



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

FILED FORM
BAZ-20-01
(Wood)

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT Two.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District _____
to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 102-57-105A and 102-57-107B
2. Address of parcel: 1925 W Dominguez St Naco AZ 85620
3. Area of Parcel (to nearest tenth of an acre): .6 acres
4. Zoning District designation of Parcel: R9 and GB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

See Attachment

6. Describe all proposed uses or structures, which are to be placed on the property.

Small number of sheep to be kept on the property.

7. State the specific nature of the variance or variances sought.

Variance to section 1815.01

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

See Attachment

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

See Attachment

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.


<u>PROPERTY OWNER</u>	<u>MAIL ADDRESS</u>
Jesse Wood	PO Box 61 Naco AZ 85620
Jessie Wood	PO Box 61 Naco AZ 85620

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

 PO Box 61 Naco AZ 85620 02/25/20

APPLICANT'S PHONE NUMBER 774-353-0026

APPLICANT'S EMAIL ADDRESS jwood7373@gmail.com

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.

Variance Request Attachment: Wood Residence in Naco AZ

5.) The property is a residential property. Currently there a house on the property which measures approximately 2,500 square feet with an attached carport. There is also a structure which has been converted to a chicken coop which is approximately 90 square feet. There is a moveable open structure made of pallets which is 48 square feet.

6.) We are not proposing any new structures.

8.) We are requesting a variance for the following reasons

I. The sheep will keep the yard properly mowed.

A. I suffer from allergies and am not able to mow regularly, because after mowing I suffer the effects of my allergies for the better part of a week.

B. There are invasive weeds on our property which when given the chance to grow produce thorns and thistles. The sheep will keep these weeds in check and help prevent them from maturing and producing seeds that would spread to *neighbors property*.

C. APS recently informed us that a portion of our land needs to be cleared to help prevent fires, as they have a light post with transformers on it. They want to accomplish this using herbicide, we do not want potentially dangerous chemicals sprayed on our property. The Sheep are a green alternative for maintaining that area clear.

II. The zoning requirement is being enforced strictly.

A. While we do not have the required amount of property, we are not far off and we do not have any directly adjoining neighbors that would be negatively impacted.

III. We are asking to keep a limited number of sheep.

A. We are not keeping livestock in the strictest sense of the term, where animals are kept as part of a person's capital interests. We do not intend to run any sort of *commercial enterprise or farming operation*. The sheep are functional pets, much they way a dog may be kept for the enjoyment of its owner and also serve the function alerting the owner to trespassers.

9) We do not believe that granting a variance would cause injury or impair the rights of surrounding property owners for the following reasons.

I. There is sufficient space to protect our neighbors in accordance with the county code.

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- A. The county code allows for the keeping of an unspecified amount livestock (which could include large animals such as cattle or horses) on 36000 square feet or more of property. This applies to middle lots, with or without roads and/or alleyways to separate the lots. If the alleyway and buffer along the road are included in the space around our property we have more than 36000 square feet of space.
 - B. If one measures from the road to our neighbors fences we have 101% of the 36000 square feet required. While this includes land that does not belong to us (alley and buffer) the calculation demonstrates that the standards the county codified to protect our neighbors is met.
- II. In surrounding counties recognize that livestock may be kept on smaller plots of land without infringing on neighbors rights.
- A. According to the zoning codes of surrounding counties one is allowed to have livestock including horses on properties as small as .45 acres (We have more .6).
 - 1. Graham County requires 20,000 square feet (.45 acres)
 - a) Section 3.9
 - (1) <https://www.graham.az.gov/DocumentCenter/View/574/County-Zoning-Ordinance-PDF?bidId=>
 - 2. Santa Cruz county allows the following
 - a) "The raising of small animals is permitted provided there are no more than ten (10) animals per acre."
 - (1) <https://www.santacruzcountyaz.gov/DocumentCenter/View/8358/Santa-Cruz-County-Zoning-and-Development-Code?bidId=>
 - b) At that rate we would be allowed 5 sheep on our land.
 - 3. Greenlee County
 - a) Greenlee county does not have a lot size limitation for livestock.
 - b) "Sec. 1727 Keeping of Livestock and Pets: Livestock, poultry and other animals, including horses in rural districts on appeal and household pets may be kept in all zoning districts unless otherwise prohibited or regulated by these Zoning Regulations. Such animals shall be kept confined by fences or other restraints of sufficient strength and durability, or be otherwise under the control of its owner or keeper, to prevent such animals from roaming at large, unless otherwise exempted by Section 308 of these Zoning Regulations or the Arizona Revised Statutes. Nothing

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contained therein shall relieve the owner or keeper of such animals from complying with all applicable rules and regulations of the County Health Department or others having jurisdiction.”

(1) <https://www.co.greenlee.az.us/pdf/ZoningRegulations.pdf>

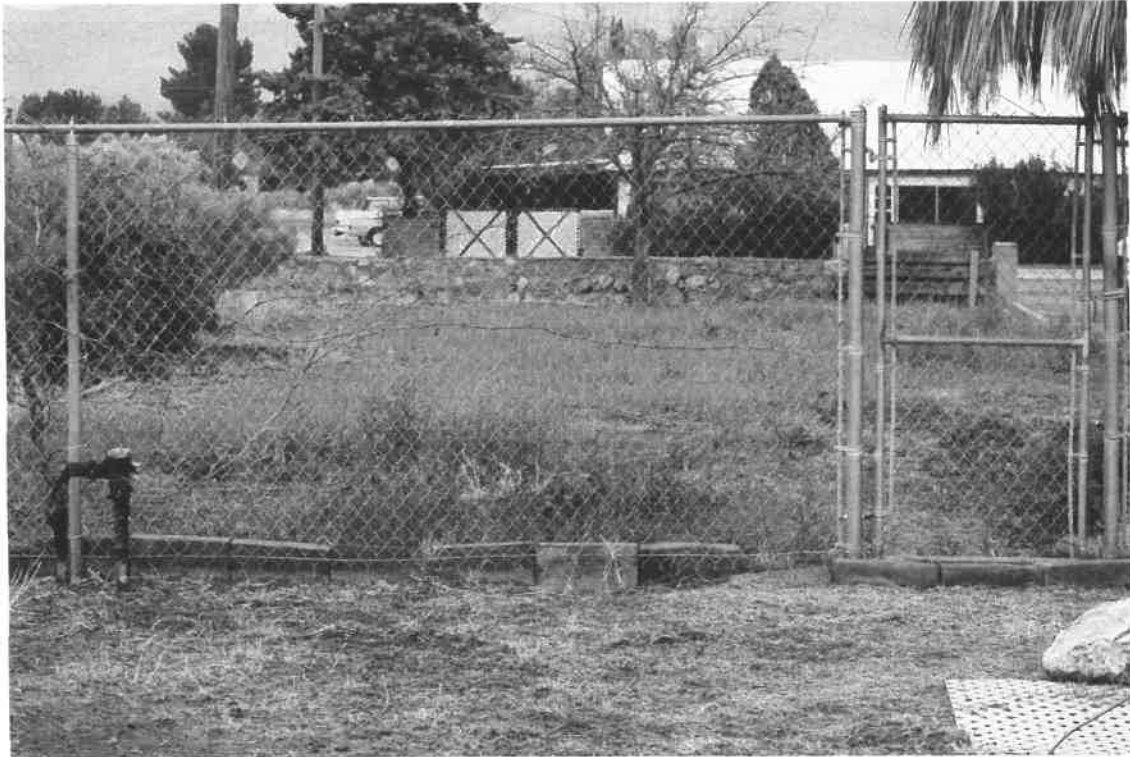
III. Sheep are quiet, nonaggressive, inoffensive animals.

- A. Naco is no stranger to noisy animals, many residents have roosters, and loud dogs that bark throughout the night. Others have ducks, peacocks, and donkeys all of which can be very noisy. In contrast sheep are basically silent. When we spoke to our neighbors about the sheep many did not even realize they were present.
- B. Sheep are not aggressive. Sheep like to keep their distance from humans that they are unfamiliar with. Additionally, the area they are in is surrounded by six foot chainlink fencing so it is not possible for them to get out to bother anyone. The sheep do not pose any threat to the community especially when compared with the many aggressive breeds of dogs that are kept in Naco and often escape the property of their owners.
- C. Our sheep are females and do not have the scent gland male rams have. The odor of their feces is minimal, much less than that of a dog. Additionally, because they consume matter grown on the property their feces does not present the kinds of environmental concerns dog feces does.

We are willing to implement the following and entertain other possibilities as recommended to us by the zoning board.

- I. We are willing to make adjustments to our fencing.
 - A. If the sheep are deemed to be an eyesore we will cover the fencing with a material that blocks the line of sight onto our property.
 - B. If an additional fence within the bounds of our property is necessary we will erect a fence to keep the sheep further from the perimeter.

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This image shows how effective the sheep are for weed control. On the far side of the fence weeds have grown to approximately 18" in height



This image shows the three sheep and the 4'x12' pallet structure

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This image shows the sheep separated from the neighbors property by fencing, and alleyway, and then a cement block wall. Note: sheep were just beginning to get weeds under control at the time of this photo.



— = Additional Fence

— = Fenced Property Line (Back yard enclosed with 6' chainlink)

■ = 4'x12' Movable Pallet Shelter for Sheep located approx. 55' from fence

■ = Alleyway approx. 20' wide

Areas rounded to the nearest 10th
 Total property = .6 acres Total needed under Section 1815.01 = .8 acres (36000/43560)

