



**Board Member Martin moved to approve Case P-24-10-BA, with findings of fact considered, a request by Judy Cook for the Board of Adjustment and Appeals to grant a variance of Section 1-5-2 Residential Bulk Regulations requesting a deviation for the main structure front setback in the RS-GR zoning district for the property identified as Parcel Number 103-02-050A, subject to the following conditions: 1. The main structure front setback (includes awning) shall be reduced to twenty-eight (28) feet, and 2. That all future construction of accessory structures on the property continue to be properly permitted and comply with normal setback regulations. Board Member Brechon seconded the motion.**

**Yes:** 5 - Vice Chair Schoenbeck, Boardmember Lanza, Boardmember McGraw, Boardmember Brechon and Boardmember Martin

**No:** 0

Associate Planner Hernandez gave a presentation on P-24-10-BA, a request by Judy Cook for a variance on her property, and asked for questions from the board.

Jeff Vaughn, of Factory Select Homes, residing in Mesa, spoke on behalf of Judy Cook. He stated the installer knew what he was doing and was licensed by the state. He stated they would like to put the house in the same position

Question:

Has a zoning change occurred?

Response:

No zoning change occurred. Not unusual to find substandard sized lots in certain areas of the city. The city was under Pinal County control up to the late 70's, and Apache Junction was incorporated in 1978. We inherited a lot of the substandard GR lots.

City Attorney Stern mentioned the Federally Patented Easement (FPE) and asked for clarification from staff.

Associate Planner Hernandez responded and stated FPE's were implemented in the 50's to guarantee access for parcels and utilities. In this case, the city extinguished their right to the FPE as they are not putting a street there; however, utility companies still have access and would have to individually extinguish their rights in order for anything to be built there. The extinguished FPE counts in net square footage. The 20' is included inside the 33', so the applicant can build right up to the easement line.

Vice Chair Schoebeck asked for questions from the board; no questions were asked.

Vice Chair Schoenbeck opened the public portion of the hearing.

Having no one speak, Vice Chair Schoenbeck closed the public portion of the hearing.

Vice Chair Schoenbeck read the Findings of Fact.

Vice Chair Schoenbeck called for a motion.

## 6. Old Business

None.

**7. New Business**

None.

**8. Selection of Meeting Dates, Times, Location and Purpose**

[24-148](#)

Regular meeting at 7:00 pm on Monday, April 8, 2024 in the city council chambers located at 300 E. Superstition Boulevard, Apache Junction.

**Board Member Martin moved that the Board of Adjustment hold a meeting on April 8, 2024 at 7:00 pm in the city council chambers located at 300 E. Superstition Boulevard. Board Member Brechon seconded the motion.**

**Yes:**                    5 -     Vice Chair Schoenbeck, Boardmember Lanza, Boardmember McGraw, Boardmember Brechon and Boardmember Martin

**No:**                    0

**9. Adjournment**

Vice Chair Schoenbeck adjourned the meeting at 7:15 pm.

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Vice Chair Schoenbeck