

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, JUNE 24, 2015, 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 June 24, 2015, 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	Present
Vice Chairperson	Rick Morris	Present
Board Members	Aaron Midkiff	Excused
	John Kinnamon	Present
	Peter deBlanc	Present

Staff:

Building Official	Paul Grasso
-------------------	-------------

Others in Attendance: Mr. Jeff Hendricks, Ms. Kris Bechard and Mr. Joe Bechard

AGENDA ITEM: CALL TO ORDER: The Chairperson 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 February 26, 2014. Board Member Morris motioned to approve the Regular Meeting Minutes of February 26, 2014. Board Member deBlanc 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: John Kinnamon.

The Board Members welcomed John Kinnamon to the Board of Adjustment.

AGENDA ITEM: ELECTIONS: CHAIRPERSON and VICE CHAIRPERSON.

The Board Members decided to continue through this September with the current Chair being Mr. Daniels and current Vice Chair Mr. Morris.

AGENDA ITEM: PUBLIC HEARING: Discussion/Possible Action: A request for a variance from Section 3-11-20 of the Town of Clarkdale Zoning Code regarding processing and manufacturing inside a completely enclosed structure or building. This variance is being requested to allow for processing and manufacturing under an existing 2,500 square foot attached canopy. This parcel number 406-26-313A is located at 1151 SR 89A in Clarkdale AZ. BOA#091077.

a. OPEN Public Hearing: The Chairperson opened the Public Hearing.

b. Staff Report:

The above referenced property at 1151 SR 89A was formerly a mechanical shop that housed a small trucking firm. In approximately November 2010 it was purchased and used for the storage of personal vehicles and materials. In March of 2015 the property was purchased by the current owners with the intention of creating a small wine processing plant, tasting room and warehouse. The current owners have applied for a building permit to make the necessary changes to the building and grounds and have made significant improvements to both the building and the exterior of the property.



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: This property is located in a Commercially zoned area, and the location of the covered canopy at the rear of the property will have minimum impact upon the surrounding properties.

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 site is bordered by commercial uses, and the impact to neighboring properties is minimal.

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: The processing operation would be carried out in a manner that would have no health or safety issues and be made with full compliance with all current town 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: The applicant can use this property in many different ways, the processing option will only enhance the use of this property.

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: There are no self-imposed special circumstances in regard to this property or applicant.

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.

c. Applicant Presentation:

Mr. Bechard explained the process of bringing onto the property grapes to be processed and the equipment necessary to do so. He also explained that the existing canopy area would be the only location on the property where this processing would take place.

Mr. Hendricks mentioned that the processing would start in August and end in October. The amount of grapes being processed would be small at first, building up to larger amounts and tapering down near the end. The work wouldn't be more than a few days a week at the beginning and end of the harvest season.

Mr. Bechard also spoke about the amount of noise that would be generated, comparing it to less than the existing commercial air compressor now on the site.

Chairperson Daniels asked if dust pollution would be an issue. Mr. Bechard explained that it would be minimal, adding that the care that goes into this type of processing is great. Board Member deBlanc asked if there would be any odor from the site and Ms. Bechard responded that yes, the smell of grapes would be present, but not overwhelming.

Board Member deBlanc asked if there might be an insect problem and Mr. Bechard replied that the waste would be covered and that regular trash pick-ups would be done.

Board Member Kinnamon asked about the option of siding the exterior to make the structure enclosed. Mr. Bechard responded that yes, this was an option but there would be engineering involved and the expense to do so was prohibitive at this time. Board Member Kinnamon asked if this year's production run would be a test of sorts; meaning this will be tried and that there would be some adapting in the future. The group of applicants agreed.

A discussion pertaining to the ordinance ensued and Mr. Grasso was asked if it appeared that the Town was trying to dissuade this type of business with such an ordinance. Mr. Grasso replied that the ordinance was labored over and at the Town Council session where it was discussed, most concerns were weighed.

The Board Members also discussed whether to add stipulations to a variance with possible time limits or perhaps granting permission for a single season of harvesting and processing. The applicants explained that their hope was to have a variance granted that would allow them to process without a time frame. Mr. Grasso also explained that if complaints were to come forward, that the applicant would have to comply with any code that might be enforced.

BOARD OF ADJUSTMENT
JUNE 24, 2015

The Board Members agreed that the Town of Clarkdale should be promoting this type of business.

d. **Invite Public to speak:** No one from the public was in attendance.

e. **CLOSE Public Hearing:** The Chairperson closed the Public Hearing.

ACTION: Board Member Morris motioned to approve a request for a variance from Section 3-11-20 of the Town of Clarkdale Zoning Code regarding processing and manufacturing inside a completely enclosed structure or building. This variance is being requested to allow for processing and manufacturing under an existing 2,500 square foot attached canopy. This parcel number 406-26-313A is located at 1151 SR 89A in Clarkdale AZ. BOA#091077, as presented, based on: Special circumstances due to the fact that this property is located in a Commercially zoned area and that the impact to the neighboring properties would be minimal.

Board Member deBlanc seconded the motion. The motion passed unanimously.

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

AGENDA ITEM: ADJOURNMENT: Board Member Daniels motioned to adjourn the meeting. Board Member deBlanc seconded the motion. The motion passed unanimously. The meeting adjourned at 6:43 p.m.

APPROVED BY:


Lee Daniels
Chairperson

SUBMITTED BY:


Paul Grasso
Building Official