

**EXPANDED AGENDA**  
**Board of Adjustment, District 3**  
**Tuesday November 13, 2012**  
**J.P. Courtroom, County Service Center**  
**126 W. 5<sup>th</sup> Street**  
**Benson, Arizona**

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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 (Page 1) – Introduce Docket and advise public who the applicants are.***

**Tabled Item – Public Hearing, Docket BA3-12-10 (Davis):** The Applicant requests a Variance from Section 704.03 of the Cochise County Zoning Regulations, which requires that structures in a TR-36 Zoning District be set back no less than 20-feet from all property lines. The Applicant intends to build a carport six-feet from the East property line and to legitimize the location of a shed one-foot from the East property line. The applicant also requests a variance from Section 1815.03 which requires Stables, corrals, and areas where livestock may concentrate be set back from the property line a minimum of 50-feet. The applicant proposes to legitimize the location of a barn and two sheds on the South property line.

The subject parcels (Parcel # 202-38-014 and 202-38-018) are located at 3023 W Cox Road in Willcox, AZ.

**Applicant:** Rosendo Franco (Davis)

***Item 2 (Page 13) – Introduce Docket and advise public who the applicants are.***

**Tabled Item – Public Hearing, Docket BA3-12-11 (Miller):** The Applicant seeks change the use of an existing 275 space RV park to a 176 space mobile/manufactured home park with 99 RV spaces, and is requesting one Variance to Site Development Standards per the Cochise County Zoning Regulations as follows:

Section 1812.15 (to allow the number of RV spaces to exceed 20 percent of the total number of spaces in the park.

The subject parcels (Parcel # 106-06-014C and 106-06-014D) are located at 2207 North Yucca Drive in Huachuca City, AZ.

**Applicant:**

- 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**



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

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

**FROM:** Dora V Flores, Permit and Customer Service Coordinator

For: Beverly Wilson, Deputy Director, Planning Division

**SUBJECT:** DRAFT Minutes of the Regular Meeting of October 9, 2012

**DATE:** October 11, 2012

**Members Present:**

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

**Staff Present:**

Michael Turisk, Planning Manager  
Dora V Flores, Permit and Customer Service Coordinator

**Others Present:**

Applicant, Dave Perryman not present

*These minutes for the BA2 meeting held on October 9, 2012 are complete only when accompanied by the memoranda for said meeting dated October 9, 2012.*

**Call to Order / Roll Call:**

Chairman Paul Brick called the meeting to order at 6:36 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 with two minor modifications of the August 14, 2012 regular meeting. Ms. Barnard seconded the motion, and the vote was 3-0 to approve the minutes of the August 14, 2012 meeting.

**NEW BUSINESS**

**Docket BA3-12-09 (Perryman):** Chairman Brick introduced the Docket which is a request for ten Variances to site development standards per the Cochise County Zoning Regulations for Sections 1804.07.B (allow existing gravel on parking/driveways); 1804.06.F.3 (driveway width); 1804.05 (required parking – 17 required, 12 proposed); 1804.06.D (access to parking from street); 1804.09 (aisle width for back up area from parking); 1804.10 (loading zone); 1203.02 and 1803.01 (setbacks); 1203.04 (distance between principal structures); and 1806 (landscaping). The subject parcels are located at 100A-B-C and 102-A-B, N. 6<sup>th</sup> Street in Sierra Vista.

Chairman Brick called for the Planning Director's Presentation on the Docket. Dora Flores delivered the report on behalf of the Planning Director, 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 if the variances are not approved is there any way this site can meet any of the site development standards. Ms. Flores informed the Board that the site development standards could not be met as the building is currently constructed.

Vice Chairman Wales asked how this site compares to surrounding businesses. Ms. Flores advised the Board the church across the street and the auto repair business to the north have the same conditions, including no defined driveway, not enough back-out area, no landscaping and no loading zones.

Vice Chairman Wales asked if the Applicant was required to install a handicapped parking space. Ms. Flores advised the Board that one handicapped space was required and proposed for installation by the Applicant.

Vice Chairman Wales asked for clarification on what businesses were being proposed in the building. Ms. Flores informed the Board that one retail sales business and one retail sales with an office for an interior designer were currently being proposed, and that the Applicant was proposing to rent out the two remaining sites in the future for retail sales or a warehouse.

Vice Chairman Wales asked why the building had been vacant for so long without improvements. Ms. Flores advised the Board that the Applicant had just purchased the building.

Chairman Brick declared the Public Hearing open, and then called for the Applicant's statement (no response due to Applicant's absence).

Chairman Brick then closed the Public Hearing and called for Board discussion. Ms. Barnard stated this is good for the economy as these businesses would be creating new jobs.

Vice Chairman Wales asked that if these variances would they apply to the entire site and any future uses if they were approved. Ms. Flores confirmed that the variances would apply to the entire site and any future uses as long as they were permitted uses in the General Business zoning district.

Chairman Brick asked for the Planning Director's recommendation and summary. Ms. Flores recommended approval with one condition, based on the factors favoring approval.

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

There was no further discussion.

The vote was 3-0 to approve the motion.

**Planning Director's Report:**

Mr. Turisk offered a brief Director's Report, and informed the Board that there are two BA3 Dockets for next month. One of the dockets is for Quail Ridge RV Park and the other was for setback variance in the Willcox area.

Vice Chairman Wales made a motion to adjourn. Ms. Barnard seconded, and the meeting was adjourned at 6:52 p.m.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Board of Adjustment, District 3  
**FROM:** Dora V. Flores, Permit and Customer Service Coordinator  
**For:** Beverly Wilson, Deputy Director, Planning Division  
**SUBJECT:** Docket BA3-12-10 (Davis)  
**DATE:** October 30, 2012, for the November 13, 2012 Meeting

### APPLICATION FOR A VARIANCE

Docket BA3-12-10 (Davis): The Applicant requests a Variance from Section 704.03 of the Cochise County Zoning Regulations, which requires that structures in a TR-36 Zoning District be set back no less than 20-feet from all property lines. The Applicant intends to build a carport approximately six-feet from the east property line and to legitimize the location of a shed approximately one-foot from the east property line. The Applicant also requests a Variance from Section 1815.03 which requires stables, corrals, and areas where livestock may concentrate be set back from all property lines a minimum of 50-feet. The Applicant proposes to legitimize the location of a barn and two sheds on the south property line.

The subject parcels (Parcel # 202-38-014 and 202-38-018) are located at 3023 W Cox Road in Willcox, AZ. They are further described as being situated in Section 34 of Township 13, Range 24 East of the G&SRB&M, in Cochise County, Arizona.

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

Size: 61,707-sq. ft. (1.41 Acres)  
Zoning: TR-36 (R, Residential; one dwelling for 36,000 square feet)  
Growth Area: Category B (Community Growth Areas)  
Plan Designation: Neighborhood Conservation  
Area Plan: None  
Existing Uses: Residential and four accessory storage buildings  
Proposed Uses: Same, with 572-sq.ft. carport and 464-sq. ft. patio

### **Surrounding Zoning**

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road TR-36	Cox Road Single Family Residential
South	TR-36	Vacant; Undeveloped Land
East	TR-36	Single Family Residential
West	TR-36	Residential

**II. PARCEL HISTORY**

**Parcel 202-38-014**

1971 – The mobile home was installed per the Assessor’s records.

September 2012 – Stop Work Order and Violation issued for building carport and patio without a permit.

September 2012 – Applicant applied for permit for carport and patio; pending issuance.

**Parcel 202-38-018**

October 1987 – Permit for mobile home

August 1989 – Permit for replacement mobile home.

**III. PROJECT DESCRIPTION**

This docket is a request for a Variance to allow the permitting and completion of a 572-sq.ft. carport. 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 receive a permit which would rectify the Violation.

The Applicant also request a Variance to legitimize the location of a shed approximately one-foot from the east property line and also requests a Variance from Section 1815.03 which requires stables, corrals, and areas where livestock may concentrate be set back from the property line a minimum of 50-feet. The Applicant proposes to legitimize the location of a barn and two sheds along the south property line.



Above: View of subject carport and patio from the north.

**IV. ANALYSIS OF IMPACTS**

The proposed site for the carport on parcel 202-38-014 will not, in staff’s estimation, create any significant on-site or off-site impacts. The properties to the east and west appear to have storage buildings within the 20-foot required setback as shown in the aerial photo below. Staff has so far received no correspondences from these neighbors for or against the request.

As for the three existing structures on parcel 202-38-018 on the southern boundary, the Applicant informed staff that the two smaller sheds were on the property when he made purchase over 10 years ago. As for the 1,000-sq. ft. horse barn on the southwestern corner, he constructed it about six years ago. Our Department does not have any records of permits for this building.

Although the parcel directly abutting this parcel to the south is vacant, the property owner’s representative has strongly objected to legitimizing the location of these structures on behalf of the property owners. They object to the Variance request stating that these structures “will decrease the potential uses for the land to prospective purchasers.”



Above: Aerial view of subject parcels.

**V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300-feet of the property. Staff posted the property on October 2, 2012, and published a legal notice in the Bisbee Observer on October 18, 2012. To date, the Department has received one letter of support and two letters of objection for the Variances requested.

**VI. Summary and Conclusion**

**Factors in Favor of Allowing the Variances and Waivers**

1. Allowing the carport and existing accessory structures would not generate serious on- or off-site impacts.
2. Staff received one statement of support from a neighboring property owner.

**Factor Against Approval**

1. This request is the result of a zoning violation for building without a permit.
2. The purpose of setback requirements is to protect adjacent property owners from the impacts of uses, whether they are for safety considerations
3. Staff received two statements from a neighboring property owners opposing the variances requested.

**VII. RECOMMENDATIONS**

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of each of the Variances as requested, subject to the following Condition.

1. The Applicant must ensure that piles of manure and areas where livestock may concentrate such as feeding and resting areas shall be set back from the property line a minimum of 50 feet.

Sample Motion: *Mr. Chair, I move to approve Docket BA3-12-10, granting each Variance as requested by the Applicant; with the Condition of Approval recommended by staff; the Factors in Favor of Approval constituting the 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. Parcel Number: 14 202-38-014/018

2. Address of parcel: 3023 W. COX RD. Willcox, AZ. 85643

3. Area of Parcel (to nearest tenth of an acre): .934 ac. ± .48 ac

4. Zoning District designation of Parcel: 202-38-014 TR-36

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Residential Home, .934 Ac., Two storage sheds

1 6x8 and the other is 10x10. the 6x8 is located on the left hand side of the House, the other is on the back right corner.

Existing horse corral w/ shade and storage structure

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

I plan on building a '58x'8 porch and a '22x'26 carport to keep my car's out of the weather.

7. State the specific nature of the variance or variances sought.

I am seeking a variance to build a carport next to my property line, because my garage is next to the left side of my property.

Also legitimize shade/storage structures for horses on parcel 018 on property lines.

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 an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

I have an ext. cab truck with racks on them, and it will not fit in my garage, it sits outside in the arizon sun, I need to keep it out of the sun.

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.

The carport will not impact the surrounding property because it sits on the left side of the property far from the Road and the neighbors house is over 50 away from the property line and it will not cause injury or effect on surrounding owners.

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

PROPERTY OWNER

MAIL ADDRESS

Dorothy Davis

3023 W. COX RD WILLCOX

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

Ronald Franco

3023 W. COX RD.

9-3-12



APPLICANT'S PHONE NUMBER 520-253-0057

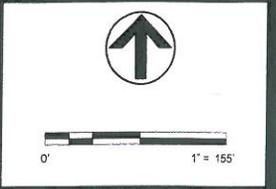
APPLICANT'S EMAIL ADDRESS DeerHunterfranco@yahoo.com

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 dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



BA3-12-10 (Davis)  
202-38-014/018

This map is a product of the Cochise County GIS





Variance: Docket BA3-12-10 (Davis)

COCHISE COUNTY

OCT 18 2012

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Empty lines for providing reasons for supporting the request.

X

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

On behalf of Inez Schroeder, John Schroeder, her son and personal representative of the estate of Inez Schroeder, requests that the following be read into record during any formal proceedings. The estate objects to all requested variances which encroach on the property lines of parcel # 202-37-022. Rosendo Franco Davis request to build large structures which are against current zoning enforcements in the district. Obviously since parcel # 202-37-022 is for sale, any zoning variance will decrease the potential uses for the land to prospective purchasers, which will ultimately cause undue financial distress to the estate and beneficiaries of the estate. If Rosendo Franco Davis wishes to encroach on the neighboring land's boundaries under law, they should simply purchase the land instead of attempting to hinder the value of parcel # 202-37-022.

(Attach additional sheets, if necessary)

Please provide a copy of Rosendo Franco Davis' application for the requested zoning variances to John Schroeder, 36 Southfield, Williston, VT 05495

PRINT NAME(S):

John D. Schroeder, personal representative of the estate of Inez Schroeder

SIGNATURE(S):

John D. Schroeder, PR.

YOUR TAX PARCEL NUMBER: 202-37-022 (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 District 3 on November 13, 2012. 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 Friday, October 19, 2012.

RETURN TO: Dora Flores, Permit and Customer Service Coordinator
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

# Variance: Docket BA3-12-10 (Davis)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

See Attached

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

See Attached

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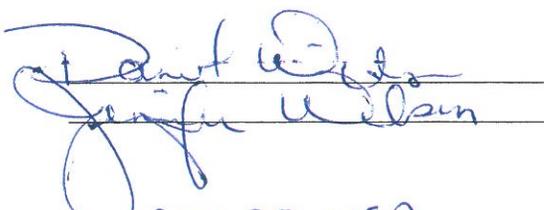
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(Attach additional sheets, if necessary)

PRINT NAME(S): Daniel and Jennifer Wilson

SIGNATURE(S):  


YOUR TAX PARCEL NUMBER: 202-38-015A (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 District 3 on November 13, 2012. 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 Friday, October 19, 2012.

**RETURN TO:** Dora Flores, Permit and Customer Service Coordinator  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Daniel and Jennifer Wilson  
PO Box 476  
3075 W. Cox Rd.  
Parcel Number 202-38-015A  
Willcox, AZ 85644

October 19, 2012

Dora V. Flores  
Permit and Customer Service Coordinator  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

RE: Variance Request, Docket BA3-12-10 (Davis)

Dear Ms. Flores:

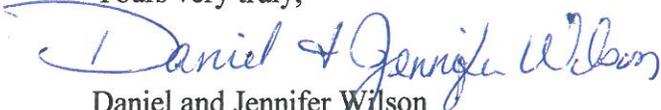
Thank you for sending the variance request regarding Docket BA3-12-10 (Davis). We SUPPORT ONLY the variance for the carport addition. We feel this is a home improvement project that is well suited to the neighborhood.

We DO NOT SUPPORT the variances for the sheds and livestock corrals. We feel the sheds are inappropriate because they are built directly on the property line and run off from the roofs flows on to neighboring properties. There is no room for the horses on the property. It is too small to allow adequate room for exercise and dust has become an issue.

With that being said, we do find issue with the twenty foot setback from the property lines for new buildings in our area. Our lots are narrow and the extreme setback forced us to build (with the proper permits) our metal building farther out into our property than was desirable. Our property along with our neighbors range from only one hundred twenty feet to two hundred feet wide. We feel a 5 to 10 setback would be more appropriate for lots as narrow as ours and the Davis's.

Thank you for the opportunity to offer our opinion on this variance. Please feel to contact us if you have any questions regarding this variance.

Yours very truly,

  
Daniel and Jennifer Wilson  
Parcel number 202-38-015A



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Board of Adjustment, District 3  
**FROM:** Peter Gardner, Planner I  
**FOR:** Beverly Wilson, Deputy Director, Planning Division  
**SUBJECT:** Docket BA3-12-11 (Miller)  
**DATE:** November 1 for the November 13, 2012 Meeting

### APPLICATION FOR A VARIANCE

Docket BA3-12-11 (Miller): The Applicant seeks to change the use of an existing 275 space RV park ("Quail Ridge") to a 176 space mobile/manufactured home park with 99 RV spaces, and is requesting one Variance to Site Development Standards per the Cochise County Zoning Regulations as follows:

*Section 1812.15; to allow the number of RV spaces to exceed 20 percent of the total number of spaces in the park.*

The subject parcels (Parcel #s 106-06-014C and 106-06-014D) are located at 2207 North Yucca Drive in Huachuca City. They are further described as being situated in Section 13 of Township 20, Range 19 East of the G&SRB&M, in Cochise County, Arizona.

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

Parcel Size: 32.12 Acres  
 Zoning: GB (General Business) & MH-36 (Multiple Household, One Dwelling per 3,600 square feet)  
 Growth Area: Category B (Community Growth Area)  
 Plan Designation: Development  
 Area Plan: Sierra Vista Sub-Watershed  
 Existing Uses: 275 space RV Park  
 Proposed Uses: 176 space Mobile/Manufactured Home park with 99 RV spaces

### Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	State Highway/RU-4	Highway 82/Vacant
South	County Maintained Road/GB	W. Oak Street/Auto Repair/Manufactured Home
East	GB/RU-4	Single Family Residence/Vacant
West	GB/RU-4	Vacant/Manufactured Home

## **II. PARCEL HISTORY**

- In 1984, the subject parcels were rezoned per Z-84-28 from RU-4 to MH-54 for parcel 106-06-14C and to GB for 106-06-014D.
- In 1985, a 194 space RV park was established via permit 7175 on parcel 106-06-014C.
- Per Assessor's records in 1987, a 71 space RV park was established on parcel 106-06-014D; however there are no permits on file to establish this park. Based upon the age of the park and its contiguous nature with the park located at 106-06-014C, staff has determined that no additional permitting will be required to legitimize this portion of the park.
- In 1998 parcel 106-06-014C was conditionally rezoned from MH-54 to MH-36 per Z-98-02 and MDP-98-02.
- In 2002 a Variance (BA3-02-01) was granted to waive screening requirements on the North and South sides of the park and to allow sidewalks on only one side of the internal streets. Also in 2002, a permit was issued to expand to 197 RV spaces.
- In 2007 a Variance (BA3-07-01) requesting a waiver of screening requirements on the East and West sides of the park was denied. Another Variance (BA3-07-07) was approved in 2007 to allow reduced setbacks on corner lots which abut internal streets.
- In 2009 a Variance (BA3-09-01) was granted to allow reduced setbacks within individual spaces.
- Between 1985 and 2012 four additional Non-Residential Permits were issued on parcel 106-06-014C -- to construct a 1,680 square foot clubhouse and activity room; for a 2,380 linear foot 6 foot high screening fence; to install a heater in the clubhouse; and to construct a 1,200 square foot storage building with a 350 square foot awning.
- During this time period there were four additional Non-Residential Permits issued on parcel 106-06-014D -- in 1988 for a 96 square foot 12 foot high free standing sign; for a 74 square foot 21 foot high freestanding sign; for electric to illuminate the sign; and for a temporary event (concert) on 10/14/2009. There were also 39 Residential Permits for sheds, decks, patio covers, and utilities issued for the two parcels, three of which were voided.

There is currently a permit pending to convert 176 RV spaces into mobile/manufactured home spaces.

## **III. PROJECT DESCRIPTION**

The Applicant proposes to convert an existing 275 space RV Park into a 176 space Mobile/Manufactured Home Park with 99 RV spaces.



Above: Looking South from W Highway 82

#### IV. ANALYSIS OF IMPACTS

The project site is within an area designated by our Comprehensive Plan map as *Developing* and in a Growth Category B area. Growth Category B areas typically have adequate water, access, drainage, and sewage disposal capability to accommodate medium- to high-density development, as well as substantial potential for further development. Areas designated *Developing* are characterized by having scattered or mixed uses and will typically accommodate future growth as more populated areas reach build-out.

The “Quail Ridge” mobile home park currently has 99 spaces containing recreational vehicles as indicated on the site plan, many of which are what are called Park Models. There are currently 175 vacant spaces. This Variance would allow the 175 remaining spaces to be used for manufactured homes rather than recreational vehicles. Manufactured Homes are larger and constructed to different standards than Park Models, yet they share a similar aesthetic. This Variance would allow the park to mature into a stable community while allowing the existing residents to stay and would allow greater flexibility within the park by allowing up to 99 spaces to be filled with Recreational Vehicles or Manufactured Homes.

#### V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on October 3 and published a legal notice in the Bisbee Observer on October 4. To date, the Department has received no response from neighbors regarding the Variance request.

**VI. Summary and Conclusion**

**Factors in Favor of Allowing the Variances and Waivers**

1. Denying this variance would require the applicant to withdraw their permit or force the removal of 44 of the 99 recreational vehicles.
2. The project site is within an area designated as Developing in the Comprehensive Plan, where growth of this type is expected and may be accommodated.

**Factor Against Approval**

1. None Apparent.

**VII. RECOMMENDATIONS**

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variance as requested:

Sample Motion: *“Mr. Chair, I move to approve Docket BA3-12-11, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.”*

**VIII. ATTACHMENTS**

Variance Application  
Location Map  
Site Plan  
Public Comment

BA3-12-11

SEP 11 2012 \$380



**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. Parcel Number: 106-06-014C/D
2. Address of parcel: 2267 N. Yucca Dr., HC 85610

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3. Area of Parcel (to nearest tenth of an acre): 3.2 acres
4. Zoning District designation of Parcel: GB & MH-30
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. 275 space RV park

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

change 176 spaces of RV's to MHs and have 99 RV's space

7. State the specific nature of the variance or variances sought.

18/2015 to exceed 20% of RV's  
in a MHP

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 an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

There is already an existing business of RV  
rentals on this property. We do our "standard"  
rental business. We also have spaces rented on a  
yearly-basis & using the 20% rule would force people to be  
turned away & evicted.

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.

The park already exists since 1985 and this  
variance would not change or alter existing  
conditions of surrounding property owners or  
surrounding properties.

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

PROPERTY OWNER

MAIL ADDRESS

JAMES ADAMS

1009 LEROY ST.

SAN DIEGO, CA 92106

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

A. L. Miller

2207 N. YUCCA DR.

8-29-12

HEACHUCA CITY, AZ 85616

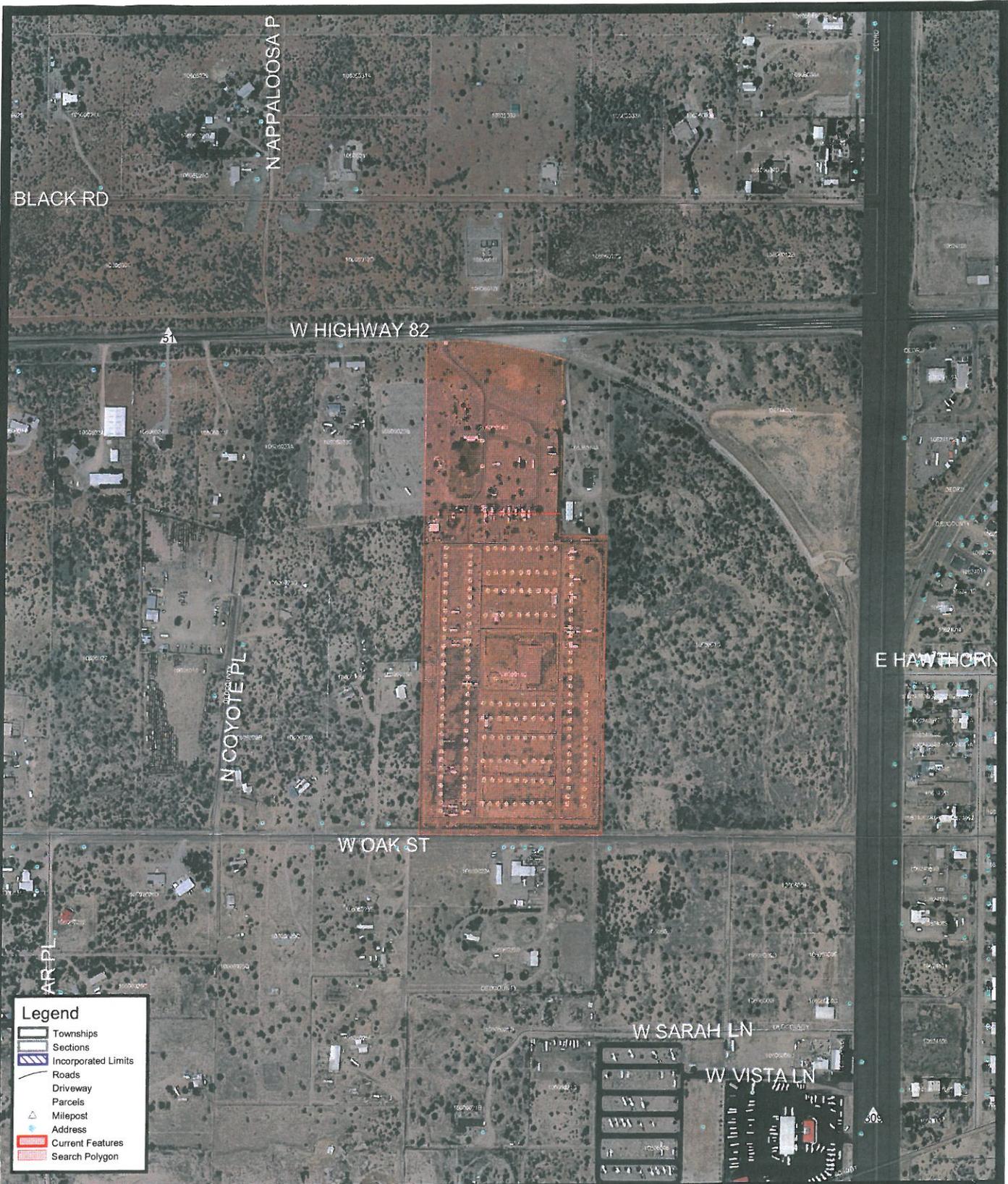
APPLICANT'S PHONE NUMBER

619-701-2905

APPLICANT'S EMAIL ADDRESS

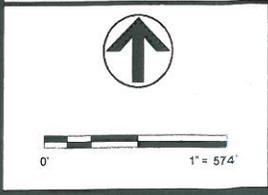
COCHISE16@AOL.COM

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 dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



BA3-12-11 (Miller)  
Site Location

This map is a product of the Cochise County GIS



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