

NAVAJO COUNTY
BOARD OF ADJUSTMENT MEETING
April 7, 2004

Board of Adjustment Members

ATTENDED

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

Staff Attendance

1. Bernie St. John, 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: **Use Permit:** Discussion and possible board action on a request by **John & Shanon Gose** for a Use Permit to allow a second home to be placed on the property to house a disabled parent. Location: APN: 103-30-047, T19N, R16E, Section 20, 1067 French Road, in the Winslow area. **Bernie St. John** gave a case history of the project and presented a map showing the general area and the site plan. Mr. St. John presented 5 photos of the applicant's property to the Board. Staff has not received any comments in favor or opposition. Mr. St. John indicated that the parcel is in an area that is protected from flooding by a levee along the Little Colorado River. A study was done that indicates that this levee does not have the capacity to contain the 100-year flood. The Parcel owner is aware of the flood control levee and won't hold Navajo County responsible for any flooding damages that may occur to their property due to the levee failure. Staff recommends approval with stipulations. **John & Shanon Gose** was in attendance. **No one came forward to speak in favor or opposition regarding this item.** A motion was made by **Arnold Scott** to approve the use permit with the stipulations stated by staff. **Carla Bowen** asked Mr. Scott if he would like to amend the motion to include the verbiage regarding the levee as well as the disclaimer stating that the parcel owner is aware of the flood control levee and will not hold Navajo County responsible for any flooding damages that might occur to their property due to levee failure. **Arnold Scott** agreed. **RECOMMENDED STIPULATIONS: 1. Septic System will be properly permitted and installed, and/or certified by a licensed contractor. 2. Neither residence shall ever be used as a rental. 3. Setbacks must be met as per the area's zoning requirements. 4. This parcel is in an area that is protected from flooding by a levee along the Little Colorado River. A recent study has indicated that this levee does not have the capacity to contain the 100-year flood. Additional studies are in progress to determine if and how the levee can be improved to provide 100-year protection. Please be advised that if it is not feasible to improve the levee, the Flood Insurance Rate Maps will be revised and this parcel will be included in the floodplain. We encourage you to consider flood insurance for the insurable structures on this property. Disclaimer: The parcel owner is aware of the flood control levee and won't hold Navajo County responsible for any flooding damages that may occur to their property do to levee failure.** **Carla Bowen** seconded the motion. Motion unanimously carried.

Item #2: **Use Permit:** Discussion and possible board action on a request by **Dennis Buchberger** for a Use Permit to allow the building of a second residence, until retirement, then use as a garage/guest quarters infrequently. Location: APN: 209-21-018K, T10N, R21E, Section 5, 6648 Dusty Lane in the Linden area. **Bernie St. John** gave a case history of the project and presented a map showing the general area and the site plan. Mr. St. John indicated that they had received one letter in opposition and none in favor. Staff recommends approval with stipulations. **Dennis Buchberger** was not in attendance. **No one came forward to speak in favor of this project.** **Dotti Brown** spoke in opposition. Ms. Brown's biggest concern was the applicant's time frame for building their permanent home (8-10 years before they retire). Ms. Brown spoke about a property owner, which is close to the applicant's site in which the owner has turned the tool shed into a living quarter with a porch. Ms. Brown was concerned that the area will turn into garages with living quarters with no permanent homes. **Carla Bowen**

explained what the Board of Adjustment purpose is. Ms. Bowen said that she thinks that what Ms. Brown is talking about is a zoning issue. The Board has to go along with the current zoning and they are not allowed to make a change on that zoning, and they cannot legally set stipulations saying when they can or cannot build a residence. Ms. Bowen stated that they could only address the issue of what the zoning requires and allows. A motion was made by Carla Bowen to approve the Use Permit with the stipulations stated by staff. ***RECOMMENDED STIPULATIONS: 1. Septic System will be properly permitted and installed, and/or certified by licensed contractor prior to construction with a 1500-gallon capacity minimum. 2. Neither residence shall ever be used as a rental. 3. Setbacks must be met as per the area's zoning requirements.*** Arnold Scott seconded the motion. Motion unanimously carried.

Item #3: Possible approval of the minutes for the **February 11, 2004** meeting. A motion was by Arnold Scott to approve the minutes. Bill Arendell seconded the motion. Motion unanimously carried.

Item #4: 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. Arnold Scott asked staff if they could e-mail their staff reports.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 10:30 a.m. A motion was made by Arnold Scott 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) 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