



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Adjustment  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Director/Planning Division Manager  
**SUBJECT:** Docket VAR25-06 (Jenny Drive Setback)  
**DATE:** June 25, 2025

#### Docket VAR25-06 (Jenny Drive Setback)

A Variance request from Section 2.18.040 of the zoning regulations to reduce the minimum required setback for a proposed 480 square foot detached garage from 20' to 10'.

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

**Applicant:** Jeff Heath  
**Location:** 5272 E. Jenny Drive  
**APN:** 104-07-166  
**Parcel Size:** .83 acres (36,155 square feet)  
**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:** Residential  
**Proposed Use:** 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

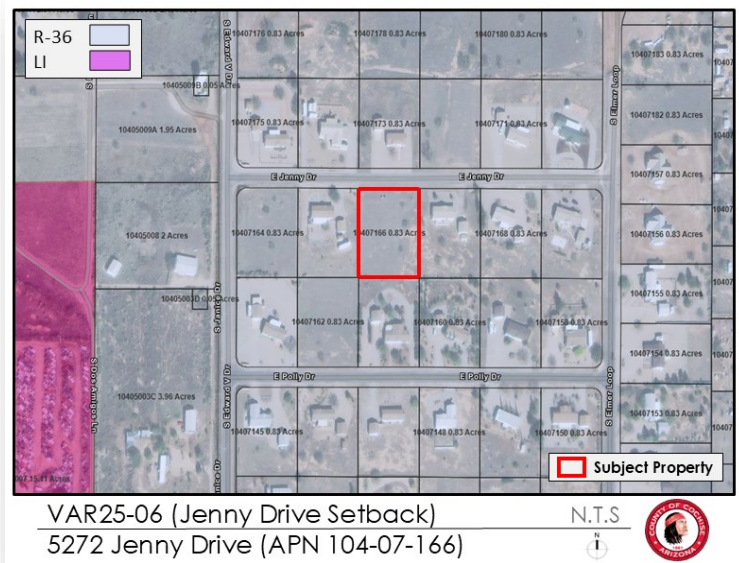
- 2005 – Linda Vista Subdivision (Lots 29-76)
  - 2020 – Residence, septic system
  - No active code compliance actions
-

### III. REQUEST DESCRIPTION

The applicant requests a Variance from Section 2.18.040 of the zoning regulations to reduce the minimum required setback for a proposed 480 square foot detached garage behind the residence at the approximate southwest corner of the property. The proposed location of the garage roughly aligns with a drive gate, and approval by the Linda Vista HOA restricts the building the proposed location.

### 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 one acre, measuring approximately 220' north to south and 164' east to west. The proposed garage could be located anywhere on the southern 1/3 of the parcel, south of the residence and septic system.

The applicant is requesting the reduction along the west property line so the garage aligns with an existing vehicle gate. Further, the Linda Vista HOA is limiting the garage to the southwest corner of the property for aesthetic reasons. Both conditions combine to limit siting options, but neither are associated with the zoning regulations. The zoning regulations do not create a hardship prohibiting the property from being developed in a manner similar to other similar properties with the same zoning district given the property's size, configuration, and lack of absence of unusual conditions.

#### **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 there are no unusual site conditions relative to topography or configuration.

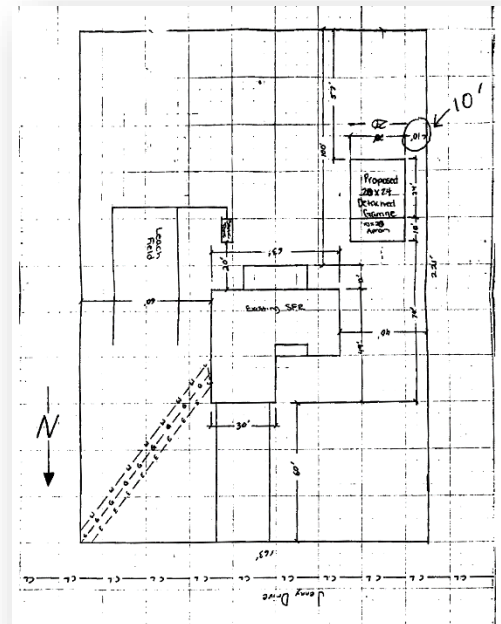
#### **3. This is not a self-created hardship – Partially Complies**

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; however, the Linda Vista HOA has restricted the building to

the southwest corner of the property, limiting the property owner's options on placement of the proposed garage.

**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 an additional 10' east of the west property line potentially negates the need for a Variance.



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

Accessory structures are a permitted use in all zoning districts, including R-36 provided they meet applicable site development standards.

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

The proposed garage does not appear to create adverse impacts to surrounding properties. Nearest residences to the east (5292 Jenny Drive), west (5242 Jenny Drive), and south (5273 Polly Drive) are more than 100' from the garage location. The property to the west would be most impacted if the setback Variance were approved, but that property has an existing detached garage measuring about 600 square feet located between that residence and the location of the applicant's proposed garage which limits any potential visual impacts.

**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 are allowed by right in R-36 and subject to applicable site development standards such as setbacks, height, and square footage (must be smaller than the residence unless property site area is at least four acres). Should this Variance be approved, general harmony with the zoning regulations is maintained given the location and size of the proposed garage and maintenance 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 May 30 – June 6, 2025.

## **VI. SUMMARY AND CONCLUSION**

The applicant requests a Variance to reduce the minimum required setback for a 480 square foot detached garage. Variance approval is unlikely to adversely impact adjacent properties given the distance to adjacent residences and since the building's location in the rear yard is consistent with existing neighborhood character.

### **Factors in Favor**

1. Complies or partially complies with five (5) criteria used to evaluate Variances.
2. No opposition from nearby property owners.

### **Factors Against**

1. Does not comply with three (3) criteria used to evaluate Variances.
2. Support from nearby property owner.

## **VII. RECOMMENDATION**

Based on the factors in favor, Staff recommends approval of Docket VAR25-06 without special conditions, reducing minimum required setbacks for a detached garage from 20' to 10' along the west property line.

### **Sample Motion**

I move to approve Docket VAR25-06 without special conditions, the factors in favor of approval constituting the findings of fact.

