



# Cochise County Community Development

Development Services Department

Public Programs...Personal Service  
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## MEMORANDUM

**TO:** Cochise County Board of Adjustment, District 2  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth AICP, Development Services Director  
**SUBJECT:** Docket BA2-19-05 (Aldrich)  
**DATE:** September 18, 2019 for the October 2, 2019 Meeting

### APPLICATION FOR VARIANCE

#### Docket BA2-19-05 (Aldrich)

The Applicant is requesting the following variances:

1. **Section 1203.02.A:** A request to reduce the required 40 foot setback along the northern property line to ten (10) feet.
2. **Section 1203.02.B:** A request to reduce the required 20 foot setback along Sagebrush to five (5) feet.
3. **Section 1804.07:** A request to delay providing paved parking until installation of the future office.
4. **Section 1806.02B:** A request to not install the required five (5) foot landscape strip along Sagebrush and Santa Elena due to the location of the wall on property line.

The subject parcel, 107-67-014, is located at 5362 Santa Elena Sierra Vista, Arizona. The Applicants are Mr. and Mrs. Aldrich.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

**Site Size:** .96 Acres  
**Zoning:** GB (General Business)  
**Growth Area:** Category B – Community Growth Areas  
**Plan Designation:** Enterprise  
**Area Plan:** None  
**Existing Uses:** Construction vehicles and material storage  
**Proposed Uses:** Same, with new metal building and future office



#### **Planning, Zoning and Building Safety**

1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

#### **Highway and Floodplain**

1415 Melody Lane, Building F  
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520-432-9300  
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1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

**Surrounding Zoning and Uses**

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Residence/storage yard
South	R-36	Small Trailer park
East	R-36	Single Family Residence
West	GB	Vacant commercial building



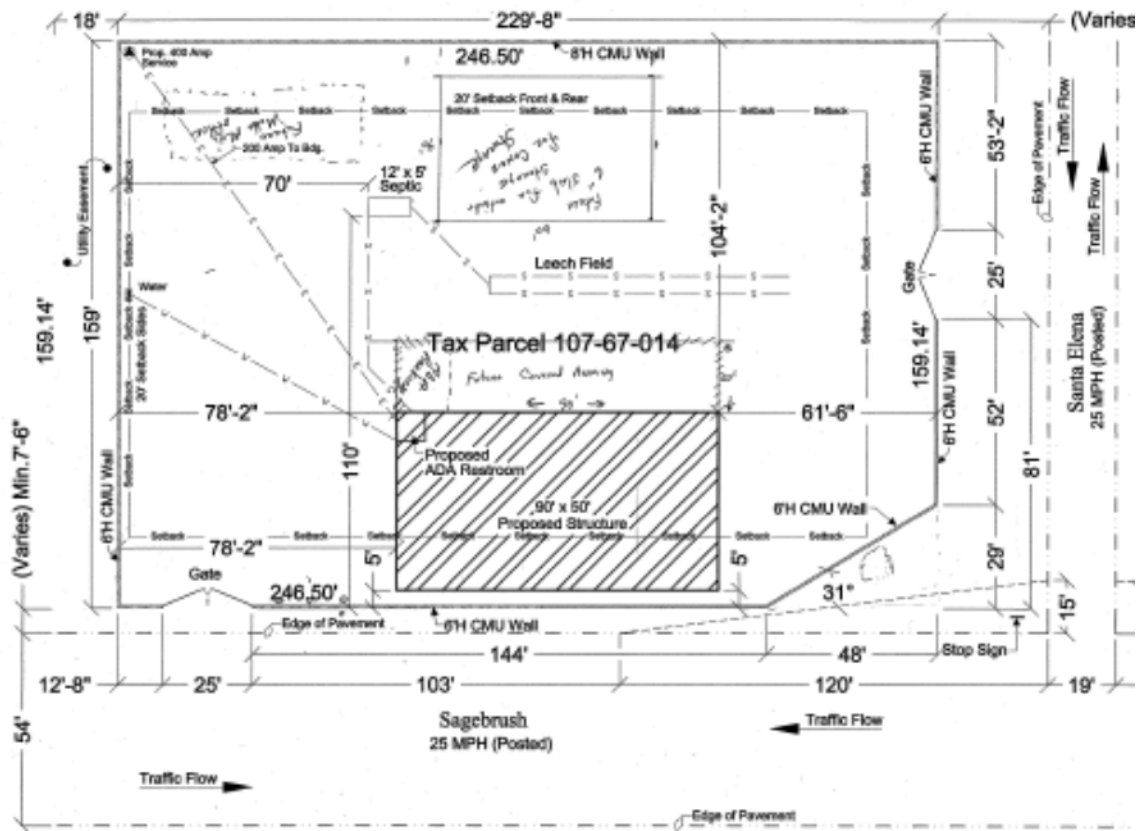
## II. SITE HISTORY

2011 Right of Way permits issued and inspections completed for 2 commercial driveways  
2011 Permit issued and inspections completed for a perimeter block wall



## III. PROJECT DESCRIPTION

The applicant is requesting multiple variances to facilitate the construction of a metal building and future office. The metal building will be used to store construction related materials. Currently, the site is completely enclosed with a solid block wall. Construction materials not impacted by the weather, such as block is stored on the site, as well as construction equipment. The use is permitted within the General Commercial land use district. Each of the variances will be discussed in detail in the analysis.



**IV. ANALYSIS OF IMPACTS**

The project site is in a transitional zoning and land use area (commercial and residential). The property is located approximately 225 feet from State Route 92. Commercial buildings are located on both the north and south side of Sagebrush Road at the Highway.



Directly to the north, south and east of the site is residential zoning, 36,000 square foot minimums. The property to the north has structures that are within ten feet of the property line. Additionally, the site contains multiple inoperable vehicles and storage of various other materials.

Staff has evaluated the variances have the following recommendations:

1. **Section 1203.02.A:** *A request to reduce the required 40 foot setback along the northern property line to ten (10) feet.*

This request is to ensure that the future office can be located (on the same site of a previous mobile home) away from the septic system and utilize the existing utilities already in place.

The only property that would be impacted by this request would be the property to the north. Staff sent out notice to the surrounding property owners and have not received any feedback including this parcel. Additionally, this parcel has structures that are currently within ten feet of the property line. Finally, this parcel is also being used for storage of various items, but provides no screening.



Therefore, staff recommends approval of variance one.

2. **Section 1203.02.B:** A request to reduce the required 20 foot setback along Sagebrush to five (5) feet.

Presently, there are no structures on the property. However, there is construction equipment and materials, including storage containers stored on the site. The existing, solid six foot tall wall provides screening. The most impacted property would be the mobile homes on the south side of Sagebrush, or residents entering the neighborhood on Sagebrush Road. Again, we have not heard from any nearby residents about the request. Further, the existing commercial structure on the southeast corner of SR92 and Sagebrush is located on the property line, establishing some precedent in the neighborhood.



Staff recommends approval of variance two.

3. **Section 1804.07:** A request to delay providing paved parking until installation of the future office.



The parcel is located in a Comprehensive Plan Category B, which requires a minimum of a chip seal surface. The applicant has heavy equipment the come and go frequently on the site. This material will not hold up to the heavy weight of the construction vehicles. The applicant has indicated that he wants to put in concrete or asphalt with base. Unfortunately, this is very expensive and the applicant would like to delay tis until he obtains a permit for the future office. Up until that point, there will be no customer traffic on the site.

Typically, Staff does not recommend waving or delaying paved parking but believes that this is a reasonable request because:

- The site already has dust resistant material in place;
- A block wall surrounds the property;
- No customers will be coming to the site in this phase and, compliant paving and parking will be required at that time;
- No residents have voiced concerns on the request;



- Local parking lots are dirt or in poor repair;
- Santa Elena Ave south of Sagebrush is dirt.

Staff recommends approval of variance three.

4. **Section 1806.02B:** A request to not install the required five (5) foot landscape strip along Sagebrush and Santa Elena due to the location of the wall on property line.

Staff recommends approval of this variance because there is no effective way for the applicant to be able to comply. The Zoning Regulations require that a landscape strip be provided along the streets. The wall is built on the property line. As you can see in the picture, there are strips of dirt and grass outside the wall. These are located within County right-of-way. The applicant offered to landscape and maintain these areas, but Engineering requirements will not permit it. Therefore, the only other option would be behind the wall. This would not be visible outside the wall and defeats the purpose of this requirement. The applicant will landscape a small portion of property, just outside the right-of-way on the corner with low growing plants.



Staff recommends approval of variance four.

**V. PUBLIC COMMENT**

The Department mailed notices to neighboring property owners within 300-feet on September 10, 2019. Staff posted the property on September 16, 2019 and published a legal notice on September 15, 2019. To date, the Department has received no comments from the public.

**VI. SUMMARY AND CONCLUSION**

**Factors in Favor of Approving the Variances**

1. The proposed setback on the north property line is consistent with the adjacent properties;
2. Delaying the paved parking will not have a significant impact since no customers will be visiting the site;
3. The existing septic system in the center of lot limits the area that a structure could be constructed;
4. No comments have been received by nearby residents, and
5. The proposed request will not create negative impacts on the affected properties.

**Factor Against Approving the Variance**

The variance will allow a metal building to be constructed within five feet of the property line on Sagebrush Road.

**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 BA2-19-05, Variances, 1 through 4, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*