



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 V21-08 (Equestrian)
DATE: November 15, 2021 for the December 1, 2021 Meeting

APPLICATION FOR VARIANCE

V21-07 (Equestrian)

The Applicant is requesting a variance to Section 904.03 Setbacks. Specifically, the Applicant is requesting to encroach approximately ten (10) feet into the required twenty-foot (20) setback on the north and western property lines to accommodate a new 34 foot by 60-foot Garage/Storage building.

The subject property is located at 4536 S Equestrian Dr., Sierra Vista and is identified as Parcel Number 105-99-130. The Applicant is Mr. Richard Pope.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 1.05 acre
Zoning: SR-43 (Single Residential, one dwelling per 43,000 square feet)
Growth Area: Category A (Urban Growth Areas)
Plan Designation: Neighborhood Conservation
Area Plan: N/A
Existing Uses: Single family residence with garage/shop
Proposed Uses: Same with additional carport

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Single Family Residences
South	SR-43	Single Family Residences
East	SR-43	Single Family Residences
West	SR-43	Single Family Residences

Planning, Zoning and Building Safety

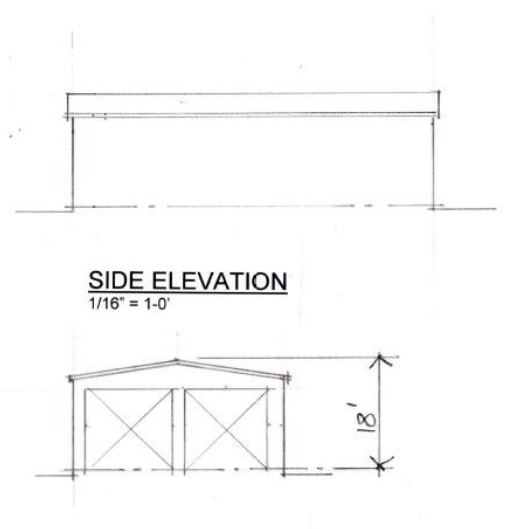
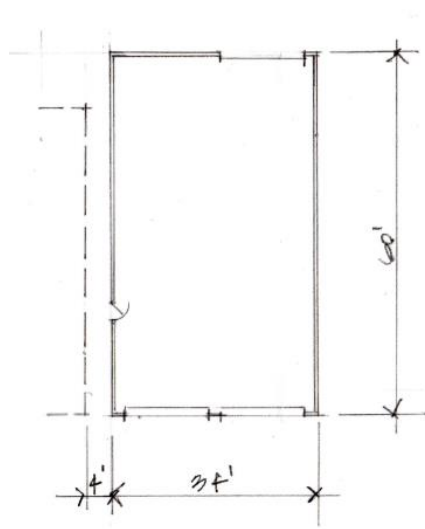
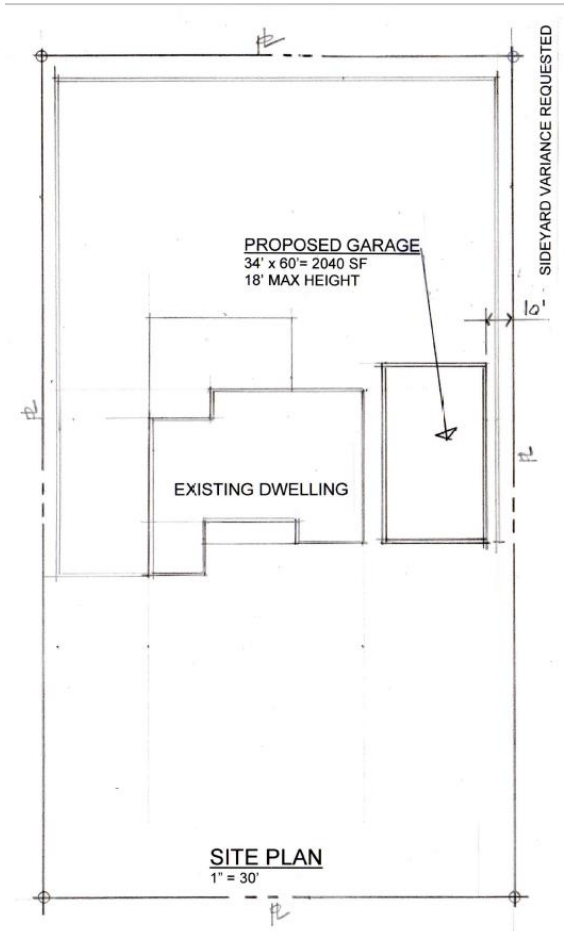
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

II. SITE HISTORY

1992 2,841 square foot living, 231 square foot patio and 540 square foot attached garage.

III. PROJECT DESCRIPTION

The applicant is looking to purchase the property however, the garage is not large enough to store his personal vehicles inside of. The site is fairly constrained with existing walls, septic, and the placement of the house. Therefore, the applicant narrowed down the placement of the garage to the north side of the house. With existing gas and electric utilities, the garage needs to be setback from the home. This pushes the garage closer to the property line and the applicant is requesting a variance to encroach ten feet into the north setback. It is important to note, the existing block wall on the north property line is located approximately eight feet inside the applicant's property. Therefore, when the garage is built it will only be approximately two feet from the wall, making it appear closer to the property line than it is. The Applicant has been in communication with this property owner.



IV. ANALYSIS OF IMPACTS

Some of the surrounding properties have structures (including this site) that encroach into the setbacks or have the appearance of doing so. Variance applications were not located for the encroachments shown below. Even if the structures are less than 200 square feet, they would still be required to be at least ten feet from the property line which some are not. The request is consistent and compatible with the surrounding neighborhood.



Staff must also note that the existing shed in the rear of the property is not in compliance with the 20-foot setback. The structure is already constructed and has been in that location since at least 2003. Therefore, staff would request that the variance be amended to include legitimizing the exiting shed which is approximately 13 feet from the west property line and 14 feet from the north property line.

Staff sent out notices to surrounding properties within 300 feet. The Applicant also reached out to the property owner to the north, Mr. Robert Spiczka as he would be the most impacted neighbor. Mr. Spizkas email in support is attached to this report. In total, two responses in support and two responses in opposition were received.



EXISTING SHED



LOCATION OF PROPOSED GARAGE

- SUPPORT
- OPPOSITION



CARPORT DIRECTLY ACROSS THE STREET



BACKYARD PATIO AND SEPTIC AREA



PERMITTED GARAGE ON EQUESTRIAN

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 consistent and compatible with the neighborhood;
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. Two letters in support were received, including the most impacted neighbor.

Factor Against Approving the Variance

1. Two letters in opposition were received.
2. With the location of the wall approximately eight feet from the actual property line the garage will appear closer to the setback than 10 feet.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **Approval** of the Variance as amended by Staff to include the existing shed with approximately 13- and 14-foot setbacks.

Sample Motion: *Mr. Chairman, I move to **approve** Docket V21-08 (Equestrian), on parcel 105-99-130, granting the Variance as requested by the Applicant and amended by Staff, the Factors in Favor of approval constituting the Findings of Fact.*