

**BOARD OF ADJUSTMENT
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Tuesday, April 23, 2019 9:00 A.M.**

**BOARD OF ADJUSTMENT MEETING
2735 S. HWY 69**

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

AGENDA SUMMARY

1. **Call To Order** Chair Cheryl Taylor called the meeting to order at 9:00 a.m.
2. **Roll Call** Board Members Gary Ford, Nancy Wright, Vice-Chair Ulys Brooks, Chair Cheryl Taylor were present. Board Member Linda Horvath was absent.
3. **Pledge of Allegiance** Led by Karen Brooks.
4. **Consent Agenda**

A. Approval of Minutes of March 26, 2019, Board of Adjustment Meeting

Vice Chair Brooks made a motion to approve the Minutes of March 26, 2019, Board of Adjustment Meeting, seconded by BM Ford. Chair Taylor called for the vote on the motion: BM Ford – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye. The motion passed unanimously.

5. Public Hearing Agenda

A. ITEM #: V-19-002

Request: Approve a variance of the front yard setback to allow a 36-foot front setback, where a 50-foot setback is required. The property is located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N.

1. Staff Report

Planning Consultant Steven Brown stated the applicant is seeking a variance to allow a 36-foot front yard setback, where a 50-foot setback is required by code. The property is located on E. General Way in the northeast corner of the Town. The house on this property was situated with the front door facing north towards State Route 169, although the access drive is located off E. General Way to the south, where it is addressed as well. The front and back yard setbacks are both 50', and the house is situated such that it is only 52' from the property line. Therefore, in order to place the structure and hot tub such that they have some privacy from the highway traffic, they desire to place it to the south of their home. To do so will not be in compliance with the required front setback. Therefore, the applicants are seeking a variance of 14' to the front yard setback.

Mary Dallas spoke on buying her house with the backside facing E. General Way and the front facing State Route 169. The builder thought that he could get access off of the 169, but found out it was cost prohibitive. She stated she would like to put in a hot tub with a gazebo structure going out her patio slider doors, and she is asking for a 14-foot setback reduction.

2. Open Public Hearing and Receive Public Comments

None.

3. Close Public Hearing

Chair Taylor closed the Public Hearing at 9:06 a.m.

4. Commission Discussion

Chair Taylor asked have there been any letters from any of the neighbors. PC Brown stated that we have not received any letters.

PC Brown stated Staff recommends that if a finding can be made on the Key Criteria Standards, which apply to the granting of a variance, a motion to approve would be appropriate citing the findings on the criteria.

1. The property is associated with “special circumstances” that make building elsewhere unreasonably difficult.
2. The variance is necessary to assure that this property owner enjoys the same rights and privileges as other property owner in the same locale.
3. The special circumstances are not self-imposed.
4. The granting of the variance will not be detrimental to persons working or living in the vicinity.

PC Brown stated your job is to decide that you can positively meet all of the Key Criteria.

Chair Taylor stated part of the house is only 52' off the lot line. The deck is 60' off the lot line. Mary Dallas said the deck porch area is 60' on the west side, but the full extension of the house is 52' on the east side. She stated she understands that she cannot build within 10' of the house. PC Brown said yes.

Chair Taylor asked if electrical was part of the variance. PC Brown said no, that is a building issue. Assessory structures under 400 sq. ft. are permissible without a permit. Any structure under 400 sq. ft. that has utilities, requires a permit.

BM Wright stated the house to the property line is 66' and asked why don't you put it closer to the house. Mary Dallas stated the structure is a gazebo that is 12'x12'. I still need to stay at least 10' from the house.

Chair Taylor stated if you took the 66' on the west side and deducted 10', that puts 56' to put in a 12'x12' structure, there would need to be a 6' variance, verses a 14' variance. PC Brown stated the 66' is to the house proper. The master bath is in line with where the gazebo would be. It would then extend 12 more feet into the 52'. There has to be 10' between structures.

The Board looked at the plat map on the screen and there was Board discussion on where the gazebo would be placed.

Chair Taylor stated our purpose is to determine if they can put it in the spot that they asked to put it in and in looking at the four criteria that we have to meet, the special circumstances says is it unreasonably difficult to put it in any other location. For my purposes, I need to see that it's unreasonably difficult to put it somewhere else. Mary Dallas stated she is thinking about moving the gazebo further over to the west.

There was further Board discussion with the applicant on where the gazebo could be placed.

PC Brown stated you could withdraw this application or request a modification. He said we would need a revised plan for the modification.

BM Wright made a motion to table this request until the next BOA meeting, pending more exact measurements, seconded by VC Brooks. Chair Taylor called for the vote: BM Ford – aye; BM Wright – aye; VC Brooks – aye; Chair Taylor – aye. The motion passed unanimously.

Karen Brooks asked if this was going to incur any more cost to the citizen by delaying this decision. PC Brown stated no.

6. Adjourn

BM Ford made a motion to adjourn, seconded by Chair Taylor. Chair Taylor called for the vote: BM Ford – aye; BM Wright – aye; VC Brooks – aye; Chair Taylor – aye. The motion passed unanimously. The meeting was adjourned at 9:29 a.m.