

NOTICE AND AGENDA

BOARD OF ADJUSTMENT
WEDNESDAY
APRIL 23, 2025

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

To participate in the meeting virtually use the following link:

[Join the Meeting Online](#)

Written comments may be submitted to 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*
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 \(All\) \(4220165458\)](#)

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. 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.

Dated this _____ day of _____, 2025.

Commission Representative



Board of Adjustment

3.

From: Nancy Corbin-Fuller, Administrative Specialist

DATE: 04/23/2025

SUBJECT: APPROVAL OF PRIOR MEETING MINUTES

Approval of the meeting minutes for the regular meeting on August 21, 2024. [Agenda - View Meetings \(All\) \(4220165458\)](#)

STAFF RECOMMENDED ACTION:

Executive Summary:

Attachments

8.21.24 BOA Mtg. Min.

NOTICE AND AGENDA

BOARD OF ADJUSTMENT
TUESDAY
JANUARY 8, 2025

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

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[Join the meeting now](#)

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ART BABBOTT

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4. APPROVAL OF PRIOR MEETING MINUTES

Approval of the August 21, 2024 meeting minutes.

5. PUBLIC HEARING

A. Public Hearing: PZ-23-00161-04

A request for a Zoning Code Variance from the wall plane massing requirements of 10-50.20.030.B.2: Architectural Standards -- Building Massing, of the Zoning Code. This request is to increase the maximum horizontal wall plane from 75 feet to 133 feet. The subject property is located at 3773 N Kaspar Drive and is zoned Highway Commercial (HC).

1) Hold the Public Hearing

2) Staff recommends that the Board of Adjustment approve the proposed variance for a 133-foot wall plane in accordance with the findings presented in this staff summary.

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

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Dated this _____ day of _____, 2024.

Commission Representative



Board of Adjustment

Meeting Date: 04/23/2025

From: Dustin Stiffler, Associate Planner

5. A.

Information

REQUEST:

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. The subject property is located at 720 N Apollo Way, and is zoned Single-Family Residential (R1).

STAFF RECOMMENDED ACTION:

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.

INTRODUCTION AND DISCUSSION::

The subject property (APN 101-33-009) is an existing single-family residence located on a 7,880 square-foot lot at 720 N Apollo Way. The site takes access from N Apollo Way and is surrounded by the existing Cherry Hill Neighborhood to the west and south, and by the First Baptist Church property to the north and east. The subject property is zoned Single-family Residential (R1) and is not located within any overlay zones. The site is already developed with a single-family residence, attached side-entry garage, front deck, and rear deck.

The existing attached garage is currently accessed via a south-facing side-entry garage door. Because this is a side-entry garage it is permitted to have a 15-foot front setback per Table 10-40.30.030.C footnote 1. The applicant is proposing to add an attached accessory dwelling unit (ADU) above a new garage to be placed along the South side of the existing home. This addition would require the existing garage door to be moved to the front façade of the building to retain vehicle access which would require a 25-foot setback. This south side of the property provides the greatest amount of space to accommodate an attached ADU and garage, and meet the setbacks required for new development.

ZONING CODE REQUIREMENTS:

The applicant is seeking a variance from the minimum front setback found in Table 10-40.30.030.C. Residential Zones -- Building Form and Property Development Standards of the Zoning Code to allow the conversion of an existing side-entry garage to a front-entry garage and to accommodate the development of a new ADU above a new single-car garage. In accordance with Table 10-40.30.030.C. Building Placement Standards, new development is required to meet building setbacks from all property lines. The subject property is located within the R1 zone which requires the following setbacks:

Front (minimum): 25' for parking structures
 15' for side entrance garages

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:

- 1. 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 N 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.

- 2. 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.

3. **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.

4. **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 received (7) emails in support of this 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.

Attachments

Application
Narrative
Site Plan
Location Map




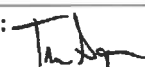
City of Flagstaff

Community Development Division

211 W. Aspen Ave
 Flagstaff, AZ 86001
www.flagstaff.az.gov

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

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

Type of Variance:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	<input type="checkbox"/> Nonprofit
Fees: Applicant shall submit the required variance fee as established in Appendix 2 (Planning Fee Schedule) of the Zoning Code. Fees are non-refundable unless determined by the City to have been collected in error.			
Note: Applications which are incomplete or not accompanied by the required information will not be accepted.			
Property Owner Signature * 	Date: 2-7-25	Applicant Signature * 	Date: 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	
Date Filed: _____	File #: _____
Hearing Date: _____	Publication and Posting Date: _____
Fee Receipt #: _____	Amount: _____ Date: _____
Action by Board:	Cross Reference Numbers:
Hearing Date:	IDS: _____
<input type="checkbox"/> Approved _____	P&Z: _____
<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

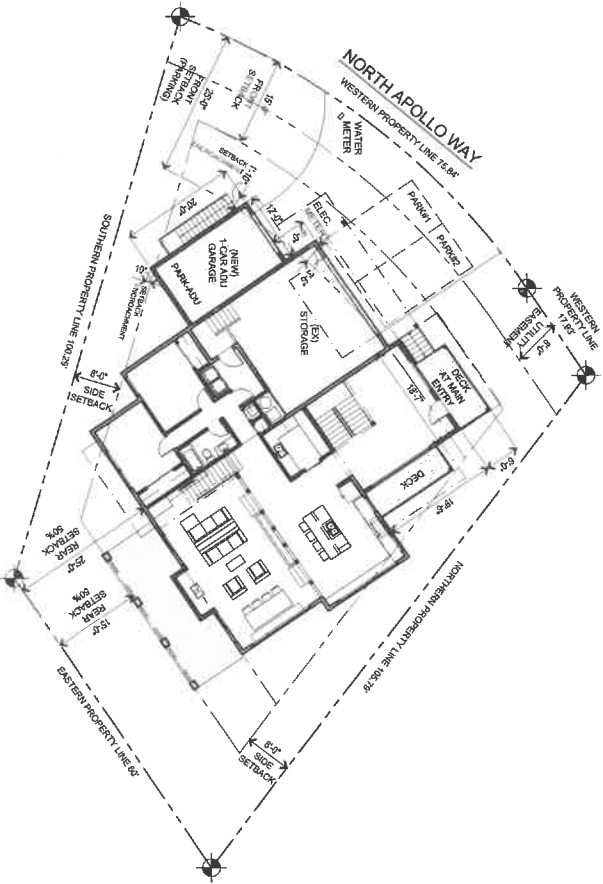
THE PROPOSED PROJECT IS AN ADDITION AND REMODEL OF AN EXISTING SINGLE-FAMILY RESIDENCE.

GOVERNING CODES

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

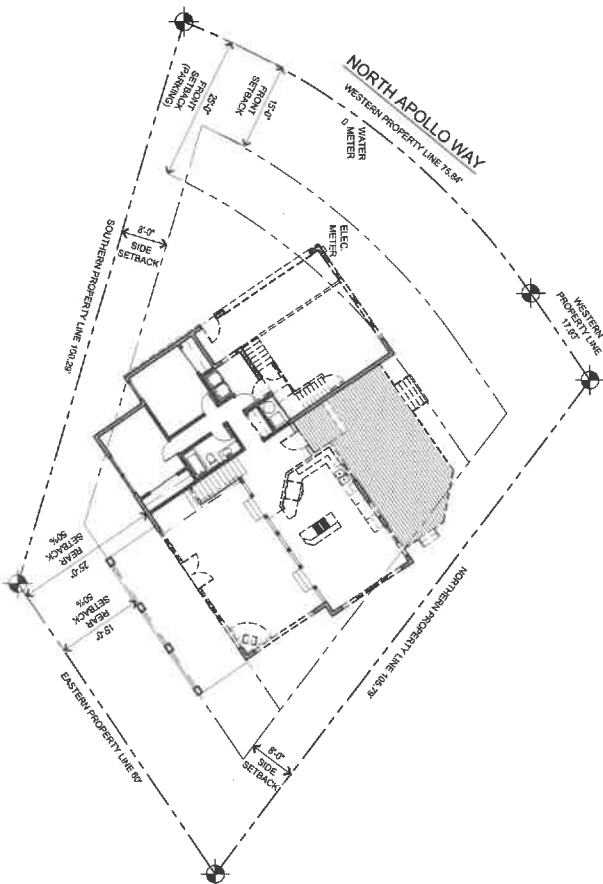
PARCEL PROFILE

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

TRS ARCHITECT
 720 N APOLLO WAY
 FLAGSTAFF, ARIZONA



PROJECT #23_002 SHEET TITLE:

DRAWINGS	DATE	SHEET TITLE:
PERMIT DRAWING	9/28/24	SITE PLAN
REVISION 2	11/27/24	
VARIED REVISION	2/6/25	

AD.0

The image shows a web-based aerial map interface. At the top left is the 'FlagMap' logo. To its right is a navigation bar with icons for home, search, layers, print, and other functions. A search bar in the top right contains the text 'Parcel: 101-33-009'. The main map area is an aerial photograph of a residential neighborhood with numerous parcel boundaries overlaid. One parcel, located at 720 N Apollo Way, is highlighted with a cyan border. The map includes street names such as N Apollo Way, N Switzer Canyon Dr, and N Forest Glen Dr. Neighboring areas are labeled as 'North End Neighborhood' and 'Switzer Ridge/Mesa Neighborhood'. The bottom right corner features a vertical toolbar with navigation controls like zoom in, zoom out, and a home button. A 'Powered by Esri' watermark is visible in the bottom right corner.