

AGENDA
Board of Adjustment, District 2
May 4, 2011, 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 BA2-11-01: The Applicant requests a Variance from Section 704.04 of the Cochise County Zoning Regulations, which requires that structures in a TR-9 Zoning District be set back no less than 10 feet from any property line. The Applicant seeks to legitimize an existing carport, which is 8 feet from the Eastern property line. The subject parcel (Parcel # 408-24-047B) is located at 127 – East 22nd Street in Douglas, AZ

Applicant: Dennis McCloskey.

- 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 – Election of Officers

Call for Planning Director's Report
Call to the Public
ADJOURNMENT



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

DRAFT MINUTES

TO: Board of Adjustment, District 2

FROM: Debra Meyer, Secretary

SUBJECT: Minutes of the Regular Meeting of March 3, 2010

DATE: March 9, 2010

MEMBERS PRESENT

Gerry Eberwein, Chairman
Albert Young, Vice-Chairman
Betty Piper, Member

STAFF PRESENT

Keith Dennis, Senior Planner

OTHERS PRESENT: (See attached sheet)

These minutes for the BA2 meeting held on March 3, 2010 are complete only when accompanied by the memorandum for that meeting.

Chairman Eberwein called the meeting to order at 6:09 PM at the Cochise County Board of Supervisors' large conference room in Bisbee, Arizona. Mr. Eberwein followed by calling the roll and a quorum was established with the presence of all three Board Members.

Mr. Eberwein followed by offering an explanation of the procedures for the meeting.

Mr. Eberwein asked if there were any additions or corrections to the minutes of the August 5, 2009 meeting. As there were not amendments to the draft minutes, Mr. Young made a motion to accept the minutes as presented. Ms. Piper seconded and the motion passed (3 – 0),.

NEW BUSINESS

Docket BA2-09-04: Senior Planner Keith Dennis the staff report on behalf of the Planning Department to allow an existing business to remain as it currently exists, the Applicant seeks the following Variances and Waivers to site development standards as required in a General Business District: 1) a Variance to Section 1203.02 of the Cochise County Zoning Regulations, which requires a 40-foot setback from abutting residentially-zoned properties (the business is 35 feet from

the Northern property line, 4 feet from the South, and 15 feet from the West); 2) a Waiver from Section 1203.05, which requires a 6-foot high screen wall along abutting residentially-zoned properties (to the North, South and West); 3) a Waiver from Section 1804.07.C, which requires driveways, parking and loading areas for non-residential uses in a Category B Growth Area to be chip-sealed (the Applicant seeks to have the existing dirt/gravel surface to remain); 4) a Variance from Section 1804.06.B, which requires parking areas with 58 spaces to be separated from residentially-zoned properties by 40 feet or more (existing parking is 20 feet from Southern property line); and 5), a Variance to Section 1804.06.F.3, which requires 24-foot driveways with 24 feet of clear backing space in parking areas (existing development has 20-foot drive aisles with 20 feet of backing space). The subject parcel (Parcel # 102-31-084B) is located at 1948 S. Naco Highway in Bisbee, AZ. Mr. Dennis presented photos and site plans showing the location of the property and the surrounding zoning and uses. Mr. Dennis presented factors in favor and factors against, he stated staff had received 1 letter in support and no letters in opposition.

Mr. Eberwein declared the public hearing open.

The Applicant David Rogers of the La Ramada Bar and Restaurant stated the restaurant had been open on and off since 1961, but the bar had always been open since 1961.

As no other members of the public wished to speak on the Docket, Chairman Eberwein declared the public hearing closed and asked for staff's recommendation.

Staff recommended approval, based on the factors in favor. Ms. Piper moved that the Variance be granted as recommended by staff, citing the factors in favor of approval as the findings of fact. Mr. Young seconded the motion, and it passed unanimously (3 – 0).

The meeting was adjourned at approximately 6:34 P.M.



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 Planning and Zoning Commission
FROM: Beverly Wilson, Senior Planner
For: Michael Turisk, Interim Planning Director
SUBJECT: Docket BA2-11-01
DATE: April 27, 2011 for the May 4, 2011 Meeting

APPLICATION FOR A VARIANCE

The Applicant requests a Variance from Section 704.04 of the Cochise County Zoning Regulations, which requires that structures in a TR-9 Zoning District be set back no less than 10 feet from any property line. The Applicant seeks to legitimize an existing carport, which is 3.5 feet from the Eastern property line by requesting a 3 foot set back.

The subject parcel (Parcel # 408-24-047B) is located at 127 East 22nd Street in Douglas, AZ. The Applicant is Dennis McCloskey.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 10,805.74 Square Feet (0.25 Acres)
Zoning: TR-9 (1 Dwelling per 9,000 Square Feet)
Growth Area: Growth Category B
Plan Designation: NR – Neighborhood Rehabilitation
Area Plan: None Applicable
Existing Uses: Single-Family Residential (Manufactured Home)
Proposed Uses: Same

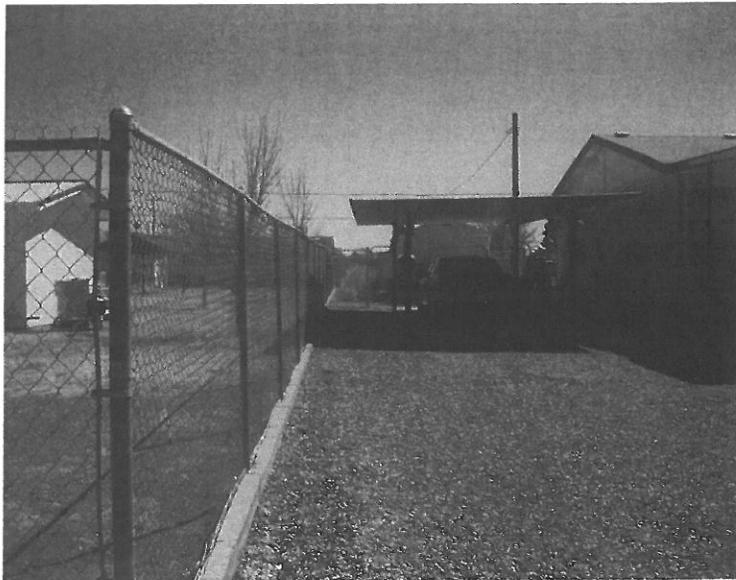
Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-9	Undeveloped Land
South	TR-9	Single Family Residence
East	TR-9	Single Family Residence
West	TR-9	Single Family Residences



III. PROJECT DESCRIPTION

Structures in a TR-9 Zoning District are required to be set back no less than 10 feet from all property lines (Section 704.04). The manufactured home on the property is oriented such that the long side faces north onto East 22nd Street, and is 10 feet from the Western property line and 20 feet from the Eastern property line. At some point, the Property Owner's deceased husband placed a carport (concrete pad with metal awning) between the Eastern property line and the home as shown in the photo below. The concrete pad lies 7.5 feet from the property line, while the metal awning is actually 3.5 feet from the fence on the apparent property line, thereby requiring this request for a Variance.

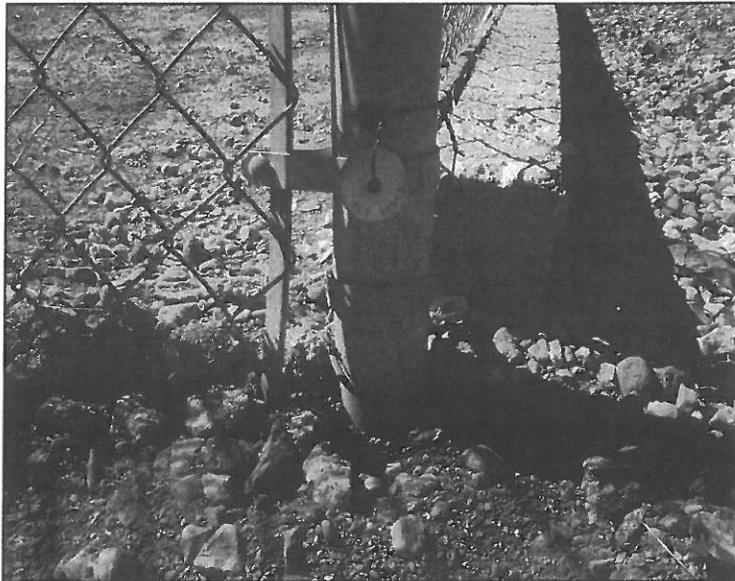


View of Property Line and Carport

IV. ANALYSIS OF IMPACTS

The function of setbacks is to protect adjacent property owners from the impacts of uses, whether they are for safety considerations, privacy, or for the preservation of views. This request specifically addresses the location of an existing carport, to allow for lesser setbacks from said carport to the east property boundaries (approximately 3.5 feet). The *potential* for greatest impact would likely be to the residents to the east. This subject property is used as a residence and is surrounded by residential zoning and uses; however, the property to the north is currently vacant. The metal carport appears well constructed, with no electric fixtures installed to present any type of safety hazard to the neighbor, nor will an unusual level of noise be generated from the use of said carport.

While there is a measure of separation between the carport location and the neighboring single-family residence, the Owner of this adjoining property, Mrs. Hilda Boggs, (located at 2118 North J Avenue) submitted a concern about the location of the actual property line. Mr. McCloskey has since hired a licensed surveyor, David Sutherland, who has placed a pin on the actual property line as shown below. The fence is placed exactly on the property line. Mrs. Boggs stated that if the survey proved that the fence was the actual property line, she would support this request (letter is attached).



The variance, if granted, is only for relief from minimum setback requirements for the existing carport in TR-9 districts, with all other required site development standards honored as set forth in the County Zoning Regulations.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on April 18, 2011, and published a legal notice in the *San Pedro Valley News-Sun* on

April 14, 2011. To date, the Department has received three notices expressing support for this request, all attached to this report.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. This is a well-built metal carport, which would present no safety hazards to the adjoining property owner.
2. This carport was constructed prior to the applicant moving to this property.
3. Granting the variance will not significantly affect safety, privacy or cause a significant reduction in views for the applicant and neighboring parcel owners.
4. To date, the Department has received three letters of support.

Factors Against Approval

1. The carport was built without first obtaining a permit.
2. The purpose of Section 704.04 is to protect residential properties from a crowded appearance.

VII. RECOMMENDATIONS

1. Based on the factors for approval, Staff recommends **approval** of this Variance request.

VIII. ATTACHMENTS

Variance Application
Property Owner's Letter
Letters of support
Location/Surrounding Zoning Map
Site Plan



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240
Fax 432-9278

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 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. Tax Parcel Number: 408-24-047B

2. Address of Parcel: 127 E 22nd St
DOUGLAS, AZ 85607

3. Area of Parcel (to nearest tenth of an acre): .25 ACRE

4. Zoning district classification of parcel: TR 9

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. RESIDENTIAL HOME AND EXISTING GARAGE
AND BUILDING FOR ^{EXISTING} WORKSHOP FOR CELL PHONE
REPAIR.

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

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

EXISTING GARAGE BUILT W/O PERMITS WANT
LEGAL

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.

HOME OWNED PASSED AWAY & WE MOVED IN WITH
HIS WIDOW TAKING CARE. I WANT ~~TO~~ TO
GET EVERYTHING LEGAL

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.

STEEL STRUCTURE WOULD NOT IMPACT
ANY NEIGHBORS PROPERTY

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

<u>PROPERTY OWNER</u>	<u>ADDRESS</u>
<u>CARMEN F MEADEZ</u>	<u>127 E 22nd ST</u>
	<u>DOUGLAS AZ 85607</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><i>Dennis McCloskey</i></u>	<u>127 E 22nd DOUGLAS AZ 85607</u>	<u>01/25/11</u>

APPLICANT'S PHONE NUMBER 214-354-3220

APPLICANT'S EMAIL ADDRESS DAMCCLOSKEY@Q.COM
DAMCCLOSKEY@Q.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 (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Community Development Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

March 30, 2011

Carmen F. Mendez
127 E 22nd St.
Douglas, AZ 85607
Phone: 805-5760

Cochise County Planning Dept.
1415 Melody Lane
Bisbee, AZ 85603

To Whom It May Concern:

I, Carmen F. Mendez, property owner, do give approval for Dennis McCloskey, to apply for a variance for the Carport/Awning at the above address. The parcel number is 408-24-047B, lots 17 and 18.

Please feel free to call me at 805-5760, if you have any questions.

Thank you very much for your time and consideration.

Sincerely,


Carmen F. Mendez

Variance: Docket BA2-11-01 (McCloskey)

YES, I SUPPORT THIS REQUEST

Please state your reasons: THE PROPERTY IS WELL KEPT
AND DOESN'T POSE ANY PROBLEMS TO
SURROUNDING PROPERTIES.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): MARYANN TORRES

SIGNATURE(S): MaryAnn Torres

YOUR TAX PARCEL NUMBER: 408 24 003 (the eight digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and Board of Supervisors or appropriate body. 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.

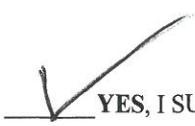
RETURN TO: Beverly Wilson
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY

MAR 21 2011

PLANNING

Variance: Docket BA2-11-01 (McCloskey)



YES, I SUPPORT THIS REQUEST

Please state your reasons: We Live on 21st Street & The CAR PORT will Be on 22nd Street! We HAVE NO OBJECTION since IT WILL NOT AFFECT OUR PROPERTY in ANY WAY.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Alejo Romero & MARIA Romero

SIGNATURE(S): Alejo Romero
Maria Romero

YOUR TAX PARCEL NUMBER: 408-24-014 6 (the eight digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and Board of Supervisors or appropriate body. 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.

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

COCHISE COUNTY

APR 2 2011

PLANNING

RE: Docket BA2-11-01

March 24, 2011

I Hilda H Boggs do not support this request; my concerns are that I am disputing the property line. The original owner of this property was Hilda R Honne my mother, she has since deceased and I have inherited this property. I may be out of content in disputing this but my concerns are as follows:

Before, the original owner of Parcel #408-24-048 added a carport to the property before any additions were made; permits were issued and granted for this carport to be built. Original owner followed guidelines in order for this carport to be built. I have since inherited this property and I only want to do what is right. I am disputing the property line; reason for this is that when the original owner of Parcel #408-24-047B was measuring his property line he went to Mrs. Honne and stated to her that his son was an engineer from California and she was on his property. Mrs. Honne told the gentleman that she was unaware; I think she was intimidated by the owner. Mrs. Honne proceeded to tell the owner of Parcel #408-24-047B that she did not have the money to contract someone to move the fence, the gentlemen told her that he would do it, they proceeded to move her back fence either 3 or 5 feet, I am not certain of the exact feet, and then moved her front fence either 3 or 5 feet towards the street. One of my biggest concerns is that my property now will not be in compliance with the state, what will happen next, am I going to have to tear down my carport?

I only want what is fair, if in fact I was in his property than I can agree to what the original owner did, but if I wasn't what happens next. I really do not want to cause any problems with the owners of Parcel #408-24-047B I just want to be in compliance with any ordinance, I just don't want the same thing that is happening to the owners of Parcel #408-24-047B, happen to me, who knows maybe the original owner was right, we were in his property.

If this turns out that I was in his property, then I have no reason not to support his request, if in fact the property line is correct then so be it, I do not oppose his request.

If you need any further information that I am able to provide you let me know, I can be reached at work 480-820-6396 ext 115 and home 602-354-3840.

Sincerely,



Hilda H Boggs



Location Map
 BA2-11-1

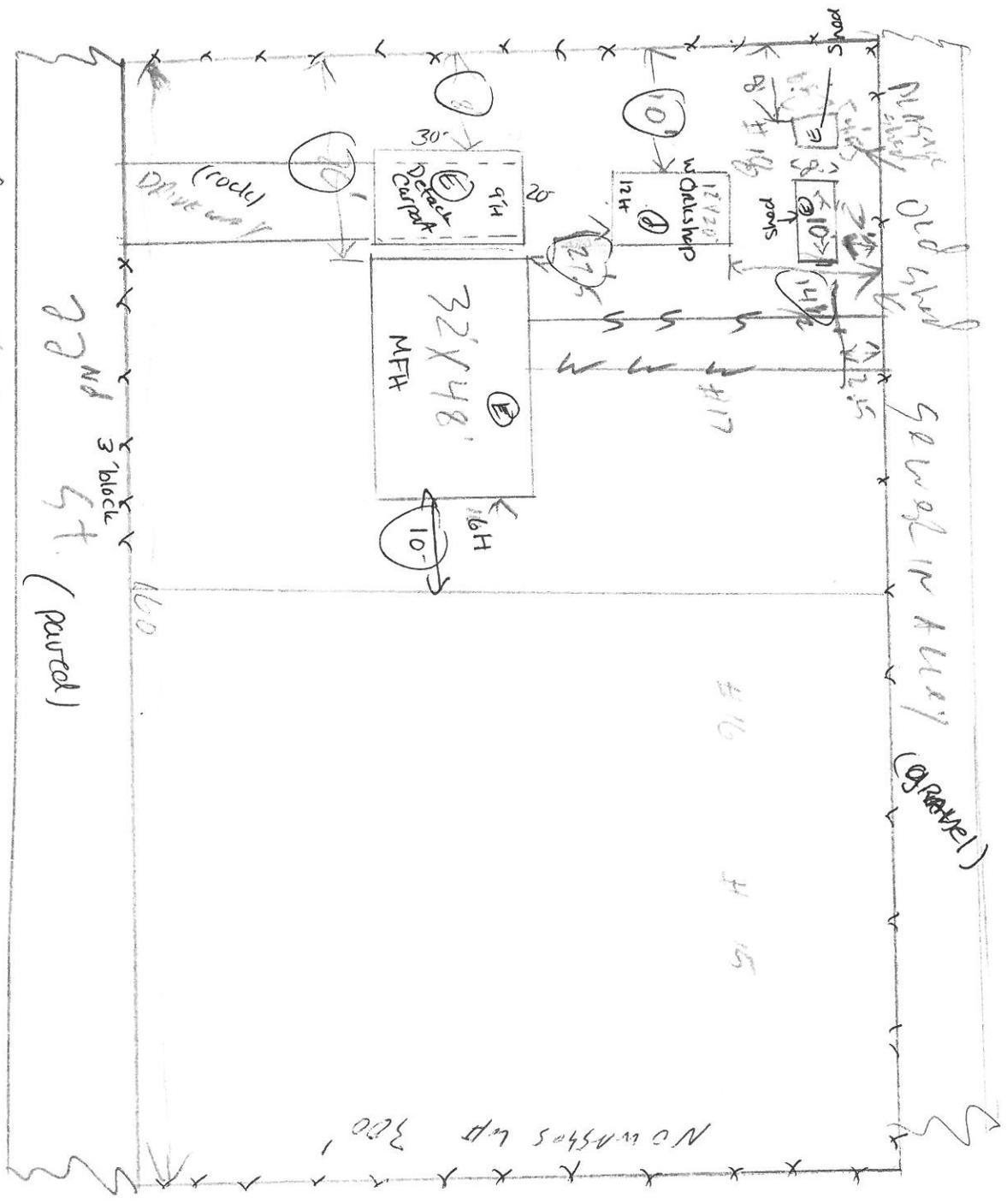
This map is a product of the Cochise County GIS







Parcel # 408-24-097 B
 Lot 15, 16, 17, 18



220
 3 block
 5 ft. (paved)

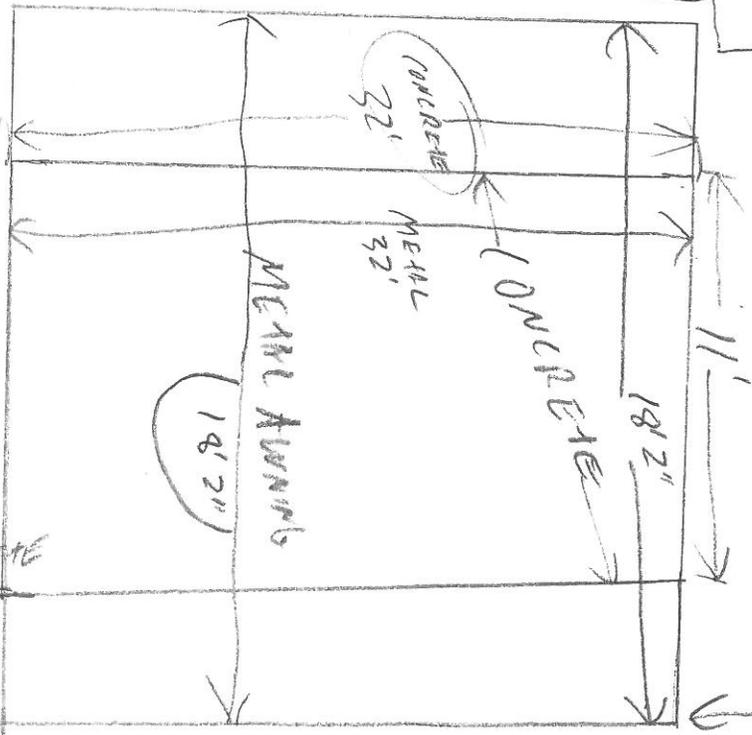
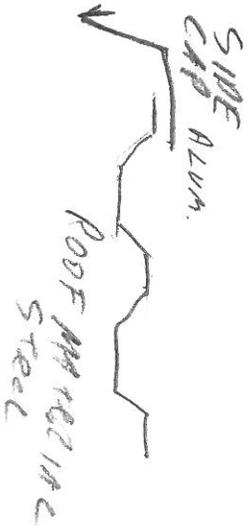
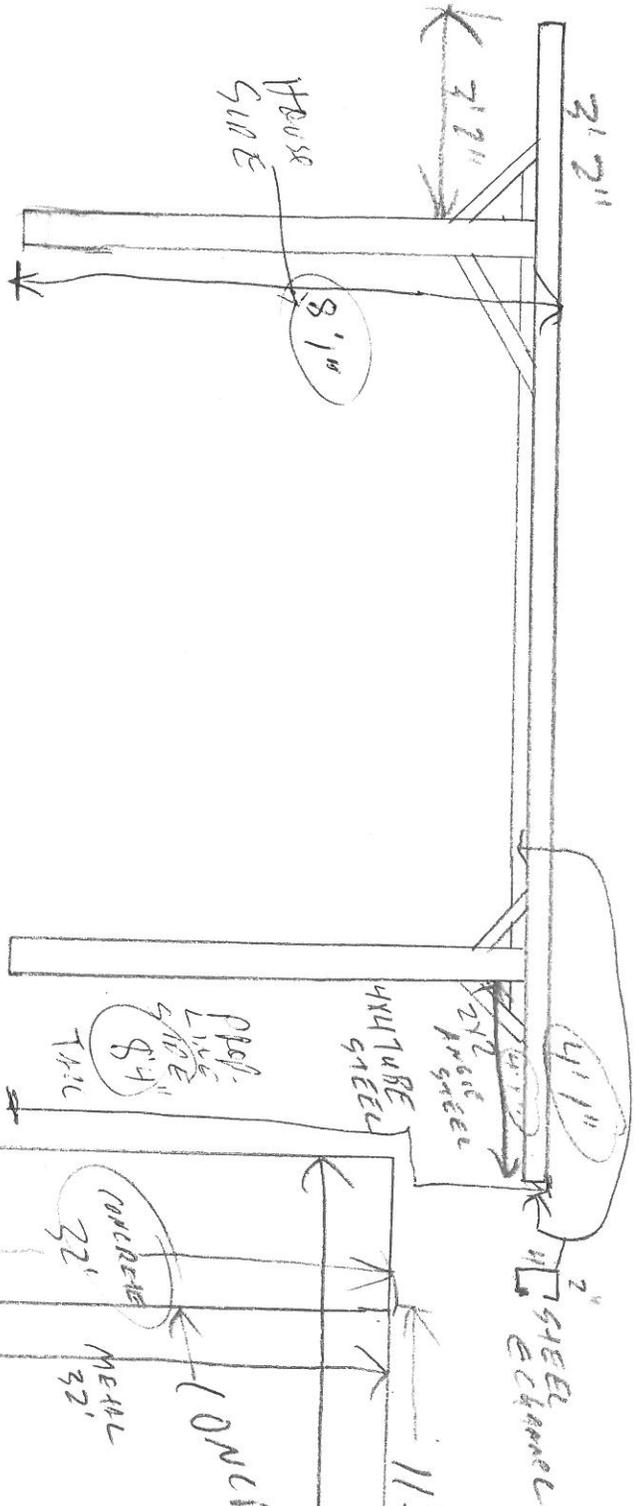
Newly Old wood
 Several in heavy (paved)

Now Ashes up 300'

F 16
 F 15

TAX Parcel # 408-24-0478
 TOTAL METAL MATERIALS

187 E 22nd St
 Dennis RZ 85607



TO CONCRETE
 7'

PROPERTY LINE

3 1/2" TO AWNING

Dennis M. Wesley
 Dennis M. Wesley
 01/25/11

22nd ST.