MINUTES OF A *REGULAR MEETING* OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, FEBRUARY 26, 2014, 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, February 26, 2014, at 6:00 p.m. in the Men's Lounge of the Clarkdale Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

Board of Adjustment:

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

Staff:

Building Official	Paul Grasso

Others in Attendance: Applicant- Adam and Brittany Earles.

1. **AGENDA ITEM: CALL TO ORDER:** The Chairperson called the meeting to order at 6:00 p.m.

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

3. **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.**

4. **AGENDA ITEM: MINUTES: Consideration of the Regular Meeting Minutes of October 23, 2013.** Board Member Midkiff motioned to approve the Regular Meeting Minutes of October 23, 2013. Board Member Backus seconded the motion. The motion passed unanimously.

5. **AGENDA ITEM: REPORTS:**

Chairperson's Report: None

Staff Report: None

NEW BUSINESS

6. **AGENDA ITEM: 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.

OPEN Public Hearing: The Chairperson opened the Public Hearing.

Staff Report:

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'.

406-26-011L
406-26-011J
CLARKDALE
Subject Property
406-26-008Z

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.

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.

Applicant Presentation:
The applicant presented his position on the matter.

Invite Public to Speak:

There was no public comment.

CLOSE Public Hearing: The Chairperson closed the Public Hearing.

Discussion: Board Member deBlanc asked if the proposed addition would have any effect on the future development on the adjoining empty 8 acre parcel behind the subject property. Building Official Grasso replied that the owners were notified by mail and no concerns were brought forward. Also the sight line along Mescal Spur would not be affected. Board Member Midkiff asked if the addition could be placed at the front of the property. The other Board Members also agreed that the front of the home might be a better alternative.

ACTION: Board Member Midkiff motioned to approve the 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. The variance request falls under special circumstances that exist on this property because of the orientation of the house and the location of easements along Mescal Spur Road and due to the location of the septic tank and leech lines. Board Member Backus seconded the motion. The motion passed unanimously.

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

8. **AGENDA ITEM: ADJOURNMENT:** Board Member Backus motioned to adjourn the meeting. Board Member deBlanc seconded the motion. The motion passed unanimously. The meeting adjourned at 7:05 p.m.

APPROVED BY:

Lee Daniels
Chairperson

SUBMITTED BY:

Paul Grasso
Building Official