



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

apachejunctionaz.gov
Ph:(480) 982-8002

Monday, October 11, 2021

7:00 PM

City Council Chambers

1. Call to Order

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

2. Pledge of Allegiance

Vice Chair Durbala led the Pledge of Allegiance.

3. Roll Call

Present 5 - Boardmember Osaki
 Boardmember Knox
 Boardmember O'Hara
 Boardmember Schoenbeck
 Vice Chair Durbala

Absent 2 - Boardmember Buzzin
 Chairperson Waldie

Staff present:

Joel Stern, City Attorney

Larry Kirch, DS Director

Rudy Esquivias, Planning Manager

Nick Leftwich, Associate Planner

4. Consent Agenda

Board Member Schoenbeck moved to accept the agenda as presented and approve the minutes from the meeting of November 9, 2020. Board Member O'Hara seconded the motion.

Yes: 5 - Boardmember Osaki, Boardmember Knox, Boardmember O'Hara, Boardmember Schoenbeck and Vice Chair Durbala

No: 0

Absent: 2 - Boardmember Buzzin and Chairperson Waldie

Vice Chair Durbala called for a motion.

[21-540](#) Consideration of approval of agenda.

[21-541](#) Consideration of approval of the minutes of the November 9, 2020 regular meeting.

5. Public Hearings

21-572

Presentation, discussion, public hearing and consideration of case P-21-82-BA, a request by John Holt for a variance pursuant to the City of Apache Junction Zoning Ordinance Section 1-16-4, requesting to reduce the front and street side yard setbacks for a future main structure on the RS-54 (Low-Density Single-Family Residence) zoned property at the northwest corner of Hilton Road and the Smoketree Street alignment (Parcel No. 100-24-023C).

Vice Chair Durbala moved that Case P-21-82-BA, a request by John Holt 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 and the street side setback in the RS-54 Zoning District for the property identified as Parcel #100-24-023C, be approved subject to the following conditions: 1.) The main structure front setback and the street side setback shall be reduced to 5' (five feet). 2.) That all future construction on the property continue to be properly permitted and be in compliance with normal setback regulations and flood zone requirements. 3.) The wash and erosion protection setback area identified as the 15 foot sections from the top bank of the wash shown on the proposed site plan (Exhibit #2) shall not be filled, diverted or altered in any way, other than the construction of properly engineered and permitted retaining walls. Findings of Fact: 1. There are special circumstances or conditions applicable to the property referred to in this application which do not prevail on other property in that zone or immediate area. Those special circumstances or conditions include: a. The property is encumbered by a natural wash which limits the available buildable area. b. The property is bordered by Federally Patent Easements on three sides which further limits the amount of buildable area, and serve to cause a unique situation on this property. Board member Schoenbeck seconded the motion.

Yes: 5 - Boardmember Osaki, Boardmember Knox, Boardmember O'Hara, Boardmember Schoenbeck and Vice Chair Durbala

No: 0

Absent: 2 - Boardmember Buzzin and Chairperson Waldie

Associate Planner Leftwich gave a presentation on case P-21-82-BA, a variance request to reduce setbacks for a future main structure on the parcel.

Board Member Schoenbeck had questions about prior granting of variances in the neighborhood, the fence to the north of the subject property, the size of the proposed home, and if there were any changes in zoning ordinances, easements or setback requirements since the property was purchased a year ago.

Associate Planner Leftwich responded and stated there was a variance granted last year to allow for a zoning exception, the proposed house which will be located approx. 5' back from fence, changes were specific to commercial code, not residential. Associate Planner Leftwich stated the applicant could answer the question regarding the size of the home.

Director Kirch responded that a front yard fence that doesn't meet the setback requirements could be 4' solid and 2' opaque.

Vice Chair Durbala called Applicant Holt to address the board and asked about the wash and erosion setbacks to ensure the applicant didn't have any issues with not filling in the wash, that any alterations must be approved by the city.

Applicant Holt responded that he understood.

Board Member Schoenbeck asked the applicant about the size of the home.

Applicant Holt responded the home is 2800 SF and that the accessory building is roughly 1000 SF.

Vice Chair Durbala opened the public hearing portion of the item.

Randy Evner residing at 1760 N. Hilton, Apache Junction stated he is located directly south of applicant Holt's property and has no issues with the variance.

Vice Chair Durbala closed the public hearing portion of the item.

Vice Chair Durbala asked for discussion from the board.

Board Member Schoenbeck stated he had concerns regarding granting variances on something self-imposed and the degree of the variance. He further stated despite his concerns, he is in favor of the variance but wanted his concerns on record.

Board Member Knox stated she thought the house size was proportionate to the lot size.

Vice Chair Durbala stated he thinks when the applicant bought the house, they didn't realize the setback requirements or had concerns about the drainage ditch. He reiterated the applicant has a statement they will not fill in the drainage ditch and understands it's importance for the people down the road.

City Attorney Stern reminded the board of Apache Junction city code section 1-16-4 regarding granting of variances and discussed the earlier question by Board Member Schoenbeck of self-imposition. He wanted to point out that it's a unique circumstance having 33' federally patented easements on three sides of the property.

Vice Chair Durbala called for a motion.

6. Old Business

None.

7. New Business

None.

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

[21-542](#)

Regular meeting at 7:00 pm on Monday, November 8, 2021 in the city council chambers located at 300 E. Superstition Boulevard, Apache Junction.

Board Member Schoenbeck moved that we have a regular meeting at 7:00 pm on Monday, November 8, 2021 in the city council chambers located at 300 E. Superstition Boulevard, Apache Junction. Vice Chair Durbala seconded the motion.

Yes: 5 - Boardmember Osaki, Boardmember Knox, Boardmember O'Hara, Boardmember Schoenbeck and Vice Chair Durbala

No: 0

Absent: 2 - Boardmember Buzzin and Chairperson Waldie

Vice Chair Durbala called for a motion.

9. Adjournment

Vice Chair Durbala adjourned the meeting at 7:32 pm.

Vice Chair Joe Durbala