



**CITY OF COTTONWOOD
BOARD OF ADJUSTMENT
COTTONWOOD COMMUNITY CLUB HOUSE
805 N. Main St.
Cottonwood, AZ 86326**

REGULAR MEETING
Thursday, August 13, 2020
6:00 p.m.

I. CALL TO ORDER

A. Roll Call

II. INFORMATIONAL REPORTS AND UPDATES:

A brief summary of current events by Chairperson, Board members, and/or Community Development Director. (The public body does not propose, discuss, deliberate, or take legal action on any matter brought up during this summary unless the matter is properly noticed for legal action).

III. CALL TO THE PUBLIC

This is the time for the public to comment on any matter that does not appear on the agenda. Board members may not discuss items not identified on the agenda. Pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for consideration at a later date. Comments are limited to five minutes for each person.

Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.

A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Board will not consider written materials submitted less than three working days before the meeting.

Pursuant to A.R.S. § 38-431.02(B) the Board may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.

The Cottonwood Council Chambers and Community Club House are accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.

Members of the Board of Adjustment will attend either in person or by telephone conference call.

IV. OLD BUSINESS: NONE

V. NEW BUSINESS:

- 1. VAR 20-001** – A request for a variance to construct a garage and a deck that encroach into the required yard setback areas in the R-2 (Single Family/Multiple Family Residential) Zoning District. The variance requests the reduction of setbacks from 20 feet to 15 feet in the front and rear setback areas on a parcel with existing setback encroachments. The project is located at 208 E. Pinal Street, on the northeast corner of North 2nd Street and East Pinal Street, APN: 406-34-104 Owner: George Gehlert, Applicant: George Gehlert.

VI. DISCUSSION ITEMS:

VII. SUGGESTED TOPICS FOR FUTURE MEETINGS:

VIII. ADJOURNMENT

Notice is hereby given that pursuant to A.R.S. subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. have been waived.

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STAFF MEMO

TO: Board of Adjustment

FROM: Jim Padgett, Planner

HEARING DATE: August 13, 2020

PROJECT NUMBER: VAR 20-001 George Gehlert

The applicant is requesting approval of a variance for an attached garage and deck area to encroach into the required twenty-foot setback. The property is in the Old Town area of Cottonwood and is zoned R-2 (Single Family/Multiple Family Residential). APN 406-34-104. Owner/Applicant George Gehlert.

PROJECT DATA AND FACTS:

Applicant/Property Owner	George Gehlert
Location of Property	208 E. Pinal St, APN 406-34-104
Present Zoning and Land Use	R-2 (Single Family/Multiple Family Residential) – Single Family Residence
Description of Applicant’s Request	Request for a variance to allow an attached garage and deck area to encroach into the required twenty foot front and rear setbacks respectively.

LAND USE:

Description and Character of Surrounding Area
The site is on the northeast corner of Second Street and Pinal Street. The property is surrounded by single family dwellings to the north, south and east. The property to the west is currently vacant and has previously been operated as a church facility and food bank offering meals and services to neighborhood residents.

Adjacent Land Uses and Zoning	
North:	R-2 (Single Family/Multiple Family Residential) Single Family Residence
South:	R-2 (Single Family/Multiple Family Residential) Single Family Residence
East:	R-2 (Single Family/Multiple Family Residential) Single Family Residence
West:	R-2 (Single Family/Multiple Family Residential) Former church and food bank facility which is currently vacant

PROJECT PROPOSAL:

The applicant has submitted an application for a variance to construct an attached garage and deck area to an existing single family residence in the R-2 zoning district. The location of the garage is proposed to be 15 feet from the 2nd Street right of way and the deck area would be 15 feet to the rear setback which is measured from the centerline of the alley.

Background and Existing Site Improvements:

Current development of the site includes a small home constructed in 1949 with approximately 668 square feet according to County records, on a parcel measuring 25 feet in width and 90 feet in length. The dwelling has been added onto over the years prior to when permits were required and prior to the existing zoning code which was adopted in 1979. Many of these additions would not meet current setback requirements and are now considered as “pre-existing non-conforming.” This is a similar situation to many properties in the surrounding area.

Proposed Improvements:

The addition of the garage on the west (front) side of the parcel is proposed as a standard size garage with a 24’ depth and would be connected to the residence via a breezeway. The R-2 district requires a 20’ setback and the proposed garage would be at a 15’ setback. The deck area is proposed on the east (rear) side of the parcel adjacent to the alley. A deck as proposed would not require a variance if it was constructed at a maximum of three feet (3’) above grade. The topography of the parcel raises the deck above that height to approximately 10 feet. A driveway access is shown off the alley to the area under the deck.

Hardships and Variance Justifications:

In the case of a variance, it is requested of the property owner that they submit justification for the reasons why a variance should be granted. The applicant has submitted a letter (Dated June 22, 2020) detailing the existing conditions, proposed improvements and the impacts of the variance request.

Variations must meet certain requirements to be considered. The requirements are dictated by Arizona Revised Statutes, Chapter 9, and the City of Cottonwood Zoning Ordinance, Section 105.

Powers and Duties:

It shall be the duty of the Board of Adjustment to:

Hear and decide appeals for variations from the terms of the Zoning Ordinance. A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:

- 1) That there are special circumstances or conditions applicable to the property, including its size, shape, topography, location, or surroundings; and
- 2) That such special circumstances or conditions are pre-existing and not self-imposed or created by the property owner or the applicant; and
- 3) The strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other property of the same classification in the same zoning district; and
- 4) The adjustment authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

The Board of adjustment may not:

- a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Ordinance provided the restrictions in this paragraph shall not affect the authority to grant variations pursuant to this article.
- b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner. This includes economic hardships, interest in improving financial return on investment or other personal circumstances of the property owner or applicant.

Parking: Off-street parking is currently located on the west (front) side of the parcel.

Lighting: Any lighting is required to be Dark Sky Compliant.

Access: Primary access to the site would be from 2nd Street on the west side of the property.

Landscape Plans: N/A

Utilities: All utilities are available to the site.

Neighbor Comments: No comments have been received from neighboring properties.

Staff Review:

Staff has reviewed this project and finds the request does meet eligibility for granting of a variance. The applicant's proposal is not considered a self-imposed hardship. The fact that the rear deck would otherwise be allowed if not for the slope on the rear of the property, deprives the owner of the ability to add this feature to the structure as others would.

The applicant's proposal for a standard sized garage also meets eligibility for a variance, due to the nature, size, and topography of the property. Staff therefore recommends approval of the requested variance.

If approved, staff recommends the following stipulations:

If the Board of Adjustment desires to approve this item, the suggested motion is:

I move to approve VAR 20-001 to allow George Gehlert to construct a garage and deck area with a 15' front setback and 15' rear setback where code requires 20' setbacks in the R-2 zoning district subject to the following stipulations.

1. That the project is developed in conformance with the variance request and development plans as approved by the Board of Adjustment at the August 13, 2020 meeting.
2. The applicant adheres to all Code Review Board comments dated July 7, 2020.
3. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to issuance of a Certificate of Occupancy.
4. The City of Cottonwood reserves the right to revoke the variance if the use creates an irremediable public safety problem as determined by the City.
5. Any other stipulations the Board of Adjustment deems necessary.

Attachments: Application
Variance Request Letter
Vicinity Map
Site Plan
Photos



VARIANCE/APPEAL APPLICATION

CDD

Development Application

#201

PROPERTY OWNER

Name: GEORGE GEHLERT
 Address: 4097 E. RUEBOLD RD. City: COTTONWOOD
 State: AZ Zip: 86326 Phone: 928 Cell: 300-3315
 Fax: None E-Mail: bologna_arizona@yahoo.com

VARIANCE/APPEAL NUMBER:

VAR 20-001

ZONING:

R-2

APPLICATION DATE:

6-15-20

FEES:

350⁰⁰

RECEIPT #:

9503

DATE: 6/15/20

TAKEN BY:

J Padgett

AGENT/REPRESENTATIVE

IDENTIFY THE PERSON WHO WILL COMMUNICATE WITH CITY STAFF, AND RECEIVE CORRESPONDENCE DURING THE HEARING PROCESS. CITY STAFF WILL NOT ACCEPT RESPONSIBILITY FOR COMMUNICATING WITH OTHER PROJECT PERSONNEL

Name: - SAME -
 Address: _____ City: _____
 State: _____ Zip: _____ Phone: _____ Cell: _____
 Fax: _____ E-Mail: _____

REQUEST:

REDUCTION OF FRONT & REAR SETBACKS FROM 20' TO 15'

IDENTIFY ANY NECESSARY CODE EXCEPTIONS: _____

ASSESSOR'S PARCEL NUMBER(S) 406-34-104 ACRES _____

SITUS ADDRESS (if applicable) 208 E. FINAL ST.

SUBDIVISION: WILWARD ADDITION LOT(S): 1 & 2 BLOCK: 8 UNIT: _____

Legal description attached (for Metes & Bounds Parcel or for Subdivision Lot Split)

I hereby certify that the information in this application is complete and accurate; and that I am the applicant of the bona fide agent of same as state above.

Signature: [Signature]

Date: 6-10-20

Please Print Name: GEORGE GEHLERT

RECEIVED JUN 15 2020

PROPERTY OWNER'S PERMISSION FORM

PERMISSION FOR AGENT TO REPRESENT

I, the Undersigned, do hereby grant permission to _____
to act on my/our behalf for the purpose of processing this hearing application and representing us
at the hearing related to the following described property:

406-34-104 - lots 1 & 2 of Willard ADDN - Block 8

Assessor's Parcel Number(s) or Subdivision and Lot Number(s).

Legal description attached.

PERMISSION FOR CITY STAFF TO ENTER PROPERTY

I, the Undersigned, do hereby grant permission to City Staff to enter the above property as needed
during the hearing process to inspect or review the premises as a function of hearing review.

Owner(s) George Gentert

Address 208 E. PINAL ST

Phone 928-300-3315



6-10-20

SIGNATURE OF OWNER

DATE

State of ARIZONA

County of _____ } ss

On this _____ day of _____, 20_____, before me personally appeared

(name of signer), whose identity was proved to me on the basis
of satisfactory evidence to be the person whose name is subscribed to this document, and who
acknowledged that he/she signed the above/attached document.

Notary Public

June 22, 2020

City of Cottonwood
Board of Adjustment Members

RE: Variance Request for 208 East Pinal Street

Dear Board Members:

I am writing to request a reduction of front and rear setbacks in order to better enable additions to an existing home at the above address, which I have owned for 15 years.

Existing Situation: The home is located on a corner lot across the street from the Old Town Mission, including Lots 1 and 2 of the Willard Addition Subdivision (Block 8), platted in 1917. The subdivision is composed of lots measuring 25x90. Although many have been combined over the years to better enable development, virtually all remain substandard in size with respect to the current zoning of R-2. Many of the sites included in this subdivision have been built to the street ROW line (including the Mission, directly across the street). In fact, there is still the remnant of a foundation for a rather large structure which used to exist on my property, also placed at the street line (this may explain the reason the existing home was placed so far into the SE corner of the lot). The house, which is about 100 years old, is in need of additional space to be functional. The home currently includes about 530 SF. The kitchen and bathroom are tiny. There are no closets; no attic; no basement; and no garage. Storage of any kind is almost non-existent.

Planned Improvements: To make the home more functional, I would like to add a garage; as well as a new bathroom and closets on the backside of the home; together with a small breezeway; and rear deck connection to the garage addition. To make the garage and decking more viable, I am asking for a 5-foot reduction of both the front and rear setbacks.

Hardship: Opportunities to add on to the home are severely limited by its historic placement at the very SE corner of the lot, immediately adjacent to Pinal Street and an undeveloped alley ROW. No developable land occurs to the east or south of the building. In addition, the rear yard drops off immediately at the back of the home (on the north side), making add-on of livable space very difficult. Area to the west is encumbered by a giant shade tree, which is probably the site's biggest asset/amenity. Best opportunity for addition to the home occurs at the northwest corner of the site. This is where I would like to locate a garage which connects to the backside of the existing home via a breezeway; and in tandem with a new bathroom/laundry and closet additions.

Variance Requests:

1. **Front Yard Reduction:** I would like to construct a standard 24-foot-deep garage in the NW quadrant of the lot. There is about 20' of buildable area between the current front yard setback on 2nd Street and a grade break (terrace) which occurs near the midpoint of the north boundary. As such, I am requesting reduction of the front yard setback from 20 FT to 15 FT (a 5 FT reduction).
2. **Rear Yard Reduction:** I feel the best use of the rear portion of the property is for a deck which also functions in service to the tiny kitchen/living areas; basically just a platform outdoor seating area. To better enable adequate room for seating, I am asking for reduction of the rear yard from 20 FT to 15 FT (a 5 FT reduction).

Responses to required Variance conditions:

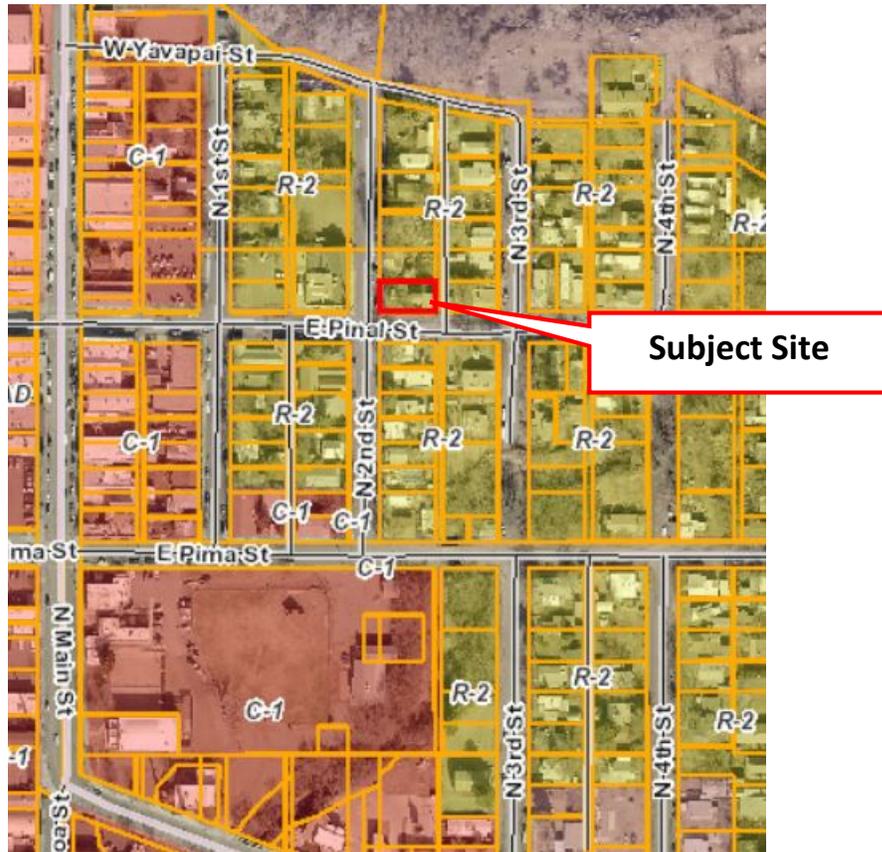
- **There are special circumstances or conditions applicable to the property including its size, shape, topography, location, or surroundings which were not self-imposed by the owner:** Minimum lots size in the R-2 zoning district is 7,500 SF. This lot is 4,500 SF (legal, non-conforming). The associated setbacks were intended for much larger lots. The home was placed immediately adjacent to ROWs which negate add-ons to the east and south sides of the building; and a severe slope and grade breaks which complicate additions to the north. None of these conditions were self-imposed.
- **Due to the special circumstances, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the same classification in same zoning district:** Adjacent properties have been allowed to build to the 2nd Street ROW line, including the Mission across the street. I'm asking for the ability to further develop the site to a setback standard that is more in keeping with the adjacent properties (not a special privilege, the same privilege).
- **The variance is the minimum necessary to alleviate the property hardship:** I'm not asking for elimination of my setbacks, just an adjustment to something which may be more reasonable than those intended for much larger lots. The requested 15-foot setbacks would be more like the current R-2 streetside setback requirement. And given the corner location, this "front yard" (2nd St) really functions more as a side yard.
- **Granting the variance will not have a detrimental effect on the property, adjoining property, the surrounding neighborhood, or the City in general:** I feel there is no detrimental impact. In fact, approval may even encourage investment in an otherwise blighted street-section; and some additional buffering from a very active mission facility.

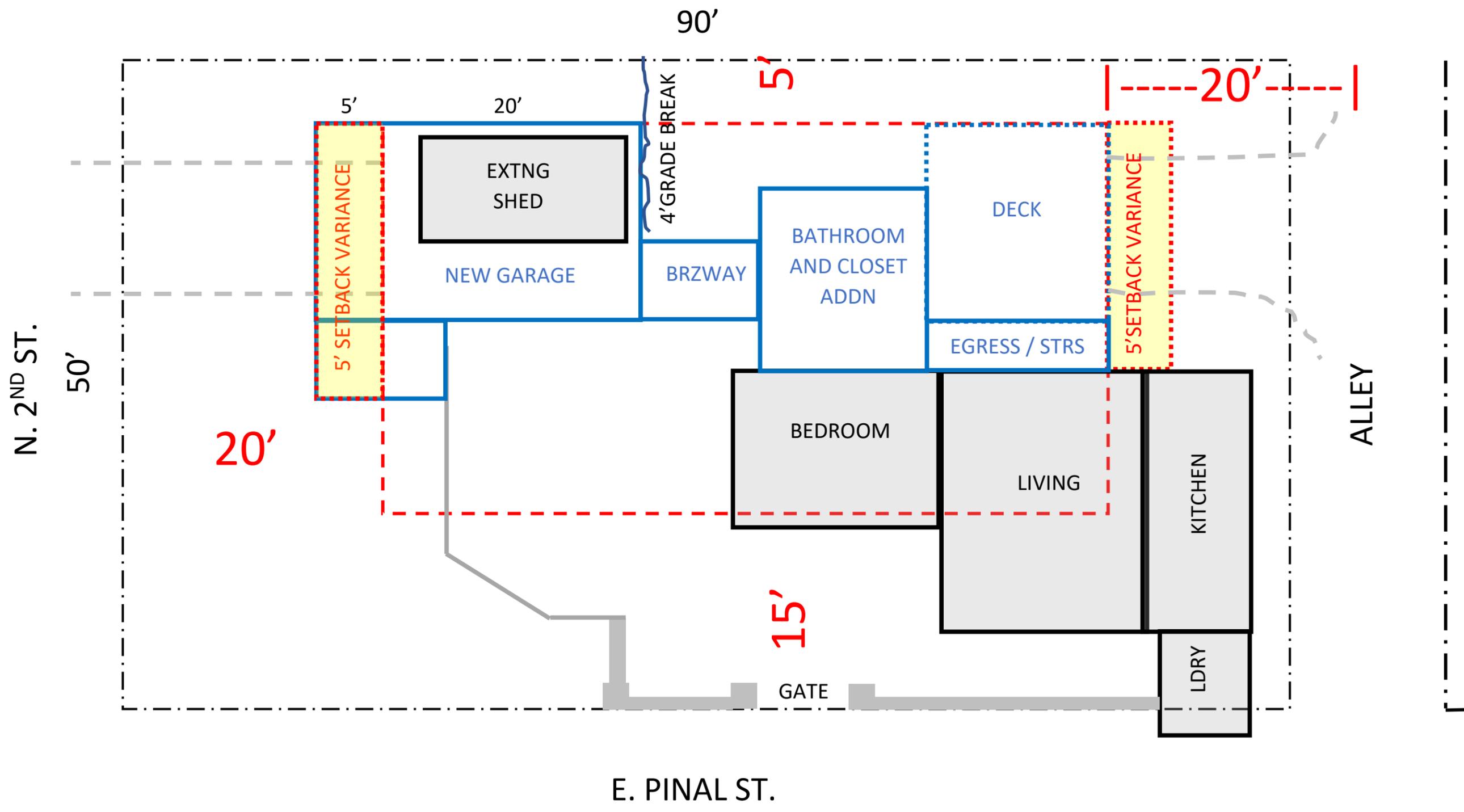
I believe my request is reasonable and meets the above conditions. I hope you do too.

Sincerely,

George Gehlert
Property Owner

Vicinity Map
208 East Pinal Street
Variance 20-001
George Gehlert Residence





Subject Site



Subject Site



Subject Site



Subject Site



Subject Site



Subject Site



Subject Site



Property to the North



Property to the South



Property to the East



Property to the West

