



BOARD OF ADJUSTMENT MARICOPA COUNTY

Attend in Person: Board of Supervisors' Auditorium 205 W. Jefferson St.
Or attend virtual hearing: GoToWebinar

AGENDA

Thursday, September 15, 2022

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

Board of Adjustment hearing will be held at the Board of Supervisors' Auditorium and also available as an on-line virtual public hearing. To register virtual attendance - please register at the following web address:

<https://attendee.gotowebinar.com/register/8042732269157688078>

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

To listen by telephone, dial 1 (415) 655-0052, when prompted enter Audio Access code 282-439-611. 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 identifying the following:

- **Board of Adjustment hearing date**
- **Agenda item and case number**
- **Your name, 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, 301 W. Jefferson St., Suite 170., 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 hearing. 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. After completion of the hearing the video will be available on [YouTube.com – Maricopa County – Board of Adjustment](https://www.youtube.com/channel/UC6tUWz02D8B8R01W01W01W01) within 2 business days after the 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

Approval of Minutes: August 11, 2022

Announcements: The Chair shall make the normal meeting announcements.

Continuance Agenda:

1.	BA2022036 Applicant: Location: Requests: Request: Presented by:	Weiss Family Trust Shaine Alleman, Tiffany & Bosco APN 220-20-023J @ 948 N. Crismon Rd. – Elmwood St. & Crismon Rd. in the Mesa area. Variances to permit: 1) Proposed Lot 1 to be 21,776 sq. ft. where 43,560 is the minimum required and; 2) Proposed Lot 2 to be 21,758 sq. ft. where 43,560 is the minimum required and; 3) Proposed Lot 3 to be 20,185 sq. ft. where 43,560 is the minimum required and; 4) Proposed Lot 1 to be 142.8' where 145' is the minimum lot width allowed. The applicant has requested a continuance of the case to the October 13, 2022 hearing to update the application to address additional variance requests related to setbacks and to update public notice accordingly. Daniel Johnson	District 2
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Consent Agenda:

2.	BA2022002 Applicant: Location: Request: Findings: Presented by:	Gerhardt Property William Gerhardt APN 502-09-128 @ 19211 W. Seldon Ln. – Northern Ave. and Perryville Rd., in the Waddell area Variance to permit: 1) Proposed side (east and west) setback of 9' where 15' is the minimum permitted per Z99-26 The request meets the statutory test for variance approval Joseph Mueller	District 4
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Code Compliance Review: None

Regular Agenda:

3. **BA2022021** **Kregle Property** **District 1**
Applicant: Bill Lally, Tiffany & Bosco PA
Location: APNs 304-23-021P and 304-23-021F @ 12225 & 12247 S. Gilbert Rd. – Gilbert Rd. and Warner Rd., in the Gilbert area
Requests: Variance to permit:
1) Proposed separation distance of a marijuana establishment from a school of 1,294.67' where 1,500' is the minimum separation required per MCZO 804.2.45.b.3 and;
2) Proposed separation distance of a marijuana establishment from a public park of 475' where 1,500' is the minimum required as per MCZO 804.2.45.b.4
Findings: **The requests fail to meet the statutory test for variance approval**
Presented by: Joseph Mueller
4. **BA2022029** **Richardson Family Limited Partnership** **District 1**
Applicant: Becker Boards Small, LLC
Location: APN 304-54-005Z @ 14760 E Willis Rd. – Willis Rd. & Loop 202, in the Gilbert area
Request: Variance to permit:
1) Digital Billboard separation distance of 328 feet from the main travel lanes of a freeway where 300 feet is the maximum permitted per MCZO Article 1403.3.1.J.1.ii
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Daniel Johnson
5. **BA2022033** **Arizona Sand & Rock Property** **District 5**
Applicant: Shaine Alleman, Tiffany & Bosco, PA
Location: APN 104-64-001A @ 5310 W. Roeser Rd. – NWC of Roeser Rd. & 51st Ave., in the Laveen area
Request: Variance to permit:
1) 36-foot-high light pole where 18 foot is the maximum permitted height per MCZO, Art. 1102.7.6
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Daniel Johnson
6. **BA2022038** **Polukhtin Property** **District 2**
Applicant: Andrei Polukhtin, Morning Vista Homes
Location: APN 219-37-099C @ 28517 N. 157th Pl. – 160th St. & Rio Verde Dr., in the Rio Verde area
Request: Variance to permit:
1) Proposed side (south) setback of 20' where 30' is the minimum permitted per MCZO Article 503.4.2
Findings: **The request meets the statutory test for variance approval**

Presented by: Nicholas Schlimm

7. **BA2022039** **Tomich Property** **District 3**
Applicant: Richard Tomich
Location: APN 211-73-020L @ 39611 N. 2nd St., in the Anthem area
Request: Variance to permit:
1) Proposed front setback of 23'-10" where 40' is the minimum permitted per MCZO Article 503.4.1.1
Findings: **The request does not meet the statutory test for variance approval**
Presented by: Joel Landis

8. **TU2022010** **Neighborhood Market** **District 4**
Applicant: Korilyn Burt
Location: APN 502-27-050C @ 6816 N. 171st Dr. in the Waddell area
Request: Temporary Use Permit to allow for a neighborhood market
1) Temporary neighborhood market to exchange crafts, arts, books and homemade food (MCZO, Article 1302.2.2) for three scheduled half day events on October 15, 2022, November 19, 2022 and March 11, 2023.
Recommendation: **Approve TUP Event dates: October 15, 2022 and November 19, 2022** events with conditions. Staff does not support the request for March 11, 2023 event. Ongoing use requires a Special Use Permit per MCZO 1301.1.11 for large assemblage of people.
Presented by: Rachel Applegate

9. **TU2022035** **Mi Hacienda Temporary Events** **District 5**
Applicant: Rod Jarvis, Earl & Curley
Location: APN 300-14-001S @ 7644 S. 27th Ave in the Laveen area
Request: Temporary Use Permit to allow for: Temporary Events
Recommendation: **Approve** with conditions
Presented by: Daniel Johnson

Other Matters:

Adjournment: The Chair shall adjourn the hearing.