

MINUTES OF A SPECIAL MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, AUGUST 23, 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 Adjustment of the Town of Clarkdale was held on August 23, 2006, at 6:00 p.m. in the Men's Lounge.

Board of Adjustment:

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

Staff:

Community Development Director	Sherry Bailey
Building Official	Mike Baker
Charlene Stockseth	Administrative Assistant

Others in Attendance: None.

1. **CALL TO ORDER:** The Chair called the meeting to order at 6:00 p.m.
2. **ROLL CALL:** The Administrative Assistant called roll.
3. **MINUTES:** Board member Denhert motioned to approve the minutes of July 26, 2006. Board member Daniels seconded the motion. The motion passed unanimously.
4. **REPORTS:**
Chairperson's Report: None.
Staff Report: The Community Development Director stated the worksession with the Mayor, Boards, Commission and Town Council looks to be sometime during the week of September 18.
5. **PUBLIC COMMENT:** No public comment.

NEW BUSINESS

6. **PUBLIC HEARING:** Variance Request, ZV-2007-1, from Otho & Deborah Behr, for the property located at 632 Bootleg Road, Parcel #400-06-314
 Open Public Hearing: The Chair opened the Public Hearing.

- Staff Report: The variance application is for a swimming pool. The proposed pool plan shows a five foot side and rear setback. The Town of Clarkdale Zoning Code specifies in Section 4-6,A4 that swimming pools “shall be located no nearer than ten (10) feet to any property line” The Mountain Gate Final Development Plan calls for a 20 foot rear setback for this and all Manor Homes. In the Mountain Gate subdivision’s Final Development Plan there are no provisions made for a change to the Town of Clarkdale’s current ordinance to allow swimming pools to encroach on the ten foot swimming pool setbacks. The Special Circumstances; Undue Hardship; Public Health, Safety and Welfare; Adequate Financial Return; Self-Imposed Special Circumstances; and Use Variance Findings were also discussed with the Board.
 - Applicant Presentation: The applicant stated there were a lot of pluses for the applicant having a swimming pool, i.e., physical therapy and family entertainment. It’s not a shed or garage. Noise can come from a barbeque or hot tub. The pool would cost the owners \$60,000 to \$70,000, and would also increase their property value.
 - Invite public to speak: There was no public present, however a letter was received from Frank and Lor-Ann Agnelli, 639 King Copper Road, stating “We the abutters of parcel #400-06-314 oppose the request for a variance for a set-back for said pool. Not only will this create a noise issue the lots are much to small and too close to neighbors.”
 - Close Public Hearing: The Chair closed the Public Hearing.
7. **CONSIDERATION AND POSSIBLE ACTION:** Variance Request, ZV-2007-1, from Otho & Deborah Behr, for the property located at 632 Bootleg Road, Parcel #400-06-314
- Questions to staff/applicant: Board members asked about drainage from the neighbors yard into the applicant’s yard. The Building Official stated that there was a retaining wall and the grading would divert the water into the street and prevent drainage into the pool. They also discussed the location of the porch and spa.
 - Chair requested a motion: Board member Bennett motioned to deny the application due to the 10 foot setback standard. Board member Daniels seconded the motion.
 - Discussion: None.
 - Action: The motion passed unanimously.
8. **FUTURE AGENDA ITEMS:** None.

9. **ADJOURNMENT:** Board member Daniels motioned to adjourn. The meeting adjourned at 7:00 p.m.

APPROVED BY:

SUBMITTED BY:

Duane Norton
Chairperson

Charlene Stockseth
Administrative Assistant