



Development Services

520-432-9300
developmentservices@cochise.az.gov
www.cochise.az.gov
1415 Melody Ln, Bdg F
Bisbee, Arizona 85603

MEMORANDUM

TO: Cochise County Board of Adjustment
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: Docket VAR24-04 (Relative Setback)
DATE: July 31, 2024

Docket VAR24-04 (Relative Setback)

A Variance request to reduce the minimum required 20' building setback along the west property line to 5' for a proposed 3,200 square foot detached garage.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Spencer Forsberg
Location: 2306 E. Relative Road
APN: 105-20-004R
Parcel Size: 2 acres
Zoning: R-36 (Residential District, one dwelling per 36,000 square feet)
Plan Designation: Neighborhood Conservation
Growth Area: Category A (Urban Growth Areas)
Existing Use: Single family residence under construction
Proposed Use: Single family residence with accessory structures

Surrounding Zoning and Uses:

Relation to Property	Zoning District	Use of Property
North	R-36	Single Family Residential
South	R-36	Single Family Residential
East	SR-43	Single Family Residential
West	R-36	Single Family Residential

II. SITE HISTORY

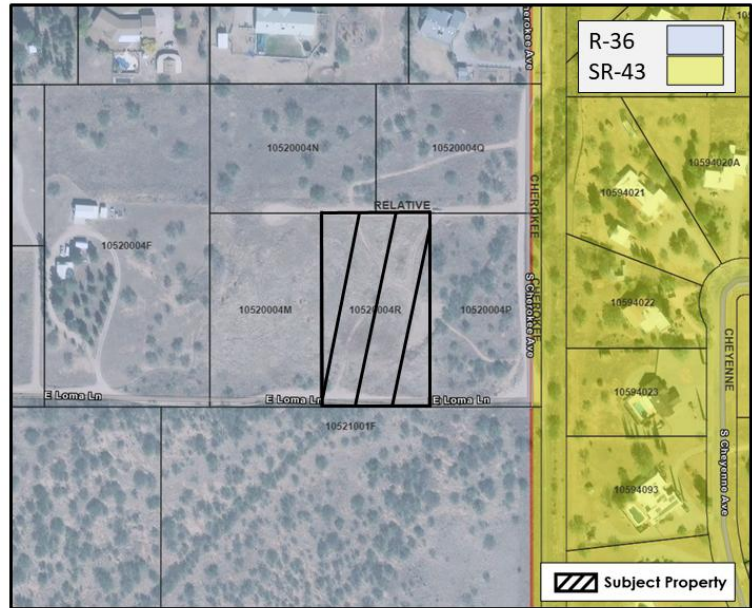
- Septic Permit #SEP24-0001011 issued 23 April 2024
- Building Permit #BP24-000374 (single family residence) issued 3 June 2024

III. REQUEST DESCRIPTION

Section 2.18.040 of the zoning regulations establishes minimum setbacks in the R-36 zoning district. Dwellings and accessory structures over 200 square feet (SF) are subject to 20’ setbacks within all property lines. Accessory structures 200 SF or less may be located within 10’ of property lines. The applicant requests a setback reduction to 5’ for a 40’X80’ detached garage along the west property line. The property to the west and potentially most affected should the Variance be approved has a single family residence under construction.

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 the Variance, and to determine what conditions and/or modifications may be needed. This Variance request fully or partially complies with five (5) findings.



VAR24-04 (Relative Setback)
2306 E. Relative Road (APN 105-20-004R)



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

County zoning regulations authorizes principal and accessory structures in non-residential zoning districts. These structures are subject to applicable site development standards such as lot coverage, height, setbacks and minimum separation requirements. The subject property measures 219.98’ in width and just under 397’ in depth, totaling about 2 acres (87,120 SF) in size and more than doubling the site area required by the current zoning district. Access easements are located along the north (Relative Road) and south (Loma Lane), reducing buildable area by about 12,100 SF. Otherwise, the property is not irregularly shaped and is absent of unusual characteristics.

The permitted septic system is located on the west side of the parcel near the residence. A 10’ building separation from septic systems (tank, leach field) is required. Both the septic system and proposed garage are planned for the west property line and are in proximity to each other. The permitted septic system is located due south of the proposed garage, preventing relocation of the garage further south along the west property line. The system’s reserve field is located centrally in the rear yard which prohibits the garage from being located directly behind the residence. Based on the residential site plan, the garage could be moved to the east half of the

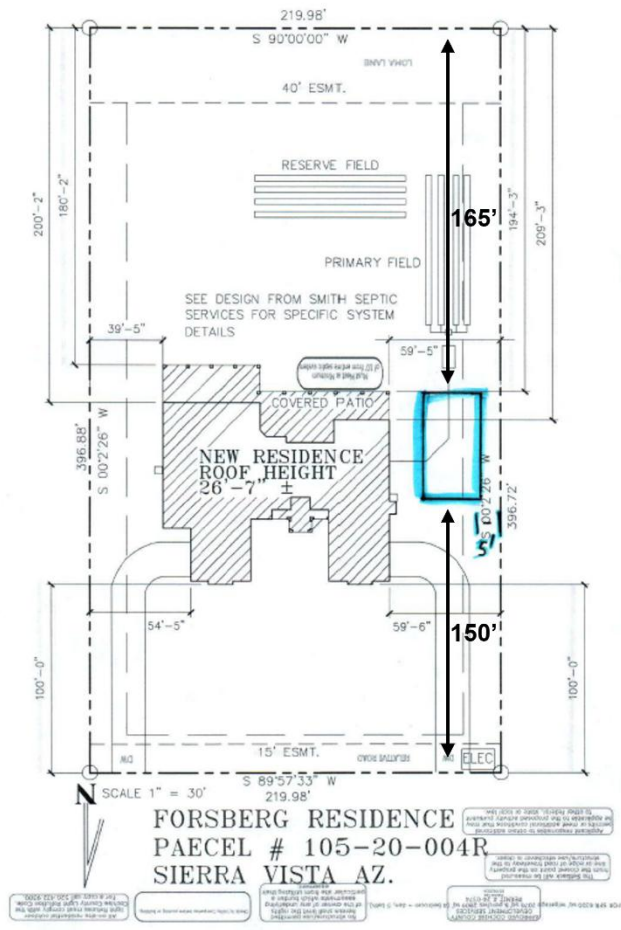
property behind the residence and meet a 20' setback. The residence is in early stages of construction and there is enough land area on the south half of the lot to build the proposed garage, making the Variance request a matter of convenience and preference and not a result of an unnecessary hardship caused by the zoning regulations. Being an undeveloped parcel, the implementation of or amendment to zoning regulations have not rendered the property or structures noncompliant with current zoning development standards and requiring relief through a Variance.

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

The subject property does not demonstrate any unique or peculiar site conditions. The parcel has a descending slope of about 10' from the southwest to northeast corner but is not substandard relative to lot size. The parcel is not irregularly shaped, absent significant topographical features, and is not located within a flood hazard areas.

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.” Per earlier analysis there is no obvious hardship justifying the approval of a Variance. Per the building permit issued by the County, the residence is about 6,300 SF with attached garages adding 2076 SF and porches an additional 2,800 SF. The property’s size easily accommodates the proposed dwelling and remains well under the 65% lot coverage maximum in the R-36 zoning district. In comparison, the residence currently under construction to the west (2258 Relative Road) totals more than 11,000 SF when combining the residence, attached garage, and covered porches. Nonetheless, the applicant’s residence will be 100’ from the front property line which far exceeds the required 20’. A reduced front setback would allow the proposed garage to be located behind the residence near the east property with adequate space to meet all setback and building separation requirements.



4. This is the minimum to afford relief – Does Not Comply

As identified in earlier analysis, the applicant has alternatives that can negate the need for a Variance. There are numerous locations on the property where the proposed garage can meet the required 20' setback. The property has been cleared and is absent unique features or existing structures that reduce available land area necessitating a development standard reduction by 50% or more.

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

Attached and detached garages are permitted in residential zoning districts. An accessory structure cannot exceed the size of the principal structure unless the property is four acres or larger.

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

This property is within an existing low density residential area along Cherokee Avenue between Ramsey Canyon Road and Yaqui Street. Pueblo del Sol Village #1 is to the east and is built out with single family

residences on one acre lots. Parcels along the west side of Cherokee, including the applicant's property, are not platted and average two acres with a mix of single family residential types and a variety of accessory structures.



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. Clustering of accessory structures on residential property is not discouraged since it can offer large areas of open space facilitating natural light, air circulation, and breaks in the developed environment. The property potentially most affected property by the proposed 3,200 square foot detached garage is to the east (2258 Relative Road). Given the 20' setback requirement of R-36, principal structures on adjacent parcels could be as little as 40' apart. In this case, the residence under the construction to the east nearly doubles the minimum required setback and the distance to the proposed garage would around 50'. Additionally, a wall will be built on the common lot line, preserving privacy and reducing potential off-site impacts.

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. Accessory structures, including detached garages, workshops, and carport, are commonly found in residential areas. Neighborhood character is preserved the zoning district development standards which regulate setbacks within property lines, separation between structures, building heights, and the percentage of a parcel covered by roofed structures. 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 published legal notice and mailed notices to property owners within 300' on July 10, 2024, posting the property on July 12, 2024.

VI. SUMMARY AND CONCLUSION

The applicant requests a Variance to reduce the minimum required 20' setback to 5' for a 3,200 square foot (10'X40') detached garage. While the request is not the result of any hardships associated with the property, an approved Variance is unlikely to create adverse impacts on adjacent properties or negatively impact the established low density residential character of the area. Staff received responses both in favor and opposition to the requested Variance.

Factors in Favor

1. Complies with four (4) criteria used to determine the suitability of a Variance.
2. Support from property owners within 300', including an adjacent property owner.

Factors Against

1. Does not comply with four (4) criteria used to determine the suitability of a Variance.
2. Opposition from property owners within 300'.

VII. RECOMMENDATION

Based on the factors in favor, Staff recommends approval of the Variance as requested without conditions.

Sample Motion

Mr. Chairman, I move to approve Docket VAR24-04 without conditions, granting a Variance to reduce the minimum required setback along the west property line from 20' to 5' for a proposed 3,200 square

foot detached garage at 2306 E. Relative Road (APN 105-20-004R), the factors in favor of approval constituting the findings of fact.

