



**BOARD OF ADJUSTMENT MEETING MINUTES**

**CITY OF BISBEE COUNCIL CHAMBERS LOCATED AT  
915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603  
TUESDAY, OCTOBER 24, 2023, 5:30PM**

**CALLED TO ORDER: 5:31PM**

**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>Sharon Stetter</b>	<b>X</b>		
<b>Ken Budge, Council Liaison</b>	<b>X</b>		
<b>Emanuel Stuart, Staff Liaison</b>	<b>X</b>		
<b>Xavier Rodriguez, Deputy Bldg. Inspector / Code Enforce.</b>	<b>X</b>		

**Agenda Item 1.**

**BOA 23-03**

**Applicant:** Mario and Rebecca Valenzuela

**Location:** 526 Camino De Nevada Bisbee, AZ 85603

**Requesting a Variance:** Variance to place a Manufactured home on their R-1 Zoned property.

A. Opening of the Public Hearing

**M. Hartman opened the public hearing.**

B. Presentation by the Applicant

Greg McClanahan- representative with Champion Homes, has 30 years of construction experience. Discussed the advances of construction of their products, advances in their product features, while also doing their best maintain sensitivity to affordability.

Mr. McClanahan explained that a few years ago the federal government came up with a new building standard, that if followed a manufactured can be treated the same as a site-built home. This program was called MH Advantage and under the Fanny Mae and Freddy Mack Guideline this new construction standard to be introduced for the benefit of having a home comparable to a site-built home. He explained that the difference between a traditional Manufactured home and this product is that it has been built with better materials for longevity and energy efficiency, different structural aspects that make it closer to a site-built home, while also providing more curb appeal. The structure, foundation set up, and amenities mean it's much more alike to a site-built home than a traditional manufactured home thus making it a quality home complementary to any neighborhood. With this home having followed such guidelines there are in fact not asking for a manufactured home to be approved but a MH Advantage construction standard home to be approved.

C. Comments by persons in favor (Speaking time limit three (3) minutes per person)  
There were no comments in favor.

D. Comments by persons opposed (Speaking time limit three (3) minutes per person)

Persons who spoke in opposition:

1. Mr. Young on behalf of himself and wife Cindy Rooney- stated that everyone in the established neighborhood was against the request to change the zoning. When he was approached by the applicant, it was never mentioned to him that this was a manufactured home. He was unaware that the law would need to be changed for them to add their home to the neighborhood.

Mayor Budge, staff liaison clarified that the law was in fact not being changed but essentially this was a request to make an exception to the rule.

2. Laurie Lewis – stated that she and her mother had the first home built in the neighborhood and that at that time there was a Homeowners Association in place. She said that over time the Homeowners Association had become obsolete and to her dismay some things are being done that would not have been allowed under the association. So, it was important to not allow a Manufactured Home amongst the other issues currently present lowering the property value.
3. Michael at 522 – stated that he moved from Tucson into the neighborhood with the expectation that it would be a community of site-built homes. He felt that the allowance of one Manufactured would lead to more. This would eventually lead to the devaluation of the homes already present.
4. 515 Camino De Nevada - Said that she was opposed due to the potential of her home value depreciation.
5. Barbra Sifton – stated that she had owned her home since 2005 and that the applicants had plenty of time to build. Their request is unfair to those who have built and cared for their homes thus far.

E. Summarization by City Staff

Mr. Stuart, City Planner stated that the request for a variance could be granted with conditions and in no way a special privilege. He thought that granting the variance would be in accordance with an Ordinance implemented in 2015 which encouraged diversity in neighborhoods to accommodate multiple types of homes as to best serve all members of the community wishing to be homeowners. He believed that this home was acceptable for the area.

F. Rebuttal by Applicant

Mr. Valenzuela asked to allow Mr. McClanahan to rebut the concerns on his behalf. But that he would like to know if anyone had more information regarding the supposed HOA, as he had no knowledge of it.

Ms. Hartman, asked Mr. Estes, City Attorney to advise if there was more opportunity for the audience to speak again as there were members in the audience wishing to answer some of Mr. Valenzuela's questions.

Mr. Estes said it was up to the Chairman but advised to limit audience speaking as much as possible.

G. Closure to the Public Hearing

Ms. Hartman closed the Public Hearing.

H. Discussion of the Variance Application among the Board Members

M. Hartman opened it up to the board members for discussion.

Ms. Daily thanked everyone for expressing their opinions and wanted to clarify that it seemed the biggest concern overall for the neighbors is the potential of devaluation of the surrounding properties by allowing a manufacture home, She asked Mr. Mclanahan if he could rebut that if he could.

Mr. McClanahan stated that the federal government had taken a stance on the valuation of MH Advantage qualified homes and explained that there are key differences between an MH Advantage built home and a traditional Manufactured Home. He stated that in comparison the MH Advantage home was more like a site-built home than a traditional manufactured home.

Mr. Miller asked Mr. McClanahan if a representative of their company had been out to see the location where the home was to be placed. He stated that the home is technically a manufactured home.

Mr. McClanahan stated he had only seen the property via satellite and that the home is an offsite-built home rather than a traditional onsite-built home. That under the HUD housing category that the home is initially considered a manufactured home but secondarily considered a MH Advantage home.

Ms. Daily stated she had a discussion with someone involved with the Housing Charrette and asked if there was any expansion on the Term Housing Type and if that meant that different types of manufacturing of homes. They said that it had been some time but that it was their belief that different types were referring to size of homes such as single-family homes, multifamily homes and not construction of the home. The construction type vs the housing type changes the use and potentially not satisfactory in accordance with the charrette.

Mr. Miller asked applicant Mr. Valenzuela how long he had owned the property and why he had chosen to go with a manufactured home vs. a site-built home.

Mr. Valenzuela stated that the availability of contractors in the area, the cost of materials, as well as the amount of time needed to construct a site-built home was too expense and would take years to build. So they chose something comparable to a site-built home.

Mr. Miller clarified that the cost was unreasonable in comparison and therefore they decided to not go with a site-built home.

Mr. Valenzuela stated that was correct. That a medium sized site-built home while also building something to meet the quality of the others in the area would be too costly.

Mr. Miller asked the applicant if they spoke to any of the neighbors prior to the meeting.

Mr. Valenzuela said yes, he had spoken to a few neighbors the same day he applied for the variance with the city.

Mr. Miller asked Board member Bradberry, in his opinion as a local contactor, did he feel there was any validity in the applicants' statement as far as contractor availability, material expenses, and the time frame to build a home.

Mr. Bradberry said that it was in his opinion. That obtaining the materials for a home is much easier now than it was during the peak of covid, but that he felt that the statement regarding the contractor availability and the extended amount of time it would take to build a home was accurate. He believed the cost to build a home at this time would be about \$250-\$300 a square foot.

Mr. Miller addressed Mr. McClanahan and asked what the cost per square foot for their products were.

Mr. McClanahan stated that including all the potential variables that the amount would be about \$160 or \$170 a square foot.

Ms. Daily addressed the Mayor and asked him if he thought the Zoning Codes regarding housing had been updated since 2015 or if the current Housing Chalet was still accurate.

Mayor Budge stated that he had been in office for the past 3 years and to his knowledge nothing regarding residential housing has been changed.

Ms. Daily stated that it was her belief that if the city wanted to allow a mixture of home types that possibly it's time to change the city code.

Mayor Budge said it could be possible that maybe it is time to address the current code and determine what qualifies as mobile home and what features a mobile home would need to make that determination.

Mr. Estes wanted to point out that part of the focus of the board's decision should be on the means, the methods, and the materials used because the code does differentiate between a manufactured and a modular home. There was a distinction between the two per the code in that regard.

Ms. Daily asked Mr. McClanahan if it was his opinion if this home would be considered modular.

Mr. McClanahan replied that the description of this home seems to be in accordance with the city codes description of a modular home.

Ms. Daily asked Mr. McClanahan if the price estimates the applicant gave of about \$300k was accurate in his opinion.

Mr. McClanahan responded that he believed that with some of the added features they are wanting that it could be very close to that but potentially lower when their project goes out to contractors for bids.

Mr. Bradberry asked Mr. McClanahan what type of foundation this particular project have.

Mr. McClanahan stated that the requirements for an MH Advantage home would need a masonry-based foundation.

Ms. Hartman said that she felt that the ordinance and codes were difficult to interpret especially in this type of situation. And clarified that depending on the outcome she wanted to make the applicant aware that the next step would be the Superior Court. The discussion was then opened to the board.

I. Call for Motion and Decision by the Board

**Motion:** Mr. Miller – move to not approve the request for a variance.

**Second:** Ms. Daily

**Roll Call Vote:**

**AYES:** Setter, Daily, Miller, Hartman, Bradberry

**NAYES:** 0

**MOTION PASSED: UNANIMOUSLY**

ADJOURNMENT: 6:27PM

**Motion:** Mr. Bradberry moved to adjourn the meeting.

**Second:** Ms. Daily  
**Motion Passed:** UNANIMOUSLY