

PLANNING AND ZONING BOARD OF ADJUSTMENT MINUTES

Planning and Zoning Board of Adjustments Meeting
921 Thatcher Blvd., Safford, Arizona 85546
First Floor Conference Room, General Services Building
April 5, 2023
9:00 A.M.

BOARD MEMBERS PRESENT: Chairperson Dennis Jacob, Gary Allred, Garrett Hoisington and Mons Larson

BOARD MEMBERS ABSENT: Michael Ruiz

STAFF PRESENT: Jean Roof, Steve McGaughey, and Joey Carpenter

VISITORS: Petrea Kunz and friend

CALL TO ORDER: Chairman Dennis Jacob called the meeting to order at 9:00AM and took roll, a quorum was present.

ITEMS FOR PUBLIC HEARING:

- 1) VAR22-01 (APN 102-08-053) Request made for a variance for a non-compliant 6ft fence. The owner and requestor, Kreg and Petrea Kunz. The situs is 1653 N. Sunset Blvd., Safford.

Chairman Dennis Jacob introduced Petrea Kunz up to the podium for review.

Kunz stated she meets all three requirements as her situation is unique with a three way stop and her property is a side with the corner no meeting up with the neighbor. Hardship being that the fence cost a lot of money and will never need to be replaced. It has replaced a safety hazard. The oleanders were poisonous and now we can see cars coming. We did not think we would be in this position replacing one barrier or another.

Chairman Jacob, did you obtain a permit?

Kunz, no – we did not, but Mr. McGaughey did come out to our property to help us with the boundaries of our property prior to putting the fence up.

Chairman Jacob were you aware of the height restrictions – the fence in front of the house is in compliance.

Kunz, we wanted to see out the front of our property.

Chairman Jacob I have been around and looked at other properties- what is the height of your fence?

Kunz – I don't know?

Chairman Jacob the solidness of the fence with the post is not in compliance. The part I look at is that your lot is front facing like the front of your house not like the other examples. Your fence is attractive, but as a board we need to set a precedence.

Kunz no one has the uniqueness like we do.

Chairman Jacob, I am just letting you know where my concerns are.

Member Larson no questions

Member Allred no questions

Member Hoisington, how much did the fence cost you?

Kunz, at least 5 thousand

Member Larson, and the larger fence?

Kunz between 8-10 thousand, please have mercy on us

Chairman Jacob – Mr. McGaughey you informed Mrs. Kunz that she needed a permit?

Director McGaughey, I went to help Mrs. Kunz find her property pins for the small fence that she was putting up and told her she would need a permit at no cost. I did not know anything about the other fence until I received a call from someone asking, "hey, can you do this".

Chairman Jacob – any questions?

Member Hoisington safety concerns?

Director McGaughey – I am not qualified to answer. That's an engineering question. If people use the 3 way stop signs. When backing out and being able to not back over a pedestrian when leaving the property.

Chairman Jacob request Mrs. Kunz back to the podium – What is your future plan for the lot?

Kunz – patio cover in the back and gravel.

Chairman Jacob no other structure or building?

Kunz – no.

Chairman Jacob any discussion amongst the board?

Member Hoisington – I went and looked at the home and it is a nice home and property, one of the nicer properties in the area. All in all I don't see any issues with the side lot. That where I stand.

Member Allred – Ordinances are put in place for a reason. I agree where it is at – when your aware of it.

Member Larson – Director McGaughey what are the options of moving the fence or trimming it to make it compliant?

Director McGaughey I have seen other ordinance that are worded differently than ours, but if you see this as a unique situation then it doesn't set a precedence. You can come up with a solution.

Member Hoisington all variance requests are going to be unique.

Director McGaughey this is one of 5 in 15 years. To be compliant it would need to be moved 20 feet

Member Hoisington would they need to take it down or trim it?

Director McGaughey, I don't know if it has the durability to do that.

Chairman Jacob I have a question for our attorney.

Roof, would you like to go into executive session?

Chairman Jacob I motion to go into executive session

Member Larson seconded

All in favor.

Executive session 11minutes

Chairman Jacob – Mr. McGaughey please come up to the stand - we know a permit wasn't done and it was free.

Chairman Jacob it is on the lot line – complies with the lot line – please explain having an opening.

Director McGaughey – 5.2.2A2 property for open fences 5ft solid fence 30ft opening and driveway with sufficient visibility.

Open discussion amongst members

Director explains that adjusted setback would be an onsite call by the engineer and P&Z Director.

Chairman Jacob because it's a 3-way junction it's not a high traffic area,

Director McGaughey -discusses 5ft rule

Chairman Jacob, we can't adjust the 5ft rule

Member Larson to Kunz – you heard us speak about adjustments what are your thoughts?

Kunz, my concern is the cost of the adjustments.

Member, Larson are there any other questions for her?

Chairman Jacob I make a motion to vote.

Member Hoisington, I make a motion to approve the variance as it is.

Chairman Jacob I seconded.

Member Larson, What are we voting on?

Member Hoisington I motioned to approved the variance as it is.

Member Larson what is the other option?

Open discussion between Members regarding voting process.

All in favor.

Director McGaughey brought up that the minutes from the last meeting were not on the agenda but need to be approved.

Member Larson motioned to approve the minutes.

Chairman Jacob seconded.

All in favor.

Adjournment 9:53AM Chairman Dennis Jacob called for adjournment.

MINUTER ACCEPTED by: _____ Date _____

Dennis Jacob, Chairman Board of Adjustments

ATTESTED by: _____ Date _____

Steve McGaughey, Community Development Director

NOTE: In accordance with A.R.S. § 38-431.03(A)(1)(2) and (3), an executive session for the purpose of obtaining legal advice from the Planning and Zoning attorney(s) on any matter listed on the agenda. Detailed information on agenda items can be obtained at the Planning and Zoning Office located in the Graham County General Services Building, 921 Thatcher Blvd., Safford, Arizona.

Persons with a disability may request a reasonable accommodation for special assistance by contacting Steve McGaughey at the Planning and Zoning Department (928) 428-0410. Request should be made as early as possible to allow time for arrangement of the accommodations.