



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Adjustment  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** Docket VAR 23-08 (Comanche Setback)  
**DATE:** November 29, 2023

### Docket VAR 23-08 (Comanche Setback)

The applicant, Mr. John Aaron Kerr, requests a Variance to reduce the minimum required building setback from twenty (20) feet to ten (10) feet for a residential addition. The subject property is located at 4145 S. Comanche Drive, Sierra Vista AZ (APN 105-99-313) and is zoned SR-43 (Single-Household Residential). If the Board approves the Variance, the applicant must obtain the required building permits prior to placing the structure on the property.

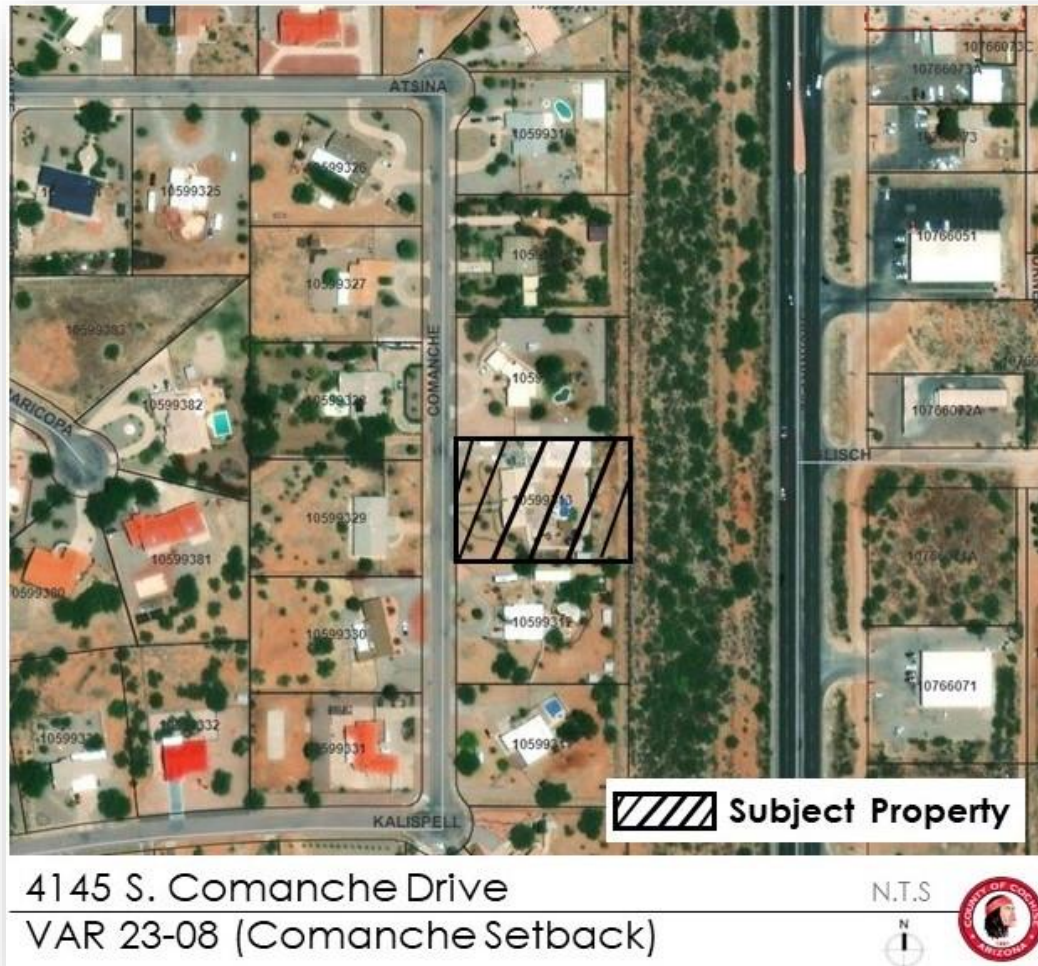
### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

**Site Size:** 1.05 acres  
**Zoning:** SR-43 (Single-Household Residential, 43,560-square feet minimum site area)  
**Growth Area:** Category A (Urban Growth)  
**Plan Designation:** Neighborhood Conservation  
**Area Plan:** None  
**Existing Uses:** Single family residence  
**Proposed Uses:** Single family residence with new residential additions

### Surrounding Zoning and Uses

Relation to Subject Parce	Zoning District	Use of Property
North	SR-43	Residential
South	SR-43	Residential
East	State Highway 92, GB	Highway, Commercial
West	SR-43	Residential

Figure 1: Property Location



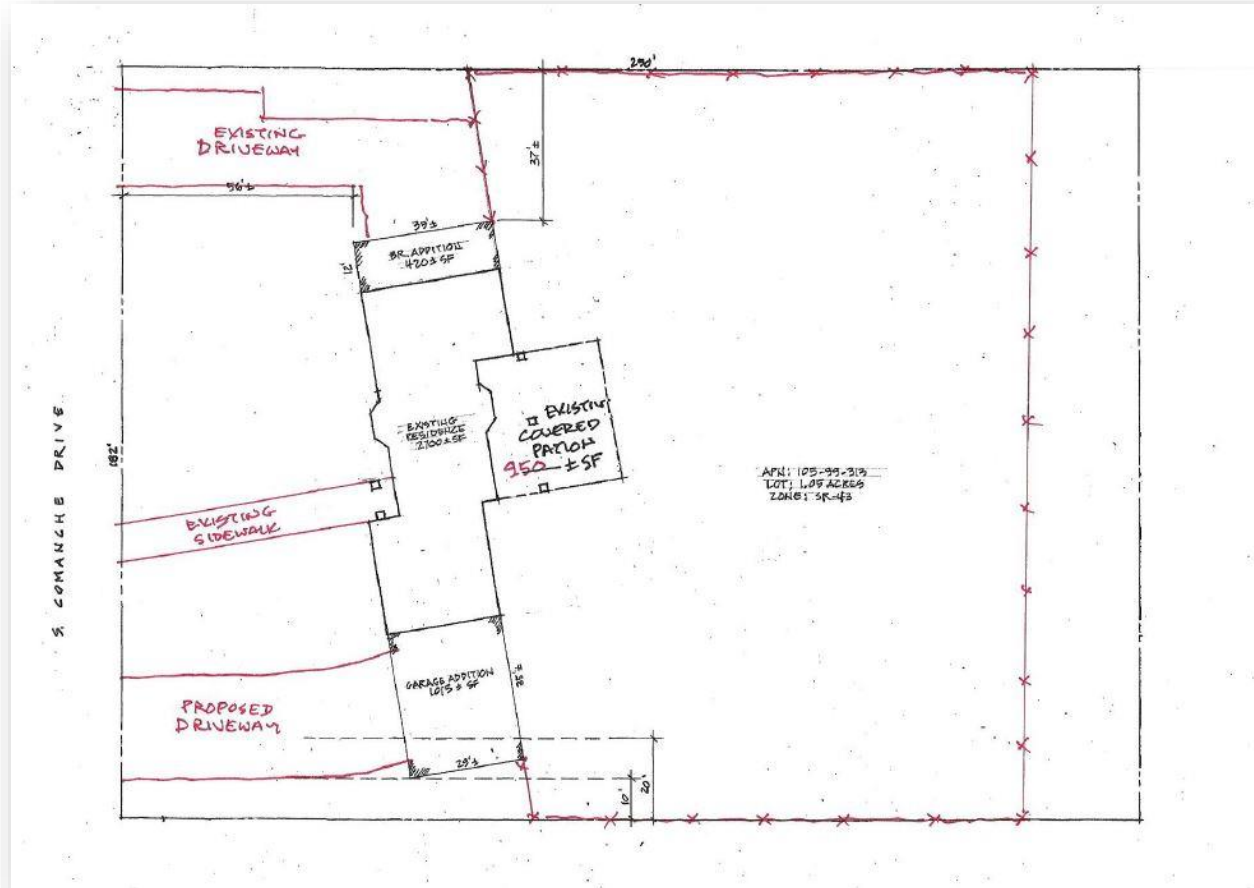
**II. SITE HISTORY**

- 1994 – Single Family Residence
- 1999 – Swimming Pool
- 2013 – Septic Tank Replacement
- 2023 – SSVEC Service Upgrades (Neighborhood)

**III. REQUEST DESCRIPTION**

Section 2.24.040 of the Zoning Regulations establishes setbacks for principal and accessory structures/uses in the SR zoning district. A 20’ minimum setback is required principal structures and accessory structures greater than 200 SF. The applicant requests a Variance to allow a residential addition 10’ from the south property line.

Figure 2: Concept Plan



#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH VARIANCE FACTORS**

Section 2.60.010 of the Zoning Regulations identifies eight (8) findings of fact the Board must consider when evaluating Variance applications. Staff uses these factors to determine the suitability of a Variance request, whether to recommend approval of a Variance, and to determine what conditions and/or modifications may be needed. The Variance request fully complies with five (5) of these factors.

##### **1. There is an unnecessary hardship created by zoning regulations – Does Not Comply**

The subject property conforms to current zoning ordinance requirements and does not appear to contribute directly to a property owner hardship. The property is rectangularly shaped and legally platted (Lot 104, Mountain Shadows Phase C). Lots in this configuration routinely accommodate single-family residences and accessory structures without requiring a Variance.

##### **2. There are peculiar site conditions present – Does Not Comply**

The subject property does not demonstrate an irregular shape, significant changes in grade, or presence within a flood plain. The property is similar in size and shape with other lots within the Mountain Shadows neighborhood, averaging just over one acre. The property owner proposes converting attached garage space on north side of residence into living area and adding a new attached garage to the south of the

residence. The garage-to-living space conversion does not result in new square footage to the north and continues to exceed the minimum required 20' setback. The new attached garage to the south of the residence does create approximately 1015 SF of new floor area and encroaches 10' into the required 20' setback. The applicant also proposes enlarging a covered patio to the rear of the residence. This area is central on the parcel and this improvement does not require relief from minimum setbacks or other applicable SR development standards.

**3. This is not a self-created hardship – Does Not Comply**

This factor considers whether “The unnecessary hardship does not arise from a condition created by an action of the owner of the property.”

The applicant states additional living space and vehicle parking areas are needed. The Variance would allow the applicant flexibility in adding more usable space to the existing residence, making the request more about convenience and personal preference than an actual hardship associated with the property itself.

**4. This is the minimum to afford relief – Complies**

The applicant proposes a three-car garage addition to the south side of the residence. Given the layout of the residence on the lot and other improvements, the requested 10' setback reduction appears to be the minimum necessary to provide relief.



**5. This is a permitted use in Zoning Regulations – Complies**

Single family residences with attached garages are a permitted use in SR zoning districts.

**6. There is no adverse impact to surrounding property owners – Complies**

This property is within an established medium density neighborhood featuring single family residences on lot sizes averaging about one acre. The applicant’s proposed residential improvements do not negatively impact neighborhood character.

The property owner to the north (4111 Comanche) is unlikely to be impacted by the garage-to-living space conversion on the north side of the residence. Additional square footage is not proposed, and minimum setbacks are maintained. The combined separation of residences between the applicant and homeowner to the north exceeds 80’.

Conversely, the property owner to the south (4143 Comanche) is potentially affected by a new attached garage 10’ from the property line. However, the residence to the south far exceeds the minimum 20’ setback at about 60’, providing additional separation from the applicant’s proposed attached garage. Further, the applicant’s new garage will be front loading with vehicles entering from the west and not the south which could generate unwanted vehicle noise for the adjacent property. The property owner at

4173 Comanche received a lot modification from the county in 2018 (LM-18-01), reducing the required side setback by 25% from 20' to 15' for a 700 SF recreational vehicle garage.

#### **7. General harmony with the intent and purposes of the Zoning Regulations – Complies**

The purpose of the Zoning Regulations is to conserve and promote public health, safety, convenience, and general welfare, guiding future growth and improvements within Cochise County. Building setbacks are established by zoning districts to preserve and character of each district and provide adequate separation between structures to prevent overcrowding of uses. Should the Variance be approved, general harmony with the Zoning Regulations is maintained given separation from structures on adjacent properties and preservation of residential neighborhood character.



#### **8. No violation of state or federal law – Complies**

The requested Variance does not appear contradictory with any applicable state or federal laws.

### **V. PUBLIC COMMENT**

Staff mailed notices to property owners within 300' and published legal notice in the Sierra Vista Herald on November 8, 2023. Staff posted the property on November 9, 2023. Staff has not received public input.

### **VI. SUMMARY AND CONCLUSION**

#### **Factors in Favor of Approving the Variances**

1. The Variance request is consistent with five (5) of the eight (8) criteria used by staff to determine the suitability of a Variance (minimum degree of relief; permitted use; no adverse impacts to surroundings; general zoning harmony; no violation of state or federal law).
2. Staff did not receive opposition from property owners within 300'.

#### **Factors Against Approving the Variance**

1. The Variance request does not comply with three (3) of the eight (8) criteria used by staff to determine the suitability of a Variance (unnecessary hardship; peculiar site conditions; self-created hardship).

**VII. RECOMMENDATION**

Based on the Factors in Favor of Approval constituting Findings of Fact, Staff recommends **approval** of the Variance.

*Sample Motion: Mr. Chairman, I move to approve Docket VAR 23-08 (Comanche Setback), located at 4145 S. Comanche Drive, Sierra Vista, AZ (APN 105-99-313), granting the Variance as requested by the Applicant, the Factors in Favor of Approval constituting the Findings of Fact.*