



TOWN OF EAGAR
BOARD OF ADJUSTMENT
REGULAR MEETING & PUBLIC HEARING

SEPTEMBER 8, 2026

**IMMEDIATELY FOLLOWING THE PLANNING &
ZONING COMMISSION MEETING SCHEDULED FOR
6:00 PM**

COUNCIL CHAMBERS, 22 WEST 2ND STREET

AGENDA

PURSUANT TO A.R.S. 38-431.02 NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE BOARD OF ADJUSTMENT OF THE TOWN OF EAGAR AND THE GENERAL PUBLIC THAT THE BOARD OF ADJUSTMENT OF THE TOWN OF EAGAR WILL HOLD A MEETING AND PUBLIC HEARING OPEN TO THE PUBLIC ON TUESDAY SEPTEMBER 8, 2026 IMMEDIATELY FOLLOWING THE PLANNING & ZONING MEETING SCHEDULED FOR 6:00 PM, IN THE COUNCIL CHAMBERS LOCATED AT 22 W. 2ND STREET, EAGAR, AZ 85925.

- 1. WELCOME**
- 2. ROLL CALL**
- 3. OPEN CALL TO THE PUBLIC**

PERSONS WISHING TO ADDRESS THE BOARD OF ADJUSTMENT ON ANY ITEM NOT ALREADY ON THE AGENDA MAY DO SO, ALTHOUGH EACH SPEAKER IS LIMITED TO THREE MINUTES. THE BOARD MAY LIMIT THE TOTAL TIME OFFERED SPEAKERS, IF NECESSARY. ALL SUCH REMARKS SHALL BE ADDRESSED TO THE BOARD AS A WHOLE, AND NOT TO ANY SPECIFIC MEMBER. NO PERSON OTHER THAN THE SPEAKER SHALL ENTER THE DISCUSSION WITHOUT PERMISSION OF THE BOARD. THE BOARD MAY NOT ADDRESS, DISCUSS, OR VOTE UPON ANY PETITION OR COMMENT RAISED BY THE PUBLIC AT ANY MEETING. THE ITEM MAY BE PLACED ON A FUTURE AGENDA WITH DIRECTION FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT ON HOW TO PLACE AN ITEM ON THE AGENDA.

- 4. MEETING MINUTES**
 - A. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE JUNE 23, 2026 MEETING MINUTES**

CONVENE INTO PUBLIC HEARING

5. PUBLIC HEARING

- A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR VARIANCE FROM GEORGE & TERESA GILBERT TO ALLOW FOR ADMINISTRATIVE RELIEF FROM STRICT APPLICATION OF ZONING REQUIREMENTS SPECIFIC TO SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH ARE PECULIAR TO THE TOPOGRAPHIC AND PHYSICAL CONDITIONS AT 445 N. ALTA VISTA DRIVE, ALSO KNOWN AS APACHE COUNTY PARCEL NUMBER 104-07-050B, NAMELY TO CONSTRUCT A DETACHED GARAGE IN THE REQUIRED FRONT YARD; VAR2026-2

RECONVENE TO REGULAR MEETING

6. NEW BUSINESS – APPLICATION FOR VARIANCE, VAR2026-2

- A. DISCUSSION AND POSSIBLE ACTION REFERENCE AN APPLICATION FOR VARIANCE FROM GEORGE & TERESA GILBERT TO ALLOW FOR ADMINISTRATIVE RELIEF FROM STRICT APPLICATION OF ZONING REQUIREMENTS SPECIFIC TO SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH ARE PECULIAR TO THE TOPOGRAPHIC AND PHYSICAL CONDITIONS AT 445 N. ALTA VISTA DRIVE, ALSO KNOWN AS APACHE COUNTY PARCEL NUMBER 104-07-050B, NAMELY TO CONSTRUCT A DETACHED GARAGE IN THE REQUIRED FRONT YARD; VAR2026-2

7. ADJOURNMENT

ANYONE WISHING TO ATTEND THIS MEETING AND HAS SPECIAL NEEDS DUE TO A DISABILITY, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 928-333-4128 EXT 222 FORTY-EIGHT HOURS PRIOR TO THE MEETING AND REASONABLE ACCOMMODATIONS WILL BE PROVIDED.

POSTED BY: William Gleeson

Date: September 2, 2026

Time: 3:00 P.M.



TOWN OF EAGAR
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POSTED BY: William Gleeson

Date: September 2, 2026

Time: 3:00 P.M.



TOWN OF EAGAR
BOARD OF ADJUSTMENT
REGULAR MEETING & PUBLIC HEARING
JUNE 23, 2026 ~ 6:00 PM
COUNCIL CHAMBERS, 22 WEST 2ND STREET

MEETING MINUTES

1. WELCOME

Vice Chair Crosby welcomed those present and opened the meeting [6:00 pm]

2. ROLL CALL

Present – Debra Seeley, Brenda Ciminski, Becky Crosby, Kristi Penrod, JoElla Younkin

Excused – Chelsea Slade

Staff Present – Director Reynolds, Certified Building Inspector Gleeson

3. PUBLIC COMMENTS

No public comments

4. MEETING MINUTES

A. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE JANUARY 13, 2026 MEETING MINUTES

Board Member Penrod motioned to approve the January 13, 2026 meeting minutes. Board Member Ciminski seconded the motion. All were in favor. The motion carried unanimously 5-0

Ayes

Nays

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin

CONVENE TO PUBLIC HEARING

Board Member Ciminski motioned to convene into public hearing. Board Member Seeley seconded the motion. All were in favor. The motion carried unanimously 5-0 [6:02pm]

Ayes

Nays

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin

5. PUBLIC HEARING

A. Public Hearing for VAR2026-1;

An application for variance from Holly Slade and Chelsea Slade to allow for administrative relief from strict application of zoning requirements specific to special conditions and circumstances which are peculiar to the land and structures at 355 S Main St and 367 S Main St, also known as Apache County Parcel numbers 104-14-033 & 104-14-034, namely to approve or disapprove the combination of the two parcels and direct or deny staff to sign all required documents to be recorded with Apache County

Applicant Chelsea Slade was present and presented her case for variance to the Board. Mrs. Slade informed the Board that the properties have been in the Slade family for a long time and were owned by her husband's grandparents. Mrs. Slade said her family intended to purchase the properties together and that an approved variance and subsequent combination of the parcels would assist in financing.

Realtor Jody Emerald was present and spoke in favor of approving the variance. Board Members asked questions related to the proximity of buildings to property lines, setbacks, and which parcel the pasture was part of. The applicant and staff were able to answer all questions.

Applicant Chelsea Slade said her family intended to turn the larger home into a long-term rental and convert the smaller home into a short-term rental.

RECONVENE TO REGULAR MEETING

Board Member Penrod motioned to reconvene into regular meeting. Vice Chair Crosby seconded the motion. All were in favor. The motioned carried unanimously 5-0 [6:12pm]

Ayes

Nays

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin

6. APPLICATION FOR VARIANCE

A. Discussion and possible action on agenda item #5A;

VAR2026-1, an application for variance from Holly Slade and Chelsea Slade to allow for administrative relief from strict application of zoning requirements specific to special conditions and circumstances which are peculiar to the land and structures at 355 S Main St and 367 S Main St, also known as Apache County Parcel numbers 104-14-033 & 104-14-034, namely to approve or disapprove the combination of the two parcels and direct or deny staff to sign all required documents to be recorded with Apache County

Board Member Ciminski expressed that approving the variance seemed to be the appropriate solution. Board Member Ciminski motioned to approve the application for variance from Holly Slade and Chelsea Slade to allow for administrative relief from strict application of zoning requirements specific to special conditions and circumstances which are peculiar to the land and structures at 355 S Main St and 367 S Main St, also known as Apache County Parcel numbers 104-14-033 & 104-14-034, and to approve the combination of the two parcels and direct staff to sign all required documents to be recorded with Apache County. Board Member Penrod seconded the motion. All were in favor. The motioned carried unanimously 5-0

Ayes

Nays

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin

7. ADJOURNMENT

Board Member Seeley motioned to adjourn. Board Member Penrod seconded the motion. All were in favor. The motioned carried unanimously 5-0 [6:13pm]

Ayes

Nays

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin

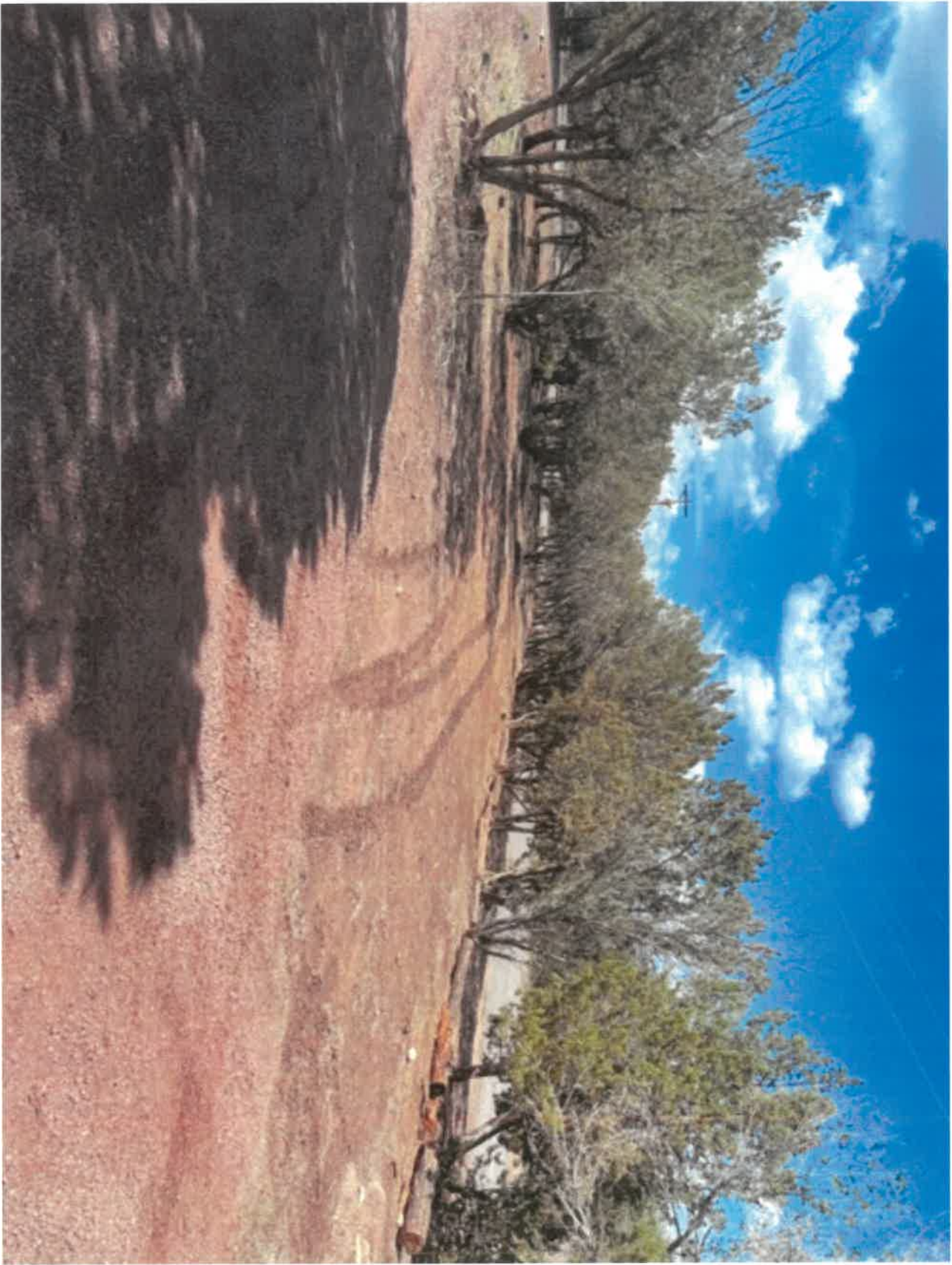
Property Site



N

Measure Tool

Google



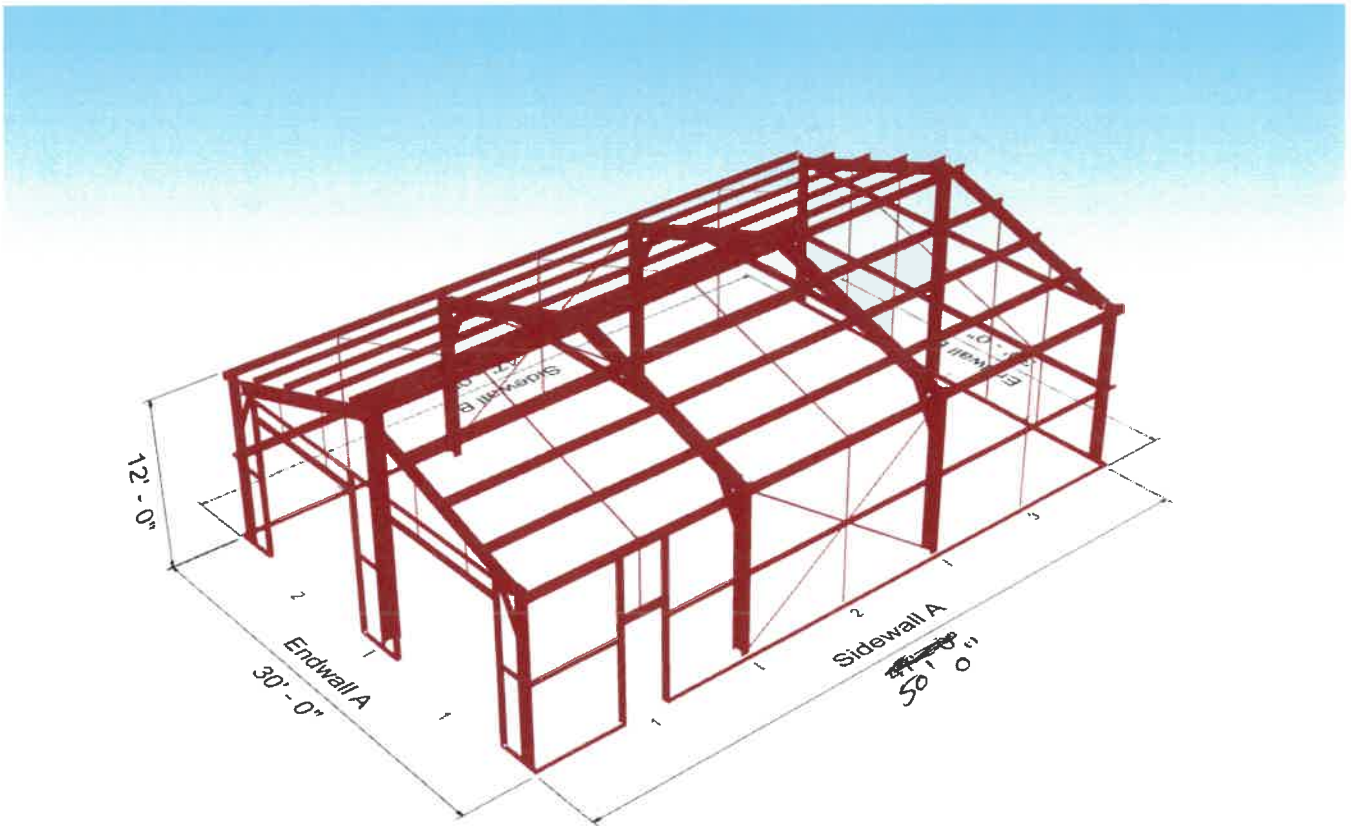
Proposed Site



Hill to left of house



Hill to Right of house



Sent from my iPhone

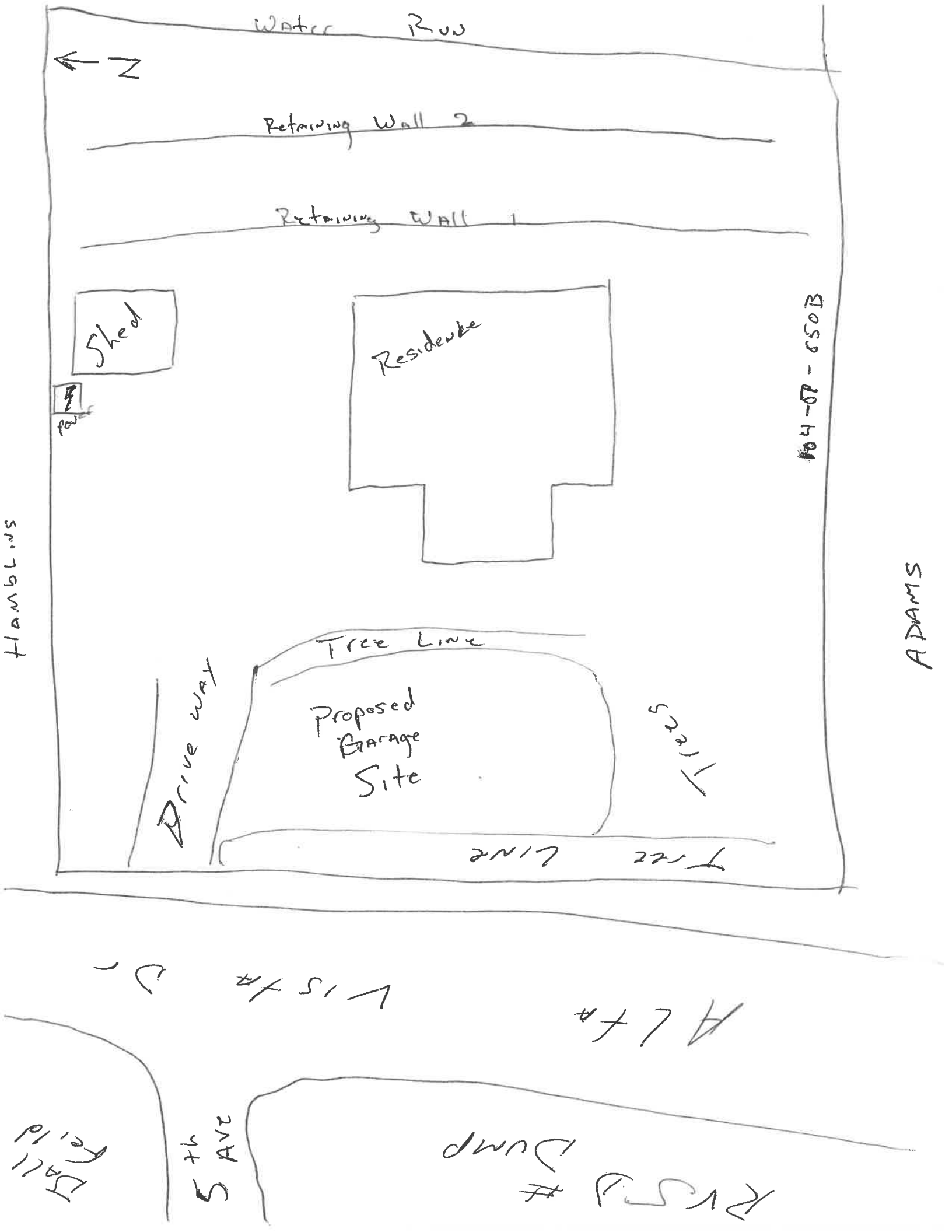
Atlantic Steel Building

1 Due to topographical restrictions there is no other place to build a Garage. There is also a possibility of water rights infringement if the building is dug in behind the residence.

2 The literal interpretation of the ordinance would mean the Garage would need to be to the rear of the leading edge of the residence. The area selected is vacant and void of trees and plants, we cannot get anything to grow in that area making it a prime area for a building. This would also cause minimum impact on area wildlife.

3 No. While zoning and planning rules are extremely important, circumstances bring forth the very reason for variances. This is not a financial burden, it would just be depriving me of the ability to have a garage, as there is no other suitable location on the property.

4 No. The location of the building will not cause any eyesore or restrict the use or view of others in the adjacent locations. This building will be surrounded by trees and can be overlooked by all residents on the hill. RVSD #10 currently uses the adjacent lot as a dump/landfill.





TOWN OF EAGAR

BOARD OF ADJUSTMENT

**SEPTEMBER 8TH, 2026 IMMEDIATELY FOLLOWING
THE PLANNING & ZONING COMMISSION MEETING
SCHEDULED FOR 6:00 PM**

COUNCIL CHAMBERS, 22 WEST 2ND STREET

STAFF COMMUNICATION

DEPARTMENT: Community Development

PRESENTATION: Variance for relief from setbacks

AGENDA ITEM: 6A

BUDGET IMPACT: \$0

HISTORY: Applicable Code and Legal Standard

VAR2026-2 is subject to the Town of Eagar Zoning Ordinance, Title 18, Chapter 18.32, **Relief from Strict Interpretation of Zoning Ordinance**, and applicable Arizona law governing variances.

The Board of Adjustment may grant a variance only when the applicant demonstrates that the request satisfies the specific standards and findings required by Section 18.32 of the Eagar Town Code. The Board should not rely solely on a general finding of “practical difficulty.” Instead, the Board’s decision should address each applicable code criterion separately and should be supported by substantial evidence in the record.

The Board should determine whether the requested relief is justified by conditions unique to the property and whether the variance is necessary to provide reasonable use of the property without granting a special privilege. The Board should also consider whether the requested variance would be consistent with the purpose and intent of the zoning ordinance, whether it would adversely affect surrounding properties or the public, and whether the request is the minimum relief necessary.

The Board’s decision should be based on the application, submitted plans, staff analysis, public testimony, site conditions, applicable zoning requirements, and the specific variance findings required by Town Code and Arizona law.

Required Variance Findings

Before approving VAR2026-2, the Board should ensure the following matters are reviewed, as applicable under Eagar Town Code Section 18.32 and Arizona law:

1. **Unique Property Circumstances:** Whether special circumstances or conditions exist that are peculiar to the property, including its size, shape, topography, location, configuration, or other physical characteristics, and whether those circumstances are not generally applicable to other properties in the same zoning district.

2. **Unnecessary Hardship or Inability to Make Reasonable Use:** Whether strict application of the zoning requirements would create an unnecessary hardship or prevent reasonable use of the property. The Board should distinguish property-specific hardship from circumstances resulting solely from the applicant's preferred design, location, or financial considerations.
3. **Minimum Necessary Relief:** Whether the requested variance is the minimum relief necessary to allow reasonable use of the property and whether a lesser encroachment, modified design, or alternative location could satisfy the applicant's needs while complying more closely with the zoning requirements.
4. **No Special Privilege:** Whether granting the variance would avoid conferring a special privilege that is not generally available to other properties in the same zoning district and with similar physical characteristics.
5. **Consistency with Zoning Ordinance:** Whether the variance would remain consistent with the purpose and intent of the applicable zoning district, front yard setback requirements, accessory-structure regulations, and other applicable provisions of the Town Code.
6. **Public Health, Safety, and Welfare:** Whether the proposed detached garage would adversely affect public health, safety, or welfare, including visibility, traffic circulation, emergency access, drainage, utilities, fire safety, and the public right-of-way.
7. **Effect on Surrounding Properties:** Whether the proposed garage would materially impair the use or enjoyment of neighboring properties or create unreasonable impacts related to building mass, appearance, privacy, light, air, access, or neighborhood character.
8. **No Reliance on Self-Created Conditions:** Whether the circumstances supporting the variance are inherent to the property and not created by the applicant or a predecessor in interest through a voluntary action, subdivision, construction decision, or other self-created condition.

The Board should identify the evidence supporting each finding. If one or more required findings cannot be made, the variance should be denied.

ATTACHMENTS: Applicable documentation from applicant on property and building.

STAFF RECOMMENDATION:

OPTION 1 – RECOMMENDATION FOR APPROVAL

Staff Analysis

The applicant for VAR2026-2 is requesting relief from the required front yard setback to allow construction of a detached garage in the front yard setback area.

Staff recommends that the Board consider approval only if the evidence presented demonstrates that the property contains unique physical circumstances that justify relief under Section 18.32 of the Eagar Town Code and applicable Arizona law. The Board should not approve the variance merely because the proposed location is more convenient, less expensive, or preferred by the applicant.

Staff Recommendation – Approval

Staff recommends **approval of VAR2026-2** if the Board finds that each applicable variance criterion in Eagar Town Code Section 18.32 has been satisfied.

The approval should be limited to the detached garage and the specific setback encroachment shown on the approved site plan. The variance should not authorize any additional structure, expansion, or future encroachment into a required setback.

Recommended Findings for Approval

The Board may approve VAR2026-2 if it finds, based on substantial evidence in the record, that:

1. The property contains special circumstances or physical conditions that are peculiar to the property and are not generally applicable to other properties in the same zoning district.
2. Strict application of the required front yard setback would create unnecessary hardship or would prevent reasonable use of the property.
3. The requested variance is the minimum relief necessary to allow reasonable use of the property.
4. The hardship is not based solely on the applicant's preferred design, location, financial considerations, or other self-created circumstances.
5. Granting the variance will not confer a special privilege that is not generally available to similarly situated properties.
6. The proposed detached garage will remain consistent with the purpose and intent of the Town's zoning regulations.
7. The proposed garage will not create an unreasonable adverse effect on neighboring properties, the public right-of-way, traffic visibility, emergency access, utilities, drainage, or public health, safety, and welfare.
8. The variance is limited to the specific structure, location, and dimensions shown on the approved site plan..

Recommended Conditions of Approval

1. The detached garage shall be constructed substantially in accordance with the site plan, elevations, dimensions, and other materials submitted with VAR2026-2.
2. The variance shall apply only to the specific front yard setback encroachment approved by the Board.
3. The variance shall not authorize any additional structure, addition, enlargement, or future encroachment into a required setback.
4. The detached garage shall remain entirely outside the public right-of-way and any applicable utility, drainage, access, or other easements unless separately authorized in writing by the appropriate agency.
5. The garage and associated improvements shall comply with all applicable sight-visibility requirements and shall not create an unreasonable obstruction for vehicles, pedestrians, emergency responders, or Town personnel.
6. The applicant shall obtain all required building, zoning, fire, utility, and other applicable permits before beginning construction.
7. The garage shall comply with all applicable building, fire, electrical, mechanical, drainage, and other codes not specifically modified by the variance.
8. Any change to the approved location, dimensions, height, design, or use of the garage shall require review by the Town and may require an amended variance or additional approval.
9. The variance shall run with the property only to the extent allowed by applicable law and shall remain subject to all conditions imposed by the Board.

Potential Motion for Approval

Motion to approve VAR2026-2, granting relief from the required front yard setback to allow construction of the detached garage shown on the submitted site plan.

OPTION 2 – RECOMMENDATION FOR DENIAL

Denial is appropriate if the Board cannot make affirmative findings regarding the existence of property-specific circumstances, unnecessary hardship, minimum necessary relief, consistency with the zoning ordinance, absence of special privilege, and protection of surrounding properties and the public health, safety, and welfare.

Potential Motion for Denial

Motion to deny VAR2026-2, requesting relief from the required front yard setback to allow construction of a detached garage.