



Development Services

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MEMORANDUM

TO: Cochise County Board of Adjustment
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Interim Director/Planning Division Manager
SUBJECT: Docket VAR25-05 (Rocky Road Setback)
DATE: May 28, 2025

Docket VAR25-05 (Rocky Road Setback)

A Variance request from Section 2.18.040 of the zoning regulations to reduce the minimum required setback for two existing equipment buildings from 20' to 10'.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Five Nine Design Group
Location: 5590 N. Rocky Road
APN: 407-53-021
Parcel Size: 20 acres
Zoning: R-36 (Residential District, one dwelling per 36,000 square feet)
Plan Designation: Rural
Growth Area: Category D (Rural Areas)
Existing Use: Equipment Buildings
Proposed Use: Equipment Buildings

Surrounding Zoning and Uses:

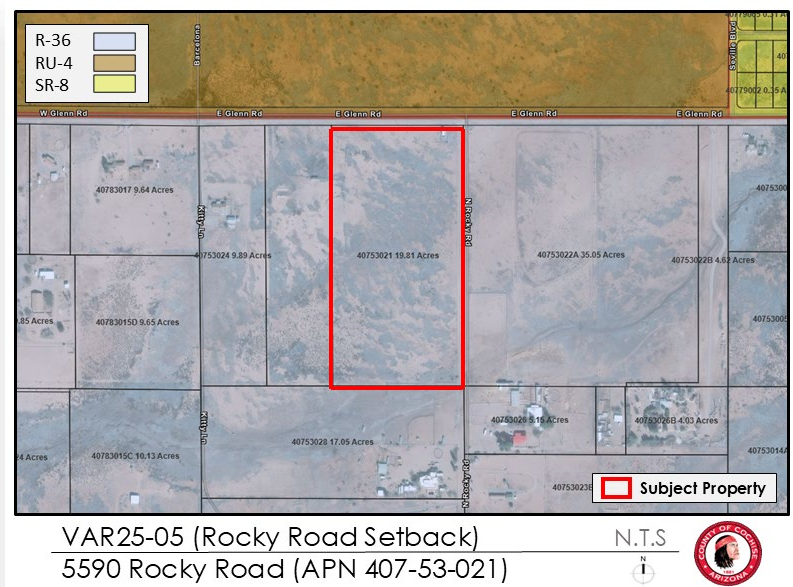
Relation to Property	Zoning District	Use of Property
North	RU-4	Agriculture
South	R-36	Single Family Residence
East	R-36	Undeveloped
West	R-36	Abandoned Residence

II. SITE HISTORY

- 2024 – two unmanned fiber optic utility buildings (432sf, 846sf); special use authorization for a wireless communications facility (#SU24-15, approved September 11, 2024)
- No active code compliance actions

III. REQUEST DESCRIPTION

The applicants request a Variance from Section 2.18.040 of the zoning regulations to reduce the minimum required setbacks for two existing utility buildings on Glenn Road north of Douglas. The county issued permits for both structures. The first 432 square foot building was placed 10' from the property line, being depicted as 20' from the property line when in fact the building as 20' from the edge of pavement. The error was repeated by the contractor for the second 846 square foot building with the error discovered after placement. The buildings meet the minimum required setback from the east property line and do not pose a visual obstruction for traffic at the intersection of Glenn and Rocky Roads.



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

The subject property totals just under 20 acres, measuring approximately 1300' north to south and 670' east to west. Glenn Road, a county-maintained rural minor collector, is adjacent to the north, and the easternmost 30' of the property is dedicated as a public easement, providing in part access to five parcels to the south.

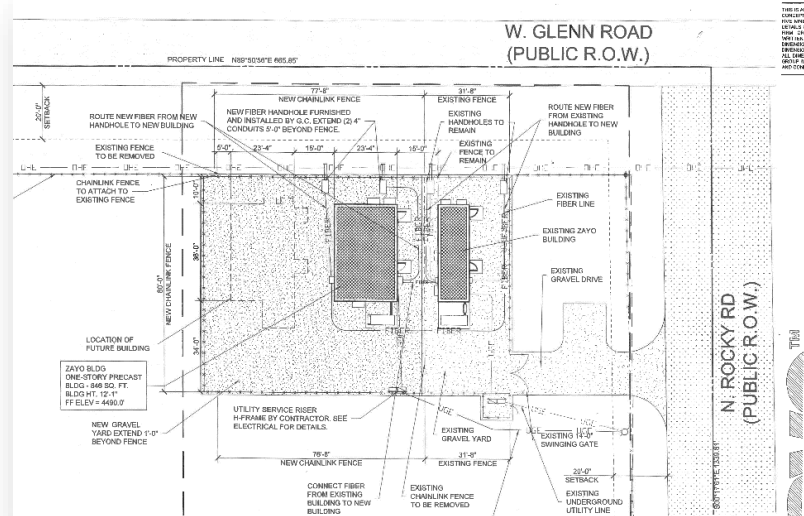
The existing utility buildings for which relief is sought could easily have been located anywhere along the north property line a minimum of 20'. Since these buildings function as boosters for fiber optic cable that provides rural internet access, locating the buildings close to Glenn Road right-of-way is both practical and economical. Given the property's area, configuration, and lack of unusual conditions, the zoning regulations do not create a hardship that prohibits the property from being developed in a manner similar to other similar properties with the same zoning district developed standards. The applicant requests a Variance to reduce the required setback for both buildings to allow them to remain in place.

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 of 36,000 square feet and is generally rectangular. Approximately 2.5 of the property's 20 acres are located within a flood zone (southeast corner) but there are no other unusual site conditions relative to topography or configuration.

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 county issued building permits for both buildings where the north property line was depicted as the centerline of Glenn Road. Glenn Road functions as an arterial with a ROW width of 90’. Actual paved width is about 30’.



Similar plans were provided for the second structure with the second building aligned with the first along the north property line. A permit issued in error or a building located in a manner that is inconsistent with provided plans do not constitute hardships that justify a Variance.

4. This is the minimum to afford relief – Complies

Both equipment buildings are existing; therefore, the requested 10’ variance along the north property is the minimum relief required to legitimize the buildings.

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

Utility installations are allowed in Residential zoning districts per Section 2.18.030 of the zoning regulations, including equipment buildings. More intensive utility sites such as power generating stations, sewage treatment plants, and landfills require more intensive zoning districts with an approved special use.

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

The buildings do not pose adverse impacts to surrounding properties. The nearest residences are a significant distance away from the project area, roughly 1,080 feet to the southwest (17 Glenn Road), 1,650 feet to the south (5360 Rocky Road), and 1,400 feet to the southeast (5379 Rocky Road). Properties to the immediate west, east, and north are undeveloped.

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. The utility structures are allowed by right in R-36 and support infrastructure providing internet service to areas north of Douglas which is need in the county's rural areas. Should this Variance



be approved, general harmony with the zoning regulations is maintained given the buildings location along an arterial road and at an intersection providing separation adjacent residences.

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 May 9-11, 2025.

VI. SUMMARY AND CONCLUSION

The applicant requests a Variance to reduce the minimum required setbacks for two existing equipment buildings placed on the property between 2024 and 2025. Variance approval is unlikely to adversely impact adjacent properties since the buildings are located at the intersection of two roads and significant distances away from nearby residences.

Factors in Favor

1. Complies with five (5) criteria used to evaluate Variances.
2. Buildings are located at the intersection of Glenn and Rocky Roads.
3. No residences within 1000'.

Factors Against

1. Does not comply with three (3) criteria used to evaluate Variances.

VII. RECOMMENDATION

Based on the factors in favor, Staff recommends approval of Docket VAR25-05 without special conditions, reducing minimum required setbacks for two existing fiber optic equipment buildings from 20' to 10' along the north property line.

Sample Motion

I move to approve Docket VAR25-05 without special conditions, the factors in favor of approval constituting the findings of fact.
