

Cochise County Board of Adjustment, District 2

Cochise County Complex
Board of Supervisors' Executive Conference Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

Regular Meeting

July 18, 2019

6:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Board members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF PREVIOUS MINUTES**
 1. Approve the minutes of the previous meeting
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Board on any issue within the Board's jurisdiction. Since Board members may not discuss items that are not specifically identified on the agenda, Board action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
 1. BA2-19-03 (Mullen)
6. **PUBLIC HEARING**
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO BOARD ON RECENT MATTERS.**
9. **ADJOURNMENT**

Board of Adjustment District 2

3. 1.

Meeting Date: 07/18/2019

Approve the minutes of the previous meeting

Submitted By: Peter Gardner, Community Development

Department: Community Development

Presentation: No A/V Presentation

**NAME
of PRESENTER:**

**TITLE
of PRESENTER:**

Agenda Item Text:

Approve the minutes of the previous meeting

Background:

Attachments

Draft Minutes

DRAFT

**PROCEEDINGS OF THE COCHISE COUNTY
BOARD OF ADJUSTMENT, DISTRICT 2
REGULAR MEETING HELD ON
Wednesday, April 3, 2019**

A regular board meeting of the Board of Adjustment, District 2 was held on Wednesday, April 3, 2019 at 6:00 p.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Albert Young, Chairman; Estelle , Vice Chair; Anastacio , Member

Attendees: Thomas Maley, Applicant

Chairman Young called the meeting to order at 6:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Board members and explain quorum and requirements for taking legal action).
 1. **APPROVAL OF PREVIOUS MINUTES**
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Board on any issue within the Board's jurisdiction. Since Board members may not discuss items that are not specifically identified on the agenda, Board action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
6. **PUBLIC HEARING**
 1. BA2-19-02 (Maley) A request to encroach thirteen feet into the required twenty foot setback.

Robert Kirschmann presented the staff report and recommendation.

Mr. Maley explained his request.

Ms. Estelle Moved to approve the docket as recommended by Staff. Mr. Salaiz Seconded and the motion passed unanimously.

Motion by Vice Chair Estelle, Second by Member Anastacio

Vote: 3 - 0 Approved

7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO BOARD ON RECENT MATTERS.**
9. **ADJOURNMENT**

Chairman Young adjourned the meeting at 6:23pm.

APPROVED:

Albert Young, Chairman

ATTEST:

Daniel Coxworth, Development Services Director

Board of Adjustment District 2

5. 1.

Meeting Date: 07/18/2019

BA2-19-03 (Mullen)

Submitted By: Peter Gardner, Community Development

Department: Community Development

Presentation: No A/V Presentation

Division: Development Services

NAME Peter Gardner

of PRESENTER:

TITLE Planner II

of PRESENTER:

Agenda Item Text:

BA2-19-03 (Mullen)

Background:

The Applicant is requesting the following variances:

- In the R-18 Zoning District, all accessory structures must be subordinate in size to the principal dwelling. The proposed storage building will be larger than the existing 2,200 square foot home.
 - In the R-18 zoning district, all structures must be setback a minimum of twenty (20) feet from the property line. The applicant is requesting to construct a storage building approximately 16.5 feet from the north property line due to existing site constraints.
-

Attachments

Staff Report

Application and Site Plan

Public Input



Cochise County Community Development

Development Services Department

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: Docket BA2-19-03 (Mullen)
DATE: July 10, 2019 for the July 18, 2019 Meeting

APPLICATION FOR VARIANCE

Docket BA2-19-03 (Mullen)

The Applicant is requesting the following variances:

1. In the R-18 Zoning District, all accessory structures must be subordinate in size to the principal dwelling. The proposed storage building will be larger than the existing 2,200 square foot home.
2. In the R-18 zoning district, all structures must be setback a minimum of twenty (20) feet from the property line. The applicant is requesting to construct a storage building approximately 16.5 feet from the north property line due to existing site constraints.

The subject parcel, 402-25-011, is located at 2375 S. Rock House Road in Portal, Arizona. The Applicant is William Mullen.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 3.05 Acres
Zoning: R-18 (Residential; one dwelling per 18,000 square feet)
Growth Area: Category D - Rural
Plan Designation: Rural
Area Plan: None
Existing Uses: Single Family Home and Accessories
Proposed Uses: Same, with new storage building

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	R-18	Vacant
South	R-18	Portal Library
East	RU-4	Single Family Residence
West	R-18	Vacant

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

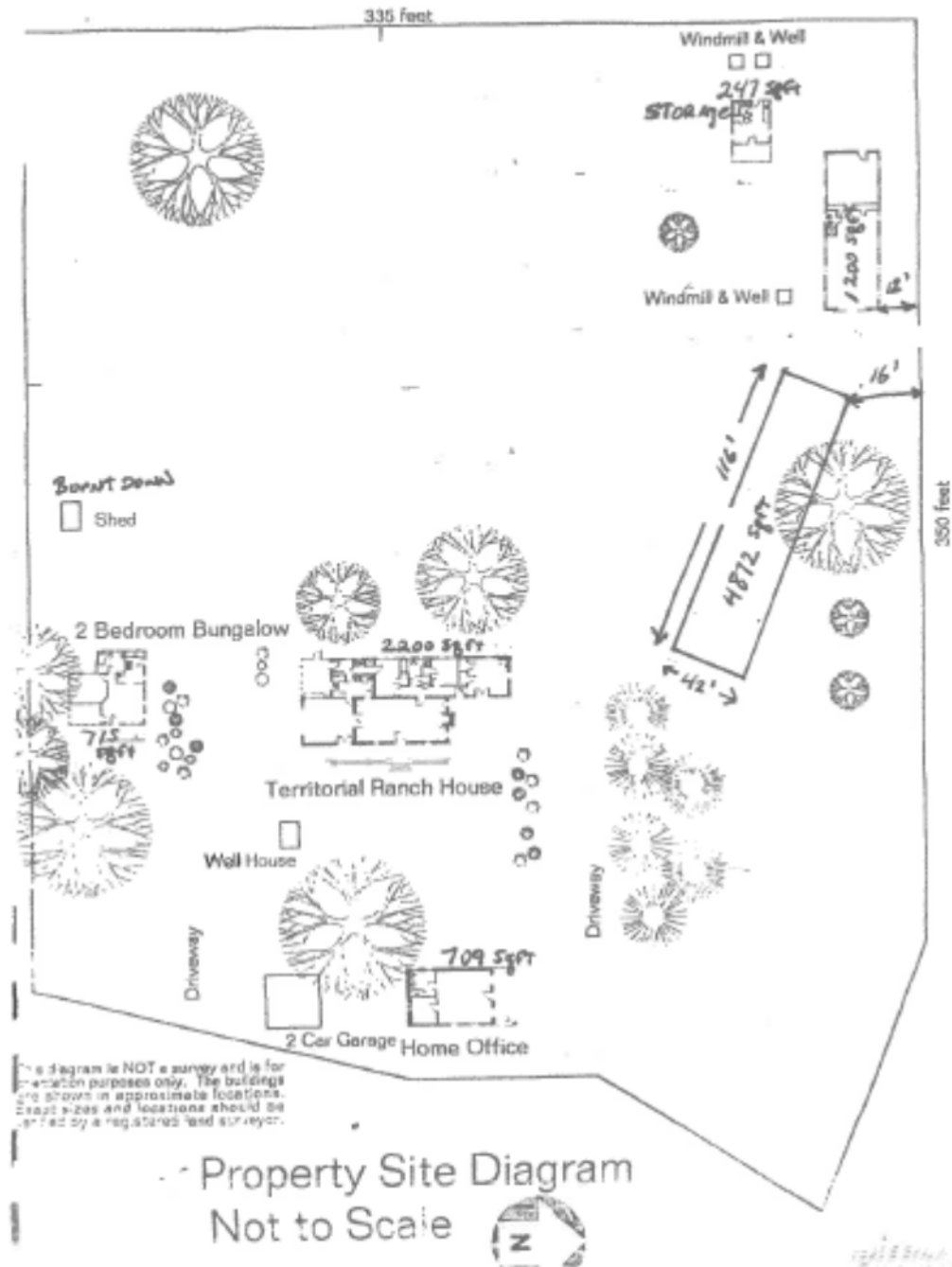


II. SITE HISTORY

Site developed agriculturally in 1918

III. PROJECT DESCRIPTION

The applicant is requesting construct a storage approximately sixteen feet from the north property line, due to constraints posed by the existing home, walls and septic area. The building is 4,812 square feet, which exceeds the size of the 2,200 square foot house. While this would be permitted in the RU zoning district to the east, it is not permitted in the R zoning district without a variance. The intention is to build one large building to consolidate existing storage, replacing existing buildings in various conditions.



IV. ANALYSIS OF IMPACTS

The project site is within a rural residential neighborhood, characterized by numerous attached and detached accessory structures. When zoning was adopted in 1975 S. Rock House Road was used as the dividing line between Rural zoning and Residential Zoning. If the property was zoned Rural, one of the requests would not be required. The subject property is also larger than most of the properties across Rock Springs Road, making the request more fitting than it would be on a Rural zoned property to the east. Regarding the setback, there is no development to the north, and the parcel is both set down and heavily wooded, concealing the building from most sightlines.

Staff finds that the proposed setback reduction will have minimal negative impacts on the neighborhood.



V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet on June 28, 2019. Staff posted the and published a legal notice. To date, the Department has received one letter in support.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variance

1. The proposed setback is consistent with the adjacent properties,
2. The existing septic system and placement of the house on the lot limits the area that a structure could be constructed,
3. One letter in support had been received, and
4. The proposed request will not create negative impacts on the affected properties.

Factor Against Approving the Variance

None

VII. RECOMMENDATION

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

Sample Motion: *Mr. Chairman, I move to approve Docket BA2-19-03, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

APPLICATION FOR VARIANCE

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

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 2

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 2

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: 402-25-011
2. Address of parcel: 2375 S Rock House rd Portal AZ 85632
3. Area of Parcel (to nearest tenth of an acre): ~~3.75~~ 3.05
4. Zoning District designation of Parcel: R. 18
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.
Residential, work shop, Hobby, gardening, Orchard
See attached Drawing over view of property
Home 2200, work shop 1200, storage 247, Guest House 715,
Home office 709. approx 5039 sqft
6. Describe all proposed uses or structures, which are to be placed on the property.
Storage Building
7. State the specific nature of the variance or variances sought.
1. THE intended Building is larger than THE code currently allows
2. ONE corner of THE new building would be closer to the property line
than THE current allowable distance of 20ft. (16.5 feet)

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.

*we would like to remove some of the older buildings
and consolidate storage to one place with enough
space for the future*

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.

*It will not block the view of the canyon.
no one lives on any of the surrounding properties.*

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

PROPERTY OWNER

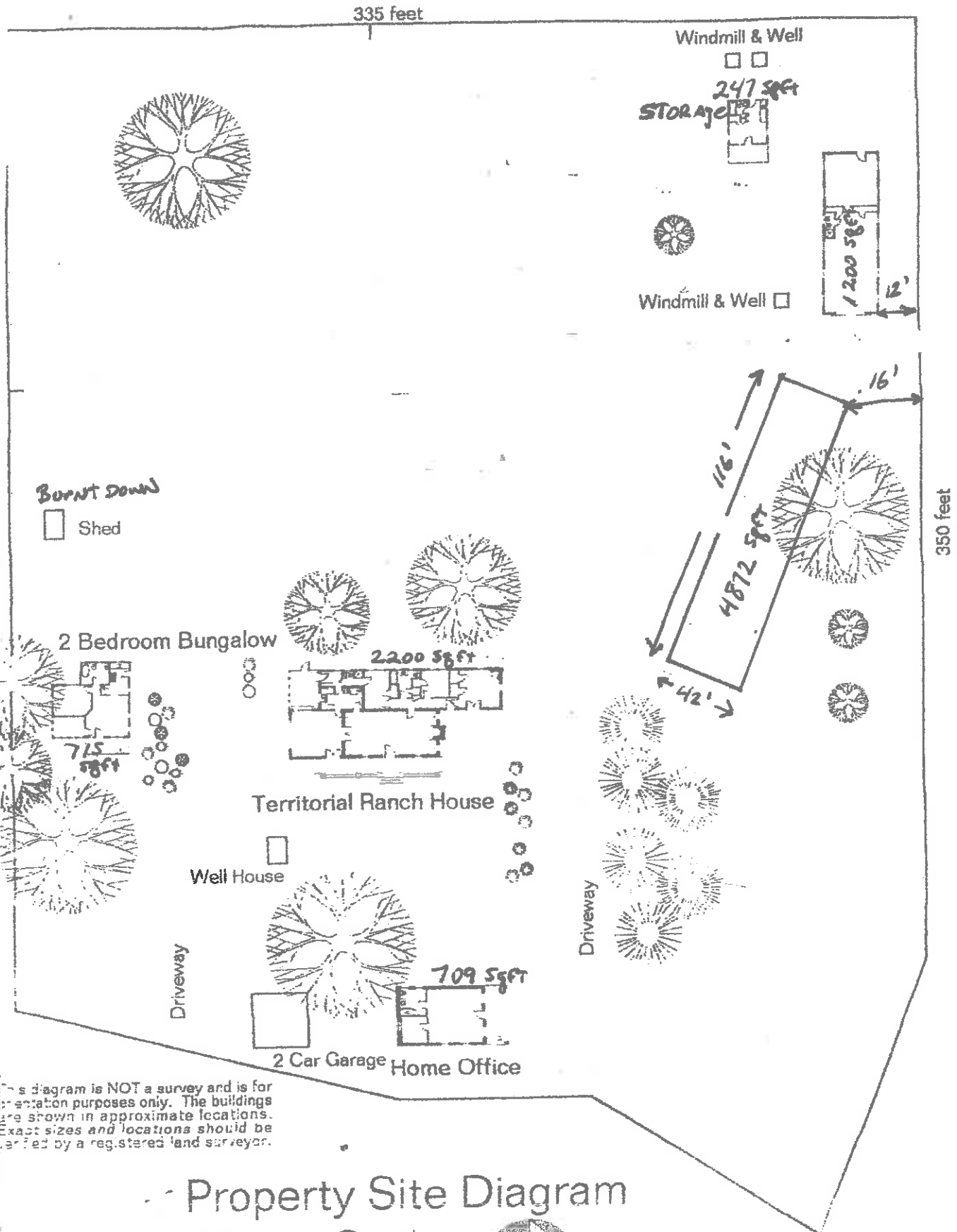
MAIL ADDRESS

William I Mullen

RD Box 16166 Portal AZ 85632

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.

MULLEN PROPERTY 3.05 ACRES



This diagram is NOT a survey and is for presentation purposes only. The buildings are shown in approximate locations. Exact sizes and locations should be verified by a registered land surveyor.

Property Site Diagram
Not to Scale



Variance request Docket BA2-19-02 (Maley)

X YES, I SUPPORT THIS REQUEST

Please state your reasons:

*I don't have a problem with it!
Every man needs a man cave! Carl M Nelson
too do ~~work~~ boys in.*

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Carl M Nelson

SIGNATURE(S): *Carl M Nelson*

YOUR TAX PARCEL NUMBER: 10832085 (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 District 2 on April 3, 2019. 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. This form is due to our Department by Monday March 25, 2019

RETURN TO: Robert Kirschmann – Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603