

**BOARD OF ADJUSTMENT  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Tuesday, May 28, 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.

Judge Douglas Suits will perform the swearing in of newly appointed Board Member Nancy Wright prior to the meeting.

**1. Call To Order**

**2. Roll Call** Board Members Linda Horvath, Gary Ford, Nancy Wright, Vice-Chair Ulys Brooks, Chair Cheryl Taylor

**3. Pledge of Allegiance**

**4. 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 April 23, 2019, Board of Adjustment Meeting**

**5. Old Business**

**A. ITEM #: V-19-002**

**Request:** Approve a variance of the front yard setback to allow a 36' 6" front setback, where a 50-foot setback is required. The property is located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N.

**6. New Business**

**A. Board of Adjustment Training**

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

**A. ITEM #: V-19-003:**

**Request:** Approve a variance of the side yard setbacks to allow 16-foot and 10-foot side setbacks, where 20-foot side setbacks are required. The property is located at 13380 E. Prescott St. in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-07-069.

1. **Staff Report**
2. **Open Public Hearing and Receive Public Comments**
3. **Close Public Hearing**
4. **Commission Discussion**

## 8. **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 \_\_\_\_\_, 2019, at \_\_\_\_\_ a.m./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 May 29, 2019 at 6:30 p.m.

Next Town Council Meeting: Tuesday, June 18, 2019 at 6:30 p.m.

Next Board of Adjustment Meeting, if needed: Tuesday, June 25, 2019 at 9:00 a.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Beth Evans, Interim Town Clerk.

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

**APRIL 23, 2019**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON TUESDAY, APRIL 23, 2019 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CHERYL TAYLOR PRESIDED.**

1. **Call To Order** Chair Cheryl Taylor called the meeting to order at 9:00 a.m.
2. **Roll Call** Board Members Gary Ford, Nancy Wright, Vice-Chair Ulys Brooks, Chair Cheryl Taylor were present. Board Member Linda Horvath was absent.
3. **Pledge of Allegiance** Led by Karen Brooks.
4. **Consent Agenda**

**A. Approval of Minutes of March 26, 2019, Board of Adjustment Meeting**

Vice Chair Brooks made a motion to approve the Minutes of March 26, 2019, Board of Adjustment Meeting, seconded by BM Ford. Chair Taylor called for the vote on the motion: BM Ford – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye. The motion passed unanimously.

**5. Public Hearing Agenda**

**A. ITEM #: V-19-002**

**Request:** Approve a variance of the front yard setback to allow a 36-foot front setback, where a 50-foot setback is required. The property is located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N.

**1. Staff Report**

Planning Consultant Steven Brown stated the applicant is seeking a variance to allow a 36-foot front yard setback, where a 50-foot setback is required by code. The property is located on E. General Way in the northeast corner of the Town. The house on this property was situated with the front door facing north towards State Route 169, although the access drive is located off E. General Way to the south, where it is addressed as well. The front and back yard setbacks are both 50', and the house is situated such that it is only 52' from the property line. Therefore, in order to place the structure and hot tub such that they have some privacy from the highway traffic, they desire to place it to the south of their home. To do so will not be in compliance with the required front setback. Therefore, the applicants are seeking a variance of 14' to the front yard setback.

Mary Dallas spoke on buying her house with the backside facing E. General Way and the front facing State Route 169. The builder thought that he could get access off of the 169, but found out it was cost prohibitive. She stated she would like to put in a hot tub with a gazebo structure going out her patio slider doors, and she is asking for a 14-foot setback reduction.

**2. Open Public Hearing and Receive Public Comments**

None.

### **3. Close Public Hearing**

Chair Taylor closed the Public Hearing at 9:06 a.m.

### **4. Commission Discussion**

Chair Taylor asked have there been any letters from any of the neighbors. PC Brown stated that we have not received any letters.

PC Brown stated Staff recommends that if a finding can be made on the Key Criteria Standards, which apply to the granting of a variance, a motion to approve would be appropriate citing the findings on the criteria.

1. The property is associated with “special circumstances” that make building elsewhere unreasonably difficult.
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.
4. The granting of the variance will not be detrimental to persons working or living in the vicinity.

PC Brown stated your job is to decide that you can positively meet all of the Key Criteria.

Chair Taylor stated part of the house is only 52' off the lot line. The deck is 60' off the lot line. Mary Dallas said the deck porch area is 60' on the west side, but the full extension of the house is 52' on the east side. She stated she understands that she cannot build within 10' of the house. PC Brown said yes.

Chair Taylor asked if electrical was part of the variance. PC Brown said no, that is a building issue. Assessory structures under 400 sq. ft. are permissible without a permit. Any structure under 400 sq. ft. that has utilities, requires a permit.

BM Wright stated the house to the property line is 66' and asked why don't you put it closer to the house. Mary Dallas stated the structure is a gazebo that is 12'x12'. I still need to stay at least 10' from the house.

Chair Taylor stated if you took the 66' on the west side and deducted 10', that puts 56' to put in a 12'x12' structure, there would need to be a 6' variance, verses a 14' variance. PC Brown stated the 66' is to the house proper. The master bath is in line with where the gazebo would be. It would then extend 12 more feet into the 52'. There has to be 10' between structures.

The Board looked at the plat map on the screen and there was Board discussion on where the gazebo would be placed.

Chair Taylor stated our purpose is to determine if they can put it in the spot that they asked to put it in and in looking at the four criteria that we have to meet, the special circumstances says is it unreasonably difficult to put it in any other location. For my purposes, I need to see that it's unreasonably difficult to put it somewhere else. Mary Dallas stated she is thinking about moving the gazebo further over to the west.

There was further Board discussion with the applicant on where the gazebo could be placed.

PC Brown stated you could withdraw this application or request a modification. He said we would need a revised plan for the modification.

BM Wright made a motion to table this request until the next BOA meeting, pending more exact measurements, seconded by VC Brooks. Chair Taylor called for the vote: BM Ford – aye; BM Wright – aye; VC Brooks – aye; Chair Taylor – aye. The motion passed unanimously.

Karen Brooks asked if this was going to incur any more cost to the citizen by delaying this decision. PC Brown stated no.

## **6. Adjourn**

BM Ford made a motion to adjourn, seconded by Chair Taylor. Chair Taylor called for the vote: BM Ford – aye; BM Wright – aye; VC Brooks – aye; Chair Taylor – aye. The motion passed unanimously. The meeting was adjourned at 9:29 a.m.

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Chair Cheryl Taylor

ATTEST:

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Beth Evans, Administrative Assistant II

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TOWN OF DEWEY-HUMBOLDT  
P.O. BOX 69  
HUMBOLDT, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365  
www.dhaz.gov

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# Staff Report

## Board of Adjustment Meeting

### April 23, 2019

Date: April 12, 2019

To: Board of Adjustment

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

**Public Hearing Item:**

**ITEM #: V-19-002**

**Request: Approve a variance of the front yard setback to allow a 36-foot front setback, where a 50-foot setback is required. The property is located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N.**

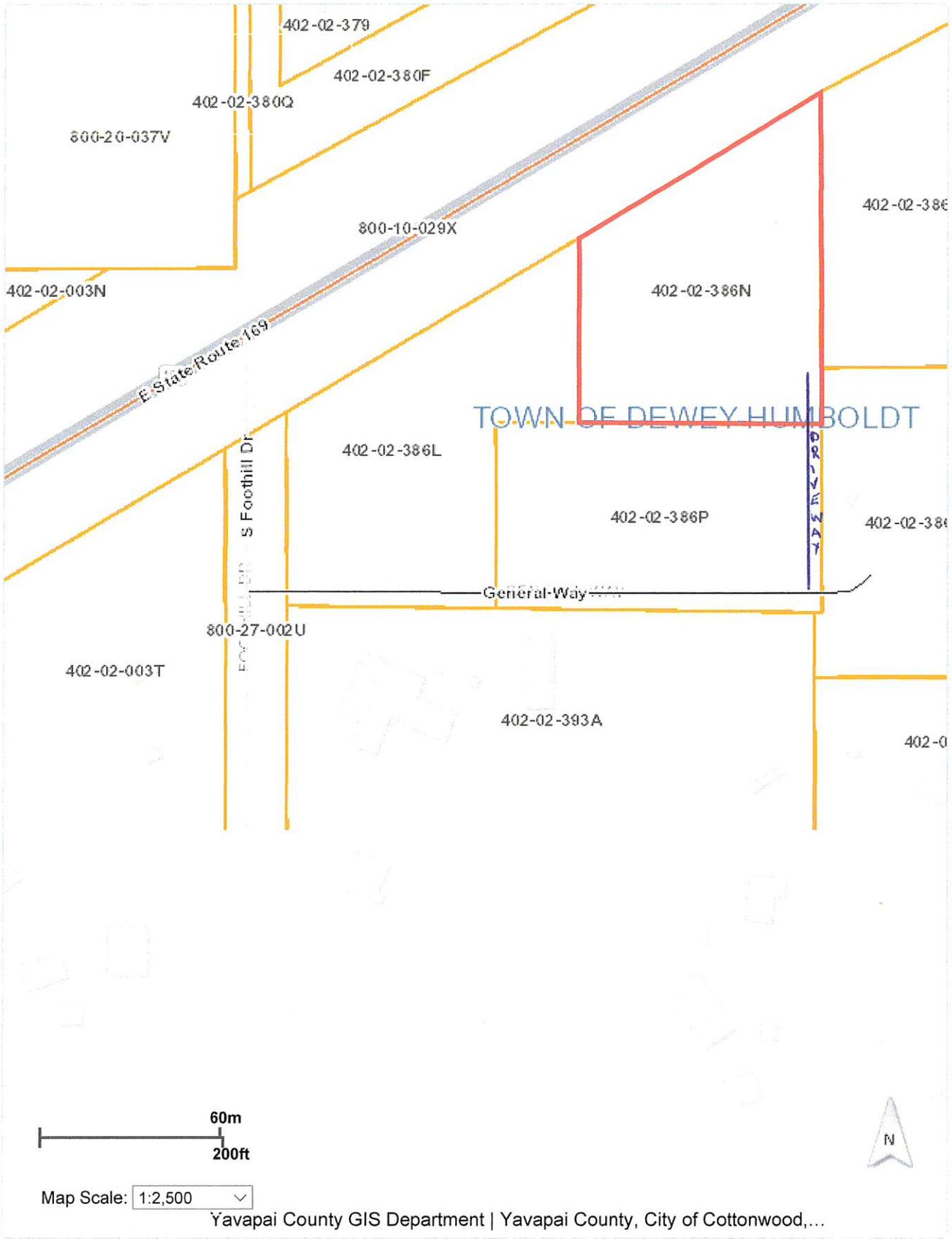
#### **I. BACKGROUND**

The applicant is seeking a variance to allow a 36-foot front yard setback, where a 50-foot setback is required by code. The property is located on E. General Way in the northeast corner of the Town. The house on this property was situated with the front door facing north towards State Route 169, although the access drive is located off E. General Way to the south, where it is addressed as well. The front and back yard setbacks are both 50 feet, and the house is situated such that it is only 52 feet from the property line. Therefore, in order to place the structure and hot tub such that they have some privacy from the highway traffic, they desire to place it to the south of their home. To do so will not be in compliance with the required front setback. Therefore, the applicants are seeking a variance of 14 feet to the front yard setback.

#### **II. STAFF RECOMMENDATION**

Staff recommends that if a finding can be made on the Key Criteria Standards, which apply to the granting of a variance, a motion to approve would be appropriate citing the findings on the criteria.

1. The property is associated with "special circumstances" that make building elsewhere unreasonably difficult.
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.
4. The granting of the variance will not be detrimental to persons working or living in the vicinity.





## **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 hearings in the Town of Dewey-Humboldt, Arizona:

#### **TOWN OF DEWEY-HUMBOLDT BOARD OF ADJUSTMENT** **ON April 23, 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:**

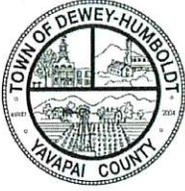
**A. ITEM #: V-19-002**

**Request: Approve a variance of the front yard setback to allow a 36-foot front setback, where a 50-foot setback is required. The property is located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N.**

**Applicant: Mary Dallas**

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) 632-8562/ Fax 928-632-7365.



DEWEY-HUMBOLDT BOARD OF ADJUSTMENT HEARING APPLICATION

Date of Application 3/21/19 Case # Parcel Number(s) 402-02-386 N

Name of Applicant (appellant) Mary S Dallas

[X] Applicant owner [ ] Other (explain)

Current Zoning District R1L-70 Year of Purchase 2019 Year of Construction 2018

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. Relief from requirement of Town Code Section 153.036 R1L District for a 50 foot front yard setback to allow a 36 foot front yard setback

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

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



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

## 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.)

**TOWN OF DEWEY-HUMBOLDT**  
**Hearing Application for Variance**

Case.# \_\_\_\_\_ Assessor's Parcel# 402-02-386N

Name Mary S Dallas Supervisor District \_\_\_\_\_  
(Print)

In accordance with A.R.S. 9-462.06, a variance may be granted from the terms of the Town Planning and Zoning Ordinance if the following requirements are satisfied to the Board of Adjustments and Appeals by the applicant.

*PLEASE ANSWER THE BELOW REQUIREMENTS.*

1. The peculiar conditions that make it necessary for you to request a Variance from the Ordinance are: This is a new build that was set on the property backwards. My houses's back yard is considered to be the front yard according to zoning laws. I would like to put my hot tub with a gazebo in the yard. This would also infringe on the set backs by approximately 14'

2. The unnecessary hardship that would be created if you cannot obtain a Variance:

The builder elected to face the front door toward State Rt 169 instead of toward E General Way. The sliding door is facing E General Way.

3. The general intent and purpose of the Zoning Ordinance (which is to conserve and promote the public health, safety, convenience and general welfare by coordinated and harmonious growth and development) will be preserved because:

To install my hot tub with a gazebo outside the sliding door and deck. Also, I would like to install a dedicated 20 amp service for the hot tub - see blue line on graph drawing. I also would like to install a dedicated 30 amp service for my Motorhome at the same time - see red dot on graph drawing

NOTE: Generally, the peculiar condition and unnecessary hardship are situations that run-with-the-land, i.e., rocks, ditches, hills, washes, etc... that would prevent enjoyment of property rights if strict interpretation of the Ordinance were enforced. Personal and/or self-imposed conditions or hardships may be given consideration but may not be valid or substantial reasons for a Variance.

Mary S Dallas 3/21/19  
Applicant Sign and Date



**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.

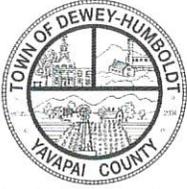
**Appeal to the Courts** Within 30 days after the board has made a decision and has filed this decision, a person aggrieved by the decision of the Board of Adjustment may file a complaint for special action in the Superior Court for review of the Board's decision. Filing the complaint does not stay proceedings 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.



**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 #:** 402-02-386 N **Unit/Lot #:** 1

**Legal Description (see attached):** \_\_\_\_\_

**Applicant(s):** Mary S Dallas

**Address:** 14110 E General Way, Dewey **Phone No.:** 928-420-5363

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:** Mary S Dallas **Date:** 3/21/19

(check one)  Owner  
 Agent for \_\_\_\_\_

at the request of Pioneer Title Agency, Inc.

When recorded mail to  
**Mary S. Dallas**  
**14110 E. General Way**  
**Dewey, AZ 86327**

72202282-K19

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Tax Parcel No.: 402-02-386N

## WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,

Michael T. Generalli and Cathy L. Generalli, Husband and Wife, as Community Property with Right of Survivorship do/does hereby convey to

Mary S. Dallas, An Unmarried Woman

the following real property situated in Yavapai County, Arizona:

See Exhibit A attached hereto and made a part hereof.

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.

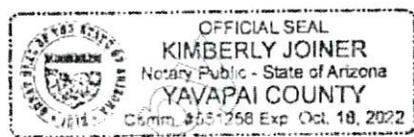
DATED: February 26, 2019

Michael T. Generalli  
Michael T. Generalli

Cathy L. Generalli  
Cathy L. Generalli

State of Arizona        }  
                                  } ss.  
County of Yavapai       }

The foregoing instrument was acknowledged before me this 6 day of March, 2019, by Michael T. Generalli and Cathy L. Generalli.



Kimberly Joiner  
NOTARY PUBLIC  
My commission expires: 10-18-22

THIS NOTARY CERTIFICATE IS TO BE ATTACHED TO: Warranty Deed

Date of Document: February 26, 2019 / Consisting of 3 pages  
Parties to Document:  
Mary S. Dallas  
Michael T. Generalli and Cathy L. Generalli

Exhibit A

PARCEL 1:

Parcel 'B' as shown on that certain Land Survey recorded at Reception No. 2015-0029707, Yavapai County Recorder's Office.

Being a portion of the West Half of the Southwest Quarter of Section 1, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona.

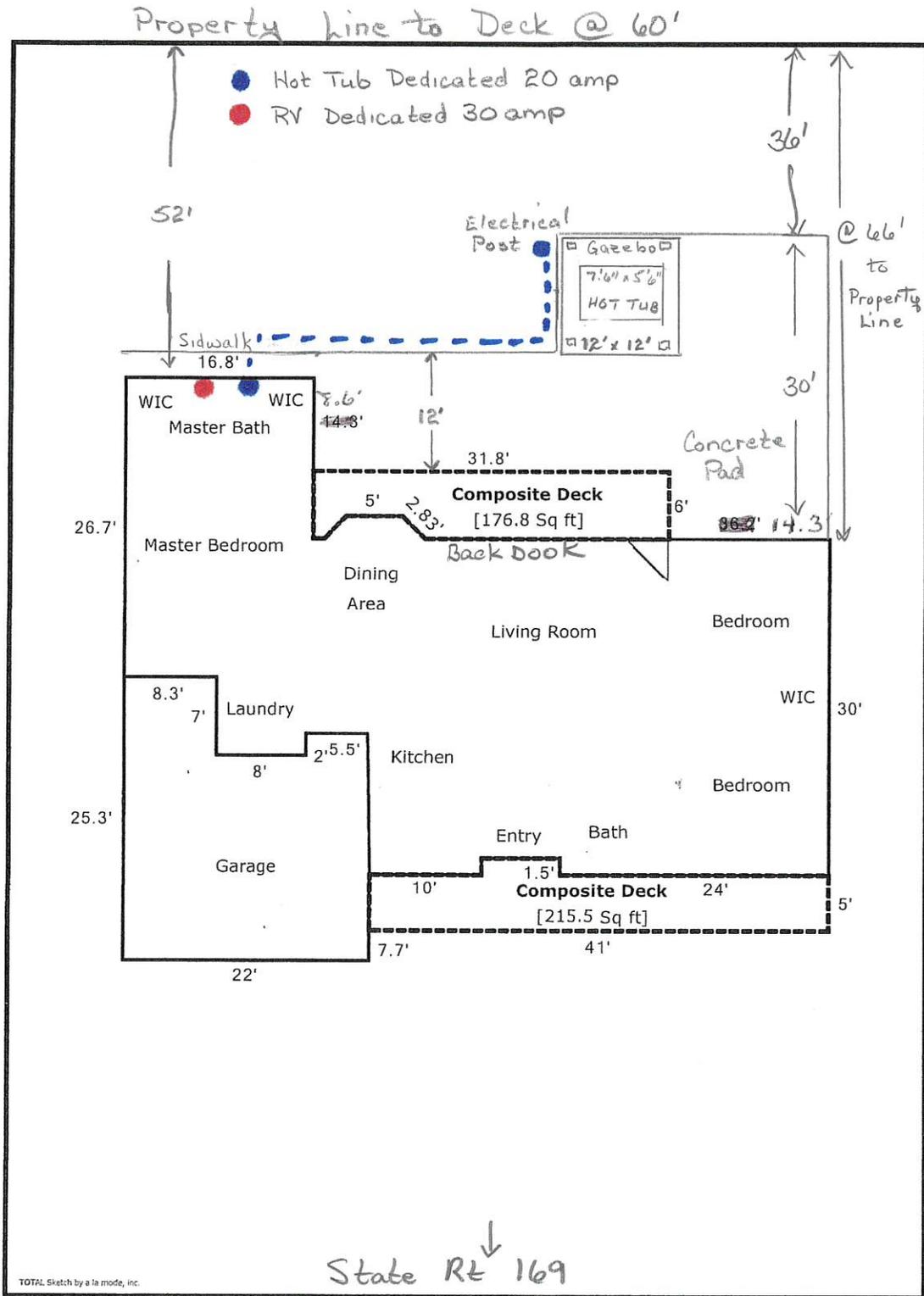
PARCEL 2:

An easement for ingress, egress and public utilities as depicted on Instrument No. 2015-0039707 across Parcel A and Parcel C.

Mary S. Walker

**Building Sketch (Page - 1)**

Borrower	Mary Dallas				
Property Address	14110 E General Way				
City	Dewey	County	Yavapai	State	AZ
Zip Code	86327				
Lender/Client	Wallick & Volk, Inc.				

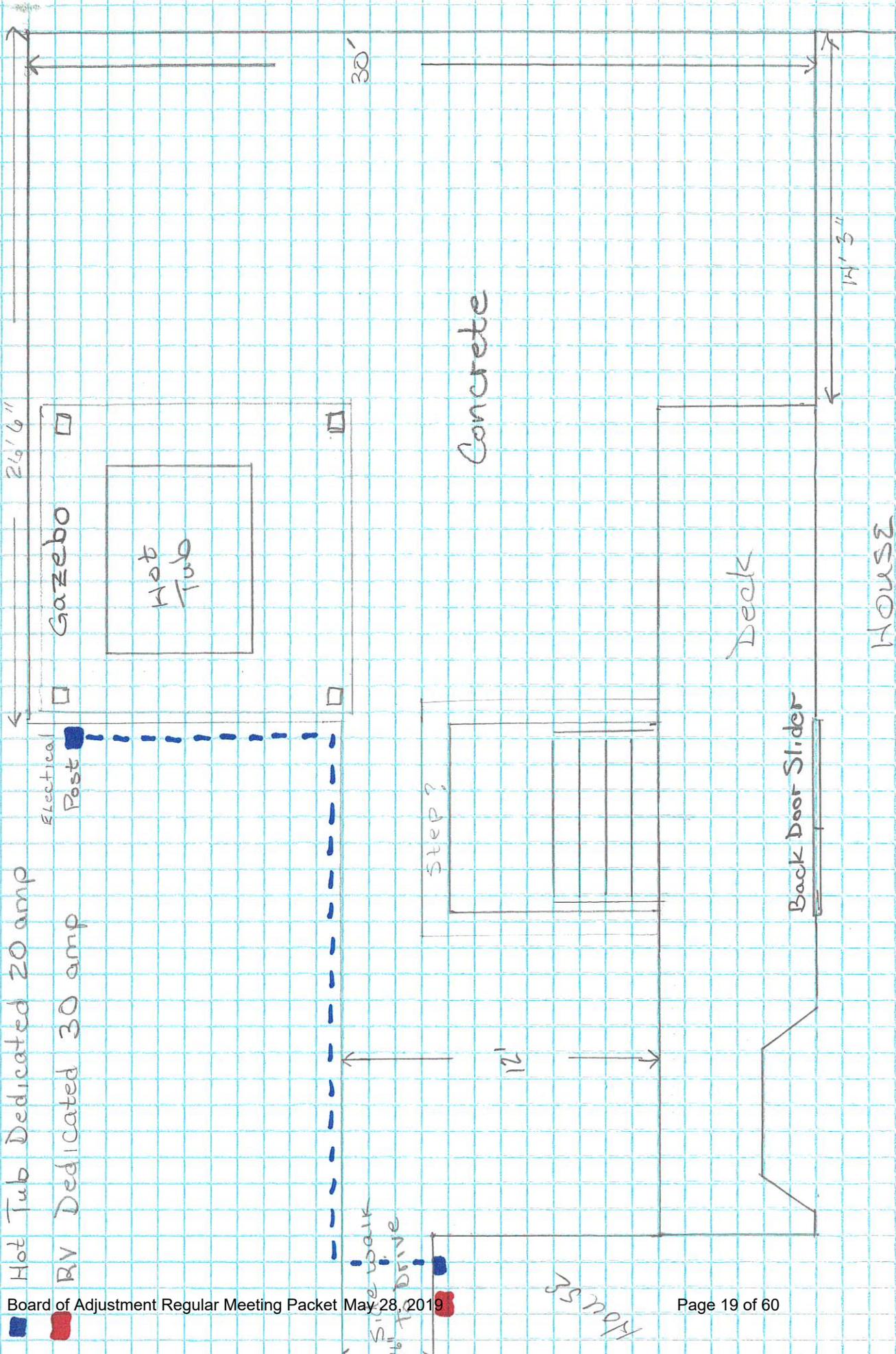


DALLAS 14110 E GENERAL WAY

ADD

Hot Tub Dedicated 20 amp

RV Dedicated 30 amp



HOUSE



# 12' x 12' Cedar Gazebo with Aluminum Roof

★★★★★ 4.7 (358)

Item 1500084

Your Price **\$1,599.99**

Shipping & Handling Included

Features:

- 100% FSC Certified Wood
- Water-Based Stain
- Fully Paintable
- Assembly Required

Qty

Add to Cart

The estimated delivery time will be approximately 2 - 3 weeks from the time of order.

Feedback



Add to Registry

## Product Details

Attention: As the purchaser and/or installer of this product, you are advised to consult your local city, municipality and applicable HOA guidelines for guidance on building codes and/or zoning requirements for your area before purchase. This structure may require a permit.

**Product details have been supplied by the Manufacturer, and are hosted by a third party.**

### Wood Gazebo with Aluminum Roof by Yardistry

Expand your outdoor living space using the Wood Gazebo with Aluminum Roof by Yardistry. The Wood Gazebo with Aluminum Roof adds character to any area, creating the perfect setting for all of your outdoor entertainment needs. The stunning design features an Aluminum Roof, 7 in. x 7 in. posts finished with classic plinths, and sleek curved gussets. The 100% natural FSC Certified Cedar Lumber is finished with a beautiful Mocha brown stain that brings a warmth and distinctive feel to any space. With interior dimensions of 11 ft. 2 in. x 11 ft. 2 in. the Wood Gazebo with Aluminum Roof

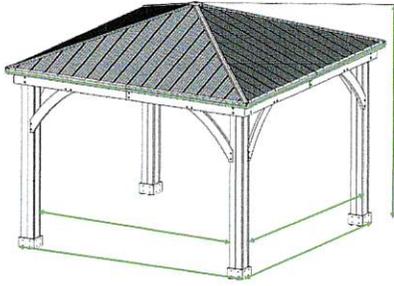


## Manuals, Information & Guides

[Dimensional Drawing](#)

[Roof English](#)

[Roof Spanish](#)



## Dimensions

**Overall dimensions (L x W x H):** 12 ft. x 12 ft. x 10 ft. 6 in.

**Base dimension (outside of post):** 11 ft. 2 in. x 11 ft. 2 in.

**Base dimension (inside of post):** 9 ft. 8 in. x 9 ft. 8 in.

### Warranty

5 Year Limited Wooden Component Warranty

### Customer Experience Team

At Yardistry, we take our customer experience seriously. Whether you have a product related question, warranty claim or need replacement parts, our Customer Experience Team will ensure your request is handled thoroughly.

**Email:** [support@yardistrystructures.com](mailto:support@yardistrystructures.com)

**Website:** [www.yardistrystructures.com](http://www.yardistrystructures.com)

**Call:** 1-888-509-4382

Monday – Friday 8:30 AM – 5:00 PM, excluding holidays

### Extended hours during Peak Season; April-August

Monday- Friday 8:00 AM – 7:00 PM

Saturday and Sunday 8:00 AM – 4:00 PM



[view](#)

[download](#)

PDF, 5.95 MB

Feedback

## Specifications

Dimensions - Depth	12 ft.
Dimensions - Height	126 in.
Weight	598 lb.

## Reviews (358)

Reviews

[Write a review](#)

Rating Snapshot

Select a row below to filter reviews.

5 ★	289
4 ★	46
3 ★	11
2 ★	6
1 ★	6

Average Customer Ratings

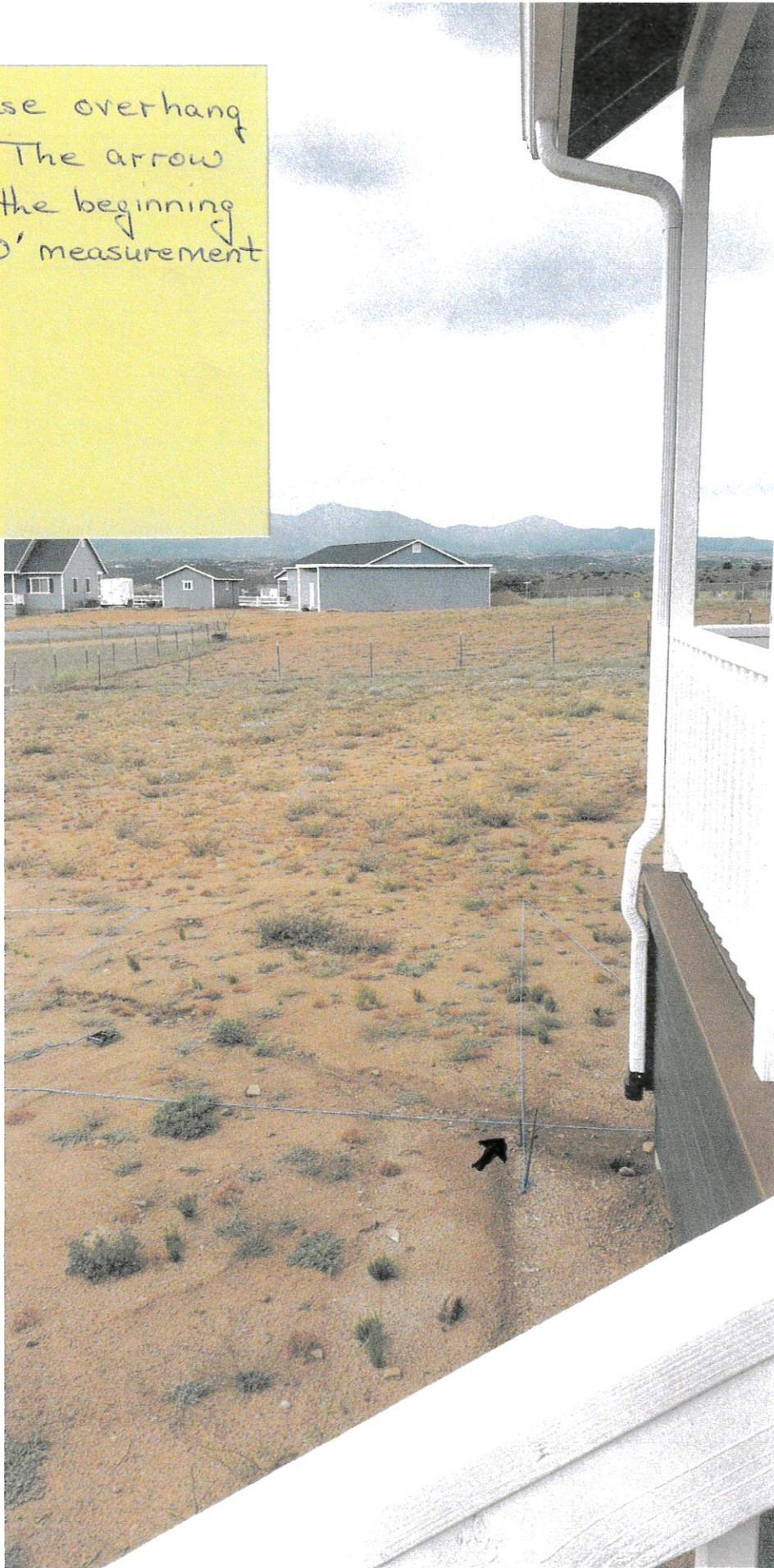
Overall ★★★★★ 4.7

Septic Tank is  
14'6" from the  
house. The clean-  
outs are right next  
to the house





The house overhang is 20". The arrow marks the beginning of the 10' measurement



The arrow marks  
the 10' clearance  
required from the  
house overhang to  
the where the  
gazebo can be created



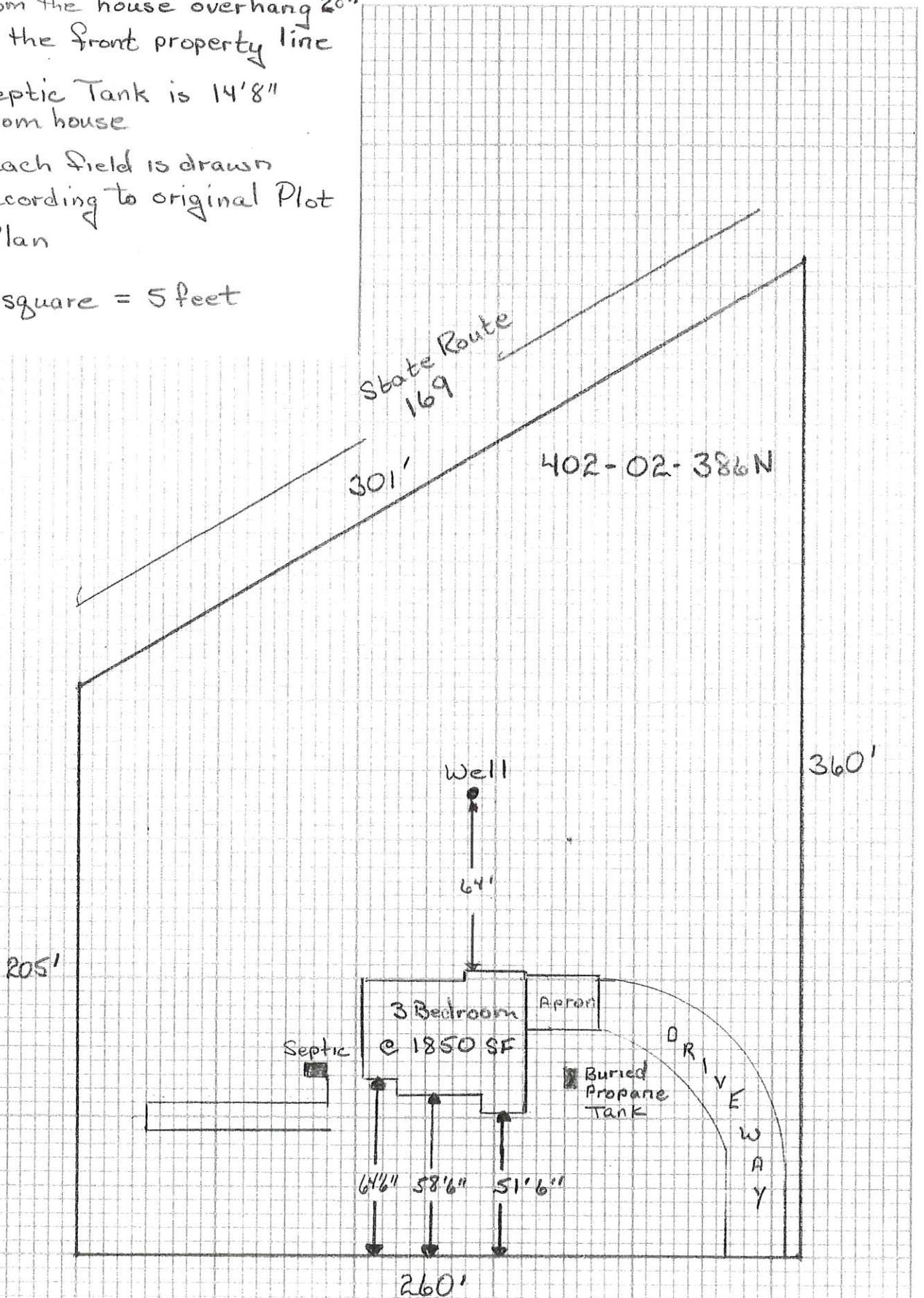


All measurements are from the house overhang 20" to the front property line

Septic Tank is 14'8" from house

Leach Field is drawn according to original Plot Plan

1 square = 5 feet



PLANNING DEPARTMENT  
1000 UNIVERSITY AVENUE  
ANN ARBOR, MI 48106-1000



**TOWN OF DEWEY-HUMBOLDT**  
**Plot Plan Sketch and Affidavit**

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50'; 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature Michael Generali Date 3-9-18

**Orientation of Plot Plan**

Dimension & Lettering ↓				
	Dimension & Lettering ↔			

Document #

**01** Sec

**13N** Twn

**01E** Rng

A P N

**402-02-386N**

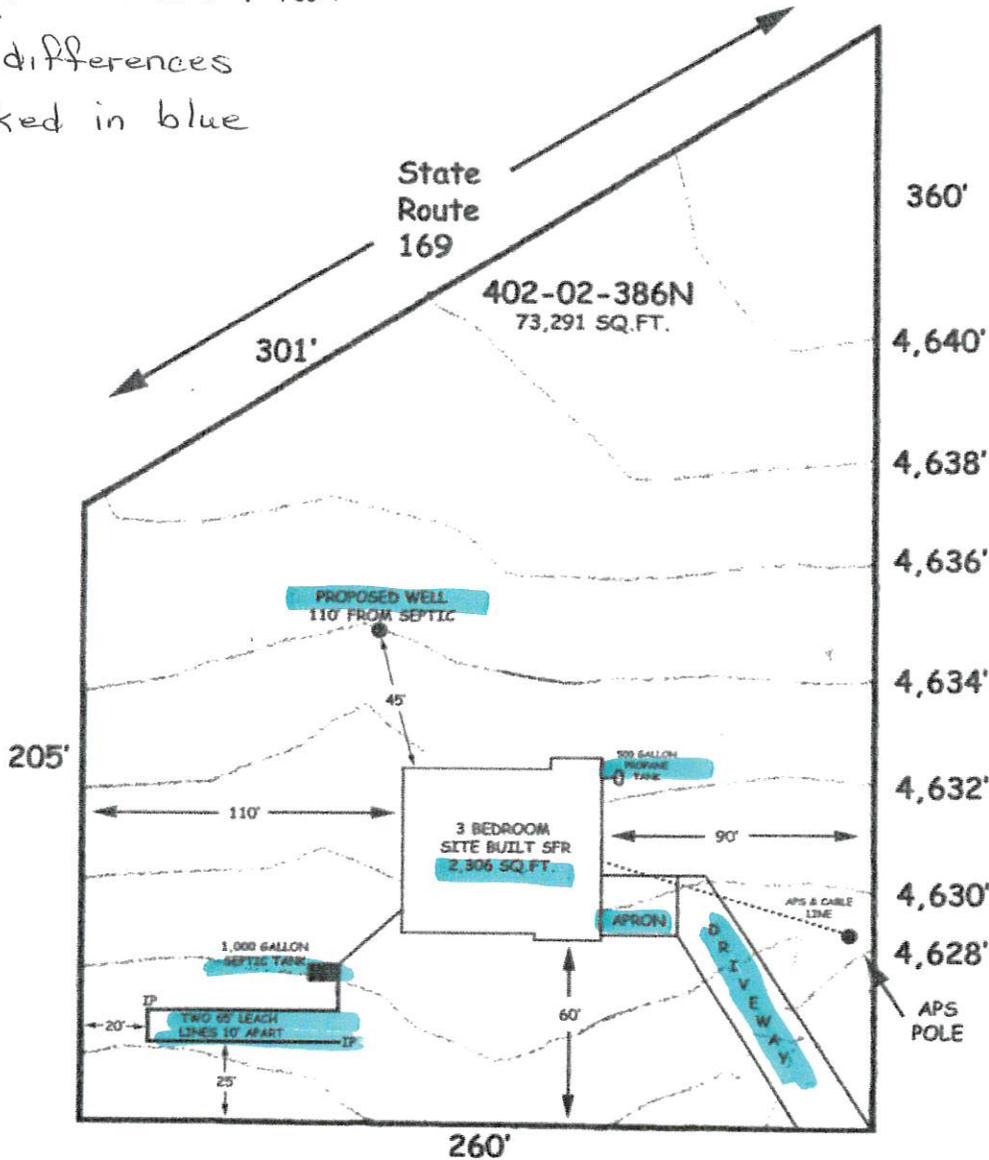
Zoning: **R1L-70**  
 Stories: **1**  
 Height: **24'**  
 Slope: **3-5 %**  
 FY:

RY:  
 EY:  
 IY:  
 LC:  
 Lot Area  
 Lot %  
 Density Used:

Scale: **1"=60'**



Original Plot Plan  
 All differences  
 marked in blue

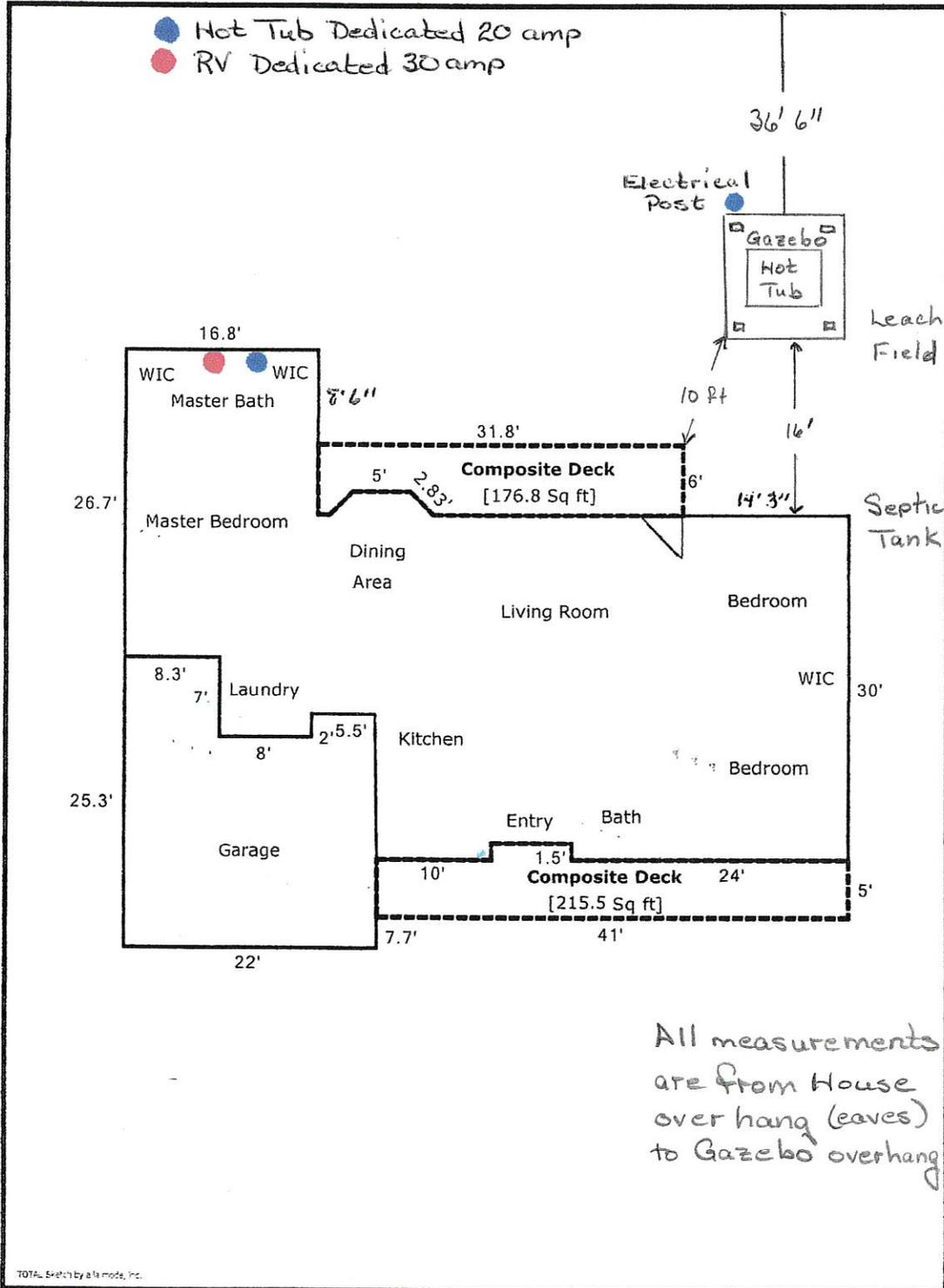


**MUST BE DRAWN TO SCALE PER CHECKLIST.** An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

**Building Sketch (Page - 1)**

Borrower	Mary Dallas			
Property Address	14110 E General Way			
City	Dewey	County	Yavapai	State AZ Zip Code 86327
Lender/Client	Wallick & Volk, Inc.			

General Way



State Rte 1169

May 1, 2019

Town of Dewey – Humboldt  
Board of Adjustment  
Parcel: 402-02-386N  
Item: V-19-002 Variance Request  
14110 E General Way

I am the property owner of the lot that borders Mary Dallas' on the southern side. She has talked about her desire to erect a gazebo to shade her hot tub ever since she bought the property. She had hoped to put her hot tub and gazebo along with a patio area outside her sliding door but found out about the setbacks while talking to the Town Clerk and other members of the staff.

I understand that further discussion with the staff revealed that in order to build her gazebo she needs to have a Variance approved. Our joint property line is where the Variance is being requested and I have no objections to the request.



Michael Generali

May 11, 2019

Town of Dewey – Humboldt  
Board of Adjustment  
Parcel: 402-02-386N  
Item: V-19-002 Variance Request  
14110 E General Way

Mary is our neighbor to the west. She asked us if we had any oppositions if she built a gazebo over her hot tub. She told us that she needs a Variance to build it and showed us where she wants to build it. We don't have any problems with her plans and the gazebo will not interfere with us in any way.



Anna Wojcik  
Kevin Wojcik  
14140 E General Way  
Parcel #402-02-386J

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**DEWEY-HUMBOLDT  
BOARD OF ADJUSTMENT TRAINING**

Susan D. Goodwin  
Gust Rosenfeld, PLC

**Introduction:**

The Board's two most important duties are.

1. Grant variances (adjustments) from the strict application of the Zoning Ordinance.
2. Hear and decide appeals from a decision or interpretation of the Zoning Administrator.

The Zoning Ordinance adds some duties that are discussed below.

State law requires that each city/town have a Board of Adjustment and sets forth the authority of the Board. Section 153.021 of the Dewey-Humboldt Zoning Ordinance implements State law. The Council appointed the five-member Board to serve terms of four years.

**Board Powers:**

**Variances:** The power to grant or deny variances is one of the most important powers the Board has. Variances insulate zoning codes from constitutional attack by relieving a particular land owner from unique hardship because his parcel is different from others in size, shape, topography, or location. A variance is appropriate only to bring the applicant to a substantial parity with other owners in the zone and not to give the applicant a better position than that enjoyed by his neighbors.

The Board may *only* grant variances from the terms of the Zoning Ordinance that meet the following requirements:

1. Special circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings within the same district.
2. The literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
3. The alleged hardships caused by literal interpretation of the provisions of the zoning ordinance include more than personal inconvenience and financial hardship and do not result from the acts of the applicant.
4. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same district.

Written findings as to each of the above requirements should be made part of the Board's record.

The Board may not:

1. Make any changes in the uses permitted in any zoning classification or district;
2. Make any changes in the zoning ordinance; or
3. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner

Applications for variances are filed with the office of the Zoning Administrator. Applications for variances shall, at a minimum, include the following:

1. Evidence showing why, due to special circumstances or conditions applicable to the property, including its size, shape, topography, location or surroundings, of the zoning ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district; and
2. Evidence showing that the variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located; and
3. Evidence that the special circumstances applicable to the property were or are not self-imposed by the property owner; and
4. Evidence showing why granting the variance substantially meets the intent and purpose of the zoning district in which the property is located, and will not detrimentally affect the health or safety of the neighborhood residents or the public welfare or be injurious to property or improvements.

### ***Appeals from Decisions of the Zoning Administrator***

The Board hears and decides appeals from a decision, determination or interpretation made by the Zoning Administrator in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement a zoning ordinance. An appeal stays the decision of the Zoning Administrator.

### ***Other Powers of the Board***

The Zoning Ordinance sets forth additional duties of the Board:

1. Hear and decide appeals from decisions of the Zoning Administrator in requests for minor adjustments (variances) and from the Hearing Officer for decisions regarding violation complaints. This is authorized by Section 152.019F.

2. Reverse or affirm, wholly or partly, or modify the order or decision appealed from and make such order or decision as ought to be made; and
3. Interpret the Zoning Ordinance when the meaning of any word, phrase, or section is in doubt, or where doubt exists as to the proper district of a specific use.

## **Quasi-Judicial Nature of the Board**

Board proceedings are quasi-judicial in nature

1. "Quasi-judicial body" means a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims (A.R.S. § 38-431(6)).
2. Board is limited to the evidence presented at the hearing.

## **Ex parte communications are prohibited.**

Ex parte communications are communications related to a matter to be heard by the Board and which are made to or by a member of the Board outside a Board meeting. This should be avoided.

1. The parties are entitled to a fair impartial hearing so they must be provided the right to rebut any information you are provided outside of the hearing.
2. Remember you are the final decision maker outside of an appeal and your decision along with the record may be reviewed on appeal.
3. Does not apply to communications between members of the Board and Town staff.
4. If a Board member receives an ex parte communication, the Board member shall place the communication in the public record or enter into the record a statement describing the time, place and content of the communication.

## **Hearing Procedure.**

1. The Board's hearings are public. A minimum of 15 days' notice must be given by posting the notice on the property and by publishing once in a newspaper.
2. Chair introduces case and opens public hearing.

Staff presents report and responds to questions from Board members.

Applicant presents case, including witness testimony, and responds to questions from Board members.

Public comments and testimony are taken.

Applicant may rebut comments from public or staff.

Staff may provide clarification or provide information regarding matters raised during the hearing.

Public hearing is closed.

Board deliberates and decides the case.

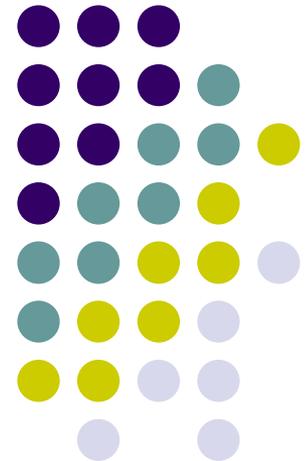
3. The Board must issue a decision within 30 days after the initial hearing on same, unless an extension is agreed to by the Board and the applicant.
4. The Board may impose reasonable conditions necessary to achieve the general purposes and objectives of the Zoning Ordinance and to protect the public health, safety and general welfare or to ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
5. A vote of a majority of a quorum of the Board is required for a decision.
6. The record should be clear and exhibits clearly labeled and made a part of the record.

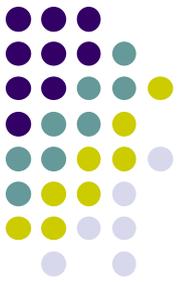
### **Appeals From Decisions of The Board Of Adjustment**

1. Appeals are filed in the Superior Court as a special action within 30 days after the decision.
2. The person appealing must show that the decision was against the evidence, erroneous or illegal.
3. Appeals are solely on the record, not a trial de novo.
4. The record of the proceedings must be certified and forwarded to the superior court in an appeal.
5. An appeal stays all proceedings unless the Zoning Administrator certifies to the Board that in his/her opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property.

# Town of Dewey- Humboldt

## Board of Adjustment Training

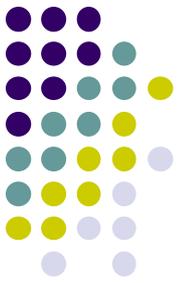




# Introduction

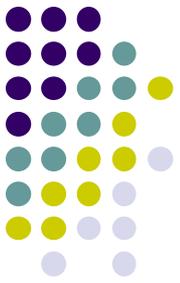
- State law requires Board of Adjustment.
- State law sets forth the authority of the Board.
- Town Code Section 153.021 implements State law.
- Council appoints five-member Board to serve terms of four years.

# Board Powers - Variances



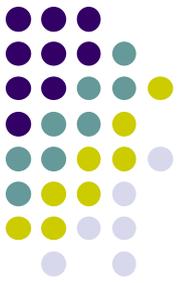
- Hear and decide applications for variances.
- Hear and decide appeals from decisions of the Zoning Administrator on applications for minor adjustments.
- Hear and decide appeals from a decision, determination, or interpretation made by the Zoning Administrator of the Zoning Code.
- Hear and decide appeals from the Hearing Officer's decision regarding a complaint.

# Board Powers - Variances



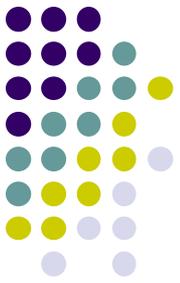
- Permission to depart from the literal requirements of a zoning ordinance by virtue of unique hardship due to special circumstances regarding the person's property.
- Provides relief from strict application of the Zoning Code where the strict application would deprive the owner of privileges enjoyed by similar properties.

# Board Powers - Variances



- May be granted as to development and site regulations, such as site dimensions, yards, height, distance between structures, open space requirements, signage dimensions, fences and walls.
- May NOT be granted for a change in USE.

# Board Powers - Variances



- May NOT make changes to the Zoning Code.
- May NOT grant a variance if the special circumstances are self-imposed.



# Board Powers - Variances

## Required Findings:

- There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
- Literal interpretation of zoning ordinance would deprive applicant of rights enjoyed by other properties in the district;
- Hardships caused by literal interpretation include more than personal inconvenience and financial hardship and are not self-imposed; and
- The variance will not grant special privilege to owner.



# Board Powers - Other

- Appeals from decisions of Zoning Administrator
  - Minor adjustments
  - Interpretations of the Zoning Ordinance
  - Modify, reverse, affirm decision of Zoning Administrator

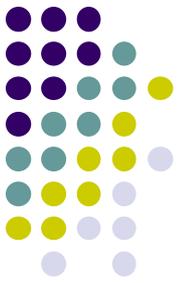
# Quasi-Judicial Nature



Board proceedings are quasi-judicial in nature:

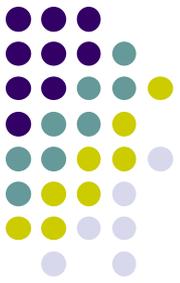
- It is a public body, other than a court, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims (A.R.S. § 38-431(6)).
- Board is limited to the evidence presented at the hearing.

# Ex Parte Communications



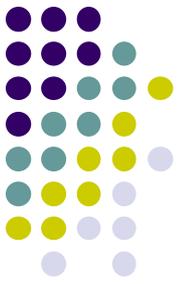
- Communications related to a matter to be heard by the Board
- Made to or by a member of the Board outside a Board meeting.
- Denies fair impartial hearing because no ability to rebut.
- Does not apply to communications between members of the Board and Town staff.

# Ex Parte Communications



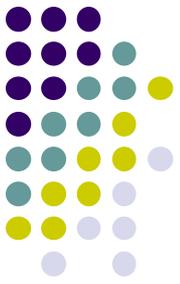
If a Board member receives an ex parte communication, the Board member shall place the communication in the public record or enter into the record a statement describing the time, place and content of the communication.

# Board of Adjustment Hearing Procedure

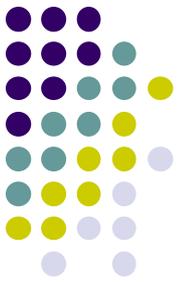


- Board meetings and hearings are public.
- Chair convenes Board meeting.
- Chair introduces case and opens public hearing.
- Staff presents report and responds to questions from Board members.
- Applicant/Appellant presents case, including witness testimony, and responds to questions from Board members.

# Board of Adjustment Hearing Procedure



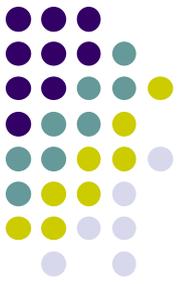
- Public comments and testimony are taken.
- Appellant may rebut comments from public or staff.
- Staff may provide clarification or provide information regarding matters raised during the public hearing.
- Public hearing is closed.
- Board deliberates and decides the case.



# Decisions of the Board

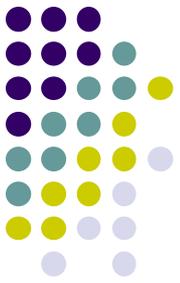
- Must be detailed and include appropriate findings.
- Record should be clear, with exhibits clearly labeled and made a part of the record.
- Shall be rendered within 30 days of the hearing.

# Appeals from Board of Adjustment Decision



- Appeals are made by filing a Complaint in Superior Court as a Special Action within 30 days after the Board's decision.
- Once an appeal is filed, all proceedings with respect to the case are stayed.
- Record of Board proceedings must be certified and forwarded to Superior Court for consideration by the Court.
- Appeals are heard solely on the record from the Board of Adjustment proceeding - not de novo.
- The Court may affirm or reverse, in whole or in part, or modify the Board's decision.

# Questions?





TOWN OF DEWEY-HUMBOLDT

"Arizona's Country Town"

RECEIVED

Community Development P.O. Box 69 Humboldt, AZ 86329

V-19-003

MAY 02 2019

www.dhaz.gov

Phone: 928-632-7362, Fax: 928-632-7365

Dewey-Humboldt

DATE: 4-30-19 PARCEL # 402-07-069 PERMIT # 2-19-190084

PROJECT DESCRIPTION: Set up of 16x72 manufactured Home

- General Plan Amendment - Major, Minor, Pre-Application, etc. checkboxes

LEGAL DESCRIPTION:

Property Address: 13380 E prescott st, Number of Lots / Units Proposed: 1, Assessor's Parcel Number: 402-07-069, Parcel Size (Acres): 0.26

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water, Gas, Sewer, Electric, Cable checkboxes

GRADING:

- Yes, N/A checkboxes

Describe Public Access to Property:

APPLICANT INFORMATION and OWNER INFORMATION fields with handwritten names and addresses

\*NOTE: If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.

Signature of owner or representative: Carlos Guardado, Date: 5/2/2019

OFFICE USE ONLY

Table with columns for Approvals, Initials, Date, Permit Fee, Other Fee, Deposit, Subtotal, Total, Issue Date, and Receipt #



# TOWN OF DEWEY-HUMBOLDT Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50'; 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature \_\_\_\_\_

Date \_\_\_\_\_

5/2/2019

## Orientation of Plot Plan

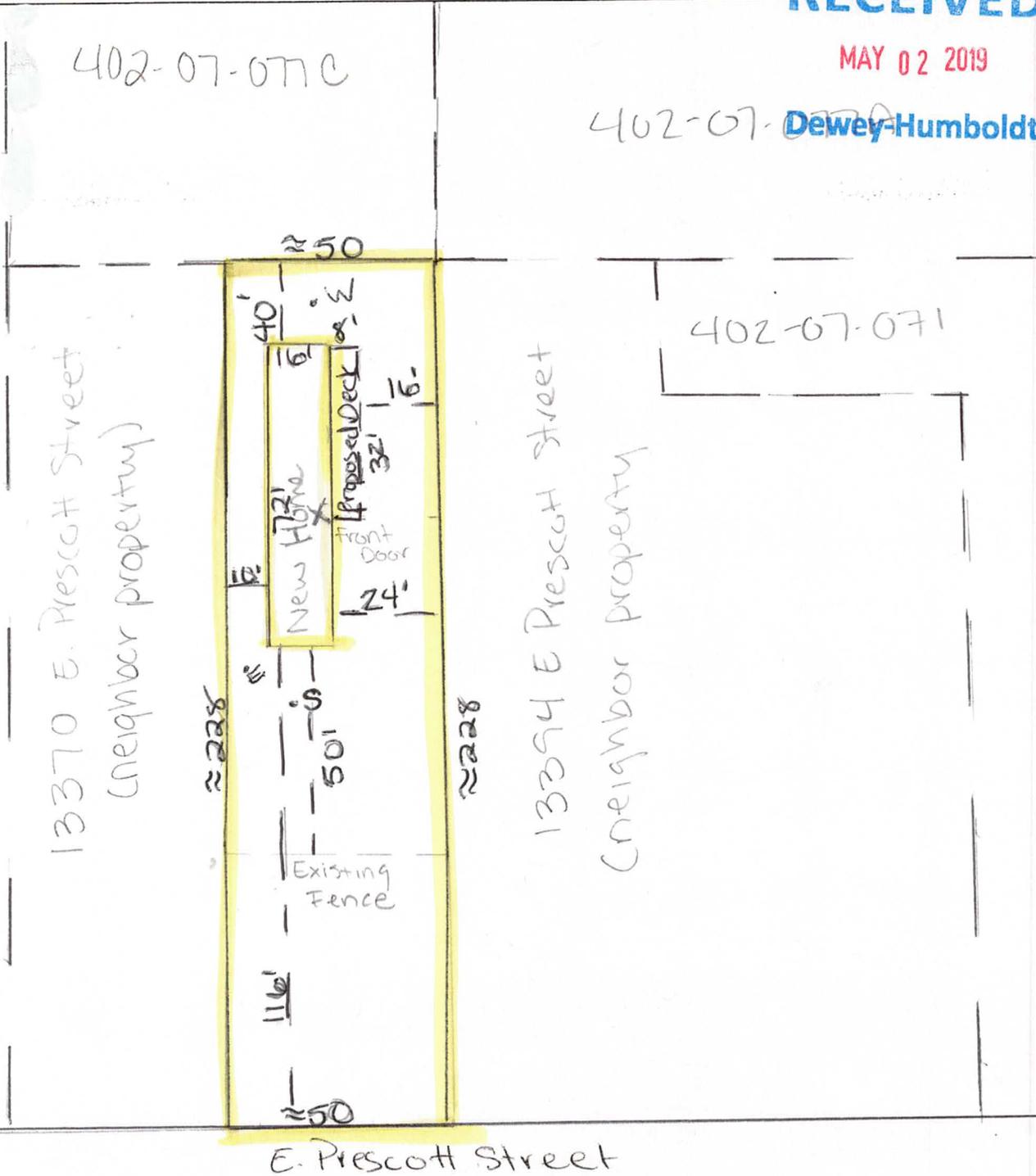
Dimension & Lettering ↑				

Dimension & Lettering

**RECEIVED**

MAY 02 2019

Dewey-Humboldt



Document # \_\_\_\_\_

Sec 114

I wn 113N

Rng 201E

APN 402-07-069

Zoning: N/A

Stories: \_\_\_\_\_

Height: \_\_\_\_\_

Slope: \_\_\_\_\_%

FY: \_\_\_\_\_

RY: \_\_\_\_\_

EY: \_\_\_\_\_

IY: \_\_\_\_\_

LC: \_\_\_\_\_

Lot Area 0.2600

Lot % \_\_\_\_\_

Density Used: \_\_\_\_\_

Scale: 1"=40'

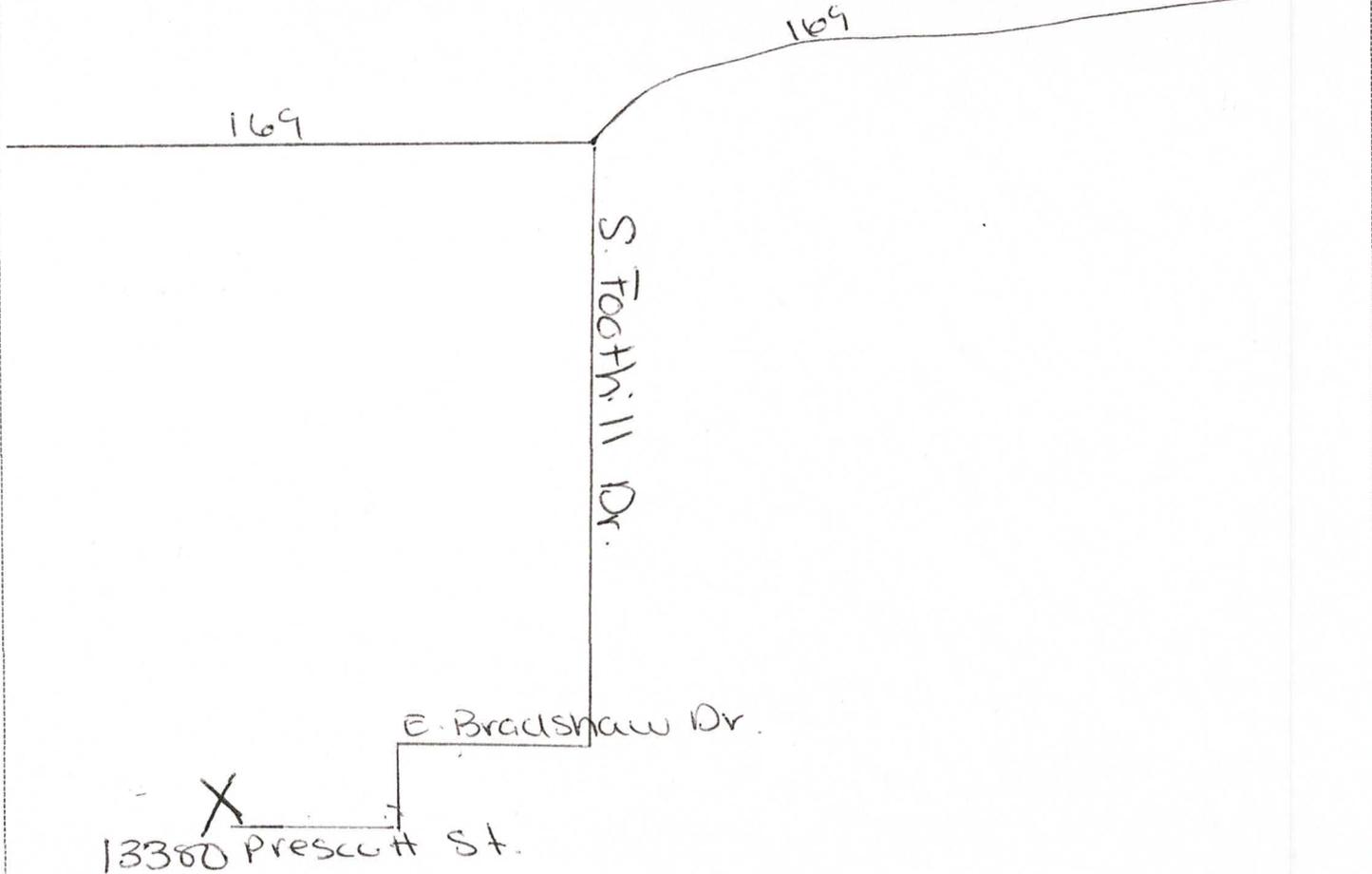
North Arrow

# Town of Dewey-Humboldt

## Directions to Site

- An actual detailed line map is needed, not written instructions.
- Use starting point of Highway 69 (a North to South Rd)
- Make sure **street names** and north arrows **ARE readable**.
- If the map is not adequate it could cause a delay in issuing your permit.

Parcel ID 402-07-069 Address 13380 E. Prescott St.





MAY 02 2019

TOWN OF DEWEY-HUMBOLDT  
Hearing Application for Variance

Dewey-Humboldt

Case.# V-19-003 Assessor's Parcel# 402-07-069

Name Carlos Guardado Supervisor District \_\_\_\_\_  
(Print)

In accordance with A.R.S. 9-462.06, a variance may be granted from the terms of the Town Planning and Zoning Ordinance if the following requirements are satisfied to the Board of Adjustments and Appeals by the applicant.

PLEASE ANSWER THE BELOW REQUIREMENTS.

1. The peculiar conditions that make it necessary for you to request a Variance from the Ordinance are: Moving home outside of Setbacks

2. The unnecessary hardship that would be created if you cannot obtain a Variance:

Home was purchased and size of lot is awkward size.

3. The general intent and purpose of the Zoning Ordinance (which is to conserve and promote the public health, safety, convenience and general welfare by coordinated and harmonious growth and development) will be preserved because:

NOTE: Generally, the peculiar condition and unnecessary hardship are situations that run-with-the-land, i.e., rocks, ditches, hills, washes, etc... that would prevent enjoyment of property rights if strict interpretation of the Ordinance were enforced. Personal and/or self-imposed conditions or hardships may be given consideration but may not be valid or substantial reasons for a Variance.

\_\_\_\_\_  
Applicant Sign and Date

instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

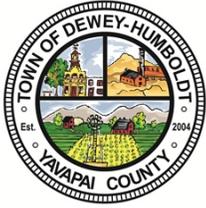
\_\_\_\_\_  
Notary Public

My Commission Expires:

**RECEIVED**

**MAY 02 2019**

**Dewey-Humboldt**



TOWN OF DEWEY-HUMBOLDT  
P.O. BOX 69  
HUMBOLDT, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365  
www.dhaz.gov

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# Staff Report

## Board of Adjustment Meeting

### May 28, 2019

Date: May 3, 2019

To: Board of Adjustment

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

#### Public Hearing Items:

#### ITEM #: V-19-002

**Request: Approve a variance of the front yard setback to allow a 36' 6" setback, where 50-foot front setback is required. The property is located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N.**

#### I. BACKGROUND

The applicant is seeking a variance to allow a 36' 6" front yard setback, where a 50-foot setback is required by code. The property is located at 14110 E. General Way and is zoned R1L-70, which requires a minimum area of 70,000 sq. ft. Town Code requires 50-foot front and rear yard setbacks, and 25-foot side yard setbacks.

The applicant appeared before the Board on April 23, 2019, and a public hearing was opened on the requested variance. At that time, discussion with the Board revealed that the applicant was not certain of the exact dimension of the setback and they requested additional time to arrive at a decision and bring it back to the Board.

We have received additional information and clarification from the applicants (see attached), as well as letters of support from their neighbors and a revised request for a variance to allow a 36' 6" front yard setback.

**ITEM #: V-19-003**

**Request: Approve a variance of the front yard setbacks to allow a 16-foot and 10-foot side setbacks, where 20-foot side setbacks are required. The property is located at 13380 E. Prescott St. in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-07-069.**

**I. BACKGROUND**

The applicant is seeking a variance to allow a 16-foot and 10-foot side yard setbacks, where 20-foot side setbacks are required by code. The property is located at 13380 E. Prescott St, near downtown. The property is zoned R1-35, which requires a minimum area of 35,000 sq. ft. Town Code requires 40-foot front and rear yard setbacks, and 20-foot side yard setbacks. This lot, and most others in the Wells Addition Subdivision, were created back in 1918, having a width of 50 feet, and a depth of approximately 230 feet. The applicant has no trouble meeting the 40-foot front and rear setbacks, however complying with the two 20-foot side setbacks would leave 10 feet of width for accommodating a home. That is not practical and works a hardship on the applicants that is not of their own doing.

Until recently, there was a singlewide mobile home on the site that has since been demolished. It is the desire of the applicants to replace the singlewide with a doublewide unit and to situate it such that they have a useable front yard to enjoy their property, and to install a small deck for sitting out. To accomplish their wishes for the siting of their new home, the applicants are requesting variances to the required 20-foot side yard setbacks to allow 10 feet on the east and 16 feet on the west.

**II. STAFF RECOMMENDATION**

1. The property is associated with "special circumstances" that make building on this historically narrow lot 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 1918 in the current configuration.
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.

Staff recommends that if the Board can make the findings on the Key Criteria Standards, which apply to the granting of a variance in each of the cases presented, the Board should grant the variances requested.