



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

TO: Board of Adjustment, District 2
FROM: Peter Gardner, Planner I
For: Mary Gomez, Interim Planning Director
SUBJECT: Minutes of the Regular Meeting of August 5, 2015
DATE: September 25, 2014

Members Present:

Albert Young, Chair
Andy Salaiz, Member

Others Present:

Mark Kersey, Applicant
Alicia Malone, Appellant
Patrick Malone, Appellant

Staff Present:

Peter Gardner, Planner I
Britt Hanson, Civil Chief Deputy Attorney
Jesse Drake, Planner II
Jim Henry, Planning Intern
Mary Gomez, Interim Planning Director

These minutes for the BA2 meeting held on August 5, 2015, are complete only when accompanied by the memoranda for said meeting dated August 5, 2015.

Call to Order / Roll Call:

Chair Albert Young 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 June 4, 2014 regular meeting. Mr. Young seconded the motion, and the vote was 2-0 to approve the minutes of the June 4, 2014 meeting.

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

NEW BUSINESS

Docket BA2-15-02 (Family Dollar Elfrida): The Applicant is requesting a Variance from Section 1907.2 of the Cochise County Zoning Regulations requiring all Signs in a GB Zoning District to be no larger than 80 square feet along an arterial road and no larger than 64 square feet along a collector road. The Applicant wishes to install signs of approximately 86 square feet along an arterial road and a collector road.

Chair Young 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. Young noted that the Applicant was present, and invited him to make a statement. Mr. Kersey explained the background and nature of his request. He also explained the requested Variance and the rationale behind it, noting that the requested signs were out of character for the Elfrida area.

There being no other speakers present, Mr. Young noted that there was no need for a public hearing, and asked for Staff's recommendation. Mr. Gardner offered factors in favor and against approval and indicated that Staff recommended Denial of the Variance requests. Mr. Salaiz made a motion to approve the Variances as recommended by Staff. Mr. Young seconded and the motion failed 0-2.

Docket BA2-15-01 (Malone): The Appellants wish to install a self contained ham radio facility, without a dwelling on the subject parcel which is zoned SR-12. The Appellants are appealing the County Zoning Inspector's determination that the facility is not a Utility Installation, and is therefore not a Principal Use. The subject parcel, 406-22-004, is located on N. Santa Paula Drive, in Douglas, AZ. The Appellants are Patrick and Alicia Malone.

Chair Young 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 Appeal requested under consideration.

Mr. Young noted that the Applicants were present, and invited them to make a statement. Mr. Malone and Mrs. Malone spoke, and explained the background and nature of their request. They also explained the requested Appeal and the rationale behind it,. The Malones expressed concern about the adjacent house being vacant and unsafe. They explained what the radio system would be used for, and the regulations it fell under.

Mr. Gardner explained the Staff's decision was that the Appellants' interpretation of the County Zoning Regulations was in violation of State and Federal definitions, and therefore the County had to defer to the State and Federal definitions. He further explained that the Staff interpretation was based on the intent of the zoning regulations to be restrictive rather than permissive to prevent loopholes caused by grammatical errors or technical changes.

There being no other speakers present, Mr. Young noted that there was no need for a public hearing, and asked for Staff's recommendation. Mr. Gardner offered factors in favor and against approval and indicated that Staff recommended Denial of the Appeal request. Mr. Salaiz made a motion to approve the Appeal as recommended by Staff. Mr. Young seconded and the motion failed 0-2.

Planning Director's Report:

Mr. Gardner noted that there were no dockets on the agenda for September. Mr. Young made a motion to adjourn. Mr. Salaiz seconded, and the meeting was adjourned at 7:02 p.m.