



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 VAR25-01 (Papago Trail Setback)
DATE: March 25, 2025

Docket VAR25-01 (Papago Trail Setback)

A Variance request from Section 2.24.040 of the zoning regulations to reduce the minimum required 20' building setback along the west property line to 10' for a proposed 288 square foot detached garage/shed.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Christopher Pelletier
Location: 2622 E. Papago Trail
APN: 105-99-158A
Parcel Size: 1.3 acres
Zoning: SR-43 (Single-Household Residential District, one dwelling per 43,000 square feet)
Plan Designation: Neighborhood Conservation
Growth Area: Category A (Urban Growth Areas)
Existing Use: Single family residential
Proposed Use: Single family residential

Surrounding Zoning and Uses:

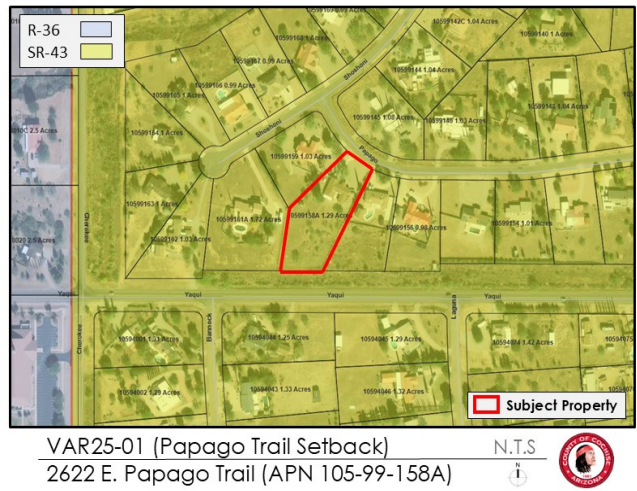
Relation to Property	Zoning District	Use of Property
North	SR-43	Single Family Residence
South	SR-43	Single Family Residence
East	SR-43	Single Family Residence
West	SR-43	Single Family Residence

II. SITE HISTORY

- 1977: Huachuca Mountain Village Unit B
 - 1983 – 2011: Residence, septic system, miscellaneous improvements
 - No code compliance actions
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III. REQUEST DESCRIPTION

The applicant requests a Variance from Section 2.24.040 of the zoning regulations which establishes minimum setbacks in residential 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 12'X24' (288 SF) detached garage along the west property line. The property abuts two properties to the west with each having existing single family residences.



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 single-household residential districts. These structures are subject to applicable site development standards such as maximum height, minimum setbacks, and separation requirements. The subject property totals 1.3 acres and is located within the Huachuca Mountain Village subdivision near Sierra Vista (platted in 1977).

Residential development standards commonly require 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 irregularly shaped with limited access to the rear of the property along the east and west property lines but the zoning regulations do not actually create a hardship given the size of the property and availability of about 25,000 in the rear yard. The proposed 288 SF garage could be located slightly to the south, moving the proposed structure to the east to meet minimum setbacks.

2. There are peculiar site conditions present – Partially Complies

The subject property demonstrates unique site restrictions relative to its configuration but is not necessarily a peculiar condition since the property exceeds one acre. The proposed garage is proposed to be located along the west property line near the existing attached garage for convenient accessibility to the residence. The parcel is otherwise absent significant configuration or 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 structure could be located further southeast to meet setbacks although accessibility to the existing attached garage entrance could be significantly increased.



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. Relocating the proposed garage further south on the property behind the residence potentially negates the need for a Variance.

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

Attached and detached accessory structures are permitted in single-household residential districts after establishing a principal use, i.e., a residence.

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. Parcels within the development average about an acre with existing residences and one or more 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.

Due to the property's unique configuration, it abuts three other properties. The property owner to the east (2700 Papago Trail) would not be impacted by an approved Variance since the proposed structure is obscured by the applicant's own residence. One of the property owners to the west (4733 Shoshoni Trail) is also unlikely to be impacted by the structure since this residence is about 160' feet from the new structure's proposed location and visibility is reduced by mature vegetation on both parcels. The property owner most impacted also resides to the east at 2614 Papago Trail. Building separation is less at about 75' and the existing chain link fence on the shared property line will not provide the same buffer as with other adjacent properties. However, separation between structures on separate lots is much less within the neighborhood and residences could be as close as 30' to accessory structures 200 SF or less on adjacent parcels.

With the separation of the proposed structure from the residence to the immediate west and existence of mature vegetation, adverse impacts would be minimal.

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, mailed notices to property owners within 300', and posted the property March 4-5, 2025.

VI. SUMMARY AND CONCLUSION

The applicant requests a Variance to reduce the minimum required 20' setback to 10' for a 288 SF (12'X24') detached 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 neighborhood character.
3. Support from nearby property owners.

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 VAR25-01 without conditions, reducing the minimum required setback along the west property line from 20' to 10' for a 288 square foot detached garage, the factors in favor constituting the findings of fact.

Sample Motion

I move to approve Docket VAR25-01 as recommended by Staff without conditions, the factors in favor of approval constituting the findings of fact.
