



ACTION ITEM LIST

The AIL is intended to comply with the requirements of A.R.S. § 38-431.01.E regarding the posting on the City website within 3 days of a statement of legal actions taken at the Special City Council meeting held on April 13, 2022 at 3:00 p.m.

COUNCIL ATTENDANCE: All present.

	AB #	TOPIC	COUNCIL ACTION	STAFF
<p>SPECIAL BUSINESS</p>	<p>AB 2789</p>	<p>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.</p>	<p>The following spoke regarding this item: Stanford Hartman, Sedona, Jeancarlo Escruceria, Sedona, Ann Kelley, Sedona.</p> <p>Reversed 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:</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>Variance Request #2: LDC Section 5.4.E(3)d (Driveway size requirements), limiting driveway width to 30 feet, does not meet:</p> <ol style="list-style-type: none"> 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. 	<p>Meyer</p>

			<p>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:</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>Vote: 6-1 Williamson/Thompson (Lamkin Opposed)</p>	
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FUTURE AGENDA ITEMS: None.

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.

ADJOURNMENT: The meeting was adjourned at 5:44 p.m.