

Summary Minutes
City of Sedona
Board of Adjustment Meeting
Vultee Conference Room, Sedona City Hall, Sedona, AZ
Wednesday, November 10, 2010 – 2:00 p.m.

1. Verification of Notice, Call to Order, Pledge of Allegiance and Roll Call.

Chairman Gilgoff called the meeting to order at 2:00 p.m.

Roll Call:

Board Members: Chairman Joel Gilgoff, Vice Chairman Gary Rich and Board Members Larry Beddome and Robert Gordon.

Staff: Nick Gioello, John O'Brien and Donna Puckett

Chairman Gilgoff asked if any member of the Board had any ex parte communication with the applicant and the Board Members indicated no.

2. Approval of minutes for the following meetings: January 8, 2009

Chairman Gilgoff confirmed that all Board Members received a copy of the January 8, 2009 minutes, and then pointed out the name Griffin on page 3 should be changed to Gilgoff.

MOTION: Board Member Gordon moved for approval of the minutes as corrected. Vice Chairman Rich seconded the motion. VOTE: Motion carried four (4) for and zero (0) opposed.

3. CONSIDERATION OF THE FOLLOWING REQUEST(S) THROUGH PUBLIC HEARING PROCEDURES:

A. Discussion/possible action regarding a request for variance from the City of Sedona Land Development Code. The applicant is requesting a variance of the sign ordinance to allow two lead-in directional signs within city right of way at the existing driveway curb cut on Schnebly Hill Road, north of the Garland Building. Prior to the State Route 179 construction project this property had unrestricted access to the highway. With the construction of the roundabout and realignment of the highway, the property no longer has direct access to the highway. This property is located in the C-1 General Commercial zoning district located at 411 State Route 179, and is further identified as assessors parcel numbers 401-18-064A and 401-18-065. An application for this variance is on file and available for public inspection at the Department of Community Development located at 104 Roadrunner Road, Sedona Arizona 86336. Applicant: Daniel Garland, Case Number: V10-1.

Chairman Gilgoff indicated that the Board is to discuss a request for a variance from the City of Sedona Land Development Code and Nick Gioello will do the presentation.

Presentation, Nick Gioello: Explained that the applicant is Dan Garland who is requesting a variance from the Land Development Code to place two directional signs within the Schnebly Hill right-of-way Nick provided an overview of the request as

presented in the Staff Report prepared for meeting date October 18th and referenced the map showing the Garland building and the separate smaller parcel also owned by the applicant for parking. Nick also pointed out the highway right-of-way line on the map and indicated that half of the parking spaces in front of the building appear to be in the highway right-of-way. Nick identified the City's right-of-way on Schnebly Hill Road and the street right-of-way represented by a dashed line. Nick explained that the two driveway entrance signs proposed would be placed in the shaded areas shown at the curb cut, which is part of the street right-of-way. The signs are intended to clarify the vehicular access to the property and they would meet all Sign Code requirements.

Nick explained that the purpose is to provide a visual cue to drivers who have entered the roundabout, since there is no current indication of how to access the Garland building. The signs are intended to help direct drivers coming through the roundabout up onto Schnebly Hill Road, so they could enter the curb cut and make a sharp 180° turn to go back and park in front of the building or park in the parking lot to the right of the building.

Nick indicated that in June of 2010, the current curbing was installed as part of the Oak Creek Bridge, Schnebly Hill Road and Highway 179 improvements, and prior to that the Garland building had complete access along the front of the property. You could drive right off of the road surface onto a gravel area and there were no driveway curb cuts.

Nick identified the Hozho parking lot area on the map and pointed out the crosswalk and driveway that go into a parking area. He then added that there is the ability to have vehicular access from that parking lot on the left side, but that is still being worked out between Dan Garland and the Hozho property owner; currently, the legal access is up Schnebly Hill Road. Nick pointed out the angle of the parking spaces and indicated it makes it very difficult to enter and try to negotiate around there.

Nick indicated that the applicant has stated that the existing roundabout and curbing has created a significant hardship and that most customers to the property have expressed concern about the difficulty in locating the driveway access. Nick indicated that in his opinion, if a person is new and never been here before, he doesn't think they would figure out the access the first time they go through the roundabout. The City Engineer is aware of the proposal and is supportive of the variance, with the requirement that the applicant would have to apply for an additional right-or-way permit to place the signs, so two permits would be required if the variance is approved.

Nick pointed out that Code Enforcement made a couple of comments, since that is the division that oversees sign permits, so no more than two directional signs per driveway entrance and they shall not exceed 6 sq. ft. of word copy and shall not exceed 3 ft. in height.

Nick added that in staff's opinion, the situation is clearly a special circumstance, since the Garland building property no longer has legal access to Highway 179, because of the ADOT highway widening project, and it no longer has the ability to have driveway directional signs on its property. The only access to the Garland building is through the adjacent property to the north and the applicant owns that property; however, the street right-of-way extends approximately 20 ft. into the parking area thereby making it infeasible to place driveway entrance signs on the property, and the Land

Development Code doesn't allow directional signs in street right-of-way. They are only allowed on private property, and that is why the applicant is requesting a variance of that part of the Code, in order to place the directional signs in the street right-of-way.

Nick explained that the applicant has no ability to place driveway entrance signs on the property that would be visible for motorists traveling through the roundabout, so it is staff's opinion that conditioning the directional signs to the same code standards as all other directional signs is not granting a special privilege and the loss of highway access for this property is unique and does not exist on any other property along the 179 corridor, with the recent improvements. Staff cannot point to any other property in the area that has lost its legal driveway access, becoming in essence a landlocked property, so it is staff's opinion that the elimination of legal access to this property is unusual and a special circumstance.

Nick summarized that therefore it is staff's opinion that the applicant has satisfied the necessary required findings of the Land Development Code, Section 404.06A, B and C as outlined in this report. Therefore, staff recommends approval of variance request number V10-01 subject to applicable ordinance requirements and Conditions of Approval listed at the end of the Staff Report.

Board Member Questions of Staff:

Board Member Gordon asked if Nick could point to where the signs would go on the map and Nick identified the two locations plus the private property, the highway right-of-way line and the street right-of-way line. Board Member Gordon noted there is nothing going into the roundabout to give people a heads up before they are on top of it -- that is the only thing against it. Nick pointed out that the highway right-of-way line comes to the middle of the parking area and explained that ADOT doesn't allow any signs in their right-of-way other than their signs.

Board Member Beddome indicated that he is wondering about where the lines are drawn, because it looks like the parking area they used to use has a conflict with cars parking in spaces 1 - 9, because the back ends of the cars are sticking into the right-of-way. The Board Member asked if that is something everybody looked the other way on or if there is some kind of agreement in writing. Nick indicated that ADOT is fully aware of the situation and they are looking at turning back or selling some of the right-of-way to the applicant, but that will be a longer process.

Applicant's Presentation, Dan Garland, Sedona, AZ: Thanked the staff and City of Sedona, because they have been very cooperative and he thanked the Board for taking the time to listen to his request. The applicant pointed out the building on the map and indicated there is a sharp cliff behind the building, so it is virtually unusable, and there is a residential area on top of the cliff. From the beginning, he was very interested in the Highway 179 widening project and at first it looked like it was going to take out his building, as far as the location of the roundabout, and he was on committees trying to be as cooperative as possible, and it took a turn. The reason that it is a much wider area at the roundabout is the unusual case of making a 90° turn onto a bridge; they had to come in front of his property to give themselves room and bottom line they decided to move it out partly over the creek to allow the building to survive and keep it away from the building. The problem is that there is no signage and the whole lot with the building is landlocked, which he is very unhappy about. People coming from the south and past Tlaquepaque from the north are preoccupied with the

roundabout, and it is very difficult for a lot of people to negotiate anyway. There is a chance to go into Hozho's north parking lot and with cooperation with them, he perhaps can have an easement created, which he will be working on paying for, but in essence there are some utilities there that were moved back as far as they could be and he doesn't have the land, which he would be glad to pave and take care of to enter into this easement. Mr. Garland then identified the ADOT right-of-way and indicated that he hopes they will seek some sort of abandonment of that property. He also pointed out the landscaped area that everyone wants to keep and the lines drawn for the parking spaces.

Mr. Garland indicated that people coming from the south can see no access as to a curb cut or entrance, so he is hoping that the signs at least, as small as they may be and they will be kept within the Code as directional entrance signs, will be visible as a goal to meet as far as how they can get into the building. He identified where he believes something else is needed, but indicated that would have to wait until ADOT decides about the property ownership, which is sort of a separate issue, but a great concern to him. Today, he is asking for a variance to put the signs in the designated locations. He also indicated that the sharp turn at the curb cut is almost an impossible turn to make and if the neighboring business doesn't allow access or if ADOT doesn't give him the ability to have that, the sharp turn would be the only way to get to the front of the building. Mr. Garland then pointed out where he thinks it might be easier to encourage people to come to, where they could make a turn and exit, and then he identified where they are currently encouraged to enter, park and exit. Mr. Garland explained that the concept was invented by Max Licher who thought it would be an important barrier for the parking spaces, since they are backing onto City right-of-way for Schnebly Hill Road, and it gives a good safety feature. It is actually a little longer; this is just as it was proposed. There is no way to see how to enter the building from the north and south. He would love for them to see there is a chance to enter through Hozho's before they are trapped in the roundabout, but that is a separate issue.

Mr. Garland again pointed out the proposed location of the two small signs and indicated that they could at least see that there is an entrance for parking; they are barely enough, but will help. People in the roundabout basically think they don't know how to enter, so they keep going. You can see the fear in people's eyes as to who has to yield, etc. In his report, he indicated that they knew there would be a great loss of business during the construction and there was, but between last year, 2009 and 2010, once the curb cut went in, they were down 40% from the year before, when they were still in the middle of construction, so it just goes to show that people are not able to get into the building. It is a beautiful building and he wants to keep it; he doesn't want to have to sue or force somebody to buy it and have it lose its value and beauty to the City, and his businesses are in it, which he depends on, so he is hoping to save the building. The unique occurrences that have happened here -- there is no other building along Highway 179 that has lost access to its lot with a building on it, so he thinks it is special circumstance and he hopes the Board will consider granting the variance.

Board Member Beddome indicated that the building was built in the 70s and it is probably too young to be given historic status. Dan Garland indicated it was completed in 1976 and John O'Brien explained that typically it is 50 years, but that is not a requirement in that there could be other reasons to grant historic landmark status when it isn't 50-years-old. Board Member Beddome explained that he is not negative

on that; that is an adjunct to the City. It's a very fine eye catcher, when a stranger comes to town. Dan asked if the Board Member is thinking that could give him certain status that might help this situation and Board Member Beddome indicated that if it ever comes to that, he would be an aye vote for the designation of the building, but that is kind of a side bar to today's discussion.

Chairman Gilgoff asked if to make it more visible it would be possible to put a sign on the building that says, "Entrance 50 ft. ahead" or something, so people could see it up high. Mr. Garland indicated that is a good suggestion and explained that the City has said that he does have more signage available on the building. He then identified a probable location near the south end of the building, because people coming from the north wouldn't see it at the other end; however, he is waiting on the potential to put the sign somewhere near Hozho and there would be a sidewalk there, but that is a good suggestion. They don't really have a sign that calls it the Garland Building, so they could perhaps do that with parking and an arrow or something.

The applicant indicated there is a moment of panic when the drivers look up and don't know how to get in there, so they need a very clear, but simple arrow. The Chairman indicated they will see the signs; he checked and they will see the signs, if they are looking. Mr. Garland indicated that the City gave them a permit for a 90-day use of temporary signs -- they aren't good looking, but they are doing the job, and then when they look up and see the other temporary sign, the job gets done. He pointed out the locations where they would like to have something, if they can do it in a manner that is approved by the City. He also indicated that he would like to address the other entrance for Hozho, for both Hozho and themselves, even though they have another parking lot.

Chairman Gilgoff opened the public comment period at this time and having no requests to speak, closed the public comment period.

Summary Discussion:

Board Member Gordon stated that he believes the request for the variance meets the criteria established for the Board of Adjustment to grant variances. It was not created by the applicant and it is a unique hardship, plus the other criteria, so he believes this request for a variance meets those criteria that the Board must use in determining whether or not to approve the variance.

Chairman Gilgoff referenced page 4 of the Staff Report and indicated there is a recommendation for approval and asked Board Member Gordon if he wanted to make that motion, unless anyone else has something to say. Vice Chairman Rich indicated that he agreed completely.

MOTION: Board Member Gordon moved for approval of case number V10-01 based on compliance with the required ordinance findings as set forth in this Staff Report. Board Member Beddome seconded the motion. VOTE: Motion carried four (4) for and zero (0) opposed.

Chairman Gilgoff indicated that the applicant got his variance.

4. Adjournment.

Chairman Gilgoff called for adjournment at 2:25 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Board of Adjustment held on November 10, 2010.

Donna A. S. Puckett, *Recording Secretary*

Date