

NOTICE OF A REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE

In accordance with Resolution #215 of the Town of Clarkdale, and Section 38-431.02, Arizona Revised Statutes,

NOTICE IS HEREBY GIVEN THAT THE Board of Adjustment of the Town of Clarkdale will hold a REGULAR Meeting on WEDNESDAY, February 26, 2014, at 6:00 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale.

The undersigned hereby certifies that a copy of this notice was duly posted on the Town Hall bulletin board, located at 890 Main Street, Clarkdale, Arizona on the 18th day of February, 2014 at 10:00 a.m.

Dated this 18th day of February, 2014, by:

Vicki McReynolds

Vicki McReynolds

Administrative Assistant II

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PUBLIC COMMENT** – The Board of Adjustment invites the public to provide comments at this time. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit his or her comments to FIVE minutes.
4. **MINUTES:** Consideration of the Regular Meeting Minutes of October 23, 2013.
5. **REPORTS:**
 - a. Chairperson's Report:
 - b. Staff Report:
6. **NEW BUSINESS**
7. **PUBLIC HEARING:** Discussion/possible action regarding a variance request to reduce the 20 foot setback requirement for placement of a room addition, involving parcel number 406-26-011J in the Town of Clarkdale. This parcel is located at 1680 N. Cholla Lane in Clarkdale and Zoned R-1 Single-Family Residential. The variance request is to reduce the required 20 foot setback from the rear property line for a room addition, per Section 3-1 of the Town of Clarkdale Zoning Code, to 18 feet from the rear line of the property.
 - a. **OPEN Public Hearing:**

- b. Staff Report:**
- c. Applicant Presentation:**
- d. Invite Public to speak:**
- e. CLOSE Public Hearing:**

8. FUTURE AGENDA ITEMS:

9. ADJOURNMENT:

Reasonable accommodations may be requested by contacting the town hall at 634-9591 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, OCTOBER 23, 2013, IN THE MEN’S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A **REGULAR Meeting** of the Board of Adjustment of the Town of Clarkdale was held on Wednesday, October 23, 2013, at 6:00 p.m. in the Men’s Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

Board of Adjustment:

Chairperson	Lee Daniels	Excused
Vice Chairperson	Rick Morris	Present
Board Members	Aaron Midkiff	Present
	Craig Backus	Present
	Peter deBlanc	Present

Staff:

Building Official	Paul Grasso
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Others in Attendance: None.

AGENDA ITEM: CALL TO ORDER: Board Member Midkiff called the meeting to order at 6:00 p.m.

AGENDA ITEM: ROLL CALL: The Building Official called roll.

AGENDA ITEM: PUBLIC COMMENT: The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit his or her comments to FIVE minutes. **There was no public comment.**

AGENDA ITEM: MINUTES: Consideration of the Regular Meeting Minutes of July 25, 2012. Board Member Morris motioned to approve the Regular Meeting Minutes of July 25, 2012. Board Member Backus seconded the motion. The motion passed unanimously.

AGENDA ITEM: REPORTS:

Chairperson’s Report: None.

Staff Report: None.

NEW BUSINESS

AGENDA ITEM: WELCOME NEW BOARD MEMBER: Peter deBlanc.

The Board Members welcomed Peter deBlanc to the Board of Adjustment.

AGENDA ITEM: ELECTIONS: CHAIRPERSON and VICE CHAIRPERSON.

Prior to the meeting, staff spoke with Board Member Daniels regarding his ability to attend this meeting. Board Member Daniels stated he was unable to attend and if he were to be nominated for Chairperson, he would accept the nomination.

Board Member Morris made a motion to elect Board Member Daniels as Chairperson. Board Member Backus seconded the motion. Board Member Daniels accepted the nomination and was elected unanimously.

Board Member Backus motioned to elect Board Member Morris as Vice Chairperson. Board Member Midkiff seconded the motion. Board Member Morris accepted the nomination and was elected unanimously.

AGENDA ITEM: BOARD OF ADJUSTMENT INFORMATION HANDOUT:

-Staff went over the handouts the Board Member's received in their packets. It was explained by the Staff the importance of adhering to the six "Criteria" outlined in Section 17-2-2 Powers.

-Staff explained the types of applications that usually come before the Board, i.e., boundary discrepancies, extension for a non-conforming use, applicant feeling there may be a misinterpretation of the Zoning Code and variance requests.

-The Community Development Department provides packets with all the information regarding an application request the week prior to the meeting. This allows Board Members time to review the information, contact staff if necessary and go out to look at the site in question.

This being for discussion only, there were no actions taken.

AGENDA ITEM: FUTURE AGENDA ITEMS: None at this time.

DRAFT

**BOARD OF ADJUSTMENT
OCTOBER 23, 2013**

AGENDA ITEM: ADJOURNMENT: Board Member Backus motioned to adjourn the meeting. Board Member Morris seconded the motion. The motion passed unanimously. The meeting adjourned at 6:34 p.m.

APPROVED BY:

SUBMITTED BY:

Rick Morris
Vice Chairperson

Paul Grasso
Building Official



Staff Report

BOARD OF ADJUSTMENT

Agenda Item: Variance request to reduce the 20-foot setback requirement for placement of a room addition involving parcel number 406-26-011J in the Town of Clarkdale. This parcel is located at 1680 North Cholla Lane in Clarkdale and Zoned R-1 Single-Family Residential. The variance request is to reduce the required 20-foot setback from the rear property line for a room addition, per Section 3-1 of the Town of Clarkdale Zoning Code, to 18 feet from the rear line of the property.

Staff Contact: Paul Grasso

Meeting Date: February 26, 2014

Background:

Adam and Brittany Earles, the applicants and property owners of 1680 North Cholla Lane, would like to construct a room addition to the subject property at the southeast corner.

The single-family home, approximately 1600 square feet, was constructed in 1997 and purchased by the applicant in 2011. The subject property is approximately 20,900 square-feet and located at the southwest corner of the intersection of Mescal Spur Road and Cholla Lane.

The subject property is located in a metes and bounds neighborhood, developed with private roads. As such, the property lines extend to the center of both Cholla Lane, and Mescal Spur Road, thus reducing the buildable area by approximately 15%.

The applicant wishes to place a 12' x 22' addition at the rear of the subject property. However, due to the narrow area available for this addition, the applicant is requesting a variance to reduce the required rear setback to 18'.



Staff Report

BOARD OF ADJUSTMENT



Subject
Property



Staff Report

BOARD OF ADJUSTMENT

Staff Comments:

The Board of Adjustment shall have the powers and duties as prescribed by law and ordinance including, according to Town Code, Section 17-2-2 C:

"To hear and decide on requests for variances from the strict application of the Zoning Code as adopted by the Town of Clarkdale where by reason of exceptional narrowness, shallowness, shape, or topography, or a property's location and surroundings the strict application of said standards will deprive the subject property of privileges lawfully permitted other properties in the same zone district or immediate vicinity. Decisions shall be based upon a review of the application in conformance with the following criteria:

1. **SPECIAL CIRCUMSTANCES:** There are special circumstances attributable to the property which is not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.

Staff comment: The placement of the residence at the corner does limit the available footprint to place an addition to the home on the property.

2. **UNDUE HARDSHIP:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.

Staff comment: The design of the neighborhood, with private un-improved roads, created an issue with the original setbacks. The person(s) responsible likely were anticipating the roads to one day be improved, thus making the setbacks from both roadways more in line with a typical R-1 requirements.

3. **PUBLIC HEALTH, SAFETY AND WELFARE:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.

Staff comment: If this variance was granted, the room addition would be constructed in full compliance with all current building codes.



Staff Report

BOARD OF ADJUSTMENT

4. ADEQUATE FINANCIAL RETURN: The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.

Staff Comment: As stated in the applicant's letter of intent, the Earle family desires to place create a home for the enjoyment of their children and does not view the addition as a property investment.

5. SELF-IMPOSED SPECIAL CIRCUMSTANCES: A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

Staff Comment: The special circumstance that impacts this property was created when the neighborhood was designed, and the home was constructed.

6. USE VARIANCE: A use variance may not be granted. (A use variance is one which would allow, as an example, a retail commercial establishment in a single family residential zone district).

The Board must consider the findings listed above in any variance approval, and must be able to make the findings that are required by law.

Also, according to ARS 9-462.06, "Any variance granted is subject to such conditions as will assure 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 such property is located."

Summary:

Staff notified property owners within 300 feet of the subject property regarding the requested variance. No replies were received.

Attachments:

1. Applicant's letter of intent
2. Site pictures
3. Site plan for proposed room addition

Adam and Brittany Earles
1680 Cholla Lane
Clarkdale, AZ 86324
Parcel # 406-26-011J

Town of Clarkdale Board of Adjustment
890 Main St.
Clarkdale, AZ 86324

Attn: Paul Grasso/ Building Official

Dear Sirs,

We are requesting a variance at our home located at 1680 Cholla Lane. The special circumstances we have encountered include a 30' by 165.86' right of way alongside our property that encompasses ½ of Mescal Spur Road. We also have an easement alongside the front portion of our property that serves as ½ of Cholla Lane.

These two right of way easements limited the area on the property for placement of the septic system and propane tank, thus creating a smaller rear yard than would be expected. We would like to place a 12'x 22' room addition that would serve as a bedroom, and small family room. We request that the existing 20' setback required in our R-1 zoning be modified to 18'.

Thank-you for your time and consideration with this matter.

Sincerely,
Adam and Brittany Earles



