



**BOARD OF ADJUSTMENT  
MARICOPA COUNTY**  
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Phoenix, Arizona

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**AGENDA**

**Thursday, January 21, 2021**

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

Following CDC guidelines and Governor Ducey's Executive Order 2020-09 regarding recommendation to limit social gatherings, the public is invited to view the Board of Adjustment hearing on-line.

<https://attendee.gotowebinar.com/register/925325208390837775>

After registering, you will receive a confirmation e-mail containing information about joining the webinar.

To listen by telephone, dial 1 (613) 992-3221, when prompted enter Audio Access code 623-193-610. If you are not registered as a webinar participant, you may be able to listen to the hearing but will be unable to participate in the hearing. Registered participants may participate in real time when the Chairman instructs participants on how to be recognized or to provide comment.

If you would like to send a comment, or register support or opposition regarding one of the items on the agenda, please send an e-mail to [Rachel.Applegate@Maricopa.Gov](mailto:Rachel.Applegate@Maricopa.Gov) identifying the following:

- Board of Adjustment hearing date
- Agenda item and case number
- Your name, address, e-mail and phone number
- Identify yourself as applicant / applicant representative / in support / in opposition / other
- Indicate support or opposition
- Indicate if you wish to speak or do not wish to speak
- You may attach items to the email that you wish to be presented to the Board.
- Any such email must be received prior to the public hearing beginning for that item. It is preferred for the e-mail to be received at least one day prior to the public hearing.

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](mailto: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 3 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

**Election of Officers** 2021 Chair  
2021 Vice-Chair

**Approval of Minutes:** October 15, 2020 & November 12, 2020

**Announcements:** The Chair shall make the normal meeting announcements.

**Continuance Agenda:**

1. **BA2020063** **Burns Property** **District 3**  
Applicant: Luis Gonzales, NextGen Builders  
Location: APN 210-11-021E @ 1710 W. Yearling Rd. – NE of NEC 19th Ave. and Happy Valley Rd. in the Phoenix area  
Request: Variance to permit:  
1) Proposed rear yard setback of 7' where 40' is the minimum permitted per MCZO Article 503.4.3 and;  
Findings: The applicant/property owner must exhaust administrative remedies with MCDOT first before determining if a variance would be needed based upon MCDOT's decision on patent easement and reduction of reserved right-of-way. Request for **indefinite continuance** of the case.  
Presented by: Martin Martell

**Consent Agenda:**

2. **BA2020060** **Silvercrest Way, LLC** **District 3**  
Applicant: Don Schatz, Creative Renovations  
Location: APN 169-16-012 @ 7545 N. Silvercrest Way., in the Paradise Valley area  
Requests: Variance to permit:  
1) Proposed rear yard setback of 7' where 40' is the minimum permitted per MCZO Article 503.4.3 and;  
2) Hillside disturbance of 6,496 sq. ft. outside the lot's buildable area where hillside disturbance is prohibited outside the lot's buildable area per MCZO Article 1201.6.1.1  
Findings: **The requests meet the statutory test for variance approval**  
Presented by: Jose Castañeda

3. **BA2020061** **Epps Property** **District 2**  
Applicants/Owners: Darrell & Tracey Epps

Location: APN 219-32-001R @ 11208 E. Minton St. – SW of SWC Meridian Rd. & McDowell Rd., in the Mesa area

Requests: Variance to permit:

- 1) Proposed front setback of 30' where 40' is the minimum permitted per MCZO Article 503.4.1.a and;
- 2) Proposed east side setback of 15' where 30' is the minimum permitted per MCZO Article 503.4.2 and;
- 3) Proposed west street side setback of 15' where 20' is the minimum permitted per MCZO Article 503.4.1.c

Findings: **The requests meet the statutory test for variance approval**

Presented by: Martin Martell

4. **BA2020062** **Swisher Property** **District 4**

Applicant/Owner: Larry Swisher

Location: APN 503-79-034@ 23601 N 197<sup>th</sup> Avenue – Pinnacle Peak Rd. & 196<sup>th</sup> Ave., in the Surprise area

Requests: Variance to permit:

- 1) Proposed interior side setback of 5' where 30' is the minimum permitted per MCZO Articles 503.4.2 and 402.2.4 and;
- 2) Proposed interior side setback of 14' where 30' is the minimum permitted per MCZO Article 503.4.2

Findings: **The requests meet the statutory test for variance approval**

Presented by: Sean Watkins

**Code Compliance Review:** None

**Regular Agenda:**

5. **BA2020056** **Galhotra Property (Cont. from 12/17/20)** **District 3**

Applicant: Edward Chavez, Chavez & Associates

Location: APN 169-13-028 @ 4313 E. Upper Ridge Way – ¾ mile SW of the SWC Tatum Blvd. & Clearwater Pkwy., in the Paradise Valley area

Zoning: Rural-43

Request: Variance to permit:

- 1) Existing hillside disturbance of 1,509 sq. ft. outside the lot's principal building envelope where hillside disturbance is prohibited

Findings: **The request meets the statutory test for variance approval**

Presented by: Martin Martell

**Other Matters:**

**Adjournment:** The Chair shall adjourn the hearing.