



**BOARD OF ADJUSTMENT MEETING MINUTES**

**CITY OF BISBEE COUNCIL CHAMBERS LOCATED AT  
915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603  
WEDNESDAY, FEBRUARY 19, 2025, 5:30PM**

**CALLED TO ORDER: 5:30 PM**

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

**Agenda Item 1.**

**BOA 25-01**

**Applicant:** Daniel Crisafulli

**Location:** 600 Tombstone Canyon. Bisbee, AZ 85603

**Requesting a Variance:** Variance to increase the height of the side fence to seven (7) feet.

- A. Opening of the Public Hearing  
MS. HARTMAN OPENED THE PUBLIC HEARING
- B. Presentation by the Applicant

**Mr. Crisafulli constructed the fence and resides at the property. He stated that he did not wish to speak at length, as he hoped the letter outlining the reasons for the request had conveyed the necessary information. He then explained that he was seeking approval for a seven-foot fence at the small concrete retaining wall curb at the interface between the street and the property. He noted that the fence stands at six feet in height and is positioned on the curb, with the variance request specifically pertaining to that one section of the structure.**

- C. Summarization by City Staff

**Staff said that the subject property presented special circumstances due to its distinct topographical condition, and the strict application of the six-foot fence height limitation would have resulted in an inconsistent fence line that did not align with the natural contours of the land. Without the variance, the fence would have appeared disproportionately short in the elevated sections, reducing both privacy and security compared to neighboring properties with more level terrain.**

**He said the request maintained consistency with surrounding properties, and granting the variance would not provide the owner with an undue advantage but instead allow for reasonable development in alignment with the area's character. The intent of the fence height regulation is to ensure aesthetic continuity and privacy without creating excessive barriers. The requested variance upheld these goals**

by accommodating the site's natural topography while maintaining the overall integrity of the zoning ordinance.

Based on these findings, it was recommended that the Board of Adjustment approve the requested variance, allowing a maximum fence height of seven feet along the sloped portion of the property. This request aligned with the intent of the zoning ordinance and did not adversely affect surrounding properties.

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

**Brianna Young spoke in favor, saying she had corresponded with Mr. Budge regarding the project and emphasized the effort that had gone into it and expressed hope that the board would grant its approval.**

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

**NONE**

F. Rebuttal by the Applicant

**NONE**

G. Closure of the Public Hearing

**MS. HARTMAN CLOSED THE PUBLIC HEARING**

H. Discussion of the Variance Application among the Board Members

**The Board discussed.**

**Ms. Daily said she drove by the property but was unable to see the specific area in question and stated she would need to rely on the judgment of those who had directly observed it. She said the project was supported by the city and the Design Review Board and noted that the zoning code permitted approval in this case. Additionally, she emphasized that the request did not constitute a self-imposed hardship, further justifying support for the variance.**

**Ms. Hartman agreed that the hardship was not self-imposed and stated clearly that she intended to vote in favor of granting the variance and was going to leave it at that.**

**Mr. Bradberry stated he had not driven by the property but had been present when the project was reviewed by the Design Review Board. Since then, he had observed the area from a distance. He initially questioned why the fence needed to be seven feet tall but learned that while the fence itself was six feet, the curb sat one foot above street level, which was being factored into the total height measurement.**

**Upon understanding this, the speaker recognized that the fence was effectively six feet tall, with the height requirement being measured from the lowest point of the property—typically the street level. They noted that this measurement method was consistent with how building height variances were calculated for houses. He stated that they had no objections to the request.**

**Ms. Stetter said Daniel was her neighbor and had been keeping an eye on the improvements being made to the property. She expressed appreciation for the work being done and stated their full support for the project.**

I. Call for Motion and Decision by the Board

**MS. HARTMAN CALLED FOR A MOTION.**

**MOTION:** Ms. Daily moved to approve the request for a Variance for the seven foot fence at 600 Tombstone Canyon.

**SECOND:** Ms. Hartman

**MOTION PASSED: UNANIMOUSLY.**

**ADJOURNMENT: 5:38 PM.**