COCHISE COUNTY Arizona

Development Services
520-432-9300
developmentservices@cochise.az.gov
www.cochise.az.gov
1415 Melody Ln, Bdg F
Bisbee, Arizona 85603

MEMORANDUM

TO: Cochise County Board of Adjustment
FROM: Matthew Taylor, AICP, Planning Manager
FOR: Christine McLachlan, AICP, Director
SUBJECT: Docket VAR25-09 (Santa Aurelia Avenue Setback)
DATE: October 22, 2025

Docket VAR25-09 (Santa Aurelia Ave Setback)
A Variance request from Section 2.18.040 of the zoning regulations to reduce the minimum required setback for a proposed detached garage from 20' to 10'.

I. Description of Subject Parcel and Surrounding Uses

Applicant: William Bailey
Location: 5454 S. Santa Aurelia Avenue
APN: 107-67-117C
Parcel Size: 1 acre
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

- 1970: Sierra Vista Estates #3 Subdivision
- 2006-2008: manufactured home, septic system, accessory structure

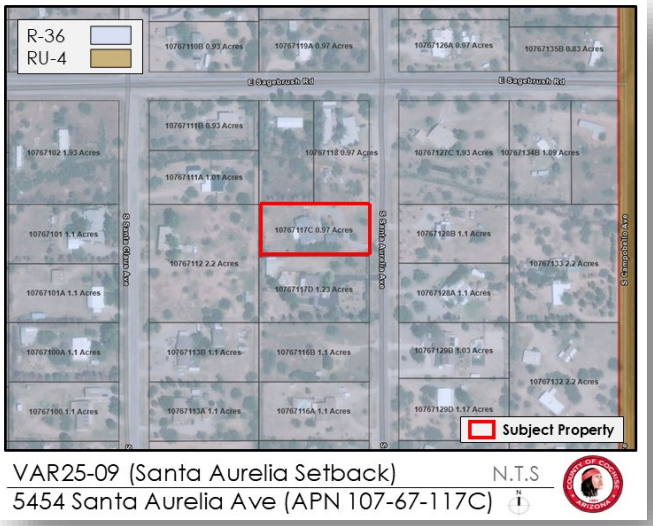
III. Request Description

The applicant requests a Variance from Section 2.18.040 to reduce the minimum required 20' setback for 10' for a proposed 1,800 square foot detached garage.

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 accessory dwellings in all rural and residential zoning districts, requiring minimum setbacks within property lines. The applicant's property meets the minimum zoning district site area (36,000 square feet) and measures approximately 292' by 144', totaling just under one acre. The site has an existing 2,770 square foot residence with 360 square foot porch/patio and a 780' detached garage that were in place when the applicant purchased the property in 2018. The residence is centrally located on the property about 130' from the Santa Aurelia Avenue right-of-way (ROW). The applicant has several vehicles and wishes to build a large enough garage to keep the vehicles indoors. The zoning regulations do not prevent the applicant from building a detached garage but do restrict the location and size given existing improvements on the site.



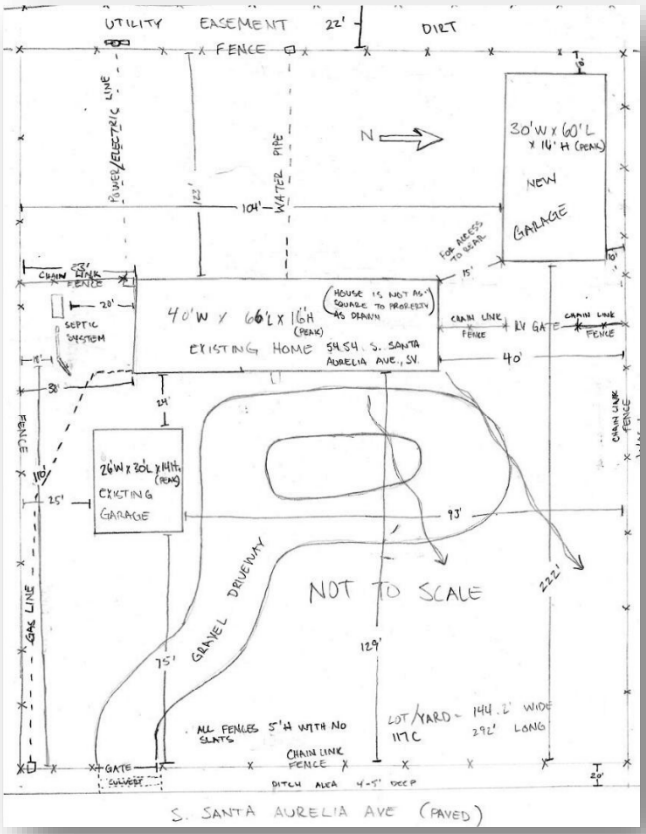
2. **There are peculiar site conditions present – Does Not Comply**
   There are no obvious peculiarities associated with the site. The property meets the minimum zoning district site area of 36,000 square feet, and there are no unusual site conditions relative to topography or configuration.

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. The proposed garage could be moved further from the property lines and/or reduced in size to meet the required 20' setback; however, the combination of dedicated half-width right-of-way (ROW) for Santa Aurelia (80'), utility easement along the rear property line (10'), and pre-existing locations of improvements (residence, existing garage, and septic system) limit the applicant's options for locating 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. Additionally, since the detached garage is not existing, a lesser degree of relief could be requested.

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 on surrounding property owners. The subject property is within Sierra Vista Estates #3, which was platted in 1970 and is general built out as a medium density rural residential subdivision. Most lots were originally platted at just over two acres but have been subsequently split into lots of about one acre. Parcels to the north front Sagebrush Road and are characterized by small washes running east to west that limit buildable area on the southern portion of the lots, increasing building separation from the subject property, which is not itself impacted by these features. The applicant proposes to build the garage at the northwest corner of the property and most nearby residences are at least 200' from the proposed location of the garage. The nearest residence is to the northwest and is about 100' from the shared property line and mature trees limit visibility of the garage's proposed location (5421 Santa Claus Avenue). Given the separation from nearby residences and mature vegetation on some adjacent properties, 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-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 separation from adjacent residences and preservation of existing 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 September 19 – October 1, 2025.

VI. Summary and Conclusion

The applicant requests a Variance to reduce the minimum required setbacks for a proposed detached garage. There are no hardships preventing the structure from being built 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.

Factors in Favor

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

Factors Not in Favor

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 VAR25-09 to reduce the minimum required setback for a proposed detached 1,800 square foot garage from 20' to 10' without special conditions.

Sample Motion

I move to approve Docket VAR25-09 without special conditions, the factors in favor of approval constituting the findings of fact.