



Cochise County

Development Services

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: Docket V21-05 (23rd Street)
DATE: August 25, 2021 for the September 1, 2021 Meeting

APPLICATION FOR VARIANCE

Docket V21-05(23rd Street)

The Applicant requests to encroach ten (10) feet into the required twenty (20) foot side yard setback with a new addition. The existing residence is already ten (10) feet from the property line and the new addition will not encroach any further than the existing residence

The subject property is located at 2239 E 23rd Street, Douglas Arizona. The parcel number is 410-22-004D. The Applicant is Mr. Francisco Garcia.



I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

- Site Size:** 1.02 Acres
- Zoning:** SR-43 (Single Residential, one dwelling per 43,000 square feet)
- Growth Area:** Category B – Community Growth Areas
- Plan Designation:** Neighborhood Conservation
- Area Plan:** None
- Existing Uses:** Single family residence
- Proposed Uses:** Same, with new addition

Planning, Zoning and Building Safety

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

Surrounding Zoning and Uses

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



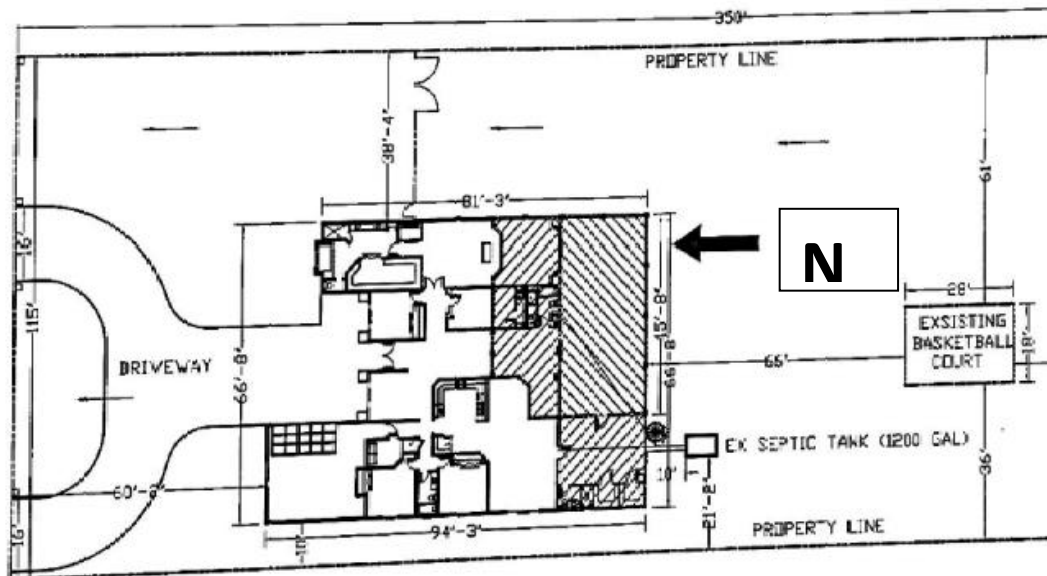
II. SITE HISTORY

2000 Permit for SFR

III. PROJECT DESCRIPTION

The Applicant requests to encroach ten (10) feet into the required twenty (20) foot side yard setback with a new addition. The existing residence is already ten (10) feet from the property line and the new addition will not encroach any further than the existing residence

As shown in the picture to the right there is an existing, permitted single family home located on the property in question. The previous owner subdivided the lot. When they did that, only a ten (10) foot setback was provided between the home and property line. The current owner is trying to build an addition to the home, but by code is required to meet the twenty (20) foot setback. Therefore, the applicant is seeking this variance.





IV. ANALYSIS OF IMPACTS

The project site is located in a well-established neighborhood outside of Douglas. Large homes on larger lots are very typical. Most of the properties are able to comply with the required twenty (20) foot setbacks.

The lot in question, as well as the adjacent lot to the west both encroach into the setback. The property in question was subdivided by a previous owner, which resulted in non-compliant setback. Today, with the Minor Land Division Regulations in place, this type of encroachment would have been caught and either not approved or a cloud recorded on the property. However, since it is not the current owner who created the situation staff would support the request.

Additionally, the owner to the west and north across 23rd Street both support the request. No letters in opposition were received.

Since the structure is existing, the applicant was not



responsible for the lot split, and the adjacent property owners support the request Staff recommends approval of the request.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet on August 3, 2021 Staff posted the property on August 13, 2021 and published a legal notice on August 6, 2021. To date, the Department has received two letters in support of the request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. The proposed setback is consistent with the existing residence;
2. The proposed setback is consistent with the residence located to the west;
3. Two comments in support of the request have been received;
4. The applicant was not responsible for the lot split that created the non-compliant setback; and
5. The proposed request will not create negative impacts on the affected properties.

Factor Against Approving the Variance

None identified

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 V21-05 (23rd Street), on parcel 410-22-004D, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.