

EXPANDED AGENDA
Board of Adjustment, District 1
June 23, 2010
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 can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

Call to the Public

NEW BUSINESS

Item 1 - Introduce Docket and advise public who the applicants are.

Public Hearing, BA1-10-04: The Applicant requests a Variance to Section 804.03 of the Cochise County Zoning Regulations, which requires that all structures in an SM-36 District be set back no less than 20 feet from any property line. The Applicant seeks to legitimize and expand a non-conforming porch addition to the existing single-family residence on site, which is 12 feet from the Southern property line. The subject parcel (Parcel No. 104-13-012C) is located at 5110 E. Vista Grande Road in Hereford, AZ.

Applicants: Mario and Sylvia Gonzalez.

- 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

ADJOURNMENT



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Benny J. Young, Director

DRAFT MINUTES

TO: Board of Adjustment, District 1

FROM: Debra Meyer, Secretary

SUBJECT: Minutes of the Regular Meeting of May 26, 2010

DATE: June 15, 2010

MEMBERS PRESENT

Dan Abrams, Member
Jim Lynch, Member
Edward Cottingham, Chairman

STAFF PRESENT

Michael Turisk, Planner

MEMBERS ABSENT

OTHERS PRESENT: (See attached sheet)

These minutes for the BA1 meeting held on May 26, 2010 are complete only when accompanied by the memorandum for that meeting.

Chair Cottingham called the meeting to order at 6:05 PM at the Cochise County Service Center Conference Room in Sierra Vista, Arizona. Mr. Lynch followed by calling the roll, establishing that a Quorum of all three Board Members was present.

Chairman Cottingham explained the procedures for the meeting, and then asked for a motion to approve the minutes of the April 28, 2010 meeting.

Member Lynch made a motion to approve the minutes with a correction to page 3 adding the words "on item one" to the sentence "after discussion the Board decided to defer the decision stating they needed more information." It should now read "after discussion the Board decided to defer the decision stating they needed more information on item one." It was seconded by Jim Lynch.

Vote 2-0 to approve the minutes as corrected.

Chair Cottingham opened the meeting to the public, being no one wished to speak he closed the

meeting to the public.

OLD BUSINESS

Docket BA1-10-03: Mr. Cottingham announced the Docket and asked for the staff presentation. Planner Michael Turisk presented the Planning Department's report on a request a variance from the Cochise County Zoning Regulations for development of the northeast portion of the subject parcel which abuts the Applicant's business located on parcels 105-40-006 and 029: (1) a variance from Section 1804.07C which requires all parking, driveway and loading areas in Category B Growth Areas to be paved; the Applicant requests that the existing gravel surface be allowed. The subject parcel is used for employee parking and outdoor storage for Stan Greer Millworks and Carpentry Contractors, Inc. located at 5930 S. Highway 92 in Hereford, AZ. If approved for the requested variance, they would apply only to the northeast portion of the subject property.

The subject parcel (Parcel No. 105-40-036) appears as undeveloped access roads but is a single and private parcel. It is located approximately 250-feet west of S. Highway 92 and between Keeling Rd. to the north and E. Hobbs Rd. to the south.

The Applicant is Stan Greer Millworks and Carpentry Contractors.

Garry Greer, discussed the variance requests for the parking surface.

Mr. Lynch asked the applicant if they had tried to work out the difficulties with the opposing neighbors to find a solution.

Mr. Greer stated they had talked to Cochise Stone and received their recommendations for the surface, and had also decided to leave a 20' access area for emergency vehicles.

Danny Butler, representative for the applicant, stated they are planning to put concrete paver blocks along the west side of the property to keep people from parking too close to the fence to avoid damage to the fence.

Mr. Cottingham declared the Public Hearing open and invited comments from the public.

Curt Ogren stated his concerns.

Garry Greer rebutted Mr. Ogren's comments.

Mr. Cottingham closed the meeting to the public.

Michael Turisk stated staff recommends approval on the variance to the pavement requirement, to allow gravel for all parking & loading areas.

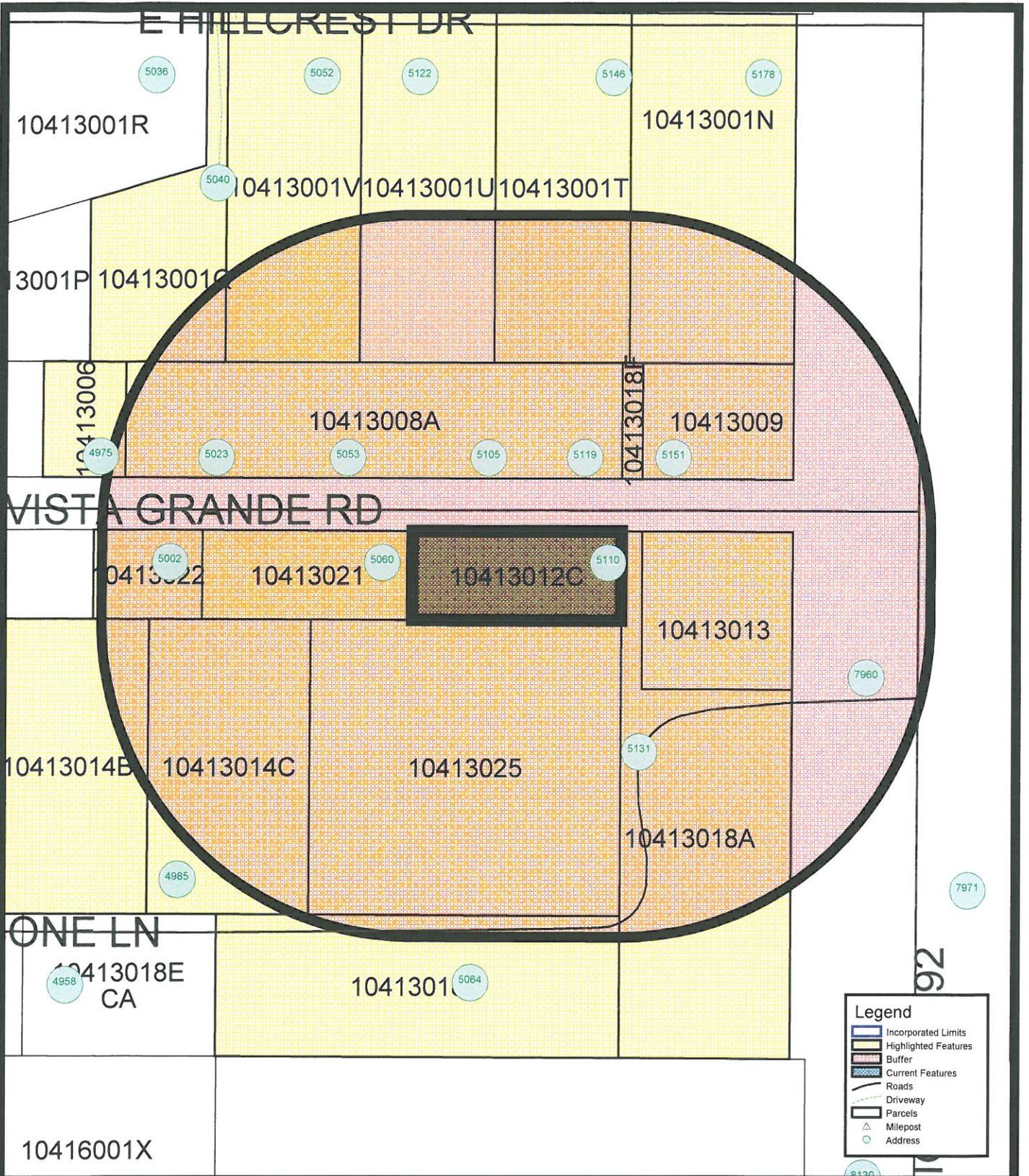
Jim Lynch made a motion to approve the variance with the condition that parking checks or wheel stops be installed to minimize the potential for damage to the neighbor's fence, Dan Abrams seconded. Vote 3-0 to approve.

Item 2 – Election of Officers.

Motion was made to retain Member Cottingham as Chair by Member Abrams. It was seconded by Member Lynch. Vote 3-0

PLANNING DIRECTOR'S REPORT

Motion was made to adjourn by Mr. Abrams at approximately 7:15; Mr. Lynch seconded the motion, which passed unanimously (3 – 0).



BA1-10-04
 104-13-012C
 Gonzalez
 300' Buffer

This map is a product of the Cochise County GIS






COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Keith Dennis, Senior Planner
For: Benny Young, P. E., Planning Director
SUBJECT: Docket BA1-10-04 (Gonzalez)
DATE: June 9, 2010, for the June 23, 2010 Meeting

APPLICATION FOR A VARIANCE

The Applicant requests a Variance from Section 804.03 of the Cochise County Zoning Regulations, which requires that principal and accessory structures in an SM-36 Zoning District be set back no less than 20 feet from all property lines. The Applicant intends to replace and expand an existing porch which was destroyed by high winds, 12 feet from the Southern property line.

The subject Parcel (Parcel no. 104-13-012C) is located at 5110 E Vista Grande in Hereford, AZ. The Applicants are Mario and Sylvia Gonzalez.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 17,185 square feet (0.39 Acres)
Zoning: SM-36 (1 Dwelling per 36,000 Square Feet)
Growth Area: Growth Category B
Plan Designation: NC – Neighborhood Conservation
Area Plan: None Applicable
Existing Uses: Single-Family Residential
Proposed Uses: Unchanged, with an expansion of the existing attached porch structure.

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	SM-36	Vista Grande Road (County Maintained), Single Family Residence
South	SM-36	Single Family Residence
East	SM-36	Single Family Residence
West	SM-36	Single Family Residence

II. PARCEL HISTORY

1981 – Permit issued for a 2,048 manufactured home which was later removed. The parcel was designated legal-nonconforming at this time (the lot is approximately half the required 36,000 square feet required in an SM-36 District).

1999 – Permit issued for a 2,000 square foot manufactured home.

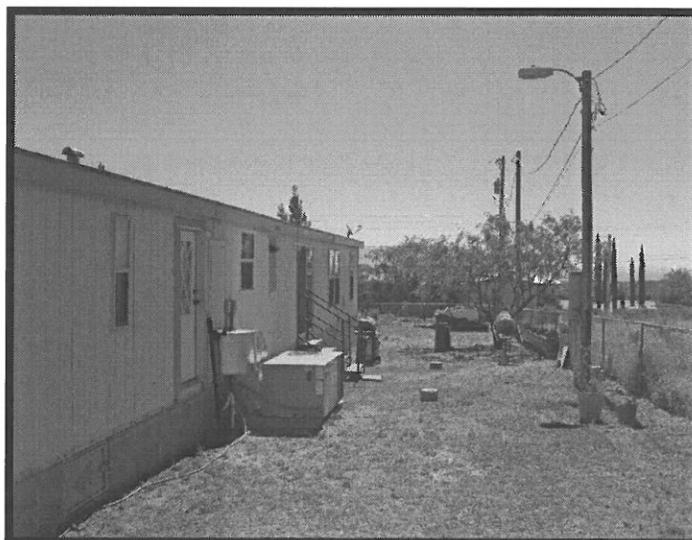
2005 – Permit for 128 square foot storage shed.

2006 – Permit issued for electrical upgrades.

2010 – Existing porch, 12 feet from Southern property line, is destroyed, prompting Applicant to seek a Variance in order to replace it in its previous location.



Above: Southward view of the Gonzalez residence. Below: Eastward view along the South side of the manufactured home. The porch here was destroyed by high winds in January of 2010.



III. PROJECT DESCRIPTION

Structures in an SM-36 Zoning District are required to be set back no less than 20 feet from all property lines (Section 804.03). The Applicant proposes to replace and expand an existing porch which was 12 feet from the Southern property line. As mentioned previously, the porch was destroyed in a high wind event.

IV. ANALYSIS OF IMPACTS

The Applicant seeks to replace the previously-existing porch, which was 12 feet from the Southern property line. The proposed expansion would still obey the 12-foot setback. The property immediately South would be the most affected by the proposed replacement. The home on that property is approximately 140 feet South of the shared property line. Staff anticipates no adverse off-site impacts from the proposal.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on June 9, 2010 and published a legal notice in the *San Pedro Valley News-Sun* on June 3, 2010. To date, the Department has received no response to the request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Granting the setback variance would not significantly affect safety, privacy or cause a significant reduction in views for neighboring parcel owners.

Factors Against Approval

None apparent.

VII. RECOMMENDATIONS

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

VIII. ATTACHMENTS

Variance Application
Location/Surrounding Zoning Map
Site Plan



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Receipt
6705

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: 104-13-012C-0
2. Address of parcel: 5110 E VISTA GRANDE RD
HEREFORD, AZ 85615
3. Area of Parcel (to nearest tenth of an acre): .5 Acre
4. Zoning District designation of Parcel: SM36
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Residential MFG HOME 2000² FT
1 STORAGE SHED 128 sq'

6. Describe all proposed uses or structures, which are to be placed on the property.
attached to rear of residence structure (1)
porch 10x40

7. State the specific nature of the variance or variances sought, identifying the applicable Section or Sections of the Cochise County Zoning Regulations you seek to vary.

Must stay 20' from property line
new porch would be 12' from property line

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.

We intend to replace back porch and
cannot move the house away from the
property line

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 no dwelling in the adjacent
property near the property line.
Closest house is approximately 300' ft. away.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought. If the applicant is not the property owner, please attach a signed letter from the property owner authorizing the variance(s) sought.

<u>PROPERTY OWNER</u>	<u>MAIL ADDRESS</u>
<u>MARIO GONZALEZ</u>	<u>P.O. BOX 1195 Hesperia, AZ 85615</u>
<u>SYLVIA GONZALEZ</u>	<u>(Same)</u>

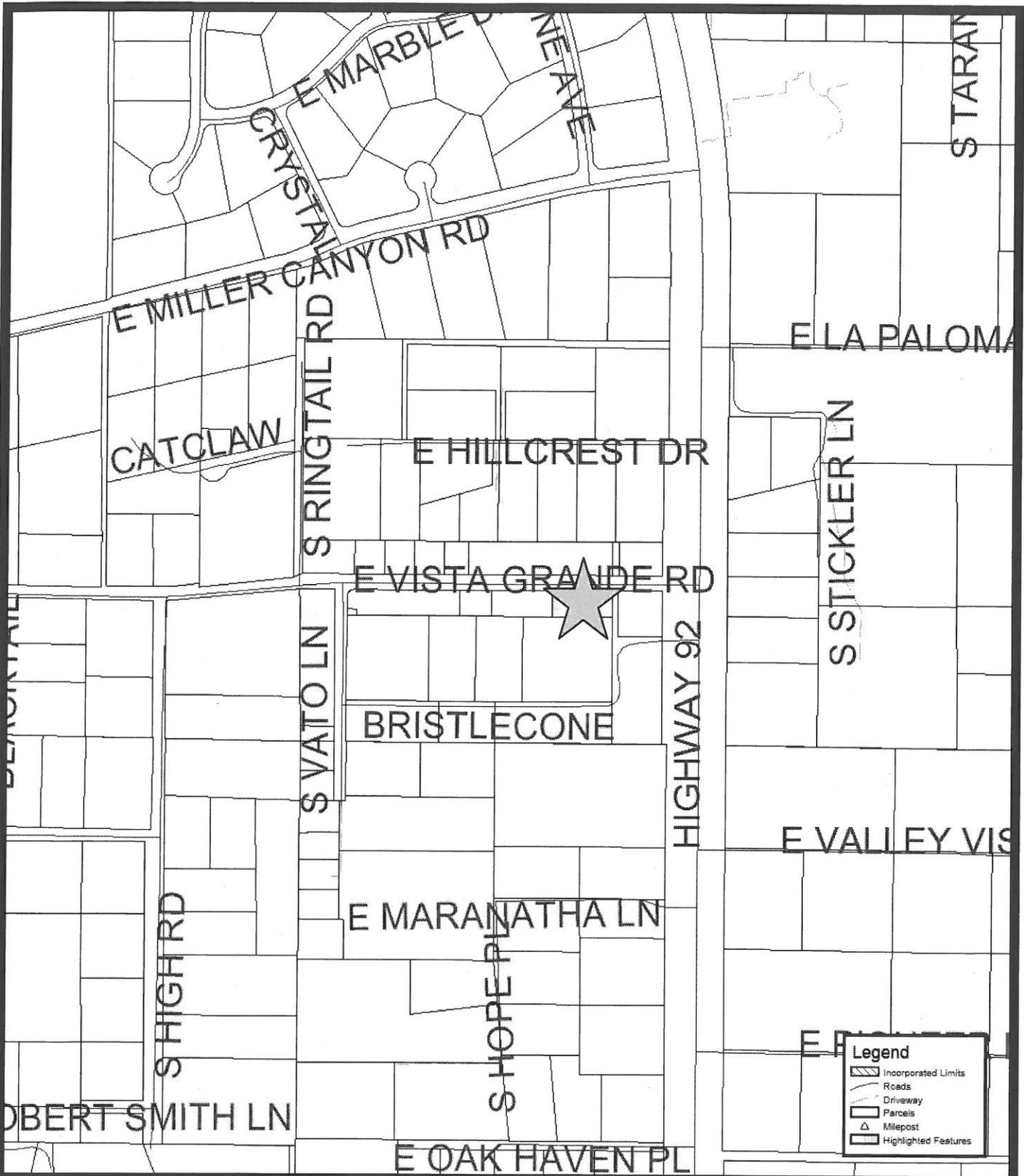
The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

<u>SIGNATURE OF PETITIONER</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Mario Gonzalez</u>	<u>5110 E Vista Grande Rd</u>	<u>5/7/10</u>

APPLICANT'S PHONE NUMBER 520-266-2495

APPLICANT'S EMAIL ADDRESS gon22mm64@msn.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.



Legend

- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Highlighted Features

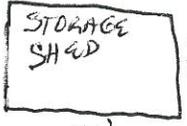


Docket BA1-10-04
 (Gonzalez)
 Location Map

This map is a product of the
 Cochise County GIS

202.51 Fence & property line

NOT TO SCALE

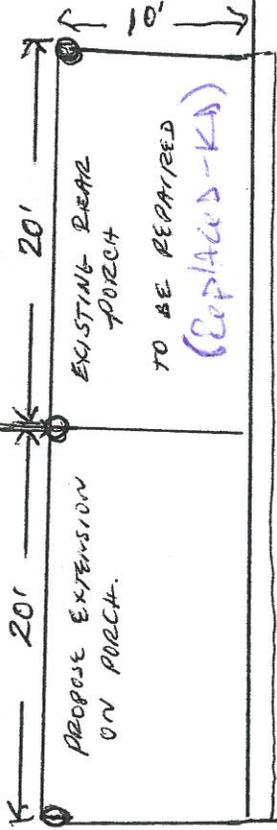
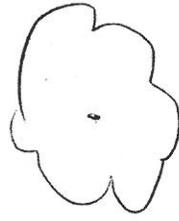


16'

8'



75'



20'

20'

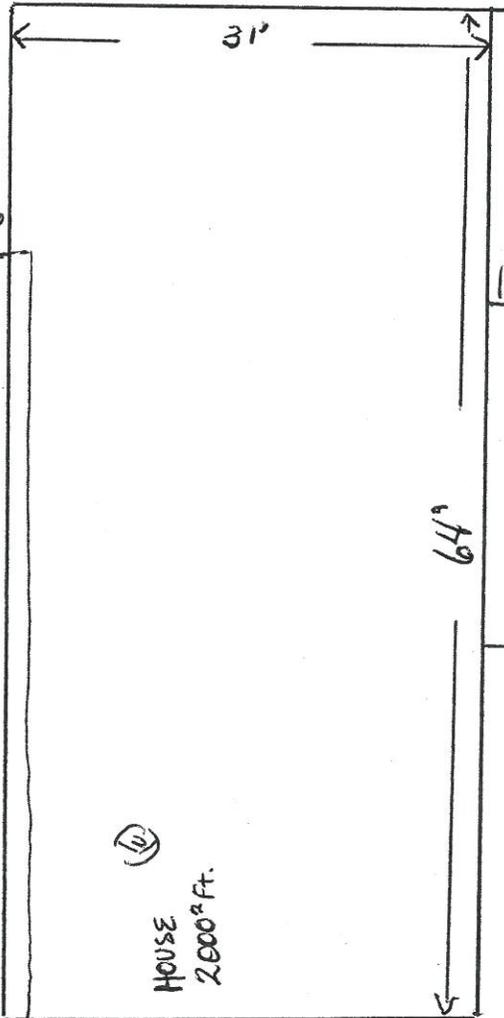
EXISTING REAR PORCH TO BE REPAIRED (REPLACES -KA)

TO BE REPAIRED (REPLACES -KA)

10'

22'

PROPOSED EXTENSION ON PORCH.



31'

64'

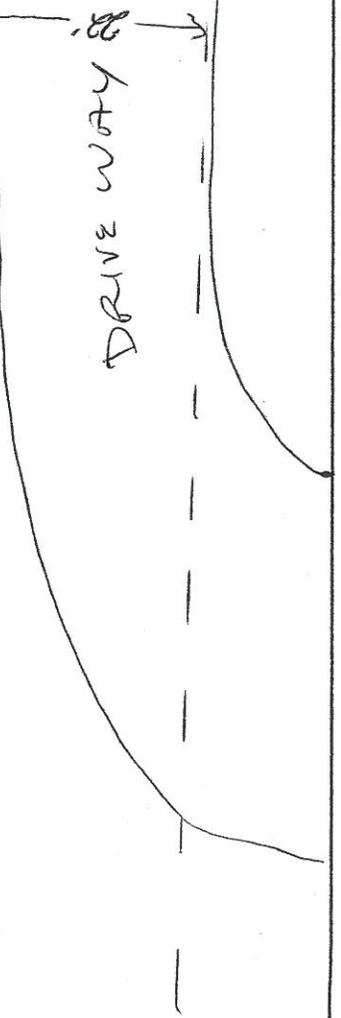
Front porch

20'

10'



HOUSE 2000^{sq} Ft.



DRIVE WAY



67'

85'