

NAVAJO COUNTY
MINUTES
BOARD OF ADJUSTMENT MEETING
May 7, 2003

Board of Adjustment Members

ATTENDED

1. Bill Arendell, Chairman
2. Harry Hancock
3. Carla Bowen

Staff Attendance

1. Alan Knight, Code Enforcement Officer
2. David Ashton, Director
3. Mary Bradley, Secretary

ABSENT

Meeting held at the Board of Supervisors' Administration Conference Room, Holbrook, Arizona – Time 10:00 a.m.

Bill Arendell called the meeting of the Navajo County Board of Adjustment to order, and explained the meeting procedures to the public and then led the Pledge of Allegiance.

Item #1: **Use Permit:** Discussion and possible board action on a request by **Donald & Tami Taylor** for a use permit to allow the placement of a 1998 manufactured home on the same 1.24 acre parcel to house relatives recently relocated from out of state. Four-year limitation. Location: APN: 204-26-343, T11N, R22E, Section 35, 8458 Elkhorn Dr., Silver Lakes Estates. **Alan Knight** gave a case history of the project and presented a map showing the general area and the site plan. The changing conditions are that there would be two residences on the same parcel for four years. Mr. Knight indicated that staff had not received any letters in favor, however they did receive 1 letter in opposition, which is outside the 300' radius of notification. Mr. Knight showed on the map the location of the person who stated his opposition. Mr. Knight said that the reason the person was in opposition was because of their concern over the water pressure. Staff recommends approval with stipulations. **Carla Bowen** asked if the primary residence is 240 square feet and if it is a full residence. Ms. Bowen also asked if the other residence square footage was 896. **Alan Knight** replied yes to all three of her questions. **Tami Taylor** is one of the applicants and she was in attendance. Ms. Taylor explained that the other mobile home would be for her children and would only be temporary. Ms. Taylor explained that the junk was left there from the prior owner and they are in the process of cleaning it up. **No one came forward to speak in favor or opposition regarding this matter.** A motion was made by **Harry Hancock** to approve the Use Permit with the stipulations presented by staff. **RECOMMENDED**
STIPULATIONS: *1: Septic System will be properly permitted and installed, and/or certified by licensed contractor. 2. Neither residence shall ever be used as a rental. 3. All set-up permits secured prior to placement of mobile home. 4. One residence shall be removed by May 7, 2007. 5. Junk must be removed or concealed by July 7, 2003.* **Carla Bowen** seconded the motion. Motion unanimously carried.

Item #2: **Variance:** Discussion and possible board action on a request by **Martin & Leticia Perez**, for a variance to reduce the rear setback from 15' to 10' to allow a 48' manufactured home to be placed on an undersized lot (78' x 60'). Location: APN: 212-22-047, T9N, R22E, Section 23, 2544 Pinon Dr., in the Lakeside area. **Alan Knight** informed the Board that Julian Castillo volunteered to interpret for the Mr. & Mrs. Perez since their English is limited. Mr. Knight gave a case history of the project and presented a map showing the general area and the site plan. Mr. Knight explained that there is an error on the staff report stating that the house will encroach 4' into the setback, and it should be 5 feet. Mr. Knight indicated that staff had received a letter with 20 signatures that are in favor of this project, one phone call, and one letter in opposition. Mr. Knight explained that on the staff report they are recommending approval with stipulations, however, after checking the criteria for approving the variance staff is withdrawing their recommendation. Mr. Knight went on to say that staff does not want to recommend denial. Mr. Knight said based on the fact that the encroachment would not be that much, and if they moved the trailer forward 2-½ feet the Perez's could apply for an administrative waiver from our Director of Development

Services. Mr. Knight explained that the trailer was pulled on from the property by someone that the Perez's hired, and shortly after that it was stop ordered because it was encroaching on the setbacks. Mr. Knight said that the reason that Development Services had withdrawn their recommendation of approval was because that the hardship was size of the lot. Mr. Knight went onto say that the other lots in the area about the same size. Mr. Knight said that if the Board does grant the variance then staff had two stipulations. **Carla Bowen** asked Mr. & Mrs. Perez if the people who moved their mobile home onto their lot were a dealer. **Leticia Perez** replied yes, and said that they purchased it in Lakeside. **Carla Bowen** asked staff to write a letter to the dealer, instructing them that they inappropriately violated the Navajo County setbacks requirements, and in the future to call the county before hand to find out what the proper setbacks requirements and procedures are. Ms. Bowen said that in this letter they should be advised, if this happens again they would be required to pay at their own expense the removal of the illegal placement of such mobile home(s). **Bill Arendell** agreed with Ms. Bowen. Mr. Arendell also said that building inspectors can automatically give them 2.5 feet (10 percent) which would not make that much of a difference. A motion was made by **Bill Arendell** to approve the Variance with the stipulations stated by staff. **John Bealer Sr.** spoke in opposition and said that the Board had already made up their minds and cut him out of the loop. **The Board assured Mr. Bealer that they had not voted and they were in discussion now.** **John Bealer Sr.** indicated that he has resided there for 23 years. Mr. Bealer said that they had fought over the years over the lack of county zoning. Mr. Bealer complained about the applicant's mobile home siding having 3 different colors and it being placed crooked. Mr. Bealer said that the applicant placed the mobile there illegally without a permit, still, when the county issued them a stop order they continued to work on their mobile home. Mr. Bealer went onto to say that he spoke to the Director of Development Services several times regarding this issue. **Julian Castillo** spoke in favor of this project. Mr. Castillo said that the applicant's mobile home is 50 percent nicer than some of the mobile homes there. Mr. Castillo also said that several other mobile homes in this subdivision are encroaching on their setbacks. **Harry Hancock** seconded the motion made previously by Bill Arendell. **RECOMMENDED STIPULATIONS: 1. All set-up permits secured for placement of Manufactured home. 2. Copy of the sanitary sewer permit submitted to Building Department.** Motion unanimously carried.

Item #3: **Variance:** Discussion and possible board action on a request by **Robert & Carol Cunningham**, for a variance to construct an 8' high fence along the north property line due to the proximity of the neighboring motel. The fence would extend 130' from the NE corner to the NW corner. Location: APN: 212-20-165, T9N, R22E, Section 22, 3066 Apache Cove, in the Lakeside area. **Alan Knight** gave a case history of the project and presented a map showing the general area and the site plan. Mr. Knight showed on the map where the Bear Paw Motel was located, and showed a photo that was taken on Valerie Lane, which points back from the Cunningham's house. Mr. Knight explained because of the elevation of the Cunningham's house you can see directly into six of windows from the motel. Mr. Knight said that the area is private, and the access road comes from Apache Cove and comes right along these two lots (showed the lots on the map). Mr. Knight indicated that a fence built across there would be barely noticeable. Staff recommends approval with a stipulation. **Robert & Carol Cunningham** was not in attendance. **Carla Bowen** said that she is familiar with the area and made a motion to approve the Variance with the stipulation stated by staff. **RECOMMENDED STIPULATION: 1. Fence shall be built commensurate with the aesthetic conditions of the immediate area, using conventional fence building materials.** **Harry Hancock** seconded the motion. Motion unanimously carried.

Item #4: **Variance:** Discussion and possible board action on a request by **Donald Perkins & Marianne Mulligan**, to reduce the side setback from 20' to 5' at the west side to allow the existing residence to remain. A recent survey revealed the encroachment, which existed before the purchase (Therefore, not self-imposed). Location: APN: 209-10-188, T10N, R20E, Section 13, 6384 Turkey Track Trail, Timberland Acres, in the Linden area. **Alan Knight** gave a case history of the project and presented a map showing the general area and the site plan. Mr. Knight indicated that the owners are seeking to legalize the existing conditions. Mr. Knight said that staff had received 1 call in favor and no comments in opposition. Mr. Knight indicated that a 1971 Timco, which was placed in 1993 prior to the purchase of the applicants (September 1999). Mr. Knight presented the Board with photos of the surrounding property. On some of the photos it shows the back of the house about 8' to the east of the house there is severe drop (6 to 8 per cent drop). Mr. Knight said that is probably why this house was placed in this location in the first place. Mr. Knight indicated that this does come under the heading of a terrain issue as far as it is located. Staff recommends approval without any stipulations. **Jeffrey Adams** is employed with the law firm of Musgrove, Drutz & Kack and will be representing the applicants. **Donald Perkins** was in attendance. Mr. Adams explained that the prior owners believed when they placed home that the property line was farther over. Mr. Adams presented each Board Member with a map, the dash lines showed where the previous applicants thought the property line was. Mr. Adams also showed a photograph that was taken of the property. Mr. Adams explained that the previous property owners own the motor home that is on the property. What they are trying to do is to get the property in compliance with the zoning by virtue of obtaining this variance. Mr. Adams explained, in case his clients ever wished to sell this property in the future they would have to disclose the encroachment. **Carla Bowen** said that she is familiar with the location and agreed with Mr. Knight assessments. A motion was made by **Harry Hancock** to approve the Variance. **Carla Bowen** seconded the motion. Motion unanimously carried.

Item #4: Possible approval of the minutes for the **April 9, 2003** meeting. **Carla Bowen** indicated that she found an error on the last page of the minutes (Carla Bowen said that **she** owned a home in this area and if someone wanted to increase the tower 40 per cent higher than the normal county restrictions, then she would be very concerned). Ms. Bowen indicated that she said **if** she owned a home in this area and if someone wanted to increase the tower 40 per cent higher than the normal county restrictions, then she would be very concerned. A motion was made by **Carla Bowen** to approve the minutes with the correction indicated. **Harry Hancock** seconded the motion. Motion unanimously carried.

Item #5: Board Members 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 Development Services Department staff to study or provide additional information on topics of the Boards choosing. **Alan Knight** reviewed with the Board the criteria for a hardship in reference to a variance.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 10:55 a.m. A motion was made by **Harry Hancock** to adjourn. **Carla Bowen** seconded the motion. Motion unanimously carried.

The Board reserves the right to adjourn into an executive session when needed, per A.R. S. 38-431.03 (A)(3) for legal counsel on the above matter.

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 Development Services Office, Navajo county Complex, Holbrook, Arizona, and Monday through Friday, 8:00 a.m. to 5:00 p.m.

Signed this _____ day of _____, _____

Signed: _____

**Chairman, Navajo County
Board of Adjustment**

ATTEST:

Development Services Secretary