



PUBLIC NOTICE

SPECIAL MEETING OF TOWN OF PINETOP-LAKESIDE BOARD OF ADJUSTMENT **FOLLOWING THE REGULAR TOWN COUNCIL MEETING** **SCHEDULED FOR THURSDAY, MAY 19, 2022 – 6:00 P.M.** **TOWN COUNCIL CHAMBERS** **325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE AZ 85929**

AGENDA

- A. **Call to Order** *Chairwoman*
➤ Roll Call and Ascertain Quorum
- B. **Call to the Public:** *Chairwoman*
This is a business meeting of the Board of Adjustment. The Town values and welcomes public input. Please address the Board as whole and not individual Board Members. Do not address staff or members of the audience. Board action on items brought up in Call to the Public is limited by the Open Meeting Law. The Board may direct staff to study the matter and reschedule for further consideration at a later date. Items on the agenda will not be heard or discussed in Call to the Public. Individuals are limited to three (3) minutes.
- C. **Business Before the Board**
C.1 **Public Hearing and Consideration of Variance V-135**, applicant *Community Development Director*
T J Henshaw is requesting a Variance from Chapter 17.44.040 (C) Rear Yard Setback. The property is located at 2015 Sierra Pine Loop, AZ. White Mountain Club Village Lot 59, Navajo County, AZ, APN 311-64-059. The Zoning is MH-4.
- D. **Adjournment** *Chairwoman*

Posted on May 13, 2022 at 5:00 p.m. at the following locations:

Kristi Salskov
Town Clerk

Town Hall
325 W. White Mountain Blvd.
Lakeside, AZ 85929

Town Website
<https://pinetoplakeside.gov>

Pinetop U.S. Post Office
712 E. White Mountain Blvd.
Pinetop, AZ 85935

Lakeside U.S. Post Office
1815 W. Jackson Lane
Lakeside, AZ 85929

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Board Members, with the exception of material relating to possible executive session, are available for public inspection at the Town Clerk's Office, 958 S. Woodland Road, Lakeside, AZ 85929, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at <https://pinetoplakeside.com/>

AMERICAN WITH DISABILITIES ACT: The Town of Pinetop-Lakeside intends to comply with the A.D.A. If you are disabled or physically challenged and need special accommodations to participate, please contact the Town Clerk at (928) 368-8698 Ext. 223 at least 48 hours prior to the meeting.



Meeting Date:	May 19, 2022	Agenda Item #:	C.1
Subject:	Public Hearing and Consideration of Variance V-135.		

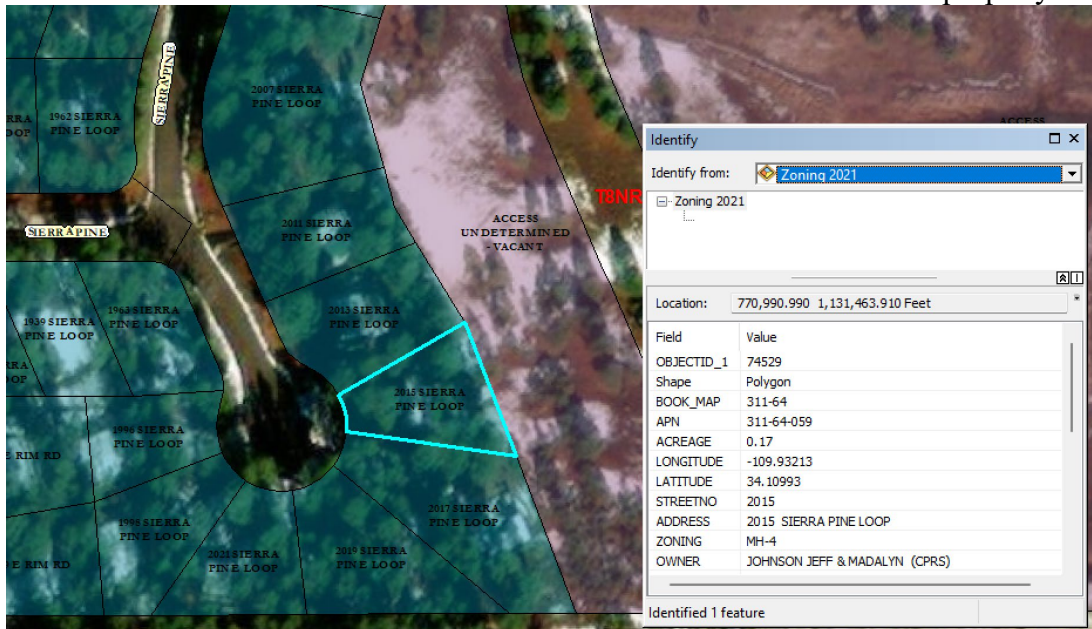


BOARD OF ADJUSTMENT DECISION REQUEST

Meeting Date:	May 19, 2018	Agenda Item #:	C.1
Subject:	V-135 – Variance from Town Code Title 17.64 (C-1) Light Commercial, Section 17.44.040 Yard Regulations (A) Rear yard setback requirements.		
Department/Presenter:	Community Development Director / Jeremiah Loyd		
Type of Action Requested:	<input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal Action/Motion <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Other		

BACKGROUND SUMMARY:

The applicant T.J. Henshaw located at 2015 E. Sierra Pine Loop in Pinetop, APN 311-64-059, would like to construct an addition and a deck to his home. To accomplish this as proposed, he is requesting a variance from the Town code that requires a minimum rear yard setback of 20 feet. Currently, the home is setback 20 feet from the property line, and he would like to construct a new deck and an additional room that would extend to within 6 feet of the rear property line.



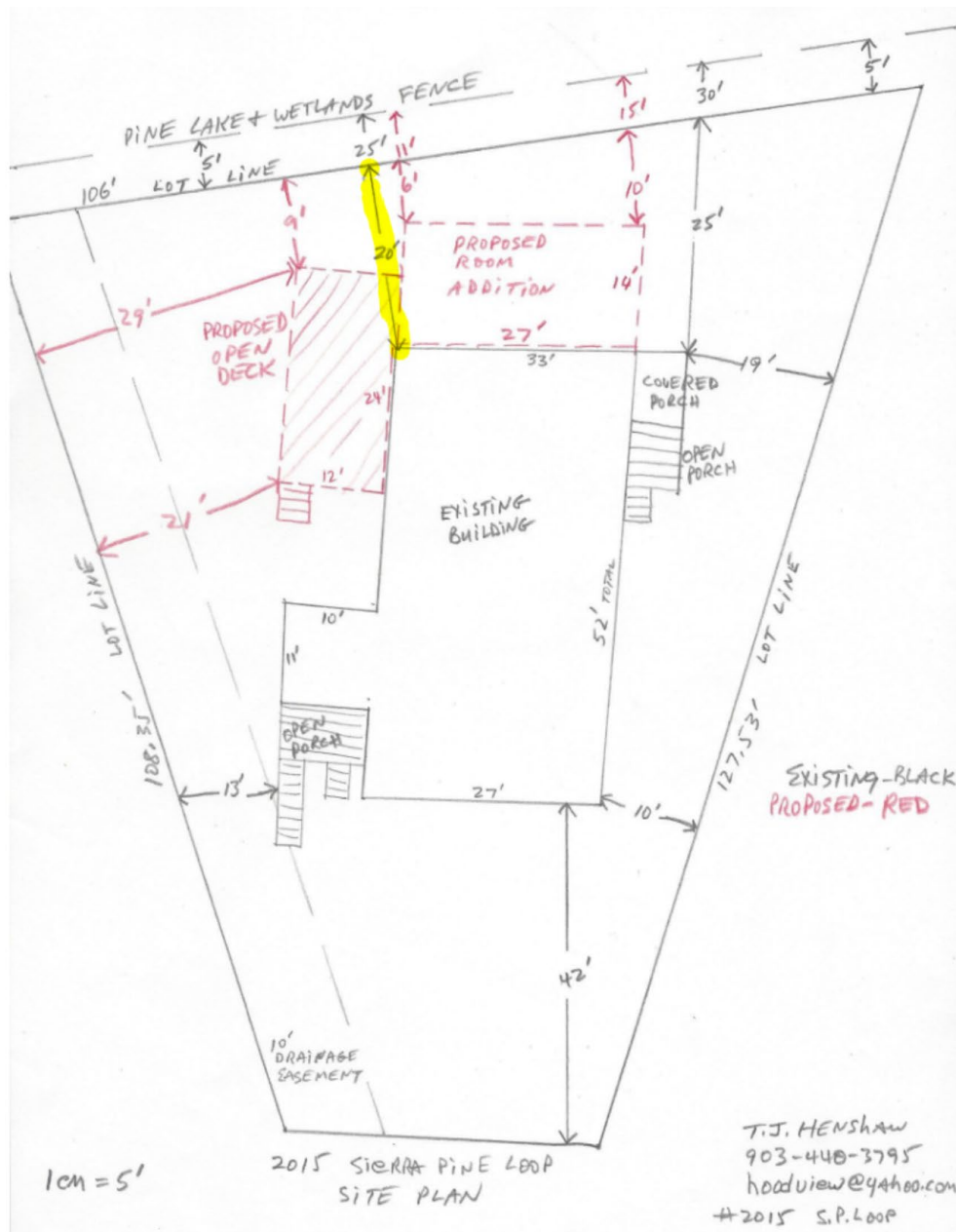
SUMMARY OF ZONING REGULATIONS									
ZONING DISTRICT	PERMITTED USES	MAX BLDG HGT IN FT	YARD SETBACKS FRONT/SIDE/REAR			MAX LOT COVERAGE	MIN LOT SIZE	MIN LOT WIDTH	OTHER
MH-4 Manufacture d Housing	Mobile, modular or manufactured homes, churches, private schools and	35'	20'	10'	20'	30%	10,000 sq. ft.	100'	Min Dist Btwn Structures 15'

RECOMMENDATION:

It is recommended to deny the variance request unless the applicant can demonstrate that the circumstances are not self-imposed. Otherwise, the variance request does not meet the State statute for approval of a variance.

DISCUSSION:

The applicant purchased the home as-is knowing the setbacks and financial constraints are not a valid reason to grant a variance. Additionally, there is sufficient room in the front of the property and some on the sides where a setback encroachment would not occur.



Twenty-six letters were sent out to the property owners within 300 feet of the subject property and the property was posted Monday, May 2nd, and advertised in the White Mountain Independent. None of the adjacent property owners have contacted the Town and expressed opposition to the variance request.

The staff has reviewed State statute: 9-462.06. Board of adjustment

G. A board of adjustment shall:

2. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

H. A board of adjustment may not:

2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

FINANCIAL ANALYSIS:

None

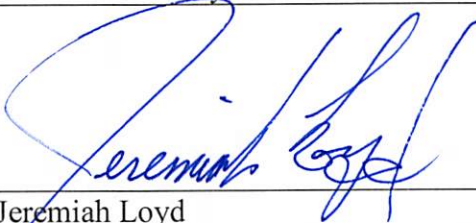
ALTERNATIVES:

Approve the variance application.

RECOMMENDED MOTION:


I move to deny Variance application V-135 requesting allowance for T.J. Henshaw located at 2015 Sierra Pine Loop in Pinetop, APN 311-64-059 to construct an addition to their home that would extend to within 3 feet of their front property line.

Recommended by:



Jeremiah Loyd
Community Development Director

Review and Approve by:



Keith Johnson
Town Manager

**TOWN OF PINETOP-LAKESIDE
NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT ON THURSDAY, MAY 19, 2022, AT 6:00 P.M.**

V-135

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that the Pinetop-Lakeside **Board of Adjustment** will hold a public hearing on **Thursday, May 19, 2022, at 6:00 p.m.** The public hearing will be in the Town Council Chambers, located 325 W. White Mountain Blvd., Lakeside, AZ 85929, to consider the following request:

The applicant T J Henshaw is requesting a Variance from Chapter 17.44.040 (C) Rear Yard Setback. The Variance request is to allow an addition to the home to encroach into the required rear yard setback of the lot. The applicant wishes to build an addition that will be 6 feet from the property line. The code requires a 20-foot rear yard setback to the structure. The property is located at 2015 Sierra Pine Loop, Pinetop, AZ., White Mountain Club Village Lot 59, Navajo County, AZ, APN 311-64-059. The Zoning is MH-4.

The application and information regarding this request are available by contacting the Pinetop-Lakeside Community Development Department located at Town Hall, 325 W. White Mountain Boulevard, Lakeside, AZ 85929.

Dated this day of April 29, 2022

/s/ Jeremiah Loyd
Community Development Director