Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Board of Adjustment and to the general public that, at this regular meeting, the Board of Adjustment may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Board’s attorneys on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A) (3). Items may be taken out of the order listed below at the call of the Chair.

**ROLL CALL**

Dianne Patterson, Chairperson
Craig Bearchell, Vice-Chair
John McCartney
Chris Wannie

I. APPROVAL OF MINUTES

1. Minutes from the Meeting of August 20, 2019

II. PUBLIC HEARING

1. Case No. VAR-19-005: A Variance is requested from Section 2.2.C.2.7 of the Zoning Ordinance to allow for a 0.92 foot (approximately 11.04 inches) interior side setback in the RS-6,000 Zone where the required interior side setback is 5 feet in order to replace an existing deck. The subject property is 35,601 square feet in size in the RS-6,000 (Residential Single Family with a 6,000 square foot minimum parcel size) Zone. The subject property is located at 17820 S Green Mountair, Place in Munds Park and is also identified as Pinewood Unit 16, Lot 70 and Assessor’s Parcel Number 400-82-021.

   Applicant: Christy Wulbrecht- Tempe, AZ
   Owner: LeeAnn Investments- Tempe, AZ
   Supervisor District: 3 (Matt Ryan)

V. ADJOURNMENT
COCONINO COUNTY
BOARD OF ADJUSTMENT

Minutes - Meeting of August 20, 2019 at 3:00pm

Thomas Auditorium
2500 N. Fort Valley Road, Building 1
Flagstaff, Arizona

MEMBERS PRESENT
Dianne Patterson, Chairperson
John McCartney
Craig Bearchell

MEMBERS ABSENT
N/A

COUNTY STAFF PRESENT
Jess McNeely, Assistant Director
Zach Schwartz, Senior Planner
Rachel Davis, Planner
Marty Hernandez, Recording Secretary

Chairperson Patterson called the meeting to order at 2:58PM.

I. APPROVAL OF MINUTES

The first item on the Agenda was approval of the Minutes of February 19, 2019.

MOTION: Mr. Bearchell moved to approve the Minutes of February 19, 2019 once the typographical error of “there” to “their” was corrected.
SECOND: Mr. McCartney was seconded the motion.
VOTE: The Minutes were approved unanimously.

II. UPDATE ON PROPOSED ZONING ORDINANCE CHANGES

Discussion of modification of Variance Findings.
Chairperson Patterson asked if the Zoning discussion could be moved to the end.
MOTION: Mr. Bearchell made the Motion to move this item to the end.
SECOND: Mr. McCartney seconded.
VOTE: The vote was unanimous.

III. PUBLIC HEARINGS

The next item on the Agenda was Case No. VAR-19-003 Aumack Variance

STAFF: Mrs. Davis gave a PowerPoint presentation and stated staff could make the findings.
Mrs. Davis stated there were no concerns stated by the neighbors. Mr. Bearchell asked if the 8.55 acres lot goes to the centerline of the FS road. Mrs. Davis thought it did. Mr. Bearchell asked about easement on the FS road. Mrs. Davis stated she researched and was not able to find documentation of any easements on the FS road.

**APPLICANT:** Applicant, Ethan Aumack of 1140 Pine Cliff Drive Flagstaff, AZ, agreed with the staff report. He had no other comments.

**PUBLIC:** No one from the public was present to speak.

**BOARD:** The Board began their discussion. Mr. McCartney stated the would be no increase in density, so it does not hurt anybody. Mr. Bearchell wondered if the BOA was setting a precedence with these variances. Chairperson Patterson said since it is not increasing density and there is a bisecting road, it makes it much more useable. She also noted that it is not that much smaller than an administrative adjustment would have allowed (a 10% reduction in lot size).

**MOTION:** Mr. McCartney moved to approve as recommended by staff.

**SECOND:** Mr. Bearchell seconded.

**DISCUSSION:** N/A

**VOTE:** The Motion was unanimously approved.

The next item on the agenda was Case No. VAR-19-004

**STAFF:** Mr. Schwartz gave a PowerPoint presentation and stated staff could make the findings. Discussion was around the surveying error. Mr. Bearchell asked where the nearest road was. Mr. Schwartz pointed on the western side of the property, River Valley Road. Mr. Schwartz pointed out there are properties in the area of a similar size.

**APPLICANT:** Applicant Madeline Chapin of Sedona, AZ was present but referred to her surveyor to speak. Mr. Stark, Northland Exploration Surveys, 528 W. Aspen Street, Flagstaff, AZ explained the error in surveying that happened many years ago in parcel splits and the error was perpetuated.

**PUBLIC:** No one from the public spoke.

**BOARD:** Mr. McCartney stated that since the density was not increasing, he could make the findings.

**MOTION:** Mr. Bearchell made the motion to approve with the staff recommended findings.

**SECOND:** Mr. McCartney seconded.

**DISCUSSION:** N/A

**VOTE:** The Motion was unanimously approved.

**UPDATE ON PROPOSED ZONING ORDINANCE CHANGES:**

Chairperson Patterson moved on to the Zoning Ordinance changes.

Mr. Schwartz presented the minor changes that staff was proposing with numbering, lettering and some wording.

Mr. Bearchell asked about page 2 where language was added about the ‘minimum lot size and

Minutes of the Board of Adjustment
August 20, 2019
Page 2
setbacks for animal keeping’. He noted that it was his understanding that Variances should not be related to uses, but rather for specific standards. Mr. Schwartz explained that the Variance was not for the animal keeping use itself, but rather that there were performance standards related to the location of structures where animal keeping was happening that staff felt needed to be added to the list of items that the Board of Adjustments could approve Variances for. He added that the animal keeping subsection of the Zoning Ordinance states that a Variance can be approved for such standards, but it did not also get added to the Variance subsection of the Zoning Ordinance. Mr. Bearchell asked for clarification on the top of page 3 where the word ‘preexisting’ was inserted. He asked what the implication would be for legal nonconforming and grandfathered uses. Mr. Schwartz stated that the intent of the language change of Finding b was to clarify that self-imposed hardships should not justify a Variance, not to have any impact on legal nonconforming and grandfathered uses. He thought it would be a good idea to have legal staff look at the language again to make sure there was not a conflict and that it met the original intent. He noted that any further questions and comments could be provided to him prior to November when the entire Zoning Ordinance with changes throughout would be set for final hearing with the Board of Supervisors.

IV. Other Business
Mr. Schwartz introduced the new Board of Adjustment member, Chris Wannie.

V. ADJOURNMENT
Chairperson Patterson stated that a motion was needed to adjourn the hearing.
MOTION: Mr. McCartney made a motion to adjourn.
SECOND: Mr. Bearchell seconded.

The meeting adjourned at 3:35PM.

______________________________
Chairperson, Board of Adjustment

ATTEST:

______________________________
Secretary, Board of Adjustment

Minutes of the Board of Adjustment
August 20, 2019
Page 3
STAFF REPORT

DATE: September 5, 2019

TO: Board of Adjustment

FROM: Department of Community Development

SUBJECT: Case No. VAR-19-005: A Variance is requested from 2.2.C.2.7 of the Zoning Ordinance to allow for a 0.92 feet (approximately 11.04 inches) interior side setback in the RS-6,000 Zone where the required interior side setback is 5 feet in order to replace an existing deck. The subject property is 35,601 square feet in size in the RS-6,000 (Residential Single Family with a 6,000 square foot minimum parcel size) Zone. 
Applicant: Christy Wulbrecht- Tempe, AZ
Owner: LeeAnn Investments- Tempe, AZ
Supervisor District: 3 (Matt Ryan)

LOCATION: The subject property is located at 17820 S Green Mountain Place in Munds Park and is also identified as Pinewood Unit 16, Lot 70 and Assessor's Parcel Number 400-82-021.
SUBJECT PROPERTY AND SURROUNDING LAND USES

The subject property is approximately 35,601 square feet in the RS-6,000 Zone. It is densely populated with mature Ponderosa Pine with steep topography sloping down from the front to the rear. The topography is extreme with most of the lot at approximately 35% slope. The existing home with attached deck is located near the southeast portion of the property where there is less slope.

Surrounding properties are all in the RS-6,000 zone ranging from about 8,500 square feet to about 30,000 square feet. The larger parcels are to the south where there is similar extreme slope.

REQUEST

This request is for a setback of 11.04 inches (0.92 feet) to replace an existing deck attached to the main home on the subject property.

BACKGROUND AND DISCUSSION

The home and attached deck were built in 1976 with a Building Permit. At this time the property was owned by the applicant’s father. Though ultimately the property owner is responsible for identifying the correct property lines for Community Development’s building inspectors to measure from, it would have been very difficult to do so considering the topography of the property.

The applicant submitted a building permit to replace the deck that has come into disrepair over the years. The applicant especially wanted to keep the section of the deck that encroaches into the setback because it contains a substantial support pier for the deck (see the applicant’s packet photos).

PUBLIC PARTICIPATION

Staff mailed notices about the request to neighbors within 300 feet of the subject property. Neighbors at 17820 S Green Mountain Place and 17865 S Green Mountain Place responded to staff with letters of support for the request (see attached).

FINDINGS OF FACT

Section 5.8.B.4 of the Zoning Ordinance requires the Board of Adjustment to make certain Findings of Fact in order to approve a Variance request. In order to approve the Variance, the Board must make findings of fact that establish that the circumstances prescribed in paragraphs A, B or C and in D and E apply. The Findings are as follows:
A. That strict and literal interpretation and enforcement of the specified regulation would result in impractical difficulty or unnecessary physical hardship inconsistent with objectives of this chapter.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.

C. That strict or literal interpretation or enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.

D. That the granting of the variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.

E. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff makes Findings A, B, D, and E, which is enough to support approval of the request:

A. **Staff can make this Finding.** Reconstructing the deck in order to meet the setback and without the substantial support provided by a pier within the setback would constitute a substantial hardship. The applicant did not create the original deck encroachment.

B. **Staff can make this Finding.** The property’s extreme topography is an exceptional condition applicable to the property that would have made construction of a deck in a different configuration more difficult. The original builder of the deck would have likely had difficulty accurately tracing the property line due to the severe slope to ensure the deck’s legal placement.

C. **Staff cannot make this Finding.** The applicant would still be allowed all typical privileges of the zone without granting of this Variance.

D. **Staff can make this Finding.** Topographical constraints, especially when they are as extreme as on the subject property, are a common justification for a Variance.

E. **Staff can make this Finding.** The existing attached deck would be replaced in the same configuration as it had always been. The deck has not been detrimental to public health, safety, or welfare since 1976 when it was originally built. Replacing the deck would actually make it safer for the occupants of the home. Two neighboring property owners sent letters to staff supporting the request.

**RECOMMENDATION**

If the Board of Adjustment is able to make the required Findings of Fact, staff recommends approval of Case No. VAR-19-005 subject to the following conditions:

1. A Variance is hereby approved for a 0.92 (11.04 inches) interior side setback to allow for an existing deck to be replaced as shown on the applicant’s submitted survey. Any
an existing deck to be replaced as shown on the applicant’s submitted survey. Any additional encroachments shall require additional review by the Board of Adjustment.

2. A Building Permit shall be submitted and diligently pursued toward completion of the deck replacement within one year of this approval or this approval shall lapse. An extension of the time required to submit a Building Permit may be extended by the Board of Adjustment.

Respectfully submitted,

[Signature]

Jess McNeely, AICP, Assistant Director/Planning Manager
Prepared by Zach Schwartz, Senior Planner

Attachments: Two neighboring property support letters
From: Jim Kenehan <jimkenehan@millionaireseries.com>
Sent: Thursday, September 5, 2019 10:54 AM
To: Schwartz, Zachary
Subject: VAR-19-005

Board,
I cannot attend the hearing on Sep 17 concerning the subject variance request (17820 S Green Mountain Place). As their neighbor, I am supportive of this variance. I own at 17865 S Green Mountain and the owner entity is PNC MP Rental, LLC.
Regards,
Jim Kenehan
602-648-0696
To Whom,

We are unable to attend your Sep 17 hearing concerning the variance (VAR-19-005) request for 17820 S Green Mountain Place. However, as their neighbor we fully support their request for variance.

Regards,

Carole & Leon Humble

18735 SA Green Mountain Place, Munds Park, AZ

602-615-1176
REQUEST FOR VARIANCE FROM THE
REGULATIONS OF THE COCONINO
COUNTY ZONING ORDINANCE

17820 Green Mountain Pl.
Munds Park, AZ 85017
Coconino County, USA

ABSTRACT
Proposal for a variance from the regulations of the Zoning Ordinance to rebuild a porch to its original footprint including a portion that lies within an interior-side property line setback.

Christy Wulbrecht, Part Owner
LeeAnn Investments, LLC
Christy@ChristyCares.com
480-221-6603

July 31, 2019
Request for Variance from the Regulations of the Zoning Ordinance
17820 Green Mountain Pl.
Munds Park, AZ 85017

Location:
Pinewood, Unit 16, LOT 70,
SW ¼ section 14 T.18N., R7E.,
G&SRB&M, Coconino County, Arizona
Parcel No. 400-82-021

Zoning: RS-6000

Purpose: Apply modern construction techniques and current building codes to safely rebuild the 46 year old porch of our family cabin to its existing footprint.

Need: Building permit from Coconino County including a Variance from the regulations of the Zoning Ordinance (Variance) to rebuild to the existing footprint.

Challenge: The southwest corner of the existing porch lies within the 5-foot interior-side property line setback. The Architect removed a 4’x12’ section of the southwest corner of the porch in his drawings and applied for, and received, a County building permit prior to communicating these design changes to the Applicants as proposed design changes.

Narrative: The Wulbrecht Cabin was established in 1973 and was the first cabin built in Unit 16. It was built by two Wulbrecht brothers as a family getaway from the desert summer heat in Tempe, AZ and is still family owned. All cabin plans had approved permits from Coconino County prior to original construction. At nearly 50 years old, the cabin now requires maintenance. Some of this maintenance is related to safety including the need to reconstruct the porch from the ground up using modern building codes and methods supported by Coconino County. The cabin was sited and built in a way that best fit the available building envelope on the lot, required the least amount of blasting bedrock, and generally “made sense” in 1973.¹

Parcel: 0.81 acres. The parcel address and driveway are located on Green Mountain Place. While apparently large, building sites and ingress/egress on the parcel are limited due to its narrow shape, orientation relative to county roads, location and number of adjacent parcels, and steep, rocky, mountainous terrain. Four of the five sides of the Wulbrecht parcel are bounded by private property and the only county road access is via Green Mountain Pl. The parcel is oriented parallel to Wildwood Place on its long axis and trends mid-slope on the mountain, behind four lots, nearly the entire length of the road.

Land: Steep, hilly to mountainous terrain with exposed bedrock and rock outcrops. Slopes are estimated at 60-75% on the parcel behind the cabin.

Vegetation: Predominantly Pine with minor amounts of Juniper and Oak.

¹ It is worthwhile to mention that at the time of construction, Green Mountain Pl. and Pinewood Blvd. were dirt roads, Wildwood Pl. did not yet exist and there was no County Water or Sewer.

July 31, 2019
Request for Variance from the Regulations of the Zoning Ordinance
17820 Green Mountain Pl.
Munds Park, AZ 85017

**Neighboring Lots:** Eight lots are adjacent to the Wulbrecht property. Five on Wildwood Place to the north, two to the southwest on E. Lake Meadow Circle, and one to the south on Green Mountain Pl.

Four of the five parcels on Wildwood Pl. are built and enjoy unobstructed scenery and wooded views across the Wulbrecht property. The two parcels on E. Lake Meadow Circle are well below with negligible views of the Wulbrecht cabin. The southern bounding property is located at 17840 Green Mountain Pl. and shares the property line where this Variance is requested.

**Request for Variance from the Coconino County Zoning Ordinance:** This request for a Variance, focuses exclusively on the southern property boundary shared with 17840 Green Mountain Pl. and owned by Rosalind Ruch². Mrs. Ruch supports the reconstruction of our porch to its original footprint and acknowledges that she and her late husband, Larry, sited their cabin in the 1990’s being aware of the location of the property line and the existing Wulbrecht Cabin (and porch).³ Based on imagery and the measurement tool from the Coconino County Parcel Viewer, the closest distance between these two cabins is 40’ and the furthest distance is 80’. The southwest porch corner in question is the furthest point at 80’. Moving that corner of the porch 4’ interior to the Wulbrecht property line would have no effect, positive or negative, on Mrs. Ruch.⁴ No other neighbors would be affected by this proposal.

**Unusual Circumstances:**

- Lot shape: Long and narrow with eight (8) adjacent parcels.
- Topography: Steep, hilly to mountainous terrain with exposed bedrock and outcrops of rock. Slopes are estimated at 60-75% behind the cabin limiting the available building envelope.
- All adjacent cabin owners have built and sited their cabins based on the orientation and footprint of the older Wulbrecht Cabin. Changing the footprint of the porch to retain useful square footage could disrupt the peaceful harmony amongst adjacent neighbors.
- Lot Orientation: Lot is not 90 degrees to Green Mountain place making cabin orientation difficult. The east facing side of the home is oriented to the approximate center of the lot and creates maximum distance from neighbors. The cabin is aligned with Green Mountain Pl. as opposed to east-west trending lot lines which would have created an awkward cabin orientation to the road and further limited the already minimal driveway and parking area.

**Deprivation of Privileges:**

- The southern corner of the Wulbrecht cabin porch has the most scenic views because of long term investments in maintaining trees over time to preserve it. Each adjacent property to 17820 Green Mountain Pl. enjoys preferred scenic views from their porches because of siting

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² Ruch Living Trust DTD 03-15-99
³ See Figure 1. Letter from Mrs. Ruch supporting porch reconstruction to original footprint.
⁴ Due to mature vegetation the Ruch and Wulbrecht porches are barely visible to one another.

July 31, 2019
and construction decisions based on the existing location of the Wulbrecht cabin. The cabins on Wildwood Pl. additionally benefit and enjoy unobstructed woodland views across the Wulbrecht property. Changing the footprint of the southern corner and relocating the porch\(^5\) would depreciate long-term investments in scenery, be cost prohibitive to build, and disrupt the existing scenic quality which neighbors of Wildwood Pl. currently enjoy.

- The door entering from the west side of the cabin (main porch) is considered the front door to the cabin. The second door on the south side of the cabin has a narrow entry. Eliminating a 4’ x 12’ section from the southwestern corner of the porch would inhibit access through the front (west) door and make moving large items, such as furniture, in and out of the house very difficult. \(^6\) Eliminating this corner would likely require reconfiguration or relocation of entry ways which would be cost prohibitive.
- Loss of porch square footage would reduce utility of porch as a summer living space.
- Reconfiguring porch to another part of the property would be disruptive to neighbors and their summer cabin solitude.

**Findings of Fact:** The owners of the Wulbrecht Cabin submit the following *Findings of Fact* for consideration by the Board of Adjustment. That strict and literal interpretation and enforcement of the 5’ interior-side property line setback would:

A. Result in practical difficulty and unnecessary physical hardship by requiring a reconfiguration or relocation of the west facing front doorway in order to move large items such as furniture in and out of the cabin. \(^7\)

B. Deprive the applicant of scenic views and investments in maintaining those views while adjacent cabins enjoy preferred scenery from their porches that were sited after the establishment of the Wulbrecht Cabin and using undeveloped portions of the Wulbrecht Property to enhance their views.

C. Adjacent Cabin owner (Mrs. Ruch) with shared southern property line supports rebuilding the Wulbrecht cabin porch to its original footprint and knows the southwest corner is within the 5’ property line setback of the shared property line.

D. The closest distance between the Wulbrecht and Ruch cabins is 40’ and the furthest distance is 80’. The southwest porch corner in question is the furthest point at 80’.

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\(^5\) To maintain the same square footage.

\(^6\) Since this is summer cabin, some amount furniture is moved through the west facing front door at least twice per year- Spring and Fall.

\(^7\) Doors may have to be reconfigured or relocated to accommodate changes in the footprint of the porch and would likely be cost prohibitive.
Request for Variance from the Regulations of the Zoning Ordinance
17820 Green Mountain Pl.
Munds Park, AZ 85017

Roselind Ruch
1530 E. Ludlow Drive
Phoenix, AZ 85022
602-789-6185

Date: April 9, 2019

Coconino County Board of Adjustment
Coconino County Community Development
2500 North Fort Valley Road
Flagstaff, AZ 86001

Dear Coconino County Board of Adjustment:

The purpose of this letter is to express my support for the Wulbrecht’s planned porch renovation at 19820 S. Green Mountain Place.

I am a long-time summer resident of Munds Park having purchased my property and built my home at 17840 Green Mountain Place in 1991. I am also a neighbor to the Wulbrecht family cabin and share the property line in proximity to the porch they are proposing to rebuild.

The Wulbrecht cabin is one of the original cabins in our part of the neighborhood and built in seventies. We sited our cabin on our lot in the nineties knowing their cabin’s proximity to the property line.

I support their desire to rebuild their porch to the existing footprint knowing its proximity to the property line.

Sincerely,

[Signature]

Roselind Ruch

Figure 1. Support Letter from Mrs. Ruch.
Note: The address in this support letter is a typographical error and should read 17820

July 31, 2019
Proposal seeks variance to keep the existing footprint and redraw the existing corner into the plans.

Figure 2: 2018 permitted porch configuration submitted by Gene Marks which excludes 4' x 12' section in Property line setbacks.

Request for Variance from the Regulations of the Zoning Ordinance
17820 Green Mountain Pl.
Munds Park, AZ 85017

July 31, 2019
Figure 3. Current Property Survey

Note Existing Configuration of Porch

Existing Configuration of Porch

17840 Green Mountain Pl
Lot 71

Record of Survey

Located in the SW 1/4, Section 14, T18N, R7E,
Cochise County, Arizona

July 31, 2019
Green Mountain Pl. Sewer easement interior to north property line not shown.

Figure 4. Lot/home locations along west side of Green Mountain Pl. Whipple crater Cabin is generally aligned with curvature of

Request for Variance from the Regulations of the Zoning Ordinance

17820 Green Mountain Pl.
Munds Park, AZ 85017

July 31, 2019
Photo 1 & 2. Overview of SW corner of porch and 4'x12' section proposed for Variance

July 31, 2019
Photos 3 & 4. Separation between Wulbrecht and Ruch porches is approximately 80'.
Request for Variance from the Regulations of the Zoning Ordinance
17820 Green Mountain Pl.
Munds Park, AZ 85017

Photo 5: Front door view looking west. Red rectangle is the approximate proposed variance.

July 31, 2019
Photo 6: from SW corner back towards door. Red rectangle is approximately 4 x 12’
Photo 7. View from SW corner of porch and trees maintained for scenic quality

Thank You,

The Wulbrecht Family

(Richard, Judy, Christy, Brent, Jodi, Greg, Kylee, Mason, Carter, Grady, Jillian and Dylan)

-End-

July 31, 2019
RECORD OF SURVEY

GCS: WGS84, COCONINO COUNTY, ARIZONA

LOCATED IN THE SW 1/4, SECTION 14, T16N, R7E,
PINEWOOD, UNIT 16, LOT 70.
1974

Coconino County

Approved Plans

Porch Drawings