

**COCHISE COUNTY**

# **Z-20-10 (Chance Mine)**

## **A request to rezone from RU-4 to RU-2**

Board of Supervisors

November 17, 2020

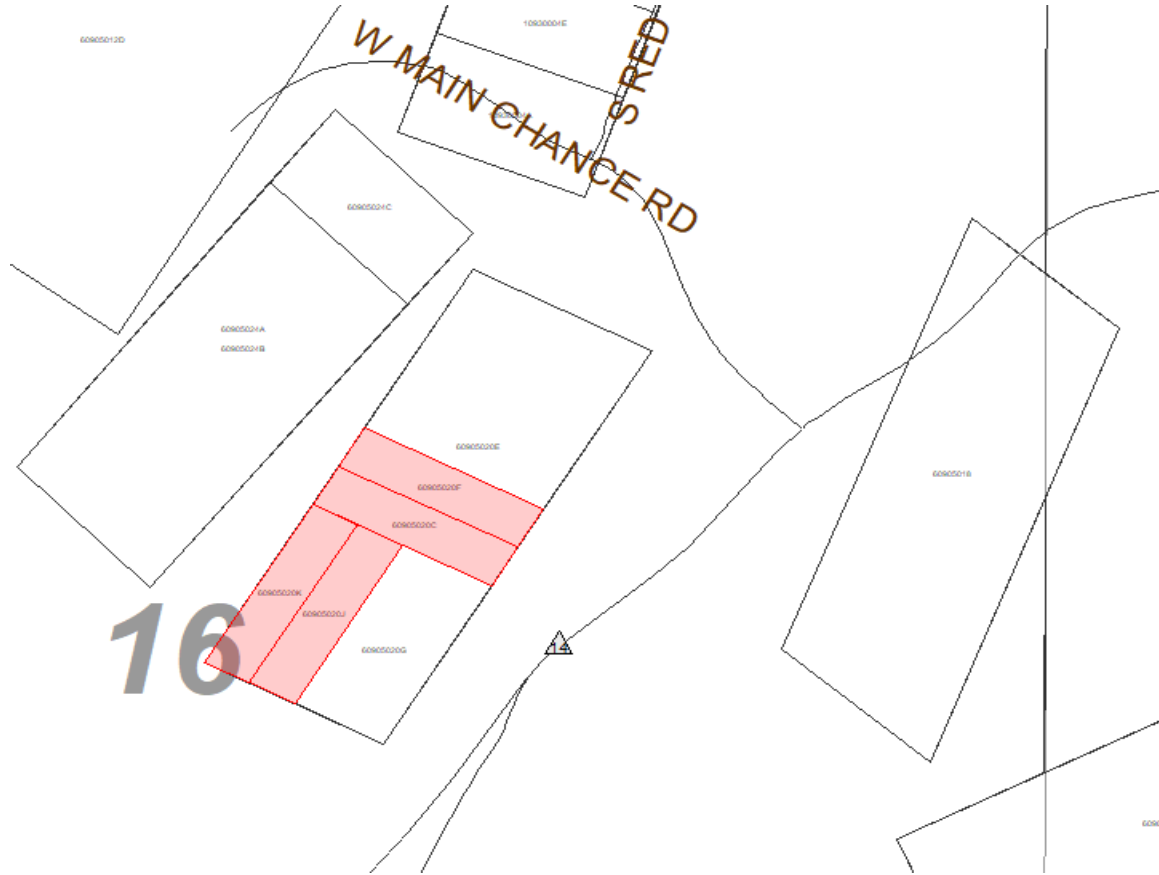


***Public Programs...Personal Service***

- The Applicants are requesting a rezoning from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural; one dwelling per two acres).
- The subject properties are located off Charleston Road near mile post 14
- Parcels 609-05-020C (1627 S Charleston Road), 609-05-020F, (no address), 609-05-020J (1641 S Charleston Road), and 609-05-020K (1633 S Charleston Road).
- 8.15 acres
- The request is to legitimize illegal lot splits
- The Applicants Mr. and Mrs. Jennings, Mr. Hawkins and Mr. and Mrs. Hernandez.
- The Planning and Zoning Commission voted 3-5-1 to recommend denial of the request



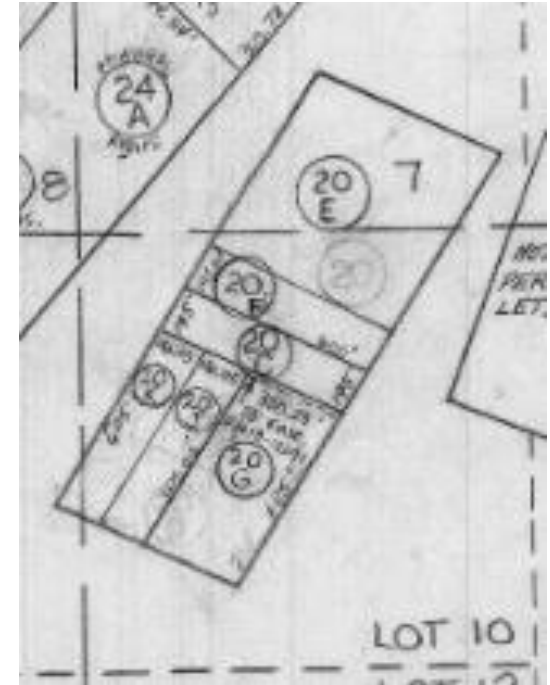
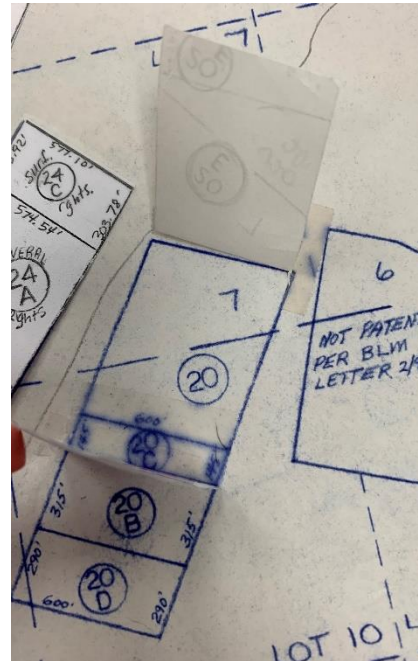
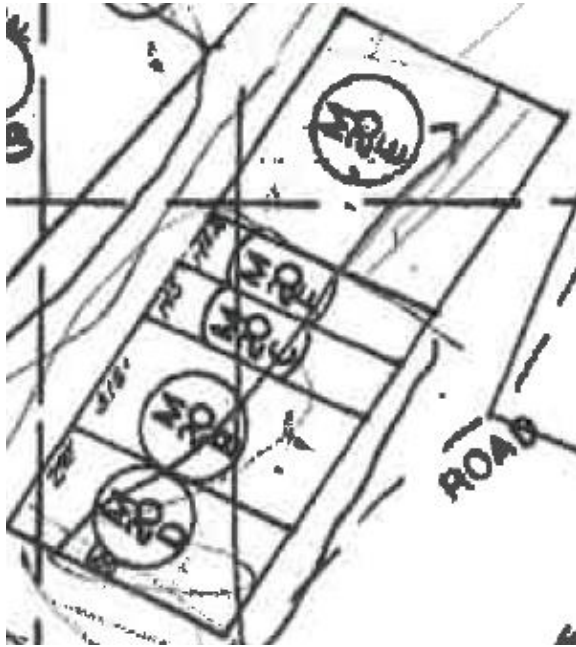
Location:



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## Parcel History



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## Permit History

Date	Permit #	Parcel #	Lot size	Use proposed	Square footage
1993	None located	609-05-020F	NA	Assessor picks up manufactured home, shed, no permit located	1344
7/22/93	93077B	609-05-020 B/D	8.3 +/-	SFR-Barn, APT Combo- Temp RV	1176
5/18/98	980466	609-05-020B/D	8	Manufacture Home	1456
6/29/01	010617	609-050-020 B/D	8	Renewal MH Permit	1456
8/10/10	100717	609-05-020H	Not provided	Power for water tanks	NA
01/04/12	11-268	609-05-020H	4.17	Metal carport	373
03/05/20	20-0326	609-05-020J	Not provided	Electric upgrade for MH	



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## Factors for or Against a Proposed Rezoning Application

- Zoning Regulations have 15 factors used to evaluate a proposal
  - Thirteen of the criteria apply to this request
  - As submitted complies with ten criteria
  - Three do not comply



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### Applicable Site Development Standards: Does not comply

- Parcel were created despite having the requirement for 4 acre minimum (RU-4)
- Current configuration was requested by one of the applicants
- Through lot adjustments/mergers and property acquisitions it could be possible to reconfigure the lots to meet current standards as they previously did

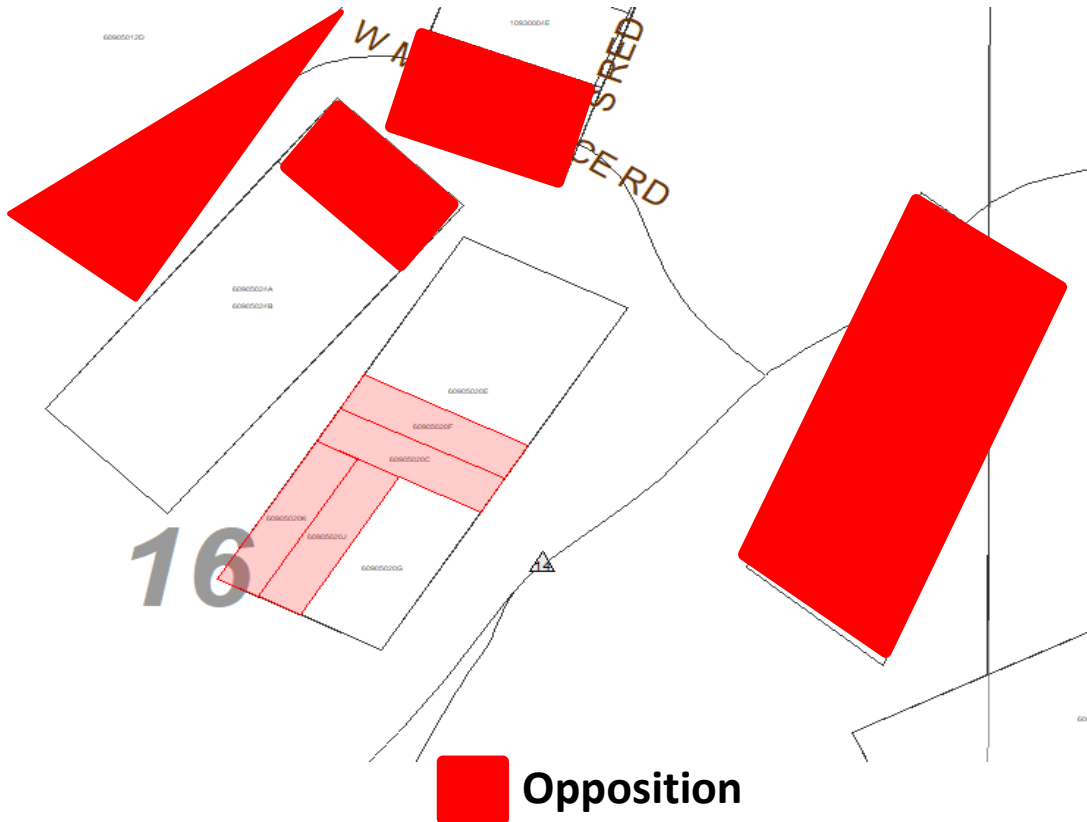


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### Public Input: Does not comply

- Four letters in opposition
  - Concern about increase in density
  - Change in character of neighborhood
  - Future precedence



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### Compliance with Area Plan, Master Development Plan or Comprehensive plan policies: Does not Comply

- Section 102, Goal 3, Policy g of the Comprehensive plan states *Small, isolated rezoning's, also known as "spot zonings," should be discouraged.*
- No surrounding parcels have similar zoning or lot sizes
- Potential to set a precedence



### Factors in Favor and Against Approving the Rezoning:

#### **Factors in Favor of Approval**

1. The request complies with ten the applicable Rezoning factors used by Staff to analyze this request;
2. The request would remove the non-conforming status of three residential homes and would allow future improvements and expansions.

#### **Factors Against Approval**

1. Four letters in opposition were received;
2. The request is a spot zoning;
3. The request would be out of character with the surrounding area;
4. The parcels were created illegally after 1975.
5. The request does not comply with two factor.



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## Planning Commission Recommendation: Denial

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.



***Public Programs...Personal Service***