



## 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:** SU24-13 (Moson ALQ)  
**DATE:** August 14, 2024

### Docket SU24-13 (Moson ALQ)

A Special Use Authorization request 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: Elroy and Stephanie Kline  
Location: 3377 S. Moson Road  
APN: 107-60-009B  
Parcel Size: 4.35 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	Undeveloped

### II. SITE HISTORY

- Manufactured home (896 SF), septic, right-of-way, and accessory structure permits – issued 2019
- Well permit – issued 18 January 2024
- Replacement manufactured home permit (2123 SF) – issued 21 June 2024
- No active code compliance cases

### III. SPECIAL USE AUTHORIZATION REQUEST

The applicants request special use approval of an accessory living quarter (ALQ) exceeding allowable square footage. 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 an existing 896 square foot manufactured home, and the applicants intend to replace the existing primary dwelling with a 2,123 square foot accessory dwelling. The applicants request special use approval for an 1,172 square foot ALQ for a family member.

**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. These factors 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, eight (8) factors apply to this special use request with all applicable factors complying:



SU24-13 (Moson ALQ)  
3377 Moson Rd (APN 107-60-009B)



**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 plan designation and, if approved by the Commission, two dwellings on four acres remains consistent with the property’s 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 zoning districts. Residential development patterns commonly retain low density character even with an allowed accessory dwelling given the prevalence of larger lot sizes.

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

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. The property takes direct access from Moson Road, an improved Rural Major Collector, and the applicants are not proposing new driveways.

**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-way dedication and off-site improvements if warranted.

The property has legal access via an improved, county-maintained major roadway, Moson Road. A second dwelling on the property retains existing residential land use and will not generate enough vehicle trips to change the road’s functional classification or require off-site improvements.

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

Existing private well and septic system are on the site. A second septic system or system upgrade is required due to the proposed increase in bedroom and fixture counts for the new primary and proposed secondary dwelling. The property is located within Sulphur Springs Valley Electric Cooperative (SSVEC) and Fry Fire District service areas. Fire Station #3 is located about 2.5 miles south of the subject property.

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

Applicable development standards contained in Sections 2.15 (RU Districts) apply to principal dwellings, accessory structures and permitted uses. Section 2.48 (ALQ Standards) of the zoning regulations apply to 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 June 24, 2024, without response.

**8. Hazardous Materials: Not Applicable**

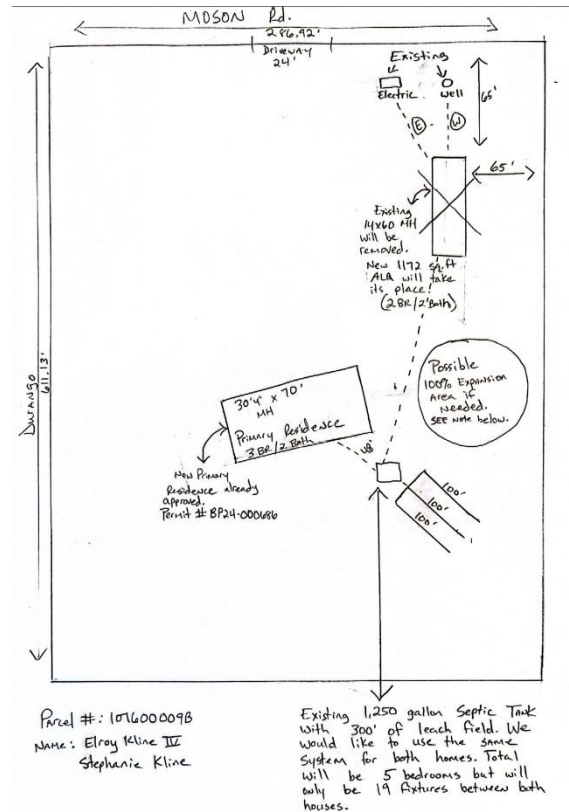
Hazardous or dangerous materials are not proposed for this special use.

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

Off-site impacts are not anticipated since the property’s land use will remain residential.

**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 posted the property on July 12, 2024, mailing notification letters to property owners within 300’ and publishing legal notice on July 17, 2024.

**VI. WAIVERS**

The applicant has not requested waivers.

**VII. SUMMARY AND CONCLUSION**

The applicants request special use authorization approval for an accessory living quarter exceeding applicable development standards identified in Section 2.48 of the zoning regulations. ALQs are allowed by right in Rural zoning districts but must be subordinate to the principal residence relative to size and height. The applicants intend to replace the existing 896 square foot primary dwelling with a new 2,123 square foot dwelling and request approval for a 1,172 square foot accessory dwelling.

**Factors in Favor of Approval**

1. Complies with eight (8) of eight (8) applicable factors.
2. Accessory dwellings are permitted by right in all rural zoning districts.

**Factors Against Approval**

None identified.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU24-13 to allow a 1,172 square foot accessory living quarter 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 SU24-13 to allow a 1,172 square foot accessory living quarter with conditions of approval recommended by staff, the factors in favor of approval constituting the findings of fact.

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