



**MINUTES
TOWN OF CAMP VERDE
BOARD OF ADJUSTMENTS & APPEALS
473 MAIN STREET, SUITE 106, CAMP VERDE, AZ 86322
TUESDAY, JANUARY 13, 2026 AT 3:00 PM
REGULAR SESSION**

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/85884550283?pwd=wajXgUa5avEocx5EJWwZ8SrougdNw6.1>

One Tap Mobile: 1-669-900-9128 or 1-253-215-8782

Meeting ID: 858 8455 0283

Passcode: 096130

1. **Call to Order** – Chairman Magoon called the meeting to order at 3:00 PM.
2. **Roll Call** – Vice Chairman Tanner McDonald, Board Member Jeremy Brady, Board Member Rod Corbin, and Chairman Stephen Magoon.

Also Present: Town Manager Miranda Fisher, Town Attorney Jon Paladini, Board of Adjustment and Appeals' Attorney Frank Cassidy, Acting Senior Planner Cory Mulcaire and Town Clerk Leah Rhodes.

3. **Pledge of Allegiance**

Chairman Magoon led the Pledge of Allegiance.

4. **Consent Agenda** - All items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered a separate item if a member of the Commission requests it.

- a. **Approval of Minutes:**

- 1) Regular Session – October 8, 2024

On a **motion** made by Board Member Corbin, seconded by Vice Chairman McDonald, the Board moved to approve the consent agenda as presented.

Roll Call Vote:

Board Member Brady: aye

Chairman Magoon: aye

Vice Chairman McDonald: aye

Board Member Corbin: aye

Motion Carried 4-0.

5. **Oath of Office of Reappointed Board of Adjustment and Appeals Member Rod Corbin and Newly Appointed Member Robert Benson.** Staff Resource: Town Clerk Leah Rhodes.

Town Clerk Leah Rhodes swore in the reappointed Board Member Rod Corbin and newly appointed Board Member Robert Benson.

Board Member Robert Benson, who goes by “Bob”, was then seated at the dais.

6. Appointment of one Member to serve as Chairperson and one Member to serve as Vice Chairperson until January 2027. Staff Resource: Acting Senior Planner Cory Mulcaire.

Chairman Magoon volunteered to serve another year term.

On a **motion** made by Vice Chairman McDonald, seconded by Board Member Corbin, the Commission moved to appoint Stephen Magoon to serve a one-year term as the Board Chair.

Roll Call Vote:

Board Member Brady: aye

Chairman Magoon: aye

Vice Chairman McDonald: aye

Board Member Corbin: aye

Board Member Benson: aye

Motion Carried 5-0.

Vice Chairman McDonald volunteered to serve another year term.

On a **motion** made by Board Member Corbin, seconded by Board Member Brady, the Commission moved to appoint Tanner McDonald to serve a one-year term as the Board Vice Chair.

Roll Call Vote:

Board Member Brady: aye

Chairman Magoon: aye

Vice Chairman McDonald: aye

Board Member Corbin: aye

Board Member Benson: aye

Motion Carried 5-0.

7. Board of Adjustment and Appeals Training Session. Resource: Attorney Frank Cassidy.

Attorney Cassidy provided an overview of the Board of Adjustment and Appeals (BOA) authority on appeals and variances, agendas, officers and staff, parliamentary procedures, open meeting law, conflict of interests and public records law.

8. Public Hearing: Discussion, consideration and possible approval of a variance request to reduce the residential setback from 300 feet to 240 feet for a Wireless Communications Tower on parcel 404-15-00C, located at 4353 E Blue Heron Lane, Camp Verde, Arizona. Staff Resource: Acting Senior Planner Cory Mulcaire.

Chairman Magoon stated there was an error in the Parcel number in the agenda title and the Parcel number should read 404-13-005C.

Acting Senior Planner Mulcaire agreed the Parcel number should read 404-13-005C. Acting

Senior Planner Mulcaire indicated that the parcel was properly noticed and that the error was only in the agenda title and the Agenda Information Memorandum. Mulcaire also noted for the record that the agenda item should read 5,000 feet to 240 feet as the reduction in setback request.

Staff Comments: Acting Senior Planner Mulcaire provided an overview of the applied variance from the required setback standards for a Wireless Communication Tower abutting a residential zoning district on Parcel 404-15-0.0C. Acting Senior Planner Mulcaire stated that the applicant is seeking to improve wireless communication service in the Verde Lakes area, which would benefit residents and first responders who currently experience limited or no cellular service due to existing dead zones. The request involves reducing the required setback from 5,000 feet in residential areas to approximately 250 feet. Acting Senior Planner Mulcaire stated that approval of the variance would not constitute a special privilege but would allow the applicant to provide a necessary service to the broader area. It was further noted that the proposed facility would not interfere with or adversely affect neighboring property rights, and that mitigation measures, such as setback placement and equipment screening, are addressed through the Planning and Zoning Ordinance.

Applicant Comments: Tiffany Passehl, on behalf of the property owner, Fedel Mackelprang Living Trust, explained that the proposed setback requirements would effectively prevent development throughout the town, undermining the objectives that necessitate the tower. Ms. Passehl noted that the property owner has identified a significant coverage dead zone in the area. The primary purpose of the tower is to improve 911 communications and enhance overall internet and cellular service.

Open Public Hearing: Chairman Magoon opened the public hearing at 3:56 p.m.

Public Comment: Sonya Graves was opposed to the cell tower in a flood zone and the setback reduction request to 240 feet.

Close Public Hearing: Chairman Magoon closed the public hearing at 4:00 p.m.

Board Discussion: Chairman Magoon expressed concern regarding the size of the requested variance, noting that a reduction from 5,000 feet to 240 feet is substantial. Chairman Magoon commented that a smaller variance, such as from 300 feet to 240 feet, would be less concerning, and suggested that the Council may wish to review and potentially revise the current zoning requirements if the 5,000-foot standard is no longer appropriate. Chairman Magoon stated he understood the need for better cell service in the area.

Acting Senior Planner Mulcaire stated staff are reviewing setbacks and are working on a comprehensive update for the Planning and Zoning Code.

Attorney Frank Cassidy noted that the Federal Communications Commission (FCC) discourages local regulations that effectively prevent the provision of cellular service. To the extent that zoning requirements would make service to an area impossible, such regulations could raise FCC concerns. It was further noted that no testimony was presented to contradict the statement that the proposed site is the only viable location. As understood by staff, there are no alternative sites available that would meet the 5,000-foot spacing requirement.

Town Manager Fisher, Attorney Frank Cassidy, Acting Senior Planner Mulcaire and Ms. Tiffany Passehl responded to questions from the Board Members.

On a **motion** made by Board Member Jeremy Brady, seconded by Board Member Corbin, the Board **moved to approve** the variance of the set back from 5000 feet to the 240 feet.

Roll Call Vote:

Board Member Brady: aye

Chairman Magoon: aye

Vice Chairman McDonald: aye

Board Member Corbin: aye

Board Member Benson: aye

Motion Carried 5-0.

9. **Public Hearing:** Discussion, consideration, and possible action on an appeal of the Zoning Administrator's November 11, 2025 determination concerning subdivision replat requirements and Conditional Use Permit PZ-95-21 at the Montezuma Heights Airpark. Staff Resource: Town Manager Miranda Fisher.

Vice Chairman McDonald recused himself from the item due to a conflict in interest.

Town Manager Fisher clarified for the Board that until January 5, 2026, she served as the Interim Community Development Director and, in that capacity, also acted as the Zoning Administrator. Town Manager Fisher noted that the appeal pertains to a decision she made during that time and recommended allowing the applicant to present first, after which she could provide commentary, or proceed in the manner preferred by the Board.

Appellant Comments: Appellant Marvin Wessel who represented himself, stated his name and his address as Marvin E. Wessel at 2315 N. Cessna Circle on Montezuma Heights Airpark.

Mr. Wessel stated for the record, Arizona Revised Statutes 9-462.06 requires the Board of Adjustments and Appeals (BOA) to adopt rules of procedure. In response to a public records request that Mr. Wessel submitted, the Town confirmed that there was no BOA adopted rules of procedures for the Town of Camp Verde. Mr. Wessel has acknowledged that Attorney Cassidy provided procedural guidance to the BOA during the agenized training but noted that guidance is not the same as rules formerly adopted by the BOA. Accordingly, Mr. Wessel questioned the enforcement of any procedural limits or evidentiary restrictions not contained in adopted BOA rules and was preserving that objection for the record.

Mr. Wessel presented a physical copy of Exhibit Core L. Mr. Wessel explained that the new exhibit included a written interpretation and email exchange from September 30, 2025, with Town Staff, and was directly relevant to the issues on his appeal. Mr. Wessel asked for the document to be admitted into the record.

Town Attorney Jon Paladini stated that all materials included in the submitted packet are already part of the official record and therefore do not need to be formally admitted individually. He noted that the packet contains all relevant documents and is a public record. However, he advised that any new documents not previously provided by Mr. Wessel would

need to be reviewed before being considered for inclusion in the record.

Attorney Frank Cassidy questioned Mr. Wessel if the submitted document was not included in the original packet that was before the Board. Mr. Wessel stated it was not included in the original packet.

Copies of the submitted document were distributed to the Board Members and Town staff.

Board Member Jeremy Brady requested a five-minute recess at 4:14 p.m. The Board reconvened the Regular Session at 4:19 p.m.

Mr. Wessel stated that the purpose of the appeal centers on a threshold issue: whether the Town may terminate a zoning and subdivision complaint by adopting a legal opinion that is not supported by ordinance, statute, or an adopted BOA rule.

Mr. Wessel explained that the appeal was filed because the Town terminated its complaint by relying on a legal opinion as its operative position without citing any governing authority.

Mr. Wessel requested that the Zoning Administrator at the time, Town Manager Miranda Fisher, be sworn in and made available for questioning. Attorney Frank Cassidey noted, as a point of order, that an applicant is permitted to present witnesses and clarified that the request was to have Town Manager/Zoning Administrator, Ms. Miranda Fisher sworn in as a witness for questioning.

Mr. Wessel indicated that the questions would be limited and primarily yes-or-no in nature. Chairman Magoon confirmed the request and administered the oath, and Ms. Fisher affirmed that her testimony would be truthful.

Ms. Miranda Fisher responded to Mr. Wessel's questions.

Mr. Wessel proceeded to state his case with documents that were provided in the packet.

Staff Comments: Town Manager/Zoning Administrator Miranda Fisher provided comments in response to the appellant's presentation, stating that while there were claims of mischaracterization as alleged by Mr. Wessel. Ms. Fisher explained that staff reviewed the appellant's filing, which was extensive and detailed, and addressed the concerns to the best of their ability.

Ms. Fisher explained that the legal opinion dated June 5 and adopted on November 11 does not reference the parcels identified by the appellant. Ms. Fisher noted that the opinion includes a list of parcels with warranty deeds dating back several decades, and that no determinations were made by the Zoning Administrator regarding those parcels. Ms. Fisher stated that while the appellant raised additional concerns related to those parcels, the matter before the BOA is an appeal of a decision she made in her role as Zoning Administrator, and no written determination has been issued on the additional matters raised. Furthermore, Ms. Fisher noted that some lots may have been created through deed splits, which can occur through actions by the assessor's office separate from Town action; however, no determination was made regarding those situations. Ms. Fisher added that even if a lot split

had occurred, the appeal period would have expired.

Regarding the conditional use permit, Ms. Fisher stated that the Board's authority is limited to appeals of decisions made by the Zoning Administrator that would negate the need for a use permit, which she indicated is not applicable in this case. Ms. Fisher confirmed that there is an active conditional use permit in place, that she has not voided the permit, and stated that she believes her interpretations are accurate.

Open Public Hearing: Chairman Magoon opened the public hearing at 4:52 p.m. Chairman Magoon recessed the meeting so the audience in attendance could have time to fill out a Call to Speak card since the audience in attendance were not aware of the request to speak process. Chairman Magoon reconvened the meeting at 4:59 p.m.

Public Comment:

Terry Andrews, Ronald Kreienkamp, Preston Huntting, Todd Wilson and Marvin Manley spoke in favor of upholding the Town Manager/Zoning Administrator Miranda Fisher's interpretation

Loren Vavra and Sarah Wessel spoke in favor of appealing the Town Manager/Zoning Administrator Miranda Fisher's interpretation.

Appellants Rebuttal: Appellant Marvin Wessel spoke on the adjudication that happened in 1993 as well as he provided his closing comments on conditions of a replat.

Attorney Frank Cassidy asked questions to Mr. Wessel. Mr. Wessel responded to Attorney Cassidy.

Close Public Hearing: Chairman Magoon closed the public hearing at 5:52 p.m.

Board Discussion: Chairman Magoon asked Attorney Cassidy to explain the law around subdivisions, platting and parcel splits.

Attorney Frank Cassidy provided a summary of the state laws related to subdivisions, platting and parcel plats.

Town Manager/Zoning Administrator Fisher and Attorney Cassidy responded to questions from the Board Members.

On a **motion** made by Board Member Jeremy Brady, seconded by Board Member Corbin, the Board **moved to uphold** Town Manager/Zoning Administrator Miranda Fisher's decision on this matter.

Roll Call Vote:

Board Member Brady: aye

Chairman Magoon: aye

Vice Chairman McDonald: recused

Board Member Corbin: aye

Board Member Benson: aye

Motion Carried 4-0.

To review the full Public Hearing for Agenda Item 9 please use the provided video [LINK](#). The video starts at 1:09:49.

10. Adjournment

Chairman Magoon adjourned the meeting at 6:05 p.m.



Chairman Stephen Magoon

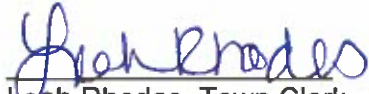


Leah Rhodes, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Board of Adjustment and Appeals of the Town of Camp Verde, Arizona during the Special Session held on the 13th day of January 2026. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6 day February, 2026.



Leah Rhodes, Town Clerk