



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket BA3-19-02 (DeWalt)
DATE: March 4, 2019 for the March 12, 2019 Meeting

APPLICATION FOR VARIANCE

Docket BA3-19-02 (DeWalt):

The Applicant is requesting a variance to permit the construction of a new 1,140 personal workshop. The property is zoned R-36 and Section 704.03 requires all accessory structures to be setback from the property line at least twenty feet. The Applicant is requesting to reduce the setback to ten feet. The subject parcel, 120-17-013B is located at 335 W. Merrill Drive, in St. David. The applicant is Thomas and Sandy DeWalt.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: .83 acres
Zoning: R-36 (Residential; One dwelling per 36,000 square feet)
Growth Area: Category D (Rural Area)
Plan Designation: Rural Residential
Area Plan: Saint David Area Plan
Existing Uses: Single Family Residence with accessory structures
Proposed Uses: Same, with additional 1,140 square foot workshop

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	W. Merrill Drive/R-36	Single Family Residences
South	R-36	Single Family Residences
East	R-36	Single Family Residences
West	R-36	Vacant land/Single Family Residences

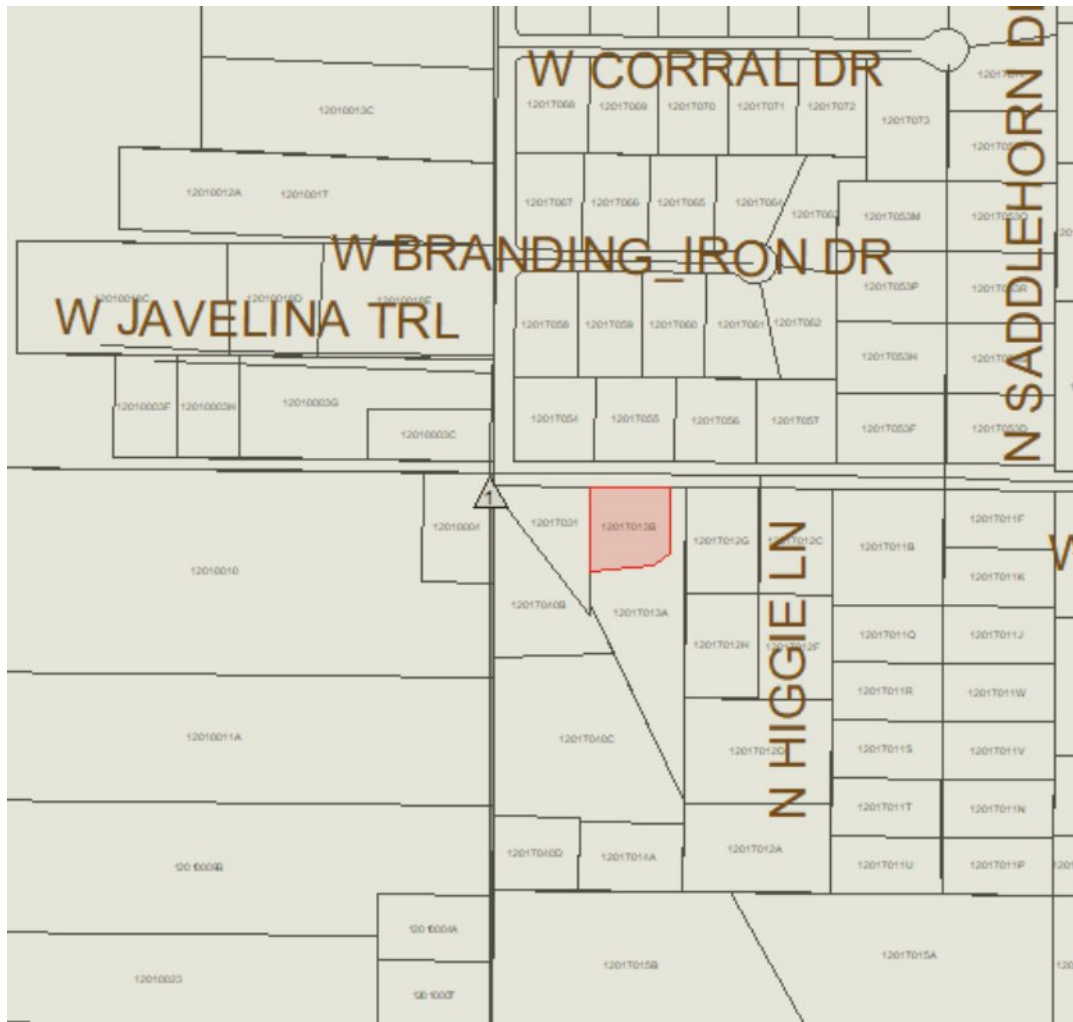
II. SITE HISTORY

- Home built in 1961
- Septic replacement in 2018



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Above: Location Map

III. PROJECT DESCRIPTION

The Applicant is requesting to reduce the twenty-foot setback to ten feet along the western property line. This will allow the owner to construct a new 1,140 square foot personal workshop ten feet from the western property line. The existing residence already encroaches approximately 10 feet.

IV. ANALYSIS OF IMPACTS

The existing neighborhood is characterized by residential development. The existing home is already encroaching into the required setback. Additionally, this new structure will be located behind the residence.

No directly impacted property owners, particularly the owners to the west of the request have responded.

We have received two letters in opposition and one in support. After a discussion with the two neighbors who sent letters in opposition, both verbally stated that they are not



opposed to the variance, but concerned about a business being run out of the location. The Application states that the workshop is for personal use. Should the Applicant decide to pursue commercial ventures on the site the proper process will need to be followed.

V. Public Comment

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on January 31, 2019 and published a legal notice in the *San Pedro Valley Range-News* on February 6, 2019. The Department has received two letter with concerns about a business and one letter in support.



Above: Existing Conditions Below: Applicant Site Plan





Existing garage, new garage located to the right, behind the home

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variance would not unduly impact neighboring properties;
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "customer friendly." Allowing the Variance would reinforce this effort without compromising safety or quality-of-life for area residents;
3. The property owners directly impacted have not commented on the request and
4. One neighboring property owner has expressed support in writing.

Factors Against Approving the Variances

Two neighbors across Merrill expressed concern about the potential for a business to be established.

VII. RECOMMENDATION

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

Sample Motion: Mr. Chairman, I move to approve Docket BA3-19-02, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.