

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, March 13, 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 can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1: Docket BA3-12-03 (Pierce/San Simon Baptist Church): The Applicant operates a church and parsonage in San Simon, which has historically been considered legal-nonconforming for zoning purposes. The Applicant has recently applied for a remodel and addition to the church property, and so is subject to current zoning standards. In order to legitimize the existing improvements on the property, the Applicant requests the following Variances to development standards: Allow the existing driveway location to remain (Section 2003.04); Allow off-site parking in a County Right of Way (1804.06.A); Legitimize an existing parking lot with more than 10 spaces adjacent to residential zoning without requiring improvements (1804.06.B); Legitimize direct access to parking spaces from street (1804.06.D); Allow existing 15-foot long parking spaces to remain (19 feet required – 1804.09); Allow parking spaces to encroach into ROW (1804.06.C); Allow existing undefined driveways (1804.06.1.F); 2-inch gravel surfacing on existing driveway (1804.07.D); 8) existing driveway less than 24 feet to remain (1804.06.F.3); and a waiver to the screening standard along adjacent residentially-zoned properties in a TR-9 District (Section 704.06).

The subject properties (Parcel Nos. 303-33-211 and 212) are located at 2907 N. Cochise Avenue in San Simon, AZ. The Applicant is Dusty Pierce of First Baptist Church of San Simon.

- 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)

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: Carlos De La Torre, P.E., Community Development Director
SUBJECT: Docket BA3-12-03 (Pierce)
DATE: March 6, 2012 for the March 13, 2012 Meeting

APPLICATION FOR VARIANCES AND WAIVERS

Docket BA3-12-03 (San Simon Baptist Church): The Applicant operates a church and parsonage in San Simon, which has historically been considered legal-nonconforming for zoning purposes. The Applicant has recently applied for a remodel and addition to the church property, and so is subject to current zoning standards. In order to legitimize the existing improvements on the property, the Applicant requests the following Variances to development standards:

1. Allow the existing driveway location to remain (Section 2003.04);
2. Allow off-site parking in a County Right of Way (1804.06.A);
3. Legitimize an existing parking lot with more than 10 spaces adjacent to residential zoning without requiring improvements (1804.06.B);
4. Legitimize direct access to parking spaces from street (1804.06.D);
5. Allow existing 15-foot long parking spaces to remain (19 feet required – 1804.09);
6. Allow parking spaces to encroach into ROW (1804.06.C);
7. Allow existing undefined driveways (1804.06.1.F);
8. 2-inch gravel surfacing on existing driveway (1804.07.D); 8) existing driveway less than 24 feet to remain (1804.06.F.3); and
9. A waiver to the screening standard along adjacent residentially-zoned properties in a TR-9 District (Section 704.06).

The subject properties (Parcel Nos. 303-33-211 and 212) are located at 2907 N. Cochise Avenue in San Simon, AZ. The Applicant is Dusty Pierce of First Baptist Church of San Simon.

I. DESCRIPTION OF PARCEL AND SURROUNDINGS

Size: Two adjacent parcels forming one 21,000 square foot site
Zoning: TR-9 (Residential, one dwelling per 9,000 square feet)
Growth Area: Category C – Rural Community Growth Area
Plan Designation: Enterprise Redevelopment
Area Plan: None Applicable
Existing Uses: Church (First Baptist Church of San Simon)
Proposed Uses: Addition to existing church building

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	San Simon Mercantile (abandoned)
South	TR-9	Residential
East	TR-9, GB	Residential
West	TR-9	San Simon Post Office

II. PARCEL HISTORY

The site, composed of Parcels 303-33-211 and 212, has been in continuous use as the First Baptist Church of San Simon since the church was built in 1968.

There are no violations associated with the subject property.



West view of the First Baptist Church of San Simon, as seen from the Cochise Avenue / 5th Street intersection. The County vehicle parked along the North side encroaches into the County Right of Way.

III. PROJECT DESCRIPTION

Built and used continuously since 1968, the First Baptist Church of San Simon is currently a legal-nonconforming land use. The Church plans on building an 1,800 square foot addition to the existing building. The construction of this addition will mean that the church will lose its legal-nonconforming status, and be subject to current zoning standards. It is for this reason that the Applicants are seeking the Variances and waivers to development standards under consideration for this Docket.

IV. ANALYSIS OF IMPACTS

Nearly all of the Variances under current consideration relate to parking and access standards on the site. Congregants typically park in designated areas to the North and East on the property,

and these parking areas encroach into the County Rights of Way along Cochise Avenue and 5th Street. Standards regarding parking space size, driveway location and definition, screening and



Looking West at the location of the proposed church addition site.

surfacing all came into effect after the use was established. The church has occupied a working site which fits harmoniously into its local environment with little to no off-site impacts for decades. It is the site development standards which have changed and rendered the site as non-conforming according to County regulations. Those development standards, enacted and revised over the years, do not reflect the conditions on the ground in this area, for land uses that pre-date those standards. The requested Variances, if granted, would make the acknowledgement of these facts a matter of official record, and would allow future permits on the site to proceed without the need for a public Variance process.

The project site is within an area designated as Enterprise Redevelopment on the Comprehensive Plan map. The Department has typically recommended approval of Variances and Waivers in the such areas, as a “business friendly” strategy aimed at encouraging development, but also with the support of Comprehensive Plan policies to this end. Section 201.B.5(e) of the latter states that, in areas designated as Enterprise Redevelopment, “[s]ome flexibility in site development and building code standards may be appropriate to facilitate investment.”

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on February 17, 2012 and published a legal notice in the *Bisbee Observer* on February 23, 2012. To date, the Department has received one statement of support in writing from a neighboring property owner.

VI. SUMMARY AND CONCLUSION

Factor in Favor of Allowing the Variances

1. Allowing the Variance would not produce any off-site impacts. The site has been in continuous use as a church since 1968, before development standards were adopted by the County;

2. The Enterprise Redevelopment Plan Designation on the Comprehensive Plan allows for and encourages flexibility with regard to site development standards, as a means of stimulating and preserving non-residential development in such areas;
3. One neighboring property owner supports the request.

Factor Against Approval

None Apparent

Recommendation

Based on the factor in favor of approval, staff recommends approval of the requested Variances, without condition.

Sample Motion: Mr. Chairman, I move to approve Docket BA3-12-03, granting the requested Variances and Waivers, with the factors in favor of approval listed in the staff report as findings of fact.

VII. ATTACHMENTS

Variance Application
Location Map
Site Plan



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 _____ 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: 303-33-211/212
2. Address of parcel: 2907 N Cochise Av.
San Simon, AZ 85632
3. Area of Parcel (to nearest tenth of an acre): 21,000 SF
4. Zoning District designation of Parcel: TR-9
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Existing Church & Parsonage

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

Add 1800 SF Fellowship Hall

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

<u>PROPERTY OWNER</u>	<u>MAIL ADDRESS</u>
<u>FIRST Baptist Church</u>	
<u>2907 N Cochise Av.</u>	
<u>San Simon, AZ 85632</u>	

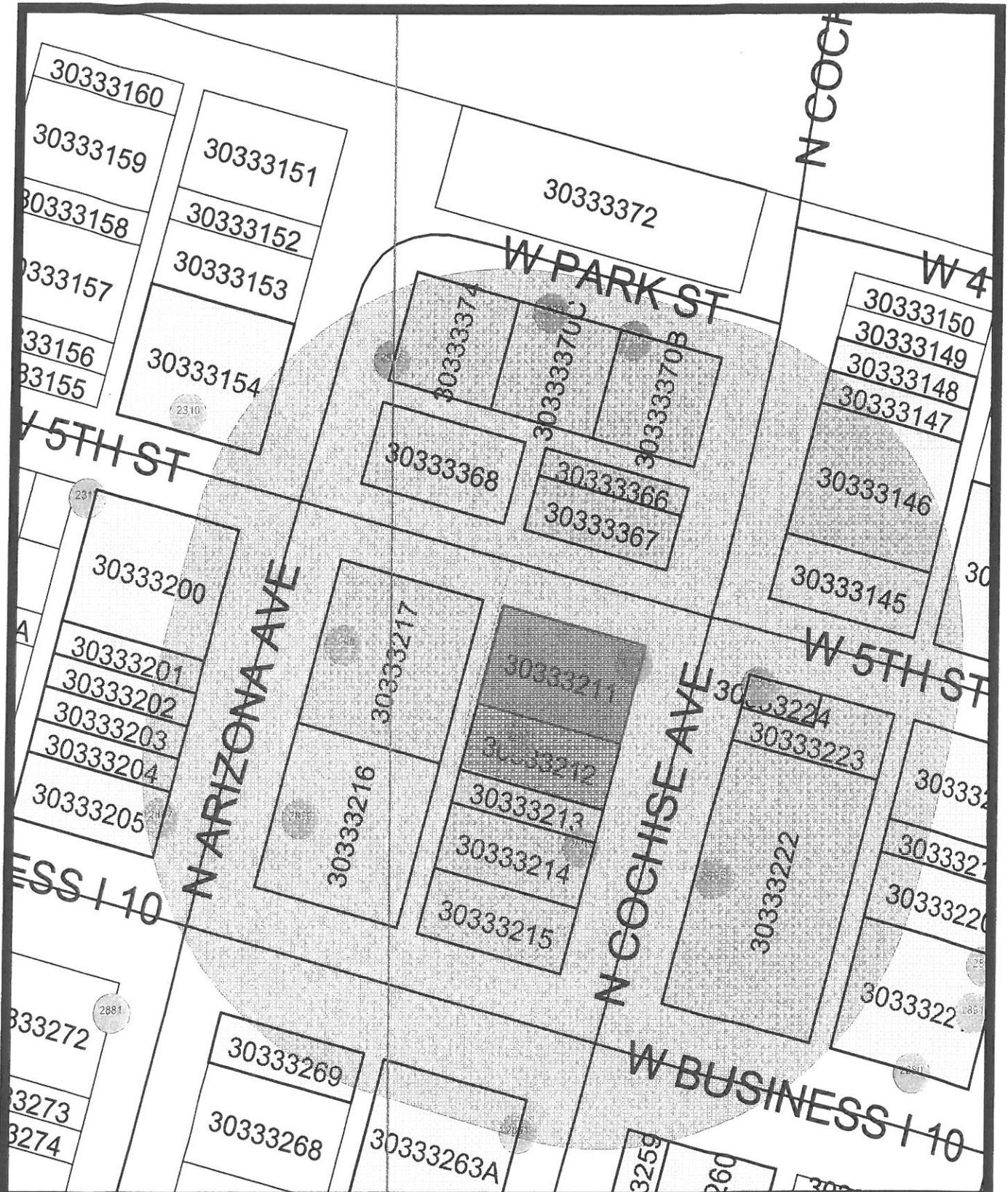
The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

<u>SIGNATURE OF PETITIONER</u>	<u>ADDRESS</u>	<u>DATE</u>
<u><i>Justin Reed</i></u>	<u>575 W. Cerro Rd</u>	<u>4/4/2012</u>
	<u>San Simon, AZ 85632</u>	

APPLICANT'S PHONE NUMBER 575-313-1909

APPLICANT'S EMAIL ADDRESS ASSURANCE JEANETTE@G-MAIL.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.



Docket BA3-12-03
 (San Simon Baptist Church)
 300-Foot Buffer

This map is a product of the
 Cochise County GIS



PARCEL # 303-33-11 & 12

LOTS 1-6 BLOCK 26

NAME: SAN SIMON FIRST BAPTIST CHURCH

ADDRESS: 2907 N COCHISE AVENUE

PHONE: DUSTY PIERCE

520-313-1909

ZONING: TR-9

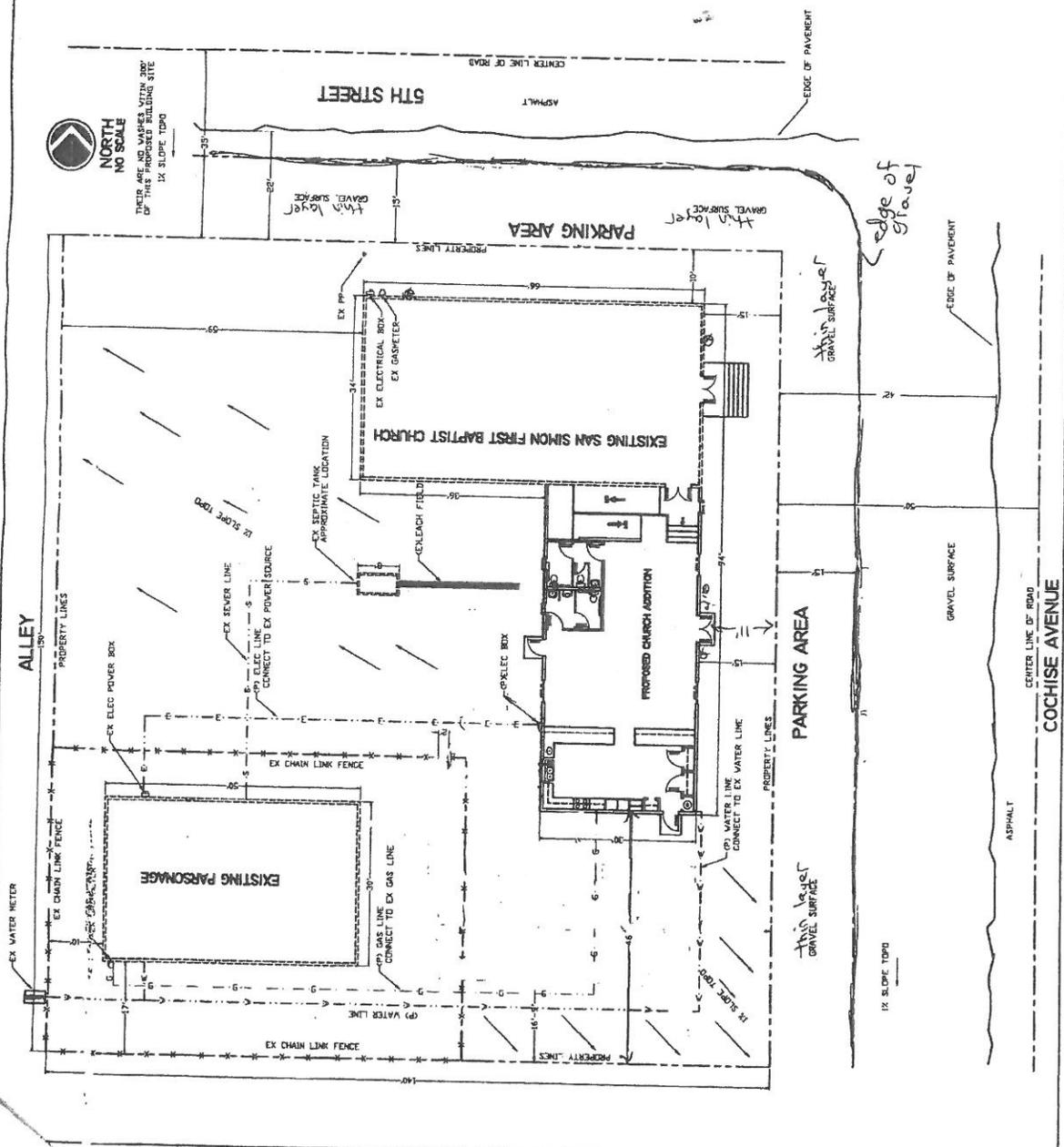
FLOOD ZONE: TBD

LEGEND

- PROPERTY LINES
- WATER LINE
- GAS LINE
- ELECTRICAL LINE
- FENCE
- PROPERTY DIMENSIONS
- SETBACK DIMENSIONS
- ROAD CENTER LINE
- SEWER LINE
- DRAINAGE EASEMENT
- PUBLIC UTILITY EASEMENT
- DRAINAGE FLOW
- 1% SLOPE TOPD
- PHANTOM
- DIVIDE
- DIVIDE
- DIVIDE
- PHANTOM
- CENTER
- DASHED
- DIVIDE
- DASHED
- 10' PIPE

SITE PLAN

SCALE	PAGE
1:4	1
DATE	NOV 2011
	10



NORTH
NO SCALE
THESE ARE NOT MARKED WITH ANY
OF THIS PROPOSED BUILDING SITE
1% SLOPE TOPD

ALLEY

5TH STREET

PARKING AREA

EXISTING SAN SIMON FIRST BAPTIST CHURCH

PROPOSED CHURCH ADDITION

PARKING AREA

EXISTING PARSONAGE

COCHISE AVENUE

Variance: Docket BA3-12-03 (San Simon Baptist Church)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Not a Conflict With our Property

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Joyce E. Bailey

SIGNATURE(S):

Joyce E. Bailey

YOUR TAX PARCEL NUMBER:

3033269

(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 Dist 3. 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 Monday, March 5, 2012

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

COCHISE COUNTY

MAR 01 2012

PLANNING