



**Board of Adjustment Meeting  
GOTO Meeting Platform  
Monday, October 26, 2020 at 5:30PM  
City of Bisbee, 915 S. Tovreaville Road,  
Bisbee, AZ 85603  
Minutes**

**Call to Order: 5:30PM**

**Roll Call - Board Members**

	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
<b>Melissa Hartman, Vice Chair</b>		<b>X</b>	
<b>Dennis Nelson, Chair</b>	<b>X</b>		
<b>Michael Normand</b>	<b>X</b>		
<b>Thomas Patterson</b>	<b>X</b>		
<b>Peter Von Gundlach</b>	<b>X</b>		
<b>VACANT</b>	-	-	-
<b>VACANT</b>	-	-	-
<b>David Smith- Council Liaison to the Board</b>	<b>X</b>		

**Staff: Theresa Coleman/DRB Staff Liaison** **X**

\*\*\*\*\*

**Agenda Item 1.**

**632 Bisbee Road Bisbee, AZ 85603**

Request by Yonatan Evans & Meredith Kretzler for a variance to the City of Bisbee Zoning Code 6.4 A (2) pertaining to Walls and Fences. "Shall not exceed six (6) feet in height in the remaining portion of the side yard and rear yard".

Applicant is requesting to increase to 8ft tall on the north side of property.

- A. Call of the Application.
- B. Summarization by City Planning staff.
- C. Presentation by the Applicant
- D. Comments by persons in favor
- E. Comments by persons opposed. City Staff may respond to the substance of the application at this time.
- F. Rebuttal by the Applicant
- G. Closure of the comments from the public
- H. Discussion of the Variance Application among the Board members.
- I. Call for motion and decision by the Board.

**Staff Report:**

A variance may be granted only if, because of special circumstances applicable to the property, including its size, shape topography, location or surroundings, the strict application of the Zoning Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

The Board of Adjustment may not grant a variance if the special circumstances applicable to the property are self-imposed by the owner.

Mr. Evans presented his application as to why they would like the variance.

There were no comments by persons in favor or opposed.

Mr. Normand stated that Mr. Evans had established the purpose of the wall was to provide some sound barrier and a visual barrier against the activities of the hospital. Mr. Normand noted that it would be effective mitigating sound, with the height of the windows the visual barrier would be limited.

Mr. Normand asked Mr. Evans if he had considered planting some a vegetative screen along the area, higher than the six-foot wall, to help with the sound and visual barrier.

Mr. Von Gundlach noted that it would be unreasonable to ask the hospital to put up a wall when everything about the hospital is emergency access.

Mr. Patterson noted that the Code does not address quality of life. He stated that to grant a variance for this would set precedent.

**MOTION:** Mr. Patterson moved to deny the application for the variance.

**SECOND:** Mr. Nelson

Mr. Normand restated that an eight-foot wall would not provide the benefit that Mr. Evans was asking for.

**MOTION PASSED 3/1 (Von Gundlach)**

Mr. Nelson said that Mr. Evans had thirty days to appeal this decision if he so chooses through the Superior Court.

Adjournment: **The meeting adjourned at 6:17PM.**