



City of Apache Junction, Arizona

Meeting Minutes Board of Adjustment

Meeting Location:

City Council Chambers
at City Hall
300 E Superstition Blvd
Apache Junction, AZ

www.ajcity.net
Ph:(480) 982-8002

Monday, December 11, 2017

7:00 PM

City Council Chambers

1. CALL TO ORDER

Vice Chair Schoenbeck called the meeting to order at 7:00 pm.

2. PLEDGE OF ALLEGIANCE

Vice Chair Schoenbeck led the Pledge of Allegiance.

3. ROLL CALL

Present 4 – Board Member Buzzin
 Board Member Biggs
 Board Member Gage
 Board Member Borey
 Vice Chair Schoenbeck

Excused 2 - Chairperson Jones
 Board Member Weller

Staff Present:
City Attorney Joel Stern
Development Services Director Larry Kirch
Development Services Senior Planner Rudy Esquivias

Others Present:
Davis Ward, Attorney
Terry Hudson, Stenographer

4. ACCEPTANCE OF AGENDA

Consideration of approval of agenda and approval of the September 11, 2017 Regular Meeting minutes.

Approved

Yes: 5 - Board Member Buzzin, Board Member Biggs, Board Member Gage, Board Member Borey and Vice Chair Schoenbeck

No: 0

Excused: 2 - Chairperson Jones and Board Member Weller

Board Member Gage motioned that the Board of Adjustment approve the meeting minutes from the September 11, 2017 Regular Meeting. Board Member Biggs seconded the motion. The Board of Adjustment approved the motion with a 5-0 vote.

5. MOTION FOR EXECUTIVE SESSION IN THE DEVELOPMENT SERVICES DEPARTMENT CONFERENCE ROOM.

Approved

Yes: 5 - Board Member Buzzin, Board Member Biggs, Board Member Gage, Board Member Borey and Vice Chair Schoenbeck

No: 0

Excused: 2 - Chairperson Jones and Board Member Weller

Vice Chair Schoenbeck motioned that the Board of Adjustment convene to an Executive Session in the Development Services Department Conference Room for the purpose of discussion/consultation with the Board of Adjustment attorney for the purposes of legal advice regarding BA-3-17 and BA-4-17 in accordance with A.R.S. § 38-431.03 (A)(3) and as further outlined in this agenda. Board Member Biggs seconded. The motion to convene into an Executive Session passed.

Vice Chair Schoenbeck reconvened the meeting.

6. ELECTION OF CHAIR AND VICE CHAIR

Approved

Yes: 5 - Board Member Buzzin, Board Member Biggs, Board Member Gage, Board Member Borey and Vice Chair Schoenbeck

No: 0

Excused: 2 - Chairperson Jones and Board Member Weller

Vice Chair Schoenbeck called for nomination for the Board of Adjustment Chair. Board Member Biggs motioned to nominate Vice Chair Schoenbeck as chair. Vice Chair Schoenbeck called for a second time for a nomination for chair. Vice Chair Schoenbeck called a third time for a nomination for chair. With no further nominations, Vice Chair Schoenbeck closed the nominations. Board Member Borey seconded the motion. The motion was approved with a 5-0 vote.

Approved

Yes: 5 - Board Member Buzzin, Board Member Biggs, Vice Chair Gage, Board Member Borey and Chair Schoenbeck

No: 0

Excused: 2 - Board Member Jones and Board Member Weller

Chair Schoenbeck called for nomination for the Board of Adjustment Vice Chair. Board Member Borey motioned to nominate Board Member Gage as Vice Chair. Chair Schoenbeck called for a second time for a nomination for Vice Chair. Chair Schoenbeck called for a third time for a nomination for Vice Chair. With no further nominations, Chair Schoenbeck closed the nominations. Commissioner Buzzin seconded the motion. The motion was approved with a 5-0 vote.

7. PUBLIC HEARINGS

BA-3-17

Presentation, discussion, public hearing and consideration of case BA-3-17, an appeal of the Zoning Administrator's decision by Bambi Johnson, represented by Adam Martinez and Thomas F. Galvin, Jr. of the Rose Law Group, appealing the Zoning Administrator's interpretation of Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-1: Introductory Provisions, Section 1-1-3 Applicability; and Article 1-2: Types of Uses, Section 1-2-4 Administrative Uses; and Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3

Non-residential Use Regulations, Table 5-3 Non-residential Use Regulations; and Article 1-6 Supplemental Regulations, Section 1-6-23 Temporary Uses and Structures; and Article 1-16 Administration: Section 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits. Applicants disagree with and are appealing the Zoning Administrator's interpretation pertaining to permits required for "Temporary Uses" and/or "Private Outdoor Music Festivals/Events", including number of events allowed and conditional use permit.

Approved

Yes: 5 - Board Member Buzzin, Board Member Biggs, Vice Chair Gage, Board Member Borey and Chair Schoenbeck

No: 0

Excused: 2 - Board Member Jones and Board Member Weller

Chair Schoenbeck asked Senior Planner Esquivias if the item was going to be continued. Senior Planner Esquivias replied that the applicant requested the item to be continued to March 12, 2018. He added that the applicant hired counsel and needs more time for preparation. He asked the board if they would still like a presentation and reminded them it is a public hearing so there may be citizens in attendance that may want to address the board. City Attorney Stern added that there are other things involving this property and there's going to be a conditional use permit (CUP) application applied for by a third party and they are waiting to see what the result of that will be. He said the CUP will be sent to the Planning and Zoning Commission and depending how the uses are for the property, it will affect this case. Board Member Biggs asked for clarification on the case number. City Attorney Stern replied that this is case BA-3-17. City Attorney Stern said he would concur with the continuance.

Chair Schoenbeck said he feels that a presentation isn't necessary at this time because the board had time to review the material in the agenda packets. The board concurred that a presentation isn't necessary at this time.

Chair Schoenbeck opened up the public hearing portion of the item.

Having no one wishing to address the board, Chair Schoenbeck closed the public hearing portion of the item.

Chair Schoenbeck motioned to continue BA-3-17 to March 12, 2018. Board Member Biggs seconded the motion. The motion passed with a 5-0 vote.

BA-4-17

Presentation, discussion, public hearing and consideration of case BA-4-17, appeal of the Zoning Administrator's decision by Joel Kaplan, appealing the decision of denial of nonconforming rights for four recreational vehicle ("RV") rental spaces, on a RS-20M (Medium Density Single-family Detached Residential) -zoned property at 529 N. Gold Drive. Mr. Kaplan contends that the property does have rights for the four RV spaces in addition to the duplex, triplex and mobile home currently on the property.

Approved

Yes: 5 - Board Member Buzzin, Board Member Biggs, Vice Chair Gage, Board Member Borey and Chair Schoenbeck

No: 0

Excused: 2 - Board Member Jones and Board Member Weller

Senior Planner Esquivias informed the board that this applicant also requested a continuation and respectfully requested the board continue this item to the March 12, 2018 meeting.

Chair Schoenbeck opened up the public hearing portion of the item.

Gil Den Besten of 560 N. Valley Drive addressed the board regarding case BA-4-17. He expressed concern over the

amount of people can fit on a one acre parcel. He added that he's seen people sleeping on the fence line behind one of the 5th wheels that is there that is un-skirted and unkempt. He asked the board if there is a way to ensure what is allowed on the property is done correctly. He added there are pets running around the property. He also added that he is wary of the people that can sleep on the property out in the open or under trailers. He wants the board to have some kind of control to make sure the units that are on the property meet code, are maintained and are presentable. Having no others wishing to address the board, Chair Schoenbeck closed the public hearing portion of the item.

Vice Chair Gage motioned to continue BA-4-17 to March 12, 2018. Board Member Biggs seconded the motion. The motion passed with a 5-0 vote.

8. SELECTION OF MEETING DATES, TIMES, LOCATION AND PURPOSE

Chair Schoenbeck announced the next meeting is January 8, 2018 at 7:00 pm in the city of Apache Junction City Council Chambers located at 300 E. Superstition Boulevard.

9. ADJOURNMENT

Adjournment:

Meeting adjourned at 7:28 p.m.

Chair Frank Schoenbeck