



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 3
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket BA3-19-07 (Weber)
DATE: November 26, 2019 for the December 10, 2019 Meeting

APPLICATION FOR VARIANCE

Docket BA3-19-08 (Weber):

Docket BA3-19-07 (Weber): The Applicant is requesting a variance to permit the construction of an approximately 3,000 square foot accessory building for a personal garage/shop. The property is zoned R-36 and Section 705 requires all accessory structures to be incidental to the principal use unless the parcel is four acres or more.

The subject parcels, 121-18-060 and 121-18-021 are located at 453 Mechan Drive, in St. David. It is further described as being situated in Section 09 of Township 18 South, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Mr. Caleb Malboeuf.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 2.04 acres (89,091 square feet)
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: Two Single Family Residences with multiple accessory structures
Proposed Uses: Same, with additional 3,000 personal garage/shop

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Mecham Drive/Single Family Residences
South	R-36	Single Family Residences
East	R-36	Single Family Residences
West	R-36	Single Family Residences

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the home and attached patios at 2,580 square feet. It appears that at some point the home was added onto without benefit of a permit. The construction all appears to be original which has led staff to believe the addition was done at the same time of the home, in 1981. As the pictures show the existing siding material is consistent throughout the home.

However, even if staff considered the additional square feet the proposed shop/garage is 3,000 square feet. The Zoning Regulations require accessory structures be subordinate to the primary use. Since the square footage of the garage exceeds the home the variance is being requested.

Staff has received one comment from a surrounding property owner that expressed support of the request. No other comments have been received.

This site and owner have been involved in previous code enforcement action. In 1990 the owner was operating a well drilling business at the site. They were required to find a suitable location and move the business. They obtained a Special Use Permit at a different location and the business was relocated. Staff mentions this only to highlight for the Board and the Owner that this building is not to be used for commercial purposes.



V. Public Comment

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on November 7, 2019 and published a legal notice in the *Sierra Vista Herald* on November, 2019. The Department has received one letter in support.



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

The residence appears to have had a significant addition without the benefit of a permit.

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 BA3-19-07, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.