



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Robert Kirschmann, Planner II
SUBJECT: Docket BA1-20-03 (Costello)
DATE: Friday August 14, 2020 for the Tuesday August 18, 2020 Meeting

APPLICATION FOR VARIANCE

Docket BA1-20-03 (Costello):

The Applicant is requesting a Variance to Section 704.03 of the Zoning Regulations, which requires a minimum setback of 20-feet from the property lines for all structures. The Applicant has two existing single family homes on one lot. They are requesting to split the lot into two. This split will place each home 12.5 feet from the new property line instead of 20 feet as required by the Zoning Regulations. No physical changes to the structures are proposed. No changes to any other setbacks are proposed.



The subject parcel (Parcel # 104-08-031M) is located at 7506 and 7502 S. Circle Drive Hereford, AZ 85615. It is further described as being situated in Section 17 of Township 23 South, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Richard Costello.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 2.10 acres
Zoning: R-36 (Residential, one dwelling per 36,000 square feet)
Growth Area: Category B (Community Growth Area)
Plan Designation: Neighborhood Conservation
Area Plan: N/A
Existing Uses: Two single family residence with accessory structures
Proposed Uses: Same



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Surrounding Zoning and Uses

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

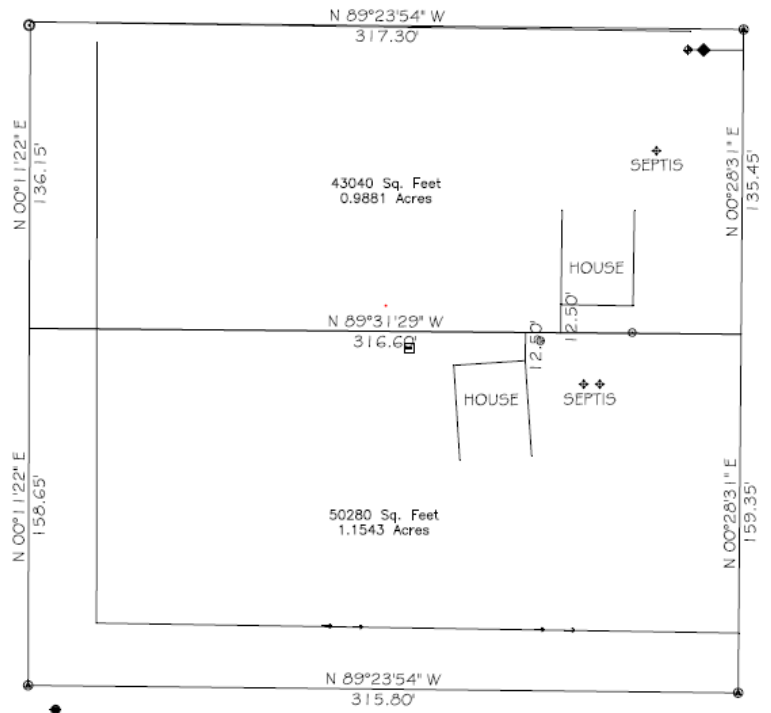
II. SITE HISTORY

Both of the mobile Homes were permitted 2002 ([link to permits](#)).

III. PROJECT DESCRIPTION

The Zoning of the property (R-36) allows for one home per 36,000 square feet. This parcel contains a total of 91,360 which allows for two single family homes. The County did not require the parcel to be subdivided to place the additional home on the lot. The applicants installed the homes close to each other so that they would be able to use one as a caretaker residence.

The applicant would like to split the lot in half, placing each home on its own lot. This is allowed by the Zoning Regulations and is consistent with many of the lots in the area. The reason for the variance is that the zoning regulations require a setback of 20 feet from the property line. The placement of the homes (for ease of caretaking) was a total of 25 feet apart. The survey presented shows that with the proposed lot line the homes will only be 12.5 feet from property line.



IV. ANALYSIS OF IMPACTS

No physical changes are proposed to the properties. No additional residences can be constructed on the lots (exception could be an ALQ). The variance is only between the two existing homes (currently on the same property). The homes or setbacks to the neighbors will not be reduced. There would not be any direct impact to the surrounding as a result of this variance.



Staff did receive several letters in opposition to the request. The issues cited included:

- Lot split is out of character with neighborhood
- Access
- Flooding concerns
- Homes are out of character with neighborhood
- Rezoning
- Reduced property value

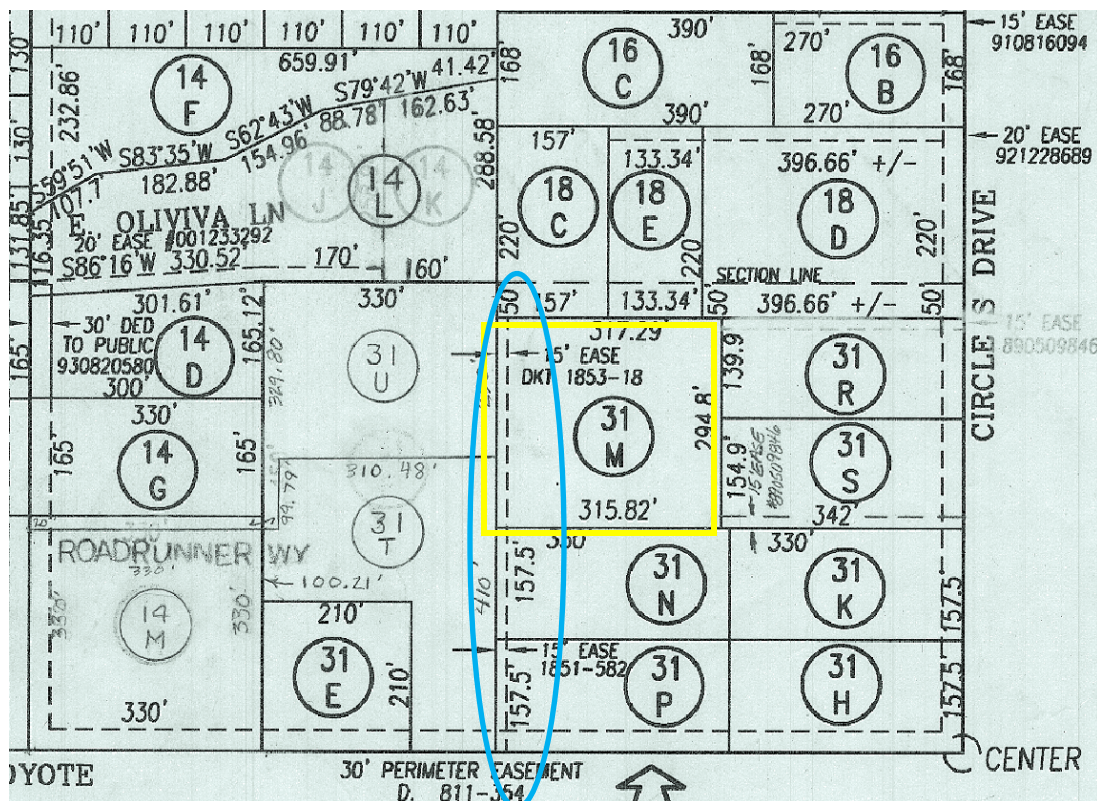
Staff will address each of these issues individually below.

Lot Size- Out of Character with the Neighborhood

As you can see from the Assessor’s Parcel map to the right this is one of six lots that have not yet been split in the neighborhood. There are 12 lots of similar size in approximately 350 feet.

Access

Neighbors have expressed concern over access to the property. The biggest concern was that the north proposed parcel would not have access. The lot split which requires a Minor Land Division application and a survey by a registered land surveyor who will verify access. At this time the



surveyor has indicated that access to the northern parcel will be through an existing access easement as show in the blue circle above (Dkt 1853-18 and Dkt 851-582). This easement has not been used in a very long time (or maybe not

at all) and therefore it is an understandable concern from neighbors. However, the easements(See attachments) are clear and state there is a "... non-exclusive easement or ingress and egress and utilities over the west 15 feet...".

Flooding Concerns

The parcel is not located within a FEMA designated floodplain as seen at the right. No new construction is proposed at this time. Any future accessory structures, accessory living quarters, etc. will be subject to the required regulations and permits at that time.

Homes out of Character with the Neighborhood

The homes have been located on the lot since 2002, 18 years. Additionally, Cochise County does not have any architectural standards or requirements for a single family home. The only district which prohibits mobile or manufactures home is single residential (SR) which this parcel is not.



Rezoning

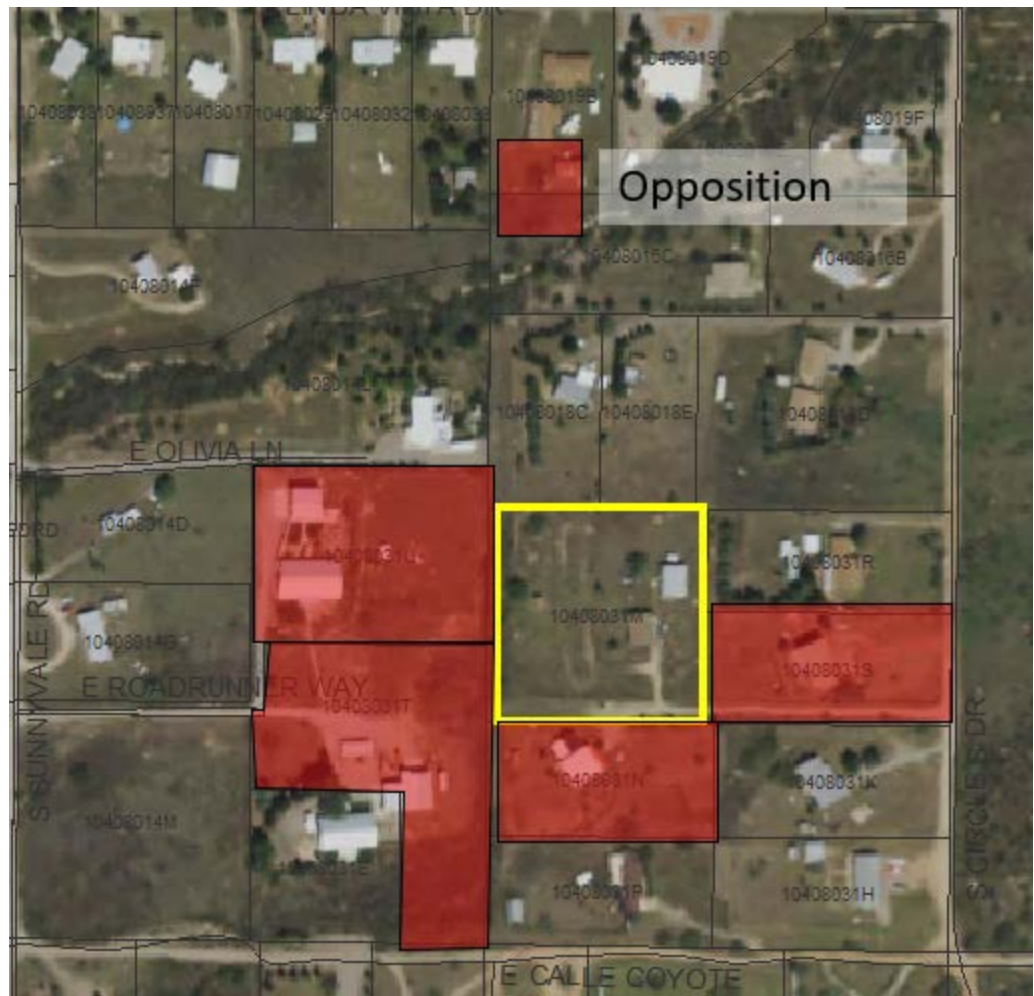
One letter expressed concern about rezoning the property. No rezoning is proposed. Two homes are allowed on the property with current zoning. The lot spit is allowed with the current zoning. The only request before the Board is if a reduction in the setback from 20 feet to 12.5 feet (each side of lot line) is appropriate. If the variance is denied, the applicant could hire a manufactured home moving company and shift the homes to accommodate the setbacks.

Reduced Property Values

Lowering of property values is not a factor used in the evaluation of a variance request. The only change proposed is a line drawn between the two existing homes and the homes can be sold independently of each other.

V. Public Comment

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property and published a legal notice in the *Sierra Vista Herald*. The Department has received five letters in opposition and none in support. Staff discussed the surrounding property owners' comments at length above.



VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variance would not change the conditions on the property that have existed for over 18 years;
2. Allowing the Variance does not compromise safety or quality-of-life for area residents.
3. The proposed lot split is in compliance with the Zoning regulations in regards to minimum lot size.
4. The setback to surrounding properties will not be altered.

Factors Against Approving the Variances

Five letters in opposition

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 BA1-20-03, granting the Variance as requested by the applicant on parcel 104-08-003M, the Factors in Favor of approval constituting the Findings of Fact.*