

RESOLUTION #FCD 16-___

AUTHORIZING THE GRANTING OF A VARIANCE FROM COCHISE COUNTY FLOODPLAIN REGULATIONS TO ALLOW A LIVABLE ADDITION TO BE ADDED TO AN EXISTING NON-CONFORMING HOME WITH THE ELEVATION OF BOTH TO BE BUILT LESS THAN THE TWO FOOT ELEVATION REQUIREMENT

WHEREAS, Mr. Daniel Doberstein has presented to the Board of Directors of the Cochise County Flood Control District, a formal request asking for relief from the requirements of the Cochise County Floodplain Regulations, specifically to allow an addition to an existing non-conforming home with the livable addition and existing home to be built less than the two foot elevation requirement on APN 206-21-343, address 654 W. Emery St. Cochise, AZ 85606, more particularly described as follows:

ARIZ SUN SITES #1 LOT 7; and

WHEREAS, the Cochise County Flood Control District as authorized in § 48-3603, is a political taxing subdivision of this state and has all the powers, privileges and immunities granted generally to municipal corporations by the constitution and laws of this state including immunity of its property and bonds from taxation; and

WHEREAS, in accordance with A.R.S. § 48-3603(C)(16). The Board can allow variances from the terms or regulations adopted pursuant to this article to the extent permitted by Section 48-3609(B)(7), if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of this article and the regulations will be preserved; and

WHEREAS, the Cochise County Flood Control District Board of Directors having considered all comments regarding this request at their meeting held March 22, 2016 and having determined that the requirements of Sections 6.3(D) and (E) of the Floodplain Regulations, for granting a variance from said Regulations have been met, including the requirement that failure to grant the variance would result in exceptional hardship to Mr. Doberstein,

NOW, THEREFORE, IT IS HEREBY RESOLVED that we, the Cochise County Flood Control District Board of Directors, does hereby grant a variance from the

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Floodplain Regulations, and allow the existing home and livable addition to not be elevated two (2) feet above highest existing adjacent grade.

IT IS FURTHER RESOLVED that as required in Section 6.2 (D) of the Cochise County Floodplain Regulations, the owner is notified that by the recording of this resolution, the land upon which the variance is granted is ineligible for exchange of state land pursuant to the flood relocation and land exchange program.

IT IS FURTHER RESOLVED that this resolution shall be recorded so it appears in the chain of title of said property.

IT IS FURTHER RESOLVED that, pursuant to Section 6.2(E) of the Floodplain Regulations, the Floodplain Administrator shall include this variance in her records, including the justification for it, and report the variance to FEMA in her biennial report.

PASSED AND ADOPTED by the Cochise County Flood Control District Board of Directors, this ____ day of _____, 2016.

Richard Searle, Chairman
Cochise County Flood Control District Board

ATTEST:

Arlethe G. Rios,
Clerk of the Board

APPROVED AS TO FORM:



Britt Hanson,
Chief Civil Deputy County Attorney