

MINUTES OF THE GILA COUNTY BOARD OF ADJUSTMENTS

July 10, 2008

Town of Payson Council Chambers

303 N. Beeline Hwy, Payson, AZ

Approved 12/17/08

1. Call to Order/Pledge of Allegiance

The Gila County Board of Adjustment and Appeals, held the meeting at the Town of Payson Council Chambers located at 303 N. Beeline Hwy in Payson, AZ.

Chairman Don Ascoli called the meeting to order at 9:30 am. The Pledge of Allegiance was lead by Don Ascoli.

Board members present: Don Ascoli, Lori Brown (absent), Travis Williams, Ron Christensen and Jack Larimore.

Staff present: Robert A. Gould, Community Development Director and Administrative Assistant Beverly Valenzuela.

3. Review and Approval of Minutes

Board Member Ron Christianson motioned to approve the minutes, it was seconded by Board Member Travis Williams and the minutes were unanimously approved.

4. Director/Board Communications

Director, Bob Gould had nothing to discuss with the Board at this time.

INFORMATION/DISCUSSION/ACTION ITEMS

5. Appeal of Administrative Variance AV-08-04: Administrative Variance applied for by Ted Golberg and appealed by Bernard Narcy. Administrative Variance would have allowed a six foot side yard setback instead of the standard 7 foot setback for a proposed garage. Property is located on Lot 42 in the Hidden Pines Subdivision in Pine, AZ.; Gila County Tax Assessor's parcel 301-14-062.

Director Bob Gould stated that he had granted the Administrative Variance. There were several trees between applicants home and the new structure (garage) that he wanted to save. Originally the request was a 4 ½ foot variance but due to guidelines staff could not grant that request. The guidelines for an administrative variance limited staff to 50% or 5 ft.

In accordance with Gila County Regulations, "When compliance with the minimum building setback regulations would cause extreme hardship due to conditions of extreme topography or the unnecessary destruction of vegetation, the Planning Director may grant a variance not to

exceed fifty percent (50%) of the minimum required yard. However, under no circumstances shall there be a yard of less than five (5) feet.”

Director, Bob Gould further read “The Board of Adjustments may allow a variance from the terms of the Ordinance when, owing to particular conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent of the purposes of the Zoning Ordinance will be preserved.” He stated that it means that the Board has more latitude in how they award a variance, where staff is limited to five feet-the Board can go less than that if they so choose.

Mr. Gould, Director of Community Development stated that Mr. Narcy is concerned that his trees will be damaged. The garage with the 6’ setback will be eight feet from a tree on Mr. Narcy’s property; from the north wall of the proposed garage to Mr. Narcy’s tree will be 8’. Director, Bob Gould, continued by stating that staff is asking you to grant a 4 ½ foot variance because they don’t believe they will have a significant problem; the 4 ½ feet will put him 6 ½ feet away from the tree. He further stated that Mr. Narcy’s appeal states that Mr. Golberg’s trees should not be looked at equally to his trees. Director Gould stated that the Board has to look at the trees equally. He further told the Board that they have several options; they could uphold the appeal and leave as 6 foot setback, change it to 4 ½ feet or deny the variance and go back to a 7 foot setback.

After some discussion and viewing of pictures submitted in the Board’s packets, no questions or comments from the Board, Member Don Ascoli asked Mr. Narcy to comment.

Mr. Narcy stated that he lives in Tempe, Arizona and owns lot 43 in Hidden Pines. He thanked the Board for the opportunity to address them. He stated that he and Mr. Golberg want the same thing; question is whose trees shall be saved and whose trees are more important, the individual that plans to build or the innocent neighbor. He stated that he felt that it made more sense if Mr. Golberg removed his trees and kept Mr. Narcy’s trees harmless. He continued by stating that Mr. Golberg has 42’ from his house to the property line but he wants to keep encroaching on his (Mr. Narcy’s) property line, and suggested Mr. Golberg put his garage in the right place and keep him harmless.

Board member Don Ascoli closed public comments, asked the Board if they had any questions; with no further questions, Don Ascoli asked for a motion.

Member Travis Williams motioned to deny the appeal and stay with staff recommendation of a 6 ft. side yard setback (variance of 1’) instead of the standard 7 ft. setback. Motion was seconded by Member Jack Larimore and the motion unanimously passed.

Meeting was adjourned at 9:55 a.m.