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14 November 2002

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City of San Luis

Mr. John Starkey, Director
Planning & Zoning
City of San Luis
P. O. Box 1170
San Luis, AZ 85349

Dear John:

I have reviewed Section 7. Special Use Permits, of Ordinance #55, which I believe is still the effective ordinance applicable to SUPs. These permits are to be issued by the Board of Adjustment, which in San Luis is the City Council, and Section 7(D)(1) provides that the application shall be accompanied by

- 1) Complete plans and description of the property involved and the proposed use with ground plans and elevations of all proposed buildings; together with the estimate of cost.

Paragraphs 7(D)(2) of the Ordinance provide as follows:

- 2) Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of a Special Use Permit.

and paragraph 7(D)(3) in particular requires public hearing and notice:

- 3) Upon receipt in proper form of any such application the Board of Adjustment shall proceed to hold a public hearing upon said application not more than thirty (30) days after such filing at which time all persons and the general public shall be given an opportunity to be heard. The Board of Adjustment shall cause notice of such application and hearing to be given by notices of hearing in the neighborhood where the Special Use Permit is to be located, giving at least ten (10) days notice of said hearing, and the time and place where said hearing will be held. Said notice shall also show the nature of the Special Use Permit requested and state that anyone wanting to protest may appear in person or protest in writing to the Board of Adjustment.

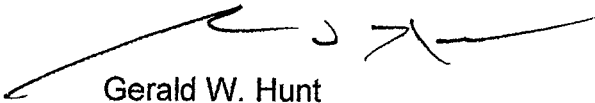
Mr. Starkey
15 November 2002
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In addition to the notice the Board of Adjustment has, under paragraphs 7(D)(4)(A), (B), (C) and (D) special findings:

- 4) From the time of filing the application until the time of such hearing, the said application and all maps, shall be available for public inspection during office hours at the Town Hall, and such other places as the Board of Adjustment may direct. At said hearing on the application, the applicant shall present a statement and adequate evidence in such form as the Board of Adjustment may require for the purpose of showing:
 - A. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that district.
 - B. That the strict application of the regulations would cause an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.
 - C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
 - D. That the Special Use Permit is substantially in conformance with the Town's Master Plan, as adopted.

that are usually included in the minutes of the Board's meeting in order to comply with those provisions. If I am incorrect or if your interpretation is different, please advise.

Sincerely,



Gerald W. Hunt

/mk

c: Alex Ruiz, City Manager