

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, May 8, 2012
J.P. Courtroom, County Service Center
126 W. 5th Street, Benson, Arizona

6:30 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: Docket BA3-12-05 (Sunsites Community Center): The Applicant requests a Variance to Section 1905.05 of the Zoning Regulations, which prohibits signs that are animated, intermittent or flashing. The Applicant seeks to legitimize an existing LED sign component which features animated, changing copy.

The subject property (Parcel No. 114-01-053D) is located at 1216 E. Treasure Road in Sunsites, AZ. The Applicant is Charles Brown of Sunsites Community Center.

- 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: Call for Planning Director's Report

Item 3: 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 3
FROM: Keith Dennis, Senior Planner
For: Carlos De La Torre, Community Development Director
SUBJECT: Docket BA3-12-05 (Sunsites Community Center)
DATE: April 30, 2012 for the May 8, 2012 Meeting

APPLICATION FOR A VARIANCE

The Applicant, Sunsites Community Center, requests a Variance to Section 1905.05 of the Zoning Regulations, which prohibits signs that are animated, intermittent or flashing. The Applicant seeks to legitimize an existing LED sign component, which features animated, changing copy.

The subject property (Parcel No. 114-01-053D) is located at 1216 E. Treasure Road in Sunsites, AZ. It is further described as being situated in Section 30 of Township 17, Range 25 of the G&SRB&M, in Cochise County, Arizona. The Applicant is Charles Brown of the Sunsites Community Center.

I. DESCRIPTION OF PARCEL AND SURROUNDINGS

Parcel Size: 4 Acres
Zoning: GB – General Business
Growth Area: Category B –Community Growth Area
Plan Designation: High Density Residential
Area Plan: MidSulphur Springs Valley Area Plan
Existing Uses: Sunsites Community Center with animated LED signage
Proposed Uses: Unchanged

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-22	SR 82, Manufactured Homes
South	GB/MR-1	Undeveloped Land
East	GB/MR-1	Residential
West	RU-4	Stronghold Recreation Center

II. PARCEL HISTORY

1997 – Permit issued for Sunsites Community Center construction;
2006 – Permit issued for 1,092 square foot addition;
2007 – Permit issued for installation of three heat pumps;

2011 – Permit issued for installation of a 60 square foot, 8-foot high, single-faced, illuminated, on-site advertising sign with a digital display. Among the conditions for issuance of this permit for the digital display were: “1. No flashing messages. 2. Each message will be displayed for a minimum of one hour. 3. Time and temperature displayed.”

Note that there have also been several temporary use permits for special events for this site since its construction, including a 4th of July celebration, the Cochise Days fair, and various area school functions. No violations have been issued for the subject property.

III. PROJECT DESCRIPTION

The deficiency that is the subject of this Variance request came to staff’s attention during the final inspection for the sign permit. At that time, the building inspector observed the fact that the digital LED display on the sign changes about every 10 seconds. Staff is given to understand that the display mechanism has variable adjustments that allows the sign copy to change at a chosen interval. That is, the sign could be made to permanently display one set of text or graphics, or to change at a rate of once per hour as conditioned, or once every 10 seconds or so as it currently is set. Speaking for the Sunsites Community Center, the Applicant, Mr. Charles Brown, believes that the interests of the Community Center are better served with a changing copy sign, so as to provide a running display of events and times for various activities held at the Center.



*The star on the photo above shows the location of the sign.
The neighbor immediately North supports the request.*

IV. ANALYSIS OF IMPACTS

The Zoning Regulations require that signs such as this do not feature animation or flashing in order to avoid distractions to motorists. This standard is regarded as particularly important for signage along major thoroughfares. This sign, however, is situated along a road at the Southern end of the main body of the Sunsites community, and not, for instance, along the nearby Highway 191. The greatest impact of the sign becomes the light from the red LED display itself. In this particular case, the Planning Division takes the position that having an illuminated sign such as this will have the same impact on neighboring properties whether or not the display changes at a rate of once every 10 seconds, or once every hour.



South view of the Sunsites Community Center sign.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on April 2, 2012 and published a legal notice in the *Bisbee Observer* on April 19, 2012. To date, the Department has received three statements of support from neighboring property owners, and other interested parties. Notably, the property owner expressing support is immediately across Treasure Road, has the most direct view of the sign and would thus be the most impacted by the sign.

VI. SUMMARY AND CONCLUSION

Factor in Favor of Allowing the Variances

1. Staff's position is that, to the degree that the sign as configured has any off-site impacts, such impacts would be unaffected by the frequency of change in the display.
2. Staff received three statements of support for the request, most notably from the neighbor immediately North of the sign.

Factor Against Approval

1. The standard disallowing animated signs is intended to reduce the potential for distraction of passing motorists.

Recommendation

Based on the factor in favor of approval, staff recommends approval of the requested Variance.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-12-05, granting the requested Variance, with the factors in favor of approval listed in the staff report as findings of fact.*

VIII. ATTACHMENTS

Variance Application
Location Map
Site Plan
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 3

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3 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: 117-01-053D
2. Address of Parcel: SUNSITE COMMUNITY CENTER, P.O. BOX 701
PEARCE, ARIZONA 85625
3. Area of Parcel (to nearest tenth of an acre): 4 ACRES
4. Zoning district classification of parcel: _____
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. _____

THIS PARCEL IS USED FOR A COMMUNITY (SENIOR) CENTER & PARKING
SPACE. THIS CENTER HAS TREMENDOUS USE. THE CENTER IS THE ONLY
STRUCTURE ON THIS PARCEL, PLUS A SHED OWNED & UTILIZED BY THE LIONS
CLUB

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

OTHER THAN THE SIGN, ALL STRUCTURES ARE DESCRIBED IN ITEM 5.

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

THE SUNSITES COMMUNITY CENTER REQUESTS A VARIANCE WITH THE COCHISE COUNTY ZONING REGULATION, SECTION 1905.05, TO PERMIT THIS SIGN TO BE UTILIZED ALONG TREASURE ROAD IN SUNSITES. MANY VEHICLES STOP TO READ THIS SIGN WHICH CHANGES EVERY FEW SECONDS. THIS DIGITAL SIGN COST JUST OVER \$30,000.00 DOLLARS

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.

THE COMMUNITY CENTER BOARD WERE UNAWARE OF THE ZONING REGULATIONS CONCERNING THE ILLUMINATION OF THE INTERMITTENT, ROTATING SIGN, WE WOULD LIKE TO KEEP THIS SIGN & UTILIZE OUR INVESTMENT.

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.

THIS SIGN REPLACES A SIGN THAT WAS STANDING CLOSE TO THE SAME LOCATION FOR THE PAST TWELVE YEARS. THIS WAS A TWO SIDED SIGN. THIS NEW SIGN PROVIDES THE COMMUNITY WITH UP-TO-DATE ACTIVITIES PROVIDED AT THE CENTER. WE CHECKED WITH THE HOME DIRECTLY ACROSS FROM THIS NEW ONE SIDED SIGN & THEY DID NOT OBJECT TO THIS NEW SIGN

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

PROPERTY OWNER

ADDRESS

THE SUNSITES COMMUNITY CENTER OWNS THIS PROPERTY.

SUNSIDES COMMUNITY CENTER

P.O. BOX 701, PEARCE, ARIZONA 85625

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

Charles E. Brown

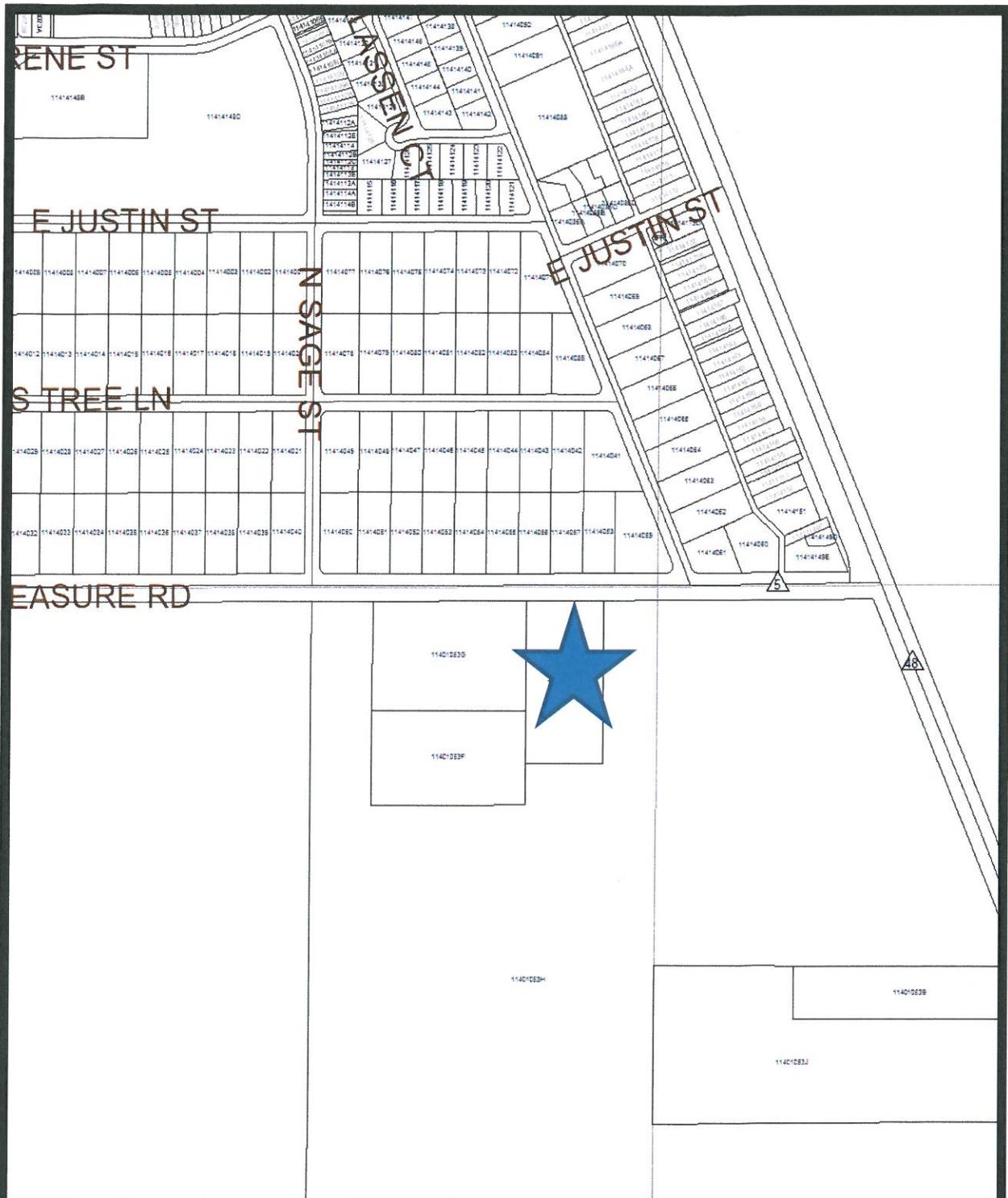
P.O. BOX 701, PEARCE, ARIZONA 85625

MARCH 20, 2012

APPLICANT'S PHONE NUMBER 520-826-4024

APPLICANT'S EMAIL ADDRESS chasjobrown@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.

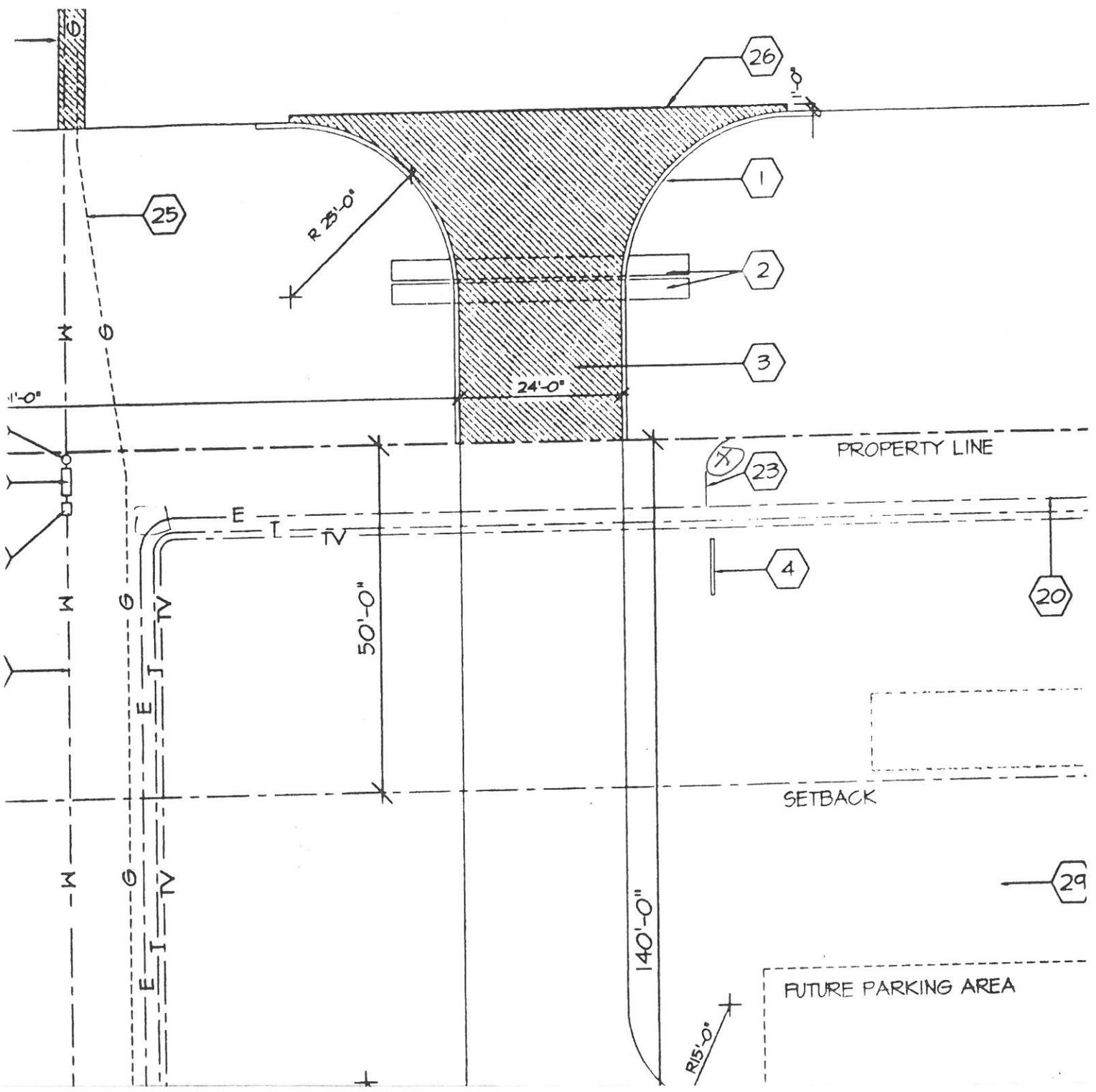


Docket BA3-12-05
 (Sunsites Community
 Center)
 Location Map

This map is a product of the
 Cochise County GIS



0' 1" = 500'



Variance: Docket BA3-12-05 (Sunsites Community Center)

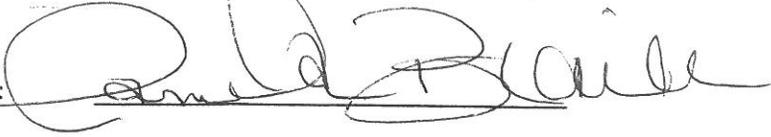
YES, I SUPPORT THIS REQUEST
Please state your reasons:

I LIVE @ 1215 E. TREASURE RD
PEARCE, AZ. 85625
MY HOUSE IS DIRECTLY
ACROSS THE STREET - I
LOOK @ THIS SIGN EVERY DAY
TO FIND OUT WHAT'S GOING ON / UP COMING
EVENTS - PLEASE ALLOW US TO
KEEP THIS SIGN -

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

(Attach additional sheets, if necessary)

PRINT NAME(S): PAMELIA & Brian Blair

SIGNATURE(S): 

1215 E. TREASURE RD PEARCE, AZ. 85625

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

Your comments will be made available to the District 3 Board of Adjustment. 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, April 30, 2012

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

COCHISE COUNTY
APR 23 2012
PLANNING

Variance: Docket BA3-12-05 (Sunsites Community Center)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

As president of the Stronghold Area Recreational Park Association, we believe the sign in question provides a much needed service to the entire Sunsites community. It's a means of informing the Sunsites residence of current events and activities of their Sunsites Community Center. If each item was to be displayed for an hour many events would be missed by those driving by. Thank for your consideration on this request.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Kathleen Brauckla

SIGNATURE(S): Kathleen Brauckla
SARPA President

YOUR TAX PARCEL NUMBER: 114-01-053 G
114-01-053 F (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the District 3 Board of Adjustment. 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, April 30, 2012

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COCHISE COUNTY
APR 27 2012
PLANNING

Variance: Docket BA3-12-05 (Sunsites Community Center)

X YES, I SUPPORT THIS REQUEST

Please state your reasons:

I am the secretary of the Sunsites Community Center Board. For many years we struggled with the old manual sign, & were very proud to FINALLY get a digital sign that would list our activities in a way that people could read without an animation - just a slowly-changing format in plain text. Now we have been told that our sign is in violation because the text changes more often than once per hour. The purpose of a digital sign is to be able to show a variety of items in a changing pattern, which was our goal from the beginning. We observed similar signs in Benson at the Chamber of Commerce & signs all over Ft. Huachuca that have display changes much faster than ours, so we saw no problem in getting our sign. Nobody from Cochise County told us

NO, I DO NOT SUPPORT THIS REQUEST

Please state your reasons:

that it could only rotate once an hour until months after it was installed. We never saw the permit as it was applied for by Stronghold Signs.

Perhaps, we need this sign to be used as intended, so our citizens can read about our activities.
Thank you.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Barbara J. Moe

SIGNATURE(S):

Barbara J. Moe
Secretary, Sunsites Community Center Board.

YOUR TAX PARCEL NUMBER:
from the Assessor's Office)

114-14-114A
114-14-114B0
114-14-114

(the eight-digit identification number found on the tax statement)

Your comments will be made available to the District 3 Board of Adjustment. 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, April 30, 2012

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COCHISE COUNTY

APR 23 2012

PLANNING