



COCHISE COUNTY  
**DEVELOPMENT SERVICES**  
"Public Programs...Personal Service"

**MEMORANDUM**

**TO:** Cochise County Board of Supervisors – Work Session  
**FROM:** Dan Coxworth, Development Services Director  
**THRU:** Richard Karwaczka, County Administrator  
**SUBJECT:** Board of Adjustments  
**DATE:** May 24, 2022

**Introduction and Background:**

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 (A.R.S 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.*

**Discussion:**

Staff requests a discussion with the Board of Supervisors and consideration to eliminate the three Board of Adjustments, one for each district, and have one Board of Adjustment for the County with one member who resides and represents each district.

**Positive of one Board of Adjustment for Cochise County**

- Easier and more efficient to appoint three from the County instead of three from each district.
  - Reduced staff time coordinating and arranging meetings.

- The Board of Adjustment will meet more often to reduce inactivity and provide BA members with a more sense of purpose and service to the community.
- Consistency across the County in how variances are heard and decided by the BA provides fairness to County residents.
- If more than one variance is submitted in a month, each in a different district, only one public meeting is required instead of two or three meetings, one in each district.
- A virtual meeting option will allow BA members and applicants to attend without the cost of travel and time.
- When scheduled, each meeting will have a better chance of having more than one agenda item.
- One BA for the County is appropriate considering the number of variances requested per year:
  - 2019 = 16
    - BA1 = 1
    - BA2 = 6
    - BA3 = 9
  - 2020 = 5
    - BA1 = 2
    - BA2 = 2
    - BA3 = 1
  - 2021 = 8
    - BA1 = 4
    - BA2 = 1
    - BA3 = 3

**Negatives of one Board of Adjustment:**

- Reduces the number of opportunities for members of the public to participate in local government
- Additional travel time and distance (the P&Z Commission members are from across the County and meet monthly in Bisbee or attend virtually via Teams)

**Summary**

Staff may move forward after direction from the Board of Supervisors. The new Board of Adjustment Bylaws and update to the County Zoning Regulations Article 21 will be presented to the Board of Supervisors for approval.

Attachment:

Cochise County Zoning Regulations, Article 21