



La Paz County Board of Adjustment  
Regular Meeting  
11/12/2020 4:00pm  
La Paz County Board of Supervisors Meeting Room  
1108 Joshua Ave, Parker, AZ 85344

**NOTICE/AGENDA**

Pursuant to Arizona Revised State §38-431.2, notice is hereby given to the members of the La Paz County Planning and Zoning Commission, and to the general public, that the La Paz County Planning and Zoning Commission will hold a Regular Meeting, open to the public, at the following date, time, and location:

**Thursday, November 12, 2020, 4:00 p.m.**  
**La Paz County Board of Supervisors Meeting Room**  
**1108 Joshua Ave., Parker, Arizona 85344**

- 1. Call to Order.**
- 2. Roll Call.**
- 3. Pledge of Allegiance.**
- 4. Vote to appoint Board of Adjustment Chairperson.**
- 5. Approval of February 13, 2020 Board of Adjustment Regular Meeting minutes.**
- 6. Docket No. V2020-002 – Joan Mercer – APN(s): 311-52-058 –** The applicant is requesting a variance to accommodate a new septic system install that doesn't fit with the single wide mobile home already purchased and the current setbacks. Requesting 4 ft variance from required 10 ft front yard setback, resulting in a 6 ft setback; and 2 ft variance from the required 5 ft side yard setbacks, resulting in 3 ft setbacks on both sides.
- 7. Docket No. V2020-003 – Lorraine and Richard Aldrich – APN(s): 311-37-143C –** The applicant is requesting a variance to allow handicap accessible accommodations for disabled wife. Requesting 2 ft variance from the required 5 ft side yard setbacks, resulting in 3 ft setbacks on both sides.
- 8. Docket No. V2020-004 – John and Sara Shope – APN(s): 311-49-194 –** The applicant is requesting a variance to allow for the construction of a building deep enough to allow storage of boats and prevent the open space in front of the property from trespasser parking and driving. Requesting 7 ft variance from required 10 ft front yard setback, resulting in a 3 ft setback. *The property owner also received a variance on a previously owned property in 2018 for similar reasons- this property had already received one variance prior to their request; ownership changed in February 2020.*
- 9. Docket No. V2020-005 – Brent & Sue Baldwin – APN(s): 310-26-022 –** The applicant is requesting a variance because the "setbacks are the same as existing in plat". They are trying to remodel their existing home and extend existing garage. Requesting 3 ft variance from required 10 ft front yard setback, resulting in a 7 ft setback. *Two (2) neighboring parcels have*

*previously received variances resulting in Rear- 5 ft, Sides- 3 ft, and Front- 11 ft setbacks for APN 310-26-024; and Rear- 5 ft, Sides- 3 ft setbacks for APN 310-30-003.*

- 10. Docket No. V2020-006 – David Darling – APN(s): 310-24-003D** – The applicant is requesting a variance because of the “narrow lot size” and needs to be compliant with “ADA” requirements for a handicapped accessible home. Requesting 2 ft variance from required 5 ft RIGHT side yard setback- only for the length of the family room, resulting in a 3 ft setback; and 1 ft variance from the required 5 ft. LEFT side yard setback- for the entire length of the home, resulting in a 4 ft set back.
- 11. Docket No. V2020-007 – Eleanor G Stephan Trust – APN(s): 311-41-003D** – The applicant is requesting a variance to accommodate the required tower height of a new wireless communications tower to service the river and Parker community. Requesting 171 ft height variance from required 35 ft height setback.
- 12. Community Development Update-** Tonya Hoogerwerf.
- 13. Next Board of Adjustment meeting will be determined as applications are received.**
- 14. Adjournment.**

This notice/agenda was posted at the La Paz County Board of Supervisors Office located at 1108 Joshua Avenue, Parker, Arizona, on Wednesday 11/04/2020, on or before the hour of 5:30 p.m.

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Tonya Hoogerwerf, Director

La Paz County Board of Adjustment Meeting (Regular)  
11/12/2020 @ 4:00pm  
La Paz County Board of Supervisors Meeting Room  
1108 Joshua Ave, Parker, AZ 85344

Meeting called to order at: 4:00pm

Present: Nina Chumley, Dino Gory, Michael Hildabrand, Tonya Hoogerwerf, Dawn Capatosti

Pledge of Allegiance

First order of business is to Vote to appoint BOA Chairperson-

*Motion- Nina Chumley motions to nominate Dino Gory as chairman.*

*Second- Michael Hildebrand seconds.*

*All in favor, motion Approved*

*Approval of February 13, 2020 BOA Meeting minutes was skipped, will be addressed at December meeting.*

Docket V2020-002 – Joan Mercer – APN(s): 311-52-058 - opened by: Chairman Gory

Staff Report given by Tonya Hoogerwerf.

Docket returned to Board for discussion and public hearing:

Agent for Joan Mercer, Dustin Nelson, is present.

**D. Gory** asks if the variance is for a new septic.

**D. Nelson** states that it is actually for her mobile home that is already purchased. The septic is already paid for and installed; however, because of bedrock issues and ground conditions, an alternative and larger septic had to be used, which doesn't allow for placement of mobile without the variance.

*Motion to approve made by Nina Chumley*

*Seconded by Michael Hildebrand*

*All in favor, docket approved unanimously.*

Docket V2020-003 – Lorraine and Richard Aldrich – APN(s): 311-37-143C – opened by Chairman Gory

Staff Report given by Tonya Hoogerwerf.

Docket returned to commission for discussion and public hearing: Property owners are present.

**D. Gory** asks the property owner to approach the pulpit and explain the need.

**Mr. Aldrich** approaches and explains that the layout of the parcel & current measurements that existed when originally purchased. Stated that the mobile home will be removed and stickbuilt, 2-story home will be built to replace it. Also stated that our inspector's measurements were incorrect.

*Motion to approve made by Michael Hildebrand.*

*Seconded by Nina Chumley*

*All in favor, docket approved unanimously.*

Docket V2020-004 – John and Sara Shope – APN(s): 311-49-194 – opened by Chairman Gory.

Staff Report given by Tonya Hoogerwerf.

Docket returned to commission for discussion and public hearing: property owners are present.

**The Shope's** explain their reasoning for the variance request. They state that they have put a lot into the back (river side) of property and want to "clean up" the front as well. This includes the construction of a new garage.

**M. Hildebrand** asks how they'll access the existing garage.

**The Shope's** state that it won't be used and will eventually be turned into the master bedroom.

**M. Hildebrand** asks if they'll keep the wall that is there now or will it be parking?

**The Shope's** answer that the wall will be taken down and it will become parking.

**M. Hildebrand** asks how tall new garage will be?

**The Shope's** state that they are unsure at this time.

**N. Chumley** asks Comm Dev Director if there were any objections received.

**T. Hoogerwerf** - none received

Motion to approve made by Nina Chumley  
Seconded by Michael Hildebrand  
All in favor, docket approved unanimously.

Docket V2020-005 – Brent & Sue Baldwin – APN(s): 310-26-022 – Chariman Gory opens.

Staff Report given by Tonya Hoogerwerf- provides information that an entire addition was added to structure without permission or a permit and that the property has been red-flagged. Also provides information regarding the failing septic.

Docket returned to commission for discussion and public hearing: parcel owners are present.

**Mr. Baldwin** states that the home was a 2 bedroom, 1 bathroom when they bought it but they were wanting a 2bd 2ba. They got the permit for the carport but it wouldn't work with the setbacks, so he just enclosed the structure. They weren't told to get a variance then, but now they are. The opposing neighbor has setbacks that are closer than what he's asking for and it seems like it is an "ok for me but not for thee" type of situation. He says they have approval letters from all of his neighbors except the one.

**M. Hildebrand** asks where the septic is.

**D. Gory** states he knows the Polynesian Shores lots are small and awkward. What are the setbacks for the neighbor on the river side?

**Mr. Baldwin** goes on to state he was a construction worker & tends to act first and apologize later, so he's sorry for that.

**N. Chumley** asks "So you didn't have a permit or permission for the popout?"

**Mr. Baldwin** says "no, so spank me hard"

**Sanitarian D. Capatosti** interjects and states her concerns with the failing septic and lists the problems with it and states that she objects to the variance.

**Mr. Baldwin** claims this is the first he's heard of the septic issues because they currently don't live in it and won't until it's connected to sewer.

**N. Chumley** asks "So you won't be living in it until there's sewer?"

**Mr. Baldwin** says no.

**D. Capatosti** asks what if it takes more than 2 years for the sewer to come in?

**Mr. Baldwin** says this is the first they've heard of the septic issues and that they're more than willing to address the problem.

**N. Chumley** asks if it can be approved with the stipulation that they can't live in it until the septic problems are handled? Asks Comm Dev what their suggestion is.

**Director T. Hoogerwerf** states if it is 10' from septic, that's fine. The septic and building with no permits was our concern.

**N. Chumley** asks what was done without permission or permits.

**T. Hoogerwerf** explains that all of it was done without permits.

**D. Gory** asks for a motion.

Neighbor stands up and tells D. Gory they're here to talk.

**Terry Hoppel** is the Baldwins' neighbor and objects to the variance because there are holes where the septic is and they're just covered with a rock and a board. Goes on to talk about all the issues with the septic system and how the previous tenant couldn't even use the shower or toilet there, that she had to go to the neighbors' homes to shower and use the restroom. States that the septic constantly overflows and runs down the street. He continues with discussions over state fire code and what's allowed and not allowed. Claims that they are upset. Goes on to talk about permit pulled for carport but the carport was never put in, instead they added on to the house without a permit & shows pictures to the board.

**Mrs. Hoppel** approaches and states that the homes Mr. Baldwin speaks of regarding setbacks were all homes that have been there since 60's/70's and had those original setbacks, but have all since complied with the new codes. Says Mr. Baldwin built a completely new structure with no permit, no footings, and the electrical box is right on the building.

**D. Gory** says he understands their concerns but those are concerns to be taken up with the Comm Dev. Department, not the Board of Adjustment.

**Mr. Hoppel** approaches with more of the same information.

**D. Gory** reiterates that it is an issue to be taken up with Comm Dev. And that they'll handle it.

**Mr. Hoppel** says "No they won't!" and returns to his seat.

**Mrs. Hoppel** asks what the boards questions are regarding the variance.

**D. Gory** explains what they're there for

**Mrs. Hoppel** states all PERMITTED work since 2012 has adhered to 10' setbacks.

**John Preston**, another neighbor, approaches the pulpit to speak on the Baldwin's behalf. States that he's lived there for 36 years and has seen many variance requests approved for many homeowners. What the Hoppels didn't say is that the previous tenant had more people living there than she was supposed to and didn't have the funds to pump the septic as she should've.

*Motion to approve made by Nina Chumley  
Seconded by Michael Hildebrand  
All in favor, docket approved unanimously.*

**Docket V2020-006 – David Darling – APN(s): 310-24-003D – opened by Chairman Gory**

Staff Report given by Tonya Hoogerwerf, explains that the posting was placed on the wrong parcel.

Docket returned to commission for discussion and public hearing: property owner present.

**M. Hildebrand** asks if it was posted in the paper though?

**T. Hoogerwerf** stated yes, in the paper, at the BOS and letters were mailed.

**David Darling** states he thought the parcel was 50' when it was purchased and after a survey was completed, he discovered its only 49'. He continues with his explanation of the setbacks and his plans for the parcel. He said he has reached out to neighbors regarding his requests and they were supportive.

**D. Gory** asks if there are any other 2-stories surrounding the parcel.

**David Darling** states there are not.

**M. Hildebrand** questions if the garage will be river level.

**David Darling** says no, it will remain on the hill so it doesn't obscure the neighbors view.

**N. Chumley** asked why it needs to be ADA compliant.

**David Darling** explains that he watched his parents struggle to get around their homes as they aged, and their bodies started failing them and he doesn't want that to happen to him. He wants to retire in a home that is ready for him.

*Motion to approve made by Nina Chumley  
Seconded by Michael Hildebrand  
All in favor, docket approved unanimously*

**Docket V2020-007 – Eleanor G Stephan Trust – APN(s): 311-41-003D – opened by D. Gory**

Staff Report given by Tonya Hoogerwerf. Explains issues with rezone and CUP, and that they were tabled. Do you want to continue with this Docket?

Docket returned to commission for discussion and public hearing: property owner and Agent are present.

**D. Gory** asks if she means to table this until the BOS approve the others?

**N. Bierbrodt** interjects and states that the idea for keeping it on today's agenda was that it had already been advertised so IF the BOA decided to approve the docket, it would be approved PENDING rezone and CUP approval.

**D. Gory** asks about objections.

**N. Bierbrodt** states that there were not any received regarding the variance but there were some received on the rezone/CUP.

**T. Hoogerwerf** finds one opposition in the file and reads the letter.

**Gary Hansen** (author of letter) comes forward. Repeats concerns stated in the letter. Speaks on the affects on the property values and the beauty of the desert being obstructed.

**Chief Maloney of Buckskin Fire District** approaches and explains his support for the project, that this is an urgent matter of public safety. Upriver currently has a 7-10-minute delay in emergency response time. Their 9-1-1 calls go to Barstow first, then routed to Riverside, then Kingman, and then one other stop before it gets to La Paz County dispatch. Fire Department mapping systems don't work unless they're up on the hill so trying to find locations during an emergency call are hindered and lives are at risk. This pole is needed greatly. It's a major issue. States that he is not there regarding location and aesthetics, only the need for the tower.

**N. Chumley** asks if there is an alternative location option for this tower.

**Chief Maloney** states he doesn't know, but that it is needed and even Verizon agreed at the urgency after doing a study.

**Brandon Kilgore**, parcel owner, interjects and states that he is the project owner and that he is also on the Park Board- this whole project started with a wifi problem at the parks and various upriver locations. Reached out to current tower provider for help and they came and did a study and found that the proposed location was the best option, however, they didn't want privately owned land so they attempted to find another location with no success.

**Nancy Garera** from Wingspan Wireless approaches and explains that this has been a 2+ year project to find the best location. She explained that Verizon adheres to all regulations regarding tower locations and that they tried to keep it as far away from homes as possible.



She goes on to state that she is also a successful real estate agent and that she has never seen property values be an issue with the cell tower locations. In fact, a majority of home buyers now are within the 20-50 age range and 83% won't buy a home if there's bad cell service at the home, or none at all. 55% of homes have only a cell phone, while 90% use mostly their cell. She states they also approached Chief Maloney for statistics on the residents and reiterated his claims of it being a First Responder necessity. She continues on to discuss the safety and radiation factors that have been brought up. She says there are ionizing radiation waves and nonionizing radiation waves. Ionizing waves are the dangerous ones that affect the molecules. Nonionizing are not a risk as they do not affect the body. Verizon has to comply with FTC, FCC, WHO, CDC, etc and that this specific tower's stats are significantly lower than what is regulated.

**M. Hildebrand** asks why there isn't going to be an aesthetic pole used.

**N. Garera** explains that because of the height required, they don't withstand wind and other weather conditions.

**B. Kilgore** states that it will be painted to blend in with the desert.

**M. Hildebrand** asks if it can be tabled pending BOS approval on the other dockets.

**N. Bierbrodt** explains that they can do that, or should they choose to vote and approve, the approval would only be valid if the BOS approve the other dockets because the variance is only applicable if the parcel is C-2, otherwise it's void.

**D. Gory** asks Supervisor Duce Minor if he has any input.

**Duce Minor** explains that he met with a few of the concerned neighbors at the cell site and heard their concerns. He understands what they're saying and why they're concerned, but he also knows there's a great need for it and would hate for someone to lose their life because of response time affected by the lack of service.

Several audience members speak out, siting it causes cancer, affects property values, etc. Site research from 2004.

**N. Chumley** says "Don't you think your research is a little outdated?"

**D. Gory** states that they have valid points, but those need to be brought up at the PZ and BOS meetings and thinks it should be tabled until after the BOS meeting.

**Corrie Short** stands and states that she is a "certified land surveyor" within Arizona and brings up that the notices weren't done right and that all of the people within 300' weren't all notified. States that according to the FCC a variance can be denied for health,

aesthetics, and community impacts. There's a perfect spot behind Miraleste Shores and another subdivision (I couldn't hear what she said.)

**Roy Miller** stands and opposes due to the height & "lack" of notice. Provided thoughts on alternatives... instead of 1 large pole, 2 smaller ones in different locations??

Another audience member stood and asked if that is the height required.

**N. Garera** explains that with all the terrain and mountains, that this is the only ideal location for the pole and that she has spent the last 2+ years and has done land studies and this is the only location that will work for what is needed.

*Motion to table until after BOS meeting made by Nina Chumley  
Seconded by Michael Hildebrand  
All in favor, docket tabled until next meeting- 12/10/2020.*

**Meeting adjourned at 5:55pm**

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Chairman Dino Gory

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Date

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Community Development Director Tonya Hoogerwerf

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Date