

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON APRIL 9, 2019 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER

Mr. Tregaskes called the meeting to order 7:00 p.m.

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Commissioner Brandt Clark, Commissioner Kathleen Behrends, Commissioner Eric Bishop, Commissioner Hephner, Commissioner Jon Adams, and Commissioner Josh Adams

COMMISSION MEMBERS ABSENT: Vice Chairwoman Debbie Robertson

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Morgan Brown, City Attorney; and Linda Haynes, Administrative Assistant

GUESTS PRESENT: Floyd and Christine Etchison, Tyla Garvin

3. INVOCATION

Commissioner Clark gave the invocation.

4. PLEDGE OF ALLEGIANCE

Commissioner Behrends led the Commission and audience in the Pledge of Allegiance

5. OLD BUSINESS

A. Election of Officers

COMMISSIONER BISHOP MOVED TO ELECT COMMISSIONER CLARK TO OFFICE OF CHAIRMAN. PASSED 6 TO 0 WITH COMMISSION MEMBERS BEHREND, CLARK, BISHOP, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

COMMISSIONER CLARK MOVED TO ELECT COMMISSIONER BISHOP TO OFFICE OF VICE CHAIR. PASSED 6 TO 0 WITH COMMISSION MEMBERS BEHREND, CLARK, BISHOP, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

6. NEW BUSINESS

- A. Consideration of Conditional Use Permit application submitted by Floyd and Christine Etchison to allow an expansion of a non-conforming structure on property located at 561 S. 8th Avenue, that being A.P.N. 210-12-013.

Mr. Tregaskes read the Staff Summary.

Floyd and Christine Etchison have submitted a Conditional Use Permit (CUP) to allow for the expansion of a non-conforming structure located at 561 S. 8th Ave., that being A.P.N. 210-12-013. According to county records, the home on the subject property was built in 1961. This was prior to the establishment of a building department and zoning in the City of Show Low. The home is a legally established non-conforming structure that does not meet current setbacks. The subject property is currently zoned R1-7 (single-family, residential, seven thousand square feet).

In June of 1989, the owner of the subject property at the time wanted to add a twelve (12) foot by twenty-six (26) foot metal awning on the east side of their home. Due to the fact that the home is only ten (10) feet from the street side property line along W. Reidhead instead of twenty (20) feet, the awning would be located in the required setback area. Because the home was built in 1961, prior to the establishment of the building department and zoning, a Use Permit (UP) was required to add on to the existing home. At their regular meeting of June 12, 1989 the Planning and Zoning Commission granted UP89-016 to allow for a twelve (12) foot by twenty-six (26) foot metal awning. The property owner then obtained building permit 89-262 to build the awning on June 20, 1989.

A storm damaged the awning sometime during early 2012 and it was subsequently removed. The Etchisons purchased the subject property in 2012 after the awning was removed. The applicants have submitted a building permit application to the City for a new twelve (12) foot by twenty-four (24) foot porch to be built where the metal awning was previously located. The new covered porch will not extend any closer to the street than the existing, legal non-conforming home. Due to the fact that the original awning was not replaced within a year of removal, a new CUP is required. The building permit for the porch will not be approved unless this CUP is approved.

City Code Section 15-1-43(C)(1) states; "The lawful use of land, building, or structure existing at the time of the passage of this division, although such does not conform to the provisions hereof for said land, building, or structure, may be continued, but if such nonconforming use is discontinued for a period of twelve

(12) months it shall be considered abandoned, and future use of said land or structure shall be in conformity with the provisions of this division.”

City Code defines a non-conforming structure as, “a structure which was lawfully erected prior to the adoption of this ordinance but which, under this division, does not conform with the standards of development and construction, lot coverage, yard spaces, height of structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located.” Per Section 15-1-43(F) of City Code a legal non-conforming structure may be expanded through a CUP.

Mr. Tregaskes read the findings of facts.

The current zoning of the surrounding properties includes:

North: R1-7 (single-family, residential, seven thousand square feet)
South: R1-7 (single-family, residential, seven thousand square feet)
East: R1-7 (single-family, residential, seven thousand square feet)
West: C-2 (General Commercial)

The current land uses of the surrounding properties includes:

North: Residential
South: Residential
East: Residential
West: Vacant Commercial

Transmittal memos were sent to all affect agencies. Applicable comments received include;

Arizona Public Service (APS): Customer states no more than 12” of overhead crossing rooftop, APS approved - no conflict.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. Staff was contacted by several individuals regarding the nature of the CUP; however there was no opposition to the CUP.

Mr. Tregaskes read the staff recommendations

After reviewing the Standards for Review, the Zoning Ordinance, discussions with the applicant, and because the request is consistent with the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission approve Conditional Use Permit 602-04-218 submitted by Floyd and Christine Etchison to allow for the expansion of a non-conforming structure located at 561 S. 8th Ave., that being A.P.N. 210-12-013, subject to the following conditions:

1. All development shall comply with all applicable federal, state and local requirements, including building permit requirements.
2. No further expansions are allowed unless approved through future Conditional Use Permits.

Mr. Tregaskes said the submitted site plan property is located at Reidhead and South 8th Avenue. The house on the property is proposing a covered porch on the east side of home of a size of 12 feet deep and 24 feet wide, matching the width of the home and will not project any closer to the street than the existing home.

Commissioner Jon Adams asked if the shed that was on property is longer than the property. Mr. Tregaskes said does the shed does meet zoning requirements. Commissioner Jon Adams asked about the past porch. Mr. Tregaskes said that it was damaged in 1989 due to a storm.

COMMISSIONER BEHREND'S MOVED TO APPROVE CUP PERMIT 602-04-218 SUBMITTED BY FLOYD AND CHRISTINE ETCHISON TO ALLOW FOR THE EXPANSION OF A NON-CONFORMING STRUCTURE LOCATED AT 561 S. 8TH AVE., THAT BEING A.P.N. 210-12-013, SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER HEPHNER SECONDED THE MOTION. PASSED 6 TO 0 WITH, CHAIRMAN CLARK, VICE CHAIRMAN BISHOP AND COMMISSION MEMBERS BEHREND'S, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

Mr. Tregaskes said as with any Conditional Use Permit, there is a seven day appeal period. If no appeal is received by the City Clerk within those seven days, this Conditional Use Permit will be considered effective.

- 7. CALL TO THE PUBLIC – Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.**
- 8. APPROVAL OF MINUTES**

Planning and Zoning Commission Regular Meeting of March 12, 2019.

COMMISSIONER BEHREND'S MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES ON MARCH 12, 2019. COMMISSIONER JON ADAMS SECONDED THE MOTION. PASSED 7 TO 0 WITH, CHAIRMAN CLARK, VICE CHAIRMAN BISHOP, AND COMMISSION MEMBERS BEHREND'S, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

9. SUMMARY OF CURRENT EVENTS

Commission Members

Commissioner Hephner stated he was glad to be here.

Commissioner Jon Adams stated that his is glad about new commission members and is excited about the upcoming year.

Chairman Clark welcomed the new commissioners Hephner and Josh Adams. He thanked the Commission and was appreciative of being elected as Chairman and looks forward to serving in capacity.

Chairman Clark invited the public to the Victims Symposium event, sponsored by the County Attorney's office on Friday. The event is for the community to get together with other law enforcement to understand victims when they go through traumatic events. This year's theme will be Victims of Elderly to attend you will need to register at the Navajo County Website.

Planning and Zoning Director

Mr. Tregaskes congratulated and expressed gratitude toward the new commissioners. Mr. Tregaskes advised the Commission of the upcoming Commission training on April 23, 2019 at the Council Chambers starting at 6 PM. All existing members are invited to attend to cover open meeting law, communications, and process of meetings.

10. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, CHAIRMAN JOHNSON ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF APRIL 9, 2019 AT 7:21 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Brandt Clark
Chairman

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **REGULAR MEETING** of the Planning and Zoning Commission of Show Low held on April 9, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Linda Haynes
Administrative Assistant