



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

**TO:** Board of Adjustment, District 2  
**FROM:** Dora V Flores, Permit and Customer Service Coordinator  
For: Beverly Wilson, Deputy Director, Planning Division  
**SUBJECT:** Minutes of the Regular Meeting of December 5, 2012  
**DATE:** December 26, 2012

**Members Present:**

Patrick Greene, Chairman  
Albert Young

**Staff Present:**

Beverly Wilson, Deputy Director, Planning Division  
Dora V Flores, Permit and Customer Service Coordinator  
Peter Gardner, Planner I

**Others Present:**

Wayne Martin, Applicant  
Dana Martin, Applicant  
Bob & Deb Eggenberg, Applicants  
Dennis McCloskey, Applicant  
Don Valenzuela, Public  
Kevin Steiner, Applicant

*These minutes for the BA2 meeting held on December 5, 2012 are complete only when accompanied by the memoranda for said meeting dated December 5, 2012.*

**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 two members of the Board were present, establishing that the Board had a Quorum and could proceed. Mr. Eberwein was absent due to resignation.

Mr. Young made a motion to approve the minutes of the October 3, 2012 regular meeting. Chairman Greene seconded the motion, and the vote was 2-0 to approve the minutes of the October 3, 2012 meeting.

Chairman Greene explained the procedures of the meeting to those present, and moved on to the first docket.

## **NEW BUSINESS**

**Docket BA2-12-06 (Golden Rule – Jewelry Antiques & More):** The Applicant is requesting a Variance from Section 1908.03 of the Cochise County Zoning Regulations which allows for a maximum 80 square foot On-Site Advertising Sign. The Applicant is proposing a 144 square foot sign for Golden Rule – Jewelry Antiques & More. The subject parcel (107-66-069) is located at 4301-A S Highway 92 in Sierra Vista, AZ. The Applicant is Kevin Steiner of Golden Rule – Jewelry Antiques & More.

Chairman Greene called for the Planning Director's presentation on the Docket. Dora Flores 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. She explained the background of the case and the circumstances surrounding the Variance request under consideration. She concluded by offering factors in favor and against approval.

Chairman Greene invited questions for staff. Mr. Young requested clarification on the size of the sign in relation to the building. Ms. Flores explained the size and location of the sign. Chairman Greene asked if the Board is considering a single sign or all three signs. He also asked about illumination. Ms. Flores clarified and confirmed that this request was made as the result of a Stop Work Order.

Chairman Greene declared the Public Hearing open, and then called for the Applicant's statement. Mr. Steiner, Applicant, responded to the staff report, disagreeing with the issuance of the Stop Work Order as he had indicated that he had not yet begun mounting the sign, and knew he needed a permit but was unaware of the size limit. Mr. Steiner showed a letter from the landlord in support of the business and the size and location of the sign. He also explained the character of the surrounding area and how he felt this sign would not be impactful. He also suggested that cumulatively this sign would not exceed the total allowed signage for the site. He also indicated that Dora and Peter told him that the Variance would pass without issue.

Chairman Greene then closed the Public Hearing and called for Board discussion. Mr. Young requested and received clarification of the makeup of the sign and how much of the sign structure was actually used for signage. Chairman Greene asked about the size of the building. He also asked about the current status of the sign and how difficult it would be for the Applicant to reduce the size of the sign to meet current regulations. The Applicant stated it would be possible but may waste material already purchased. Chairman Greene requested the Applicant to look at reducing the size as much as possible. The Applicant suggested removing the areas of the sign not considered actual signage. In response to Chairman Greene the Applicant explained that the business was currently open. Mr. Greene proposed tabling the item until the next month to allow the Applicant the opportunity to reduce the size of the sign. Mr. Greene also explained his concern with precedent and his desire for the Applicant to show a good faith effort to comply. Mr. Gardner explained the areas covered by vinyl on the current sign and what size sign would meet the regulations.

Mr. Young made a motion to table this application for the Variance until the next meeting. Chairman Greene seconded and the motion passed 2 – 0.

Mr. Greene asked the Applicant to try to show a spirit of compliance and reduce the sign by any amount for the next meeting.

**Docket BA2-12-07 (Martin):** The Applicants are requesting a Variance from Section 1804.08 of the Cochise County Zoning Regulations which requires areas of a site reserved or used for the outdoor storage and display of vehicles, materials or equipment, be improved with at least a dust-free, gravel surface, or with an equivalent or better surface approved by the County Zoning Inspector. The subject parcels (102-39-009 and 102-39-181) are located at 2227 South Naco Highway in Bisbee, AZ.

Chairman Greene called for the Planning Director's presentation on the Docket. Peter Gardner 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 Variance request under consideration. He concluded by offering factors in favor and against approval.

Chairman Greene invited questions for staff. Chairman Greene requested clarification that the request would bring the permit into compliance. Mr. Gardner indicated a Variance would do so.

Chairman Greene declared the Public Hearing open, and then called for the Applicant's statement. Mr. Dana Martin, Applicant, stated his reasons for the Variance and explained that gravel would cause difficulties in operation of the junkyard. The Applicant noted that the County approached them to bring the property into compliance. Chairman Greene asked Mr. Gardner if there were any environmental concerns and Mr. Gardner explained that there were none from current or former neighbors.

Chairman Greene then closed the Public Hearing and called for recommendation.

Mr. Young made a motion to grant this application for the Variance citing the factors in favor. Chairman Greene seconded and the motion passed 2 – 0.

There was no further discussion.

**Docket BA2-12-08 (Eggenberg):** The Applicants are requesting a Variance from Section 1004.03 of the Cochise County Zoning Regulations which requires that structures in a MH-72 Zoning District be set back no less than 5-feet from all property lines. The Applicant intends to legitimize a carport built approximately 3-feet, 9-inches from the property line. The subject parcel (107-77-118) is located at 5126 East Finch Circle in Sierra Vista, AZ.

Chairman Greene called for the Planning Director's presentation on the Docket. Peter Gardner 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 Variance request under consideration. He concluded by offering factors in favor and against approval.

Chairman Greene invited questions for staff. The Board having no questions, Chairman Greene declared the Public Hearing open, and then called for the Applicant's statement. Mr. Eggenberg, Applicant, did not make a statement.

Chairman Greene then closed the Public Hearing and called for Board discussion. Chairman Greene questioned Mr. Eggenberg regarding the failure to obtain a permit.

Mr. Eggenberg stated he would like the carport to save his vehicles from sun damage and also stated that he was unaware that a permit was required for the carport. The Applicant also explained the location of the carport. Mr. Young and Chairman Greene asked staff for clarification on the construction of the carport and its compliance with Building Code, which Mr. Gardner provided.

Chairman Greene asked for the Planning Director's recommendation and summary. Mr. Gardner recommended approval without conditions, based on the factors favoring approval, specifically approving the carport as located rather than specifying a specific setback.

Chairman Greene called for a motion. Mr. Young made a motion to grant this application for the Variance citing the factors in favor. Chairman Greene seconded and the motion passed 2 – 0.

There was no further discussion.

**Docket BA2-12-09 (McCloskey):** The Applicant seeks to establish a Restaurant in a General Business Zoning District and is requesting Variances from the following Sections of the Cochise County Zoning Regulations:

1804.05 (minimum number of parking spaces); 1804.06 (minimum driveway width); 1804.07 (to allow gravel drive/parking); 1804.09 (aisle width for back up area from parking); 1804.10 (loading zone requirement); 1806.02 (landscaping requirement); 1905.01 (for signage projecting into Right of Way); 1905.02 (for signage in sight triangle); 1905.03 (for signage within 10' of Right of Way); and 1905.06 (for signage with moving parts). The subject parcel (408-18-021A) is located at 2116 N. Douglas Avenue, Douglas, AZ.

Chairman Greene called for the Planning Director's Presentation on the Docket. Peter Gardner 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 noted that two of the requested variances were not necessary and would not be considered. He explained the background of the case and the circumstances surrounding the Variances requested under consideration. He concluded by offering factors in favor and against approval.

Chairman Greene invited questions for staff. Mr. Young requested clarification on the delayed agreement proposed by the County Engineer. Mr. Gardner explained the current scenario and the compromise proposed by Staff.

Chairman Greene declared the Public Hearing open, and then called for the Applicant's statement. Mr. McCloskey, Applicant, stated that he didn't know he needed any permits and explained his issues with utilities on the property that have driven the need for permits and Variances. He also explained that the business was part time and that he felt County requirements were excessive and resented being held to them. Mr. McCloskey clarified the sign construction and felt that it was easy to fix. He further stated that most of his customer base consisted of Public Safety Officers and explained his small profit margin. He also asked for clarification of the Right of Way issues. Chairman Greene asked for a statement from the Landlord. Mr. Valenzuela reiterated the nature of the business.

Chairman Greene then closed the Public Hearing and called for Board discussion. Mr. Young requested clarification of the Right of Way and apron issues, which Mr. Gardner provided. Ms. Wilson explained the purpose of apron requirements.

Mr. Gardner explained how this use did not fit neatly into the current regulations. Chairman Greene asked for further clarification of other similar carts and how they differed from this use. Mr. Gardner provided the information. Chairman Greene asked the Applicant if the trailer was set up at other locations. The Applicant answered in the negative. Chairman Greene asked about seating or if the service was grab and go, which the Applicant explained. Chairman Greene expressed concern that this issue was a tempest in a teapot and expressed his encouragement for similar businesses.

Chairman Greene asked for the Planning Director's recommendation and summary. Mr. Gardner reminded the Board that a tie vote would fail. Mr. Gardner recommended partial approval with conditions provided by the County Engineer, based on the factors favoring approval. Chairman Greene asked for clarification on the site triangle issue. Chairman Greene asked about vehicles visiting and if there had been any traffic issues. Mr. McCloskey clarified. There was further discussion about relocating the sign. Ms. Wilson asked about the conditions regarding the apron. Mr. McCloskey asked about the Legal Right of Way issue, which Mr. Gardner explained. Chairman Greene asked if there were deliveries taken on site. Mr. McCloskey stated there were not.

Chairman Greene called for a motion. Mr. Young made a motion to grant this application as recommended by Staff for the Variances, citing the factors in favor. Chairman Greene seconded and the motion passed 2 – 0. Mr. Gardner reminded the Board of the compromise proposed by the County Engineer and that as it currently stood there was no leeway on the driveway. Mr. Young made a motion to grant the compromise proposed by the County Engineer. Chairman Greene seconded and the motion passed 2 – 0.

There was no further discussion.

#### **Planning Director's Report:**

Mr. Gardner offered a brief Director's Report, and informed the Board that the only BA2 Docket for next month was the Docket tabled at this meeting. The date of the meeting was discussed and established.

Mr. Young made a motion to adjourn. Chairman Greene seconded, and the meeting was adjourned at 7:15 p.m.