



**DRAFT MINUTES
TOWN OF CAMP VERDE
BOARD OF ADJUSTMENTS & APPEALS
473 MAIN STREET, SUITE 106, CAMP VERDE, AZ 86322
TUESDAY, APRIL 11, 2023, AT 3:00 PM
REGULAR SESSION**

Zoom Meeting Link:

<https://us06web.zoom.us/j/87560602272?pwd=c0crME9BVzhjRkxvZXI0cjR1RU5JZz09>

Meeting ID: 875 6060 2272

Passcode: 664881

1. **Call to Order** Vice Chairman Buck Buchanan called the meeting to order at 3:09.
2. **Roll Call** – Buck Buchanan, Vice Chairman; BJ Davis; Tanner McDonald; Jeremy Brady (absent); Rodney Corbin
3. **Pledge of Allegiance** Vice Chairman Buchanan said the pledge of allegiance.
4. **Election of Officers** – Election of new Chair and Vice Chair

Vice Chairman Buchanan **moved** to nominate B.J. Davis to Chairman of the Board of Adjustments and Appeals.
Second by Tanner McDonald.

Roll Call Vote-

Rodney Corbin: Aye

B.J. Davis: Nay

Buck Buchanan: Aye

Tanner McDonald: Aye

Motion passed 3-1.

Tanner McDonald **moved** to nominate Buck Buchanan to Vice Chairman of the Board of Adjustment and Appeals.
Second by Rodney Corbin.

Roll Call Vote-

Rodney Corbin: Aye

B.J. Davis: Aye

Buck Buchanan: Aye

Tanner McDonald: Aye

Motion passed 4-0.

5. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.

- a. **Set Next Meeting, Date and Time** – May 9, 2023, at 3:00 pm

Mr. Corbin **moved** to approve the Consent Agenda.

Second by Tanner McDonald.

Roll Call Vote-

Rodney Corbin: Aye

Chairman Davis: Aye

Vice Chairman Buchanan: Aye

Tanner McDonald: Aye

Motion passed 4-0.

6. **Call to the Public for items not on the agenda:** Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for consideration for a future date.

No items.

7. **Public Hearing followed by Discussion, Consideration and Possible Approval of a Variance to encroach into the rear yard setback from 25' to approximately 11'.** Staff Resource: John Knight

Applicant/Owner: Justin Chambers
Parcel: 404-13-383
Zoning: R1-10
Address: 4732 E Cripple Creek Drive

- Staff Comments
- Public Hearing Open
- Public Hearing Closed
- Board Discussion

Community Development Director John Knight stated that this is a variance request on a project that has already been constructed. It had been discovered that there was an addition that had been started on a home between the existing house and the previously existing garage. They filled in the space, and when that took place, it changed the way that setbacks were calculated. Once the two buildings were attached, they had to meet the primary setback in the primary structure which is 25'. Previously said garage was not attached to the house, but because of the newly shared common wall that was constructed, they are considered attached and have a setback of 11 ft.

There are several options in order to proceed. The options are: 1. Grant the variance 2. A formal interpretation from staff on how they interpret how the setbacks should be calculated from the structure. 3. A code development amendment to change the way they look at attached and detached structures.

He feels that variances have very specific criteria under state statute.

As staff, they don't feel that all those criteria can be met in this case. It is up to the board to decide if all those criteria can be met.

Chairman Davis asked Mr. Knight whether the applicant would have to tear his structure down if for some reason none of those options move forward.

Mr. Knight responded that in that case there would be some further options, one being constructing another wall in order to meet the code of a detached structure.

The applicant's attorney Clint Brown took some time to present his client's position. He stated that there's no question that Mr. Chambers readily admits his mistake in this situation. It has been a learning experience for him, and something he will not repeat in the future.

Mr. Brown and Mr. Chambers are asking the board to grant Mr. Chambers' request for a variance. They believe that adequate cause exists for a variance and the circumstances of the situation do not dictate a denial of their request.

It is their understanding that there is no community opposition in this matter. Instead, several of the immediate neighbors in the Verde Lakes area are in full support of Mr. Chambers request for the variance. They are also pleased with the facelift that he has given the property.

The language within the town code states that there are special circumstances surrounding this property that would make this variance approval appropriate for this property.

Additionally, while Mr. Chambers has admittedly made premature improvements to the interior of the addition, he did not cause the addition to be built, or this condition we're all now dealing with, to be created. That was an earlier owner over 10 years ago.

They feel there is no meaningful benefit achieved by forcing the destruction of any portion of this property.

He went on to say that each decision made by the board is unique and specific to each property and such decisions are not regarded as strict precedence.

In conclusion, the structures are free standing, detached structures, and an opinion letter is provided in the packet from a license contractor stating that they meet the code requirement. There is no shared, or party wall, joining the addition to the garage.

If the board determines that the result of this condition is that the home and the addition remain freestanding structures separate from the garage, and the garage is in fact a free-standing structure, they believe that the result of that conclusion is the setback issue resolves itself.

Mr. Chambers stands ready and willing to provide proper permits on the work that has been done on this addition.

The Town Attorney said they can ask the applicant questions in order to inform their decision making.

Chairman Davis opened the hearing to the public at 3:35 PM.

Deborah Moody spoke in favor of Mr. Chambers. She hopes there are no charges to be filed against Mr. Chambers, as she feels this was not his fault. She finds the addition to be an asset to the neighborhood.

Chairman Davis closed the public hearing at 3:37.

Chairman Davis said he's interested in the fact that the addition was started before Mr. Chambers owned the property. This is a self-imposed issue, not by Mr. Chambers, but the previous owner. He asked Mr. Knight a question regarding the previous owner and what took place with them when they started the addition.

Mr. Knight said the previous owner came to the town stating he was going to get a permit for the work he had started, but realized he couldn't get a permit due to the same setbacks that Mr. Chambers has.

When Mr. Chambers purchased the property, he subsequently finished out the interior portion. He had been advised to resolve the issue.

Mr. Knight said it appeared from the site plan and information they have, the walls were attached, sharing a structural wall. If, in fact, the addition is truly free standing, they would consider it detached. Mr. Knight threw out another option. If the board wants to continue this for a month, the applicant can submit documentation verifying the two buildings are detached, they can then bring it back to the board.

Chairman Davis said he typically doesn't like to delay a decision if they don't have to.

Both Mr. Chambers and Mr. Brown agreed that they don't want to go that route. They'd like this variance to be issued and issued with some conditions.

Commission discussion began in order to decide how they'd like to vote.

Mr. Chambers was brought up for the discussion and said that once he receives the variance, he will do whatever he needs to get the proper permit approval and inspection done for this property.

The board initially decided to grant the variance with two conditions- 1. Mr. Chambers complies with permitting, inspections, penalties, fees, etc. 2. Mr. Chambers proves to the satisfaction of the Community Development department that the structures are truly detached.

Mr. McDonald asked specific questions on the add-on and whether they are setting themselves up for failure in the future by approving the variance, when Mr. Chambers could possibly not get approved for a permit later.

Mr. Chambers said he's willing to make whatever change he needs in order to get permits for the addition. He said septic inspection passed twice.

Chairman Davis **moved** to approve the variance as they have found the requirements to approve it (A-E) have been met but they will have two major conditions- 1. That the applicant works with the building department to bring it up to code through full permits, full inspections, permit fees, and any penalties that accrue in that in all areas of the code. 2. The applicant provides whatever information is needed to prove to the satisfaction of the community development department the structure is truly independent structures and can stand alone. The variance is for the garage structure to encroach into the rear yard setback from 25' to approximately 11'.

(Motion was not immediately voted on)

Mr. McDonald brought up the fact that Mr. Chambers and Mr. Brown have evidence that there are two walls that separate the structure, making it a detached structure, so they don't even need the variance.

Mr. Brown said he'd like to stay within the terms of the variance. However, upon the determination that these are in fact free standing structures, the variance would no longer be necessary.

Mr. Knight suggested that they continue this in May so the applicant can prove that it is in fact a detached structure. And if he does, they can pull the item off the agenda, as they'll no longer need the variance.

Mr. Chambers said he prefers to get the variance to move forward. He and Mr. Brown are concerned about the timing to pull all the necessary information together by the next meeting.

After more discussion, it was decided that that they will continue this until the May meeting, giving Mr. Chambers time to prove that the structures are, in fact, detached, at which, they'll drop it off the agenda, and Mr. Chambers will get his proper permitting.

The original motion was voted down.

Chairman Davis **moved** to approve the variance as they have found the requirements to approve it (A-E) have been met but they will have two major conditions- 1. That the applicant works with the building department to bring it up to code through full permits, full inspections, permit fees, and any penalties that accrue in that in all areas of the code. 2. The applicant provides whatever information is needed to prove to the satisfaction of the community development department the structure is truly independent structures and can stand alone. The variance is for the garage structure to encroach into the rear yard setback from 25' to approximately 11'.

Second by Rodney Corbin

Roll Call Vote-Nay

Rodney Corbin: Nay

B.J. Davis: Nay

Buck Buchanan: Nay

Tanner McDonald: Nay

Motion failed 4-0.

Chairman Davis **moved** to continue this issue to the May meeting, allow the applicant time to prove that these are in fact detached structures to the satisfaction of the Community Development Department.

Second by Rodney Corbin

Roll Call Vote- Aye

Rodney Corbin: Aye

B.J. Davis: Aye

Buck Buchanan: Aye

Tanner McDonald: Aye

Motion passed 4-0

8. Board Informational Reports: Individual Board members may provide brief summaries of current events and activities. Summaries are strictly for the purpose of informing the public. The Board will have no discussion, consideration nor act on any such item, except an individual Board member may request an item be placed on a future agenda.

No Reports.

9. Staff Comments

No Staff Comments.

Gave some information on some interesting things coming up on the Planning and Zoning Agenda.

10. Adjournment Chairman B.J. Davis adjourned the meeting at 4:05.

Buck Buchanan **moved** to adjourn the meeting.

Second by Rodney Corbin

Roll Call Vote- Aye

Rodney Corbin: Aye

B.J. Davis: Aye

Buck Buchanan: Aye

Tanner McDonald: Aye

Motion passed 4-0

Please note: Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with Staff prior to a meeting for copies of supporting documentation that may have been unavailable at the time agenda packets were prepared.

Note: Pursuant to A.R.S. §38-431.03A.2 and A.3, the Board may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the Handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Community Development Office.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashas on

April 4, 2023 (date) at 10:00 (time) in accordance with the statement filed by the Camp Verde Town Council with the Town Clerk

(signed) Cory L Mulcaire (print name and title) Cory Mulcaire, Planner

Chairman BJ Davis

Community Development Director John Knight

CERTIFICATION

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Board of Adjustment and Appeals of the Town of Camp Verde, Arizona during the Regular Session held on the 11th day of April 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11 th day of April 2023.

Mary Frewin
Mary Frewin, Recording Secretary