

# COCHISE COUNTY

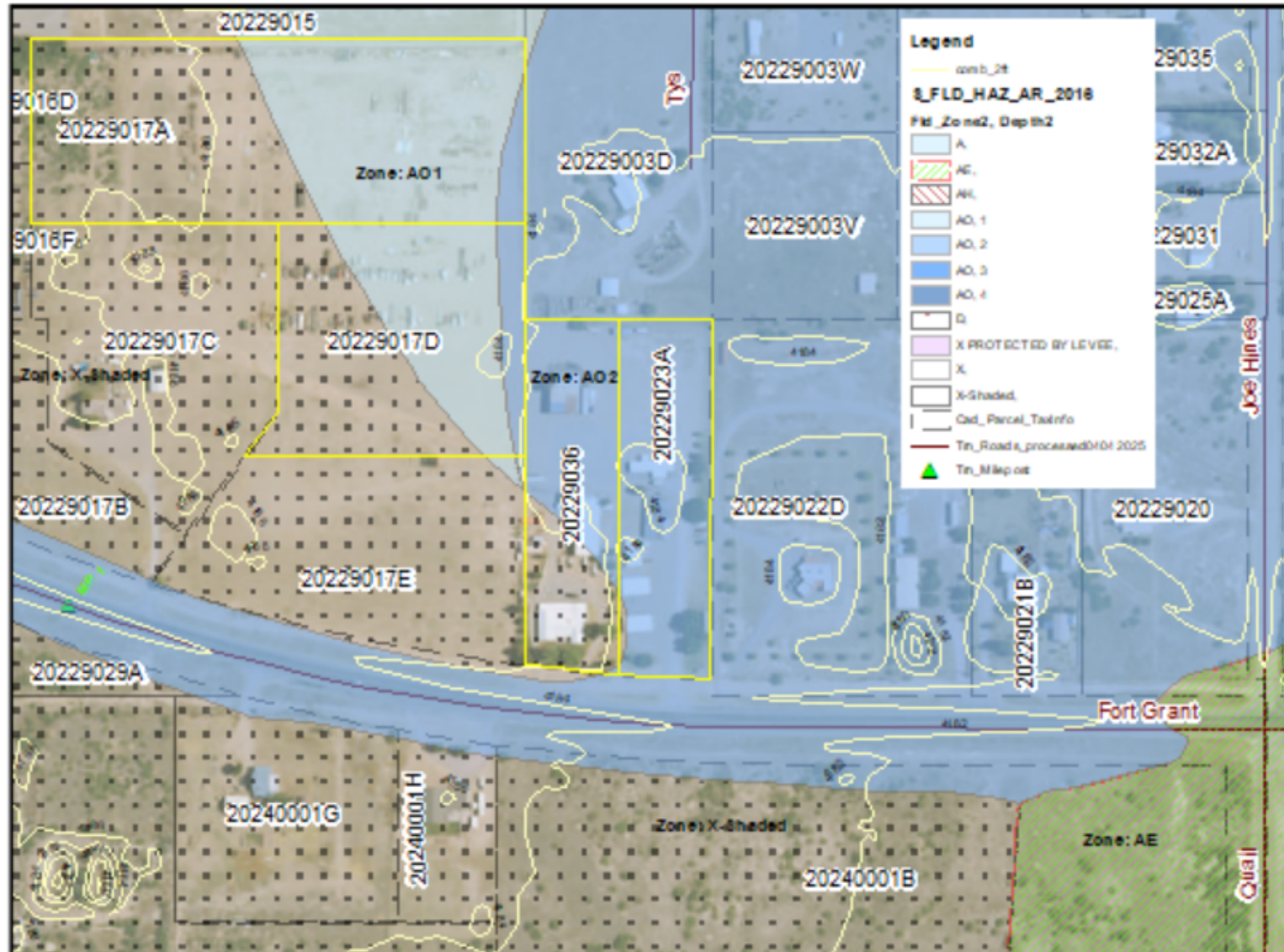
## Variance Request

- The owner is required to construct a perimeter fence around the subject parcels per Development Services requirements.
- In order to comply with County Floodplain Regulations, the fence within the FEMA Special Flood Hazard Areas are required to be elevated two and three feet above grade.
- The request is to elevate the fence one foot above grade.

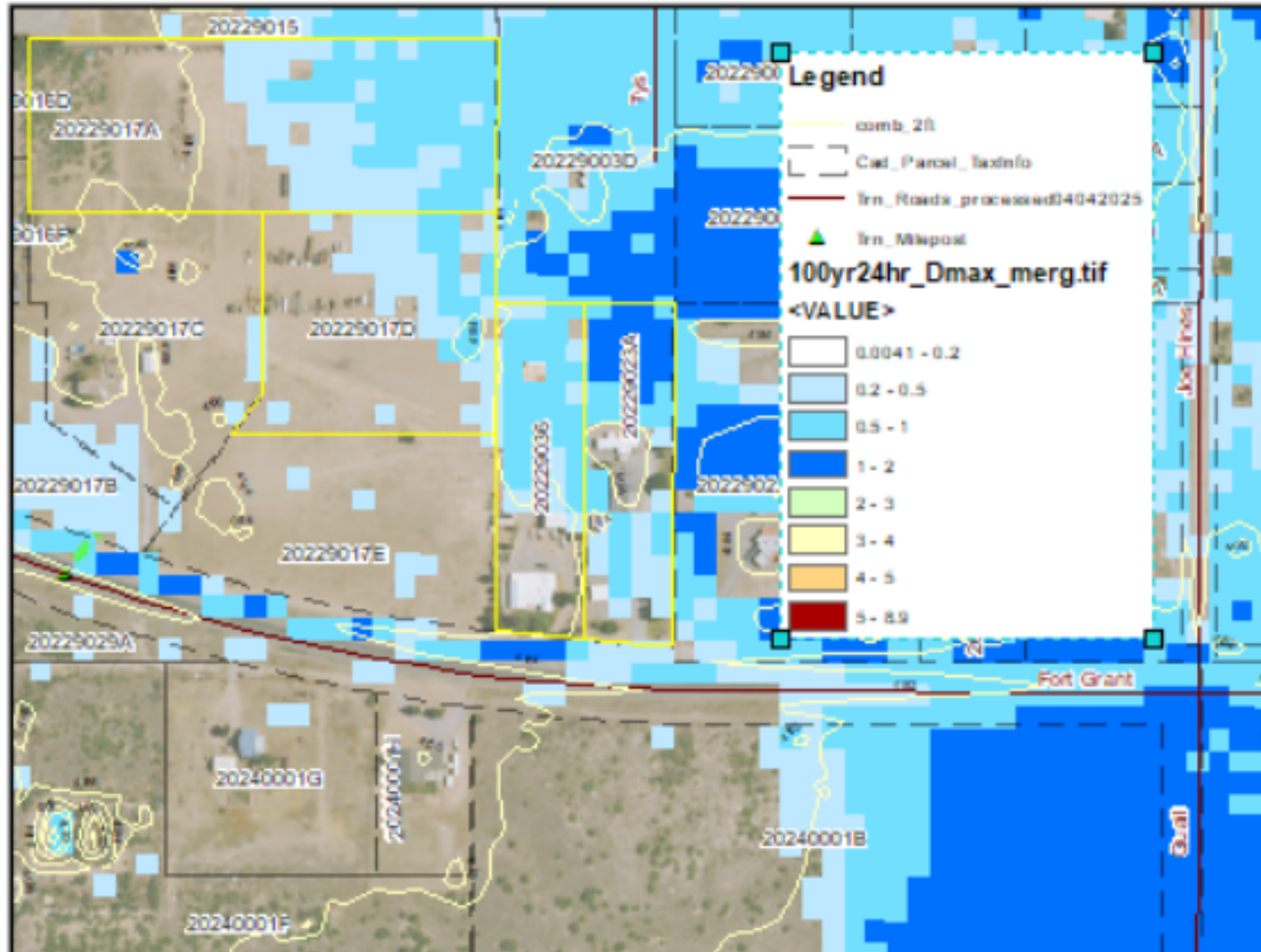


***Public Programs...Personal Service***

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## Definition

Variance – A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

### Floodplain Regulation Section 6.4 D & E

Variances shall only be issued upon

- A determination that the variance is the minimum necessary, considering the flood hazards to afford relief, (6.4D);
- A determination of good and sufficient cause;
- A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water;
- A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- A determination that the variance is justified pursuant to A.R.S. § 48-3609.B .7.  
(Variance procedures to permit variances from the regulations that do not result in danger or damage to persons or property in floodplains in the area of jurisdiction. Variances may be granted only if special circumstances, such as size, shape, topography, location or surroundings of the property, would cause the strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain. A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitations on similar property in the floodplain.)



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## Staff recommendation

### Facts:

- Based on the FEMA approved Richland Flood Study portions of the proposed fence is within a mapped floodplain (Zones AO-1, base flood of 1 foot and AO-2), State Regulations require elevation of one foot above base flood depth and the NFIP requires elevation of existing structure if additions are substantial (>50%).
- Best available data (Willcox Watershed Study 2026) indicates flow depths range between 0.2 - 1 ft.
- Applicant states “Per our Special Use Permit we are obligated to install a non permeable fence to reduce dust from neighboring property as 3’ will not help reduce dust”.
- Floodplain Regulation heights for fence elevation need to be revised from regulatory height to base blow height since fences are not considered structures.
- Based on Variance criteria just reviewed with you, and potential consequences to all floodplain property and citizens paying flood insurance premiums Floodplain Staff recommends approval.

