



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 VAR24-05 (Springtail Setback)
DATE: December 3, 2024

Docket VAR24-05 (Springtail Setback)

A Variance request from Section 2.15.040 of the zoning regulations to reduce the minimum required 20' building setback along the west property line to 10' for a proposed 2,000 square foot detached workshop/garage.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Ronald Scott
Location: 9577 S. Springtail Drive
APN: 104-01-227
Parcel Size: 3.7 acres
Zoning: RU-4 (Rural District, one dwelling per 4 acres)
Plan Designation: Rural Density Residential
Growth Area: Category D (Rural Areas)
Existing Use: Single family residential
Proposed Use: Single family residential with detached workshop/garage

Surrounding Zoning and Uses:

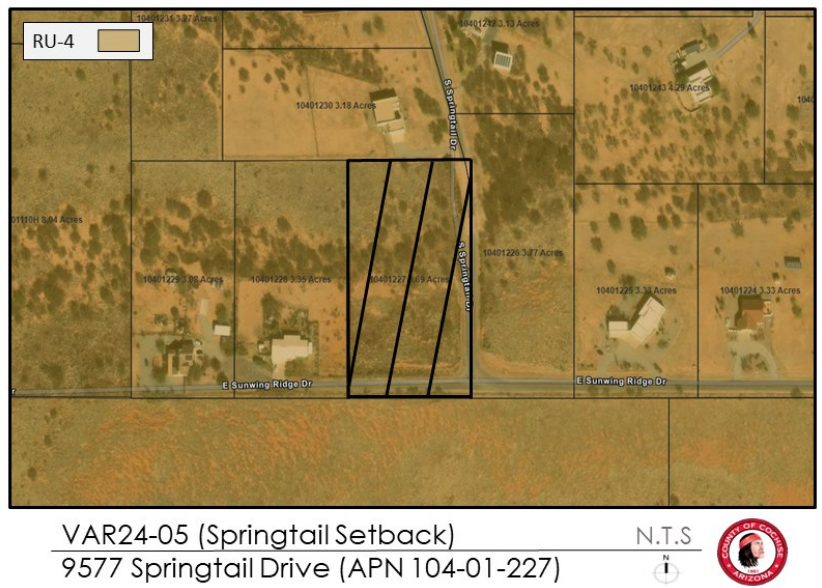
Relation to Property	Zoning District	Use of Property
North	RU-4	Single Family Residential
South	RU-4	Undeveloped
East	RU-4	Single Family Residential
West	RU-4	Single Family Residential

II. SITE HISTORY

- Los Ranchos Subdivision platted October 2000
 - Septic permit #SEP20-000190 issued December 2020
 - Building permit #BP20-000538 (single family residence, detached garage) issued January 2021
 - Building permit #BP24-000785 (mini split unit for garage) issued June 2024
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III. REQUEST DESCRIPTION

The applicant requests a Variance from Section 2.15.040 of the zoning regulations which establishes minimum setbacks in rural zoning districts. Dwellings and accessory structures over 200 square feet (SF) must meet a minimum 20' setback 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 10' for a 40'X50' detached workshop/garage along the west property line. The property to the west and potentially most affected should the Variance be approved has an existing single family residence.



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.

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

County zoning regulations allow principal and accessory structures in all zoning districts, including rural districts. These structures are subject to applicable site development standards such as maximum height, minimum setbacks, and separation requirements. The subject property totals 3.7 acres and is located within the Los Ranchos subdivision in Hereford (platted in 2000).

Rural district development standards are similar to those of residential zoning districts, requiring a minimum 20' building setback for principal structures and accessory structures exceeding 200 SF. The applicant acquired the property with the single family residence in place. The lot itself is somewhat irregular having a slight radius at the northeast corner. 50' and 30' private road easements along the south and east (Sunwing Ridge Road and Springtail Drive, respectively) and 10' utility easements along each private road consume buildable area. Additionally, a 70' conservation easement traverses the property, approximately east to west, which further limits buildable area. Though the easements themselves significantly reduce the lot's development potential, the zoning regulations do not create a hardship given the modest setback (20') and lot coverage (25%) requirements which are often easily met for parcels zoned rural. The proposed 2,000 SF shop building could be reduced from 40'X50' to 40'X40' to comply with the minimum zoning district setbacks.

2. There are peculiar site conditions present – Complies

The subject property demonstrates unique site restrictions relative to a swale-preserving conservation easement established when Los Ranchos was platted in 2000. The easement represents a depressed area in the approximate center of the property, which effectively divides the property into two distinct portions. The proposed accessory structure is best located near the residence for both convenience and to preserve standoff areas near the easement. Otherwise, the parcel is generally absent significant topographical features and is not located within a flood hazard area.

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

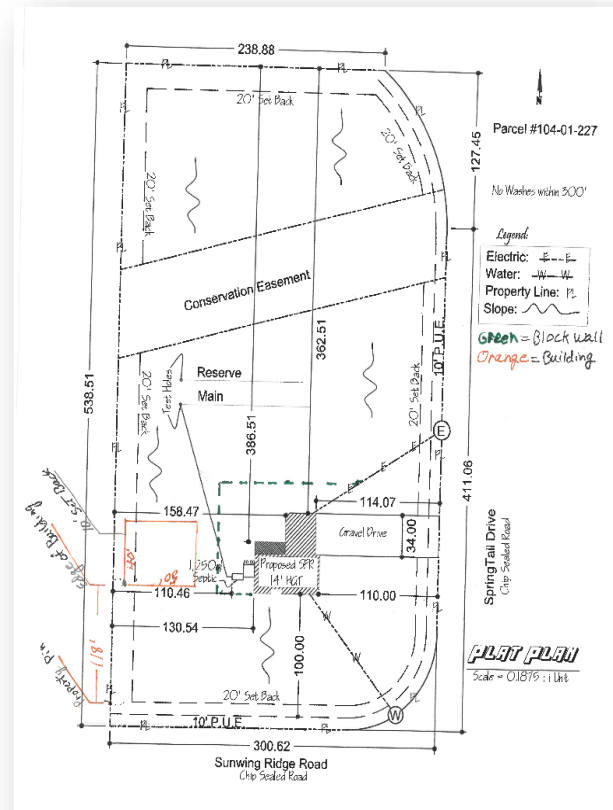
This factor considers whether “The unnecessary hardship does not arise from a condition created by an action of the owner of the property.” Per earlier analysis there is no obvious hardship justifying the approval of a Variance. The proposed shop building could be reduced by 10’ along the east-west axis to meet the 20’ setback requirement along the west property line. However, developable area is limited given existing development layout and access, utility, and conservation easements. Building an accessory structure at the southwest corner of the property along Sunwing Ridge Drive would be visually different from the neighborhood as most accessory structures are beside or behind the residences on other lots as is common in residential subdivisions. Buildable area on the parcel is limited by a variety of conditions but a combination of relocation and reduction would enable compliance with applicable setback and building separation requirements without an approved Variance.

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

As identified earlier, the applicant has alternatives that negate the need for a Variance. Reducing and size of the proposed shop/garage structure and/or relocating the structure could eliminate the need for a Variance.

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

Attached and detached accessory structures are permitted in residential and rural zoning districts and can exceed the size of principal structures (residences) in RU-4.



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

This property is within a low density residential development and adjacent to other parcels with existing single family residences. Undeveloped lands to the south used for grazing are privately held and may eventually serve as a continuation of



the King's Ranch at Coronado subdivision to the east. Overall, Los Ranchos is a low density residential subdivision with lots averaging between 3.5 and 4 acres with most having single family residences and accessory structures.

Building setbacks are established within zoning districts to preserve the 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 that could be most affected property by the proposed structure is to the west (8329 Sunwing Ridge). Given the 20' setback requirement in rural districts, principal structures on adjacent parcels could be as little as 40' apart with residences and accessory structures less than 200 SF on adjacent lots as little as 30' feet apart. The existing residence to the west is about 80' from the common property line, resulting in a separation between that residence and the proposed structure of 90'-100'. The next closest residence is to the north (9502 Springtail Road) and well over 300' from the proposed structure. With the separation of the proposed structure from structures on adjacent properties adverse impacts are unlikely to occur.

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 carports, 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 rural 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', and posted the property November 14-17, 2024.

VI. SUMMARY AND CONCLUSION

The applicant requests a Variance to reduce the minimum required 20' setback to 10' for a 2,000 square foot (40'X50') detached workshop/garage. While there are no hardships preventing the structure from being built elsewhere on the property in accordance with required setbacks, placing the structure 10' from the west property line is unlikely to adversely impact adjacent properties or the established low density rural residential character of the area.

Factors in Favor

1. Complies with five (5) criteria used to determine the suitability of a Variance.
2. The proposed structure is unlikely to negatively affect rural residential character.
3. Support from adjacent property owner.

Factors Against

1. Does not comply with three (3) criteria used to determine the suitability of a Variance.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends approval of Docket VAR24-05 without conditions, reducing the minimum required setback along the west property line from 20' to 10' for a 2,000 square foot detached workshop/garage, the factors in favor constituting the findings of fact.

Sample Motion

Mr. Chairman, I move to approve Docket VAR24-05 without conditions as recommended by Staff, the factors in favor of approval constituting the findings of fact.
