant seeks to construct a RV garage and storage building approximately 30 feet above grade on one side due to the parcel's topography. The subject parcel (Parcel # 105-90-004) is located at 1400 S. El Camino Real in Sierra Vista, AZ. The Applicants are Mark and Carol Kirkman.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 4.73-acres (205,866-square feet)
Zoning: R-36 (Residential, one dwelling per 36,000-square feet)
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	SFR-36 (City Zoning)	Single Family Dwellings
South	SFR-36 (City Zoning)	Single Family Dwellings
East	City Maintained Street/UR (City Zoning)	El Camino Real/Single Family Dwelling
West	SR-43	Single Family Dwellings

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The current request to construct a detached garage would not create any untoward impacts on surrounding properties. The permitted height for Principal Structures (homes) in the R-Residential District is 30 feet. Between this permitted height and the steep slope, the proposed garage, while exceeding the height limit on the north side, would be lower in overall elevation than the existing home, and will not block and viewsheds for surrounding property owners.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on June 23, 2015 and published a legal notice in the *Bisbee Observer* on June 18, 2015. To date, the Department has received no response from neighboring property owners within the 300-foot radius.



Above: View of the site with the home in the background.



Above: View of the site looking down from the home.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variance would not substantially impact neighboring properties due to the existing unusual topography; and
2. The garage would be lower in overall elevation than the existing home due to the surrounding topography; 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 BA1-15-02, 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



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 1

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: 105-90-004
2. Address of parcel: 1400 EL CAMINO REAL
3. Area of Parcel (to nearest tenth of an acre): 4.7 ACRES
4. Zoning District designation of Parcel: _____
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.
PERSONAL RESIDENCE 4,000 SF
6. Describe all proposed uses or structures, which are to be placed on the property.
STORAGE - RV GARAGE
7. State the specific nature of the variance or variances sought.
HEIGHT VARIANCE

GA

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.

Due to a large elevation change on the north side of our property, we need to be able to construct our garage in such a way as to take advantage of this topography.

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 new proposed garage would actually be lower than our existing house.

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>
MARK KIRKMAN	1400 E L CAMINO REAL S.V. A2 85635
CAROL KIRKMAN	SAME

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

Mark Kirkman 1400 E-C Camino Real SV 4/8/15

APPLICANT'S PHONE NUMBER

520-459-4778

APPLICANT'S EMAIL ADDRESS

MARKKIRKMAN@HOTMAIL.COM

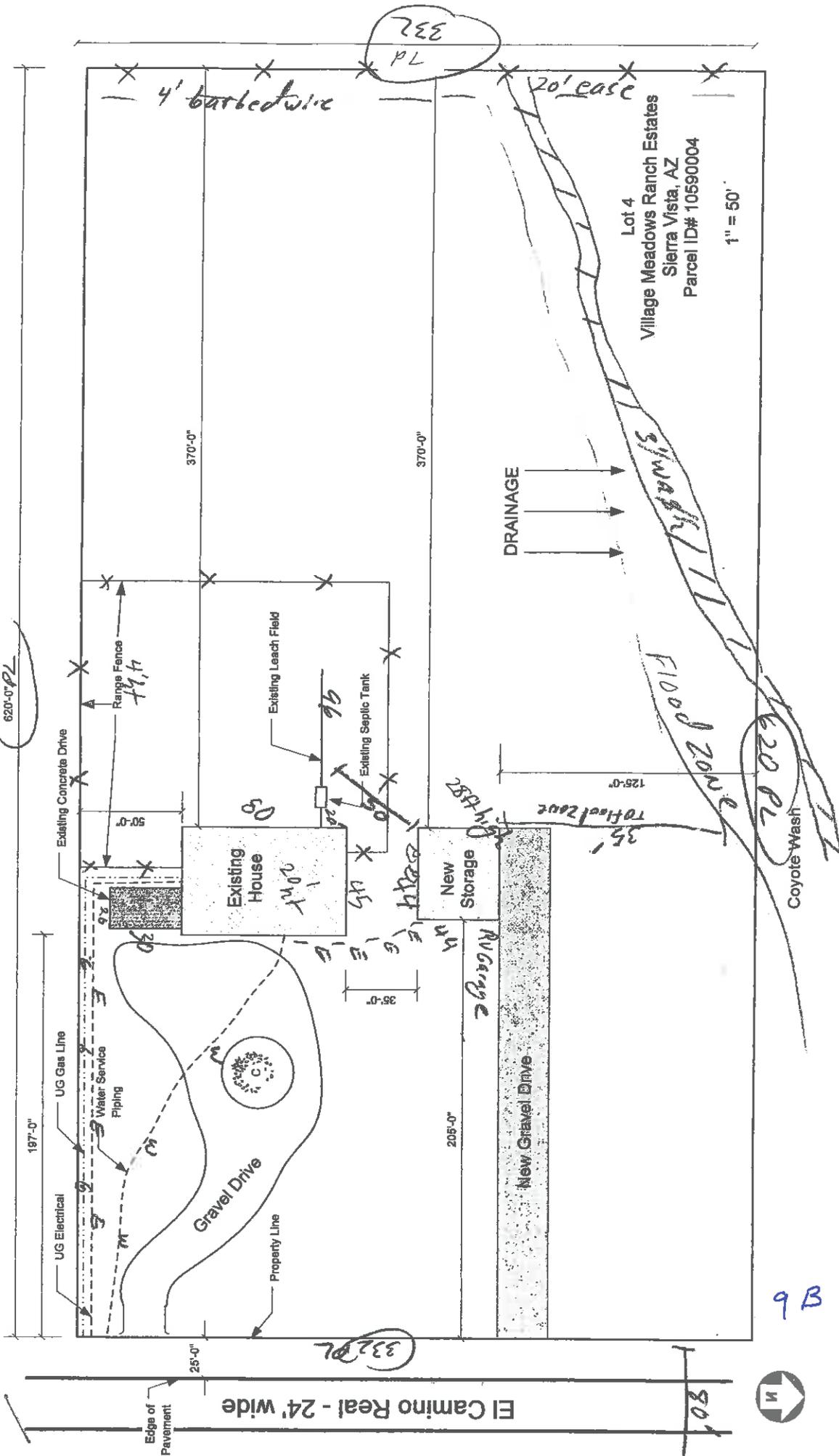
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

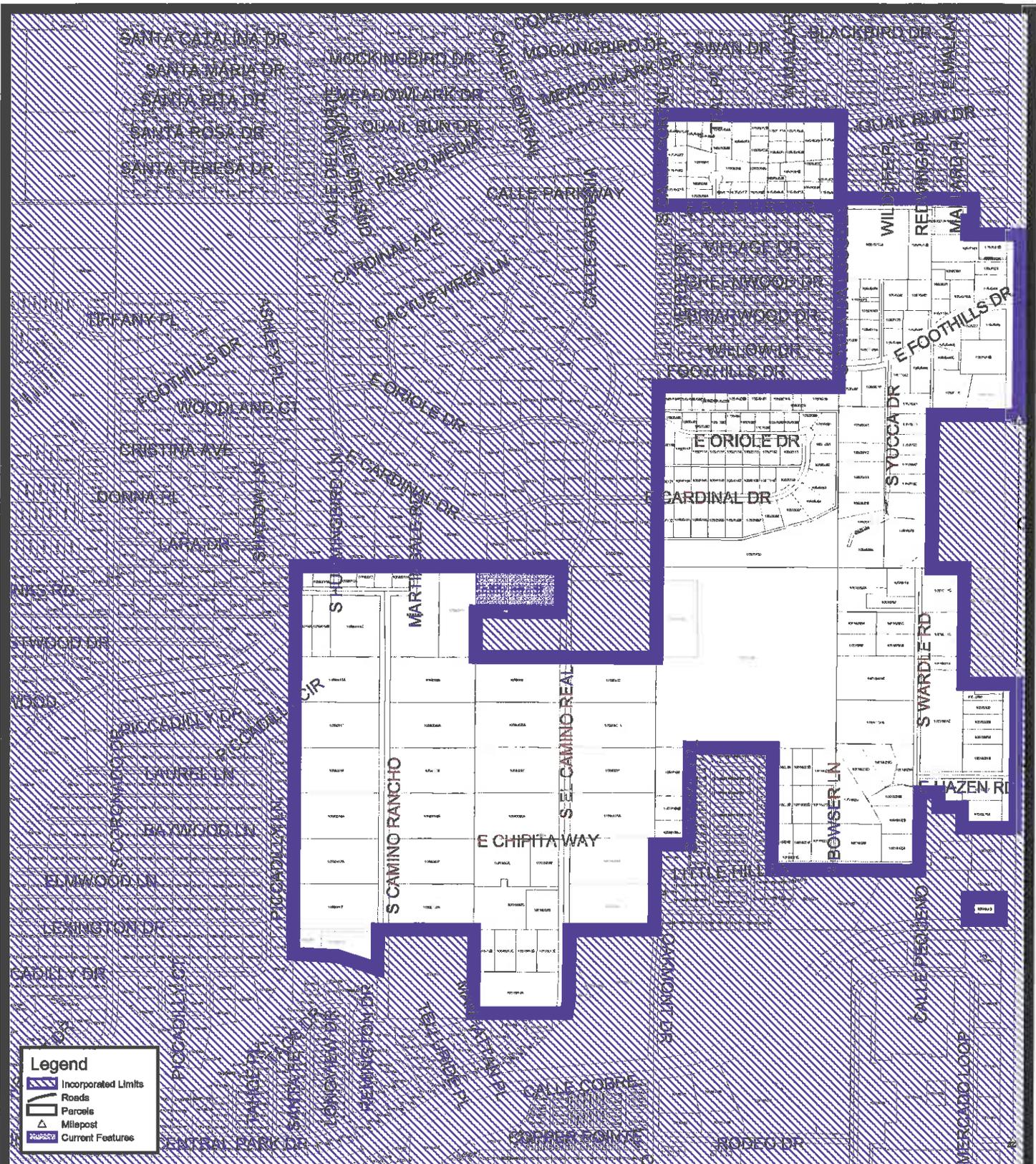
2103.02 Variances

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
- Current Features



BA1-15-02 (Kirkman) Location Map

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

10C

A north arrow pointing upwards and a scale bar below it, labeled "0" and "1" = 1000'.