

DRAFT

**PROCEEDINGS OF THE COCHISE COUNTY
BOARD OF ADJUSTMENT
REGULAR MEETING HELD ON
Wednesday, FEBRUARY 28, 2024**

A regular board meeting of the Board of Adjustment was held on Wednesday, FEBRUARY 28, 2024 at 5:00 p.m. in the Development Services Conference Room, 1415 W. Melody Lane, Building F, Bisbee, Arizona.

Present: John Pintek, Vice-chair; Paul Brick, Chair; Clint Briseno, Member

Staff Present: Matthew Taylor, Planner II
Christine McLachlan, Planning Division Manager

Chairman Brick called the meeting to order at 5:00 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

CALL TO ORDER

ROLL CALL (Introduce Board members and explain quorum and requirements for taking legal action).

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.

No one present or online elected to speak during call to the public.

ELECTION OF THE 2024 CHAIR AND VICE CHAIR

Chair Brick asked whether there were any volunteers or nominations for 2024 Chair. Chair Brick offered to remain chair. Member Briseno seconded the motion. All voted in favor of Chair Brick remaining as Chair for 2024. Chair Brick asked for volunteers or nominations for vice chair. Member Briseno nominated Vice-chair Pintek to remain as vice-chair. Chair Brick seconded the motion. All voted in favor of vice-chair Pintek remaining as vice-chair for 2024.

APPROVAL OF THE NOVEMBER 2023 MEETING MINUTES

Motion by Member Clint Briseno, Second by Vice-chair John Pintek

Vote: 3 - 0 Approved

PUBLIC HEARING

Docket VAR24-01 (Apache Setback): An applicant-initiated Variance request from Section 2.27.040 of the zoning regulations to reduce the minimum front setback from seven and one-half (7.5) feet to three (3) feet and minimum side setback from five (5) feet to zero (0) feet for a 360 square-foot detached carport.

Motion by Member Clint Briseno, Second by Chair Paul Brick Case planner Taylor provided a presentation, which is preserved in the file. The applicant, CJ Abraham, spoke during the applicant's statement.

Vice-chair Pintek asked the applicant to clarify ownership of a block wall. The applicant stated it belonged to her neighbor. Vice-chair Pintek asked the applicant to clarify the placement of the addition. Case planner Taylor stated the lot was platted prior to the institution of zoning in the county, and was non-conforming. Vice-chair Pintek questioned the fairness in restricting the use of the non-conforming status. Case planner Taylor explained that a degree of flexibility was built into the zoning regulations as it relates to non-conforming lots. Chair Brick questioned whether grandfathering provisions applied. Planning Division manager McLachlan pointed out that in this case, the "legally non-conforming lot" section of zoning was appropriate and applied in this case. Member Briseno asked for clarification on the exact setback reductions and if the most impacted neighbor was in support.

Case planner Taylor recommended conditional approval. Conditions recommended included water mitigation and application of the variance to only the carport. The board discussed whether the water mitigation condition needed more specificity.

The board voted to approve the variance.

Vote: 3 - 0 Approved

PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.

CALL TO BOARD ON RECENT MATTERS.

ADJOURNMENT

Chairman Brick adjourned the meeting at 6:33 PM.

APPROVED:

Paul Brick, Chair

ATTEST:

Development Services Director