

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: Docket V22-06 (Mountain Side) application for a variance
DATE: June 20, 2022, for the July 6, 2022, Meeting

Docket V22-06 (Mountain Side)

The Applicant requests to encroach nineteen (19) feet into the required twenty (20) foot side yard setback to construct a carport. The subject property is located at 5809 Mountain Side Lane, in Hereford Arizona. The parcel is identified as 104-02-054B and consists of approximately .98 acres. The applicant is Ms. Conceicao Rocha.

The Board of Adjustment may grant a Variance from the terms of the 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: .98 Acres
Zoning: R-36 (Residential, one dwelling per 36,000 square feet)
Growth Area: Category B
Plan Designation: Neighborhood Conservation
Area Plan: None
Existing Uses: Single family residence
Proposed Uses: Same, with 800 square foot carport and wheelchair ramp



Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Residence
South	R-36	Single Family Residence
East	R-36	Single Family Residence
West	R-36	Mountain Side/Single Family Residence

II. SITE HISTORY

2,432 SF Mobile Home Built in 2000

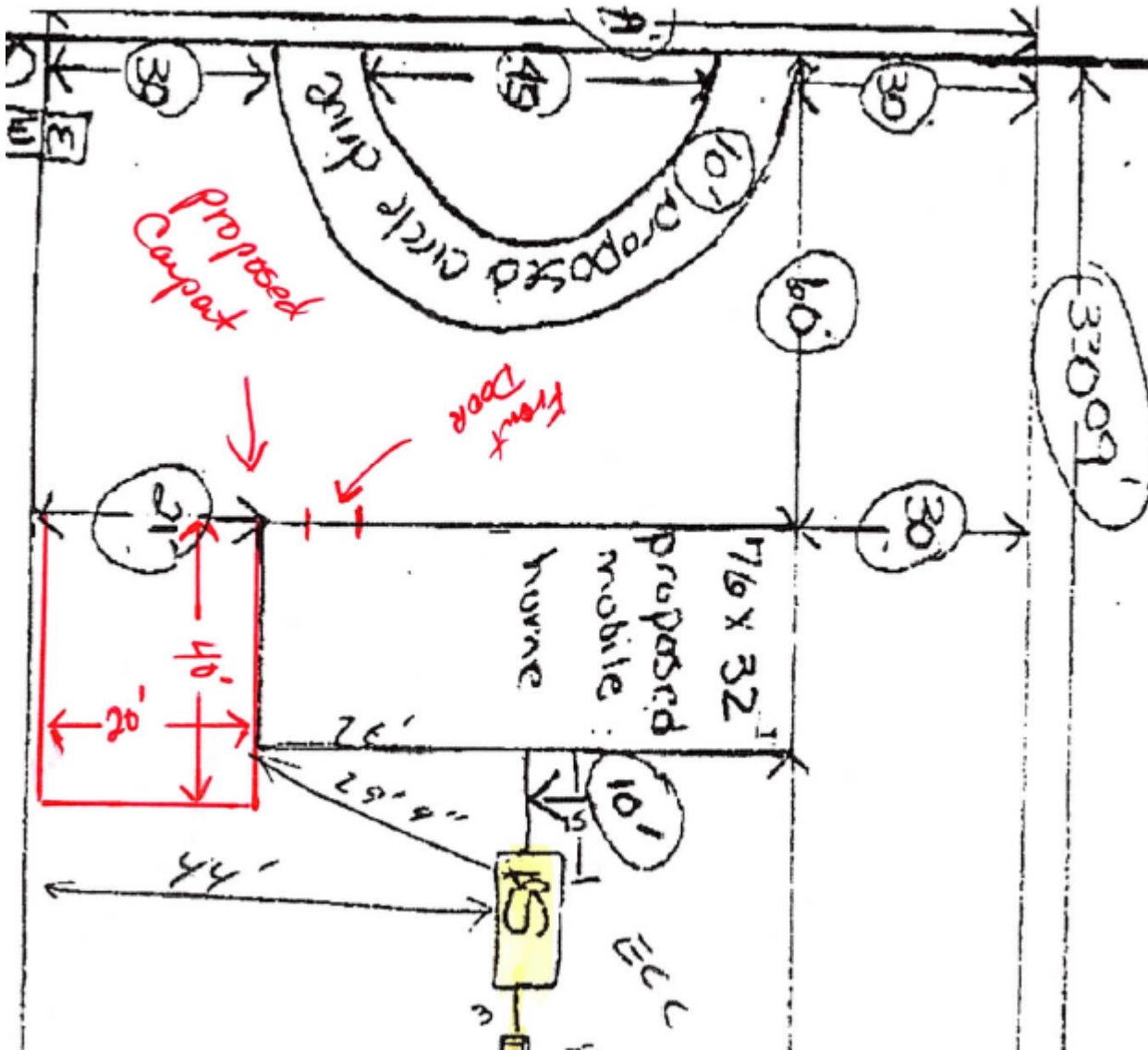
III. REQUEST DESCRIPTION

The Applicant, Ms. Conceicao Rocha requests a Variance to Section 704.03 Setbacks. Specifically, the Applicant is requesting to construct a carport one (1) foot from the southern property line, where twenty (20) feet is required. The carport will be approximately 20 feet by 40 feet, 800 square feet. The applicant will utilize the carport to park under and to construct a handicap ramp under the cover to access the dwelling.

The applicant could potentially construct the carport in front of the residence although that would detract from the appearance of the residence and have a negative impact on the neighbor's view. Additionally, there are existing improvements, such as a landing and stairs that would need to be relocated to accommodate this.

The location on the side of the residence is already where the resident parks. The carport would be closer in line to the front of the house. The most impacted neighbor to the south has large mesquite trees that will help screen their view of the carport. They have not provided any written comments on the request.

Figure 1. Site Plan



IV. ANALYSIS OF IMPACTS

Section 2103.02 paragraph two discusses "reasonable accommodation" pursuant to federal and state law. Staff believes that this request is a reasonable accommodation and that the request should be granted. The granting of the variance will allow the unloading and loading of an elderly individual while limiting the exposure to the elements. It will also allow the construction of a ramp under the cover and to the closet entrance to the residence.

The property is in a well-established neighborhood consisting of manufactured and site-built homes with many miscellaneous



detached structures. The location of the proposed carport is not out of character for the neighborhood.

Figure 2: Site Analysis



V. Potential Impacts

The property contains a house and several outbuildings. There is a gravel driveway and numerous trees. There is a chain-link fence located along the south side of the property. The structure will only be one (1) foot from the property line and visible to the neighbor. There are mature mesquites on the neighbor’s property that will provide some screening. Additionally, their home is approximately 125 feet from the property line. As shown in the photos, it will not be prominently visible from the road or adjacent parcels. That neighbor has not contacted staff regarding the request.

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

This property is within R-36 Zoning, which is residential zoning, 36,000 square foot minimum lot size. The purpose of the zoning district is:

701.01 To provide an area for family living at a variety of low to medium densities; and

701.02 To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

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 June 9, 2022. Staff posted the property on June 17, 2022 and published a legal notice on June 17, 2022. To date, staff has received two (2) letters 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 adjacent neighbor has not expressed concern.
3. The carport will be screened by existing vegetation by the closest property.
4. The purpose of the setback, which includes ventilation, lighting, site access, and buffering, is not impacted by this request.
5. Two letters in support were received.
6. There are numerous examples of carports and sheds in the area that are encroaching into setbacks.
7. The request would be providing a reasonable accommodation.

Factor Against Approving the Variance

1. 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 V22-06 (Mountain Side), on parcel 104-02-054B, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.