

EXPANDED AGENDA
Board of Adjustment, District 1
July 27, 2011
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, BA1-11-03: The Applicant requests a Variance to Section 1804.06.D (Waiver of direct access to off-street parking spaces); 1804.06.F.1 (Waiver for defined driveways); 1203.05 (waiver from screening requirements); 1203.03 (Waiver from site coverage requirements); 1806.02.B (waiver from landscaping requirements); 1804.05 (Waiver from parking requirements); and 1203.02 (Waiver of required setbacks), of the Cochise County Zoning Regulations. The Applicant seeks to legitimize an existing site for establishing a contract construction service. The subject parcel (Parcel No. 106-70-123) is located at 122 North 6th Street in Sierra Vista, AZ.

Applicant: William Goethe.

- 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

1415 Melody Lane, Bisbee, Arizona 85603

Planning, Zoning and Building Safety

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

DRAFT MINUTES

TO: Board of Adjustment, District 1
FROM: Keith Dennis, Senior Planner
For: Michael Turisk, Interim Planning Director
SUBJECT: Minutes of the Regular Meeting of February 23, 2011
DATE: June 15, 2011

Members Present

Ed Cottingham, Chairman
Tom Borer, Vice Chairman
Jay Sanger, Member

Staff Present:

Carlos De La Torre, Community Development Director
Keith Dennis, Senior Planner

Others Present:

Vicki and Wendell Gilbert, Applicants
Victor Davis, Applicant

These minutes for the BA1 meeting held on February 23, 2011 are complete only when accompanied by the memoranda for said meeting dated February 15, 2011.

Call to Order / Roll Call

Chairman Cottingham called the meeting to order at 6:00 p.m. at the Cochise County Service Center Conference Room in Sierra Vista. Mr. Cottingham followed by calling the roll, establishing that a Quorum of all three members was present.

Chair Cottingham explained the procedures for the meeting, then asked for a motion to approve the minutes of the December 15, 2010 regular meeting. Member Borer made a motion to approve the minutes as written, Chair Cottingham stated that new member Sanger would not be voting as he was not on the Board at that time. Vote 2 – 0 to approve the minutes of the December 15, 2010 meeting.

NEW BUSINESS

Docket BA1-11-01(Gilbert): Mr. Cottingham announced the Docket and asked for the staff presentation. Senior Planner Keith Dennis presented the Docket on behalf of the Planning Department. The Docket concerned a request for a Waiver to the requirement, per Section 1205.03 of the Zoning Regulations, that non-residential uses in a GB District abutting residential uses be screened with an approved 6-foot high screening device. The subject Parcel (104-06-022) is located at 4755 S. Highway 92 in Hereford, AZ. Mr.

nearest residential development on the adjacent, residentially-zoned property, approximately 1,800 feet Southwest. Mr. Dennis explained the factors in favor of approval and recommended approval of the request.

Mr. Cottingham opened the meeting to the public; seeing none wished to speak, he then closed the meeting to the public and invited the applicants' statement. The Applicants, Vicki and Wendell Gilbert, offered a brief statement on behalf of their request.

Mr. Sanger discussed safety measures related to the business access to Highway 92, noting that a fatal accident had recently occurred in the vicinity. Mr. De La Torre and Mr. Dennis explained that safety measures relating to the commercial access were the purview of ADOT.

Mr. Borer made a motion to approve the request. Mr. Sanger seconded, and the motion passed 3 – 0.

Docket BA1-11-02 (Davis): Chairman Cottingham announced the Docket and called for the staff presentation. Senior Planner Keith Dennis delivered the staff presentation on behalf of the Department. The Docket concerned a request by the Applicant, Victor Davis, for a Variance to Section 904.03 of the Zoning Regulations, which requires structures in an SR-8 District to be set back no less than 10 feet from all property lines. The home on subject parcel (Parcel No. 104-46-048) located at 9239 E. Joy Avenue in Palominas, AZ, was thought to be as close as 6 inches from the Joy Avenue Right-of-Way line.

Mr. Dennis presented the factors for and against approval, and recommended approval of the Docket based on the factors in favor.

Mr. Dennis mentioned the Applicant had just completed a survey of the property, and had brought the results to the hearing in the form of a revised site plan reflecting the true distance from the principal residence to the property line, now understood to be 8 feet 6 inches at its closest. Although there was now a surveyor's pin in the ground on the property, and although the Applicant had brought a revised site plan showing the true setback, Mr. Davis indicated that due to cost concerns he had not purchased the actual survey documents attesting to the same.

Community Development Director Carlos De La Torre recommended the Applicant obtain such documentation for posterity but noted that as long as the building inspectors were able to ascertain the true setback from the location of the pin, the home would pass a setback inspection.

Mr. Borer made a motion to approve the Docket as recommended by staff. Mr. Sanger seconded the motion and it passed unanimously (3 – 0).

Election of Officers: Mr. Cottingham was elected to serve as Chairman of the Board of Adjustment for District 1 by a 2 – 0 vote; Mr. Borer was elected Vice-Chair by a 2 – 0 vote.

Planning Director's Report: Mr. Carlos De La Torre delivered the Director's report, announcing that Michael Turisk had been appointed Interim Planning Director.

Mr. Borer made a motion to adjourn. Mr. Sanger seconded, and the meeting was adjourned at 6:55 p.m.

1

Board of Adjustment, District _____
Sign in Sheet

DATE _____

2/23/2011

PLEASE PRINT

NAME	ADDRESS & EMAIL ADDRESS	PHONE #	ITEM #	Wish to SPEAK?
1. Keith Dennis	(Melody Lane) STAFF	432- 9244		
2. Vicki Gilbert	PO BOX 669 Hereford AZ 85615	249- 5764		
3. Wendell H. Gilbert	P.O. Box 669 Hereford, AZ. 85615	227-8727		
4. CARLOS A DE LA TORRE	1415 W. MELONY LANE RISBEE AZ 85607	432-9300		
5. Sylvia Davis	712 Four Winds Circle S.V. AZ 85635	249-8239		
6. Victor S. Davis	712 Four Winds Cir Sierra Vista AZ 85635	249-8239		
7. ALLEN MOE	10089 AXE HEAD DR. HEREFORD AZ	366-5600		
8.				
9.				
10.				
11.				
12.				



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 BA1-11-03 (Goethe)
DATE: July 19, 2011, for the July 27, 2011 Meeting

APPLICATION FOR VARIANCES AND WAIVERS

Docket BA1-11-03 (Goethe): The Applicant seeks to legitimize an existing structure for the establishment of a contract construction service. In order to proceed with the establishment of this business at this location, the Applicant requests the following Variances and Waivers from the Cochise County Zoning Regulations:

1. A Waiver from Section 1804.06.D, which prohibits direct access from a street to a parking spaces;
2. A Waiver from Section 1804.06.F.1, which requires that driveways to a parking area from a street be limited to defined entry and exit driveways;
3. A Waiver from Section 1804.05, which requires no less than 1 parking space per 1,000 square feet of floor space, or 1 per 3 employees in the largest working shift, whichever is greater;
4. A Waiver from Section 1203.05, which requires that non-residentially zoned properties be screened with an approved 6-foot high screening device;
5. A Waiver from Section 1203.03, which allows a maximum site coverage of 85% in a GB District;
6. A Waiver from Section 1806.02.B, which requires that non-residential development within a Category A Growth Area provide landscaping on no less than 5% of the developed area of the site; and
7. A Variance to Section 1203.02, which requires a minimum setback of 5 feet from adjacent properties zoned General Business, and a 40-foot setback from MH-72 Districts.

The subject parcel (Parcel No. 106-70-123) is located at 122 North 6th Street in Sierra Vista, AZ. The Applicant is William Goethe, owner of Mr. Fix-it.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

- Parcel Size: 8,394 Square Feet (0.19 acres)
- Zoning: GB – General Business
- Growth Area: Growth Category A
- Plan Designation: ENT -- Enterprise Redevelopment
- Area Plan: Sierra Vista Sub-Watershed
- Existing Uses: Vacant Retail/Warehouse Storefront
- Proposed Uses: Contract Construction Service

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Auto Body Shop
South	GB	Metal Shop/ Recycling Center
East	GB	Church
West	MH-72	Manufactured Homes

II. PARCEL HISTORY

1984 – Permit issued for construction of a 3,750 square foot retail/warehouse building.

There are no code enforcement actions or violations associated with the property.

III. PROJECT DESCRIPTION

The Applicant, Bill Goethe, is the owner and proprietor of Mr. Fix It. Mr. Fix It does not construct new homes, but rather performs home repairs on an on-call basis. Mr. Goethe has operated the business from his home office in Sierra Vista, and the growth in the customer base has meant taking on more employees and more work, with the result that the home office is no longer sufficient. The Applicant now seeks to utilize the Applicant’s existing building in the Fry Townsite County enclave as a headquarters for the business.

The land use designation or such an enterprise is “Contract Construction Services,” a permitted use in a General Business District (per Section 1202.28).

At issue is the fact that current County development standards differ from those in place when the building was originally constructed in 1984. moreover, the development pattern in the neighborhood differs from the overall character of development typically addressed in the Zoning Regulations. The Fry Townsite is characterized by densities, site coverage, an impervious surface ratios, and a mixture of uses wholly unique within Cochise County. The baseline County development standards, even for a General Business District, are based on assumptions that do not apply in this area.



The project site is an existing building in the Fry Townsite, on 6th Street.

IV. ANALYSIS OF IMPACTS

The property is within the Fry Townsite, a County enclave surrounded by incorporated Sierra Vista. The neighborhood is characterized by a mixture of retail establishments, professional services, auto servicing businesses, manufactured home residential and light industrial uses.



Looking West at the project site.

The project site is within an area designated as Enterprise Redevelopment on the Comprehensive Plan map, a Plan Designation that, in part due to reasons discussed in Section III of this Memo, pertains almost solely to the Fry Townsite. The Department has typically recommended approval of Variances and Waivers in the Fry Townsite, as a “business friendly” strategy aimed at encouraging development, but also with the support of Comprehensive Plan policies to this end. Section 201.B.5(e) of the latter states that, in areas designated as Enterprise Redevelopment,

“[s]ome flexibility in site development and building code standards may be appropriate to facilitate investment.”

The requested Variances and Waivers are itemized and discussed below.

Parking and Access

1. A Waiver from Section 1804.06.D, which prohibits direct access from a street to parking spaces;
2. A Waiver from Section 1804.06.F.1, which requires that driveways to a parking area from a street be limited to defined entry and exit driveways; and
3. A Variance to Section 1804.05, which requires no less than 1 parking space per 1,000 square feet of floor space, or 1 per 3 employees in the largest working shift, whichever is greater;



Looking South at 6th Street along the subject property frontage. The Applicant's driveway can be seen at right; the extent of the pavement along the road is left. At center is the unpaved portion of the Right-of-Way. Staff recommends that this road access be paved.

The project site takes direct access to 6th Street, a paved County-maintained road with a 50-foot Right-of-Way.

Section 1804.05 provides County parking space requirements on a by-use basis. Contract Construction Services are required to provide spaces per the formula mentioned above, with the number of service vehicles employed in the business adding to that base number. The building proper is 3,360 square feet, which would mean four spaces would be required. The addition of two regularly-employed service vehicles means a requirement of six parking spaces. There are currently four spaces, plus one ADA space on the property. Staff considers the impact of allowing a reduction in parking spaces to be minimal and has no issue with the granting of this Variance.

When the building was first constructed in 1984, a Right-of-Way permit and commercial apron onto 6th Street was required, but never constructed. The fact that no such apron exists at the present time means that the roadway pavement edge is vulnerable to degradation due to the action of vehicles traversing the pavement edge. The impact of this or any business on the 6th Street roadway is something that the Highway Department seeks to minimize. Staff therefore recommends that, as Condition #1, that within one year of permit issuance, the applicant be required to improve the area between the existing edge of pavement and the property line along the entire driveway/parking area with a hard durable surface (either chip seal or asphalt).

Whether or not the Board obliges the Applicant to abide by this condition, the paved area in front of the building is essentially the parking area regardless of the striped space location. Vehicles accessing the site for the duration of the use may decide to park anywhere on the paved area as space permits. Recognizing this as the most likely circumstance going forward, staff supports the requests to waive the requirements related to direct access to a parking area from a street, as well as the defined driveway standard.

Screening

4. 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;

The rear, or West side of the property abuts an MH-72 District, which is developed with manufactured homes. Thus this standard is applicable along the Western property line. The area in question would be a storage or work area, and would be part of the operation. Given the nature and character of development in the area, and of the proposed use, as well as the relevant Comprehensive Plan policies regarding the relaxation of development standards, staff supports this request.

Site Coverage

5. A Waiver from Section 1203.03, which allows a maximum site coverage of 85% in a GB District;

Paved or impervious surfaces count towards the site coverage calculation when implementing this standard. As with many of the properties in the area, this site is essentially 100% paved. The impact of allowing the project site to continue in its present configuration is considered negligible.

Landscaping

6. A Waiver from Section 1806.02.B, which requires that non-residential development within a Category A Growth Area provide landscaping on no less than 5% of the developed area of the site; and

Staff, again, anticipates no off-site impacts associated with the landscaping Waiver, and does not object to the request.

Setbacks

7. A Variance to Section 1203.02, which requires a minimum setback of 5 feet from adjacent properties zoned General Business, and a 40-foot setback from MH-72 Districts.

As the site plan demonstrates, the building itself has a zero-foot setback along the North and South property lines; the building is set back 25 feet from the rear (West) boundary. Allowing the property to continue as it currently exists would not create or exacerbate any off-site impact as far as staff is concerned.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on July 8, 2011 and published a legal notice in the *Sierra Vista Herald* on July 12, 2011. To date, the Department has received no response to the request.



Southwest view of the property, showing the building as essentially on the Northern property line.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variances and Waivers

1. Granting the requested Waivers and Variances to the screening, landscaping, setback, site coverage, and parking standard requirements would not produce or exacerbate any off-site impacts. The proposed use is essentially an office and staging area and most work would take place off-site;

2. The project site is within an area designated as Enterprise Redevelopment in the Comprehensive Plan, where a relaxation of site development standards has been deemed an acceptable means of stimulating development.

Factor Against Approval

None Apparent.

VII. RECOMMENDATIONS

Screening and Landscaping Waivers, Parking Spaces and Standards, Setback and Site Coverage Variances:

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the above Variance and Waiver requests.

Staff makes the above recommendations on the following condition:

1. That within one year of permit issuance, the applicant shall be required to improve the area between the existing edge of pavement and the property line along the entire 6th Street frontage with a hard durable surface (either chip seal or asphalt).

Sample Motions:

Mr. Chairman, I move to approve the following Variances and Waivers appertaining to Docket BAI-11-03: the Landscaping, Screening, Parking Spaces Parking Direct Access and Driveway Definition, Setback and Site Coverage standards as requested by the Applicant, subject to the Condition of approval as recommended by staff;

VIII. ATTACHMENTS

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



T21 R20 S 34 Keith Dennis #000
June 10 for ~~July 27~~
June 22

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: 10670123
2. Address of Parcel: 122 N. Sixth St.
SV AZ 85635
3. Area of Parcel (to nearest tenth of an acre): 7200 sq ft
4. Zoning district classification of parcel: GB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.
Existing building no established use.
6. Describe all proposed uses or structures, which are to be placed on the property.
Change of use to contract construction services.

A

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

Screening Wall in Rear of Bldg; Landscaping; Site Coverage; Defined Driveway; Required Number of Parking Spaces; Ø Setbacks on N and S Property Lines

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.

Building and all site development standards were constructed in 1984 with a permit but does not comply with current zoning regulations with this change of use.

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.

Condition of property has existed since 1984.

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

PROPERTY OWNER

ADDRESS

William D. Goethe 2721 E. Eagle Rock Dr. SV 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

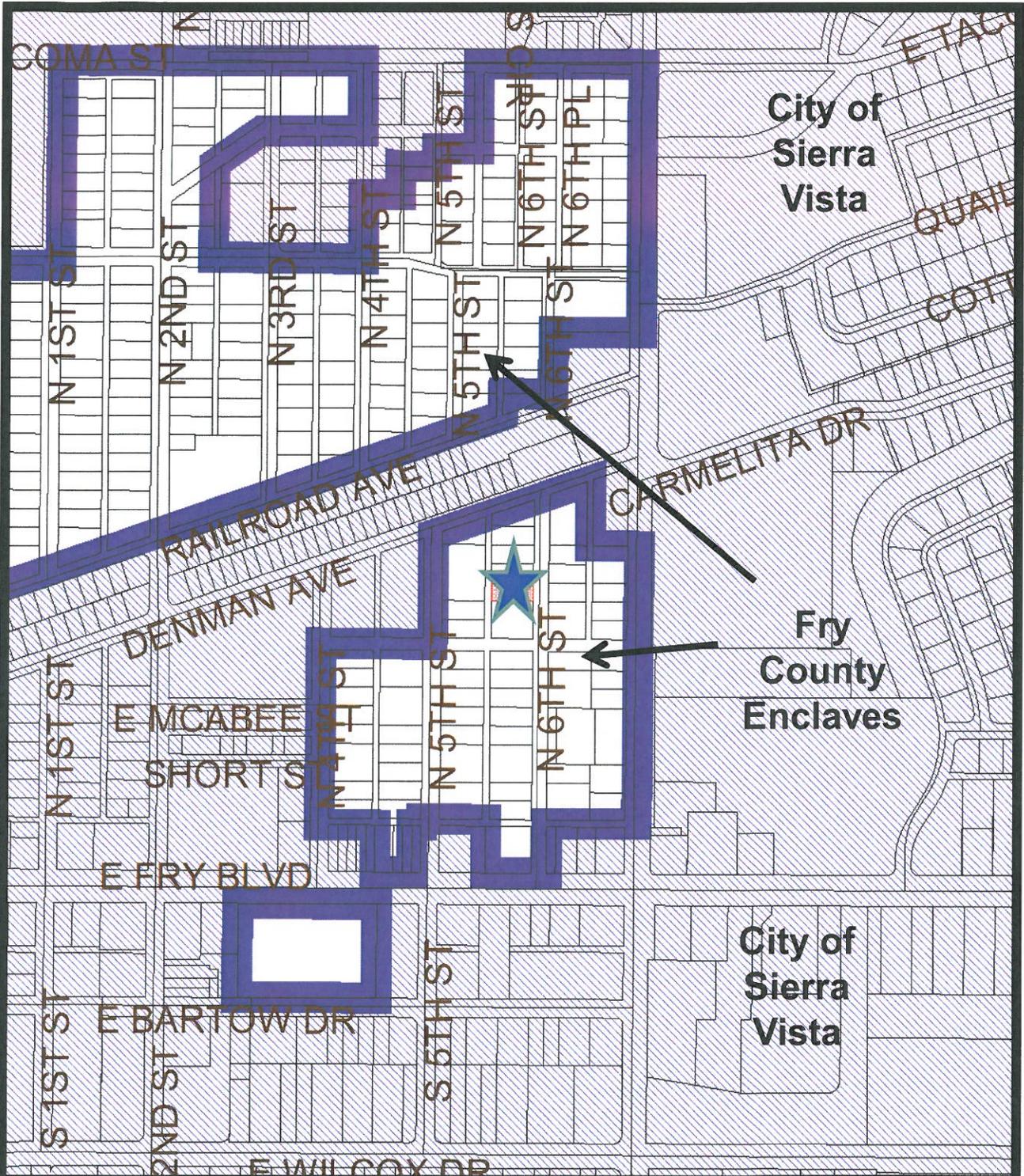
DATE

 2721 E. Eagle Rock Dr. May 18, 2011
SV AZ 85650

APPLICANT'S PHONE NUMBER (520) 303-3583; (520) 227-8194; (520) 236-3562

APPLICANT'S EMAIL ADDRESS mrfixitsv@cox.net

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.

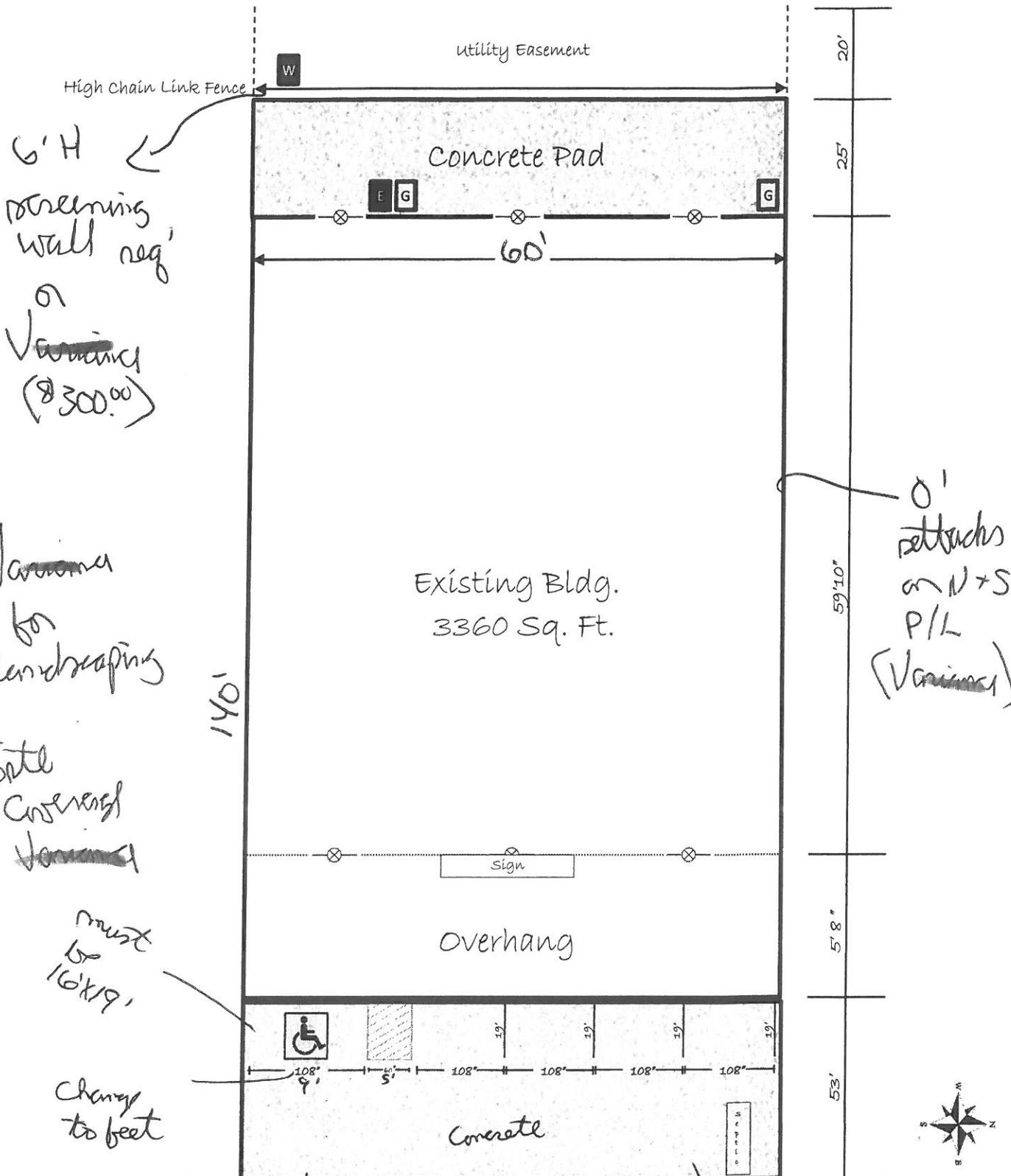


Docket BA1-11-03
(Goethe)

This map is a product of the
Cochise County GIS




B



6' H
 screening wall req'
 or
 Variance
 (\$300.00)

Variance
 for
 landscaping

Site
 Coverage
 Variance

must
 be
 16'x19'

change
 to feet

0'
 setbacks
 on N+S
 P/L
 (Variance)

need to
 define DW or
 ADA

need Variance
 for reg'd parking
 (6 reg'd)

Zone: **GB** General Business
 Site Area: 7200 Sq Ft
 Legal Description: First Ass to Fry, Lot 9, Blk 8 & 4
 12-09 LV, Map Book 124
 Parcel No: 106701123

Mr. Fix It of Sierra Vista, LLC
 122 N. 6th St., SV AZ 85635

C