

VAR19-00002: Board of Adjustment Hearing Officer Action

Request: Variance from Sedona Land Development Code (LDC) Section 5.6.E(3)b (Fences and Walls, Height and Location, Side and Rear Yards), to increase the maximum fence height along the rear property line at 370 Indian Cliffs Road from 6 feet to 9 feet, an increase of 3 feet or 50%.

Property Owner/Applicant: Richard and Judy Berg

Address: 370 Indian Cliffs Road

APN: 401-71-031

Meeting Date: December 9, 2019

Following the presentation of evidence from staff and the Applicant, and hearing comment from the public, the Hearing Officer finds as follows:

1. The Board of Adjustment Hearing Officer may approve a variance upon making all of the six findings spelled out in LDC 8.8.A(4).
2. This is a pretty typical lot. There are some topographical differences between the subject property and the adjoining property, but this is a fairly typical situation throughout Sedona. There are no exceptional or out of the ordinary site conditions to warrant granting the variance request. (Finding A)
3. The strict application of the code would not produce undue hardship on the applicant. There are other solutions that are straightforward and provide the desired adequate screening. The strategic planting of three to five evergreen trees, similar to the existing trees, would provide adequate screening and privacy. (Finding B)
4. There are many small lot adjoining properties in Sedona with grade differences where property owners might want to increase wall and fence heights for privacy. The precedent that would be created by approving this variance is a big concern. Granting the variance could harm the public in the precedent that it would create throughout Sedona. (Finding D)

On this basis, I deny Case Number VAR19-00002 as it does not meet Variance Findings A, B, and D, as spelled out in Section 8.8.A(4) of the Land Development Code.



John O'Brien
Board of Adjustment Hearing Officer

12-11-19
Date