



**BOARD OF ADJUSTMENT
MARICOPA COUNTY**
Board of Supervisors' Auditorium
205 W. Jefferson Street
Phoenix, Arizona

AGENDA
Thursday, April 18, 2019

This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Rosalie Pinney at Rosalie.Pinney@maricopa.gov at 602-506-0625 or 602-506-3301. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness shall fill out speaker's card and shall be limited up to a maximum of 10 minutes. Rebuttal by the applicant shall be limited up to a maximum of 5 minutes.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-816. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time, but shall be moved for continuance either indefinitely or to a date-certain. Those items that are continued indefinitely will require new notification.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Code Compliance Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant's justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

Call To Order: 10:00 a.m.

Roll Call: Board of Adjustment Members

Announcements: The Chair shall make the normal meeting announcements.

Approval of Minutes: January 24, 2019

Continuance Agenda:

- | | | | |
|----|--|---|-------------------|
| 1. | BA2018083
Applicant/Owner:
Location:

Zoning:
Request:

Findings:
Presented by: | Rasa Property
David Shaw / Raza Properties, LLC
1238 E. Calvary Rd. – 12 th St. & Circle Mountain Rd. in the New River area
Rural-43
Variance to permit:
1) Existing side yard setback of 25' where 30' is the minimum permitted.
Continuance to the May 23, 2019 hearing
Eric R. Smith | District 3 |
| 2. | BA2019013
Applicant/Owner:
Location:

Zoning:
Requests: | Our Saviors Lutheran
FMQ Development / Our Saviors Lutheran
612 S. Ellsworth Rd. – Ellsworth Rd. & Weir Ave. in the East Mesa area
Rural-43
Variance to permit:
1) Existing light poles height of 35.5' where 18' is the maximum permitted and; | District 2 |

- 2) Existing light poles and signage within the Sight Visibility Triangles where structures greater than 2' in height are not permitted and;
- 3) Waiver of parking area screening requirement along street-side (north) property line.

Findings:
Presented by:

Indefinite Continuance
Glenn Bak

Consent Agenda:

- | | | | |
|----|--|---|--------------------------|
| 3. | <p>BA2019002
Applicant/Owner:
Location:

Zoning:
Requests:</p> <p>Findings:
Presented by:</p> | <p>STM Investors LP Property
Drew Bausom, The Construction Zone LTD / STM Investors LP
4301 E. Upper Ridge Way - Red Ledge Drive & Upper Ridge Way in Clearwater Hills Subdivision
Rural-43
Variances to permit:</p> <ol style="list-style-type: none"> 1) Proposed side setback of 13'-1" where 30' is the minimum permitted and; 2) Proposed side setback of 18'-11" where 30' is the minimum permitted <p>The requests meet the statutory test for variance approval
Eric R. Smith</p> | <p>District 3</p> |
| 4. | <p>BA2019007
Applicant & Owner:
Location:
Zoning:
Request:</p> <p>Findings:
Presented by:</p> | <p>Tebbs Property
James Tebbs
705 N. 93rd St. – 93rd St. & University Dr. in the east Mesa area
R1-8
Variance to permit:</p> <ol style="list-style-type: none"> 1) Proposed front yard setback of 13' where 20' is the minimum permitted <p>The request meets the statutory test for variance approval
Glenn Bak</p> | <p>District 2</p> |
| 5. | <p>BA2019008
Applicant/Owner:
Location:

Zoning:
Request:</p> <p>Findings:
Presented by:</p> | <p>Hiway Baptist Church
Eric Bolze, E2 Innovations Inc. / Hiway Baptist Church
10505 E. Brown Rd. – approx. 640' east of 140th St. & Brown Rd. in the Mesa area
Rural-43
Variance to permit:</p> <ol style="list-style-type: none"> 1) Proposed front setback of 2' for a freestanding monument sign where 20' is the minimum permitted <p>The request meets the statutory test for variance approval
Jaclyn Sarnowski</p> | <p>District 2</p> |
| 6. | <p>BA2019009
Applicant/Owner:
Location:</p> | <p>Emerson Investments
The Construction Zone, LTD / Emerson Investments, LLC
4237 E. Upper Ridge Way – Red Ledge Drive and Upper Ridge Way in Clearwater Hills</p> | <p>District 3</p> |

Zoning: Rural-43
 Request: Variance to permit:
 1) A proposed utility enclosure within the required front yard and 0' from the front property line where 40' is the minimum permitted
 Findings: **The request meets the statutory test for variance approval**
 Presented by: Glenn Bak

7. **BA2019010** **Combs Property** **District 2**
 Applicant & Owner: David Combs
 Location: 14307 N. White Face Canyon – located northwest of Blue Coyote Trail & SR 87 in the Goldfield Ranch area
 Zoning: Rural-190
 Requests: Variance to permit:
 1) Proposed construction of septic outside of building envelope, within hillside area to be setback 19.3' where 30' is the minimum permitted and;
 2) Proposed construction of septic outside building envelope, within hillside area to be setback 50.74' where 60' is the minimum (rear/east) permitted and;
 3) Proposed residence in the rear (east) setback 32' where 60' is the minimum permitted
 Findings: **The requests meets the statutory test for variance approval**
 Presented by: Eric R. Smith

8. **BA2019011** **SRPAIPD/ETAL** **District 4**
 Applicant/Owner: Melanie Falls, Sun Streams LLC / SRPAIPD/ETAL
 Location: 36807 W. Elliot Rd. – approximately 1 ½ miles from the southwest corner of 355th Ave. and Elliot Rd. in the Arlington area
 Zoning: Rural-190
 Request: Variance to permit:
 1) Proposed transmission line pole and support structures of 140' where 120' is the minimum permitted
 Findings: **The request meets the statutory test for variance approval**
 Presented by: Jaclyn Sarnowski

9. **BA2019012** **Sun Streams LLC** **District 4**
 Applicant/Owner: Melanie Falls, Sun Streams LLC
 Location: 36807 W. Elliot Rd. – approximately 1 ½ miles from the southwest corner of 355th Ave. and Elliot Rd. in the Arlington area
 Zoning: Rural-190
 Request: Variance to permit:
 1) Proposed transmission line pole and support structures of 140' where 120' is the minimum permitted
 Findings: **The request meets the statutory test for variance approval**
 Presented by: Jaclyn Sarnowski

Code Compliance Review: None

Regular Agenda:

10. **BA2019014** **XLNT Investments, LLC** **District 1**
Applicant/Owner: JD's River Bottom, LLC / XLNT Investments LLC
Location: 825 N. Scottsdale Rd. – approx. 400' south of Curry Rd. in the Tempe area
Zoning: IND-2
Requests: Variance to permit:
1) A proposed medical marijuana dispensary and cultivation site to be separated 72' from an existing medical marijuana facility and;
2) A proposed medical marijuana dispensary and cultivation site separated 83' from an existing adult oriented business and;
3) A proposed medical marijuana dispensary and cultivation site separated 1,294' from an existing park where 1,500' is required
Findings: **The requests fails to meet the statutory test for variance approval**
Presented by: Jaclyn Sarnowski

Other Matters:

Adjournment: The Chair shall adjourn the meeting.