



MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: Docket V22-04 (Pintek Setback) application for a variance
DATE: April 22, 2022, for the May 4, 2022, Meeting

Docket V22-04 (Pintek Setback)

The Applicant requests to encroach ten (10) feet into the required twenty (20) foot side yard setback with a shed. The subject property is located at 7193 S. Pintek Lane in Hereford Arizona (APN 104-31-001N). The applicant is Mr. Darin McDaniel.

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.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 3.98 Acres
Zoning: RU-4 (Rural, one dwelling per 4-acres)
Growth Area: Category D
Plan Designation: Rural Residential
Area Plan: None
Existing Uses: Single family residence
Proposed Uses: Same, with 240 SF shed

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family (SF) Residence
South	RU-4	SF Residence
East	RU-4	SF Residence
West	RU-4	Pintek Lane then SF residence

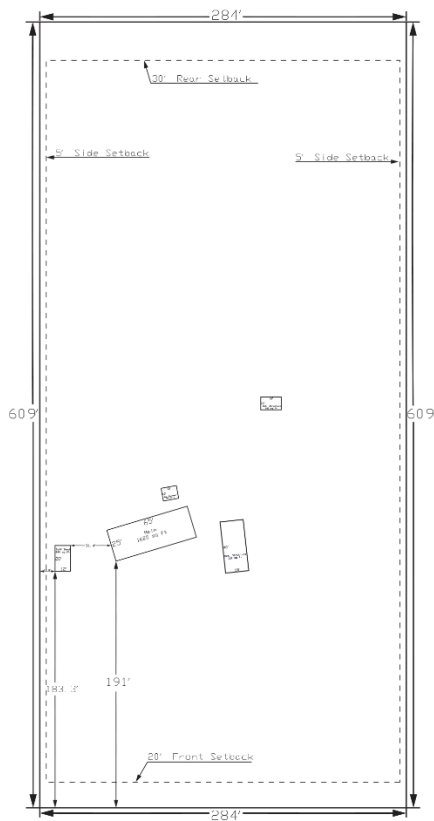
II. SITE HISTORY

1,904 SF Mobile Home Built in 1994.

III. REQUEST DESCRIPTION

In March, the applicant applied for, and was granted conditional approval for, a building permit for this shed. One of the conditions was that it be located outside the required setbacks. The Applicant requests to encroach ten (10) feet into the required twenty (20) foot side yard setback with a shed. As stated in Section 604.03 of the Zoning Regulations: "The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer." The minimum required setbacks for permitted uses within RU-4 are 20'. Within that same section, the County allows reduced setbacks for accessory structures no larger than 200 SF. Accessory structures no larger than 200 SF are only required to be 10 feet from the property line. In this case, the applicant is placing a slightly larger shed of 240', which requires the full 20' setback.

Figure 1. Site Plan



IV. PECULIAR CONDITIONS AND PARITY

- A. Peculiar Conditions: The project site is located in a well-established neighborhood in Hereford with Rural (RU-4) Zoning. Nearly all lots are 4-acres or greater, with the exception of a few non-conforming lots. Most are developed with homes and accessory structures. There are no notable unique or peculiar conditions present that would prohibit the applicant from moving the shed outside of the 20' setback. Moreover, this is a 4-acre parcel. Because of its size and limited amount of current development, there are placement options available outside the 20' setback.

- B. Parity: There are numerous examples of sheds in the area. Compliance with setbacks of those existing sheds is difficult to determine due to the reduced setbacks requirements for sheds under 200 SF (10' from property line). The placement of this 240 SF shed would not seem out of place in the area.

Figure 2: Site Analysis



Site Analysis
V 22-04 (Pintek Setback)



V. Potential Impacts

The property contains a house, carport, and 160 SF shed. There is a gravel driveway and numerous trees. There is a short 4' tall field fence and gate enclosing the lot. Currently, the proposed shed is onsite, awaiting the decision of the board of adjustment. As shown in the photos below, it is not prominently visible from the road or adjacent parcels. It would be even less visible during non-winter months.



The proposed placement does avoid any tree removal, which could increase the shed's visibility and negatively impact the current visual buffering. Setbacks are theoretically intended to provide ventilation, lighting, site access, and buffering. The next closest parcel to the north is developed with a single-family home. That home is 150' north of the property line. The placement of this 240 SF shed within the setback would not impact the ventilation, lighting, site access, or buffering. It is for this reason that the Zoning Regulations grants a reduced setback allowance for accessory structures no larger than 200 SF. For large parcels in particular, a slightly larger shed could also be appropriate.

V. PRESERVATION OF THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

This property is within RU-4 Zoning, which is rural zoning, 4-acre minimum lot size. The purpose of the zoning district is:

- 601.01** To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;
- 601.02** To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
- 601.03** To preserve the agricultural character of those portions of the County capable of resource production;
- 601.04** To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;
- 601.05** To provide recreational support services that are compatible with rural living;
- 601.06** To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and
- 601.07** To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

Rural Zoning is the most common zoning designation in Cochise County. It is one of the more flexible designations. This request is consistent with the intent of the Zoning Regulations.

VI. PUBLIC COMMENT

Staff mailed notices to neighboring property owners within 300-feet on April 5, 2022. Staff posted the property on April 13, 2022 and published a legal notice on April 13, 2022. To date, staff has received 2 phone calls in support and 0 letters in opposition of the request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. This variance request is consistent with the intent and purpose of the Zoning Regulations and Comprehensive Plan.
2. The proposed request avoids any tree removal, which could negatively impact visual buffering. Currently, the proposed shed is not prominently visible from the road or adjacent parcels.
3. The purpose of the setback, which includes ventilation, lighting, site access, and buffering, is not impacted by this request.
4. Two phone calls from adjacent owners were received, indicating support.
5. There are numerous examples of sheds in the area. Determining compliance with setbacks of those existing sheds is difficult due to the reduced setbacks requirements for sheds under 200 SF (10' from property line). The proposed 240 SF shed, placed 10' from the property line would not seem out-of-place.

Factor Against Approving the Variance

1. Because this is a 4-acre parcel, there are placement options available outside of the 20' setback.
2. There are no unique or peculiar conditions present that would limit the shed placement to inside the setback.

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 V22-04 (Pintek setback), on parcel 104-31-001N, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.