



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Adjustment  
**FROM:** Matthew Taylor, AICP, Planning Manager  
**FOR:** Christine McLachlan, AICP, Director  
**SUBJECT:** Docket VAR25-007 (San Simon Avenue Setback)  
**DATE:** August 20, 2025

#### Docket VAR25-07 (San Simon Avenue Setback)

A Variance request from Sections 2.18.040 and 2.51.130 of the zoning regulations to reduce the minimum required setback for an 800 square foot stable from 10' and 50' respectively to 2'.

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

**Applicant:** Ricardo Armando and Blanca Portugal  
**Location:** 325 S. San Simon Avenue  
**APN:** 302-27-038  
**Parcel Size:** 2.07 acres  
**Zoning:** R-9 (Residential District, one dwelling per 9,000 square feet)  
**Plan Designation:** Neighborhood Conservation  
**Growth Area:** Category C (Rural Community Areas)  
**Existing Use:** Residential  
**Proposed Use:** Residential

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

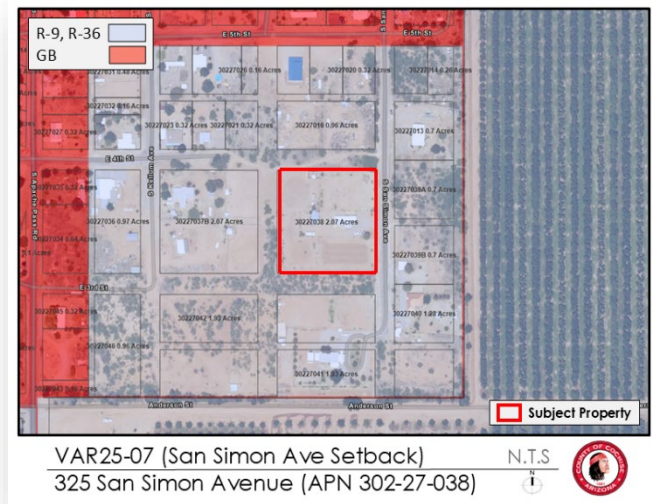
Relation to Property	Zoning District	Use of Property
North	R-9	Single Family Residences
South	R-9	Single Family Residences
East	R-9	Single Family Residences
West	R-9	Single Family Residences

#### II. SITE HISTORY

- 1918 – Richards Addition platted
  - 1989 – Mobile home, septic system, accessory structures
  - 2019 – Owners acquire property
  - Active code compliance action (stable/barn)
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### III. REQUEST DESCRIPTION

The applicant requests a Variance from Section 2.51.10 of the zoning regulations which authorizes the keeping of livestock and identifies minimum development standards for animal-related structures including corrals, pens, stables, barns, and shade structures. The applicant requests a setback reduction for an existing stable to 2' from the north property line. The applicant has one horse on the property and several other animals, including goats, chickens, swine, peacocks, and a llama.



### 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 at just over 2 acres (90,169 square feet) with property lines measuring approximately 310' (east-west) by 310' (north-south). The site has a 980 square foot residence with awnings and 600 square foot accessory structure that were on the property when acquired by the applicant, who has since added small pens near the residences and a stable about 2' from the north property line. The animal's fenced area measures about 120' by 120' (14,400 square feet) and does not keep the animals within 50' of any property line. The applicant requests a Variance to reduce the required setback for the stable to allow it to remain in place and abate an active code action for non-compliance with required setbacks.

**2. There are peculiar site conditions present – Does Not Comply**

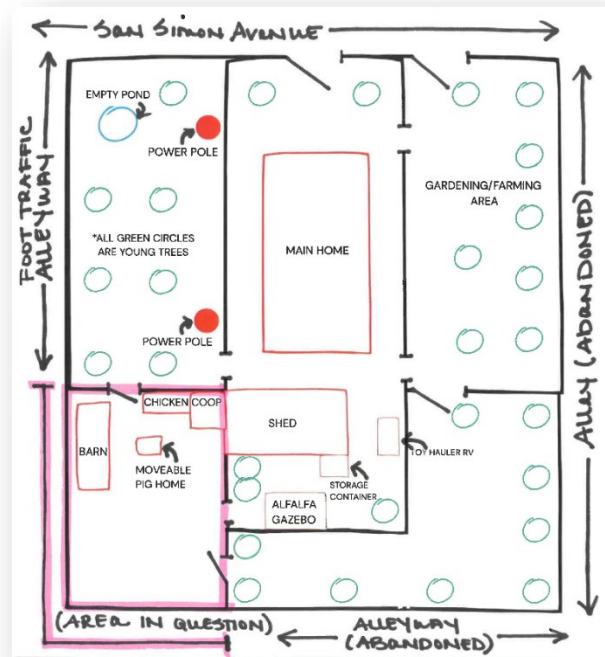
There are no obvious peculiarities associated with the site. The property meets the minimum zoning district site area of 36,000 square feet, and there are no unusual site conditions relative to topography or configuration.

**3. This is not a self-created hardship – 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 stable could be located elsewhere within the 14,400 enclosed portion of the property where the animals are kept or on the remainder of the 2-acre property. The applicant has had animals and related structures on the property for several years, only recently resulting in a complaint.

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

As identified earlier, the applicant has alternatives that negate the need for a Variance; however, since the stable structure is pre-existing, the applicant is seeking the minimum relief to legitimize the structure.



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

The zoning regulations allow the keeping of livestock along with corrals, pens, stables, barns, and shade structures in all zoning districts per the standards identified in Section 2.51.130 of the zoning regulations. Additionally, accessory structures are a permitted use in all zoning districts, including R-9 provided they meet applicable site development standards.

**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. The most common concern with large animals and the location of animal-related structures are noise, odors, and pests though odors and pests, particularly flies, can be prevented through regular site maintenance. Staff noted the presence of horses on an adjacent property and other smaller properties in the area with livestock. The applicant's residence is about 125' from the stable while all other occupied residences are at least 260' away.



The subject property is within Richards Addition, which was platted in 1918 and is one of the largest intact blocks within the subdivision. Properties to the east are a minimum of 60' from the subject property, separated by San Simon Avenue's 60' right-of-way. Remaining properties to the north, south, and west are also separated from the subject property by 60' public rights-of-way that remain unimproved (Fourth Street, Third Street, and Riggs Avenue). The corral area itself is open, with pens and open space that provides natural light, shade, and freedom of movement. Given the separation from nearby properties and occupied residences along with the applicant's efforts to care for their animals, 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 are allowed by right in R-9 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 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 July 30 – August 1, 2025.

**VI. SUMMARY AND CONCLUSION**

The applicant requests a Variance to reduce the minimum required setbacks for an existing stable used to house livestock. There are no hardships preventing the structure from being relocated or rebuilt elsewhere on the property in accordance with required setbacks; however, Variance approval is unlikely to adversely impact adjacent properties given the separation from nearby residences and existing rural character, which includes livestock on other properties in the area.

**Factors in Favor**

1. Complies or partially complies with five (5) criteria used to evaluate Variances.
2. Support from a nearby property owner.

**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 VAR25-07 without special conditions, reducing minimum required setbacks for a stable from 10' and 50' respectively to 2' along the north property line.

**Sample Motion**

I move to approve Docket VAR25-07 without special conditions, the factors in favor of approval constituting the findings of fact.

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