

**EXPANDED AGENDA**  
**Board of Adjustment, District 2**  
**July 3, 2012, 6 P.M.**  
**Board of Supervisors Conference Room**  
**1415 Melody Lane, Building G**  
**Bisbee, Arizona 85603**

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6:00 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

**NEW BUSINESS**

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

**Public Hearing, Docket BA2-12-03 (Dagnino):** The Applicant requests a Variance from Section 704.04 of the Cochise County Zoning Regulations, which requires that structures be set back no less than 20 feet from all property lines in a R-18 zoning district (Residential; minimum lot size 18,000 sq.-ft.). The Applicant seeks to complete a garage 10 feet from the North and West property lines. The subject parcel (#102-39-162) is located at 2344 S. Coleman Street in Bisbee, AZ.

**Applicant:** Diego Dagnino.

- 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)

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



**COMMUNITY DEVELOPMENT DEPARTMENT**

*Planning, Zoning and Building Safety*

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

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

**MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 2  
**FROM:** Keith Dennis, Senior Planner  
 For: Carlos De La Torre, Community Development Director  
**SUBJECT:** Docket BA2-12-03 (Dagnino)  
**DATE:** June 22, 2012, for the July 3, 2012 Meeting

**REQUEST FOR A VARIANCE**

**Docket BA2-12-03 (Dagnino):** The Applicant requests a Variance from Section 704.04 of the Cochise County Zoning Regulations, which requires that structures be set back no less than 20 feet from all property lines in a R-18 zoning district (Residential; minimum lot size 18,000 sq.-ft.). The Applicant seeks to complete a detached garage 10 feet from the north and west property lines. The subject parcel (#102-39-162) is located at 2344 S. Coleman Street in Bisbee, AZ. The Applicant is Diego Dagnino of the same address.

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

Parcel Size: 0.5 acre  
Zoning: R-18 (Residential; one dwelling per 18,000 square feet)  
Growth Area: Growth Category B  
Plan Designation: Neighborhood Conservation  
Area Plan: None applicable  
Existing Uses: Single-family home; partially-constructed detached garage

**Surrounding Zoning**

Relation to Subject Parcel	Zoning District	Use of Property
North	R-18	Single-Family Residential
South	R-18	Manufactured Home Residential
East	R-18	Coleman Street, Single-Family Residential
West	R-18	Undeveloped Land

**II. PARCEL HISTORY**

1996 – Permit issued for 1,344 square foot manufactured home and septic system.

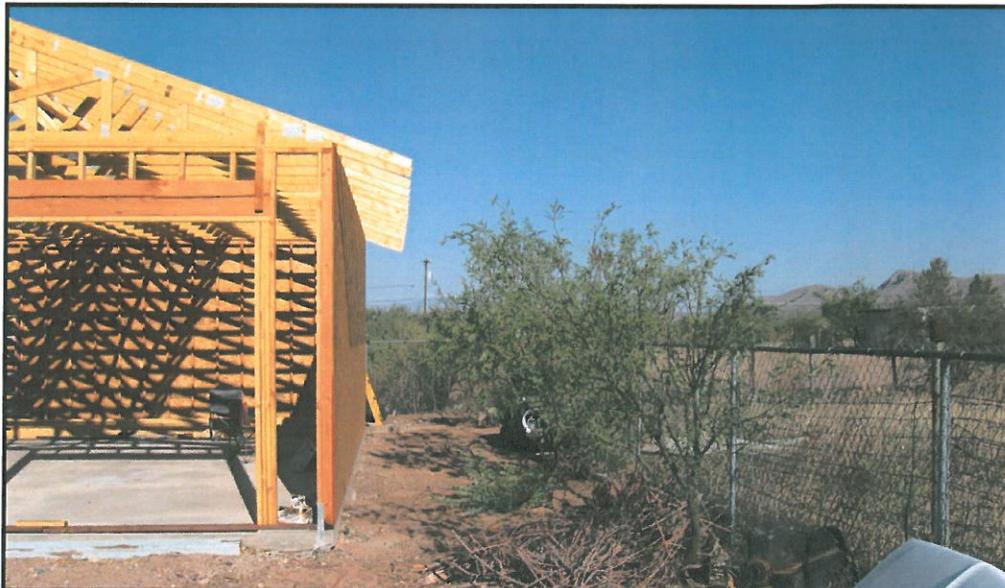
May 2012 – Stop Work Order and Violation issued for building detached garage without a permit.

**III. NATURE OF REQUEST**

This docket is a request for a Variance to allow the permitting and completion of the detached garage on the property in its current location, which is 10 feet from the northern and western property lines. The Application states that the garage is 70% complete. 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 to rectify the Violation.



*Above: Northwest view of the unfinished garage. Below: west view of the 10-foot setback along the north property line (20-feet required).*



#### **IV. ANALYSIS OF IMPACTS**

The proposed site for the new garage will not, in staff's view, create any significant on-site or off-site impacts. The property along the west side is currently undeveloped, and the structure would not be near any major structures on the property to the north. Staff has so far received no correspondence from this neighbor for or against the request.



*Aerial view of the project site showing nearby development.*

#### **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 June 21, 2012, and published a legal notice in the *Bisbee Observer* on June 7, 2012. To date, the Department has received one letter from a neighboring property owner supporting the request.

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

The Applicant's has requested a Variance to the minimum 20-foot setback as required in a R-18 zoning district to construct this partially-built detached garage 10-feet from the northern and western boundaries. The narrow configuration of the parcel limits the Applicant's options for placing this new building as proposed. The property to the west is undeveloped and the neighbor to the north, who would conceivably incur the greatest impact from the Variance, has yet to comment on the request. Allowing the garage to be built as proposed would not generate serious on- or off-site impacts.

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

1. Allowing the garage to be built as proposed would not generate serious on- or off-site impacts.
2. The configuration of the subject parcel presents limited options for placement of the garage.
3. One neighboring property owner supports the request.

### **Factors Against Allowing the Variance**

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

### **VII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **approval** of the Variance request.

*Sample Motion: Mr. Chairman, I move to approve Docket BA2-12-03, granting the Variance as requested by the Applicant and allowing the garage to remain 10 feet from the north and west property boundaries; the factors in favor of approval being the findings of fact.*

### **VIII. ATTACHMENTS**

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



**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning, Zoning and Building Safety**

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

**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: 102 39 162

2. Address of Parcel: 2344 Coleman ST.  
Bisbee AZ 85603

3. Area of Parcel (to nearest tenth of an acre): 1/2 acre

4. Zoning district classification of parcel: TR 1A

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

This is my home (1500) sq FT. Adding a  
Garage for personal use.

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

Store my CAR'S.

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

I Thought The SET BACK WAS 10 FT.  
From property line.

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.

I Thought I was doing The right Thing.  
50% Complete. I spent about 4000.00  
on garage.

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.

10 FT AWAY, From Fence line, Empty  
Packets.

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

PROPERTY OWNER

ADDRESS

N/A.

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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

Diego Dagnino

2394 S. Coleman Ave

5/16/12

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APPLICANT'S PHONE NUMBER

520 432 2873 - 520 249-2494

APPLICANT'S EMAIL ADDRESS

Email Diego@dagnino.com @Coleman.NET

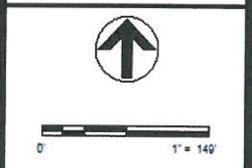
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred (\$300) payable to the Cochise County Treasurer. Return to the Cochise County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

Diego Dagnino

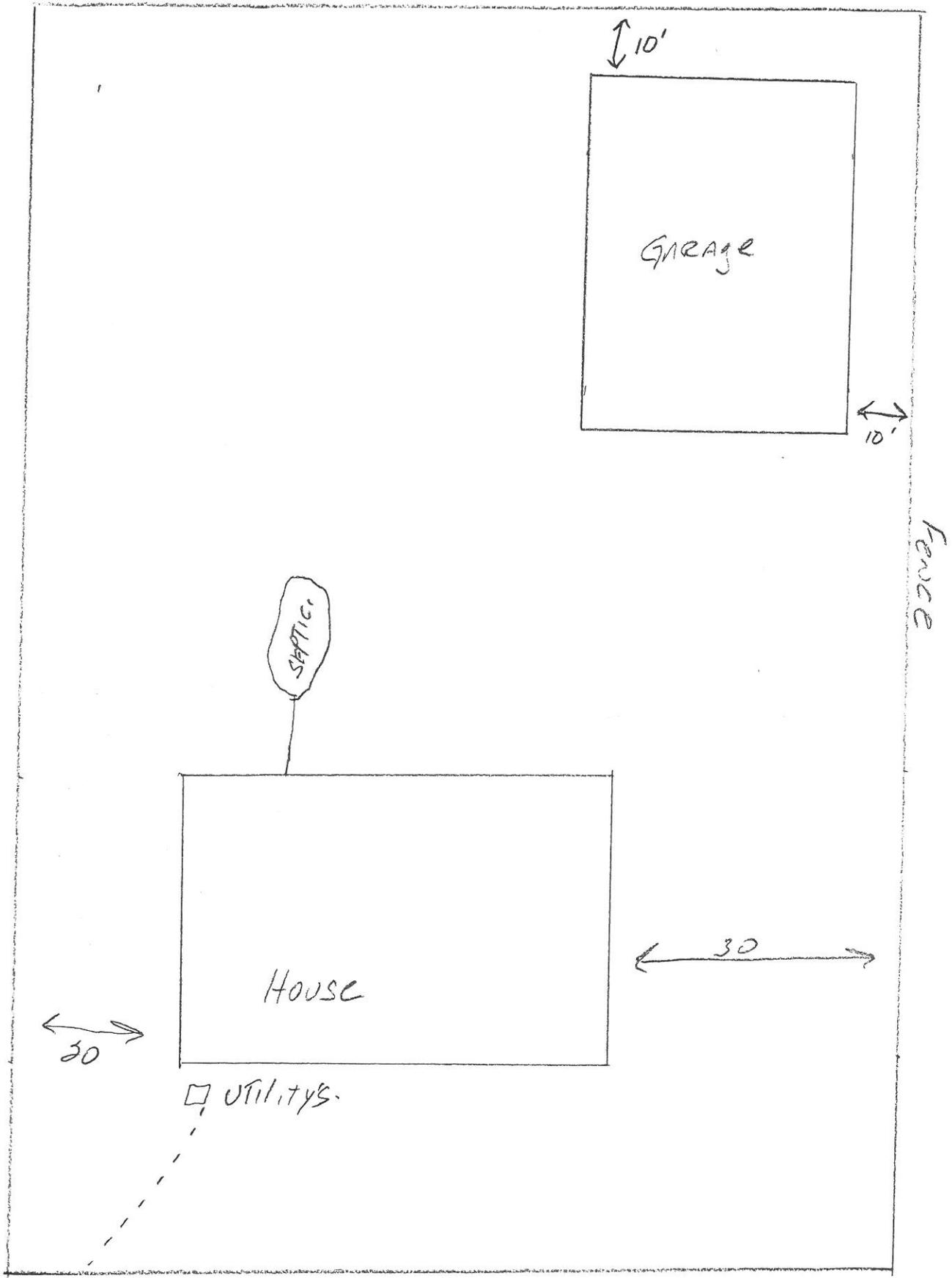


Docket BA2-12-03  
(Dagnino)  
Location Map

This map is a product of the  
Cochise County GIS



100'  
FENCE



200'

Fence

O Pole.

ROAD

# Variance: Docket BA2-12-03 (Dagnino)

COCHISE COUNTY  
JUN - 1 2012  
PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

We have no objection to this request

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

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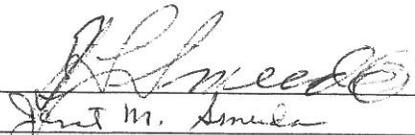
(Attach additional sheets, if necessary)

PRINT NAME(S):

Jacob L. Smuda

Janet M. Smuda

SIGNATURE(S):

  
Janet M. Smuda

YOUR TAX PARCEL NUMBER:

102-39-167

(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 Dist 2. 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 Monday, June 25, 2012

RETURN TO:

Keith Dennis, Senior Planner  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603