

**BOARD OF ADJUSTMENT OF  
THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING  
Tuesday, August 16, 2011, 10:00 A.M.**

**BOA REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Board of Adjustment are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Board believes that the meeting be a safe place for people to speak. With this in mind, the Board asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Please turn off all cell phones. The Board meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A majority/quorum of the Dewey-Humboldt Town Council may be in attendance at this meeting, but no Council deliberation will occur. During recess of a BOA Hearing, a BOA Member shall not communicate with any BOA Member or applicant, witness or the Planning Administrator. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**Swearing in of new Board Member(s).** Appointed new Board Members Judy Davidson and Frank Davidson

1. **Call To Order.**
2. **Pledge of Allegiance.**
3. **Roll Call.** Board Members Odis Brockman, Jack Hamilton, Judy Davidson, and Frank Davidson; Vice Chair Bob Bowman, and Chair Lydia Chapman.
4. **Consent Agenda.**
  - 4.1. Approval of minutes from the April 15, 2011 meeting.
5. **Discussion Agenda – New Business.**
  - 5.1. Election of BOA Vice Chair.
6. **Work Study Session Agenda Part I, A.M.**
  - 6.1 Presentation and discussion by Len Marinaccio on Recurring Open Meeting Law issues – with an overview of OML.
  - 6.2 Presentation and discussion of “Roberts Rules of Order” and “Riggins Rules” review.
7. **Lunch Break 12:15 p.m. - 1:15 p.m.**
8. **Work Study Session Agenda Part II, P.M.**
  - 8.1 Dewey-Humboldt BOA Procedures Discussion and Possible Approval.
  - 8.2 Review of BOA Zoning Regulations by Dennis Price.
9. **Recommendations for Future Meetings and Discussion.**
  - 9.1 Establish a training date for new members – subject: Introduction to “Powers and Limitations of the BOA” (not the regular meeting date of August 19, 2011).
  - 9.2 Discussion of meeting date. Is a 3<sup>rd</sup> Friday at 2:00 P.M. still optimal/workable for Members?
  - 9.3. September Meeting “Mock Hearings”.
  - 9.4. Referrals from BOA; Discussion on procedures for Agendizing to Council or P&Z.

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**10. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, September 6, 2011 at 6:30 p.m.

Next Town Council Work Session: Tuesday, September 13, 2011 at 2:00 p.m.

Next Planning & Zoning Commission Meeting: Thursday, September 8, 2011 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

**TOWN OF DEWEY-HUMBOLDT  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
APRIL 15, 2011, 2:00 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON THURSDAY, APRIL 15, 2011, AT DEWEY-HUMBOLDT LIBRARY 2735 CORRAL STREET, HUMBOLDT, ARIZONA. CHAIR LYDIA CHAPMAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 2:00 p.m.
2. **Pledge of Allegiance.** Made.
3. **Roll Call.** Board Members Odis Brockman, Jack Hamilton; and Chair Lydia Chapman were present.

Vice Chair Bob Bowman arrived at 2:25 p.m. Board Member Doyle Wiste resigned.

**4. Consent Agenda.**

**4.1. Approval of minutes from the January 27, 2011 meeting.** Board Member Brockman made a motion to approve 4.1. Minutes from the January 27, 2011 meeting. Board Member Jack Hamilton seconded the motion. It was approved unanimously.

**5. Study Session Agenda.** Chair Chapman began with Agenda Item 5.2.

**5.1. Continuation of the discussion involving the Powers and Limitations of the Board of Adjustment from the previous meeting. Review of Video.** Chair Chapman discussed points from the video that the Board Members had been given. She spoke on the powers and limitations not applying to changing the zoning but to vary the zoning; the power to interpret; acting for perpetuity; and looking how it affects surrounding properties.

Board Member Brockman left the meeting at 2:27 p.m. and returned at 2:29 p.m.

**5.2. Review of Key Points in Planning and Zoning Handbook.** Chair Chapman discussed item 5.2 first. She read from her notes and spoke on constructive knowledge; BOA not changing zoning ordinances or uses; self-imposed hardships; the Town Council acting as the BOA; right of appeal; and the difference between count and municipality. There was discussion on the qualifications of a Hearing Officer.

**5.3. Brief discussion of Arizona Rules of Civil Procedure, the Arizona Rules of Evidence and the Arizona Rules of Civil Appellate Procedure as are referenced in Town Code Section 31.22 Board of Adjustment.** There was discussion on Town Code §31.22 and ARS 9.462.06; and ex parte communication.

Board Member Bowman left the meeting at 2:49 p.m. and returned at 2:50 p.m.

**5.4. Board of Adjustments: Conduct and Procedure of a Public Hearing. Discussion and handout.** There was discussion on the procedure for a Public Hearing.

**6. Comments and Recommendations for Future Meetings**

**6.1 Comments from Members.** There was discussion on the mock hearings; David Hiles and Nancy Wright volunteering for the hearings; and needing 2 model cases for the mock hearing.

**6.2 Schedule date for next meeting.** The next meeting will be on May 20, 2011 at 2P.M. Board Member Brockman left the meeting at 3:21 p.m. and returned at 3:25 p.m.

**7. Comments from the Public.** Public comment was received.

Glendene Hamilton asked if the BOA Members were covered under liability against being sued.

**8. Planner's Report.** Planner Price spoke on the Planning Conference being held possibly in Tucson this year.

**9. Adjourn.** The meeting was adjourned at 3:30 p.m.

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Lydia Chapman, Chair

ATTEST:

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Linda M. Baker, Records Manager/Admin Assistant