

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, FEBRUARY 28, 2007, 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 February 28, 2007, at 6:00 p.m. in the Men's Lounge.

Board of Adjustment:

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

Staff:

Community Development Director	Sherry Bailey
Building Official	Mike Baker
Administrative Assistant	Vicki McReynolds

Others in Attendance: Normalinda Zuniga, Carlos & Victorina Zuniga.

1. **CALL TO ORDER:** The Chair called the meeting to order at 6:00 p.m.
2. **ROLL CALL:** Administrative Assistant called roll.
3. **MINUTES:** Consideration of minutes from the meeting of November 29, 2006 and January 4, 2007. Board Member Dehnert made a motion to approve the minutes of November 29, 2006 and January 4, 2007. Board Member Daniels seconded the motion. The motion passed unanimously.
4. **REPORTS:**
Chairperson's Report: None.

Staff Report: The Community Development Director mentioned there are no scheduled meetings at this time for Prop 207, although there was a roundtable discussion held in Phoenix. A DVD has been ordered and should arrive within the next few weeks. The DVD will be shown at each Board and Commission meeting and will be placed on their respective agendas. There will be an Open Meeting Law Training in the Men's Lounge, Friday, April 13, 2007, from 1:30-4:30pm. Please let the Community Development Department (649-3538) know if you will be attending by March 8, 2007.

5. **PUBLIC COMMENT:** None.

NEW BUSINESS

6. PUBLIC HEARING: Variance Request, ZV-2007-4, from Carlos & Victorina Zuniga, for the property located at 601 Third North Street, Parcel #400-03-122. (Variance request height, set back, requirements).

- **Open Public Hearing** Board Member Dehnert motioned to open public hearing. Board Member Daniels seconded the motion. The motion passed unanimously.
- **Staff Report:** Carlos and Victorina Zuniga owners of property at 601 Third North Street in the Town of Clarkdale, have applied for a variance seeking relief from Section 3-7 of the Zoning code of the Town of Clarkdale.

The Variance specifically requests relief from the ten (10) foot side yard setback, the fifteen (15) foot front and rear yard setback and the eighteen-foot height requirement on a corner lot. This area is part of the original Clarkdale Town Site with the lots developed before the town adopted a subdivision ordinance or a zoning ordinance. To compound the problem, the corner lot is smaller than the interior lots and has two front yards because of its corner status. Also, because this area is zoned for mobile home use, the height limit is restricted to the height of a mobile home.

The applicants, however, wish to build a site built home for one of their family. They would like to build a two-story home, but because of the restrictions intended for mobile homes, they would not be allowed to go above the height of a mobile home placement. They would also like to build a home with room for a porch and wider than a single-wide mobile home. There was a single wide mobile home on the site previously, but was in dilapidated condition and removed by the owner many years ago. The owner resides in the lot adjacent to this piece of property. This area is unique because of the design of the corner lots and the age of the platting. Restrictions through zoning were applied long after the property had been platted and developed.

If the Board chooses to grant this variance, staff recommends that you do so based on the following findings: SPECIAL CIRCUMSTANCES, UNDUE HARDSHIP, PUBLIC HEALTH, SAFETY, AND WELFARE, ADEQUATE FINANCIAL RETURN, SELF-IMPOSED SPECIAL CIRCUMSTANCES AND/OR USE VARIANCE.

- **Applicant Presentation:** Normalinda Zuniga, (applicant's daughter), presented the following: Her parents purchased the corner lot with an existing mobile home on it with a carport, addition and side porch. Shortly thereafter, the mobile home burned down. They have had a problem trying to find something that would fit on the size lot. They are seeking a variance to allow them the building setbacks to be those of the property directly behind them in the R-1A zoning district, which are 5 feet setback on the sides and 15 feet setback in the front and rear, and building height of 2 stories, not to exceed 35 feet. These are allowable

specifications for the R-1A zoning which borders the south side of this property. A printout was provided to the Board showing the surrounding parcels.

- **Invite public to speak:** None.
- **Close Public Hearing:** Board member Dehnert motioned to close the Public Hearing. Board Member Daniels seconded the motion. The motion passed unanimously.

7. **CONSIDERATION AND POSSIBLE ACTION: Variance Request, ZV-2007-4, from Carlos & Victorina Zuniga, for the property located at 601 Third North Street, Parcel #400-03-122. (Variance request height, set back, requirements).**

- **Questions may be directed to staff/applicant:** The Board asked Staff if the zoning had changed since the purchase of the property. The Community Development Director stated that it had not. There was discussion that a newer mobile home (single-wide) would not be an option due to their length in relation to the lot size. The Board asked the applicant if a site built home would be going on the property. The applicant's daughter responded, yes that is our plan for now. The Community Development Director stated that some corner lots are of a "regular size" and others are smaller. Trying to go to a site built home without a variance would be difficult to meet all the requirements. A mobile home or a site built home could be put on these lots, but "setbacks"/height restrictions do apply across the board. Re-zoning would not be an option for one lot. An entire area would need to be re-zoned.
- **Chair may request a motion and a second:** None.
- **Discussion:** Board Members looked at all aspects of this request falling under the Special Circumstances criteria, along with taking in to consideration input from the Staff report.
- **Action:** Board Member Daniels made a motion to approve the setback variance request due to Special Circumstances. Board Member Dehnert seconded the motion. The motion passed unanimously.

Board Member Dehnert made a motion to approve the variance request for building height to be 22 feet. Board Member Daniels seconded the motion. The motion passed unanimously.

8. **FUTURE AGENDA ITEMS:** Viewing of the Prop 207 video.

9. **ADJOURNMENT:** Board Member Dehnert made a motion to adjourn. Board Member Daniels seconded. The motion passed unanimously. The meeting adjourned at 7:00 p.m.

APPROVED BY:

SUBMITTED BY:

Anita Simgen
Chairperson

Vicki McReynolds
Administrative Assistant