



City of Apache Junction
Development Services Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119
(480) 474-5083
www.ajcity.net



Appeals of the Zoning Administrator's Decision

Application, Checklist & Process Guide

City of Apache Junction
Development Services Department
<http://www.ajcity.net/81/Development-Services>



City of Apache Junction

Development Services Department

Appeal of Zoning Administrator's Decision



I/We hereby appeal the decision of the Zoning Administrator in accordance with Article 1-16-5 of the Apache Junction, Arizona, Zoning Ordinance.

SITE INFORMATION

SITE ADDRESS/LOCATION 2341 N. Apache Trail ASSESSORS PARCEL NO 100-25-043C

GROSS AREA: 2.94 acres NET AREA EXISTING ZONING B1

LEGAL DESCRIPTION OF PROPERTY: (found on County Tax Bill Notices or Warranty Deed)

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 01
NORTH, RANGE 08 EAST, THENCE W-40.00 FT TO THE POINT OF BEGINNING THENCE S-212.98 FT THENCE S70D
W-203.75 FT THENCE S-61.12 FT THENCE W-37.52 FT THENCE N87D W-168.38 FT THENCE N87D W-170.78 FT
THENCE N07D W-43.78 FT THENCE N49D E-436.27 FT THENCE E-242.25 FT TO THE POINT OF BEGINNING.

PLEASE ANSWER THE FOLLOWING QUESTIONS IN THE SPACE PROVIDED, OR SUBMIT A SEPARATE, SIGNED STATEMENT IF ADDITIONAL SPACE IS NEEDED.

Provide the Zoning Ordinance Section Number(s) which you believe has been incorrectly interpreted by the Zoning Administrator: 1-16-13 (Development Agreements); 1-16-16 (Violations, Penalties and Enforcement);
1-2 (Types of Uses); 1-5-3 (Non-Residential Use Regulations); 1-7 (Parking, Loading and Circulation Regulations)

Describe existing and proposed use of the subject property (if applicable):
Existing use = Full Service Restaurant and Drinking Place (NAICS Code 72) with adequate off-street, on-site parking
Proposed use = same/no change

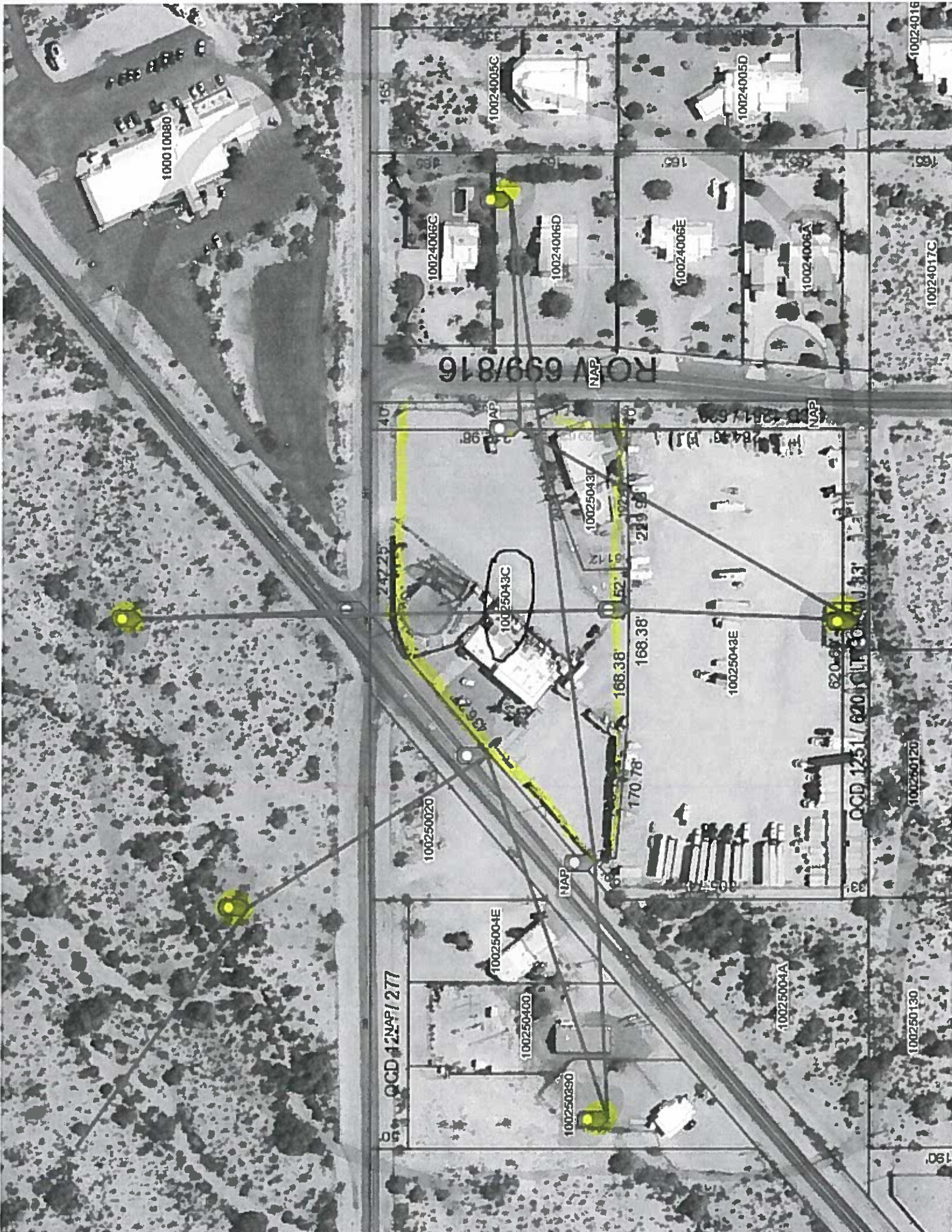
Describe your interpretation of the Section Number(s) listed above and provide any other reasoning to support your appeal of the Zoning Administrator's decision: Appellant hereby appeals the following Notices of Violation: Code Case # COD2018-00723 (dated October 31, 2018) and Code Case # COD2018-00751 (dated November 7, 2018). Appellant's use of the parcel as a Full Service Restaurant/Drinking Place with adequate off-street, on-site parking are uses permitted both by right and by the Economic Development

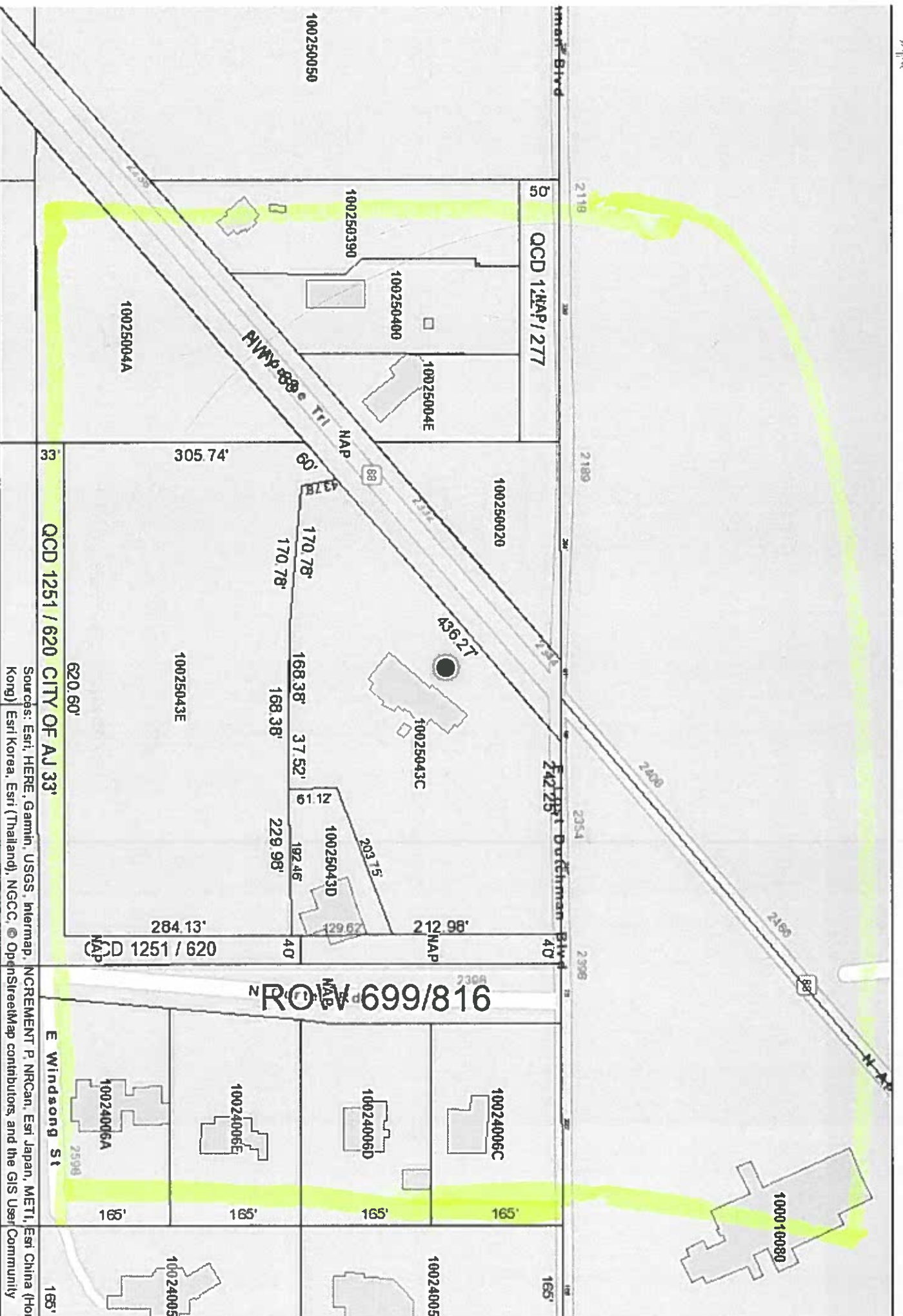
Agreement, its amendments, and site plans. The Zoning Administrator's decisions in these cases are arbitrary/capricious as they're based on 1) the City Attorney's arbitrary/capricious decision re: Appellant's use of the parcel and 2) an illegal CUP. Since this appeal stays all proceedings re: this matter pursuant to A.R.S. 9-462.06(E), Appellant hereby requests that the City stay the criminal proceeding initiated by the City Attorney (State v. Mohiuddin
APPLICANT INFORMATION Case No. M-1149-CM-2018000699 (Citation No. 134128)) regarding this same matter

Property Owner(s) Mehmood Mohiuddin

Address 2304 N. Cortez Rd., Apache Junction, AZ 85119

Phone Number 602-214-5635 Fax Number Email tmlovelady@msn.com





Disclaimer: Pinal County does not guarantee that any information contained within this dataset or map is accurate, complete, or current. This data is for informational use only and does not constitute a legal document for the description of these properties. The Pinal County disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data. The boundaries depicted within this dataset or map are for illustrative purposes only. Users should independently research, investigate, and verify all information before relying on this map or using this map in the preparation of legal documents.

Jim & Bambi Johnson

2319 N. Cortez Rd.

Apache Junction, AZ 85119

Mark & Kindra Theisman

2395 N. Cortez Rd.

Apache Junction, AZ 85119

Jim Dunken

2745 Smoketree St.

Apache Junction, AZ 85119

John Chapman

2275 N. Acacia Rd

Apache Junction, AZ 85119

Elks Lodge
2455 N. Apa Trail
Apa Jct, AZ
85119

Daves Prop LLC
2260 N. Apa Trail
Apa Jct, AZ 85119

Mediacom
2300 E. Apa Trail
Apa Jct, AZ 85119

Jeff + Bonnie
Goldsbury
2115 N. Recker Rd
Mesa AZ 85207

Andrew + Marg.
Strachan
2230 E. Apa Trail
A.J. AZ 85119

Rick Beavers

2225 N. Cortez Rd.

Apache Junction, AZ 85119

Nick & Helen Funk

2273 N. Cortez Rd.

Apache Junction, AZ 85119

Patrick & Diana LaClair

2521 E. Windsong St

Apache Junction, AZ 85119

Mr. & Mrs. Driscoll

1852 N. Goldfield Rd

Apache Junction, AZ 85119

Bill & Elysa Wallingford

2055 N. Cortez Rd.

Apache Junction, AZ 85119

Jim Dunken

2319 N. Cortez Rd.

Apache Junction, AZ 85119

Bonnie Skaarland

1925 N. Cortez Rd

Apache Junction, AZ 85119

Appeals of the Zoning Administrator's Decision

Please read through these instructions before asking for assistance on filing an appeal of the Zoning Administrator's decision. Any aggrieved party may appeal the Zoning Administrator's decision by filing an application and other required items with the Development Services Department.

1. Locate the subject property on the City's Zoning Map to see what zoning district the property located in. Consult the City's Zoning Ordinance to see what the requirements for the zoning district are and why you believe the Zoning Administrator's decision is erroneous. Please read the sections of the Ordinance that determine the powers of the Board of Adjustment and consult the City's General Plan in order to determine whether or not you believe it may have an effect on your appeal request.
2. If after reading the applicable codes you believe your request can be justified, the next step in the process is to fill out the attached application form. All persons having an ownership interest in the property (e.g. husband and wife, contract seller and buyer, partners, corporation) must sign the application.
3. Submit a copy of the warranty deed, quit-claim deed, joint tenancy deed or a title report for the property to establish some reasonable proof of property ownership.
5. **Submit an Ownership Map (County Assessor's Tax Parcel Map) showing the subject property and the surrounding properties within a 300 foot radius of the exterior boundaries of the subject parcel(s). These maps may be available at the County Assessor's Office or at a title company.**
6. Complete the printing of the names, addresses, zip codes, and tax assessor's parcel numbers of property owners within 300 feet of the subject property on Address Labels. The information must be obtained from the County Assessor's Office within 30 days of the filing date. Title companies do not always have the latest information. From the provided labels, the surrounding property owners will be notified of your request and the date of the public hearing.
7. Submit ten (10) copies of the site plan or plot plan and building elevations (if necessary) for your project. The drawings should be dimensioned and scaled if possible to show distances from structures to lot lines, and any other information you believe is applicable to describe the situation.
8. Submit a non-refundable filing and investigation fee of \$500.00 for a residential property or \$750.00 for a non-residential property payable to the City of Apache Junction. You will also need to submit a \$500.00 Legal Advertising fee that is separate from the filing and investigation fee payable to the City of Apache Junction.
9. An incomplete application will delay the hearing process. We cannot advertise your application until we have an application that is accurate and complete and until the proper signatures and fees have been provided. It is best if an application can be submitted in person so that we can be sure we have all of the necessary information in our possession to advertise your hearing and get your case on a Board agenda. Please double check your application for completeness before submitting your application.
10. A Public Hearing before the Board of Adjustment will be scheduled for you at the first available date. The Board normally meets on the second Monday of every month. The date of your hearing will be subject to a properly submitted application and the City's monthly filing deadline. Further, if the Zoning Administrator has provided a decision, which requires compliance within twenty (20) days

from receipt of the decision, you are further bound regarding the need to have your appeal filed within the twenty (20 day compliance date.

11. At the Public Hearing, the Board will ask for a Staff Report. The Board will also request that the Zoning Administrator explain their decision. The Applicant will be asked to state their case and answer any questions that the Board may have. Therefore, you are asked to have a qualified representative present at this hearing. Members from the audience may also be invited to speak on the matter.
12. The Board's decision will be the City's final determination on the matter. In order to appeal the Board's decision, you would seek relief through the filing of a law suit at the Pinal County Courthouse in Florence.
13. If, after reading these instructions and attached forms you have any questions, please contact the Zoning Compliance Division of the Development Services Department for assistance. We may be reached at 480-474-5083.

Ownership Certification

If multiple pages are needed, please make additional copies

I/We certify that:

I/We are the owner(s) of the property described in this application and have submitted copies of deeds or title reports as proof of ownership.

I/We have read the application instructions and have truthfully completed this application. I/We understand that the filing and investigation fee is non-refundable.

I/We, being the owner(s) of the property in this application, have appointed Aaron S. Ludwig, attorney at law, as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorably by the city of Apache Junction and agree that all correspondence in relation to this matter should be delivered to him/her.

PLEASE PRINT

Mehmood Mohiuddin

Property Owner Name

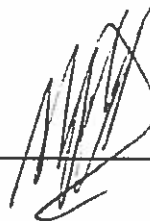
2304 N. Cortez Rd.

Street Address

Apache Junction, AZ 85119

City, State, Zip

Signature



602-214-5635

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

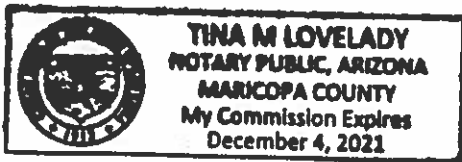
Telephone

STATE OF ARIZONA)

SS

COUNTY OF PINAL)

The foregoing instrument was acknowledged before me this 27th day of Nov, 2018



Tina M. Lovelady
Notary Public

My Commission Expires: 12/04/2021

APPLICANT INFORMATION

Property Owner(s) Mehmood Mohiuddin
Address 2341 North Apache Trail, Apache, AZ 85119
Phone Number 480 983 8800 Fax Number 480 983 8801 Email tm.bvelady@MSN.COM

Applicant Contact Person/Project Manager Aaron S. Ludwig
Address Ludwig Law Offices Ltd 4242 N. 19th Ave Ste 150 Phoenix AZ 85015
Phone Number 602-882-5417 Fax Number _____ Email aaron@ludwiglawoffices.com

Architect/Engineer _____
Address _____
Phone Number _____ Fax Number _____ Email _____

NOTE: The land owner or representative must sign the application. A notarized Ownership Certification authorizing a representative to make an application in his name must accompany this application, if such representative is appointed.

1. Filing fee \$500.00 for a residential appeal or \$750.00 for a non-residential appeal
2. Legal Advertising fee \$500.00
3. Copy of current deed or subject property.
4. Accurate plot plans and preliminary floor plans if applicable.
5. Any supporting information you wish to provide.

For Dept Use only

Case Number: _____

PLN Number _____

Date Submitted: _____

Approved By: _____

Date Approved: _____

LEGAL ADVERTISING FEES

Arizona Revised Statute 9-812b states "in cases of laws or ordinances enacted on behalf of a private person, he shall pay the expense of publication, and may designate the newspaper." Chapter 4, Fees, Article 4-4, Planning, Zoning Review and Subdivision Fees, Section C of the City Code states that "all legal advertising and legal publication costs exceeding (\$500.00) per case shall be charged to and paid by the applicant."

A deposit of five hundred dollars (\$500.00), over and above the application fee, is required to cover the anticipated cost of advertising or publications. If the advertising and/or publication cost exceeds the five hundred dollars (\$500.00) deposit, the applicant shall be responsible for the overage before final consideration of their application. If the advertising and/or publication cost is less than five hundred dollars (\$500.00), the remainder shall be reimbursed to the applicant.

Your signature below signifies you agree with the above and this form shall act as a receipt.

Signature(s)



Date

12/03/2018



OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
VIRGINIA ROSS

WHEN RECORDED MAIL TO:

DATE/TIME: 12/21/2017 1526
FEE: \$15.00
PAGES: 2
FEE NUMBER: 2017-093527

Mehmood Mohiuddin
2304 North Cortez Road
Apache Junction, AZ 85119



QUITCLAIM DEED

For the sum of Ten Dollars and other valuable consideration, receipt of which is hereby acknowledged, **MEHMOOD MOHIUDDIN**, an unmarried man,

does hereby convey all of his right, title and interest to, **MEHMOOD MOHIUDDIN**, an unmarried man,
the following real property situated in the County of Pinal, State of Arizona:

PARCEL NO. 1

A portion of the Northwest quarter of Section 15, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Northwest quarter, being marked with a brass cap flush stamped LS 21773, and from which point the Northwest corner of said Northwest quarter, being marked with a brass cap in a hand hole, bears South 89 degrees 53 minutes 07 seconds West, 2642.19 feet distant therefrom;

thence, South 89 degrees 53 minutes 07 seconds West, 40.00 feet, along the North line of said Northwest quarter to the POINT OF BEGINNING;

thence South 00 degrees 03 minutes 04 seconds East, 212.98 feet, along a line that is 40.00 feet West of and parallel with the East line of said Northwest quarter;

thence South 70 degrees 49 minutes 54 seconds West 203.75 feet leaving said parallel line;

thence South 00 degrees 06 minutes 12 seconds East, 61.12 feet;

thence North 89 degrees 31 minutes 32 seconds West 37.52 feet;

thence North 87 degrees 58 minutes 44 seconds West 168.38 feet;

thence North 87 degrees 13 minutes 21 seconds West 170.78 feet;

thence North 07 degrees 56 minutes 37 seconds West 43.78 feet, to a point on the Southeasterly right-of-way line of Apache Trail as shown on the ADOT drawing D-11-E-496, Project #088 PN 196 H8308;

thence North 49 degrees 37 minutes 13 seconds East, 436.27 feet, along said right-of-way line to a point on the North line of said Northwest quarter;

thence North 89 degrees 53 minutes 07 seconds East, 242.25 feet, along said North line to the POINT OF BEGINNING.

Containing 2.940 acres gross and being subject to any and all easements, rights-of-way, restrictions or reservations of record or otherwise.

Affidavit exempt pursuant to ARS 11-1134 B5.

DATED: 12/21/17

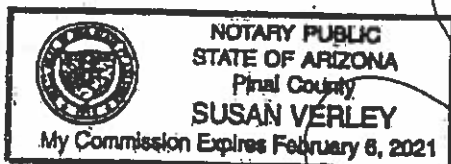

Mehmoood Mohiuddin

STATE OF ARIZONA

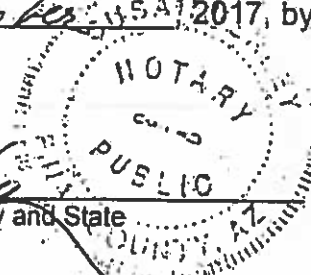
County of Pinal

)
) ss
)

This instrument was acknowledged before me this 23 day of December, 2017, by Mehmoood Mohiuddin.




Notary Public in and for said County and State



THE FOLLOWING FEE SCHEDULE IS EFFECTIVE ON JULY 1, 2016

CONDITIONAL USE PERMIT (CUP's)

CUP (Residential use/extension/amendment	\$700.00
CUP (Non-residential use/extension/amendment (Sign package Included if submitted with CUP))	\$800
Sign package by CUP	\$800
Landscape Ordinance Appeal by CUP	\$600

ZONING/REZONING

Rezoning	\$825 + \$50/acre to \$5500 maximum
Planned Development (Commercial/Residential)	\$925 + \$50/acre to \$5500 maximum
Major Amendment to Planned Development	\$925 + \$50/acre to \$5500 maximum
Minor Amendment to Planned Development	\$250
Zoning Ordinance Text Amendment	\$1300
Zoning Verification Letter	\$250
Written Interpretation of Zoning Administrator	\$150
Review & Letter of Non-Conforming	\$250

APPEALS

Residential Variance	\$500
Non-residential Variance	\$750
Appeal of Zoning Administrator's Decision (Residential)	\$500
Appeal of Zoning Administrator's Decision (Non-residential)	\$750
Appeal of Development Fee Administrator	\$350

DEVELOPMENT AGREEMENTS

Development Agreement (New)	\$3075
Development Agreement (Amendment that is Developer Initiated)	\$1675

PERMITS

Administrative Use Permit	\$25
Cargo Container/Portable Storage Permit	\$100
Special Density Permit/Caretaker Unit Permit	\$100
Special Density Permit annual renewal	\$50
Temporary Use Permit	\$250

SUBDIVISIONS

Preliminary Plat	\$1575 + \$21/lot to \$2500 maximum
Preliminary Plat Amendment	\$1575 + \$21/lot to \$2500 maximum
Preliminary Plat Extension	\$500
Final Plat	\$1575 + \$21/lot to \$2500 maximum
Final Plat Amendment/Replat	\$1575 + \$21/lot to \$2500 maximum
Plat Recordation Fee & Document Handling	\$100 plus actual recording fee
Minor Land Division/Land Split	\$250

GENERAL PLAN AMENDMENT

Text amendment	\$1300
Major map amendment	\$1550 + \$10/acre to \$5500 maximum
Minor map amendment rezoning	Included in

MISCELLANEOUS FEES

Landscape Plan Review	\$150
All continuances	\$250
Required public hearing notice advertising	\$500
Administrative relief (residential)	\$150
Administrative relief (commercial)	\$250
Copies - 11x17	\$.50/sheet
Copies - larger than 11x17	\$.19/linear foot
Copies - for a commercial purpose 8.5x11	\$.50/page for

ALL FEES ARE NONREFUNDABLE

LEGAL ADVERTISING & PUBLICATION COSTS THAT EXCEED \$500 PER CASE SHALL BE PAID BY THE APPLICANT IN ADDITION TO THE FEES LISTED ABOVE.

Information for Mailing Labels

- Labels should be Avery Address Labels #5160 or comparable, approximately 1" x 2-5/8" each, 30 labels to a sheet.
- Labels shall include all property owners within a 300 feet radius of subject property:
- Label Sample:

Line 1:	100-01-001A	<i>[Assessor Parcel No.]</i>
Line 2:	John Doe	<i>[Name]</i>
Line 3:	123 Elm St.	<i>[Address/PO Box]</i>
Line 4:	Apache Junction, AZ 85118	<i>[City/State/Zip]</i>

- Please print or type all information on the labels.

NOTE: Property owner information must be obtained from the Pinal County Assessor's records. The list must be notarized as per the next page.

I/We, MEHMOOD MOHIUDDIN
hereby certify that this is a complete list of property owners within 300 feet of the property
proposed as obtained from the Pinal County Assessor's Office on: (date obtained):

I/We further certify that this list is not older than thirty (30) days at the time of filing of said
application.

PLEASE PRINT

Mehmood Mohiuddin -
Property Owner Name
2204 N. Cortez Road
Street Address
Apache Junction, AZ 85117
City, State, Zip

Signature

602-214-5635
Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

City, State, Zip

Telephone

STATE OF ARIZONA)

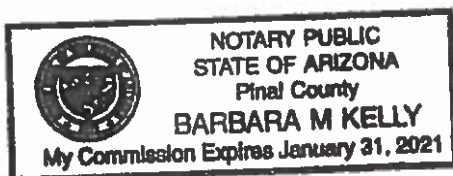
) SS

COUNTY OF PINAL)

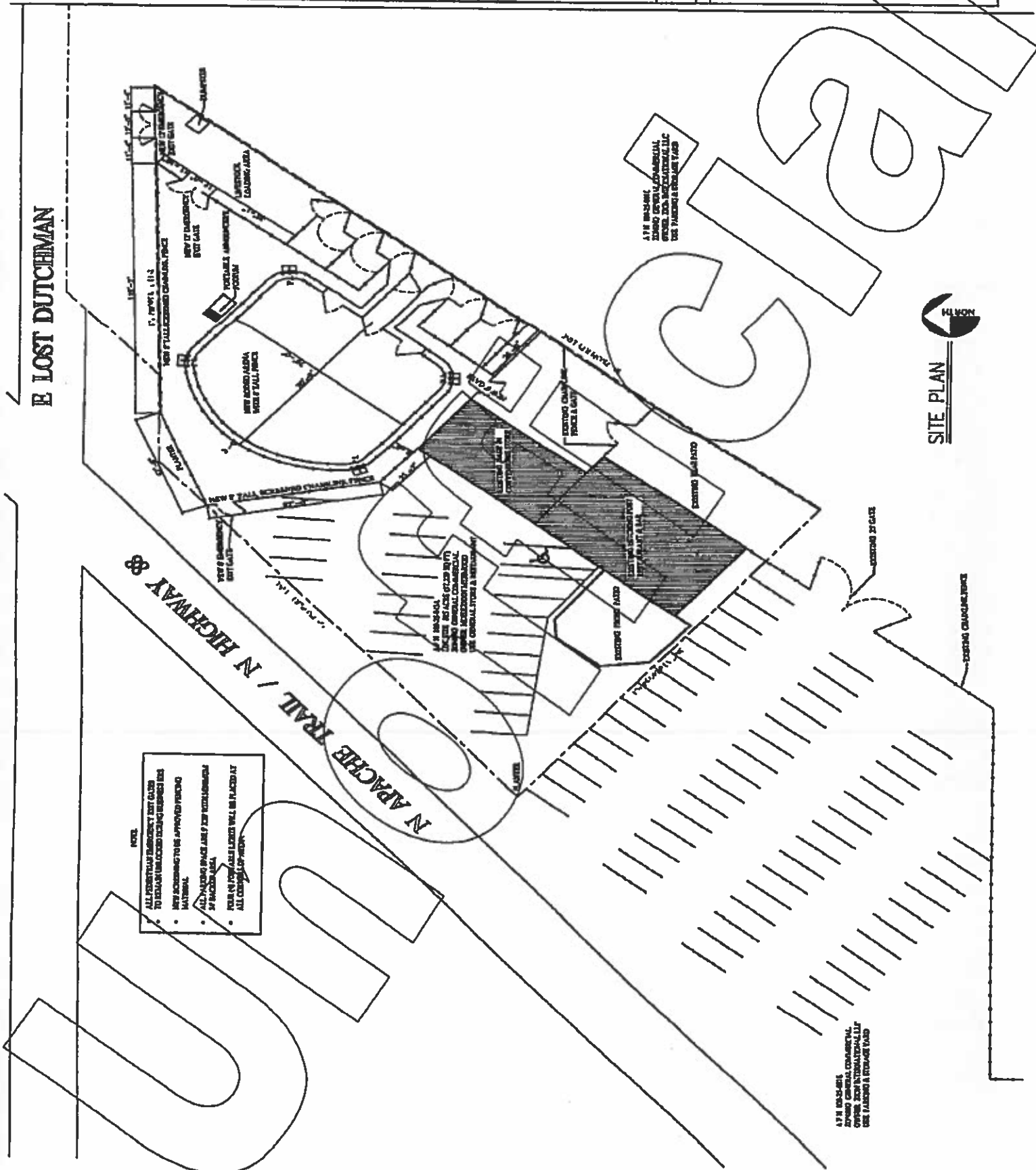
The foregoing instrument was acknowledged before
me this 26 day of November, 2018.

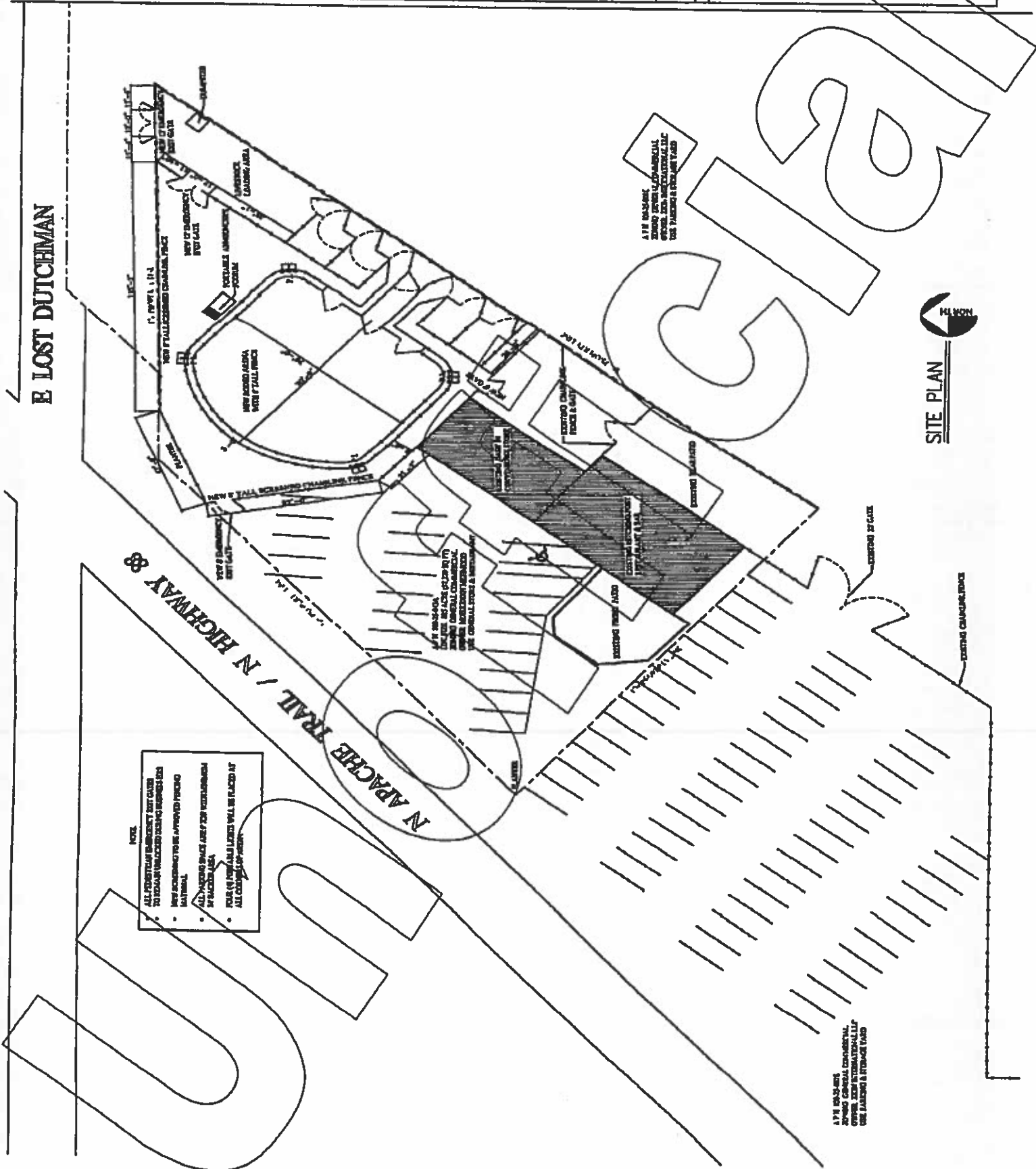
Barbara M Kelly
Notary

My Commission Expires: 1/31/2021



OWNER: MOHLBORN MEHMOOD		SITE LOCATION: 2241 N APLACKE TRAIL APLACKE JUNCTION, AZ 85119	
DATE: 12/14/12		TIME: 10:00 AM	
BY: [Signature]		FOR: [Signature]	
PROJECT: HITCHING POST RESTAURANT		PROJECT NO: 100-22-0434	
SHEET NO: 1		SHEET TOTAL: 1	



[illegible]

OWNER: MORRISON MEADOWS
 SITE LOCATION: 2341 N APACHE TRAIL
 100-22-043A

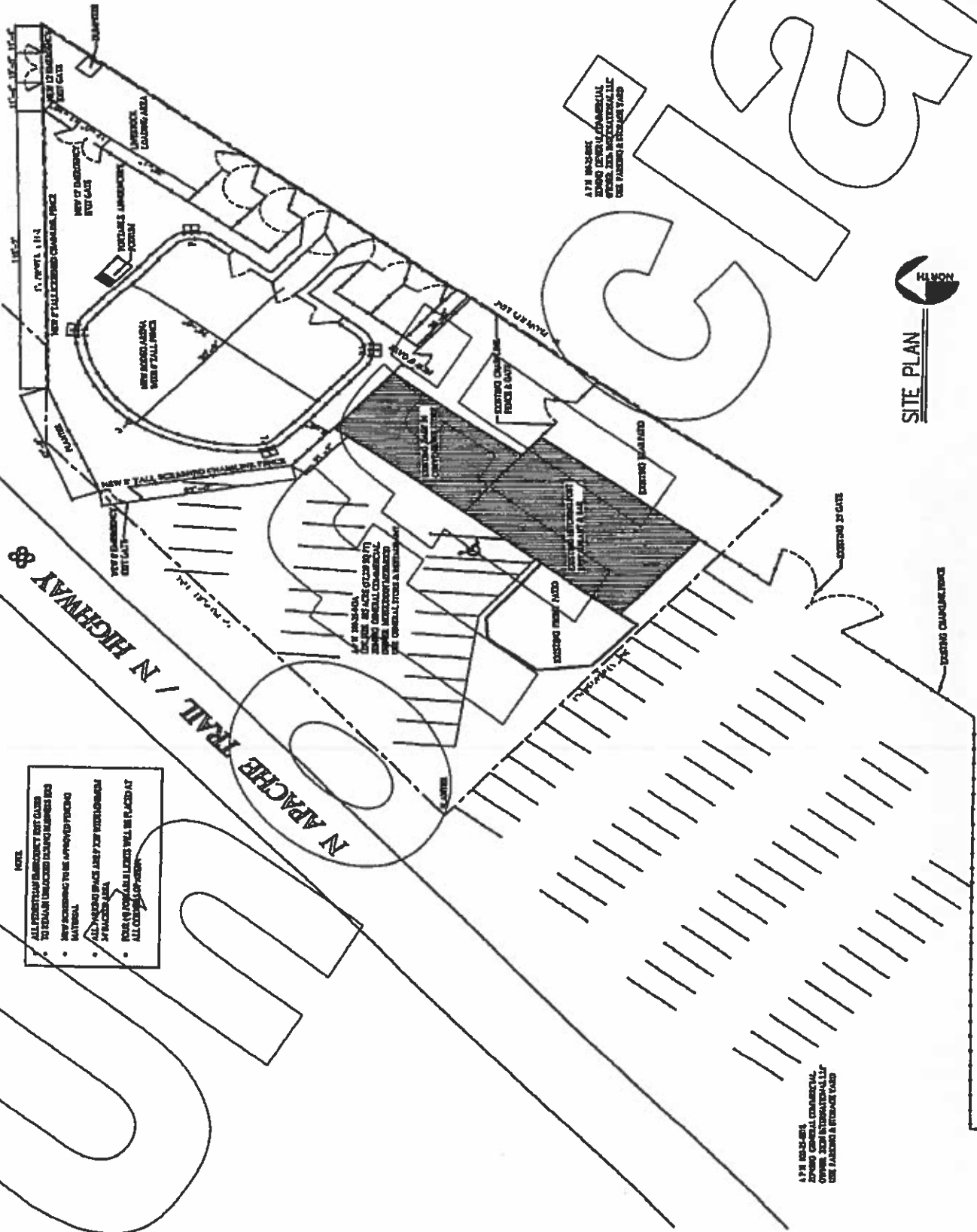
NO.	DATE	REVISION	BY	APP'D
1	10/1/11	100-22-043A	AL	
2	10/1/11	100-22-043A	AL	
3	10/1/11	100-22-043A	AL	
4	10/1/11	100-22-043A	AL	
5	10/1/11	100-22-043A	AL	
6	10/1/11	100-22-043A	AL	
7	10/1/11	100-22-043A	AL	
8	10/1/11	100-22-043A	AL	
9	10/1/11	100-22-043A	AL	
10	10/1/11	100-22-043A	AL	

HITCHING POST RESTAURANT

E LOST DUTCHMAN



SITE PLAN



NOTE:
 ALL FUTURE DEVELOPMENT MUST BE PLACED AT
 A MINIMUM OF 10 FEET FROM THE EXISTING
 FENCE LINE. ANY DEVELOPMENT PLACED
 WITHIN THIS AREA WILL BE REMOVED AT
 THE OWNER'S RISK.

1/2" = 10'-0" (HORIZONTAL)
 1/4" = 10'-0" (VERTICAL)
 1/8" = 10'-0" (DIAGONAL)



When Recorded Return to:
City of Apache Junction
Development Services Department
300 E Superstition Blvd.
Apache Junction, AZ 85119

DIMINUTION IN VALUE AND JUST COMPENSATION CLAIM
WAIVER/INDEMNIFICATION/ACKNOWLEDGEMENT

I/We, _____, as owners of property identified as Pinal County Assessor Parcel No. _____, which is the subject of Apache Junction City Council, Planning & Zoning/Board of Adjustment or other Case No. _____, hereby waive any and all potential diminution in value and just compensation claims or lawsuits that could be pursued against the City of Apache Junction ("City"), its elected officials, appointees and employees as a result of the Planning and Zoning Commission/Board of Adjustment/Council's action in the above-referenced matter. This waiver is authorized pursuant to A.R.S. § 12-1134(I). I/We also hereby warrant and represent I/We am/are owner(s) of the above-referenced property and that no other person has any ownership in such property.

Printed Name of Owner

Printed Name of Owner

Signature of Owner

Signature of Owner

Date

Date

State of Arizona)
) ss
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 ____
by _____.

My Commission Expires:

Notary Public



12/5/2018
1:39PM

Payment Receipt

Receipt # :00000000000000046639

Check Number #:7251

Name : MEHMOOD . MOHIUDDIN
Address : 2304 N CORTEZ RD
APACHE JUNCTION, AZ 85119

Parcel#: 1110025043C

Case # Number	Account Number	Description	Date Paid	Amount Due	Amount Paid
PLN2018-00072		Appeal Zon Admin Decision-Com	12/5/2018	750.00	750.00
		Legal Ad Fee	12/5/2018	500.00	500.00
Total Paid:					\$1,250.00

91-2/1221 7251

PAK UNITED
2341 N APACHE TRL.
APACHE JUNCTION, AZ 85119-1003

DATE 12/5/18

PAY TO THE ORDER OF CITY of AJ \$ 1250.00

ONE THOUSAND TWO HUNDRED FIFTY

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO Appeal BOA

00817727317251

1:1221000241

DOLLARS

Security Features
Microprint
ColorShift
Clarity on Demand

MP