



# Cochise County

## Development Services

Public Programs...Personal Service  
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### **MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 1  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth AICP, Development Services Director  
**SUBJECT:** Docket V21-04 (Bobcat Ln)  
**DATE:** June 16, 2021 for the June 22, 2021 Meeting

#### **APPLICATION FOR VARIANCE**

V21-04 (Bobcat Ln)

The Applicant requests two variances from Section 704.03 of the Zoning Regulations:

1. A request to encroach approximately 14 feet into the required twenty-foot setback (south), as measured from edge of the road travel way.
2. A request to encroach approximately six feet into the west setback.

The requests are to accommodate an addition that was constructed without benefit of a permit.

The subject property is located at 4851 E Bobcat Lane and is identified as Parcel Number 104-05-069B. The Applicant is Mr. Steven Rygwalski.

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

**Site Size:** .94 acres  
**Zoning:** R-36 (Residential, one dwelling per 36,000 square feet)  
**Growth Area:** Category B (Developing Areas)  
**Plan Designation:** Neighborhood Conservation  
**Area Plan:** N/A  
**Existing Uses:** Single family residence with garage/shop  
**Proposed Uses:** Same

#### **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

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

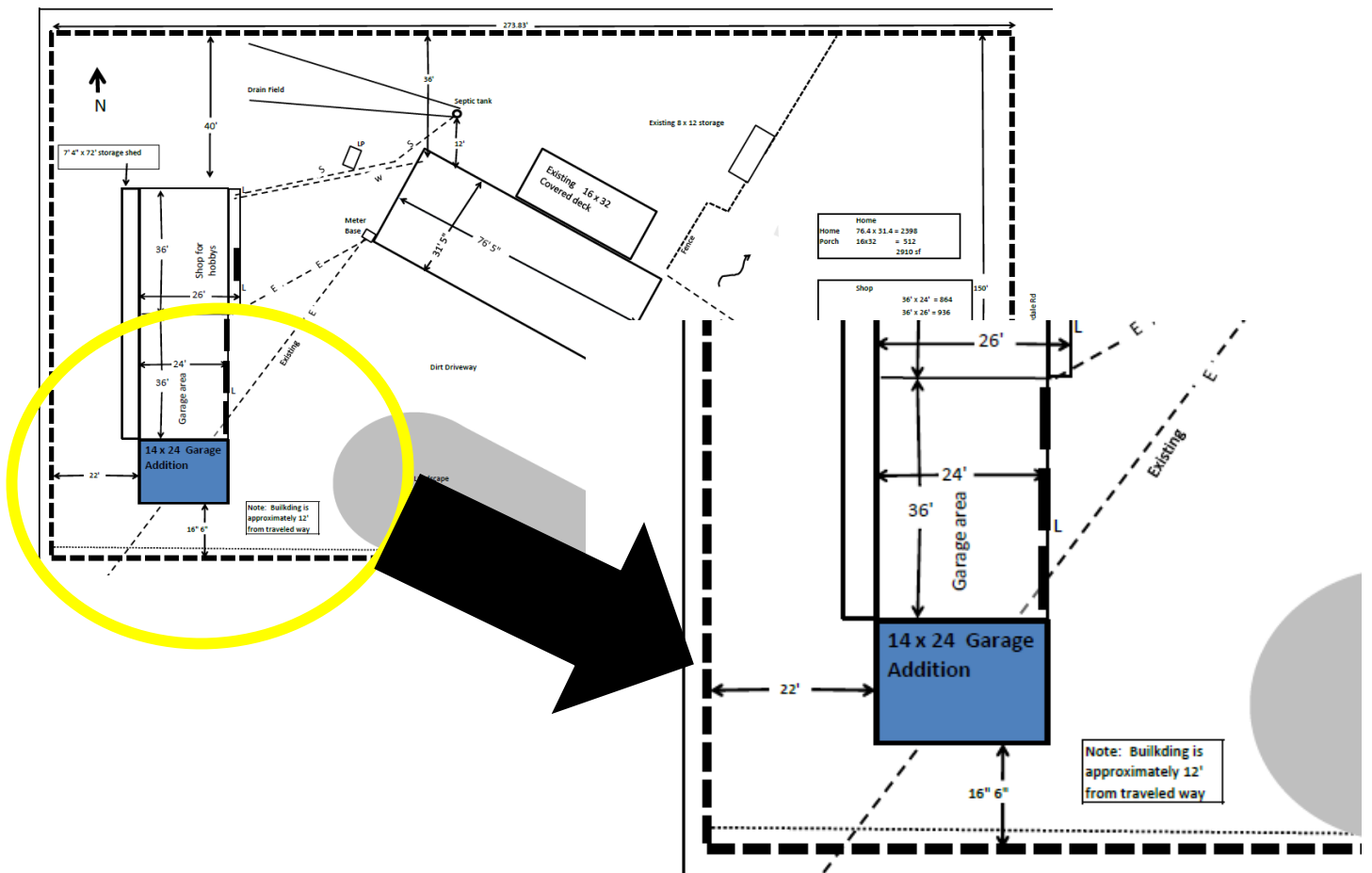
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

**II. SITE HISTORY**

- 2017 1,800 Square foot garage
- 2004 Storage shed
- 2003 New Manufactured home

**III. PROJECT DESCRIPTION**

The applicant has an existing approximately 2,910 square foot single family residence and an approximately 2,600 square foot garage/shop/storage building. In 2017 a permit was issued for the construction of an 1,800 square foot garage. Since that permit the applicant added an additional 800 square feet without benefit of a permit. The additions are located on the south and west of the garage. The addition on the west encroaches approximately 12 feet into the setback. There is an access easement located along the south property in the amount of 10 feet. The code requires that the setbacks be measured from the edge of that travel way. The garage is approximately 6 feet to the edge of this travel way. Therefore, a variance of 14 feet is required.

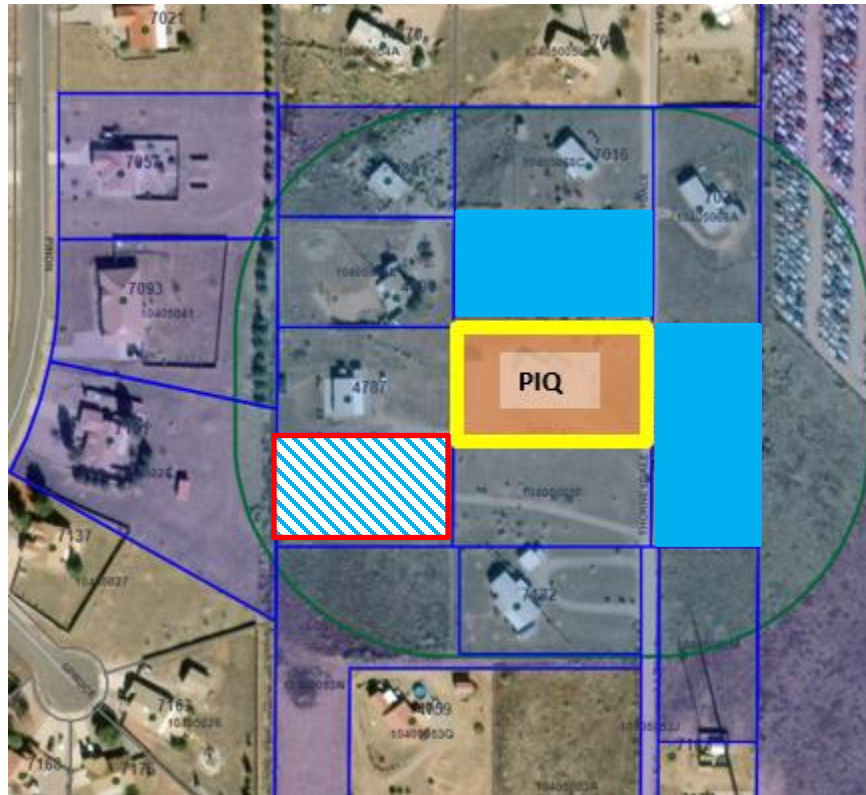


**IV. ANALYSIS OF IMPACTS**

The majority of the surrounding properties have structures which meet the setback requirements. Once parcel south of the request does have a structure that appears to be located on the property line.

The addition has been constructed. The construction itself does not impede the ten-foot easement. Staff is recommending a condition that no additional obstructions be located between the structure and the property line. This includes cars, parts, tools, etc. With this condition, the neighbor concerns (discussed below) are addressed.

Staff sent out notice to surrounding properties within 300 feet. Four responses were received. Three of the letters expressed unconditional support. The third stated that although they do not support the variance, they do not want to have an existing structure torn down and therefore, requests the condition above. One letter received was from a homeowner and part responsible for road maintenance and is outside the radius. With the conditions of approval the concerns are mitigated.



Finally, Fry Fire provided a letter stating they have no issues with the location, however they need to be included in the permit review and inspections. Staff has added this as an additional condition.



**VI. SUMMARY AND CONCLUSION**

**Factors in Favor of Approving the Variance**

1. The location of the residence, driveways and garage provides some difficulties in meeting the setback requirements;
2. The structure is already constructed and is not highly noticeable;
3. Allowing the Variance does not compromise safety or quality-of-life for area residents;
4. 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.

- 5. Three letters of unconditional support, one conditional letter was received



**Factor Against Approving the Variance**

The structure was built without benefit of a permit.

**Conditions of Approval**

If the Board approved the requested variances staff recommends the following conditions:

- 1. *There shall be no storage, parking, landscaping, etc. located between the garage and the property line. At no time shall the easement be blocked;*
- 2. *Within six (6) months the Applicant shall apply for a building permit for the structure. The plans shall be approved by Cochise County and Fry Fire. Final approval shall be completed within one (1) year.*



**VII. RECOMMENDATION**

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **Conditional Approval** of the Variance as requested.

Sample Motion: *Mr. Chairman, I move to **conditionally approve** Docket V21-04 (Bobcat Ln), on parcel 104-05-069B, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*