



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

TO: Board of Adjustment, District 2
FROM: Peter Gardner, Planner I
For: Beverly Wilson, Planning Director
SUBJECT: Minutes of the Regular Meeting of November 6, 2013
DATE: November 21, 2013

Members Present:

Patrick Greene, Chairman
Albert Young, Vice-Chair
Andy Salaiz

Staff Present:

Peter Gardner, Planner I

Others Present:

Jorge Reyes, Apson Transportation – Applicant
Frank Ambriz

These minutes for the BA2 meeting held on November 6, 2013, are complete only when accompanied by the memoranda for said meeting dated November 6, 2013.

Call to Order / Roll Call:

Chairman Patrick Greene 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 all three Board members were present, establishing that the Board had a quorum and could proceed. Mr. Young made a motion to approve the minutes of the July 3, 2013 regular meeting. Mr. Salaiz seconded the motion, and the vote was 2-0 to approve the minutes of the July 2013 meeting, with Mr. Young abstaining.

Chairman Greene explained the procedures of the meeting to those present.

NEW BUSINESS

Docket BA2-13-04 (Apson Transportation): The Applicant is requesting Variances from the following Sections of the Cochise County Zoning Regulations: 1305.05 (Screening requirement); 1303.02 (Setback requirement); 1804.08 (Gravel surface for outdoor storage areas); and 1806.02.B (Landscaping requirements). The Applicant intends to store trucks and materials to be shipped on the site. The subject parcel (407-60-004B) is located on West Demuro Road in Douglas, AZ.

Chairman Greene 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. Gardner also referenced documents submitted by a member of the public for the Board's consideration. (Attachment A)

Chairman Greene noted that the Applicant was present and invited a statement. Mr. Frank Ambriz of Douglas spoke on behalf of the Applicant. Mr. Ambriz explained the nature of the project and the Variances requested. He noted that the Applicant owned one of the adjacent residential properties, and claimed that the other abutting residential property was being used for a commercial use. He also discussed the setbacks, claiming that setbacks could be zero-feet on several sides, and discussed the proposed landscaping and how the Applicant had rounded up his estimates of area. Mr. Ambriz provided examples of the proposed limestone chips as well as the gravel required by the zoning regulations and explained the rationale for limestone. He also discussed further location of the landscaping. Mr. Ambriz also submitted photos of the site, as well as photos of a similar site also operating without a permit, using them as a justification for the Variances. (Attachment B)

Mr. Jorge Reyes, part owner of Apson Transportation, also added that he felt that his site was better than other similar sites in the area. He noted that there were trucks parked "all over Douglas," and that his site was better than alternatives. He added that he liked people to be able to see into his property so that they would know that he was not doing anything illegal.

Mr. Ambriz presented photos (Attachment B) that he claimed showed that the neighbor in opposition was operating a similar business, and Mr. Reyes expounded on the claim. Mr. Ambriz also proposed adding mesh shade cloth to the fence screening, and showed an example of the existing slats and an example of the slats with the shade cloth.

Chairman Greene asked how long the business had been present. Mr. Reyes explained that the business had been there for six months, and that they were also still renting another location and explained their expansion. He stated that he had fenced the site and used it for storage. Mr. Greene asked why the Applicant had not contacted the County prior to operation. Mr. Reyes stated that he had applied for the permit and stated that when they had applied for the permit for the fence that it granted permission to operate. Mr. Gardner explained that there was not a permit for a fence, but rather only a permit for land clearing. Mr. Young asked about the photos submitted by the neighbor, asking if the equipment visible in the photo was being stored permanently. Mr. Reyes explained that the items were in transit, and would not be stored indefinitely. Mr. Greene asked Mr. Gardner if the zoning regulations had any guidelines regarding the landscaping and screening. Mr. Gardner explained that the regulations did not generally consider vegetative material as screening, but did explain the landscaping requirements. Mr. Greene suggested using a combination of slats, mesh, and vegetation to meet the intent of the screening requirement. Mr. Salaiz expressed support for vegetation to be used to enhance the screening. Mr. Ambriz explained that the Applicant had been working with the County since the land clearing and driveway were permitted, noting that permit applications had been rejected. Mr. Greene asked the Board if the 20-foot setback proposed by Staff was adequate. He also expressed concern regarding the limestone chips, noting negative personal experiences with them. Mr. Young expressed similar negative experiences. Mr. Greene asked the Applicant about the hardship posed by the required 80-foot setback as opposed to the proposed five or 20-foot setbacks.

Mr. Reyes stated that losing 80-feet would make parking and maneuvering the trucks on site difficult. Mr. Gardner clarified that the vehicles could move through the setback area; they just could not be parked in the area. Mr. Reyes demonstrated the hardship that would still be caused due to limited parking area.

There was no further discussion and Chairman Greene asked for Staff's recommendation. Mr. Gardner offered factors in favor and against approval and indicated that Staff recommended Approval of the Variance requests for screening on the south and east sides of the property, to allow a 20-foot setback on the north and west property lines, and relocating the five-foot strip of landscaping inside the fence line. Mr. Gardner further indicated that Staff recommended denial of all other Variance requests.

Mr. Greene noted that he wanted more information regarding the specifics of the landscaping. Mr. Gardner explained that the specifics would be required prior to issuing the commercial permit. Mr. Young made a motion to approve the Variances as recommended by Staff, with the addition that the Applicant be permitted to maintain the existing screening on the north and west sides of the property with the addition of mesh screening and vegetative screening to meet the intent of the zoning regulations. Mr. Salaiz seconded and the motion passed 3 – 0.

Planning Director's Report:

Mr. Gardner noted that there was one docket for the December meeting, a residential setback variance in Naco. Mr. Salaiz made a motion to adjourn. Chairman Greene seconded, and the meeting was adjourned at 6:53 p.m.