



SPRINGERVILLE BOARD OF ADJUSTMENTS

Wednesday, November 17, 2021 at 6:00 pm

**Springerville Town Council Chambers - 418 E. Main St.
Springerville, AZ 85938**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Board of Adjustments and to the general public that the board will hold a meeting open to the public at the Springerville Town Hall, 418 East Main Street, Springerville, Arizona. The Board reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(1)(3)(4) and (7) for legal consultation on any of the following agenda items.

BOARD OF ADJUSTMENTS MEETING 6:00 P.M.

1. CALL MEETING TO ORDER AND ASCERTAIN QUORUM:

Members of the Board or Legal Counsel that are unable to be present in person at a scheduled Board meeting, may participate in the meeting by telephone or video conference.

2. PUBLIC HEARING: REQUEST FOR VARIANCE

Discussion and action to enter into a Public Hearing to take Council and Public Comments on the variance request for 345 S. Coconino regarding lot size and lot coverage.

NEW BUSINESS

3. APPLICATION FOR VARIANCE:

Discussion and action on the application for variance submitted by Ismael Leal regarding the lot size and lot coverage for 345 S. Coconino.

4. ADJOURNMENT:

Submitted by: _____

Posted by: _____

Members of the public who only want to provide written comments can express their comments by emailing the Town Clerk at **kmiller@springervilleaz.gov** to be read during the call to the public. All comments must be submitted by 5:00 p.m. on the day of the meeting.

Americans with Disabilities Act (A.D.A.): The Town of Springerville intends to comply with A.D.A. If you are physically challenged or disabled and need special accommodations to participate in this town meeting, please contact the Town Clerk at (928) 333-2656 ext. 224 forty-eight (48) hours prior to the meeting to arrange necessary accommodations.

Contact: Kelsi Miller, Town Clerk (kmiller@springervilleaz.gov (928) 333-2656 x 224) | Agenda published on 11/10/2021 at 12:55 PM

TOWN OF SPRINGERVILLE MEMORANDUM

TO:	Springerville Board of Adjustments
FROM:	Chris Collopy, Town Manager
DATE:	11/17/2021
SUBJECT:	Public Hearing - Variance

PROPOSED MOTIONS:

Please open a public hearing to take Council and public comments on the variance request.

Close hearing after comments.

STAFF REPORT

Section 17.16.010 of the Town Code states that the Council shall serve as the Board of Adjustments, and

The Board of Adjustments will hear all requests for a variance per Town Code 17.16.020.

The business for the Board of Adjustments is a variance from the Town Code, where the property located on Coconino St in an area zoned R1-7 with a minimum lot size of 7500 square feet.

The Lot that the Leal family purchased is only 5325 square feet. The Leal family had no part in making the lot smaller, it was that way when it was purchased.

The Leal family has submitted building plans for a new home on that property that shows all setback requirements for the home meet the Town's Zoning Code, and the variance is only for the size of the building lot.

This is a classic example of using the variance process, to build on a property that has existed for a long time, and at no fault to the new owners, the variance should be granted in order for the Leal family to build their new home.



Town of Springerville Application for Variance or Appeal

Ismael Leal

Name of applicant(s)
(Applicant must be the legal owner or show power of attorney)

Box 703 Springerville Az 85938

Applicant mailing address

928-243-3229 / 928-551-5761
Applicant telephone number(s)

105-18-053

Parcel number(s) (attach legal description)

345 South Coconino Springerville Az
Property address 85938

Zoning classification

Reason variance is being requested (check all that apply):

Lot coverage Lot size Lot width
Parking Setbacks Height and area requirements Nonconforming use
Accessory or special use Sign Fence
Landscaping

Administrative decision being appealed: _____

See Page 2 for required documentation.

Ismael Leal

Signature of applicant(s)

10/19/2021

Date

Fee: \$200.00
Received by: <u>MB</u>
Date: <u>10/19/21</u>

Hearing date: _____
Notice date: _____
Action: _____

All documentation requested MUST be submitted before an application is complete.

Town of Springerville Requirements for Variance or Appeal

The following items must be submitted before a variance or appeal is considered:

- Application and legal description or parcel ID number for site
- Payment of the filing fee as required by current fee schedule for the Town
- Site plan drawn to scale, at least 8½" by 11", showing lot dimensions, all buildings, structures, signs and other pertinent information.
- Vicinity map showing properties within 150' of site (Apache County Assessor's Map acceptable)
- Letter of explanation regarding proposed use, and statement of hardship (if applicable)

Upon receipt of a completed application, the Zoning Administrator shall schedule a hearing by the Board of Adjustments within thirty (30) days and shall give notice of hearing by publication of a notice in the official newspaper of the Town and by posting the property affected not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered.

Variations

Any aggrieved person may appeal to the Board of Adjustment for a variance from the terms of the Zoning Ordinance only because of special circumstances applicable to property, including its size, shape, topography, location or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

A variance shall not be granted unless the alleged hardship caused by literal interpretation of the provision of this Ordinance results in more than personal inconvenience and/or financial hardship, and is not the result of actions of the appellant.

In granting a variance, the Board may impose such conditions and safeguards as are appropriate to ensure that the purpose and intent of the Zoning Ordinance will be fulfilled.

No non-conforming use or violation of this Ordinance with respect to neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structure or buildings in other zoning districts shall be considered grounds for granting a variance.

Appeals

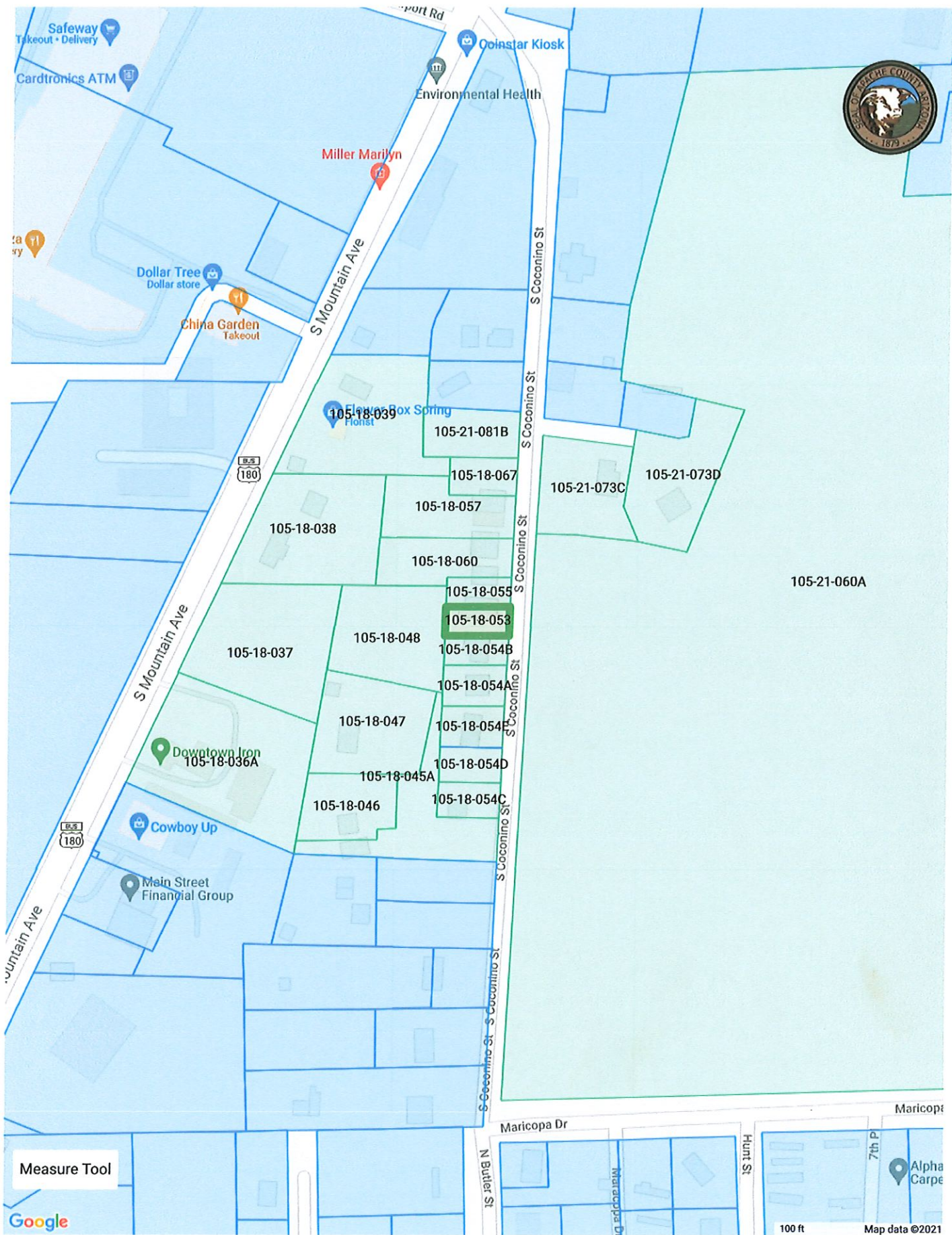
Appeals to the Board of Adjustment concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or department of the Town affected by any decision of the Zoning Administrator.

The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, by reason of the facts stated in the certification, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the Zoning Administrator.

The Board may reverse, affirm or modify the order, requirement or decision of the Zoning Administrator appealed.

Any party may appear at the hearing in person or by agent or attorney. Parties shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts.

All documentation requested MUST be submitted before an application is complete.



Measure Tool

Google

100 ft

Map data ©2021

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO:	Springerville Board of Adjustments
FROM:	Chris Collopy, Town Manager
DATE:	11/17/2021
SUBJECT:	345 S Coconino – Application for Variance

PROPOSED MOTIONS:

I move we approve the request for variance to allow Ismael Leal to build a home at 345 S. Coconino.

OR

I move we do not approve or I move we table

STAFF REPORT

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Ismael Leal

Signature of applicant(s)

10/19/2021

Date

Fee: \$200.00
Received by: <u>YMB</u>
Date: <u>10/19/21</u>

Hearing date: _____
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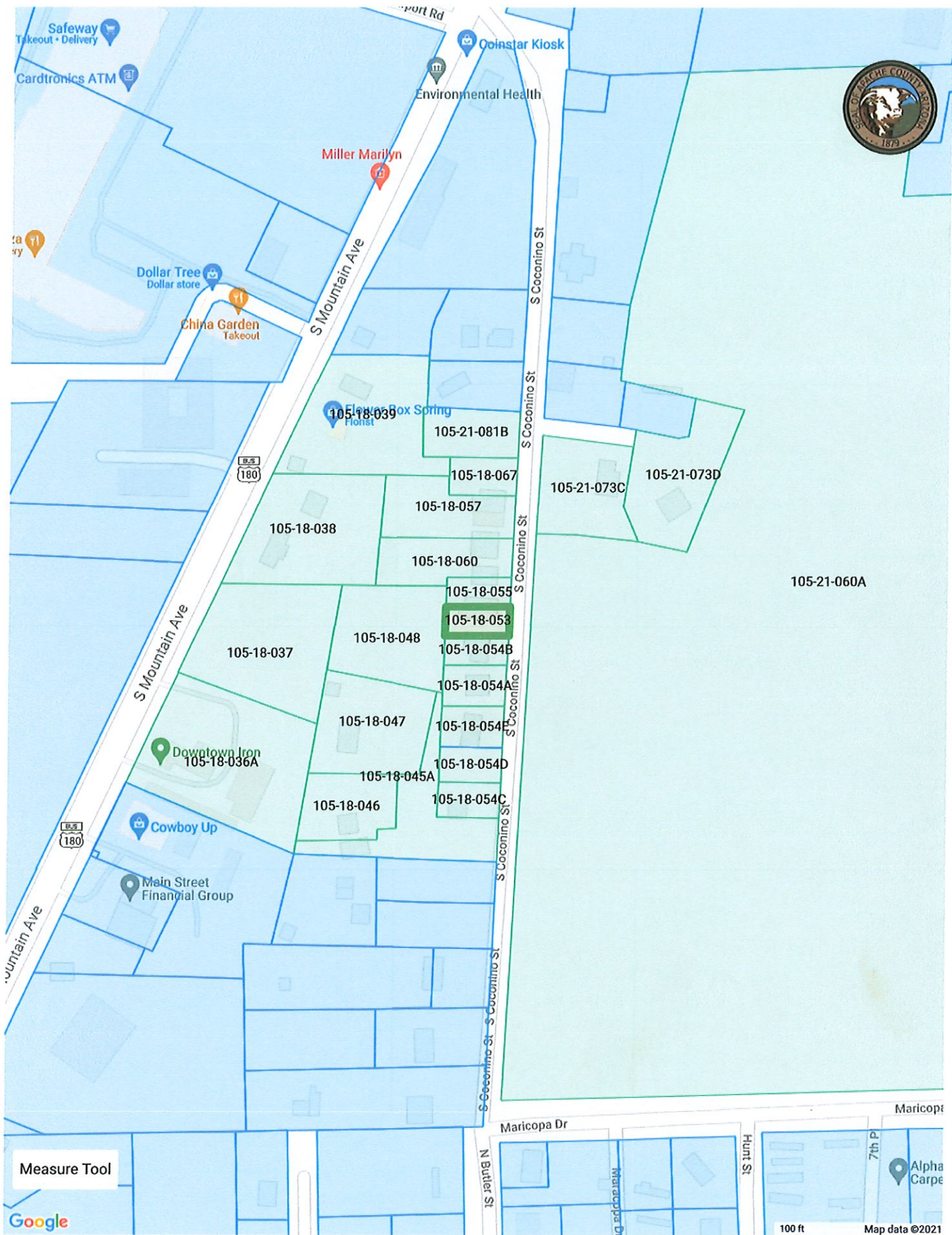
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