



Docket SUA-13-07 (Van Wart Appeal)

Appeal of Commission Approval of
Docket SU-13-07 (Van Wart)

Board of Supervisors
7.23.2013



SUA-13-07 (Van Wart Appeal)

1. Commission conditionally approved Docket SU-13-07 on May 15 (on a 4 – 3 Vote).
2. The subject parcel is located at 144 S. Sundust Trail in St. David.
3. Appellants are Cochise Citizens for Fair Zoning, represented by Stuart Kershner.
4. Open violation for business without a permit.
5. *Applicant has requested to withdraw the SUP, and requests time to remove business activities from the property.*



Options

1. To accept the withdrawal request from the Applicant and provide Staff with guidance as to the time frames for remedying the violation by removing the business from the property;
2. To amend the SUP, but limit the time frames and scope (recommended);
3. To grant the appeal, deny the SUP totally with Staff left to set time frames for removal; or
4. Accept the withdrawal completely – again leaving Staff to set the time frames for removal.



Recommendation: Modified SUP Approval

Grant the appeal in part, deny the appeal in part, acknowledge the Applicant's partial withdrawal of his request for a special use permit for a portable restroom and septic pumping business in St. David, Arizona (Docket SU-13-07), and approve a Special Use Permit on the following limited terms and Conditions:



Recommendation: Modified SUP Approval

1. Within 30 days of this Board action, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134;
2. The portable restrooms and the septic/holding tank can remain on the property for no more than 45 days after this Board action, by which time the Applicant must have removed them;
3. The three pumping trucks can remain on the property for no more than one year after this Board action, by which time the Applicant must have removed them;



Recommendation: Modified SUP Approval

4. All other equipment and materials related to the business that are stored outside the residence can remain for no more than 45 days after this Board action, by which time the Applicant must have removed them;
5. There shall be no on-site washing or rinsing of portable restroom units on the property; and
6. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.