

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, AUGUST 19, 2020
5:00 P.M.
SCHIEFFELIN HALL**

- I. CALL TO ORDER** Chairman Jennings called the Regular Planning and Zoning Commission meeting to order at 5:00 p.m.
- II. PLEDGE OF ALLEGIANCE** Chairman Jennings led the Planning and Zoning Commission and the general public in a recitation of the Pledge of Allegiance.

**Chairman Jennings welcomes Jon Donahue, the newest member of the Planning and Zoning Commission.

- III. ROLL CALL**
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| Commissioner David Bales | Present |
| Commissioner James Hofmeister | Present |
| Commissioner Bruce Nielsen | Present |
| Commissioner Jon Donahue | Present |
| Chairman Russell Jennings | Present |

A QUORUM WAS DECLARED

IV. MINUTES

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Donahue to approve minutes of Wednesday, November 20, 2020.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried Unanimously

V. NEW BUSINESS

- A. DISCUSSION AND/OR ACTION:** Request from Rudy Dettler of 915 E. Allen Street, Tombstone, AZ, Parcel No. 109-13-030B for approval of placement of a metal building structure with a shop and economy living quarters and off street parking on property currently in Zoning District I-1 Light Industrial which is described in the Zoning Regulations as any use permitted in Chapter 9 (B-2). Additionally, the setbacks are not defined in the Setback Table and reference approval.

DISCUSSION: Chairman Jennings; “I am going to read a letter from Mac, our Building Inspector, it says;

“Regarding: New use of property at 915 E. Allen Street, Parcel 109-13-030B.”

“A new property owner located at 915 E. Allen Street, Parcel 109-13-030B is requesting approval of the attached site plan and property use which is described as a metal building structure with a shop and economy living quarters and off-street parking.”

The property is currently in Zoning District I-1 Light Industrial which is described in the Zoning Regulations as any use permitted in Chapter 9 (B-2_. Additionally, the setbacks are not defined in the Setback Table and reference approval of the Board.”

“This request for approval is more for the proposed setbacks than the use because the use appears to be allowed by the Regulations.”

“The owner has agreed to construct to the minimum requirements of the Building and Fire Code as adopted by the City of Tombstone.”

“Please consider this request at the next meeting and I look forward to your response.”

Chairman Jennings; “Has everyone looked over the request and the site plan?”

Commissioners respond with a “yes”.

Chairman Jennings; “Does anyone here see any problems with it?”

Commissioner Nielsen; “I don’t see any problems with it as long as everything is per code, all the proper paperwork is in. It looks like it is good to go to me.”

Chairman Jennings: “I would entertain a motion to accept it as presented!”

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Donahue to accept setback request from Rudy Dettler for property at: 915 E. Allen Street, Parcel 109-13-030B.

VOTE: 5/0

MOTION: Carried Unanimously

- B. DISCUSSION AND /OR ACTION:** Request from Jerald Reutebuch of 12 N. 9th Street, Tombstone, AZ, Parcel No. 109-13-058 for approval of an accessory building on property that is currently in Zoning District I-1 Light Industrial and the setbacks are not defined in the Setback Table. Title 10 Zoning Regulations for accessory buildings stating that the side yard setback on a corner lot be the same as the front yard setback for the main structure.

Chairman Jennings; "Each of you have got this letter already, or do yo want me to read it into the record. I will!

"New property owner located at 12 N. 9th Street is requesting approval of the attached site plan for the installation of a new accessory structure. The property is currently in Zoning District I-1 Light Industrial and the setbacks are not defined in the Setback Table and reference approval of the Board."

"There is a requirement in City Code Title 10 Zoning Regulations for accessory buildings stating that the side yard setback on the corner lot be the same as the front yard setback for the main structure:"

"Section 10-15-10: DETACHED ACCESSORY BUILDING ON CORNER LOT: On any corner lot an accessory building shall be not closer to the street side lot line than the width of the side yard required for the main building on that lot; provided further, that where the rear of the corner lot adjoins a key lot, or part of the accessory building within ten (10') of the rear lot line, shall be nearer the street side lot line than the depth of the front yard required on the key lot. (Ord. 168)"

"The Planning and Zoning Department would normally deny this site plan and request the owner relocate the accessory structure to meet the code requirements listed above. Due to the setbacks needing approval of the Board I am passing this on for consideration and anticipation the decision will be to follow the code requirements."

Please consider this request at the next meeting and I look forward to your response."

Chairman Jennings; "I personally drove up and looked at the property. By the way it is very nice property. Is the property owner here? Okay, you have a nice piece of property. Well kept. It is an asset to the community of Tombstone!" I am looking at your site plan. The Code would say that you can not have the building sitting that close to Allen Street because of the Code requirement and the setback side. Looking at your site plan, I was looking for a way to work with you on this and I am looking at the side lot, which would be to the back of your house. I know it is only fifteen feet and the problem with putting it there, your building is going to be twelve by thirty-four, so, I am looking at that and saying that would fit in there but you would have to put in a fire wall which becomes expensive if your within five feet of that wall, but if you went ten feet by; it puts more footage on it if you do the same square footage, you could go in there without any problem. Do you see what I am talking about?"

Mr. Reutebuch answered that the shed was built three weeks ago.

Chairman Jennings; "Where is the building?"

Mr. Reutebuch; It's already built!"

Chairman Jennings; "but it is not on site?"

Mr. Reutebuch; "It's not on site! My house is forty feet to the wall there! (Inaudible) a corner lot. It might be called 9th Street but I guess I am on the main Street."

Chairman Jennings; "you are on the corner?"

Mr. Reutebuch; "Yes, I am on the corner."

Chairman Jennings; "for us to approve it we would have to have the Code changed which we don't have the authority to do! (Inaudible) built twelve feet wide and 34 feet long?"

Mr. Reutebuch; "Yeah, I think he has the wrong streets probably. They have one down around 10th Street area. It's the same size. (Inaudible) Allen Street.

Chairman Jennings; "Let me; just a suggestion and..."

Commissioner Hofmeister; "Russ, (inaudible) the letter from Mac. The Code is in place and all the setbacks are (inaudible) defined they haven't been approved. It says right here; due to the setbacks we need approval of the Board (inaudible) basically, it's one foot to close for the setback which has not been approved! So, it's never-never land here!"

Chairman Jennings; "But the Code says on a corner lot so, the Code is specific that it has to be no closer than the side lot on the front!"

Commissioner Hofmeister; "What Mac said (inaudible).

Chairman Jennings; "That's true, but it is explicit in the Code that you can't have a building closer but it is not on site correct? The building is not there?"

Mr. Reutebuch; "Yes!"

Chairman Jennings; "That's the proposed storage shed and it is twelve by thirty-two. Let me through this out and I am treading it out. What if there is some way to get a variance on that other side lot without you having to put in the fire wall?"

Mr. Reutebuch; "No, I am not going to put that there!"

Chairman Jennings; "You're not going to put that there?"

Mr. Reutebuch; "Basically, no room! Problem is that wall is a common wall. (Inaudible) with my neighbor in behind, it's a mess that lot!"

Chairman Jennings; "It looks like it is a vacant lot to me back there."

Mr. Reutebuch; "Yeah, it's not a vacant lot someone lives back there."

Chairman Jennings; "It must be further back."

Mr. Reutebuch; "Its right their behind me! There is the house right behind me someone lives in it. (Inaudible)"

Mr. Reutebuch and Chairman Jennings and Commissioners review an Arial map of the property and discuss the property behind Mr. Reutebuch's property.

Chairman Jennings; "What I would like to do is see the Code Book so I can see what the Code actually says so we can define this because this house has been here for a very long time and as you can see his access has always been off of 9th Street. I would actually ..."

Commissioner Bales; "it's across from the school. Beautiful place!"

Mr. Reutebuch; "Yes, across from the buses. I got it all fixed up now. I put a lot of money into it. My own money into it! I have been around this area for 42 years! I am new in town since January, but I have been around for a long time! I came from Sierra Vista. I was over there for many, many years."

Chairman Jennings; "The dilemma that we have is the Code and I am sure that when the Code went in, I don't know what the purpose behind it was. If it was sigh of view or...."

Mr. Reutebuch; "Well, it is what it is."

Chairman Jennings; "I appreciate your attitude."

Commissioner Nielsen; "Now before we make a decision on this, I am going to suggest we get the Code Book and absolutely read it in (inaudible) so we have no miscommunication. So, that everybody is on the same page!"

Mr. Reutebuch; "I heard through the grapevine that someone said there would be a variance charge or something like that! I don't know. I am not you guys."

Chairman Jennings; "I have a call into the City Attorney to see if we have the authority to grant the variance on a Code. At this time, I don't know that we do!"

Chairman Jennings; "I would like to entertain a motion to table it until we find that out. Would that be good with you?"

Mr. Reutebuch; "That would be fine!"

Commissioner Nielsen; "And I think we should do this as quickly as possible so that we don't hold up the project."

Mr. Reutebuch; “No, Tracy, with Mr. Shed, I have known him for years and he will (inaudible) he will go along with it.

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Nielsen to table request for side yard setback.

VOTE: 5/0

MOTION TO TABLE: Carried Unanimously

Chairman Jennings; “No further business I will entertain a motion to adjourn!”

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Bales, to adjourn the meeting;

VOTE: 5/0

MOTION: Carried

VI. ADJOURNMENT

There being no further discussion Chairman Jennings adjourns the meeting.

Chairman Jennings adjourns the meeting for August 19, 2020 at 5:20 p.m.

Russell Jennings, Chairman