

**BOARD OF ADJUSTMENT
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Tuesday, March 26, 2019 9:00 A.M.**

**BOARD OF ADJUSTMENT MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Board of Adjustment are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Board believes that the meeting be a safe place for people to speak. With this in mind, the Board asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Board meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Board may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order

2. Roll Call Board Members Linda Horvath, Ulys Brooks, Gary Ford, Cheryl Taylor

3. Pledge of Allegiance

4. Election of Officers

5. Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

A. Approval of Minutes of March 14, 2017, Board of Adjustment Meeting

6. Public Hearing Agenda Discussion and Possible Legal Action may be taken.

A. ITEM #: V-19-001

Request: Approve a variance of the front yard setback to allow a 25-foot front setback, where a 50-foot setback is required. The property is located at 9310 E. Chestnut Hill Road in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-03-157B.

1. Staff Report

2. Open Public Hearing and Receive Public Comments

3. Close Public Hearing

4. Commission Discussion

7. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the _____ day of March, 2019, at _____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

For Your Information:

Next Town Council Work Session: Tuesday April 2, 2019 at 6:30 p.m.

Next Town Council Meeting: Tuesday, April 16, 2019 at 6:30 p.m.

Next Board of Adjustment Meeting, if needed: Tuesday, April 23, 2019 at 9:00 a.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, Town Clerk.

**TOWN OF DEWEY-HUMBOLDT
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

MARCH 14, 2017

A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON TUESDAY, MARCH 14, 2017 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR TED BROOKS PRESIDED.

Swearing in of new Board Members, Theodore Brooks, Ulys Brooks, Gary Ford, Linda Horvath and Cheryl Taylor.

Town Clerk Judy Morgan performed the swearing in of all five newly appointed Board Members. The new Board Members took their place on the dais.

Community Planner Steven Brown asked Board Member Ulys Brooks to assume the role of Chair until the election of new officers would take place later in the meeting.

1. **Call To Order.** The meeting was called to order by Acting Chair Ulys Brooks at 9:01am.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Board Members Theodore Brooks, Ulys Brooks, Gary Ford, Linda Horvath and Cheryl Taylor were present.
4. **Consent Agenda.** None
5. **New Business.**

5.1. Information, discussion and possible action to adopt the Board of Adjustment By-Laws to govern the Board of Adjustment responsibilities and procedures.

Town Attorney Phyllis Smiley presented the by-laws that were prepared using both the State and Town Codes. She provided the purpose of the board, certain Town Codes and what items are considered by the board, including Variance Interpretations, Appeals and certain code enforcement issues. Town Attorney Smiley touched on the terms for board members, which are staggered. Meetings are set for the 4th Tuesday of each month unless a special meeting is called. If there is no business there will be no meeting. Three board members are required to be in attendance in order to have a quorum and a majority is needed to pass a motion.

When conducting business, parliamentary procedures will be used including Roberts Rules of Order. All items are public hearing items and the public can speak to items on the agenda. The hearings are quasi-judicial with the Board of Adjustment acting as judge and jury. Only items on the agenda can be addressed during a meeting. The burden of proof is on the party requesting relief. All evidence is presented during the public hearing, including the staff report, the applicants' testimony and public testimony. Questions from the Board can be directed to any of the attendees. Once the public hearing is closed the Board will deliberate and take action on the item.

Town Attorney Smiley reminded the board regarding ex-parte communication and that any discussion outside of the public hearing with other board members is strictly prohibited, if that has happened it will need to be disclosed at the public hearing and shared so that all can be informed.

Motion was made by Board Member Ted Brooks, seconded by Board Member Cheryl Taylor to adopt the Board of Adjustment By-Laws governing the Board of Adjustment. The motion passed unanimously.

5.2. Information, discussion and possible action to elect a Chair and Vice Chair, as set forth in the Board of Adjustment Bylaws.

Motion was made by Board Member Cheryl Taylor, seconded by Board Member Linda Horvath to nominate Board Member Ted Brooks as Chair. There were no other nominations. Board Member Ted Brooks accepted the nomination. A vote was taken and the motion passed unanimously.

A motion was made by Board Member Cheryl Taylor to nominate Board Member Linda Horvath to the position of Vice Chair. Board Member Linda Horvath made a motion to nominate Board Member Ulys Brooks as Vice Chair. Both nominees accepted the nomination. A vote was taken and Board Member Linda Horvath was elected by a 3-2 vote for the role of Vice Chair.

6. Public Hearing and possible action to make the required findings and approve, approve with modifications or conditions, or determine that the findings have not been met and to deny the request for a variance from the strict application of the Zoning Ordinance to modify rear and side setbacks on property located at 1925 S. Sierra (Yavapai County Assessor's Parcel Number 402-24-101).

6.1. Hold a public hearing

A variance request was received from James and Melinda Keenan for two existing structures and the replacement of a demolished barn located at 1925 S. Sierra Dr.; a.) for the new barn: a reduction from the 50-foot required rear setback by 20 feet to allow for a 30-foot setback from the rear property line; b.) for the house: to reduce the 25-foot required side setback by 7 feet to allow an 18-foot side setback, and to reduce the required 50-foot rear setback by 3 feet to allow a 47 rear setback; c.). for the shed; to reduce the 25-foot required side setback by 2 feet to allow a 23-foot side setback.

Community Planner Steven Brown shared that staff had received 3 written comments regarding this variance issue. Two letters recommended approval and one letter was in opposition. Board Member Taylor asked if each of the variances could be considered on their own, or if it was all three together. Mr. Brown explained that the Board could make that determination based on the facts presented to them.

Attorney Jeff Adams, representing Jim and Melinda Keenan, presented concerns regarding the designation of the front of the property, and if Quail Run was used, the structures would be within the side setbacks. He also shared that the existing house and shed are currently legal non-conforming uses. He argued that the requested location of the barn is the only practical place it could be built due to the steeply sloping sides and all water runoff and drainage is to and through the middle of the property. Attorney Adams also shared that his clients felt that they had done all they were told to satisfy the Town Council and are hoping that the Board will allow them to replace this barn and enjoy the same rights that their neighbor do.

Adjoining property owner to the east, Tammy Dewitt, spoke on behalf of the applicants. She felt that all the findings were met and that in 1982 the County referred to Quail Run as the front of the property. She added that the terrain adds to the hardship as there is

a drainage swell that comes from Foothills, through her property and onto the Keenan's property. She feels if the barn is required to be moved away from the current location that it could be flooded and is not practical.

Chair Ted Brooks asked why the original frontage was changed. Mr. Brown shared that when the home was built the driveway access is from Sierra Drive, this is the criteria that the Town of Dewey-Humboldt used to establish the front of a property. Town Attorney Smiley explained that the frontage of the property has already been decided and today's determinations are about the special circumstances that would refer to the variance requests.

Karen Harvey, 13915 Quail Run, stated that she was in support of the variance and felt it was a reasonable request and sees no reason why it shouldn't be approved.

Brent Kessler shared that he supports them in their bid to improve their property, for trying to fit into the community, follow the rules of law for building in the community and urged the Board to support the variance.

Ellie Kibbling stated she has lived in the area of Quail Run and Sierra since 2011 and doesn't understand why this hasn't been approved. She feels it would be an improvement and support the variance.

Leigh Cluff explained that at a Town Council meeting it was suggested that the public could help keep the city looking good by cleaning up weeds and fix up old buildings. She feels the Keenan's are only doing what was asked of the citizens.

Board Member Taylor asked if there is something that addresses the information that the County had provided. Town Attorney Smiley stated that in this matter that information is not relevant.

Attorney Adams again stated that the County, as of November 2016 regarded the front of this property on Quail Run and if it had not been incorporated by Dewey-Humboldt, that would still be the case. He added that the age of the structures date back to the 1980's. The previous structure was a barn with outside stalls and the new structure will be fully enclosed, with the stalls being located inside.

Community Planner Steven Brown restated that the issue before the Board is only regarding the variance to the setbacks. Initially the Keenan's asked to replace the barn in the existing footprint, however when the plans were examined the new plans were up to four times larger than the old barn and extended into the setbacks. Mr. Brown stated that staffs' recommendation is for denial of the reduced setbacks and that there is sufficient space for the new barn to meet the required setbacks as stated in the Town Code.

Board Member Taylor asked if the original outdoor stalls were built as panel or concrete type permanent stalls and if they are permanent would they be considered as part of the size of the old barn. Mr. Brown stated that the stalls were an accessory use to the original approved 20x24 (480 sq. ft.) barn and are not relevant to the placement of the new structure. Board Member Taylor asked if the new barn footprint is larger. The proposed barn is 40x48 (1,920 sq. ft.), approximately four times larger. Attorney Adams felt that this is approximately the same size as the old barn. Chair Ted Brooks asked why his clients had not applied for a variance previously (last August). Attorney Adams shared that they believed they had a right to appeal the previous decision and accepted an

invitation to address the Town Council. So now the Keenan's have applied for the variance and they feel that the topography and water flow prevents them from locating the barn to another location on their property.

Board Member Horvath asked if there was going to be an outside area for the horses. Jim Keenan stated that there would be no horse run outside the barn. Chair Ted Brooks closed the public hearing portion of the hearing.

Town Attorney Smiley stated that although Ms. Dewitt shared the County information regarding this property, it is not the official criteria for the Town of Dewey-Humboldt. She instructed the Board to keep in mind that each of the four findings must be met on all three structures. She shared that those structures would have still been in the other (County) argued setbacks and that the variance for those current structures will make it convenient (currently they have legal non-conforming use) to replace or improve them and allow them to meet the current zoning.

6.2. Discussion, deliberation and possible action regarding the variance request.

Board Member Taylor suggested that they address each of the variances individually. Chair Ted Brooks stated that the rear setback had become the side setback and that Sierra is the official frontage for this property. Board Member Ford asked to view page 32 and identified the original structure and the outside stalls asking staff if this was an original part of the structure. Mr. Brown indicated that the only area that was lawfully permitted was the 20x24 structure (barn). Board Member Ford asked to view page 41 and wanted to have pointed out to the board the drainage on this property. Ms. Dewitt approached the overhead image and indicated where the water flows from her property (to the east) and the route through the Keenan's property, which is between the house and the barn location.

Board Member Ford asked Mr. Brown if it was possible to place the barn to meet the setbacks and would that placement put it in the drainage area. Mr. Brown stated no, he did not think so. Board Member Ford also pointed out that on the original permit in 1982 the house was to be placed 70 feet from the property line, but in actuality it is only 23 feet, and doesn't match original site drawing. Attorney Adams stated that Yavapai County did not start conducting inspections until 2009 or 2010. Board Member Taylor asked if there was an engineering report that shows this is the only place the barn can be located. Attorney Adams said no. Board Member Ford asked if the new pad would be raised for the new structure and if the structure was moved forward 20 feet would it be in the drainage area. Attorney Adams stated no there was no changes in the pad, but the clients felt that forward movement would be affected by the water flow.

Board Member Taylor asked for clarification on the water drainage. Ms. DeWitt shared that to the north of the location there is only water sheeting running down the slope, however the water drainage is located between the house and the proposed location of the barn, which has not been impacted for at least 12 years. Board Member Ford shared that he understood the water issues, but was still not sure that having to meet the setbacks is actually a hardship. He added that work may need to be done to protect the structure, such as grading. Chair Ted Brooks felt that a site visit would have been helpful because of the topography of the land. Community Planner Steven Brown stated that a site visit could be arranged, but must be pre-planned and noticed.

Board Member Brooks stated that he felt the variance on the shed was a waste of time for only two feet and that the three feet for the house was also a minimal request and feels that all the variances should be approved as requested.

Board Member Taylor shared that she feels all the findings are met and the variances should be granted.

Board Member Horvath asked if the shed was on the property when it was purchased. Board Member Taylor stated that it was and is currently grandfathered in. Town Attorney Smiley added that this is called a “legal non-conforming” use, but without the granting of this variance, the owners would only be able to rebuild or replace it in exactly the same size and position. Attorney Adams added that this variance would allow his clients to adjust the location if it was damaged or destroyed.

Board Member Brooks felt that the variances should be granted and should be binding. He wanted to be assured that if Mr. Brown should ever leave his employment with the Town of Dewey-Humboldt that this variance would remain in place for a new person. Mr. Brown stated that any new town employee would follow all adopted rules and that the variance remains with the property into the future.

Board Member Ford asked if the granting of the variances changes the setbacks for this property. Chair Ted Brooks stated the variance is for these particular structures only and does not change the setbacks for this property.

Motion was made by Board Member Ford, seconded by Board Member Taylor that having met the findings the Board approved the variance for the barn which will reduce the 50-foot required rear setback by 20 feet to allow for a 30-foot rear setback. The motion passed unanimously.

Motion was made by Board Member Ford, seconded by Board Member Taylor that having met the findings the Board grants the variance for the house which will reduce the 25-foot required side setback by 7 feet to allow for an 18-foot side setback, and to reduce the required 50-foot rear setback by 3 feet to allow a 47-foot rear setback. The motion passed unanimously.

Motion was made by Board Member Brooks, seconded by Board Member Ford that having met the findings the Board grants the variance for the shed which will reduce the 25-foot required side setback by 2 feet to allow for a 23-foot side setback. The motion passed unanimously.

7. Adjournment

Motion was made to adjourn by Board Member Taylor and seconded by Board Member Horvath. The meeting was adjourned at 10:34 am.

Ulys Brooks

ATTEST:

Beth Evans, Administrative Asst. II

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632- a -632-7365
www.dhaz.gov

Staff Report

Board of Adjustment Meeting

March 26, 2019

Date: March 13, 2019

To: Board of Adjustment

From: Edward L. Hanks, Jr., Interim Town Manager

Public Hearing Item:

ITEM #: V-19-001

Request: Approve a variance of the front yard setback to allow a 25-foot front setback, where a 50-foot setback is required. The property is located at 9310 E. Chestnut Hill Road in the Town of Dewey-Humboldt, being Yavapai County Assessor’s Parcel Number 402-03-157B.

I. BACKGROUND

The applicant is seeking a variance to allow a 25-foot front yard setback, where a 50-foot setback is required by code. The property is located on Chestnut Hill Road in the northeast corner of the Town. The terrain in this particular area of town is characterized by roadways developed along the ridgelines of hills, with the buildable portion of the lots falling off steeply almost immediately upon leaving the roadway. In the case of this property, the grade reaches in excess of 20% grade within the first 75 feet of the lot measured from the roadway (see attached aerial).

Town Code Section 153.093 provides for deviations to the required yard setbacks where circumstances warrant.

§ 153.093 YARDS AND COURTS.

(B) Yard deviations, where not in conflict with future width line:

(1) Front yard deviations.

(a) Where all or some of the existing buildings in the same block with a proposed building, and lying within 100 feet therefrom, vary from the minimum front yard requirements, then the average front yard depth for such existing buildings shall determine the required minimum yard depth for the proposed building (unless waived in writing by owners of the other buildings). In no case may such yard depth be less than the minimum required for the district, nor need the yard depth be required to exceed by 50% of the required minimum.

(b) On lots rising in elevation from front to center and exceeding 26% grade thereon, the front yard may be reduced not to exceed 50% of the required minimum.

Mr. Doole has provided survey information (see attached) that substantiates the steep grades present on this site, that serve as an impediment to reasonable construction without resorting to excessive filling to achieve a building site.

II. STAFF RECOMMENDATION

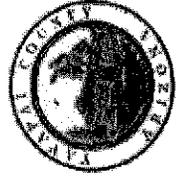
Staff recommends that a finding can be made on the Key Criteria Standards, which apply to the granting of a variance.

1. The property is associated with “special circumstances” that make building on these steep slopes challenging in the extreme.
2. The variance is necessary to assure that this property owner enjoys the same rights and privileges as other property owner in the same locale.
3. The special circumstances are not self-imposed, as the property was subdivided back in 1964 in roughly the current configuration, and the property owner acquired the property in 2015.
4. The granting of the variance will not be detrimental to persons working or living in the vicinity. It is safe to say that owners of property throughout this vicinity will be faced with the same development challenges in future, when they build.

Topo at 9310 E. Chestnut Hill Road



- Legend**
- City Boundaries
 - Cottonwood
 - Peoria
 - Prescott
 - Sedona
 - Camp Verde
 - Chino Valley
 - Clarkdale
 - Dewey-Humboldt
 - Jerome
 - Prescott Valley
 - Wickenburg
 - County Boundary
 - Countries
 - Parcels
 - Major Roads
 - Interstate
 - State Highways
 - Major Roads
 - Road Centerlines
 - 20 Ft Contours



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 2.25.2015



Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

PUBLIC HEARING NOTICE **BOARD OF ADJUSTMENT**

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF the following public hearing in the Town of Dewey-Humboldt, Arizona:

TOWN OF DEWEY-HUMBOLDT BOARD OF ADJUSTMENT ON, MARCH 26, 2019, 9:00 AM

The hearing will be conducted at Dewey-Humboldt Town Hall
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

Public Hearing Item:

ITEM #: V-19-001

Request: Approve a variance of the front yard setback to allow a 25-foot front setback, where a 50-foot setback is required. The property is located at 9310 E. Chestnut Hill Road in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-03-157B.

Applicant: Mike Doole

The project file may be viewed by the public Monday through Friday from 8:00 am to 6:00 pm. at the Town of Dewey-Humboldt Town Hall located at 2735 South State Route 69, Dewey-Humboldt, AZ. Written comments may be sent to Town of Dewey-Humboldt, Community Development Department, and P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the public hearing.

Any interested person may appear and be heard at the public hearings. Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-7362/ Fax 928-632-7365.

Doole Marlene J

RECEIVED

February 5, 2019

FEB 06 2019

Dewey-Humboldt

Dear Mr. Brown:

Enclosed please find our VARIANCE PAPERWORK filled out to the best of our ability for our property located @ 9310 E Chestnut Hill Ave, Dewey.

We sincerely hope we have included everything you need to get this completed and if not, please feel free to contact me directly.

Thank you for your time.

Michael D. Doole Jr.
M Doole

Regards,
Mike and Marlene Doole

4302 West Mountain View Rd
Glendale, AZ 85302

602 710-6909

RECEIVED

FEB 06 2019



DEWEY-HUMBOLDT BOARD OF ADJUSTMENT HEARING APPLICATION Dewey-Humboldt

Date of Application 2/5/2019 Case # Parcel Number(s) 402-03-107B

Name of Applicant (appellant) Marlene J. Doole

[X] Applicant owner [] Other (explain)

Current Zoning District Year of Purchase 2016 Year of Construction

Is the applicant requesting a:

[X] Variance [] Interpretation of a zoning ordinance [] Appeal from an administrative decision

(See pages three and four of this application for specific information)

Describe relief required if a variance is being sought. Give current setbacks or requested setbacks if applicable. Requesting relief from 50' frontal setback for structures as defined by Chart in Section 103.036 RIL District, to an offset of 25' from front of property line.

Did the reason for this application exist before the current purchase of this property? Explain: Yes.

The topography on this property is increasingly restrictive to development the further from the roadway structures are planned.

Describe existing uses of the parcel: size and location of existing structures and buildings on it. Submit relevant reference maps, diagrams, drawings, photos, graphs.

No structures currently exist, current owner has already made substantial investment in grading for structure.



TOWN OF DEWEY-HUMBOLDT
P.O. Box 69, Humboldt, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

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FEB 06 2019
Dewey-Humboldt

If other than a setback, briefly describe what is being appealed: (Interpretation of an Ordinance, an Administrative error, decision, order, or enforcement). Give dates.

n/a

If this is an appeal from the decision of the Zoning Administrator, please attach a copy of the Zoning Administrator's Final Determination, and supporting records and documentation.

Phone #'s: Home _____ Cell _____ Fax _____

Email _____ Other _____

Convenient time(s) property may be visited Anytime

Directions to the property: Draw or write in or provide a map.

See attached page.

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FEB 06 2019

Dewey-Humboldt

Detail Page 2

From Rt 69 turn west on Kachina Place. Horseshoe Lane to South Pony Place then south (left) to Henderson Rd. Then west (right) on Henderson Rd continuing on Newton Ave to South Merrill Rd. Then north (right) to E Chestnut Hill Ave, then east (right) to:

9310 E Chestnut Hill Ave, Dewey



TOWN OF DEWEY-HUMBOLDT
P.O. Box 69, Humboldt, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

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FEB 06 2019

Dewey-Humboldt

HEARING APPLICATION

Purpose of the Board of Adjustment

The purpose of the Board of Adjustment is to provide a quasi-Judicial body so residents can ask for relief from the sometimes harsh effects of a zoning law. In cases where the strict and literal application would impose an unfair burden on a particular individual/group, the Board of Adjustment may be able to alleviate this.

The Board of Adjustment must hold a public hearing on all appeals, and usually it is thirty days after the appeal is filed. The Board may decide to grant, modify or deny any appeal, and may also defer any action on any appeal when it decides that additional evidence is needed or that alternative solutions need further study

The legal authority of the Board is granted through A.R.S. 9-462.06:

Section A

***To Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of an adopted zoning ordinance. The following are reasons for seeking an appeal (if this is an appeal under this section, please describe and submit supporting documents and final status):**

-An abuse of the official's discretion if it violates the intent and the policy of the statute that granted the decision-making authority. If an appellant can demonstrate that the decision was unreasonable, arbitrary, unfair, capricious, or discriminatory, then the decision should be reversed.

-Exceeding the official's power or authority outside the limits imposed on it by the statute or the ordinance that granted the authority.

-An error of law if it was based on an erroneous interpretation of statutes, ordinances, or regulations, or if any of these were wrong statutes, wrong ordinances, or wrong regulations.

-Fraud or bad faith or malice can invalidate an official decision, if they have influenced a decision or the manner in which it was made.

-Lack of evidence or any reasonable basis in fact invalidates a decision. Arbitrary judgment can reverse a decision

Section B

***To Hear and decide appeals for variances from the terms of the zoning ordinance. (Provide evidence that there are special circumstances or conditions applicable to the property of application that justify a variance from the requirements so that strict application of the zoning would work an unnecessary hardship; that the granting of the request is necessary for the preservation and enjoyment of substantial property rights, and that the granting will not materially affect the health and safety of the area/residents.)**

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RECEIVED

FEB 06 2019

Dewey-Humboldt



TOWN OF DEWEY-HUMBOLDT
P.O. Box 69, Humboldt, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

FOUR KEY CRITERIA STANDARDS TO APPLY:

- (1) A variance may be warranted if the property in question is associated with "special circumstances" that are inherent in the property – such as its size, shape, topography or location, (surroundings) – that deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district.

the roadway (Chestnut Hill Ave) is placed along the crest of a ridge & slopes downward on either side. All properties adjacent to this one have similar conditions & may/may not require a variance to be livable but 9310 has perhaps the →

- 2) A variance may be granted if its authorization is necessary to ensure the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, without constituting a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

the granting of a variance from 50' to 25' would not constitute a special privilege but is required to negate excessive grading if additional to what owner has already undertaken.

- 3) The special circumstances applicable to the property may not be self-imposed or created by the owner or applicant in order to receive a variance. It is important to note that circumstances created by the previous property owner are applicable to the current owner.

the circumstance that require a variance are naturally occurring result of geologic formation resulting in extreme sloping topography.

- 4) The granting of a variance should not be materially detrimental to persons residing or working in the vicinity, to adjacent property to the neighborhood, or to the public welfare in general.

the granting of this variance will not pose any danger or harm to any person(s). the purpose of this variance is to allow owner to construct new primary residence on vacant land and thereby improve →

Hearings and Rulings: Public Notice to parties of interest and to the public will be given within a minimum of seven (7) to fifteen (15) days after application by posting at the property of application, (if property is involved) and by publishing once in a newspaper of general circulation in the Town. The Board of Adjustment shall hold an initial public hearing within thirty (30) days after receiving the application, and shall render a decision either at the initial public hearing, or a subsequent hearing/s on a date agreed upon by the Applicant and the Board. A vote of three (3) members of the Board shall be necessary to render a ruling.

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FEB 06 2019

Dewey-Humboldt



TOWN OF DEWEY-HUMBOLDT
P.O. Box 69, Humboldt, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

In approving an application (all or part) the Adjustment Board may designate such conditions that will maintain the integrity of the Ordinance and will ensure compliance of conditions. Once approved, variances stay with the land and do not expire unless stipulated otherwise. Conditions applied to the Variance at the Hearing Date of the Board of Adjustment such as an inability to fulfill these conditions at a prescribed time, warrant approval by Planner for an extension or other.

Appeal to the Courts Within 30 days after the board has made a decision and has filed this decision, a person aggrieved by the decision of the Board of Adjustment may file a complaint for special action in the Superior Court for review of the Board's decision. Filing the complaint does not stay proceedings on the decision appealed. The Court may, however, grant a stay upon application and on final hearing; may affirm or reverse, in whole or in part, or modify the decision reviewed.

CHECKLIST

Application for Variance/Appeal

- Application form: (page 1 through 5)
- Appeal: Written Narrative and documentation
- Permission to enter
- Direction to property
- Aerial of site plan
- Recorded deed and legal descriptions
- Letter of support (optional)
- Evidence: (photos, maps, drawings, diagrams)

Please Note: All variance application requests are reviewed prior to any scheduled Public Hearings. All related concerns and/or questions need to be addressed between the applicant and staff and/or the reviewing agency.

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Page 5 of 6

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Dewey-Humboldt



TOWN OF DEWEY-HUMBOLDT
P.O. Box 69, Humboldt, AZ 86329
Phone 928-632-8643 • Fax 928-632-7365

COMMUNITY DEVELOPMENT DEPARTMENT
PERMISSION TO ENTER PROPERTY

Application #: _____ Parcel #: 402-03-157B Unit/Lot #: _____

Legal Description (see attached): _____

Applicant(s): Marlene J. Nookle

Address: 9310 E Chestnut Hill Ave. Phone No.: 602 694-9733

I, the undersigned, hereby give permission to the Town of Dewey-Humboldt Zoning Inspector (or any Deputy Inspector) in the discharge of his/her duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the enumerated application made under the terms of the Dewey-Humboldt Town Code, or for any investigation as to whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of the Dewey-Humboldt Town Code; or for any investigations for conditions, compliance and stipulations under the terms of the Dewey-Humboldt Town Code and public hearings concerning this parcel. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer or renewal of the application. Such entry shall be limited between the hours of 7 a.m. and 6 p.m. MST. I understand that this permission to enter property is OPTIONAL and VOLUNTARILY GIVEN and may be withdrawn or revoked (either in writing or verbally) at any time.

Applicant's Signature: [Signature] Date: 2/5/2019

(check one) Owner
 Agent for _____

at the request of **Pioneer Title Agency, Inc.**
When recorded mail to
Marlene J. Doole
4302 W. Mountain View Road
Glendale, AZ 85302

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Dewey-Humboldt

72100229 - JSL

Tax Code: **402-03-157B**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CAPTION HEADING: WARRANTY DEED

The following document is be re-recorded for the sole purpose of correcting the legal description. See attached Exhibit B.

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

Recording Cover Sheet
72100229

at the request of Pioneer Title Agency, Inc.

When recorded mail to
Marlene J. Doole
4302 W. Mountain View Road
Glendale, AZ 85302

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Dewey-Humboldt

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Tax Parcel No.: 402-03-157B

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,
Joe Lauff, Trustee of The Virginia A. Lauff Irrevocable Trust dated June 6, 2011 do/does hereby convey
to
Marlene J. Doole, A Married Woman, as her Sole and Separate Property
the following real property situated in Yavapai County, Arizona:
See Exhibit A attached hereto and made a part hereof.

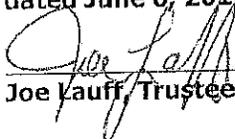
Pursuant to ARS 33-404, the names and address of the beneficiaries of the herein named trust are:
Joe Lauff, 7374 W. Paso Trail, Peoria, AZ 85383

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of
way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear
of record.

The Grantor warrants the title against all persons whomsoever.

DATED: November 19, 2015

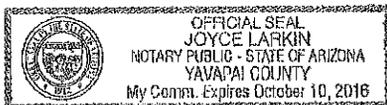
The Virginia A. Lauff Irrevocable Trust
dated June 6, 2011

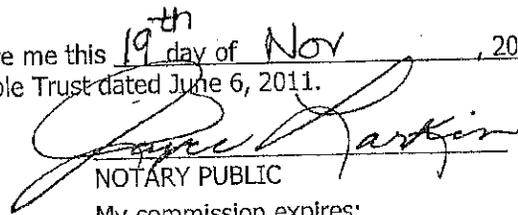


Joe Lauff, Trustee

State of Arizona }
 } ss.
County of Yavapai }

The foregoing instrument was acknowledged before me this 19th day of NOV, 2015 by
Joe Lauff, Trustee of the Virginia A. Lauff Irrevocable Trust dated June 6, 2011.





NOTARY PUBLIC

My commission expires:
Warranty Deed - Escrow No. 72100229

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Dewey-Humboldt

Exhibit "A"

All that portion of Lot 8 of BLUE HILLS FARM, as recorded in Book 10 of Maps, page 53 of the Official Records of the county Recorder of Yavapai County, Arizona, described as follows:

COMMENCING at the Southwest corner of said Lot 8 marked with a one-half inch rebar;

thence North 79°25'09" East (North 74°20'40" East record) 0.91 feet to a one-half inch rebar;

Thence North 71°01'30" East (basis of bearings) 212.00 feet along the south line of said Lot 8, to a one-half inch rebar and the TRUE POINT OF BEGINNING;

Thence continuing North 71°01'30" 213.83 feet along said South line to a one-half inch rebar;

Thence North 82°45'19" East 8.36 feet (North 81°49'10" East 8.26 feet record) to the Southeast corner of Lot 8 marked with a one-half inch rebar;

Thence North 05°06'00" East 404.45 feet (North 05°06'30" East 404.40 feet record) to the Northeast corner of Lot 8, marked with a one-half inch rebar;

Thence South 78°38'44" West 190.84 feet (South 78°18'00" West 191.01 feet record) along the North line of Lot 8, to a three-eighths inch rebar;

Thence South 73°18'51" West (South 73°18' 00" West record) 200.73 feet along said North line to a one-half inch rebar;

Thence South 19°31'53" East 400.90 feet to THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in instrument recorded in Book 125 of Deeds, page 555 and in Book 160 of Deeds, page 114.

at the request of **Pioneer Title Agency, Inc.**
When recorded mail to
Marlene J. Doole
4302 W. Mountain View Road
Glendale, AZ 85302

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Dewey-Humboldt

72100229 OJSL

Tax Code: **402-03-157B**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CAPTION HEADING: DISCLAIMER DEED

The follow document is being re-recorded for the sole purpose of correcting the legal description. See attached Exhibit B.

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

Recording Cover Sheet
72100229

at the request of Pioneer Title Agency, Inc.

When recorded mail to
Marlene J. Doole
4302 W. Mountain View Road
Glendale, AZ 85302

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Dewey-Humboldt

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Tax Parcel No.: 402-03-157B
Exempt per ARS 11-1134 B3

DISCLAIMER DEED

WITNESSETH THIS DISCLAIMER DEED, made by
Michale D. Doole, Husband of Marlene J. Doole
hereinafter called "the undersigned" to
Marlene J. Doole, A Married Woman as her Sole and Separate Property
hereinafter called "the spouse;"

WHEREAS:

1. The spouse has acquired title to the following described property situated in Yavapai County, State of Arizona, to-wit:
See Exhibit A attached hereto and made a part hereof.
2. The property above described is the sole and separate property of the spouse having been purchased with separate funds of the spouse.
3. The undersigned has no present right, title, interest, claim or lien of any kind or nature whatsoever in, to or against said property. This instrument shall also constitute a waiver, by the undersigned, in favor of any mortgagee, deed of trust beneficiary or deed of trust trustee of any right to file a declaration or claim of homestead affecting the above described property.
4. This instrument is executed not for the purpose of making a gift to the spouse, but solely for the purpose of clearly showing of record that the undersigned has and claims no interest in and to said property, the undersigned expecting third persons to rely on this disclaimer.
5. It is the express intent of the grantor, being the spouse of the grantee to convey all right, title and interest of the grantor, community or otherwise, in and to the herein described property to the grantee as his/her sole and separate property.

NOW, THEREFORE, in consideration of the premises, the undersigned does hereby disclaim, remise, release and quitclaim unto the spouse and to the heirs and assigns of said spouse forever, all right, title, interest, claim and demand which the undersigned might appear to have in and to the above described property.

Dated: November 13, 2015


Michale D. Doole

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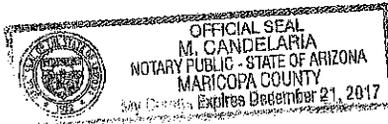
Dewey-Humboldt

State of Arizona }
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 20 day of Nov 2015, by
Michale D. Doole

[Handwritten Signature]
NOTARY PUBLIC

My commission expires: 12/21/17



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Dewey-Humboldt

Exhibit "A"

All that portion of Lot 8 of BLUE HILLS FARM, as recorded in Book 10 of Maps, page 53 of the Official Records of the county Recorder of Yavapai County, Arizona, described as follows:

COMMENCING at the Southwest corner of said Lot 8 marked with a one-half inch rebar;

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Thence continuing North 71°01'30" 213.83 feet along said South line to a one-half inch rebar;

Thence North 82°45'19" East 8.36 feet (North 81°49'10" East 8.26 feet record) to the Southeast corner of Lot 8 marked with a one-half inch rebar;

Thence North 05°06'00" East 404.45 feet (North 05°06'30" East 404.40 feet record) to the Northeast corner of Lot 8, marked with a one-half inch rebar;

Thence South 78°38'44" West 190.84 feet (South 78°18'00" West 191.01 feet record) along the North line of Lot 8, to a three-eighths inch rebar;

Thence South 73°18'51" West (South 73°18' 00" West record) 200.73 feet along said North line to a one-half inch rebar;

Thence South 19°31'53" East 400.90 feet to THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in instrument recorded in Book 125 of Deeds, page 555 and in Book 160 of Deeds, page 114.

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Dewey-Humboldt

EXHIBIT B

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Thence South 73°18'51" West (South 73°18'00" West record) 200.73 feet along said North line to a one-half inch rebar;

Thence South 19°21'53" East 400.90 feet to THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in instrument recorded in Book 125 of Deeds, page 555 and in Book 160 of Deeds, page 114.

402-03-158



402-03-158

402-03-158A

3170

3170

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3170

402-03-159B

3170

9330 E Chestnut Hill Ave

402-03-157B

9310 E Chestnut Hill Ave

3170

57A 9290 E Chestnut Hill Ave

Ave

800-27-002L

9290 E Chestnut Hill Ave

402-03-178E

402-03-157B

9310 E Chestnut Hill Ave

402-03-151B

E Chestnut Hill Ave

402-03-178B

402-03-176

9295 E Chestnut Hill Ave

9275 E Chestnut Hill Ave

402-03-176A

Chestnut Hill Ave

Basemap/image

Bookmarks

Draw/Measurement Tools

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Select a shape to draw on map

Multipoint

Line

Polyline

Polygon

Freehand Poly

Freehand Poly

Line Distance:

14.73 meters

0.01 kilometers

48.33 feet

Multipoint

Line

Polyline

Polygon

Freehand Pol

Freehand Pol

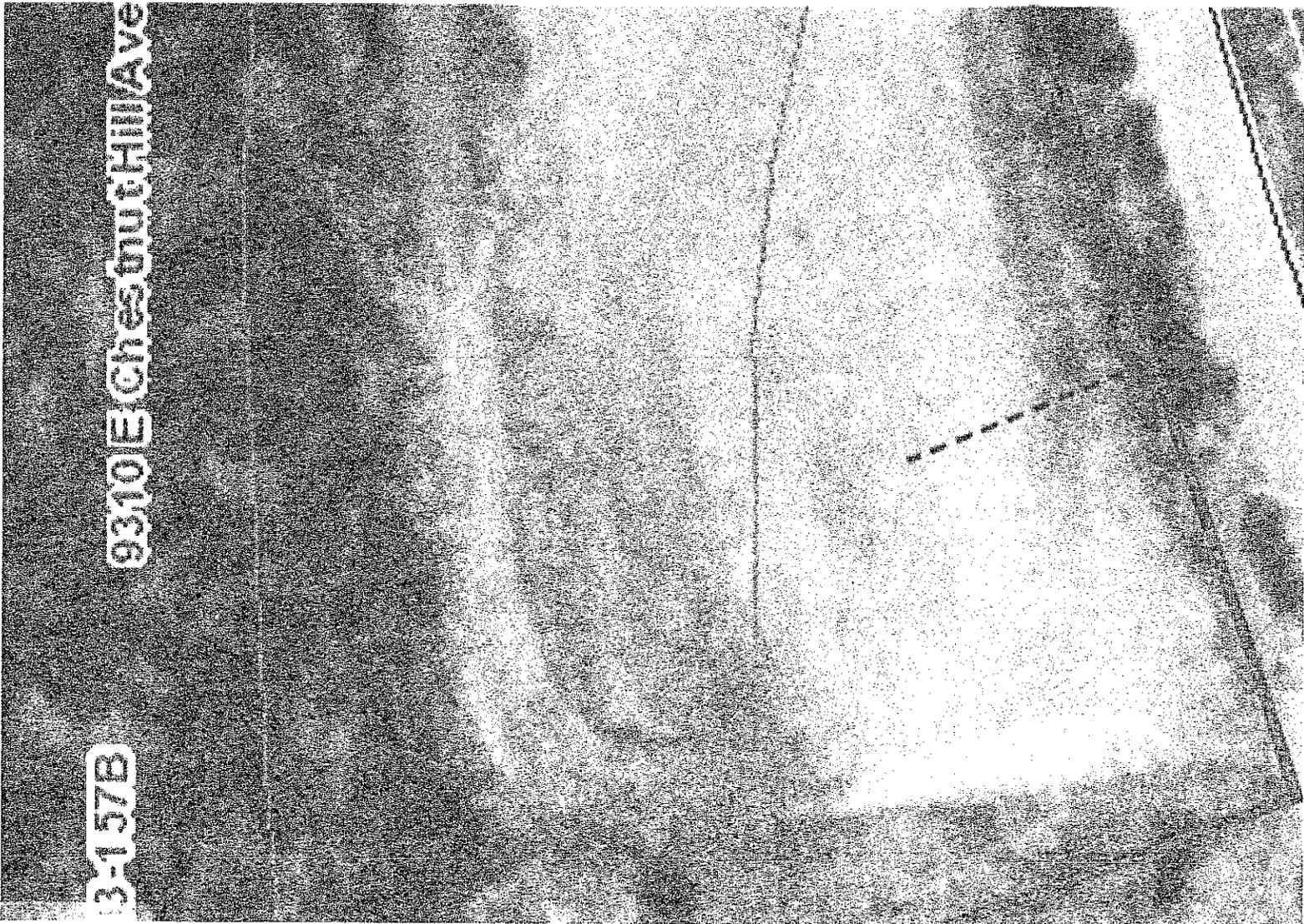
Line Distance:

14.73 meters

0.01 kilometers

48.33 feet

0.01 miles



9310 E Chestnut Hill Ave

3-157B

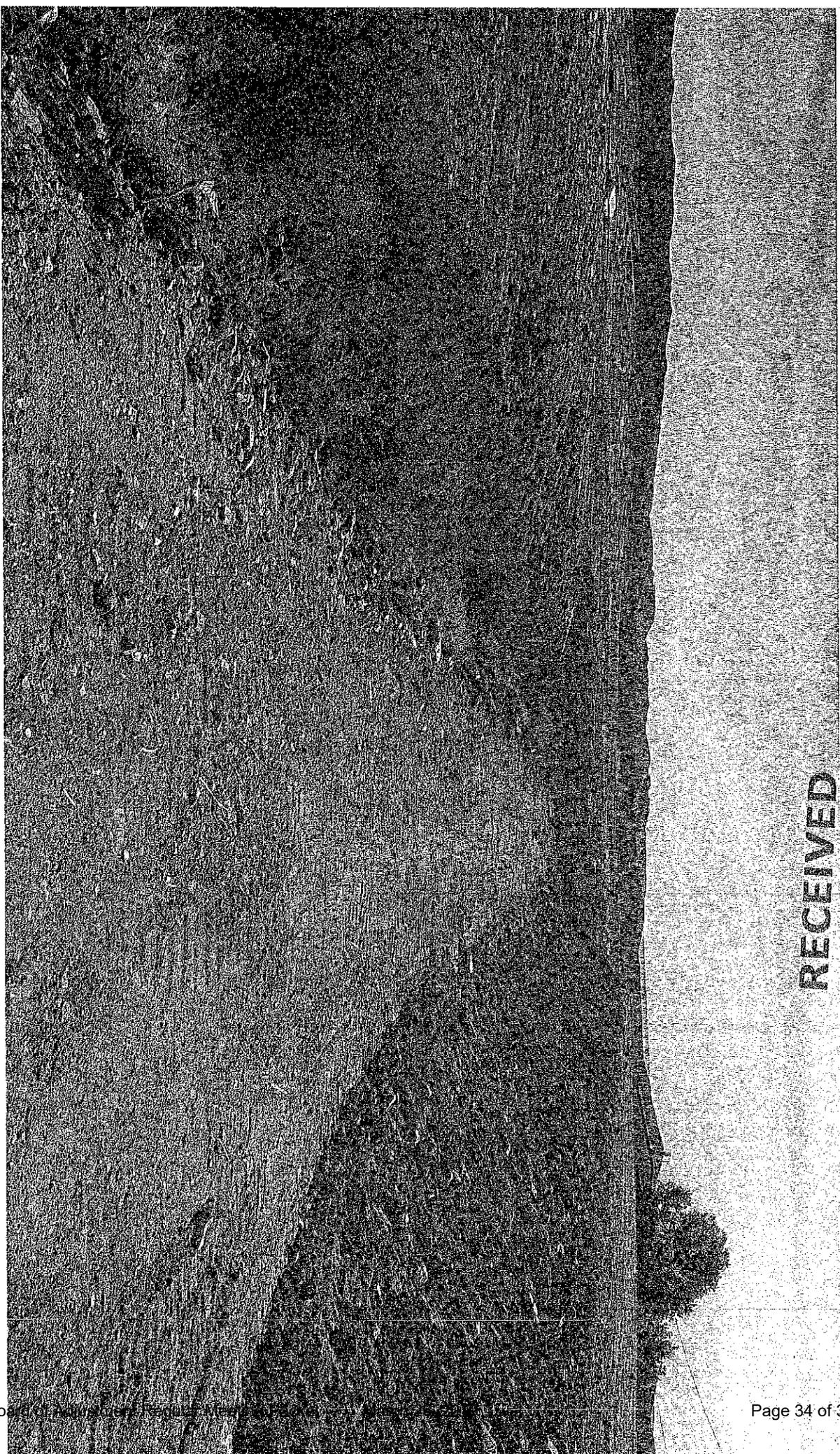
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FEB 06 2019
Dewey-Huntley



Facing East

RECEIVED

FEB 06 2019



RECEIVED

FEB 06 2019

Dewey-Humboldt

Facing East

Facing East

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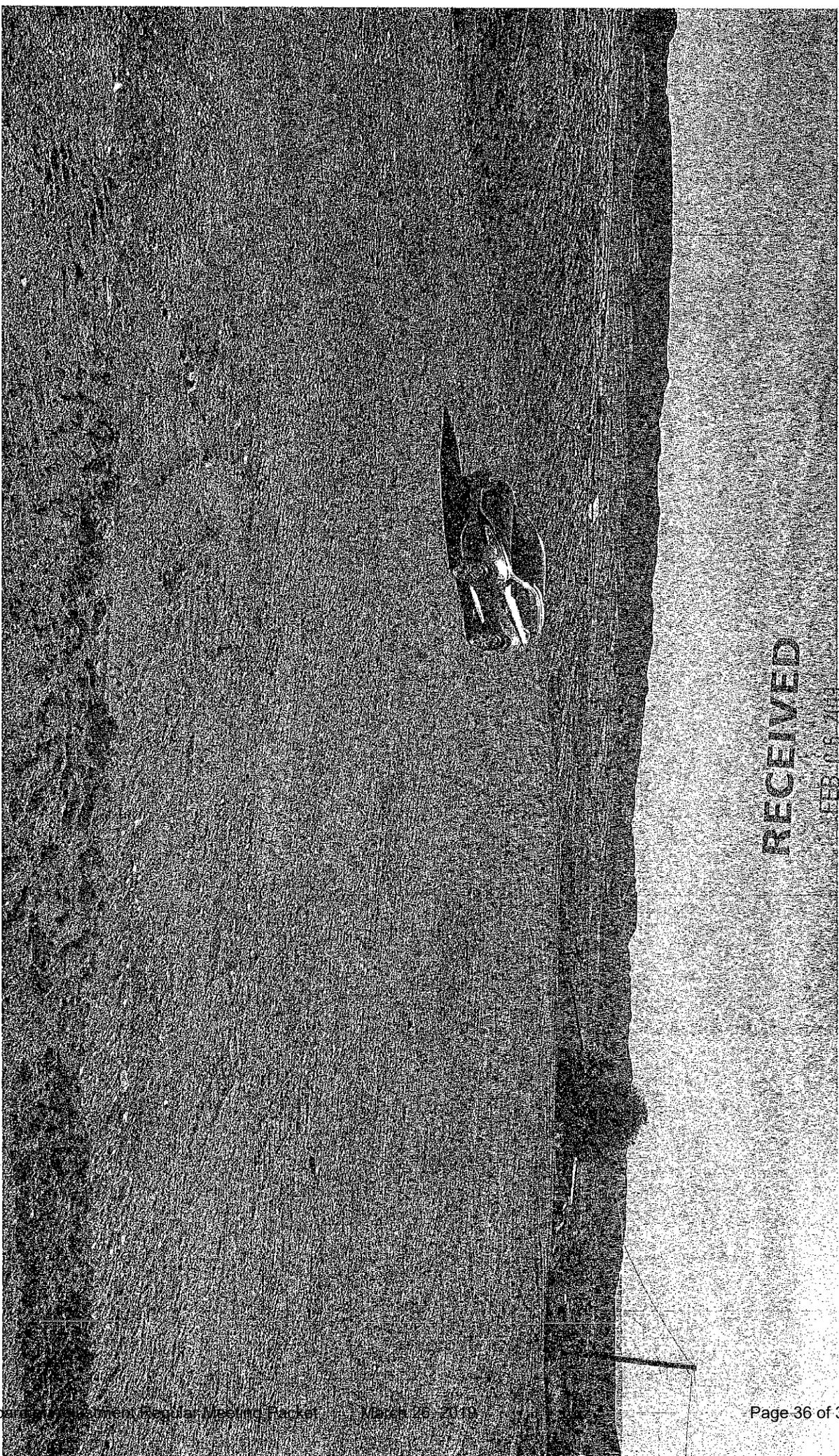
Dewey-Humboldt

Facing Northeast

Dewey-Humboldt

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FEB 06 2009



Facing South

Dewey-Humboldt

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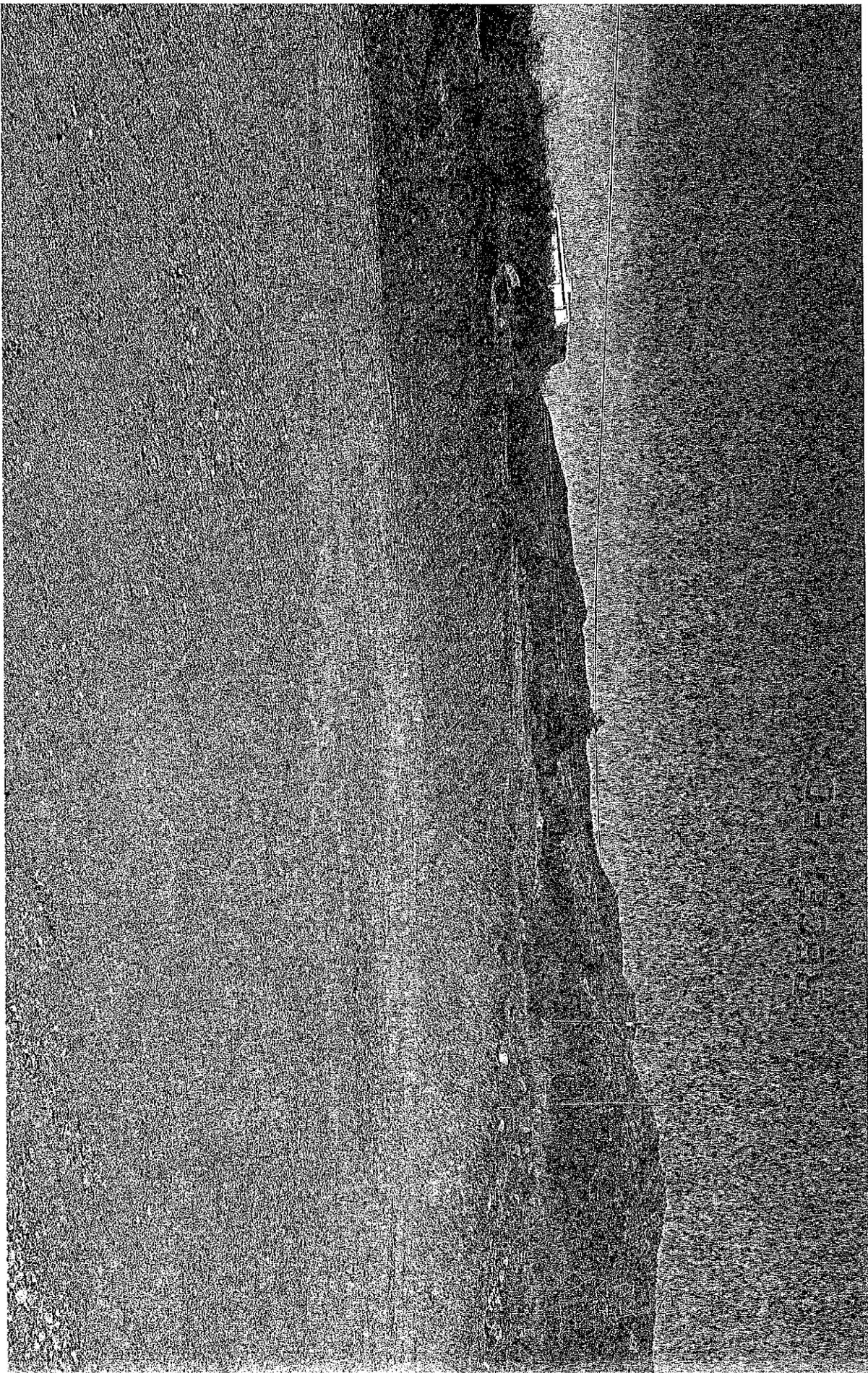


Facing South east

Dewey-Humboldt

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Facing South West

Dewey-Humboldt

FEB 00 2013