



## **Notice of Public Hearing of the Hearing Officer of the City of San Luis**

### **AGENDA HEARING OFFICER MEETING SAN LUIS CITY HALL CONFERENCE ROOM 128 1090 E. Union Street San Luis, AZ 85349 Tuesday, March 1, 2016, 4:00 P.M.**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the general public that the Hearing Officer will hold a meeting open to the public on March 1, 2016 at 4:00 p.m. at the San Luis City Hall Conference Room 128, 1090 E. Main Street.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Hearing Officer are audio and/or video recorded, and as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent to Department of Development Services to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 has been waived.

- 1. CALL TO ORDER**
- 2. ITEMS TO BE CONSIDERED** – the Hearing Officer will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case.
  - 2. A. MINOR VARIANCE CASE NO. 2016-068:** This is a request by South Yuma County Development, property owner, for a minor variance to reduce front setback from 20-feet to 18-feet to build a new residence model 1174 in the Medium-High Density Residential (R-2) Zoning District, Assessor's Parcel Number 775-14-058. The property is located at 1448 N. Coyote Avenue, San Luis, Arizona.
- 3. ADJOURNMENT**

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, P. O. Box 1170, San Luis, AZ 85349; (928) 341-8520.



## HEARING OFFICER AGENDA ITEM REVIEW FORM

### Hearing Officer Agenda

2. A.

**Meeting Date:** 03/01/2016

**Submitted By:** Jose A. Guzman, Assistant Planner, Development Services

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#### **ITEM:**

MINOR VARIANCE CASE NO. 2016-068: This is a request by South Yuma County Development, property owner, for a minor variance to reduce front setback from 20-feet to 18-feet to build a new residence model 1174 in the Medium-High Density Residential (R-2) Zoning District, Assessor's Parcel Number 775-14-058. The property is located at 1448 N. Coyote Avenue, San Luis, Arizona.

#### **SUMMARY:**

The purpose of the minor variance procedure is to allow for up to a maximum twenty percent (20%) variation from a development standard or dimension requirement of the zoning code where a practical difficulty, unnecessary hardship, or a result inconsistent with the general purposes of the rezoning code would occur from its strict, and literal interpretation, and enforcement.

The lot is located at Las Brisas de San Luis Subdivision. The current lot is undeveloped and the owner already has the plans for the new residence. This is the reason why he is applying for a minor variance.

#### AGENCY REVIEW:

City staff explained to the applicant the requirements and procedure of a Minor Variance. It was verified that the property-owner would be able to request a Minor Variance and that it would not need to go before the Board of Adjustment.

As part of the review process, all land use cases are reviewed by various City and outside agencies. We have received comments from the following agencies:

1. City of San Luis Fire Department (2-22-16)

The City has not received any other significant concerns or objections from the various review agencies.

The Department of Development Services has reviewed the request and has the following comments:

1. Provided on the City of San Luis Zoning Ordinance Chapter 6-Multiple Residence Zoning Districts- Table No. 5. The front setback required for R-2 Zoning District is 20 feet.

#### ANALYSIS:

A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with all of the hardship criteria established in A.R.S. §9-462.6 and in Section 3.5 (C) of the Zoning Ordinance.

Pursuant to State Statutes, the Board may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

The Zoning Administrator, upon finding that the variance request does not exceed a twenty percent (20%) reduction or increase in a development standard or dimension required by this code and can determine that the request complies with the four (4) hardship criteria established in Sec 3.5 (C) of this Ordinance, may approve the minor variance.

In the event the Zoning Administrator approves, approves with conditions or denies an application for a minor variance filed pursuant these regulations any person may appeal that decision in writing, including any required appeal fee, within fifteen (15) days of the decision and request that the minor variance be placed on the agenda of the next regularly scheduled Board of Adjustment meeting.

In all cases, the review shall address all of the following hardship criteria:

1. There exist special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the zoning district.

*This specific lot has an odd configuration, making it difficult for construction of a house. It is different from the majority of lots in that area.*

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.

*The lot configuration was designed when the subdivision was created. This was not imposed by the owner.*

3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in the zoning district.

*The Staff does not find that the construction of this dwelling with reduced setback is necessary to the preservation of substantial property rights.*

4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

*As required by the Zoning Ordinance, written acknowledge from each adjacent property owner, even if separated by public right-of-way, to the notification of the requested minor variance has been received (attached). Any reduction of setbacks increases the potential spread of fire between structures and neighboring homes. However, in this case, the request is for the front of the property, the risk is assumed by the owner since the reduction puts their property closer to the street and any potential risk. Although the applicant may be willing to put the property at risk, any future owners may be unaware of this risk.*

The applicant has provided the information and materials necessary for review of the request. Staff recommends approval of Minor Variance to reduce front setback from 20-feet to 18-feet on property located at 1448 N. Coyote Avenue, San Luis, AZ. The reason from this recommendation is that applicant substantially meets the four required criteria for a Minor Variance as required by City of San Luis Zoning Ordinance and by the Arizona Revised Statutes.

#### **RECOMMENDED MOTION:**

**I MOVE TO FIND THE CRITERIA FOR MINOR VARIANCE ARE MET FOLLOWING THE ANALYSIS OF STAFF AND I MOVE TO GRANT MINOR VARIANCE CASE NO. 2016-068.**

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#### **Attachments**

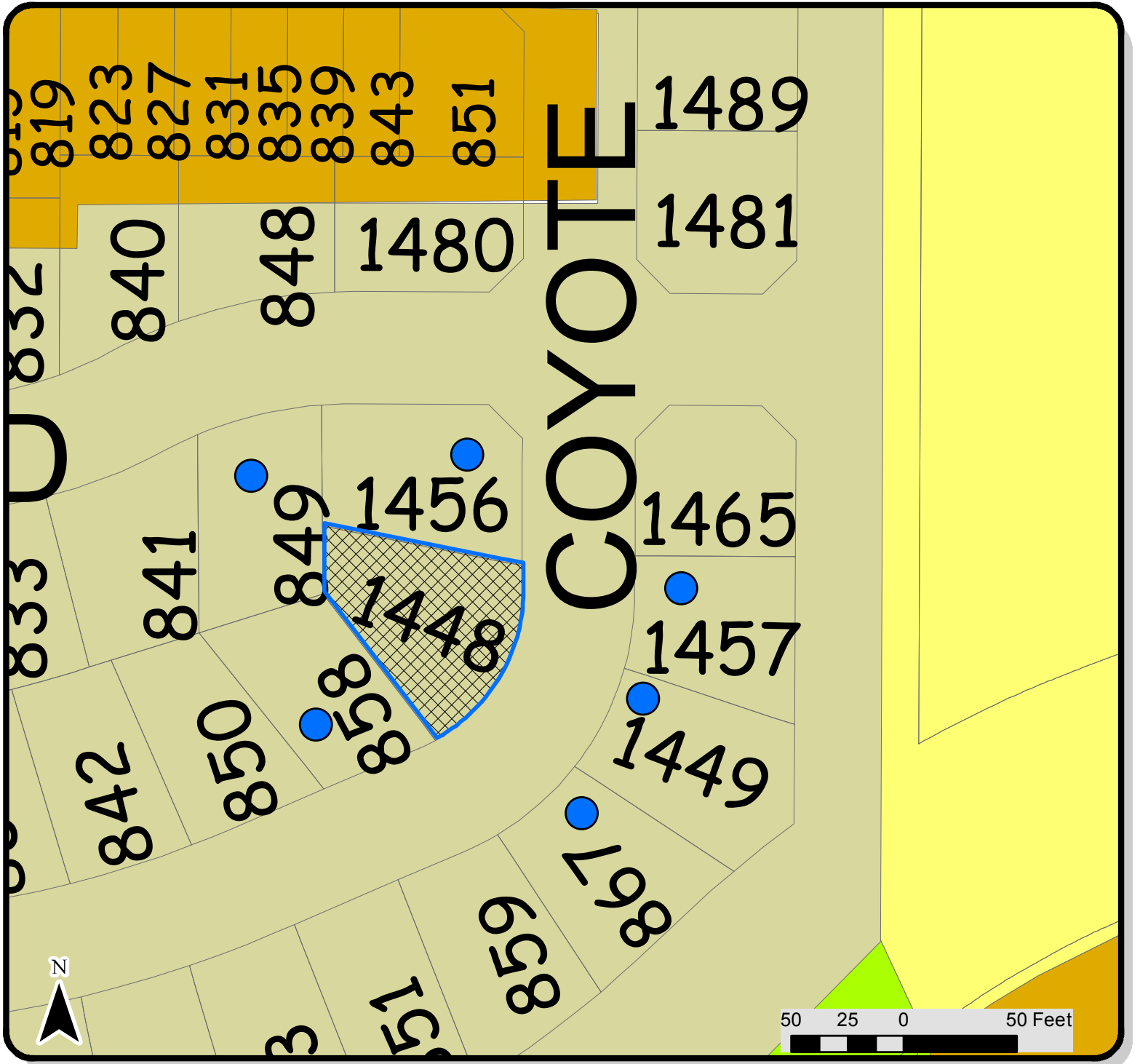
Location Map

Site Plan

Letter of Request

Acknowledgment Form





## Location Map

## MINOR VARIANCE



Area Of Interest- 1448 N COYOTE AVE



Adjacent property owners

**Date:**  
2/18/2016

**Checked By:**  
JG

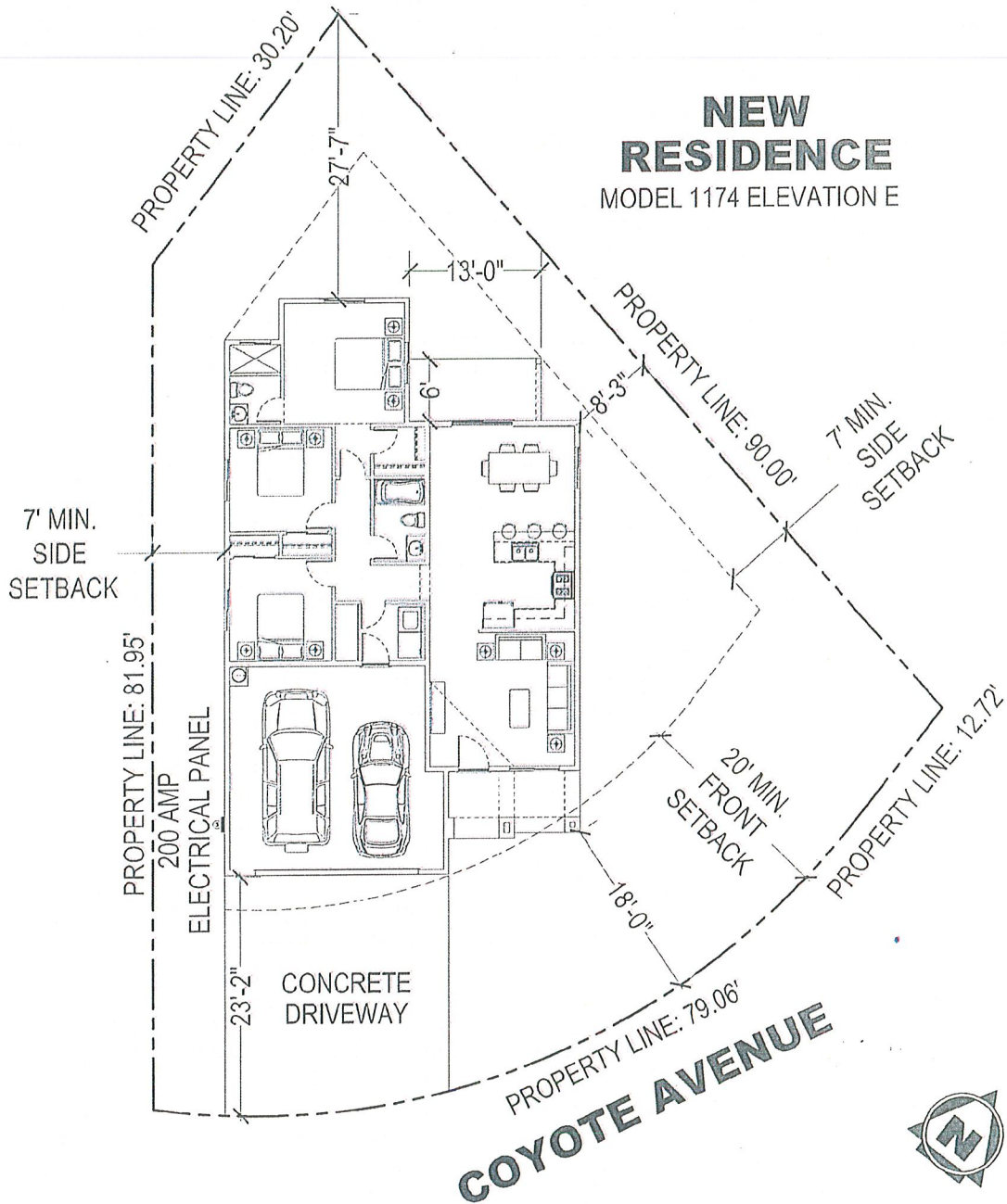


**Prepared By:**  
IG

**Approved By:**  
JS

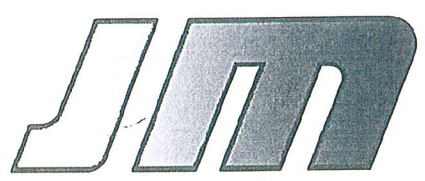
**Case No.:**  
2016-068

**NEW  
RESIDENCE**  
MODEL 1174 ELEVATION E



**SITE PLAN**

SCALE: 1/16"=1'-0"



**RESIDENTIAL DESIGNS L.L.C.**  
"Professional home design services"  
[www.jmresidentialdesigns.com](http://www.jmresidentialdesigns.com)

PROJECT ADDRESS:  
1448 COYOTE AVENUE  
LAS BRISAS, LOT: 58  
SAN LUIS, ARIZONA  
APN: 775-14-058

A Quien corresponda

LA RASOON por la cual estamos pidiendo  
una VARIANSA, para mover los set BAKS  
de 20' a 18'es, para que quepa el modelo 1174  
en el lote 58

Ernesto Gómez

2-16-16



# Minor Variance Acknowledgment Form

As provided in section 3.8-B.4, "Written acknowledgment to the notification of the requested minor variance(s) from each adjacent property owner, even if separated by a public right of way." The adjacent property owners must sign that they understand the variance request.

I, \_\_\_\_\_, own the property located at 1448 Coyote Avenue.

I am requesting a Minor Variance for the following: To reduce the front yard setbacks from 20 feet to 18 feet.

A site plan is attached for review by the adjacent property owners.

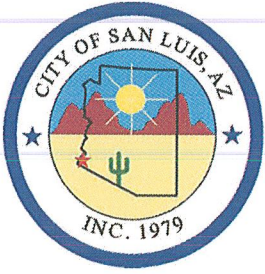
**Adjacent Property Owners**  
We the undersigned adjacent property owners understand the variance requested by \_\_\_\_\_ as described above.

Name: _____ Address: <u>858 E. Arena Street</u> Comments: _____ Date: _____ Signature: <u>Alandra Mendez</u>	Name: _____ Address: <u>867 E. Arena Street</u> Comments: _____ Date: _____ Signature: <u>[Signature]</u>
Name: _____ Address: <u>1449 N. Coyote Avenue</u> Comments: _____ Date: _____ Signature: <u>Empty Lot</u>	Name: _____ Address: <u>1457 N. Coyote Avenue</u> Comments: _____ Date: _____ Signature: <u>Empty Lot</u>
Name: _____ Address: <u>1456 N. Coyote Avenue</u> Comments: _____ Date: _____ Signature: <u>out town</u>	Name: _____ Address: <u>849 E. Las Brisas Blvd.</u> Comments: _____ Date: _____ Signature: <u>[Signature]</u>

I, [Signature], verify that I have discussed this proposal with my neighbors, above, and that they acknowledge this request.

[Signature]  
Signature

\_\_\_\_\_  
Date



February 18, 2016

**MINOR VARIANCE CASE NUMBER: 2016-068**

**CASE SUMMARY:** This is a request by South Yuma County Development, property owner, for a minor variance to reduce front yard setback from 20-feet to 18-feet to build a new residence model 1174 in the Medium-High Density Residential (R-2) Zoning District, Assessor's Parcel Number 775-14-058. The property is located at 1448 N. Coyote Avenue, San Luis, Arizona.

**HEARING OFFICER MEETING: March 1, 2016**

**COMMENTS DUE: February 22, 2016**

Your comments on this case will help us prepare an accurate and timely staff report. Your comments on this case will be inserted "as is" into the staff report with your name, department, and telephone number, should the applicant have any questions. Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Commission hearing this case. Please complete the section below and return via e-mail. For additional information please contact me at 928-341-8563, extension 2013, or at [jstarkey@cityofsanluis.org](mailto:jstarkey@cityofsanluis.org).

Thank you,

John Starkey  
Zoning Administrator

Attachment: Location Map, and Site Plan

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 COMMENTS       NO COMMENTS

**Enter Comments *below*:**

The City of San Luis Fire Department has no comments at this time, but reserves the right to comment upon subsequent submittals.

**Date:**

02/22/16

**Agency:**

City of San Luis Fire Department

**Phone:**

928/341-8550

**Return to:** [rpacheco@cityofsanluis.org](mailto:rpacheco@cityofsanluis.org)