

**EXPANDED AGENDA**  
**Board of Adjustment, District 3**  
**Tuesday, February 14, 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: Docket BA3-12-02 (ARK Mobile Clinic):** The Applicant operates a spay/neuter clinic for pets on the property, and requests:

- 1) A Variance to Section 1804.07.C of the Zoning Regulations, which requires a paved surface for parking and driveway areas (Applicant seeks to allow existing dirt/gravel surface to remain); and
- 2) A Variance to Section 1904.10, which requires signage to be placed no less than 10 feet from all property lines (Applicant asks to have existing sign remain zero feet from the property line).

The subject parcel (Parcel No. 106-25-038) is located at 562 E. Highway 82 in Whetstone, AZ. The Applicant is Pamela Brambert of ARK Mobile Veterinary Services.

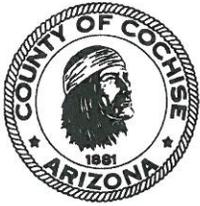
- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
  - 1) Call for APPLICANT'S STATEMENT
  - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
  - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may 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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**Item 2: Call for Planning Director's Report**

**Item 3: Call to the Public**

**ADJOURNMENT**



# **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: Michael Turisk, Interim Planning Director  
**SUBJECT:** Docket BA3-12-02 (ARK Mobile Clinic)  
**DATE:** February 6, 2012 for the February 14, 2012 Meeting

#### **APPLICATION FOR VARIANCES AND WAIVERS**

The Applicant operates a spay/neuter clinic for pets on the property, and requests:

- 1) A Variance to Section 1804.07.C of the Zoning Regulations, which requires a paved surface for parking and driveway areas (Applicant seeks to allow existing dirt/gravel surface to remain); and
- 2) A Variance to Section 1904.10, which requires signage to be placed no less than 10 feet from all property lines (Applicant asks to have existing sign remain zero feet from the property line).

The subject parcel (Parcel No. 106-25-038) is located at 562 E. Highway 82 in Whetstone, AZ. The Applicant is Pamela Brambert of ARK Mobile Veterinary Services.

#### **I. DESCRIPTION OF PARCEL AND SURROUNDINGS**

**Size:** 1.0 Acres  
**Zoning:** GB – General Business  
**Growth Area:** Category B –Community Growth Area  
**Plan Designation:** Enterprise  
**Area Plan:** None Applicable  
**Existing Uses:** Veterinary Clinic  
**Proposed Uses:** Unchanged

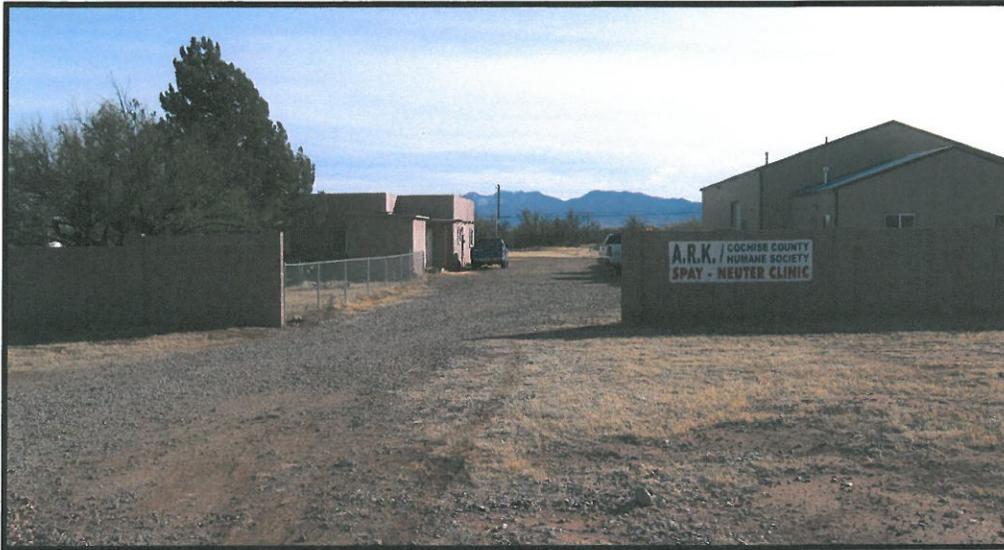
Relation to Subject Parcel	Zoning District	Use of Property
North	GB	SR 82, Manufactured Homes
South	TR-18	Undeveloped Land
East	GB	Residential
West	GB	Residential

## II. PARCEL HISTORY

2005 – Permit issued for 2,400 square foot residential storage/accessory building with carport. This structure is now utilized as the veterinary clinic.

2007 – Permit for change of use issued for Contract Construction Services, later voided and so use never officially changed from residential storage.

2011 – Violation issued for business without a permit (current business). Change of use and permit required to resolve violation.



*Looking South at the subject property entrance. The vet clinic is at right.*

## III. PROJECT DESCRIPTION

The Applicant operates the ARK Mobile Vet Clinic from the subject property. The business has the capability to perform spay/neuter clinics at remote locations, but more commonly, customers bring their pets to this location, where the Applicant utilizes the mobile unit to perform the operations. That is to say, despite the mobile capabilities and the mobile unit being the primary method of operation, the business is largely stationary.

The Applicant was cited for a violation for not undergoing the requisite change of use needed to operate the business from the site. That permit has since been applied for, and the Variances under current consideration were identified during that permit process.

## IV. ANALYSIS OF IMPACTS

As a non-residential use taking access from a state highway, the land use is not considered a candidate for undue off-site impacts. The gravel surfacing existent on the site is common to businesses along this corridor. Staff considers the off-site impacts that may result from allowing the existing gravel surfacing to remain, and certainly for the existing sign on the block fence, as negligible to non-existent. The sign is a canvas banner that is removable.



*The wall-mounted sign is a canvas banner and is not a permanent fixture.*

## **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on January 10, 2012 and published a legal notice in the *Bisbee Observer* on January 26, 2012. To date, the Department has received no correspondence from neighbors for or against the request.

## **VI. SUMMARY AND CONCLUSION**

### **Factor in Favor of Allowing the Variances**

1. Allowing the Variance would not produce any off-site impacts. The surfacing on the site is typical for the area, and the sign mounted on the existing fence is not a permanent structure, but is, rather, a removable canvas sign.

### **Factor Against Approval**

None Apparent

### **Recommendation**

Based on the factor in favor of approval, staff recommends approval of the requested Variances.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-12-02, granting the requested Variances, with the factors in favor of approval listed in the staff report as findings of fact.*

## **VIII. ATTACHMENTS**

Variance Application  
Location Map  
Site Plan

\$300.00

BA3-12-02



**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. Tax Parcel Number: 106-25-039

2. Address of Parcel: 562 Hwy 82

Huachuca City, AZ 85616

3. Area of Parcel (to nearest tenth of an acre): 1.

4. Zoning district classification of parcel: house-business / metal bldg - commercial

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

metal bldg w/office space - spray/neuter clinic

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

house - proposed future use Thrift store DJB

7. State the specific nature of the variance or variances sought, identifying the applicable section or sections of the Cochise County Zoning Regulations.

Gravel in lieu of Chip-n-seal

(exception) handicapped parking space

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 practical difficulties or unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved. (See Section 2103.02 on variances (attached) Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited in #7 above.

RURAL area, low traffic, easier on animals

paws for the summer heat

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.

Driveway is only on Parcel 106-25-039

not adjacent to any neighboring property

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

PROPERTY OWNER

ADDRESS

Pamela Brambert

900 N. Solar Dr. Vail, AZ 85641

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

Pamela Brambert

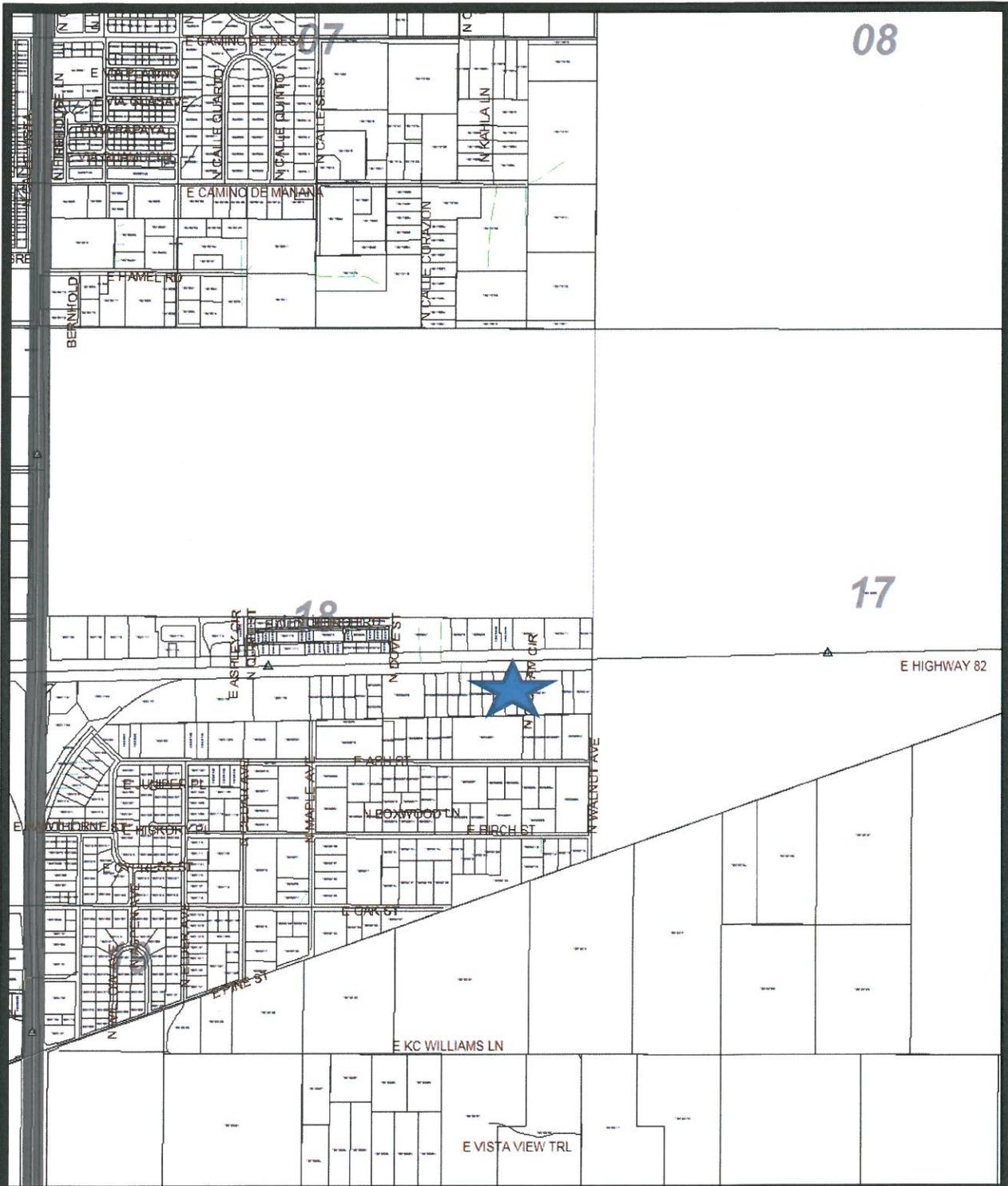
900 N. Solar Dr.  
Vail, AZ 85641

11/21/11

APPLICANT'S PHONE NUMBER 520-260-2165

APPLICANT'S EMAIL ADDRESS pbrambert@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 (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Community Development Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



Docket BA3-12-02  
(ARK Mobile Clinic)  
Location Map

This map is a product of the  
Cochise County GIS



Parcel # 106-23-039

HWY 82 (40 mph) 2 lane Hwy E →

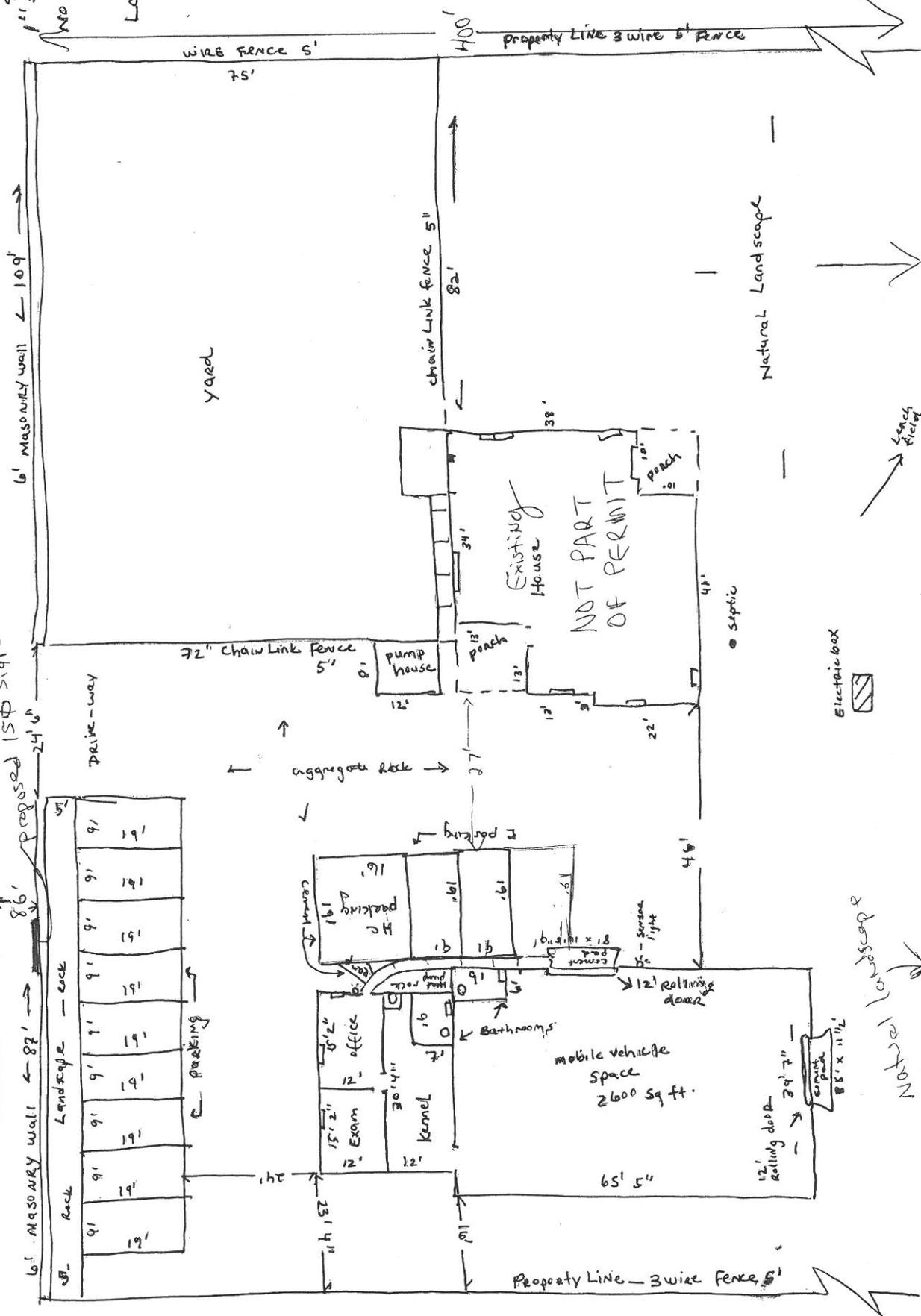
← 15' sign

← 86' masonry wall

← 87' masonry wall

Scale  
1" = 10 feet  
No washes w/in  
300'  
Lot = 400'  
Long

N ↑  
S ↓



septic  
Electric box

Natural landscape

Natural Landscape