



**NOTICE OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT
OF THE TOWN OF CLARKDALE
TUESDAY, FEBRUARY 27, 2024 AT 2:00 PM**

In Person: Clark Memorial Clubhouse, 19 N. Ninth St., Clarkdale AZ

Unless otherwise stated, the public will have physical access to the meeting place 15 minutes prior to the meeting start time.

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN to the members of the Common Council of the Town of Clarkdale and to the general public that the Town of Clarkdale Board of Adjustment will hold a Regular Meeting open to the public on Tuesday, February 27, 2024, at 2:00 PM in a hybrid meeting via Zoom Video Conference or in person at 19 N. Ninth Street, Clarkdale, Arizona, Clark Memorial Clubhouse, Men's Lounge. Members of the Clarkdale Common Council will attend either in person or by telephone, video or internet conferencing. Pursuant to A.R.S. §38-431.03, the Council may vote to recess the meeting and move into Executive Session on any item, which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

The Board of Adjustment invites the public to provide comments at this time. Members of the Board of Adjustment may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01, action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Persons interested in making comments on a specific agenda item are asked to complete a brief form and submit it to the Clerk or liaison during the meeting. Each speaker is asked to limit their comments to five minutes.

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the Town Council at a work session or during a New Business discussion. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

A. Approval of Minutes of the Board of Adjustment

Discuss, consider and act upon the draft minutes from the regular meeting held on Sept. 14, 2021.

5. NEW BUSINESS

A. Variance Request

Discuss, consider and act upon a variance request regarding an encroachment into the side setback for the purpose of building a carport attached to the home at 1960 Wildflower Lane, APN 406-29-258.

6. ADJOURNMENT

Values

Values are the guiding principles that provide an organization with purpose and direction. The Town of Clarkdale's organizational values are:

COPPER

Customer focused

Open, transparent and equitable

Preserving our history, charm, and environment

Planning for a sustainable future

Economic and social resiliency

Resourceful and innovative

Mission

The Town of Clarkdale serves the community by providing amenities, infrastructure, services, and public safety to enhance quality of life. We are stewards of our history while we sustainably and resiliently plan for the future with an emphasis on community engagement and transparency.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



Staff Report

Item Number: 4.A.

<u>Agenda Item:</u>	Approval of Minutes of the Board of Adjustment Discuss, consider and act upon the draft minutes from the regular meeting held on Sept. 14, 2021.
<u>Staff Contact:</u>	Charity Brooks, Town Clerk
<u>Meeting Date:</u>	February 27, 2024
<u>Strategic Goal:</u>	Not applicable.
<u>Background:</u>	Review of the draft minutes from the regular meeting held on Sept. 14, 2021.
<u>Budget Impact:</u>	No budget impact.
<u>Recommendation:</u>	Staff recommends approval of the draft minutes from the regular meeting held on Sept. 14, 2021.

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD ON WEDNESDAY, SEPT. 14, 2021, AT 5:30 P.M. IN THE MEN’S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A **Regular Meeting** of the Board of Adjustment of the Town of Clarkdale was held on Tuesday, September 14, 2021, at 5:30 p.m. in the Men’s Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

BOARD MEMBERS:

Chair	Robyn Prud’homme-Bauer
Vice Chair	Debbie Hunseder
Board Members	Bill Regner
	Lisa O’Neill
	Marney Babbitt-Pierce

STAFF:

Community Development Director	Ruth Mayday
Town Clerk	Mary Ellen Dunn

Others in Attendance:

CALL TO ORDER – Meeting called to order by Chair Prud’homme-Bauer at 5:30 p.m.

PUBLIC COMMENT – The public is invited to provide comments at this time on items that are not on this agenda. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to FIVE minutes.

MINUTES: Consideration of the Minutes of the meeting held April 25, 2018, and July 27, 2021.

Action: Approve minutes of April 25, 2018, and July 27, 2021 as written.

Motion: Board Member Babbitt-Pierce

Second: Board Member Regner

Vote:

Voting Member	Aye/Nay
Board Member Marney Babbitt-Pierce	Aye
Vice Chair Debbie Hunseder	Aye
Board Member Lisa O’Neill	Aye

Chair Robyn Prud'homme-Bauer	Aye
Board Member Bill Regner	Aye

NEW BUSINESS

VARIANCE HEARING – A hearing on a request by Beatrice Daniel for a residential variance.

Community Development Director Ruth Mayday introduced information on this item to Council. Applicant Beatrice Daniel addressed the Council regarding her request and provided history of the property. Council discussion followed.

Action: approval of the variance request, with findings of fact and stipulations as follows:

I move to approve the Board of Adjustment Application No. 093068 for the property located at 941 Calle Carrillo, Assessor's Parcel No. 406-24-178, with the following findings of fact and stipulations:

The Board finds that strictly applying a zoning ordinance will cause peculiar and exceptional practical difficulties that deprive the property of privileges enjoyed by other similarly zoned properties. Specifically, the subject property presently has no economically viable use due to the required minimum lot size, lot frontage, and average lot width requirements in the R-1 (Single Family Residential) zoning district, which the subject parcel does not meet.

The Board finds that the circumstances were not self-imposed by the property owner because the non-conforming parcel was created nearly 100 years ago, prior to the adoption of the Town of Clarkdale Zoning Code.

The Board finds that the granting of this variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

This Approval is for a variance as follows:

A variance in minimum lot size, allowing a minimum lot size of 7,000 square feet;

A variance of minimum lot frontage, allowing a minimum lot frontage of 50'

*Board of Adjustment
Sept. 14, 2021*

a. A variance of average lot width, allowing a minimum average lot width of 50'

No other rights are conferred by this approval, and the subject property shall otherwise be developed in conformance with the requirements of Chapter 3, Zoning Districts, Article 3-010 Single Family Residential of the Town of Clarkdale Zoning Code.

Initial motion restated to include entire motion.

Motion: Board Member O'Neill

Second: Vice Chair Hunseder

Vote:

Voting Member	Aye/Nay
Board Member Marney Babbitt-Pierce	Aye
Vice Chair Debbie Hunseder	Aye
Board Member Lisa O'Neill	Aye
Chair Robyn Prud'homme-Bauer	Aye
Board Member Bill Regner	Aye

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT – Without objection, the Chair adjourned the meeting at 5:42 p.m.

APPROVED BY:

SUBMITTED BY:

Robyn Prud'homme-Bauer - Chair

Charity Brooks, Town Clerk



Staff Report

Item Number: 5.A.

Agenda Item:

Variance Request

Discuss, consider and act upon a variance request regarding an encroachment into the side setback for the purpose of building a carport attached to the home at 1960 Wildflower Lane, APN 406-29-258.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

February 27, 2024

Strategic Goal:

Not applicable.

Background:

Variance Requested:

1. Variance from required ten feet (10') side setback to eight feet (8') for the purpose of constructing an attached carport.

Legal Standard:

The legal standard for approval of a variance is set forth in the Arizona Revised Statutes. To obtain an area variance, an applicant must show:

1. That the strict application of a zoning ordinance will cause "peculiar and exceptional practical difficulties" that deprive a property of privileges enjoyed by other similarly zoned properties. (A.R.S. § 9-462.06 G (2))
2. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. (A.R.S. § 9-462.06 G (2))
3. The circumstances cannot be self-imposed by the property owner. A.R.S. § 9-462.06(H)(2).

Town Code Compliance:

In addition to statutory requirements, Town Code Chapter 17, Boards and Commissions, Article 17-2, Boards and Commissions, Section 17-1 C, Establishment and Purpose sets forth the Town's criteria for issuance of a variance. Decisions shall be based upon a review of the application in conformance with the following criteria:

1. **Special Circumstances:** There are special circumstances attributable to the property that are not applicable to other properties in the area

or within the same zone district. *The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.* (emphasis added)

2. **Undue Hardship:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. *An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.* (emphasis added)
3. **Public Health, Safety and Welfare:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.
4. **Adequate Financial Return:** The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.
5. **Self-Imposed Special Circumstances:** A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

The application for a variance reiterates these requirements and further advises applicants that the applicant's needs, desires, economic hardship or attractiveness or social desirability of the project are irrelevant.

Background:

This request is for an area variance to allow construction of an attached carport that would encroach on the side setback. The applicant cites the need to protect his recently purchased SUV from hail and protect the side of his house "from the harsh weather we endure."

in the following circumstances:

G. A board of adjustment shall:

2. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

H. A board of adjustment may not:

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

With respect to the first standard of special circumstances attributable to the property, the applicant is asking to build a 14' wide carport that would encroach on the side setback of his property. There are no special circumstances related to the size, shape, topography, location or surroundings that deprive him of the same privileges enjoyed by other property owners similarly situated. The lot is level; there are no washes or unstable banks that prohibit him from using his side yard and constructing a carport as an accessory structure. The side yard separation is consistent with the rest of this subdivision and other R-1 zoned properties. There is nothing unique to this location that would prohibit the construction of a carport as an accessory use.

With respect to the second standard of self-imposed harm, approval of this application would grant Mr. Swartz special privileges not enjoyed by other similarly zoned properties. Staff regularly meets with property owners of R-1 zoned properties and discuss the confines of the zoning code and compliance therewith and are able to find solutions that meet the requirements of the code. In this instance, staff have provided three (3) alternatives: build an attached carport that meets the requirements of code; build a detached carport that meets the requirements of code, or build a shed for items stored in the garage and park his vehicle there. Mr. Swartz has refused each alternative, stating that he wants to build the carport the size he wants where he wants it for his convenience. This is the very definition of self-imposed harm: the need for the variance arises from what the property owner wants rather than the configuration of the lot or land.

Section 3-010 Single Family Residential (R1) of the Town of Clarkdale Zoning Code sets forth the following development standards and accessory uses:

D. Building Height Limitation: 2 ½ stories, not to exceed 35 feet.

- E. Maximum Lot Coverage Ratio: 0.3.
- F. Minimum Lot Size: 10,000 square feet per single family dwelling unit.
- G. Minimum Lot Frontage: 60 feet.
- H. Minimum Average Lot Width: 80 feet.
- I. Minimum Yard Area Standards: Front - 20 feet.

Side - 10 feet

Rear - 20 feet

B. Accessory Uses Permitted:

1. Accessory uses, building or structures customarily incident to any use permitted by this section such as servant or guest quarters, private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

In this case, the applicant is seeking a variance that is entirely self-imposed, and the approval would constitute a grant of special privileges. There is ample room for the applicant to construct an attached carport that meets setbacks; he can also construct a freestanding carport that fits within the existing standards to protect his vehicle. Additionally, the applicant has the option to build a shed to store the items currently kept in the garage and store the vehicle in.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Board of Adjustment deny the variance request, with findings of fact and stipulations as follows:

MOTION: I move to deny the Board of Adjustment Application No. 240018, for the property located at 1960 Wildflower Lane, Assessor's Parcel No. 406-29-258, with the following findings of fact and stipulations:

1. The Board finds that strictly applying a zoning ordinance will not cause peculiar and exceptional practical difficulties that deprive the property of privileges enjoyed by other similarly zoned properties. Specifically, the configuration of the lot and the condition of the topography do not deprive the property of privileges enjoyed by other R-1 zoned lots in Clarkdale.
2. The Board finds that the circumstances are self-imposed by the property owner as he states that he is entitled to build what he wants where he wants rather than complying with the requirements of

adopted codes.

3. The Board finds that the granting of this variance would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.



Staff Report

Item Number: 5.A.

Agenda Item:

Variance Request

Discuss, consider and act upon a variance request regarding an encroachment into the side setback for the purpose of building a carport attached to the home at 1960 Wildflower Lane, APN 406-29-258.

Staff Contact:

Ruth Mayday, Community Development Director

Meeting Date:

February 27, 2024

Strategic Goal:

Not applicable.

Background:

Variance Requested:

1. Variance from required ten feet (10') side setback to eight feet (8') for the purpose of constructing an attached carport.

Legal Standard:

The legal standard for approval of a variance is set forth in the Arizona Revised Statutes. To obtain an area variance, an applicant must show:

1. That the strict application of a zoning ordinance will cause "peculiar and exceptional practical difficulties" that deprive a property of privileges enjoyed by other similarly zoned properties. (A.R.S. § 9-462.06 G (2))
2. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. (A.R.S. § 9-462.06 G (2))
3. The circumstances cannot be self-imposed by the property owner. A.R.S. § 9-462.06(H)(2).

Town Code Compliance:

In addition to statutory requirements, Town Code Chapter 17, Boards and Commissions, Article 17-2, Boards and Commissions, Section 17-1 C, Establishment and Purpose sets forth the Town's criteria for issuance of a variance. Decisions shall be based upon a review of the application in conformance with the following criteria:

1. **Special Circumstances:** There are special circumstances attributable to the property that are not applicable to other properties in the area

or within the same zone district. *The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.* (emphasis added)

2. **Undue Hardship:** If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. *An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.* (emphasis added)
3. **Public Health, Safety and Welfare:** A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.
4. **Adequate Financial Return:** The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.
5. **Self-Imposed Special Circumstances:** A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

The application for a variance reiterates these requirements and further advises applicants that the applicant's needs, desires, economic hardship or attractiveness or social desirability of the project are irrelevant.

Background:

This request is for an area variance to allow construction of an attached carport that would encroach on the side setback. The applicant cites the need to protect his recently purchased SUV from hail and protect the side of his house "from the harsh weather we endure."

in the following circumstances:

G. A board of adjustment shall:

2. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

H. A board of adjustment may not:

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

With respect to the first standard of special circumstances attributable to the property, the applicant is asking to build a 14' wide carport that would encroach on the side setback of his property. There are no special circumstances related to the size, shape, topography, location or surroundings that deprive him of the same privileges enjoyed by other property owners similarly situated. The lot is level; there are no washes or unstable banks that prohibit him from using his side yard and constructing a carport as an accessory structure. The side yard separation is consistent with the rest of this subdivision and other R-1 zoned properties. There is nothing unique to this location that would prohibit the construction of a carport as an accessory use.

With respect to the second standard of self-imposed harm, approval of this application would grant Mr. Swartz special privileges not enjoyed by other similarly zoned properties. Staff regularly meets with property owners of R-1 zoned properties and discuss the confines of the zoning code and compliance therewith and are able to find solutions that meet the requirements of the code. In this instance, staff have provided three (3) alternatives: build an attached carport that meets the requirements of code; build a detached carport that meets the requirements of code, or build a shed for items stored in the garage and park his vehicle there. Mr. Swartz has refused each alternative, stating that he wants to build the carport the size he wants where he wants it for his convenience. This is the very definition of self-imposed harm: the need for the variance arises from what the property owner wants rather than the configuration of the lot or land.

Section 3-010 Single Family Residential (R1) of the Town of Clarkdale Zoning Code sets forth the following development standards and accessory uses:

D. Building Height Limitation: 2 ½ stories, not to exceed 35 feet.

- E. Maximum Lot Coverage Ratio: 0.3.
- F. Minimum Lot Size: 10,000 square feet per single family dwelling unit.
- G. Minimum Lot Frontage: 60 feet.
- H. Minimum Average Lot Width: 80 feet.
- I. Minimum Yard Area Standards: Front - 20 feet.

Side - 10 feet

Rear - 20 feet

B. Accessory Uses Permitted:

1. Accessory uses, building or structures customarily incident to any use permitted by this section such as servant or guest quarters, private garages, private workshops, and home occupations governed by the provisions of Section 4-110.

In this case, the applicant is seeking a variance that is entirely self-imposed, and the approval would constitute a grant of special privileges. There is ample room for the applicant to construct an attached carport that meets setbacks; he can also construct a freestanding carport that fits within the existing standards to protect his vehicle. Additionally, the applicant has the option to build a shed to store the items currently kept in the garage and store the vehicle in.

Budget Impact: No budget impact.

Recommendation: Staff recommends that the Board of Adjustment deny the variance request, with findings of fact and stipulations as follows:

MOTION: I move to deny the Board of Adjustment Application No. 240018, for the property located at 1960 Wildflower Lane, Assessor's Parcel No. 406-29-258, with the following findings of fact and stipulations:

1. The Board finds that strictly applying a zoning ordinance will not cause peculiar and exceptional practical difficulties that deprive the property of privileges enjoyed by other similarly zoned properties. Specifically, the configuration of the lot and the condition of the topography do not deprive the property of privileges enjoyed by other R-1 zoned lots in Clarkdale.
2. The Board finds that the circumstances are self-imposed by the property owner as he states that he is entitled to build what he wants where he wants rather than complying with the requirements of

adopted codes.

3. The Board finds that the granting of this variance would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.



TOWN OF CLARKDALE
 890 Main Street
 Clarkdale, AZ 86324
 (928) 639-2500

**COMMUNITY DEVELOPMENT
 DEPARTMENT**
**VARIANCE AND APPEAL
 APPLICATION**
BOARD OF ADJUSTMENT
 PLEASE PRINT

STAFF USE ONLY

Date Received: 1-16-24
 By: CE
 Parcel # 406-29-258
 Zoning: R1
 Project # 240018
Lot 63

Please mail or email completed form to:
 PO Box 308, Clarkdale, AZ 86324 or
 CommunityDevelopment@Clarkdale.AZ.gov

IMPORTANT INFORMATION

The Board of Adjustment, a quasi-judicial body of the Town of Clarkdale, is given the authority to hear and decide on requests for variances from the strict application of the Zoning Code. Arizona State Statutes and the Town Code of the Town of Clarkdale have specific criteria, which must be met for the granting of a variance. Variances are exceptions from the standards of the Zoning Code. They provide flexibility to assure that a property owner will not be unfairly deprived of the use of their property. Variances are meant to relieve a particular land owner from unique hardship applicable to their property where the strict application of the code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is with the limitations upon other properties in the same vicinity and zone. THE APPLICANT'S NEEDS, DESIRES, ECONOMIC HARDSHIP OR ATTRACTIVENESS OR SOCIAL DESIRABILITY OF THE PROJECT ARE IRRELEVANT.

Before the granting of a variance, every other option available for compliance should first be sought. When variances are granted, the variance will be for no more than the minimum adjustment required to resolve the problem. For example, if an applicant is asking for a setback variance (which meets all the criteria required by law) of 10 feet, and the problem could be corrected by a 5 foot variance, only a 5 foot variance will be granted.

To hear and decide appeals in which it is alleged, by the applicant, there is an error in an order, requirement, or decision made by an administrative official based on the enforcement of the Zoning Code or Building - Chapter 7 of the Town Code, an appeal process may be pursued through the Board of Adjustment through submission of this application.

APPLICANT INFORMATION

THE APPLICANT WILL BE THE ONLY PERSON NOTIFIED BY THE TOWN OF THE MEETING SCHEDULE. IT WILL BE HIS OR HER RESPONSIBILITY TO NOTIFY OTHER PARTIES WHO MAY BE INVOLVED.

PROPERTY ADDRESS 1960 Wildflower Ln PARCEL # 406-29-258
 APPLICANT NAME(S) Jeffrey Swartz BUSINESS NAME _____
 PHONE 928-282-4750 E-MAIL Jeff@JUScomputer.com
 APPLICANT'S RELATIONSHIP TO PROPERTY OWNER SAME

OWNER INFORMATION AND CERTIFICATION

PLEASE FILL OUT THE FOLLOWING INFORMATION IF THE APPLICANT IS NOT THE PROPERTY OWNER.

PROPERTY OWNER NAME _____
 ADDRESS _____
 PHONE _____ EMAIL _____
 CONTACT PERSON _____ PHONE _____

I certify I am an owner authorized to conduct business related to this property and the information and exhibits herewith are true and correct to the best of my knowledge. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the Town of Clarkdale to enter the premises described in this application as necessary to determine the suitability of the request and to ascertain compliance with all applicable Town Codes.

SIGNATURE [Signature] DATE 1-10-2024

PLEASE SEE PAGE 2 FOR CRITERIA AND REQUIREMENTS FOR VARIANCE AND APPEAL REQUESTS.

CRITERIA FOR VARIANCES

Special Circumstances: There are special circumstances attributable to the property, which are not applicable to other properties in the area or within the same zoning district. The special circumstances must be related to the physical characteristics of the property including its shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.

Undue Hardship: If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, not the personal circumstances of the property owner or applicant.

Public Health, Safety and Welfare: A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.

Adequate Financial Return: The applicant's need for an adequate financial return on investment shall not be considered justification for the granting of a variance.

Self-Imposed Special Circumstances: A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

Use Variance: A use variance may not be granted. (A use variance is one, which would allow, as an example, a retail commercial establishment in a single family residential zone district.)

REQUIREMENTS FOR A VARIANCE REQUEST

1. Payment of the application fee in the amount determined by resolution of the Town Council. The applicant is also responsible for the cost of publication, engineering, and any legal advice directly related to this request.
2. A plot plan on white 8 ½" X 11" paper drawn to scale showing property dimensions, all buildings, structures, signs, and other pertinent information.
3. Any other information deemed pertinent by the Community Development Department (i.e. construction plans, map showing adjacent properties, etc.)
4. A statement explaining how the variance request meets each of the criteria listed.

REQUIREMENTS FOR AN APPEAL REQUEST

1. A written request outlining the decisions being appealed and the argument to grant the appeal.
2. Payment of the applicant fee in the amount determined by resolution of the Town Council.

Dear Zoning Administrator,

I am writing to request a variance for my property located at 1960 Wildflower Lane, Clarkdale, AZ 86324. The legal description of my property is Lot 63 , Mingus View Estates Subdivision. My property is zoned R-1 (Single Family Residential).

I am requesting a variance for an Awning (carport) no side. I would like to build on the side of my home attached to the side of my garage. The current zoning regulation requires a minimum setback of 10 feet from the side of the property line for accessory structures. Since one side of the roof will be attached to my home it would now be considered an attached structure to my home and no longer an accessory structure. I am requesting a variance of 8' from the property line. I have attached a site plan showing the location and dimensions of the proposed awning and the existing setback.

I need the variance because I have a limited space to protect my vehicles from recent hail damage over the last few years. My home unfortunately sits towards the back part of my property and limits what options I have. If I comply with the 10 - foot setback, I will not have enough room to build the carport that I need for protection. The variance would allow me to utilize the available space of my current driveway and protect the side of my house from the harsh weather we endure.

The variance will not have any negative impact on the neighboring properties or the public interest. The awning will be compatible with the color (beige, tan) of my house and the surrounding houses. The carport will not obstruct the views or access of the adjacent properties. The shed will not affect the drainage or the easement on my property. The carport will not create any noise, odor, or traffic problems. The variance will not impair the intent and purpose of the zoning ordinance or the general plan. The variance will not reduce the property values or the quality of life in the neighborhood. The current zoning indicates if this structure is not attached, I can have the structure 5 feet from my home and 3' from the property line. To me this would be unkind to my neighbor. would cost me a substantial cost and would create an obnoxious structure. What I am requesting is only 2 more feet, which is the current width of my drive pad. The current shed in this picture has also been removed.

I respectfully request a hearing date and time for my variance request. I am available to meet whenever possible. I am willing to attend the hearing and answer any questions that you may have. I also invite you to visit my property and inspect the site if you wish.

Thank you for your consideration of my variance request. Please contact me at (928) 821-3229 or Jeff@JJSCComputer.com if you have any questions or concerns.

Sincerely,

Jeffrey Swartz 1960 Wildflower Lane, Clarkdale, AZ 86324

1-10-2024



P.S. Bob Pipkin has already seen the structural engineering

406-29-258

YAVAPAI COUNTY COORDINATED PERMIT PROCESS
PLOT PLAN SKETCH

Affidavit and EPA Warning

I certify that this Plot Plan indicates all structures (including fences, walls and pads), correct property and building descriptions, setbacks, dimensions, legal access and necessary road cuts, walls and/or any water source (including washes, etc.) on or within 80', 100' and 200' respectively of the property. Use of color concerning 5% of 1% lead is prohibited for any portable water systems.

Johnny Kabanek
Signature

6-30-99
Date

1960 WILDFLOWER
LANE

Zoning	_____
Stories	_____
Height	_____
Slope	_____

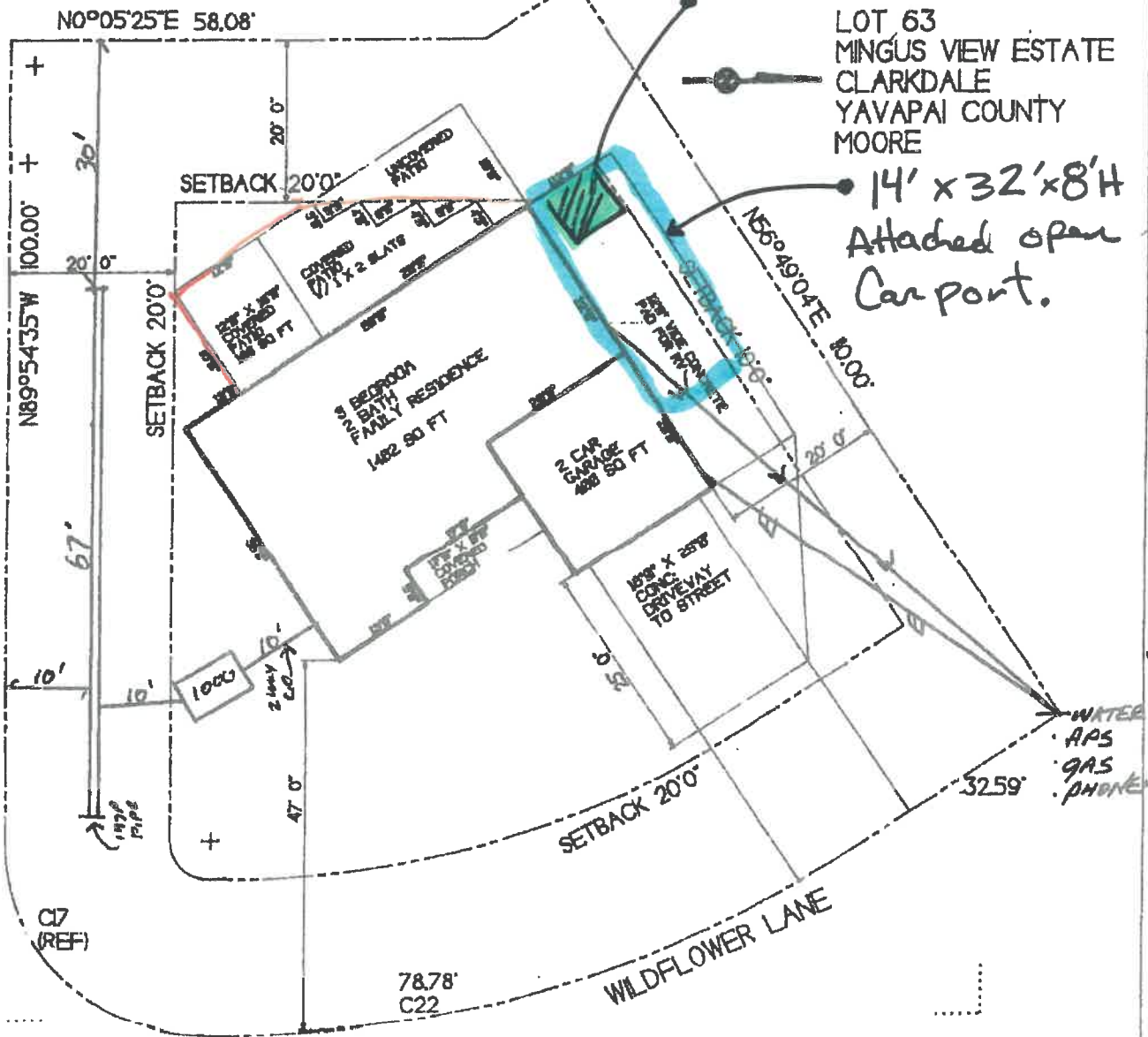
Not for parcels in excess of 2 Acres or 200' dimension over 300 feet			

SCALE: 1" = 20'0"

Existing Shed to be Removed

LOT 63
MINGUS VIEW ESTATE
CLARKDALE
YAVAPAI COUNTY
MOORE

14' x 32' x 8'H
Attached open
Car port.



DOCUMENT #

SECTION

TOWNSHIP

RANGE

ASSessor's PARCEL NUMBER

406-29-258

MUST BE DRAWN TO SCALE IN BLACK INK ONLY



Red - Indicates Carport (Awning) roof only,
Green - Indicates approx. 8' Ft. to property line.



Town Zoning Code

Chapter Four, Section 4-010 Accessory Structures

A. Accessory Structures Standards:

1. Accessory structures, if permitted in a district, are approved, provided:
 - a. They are not in a front yard.
 - b. They shall be distant at least three (3) feet from all alley lines.
 - c. They shall be distant at least three (3) feet from adjoining lot lines with exception of zone R1A, where they may be distant at zero (0) feet from all alley lines.
 - d. They are not erected more than six (6) months prior to the erection of the principal building.
 - e. They are located as specified in a Conditional Use Permit.
 - f. They do not exceed fifteen (15) feet in height.

2. Multiple dwelling units are required to have storage facilities as follows:
 - a. Minimum of twenty-four (24) square feet per unit.
 - b. One (1) side must be at least four (4) lineal feet.
 - c. Minimum of one (1) exterior entrance.
 - d. Conform to all other requirements of codes in effect. (Prior code § 4-1)

→ **Fire District Requirement:**

All accessory structures are to be (6) six feet from existing home
(Unless protected by fire suppression system).

Permit fees are dependent on square footage of accessory structure.

If you live in a HOA (Homeowners Association) architectural change approval is required.
