

EXPANDED AGENDA
Board of Adjustment, District 1
July 28, 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, BA1-10-05: The Applicant requests a Variance to Section 704.04 of the Cochise County Zoning Regulations, which requires that all structures in a TR-36 District be set back no less than 20 feet from any property line. The Applicant seeks to legitimize a non-conforming garage 10 feet from the Northern property line, as well as an existing home approximately 15 feet from the Northern property line. The subject parcel (Parcel No. 170-68-210) is located at 5136 S. Santa Aurelia Avenue in Sierra Vista, AZ.

Applicant: William Gorzenski.

- 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



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

DRAFT MINUTES

TO: Board of Adjustment, District 1
FROM: Debra Meyer, Secretary
SUBJECT: Minutes of the Regular Meeting of June 23, 2010
DATE: July 20, 2010

MEMBERS PRESENT

Dan Abrams, Vice- Chair Member
Tom Borer, Member

STAFF PRESENT

Keith Dennis, Planner

MEMBERS ABSENT

Edward Cottingham, Chairman

OTHERS PRESENT: (See attached sheet)

These minutes for the BA1 meeting held on June 23, 2010 are complete only when accompanied by the memorandum for that meeting.

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

Vice-Chair Abrams explained the procedures for the meeting, and then asked to postpone a motion to approve the minutes of the April 28, 2010 meeting until the next meeting when Chair Cottingham is present.

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

NEW BUSINESS

Docket BA1-10-04: Mr. Abrams announced the Docket and asked for the staff presentation.

Planner Keith Dennis presented the Planning Department's report on a request 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. Mr. Dennis presented a map showing the location of the property and explained the porch was damaged by the wind. He further stated the staff has determined it is just an expansion of an existing structure, not a new structure. 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.

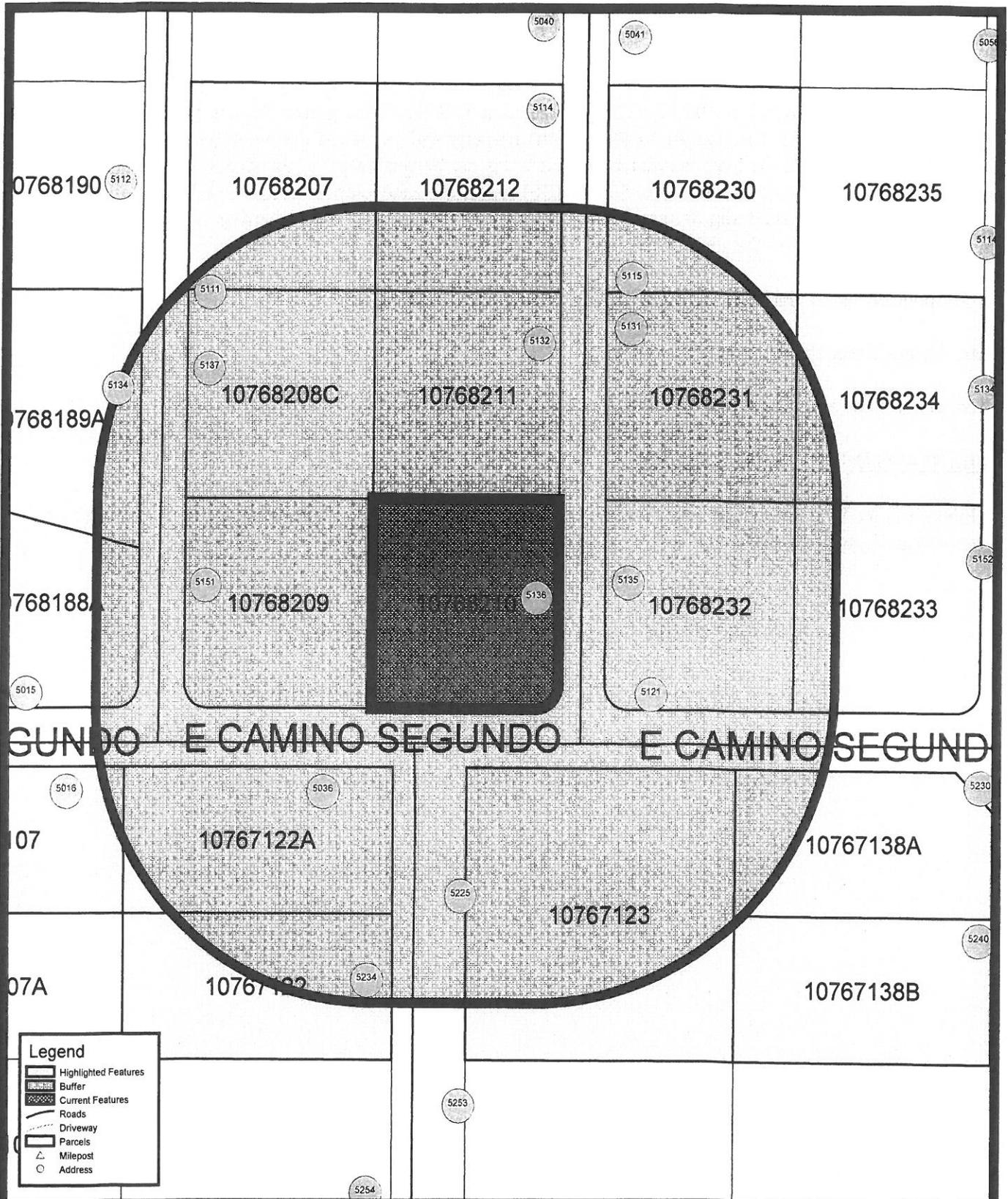
The Applicant Mario Gonzalez stated he intends to build the porch himself.

Mr. Abrams closed the meeting to the public.

Tom Borer made a motion to approve the variance, Dan Abrams seconded. Vote 2-0 to approve.

PLANNING DIRECTOR'S REPORT

Motion was made to adjourn by Mr. Abrams at approximately 6:15; Mr. Borer seconded the motion, which passed unanimously (2 – 0).



Legend

- Highlighted Features
- Buffer
- Current Features
- Roads
- Driveway
- Parcels
- Milepost
- Address



BA1-10-05
 107-68-210
 Gorzenski
 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

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MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Keith Dennis, Senior Planner
For: Benny Young, P. E., Planning Director
SUBJECT: Docket BA1-10-05 (Gorzenski)
DATE: July 19, 2010, for the July 28, 2010 Meeting

APPLICATION FOR A VARIANCE

The Applicant requests a Variance to Section 704.04 of the Cochise County Zoning Regulations, which requires that all structures in a TR-36 District be set back no less than 20 feet from any property line. The Applicant seeks to legitimize a non-conforming garage 10 feet from the Northern property line, as well as an existing home approximately 15 feet from the Northern property line.

The subject parcel (Parcel No. 107-68-210) is located at 5136 S. Santa Aurelia Avenue in Sierra Vista, AZ. The Applicant is William Gorzenski.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

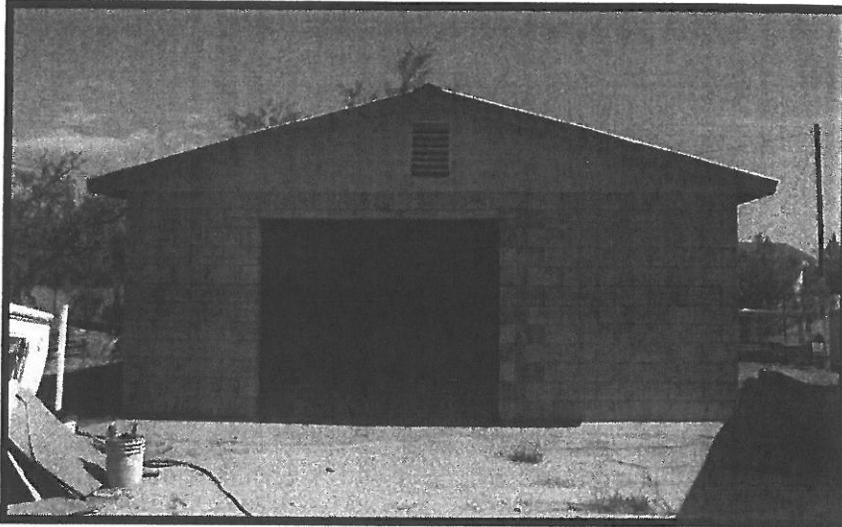
Parcel Size: 43,646 square feet
Zoning: TR-36 (1 Dwelling per 36,000 Square Feet)
Growth Area: Growth Category B
Plan Designation: NC – Neighborhood Conservation
Area Plan: None Applicable
Existing Uses: Single-Family Residence, carport, detached garage
Proposed Uses: Unchanged.

Surrounding Zoning

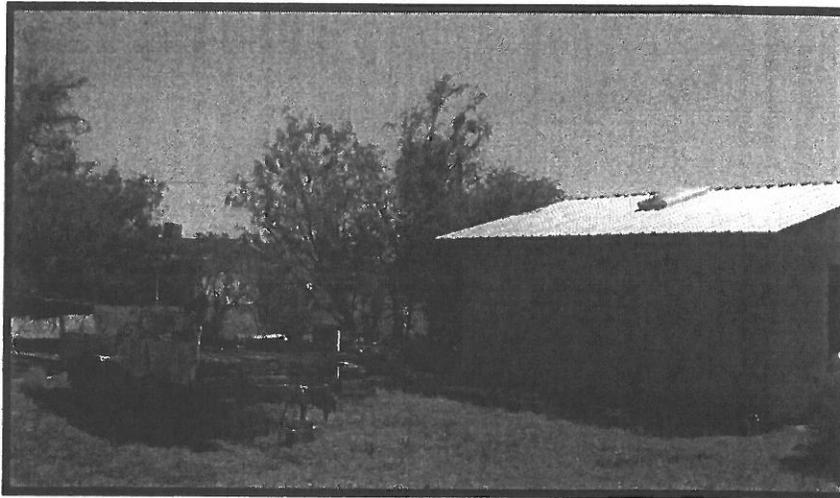
| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|-------------------------|
| North | TR-36 | Single Family Residence |
| South | TR-36 | Single Family Residence |
| East | TR-36 | Single Family Residence |
| West | TR-36 | Single Family Residence |

II. PARCEL HISTORY

The County has no record of any permits for the structures on the site, all of which pre-date the adoption of the Zoning Regulations in 1975.



Above: Looking North at the replaced garage. Below: Northeast view.



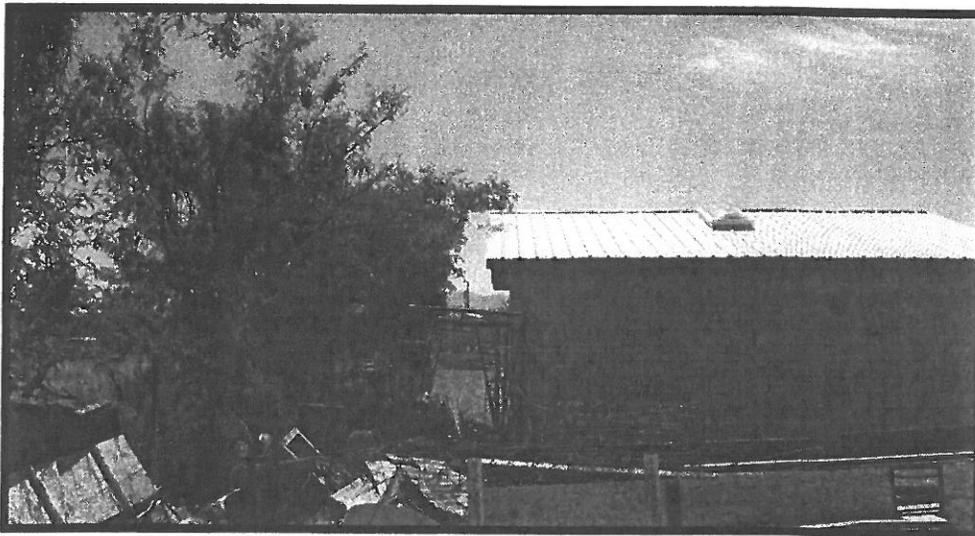
III. PROJECT DESCRIPTION

In a high wind event earlier this year, the legal-nonconforming garage on the property was destroyed. The Applicant, thinking that the garage would "remain grandfathered" even after it was destroyed, began to rebuild it, without obtaining a permit. County staff issued a stop work order on the property when the garage reconstruction was almost complete. The Applicant has since applied for the required permit.

Per Section 2003.03.B of the Zoning Regulations, when a legal non-conforming land use or structure is destroyed by an "act of God," subsequent land uses or construction must be subject to the current applicable regulations. The garage, in other words, lost its legal-nonconforming (or "grandfathered") status when it was demolished by the wind event. Structures in a TR-36 Zoning District are required to be set back no less than 20 feet from all property lines (Section 704.04);

absent a Variance granted by the Board of Adjustment, the new construction must observe this setback requirement.

On Monday, July 12, 2010, the Planning Department staff lifted the stop work order and allowed the Applicant to continue construction of the garage. Per the Applicant, at this point all that remains to be done (structurally) is to put doors on the garage. Mr. Gorzenski has been storing the contents of the garage under his carport awaiting the outcome of the Board hearing; he claims to have had several of the unprotected items under the carport stolen in the last two weeks. He requested to be allowed to continue working on the garage in order to be able to store his items in a secure building; Staff lifted the stop work order in response to those concerns, but advised him that he is doing so without an approved Variance. The Applicant has agreed to assume all risk related to construction of a non-conforming structure without prior approval from the Board of Adjustment.



Eastward view of the garage relative to the Northern property line.

If the Board does grant the Variance, the request would include legitimization of the rebuilt garage 10 feet from the Northern property line, as well as the existing undamaged home, 15 feet from the Northern property line. Legitimizing the existing single family residence would mean that, should something similar happen to the home in the future, the Applicant would not have to undergo the Variance process before obtaining a permit to rebuild the home.

IV. ANALYSIS OF IMPACTS

The Applicant seeks to replace the previously-existing garage, which was 10 feet from the Southern property line, and to legitimize the currently legal nonconforming home 15 feet from the property line. The property immediately North would be the most affected by the proposed replacement. The home on that property is approximately 100 feet North of the shared property line. Staff anticipates no adverse off-site impacts from the proposal, which would allow existing conditions on the property to remain.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on July 15, 2010 and published a legal notice in the *San Pedro Valley News-Sun* on July 8, 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 Map

Site Plan



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

PAID 6/11/2010 (LD) \$300

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: 107-68-210
2. Address of parcel: 5136 SANTA AURELIA
3. Area of Parcel (to nearest tenth of an acre): 1.0 Acres
4. Zoning District designation of Parcel: TR-36
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

Existing Home ~ 2400 sq ft - Appx 15ft
from Northern Property line
566 sq ft GARAGE DESTROYED BY WINDS WAS 10'
from Northern Property line

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

Replace 566 sq. ft. GARAGE, 10'
from Northern Property line

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.

Applicant seeks to Replace Garage
in its former location, & to Legitimize
All Structures (Existing & Proposed)
on Property.

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.

Garage Has Been / WAS A fixture
in Neighborhood Since 1974. When it
was Destroyed By winds, Applicant Started
Rebuilding it, & Thought That Since it was
Grandfathered it Didnt Need A permit.

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.

& Now its Mostly Rebuilt. Taking
it Down / Relocating it Now would
Be A Hardship. Neighbor to the North
HAS House over 100 feet from
property line - would Not impact
His Neighbor.

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>WILLIAM GORZENSKI</u> | |
| <u>5136 SANTA AURELIA</u> | |
| <u>SIBERRA VISTA, AZ 85650</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>William Gorzenski</u> | | <u>6-11-10</u> |
| <u>5136 SANTA AURELIA x William Gorzenski</u> | | |

APPLICANT'S PHONE NUMBER 378 2173

APPLICANT'S EMAIL ADDRESS 5136 SANTA AURELIA SIBERRA VISTA AZ 85650

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.

Note: STAFF (Keith Dennis) Completed this Application on BEHALF of & At the Request of the Applicant who made the Request Citing HEALTH REASONS.

KB 7/1/2010

