

## NOTICE AND AGENDA

BOARD OF ADJUSTMENT  
WEDNESDAY  
APRIL 2, 2025

COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
8:30 A.M.

To participate in the meeting virtually use the following link:

[Join the meeting now](#)

Written comments may be submitted to [tantol@flagstaffaz.gov](mailto:tantol@flagstaffaz.gov). All comments submitted via email will be considered written comments and will be documented into the record as such.

### 1. CALL TO ORDER

#### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Board of Adjustment and to the general public that, at this meeting, the Board may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

### 2. ROLL CALL

*NOTE: One or more Commissioners may be in attendance through other technological means.*

DEVIN KELLEY, *Chair*  
JED WESTOVER, *Vice Chair*  
ART BABBOTT  
CJ LUCKE

DEBRA LEWIS  
DIANE LORDEN  
JAMES MALONEY

### 3. APPROVAL OF PRIOR MEETING MINUTES

Approval of the meeting minutes for the regular meeting on August 21, 2024. [Agenda - View Meetings \(All\) \(4678734999\)](#)

### 4. PUBLIC COMMENT

*At this time, any member of the public may address the Board on any subject within their jurisdiction that is not scheduled before the Board on that day. Due to Open Meeting Laws, the Board cannot discuss or act on items presented during this portion of the agenda. To address the Board on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.*

### 5. PUBLIC HEARING

- A. **PZ-25-00052:** A request from the property owner, Shawn Burgueno, for a Zoning Code Variance from the setback requirements of Table 10-40.30.030.C: Residential Zones -- Building Form and Property Development Standards, of the Zoning Code. This request is to reduce the required front setback from 25 feet to 21 feet, 6 inches for parking structures (attached garages). The subject property is located at 720 N Apollo Way, and is zoned Single-Family Residential (R1).

**Staff recommends** that the Board of Adjustment approve the proposed variance for a 21-foot, 6-inch front setback for an attached front-loaded garage in accordance with the findings presented in this staff summary subject to conditions.

**6. INFORMATIONAL ITEMS TO/FROM BOARD MEMBERS AND STAFF, FUTURE AGENDA ITEM REQUESTS**

**7. ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Tiffany Antol at (928) 213-2605. Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk. This notice has been posted on the City's website and can be downloaded at [www.flagstaff.az.gov](http://www.flagstaff.az.gov).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Commission Representative



**Board of Adjustment**

**Meeting Date:** 04/02/2025

**From:** Nancy Corbin-Fuller, Administrative Specialist

4.

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**Information**

**REQUEST:**

**PUBLIC COMMENT**

*At this time, any member of the public may address the Board on any subject within their jurisdiction that is not scheduled before the Board on that day. Due to Open Meeting Laws, the Board cannot discuss or act on items presented during this portion of the agenda. To address the Board on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.*

**STAFF RECOMMENDED ACTION:**

**VARIANCE CRITERIA AND ANALYSIS:**

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**Attachments**

August 21, 2024 Minutes

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## MINUTES

### 1. CALL TO ORDER

Chairperson Kelley called the meeting to order at 8:15 AM.

#### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Board of Adjustment and to the general public that, at this work session, the Board may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

### 2. ROLL CALL

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

PRESENT:

DEVIN KELLY, CHAIR

JED WESTOVER, VICE CHAIR

BOB HARRIS, *P & Z Representative* (virtually)

DEBRA LEWIS

DIANE LORDEN

ABSENT:

ART BABBOTT

JAMES MALONEY

### 3. APPROVAL OF PRIOR MEETING MINUTES

#### A. Approval of August 7, 2024 and April 3, 2024 Meeting Minutes Approve Minutes

**Moved by** Jed Westover, **seconded by** Diane Lorden to approve the meeting minutes of August 7, 2024 and April 3, 2024.

**Vote:** 5 - 0 - Unanimously

### 4. PUBLIC COMMENT

*At this time, any member of the public may address the Board on any subject within their jurisdiction that is not scheduled before the Board on that day. Due to Open Meeting Laws, the Board cannot discuss or act on items presented during this portion of the agenda. To address the Board on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.*

None

5. PUBLIC HEARING

A. PZ-24-00074: An appeal of a Zoning Code Interpretation on Marijuana Establishment Separation Requirements.

Staff recommends that the Board of Adjustment uphold the subject interpretation.

Tiffany Antol, Zoning Code Manager, presented to the Board of Adjustment. Tiffany's presentation reviewed the zoning code interpretation on Marijuana Establishment Separation Requirements.

Attorney Heather Dukes presented on behalf of the Appellant, FLG Industries, LLC, an Arizona limited liability company dba Woodlands Village Day Care.

Attorney Jesse Callahan presented on behalf of the Nirvana Dispensary.

Cameron Artigue spoke in support of the appeal and represented the following people;

- Kayal Reveles
- Michae OBrian
- Kristi Borling
- Kat Spillman
- Paul Stanek
- Kathleen Vittera
- Michael Ischinger
- Elizabeth Aboud
- Ryan Hermansky
- Ryan Hebert

Ry Auruis also spoke in support of the appeal referencing traffic concerns.

**Moved by** Diane Lorden, **seconded by** Jed Westover to deny the appeal and to uphold the subject interpretation,

**Vote:** 4 - 1

NAY: Debra Lewis

6. INFORMATIONAL ITEMS TO/FROM BOARD MEMBERS AND STAFF, FUTURE AGENDA ITEM REQUESTS

7. ADJOURNMENT

The meeting of the Board of Adjustment adjourned at 9:45 AM.

\_\_\_\_\_  
CHAIRPERSON



Interior Side (minimum): 8'

Rear (minimum): 25'

The proposed new front-entry to the existing garage structure would meet all required setbacks for the R1 Zone except for a small corner of the garage that will maintain a front setback, of 21-feet, 6-inches instead of 25 feet. The new garage with ADU has a similar encroachment and will maintain a front setback of 23-feet, 10 inches.

#### **VARIANCE CRITERIA AND ANALYSIS:**

Pursuant to A.R.S. Section §9-462.06, the Board of Adjustment is authorized to consider and approve variances from the otherwise applicable provisions of the Zoning Code subject to specific standards or findings. Division 10-20.70 of the Zoning Code establishes the process for applying and the requirements to review and approve a variance application by the Board of Adjustment. The information to be considered by the Board in the approval or denial of a variance application is limited to four (4) criteria specified below. It should be noted that the Board of Adjustment may only consider and apply arguments pertaining to the findings.

A variance shall only be granted if the applicant demonstrates all of the following:

- A. **That, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zone;**

##### Applicant Statement:

The special circumstances of the site includes an irregular shaped property with a curved front property line. The owner purchased the property with the existing residence at a skewed angle on the property. The property size of 7,880 SF is the smallest property compared to its neighbors. The property is located on a dead-end road, and it is the only property that fronts the dead-end road.

##### Staff Analysis:

The property is an irregularly shaped 7,880 square-foot lot with a curved front property line along North Apollo Way. The site currently has a single-family residence, attached garage, and attached decks, constructed in the early 1980s. The existing structure sits at an angle on the lot limiting areas for future expansion to the south side of the property. Because the current side entry garage is facing the southern property line the garage must be reoriented to accommodate the new addition. The side entry garage was only required to meet a 15-foot front setback where the new front entry garage will now be required to meet a 25-foot front setback. The majority of both garage structures meet the required 25-foot front setback except for the southwestern corner of each garage due to the curved front property line. The layout of the existing structure is an exceptional circumstance applicable to the property, which was not developed by the current property owner.

- B. **That a grant of a variance will be subject to conditions to ensure that the adjustment authorized is the minimum variation needed and that it will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;**

##### Applicant Statement:

Since this is an existing structure and the cost to modify its placement would be too costly, it will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which such property is located.

##### Staff Analysis:

The adjustment authorized will be the minimum variation needed to accommodate the conversion of the existing structure and will not grant special privileges inconsistent with the limitations upon other properties in the vicinity. The structure to be modified is an existing structure that was not developed by the current property owner. The new garage and ADU will have a similar encroachment on the front setback which falls within allowed 2-foot modification that could be approved administratively. The encroachment of the existing garage exceeds this administrative authority by 1-foot, 6-inches.

- C. **The special circumstances applicable to the property are not self-imposed by any person having an interest in the property; and**

Applicant Statement:

The property was purchased in 2023 and the house was existing.

Staff Analysis:

The garage to be modified was existing at the time of purchase in 2023 and was built in the early 1980s. The majority of the existing garage is able to conform with the required front setback with only a small corner impacted by the curvature of the front property line. Visually it will be impossible for a passerby to discern that the garage is encroaching into the setback. The primary purpose for requiring a 25-foot front setback on front entry garages is to ensure that there is sufficient parking area on the driveway in front of the garage (so that cars do not hang out over pedestrian areas or the street). There remains sufficient area in the proposed driveways to accommodate this need.

- D. **The variance will not allow the establishment of a use which: (1) is not otherwise permitted in the zone, (2) would result in the extension of a nonconforming use or structure, or (3) would change the terms of the zone of any or all of the subject property.**

Applicant Statement:

The use of residential remains the same and will not be changed. The structure will remain in its existing position and will not change the terms of the zone.

Staff Analysis:

The existing use will remain unchanged, nor will any currently nonconforming uses or structures be expanded upon. The terms of the zone will remain unchanged for the entire subject property.

**NOTICE OF PUBLIC HEARING:**

The applicant has provided notice by mail of the Board of Adjustment hearing for this application to the property owners within 300 feet of the subject property and has placed a sign on the property. Staff also placed an ad in the Arizona Daily Sun. The notice and sign contain the date, time, and place of the hearing.

As of the date of this report, staff has not received any public comments regarding the proposed variance.

**RECOMMENDATION**

Staff recommends that the Board of Adjustment finds that the criteria required for granting a variance have been met, and approve the variance application subject to the following conditions:

1. The subject property shall be developed in accordance with the site plan provided by the applicant except that there shall be no further encroachments into the front setback as allowed in Section 10-50.40.020.A of the Zoning Code.

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**Attachments**

Application  
Narrative  
Site Plan  
Location Map

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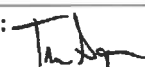
# City of Flagstaff

# Community Development Division

211 W. Aspen Ave  
Flagstaff, AZ 86001  
[www.flagstaff.az.gov](http://www.flagstaff.az.gov)

P: (928) 213-2613  
F: (928) 213-2609

<b>Date Received</b> 3-3-25		<b>Application for a Variance</b>		<b>File Number</b> PZ-25-00052
<b>Note: A pre-application meeting with a staff person is required prior to the submittal of a variance request.</b>				
<b>Property Owner(s)</b> Shawn and Maegan Family Trust	<b>Title</b>	<b>Phone</b> 602-703-2263	<b>Email</b> shawn.burgueno@fairwaymc.com	
<b>Mailing Address</b> 423 E Zuni Dr			<b>City, State, Zip</b> Flagstaff, AZ 86001	
<b>Applicant</b> Trevor Soper	<b>Title</b> Architect	<b>Phone</b> 928-890-7422	<b>Email</b> trs.architect@gmail.com	
<b>Mailing Address</b> 111 E. Aspen Ave. #15			<b>City, State, Zip</b> Flagstaff, AZ 86001	
<b>Property Interest of Applicant(s)</b> (Owner, contractual interest, or agent)				
<b>Site Address</b> 720 N. Apollo Way			<b>City, State, Zip</b> Flagstaff, AZ 86001	
<b>Parcel Number(s)</b> 101-33-009		<b>Zoning District</b> R1- Single Family Residential		
<b>Present Use</b> Residential				
<b>Date of previous application (if any):</b>				

<b>Type of Variance:</b>	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Nonprofit
<b>Fees:</b> Applicant shall submit the required variance fee as established in Appendix 2 (Planning Fee Schedule) of the Zoning Code. <b>Fees are non-refundable</b> unless determined by the City to have been collected in error.			
<b>Note: Applications which are incomplete or not accompanied by the required information will not be accepted.</b>			
<b>Property Owner Signature *</b> 	<b>Date:</b> 2-7-25	<b>Applicant Signature *</b> 	<b>Date:</b> 2/6/2025

\* The application shall be signed by the applicant and the current property owner of record. If the property owner is unavailable to sign the application, or the property owner is a corporation or partnership, a Letter of Authorization signed by the property owner or authorized managing agent allowing the applicant to submit the application and act on their behalf must be submitted with the application.

For City Use	
<b>Date Filed:</b> _____	<b>File #:</b> _____
<b>Hearing Date:</b> _____	<b>Publication and Posting Date:</b> _____
<b>Fee Receipt #:</b> _____	<b>Amount:</b> _____ <b>Date:</b> _____
<b>Action by Board:</b>	<b>Cross Reference Numbers:</b>
<b>Hearing Date:</b>	<b>IDS:</b> _____
<input type="checkbox"/> Approved _____	<b>P&amp;Z:</b> _____
<input type="checkbox"/> Approved with Conditions _____	
<input type="checkbox"/> Denied _____	
<input type="checkbox"/> Continued _____	

See reverse side for additional information



## Variance Narrative – 720 N. Apollo Way – R1 Zoning

**Architect:**  
Trevor Soper, RA 68158  
111 E. Aspen Ave. #15  
Flagstaff, AZ 86001  
928.890.7422

**Property Owners :**  
Shawn and Maegan Burgueno  
720 N. Apollo Way  
Flagstaff, Arizona

**Zoning code section numbers from which the variance is requested:**  
Table 10-40.30.030.C.

**Project description and purpose for the variance:**

To allow the encroachment of the existing garage structure into the front setback. An addition to the existing structure with allowable encroachments into the side setback. In order to add a parking garage for the proposed attached ADU, the existing side entry garage door for the main residence will be moved to the front entry position. The corner of the existing garage encroaches the "For Parking" setback of 25' by 3'-6". The front setback for the residence is 15' for any residential use besides parking. The City's elected officials are supportive of adding more units and ADU's.

**A. That, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of these regulations will deprive such property privileges enjoyed by other property of the same classification in the same zone.**

Response: The special circumstance of the site includes an irregular shaped property with a curved front property line. The owner purchased the property with the existing residence at a skewed angle on the property. The property size of 7,880 SF is the smallest property compared to its neighbors. The property is located on a dead-end road, and it is the only property that fronts the dead-end road.

**B. That a grant of a variance will be subject to conditions to ensure that the adjustment authorized is the minimum variation needed and that it will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.**

Response: Since this is an existing structure and the cost to modify its placement would be too costly, it will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

**C. The special circumstances applicable to the property are not self-imposed by any person having a interest in the property.**

Response: The property was purchased in 2023 and the house was existing.

**D. The variance will not allow the establishment of a use which: (1) is not otherwise permitted in the zone, (2) would result in the extension of a nonconforming use or structure, or (3) would change the terms of the zone of any or all of the subject property.**

Response: The use of residential remains the same and will not be changed. The structure will remain in its existing position and will not change the terms of the zone.

**PROJECT DIRECTORY**

**OWNER**  
 SHAWN & MAEGAN FAMILY TRUST  
 404 W. FOREST AVE  
 FLAGSTAFF, AZ 86001

**ARCHITECT**  
 TRS ARCHITECT, PLLC  
 TREVOR SOFER, RA 68158  
 928-890-7422

**STRUCTURAL ENGINEER**  
 CROWTHER ENGINEERING, LLC  
 MATTHEW WOODRUFF, PE 75714  
 928-708-1885

**PROJECT DESCRIPTION**

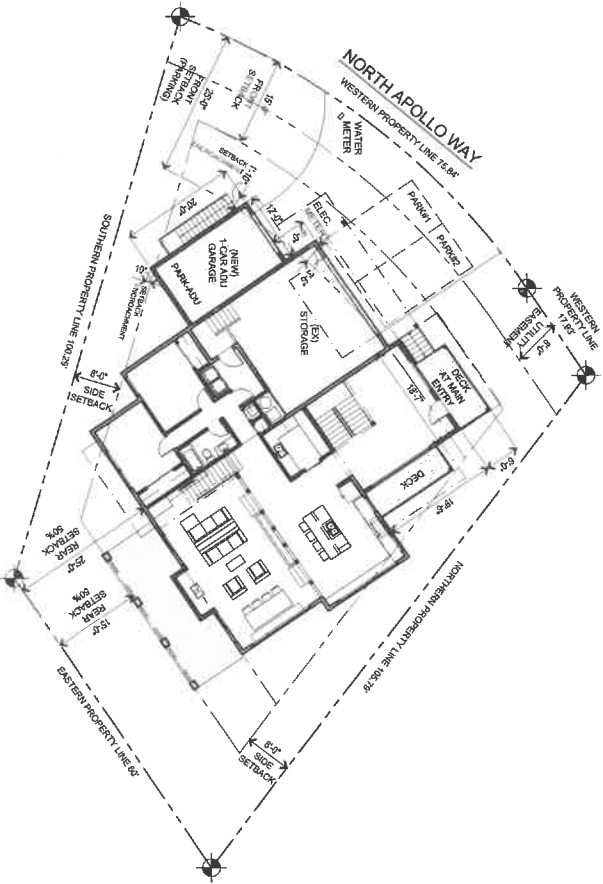
THE PROPOSED PROJECT IS AN ADDITION AND REMODEL OF AN EXISTING SINGLE-FAMILY RESIDENCE.

**GOVERNING CODES**

CITY OF FLAGSTAFF ZONING CODE  
 2018 INTERNATIONAL RESIDENTIAL CODE (IRC)  
 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)  
 CITY OF FLAGSTAFF CODE AMENDMENTS

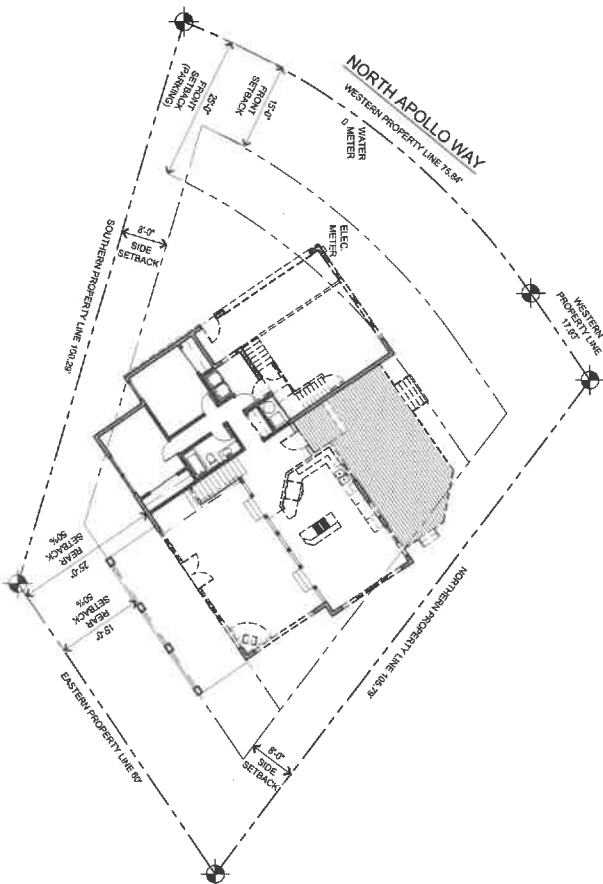
**PARCEL PROFILE**

APN: 101-33-009  
 ADDRESS: 720 N. APOLLO WAY  
 ZONING: R-1 - SINGLE-FAMILY RESIDENTIAL  
 SETBACKS:  
 FRONT: 15'-25' FOR PARKING  
 SIDE: 8'  
 REAR: 15' FOR 50% PL, 25' FOR 50% PL  
 MAX. HEIGHT: 35'  
 PARCEL AREA: 7,880 SF



**PROPOSED SITE PLAN**

SCALE: 1" = 10'-0"



**EXISTING SITE PLAN**

SCALE: 1" = 10'-0"

**720 APOLLO REMODEL**

111 EAST ASPEN AVE #15  
 FLAGSTAFF, ARIZONA 86001  
 TRS.Architect@gmail.com



720 N APOLLO WAY  
 FLAGSTAFF, ARIZONA



PROJECT #23\_002 SHEET TITLE:

DRAWINGS	DATE
PERMIT DRAWING	9/28/24
REVISION 2	11/27/24
REVISION 1	11/27/24
VARIED REVISION	2/6/25

SITE PLAN  
**AD.0**

**FlagMap**

Email GIS Feedback or Questions

Parcel: 101-33-009

Switzer Ridge/Mesa Neighborhood

North End Neighborhood

Ch 375 Hill Neighborhood

720

N Apollo Way

N Switzer Canyon Dr

N Forest Glen

N Canyon

N Beech St

W Hunt Ave

E Hunt Ave

W Fine Ave

E Fine Ave

W Elm Ave

E Elm Ave

N Riles St

N Hutchison Dr

E Day Dr

N Beech St

N Canyon

N Forest Glen

701 700 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900

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