

**EXPANDED AGENDA**  
**Board of Adjustment, District 1**  
**February 23, 2011**  
**Cochise County Service Center,**  
**4001 E. Foothills Drive (in the former Courtroom)**  
**Sierra Vista, Arizona**

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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, Docket BA1-11-01:** The Applicant requests a Waiver from Section 1203.05 of the Zoning Regulations, which requires that non-residential uses abutting residentially-zoned properties be screened with an approved 6-foot high screening device. The subject parcel (Parcel No. 104-06-022) is located at 4755 S. Highway 92 in Hereford, AZ.

**Applicant:** Vicki Gilbert.

- 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)

***Item 2 - Introduce Docket and advise public who the applicants are.***

**Public Hearing, Docket BA1-11-02:** The Applicant requests a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-8 Zoning District be set back no less than 10 feet from all property lines. The Applicant seeks to legitimize an existing residence, which is 6 inches from the Eastern property line. The subject parcel (Parcel No. 104-46-048) is located at 9239 E. Joy Avenue in Palominas, AZ.

**Applicant:** Victor Davis.

**FOLLOW FORMAT OF ITEM 1**

**Item 3 – Election of Officers**

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**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 December 15, 2010

DATE: January 11, 2011

#### **MEMBERS PRESENT**

Edward Cottingham, Chairman  
Dan Abrams, Vice- Chair Member  
Tom Borer, Member

#### **STAFF PRESENT**

Keith Dennis, Planner

#### **MEMBERS ABSENT**

#### **OTHERS PRESENT:** (See attached sheet)

*These minutes for the BA1 meeting held on December 15, 2010 are complete only when accompanied by the memorandum for that meeting.*

Chair Cottingham called the meeting to order at 6:00 PM at the Cochise County Service Center Conference Room in Sierra Vista, Arizona. Mr. Cottingham followed by calling the roll, establishing that a Quorum of all three Board Members was present.

Chair Cottingham explained the procedures for the meeting, and then asked for a motion to approve the minutes of the November 17, 2010 regular meeting. Chair Cottingham stated all members vote to approve the previous members.

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

#### **NEW BUSINESS**

**Docket BA1-10-07:** Mr. Cottingham announced the Docket and asked for the staff presentation.

Planner Keith Dennis presented the Planning Department's report on requests for Variances/Waivers from the following Sections of the Zoning Regulations: 1) a Waiver from Section 1203.05, which requires that non-residential uses abutting residentially-zoned properties be screened with an approved 6-foot high screening device; 2) a Variance to Section 1804.06.B, which requires that parking lots with 41 spaces be separated from residential Districts by no less than 40 feet (Applicant proposes 22.5-foot setback along South and West property lines); 3) a Waiver to Section 1806.02.B, which requires that non-residential development in a Category B Growth Area include a 5-foot wide landscaped strip along abutting streets; and 4) a Variance to Section 1908.03.A.2, which governs the allowable square footage for signage. The standards allow for an

Public Programs, Personal Service

**[www.cochise.az.gov](http://www.cochise.az.gov)**

80 square foot maximum; the Applicant proposes a 95 square foot sign. The subject parcel (Parcel No. 104-06-022) is located at 4755 S. Highway 92 in Hereford, AZ. Mr. Dennis presented a map showing the location of the property and explained factors in favor and factors against. Mr. Dennis explained that staff had not received any letters in opposition to the variance. He further stated staff recommends approval of the first 3 requests and denial of the larger sign request.

The Applicant, Vickie Gilbert, explained the reasons for the request for a larger sign.

Mr. Cottingham opened the meeting to the public, being there was no one that wished to speak he closed the meeting to the public.

Mr. Borer made a motion to deny the variance for signage and that the signage is held to County Code and limited to 80 square feet, Mr. Abrams seconded. Vote was 3-0 to deny limiting to 80 square foot sign.

The board discussed the reasons for requiring screening on the property.

Mr. Borer made a motion to deny the waiver for screening and revert it back to the County Regulations at a later date. Mr. Abrams stated the reason was because the County would not require the applicant to put in the screening at this time. Mr. Abrams seconded the motion. Vote 3-0 to approve to denial.

Mr. Abrams made a motion to approve the waiver for the 5 foot landscaping strip. Mr. Borer seconded. Vote 3-0 to approve the approval of the wavier.

Mr. Borer made a motion to approve the variance which requires that parking lots with 41 spaces be separated from residential Districts by no less than 40 feet, Mr. Abrams seconded. Vote 3-0 to approve the variance.

**Docket BA1-10-08:** Mr. Cottingham announced the Docket and asked for the staff presentation. Planner Keith Dennis presented the Planning Department's report on requests for requests for a Variance to Section 904.03 of the Cochise County Zoning Regulations, which requires that all structures in an SR-43 District be set back no less than 20 feet from all property lines. The Applicant intends to construct an addition onto an existing single-family residence on the property, which would be 10.5 feet from the Southern property line. The subject parcel (Parcel No. 104-07-026G) is located at 6850 E. Jaxel Road in Hereford, AZ. Mr. Dennis presented a map showing the location of the property and explained factors in favor and factors against. He further stated staff had received 3 letters supporting the request, and 1 letter in opposition and staff is recommending approval of the request.

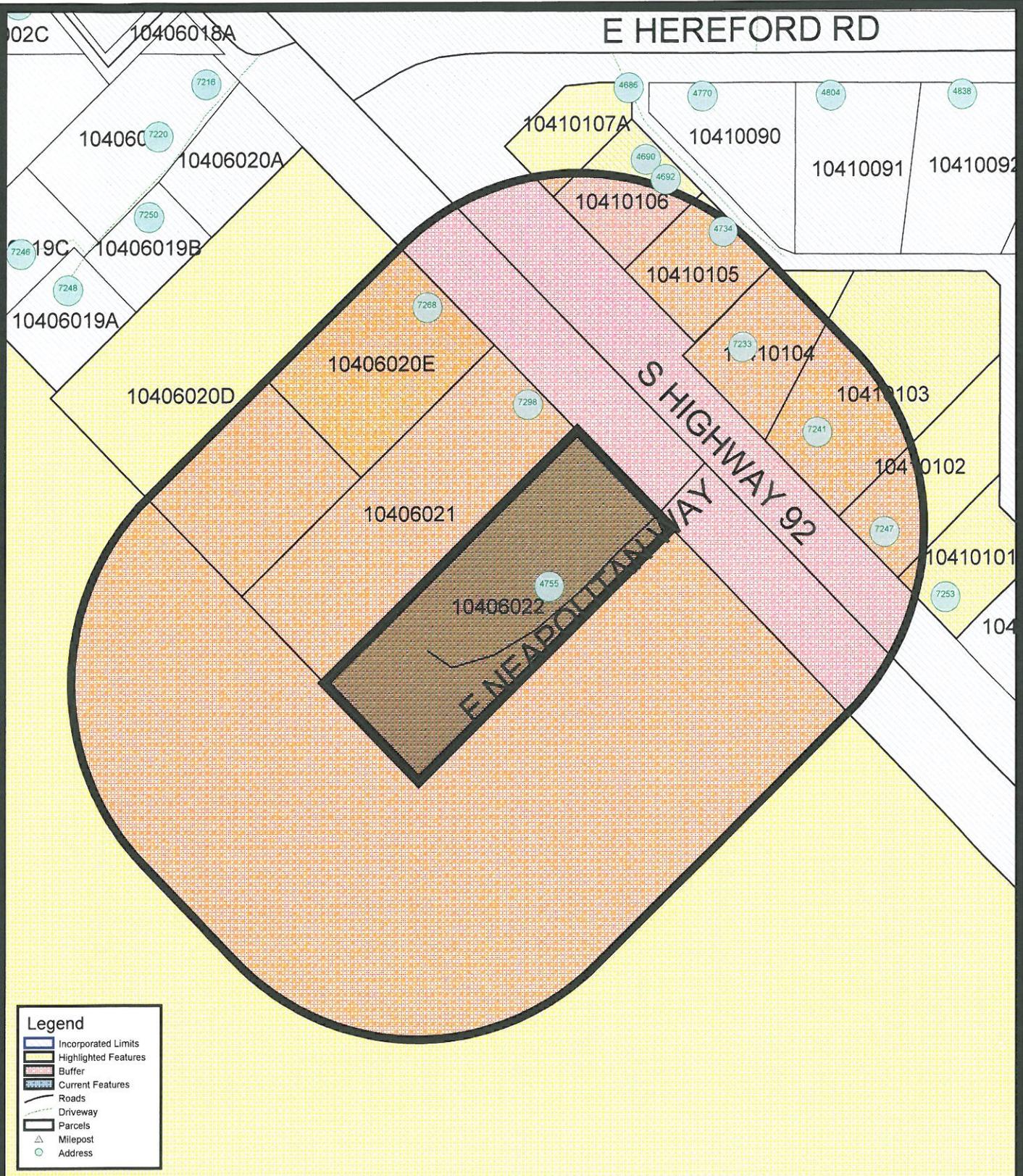
Applicant, James Wendel, stated the reasons he is requesting the variance.

Mr. Borer made a motion to approve the Variance. Mr. Abrams seconded. Vote 3-0 to approve the variance.

**PLANNING DIRECTOR'S REPORT**

Mr. Dennis introduced the new Community Development Director Carlos De La Torre to the Board.

Motion was made to adjourn by Mr. Abrams at approximately 7:08; Mr. Borer seconded the motion, which passed unanimously (3 – 0).



**Legend**

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



BA1-11-01  
 Gilbert  
 104-06-022  
 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

*Carlos De La Torre, P.E., Director*

## **MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 1  
**FROM:** Keith Dennis, Senior Planner  
For: Mike Turisk, Interim Planning Director  
**SUBJECT:** Docket BA1-11-01 (Gilbert)  
**DATE:** February 15, 2011, for the February 23, 2011 Meeting

### **APPLICATION FOR A WAIVER**

**Docket BA1-11-01 (Gilbert):** The Applicant requests a Waiver from Section 1203.05 of the Zoning Regulations, which requires that non-residential uses abutting residentially-zoned properties be screened with an approved 6-foot high screening device.

The subject parcel (Parcel No. 104-06-022) is located at 4755 S. Highway 92 in Hereford, AZ. The Applicant is Vicki Gilbert of Mimosa Pizzeria.

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

**Parcel Size:** 66,905 square feet (1.54 Acres)  
**Zoning:** GB – General Business  
**Growth Area:** Growth Category B  
**Plan Designation:** ENT – Enterprise  
**Area Plan:** Sierra Vista Sub-Watershed  
**Existing Uses:** Undeveloped Land  
**Proposed Uses:** Pizza Restaurant

### **Surrounding Zoning**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	GB	Canyon General Convenience Store
South	TR-36	Single Family Residential
East	N/A / MH-72	State Route 92 / Single Family Residential
West	TR-36	Single Family Residential

## II. PARCEL HISTORY

There is an open permit at this time for the pizza restaurant, which is now under construction. There are no code enforcement actions on record for this parcel.

In December of 2010, the District 1 Board of Adjustment granted a Variance to the parking area standard requiring a 40-foot setback from adjacent, Residentially-zoned property, and a Waiver from County landscaping requirements. The Board denied a Variance request to allow a larger sign copy face than the standard allowed, and denied a request to waive the screening requirement.

## III. PROJECT DESCRIPTION

The Applicant intends to complete and operate the Mimosa Pizzeria, presently under construction, just South of the Hereford Road/SR 92 intersection. The restaurant would use the same driveway curb cut along SR 92 as Canyon General.



*The adjacent property South and West of the project site is zoned TR-36. Two single-family residential structures are on the adjacent property, approximately 1,800 feet away.*

## IV. ANALYSIS OF IMPACTS

The property abuts a large tract of TR-36-zoned land along the South and West sides. The fact that the property borders this residentially-zoned land means that certain site development standards, such as screening, are applicable.

The District 1 Board of Adjustment heard Docket BA1-10-07 in December 2010. That Docket included the screening waiver request currently under consideration. The Department's analysis and recommendation was based on erroneous information, namely, that the adjacent TR-36 property was currently undeveloped. In fact, there are two principal residential structures on that property, approximately 1,800 feet away. The Planning Department staff told the Board,

correctly, that the screening requirement could be deferred until the adjacent residentially-zoned property developed. But because the adjacent property is in fact developed with residential uses, the screening requirement cannot be deferred, as the Board was previously told.



*Westward view of the Mimosa Pizzeria project site.*

The property is, as discussed above, adjacent to a large tract of residentially-zoned property (TR-36). A six-foot high solid screening device is required for non-residential uses in a GB District which abut residentially-zoned properties, to shield residential uses from off-site impacts. Although two homes on the property sit approximately 1,800 feet to the Southwest, there is no residential development immediately adjacent to the property. Off-site impacts from headlight glare could occur should there be additional residential development closer to the shared property line. However, in such a case, the presence of the adjacent SR 92 means that sound and light impacts from vehicles in the area would be likely regardless of the proposed development, with or without screening. Additionally, other commercial businesses along the strip South of Hereford Road do not include screening along the District boundary.

The project site is within an area designated as Enterprise on the Comprehensive Plan map. The Department has typically recommended approval of Variances in Enterprise areas, as a “business friendly” strategy aimed at encouraging development.

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on February 7, 2011 and published a legal notice in the *San Pedro Valley News-Sun* on February 3, 2011. To date, the Department has received no response to the request.

## VI. SUMMARY AND CONCLUSION

### **Factors in Favor of Allowing the Waiver**

1. Granting the screening Waiver would not produce or exacerbate any off-site impacts; the property is alongside a State Highway, where off-site impacts from passing vehicles are already commonplace.
2. The project site is within an area designated as Enterprise in the Comprehensive Plan, where a relaxation of site development standards has been deemed an acceptable means of stimulating development.
3. The nearest adjacent residential development is approximately 1,800 feet from the subject property.

### **Factors Against Approval**

1. None Apparent.

## VII. RECOMMENDATIONS

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

## VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan



# COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240  
Fax 432-9278

## 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. Tax Parcel Number: 104-06-022
2. Address of Parcel: 4755 E NEA Politan Way  
in Siena Vista / Herford
3. Area of Parcel (to nearest tenth of an acre): 1.54 Acres
4. Zoning district classification of parcel: General Business
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Currently Vacant - Mionosa Pizzeria  
under construction
6. Describe all proposed uses or structures, which are to be placed on the property. Pizzeria Restaurant, Sign

7. State the specific nature of the variance or variances sought, identifying the applicable section or sections of the Cochise County Zoning Regulations.

Variance / Waiver to Screening Req.

ADJACENT PROPERTY IS ZONED TR-36

& HAS RESIDENTIAL DEVELOPMENT ON IT.

\* APPLIED FOR VARIANCE IN 2010, BUT BOARD DECISION WAS INFLUENCED BY STAFF ERROR.

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 practical difficulties or unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved. (See Section 2103.02 on variances (attached) Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited in #7 above.

ADJACENT PROPERTY SOUTH HAS TWO SMALL  
~~HOUSES~~ HOMES, 1800 FEET AWAY. THE PROPERTY  
IS MOSTLY UNDERDEVELOPED; VARIANCE WOULD NOT  
IMPACT RES. DEVELOPMENT. REQUIRING SCREENING  
WOULD DELAY PROJECT, CREATE NEW ENGINEERING &  
CONSTRUCTION COSTS

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.

NEAREST RESIDENTIAL ~~PRO~~ DEVELOPMENT  
IS OVER 1,800 FEET AWAY. PROPERTY  
OWNER DOES NOT OBJECT TO THE  
VARIANCE REQUEST.

\* NOTE: BOF A DENIED REQUEST IN DEC 2010  
BASED ON STAFF ERROR: STAFF INFORMED BOARD  
THAT ADJACENT PROPERTY WAS UNDERDEVELOPED, SO  
SCREENING COULD BE DEFERRED. IN FACT, THERE IS  
RESIDENTIAL DEVELOPMENT ON THE PROPERTY - 1800' AWAY.

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

<u>PROPERTY OWNER</u>	<u>ADDRESS</u>
<u>Wendell &amp; Vicki Gilbert</u>	
<u>Po Box 669</u>	
<u>Hereford, AZ 85615</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>[Signature]</u>	<u>- Staff Request</u>	
<u>on behalf of owners</u>		

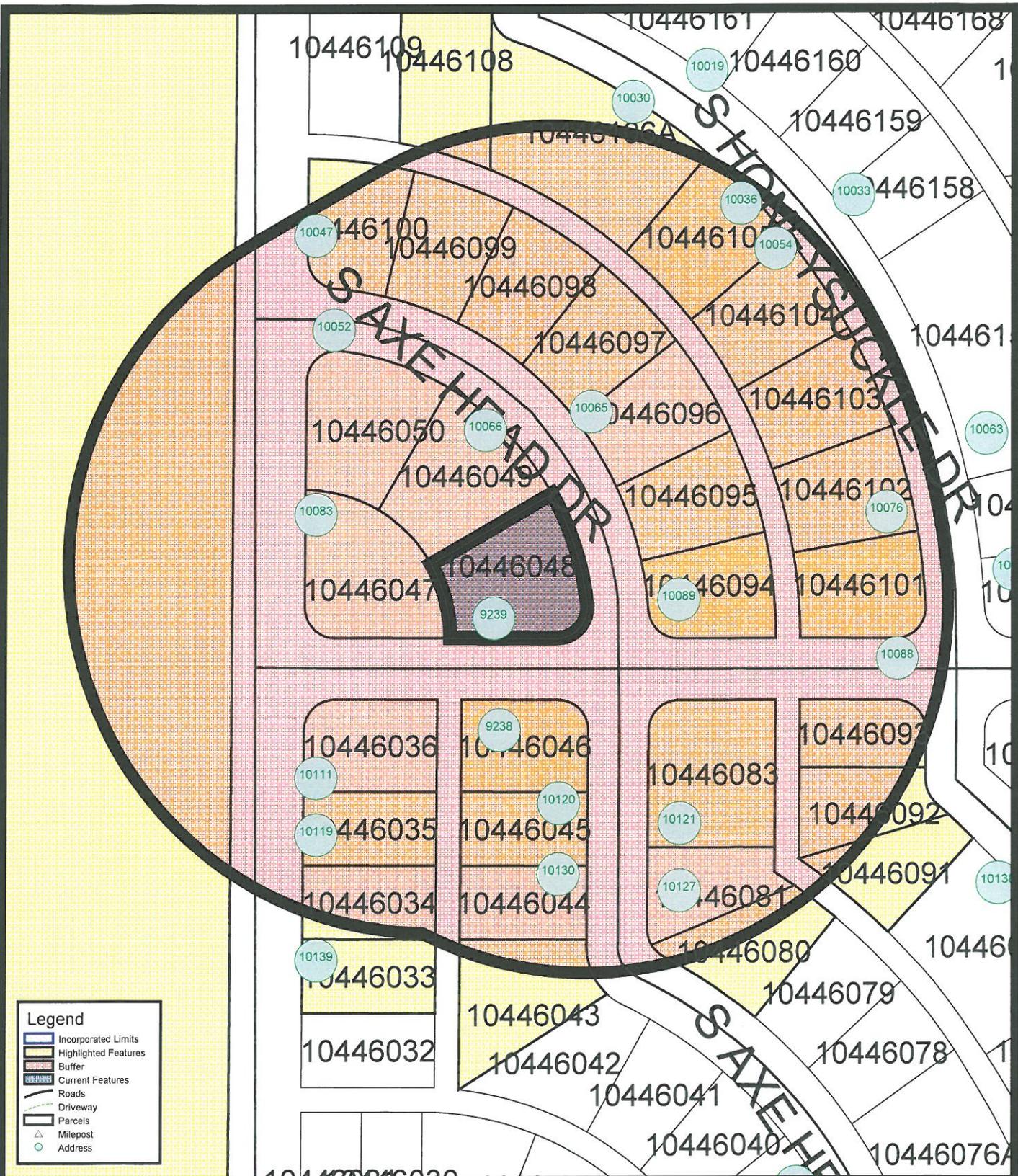
APPLICANT'S PHONE NUMBER 520-432-9244

APPLICANT'S EMAIL ADDRESS LDennis@Cochise.Az.Gov

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 (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Community Development Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

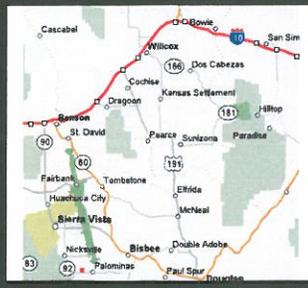






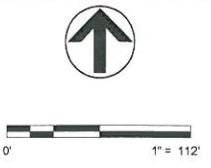
**Legend**

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



BA1-11-02  
 Davis  
 104-46-048  
 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

*Carlos De La Torre, P.E., Director*

### **MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 1  
**FROM:** Keith Dennis, Senior Planner  
For: Mike Turisk, Interim Planning Director  
**SUBJECT:** Docket BA1-11-02 (Davis)  
**DATE:** February 15, 2011, for the February 23, 2011 Meeting

### **APPLICATION FOR A VARIANCE**

**Docket BA1-11-02 (Davis):** The Applicant requests a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-8 Zoning District be set back no less than 10 feet from all property lines. The Applicant seeks to legitimize an existing residence, which is as close as 6 inches from the Eastern property line.

The subject parcel (Parcel No. 104-46-048) is located at 9239 E. Joy Avenue in Palominas, AZ. The Applicant is Victor Davis.

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

**Parcel Size:** 10,512 square feet (0.24 acres)  
**Zoning:** SR-8 (Single Family Residential, 1 Dwelling per 8,000 square feet)  
**Growth Area:** Growth Category C  
**Plan Designation:** Medium Density Residential  
**Area Plan:** Southern San Pedro Valley Area Plan  
**Existing Uses:** Single Family Residence (Under Construction)  
**Proposed Uses:** Unchanged

### **Surrounding Zoning**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	SR-8	Single Family Residential
South	SR-8	Single Family Residential
East	SR-8	Single Family Residential
West	SR-8	Single Family Residential



*Above: Westward view of the Davis residence, as seen from the Axe Head Drive travelway.*

## **II. PARCEL HISTORY**

2004 – Permit issued for a 2,160 square foot single family residence. The original site plan showed a 15-foot setback to the Axe Head Right-of-Way boundary line. The permit was eventually closed due to lack of progress or requests for inspections.

2008 – Property owner is advised that the Northeast corner of the home was closer than 10 feet from the property line, and that a Variance would be needed to legitimize the construction to date.

In late 2009 (December), the former property owner was cited for intermittent building of the home on an expired permit. The Planning staff turned the Violation over to the Hazard Abatement Officer, as the unsecured, open and accessible home violated the Hazard Abatement Ordinance.

In January of 2011, the current owner and Applicant purchased the property and unfinished home. Construction has resumed on the property; the Applicant now seeks the Variance recommended by staff to the previous owner in 2008.

## **III. PROJECT DESCRIPTION**

The property is within the Miracle Valley subdivision, in which densely-packed curvilinear streets are commonplace. The subdivision was platted with roadways dedicated to the public (public Rights-of-Way). Most of these are 50-foot public access easements under County ownership and maintenance. Corner lots along these curves, like the property under consideration, are also common.

The Applicant intends to finish the single-family residence first permitted in 2004. The Northeast corner of the building is less than the required 10 feet from the property line. This property line is, in fact, the Axe Head Drive Right-of-Way line. The Applicant has asked for a Variance to allow the home to remain in its current location; the request is to allow a setback as small as six inches, and was advertised as such. Unfortunately, absent a survey of the property, it is not known where the home sits relative to the Right-of-Way line. It may be that the home is several

feet away from the property line. However, if it is determined that the home is in fact encroaching into the Right-of-Way, the Applicant may have to resort to other remedies to legitimize the structure, such as a Right-of-Way abandonment, or even removal of the portion of the structure in the Right-of-Way.



*Aerial view of the subject property. The limited number of lots served by Axe Head Drive, and its proximity to the nearby paved Healing Way means the road is likely to retain its current configuration, width and surfacing in the future.*

The property is currently being surveyed to determine the exact location of the home relative to the Axe Head Drive Right-of-Way. The Applicant has been informed that the survey must be completed before the February 23, 2011 Board of Adjustment hearing, so that the Board can make an informed ruling on the Variance request.

**IV. ANALYSIS OF IMPACTS**

As can be seen from the photo below, the home is set back considerably from the roadway, approximately 30 feet at its closest.



*North view along Axe Head Drive. The Davis residence can be seen at left. At its closest, the home is approximately 30 feet from the travelway.*

While this is a County-maintained road, it is unlikely that the roadway surface will be upgraded, or expanded. And although it is possible, it remains unlikely that the full width of the 50-foot Right-of-Way would be utilized at any time in the future. Under these circumstances, the home does now and would continue to observe an approximately 30-foot setback from the Axe Head Drive travelway, which is three times the 10-foot setback required in an SR-8 District.

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on February 7, 2011 and published a legal notice in the *San Pedro Valley News-Sun* on February 3, 2011. To date, the Department has received correspondence from one neighbor supporting the request, and one opposing.

#### **VI. SUMMARY AND CONCLUSION**

##### **Factors in Favor of Allowing the Variance**

1. Granting the setback Variance would not produce or exacerbate any off-site impacts; the Axe Head Drive travelway is approximately 30 feet from the nearest point on the home.
2. It is unlikely that the Axe Head Drive Right-of-Way will be improved in the future, nor is the full 50-foot width likely to be built out.
3. One neighboring property owner has expressed support for the request.

##### **Factors Against Approval**

1. One neighboring property owner has expressed opposition to the request.

#### **VII. RECOMMENDATIONS**

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

#### **VIII. ATTACHMENTS**

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



**COMMUNITY DEVELOPMENT DEPARTMENT**

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

(520) 432-9240  
Fax 432-9278

COCHISE COUNTY

**APPLICATION FOR VARIANCE**

JAN 04 2011

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. Tax Parcel Number: 104-46-048

2. Address of Parcel: 9239 E Joy Ave  
Hereford AZ 85615

3. Area of Parcel (to nearest tenth of an acre): 4.5 AC

4. Zoning district classification of parcel: SFR 8

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on Block home partially built in 2008 but never completed. Approx 1472 sq w/ 633 sq Attached Garage.

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

Receipt 2994  
30000  
PA 2010/11

7. State the specific nature of the variance or variances sought, identifying the applicable section or sections of the Cochise County Zoning Regulations.

Home built TO close to <sup>side</sup> property lines  
Request A Variance For 0-6" From P/L  
Setback. See ATTACHED Aerial Map From Cochise  
County office.

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 practical difficulties or unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved. (See Section 2103.02 on variances (attached) Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited in #7 above.

My wife and I recently sold our home because of  
financial hardships just like most people. We took  
the equity and purchased this home, hoping that  
what little we have left we will be able to  
finish it and live in it

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.

The plat map calls for a 50' Roadway.  
The existing roadway is only about 20'.  
I've talked with most of the neighbors and  
they don't have any problem with the existing setbacks or  
width of roadway. Therefore, my structure would be about  
35-40' from the existing roadway

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

<u>PROPERTY OWNER</u>	<u>ADDRESS</u>
<u>Victor S. Davis</u>	<u>712 Four Winds Circle Herford AZ 85645</u>
<u>Sylvia M Davis</u>	<u>" " " "</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.

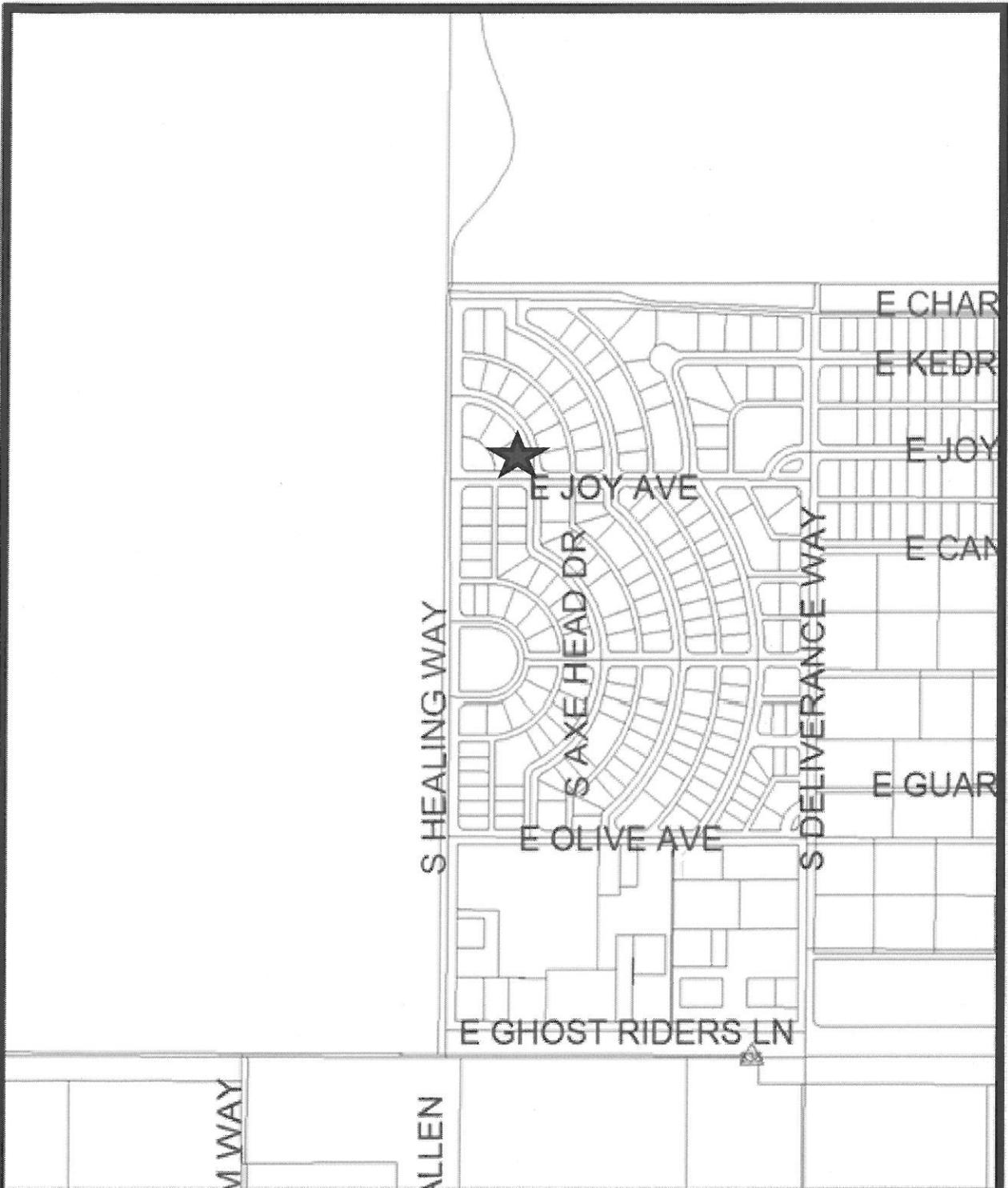
<u>SIGNATURE OF PETITIONER</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Victor S. Davis</u>	<u>Sierra Vista AZ 85635 712 Four Winds Circle</u>	<u>1-3-11</u>

APPLICANT'S PHONE NUMBER 520-249-8239

APPLICANT'S EMAIL ADDRESS N/A

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 (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Community Development Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

Thank you for your time  
 And consideration.  
Victor Davis



Docket BA1-11-02  
(Davis)  
Location Map

This map is a product of the  
Cochise County GIS





Variance: Docket BA1-11-02 (Davis)

FEB 13 2011

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

~~NO~~



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

There should be no variance to Section 904.03 of the zoning regulation. No property owner should have to contend with any neighbor's dwelling/residence that is less than 5 feet of any property line. Less than one foot is outrageous.

(Attach additional sheets, if necessary)

PRINT NAME(S): GLADYS B. RUSSELL

SIGNATURE(S): Gladys B. Russell

YOUR TAX PARCEL NUMBER: 104-46-091 (the eight-digit identification number found on the tax statement from the Assessor's Office) and 104-46-092

Your comments will be made available to the Board of Adjustment Dist 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. This form is due to our Department by Monday, August 17, 2009

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