



**TOWN OF CAREFREE
MINUTES of a PUBLIC MEETING of the BOARD OF ADJUSTMENT
MONDAY, DECEMBER 14, 2020**

Chairman Mascha called the meeting to order and led the Pledge of Allegiance at 5:04 p.m.

BOARD MEMBERS PRESENT:

Chairman – Al Mascha
Vice Chair – Tom Cross
Board Member – Dan Davee
Board Member – Lyn Hitchon
Board Member – Scott Sperl
Board Member – Dick Tatlow

BOARD MEMBERS ABSENT:

Board Member – Heather Burgett

STAFF PRESENT:

Planning Director – Stacey Bridge-Denzak
Planning Clerk – Samantha Gesell

Members of the Planning and Zoning Commission participated by technological means or methods pursuant to A.R.S. §38-431(4).

ITEM 1. APPROVAL of the BOARD OF ADJUSTMENT meeting minutes dated JULY 15, 2019.

Board Member Tatlow **MOVED** to **APPROVE** the minutes as submitted. **SECONDED** by Board Member Hitchon, **PASSED** unanimously.

ITEM 2. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION on a request for a **VARIANCE.**

CASE #: 20-10-V
APPLICANT: Mr. Tyler Green
11480 North 85th Street
Scottsdale, AZ 85260

CASE LOCATION: 2021 Smoketree Drive
APN: 216-33-361

ZONING: R1-18, Single-Family Residential Zoning District
18,000 square feet minimum lot size

REQUEST: **APPROVAL** of a **VARIANCE** to the Zoning Ordinance standards to allow for a pool and pool barrier within a portion of the rear yard building setback where such structures are not allowed or restricted. The proposed encroachment would be 15 feet into the required 30-foot rear yard setback for the pool and 2 feet into the required 30-foot rear yard setback for the fence.

NOTE: The lot is smaller than the minimum size for its zoning district. This request is for relief from the rear yard setback requirements.

Planning Director Bridge-Denzak introduced the proposed application, via PowerPoint.

Director Bridge-Denzak presented details of the subject property, noting that the lot is a legal non-conforming lot, (less than the 18,000 square foot minimum requirement.) Additionally, the lot has a large boulder outcropping that complicates developing in that rear yard space. Ms. Bridge-Denzak pointed out, when the Boulders was developed, thoughtfully, most of the lots rarely have a neighbor directly behind. In this case, the rear of the property abuts Boulders Open Space.

Director Bridge-Denzak explained that the setbacks impose upon the amenities available to the rear yard, as the home fills most of the developable area. Additionally challenging is the rock outcropping in the rear yard. Due to the constraints of other amenities on the site, as well as the house itself, the request is not for all of the pool to be in the setback, just a portion of it. In order to meet State and Local pool barrier requirements, while minimizing impacts to the site and the boulder outcropping, the applicant is proposing the fence location to be behind the outcropping which is 2 feet from the property line.

Board Member Davee had questions regarding the height of the pool barrier fence and location of the pool equipment. Director Bridge-Denzak explained that the barrier fence will be 5 feet tall. Applicant Tyler Green responded to Board Member Davee's question regarding the pool equipment location, explaining, the equipment will be near the gate. Adding, to meet requirements of the Town of Carefree's Zoning Ordinance and Boulders Homeowner's Association requirements, the pool equipment will be screened and not located in any setbacks. Mr. Green noted, the Boulders Homeowner's association has approved the proposed project.

Chairman Mascha opened up the public comment, hearing none; Chairman Mascha closed the public hearing and called for a motion.

Board Member Tatlow moved to **APPROVE** a **VARIANCE** to the Zoning Ordinance standards to allow for a pool and pool barrier within a portion of the rear yard building setback where such structures are not allowed or restricted. The proposed encroachment would be 15 feet into the required 30-foot rear yard setback for the pool and 2 feet into the required 30-foot rear yard setback for the fence.

With the following conditions:

1. Two zoning variances are hereby granted for construction of the following:
 - Fifteen feet (15') into the required thirty foot (30') rear yard setback for the pool and spa location.
 - Two feet (2') into the required thirty foot (30') rear yard setback of which a wall/fence may locate within ½ the setback to install a view fence in order to meet pool barrier requirements.
2. The building permit development plans shall conform to the site plan date-stamped October 7, 2020 submitted in association with this application.
3. The granting of this variance shall be null and void if the building permit is not issued within one year of approval.

SECONDED by Board Member Hitchon. **PASSED** unanimously.

ITEM 3. ANNOUNCEMENTS.

There were no announcements.

ITEM 4. ADJOURNMENT.

There being no additional business, Board Member Dan Davee **MOVED** to **ADJOURN**. **SECONDED** by Board Member Tatlow, **PASSED** unanimously. The meeting was **ADJOURNED** at 5:20 p.m.

BOARD OF ADJUSTMENT

Al Mascha, Chairman

ATTEST:

Samantha Gesell, Planning Clerk