

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, MAY 23, 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 Wednesday, May 23, 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:

Building Official	Mike Baker
Administrative Assistant	Vicki McReynolds
Planner II/GIS	Pamela Ravenwood

Others in Attendance: Calvin Behlow, Mike Bluff, Nick & Debbie Hunseder

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 April 25, 2007. Board Member Daniels made a motion to approve the minutes of April 25, 2007. Board Member Dehnert seconded the motion. The motion passed unanimously.

AGENDA ITEM: REPORTS:

Chairperson's Report: None.

Staff Report: Mike Baker, Building Official, reported that Pamela Ravenwood, Planner II/GIS, has accepted a new position in Sedona. This will be her last attendance at the Board of Adjustment Meeting. All her input and map producing skills have been appreciated and everyone wishes her well.

AGENDA ITEM: PUBLIC COMMENT: None.

NEW BUSINESS

AGENDA ITEM: PUBLIC HEARING: Variance Request, ZV-2007-6, from Calvin Behlow, for the property located at 1831 Minerich Road, Parcel #406-25-001C. (Request for a variance seeking relief from Section 4.8 of the Zoning Code of the Town of Clarkdale, regarding fence height).

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

Staff Report: Calvin Behlow, the owner of property at 1831 Minerich Road which has R-1 zoning, has applied for a variance seeking relief from Section 4.8 of the Zoning Code of the Town of Clarkdale which reads:

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.

- **Applicant Presentation:** Calvin Behlow, 1831 Minerich Road. The applicant explained the location of his property as outlined on a detailed map that was provided to the Board Members. He also provided color pictures. He has two

reasons for the variance request: one being his front yard is actually his back yard the way the lot is and the fence variance request would assist with dust control and securing his dogs. A future pool is being considered in the yard and a fence variance request approval would alleviate his return to the Board. The second reason is "site variance" corner lot. He said there is a 32-40 foot easement currently. The property line has been moved back, (where you would pull out of the property either on to Minerich or Elm.

- **Invite public to speak:** Nick Hunseder, 1871 Moonlight Lane. He owns two parcels across from the applicant. He stated he has no issue with the fence variance request, especially to help contain their dogs for safety.
- Mike Bluff, (on behalf of Mingus Land Co.), spoke against the variance. He said this is a public dedicated road of the Radley Subdivision and public right-of-way and how the lines got "moved" is a mystery. He felt more public may come forward as "corner property owners" if not re-platted. Minerich is a dirt road with local traffic and although Elm is less traveled, it is still a public road. Having a 6 foot wall is a site concern.
- **Close Public Hearing:** Board Member Dehnert motioned to close the Public Hearing. Board Member Daniels seconded the motion. The motion passed unanimously.

AGENDA ITEM: CONSIDERATION AND POSSIBLE ACTION: Variance Request, ZV-2007-6, from Calvin Behlow, for the property located at 1831 Minerich Road, Parcel #406-25-001C. (Request for a variance seeking relief from Section 4.8 of the Zoning Code of the Town of Clarkdale, regarding fence height).

- **Questions may be directed to staff/applicant:** The Board determined from the applicant the 6 foot fence would be the entire area as outlined on the map. It was asked at what point was the boundary moved where the 8 feet was lost? The applicant was not sure, as it was like that when he purchased the property. The pins are there showing the 8 foot area in question. There was a garage add-on in 2004-2005.
- **Chair may request a motion and a second:** None.
- **Discussion:** The Board members looked at the property and agreed that it does not meet the criterion for special circumstances or undue hardship. They also stated that there is a need to protect the public in regard to a site distance triangle. The Chairperson did not see anything from the Staff Report to counteract the Board members consensus. They do not want to set a precedent to other people with corner/two front yard situations. The Town of Clarkdale is growing, traffic is increasing and the community does need to be protected. The Board needs to abide by the standards set forth in the Town Ordinances.
- **Action:** Board Member Dehnert moved to deny the Variance Request, ZV-2007-6, from Calvin Behlow, for the property located at 1831 Minerich Road, Parcel #406-25-001C, as the request did not meet the criterion for Special Circumstances or Undue Hardship. Board Member Daniels seconded the motion. The motion passed unanimously.

AGENDA ITEM: BOARD OF ADJUSTMENT MEETING LOCATION

CHANGE: Discussion and consideration of relocating the regular scheduled Board Meetings to the Town of Clarkdale Library, from June 27 through August 22, 2007.

Board Member Daniels motioned to approve the relocating of the Regular scheduled Board Meetings to the Town of Clarkdale Library, from June 27 through August 22, 2007. Board Member Dehnert seconded the motion. The motion passed unanimously.

AGENDA ITEM: FUTURE AGENDA ITEMS: None.

AGENDA ITEM: ADJOURNMENT: Board Member Dehnert motioned to adjourn the meeting. Board Member Daniels seconded the motion. The motion passed unanimously. The meeting adjourned at 6:30 p.m.

APPROVED BY:

SUBMITTED BY:

Anita Simgen
Chairperson

Vicki McReynolds
Administrative Assistant