

NAVAJO COUNTY
BOARD OF ADJUSTMENT MEETING
November 12, 2003

Board of Adjustment Members

ATTENDED

1. Bill Arendell, Chairman
2. Carla Bowen
3. Arnold Scott

Staff Attendance

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

ABSENT

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

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

Item #1: **Variance:** Discussion and possible board action on a request by **Aurora Troutman** for a variance to reduce the rear setback from 15' to 10' and to reduce the front setback from 20' to 7' to allow placement of a 60' manufactured home on a 77' lot. **Location:** APN: 212-22-012, T9N, R22E, Section 3, 2543 Pinon Dr. in Lakeside. **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 there were 14 people in opposition to this request and zero in favor. The changing conditions would be that home would encroach 5' in the rear and 13' in the front. Mr. Knight corrected the wording on the agenda to read, "to allow a 60' manufactured home to remain on a 77' lot." Mr. Knight said that the manufactured home is there and the applicant wishes for it to remain there. Mr. Knight said that the applicant was granted a variance in 1994 and it was rescinded because they failed to meet the stipulations. Staff recommendation is denial and suggests a deadline for the removal of the unit from the property as of January 31, 2004. **Aurora Troutman** is the applicant and she was in attendance. Ms. Troutman said that before purchasing the property in 1994 she spoke with her real estate agent about placing her manufactured home. Ms. Troutman indicated that the real estate agent told her there should not be any problem. Ms. Troutman said that her mobile home is better than anyone around hers and she has added a fence. **No one came forward to speak in favor of this item.** **Annie Castillo** spoke in opposition to this request. Ms. Castillo said that she owns the lot next to Ms. Troutman and she was at the meeting in 1994. Ms. Castillo said that part of the previous stipulations were that the applicant would landscape the area and this has not been addressed. **John Beeler** spoke in opposition. Mr. Beeler said that he lives across the street from the Troutman. Mr. Beeler said that ever since the mobile home was put in there it has been nothing but problems. Mr. Beeler reiterated Annie Castillo comments about the landscaping. **Carla Bowen** said that the Board decision would be based on what was previously done. Ms. Bowen said that anything that the county has given the applicant has been met with the least amount of compliance. A motion was made by **Carla Bowen** to deny the variance. **Arnold Scott** seconded the motion. **Carla Bowen** amended the motion to include the removal of the manufactured home as of January 31, 2004. **Arnold Scott** seconded the amended motion. Motion unanimously carried.

Item #2: **Variance:** Discussion and possible board action on a request by, **Louis Gonczy** for a variance to reduce the south side setback from 10' to 9', the north side from 10' to 7', and the septic setback from 10' to 3' to allow for a 24'x 42' manufactured home on a 100' x 60' lot with the existing septic system in the center of the lot. **Location:** APN: 206-24-127, T12N, R17E, Section 30, 2882 Long Rifle Pl., in Overgaard. **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 manufactured home is in compliance with the side setbacks, however, it is within 3' of the septic system. Mr. Knight indicated that the applicant would like a variance for the septic system. Mr. Knight said that they did receive one letter in opposition. Staff recommends approval of the variance. **Louis Gonczy** was in attendance. Mr. Gonczy response to the letter of opposition was that he had the sewer inspected and does not see why this neighbor should have a problem with it. **No one came forward to speak in favor or opposition on this request.** **Carla Bowen** indicated that the reason for the variance is to allow the septic setback from 10' to 3'. **Arnold Scott** asked if the septic tank being so close to the house was a health and safety hazard. **Alan Knight** indicated that he did not believe that it

was. A motion was made by **Arnold Scott** to approve the variance. **Carla Bowen** seconded the motion. Motion unanimously carried.

Item #3: **Variance:** Discussion and possible board action on a request by, **Bill & Carla Bowen** for a Variance to reduce the rear setback from 20' to 10' to allow for the building of an addition. **Location:** APN: 211-70-049, T8N, R23E, Section 10, 5059 Sweeping Vista, Pinetop, AZ. **Carla Bowen** excused herself from this item since she is the applicant. **Alan Knight** gave a case history of the project and presented a map showing the general area and the site plan. Mr. Knight said that he did not feel that this is a hardship. Mr. Knight said that staff had not received any letters in favor or opposition on this item. Mr. Knight said that staff couldn't recommend approval based on size, shape, topography or the location of the property. Mr. Knight suggested that the applicants change their address to Brand Iron Loop and their setbacks on that side would be 10 feet. **No one came forward to speak in favor or opposition on this request.** **Bill and Carla Bowen** are the applicants and they were in attendance. Bill Bowen said that in the CC&R's the setbacks are 15 feet, which is contradictory to the county's 20-foot setbacks. Mr. Bowen also said that approval was given from their association. Mr. Bowen indicated that he had a notarized statement from their neighbor behind them and the other neighbors have no problem with this request. Mr. Bowen presented the Board with pictures of the back of their house and then showing the Board members where the addition would be going. **Arnold Scott** asked if other houses in the neighborhood had the similar setback problems or had similar variances. **Alan Knight** replied no on the setbacks and yes on the variances question. **Bill Arendell** said that this was more of an addressing issue the way the home was addressed. **Carla Bowen** said that they changed their address in the past to Branding Iron and they went through four mailboxes being destroyed. Ms. Bowen said that initially the address was Branding Iron. A motion was made by **Bill Arendell** to approve the variance. **Arnold Scott** seconded the motion. Motion unanimously carried.

Item #4: **Variance:** Discussion and possible board action on a request by, **Mike Catlett** for a variance to reduce the rear setback from 20' to 15' to allow for the building of an addition. **Location:** APN: 211-54-007, T8N, R23E, Section 01, 8649 East Ln, Pinetop, AZ. **Alan Knight** gave a case history of the project and presented a map showing the general area and the site plan. Mr. Knight said that the addition would encroach 5' into the rear setback with minor impact to the area. The neighbor behind is in opposition to the granting of the variance. Mr. Knight said that this does not qualify for a variance based on the shape, size or topography. However, the Board should take into consideration that the Home Owners Association informed the owner that their setbacks were 15 feet. Mr. Knight said that they checked with the County Attorney's office and found that the Home Owners Association and CC&R's on the property do not override the county ordinances for setbacks. Mr. Knight asked the Board if they should decide to approve the variance that should stipulate the general appearance of the house, as seen from the back should be essentially the same as it was before the addition. **No one came forward to speak in favor or opposition on this request.** A motion was made by **Carla Bowen** to approve the variance with a stipulation. ***RECOMMENDED STIPULATION: 1. The general appearance of the house as seen from the back should be essentially the same as it was before the addition.*** **Arnold Scott** seconded the motion. Motion unanimously carried.

Item #5: Possible approval of the minutes for the **September 10, 2003** meeting. A motion was made by **Arnold Scott** to approve the minutes. **Carla Bowen** seconded the motion. Motion unanimously carried.

Executive Minutes: **Carla Bowen** stated that she read the minutes and they are in order.

Item #6: Discussion and possible board action on a request by staff for approval of the 2004 Board of Adjustment meeting schedule. A motion was made by **Arnold Scott** to approve the 2004 Board of Adjustment meeting schedule. **Carla Bowen** seconded the motion. Motion unanimously carried.

Item #7: 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. **Carla Bowen** asked staff with the assistance of our **Deputy County Attorney, Lance Payette** to write a letter explaining that the county's setbacks has priority over the Homeowners and their CC&R's.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 9:55 a.m. A motion was made by **Carla Bowen** to adjourn. **Arnold Scott** 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) and taped proceedings are 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