



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

**TO:** Board of Adjustment, District 3

**FROM:** Peter Gardner, Planner I

For: Beverly Wilson, Deputy Director, Planning Division

**SUBJECT:** Minutes of the Regular Meeting of November 13, 2012

**DATE:** November 14, 2012

**Members Present:**

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

**Staff Present:**

Peter Gardner, Planner I  
Dora V Flores, Permit and Customer Service Coordinator

**Others Present:**

Applicant, Gary Miller  
Applicant, Rosendo Franco (for Dorothy Davis) not present

*These minutes for the BA2 meeting held on November 13, 2012 are complete only when accompanied by the memoranda for said meeting dated November 13, 2012.*

**Call to Order / Roll Call:**

Chairman Paul Brick called the meeting to order at 6:35 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all members of the Board were present and that as such, a quorum was established and business could proceed.

Vice Chairman Wales made a motion to approve the minutes of the October 9, 2012 regular meeting. Ms. Barnard seconded the motion, and the vote was 3-0 to approve the minutes of the October 9 meeting. Chairman Brick noted that the dockets would be heard in the reverse order from which they appear on the agenda.

**NEW BUSINESS**

**Docket BA3-12-11 (Miller):** Chairman Brick introduced the Docket which is a request for a Variance to site development standards per the Cochise County Zoning Regulations for Section 1812.15 (to allow the number of RV spaces to exceed 20 percent of the total number of spaces in a Manufactured/Mobile Home park. The subject parcels are located at 2207 North Yucca Drive in Huachuca City.

Chairman Brick called for the Planning Director's Presentation on the Docket. Dora Flores delivered the report on behalf of the Planning Director with assistance from Peter Gardner, illustrating the facts of the case, as well as the staff recommendation, utilizing photos, maps and other visual aids. She explained the background of the case and the circumstances surrounding the Variances requested under consideration. She concluded by offering factors in favor and against approval.

Chairman Brick invited questions for staff. Vice Chairman Wales asked for clarification of the existing and proposed situations. Ms. Flores clarified the request.

Chairman Brick declared the Public Hearing open, and then called for the Applicant's statement. The applicant spoke briefly to explain the reasons behind the request and invited questions from the Board.

Chairman Brick then closed the Public Hearing and called for Board discussion. The Board requested and received more information about the nature of the residents of the park. The Board had concerns about locking the applicant into the existing RV spaces versus only required that the maximum requested percentage being enforced. The difference between Manufactured Homes and RVs and the permitting process was discussed. After discussion and clarification from Staff the Board recommended only regulating the percentage rather than the exact spaces in which RVs are to be permitted.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant this application for the Variance citing the factors in favor. Vice Chairman Wales seconded. The motion was amended that the approval granted the applicant flexibility to establish which spaces may hold RVs. Vice Chairman Wales made the motion to accept the amendment and Ms. Barnard seconded, and the motion passed 3 – 0.

There was no further discussion.

The vote was 3-0 to approve the motion.

There was further personal discussion between the Board and the Applicant.

**Docket BA3-12-10 (Davis):** Chairman Brick introduced the Docket which is a request for two Variances to site development standards per the Cochise County Zoning Regulations for Sections 704.03 (allow structures setback less than 20' in a TR-36 district) and 1815.03 (50' setbacks for livestock). The subject parcels are located at 3023 W. Cox Road in Willcox.

Chairman Brick called for the Planning Director's Presentation on the Docket. Dora Flores delivered the report on behalf of the Planning Director with assistance from Peter Gardner, illustrating the facts of the case, as well as the staff recommendation, utilizing photos, maps and other visual aids. She explained the background of the case and the circumstances surrounding the Variances requested under consideration. She noted that one neighbor requested that their response be read into the record, but it was noted that it was already in the record without being read aloud.

She concluded by offering factors in favor and against approval. As the applicant was not present to answer questions Mr. Gardner presented additional background on the property and the structures in question.

Chairman Brick invited questions for staff. Vice Chairman Wales and Ms. Barnard asked for clarification of which structures needed which variances and how old each structure was. Ms. Flores clarified which structures were constructed by the applicant and which were constructed by previous owners. There was clarification of the existing setbacks and when the current situation with the home was created. Ms. Barnard requested clarification of the property being two parcels and the discrepancy between the owner and applicant.

Mr. Brick asked about the ramifications of denying the variance. Options of removal of structures, appealing to Superior Court, and acquiring additional property were discussed. The Board discussed the neighbor complaints and the locations and status of the properties in question. There was further discussion of the appearance of numerous other structures in the neighborhood failing to meet setbacks. The quality of the structures was discussed. The Board asked if there was a ruling regarding livestock density, and Staff explained that there was not under Zoning regulations. Ms. Barnard expressed a desire to approve the request based on the actual difficulties for the applicant versus potential difficulties for the adjoining property and that the variance doesn't alter the character of the neighborhood. There was further discussion of the neighbors' properties and the access to the barn. The other sheds were discussed as well.

Chairman Brick asked for the Planning Director's recommendation and summary. Ms. Flores recommended approval with a condition based on the factors favoring approval. The Board asked for clarification of the condition. After discussion the Board felt that the condition as written precluded functional use of the barn. Mr. Gardner suggested an alternate condition to alleviate this concern.

Chairman Brick called for a motion. Vice Chairman Wales made a motion to grant this application for the Variance with the amended condition citing the factors in favor. Ms. Barnard seconded and the motion passed 3 – 0.

There was no further discussion.

**Planning Director's Report:**

Mr. Gardner offered a brief Director's Report, introducing himself, and informed the Board that there is one BA3 Dockets for next month. The docket is for a number of variances for a Machine Shop in the Willcox Area. The zoning regulation changes were discussed, and there was additional discussion of an upcoming conference.

Vice Chairman Wales made a motion to adjourn. Ms. Barnard seconded, and the meeting was adjourned at 7:46 p.m.