

BA-2-17
Variance Request for
Main Structure Side Setback at
611 S. Vista Road

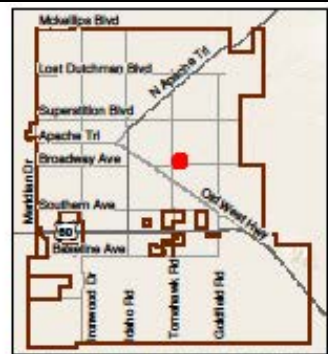


**City of Apache Junction
Board of Adjustment and Appeals
September 11, 2017**



BA-2-17 Aerial Map

Zoning:
RS-GR (General Rural
Single-Family
Residential)

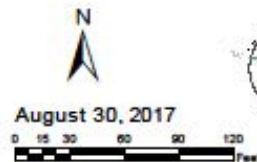


City of Apache Junction Aerial Exhibit BA-2-17

LEGEND

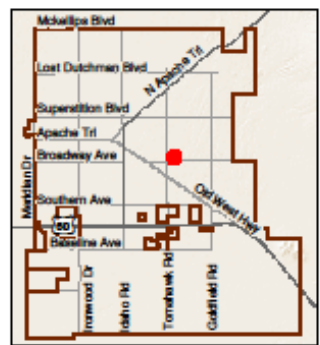
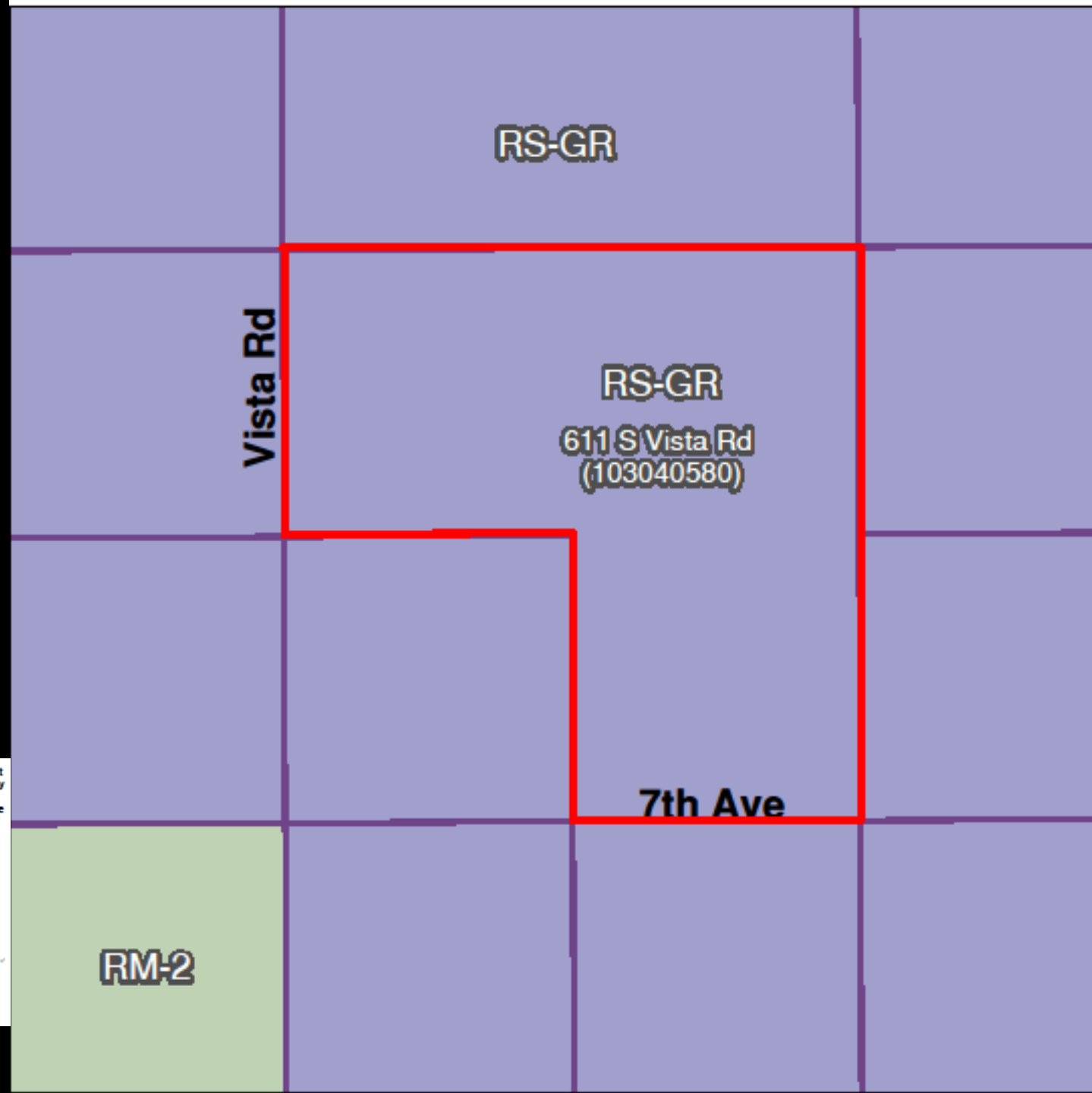
- Subject Site
- Parcel

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



BA-2-17 Zoning Map

Surrounding properties are all
zoned RS-GR



City of Apache Junction Zoning Exhibit BA-2-17

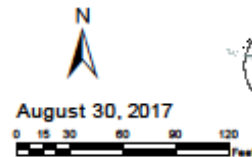
LEGEND

- Subject Site
- Parcel

Zoning

- RM-2
- RS-GR

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History of Property

- Mobile home was placed on property in 1964
- In 2001 a building permit was approved for a detached garage (BLD2001-00296), site plan shows mobile home 20' from north property line.
- In 2015, an electrical permit for an upgrade was applied for (ELE2015-00047), the building inspector noticed a single-family home was under construction, no building permit was on file.
 - Single-family home was being built around mobile home.

History of Property

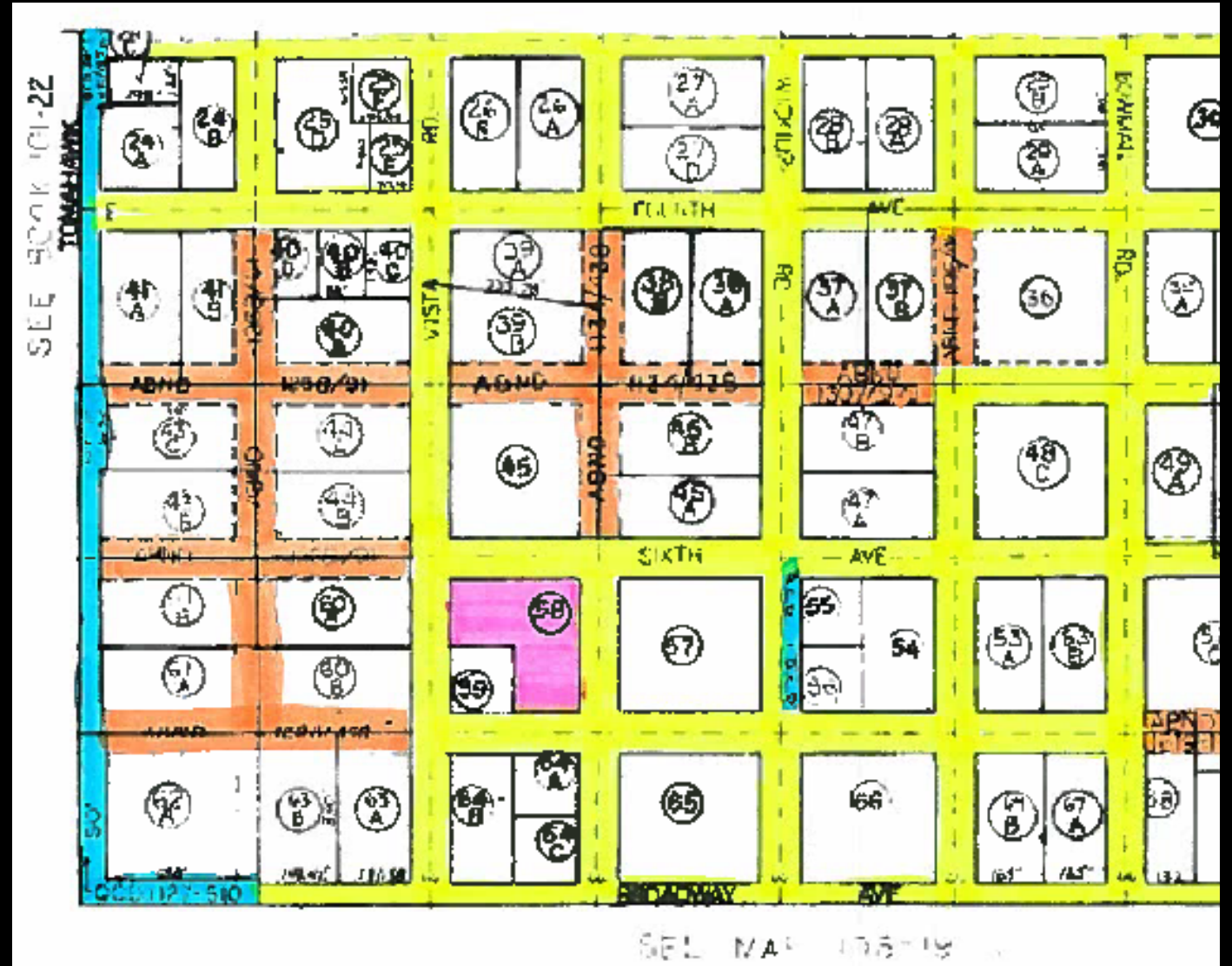
- A code violation was issued for a structure built without permit (COD2015-01427).
- Owner applied for a building permit for a single-family residence (BLD2015-00209).
- Application was denied: The building was encroaching into the main structure minimum side setback requirement and was within a Federally Patented Easement (FPE).
- At some time the mobile home was pulled out and the single-family residence was enclosed.

Federally Patented Easements (FPE's)

- Part of Small Tract Act of 1938. Federally Patented Easements reserve areas of land for roadway and utility purposes.
- FPE's are laid out like a grid in Apache Junction, but not all easements are used or intend to be used at all in the future.
- There is a public process to relinquish the roadway portion of an easement with City of Apache Junction Public Works Department.
- Utility easements in an FPE have to be relinquished with the individual utility companies in the area (6).
 - Arizona Water Company, Apache Junction Water Facility, Southwest Gas, SRP, Superstition Mountain Community Facilities District, Century Link,

611 S. Vista Road (Pink)

- The North 33' FPE roadway easement was relinquished by the city in 2008 (Resolution No. 08-38)
- Mr. Dixon relinquished all FPE utility easements (6) with each utility company for the north 33' FPE
 - Century Link kept an 8' Private Utility Easement (PUE).



Variance Request:
Change the Main Dwelling side setback requirement from 20' minimum to 10' minimum.

81%
522
A-11

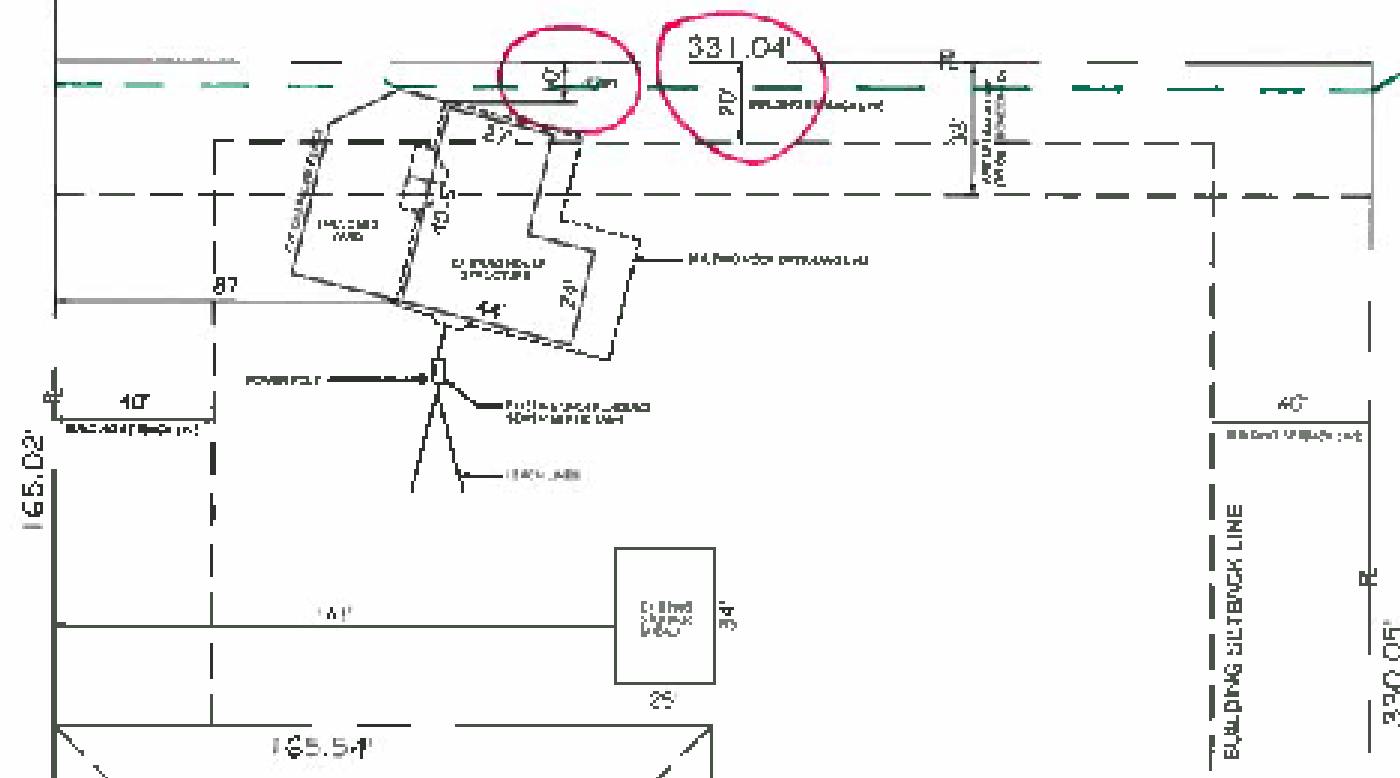
Enlarged Site Plan

LEGAL DESCRIPTION:

Section 22 SW
Parcel 103-04-058
Zoning RS-GR

LEGAL DESCRIPTION:

Northwest quarter of the Southeast quarter of the Southwest of the Southwest section Twenty-two (22), Township One (1) North, Range Eight (8) East of the Gila and Salt River Base and Meridian, EXCEPT the Southwest quarter of the Northwest quarter of the Southeast quarter of the Southwest quarter of the Southwest quarter.



8' Century Link
Utility Easement

Public Input

- Staff received two calls from neighbors asking what the proposal was for, both did not object the request.

Analysis and Staff Recommendation

Staff is recommending denial of the variance request because it does not meet the criteria for a variance.

- The plan review during the building permit application process would have acknowledged the setback and easement issue.
- The mobile home was placed on the property prior to city incorporation and was considered legal nonconforming for setbacks
 - New structures must meet current zoning requirements.
- Structures cannot be placed in easements
 - The owner did relinquish all utility company easements in the FPE, a lengthy separate process before applying for a variance. The easement no longer exists.

Recommended Conditions for Approval

1. The main structure minimum side setback shall be 10'.
2. Any future additions to the home must meet the RS-GR Zoning District's minimum setback requirements of 20'.
3. Any future accessory dwelling units must meet the RS-GR Zoning District's minimum main structure setbacks.
4. The SRP, Arizona Water, and Superstition Mountain Community Facilities District utility relinquishments must be recorded with the Pinal County Recorder's office and copies must be supplied to the city before a building permit can be submitted.
5. All applicable building permits must be re-applied for within one (1) year of approval of this order, and applicable drawings and engineering must be submitted to the Development Services Department for approval.

Questions and Discussion