



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 VAR25-04 (Rainbow Ranch Road Lot Size/Setback)
DATE: April 30, 2025

Docket VAR25-04 (Rainbow Ranch Road Lot Size/Setback)

Variance requests from Section 2.51.130 of the zoning regulations to reduce the minimum required lot size to keep livestock from 36,000 square feet to 23,522 square feet and reduce the minimum required setback for a horse corral and corral shade structure from 50' to 0'.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Rhonda Jo Wilson
Location: 10193 S. Rainbow Ranch Road
APN: 104-46-370
Parcel Size: .54 acres
Zoning: MH-72 (Multiple-Household Residential District, one dwelling per 7,200 square feet)
Plan Designation: Medium Density Residential
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	MH-72	Single Family Residence
South	R-36	Single Family Residence
East	MH-72	Single Family Residence
West	R-36	Single Family Residence

II. SITE HISTORY

- 1955-1965 – Single family residence, accessory structures
 - Active code compliance action for horse corral
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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 minimum reductions in site area from 36,000 square feet 23,522 square feet and setback for an existing corral from 50' to 0' along the east, west, and south property lines. The applicant has two horses on the property.

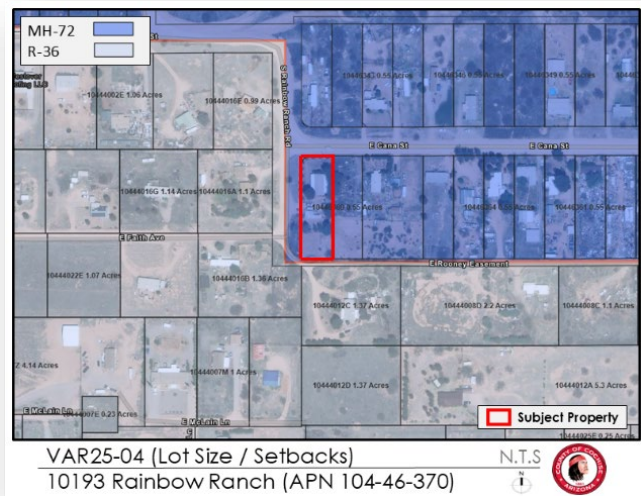
IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH VARIANCE FACTORS

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 six (6) findings.

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

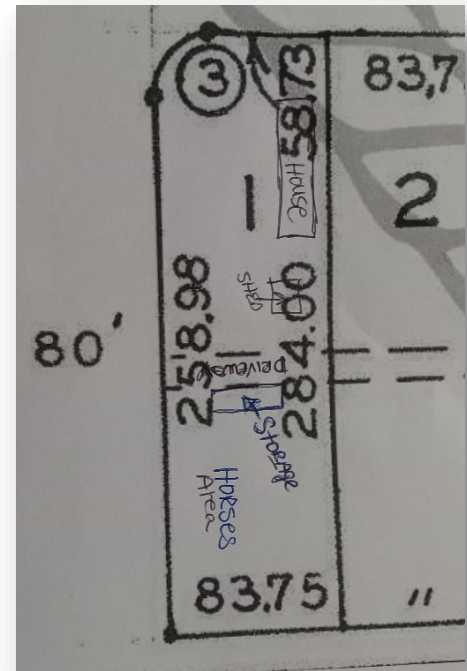
County zoning regulations allow livestock in all zoning districts provided the use complies with Section 2.51.130 and other applicable sections of the zoning regulations. Applicable standards contained in Section 2.51 include the following:

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 retains its original configuration when Miracle Valley Unit #3 was platted in 1968, rendering it an antiquated subdivision pre-dating county zoning regulations. Lot widths average 84' wide and site area is consistently between 23,000 and 24,000 square feet. The zoning regulations allow livestock, including horses, on parcels of at least 36,000 square feet regardless of zoning district and without a specified limit on the number of animals. The applicant purchased the property in 2022 believing horses were allowed. The residence, shed, and stored recreational vehicle were on the property at the time it was acquired.

In this case, the zoning regulations are not overly restrictive or contradictory – the property has insufficient site area to keep livestock. The applicant requests Variances from this minimum parcel size and minimum corral setbacks to abate an active code action.



2. There are peculiar site conditions present – Partially Complies

There are no obvious peculiarities associated with the site. The property meets the minimum zoning district site area (7,200 square feet) and is generally rectangular shaped at 284' X 84' except for the radius at the northwest corner (intersection of Rainbow Ranch Road and Cana Street). The property is located within a floodplain but is already developed. Otherwise, there are no unusual topographical features on the property which is generally flat with a negligible east to west slope. However, the property is located at multiple intersections, creating unique circumstances that increase physical separation between the applicant's horse corral and nearby residences:

- *The property is bound by Rooney Easement to the south, a 20' wide Rural Local Road.*
- *The property is bound by Cana Street to the north, an 80' wide Rural Local Road maintained by the county.*
- *The property is bound by Rainbow Ranch Road to the west, also an 80' wide Rural Local Road in county maintenance from Cana Street to the north.*

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 since the zoning regulations explicitly authorize keeping

livestock on parcels 36,000 square feet or larger. The applicant, and potentially previous property owners, were clearly unaware of the prohibition of horses on the property which does not itself constitute a hardship. Keeping horses on this property requires a minimum of one and perhaps two or more Variances.



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 lot size is fixed and the corral location pre-existing, the applicant is seeking the minimum relief to remedy active code violations.

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 not received responses in favor or opposition to the Variances from notified property owners. Common concerns associated with large animals are noise, odors, and pests. Odors and pests, particularly flies, can be prevented through regular cleaning or stalls and corrals and noise varies from animal to animal. The neighboring property owner to the east has one horse on their property. Staff noted a generally clean corral area while posting the applicant's property with no obvious maintenance issues or infestations.

The applicant's residence is about 65' from the corral and the nearest adjacent residence is south about 115' (9815 Rooney Easement). All other adjacent residences are a minimum of 150' from the horse corral. The horses have the benefit of mature trees for shade, but the applicant intends to build a small structure to provide additional shade near the stationary recreational vehicle at the north edge of the corral. As shade structures within the corral must also meet 50' setbacks within the property line which is not possible on a parcel 84' wide. Staff is supportive of the applicant's intent to provide additional care and comfort to her animals, recommending an additional Variance to allow a shade structure within the corral with minimum 7.5' setbacks from the east and west property lines. Given the separation from nearby residences and the applicant's care for her horses, 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 the Variance be approved, general harmony with the zoning regulations is maintained given separation from structures on adjacent properties and preservation of the area's 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 Variances to reduce the minimum lot size requirement to have horses on the property and minimum setbacks for an existing horse corral. Given the property's narrow 84' width, the corral cannot be legitimized without approval of a Variance or reducing the corral to such a small size that the health of the applicant's horses could be jeopardized. The applicant purchased the property in 2022 believing horses were allowed in the area (the neighbor to the east has a horse). Variance approval is unlikely to adversely impact adjacent properties given the established rural residential character of the area and separation from nearby residences which is increased by the subject property's location at the intersections of multiple public roads.

Factors in Favor

1. Complies with five (5) criteria used to determine the suitability of a Variance.
2. Property has frontage along three public roads.
3. Closest adjacent residence is more than 100' from corral.

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, Staff recommends approval of Docket VAR25-04, reducing the minimum required lot size to keep livestock from 36,000 square feet to 23,522 square feet, minimum required setback for a horse corral from 50' to 0' along the east, west, and south property lines, and minimum required setback for a horse corral shade structure from 50' to 7.5' along the east and west property lines with the following conditions:

1. 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 VAR25-04 with conditions recommended by Staff, the factors in favor of approval constituting the findings of fact.

