

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, JULY 25, 2007, IN THE CLARK MEMORIAL LIBRARY, 39 N. NINTH STREET, CLARKDALE, AZ.**

A Regular Meeting of the Board of Adjustment of the Town of Clarkdale was held on Wednesday, July 25, 2007, at 6:00 p.m. in the Clark Memorial Library.

**Board of Adjustment:**

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

**Staff:**

Building Official	Mike Baker
Planner II	Normalinda Zuniga
Administrative Assistant	Vicki McReynolds
GIS Technician	Guss Espolt

**Others in Attendance:** Tim Elinski, Howard Bos

**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 May 23, 2007 and June 27, 2007. Board Member Dehnert made a motion to approve the minutes of May 23, 2007 and June 27, 2007. Board Member Daniels seconded the motion. The motion passed unanimously.

**AGENDA ITEM: REPORTS:**

**Chairperson's Report:** None.

**Staff Report:** The Planner II introduced Guss Espolt as Community Development's new GIS Technician.

**AGENDA ITEM: PUBLIC COMMENT:** None.

**NEW BUSINESS**

**AGENDA ITEM: PUBLIC HEARING:** Variance Request, ZV-2007-7, from Howard and Marilyn Bos, for the property located at 405 Second North Street, Parcel #400-03-028. (Request for a variance seeking relief from Section 3-2, I of

**the Zoning Code of the Town of Clarkdale, to allow for building within the specified fifteen (15) foot setback for this zoning district.**

- **Open Public Hearing:** The Chairperson motioned to open public hearing. Board Member Daniels seconded the motion. The motion passed unanimously.
  
- 1. **Staff Report: Background:** Howard and Marilyn Bos, owners of 405 Second North Street, are extensively remodeling the house at that location. They want to change the front door, which originally faced Fourth Street, to a new design with an addition of a covered porch and a new front door that opens onto Second Street.
- 2. Because the proposed covered porch would extend into the front yard, the variance seeks relief from Section 3-2, I of the Zoning Code of the Town of Clarkdale to allow for building within the specified fifteen (15) foot setback for this zoning district. The applicant is asking that a five (5) foot front yard setback be granted.
- 3. This area is unique due to the way corner lots were platted. Under the old system, one side was chosen as the front and even though it was a corner lot, standard setbacks applied to the other side of the lot that faced the road.
- 4. **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.**
- 5. Also, according to ARS9-462.06, “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. The applicant has included in your packet their statements in relationship to the finding requirements.
  
- **Applicant Presentation: Tim Elinski,** Kohanowicz Restoration, (representing the builder), stated originally the property was a duplex and had a front porch. They are trying to create a better street-scape by adding a front porch area. (Exhibits A-1-3, pictures of home and surrounding areas), were referenced and viewed by the Board Members. Applicant will be covering the front porch to bring the home back to its original state. The fence will remain and has a generous walkway.
- **Howard Bos,** (property owner), stated he is very happy with the project and feels the front porch will bring the home back to its original state, and address safety issues, i.e., protection from the weather elements.
- **Invite public to speak: None.**
- **Close Public Hearing:** Board Member Daniels 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-2007-7, from Howard and Marilyn Bos, for the property located at 405 Second North Street, Parcel #400-03-028. (Request for a variance seeking relief from Section 3-2, I of the Zoning Code of the Town of Clarkdale, to allow for building within the specified fifteen (15) foot setback for this zoning district.**

- ❑ **Questions may be directed to staff/applicant: Following are responses to questions posed by the Board.**
- ❑ The Building Official stated the home is so close to the lot line, that any work done such as a porch, addition, etc., would need a variance. The location of the proposed porch was shown in the map(s) provided by the applicant. The placement of the door is not an issue – the original door was on the front of the home. The stoop extends 3-4 feet from the home. Regarding the “covering”, the sides will remain open. Per the Building Official, it makes good sense to put a cover over a door and is standard typical building practice.
- ❑ **Chair may request a motion and a second:** None.
- ❑ **Discussion:** The Building Official stated this is a legal non-conforming house due to the reduced setbacks that were created prior to the current zoning ordinance. These set backs were acceptable at the time the house was built. It was discussed that the age of the property and “current” zoning code(s), has placed the property in this situation. The Public Health, Safety and Welfare criteria was discussed as it relates to this property. With no covered porch, the weather elements pose a safety issue, i.e., people slipping/falling, or an emergency assist, such as a paramedic, could possibly slip during bad weather.
- ❑ **Action:** Board Member Daniels made a motion to approve the Variance Request, ZV 2007-7, Parcel #400-03-028, based on the “PUBLIC HEALTH, SAFETY AND WELFARE” criteria. Board Member Norton seconded the motion. The motion passed with a 3-1 vote.
- ❑ Board Member Dehnert asked to go on record that he did not agree with the motion to pass this variance, due to his interpretation of the criteria definitions as they relate to this request.

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

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

APPROVED BY:

SUBMITTED BY:

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Anita Simgen  
Chairperson

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Vicki McReynolds  
Administrative Assistant