



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Planning Director  
**SUBJECT:** Docket SU-20-20 (Schomisch)  
**DATE:** February 1, 2021 for the February 9, 2021 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant requested approval of an approximately 850 square foot Accessory Living Quarters(ALQ) for the care of elderly parents. A neighbor objected to the request, which pursuant to Section 1717.02 requires Planning Commission consideration of the request.

The site is located at 151 S. Sundust Trail in Saint David and is identified as parcel 124-41-005H. The Applicants are Mr. and Mrs. Schomisch.

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

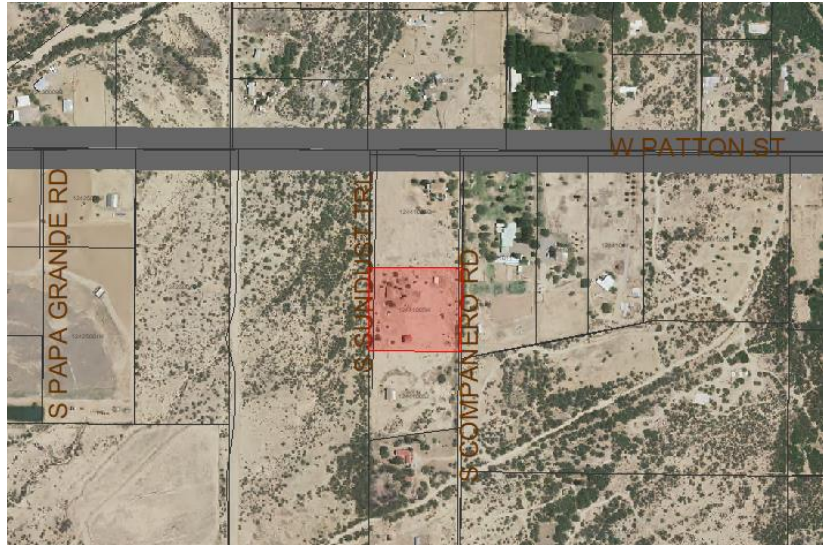
Parcel Size: 4.0 Acres  
 Zoning: Rural (RU-4; one dwelling per four acres)  
 Growth Area: Category D (Rural)  
 Comprehensive Plan Designation: Rural Residential  
 Area Plan: Saint David Area Plan, Rural Residential  
 Existing Uses: Single family home  
 Proposed Use: Same, with a 850 square foot ALQ

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	SFR
South	RU-4	SFR
East	RU-4	SFR
West	RU-4	Vacant

**II. LOCATION**

The site is located at 151 S. Sundust Trail in Saint David and is identified as parcel 124-41-005H.



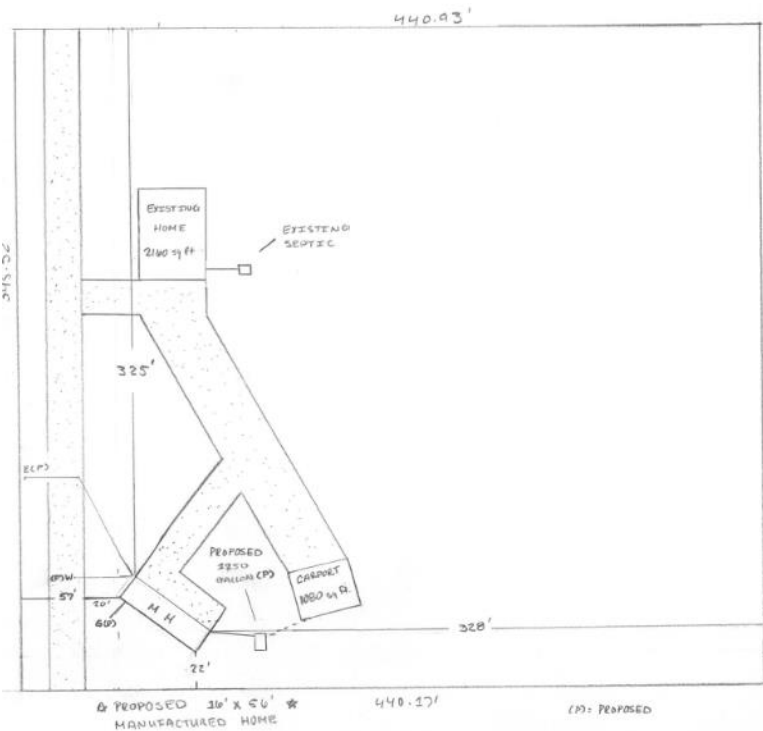
**III. PARCEL HISTORY**

- 2004 SFR/septic permits issued
- 2013 Special Use (SU-13-07) Approved for an equipment (Portal restrooms) rental business. Application appealed and withdrawn

**IV. NATURE OF REQUEST**

The Applicant has purchased a property containing an existing ~1,500 square foot home and ~1,100 square foot carport. The applicant request an Accessory Living Quarters for an approximately 850 square foot manufactured home which is subordinate in size. The intention was to care for their elderly parents. A neighbor objected to the request based on concerns of increasing the density in the neighborhood. Pursuant to the Zoning regulations staff denied the ALQ and the Applicant choose to submit a Special Use request.

**V. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**



Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed. Nine of the ten factors apply to this request. The project, as submitted, complies with nine those factors and and one is not applicable.

**A. Compliance with Duly Adopted Plans: Complies**

The proposed project satisfies the criteria for Comprehensive Plan D- Rural Residential. The site is located in a rural area that is dominated by single family residences.

The Affordable Housing, Neighborhood Rehabilitation, and Enterprise Redevelopment Element, Goal 2, Policy b states the County should

“Support Accessory Living Quarters or other affordable housing options as a means of increasing housing for seniors, the disabled, and vulnerable populations.

**B. Compliance with the Zoning District Purpose Statement: Complies**

The proposed project satisfies the following zoning district purpose statements:

- 601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan.

The addition of an accessory living quarters will not change the character of the neighborhood. It is subordinate in size to the primary residence and will house immediate family members.

**C. Development Along Major Streets: Complies**

The project site is located along a local, non-maintained county road, Sundust Trail the ALQ will utilize the existing driveway and will not provide a large increase in area traffic.

**D. Traffic Circulation Factors: Complies**

Approval of the ALQ will not add any significant traffic to area roadways.

**E. Adequate Services and Infrastructure: Complies**

There is an existing residence already onsite with all necessary utilities.

**F. Significant Site Development Standards: Complies**

The Accessory Living Quarters will be required to meet all development standards including setbacks, separation requirements, lot coverage, and lighting . No waivers/modification are requested or necessary for the project.

**G. Public Input: Complies**

In response to County notification Staff has received three letters in support and two in opposition. The opposition site:



• **Concern over precedence a manufactured home would set**

The property and all surrounding properties are zoned Rural. Rural zoning district allows for all types of dwelling including site built and manufactured homes.

• **Increase in density**

Though the use will add the potential for additional people to reside on the property, there is nothing stopping the applicant from allowing them to live in the home or adding on to the house to provide additional room. The ALQ is subordinate to the primary use.

• **Rental Use**

The Applicant can rent out the ALQ only if approved by the Planning and Zoning Commission. In this case, as the use is from family, they are not requesting that ability. To ease neighbors concerns

a condition of approval is included prohibiting the rental of the ALQ.

**H. Hazardous Materials: Not applicable**

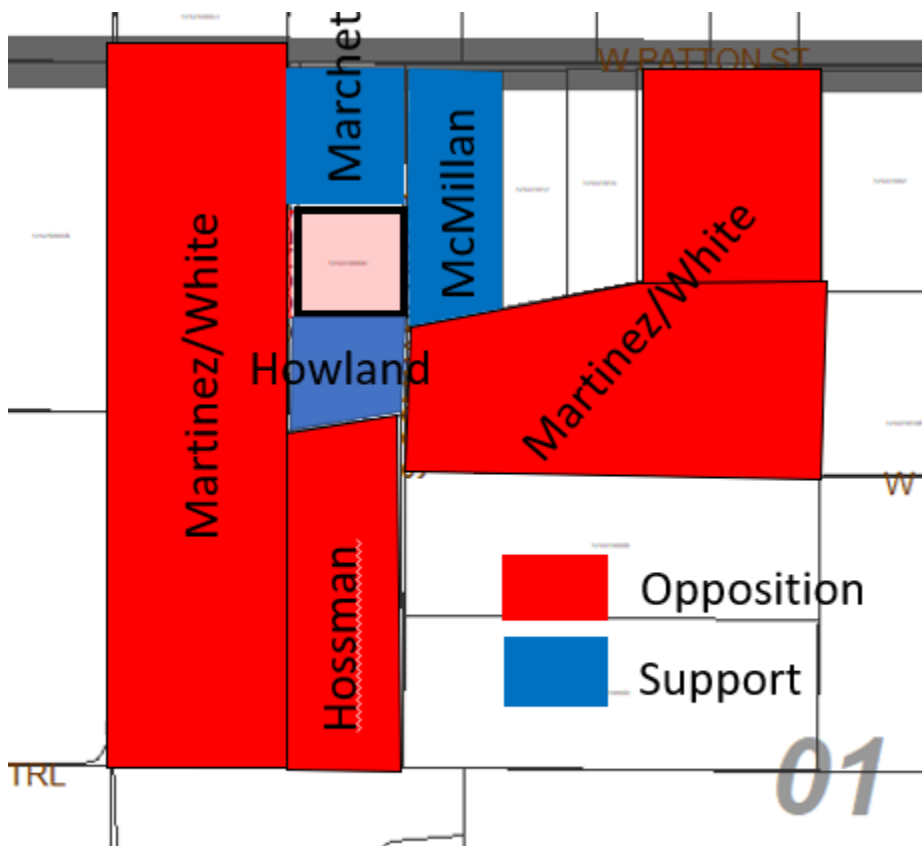
No other hazardous materials are expected to be onsite.

**I. Off-Site Impacts: Complies**

The request is for an ALQ, there are no impacts anticipated to the surrounding properties as a result of this request.

**J. Water Conservation: Complies**

The additional of a subordinate ALQ will not have a significant impact on the use of water for the site. It is not located within the Sierra Vista Sub Watershed.



**VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within a minimum of 300 feet of the subject property. Staff posted the property and published a legal notice in the *Sierra Vista Herald*. In response to applicant and County mailings, the Planning Department has received written communication from two neighbors in opposition and three letters in support as noted Section G above.

**VIII. SUMMARY AND CONCLUSION**

The Applicant requested approval of an approximately 850 square foot Accessory Living Quarters(ALQ) for the

care of elderly parents. A neighbor objected to the request, which pursuant to Section 1717.02 requires Planning Commission consideration of the request. Staff recommends conditional approval of the request.

**Factors in Favor of Approving the Special Use**

1. With the recommended conditions, the request complies with nine applicable Special Use factors used by staff to analyze such requests;
2. The Special Use complies with the Comprehensive Plan goals and policies, specifically The Affordable Housing, Neighborhood Rehabilitation, and Enterprise Redevelopment Element, Goal 2, Policy b;

3. One letter in support has been received.

### **Factors Against Allowing the Special Use**

1. Two letters in opposition have been received.

### **IX. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions and Modification above:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.
4. The ALQ shall not be rented out separately from the primary residence.

*Sample Motion: Mr. Chairman, I move to approve Special Use SU-20-20, on parcel 124-41-005H with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*