



## 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 VAR25-02 (Smith Drive Setback)  
**DATE:** March 25, 2025

#### Docket VAR25-02 (Smith Drive Setback)

A Variance request from Section 2.18.040 of the zoning regulations to reduce the minimum required 20' building setback to 10' along the west property line for a proposed 1,200 square foot storage building.

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

**Applicant:** John Smith/Brenda Smith  
**Location:** 2530 E. Smith Drive  
**APN:** 108-31-013A  
**Parcel Size:** 4.6 acres  
**Zoning:** R-36 (Residential District, one dwelling per 36,000 square feet)  
**Plan Designation:** Neighborhood Conservation  
**Growth Area:** Category B (Community Growth Areas)  
**Existing Use:** Single family residential  
**Proposed Use:** Single family residential

#### **Surrounding Zoning and Uses:**

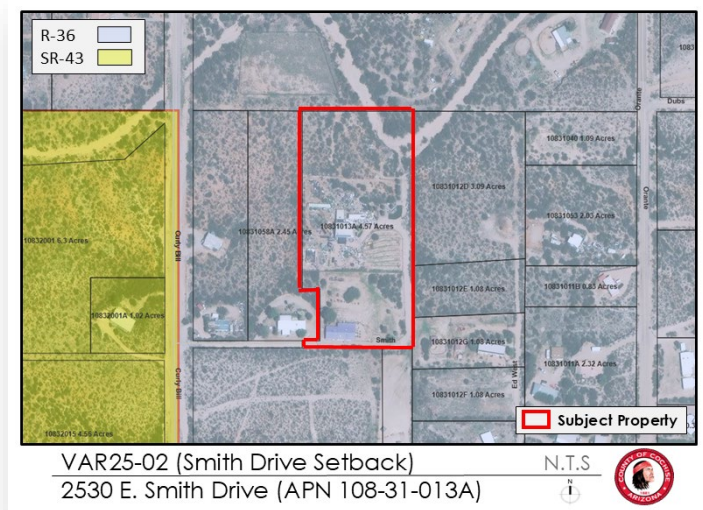
Relation to Property	Zoning District	Use of Property
North	R-36	Single Family Residence
South	R-36	Single Family Residence
East	R-36	Single Family Residence
West	R-36	Single Family Residence

#### II. SITE HISTORY

- 1994 – Single family residence, septic system
  - 2008 – Attached Garage
  - No code compliance actions
-

### **III. REQUEST DESCRIPTION**

The applicants request a Variance from Section 2.18.040 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 30'X40' detached storage building along the west property line. The property to the west and potentially most affected if the Variance is 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 residential and rural zoning districts. These structures are subject to applicable site development standards such as maximum height, minimum setbacks, and separation requirements. The subject property totals 4.6 acres and is located on Smith Drive northwest of Tombstone.

Residential zoning district development standards require a minimum 20' building setback for principal structures and accessory structures exceeding 200 SF. The applicant acquired the property undeveloped, having a clean slate to implement property improvements. The lot itself is somewhat irregular with a slightly narrower width along Smith Drive, a 20' easement that provides direct access to two property owners including the applicant. The proposed 1,200 SF shop building could be reduced from 30'X40' to 20'X40', or in another configuration, to comply with the minimum zoning district setbacks. The applicant is requesting to place the new structure in the same location as a previous structure that is level, requiring less site work.

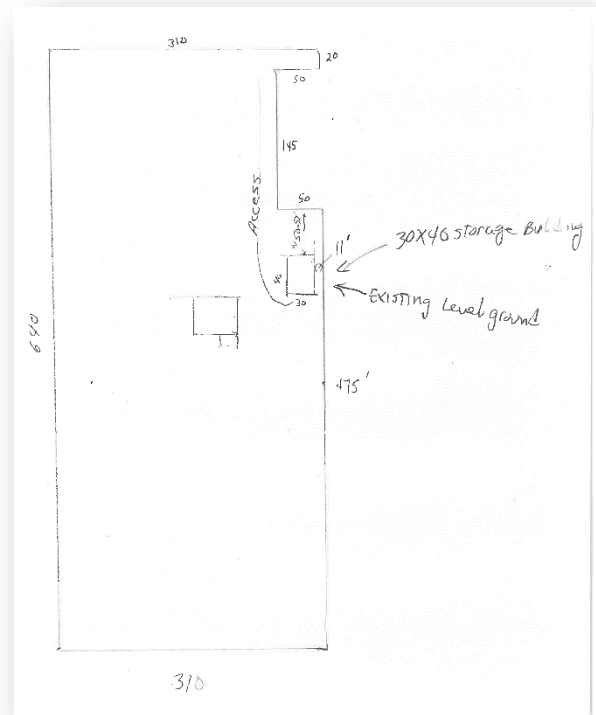
#### **2. There are peculiar site conditions present – Complies**

The property has a noticeable slope 40' slope from front to back, terminating in a floodplain at the northeast corner of the property. Otherwise, the parcel is generally absent significant topographical features. The southernmost portion of the property is the residential portion with an existing single family dwelling along Smith Drive. The northernmost portion of the property totals about 1.3 acres and is undevelopable due to the floodplain; however, the center of the

property totals about 1.8 acres, having numerous structures and significant outside storage of materials. The presence of these existing structures and stored severely restricts the location of the proposed building. Nonetheless, there is adequate room for the storage building on this nearly two acre portion of the property with clearing or consolidating the vast number of materials.

**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 building could be located elsewhere on the property with removal or relocation of stored materials. Buildable area on the parcel is limited by a variety of conditions, including existing structures, stored materials, and topography, but the property is large enough to support the proposed storage building without a Variance.



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

As discussed earlier, the applicant has alternatives that negate the need for a Variance.

Reducing and size and/or relocating the proposed storage building could eliminate the need for a Variance.

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

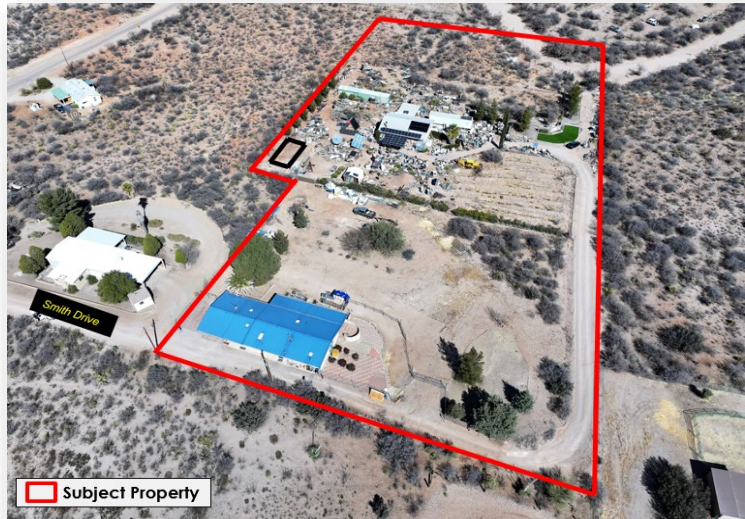
Attached and detached accessory structures are permitted in residential zoning districts and can exceed the size of principal structures (residences) in R-36 on parcels exceeding four (4) acres.

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

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 commonly encouraged since this can offer large areas of open space facilitating natural light, air circulation, and breaks in the developed environment.

The subject property is in an area northeast of Tombstone developed with existing single family residences on parcels ranging from one to over ten acres. Due to mature vegetation on the

subject property and surrounding properties, impacts on adjacent properties caused by the storage building would be minimal. The property most affected is to the immediate west (2522 Smith Drive). This residence also fronts Smith Drive, having about 60' of separation from the applicant's residence. Most of the neighboring property's 2.5 acres are undeveloped. Separation between the neighbor's residence and the proposed storage building is about 150'. The



The storage building could be built closer to the applicant's residence and even closer to the neighboring residence without the Variance. Given the 20' setback requirement in residential districts, principal structures on adjacent parcels could be as little as 40' apart with residences and accessory structures over 200 SF on adjacent lots as little as 40' feet apart.

#### **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, abundant vegetation that provides natural screening, and preservation of 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 setback from 20' to 10' for a 1,200 SF (30'X40') storage building. 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 rural residential character of the area

given the property's topographical features and abundant vegetation.

**Factors in Favor**

1. Complies with five (5) criteria used to determine the suitability of a Variance.
2. Vegetation along property line provides natural screening.

**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 VAR25-02 without conditions, reducing the minimum required setback from 20' to 10' along the west property line for a 1,200 square foot storage building, the factors in favor constituting the findings of fact.

**Sample Motion**

I move to approve Docket VAR25-02 without conditions as recommended by Staff, the factors in favor of approval constituting the findings of fact.

---