



AGENDA  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
June 14th, 2022 AT 6:00PM  
TOWN COUNCIL CHAMBERS  
22 W 2ND ST. EAGAR

ITEM 1 WELCOME

ITEM 2 ROLL CALL

ITEM 3 PLEDGE OF ALLEGIANCE

ITEM 4 INVOCATION

ITEM 5 PUBLIC COMMENTS: Persons wishing to address the Commission on any item not already on the agenda may do so, although each speaker is limited to three minutes. The Chair, with the consent of the Commission, may limit the total time offered speakers, if necessary. All such remarks shall be addressed to the Commission as a whole, and not to any specific member. No person other than the speaker shall enter into the discussion without permission of the Chair. The Commission 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 Planning and Zoning Administrator on how to place an item on the agenda.

ITEM 6 LOYALTY OATH FOR NEW MEMBERS CHAD FINCH, DERRICK KELLY, RENEE FOWLER, KRISTI PENROD, AND MACIE EDWARDS.

ITEM 7 ELECTION OF VICE CHAIR

CONVENE TO PUBLIC HEARING

ITEM 8 PUBLIC HEARING ON CUP2022-1; TO ALLOW FOR RV LIVING IN A RECREATIONAL VEHICLE UNTIL HOME IS COMPLETED IN AN AR-20 ZONED AREA KNOWN AS 255 W. 1<sup>ST</sup> LN.

Public Hearings are conducted in accordance with A R S 38-431 et seq (the "open meeting law") and the Planning & Zoning Commission Policies Procedures, Town of Eagar, Arizona Section VII-Public Hearing

- a. Calling Agenda Item: The agenda item shall be called by the Chair as any other agenda item.
- b. Declaration of Public Hearing: The Chair shall declare that the Commission is in public hearing
- c. Applicant Presentation: The Applicant may make an opening statement in order to explain the item to the commission and public. The Chair or Commission may limit the time for his/her statement as necessary
- d. Staff Reports/Recommendations: Staff shall have an opportunity to report on the issue and answer questions by the Commission
- e. Written Comments: Written Comments filed with the Town or staff shall be presented to the Commission and read into the record
- f. Public Comments: Testimony from members of the public shall be permitted and encouraged. *Anyone wishing to make a statement shall first stand and identify themselves by name and also identify where they reside.* Members of the public shall be limited to five minutes per person, or less as designated by the Chair or Commission. The total time allotted to the public on any issue may be limited or extended by the Chair or Commission
- g. Commission Interaction: Questions from Commissioners may be held at this time, or reserved until public hearing has closed. The Commissioners may address the applicant with any questions raised from the public and discuss the question
- h. Applicant Closing Statement: The applicant shall be allowed a brief closing statement in order to rebut the statements made by the public, to offer a compromise, or otherwise address the issue
- i. Declaration of closing the Public Hearing: Unless a majority of the Commissioners object, the Chair shall declare the public hearing as closed. At this time public and applicant participation is limited to questions from the Commission only
- j. Commission Discussion and Vote: The agenda item will then be discussed and action taken as on any other agenda item

ITEM 9 DISCUSSION AND CONSIDERATION OF ITEM 8.

ITEM 10 PUBLIC HEARING ON CUP2022-2; TO ALLOW AN 8' FENCE ON THEIR PROPERTY AT 788 W. SCHOOL BUS RD.

ITEM 11 DISCUSSION AND CONSIDERATION OF ITEM 10.

ITEM 12 REPORTS

ITEM 13 ADJOURNMENT

ANYONE WISHING TO ATTEND THIS MEETING AND HAS A SPECIAL NEED DUE TO 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.

Date Posted \_\_\_\_\_ Time Posted \_\_\_\_\_ Posted by \_\_\_\_\_

Where Roads Hit the Trails

## LOYALTY OATH

**STATE OF ARIZONA  
COUNTY OF APACHE  
TOWN OF EAGAR**

I, \_\_\_\_\_, DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION AND LAWS OF THE STATE OF ARIZONA AND THE CODE OF THE TOWN OF EAGAR; THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME, AND DEFEND THEM AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE THE DUTIES OF THE OFFICE OF PLANNING AND ZONING COMMISSIONER ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

TOWN OF EAGAR COMMUNITY DEVELOPMENT  
REQUEST FOR CONDITIONAL USE PERMIT  
(REFER TO CHAPTER 18.84 OF THE ZONING CODE)

Permit No. CUP2022-1 Date: 5/18/22

Name of applicant: Dennis N. Jones

Mailing Address PO Box 374 Eagar, AZ 85925

Telephone: (505) 404-0099 Email Address dennisj5@comcast.net

1. Location of Property: 255 W. 1st Lane Eagar, AZ 85925

2. Current Zoning: AR-20 -104-40-009

3. Proposed Use (as listed under "Conditional Uses" in the above zoning district):  
\_\_\_\_\_  
\_\_\_\_\_

4. Reason for Proposed Use \_\_\_\_\_  
\_\_\_\_\_

5. Attachments: a. Plot Plan (to Scale)

b. Pertinent data as required by the Zoning Administrator or Planning  
and Zoning Commission

Filing Fee: \$100.00 Date Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

6. Signature of Applicant: [Signature] Date: 5/18/2022

7. Signature of Zoning Administrator: [Signature] Date: 5/18/22

8. Application shall be forwarded to the planning and Zoning Commission on:

(Date) 5/14/22 (Time) 6 pm

(Place) Town Hall

Notice of the nature of the Conditional use Permit and the date of the meeting at which it will be considered will be posted on the affected property 15 days prior to the public hearing. The property owners within a 300-foot radius of the applicant's property will be notified by first class mail.

## ZONING AMENDMENT CONDITIONAL USE PERMIT BACKGROUND CHECKLIST

**1. Responses from adjacent property owners**

**In Favor**

**Opposed**

Neither

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**2. Checklist complete**

**3. Building plans, pictures of property, specifications, etc.**

**4. Zoning and building approval**

**5. Special conditions, approvals, etc.**

**6. Copies of ordinance allowing use**

DENNIS & RENA JONES

USUALLY HERE FROM MAY  
THRU SEPT.

MOBILE MANUFACTURER - CAVEO

Minimum 12 month timeframe for home



June 9<sup>th</sup>, 2022

To: Chair and Commission

From: Britney Reynolds  
Community Development Coordinator

RE: Conditional Use Permit CU2022-1; Recreational Vehicle living until home completed

**Background:**

Mr. Jones has purchased property at 255 W. 1<sup>st</sup> Ln. which is zoned AR-20. Mr. Jones is requesting to live on property in an RV for greater than the allowed 30 consecutive days as the Manufactured home they have ordered is not available for roughly 12 months. The Jones' will be staying on the property during the "summer" months and will be leaving during the winter months.

**Recommendation:**

Town of Eagar staff request that the commission approve this Conditional Use Permit but with a timeframe that the commission can find agreeable for this process. A building permit, once approved, can be used for six months with the possibility to renew. Commission could ask for a review of this Permit at that time as well if home has not been completed. Previous permits of this nature have been given a year timeframe from date of approval.

Respectfully,

Britney Reynolds  
Community Development Coordinator

TOWN OF EAGAR COMMUNITY DEVELOPMENT  
REQUEST FOR CONDITIONAL USE PERMIT  
(REFER TO CHAPTER 18.84 OF THE ZONING CODE)

Permit No. CUP2022-2 Date: 5/26/22

Name of applicant: DERIC WHITMORE

Mailing Address 788 W School BUS

Telephone: (928) 246-0545 Email Address \_\_\_\_\_

1. Location of Property: 788 W School BUS

2. Current Zoning: AR-43

3. Proposed Use (as listed under "Conditional Uses" in the above zoning district):  
I want to put up a 8' fence all around my property

4. Reason for Proposed Use Its to improve my property

5. Attachments: a. Plot Plan (to Scale)

b. Pertinent data as required by the Zoning Administrator or Planning and Zoning Commission

Filing Fee: \$100.00 Date Paid: 5-26-22 Receipt # \_\_\_\_\_

6. Signature of Applicant: [Signature] Date: 5/26/22

7. Signature of Zoning Administrator: [Signature] Date: 5/26/22

8. Application shall be forwarded to the planning and Zoning Commission on:

(Date) 6/14/22 (Time) 4 pm

(Place) Town Hall

Notice of the nature of the Conditional use Permit and the date of the meeting at which it will be considered will be posted on the affected property 15 days prior to the public hearing. The property owners within a 300-foot radius of the applicant's property will be notified by first class mail.

## ZONING AMENDMENT CONDITIONAL USE PERMIT BACKGROUND CHECKLIST

**1. Responses from adjacent property owners**

**In Favor**

Marcos Haws

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Opposed**

Gary Miller

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Checklist complete**

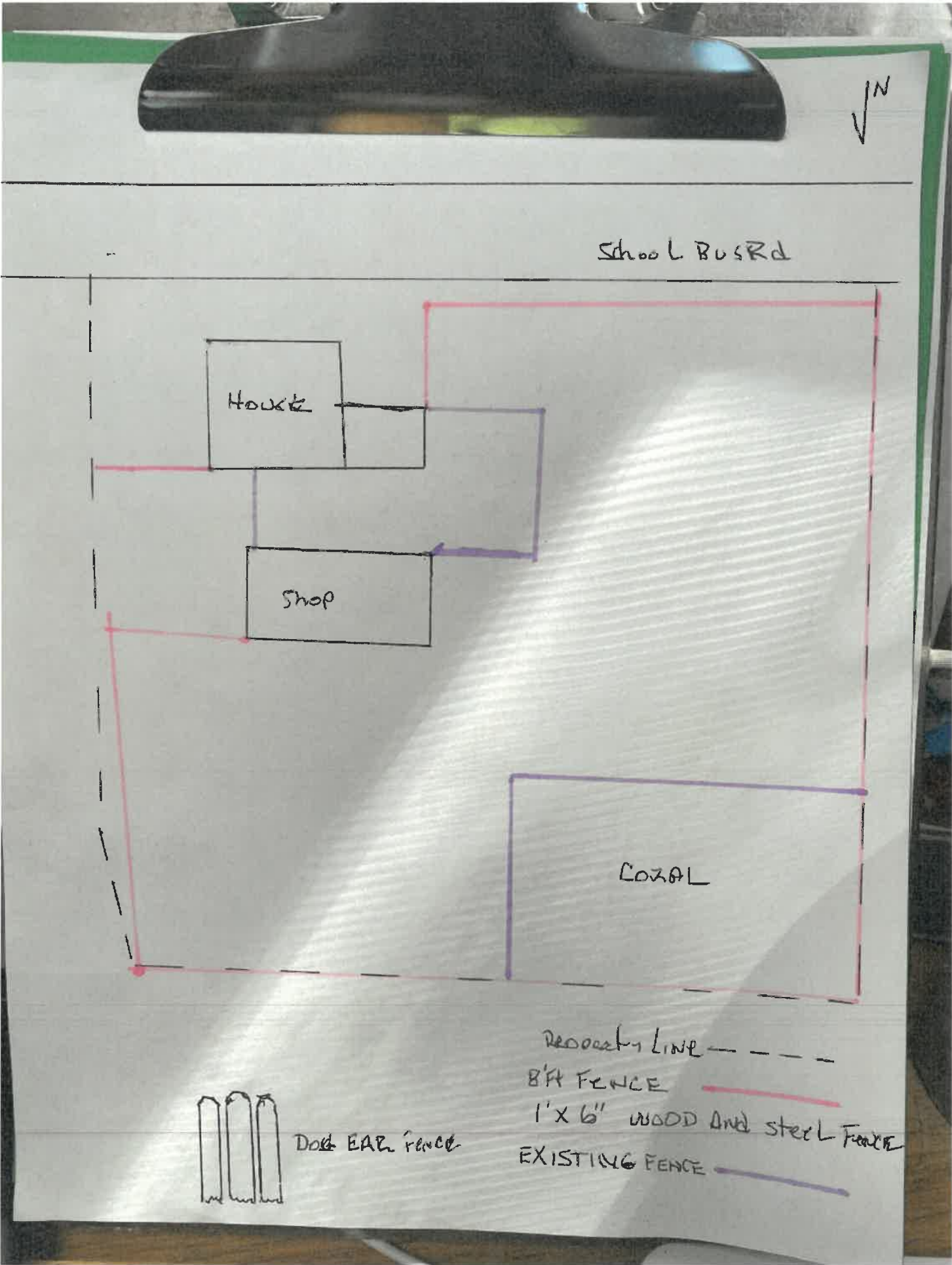
**3. Building plans, pictures of property, specifications, etc.**

**4. Zoning and building approval**

**5. Special conditions, approvals, etc.**

**6. Copies of ordinance allowing use**





## To: Town of Eagar

June 8, 2022

### Whitmore Fence Conditional Use Permit

Having witnessed activities on this parcel for the last several years it appears that the owner is continuing to operate this parcel as a commercial vehicle repair business site (Whitmore Garage) and not as a home occupation or Home Based Business per AR43!

AR43 specifically states that 10% of the property may be used for storage but must be shielded by a minimum 6' solid fence. Since Mr. Whitmore's operation does not take place totally inside a building then the fence on this portion of the property (Approx .23 acres) is appropriate.

#### Questions I would ask are:

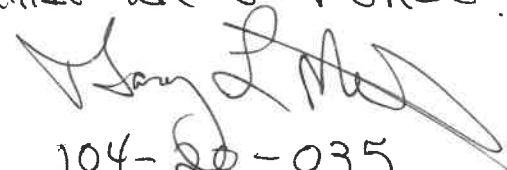
- Where exactly is the fence to be installed?
- Has the property corners been surveyed? Property lines in this area are notoriously not on existing fence lines!!
- What type of fence, wood concrete steel? Solid or open wire?
- Why is an 8' fence needed?
- Is it security or trying to screen an activity that is taking place inside the fenced area?
- Is it esthetics, since the west side of the parcel is against an unkept lot with a trailer on it?

A fence over 6' requires a structural design; wind in the area can exceed 100 mph! The foundation and lateral supports needed sized to overcome this loading. These wind loads need to be considered for the footing, post spacing and cross bracing!

Once a fence of this size is installed it may become a blight on the area affecting property values and the views from School Bus Road which is a main traveled roadway. Will greatly impair the visuals. A good example of a visual blight was the fence surrounding the Marijuana facility in Springerville that was offensive to the local residents.

Is an 8' fence appropriate on the front yard adjacent to the road? An 8' fence is out of character for a residential or agriculture zoned area!!

It appears this is just an expansion for the existing Home Based Business that should not be allowed under AR43.

Against an 8' Fence!  
  
104-20-035



Britney Reynolds <b.reynolds@eagaraz.gov>

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## Tow yard Rental

messages

Deric Whitmore <wwtderic@gmail.com>

Fri, Jun 18, 2021 at 8:18 AM

to: Britney Reynolds <b.reynolds@eagaraz.gov>, Deric Whitmore <wwtDeric@gmail.com>

Good morning,

I would like to inform you in writing that we will be relocating from the property that we are currently leasing from the town of Eagar, located on Spanish Trail. We will be off by the end of the month.

Thank you  
Deric Whitmore

—  
Deric Whitmore  
Whitmore's Wildwood Trucking LLC  
A Tow to the Rescue & Recovery

928.245.8194 Deric  
928.585.1001 Fax  
928.245.2793 Office

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Britney Reynolds <b.reynolds@eagaraz.gov>  
to: Deric Whitmore <wwtderic@gmail.com>

Mon, Jun 21, 2021 at 7:37 AM

Morning,

I have received your email notification. I am supplying this to the clerk as well as the finance department for their records. Mr. Mears and I are working on a document that will state all agreements between the Town of Eagar and Tow to the Rescue. When I have this completed, I would like to have you come by to sign this and then I will supply you with a copy as well as keep records of this for future reference.

Thank you,  
Britney  
[Quoted text hidden]

—  
*Britney Reynolds*  
*Community Development Coordinator*  
*Town of Eagar*  
*P.O. Box 1300*  
*Eagar, AZ 85925*  
*928-333-4128 ext. 222*

**Disclaimer:** All messages created in this system are the property of the Town of Eagar, Arizona, and should be considered a public record subject to disclosure under the Arizona public records law (A.R.S. §39-121). To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other members of the public body. Members of the public body may reply to this message, but they should not send a copy of the reply to other members.



7/21/2021

Mr. Deric Whitmore  
788 W. School Bus Rd.  
Eagar, AZ. 85925

**RE: Agreement to letter regarding operations on "Old Sawmill" property**

Mr. Whitmore,

The enclosed letter from Town of Eagar attorney, Brett Rigg, states the agreements reached between Town to the Rescue and the Town of Eagar to the best of the Town of Eagar staffs understanding when you approached the Town about the "Old Sawmill" property. If there is any part of the enclosed letter you do not believe to be accurate, please inform the Town by no later than August 9<sup>th</sup>, 2021. If the Town receives no communication in regards to this letter, it will be assumed there are no issues and the enclosed will be the terms of the agreement from hereforth.

Respectfully,

Matthew Mears  
Town Manager

Amendment per phone conversation @ 7:00 am on 7/26/21  
Mr. Deric Whitmore informed the town that small tow trucks are driven home by employees as they are on "on-call" status. Town informed Mr. Whitmore that small tow trucks can be driven home for this purpose.

  
Town to the rescue Where Roads Hit the Trails  
Community Development



July 21, 2021

Mr. Deric Whitmore  
788 W School Bus Rd.  
Eagar, AZ 85925

**Re: Moving Tow to the Rescue to the "Old Sawmill" site in Eagar**

Mr. Whitmore,

This is to confirm that you have moved your business, Tow to the Rescue, to the "Old Sawmill" site that is zoned for industrial use. You have also agreed to vacate and move all equipment, including long haul trucks, off of the Town's property on Spanish Trail. In addition, you agree to move all towing related equipment from your residentially zoned property, and to this new location.

The Town has agreed to not enforce the requirement of a privacy fence around your business in this industrial zoned area - unless the Town receives complaints. The Town also confirms that water is available to this property, as long as you open an account to have the water turned on. The Town is also not requiring any conditional use permitting approval to operate in this industrial zoned area. In addition, in the future, if a road is created on the School Bus Road extension, you will be allowed to use this road to access your business.

Please advise if I have misunderstood this agreement. Thank you.

Brett Rigg  
Town Attorney





Parcel Number: 104-20-035



June 9<sup>th</sup>, 2022

To: Chair and Commission

From: Britney Reynolds  
Community Development Coordinator

RE: Conditional Use Permit CU2022-2; 8' fence around property

Background:

Mr. Whitmore would like to construct an 8' wood and steel enforced fence to provide privacy and to improve his property area. Mr. Whitmore has had previous complaints for his business operations at his home, but since that time has entered into a lease agreement off of Water Canyon Rd. where everything, but his office, is operated through.

Recommendation:

Town of Eagar staff request that the commission approve this Conditional Use Permit as Mr. Whitmore did follow town code by asking for a CUP for a fence above the 6' threshold. This fence will run along Mr. Whitmore's property that was surveyed in the last few years.

Respectfully,

Britney Reynolds  
Community Development Coordinator