

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD WEDNESDAY, DECEMBER 19, 2007, IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.**

A **Special** Meeting of the Board of Adjustment of the Town of Clarkdale was held on Wednesday, December 19, 2007, at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse.

**Board of Adjustment:**

Chairperson	Anita Simgen	Present
Vice Chairperson	Lee Daniels	Present
Board Members	Richard Dehnert	Present
	Robyn Prud'homme-Bauer	Present
	Larry Connors	Present

**Staff:**

Building Official	Mike Baker
Planner II	Normalinda Zuniga

**Others in Attendance:** Bill Regner-Applicant.

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

**AGENDA ITEM: ROLL CALL:** The Building Official called roll.

**AGENDA ITEM: MINUTES:** Staff reminded the Board Members Regular Minutes from previous meetings cannot be signed at a Special Meeting and they will be carried over to the next regular meeting.

**AGENDA ITEM: REPORTS:**

**Chairperson's Report:** The Boards & Commissions meeting was very educational and members found it to be very helpful.

**Staff Report:** None.

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

**NEW BUSINESS**

**AGENDA ITEM: PUBLIC HEARING:** Variance Request, ZV-2007-8, from William Regner for the property located at 610 E. Cliffside Drive, Parcel #400-07-014. The request is for a variance to reduce the rear setback from 30 feet to 10 feet.

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

**-Staff Report:**

Mr. William Regner, owner and applicant, has submitted a variance application for his property, APN 400-07-014. Mr. Regner seeks relief from Section 3-3, I of the Zoning Code of the Town of Clarkdale to allow for building within the specified 30 foot setback for this zoning district. The applicant is requesting that the current 30 foot rear setback be reduced to a ten (10) foot rear yard setback.

**Staff Comments:**

If the Board chooses to grant this variance, staff recommends that you do so based on the following criteria:

**SPECIAL CIRCUMSTANCES, UNDUE HARDSHIP, PUBLIC HEALTH- SAFETY & WELFARE, ADEQUATE FINANCIAL RETURN, SELF-IMPOSED SPECIAL CIRCUMSTANCES, USE VARIANCE.**

**Applicant Presentation:**

Mr. Bill Regner (applicant) explained his request to reduce the rear setback from 30 feet to 10 feet. The “Special Circumstances” criteria were explained as follows: The northern most boundary line at the rear of this property sits atop of the ridgeline above the Verde River Greenway. The publicly owned property adjacent to the north drops immediately down into the Verde River Greenway approximately 100 feet and is not suitable for future development of any nature. Other properties in the area with structures built on the cliff’s edge either extend far enough down the slope to not require a variance; have structures that were built prior to the enforcement of current setback requirements; or do not border the Verde River Greenway and thus would not require a similar variance.

The “Undue Hardship” was explained as follows: Placing the structure at the furthest point north relieves hardships caused by the setbacks required for placement of drinking water, well and septic system. The northeast portion of the lot is unsuitable for either well placement or septic due to the setback requirements from the undeveloped adjacent lot on the east side and State Parks land to the north. The property to the immediate west was allowed in 1986 to place their septic tank and leach lines within five feet of my

property line; even though this was not recommended at that time according to the May 1976 Engineering Bulletin No: 12. Guidelines for Installation of Septic Tank Systems were explained, with examples given (in a letter provided to the Board Members in their packets).

**Invite Public to Speak: None.**

**Close Public Hearing: Chairperson Simgen motioned to close the Public Hearing. Board Member Dehnert seconded the motion. The motion passed unanimously.**

**AGENDA ITEM: CONSIDERATION AND POSSIBLE ACTION:**

**Variance Request, ZV-2007-8, from William Regner for the property located at 610 E. Cliffside Drive, Parcel #400-07-014. The request is for a variance to reduce the rear setback from 30 feet to 10 feet.**

**-Questions may be directed to Staff/Applicant: Following are responses to questions posed by the Board.**

-The Applicant feels the granting of this variance will not cause any detriment to the public health, safety, or welfare.

-Applicant's request for the variance is not based on an adequate financial return on an investment. This property is for his personal residence.

-As far as "Self-Imposed Circumstances": Applicant does not believe that these circumstances are self-imposed beyond the desire to build a home on a challenging lot that has special attributes that are unique to this property.

-This is not a request for a use variance.

**-Chair may request a motion and a second: None.**

**-Discussion:**

The Board Members discussed the location of the property and the challenges the lot presents. The Self-Imposed Circumstances criteria were looked at as well as Special Circumstances. Under Special Circumstances the description is: There are special circumstances attributable to the property that are not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant. Undue Hardship was also discussed and to "how" it would apply to the request.

**ACTION: Board Member Prud'homme-Bauer motioned to grant the Variance Request ZV-2007-8, Parcel # 400-07-014 based on Special Circumstances criteria. Board Member Dehnert seconded the motion. The motion passed 4 to 1 with Board Members Simgen, Dehnert, Conners and Prud'homme-Bauer voting aye and Board Member Daniels voting against the variance request.**

**AGENDA ITEM: FUTURE AGENDA ITEMS:**

**AGENDA ITEM: ADJOURNMENT: Board Member Dehnert motioned to adjourn the meeting. Board Member Prud'homme-Bauner seconded the motion. The motion passed unanimously. The meeting adjourned at 6:40 p.m.**

**APPROVED BY:**

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Anita Simgen  
Chairperson

**SUBMITTED BY:**

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Mike Baker  
Building Official