



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Adjustment  
**FROM:** Sharon Larsala, Planner I  
**FOR:** Christine McLachlan, AICP, Director  
**SUBJECT:** Docket VAR26-01 (Schrader Building Setback & Size)  
**DATE:** February 18<sup>th</sup>, 2026

#### Docket VAR25-11 (Schrader Setback & Size)

A Variance request from Sections 2.18.040 and 2.18.050 of the zoning regulations to permit construction of a 5,000-square-foot vehicle storage building located 10 feet from the north and east property lines.

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

**Applicant:** Melissa Botke  
**Location:** 420 N. Schrader Road  
**APN:** 107-22-098C  
**Parcel Size:** 0.80 Acres  
**Zoning:** R-18 (Residential District, One Dwelling per 18,000 sf)  
**Plan Designation:** Neighborhood Conservation  
**Growth Area:** Category A (Urban Growth Areas)  
**Existing Use:** Residential  
**Proposed Use:** Residential

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

Relation to Property	Zoning District	Use of Property
North	R-18	Single Family Residences
South	R-18	Single Family Residences
East	R-18	Single Family Residences
West	N/A	Undeveloped

#### II. SITE HISTORY

- 1970 – Mountain Mesas Subdivision
- 1980 – Mobile Home and Yard Improvements

#### III. REQUEST DESCRIPTION

The applicant requests a Variance from Sections 2.18.040 and 2.18.050 of the Zoning Regulations to allow construction of a 5,000-square-foot vehicle storage building 10 feet from the north and east property lines. In the R-18 zoning district, accessory structures are required to maintain a minimum 20-

foot setback and may not exceed the size of the principal structure on parcels less than four acres. The subject parcel is 0.80 acres, the existing house is 18', the proposed storage will be 12', and the proposed structure will not be for any commercial uses.

#### **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 4 findings and does not comply with 4 findings.

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

The applicant's decision to construct a 5,000-square-foot accessory structure of this size and placement creates the setback deficiency rather than a condition inherent to the property. Although the lot's shape presents minor limitations, the 0.80-acre parcel provides sufficient area for development that meets R-18 setback and size requirements. The requested reduction from a 20-foot to a 10-foot setback is based on the applicant's preference for an unusually large accessory building, over nine times the size of the 550-square-foot residence, rather than an unnecessary hardship caused by zoning regulations intended to preserve residential scale and character.

##### **2. There are peculiar site conditions present – Partially complies**

The property exhibits limited peculiarities, as there are no notable topographic or configuration constraints. However, the presence of two access easements represents a minor site characteristic that differentiates it from typical parcels. The lot meets the R-18 minimum area requirement of 18,000 square feet, providing ample space for reasonable development consistent with zoning standards. While these conditions slightly distinguish the property, they do not significantly restrict compliance or justify the proposed structure's size.



##### **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." The hardship is self-created, as it results from the applicant's decision to construct an oversized accessory structure rather than from conditions

inherent to the property. Although there are existing structures that predate ownership, they do not prevent compliant development. The difficulty stems from design and placement choices, not a unique physical constraint.

**4. This is the minimum to afford relief – Does Not Comply**

As identified within the application, the proposed storage is over 9 times larger than the existing dwelling (5,000 square feet compared to the 550 square foot dwelling) and is half the required setback (10' versus 20'). The minimum to afford relief would be 19' for the setback and 551 sf in size since the size of the existing dwelling is 550 sf and the zoning setback is 20' minimum. The proposed building is a prefabricated structure to be purchased at the requested size.



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

Accessory structures are permitted use in residential zoning districts, including R-18, provided they meet applicable site development standards. A Variance is only required if applicable development standards are not met (size, height, setbacks).

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

The property's residential zoning permits the use of an accessory structure. This Variance relates solely to the size and setback of the proposed vehicle storage building, not to the use itself. Given the property's separation from neighboring parcels and the proposed increase in size, along with the presence of multiple unpermitted structures on-site, adverse impacts to adjacent properties may be anticipated.

**7. General harmony with the intent and purposes of the Zoning Regulations – Does Not Comply**

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. As outlined in Section 2.18.010, the purpose of the Residential Districts is to provide an area for families living at a variety of low to medium densities and to provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist. Accessory structures are permitted by right in residential zoning districts and must comply with applicable site development standards, including setbacks, height, and size limitations.

The request does not comply with the general intent of the Zoning Regulations, which aim to promote public health, safety, and welfare while maintaining the residential scale and character

of development. The lot modification tool can grant up to 25 percent relief from certain development standards in any zoning district, but it is not intended to accommodate requests that exceed that threshold or fundamentally alter the character of the development.

In this case, the amount of relief sought is substantially greater than the maximum 25 percent allowed for an administrative lot modification, so it cannot be approved under that process and would need to be evaluated instead through a different mechanism, such as a variance.

#### **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 19 notices to property owners within 300', and posted the property January 21<sup>st</sup> – January 27<sup>th</sup>, 2026.

#### **VI. SUMMARY AND CONCLUSION**

The applicant requests a Variance to allow a vehicle storage building larger than the principal dwelling and located 10 feet from the north and east property lines. Accessory buildings are permitted by right in districts with a permitted principal use; however, the proposed structure provides only half of the required setback. The size and reduced setbacks may increase potential impacts on adjacent properties and alter the existing residential character of the area.



#### **Factors in Favor**

1. Complies or partially complies with four (4) criteria used to evaluate Variances.
2. Accessory structures are allowed by right in Residential zoning districts.
3. Undeveloped State Trust Land to the west.
4. Support from two adjacent owners and a neutral response from another neighbor
5. Property is nearly twice the size required by the zoning district.

#### **Factors Not in Favor**

1. Does not comply with four (4) criteria used to evaluate Variances.
2. Proposed structure size is out of character with the neighborhood.
3. Two neighbors submitted responses in opposition

**VII. RECOMMENDATION**

Based on the factors in favor, Staff recommends approval of Docket VAR26-01 with special conditions:

1. Reduce the required west property line setback from 20 feet to 10 feet for the proposed 5,000-square-foot accessory structure, while maintaining a 20-foot setback along the north property line.
2. Allow the proposed 5,000 square foot accessory structure to exceed the size of the principal structure by 4,450 square feet.
3. The structure shall not be utilized for commercial purposes.

**Sample Motion**

I move to approve Docket VAR26-01 with special conditions recommended by staff, the factors in favor of approval constituting the findings of fact:

- Reduce the required west property line setback from 20 feet to 10 feet for the proposed 5,000-square-foot accessory structure, while maintaining a 20-foot setback along the north property line.
  - Allow the proposed 5,000 square foot accessory structure to exceed the size of the principal structure by 4,450 square feet.
  - The structure shall not be utilized for commercial purposes.
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