



## **COMMUNITY DEVELOPMENT DEPARTMENT**

***Planning, Zoning and Building Safety***

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

*Carlos De La Torre, P.E., Director*

### **MEMORANDUM**

**TO:** Cochise County Board of Adjustment, District 2  
**FROM:** Beverly Wilson, Interim Planning Manager  
For: Mike Turisk, Interim Planning Director  
**SUBJECT:** Docket BA2-11-03 (Progressive Solar for Ruane)  
**DATE:** October 25, 2011, for the November 2, 2011 Meeting

#### **REQUEST FOR A VARIANCE**

**Docket BA2-11-03 (Progressive Solar for Ruane):** The Applicant is seeking a variance from the Cochise County Zoning Regulations, Section 604.03, which requires that all structures in an RU-4 Zoning District be set back no less than 20 feet from all property lines. The Applicant seeks to place a ground-mounted passive solar hot-water pre-heat system unit, 13 feet from the North property line. The subject parcel (Parcel No. 103-18-003A) is located at 8204 North Frontier Road, McNeal, AZ. The Applicant is the Progressive Solar Company for Joan Ruane.

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

**Parcel Size:** 4.31 acres  
**Zoning:** RU-4 (one dwelling per four acres)  
**Growth Area:** Growth Category D  
**Plan Designation:** Rural  
**Area Plan:** None  
**Existing Uses:** Single Family Home

#### **Surrounding Zoning**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	RU-4	Rural Vacant Land
South	RU-4	Rural Residential
East	RU-4	Rural Residential
West	RU-4	Rural Agricultural



Parcel #103-18-003B – a long and narrow parcel – Approximately 142’ wide by 1,338’ long

## II. PARCEL HISTORY

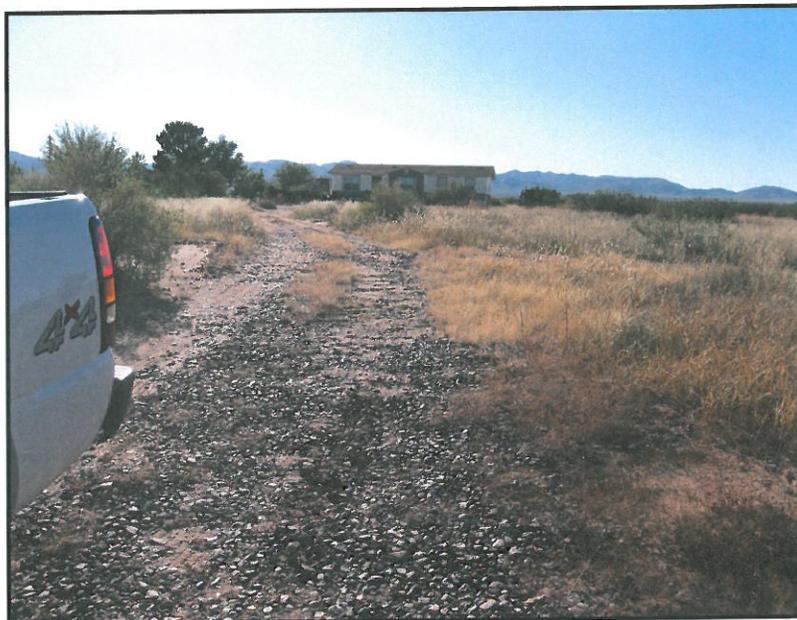
- May, 2004 A permit for a manufactured home was issued.  
 March, 2005 A permit for an entry way deck and a rear carport was issued.

## III. APPLICABLE REGULATIONS

This docket is a request for a variance to allow a 4-foot by 8-foot passive solar hot water pre-heat system to be ground mounted 13-feet from the north property line. The Zoning Regulations require a 20-foot setback in the RU-4 Zoning Districts. A Variance is requested based on the shape of this long and narrow parcel. The Applicant has stated that this site is ideal for an efficient operation, and out of the driveway area.

## V. ANALYSIS OF IMPACTS

The proposed site for the passive solar hot water pre-heat system will not, in staff’s view, create any on-site or off-site impacts. The 4’ x 8’ solar array is small, and will be oriented towards the South in order to capture the most sunlight. The property to the North is undeveloped, and staff received no correspondence from this neighbor, or any other neighbor, opposing the request.



Looking to the west, towards the home.

#### VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on October 13, 2011, and published a legal notice in the *Bisbee Observer* on October 6, 2011. To date, the Department has received one response from the public, supporting this request.

#### VII. SUMMARY AND CONCLUSION

The Applicant's request for a Variance to the 20-foot setback as required in a RU-4 Zoning District to place this passive solar unit 13-feet from the northern boundary appears to create no on-site or off-site impacts. The narrow parcel certainly limits the options for placing this type of unit for maximum performance.

#### **Factors in Favor of Allowing the Variance**

1. There will be no on-site or off-site impacts created by placing this unit as requested.
2. The adjoining property Owner has submitted a letter of support for this request.

#### **Factors Against Allowing the Variance**

1. There appear to be no factors against this request.

#### VIII. RECOMMENDATION

Based on the factors for approving the variance, staff recommends **approval** of the Variance request.

*Sample Motion: Mr. Chairman, I move to approve the following Variance appertaining to Docket BA2-11-03: permitting the passive solar panel to be installed 13 feet from the north property boundary.*

## **IX. ATTACHMENTS**

- A. Variance Application
- B. Location Map
- C. Site Plan
- D. Public Comment



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### APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 2

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 2 to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 103-18-003A
2. Address of parcel: 8204 Frontier Road  
McNeal, AZ 85617
3. Area of Parcel (to nearest tenth of an acre): 4.1 ACRE
4. Zoning District designation of Parcel: RU4
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.  
Residential, 4.1 Acre, manufactured home
6. Describe all proposed uses or structures, which are to be placed on the property.  
Passive solar hot water pre-heat system.  
Integrated into existing hot water heater.

7. State the specific nature of the variance or variances sought.

The set back from property line requires ~~is~~ 20 feet. In order to place solar collector in a secure and efficient location, the solar unit will be 13 feet from the north property line.

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

The proposed location of the solar panel is to avoid placing the solar unit into the driveway and placing the unit in the most efficient location for beneficial operation.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The solar unit is a small integral unit about the size of a sheet of plywood (4x8). The solar unit will be ground mounted. Requires no electric power, and makes no noise. The location of solar unit has been selected as the most efficient and safe spot.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

<u>PROPERTY OWNER</u>	<u>MAIL ADDRESS</u>
Joan Ruane	8204 Frontier Rd
	McNeal, AZ 85617

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

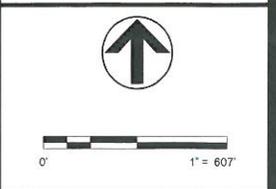
<u>SIGNATURE OF PETITIONER</u>	<u>ADDRESS</u>	<u>DATE</u>
	620 E. 19 <sup>th</sup> St.	8/23/2011
	Tucson, AZ 85719	
APPLICANT'S PHONE NUMBER	(520) 792-2188	
APPLICANT'S EMAIL ADDRESS	Prog.solar@EarthLink.net	

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

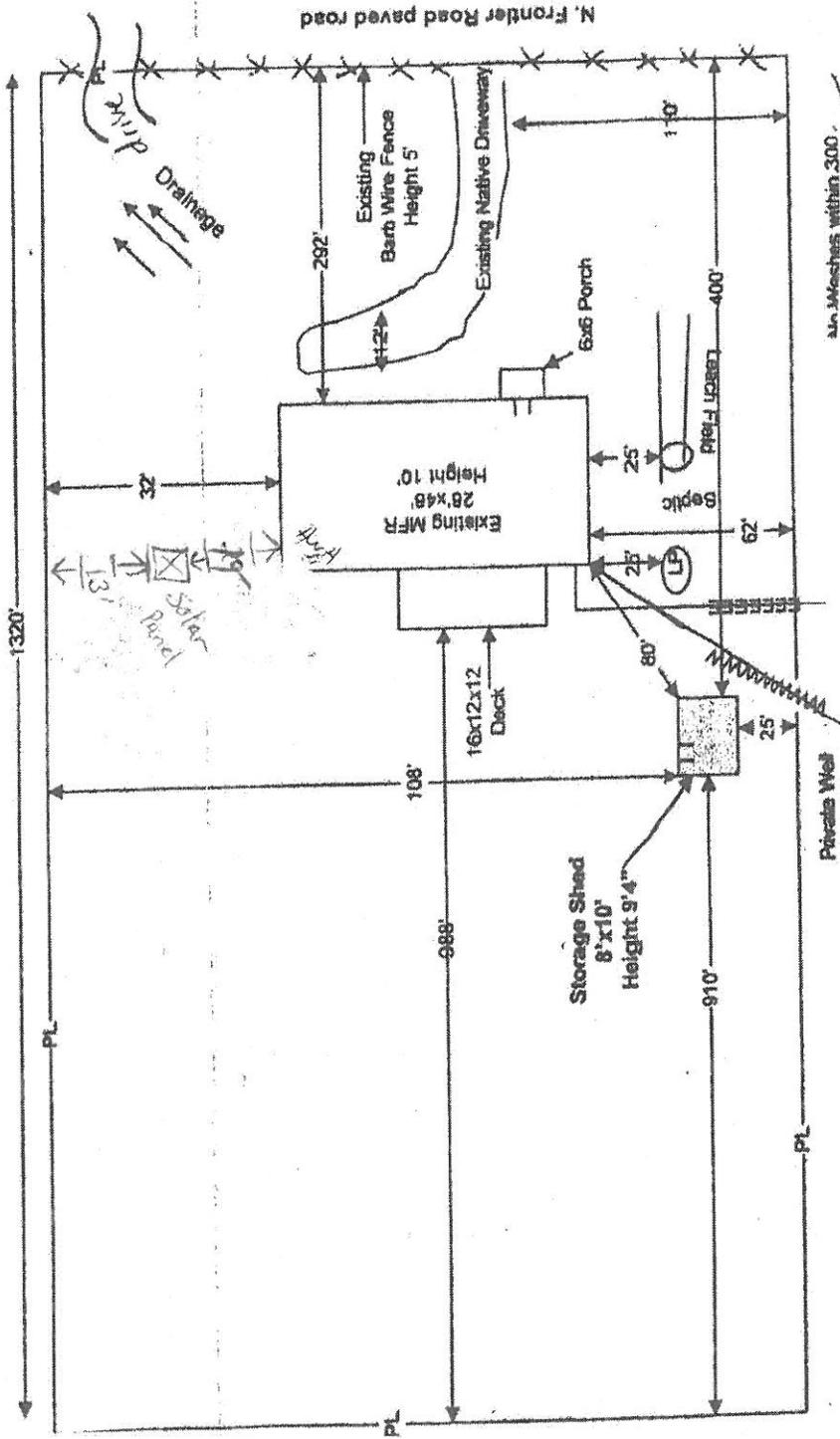


**Docket BA2-11-03**  
**(Ruane)**  
**Location Map**

This map is a product of the  
Cochise County GIS



North  
1



Min. 30' setbacks within 300'

# Variance: Docket BA2-11-03 (Ruane)

YES, I SUPPORT THIS REQUEST  
Please state your reasons:

Because she is a very good friend

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NO, I DO NOT SUPPORT THIS REQUEST:  
Please state your reasons:

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(Attach additional sheets, if necessary)

PRINT NAME(S): Kenneth + Audrey Lewis

SIGNATURE(S): Kenneth Lewis  
Audrey J. Lewis

YOUR TAX PARCEL NUMBER: 10318033002 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment Dist 2. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Monday, October 24, 2011

RETURN TO: Beverly Wilson  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

COCHISE COUNTY

OCT 17 2011

PLANNING