

**SPECIAL "TRAINING" SESSION MEETING NOTICE
TOWN COUNCIL OF DEWEY-HUMBOLDT
WEDNESDAY, MAY 14, 2014, 4:00 P.M.**

**COUNCIL SPECIAL "TRAINING" SESSION MEETING
2735 S. HWY 69**

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

AGENDA SUMMARY

1. **Call To Order**. The training meeting was called to order at 4:00 p.m. Attorney Susan Goodwin lead the training session.
2. **Roll Call**.
 - 2.1. **Town Council**. Town Council Members Jack Hamilton, Mark McBrady (arrived late at 4:16 p.m.), Dennis Repan, Sonya Williams-Rowe, Nancy Wright; and Mayor Terry Nolan were present. Vice Mayor Arlene Alen was absent.
3. **Special Study Agenda**. No legal action to be taken.

3.1. Training for Council as Board of Adjustment (BOA).

Town Attorney Susan Goodwin spoke to attending Council members on their quasi-judicial powers, rules and responsibilities as Board of Adjustment members and reviewed training materials that had been provided in advance. They reviewed possible procedures for this process.

Councilmember McBrady arrived at 4:16 p.m.

Ms. Goodwin explained the context is the zoning code and variances to those codes can be allowed, based on hardship conditions (if not self-imposed). With a variance no ex-parte communications should occur. There was discussion on this and what to do if it occurs and what is done with the ex parte report once received (included in the file or possibly attached to the minutes of that meeting).

She reviewed the 4 legal grounds for granting a variance request:

1. Evidence showing why, due to special circumstances or conditions applicable to the property, including its size, shape, topography, location or surroundings, of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district; and
2. Evidence showing that the variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located; and
3. Evidence that the special circumstances applicable to the property were or are not self-imposed by the property owner; and
4. Evidence showing why granting the variance substantially meets the intent and purpose of the zoning district in which the property is located, and will not detrimentally affect the health or safety of the neighborhood residents or the public welfare or be injurious to property or improvements.

She reviewed what the Board may not do:

1. Make any changes in the uses permitted in any zoning classification or district;
2. Make any changes in the zoning ordinance; or

3. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

Council heard about other ADA considerations. Facts in the record (minutes) should clearly show the legal grounds were considered. Ms. Goodwin reviewed the order of procedure and gave some examples of motions for the variance decision.

Councilmember Williams Rowe left the meeting at 4:53 p.m.

Ms. Goodwin continued to talk about granting or denying a variance (motion and findings statements); order of procedure was further discussed.

Recess regular meeting, call the BOA meeting to order, staff report, applicant presentation, public hearing opened and closed, applicant answers BOA questions, deliberation, decision (detailed and include findings), adjourn BOA meeting, reconvene back in to regular meeting.

4. Adjourn.

The training meeting was adjourned at 5:08 p.m.