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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: SU24-05 (Grasshopper ALQ)
DATE: May 8, 2024

Docket SU24-05 (Grasshopper ALQ)

The applicant requests Special Use Authorization for an Accessory Living Quarter (ALQ) exceeding maximum allowed square footage. ALQs are limited in size to 50% of principal dwelling square footage or 1,000 square feet, whichever is less. Proposed ALQ totals 1,560 square feet.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Yadira Yon / Robert Yon
 Location: 5890 S. Grasshopper Lane
 APN: 104-31-034M
 Parcel Size: 4 acres
 Zoning: RU-4 (Rural District, one dwelling per 4 acres)
 Growth Area: D – Rural Areas
 Plan Designation: Rural Residential
 Existing Use: Single Family Dwelling
 Proposed Use: Two Single Family Dwellings

Surrounding Zoning and Uses

North	RU-4	Single family residences
South	RU-4	Single family residences
East	RU-4	Single family residences
West	RU-4	Single family residences

II. SITE HISTORY

The property has an existing manufactured home with accessory structures.

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests special use approval for an accessory living quarter (ALQ) exceeding allowable square footage. The existing manufactured home (MH) on the property includes an addition and totals about 1,560 square feet per county records. This existing MH is proposed to become the accessory dwelling. A new MH, which becomes the new principal dwelling, measures about 3,200 square feet and is proposed to be installed about 100' north of the existing MH. Section 2.48 of the zoning regulations limits accessory dwellings to 50% of the principal

residence or 1,000 square feet, whichever is less.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. Staff uses these factors to determine the suitability of a special use request, whether to recommend approval, and to determine if conditions and/or modifications are needed to mitigate potentially negative impacts on surrounding properties. With the information provided, seven (7) factors apply to this special use request with seven (7) factors complying.

1. Compliance with Duly Adopted Plans: Complies

The subject property is designated “Rural Residential” by the comprehensive plan and falls within Growth Area D (Rural Areas). Existing RU-4 zoning is consistent with the existing rural residential plan designation, which is applied to areas with an established residential character, typically on parcels of two acres or more. If approved, two dwellings on four acres remains consistent with the property’s current land use designation.

2. Compliance with the Zoning District Purpose: Complies

Rural districts, which range in site area from 2 acres to 36 acres, allow residential and non-residential uses compatible with an area’s rural character. County zoning regulations specifically identify ALQs as a permitted accessory use in all rural districts. Residential development patterns commonly retain low density residential character even with an accessory dwelling given the prevalence of larger lot sizes.

3. Development Along Major Streets: Not Applicable

The property does not have direct access to a major street. The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic.

4. Traffic Circulation: Complies

This Special Use Authorization factor stipulates:

1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-



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way dedication and off-site improvements if warranted.

The property has legal access via an unimproved private road, Grasshopper Lane. A second dwelling on the property will not generate enough vehicle trips to change the road’s functional use as a local road. Grasshopper Lane serves five properties north of Dakota Road, including the subject property.

5. Adequate Services and Infrastructure: Complies

The ALQ will be served by an existing well and septic system. The new principal residence will also be served by the existing well and supported by a new septic system. The property is located within Sulphur Springs Valley (SSVEC) and Fry Fire District service areas.

6. Significant Site Development Standards: Complies

Development standards contained in Sections 2.15 (RU Districts) and 2.48 (ALQ Standards) of the zoning regulations will apply to both existing and new manufactured homes. The applicant’s site plan depicts general compliance with applicable development standards for both dwellings.

7. Public Input: Complies

Section 2.48.160 of the Zoning Regulations states, “If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process.” The applicant sent letters to surrounding property owners on March 29, 2024, and did not receive concerns or opposition from nearby property owners.

8. Hazardous Materials: Not Applicable

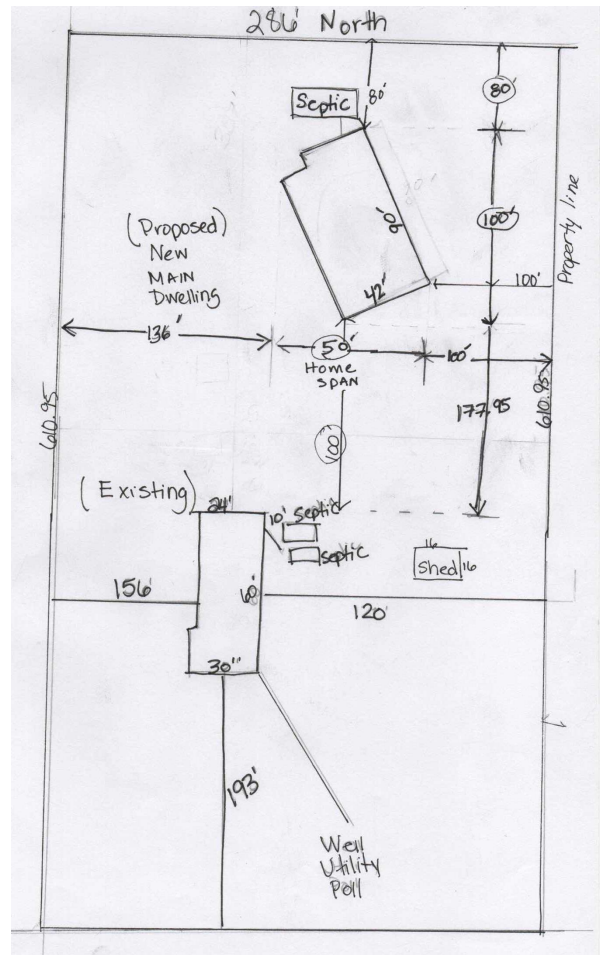
Hazardous or dangerous materials are not proposed for this special use.

9. Off-Site Impacts: Complies

Off-site impacts are not anticipated since the property’s existing residential land use remains unchanged. Nearest residences are located to the west (100’), south (150’), and east (245’).

10. Water Conservation: Not Applicable

County-wide and Sierra Vista Sub-Watershed Overlay Zone water conservation requirements identified in Section 2.51.170 of the zoning regulations apply to non-residential uses and properties.



V. PUBLIC COMMENT

Staff mailed neighborhood letters, posted the property, and published legal notice on April 17, 2024, without public response.

VI. WAIVERS

The applicant has not requested waivers.

VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization for an accessory living quarter that will exceed applicable development standards identified in Section 2.48 of the zoning regulations. ALQs are allowed by right in Rural zoning districts and must be subordinate to the principal residence relative to size and height. The applicant requests relief from the size standard via a special use authorization as called for in the zoning regulations, allowing a 1,560 square foot ALQ. If approved by the Commission, an administrative ALQ application is required to recognize the existing MH changing from a principal to accessory dwelling. An installation permit is required for the new principal residence, a 3,200 square foot MH.

**Factors in Favor of Approval**

1. Complies with seven (7) of seven (7) applicable factors.
2. Accessory dwellings are permitted by right in all rural zoning districts.
3. No opposition from nearby property owners.

Factors Against Approval

None identified.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU24-05 to allow 1,560 square foot accessory living quarters with the following conditions:

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 substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12-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 apply 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.

Sample Motion

Madam Chair, I move to approve Docket SU24-05 (Grasshopper ALQ) with conditions of approval recommended by staff, the factors in favor of approval constituting the findings of fact.
