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# Staff Report for the Gila County Board of Supervisors on Case # CUP-11-03

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William Wait  
9809 W Fossil Creek Rd,  
Strawberry

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12/15/11

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A request by Mr. William Wait to allow a guest house on the front half of his property. Staff recommends approval with stipulations included in this report.

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GILA COUNTY COMMUNITY DEVELOPMENT

## Background Information

The property is located at 9809 W Fossil Creek Rd in Strawberry, and is zoned R1. There is an existing home with a garage and barn also on the property, which is a 3.27 acre parcel. The garage is located on the northeast corner of the property, and a portion of the garage has been converted to a guest house (see attached site plan and floor plan).

Community Development was informed that the building had been partially converted to livable through the complaint process—the Assessor’s office forwarded the information.



A neighborhood meeting to inform other property owners within 300’ was held at Mr. Wait’s home on October 31, 2011. There were no negative responses.

## Applicable Requirements from the Zoning Ordinance

Zoning requirements for Conditional Uses and Condition Use Permits are provided in Section 103.11 of the zoning ordinance. R1 permit requirements are in Section 104.2, Item A. See the following excerpts:

103.11

### CONDITIONAL USES AND CONDITIONAL USE PERMITS

#### A. GENERAL:

As defined in Section 102, Conditional Uses are those uses which, although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. Conditional Use Permits shall be issued setting forth all qualifying conditions subject to the procedures for rezoning found in Section 105 Amendment Procedures.

#### B. APPLICATION:

1. The applicant shall submit a Conditional Use Permit Application in the form of a narrative description of the proposed use on a form provided by the Department for that purpose.
2. Accompanying the application, the applicant shall submit a reproducible site plan on sheets not to exceed 24" by 36", at a scale not to exceed 100 feet per inch. The site plan shall contain, at a minimum, the following information: (1) The location and boundaries of the property. (2) Scale and north point. (3) The location of all existing and proposed improvements, provision for onsite parking, internal or external access. (4) Such other information as the Director may deem necessary.

C. HEARING:

1. Upon receipt of a complete application and site plan and the non-refundable application fee, a hearing on the application shall be scheduled before the Planning and Zoning Commission.
2. The Planning and Zoning Commission may either deny the application, recommend its approval subject to qualifying conditions, or return it to staff for further study prior to a rehearing.
3. Once a recommendation has been made by the Planning and Zoning Commission, a hearing on the application shall be scheduled before the Board of Supervisors.
4. The Board of Supervisors may either deny the application, accept the recommendation of the Planning and Zoning Commission, modify the recommendation, or send the application back to the Commission for further study.
5. Upon the final approval of the Board, a Conditional Use Permit shall be issued by the Department setting forth all qualifying conditions.

104.2

USE DISTRICTS (GENERAL)

A. R1 -- RESIDENCE ONE DISTRICT (Single Dwelling Units)

4. Uses Permitted Subject to a Use Permit:

- a. A detached guest house appurtenant to the main dwelling only, subject to the following conditions:
  - i. The guest house shall be confined to the rear one-half of the property, shall be separated from the main dwelling by at least ten (10) feet and shall be located at least ten (10) feet from the rear property line.
  - ii. The total square footage of the guest house shall not exceed 800 square feet.
  - iii. A deed restriction shall be recorded for the subject property which prohibits the rental, lease or sale of the guest house.

5. Uses Subject to a Conditional Use Permit:

- k. Other uses which can become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

## Evaluation



The addition of a guest house on a property in R1 zoning is normally allowed with a use permit on the rear half of the property. This guest house is located on the front half of the property, but because of the size of neighboring properties and the road that runs along the east side of the property, does not adversely impact neighbors.

The guest home meets the size limitations set by the Zoning Ordinance (it is less than 800 square feet). There are no floodplain issues for this parcel and wastewater has cleared the septic for the guest house use.

## Conclusion

Staff opinion is that the location of the guest house on the property does not impede the view of neighboring properties and is not any more dense than the surrounding neighborhood.

## Recommendation

On December 15, 2011 the Planning and Zoning Commission held a public hearing on CUP-11-03 and recommends approval of application CUP-11-03; that the 3.27 acre property at 9809 W Fossil Creek Rd in Strawberry, Arizona, parcel 301-03-038A be allowed continued use as a guest house on the front half of the property, subject to the following conditions:

1. Building permits shall be obtained and the conversion of the portion of the garage into the guest house shall be inspected and approved by the Building Department.
2. Owner is responsible for the fees to have a document recorded to deed that prohibits the rental, lease or sale of the guest house.
3. If additional sanitary facilities for the guest house are necessary, they shall be designed, constructed and approved according to Wastewater Department regulations.
4. Violations of any of the previous conditions shall be grounds for suspension or revocation of this Conditional Use Permit.
5. This Conditional Use Permit will be reviewed for compliance after 5 years. If there are no violations, it will be automatically renewed.