

EXPANDED AGENDA
Board of Adjustment, District 2
September 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 BA2-12-04 (Wolfe): The Applicant is seeking a variance from the Cochise County Zoning Regulations, Section 705, which requires that accessory structures in a TR-9 Zoning District (Residential, one dwelling per 9,000 square feet) be subordinate in size to an established permitted principal use. The Applicant seeks to legitimize an existing steel building which is 3,200 sq. ft., while the principal structure is 1,848-sq.ft. The subject parcel (Parcel No. 404-19-001F) is located at 9290 N Wynn Drive, McNeal, AZ.

Applicant: Brian Wolfe.

- 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)

Election of Officers
Call for Planning Director's Report
Call to the Public
ADJOURN



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Keith Dennis, Senior Planner
FOR: Michael Turisk, Planning Manager
SUBJECT: Docket BA2-12-04 (Wolfe)
DATE: August 27, 2012, for the September 5, 2012 Meeting

REQUEST FOR VARIANCE

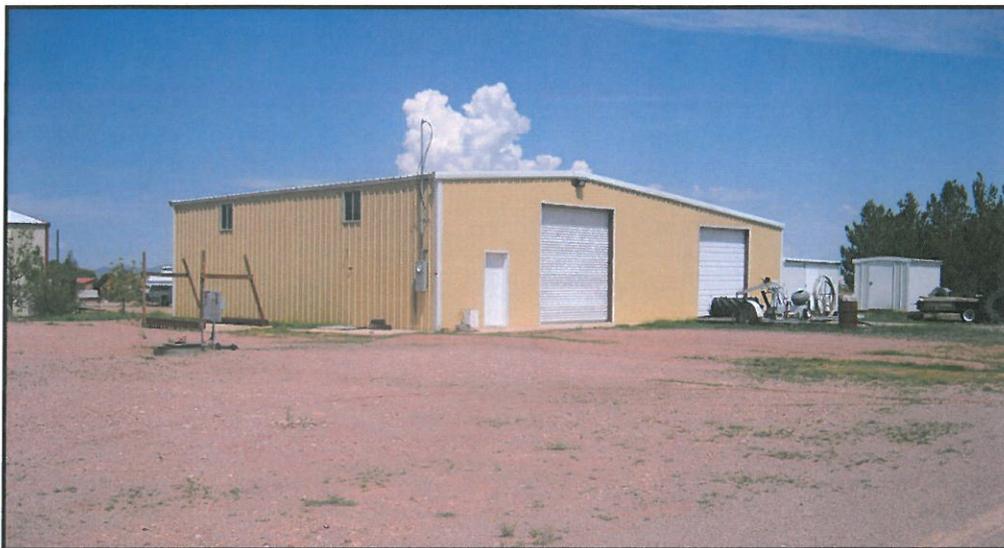
Docket BA2-12-04 (Wolfe): The Applicant, Brian Wolfe, is seeking a variance from the Cochise County Zoning Regulations, Section 705, which requires that accessory structures in a TR-9 Zoning District (Residential, one dwelling per 9,000 square feet) be subordinate in size to an established permitted principal use. The Applicant seeks to legitimize an existing steel building which is 3,200 sq. ft., while the principal structure is 1,848-sq.ft. The subject parcel (Parcel No. 404-19-001F) is located at 9290 N Wynn Drive, McNeal, AZ.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1.36 Acres (59,720 square feet)
Zoning: TR-9 (Residential; one dwelling per 9,000 square feet)
Growth Area: Growth Category B
Plan Designation: Rural
Area Plan: None
Existing Uses: 1,848-sq. ft. single family home and 3,200-sq.ft. steel building

SURROUNDING ZONING AND USES

Relation to Parcel	Zoning District	Use of Property
North	TR-9	Residential Home
South	TR-9	Residential Home
East	RU-4	New Tribes Mission Airfield
West	TR-9	Residential Home



Northwest view of the recently-acquired accessory building.

II. PARCEL HISTORY

March, 1999 – A permit was issued for a 3,250-sq.ft. storage building for residential use only. This building was permitted on parcel #404-19-001.

May, 1999 - A permit for a mobile home with attached 300-sq.ft. carport, a 1,540-sq.ft. shop for residential use only, and a septic was issued. This permit was issued for parcel # 404-19-001F.

2012 – The Applicant purchased the building in question, and a portion of the property on which it is sited. This purchase meant that the building was the only structure on a new parcel, having been split from the parent parcel, where it had been accessory to a principal residence. The Applicant then sought a permit to establish electrical service to the building, and was told that in the TR-9 District, accessory structures such as this could only be permitted as an accessory to a principal permitted use. The Applicant, whose home is on a parcel 150 feet to

the North, acquired a 10-foot strip of land to join the two parcels into one, in order to establish the building as accessory to his residence (see photo).

III. NATURE OF REQUEST

This docket is a request for a variance to legitimize an existing 3,200-square foot steel building, built in 1999 on a parcel that has now been split several times. As stated above, the Applicant joined the property to the property containing his own residence, thereby joining principal and accessory structures onto one parcel of record. The home on the new parcel is 1,848 square feet; the accessory building is 3,200 square feet.

Section 705 of the Zoning Regulations allows for accessory structures “provided they are customarily incidental to an established principal permitted use.” Because the building is larger than the principal residence, a Variance would be required in order for the Applicant to proceed with the desired electrical permit.

IV. ANALYSIS OF IMPACTS

The existing building was built by the previous owner, and meets the following site-development standards: setbacks, distance between structures, maximum height, and maximum site coverage. The Applicant states that he will continue to utilize this structure in the same ways that the previous owner did--for residential storage of vehicles and as a private workshop. Staff anticipates that some sound impacts from activities taking place within the building may be heard on adjacent properties, but that such impacts would not be extraordinary but, rather, in keeping with the nature of such land uses. In any case, such impacts would not be affected by the size of the building relative to the principal dwelling.



V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet of the subject property. Staff posted the property on August 2, 2012, and published a legal notice in the *Bisbee Observer* on August 16, 2012. To date, the Department has received a statement of support from one neighboring property owner, namely, the heirs to the property from which the land containing the garage was split (See Attachment D – Public Comment).

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Allowing the Variance would not, in staff’s view, create or exacerbate any off-site impacts out of character with the way the building has been used historically.
2. Staff received one statement of support from a neighboring property owner.

Factors Against Allowing the Variance

1. The purpose of the accessory building size standard is to ensure that accessory structures stay subordinate in size to an established principal use.

VII. RECOMMENDATION

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

Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-04, granting the accessory structure size 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 Comment

BA2-12-04(Wolfe)



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. Tax Parcel Number: ~~404-19-001B~~ 404-19-001F

North
Portion
of 001E

2. Address of Parcel: Wynn Drive, McNeal AZ

3. Area of Parcel (to nearest tenth of an acre): 142' x 210' = 29,820 sq' = .68 acre

4. Zoning district classification of parcel: TR-9 (1.70 Ac - 73,899.21 sq')

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Structure: 40' x 50' steel building with 24' x 50

Addition: Total 64' x 50' steel building = 3200 sq FT

Building is located 18' from South property line, Approx.

12' from west property line.

Used as Vehicle Storage & Private workshop.

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

Use to remain the same. Vehicle storage and

private workshop.

home is 1,848

7. State the specific nature of the variance or variances sought, identifying the applicable section or sections of the Cochise County Zoning Regulations. (Section 705)

Bought property with existing Steel building but no house.
Bought property to combine my house property to building
property. However Steel building is larger than my
house

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in practical difficulties or unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved. (See Section 2103.02 on variances (attached) Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited in #7 above.

Building was on this property and not being
able to connect to Electric Service will create
a hardship in using this property & building.
Cannot get ^{Electric} permit w/o this variance.

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.

There are no buildings to the east. To the west the
closest building is Baumfak's work shop. North
approx. 150' to Scott Wolfe's house. South approx.
100' feet to unoccupied Wynn house. This
gives adegat noise cushion for any minimal
noise.

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>Brian Scott Wolfe</u>	<u>9290 Wynn Dr. McNeal AZ 85617</u>
<u>Tracy Lee Wolfe</u>	<u>9290 Wynn Dr. McNeal AZ 85617</u>
<u>Mailing</u>	<u>P.O. Box 247 McNeal AZ 85617</u>

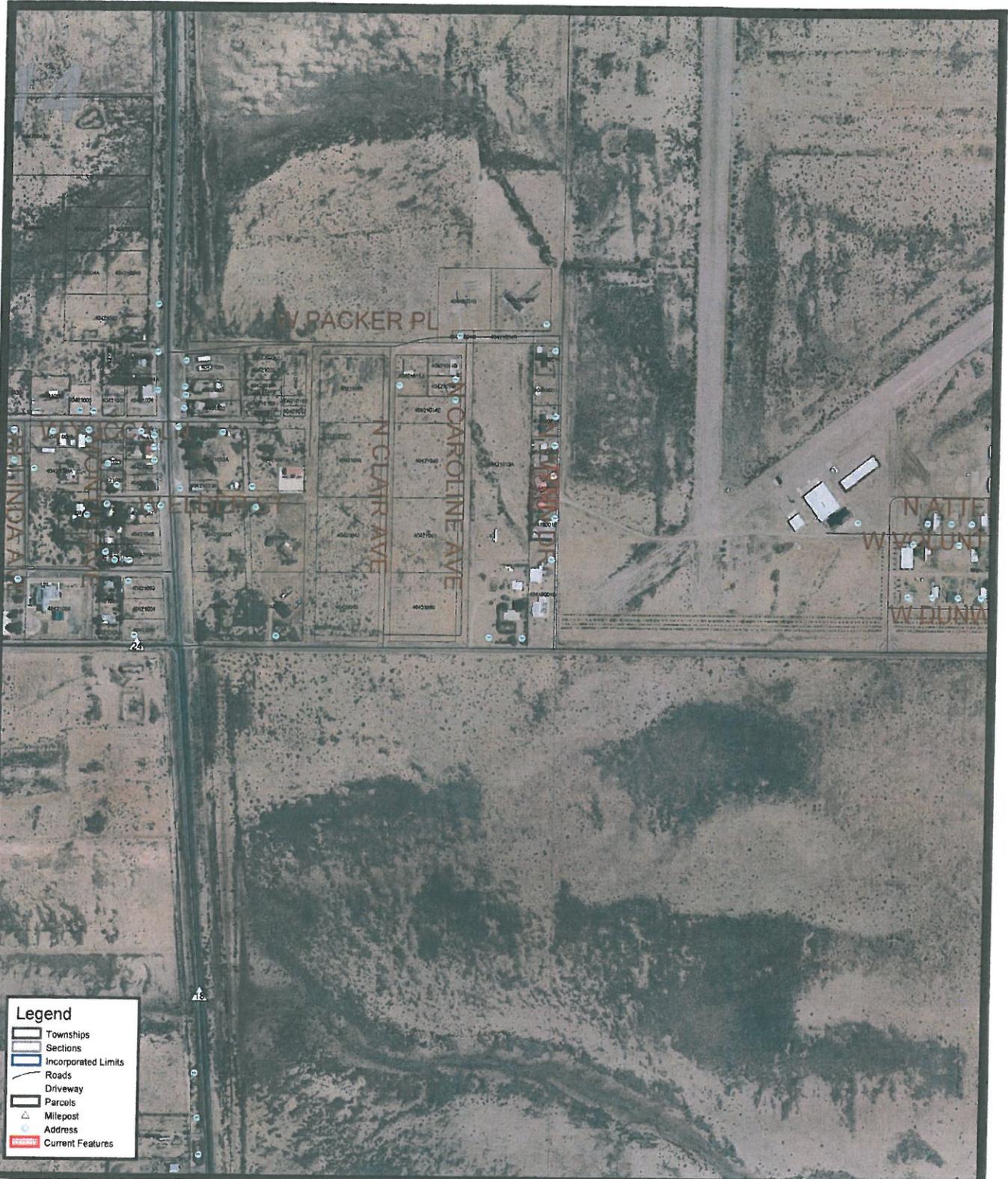
The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

<u>SIGNATURE OF PETITIONER</u>	<u>ADDRESS</u>	<u>DATE</u>
<u>Brian S. Wolfe</u>	<u>9290 Wynn Dr</u>	<u>6-21-2012</u>
	<u>POB 247 McNeal 85617</u>	

APPLICANT'S PHONE NUMBER Cell 520-508-2975 520-642-1126 H

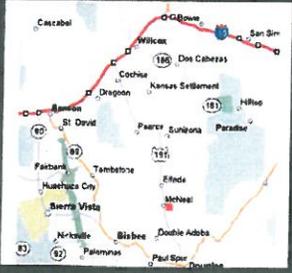
APPLICANT'S EMAIL ADDRESS brian.wolfe@vtc.net

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.



Legend

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



Wolfe (404-19-001F)

This map is a product of the
Cochise County GIS

0' 1" = 663'

8

40419001D

40419001F 142'

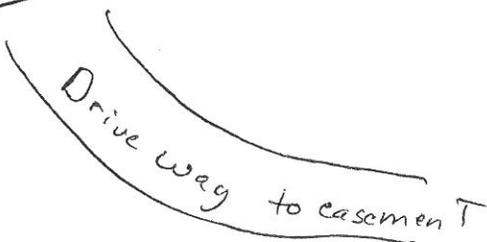
28,400

.65 ac

1.3659 ac



200' Septic



24' Easement

40419001E 132'

1500 sq ft
.034 ac

150'

40419001

150'

New Tribes Mission

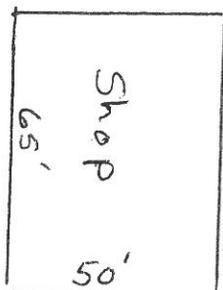
132'

40419001

29,820 sq ft
43,560

.68 ac

210'



142'

24' Easement

Not to Scale

0

2

BRIAN'S INITIAL INTEREST IN PURCHASING THE BUILDING FROM THE WYNNS WAS FOR THE PURPOSE OF HAVING A BUILDING OF HIS OWN TO USE FOR ADDITIONAL STORAGE SPACE AND TO HAVE A PLACE TO WORK ON HIS OWN VEHICLES AND MISC. EQUIPMENT HE HAS NO GARAGE OF HIS OWN.

JACK WYNN - (MY FATHER) THE FORMER OWNER DIED IN 2006. WE MOVED HIS WIFE ELEANOR WYNN - (MY MOTHER) BACK TO WISCONSIN AFTER HIS DEATH.

I - (DOUG WYNN) AND JACKIE JULIAN (MY SISTER) ARE MANAGING OUR MOTHER'S FINANCIAL AFFAIRS BECAUSE OF HER OLD AGE AND FAILING HEALTH. WE SOLD THE BUILDING TO BRIAN WOLF BECAUSE WE HAD NO FURTHER NEED FOR OWNING IT. THE ZONING REGULATION WAS AN OVERSIGHT ON OUR PART.

I HAVE NO OBJECTION TO BRIAN WOLF'S REQUEST FOR A VARIANCE TO THE ZONING REGULATION AS LONG AS HE USES THE BUILDING FOR HIS OWN PERSONAL USE ~~THIS IS WITH~~ AND NOT FOR COMMERCIAL PURPOSES, SEEING THAT THIS IS A RESIDENTIALLY ZONED AREA.

SINCERELY


11