

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF ADJUSTMENTS OF THE TOWN OF CLARKDALE HELD THURSDAY, MARCH 10, 2005, AT 6:00 P.M. IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ**

A special meeting of the Board of Adjustments of the Town of Clarkdale was held on March 10, 2005, 6:00 p.m. in the Men's Lounge.

**Board of Adjustments:**

Chairperson	Duane Norton	Present
Vice Chairperson	Anita Simgen	Present
Board Members	Lee Daniels	Present
	Charles Bennett	Present
	Richard Dehnert	Present

**Staff:**

Planning Manager	Beth Escobar
Administrative Assistant	Charlene Stockseth

**Others in Attendance:** Michael & Kerrie Bluff, John & Linda Coles, Bill Snyder

**1. CALL TO ORDER**

**2. ROLL CALL:** Administrative Assistant Stockseth called roll.

**3. PUBLIC COMMENT:** None.

**NEW BUSINESS:**

**4. CONSIDERATION AND POSSIBLE ACTION** on an appeal from Copper Bluff Investments, Inc. on a decision made by the Community Development Director regarding the 10/12 Lounge Remodel.

**Staff Report:**

Planning Manager Escobar stated Copper Bluff Investments, LLC, is in the process of proposing construction of the 10/12 Lounge located at 910 Main Street, in the Central Business District of the Town of Clarkdale. The Community Development Department has reviewed the proposal and has determined that Site Plan Review is needed pursuant to Section 17W, Applicability of Review, which states:

*A person who has right, title, or interest in a parcel of land must obtain SPR approval prior to commencing any of the following activities on the parcel:*

*(1) The construction or placement of any new building or structure for a commercial or industrial use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of one thousand (1,000) square feet or more.*

*(2) The expansion of an existing commercial or industrial building, structure, or uses including accessory buildings that increases the total floor area by 1,000 square feet or more.*

Copper Bluff Investments, LLC is seeking an appeal to the decision by the Community Development Director.

**Recommendations:**

The Board could determine that the applicant is required to meet the requirements of Section 17W of the Town of Clarkdale Zoning Code, or if the Board decides to overrule the Community Development Director in this case, they should make the following finding in doing so:

*“The Community Development Director erred in his interpretation of Section 17W of the Zoning Code and this applicant is not required to undergo Site Plan Review for the 2,400 sq. ft. structure that is proposed.”*

Chairperson Norton stated it appears there was a difference of opinion in a November meeting with Mr. Bluff and the Community Development Department (CDD). Chairperson Norton also asked why Community Development Director Brown didn't attempt to respond to the questions in Mr. Bluff's letter dated February 24, 2005.

Planning Manager Escobar stated the Community Development Department was going under the assumption that the remodel was adding less than 1,000 square feet and the CDD was even going under that assumption when the Design Review process began. It wasn't until the CDD was preparing the Staff Report for the Design Review application that the CDD actually calculated the square footage. In the CDD's calculations, it was over 1,000 square feet.

Planning Manager Escobar also stated the reason the Community Development Director didn't attempt to answer item-by-item regarding the Site Plan, is because the CDD did not receive a Site Plan application. The CDD could not review any of the items normally look for under Site Plan. The Site Plan is not only reviewed by the CDD, it is also sent to all the local utilities, police, fire and Yavapai County Development Services. Planning Manager Escobar stated it is an involved process because it addresses issues other than just the just a look of a building. Planning Manager Escobar stated that is why Community Development Director Brown did not address the questions, because the CDD did not have that information.

Planning Manager Escobar stated the project did go to the Design Review and this showed the footprint of what's being remodeled and the CDD calculated over 1,000 square feet. There was no question the project was a remodel, the CDD felt the project exceeded the 1,000 square feet.

Chairperson Norton asked the applicant if he wished to make a presentation.

Michael Bluff, 2450 Haskell Springs Road, Clarkdale, AZ, applicant and owner of the property, 910 Main Street, Clarkdale, AZ. Mr. Bluff stated the area being proposed as the addition was 970 square feet and not over 1,000 square feet. Mr. Bluff asked staff how they came up with over 1,000 square feet for the addition.

Planning Manager Escobar stated the addition was 8 feet, 8 inches wide by 120 feet calculates to 1,026 square feet. On the cover sheet of the plans, it says the total square footage of 2,417 square feet.

Mr. Bluff stated the site calculations show a total gross building area of 2,410 square feet.

Planning Manager Escobar stated the CDD was assuming the figure under that was the original square footage or the additional square footage; either way is over 1,000 square feet.

Chairperson Norton called a recess to Planning Manager Escobar could get a calculator and ruler to calculate the actual square footage.

Chairperson Norton called the meeting back to order.

The site plans was measured. The addition measured 938 square feet. Mr. Bluff asked staff if the addition measures less than 1,000 square feet, does that solve the problem of being over 1,000 square feet. Planning Manager Escobar stated yes, staff never had a question if this was a remodel or new building, it was just the actual space that was being added.

Mr. Bluff asked based on the above calculations and without taking any other evidence and without taking any other testimony, Mr. Bluff asked that the Board find as a fact that the addition is in fact that the addition is 934 square feet. If staff agrees with that, Mr. Bluff feels the issue is moot at this point in time. Planning Manager Escobar agreed with Mr. Bluff; there is no issue here to appeal. Planning Manager Escobar explained that the Board is not authorized to review any other facts of this application.

Chairperson Norton stated that this should be referred back to staff and have staff validate the 934 square feet.

Mr. Bluff felt the Board had the ability to make findings of fact and he asked that the Board make a determination that the site is less than 1,000 square feet and, therefore, site plan is not applicable.

Chairperson Norton asked Planning Manager Escobar if she concurred with the findings. Planning Manager Escobar stated, yes she did.

Board Member Daniels made a motion that the building addition in question is less than 1,000 square feet as proposed by the applicant and does not need to make a Site Plan Review application. Board Member Simgen seconded the motion. The motion was unanimous.

**ADJOURNMENT:** Board Member motioned the meeting adjourned. Board Member Daniels seconded the motion. The motion was unanimous. The meeting adjourned at 6:30 p.m.

APPROVED BY:

SUBMITTED BY:

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Duane Norton  
Chairperson

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Charlene Stockseth  
Administrative Assistant