Minutes of the Regular Meeting
Of the Santa Cruz County
Board of Adjustment #3
April 21, 2016
Santa Cruz County Board of Supervisors Meeting Room # 120
2150 N. Congress Drive, Nogales, AZ 85621

APPROVED 5/19/16

BOARD MEMBERS PRESENT: Dean Davis, Arturo Vazquez, Charlotte Stockton and Donald Davidson
BOARD MEMBERS ABSENT: Jean Miller.
STAFF PRESENT: Mary Dahl and Angelika Ortiz

Mr. Davis called the meeting to order at 2:00 p.m. Pledge of allegiance preceded roll call and it was noted for the record that a quorum was present.

Mr. Davis ordered a call to the public. After hearing no response, he moved to the next item on the agenda, Case No. CUP-16-3-6 Parcel No. 112-44-266, a request for a conditional use permit for a cocktail lounge and/or bar on a B-2 (General Business) zoned property located at 30 Avenida Goya in Tubac, Arizona.

Ms. Dahl reviewed the staff report and stated that the applicant plans to operate her business as a boutique store with tequila shots and other high spirits available to enhance the experience. Ms. Dahl explained that the fact that the liquor license is a Series 6 license prompted her to treat this as a bar. She recommended approval of the request with the following conditions:

1. All required permits will be obtained for the tenants improvements
2. All Health Services Department requirements shall be met.

Mr. Davis asked if correspondence against the request has been received.

Ms. Dahl responded no.

Mr. Davidson asked if the upstairs part of the building will be involved in the business.

Ms. Dahl referred the question to the applicant.

Ms. Rhonda Cullum made a presentation of the request and explained that her intent is to use the Series 6 liquor license to be able to sell liquor for on-site consumption and package liquor sell. She stated that this business would enhance Tubac and asked the Board to support her. She addressed the question regarding the upstairs of the building and stated that it has been turned into an apartment area and would not be part of the bar.

Mr. Vazquez asked if the patio next to this space is part of it and if she is planning to use the restrooms as part of her business.

Ms. Cullum responded that the patio and the restrooms are attached to this building and part of her lease.

Mrs. Stockton asked if she would be serving food,

Ms. Cullum responded no.

Mr. Davis opened the public hearing and, after hearing no comments, he moved to questions, deliberation and action by the Board.

Mr. Davidson commented that to him this is a great idea and see no problem with granting the permit.

Mr. Vazquez agreed.

Mr. Davidson made a motion, seconded by Mr. Vazquez, to approve the request for Case No. CUP-16-3-6 Parcel No. 112-44-266, a request for a conditional use permit for a cocktail lounge and/or bar on a B-2 zoning district with the following conditions:

1. All required permits will be obtained for the tenants improvements
2. All Health Services Department requirements shall be met.

Motion was approved unanimously.

Mr. Davis moved to next item on the agenda: Case No. VAR-16-3-7 Parcel No. 106-26-046: A request for a variance from Article 18, Section 1803 and Article 9, Section 906(H) (1) of the Santa Cruz County Zoning and Development Code to allow a modular home as a permanent guest house residence on a 2 acre non-conforming GR (General Rural) zoned property located at 545 North 1st Avenue just outside Patagonia, Arizona.

Ms. Dahl reviewed the staff report and explained that in 2009, Mrs. Wright's home burned down and when she attempted to get a permit to rebuild, it was determined that the parcel was an illegal lot of record, meaning that it was too small for the zoning district and was created AFTER the applicable minimum lot size regulation was put into effect. In 2010 the Board of Adjustment granted a variance to legitimize the lot size allowing Mrs. Wright to apply for a building permit to rebuild the home.

She explained that the current request is to build a guest house which is permitted in a conforming GR (General Rural) zoned property and the second issue is that they wish to build a modular guest house. She stated that these buildings are built to the 2012 international residential code and that the difference is that the component parts are built in a factory licensed and certified by the State Office of Manufactured Housing. She stated that the applicant has committed to clean up the property. She recommended approval of the request with the following condition:

1. The guesthouse will be permitted through the State Office of Manufactured Housing for a modular home and will feature architectural designs consistent with a site built home.

Mr. Davidson asked if the approval of this request would not set a precedent regarding the zoning aspect of split parcels.

Ms. Dahl responded that the Board could have that discussion and add conditions.

Mr. Davis asked if once the location of the dwelling is approved by the Building Department would there be any further oversight by the County.

Ms. Dahl responded that this is kind of new and that she thinks that it would have to be permitted through the office of manufacturing housing.

Mr. Vazquez asked if one electric meter will serve both buildings.

Ms. Dahl responded that they have not gotten to that stage of the planning but that is what is normally required.

Mr. Alex Lee read a letter from his father (applicant) stating that the sole purpose of this request is to take care of Mrs. Wright but at the same time they would like her to maintain a sense of independence, privacy and ownership of her space and the same for them. He also mentioned that they would be cleaning and restoring the land.

Mr. Davis asked if the submission of the modular dwelling pictures would be the one they would bring into the property.

Mr. Lee responded he submitted those pictures to show the Board that they would not be bringing a trailer but he is not sure if it would be exactly like that.

Mrs. Stockton asked if they have a time line for cleaning up the property.

Mr. Lee responded that they would start in June and that if a time line is required they were willing to comply with the request.

Mr. Davis opened the public hearing.

Mr. Jim Lambs stated that they had no objection to the request but expressed concern about the condition of the property. He suggested that a condition regarding the clean-up be a stipulation prior to bringing the modular home to the property.

Mr. Davis closed the public hearing and moved to questions, deliberation and action by the Board.

Mr. Davis asked if there was a concern regarding the type of modular building is selected.

Ms. Dahl responded that Mr. Lee has committed that the modular would be the type that has the architectural features of a site-built home.

Mr. Davis asked how they can define the "cleaning of the property".

Ms. Dahl responded that, on his application, Mr. Lee has indicated what is going to be removed.

Mr. Davidson made a motion, seconded by Mrs. Stockton, to approve Case VAR-16-3-7, a variance to allow a modular home as a permanent guest house residence on a 2 acre non-conforming GR (General Rural) zoned parcel with the following conditions:

1. The guesthouse will be permitted through the State Office of Manufactured Housing for a modular home and will feature architectural designs consistent with a site built home.

2. Clean up of the grounds of the property shall occur prior to modular placement, including removal of any valueless materials and unnecessary structures.

Motion was approved unanimously.

Mr. Davis moved to the approval of the April 21, 2016 minutes.

Mrs. Stockton made a motion, seconded by Mr. Davidson to approve the April 21, 2016 minutes as presented.

Motion was approved unanimously.

Meeting was adjourned at 2:38 p.m.

Dean Davis – Chair