



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket BA1-18-01 (Perez)
DATE: August 9, 2018 for the August 22, 2018 Meeting

APPLICATION FOR VARIANCE

Docket BA1-18-01 (Perez):

The Applicant is requesting a Variance to Section 704.03 of the Zoning Regulations, which requires that all structures in an R-36 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to construct a concrete slab with an above ground pool and storage sheds approximately 3 feet from the south and east property line.

The subject parcel (Parcel # 105-41-002Z) is located 2162 E Moon Rise Trail in Hereford, AZ. It is further described as being situated in Section 02 of Township 23 South, Range 20 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Jose and Mary Perez.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 1.66-acres (51,451-square feet)
Zoning: R-36 (Single Family Residential, one dwelling per 36,000 square feet) and RU-2 (Rural one single family home per 2 acres)
Growth Area: Category B (Community Growth Area)
Plan Designation: Neighborhood Conservation
Area Plan: None
Existing Uses: Single Family Residential
Proposed Uses: Same, with additional accessory structure and pool

Surrounding Zoning and Uses

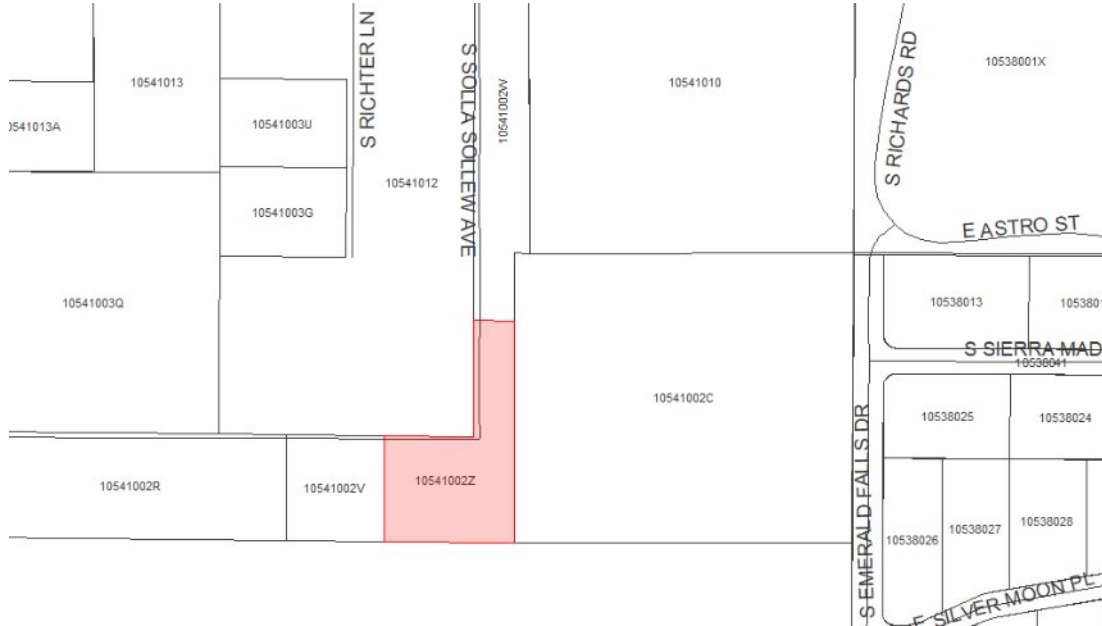
Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Dwellings
South	R-36	Vacant State Land
East	RU-2	Vacant
West	R-36	Single Family Dwelling

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II. SITE HISTORY

- 2004– Permit for home and septic issued
- 2011– Permit for Patio cover issued



Above: Location Map.

III. PROJECT DESCRIPTION

The Applicant proposes to construct a 31 foot by 42 foot concrete slab and place two 12 foot by 30 foot sheds and an above ground pool on it. The slab will be three feet from the east and south property lines.



IV. ANALYSIS OF IMPACTS

The project site is within a low density residential neighborhood. Many of the surrounding parcels have a variety of accessory structures in addition to the dwellings. The parcel located to the south is State Land and will not have a negative impact on anyone. Particularly since parcel to west has several structures

which also encroach into the setbacks, as is visible on the aerial photo above. The parcel to the East is privately owned RU-2. They were sent notice of the proposed application and no response has been received. Therefore, staff is comfortable recommending approval of the request.

In addition, there are existing site constraints, including a natural wash, as pictured to the right. The wash, existing vegetation, and existing structures limit the area available for construction and provides additional justification for the request.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on August 7, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on August 1, 2018. To date, the Department has received no responses from neighboring property owners within the 300-foot radius.



Right View of the wash that crosses the property



Left, view of proposed location of slab, pool and shed

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variance would not substantially impact neighboring properties due to the configuration of the surrounding properties and streets; and
2. The site has an existing wash which limit areas where structures can be placed
3. Both directly impacted parcels are vacant and the southern parcel is State Land.
4. No objections to the request have been received.
5. Adjacent property has structures encroaching into setbacks.

Factor Against Approving the Variances

1. Approving the request would allow sheds to be constructed three feet from the property line.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variances as requested.

Sample Motion: Mr. Chairman, I move to approve Docket BA1-18-01, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact. Furthermore, the Variances shall apply to any current of future permitted use.

VIII. ATTACHMENTS

- A. Variance Application