



MEMORANDUM

TO: Board of Supervisors
FROM: Dan Coxworth, Director
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket R-22-01 Board of Adjustment, Zoning Regulation Amendments
DATE: July 26, 2022

I. PROPOSED CHANGES AND BACKGROUND

Docket R-22-01 is a staff-initiated amendment to the Cochise County Zoning Regulations Article 21, Board of Adjustment. This amendment to the Zoning Regulations will remove the requirement for one Board of Adjustment in each supervisorial district and replace it with one Board of Adjustment with jurisdiction countywide, composed of one member who is a resident of each supervisorial district.

The County currently has three Boards of Adjustment (BA), one for each district with three members. The most common function of the BA is to provide relief from the Cochise County Zoning Regulations site development standards such as setback requirements, height limitations, minimum parking requirements, etc. The Board of Adjustment may also hear an appeal of the County Zoning Inspector (Development Services Director) interpretation of the Zoning Regulations. An appeal of the Board of Adjustments decision is to Superior Court.

Per State Law (ARS 11-816), Boards of adjustment; powers; appeals

A. There shall be one or more boards of adjustment in each County. The board of supervisors may establish one board of adjustment that has jurisdiction countywide, and that is composed of one member who is a resident of each supervisorial district or one board of adjustment in each supervisorial district that has jurisdiction in that supervisorial district, and that is composed of not less than three nor more than five members, each of whom is a resident of that supervisorial district. The members of each board shall be appointed for staggered terms of four years each.

The Board of Supervisors met in a Work Session on May 24, 2022, to discuss the matter and directed staff to move forward with a Zoning Regulation amendment.

Additional amendments to Article 21 Boards of Adjustment include:

Subsections 2101 Creation and Membership and 2102 Meeting and Rules are removed from Article 21 as they are not necessary to be in the Zoning Regulations and are stipulated in the *Board of Adjustment By-Laws and Rules of Procedure* approved by the Board of Supervisors.

The addition of Subsection 2101.02.A and B clarify the Power of the Board of Adjustment and provide findings of fact as guidelines when approving or denying a variance request.

Subsection 2104 Hearings changed the property's posting requirement from 10 calendar days before the meeting to 15 calendar days to be consistent with public meetings scheduled before the Planning & Zoning Commission and Board of Supervisors.

II. SUMMARY AND RECOMMENDATION

The proposed changes would amend Article 21 of the Cochise County Zoning Regulations, as indicated in Exhibit A of the attached document.

The decision to change from three Boards of Adjustment to one Board of Adjustment is at the discretion of the Board of Supervisors. The Planning & Zoning Commission reviews and recommends proposed changes to the Zoning Regulations to the Board of Supervisors.

The Planning & Zoning Commission met on July 13, 2022 to review the proposed changes and recommended to the Board of Supervisors (6 – 1) to approve the changes as proposed to Article 21 Boards of Adjustment

III. ATTACHMENTS

Exhibit A amending Article 21 of the Cochise County Zoning Regulations with strike-through and underline.