

EXPANDED AGENDA
Board of Adjustment, District 1
Wednesday, September 25, 2013
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 BA1-13-02 (Coulter): The Applicant is requesting a Variance to Section 904.03 of the Zoning 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 construct an RV cover 8-feet from the west property line. The subject parcel (Parcel # 105-99-300) is located at 3388 East Kalispell Avenue in Sierra Vista, AZ.

Applicant: Bondurant RV Service on behalf of James and Wilma Coulter

- 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

"Public Programs...Personal Service"

TO: Board of Adjustment, District 1
FROM: Peter Gardner, Planner I *pm*
For: Beverly Wilson, Planning Director
SUBJECT: Minutes of the Regular Meeting of January 23, 2013
DATE: February 12, 2013

Members Present:

Tom Borer, Chairman
Ed Cottingham, Vice Chairman
Michael Cerepanya, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

Donald & Nancy Nash, Applicants

These minutes for the BA1 meeting held on January 23, 2013 are complete only when accompanied by the memoranda for said meeting dated January 23, 2013.

Call to Order / Roll Call:

Chairman Tom Borer called the meeting to order at 5:56 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. Cerepanya made a motion to approve the minutes of the May 23, 2012 regular meeting. Mr. Cottingham seconded the motion, and the vote was 3-0 to approve the minutes of the May 23, 2012 meeting.

Chairman Borer explained the procedures of the meeting to those present, and moved on to the docket.

NEW BUSINESS

Item 1 –Election of Chairman and Vice-Chairman for 2013. Mr. Gardner noted that officers must be elected prior to hearing the docket. Mr. Cottingham moved to maintain the current officers. The motion was seconded by Mr. Cerepanya, and the motion carried 3-0.

Item 2 (Page 1) – Introduce Docket and advise public who the Applicants are.

Docket BA1-13-01 (Nash): The Applicant is requesting a Variance to Section 704.03 of the Zoning

Regulations, which requires that all structures in a TR-18 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to expand an existing garage that was approved to be built 10 feet from the east property line under a previous Variance. The subject parcel (Parcel # 107-22-091B) is located at 405 North Central Avenue 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.

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. He noted that he had driven by the site on the way to the meeting and saw no issues with the proposed project. Mr. Nash asked for information regarding building a wall on the property line, which Mr. Gardner provided. Mr. Borer asked for and received clarification of the orientation of the garage addition. 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. Cerepanya seconded and the motion passed 3 – 0.

Chairman Borer discussed the process with the Applicant, who asked when he could begin. Mr. Gardner explained that the permit should be issued the next day.

Planning Director's Report:

Mr. Gardner introduced himself to the Board, and noted that there were no dockets for the next month. Mr. Cerepanya asked about the next deadline for submission and noted that he may be applying for a sign variance for a client. Mr. Gardner also explained the pending revision to the Zoning Regulations and the changes driven by SB1598. Mr. Cottingham expressed admiration and support for Staff, and Mr. Borer concurred. Mr. Borer adjourned at 6:13 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Peter Gardner, Planner *PG*
For: Beverly Wilson, Planning Director
SUBJECT: Docket BA1-13-02 (Coulter)
DATE: September 17, 2013 for the September 25, 2013 Meeting

APPLICATION FOR A VARIANCE

Docket BA1-13-02 (Coulter): The Applicant seeks to construct a Residential Accessory Structure, and is requesting a Variance from Section 904.03 of the Cochise County Zoning Regulations, which requires that structures in an SR-43 Zoning District be set back no less than 20-feet from all property lines. The Applicant seeks to construct a 1,000-square foot detached Recreational Vehicle Cover eight-feet from the west property line. The subject parcel (Parcel # 105-99-300) is located at 3388 East Kalispell Avenue in Sierra Vista, AZ. The Applicant is Bondurant RV Services on behalf of James and Wilma Coulter.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 43,560-sq. ft. (1.00 Acre)
 Zoning: SR-43 (Single-Household Residential – 1 dwelling per 43,560-square feet)
 Growth Area: Category A (Urban Growth Area)
 Plan Designation: Neighborhood Conservation
 Area Plan: Sierra Vista Sub-Watershed
 Existing Uses: Single Household Dwelling
 Proposed Uses: Same, with Accessory Structure

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	Maintained Road / SR-43	E Kalispell Ave/Single Household Dwelling
South	Alley / SR-43	Alley / Vacant Land / Single Household Dwelling
East	SR-43	Single Household Dwelling under construction
West	SR-43	Single Household Dwelling

II. PARCEL HISTORY

In 1996 a permit was granted to construct a Single Family Residence and Septic System. There has been no further activity prior to this request.

III. PROJECT DESCRIPTION

The Applicant proposes to construct a cover for a recreational vehicle located eight- feet from the west property line.



Above: Looking southeast from East Kalispell Avenue. The Cover is proposed over the current location of the recreational vehicle.

IV. ANALYSIS OF IMPACTS

The project site is within a medium-density residential neighborhood. Many of the surrounding parcels have a variety of accessory structures in addition to the large dwellings. These factors contribute to create a neighborhood with a fairly high density of structures on individual parcels, with buffers between each cluster of development.

The current request to construct a cover over the current location of the homeowners' recreational vehicle would not create any untoward impacts on surrounding properties. There is no minimum setback required to park a recreational vehicle or other vehicle, and the proposed cover will screen the existing recreational vehicle and will also better blend with the residential character of the neighborhood. In addition, the property line in question already has a six-foot block wall and approximately 10 foot high vegetative screening. The proposed cover does not impact sightlines from the adjoining parcels or the street due to the existing configuration of the properties.



Above: View of the proposed site and the adjoining parcel. Below: View of block wall and vegetative screening.



V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on September 9, 2013, and published a legal notice in the *Bisbee Observer* on September 5, 2013. To date, the Department has received three letters of support in response to the Variance request. In addition, the Applicant submitted an email from the immediately impacted neighbors in which they expressed no opposition to the request.

VI. Summary and Conclusion

Factors in Favor of Approving the Variance

1. Approving the Variance would not substantially impact neighboring properties due to the current permitted location of the structure to be expanded.
2. The proposed cover would act as a visual screen obscuring the sight of the vehicle currently parked in the location.
3. Staff received three statements of support from neighboring property owners and the Applicant received an additional letter from the immediately impacted neighbor.

Factors Against Approving the Variance

None Apparent.

VII. RECOMMENDATIONS

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

Sample Motion: Mr. Chair, I move to approve Docket BAI-13-02, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.

VIII. ATTACHMENTS

Variance Application
Location Map
Site Plan
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 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: 105-99-300
2. Address of parcel: 3388 E. Kalispell Ave.
Sierra Vista, AZ 85615
3. Area of Parcel (to nearest tenth of an acre): 250' depth x 183' width
4. Zoning District designation of Parcel: District 1
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

This is a residential lot with a 2814 sq. ft. house constructed in center of lot and with block walls around perimeter of backyard.

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

RV Port to be constructed on West side of house in backyard behind gate.

7. State the specific nature of the variance or variances sought.

RV Port would have to be constructed within the 20' setback to align with gate.

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.

RV Port would have to be constructed within
20' setback to align with gate.

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 is already a block wall constructed
around back yard. Neighbor to the west that would be
impacted most by this construction has already given
their approval per email letter attached.

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

PROPERTY OWNER

MAIL ADDRESS

Doug & Wilma Gutter 3388 E. Kalispell Ave, Sierra Vista, AZ
85650

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

Beverly O'Laugherty for Alan Bondurant Aug 15, 2013
89 E. Ramsey Canyon Rd. Hereford, AZ 85615

APPLICANT'S PHONE NUMBER (520)378-0549 cell (520) 559-4060

APPLICANT'S EMAIL ADDRESS bondurant@ramseycanyonrv.com

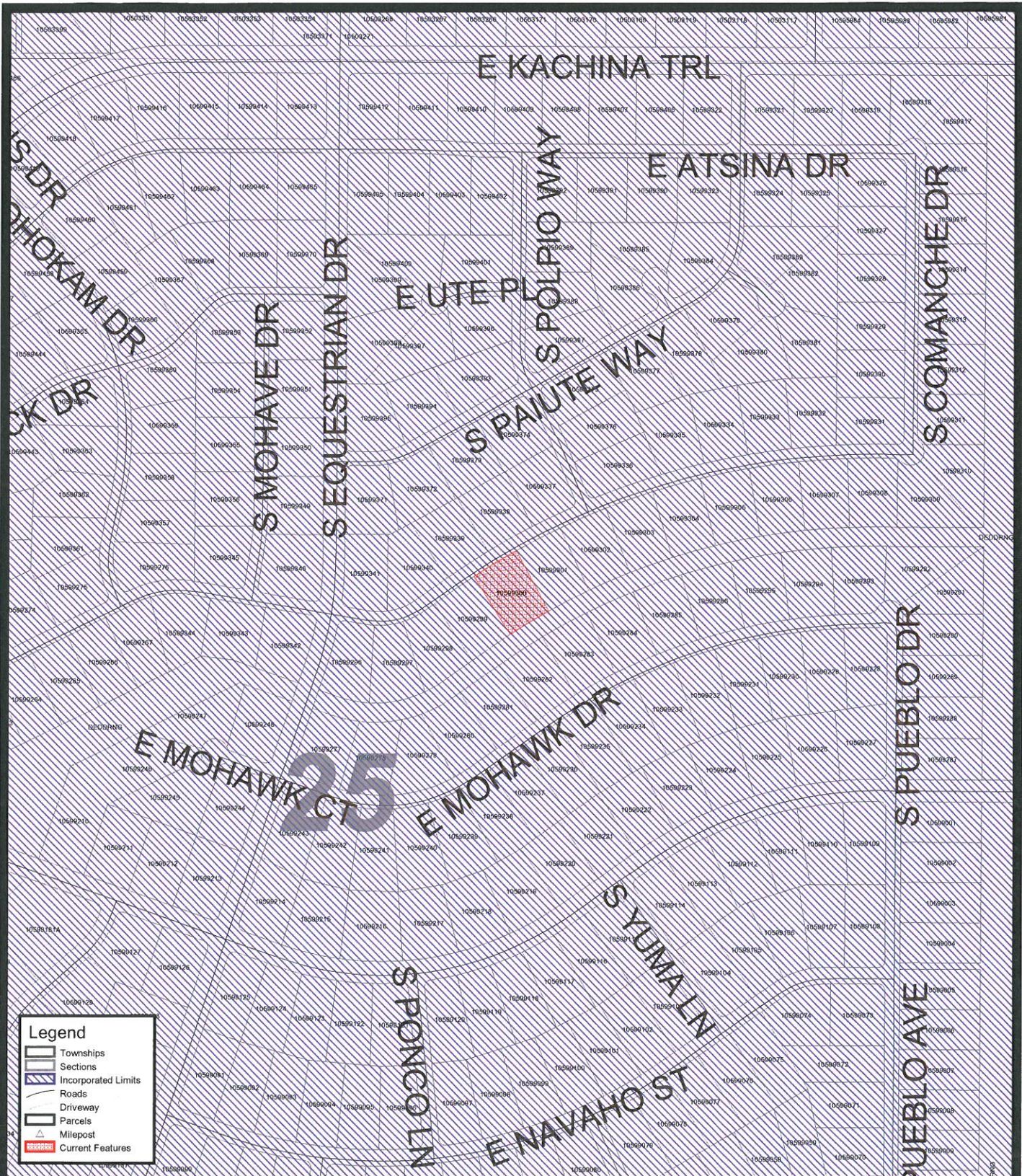
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise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

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Current Features



105-99-300
BA1-13-02 (Coulter)

This map is a product of the Cochise County GIS



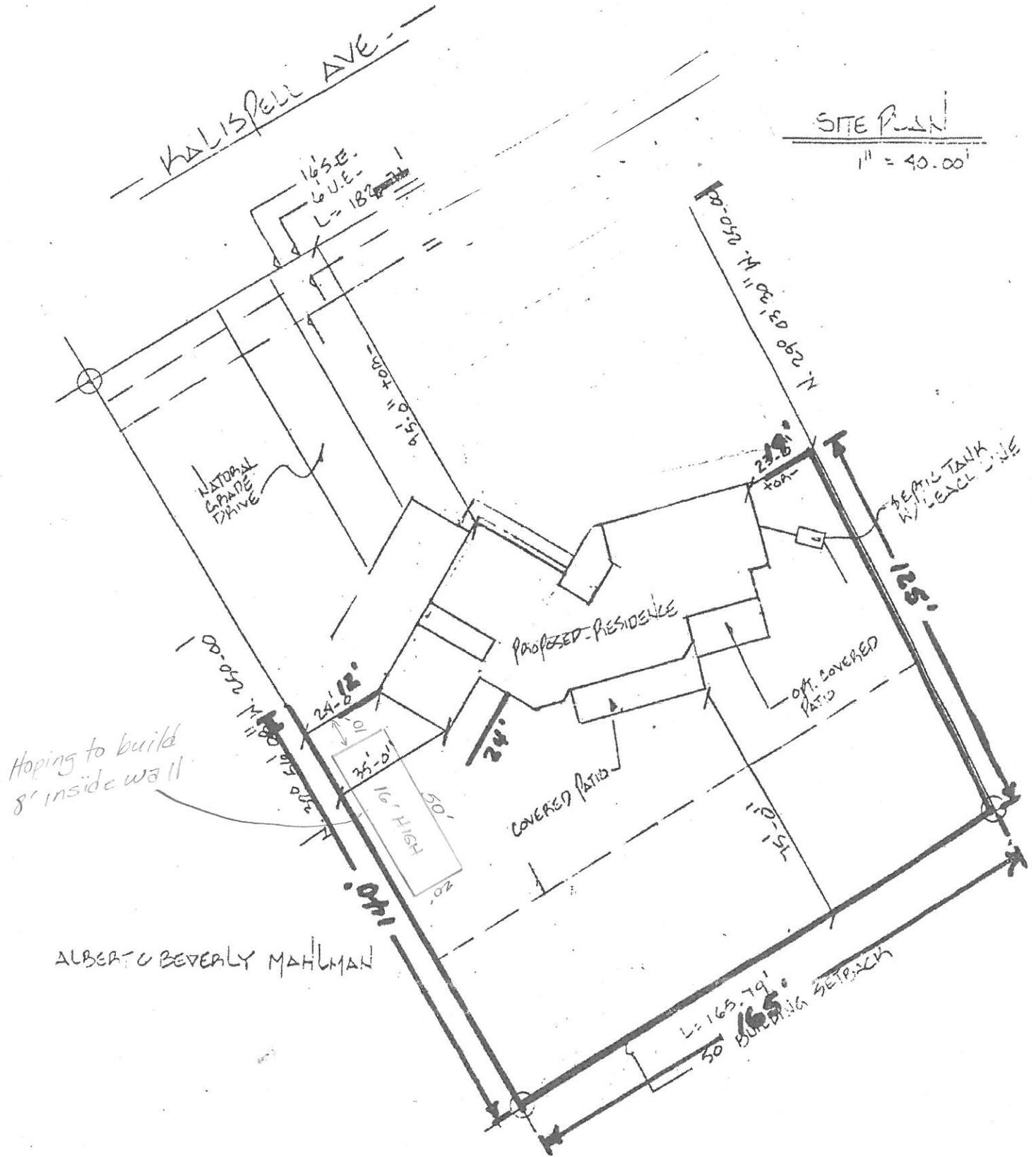
105-99-300

3388 Kalispell

LOT # 91
MOUNTAIN SHADOWS
COCHISE COUNTY, AZ.

SITE PLAN

1" = 40.00'



ALBERT & BEVERLY MAHLMAN

Variance: Docket BA1-13-02 (Coulter)

SEP 12 2013

PLANNING

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): SPENCER FORSBERG

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 105-99-301 (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 1. 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 Monday, September 12, 2013

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

Variance: Docket BA1-13-02 (Coulter)

SEP 12 2013

PLANNING

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): James Clevon & Virginia Clevon

SIGNATURE(S): *James Clevon*
Virginia Clevon

YOUR TAX PARCEL NUMBER: 105-99-374 (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 1. 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 Monday, September 12, 2013

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

Variance: Docket BA1-13-02 (Coulter)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

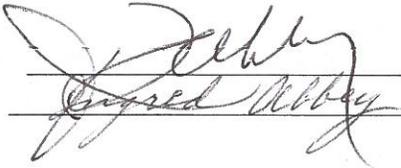
This will not hinder our view in any way.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): JON L. ABBEY + INGRID ABBEY

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 105-99-284 (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 1. 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 Monday, September 12, 2013

COCHISE COUNTY

SEP 09 2013

PLANNING

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

Beverly

From: <dcoulter1@mindspring.com>
Date: Thursday, August 15, 2013 9:16 AM
To: <beverly@ramseycanyonrv.com>
Subject: Fw: Re: Hello From AZ from Doug and Wilma

Beverly,
 Thanks for your help working the RV cover for us... I spoke with Allan this morning who asked I forward this email to you for inclusion in our package to the Cochise County... Please let me know if you need anything...

Charles and Helen live next door to us on the West side, address is 3334 E Kalispell Ave (I think, pulled this house # off of Google maps)..

Thanks,
 Doug

Doug Coulter
 o 520 417 8829 c 520 860 0436 f 520 458 1778
 Doug.Coulter@TASC.com

-----Forwarded Message-----

From: Morgan Lambert
Sent: Aug 15, 2013 5:24 AM
To: "dcoulter1@mindspring.com"
Subject: Re: Hello From AZ from Doug and Wilma

Hi James and Wilma

We have no objection for you Building this RV enclosure good luck

Charles and Helen Lamphere

From: "dcoulter1@mindspring.com" <dcoulter1@mindspring.com>
To: MorganLynn32@yahoo.com
Cc: dcoulter1@mindspring.com; doug.coulter@tasc.com
Sent: Wednesday, August 14, 2013 10:43 PM
Subject: Hello From AZ from Doug and Wilma

Mr. and Mrs. Charles Lamphere
 105 Lakewood Road
 Madison, Maine 04950-9702

Charles and Helen,
 Hello again from Arizona. Hope all is well with you all.

We need to know if you object us erecting a recreational vehicle (RV) cover in the "RV space" in our side yard to the West of our house, inside our existing shared wall. According to Cochise County zoning regulations, there is a required twenty foot setback from each property line and our plans actually encroach into this 20 foot setback from our shared property line.

We want to know if you have any objections to us building this structure. We would appreciate your reply to this email expressing your approval and/or any concerns you may have regarding this setback encroachment and RV cover construction.

Cochise County Planning and Zoning will probably be sending you a letter referencing our request to them regarding plans. We will be sending our request to them this Friday, August 16th and your reply to this email may help them with their processing of our request.

Thank you in advance for your reply and we hope you have a great summer. We look forward to your return to Arizona soon.

Best Regards,
James D. (Doug) and Wilma J. Coulter
3388 E Kalispell Ave
Sierra Vista, AZ 85650