

MINUTES OF A SPECIAL MEETING OF THE BOARD OF ADJUSTMENTS OF THE TOWN OF CLARKDALE HELD WEDNESDAY, FEBRUARY 22, 2006, AT 6:00 P.M. IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ

A regular meeting of the Board of Adjustments of the Town of Clarkdale was held on February 22, 2006, at 6:00 p.m. in the Men's Lounge.

Board of Adjustments:

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

Staff:

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| Community Development Director | Sherry Bailey |
| Planner II | Normalinda Zuniga |
| Administrative Assistant | Charlene Stockseth |

Others in Attendance: Mike Baker, Mike Flummer, Larry Pritchard, Randy Clark, David & Tawnya Hudson

1. **CALL TO ORDER:** The Chair called the meeting to order at 6:00 pm.
2. **ROLL CALL:** The Administrative Assistant called roll.
3. **MINUTES:** Board member Daniels motioned to approve the minutes of January 18, 2006. Board member Simgen seconded the motion. The motion passed unanimously.
4. **REPORTS:**
Chairperson's Report: None.
Staff Report: None.
5. **PUBLIC COMMENT:** None.

NEW BUSINESS

6. **ELECTION OF OFFICERS:** Board member Daniels motioned to nominate Duane Norton as Chairperson. Board member Dehnert seconded the motion. The motion passed unanimously. Mr. Norton accepted the nomination.

Board member Dehnert motioned to nominate Anita Simgen as Vice Chairperson. Board member Daniels seconded the motion. The motion passed unanimously. Ms. Simgen accepted the nomination.

7. **CONSIDERATION & POSSIBLE ACTION** on a waiver for the fire suppression requirement from David Hudson, 1120 Peaks View Drive, Parcel #406-27-093C, Building Permit #3814.

Applicant: My name is David Hudson. I live at 1120 Peaks View Drive. I have been a homeowner in Clarkdale for five years. I am presently remodeling my home and have concerns in reference to an ordinance from the town of Clarkdale. This ordinance is requiring that I install sprinklers throughout my home. I do not understand this request since I am enclosing an already existing garage and patio. However, I do understand that sprinklers may be required for my new garage. There is a firewall for the existing garage.

The square footage that is mentioned in Mr. Baker's report is not accurate.

The sprinkler system throughout the house would not only be a large expense, but would require demolition of my beautiful home.

Staff Report: Mike Baker, Building Official, stated on September 15, 2005, Mr. David Hudson, owner and resident of 1120 Peaks View Drive, submitted a building permit application proposing two additions to the house, a new attached garage, and conversion of an existing attached garage to living space.

The Building Code, at that time, required the installation of an automatic sprinkler system in existing buildings if the size of the structure was increased by more than 50% of the area of the building at the time the ordinance became law on April 27, 2005, or 1000 square feet, whichever is less. Attached garages did not have to be equipped with a suppression system if the walls, ceiling, and the self-closing door to the house had a fire rating of 1 hour.

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| The total area of the existing house, including attached garage | 2379 square feet |
| Proposed additions, including new attached garage | 1366 square feet |
| Increase | 1013 square feet |

Even though the increase of 1013 square feet is not over 50% of the house area at the time the law was passed, it is more than 1000 square feet. Therefore, the entire building must be sprinklered, with the exception of the garage, if the 1-hour wall, ceiling and door requirements are met.

Community Development Director Sherry Bailey and I explained to Mr. Hudson, using the above information, why the building needed fire suppression. We suggested that he detach the new garage from the house and reduce the area of the new additions to 313 square feet. This is less than 1000 square feet and would not require fire suppression in the house or the new garage.

Mr. Hudson did not want to detach the garage because it would conflict with where he parks his recreational vehicle. We explained to Mr. Hudson the process for filing an appeal to the Board of Adjustment. On January 19, 2006, he filed for an appeal for an automatic sprinkler exemption.

It is the Building Official's position that the house must be equipped with an automatic fire suppression system if the new garage is attached. Fire suppression is not required in the garage if it is isolated from the house (including the garage ceiling) by a one hour rated fire rated wall, or is separated a minimum of six feet from the house.

Discussion: Board members asked whether the options had been discussed with Mr. Hudson. They also asked if Mr. Hudson could reduce the square footage or detach/move the new garage to eliminate having to install the fire sprinklers. Mr. Hudson stated he could not make any of those changes.

The Chair asked for a recess to ensure the square footage was correct. After checking the plans, the square footage was correct.

Mike Flummer, Fire Marshall, stated as the Fire Marshall, he supported the ordinance; the ordinance was put in place to save lives. It was the Board's decision whether to enforce the ordinance.

Action: Board member Daniels motioned to deny the request for a waiver. Board member Dehnert seconded the motion. The motion passed unanimously.

8. **CONSIDERATION & POSSIBLE ACTION** on a waiver for the fire suppression requirement from Verde Valley Self-Storage, 1451 West highway 89A, Parcel #406-27-010Z, Building Permit #3872.

Staff Report: Mike Baker, Building Official stated that on December 28, 2005, Mr. Larry Pritchard, building contractor, submitted plans for a proposed 108-storage unit addition to an existing storage facility at 1451 West 89A. Mr. Pritchard and the owner, Mr. Randy Clark, started the process to comply with the zoning and engineering requirements for this project in February 2005. Ms. Normalinda Zuniga, Planner II for the Town of Clarkdale, has provided a timeline memo describing the events leading up to the building plan review.

On April 26, 2005 the Town modified the Building Code to require that most new buildings be equipped with fire suppression systems. There was a further modification of the Building Code on October 11, 2005, but that change did not affect the requirement that new storage buildings be equipped with fire suppression systems. Council approved both of these amendments with an emergency clause, which made them in force the next day.

Mr. Pritchard submitted a notice of appeal on January 24, 2006 stating that the building should be exempt from the new fire suppression modifications because the project was started before the Town Council passed the amendments to the Building Code. Mr. Pritchard also

believes that the Town should have notified him of the passage of the fire suppression modifications to the Building Code.

While sympathizing with Mr. Prichard, I was not involved in the review process of their project until building plans were submitted on December 28, 2005. After receiving the plans and performing the initial review, I informed Mr. Prichard that the new building would need to be equipped with a fire suppression system.

It appears that Mr. Prichard and the owner have confused the site and design review process with building plan review. Building codes are always subject to change at any time and are rarely dependent upon other laws. This project required review and approval by the Design Review Board before the Building Official and the Fire Marshall did their reviews.

In an ideal situation, everyone would be personally notified of every change to every law that might have an effect on their lives. Because of time constraints and ever-increasing activity, it is logistically impossible for the Community Development Department (or the Town) to perform this service.

Applicant: Mr. Randy Clark, Owner, and Mr. Larry Pritchard, Contractor, stated that when the plans were submitted in February, 2005, for the Design Review/Site Plan Review (DR/SPR) process, they were never told they would need to install fire sprinklers in the storage units. They feel they should be grand fathered in on the old code and that the rules cannot be changed at the end of the game. Keeping in mind that part, if not all the confusion has been the result of the Town of Clarkdale not having even one of the individuals involved still working for them. To further frustrate the situation is the fact that the statute quoted by Mike Baker, section H, sub statute 2, stated at the end “or the available water supply is not sufficient for the required flow.” There is a city fire hydrant on the property that Randy Garrison of Cottonwood Waterworks said produces 1,500 gallons per minute. The expenses that we have incurred for the required DRB/SPR stipulations has been overwhelming.

Discussion: Board members felt the applicant waited too long before submitting their building permit (8 months). That is when the ordinance for the fire sprinklers changed. The Board felt again that the ordinance was put in place to save lives. There is no oversight on what is stored in self-storage units.

Mike Flummer, Fire Marshall, stated the self-storage unit required the fire sprinklers. Self-storage units are considered a hazardous area. He stated it was the Board’s decision whether to enforce the ordinance.

Action: Board member Daniels motioned to deny the waiver request. Board member Simgen seconded the motion. The motion passed unanimously.

9. **FUTURE AGENDA ITEMS:** None.

10. **ADJOURNMENT:** Board member Dehnert motioned to adjourn. Board member Simgen seconded the motion. The motion passed unanimously. The meeting adjourned at 7:50 p.m.

APPROVED BY:

SUBMITTED BY:

Duane Norton
Chairperson

Charlene Stockseth
Administrative Assistant