



Minutes of the Regular Meeting
Of the Santa Cruz County
Board of Adjustment #3
May 19, 2016

APPROVED
June 16, 2016

Santa Cruz County Board of Supervisors Meeting Room # 120
2150 N. Congress Drive, Nogales, AZ 85621

BOARD MEMBERS PRESENT: Dean Davis, Arturo Vazquez, Charlotte Stockton, Jean Miller and Donald Davidson

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. VAR-16-3-8 A request for a variance on Parcel No. 114-02-213B, to reduce the required lot area from 10,000 square feet to 9,700 square feet on an R-3 (Residential) zoned property and a request for a variance on Parcel No. 114-02-213A to 1) reduce the required front yard setback from 10 ft. to 3.2 ft. for an already built carport, 2) reduce the required front yard setback from 10 ft. to 8 ft. and the side yard setback from 10 ft. to 6.6 ft. for an already built garden shed and 3) reduce the required side yard setback from 10 ft. to 5 ft. and 4) reduce the required back yard setback from 10 ft. to 7.5 ft. to build an accessory structure. The properties are located at 1080A&B Avenida Leon in Rio Rico, Arizona.

Ms. Dahl reviewed the staff report and explained that the applicant came to talk about splitting the property but were concerned about reducing 6B below the minimum 10,000 square feet needed for a conforming R-3 lot. At that time, staff identified the carport and existing garden shed on 6A as not meeting applicable setbacks. In addition, the applicants indicated their desire for an additional planned storage shed on the western portion of 6A due to the modest size of the home (1,100 square feet). She stated that all the nonconformities were identified and that the applicant is asking for the following variances:

LOT SIZE

1. Reduce lot size for 6B from the required 10,000 square feet to 9,700 square feet.

CARPORT

2. Reduce the front setback from 10 feet to 3 feet 2 inches.

GARDEN SHED

3. Reduce the front setback from 10 feet to 8 feet.
4. Reduce the side setback from 10 feet to 6 feet 6 inches.

NEW STORAGE SHED

5. Reduce the side setback from 10 feet to 5 feet.
6. Reduce the rear setback from 10 feet to 7 feet 6 inches.

She suggested the following conditions for approval:

1. Applicants will obtain a permit after the fact for the carport and pay any applicable fines or penalties, and
2. Applicants will obtain all required permits for the new storage building.

Mr. Davidson asked if a precedent could be set if these variances are granted.

Ms. Dahl responded that every case needs to be considered on its own merit

Mr. Block, acknowledging that the staff report accurately outlined the issues at hand, offered to answer any questions.

Mrs. Stockton asked if he has considered adding on to the carport rather than building another structure that does not meet setbacks.

Mr. Block responded that it is not feasible due to the small area, the topography and the need for maneuvering space required for vehicles.

Mr. Davidson asked if there were any particular concerns about the proposed location of the new storage shed and the slope factors.

Mr. Block responded that they just finished building a retaining wall to stabilize the slope at that end of the property, hopefully in preparation for building the new storage shed.

Mr. Vazquez asked if there is a possibility to locate the storage shed on top of the retaining wall instead of at the bottom.

Mr. Block responded that it is on top of the retaining wall.

Mr. Vazquez asked if a registered contractor was hired to build the carport.

Mr. Block responded that a neighbor helped him and that at that time it was merely a carpark area and then they turn it into a carport to protect the vehicles.

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

Mr. Davidson made a motion, seconded by Mr. Davis, to approve the variance requests with the following conditions:

1. Applicants will obtain a permit after the fact for the carport and pay any applicable fines or penalties, and
2. Applicants will obtain all required permits for the new storage building.

Motion was approved by a 3 to 1 vote.

Mr. Davis moved to next item on the agenda: Case No. CUP-16-3-9, Parcel 109-34-091 – a request for a conditional use permit for brewpub (cocktail lounge/bar) on a B-2 (General Business) zoned property located at 3112 Highway 83 in Sonoita, Arizona.

Ms. Dahl reviewed the staff report and mentioned that the applicants have a Series 6 (bar) license and are establishing a microbrewery and restaurant/brewpub on property in Sonoita. She explained that the microbrewery and the restaurant are permitted in the B-2 (General Business) zoning district and that the fact that they are bringing the Series 6 (bar) license is what requires them to seek a conditional use permit. She recommended approval of the request with the following conditions:

1. Applicants will submit for development plan approval in accordance with Section 1505 of the Zoning and Development Code;
2. Applicants will coordinate closely with the Health Department to ensure their requirements are met and appropriate licenses are obtained; and
3. Applicants will provide proof of an encroachment permit from ADOT prior to being issued a building permit.

Mr. Davis asked Ms. Dahl if the parking capability, based on the size of the building, has been addressed.

Ms. Dahl responded that the preliminary site plan meets the code.

Mrs. Stockton asked for clarification regarding the Series 6 license.

Mrs. Dahl responded that the main distinction is that with a Series 12 restaurant liquor license a certain amount of the revenue has to come from food and with a Series 6 bar license that restriction does not apply.

Mr. Robert Jesser and Mrs. Cheryl Jesser gave a presentation of the request. Mr. Jesser explained that the facility would be approximately 6,100 square feet of space which includes approximately 2,500 square feet of craft brewing manufacturing space with a full service restaurant and bar, an open patio, an elevated mezzanine and a brew side special event/meeting room.

He addressed the Series 6 license and stated that it is a strategic business decision that will give them the flexibility to ensure their business will survive. He spoke about the economic impact of a brewery/brewpub in the County.

Mrs. Miller asked for clarification between the Series 6 license and the Series 12 License.

Mrs. Jesser responded that the Series 6 license is going to give them more flexibility to succeed in the long run.

Mr. Davidson asked if they are granted the Series 6 license what percent of the total liquor sales would be beer vs. other alcohol.

Mr. Jesser responded that they don't know and that is part of the reason they are going with the Series 6. Their preference would be to sell all their beer on site and that it is based on the market.

Mr. Davidson asked if they are planning to sell microbrew off site.

Mr. Jesser responded that is a possibility that they could sell keg beer to other restaurants or the rodeo fair grounds or in Nogales.

Mrs. Stockton asked if operating hours have been set.

Mr. Jesser responded not yet, but they are planning on being open every day of the week probably from 11:00 AM to 8:00 PM.

Mr. Davis opened the public hearing.

Mrs. Kat Crockett spoke in favor of the request and mentioned they are ecstatic about the proposal and that it fits well with the wine industry in Sonoita.

Mr. George Whitmill spoke in favor of the request.

Ms. Anita Kay spoke against the request. She stated that she was not against a microbrewery or brewpub but she was against another bar in Sonoita. She mentioned that Sonoita's population is already generously overserved and that another bar in the B-2 zoning district would bring up to eight establishment for hard alcohol. She also mentioned that there is a school and a church across the street.

Reverend Bill Cosgrove voiced no objection to a brewery, but he asked the Board Members to be considerate to those people already in business.

Mr. Mitch Shade spoke in favor of the request and stated that small business is critical to Sonoita.

Mrs. Donna Federici spoke in favor of the request and spoke about marketing, cultural branding and small business in Sonoita.

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

Mr. Davis mentioned that he had no problem with the request and that he see the project as a good venture for Sonoita.

Mrs. Miller mentioned that up until recently she was a board member of the Patagonia Area Business Association and as they struggled with developing businesses, it became clear to them that the growth of the eastern Santa Cruz County depends on tourism and home based web businesses.

Mrs. Stockton said that a major support for this new business will likely be from tourists and not local residents.

Mr. Vazquez stated that it is important to support people who want to invest in a small community.

Mrs. Stockton made a motion, seconded by Mrs. Miller to approve Case No. CUP-16-3-9 as submitted with the following conditions:

1. Applicants will submit for development plan approval in accordance with Section 1505 of the Zoning and Development Code;
2. Applicants will coordinate closely with the Health Department to ensure their requirements are met and appropriate licenses are obtained; and
3. Applicants will provide proof of an encroachment permit from ADOT prior to being issued a building permit.

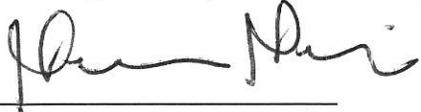
Motion was approved unanimously.

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 3:04 p.m.

A handwritten signature in cursive script, appearing to read "Dean Davis", written in black ink. The signature is positioned above a horizontal line.

Dean Davis – Chair