

EXPANDED AGENDA
Board of Adjustment, District 2
December 5, 2012, 6 P.M.
Board of Supervisors' Conference Room
1415 Melody Lane, Building G
Bisbee, Arizona 85603

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

NEW BUSINESS

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

Public Hearing: 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 on Highway 92. 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.

- 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 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. They are further described as being situated in Section 5 of Township 24, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Dana and Wayne Martin.

FOLLOW FORMAT OF ITEM 1

Item 3 - Introduce Docket and advise public who the Applicants are.

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. It is further described as being situated in Section 19 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Bobby and Debbie Eggenberg.

FOLLOW FORMAT OF ITEM 1

Item 4 - Introduce Docket and advise public who the Applicants are.

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. It is further described as being situated in Section 11 of Township 24, Range 27 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Dennis McCloskey.

FOLLOW FORMAT OF ITEM 1

Item 5 - Call for Planning Director's Report

Item 6 - Call to the Public

ADJOURN



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

TO: Board of Adjustment, District 2
FROM: Dora V Flores, Permit and Customer Service Coordinator *DF*
For: Beverly Wilson, Deputy Director, Planning Division *bw*
SUBJECT: DRAFT Minutes of the Regular Meeting of October 4, 2012
DATE: October 8, 2012

Members Present:

Patrick Greene, Chairman
Gerald Eberwein, Vice-Chairman

Staff Present:

Michael Turisk, Planning Manager
Dora V Flores, Permit and Customer Service Coordinator

Others Present:

Raul Zamora, Applicant

These minutes for the BA2 meeting held on October 4, 2012 are complete only when accompanied by the memoranda for said meeting dated October 4, 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 explained the procedures of the meeting to those present, and noted that two members of the Board were present, establishing that the Board had a Quorum and could proceed. Mr. Young was absent.

Vice-Chairman Eberwein made a motion to approve the minutes of the September 5, 2012 regular meeting. Chairman Greene seconded the motion, and the vote was 2-0 to approve the minutes of the September 5, 2012 meeting.

NEW BUSINESS

Docket BA2-12-05 (Zamora): Chairman Greene introduced the Docket which is a request for a Variance from Section 704.03 of the Cochise County Zoning Regulations which requires that structures in a TR-18 Zoning District be set back no less than 20 feet from all property lines and/or road travelways. The Applicant intends to build a carport 15 feet from the South property line, and zero feet from a 15-foot access easement traversing the southern portion of the property. The subject parcel is located at 10429 N. Highway 191 in Elfrida.

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. Chairman Greene requested clarification on the location of the carport in regard to the setbacks to the property line and easement. Ms. Flores indicated that the carport would be 15-feet from the property line and zero-feet from the easement. Chairman Greene asked what impacts this Variance would have if approved if in the future a property owner wanted to enclose the carport into a garage. Ms. Flores stated she did not foresee any impacts. Mr. Turisk stated the Variance would carry with the property and a new Variance would not be needed to enclose the carport into a garage, only a new building permit would be required.

Chairman Greene declared the Public Hearing open, then called for the Applicant's statement. Mr. Zamora, Applicant, stated he would like the carport to save his vehicles from sun damage and also stated that the carport would complete the look of his home.

Chairman Greene then closed the Public Hearing and called for Board discussion. Vice-Chairman Eberwein had no comment.

Chairman Greene asked for the Planning Director's recommendation and summary. Dora Flores recommended approval without conditions, based on the factors favoring approval.

Chairman Greene called for a motion. Mr. Eberwein 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.

The vote was 2-0 to approve the motion.

Planning Director's Report:

Mr. Turisk offered a brief Director's Report, and informed the Board that there are two BA2 Dockets for next month. One of the dockets is for a proposed 144-sq. ft. sign and the other is to waive the gravel surface requirements for an outdoor storage area.

Mr. Eberwein made a motion to adjourn. Chairman Greene seconded, and the meeting was adjourned at 6:20 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2

FROM: Dora V Flores, Permit and Customer Service Coordinator *DF*

FOR: Beverly Wilson, Deputy Director, Planning Division *BW*

SUBJECT: Docket BA2-12-06 (Golden Rule Jewelry)

DATE: November 26, 2012, for the December 5, 2012 Meeting

REQUEST FOR A VARIANCE

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-sq. ft. On-Site Advertising Sign. The applicant is proposing a 144-sq. ft. sign for Golden Rule – Jewelry Antiques & More located at 4301-A South Highway 92 in Sierra Vista, AZ.

The subject parcel (107-66-069) is further described as being situated in Section 30 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona.

The Applicant is Kevin Steiner of Golden Rule – Jewelry Antiques & More.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 1.13 acres

Zoning: GB (General Business)

Growth Area: Growth Category B

Plan Designation: Enterprise

Area Plan: Sierra Vista Sub-Watershed

Existing Uses: Retail sales; two restaurants; beauty shop and bail bonds office

Proposed Uses: Same, with a 144-sq. ft. On-site Advertising wall sign

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Liquor Store – Cactus Spirits
South	GB	Strip Mall – Sunshine Plaza
East	GB	Vacant Undeveloped Land
West	State Highway– SR-43	Highway 92– Single Family Residential

II. PARCEL HISTORY

- June 1978 – A permit was issued for a restaurant and six stores.
- February 1993 – A permit was issued to expand the antique store.
- September 2012 - Stop Work Order issued for a sign without a permit.
- Plus many more permits have been issued throughout the years for signs, tenant improvements and other changes of use in the suites.

III. NATURE OF REQUEST

The Applicant seeks a permit to install a 144-sq. ft. illuminated on-site advertising wall sign for Golden Rule - Jewelry Antiques & More. On the Variance application, the Applicant conveys that, “Due to the nature of the location of our business we feel it necessary to have a larger sign to let people know we are there so our business will succeed.”



Above: East view of the subject building where the sign is to be placed from South Highway 92.
The area of the front of this building is approximately 400-sq. ft.

IV. ANALYSIS OF IMPACTS

The wall-mounted sign is classified as an On-Site Advertising Wall Sign per Article 19 of the Zoning Regulations. The maximum permitted size of an On-Site Advertising Sign is 80-sq. ft. The Applicant was prepared to install a 144-sq. ft. wall-mounted sign, which is approximately 180% of the maximum allowable size. However, after staff issued a citation for preparing to install the sign without a permit, the Applicant applied for a commercial permit.

The sign regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to promote an optimum level of signage consistent with the needs and characters of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights; and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and to preserve scenic views.

The subject building sits approximately 50-feet from the edge of the pavement from South Highway 92 and approximately 40-feet from the edge of the right-of-way.



Above: East view of the subject building showing where the sign is to be placed on the building.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property on September 26, 2012, and published a legal notice in the *Bisbee Observer* on October 11, 2012. To date, no comments from the public have been received.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Given the location of the project site along a major transportation corridor with a wide right-of-way, and the type of sign proposed (on the business's wall), the request to allow the oversized sign is unlikely to cause significant off-site visual impacts to the surrounding area.
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "customer and business friendly." Permitting the sign as proposed would reinforce this effort.

Factors Against Allowing the Variance

1. The Applicant began installation of the sign without a permit.
2. Although Board of Adjustment cases are considered on a case-by-case basis and are not considered as "precedent setting," a favorable ruling on this Docket could be taken as such.
3. Size restrictions in the County's sign code are intended to prevent a crowded visual appearance.
4. As proposed, the sign face is approximately 180% of the maximum permitted size for On-site Advertising signs, a significant deviation from the maximum permitted size of 80 sq.-ft.

VII. RECOMMENDATION

Based on the Factors Against Approval as Finding of Facts, staff recommends **Denial** of the Variance request. The sample motion below is worded in the affirmative for clarity.

Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-06, granting the wall-sign Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

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

Nov 7th

BA2-12-06



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 2

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 2 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: 107-66-069

2. Address of parcel: 4301 A S HWY 92 Sierra Vista
AZ 85650

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

4. Zoning District designation of Parcel: UB

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

Retail Sales, Bail Bonds, Hair Salon, Restaurant
Bar.

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

12' x 12' Sign and lighting

5

7. State the specific nature of the variance or variances sought.

1908.03 - exceeds maximum square footage
per sign at 144 sq ft

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.

Due to the nature of the location
of our business we feel it ~~necessary~~^{necessary} to
have a larger sign to let people know we
are there so our business will succeed.

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.

Commercial area will not impact anyone.

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

PROPERTY OWNER

MAIL ADDRESS

Macelhenny 1999 Trust 4141 Stote St. #E-10
Santa Barbara, CA 93110

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

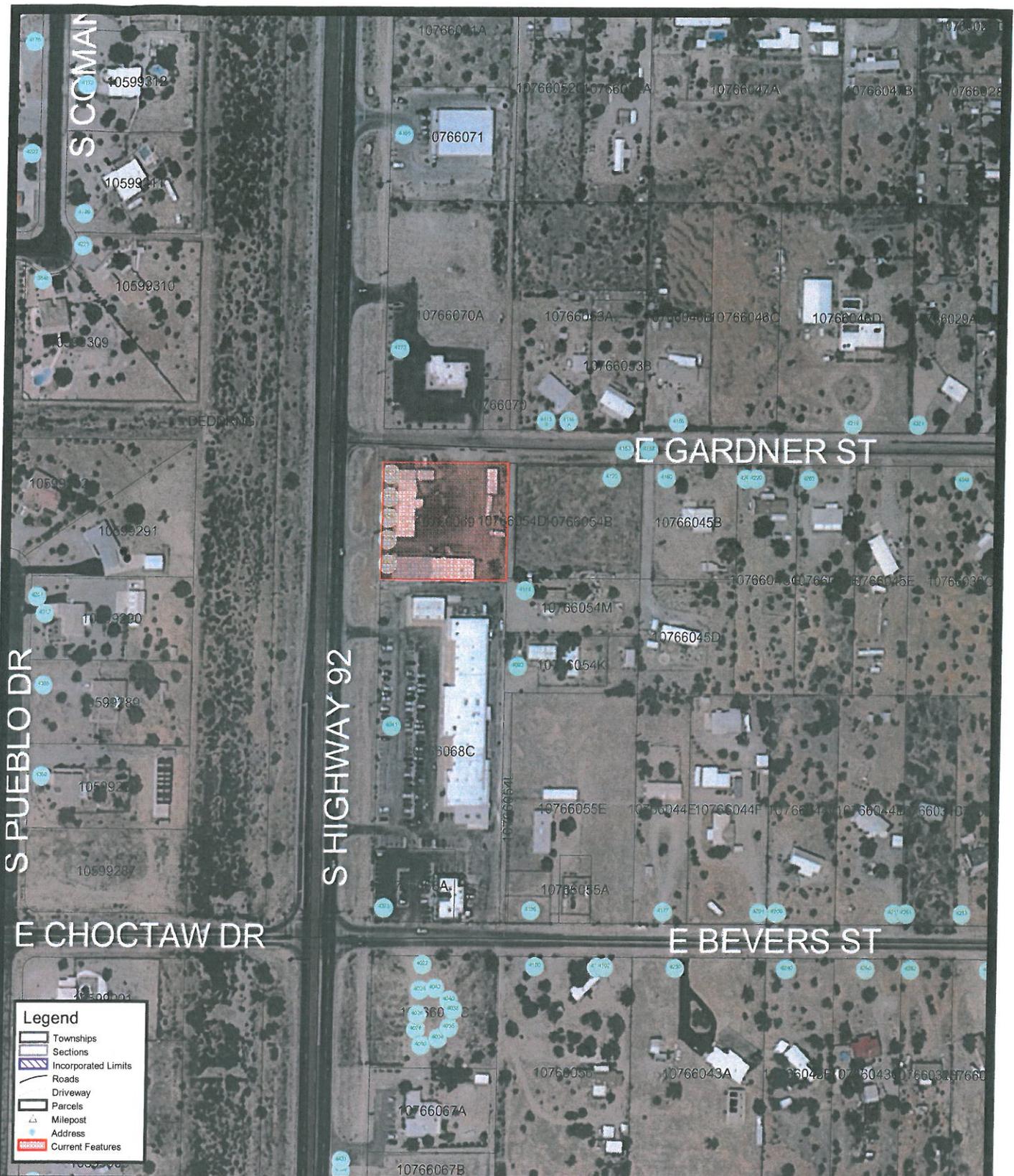
DATE

Kevin J Stein J 4301 A S HWY 92 9-5-12

APPLICANT'S PHONE NUMBER (520) 249-1277

APPLICANT'S EMAIL ADDRESS GoldenRuleJewelry@gmail.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.



BA2-12-06 Golden Rule
107-66-069

This map is a product of the
Cochise County GIS






COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Peter Gardner, Planner I *PG*
FOR: Beverly Wilson, Deputy Director, Planning Division *BW*
SUBJECT: Docket BA2-12-07 (Martin)
DATE: November 26, 2012, for the December 5, 2012 Meeting

REQUEST FOR A VARIANCE

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. The Applicants are Dana and Wayne Martin.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 2.99 acres
Zoning: HI (Heavy Industry)
Growth Area: Growth Category B
Plan Designation: Developing
Area Plan: Naco Area Plan
Existing Uses: Junkyard (Auto Salvage Yard)
Proposed Uses: Same

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	LI	Single Family Residential
South	TR-18	Vacant Undeveloped Land
East	TR-18	Single Family Residential
West	County Maintained Road- TR-18	South Naco Highway - Single Family Residential

II. PARCEL HISTORY

- 1973 – Salvage yard established per the Assessor’s records.
- October 2000 – The subject parcels were rezoned from TR-18 to HI.
- March 2001 – A permit was issued for the expansion of the junkyard.
- December 2001- A Variance was granted to waive setback requirements and to allow the postponement of the construction of an 8-ft. block wall.
- August 2003 – A Variance was granted to allow the postponement of the screening and parking surface improvements.
- October 2008 – The Applicants were cited with a violation for failing to meet the conditions of their permit.

III. NATURE OF REQUEST

The salvage yard was established in 1973 and was expanded in 2001. This expansion forfeited the legal-non-conforming status of the site, and as such, is now subject to current zoning regulations. The Applicant had been granted Variances in the past for setback and screening requirements, and has completed all permit conditions except for graveling of the outdoor storage area, a Variance from which is under consideration with this Docket.



Above: East view of the subject parcels from South Naco Highway, showing the area where vehicles will be stored.

IV. ANALYSIS OF IMPACTS

The photo below indicates that the site has some gravel with scattered light vegetation in the area where vehicles are to be stored. The Applicant states in his application that this area would only be used for vehicle storage; vehicles would not be driving in this area and therefore would not generate dust.

As noted, the site has been in continuous use as a junkyard since 1973; since that time the Department has not had substantial concerns about perceived or potential off site impacts, nor has the Department received complaints relating to the use.



Above: View of existing ground cover of the outdoor storage area which consists of some gravel with vegetation.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property on September 27, 2012, and published a legal notice in the *Bisbee Observer* on October 11, 2012. To date, the Department has received no comments from neighboring property owners.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. The site has been in continuous use as a junkyard since 1973; since that time, the Department has not had substantial concerns about perceived or potential off site impacts, nor received complaints relating to the use.
2. The County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "business and customer friendly." Allowing the existing ground surface for the outdoor storage area would reinforce this effort.

Factors Against Allowing the Variance

1. The Applicant has had 11 years to complete this requirement of graveling the outdoor storage area.

VII. RECOMMENDATION

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

Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-07, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

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

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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 2

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District _____ 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: #102-39-009 & #102-39-181

2. Address of parcel: 2227 Naco Hwy. Bisbee 85603

3. Area of Parcel (to nearest tenth of an acre): 5 2.97 ACRES

4. Zoning District designation of Parcel: H.I.

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. WRECKING YARD

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

We are storing junk cars & Parts

7. State the specific nature of the variance or variances sought.

To not Put Gravel around yard No cars Driving around yard, cars will be sitting.

1804.08 improving outdoor storage area w/ dust-free gravel surface

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.

Storage yard, no driving

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.

Storage yard, no driving

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

<u>PROPERTY OWNER</u>	<u>MAIL ADDRESS</u>
<u>Dana D. Martin</u>	<u>5501 So. Hwy. 92 Sierra Vista AZ 85650</u>
<u>Wayne Martin</u>	<u>7318 So. Janice Dr 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>5501 So. Hwy. 92 Sierra Vista</u>	<u>9/14/12</u>
<u>[Signature]</u>	<u>7318 So. Janice Dr. Hereford</u>	<u>9/14/2012</u>

APPLICANT'S PHONE NUMBER Dana 520-266-2133

APPLICANT'S EMAIL ADDRESS WAYNE 520-266-2132

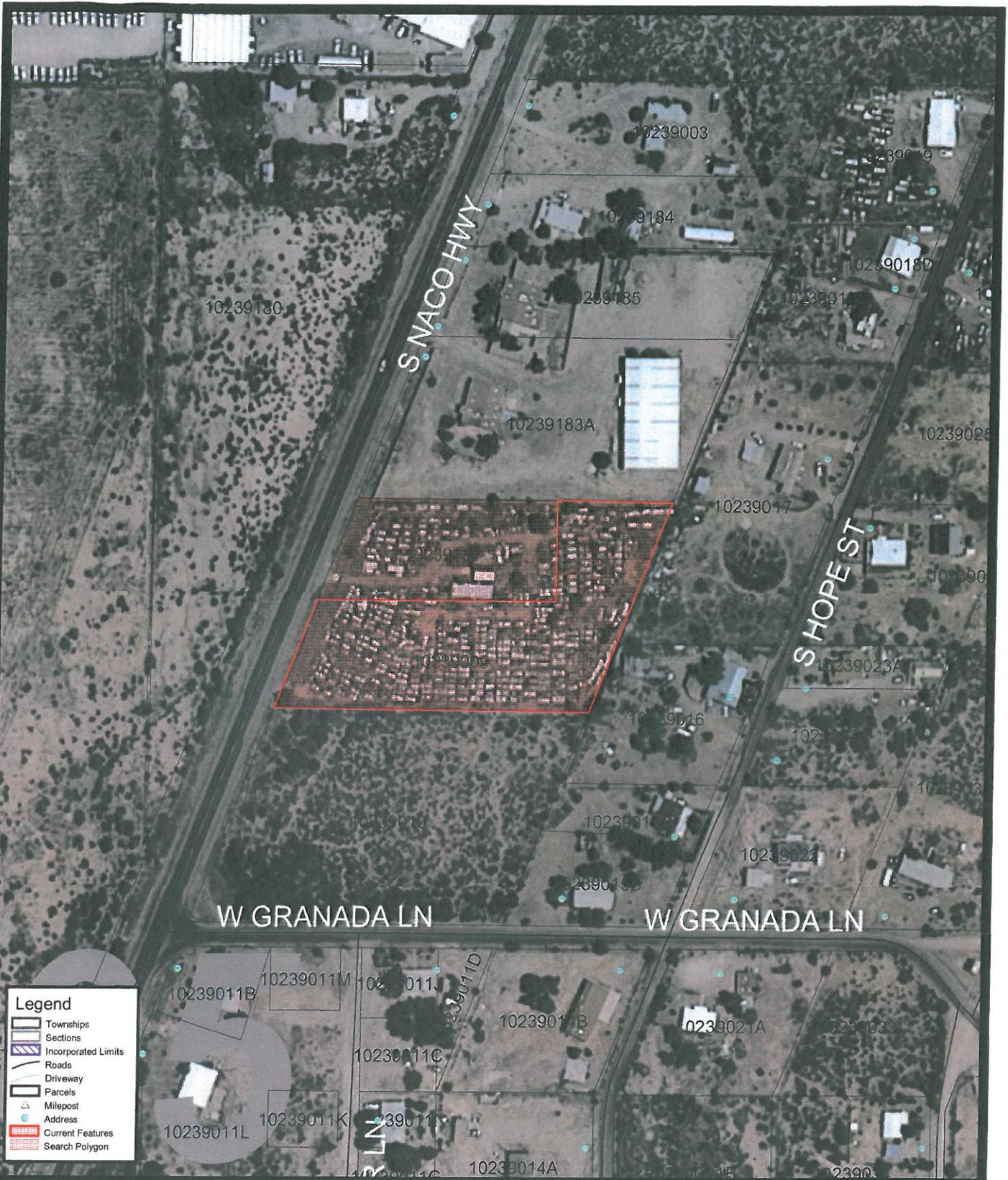
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.



Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Current Features
- Search Polygon



BA2-12-07 (Martin)
102-39-009/181

This map is a product of the Cochise County GIS

0' 1" = 189'



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Peter Gardner, Planner I *PG*
FOR: Beverly Wilson, Deputy Director, Planning Division *BW*
SUBJECT: Docket BA2-12-08 (Eggenberg)
DATE: November 26, 2012, for the December 5, 2012 Meeting

REQUEST FOR A VARIANCE

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

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 0.26 acres
Zoning: MH-72 (Multiple Household Residential; one dwelling per 7,200 sq.- ft.)
Growth Area: Growth Category A
Plan Designation: Neighborhood Conservation (NC)
Area Plan: None
Existing Uses: Manufactured Home Residential
Proposed Uses: Same, with a 475 sq.-ft. carport.

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road - MH-72	East Finch Circle / Home Owners' Association Office & Clubhouse
South	Alley - MH-72	Manufactured Home Residential
East	MH-72	Manufactured Home Residential
West	Alley - MH-72	Manufactured Home Residential

II. PARCEL HISTORY

- 1983 – Permit issued to install Manufactured Home.
- 1983 – Permit issued to add two decks, carport, two workshops, and fencing.
- October 2012 – Stop Work Order issued for construction of a carport without a permit.

III. PROJECT DESCRIPTION

This docket is a request for a Variance to allow the permitting and completion of an approximately 480-sq.-ft. carport built approximately 3’9” from the east property line. The Variance request comes as the result of a Stop Work Order and subsequent Violation for building without a permit. If the Variance is granted, the Applicant will then apply for a permit which would rectify the Violation.



Above: View of subject carport from the North.

IV. ANALYSIS OF IMPACTS

The proposed location of the carport on parcel 107-77-118 will not, in staff’s estimation, create any significant on-site or off-site impacts. As shown in the photo below, the carport is adjacent to a 16 foot wide alley, and the structures on the property on the opposite side of the alley are behind a six foot block wall. The location of the carport does not substantially impact the character of the neighborhood, which is characterized as a dense neighborhood of manufactured homes and accessory structures with relatively small setbacks. This request would not affect the current aesthetics.



Above: View of the carport, alley, and block wall.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property on November 14, 2012, and published a legal notice in the *Bisbee Observer* on November 15, 2012. To date, the Department has received two letters from neighboring properties supporting the request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Allowing the carport would not generate any substantial on-site or off-site impacts.
2. Staff received two statements of support from neighboring property owners.

Factors Against Allowing the Variance

1. This request is the result of a Violation for building without a permit.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Finding of Facts, staff recommends **Approval** of the Variance request.

22

Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-08, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

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

23



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 2.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District _____ 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: 107-77-118
2. Address of parcel: 5126 E Finch Cir
Sierra Vista, Az. 85650
3. Area of Parcel (to nearest tenth of an acre): .26 Ac
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. Single Family dwelling
1 manufactured Home 64' x 56'
6. Describe all proposed uses or structures, which are to be placed on the property.
Carport

7. State the specific nature of the variance or variances sought.

Need the Extra space to Place Cars under
for protection

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.

the property is next to alley that
turns into side of property.

the Alley is wider at point of
New Structure than Alley toward Back and
Rear alley - Alley is not consistence in width.

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 Alley is hardly used and alley
is wider for no apparent reason at
questionable point. Carport will be inside
of my property fence

25

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

PROPERTY OWNER

MAIL ADDRESS

<u>Robby Eggenberg</u>	<u>5126 E. Finch Cir Sierra Vista, Az</u>
<u>Debbie Eggenberg</u>	<u>5126 E. Finch Cir. Sierra Vista, Az</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.

SIGNATURE OF PETITIONER

ADDRESS

DATE

<u>Robby Eggenberg</u>	<u>5126 E Finch Cir Sierra Vista</u>	<u>10-11-12</u>
<u>Debbie Eggenberg</u>	<u>5126 E. Finch Cir. Sierra Vista</u>	<u>10-11-12</u>

APPLICANT'S PHONE NUMBER 520-220-7944

APPLICANT'S EMAIL ADDRESS tlc2lives@yahoo.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.

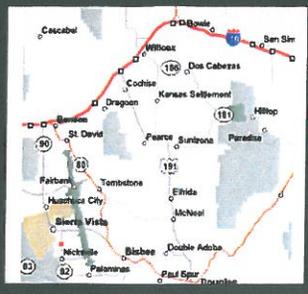
\$300.00
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26



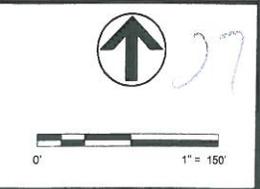
Legend

- Townships
- Sections
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Current Features

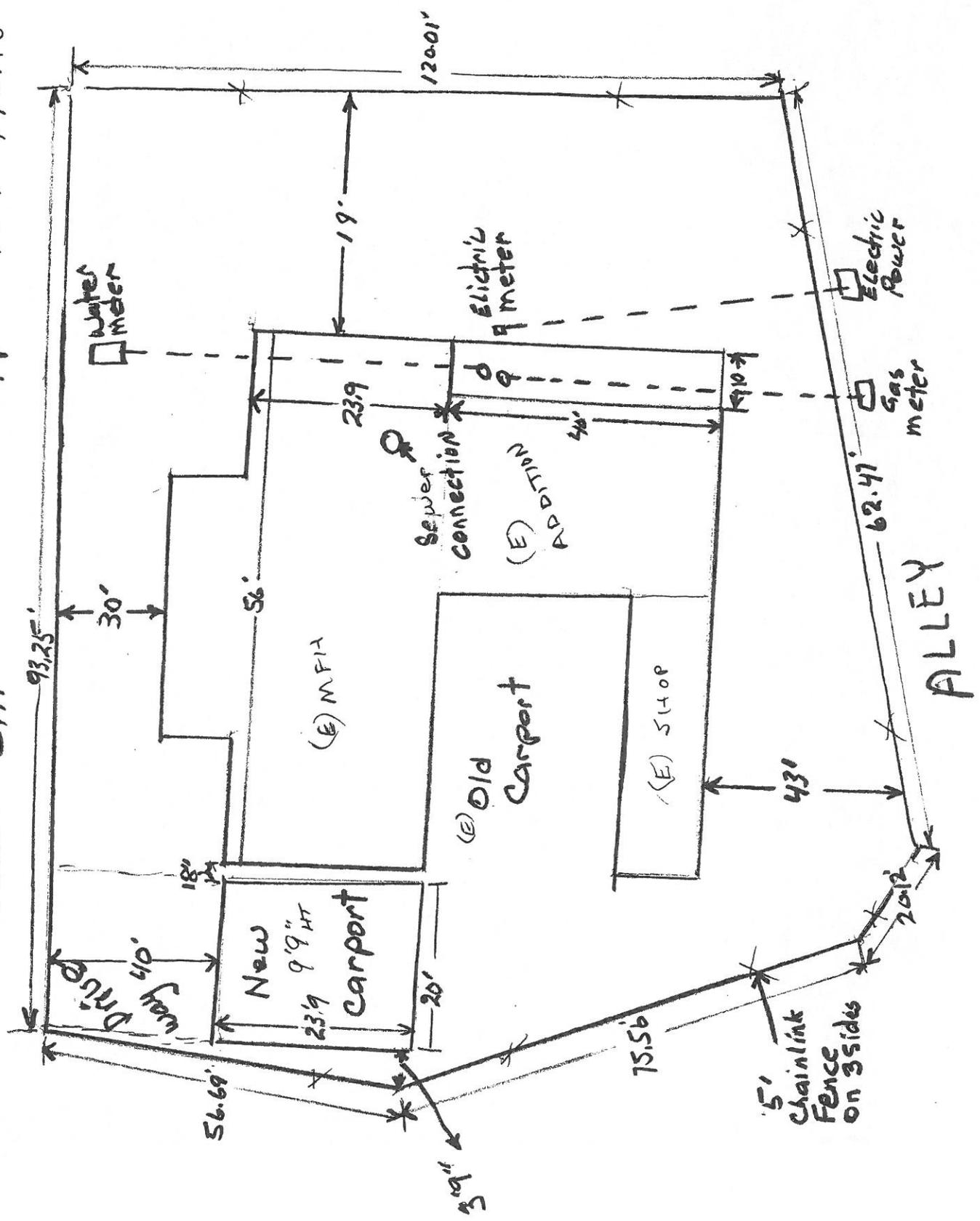


BA2-12-08
107-77-118

This map is a product of the Cochise County GIS



Finch Cir. N 107-77-118



Variance: Docket BA2-12-08 (Eggenberg)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

The existing airport will not cause any problems.

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): LAVONNE T. STEWARD
SIGNATURE(S): Lavonne T. Steward

YOUR TAX PARCEL NUMBER: 107-77-113 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment District 2 on December 5, 2012. 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. To ensure adequate review time by members of the Board, this form is due to our Department by Friday, November 16, 2012.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY
NOV 14 2012
PLANNING 29



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

November 7, 2012

Re: Docket BA2-12-08 (Eggenberg)

Dear Property Owner:

The Cochise County Board of Adjustment hereby gives notice a public hearing will be held at 6:00 p.m., on Wednesday, December 5, 2012, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

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. It is further described as being situated in Section 19 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona.

The Applicants are Bobby and Debbie Eggenberg.

You are hereby advised of this public hearing as an owner of property within 300 feet of the site where the Variance is requested. If you should have any written comments pertaining to this matter, you may submit written comments on the attached form, by email, fax or mail by the due date noted, and they will be given to the Board of Adjustment members. Whether or not you choose to provide written comments, you are encouraged to attend this public hearing to let your feelings be known concerning this docket.

If you have any questions regarding this matter, please do not hesitate to contact this department at (520) 432-9240. (Note occasionally, dockets are removed from the agenda just prior to a meeting. It is recommended that you contact the Planning Department to find out if this docket is still scheduled.)

Sincerely,

Peter Gardner, Planner I

Email: pgardner@cochise.az.gov

COCHISE COUNTY

NOV 14 2012

PLANNING

30

Variance: Docket BA2-12-08 (Eggenberg)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I walk by this house several times a week. I have no objection to this variance. They are good neighbors, & their place is a plus to our community. Being that the carport is next to the alley it in no way, in my opinion, detracts from the landscape.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Frank Snyder

SIGNATURE(S):

Frank E. Snyder

YOUR TAX PARCEL NUMBER: 107-77-107-3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment District 2 on December 5, 2012. 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. To ensure adequate review time by members of the Board, this form is due to our Department by Friday, November 16, 2012.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY

NOV 26 2012

PLANNING

31



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

November 7, 2012

COCHISE COUNTY

NOV 26 2012

Re: Docket BA2-12-08 (Eggenberg)

PLANNING

Dear Property Owner:

The Cochise County Board of Adjustment hereby gives notice a public hearing will be held at 6:00 p.m., on Wednesday, December 5, 2012, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

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. It is further described as being situated in Section 19 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona.

The Applicants are Bobby and Debbie Eggenberg.

You are hereby advised of this public hearing as an owner of property within 300 feet of the site where the Variance is requested. If you should have any written comments pertaining to this matter, you may submit written comments on the attached form, by email, fax or mail by the due date noted, and they will be given to the Board of Adjustment members. Whether or not you choose to provide written comments, you are encouraged to attend this public hearing to let your feelings be known concerning this docket.

If you have any questions regarding this matter, please do not hesitate to contact this department at (520) 432-9240. (Note occasionally, dockets are removed from the agenda just prior to a meeting. It is recommended that you contact the Planning Department to find out if this docket is still scheduled.)

Sincerely,

Peter Gardner, Planner I

Email: pgardner@cochise.az.gov



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Peter Gardner, Planner I *PG*
FOR: Beverly Wilson, Deputy Director, Planning Division *BW*
SUBJECT: Docket BA2-12-09 (McCloskey)
DATE: November 26, 2012, for the December 5, 2012 Meeting

REQUEST FOR VARIANCES

Docket BA2-12-09 (McCloskey): The Applicant is requesting Variances from the following Sections of the Cochise County Zoning Regulations:

1804.06 (minimum driveway width); 1804.07 (to allow gravel drive/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 North Douglas Avenue in Douglas, AZ. The Applicant is Dennis McCloskey.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 0.81 acres
Zoning: GB (General Business)
Growth Area: Growth Category B
Plan Designation: Developing
Area Plan: None
Existing Uses: Single Family Residence & Accessory Structures
Proposed Uses: Restaurant in a Mobile Food Trailer

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Vacant Undeveloped Land
South	GB	Vacant Undeveloped Land, Single Family Residential (Mobile Home), Convenience Store
East	County Maintained Road – TR-9	North Douglas Avenue - Single Family Residential, Single Family Residential
West	GB	Vacant Undeveloped Land

II. PARCEL HISTORY

- 1957 – Single Family Residence and detached garage established per the Assessor’s records.
- 1986 – Permit to install manufactured home (this home seems to have been removed).
- October 2012 – After discovering that the operation of the Mobile Food Trailer would require the use to be established, the Applicants applied for a Non-Residential Permit to establish a Restaurant in a Mobile Food Trailer.

III. NATURE OF REQUEST

The Applicant wishes to operate a Mobile Food Trailer on the property. As there is no other permitted commercial use on the property, the Applicant seeks to establish this use as a Restaurant. The Applicant is requesting a number of Variances from Site Development Standards and Sign Code due to the nature of the establishment and the lot in question.



Above: West view of the subject parcel from North Douglas Avenue, showing the trailer and its approximate location on the parcel.

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IV. ANALYSIS OF IMPACTS

The photos above and below show that there is an existing gravel driveway on the site. The Applicant states that while the driveway is less than the required minimum width the estimated level of traffic is not high enough for this to be an issue. However, the established minimum safety standards for a two-way driveway and apron is 20' (with 24' being preferred) to prevent head-on collisions. Per the Highways Division, the current 14' width therefore poses a potential safety hazard. The current gravel driveway surface has stood up to the expected levels of traffic in the short term, and may be replenished or repaired as needed. Furthermore, because the Food Trailer is mobile and removed from the site after business hours and no deliveries are taken on site, a designated loading area is not relevant or necessary to the operation of this establishment.

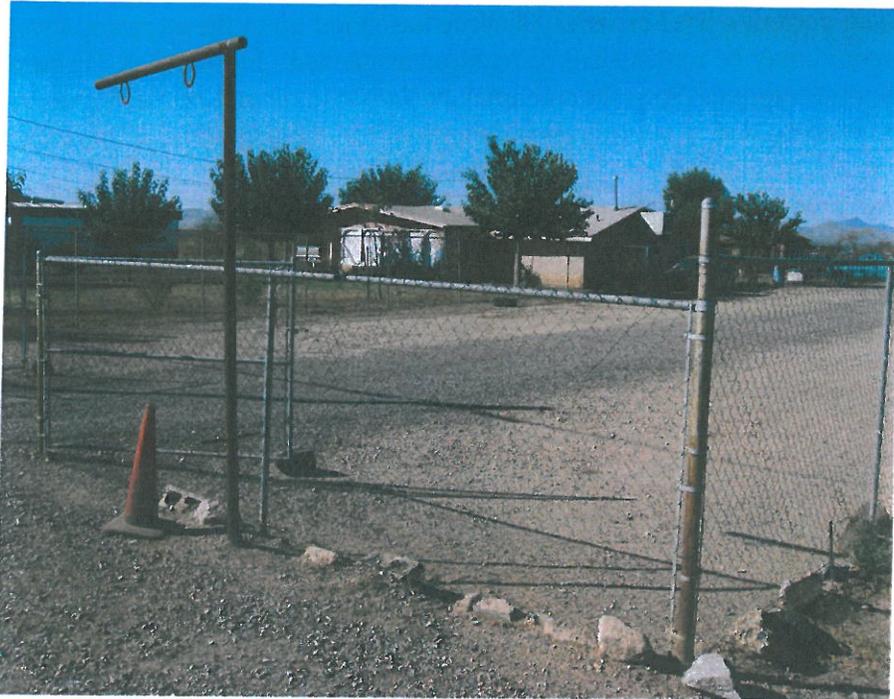
Aesthetically, the property currently conforms to the character of the surrounding developed parcels and is bordered by several vacant undeveloped parcels; therefore, a waiver of the landscaping requirement would not unduly alter the appearance of the neighborhood.



Above: Views of existing 14' wide gate and gravel driveway surface.

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All proposed Variances pertaining to the Signage are also safety oriented. The Applicant has installed a pole-mounted sign that can be rotated from a position parallel to the roadway to a position perpendicular to the roadway as shown in the photos below. This allows an obvious visual indication as to whether or not the Food Trailer is open for business. By extending into the right of way, intruding in the sight triangle, and having moving parts, the sign presents a potential safety hazard to motorists by inhibiting their view or distracting them.



Above: View of the sign mount in its parallel and perpendicular orientations.

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V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property on November 16, 2012, and published a legal notice in the *Bisbee Observer* on November 15, 2012. To date, the Department has received no response from neighboring property owners.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. The requests for allowing a gravel driveway and parking, waiver of a loading space, waiver of landscaping, and to allow a sign within 10' of a right of way present no safety issues or changes to the character of the existing neighborhood; and
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "business friendly." Allowing the site to be used as-is would reinforce this effort.

Factors Against Approving the Variances

1. Highway Staff has concerns about the current width of the driveway being substantially below the minimum safety standards for a two-way driveway; and
2. The placement of the sign with moving parts in the right of way and site triangle presents significant safety concerns.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Finding of Facts, staff recommends **conditional approval** of the following Variance requests:

From Sections 1804.07 (to allow gravel drive/parking); 1804.10 (loading zone requirement); 1806.02 (landscaping requirement); and 1905.03 (for signage within 10' of Right of Way).

The recommended *conditions of approval* are as follows:

1. Prior to permit issuance, the Applicant or property owner shall enter into a delay agreement approved by the County for driveway improvements to the County's minimum two-way commercial driveway standard. The access apron shall be improved to minimum County Standards. Per the delay agreement, all improvements shall be completed within one (1) year from Board approval; and
2. Prior to permit issuance, signage warning visitors of inadequate driveway width for two-way traffic shall be approved by Staff and installed by the Applicant or property owner.

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Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-09, granting the following Variances - the gravel driveway and parking area, waiver of designated loading zone, waiver of landscaping, signage within 10 feet of the Right of Way, as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

However, Staff recommends **denial** of the following Variance requests:

From Sections 1804.06 (minimum driveway width); 1905.01 (for signage projecting into Right of Way); 1905.02 (for signage in sight triangle); and 1905.06 (for signage with moving parts).

Sample Motion in the affirmative: *Mr. Chair, I move to approve Docket BA2-12-09, granting the following Variances - minimum driveway width; for signage projecting into Right of Way; for signage in sight triangle; and for signage with moving parts, as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan
- D. Staff Comments

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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 2.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 2 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: 408-18-021A
2. Address of parcel: 2116 N. Douglas Ave

3. Area of Parcel (to nearest tenth of an acre): 0.81
4. Zoning District designation of Parcel: GB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. SFR and residential Garage

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

Mobile Restaurant Trailer

7. State the specific nature of the variance or variances sought.

Use of gravel rather than chip seal for driveway and parking surface (1804.07)

Waiver from landscaping requirement (1806.02) Waiver of requirement for loading space (1804.10)

Reduced Driveway width of 14' (1804.06) Waiver of 24' pullout area

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.

Lot size precludes size enhancements and landscaping.

Impervious parking would create water flow issues.

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.

Nearby convenience store has partially paved parking, this would be similar conditions, immediately adjacent parcel is undeveloped.

Room to turn around exists

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

PROPERTY OWNER

MAIL ADDRESS

Dionicio Valenzuela

2112 N. Douglas Ave Douglas, AZ 85607

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

Dionicio Valenzuela

127 E 22nd ST DOUGLAS, AZ

10-19-2002

APPLICANT'S PHONE NUMBER 214-354-3220

APPLICANT'S EMAIL ADDRESS denny113@juno.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.

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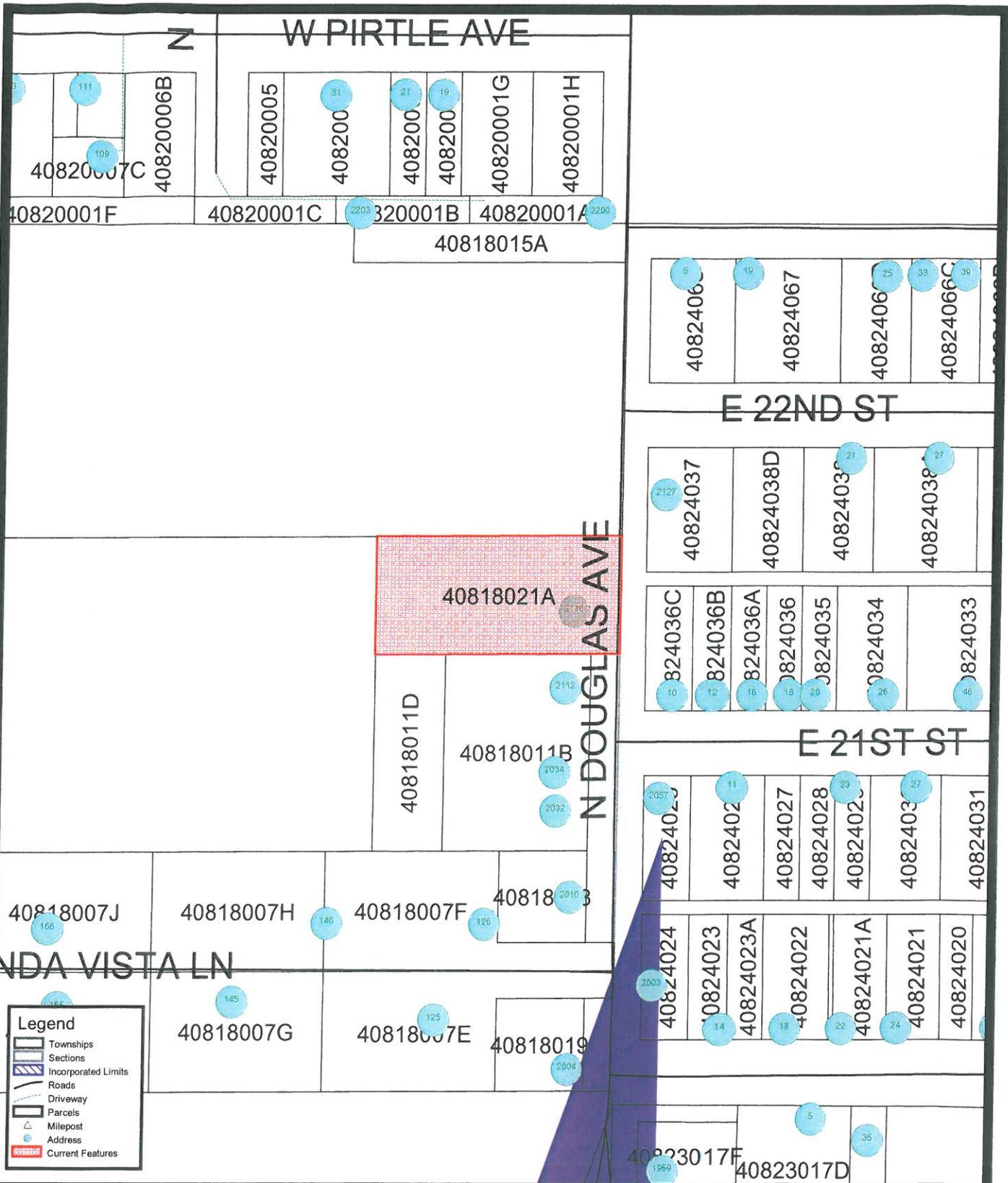
2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.

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BA2-12-09
408-18-021A

This map is a product of the Cochise County GIS

0' 150'

Gardner, Peter

Subject: FW:

From: Riggs, Karen
Sent: Wednesday, November 21, 2012 4:48 PM
To: Gardner, Peter
Cc: Wilson, Beverly; Cratsenburg, Diane; Lamberton, Karen
Subject: FW:

Peter,
As County Engineer, my feelings regarding the (at this point) informal requests regarding the driveway are:

1. They need to install a driveway apron to county standards (so that the edge of pavement of our road is protected.). The apron will need to be full width.
2. I would consider a one year delay agreement on the driveway width, but if the business continues, safe two way traffic widths will need to be provided for the business traffic. He needs to work this out with the Owner.
3. If we delay the driveway width requirement, there will need to be some signing installed to warn of the inadequate width.

I know we need to move this permit along, but I need to know if he is asking for any other variances that can only be waived by the County Engineer.

Thanks,

*Karen C. Riggs, P.E., Interim Director
Cochise County Community Development Dept.
1415 W Melody Lane
Bisbee, AZ 85603
520-432-9300*

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