

# AGENDA



**SPECIAL SESSION**  
**MAYOR and COMMON COUNCIL**  
**Of the**  
**TOWN OF CAMP VERDE**  
**COUNCIL CHAMBERS**  
**473 S. Main Street #106**  
**Wednesday, May 7, 2008**  
**5:00 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the operation of Canyon Wood Supply owned by California Hotwood, Inc. formerly known as Zellner's Wood Yard, located on Murdock Road.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation. (Staff Resource: Michael Scannell)
4. **Adjournment**

Posted by: C. James

Date/Time: 5-2-08

8:30 a.m.

*Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.*

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



# TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (520) 567-6631 FAX 567-9061  
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Streets 567-0534 ♦ <http://cv.sedona.net>

Mr. And Mrs. Zellner  
PO Box 2927  
Camp Verde, AZ. 86322

Dear Mr. And Mrs. Zellner,

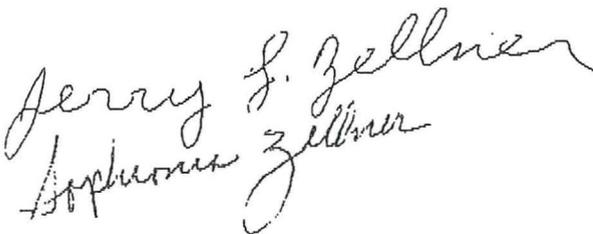
As I understand the situation several years ago the you purchased parcel 404-02-69 adjacent to your existing wood processing operation. Bob Lau has confirmed his determination that the you were authorized to expand their adjacent non-conforming use to the new property. Bob's determination was based on Section 105 E of the Zoning Code which allows a 100% expansion of a non-conforming business. Unfortunately the courts in Arizona have determined this does not mean expansion to new property, only expansion on the property originally covered by the non-conforming use. As we have discussed I understand you have verbally agreed to the following:

1. When you, personally, no longer operate the business Lot 69 will revert to the residential use under the zoning.
2. You will not start operations on Lot 69 prior to 7:00 am.
3. You will not start operations on the rest of the your property prior to 6:00 am.
4. By January 1, 2001 you will have all wood material removed from the area within 50 feet of the Lot 69 property line from the adjacent residence.

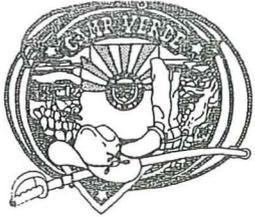
I believe this arrangement will balance the your rights, lead to the elimination of an expanded non-conforming use and reduce the impact on the neighborhood. Please contact me if you have any comments about this proposal. If you find this arrangement acceptable please sign below and return the enclosed copy to me. I will then respond with a formal letter from my office which I believe will resolve this matter. Please contact me if you would like to discuss this matter. Thank you for your co-operation.

Sincerely,

  
John Roberts  
Community Development Dir.

  
Aphrona Zellner





# TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (520) 567-6631 FAX 567-9061  
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Streets 567-0534 ♦ <http://cv.sedona.net>

Mr. And Mrs. J Zellner  
PO Box 2927  
Camp Verde, Arizona, 86322  
June 14, 2000

Dear Mr. and Mrs. Zellner,

Per you agreement received by this office on June 12, 2000 the following will be the settlement for your use of the property identified as parcel number 404-02-069.

1. Your current use will be allowed to continue, subject to the following, per the decision of Town official Bob Lau.
2. When you, personally, have ceased operating the business on the above referenced parcel the parcel will revert to a conforming residential parcel consistent with the zoning in place at that time.
3. You will not start operations on the above referenced parcel prior to 7:00 am.
4. You will not start any commercial operations on any parcel prior to 6:00 am and will remain in compliance with all applicable zoning regulations.
5. By January 1, 2001 you will have the wood material removed from the area within 50 feet of the property line of parcel 404-02-069 adjacent to any residence.

Should you wish to discuss this matter please contact me. Please retain this letter in the event any questions arise concerning your use of the property. Thank you.

Sincerely,

  
John Roberts  
Community Development Dir.



5. **Call to the Public for Items not on the Agenda**

There was no public input.

X 6. **Public Hearing and Possible Action of BOA 00-06: Application by Clinton. Gray appealing the decision made by the Planning and Zoning Director to allow Zellner Wood Yard to expand onto adjacent parcel 404-02-069. This Parcel is located at 1608 Murdock Lane.**

Member Morgan declared a conflict of interest in relation to this item and excused herself from the proceedings.

Manager Roberts provided the Board with a brief history of the case. He stated that the applicant has filed an appeal application asking for a review of Director Robert's decision to honor the previous Director's determination on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Lane, currently zoned R1L-70.

Manager Roberts explained that the previous Director met with the Zellner's and made a determination to allow expansion of their wood yard business that is a legal, non-conforming use based on his interpretation of the current code with no conditions. Roberts further explained that after speaking to the past Director to verify his decision, a determination was made to uphold that decision.

Clinton Gray addressed the Board and stated that he believes Mr. Robert's decision was incorrect, as it was based upon Bob Lau's previous decision to allow the expansion, which he transmitted verbally to the Zellners. He further stated that he and other neighbors affected were denied the opportunity to appeal the decision, because the town never properly notified them. He stated that Bob Lau's decision was incorrect, Director Robert's decision was based on the original incorrect decision, and right of due process was denied, and asked that the Board overturn both Director Robert's and Bob Lau's decisions.

Concerned citizens in the audience were given an opportunity to speak in favor or opposition of Mr. Gray's request. Comments in support of Mr. Gray's request were heard from C.A. McDonald, Thelma Lindsey and Lois Gibbs.

Mr. Roberts stated that although the Town code does not require any particular notification of any decision by the Planning and Zoning or Development Directors except in specific cases, there is clearly a right to appeal a decision within 45 days. He stated that a review of the record did not show any notification to any adjacent property owners and no written documentation is available to indicate that an appeal was filed within the 45 days. He also commented that the determination to uphold the decision was made in a logical and reasonable fashion and that the property owner acted on that decision in good faith.

Board Members made inquiries to ascertain if Manager Roberts's reliance on the previous Director's decision was correct and appropriate.

Attorney Ron Ramsey cautioned the Board against setting a precedent for revisiting decisions made by another party.

\* On a motion by McIntyre, seconded by Pate, the Board voted unanimously to uphold the decision of the Community Development Director to honor the previous Director's determination on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Road currently zoned R1L-70.

Member Morgan rejoined the meeting at 4:00 p.m.

7. **Public Hearing and possible Action on BOA 00-07: Application for an amended lot design for Variance HA 5004 granted 3-19-87 by Board of Supervisors on parcel 404-18-004A located at 1266 Reata Circle currently owned by Robert and Betty Cottle.**

Planner Nancy Buckel addressed a request by Robert and Betty Cottle for approval of an amended lot layout and explained that the variance would allow for a different lot design from that which was approved for Variance HA 5004 by the Board of Supervisors. She further explained that the land use is a permitted use in the R1-70 zoning on the property, and that the property meets the necessary criteria for granting of the variance.

On a motion by Baumgarner, seconded by Hoover, the Board voted unanimously to approve variance 2006, amending the lot layout for variance HA 5004 granted 3-19-87 by the Board of Supervisors.

**Public Input:**

There was no public input.

8. **Call to the Public for items not on the Agenda**

There was no public input.

9. **Board Information Reports**

At the request of Member McIntyre a discussion of scheduling evening meetings on an all call basis will be addressed at the November 21 Regular Meeting.

Chairman Bullard requested that a review of procedures for public notification concerning any variance within 300 feet be addressed at a future meeting.

10. **Staff Report**

There was no staff report.

11. **Adjournment**

The meeting was adjourned at 4:13 p.m.

  
Chairman Jim Bullard

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Board of Adjustments of the Town of Camp Verde during the Regular Session of the Board of Adjustments of Camp Verde, Arizona, held on the 17<sup>th</sup> day of October 2000. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19<sup>th</sup> day of October 2000

  
Patricia Hilton, Recording Secretary

**STAFF REPORT**

**BOARD HEARING DATE:**

OCTOBER 17, 2000

**TITLE:**

BOA HEARING ON CASE 2000-06

**DESCRIPTION OF ITEM:**

Clinton Gray has filed an appeal application asking for a review of Director Roberts' decision on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Road currently zoned R1L-70.

**STAFF RECOMMENDATION:** To uphold Director Roberts' decision.

**BACKGROUND INFORMATION:** The September 19<sup>th</sup> and the August 15<sup>th</sup> hearings were postponed because there was no quorum present at either meeting to hold the hearing.

The previous Community Development Director met with the Zellner's and made a determination to allow expansion of their wood yard business that is a legal, non-conforming use based on his interpretation of the current code with no conditions. When Mr. Roberts became Director, he verified this decision by speaking with the past Director and made the determination to up hold that decision.

Attachments: Yes

Prepared by: Nancy Buckel

5. U. BOA 110  
**CAMP VERDE, ARIZONA 86322**  
**BOARD OF ADJUSTMENT**  
**APPEAL APPLICATION**

00 10  
**BOA 00-010**

REQUEST FOR AN APPEAL OF AN ADMINISTRATIVE DECISION THAT:

MR. TOM ROBERTS MADE TO HONOR MR. BOALAN'S DECISION TO LET MR. JERRY  
L. ZELLNER, EXPAND HIS WOODYARD INTO A SEPARATE PARCEL.  
NUMBER THAT IS ZONED RESIDENTIAL

Assessor's Parcel No. <u>404-02-069</u>		
Subdivision		
Tract	Block	Lot
M & B		
Application Date <u>7/7/2000</u>		
Taken By <u>J. Zellner</u>		
Fees <u>4700</u>		
Hearing Date <u>August 15<sup>th</sup>, 2000</u>		

ZONING CODE SECTION: \_\_\_\_\_  
 ADDRESS OF PROPERTY: 1608 SOUTH MURDOCK RD.  
 PRESENT ZONING: RLL-7D  
 EXISTING USE OF PROPERTY: Wood yard

PROPERTY OWNER MAILING ADDRESS  
 NAME Jerry L. Zellner  
 ADDRESS Unknown  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 PHONE: \_\_\_\_\_

APPLICANT MAILING ADDRESS  
 NAME CLINTON L. GRAY  
 ADDRESS P.O. Box 682, 1527 McDONALD LN  
 CITY CAMP VERDE, STATE AZ ZIP 86322  
 PHONE: 520-567-3705

If the applicant is not the property owner, the owner shall complete and sign the following statement.  
 I hereby authorize CLINTON L. GRAY to act as my agent in this application.  
 (name of applicant)

By: Clinton L. Gray 7-7-00  
 (signature of applicant) (date)

\* \* \* FOR DEPARTMENTAL USE \* \* \*

BOARD OF ADJUSTMENT ACTION:

Date \_\_\_\_\_ Granted \_\_\_\_\_ Denied \_\_\_\_\_ Deferred \_\_\_\_\_ / \_\_\_\_\_ Review Date \_\_\_\_\_

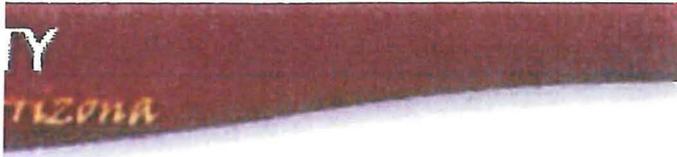
Conditions \_\_\_\_\_

Date notice of Board action mailed to applicant/agent \_\_\_\_\_

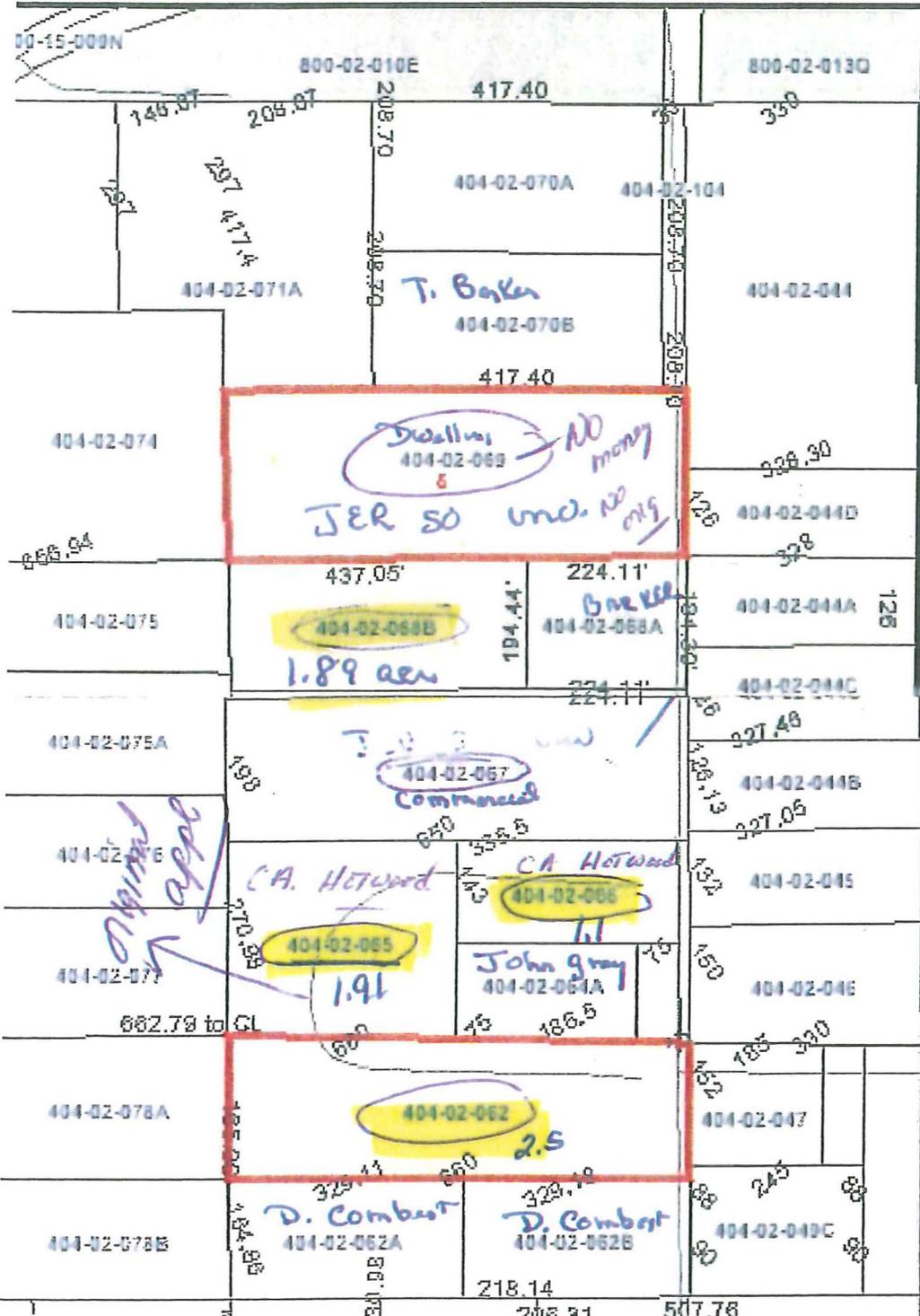
Adv Date	Newspaper	Posting Date	Quantity	Mail Notice Date	Reviewed By
_____	_____	_____	_____	_____	_____

NOTES

Property Information Tool



on Tool





July 89

R1L-70

PRIVATE R1L-70

1/2c. Res.

404 02 062

Hot Wood Pine

GRAY

Craft-Hawood

066

067

0680

FRAN-LIP

Craft-Hawood

068B

069

McDONALD

McDONALD

R1L-70 1/2c. Res.

DORCHESTER

067  
068  
not owned  
by Craft  
Hawood



July  
1989

404-02-066

V-1229

TOWN OF CAMP VERDE  
ZONING CLEARANCE/SIGN PERMIT APPLICATION

Property Owner's Name: Sophronia Zellner  
Property Address: 1724 MURDOCK ROAD  
Mailing Address: PO Box 652 CAMP VERDE AZ 86322  
Telephone Number: Home: 567-3481 Work: 567-3480  
Name: Agent: \_\_\_\_\_ Tenant: \_\_\_\_\_ Contractor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ Contractor's License #: \_\_\_\_\_  
Camp Verde Business License #: \_\_\_\_\_ AZ Privilege Lic. #: \_\_\_\_\_  
Parcel #: 404-02-066 or Legal Description: M+B  
(Metes & Bounds or Subdivision & Lot #)

RESIDENTIAL: New \_\_\_\_\_ Addition \_\_\_\_\_ Value \_\_\_\_\_  
Project Description: Size: \_\_\_\_\_ # Bedrooms: \_\_\_\_\_

COMMERCIAL: New \_\_\_\_\_ Addition X Value 7K  
Project Description: GRAND ENHANCED USE FOR WOOD YARD + FIRE WOOD PRODUCTS PROCESSING  
Size: SHED FOR MATERIAL STORAGE 16X24

MOBILE HOME: Year \_\_\_\_\_ Make \_\_\_\_\_ I.D. # \_\_\_\_\_  
Width \_\_\_\_\_ Length \_\_\_\_\_ Value \_\_\_\_\_ Site: Park \_\_\_\_\_ Owned Lot \_\_\_\_\_  
384 SQFT

Other Info: \_\_\_\_\_  
IGN: New Const. \_\_\_\_\_ Alteration of Existing Sign \_\_\_\_\_ Height \_\_\_\_\_ Sz. \_\_\_\_\_  
Value \_\_\_\_\_ Type: Pole \_\_\_\_\_ Monument \_\_\_\_\_ Canopy \_\_\_\_\_ Projecting \_\_\_\_\_  
Other Info: \_\_\_\_\_

\*\*\*\*\*

I am not a licensed contractor and will complete this project under the requirements of ARS Chapter 10, Section 32.  
Listed below are the names and license numbers of all licensed contractors that will be working on this project.

Name: \_\_\_\_\_ Lic. #: \_\_\_\_\_  
Name: \_\_\_\_\_ Lic. #: \_\_\_\_\_  
Name: \_\_\_\_\_ Lic. #: \_\_\_\_\_

I understand that there may be additional restrictions that may be enforced by Homeowner's Associations which may apply to activity on my property.  
I understand that in order to meet safe drinking water requirements and the EPA, lead free materials must be used on all drinking water lines.  
I understand that Blue Stake Center (1-800-782-5348) should be contacted for location of underground utilities two full working days before digging.  
I understand that a copy of the septic permit from Yavapai County is required.  
I understand that proof of water & electric service to the property is required.

Sophronia Zellner \_\_\_\_\_ Date Jan 4, 1994  
Signature of Owner or Agent

FOR PLANNING AND ZONING OFFICE USE ONLY

\*\*\*\*\*  
Accepted by Ken Date 1/4/94 Zoning Class RIL-70 Appl. Fee 15.00 Permit # V-1229

401

Jerry Zellner owns parcels 404-02-65, 66, 67

L. D. Zellner owns parcel 404-02-68

In 1973, Jerry Zellner obtained a permit to place a storage building on parcel 404-02-65.

In 1989, he obtained a permit to replace the roof and put on an addition on parcel 404-02-67.

Zellner and Son Timber Fallers have Tax #13-021194-X

address: P. O. Box 2240  
Camp Verde, AZ 86322

Zonity RIL-70

404-02-066; purchased in 1974, June by Zellners  
see Joint Tenancy Deed in file

404-02-065

License No: \_\_\_\_\_

625

Town of Camp Verde  
P. O. Box 710  
Camp Verde, AZ 86322

(520) 567-6631

APPLICATION FOR BUSINESS LICENSE  
Business License Fee \$10.00 Annually

Application Date: \_\_\_\_\_

New  Renewal \_\_\_\_\_

Name of Business: CANYON WOOD SUPPLY L.L.C.

Physical Location of Business: 1728 MURDOCK ROAD

Business Mailing Address: P.O. Box 2927 Camp Verde Phone No.: 520-567-3481

Person To Contact in Case of Emergency: JERRY L. ZELLNER Phone No.: 520-567-3481

Business Owner's Name: SOPHRONIA ZELLNER Driver's Lic. No.: 526-52-5391

Owner's Address: PO Box 652 CAMP VERDE Phone No.: 520-567-3481

Applicant's Name if different than owner: \_\_\_\_\_

State Tax No.: \_\_\_\_\_ Liquor License No.: \_\_\_\_\_

Contractor's License No.: \_\_\_\_\_ Health Permit No.: \_\_\_\_\_

Type of Ownership: \_\_\_\_\_ Individual \_\_\_\_\_ Partnership  Corporation

Names of Titles of at least two persons connected with business:

Name	Address	Title	Phone No.
JERRY L. ZELLNER	P.O. Box 652	PRES.	567-3481
SOPHRONIA ZELLNER	PO Box 652	Sec.	567-3481

Description of Business/Type of operations: FIREWOOD

Approved by: 

Parcel No: <u>404-02-065</u>	Zoning	P & Z Determination
Zoning classification of Property or site used for the Business: <u>R1L-70</u>		<u>Business has not changed from before, only name.</u>
Total number employed:		
Number of signs: <u>0</u>		
Number of parking spaces:		

FOR OFFICE USE ONLY

Wood Zellner Forwarded

Issuance of a business permit does not constitute a waiver of any existing Zoning Ordinances, other laws, or any deed restrictions. (PER TOWN CODE CHAPTER 9 ARTICLE 9-3)

I hereby certify that the statements made herein have been examined by me and are to the best of my belief and knowledge, true and complete. I further certify that I understand that a "Use Permit" or a "Change of Use Permit" may be required prior to the issuance of a Business License.

Sophonra Zellner  
Signature

Sec.  
Title

2/27/98  
Date

D Bullard  
Signature of Town Clerk

1-28-98  
Date

Comments or conditions and restrictions:



# TOWN OF CAMP VERDE

◆ 473 S. Main Street ◆ Camp Verde, Arizona 86322 ◆ (928) 567-6631 FAX 567-9061

◆ Marshal-567-6621 ◆ Parks & Recreation-567-0535 ◆ Community Development 567-8513 ◆ [www.campverde-az.gov](http://www.campverde-az.gov)

April 24, 2008

Robert L. Earle, P.C.  
P.O. Box 3870  
Sedona, AZ 86336

Re: Sophronia Zellner – Business License No. 625

Dear Mr. Earle:

Your letter date April 17, 2008 advised the Town that Mrs. Zellner sold her interest in Canyon Wood Supply in 2007. Town Code, Section 9-3-6 states, "No certificate issued under the provisions of this article shall in any manner be assignable or transferable to any other person, firm, company, or corporation other than as specified in this article without permission from the Town Clerk."

Based on your notification, Business License No. 625 issued to Mrs. Zellner, Canyon Wood Supply, on January 22, 2008 has been closed effective this date.

Sincerely,

Deborah Barber  
Town Clerk



# Review of All Files on Zellner Property

8-07 (1969)	404-02-062	= permit for upgrade of pwr for fuel for above ground fuel tank - pump
		Verification ltr from United Fuel & Energy of delivery of fuel to site since 1973
(1975) 11-92	404-02-065 RIL-70	= permit for metal storage shed 50x140- for wood storage - list from CV Fire for expansion wood piles - State Fire Marshall Occupancy Report
1-73	Zoning RIL-70	20x20 Storage bldg bldg permit
1-18-94 404-02-066	RIL-70	Bldg permit 16x24 Storage Shed issued - Documented grandfather use of wood yard & Fire wood production - submitted by Sophronia Zellner for Zoning Clearance Dated 1-4-1994
404-02-067 1-19-89	RIL-70	residence remodel/ bldg permit addition
(1993) 404-02-068 8-7-91	RIL-70	residence remodel/addition bldg permit
(3-91) 404-02-069 9-2-03		Electrical Service permit Bldg permit Town correspondence on Zellner compliance

409-02-069

BOA  
7-7-00

An appeal to Mr Robert's determination  
to support prior Dir's decision of  
expansion of Zellner's Wood business  
Packet for Hearing, minutes, notice of Hearings  
Historic documentation on regulated LU  
by Zellner's - Documents from CV Fire,  
State Fire Marshal, fire code, communication  
w/ Clinton Gray

*Working Copy*

**PLANNING AND ZONING  
ORDINANCE**

**VOLUME # 1**

**FOR  
THE INCORPORATED AREA  
OF  
CAMP VERDE  
ARIZONA**

**DECEMBER 19, 1986**

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## SECTION 105 - NON-CONFORMING USES AND STRUCTURES

The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof.

- A. **Abandonment:** If a non-conforming use shall be discontinued on a continuous basis for a period of six months, such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of this Ordinance.
- B. **Wear and Tear:** Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a non-conforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. **Restoration:** Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve month period therefrom without impairment to any non-conforming status.
- D. **Change of Use:** A non-conforming use may be changed to that of equal or more restrictive district classification.
- E. **Expansion:** A non-conforming business use may expand if such expansion does not exceed one hundred percent (100%) of the area of the original business.
  - 1. Expansion of a non-conforming business use, other than within an existing building, requires compliance with the coverage and all other such regulations. Additional parking area necessitated by such expansion shall not count against the one hundred percent (100%) expansion allowance.
    - a. Where such expansion is an open-land use a solid masonry wall (or other wall, fence, or hedge as may be approved by the Adjustment Board) must be installed as protective sight screening between such expanded use and any Residential Zoned lot within 200 feet thereof.
- F. **Mixed Uses:** Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.

## SECTION 106 - ESTABLISHMENT OF DISTRICTS

In conformity with the Purpose and Effect of this Ordinance USE DISTRICTS and DENSITY DISTRICTS are hereby established in order to classify, regulate, restrict and separate: uses of land and structures; lot dimensions and areas; yard widths and depths, per cent of lot coverage and open spaces; density formulas, height and bulk of structures etc. These Districts are designed to be used in combinations and as such are hereby referred to as ZONING DISTRICT. Any reference therein to a "Use" shall be deemed to include "principle and accessory uses and structures"

**SECTION 105  
NON-CONFORMING USES AND  
STRUCTURES**

**Revision Adoption Date: 8/2/2000**

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Application within 3 years of effective date of Ordinance for Non-Conforming Use	
Grace Period	
Town’s responsibility to Advertise this Requirement	

## **SECTION 105 - NON-CONFORMING USES AND STRUCTURES**

Adopted 7-9-87 by Ordinance 87A23/Resolution 87-13  
Revised 8-2-00 by Ordinance 2000A156/ Resolution 2000-445

A non-conforming use is a use that at one time was a legal conforming use that is no longer considered a conforming use due to a change in the Town's land use ordinances. The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof. However, such use shall be subject to current Town regulations to protect the health, safety and welfare of the public. Non-conforming uses are a fixture of the property from owner to owner so long as they remain non-conforming uses or structures.

- A. **Abandonment:** A non-conforming use must be an on-going concern for a continuous basis for a period of one year or such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of the Town's most current ordinance. Once a non-conforming use or structure is abandoned it shall not be returned to a non-conforming use or structure.
- B. **Wear and Tear:** Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a nonconforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. **Restoration:** Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve month period therefrom without impairment to any non-conforming status.
- D. **Change of Use of Property where a Non-conforming Use Exists:**
  - 1. A non-conforming use shall not be changed to a different non-conforming use. This shall not prevent a name change or change in ownership of the same non-conforming use.
  - 2. If a change in use is from an impermissible to a permissible use, but full conformance with current standards cannot be achieved, then the change may be allowed subject to the Board of Adjustment granting a variance. In addition to other findings required for a variance the Board must find that compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial structure that is on a permanent foundation. Financial hardship related to such requirements as paving a parking lot, may not constitute grounds for granting a variance/waiver.

3. A change in volume or intensity alone does not constitute a change in use. A change in use requires an actual change in the type of activity.
  4. A non-conforming use may not expand. Expansion is defined to include a geographic increase of the actual use, as well as an increase in volume or intensity.
  5. Non-conforming uses or structures are not transferable to other properties or parcels not covered by original non-conforming use or structure.
- E. Mixed Uses: Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.
- F. Verification of an Existing Non-conforming Use: The Use of the premises must adapt the land for the use and employ the premises for the non-conforming purposes. The use need not be in actual operation when the land use ordinance that changes the use from legal conforming to legal non-conforming takes or took effect, but it must have been used for that purpose within the twelve month period preceding the change; however, the casual, intermittent, temporary or illegal use of land or building shall not be sufficient to establish the existence of a non-conforming use. Nothing in this paragraph shall be construed to mean that any use is exempt from regulations enacted to protect public health, safety and welfare.

Two or more of the following methods may verify an existing non-conforming use:

1. Records of use of land or structures in the County Assessor's office, County Planning and Zoning/Building Safety Office, County Health Department, or other government agency with sufficient information to show that the use predates existing zoning.
  2. Similar evidence from utility companies, business or private records.
  3. Affidavit(s) from individual(s) testifying that the property was used for a purpose that predates adoption of the zoning in question.
- G. Appeal: Any person aggrieved by the decision of the Community Development Director may request an appeal to the Board of Adjustment.
- H. Application and Hearing Procedure: Any property owner may apply for determination of a non-conforming use by means of the procedures listed below.

1. Application for designation as a non-conforming use will be in writing to the Town Planning and Zoning Department. The application will include, at a minimum, the following:
  - a. Name, address and telephone number of the property owner
  - b. Address and assessor's number of the subject property
  - c. The nature of the non-conforming use or structure
  - d. Any documentation to support the request
  - e. An application fee in the amount of \$200.00
2. Upon receipt of a complete application the Community Development Director will set a hearing date to receive evidence concerning the application. Notice of the hearing will be published at least one time in a local paper of general circulation at least one week prior to the hearing. Notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, and all property owners as shown on the last assessment within three hundred feet of the proposed non-conforming use.
3. At the hearing the Civil Enforcement Hearing Officer will review such evidence as may be presented by the applicant or any other interested party. Such evidence may be either written or verbal. The applicant will have the right to rebut any evidence in opposition to the application.
4. The Civil Enforcement Hearing Officer will render a written decision.
5. The Community Development Director, or his designee will present a written argument and present the Town's case to the Civil Enforcement Hearing Officer, and will publish the decision at least one time in a local paper of general circulation.
6. Appeals shall be made as prescribed in Ordinance 99-A152. The appeal time requirements will start from the date of publication of the decision.
7. Existing legal non-conforming uses should make an application as described in Section F (1) within three (3) years of the effective date of this ordinance. Fees will be waived during this period. After the three-year 'grace' period, the presumption shall be that a non-conforming use is not legal as described in this ordinance. The Town will regularly and appropriately advertise and publicize this requirement in an effort to bring all non-conforming uses to apply within the three-year period.

# AGENDA



**SPECIAL SESSION**  
**MAYOR and COMMON COUNCIL**  
**Of the**  
**TOWN OF CAMP VERDE**  
**COUNCIL CHAMBERS**  
**473 S. Main Street #106**  
**Wednesday, May 7, 2008**  
**5:00 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the operation of Canyon Wood Supply owned by California Hotwood, Inc. formerly known as Zellner's Wood Yard, located on Murdock Road.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation. (Staff Resource: Michael Scannell)
4. **Adjournment**

Posted by: C. James

Date/Time: 5-2-08

8:30 a.m.

*Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.*

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



# TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (520) 567-6631 FAX 567-9061  
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Streets 567-0534 ♦ <http://cv.sedona.net>

Mr. And Mrs. Zellner  
PO Box 2927  
Camp Verde, AZ. 86322

Dear Mr. And Mrs. Zellner,

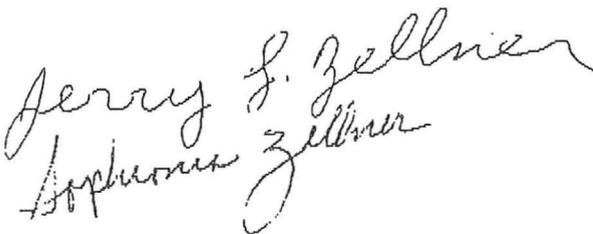
As I understand the situation several years ago the you purchased parcel 404-02-69 adjacent to your existing wood processing operation. Bob Lau has confirmed his determination that the you were authorized to expand their adjacent non-conforming use to the new property. Bob's determination was based on Section 105 E of the Zoning Code which allows a 100% expansion of a non-conforming business. Unfortunately the courts in Arizona have determined this does not mean expansion to new property, only expansion on the property originally covered by the non-conforming use. As we have discussed I understand you have verbally agreed to the following:

1. When you, personally, no longer operate the business Lot 69 will revert to the residential use under the zoning.
2. You will not start operations on Lot 69 prior to 7:00 am.
3. You will not start operations on the rest of the your property prior to 6:00 am.
4. By January 1, 2001 you will have all wood material removed from the area within 50 feet of the Lot 69 property line from the adjacent residence.

I believe this arrangement will balance the your rights, lead to the elimination of an expanded non-conforming use and reduce the impact on the neighborhood. Please contact me if you have any comments about this proposal. If you find this arrangement acceptable please sign below and return the enclosed copy to me. I will then respond with a formal letter from my office which I believe will resolve this matter. Please contact me if you would like to discuss this matter. Thank you for your co-operation.

Sincerely,

  
John Roberts  
Community Development Dir.

  
Aphrona Zellner





# TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (520) 567-6631 FAX 567-9061  
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Streets 567-0534 ♦ <http://cv.sedona.net>

Mr. And Mrs. J Zellner  
PO Box 2927  
Camp Verde, Arizona, 86322  
June 14, 2000

Dear Mr. and Mrs. Zellner,

Per you agreement received by this office on June 12, 2000 the following will be the settlement for your use of the property identified as parcel number 404-02-069.

1. Your current use will be allowed to continue, subject to the following, per the decision of Town official Bob Lau.
2. When you, personally, have ceased operating the business on the above referenced parcel the parcel will revert to a conforming residential parcel consistent with the zoning in place at that time.
3. You will not start operations on the above referenced parcel prior to 7:00 am.
4. You will not start any commercial operations on any parcel prior to 6:00 am and will remain in compliance with all applicable zoning regulations.
5. By January 1, 2001 you will have the wood material removed from the area within 50 feet of the property line of parcel 404-02-069 adjacent to any residence.

Should you wish to discuss this matter please contact me. Please retain this letter in the event any questions arise concerning your use of the property. Thank you.

Sincerely,

  
John Roberts  
Community Development Dir.



5. **Call to the Public for Items not on the Agenda**

There was no public input.

X 6. **Public Hearing and Possible Action of BOA 00-06: Application by Clinton. Gray appealing the decision made by the Planning and Zoning Director to allow Zellner Wood Yard to expand onto adjacent parcel 404-02-069. This Parcel is located at 1608 Murdock Lane.**

Member Morgan declared a conflict of interest in relation to this item and excused herself from the proceedings.

Manager Roberts provided the Board with a brief history of the case. He stated that the applicant has filed an appeal application asking for a review of Director Robert's decision to honor the previous Director's determination on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Lane, currently zoned R1L-70.

Manager Roberts explained that the previous Director met with the Zellner's and made a determination to allow expansion of their wood yard business that is a legal, non-conforming use based on his interpretation of the current code with no conditions. Roberts further explained that after speaking to the past Director to verify his decision, a determination was made to uphold that decision.

Clinton Gray addressed the Board and stated that he believes Mr. Robert's decision was incorrect, as it was based upon Bob Lau's previous decision to allow the expansion, which he transmitted verbally to the Zellners. He further stated that he and other neighbors affected were denied the opportunity to appeal the decision, because the town never properly notified them. He stated that Bob Lau's decision was incorrect, Director Robert's decision was based on the original incorrect decision, and right of due process was denied, and asked that the Board overturn both Director Robert's and Bob Lau's decisions.

Concerned citizens in the audience were given an opportunity to speak in favor or opposition of Mr. Gray's request. Comments in support of Mr. Gray's request were heard from C.A. McDonald, Thelma Lindsey and Lois Gibbs.

Mr. Roberts stated that although the Town code does not require any particular notification of any decision by the Planning and Zoning or Development Directors except in specific cases, there is clearly a right to appeal a decision within 45 days. He stated that a review of the record did not show any notification to any adjacent property owners and no written documentation is available to indicate that an appeal was filed within the 45 days. He also commented that the determination to uphold the decision was made in a logical and reasonable fashion and that the property owner acted on that decision in good faith.

Board Members made inquiries to ascertain if Manager Roberts's reliance on the previous Director's decision was correct and appropriate.

Attorney Ron Ramsey cautioned the Board against setting a precedent for revisiting decisions made by another party.

\* On a motion by McIntyre, seconded by Pate, the Board voted unanimously to uphold the decision of the Community Development Director to honor the previous Director's determination on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Road currently zoned R1L-70.

Member Morgan rejoined the meeting at 4:00 p.m.

7. **Public Hearing and possible Action on BOA 00-07: Application for an amended lot design for Variance HA 5004 granted 3-19-87 by Board of Supervisors on parcel 404-18-004A located at 1266 Reata Circle currently owned by Robert and Betty Cottle.**

Planner Nancy Buckel addressed a request by Robert and Betty Cottle for approval of an amended lot layout and explained that the variance would allow for a different lot design from that which was approved for Variance HA 5004 by the Board of Supervisors. She further explained that the land use is a permitted use in the R1-70 zoning on the property, and that the property meets the necessary criteria for granting of the variance.

On a motion by Baumgarner, seconded by Hoover, the Board voted unanimously to approve variance 2006, amending the lot layout for variance HA 5004 granted 3-19-87 by the Board of Supervisors.

**Public Input:**

There was no public input.

8. **Call to the Public for items not on the Agenda**

There was no public input.

9. **Board Information Reports**

At the request of Member McIntyre a discussion of scheduling evening meetings on an all call basis will be addressed at the November 21 Regular Meeting.

Chairman Bullard requested that a review of procedures for public notification concerning any variance within 300 feet be addressed at a future meeting.

10. **Staff Report**

There was no staff report.

11. **Adjournment**

The meeting was adjourned at 4:13 p.m.

  
\_\_\_\_\_  
Chairman Jim Bullard

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Board of Adjustments of the Town of Camp Verde during the Regular Session of the Board of Adjustments of Camp Verde, Arizona, held on the 17<sup>th</sup> day of October 2000. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19<sup>th</sup> day of October 2000

  
\_\_\_\_\_  
Patricia Hilton, Recording Secretary

**STAFF REPORT**

**BOARD HEARING DATE:**

OCTOBER 17, 2000

**TITLE:**

BOA HEARING ON CASE 2000-06

**DESCRIPTION OF ITEM:**

Clinton Gray has filed an appeal application asking for a review of Director Roberts' decision on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Road currently zoned R1L-70.

**STAFF RECOMMENDATION:** To uphold Director Roberts' decision.

**BACKGROUND INFORMATION:** The September 19<sup>th</sup> and the August 15<sup>th</sup> hearings were postponed because there was no quorum present at either meeting to hold the hearing.

The previous Community Development Director met with the Zellner's and made a determination to allow expansion of their wood yard business that is a legal, non-conforming use based on his interpretation of the current code with no conditions. When Mr. Roberts became Director, he verified this decision by speaking with the past Director and made the determination to up hold that decision.

Attachments: Yes

Prepared by: Nancy Buckel

5. U. BOA 110  
**CAMP VERDE, ARIZONA 86322**  
**BOARD OF ADJUSTMENT**  
**APPEAL APPLICATION**

00 10  
**BOA 00-010**

REQUEST FOR AN APPEAL OF AN ADMINISTRATIVE DECISION THAT:

MR. TOM ROBERTS MADE TO HONOR MR. BOALAN'S DECISION TO LET MR. JERRY  
L. ZELLNER, EXPAND HIS WOODYARD INTO A SEPARATE PARCEL.  
NUMBER THAT IS ZONED RESIDENTIAL

Assessor's Parcel No. <u>404-02-069</u>		
Subdivision		
Tract	Block	Lot
<u>M &amp; B</u>		
Application Date <u>7/7/2000</u>		
Taken By <u>J. Zellner</u>		
Fees <u>4700</u>		
Hearing Date <u>August 15<sup>th</sup>, 2000</u>		

ZONING CODE SECTION: \_\_\_\_\_  
 ADDRESS OF PROPERTY: 1608 SOUTH MURDOCK RD.  
 PRESENT ZONING: RLL-7D  
 EXISTING USE OF PROPERTY: Wood yard

PROPERTY OWNER MAILING ADDRESS  
 NAME Jerry L. Zellner  
 ADDRESS Unknown  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 PHONE: \_\_\_\_\_

APPLICANT MAILING ADDRESS  
 NAME CLINTON L. GRAY  
 ADDRESS P.O. Box 682, 1527 McDONALD LN  
 CITY CAMP VERDE, STATE AZ ZIP 86322  
 PHONE: 520-567-3705

If the applicant is not the property owner, the owner shall complete and sign the following statement.  
 I hereby authorize CLINTON L. GRAY to act as my agent in this application.  
 (name of applicant)

By: Clinton L. Gray 7-7-00  
 (signature of applicant) (date)

\* \* \* FOR DEPARTMENTAL USE \* \* \*

BOARD OF ADJUSTMENT ACTION:

Date \_\_\_\_\_ Granted \_\_\_\_\_ Denied \_\_\_\_\_ / \_\_\_\_\_ Review Date \_\_\_\_\_

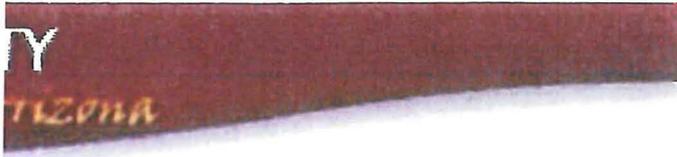
Conditions \_\_\_\_\_

Date notice of Board action mailed to applicant/agent \_\_\_\_\_

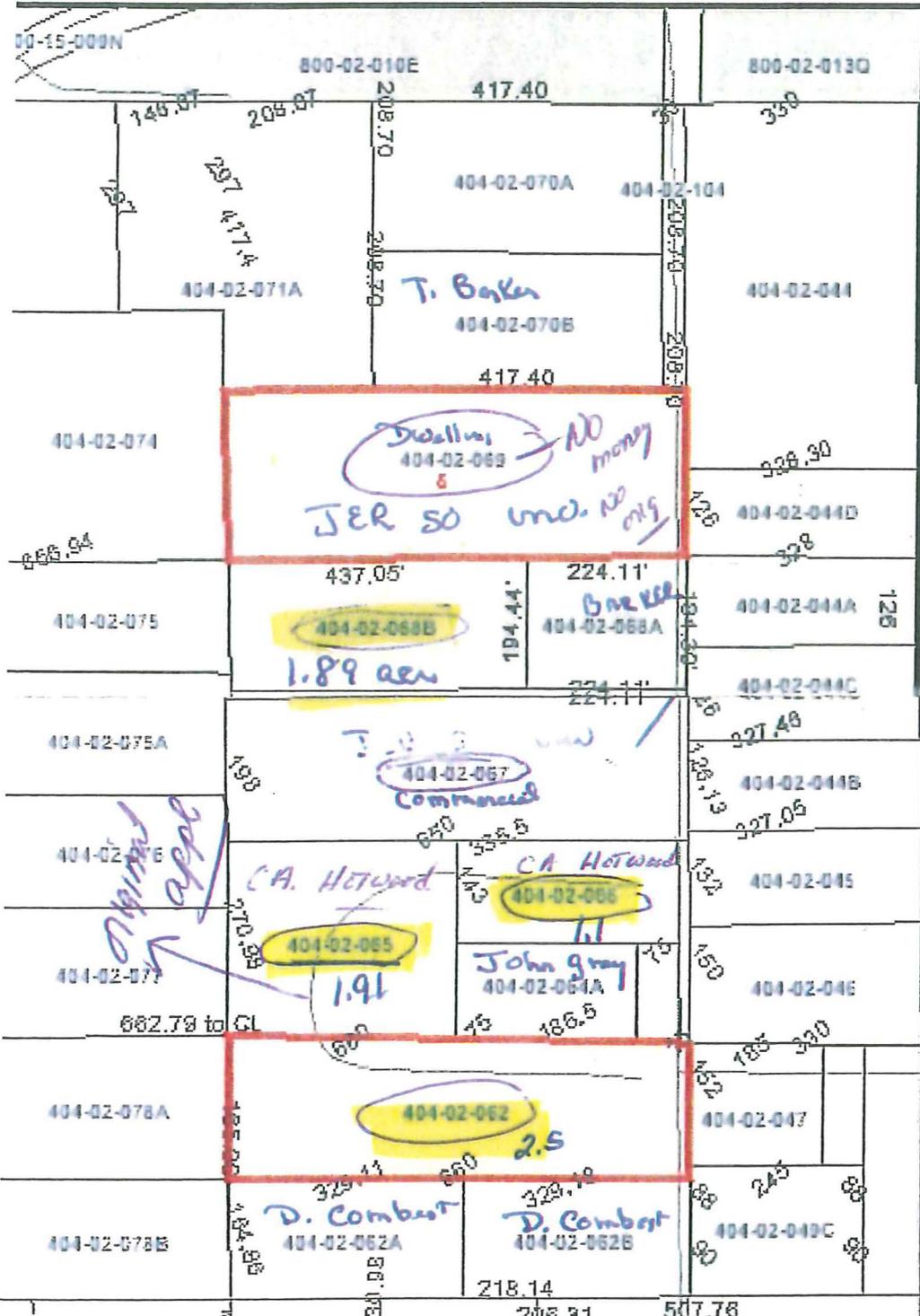
Adv Date	Newspaper	Posting Date	Quantity	Mail Notice Date	Reviewed By
_____	_____	_____	_____	_____	_____

NOTES

Property Information Tool



on Tool





July 89

R1L-70

PRIVATE R1L-70

1/2c. Res.

404 02 062

Hot Wood Pine

GRAY

CHILL-HAWOOD

066

067

JESSO FAN-UP

CHILL-HAWOOD

068B

069

STANLEY

R1L-70 1/2c. Res.



067 ✓  
068  
not owned by owner  
HAWOOD

July 1989



404-02-066

V-1229

TOWN OF CAMP VERDE  
ZONING CLEARANCE/SIGN PERMIT APPLICATION

Property Owner's Name: Sophronia Zellner  
Property Address: 1724 MURDOCK ROAD  
Mailing Address: PO Box 652 CAMP VERDE AZ 86322  
Telephone Number: Home: 567-3481 Work: 567-3480  
Name: Agent: \_\_\_\_\_ Tenant: \_\_\_\_\_ Contractor: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ Contractor's License #: \_\_\_\_\_  
Camp Verde Business License #: \_\_\_\_\_ AZ Privilege Lic. #: \_\_\_\_\_  
Parcel #: 404-02-066 or Legal Description: AM+B  
(Metes & Bounds or Subdivision & Lot #)

RESIDENTIAL: New \_\_\_\_\_ Addition \_\_\_\_\_ Value \_\_\_\_\_  
Project Description: Size: \_\_\_\_\_ # Bedrooms: \_\_\_\_\_

COMMERCIAL: New \_\_\_\_\_ Addition X Value 7K  
Project Description: GRAND ETAALED USE FOR WOOD YARD + FIRE WOOD PRODUCTS PROCESSING  
Size: SHED FOR MATERIAL STORAGE 16X24

MOBILE HOME: Year \_\_\_\_\_ Make \_\_\_\_\_ I.D. # \_\_\_\_\_  
Width \_\_\_\_\_ Length \_\_\_\_\_ Value \_\_\_\_\_ Site: Park \_\_\_\_\_ Owned Lot \_\_\_\_\_  
384 SQFT

Other Info: \_\_\_\_\_  
IGN: New Const. \_\_\_\_\_ Alteration of Existing Sign \_\_\_\_\_ Height \_\_\_\_\_ Sz. \_\_\_\_\_  
Value \_\_\_\_\_ Type: Pole \_\_\_\_\_ Monument \_\_\_\_\_ Canopy \_\_\_\_\_ Projecting \_\_\_\_\_  
Other Info: \_\_\_\_\_

\*\*\*\*\*

I am not a licensed contractor and will complete this project under the requirements of ARS Chapter 10, Section 32.  
Listed below are the names and license numbers of all licensed contractors that will be working on this project.

Name: \_\_\_\_\_ Lic. #: \_\_\_\_\_  
Name: \_\_\_\_\_ Lic. #: \_\_\_\_\_  
Name: \_\_\_\_\_ Lic. #: \_\_\_\_\_

I understand that there may be additional restrictions that may be enforced by Homeowner's Associations which may apply to activity on my property.  
I understand that in order to meet safe drinking water requirements and the EPA, lead free materials must be used on all drinking water lines.  
I understand that Blue Stake Center (1-800-782-5348) should be contacted for location of underground utilities two full working days before digging.  
I understand that a copy of the septic permit from Yavapai County is required.  
I understand that proof of water & electric service to the property is required.

Sophronia Zellner \_\_\_\_\_  
Signature of Owner or Agent Date Jan 4, 1994

FOR PLANNING AND ZONING OFFICE USE ONLY

\*\*\*\*\*  
Accepted by Ken Date 1/4/94 Zoning Class RIL-70 Appl. Fee 15.00 Permit # V-1229

401

Jerry Zellner owns parcels 404-02-65, 66, 67

L. D. Zellner owns parcel 404-02-68

In 1973, Jerry Zellner obtained a permit to place a storage building on parcel 404-02-65.

In 1989, he obtained a permit to replace the roof and put on an addition on parcel 404-02-67.

Zellner and Son Timber Fallers have Tax #13-021194-X

address: P. O. Box 2240  
Camp Verde, AZ 86322

Zonity RIL-70

404-02-066; purchased in 1974, June by Zellners  
see Joint Tenancy Deed in file

404-02-065

License No: \_\_\_\_\_

625

Town of Camp Verde  
P. O. Box 710  
Camp Verde, AZ 86322

(520) 567-6631

APPLICATION FOR BUSINESS LICENSE  
Business License Fee \$10.00 Annually

Application Date: \_\_\_\_\_

New  Renewal \_\_\_\_\_

Name of Business: CANYON WOOD SUPPLY L.L.C.

Physical Location of Business: 1728 MURDOCK ROAD

Business Mailing Address: P.O. Box 2927 Camp Verde Phone No.: 520-567-3481

Person To Contact in Case of Emergency: JERRY L. ZELLNER Phone No.: 520-567-3481

Business Owner's Name: SOPHRONIA ZELLNER Driver's Lic. No.: 526-52-5391

Owner's Address: PO Box 652 CAMP VERDE Phone No.: 520-567-3481

Applicant's Name if different than owner: \_\_\_\_\_

State Tax No.: \_\_\_\_\_ Liquor License No.: \_\_\_\_\_

Contractor's License No.: \_\_\_\_\_ Health Permit No.: \_\_\_\_\_

Type of Ownership: \_\_\_\_\_ Individual \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation

Names of Titles of at least two persons connected with business:

Name	Address	Title	Phone No.
JERRY L. ZELLNER	P.O. Box 652	PRES.	567-3481
SOPHRONIA ZELLNER	PO Box 652	Sec.	567-3481

Description of Business/Type of operations: FIREWOOD

Approved by: 

Parcel No: <u>404-02-065</u>	Zoning	P & Z Determination
Zoning classification of Property or site used for the Business: <u>R1L-70</u>		<u>Business has not changed from before, only name.</u>
Total number employed:		
Number of signs: <u>0</u>		
Number of parking spaces:		

FOR OFFICE USE ONLY

Wood Zellner Forwarded

Issuance of a business permit does not constitute a waiver of any existing Zoning Ordinances, other laws, or any deed restrictions. (PER TOWN CODE CHAPTER 9 ARTICLE 9-3)

I hereby certify that the statements made herein have been examined by me and are to the best of my belief and knowledge, true and complete. I further certify that I understand that a "Use Permit" or a "Change of Use Permit" may be required prior to the issuance of a Business License.

Sophonra Zellner  
Signature

Sec.  
Title

2/27/98  
Date

D Bullard  
Signature of Town Clerk

1-28-98  
Date

Comments or conditions and restrictions:



# TOWN OF CAMP VERDE

◆ 473 S. Main Street ◆ Camp Verde, Arizona 86322 ◆ (928) 567-6631 FAX 567-9061

◆ Marshal-567-6621 ◆ Parks & Recreation-567-0535 ◆ Community Development 567-8513 ◆ www.campverde-az.gov

April 24, 2008

Robert L. Earle, P.C.  
P.O. Box 3870  
Sedona, AZ 86336

Re: Sophronia Zellner – Business License No. 625

Dear Mr. Earle:

Your letter date April 17, 2008 advised the Town that Mrs. Zellner sold her interest in Canyon Wood Supply in 2007. Town Code, Section 9-3-6 states, "No certificate issued under the provisions of this article shall in any manner be assignable or transferable to any other person, firm, company, or corporation other than as specified in this article without permission from the Town Clerk."

Based on your notification, Business License No. 625 issued to Mrs. Zellner, Canyon Wood Supply, on January 22, 2008 has been closed effective this date.

Sincerely,

Deborah Barber  
Town Clerk



# Review of All Files on Zellner Property

8-07 (1969)	404-02-062	= permit for upgrade of pwr for fuel for above ground fuel tank - pump
		Verification ltr from United Fuel & Energy of delivery of fuel to site since 1973
(1975) 11-92	404-02-065 RIL-70	= permit for metal storage shed 50x140- for wood storage - list from CV Fire for expansion wood piles - State Fire Marshall Occupancy Report
1-73	Zoning RIL-70	20x20 Storage bldg bldg permit
1 <sup>st</sup> 94 404-02-066	RIL-70	Bldg permit 16x24 Storage Shed issued - Documented grandfathered use of wood yard 1/2 Fire wood production - submitted by Sophronia Zellner for Zoning Clearance Dated 1-4-1994
404-02-067 1-19-89	RIL-70	residence remodel/ bldg permit addition
(1993) 404-02-068 8-7-91	RIL-70	residence remodel/addition bldg permit
(3-91) 404-02-069 9-2-03		electrical Service permit Bldg permit Town correspondence on Zellner compliance

409-02-069

BOA  
7-7-00

An appeal to Mr Robert's determination  
to support prior Dir's decision of  
expansion of Zellner's Wood business  
Packet for Hearing, minutes, notice of Hearings  
Historic documentation on regulated LU  
by Zellner's - Documents from CV Fire,  
State Fire Marshal, fire code, communication  
w/ Clinton Gray

*Working Copy*

**PLANNING AND ZONING  
ORDINANCE**

**VOLUME # 1**

**FOR  
THE INCORPORATED AREA  
OF  
CAMP VERDE  
ARIZONA**

**DECEMBER 19, 1986**

---

## SECTION 105 - NON-CONFORMING USES AND STRUCTURES

The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof.

- A. **Abandonment:** If a non-conforming use shall be discontinued on a continuous basis for a period of six months, such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of this Ordinance.
- B. **Wear and Tear:** Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a non-conforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. **Restoration:** Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve month period therefrom without impairment to any non-conforming status.
- D. **Change of Use:** A non-conforming use may be changed to that of equal or more restrictive district classification.
- E. **Expansion:** A non-conforming business use may expand if such expansion does not exceed one hundred percent (100%) of the area of the original business.
  - 1. Expansion of a non-conforming business use, other than within an existing building, requires compliance with the coverage and all other such regulations. Additional parking area necessitated by such expansion shall not count against the one hundred percent (100%) expansion allowance.
    - a. Where such expansion is an open-land use a solid masonry wall (or other wall, fence, or hedge as may be approved by the Adjustment Board) must be installed as protective sight screening between such expanded use and any Residential Zoned lot within 200 feet thereof.
- F. **Mixed Uses:** Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.

## SECTION 106 - ESTABLISHMENT OF DISTRICTS

In conformity with the Purpose and Effect of this Ordinance USE DISTRICTS and DENSITY DISTRICTS are hereby established in order to classify, regulate, restrict and separate: uses of land and structures; lot dimensions and areas; yard widths and depths, per cent of lot coverage and open spaces; density formulas, height and bulk of structures etc. These Districts are designed to be used in combinations and as such are hereby referred to as ZONING DISTRICT. Any reference therein to a "Use" shall be deemed to include "principle and accessory uses and structures"

**SECTION 105  
NON-CONFORMING USES AND  
STRUCTURES**

**Revision Adoption Date: 8/2/2000**

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Affidavit from Individuals	
<b>G. <u>APPEAL.....</u></b>	<b>2</b>
<b>H. <u>APPLICATION AND HEARING PROCEDURE.....</u></b>	<b>2-3</b>
Application	
Hearing Date Set and Notice Given	
Hearing Officer will Review Case and Render a Decision	
Town’s Case Presented by Community Development Director	
Decision Will Be Published	
Appeals made as Prescribed in Ordinance 99-A152	
Application within 3 years of effective date of Ordinance for Non-Conforming Use	
Grace Period	
Town’s responsibility to Advertise this Requirement	

## **SECTION 105 - NON-CONFORMING USES AND STRUCTURES**

Adopted 7-9-87 by Ordinance 87A23/Resolution 87-13  
Revised 8-2-00 by Ordinance 2000A156/ Resolution 2000-445

A non-conforming use is a use that at one time was a legal conforming use that is no longer considered a conforming use due to a change in the Town's land use ordinances. The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof. However, such use shall be subject to current Town regulations to protect the health, safety and welfare of the public. Non-conforming uses are a fixture of the property from owner to owner so long as they remain non-conforming uses or structures.

- A. Abandonment: A non-conforming use must be an on-going concern for a continuous basis for a period of one year or such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of the Town's most current ordinance. Once a non-conforming use or structure is abandoned it shall not be returned to a non-conforming use or structure.
- B. Wear and Tear: Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a nonconforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. Restoration: Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve month period therefrom without impairment to any non-conforming status.
- D. Change of Use of Property where a Non-conforming Use Exists:
  - 1. A non-conforming use shall not be changed to a different non-conforming use. This shall not prevent a name change or change in ownership of the same non-conforming use.
  - 2. If a change in use is from an impermissible to a permissible use, but full conformance with current standards cannot be achieved, then the change may be allowed subject to the Board of Adjustment granting a variance. In addition to other findings required for a variance the Board must find that compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial structure that is on a permanent foundation. Financial hardship related to such requirements as paving a parking lot, may not constitute grounds for granting a variance/waiver.

3. A change in volume or intensity alone does not constitute a change in use. A change in use requires an actual change in the type of activity.
  4. A non-conforming use may not expand. Expansion is defined to include a geographic increase of the actual use, as well as an increase in volume or intensity.
  5. Non-conforming uses or structures are not transferable to other properties or parcels not covered by original non-conforming use or structure.
- E. Mixed Uses: Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.
- F. Verification of an Existing Non-conforming Use: The Use of the premises must adapt the land for the use and employ the premises for the non-conforming purposes. The use need not be in actual operation when the land use ordinance that changes the use from legal conforming to legal non-conforming takes or took effect, but it must have been used for that purpose within the twelve month period preceding the change; however, the casual, intermittent, temporary or illegal use of land or building shall not be sufficient to establish the existence of a non-conforming use. Nothing in this paragraph shall be construed to mean that any use is exempt from regulations enacted to protect public health, safety and welfare.

Two or more of the following methods may verify an existing non-conforming use:

1. Records of use of land or structures in the County Assessor's office, County Planning and Zoning/Building Safety Office, County Health Department, or other government agency with sufficient information to show that the use predates existing zoning.
  2. Similar evidence from utility companies, business or private records.
  3. Affidavit(s) from individual(s) testifying that the property was used for a purpose that predates adoption of the zoning in question.
- G. Appeal: Any person aggrieved by the decision of the Community Development Director may request an appeal to the Board of Adjustment.
- H. Application and Hearing Procedure: Any property owner may apply for determination of a non-conforming use by means of the procedures listed below.

1. Application for designation as a non-conforming use will be in writing to the Town Planning and Zoning Department. The application will include, at a minimum, the following:
  - a. Name, address and telephone number of the property owner
  - b. Address and assessor's number of the subject property
  - c. The nature of the non-conforming use or structure
  - d. Any documentation to support the request
  - e. An application fee in the amount of \$200.00
2. Upon receipt of a complete application the Community Development Director will set a hearing date to receive evidence concerning the application. Notice of the hearing will be published at least one time in a local paper of general circulation at least one week prior to the hearing. Notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, and all property owners as shown on the last assessment within three hundred feet of the proposed non-conforming use.
3. At the hearing the Civil Enforcement Hearing Officer will review such evidence as may be presented by the applicant or any other interested party. Such evidence may be either written or verbal. The applicant will have the right to rebut any evidence in opposition to the application.
4. The Civil Enforcement Hearing Officer will render a written decision.
5. The Community Development Director, or his designee will present a written argument and present the Town's case to the Civil Enforcement Hearing Officer, and will publish the decision at least one time in a local paper of general circulation.
6. Appeals shall be made as prescribed in Ordinance 99-A152. The appeal time requirements will start from the date of publication of the decision.
7. Existing legal non-conforming uses should make an application as described in Section F (1) within three (3) years of the effective date of this ordinance. Fees will be waived during this period. After the three-year 'grace' period, the presumption shall be that a non-conforming use is not legal as described in this ordinance. The Town will regularly and appropriately advertise and publicize this requirement in an effort to bring all non-conforming uses to apply within the three-year period.

**AGENDA**



**SPECIAL SESSION  
MAYOR and COMMON COUNCIL  
Of the  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
473 S. Main Street #106  
Wednesday, May 7, 2008  
5:00 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the operation of Canyon Wood Supply owned by California Hotwood, Inc. formerly known as Zellner's Wood Yard, located on Murdock Road.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation. (Staff Resource: Michael Scannell)
4. **Adjournment**

Posted by:

*W Jones*

Date/Time:

*5-2-08*

*8:30 a.m.*

*Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.*

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

*(1)*



# TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (520) 567-6631 FAX 567-9061  
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Streets 567-0534 ♦ <http://cv.sedona.net>

Mr. And Mrs. Zellner  
PO Box 2927  
Camp Verde, AZ. 86322

Dear Mr. And Mrs. Zellner,

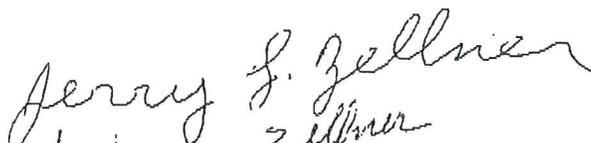
As I understand the situation several years ago the you purchased parcel 404-02-69 adjacent to your existing wood processing operation. Bob Lau has confirmed his determination that the you were authorized to expand their adjacent non-conforming use to the new property. Bob's determination was based on Section 105 E of the Zoning Code which allows a 100% expansion of a non-conforming business. Unfortunately the courts in Arizona have determined this does not mean expansion to new property, only expansion on the property originally covered by the non-conforming use. As we have discussed I understand you have verbally agreed to the following:

1. When you, personally, no longer operate the business Lot 69 will revert to the residential use under the zoning.
2. You will not start operations on Lot 69 prior to 7:00 am.
3. You will not start operations on the rest of the your property prior to 6:00 am.
4. By January 1, 2001 you will have all wood material removed from the area within 50 feet of the Lot 69 property line from the adjacent residence.

I believe this arrangement will balance the your rights, lead to the elimination of an expanded non-conforming use and reduce the impact on the neighborhood. Please contact me if you have any comments about this proposal. If you find this arrangement acceptable please sign below and return the enclosed copy to me. I will then respond with a formal letter from my office which I believe will resolve this matter. Please contact me if you would like to discuss this matter. Thank you for your co-operation.

Sincerely,

  
John Roberts  
Community Development Dir.


2





# TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (520) 567-6631 FAX 567-9061  
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Streets 567-0534 ♦ <http://cv.sedona.net>

Mr. And Mrs. J Zellner  
PO Box 2927  
Camp Verde, Arizona, 86322  
June 14, 2000

Dear Mr. and Mrs. Zellner,

Per you agreement received by this office on June 12, 2000 the following will be the settlement for your use of the property identified as parcel number 404-02-069.

1. Your current use will be allowed to continue, subject to the following, per the decision of Town official Bob Lau.
2. When you, personally, have ceased operating the business on the above referenced parcel the parcel will revert to a conforming residential parcel consistent with the zoning in place at that time.
3. You will not start operations on the above referenced parcel prior to 7:00 am.
4. You will not start any commercial operations on any parcel prior to 6:00 am and will remain in compliance with all applicable zoning regulations.
5. By January 1, 2001 you will have the wood material removed from the area within 50 feet of the property line of parcel 404-02-069 adjacent to any residence.

Should you wish to discuss this matter please contact me. Please retain this letter in the event any questions arise concerning your use of the property. Thank you.

Sincerely,

  
John Roberts  
Community Development Dir.

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5. **Call to the Public for Items not on the Agenda**

There was no public input.

X 6. **Public Hearing and Possible Action of BOA 00-06: Application by Clinton. Gray appealing the decision made by the Planning and Zoning Director to allow Zellner Wood Yard to expand onto adjacent parcel 404-02-069. This Parcel is located at 1608 Murdock Lane.**

Member Morgan declared a conflict of interest in relation to this item and excused herself from the proceedings.

Manager Roberts provided the Board with a brief history of the case. He stated that the applicant has filed an appeal application asking for a review of Director Robert's decision to honor the previous Director's determination on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Lane, currently zoned R1L-70.

Manager Roberts explained that the previous Director met with the Zellner's and made a determination to allow expansion of their wood yard business that is a legal, non-conforming use based on his interpretation of the current code with no conditions. Roberts further explained that after speaking to the past Director to verify his decision, a determination was made to uphold that decision.

Clinton Gray addressed the Board and stated that he believes Mr. Robert's decision was incorrect, as it was based upon Bob Lau's previous decision to allow the expansion, which he transmitted verbally to the Zellners. He further stated that he and other neighbors affected were denied the opportunity to appeal the decision, because the town never properly notified them. He stated that Bob Lau's decision was incorrect, Director Robert's decision was based on the original incorrect decision, and right of due process was denied, and asked that the Board overturn both Director Robert's and Bob Lau's decisions.

Concerned citizens in the audience were given an opportunity to speak in favor or opposition of Mr. Gray's request. Comments in support of Mr. Gray's request were heard from C.A. McDonald, Thelma Lindsey and Lois Gibbs.

Mr. Roberts stated that although the Town code does not require any particular notification of any decision by the Planning and Zoning or Development Directors except in specific cases, there is clearly a right to appeal a decision within 45 days. He stated that a review of the record did not show any notification to any adjacent property owners and no written documentation is available to indicate that an appeal was filed within the 45 days. He also commented that the determination to uphold the decision was made in a logical and reasonable fashion and that the property owner acted on that decision in good faith.

Board Members made inquiries to ascertain if Manager Roberts's reliance on the previous Director's decision was correct and appropriate.

Attorney Ron Ramsey cautioned the Board against setting a precedent for revisiting decisions made by another party.

\* On a motion by McIntyre, seconded by Pate, the Board voted unanimously to uphold the decision of the Community Development Director to honor the previous Director's determination on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Road currently zoned R1L-70.

Member Morgan rejoined the meeting at 4:00 p.m.

7. **Public Hearing and possible Action on BOA 00-07: Application for an amended lot design for Variance HA 5004 granted 3-19-87 by Board of Supervisors on parcel 404-18-004A located at 1266 Reata Circle currently owned by Robert and Betty Cottle.**  
Planner Nancy Buckel addressed a request by Robert and Betty Cottle for approval of an amended lot layout and explained that the variance would allow for a different lot design from that which was approved for Variance HA 5004 by the Board of Supervisors. She further explained that the land use is a permitted use in the R1-70 zoning on the property, and that the property meets the necessary criteria for granting of the variance.

On a motion by Baumgarner, seconded by Hoover, the Board voted unanimously to approve variance 2006, amending the lot layout for variance HA 5004 granted 3-19-87 by the Board of Supervisors.

**Public Input:**

There was no public input.

8. **Call to the Public for items not on the Agenda**

There was no public input.

9. **Board Information Reports**

At the request of Member McIntyre a discussion of scheduling evening meetings on an all call basis will be addressed at the November 21 Regular Meeting.

Chairman Bullard requested that a review of procedures for public notification concerning any variance within 300 feet be addressed at a future meeting.

10. **Staff Report**

There was no staff report.

11. **Adjournment**

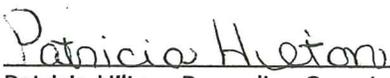
The meeting was adjourned at 4:13 p.m.

  
\_\_\_\_\_  
Chairman Jim Bullard

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and accurate accounting of the actions of the Board of Adjustments of the Town of Camp Verde during the Regular Session of the Board of Adjustments of Camp Verde, Arizona, held on the 17<sup>th</sup> day of October 2000. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19<sup>th</sup> day of October 2000

  
\_\_\_\_\_  
Patricia Hilton, Recording Secretary

**STAFF REPORT**

**BOARD HEARING DATE:**

OCTOBER 17, 2000

**TITLE:**

BOA HEARING ON CASE 2000-06

**DESCRIPTION OF ITEM:**

Clinton Gray has filed an appeal application asking for a review of Director Roberts' decision on the non-conforming use expansion of the Zellner's Wood Yard on parcel 404-02-069 located at 1608 S. Murdock Road currently zoned R1L-70.

**STAFF RECOMMENDATION:** To uphold Director Roberts' decision.

**BACKGROUND INFORMATION:** The September 19<sup>th</sup> and the August 15<sup>th</sup> hearings were postponed because there was no quorum present at either meeting to hold the hearing.

The previous Community Development Director met with the Zellner's and made a determination to allow expansion of their wood yard business that is a legal, non-conforming use based on his interpretation of the current code with no conditions. When Mr. Roberts became Director, he verified this decision by speaking with the past Director and made the determination to up hold that decision.

Attachments: Yes

Prepared by: Nancy Buckel

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F. O. BOX 710  
 CAMP VERDE, ARIZONA 86322  
 BOARD OF ADJUSTMENT  
**APPEAL APPLICATION**

10  
 BBA 00-010

REQUEST FOR AN APPEAL OF AN ADMINISTRATIVE DECISION THAT:

MR. JOHN ROBERTS MADE TO HONOR MR. BOILAU'S DECISION TO LET MR. JERRY  
L. ZELLNER EXPAND HIS WOODYARD INTO A SEPARATE PARCEL  
NUMBER THAT IS ZONED RESIDENTIAL

Assessor's Parcel No. 404-02-069  
 Subdivision \_\_\_\_\_  
 Tract Block Lot \_\_\_\_\_  
 M & B \_\_\_\_\_  
 Application Date 7/7/2000  
 Taken By [Signature]  
 Fees 4700  
 Hearing Date August 15<sup>th</sup>, 2000

ZONING CODE SECTION: \_\_\_\_\_

ADDRESS OF PROPERTY: 1608 SOUTH MURDOCK RD.

PRESENT ZONING: RLL-7D

EXISTING USE OF PROPERTY: Wood yard

PROPERTY OWNER MAILING ADDRESS  
 NAME Jerry L. Zellner  
 ADDRESS Unknown  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 PHONE: \_\_\_\_\_

APPLICANT MAILING ADDRESS  
 NAME CLINTON L. GRAY  
 ADDRESS P.O. Box 682, 1527 McDONALD LN  
 CITY CAMP VERDE STATE AZ ZIP 86322  
 PHONE: 520-567-3705

If the applicant is not the property owner, the owner shall complete and sign the following statement.  
 I hereby authorize CLINTON L. GRAY to act as my agent in this application.  
 (name of applicant)

By: [Signature] 7-7-00  
 (signature of applicant) (date)

\* \* \* FOR DEPARTMENTAL USE \* \* \*

BOARD OF ADJUSTMENT ACTION:

Date \_\_\_\_\_ Granted \_\_\_\_\_ Denied \_\_\_\_\_ Deferred \_\_\_\_\_ / \_\_\_\_\_ Review Date \_\_\_\_\_

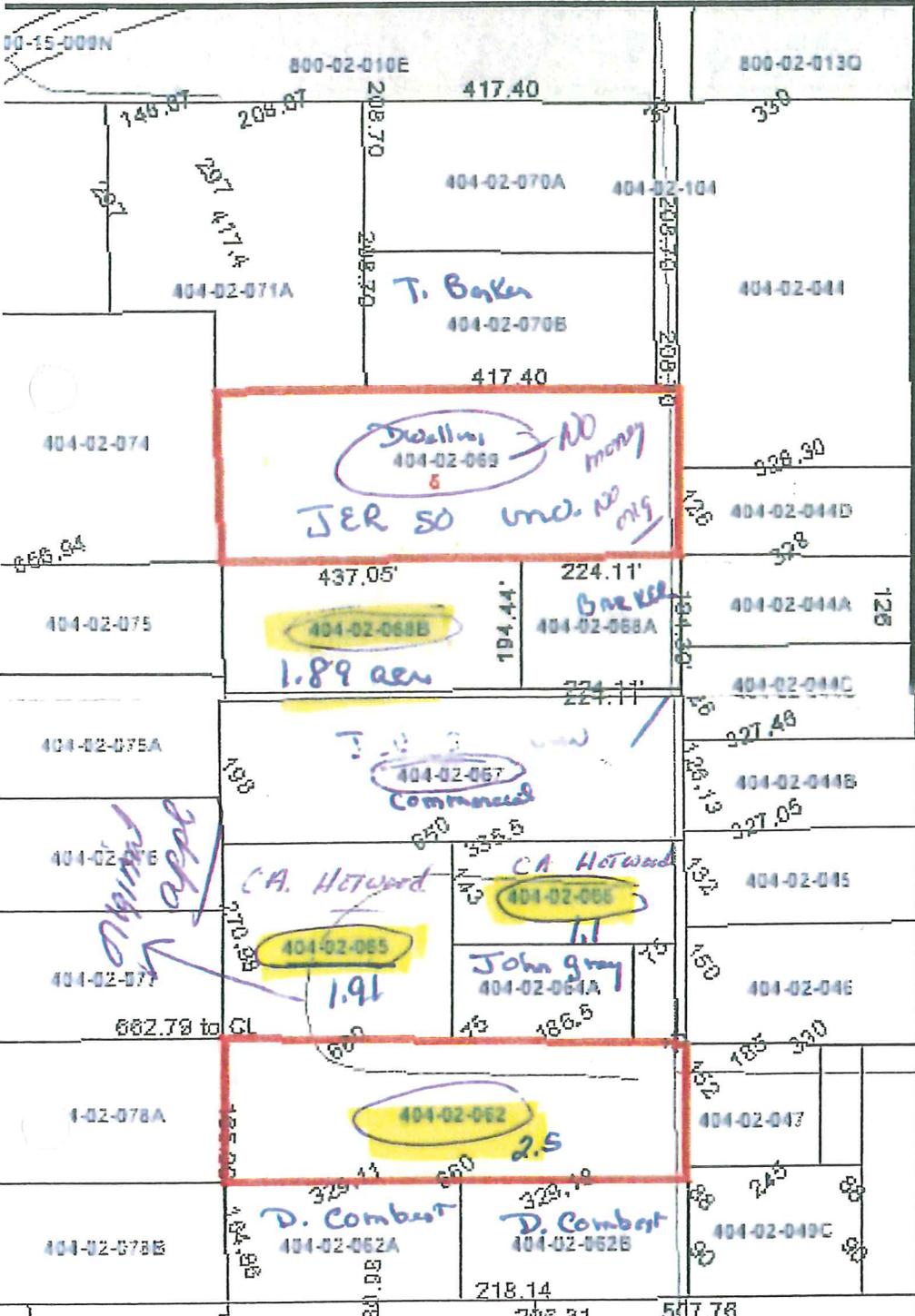
Conditions \_\_\_\_\_

Date notice of Board action mailed to applicant/agent \_\_\_\_\_

Adv Date	Newspaper	Posting Date	Quantity	Mail Notice Date	Reviewed By
_____	_____	_____	_____	_____	_____

NOTES \_\_\_\_\_

②



8



404-02-066

V-1229

TOWN OF CAMP VERDE
ZONING CLEARANCE/SIGN PERMIT APPLICATION

Property Owner's Name: SOPHONIA ZELNER
Property Address: 1724 MURDOCK ROAD
Mailing Address: PO Box 652 Camp Verde AZ 86322
Telephone Number: Home: 567-3481 Work: 567-3480
Parcel #: 404-02-066 or Legal Description: M+B
(Metes & Bounds or Subdivision & Lot #)

RESIDENTIAL: New Addition Value
Project Description: Size: # Bedrooms:
COMMERCIAL: New Addition X Value 7K
Project Description: Size: SHED FOR MATERIAL STORAGE 16X24
MOBILE HOME: Year Make I.D. # 384 SFT
Other Info:

I am not a licensed contractor and will complete this project under the requirements of ARS Chapter 10, Section 32.
Listed below are the names and license numbers of all licensed contractors that will be working on this project.
Name: Lic. #:
Name: Lic. #:
Name: Lic. #:
I understand that there may be additional restrictions that may be enforced by Homeowner's Associations which may apply to activity on my property.
I understand that in order to meet safe drinking water requirements and the EPA, lead free materials must be used on all drinking water lines.
I understand that Blue Stake Center (1-800-782-5348) should be contacted for location of underground utilities two full working days before digging.
I understand that a copy of the septic permit from Yavapai County is required.
I understand that proof of water & electric service to the property is required.

Signature of Owner or Agent: Sophonia Zelner
Date: Jan 4, 1994

FOR PLANNING AND ZONING OFFICE USE ONLY

Recorded by: Date: 1/4/94 Zoning Class: R1-50 Appl. Fee: 15.00 Permit #: V-1229

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Jerry Zellner owns parcels 404-02-65, 66, 67

L. D. Zellner owns parcel 404-02-68

In 1973, Jerry Zellner obtained a permit to place a storage building on parcel 404-02-65.

In 1989, he obtained a permit to replace the roof and put on an addition on parcel 404-02-67.

Zellner and Son Timber Fallers have Tax #13-021194-X

address: P. O. Box 2240  
Camp Verde, AZ 86322

Zoniy R/L-70

404-02-066; purchased in 1974, June by Zellners  
see Joint Tenancy Deed in file

404-02-065

11

License No: 625

Town of Camp Verde  
P. O. Box 710  
Camp Verde, AZ 86322

(520) 567-6631

APPLICATION FOR BUSINESS LICENSE  
Business License Fee \$10.00 Annually

Application Date: \_\_\_\_\_

New  Renewal \_\_\_\_\_

Name of Business: CANYON WOOD SUPPLY L.L.C.

Physical Location of Business: 1728 MURDOCK ROAD

Business Mailing Address: P.O. Box 2927 Camp Verde Phone No.: 520-567-3481

Person To Contact in Case of Emergency: JERRY L. ZELLNER Phone No.: 520-567-3481

Business Owner's Name: SOPHRONIA ZELLNER Driver's Lic. No.: 526-52-5391

Owner's Address: PO Box 652 CAMP VERDE Phone No.: 520-567-3481

Applicant's Name if different than owner: \_\_\_\_\_

State Tax No.: \_\_\_\_\_ Liquor License No.: \_\_\_\_\_

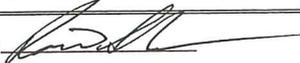
Contractor's License No.: \_\_\_\_\_ Health Permit No.: \_\_\_\_\_

Type of Ownership: \_\_\_\_\_ Individual \_\_\_\_\_ Partnership  Corporation

Names of Titles of at least two persons connected with business:

Name	Address	Title	Phone No.
JERRY L. ZELLNER	P.O. Box 652	Pres.	567-3481
SOPHRONIA ZELLNER	P.O. Box 652	Sec.	567-3481

Description of Business/Type of operations: Firewood

Parcel No: <u>404-02-065</u>	Zoning	Approved by: 
Zoning classification of Property or use used for the Business: <u>R1L-70</u>	P & Z Determination	<u>Business has not changed from before, only name.</u>
Total number employed: _____		
Number of signs: <u>0</u>		
Number of parking spaces: _____		
FOR OFFICE USE ONLY		
<u>Was Zellner Firewood</u>		

Issuance of a business permit does not constitute a waiver of any existing Zoning Ordinances, other laws, or any deed restrictions. (PER TOWN CODE CHAPTER 9 ARTICLE 9-3)

I hereby certify that the statements made herein have been examined by me and are to the best of my belief and knowledge, true and complete. I further certify that I understand that a "Use Permit" or a "Change of Use Permit" may be required prior to the issuance of a Business License.

Sophonra Zellner  
Signature

Sec. Title 1/27/98 Date

D Sullard 1-28-98  
Signature of Town Clerk Date

Comments or conditions and restrictions:

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# TOWN OF CAMP VERDE

◆ 473 S. Main Street ◆ Camp Verde, Arizona 86322 ◆ (928) 567-6631 FAX 567-9061

◆ Marshal 567-6621 ◆ Parks & Recreation 567-0535 ◆ Community Development 567-8513 ◆ www.campverde-az.gov

April 24, 2008

Robert L. Earle, P.C.  
P.O. Box 3870  
Sedona, AZ 86336

Re: Sophronia Zellner – Business License No. 625

Dear Mr. Earle:

Your letter date April 17, 2008 advised the Town that Mrs. Zellner sold her interest in Canyon Wood Supply in 2007. Town Code, Section 9-3-6 states, "No certificate issued under the provisions of this article shall in any manner be assignable or transferable to any other person, firm, company, or corporation other than as specified in this article without permission from the Town Clerk."

Based on your notification, Business License No. 625 issued to Mrs. Zellner, Canyon Wood Supply, on January 22, 2008 has been closed effective this date.

Sincerely,

Deborah Barber  
Town Clerk

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# Review of All Files on Zellner Property

9-07  
(19) 404-02-062 = permit for upgrade of pump for fuel  
for above ground fuel tank - pump

Verification ltr from United Fuel & Energy  
of delivery of fuel to site since 1973

(1975)  
11-92 404-02-065 = permit for metal storage shed 50x140-  
RIL-70 for wood storage  
- list from CV Fire for expansion wood  
piles  
- State Fire Marshall Occupancy Report

1-73 Zoning  
RIL-70 20x20 Storage bldg bldg permit

1-10-94  
404-02-066 RIL-70 Bldg permit 16x24 Storage Shed issued  
- Documented grandfathered use of wood yard  
& Fire wood production - submitted by  
Sophronia Zellner for Zoning Clearance  
Dated 1-4-1994

404-02-067 residence remodel/ bldg permit  
1-19-89 RIL-70 addition

(1973)  
404-02-068 residence remodel/addition bldg permit  
8-7-91 RIL-70

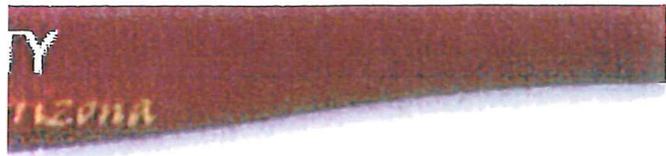
(3-91)  
404-02-069 electrical Service permit Bldg permit  
9-2-03 Town correspondence on Zellner compliance

404-02-069

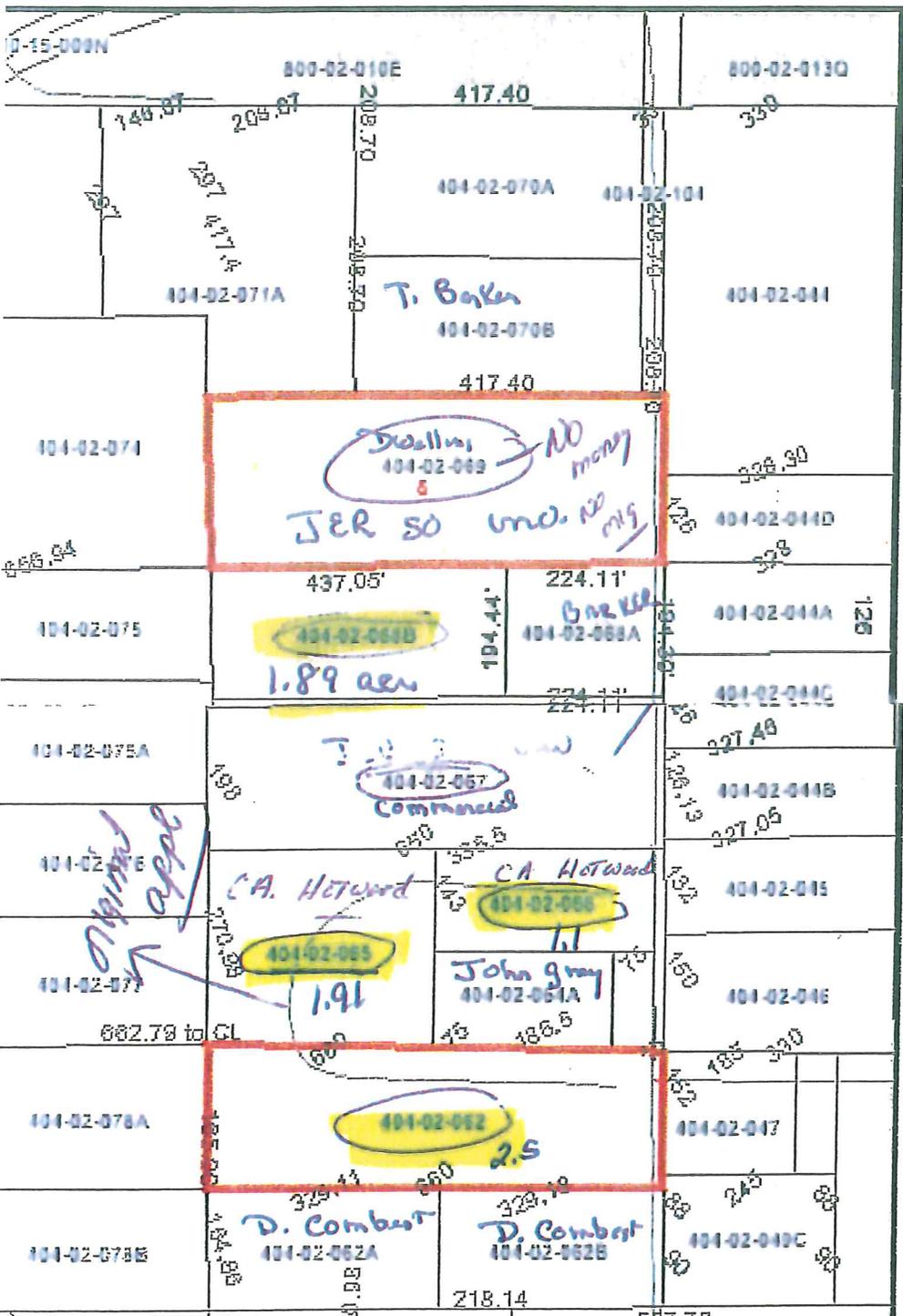
BOA  
7-7-00

An appeal to Mr Robert's determination  
to support prior Dir's decision of  
expansion of Zellner's Wood business  
Packet for Hearing, minutes, notice of hearings  
Historic documentation on regulated LU  
by Zellner's - Documents from CV Fire,  
State Fire Marshal, fire code, communication  
w/ Clinton Gray

Property Information Tool



on Tool







*Working Copy*

PLANNING AND ZONING  
ORDINANCE

VOLUME #1

FOR  
THE INCORPORATED AREA  
OF  
CAMP VERDE  
ARIZONA

DECEMBER 19, 1986

SECTION 105 - NON-CONFORMING USES AND STRUCTURES

The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof.

- A. **Abandonment:** If a non-conforming use shall be discontinued on a continuous basis for a period of six months, such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of this Ordinance.
- B. **Wear and Tear:** Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a non-conforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. **Restoration:** Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve month period therefrom without impairment to any non-conforming status.
- D. **Change of Use:** A non-conforming use may be changed to that of equal or more restrictive district classification.
- E. **Expansion:** A non-conforming business use may expand if such expansion does not exceed one hundred percent (100%) of the area of the original business.
  - 1. Expansion of a non-conforming business use, other than within an existing building, requires compliance with the coverage and all other such regulations. Additional parking area necessitated by such expansion shall not count against the one hundred percent (100%) expansion allowance.
    - a. Where such expansion is an open-land use a solid masonry wall (or other wall, fence, or hedge as may be approved by the Adjustment Board) must be installed as protective sight screening between such expanded use and any Residential Zoned lot within 200 feet thereof.
- F. **Mixed Uses:** Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.

SECTION 106 - ESTABLISHMENT OF DISTRICTS

In conformity with the Purpose and Effect of this Ordinance USE DISTRICTS and DENSITY DISTRICTS are hereby established in order to classify, regulate, restrict and separate: uses of land and structures; lot dimensions and areas; yard widths and depths, per cent of lot coverage and open spaces; density formulas, height and bulk of structures etc. These Districts are designed to be used in combinations and as such are hereby referred to as ZONING DISTRICT. Any reference therein to a "Use" shall be deemed to include "principle and accessory uses and structures".

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**SECTION 105  
NON-CONFORMING USES AND  
STRUCTURES**

**Revision Adoption Date: 8/2/2000**

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## **SECTION 105 - NON-CONFORMING USES AND STRUCTURES**

Adopted 7-9-87 by Ordinance 87A23/Resolution 87-13  
Revised 8-2-00 by Ordinance 2000A156/ Resolution 2000-445

A non-conforming use is a use that at one time was a legal conforming use that is no longer considered a conforming use due to a change in the Town's land use ordinances. The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provisions hereof. However, such use shall be subject to current Town regulations to protect the health, safety and welfare of the public. Non-conforming uses are a fixture of the property from owner to owner so long as they remain non-conforming uses or structures.

- A. Abandonment: A non-conforming use must be an on-going concern for a continuous basis for a period of one year or such use shall be deemed to have been abandoned and any subsequent use shall conform with the provisions of the Town's most current ordinance. Once a non-conforming use or structure is abandoned it shall not be returned to a non-conforming use or structure.
- B. Wear and Tear: Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a nonconforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. Restoration: Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve month period therefrom without impairment to any non-conforming status.
- D. Change of Use of Property where a Non-conforming Use Exists:
  - 1. A non-conforming use shall not be changed to a different non-conforming use. This shall not prevent a name change or change in ownership of the same non-conforming use.
  - 2. If a change in use is from an impermissible to a permissible use, but full conformance with current standards cannot be achieved, then the change may be allowed subject to the Board of Adjustment granting a variance. In addition to other findings required for a variance the Board must find that compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial structure that is on a permanent foundation. Financial hardship related to such requirements as paving a parking lot, may not constitute grounds for granting a variance/waiver.

3. A change in volume or intensity alone does not constitute a change in use. A change in use requires an actual change in the type of activity.
4. A non-conforming use may not expand. Expansion is defined to include a geographic increase of the actual use, as well as an increase in volume or intensity.
5. Non-conforming uses or structures are not transferable to other properties or parcels not covered by original non-conforming use or structure.

E. Mixed Uses: Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.

F. Verification of an Existing Non-conforming Use: The Use of the premises must adapt the land for the use and employ the premises for the non-conforming purposes. The use need not be in actual operation when the land use ordinance that changes the use from legal conforming to legal non-conforming takes or took effect, but it must have been used for that purpose within the twelve month period preceding the change; however, the casual, intermittent, temporary or illegal use of land or building shall not be sufficient to establish the existence of a non-conforming use. Nothing in this paragraph shall be construed to mean that any use is exempt from regulations enacted to protect public health, safety and welfare.

Two or more of the following methods may verify an existing non-conforming use:

1. Records of use of land or structures in the County Assessor's office, County Planning and Zoning/Building Safety Office, County Health Department, or other government agency with sufficient information to show that the use predates existing zoning.
2. Similar evidence from utility companies, business or private records.
3. Affidavit(s) from individual(s) testifying that the property was used for a purpose that predates adoption of the zoning in question.

G. Appeal: Any person aggrieved by the decision of the Community Development Director may request an appeal to the Board of Adjustment.

H. Application and Hearing Procedure: Any property owner may apply for determination of a non-conforming use by means of the procedures listed below.

1. Application for designation as a non-conforming use will be in writing to the Town Planning and Zoning Department. The application will include, at a minimum, the following:
  - a. Name, address and telephone number of the property owner
  - b. Address and assessor's number of the subject property
  - c. The nature of the non-conforming use or structure
  - d. Any documentation to support the request
  - e. An application fee in the amount of \$200.00
2. Upon receipt of a complete application the Community Development Director will set a hearing date to receive evidence concerning the application. Notice of the hearing will be published at least one time in a local paper of general circulation at least one week prior to the hearing. Notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, and all property owners as shown on the last assessment within three hundred feet of the proposed non-conforming use.
3. At the hearing the Civil Enforcement Hearing Officer will review such evidence as may be presented by the applicant or any other interested party. Such evidence may be either written or verbal. The applicant will have the right to rebut any evidence in opposition to the application.
4. The Civil Enforcement Hearing Officer will render a written decision.
5. The Community Development Director, or his designee will present a written argument and present the Town's case to the Civil Enforcement Hearing Officer, and will publish the decision at least one time in a local paper of general circulation.
6. Appeals shall be made as prescribed in Ordinance 99-A152. The appeal time requirements will start from the date of publication of the decision.
7. Existing legal non-conforming uses should make an application as described in Section F (1) within three (3) years of the effective date of this ordinance. Fees will be waived during this period. After the three-year 'grace' period, the presumption shall be that a non-conforming use is not legal as described in this ordinance. The Town will regularly and appropriately advertise and publicize this requirement in an effort to bring all non-conforming uses to apply within the three-year period.