

EXPANDED AGENDA
Board of Adjustment, District 3
November 9, 2010
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 (Page 1) – Introduce Docket and advise public who the applicants are.

Public Hearing, BA3-10-03: The Applicant seeks a Variance from Section 904.03 of the Zoning Regulations which requires that all structures in SR-8 Zoning Districts be set back no less than 10 feet from all property lines. The Applicant proposes to build two carports along the street frontage with zero-foot (0) setbacks from the Eastern property line. On September 14, 2010, the Applicant was granted setback Variances by the District 3 Board of Adjustment to build one of the aforementioned carports approximately 16 inches from the Northern property line, and the second carport approximately 8 feet from the Southern property line. The subject parcel (Parcel No. 114-14-138) is located at 217 N. Ford Street in Sunsites, AZ

Applicant: Douglas Clark

- 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 PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Benny Young, Director

DRAFT MINUTES

TO: Board of Adjustment, District 3
FROM: Debra Meyer, Secretary III
SUBJECT: Minutes of the Regular Meeting of September 14, 2010
DATE: October 7, 2010

MEMBERS PRESENT

Joe Knox, Chairman
Paul Brick, Vice-Chairman
Shawn Wales, Member

STAFF PRESENT

Michael Turisk, Planner

OTHERS PRESENT:

These minutes for the BA3 meeting held on September 14, 2010 are complete only when accompanied by the memorandum for that meeting.

Chairman Knox called the meeting to order at 6:30 PM at the J.P. Courtroom at the Cochise County Regional Services Center in Benson, Arizona. Mr. Knox followed by calling the roll and a quorum was established with the presence of all three Board Members.

Mr. Knox followed by offering an explanation of the procedures for the meeting.

Mr. Knox asked if there were any additions or corrections to the minutes of the February 9, 2010 meeting. Mr. Brick moved to approve the minutes as amended. Mr. Wales seconded the motion and it passed unanimously (3 – 0).

NEW BUSINESS

Docket BA3-10-03: Interim Planning Manager Michael Turisk presented the docket for 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 two

carports along the Ford Street frontage. One would be 16 inches from the Northern property line; the other would be 8 feet from the Southern property line. The subject parcel (Parcel No. 114-14-138) is located at 217 N. Ford Street in Sunsites, AZ. Mr. Turisk presented maps and photos of the property and explained the request. He further explained that staff had received one letter of support and one letter in opposition; he also explained further factors in favor and factors against.

Mr. Turisk stated at the conclusion of the presentation that the Planning staff recommended approval of each of the requested Variances.

Mr. Brick asked Mr. Turisk what material the carports would be constructed of.

Mr. Turisk stated they would be built out of metal.

Chairman Knox declared the public hearing open and invited comment from the Applicant, Mr. Clark. Mr. Clark stated that he concurred with staff's presentation and that he intended to build a nice looking carport that would enhance the property.

Mr. Knox asked the Applicant if there is a need for the carport.

Mr. Clark stated to keep his vehicles out of the sun.

Mr. Wales asked if the height of the carports would be the same as the neighbors, and Mr. Clark stated it would.

Mr. Knox opened the meeting to the public. Being no one had any comments he closed the meeting to the public.

Mr. Wales stated he saw a precedent with the neighbor's carport being near the property line also. He stated his concern was the north carport.

The Board then entertained motions for the requested Variances.

Mr. Wales moved to approve, Mr. Brick seconded, and the Board voted unanimously (3 – 0) to grant the Variance, factors in favor being the findings of fact.

BA3-10-04: Interim Planning Manager Michael Turisk presented the docket for a Variance to Section 704.04 of the Zoning Regulations, which requires that all structures in an TR-18 District be set back no less than 20 feet from all property lines. The Applicant proposes to replace an existing wooden carport, with a metal carport on an existing concrete slab 5 feet 9 inches from the Eastern property line. The subject parcel (Parcel No. 208-47-039) is located at 1451 N. Cemetery Road in Pomerene, AZ. Mr. Turisk presented maps and photos of the property and explained the request. He further explained factors in favor and factors against.

Mr. Turisk stated at the conclusion of the presentation that the Planning staff recommended approval of each of the requested Variances.

Chairman Knox declared the public hearing open and invited comment from the Applicant, Mr. Santiago F. Lopez. Mr. Lopez stated that he concurred with staff's presentation and that he intended to replace the existing wooden carport with a new metal carport.

Mr. Knox opened the meeting to the public.

Julie Woods stated she is the neighbor and they support the request.

Mr. Knox closed the meeting to the public.

The Board then entertained motions for the requested Variances.

Mr. Wales moved to approve, Mr. Brick seconded, and the Board voted unanimously (3 – 0) to grant the Variance, factors in favor being the findings of fact.

DIRECTOR'S REPORT:

Mr. Turisk delivered the Director's Report on behalf of the Planning Director. Mr. Turisk informed the Board that Jack Holden had been hired as Interim Building Official, and that the County is still searching for a new Planning Director, and Community Development Director. He further stated there are no dockets for October.

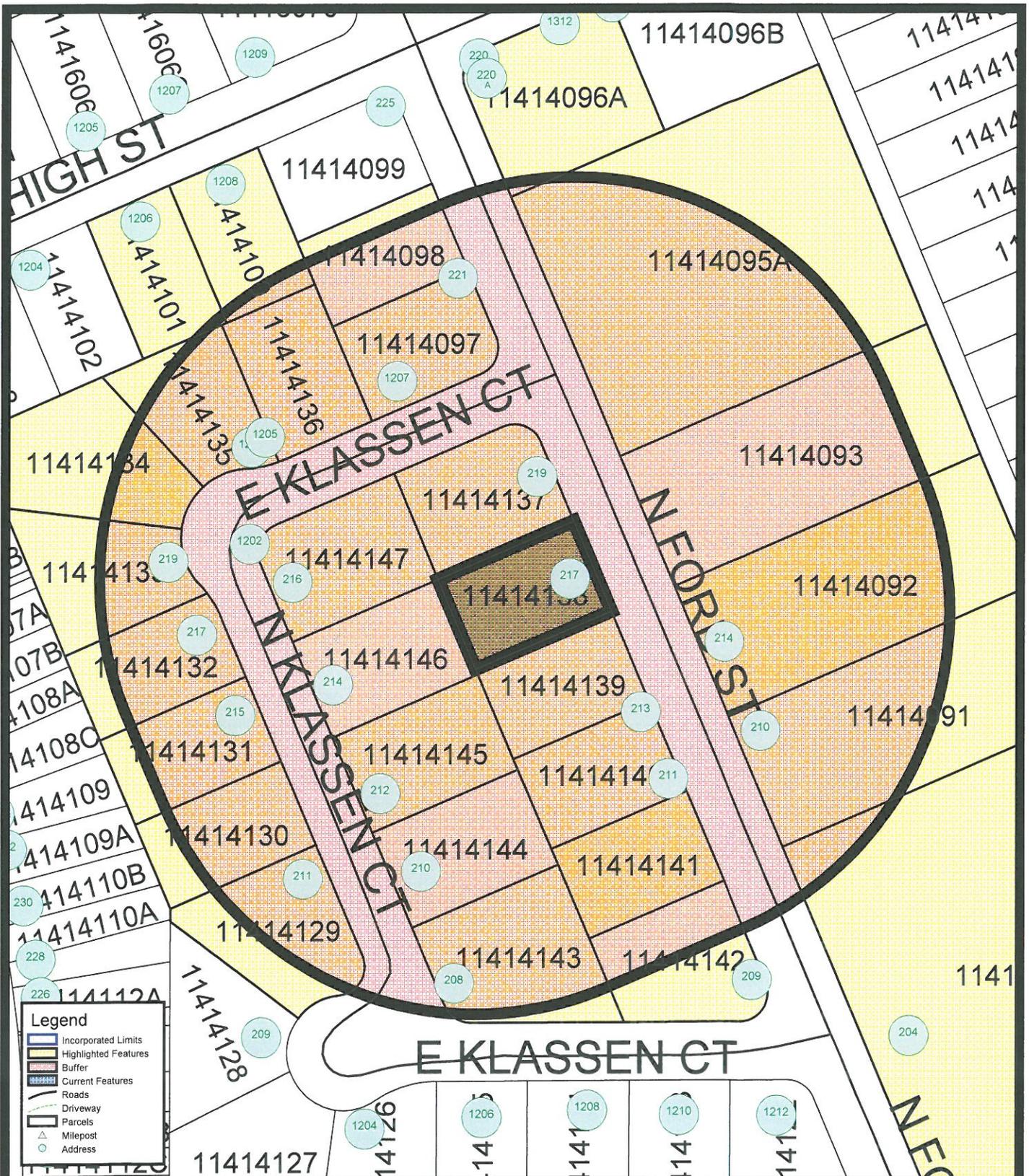
Mr. Brick moved to adjourn, Mr. Wales seconded the motion and the meeting was adjourned at approximately 7:20 P.M.

Board of Adjustment, District 3
Sign in Sheet

DATE SEPTEMBER 14, 2010

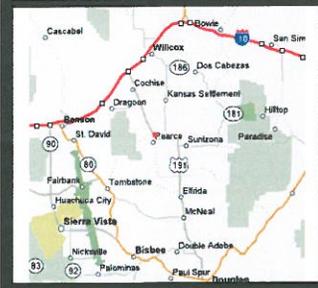
PLEASE PRINT

NAME	ADDRESS & EMAIL ADDRESS	PHONE #	ITEM #	Wish to SPEAK?
1. SANTIAGO Lopez	1451 N Cemetery Rd S.F. Lopez@hotmail.com	520-586-2406	BA3-10-04	
2. Rehata Lopez	1451 N. Cemetery Rd. manatalopez@a.com	520-586-2406	BA310-04	
3. PLANK - Doug/65/Mary ean	217 Ford Rd. Sunsite, AZ	303-907-1932	BA3-10-03	
4. WOODS Julie Woods	920 E Jewell Ln Pomerene AZ 8627	520 586 3446	BA31004	
5. Monty Woods	920 E Jewell Ln Pomerene AZ	520 586 3446	BA31004	
6. Frank Ambroz	2154-12th St Dgls	249-5559	BA #3	
7. James Pitts	2155 12 th St. Douglas	805-9531	BA #3	
8.				
9.				
10.				
11.				
12.				



Legend

- Incorporated Limits
- Highlighted Features
- Buffer
- Current Features
- Roads
- Driveway
- Parcels
- Milepost
- Address



BA3-10-03
 114-14-138
 Clark
 300' Buffer

This map is a product of the Cochise County GIS




0' 1" = 120'



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: James E. Vlahovich, Planning Director
SUBJECT: Docket BA3-10-03 (Clark)
DATE: November 2, 2010 for the November 9, 2010 Meeting

APPLICATION FOR A VARIANCE

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 two carports along the street frontage with zero-foot (0) setbacks from the Eastern property line.

On September 14, 2010, the Applicant was granted setback Variances by the District 3 Board of Adjustment to build one of the aforementioned carports approximately 16 inches from the Northern property line, and the second carport approximately 8 feet from the Southern property line.

The subject parcel (Parcel No. 114-14-138) is located at 217 N. Ford Street in Sunsites, AZ. The Applicant is Douglas Clark of the same address.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 11,030 square feet
Zoning: SR-8 (Single-Family Residential, one dwelling per 8,000 square feet)
Growth Area: B (Community Growth Area)
Plan Designation: High-Density Residential
Area Plan: Mid-Sulphur Springs Valley Area Plan
Existing Use: Single Family Residential
Proposed Use: Unchanged, with the addition of two proposed carports

Surrounding Zoning and Land Use

Direction	Zoning	Use(s)
North	SR-8	Single-Family Residence and Vacant Land
South	SR-8	Single-Family Residential
East	MR-1	Multi-Family Residential
West	MR-1	Single-Family Residential

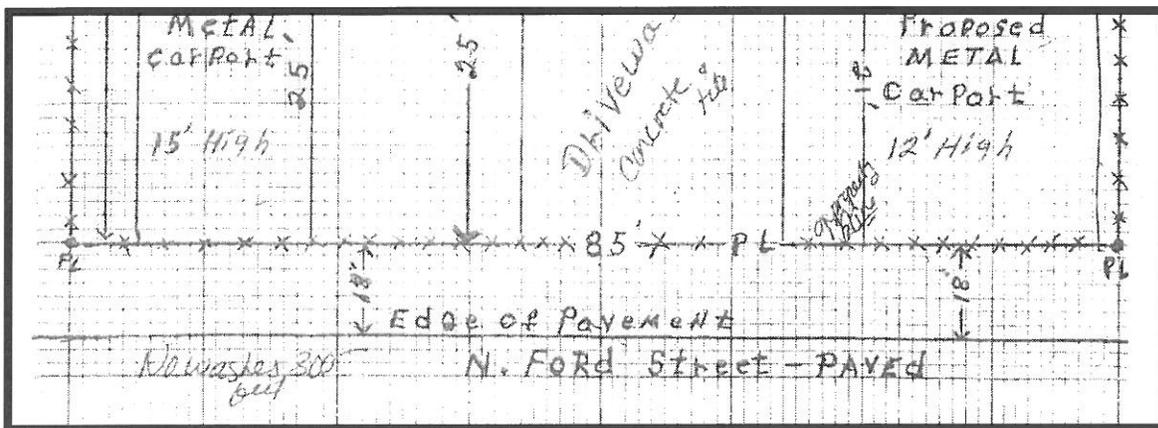
II. PARCEL HISTORY

1997 – Permit issued for an 1,898 square foot single-family dwelling. There are no other permits nor violations associated with the property.

September 2010 – The Board of Adjustment granted Variances allowing the Applicant to place the two carports: 16 inches from the Northern property line and eight feet from the Southern. Due to staff error, the proposed zero-foot setback along the Ford street frontage for the two carports was not legally noticed, nor acted upon by the Board.

III. PROJECT DESCRIPTION

The Applicant seeks to construct two carports on the property in order to protect personal vehicles from the elements. The carports would be constructed over two existing concrete pads to the left and right of the residence.



Close-up of site plan labeling the concrete pads as 18 feet from the edge of pavement.

The site plan accompanying the Variance request heard by the Board in September appeared to reflect an 18-foot setback along Ford street. The distance measured and depicted on the site plan did not, in fact, represent the distance from the concrete pad to the property line, but rather, to the Ford Street travelway. Though the pads are approximately 18 feet from the road travelway of Ford Street, they actually abut the Eastern property line, adjacent to the Right-of-Way.

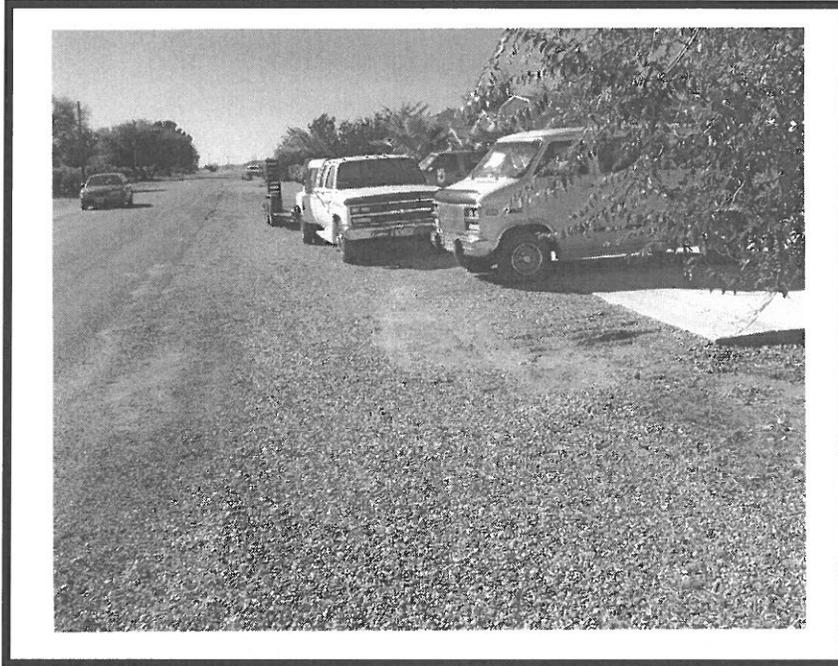
The legal notice, and the staff memo, ideally would have included all Variance requests as deemed necessary for the Applicant to proceed. A second, noticed public hearing is required now because the Eastern setback Variance was not presented by staff for consideration by the Board in September.

IV. ANALYSIS OF IMPACTS

As in the case of the initial September Variance hearing, staff estimates the potential for off-site impacts related to the proposal to be minimal. Although the carports would be zero feet from the Eastern property line, they would nonetheless be 18 feet from the Ford Street travelway, and would not obstruct views along the road nor pose a hazard to vehicular traffic.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on October 25, 2010 and published a legal notice in the San Pedro Valley News-Sun on October 26, 2010. To date, the Department has received one letter from the Northern neighbor opposing the request.



Looking South along the subject property's Ford Street Frontage. The concrete pad is approximately 18 feet from the road travelway, but is in fact zero feet from the property line.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. There exists in the neighborhood some precedent for building carports within setback areas on small SR-8 lots. The southern neighbor, for example, has such a carport.
2. Carports are considered to be low-impact structures in residential neighborhoods.
3. Although the Variance request is for a zero-foot setback to Ford Street, the carports would be approximately 18 feet from the road travelway if allowed.

Factors Against Approval

1. One neighbor, immediately North, objects to the proposal.
2. Residential (SR) setback regulations exist in order to preserve open space and prevent crowding in residential neighborhoods.

Recommendation:

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

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-10-03, granting the requested Variance, with the factors in favor of approval listed in the staff report as findings of fact.*

VII. ATTACHMENTS

- Variance Application
- Location Map
- Site Plan
- Public Comment



COCHISE COUNTY PLANNING DEPARTMENT

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: 114-14-138
2. Address of parcel: 217 N. Ford St. Sunsites, AZ. 85625
3. Area of Parcel (to nearest tenth of an acre): 11050 square feet
4. Zoning District designation of Parcel: SR-E
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Single Family Dwelling,
Existing Home (House) Approx. 36' X 41'
6. Describe all proposed uses or structures, which are to be placed on the property.
Two New Metal Carports for Vehicles

7. State the specific nature of the variance or variances sought, identifying the applicable Section or Sections of the Cochise County Zoning Regulations you seek to vary.

To be allowed to Construct Two New Metal
Carports Close To 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.

To Construct Two New Metal Carports
Close To The Property Lines To Park Personal
Vehicles

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 Two New Metal Carports will be New, Nice, Clean
Looking Structures with No hazzards whatsoever
to anyone.

The residence Next Door at 219 Ford St. is Atrocious,
a fire hazzard which should be condemned. The owner
feeds stray cats and is A health hazzard,

10. List the name and address of all owners of the Parcel(s) for which the variance is sought. If the applicant is not the property owner, please attach a signed letter from the property owner authorizing the variance(s) sought.

PROPERTY OWNER

MAIL ADDRESS

Douglas L. Clark - Maudie N Co Clark
217 Ford St. Pearce/Sunsite, AZ. 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

Douglas L. Clark 217 Ford St. Pearce, AZ. 85625 7-16-2010
Maudie N Co Clark 217 Ford St. Pearce, AZ. 85625

APPLICANT'S PHONE NUMBER Verizon Cell. 303-907-1932

APPLICANT'S EMAIL ADDRESS NONE.

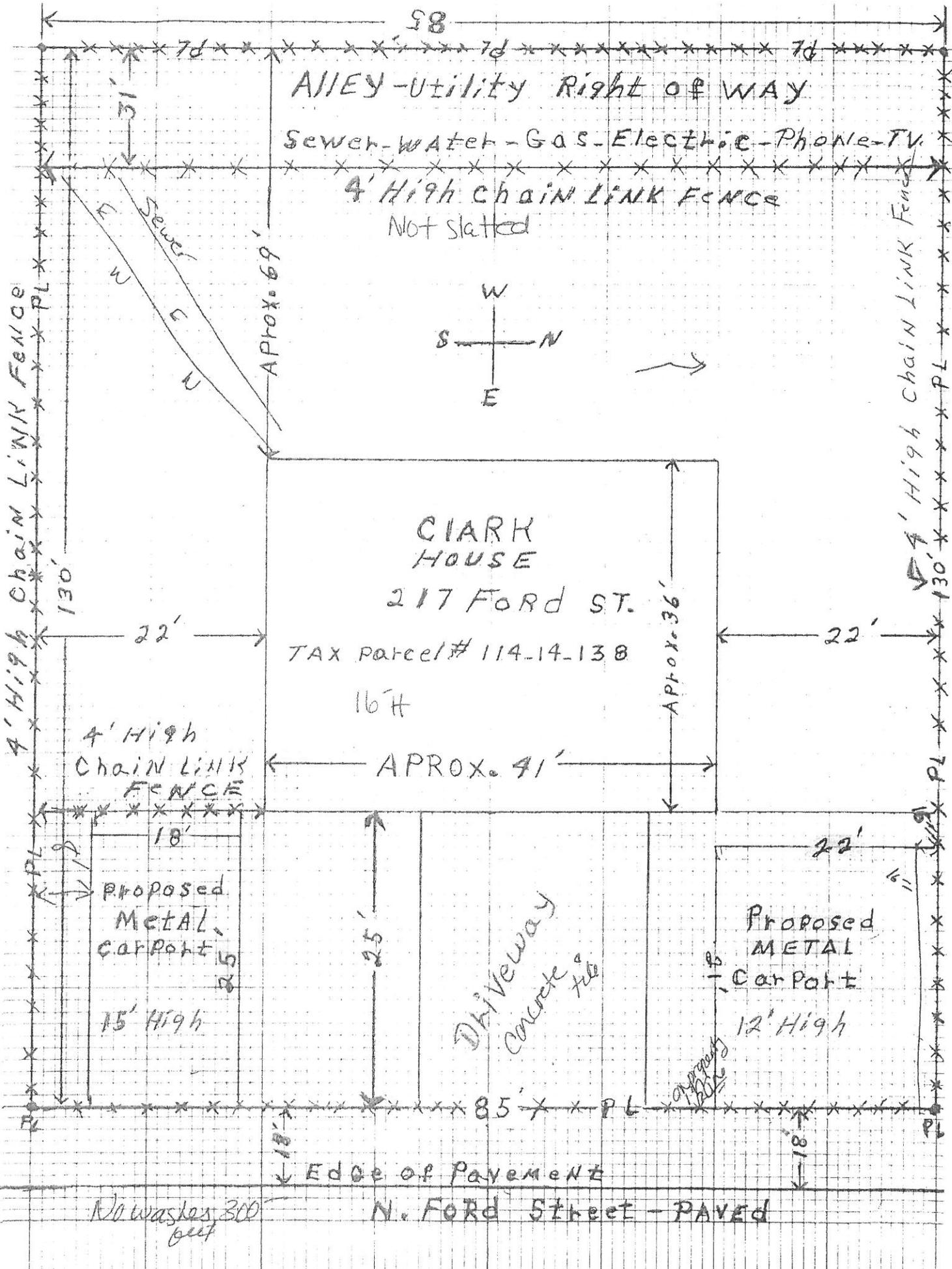
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



Docket BA3-10-03
Location Map

This map is a product of the
Cochise County GIS





Variance: Docket BA3-10-03 (Clark)

_____ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

_____ **NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

I feel it is to close to my property line. To many carparks on a small piece of land & will look like a parking lot & lose value to my property.

(Attach additional sheets, if necessary)

PRINT NAME(S): EDITH NIBLING

SIGNATURE(S): Edith Nibling

YOUR TAX PARCEL NUMBER: 114-14-137 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and Board of Supervisors or appropriate body. 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.

Written comments should be received by our Department no later than November 1, 2010, if you wish the Board of Adjustment to review them before their meeting.

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