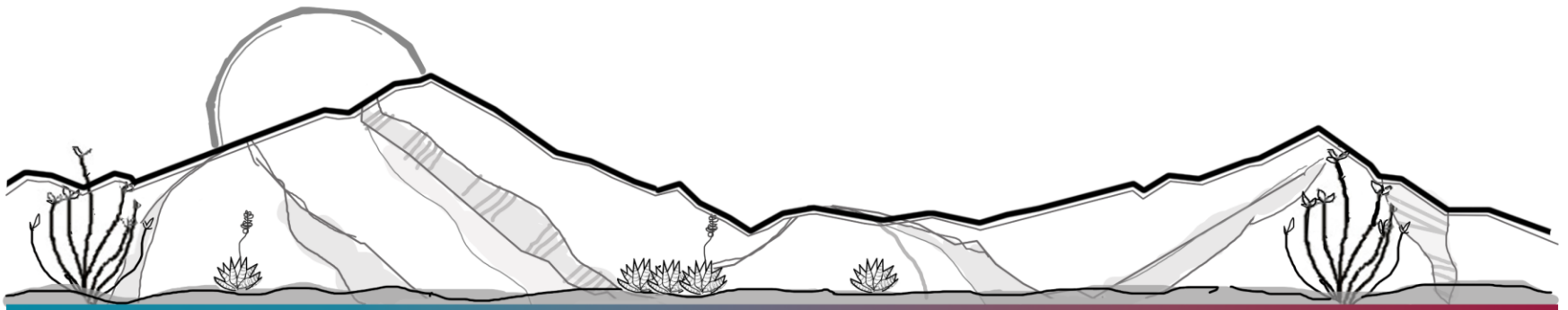


SUA 23-01

(Sirota Guest Lodging Appeal)

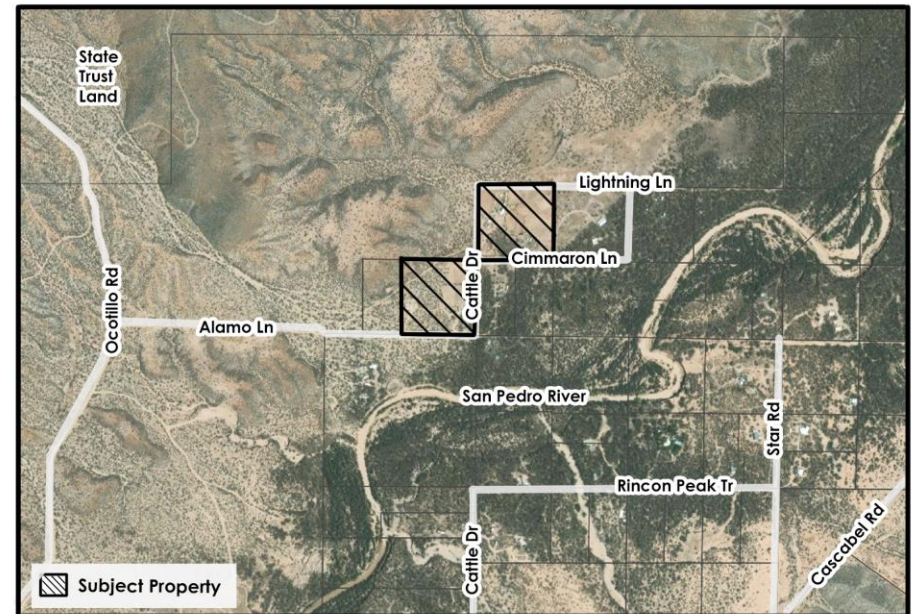
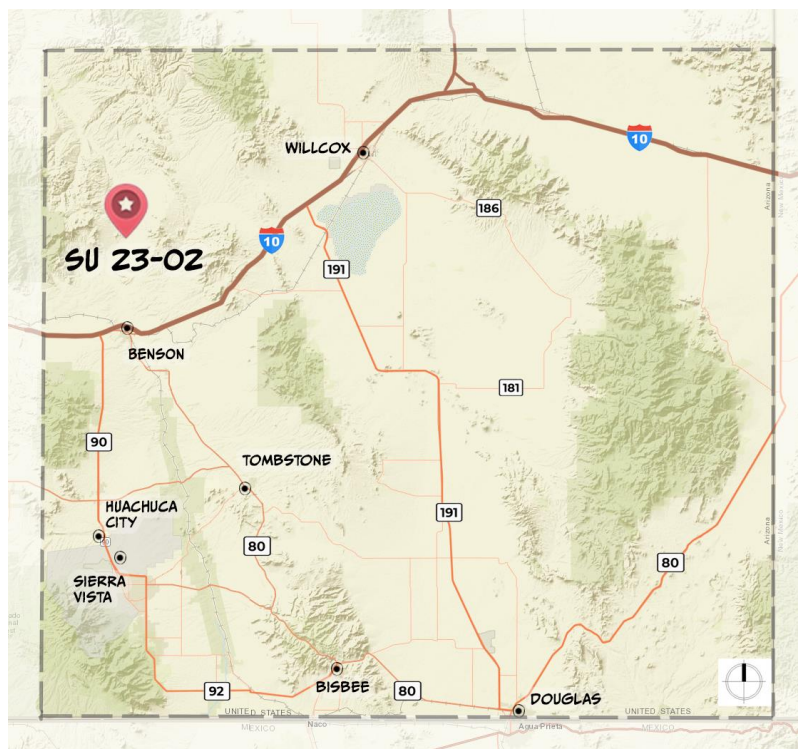
Appeal of a Planning and Zoning Commission
Denial of a Special Use Authorization for Guest
Lodging

Board of Supervisors
March 28, 2023



DEVELOPMENT SERVICES

- SU 23-02 was a request to permit guest lodging on a rural zoned property
- The subject property includes Parcel 208-67-026 (9.96 acres) and 25A (9.92 acres)/440 W Cimmarron Ln Benson, AZ and 536 W Alamo Ln
- The applicant lives on one of the subject parcels and operates a horseback riding business. He offers guest lodging on his property, which includes RV spaces and tent spaces, which he wishes to legitimize.



Location
 SU 23-02 Sirota Guest Lodging

Concept Plan

- Continue to offer horseback riding/ lessons (*permitted use*)
- Offer a limited amount of overnight stays to guests (*special use*)



Concept Plan
SU 23-02 Sirota Guest Lodging

N.T.S



DEVELOPMENT SERVICES

There are 10 factors used to evaluate all special use proposals. As submitted, the application:

Complies: 4 factors

- Compliance with Duly Adopted Plans
- Compliance with the Zoning District Purpose
- Significant Site Development Standards
- Water Conservation

Does Not Comply: 1 factor

- Public Input

Complies with Conditions: 3 factors

- Traffic Circulation
- Adequate Services and Infrastructure
- Offsite Impacts

Not applicable: 2 factors

- Development Along Major Streets
- Hazardous Materials



Permitted vs. Special Uses in Rural Zoning

Permitted use:

- Allowed by right
- Administrative approval (no public notice or hearing)
- Subject to the requirements of residential or non-residential permitting
- Commercial riding stables and short-term rentals are permitted principal uses, home occupation permits are permitted accessory uses

Special use:

- May have impacts beyond other permitted uses
- A public hearing is required, and conditions to increase compatibility are typical
- Guest lodging is a special use



Evaluation Criteria of An Appeal

There are two requirements the Board must consider to evaluate all appeals of special uses proposals.

1. All reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion.
2. Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.



Appellant Claims

Why the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion.

- *The majority of those present to object were not proximal neighbors and therefore not impacted by the request*
- *The neighbor objections (traffic, manure, and flies) did not relate to special use request for guest lodging*
- *Commission was overly influenced by the testimony of those present, which the applicant characterizes as untrue or exaggerated*



Appellant Claims

Additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.

- *Monthly computerized schedule to refute traffic concerns*
- *Legal correspondence documenting past harassment from neighbors*
- *Claims that proposed use is appropriate and will reduce traffic impact*



- An **approval** of this appeal request would **reverse** the decision of the Planning and Zoning Commission and permit the special use request for guest lodging
- A **denial** of this appeal request would **affirm** the decision of the Planning and Zoning Commission and not permit the special use request for guest lodging



Factors In Favor of Appeal Approval

1. A rationale for their denial vote was not provided by any of the four commissioners
2. The applicant has provided a rationale why the decision was possibly arbitrary

Factors In Favor of Appeal Denial

1. A denial would overturn a 4-2-1 (denial, approval, abstain) decision by the Planning and Zoning Commission, the board that is designated to consider all special use authorizations
2. The original request did not comply with the public input factor. Public input is one of the ten factors used to evaluate special use requests. As stated by the Zoning Regulations, “major public opposition may indicate that the technical evaluation regarding the compatibility of the use does not concur with the view of local residents, and a recommendation of denial may be appropriate”

Staff Recommendation

Based on the Factors in Favor of An Appeal Approval, Staff recommends Approval of the Appeal (SUA-23-01), thereby reversing the Planning and Zoning Commission's Denial of SU-23-02, attaching the original Conditions of Approval to the special use request.



Sample Motions

Madam Chairman, I move to approve Docket SUA-23-01, reversing the February 8, 2023 denial by the Planning and Zoning Commission, the Factors in Favor of the Appeal Approval constituting Findings of Fact.

Madam Chairman, I move to deny Docket SUA-23- 01, affirming the February 8, 2023 approval by the Planning and Zoning Commission, the Factors in Favor of an Appeal Denial constituting Findings of Fact.

