

**Summary Minutes  
City of Sedona  
Board of Adjustment Hearing Officer Zoom Meeting  
Vultee Conference Room, Sedona City Hall, Sedona, AZ  
Tuesday, August 25, 2020 – 10:00 a.m.**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Hearing Officer Ron Ramsey called the hearing to order at 10:00 a.m. and waived the Pledge of Allegiance with the applicant, Ellen Taylor, and staff members Warren Campbell, Cari Meyer and Donna Puckett present.

Hearing Officer Ramsey stated that he wanted to make a couple of announcements for the record. He then stated that he has been a City Attorney in various communities and Assistant City Attorney in Sedona for many years. He left that position a couple of years ago and one of his primary duties was to represent the Planning & Zoning Commission, and he did that for many years and also advised them on zoning issues, so he is quite familiar with zoning issues in general. He does this as a disclosure to you. He personally knows everyone on this call, except you of course, but he has worked with Cari, Warren and Donna in the past, and even Karen Osburn. He has no familiarity at all with this particular section of the code we are going to be talking about, and he has no experience at all that he recalls with any sort of a project that you might be personally involved with, so he doesn't think there is any conflict of interest, but he wanted to make that disclosure available for you. He then asked Ms. Taylor if she had any questions about that, and she indicated no, she did not.

Hearing Officer Ramsey explained that he was going to remind us of the statutory requirements to grant the variance, and cited A.R.S. §9-462.06.G.2 that allows all sorts of grounds for either granting a variance or hearing an appeal to zoning administrators. According to the statute, which is repeated somewhat in the Sedona code, a variance is granted when special circumstances applicable to the property, including its size, shape, topography, location, and surroundings . . . What is of further interest to him in the statute is that it does say, in the next sentence, that a variance that might be granted shall be subject to conditions that will assure that the adjustment authorized will not grant a special privilege inconsistent with the limitations upon the other properties in the vicinity. These are kind of the guidelines we are working with. The Sedona Land Development Code in Section 8.8.A expands on what the statute describes, and we will cover that as we do the presentation, so he is assuming at this point, the position of the City will be put on the record, and that would be Cari.

**2. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:**

- a. Discussion/public hearing/possible action regarding a request for approval of a variance from Sedona Land Development Code (LDC) Section 5.5.D(1): Minimum Required Off-Street Parking, Table 5.2: Required Off-Street Parking Spaces, Household Living, Dwelling, Single-Family Detached. This section of the LDC requires single-family detached dwellings with more than 1,500 square feet to provide a 2-car, 400 square foot garage. The applicant is proposing a 735 square foot addition to an existing 1,038 square foot house, which would require construction of a garage under this code section. The applicant is requesting a variance due to lot size and topographic constraints. The subject property is located at 81 Quail Ridge Lane, is approximately 0.40 acres, is zoned RS-18 (Single Family Residential), and is further identified as Assessor's Parcel Number 401-10-006A. Owner/Applicant: Ellen Taylor. Case Number: VAR20-00001**

**Presentation by Senior Planner, Cari Meyer:** Cari introduced the request for a variance at 81 Quail Ridge Lane regarding the current code requirement for a garage. She described the property as about .40 acres that is used and zoned for Single-Family Residential. The request is a variance request to allow a house addition without the required garage as referenced in Sedona Land Development Code, Section 5.5.D(1).

Cari pointed out the location of the subject property and surrounding area on a Vicinity Map, and explained that in the applicable Sedona Land Development Code sections, 5.5.D(1) outlines the minimum required off-street parking; Table 5.2 lists all the requirements for the various uses, and for this use of Single-Family Residential, a two-car 400 sq. ft. garage would be required for all residences greater than 1,500 sq. ft. Then, Section 8.8.A outlines the various procedures, which Hearing Officer Ramsey outlined earlier.

Cari explained the site plan, as presented by the applicant, with the property line shown in green, the Quail Ridge Lane Easement shown across the bottom in blue, and the setbacks that would be required for any development shown in red. You can see the existing residence is built within the setback and even a little bit into the easement. The applicant has proposed an addition on the west side of the property. In the text on setback allowances in the code, there is a contextual setback that allows the Community Development Director to set a setback as a range between existing properties that have their setbacks in the same zoning.

Hearing Officer Ramsey stated that he had seen this particular site plan and asked if it was still current and part of the packet at this point, and Cari indicated yes, there are no changes to this from what was in the packet. The Hearing Officer then indicated that he has a couple of questions. He didn't see a driveway; if there is no garage, he understands that the code requires a driveway, so is there a driveway that he is not seeing? Ms. Taylor stated yes and explained that on the corner, it is on the right-hand, southeast side. There is a double gate with a dirt driveway that goes in.

Hearing Officer Ramsey asked if the variance is granted would that be developed to allow some off-street parking, and Ellen Taylor stated that it already is. She was then asked how many vehicles could park on the driveway, and Ms. Taylor indicated that she has parked as many as four. Hearing Officer Ramsey stated that his other question is what the honeycomb shading is, and Ms. Taylor explained that is flagstone.

Cari indicated that the last thing is the sewer easement along the left side represented roughly by the purple shading. Cari added that the house is currently 1,038 sq. ft., which is under the 1,500 sq. ft. requirement for a garage. The proposed addition is 735 sq. ft., which would bring the total size of the house to 1,773 sq. ft., which would trigger that garage requirement. As shown on the site plan, the existing house is constructed into the setback and easement, and the *(audio unclear)* the contextual setback. The garage requirement would be for two cars and 400 sq. ft. Generally, you see a 20' x 20' garage, but there could be some variations to that to get to 400 sq. ft.; however, in addition to the size of the garage, a driveway in front of the garage is required to be 20 ft., which would further dictate where a garage could be placed on the site. There has to be at least 20 ft. from the garage door to the right-of-way.

Cari noted that staff did all public noticing required for this hearing, and staff did not receive any comments from any neighbors or as a result of any of the public noticing, and the variance findings are listed. There are six different findings, and the Staff Report includes the applicant's and staff's responses to those findings.

If the Hearing Officer does decide to grant the variance, staff has three recommended conditions:

- The variance would only apply to the proposed addition due to the statements made by the applicant regarding the difficulty of building on other areas of the property. We felt that if she found a way to build on other areas of the property, it should include building a garage as well.
- All existing trees are to be preserved during construction activities.
- Because this is an active permit, there is something submitted and going through the review process. We put some time limits on the resubmittal of revised plans to the Community Development Department to continue the building permit process.

*[Note: The third condition is written as follows: The applicant shall obtain a building permit for the proposed addition. Revised plans shall be resubmitted to the Community Development Department within 60 days of approval of the variance. A building permit for the proposed house shall be issued within 6 months. The Community Development Director may grant a one-time extension of 6 months if the applicant is working diligently to address all outstanding corrections.]*

**Presentation by Applicant Ellen Taylor:** Ms. Taylor explained that she is asking for this variance, because she has lived there for about three years, and it is very small. On a personal note, she went to New York City to learn how to paint. She is a portrait and landscape painter, and she is getting tired of sleeping with the noxious fumes. This will afford her a decent space to paint. The contour of the property drops off sharply on the east side, and when she talked with her engineer about putting a garage somewhere, she would have to fill-in that area on the right-hand side of the plot plan. Also, that purple easement for the sewer is under pressure, so it is something that you don't want to surcharge or mess with, and it takes care of all the houses on the other side of Schnebly Hill. Their waste goes down Schnebly Hill and is pressurized up onto her property, so she is not eager to get involved in that.

Ms. Taylor stated that she wants to do a minimal remodel on it. She loves the natural feel of everything and the views. It is not just a matter of putting a 400 sq. ft. garage on the lot; it is the extensive grading while watching out for that easement and either caissons or tall retaining walls. It is not an easy job to do that, so the fact that she has kept her cars comfortably off of the road easement for this long, everybody does, it is not an issue for her to keep everything there, and it is an issue to build that garage. Also, it would block her neighbor's view to the east. He loves to peer, unfortunately, into her house and over it too to see the City of Sedona, and he is not wild about it. Those are the basic reasons she feels it is too big of a project for her to handle right now to do that structure.

**Questions and Comments:**

Hearing Officer Ramsey asked if Ms. Taylor had any comments about the three conditions that staff is proposing, and Ms. Taylor stated that they are completely acceptable. She will not be touching any trees. Where she is putting the proposed addition is completely blank. She guesses they used it as a parking area before; there were a lot of broken-down cars there when she bought it, so that is not an issue. She is about three days away from resubmitting her plans. She was just holding off for her final review with the development department to see what happens at this hearing. And, she understands that if she should win the lottery and want to build at a future date, then she has to build a garage and she is okay with that. She doesn't think that is going to happen.

Hearing Officer Ramsey indicated that he was a little curious about the garage requirement and asked staff about the history of how that was added to the code. Cari explained that we went through a complete rewrite of the code in 2018, and one of the concerns was the issue of garage conversions. We were seeing a lot of people convert garages, generally for short-term rental use, which leads to a higher capacity for the house and less storage for cars, etc., and there were a lot of concerns from a lot of neighbors in almost all neighborhoods in Sedona about the garage conversions, so we added a requirement that if you were converting a garage, you had to replace it. We then realized afterward that it was very difficult to have a garage conversion regulation when you didn't have a garage requirement, so about a year ago, we added the requirement that any house over 1,500 sq. ft. was to have a two-car 400 sq. ft. garage. There are a number of houses that don't have garages, and some of them have built them and some have not.

Cari added that we are continuing to refine that. The Planning & Zoning Commission made some changes to it that wouldn't affect this project, but as we have more experience with it, we are continuing to refine it. The proposed changes would change this project.

Hearing Officer Ramsey stated that is an interesting history, because he looked at that provision in light of this particular project, but in general, it just seems counterproductive to what he recalls as some of the primary goals of the zoning in Sedona, and that is to preserve open space so you had site views and to minimize footprints on property, so it seems rather curious that you would require construction of enclosed garages and in some cases probably expand the footprint 30% or 40%. As far as garage conversions, he understands that issue, but it doesn't seem to be consistent with some of the other goals that he remembers with planning and zoning in general.

Having said that, Hearing Officer Ramsey commented that he read through both the position of the City and applicant on all of the factors in Section 8.8, and his impression in looking at the comments from the City is that there really is not that much if an objection to a variance on this particular project, and it almost looks like this was not a route that would have been taken except that you couldn't do a Minor Modification. He then asked if he had characterized the City's position fairly.

Cari Meyer explained that, generally, we don't make recommendations on variances, but there are some site constraints here that make building a garage a little difficult. We talked about various options with the applicant, including reducing the size of the addition to accommodate a garage, but the house would end up falling below the threshold for a garage to be required. Again, this is a new section in the code, and we are continuing to refine it. The City Council will be considering some modifications, but those wouldn't have any impact on this, and there is not really a way to do this as a Minor Modification.

Hearing Officer Ramsey indicated that this is VAR20-00001, so you obviously haven't had too many this year. Cari agreed and explained that the system assigns five numbers to every permit application, so we start over at one every year.

The Hearing Officer then indicated that from what staff is saying about the history of this provision, just to be clear, there haven't been any other particular issues about this garage requirement that the City has already made any rulings on, is that right? Cari stated not to the Minor Modification or Variance processes. In general, new construction provides garages; we haven't had any issues there. We have a couple of other people who have looked and doing additions and have run into this issue, and we are trying to work with them. Some people have reduced the size or decided to build a garage. The changes we are looking at is for properties in zoning districts with the smaller minimum lot sizes in RS-6 and RS-10. It would be to reduce the garage requirement to a one-car garage instead of a two-car garage. In some of the smaller zoning districts, they just don't have the space to make modifications to their house. The other modification we're looking at is to allow houses that were built prior to the garage requirement to do a small addition without triggering the garage requirement, but again those changes, as they have been recommended for approval by the Planning & Zoning Commission and will be heard by the City Council in a couple of weeks, wouldn't affect this project due to the Zoning District and size of the proposed addition. We understand it is a new provision, and we are constantly looking at how to make it better, but right now we have to go off of what has been adopted by the City Council.

Hearing Officer Ramsey confirmed that the applicant had no further questions about the hearing and indicated that it sounds like she is ready to proceed if she gets a favorable ruling. Ms. Taylor responded, definitely.

*Hearing Officer Ramsey opened the public hearing. Warren Campbell advised the Hearing Officer that there was no public in the room; therefore, the public hearing was closed.*

Hearing Officer Ramey advised Ms. Taylor that he is in favor of granting the Variance. He will be drawing that up in a more formal manner, so it can be part of the official record. He then thanked the applicant for her attendance, and Ms. Taylor thanked the Hearing Officer for his consideration.

Cari confirmed that a written, signed decision would be provided within the next week or so.

**3. ADJOURNMENT**

Hearing Officer Ramsey adjourned the hearing at 10:26 a.m.

I certify that the above is a true and correct summary of the meeting of the Board of Adjustment Hearing Officer meeting held via Zoom on August 25, 2020.

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Donna A. S. Puckett, *Administrative Assistant*

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Date