

Minutes
Town of Clifton Board of Adjustment
September 9, 2014
5:30 p.m.

Members Present

David McCullar, Chairman
Sarah Day, Member
Vera Irvin, Member
Melissa Loya, Member
Roy Tyler, Member

Call to Order

The meeting was called to order by Chairman David McCullar followed by the Pledge of Allegiance. A quorum was present.

Discussion and/or action to approve a variance as requested by Lynn Ray to install a front setback fence at 8' between property and railroad track:

Staff Report: Town Manager John Schempf provided information on the current Planning and Zoning provisions relating to fences. He explained that a 6' fence in the CC-1 Zone is allowed under the current ordinance. He referred to the Planning and Zoning Ordinance. He noted that the applicant is requesting that fence approval allow for the additional 2 ft.

Applicant: Mr. Ray explained the location of the fence would be installed between his property the Clifton House, LLC., the Rode Inn Motel and the Arizona Eastern Rail Road tracks. He further explained that the purpose of the fence was for noise abatement and privacy for his tenants. He acknowledged that the fence was required to meet floodplain regulations.

Public Testimony:

Former Town Mayor, Aida Lopez expressed concern on the initial approval of the RV Park in general due to the town's floodplain ordinance. She referred to the location of the property as being located in a high risk area.

Steve Ahmann commented on the restrictions to the San Francisco River that the proposed fence could impose on the Birding Tourism Community. He also mentioned that the ingress & egress to traffic accessing the RV Park and traffic flowing on HWY 191 could now become a safety issue due to the fence.

Gary Keene, Rode Inn Motel Owner stated his concerns relating to the fence altering the course of potential flood waters. This fence would impact his property and cautioned that he would take legal action to include the town if damage to his property resulted from the fence.

Applicant Response: Mr. Ray responded to each of the concerns presented. He assured that he had satisfied the town's Floodplain regulations by submitting proper documentation to the town's floodplain administrator obtaining a zero rise elevation certificate which was also reviewed by U.S. Army Corps of Engineers personnel.

With regards to the ingress and egress issue, Mr. Ray explained that a 2-way road will be provided to accommodate park access. Relating to the concern of altering potential watercourse flooding, Mr. Ray explained that the fence will be designed to provide pivot points at every 10'

Board Deliberation: Board Member, Melissa Loya stated concern that the proposed fence would obstruct street lighting to foot traffic along Hwy 191.

Board Member, Sarah Day stated her dislike of the fence, however the town's Planning and Zoning Ordinance does allow for the 6' fence.

Additionally, Board Member Vera Irvin voiced her dislike of the current condition of the facility and stated that she was unsure whether the fence might enhance the view.

Comments from Board Member Roy Tyler related to the fence location meeting the required set-backs due to the uncertainty of the property boundaries. He also noted that Mr. Ray's justification for the request was not in accordance with the CC-1 provision to allow a fence.

Summation: David McCullar, Board Chairman reiterated that a 6 ft. fence is allowed in the zone and the question for the board to decide is whether to allow the applicant to install the fence at the additional 2 ft.

Mr. Schempf, Town Manager clarified the location of the proposed fence installation which seemed to confuse the board.

Board Member Sarah Day made a motion to grant the variance to allow for the installation of the 8 ft. fence as described in the application. Second to the motion was made by Board Member Roy Tyler.

Voting in favor of the motion were Board Members Day, Tyler and McCullar. Opposing the motion was Board Member Loya. Abstaining from the vote was Board Member Irvin. Motion carried.

Discussion and/or action to interpret the provisions of the Planning and Zoning Ordinance related to a "CC-1.":

Staff Report: Mr. Schempf explained that this property had historically been used as a commercial facility as verified by one of the town's former Town Manager/Planning and Zoning Administrator. The CC-1 status has been retained due to continued use.

Applicant: Mr. Ahmann acknowledged that the use has been retained as a CC-1 because his business is currently established there. He stated that the Planning and Zoning Ordinance does allow caretakers to reside on the property. He is asking the Board of Adjustment under their authority to clarify this provision.

Public Testimony: None

Board Deliberation: Prior to discussion, Town Manager, John Schempf explained the caretaker provision was NOT allowed in the CC-1 zone specifically.

Board Member Sarah Day advised Mr. Ahmann to submit his application to appear before the appropriate board to address his request to allow a caretaker to reside in this zone.

Motion to adjourn was made by Board Member Sarah Day, second to the motion was made by Board Member Melissa Loya. Motion carried. Meeting adjourned at approximately 6:50 p.m.