

**EXPANDED AGENDA**  
**Board of Adjustment, District 3**  
**Tuesday, April 10, 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 BA3-12-04 (FT Willcox RV Park):** The Applicant owns and operates the Fort Willcox RV Park in Willcox, AZ, and requests the following Variances to site development standards applicable to RV parks:

1) Required paved surfacing for parking and driveway areas (Section 1804.07); 2) Parking requirements (1812.08); 3) Sidewalk standard (1812.10); 4) Screening (1812.06); and the requirement that spaces designed for RVs occupy no more than 20% of the total spaces in the park (1812.15).

The subject property (Parcel No. 203-11-061) is located at 1765 W. Ft. Willcox Loop in Willcox, AZ. The Applicant is Barbara Holmes of Fort Willcox RV Park.

- 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: Docket BA3-12-02 (New Life):** The Cochise County Community Development Department seeks a Variance to Section 1804.07.C, which requires a 2-inch thick gravel surface for

parking and driveway areas in a Category C Growth Area. The Variance is intended to legitimize an existing aggregate base course surface for an existing church.

The subject parcel (Parcel No. 208-44-009) is located at 642 E. Pomerene Road in Pomerene, AZ. It is further described as being situated in Section 34 of Township 16, Range 20 of the G&SRB&M, in Cochise County, Arizona. The Applicant is the Cochise County Community Development Department, on behalf of the New Life Family Worship Center.

*Procedure: Follow format for Item 1.*

**Item 3: Call for Planning Director's Report**

**Item 4: 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*

### **DRAFT MINUTES**

TO: Board of Adjustment, District 3  
FROM: Keith Dennis, Senior Planner  
SUBJECT: Minutes of the Regular Meeting of March 13, 2012  
DATE: March 30, 2012

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#### **MEMBERS PRESENT**

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

#### **STAFF PRESENT**

Keith Dennis, Senior Planner

#### **OTHERS PRESENT**

Dusty Pierce, Applicant for Docket BA3-12-03

*The minutes for the BA3 meeting held on March 13, 2012 are complete only when accompanied by the memorandum for that meeting.*

Chairman Paul Brick called the meeting to order at 6:45 p.m. and called the roll, showing that all members of the Board were present, thus establishing a quorum.

He then called for a motion to approve the minutes of the previous month. Mr. Wales moved to approve the minutes as presented. Ms. Barnard seconded, and the motion carried 3 – 0.

Mr. Brick called for new business.

#### **NEW BUSINESS**

**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 parking and driveway development standards to allow: 1) existing driveway location to remain (Section 2003.04); 2) off-site parking in ROW (1804.06.A); 3) parking lot with more than 10 spaces adjacent to residential zoning without requiring improvements (1804.06.B); 4) direct access to parking spaces from street (1804.06.D); 5) 15-foot long parking spaces (19 feet required – 1804.09); 6) parking spaces to encroach into ROW

(1804.06.C); 7) undefined driveways (1804.06.1.F); 8) 2-inch gravel surfacing on existing driveway (1804.07.D); 9) 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).

Senior Planner Keith Dennis presented the Docket on behalf of the Community Development Director. He spelled out the facts of the case and the basis for the staff recommendation using photos, maps and other visual aids. He explained the 12-foot width prescribed by standard for a one-way drive aisle on for a commercial land use.

He demonstrated the location of the church in question, and its parking areas relative to the County Right-of-Way bordering the property to the North and East. Mr. Dennis concluded by offering the factors in favor of approval, including the fact that the project site lies within an area designated by the Comprehensive Plan as being Enterprise Redevelopment. There were, according to staff, no apparent factors against approval.

Mr. Brick then called for the Applicant's statement. Mr. Dusty Pierce, a parishioner and contractor working on the proposed church expansion, stated that he concurred with the staff presentation and recommendation.

Mr. Brick asked Mr. Dennis to clarify the Enterprise Redevelopment Plan Designation for the property, and where and how such designations occur within the County. Mr. Dennis explained that the San Simon Townsite was so designated.

Ms. Barnard asked what effect, if any, would it have on the church if the County later decided to expand the roadways adjacent to the church, and was told that such circumstance was not likely.

Mr. Wales asked about the defined entry and exit requirements subject to the request, and Mr. Dennis offered a brief explanation.

Chairman Brick closed the public hearing and asked for the staff recommendation, whereupon Mr. Dennis offered a recommendation of approval for each of the requested Variances, without condition. Mr. Wales moved to approve the same, Ms. Barnard seconded the motion, and it passed 3 – 0.

#### **DIRECTOR'S REPORT:**

Mr. Dennis then provided the Director's Report, listing the Dockets to be heard at the following months meeting. This included a brief explanation of the New Life Family Worship Center docket, to be re-heard by the Board due to a gravel surfacing Variance, the need for which was discovered after the meeting. Ms. Barnard moved to adjourn the meeting, Mr. Wales seconded the motion and the meeting adjourned at 7:15 p.m.



# **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 BA3-12-04 (Ft. Willcox RV Park)

**DATE:** April 2, 2012 for the April 10, 2012 Meeting

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

**Docket BA3-12-04 (FT Willcox RV Park):** The Applicant owns and operates the Fort Willcox RV Park in Willcox, AZ, and requests the following Variances to site development standards applicable to RV parks:

1) Required paved surfacing for parking and driveway areas (Section 1804.07); 2) Parking requirements (1812.08); 3) Sidewalk standard (1812.10); 4) Screening (1812.06); and the requirement that spaces designed for RVs occupy no more than 20% of the total spaces in the park (1812.15).

The subject property (Parcel No. 203-11-061) is located at 1765 W. Ft. Willcox Loop in Willcox, AZ. The Applicant is Barbara Holmes of Fort Willcox RV Park.

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

Size: 5.00 Acres

Zoning: GB – General Business

Growth Area: Category B – Community Growth Area

Plan Designation: Enterprise

Area Plan: None Applicable

Existing Uses: RV Park

Proposed Uses: Expand existing use

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Business I-10, Undeveloped Land
South	SR-8	Undeveloped Land
East	SR-8	Undeveloped Land
West	GB	Undeveloped Land

## II. PARCEL HISTORY

1971 – Isla Del Sol RV Park was established on the subject property, and included spaces for mobile home residences (13) as well as RV spaces (17). The fact that it was built in 1971 was later used by the Community Development Department to deem the land use as legal non-conforming (See Attachment D)

This came to the attention of the Applicant, Barbara Holmes, and of staff, in 1997, when the Applicant first expressed an interest in expanding the park.



*View to the South of the Fort Willcox RV Park entry feature. The pavement ends just beyond the entryway.*

## III. PROJECT DESCRIPTION

Built and used continuously since 1971, the Fort Willcox RV Park has been in continuous operation for over 40 years. Recently the Applicant has filed for a permit to provide an additional seven RV spaces in the park, which would bring the total RV spaces to 24. This proposal means that the property will forfeit its legal-nonconforming status and be subject to current zoning code. The Applicant has accordingly asked for a number of Variances to development standards pertaining to RV parks. Most of the Variances requested are from Section 1812, wherein the County sets forth the site development standards for these land uses.

## IV. ANALYSIS OF IMPACTS

As stated, with the exception of the paving requirement, all Variances requested are concerned with RV park-specific development standards. The park was constructed and has operated as built in 1971, and is surrounded on all sides by undeveloped land.

### **Paving**

The photo on this page shows the paved apron extending from Haskell Road (whence the photo was taken) Southward to the entrance of the property. The pavement coming off this road provides a transition between the paved Haskell Road travelway and the interior gravel surfacing on the property. Section 1804.07 stipulates the parking, loading and driveway areas for commercial uses in a Category B Growth Area must be paved, if they take access from a paved

road. As part of this Docket, the Applicant has asked that the existing non-conforming surface be allowed to remain. During the site visit, Ms. Holmes pointed out that the surfaces in question had recently been treated with  $\frac{3}{4}$  inch gravel. Staff's position is that this gravel surface treatment does have a positive impact on fugitive dust potential, and supports the Variance request.

### **Parking**

The Zoning Regulations require one parking space per dwelling unit for RV parks. Considering transitory RVs as dwellings, this would mean a total of 34 spaces would be required. The Applicant maintains that there is adequate parking on the site already. Although parking spaces are not officially designated or striped on the site, the property might be fairly characterized as a large gravel yard, with more than adequate room for any number of vehicles (see below).



*Southward view of mobile homes and RVs as seen from the paved entryway.*

### **Screening**

The property is surrounded on all sides by undeveloped land (See Attachment B). Staff has no record of observed off-site impacts relative to the existing RV parks, and does not anticipate any such, should the Board allow the existing site to remain.

### **Sidewalks**

As stated above, the property is flat, graveled and easily negotiable for foot traffic in its current condition. This standard is intended to promote these qualities on a given RV park site, and has no real effect on neighboring properties.

### **RV spaces and Mobile Home Spaces**

This standard is intended to provide for a mixture of transitory RV capacity and stationary park model RVs or mobile homes in an RV park. Due to market demand, the Applicant requests that a larger number of RV spaces be allowed than would otherwise be allowed by standard. Staff has

no issue with this request, as it appears the transportation network can accommodate the increased RV traffic potential.



*View of the proposed RV space expansion area, showing the new gravel surfacing on the property.*

#### **V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on March 20, 2012 and published a legal notice in the *Bisbee Observer* on March 22, 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. The site has been in continuous use as an RV park since 1971, before development standards were adopted by the County; the Department has in that time developed no real concerns about perceived or potential off site impacts, and has received no complaints relating to the use.
2. 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 BA3-12-04, granting the requested Variances, with the factors in favor of approval listed in the staff report as findings of fact.*

**VII. ATTACHMENTS**

- A. Variance Application
- B. Location Map
- C. Site Plan
- D. Legal Nonconforming Status Letter from 1997



# COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240  
Fax 432-9278

Susan Buchan, Director

## APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT Three.

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 identification number: 203-11-061

2. General location of parcel: 1765 W. Ft. Willcox Loop  
Willcox AZ 85643

3. Area of Parcel (to nearest tenth of an acre): 5 Acres

4. Zoning district classification of parcel: GB

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. mobile home, RV, well, 2 propane tanks

① 5,000 gal, ① 1,000 gal, water holding tank 5000 gal, Recreation m.H., Building with laundry, beds, men bathroom w showers

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

Future sites seven (7) for RV use only (west side)  
Electric and water, cable TV, stone roadway parking for RV sites,

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

1812.06 - Reg'd screening  
1804.07 - reg'd DBST  
1812.08 - Parking  
1812.10 - sidewalks / paths  
1812.15 - RV spaces  
in MH Parks

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.

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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.

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

PROPERTY OWNER

ADDRESS

Barbara Canole Holmes

1765 W. FT. Wilcox Loop

Wilcox 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

[Signature]

APPLICANT'S PHONE NUMBER cell 520-591-2051 business 520-384-4986

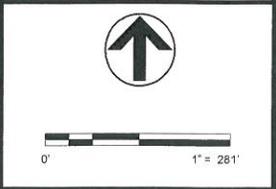
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred (\$300) payable to the Cochise County Treasurer. Return to the Cochise County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

\* If the applicant is not the property owner, please attach a signed letter from the property owner authorizing the variance(s) sought.



**Docket BA3-12-04**  
**Ft. Willcox RV Park**  
**Location Map**

This map is a product of the Cochise County GIS







# COCHISE COUNTY PLANNING DEPARTMENT

1415 W. MELODY LANE, BISBEE, ARIZONA 85603-3090

(520) 432-9450 / 9451  
FAX 432-9429

August 6, 1997

Mr. Jim Tenney  
Willcox Real Estate Company  
916 W. Rex Allen Drive  
Willcox, AZ 85643

RE: Grandfathered status of the Ft. Willcox RV Park (formerly known as Isla Del Sol MH/RV Park; Tax Parcel 203-11-061)

Dear Mr. Tenney:

This letter will serve as follow-up to our recent meeting held on July 31, 1997.

Planning Department records indicate that Isla Del Sol MH Park was established in 1971. Records provided by the Assessor's Office for that time period also indicate that the park had 13 mobile home spaces and 16 recreational vehicle hookups and two metal utility buildings. Statements from Mr. Stroud, Mr. Evans, Mr. Moser, Mr. Glenn and yourself indicate that the park has continued in use without cessation since 1971 thereby establishing the legal, non-conforming use of a mobile home/RV park on the subject property.

You have indicated that there are currently eleven mobile home spaces (one of which is occupied by the property owner, Charles Stroud), and eighteen overnight recreational vehicle spaces.

For your information, in 1975, Cochise County assigned a zoning of General Business (GB) to the parcel with the advent of the Cochise County Zoning Regulations. The mobile home portion of this park became legal, non-conforming in September 1984, when the Zoning Regulations were revised. More specifically, Article 12 which incorporated all General Business uses, was modified and no longer allowed mobile home parks as a permitted use. Additionally, Section 2002.01 disallowed mobile home parks to be considered a non-conforming business, and as such, ineligible for the 100% expansion allowed for non-conforming businesses.

In regards to the overnight RV portion of the park, this area would be allowed the ability to expand 100%. Please also note that

Tenney  
August 6, 1997  
Page Two

overnight recreational vehicle parks are still permitted uses in GB zoning districts, and as such, could expand beyond the 100% allowance provided all applicable site development standards are met. I have enclosed a copy of Article 12 (General Business), Article 18 (Site Development Standards), and a commercial permit package for your convenience. Upon submittal of a scaled site plan that depicts all existing and proposed improvements, the Planning Department would be happy to provide a cursory review for Planning issues.

If you have any additional questions, please call me at (520) 432-9450.

Sincerely,



Debra J. Limon  
Commercial Permit Coordinator

cc: James Vlahovich, Planning Director  
Pam Anderson, Building and Zoning Administrator

**Variance: Docket BA3-12-04 (Ft. Willcox RV Park)**

X

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

I DO believe that it would be AN ASSEST to  
WILLCOX. I HAVE NO objection, whatsoever!

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

DENNIS R. MONDY

SIGNATURE(S):

Dennis R. Mondy

YOUR TAX PARCEL NUMBER:

20312011  
20312014A

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the District 3 Board of Adjustment. 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, April 2, 2012

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



## **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 BA3-12-01 (New Life Family Worship Center)  
**DATE:** April 2, 2012 for the April 10, 2012 Meeting

#### **APPLICATION FOR VARIANCE**

The Cochise County Community Development Department seeks a Variance to Section 1804.07.C, which requires a 2-inch thick gravel surface for parking and driveway areas in a Category C Growth Area. The Variance is intended to legitimize an existing aggregate base course surface for an existing church.

The subject parcel (Parcel No. 208-44-009) is located at 642 E. Pomerene Road in Pomerene, AZ. It is further described as being situated in Section 34 of Township 16, Range 20 of the G&SRB&M, in Cochise County, Arizona. The Applicant is the Cochise County Community Development Department, on behalf of the New Life Family Worship Center.

#### **I. BACKGROUND**

On January 10, 2012, the District 3 Board of Adjustment granted a number of Variances to site development standards for the New Life Family Worship Center in Pomerene. Among the development standards applicable to the site was the requirement for a 2-inch deep gravel surface on parking and driveway areas. Due to staff error, the Applicant was instead allowed to place an aggregate base course (AB) surface treatment on the site. AB is not considered an acceptable substitute to gravel surfacing, and a Variance would be needed to legitimize its use as a surface treatment.

In order to rectify the error, the Community Development Department now acts as the Applicant, bringing before the Board a request for a Variance to Section 1804.07.C of the Zoning Regulations, on behalf of New Life Family Worship Center, in order to legitimize the existing AB surface.

This request comes before the Board under the original Docket number for reasons of clarity and record-keeping. Other details regarding the site, surroundings and staff analysis for the first consideration of Docket BA3-12-01 are to be found in the packet given to the Board for the January 10, 2012 meeting. This information may also be found on the Cochise County website at the following location:

[http://cochise.az.gov/cochise\\_planning\\_zoning.aspx?id=9618&ekmense1=c580fa7b\\_182\\_506\\_9618\\_4](http://cochise.az.gov/cochise_planning_zoning.aspx?id=9618&ekmense1=c580fa7b_182_506_9618_4)

## **II. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on March 20, 2012 and published a legal notice in the *Bisbee Observer* on March 22, 2012. To date, the Department has received no correspondence concerning the request.

## **III. SUMMARY AND CONCLUSION**

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

1. Allowing the new AB surface to remain will not produce any off-site impacts.

### **Factor Against Approval**

None Apparent

### **Recommendation**

Based on the factor in favor of approval, staff recommends approval of the surfacing standard Variance, without condition.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-12-01, granting the surfacing standard Variance, with the factor in favor of approval as findings of fact.*