

PLANNING AND ZONING BOARD OF ADJUSTMENT MINUTES

Planning and Zoning Board of Adjustments Meeting
921 Thatcher Blvd., Safford, Arizona 85546
First Floor Conference Room, General Services Building
March 1, 2023
9:00 A.M.

BOARD MEMBERS PRESENT: Chairperson Dennis Jacob, Michael Ruiz, Gary Allred, and Mons Larson

BOARD MEMBERS ABSENT: Garrett Hoisington

STAFF PRESENT: Jean, Roof, Steve McGaughey, and Jennifer Cochran

VISITORS: Sandra Brooks, Paul Carrasco, Rebecca Carrasco, Morgan Broderick, Petrea Kunz, Lacie Ross, Gary Shumway, Melody Cleland, and Cary Cleland

CALL TO ORDER: Chairman Dennis Jacob called the meeting to order at 9:00AM and took roll, a quorum was present.

ITEMS FOR PUBLIC HEARING:

- 1) VAR22-01 (APN 102-08-053) Request made for a variance for a non-compliant 6ft fence. The owner and requestor, Kreg and Petrea Kunz. The situs is 1653 N. Sunset Blvd., Safford.

Chairman Jacob read the request. Petrea Kunz was present and presented. Kunz stated she was nervous and spent a lot of money on the vinyl fence. Reduced costs of water. Protecting neighbors as they complained about the poisonous oleanders that the fence replaced. Kunz gave hand outs to the Board of examples (photos) of vehicles pulling in and out of the drive way and site of view. The fence is not in the front of the house but on the empty lot next to the home which makes it unique to us and is at a three way stop. The three-way stop is more dangerous because people don't stop. I have a lot of money into the fence, and it is an asset to the neighborhood.

Visitor Paul Carrasco stated I have lived at Sunset Boulevard for 30 years. I live next to Petrea Kunz. I have no issue backing out of my driveway - no obstruction. The fence looks nice in the neighborhood.

Visitor Sandra Brooks 393 W Yucca Dr. not a direct neighbor but live in the neighborhood. The fence is beautiful. People don't stop at the three way stop – the fence does not obstruct the view.

Visitor Lacie Ross is not a neighbor but an employee of Petrea Kunz and at the residence almost every day. I have had no issue backing out or pulling in. I am the one in the example photos. This will be a financial hardship for the family. The fence is beautiful - eye catching and an improvement to the neighborhood and not as bulky and the oleanders.

Visitor Gary Shumway 364 E. Peach Street not a direct neighbor, but down the road that provides a large area for parking and turn around. The fence beautifies the area. Hope to keep the fence.

Chairman Jacob anymore comments from the public?

Member Larson how long have you been at the property?

Kunz 2006

Member Larson define fence regulations in reference to shrubs

Director McGaughey live plants ordinance established in 1969

Kunz requests board to reference page 6 fence with slats

Visitor Carrasco stated that the fence with slats has been up since he has lived there 1987

Visitor Cary Cleland stated that the fence with slats has been there when he lived in the neighborhood in 1970 and prior to 1960 or so. He is a retired real estate agent and can give examples of other homes in the area and issues all over the county.

Member Larson assumes fence being used as example is prior to the ordinance

Director McGaughey doesn't recognize it

Member Larson is it the main entrance?

McGaughey I can't answer that

Member Larson no further question

Member Allred did the 3ft fence go in before?

Kunz yes just prior, learned my lesson, getting permits for back yard.

Director McGaughey stated he discussed rules in meeting with Kunz at the property prior to building the 3ft fence. He handed out ordinance (3) qualifying items for decisions making to the board members.

*Member Allred motioned to go into executive session 9:34AM
Member Ruiz seconded*

All in favor

Member Ruiz motioned to go out of executive session

Member Allred seconded

All in favor 10:41AM

Chairman Jacob review for vote

Member Ruiz rescind my vote for person reasons – obligations

Member Larson question to McGaughey was there a complaint filed?

Director McGaughey we received a call asking can they do that? So, I went and looked at it – that's how I found out about it. (Pg. 95 Hedges 5.2.2 3A) fences, walls, hedges, maximum height 3ft.

Chairman Jacob question Member Larson?

Chairman Jacob question Member Allred?

Chairman Jacob no other questions

Member Larson wants to table – needs time to obtain more information

Director McGaughey stated that there will not be any more information to obtain but at this meeting.

*Member Allred motioned wants to table the item to review the information.
Proposed date of April 5, 2023, at 9:00AM.*

Kunz spoke stating that she hopes that they really consider her request as she meets all three of the qualifying items

Member Larson seconded

All in favor.

- 2) VAR23-01 (APN 104-13-086). The situs address is 4269 W. Palmer Lane, Thatcher. The request is made by Morgan Broderick for the purpose of a variance to reduce setbacks.

Chairman Jacob read the request and rescinded himself from the request. Chairman Jacob stated since he owns and is in the storage and rental business he will not be participating in the request. Member Michael Ruiz will be acting Chairman.

Morgan Broderick was presented. Broderick did not have a complete comprehensive plan. The property is too small for most use but will house 50x100 storage units. VIP farms was concerned about the site and Fertizona was concerned about flammables and combustibles. The building would be a steel building with foam installation at this time no building permits have been submitted.

Member Larson building permits have not been submitted – do you have a plot plan?

Broderick no.

Member Larson what is being asked of me? Zero setbacks?

Broderick gave a description of the plan of what the layout of what the building would be.

Member Larson asked how will you get in and out of your building from North, South, East, and West?

Broderick stated Facing only from the North.

Member Larson East side variance – no driveway.

Broderick answered no driveway on East and West. Park up front on North side fire trucks have access on railroad tracks on the back side not on property.

Member Larson did Planning, and Zoning know you would be asking for variance?

Broderick yes

Member Larson is Planning and Zoning part of the variance process

Deputy County Attorney, Jean Roof, no – Planning and Zoning Commission, Rezone and Building Permit process

Broderick the lot is too small for any septic

Directory McGaughey currently requesting 5ft setbacks on each side

Member Allred all four sides to zero setbacks

Broderick no just East and West

Member Ruiz have you spoken with Fertizona and VIP Farms

Broderick yes, they are supportive

Member Larson what were their original concerns?

Broderick the height of the facility and if it is flammable.

*Member Ruiz how many units?
Broderick (20) 10x10 (40) 5x10 rest of the area is hallway 50x100*

Member Larson climate control?

Broderick HVAC

Member Larson each unit?

Broderick two larger units for whole building

Member Larson how long have you owned the property?

Broderick six years – trying to buy the adjacent property

Member Larson setbacks

Director McGaughey 20ft front 25ft back

Member Allred 10ft sides

Director McGaughey discussed C-M zoning

Larson requested information on use permit

Director McGaughey 1 acre min C-M zoning allowance to build storage units on non-commercial property

Member Larson, Member Allred, Jean Roof, and Director McGaughey discussed best use of property.

Member Allred Fertizona and VIP grandfathered in with “A” zone

Broderick stated again that he has attempted to contact neighboring property

Member Larson landowner not responding?

Broderick name is Lupe have mailed letters to listed name and address on record.

Director McGaughey still would not have enough property to make an acre with the adjacent parcel.

Member Allred would you give permits to refurbish the home on the property?

Director McGaughey yes.

Broderick Conditional Use Permit (CUP) does not stay with the property it goes with the owner.

Member Larson what other businesses do you own?

Broderick portable storage

Jean Roof applied for setbacks on the sides but not for front and back

Member Larson acquire easement from railroad for fire

Broderick emergency vehicles don't need easement

Member Larson how will you do maintenance on your building if you don't have access to the back?

Broderick emergency exits – rear doors not for public use

Member Larson what about fencing?

Broderick it will be a secure enclosed building no need for fencing

Member Allred what about fire code

McGaughey can't get a variance for fire code

Jean Roof can be discussed in executive session

Member Larson can't sell CUP?

Broderick CUP will cease to exist

Member Larson I would hate to see your hard work be abandoned. I have no further questions.

Member Allred commercial zoning with zero lot lines commercial against residential or commercial against commercial

Director McGaughey C-M has zero like Main Street the block wall to block wall right up to the street.

Member Allred commercial next to commercial

Director McGaughey an example of Allen Pump not using 100% of the lot next to the park next to farming next residential.

Member Ruiz any further discussion? Ready for vote?

Member Larson favorable.

Member Allred requested a site plan motion to table proposed date of April 5, 2023, at 9:00AM to have documents to Planning and Zoning by March 22, 2023.

Member Ruiz seconded.

All in favor

Adjournment 11:25AM

NOTE: In accordance with A.R.S. § 38-431.03(A)(1)(2) and (3), an executive session for the purpose of obtaining legal advice from the Planning and Zoning attorney(s) on any matter listed on the agenda. Detailed information on agenda items can be obtained at the Planning and Zoning Office located in the Graham County General Services Building, 921 Thatcher Blvd., Safford, Arizona.

Persons with a disability may request a reasonable accommodation for special assistance by contacting Steve McGaughey at the Planning and Zoning Department (928) 428-0410. Request should be made as early as possible to allow time for arrangement of the accommodations