



Development Services

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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: SU24-10 (Doe Ranch ALQ)
DATE: July 10, 2024

Docket SU24-10 (Doe Ranch 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 livable square footage of the principal dwelling or 1,000 square feet, whichever is less.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Green Energy Solution Trust – Chong In Choi
Location: 3567 E. Doe Ranch Road
APN: 114-01-098D
Parcel Size: 5 acres
Zoning: RU-4 (Rural District, one dwelling per 4 acres)
Growth Area: D – Rural Areas
Plan Designation: Rural
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 a residence with accessory structures and partially built second residence. The application identifies an 1157 square foot principal residences with 768 square foot accessory dwelling under construction. County records show the existing dwelling is 720 square feet while the proposed and partially built accessory dwelling is 780 square feet.

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests special use approval of an accessory living quarter (ALQ), exceeding allowable square footage identified in the zoning regulations. Section 2.48 of the zoning regulations limits accessory dwellings to 50% of the principal residence or 1,000 square feet, whichever is less.

The property has legal access via an unimproved road, Doe Ranch Road. A second dwelling on the property will not generate enough vehicle trips to change the road’s functional use as a local road. Fourteen parcels have frontage along Doe Ranch and the road terminates one mile west of Kansas Settlement

5. Adequate Services and Infrastructure: Complies
 The ALQ is served by an existing well and new septic system. The property is located within Sulphur Springs Valley (SSVEC) and is about three miles east of the Sunsites/Pearce Fire District service area.

6. Significant Site Development Standards: Complies
 Applicable development standards contained in Sections 2.15 (RU Districts) and 2.48 (ALQ Standards) of the zoning regulations apply to principal and accessory dwellings. The site plan depicts general compliance with applicable development standards for both dwellings relative to setbacks and separation between structures.

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 May 8, 2024.

8. Hazardous Materials: Not Applicable
 Hazardous or dangerous materials are not proposed for this special use.

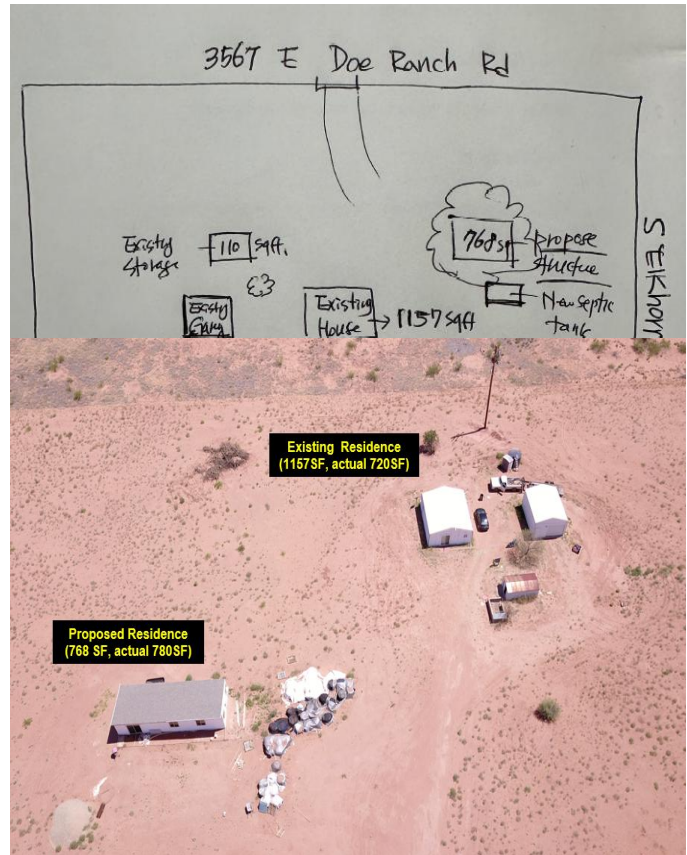
9. Off-Site Impacts: Complies
 Off-site impacts are not anticipated since the property’s existing residential land use remains unchanged. Nearest residences are located to the east (225’), south (460’), and west (475’).

10. Water Conservation: Not Applicable
 County-wide 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 notification letters, posted the property, and published legal notice on June 19, 2024. The county has received opposition to this request pertaining to lot clearing, site improvements without permits, and pending code compliance action.

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 768 square foot dwelling accessory to an 1157 square foot principal residence. County records indicate the existing structure is 720 square feet and the proposed accessory dwelling is 780 square feet. Both structures meet minimum size requirements for a single family residence and either could be classified as principal or accessory with an approved special use. Staff has received significant opposition to this application.

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.

Factors Against Approval

1. Opposition from nearby property owners.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU24-10 to allow an accessory dwelling quarter exceeding 50% of principal dwelling livable area 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 SU24-10 (Doe Ranch Road ALQ) with conditions of approval recommended by staff, the factors in favor of approval constituting the findings of fact.
