



BOARD OF ADJUSTMENT MEETING

**CITY OF BISBEE COUNCIL CHAMBERS LOCATED
AT 915 S. TOVREAVILLE ROAD, BISBEE, AZ 85603
MONDAY, NOVEMBER 14, 2022, 5:30PM**

MINUTES

CALL TO ORDER: 5:30PM

ROLL CALL- BOARD MEMBERS/ STAFF

	PRESENT	ABSENT	EXCUSED
Tyler Bradberry	X		
Cado Daily	X		
Melissa Hartman. Chair	X		
William (Bill) Higgins			X
Fred Miller	X		
Tom Patterson	X		
VACANT	-	--	-
Ken Budge, Council Liaison	X		
Ashlee Coronado, Staff Liaison	X		
Joe Ward, Bldg. Inspector		X	

Agenda Item 1.

BOA 22-02 Historic District Non-Contributing Property #634

Applicant: Todd Conklin

Location: 221 B Youngblood Hill, Bisbee, AZ

Appeal: the decision made by the Bisbee Design Review Board on October 5, 2022 for ORB Application #22-66- Conditions placed on approval of the application.

- A. Opening of the Hearing
Ms. Hartman opened the Public Hearing
- B. Presentation by the Applicant
Mr. Conklin presented his application. He explained he was seeking an appeal to finish the remaining 10% of siding on the home. He said that about 90% of the home is currently sided with T1-11. He requested that the Board of Adjustment approve his appeal and allow the T1-11 siding so the home looks uniform.
- C. Presentation by City Staff
Mr. Ward submitted a written staff report recommending that the request for appeal be denied as the design guidelines for the Historic District specifically prohibits application of T1-11 siding.
- 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

No rebuttal was made.

G. Rebuttal by City Staff

No rebuttal was made.

H. Closing of Hearing

Ms. Hartman closed the Public Hearing

I. Discussion of the Appeal Application among the Board members

The board members discussed the request for appeal.

Mr. Miller asked the applicant if any siding was removed and replaced.

Mr. Conklin responded that when they started the project, they put the existing siding back on the home. He said that the DRB approved that but wanted any new siding to be shiplap.

Mayor Budge asked if they approved the siding with an actual permit and application.

Mr. Conklin said that he paid the violation fee along with the permit fee for starting the exterior without approval.

Mr. Miller was concerned that if this application was approved the Board of Adjustment would be setting a bad precedent. He asked if there was any other material that would look alright, and not be against the regulations.

Mr. Conklin said that he was just trying to match what's there. If he did something different in the remaining 10% it wouldn't look right. He said that this was a non-contributing property. He just wanted the house to look the same.

Mr. Patterson asked why this couldn't be replaced with board and batten. He said that maybe the whole house should be changed.

Ms. Daily said that she agreed that it would not look right to have this portion have different siding. The T1-11 was historic at the time the house was built.

Mr. Patterson Reiterated his sentiment to have the entire house redone and have all siding replaced with board and batten.

Mr. Conklin said he wishes to remain aesthetically accurate to building's original build and requests to complete with T1-11 as well as trying to operate as economically as possible.

Ms. Daily stated that historically, aesthetically, and to follow D.R.B ruling that the use of T1-11 should be accepted.

Mr. Patterson said he disapproved and restated his reasoning.

Mr. Miller asked for clarification on the approval that was granted to Mr. Conklin when he presented at the DRB meeting.

Mr. Conklin clarified his understanding of what was agreed upon, and again requested to continue with their prior approval of the T1-11

Mr. Miller stated that his understanding was that the DRB had awarded his previous use of the T1-11 but that it was not allowed moving forward.

Ms. Hartman closed Public discussion

J. Call for motion and vote by the Board

Ms. Hartman motioned to approve

Ms. Daily Seconded

**Roll Call Vote: 2 Ayes Daily and Hartman, 2 Nays Miller and Patterson
Motion Failed.**

The Board may reverse or affirm, wholly or partly or modify the Design Review Board decision.

Agenda Item

2. BOA22-03

Applicant: Nicole and Justin Piper

Owner: Habitation Investment, LLC

Location: 308 Purring Avenue

Requesting a Variance: Variance for lot split, dividing one of three houses off the original lot. (This was a condition of the sale from Nicole/Justin Piper to Habitation Investments, LLC.

Table 5.2- R Zone Regulations

(in feet, unless noted otherwise)

Division	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max Building Height
3	6,000	60	70	15	5	20	30

A. Opening of the Public Hearing

Ms. Hartman opened the Public Hearing

B. Presentation by the Applicant

Ms. Piper summarized her application. Said that she was informed that city code requires a minimum amount of square footage. But upon her investigation using county maps, she found that there are several homes within the neighborhood that do not meet the requirements. Therefore, approval would make this property more uniform to the area.

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

No one spoke in favor

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

No one spoke in opposition

E. Summarization by City Staff

Mr. Patterson read out loud Joe Ward's zoning Report, provided code regulations and pros

and cons of separation of lot

F. Rebuttal by the Applicant

Ms. Piper declined Rebuttal

G. Closure of the Public Hearing

Mayor Budge said it is his opinion that the board has a responsibility to uphold new codes.

Ms. Hartman Closed the Public Discussion.

H. Discussion of the Variance Application among the Board Members

Mr. Miller requested clarification on the minimum square footage. Whether it is a historic code or a city code.

Mayor Budge clarified for him stating that it is a city code and this parcel like others within the city had been grandfathered in even though the three separate homes did not meet the requirements. Could not recall specific year this code came into effect.

Board Members and Mayor Budge discussed amongst themselves surrounding area lots, as well as fire and safety issues but determined that no new safety issues as buildings are already in existence.

Mr. Patterson asked why the decision was made to split the parcel and sell in the manner that is intended.

Ms. Piper stated it was not to disrupt the long-term tenants who have been there for over 30yrs, some who are suffering from major health problems.

Board Members discussed the skip in lot numbers.

Ms. Piper was unsure of the reason.

Mr. Bradberry stated that previously street numbers were skipped because it was believed that a lot was large enough to separate.

I. Call for Motion and Decision by the Board

Mr. Patterson called for a motion to approve.

Mr. Bradberry Second the motion to approve.

Roll Call Vote: 5 Ayes, Bradberry, Daily, Hartman, Patterson, Miller.

Motion Passed.

ADJOURNMENT: 6:24PM

MOTION: Mr. Patterson moved to adjourn.

SECOND: Mrs. Hartman

MOTION PASSED: UNANIMOUSLY