

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, APRIL 25, 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 April 25, 2007, at 6:00 p.m. in the Men's Lounge.

Board of Adjustment:

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

Staff:

Building Official	Mike Baker
Administrative Assistant	Vicki McReynolds

Others in Attendance: Lidia Schabacker

AGENDA ITEM: CALL TO ORDER: The Chairperson called the meeting to order at 6:00 p.m.

AGENDA ITEM: ROLL CALL: Administrative Assistant called roll.

AGENDA ITEM: MINUTES: Consideration of minutes from the meeting of February 28, 2007 and March 28, 2007. Board Member Dehnert made a motion to approve the minutes of February 28, 2007 and March 28, 2007. The Chairperson seconded the motion. The motion passed unanimously.

AGENDA ITEM: REPORTS:
Chairperson's Report: None.

Staff Report: None.

AGENDA ITEM: PUBLIC COMMENT: None.

NEW BUSINESS

AGENDA ITEM: PUBLIC HEARING: Variance Request, ZV-2007-5, from Lidia Schabacker, for the property located at 115 Sunset Blvd., Parcel #400-03-229. (Request for a variance from the front yard fence height requirement).

- **Open Public Hearing:** The Chairperson motioned to open public hearing. Board Member Dehnert seconded the motion. The motion passed unanimously.

Staff Report: The applicant lives at 115 Sunset Blvd. in a house that may meet the requirements for a reverse corner lot, or may not. That is a call the Board will have to make. Ms. Schabacker has removed an existing fence and would like to replace it with another fence approximately 6 feet in height. She intends to attach lattice to a beam frame and allow vines to grow on the lattice to function as a fence/screen. She also has some existing bushes that are in front of the fence and are 7 feet in height. Her neighbor to the east has an existing rear yard fence that is 6 feet in height that would meet Ms. Schabacker's fence. Ms. Schabacker's house is on a hill and has an existing 4-foot retaining wall that surrounds her front/side yard and the fence would be on top of that wall as is her neighbor's fence to the east. Staff has included an exhibit that shows the intersection of the streets and the configuration of the lot at 115 Sunset Blvd.

This area is unique in that the roads come together not at right angles but around a triangle center that forms a curved corner rather than a straight corner intersect. The property owner adjacent to Ms. Schabacker's has her back yard against Ms. Schabacker's, but not entirely. Please refer to the exhibit attached to this report. Because everything is rounded, it is offset so the intent of the Section 4-8 B.3. Reference to reverse corner lots does not seem to apply. Also, there is really no sight triangle issues because of the road configuration.

Code Requirements: Section 4-8 Fence Height.

A. b. A sight distance triangle is maintained at the intersection of two (2) streets, or a street and alley, measured thirty-five (35) feet along the edges of easement or right-of-way, the third side being a diagonal connection the first two (2);

c. A sight distance triangle is maintained at the intersection of a street and a driveway measured twenty (20) feet along the edge of the right-of-way or easement, and driveway, the third side being a diagonal connecting the two (2);
and

B. Fence height in residential districts other than the R1L or RS3 zone districts shall be as follows:

1. Fences may not exceed four (4) feet in height in required front yard areas.
2. Fences may exceed four (4) feet in height along the exterior side yard of a corner lot provided sight distance triangles as defined in Section 4-8 A 1.b or c are maintained;
3. Fences may not exceed four (4) feet in height along the exterior side yard of a reverse corner lot;
4. Fences may exceed four (4) feet in height along the rear yard of a through lot provided:
 - a. All adjacent through lots have their front yards facing the same street;
and
 - b. Sight distance triangles as defined in Section 4-8 A 1.b or c are maintained.

C. Maximum fence height in residential districts may not exceed six (6) feet, except at gated entryways, where pillars or posts and a single crossbar only, may exceed such 6-foot height.

Staff Comments: 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 or Use Variance. Also, according to ARS-9-462.06, “Any variance granted is subject to such conditions as will assure that 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.”

- **Applicant Presentation: Lidia Schabacker, 115 Sunset Blvd.** Applicant wanted to address to the Board Members the special shape of her property and safety issues concerning her variance request. There is a safety issue concerning the hairpin road area by her home; her wall has been hit in the past; she cannot park her vehicle on the roadway as it’s too dangerous and must park in her backyard; six lanes of actual traffic pass by her home daily; fumes, dust, etc., come in to her yard area; her family uses the front yard as their “backyard” as the unique physical shape of the property is that it is long and narrow where the side yard serves as a “backyard” and the small existing back area serves as off-street parking. She would like to keep consistent with her neighbor’s fence height. The applicant stated the fence would serve as a break from the traffic, dust, fumes and noise. Plantings such as pyracanthus hedge, trellis roses, etc., acts as a barrier and natural filter.
- **Invite public to speak:** None.
- **Close Public Hearing:** Board Member Dehnert motioned to close the Public Hearing. Board Member Norton seconded the motion. The motion passed unanimously.

AGENDA ITEM: CONSIDERATION AND POSSIBLE ACTION: Variance Request, ZV-2007-5, from Lidia Schabacker, for the property located at 115 Sunset Blvd., Parcel #400-03-229. (Request for a variance from the front yard fence height requirement).

- **Questions may be directed to staff/applicant:** The Board verified the following from the Staff and/or Applicant: the Town code does not require a trellis structure to be considered the same as a fence. The age of the home is approximately to be 1929-1930. There was lattice there prior, but was very old. The pyracanthus to be planted would be approximately 7 feet tall. Staff verified if existing fence were to be repaired vs., a “new” one to go up, no variance would be needed. Applicant stated when her grandchildren come, they are kept in the front yard area.
- **Chair may request a motion and a second:** None.
- **Discussion:** The Board asked staff if there had been any complaints received. Staff stated yes, and the applicant was advised to see the Community Development Director and seek a variance request. Staff did have to issue a “stop work” letter to the applicant re-informing her a permit was needed. Staff further explained the exhibits that were provided in their packets. It was noted that pyracanthus plantings are not considered a fence. 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 Dehnert made a motion to approve the request for a variance from the front yard fence height requirement due to Special Circumstances. Board Member Norton seconded the motion. The motion passed unanimously.

AGENDA ITEM: **FUTURE AGENDA ITEMS:** None.

AGENDA ITEM: **ADJOURNMENT:** Board Member Dehnert made a motion to adjourn. Board Member Norton seconded. The motion passed unanimously. The meeting adjourned at 6:30 p.m.

APPROVED BY:

Anita Simgen
Chairperson

SUBMITTED BY:

Vicki McReynolds
Administrative Assistant