

**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.

Lydia Chapman, Chair

ATTEST:

Linda M. Baker, Records Manager/Admin Assistant