



# Cochise County

Development Services  
Planning Division

Public Programs...Personal Service  
www.cochise.az.gov

## APPLICATION FOR A VARIANCE

Applicant's Name: Donald C Simpson

Name of All Property Owner(s) Simpson Revocable Liv'g Trust, Virginia Simpson cotrustee

Mailing Address:

**5555 S Shawnee Dr, Sierra Vista, AZ 85650-9639**

Street #                                      Town                                      State                                      Zip code

Subject Property Address (if different than mailing address):

Street #                                      Town                                      State                                      Zip code

Email Address: donsimpson1@msn.com

Phone Number: 520-508-8909

Tax Parcel Number: 105-94-166

Current Zoning Designation: SR-43

Area of Parcel (to the nearest tenth of an acre): 1.18 Ac (1.35 Ac on original site plans)

Which provision(s) of the Zoning Regulations are you seeking a variance from? \_\_\_\_\_

setbacks, 904.03

**Variance** is defined in the Cochise County Zoning Regulations as a deviation from the terms of the Cochise County 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.

The Zoning Regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any Federal or State housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a Variance from the strict application of these Zoning Regulations. The Board of

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

Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable State or Federal law.

It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions. Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such Variance was granted, has not been initiated within 12-months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12-months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the Variance approval are not complied with within 12-months or within the time period set by the Board, it shall be revoked after 30-calendar days' notice to the owner and Applicant, unless a request for a review hearing before the Board of Adjustment is made by the Applicant within this 30-calendar day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the Applicant.

**Appeal procedures:** Any person aggrieved by a decision of the Board of Adjustment may at any time within 30-calendar days of such decision appeal to the Superior Court, and the matter shall be heard in like manner as appeals from courts of justices of the peace.

**To qualify for a variance,** the property must demonstrate that owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved.

### **Required Submittals**

1. This application
2. A site plan - see our website for an example site plan: <https://www.cochise.az.gov/development-services/variance>
3. Processing Fee

Describe all **existing** structures/uses present on the subject parcel. Note: the size and location of existing structures must be shown on the accompanying site plan.

House of slump block & composition shingles, with approximately 48'x50' living space with an attached 20'x28' garage of similar construction, enclosed patio on the rear. In-ground concrete/plaster swimming pool enclosed by a 6' slump block wall with metal gates to the front and rear. There are raised earth berms outside the south and east walls to act as retaining walls. The rear gate leads to an old storage shed constructed of wood on skids.

Describe all **proposed** structures/uses on the parcel that to be placed on the parcel. Note: the size and location of proposed structures must be shown on the accompanying site plan.

A new shed, also on treated skids, to replace the old shed. The old shed location is ideal, but the shed is showing wear and its size is inadequate for 40 plus years of accumulated property. The new shed will be constructed off site of wood and steel. It replaces the old 10'x12' shed with an attractive 12'x32' cabin like structure. Attached photo of similar shed.

What is the reason for this request (select one):



There is a special circumstance associated with my property - such as its size, shape, topography, location, or surroundings - that deprives the property of privileges enjoyed by other property of the same classification in the same zoning district.



I wish to appeal the interpretation of a zoning regulation, by the zoning administrator or other County official (please submit an "Appeal to the Board of Adjustment Application").

Describe how this request brings you to parity with property owners within your zoning district and does not provide an advantage or special privilege over and beyond what is provided to other lots in the same zoning designation.

Our property has road frontage and visual exposure not only on its front side, on Shawnee Dr,  
but also along the entire south side from Ramsey Canyon Road. A 20' setback from the north  
property line would simply make the shed "stick out like a sore thumb", not hidden by foliage.  
Like our neighbors, we placed our old shed in the most esthetically appealing and functional  
spot on the property in accordance with the HOA rules at the time. Clearly, the intent of  
zoning ordinance will be preserved by granting this variance and it provides no advantage.

It is the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions. Generally, the variance, if granted, should be the minimum variance that will afford relief and it should provide the least possible modification of the zoning regulations provisions that are in question. State any potential impacts caused by the application of your variance and how you intend to minimize these impacts on neighboring properties.

Attached photos show the old shed, a legal non-conforming use, at the same location proposed  
for the new shed. The important point is that the shed is nearly invisible from the road or the  
neighbors' properties. The new shed will be very similar in location to the old. It is a little bit  
bigger than the old shed. However, we are including architectural enhancements such as  
windows, shutters and a small porch with house door to increase esthetic appeal. I have  
spoken with my neighbor most affected, and he agrees with the location as being best.

State how the proposed variance is consistent with the general **intent and purpose** of the Zoning Regulations.

As a Vietnam veteran with service connected disabilities, I often have difficulty with walking long distances. The proposed placement of the new shed is ideal for access through my rear gate without extra steps, which would be an unnecessary hardship. This fulfills the goal of promoting public health, safety, convenience and general welfare. By placing the shed to the back closer to the north property line, the open space character of SR-43 zoning is protected

Describe, in detail, the special circumstances that are associated with, and unique to, your property that do not allow it to develop in the same manner as other properties within the same zoning district.

Due to the long south property line paralleling Ramsey Canyon Road, any outbuilding is more likely to be noticeable. This can be unappealing to neighbors and anyone else on the road.

The locations of mature trees are, of course, unique to each property. And in our case, it just so happens, that there is one ideal location for a storage shed due to the topography, foliage and existing structures. As more homes are built south of Ramsey Canyon Road, the visual impact will affect even more property owners.

The undersigned hereby certifies that to the best of his/her knowledge and belief the data submitted on the attached application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

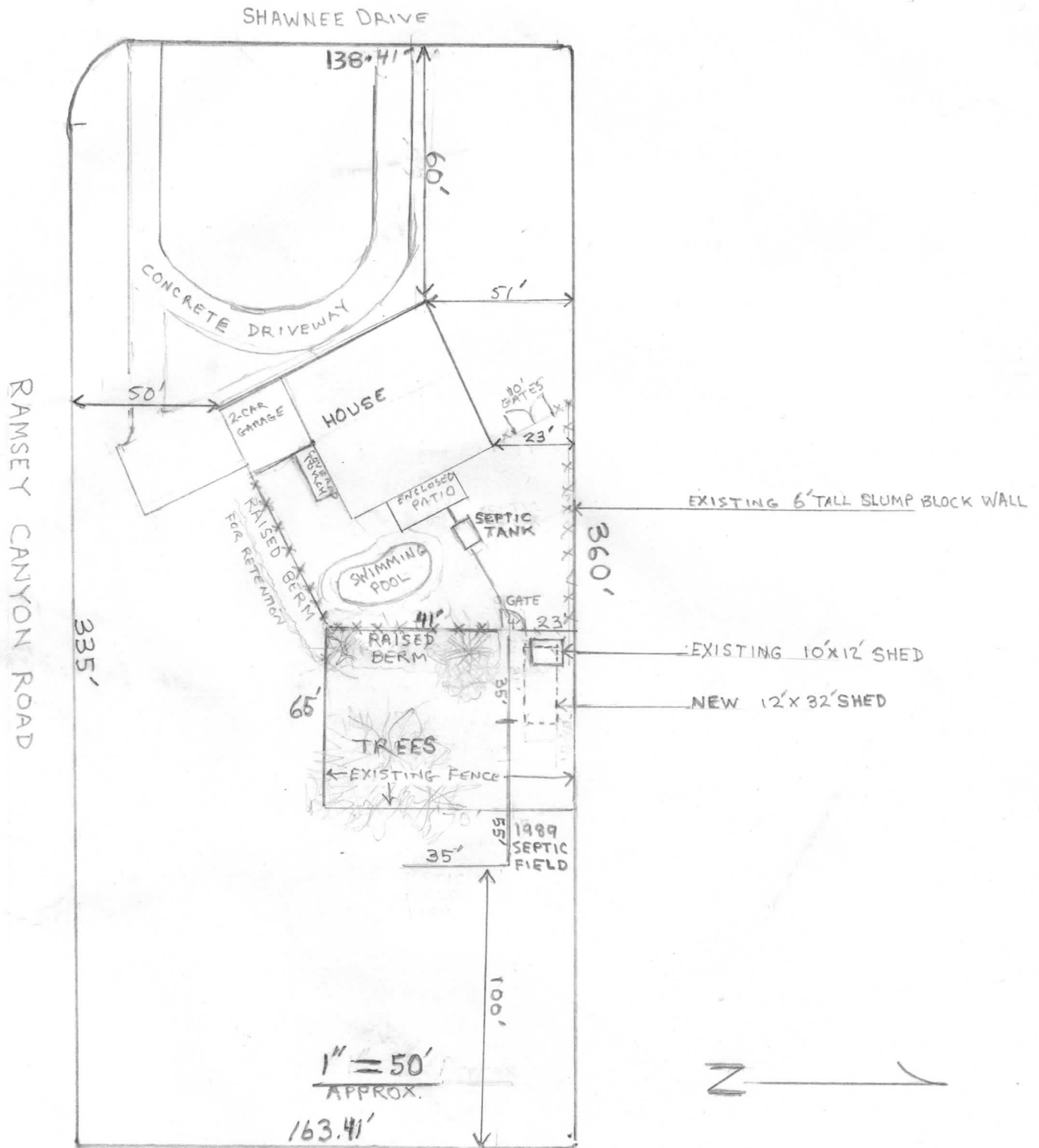
Donald C Simpson

August 22, 2023

Applicant Signature

Date

LOT 110 PUEBLO DEL SOL, VILLAGE 1 UNIT B  
 PARCEL 105-94-166 5555 S. SHAWNEE DR.



LOT DIMENSIONS ACCORDING TO ORIGINAL NOV 4, 1976 SITE PLAN  
 1.35 AC ±



S Shawnee Dr

E Ramsey Canyon Rd

E Ramsey Canyon Rd

E Ramsey Canyon

10594165

10594165