

Board Member Kirby announced that he is friends with the applicant but felt he could be impartial. He offered to recuse himself. Mr. Horton advised that it was not a statutory conflict of interest. Chairperson Joens commented that most of the board members were in the same situation – this is a small town. She reminded the Board that hearings are about a situation and not about people. She read rules governing appeals and proceeded with the hearing.

Chairperson Joens introduced V 08-021.

Mr. Gehlert presented the staff memo. He reiterated the property location, said the City of Cottonwood owns the property and leases to secondary interests. It is part of an industrial area zoned I-2 (Heavy Industrial) and part of a subdivision that received Council approval of the plat in February 2007.

Mr. Gehlert talked about the following.

- Applicant wants variance to allow five hangars on a larger lot.
- Taxiway would be extended along the south end.
- Applicant wants to back out into the street and is requesting relief from Section 406.C.2.b of the Zoning Ordinance.
- Applicant also wants to shorten front yard setbacks and eliminate a sidewalk.
- Depicted the buildings in the area.
- Displayed a view towards Silver Springs Wash and a nearby residential area.
- Applicant had a choice of going forward with the subdivision plat or applying for a PAD. The PAD would have allowed more flexibility and been more appropriate.
- Staff does not see any hardship as required to meet criteria for a variance. The applicant could put fewer hangars on the lot.

Chairperson Joens asked Mr. Bartosh for comment and he had none.

Board member questions and discussion covered the following points.

- Board Member Kirby – questioned need for 18 parking places and felt 10 would be sufficient. Mr. Gehlert said the parking code gives no clear-cut guidance for this use so he considered it an industrial use and calculated parking requirements based on the Zoning Ordinance for that use.
- Planes would exit from the hangars directly to the taxiway.
- Chairperson Joens – staff memo says there are only two nearby houses but the subdivision allowed ten so that must be considered.
- Mr. Gehlert – Development Review Board approved a model elevation with one hangar on each lot.

Chairperson Joens invited the applicant to speak.

Craig Backus, representing Backus Family Investments, addressed the Board. He explained that the property is zoned I-2 but they are trying to help develop the Cottonwood airport. The subject property is narrow and restricted by Airpark Road on the east, space for a taxiway, a security fence, and a staff required cul-de-

sac instead of a hammerhead turn-around as they had planned. Those factors created a smaller building window. He said they are trying to provide affordable hangars and one structure to hold multiple airplanes would be more affordable.

Other points of his presentation were as follows.

- The hangar is a parking structure and it is difficult to provide additional parking.
- They probably do not need 13 spaces in the front and that would not create the environment they want.
- They need some spaces to prevent parking on the street.
- All the lots are for hangars and not for businesses.
- Street has minimal traffic and staff did not think backing onto this cul-de-sac was a problem.
- Talked about who might park outside a hangar such as a friend of a pilot.
- Talked about setbacks – possibility of reducing the setback on half of the lot while maintaining it on the other half. Applicants thought that was approved but found out it was not.
- He demonstrated on a projected graphic that the closest point the building would come to the property line was 15 feet but the code requires 20 feet.

Chairperson Joens asked for comments from Mr. Costello, City Engineer. Mr. Costello clarified that the code requires a cul-de-sac and not a hammerhead turnaround.

Chairperson Joens invited comments from the public.

Darold Smith addressed the Board. (Mr. Smith is a member of the Planning and Zoning Commission.) Mr. Smith said the Planning and Zoning Commission denied the proposal because of the backing into a public right-of-way. He said that Chairperson Gillespie recommended the denial because of safety concerns. Mr. Smith said the only hardship he sees is self-imposed. He also commented that the variance request is to allow backing into a public right-of-way and it says nothing about hangars. That applies to the request for elimination of sidewalks. Therefore, these items are what the Board would be voting on – not hangars.

Chairperson Joens reiterated her understanding that they cannot make a decision based on people – only on the ordinance. The benefits, aesthetics, needs, or dollar hardships to owners are irrelevant. They cannot consider economic development benefits either. The Board could not legally grant the variance.

Mr. Horton said a variance is a narrow legal remedy and there are other mechanisms to allow the use. To grant a variance, there would need to be a property-based condition that would deprive the owner of the same use as others with the same zoning. It would be a big hill to climb for a variance.

Board Member Pratt stated that he could not support it in good conscience looking at it as a law issue. He felt to support it would be a violation of the statute, as there was no proof that there was a hardship associated with the request.

Mr. Horton said Council could consider this as part of a Zoning Ordinance text amendment or as a PAD.

Chairperson Joens moved to deny V 08-021 because it is strictly a law decision and the Board of Adjustment is a quasi-judicial body. Board Member Pratt seconded. The motion carried unanimously.

Item #5 - Adjournment:

Board Member Kirby motioned for adjournment. Vice Chairperson Pfeifer seconded. The motion carried unanimously.

Chairperson Joens adjourned the meeting at 7:08 p.m.

Prepared by: Carol Hulse, Planning Technician

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