

**Action Minutes
City of Sedona
Board of Adjustment Hearing Officer Meeting
Council Chambers, Sedona City Hall, Sedona, AZ
Wednesday, April 3, 2024 – 10:00 a.m.**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Hearing Officer Mike Goimarac officially called the hearing to order at 10:02 a.m. for Case Number: VAR24-0000, led the Pledge of Allegiance, and introduced himself disclosing that he was employed by the City of Sedona from 1995 to 2015 as the Sedona City Attorney and a couple of years later as the City Magistrate from 2014 to 2019, but he hasn't had any involvement with the City except to get a building permit for himself since that time.

Hearing Officer Goimarac asked if there were any objections to him proceeding with being the Hearing Officer and there were no objections.

The following staff members, applicant, and applicant's representatives were present:

Staff Members – Kurt Christianson, Steve Mertes, Cari Meyer, Donna Puckett, Megan Yates and Dave Zellner

Owner/Applicant – James Taylor

Applicant's Authorized Representative: Sefton Engineering (David Nicolella) and General Contractor Ryan Protske

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

- a. **Public Hearing/discussion /possible action regarding a request for a Variance from LDC Section 2.4.B to reduce the exterior side setback from 15' to 2.09' (12.91' reduction or 86%) and LDC Section 5.4.E(3) to reduce the required driveway depth from 20' to 2.09' (17.91' reduction or 89.5%). The subject property, located at 24 Sedona View Drive, is ± 0.44 acres, is zoned RS-18 (Single Family Residential) and is further identified as Assessor's Parcel Number 401-42-015. Owner/Applicant: James Taylor Authorized Representative: Sefton Engineering (David Nicolella) Case Number: VAR24-00001**

Hearing Officer Goimarac explained that the appellant seeks two separate variances, one being a variance from the 15 ft. setback and a variance from the requirement that the driveway shall be no less than 20 ft. long.

The Applicant, Applicant's representatives and staff members present identified themselves for the Hearing Officer.

Presentation by Applicant's Representative David Nicolella indicated that the packet was a very thorough presentation and the codes applied are in there. It is unfortunate that the garage was constructed to completion and the building being in the setback wasn't discovered until the end of the process, and they had tried to address all aspects of the four-part test in the code.

Mr. Nicolella explained the location is critical and the neighbors most impacted by encroachment into the setback are very pleased with its appearance and grateful for the owner's improvements on the property. The one unbuilt lot in the subdivision is not close to the where the garage encroaches into the setback, and based on the location and positive response from the neighbors, he thinks it is approvable.

Owner James Taylor added that he had talked to each neighbor and explained the situation and every single one had a positive response. There also were a few letters sent in with the application itself.

Presentation by Cari Meyer referenced the packet and explained that the conversion of the garage required them to build a new garage and a couple of different locations were considered. When we did the final inspection, the location didn't look right. We asked for a survey, and it showed it was built in the wrong location. The building inspector was told the wrong property line to measure it from, so it wasn't discovered until the end. Typically, if you find you are not able to build according to the plans, there is a revision process, and they submitted for a revision, but because of the setback and driveway length, we could not approve that and final the permit, so they chose to apply for a variance.

Hearing Officer Goimarac opened the hearing for public comment at 10:10 a.m. and having no requests to speak, closed the public comment period at 10:11 a.m.

Hearing Officer's Questions of applicant, applicant's representatives, and staff.

Closing Statements

Applicant's Representative David Nicolella stated that this subdivision was platted in the 1970s which gave considerable time for trees and vegetation to grow in that public right-of-way, which gave the impression that the property line might not have been where it was originally thought to be. When you go out there, it looks like the right-of-way with all of that landscaping is the property owner's land, and when you consider how many vehicles will drive by the site daily, it basically is only the residents and they have no concerns with the location of the garage and have voiced that they are very pleased with all the improvements done to the property, basically an improvement to the neighborhood.

Owner James Taylor – expressed his appreciation for the Hearing Officer's time and the City's time; going through this process he has learned a lot.

Applicant's Representative David Nicolella added that when you consider the plan set and the year's time of review, and basically over 90% of the plans didn't change in terms of the foundation thickness, framing, roofing, colors, and roof pitch. The one change was the relocation that was technically approved in the field which triggered the remainder of the construction.

Cari Meyer indicated that she didn't have anything to say beyond what is in the packet.

Hearing Officer Goimarac stated that he will take this under advisement and will be issuing a written opinion within twenty-one (21) days, and he wants to notify both parties that you have a right to appeal this to the City Council, and he thinks you even have a right by way of special action to appeal it to the Superior Court if you are not satisfied with that decision. He wanted to make those options clear on the record.

3. ADJOURNMENT

Having nothing further, Hearing Officer Goimarac adjourned the hearing at 11:02 a.m.

I certify that the above is a true and correct summary of the meeting of the Board of Adjustment Hearing Officer held on April 3, 2024

Donna A. S. Puckett, *Administrative Assistant*

Date