

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, December 11, 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 may 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.

Public Hearing, Docket BA3-12-12 (Doberstein): The Applicant requests Variances from the following Sections of the Cochise County Zoning Regulations: 1403.02 (minimum setbacks from property lines); 1403.05 (solid screening requirement); 1804.05 (required number of parking spaces); 1804.07 (use of A/B rather than gravel for driveway and parking surfaces); and 1804.10 (for a designated loading space).

The subject parcel (305-73-020B) is located at 3911 E. Shelton Rd., Willcox, AZ.

Applicants: Daniel & Susan Doberstein.

- 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)

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: Peter Gardner, Planner I *PG*
For: Beverly Wilson, Deputy Director, Planning Division *BW*
SUBJECT: DRAFT 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 BA3 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 Section 1812.15 of the Cochise County Zoning Regulations 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, utilizing photos, maps and other visual aids. She explained the background of the case and the circumstances surrounding the Variance requested under consideration. She concluded by offering factors in favor and against approval, as well as staff's recommendation.

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

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 requiring that the maximum requested percentage be enforced. The difference between Manufactured Homes and RVs and the permitting process were 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 Section 704.03 to allow structures setback less than 20' in a TR-36 district, and Section 1815.03 to allow less than 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, utilizing photos, maps and other visual aids. She explained the background of the case and the circumstances surrounding the Variances requested under consideration, as well as staff's recommendation.

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.

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 regarding the property comprising two parcels and the discrepancy between the owner and Applicant.

Mr. Brick asked about the ramifications of denying the Variance. The 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 the 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 Variances 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 Docket 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.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3

FROM: Peter Gardner, Planner I *pm*

For: Beverly Wilson, Deputy Director, Planning Division *bw*

SUBJECT: Docket BA3-12-12 (Doberstein)

DATE: November 26, for the December 11, 2012 Meeting

APPLICATION FOR VARIANCES

Docket BA3-12-12 (Doberstein): The Applicant seeks to establish and expand a Manufacturing Facility, and is requesting the following Variances to Site Development Standards, per the Cochise County Zoning Regulations:

Sections 1403-02 (to reduce setbacks); 1403.05 (to waive screening requirements); 1804.05 (to reduce required number of parking spaces); 1804.07 (use A/B rather than gravel for driveway, parking and loading areas); and 1804.10 (waiver from designated loading area).

The subject parcel (Parcel # 305-73-020B) is located at 3911 East Shelton Road in Willcox, AZ.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 207,800-sq. ft. (5.00 Acres)
 Zoning: HI (Heavy Industry)
 Growth Area: Category D (Rural Area)
 Plan Designation: Rural
 Area Plan: None
 Existing Uses: Manufacturing Facility
 Proposed Uses: Same, with expansion

Surrounding Zoning and Uses

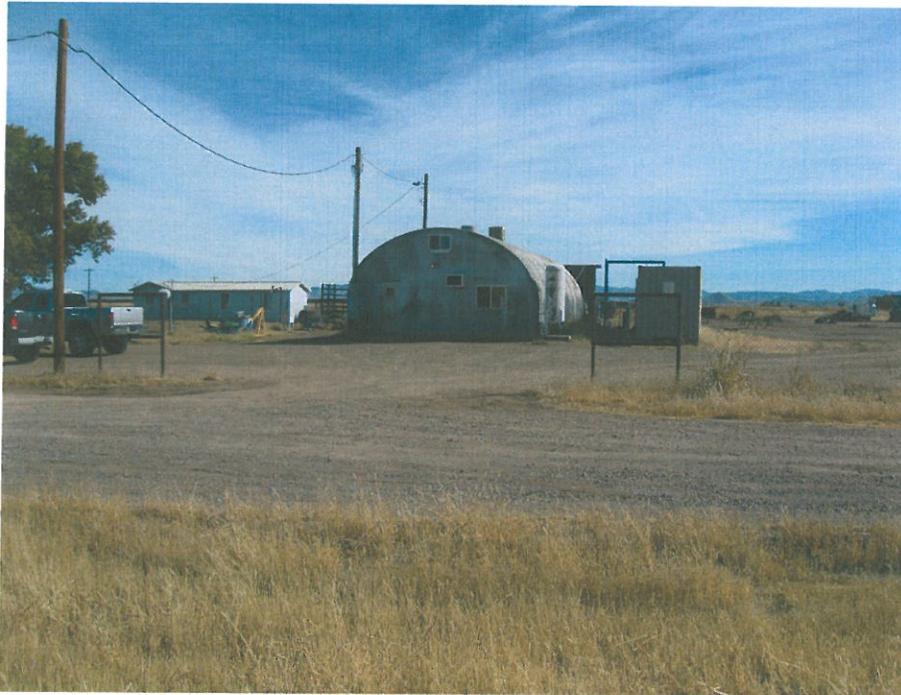
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Residential/Agricultural
South	RU-4	Single Family Residential/Agricultural
East	RU-4	Single Family Residential/Agricultural
West	Non-Maintained Road/RU-4	East Shelton Road / Agricultural

II. PARCEL HISTORY

In April of 2010, a Special Use Permit (SU-10-05) was authorized to allow a Manufacturing Facility in an RU-4 Zoning District. Before the commercial permit was issued, the Applicant decided that the 5,000 square foot limit on Manufacturing Facilities in the RU-4 districts would not accommodate his needs. In October of 2010, parcel 305-73-020B was created from the parent parcel, 305-73-020, and in April of 2012 the parcel was rezoned to Heavy Industry. There is a pending commercial permit to establish the Manufacturing Facility and expand.

III. PROJECT DESCRIPTION

The Applicant proposes establishing a Manufacturing Facility to serve area farms and ranching and mining operations.



Above: Looking East from East Shelton Road

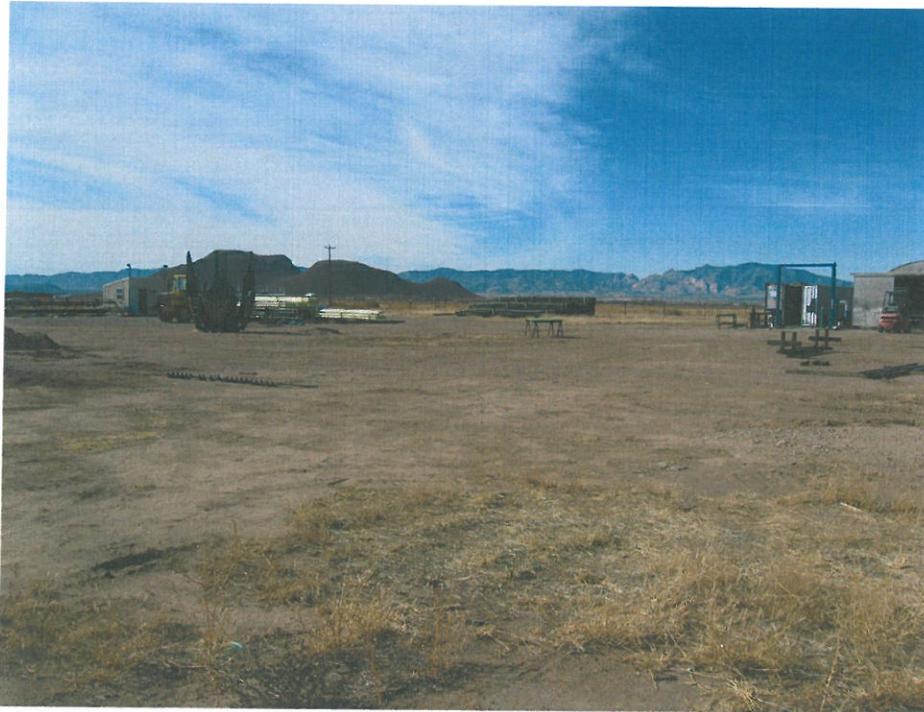
IV. ANALYSIS OF IMPACTS

The project site is within an area designated as Rural and Growth Category D on the Comprehensive Plan map. Category D Areas often include areas of agricultural production, and non-residential development in Category D areas often includes local services and intensive uses not appropriate for more densely populated portions of the County.

The proposed use fits with the general character of the surrounding area, which includes numerous farms as well as a nearby large-scale dairy farm on property also zoned HI. The area is characterized by minimally developed properties with few properties developed to standards more common in more densely populated areas.

The proposed use also supports the local area by providing manufacturing and machine services for area farms, as well as for local ranching and mining operations. Allowing the property to remain as-is in terms of site development standards would not negatively impact the area, especially given that much of the surrounding area is vacant or used for crops.

The nearest residence to the site is part of the parent parcel, and the current structures at the proposed site were accessory to this residence and have been used for agricultural purposes. The proposed use would not significantly alter this relationship.



Above: Looking West from the rear of the subject parcel.

V. PUBLIC COMMENT

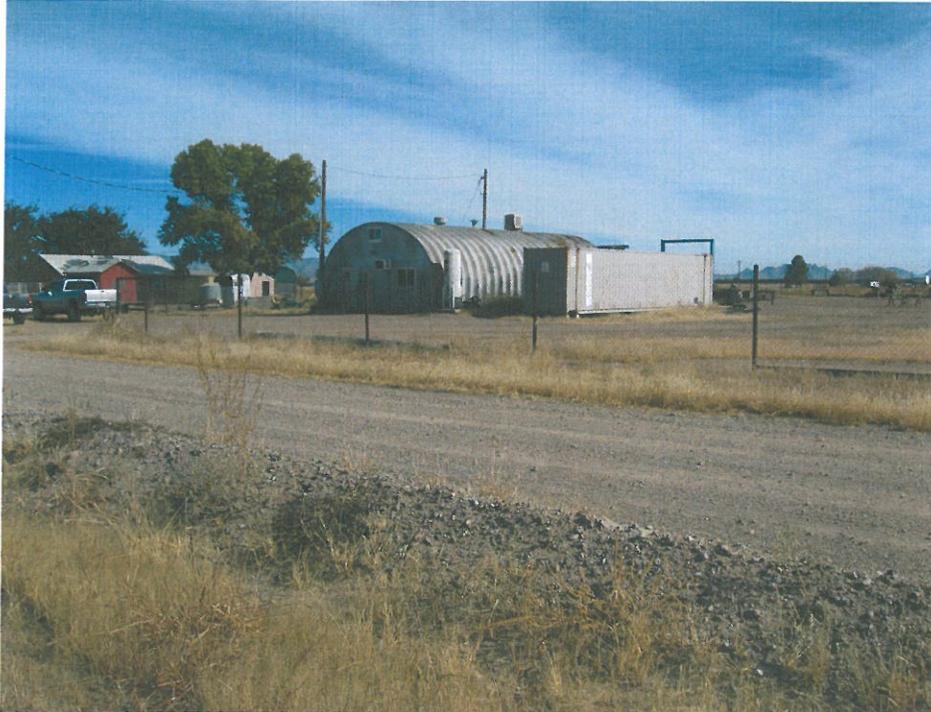
The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on November 20 and published a legal notice in the Bisbee Observer on November 15. To date, the Department has received no response to the Variance request.

VI. Summary and Conclusion

Factors in Favor of Approving the Variances

1. Approving the Variances would not substantially impact neighboring properties and would legitimize the location of the existing building rendered non-conforming by the split and subsequent rezoning.

2. The County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more “business and customer friendly.” Allowing the Variances would reinforce this effort.
3. Staff received one statement of support from a neighboring property owner.



Above: View of Existing structures and residence on adjoining parcel.

Factor Against Approving the Variances

None Apparent.

VII. RECOMMENDATIONS

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

Sample Motion: *Mr. Chair, I move to approve Docket BA3-12-12, granting the Variances 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



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: 305-73-20B

2. Address of parcel: 3911 E. Shelton Rd. Willcox, AZ 85643

3. Area of Parcel (to nearest tenth of an acre): 5.0 acres

4. Zoning District designation of Parcel: HI (Heavy Industry)

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. _____

See Attached #001

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

See Attached #002

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

See Attached #003

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.

See Attached #004

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.

See Attached #005

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

PROPERTY OWNER

MAIL ADDRESS

Daniel & Susan Doberstein

4074 E. Lone Farm Rd.

Willcox, AZ 85643

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



4074 E. Lone Farm Rd. Willcox, AZ 85643

10/25/12

APPLICANT'S PHONE NUMBER (520) 507-2437

APPLICANT'S EMAIL ADDRESS drdfab@gmail.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.

Attachments for Variance Application

001

Existing structures located on the property are as follows: 1250 sf. Quonset Shed & 405 sf. Conex storage container. Existing use is a small 'job shop'. Primary work is design, fabrication and machining of metals and plastics largely for the farming and mining industries.

002

Proposed structure is (1) metal building 6000 sf. shop area with additional 880 sf. of office & restroom area. Proposed structure is to be used to expand current operation.

003

- #1 Modify setbacks at south and east property lines to 50'.
- #2 Modify setback at north property line to 30' so as to make existing building conforming.
- #3 Substitute A-B for gravel in semi-truck and farm equipment access areas.
- #4 No screening of adjacent properties.
- #5 Waive requirement for designated loading space 12x45
- #6 Reduction of parking requirements to 11 from 13



10/25/12

004

- The property on the south and east sides is vacant, undeveloped land. The requested variance (#1) is sought to allow more of the owner's 5 ac. parcel to be utilized which also allows for a better site lay-out.
- The requested variance (#2) is sought to allow for any possible future additions or modifications to existing 1250 sf. Quonset shed as well as to make the existing building conforming.
- The requested variance (#3) is sought to allow the use of A-B in place of costly gravel for all equipment and truck driveways. Gravel (two inches minimum) will be used in the customer/employee parking area.
- The requested variance (#4) is sought to waive the screening of all adjacent properties due to the vacancy and ag use of the surrounding properties.

#005

- The surrounding properties are largely farm/ranch use or vacant, undeveloped land. Modifying setbacks to the south and east will not affect the value or functionality of the property.
- The requested variance (#2) will not affect the property to the north because the existing building is already there. Any future remodeling or additions to the current structure will be small and of no or minimal impact to the adjacent property or to the owners. (possible example: 400 sf. wood framed office/restroom added to current Quonset shed)
- To substitute A-B for gravel in driveways and activity areas will not impact any surrounding properties or their owners.
- Surrounding properties are largely vacant, undeveloped land. Nature and operation of the current small business is not un-slightly or necessary to be screened from adjacent properties.

S ALAMO

E SHELTON RD



Legend

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

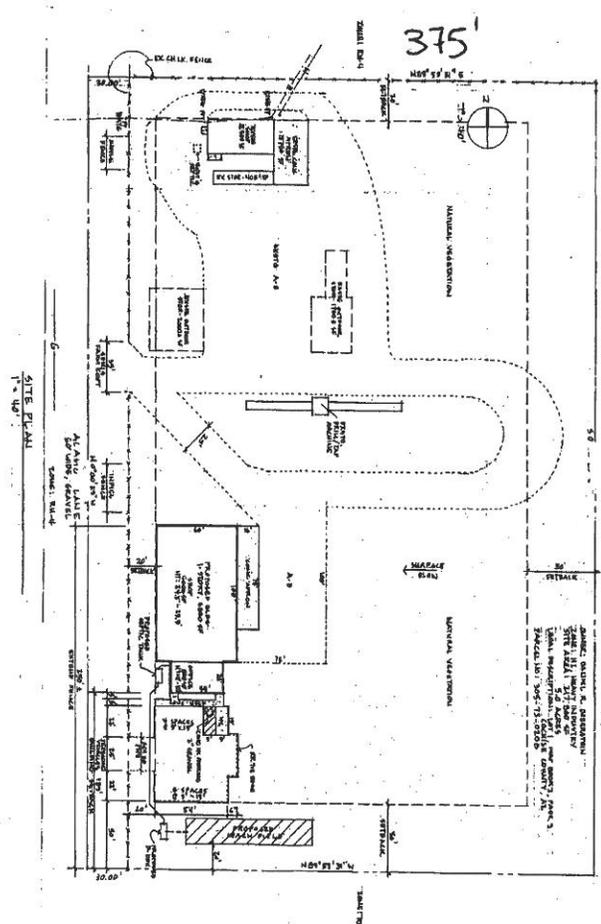


BA3-12-12
305-73-020B

This map is a product of the
Cochise County GIS




0' 1" = 500'



- REGULATORY STANDARDS**
1. Mobility restricted or youth and senior property from 50'
 2. Accessible building or other property from 50' or more to other
 3. Submitters A-4 for ground level - third and first floor
 4. The occupancy of adjacent properties

PROJECT: SUBMITTER/ISSUING CODE ANALYSIS	
Building Code	IRC 2003
Building Type	Non-Building
Building Height	10' (Maximum)
Building Area	1,000 sq ft
Maximum Occupant Load	50 (Based on 20 sq ft per person)

DRD FABRICATING
 3911 EAST SHELTON ROAD
 APN 305-73-0208
 WILLCOX, COCHISE COUNTY, AZ 85643



RAYMOND KLIMB ARCHITECT
 371 NORTH FRONTAGE ROAD
 PO BOX 128
 PEACOCK, AZ 85625
 PHONE 520-888-0102
 FAX 520-888-0101
 AZ 57408 AZ 57409 AZ 57410 AZ 57411 AZ 57412

DATE	APR 10 2003
BY	RKL
CHECKED	RKL
SCALE	AS SHOWN
PROJECT	DRD FABRICATING
OWNER	DRD FABRICATING