

MINUTES
BOARD OF ADJUSTMENTS AND APPEALS
Regular Session
TOWN OF CAMP VERDE
473 S. MAIN STREET, CAMP VERDE, AZ 86322
TUESDAY, OCTOBER 13, 2015
3:00 PM
COUNCIL CHAMBERS

1. Call to Order

The meeting was called to order at 3:00 p.m. by Chairman Jim Binick

2. Roll Call

Chairman Jim Binick, Vice-Chairman Mike Hough, Board Members Greg Blue, Murray Lichty, Doug Stevens and Alan 'Buck' Buchanan were all present. Board member Christopher McHenry was absent.

Also Present:

Community Development Director Michael Jenkins, Assistant Planner Kendall Welch, Building Official Robert Foreman, Town Clerk Virginia Jones and Recording Secretary Julie Scott.

3. Pledge of Allegiance

Chairman Jim Binick led the Pledge of Allegiance

4. 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. Approval of Minutes

September 8, 2015 – Regular Session

b. Set Next Meeting, Date and Time

As Needed

On a motion by Vice-Chairperson Michael Hough seconded by Murray Lichty the Board approved the Consent Agenda as presented.

5. 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 at a future date.

There was no public input.

6. Board of Adjustment discussion and possible approval (or denial) of a variance request by owner Laura and Michael Spaan to seek a reduction from the required side yard setback of 25' to a reduced side setback of 7' on the west side of the parcel to construct a single family home. The buildable area of the parcel is potentially limited due to flood zone and topography constraints. The property is located at 2610 North Thomas Paine Circle, parcel 403-20-009A Staff: Mike Jenkins

On a motion by Buchanan, seconded by Lichty, the Board moved to approve a variance of the current Planning and Zoning Ordinance requested by owner Laura and Michael Spaan to seek a reduction from the required side yard setback of twenty-five (25) feet to a

reduced side setback of seven (7) feet on the west side of the parcel to construct a single family home located adjacent to 2610 North Thomas Paine Circle, parcel 403-20-009A.

Community Development Director Michael Jenkins stated that in 2012 the applicant purchased the undeveloped riverfront lot, parcel 403-20-009A, located adjacent to 2610 N Thomas Paine Circle in Camp Verde. The current zoning of the parcel is Residential-Rural (R-R) formerly known as RCU-2A. The R-R zoning district requires a front and rear yard setback of fifty feet (50), an interior side yard setback of twenty five feet (25), and an exterior side yard setback of thirty feet (30). Due to the steep terrain, flood zone restrictions, storm water runoff, and existing utility easements the applicant is seeking a reduction of the west property line (interior side yard setback of 25') to seven feet (7) in order to construct a new single family residence.

Community Development Director Michael Jenkins reviewed the agency comments with concerns from the following:

APS: noted that an existing overhead power line that runs across property, depending on where they plan to build their house, there may be an issue. Per the Right Of Way Agent property owner cannot build within the easement for that line.

Camp Verde Fire District: noted this is a private road and does not meet the minimum requirement of the 2012 International Fire Code for a fire apparatus access roadway.

Yavapai County Development Services Environmental Unit: indicated there is not a proposed septic location shown on the site plan and there are a few potential conditions that may affect the placement of the septic system.

Yavapai County Flood Control District: supports the variance, County has a twenty (20) foot setback requirement from the floodplain delineation. The proposed plan shows the structure encroaching into the floodplain at the northeast corner, which is allowed, however the structure will need to comply with floodplain criteria for construction. The natural grade elevation at this proposed location are most supportive of this construction as well.

Community Development Director Michael Jenkins indicated that Staff recommended approval of the Variance as requested by the applicants. Mr. Jenkins referenced a handout that was provided to the Board stating the handout is for guidance to the Board. Mr. Jenkins indicated he did not feel that this is a self-imposed hardship and noted that the law allows the property owner the right to develop their property, noting there are sometimes circumstances that cannot be changed and that is why the Board is appointed to make those decisions.

The Board discussed at length if the variance could be considered self-imposed because the owner owns adjacent property. Community Development Director Michael Jenkins indicated each parcel has separate requirements, no matter who owns the property so this could not be considered self-imposed.

In response to the question regarding the size of the parcel, staff indicated it was 1.6 acres and noted this parcel was divided prior to the Town's incorporation.

The Board discussed and questioned concerns with the topography map and flood-plain maps that were included in the packet. Applicant provided a more current version of the flood-plain map.

Community Development Director Michael Jenkins explained to the Board that if the variance is granted and they move forward with a building permit they would have to comply with flood control regulations

Statement from Applicant

Applicant Laura Spaan indicated that when they purchased the property they were advised that FEMA would be coming out with new flood maps and stated she had a copy of the most current map that shows the flood plain. A copy of the map is attached and becomes a permanent part of the record. Mrs. Spaan indicated the site map also reflects a large wash that is a storm water run-off area.

Public Input:

Lari Spire indicated he is a property owner of the east side of the subject property, he indicated he is a registered land surveyor and he supports the variance request.

7. Staff Report

Assistant Planner Kendall Welch advised the Board that included in the packet is an invitation from the Town Clerk for Open Meeting Law Training to be held on Friday, November 13, 2015 at 9:00 a.m. to be held at 473 S Main Street.

8. Board Informational Reports: (Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.)

9. Adjournment

On a motion by Buck Buchanan seconded by Doug Stevens, the Board unanimously agreed to adjourn at 3:40 p.m.



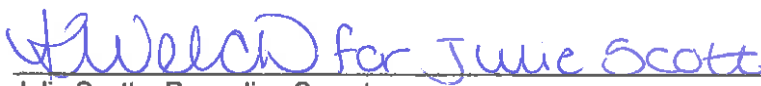
Jim Binick – Board of Adjustment and Appeals Chairman 2/9/16
Date



Michael Jenkins – Community Development Director 2-9-16
Date

CERTIFICATION: I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona held on the 13th day of October, 2015. I further certify that the meeting was duly called and that a quorum was present.

Dated this 9th Day of February 2016 2015.



Julie Scott – Recording Secretary

Answer the following questions when deciding whether to grant a variance...

1. Do special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, deprive the property of privileges enjoyed by other property of the same classification in the same zoning district?

Yes

2. Is the authorization of the variance necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, without constituting a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located?

Yes

3. Are the special circumstances applicable to the property self-imposed or created by the owner or applicant?

No

4. Will the authorization of the variance be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general?

No

10-13-2014 - BOA
handed out during meeting

