

**TOWN OF CHINO VALLEY  
BOARD OF ADJUSTMENT  
TOWN HALL COUNCIL CHAMBERS  
202 N State Route 89  
May 21, 2012  
6:00 p.m.**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Meeting was called to order at 6:00 p.m. by Mary Brasher, Recording Clerk in the absence of the Chairperson and Vice Chair.

Members Present: Geoffrey Brown  
Jack Carnes  
Candy Blakeslee

Absent: Virginia Reid, Chairperson  
Matt Mintzmyer, Board Member

Staff Present: David Nicolella, Zoning Administrator  
Mary Brasher, Administrative Clerk  
Robert Smith, Interim Town Manager  
Tom Kack, Town Attorney

**4. APPROVAL OF MINUTES**

A. N/A

**5. ELECTION OF OFFICERS**

A. Acknowledge Virginia Reid as the chairperson, and Board Members voted Geoffrey Brown as Vice Chair.

B. Geoffrey Brown, Vice Chair conducted the meeting.

**6. PUBLIC HEARING**

A. Consideration, discussion, and possible action regarding an appeal of the Zoning Administrator's (ZA) decision relating to the "All-Star Banquet" that occurred at the Windmill House on January 10, 2012. The ZA concluded that the "All-Star Banquet"

was not in violation of the Windmill House Conditional Use Permit (Ordinance No. 11-754). The Windmill House is located at 1460 W. Road 4 North.

David Nicolella, Zoning Administrator gave a brief history regarding the creation of the CUP for the Windmill House and the events that led up to this hearing. Mr. Nicolella proceeded to explain how he, as the Zoning Administrator, came to the determination that the "All Star Banquet" held at the Windmill House, was not in violation of the CUP. He stated that he was informed that the organization that held the event was a private organization. The organization, the Central Hockey League, combined with the AZ Sundogs, requested to use the "Windmill House" facility to hold an "All Star Banquet." This event was for hockey team players, owners, and their families and other interested people who were willing to purchase tickets to support the organization. The CUP provides other enforcement mechanisms that are specifically there to reduce impact on the surrounding neighbors; dust mitigation, in the event of non-compliance; subject to sanctions and enforcement. Council may alter, amend or revoke the CUP, no outdoor amplification, and events have to abide by the noise ordinance, and only two dinners a week. These requirements are black and white, easily determined. Not like the term "private event," this term allows for some flexibility and the other do not. The Commission and Council approved the ordinance convinced that; the CUP for the existing uses will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and that the existing uses are reasonable compatible with the uses permitted in the surrounding area. Mr. Nicolella stated that the term "private event" is a grey area; however the mechanisms in place to regulate the impact to the surrounding citizens was very solid and effective, and felt there was some rational involved in determining the impact on the neighborhood and his determination.

Mr. Michael Edmonds, who filed the appeal of the Zoning Administrators determination, gave the Board Members a packet of information in relation to this item. Some of that information included other case studies, advertisements, and definitions he felt were pertinent to this hearing. Mr. Edmonds felt this was a public event, not a private event due to the large scale aggressive advertising, lack of limitations for attendees, and he didn't feel that Development Services supported their decision by case law or any authority that suggests such an event is anything other than open to the public. He stated that the CUP runs with the land and is intended to protect and prohibit uses on the premises sanctioned by the CUP, and felt that anyone who rents the facility needs to comply with those requirements; and it is the responsibility of the owner/manager of the facility to ensure the CUP is complied with. Mr. Edmonds asked Board Members to memorialize their reasoning in writing giving specific areas supported by Town Ordinance, rules, and/or regulations and/or case law that support their decision.

Ronald Maines, who also filed an appeal to the Zoning Administrators determination, commented that he wanted to just reiterate what Mr. Edmonds stated. He stated that Mr. Edmonds called the number listed for information on the event, and the only question the receiver of the call asked was “how many tickets would you like to purchase.” He stated that it didn’t matter who the organization was, it was the tickets being sold to the general public that was the issue; therefore it was a public event. It was a well-advertised and attended event for a professional sports team. If this was a private event no one would have known about it.

After a question and answer discussion between Board Members, Town Staff, Mr. Edmonds, Mr. Maines, and the Town Attorney; the Board Members made the following motion.

Board Member Blakeslee MOVED, seconded by Board Member Carnes to deny the appeal which upholds the action of the Zoning Administrator and affirms his decision.  
MOTION CARRIED: 2-1

**7. PUBLIC COMMENTS:**

A. No Public comments were heard

**8. ADJOURN: 7:40 p.m.**

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Geoffrey Brown, Acting Chairperson