



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

### **AGENDA HEARING OFFICER MEETING SAN LUIS COUNCIL CHAMBERS 1090 E. UNION STREET SAN LUIS, AZ 85349 THURSDAY, MARCH 11, 2021, 4:00 P.M.**

The March 11, 2021, Hearing Officer meeting, for the safety of the public during the COVID-19 pandemic, will not have in-person attendance for members of the public. However, members of the public may listen to the meeting's live audio stream on the City of San Luis' website <https://sanluisaz.gov/listenlivepz>. Recordings of the meetings will be available on the City's website <https://sanluisaz.gov/listenlivepz> after the meeting.

Public comment will be limited to Agenda Item 2. A. Discussion and possible action on any and all matters regarding Minor Variance Case No. 2021-0119, a request by A and F Home Builders, LLC., to reduce the street yard setback from 10ft to 9 feet. The city will receive public comments by email at [P&Z@sanluisaz.gov](mailto:P&Z@sanluisaz.gov) for the Hearing Officer consideration any time before the meeting and during the meeting, which is scheduled to start at 4:00 p.m. on Thursday, March 11, 2021. Any email comments received will be read aloud into the record.

Los comentarios públicos se limitarán a los temas 2. A. Discusión y posible acción sobre la variación menor del Caso No. 2021-0119 una petición por A and F Home Builders, LLC., para reducir las distancia de la do de la calle de 10 pies and 9 pies. La ciudad recibirá comentarios públicos por correo electrónico: [P&Z@sanluisaz.gov](mailto:P&Z@sanluisaz.gov) para consideración del Hearing Officer en cualquier momento antes de la reunión y durante la reunión que está programada a las 4:00 p.m. el Jueves 11 de Marzo del 2021. Cualquier comentario por correo electrónico recibido se leerá en voz alta para ser documentado.

Pursuant to A.R.S. §38-431.02, of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the general public that the Hearing Officer will hold a meeting on March 11, 2021 at 4:00 p.m. at the San Luis City Hall Council Chambers, 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.** Discussion and possible action on any and all matters regarding Minor Variance Case No. 2021-0119. A request by A and F Home Builders LLC, owner, for a minor variance to reduce the street side minimum yard setback from 10 feet to 9 feet for the construction of a new home on property located at 419 N. Amanda Aguirre Court, 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:** 03/11/2021

**Submitted By:** Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

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#### ITEM:

Discussion and possible action on any and all matters regarding Minor Variance Case No. 2021-0119. A request by A and F Home Builders LLC, owner, for a minor variance to reduce the street side minimum yard setback from 10 feet to 9 feet for the construction of a new home on property located at 419 N. Amanda Aguirre Court, San Luis, Arizona.

#### SUMMARY:

The property is located at Bienestar Estates No. 9B Subdivision, the lot has an area of 6,145 square feet. The reason for this request is that the applicant wants to build a new residence on the property at a distance of 9-feet from the street property line instead of the 10-feet required by the City Code.

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.

#### GENERAL PLAN:

This area is designated as Neighborhood in the City of San Luis 2020 General Plan. The Neighborhood land use designation allows all types of residential development.

#### 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. Yuma County Airport Authority (2-25-21)
2. City of San Luis Fire Department (3-1-21)

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

The Planning and Zoning Department has reviewed the request and has the following comments/corrections:

1. Provided on the City Code Zoning Regulations Table No. 2, the required side setback for R1-6 Zoning District is 7 feet. However, 5 feet setback is permitted in a R1-6 Zoning District where the construction beyond a 7 foot setback are constructed with no less than two hour fire resistive construction. Since this is a corner lot the street side setback required is 10 feet with no neighbor adjacent to that side.

#### 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 City Code §152.045(C).

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 or Hearing Officer, 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 §152.045(C) of the City Code, may approve the minor variance.

In the event the Zoning Administrator or Hearing Officer 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 or 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.

*Bienestar 9B Subdivision was designed as a curvilinear subdivision making the majority of lots in this subdivision have 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.*

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

*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.*

#### **STAFF RECOMMENDATION:**

The applicant has provided information and materials necessary for review of the request.

Staff recommends APPROVAL of Minor Variance Case No. 2021-0119, a request by A and F Home Builders, property owner, to reduce the street side yard setback from 10-feet to 9-feet on property located at 419 N. Amanda Aguirre Court, San Luis Arizona.

**RECOMMENDED MOTION:**

**I MOVE TO APPROVE MINOR VARIANCE CASE NO. 2021-0119**

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**Attachments**

Location Map

Site Plan

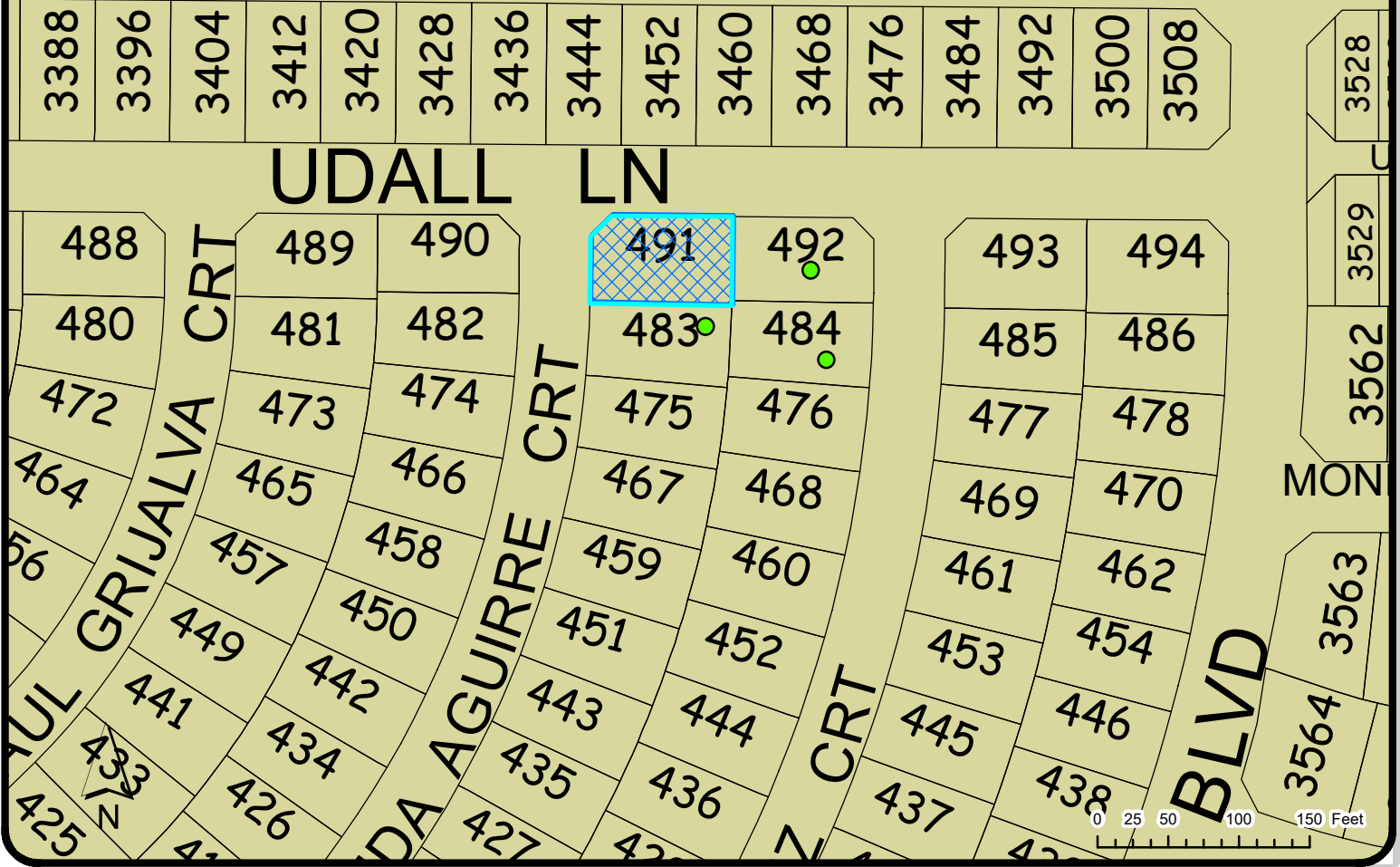
Yuma County Airport Authority Comments

Fire Department Comments

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# SAN LUIS LN

# UDALL LN





**LOCATION OF SUBJECT PROPERTY**

 491 N AMANDA AGUIRRE CT

 ADJACENT PROPERTY OWNERS

## LOCATION MAP

**Zoning**

-  MULTIPLE RESIDENCE ZONING DISTRICTS  
R-2
-  SINGLE RESIDENCE ZONING DISTRICTS  
RA-10

**VARIANCE**

**CASE #**  
2021-0119

**DATE:**  
2/22/2021

**CHECKED BY:**  
ROMAN PACHECO

**PLANNING & ZONING**



**GIS**

**CREATED BY:**  
ISAAC GUTIERREZ

**APPROVED BY:**  
JOSE A. GUZMAN





February 23, 2021

**VARIANCE CASE NUMBER: 2021-0119**

**CASE SUMMARY:** A request by A and F, owner, for a minor variance to reduce the street side minimum yard setback from 10 feet to 9 feet for the construction of a new home. The property is zoned Medium-High Residential (R-2) and is located at 491 N. Amanda Aguirre, PID #777-51-267, San Luis, Arizona.

**HEARING OFFICER MEETING: March 9, 2021**

**COMMENTS DUE: March 2, 2021**

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 Hearing Officer hearing this case. Please complete the section below and return via e-mail. For additional information, please contact the Planning and Zoning Department at (928) 341-8563 or at [P&Z@sanluisaz.gov](mailto:P&Z@sanluisaz.gov).

Thank you,

Jose A. Guzman  
Director of Planning & Zoning  
Attachment: Location Map & Site Plan

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 COMMENTS       NO COMMENTS

**Enter Comments below:**

The property is located near Rolle Airfield where aviation activity is expected to increase in the future. According to the Rolle Airfield Airport Master Plan it is recommended to submit an Avigation Easement Disclosure Statement. The disclosure statement shall serve as notice of the fact that the property is within an Airport Overlay Area and that the property therein is subject to potential noise, vibration, and impacts from Rolle Airfield. When a subdivision plat or parcel split is required the following notice shall be placed on the plat and/or recorded with the title: “These properties, due to their proximity to the Rolle Airfield, are likely to experience aircraft over flights, which could generate noise levels which may be of

concern to some individuals. The City, public and airport shall be held harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the airport, not including the physical impact of aircraft or parts thereof.” Noise Attenuation: The construction, alteration, moving, partial demolition, repair and use of any building or structure within the Airport Overlay Area shall comply with the Sound Attenuation Standards in order to achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels. Certification of such NLR measures, by a Registered Engineer or a Registered Architect, shall be required to be submitted along with the application for a building permit.

**Date: 2/25/21**

**Agency: Yuma County Airport Authority**

**Phone: 928-726-5882**

**Return to: [P&Z@sanluisaz.gov](mailto:P&Z@sanluisaz.gov)**



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Thank you,

Jose A. Guzman  
Director of Planning & Zoning  
Attachment: Location Map & 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. Final decisions regarding this request are best made by the Planning and Zoning Department.

**Date:** 03/01/21

**Agency:** The City of San Luis Fire Department

**Phone:** 928/341-8550

**Return to:** [P&Z@sanluisaz.gov](mailto:P&Z@sanluisaz.gov)