



**BOARD OF ADJUSTMENT MEETING**  
**CITY OF BISBEE COUNCIL CHAMBERS LOCATED AT**  
**915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603**  
**THURSDAY, JUNE 8, 2023 5:30PM**

**MINUTES**

**CALL TO ORDER: 5:30PM -Melissa Hartman**  
**ROLL CALL- BOARD MEMBERS / STAFF**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
<b>Tyler Bradberry</b>	<b>X</b>		
<b>Cado Daily</b>	<b>X</b>		
<b>Melissa Hartman, Chair</b>	<b>X</b>		
<b>William (Bill) Higgins</b>	<b>X</b>		
<b>Fred Miller</b>	<b>X</b>		
<b>Tom Patterson</b>	<b>X</b>		
<b>Ken Budge, Council Liaison</b>	<b>X</b>		
<b>Nina Williams, Deputy City Clerk</b>	<b>X</b>		
<b>Amanda Bramel, Admin. Assistant</b>	<b>X</b>		
<b>Joe Ward, Bldg. Inspector</b>	<b>X</b>		

**CONTINUED CASE**

**BOA 23-01: SCREAMING BANSHEE, OWNER KERRI BLANKENSHIP 200 TOMBSTONE CANYON**

The Appellant Ms. Kerri Blankenship is in violation of the City of Bisbee Zoning Code Article 8.1(A) Parking and Loading Requirements due to their accessible parking being blocked. The appellant has informed the City that they are in the process of acquiring a space from the property owner next door at 202 Tombstone Canyon. The Board will need to make a decision regarding the appellant’s appeal.

- Appellant to Speak on their Appeal

Ms. Blankenship stated that she had worked out an agreement with Contessa’s (property owner next door at 202 Tombstone Canyon) for a space to be used by Screaming Banshee as their handicap space.

- Staff to Speak on Appeal

Mr. Ward, Bldg. Inspector/Code Enforcement spoke regarding the recommendation that was provided in the agenda. He stated that there was a space prior to this, and one should be provided.

- Recommend that a handicap space be opened and used until such time as Ms. Blankenship has a replacement or acceptable alternative.

- Discussion by the Board regarding Appeal

Ms. Hartman spoke regarding the previous meeting of the Board regarding this appeal, where the applicant was given more time to meet with City staff to work out a resolution.

Ms. Blankenship stated that she had met with Mr. Ward and Mr. Rodriguez.

Mayor Budge said that the space Ms. Blankenship was speaking to was not City property so we can not speak to it. He said that Ms. Blankenship was to meet with the City to see what we could offer.

Ms. Hartman said that alternatives were discussed because the access was not there, Ms. Blankenship met with staff, and one of the recommendations the Board had was that she negotiate with the property owner next door for a space.

Mr. Miller said there seems to be enough space for parallel parking spot directly in front of Banshee. The only thing stopping that was there was a walk way (crosswalk) there. He questioned whether that cross walk could be removed.

Mr. Ward stated that he had no control over crosswalks. He thought there was room for a parking spot on the Banshee property.

Mr. Bradberry said the issue with this case was that the handicap spot was already on the property it would need to remain on the property. If the handicap spot was placed on the street it would be going away from the current situation. The spot needs to remain on the property.

Ms. Hartman stated that it was an ADA crosswalk, and it would not be in our jurisdiction to remove it.

Mayor Budge said that the City could not provide a spot on the street.

Mr. Patterson stated that you could not park within 10ft. of either side of the crosswalk.

Ms. Blankenship said she didn't see why she couldn't put a sign up and start using it now, she didn't think her neighbors would have an issue with this.

Ms. Daily asked if the alternative that Ms. Blankenship was acceptable to the City.

Mayor Budge said if she had the paperwork that stated she owned that spot.

Ms. Daily said that the Board was addressing what the acceptable thing was to do for the handicap parking space. The City could give you a certain amount of time to fulfill that requirement and if not there would be a penalty.

Mr. Miller's suggestion was to get a note from the owner that Ms. Blankenship can temporarily use one spot until the paving of the lot starts and after the paving that you are either purchasing it or something in writing stating this. This would satisfy that she has a handicap spot and that she will have a handicap spot.

Mr. Higgins said that it would have been nice to have an agreement for this meeting instead of waiting any more time. He felt that the Board should act on this with the information that they have not on what may come. He felt that the Board should not have to deal with this issue again. A parking space was needed, and no more time was going to be given.

Mr. Patterson asked Mr. Ward about the location of a spot to be put back.

Mr. Ward said that it could be the original or moved as long as Ms. Blankenship had a handicap parking space.

Ms. Blankenship stated that if she put it back where it was she would not be able to have outdoor seating, it would not be enough room for her servers to get around.

Ms. Hartman agreed with Mr. Higgins that this issue needed to be dealt with tonight.

Mr. Bradberry had a question regarding the proposed handicap spot, how would Ms. Blankenship own it.

Ms. Daily reiterated about Ms. Blankenship having a spot; so that there was an understanding on what Ms. Blankenship has regarding a handicap spot.

MOTION: Ms. Hartman moved to enter into Executive Session.

SECOND: Mr. Higgins

MOTION PASSED: Unanimously

MOTION: Ms. Hartman moved to come out of into Executive Session.

SECOND: Mr. Miller

MOTION PASSED: Unanimously

- Call for Motion and Vote by the Board

Ms. Hartman stated they were ready to put a motion out.

MOTION: Mr. Miller moved that the Board directs the appellant to provide temporary handicap parking spot within the next 48 hours and the appellant has 30 days to provide a permanent handicap spot with the appropriate paperwork provided to the City if the appellant has not done that within the 30 days the City would move forward with fines.

SECOND: Ms. Hartman

The Board discussed the motion.

Mr. Miller amended his motion.

MOTION: Mr. Miller moved that the Board directs the appellant to provide temporary handicap parking spot within the next 48 hours and the appellant has 30 days from June 8<sup>th</sup> to provide a permanent handicap spot at Contessa's with the appropriate paperwork provided to the City.

SECOND: Ms. Daily

ROLL CALL VOTE:

AYES: Bradberry, Daily, Hartman, Miller, and Patterson.

NAYES: Higgins

MOTION PASSED: 5/1

Pursuant to A.R.S. 38-431.03(A)(3), the Board may vote to enter into an executive session at any point during this meeting for discussion and consultation for legal advice with its attorney(s).

**ADJOURNMENT: 6:45PM**

**MOTION:** Mr. Patterson moved to adjourn.

**SECOND:** Mr. Bradberry

**MOTION PASSED: UNANIMOUSLY**