

**BOARD OF ADJUSTMENT  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
WEDNESDAY, FEBRUARY 19, 2020 9:00 A.M.  
DEWEY-HUMBOLDT TOWN HALL  
COUNCIL CHAMBERS  
2735 S. HWY 69, SUITE 10  
HUMBOLDT, ARIZONA 86329**

**NOTICE OF MEETING OF THE DEWEY-HUMBOLDT  
BOARD OF ADJUSTMENT**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Board of Adjustment and to the general public that the Board of Adjustment will hold a meeting open to the public on **Wednesday, February 19, 2020, at 9:00 a.m., at the Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329.**

**DEWEY-HUMBOLDT BOARD OF ADJUSTMENT 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 Gary Ford, Linda Horvath, 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 Board and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Board Member's request. If a citizen desires separate consideration of an item, he or she should approach a Board Member prior to the meeting and ask that the Board Member request that the item be removed.

**Page 3 A. Approval of Minutes of May 28, 2019, Board of Adjustment Meeting**

**5. Old Business**

**6. New Business**

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

**A. ITEM #: V-20-001:**

**Request:** Approve a variance of the side yard setbacks to allow 40-foot front yard setback, where a 50-foot front setback is required. The property is located at 13905 E. Quarterhorse Ln. in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-24-123.

**7 1. Staff Report**

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

### 3. Close Public Hearing

### 4. Board 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 \_\_\_\_\_, 2020, 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 Special Meeting: Tuesday, February 25 at 6:30 p.m.

Next Town Council Meeting: Tuesday, March 3, 2020 at 6:30 p.m.

Next Town Council Work Session: Tuesday March 10, 2020 at 6:30 p.m.

Next Board of Adjustment Meeting, if needed: Tuesday, March 24, 2020 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 Tim Mattix, Town Clerk.

## AGENDA ITEM 4. A.

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

MAY 28, 2019

A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON TUESDAY, MAY 28, 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 Linda Horvath, Nancy Wright, Vice-Chair Ulys Brooks, Chair Cheryl Taylor were present. Board Member Gary Ford was absent.
3. **Pledge of Allegiance** Led by Mary Dallas.

#### 4. **Consent Agenda**

##### A. **Approval of Minutes of April 23, 2019, Board of Adjustment Meeting**

BM Wright made a motion to approve the Minutes of April 23, 2019, Board of Adjustment Meeting, seconded by BM Horvath. Chair Taylor called for the vote on the motion: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye; BM Ford – absent. The motion passed unanimously.

#### 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.

Planning Consultant Steven Brown said we don't normally have Old Business, but we do today. He asked if the Board would consider moving Item # V-19-002 to New Business and deal with both hearings at the same time; and move Board of Training to the end of the meeting.

Vice-Chair Brooks made a motion to move Item # V-19-002 to New Business and Board of Adjustment Training to the end of the meeting, seconded by BM Wright. Chair Taylor called for the vote on the motion: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye; BM Ford – absent. The motion passed unanimously.

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

##### 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.

Chair Taylor stated at the last meeting the Board requested some additional information from the applicant, Mary Dallas. PC Brown stated the additional information has been provided and there is a slight change to the original request, instead of a 36' front setback, they are requesting a 36' 6" front setback. He said the applicants are here if there are any questions.

##### 1. **Staff Report**

Mr. Brown said Staff recommends that you make the following findings: 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.

Chair Taylor asked if we have any questions for the applicant. Ms. Dallas stated she took pictures of where the septic tank is located on the property and said the gazebo can't go on one side because the leach field is there and on the other side is the driveway and the propane tank. She said, based on the requirements of being 10' away from the house, the best she could do is 36' 6". Chair Taylor read the rest of the criteria and stated there were letters from the neighbors stating they agreed with the applicant's variance request.

Chair Taylor made a motion to approve the variance of 13' 6" for the property located at 14110 E. General Way in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-02-386N. She said it meets the criteria and that there is not another acceptable place for the gazebo; it assures the property owner of the same rights and privileges as other property owners in the same locale; it is not self-imposed, as the property was already set up that way; and, it has been approved by all of the neighbors. The motion was seconded by Vice-Chair Brooks. Chair Taylor called for the vote on the motion: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye; BM Ford – absent. The motion passed unanimously.

**B. 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**

Mr. Brown stated the property owners purchased the property and removed an existing, single-wide manufactured home for a new single-wide manufactured home. He said lots in the R1-35 Zoning District require setbacks that are difficult to meet being 50' wide lots with 20' side setbacks. Staff believes that the criteria can be met with a 10' wide setback on one side and 16' on the other, allowing for a deck on one side of the manufactured home. He stated this is a difficult area to try to put in a home.

There was Board discussion that Council had previously addressed this zoning and changed the setbacks. Mr. Brown stated the way it currently is, the applicants are requesting relief from the required setbacks. He said the Town should address the zoning for this area.

There was further Board discussion on whether the neighbors have been contacted and expressed any concerns. Mr. Brown stated the property has been posted for three weeks, the public notification has been in the newspaper and the abutting property owners have received first class mailing notices, with no comments returned.

There was Board discussion on whether other property owners have received similar setbacks. Mr. Brown stated he did not know the history but assumed they either did or they were overlooked when the Town was the County. He said there is no other way people could have built in there and that there are probably a few of them that are closer to the edges.

Vice-Chair Brooks made a motion to approve the variance of the 20' side yard setbacks and allow a 10' and 16' side yard setback for the property located at 13380 E. Prescott St. in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-07-069, seconded by BM Horvath. Chair Taylor called for the vote on the motion: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye; BM Ford – absent. The motion passed unanimously.

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

None.

**3. Close Public Hearing**

Chair Taylor made a motion to adjourn the Public Hearing, seconded by BM Wright. Chair Taylor called for the vote on the motion: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye; BM Ford – absent. The motion passed unanimously. Chair Taylor closed the Public Hearing at 9:17 a.m. and left the meeting.

## 7. New Business

### A. Board of Adjustment Training

The meeting was reconvened at 9:22 a.m. with Vice-Chair Taylor Ulys Brooks leading the meeting.

Town Attorney Goodwin presented Board of Adjustment (BOA) training. She said their primary job is to decide, if the circumstances are correct, that the strict terms of the zoning code should be varied. State law and the United States Supreme Court requires cities and towns to have a BOA because it is a part of their due process. It is implemented in Town Code 153.021 and the membership of the Board is five. The BOA hears and decides applications for variances; appeals from decisions of the Zoning Administrator on applications for minor adjustments; appeals from the Zoning Administrator's interpretation; and under the Town Code hear appeals from the Zoning Administrator on a complaint that has been filed.

Variances are a permission to depart from literal requirements of the Zoning Ordinance by virtue of unique hardships that are special to the property and are not self-imposed. They are almost always about the dimensions of the property or some restraint on the property. Variances can't be used to change a use.

There are four findings that have to be made in order to approve a variance; Special circumstances to the property; The variance is necessary to assure that this property owner enjoys the same rights and privileges as other property owner in the same locale; The special circumstances are not self-imposed; and The granting of the variance will not be detrimental to persons working or living in the vicinity.

Another power of the Board is hearing appeals from the decisions of Zoning Administrator.

The BOA is a quasi-judicial Board with quasi-judicial powers. That means that you are adjudicating the matters between the public agency, who has the zoning ordinance, and the person who is requesting a variance. The BOA is limited to the information they are given in order to make their decision. Members of the BOA cannot visit the property in order to make their decision.

Another part of the quasi-judicial Board is the ex parte communications. Ex parte communications are communications related to a matter to be heard by the BOA and is made to a member of the Board outside of a BOA meeting. This denies a fair and impartial hearing because the other side has no ability to rebut what has been said. This does not apply to communications between members of the Board and Town Staff.

The BOA is subject to the Opening Meeting Law. The Open Meeting Law states whenever there are three members in attendance, that constitutes a meeting. Ms. Goodwin stated all meetings are public. The Chair convenes the meeting and opens the Public Hearing. Staff presents their report to the BOA and responds to questions from the Board. Then, the applicant gets to present their case to the BOA and respond to questions from the Board. The Public Hearing then gets opened for public comment and the applicant may rebut comments from the public and Staff is available to provide clarification. Then, the Public Hearing is closed, and the BOA deliberates and decides the case.

There was Board discussion on not being able to visit the property. Ms. Goodwin stated it is because the BOA is a quasi-judicial body and is supposed to base your decision on the evidence that is presented to you.

The decision of the BOA must state why you have made your decision. Decisions must be rendered within 30 days and then the applicant has 30 days to file a complaint to appeal the decision. Under certain circumstances, someone other than the applicant might appeal if it causes them any harm economically. Appeals go to Superior Court and are heard solely on the record from the BOA proceedings.

There was Board discussion on zoning codes and setbacks on parcels. Ms. Goodwin stated you should be dealing with fixing the code if you continue to get the same variance over and over.

There will be circumstances where you would have to abstain if you have a conflict of interest. If the applicant is a relative, you should abstain. If the applicant can't get an impartial hearing because you might be biased, you should abstain. There was further Board discussion with Ms. Goodwin on having a conflict of interest. Ms. Goodwin stated maybe you shouldn't be on the BOA if you feel you can't act because of repercussions.

The Board questioned not being able to visit a property. It was brought up that they were advised to visit properties in the past and they felt that by looking at the property, it helped them make their decision. Ms. Goodwin said she didn't recommend the BOA going to the property, but if you do, make sure you disclose it for the record.

The Board questioned the correct procedure in making a motion to accept or reject the recommendation of Staff. Ms. Goodwin said the best practice is for the motion to include the findings of Staff's recommendation and state the reasons for the record. She said if you don't agree with the recommendation, you need to question the applicant or make the Staff better articulate the facts.

The Board asked what happens if there is an appeal and the record goes to Superior Court. Ms. Goodwin stated that the BOA is done at this point, unless there is an immediate threat to the health and safety to the Town or the party involved.

The Board asked when standing to appeal is applicable. Ms. Goodwin stated in order to have standing to appeal, you must have an economic interest in it.

Ms. Goodwin asked Mr. Brown if he had any questions. He stated the biggest thing that he deals with are the irregular lots. He said there are a lot of lots that are 25' wide, in an R135 zoning, and require setbacks that are bigger than the lot itself. He said there are some properties that are split by the zoning districts. Ms. Goodwin stated you are not supposed to have properties that are split by zoning, but if you do, she said it's time to look at the Zoning Code. There was further Board discussion on the irregularities of some of the properties here in Town. Mr. Brown stated he has attempted to address these irregularities with the Council, but Council wants to leave these issues up to the property owners. Mr. Brown stated an even bigger problem is that the County Recorder does not make any judgment decisions on what is given to them to record. They record whatever they are given, even if it is not factual. Then, the Recorder gives that to the Assessor for them to map and start taxing. Ms. Goodwin stated this needs to be addressed in the Zoning Code and not on a case-by-case basis through the BOA.

## 8. Adjourn

BM Wright made a motion to adjourn, seconded by BM Horvath. Vice-Chair Brooks called for the vote: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor - absent; BM Ford – absent. The motion passed unanimously. The meeting was adjourned at 10:18 a.m.

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Chair Cheryl Taylor

ATTEST:

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Beth Evans, Administrative Assistant II

RECEIVED

JAN 24 2020

V-20-001



TOWN OF DEWEY-HUMBOLDT  
"Arizona's Country Town"

Development Permit  
Application

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

www.dhaz.gov

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

DATE: 1-5-2020 PARCEL # 402-24-123 PERMIT # 2-20-200027

PROJECT DESCRIPTION: NEW CONSTRUCTION VARIANCE REQUEST

- General Plan Amendment - Major
- General Plan Amendment - Minor
- Pre-Application
- Community Master Plan
- Major Use / Site Plan
- Preliminary plat
- Commercial Design Review
- Annexation
- Zoning Clearance
- Conditional Use Permit
- Abandonment
- Rezone
- Land split
- Lot Combine
- Variance
- Area Plan / Amendment
- Final Plat / Amendment
- Land Use District
- Reasonable Accommodation: (Complete and attach Reasonable Accommodation Request Form.)

LEGAL DESCRIPTION:

Property Address: 13905 E QUARTERHORSE LN Number of Lots / Units Proposed: 1  
 Assessor's Parcel Number: 402-24-123 Parcel Size (Acres): 2.07  
 Existing Land Use District: \_\_\_\_\_ Proposed Land Use District: \_\_\_\_\_  
 Plat Name: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Tract: \_\_\_\_\_

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water WELL
- Gas \_\_\_\_\_
- Sewer SEPTIC
- Phone \_\_\_\_\_
- Electric \_\_\_\_\_
- Cable \_\_\_\_\_

GRADING:

- Yes Approx. CU \_\_\_\_\_
- N/A

Describe Public Access to Property: \_\_\_\_\_

APPLICANT INFORMATION:

Name: RYAN PILGRIM  
 Address: \_\_\_\_\_ DENEY, AZ 86327  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

OWNER INFORMATION:

Name: RYAN PILGRIM  
 Address: 13905 E QUARTERHORSE LN DENEY, AZ 86327  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

\*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 \_\_\_\_\_

Date 1-5-2020

OFFICE USE ONLY

APPROVALS	INITIALS	DATE	PERMIT FEE	ISSUE DATE:
PLANNING & ZONING			\$ <u>250.00</u>	1/24/2020
PUBLIC WORKS			\$ _____	
YC FLOOD			\$ _____	RECEIPT # <u>R396750</u>
OTHER			\$ _____	
			DEPOSIT	
			OTHER FEE	
			SUBTOTAL	
			TOTAL	



**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 \_\_\_\_\_

**Orientation of Plot Plan**

Dimension & Lettering ↕				
Dimension & Lettering ↔				

Document #

Sec

Twn

Rng

A P N

Zoning: \_\_\_\_\_

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

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

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

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

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

BY: \_\_\_\_\_

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

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

Lot Area \_\_\_\_\_

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

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

Scale: \_\_\_\_\_

North Arrow

**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.**



# Town of Dewey-Humboldt Directions to Site

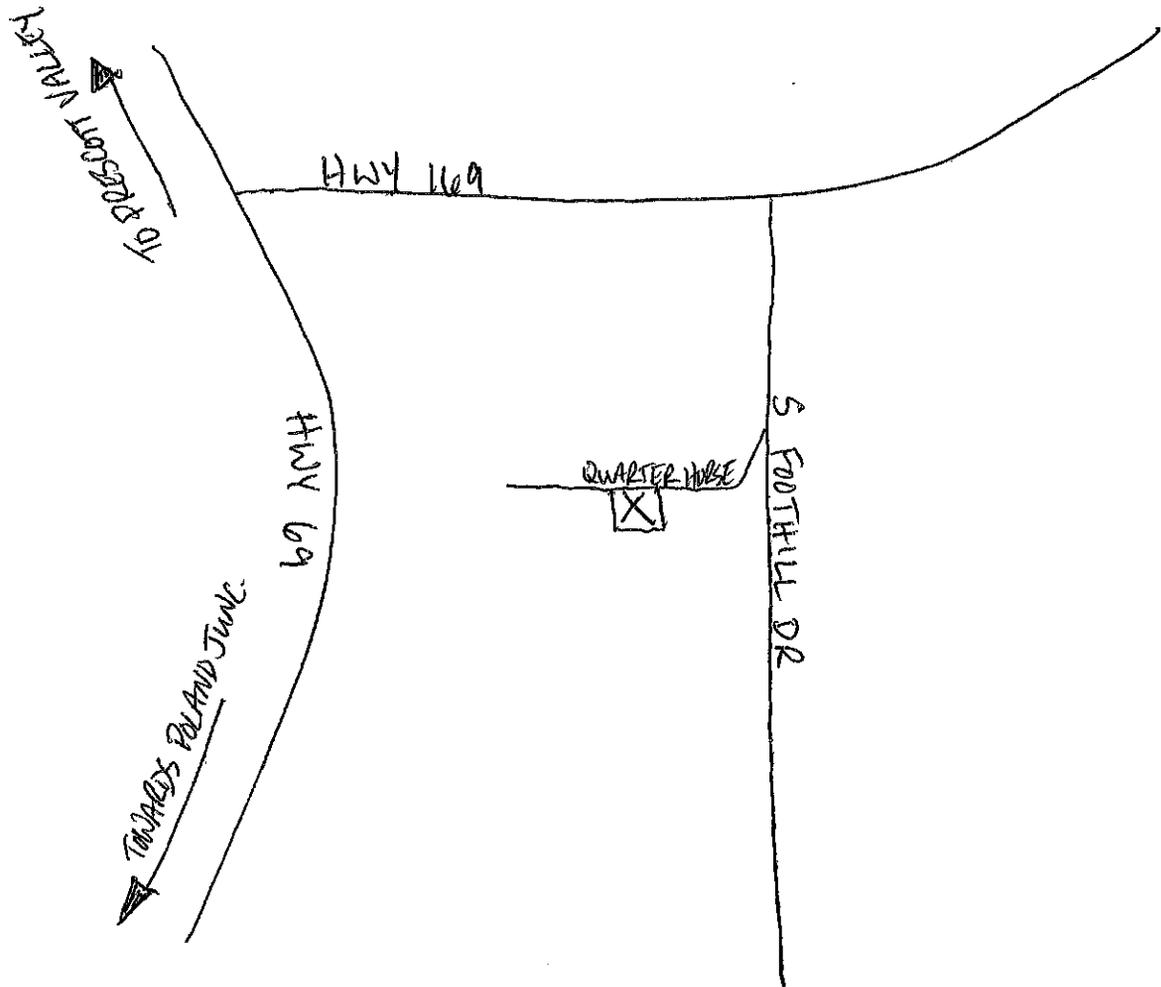
Name: RYAN PILGRIM

Phone Number: [REDACTED]

Assessor's Parcel Number 402-24-123

Site Address: 13905 E QUARTER HORSE LN DEWEY, AZ 86327

Instructions: Provide a detailed line map for directions to the site address. Include land marks, significant buildings, main highway, street names and North direction arrow.





DEWEY-HUMBOLDT BOARD OF ADJUSTMENT  
HEARING APPLICATION

2-20-200027

Date of Application 1-5-2020 Case # V-20-001 Parcel Number(s) 402-24-123

Name of Applicant (appellant) RYAN PILGRIM

Applicant owner     Other (explain) \_\_\_\_\_

Current Zoning District R1-70 Year of Purchase 2019 Year of Construction 2020

Is the applicant requesting a:

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. WORKING WITH MARC DeBROY ENGINEERING + STEVE MOLL,

I HAVE A PROPOSED SITE PLAN RECOMMENDED BY MARC IN WHICH  
A FRONT PORCH WOULD INTRUDE ON THE CURRENT 50' SETBACK  
TO THE FRONT OF THE PROPERTY. I AM ASKING /REQUESTING A  
VARIANCE OF NOT MORE THAN 10' -OR- 40' SETBACK FROM FRONT OF  
PROPERTY.

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

YES. HOWEVER, THE EXTENT WAS UNKNOWN. BECAUSE AN EXTENSIVE  
WATERSHED ENGINEERING SURVEY WAS REQUESTED, THIS TOOK  
6-8 WEEKS TO COMPLETE THE REPORT / FINDINGS

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

THE PARCEL IS CURRENTLY VACANT WITH NO HOME ON SITE. THERE IS A  
WELL / WELL HOUSE + 1000 GAL SEPTIC SYSTEM ALREADY INSTALLED  
FROM A PREVIOUS MANUFACTURED HOME THAT HAS BEEN REMOVED.



**TOWN OF DEWEY-HUMBOLDT**  
P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365

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

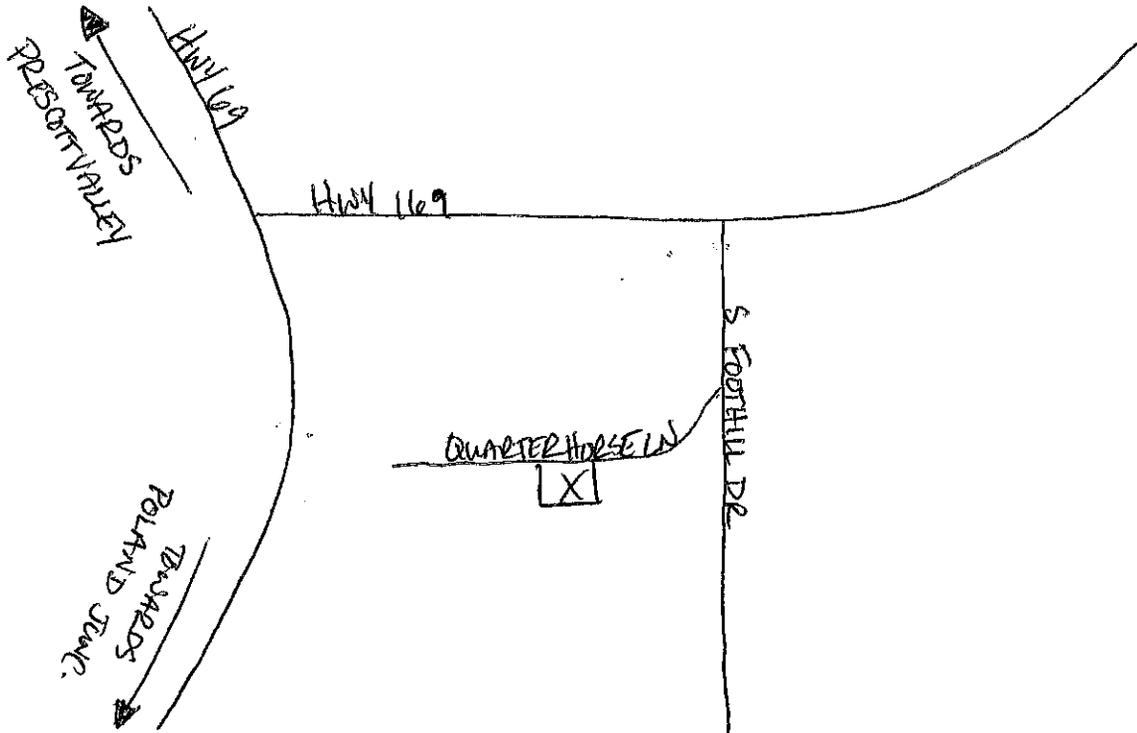
If this is an appeal from the decision of the Zoning Administrator, please attach a copy of the Zoning Administrator's Final Determination, and supporting records and documentation.

Phone #'s: Home: N/A Cell: [REDACTED] Fax: N/A

Email: [REDACTED] Other: \_\_\_\_\_

Convenient time(s) property may be visited ANYTIME - PROPERTY IS VACANT

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





**TOWN OF DEWEY-HUMBOLDT**  
P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 • 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.)**



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P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 • 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 PARCEL IS NOT CONSIDERED TO BE IN A FLOOD ZONE, BUT IS AFFECTED BY THE SIZE OF THE CULVERT INSTALLED UNDER FOOTHILL DR. THE "POTENTIAL" WATERSHED COMBINED WITH THE TOPOGRAPHY WAS CREATED DIFFICULTY IN A PROPOSED SITE PLAN FOR A NEW SITEBUILT HOME TO BE CONSTRUCTED

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.

PLEASE REFERENCE ABOVE...

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.

N/A

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.

THIS VARIANCE WILL NOT AFFECT ANY RESIDENTS LIVING IN THE VICINITY OF THIS PARCEL.

**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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Phone 928-632-7362 • 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)  
MARC DUBROY IS AVAILABLE UPON REQUEST [REDACTED]
- 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 928-632-7362 • Fax 928-632-7365

**COMMUNITY DEVELOPMENT DEPARTMENT  
PERMISSION TO ENTER PROPERTY**

Application #: \_\_\_\_\_ Parcel #: 402-24-123 Unit/Lot #: 123  
Legal Description (see attached): SIERRA DELLS LOT 123  
Applicant(s): RYAN PILGRIM  
Address: 13905 E QUARTERHORSE LN Phone No.: [REDACTED]

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: 1-5-2020

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

**FLOOD HAZARD ANALYSIS REPORT**

**APN: 402-24-123**

13905 E. Quarterhorse Lane  
Dewey-Humboldt  
Yavapai County, Arizona



Prepared for:

Ryan Pilgrim  
2205 S. Tiffany Ln  
Dewey, AZ 86327

July 20, 2019

DE Job No. 19002



7660 E. Gato De Luna  
Prescott Valley, AZ 86315  
Ph: (928) 533-7062

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**List of Exhibits**

Exhibit 1: FLOOD HAZARD AREA MAP

**Other Attachments**

(Site Plan will be submitted separately)

## I. INTRODUCTION

The subject property is a 2 acre parcel located in the SE ¼ of Section 11, T13N R1E. It is currently vacant but had been previously developed in the 1990's, so some improvements remain such as the well, septic system, electrical service, and an accessory structure. The parcel is impacted by an unnamed watercourse that runs southwesterly across the land. Although the watercourse is not identified as a floodplain on the FEMA Flood Insurance Rate Map (FIRM) Panel 2115G, it does have a significant tributary watershed area and a potential for flooding that has not been evaluated by any previous study. In order to redevelop the property, the Town of Dewey-Humboldt requires that the extent of the 100-year floodplain and Base Flood Elevations (BFE) be determined for the property. This report presents the detailed hydraulic analysis necessary to establish that information. Site specific improvement plans will be submitted separately at a later date.

## II. SURVEY & MAPPING INFORMATION

Topographic mapping for this area was obtained from Yavapai County. The map data was created in 2010 from aerial LiDAR survey of the area, and consists of 2 foot contours and surface model data. Aerial photos were not produced by the mapper. The data is projected to State Plane Coordinates (Arizona Central, NAD83) on the NAVD-88 vertical datum and has been used in that form for this study.

## III. HYDROLOGY

The 100 year peak discharge was determined by using the USGS Regression Equation method for Arizona, as updated in the USGS Scientific Investigations Report 2014-5211. That data is accessed through the USGS StreamStats website, which is an interactive GIS application that provides streamflow statistics based on the USGS report.

At a point just downstream of the subject property, the drainage area was determined to be 1.37 square miles with a 100 year peak discharge of 1180 cubic feet per second (cfs). A printout of the result is included in Appendix A.

## IV. FLOODPLAIN ANALYSIS

The watercourse that traverses the property is an ephemeral wash that flows in direct response to rainfall in the tributary watershed east of the property. There is not a well-defined channel per-se, but the primary flow location is evident from the flat sandy bottom. At the upstream end where the wash enters the property, the sandy bed has a width of about 8' and there is a slight channel embankment about 1' high. The wash runs southwesterly on a straight alignment through the property as the channel bank indication disappears and the bottom widens gradually to about 12' and then flares out near the downstream property line.

The main part of the wash has an almost uniform cross section with little variation or irregularity through the study reach. There are few rocks or cobbles visible. There are no meanders or obstructions, and vegetation consists of mainly grasses. Beyond the sandy bottom, the overbank areas consist of native cohesive soils with grasses and small shrubs. Accordingly, Manning's n-values of .030 and .040 were selected for the channel and overbank areas, respectively.

Hydraulic backwater analysis was performed using the U.S. Army Corps of Engineers HEC-RAS software (version 4.1). The modeling baseline follows the sandy bottom of the wash and cross sections were defined at intervals approximately 50 feet apart through the subject property. Upstream of the subject property, it is apparent that floodwaters in the wash would overtop Quarterhorse Ln just downstream of the culvert under Foothill Drive., and then flow on the north side of Quarterhorse as well as over the top of it. As the flow approaches the subject property, it would tend to cross back over Quarterhorse to the south side but remain hydraulically connected to the main flow for some distance as the pathway along the north side fades out. That flow is deemed to be effective for this model but has little impact on water surface elevations across the building site on the subject property. It is mentioned here to acknowledge the overall flow characteristics of the watercourse during a large flood event that would inundate the front of the lot as well as the main channel area.

The results of the backwater model for existing conditions indicate that the flow in the main channel area is about 2 to 3.2 feet deep with velocities in the 8 feet per second (fps) range. In the buildable area of the overbank, depths are generally less than 2.5 feet and velocities are less than 5 fps. Base Flood Elevations (BFEs) for particular building locations will be determined at the time of plan preparation.

An obstruction analysis was performed to demonstrate that the proposed construction would not have an adverse impact on the capacity of the watercourse. Adverse impact is defined as increasing the water surface elevations by more than 1 foot at any point. The obstruction was modeled as occupying the entire area bounded by the zoning setbacks and the channel embankment on the right overbank, shown on Exhibit 1 as "Buildable Area". This is very conservative approach because actual obstructions due to improvements would likely occupy a much smaller area. The results of this proposed conditions model show that the increase in water surface elevations would be less than the allowed 1 foot throughout the reach for any construction within the buildable area.

The Flood Hazard Area is shown on Exhibit 1 and the modeling results and summary output are included in Appendix B.

## **V. PROPOSED DEVELOPMENT**

The owner intends to redevelop the property consistent with the current residential (R1-70) zoning. The construction type and structure elevation method have not been decided yet, so plans for the site work will be submitted separately

at a later date. The site conditions will accommodate a site built or manufactured home and typical accessory structures. In either case, structure foundations shall be designed by an Engineer to withstand the anticipated depths and velocities at the structure location. Fill may also be placed within the buildable area.

During construction of improvements, the Engineer will verify substantial conformance with plans prepared by the Engineer, and provide an Elevation Certificate upon substantial completion of the improvements.

It is also noted here that any construction outside the flood hazard area on the south side of the subject property is also acceptable, although any access road to improvements on that side would generally need to be at grade across the wash.

#### **VI. SCOUR & EROSION ANALYSIS**

The standard erosion setback of 20 feet (YCFCD Flood Damage Prevention Ordinance Sec 5.8) from the top of wash bank is shown on Exhibit 1. New construction closer to the wash may require lateral erosion protection measures and will be addressed with site specific plans if needed.

#### **VII. OWNERSHIP AND USE OF DOCUMENTS**

This report and all drawings, plans, specifications, documents, and/or electronic data furnished pursuant to the contract between the Engineer and the Client are deemed instruments of service, and the Engineer retains the ownership and property interests therein, including the copyrights thereto. All instruments of service prepared under this agreement are for the sole and exclusive use of the Client and Engineer and not for the benefit of any other party or subsequent property owners unless expressly agreed to by the Engineer.

#### **VIII. CAUTION TO CLIENT**

Any improvements constructed in a flood hazard area can be expected to sustain a certain degree of damage during a major flooding event. In preparing these documents, the Engineer has used normally accepted engineering practices to analyze and design the improvements detailed herein. However, this is not a guaranty that these or any improvements in or near a flood hazard area will not be subject to damage from flooding. The degree of flood protection provided by the Engineer's design reduces the risk of damage to a reasonable level as defined by the National Flood Insurance Program, but it does not eliminate that risk. Flood heights may be increased by man-made or natural causes not accounted for, and storms may occur that are of larger magnitude and intensity than that used for this analysis. By choosing to construct in a flood hazard area, the Client and property owner assume all risk of damage from flooding or erosion.

## IX. REFERENCES

Arizona Department of Water Resources, Flood Mitigation Section, **State Standard 2-96, Delineation of Riverine Floodplains and Floodways in Arizona**, July 1996

Arizona Department of Water Resources (ADWR), **State Standard 5-96, Watercourse System Sediment Balance**, September 1996

Arizona Department of Water Resources (ADWR), **Design Manual for Engineering Analysis of Fluvial Systems**, 1985

Federal Emergency Management Agency, **Flood Insurance Study, Yavapai County, Arizona**, Rev. March 6, 2018

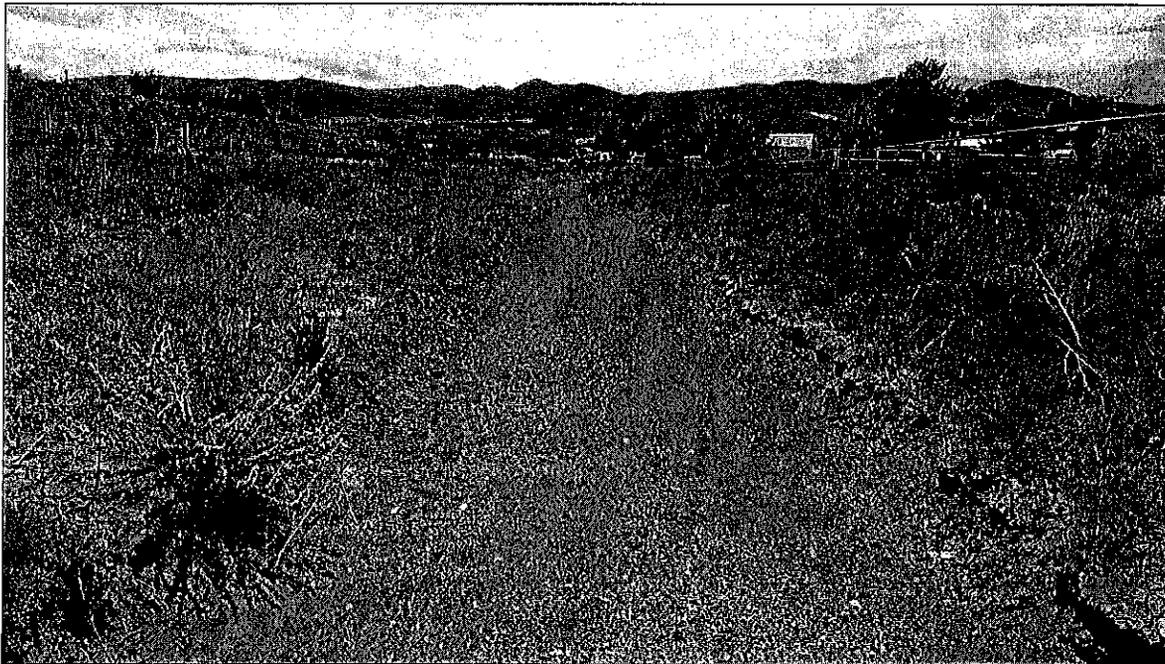
U.S. Army Corps of Engineers, Hydrologic Engineering Center, **HEC-RAS River Analysis System**, Software Version 4.1.0, January 2010

U.S. Geologic Survey, **Methods for Estimating Magnitude and Frequency of Floods in Arizona, Developed with Unregulated and Rural Peak-Flow Data through Water Year 2010**, Scientific Investigations Report 2014-5211

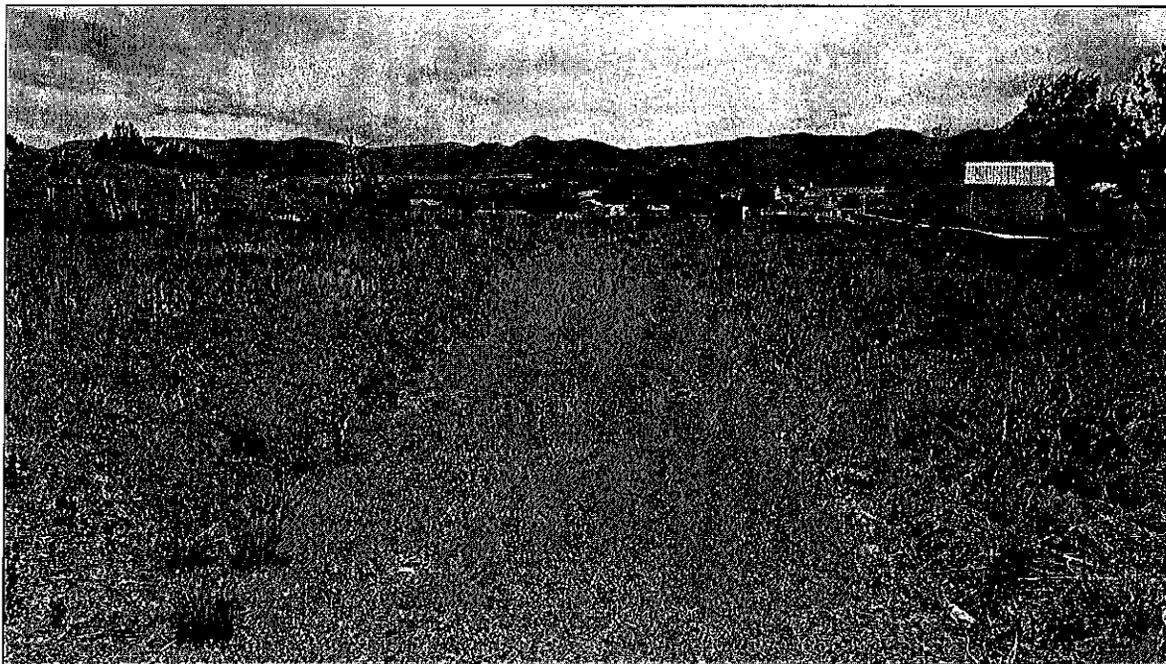
Yavapai County Flood Control District, **Drainage Design Manual for Yavapai County**, July 2015

*(Note: Not all of these references are cited in the text, but the guidance offered by these documents is generally used in the preparation of this study.)*

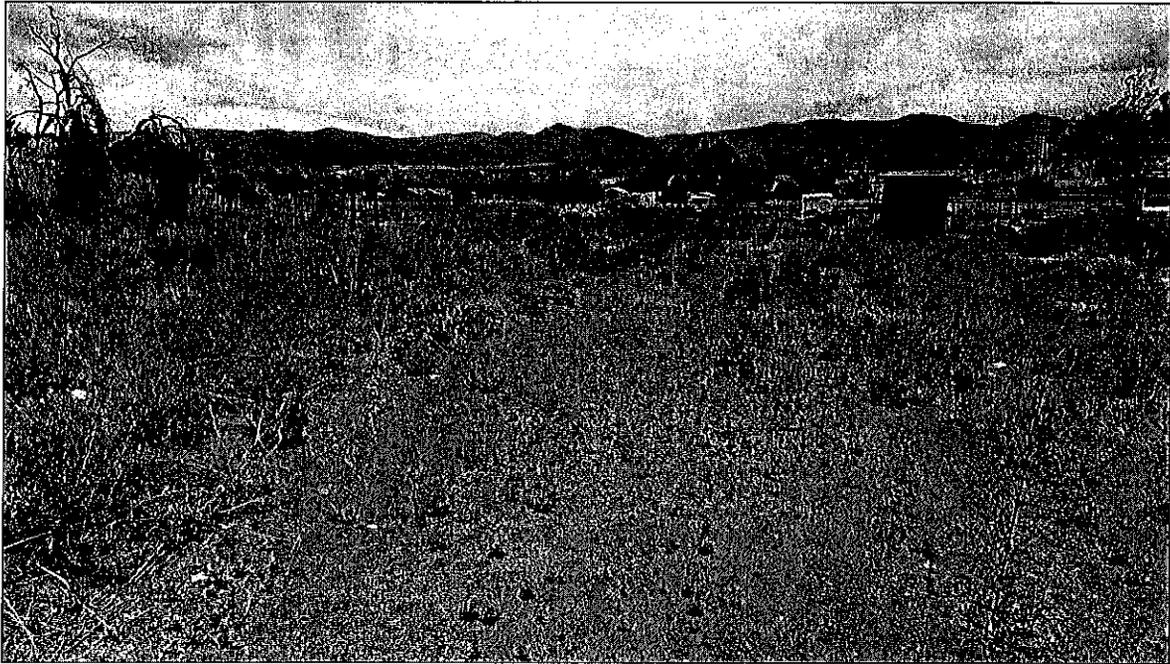
**X. PICTURES**



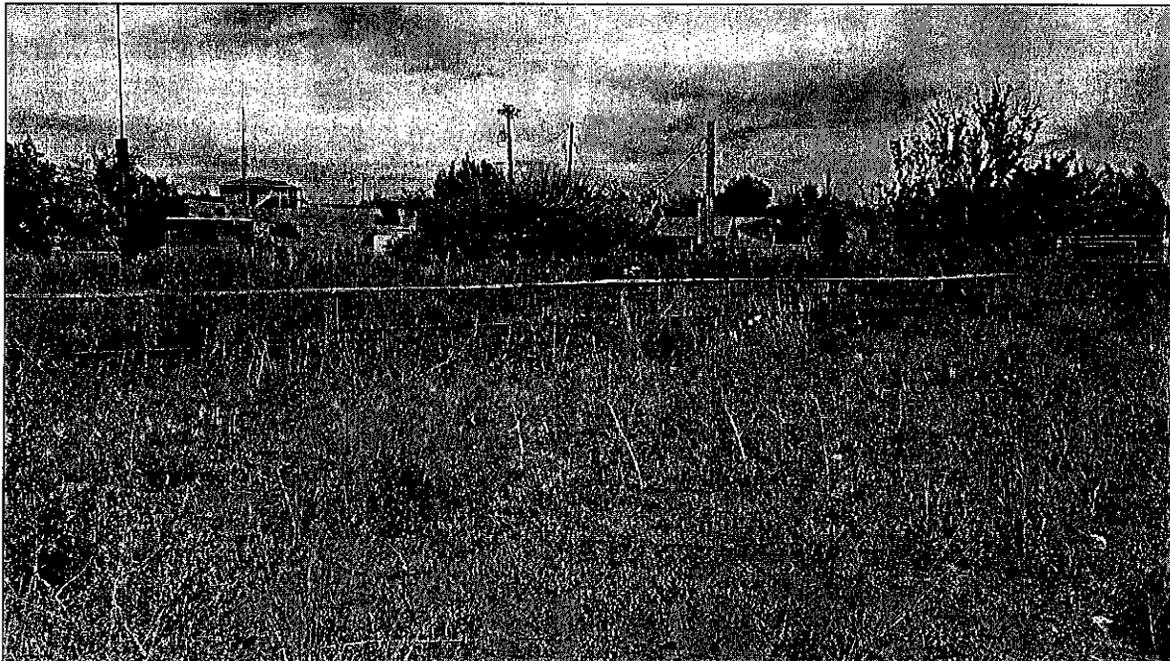
Picture 1:  
Standing in wash near upstream end of subject property, looking downstream.



Picture 2:  
Standing in wash near middle of study reach, looking downstream.



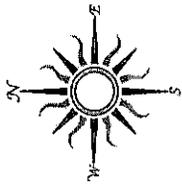
Picture 3:  
Standing in wash near downstream end of subject property, looking downstream.



Picture 4:  
Standing in wash near middle of property, looking north towards buildable area.

## XI. EXHIBITS

SCALE: 1" = 100'



THE FLOODPLAIN BOUNDARY SHOWN IS FOR THE PURPOSE OF ESTABLISHING THE AREA OF INUNDATION AND 100-YEAR BASE FLOOD ELEVATIONS FOR THE SUBJECT PROPERTY ONLY. THE DATA IS NOT INTENDED TO BE APPLICABLE TO SURROUNDING PROPERTIES.

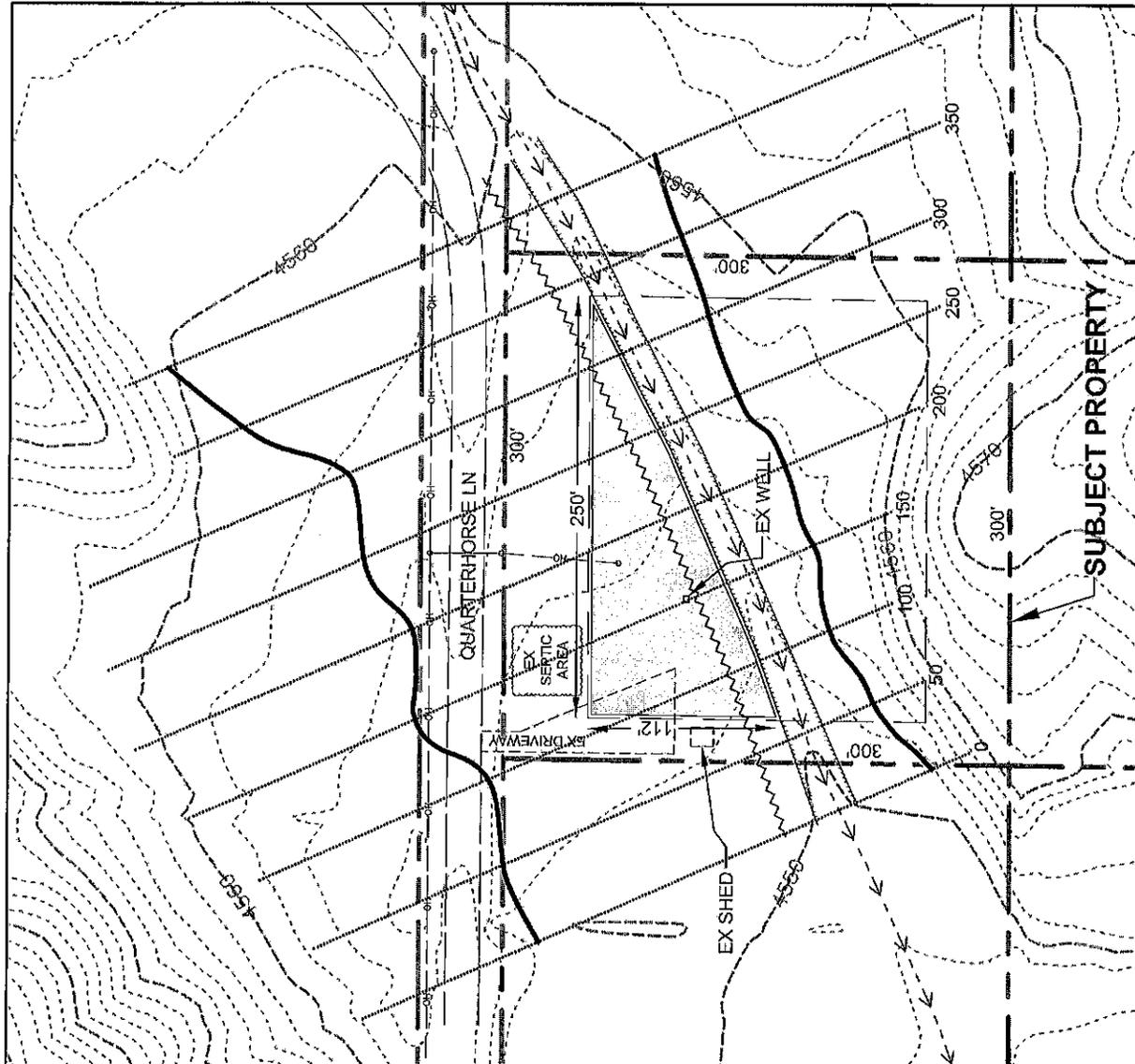
**LEGEND**

- PROPERTY LINES
- - - ZONING SETBACKS
- - - EX OVERHEAD WIRES
- - - EX ROADWAY
- - - EX INDEX CONTOURS
- - - EX INTER CONTOURS
- - - WASH FLOWLINE
- - - CHANNEL BANKS
- - - MODEL CROSS SECTIONS
- - - CALCULATED FLOODPLAIN
- - - EROSION SETBACK
- ▭ BUILDABLE AREA

- NOTES:**
1. THE "BUILDABLE AREA" IS SHOWN TO GIVE THE CLIENT A SENSE FOR THE SIZE OF THE AVAILABLE AREA ON WHICH STRUCTURES CAN BE BUILT.
  2. STRUCTURES BUILT SOUTH OF THE EROSION SETBACK LINE WILL REQUIRE PROTECTION MEASURES TO MITIGATE POTENTIAL LATERAL EROSION HAZARDS.
  3. DEPTH OF FLOW ACROSS THE BUILDABLE AREA RANGES FROM 1 TO 2.5 FT, AND VELOCITIES ARE IN THE RANGE OF 3 TO 5 FPS.
  4. TOPOGRAPHIC MAPPING WAS OBTAINED FROM YCFCD, ALL ELEVATIONS ARE REFERENCED TO THE NAVD-88 VERTICAL DATUM.

WATER SURFACE ELEVATIONS

STA	WSEL
350	4559.20
300	4557.76
250	4556.79
200	4555.63
150	4554.73
100	4554.19
50	4552.87

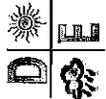


**FLOOD HAZARD AREA EXHIBIT 1**

APN: 402-24-123  
 13905 E. QUARTERHORSE LN  
 DEWEY-HUMBOLDT, ARIZONA

THIS EXHIBIT IS PART OF A REPORT; IT IS NOT INTENDED AS A STAND-ALONE MAP

DUBROY ENGINEERING, L.L.C.  
 7660 E. Gato De Luna, Prescott Valley, AZ 86315  
 E-mail: dubroyeng@commspaceaz.net  
 Ph: (928) 533-7052



BY: MWD    PROJ: 19002    DATE: 07/19/2019

**APPENDIX A: HYDROLOGIC DATA**



PII: Prediction Interval-Lower, Plu: Prediction Interval-Upper, SEp: Standard Error of Prediction, SE: Standard Error (other -- see report)

Statistic	Value	Unit	PII	Plu	SEp
2 Year Peak Flood	67.4	ft <sup>3</sup> /s	16.5	276	101
5 Year Peak Flood	195	ft <sup>3</sup> /s	79.8	477	57
10 Year Peak Flood	334	ft <sup>3</sup> /s	176	636	40.3
25 Year Peak Flood	597	ft <sup>3</sup> /s	373	956	29
50 Year Peak Flood	859	ft <sup>3</sup> /s	552	1340	27.1
100 Year Peak Flood	1180	ft <sup>3</sup> /s	758	1840	27.1
200 Year Peak Flood	1550	ft <sup>3</sup> /s	949	2540	28.9
500 Year Peak Flood	2170	ft <sup>3</sup> /s	1240	3820	35

*Peak-Flow Statistics Citations*

**Paretti, N.V., Kennedy, J.R., Turney, L.A., and Veilleux, A.G., 2014, Methods for estimating magnitude and frequency of floods in Arizona, developed with unregulated and rural peak-flow data through water year 2010: U.S. Geological Survey Scientific Investigations Report 2014-5211, 61 p., <http://dx.doi.org/10.3133/sir20145211>. (<http://pubs.usgs.gov/sir/2014/5211/>)**

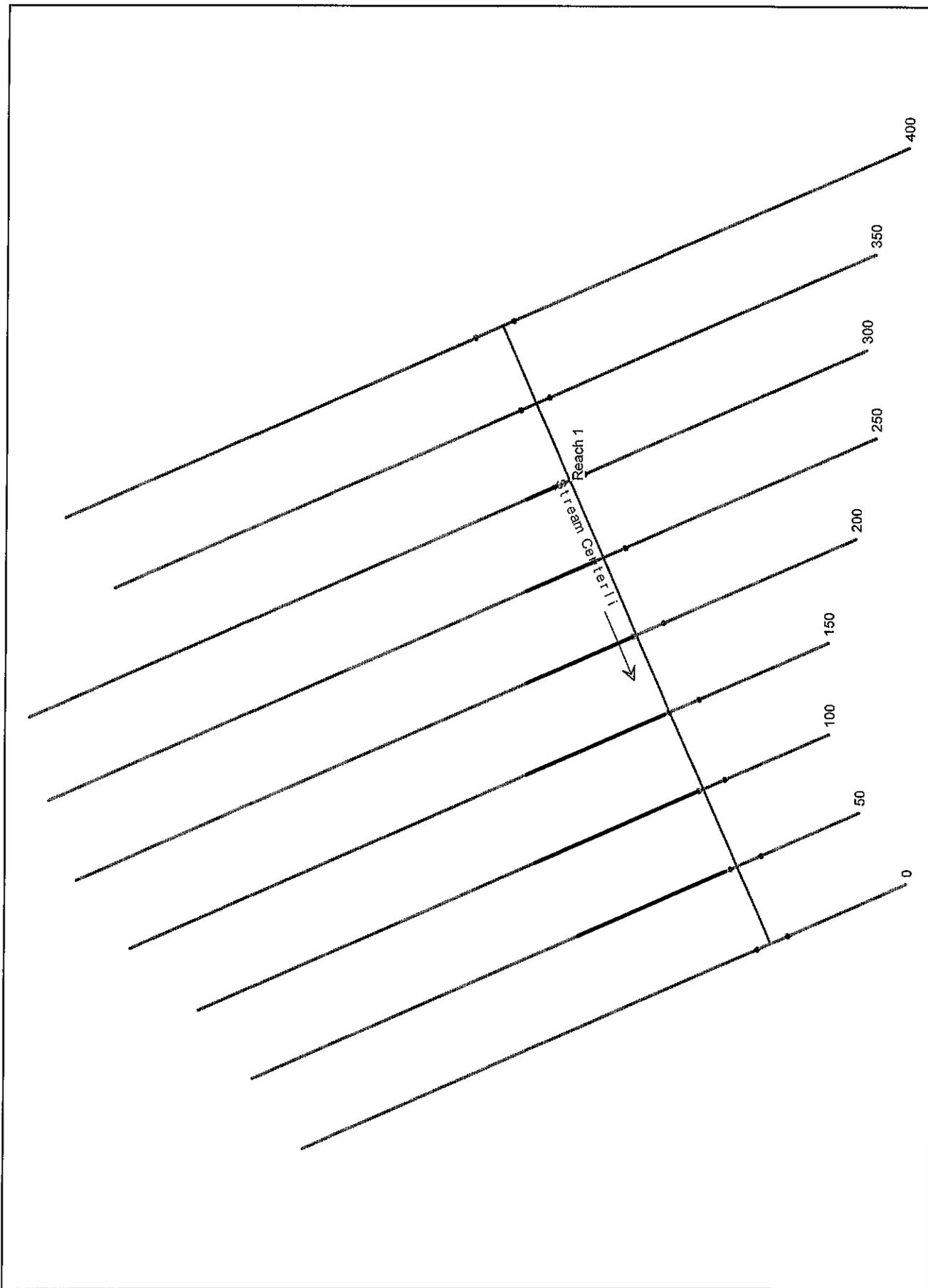
USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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USGS Product Names Disclaimer: Any use of trade, firm, or product names is for descriptive purposes only and does not imply endorsement by the U.S. Government.

Application Version: 4.3.8

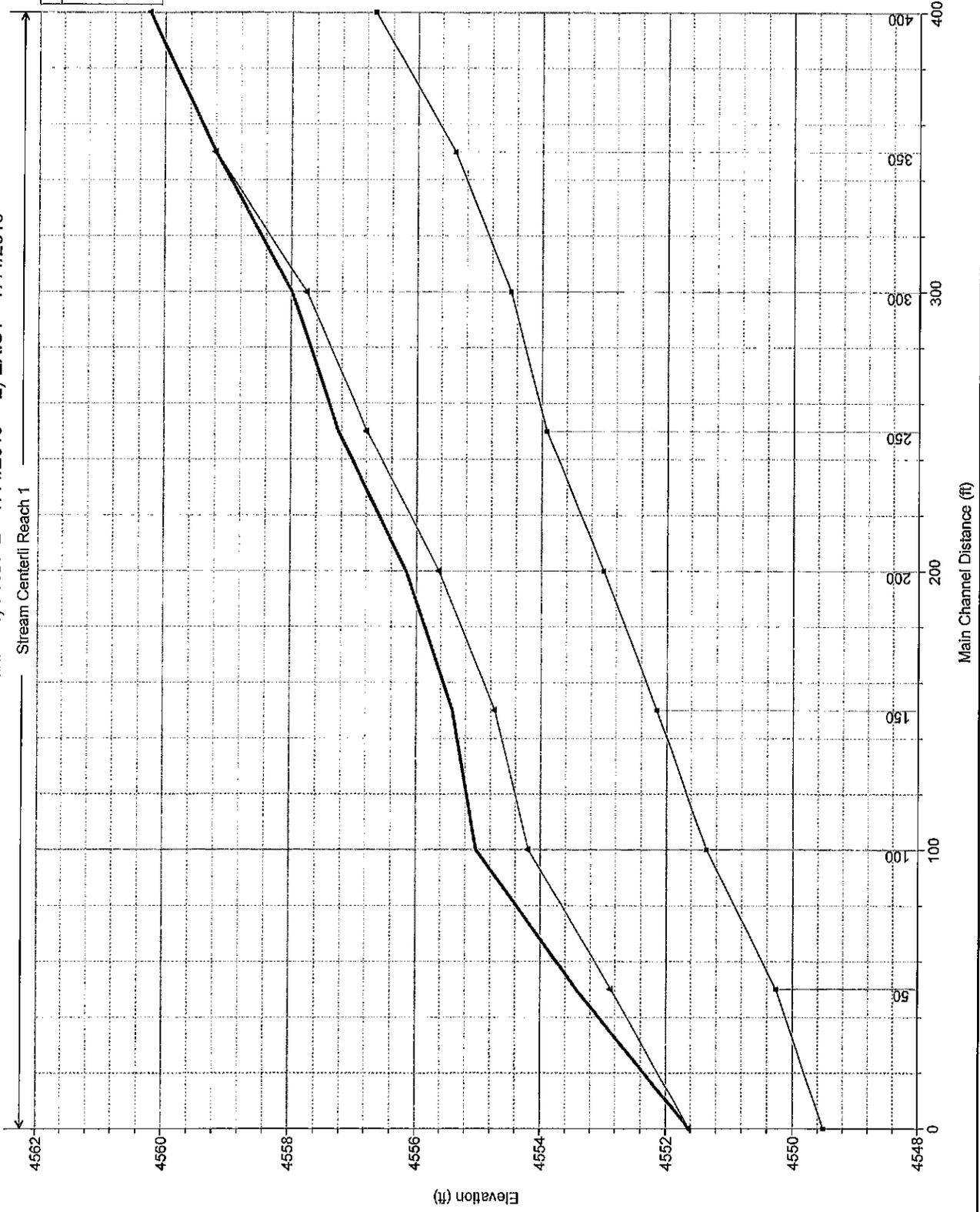
**APPENDIX B: HYDRAULIC MODELING**



402-24-123 Plan: 1) PROP 2 7/11/2019 2) EXIST 7/11/2019

Stream Centerline Reach 1

Legend	
—	WS FP-100 - PROP 2
—	WS FP-100 - EXIST
—	Ground



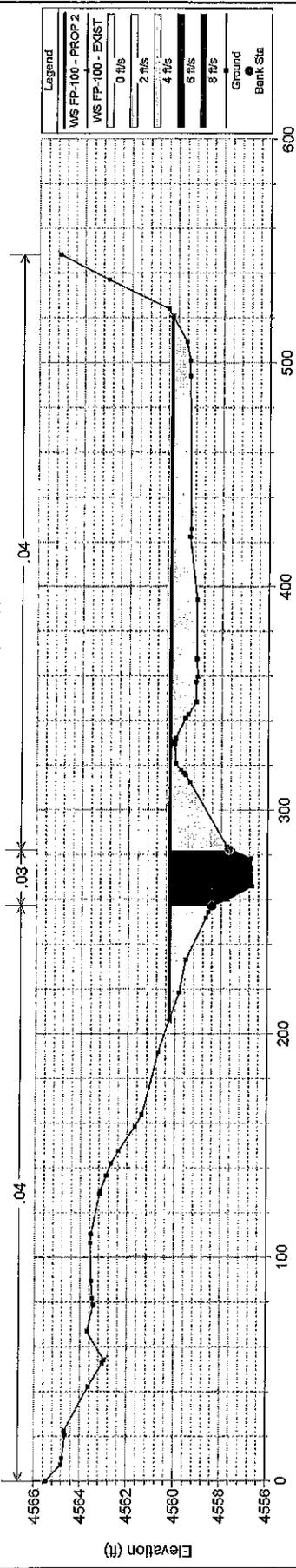
HEC-RAS River Stream Centerfil Reach: Reach 1 Profile: FP-100

Reach	River Sta	Profile	Plan	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Invert Slope	Vel Total (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # XS	Mann Wtd Total
Reach 1	400	FP-100	PROP 2	1180.00	4556.68	4580.24	4560.24	4560.68	0.004637	0.0258	3.50	336.76	314.38	0.91	0.030
Reach 1	400	FP-100	EXIST	1180.00	4556.68	4560.24	4560.24	4560.68	0.004637	0.0258	3.50	336.76	314.38	0.91	0.030
Reach 1	350	FP-100	PROP 2	1180.00	4555.39	4559.20	4559.20	4559.70	0.005612	0.0178	3.75	314.56	283.91	0.94	0.032
Reach 1	350	FP-100	EXIST	1180.00	4555.39	4559.20	4559.20	4559.70	0.005612	0.0178	3.75	314.56	283.91	0.94	0.032
Reach 1	300	FP-100	PROP 2	1180.00	4554.50	4557.99	4557.99	4558.57	0.007845	0.0116	4.72	250.19	219.10	1.01	0.030
Reach 1	300	FP-100	EXIST	1180.00	4554.50	4557.99	4557.99	4558.57	0.007845	0.0116	4.83	244.14	205.07	1.00	0.030
Reach 1	250	FP-100	PROP 2	1180.00	4553.92	4557.25	4557.25	4557.81	0.007883	0.0184	4.57	258.31	251.85	1.06	0.028
Reach 1	250	FP-100	EXIST	1180.00	4553.92	4556.79	4556.79	4557.42	0.009431	0.0184	5.22	226.10	206.54	1.07	0.029
Reach 1	200	FP-100	PROP 2	1180.00	4553.00	4556.17	4556.17	4556.83	0.008020	0.0170	4.92	239.63	190.05	1.02	0.031
Reach 1	200	FP-100	EXIST	1180.00	4553.00	4555.63	4555.63	4556.16	0.009366	0.0170	4.73	249.72	207.98	0.94	0.034
Reach 1	150	FP-100	PROP 2	1180.00	4552.15	4555.41	4555.41	4556.02	0.006764	0.0158	4.86	242.95	186.35	0.91	0.032
Reach 1	150	FP-100	EXIST	1180.00	4552.15	4554.73	4554.73	4555.24	0.009075	0.0158	4.59	256.89	217.44	0.93	0.034
Reach 1	100	FP-100	PROP 2	1180.00	4551.36	4555.03	4555.03	4555.69	0.006129	0.0220	4.82	244.74	189.00	1.01	0.028
Reach 1	100	FP-100	EXIST	1180.00	4551.36	4554.19	4554.19	4554.70	0.008192	0.0220	4.42	266.72	219.77	0.92	0.035
Reach 1	50	FP-100	PROP 2	1180.00	4550.26	4553.43	4553.43	4554.08	0.007295	0.0150	4.95	238.53	165.43	0.95	0.032
Reach 1	50	FP-100	EXIST	1180.00	4550.26	4552.87	4552.87	4553.35	0.008382	0.0150	4.31	274.03	238.72	0.91	0.035
Reach 1	0	FP-100	PROP 2	1180.00	4549.51	4551.63	4551.63	4552.06	0.010650		4.41	267.51	253.59	0.91	0.036
Reach 1	0	FP-100	EXIST	1180.00	4549.51	4551.63	4551.63	4552.06	0.010650		4.41	267.51	253.59	0.91	0.036

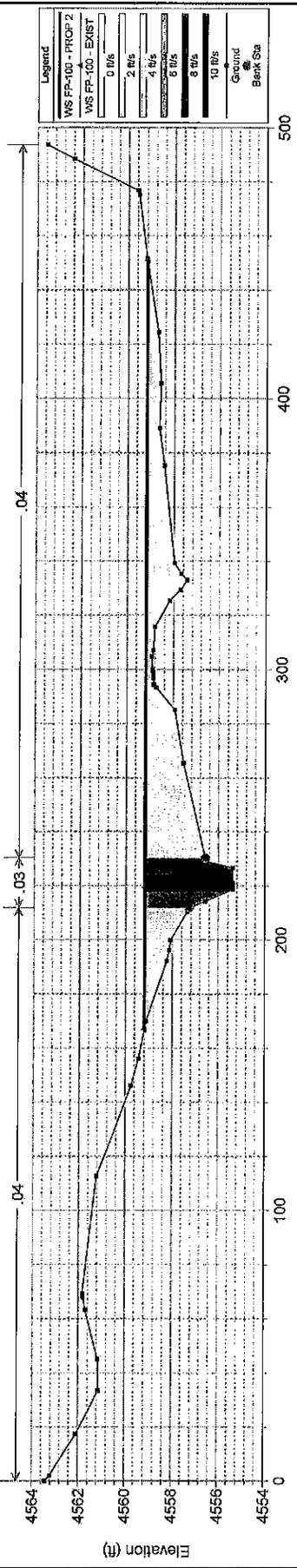
HEC-RAS River Stream Centerline Reach: Reach 1 Profile: FP-100

Reach	River Sta	Profile	Plan	Q Perc L	Q Perc Chan	Q Perc R	Vel Left (ft/s)	Vel Chnl (ft/s)	Vel Right (ft/s)	Conv Left (cfs)	Conv Chnl (cfs)	Conv Right (cfs)	Mann Wtd Left	Mann Wtd Chnl	Mann Wtd Right
Reach 1	400	FP-100	PROP 2	7.51	49.05	43.44	2.17	7.26	2.37	1301.3	8500.2	7527.2	0.040	0.030	0.040
Reach 1	400	FP-100	EXIST	7.51	49.05	43.44	2.17	7.26	2.37	1301.3	8500.2	7527.2	0.040	0.030	0.040
Reach 1	350	FP-100	PROP 2	8.00	42.03	49.96	2.49	8.10	2.74	1260.6	6620.9	7870.5	0.040	0.030	0.040
Reach 1	350	FP-100	EXIST	8.00	42.03	49.96	2.49	8.10	2.74	1260.6	6620.9	7870.5	0.040	0.030	0.040
Reach 1	300	FP-100	PROP 2	11.47	41.43	47.10	3.16	8.52	3.71	1528.3	5519.9	6274.8	0.040	0.030	0.040
Reach 1	300	FP-100	EXIST	7.85	40.35	51.80	2.80	8.59	3.93	1066.2	5483.1	7038.0	0.040	0.030	0.040
Reach 1	250	FP-100	PROP 2	9.47	41.35	49.18	2.48	8.29	3.76	1258.3	5495.3	6536.7	0.040	0.030	0.040
Reach 1	250	FP-100	EXIST	4.27	37.01	58.72	2.57	8.74	4.43	519.1	4497.2	7134.5	0.040	0.030	0.040
Reach 1	200	FP-100	PROP 2	19.42	43.75	36.83	3.81	8.96	3.56	2559.0	5765.2	4852.2	0.040	0.030	0.040
Reach 1	200	FP-100	EXIST	10.92	33.68	55.40	3.50	8.45	3.94	1331.3	4106.9	6754.7	0.040	0.030	0.040
Reach 1	150	FP-100	PROP 2	19.30	42.80	37.90	3.73	8.58	3.64	2769.1	6140.3	5437.8	0.040	0.030	0.040
Reach 1	150	FP-100	EXIST	10.20	32.72	57.08	3.52	8.42	3.81	1263.5	4052.7	7070.8	0.040	0.030	0.040
Reach 1	100	FP-100	PROP 2	15.72	44.88	39.41	3.12	8.92	3.69	2368.8	6764.3	5939.3	0.040	0.030	0.040
Reach 1	100	FP-100	EXIST	6.90	32.96	60.14	3.19	8.60	3.62	899.7	4297.0	7840.5	0.040	0.030	0.040
Reach 1	50	FP-100	PROP 2	17.11	44.12	38.77	3.81	8.80	3.62	2363.5	6096.1	5356.1	0.040	0.030	0.040
Reach 1	50	FP-100	EXIST	9.72	33.58	56.71	3.48	8.23	3.47	1252.2	4327.5	7309.2	0.040	0.030	0.040
Reach 1	0	FP-100	PROP 2	17.81	27.33	54.86	3.91	8.08	3.73	2036.8	3124.8	6272.8	0.040	0.030	0.040
Reach 1	0	FP-100	EXIST	17.81	27.33	54.86	3.91	8.08	3.73	2036.8	3124.8	6272.8	0.040	0.030	0.040

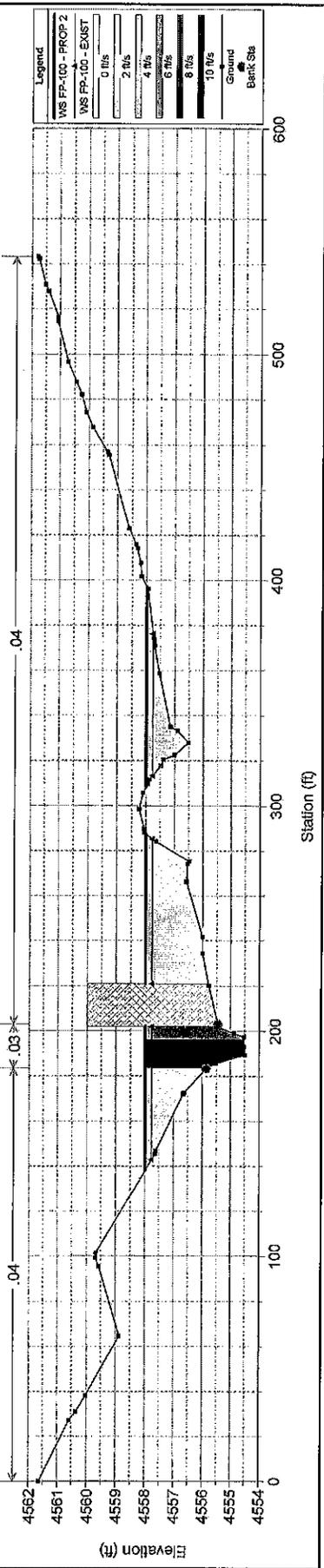
402-24-123 Plan: 1) PROP 2 7/11/2019 2) EXIST 7/11/2019  
 River = Stream Centerline Reach = Reach 1 RS = 400

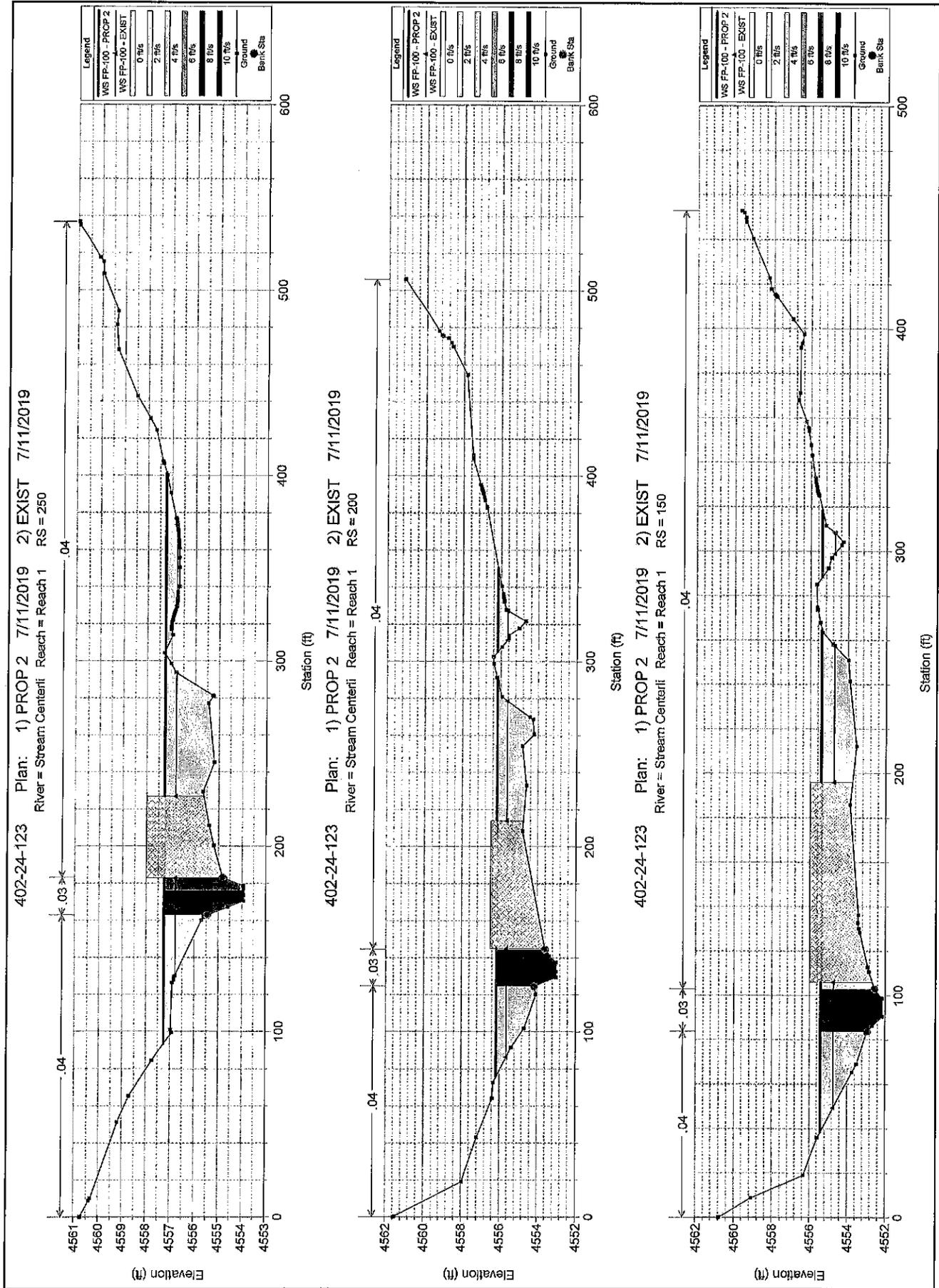


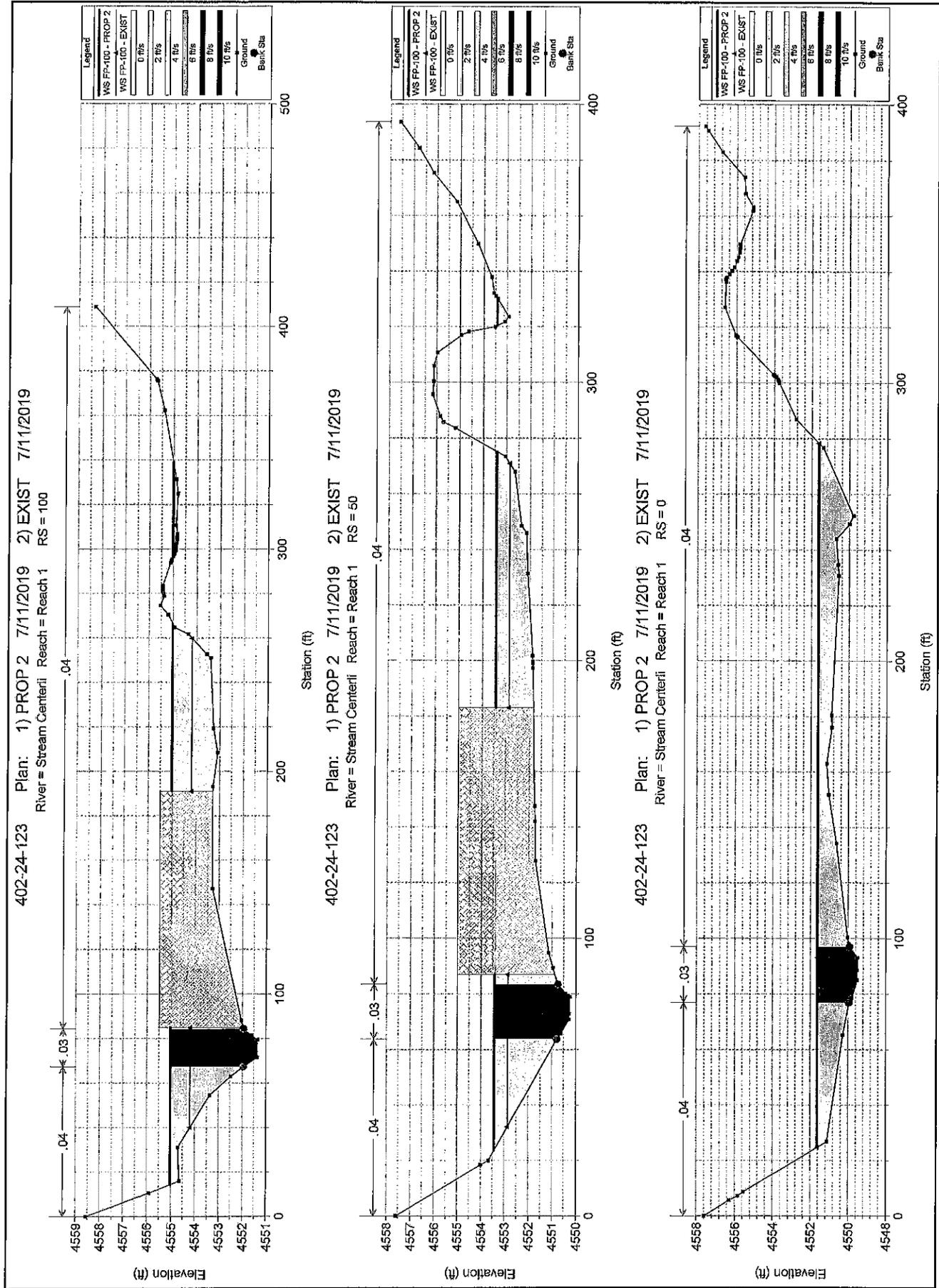
402-24-123 Plan: 1) PROP 2 7/11/2019 2) EXIST 7/11/2019  
 River = Stream Centerline Reach = Reach 1 RS = 350



402-24-123 Plan: 1) PROP 2 7/11/2019 2) EXIST 7/11/2019  
 River = Stream Centerline Reach = Reach 1 RS = 300







When recorded mail to  
Ryan Pilgrim  
Mandy Pilgrim  
2205 S. Tiffany Lane  
Dewey, AZ 86327



Tax Parcel No.: 402-24-123

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**WARRANTY DEED**

NO TRANSFER FEE NECESSARY  
EXEMPT UNDER ARS 11-1134

A7

For the consideration of Ten Dollars, and other valuable consideration, I or we,  
Jerry L. Wilson, a widow  
do/does hereby convey to  
Ryan Pilgrim and Mandy Pilgrim, Husband and Wife  
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.

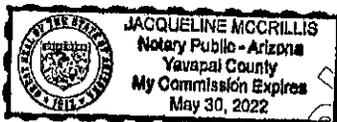
The Grantor warrants the title against all persons whomsoever.

DATED: July 23, 2019

Jerry L. Wilson  
Jerry L. Wilson

State of Arizona }  
                                  } ss.  
County of Yavapai }

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of September, 2019,  
by Jerry L. Wilson.



[Signature]  
NOTARY PUBLIC  
My commission expires: May 30, 2022

ACCEPTANCE OF COMMUNITY PROPERTY  
WITH RIGHT OF SURVIVORSHIP  
(Deed)

Ryan Pilgrim and Mandy Pilgrim, Husband and Wife, each being first duly sworn upon oath each for himself or herself and jointly but not one for the other deposes and says:

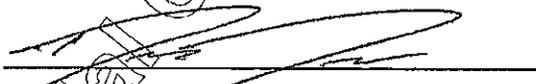
THAT I am one of the Grantees named in that certain Deed attached hereto and which is dated July 23, 2019 and executed by Jerry L. Wilson, a widow, as Grantors, to Ryan Pilgrim and Mandy Pilgrim, Husband and Wife, as Grantees, and which conveys certain premises described as:

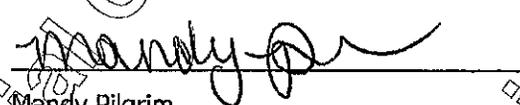
See Exhibit "A" attached hereto and made a part hereof.

to the Grantees named therein, not as Tenants in Common nor as a Community Property Estate nor as Joint Tenants with Right of Survivorship, but as Community Property with Right of Survivorship.

THAT each of us individually and jointly as Grantees hereby assert and affirm that it is our intention to accept said conveyance as Community Property with Right of Survivorship and to acquire any interest we may have in said premises under the terms of said Deed as Community Property with Right of Survivorship.

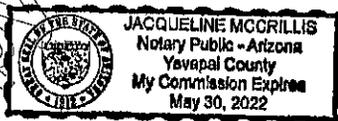
DATED: July 23, 2019

  
\_\_\_\_\_  
Ryan Pilgrim

  
\_\_\_\_\_  
Mandy Pilgrim

State of Arizona        }  
                                  } ss.  
County of Yavapai     }

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of September, 2019, by Ryan Pilgrim and Mandy Pilgrim.



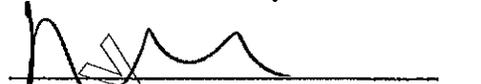
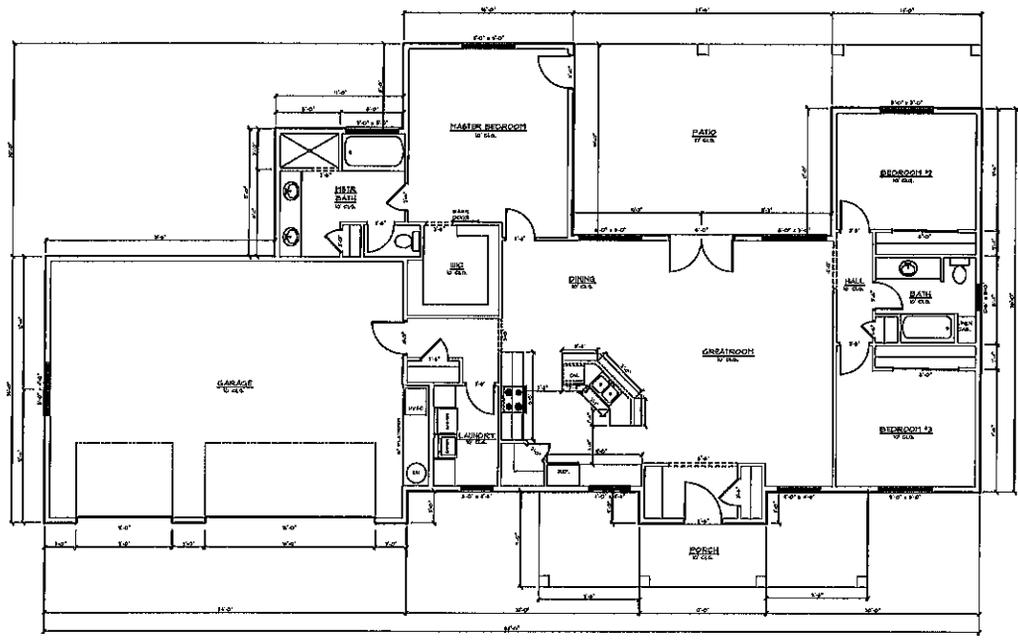
  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: 5.30.22

EXHIBIT "A"  
Legal Description

Lot 123, Sierra Dells, according to the plat of record on file in the office of the County Recorder, Yavapai County, Arizona in Book 17 of Maps, pages 1 and 2.

EXCEPTING THEREFROM all coal, oil, gas and other mineral deposits as reserved in Book 121 of Deeds, page 426.



**FLOOR PLAN**  
 1/18/18 - 1/18/18  
 1/18/18 - 1/18/18  
 1/18/18 - 1/18/18  
 1/18/18 - 1/18/18  
 TOTAL - 3,385 SQ. FT.

**RIDGELINE  
 DESIGN**  
 ARCHITECTS

**13905 E QUARTERHORSE LN**

DESIGNED BY: [Name]  
 DATE: 1/18/18  
 JOB: 1810

SHEET 2

When recorded, mail to  
Jerry L. Wilson  
2205 S. Tiffany Lane  
Dewey, AZ 86327



SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CAPTION HEADING: Certificate of Death for Charles J. Wilson**

DO NOT REMOVE  
THIS IS PART OF THE OFFICIAL DOCUMENT

(THIS FORM IS FOR RECORDER'S USE ONLY)

**STATE OF ARIZONA**  
**CERTIFICATION OF VITAL RECORD**

ORIGINAL  
STATE COPY

STATE OF ARIZONA  
DEPARTMENT OF HEALTH SERVICES-BUREAU OF VITAL RECORDS  
**CERTIFICATE OF DEATH**

State File Number  
102-2012-040945

1. DECEDENT'S LEGAL NAME (FIRST, MIDDLE, LAST, SUFFIX) <b>CHARLES, JOSEPH, WILSON, SR</b>		2. AKA'S (IF ANY)		3. DATE OF DEATH <b>10/27/2012</b>	
4. SEX <b>MALE</b>	5. SOCIAL SECURITY NUMBER [REDACTED]	6. DATE OF BIRTH <b>10/07/1935</b>	7. AGE <b>74 YEARS</b>		
8. CITY/TOWN, COUNTY AND ZIP OR LOCATION OF DEATH <b>DEWEY, YAVAPAI, 86327</b>					
9. PLACE OF DEATH (TYPE OF PLACE OF DEATH AND FACILITY NAME/ADDRESS) <b>RESIDENCE - 13970 QUARTERHORSE LN.</b>					
10. BIRTHPLACE (CITY AND STATE OR FOREIGN COUNTRY) <b>HUTCHINSON, KANSAS</b>		11. MARITAL STATUS <b>MARRIED</b>		12. NAME OF SURVIVING SPOUSE PRIOR TO FIRST MARRIAGE (FIRST, MIDDLE, LAST, SUFFIX) <b>JERRY, LYNN, SHELTON GOODWIN</b>	
13. DECEDENT'S USUAL RESIDENCE ADDRESS (STREET, CITY, COUNTY, STATE, ZIP) <b>13970 QUARTERHORSE LANE, DEWEY, YAVAPAI, AZ, 86327</b>					
14. DECEDENT'S HISPANIC ORIGIN(S) <b>NO, NOT SPANISH/HISpanic/LATINO</b>		15. DECEDENT'S RACE(S) <b>WHITE</b>		16. EVER IN ARMED FORCES <b>YES</b>	
17. OCCUPATION <b>IRON WORKER</b>					
18. FATHER'S NAME (FIRST, MIDDLE, LAST, SUFFIX) <b>HENRY, REESE, WILSON</b>			19. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (FIRST, MIDDLE, LAST, SUFFIX) <b>ANNABELL, MARIE, FOUST</b>		
20. INFORMANT'S NAME (FIRST, MIDDLE, LAST, SUFFIX) <b>JERRY, LYNN, WILSON</b>				21. RELATIONSHIP <b>SPOUSE</b>	
22. INFORMANT'S MAILING ADDRESS <b>13970 QUARTERHORSE LANE, DEWEY, AZ, 86327</b>					
23. NAME AND ADDRESS OF FUNERAL FACILITY OR RESPONSIBLE PERSON <b>SUNRISE FUNERAL HOME 8167 E HWY 69, PRESCOTT VALLEY, AZ, 86314</b>			24. FUNERAL DIRECTOR'S NAME OR RESPONSIBLE PERSON <b>DARYL, E, SAWDY</b>		25. LICENSE NUMBER <b>1E0988</b>
26. METHOD(S) OF DISPOSITION <b>CREMATION</b>		27. NAME AND LOCATION OF 1ST DISPOSITION FACILITY <b>SUNRISE CREMATORY PRESCOTT VALLEY, AZ, US</b>		28. NAME AND LOCATION OF 2ND DISPOSITION FACILITY	
<b>MEDICAL CERTIFICATION SECTION CAUSE OF DEATH PART I</b>					
29. A. IMMEDIATE CAUSE OF DEATH <b>RESPIRATORY FAILURE</b>			30. APPROXIMATE INTERVAL <b>UNKNOWN</b>		
31. B. DUE TO OR AS A CONSEQUENCE OF: <b>END STAGE CHRONIC OBSTRUCTIVE PULMONARY DISEASE</b>			32. APPROXIMATE INTERVAL <b>UNKNOWN</b>		
33. C. DUE TO OR AS A CONSEQUENCE OF:			34. APPROXIMATE INTERVAL		
35. D. DUE TO OR AS A CONSEQUENCE OF:			36. APPROXIMATE INTERVAL		
<b>CAUSE OF DEATH PART II</b>					
37. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO THE DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART I			38. INJURY? <b>NO</b>	39. INJURY AT WORK?	40. MANNER OF DEATH <b>NATURAL DEATH</b>
			41. TIME OF DEATH <b>01:10</b>	42. WAS AN AUTOPSY PERFORMED? <b>NO</b>	43. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?
<b>CAUSE AND MANNER CERTIFICATION</b>					
TO THE BEST OF MY KNOWLEDGE, THE INFORMATION ABOVE IS CORRECT AND THE DEATH OCCURRED DUE TO THE CAUSE(S) AND MANNER STATED.			44. NAME OF PERSON COMPLETING CAUSE OF DEATH <b>NARENDRA, SANKAR</b>		45. DATE CERTIFIED <b>10/30/2012</b>
46. CERTIFIER'S ADDRESS <b>1590 WILLOW CREEK RD, PRESCOTT, AZ, 86301</b>					

Date Registered: 11/05/2012

Date Issued: 08/26/2019

VS-49 Rev. 12/2017

**SEAL**



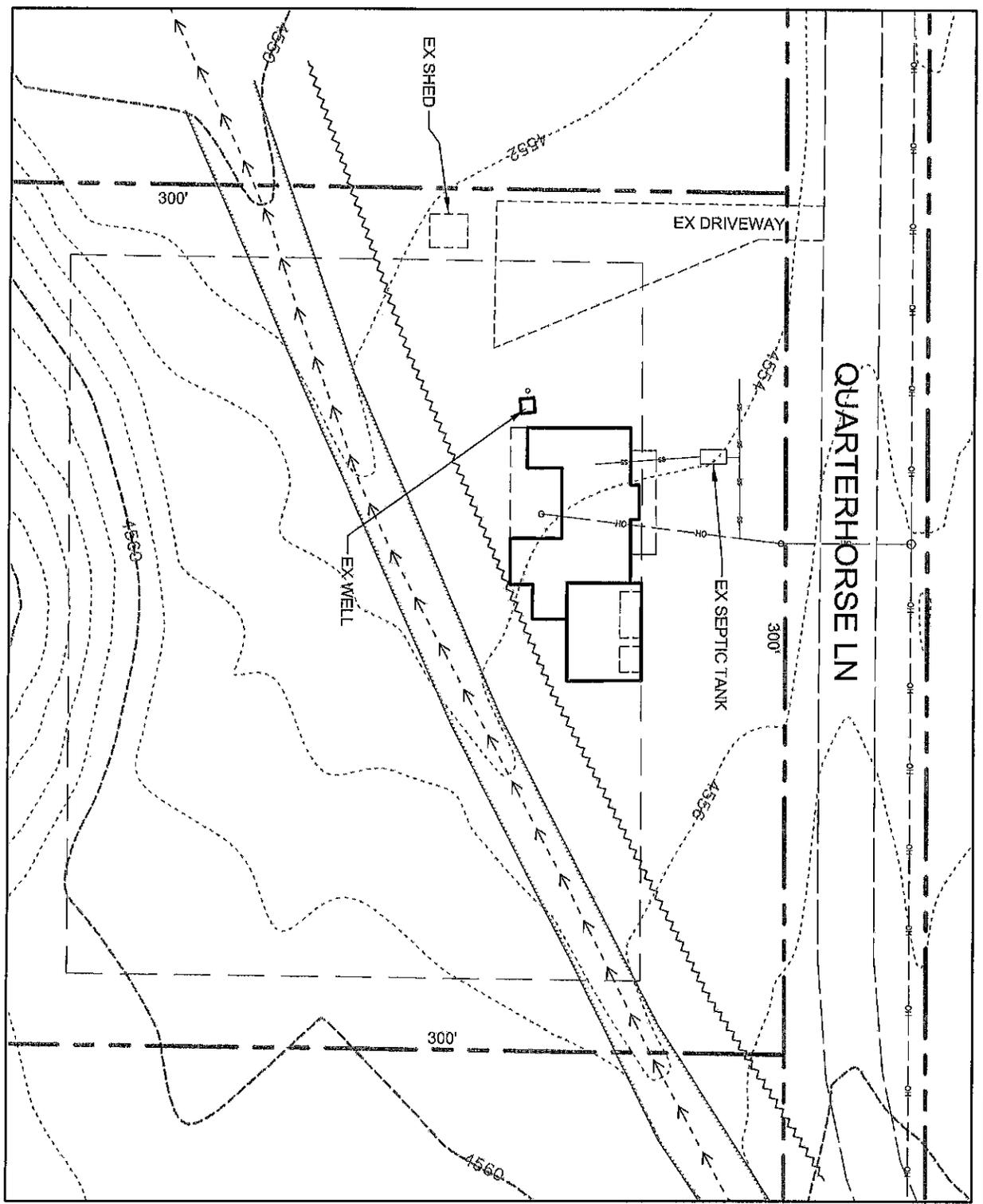
This is a true certification of the facts on file with the Arizona Department of Health Services, Bureau of Vital Records, PHOENIX, ARIZONA.  
Revised 07/2016

*Krystal Colburn*  
**KRYSTAL COLBURN**  
ASSISTANT STATE REGISTRAR



ARIZONA DEPARTMENT OF HEALTH SERVICES

This copy not valid unless prepared on a form displaying the State Seal and impressed with the raised seal of the issuing agency.



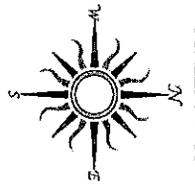
**D E**  
**DUBROY ENGINEERING, L.L.C.**  
 7660 E. Gallo De Luna, Prescott Valley, AZ 86315  
 Email: info@dubroy.com  
 Phone: (928) 555-7062

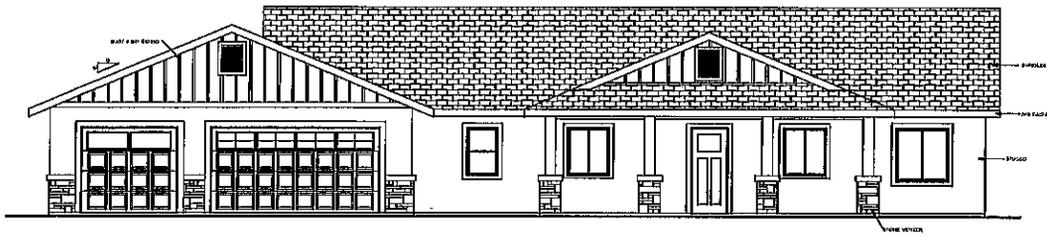
APN: 402-24-123  
 13905 E. QUARTERHORSE LN  
 DEWEY-HUMBOLDT, ARIZONA

**PRELIMINARY LAYOUT  
 (NOT FOR CONSTRUCTION)**

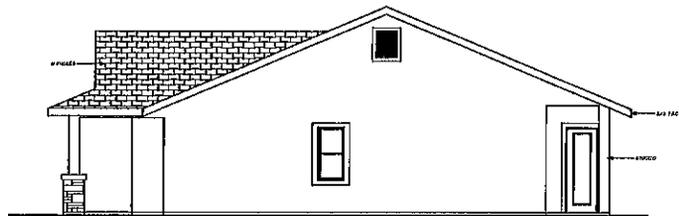
BY: MWD    PROJ: 19002    DATE: 12/04/2019

**DRAFT**





FRONT ELEVATION  
1/4" = 1'-0"



RIGHT ELEVATION  
1/4" = 1'-0"

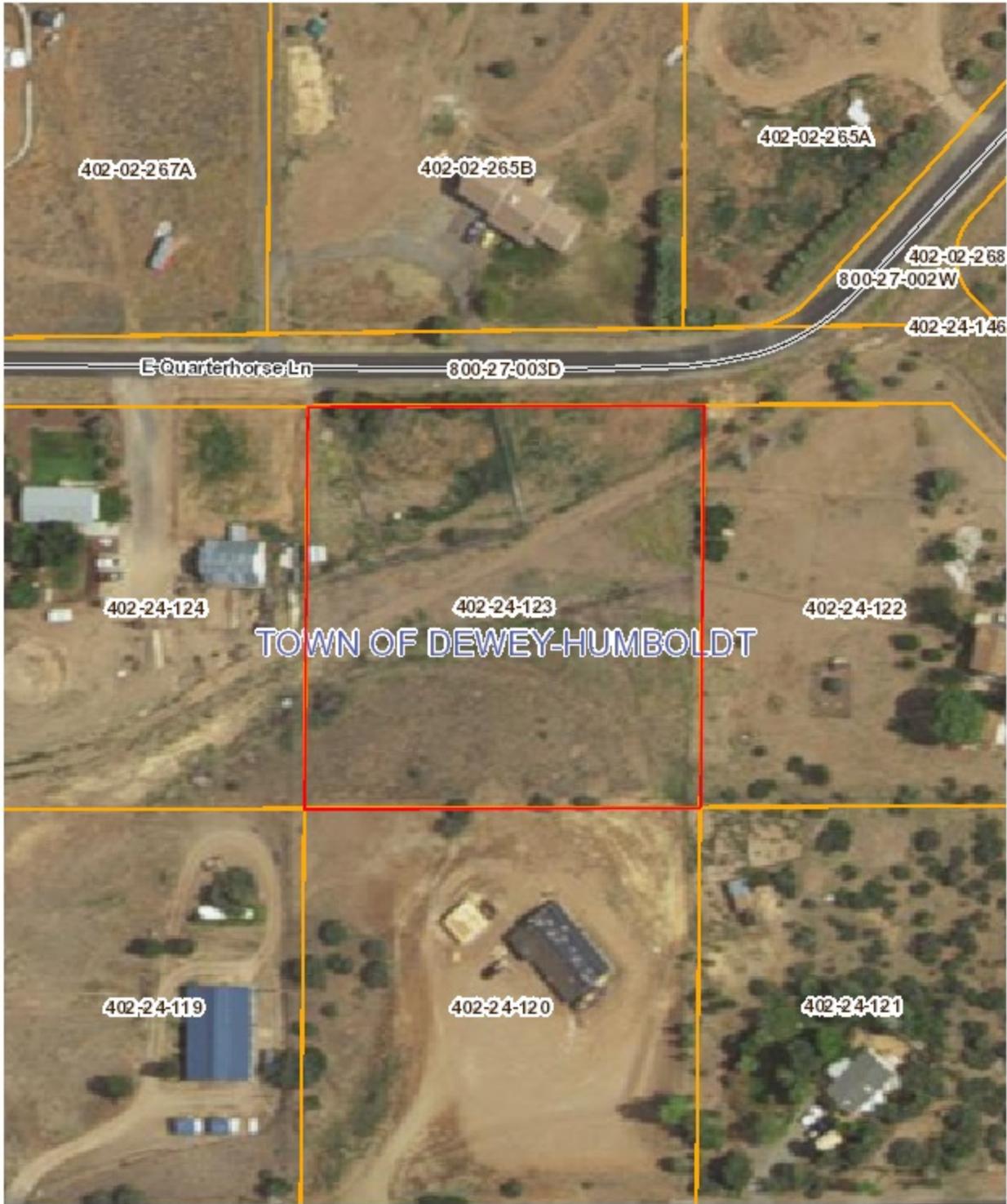
**RIDGELINE  
DESIGN**  
EST. 2002

**13905 E QUARTERHORSE LN**

DESIGN BY: STEVE HOLL  
DATE: 01/15/20  
APP. # 200

SHEET •  
**2.1**

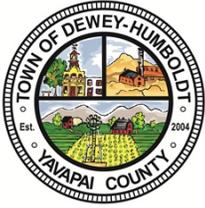
# 13905 E. Quarterhorse Ln.



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be construed 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.

AGENDA ITEM 7. A. 1.

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

### February 19, 2020

**Date:** January 31, 2020  
**To:** Board of Adjustment  
**From:** Edward L. Hanks, Jr., Town Manager

**Public Hearing Items:**

**A. ITEM #: V-20-001:**

**Request:** Approve a variance of the front yard setbacks to allow 40-foot front yard setback, where a 50-foot front setback is required. The property is located at 13905 E. Quarterhorse Ln. in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-24-123.

**I. BACKGROUND**

The applicant, Ryan Pilgrim, is seeking a variance to allow a 40-foot front yard setback, where a 50-foot setback is required by Town Code. The property is located at 13905 E. Quarterhorse Ln. and is zoned R1-70, 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.

**COMMUNICATIONS**

Staff received a letter of support from the property owner to the west of Mr. Pilgrim's property (see attached).

**II. STAFF RECOMMENDATION**

**Staff recommends that, after hearing the presentation by the applicant, the Board of Adjustment should either vote to approve or deny this variance request, or approve with conditions, and that one of the following motions could be made:**

**Motion to Approve:** I move to approve V-20-001, and do so making the following findings:

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.

**Motion to Deny:** I move to deny V-20-001, and do so making the following findings:

1. The property is not associated with “special circumstances” that make building on this historically narrow lot challenging in the extreme.
2. The variance is not 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 self-imposed.
4. The granting of the variance will be detrimental to persons working or living in the vicinity. It is safe to say that owners of property throughout this vicinity will be not be faced with the same development challenges in future, when they build.

Robert and Marilyn Wilson

[REDACTED] E Quarterhouse Ln

PO Box 312

Dewey Az 86327

Feb. 3, 2020

Dear Tim Mattix,

I support Ryan Pilgrim's  
request to have a 40 ft  
set back in his front yard.  
Parcel # 402-24-123.

Thank you  
Robert A Wilson

Marilyn C Wilson

Dewey-Humboldt

FEB 10 2020

2:12 P.M.  
Received *EMV*