

**EXPANDED AGENDA**  
**Board of Adjustment, District 3**  
**Tuesday, August 9, 2016**  
**J.P. Courtroom, County Service Center**  
**126 W. 5<sup>th</sup> Street**  
**Benson, Arizona**

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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 BA3-16-01 (Cattany):**

The Applicant is requesting a Variance from Section 904.03 of the Cochise County Zoning Regulations, which requires all structures in an SR-8 zoning district to be set back a minimum of ten feet from any property line. Specifically, the Applicant is proposing to construct a 12' x 31' metal carport awning two feet from the southern property line. The subject parcel, 114-16-097, is located at 309 N. Ford Street in Pearce, AZ.

**Applicant:** Susan Cattany

- 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  
**FOR:** Beverly Wilson, Planning Director  
**SUBJECT:** Minutes of the Regular Meeting of September 8, 2015  
**DATE:** September 9, 2015

**Members Present:**

Paul Brick, Chairman  
Shawn Wales

**Staff Present:**

Peter Gardner, Planner I

**Applicants:**

Gary Miller – Applicant

**Others Present:**

None

*These minutes for the BA3 meeting held on September 8, 2015 are complete only when accompanied by the memoranda for said meeting dated September 8, 2015.*

**Call to Order / Roll Call**

Chairman Paul Brick called the meeting to order at 6:36 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 March 10, 2015 regular meeting. Mr. Brick seconded the motion and the vote was 2-0 to approve the minutes of the March 10, 2015 meeting.

**NEW BUSINESS**

**Item 1**

**Docket BA3-15-02 (Quail Ridge):**

The Applicant is requesting a Variance from Section 1812.06 of the Cochise County Zoning Regulations, which requires all RV and Mobile Home Parks to be surrounded with a 6-foot high opaque screening barrier. Specifically, the Applicant is requesting a waiver from this

requirement for the north edge of the park, along Highway 82. The subject parcels, 106-06-014D & 106-06-023B, are located at 2207 N. Yucca Drive in Huachuca City, AZ.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner Peter Gardner delivered the report noting that the request was a Staff error from the Applicant's previous request, 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.

Chairman Brick noted that the Applicant was present and invited him to make a statement.

Mr. Gary Miller of Huachuca City explained his request, and how it had been overlooked in previous Variance requests.

Chairman Brick then opened the Public Hearing.

There being no speakers, Chairman Brick closed the Public Hearing.

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

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

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 Comprehensive Plan update was also discussed, along with dockets heard by the Planning Commission.

Ms. Barnard made a motion to adjourn. Mr. Brick seconded, and the meeting was adjourned at 7:21 p.m.



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 3  
**FROM:** Peter Gardner, Planner I  
**FOR:** Paul Esparza, AICP, Planning Director  
**SUBJECT:** Docket BA3-16-01 (Cattany)  
**DATE:** July 25, 2016 for the August 9, 2016 Meeting

**APPLICATION FOR VARIANCE**

**Docket BA3-16-01 (Cattany):**

The Applicant is requesting a Variance from Section 904.03 of the Cochise County Zoning Regulations, which requires all structures in an SR-8 zoning district to be set back a minimum of ten feet from any property line. Specifically, the Applicant is proposing to construct a 12' x 31' metal carport awning two feet from the southern property line. The subject parcel, 114-16-097, is located at 309 N. Ford Street in Pearce, AZ. The Applicant is Susan Cattany.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES**

**Site Size:** 10, 662 square-feet (0.24 acres)  
**Zoning:** SR-8 (Single Family Residential)  
**Growth Area:** Category B (Community Growth Area)  
**Plan Designation:** High Density Residential  
**Area Plan:** Mid Sulphur Springs  
**Existing Uses:** Single Family Residence  
**Proposed Uses:** Same

**Surrounding Zoning and Uses**

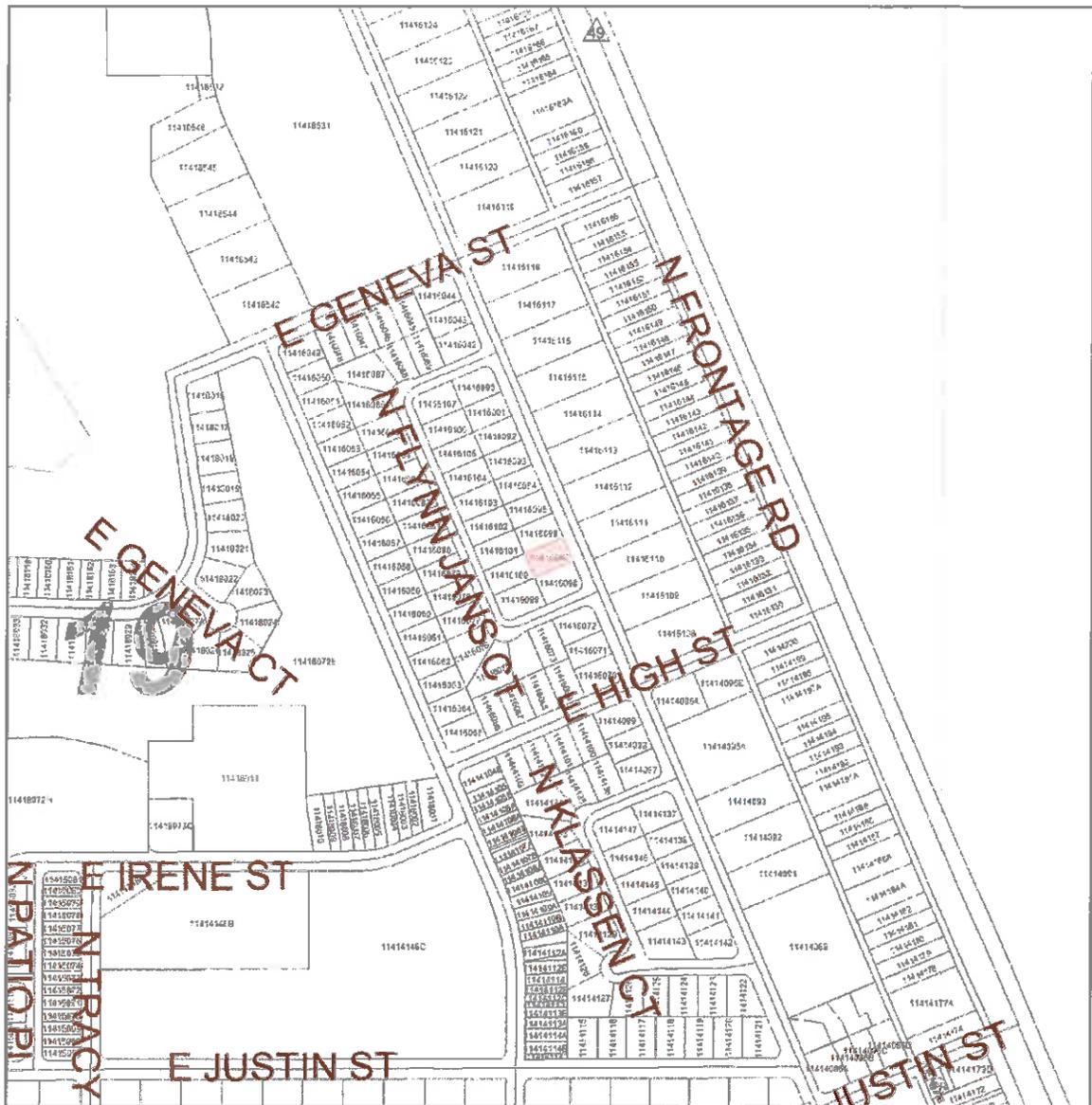
Relation to Subject Parcel	Zoning District	Use of Property
North	SR-8	Single Family Residences
South	SR-8	Single Family Residences
East	MR-1	Vacant
West	SR-8	Single Family Residences

**II. SITE HISTORY**

- Home built in 1967.

**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



Above: Location Map

**III. PROJECT DESCRIPTION**

The Applicant is requesting to waive the ten-foot minimum setback requirement for a carport awning on the southern property line. The Applicant wishes to construct the cover approximately eight feet from the property line, behind the dwelling.

**IV. ANALYSIS OF IMPACTS**

The existing neighborhood is characterized by dense residential development that predates the Zoning Regulations. There are an abundance of structures, both homes and accessory structures, which do not comply with the ten-foot required setbacks. The adjacent property has such a structure, which is visible in the photo below. The addition of the proposed carport, which will cover an existing Recreational Vehicle, will not alter this pattern of existing development.

While one neighboring property owner did express opposition, the two concerns were based upon the potential location of the proposed structure. The first concern was if the carport was located near the street, it might negatively impact curb appeal of neighboring homes. The structure will be built in the rear of the property, and based on the foliage visible below, will be difficult to see from the street. The second concern expressed was traffic safety if the structure was placed near a street corner. The subject property is not a corner lot, and the unit will be in the back yard, over 100 feet from any corner.



*Above: View from the access easement, showing the location of the proposed carport.  
Below: View from the driveway towards the proposed location.*



## **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on July 20, 2016 and published a legal notice in the *Bisbee Observer* on July 21, 2016. To date, the Department has received two letters, one in support, and another in opposition. The letter in opposition expresses concerns about curb-appeal if the cover is near the street, and traffic concerns if located on a corner.

## **VI. SUMMARY AND CONCLUSION**

### **Factors in Favor of Approving the Variances**

1. Approving the Variances would not unduly 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; and
3. One neighboring property owner has expressed support in writing.

### **Factors Against Approving the Variances**

1. One neighboring property owner has expressed opposition in writing.

## **VII. RECOMMENDATION**

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variance as requested.

*Sample Motion: Mr. Chairman, I move to approve Docket BA3-16-01, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

## **VIII. ATTACHMENTS**

- A. Variance Application
- B. Site Plan
- C. Location Map
- D. Public Input



# 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: 114-16-097 2
2. Address of parcel: 309 N. FORD ST. PEARCE, AZ 85625
3. Area of Parcel (to nearest tenth of an acre): .2
4. Zoning District designation of Parcel: 5
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.  
Owner occupied residential with one house (approx. 1,000 sq. ft.) centered on property, and one unaffixed shed (100 sq. ft.)
6. Describe all proposed uses or structures, which are to be placed on the property.  
Metal carport awning (12' x 31')
7. State the specific nature of the variance or variances sought.  
To construct carport within 2 feet of property line.

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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.

*I wish to construct the afore-described awning style carport along side, and within 2 feet of the south boundary of my back yard. [The purpose is to protect my vintage Airstream travel trailer, which has been parked in this location for the last 23 years.] It is the only location in continued over*

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.

*Granting of this variance would result in an appearance that is cleaner and neater looking (for the storage of my travel trailer) than what it has been for the past 23 years. There would be no obstruction of views for any of my neighbors. And because the structure would be cont. over*

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

PROPERTY OWNER

MAIL ADDRESS

SUSAN CATTANY 309 N. FORD ST. PEARCE, AZ 85625

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.

#8. the yard which would not cause interference with trees or plants, or obstruct the normal activities/usage of the yard, and allow ample space for the removal of trailer from the yard.

#9. all metal, there would be no fire risk increase,

SIGNATURE OF PETITIONER

ADDRESS

DATE

Susan Cattany 309 N. FORD ST. PEARCE, AZ 85625 6/6/16

APPLICANT'S PHONE NUMBER (520) 507-4275

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.



Variance Docket BA3-16-01 (Cattany)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Empty lines for providing reasons for support.

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

If this is on a street, sometimes bringing something out to the edge detracts from a neighbors street appeal of their property. It could cause a traffic concern if it's too close to a corner of a block.

(Attach additional sheets, if necessary)

PRINT NAME(S): Kenneth Wilson

SIGNATURE(S): [Handwritten Signature]

YOUR TAX PARCEL NUMBER: 114 16 0787 (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 Adjustments. Submission of 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. Written comments must be received no later than 4 PM on Monday, July 25, 2016 to be included in the staff report to the Board in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by August 8, 2016 to have your support or non-support verbally noted at the meeting; or you may personally make a statement at the public hearing on August 9, 2016. NOTE: Please do not ask the Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

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

COCHISE COUNTY
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Variance Docket BA3-16-01 (Cattany)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

Four horizontal lines for writing reasons.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Four horizontal lines for writing reasons.

(Attach additional sheets, if necessary)

PRINT NAME(S):

WHARTON HOLDINGS, LLC

SIGNATURE(S):

BY Stephen B. Christian IR MANAGER  
STEPHEN B. CHRISTIAN

YOUR TAX PARCEL NUMBER:

114-16-109-114

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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