



## BOARD OF ADJUSTMENT MARICOPA COUNTY

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

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### AGENDA

Thursday, January 19, 2023

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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/1104338911633083736>

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 205-426-189. 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, 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](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 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/UC6CgF0LQv23YDgZ9Y3o3Q8g) 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

**Election of Officers** 2023 Chair  
2023 Vice-Chair

**Approval of Minutes:** November 10, 2022

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

**Continuance Agenda:** None

**Withdrawn Agenda:**

1. **BA2022047** **Cook Trujillo Property (Cont. from 12/15/22) District 4**  
Applicant: Michael Cook / Angelica Trujillo  
Location: APN 503-50-029J @ 16735 W Wildflower - Wildflower & 167<sup>th</sup> Ave in the Surprise area  
Request: Variance to permit:
  - 1) A swimming pool within the required front yard setback  
Withdrawn: **The request has been withdrawn by the applicant. No action is necessary by the Board.**  
Presented by: Daniel Johnson
  
2. **BA2022048** **Arizona Ave Dispensary (Cont. from 11/10/22) District 1**  
Applicant: Joel Watson / Watson Civil Engineering  
Location: APN 303-33-018U @ 19033 S. Arizona Ave. – Arizona Ave. and Germann Rd. in the Chandler area  
Requests: Variance to permit:
  - 1) Proposed separation of a marijuana establishment from an adult oriented facility of 66' where 1,500' is the minimum required per MCZO Article 804.2.45.b.5 and;
  - 2) Proposed separation of a marijuana establishment from a public park of 1,312' where 1,500' is the minimum required per MCZO Article 804.2.45.b.4  
Withdrawn: **The request has been withdrawn by the applicant. No action is necessary by the Board.**  
Presented by: Joseph Mueller
  
3. **BA2022052** **2PHDs LLC Property (Cont. from 11/10/22) District 2**  
Applicant: Andrei Polukhtin

Location: APN 219-37-095A@ 27814 N. 162<sup>nd</sup> Way. – Rio Verde Dr & 164<sup>th</sup> St., in the Rio Verde area

Requests: Variance to permit:

- 1) Proposed front setback of 23' where 40' is the minimum permitted per MCZO Article 503.4.1.A and;
- 2) Proposed rear setback of 33' where 40' is the minimum permitted per MCZO Article 503.4.3

Withdrawn: **The request has been withdrawn by the applicant. No action is necessary by the Board.**

Presented by: Joel Landis

**Consent Agenda:**

4. **BA2022057** **Pappa Sonny** **District 2**  
 Applicant: John Hogle, Horizon Land  
 Location: APN 220-45-010Q @ 10555 E. Butte St. – University Dr. & Signal Bute Rd., in the Mesa area  
 Request: Variance to permit:

- 1) A proposed 6' high solid wall without 80% transparency within the required front yard in the R1-8 zoning district, where fences within the required front yard must be 80% transparent for portions above a height of 3.5' per MCZO Article 1111.5.4.1.

Findings: **The request meets the statutory test for variance approval**  
 Presented by: Martin Martell

**Code Compliance Review:**

5. **V201902005** **Code Compliance Review** **District 3**  
 Respondent: Montana Tractor and Plow Company  
 Location: 912 W. Happy Valley Rd. Phoenix, AZ 85085 (APN 210-09-019)  
 Request: Appeal of the Hearing Officer's Order of Judgment  
 Violation: Land use without proper zoning entitlement and unpermitted construction  
 Presented by: Darren V. Gérard

**Regular Agenda:**

6. **BA2022056** **Propiedades de Inversion Arizona LLC (Cont. from 12/15/22)** **District 2**  
 Applicant: JayDee Woods, 312 Architecture and Design  
 Location: APN 220-70-368 @ 414 S 97th Pl – E. Broadway Rd. & 97th Pl., in the Mesa area  
 Request: Variance to permit:

- 1) Proposed rear setback of 16' where 25' is the minimum permitted per MCZO Article 702.4.3

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

Presented by: Joel Landis

7. **BA2022059** **Blackman Property** **District 3**  
Applicant: Samuel Blackman  
Location: APN 202-13-056D @ 46236 N 38<sup>th</sup> Ave. – 38<sup>th</sup> Ave. and Black Canyon Hwy. in the New River area  
Requests: Variance to permit:  
1) Proposed lot width of 120' where 145' is the minimum permitted per MCZO Article 503.5.2 and;  
2) Proposed hillside disturbance of 3,800 sq. ft. outside the lot's principal buildable envelope where prohibited per MCZO Article 1201.6.1.1  
Findings: **The requests fail to meet the statutory test for variance approval**  
Presented by: Joseph Mueller

8. **BA2022060** **Christman Property** **District 3**  
Applicant: James A. Christman  
Location: APN 202-20-054G @ 42615 N. 13<sup>th</sup> Pl. – N. 14<sup>th</sup> & Circle Mountain Rd., in the New River area  
Request: Variance to permit:  
1) Proposed front (and/or rear) south setback of 45' where 65' is the minimum permitted per MCZO Article 503.4.1.1.A & B & Article 1105.1.3. (The minimum. 65' south setback is inclusive of a 25' access easement. The variance request is for a 45' setback inclusive of the 25' future right-of-way reservation along the section line alignment.)  
Findings: **The request fails to meet the statutory test for variance approval**  
Presented by: Joel Landis

**Other Matters:**

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