



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 VAR25-03 (Cemetery Road Setback)
DATE: April 30, 2025

Docket VAR25-03 (Cemetery Road Setback)

A Variance request from Section 2.51.130 of the zoning regulations to reduce the minimum required setbacks for a horse corral and corral shade structure from 50' to 0'.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Joseph Valentine
Location: 1421 N. Cemetery Road
APN: 208-47-043
Parcel Size: .84 acres
Zoning: R-18 (Residential District, one dwelling per 18,000 square feet)
Plan Designation: Neighborhood Conservation
Growth Area: Category C (Rural Community Areas)
Existing Use: Single family residence
Proposed Use: Single family residence

Surrounding Zoning and Uses:

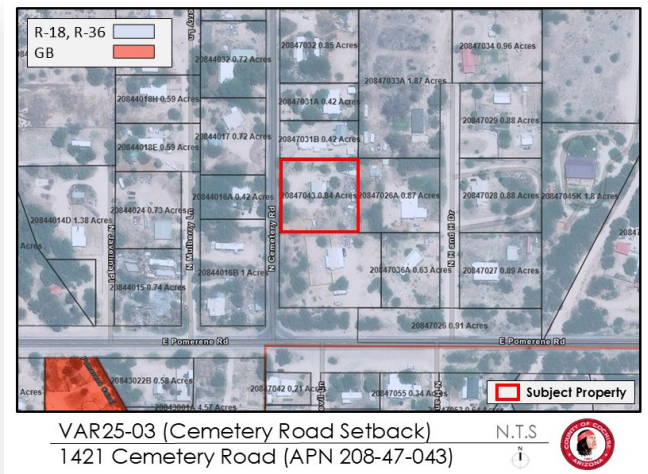
Relation to Property	Zoning District	Use of Property
North	R-18	Single Family Residence
South	R-18	Single Family Residence
East	R-18	Single Family Residence
West	R-18	Single Family Residence

II. SITE HISTORY

- 1999 – Single family residence, accessory structures
 - Active code compliance action for corral and shade structure
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III. REQUEST DESCRIPTION

The applicants request a Variance from Section 2.51.0130 of the zoning regulations which authorizes the keeping of livestock and identifies minimum development standards for animal-related structures including corrals, pens, and shade structures. The applicant requests a setback reduction for an existing horse corral measuring approximately 2,400 square feet and a 120 square foot shade structure within the corral from 50' to 0' along the south and west property lines. The applicant has one horse on the property.



IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH VARIANCE FACTORS

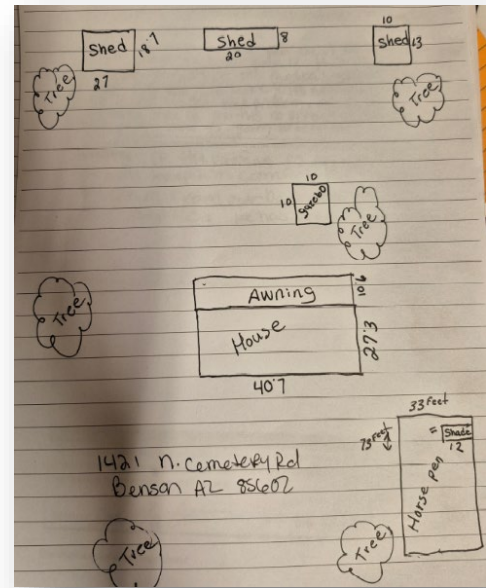
Section 2.60.010 of the Zoning Regulations identifies eight (8) findings of fact the Board must consider when evaluating Variance applications. Staff uses these factors to determine the suitability of a Variance request, whether to recommend approval of the Variance, and to determine what conditions 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 livestock in all zoning districts provided the use complies with Section 2.51.130 and other applicable sections of the zoning regulations. Applicable standards contained in Section 2.51 include the following:

1. *The site contains not less than 36,000 square feet of area. The temporary care and feeding of two or fewer animals for 4-H or similar projects shall be exempt from this requirement.*
2. *Animals shall be kept confined by fences or other restraints of sufficient strength and durability or be otherwise under the control of the owner or keeper to prevent such animals from roaming at large unless otherwise exempted by Article 2.57 of these Zoning Regulations or the Arizona Revised Statutes.*
3. *Stables/barns (both enclosed and unenclosed), corrals, piles of manure, and areas where livestock may concentrate, such as feeding and shade structures, shall be set back from the property line a minimum of 50 feet. Perimeter fences are not considered corrals unless used to confine animals within 50 feet of the property line.*
4. *Roping Arenas or other areas which are used occasionally, intermittently, or for specific purposes other than livestock living and congregating areas will be considered an accessory use and set back from the property line per Zoning District requirements. If the arena is used as a stable, corral, or livestock living area or becomes a place where piles of manure may accumulate, it shall be set back 50 feet from all property lines.*
5. *Nothing contained herein shall relieve the owner or keeper of such animals from complying with all applicable rules and regulations of the County Health Department or others having jurisdiction.*

The applicant's property meets the minimum site area to keep livestock, including horses, at 37,026 square feet with property lines measuring approximately 200' (east-west) by 185' (north-south). The site has a 1,232 square foot single family residence with awnings that is located in the center of the property with front and rear setbacks of approximately 80' and side setbacks at about 87' from the south property line and 54' from the north property line.



While the zoning regulations authorize livestock on property consisting of at least 36,000 square feet, the 50' setback requirement can be difficult to meet on lots of an acre or less. To meet the setback requirement on this property, the horse corral would have to be located next or very close to the residence.

The applicant requests a Variance to reduce the required setback for both the corral and shade structure to allow them to remain in place, abating an active code action for non-compliance with required setbacks.

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

There are no obvious peculiarities associated with the site. The property meets the minimum zoning district site area and is generally square shaped at 200' X 185'. There are no unusual topographical features on the property which has a grade variation of less than 5'.

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 are no obvious hardships justifying the approval of a Variance. The corral and shade structure could be located elsewhere on the property to meet the required 50' setback. However, this would require location next to or near the residence. Available land area is also limited by existing structures but the property remains large enough to accommodate other corral siting alternatives. The applicant has kept a horse on the property for 12 years with the corral in the same location, only recently resulting in a neighbor complaint.

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

As discussed earlier, the applicant has alternatives that negate the need for a Variance; however, since the corral and shade structure are pre-existing, the applicant is seeking the minimum relief to legitimize the structures.

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

The zoning regulations allow the keeping of livestock along with corrals, pens, and shade structures in all zoning districts per the standards identified in Section 2.51.130 of the zoning regulations.

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

The applicant requested a Variance due to an active code action resulting from a citizen complaint. Staff has received five responses in favor to the Variance request at the time of this report, including support from all three adjacent property owners (1429 Cemetery Road, 922 Pomerene Road, 1420 H and H Drive). The most common concern with large animals are noise, odors, and pests. Odors and pests, particularly flies, can be prevented through regular cleaning or stalls and corrals. Noise varies from animal to animal but none of the property owners supporting the Variance have identified animal noise as a nuisance. Staff noted a generally clean corral area while posting the property with no obvious maintenance issues or infestations.



The applicant's residence is about 55' from the corral and the nearest adjacent residence is to the south at about 60' (922 Pomerene Road). All other adjacent residences are a minimum of 100' from the horse corral. There is a shade structure within the corral that provides shade that has solar-powered fans blowing air north towards the residence. The corral area is open, providing natural light, a mature tree for shade, and enough open space to allow good air circulation. Given the separation from nearby residences and the applicant's efforts to care for the animal, adverse impacts on surrounding property owners are unlikely.

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 this Variance be approved, general harmony with the zoning regulations is maintained given separation from adjacent residences and preservation of existing rural residential 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 April 11-16, 2025.

VI. SUMMARY AND CONCLUSION

The applicant requests a Variance to reduce the minimum required setbacks for an existing horse corral with shade structure. While there are no hardships preventing the structure from being built elsewhere on the property in accordance with required setbacks, meeting the setbacks would require locating the corral next to or near the residences and potentially reducing the size of the corral to the detriment of the animal. Variance approval is unlikely to adversely impact adjacent properties given the established rural residential character of the area and separation from nearby residences.

**Factors in Favor**

1. Complies with five (5) criteria used to determine the suitability of a Variance.
2. Closest adjacent residence is approximately 60' from corral.
3. Support from multiple adjacent 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 VAR25-03, reducing the minimum required horse corral setback from 50' to 0' along the south property line and to 5' along the west property and horse corral shade structure from 50' to 5' along the south property line with the following conditions:

1. Horse corral shall be cleaned regularly to prevent the proliferation of odors and flies.
2. No more than two horses shall be kept on the property.

Sample Motion

I move to approve Docket VAR25-03 with conditions recommended by Staff, the factors in favor of approval constituting the findings of fact.