



BOARD OF ADJUSTMENT MEETING MINUTES
CITY OF BISBEE COUNCIL CHAMBERS LOCATED AT
915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603
TUESDAY, APRIL 29, 2025, 5:30PM

CALLED TO ORDER: 5:30 PM
ROLL CALL- BOARD MEMBERS / STAFF

	PRESENT	ABSENT	EXCUSED
Tyler Bradberry	X		
Cado Daily	X		
Melissa Hartman, Chair	X		
Fred Miller	X		
Sharon Stetter	X		
Kathleen Buchanan	X		
VACANT	---		
Ken Budge, Council Liaison	---	---	---
Emanuel Stuart, Staff Liaison	X		
Xavier Rodriguez, Bldg. Inspector / Code Enforce.	X		

Agenda Item 1.

BOA 25-02

Applicant: City of Bisbee

Location: Parcel 101-03-001, Bisbee, AZ 85603 Located on the Corner of Oliver Circle and Briggs

Requesting a Variance: Variance to build a single-family residence on a 4,356 sq. ft. lot for affordable housing; workforce housing initiative.

A. Opening of the Public Hearing

MS. HARTMAN OPENED THE PUBLIC HEARING

B. Presentation by the Applicant

The City of Bisbee Representative, Emanuel Stuart presented the application for the variance. He said the request was to allow construction of a small single-family home on a 4,356 sq ft lot, which was under the 6,000 sq ft minimum. The lot was consistent with the surrounding neighborhood, where many parcels—including the adjacent one—were of similar or even smaller size. The goal was to build a home that fit in with the existing neighborhood character.

C. Summarization by City Staff

The Planner Summarized by saying that Staff supported approval of the variance because the hardship was due to the property's unique, irregular shape and historical lot configuration—not any action by the applicant. The lot was created before current zoning rules, making strict compliance unreasonable. The proposed home fit the neighborhood’s character, met R1 zoning setbacks and dimensional standards, and maintained the intent of the zoning ordinance. The Building Inspector gave an opinion and said the lot was pre-existing non-conforming and was approvable and would be nice to see a new house in the beautiful neighborhood, and said “I would move to approve it.”

D. Comments by persons in favor (Speaking time limit three (3) minutes per person.

Ms. Danielle Bouchever spoke on behalf of Step-Up Bisbee Naco, in partnership with the City of Bisbee, regarding a workforce housing project. They had nearly completed one home on the street and proposed adding another—an 800 sq ft, single-story, 2-bedroom, 1-bath house. The plan included a porch and carport, with the home angled to face the street. Concerns about

parking and drainage were addressed; grading improvements and a berm were proposed to manage stormwater. Danielle also noted a letter of support from a neighboring property owner. Mr. Miller read a letter of support from Shannon Roberts who lives adjacent to the proposed home site. In the letter she wrote that she wanted to express full support for the project, and said she and her husband probably have the most at stake if anything were to go wrong, as their home is directly behind the lot. Further, she said she was not trying to unduly influence the decision, but was 100% in favor of it.

E. Comments by persons opposed (Speaking time limit three (3) minutes per person.)

Staff read into the report several letters of opposition: One letter from Charles Dellinger said “My only input into this project proposal is regarding heavy rainwater drainage. During heavy storm the water runs down the road and through both the lot to the culvert situated in middle southern border and also the road itself down the alley to the south. Do not gloss over how much water is directed down that path. You will need to engineer the lot to not be impacted by this water and its effect on the foundation.”

A letter from Mark and Karen Poppe said “This letter is to oppose the variance sought by the applicant to build a single-family residence on a parcel that is 4,356 sq. ft., for affordable housing; workforce housing initiative, located at APN 101-03- 001. Although we are strong supporters for the affordable housing and workforce housing initiative and think this is a great program that will better the community and provide much needed housing, the location identified for a single family home is not an ideal site for the following reasons: 1. The location of this parcel is the lowest elevation parcel at the lower end of Oliver Circle. This location is where storm water runoff collects and is conveyed through an existing corrugated metal pipe across Briggs. Building a house on this parcel could potentially cause the storm water to flow into the street and onto our property at 602 Oliver Circle, which is currently the lowest elevation house on Oliver Circle. A floodplain use study of the existing and future grading of the area should be performed, and storm water improvements be constructed to prevent flooding in the area if this project is to proceed.

2. Due to the size of the parcel, irregular shape, and the area prone to flooding, a majority of the parcel is not suitable for development. I suspect the only buildable area is at the southwest corner of the lot, close to the property line of 600 East Vista and the right-of-way of Briggs. Depending on the location and configuration of the house, it could potentially act as a visual barrier for cars driving east on Briggs and taking a left onto Oliver Circle, or cars driving south on Oliver Circle and taking a right onto Briggs. Would setbacks be met or would additional variances be requested during design?

3. The size of the new house would not match or be in line with the sizes of existing homes in the neighborhood. The style of construction would need to be in line with the style of the existing homes in the neighborhood as to not be an eye sore. 4. Currently existing utilities run down Oliver Circle. I have not researched where the existing utilities are located. Would the City have to relocate Water, Sewer, Gas, Electric, or Telecommunications in order to make this lot buildable? If so, there would be a considerable cost to perform this work. Based on these reasons, we oppose the variance sought to build a single-family house on this parcel. We think it would be a great opportunity for the City to purchase land in other areas of Bisbee that have wide open spaces and build multiple single-family houses in a way that is more cost-effective than developing this parcel. It would also be great to purchase recently burned down lots in the Bakerville area as part of revitalizing these areas that have been devastated by fires. Please feel free to contact us if you have any questions or want to further discuss this letter.

A letter from Barbara Stark and Jeffrey Clark said “We object to the variance for several reasons. The variance request does not indicate how a single-family house would be designed or situated, putting neighborhood homeowners at risk that normal easements and setbacks will not be observed. This would reduce privacy and detract from the neighborhood’s appearance, as other property owners have respected the standard setbacks. We understand the normal setbacks to be 5 feet from adjacent properties and 10 feet from the street (Oliver Circle and Briggs). The reduced space for construction would likely make on-site parking impossible. Any street parking on the Oliver Circle bend would compromise safety on a narrow, curving street.

Due to the small parcel size, there is a risk that a two-story home could be constructed, overlooking nearby properties and encroaching on their privacy. The variance would allow a structure to be forced into an oddly shaped lot in the heart of the historic Warren Bungalows district, for which the City of Bisbee is pursuing federal recognition. We fully support this historic district effort, which the Warren area clearly deserves. Even the smallest bungalows in the area have ample front and back yards. Even if some Craftsman-era styling were incorporated into a new dwelling on this parcel, the siting would still be a non-conforming eyesore compared to surrounding homes, including those facing Vista Park and the historic Loma Linda mansion and ballpark. It is highly objectionable to select this fragmented parcel, surrounded by historic properties, for development that cannot conform to the neighborhood's character. In particular, Oliver Circle is a product of the City Beautiful movement and is the most intact of Warren's two circle streets. A new dwelling here would detract from the area's historic heritage.

The parcel represents a green space in a low area that joins a drainage creek. It was presumably avoided for home construction during Warren's original planning due to drainage concerns. This area is at risk of water runoff and flooding during heavy rains. Building a home on such a site is illogical and potentially hazardous.

While we applaud the city's efforts to increase affordable housing, this variance would harm the value of neighboring homes and the historic character of the Warren District. There is plenty of undeveloped land in Bisbee that does not present the same challenges as this parcel. Please leave this parcel as green space. Vote no on the variance."

A letter from Andrew Marcy said "I would oppose any variance being granted to build a dwelling on the 1/10th of an acre parcel located Oliver Circle and Briggs Avenue. First, I believe drainage will be an issue. The southern end of the parcel is essentially a drainage ditch. In any rainstorm, a large amount of water flows down Oliver Circle and a portion of that rain ends up traveling across the parcel and into the drainage ditch that runs under Briggs Avenue. With a larger lot or a lot with different dimensions, it might be possible to construct a permanent drainage channel along with a dwelling. However, due to the small lot size and the unusual lot dimensions, I think drainage will be a problem with any dwelling that is constructed, and it will be a problem to both that dwelling and to other houses on Oliver Circle. Second, I believe parking overflow will be an issue. Again, with the small lot size and unusual dimensions, it will be difficult to construct a dwelling that has adequate off-street parking. That will result in the rest of the residents on Oliver Circle, especially at 600, 602, 604, 613, and 615 Oliver Circle, having to deal with additional cars being parked in front of their houses on a long-term or even permanent basis."

F. Rebuttal by the Applicant

The Applicant presented a rebuttal and said that after reading the letters in opposition, he wanted to take a moment to address the main concerns that had been raised.

First, regarding flooding: a floodplain use permit had been applied for, and Cochise County confirmed that the parcel was not in a FEMA-designated flood zone or a county-regulated flood zone. Therefore, no permit was required. However, construction would still need to meet elevation requirements—specifically, the structure had to be built at least 6 inches above finished grade. The builder had experience with grading and drainage to avoid adverse impacts on neighboring properties, and the county had accepted the plan.

Second, on parking: according to city code, each home was required to include at least one parking space. If the plan had lacked a parking space, it would have required a separate variance hearing. Since parking was included in the proposal, that concern was considered resolved.

Third, regarding visibility and traffic safety: the structure was planned to comply with all required setbacks, so it would not have created a blind corner at Oliver Circle and Briggs.

Fourth, in response to concerns about the house being a "nonconforming eyesore": while the area was under consideration for historic designation, it had not yet been designated as a historic district. Even if it had been, the Design Review Board could only advise on design compatibility; it could not prohibit construction. Additionally, Warren did not have design standards that regulated architectural style or form.

Finally, it was noted that many nearby lots and homes in Warren were already pre-existing non-

conforming meaning they did not meet current standards for setbacks, lot size, or structure placement. By comparison, this proposal would meet the required zoning standards and would be inspected to ensure compliance.

G. Closure of the Public Hearing

MS. HARTMAN CLOSED THE PUBLIC HEARING

H. Discussion of the Variance Application among the Board Members

Ms. Stetter said it would be nice to see what the visual of the building would look like, and could see why a two-story building would be a concern to a neighbor.

Ms. Daily expressed concern regarding the property lines and brought up the right of way that runs through the property and wondered if the property owner could block off access.

Ms. Daily wanted to know if the configuration could affect parking for the neighbor. Finally, Ms. Daily expressed concern about the drainage issue, noting that it can get a lot of water that runs through the two drainage culverts. Citing the heavy flow of water, she wondered how the property owner would access their house in a heavy rain.

Mr. Rodriguez, the Building inspector said it would be a simple design of raising up the grade and creating a gradual slope coming back towards the road so it would not be a big ditch.

Ms. Daily asked if there would be a driveway.

Ms. Bouchever said the carport would be a on the further side of the house, not on the side of the potential flooding, and said that there could be land and earthwork which would address the concern.

Ms. Daily said it would be the responsibility of the City to correct the problem if there were drainage and flood issues.

Ms. Bouchever said yes, it would be, and the house will be built up to code, and ensured they are working with the City and building inspector, as well as creating earthwork such as berms to address the potential flooding issue.

Ms. Daily wanted to make sure the City would still assume responsibility for the water issue even after the house was sold.

The Building Inspector said the issue would be corrected even before the home construction began.

Mr. Bradberry raised a concern about potential storm damage, noting that a severe storm could wash out part of the area if no concrete swale or similar structure was in place. He emphasized the need to clarify that, if a problem ever arose with the ditch, the city—not the future property owner—would be responsible for maintaining it, particularly regarding erosion or washouts, though not necessarily weed control.

Mr. Miller said he visited the site, took photos, and spoke with Danielle and a neighbor whose wall bordered the property; the neighbor was supportive of the project. He observed that the lot was currently unused, overgrown with weeds, and poorly maintained, though the city had previously installed a drainage pipe under Briggs to address runoff. They believed that with proper grading during home construction, the site would be improved and suitable for development.

He expressed support for placing a small home on the lot, noting that the neighborhood already featured houses of various sizes. He appreciated the city's proactive approach in identifying locations for new housing to address affordability issues for local workers, sharing that during their time working in Old Bisbee, many employees had been priced out and forced to live in Douglas.

The speaker also supported the city's restrictions on the future sale of the property, including requirements that the home be a primary residence, not a short-term rental, and not be flipped for at least five years. They viewed these safeguards as a positive step to prevent speculative buying and ensure the property served local housing needs.

Mr. Bradberry said he had some questions about the drainage work related to the site. He noted that he did not consider it true flooding, pointing out that on the opposite side of Briggs, water flowed directly toward a garage, yet it hadn't caused problems—otherwise, preventative measures would have been taken. Mr. Bradberry questioned whether all the drainage and site work would be handled solely by the builder or if the city would also be involved.

Ms. Bouchever said Step Up Bisbee Naco would build it. But the City helps them and makes sure that they follow protocol, and ensure they are following city codes, and the project will be inspected along the way.

Mr. Bradberry then expressed concern with the culverts and the location of the property line, and asked if the culverts were to be clogged up, would the city have an easement of access to the culverts to clear them. He wondered if there would be an easement, or if the current road would run through the piece of the private property, how would they arrange for access.

Then he asked if the addressing would be on Briggs or Oliver Circle.

The Building inspector said the address would be on Olver Circle.

Mr. Bradberry then asked if there would be an easement or alley on the west end.

The Building Inspector said there would just be an easement, noting the parcel would stay the same size as to avoid another BOA Hearing.

Mr. Bradberry asked about the potential outcome that the owner would build a fence which could block access.

Ms. Daily then wondered if there was enough of a setback.

The Building inspector ensured the setback would be enforced before any building started based on the building plans.

Mr. Bradberry commented on the shape of the parcel and how the setbacks would be configured, noting that the maximum building size could be 1,700 square feet.

The Building Inspector explained that although many nearby houses have little to no setbacks, the proposed project would still observe 5-foot setbacks on all sides for fire safety and drainage. He emphasized that the design was taking the surrounding neighborhood context into account.

Mr. Bradberry asked a question about setbacks and acknowledged that many existing houses in the area had been built right up to the property line, which was no longer considered acceptable. He asked whether setbacks for this specific property would need to come before the board again after a plot plan was developed.

The Building Inspector clarified that setbacks would not need to come before the board again because they were being considered now, based on the property context. Future setback approvals would be handled administratively, using a comprehensive view of the neighborhood. Overall, the city still aimed to maintain a 5-foot setback around the entire property for safety.

Mr. Bradberry wondered who made the decision.

The Building Inspector said it would be up to him and the Planner.

Mr. Miller wondered about new standards regarding setbacks in the Zoning Code.

The Planner clarified that the setback changes only applied in the Zoning Overlay, which did not apply to this property, but clarified that context of the neighborhood could make setback rules more flexible.

Ms. Buchanan said it was exciting to see how the drainage situation would be handled with all of the new technologies in the field.

Ms. Bouchever said that now she was also concerned about the corner of the lot and suggested installing a fence to clearly define the property boundary for future owners. The idea was to place the fence on the side of the berm, separating the property from the street-side flood mitigation area, using existing concrete structures along Briggs Street and extending fencing to the driveway area. She acknowledged the fence wouldn't be a legal boundary but believed it could help set expectations psychologically.

Mr. Bradberry said he understood because even if a property comes to a corner doesn't mean the fence has to go there right exactly.

The Building Inspector said it would set the tone for the property.

Ms. Hartman addressed the fact that she was employed by the city and worked directly with Step Up Bisbee. She stated that she had spoken with the City Attorney and Manager to clarify that they had no financial gain from the project and that their involvement was solely part of their job, and emphasized that they were able to vote objectively on the matter.

She then spoke about workforce housing, noting that the term often caused confusion. She explained that families purchasing these homes had to pre-qualify just like anyone else, going through the standard loan, closing, and opening processes. She added that the program prioritized essential workers first, and if none applied, the opportunity would then go to another

pre-qualified resident of the town.

I. Call for Motion and Decision by the Board

MS. HARTMAN CALLED FOR A MOTION

MOTION: Mr. Miller moved to approve the request for the variance to build a single-family residence on a 4,356 sq. ft. lot.

SECOND: Ms. Buchanan

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:19 PM