



BOARD OF ADJUSTMENT MEETING

**CITY OF BISBEE COUNCIL CHAMBERS LOCATED AT
118 ARIZONA STREET, BISBEE, AZ 85603
THURSDAY, SEPTEMBER 3, 2026, 5:30PM**

CALLED TO ORDER: 5:30PM – Melissa Hartman

ROLL CALL- BOARD MEMBERS / STAFF

	PRESENT	ABSENT	EXCUSED
Tyler Bradberry	X		
Kathleen Buchanan	X		
Cado Daily	X		
Alisia Espiriti	X		
Melissa Hartman, Chair	X		
Fred Miller	---	---	X
VACANT	---	---	---
Mel Sowid, Council Liaison	X		
Emanuel Stuart, Staff Liaison	---	---	X
Xavier Rodriguez, Bldg. and Zoning Inspector	---	---	X
Claudio Estrada, Code Enforcement Officer	X		
Nina Williams, Acting City Clerk (Staff Liaison)	X		

Agenda Item 1.

BOA 26-04

Applicant: Bruno Gordonne, Owner

Location: 103-62-107A located adjacent to 61 B Shearer Avenue Bisbee, AZ 85603

Requesting a Variance: Variance for the construction of a shed, carport and/or future garage installation on a property with no main building which is required under current zoning regulations.

A. Opening of the Public Hearing

Ms. Hartman, Chair, opened the public hearing for BOA 26-04. She noted that the applicant, Bruno Gordonne, was not present in person and that a neighbor would be presenting on his behalf.

B. Presentation by the Applicant

Mr. Doug Reiniger of 19 Clawson Avenue appeared on behalf of applicant Bruno Gordonne, stating that he lives directly down the steps from Bruno and Nicole. Mr. Reininger noted that he had written a letter of support included in the board packet and had also prepared remarks for the meeting. He spoke to the quality of the work the applicants had performed on their main house, describing it as a beautiful renovation that had "really turned things around" in the neighborhood. He acknowledged that he had not initially realized that the adjacent parcel where the small storage building was placed was not technically part of the applicants' main property. He expressed strong support for the applicants, characterizing them as "well intentioned" and urging the board to grant the variance,

while acknowledging that any larger future building would still need to go through the Design Review Board process and follow applicable rules.

C. Summarization by City Staff

Ms. Williams, City staff summarized the staff analysis of the application. She explained that the unique circumstances of the property create a hardship not generally shared by other properties in the area. Specifically, the presence of a city right-of-way — a public staircase — physically separates the applicant's main residential parcel from the adjacent parcel he also owns, preventing the two lots from being legally combined or developed as one. Staff found that this hardship was a function of the property's unique physical condition and was not of the applicant's own making. Staff further found that the proposed improvements are consistent with the residential character of the neighborhood and are not anticipated to adversely affect adjacent properties, public safety, or the intent of the zoning regulations. Ms. Williams clarified the situation plainly for the record: the applicant's main home was on one side, the subject parcel was on the other side, and in between was a city public staircase that cannot be removed or relocated.

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

No members of the public stepped forward to speak in favor beyond the letter of support from Mr. Reininger, which was already included in the board packet and presented directly by him.

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

No members of the public stepped forward to speak in opposition to the variance.

F. Rebuttal by the Applicant

No rebuttal was offered on behalf of the applicant.

G. Rebuttal by City Staff

Mr. Estrada, Code Enforcement Officer, offered the formal staff recommendation, stating: "Staff recommends that the Board of Adjustment approve variance BOA 26-04 allowing the proposed carport as requested."

H. Closure of the Public Hearing

Ms. Hartman, Chair, closed the public hearing, noting no objections from the public.

I. Discussion of the Variance Application among the Board Members

The board discussion was brief and largely in consensus. Board Member Cado Daily opened the discussion, stating that the case seemed "very clear." She noted the presence of the main house on one parcel, the city staircase physically dividing the two lots, and the applicant's ownership of the adjacent parcel where the carport was proposed. She concluded that it was reasonable to allow the carport on the secondary parcel even absent a residential structure upon it.

Board Member Tyler Bradberry concurred, drawing a direct comparison to a prior case the board had addressed on High Road, which involved nearly identical circumstances — a city staircase separating otherwise related parcels. He noted he had personally seen the parking improvements made in that prior case and saw nothing objectionable in the current request.

Ms. Hartman, Chair, briefly added her own perspective, noting that parking was "one of our biggest challenges in Bisbee" and that the variance offered a sound solution given the special circumstances of the divided parcels.

Ms. Hartman, Chair, indicated she had visited the site in person to better understand the layout and that, upon doing so, the situation indeed reminded her of the prior similar case. She stated she was also in favor and called for a motion.

J. Call for Motion and Decision by the Board

MOTION: Board Member Cado Daily moved to grant the variance for the construction of a shed, carport, and/or future garage installation on a property with no main building, as required under current zoning regulations, for parcel number 103-62-107A, located adjacent to 61B Shearer Avenue, Bisbee, Arizona.

SECOND: Board Member Tyler Bradberry

MOTION PASSED: Unanimously

Agenda Item 2.

BOA 26-05

Applicant: Joseph Lewis, Owner

Location: 100 Clawson Avenue Bisbee, AZ 85603

Requesting an Appeal: Appeal by Joseph Lewis, of the decision of the Bisbee Design Review Board on August 5, 2026, denying the proposed installation of a new double loading door and ramp to the West side (back side) of the Old Bisbee High School.

A. Opening of the Public Hearing

Ms. Hartman opened the public hearing for BOA 26-05

B. Presentation by the Applicant

A representative identified as Mr. Martinez appeared on behalf of applicant Joseph Lewis. Mr. Martinez stated he was available to answer questions and offered a brief summary of the project's purpose. He explained that the proposed double loading doors would be painted to match the existing color of the building so as to minimize visual contrast. He emphasized that the doors were not intended to accommodate large 18-wheel trucks but rather to facilitate the loading and unloading of appliances, furniture, and heavy equipment such as air conditioning units into what was a three-story structure. He invited questions from the board.

C. Summarization by City Staff

Ms. Williams, City Staff, provided the staff analysis, citing the City of Bisbee 2003 General Plan, which identifies as an objective for the Old Bisbee planning area the preservation of its "historic and small town character." She referenced the Secretary of the Interior's Standards regarding entryways, which discourages the construction of secondary or service entrances that are incompatible in size, scale, or detailing with a historic building or that obscure, damage, or destroy character-defining features. Ms. Williams summarized the applicable standards for such additions: they should be placed on a rear or secondary elevation to reduce visibility from primary public views; they should

be limited in scale and massing to remain subordinate to the original structure; and they should differentiate new work from the historic building through simplified details, plain designs, and subtle material contrast. She invited the board to review images of the existing wall and proposed feature to determine compliance with these standards.

Mr. Estrada, Code Enforcement Officer, then provided background on how the matter came before the board. He explained that the city had received a complaint alleging that work on the loading doors and ramp was already underway. Staff investigated and determined that the activity — which appeared to involve painting a rectangle on the wall and drilling holes at the corners of the proposed door opening — did not, in their judgment, rise to the level warranting a stop-work order. Staff therefore chose not to issue one, but did direct the applicant to submit an application to the Design Review Board. That application was denied by the DRB, and the current hearing was the applicant's appeal of that denial. Board Member Cado Daily sought clarification on the stop-work order question, and Officer Estrada confirmed that no stop-work order had been issued, as staff concluded the preliminary work observed did not merit one at that stage.

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

Margo Walker, a neighbor from 101 Clawson Avenue, stepped forward and stated that while she was not strictly "opposed," she had significant questions and concerns she wished to raise. Ms. Walker described the current situation, noting that large trucks currently come to the front of the building on Clawson Avenue several times per week, offload materials onto a forklift, and then travel up Clawson and onto Maxfield Street. She expressed concern that the addition of a rear loading door should not be interpreted as an invitation for large delivery trucks to attempt access via Clawson or Maxfield, noting that such trucks "would never make the turn and would never find their way out again." She also raised questions about the proposed ramp, noting that window wells run along the building's west wall adjacent to Maxfield Street, and asking whether the ramp would encroach onto Maxfield, which she described as "pretty narrow" like most streets in the area. She acknowledged that UPS and FedEx trucks already use Maxfield for residential deliveries and could presumably access the rear of the building without issue. She referenced earlier DRB proceedings from 2023 related to a prior all-housing plan for the building, in which exceptions were made to install windows for proposed apartment units, suggesting that some modification to the historic exterior was not entirely unprecedented. She concluded by saying she was not opposed to the applicant doing what was needed to complete the project, but wanted assurance that large trucks would not be routed onto Maxfield and that the ramp would not impede the roadway.

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

Britt Hanson, residing at 5 Maxfield Avenue, directly across from the gymnasium of the Old Bisbee High School, spoke in opposition. Mr. Hanson stated that for the past four years, until just the last couple of weeks, the Maxfield side of the building had served as the primary staging area for equipment and material movement associated with the project. He confirmed that he had filed a written objection, which included a photograph of the six holes that had been drilled into the historic masonry wall — four of which marked the corners of the proposed loading door opening — as well as the painted rectangle delineating the door's location. He stated that his principal objection was not the door itself in isolation, but rather the pattern of behavior it represents. He described how, for four years, the project's pickup truck and trailer were regularly parked directly in front of his garage, preventing him from exiting or requiring a "13-point turn" to do so. He noted that this had been a daily occurrence on weekdays and that a flat tire on his vehicle resulted from construction hardware left in the street. He stated plainly, "to say that they have not been good neighbors would be a gross

understatement." He further raised a separate matter regarding the gymnasium, describing how an electrician had shown him the layout of what appeared to be a bar being installed inside — including a horseshoe-shaped bar, a stage, constructed stands, and framed restrooms — and that when he brought this to the attention of Council Member Sowid, who then contacted Joseph Lewis directly, Lewis denied having any plans for a bar. Mr. Hanson noted that approximately one month later, he learned that the City Council was hearing an application for a liquor license from Joseph Lewis. He concluded: "Literally at the time he's typing up his liquor license application, he's telling Councilman Sowid and I that he has no plans for a bar. He cannot be trusted."

Jennifer Casale, a resident of Clawson Avenue and property owner on Maxfield, also spoke in opposition. She echoed Mr. Hanson's observations about workers and contractors associated with the project regularly parking in ways that unnecessarily narrow the roadway for neighborhood residents, despite available parking options. She noted that earlier that same day she had observed machinery being installed to establish a paid parking lot in front of the Old Bisbee High School building, complete with QR code payment equipment and numbered painted spaces. She questioned why the applicant felt the need for a rear loading dock when a large parking lot exists at the front of the building — one that was, as of that very day, being converted to a paid facility rather than being made available for construction logistics. She argued that the proposed loading dock arrangement would require the use of a narrow residential street that other residents have no choice but to navigate. She questioned the applicant's approach more broadly: "He's going to ask forgiveness instead of permission. He's going to do things without going through the proper channels. He was going to inconvenience the neighbors before he tries to understand even what was going on in the neighborhood." She pointed out that with only one or two residential units completed out of a projected 42, the construction disruption could be expected to continue for many more years if the pattern of behavior was not addressed.

Following the in-person public comment, Ms. Williams, City Staff, read into the record four written comments received prior to the meeting, all in opposition to the appeal:

- **Douglas Reininger** (who had earlier spoken in support of Agenda Item 1) submitted a written comment in opposition to this item, stating that he and others living near the Old Bisbee High School agreed with the objections raised by Britt Hanson in his August 18, 2026 letter to the board. The letter specifically called attention to the applicant's decision to resume installation of the loading doors despite the DRB's denial, and urged that Mr. Lewis be fined or otherwise sanctioned for violating the DRB's decision and order.
- **Molly Smith** wrote that, based on the community's experience with the developer, any request made to the city's governing boards "must receive strict scrutiny." She noted that parking space lines appeared to have been painted at least partially on city streets without city permission, and urged rejection of the appeal.
- **Helen and Tom Suby**, residents of Old Bisbee for nearly 50 years, wrote in opposition and requested that the appeal be denied.
- **Britt Hanson's** previously submitted written objection, which had been included in the board's packet, was also noted for the record.

F. Rebuttal by the Applicant

Mr. Martinez, application Representative, returned to the podium to offer a rebuttal. He opened by apologizing for any inconvenience caused to the neighbors. He acknowledged that three minutes was insufficient to address all concerns fully. He explained the functional necessity of the rear loading door by describing the physical challenge of moving heavy equipment — specifically citing a 400-

pound air conditioning unit — up a three-story building with an interior staircase that wraps around on its way to the upper floors. He stated that the back of the building was closest to the roof level, and that the door would allow heavy equipment to be brought in and lifted directly up rather than carried through the full interior. He also noted that beyond air conditioning equipment, roofing materials and appliances such as refrigerators were among the items needing to be moved to upper floors. He acknowledged the complaints about workers parking in front of Mr. Hanson's garage and stated that the building's owner had addressed this with workers directly: "Next person that does it, you're out." He added that the applicant had offered to pay for any tire damage resulting from construction debris, and that the crew had since begun parking in the front or rear parking lots and carrying materials from there. In response to a question from Board Member Kathleen Buchanan about whether he was a licensed contractor, Mr. Martinez clarified that he was employed directly by Joseph Lewis rather than by a contracting company.

Board Member Buchanan raised the question of why a crane could not be used to lift heavy equipment to the upper floors rather than requiring a loading door. Mr. Martinez acknowledged this was a fair question but expressed uncertainty about the logistical feasibility of positioning a crane large enough to reach the full height of the building in the available roadway space.

Board Member Tyler Bradberry, who identified himself as a contractor and stated that he had personally visited the building and spoken with the on-site contractor, elaborated that while a crane capable of reaching that height does exist, such a crane would likely be too large to navigate the narrow streets in the area, and would itself create significant noise and disruption.

Mr. Hanson, who had remained in attendance and was given brief latitude to speak on the crane issue as it had been raised by a board member, noted that a crane had indeed been used previously during the demolition phase — specifically a telescoping forklift ("extend-a-fork") — but that it had been pushed to its maximum height capacity even at that stage, and was unable to reach higher.

Board Member Bradberry confirmed this detail, noting that during his visit he had spoken with the operator of that machine, who confirmed it was at maximum extension when serving the upper floors. This exchange clarified for the board that a conventional crane solution was not straightforwardly available given the site constraints.

G. Rebuttal by City Staff

Mr. Estrada, Code Enforcement Officer, declined to add further comment, stating that staff had said what it needed to say.

H. Closure of the Public Hearing

Ms. Hartman, Chair, closed the public hearing.

I. Discussion of the Appeal Application among the Board Members

The board discussion on this item was substantive and somewhat divided, reflecting the complexity of the competing concerns.

Ms. Hartman, Chair, spoke first. She acknowledged the dilemma openly, stating that she understood why the loading doors were desired from a practical standpoint, but emphasized the need for the applicant to make meaningful concessions to the surrounding neighbors. She noted that she had researched the matter before the meeting and had contacted the State Historic Preservation Office

(SHPO) to inquire about the requirements for modifications to a historic masonry building. She informed the board that any opening cut into the historic brick exterior would require the bricks to be removed one by one, individually numbered, and stored so that the opening could be restored exactly as it was if required in the future. She observed that stucco can be matched relatively easily, but that the brick was a different matter entirely. She indicated she was leaning toward granting the variance but stated that compliance with SHPO standards and a genuine effort to repair the relationship with the neighborhood would be prerequisites.

Board Member Tyler Bradberry spoke from his experience as a contractor. He stated unequivocally that he understood why the door was necessary, having personally walked the building and examined the staircase configuration. He described the challenge of carrying sixteen-foot boards and heavy appliances up the winding staircase to the third floor as "a lot." He noted that, in his assessment, there was no other practical access route to that floor. Regarding the historic preservation question, he stated that the application as submitted to the DRB appeared to have met "most — pretty much all" of the required design standards. On the neighborhood concerns about parking and road blockage, Bradberry acknowledged the issue while noting that he routinely blocks roads as a contractor, but that when asked to move, he moves. He suggested that even currently, without the loading doors, the contractor could use the eight to ten parking spaces near Mr. Hanson's garage and carry materials across the road, rather than parking in front of the garage — a practical suggestion that he offered as a way to de-escalate some of the neighborhood friction regardless of the board's decision.

Board Member Alisia Espiriti stated that she had reviewed the applicable design standards in depth, specifically Chapter 3, and concluded that the proposed installation complied with those standards. She also noted that the property was zoned CM-2, which was a commercial zone, not residential, and that loading doors are therefore an appropriate feature for that zoning designation.

Board Member Cado Daily expressed genuine sympathy for the neighbors who had endured four years of construction disruption. She acknowledged concern that the loading doors would likely increase commercial activity on Maxfield Street — more noise, more trucks, more movement. At the same time, she conceded that the CM-2 zoning does permit that type of activity, and that there did not appear to be any accessible alternative route to the upper floors. She expressed some discomfort with the historic preservation element, noting that the location of the proposed doors was "very visible to the public" and does not clearly satisfy the standard of being placed on a "rear or secondary elevation reducing visibility from primary public views," while acknowledging that such placement may simply not be achievable given the physical constraints of the building.

Board Member Kathleen Buchanan expressed continued uncertainty about the overall project approach. She questioned why cranes had not been used more extensively to move heavy equipment to the upper floors, referencing her own experience having a crane used to place an air conditioning unit on her personal home. She stated she was not convinced that front-of-building access could not be improved as an alternative, and expressed concern about the ongoing impact on a neighborhood whose residents had been there long before the current project. She nonetheless voted in favor of the motion, reflecting the board's general consensus that the functional need for access was real, that the design standards were substantially met, and that SHPO compliance could be conditioned on the approval.

J. Call for Motion and Decision by the Board

MOTION: Board Member Tyler Bradberry moved to approve Agenda Item 2, BOA 26-05, granting the appeal by Joseph Lewis of the decision of the Bisbee Design Review Board on August 5, 2026,

which had denied the proposed installation of a new double loading door and ramp to the west side (back side) of the Old Bisbee High School, and further conditioned upon the applicant's compliance with SHPO standards, including the individual removal, numbering, and storage of any historic brick displaced by the installation so that the opening may be restored exactly as originally constructed if required in the future.

SECOND: Board Member Alisia Espiriti **MOTION PASSED:** 3/2 (Buchanan & Daily)

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: 6:14pm