

CITY OF TOMBSTONE
P.O. BOX 339 TOMBSTONE, AZ 85638
(520) 457-2202

BOARD OF ADJUSTMENT
AND APPEALS
THURSDAY, NOVEMBER 10, 2022
3:00 P.M.
SCHIEFFELIN HALL
402 E. FREMONT STREET
(CORNER OF FREMONT AND FOURTH STREET)

Pursuant to A.R.S. 38-431.02, notice is hereby given to the Mayor and Common Council and the general public that a **Meeting of the Board of Adjustment and Appeals** will be held on **Thursday, November 10, 2022**.

The **Meeting of the Board of Adjustment and Appeals** is open to the public and will be held at Schieffelin Hall on the corner of Fremont and Fourth Street at **3:00 p.m.**

AGENDA

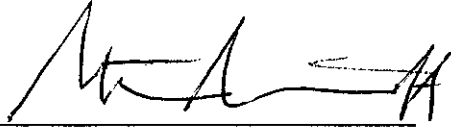
- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **MINUTES**
 - A. **DISCUSSION AND/OR ACTION:** Approval of minutes from Tuesday, March 29, 2021
- V. **PUBLIC HEARING**

DISCUSSION AND/PUBLIC COMMENTS: on a zoning variance request by Michelle Davis for her property located at: Parcel No. 109-14-024A5, to allow for a Zoning Variance for horses to be housed on her property at; 1417 E. Allen Street, Tombstone, AZ.
- VI. **MOTION TO ADJOURN PUBLIC HEARING**

VII. BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING

- A. DISCUSSION AND/OR ACTION:** Approval of request by Michelle Davis for her property located at: Parcel No. 109-14-024A5, to allow for a Zoning Variance for horses to be housed on her property at; 1417 E. Allen Street, Tombstone, AZ.

VIII. MOTION TO ADJOURNMENT

A handwritten signature in black ink, appearing to read 'Steve Schmidt', written over a horizontal line.

Steve Schmidt, Chairman

Posted: 11/4/2022

Persons with disabilities may request a reasonable accommodation by contacting City Hall at (520) 457-2202. Requests should be made as early as possible to allow time to arrange the accommodation.

**BOARD OF ADJUSTMENT AND APPEALS MEETING
TUESDAY, MARCH 29, 2021
2:00 P.M.
SCHIEFFELIN HALL**

- I. **CALL TO ORDER** Chairman Schmidt called the Board of Adjustments and Appeal Hearing to order on Tuesday, March 29, 2021.
- II. **PLEDGE OF ALLEGIANCE** Chairman Schmidt led the Commissioners and the general public in a recitation of the Pledge of Allegiance.
- III. **ROLL CALL**
- | | |
|--------------------------------------|---------|
| Commissioner Bill Lamb | Present |
| Commissioner Robert Radcliff | Present |
| Commissioner Wayne Scheibe | Present |
| Commissioner Ed Robinson | Absent |
| Chairman Steve Schmidt | Present |
| Michael McMillan, Building Inspector | Present |
| Regina Duran, Board Secretary | Present |

A QUOROM WAS DECLARED

IV. APPOINTMENT OF ADJUSTMENT AND APPEALS BOARD MEMEBERS

A. Swearing in of Board of Adjustment & Appeals members

Mayor Dustin Escapule swears in the following Board of Adjustment and Appeals members:

Bill Lamb	Robert Radcliff
Wayne Schiebe	Steve Schmidt

B. DISCUSSION AND/OR ACTION: Approval of holding a board election for the purpose of selecting a Chairman.

MOTION by Commissioner Schiebe, **SECOND** by Commissioner Radcliff to approve holding a board election for the purpose of selecting Steve Schimdt as Chairman.

DISCUSSION: Commissioner Lamb nominated Steve Schmidt to serve as Chairman of the Board of Adjustment and Appeals.

VOTE: 4/0

MOTON: Carried Unanimously

- C. DISCUSSION AND/OR ACTION:** Approval of holding a board election for the purpose of selecting a Vice Chairman.

MOTION by Commissioner Lamb, **SECOND** by Commission Scheibe for the purpose of selecting Robert "Bob" Radcliff as Vice Chairman.

DISCUSSION: Commissioner Lamb nominates Commissioner Radcliff as Vice Chairman.

VOTE: 4/0

MOTON: Carried Unanimously

- D. DISCUSSION AND/OR ACTION:** Approval of holding a board election for the purpose of selecting a board secretary.

MOTION by Commissioner Lamb, **SECOND** by Commissioner Schiebe to approve selecting Regina Duran as Board Secretary.

DISCUSSION: Commissioner Lamb: "Do we need a Board Secretary?"

Building Inspector McMillan; "Your Board Secretary is sitting here. You may want to re-elect her.

Commissioner Lamb; "Yeah, I want to nominate Regina."

VOTE: 4/0

MOTON: Carried

V. MINUTES

- A. DISCUSSION AND/OR ACTION:** Approval of minutes from September 25, 2018.

MOTION by Commissioner Lamb, **SECOND** by Commissioner Radcliff to approve minutes from September 25, 2018.

DISCUSSION: None

VOTE: 4/0

MOTON: Carried

VI. PUBLIC HEARING

DISCUSSION AND/PUBLIC COMMENTS: on a zoning variance request by John and Natalie Sullivan for their property located at: Parcel No. 109-21-204, 1352 North Saddleback Circle, Tombstone, AZ to allow for a reduced setback from 25' feet to 12' feet at the South East Boundary of the property for the construction of a residential structure.

Michael McMillan, Building Inspector; Since we didn't have any turn out, I thought I would report,.... how many letters did we send out?

Board Secretary Duran; We sent out 19 letters."

Building Inspector McMillan; "19 letters were sent out to adjacent property owners notifying them of the variance request. We got 2 returned, one being the property owner, one being another one. I also spoke with two Council people, who consulted with neighbors, who were in favor of this. As the Building Inspector, I'm okay with it. The set back reduction is at the front of the property, with the right away adjacent to the right away so, there will never be any construction there. We have already approved a few others setback variances in the front yard for these people. So, it is kind of a common practice on these if we don't have any opposing neighbors. We typically approve these. Any questions?"

Chairman Schmidt; "I looked at it. I don't see where there is any hidden drive ways or any line of sight, blocking or nothing else. Any more discussion?"

VII. MOTION TO ADJOURN PUBLIC HEARING

MOTION by Chairman Schmidt, **SECOND** by Commissioner Lamb to adjourn the Public Hearing.

VIII. BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING

A. DISCUSSION AND/OR ACTION: Approval of request from John and Natalie Sullivan for a zoning variance for their property located at Parcel No. 109-21-204, 1352 North Saddleback Circle, Tombstone, AZ to allow for a reduced setback from 25' feet to 12' feet at the South East Boundary of the property for the construction of a residential structure.

MOTION by Commissioner Radcliff, **SECOND** by Commissioner Lamb to approve request from John and Natalie Sullivan for a zoning variance for their property located at Parcel No. 109-21-204, 1352 North Saddleback Circle, Tombstone, AZ to allow for a reduced setback from 25' feet to 12' feet at the South East Boundary of the property for the construction of a residential structure.

DISCUSSION: None

VOTE: 4/0

MOTON: Carried Unanimously

IV. ADJOURNMENT

Chairman Schmidt entertains a motion for adjournment.

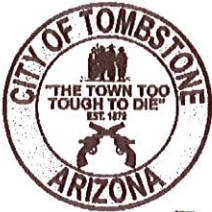
MOTION by Commissioner Radcliff, **SECOND** by Commissioner Lamb to adjourn the Board of Adjustments and Appeals Meeting for Tuesday, March 29, 2021.

VOTE: 3/2/0

MOTION: Carried

The Board of Adjustment and Appeals Meeting for Tuesday, March 29, 2021 thereby adjourned at 2:09 p.m.

Steve Schmidt, Chairman



City of Tombstone

P.O. Box 339, Tombstone, AZ. 85638

PHONE (520) 457-2202 - FAX (520) 457-3516

Variance Application

(Please print or type) NO PENCIL

See Attached Requirements (COT Code Title 10, Chapter 16)

Property Owner: Michelle Davis

Phone: 989-213-8102 Email: michellesudhoff@gmail.com

Owner's Mailing Address: PO Box 861

City: Tombstone State: AZ Zip: 85638

Authorized Representative: _____

Phone: _____ Email: _____

Rep's Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Address: 1417 E. Allen Street

City: Tombstone State: AZ Zip: 85638

Parcel Number(s): 109-14-024A5

Zoning: _____ Required Setbacks: Front _____ Sides: _____ Rear: _____

Does subject parcel have an active building/zoning code violation? _____

Provide and attach a request letter which includes a detailed explanation and a justification for all of the variance(s) that you are requesting including information explaining why the variance is necessary. Within your letter, please address the following:

- State the specific variance you are requesting. (e.g. To reduce the front yard setback to 15 feet for a proposed room addition.)
- Is the variance being requested for an existing structure, or a proposed structure?
- Is this variance being requested because of a building or zoning code violation?

• Address the specific hardship. Why is this variance needed? Why can't the proposed variance be constructed in a different way, or a different location?

Provide a site plan showing the lot(s) or sign(s) involved in the variance request. If the site plan is larger than 8½" x 11", please provide 10 copies folded to 8½" x 11".

List the names and addresses of all persons, firms or corporations appearing on public record as owning property within the area proposed to be affected within three hundred feet (300') of any part of the property for which a variance is requested. The list must include the names of all persons purchasing land under recorded contracts of sale, and must be certified as to completeness by the applicant or some person otherwise qualified by knowledge of the public records.

We hereby understand and consent to the variance requested by the above listed property owner

<u>Name</u>	<u>Address</u>	<u>Date</u>
Jack & <u>Glenn Lambdon</u>	<u>1407 E Allen</u>	<u>8/28/22</u>
<u>Leah Bambr</u>	<u>1401 E Allen</u>	<u>8-27-22</u>
<u>Asb Morgan</u>	<u>111 S 14th</u>	<u>8-28-22</u>
<u>Valerie Morris</u>	<u>108 So. 15th ST</u>	<u>8-28-22</u>
<u>Joe + Nancy Gibson</u>	<u>118 S. 14th ST.</u>	<u>9-18-22</u>

9/22/22 I have made several in person attempts to contact residents @ 1329 E. Allen w/ no luck. MD

Variance fee. [Fees are not refundable even if the variance is not approved] There may be an additional fee if property is in violation and property owner has been cited for the violation.

Please accept and process my application for a variance for the above listed property:

Print Name: Michelle Davis Date: 9/22/22

Signature: Michelle Davis

September 22, 2022

To Whom It May Concern,

I am requesting a variance to have my horses on my property. They are currently located three miles from my home. That property owner is planning to use the land for a project therefore, my horses need to be moved as soon as possible. Having them on my property will reduce the amount of travel time it takes to care for them and will allow me immediate access to them. They will have access to a shelter and be kept in corrals at night.

Thank you,

A handwritten signature in black ink that reads "Michelle Davis". The signature is written in a cursive, flowing style.

Michelle Davis
1417 E. Allen Street
Tombstone, AZ 85638
989-213-8102

RECEIVED OCT 2 A 2022

Ms. Marcia Spittler
P.O. Box 1702
Tombstone, AZ 85638

Zoning Variance Request

Parcel No. 109-07-051A

On the matter of issuance of a Zoning Variance for a Zoning Variance for
Parcel No. 109-07-051A, 1417 E. Allen Street, Tombstone, AZ:

I/We are the property owner(s) of: 1417 E. Allen St

and I/we **SUPPORT** or **OPPOSE** (circle one) the issuance of a Zoning Variance by the
City of Tombstone, Arizona.

Date: 10/22/22

Signature(s):

Marcia L. Spittler

Comments:

There has been a lot of activity in the last two days
on this property.

I drove around the block on Friday 10/21 and found
they already have at least one horse on this property

I really don't want horses on our block,
10/23 - they just walked 2 horses down Allen & up their drive

If this variance passes does that mean others on block
could start to bring horses on to their property?

RECEIVED NOV - 3 2002

Mrs. Mary L. Henderson
P.O. Box 641
Tombstone, AZ 85638

Zoning Variance Request

Parcel No. 109-07-051A

On the matter of issuance of a Zoning Variance for a Zoning Variance for
Parcel No. 109-07-051A, 1417 E. Allen Street, Tombstone, AZ:

I/We are the property owner(s) of: Lots 3, 4 & NW 1/4 120' Lots
5, 6 Blk N 1403 East Allen St

and I/we **SUPPORT** or **OPPOSE** (circle one) the issuance of a Zoning Variance by the
City of Tombstone, Arizona.

Date: 10-25-22

Signature(s):

Mary L Henderson

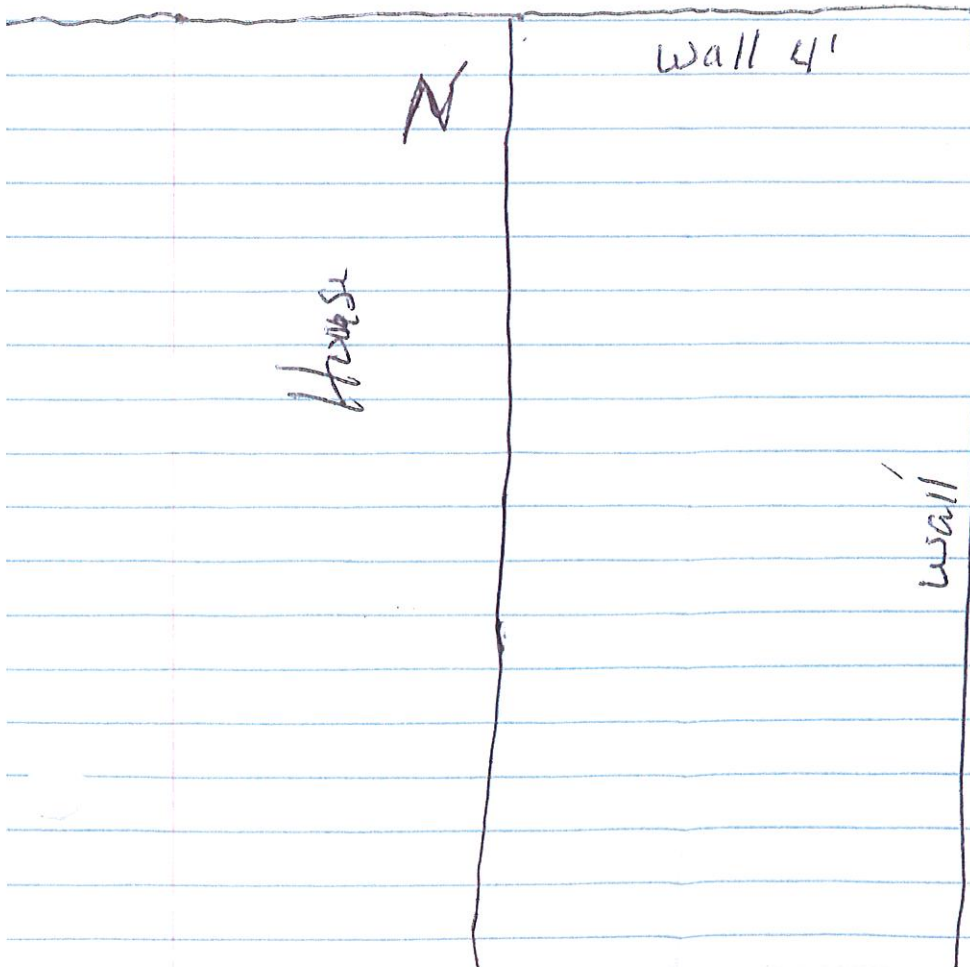
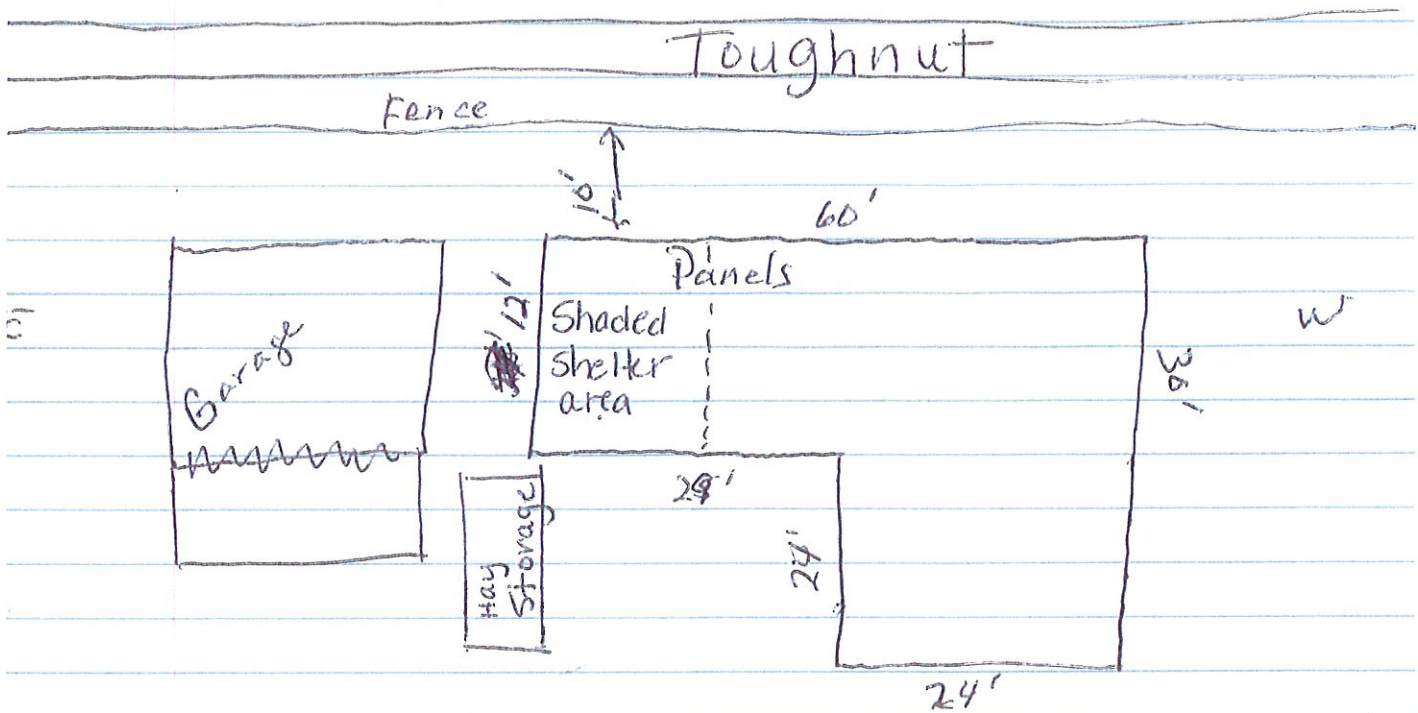
Comments:

I do not think this is a good idea
as it changes no horses to horses OK
if this is approved others might want to
have horses in town.

Later date: There are horses up
there now.

Michelle Davis 10/13/22
1417 E. Allen St
989-213-8102

S



Manure will be cleaned up daily by tractor or by hand and disposed of off site.

10914024B

10914024A

1417 East Allen Street



1421 East Allen

1091402

108 South 15th Street

10914023

E TO

Maxar, Microso

