



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
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MEMORANDUM

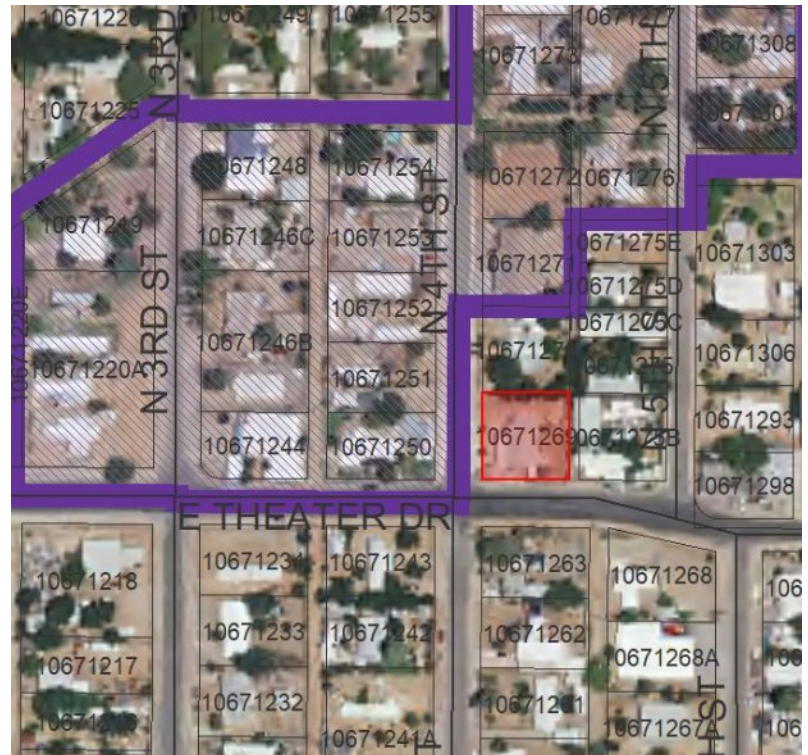
TO: Cochise County Board of Adjustment, District 3
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket BA3-19-03 (Hoey)
DATE: May 9, 2019 for the May, 2019 Meeting

APPLICATION FOR VARIANCE

Docket BA3-19-02 (DeWalt):

The Applicant is requesting the following variances:

1. Section 1811.01.D.1 Category A Areas *The outdoor storage or parking of any trucks, truck tractors, trailers or semi-trailers having a rated capacity of more than one and one-half tons...shall not be permitted in any residential Zoning Districts in a Category A (Urban) Growth Area.*
2. Section 203, Definitions, Home occupations shall not occupy more than 25% of the floor area of the residence. Including the area where the truck will park the applicant will exceed this allowance.
3. Section 203, Definitions, Home occupations shall not include outdoor storage and the applicant is requesting to allow a moving van to be occasional parked at the residence.



The subject parcel, APN 106-71-269 is located at 301 N. 4th Street, in Sierra Vista. It is further described as being situated in Section 34 of Township 21 South, Range 20 East of the G&SRB&M, in Cochise County, Arizona. The is Kevin Hoey.

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: .20 acres (8,632 square feet)
Zoning: MH-72/MR-2 (Multi-household residential)
Growth Area: Category A (Urban Growth Area)
Plan Designation: Neighborhood Rehabilitation
Area Plan: None
Existing Uses: Single Family Residence with accessory structures
Proposed Uses: Same, with a commercial box truck occasional parked onsite

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	MH-72/MR-2	Single Family Residences
South	MH-72/MR-2	Single Family Residences
East	GB	Single Family Residence, former fence business
West	MHR (City of Sierra Vista)	Single Family Residences

II. SITE HISTORY

- Home built in 1957
- Block wall in 2019

II. PROJECT DESCRIPTION

The Applicant has had a home occupation permit at this location since October of 2014. The approval was for a home office for a moving business. At that time the proposed work area “would take place in your residence, a work area which is less than 25% of the floor area of the 1,327 square foot residence...Home occupations



prohibit the outdoor storage of equipment and materials, and the site must maintain the appearance of a residential property”. Fortunately, for Mr. Hoey business has grown in the last five years. However, that has included the occasional storage of commercial moving truck(s).

The County started to receive complaints about trucks being parked at the residence and starting up early in the morning in 2017. After further investigation the County determined that Mr. Hoey was in violation of his original home occupation permit as well as Section 1811.01.D.1 Large Trucks, Truck Tractors, Construction Equipment. The Section States: *Category A Areas The outdoor storage or parking of any trucks, truck tractors, trailers or semi-trailers having a rated capacity of more than one and one-half tons...shall not be permitted in any residential Zoning Districts in a Category A (Urban) Growth Areas.*



Staff discussed the situation with Mr. Hoey and explained that as currently operating the business is in violation of the Zoning Regulations and the Home Occupation and advised him the only options would be to move the truck(s) to a different location or request a variance to the zoning regulations.

IV. ANALYSIS OF IMPACTS

The existing neighborhood is characterized by primarily residential development. The city of Sierra Vista and the County have been working hard to improve conditions within the Fry area. The Comprehensive Plan Designation of this area is in fact Neighborhood Rehabilitation. The

Zoning Regulations and Comprehensive Plan for Neighborhood Rehabilitation States:

404.04 Designating Areas as Neighborhood Rehabilitation (NR)

A. The area to be designated is within a Category A, B or C Growth Area.

B. The area is a residential neighborhood with a high number of deteriorating dwellings.

C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare, and general convenience.

D. There is community interest in improving the area.

E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (see Article 17 - Lot Development Administrative Modifications).



The Comprehensive Plan further states that this designation is “assigned to deteriorating neighborhoods which show potential for revitalization as residential neighborhoods” The key phrase in that language is residential neighborhoods. When the use was only an office located inside of a residence there were no impacts to the neighborhood. With commercial vehicles being stored, worked on and started up early in the morning it has now become disruptive to the neighborhood.

V. Public Comment



attached.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. In response to the County mailing we have received 2 letters of support.
2. The applicant provided five letters in support Approving the Variance would not unduly impact neighboring properties;

Factors Against Approving the Variances

1. In response to the County mailing we have received four letters of opposition.
2. The variance is a result of ongoing Code Compliance action.
3. The Neighborhood rehabilitation calls for improving residential neighborhoods, this is a Home Occupation that has expanded beyond what the Comprehensive Plan envisions
4. Approving this variance could set a precedence in this neighborhood and beyond. In this particular are where lots are small and streets are narrow there is not adequate maneuvering area form multiple properties to have commercial vehicles parked on them

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **denial** of the Variance as requested.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-19-03, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on April 22, 2019 and published a legal notice in the *San Pedro Valley Range-News* on April 17, 2019. The Department has received five letters in opposition and two letters of support from surrounding property owners. In addition, the applicant provided five letters in support from surrounding neighbors. All letters are

