

**Action Minutes
Special Board of Adjustment Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Wednesday, April 13, 2022, 3:00 p.m.**

1. Call to Order/Pledge of Allegiance/Moment of Silence

Mayor Moriarty called the meeting to order at 3:00 p.m.

2. Roll Call

Board Present: Mayor Sandy Moriarty, Vice Mayor Scott Jablow, Councilor Kathy Kinsella, Councilor Tom Lamkin, Councilor Holli Ploog, Councilor Jon Thompson, Councilor Jessica Williamson.

Staff Present: City Manager Karen Osburn, City Attorney Kurt Christianson, Director of Community Development Jess McNeely, Planning Manager Cari Meyer, Deputy City Clerk Cherise Fullbright.

3. Special Business

- a. **AB 2789 Public Hearing/discussion/possible action regarding an appeal of the Board of Adjustment Hearing Officer's January 20, 2022 approval, with conditions, of variances from the following sections of the Land Development Code (LDC): LDC Section 5.4.E(3)c (Driveway size requirements), requiring a driveway with a minimum depth of 20 feet; LDC Section 5.4.E(3)d (Driveway size requirements), limiting driveway width to 30 feet; LDC Section 5.5.D(1) (Minimum off-street parking spaces required), requiring a two-car garage, and LDC Section 5.6.E(8) (Retaining walls), requiring retaining walls over 8 feet tall to be terraced. The subject property is located at 735 Quail Tail Trail, is approximately 0.24 acres, is zoned RS-18 (Single Family Residential), and is further identified as Assessor's Parcel Number 401-05-003L. VAR21-00002; APPE22-00001.**

Mayor Moriarty explained the procedure for today's meeting and without objection the Board agreed that each party shall be allowed 15 minutes to present.

Presentation by Mark TenBroek, the appellant.

Presentation by Trevor Kortsen, attorney for the applicant Kevin Scheel.

Opened the public hearing at 5:35 p.m.

The following spoke regarding this item: Stanford Hartman, Sedona, Jeancarlo Escruceria, Sedona, Ann Kelley, Sedona.

Closed the public hearing and brought back to Council at 5:41 p.m.

Rebuttal by appellant, Mark TenBroek.

Rebuttal by applicant's attorney, Trevor Kortsen, and the applicant Kevin Scheel.

Questions from the Board were answered by Mark TenBroek, Trevor Kortsen, Kevin Scheel, Cari Meyer, Jess McNeely, and Kurt Christianson.

Break at 5:26 p.m. Reconvened at 5:32 p.m.

Additional questions and comments from the Board.

Motion: Councilor Williamson moved to reverse the Board of Adjustment Hearing Officer's approval, with conditions, of case number VAR21-00002, 735 Quail Tail Trail variances and approve appeal case number APPE21-00002, based on the evidence presented in the staff report and through testimony and presentations at the public hearing during which the subject application was considered by the Hearing Officer and the public hearing before the Board of Adjustment. The following variances requested by the Applicant do not meet the approval criteria applicable to variance requests in Sedona Land Development Code Section 8.8.A(4), in that:

Variance Request #1: LDC Section 5.4.E(3)c (Driveway size requirements), requiring a driveway with a minimum depth of 20 feet, does not meet:

- 1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed house and not the shape and topography of the lot.**
- 2. Finding (e): the garage design and driveway length create a potential hazard because cars may have a difficult time exiting safely.**
- 3. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.**

Variance Request #2: LDC Section 5.4.E(3)d (Driveway size requirements), limiting driveway width to 30 feet, does not meet:

- 1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed garage and driveway and not the shape and topography of the lot.**
- 2. Finding (e): the garage design and driveway width creates a potential hazard because cars may have a difficult time exiting safely and encourages encroachment into the roadway.**
- 3. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.**

Variance Request #3: LDC Section 5.5.D(1) (Minimum off-street parking spaces required), requiring a two-car garage with 9x18 feet spaces, does not meet:

- 1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed house and garage and not the shape and topography of the lot.**
- 2. Finding (e): the garage design creates a potential safety hazard because cars may have a difficult time exiting and two cars could not effectively park.**
- 3. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.**

Variance Request #4: LDC Section 5.6.E(8) (Retaining walls), requiring retaining walls over 8 feet tall to be terraced, does not meet:

1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed house and not the shape and topography of the lot.

2. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.

Granting the four variances creates a special privilege inconsistent with the zoning limitations found on other properties classified in the same zoning district because the house design creates the hardship and not the shape or topography of the lot. Applicant did not explore other designs to justify this number of variances.

Seconded by Councilor Thompson. Vote: Motion carried with six (6) in favor (Moriarty, Jablow, Kinsella, Ploog, Thompson, Williamson) and one (1) opposed (Lamkin).

4. Discussion regarding ideas for future meeting/agenda items

None.

5. Executive Session

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

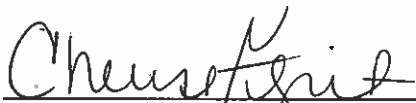
- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

No Executive Session was held.

6. Adjournment

Mayor Moriarty adjourned the meeting at 5:44 p.m. without objection.

I certify that the above are the true and correct actions of the Special Board of Adjustment Meeting held on April 13, 2022.


Cherise Fullbright, Deputy City Clerk

04/26/2022
Date