



BOARD OF ADJUSTMENT MARICOPA COUNTY

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

AGENDA

Thursday, October 13, 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/584612957327436046>

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

To listen by telephone, dial 1 (914) 614-3221, when prompted enter Audio Access code 915-081-480. 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/UCBm8LWzVt1YU81tTfXp1Q) 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: None

Announcements: The Chair shall make the normal meeting announcements.

Continuance Agenda: None

Consent Agenda:

1.	BA2022031 Applicant: Location: Requests: Findings: Presented by:	Mackenzie Property Douglas Ward MacKenzie APN 219-16-116A @ 22929 E. Laurel Ln. – State Route 87 & East Pleasant View Rd. in the Fort McDowell area Variance to permit: 1) Rear (east) setback of 24’ where 60’ is the minimum permitted per MCZO Article 501.4.3 and; 2) Hillside disturbance of 5,454 sq. ft. outside of the lot’s principal buildable envelope where prohibited per MCZO Article 1201.6.1.1 The requests meet the statutory test for variance approval Joel Landis	District 4
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Code Compliance Review: None

Regular Agenda:

2.	BA2022034 Applicant: Location: Request: Findings: Presented by:	Krespis Property Charles Nibley, ANCO Homes, LLC APN 219-40-443A @ 30827 N 136 th St. – 136 th St. and Rio Verde Rd., in the Scottsdale area Variance to permit: 1) Proposed lot width of 101.47’ where 145’ is the minimum required per MCZO 503.5.2 The request fails to meet the statutory test for variance approval Joseph Mueller	District 2
3.	BA2022037 Applicant:	Goettl Property George Everland, Everland Engineering	District 3

Location: APN 211-24-104E @ 33804 N. 3rd Dr. – Rock View Rd. and 3rd Dr. in the Desert Hills area

Requests: Variance to permit:

- 1) Front (northeast) setback of 20' where 40' is the minimum permitted per MCZO Article 503.4.1.A and;
- 2) Side (northwest) setback of 20' where 30' is the minimum permitted per MCZO Article 503.4.2 and;
- 3) Height of 34' where 30' is the maximum permitted per MCZO Article 503.3

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

Presented by: Joel Landis

4. **BA2022040** **Morning Vista Homes Property** **District 2**

Applicant: Andrei Polukhtin, Morning Vista Homes, LLC

Location: APN 219-37-105F @ 28709 N. 158th St. – 158th St. & Brookhart Way in the Rio Verde area

Request: Variance to permit:

- 1) 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: Daniel Johnson

5. **BA2022053** **Thomas Property** **District 4**

Applicant: Michael Thomas

Location: APN 211-45-296 @ 5943 E. Rancho Del Oro Ct. in the Cave Creek area

Request: Variance to permit:

- 1) Proposed east side setback of 23' where 30' is the minimum permitted per MCZO Article 503.4.2

Findings: **The request fails to meet the statutory test for variance approval**

Presented by: Joel Landis

6. **TU2022034** **Nelson Laydown Yard** **District 1**

Applicant: Cody J. Nelson, Northstar Communications

Location: APN 304-76-015Z @ 15953 E. Lonesome Ln – southwest corner of Greenfield Rd. & Lonesome Ln. in the Gilbert area

Request: Temporary Use Permit to allow for temporary construction office/yard complex for a period not to exceed May 31, 2023.

Recommendation: **Approve** with conditions

Presented by: Joel Landis

7. **TU2022047** **Rodeo & Entertainment** **District 4**

Applicants: Heliodoro Arcos Gonzalez & Sonia Bustos

Location: APN 504-13-021E @ 33250 W. Pima St. in the Tonopah area

Request: Temporary Use Permit to allow for rodeo events on November 12, 2022

Recommendation: **Approve** with conditions
Presented by: Nick Schlimm

8. **TU2022048** **Cowboy Mounted Shooting** **District 5**
Applicant: Carrie Hirshberg
Location: APN 506-40-156A @ 3499 N. 359th Ave. in the Tonopah area
Request: Temporary Use Permit to allow for training of area horse mounted shooting
Recommendation: **Denial**
Presented by: Martin Martell

9. **BA2022036** **Wise Family Trust (Cont. from 9/15/22)** **District 2**
Applicant: Shaine Alleman, Tiffany & Bosco
Location: APN 220-20-023J @ 948 N. Crismon Rd. – south and west of the SWC of Elmwood St. & Crismon Rd. in the Mesa area.
Requests: 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 18,661 sq. ft. where 43,560 is the minimum required and;
4) Proposed lot 1 width to be 142.8' where 145' is the minimum lot width required and;
5) Proposed lot 1 front yard setback of 11' to accommodate the existing dwelling unit where 40' is required and;
6) Proposed lot 1 side yard setback of 3' to accommodate the existing dwelling unit where 30' is required and;
7) Proposed lot 2 side yard setback of 22.3' to accommodate the existing dwelling unit where 30' is required and;
Findings: **The requests fail to meet the statutory test for variance approval**
Presented by: Daniel Johnson

Other Matters:

Adjournment: The Chair shall adjourn the hearing.