



## Town of Chino Valley

# MEETING NOTICE BOARD OF ADJUSTMENT

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**REGULAR MEETING  
THURSDAY, OCTOBER 10, 2019  
6:00 P.M.**

**Council Chambers  
202 N. State Route 89  
Chino Valley, Arizona**

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### AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
  - a. Consideration and possible action to approve April 21, 2015, meeting minutes.
5. **RESERVATION FOR AGENDA ITEMS**
  - a. Consideration and possible action to select a Chair and Vice-Chair of the Board.
6. **PUBLIC HEARINGS**
  - a. Discussion and possible action regarding the appeal of the Zoning Administrator's Interpretation Letter of Section 4.21.F(1) & (2), and 4.21.2.C of the Town of Chino Valley Zoning Temporary Sign Code.
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
9. **ANNOUNCEMENTS**

**10. PUBLIC COMMENTS**

*Members of the public may address the Board of Adjustment on items not on the printed agenda. State your name for the record and please observe the time limit of 3 minutes. Be advised that the Board cannot/will not respond to your comments at this time.*

**11. ADJOURNMENT**

Dated this 2nd day of October, 2019

By: *Joshua Cook, Development Services Director*

A copy of the agenda and background material provided to the members is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

**Board of Adjustment Meeting**

**4. a.**

**Meeting Date:** 10/10/2019

April 21, 2015 minutes

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**Information**

**CASE DESCRIPTION:**

Consideration and possible action to approve April 21, 2015, meeting minutes.

**ANALYSIS:**

**RECOMMENDATION**

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**Attachments**

April 21, 2015 Minutes

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# DRAFT

## TOWN OF CHINO VALLEY BOARD OF ADJUSTMENT MINUTES

**Tuesday, April 21, 2015  
6:00 p.M.**

The Board of Adjustment of the Town of Chino Valley, Arizona, convened for a regular meeting at the Chino Valley Council Chambers, located at 202 N. State Route, Chino Valley, Arizona.

**1) CALL TO ORDER**

Chairman Brown called the meeting to order at 6:05 p.m.

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL**

Present: Geoffrey Brown; Beverly Duffy; Lillian Morales; Mark Vucich

Absent: Gary Warren

Staff Present: Development Services Director Ruth Mayday

**4) APPROVAL OF MINUTES**

- a) Consideration and possible action to approve the August 25, 2014, minutes.

MOVED by Beverly Duffy, seconded by Mark Vucich to approve minutes of 08/25/2014 meeting as corrected, add Gary Warren as present.

**Vote:** 4 - 0 PASSED - Unanimously

**5) RESERVATION FOR AGENDA ITEMS**

**6) PUBLIC HEARINGS**

- a) This is a request for a variance. The purpose of this request is for relief from the fence height requirements described in Section 4.8 Walls and Fences in the Town of Chino Valley's Unified Development Ordinance which requires a maximum fence height of eight (8) feet. The applicant, SimonCRE Harley IV, LLC is requesting to install a twelve (12) foot slatted chain link fence for the purpose of outdoor storage.

On April 08, 2015, Dan Biswas presented at a neighborhood meeting at the Town Council Chambers on behalf of SimonCRE. At the meeting he explained the project and handed out site

plans to residents. Neighboring owners and residents were excited to hear about a new business coming in to Chino Valley and were in full support of the fence height being raised.

Development Services Director, Ruth Mayday made the presentation for the request for a variance. This is for relief from the fence height as described in Section 4.8 Walls and Fences in the Town of Chino Valley's Unified Development Ordinance, which requires a maximum fence height of eight (8) feet. The applicant, Dan Biswas on behalf of SimonCRE, is requesting to install a twelve (12) foot slatted chain link fence for outdoor storage.

The Board discussed the following topics

- visibility triangle
- ingress/egress; one entrance off of Road 2 North
- Stop sign exiting the business -
- fencing color, length ; same as building, 142 feet,
- product storage and alternate locations
- landscaping

Mark Vucich stated that for the record he would like to see more trees.

Mr. Leo Scott stood up and said how thrilled they were to see development and a new business come to town. He said they had no objections. He also said this building would look same as ACE Hardware. Mr. Scott and his wife were in favor and excited to have PETCLUB as a neighbor.

MOVED by Lillian Morales, seconded by Mark Vucich to vote on allowing the change of fence height.

**Vote: 2 - 2 FAILED**

AYE: Lillian Morales

Mark Vucich

NAY: Geoffrey Brown

Beverly Duffy

7) **UNFINISHED BUSINESS**

8) **NEW BUSINESS**

9) **ANNOUNCEMENTS**

10) **PUBLIC COMMENTS**

11) **ADJOURNMENT**

The meeting adjourned 6:50 pm.

Dated this 29th day of April 2015

By: *Liz Hart, Deputy Town Clerk*

**Board of Adjustment Meeting**

**5. a.**

**Meeting Date:** 10/10/2019

Selection of officers

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**Information**

**CASE DESCRIPTION:**

Consideration and possible action to select a Chair and Vice-Chair of the Board.

**FACTS:**

Subsection 1.4.3 of the Unified Development Ordinance (UDO) states:

"The officers of the Board of Adjustment shall be a Chairperson and Vice-Chairperson who shall be selected by the Board each year at its first meeting following July 1st. In the event of vacancy in the Chairmanship of the Board, the Vice-Chairperson shall become Chairperson for the remainder of the prior Chairperson's term, and an election shall be held at the next meeting to fill the office of Vice-Chairperson for the remainder of the prior Vice-Chairperson's term."

**ANALYSIS:**

As this is the Board's first meeting following July 1, and as any previous officers are no longer on the Board, the Board will need to select a Chair and Vice-Chair. As the method for such selection is not proscribed in the UDO, Development Services Director Cook will lead the Board in a method for the Board to follow.

**RECOMMENDATION**

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**Attachments**

*No file(s) attached.*

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**Board of Adjustment Meeting**

**6. a.**

**Meeting Date:** 10/10/2019

Appeal of Section 4.21.F(1) & (2)

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**Information**

**CASE DESCRIPTION:**

Discussion and possible action regarding the appeal of the Zoning Administrator's Interpretation Letter of Section 4.21.F(1) & (2), and 4.21.2.C of the Town of Chino Valley Zoning Temporary Sign Code.

**LOCATION:**

Town Council Chambers

**FACTS:**

1. Applicant: N/A
2. Owner: N/A
3. Parcel Number: N/A
4. Site Area: N/A
5. Existing zoning: N/A
6. Intended Use: N/A

**ANALYSIS:**

See Attached interpretation Letter

**TECHNICAL REVIEW:**

Not Applicable

**SITE PLAN**

Not Applicable

**RECOMMENDATION**

Staff Recommends that the Board of Adjustment approve the Zoning Administrator's interpretation of Section 4.21.2(F)(1) & (2) and 4.21.2(C), specifically, Line item 16 in the Fee Schedule adopted by Council.

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**Attachments**

Interpretation Staff Report

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September 30, 2019

## STAFF REPORT

To: Board of Zoning Adjustment

From: Joshua Cook, AICP, Development Services Director

RE: Zoning Administrator's Interpretation of Temporary Signage, and the corresponding Fee Schedule for permit cost.

### APPEAL OF ZONING ADMINISTRATOR'S INTERPRETATION

#### Interpretation Issue

Current language in the UDO does not allow for renewal of temporary sign permits. Temporary sign permits cost 5\$ per month per sign.

#### Summary of Zoning Administrator's Determination

What is written in the UDO Zoning ordinance shall be enforced. A sign permit shall be issued for no more than six months. No provision is provided, alluded to, or defined within the UDO. As the Zoning Code is written if something isn't spelled out, or listed as an allowable use/provision, then it is typically prohibited.

Further, it is important to note that the Zoning Administrator is not able to enforce an ordinance based on one's perceived idea of intent. It is important to note that enforcement of the ordinances needs to follow what is written in order to avoid an arbitrary and capricious charge.

Staff believes that the UDO code needs to be updated and is currently in the process of working with Council to update the language and allowances within the Temporary Sign section of the Ordinance. This does not change the current mandated code language.

With regard to the fee schedule, the language states the following:

- |     |   |       |
|-----|---|-------|
| 16. | <i>Land Use: Signs – Temporary Signs (Per Month)</i>      | \$5   |
| 17. | <i>Land Use: Signs – Permanent Signs*** (onetime fee)</i> | \$100 |

As can be seen from the above line items from the adopted Fee Schedule Temporary signs are not viewed or treated the same as Permanent signage. Currently, applicants for temporary signage are charged \$5 per sign per month. Again, the Fee schedule does not specify per aggregate signage. Council would need to amend the fee schedule to change this language.