

1 Gerald W. Hunt (State Bar No. 002160)
Acting in the Capacity of Hearing Officer
2 256 S. 2nd Avenue, Ste. E
3 Yuma, AZ 85364
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5 HEARING OFFICER
6 CITY OF SAN LUIS, STATE OF ARIZONA

7 In re Application of:

Minor Variance Case No. 2021-0119

8 A and F Home Builders LLC

ORDER

9 Applicant.

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11 The above-captioned matter having come before the Hearing Officer at the public
12 hearing held on March 11, 2021, at 4:00 p.m., at the San Luis Council Chambers, 1090 E.
13 Union Street, San Luis, Arizona, and per Zoom, on a request for a minor variance by A and
14 F Home Builders, LLC, Minor Variance Case No. 2021-0119. In attendance at the hearing
15 were Jose A. Guzman, Director of Planning and Zoning, Roman Pacheco, Planning
16 Technician of Planning and Zoning, and Guillermina Fuentes, A and F Home Builders
17 (owner/applicant).

18 Hearing Officer went through all four questions and answers provided applicant and
19 staff. The four questions and answers are as follows:

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

23 *Bienestar 9B Subdivision was designed as a curvilinear subdivision making*
24 *the majority of lots in this subdivision has an odd configuration. The lot is the*
same average size as the other lots in newer subdivisions we require the
corner lots to be wider in order to allow this type of construction.

- 25 2. The above special circumstances or conditions are preexisting and are not
26 created or self-imposed by the owner or applicant. There are no special
27 circumstances or conditions.

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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.

Staff finds that the construction of this new residence with reduced setback is necessary for 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.

Any reduction of setbacks, even though some changes are minimal, increases the potential fire spread between structures. The City allows reduction of setbacks from 7 feet to 5 feet if 2 hour fire resistive construction material is used, otherwise is a potential fire hazard and detrimental to the adjacent property. In this case this potential hazard is reduced since the lot is a corner lot and does not have adjacent property owners on the proposed reduced setback.

Hearing Officer reviewed the recommendation by the staff for approval of the minor variance, and there were no objections. Hearing Officer also adopted the answers of the application as part of this order.

IT IS HEREBY ORDERED approving Applicant's request of Minor Variance Case No. 2021-0119, by A and F Home Buildings, LLC, and issues this order which includes the four mandatory questions and answers from applicant and staff.

Dated this 11th day of March, 2021.


Gerald W. Hunt
Hearing Officer