BOARD OF ADJUSTMENT MEETING MINUTES

CITY OF BISBEE COUNCIL CHAMBERS LOCATED AT
915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603
WEDNESDAY, JULY 24, 2024, 5:30PM

CALL TO ORDER:
ROLL CALL- BOARD MEMBERS / STAFF

	PRESENT	ABSENT	EXCUSED
Tyler Bradberry	X		
Cado Daily	X		
Melissa Hartman, Chair	X		
VACANT	----	----	----
Fred Miller	X		
Tom Patterson	X		
Sharon Stetter	X		
Ken Budge, Council Liaison	----	----	X
Emanuel Stuart, Staff Liaison	X		
Xavier Rodriguez, Bldg. Inspector / Code Enforce.	X		

<u>Agenda Item 1.</u>
BOA 24-02
Applicant: Blanca C. Marquez
Location: 533 Santa Cruz Dr. Bisbee, AZ 85603
Requesting a Variance: Request to increase the height of the front yard chain link fence to five (5) feet.

A. Opening of the Public Hearing
   Ms. Hartman opened the Public Hearing.
B. Presentation by the Applicant
   Ms. Marquez spoke regarding her appeal with Ms. Lorena Valdez as a translator.

Ms. Marquez stated that she is requesting to increase her front yard fence 2 feet from 3 feet to 5 feet in order to keep deer from jumping into her yard.

C. Summarization by City Staff
The Planner stated there were no special circumstances applicable to the property and that in this case, there was no undue hardship, upon the owner of the property. Also, the owner of the property was not being deprived of developing the property in the same manner as surrounding properties. The recommendation was to not allow it.

D. Comments by persons in favor
   No one spoke in favor.

E. Comments by persons opposed
   No one spoke in opposition.

F. Rebuttal by the Applicant

Ms. Marquez stated she came into the office and explained that she wanted to create extensions on each post, adding a pole to the existing pole and put two wires above the fence, as the method of extending the height of the fence.

Mr. Miller asked if the wires would be electrified. The answer was no.

Ms. Marquez said through translation that she got coupons from ACE and had already bought the materials.

G. Closure of the Public Hearing
Ms. Hartman closed the Public Hearing.

H. Discussion of the Variance Application among the Board Members
The Board Members discussed the request for appeal.

Mr. Rodriguez said it was strictly against the code to go above 4 feet in that area with any materials, including wires. Anything above 4 feet requires a variance.

Mr. Bradberry asked if they extended the fence, would it be permanent, or temporary with a connection of pole to pole.

Ms. Hartman asked if Mr. Rodriguez would check the fence extension after it is installed. Mr. Rodriguez said yes.

Ms. Daily said deer can jump over 5 feet, and had serious doubts that this extension will keep the deer out. Ultimately, extending the fence beyond what the code allows would not accomplish Ms. Marquez's goals.

Mr. Bradberry said deer can jump over an 8-foot fence.

Mr. Patterson said we had set precedence in the case of someone who wanted to raise their wall. The decision was made to deny it, so precedence has been set.

Mr. Miller said deer jumped over the 7 ft fence he installed out in the country, so this 5-foot fence was not going to be effective. He stated he looked on Google Street View and saw consistency of the height of fences in the neighborhood, with a tall fence being out of place. The best method would be to deter deer by planting shrubs that repel or keep them out.

Ms. Daily said there were some 5 ft chain link fences in the front yard of some houses in that neighborhood. However, she agrees that the fence will not keep deer out.

Mr. Patterson said there was no benefit of the higher fence, and so it was not a good precedence to set for the area.

Ms. Hartman said if Ms. Marquez wanted to add the wires up to 4 ft, she could as allowed in the code.

I.   Call for Motion and Decision by the Board
     MOTION: Mr. Patterson moved to deny the request.
     SECOND: Ms. Daily

     ROLL CALL VOTE:
     AYES: Bradberry, Daily, Hartman, Higgins, Miller, and Patterson.
     NAYS: 0
     MOTION PASSED: UNANIMOUSLY

     ADJOURNMENT: **5:52 PM**
     MOTION: Mr. Patterson moved to adjourn.
     SECOND: Ms. Hartman
     MOTION PASSED: UNANIMOUSLY