



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: December 4, 2014

TO: BOARD OF ADJUSTMENT District #4

FROM: Tom Drzazgowski – Deputy Chief Zoning Inspector

SUBJECT: **Co10(4)14-15 CHMEL – EAST CAMINO DOROTEA**
Scheduled for public hearing on December 9, 2014.

LOCATION:

The subject site is located in eastern Pima County. The property is located approximately 600 feet north of Camino Dorotea. The property is approximately 10.00 acres and the zoning on the property is RH (Rural Homestead).

SURROUNDING ZONING / LAND USES:

North -	RH	Rural
West -	RH	Rural
South -	RH	Rural
East -	RH	Rural

PUBLIC COMMENT:

This case was originally started as an MSR. It appears that as part of the MSR process a protest was received. The MSR request was for the same request that is before the board today. The property owner then submitted a variance. The protest came from the property owner who is immediately southeast of the subject property.

PREVIOUS CASES ON PROPERTY:

There are no previous cases on the property.

REQUEST:

The applicant requests the following variance:

1. **To increase the accessory coverage from 1500 square feet to 3200 square feet.**

TRANSPORTATION AND FLOOD CONTROL REPORT:

The Department of Transportation will not review this project. The Flood Control District will review this project as needed during the permit process.

BACKGROUND:

The property is vacant and located in an area that can be classified as low density. The barn is proposed to be located on the southwestern portion of the property. It appears that a residence will be constructed on the property in the future.

RECOMMENDATION:

Staff recommends **APPROVAL** of the variance request. Staff believes some of the standards listed below are being met. The property is located in an area surrounded by other low density properties. In addition, RH zoning is considered a rural zone and supports uses such as horses and other livestock. The proposed barn is located more than 400 feet from the closest residence. It should also be noted that the barn will be located in a location that is lower than the closest home on a neighboring property. The property owner is proposing a maximum height of 16 feet at the highest point and a finished floor elevation of 3186. It appears that the nearest resident’s home has a finished floor over 3200. This lower elevation of the barn should prevent the obstruction of views and adverse impacts.

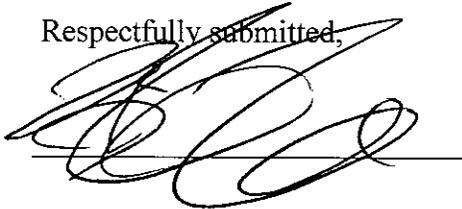
The property owner has noted in their letter to the Board of Adjustments their willingness to screen the barn from neighboring properties. Staff is supportive of additional screening and believes the below condition should be added to minimize impacts on neighbors.

“Screening shall be added to the sides of the barn. Plants that are native to the Sonoran Desert shall be used. This may include mesquite, palo verde and other plants that are native in the area.”

Standards that must be considered by a board of adjustment when considering a variance request include:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.

Respectfully submitted,

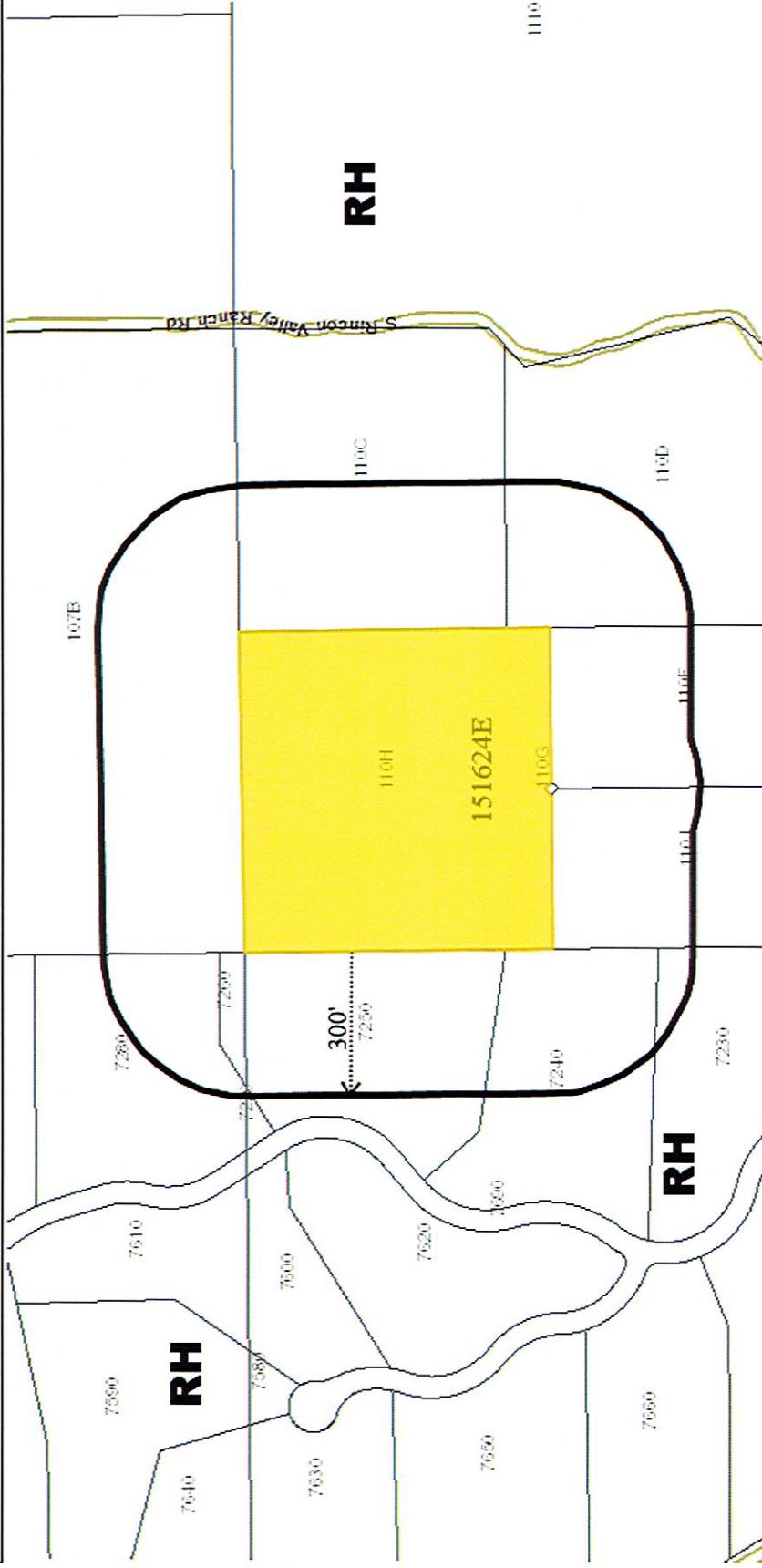


Tom Drzazgowski
Deputy Chief Zoning Inspector

Co10(4)14-15 CHMEL – EAST CAMINO DOROTEA. Robert & Viki Chmel, on the property located at 15395 E. Camino Dorotea., in the RH zone, requests a variance to increase the accessory coverage from 1500 square feet to 3200 square feet. Section 18.13.050A of the Pima County Zoning Code limits accessory buildings to 1500 square feet or 70% the size of the main residence.

NOTIFICATION MAP

CHMEL—E. CAMINO DOROTEA



LEGEND

	Petition Area
	Notification Area

NOTES

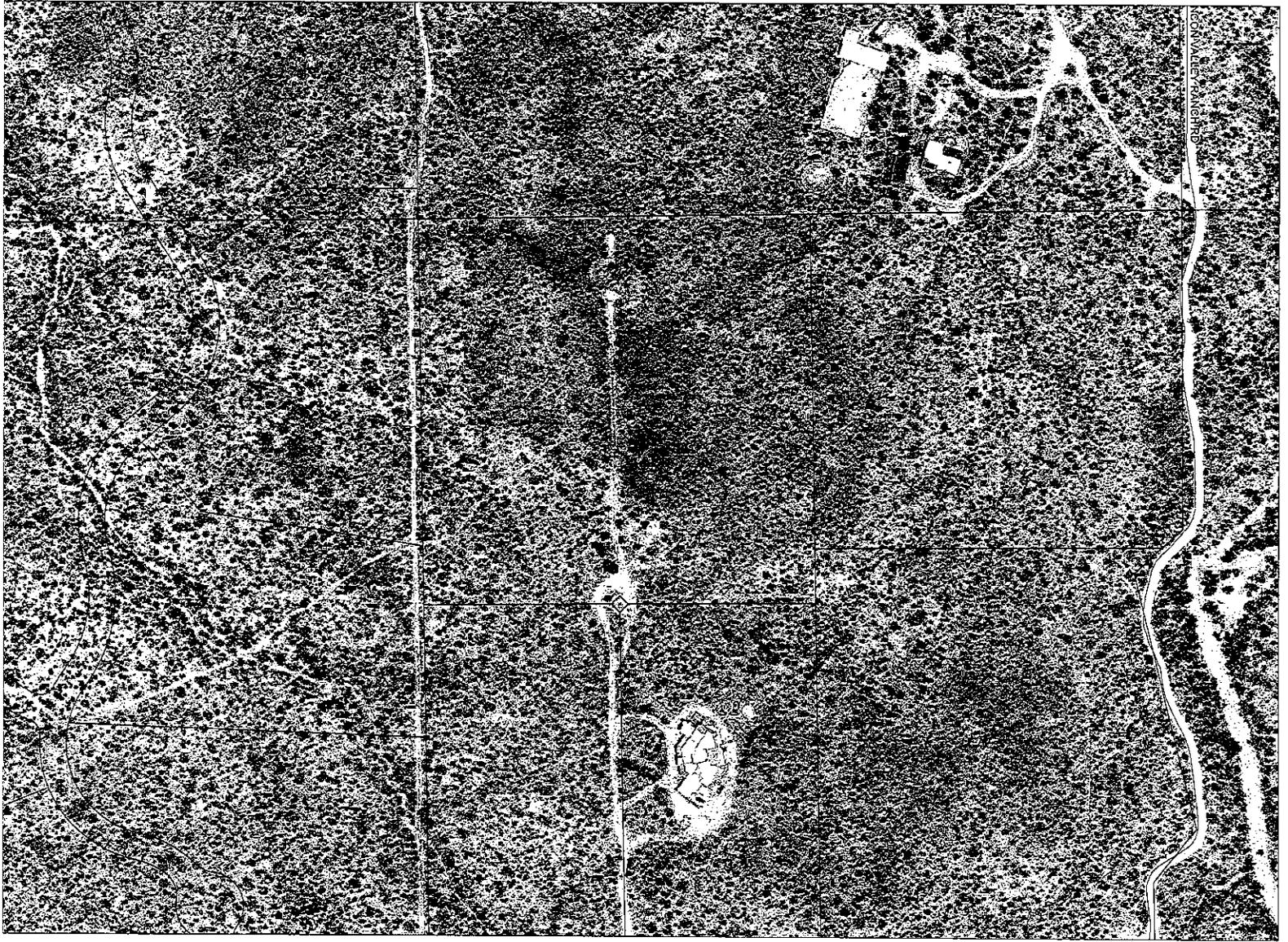
File no.:	Co10(4)14-15	Tax Code(s):	205-64-110H
Application:	Variance	Base Map:	EPC
		Drafter:	A.H.



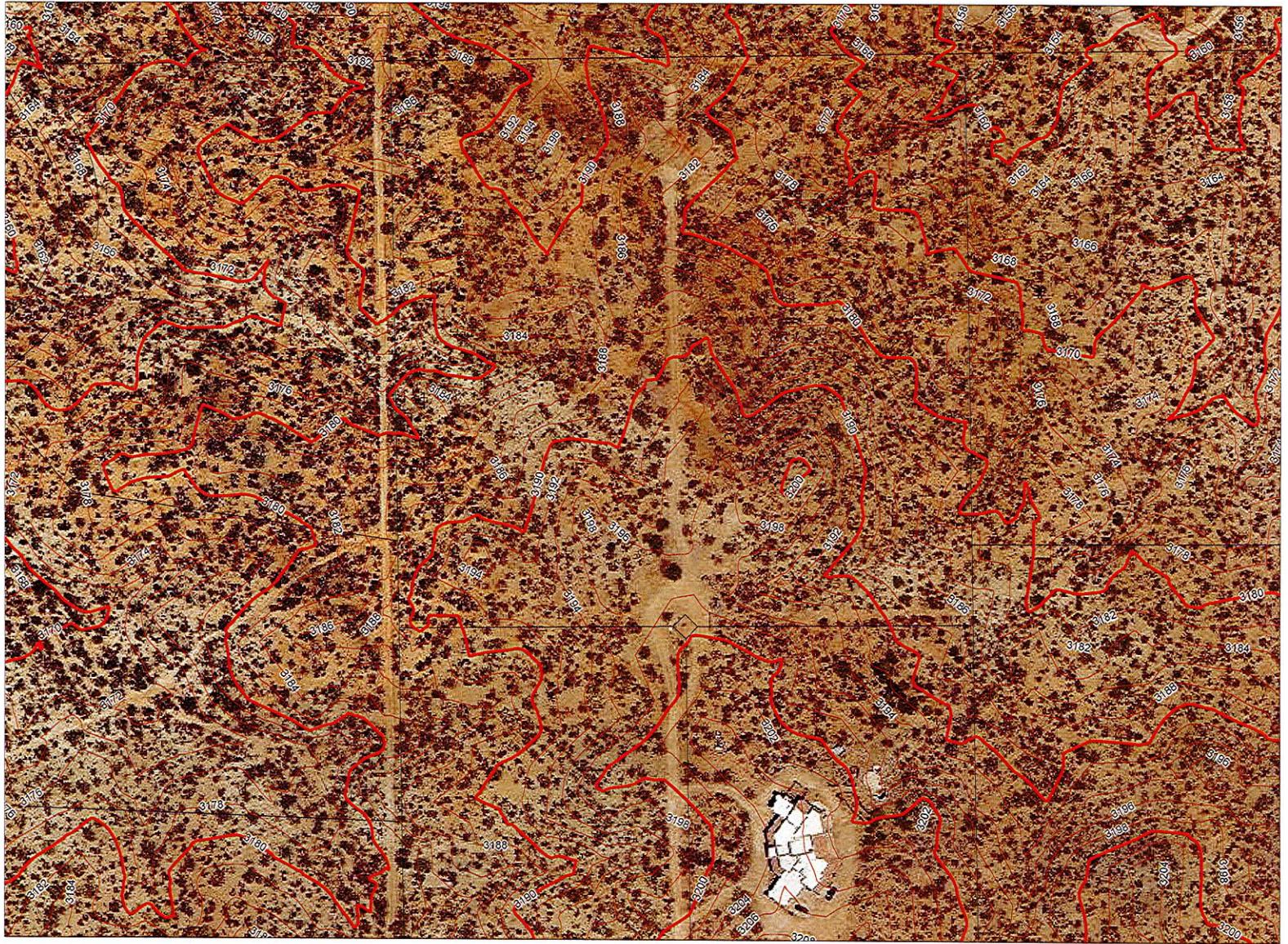
10/30/2014



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2



N





Variance Application

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: Robert J and Viki Kim Chmel Phone: 303 889-9141
303 549-9617

Owner's Mailing Address: 8644 S. Long Bar Ranch Pl City: Vail Zip: 85641

Authorized Representative: N/A Phone: _____

Rep's Mailing Address: N/A City: _____ Zip: _____

Property Address: 15395 E. Camino Dorotea City: Vail Zip: 85641

Tax Code Number(s): 205-64-110H Zone: RH

Does the subject parcel have an active building or zoning code violation? No

Owner or Applicant's Email Address: kimchmel@gmail.com

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.
Signature: Viki Kim Chmel Date: 10-28-14

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

*****FOR OFFICE USE ONLY*****

Case Title: Chapel - E. Camino Dorotea Co10(4)14-15
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

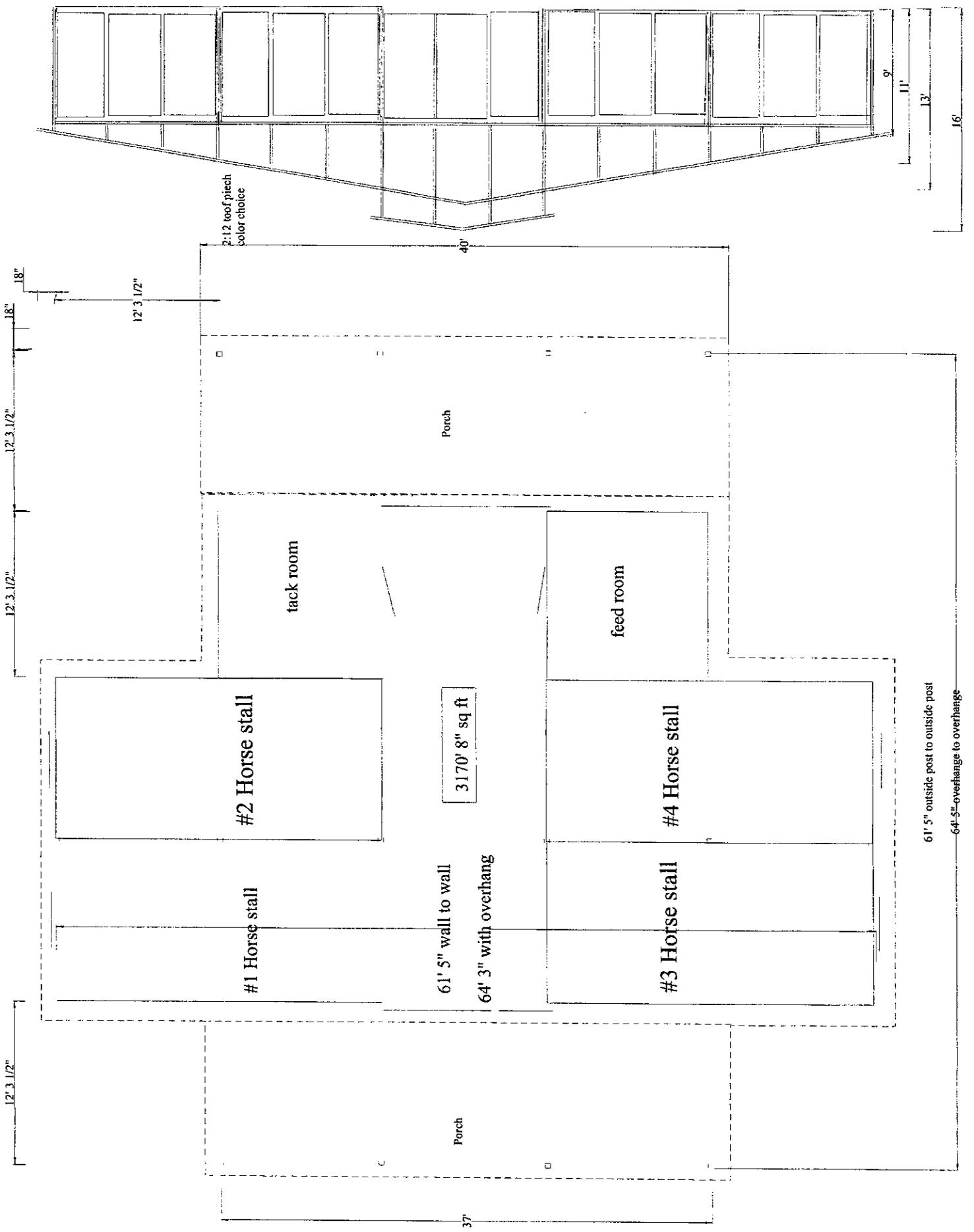
requests a variance(s) to Section(s) 18.13.050 of the Pima County Zoning Code which requires a maximum permitted coverage for accessory buildings and structures of 1,500 square feet or 70 percent of the largest main building on site, whichever is greater. The applicant proposes a 3,200 square foot parcel.

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY JP DATE 10/29/14

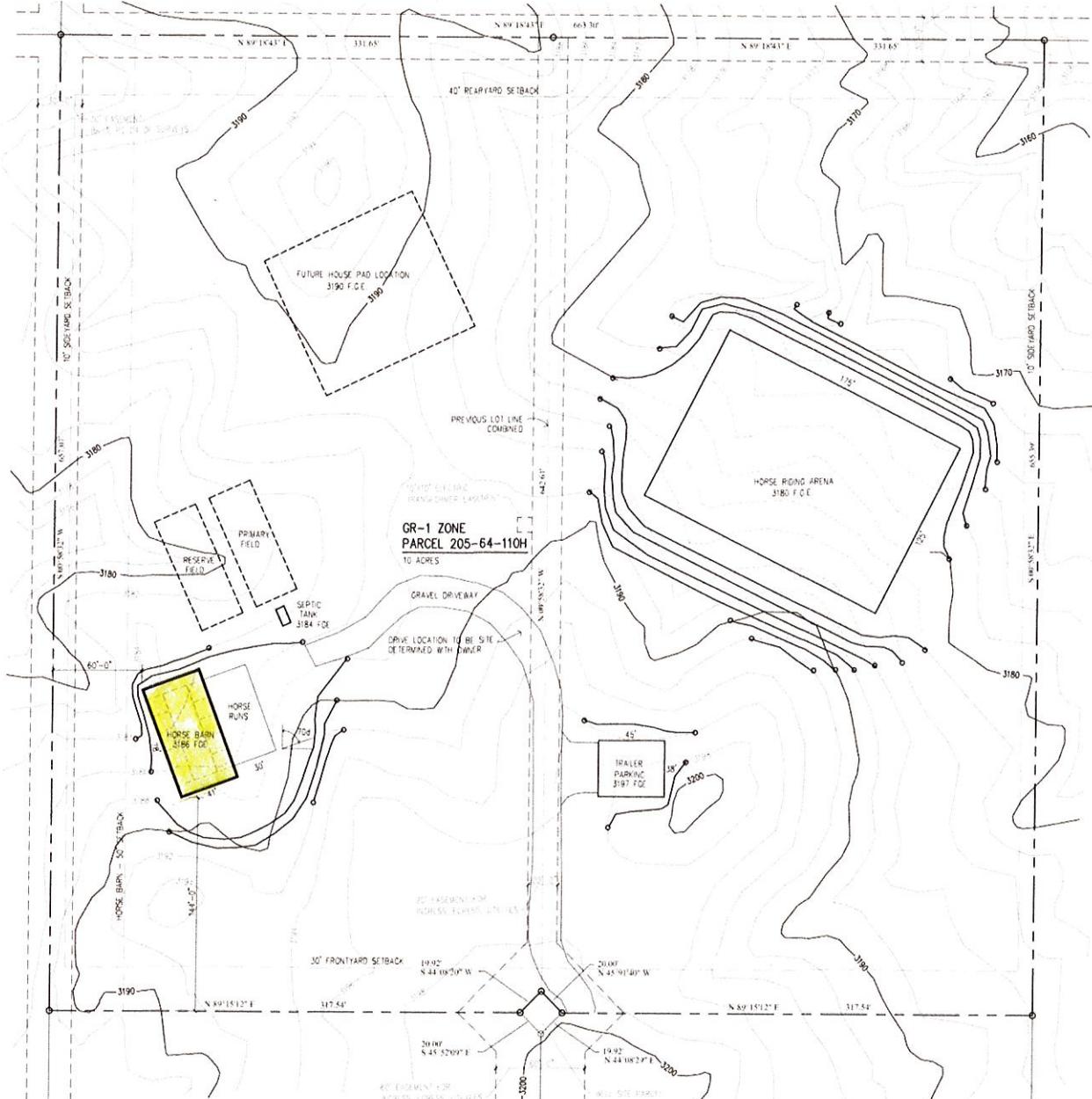
Reference Case Co 28(4)12-04

Bob and Kim Chmel
Horse barn
9 4 2014

Buildings & Barns Inc.
Apache Junction, AZ
85120
John Tackett
480 968 5959 #2



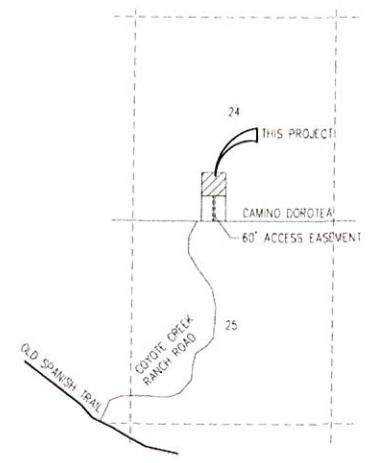
61' 5" outside post to outside post
64' 5" overhang to overhang



BARN SITE

BLUE STAKE
TWO WORKING DAYS BEFORE YOU DIG
CALL FOR THE BLUE STAKES
1-800-782-5348
Blue Stake Center

SITE PLAN
1" = 40'-0"



VICINITY MAP
3 INCHES = 1 MILE
SECTION 24, T 15 S, R 16 E, PIMA COUNTY, ARIZONA



PROJECT SUMMARY

ZONING: **RH**
 SITE AREA: 10 ACRES
 MAIN DWELLING UNIT:
 MAX HEIGHT - 34 FT
 MAX STORES - 2
 FRONT SETBACK - 30 FT
 SIDE SETBACK - 10 FT
 REAR SETBACK - 40 FT
 MIN. DISTANCE BETWEEN MAIN BUILDINGS - 20 FT
 ANIMAL USES, EXCEPT CORRALS: 50 FT
 CORRALS: 50 FT OR 10 FT IF CONSENT IS PROVIDED BY THE OWNER OF THE ADJUTING PROPERTY
 ASSESSORS PARCEL NO.: 205-64-110H
 LEGAL DESCRIPTION:
 W663.3', N657.06' PCL 8 EXC WELL SITE OF RINCON VALLEY RANCHERS RS 5/5 AKA PTN SE4 SW4 10 AC SEC 24-15-16.

PROJECT DIRECTORY

ARCHITECT: KBP ARCHITECTURE, LLC
 KEVIN B. PETRICK 11635 E TANQUE VERDE RD
 TUCSON, ARIZONA 85749
 PHONE: (520) 749-2340
 FAX: (520) 760-6640
 E-MAIL: kbpetrick@cox.net

OWNER: ROBERT J & VIKI K CHMEL
 8644 S LONG BAR RANCH PL
 VAIL, ARIZONA 85641



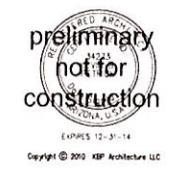
kbp architecture, llc
design - build

design ■ planning ■ construction

KBP Architecture, LLC
11635 E. Tanque Verde Rd.
Tucson, Arizona 85749
Tel 520 982 2019 Fax 520 760 6640
email: kbpetrick@cox.net

Kevin B. Petrick, Architect/Builder

Arizona Architect Registrant # 34273
Arizona Contractor # 177719 & # 267585



Project:

HORSE BARN

CHMEL PROPERTY

at
Vail, Arizona 85641

These drawings are project specific and have been developed for the client's use for this project. They may not be reused or duplicated for any other property/project without the written consent of the Architect.

drawing revisions:

NO.	DATE	DESCRIPTION

kbp project no: **2416**

date: **MARCH 12, 2012**

sheet title: **SITE PLAN**

sheet number: **C.1**

RESERVED FOR GOVERNMENT APPROVAL STAMPS

Bob and Kim Chmel
8644 S. Long Bar Ranch Place
Vail, AZ 85641

RECEIVED
MAY 07 2012

BY: *KE*.....

May 2, 2012

Ms. Janet Emel
Senior Planner
Pima County Development Services
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207

Dear Ms. Emel,

We are in receipt of your letter dated April 16, 2012 regarding our MSR application Co28(4)12-04 - 15395 E. Camino Dorotea.

We will be leaving for Colorado next week and will be gone for the next few months, so it will not be possible for us to pursue the variance process immediately. We met with Tom Drzazgowski, Deputy Zoning Inspector, last week to discuss this project and review county zoning regulations pertaining to the property, etc.

At this time, we would like to reserve the right to pursue the variance process at a later date when we are in Tucson full time.

Thank you for your assistance in this matter.

Sincerely,



Kim Chmel

cc: Tom Drzazgowski

Richard F. Greco 713 Wimbrow Drive, Sebastian, FL 32958

April 20, 2012

Att: Janet Ermel

Pima County Development Services

RE: Case No. Co28(4)12-04 CHMEL – E. Camino Dorotea

I am the owner of the adjoining property (southwest side) to the property seeking a variance for a horse barn which exceeds the allowable footprint. On March 30, 2012, I submitted an objection to the proposed building plan on grounds which I enumerated in my communication to you. Subsequent to that I had spoken with the applicant, Robert Chmel, by telephone and he assured me that certain modifications would be made to his plan. These modifications concerned the height of the barn building, the location of trailer parking, the building of a house which would exceed 4,100 square feet (to make a 3,198 square foot barn fall within the 70% of the main building requirement under code) and provisions for removal of manure and other waste product.

After this conversation with Mr. Chmel I submitted a memo on April 3, 2012, rescinding my objection. I still have concerns regarding the construction and location of the barn. I have nothing in writing to guarantee that these modifications are in the works. I have not seen a revised site plan that would indicate that the barn would be a more reasonable height (I understand that 10 feet is a more normal height), nor have I seen a house footprint for a house in excess of 4,100 square feet. I maintain my concerns about noise levels, odors, visual impact and traffic. Even if Mr. Chmel does not intend a ten stall barn for commercial use, that would not prohibit future owners of the property from conducting a boarding business.

My approval of this project is conditional upon the submission of a new site plan which addresses these concerns.

Richard F. Greco

RECEIVED
APR 20 2012

BY: *JE*.....

Applicant tried to send a fax but didn't work. He was informed that only are we