



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 VAR26-04 (Kachina Trail Height Increase)
DATE: March 25th, 2026

Docket VAR26-04 (Kachina Trail Height Increase)

A Variance request from Section 2.18.040 of the zoning regulations to allow construction of a 10,000-square-foot garage with a height of 28'10" on a 12.32-acre parcel.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Dustin Foote
Location:

- APN:** 105-18-012A
- Parcel Size:** 12.32 Acres

Zoning: R-36 (Residential District, One Dwelling per 36,000 sf)
Plan Designation: Neighborhood Conservation
Growth Area: Category A (Urban Growth Areas)
Existing Use: Vacant
Proposed Use: Vehicle/Equipment Storage

Surrounding Zoning and Uses:

| Relation to Property | Zoning District | Use of Property |
|----------------------|-----------------|--------------------------|
| North | Sierra Vista | Open Space |
| South | R-36 | Single Family Residences |
| East | R-36 | Single Family Residences |
| West | Fort Huachuca | Vacant |

II. SITE HISTORY

- Property has no previous history of building/structure/improvements

III. REQUEST DESCRIPTION

The applicant requests a Variance from Section 2.18.040 of the Zoning Regulations to construction of a 10,000-square-foot garage with a height of 28'10" on a 12.32-acre parcel. The Zoning Regulations restrict the height of accessory structures to 20' in the R-36 zoning district. The proposed storage is for personal use and not associated with 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

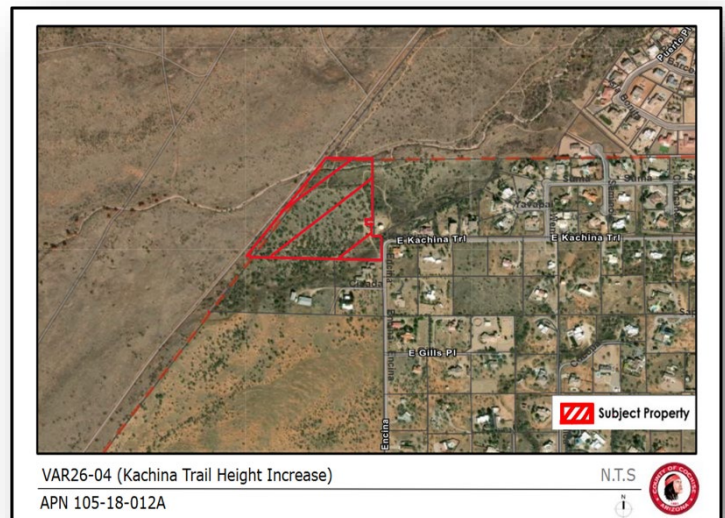
The applicant's decision to construct 28'10" high accessory garage creates the height deficiency rather than a condition inherent to the property. The 12.32-acre parcel provides sufficient area for development that meets R-36 height limitations. The requested increase from the allowed 20' to a 28'10" height is based on the applicant's preference for an unusually tall accessory building, not on any hardship caused by zoning regulations.

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

The lot meets the R-36 minimum area requirement of 36,000 square feet and is approximately 14 times larger than the minimum lot size for the R-36 zoning district, providing ample space for reasonable development consistent with zoning standards and indicating that these conditions do not significantly restrict compliance. A peculiar site condition that does not affect compliance is that the property sits about 25' below Kachina Road, so the proposed accessory unit could have little visual impact and may be barely visible to neighboring properties.

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 accessory structure that is taller in height than what the usual R-36 zoning district allows 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 choices, not a unique physical constraint.



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

As noted in the application, the proposed vehicle and heavy equipment storage building exceeds the allowed height by 8'10" beyond the 20' limit established by zoning regulations. The minimum relief needed would be for a height of 21', as the R-36 zoning district restricts structures to a maximum of 20', requiring relief from the development standards.



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

Accessory structures are permitted use in residential zoning districts, including R-36, provided they meet applicable site development standards. Section 2.18.060 permits the use of one without the establishment of the permitted principal dwelling use on parcels four acres or larger and on number two it states one outbuilding in a fixed location. 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 – Complies

The property's residential zoning allows the use of an accessory structure. This variance request pertains solely to the height of the proposed vehicle and heavy equipment storage building, not to the use itself. The property has neighbors only to the south and east, while the land to the north and west lies within the City of Sierra Vista and is currently vacant, resulting in minimal potential impact. Additionally, the property's size of 12.32 acres is approximately 14 times larger than the 36,000-square-foot minimum lot size required in the R-36 zoning district, providing significantly more space than surrounding parcels.

7. General harmony with the intent and purposes of the Zoning Regulations – Complies

The purpose of the Zoning Regulations is to promote public health, safety, convenience, and general welfare while guiding future growth within Cochise County. Section 2.18.010 outlines that Residential Districts are intended to provide areas for families living at low to medium densities, allowing a mix of single-household dwellings, rehabilitated mobile homes, and manufactured homes. Accessory structures are permitted by right in residential zones, provided they meet development standards such as height, setbacks, and size limitations. Since the property sits approximately 25' below Kachina Road, the proposed accessory structure is likely to be less visible, maintaining consistency with the general harmony, intent, and purpose of the R-36 zoning district.

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 9 notices to property owners within 300', and posted the property February 27th – March 5th, 2026.

VI. SUMMARY AND CONCLUSION

The applicant is requesting a variance to allow accessory building for vehicles and heavy equipment storage that exceeds the height permitted by zoning regulations. One outbuilding is allowed by right on parcels of four acres or larger without primary use, provided it is in a fixed location. However, the proposed height of 28'10" exceeds the R-36 zoning district's maximum limit. While this increased height could potentially impact adjacent properties, the site's elevation approximately 25' below Kachina Trail will likely reduce the building's visibility to surrounding neighbors.

**Factors in Favor**

1. Complies or partially complies with four (4) criteria used to evaluate Variances.
2. Undeveloped Sierra Vista Land to the North and West
3. Property is nearly 14 times the size required by the zoning district.
4. The site's topography is approximately 25' below Kachina Trail, with surrounding properties situated along the road at a higher elevation, resulting in neighboring residences being elevated above the proposed accessory structure.

Factors Not in Favor

1. Does not comply with four (4) criteria used to evaluate Variances.
2. Proposed structure height is inconsistent with the neighborhood.
3. Received five (5) responses in opposition from nearby neighbors

VII. RECOMMENDATION

Based on the factors in favor, Staff recommends approval of Docket VAR26-04 to allow the 28'10" accessory structure to exceed the 20' height limit by 8'10":

1. The structure shall not be utilized for commercial purposes.

Sample Motion

I move to approve Docket VAR26-04 with staff's recommended conditions and findings, allowing the 28'10" accessory structure to exceed the 20' height limit by 8'10":

- The structure shall not be utilized for commercial purposes.
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