



**TOWN OF CAREFREE
BOARD OF ADJUSTMENT PUBLIC
MEETING MINUTES**

WHEN: MONDAY, AUGUST 09, 2021
WHERE: ZOOM WEB*
TIME: 5:00 p.m.

Members of the Board of Adjustment participated by technological means or methods pursuant to A.R.S. §38-431(4).

CALL TO ORDER, SILENT ROLL CALL and PLEDGE OF ALLEGIANCE.

Chairperson Cross called the meeting to order at 5:03 p.m.

BOARD MEMBERS PRESENT VIA ZOOM:

Chairperson Tom Cross
Vice Chairperson Lyn Hitchon
Board Member Heather Burgett
Board Member Peter Burns
Board Member Phil Corso
Board Member Dan Davee
Board Member Ralph Ferro

ABSENT:

None

ITEM 1. APPROVAL of the BOARD OF ADJUSTMENT meeting minutes dated MAY 10, 2021.

Board Member Corso **MOVED TO APPROVE** the Board of Adjustment meeting minutes dated May 10, 2021, with corrections. **SECONDED** by Vice Chairperson Hitchon. **PASSED** unanimously.

ITEM 2. CASE #: 21-11-V

APPLICANT:

APPLICANT

Tyler Green
11480 N. 85th Street

OWNER

David and Vicki Holt
1313 Coyote Pass

Scottsdale, AZ 85260 Carefree, AZ 85377

- CASE LOCATION:** 1313 Coyote Pass
APN: 216-33-397
- ZONING:** Rural-18, Single-Family Residential Zoning District
18,000 square feet minimum lot size
- REQUEST(S):** **APPROVAL** of a **VARIANCE** to the Zoning Ordinance standards to allow for construction of rear yard pool, pool barrier, bar-b-que, and site wall in portions of the rear and side yard building setbacks where such structures are not allowed or limited. The proposed encroachments would be as follows:
1. Twenty-seven feet (27') into the required thirty-foot (30') rear yard building setback to locate the pool;
 2. Twenty-two feet (22') into the required thirty-foot (30') rear yard building setback to locate a bar-b-que;
 3. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a pool barrier.
 4. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a site wall.
- NOTE:** The home is a legal nonconforming structure. This request is for relief from the rear yard setback requirements.

Chairperson Cross introduced the variance request. Director Bridge-Denzak presented via PowerPoint details of the application and provided details of the request to construct a pool, spa bar-b-que and pool barrier/screen wall within portions of the rear building setback.

Director Bridge-Denzak displayed a map revealing a portion of the home's existing encroachment into the rear yard setbacks. The map also indicated the proposed locations of the pool, spa, bar-b-que and pool fence. Ms. Bridge-Denzak explained that due to the non-conforming building, there clearly is a hardship for this property owner as there is no room for this property to enjoy their rear yard and locate a pool based on the Town of Carefree's Ordinances.

Ms. Bridge-Denzak informed the group that the Citizen Participation requirements have been met. Two residents did reach out to the Applicant. There were no objections to the proposal.

Board Member Davee asked if the adjacent open space could be acquired for more land for the property to be in compliance. Ms. Bridge-Denzak explained that among other reasons, that is not an option as those areas were originally platted as open space to provide a buffer between properties.

Board Member Davee and Board Member Burgett expressed concern that this request may set precedence. Director Bridge-Denzak responded that it does not. Variances don't set precedence and each request is reviewed on a case-by-case basis.

There was no public comment.

Board Member Corso **MOVED TO APPROVE, AS PRESENTED,** a **VARIANCE** to the Zoning Ordinance standards to allow for construction of rear yard pool, pool barrier, bar-b-que, and site wall in portions of the rear and side yard building setbacks where such structures are not allowed or limited.

1. With the following four zoning variances for construction of the rear yard improvements:
 - a. Twenty-seven feet (27') into the required thirty-foot (30') rear yard building setback to locate the pool.
 - b. Twenty-two feet (22') into the required thirty-foot (30') rear yard building setback to locate a bar-b-que.
 - c. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a pool barrier.
 - d. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a site wall.
2. The building permit development plans shall conform to the site plan date-stamped July 7, 2021 submitted in association with this application.
3. The granting of this variance shall be null and void if the building permit is not issued within one year of approval.
4. Boulders and existing rock other than existing rip-rap shall not be disturbed.
5. All protected plants deemed salvageable in the disturbed area shall be relocated on the property.

Vice Chairperson Hitchon **SECONDED** the motion. **PASSED** unanimously.

<u>ITEM 3.</u>	CASE #	20-11-V	
	APPLICANT:	<u>APPLICANT</u> Tyler Green 11480 N. 85 th Street Scottsdale, AZ 85260	<u>OWNER</u> James Maetzold 2155 Quails Nest Carefree, AZ 85377
	CASE LOCATION:	2155 Quails Nest APN: 216-33-388	
	ZONING:	Rural-18, Single-Family Residential Zoning District	

18,000 square feet minimum lot size

REQUEST(S): **APPROVAL** of a **VARIANCE** to the Zoning Ordinance standards to allow for construction of a casita within a portion of the rear yard building setback where such structures are not allowed. The proposed encroachment would be thirteen feet (13') into the required thirty-foot (30') rear yard building setback. This request also includes realignment of a wash that exceeds a flow rate of 50 cubic feet per second.

Chairperson Cross introduced the request. Director Bridge-Denzak summarized the request. The proposal is to construct a casita within portions of the rear building setback and realign an existing wash that has a flow rate of 58 CFS which joins a second, nearby wash. Ms. Bridge-Denzak explained what makes this case interesting is that the Town of Carefree Zoning Ordinance does not allow for the disturbance of washes that are greater than 50 cubic feet per second (CFS).

Director Bridge-Denzak presented an aerial map indicating the setbacks, existing three washes on the property and the approximate location of the proposed casita and its encroachment into the rear yard setback.

Ms. Bridge-Denzak noted that one of the three washes flows beneath the existing home. Adding, two drainage channels in question drainage channels meet up on the southwest corner of the property and then head somewhat north to meet with the third one. Adding, this request will also require some realignment of the drainage way.

Director Bridge-Denzak noted that all Citizen Participation Requirements were met, and one comment was received by the Town from one Boulder's neighbor to the south. Staff suggested he call the applicant, which the neighbor did. There were no objections to the proposal.

To address any drainage questions that may arise, Director Bridge-Denzak introduced Carefree's Town Engineer, Mark Milstone.

Vice Chairperson Hitchon asked why the casita can't be located on another area of the lot. Ms. Bridge-Denzak explained the wash presents a special circumstance which does create a hardship for the homeowner to develop in that location. Adding the site is challenged in terms of drainage. However, Ms. Bridge-Denzak understood Vice Chairperson Hitchon's concerns and asked that the applicant respond for clarity.

Applicant Tyler Green reiterated the three washes create a hardship, limiting what can be done on the site. The proposed location of the casita is the preference of the Design Review Board of the Boulders HOA for less impact to the washes and does not create an imposition on the neighbor.

Board Member Burgett asked Applicant Green if the realignment of the wash will change the flow rate of the drainage leaving the property. Mr. Green responded, no it will not change the

overall dynamics of the wash. To give a sense of scale, Ms. Burgett asked how much the wash is shifting. Mr. Green responded the wash will shift less than 10 feet to the southeast.

Town Engineer Mark Milstone expressed that the Town will review this to ensure that it meets Town regulations and does not negatively impact surrounding properties.

The group further discussed if there were possible alternate locations for the casita.

There was no public comment.

Board Member Corso **MOVED TO APPROVE** a **VARIANCE** to the Zoning Ordinance standards to allow for construction of a casita within a portion of the rear yard building setback where such structures are not allowed. The proposed encroachment would be thirteen feet (13') into the required thirty-foot (30') rear yard building setback and also includes realignment of a wash that exceeds a flow rate of 50 cubic feet per second. With the following conditions:

1. The following four zoning variances are hereby granted for construction of the rear yard improvements:
 - a. Thirteen feet (13') into the required thirty-foot (30') rear yard building setback.
 - b. Realignment of Wash 1 and integration into Wash 2.
2. The building permit development plans shall conform to the development plans and reports date-stamped July 7, 2021, submitted in association with this application.
3. The granting of these variances shall be null and void if the building permit is not issued within one year of approval.
4. All protected plants deemed salvageable in the disturbed area shall be relocated on the property.
5. The rerouting of any wash flows shall be accomplished in a manner that does not negatively impact adjacent properties and as approved by the Town Engineer.
6. The Town's Erosion Setback Policy shall apply to this development.
7. Grading and drainage shall meet all provisions of Article IX, Section 9.10.
8. Exterior lighting shall meet all provisions of Article IX, Section 9.12.

SECONDED by Board Member Burgett. **PASSED**, 6-1 with Board Member Davee dissenting.

ITEM 4. ANNOUNCEMENTS

There were no announcements.

ITEM 5. ADJOURNMENT

Vice Chairperson Hitchon **MOVED TO ADJOURN.** **SECONDED** by Board Member Burgett. **PASSED** unanimously.

The meeting was adjourned at 5:58 p.m.

BOARD OF ADJUSTMENT

Samantha Gesell

Samantha Gesell, Planning Clerk 08/09/2021

Tom Cross

Tom Cross, Chairperson