

Minutes of the Regular Meeting
Of the Santa Cruz County
Board of Adjustment #3
October 20, 2016

APPROVED
November 10, 2016

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

BOARD MEMBERS PRESENT: Chairman Dean Davis, Vice-Chair Charlotte Stockton, and Jean Miller.

STAFF PRESENT: Jesse Drake, Director of Community Development, and Angelika Ortiz, Deputy Planning and Zoning Enforcement Officer.

Chairman Davis called the meeting to order at 2:02 PM. Pledge of allegiance preceded roll call and it was noted for the record that a quorum was present.

Chairman Davis ordered a call to the public. After hearing no response, he moved to the next item on the agenda, Case No. VAR-16-3-13 – Parcel No. 109-34-091: a request for a variance to allow a parking area to be two-inch tick gravel instead of pavement on a B-2 (General Business) zoned property located at 3112 Highway 83, in Sonoita, Arizona.

Mrs. Drake gave a presentation of the request, she stated that unpaved parking areas are found in the vicinity and are in keeping with the general character of this commercial corridor, she addressed the factors in favor of granting/denying the variance and recommended approval of the variance to allow two-inch thick gravel in the parking lot of the Copper Brothel Brewery rather than requiring the applicant to pave the parking lot.

Mr. Jesser addressed the Board, he concurred with the staff report presented and spoke of the benefits of a gravel parking instead of a paved one.

Vice-Chair Stockton asked if the gravel would be on the parking and the driveway and what is the distance from the road into the parking area.

Mr. Jesser responded that the driveway from ADOT would be paved and that it is about 40 feet from the edge of pavement to the parking area.

Chairman Davis asked how does the septic and leach field relate to the parking area and if there would be parking on top of the leach field

Mr. Jesser responded that the health department does not permit parking over the leach field and that the septic and leach field are on the south east corner of the property and the parking area is in the front.

Mrs. Miller asked how many parking spaces would there be.

Mr. Jesser responded there would be 43/44 parking spaces.

Vice-Chair Stockton asked what type of gravel are they anticipating to use.

Mr. Jesser responded that they are still working on that but they would do it the right way so it would last and look good.

Chairman Davis opened the public hearing.

Mr. Dave Ciesielski spoke in favor of the request, he mentioned that he would be the most affected by the dust and that he was in favor of the request.

Chairman Davis closed the public hearing and moved to questions, deliberation and action by the Board. He stated that a dirt surface is more receptive the area.

Vice-Chair concurred that on this area a gravel parking would be more aesthetical than a paved parking.

Mrs. Miller made a motion, seconded by Vice-Chair Stockton, to approve Case No. VAR-16-3-13 as recommended by Staff.

Motion was approved unanimously.

Chairman Davis moved to next item on the agenda – Case No. CUP-16-3-14 – Parcel No. 117-02-584 & 117-02-589; a request for a conditional use permit to house farm animals on two R-2 (Residential) zoned properties located at 452 and 462 Camino Brizza Bonnel in Rio Rico, Arizona.

Mrs. Drake made a presentation, she stated that the applicant has cured the zoning violations for which his previous request was denied on February of 2016 and mentioned that he combined two parcels in anticipation of a request for rezoning but that staff did not support a rezoning for the following reasons:

- All of the surrounding properties north of Camino Brizza Bonel are R-2 zoned.
- If the Alvarez properties were rezoned, there would be a large intrusion of GR zoning into the neighborhood that would grant rights not given to the surrounding neighbors.
- If all of the Alvarez properties were to be rezoned, an orphan island of three R-2 lots abutting the south side would be created.
- Since it is difficult to see lot lines on the ground if parcels are not fenced, separating the contiguous Alvarez property into two different zoning districts could encourage encroachment of one use onto another lot, generating more violations. By authorizing a Conditional Use on both of the lots, the opportunities for further violations are reduced.
- Keeping the parcel zoned R-2 is in conformance with the Comprehensive Plan Land Use Designations.

Mrs. Drake addressed the factors in favor and against approving the conditional use permit and recommended approval with the following conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Conditional Use request, otherwise the Conditional Use authorization may be deemed void upon 30-day notification to the Applicant.
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations.
3. Any changes to the approved conditional use shall be subject to review by the Planning Department and may require a modification and approval by the Board of Adjustment.
4. With this authorization the applicant is allowed to house ten (10) farm animals. Animals in excess of this number shall be deemed to be a violation of this Conditional Use and the Director of Community Development may void this permit with a thirty (30) day written notice.
5. Pigs and goats are not permitted.

6. Barns, corrals or stables shall maintain a minimum distance of one-hundred (100) feet from any exterior lot line. For purposes of this Condition the contiguous portion of the two subject parcels shall be deemed to be an interior lot line.
7. Each farm animal shall be provided a minimum of four-hundred (400) square feet of stock-tight fencing that shall be kept in good condition. Fencing areas may be combined into one larger corral as long as the minimum areas are achieved.
8. The subject parcels shall at all times be kept and maintained in a manner that prevents offensive odors and does not allow flies and insects to become a nuisance to neighboring properties.
9. All manure and waste piles shall be kept a minimum of one-hundred (100) feet from any property line.
10. The Conditional Use shall terminate on October 20, 2036 unless the applicant, or successor in interest, shall submit a written request for an administrative evaluation of the Conditional Use up to sixty (60) days prior to the termination date. If the neighborhood conditions are determined to be substantially the same, the Director of Community Development may issue a written authorization to extend the Conditional Use permit for an additional ten (10) years, until October 20, 2047. If no written request for extension is received, or If the neighborhood conditions are deemed to be substantially altered this permit shall become void on October 20, 2036. No administrative extension shall be considered or granted if the written request is received after October 20, 2036. Not more than one administrative extension may be requested or granted.

Chairman Davis asked for clarification regarding the address on one of the lots.

Mrs. Miller asked if the applicants intention is to keep the two parcels separate or if they will be combined.

Mrs. Drake did not know why both lots are addressed from Brizza Bonell and responded that the lots will be kept separate.

Chairman Davis mentioned that there is a drainage flow coming from the center of the property and asked if the County has any issues regarding housing farm animals within a drainage area.

Mrs. Drake responded that the county has no restrictions for housing farm animals on a drainage area. She mentioned that since both parcels are within a drainage area it makes it more difficult to be developed and that this kind of use is more desirable.

Mrs. Miller asked if all the animals have been removed from the property.

Mrs. Drake responded that currently there are no animals on the property.

Chairman Davis asked if there are any mechanics in place to keep track of condition #10.

Mrs. Drake responded that it would be monitored by staff.

Vice-Chair Stockton asked if the conditional use permit will run with the land or if it would be void if the property is sold.

Mrs. Drake responded that conditional use permits run with the land.

Mrs. Miller asked for clarification regarding condition #7 and asked if animal shelter/shade would not be required.

Chairman Davis asked the applicant for a presentation.

Mr. Fernando Alvarez briefly explained their request and agreed to any conditions set by staff.

Vice-Chair Stockton asked the applicant how many animals are they planning to house on those properties.

Mr. Alvarez responded 3 or 4 horses but not more than 10 animals.

Mrs. Miller asked how do they supply water to the property.

Mr. Alvarez responded that Liberty Waters service the property.

Mrs. Drake suggested that condition #7 be amended as follows:

7. Each farm animal shall be provided a minimum of four-hundred (400) square feet of stock-tight fencing **with shelter** that shall be kept in good condition. Fencing areas may be combined into one larger corral as long as the minimum areas are achieved.

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

Mrs. Miller made a motion, seconded by Vice-Chair Stockton, to approve Case No. CUP-16-3-14 with the amended conditions for approval recommended by staff.

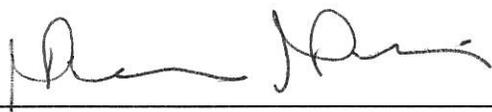
Motion was voted upon and approved unanimously.

Chairman Davis moved to the approval of the August 18, 2016 minutes.

Vice-Chair Stockton made a motion, seconded by Mrs. Miller to approve the August 18, 2016 minutes as presented.

Motion was approved unanimously.

Meeting was adjourned at 2:54 p.m.



Dean Davis – Chair