



**Navajo County Public Works**  
**PLANNING & ZONING**  
P.O. Box 668  
Holbrook, Arizona 86025

**PUBLIC HEARING**  
**NAVAJO COUNTY**  
**BOARD OF ADJUSTMENT**

*AGENDA*

Pursuant to ARS §38-431.02, notice is hereby given to the Members of the Board of Adjustment of Navajo County and to the General Public that the Board of Adjustment will hold a Public Hearing on November 12, 2014, beginning at 10:00 a.m. at the Board of Supervisors Chambers, 100 E. Code Talkers Drive, Holbrook, Arizona. Members of the Board will attend either in person or by telephonic conference call.

As indicated in the following agenda, the Board may vote to go into executive session on any item, which will not be open to the public.

**ITEM #1 CASE # 14-23 USE PERMIT:** Discussion and possible Board action on a request by Wayne H. Flake for a Use Permit to place a primary dwelling and permanent guest quarters on a portion of APN: 206-37-009, in Section 33, Township 12 North, Range 18 East, G&SRM, Navajo County, in the Aripine area.

**ITEM #2 – POSSIBLE APPROVAL OF MINUTES FROM THE BOARD OF ADJUSTMENT HEARING OF AUGUST 13, 2014:**

**ITEM #3 – BOARD MEMBER’S COMMENTS AND/OR DIRECTIONS TO STAFF.**

Board Members may use this time to offer additional comments regarding any item on this agenda, or any other topic; and the Board may direct staff to study or provide additional information on topics of the Boards’ choosing.

The Board reserves the right to change the order of any Agenda item.

The Board reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

**NOTE: A copy of the agenda background material provided to the Board Members (with exception of material relating to possible executive sessions) is available for public inspection at the Public Works/Planning & Zoning Office, Navajo**

County Complex, Holbrook, Arizona, Monday through Friday, 8:00 a.m. to 5:00 p.m. This agenda is also posted on the Navajo County Web Site at [www.navajocountyaz.gov](http://www.navajocountyaz.gov) If you need further clarification or information please contact Peggy Saunders at (928) 524-4100 or by e-mail: [Peggy.Saunders@navajocountyaz.gov](mailto:Peggy.Saunders@navajocountyaz.gov)

Posted this 17<sup>th</sup> day of November, 2014

Signed: Peggy Saunders



NAVAJO COUNTY  
PUBLIC WORKS DEPARTMENT  
PLANNING & ZONING

## STAFF REPORT

### BOARD OF ADJUSTMENT

**HEARING DATE:** November 12, 2014

**CASE NO:** 14-23

**ACTION:** Use Permit

**APPLICANT/OWNER:** Wayne H. Flake

**PARCEL INFORMATION:**

Address: 2562 Pasture Drive, Overgaard, AZ 85552

APN: 206-37-009

Legal Desc: A portion of Section 33, Township 12 North, Range 18 East, of the Gila and Salt River Meridian, in the Aripine area.

District: IV

Parcel Size: 65 Acres

**STATED REASON FOR REQUEST:** To build a primary dwelling in addition to permanent guest quarters, for family vacations.

**BACKGROUND & DISCUSSION:** The A-General District allows for a guest quarters subject to the approval of a Use Permit through the Board of Adjustment.

As the proposed Use Permit is allowed, subject to meeting the requirements of the Zoning Ordinance and other applicable regulations (as stipulated below), staff is not aware of any public or other objections. Staff supports granting the Use Permit.

## NAVAJO COUNTY ORDINANCES, PLANS, & REGULATIONS:

### ZONING DISTRICTS:

A-General: The main purpose of this A-General Zone is to provide for all the unincorporated area of the County to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. Other uses may be permitted as Special Uses under Article 20. Guest houses and quarters for servants and caretakers employed on the premises, providing that the lot be a minimum of ten thousand square feet, (10,000 sq.ft.) in area, that all buildings meet all building setbacks, that the guest house or servants and caretakers quarters be no greater than seventy-percent (70%) of the square footage of the principal dwelling and subject to securing a Use Permit from the Board of Adjustment.

### ZONING ORDINANCE:

- Article 28 / Section 2802.3: Board of Adjustment / Powers and Duties
  3. *Use Permits.* The board may grant use permits as permitted by the regulations applicable to the zoning district in which the property is located. No use permit shall be granted unless the board finds that the use and the manner of conducting it (including any associated buildings or structures) will be consistent with the intent and purposes of the Zoning Ordinance and will not be detrimental to persons residing or working in the vicinity, to adjacent property or the neighborhood in general, or to the public welfare. In granting a use permit, appropriate conditions to preserve the intent and purposes of the Zoning Ordinance may be prescribed (including, without limitation, the acquisition of right-of-way for street widening purposes in accordance with the recommendations of the Public Works Department if it appears that the use would increase traffic congestion). Unless otherwise stated on the permit, a use permit shall be permanent and shall run with the land.

**GENERAL CHARACTER OF AREA:** This parcel is located in the Aripine area. It is covered and surrounded by thick forest vegetation. The primary use of the surrounding properties is residential and agricultural. The area is sparsely populated with single-family homes.

**REVIEWING AGENCY COMMENTS:**

**ENGINEERING:**

Engineering Staff has no objection to the proposed Use Permit given that the recommendations made by the Staff are met.

Initial: W.R.B.

**FLOOD CONTROL:**

The Flood Control staff has reviewed the application for a Use Permit on the subject parcel. A review of the FEMA floodplain map shows that this property is not in a floodplain. The Flood Control Staff has no objection to the proposed Use Permit.

Initial: W.R.B.

**COUNTY ATTORNEY:**

The County Attorney has no issues as long as the property is not used to generate income or used as a rental unit. The applicant must obey all local, State and Federal laws and regulations.

Initial: BSC

**IN SUMMARY:**

The Planning & Zoning staff has reviewed the Use Permit request and determined it is ready for Board action.

Initial: T.L.

**PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this request for a Use Permit, staff recommends the following conditions be applied:

1. The use of the Guest House shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.
2. The applicant shall obtain all required Navajo County permits, including but not limited to, building, septic system, grading, and drainage permits, prior to occupancy of the Guest House.
3. Prior to occupancy of the Guest House, the applicant is to provide documentation to Navajo County that the septic system complies with all applicable Navajo County requirements.
4. All drainage and grading issues shall be addressed to the satisfaction of Navajo County Public Works prior to obtaining building permits.
5. Neither one of the dwellings on the property shall ever be used as a rental unit.

NAVAJO COUNTY PUBLIC WORKS DEPARTMENT  
PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive  
Holbrook, Arizona 86025  
(928) 524-4100 FAX (928) 524-4399

APPLICATION  
USE PERMIT

OWNER INFORMATION:

OWNER'S NAME: WAYNE H. FLAKE  
AGENT/POINT OF CONTACT: SAME  
CONTACT PHONE NO.: 928-965-4450 HP 928-428-8193 FAX NO.: 928-428-8193  
MAILING ADDRESS: PO Box 837  
CITY: THATCHER STATE: AZ ZIP CODE: 85552

SUBJECT PARCEL INFORMATION:

LEGAL DESCRIPTION: T 12N N - R 18 E, SECTION 33, ASSESSOR PARCEL NO.: 206-37-009  
SUBDIVISION NAME: None LOT: \_\_\_\_\_  
RURAL ADDRESS: 2562 PASTURE DR OVERHARD AREA: ARIPINE  
PARCEL SIZE: 65 ACRES DATE OF OWNERSHIP: \_\_\_\_\_  
PRESENT USE OF PROPERTY: FAMILY VACATIONALS  
PROPOSED USE: FAMILY VACATIONS IN BUILDINGS  
GENERAL DIRECTION TO PARCEL: ? TAKE AZ 260 WEST FROM SHOW LOW, North on FOREST Service 916, EAST on LODGE Rd, South on PASTURE DRIVE

CURRENT ZONING: (Please check appropriate Zoning Classification)

A-Gen     RU-20     RU-10     RU-5     RU-1     R1-43     R1-10  
 R-2     R-3     C-R     I-1     I-2     Special Development

OWNER'S AFFIDAVIT:

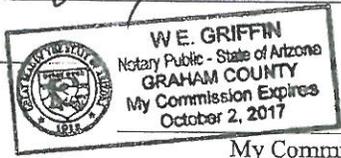
I, (print name) WAYNE H. FLAKE, being duly sworn, depose and say that I am an owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

Wayne H. Flake  
Jeanene H. Flake  
Mary Jean Neuch  
Owner's Signature } *see trust agreement first amended document.*

STATE OF ARIZONA )  
                                  ) SS  
COUNTY OF Graham

Sworn and subscribed before me on this 11 Day of July, 2014

[Signature]  
Notary Public



My Commission Expires

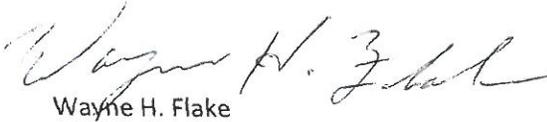
To: Navajo County Board of Supervisors

10 July 2014

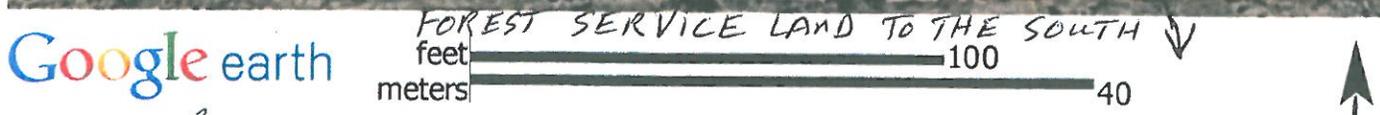
From: Wayne H. Flake

RE: Project Narrative for Use Permit

Request a Use Permit to allow two dwellings to be collocated on a 65 acre parcel of land for family vacation use. If approved, the septic systems (each dwelling will have its own septic system) will be installed for both dwellings this year (2014). One structure (the Primary Dwelling) will be erected in 2015 and the second structure (Secondary Dwelling) will go up in 2016. These structures and their use coincide with existing land use to the north, east, and west of the proposed parcel requiring the use permit. The land to the south is Forest Service land and the cabin-type nature of the proposed dwellings will compliment that area also. Thank you for your positive consideration of this matter.

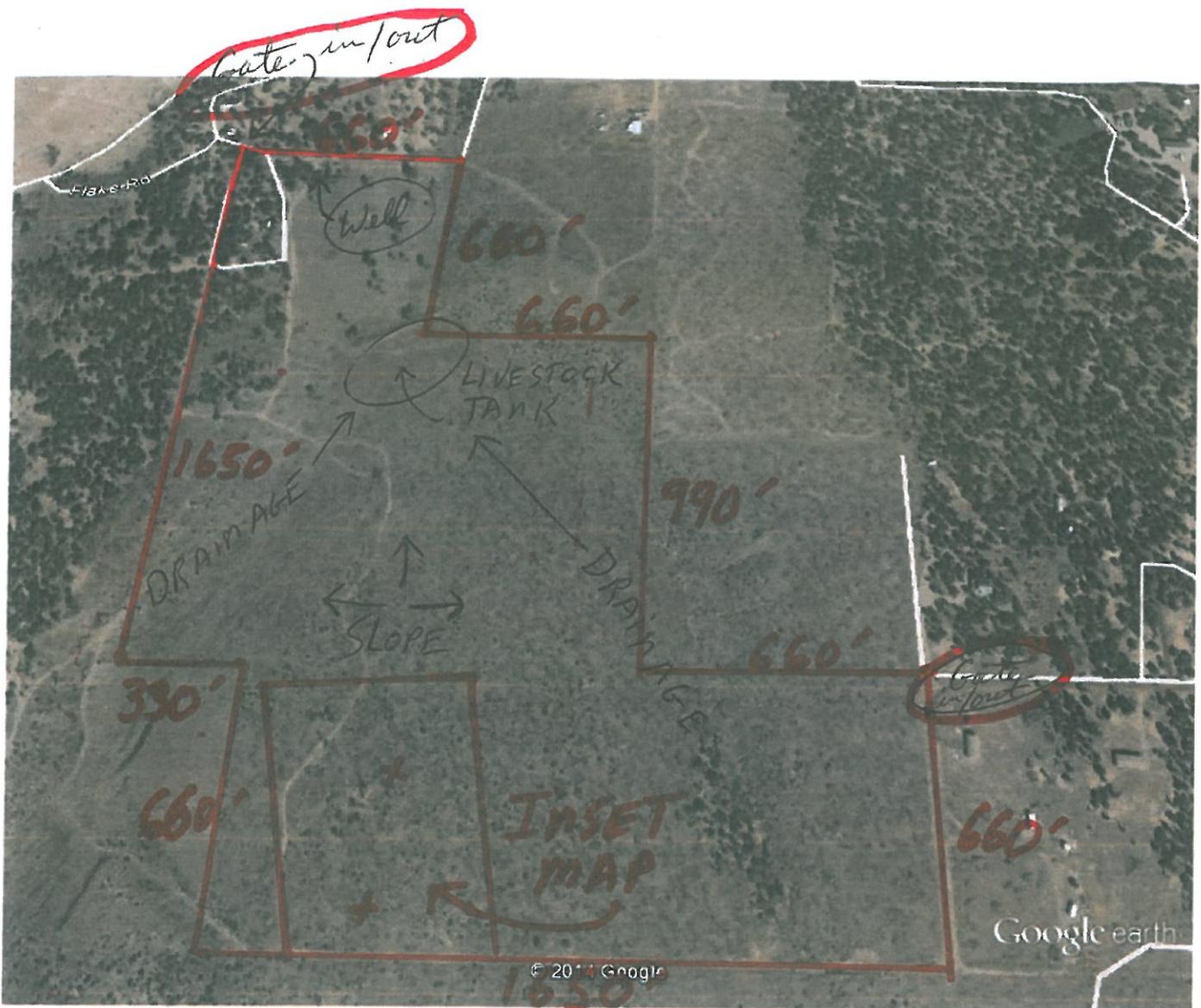
A handwritten signature in cursive script, appearing to read "Wayne H. Flake".

Wayne H. Flake



Project NAME: WAYNE H. FLAKE DWELLINGS

- INSET MAP SHOWING LOCATIONS OF THE TWO PROPOSED BUILDINGS.
- Distance from dwellings to closest boundary (which is the forest Service to the south) is at least 75'.
- DWELLINGS WILL BE POWERED BY SOLAR/WIND.
- WATER PIPED FROM WELL LOCATED ON THE PARCEL



Google earth

feet 1000  
meters 400

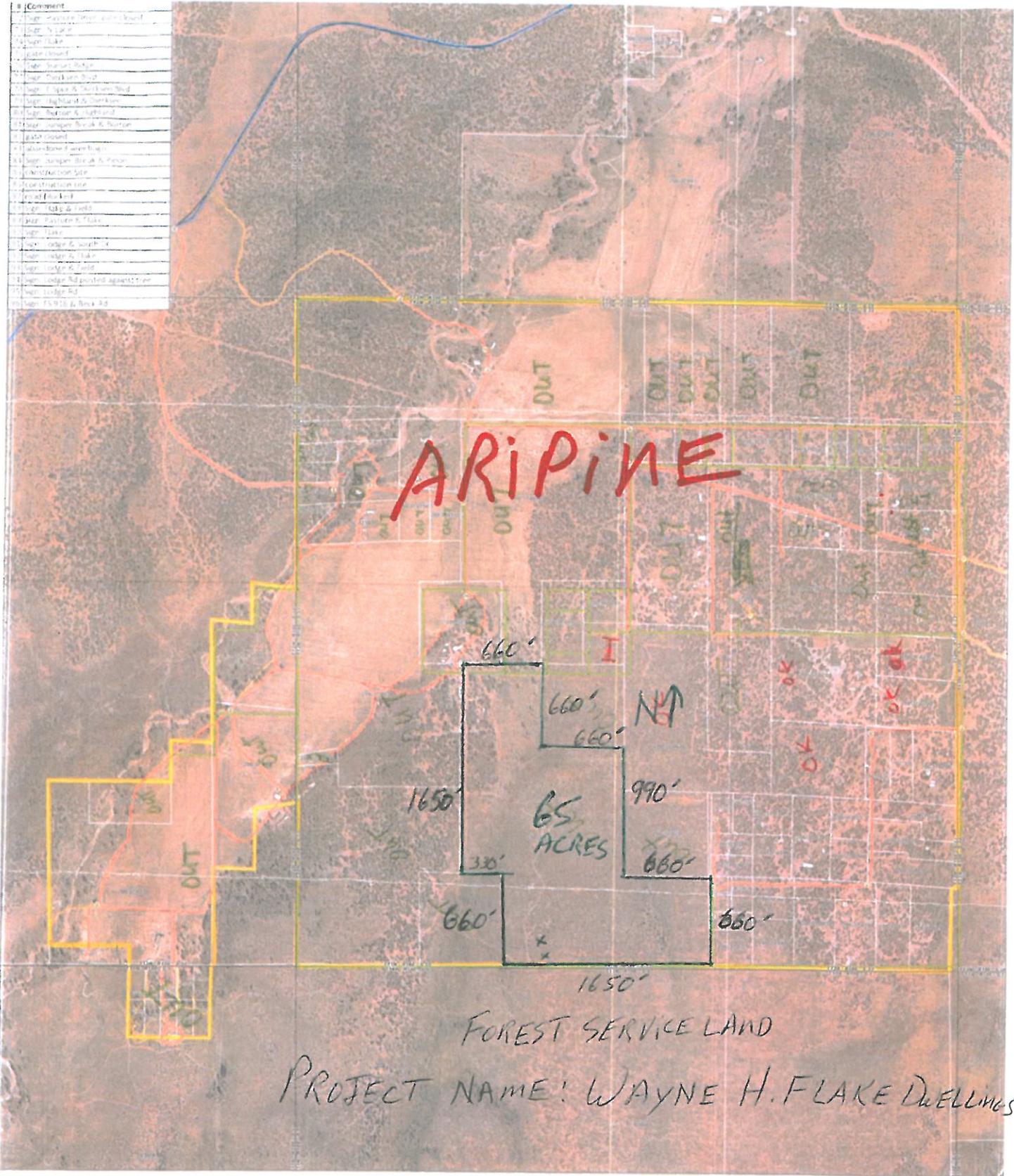


PROJECT NAME: WAYNE H. FLAKE DWELLINGS.

Notes: - Most of this land burned in the 2002 fire

- There are no current permanent structures
- Distance from septic systems is at least 1700'. (The WELL is in the top left of the Property.)
- Distances from property lines is at least 75'.
- Address is 2562 Pasture Drive, Overgaard AZ.
- There are two ingress/egress points, on in ~~NE~~ NW corner and ONE ON THE SOUTH EAST.

#	Comment
1	Sign: Grassy Area - 1000' Round
2	Sign: N. 1/4 Sec 1
3	Sign: 1/4 Sec 1
4	Sign: 1/4 Sec 1
5	Sign: 1/4 Sec 1
6	Sign: 1/4 Sec 1
7	Sign: 1/4 Sec 1
8	Sign: 1/4 Sec 1
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49	Sign: 1/4 Sec 1
50	Sign: 1/4 Sec 1



**~~Aripine CRID Map~~**

**NOTE: THIS MAP WAS PREPARED FOR DISCUSSION PURPOSES ONLY AND IS NOT A LEGAL DOCUMENT. BOUNDARY LINES, PARCEL LINES AND ROAD ALIGNMENTS REPRESENT ONLY APPROXIMATE LOCATIONS.** Date: 05/18/10

- Survey Points
- Survey Lines
- Field
- Office
- Graded Maintained Road
- Parcels
- TRS
- ~~Aripine CRID~~



0 250 500 750 1,000



Feet

## MINUTES

### BOARD OF ADJUSTMENT HEARING

August 13, 2014

#### ATTENDANCE Board Members

##### ATTENDED

1. **Bill Arendell**
2. **Glen Johnson**
3. **James Maloney**

##### ABSENT

##### Staff Attendance

1. **Trent Larson**
2. **Peggy Saunders**
3. **Kristyn Saunders**

**Meeting** held at the Show Low City Library Council Chambers, 181 N. 9<sup>th</sup> Street, Show Low, Arizona – Time: 10:02 a.m.

**Chairman Bill Arendell** called the meeting of the Navajo County Board of Adjustment to order at 10:02 a.m. Due to time constraints for one of the commissioners, he asked staff to present Item #3, Case # 14-22, first, as he needed to recuse himself as Chairman for the item due to a conflict of interest as the property owners' contractor. **Vice Chairman James Maloney** took over the duties of the Chairman for this item only.

**ITEM #3 Case # 14-22 USE PERMIT:** Discussion and possible Board action on a request by Melvin & Susan Melton for a Use Permit to build a primary dwelling in addition to an existing garage with guest quarters, on a portion of APN: 409-01-008D, in Section 20, Township 10 North, Range 20 East, G&SRM, Navajo County, in the Pinedale area

The Staff Report was presented by **Trent Larson** for the Use Permit to allow a secondary dwelling on the parcel. There is an existing garage on the property with living quarters which is considered a dwelling within current building standards. The property owners are proposing to place a primary dwelling on the property, making the living quarters out of compliance with the A-General Zoning Ordinance. To comply, they need a Use Permit for the second dwelling which is an allowed use in A-General. The second dwelling will be the primary dwelling.

There was no one from the public in favor or opposed, but staff received one (1) comment in favor.

**Glen Johnson** asked if both homes were to use the same septic system. **Bill Arendell**, who represented the applicants, said yes, they would be using the same septic system; however they would be using an additional septic tank and increasing the size of their leach field. **Trent Larson** added that Planning and Zoning would be working with them to ensure the system was to

code. With no further questions **Vice Chairman James Maloney** made a motion to approve the Use Permit with the conditions stated by staff. The motion was seconded by **Glen Johnson**. The item was approved with a vote of 2 to 0.

With Item #3 concluded, **Chairman Bill Arendell** continued as the Chairman for the remainder of the meeting.

**ITEM #1 CASE # 14-15 USE PERMIT:** Discussion and possible Board action on a request by Ronald & Sirenda Hammer for a Use Permit to add a second manufactured home for a caretaker quarters for elderly parents on a portion of APN: 403-31-007, in Section 15, Township 13 North, Range 23 East, G&SRM, Navajo County, in the Snowflake area.

The Staff Report was presented by **Trent Larson** for the Use Permit to add caretakers' quarters for elderly parents, which is an allowed use in RU-20 Zoning with a Use Permit. The parcel is a little over 40 acres. The proposed location of the caretaker's quarters is to the east side of the property.

The Applicant, **Sirenda Hammer**, was present to answer questions from the Board. There was no one from the public in favor or opposed, and staff has not received comments either in favor or opposed.

Staff recommended that there be an additional item added to the requirements; it specifies that where the use is no longer needed, that the home be removed.

**James Maloney** asked if caretakers home would be removed from the property after the use was no longer needed, **Trent Larson** confirmed that this is typical of Use Permits for caretakers' quarters, however it was noted that it was up to the Board's discretion whether to add this or not.

**Chairman Bill Arendell** asked if anyone in the audience had any questions.

**Sirenda Hammer** questioned if the original people were no longer using the dwelling, and as long as no one was being charged rent, could they still live or stay there? **James Maloney** asked Staff if they would have to reapply for a Use Permit. **Mr. Larson** said if the intended occupants are no longer using the home and as long as the additional dwelling was being used under the same use, it would not have to be removed. **Mr. Larson** noted this could be changed if the board so wished.

**Chairman Bill Arendell** noted that as long as they meet staff requirements there was not an issue, and entertained a motion.

Motion to approve was made by **Glenn Johnson** and seconded by **James Maloney**  
Item was approved with a vote of 3 to 0.

**ITEM #2 Case # 14-21 USE PERMIT:** Discussion and possible Board action on a request by Bruce & Carol Kirkland for a Use Permit to build a primary dwelling in addition to the existing guest quarters, on a portion of APN: 409-02-031A, in Section 1, Township 10 North, Range 20 East, G&SRM, Navajo County, in the Linden area.

The Staff Report was presented by **Trent Larson** for a Use Permit for a guesthouse. The applicants wish to build a separate guest house for their children to use along with their pets when they visit for allergy reasons. This is an allowed Use in the A-General zoning district. The property is approximately 4 acres; the existing structure is located in the middle of the property, and the proposed site is to the northeast of the existing structure.

The Applicants, Carol and Bruce Kirkland, were present to answer questions. There was no one from the public either in favor or opposed. Staff received four (4) comments in favor, and one (1) opposed. The opposing comment received was not against the second dwelling itself, but was an unrelated matter between the property owners. **Trent Larson** said that he not think that it was necessary for this to come into the decision of the Board as they do not get involved in personal matters, and the issue at hand was to determine if a second dwelling was an allowable use for the property.

**Carol Kirkland** stepped forward to clarify that the Use Permit was for the guest house, which is currently in place; they are building a larger primary dwelling on the parcel. **Chairman Bill Arendell** asked the difference between care takers quarters and guest house. **Trent Larson** responded that guest houses are only allowed in A-General and can be used by anyone, and the person(s) living there are not required to be employed to stay there. **James Maloney** asked if guest houses needed to be removed, **Mr. Larson** replied that it did not need to be removed. **Glen Johnson** asked if there was a limit to the number of days it could be used, or if it was open. Trent replied that it was open; the only condition is that it cannot be rented.

**Chairman Bill Arendell** asked the Applicants if they understood staff requirements. Both Applicants responded yes. **Chairman Bill Arendell** called for a motion.

Motion to approve was made by **Glen Johnson** and seconded by **James Maloney**. Item was approved with a vote of 3 to 0.

**ITEM #4 – POSSIBLE APPROVAL OF MINUTES FROM THE BOARD OF ADJUSTMENT HEARING OF MAY 14, 2014:**

Motion to approve was made by **James Maloney** and seconded by **Glen Johnson**. Item was approved with a vote of 3 to 0.

**ITEM #5 – BOARD MEMBER’S COMMENTS AND/OR DIRECTIONS TO STAFF.**

No questions or directions to staff were given.

Meeting adjourned at 10:25 a.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Bill Arendell, Chairman  
Navajo County Board of Adjustment

ATTEST:

\_\_\_\_\_  
Secretary, Navajo County Board of Adjustment