



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

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MINUTES

TO: Board of Adjustment, District 3

FROM: Keith Dennis, Senior Planner

SUBJECT: Minutes of the Regular Meeting of July 10, 2012

DATE: July 20, 2012

MEMBERS PRESENT

Paul Brick, Chairman
Shawn Wales, Vice Chairman
Helen Barnard, Member

STAFF PRESENT

Keith Dennis, Senior Planner

OTHERS PRESENT

William and Sara Nolan, BA3-12-07 Applicants

The minutes for the BA3 meeting held on July 10, 2012 are complete only when accompanied by the memorandum for that meeting.

Chairman Paul Brick called the meeting to order at 6:35 p.m. and called the roll, and noted that all members were present, and that as such, a quorum was established and business could proceed.

He then called for a motion to approve the minutes of the previous month. Mr. Wales moved to approve the minutes as presented. Mr. Brick seconded the motion and it carried 2 – 0, with Ms. Barnard abstaining.

Mr. Brick then called for new business.

NEW BUSINESS

Docket BA3-12-07 (Nolan): The Applicant seeks a Variance to Section 704.06 of the Zoning Regulations, which requires that all structures in TR-36 District shall observe a minimum 15-foot separation. The Variance request is to legitimize the location of the existing structures on the property.

The subject parcel (Parcel No. 201-31-005B) is located at 6220 North Fort Grant Road in Willcox, AZ. It is further described as being situated in Section 33 of Township 12, Range 24 of the G&SRB&M, in Cochise County, Arizona.

Senior Planner Keith Dennis presented the Docket on behalf of the Planning Department, establishing the facts of the case by means of photographs of the site, aerial photos and maps, and other information. He explained the means by which this matter came to the attention of staff. He showed that the developed area of the property was heavily treed, and showed that the recently-moved manufactured home was flanked on either side by trees quite close to the structure. He indicated that the unit had been moved in order to facilitate joining the two homes, in order to accommodate disabled family members.

Mr. Dennis also informed the Board that the property was a wildlife habitat, and showed the Board a photograph of a large snake that had been feeding among the trees on the property.

He concluded by listing factors in favor of approval of the Variance.

Mr. Brick then opened the public hearing and invited the Applicant to speak.

Mr. Nolan explained how he had come to this Variance request, having been informed by County staff of the need for a permit to move the manufactured home; the Variance was needed due to the distance between structures. He told the Board the purpose was to eventually join the two units with a connecting hallway to accommodate disabled family members. He said he was not aware of the need to file for a permit to move a unit on the same property.

Mr. Brick told the Applicant that he too had had to obtain a permit to relocate a manufactured home on his work property and that initially he was not aware of the need for such.

Mr. Nolan also explained that he has hired an engineer to mitigate possible floodplain issues.

Mr. Brick closed the public hearing. Mr. Wales asked the Applicant what year the units were manufactured. Mr. Nolan said the main house was built in 1973; the new unit was built in 1995. Mr. Wales said there may be building code issues due to the age of the principal residence. Mr. Dennis said that building code issues would be a consideration, and that a possible obstacle to building code compliance could be rehabilitation of the 1973 model. Mr. Nolan said he had already performed electrical and interior finishing rehabilitation on the 1973 model, but that County building code staff would have to determine if the work performed so far was sufficient. He said that if building code considerations become too costly, he may just leave the units detached.

Mr. Wales said that while the Board dealt with Zoning issues, he wanted to be clear about possible building code issues. He also told Mr. Nolan that there may be insurance and fire considerations.

Mr. Brick, seeing no further comments, called for a staff recommendation. Mr. Dennis recommended approval, without condition. Mr. Brick then called for a motion on the Docket. Ms. Barnard moved to approve the Variance as requested, Mr. Wales seconded the motion and it passed 3 – 0. Mr. Dennis then briefly discussed next steps with the Applicant.

Mr. Dennis informed the Board that, for the second Docket, he would be calling the Applicant by phone, so that he could participate thereby.

Mr. Brick verified that Mr. Clark could hear him, and called for the Docket.

Docket BA3-12-06 (Clark): The Applicant seeks a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-8 District be set back no less than 10 feet from all property lines. The Applicant proposes to build an accessory shed 23 inches from the North property line.

The subject parcel (Parcel No. 114-14-138) is located at 217 N. Ford Street in Sunsites, AZ. It is further described as being situated in Section 19 of Township 17, Range 25 of the G&SRB&M, in Cochise County, Arizona.

Mr. Dennis presented the Docket on behalf of the Planning Department, explaining the history of the property and what was proposed now and why. He explained that mobility and disability issues were the reason for the proposed building. This property had been the subject of a previous Docket in 2010, where the Board granted Variances for setbacks for two carports.

He showed photos of partially-assembled walls for the proposed accessory building beneath the carport on the North side of the property. The proposal is to place the building on an existing concrete pad adjacent to the carport, 23 inches from the property line.

He showed a map of supporters and objectors of the request, noting that one supporter had written in after the packet had gone out, and that one objector had withdrawn his objection the previous day (Monday July 9th).

He concluded by offering factors in favor and against the Variance request and invited questions and discussions from the Board.

Mr. Brick opened the public hearing, and offered Mr. Clark, the Applicant, an opportunity to speak.

Mr. Clark said he and his wife have health problems and mobility issues, and that the building would be used as an exercise/physical therapy room. These mobility issues mean that the building must be accessible, hence the proposal to place the shed on the concrete pad.

Ms. Barnard asked what the outer walls of the shed would look like. He said it would be 14x20, very nice looking from the outside, and would be finished with a T-111-type fiberboard.

Ms. Barnard said she was concerned for the neighbor to the North, stating that the proposed shed would be within the view of the house to the North. She asked if the Applicant had considered a privacy fence between the two. Mr. Clark said there was a chain link fence in place. Ms. Barnard said this would not provide screening, and re-stated the question as to the possibility of a privacy fence. The Applicant said the building itself, along with the enclosed carport, would provide screening. He said he did not particularly want to look at his Northern neighbor's property in any case. He remarked as to what he characterized as a dilapidated appearance of his neighbors' property and stated that his proposal would enhance the neighborhood. Ms. Barnard said the neighbor's property may look run down today, but it could sell tomorrow and the Board had to

consider a more long term view of the implications of the request.

Mr. Clark said he was considering a 7-foot lattice type fence along the shared property line.

Mr. Wales asked staff to clarify the situation with regard to a neighbor who had withdrawn his objection. Mr. Dennis said that the neighbor to the north had not withdrawn her objection but that the neighbor to the South had. Mr. Wales noted that the neighbor North objected to the 2010 as well as the current Docket for the same reasons.

Mr. Wales asked the Applicant how close the shed would be to the main residence, and asked if there was a Zoning concern regarding distances between structures. Mr. Dennis said that the zoning standard for distances between structures applies to principal structures, not accessory structures, and as such there was no issue with the accessory shed distance to the principal residence.

Mr. Brick asked how tall the structure was to be. Mr. Clark said the roof peak height would be close to 12 feet. Mr. Brick asked how that compares to the principal house height. The Applicant said it was closer to 18 feet. Mr. Wales said the shed would be shorter than the adjacent carport, which he estimated would be high enough for an RV. Mr. Brick asked if this was the case, and Mr. Clark said it would be a bit shorter.

Mr. Brick then asked for the staff recommendation. Mr. Dennis offered a recommendation of approval based on the factors in favor of approval.

Mr. Brick called for further discussion. Mr. Wales asked if the Applicant would be amenable to placing the shed behind the carport on the South side. Mr. Clark said that this would require a new slab of concrete and had no interest in placing the shed here.

Mr. Brick said the concrete on the North side may have been illegally placed. Mr. Clark said he had been in this house about 2 ½ years.

Mr. Clark said he has been continually trying to improve the property since moving here over two years ago.

Mr. Barnard agreed that the Applicant had been improving the place, and that the property to the North was run down. She reiterated that the circumstances on this neighboring property could change, however. She said that having two carports and a shed in a front yard was unusual. She said she had been totally opposed to the request until driving by the property earlier that day. She said viewing the property had softened her position somewhat. She re-stated that her concern was for possible future owners of the property to the North. She said having these structures in the front of the property might be seen as a negative by future neighbors.

Mr. Wales said that a factor in his 2010 vote regarding the carport variance concerned the fact that the neighbor South had a similar carport on his property. He re-stated his view that a Variance might not be needed if the shed was instead placed on the South side. Mr. Clark reiterated that he would not place the shed here, as he would have to pour more concrete. Mr. Brick asked if the Applicant had poured the concrete on the North side. Mr. Clark said he had hired someone to pour it, yes. Mr. Brick asked if the concrete under the Northern carport was put in place by the Applicant.

Mr. Dennis said that the concrete under the Northern carport had previously been in place prior to the carport being placed. He also said that concrete pads do not trigger setback standards as they are not considered structures.

Mr. Brick asked for a motion. Mr. Wales said this Docket was difficult as there had been some

objecting neighbors and the property was crowded. Ms. Barnard agreed, saying that if the proposal was in a rural area this would be much easier.

Mr. Clark interjected and said that he was trying to improve the town, help his wife and himself, that he and his wife were having a hard time with health problems, and he did not see a problem with his proposal.

Ms. Barnard made a motion to approve the Variance as submitted.

Mr. Clark asked for Ms. Barnard's name, and if she lived nearby. She told him she lived in the neighborhood and this was why she visited the site.

Mr. Wales seconded and the motion passed 3 – 0. Mr. Clark expressed his appreciation, Mr. Dennis told the Applicant what the next steps would be, and the meeting proceeded to the Director's Report.

DIRECTOR'S REPORT:

Mr. Dennis told the Board about an upcoming Docket for the August 14th meeting. He explained that the Docket was an appeal of the Zoning Administrator's interpretation regarding the number of dogs considered reasonably accessory to a principal use.

The meeting was adjourned at 7:38 p.m.