AMENDED: Meeting has been cancelled due to lack of quorum.

PINAL COUNTY
WIDE OPEN OPPORTUNITY

AMENDED: Meeting has been cancelled due to lack of quorum.

NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION
PINAL COUNTY BOARD OF ADJUSTMENTS AND APPEALS
SUMMARY OF AGENDA FOR MEETING
Thursday, March 23, 2023

9:30 AM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX
BOARD OF SUPERVISORS HEARING ROOM
135 N. PINAL STREET
FLORENCE, AZ 85132

Action means discussion, approval, disapproval on the following Planning Cases. (Numbers are shown for administrative convenience only. All interested persons should be aware that the cases may be heard in an order different than that shown on the agenda).

A work session is not a public hearing. For matters that are not listed as "public hearings" the public may attend and listen to the proceedings, but may only address the Board with its permission. Some members may participate telephonically.

(1) **CALL TO ORDER AND ROLL CALL OF BOARD MEMBERS:**
( ) KENNEDY, Chairman
( ) MARSH, Vice Chairman
( ) BEGEMAN, Member
( ) MAULLER, Member
( ) SANCHEZ, Member

(2) PLANNING MANAGER REPORT:

(3) ACTION AND DISCUSSION ITEM:

Item Added

A. Action and discussion item to determine who will assume the chairperson role in the event both the Chairperson and the Vice Chair are absent from a meeting of the Board of Adjustment.

(4) NEW CASES:

A. **BA-027-22: PUBLIC HEARING/ACTION:** Brad Schreiber, landowner/applicant, Lance Robinson agent/representative requesting a variance to Section 2.40.020 and Section 2.40.030 of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 50,530 ± square feet (1.16 ± acres) and applicable development standards to allow the construction of a manufactured home on a 1.16 acre parcel in the General Rural Zone (GR), described as Lot 95, Lake in the Desert Estates Subdivision recorded in Block 10 of Maps, page 20, Section 05, T 06S, R 07E, Tax Parcel 401-02-0950 (legal on file) located south of McCartney Rd and west of Evans Rd, in Pinal County.

Glenn Bak/Brent Billingsley

B. **BA-028-22: PUBLIC HEARING/ACTION:** Jill Davis, landowner and applicant, Lance Robinson agent/representative, requesting a variance to Section 2.40.020 and Section 2.40.030 of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 43,124 ± square feet (.99 ± acres) and applicable development standards to allow the construction of a manufactured home on a .99 acre parcel in the General Rural Zone (GR), described as Lot 93, Lake in the Desert Estates Subdivision recorded in Block 10 of Maps, page 20, Section 05, T 06S, R 07E, Tax Parcel 401-02-0930 (legal on file) located south of McCartney Rd and west of Evans Rd, in Pinal County.
Glenn Bak/Brent Billingsley

C. **BA-042-22 - PUBLIC HEARING/ACTION:** Grady McEachern & Wendy Davis, landowner/applicant, requesting a variance to Section 2.55.020 (G) of the PCDSC, to reduce the rear setback requirement from 40 feet to 18 feet to allow an expansion to an existing dwelling, 100-16-029C (legal on file) in the CR-1A single family zone, situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located east of north Val Vista Rd and south of east Reavis St near Apache Junction.
Ryan Green/Brent Billingsley

D. **BA-043-22 – PUBLIC HEARING/ACTION:** John L Orozco, landowner/applicant, requesting a variance to Section 2.40.020 of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 8,400 +/- (.19 acres), to allow the construction of a manufactured/mobile home on a .19 acre parcel in the General Rural Zone (GR) Zone, Lots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.
Glenn Bak/Brent Billingsley

E. **BA-044-22- PUBLIC HEARING/ACTION:** Jose & Leticia Romero, landowners, Paul Pfeifer, agent/applicant, requesting a variance to Section 2.30.020 of the PCDSC, to reduce the minimum lot size requirements to 1.33 acres (57,933 sq. ft.) from two acres (87,120 sq. ft.) to allow a new residence on tax parcel 308-52-0300 (legal on file) in the Suburban Homestead (SH) Zone, situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, unincorporated Pinal County.
Ryan Green/Brent Billingsley

ADJOURNMENT

Support documents for the above-listed matters are available at the Pinal County Community Development Office for the public inspection at least 48 hours prior to the meeting at the Pinal County Community Development Department, Pinal County Complex, 85 N. Florence Street, Florence, Arizona, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

NOTE: One or more members of the Board may participate in this meeting by telephonic conference call.

The Board may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Board of Adjustment and Appeals does not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Community Development Department at (520) 866-6442, at least (5) five business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.

Posted this 22nd day of March 2023 at 9:20am /s/ Todd Williams.

PINAL COUNTY
WIDE OPEN OPPORTUNITY

AGENDA ITEM

March 23, 2023 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Action and discussion item to determine who will assume the chairperson role in the event both the Chairperson and the Vice Chair are absent from a meeting of the Board of Adjustment.

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History

Time	Who	Approval

ATTACHMENTS:

Click to download
No Attachments Available

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: March 23, 2023

CASE NUMBER: BA-027-22

CASE COORDINATOR: Glenn Bak

Executive Summary:
This case is a variance request by landowner/applicant Brad Schreiber and Lance Robinson agent/representative, to reduce the minimum lot size from 54,450 square feet (1.25 acres) to 50,530 square feet (1.16 ± acres). Lake in the Desert Estates Subdivision platted and recorded in 1961 in conformance with the 1954 Zoning Ordinance. In 1974, the Pinal County Zoning Ordinance (the "Zoning Ordinance") was amended to increase the minimum lot area for the General Rural (GR) zoning district from 0.275 acres (12,000 square feet) to 1.25 acres (54,450 square feet) across the County. The property is vacant and the lot remains non-conforming and currently un-buildable.

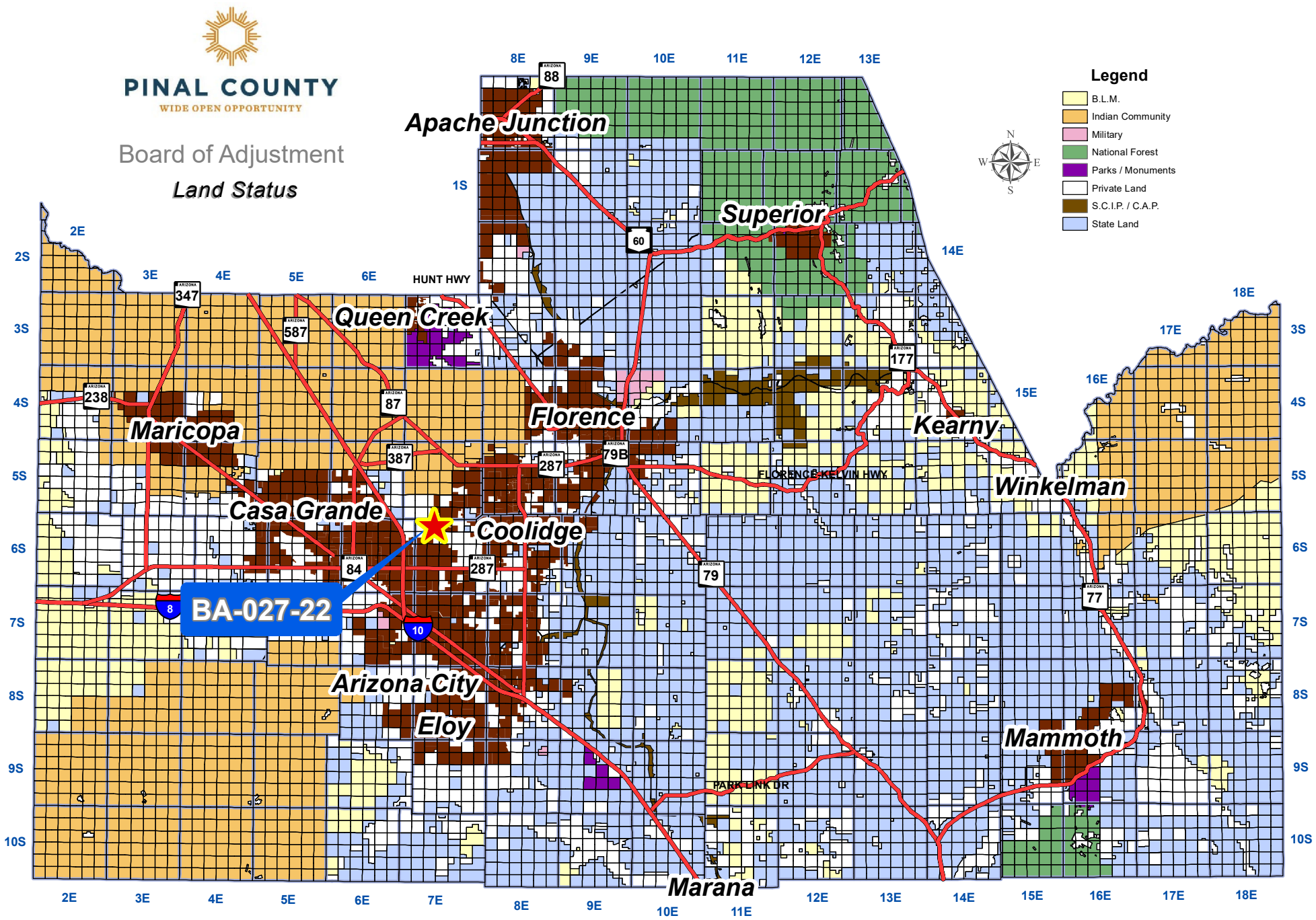
If This Request is approved:
This variance will allow applicant to develop his parcel in GR zone at its current platted size without additional variance requests.

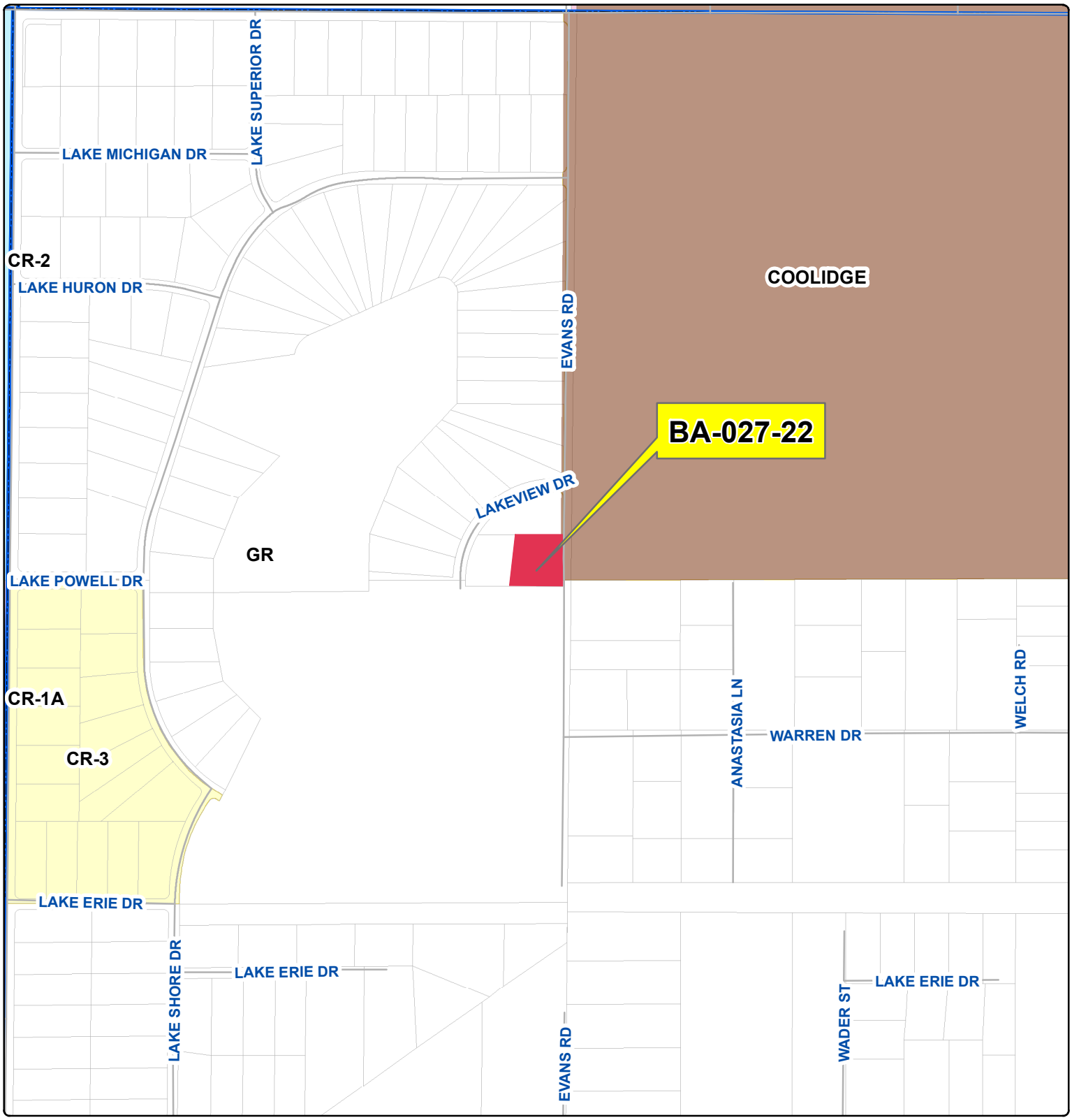
Staff Recommendation/Issues for Consideration/Concern:
Staff offers a recommendation of approval with stipulations.

BA-027-22: PUBLIC HEARING/ACTION: Brad Schreiber, landowner/applicant, Lance Robinson agent/representative requesting a variance to Section 2.40.020 and Section 2.40.030 of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 50,530 ± square feet (1.16 ± acres) and applicable development standards to allow the construction of a manufactured home on a 1.16 acre parcel in the General Rural Zone (GR), described as Lot 95, Lake in the Desert Estates Subdivision recorded in Block 10 of Maps, page 20, Section 05, T 06S, R 07E, Tax Parcel 401-02-0950 (legal on file) located south of McCartney Rd and west of Evans Rd, in Pinal County.

LEGAL DESCRIPTION: Lake in the Desert Estates, lots 95 Tax parcel 401-02-0950, zoned GR, on a total of 1.16 ± acres located in Block 10 of Maps, page 20, Section 05, T 06S, R 07E G&SRB&M (located south of McCartney Rd and west of Evans Rd, in Pinal County.)

TAX PARCELS: 401-02-0950


PINAL COUNTY
WIDE OPEN OPPORTUNITY
Board of Adjustment
Land Status
Legend
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
Apache Junction
Superior
Queen Creek
Florence
Kearny
Winkelman
Maricopa
Casa Grande
Coolidge
Arizona City
Eloy
Mammoth
Marana
BA-027-22
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR



Board of Adjustment

Community Development

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

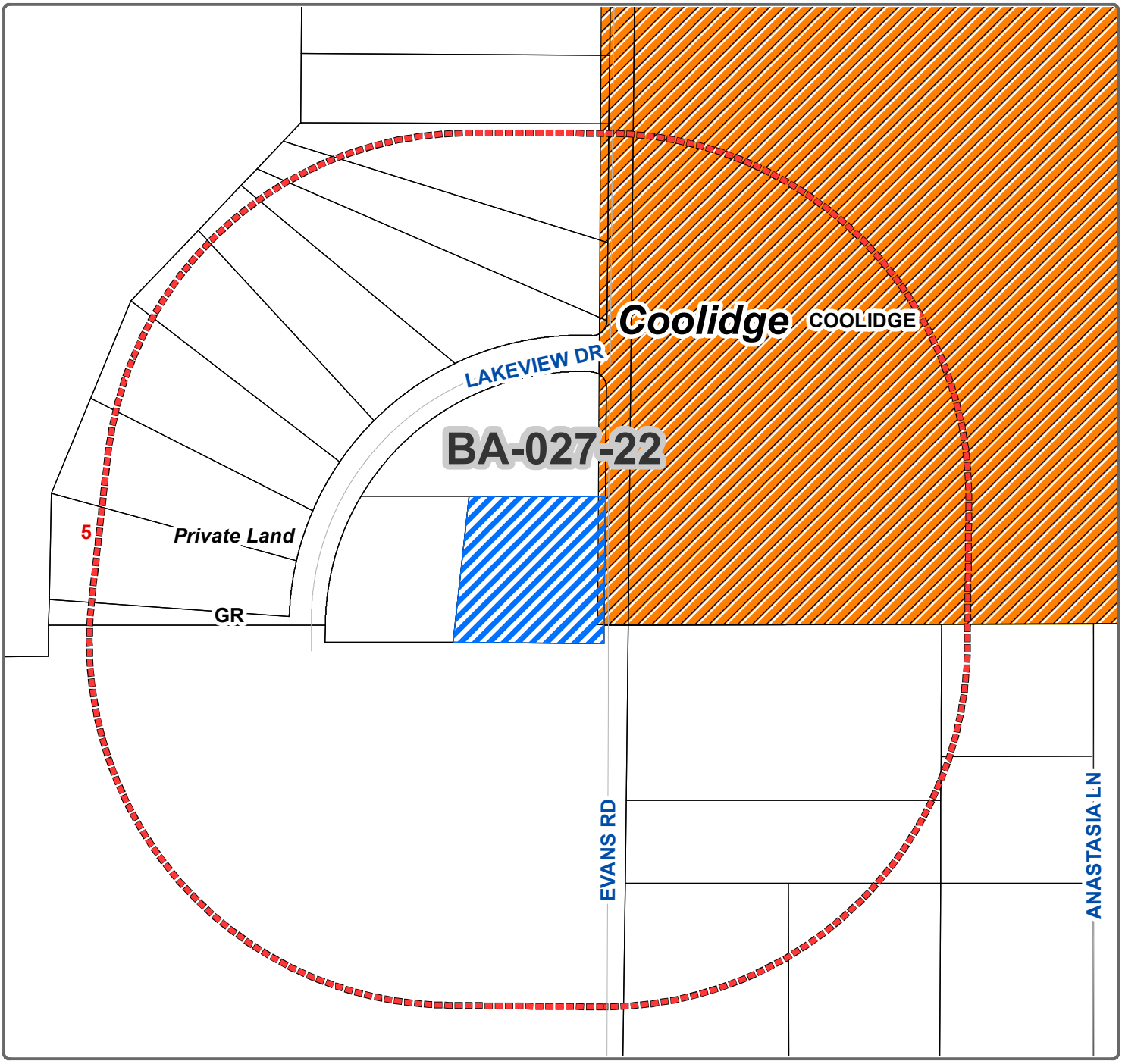
A portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0950, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

SEC 05, TWN 06S, RNG 07E

Owner/Applicant: BRAD SCHREIBER			
Drawn By: GIS / IT / SAH			Date: 01/17/2023
Sheet No. 1 of 1	Section 05	Township 06S	Range 07E
Case Number: BA-027-22			

Board of Adjustment

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Board of Adjustment

BA-027-22 – PUBLIC HEARING/ACTION: Brad Schreiber, landowner/applicant, requesting a variance to Section 2.40.020 and 2.40.030 of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 50,530 +/- (1.16 acres) and applicable development standards, to allow the construction of a manufactured/mobile home on a 1.16 acre parcel in the General Rural Zone (GR) Zone, Lot 95, of Lake in the Desert Estates, located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0950, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

Current Zoning: GR	Requested Zoning: Board of Adjustment	Current Land Use: MLDR

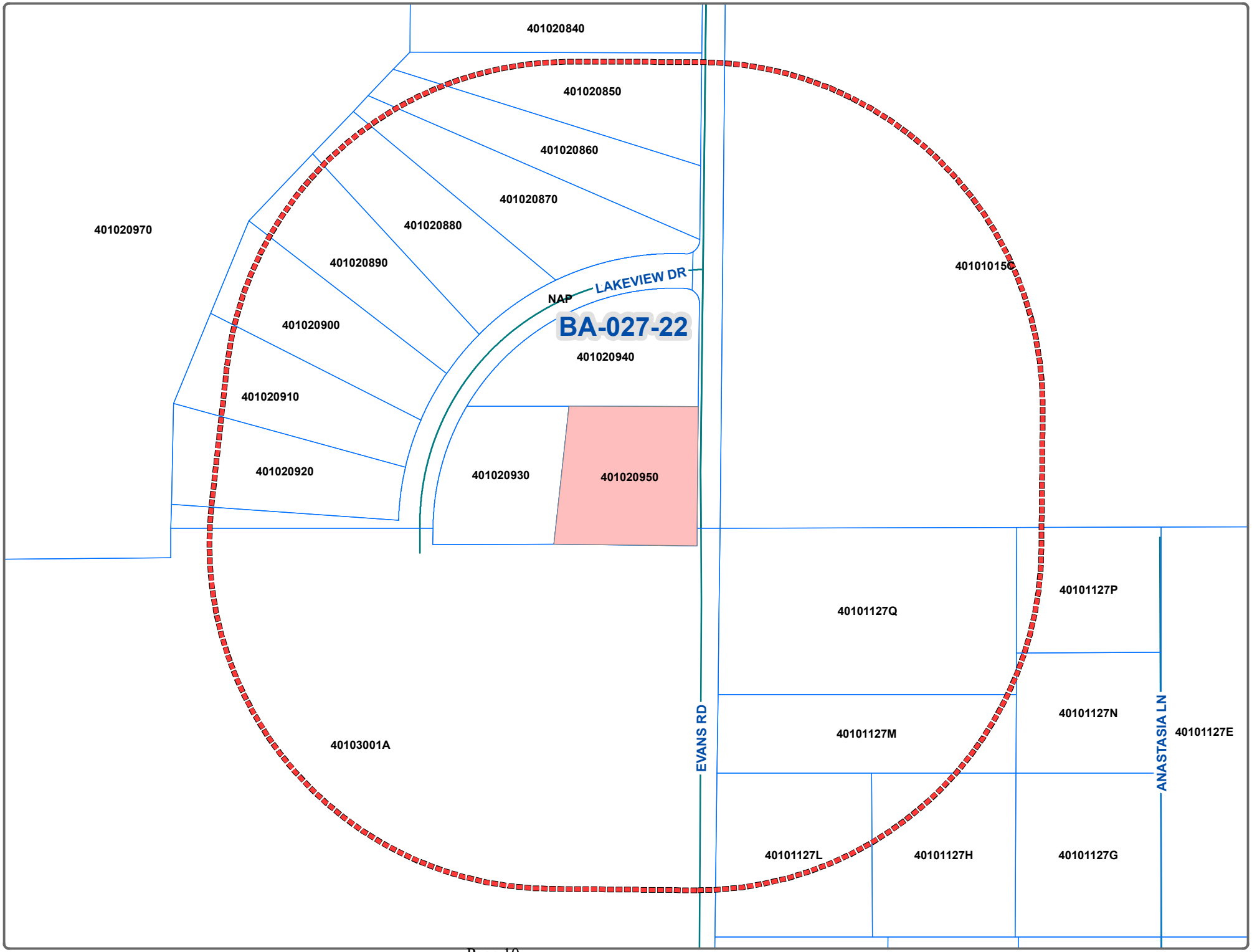
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

A portionof the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0950, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

SEC 5, TWN 06S, RNG 07E

Sheet No. 1 of 1	Owner/Applicant: BRAD SCHREIBER		
	Drawn By: GIS / IT /SAH		Date: 01/17/2023
	Section 05	Township 06S	Range 07E
	Case Number: BA-027-22		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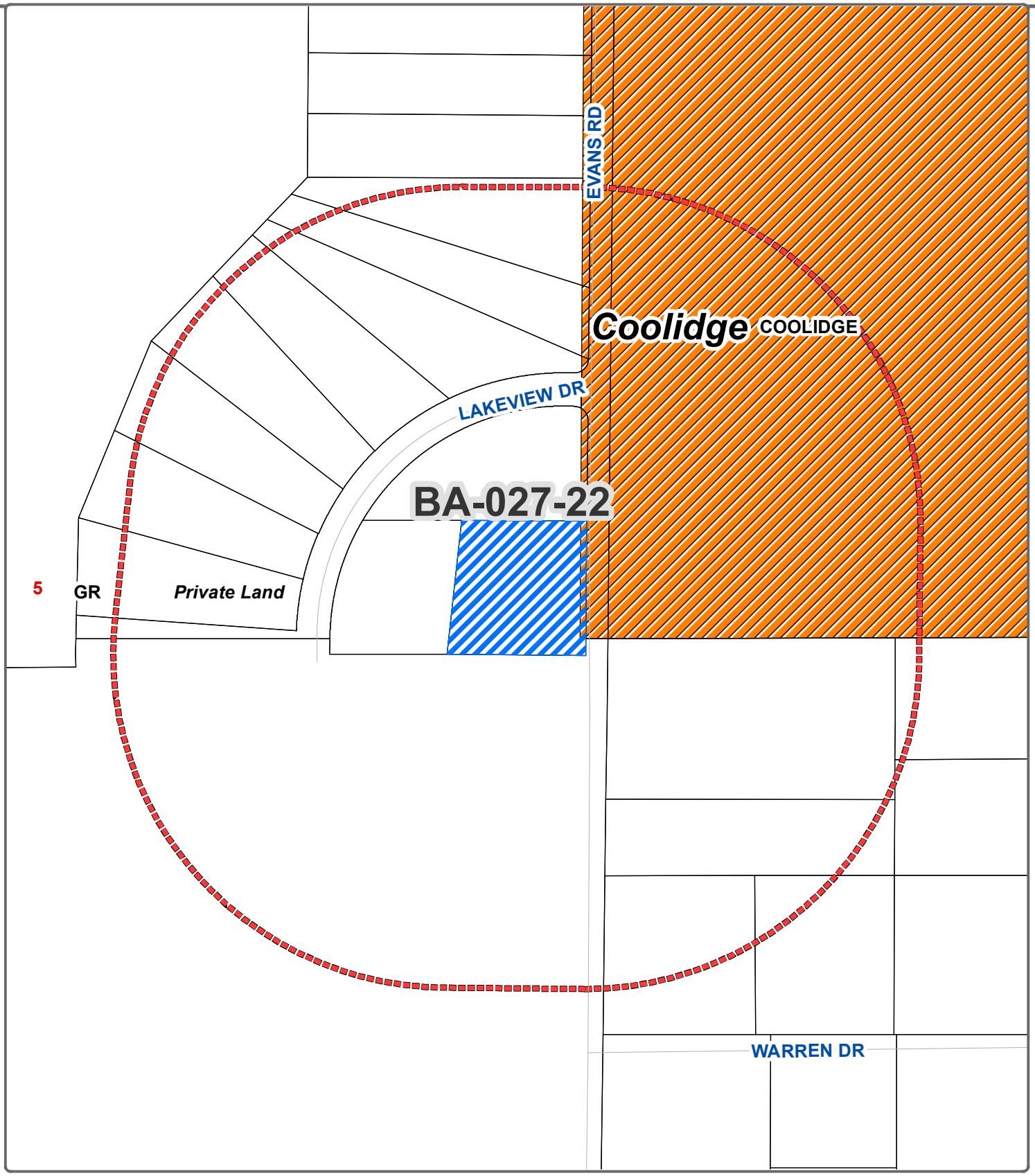
401020950
401020970
401010150
LAKEVIEW DR
NAP
BA-027-22
EVANS RD
ANASTASIA LN
40101127P
40101127Q
40101127N
40101127M
40101127E
40103001A
40101127L
40101127H
40101127G



Board of Adjustment

Brad Schreiber			
GIS/IT - SAH	01/17/2023		
Section 05	Township 06S	Range 07E	
BA-027-22			

Legal Description:

A portion of of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0950, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal

SEC 05, TWN 06S, RNG 07E

Sheet No. 1 of 1

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Current Zoning: GR
Request Zoning: Board of Adjustment
Current Land Use: MLDR

LANDOWNER/APPLICANT: Brad Schreiber

REQUESTED ACTION AND PURPOSE: Requesting a variance to Section 2.40.020 and Section 2.40.030 of the PCDSC, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 50,530 ± square feet (1.16 ± acres) and applicable development standards to allow the construction of a manufactured home on a 1.16 acre parcel.

LOCATION: The subject property is located south of McCartney Rd and west of Evans Rd, in Pinal County.

SIZE: 1.16 ± acres

EXISTING ZONING AND LAND USE: The property is zoned General Rural (GR) and the comprehensive plan designation is Moderate Low Density Residential (1-3.5 du/ac)

SURROUNDING ZONING AND LAND USE:

North: General Rural Zoning (GR) - Single-Family Residence
South: General Rural Zoning (GR) - Vacant
East: City of Coolidge - Vacant
West: General Rural Zoning (GR) - Vacant

SITE DATA: The site is essentially a square lot abutting Evans Rd. to the east. Terrain is level and there is little vegetation on the lot.

HISTORY: Lake in the Desert Estates was platted was approved in 1961. In 1974, the Zoning Ordinance was amended to increase the minimum lot area for the GR zoning district from 12,000 square feet (0.275 acres) to 54,450 square feet (1.25 acres). The subject parcel is non-conforming.

ANALYSIS: The subject property is located within the Moderate Low Density Residential designation (1-3.5 du/ac) of the Pinal County Comprehensive Plan. The proposed land use conforms to a 1 du/ac density.

To date, no comments have been received.

Staff's public participation and notification of the cases include:

Newspaper publish dates:	Week of 3/6/23
Mail-outs:	Week of 3/2/23
Site Posting:	3/2/2023
Website:	3/3/2023

THE APPLICANT MUST SATISFY THE BOARD OF ADJUSTMENT AND APPEALS THAT THIS REQUEST MEETS THE NECESSARY CRITERIA TO QUALIFY FOR A VARIANCE AS STATED IN SECTION 2.155.050.C

EVIDENCE REQUIRED FOR VARIANCE:

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.
b. The special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.
c. The strict application of the regulations would work an unnecessary nonfinancial hardship.
d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.
e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
f. The variance does not allow a use that is not permitted in the zone district where the property is located.

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

ANALYSIS: The subdivision was created in 1961 through a subdivision plat. What is unique about this situation is that there are several properties within proximity to the subject site that do not meet the required 1.25 acre lot size and have permitted homes on their properties.

FINDING: There does appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. That the special circumstances or conditions referred to in subsection (C) (4) (a) of this section are not self-imposed by the property owners within the subject area.

ANALYSIS: The "Hardship" must be related to the physical aspects of the land and not a personal or self-imposed hardship. Hardship in this was created at the time of adoption of the 1974 Zoning Ordinance, resulting in many of the lots within the Lake in the Desert Estates subdivision becoming undersized and non-conforming.

FINDING: The special circumstances referred to in subsection (C) (4) (a) are not self-imposed.

c. That the strict application of the regulations would work an unnecessary nonfinancial hardship.

ANALYSIS: The applicant intends to make site improvements and install a manufactured home. As per zoning requirements, the parcel size is non-conforming since 1974, rendering the property unusable

FINDING: The zoning ordinance in 1974 increased the minimum lot size for lots in the GR Zoning District to 1.25 acres.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

ANALYSIS: As mentioned earlier under section b, the 1954 zoning ordinance was amended by the County in 1974 to increase the minimum lot size for lots in the GR Zoning District, which makes the lot unbuildable. Not granting the variance would cause an "undue hardship." Undue hardship, means a problem created by some feature of the land rather than a misunderstanding of the zoning ordinance by the applicant.

FINDING: Staff finds that granting the variance does appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ANALYSIS: The subject property is approximately 50,530 square feet (1.16± acres) in size. The lot size is consistent with other properties in the area, and if approved with the attached stipulations the present residential use would have to be in compliance with all applicable construction codes. Staff has included stipulations that outline development standards that would be consistent with other development in the area and lots of this size.

FINDING: The granting of this variance <u>will not</u> affect the health or safety of persons residing or working within the subject area and adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

f. The variance does not allow a use that is not permitted in the zone district where the property is located.

ANALYSIS: Single family residential is an allowed use in the GR zone.

FINDING: Granting of the variance <u>will not</u> allow a use that is not permitted in the zone district where the property is located.

STAFF SUMMARY AND RECOMMENDATION: All submittals, evidence presented, written documentation, public testimony, and Planning Case Staff Report (BA-027-22) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

<u>Staff Recommendation to Approve:</u>

**(Staff recommends please cite a minimum of three findings)

***(Suggested finding)

I move to approve case BA-027-22, Section 2.40.020 and Section 2.40.030 of the PCDSC, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 50,530 ± square feet (1.16 ± acres) and applicable development standards to allow the construction of a manufactured home on a 1.16 acre parcel in the General Rural Zone (GR), also to approve findings (s) (please cite a minimum of three findings in a-f) as set forth in the staff report. Subject to the following:

3. Development Standards for the parcel shall be as follows:
   A. Minimum lot area: 43,560 square feet (one acre)
   B. Minimum lot width: 100 feet.
   C. Minimum front setback: 30 feet
   D. Minimum side setback: Ten feet each
   E. Minimum rear setback: 40 feet
   F. Maximum height: 30 feet
   G. Detached Accessory Buildings.
      1. Permitted Coverage: 33 % of the total lot area
      2. Maximum height:
         a. 20 feet;
         b. 25 feet when located in the main building buildable area;
      3. Minimum distance to the main building: 7 feet
      4. Minimum distance to the front lot line: 40 feet
      5. Minimum distance to side and rear lot lines: 4 feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or similar small animals; 30 feet to side and rear lot lines if used to house livestock; and
      6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner , shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

To Deny:

I move to deny the variance case BA-027-22, a variance to Section 2.40.020(B) and Section 2.40.030(D)of the PCDSC, findings(s)/special circumstances referred to in the subsection (C)(4)(a) of 2.155.040 in PCDSC are self-imposed.

DATE PREPARED: 3/2/2023 - GB
REVISED:

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON **MARCH 23, 2023** AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **VARIANCE** FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

BA-027-22 – PUBLIC HEARING/ACTION: Brad Schreiber, landowner/applicant, Lance Robinson agent/representative, requesting a variance to **Section 2.40.020 and 2.40.030** of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 50,530 +/- (1.16 acres) and applicable development standards, to allow the construction of a manufactured home on a 1.16 acre parcel in the General Rural Zone (GR) Zone, Lot 95, of Lake in the Desert Estates, located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0950, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

Information regarding the case can be found online at:
http://pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS **28th DAY OF FEBRUARY, 2023**

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT **MUST** CONTAIN THE FOLLOWING INFORMATION:

1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (**Print or type**)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:

PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2973 (85 N. Florence St.)
FLORENCE, AZ 85132
NO LATER THAN 5:00 P.M. ON MARCH 13, 2023

Contact for this matter: Glenn Bak, e-mail address: glenn.bak@pinal.gov
Phone #: (520) 866-6444 Fax: (520) 866-6435

[Anything below this line is not for publication.]

PUBLISHED ONCE:
Pinal Central Dispatch & Casa Grande Dispatch

Leo Lew
County Manager

PINAL COUNTY
WIDE OPEN OPPORTUNITY

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications Must Be Typed or Written in Ink) and submitted via the online portal site at https://citizenaccess.pinalcountyaz.gov/CitizenAccess/

Variance Request & Property Information:
(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. Tax Assessor Parcel No.: 401-02-0950 **2.** Size (to the nearest 1/10th of an acre 1.2

3. The legal description of the property: Lake In the Desert Estates- Lot 95

4. Current zoning: Township 6 Range 7 **5.** Requested zoning (if applicable): N/A

6. The existing use(s) of the property is as follows: Vacant Land

7. The proposed use under this request and/or Section(s) of Code you are requesting a variance:
Single Family Residential

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # (CC/BCC)

9. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the current zoning indicated above was adopted.
No changes

10. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area. Zoning for Area indicates that lot size must be 1.25 Acres in order to build a residential residence on the site. Lot size is slightly below. Site plan provided with proposed residence which is well below total lot coverage allowed.

INV#:_____ AMT:_____ DATE:_____ CASE:_____ Xref:_____

COMMUNITY DEVELOPMENT
Planning Division

85 N. Florence St., PO Box 2973, Florence, AZ 85132 T 520-866-6442 FREE 888-431-1311 F 520-866-6530
www.pinalcountyaz.gov

11. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.

If Variance is not granted, the purchase of the land and building plans becomes useless and the land cannot be used in a functional way

12. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

This would be a new build residential. It would not have any effect on the health or safety of anyone residing in the neighborhood.

13. That the variance will not allow a use that is not permitted in the zoning district where the property is located. (Not required for parking reductions) This variance will not allow a use that is not permitted in this zoning district

13. That the special circumstances or conditions referred to item 10 above are not self-imposed.

This circumstance was not self imposed. The land was purchased without knowledge of the lot size restrictions

(The following are additional questions for reductions in parking requests only)

14. Site Plan Review or Building Permit Number: N/A

15. Required parking either in total number or ratio:_____ **16.** Requested (# or ratio)_____

17. Evidence to support a reduction, this may include codes and ordinance from other jurisdictions, structures with multiple building occupancy types and/or operational characteristics of the particular use that would warrant a reduction:

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed. All notices will be sent to the applicant unless otherwise directed in writing.

Brad Schreiber	3671 E. Aquarius Pl	
Name of Applicant	Address	
Signature of Applicant	schreiberbrad@yahoo.com	(602)743-8863
	E-Mail Address	Phone Number
Lance Robinson	1 N 1st St, Suite 7375 Phoenix, AZ 85004	
Name of Agent/Representative	Address	
Signature of Agent/Representative	lance@reziopro.com	602-509-4960
	E-Mail Address	Phone Number

The Agent/Representative has the authority to act on behalf of the landowner/applicant, which includes agreeing to stipulations. The agent will be the contact person for Planning staff and must be present at all hearings. Please use attached Agency Authorization form, if applicable.

Brad Joseph Schreiber	3671 E. Aquarius Pl	
Name of Landowner	Address	
Signature of Landowner	schreiberbrad@YAHOO.COM	(602) 743-8863
	E-Mail Address	Phone Number

If landowner is not the applicant, then applicant must submit a signed notarized consent form from the landowner with this application. Please use attached Consent to Permit form, if applicable.

Application Checklist:

- ■ Submit a detailed site plan, at least 8½ X 11, but not larger than 11" X 17". The site plan must include the following:
  - o Size and shape of parcel; property dimensions; north arrow
  - o Adjacent streets; rights-of-way, easements and setbacks; indicate size; purpose and whether public or private
  - o Location, size and use of all existing and proposed buildings; show setbacks from property boundary lines and between structures
  - o Driveways and parking areas, show access, dimensions and surface material
  - o Existing and proposed utilities, show location of lines, size and serving company
  - o Any other information as may be applicable – landscaping, natural features i.e.: washes, excavation sites, etc., floor plan
- ❑ Submit the "This Application Checklist" for the requested action.
- ❑ Submit a list of all property owners within 600' of the subject property boundary showing name, mailing address and tax parcel numbers. This list must be obtained within the 30 days prior to application submission.
- ❑ Submit a map of the area with the 600' boundary shown. (A Tax Assessor Parcel Map is acceptable).
- ■ Submit the non-refundable filing fee according to the fee schedule shown on coversheet of the application. (The application is not considered filed until the fees are paid.)

  A) Residential with 0-499 mail-outs $500.00
  B) Residential with 500 or more mail-outs: $500.00
  C) Commercial, industrial or transition with 0-499 mail-outs: $2,084.00
  D) Commercial, industrial or transition with 500 or more mail-outs: $2,399.00

- ■ The application and narrative in PDF format.
- ■ Understand that a newspaper publication must be advertised for this variance case per Pinal County staff instructions no later than 28 days prior to the hearing date as assigned. The applicant is responsible for all publication fees.

PROPERTY OWNERSHIP LIST

(Required for filing all applications)

Instructions: Print Name, Address, City, State, Zip Code and Tax Parcel Number for each property owner within 600 feet of the subject parcel boundary. Feel free to attach a separate list if generated digitally. Please see "How to use the Buffer Tool" on our FAQ's page if you are generating the list.

Parcel No.: 401020930
Name: SCHREIBER NANCY
Address: 309 CRESTVIEW DR
City/ST/Zip: WOOD RIVER / IL / 62095

Parcel No.: 401020920
Name: GARCIA EFRAIN A
Address: 4965 E BELL ST
City/ST/Zip: COOLIDGE / AZ/ 85128

Parcel No.: 401020910
Name: DAVIES PETER & STACY LYNN
Address: 3413 W MINERAL BUTTE DR
City/ST/Zip: SAN TAN VALLEY / AZ / 85142

Parcel No.: 401020900
Name: DAVIES PETER & STACY LYNN
Address: 3413 W MINERAL BUTTE DR
City/ST/Zip: QUEEN CREEK / AZ / 85142

Parcel No.: 401020890
Name: CMH HOMES INC
Address: 5744 N LAKEVIEW DR
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020880
Name: RANEY JAMES D & EMMA
Address: 5756 N LAKEVIEW DR
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020870
Name: LOYA JESUS MANUEL
Address: 5764 N LAKEVIEW DR
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020860
Name: MONTIJO JOSLYN M
Address: 1238 E AVENIDA ELLENA
City/ST/Zip: CASA GRANDE / AZ / 85122

Parcel No.: 40101127Q
Name: KLEIN NICHOLAS F
Address: 5611 N EVANS RD
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020940
Name: N/A
Address: N/A
City/ST/Zip: N/A

I hereby verify that the name list above was obtained on the 8th day of September, 2022, at the office of Pinal County and is accurate and complete to the best of my knowledge.
(Source of information)

On this_____day of_____, 20___, before me personally appeared_____
(Name of signor)

Signature_____Date_____

State of_____
)ss. (SEAL)

County of_____

My Commission Expires_____

Signature of Notary Public_____

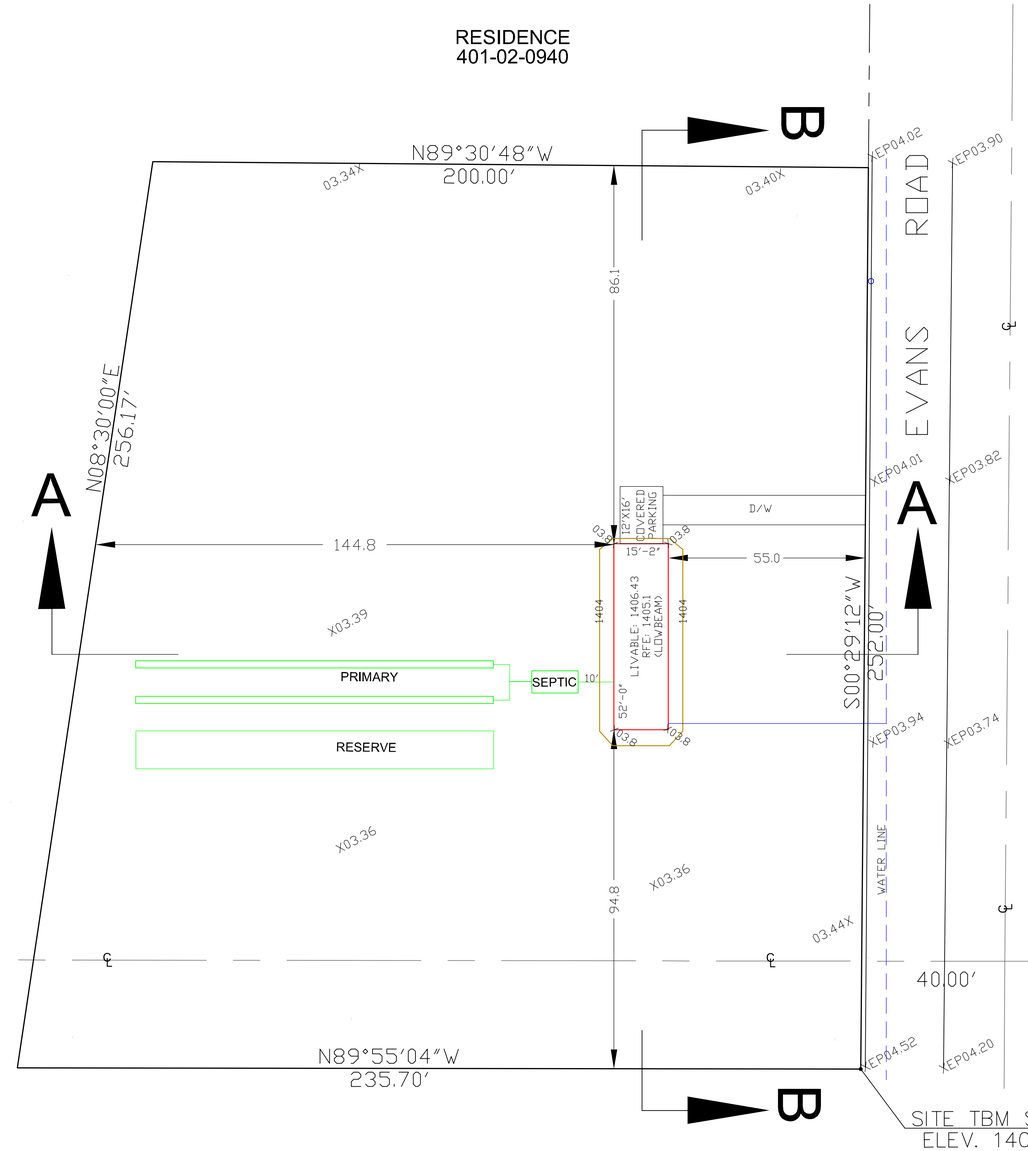
GRAPHIC SCALE

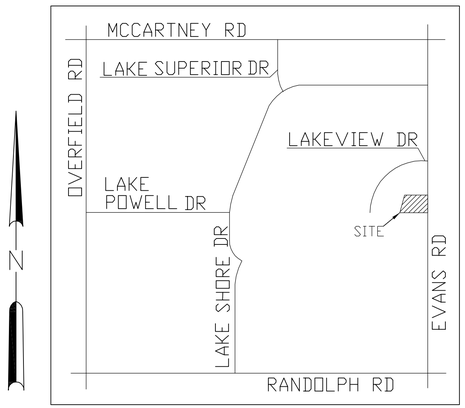
20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

LEGEND

I.E.E.	INGRESS/EGRESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
o	AS NOTED
→	FLOW DIRECTION
– – – –	EXISTING CONTOUR
———	PROPOSED CONTOUR
X00.0	EXISTING GRADES
XFG00.0	FINISH GRADES
XFS00.0	FINISH SURFACE
TBM	TEMPORARY BENCHMARK
EP	EDGE OF PAYMENT
EGR	EDGE OF ROAD
TW	TOP OF WALL
TRW	TOP OF RETAINING WALL





VICINITY MAP

RAW EARTH QUANTITIES (ESTIMATE ONLY – CONTRACTOR TO VERIFY)	
CUT	0 C.Y.
FILL	C.Y.

CALL TWO WORKING DAYS BEFORE YOU DIG
602-263-1100
1-800-STAKE-IT
(OUTSIDE MARICOPA COUNTY)

JNS
DEVELOPMENT
CONSULTING
418 E. PIUTE ROAD
PHOENIX, AZ 85214
(602)206-4963

Registered Professional Engineer (Civil) CERTIFICATE NO. 56487 RICHARD M. ANDERSON Date Signed ARIZONA U.S.A.

SITE PLAN FOR:
401-02-0950
CASA GRANDE, ARIZONA

JOB# 061322

SHEET 2 OF 2

STATE OF ARIZONA
} ss.
COUNTY OF PINAL

Affidavit of Publication

Kara K. Cooper, first being duly sworn deposes and says: That he/she is a native born citizen of the United States of America, over 21 years of age, that I am an agent and/or publisher of the Pinal Central Dispatch, a newspaper section published at Casa Grande, Pinal County, Arizona, Thursday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for ONE issue. The publications thereof having been on the following date:

03/02/2023

PINAL CENTRAL DISPATCH

By _____
agent and/or publisher of the Pinal Central Dispatch

Sworn to before me this 10th

day of Mar. A.D., 2023

Vicki Morris

Notary Public in and for the County
Of Pinal, State of Arizona

Vicki Morris
Notary Public
Pinal County, Arizona
My Comm. Expires 09-20-24
Commission No. 587546

Contact for this matter: Glenn Bak, e-mail address: glenn.bak@pinal.gov Phone #: (520) 866-6444 Fax: (520) 866-6435
No. of publications: 1; date of publication: Mar. 02, 2023.

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON MARCH 23, 2023 AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A VARIANCE FOR THE UNINCORPORATED AREA OF PINAL COUNTY.
BA-027-22 – PUBLIC HEARING/ACTION: Brad Schreiber, landowner/applicant, Lance Robinson agent/representative, requesting a variance to Section 2.40.020 and 2.40.030 of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 50,530 +/- (1.16 acres) and applicable development standards, to allow the construction of a manufactured home on a 1.16 acre parcel in the General Rural Zone (GR) Zone, Lot 95, of Lake in the Desert Estates, located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0950, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.
Information regarding the case can be found online at:
http://pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#
ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION
DATED THIS 28th DAY OF FEBRUARY, 2023
TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:
1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (Print or type)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing
WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2973 (85 N. Florence St.)
FLORENCE, AZ 85132
NO LATER THAN 5:00 P.M. ON MARCH 13, 2023

5 of 36

Request for variance

External Inbox ×

Kelli Larkspur <tarafern@yahoo.com>
to me

10:35 AM (13 minutes ago)

Hello. This email will be followed up by a letter sent through postal service. My name is Kelli Larkspur, phone 520-424-6182, address 6433 W Warren Dr., Casa Grande, AZ 85194. Parcel # 4010110007. This is in response to a request for variance relating to sections 2.40.020 and 2.40.030 at Warren and Evans in unincorporated Pinal Co. I can't attend the hearing but I would like to add my opinion that anything that reduces allowable lot size and increases population density is against what I want for our community.

Sent from Yahoo Mail for iPad

Received, thank you. | I agree with you. | Looks good to me.

Reply | Forward

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-027-22

3/23/23

Community Development Department

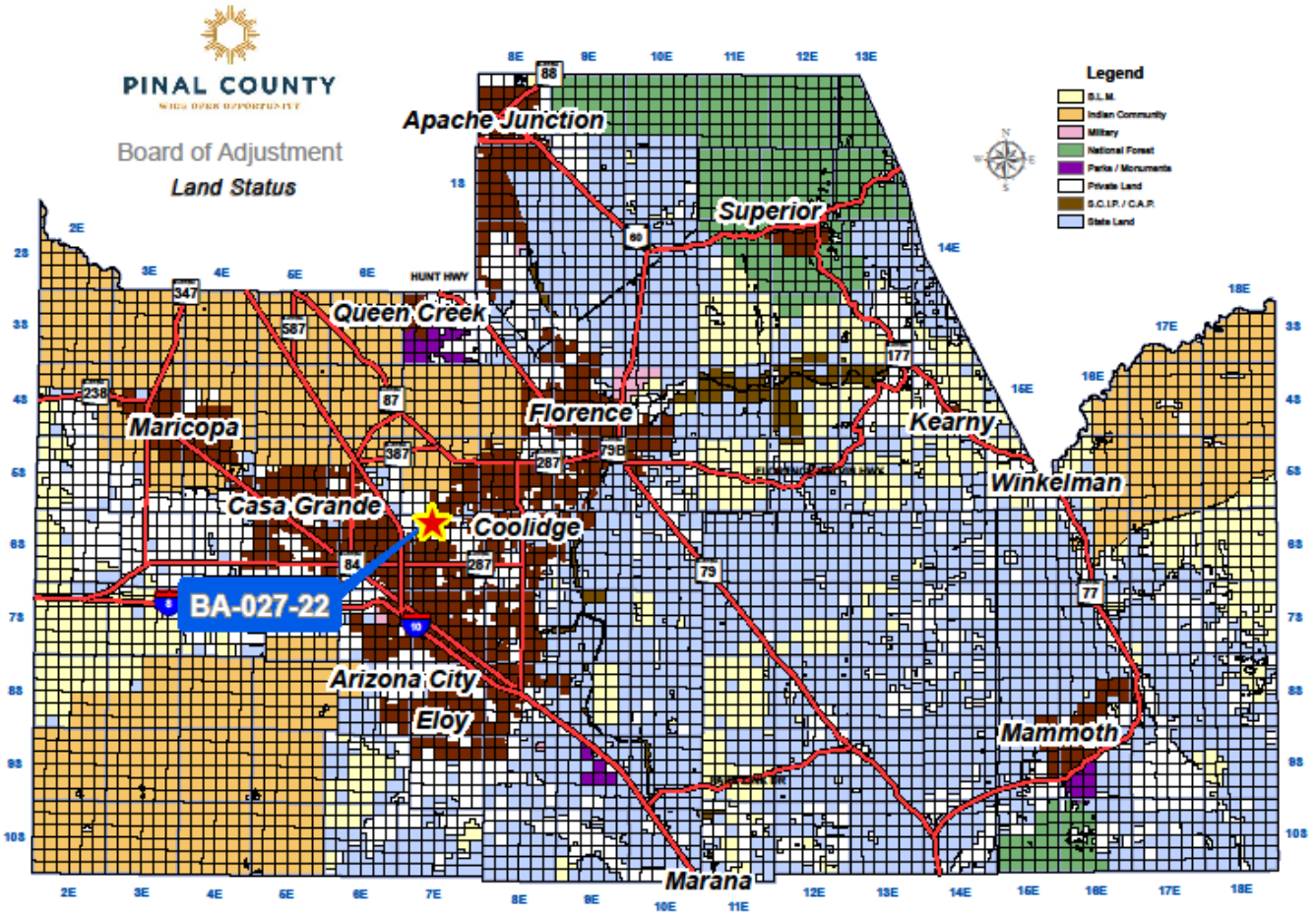
BA-027-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- **Proposal:** Variance to decrease the overall minimum lot area requirement for a one-family dwelling from 54,450 square feet (1.25 acres) to 50,530 square feet (1.16 acres) and the development standards for a parcel in the General Rural (GR) Zone.
- **Location:** South of McCartney Road and West of Evans Road in Pinal County.
- **Owner/Applicant:** Brad Schreiber

County Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



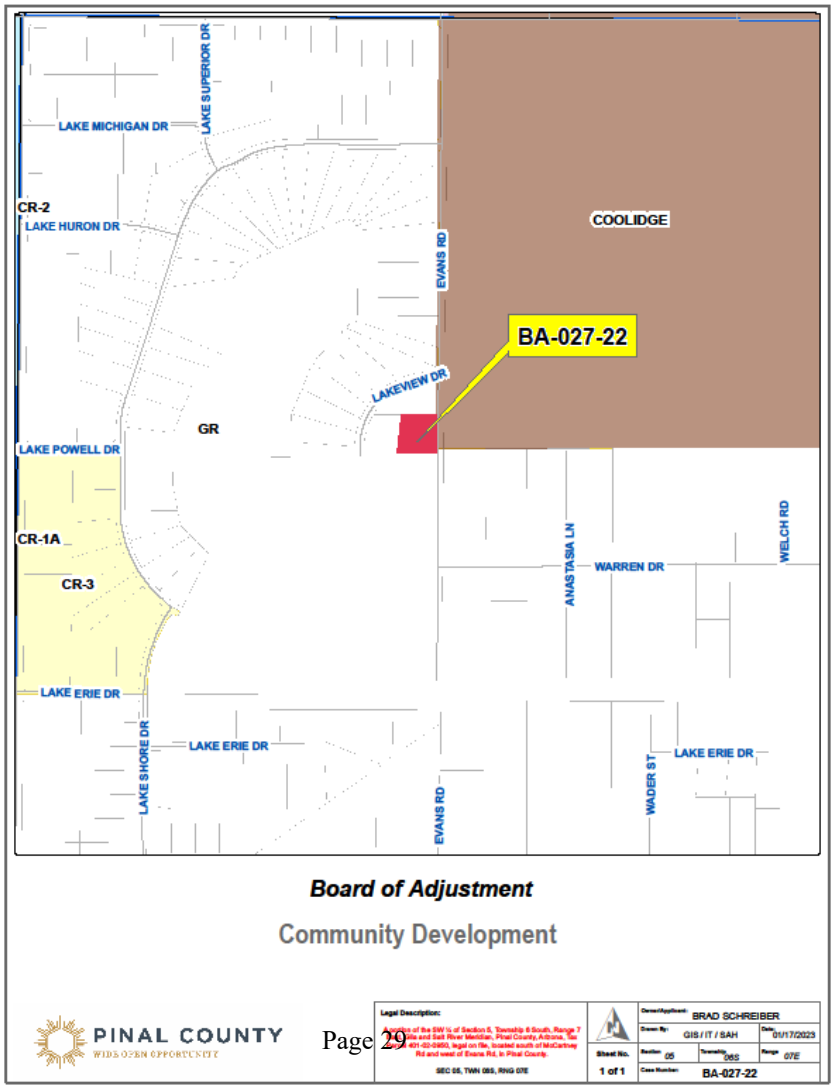
Aerial Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Board of Adjustment

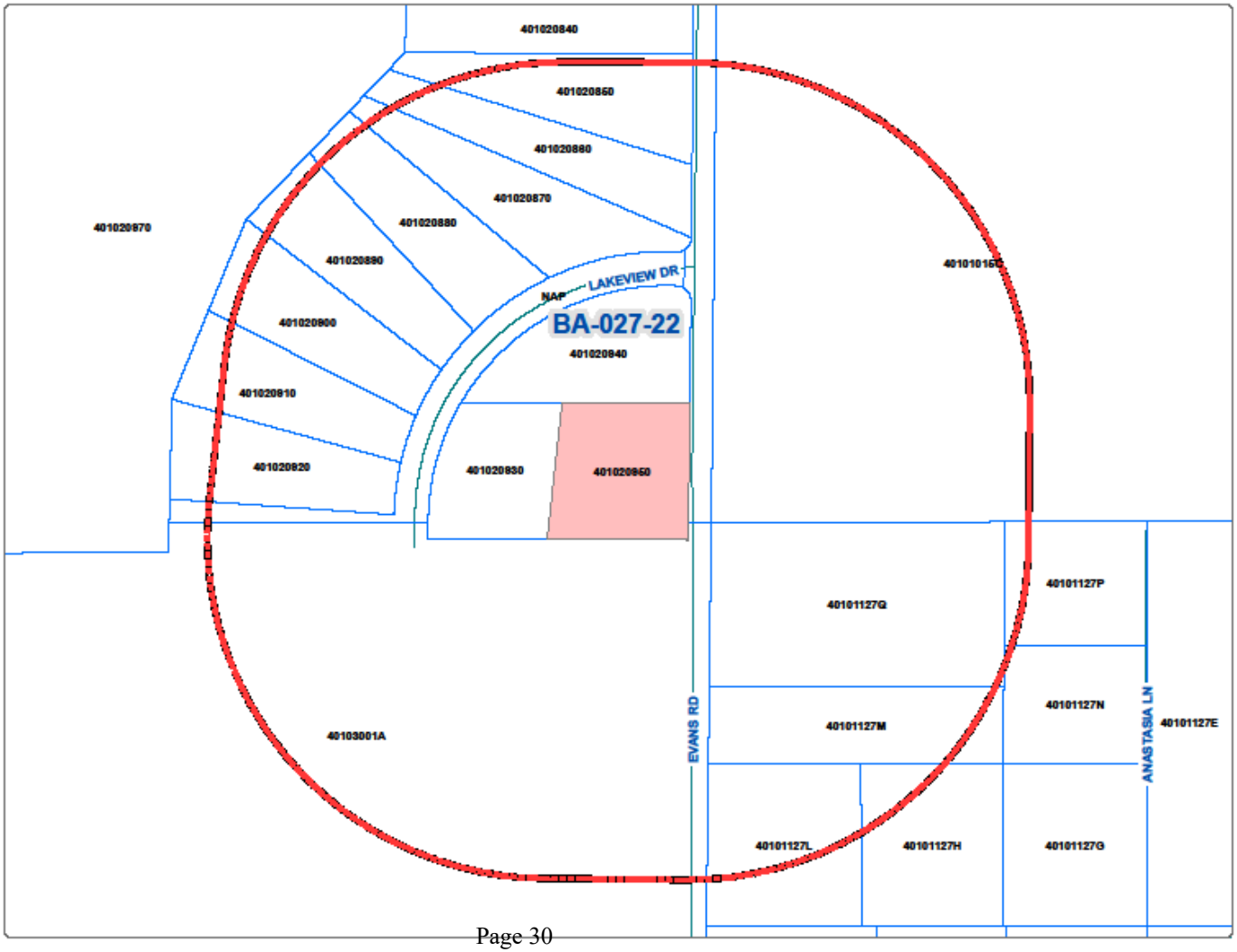
Area Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



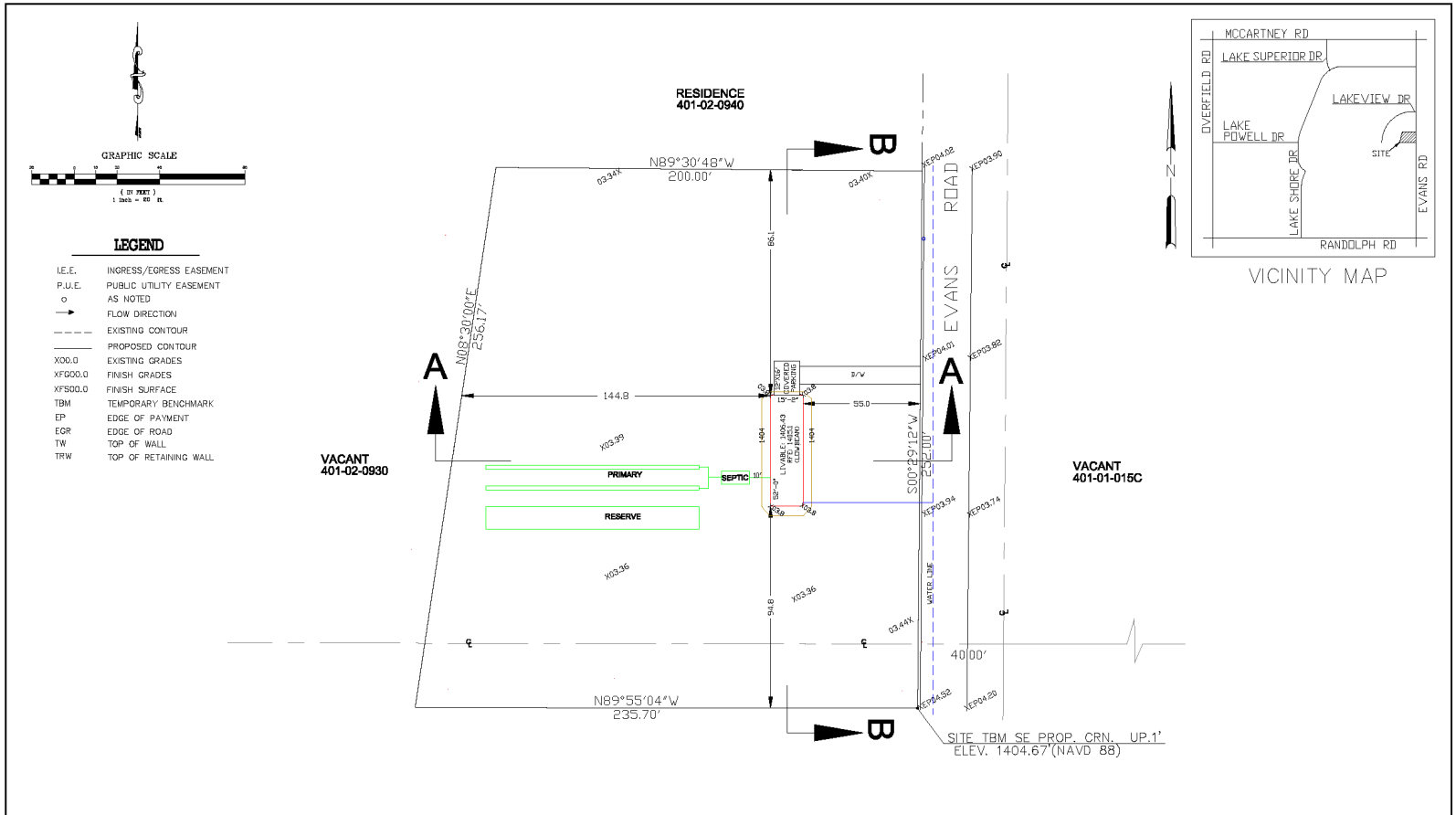
Notice Area

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Site Plan

PINAL COUNTY
WIDE OPEN OPPORTUNITY



North

PINAL COUNTY
WIDE OPEN OPPORTUNITY

East

PINAL COUNTY
WIDE OPEN OPPORTUNITY

South

PINAL COUNTY
WIDE OPEN OPPORTUNITY

West

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Site Posting

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-027-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Issues to consider:
  - The subject property was platted in 1961 as part of the Lake in the Desert Estates subdivision.
  - In 1974, the Zoning Ordinance was amended to increase the minimum lot area for the GR zoning district from 12,000 square feet to 54,450 square feet.
  - Many lots in the same area are undersized for today's standards.

BA-027-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Items to consider (cont.):
  - Property has legal access and meets other GR zoning requirements.

BA-027-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Staff Recommends **approval** with the following stipulation.
- All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-028-22

3/23/23

Community Development Department

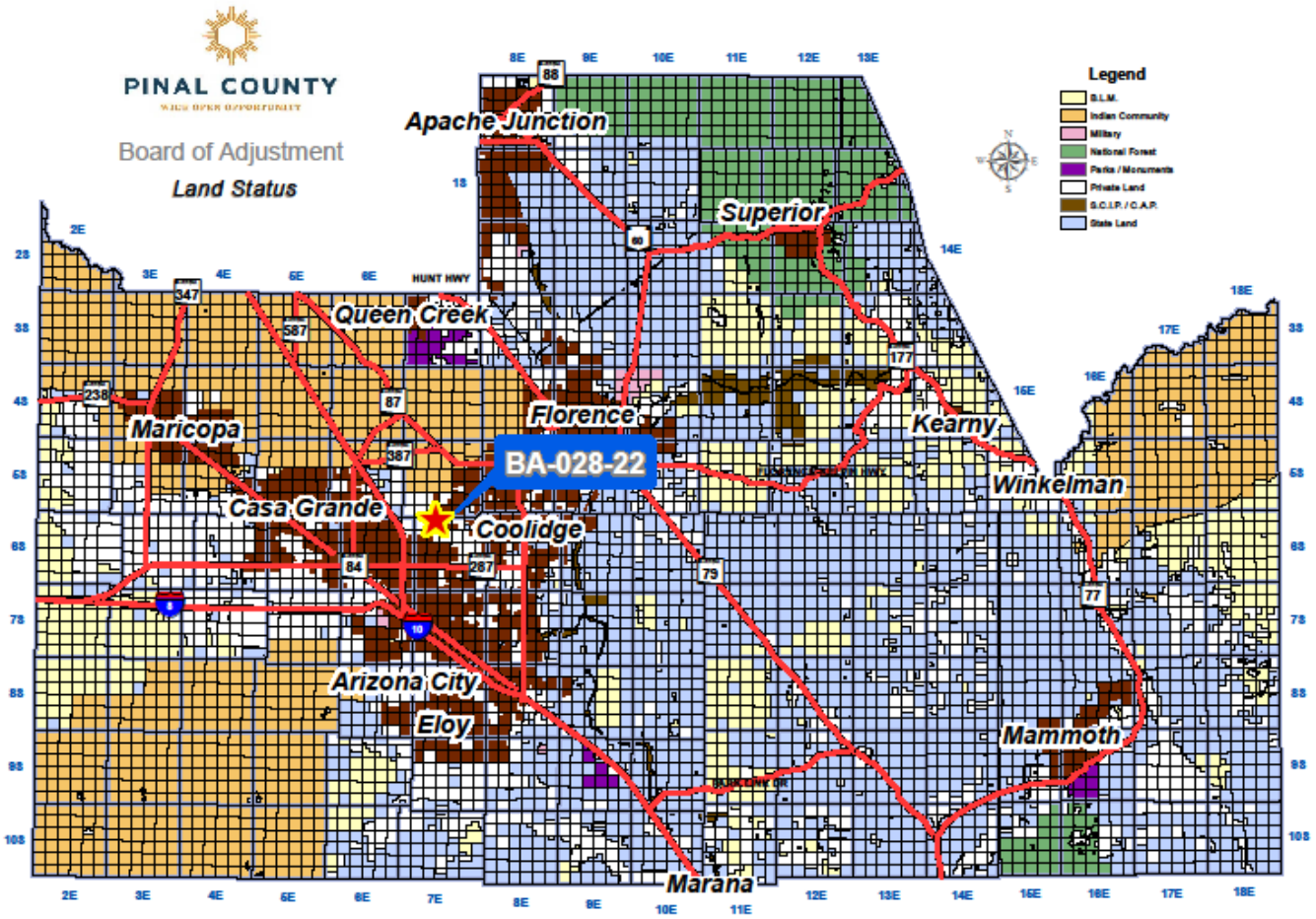
BA-028-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- **Proposal:** Variance to decrease the overall minimum lot area requirement for a one-family dwelling from 54,450 square feet (1.25 acres) to 43,124 square feet (.99 acres) and the development standards for a parcel in the General Rural (GR) Zone.
- **Location:** South of McCartney Road and West of Evans Road in Pinal County.
- **Owner/Applicant:** Jill Davis

County Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



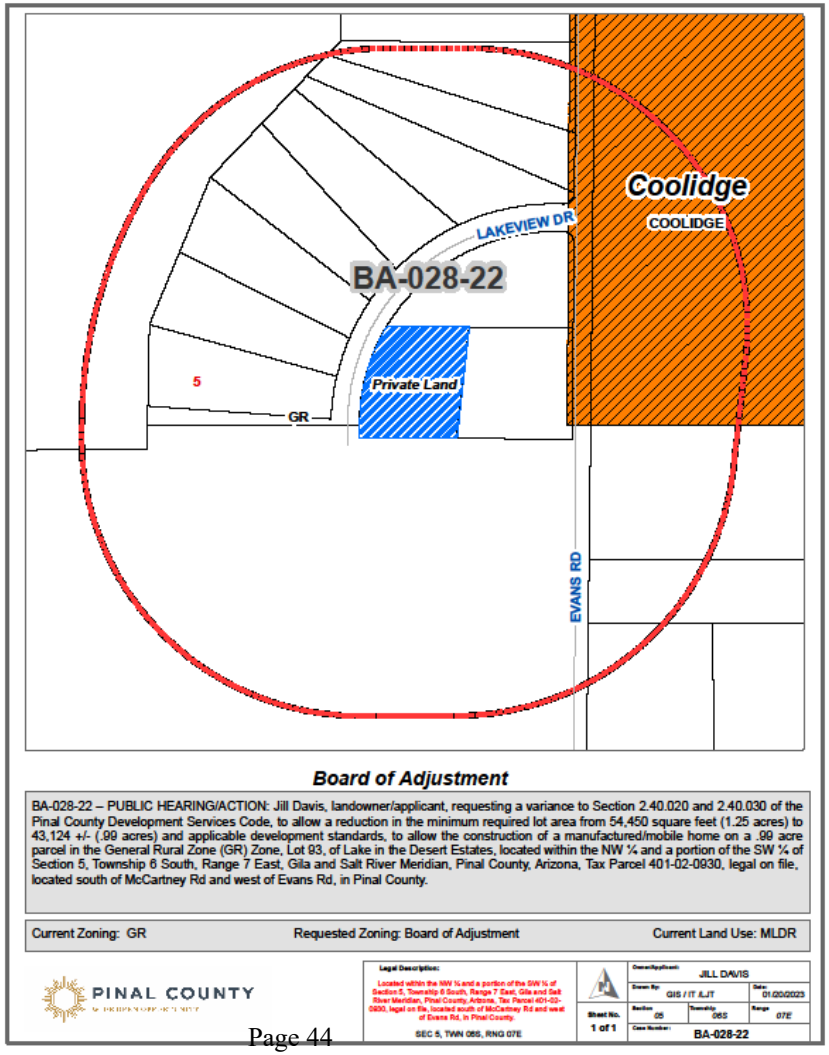
Aerial Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Board of Adjustment

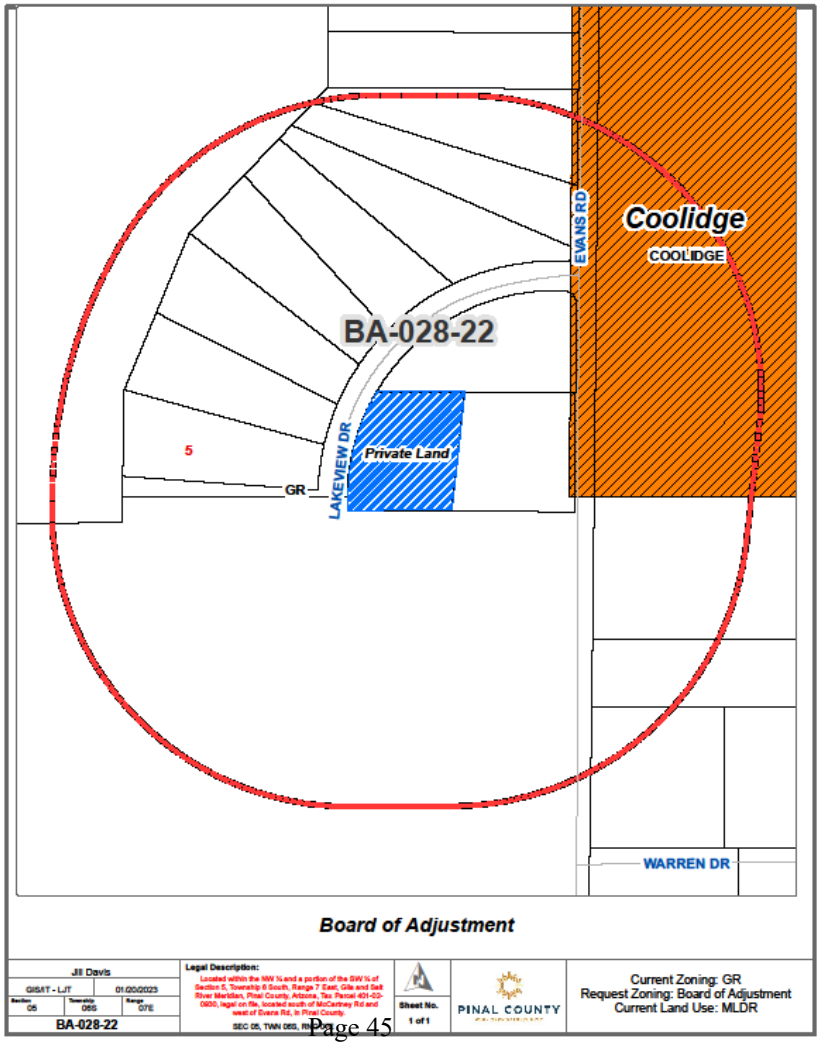
Area Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



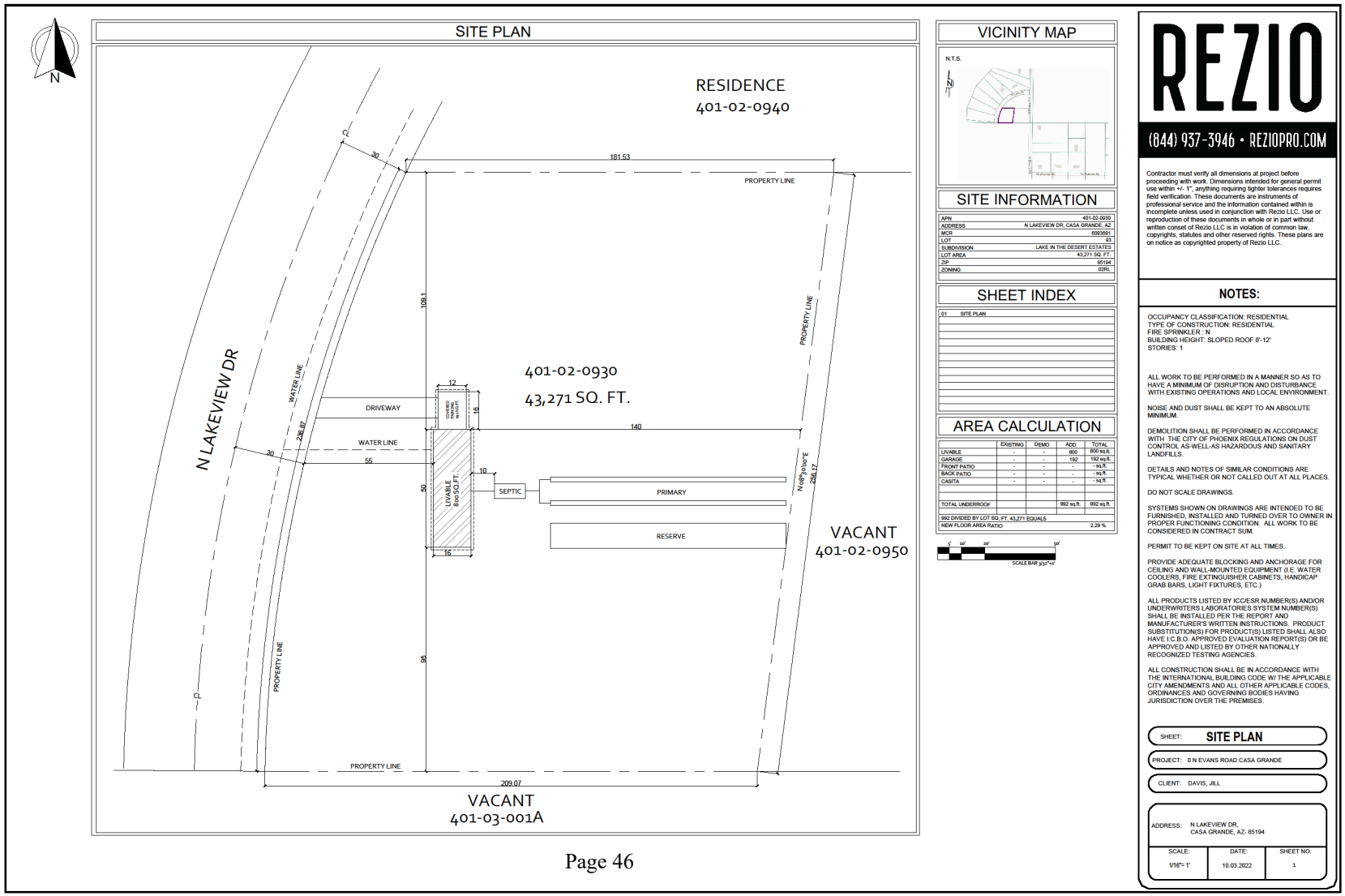
Notice Area

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Site Plan

PINAL COUNTY
WIDE OPEN OPPORTUNITY



North

PINAL COUNTY
WIDE OPEN OPPORTUNITY

East

PINAL COUNTY
WIDE OPEN OPPORTUNITY

South

PINAL COUNTY
WIDE OPEN OPPORTUNITY

West

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Posting

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-028-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Issues to consider:
  - The subject property was platted in 1961 as part of the Lake in the Desert Estates subdivision.
  - In 1974, the Zoning Ordinance was amended to increase the minimum lot area for the GR zoning district from 12,000 square feet to 54,450 square feet.
  - Many lots in the same area are undersized for today's standards.

BA-028-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Items to consider (cont.):
  - Property has legal access and meets other GR zoning requirements.

BA-028-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Staff Recommends **approval** with the following stipulation:
- All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.;

Leo Lew
County Manager

PINAL COUNTY
WIDE OPEN OPPORTUNITY

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: March 23, 2023

CASE NUMBER: BA-028-22

CASE COORDINATOR: Glenn Bak

Executive Summary:
This case is a variance request by landowner/applicant Jill Davis, Lance Robinson agent/representative, to reduce the minimum lot size from 54,450 square feet (1.25 acres) to 43,124 square feet (.99 ± acres). Lake in the Desert Estates Subdivision platted and recorded in 1961 in conformance with the 1954 Zoning Ordinance. In 1974, the Pinal County Zoning Ordinance (the "Zoning Ordinance") was amended to increase the minimum lot area for the General Rural (GR) zoning district from 0.275 acres (12,000 square feet) to 1.25 acres (54,450 square feet) across the County. The property is vacant and the lot remains non-conforming and currently un-buildable.

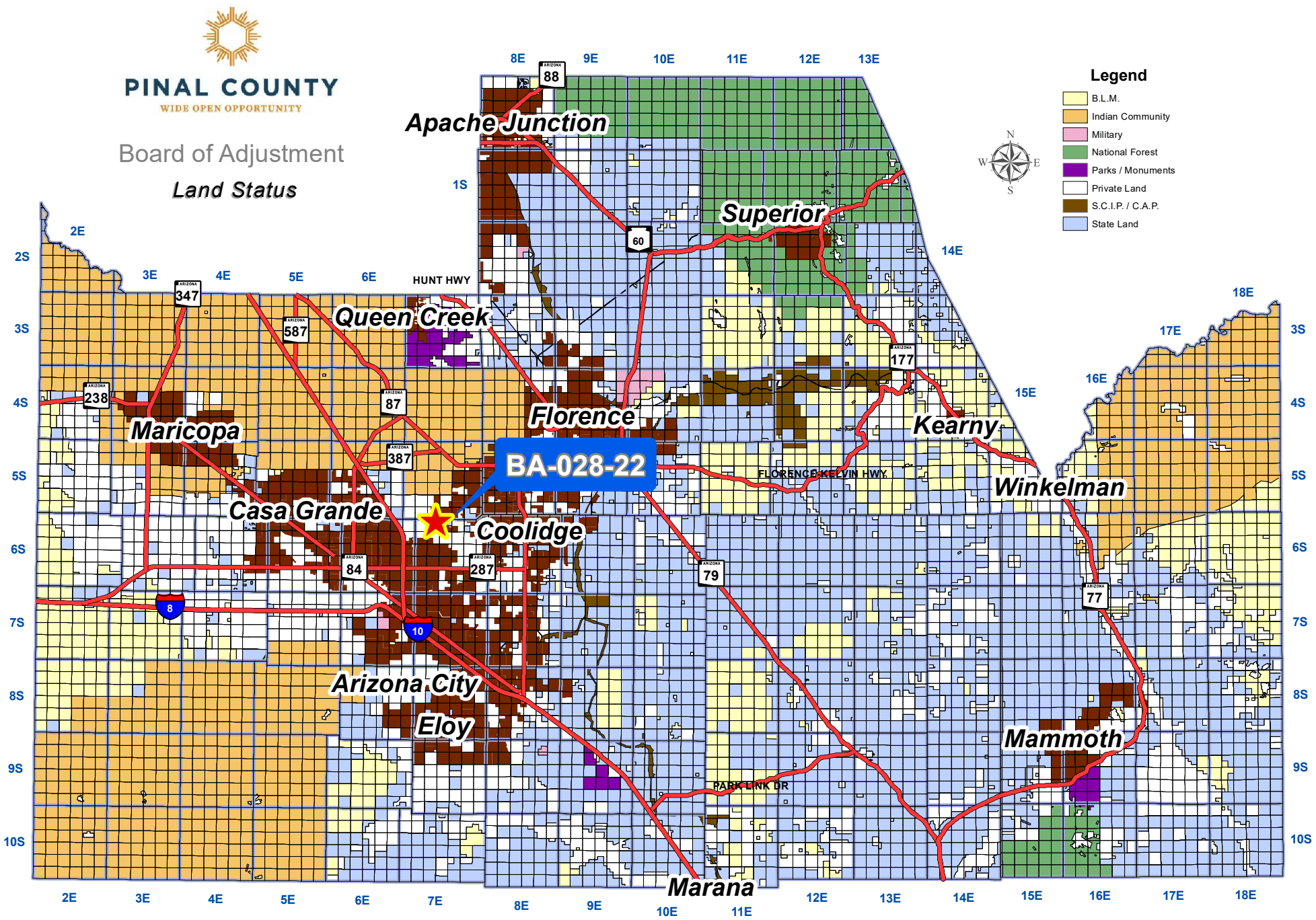
If This Request is approved:
This variance will allow applicant to develop his parcel in GR zone at its current platted size without additional variance requests.

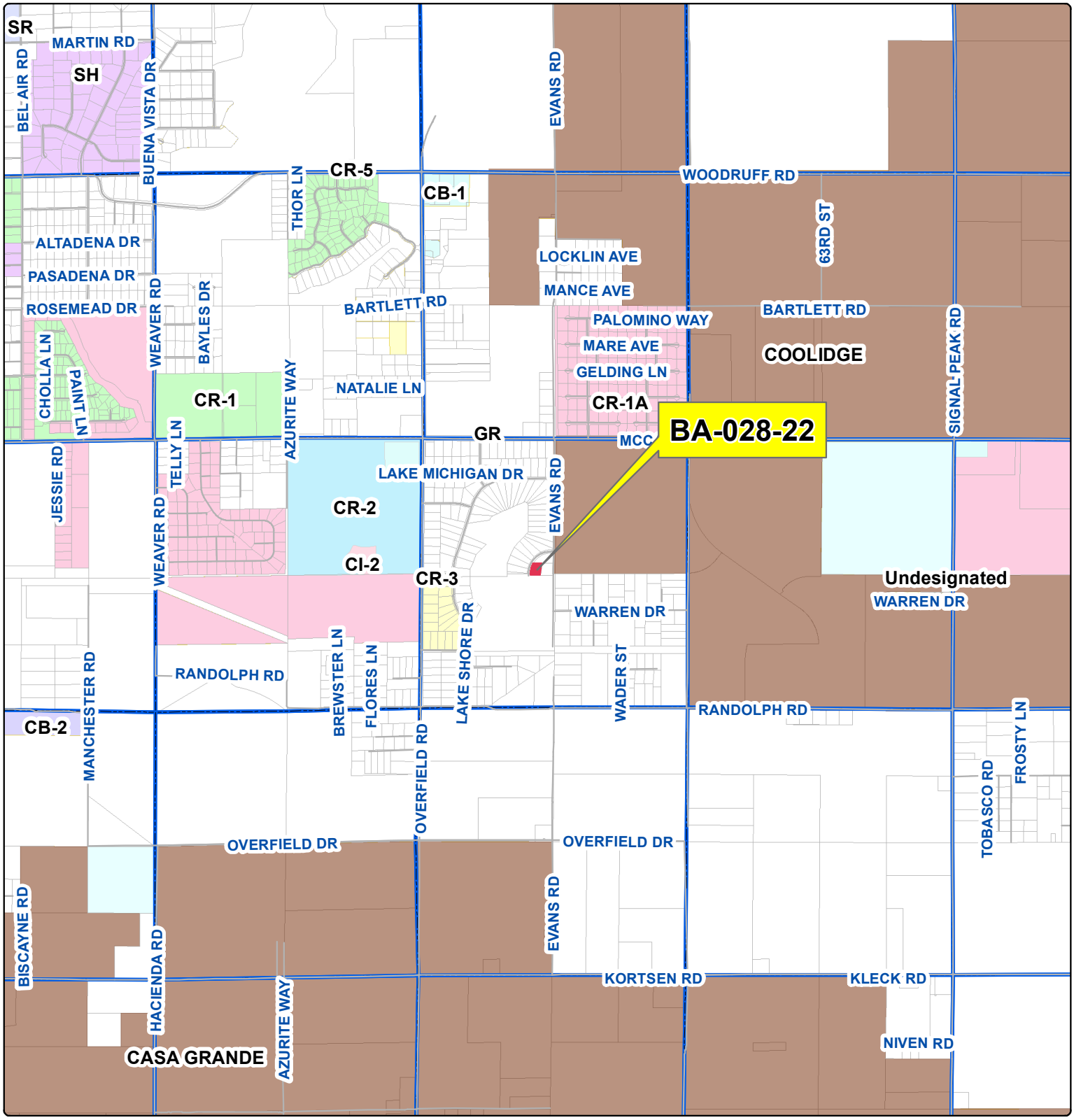
Staff Recommendation/Issues for Consideration/Concern:
Staff offers a recommendation of approval with stipulations.

BA-028-22: PUBLIC HEARING/ACTION: Jill Davis, landowner and applicant, Lance Robinson agent/representative, requesting a variance to Section 2.40.020 and Section 2.40.030 of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 43,124 ± square feet (.99 ± acres) and applicable development standards to allow the construction of a manufactured home on a .99 acre parcel in the General Rural Zone (GR), described as Lot 93, Lake in the Desert Estates Subdivision recorded in Block 10 of Maps, page 20, Section 05, T 06S, R 07E, Tax Parcel 401-02-0930 (legal on file) located south of McCartney Rd and west of Evans Rd, in Pinal County.

LEGAL DESCRIPTION: Lake in the Desert Estates, lots 93 Tax parcel 401-02-0930, zoned GR, on a total of .99 ± acres located in Block 10 of Maps, page 20, Section 05, T 06S, R 07E G&SRB&M (located south of McCartney Rd and west of Evans Rd, in Pinal County.)

TAX PARCELS: 401-02-0930


PINAL COUNTY
WIDE OPEN OPPORTUNITY
Board of Adjustment
Land Status
Legend
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
BA-028-22
Apache Junction
Superior
Queen Creek
Florence
Kearny
Winkelman
Maricopa
Casa Grande
Coolidge
Arizona City
Eloy
Mammoth
Marana
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR



Board of Adjustment

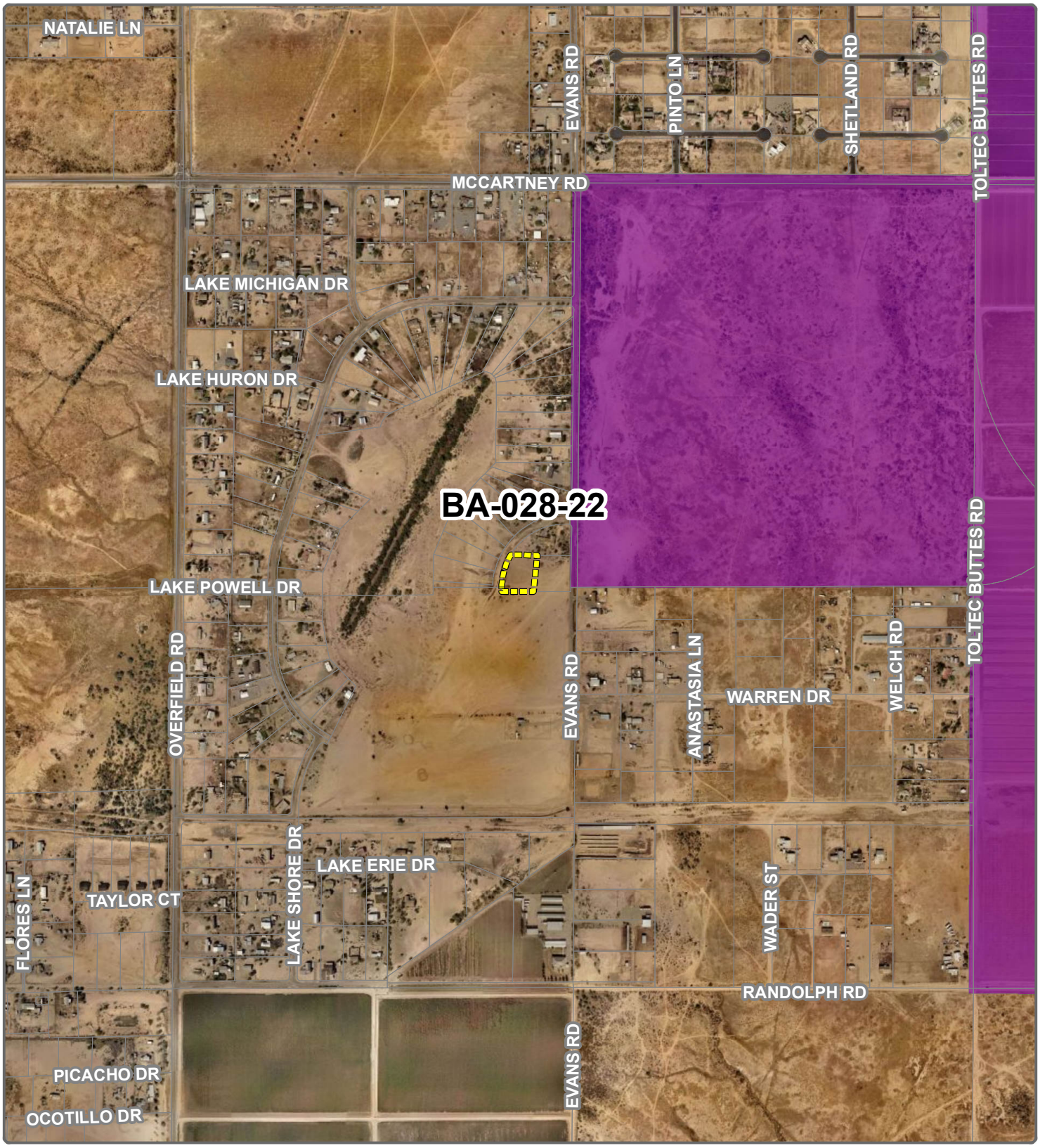
Community Development

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:
Located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0930, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

SEC 05, TWN 06S, RNG 07E

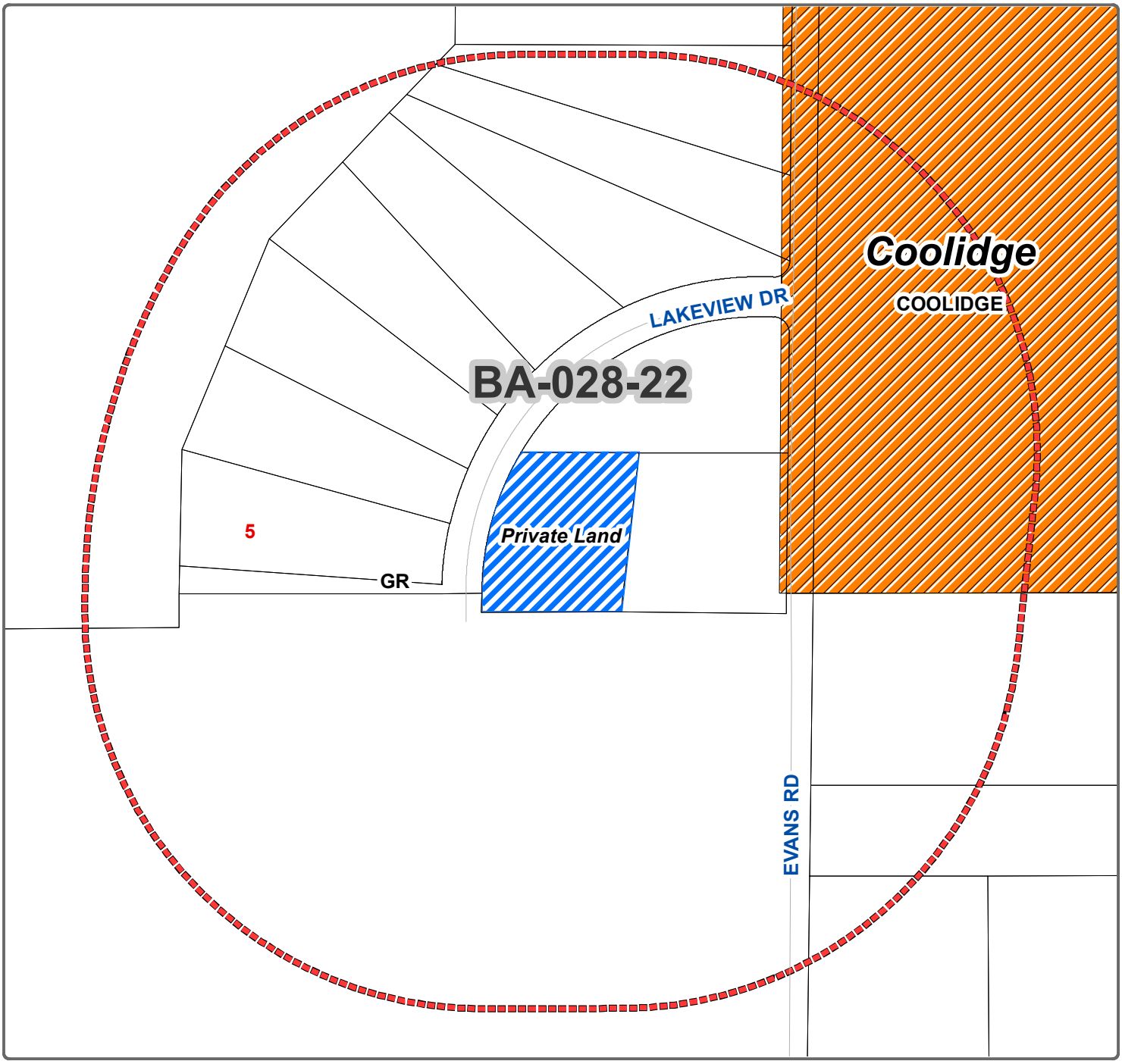
Owner/Applicant: JILL DAVIS			
Drawn By: GIS / IT / LJT		Date: 01/20/2023	
Sheet No. 1 of 1	Section 05	Township 06S	Range 07E
Case Number: BA-028-22			



Board of Adjustment

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-028-22



Board of Adjustment

BA-028-22 – PUBLIC HEARING/ACTION: Jill Davis, landowner/applicant, requesting a variance to Section 2.40.020 and 2.40.030 of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 43,124 +/- (.99 acres) and applicable development standards, to allow the construction of a manufactured/mobile home on a .99 acre parcel in the General Rural Zone (GR) Zone, Lot 93, of Lake in the Desert Estates, located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0930, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

Current Zoning: GR	Requested Zoning: Board of Adjustment	Current Land Use: MLDR

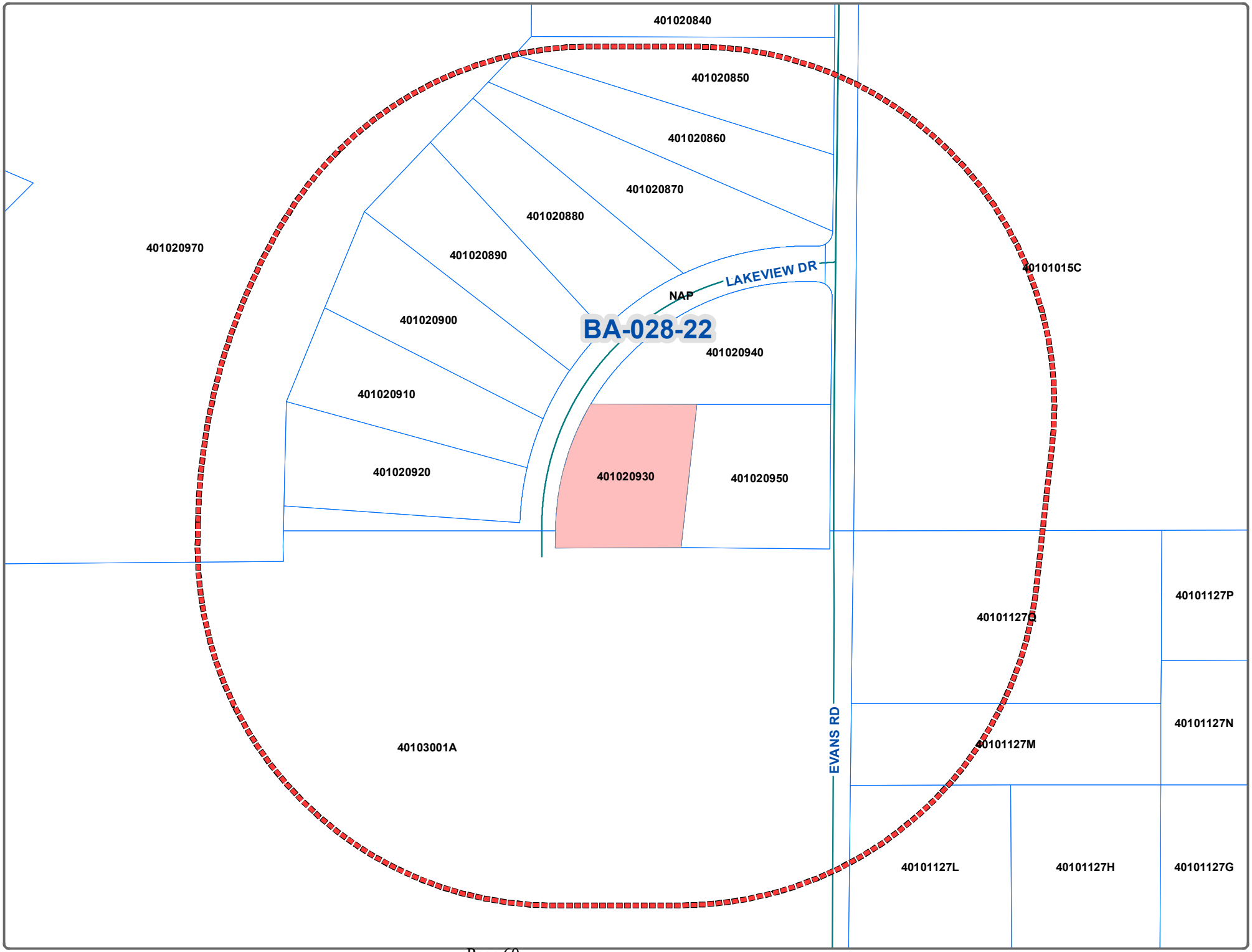
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0930, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

SEC 5, TWN 06S, RNG 07E

Sheet No. 1 of 1	Owner/Applicant: JILL DAVIS		
	Drawn By: GIS / IT /LJT		Date: 01/20/2023
	Section 05	Township 06S	Range 07E
	Case Number: BA-028-22		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401020950
401020970
40101015C
LAKEVIEW DR
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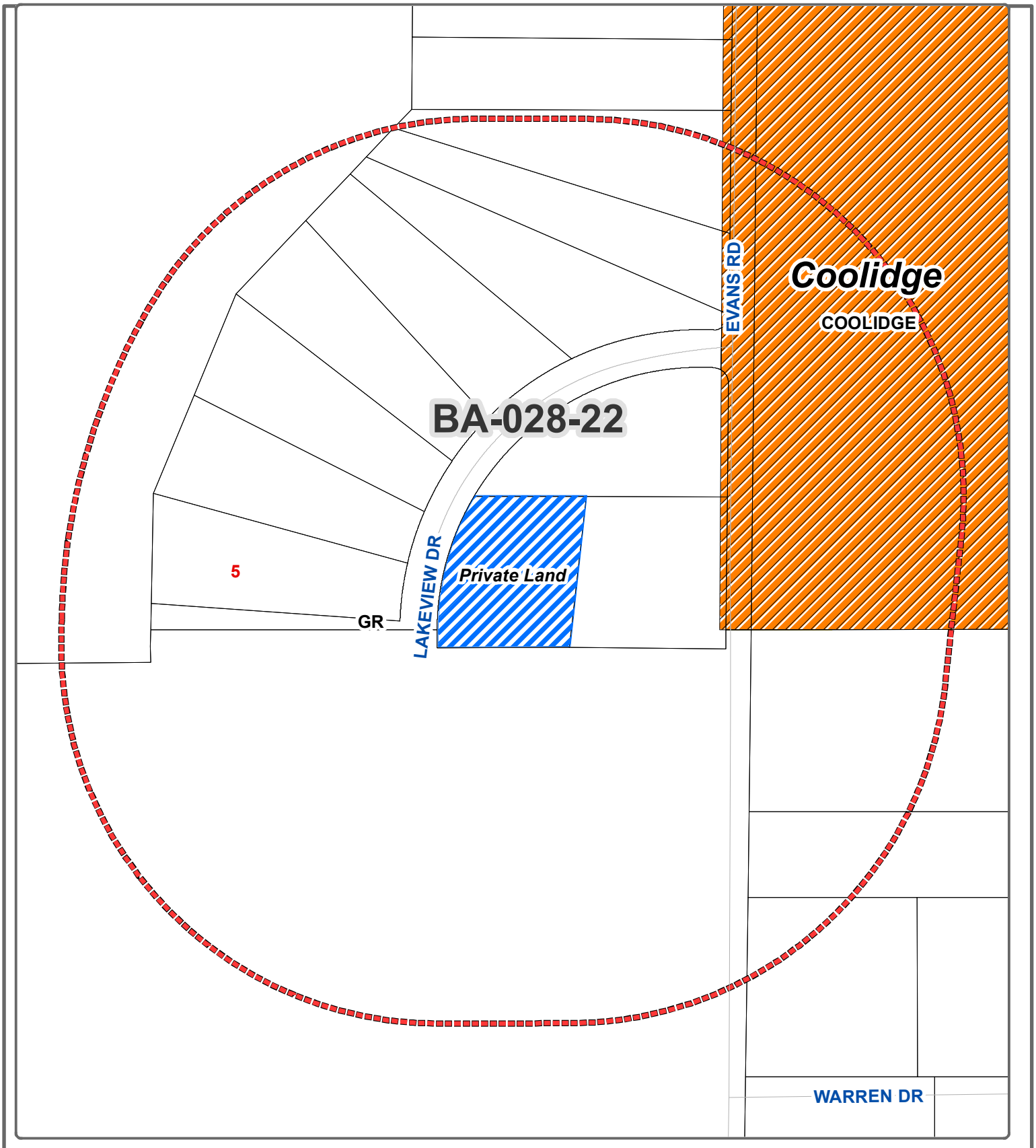
40101127H
40101127G



Board of Adjustment

Jill Davis GIS/IT - LJT | 01/20/2023 Section 05 | Township 06S | Range 07E **BA-028-22**	**Legal Description:** Located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0930, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County. SEC 05, TWN 06S, RNG 07E	N	Sheet No. 1 of 1	PINAL COUNTY WIDE OPEN OPPORTUNITY	Current Zoning: GR Request Zoning: Board of Adjustment Current Land Use: MLDR

LANDOWNER/APPLICANT: Jill Davis

REQUESTED ACTION AND PURPOSE: Requesting a variance to Section 2.40.020 and Section 2.40.030 of the PCDSC, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 43,124 ± square feet (.99 ± acres) and applicable development standards to allow the construction of a manufactured home on a .99 acre parcel.

LOCATION: The subject property is located south of McCartney Rd and west of Evans Rd, in Pinal County.

SIZE: .99 ± acres

EXISTING ZONING AND LAND USE: The property is zoned General Rural (GR) and the comprehensive plan designation is Moderate Low Density Residential (1-3.5 du/ac)

SURROUNDING ZONING AND LAND USE:

North: General Rural Zoning (GR) - Single-Family Residence
South: General Rural Zoning (GR) - Vacant
East: City of Coolidge - Vacant
West: General Rural Zoning (GR) - Vacant

SITE DATA: The site is essentially a square lot. Terrain is level and there is little vegetation on the lot.

HISTORY: Lake in the Desert Estates was platted was approved in 1961. In 1974, the Zoning Ordinance was amended to increase the minimum lot area for the GR zoning district from 12,000 square feet (0.275 acres) to 54,450 square feet (1.25 acres). The subject parcel is non-conforming.

ANALYSIS: The subject property is located within the Moderate Low Density Residential designation of the Pinal County Comprehensive Plan. The proposed land use conforms to the plan.

To date, no comments have been received.

Staff's public participation and notification of the cases include:

Newspaper publish dates:	Week of 3/6/23
Mail-outs:	Week of 3/2/23
Site Posting:	3/2/2023
Website:	3/3/2023

THE APPLICANT MUST SATISFY THE BOARD OF ADJUSTMENT AND APPEALS THAT THIS REQUEST MEETS THE NECESSARY CRITERIA TO QUALIFY FOR A VARIANCE AS STATED IN SECTION 2.155.050.C

EVIDENCE REQUIRED FOR VARIANCE:

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

b. The special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.
c. The strict application of the regulations would work an unnecessary nonfinancial hardship.
d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.
e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
f. The variance does not allow a use that is not permitted in the zone district where the property is located.

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

ANALYSIS: The property was created in 1961 through a subdivision plat. What is unique about this situation is that there are several properties within proximity to the subject site that do not meet the required 1.25 acre lot size and have permitted homes on their properties.

FINDING: There does appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. That the special circumstances or conditions referred to in subsection (C) (4) (a) of this section are not self-imposed by the property owners within the subject area.

ANALYSIS: Staff notes the Pinal County Board of Adjustment is authorized to grant a variance of regulations where it finds that absolute conformance to the regulations in an established zone would present an unnecessary hardship on the applicant. The “Hardship” must be related to the physical aspects of the land and not a personal or self-imposed hardship. Hardship in this was created at the time of adoption of the 1974 Zoning Ordinance, resulting in many of the lots within the Lake in the Desert Estates subdivision becoming undersized and non-conforming.

FINDING: The special circumstances referred to in subsection (C) (4) (a) are not self-imposed.

c. That the strict application of the regulations would work an unnecessary nonfinancial hardship.

ANALYSIS: The applicant intends to make site improvements and install a manufactured home. As per zoning requirements, the parcel size is non-conforming since 1974, rendering the property unusable

FINDING: The zoning ordinance in 1974 increased the minimum lot size for lots in the GR Zoning District to 1.25 acres.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

ANALYSIS: As mentioned earlier under section b, the 1954 zoning ordinance was amended by the County in 1974 to increase the minimum lot size for lots in the GR Zoning District, which makes the lot unbuildable. Not granting the variance would cause an "undue hardship." Undue hardship, means a problem created by some feature of the land rather than a misunderstanding of the zoning ordinance by the applicant.

FINDING: Staff finds that granting the variance does appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ANALYSIS: The subject property is approximately 43,124 square feet (.99 ± acres) in size. The lot size is consistent with other properties in the area, and if approved with the attached stipulations the present residential use would have to be in compliance with all applicable construction codes. Staff has included stipulations that outline development standards that would be consistent with other development in the area and lots of this size.

FINDING: The granting of this variance <u>will not</u> affect the health or safety of persons residing or working within the subject area and adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

f. The variance does not allow a use that is not permitted in the zone district where the property is located.

ANALYSIS: Single family residential is an allowed use in the GR zone.

FINDING: Granting of the variance <u>will not</u> allow a use that is not permitted in the zone district where the property is located.

STAFF SUMMARY AND RECOMMENDATION: All submittals, evidence presented, written documentation, public testimony, and Planning Case Staff Report (BA-028-22) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

<u>Staff Recommendation to Approve:</u>

**(Staff recommends please cite a minimum of three findings)

***(Suggested finding)

I move to approve case BA-028-22, Section 2.40.020 and Section 2.40.030 of the PCDSC, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) to 43,124 ± square feet (.99 ± acres) and applicable development standards to allow the construction of a manufactured home on a .99 acre parcel in the General Rural Zone (GR), also to approve findings (s) (please cite a minimum of three findings in a-f) as set forth in the staff report. Subject to the following 2 stipulations:

1. Development Standards for the parcel shall be as follows:
   A. Minimum lot area: 43,560 square feet (one acre)
   B. Minimum lot width: 100 feet.
   C. Minimum front setback: 30 feet
   D. Minimum side setback: Ten feet each
   E. Minimum rear setback: 40 feet
   F. Maximum height: 30 feet
   G. Detached Accessory Buildings.
      1. Permitted Coverage: 33 % of the total lot area
      2. Maximum height:
         a. 20 feet;
         b. 25 feet when located in the main building buildable area;
      3. Minimum distance to the main building: 7 feet
      4. Minimum distance to the front lot line: 40 feet
      5. Minimum distance to side and rear lot lines: 4 feet if not used to house poultry or small animals; 15 feet to side and rear lot lines if used to house poultry or similar small animals; 30 feet to side and rear lot lines if used to house livestock; and
      6. A structure having a roof supported by columns, open on all sides, not enclosed in any manner, and used exclusively for the shading of livestock, feed or agricultural equipment and not used for housing livestock in any manner , shall not be considered a building and shall have a setback of 15 feet from side and rear lot lines.

2. All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

To Deny:

I move to deny the variance case BA-028-22, a variance to Section 2.40.020(B) and Section 2.40.030(D)of the PCDSC, findings(s)/special circumstances referred to in the subsection (C)(4)(a) of 2.155.040 in PCDSC are self-imposed.

DATE PREPARED: 3/2/2023- GB
REVISED: 3/17/2023 - GB

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON **MARCH 23, 2023** AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **VARIANCE** FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

BA-028-22 – PUBLIC HEARING/ACTION: Jill Davis, landowner/applicant, Lance Robinson agent/representative, requesting a variance to **Section 2.40.020 and 2.40.030** of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 43,124 +/- (.99 acres) and applicable development standards, to allow the construction of a manufactured/mobile home on a .99 acre parcel in the General Rural Zone (GR) Zone, Lot 93, of Lake in the Desert Estates, located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0930, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.

Information regarding the case can be found online at:
http://pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS **28th DAY OF FEBRUARY, 2023**

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT **MUST** CONTAIN THE FOLLOWING INFORMATION:

1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (**Print or type**)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:

PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2973 (85 N. Florence St.)
FLORENCE, AZ 85132
NO LATER THAN 5:00 P.M. ON MARCH 13, 2023

Contact for this matter: Glenn Bak, e-mail address: glenn.bak@pinal.gov
Phone #: (520) 866-6444 Fax: (520) 866-6435

[Anything below this line is not for publication.]

PUBLISHED ONCE:
Pinal Central Dispatch & Casa Grande Dispatch

Leo Lew
County Manager

PINAL COUNTY

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications Must Be Typed or Written in Ink) and submitted via the online portal site at https://citizenaccess.pinalcountyaz.gov/CitizenAccess/

Variance Request & Property Information:

(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. Tax Assessor Parcel No.: 401-02-0930 **2.** Size (to the nearest 1/10th of an acre 1

3. The legal description of the property: Lake in the Desert Estates- Lot 93

4. Current zoning: Township 6 Range 7 **5.** Requested zoning (if applicable): N/A

6. The existing use(s) of the property is as follows: Vacant Land

7. The proposed use under this request and/or Section(s) of Code you are requesting a variance:
Single Family Residential

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # (CC/BCC)

9. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the current zoning indicated above was adopted.
No changes

10. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area. Zoning for Area indicates that lot size must be 1.25 Acres
in order to build a residential residence on the site. Lot size is slightly below. Site plan provided with proposed residence which is well below total
lot coverage allowed.

INV#: AMT: DATE: CASE: Xref:

COMMUNITY DEVELOPMENT
Planning Division

85 N. Florence St., PO Box 2973, Florence, AZ 85132 T 520-866-6442 FREE 888-431-1311 F 520-866-6530
www.pinalcountyaz.gov

11. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.

If Variance is not granted, the purchase of the land and building plans becomes useless and the land cannot be used in a functional way

12. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

This would be a new build residential. It would not have any effect on the health or safety of anyone residing in the neighborhood.

13. That the variance will not allow a use that is not permitted in the zoning district where the property is located. (Not required for parking reductions) This variance will not allow a use that is not permitted in this zoning district

13. That the special circumstances or conditions referred to item 10 above are not self-imposed.

This circumstance was not self imposed. The land was purchased without knowledge of the lot size restrictions

(The following are additional questions for reductions in parking requests only)

14. Site Plan Review or Building Permit Number: N/A

15. Required parking either in total number or ratio:_____ **16.** Requested (# or ratio)_____

17. Evidence to support a reduction, this may include codes and ordinance from other jurisdictions, structures with multiple building occupancy types and/or operational characteristics of the particular use that would warrant a reduction:

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed. All notices will be sent to the applicant unless otherwise directed in writing.

Jill Davis	309 CRESTVIEW DR, IL 62095	
Name of Applicant	Address	
Verified by pdfFiller 09/13/2022	jillmichele89@gmail.com	(618)830-0215
Signature of Applicant	E-Mail Address	Phone Number
Lance Robinson	1 N st St, Phoenix, AZ 85004 Suite 7375	
Name of Agent/Representative	Address	
	lance@reziopro.com	602-509-4960
Signature of Agent/Representative	E-Mail Address	Phone Number

The Agent/Representative has the authority to act on behalf of the landowner/applicant, which includes agreeing to stipulations. The agent will be the contact person for Planning staff and must be present at all hearings. Please use attached Agency Authorization form, if applicable.

Jill Davis	309 CRESTVIEW DR, IL 62095	
Name of Landowner	Address	
Verified by pdfFiller 09/13/2022	jillmichele89@gmail.com	(618)830-0215
Signature of Landowner	E-Mail Address	Phone Number

If landowner is not the applicant, then applicant must submit a signed notarized consent form from the landowner with this application. Please use attached Consent to Permit form, if applicable.

Application Checklist:

☒ Submit a detailed site plan, at least 8½ X 11, but not larger than 11" X 17". The site plan must include the following:
- Size and shape of parcel; property dimensions; north arrow
- Adjacent streets; rights-of-way, easements and setbacks; indicate size; purpose and whether public or private
- Location, size and use of all existing and proposed buildings; show setbacks from property boundary lines and between structures
- Driveways and parking areas, show access, dimensions and surface material
- Existing and proposed utilities, show location of lines, size and serving company
- Any other information as may be applicable – landscaping, natural features i.e.: washes, excavation sites, etc., floor plan

☒ Submit the "This Application Checklist" for the requested action.

☒ Submit a list of all property owners within 600' of the subject property boundary showing name, mailing address and tax parcel numbers. This list must be obtained within the 30 days prior to application submission.

☒ Submit a map of the area with the 600' boundary shown. (A Tax Assessor Parcel Map is acceptable).

☒ Submit the non-refundable filing fee according to the fee schedule shown on coversheet of the application. (The application is not considered filed until the fees are paid.)

A) Residential with 0-499 mail-outs $500.00
B) Residential with 500 or more mail-outs: $500.00
C) Commercial, industrial or transition with 0-499 mail-outs: $2,084.00
D) Commercial, industrial or transition with 500 or more mail-outs: $2,399.00

☒ The application and narrative in PDF format.

☒ Understand that a newspaper publication must be advertised for this variance case per Pinal County staff instructions no later than 28 days prior to the hearing date as assigned. The applicant is responsible for all publication fees.

PROPERTY OWNERSHIP LIST

(Required for filing all applications)

Instructions: Print Name, Address, City, State, Zip Code and Tax Parcel Number for each property owner within 600 feet of the subject parcel boundary. Feel free to attach a separate list if generated digitally. Please see "How to use the Buffer Tool" on our FAQ's page if you are generating the list.

Parcel No.: 401020950
Name: SCHREIBER BRAD JOSEPH
Address: 3671 E AQUARIUS PL
City/ST/Zip: CHANDLER / AZ / 85249

Parcel No.: 401020920
Name: GARCIA EFRAIN A
Address: 4965 E BELL ST
City/ST/Zip: COOLIDGE / AZ/ 85128

Parcel No.: 401020910
Name: DAVIES PETER & STACY LYNN
Address: 3413 W MINERAL BUTTE DR
City/ST/Zip: SAN TAN VALLEY / AZ / 85142

Parcel No.: 401020900
Name: DAVIES PETER & STACY LYNN
Address: 3413 W MINERAL BUTTE DR
City/ST/Zip: QUEEN CREEK / AZ / 85142

Parcel No.: 401020890
Name: CMH HOMES INC
Address: 5744 N LAKEVIEW DR
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020880
Name: RANEY JAMES D & EMMA
Address: 5756 N LAKEVIEW DR
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020870
Name: LOYA JESUS MANUEL
Address: 5764 N LAKEVIEW DR
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020860
Name: MONTIJO JOSLYN M
Address: 1238 E AVENIDA ELLENA
City/ST/Zip: CASA GRANDE / AZ / 85122

Parcel No.: 40101127Q
Name: KLEIN NICHOLAS F
Address: 5611 N EVANS RD
City/ST/Zip: CASA GRANDE, AZ 85194

Parcel No.: 401020940
Name: N/A
Address: N/A
City/ST/Zip: N/A

I hereby verify that the name list above was obtained on the 8th day of September, 2022, at the office of Pinal County and is accurate and complete to the best of my knowledge.
(Source of Information)

On this_____day of_____, 20___, before me personally appeared_____
(Name of signor)

Signature_____Date_____

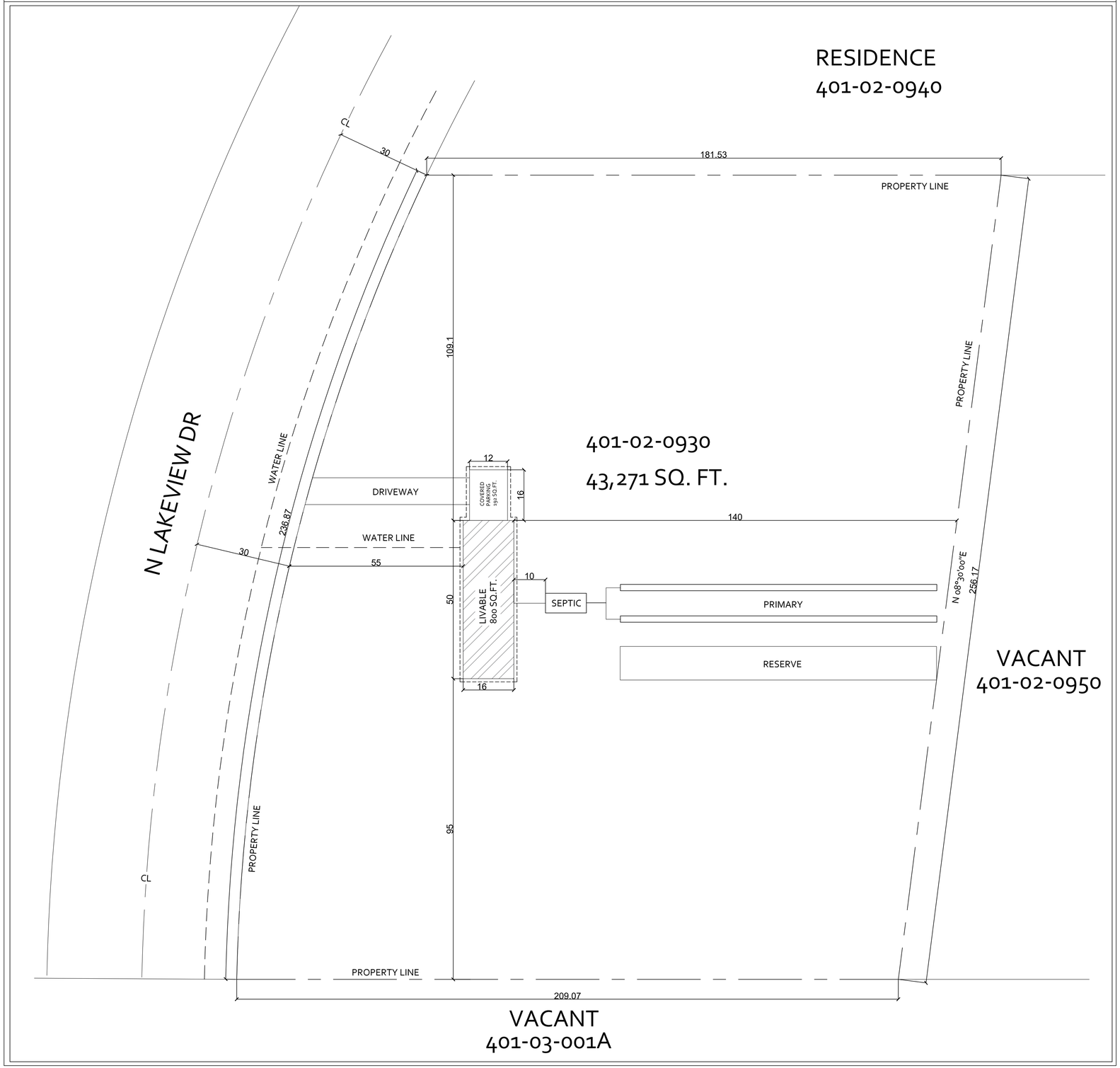
State of_____
)ss. (SEAL)

County of_____

My Commission Expires_____

Signature of Notary Public_____

SITE PLAN



VICINITY MAP

N.T.S.

SITE INFORMATION

APN	401-02-0930
ADDRESS	N LAKEVIEW DR, CASA GRANDE, AZ
MCR	6093691
LOT	93
SUBDIVISION	LAKE IN THE DESERT ESTATES
LOT AREA	43,271 SQ. FT.
ZIP	85194
ZONING	02RL

SHEET INDEX

01	SITE PLAN

AREA CALCULATION

	EXISTING	DEMO	ADD	TOTAL
LIVABLE	-	-	800	800 sq.ft.
GARAGE	-	-	192	192 sq.ft.
FRONT PATIO	-	-	-	- sq.ft.
BACK PATIO	-	-	-	- sq.ft.
CASITA	-	-	-	- sq.ft.
TOTAL UNDERROOF			992 sq.ft.	992 sq.ft.
992 DIVIDED BY LOT SQ. FT. 43,271 EQUALS				
NEW FLOOR AREA RATIO				2.29 %

5' 10' 20' 50'

SCALE BAR 3/32"=1'

REZIO

(844) 937-3946 • REZIOPRO.COM

Contractor must verify all dimensions at project before proceeding with work. Dimensions intended for general permit use within +/- 1", anything requiring tighter tolerances requires field verification. These documents are instruments of professional service and the information contained within is incomplete unless used in conjunction with Rezio LLC. Use or reproduction of these documents in whole or in part without written conset of Rezio LLC is in violation of common law, copyrights, statutes and other reserved rights. These plans are on notice as copyrighted property of Rezio LLC.

NOTES:

OCCUPANCY CLASSIFICATION: RESIDENTIAL
TYPE OF CONSTRUCTION: RESIDENTIAL
FIRE SPRINKLER : N
BUILDING HEIGHT: SLOPED ROOF 8'-12'
STORIES: 1

ALL WORK TO BE PERFORMED IN A MANNER SO AS TO HAVE A MINIMUM OF DISRUPTION AND DISTURBANCE WITH EXISTING OPERATIONS AND LOCAL ENVIRONMENT.

NOISE AND DUST SHALL BE KEPT TO AN ABSOLUTE MINIMUM.

DEMOLITION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF PHOENIX REGULATIONS ON DUST CONTROL AS-WELL-AS HAZARDOUS AND SANITARY LANDFILLS.

DETAILS AND NOTES OF SIMILAR CONDITIONS ARE TYPICAL WHETHER OR NOT CALLED OUT AT ALL PLACES.

DO NOT SCALE DRAWINGS.

SYSTEMS SHOWN ON DRAWINGS ARE INTENDED TO BE FURNISHED, INSTALLED AND TURNED OVER TO OWNER IN PROPER FUNCTIONING CONDITION. ALL WORK TO BE CONSIDERED IN CONTRACT SUM.

PERMIT TO BE KEPT ON SITE AT ALL TIMES.

PROVIDE ADEQUATE BLOCKING AND ANCHORAGE FOR CEILING AND WALL-MOUNTED EQUIPMENT (I.E. WATER COOLERS, FIRE EXTINGUISHER CABINETS, HANDICAP GRAB BARS, LIGHT FIXTURES, ETC.)

ALL PRODUCTS LISTED BY ICC/ESR NUMBER(S) AND/OR UNDERWRITERS LABORATORIES SYSTEM NUMBER(S) SHALL BE INSTALLED PER THE REPORT AND MANUFACTURER'S WRITTEN INSTRUCTIONS. PRODUCT SUBSTITUTION(S) FOR PRODUCT(S) LISTED SHALL ALSO HAVE I.C.B.O. APPROVED EVALUATION REPORT(S) OR BE APPROVED AND LISTED BY OTHER NATIONALLY RECOGNIZED TESTING AGENCIES.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE W/ THE APPLICABLE CITY AMENDMENTS AND ALL OTHER APPLICABLE CODES, ORDINANCES AND GOVERNING BODIES HAVING JURISDICTION OVER THE PREMISES.

SHEET: **SITE PLAN**

PROJECT: 0 N EVANS ROAD CASA GRANDE

CLIENT: DAVIS, JILL

ADDRESS: N LAKEVIEW DR,
CASA GRANDE, AZ- 85194

SCALE:	DATE:	SHEET NO:
1/16"= 1'	10.03.2022	1

STATE OF ARIZONA }
COUNTY OF PINAL } ss.

Affidavit of Publication

Kara K. Cooper, first being duly sworn deposes and says: That he/she is a native born citizen of the United States of America, over 21 years of age, that I am an agent and/or publisher of the Pinal Central Dispatch, a newspaper section published at Casa Grande, Pinal County, Arizona, Thursday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for ONE issue. The publications thereof having been on the following date:

03/02/2023

PINAL CENTRAL DISPATCH

By Kara K. Cooper
agent and/or publisher of the Pinal Central Dispatch

Sworn to before me this 10th
day of Mar. A.D., 2023

Vicki Morris

Notary Public in and for the County
Of Pinal, State of Arizona

Vicki Morris
Notary Public
Pinal County, Arizona
My Comm. Expires 09-20-24
Commission No. 587546

Contact for this matter: Glenn Bak, e-mail address: glenn.bak@pinal.gov Phone #: (520) 866-6444 Fax: (520) 866-6435
No. of publications: 1; date of publication: Mar. 02, 2023.

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON MARCH 23, 2023 AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A VARIANCE FOR THE UNINCORPORATED AREA OF PINAL COUNTY.
BA-028-22 – PUBLIC HEARING/ACTION: Jill Davis, landowner/applicant, Lance Robinson agent/representative, requesting a variance to Section 2.40.020 and 2.40.030 of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 43,124 +/- (.99 acres) and applicable development standards, to allow the construction of a manufactured/mobile home on a .99 acre parcel in the General Rural Zone (GR) Zone, Lot 93, of Lake in the Desert Estates, located within the NW ¼ and a portion of the SW ¼ of Section 5, Township 6 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 401-02-0930, legal on file, located south of McCartney Rd and west of Evans Rd, in Pinal County.
Information regarding the case can be found online at: http://pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#
ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION
DATED THIS 28th DAY OF FEBRUARY, 2023
TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:
1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (Print or type)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing
WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2973 (85 N. Florence St.)
FLORENCE, AZ 85132
NO LATER THAN 5:00 P.M. ON MARCH 13, 2023

5 of 36

Request for variance

External Inbox ×

Kelli Larkspur <tarafern@yahoo.com>
to me

10:35 AM (13 minutes ago)

Hello. This email will be followed up by a letter sent through postal service. My name is Kelli Larkspur, phone 520-424-6182, address 6433 W Warren Dr., Casa Grande, AZ 85194. Parcel # 4010110007. This is in response to a request for variance relating to sections 2.40.020 and 2.40.030 at Warren and Evans in unincorporated Pinal Co. I can't attend the hearing but I would like to add my opinion that anything that reduces allowable lot size and increases population density is against what I want for our community.

Sent from Yahoo Mail for iPad

Received, thank you. | I agree with you. | Looks good to me.

Reply | Forward

Leo Lew
County Manager

PINAL COUNTY
WIDE OPEN OPPORTUNITY

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: MARCH 23, 2023

CASE NUMBER: BA-042-22

CASE COORDINATOR: RYAN GREEN

Executive Summary:
This case is for a reduction in the rear setback requirements from 40 feet to 18 feet in the CR-1A zone to allow the extension of the primary residence to accommodate healthcare arraignments for a resident that needs the entire house to be wheelchair accessible.

If This Request is approved:
This reduction in the minimum rear setback requirements will allow building an extension to the existing residence in the CR-1A zone.

Staff Recommendation/Issues for Consideration/Concern:
Staff offers a recommendation of approval.

BA-042-22 – PUBLIC HEARING/ACTION: Grady McEachern & Wendy Davis, landowner/applicant, requesting a variance to **Section 2.55.020 (G)** of the PCDSC, to reduce the rear setback requirement from 40 feet to 18 feet to allow an expansion to an existing dwelling, 100-16-029C (legal on file) in the CR-1A single family zone, situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located east of north Val Vista Rd and south of east Reavis St near Apache Junction.

LEGAL DESCRIPTION: W1/2 NE SW SE NW & E1/2 NW SW SE NW OF SEC 12-1N-8E

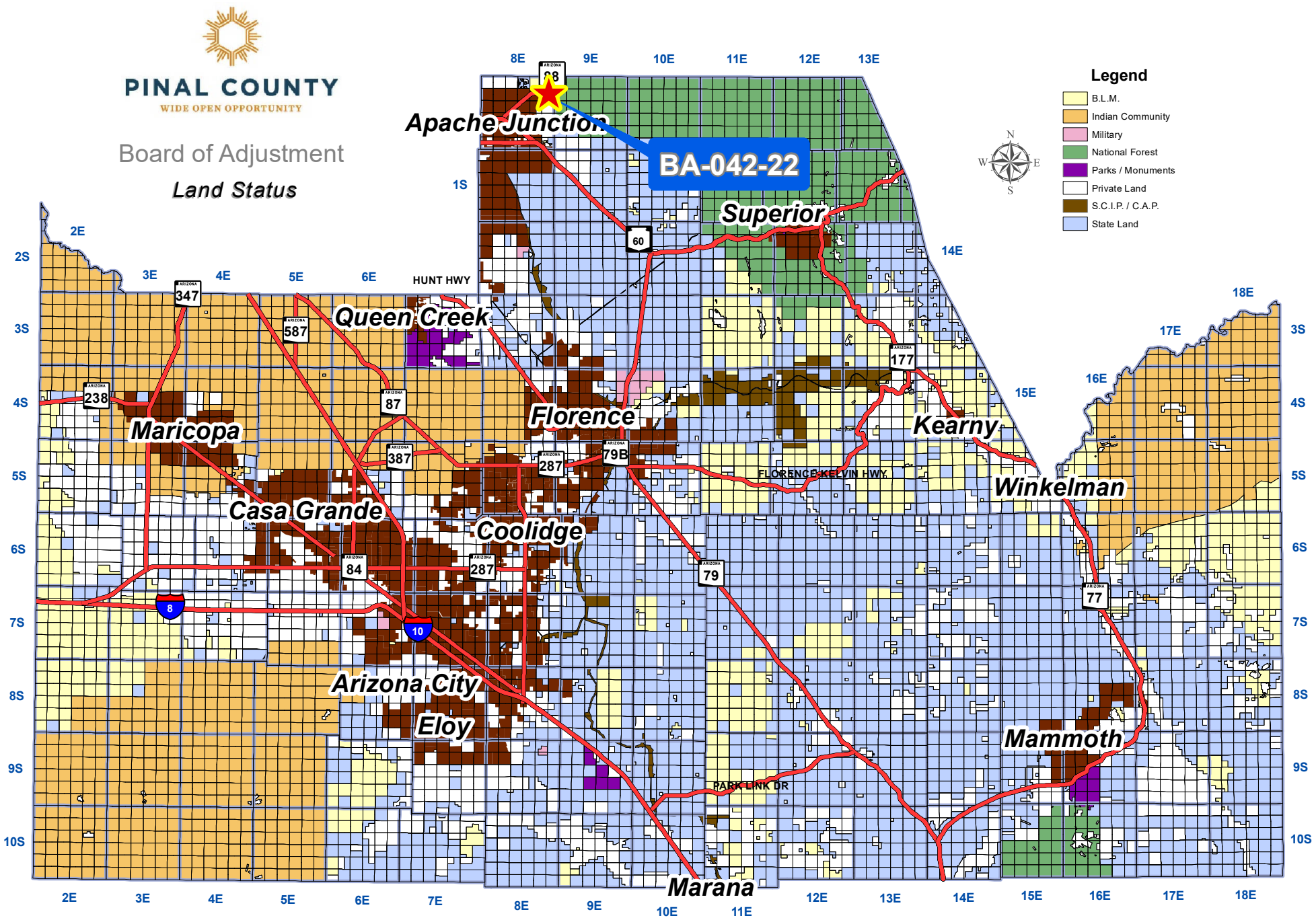
TAX PARCEL: 100-16-029C

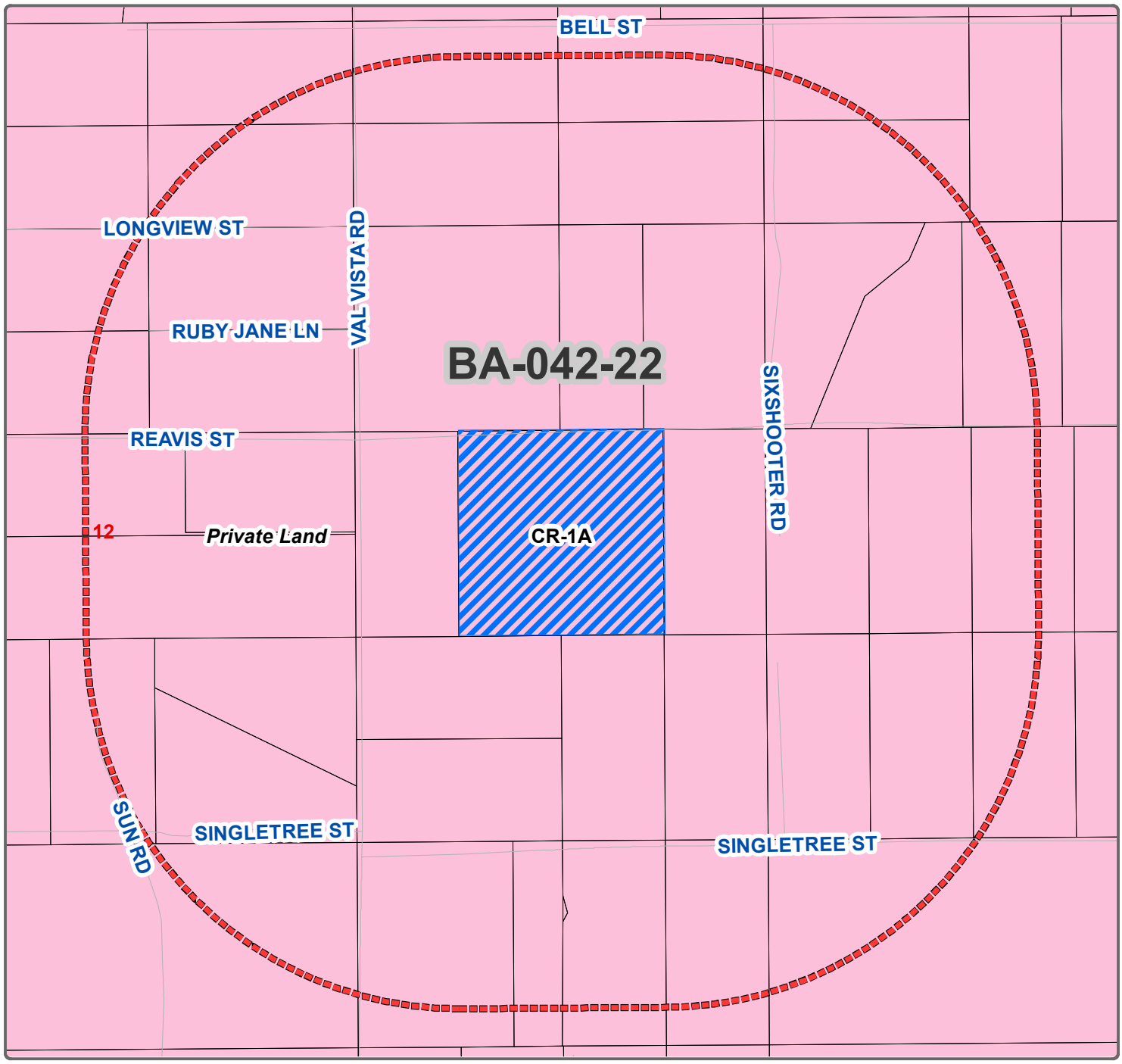
LANDOWNER/APPLICANT: Grady McEachern & Wendy Davis, landowners/applicants

REQUESTED ACTION AND PURPOSE: Requesting a variance to **Section 2.50.020 (G)** to modify the rear setback in the CR-1A Single Family, to allow permitting of an extension of the existing dwelling.

LOCATION: The subject property is located east of north Val Vista Rd and south of east Reavis St near Apache Junction.

SIZE: 108,900 square feet (2.5 acres)


PINAL COUNTY
WIDE OPEN OPPORTUNITY
Board of Adjustment
Land Status
BA-042-22
Legend
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
Apache Junction
Superior
Queen Creek
Florence
Kearny
Winkelman
Maricopa
Casa Grande
Coolidge
Arizona City
Eloy
Mammoth
Marana
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR



Board of Adjustment

BA-042-22 – PUBLIC HEARING/ACTION: Grady McEachern & Wendy Davis, landowner/applicant, requesting a variance to Section 2.55.020 of the PCDSC, to allow an expansion to an existing dwelling, 100-16-029C (legal on file) in the single family zone (CR-1A) Zone, situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located west of north Val Vista Rd and south of east Reavis St near Apache Junction.

Current Zoning: CR-1A	Requested Zoning: Board of Adjustment	Current Land Use: VLDR

PINAL COUNTY
WIDE OPEN OPPORTUNITY

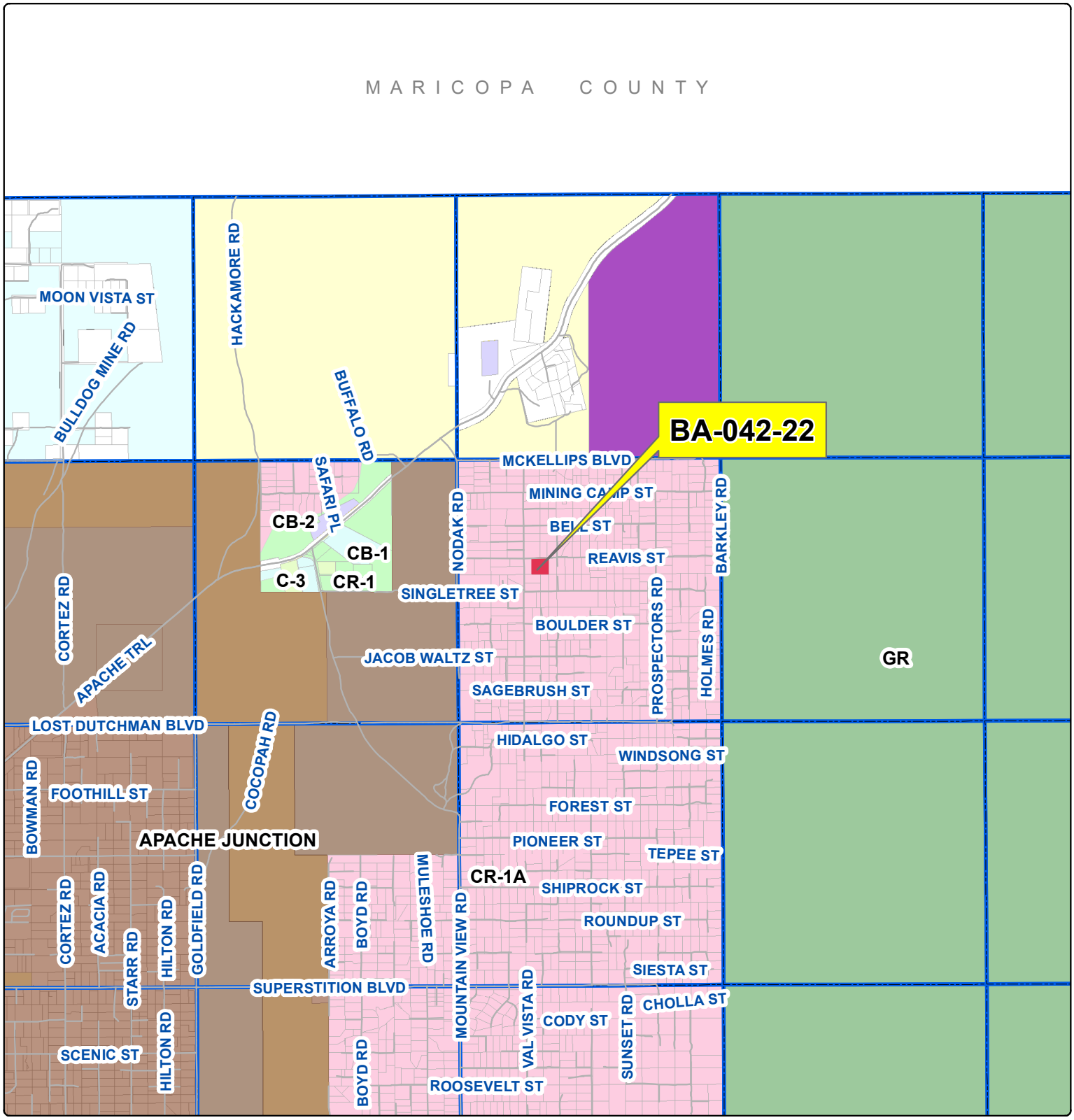
Legal Description:

Situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located west of north Val Vista Rd and south of east Reavis St near Apache Junction.

SEC 12, TWN 01N, RNG 08E

Sheet No. 1 of 1

Owner/Applicant: GRADY MCEACHERN & WENDY DAVIS		
Drawn By: GIS / IT /LJT		Date: 01/25/2023
Section: 12	Township: 01N	Range: 08E
Case Number: BA-042-22		



Board of Adjustment

Community Development

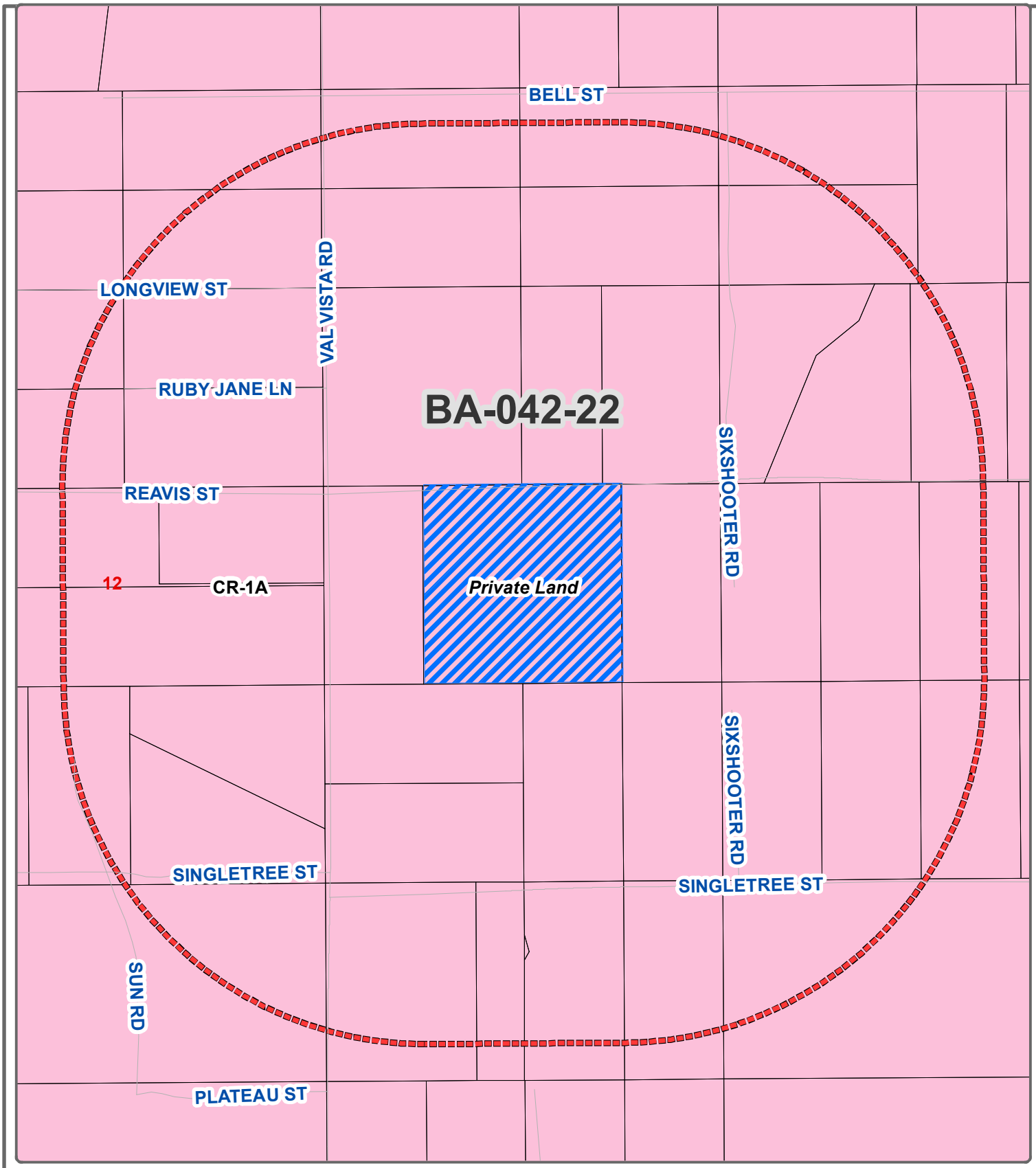
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located west of north Val Vista Rd and south of east Reavis St near Apache Junction.

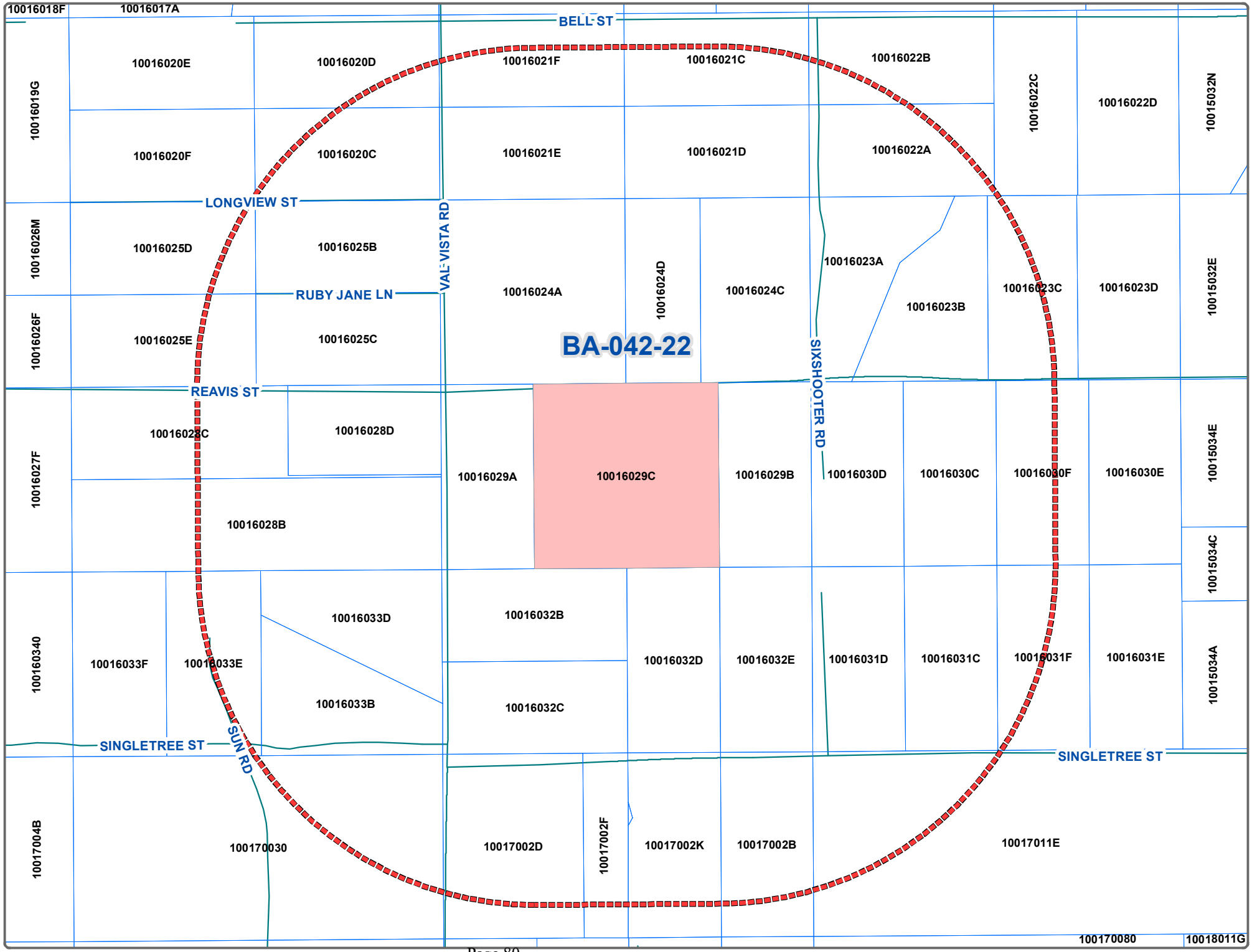
SEC 12, TWN 01N, RNG 08E

Owner/Applicant: GRADY MCEACHERN & WENDY DAVIS			
Drawn By: GIS / IT / LJT		Date: 01/25/2023	
Sheet No. 1 of 1	Section 12	Township 01N	Range 08E
Case Number: BA-042-22			



Board of Adjustment

Grady McEachern & Wendy Davis GIS/IT - LJT 01/25/2023 Section 12 Township 01N Range 08E **BA-042-22**	**Legal Description:** Situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located west of north Val Vista Rd and south of east Reavis St near Apache Junction. SEC 12, TWN 01N, RNG 08E	N	Sheet No. 1 of 1	PINAL COUNTY WIDE OPEN OPPORTUNITY	Current Zoning: CR-1A Request Zoning: Board of Adjustment Current Land Use: VLDR


BA-042-22
BELL ST
LONGVIEW ST
RUBY JANE LN
REAVIS ST
SINGLETREE ST
VAL VISTA RD
SIXSHOOTER RD
SUN RD
10016018F
10016017A
10016020E
10016020D
10016021F
10016021C
10016022B
10016022C
10016022D
10015032N
10016019G
10016020F
10016020C
10016021E
10016021D
10016022A
10016026M
10016025D
10016025B
10016024D
10016023A
10016023C
10016023D
10015032E
10016026F
10016025E
10016025C
10016024A
10016024C
10016023B
10016027F
10016028C
10016028D
10016029A
10016029C
10016029B
10016030D
10016030C
10016030F
10016030E
10015034E
10016028B
10015034C
10016033D
10016032B
10016340
10016033F
10016033E
10016032D
10016032E
10016031D
10016031C
10016031F
10016031E
10015034A
10016033B
10016032C
10017004B
100170030
10017002D
10017002F
10017002K
10017002B
10017011E
100170080
10018011G

EXISTING ZONING AND LAND USE: CR-1A Single Family. The property has an existing single family residence.

SURROUNDING ZONING AND LAND USE:

North: Single Family (CR-1A) Zoning. Residential
South: Single Family (CR-1A) Zoning. Residential
East: Single Family (CR-1A) Zoning. Residential
West: Single Family (CR-1A) Zoning. Residential

SITE DATA: Flood zone X, area of minimal flood hazard.

HISTORY: When the county established a zoning ordinance in 1954, the site was zoned residential and placed into one of the three categories of A, B, or C, staff is unable to determine which exact zone the site placed in. In the 1962 zoning ordinance, most of the residential property was rezoned as GR, including the site. According to state records, the house was built in 1967. Then, the CR-1A zoning category was created in the 1982 zoning ordinance update and the site was rezoned CR-1A in 1983 in case PZ-C-055-83. The site was part of an original five acre parcel that was combined with the adjacent east and west parcels. County records show the split on this property was performed in 1990, before the current Minor Land Division Ordinance was in place.

ANALYSIS: The subject property is located within the Very Low Density Residential designation (0-1 du/ac) of the Pinal County Comprehensive Plan.

To date, no public comments have been received.

Staff's public participation and notification of the case includes:

Newspaper publish dates: 3/1/23
Mail-outs: 3/3/23
Site Posting: 3/7/23
Website: 3/7/23

THE APPLICANT MUST SATISFY THE BOARD OF ADJUSTMENT AND APPEALS THAT THIS REQUEST MEETS THE NECESSARY CRITERIA TO QUALIFY FOR A VARIANCE AS STATED IN SECTION 2.155.050.C

EVIDENCE REQUIRED FOR VARIANCE:

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.
b. The special circumstances or conditions referred to in (a) are not self-imposed by the property owners within the subject area.
c. The strict application of the regulations would work an unnecessary nonfinancial hardship.
d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
f. The variance does not allow a use that is not permitted in the zoning district where the property is located.

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

ANALYSIS: The house was built in 1967 while the site was zoned General Rural, and before the CR-1A zoning category was applied to the site.

FINDING: There does appear to be special circumstances/conditions applicable to the property that do not prevail on other properties in that zoning district.

b. That the special circumstances or conditions referred to in subsection (a) of this section are not self-imposed by the property owners within the subject area.

ANALYSIS: The county initiated a rezone to the site in case PZ-C-055-83. This case changed the site from GR to CR-1A, thus changing the site requirements.

FINDING: The special circumstances are not self-imposed.

c. That the strict application of the regulations would work an unnecessary nonfinancial hardship.

ANALYSIS: The strict application of the regulations would not allow for the permitting of an extension of the existing residence to aid in the healthcare for one of the residents. The county has already begun the permitting process and has allowed the applicant to begin construction.

FINDING: Staff finds that the strict application of the regulations would cause an unnecessary nonfinancial hardship.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

ANALYSIS: Permitting the extension of the home will allow for adequate “in home” healthcare for one of the residents.

FINDING: Staff finds that granting the variance is necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ANALYSIS: This variance is only to extend the current residence into the rear setback while not encroaching on the land of neighbors by maintaining a new rear setback of 18 feet.

FINDING: The granting of this variance will not affect the health or safety of persons residing or working within the subject area, adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

f. The variance does not allow a use that is not permitted in the zoning district where the property is located.

ANALYSIS: Single-family homes are a permitted use in the CR-1A zone.

FINDING: Granting of the variance will only allow permitted uses.

STAFF SUMMARY AND RECOMMENDATION: Factors considered for staff's recommendation are:

- The house was built in 1967
- The county created the CR-1A zone in 1982 and rezoned the site in 1983
- The request to extend the house to improve in house health care
- Hardship, preservation, and enjoyment of substantial existing property rights by the owners

All submittals, presented evidence, written documentation, public testimony, and Planning Case Staff Report (BA-042-22), are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report, record as presented, and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, staff suggests approving the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:

*** (Suggested finding)

I move to approve case BA-042-22, a variance to Section **2.55.020 (G)** of the PCDSC, to allow building an extension to the existing residence in the CR-1A zone, based on the following conditions (please cite a minimum of three findings in a-f):

1. All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

2. The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, Chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

   A. One dwelling, conventional construction, or manufactured home.
   B. Public park, public or parochial school.
   C. Church, providing the minimum off-street parking requirements, in PCDSC 2.140.020(E), are met.
   D. A travel trailer or recreational vehicle (RV) for not more than 90 days during construction of a residence on the same premises. This period may be extended for an additional period of 90 days upon application to the zoning inspector.
   E. Agriculture or horticulture used only for the purposes of propagation and culture and not for retail sales, including any number of poultry, rabbits and similar small animals and not more than two head of cattle, horses, sheep or goats, more than six months of age, per acre. Swine are not permitted in the district.
   F. Accessory building or use.

3. Development Standards:

   A. Minimum lot area: 43,560 square feet.
   B. Minimum lot width: 100 feet.
   C. Minimum front setback: 30 feet.
   D. Minimum side setbacks: 10 feet.
   E. Minimum rear setback: 18 feet.
   F. Maximum building height: 30 feet.
   G. Detached Accessory Buildings:
      1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
      2. Maximum height: 20 feet;
      3. Minimum distance to main building: seven feet;
      4. Minimum distance to front lot line: 30 feet;
      5. Minimum distance to rear or side lot lines: four feet, 50 feet if used for poultry or animals.
      6. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

To Deny:

I move to deny case BA-042-22, a variance to Section **2.50.020 (G)** of the PCDSC, to allow building an extension to the existing residence in the CR-1A zone, based on, based on the finding that the condition is neither peculiar nor exceptional to reduce the rear setback requirement specified by the PCDSC.

DATE PREPARED: 3/2/2023
REVISED: 3/15/2023

Leo Lew
County Manager

PINAL COUNTY
WIDE OPEN OPPORTUNITY

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications Must Be Typed or Written in Ink) and submitted via the online portal site at https://citizenaccess.pinalcountyaz.gov/CitizenAccess/

Variance Request & Property Information:
(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. Tax Assessor Parcel No.:_____ **2.** Size (to the nearest 1/10th of an acre_____

3. The legal description of the property:_____

4. Current zoning:_____ **5.** Requested zoning (if applicable):_____

6. The existing use(s) of the property is as follows: _____

_____

7. The proposed use under this request and/or Section(s) of Code you are requesting a variance: _____

_____

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # (CC/BCC)_____

9. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the current zoning indicated above was adopted.

_____

_____

_____

10. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area. _____

_____

_____

_____

INV#:_____AMT:_____DATE:_____CASE:_____Xref:_____

11. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.

12. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

13. That the variance will not allow a use that is not permitted in the zoning district where the property is located. (Not required for parking reductions)

13. That the special circumstances or conditions referred to item 10 above are not self-imposed.

(The following are additional questions for reductions in parking requests only)

14. Site Plan Review or Building Permit Number:

15. Required parking either in total number or ratio: **16.** Requested (# or ratio)

17. Evidence to support a reduction, this may include codes and ordinance from other jurisdictions, structures with multiple building occupancy types and/or operational characteristics of the particular use that would warrant a reduction:

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed. All notices will be sent to the applicant unless otherwise directed in writing.

Grady L McEachern & Wendy S Davis 5281 E Reavis st. Apache Junction AZ 85119

Name of Applicant	Address	
Wendy Davis	gmceach@msn.com	480-529-1999
Signature of Applicant	E-Mail Address	Phone Number

Name of Agent/Representative	Address	
Signature of Agent/Representative	E-Mail Address	Phone Number

The Agent/Representative has the authority to act on behalf of the landowner/applicant, which includes agreeing to stipulations. The agent will be the contact person for Planning staff and must be present at all hearings. Please use attached Agency Authorization form, if applicable.

Grady L McEachern & Wendy S Davis 5281 E Reavis st. Apache Junction AZ 85119

Name of Landowner	Address	
Wendy Davis	gmceach@msn.com	480-529-1999
Signature of Landowner	E-Mail Address	Phone Number

If landowner is not the applicant, then applicant must submit a signed notarized consent form from the landowner with this application. Please use attached Consent to Permit form, if applicable.

Application Checklist:

- ❑ Submit a detailed site plan, at least 8½ X 11, but not larger than 11" X 17". The site plan must include the following:
  - Size and shape of parcel; property dimensions; north arrow
  - Adjacent streets; rights-of-way, easements and setbacks; indicate size; purpose and whether public or private
  - Location, size and use of all existing and proposed buildings; show setbacks from property boundary lines and between structures
  - Driveways and parking areas, show access, dimensions and surface material
  - Existing and proposed utilities, show location of lines, size and serving company
  - Any other information as may be applicable – landscaping, natural features i.e.: washes, excavation sites, etc., floor plan
- ❑ Submit the "This Application Checklist" for the requested action.
- ❑ Submit a list of all property owners within 600' of the subject property boundary showing name, mailing address and tax parcel numbers. This list must be obtained within the 30 days prior to application submission.
- ❑ Submit a map of the area with the 600' boundary shown. (A Tax Assessor Parcel Map is acceptable).
- ❑ Submit the non-refundable filing fee according to the fee schedule shown on coversheet of the application. (The application is not considered filed until the fees are paid.)

  A) Residential with 0-499 mail-outs $500.00
  B) Residential with 500 or more mail-outs: $500.00
  C) Commercial, industrial or transition with 0-499 mail-outs: $2,084.00
  D) Commercial, industrial or transition with 500 or more mail-outs: $2,399.00

- ❑ The application and narrative in PDF format.
- ❑ Understand that a newspaper publication must be advertised for this variance case per Pinal County staff instructions no later than 28 days prior to the hearing date as assigned. The applicant is responsible for all publication fees.

PROJECT SUMMARY:

THIS PERMIT IS FOR THE A-3 RESIDENTIAL INTERIOR REMODEL AND ADDITION FOR THIS EXISTING 1-STORY HOME.

SCOPE OF WORK INCLUDES:
① 100 SF TO ENLARGE THE MASTER BATH AND LAUNDRY ROOM.

NOTE:
FINISHED FLOOR OF HOME ADDITION WILL MATCHED THE EXISTING FINISHED FLOOR ELEVATION.

SITE PLAN
SCALE: 1" = 30'-0"

SITE NOTES:
1. OUTDOOR LIGHTING SHALL BE FULLY SHIELDED AND CONFORM WITH PINAL COUNTY ZONING CHAPTER 2.195.

PROJECT INFORMATION

PROJECT TEAM

Owner:
Grady & Wendy McEachern
5281 E Reavis St
Apache Junction, AZ 85119
dvnordy@gmail.com

Architect:
DESIGNLine Architects, LLC
470 E. Canyon Creek Court
Gilbert, Arizona 85295
480.710.3861
drusk@designlinearchitects.com
Doug Rusk, Principal Architect

General Contractor:
To be Determined

SHEET INDEX

T-0	SITE PLAN / TITLE SHEET
A-1	DEMOLITION PLAN
A-2	FLOOR PLAN
A-3	ROOF PLAN & EXTR. ELEVATIONS
A-4	ELECTRICAL PLAN
S-1	FOUNDATION & FRAMING PLAN
S-2	CONSTRUCTION DETAILS

SITE DATA-

SUBDIVISION:	N/A
APN NO.	100-16-029C
LOT #	2C
ZONING:	CR1a
PROPERTY DESCRIPTION:	W1/2 NE SW SE NW & E1/2 NW SW SE NW OF SEC 12-1N-8E 2.50 AC + OR -

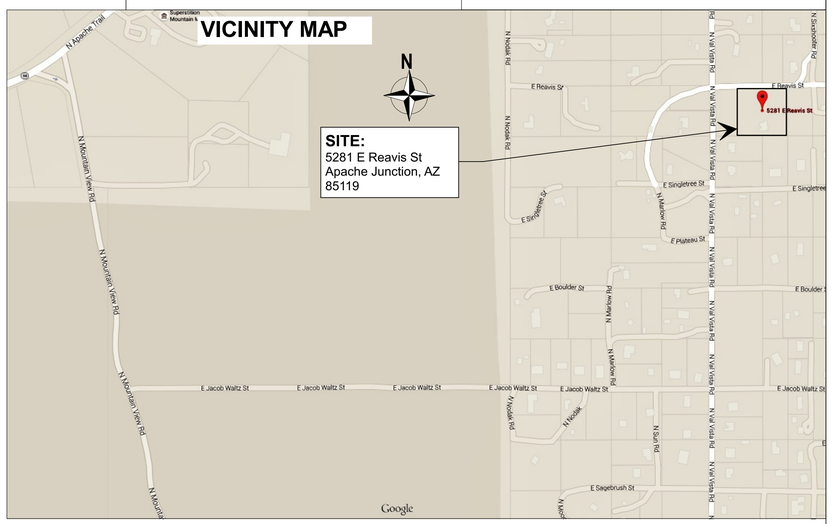
BUILDING CODES:

- 2018 International Residential Code
- 2018 International Mechanical Code
- 2018 International Plumbing Code
- 2017 International Electrical Code
- 2018 International Fuel Gas Code
- 2018 International Fire Code
- 2018 International Energy Code

AREA CALCULATIONS:

EXISTING LIVABLE	1,964 SF
EXISTING FRONT PORCH	551 SF
EXISTING CARPORT	556 SF
EXISTING SHED 10'x20'	200 SF
EXISTING SHED 15'x35'	400 SF
EXISTING UNDER ROOF	3,671 SF
1 - BATHROOM & LAUNDRY ADDITION	**100 SF**
NEW LIVABLE	**2,064 SF**
NEW TOTAL UNDER ROOF	**3,771 SF**
LOT AREA	108,900 SF
LOT COVERAGE	3.4 %

VICINITY MAP



NOTE: "CONTRACTOR TO FIELD VERIFY EXISTING AS-BUILT CONDITION AND NOTIFY ARCHITECT FOR ANY SIGNS OF STRUCTURAL DISTRESS. NOTE THAT A GUARANTEE THAT THE EXISTING BUILDING WAS CONSTRUCTED IN COMPLIANCE WITH ALL APPLICABLE BUILDING AND CONSTRUCTION CODES AND THE ORIGINAL PLAN DOCUMENTS IS NEITHER EXPRESSED NOR IMPLIED."

DESIGN LINE ARCHITECTS
Doug Rusk, PA
480.710.3861

REGISTERED ARCHITECT
CERTIFICATE NO.
33828
DOUG
RUSK
02-19-22
EXPIRES 06-30-2023

NO.	DESCRIPTION	BY	DATE
A			

SHEET TITLE: SITE PLAN / TITLE SHEET

THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF DESIGNLINE ARCHITECTS.DEVELOPED FOR THE EXCLUSIVE USE OF DESIGNLINE ARCHITECTS. USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION OF DESIGNLINE ARCHITECTS IS PROHIBITED.

PROJECT DESCRIPTION:
McEachern Addition
5281 E Reavis St
Apache Junction, AZ 85119

DATE:
2/19/2022

SCALE:

SHEET:
T-0

PLATTS THERESA & DOLIVO M...
5301 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

POMEROY KIM
3265 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

MCEACHERN GRADY L & DAVIS...
5281 E REAVIS ST
APACHE JUNCTION, AZ 85119

SHERMAN OLIN N
5195 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

BLOCK BRIAN G
5330 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

MCEACHERN GRADY L & DAVIS...
5281 E REAVIS ST
APACHE JUNCTION, AZ 85119

O CALLAGHAN JOHN D JR
3151 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

FINKEY JOHN B LIV TRUST
5386 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

SORENSON JOHN & MELISSA
5415 E REAVIS ST
APACHE JUNCTION, AZ 85119

PLATTS THERESA & DOLIVO M...
5301 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

ELDER GAIL C
5424 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

MEDLEY ELMER
5453 E REAVIS ST
APACHE JUNCTION, AZ 85119

NELSON NELS E & MARGARET ...
1001 3RD ST NE
DEVILS LAKE, ND 58301

PEZZINO MARGARET L
5474 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

DUDLEY SCOTT A
5525 E REAVIS ST
APACHE JUNCTION, AZ 85119

HOFFART JOHN B
108 S MAIN ST
PAIGE, TX 78659

KOCH MICHAEL G
5506 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

SMAELLIE KENNETH R & RUBY ...
5059 E RUBY JANE LN
APACHE JUNCTION, AZ 85119

CHAPPELL LYNNE ADA
18111 19A AVE
SURREY, BC

COOPER DANIEL T & DEBRA K
3316 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

MICHAELSEN PATRICK
2014 E APOLLO AVE
TEMPE, AZ 85283

MCMANAMY RODNEY
5124 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

VALENCIA JIMMY C
466 N RENNICK DR
APACHE JUNCTION, AZ 85120

GOUDEAU DANIEL J & POLLAR...
3480 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

MCMANAMY RODNEY & OSTR...
5124 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

HAEFS JILLIAN L
828 W RICE DR
TEMPE, AZ 85283

HERRMANN-HINKLE MARYANN ...
3451 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

THOMAS KEITH ALLEN
743 ONTARION ST
HAVRE DE GRACE, MD 20178

MCEACHERN GRADY L & DAVIS...
5281 E REAVIS ST
APACHE JUNCTION, AZ 85119

RAIMONDI GINO
10405 E PORTOBELLO AVE
MESA, AZ 85212

MORGAN JEFFERSON & SHAR...
3528 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

PATTON WILLIAM U TRS
PO BOX 900
STORM LAKE, IA 50588

MARIBEN 1 LLC
1249 E CANYON ST
APACHE JUNCTION, AZ 85119

PATTON DAVID W
837 610TH ST
STORM LAKE, IA 50588

HAWKINS LARRY L
3575 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

WOLFE JEFFERY SCOTT & JAN...
3580 N VAL VISTA RD
APACHE JUNCTION, AZ 85119

FRONGILLO MARC ANTHONY
3487 N SIXSHOOTER RD
APACHE JUNCTION, AZ 85119

MARCELLUS ROBERT & KATHL...
5084 E LONGVIEW ST
APACHE JUNCTION, AZ 85119

MEREDITH CHRISTOPHER & C...
3520 N SIXSHOOTER RD
APACHE JUNCTION, AZ 85119

CESSNA THOMAS & JOANN
5100 E RUBY JANE LN
APACHE JUNCTION, AZ 85119

ALBERTSEN THOMAS & CINDY
3450 N SIXSHOOTER RD
APACHE JUNCTION, AZ 85119

BENEDIKT PETER E & SARAH G...
5555 E SINGLETREE ST
APACHE JUNCTION, AZ 85119

ANDERSON PATRICIA
5470 E REAVIS ST
APACHE JUNCTION, AZ 85119

CANNON RUSSELL L & PEGGY ...
5514 E REAVIS ST
APACHE JUNCTION, AZ 85119

PATTON DAVID W & PAMELA K
837 610TH ST
STORM LAKE, IA 50588

PATTON DAVID W
837 610TH ST
STORM LAKE, IA 50588

THE ARIZONA REPUBLIC

PO Box 194, Phoenix, Arizona 85001-0194

Phone 1-602-444-7315 Fax 1-877-943-0443

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PNI-Arizona Republic

AFFIDAVIT OF PUBLICATION

PINAL COUNTY- FINANC
PO BOX 1348
FLORENCE, AZ 85132-3027

This is not an invoice

Order # 0005592132 # of Affidavits 1

P.O #

Issues Dated:

03/01/23

STATE OF WISCONSIN
COUNTY OF BROWN } **SS.**

I, being first duly sworn, upon oath deposes and says: That I am the legal clerk of the Arizona Republic, a newspape of general circulation in the counties of Maricopa, Coconino, Pima and Pinal, in the State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper in the issue(s) dated indicated.

Sworn to before me this

1 ST day of
MARCH 2023

Notary Public

My Commission expires: 9.19.25

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON MARCH 23, 2023 AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A VARIANCE FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

BA-042-22 – PUBLIC HEARING/ACTION: Grady McEachern & Wendy Davis, landowner/applicant, requesting a variance to Section 2.55.020 (G) of the PCDSC, to reduce the rear setback requirement from 40 feet to 18 feet to allow an expansion to an existing dwelling, 100-16-029C (legal on file) in the CR-1A single family zone, situated in Section 12, Township 01 North, Range 08 East G&SR B&M, located west of north Val Vista Rd and south of east Reavis St near Apache Junction.

Information regarding the case can be found online at:
http://pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS 9th DAY OF FEBUARY, 2023

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (Print or type)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 2973 (85 N. FLORENCE, FIRST FLOOR)
FLORENCE, AZ 85132
NO LATER THAN 4:00 P.M. ON MARCH 16, 2023

Contact for this matter: Ryan Green, Planner
E-mail Address: Ryan.Green@pinal.gov
Phone: (520) 866-6294 Fax: (520) 866-6530

PUBLISHED ONCE: 3/1/23
Arizona Republic

VICKY FELTY
Notary Public
State of Wisconsin

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-042-22

3/23/23

Community Development Department

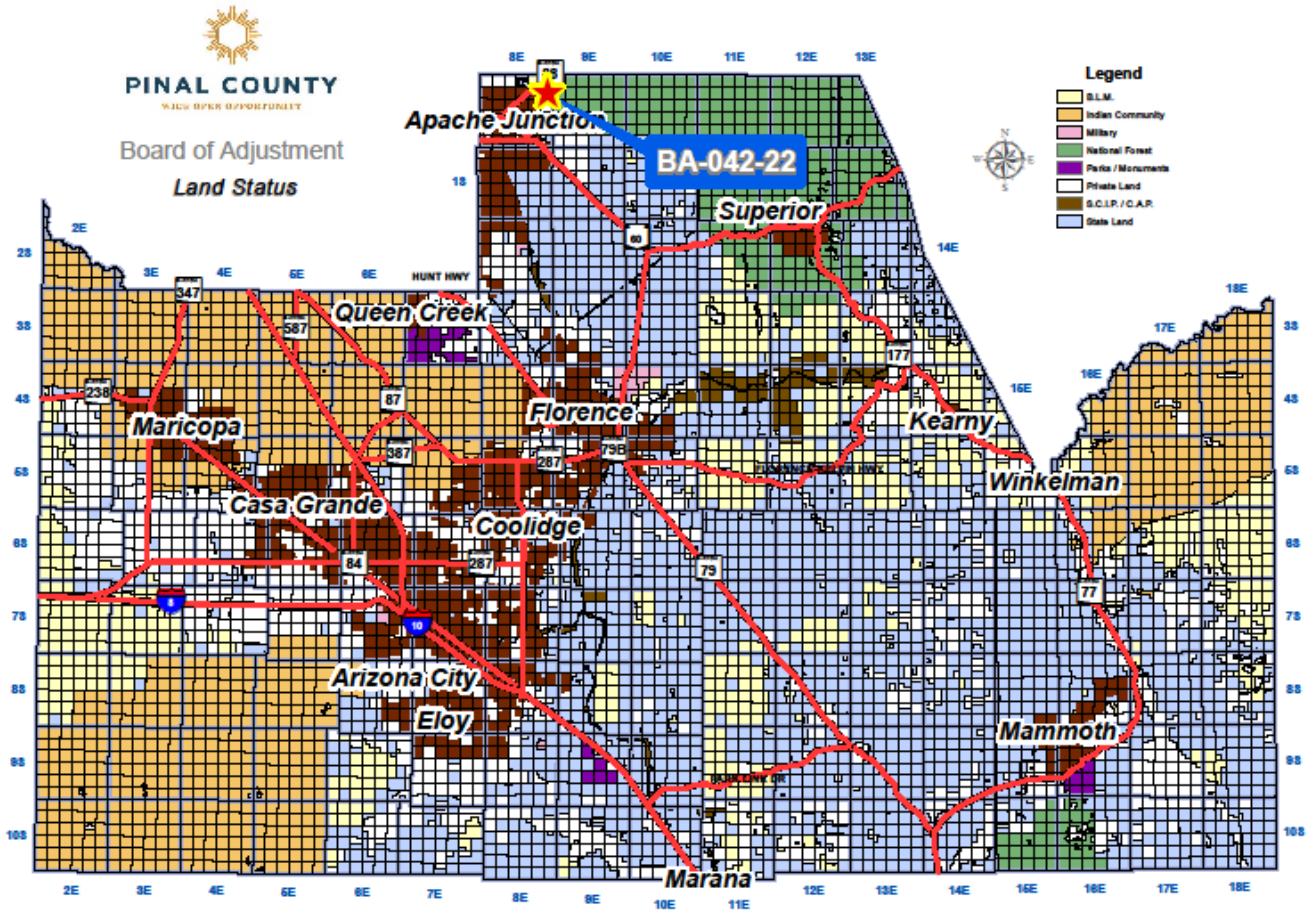
BA-042-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Proposal:
  - Variance to **Section 2.55.020 (G)** to reduce the rear setback requirement from 40 feet to 18 feet to allow an expansion to an existing dwelling in the CR-1A zone.
- Location: east of north Val Vista Rd and south of east Reavis St, near Apache Junction.
- Owner/Applicant: Grady McEachern & Wendy Davis

County Map

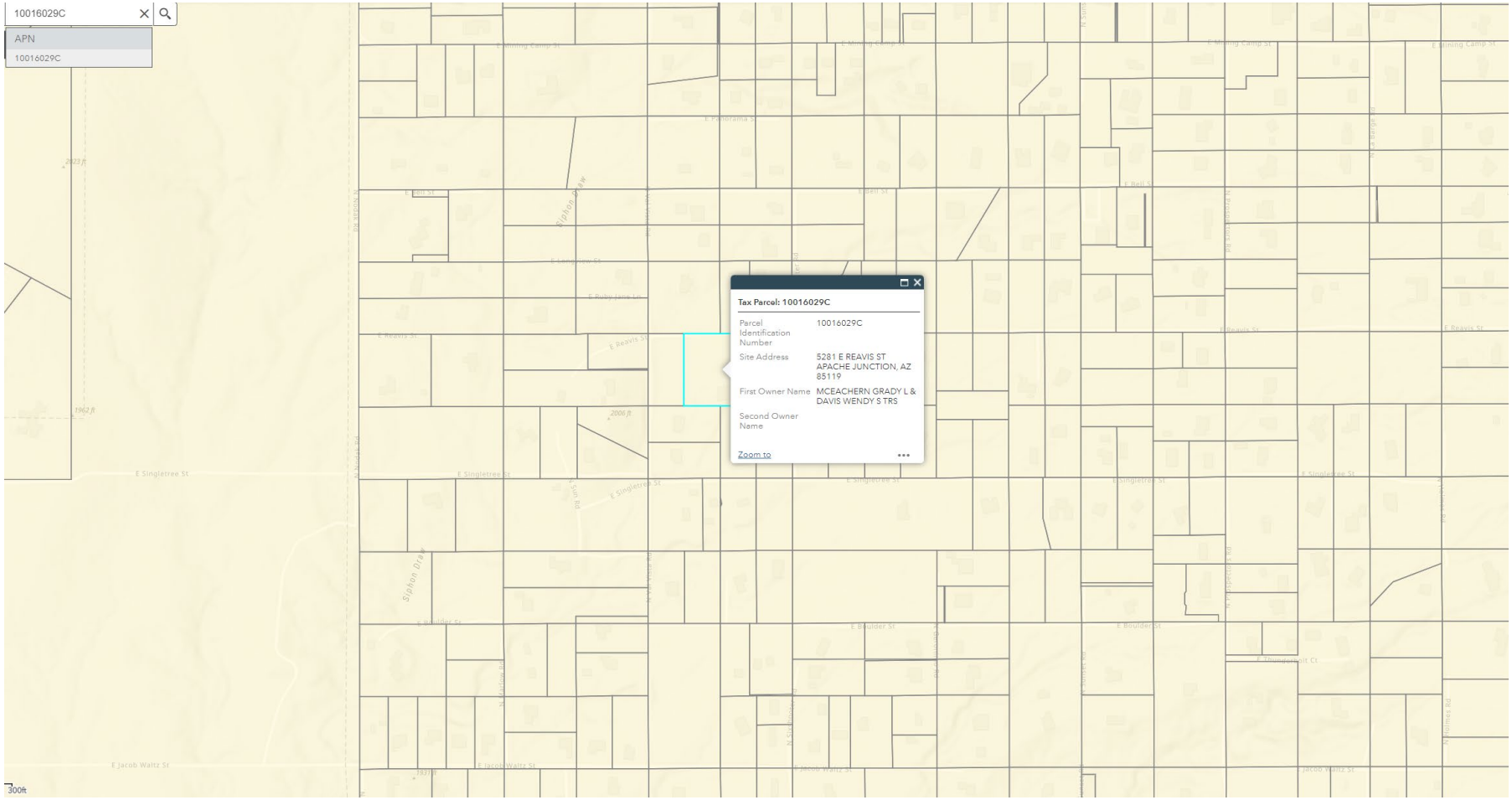
PINAL COUNTY
WIDE OPEN OPPORTUNITY



Comprehensive Plan

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Comprehensive Plan: Very Low Density Residential (0-1) du/ac



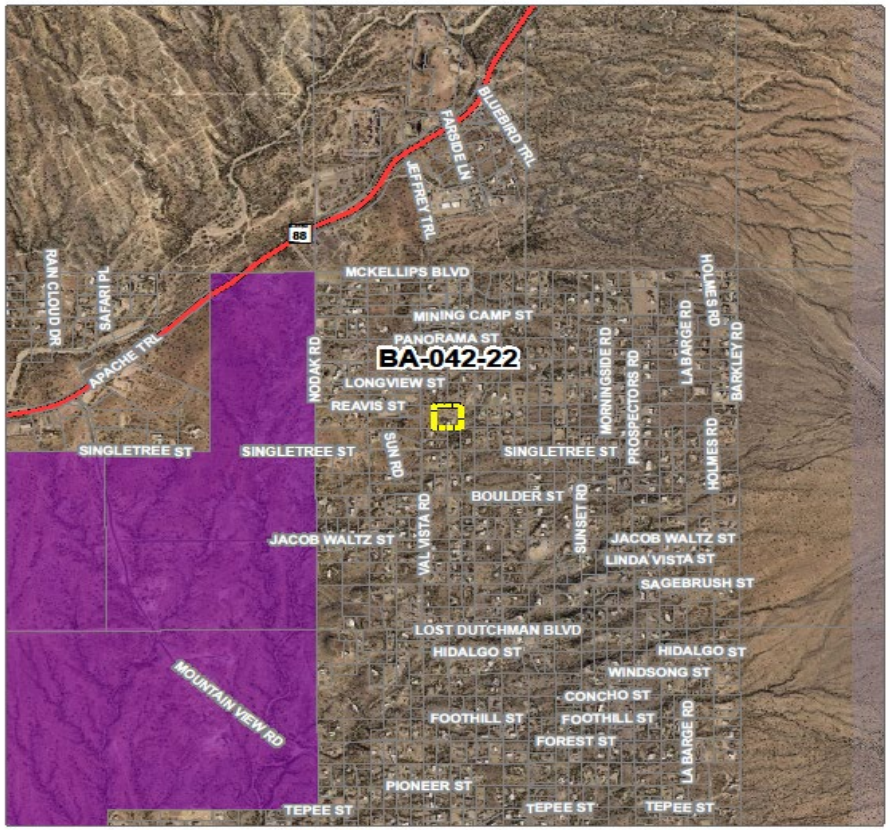
Area Map/Existing Zoning

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Zoning District: Single Family (CR-1A)

Aerial Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Board of Adjustment

Sign Posting

PINAL COUNTY
WIDE OPEN OPPORTUNITY

North

PINAL COUNTY
WIDE OPEN OPPORTUNITY

South (Onto site)

PINAL COUNTY
WIDE OPEN OPPORTUNITY

East

PINAL COUNTY
WIDE OPEN OPPORTUNITY

West

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Site Plan

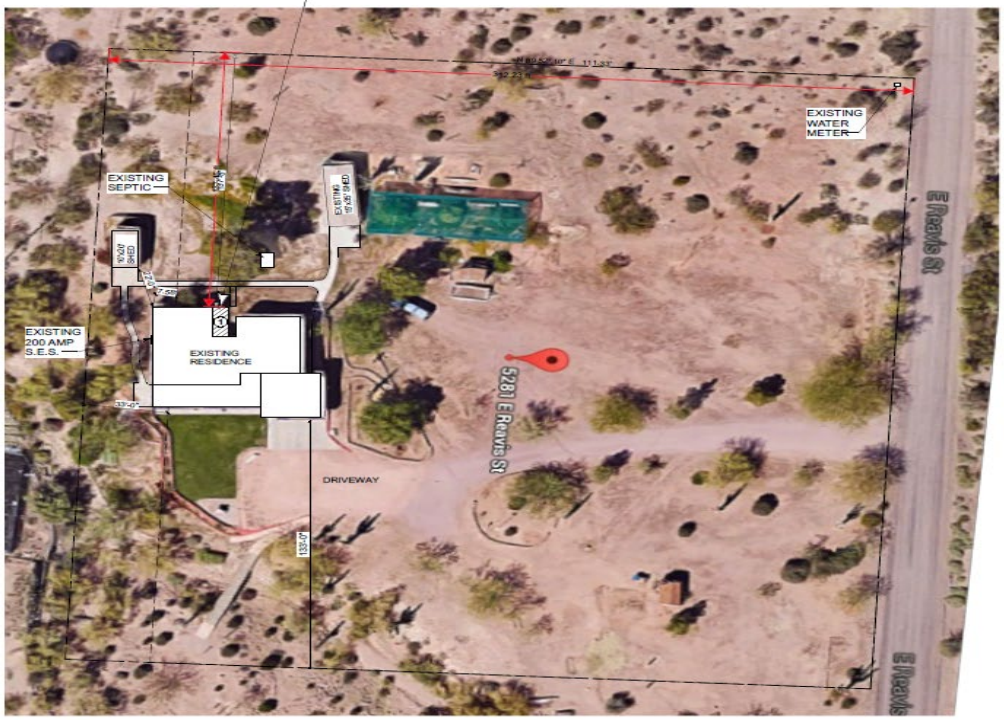
PINAL COUNTY
WIDE OPEN OPPORTUNITY

PROJECT SUMMARY:

THIS PERMIT IS FOR THE A-3 RESIDENTIAL INTERIOR REMODEL AND ADDITION FOR THIS EXISTING 1-STORY HOME.

SCOPE OF WORK INCLUDES:
① 100 SF TO ENLARGE THE MASTER BATH AND LAUNDRY ROOM.

NOTE:
FINISHED FLOOR OF HOME ADDITION WILL MATCHED THE EXISTING FINISHED FLOOR ELEVATION.



SITE PLAN
SCALE: 1" = 30'-0"

SITE NOTES:
1. OUTDOOR LIGHTING SHALL BE FULLY SHIELDED AND CONFORM WITH PINAL COUNTY ZONING CHAPTER 2.195.

Key Issues

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- The house was built in 1967
- The county created the CR-1A zone in 1982 and changed the site area zoning in 1983
- The request to extend the house to improve in home health care
- Hardship, preservation, and enjoyment of substantial existing property rights by the owners

BA-042-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Recommendation:
  - Approval
  - 3 stipulations

Stipulation #1

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

Stipulation #2

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:
  - One dwelling, conventional construction, or manufactured home.
  - Public park, public or parochial school.
  - Church, providing the minimum off-street parking requirements, in PCDSC 2.140.020(E), are met.
  - A travel trailer or recreational vehicle (RV) for not more than 90 days during construction of a residence on the same premises. This period may be extended for an additional period of 90 days upon application to the zoning inspector.
  - Agriculture or horticulture used only for the purposes of propagation and culture and not for retail sales, including any number of poultry, rabbits and similar small animals and not more than two head of cattle, horses, sheep or goats, more than six months of age, per acre. Swine are not permitted in the district.
  - Accessory building or use.

Stipulation #3

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Development Standards:
  - Minimum lot area: 43,560 square feet.
  - Minimum lot width: 100 feet.
  - Minimum front setback: 30 feet.
  - Minimum side setbacks: 10 feet.
  - Minimum rear setback: 18 feet.
  - Maximum building height: 30 feet.
  - Detached Accessory Buildings:
- Permitted coverage: 33 percent of the total area of the rear and side setbacks;
- Maximum height: 20 feet;
- Minimum distance to main building: seven feet;
- Minimum distance to front lot line: 30 feet;
- Minimum distance to rear or side lot lines: four feet, 50 feet if used for poultry or animals.
- A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

Comments, Questions, Concerns?

PINAL COUNTY
WIDE OPEN OPPORTUNITY

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: March 23, 2023

CASE NUMBER: BA-043-22

CASE COORDINATOR: Glenn Bak

Executive Summary:
This case is a variance request by applicant John L Orozco to reduce the minimum lot size from 54,450 square feet (1.25 acres) to 8,400 +/- (.19 acres) to allow for the placement of a single-family residence on 8,400 square foot parcel in the GR-General Rural Zone. The lot remains non-conforming and currently un-buildable.

If This Request is approved:
This variance will allow applicant to develop his parcel in GR zone at its current platted size without additional variance requests.

Staff Recommendation/Issues for Consideration/Concern:
Staff offers a recommendation of approval with stipulations.

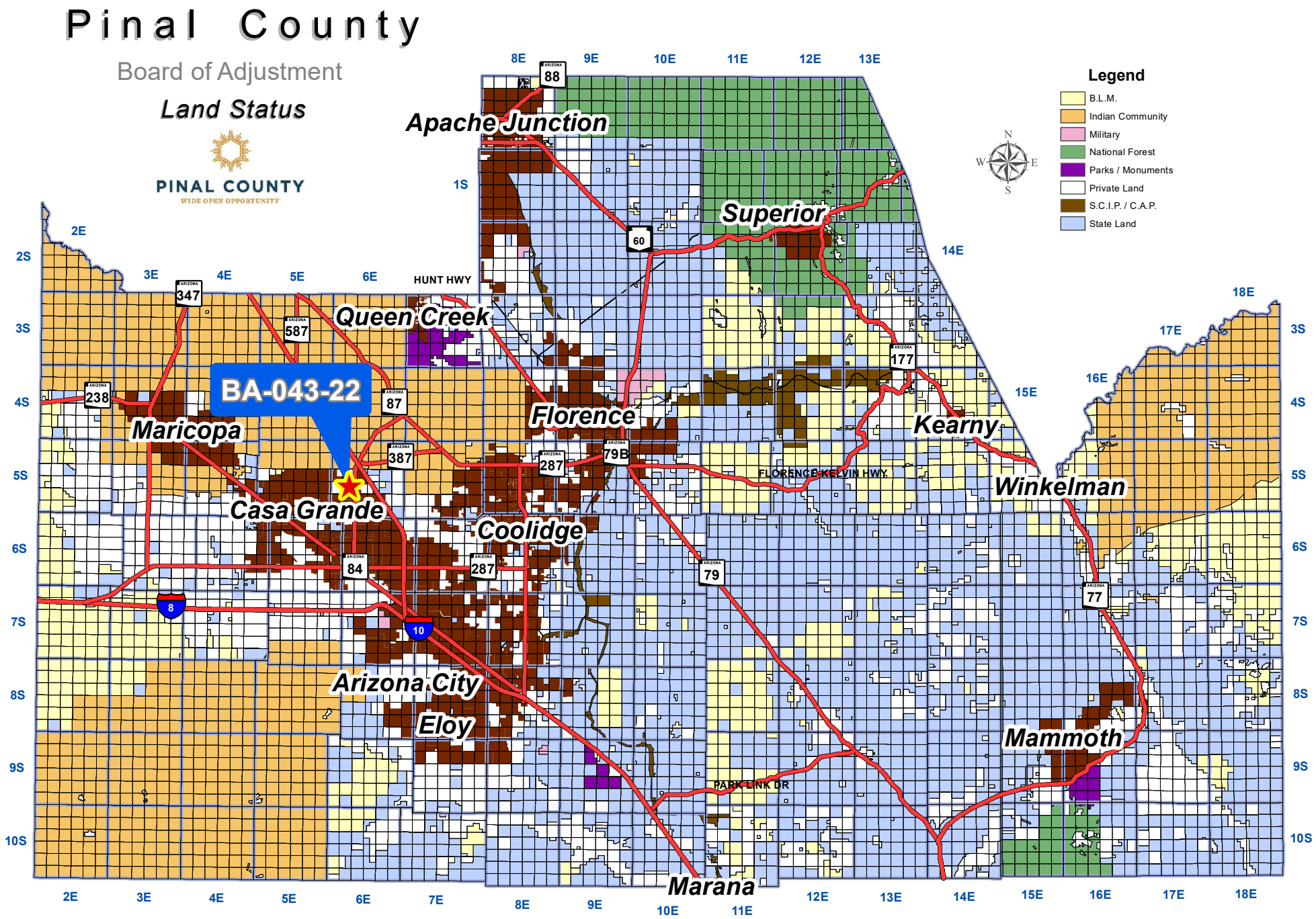
BA-043-22 – PUBLIC HEARING/ACTION: John L Orozco, landowner/applicant, requesting a variance to **Section 2.40.020** of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 8,400 +/- (.19 acres), to allow the construction of a manufactured/mobile home on a .19 acre parcel in the General Rural Zone (GR) Zone, Lots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.

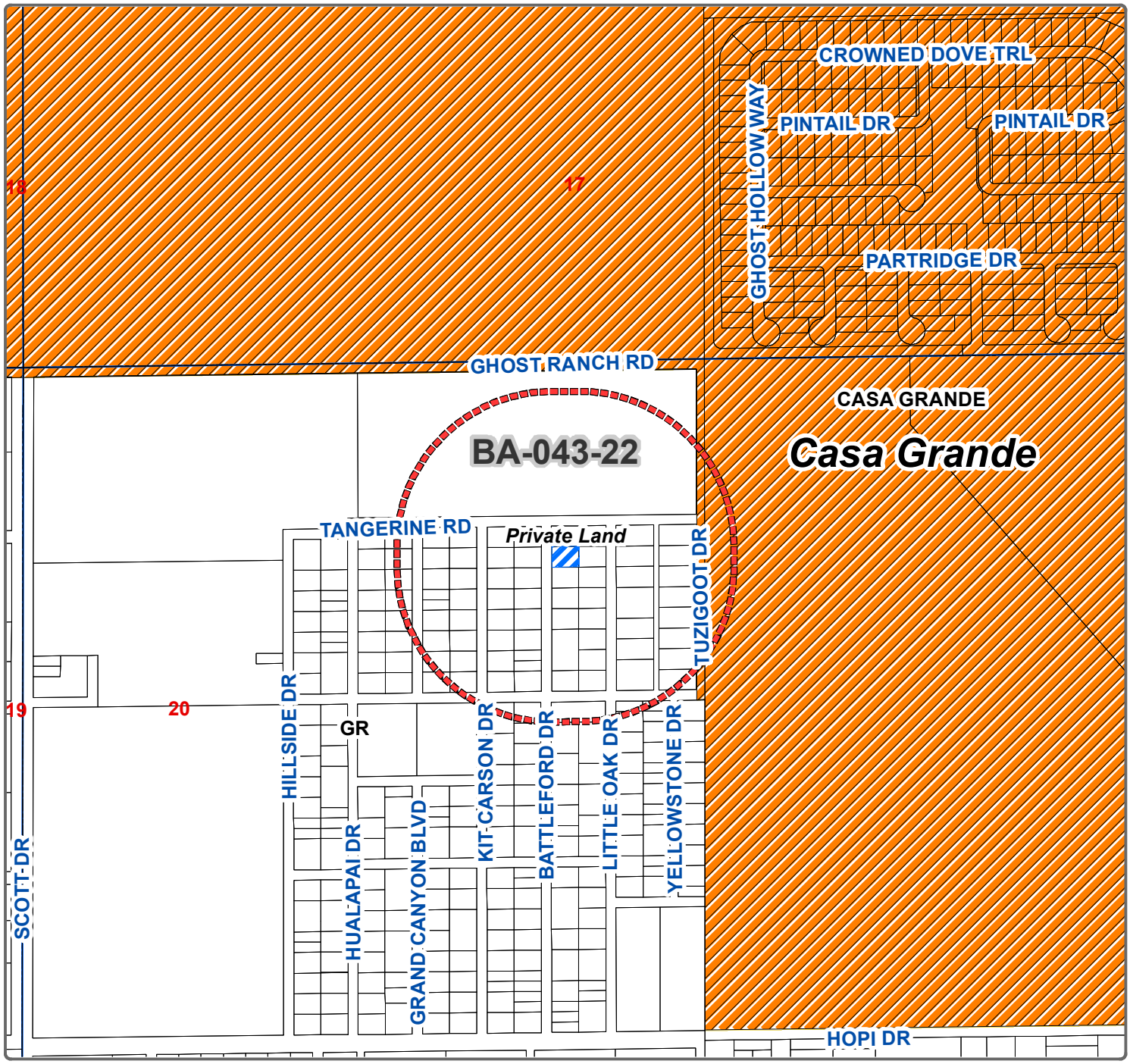
LEGAL DESCRIPTION: Deer Run Ranch Estates Unit No. 2, Lots 29 & 30, situated in Section 20, T5S, R06E, G&SR B&M

TAX PARCEL: 509-33-125A

LANDOWNER/APPLICANT: John L Orozco

REQUESTED ACTION AND PURPOSE: Requesting a variance to **Section 2.40.020 (B)** to modify the minimum lot requirement from 54,450 square feet to 8,400 square feet (0.19 acres) in the GR General Rural Zone, to allow for a single family home.


Pinal County
Board of Adjustment
Land Status
PINAL COUNTY
WIDE OPEN OPPORTUNITY
Legend
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
BA-043-22
Apache Junction
Superior
Queen Creek
Florence
Kearny
Winkelman
Maricopa
Casa Grande
Coolidge
Arizona City
Eloy
Mammoth
Marana
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR



Board of Adjustment

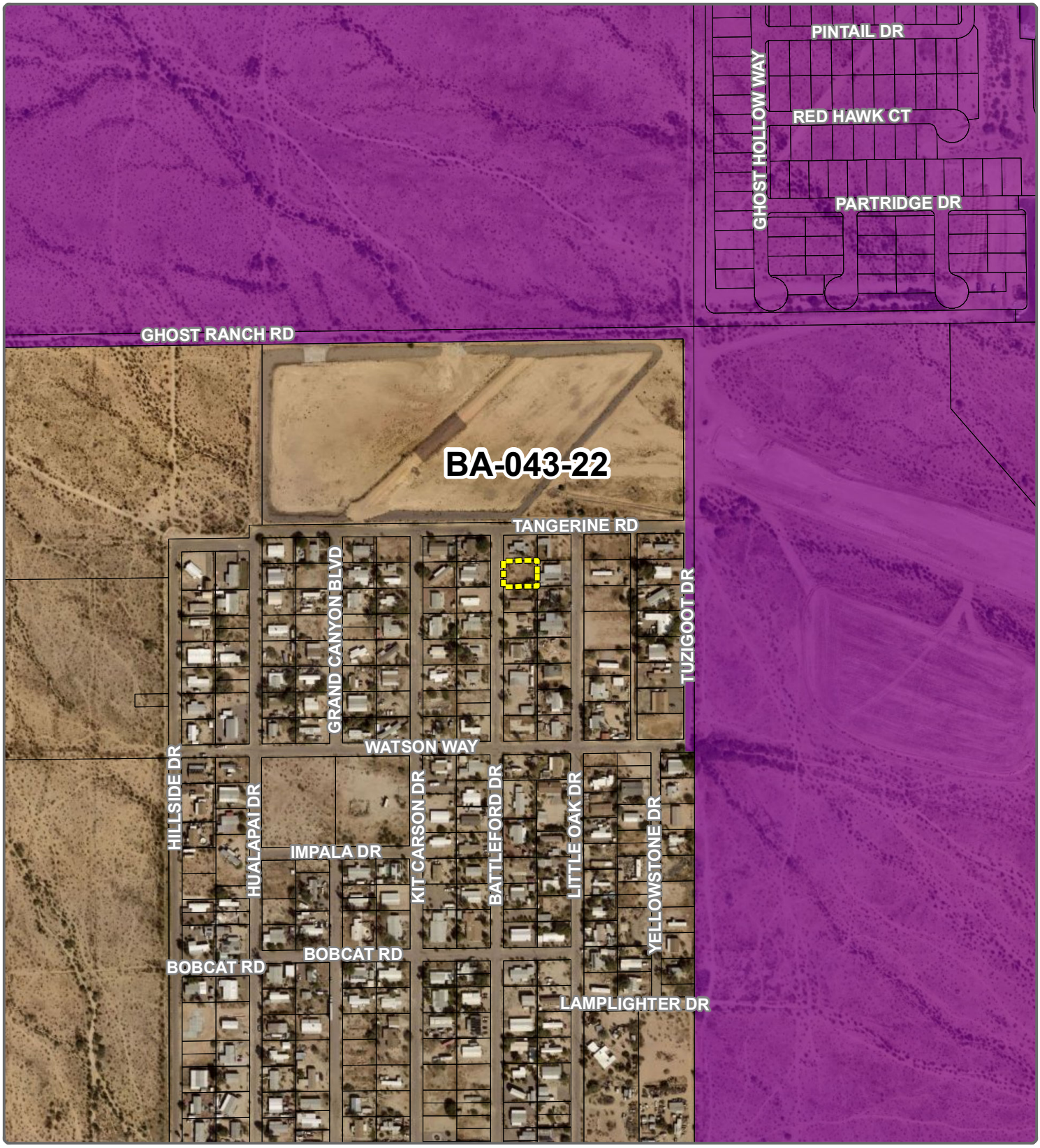
BA-043-22 – PUBLIC HEARING/ACTION: John L Orozco, landowner/applicant, requesting a variance to Section 2.40.020 of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 8,400 +/- (.19 acres), to allow the construction of a manufactured/mobile home on a .19 acre parcel in the General Rural Zone (GR) Zone, Lots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.

Current Zoning: GR	Requested Zoning: Board of Adjustment	Current Land Use: Residential

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:
Situated in Lots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.

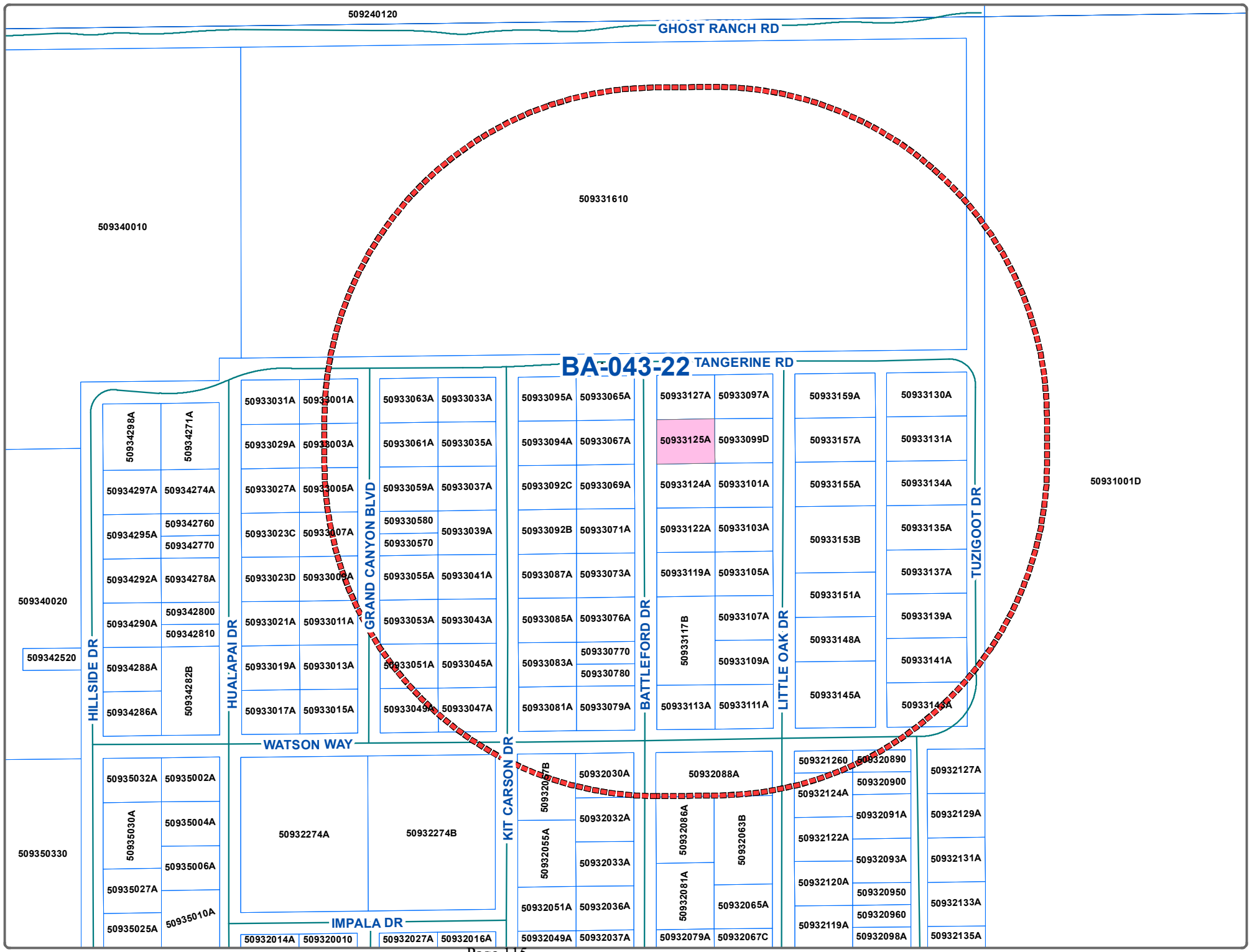
Owner/Applicant: JOHN L OROZCO, LANDOWNER/APPLICANT			
Drawn By: GIS / IT / RWH		Date: 02/22/2023	
Sheet No. 1 of 1	Section 20	Township 5S	Range 6E
Case Number: BA-043-22			



Board of Adjustment

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-043-22


509240120
GHOST RANCH RD
509331610
509340010
BA-043-22
TANGERINE RD
50931001D
509340020
509342520
509350330
HILLSIDE DR
HUALAPAI DR
GRAND CANYON BLVD
BATTLEFORD DR
LITTLE OAK DR
TUZIGOOT DR
KIT CARSON DR
WATSON WAY
IMPALA DR
50934298A
50934271A
50934297A
50934274A
50934295A
509342760
509342770
50934292A
50934278A
50934290A
509342800
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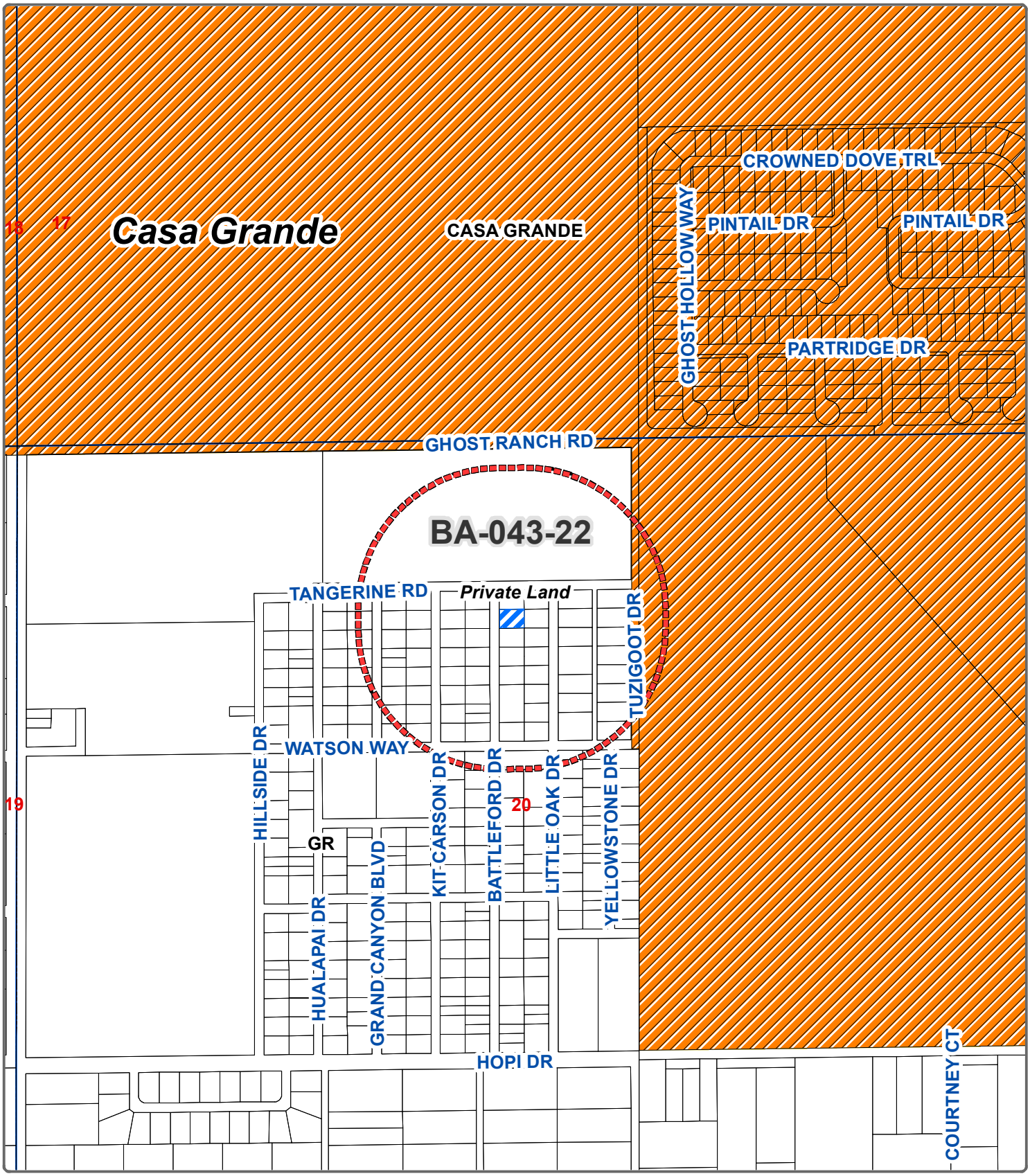
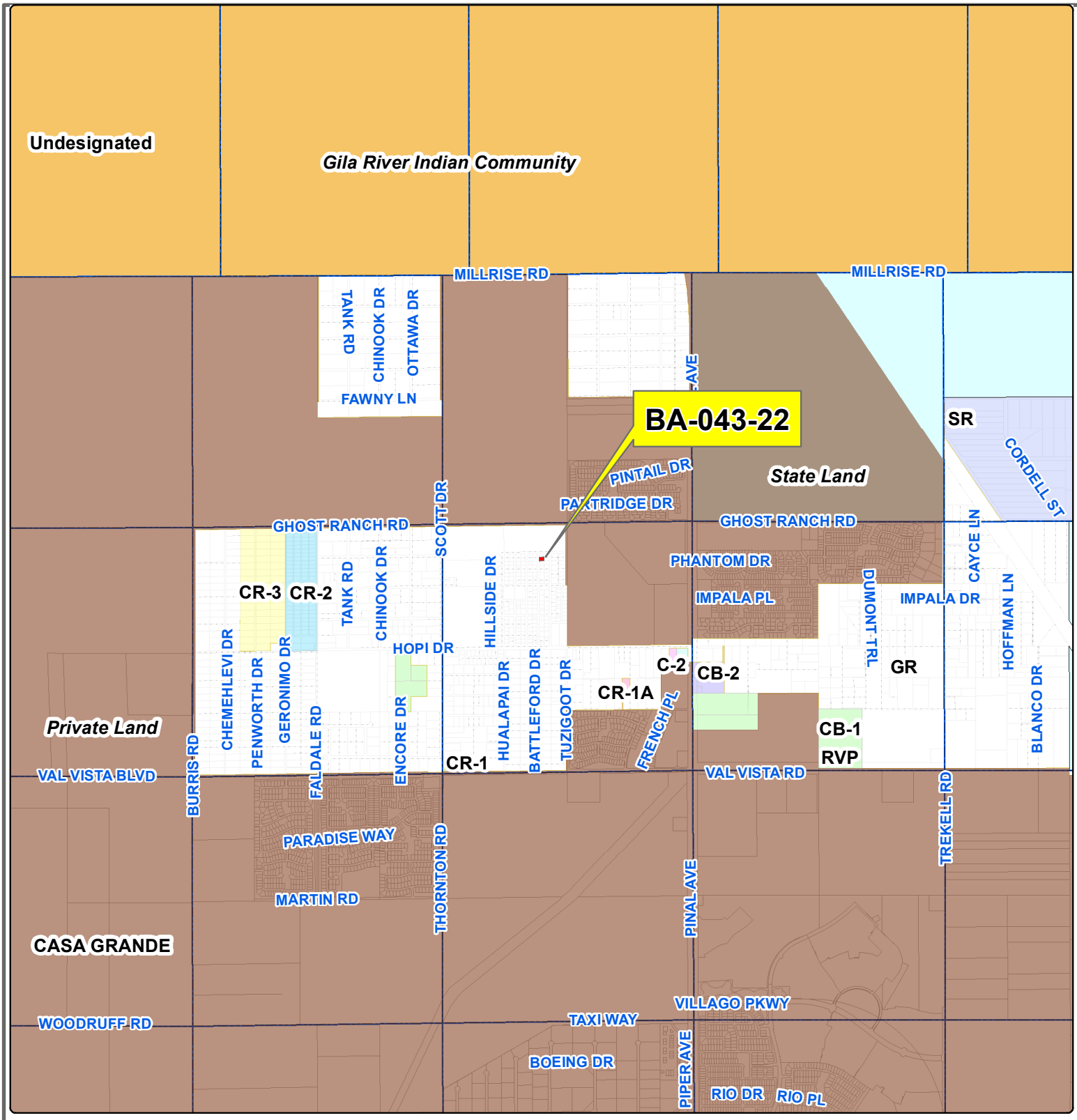


Board of Adjustment

JOHN L OROZCO, LANDOWNER/APPLICANT	**Legal Description:** Situated inLots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.	Current Zoning:GR Request Zoning: Board of Adjustment Current Land Use: Residential
GIS/IT - RWH 02/22/2023	Sheet No. 1 of 1	PINAL COUNTY WIDE OPEN OPPORTUNITY
Section 20 / Township 5S / Range 6E		
BA-043-22		



Board of Adjustment

Community Development

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:
Situated in Lots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.

	Owner/Applicant: JOHN L OROZCO, LANDOWNER/APPLICANT	
	Drawn By: GIS / IT / RWH	Date: 02/22/2023
Sheet No. 1 of 1	Section 20 / Township 5S / Range 6E	
	Case Number: BA-043-22	

LOCATION: The subject property is located north of Hopi Dr and east of Hillside Dr in the Casa Grande area.

SIZE: .19 ± acres

EXISTING ZONING AND LAND USE: GR - General Rural Zone. A mobile home was recently placed on the property.

SURROUNDING ZONING AND LAND USE:

North: General Rural (GR) Zoning - Mobile Home
South: General Rural (GR) Zoning Mobile Home
East: General Rural (GR) Zoning – Manufactured home
West: General Rural (GR) Zoning – Manufactured home

SITE DATA: The site is rectangular in shape. Terrain is level and there is little vegetation on the lot. Flood zone X, area of minimal flood hazard.

HISTORY: Deer Run Ranch Estates Unit 2 was platted in 1957 in conformance with the 1954 zoning ordinance which had size requirements as low as 6,000 square feet. The 1968 zoning ordinance, allowed lots as small as 12,000 square feet. In November 18, 1974, the 1972 Zoning ordinance was amended and increased minimum lot size to 54,450 square feet which is the current minimum requirement in the GR zone.

ANALYSIS: The subject property is located within the Moderate Low Density Residential designation (1-3.5 du/ac) of the Pinal County Comprehensive Plan.

To date, no comments have been received.

Staff's public participation and notification of the cases include:

Newspaper publish dates:	Week of 3/2/23
Mail-outs:	3/3/23
Site Posting:	3/2/2023
Website:	3/3/2023

THE APPLICANT MUST SATISFY THE BOARD OF ADJUSTMENT AND APPEALS THAT THIS REQUEST MEETS THE NECESSARY CRITERIA TO QUALIFY FOR A VARIANCE AS STATED IN SECTION 2.155.050.C

EVIDENCE REQUIRED FOR VARIANCE:

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.
b. The special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed by the property owners within the subject area.
c. The strict application of the regulations would work an unnecessary nonfinancial hardship.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.
e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
f. The variance does not allow a use that is not permitted in the zone district where the property is located.

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

ANALYSIS: The property lines are regular and unremarkable and were created in 1957 prior to the 1974 amendment of the 1972 Zoning Ordinance that changed the minimum lot size requirement to 12,000 square feet for the GR zone. A special circumstance does exist in that the County has initiated changes to the zoning ordinance resulting in this lot becoming non-conforming by way of County action. There are no flood control issues or any known geologic constraints. Neighboring lots are of similar size, below the GR required 54,450 square foot lot size.

FINDING: There <u>does</u> appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district.

b. That the special circumstances or conditions referred to in subsection (C) (4) (a) of this section are not self-imposed by the property owners within the subject area.

ANALYSIS: Staff notes the Pinal County Board of Adjustment is authorized to grant a variance of regulations where it finds that absolute conformance to the regulations in an established zone would present an unnecessary hardship on the applicant. The "Hardship" must be related to the physical aspects of the land and not a personal or self-imposed hardship. Hardship was created at the time of adoption of the 1974 Zoning Ordinance amendment, resulting in many of the lots within Deer Run Ranch Estates Unit 2 becoming undersized and non-conforming.

FINDING: The special circumstances referred to in subsection (C) (4) (a) are not self-imposed.

c. That the strict application of the regulations would work an unnecessary nonfinancial hardship.

ANALYSIS: The strict interpretation would cause this lot to remain unbuildable and deprive the applicant of a dwelling on the parcel.

FINDING Staff finds that the strict application of the regulations would cause an unnecessary nonfinancial hardship and would deprive the owner of a residence.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

ANALYSIS: The subject parcel was created legally through the plat process in 1957. Since 1962, the County has initiated changes to the zoning ordinance resulting in this lot becoming non-conforming by way of County action. Thus, it can be clearly demonstrated that the need for this variance was not self-created in the chain of title. Inaction would cause the subject site to essentially be unusable for any single-family residential use by any owner within the current GR Zoning District standards.

Staff notes that state law prohibits the granting of a variance unless the property owner can prove to the Board of Adjustment that not granting the variance would cause an "undue hardship." Undue hardship, means a problem created by some feature of the land rather than a misunderstanding of the zoning ordinance by the applicant.

FINDING: Staff finds that granting the variance does appear necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ANALYSIS: Currently, there are multiple residencies within similar-sized parcels in the subject area. Approval of this variance will be consistent with the existing neighborhood character. The lot size is consistent with other properties in the area, and if approved with the attached stipulation the present residential use would have to be in compliance with all applicable construction codes. Staff has also included a stipulation outlining development standards to be consistent with other similar developments in the area.

FINDING: The granting of this variance <u>will not</u> affect the health or safety of persons residing or working within the subject area and adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

f. The variance does not allow a use that is not permitted in the zone district where the property is located.

ANALYSIS: Single-family residences are allowed by right within the GR zoning district.

FINDING: Granting of the variance <u>will not</u> allow a use that is not permitted in the zone district where the property is located.

STAFF SUMMARY AND RECOMMENDATION: All submittals, evidence presented, written documentation, public testimony, and Planning Case Staff Report (BA-043-22) are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based

upon the record, staff recommends the Board adopt the staff report and record as presented and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests denying the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:

**(Staff recommends please cite a minimum of three findings)

***(Suggested finding)

I move to approve case BA-043-22, Section 2.40.020 of the PCDSC, to allow a reduction in the minimum required lot area for a single family home from 54,450 square feet to 8,400 square feet (.19 ± acres) submitted to allow for single family home and permit future expansions or additions, based on the following stipulations (please cite a minimum of three findings in a-f):

1. Development Standards for the parcel shall be as follows:

    A. Minimum lot area: 7,000 square feet.
    B. Minimum lot width: 50 feet.
    C. Minimum front setback: 20 feet.
    D. Minimum side setbacks: 10 feet each.
    E. Minimum rear setback: 25 feet.
    F. Maximum building height: 30 feet.
    G. Detached Accessory Buildings:
        1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
        2. Maximum height: 20 feet;
        3. Minimum distance to main building: seven feet;
        4. Minimum distance to front lot line: 60 feet; and
        5. Minimum distance to rear or side lot lines: four feet

2. All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

To Deny:

I move to deny the variance case BA-043-22, a variance to Section 2.40.020 of the PCDSC, for a reduction in the minimum required lot area from 54,450 square feet to 8,400 square feet (.19 ± acres) based on the finding that the condition is neither peculiar nor exceptional to reduce the minimum lot area requirements specified by the PCDSC.

DATE PREPARED: 3/2/2023- GB
REVISED: 3/15/2023 - GB

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON **MARCH 23, 2023** AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **VARIANCE** FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

BA-043-22 – PUBLIC HEARING/ACTION: John L Orozco, landowner/applicant, requesting a variance to **Section 2.40.020** of the Pinal County Development Services Code, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 acres) to 8,400 +/- (.19 acres), to allow the construction of a manufactured/mobile home on a .19 acre parcel in the General Rural Zone (GR) Zone, Lots 29 & 30, of Deer Run Ranch Estates Unit No. 2, Tax Parcel 509-33-125A, legal on file, located north of Hopi Dr and east of Hillside Dr, in Pinal County.

Information regarding the case can be found online at:
http://pinalcountyaz.gov/CommunityDevelopment/Planning/Pages/NoticeofHearing.aspx#

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS **22nd DAY** OF **FEBRUARY, 2023**

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT **MUST** CONTAIN THE FOLLOWING INFORMATION:

1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (**Print or type**)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:

PINAL COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2973 (85 N. Florence St.)
FLORENCE, AZ 85132
NO LATER THAN 5:00 P.M. ON MARCH 13, 2023

Contact for this matter: Glenn Bak, e-mail address: glenn.bak@pinal.gov
Phone #: (520) 866-6444

[Anything below this line is not for publication.]

PUBLISHED ONCE:
Pinal Central Dispatch, Casa Grande Dispatch

Leo Lew
County Manager

PINAL COUNTY
WIDE OPEN OPPORTUNITY

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications Must Be Typed or Written in Ink) and submitted via the online portal site at https://citizenaccess.pinalcountyaz.gov/CitizenAccess/

Variance Request & Property Information:
(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. Tax Assessor Parcel No.: 50933125A **2.** Size (to the nearest 1/10th of an acre .19

3. The legal description of the property: DEER RUN RANCH ESTATES #2: LOTS 29 & 30 In BLK 14

4. Current zoning: GR-1 **5.** Requested zoning (if applicable): NA

6. The existing use(s) of the property is as follows: The property is currently an empty vacant lot, not being used for anything

7. The proposed use under this request and/or Section(s) of Code you are requesting a variance:
We will be using the property, as a primary residence for my retired in-laws, we will be placing a single-wide, used manufactured home. 2 br, 2 bath.

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # (CC/BCC) No, there is no zoning violation that we, the owners, are aware of.

9. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the current zoning indicated above was adopted.
Since acquiring the property on August of last year, we have removed the wild bushes and thrash on the property, and leveled the terrain, to place the home.

10. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area. The properties surrounding our property, have homes installed on them. Our property, is a vacant lot, 2 lots merged together.

INV#:_____ AMT:_____ DATE:_____ CASE:_____ Xref:_____

COMMUNITY DEVELOPMENT
Planning Division

85 N. Florence St., PO Box 2973, Florence, AZ 85132 T 520-866-6442 FREE 888-431-1311 F 520-866-6530
www.pinalcountyaz.gov

11. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.

The land we need this application granted for used to be two small empty lots where only a small manufactured home fit. This same two small lots were merged by the previous owner to allow one property/home to be placed on the lot. If the current application is not granted, the lot is too small to make into anything else than a lot for a manufactured home such as the other existing lots and homes around it.

12. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The neighborhood is all made up of similar size lots with single and double wide manufactured homes. The development of this property to place our own home on the property will not hurt the welfare of neighbors, the public or be injurious to any neighborhood improvements or developments.

13. That the variance will not allow a use that is not permitted in the zoning district where the property is located. (Not required for parking reductions) The variance permits a home of this size and structure on the existing property as stated by the zoning requirements placed by Pinal County and is the same variance used by various neighbors and property owners in the area whom we got the plans and application from.

13. That the special circumstances or conditions referred to item 10 above are not self-imposed.

No special circumstances are self-imposed.

(The following are additional questions for reductions in parking requests only)

14. Site Plan Review or Building Permit Number: N/A

15. Required parking either in total number or ratio: N/A **16.** Requested (# or ratio) N/A

17. Evidence to support a reduction, this may include codes and ordinance from other jurisdictions, structures with multiple building occupancy types and/or operational characteristics of the particular use that would warrant a reduction: No reduction needed at this time for parking.

I certify the information included in this application is accurate, to the best of my knowledge. I have read the application and I have included the information, as requested. I understand if the information submitted is incomplete, this application cannot be processed. All notices will be sent to the applicant unless otherwise directed in writing.

John L Orozco	14484 W Jimmie Kerr Blvd, Casa Grande, AZ 85122	
Name of Applicant	Address	
John Orozco	johnsmnta@gmail.com	520.483.9628
Signature of Applicant	E-Mail Address	Phone Number

Name of Agent/Representative	Address	
Signature of Agent/Representative	E-Mail Address	Phone Number

The Agent/Representative has the authority to act on behalf of the landowner/applicant, which includes agreeing to stipulations. The agent will be the contact person for Planning staff and must be present at all hearings. Please use attached Agency Authorization form, if applicable.

John L Orozco	14484 W Jimmie Kerr Blvd, Casa Grande, AZ	
Name of Landowner	Address	
John Orozco	johnsmnta@gmail.com	520.483.9628
Signature of Landowner	E-Mail Address	Phone Number

If landowner is not the applicant, then applicant must submit a signed notarized consent form from the landowner with this application. Please use attached Consent to Permit form, if applicable.

Application Checklist:

- ☐ Submit a detailed site plan, at least 8½ X 11, but not larger than 11" X 17". The site plan must include the following:
  - Size and shape of parcel; property dimensions; north arrow
  - Adjacent streets; rights-of-way, easements and setbacks; indicate size; purpose and whether public or private
  - Location, size and use of all existing and proposed buildings; show setbacks from property boundary lines and between structures
  - Driveways and parking areas, show access, dimensions and surface material
  - Existing and proposed utilities, show location of lines, size and serving company
  - Any other information as may be applicable – landscaping, natural features i.e.: washes, excavation sites, etc., floor plan
- ☐ Submit the "This Application Checklist" for the requested action.
- ☐ Submit a list of all property owners within 600' of the subject property boundary showing name, mailing address and tax parcel numbers. This list must be obtained within the 30 days prior to application submission.
- ☐ Submit a map of the area with the 600' boundary shown. (A Tax Assessor Parcel Map is acceptable).
- ☐ Submit the non-refundable filing fee according to the fee schedule shown on coversheet of the application. (The application is not considered filed until the fees are paid.)

  A) Residential with 0-499 mail-outs $500.00
  B) Residential with 500 or more mail-outs: $500.00
  C) Commercial, industrial or transition with 0-499 mail-outs: $2,084.00
  D) Commercial, industrial or transition with 500 or more mail-outs: $2,399.00

- ☐ The application and narrative in PDF format.
- ☐ Understand that a newspaper publication must be advertised for this variance case per Pinal County staff instructions no later than 28 days prior to the hearing date as assigned. The applicant is responsible for all publication fees.

PROPERTY OWNERSHIP LIST SEE ATTACHMENTS- USED BUFFER TOOL

(Required for filing all applications)

Instructions: Print Name, Address, City, State, Zip Code and Tax Parcel Number for each property owner within 600 feet of the subject parcel boundary. Feel free to attach a separate list if generated digitally. Please see "How to use the Buffer Tool" on our FAQ's page if you are generating the list.

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

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Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

I hereby verify that the name list above was obtained on the 16th day of November, 20 22 at the office of Buffer Tool and is accurate and complete to the best of my knowledge.
(Source of Information)

On this 16 day of November, 20 22 before me personally appeared Samantha Orozco
(Name of signor)

Signature S. Orozco, RN Date 11/16/2022

State of Arizona
)ss.

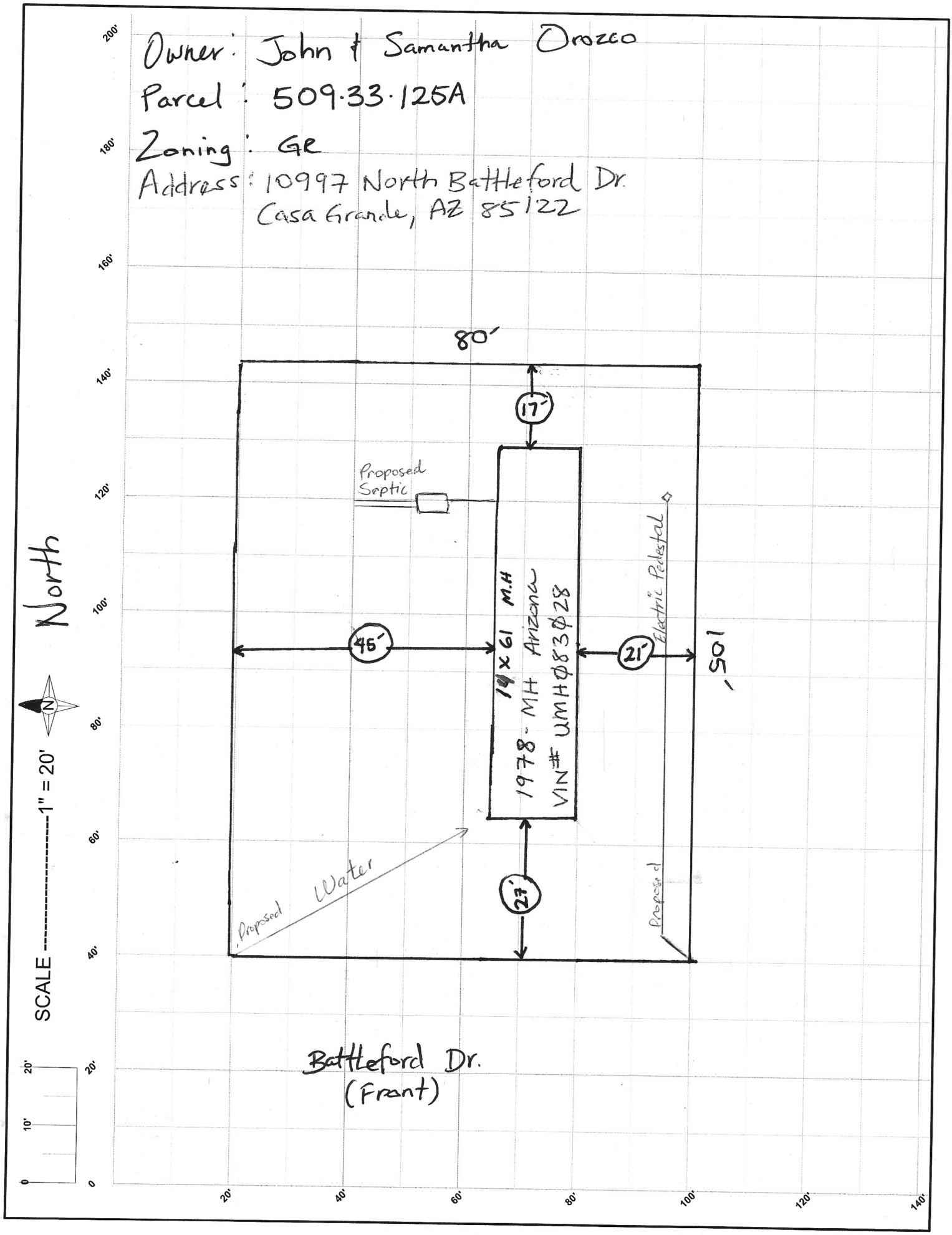
(SEAL)

County of Pinal

My Commission Expires 11-30-23

Signature of Notary Public A

ALISSA BABB
Notary Public - Arizona
Pinal County
Commission # 576051
My Comm. Expires Nov 30, 2023


Owner: John & Samantha Orozco
Parcel: 509-33-125A
Zoning: GR
Address: 10997 North Battleford Dr.
Casa Grande, AZ 85122
80'
17'
Proposed Septic
14x61 M.H
1978 - MH Arizona
VIN# UMH083028
45'
21'
Electric Pedestal
105'
23'
Proposed Water
Proposed
Battleford Dr.
(Front)
North
SCALE ---------- 1" = 20'
0
10'
20'
20'
40'
60'
80'
100'
120'
140'
160'
180'
200'

STATE OF ARIZONA

COUNTY OF PINAL } SS.

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:00 A.M., ON MARCH 23, 2023 AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A VARIANCE FOR THE UNINCORPORATED AREA OF PINAL COUNTY.
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P.O. BOX 2973 (85 N. Florence St.)
FLORENCE, AZ 85132
NO LATER THAN 5:00 P.M. ON MARCH 13, 2023
Contact for this matter: Glenn Bak, e-mail address: glenn.bak@pinal.gov Phone #: (520) 866-6444
No. of publications: 1; date of publication: Mar. 2, 2023.

Affidavit of Publication

Kara K. Cooper, first being duly sworn deposes and says: That he/she is a native born citizen of the United States of America, over 21 years of age, that I am an agent and/or publisher of the Casa Grande Dispatch, a newspaper published at Casa Grande, Pinal County, Arizona, Tuesday, Thursday, and Saturday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for ONE issue. The publications thereof having been on the following date:

03/02/2023

CASA GRANDE DISPATCH

By _____
agent and/or publisher of the Casa Grande Dispatch

Sworn to before me this 14th

day of Mar. A.D., 2023

Vicki Morris

Notary Public in and for the County
Of Pinal, State of Arizona

Vicki Morris
Notary Public
Pinal County, Arizona
My Comm. Expires 09-20-24
Commission No. 587548

STATE OF ARIZONA

COUNTY OF PINAL } ss.

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03/02/2023

PINAL CENTRAL DISPATCH

By Kara K. Cooper
agent and/or publisher of the Pinal Central Dispatch

Sworn to before me this 14th
day of Mar. A.D., 2023

Vicki Morris

Notary Public in and for the County
Of Pinal, State of Arizona

Vicki Morris
Notary Public
Pinal County, Arizona
My Comm. Expires 09-20-24
Commission No. 587546

CLARENCE & CARLA NEILL
10946 N. TUZIGOOT dr.
CASA GRANDE, AZ 85122

PH # 520 759-0634 CLARENCE
520-709-8936 CARLA

PROPERTY TAX PARCEL # 509-33-135A7

WE OPPOSE THIS APPLICATION FOR VARIANCE.

WE ARE CONCERNED ABOUT OUR STREET FLOODING BECAUSE OF 6FT BLOCK WALL THAT WILL BE BUILT FOR THE MOBILE HOME COMMUNITY, OUR HOME VALUE, TRAFFIC ON HOPI AND PINAL AND ABOUT BEING MISLEAD ABOUT THE PURPOSED USE OF THE LAND FROM THE CITY.

I WANT TO BE HEARD AT THE MEETING

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-043-22

3/23/23

Community Development Department

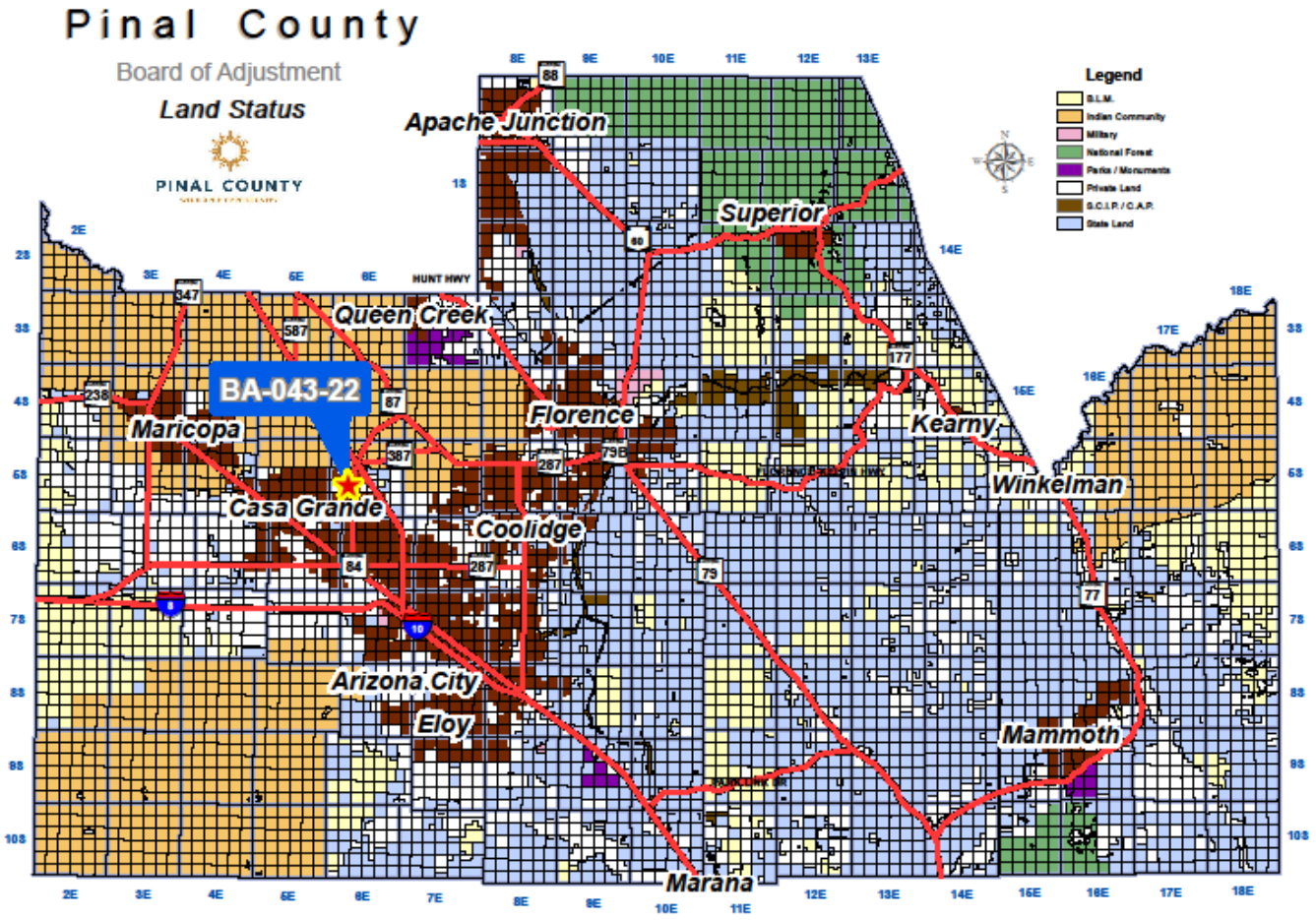
BA-043-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- **Proposal:** Variance to decrease the overall minimum lot area requirement for a one-family dwelling from 54,450 square feet (1.25 acres) to 8,400 square feet (.19 acres) and the development standards for a parcel in the General Rural (GR) Zone.
- **Location:** North of Hopi Drive and east of Hillside Drive in Pinal County.
- **Owner/Applicant:** John L Orozco

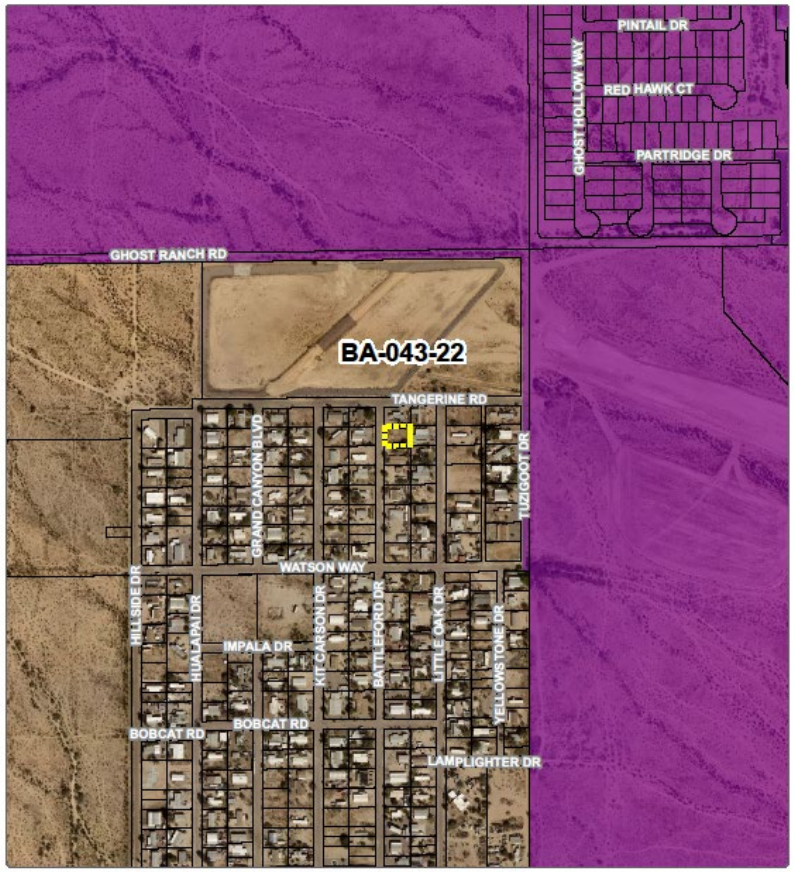
County Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Aerial Map

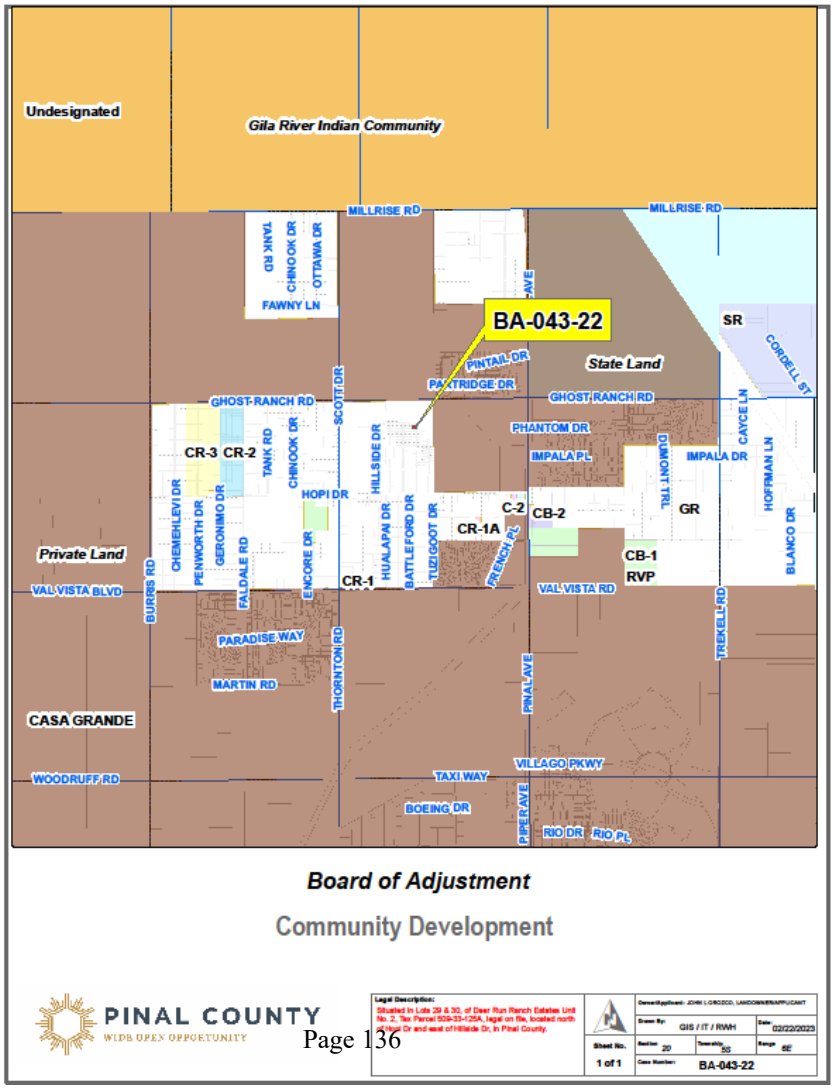
PINAL COUNTY
WIDE OPEN OPPORTUNITY



Board of Adjustment

Area Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Board of Adjustment

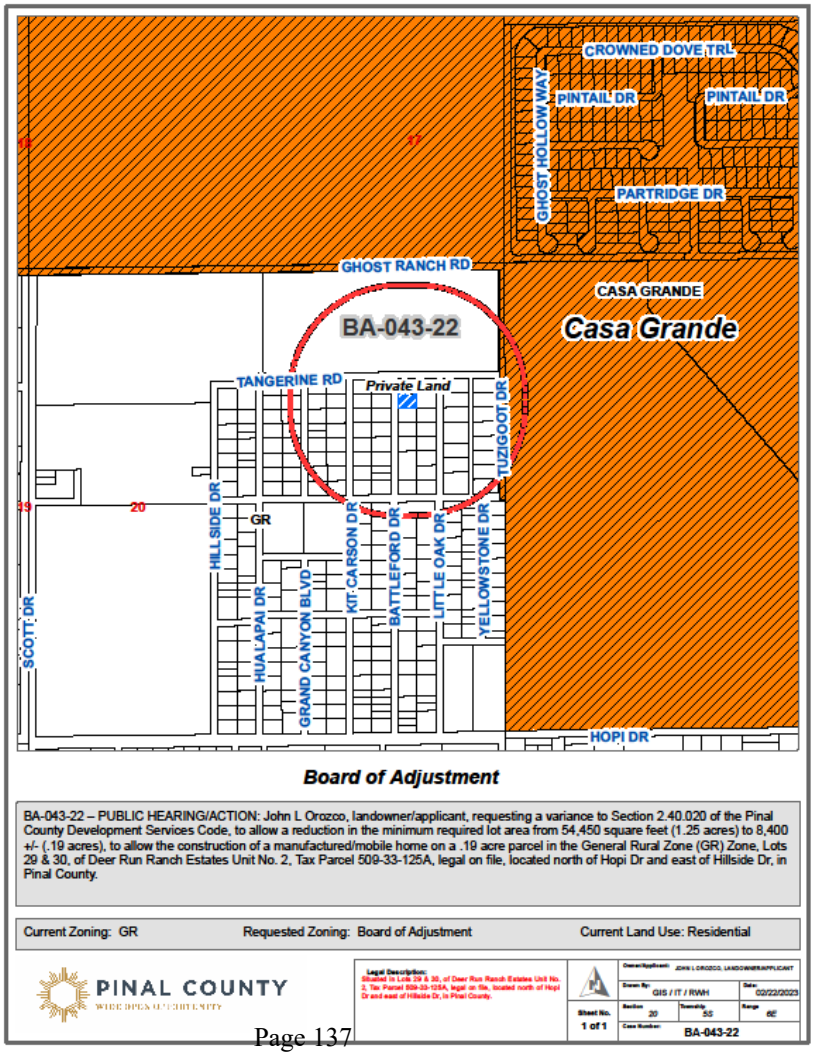
Community Development

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Drawn By:	GIS / IT / RWH
Date:	02/22/2023
Sheet No.	1 of 1
Section	20
Township	5S
Range	6E
Case Number:	BA-043-22

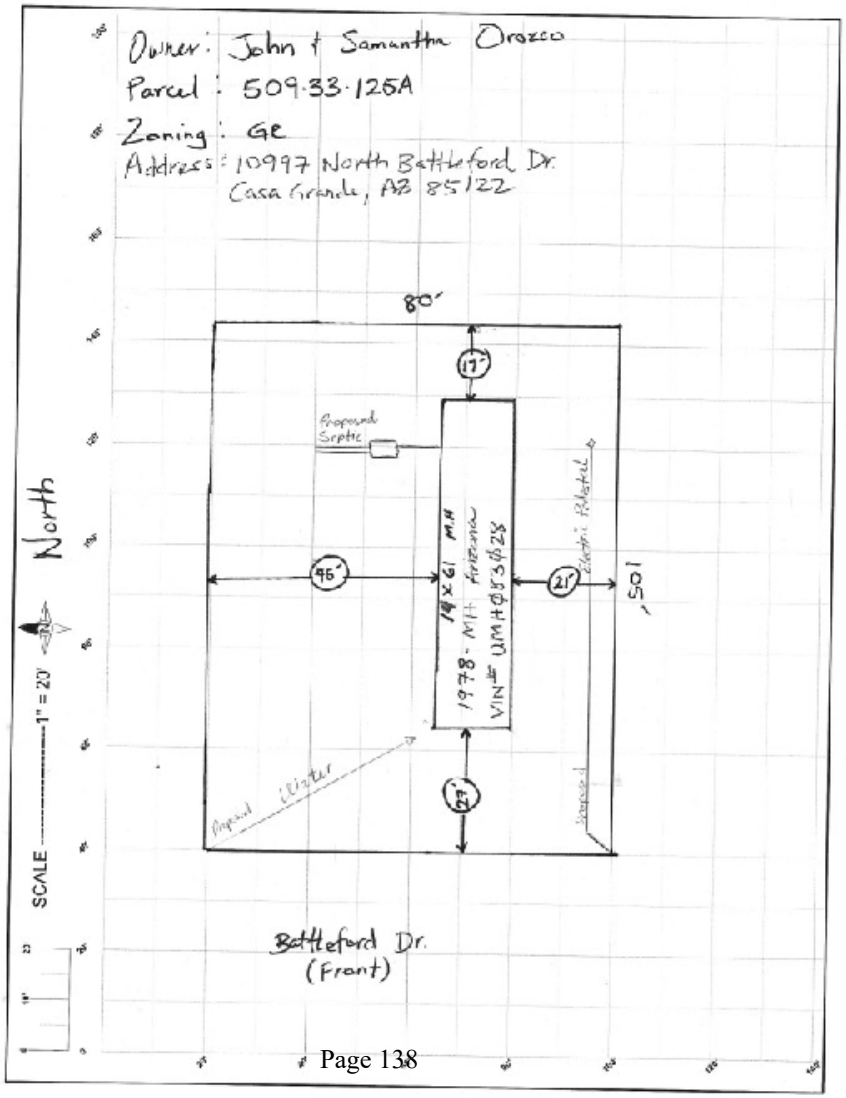
Case Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Site Plan

PINAL COUNTY
WIDE OPEN OPPORTUNITY



North

PINAL COUNTY
WIDE OPEN OPPORTUNITY

East

PINAL COUNTY
WIDE OPEN OPPORTUNITY

South

PINAL COUNTY
WIDE OPEN OPPORTUNITY

West

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Posting

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-043-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Issues to consider:
  - The subject property was platted in 1957 as part of the Deer Run Ranch Estates Unit 2 subdivision.
  - In 1974, the Zoning Ordinance was amended to increase the minimum lot area for the GR zoning district from 12,000 square feet to 54,450 square feet.
  - Many lots in the same area are undersized for today's standards.

BA-043-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Items to consider (cont.):
  - Property has legal access and meets other GR zoning requirements.

BA-043-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Staff Recommends **approval** with the following stipulation:
- All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.;

TO: PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS

MEETING DATE: MARCH 23, 2023

CASE NUMBER: BA-044-22

CASE COORDINATOR: RYAN GREEN

Executive Summary:
This case is for a reduction in the minimum lot size requirements from 87,120 sq. ft. to 57,933 sq. ft. in Suburban Ranch (SH) zone to allow the permitting of a new dwelling to replace the previous dwelling.

If This Request is approved:
This reduction in the minimum lot size requirements will allow a dwelling to replace the previous dwelling on the site that has an existing residence in the Suburban Homestead Zone (SH).

Staff Recommendation/Issues for Consideration/Concern:
Staff offers a recommendation of approval.

BA-044-22 – PUBLIC HEARING/ACTION: Jose & Leticia Romero, landowners, Paul Pfeifer, agent/applicant, requesting a variance to **Section 2.30.020** of the PCDSC, to reduce the minimum lot size requirements to 1.33 acres (57,933 sq. ft.) from two acres (87,120 sq. ft.) to allow a new residence on tax parcel 308-52-0300 (legal on file) in the Suburban Homestead (SH) Zone, situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, AZ, unincorporated Pinal County.

LEGAL DESCRIPTION: Oracle Ranch Estates: Lot 64

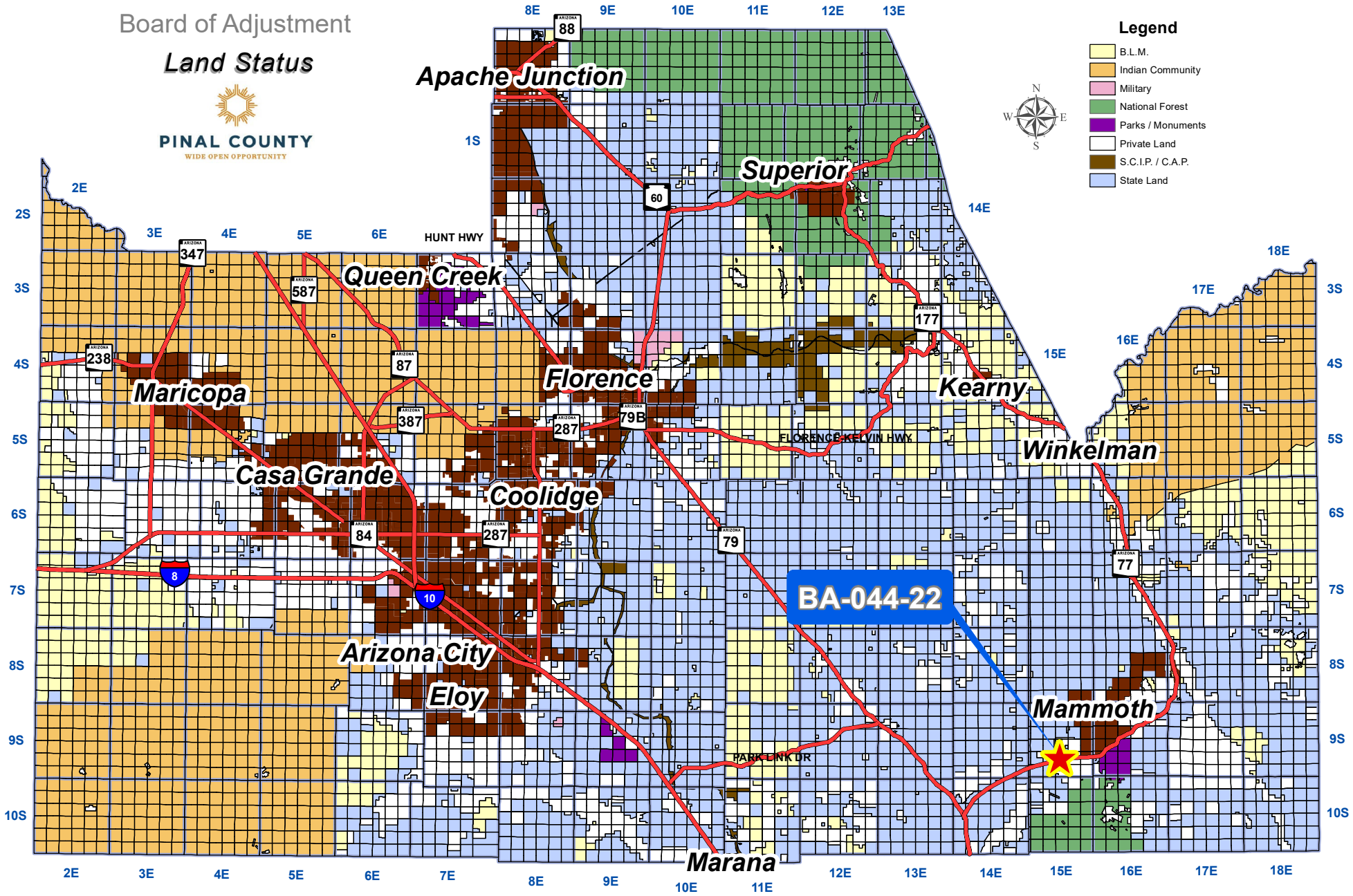
TAX PARCEL: 308-52-0300

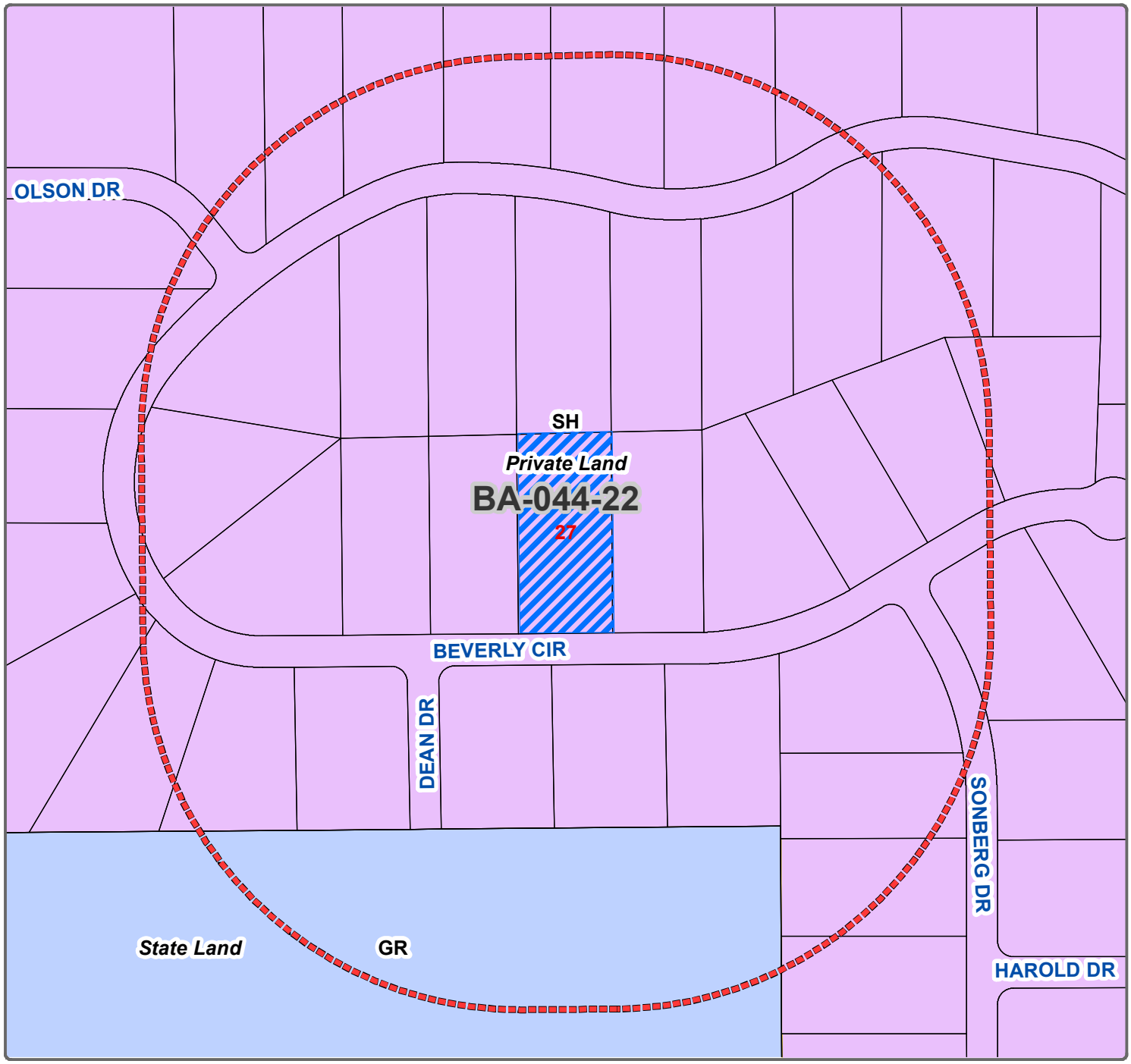
LANDOWNER/APPLICANT: Jose & Leticia Romero, landowners, Paul Pfeifer, agent/applicant

REQUESTED ACTION AND PURPOSE: Requesting a variance to **Section 2.30.020** to reduce the minimum lot size requirement from 87,120 square feet to 57,933 square feet in the SH Zone, to allow the replacement of a dwelling.

LOCATION: The subject property is located north of west Beverly Circle and east of north Dean Drive in Oracle, AZ

SIZE: 57,933 square feet (1.33 acres)


Pinal County
Board of Adjustment
Land Status
PINAL COUNTY
WIDE OPEN OPPORTUNITY
Legend
B.L.M.
Indian Community
Military
National Forest
Parks / Monuments
Private Land
S.C.I.P. / C.A.P.
State Land
Apache Junction
Superior
Queen Creek
Florence
Maricopa
Kearny
Winkelman
Casa Grande
Coolidge
Arizona City
Eloy
Mammoth
Marana
BA-044-22
HUNT HWY
FLORENCE-KELVIN HWY
PARK LINK DR



Board of Adjustment

BA-044-22 – PUBLIC HEARING/ACTION: Jose & Leticia Romero, landowners, Paul Pfeifer, agent/applicant, requesting a variance to Section 2.30.020 of the PCDSC, to reduce the minimum lot size requirements to 1.33 acres (57,933 sq. ft.) from two acres (87,120 sq. ft.) to allow a new residence on tax parcel 308-52-0300 (legal on file) in the Suburban Homestead (SR) Zone, situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, unincorporated Pinal County.

Current Zoning: SH	Requested Zoning: Board of Adjustment	Current Land Use: MLDR

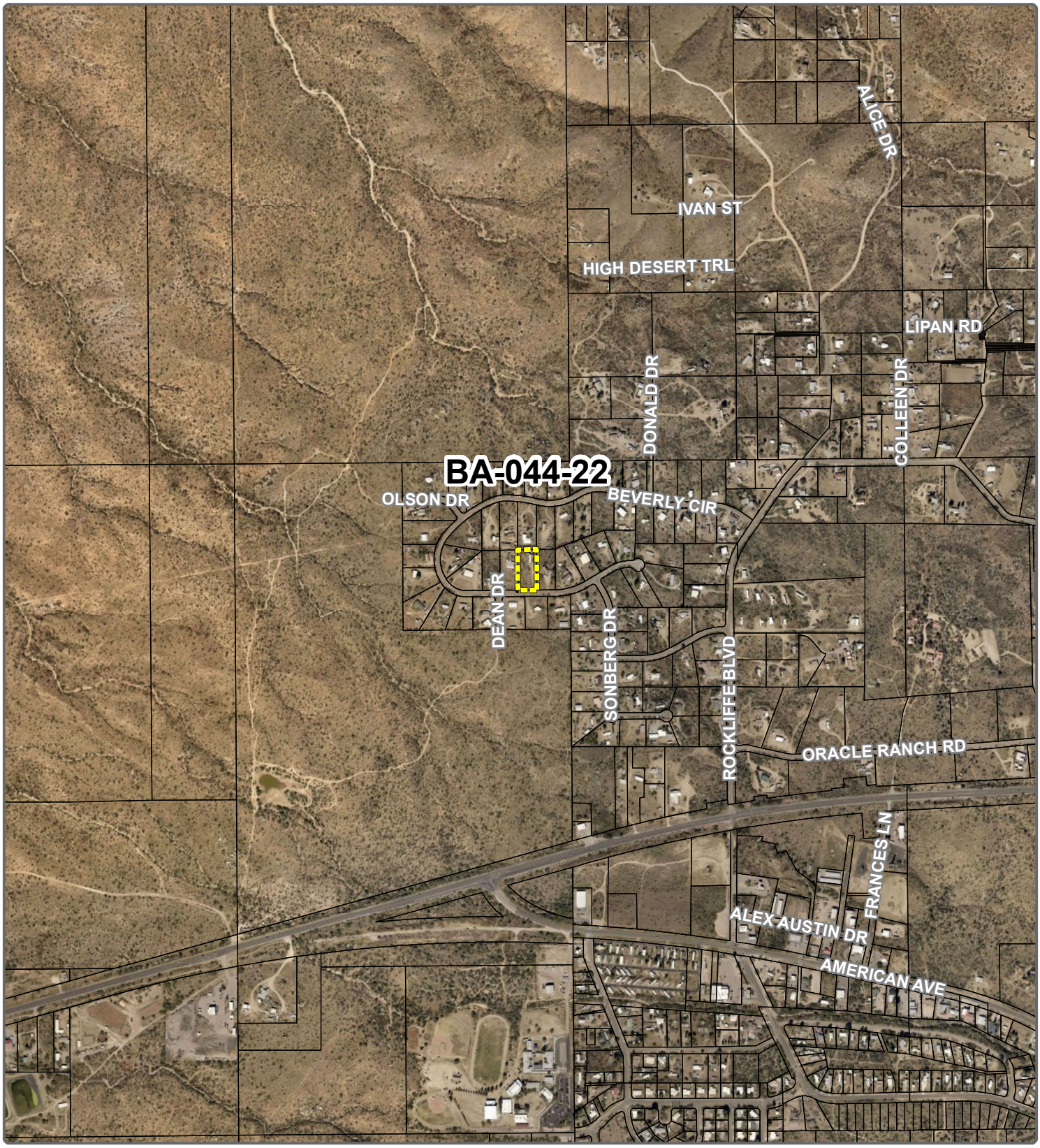
PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, unincorporated Pinal County.

Sheet No. 1 of 1

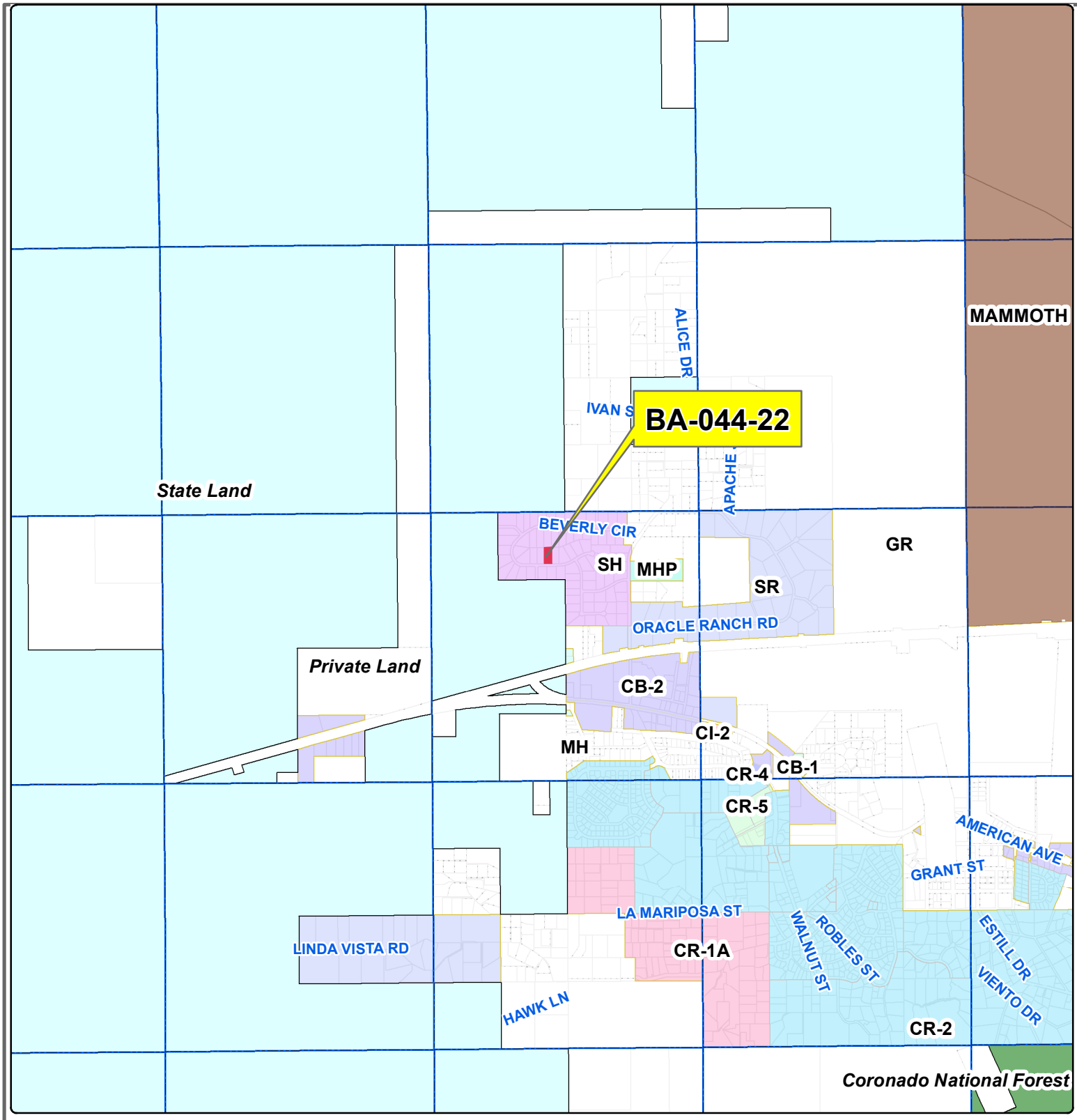
Owner/Applicant: JOSE & LETICIA ROMERO PAUL PFEIFER			
Drawn By: GIS / IT / LJT			Date: 03/01/2023
Section 27	Township 09S	Range 15E	
Case Number: BA-044-22			



Board of Adjustment

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-044-22



Board of Adjustment

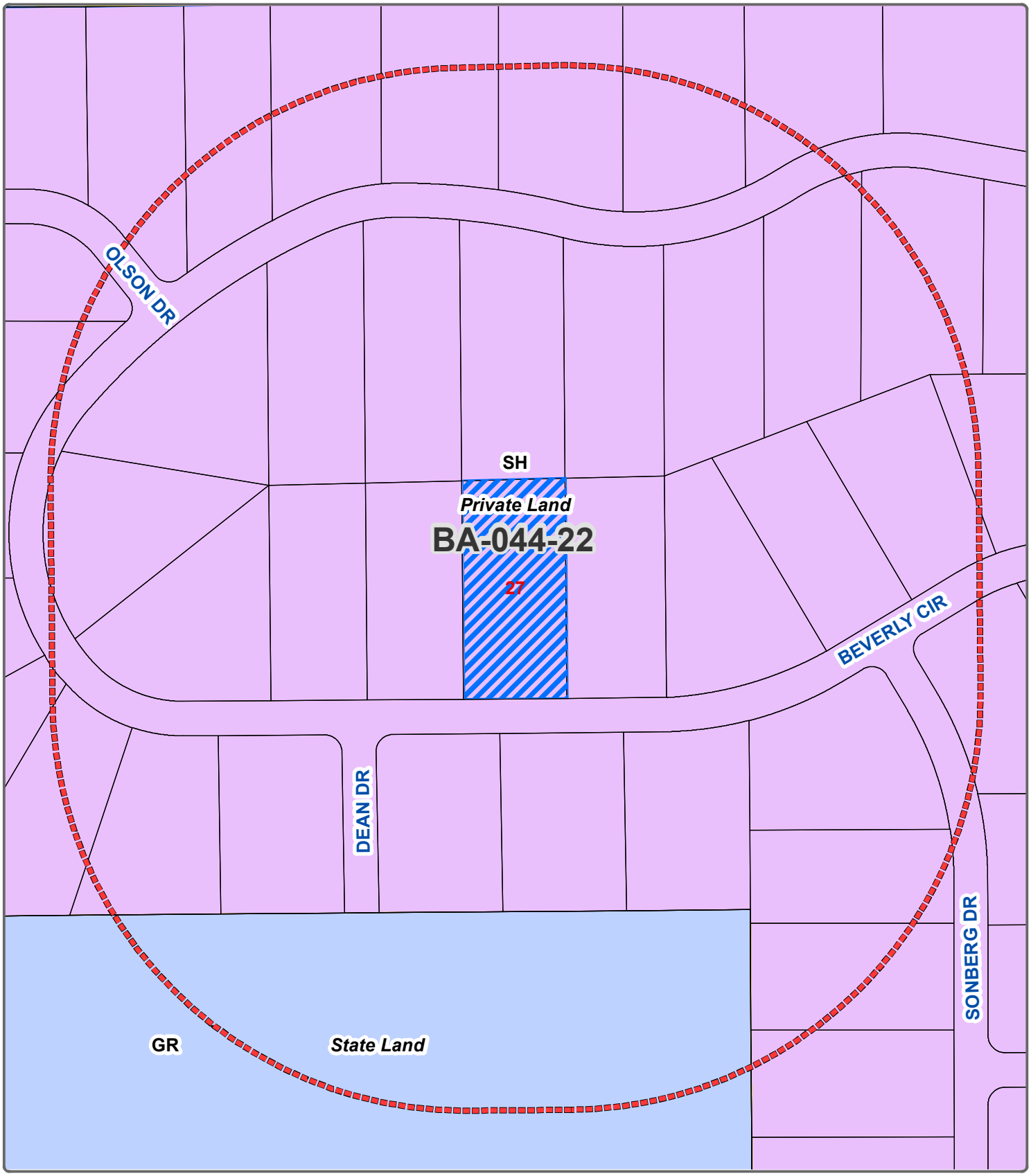
Community Development

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Legal Description:

Situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, unincorporated Pinal County.

Owner/Applicant:	JOSE & LETICIA ROMERO PAUL PFEIFER		
Drawn By:	GIS / IT / LJT	Date:	03/01/2023
Sheet No.	1 of 1	Section 27 / Township 09S / Range 15E	
Case Number:	BA-044-22		



Board of Adjustment

JOSE & LETICIA ROMERO PAUL PFEIFER GIS/IT - LJT 03/01/2023 Section 27 Township 09S Range 15E **BA-044-22**	**Legal Description:** Situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, unincorporated Pinal County.	Sheet No. 1 of 1	PINAL COUNTY WIDE OPEN OPPORTUNITY	Current Zoning: SH Request Zoning: Board of Adjustment Current Land Use: MLDR

EXISTING ZONING AND LAND USE: SH – Suburban Homestead zone. The property has an existing single family residence.

SURROUNDING ZONING AND LAND USE:

North: Suburban Homestead (SH) Zoning. Residential
South: Suburban Homestead (SH) Zoning. Residential
East: Suburban Homestead (SH) Zoning. Residential
West: Suburban Homestead (SH) Zoning. Residential

SITE DATA: Flood zone X, area of minimal flood hazard.

HISTORY: After being rezoned General Rural (GR) in the 1962 zoning ordinance update, Oracle Ranch Estates was rezoned Suburban Homestead (SH) in 1971 in case PZ-258-71. Oracle Ranch Estates was platted in accordance to the 1968 zoning ordinance that had a minimum lot area of 43,560 sq. ft. and the 1982 zoning ordinance increased the minimum lot area to 87,120 sq. ft. causing the entire Oracle Ranch Estates subdivision to no longer be in compliance.

ANALYSIS: The subject property is located within the Moderate Low Density Residential designation (1-3.5 du/ac) of the Pinal County Comprehensive Plan. The subject property will correspond to a .75 du/ac density.

To date, no public comments have been received.

Staff's public participation and notification of the cases include:

Newspaper publish dates: 3/7/23
Mail-outs: 3/3/23
Site Posting: 3/7/23
Website: 3/6/23

THE APPLICANT MUST SATISFY THE BOARD OF ADJUSTMENT AND APPEALS THAT THIS REQUEST MEETS THE NECESSARY CRITERIA TO QUALIFY FOR A VARIANCE AS STATED IN SECTION 2.155.050.C

EVIDENCE REQUIRED FOR VARIANCE:

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.
b. The special circumstances or conditions referred to in (a) are not self-imposed by the property owners within the subject area.
c. The strict application of the regulations would work an unnecessary nonfinancial hardship.
d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.
e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

f. The variance does not allow a use that is not permitted in the zoning district where the property is located.

FINDINGS: Under Section 2.155.030.E of the Pinal County Development Service Code (Zoning Ordinance), the Board of Adjustment and Appeals shall hear and consider all evidence relating to the request and make findings as to the conformity of the request to the above Section.

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance.

a. There are special circumstances or conditions applicable to the property which is the subject of the variance which do not prevail on other property in that zoning district.

ANALYSIS: The parcel was created prior to the 1982 zoning ordinance that increased the minimum size requirement from 43,560 sq. ft. to 87,120 sp. ft. in the SH zone. Neighboring lots are of similar size with a dwelling.

FINDING: There does appear to be special circumstances/conditions applicable to the property that do not prevail and negatively impact other properties in the SH zone, making this subdivision a candidate for a blanket variance.

b. That the special circumstances or conditions referred to in subsection (a) of this section are not self-imposed by the property owners within the subject area.

ANALYSIS: The parcel was platted prior to the 1982 zoning ordinance that increased the minimum lot size from 43,560 sq. ft. to 87,120 sp. ft. in the SH zone.

FINDING: The zoning ordinance update caused the parcel to be undersized so the special circumstances are not self-imposed.

c. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.

ANALYSIS: The strict application of the regulations would not allow the permitting of a new single family home to replace the current dwelling.

FINDING: Staff finds that the strict application of the regulations would cause an unnecessary nonfinancial hardship.

d. The granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights.

ANALYSIS: Being within a platted subdivision, this parcel was created legally through the plat process of the time. With the changes to the zoning ordince in 1982, the lot is now non-conforming due to no fault of the applicant. Granting of the variance would ensure enjoyment of substantial existing property rights by allowing the landowner to replace the older dwelling with

a new similar style dwelling and obtain a permit to provide adequate shelter and allow full enjoyment of the property.

FINDING: Staff finds that granting the variance is necessary for the preservation and enjoyment of substantial existing property rights of the landowner.

e. The granting of such variance will not materially affect the health or safety of persons residing or working within the subject area and adjacent properties and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ANALYSIS: Currently, there are multiple residencies within similar-sized parcels in the subject area. Approval of this variance will add a new dwelling to the neighborhood while replacing a dilapidated dwelling.

FINDING: The granting of this variance will not affect the health or safety of persons residing or working within the subject area and adjacent properties, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

f. The variance allows only permitted uses in the zoning district where the property is located.

ANALYSIS: Single-family homes are allowed by right within the SH zoning district.

FINDING: Granting of this variance will only allow permitted uses in the SH zone.

STAFF SUMMARY AND RECOMMENDATION: Factors considered for staff's recommendation are:

- The parcel was created prior to the 1982 amendment that increased the minimum lot size from 43,560 sq. ft. to 87,120 sq. ft. in the SH zone.
- Similar sized parcels in the area have single family dwellings
- The applicant wishes to use the land in a similar fashion to the RU-1.25 zoning code
- Hardship, preservation, and enjoyment of substantial existing property rights by the owner

All submittals, presented evidence, written documentation, public testimony, and Planning Case Staff Report (BA-044-22), are considered part of the record in this variance case. If the Board of Adjustments and Appeals can find sufficient evidence based upon the record, staff recommends the Board adopt the staff report, record as presented, and approve the requested variance with the following recommended motion. If the Board cannot find sufficient evidence to approve the request, Staff suggests approving the request with the following motion.

BOARD MOTION

Staff Recommendation to Approve:

*** (Suggested finding)

I move to approve case BA-044-22, a variance to Section **2.30.020** of the PCDSC, to allow a reduction in the minimum lot area requirements from 87,120 square feet (2 acres) to 54,450 square feet (1.25 acres) in the SH zone submitted to allow for permitting a replacement dwelling, based on the following conditions (please cite a minimum of three findings in a-f):

1. All structures, current and proposed, shall have or obtain a building permit.

2. All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

3. The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, Chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

    i. One dwelling, conventional construction, manufactured home, or mobile home.
    ii. Child care (more than five children for whom compensation is received).
    iii. Church, subject to the requirements set forth in PCDSC 2.150.220.
    iv. Government structures, fire district stations, sheriff's facilities and their accessory uses.
    v. Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
    vi. Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
    vii. Solar energy device, subject to the requirements set forth in Chapter 2.210 PCDSC.
    viii. Wireless communication facilities, subject to the requirements set forth in Chapter 2.205 PCDSC.
    ix. Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

4. Development Standards:

    A. Minimum lot area: 54,450 square feet.
    B. Minimum lot width: 100 feet.
    C. Minimum front setback: 30 feet.
    D. Minimum side setbacks: 10 feet.
    E. Minimum rear setback: 40 feet.
    F. Maximum building height: 30 feet.
    G. Detached Accessory Buildings:
        1. Permitted coverage: 33 percent of the total area of the rear and side setbacks;
        2. Maximum height: 20 feet;
        3. Minimum distance to main building: seven feet;
        4. Minimum distance to front lot line: 60 feet;
        5. Minimum distance to rear or side lot lines: four feet, 50 feet if used for poultry or animals.
        6. A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

5. Applicant must remove all unpermitted structures prior to permitting for new dwelling.

To Deny:

I move to deny case BA-044-22, a variance to Section **2.30.020** of the PCDSC, to allow a reduction in the minimum lot area requirements from 87,120 square feet (2 acres) to 54,450 square feet (1.25 acre) in SH zone submitted to allow for permitting a replacement dwelling, based on the finding that the condition is neither peculiar nor exceptional to reduce the minimum lot area requirements specified by the PCDSC.

DATE PREPARED: 3/8/2023 RG
REVISED: 3/15/2023 RG

Leo Lew
County Manager

PINAL COUNTY

APPLICATION FOR VARIANCE OF REGULATIONS IN AN UNINCORPORATED AREA OF PINAL COUNTY, ARIZONA

(All Applications Must Be Typed or Written in Ink) and submitted via the online portal site at https://citizenaccess.pinalcountyaz.gov/CitizenAccess/

Variance Request & Property Information:
(Feel free to include answers and to these questions in a Supplementary Narrative, when doing so write see narrative on the space provided)

1. Tax Assessor Parcel No.: 308520300 **2.** Size (to the nearest 1/10th of an acre 1.3

3. The legal description of the property: ORACLE RANCH ESTATES: LOT 64

4. Current zoning: _____ **5.** Requested zoning (if applicable): _____

6. The existing use(s) of the property is as follows: Residential Manufactured home

7. The proposed use under this request and/or Section(s) of Code you are requesting a variance: Current zoning is for manufactured ho
s This property allowed Manufacutred home in 1971 zonning has changed to min 2 acres this lot is 1.33 acres Requesting to install Manufactured Home MH Res, detail

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation # (CC/BCC) _____

9. Discuss any known changes in land use, street arrangement, or other physical conditions that have altered the character of your property or adjoining properties since the current zoning indicated above was adopted.
No changes have been made
NO CHANGES

10. There are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zoning district. Show that the physical characteristics of this property are unique and unlike other properties in the area. This lot was zonned in 1971 allowing for maunfactured home , since then the zonning has changed to Minimum 2 acres SFH we are repalcing a run down Manufactured home with a new one.

INV#: _____ AMT: _____ DATE: _____ CASE: _____ Xref: _____

COMMUNITY DEVELOPMENT
Planning Division

85 N. Florence St., PO Box 2973, Florence, AZ 85132 T 520-866-6442 FREE 888-431-1311 F 520-866-6530
www.pinalcountyaz.gov

11. That the strict application of the regulations would work an unnecessary nonfinancial hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights. Show that all beneficial use and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professional may be required.

THis family cannot afford to build a stick bult home. They have applied for a grant through Pinal county for a manufactured home to replace the current run down manufactured home on property.

12. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Granting of application will not affect the health or safety of persons residng on property or affect neighbors.

13. That the variance will not allow a use that is not permitted in the zoning district where the property is located. (Not required for parking reductions) use is only what is permitted

13. That the special circumstances or conditions referred to item 10 above are not self-imposed.

These special circumstances are not self impossed

(The following are additional questions for reductions in parking requests only)

14. Site Plan Review or Building Permit Number:_____

15. Required parking either in total number or ratio:_____ **16.** Requested (# or ratio)_____

17. Evidence to support a reduction, this may include codes and ordinance from other jurisdictions, structures with multiple building occupancy types and/or operational characteristics of the particular use that would warrant a reduction: _____

PROPERTY OWNERSHIP LIST
(Required for filing all applications)
Instructions: Print Name, Address, City, State, Zip Code and Tax Parcel Number for each property owner within 600 feet of the subject parcel boundary. Feel free to attach a separate list if generated digitally. Please see "How to use the Buffer Tool" on our FAQ's page if you are generating the list.

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

Parcel No.:_____
Name:_____
Address:_____
City/ST/Zip:_____

I hereby verify that the name list above was obtained on the _____day of_____, 2022, at the office of Pinal City Assessors Site and is accurate and complete to the best of my knowledge.
(Source of Information)

On this 6 day of December, 2022 before me personally appeared Jose Romero
(Name of signor)

Signature_____ Date 12/06/2022

State of Arizona
)ss.
County of Pinal

MYKEL WHITE
Notary Public - Arizona
Pinal County
Commission # 574557
My Comm. Expires Jan 4, 2024

(SEAL)

My Commission Expires Jan. 4, 2024

Signature of Notary Public Mykel White

PINAL COUNTY

PROPERTY OWNER/AGENT AUTHORIZATION FORM

I (property owner) JOSE ROMERO

hereby authorize (owner's agent) Paul Pfeifer of NEOTERIC Builders LLC

To make application to Pinal County for the following (description of work) VARIANCE Applications, Building Permit Applications. all/any permits necessary

Assessor Parcel Number: 308 520 300

Name of RV/PM/MH Park (if applicable): _____

Lot or Space # (if applicable): LOT 64

Physical Address: 2645 W. BEVERLY CIRCLE

City/Town: ORACLE State: AZ Zip: 85623

By signing this Form, I acknowledge and agree that I am not released from responsibility for: (1) the payment of any and all fees associated with the issuance of any permits, orders, notices or other approvals ("Approvals") by Pinal County pursuant to my agent's application; (2) the satisfactory completion of all work authorized by such Approvals in compliance with all applicable county, state and federal laws, codes, rules, regulations and requirements; and (3) correcting any violations of the terms and conditions of such Approvals issued by Pinal County pursuant to my agent's application.

Property Owner: JOSE ROMERO Phone Number: 520-396-9952

By (signature) X _____ Email: 12/06/2022

Name: JOSE ROMERO Date: _____

Title: Property Owner

308520140
308520150
308520160
308520170
308520180
308520190
308510030
308510040
W Beverly Cir
W Beverly Cir
308520260
308520240
308520230
308520220
308520210
308520200
308510150
308510140
308520250
308520280
308520290
308520300
308520310
308520320
308510160
308510170
308520270
W Beverly Cir
W Beverly Cir
308520050
308520040
N Dean Dr
308520030
308520020
308520010
308510020
308510010

ROMERO
600' Neighbors
2645 W Beverly Circle Oracle, AZ 85263

Assessor Parcel Number
308520140
First Owner Name
RABER SHARANN
Second Owner Name
Property Address
2690 W OLSON DR ORACLE, AZ 85623
Mailing Address
PO BOX 39
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520150
First Owner Name
WITBECK DENNIS A & DEBORAH L
Second Owner Name
Property Address
2310 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2310 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520160
First Owner Name
SCHNEIDER CAROLINE
Second Owner Name
Property Address
2280 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 2312
City
LIVINGSTON
State
MT
Zip
59047

Assessor Parcel Number
308520170
First Owner Name
STRIPLIN JOANN
Second Owner Name
Property Address
2250 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 1515
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520180
First Owner Name
CORONA JOE L JR
Second Owner Name
Property Address
2220 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
MAIL RETURN
City
State
Zip

Assessor Parcel Number
308520190
First Owner Name
GUTIERREZ EDDIE C
Second Owner Name
Property Address
2190 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2190 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510030
First Owner Name
OWENS DAVID L & MARY L
Second Owner Name
Property Address
2160 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 40
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510040
First Owner Name
SALAZAR RICHARD R & SUSAN K
Second Owner Name
Property Address
2130 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 947
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520250
First Owner Name
SHERMAN NATHANIEL OWEN
Second Owner Name
Property Address
2355 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2355 W BEVERLY CIRCLE
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520260
First Owner Name
DAMRON WILLIAM & CATHERINE FAM TRUST
Second Owner Name
Property Address
2425 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 752
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520270
First Owner Name
SILVA BENNY C SR & DOLORES G
Second Owner Name
Property Address
2555 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2555 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520240
First Owner Name
PARKER ELISHA ANN & JACOB NATHAN
Second Owner Name

Property Address
2285 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
MAIL RETURN
City

Assessor Parcel Number
308520280
First Owner Name
ALDRIDGE DAVID T & JOANN
Second Owner Name
Property Address
2595 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2595 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520230
First Owner Name
HOGAN NATHAN E & LEASA ROSE
Second Owner Name
Property Address
2265 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 126
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520220
First Owner Name
GOOD NEWS GROUP LLC
Second Owner Name
Property Address
2245 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
8335 W CAMINO DE ORO
City
PEORIA
State
AZ
Zip
85383

Assessor Parcel Number
308520210
First Owner Name
ROSALES FERMIN G JR
Second Owner Name
CHAVEZ ANTONIO J ETAL
Property Address
2205 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 474
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520310
First Owner Name
FELIX WALTER L & FRANCES J
Second Owner Name
Property Address
2665 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 413
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520200
First Owner Name
LEWIS VERNON & MARIA
Second Owner Name
Property Address
2185 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 102
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520320
First Owner Name
RICE MATTHEW D & LAURA L
Second Owner Name
Property Address
2685 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2715 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510150
First Owner Name
DILL MELVIN E
Second Owner Name
Property Address
2165 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2165 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510160
First Owner Name
RICE MATTHEW & LAURA
Second Owner Name
Property Address
2715 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
2715 W BEVERLY CIR
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510170
First Owner Name
LE PAGE GORDON
Second Owner Name
Property Address
2735 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
MAIL RETURN
City

Assessor Parcel Number
308510140
First Owner Name
ROWE WAYNE H & VERA
Second Owner Name
Property Address
2145 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
630 E WAVERLY ST
City
TUCSON
State
AZ
Zip
85705

Assessor Parcel Number
308520060
First Owner Name
SANCHEZ TONY E & LYDIA C
Second Owner Name
Property Address
2520 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 1352
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520050
First Owner Name
JOHNSON DONALD V
Second Owner Name
Property Address
2550 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
303 CHALUPSKY AVE NE
City
NEW PRAGUE
State
MN
Zip
56071

Assessor Parcel Number
308520040
First Owner Name
BAEZA JESUS J
Second Owner Name
LOYA IDALIA
Property Address
2580 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 1734
City
ORACLE
State
AZ
Zip
85623

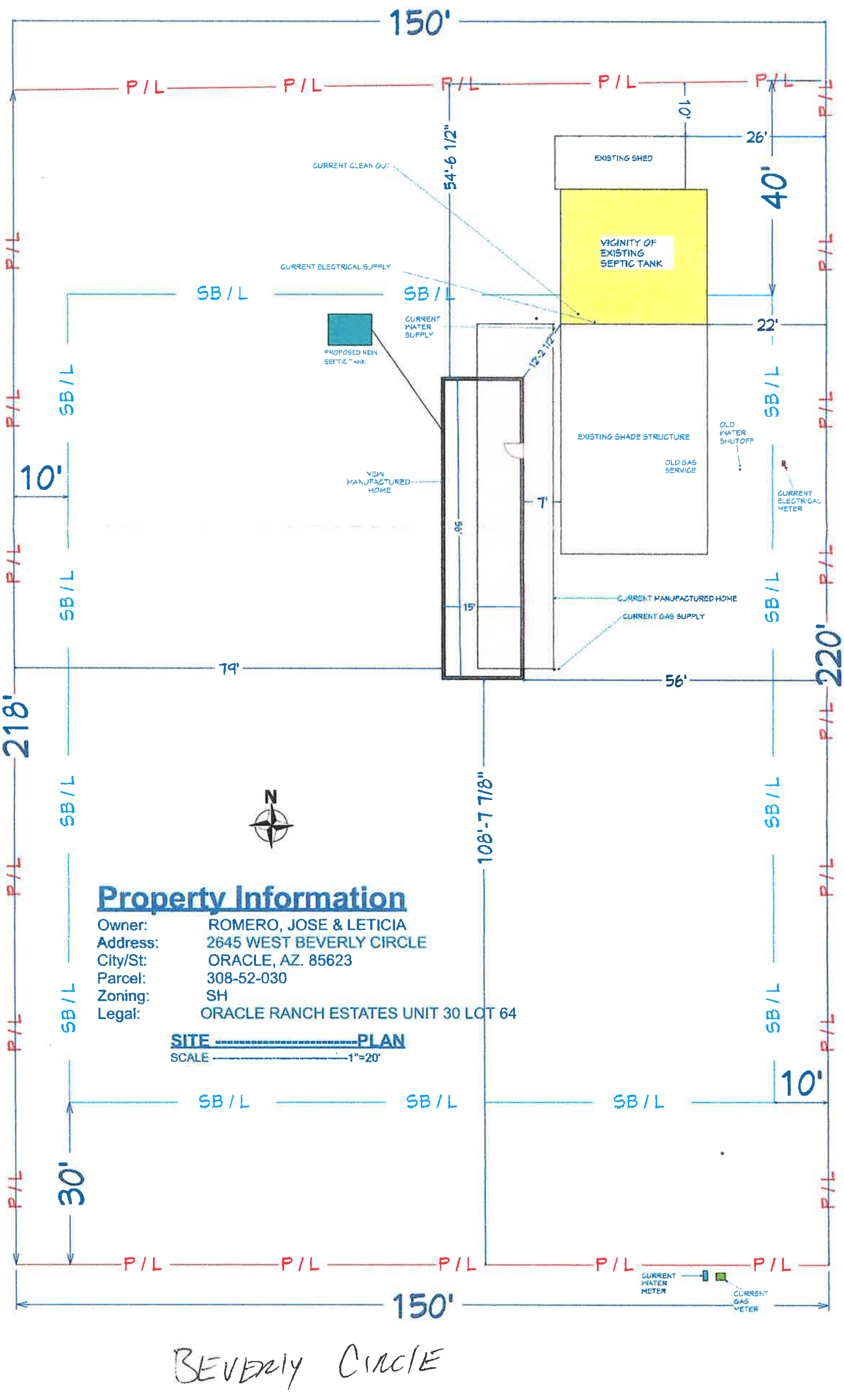
Assessor Parcel Number
308520030
First Owner Name
PIERSON JAMIE
Second Owner Name
Property Address
2620 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 763
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520020
First Owner Name
FREEMAN BRUCE
Second Owner Name
Property Address
2640 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 734
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308520010
First Owner Name
STAMPS BARBARA
Second Owner Name
Property Address
2670 W BEVERLY CIR ORACLE, AZ 85623
Mailing Address
PO BOX 456
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510020
First Owner Name
JUAREZ RICHARD H
Second Owner Name
Property Address
2860 N SONBERG DR ORACLE, AZ 85623
Mailing Address
PO BOX 1015
City
ORACLE
State
AZ
Zip
85623

Assessor Parcel Number
308510010
First Owner Name
IRWIN RICHARD F & MARTIE KAY TRS
Second Owner Name
Property Address
2780 N SONBERG DR ORACLE, AZ 85623
Mailing Address
PO BOX 1471
City
ORACLE
State
AZ
Zip
85623



BEVERLY CIRCLE

PINAL COUNTY- COMMUN
PO BOX 1348
FLORENCE AZ 85132--302

Account	AD#	Net Amount	Tax Amount	Total Amount	Payment Method	Payment Amount	Amount Due
472021	0005614691	$4.00	$0.00	$4.00	Invoice	$0.00	$4.00

Sales Rep: bgrady **Order Taker:** bgrady **Order Created** 03/01/2023

Product	# Ins	Column	Lines	Start Date	End Date
PNI-Arizona Republic	**1**	**1.00**	**80**	**03/07/2023**	**03/07/2023**
PNI-AZCentral.com	**1**	**1.00**	**80**	**03/07/2023**	**03/07/2023**

*** ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION**

Text of Ad: 03/01/2023

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:30 A.M, ON MARCH 23, 2023 AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A VARIANCE FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

BA-044-22 – PUBLIC HEARING/ACTION: Jose & Leticia Romero, landowners, Paul Pfeifer, agent/applicant, requesting a variance to Section 2.30.020 of the PCDSC, to reduce the minimum lot size requirements to 1.33 acres (57,933 sq. ft.) from two acres (87,120 sq. ft.) to allow a new residence on tax parcel 308-52-0300 (legal on file) in the Suburban Homestead (SR) Zone, situated in Section 27, Township 09 South, Range 15 East G&SR B&M, located north of west Beverly Circle and east of north Dean Drive in Oracle, unincorporated Pinal County.

Information regarding the case can be found online at:
https://www.pinal.gov/1233/Board-of-Adjustment-Agendas

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS 28th DAY OF FEBRUARY, 2023

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:

1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (Print or type)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 2973 (85 N. FLORENCE, FIRST FLOOR)
FLORENCE, AZ 85132
NO LATER THAN 4:00 P.M. ON MARCH 16, 2023

Contact for this matter: Ryan Green, Planner
E-mail Address: Ryan.Green@pinal.gov
Phone: (520) 866-6294
Fax: (520) 866-6530
Pub: March 7, 2023

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-044-22

3/23/23

Community Development Department

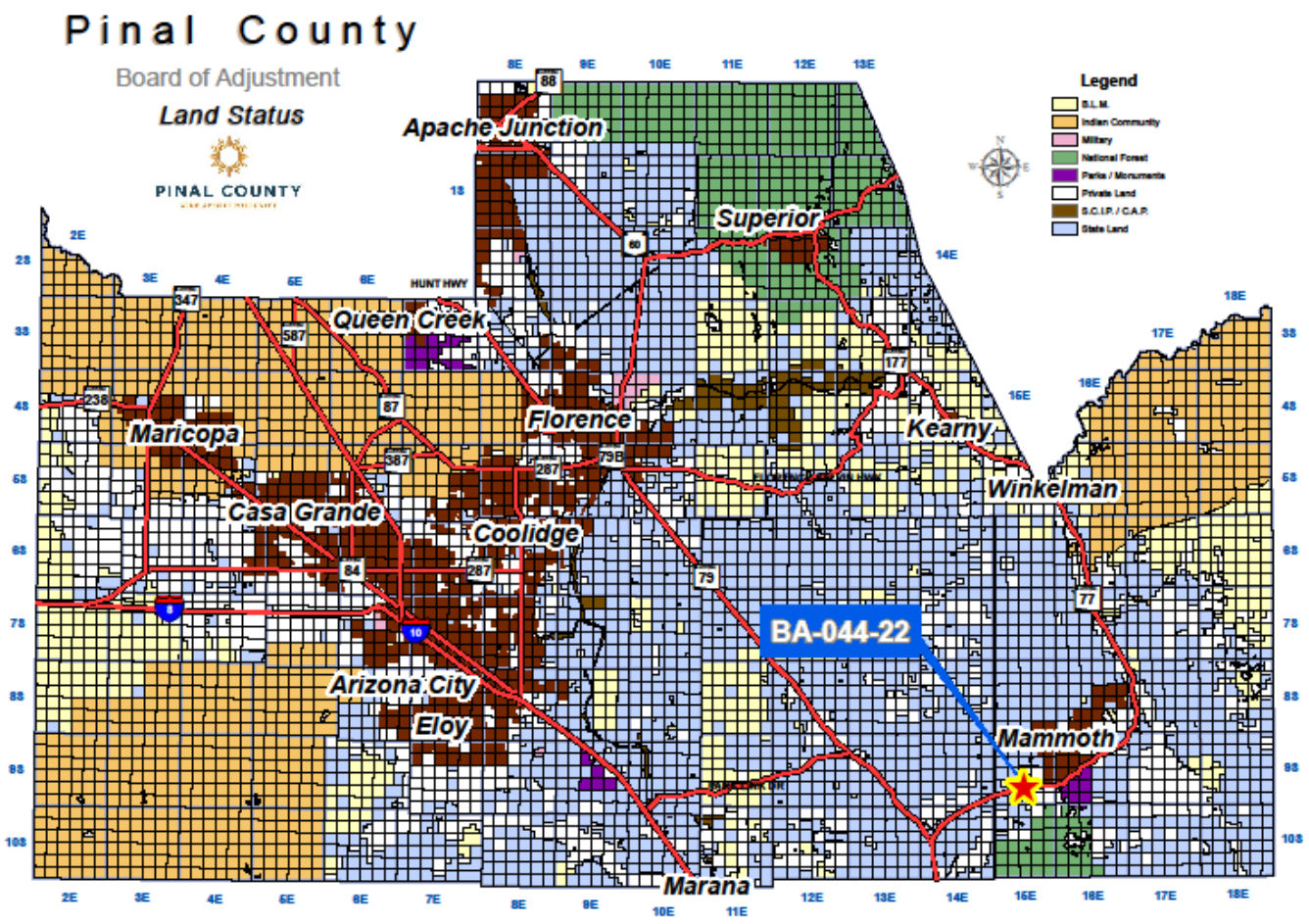
BA-044-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Proposal:
  - Variance to **Section 2.30.020** to modify the minimum lot size requirement from 87,120 square feet to 57,933 square feet in the Suburban Homestead (SH) Zone, to allow permitting of a new dwelling.
- Location: north of west Beverly Circle and east of north Dean Drive in Oracle, AZ
  - Owner/Applicant: Jose & Leticia Romero, landowners, Paul Pfeifer, agent/applicant

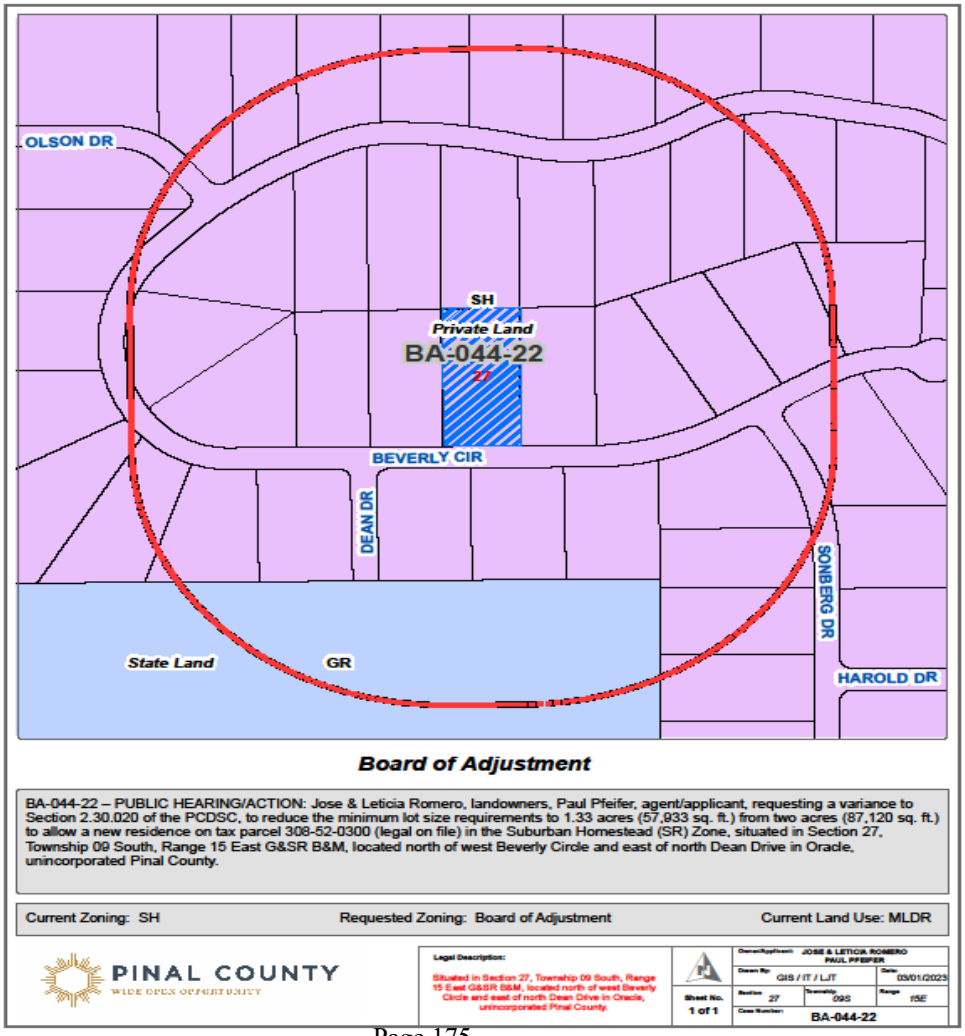
County Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Case Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Comprehensive Plan

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Comprehensive Plan: Moderate Low Density Residential (1-3.5) du/ac

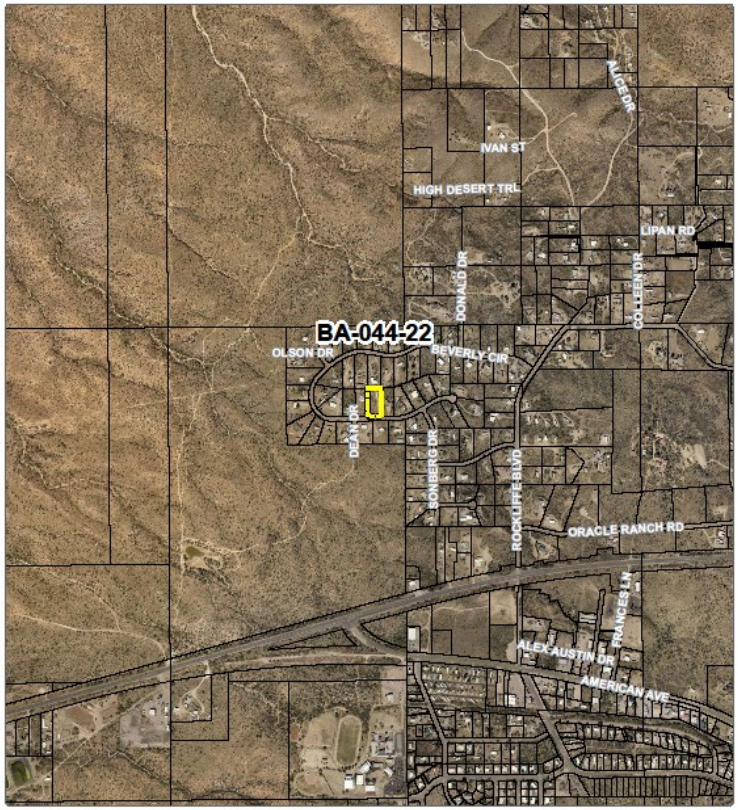
Area Map/Existing Zoning

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Zoning District: Suburban Homestead (SH)

Aerial Map

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Board of Adjustment

PINAL COUNTY
WIDE OPEN OPPORTUNITY

BA-044-22

Posting

PINAL COUNTY
WIDE OPEN OPPORTUNITY

North (Onto site)

PINAL COUNTY
WIDE OPEN OPPORTUNITY

South

PINAL COUNTY
WIDE OPEN OPPORTUNITY

East

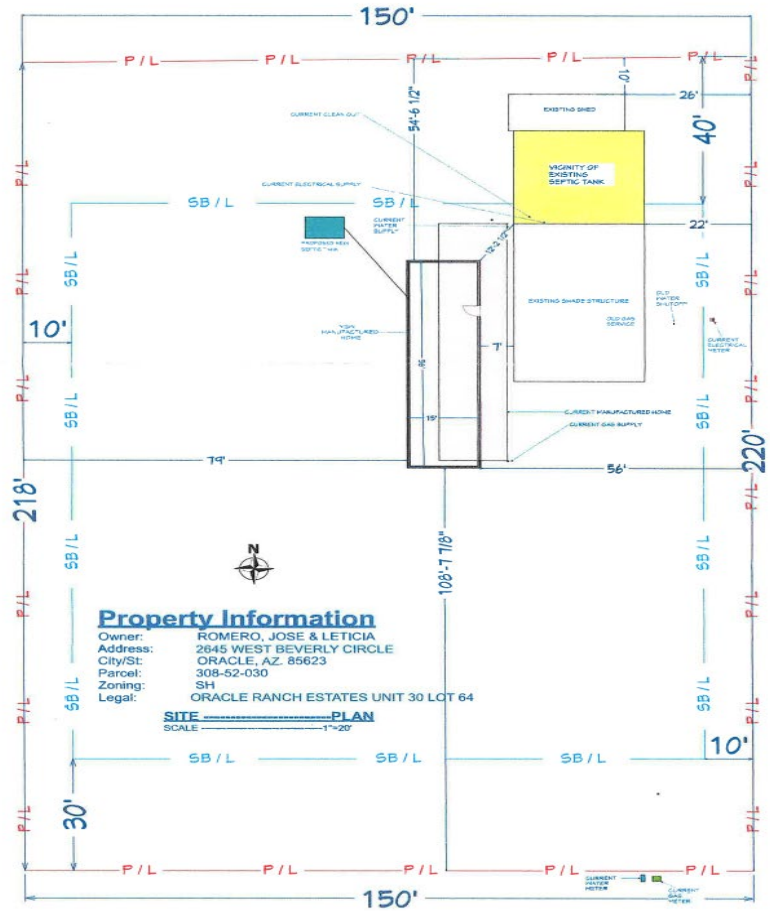
PINAL COUNTY
WIDE OPEN OPPORTUNITY

West

PINAL COUNTY
WIDE OPEN OPPORTUNITY

Site Plan

PINAL COUNTY
WIDE OPEN OPPORTUNITY



Key Issues:

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- The parcel was created prior to the 1982 amendment that increased the minimum lot size from 43,560 sq. ft. to 87,120 sq. ft. in the SH zone.
- Similar sized parcels in the area have single family dwellings
- The applicant wishes to use the land in a similar fashion to the RU-1.25 zoning code
- Hardship, preservation, and enjoyment of substantial existing property rights by the owner

BA-044-22

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Recommendation:
  - Approval
  - 5 stipulations

Stipulation #1

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- All structures, current and proposed, shall have or obtain a building permit.

Stipulation #2

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- All State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, etc.

Stipulation #3

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- The following uses and their accessory buildings and uses are permitted subject to all regulations of this title, including, but not limited to, Chapter 2.150 PCDSC; parking, signage, and lighting regulations; and the development standards in this chapter:

  - One dwelling, conventional construction, manufactured home, or mobile home.
  - Child care (more than five children for whom compensation is received).
  - Church, subject to the requirements set forth in PCDSC 2.150.220.
  - Government structures, fire district stations, sheriff's facilities and their accessory uses.
  - Guest house/casita, subject to the requirements set forth in PCDSC 2.150.240.
  - Home occupation, subject to the requirements set forth in PCDSC 2.150.260.
  - Solar energy device, subject to the requirements set forth in Chapter 2.210 PCDSC.
  - Wireless communication facilities, subject to the requirements set forth in Chapter 2.205 PCDSC.
  - Some uses are allowed in all zoning districts based on statutory exemptions (see PCDSC 2.05.050) or because a governmental entity or governmental agency is performing a governmental function.

Stipulation #4

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Development Standards:
  - Minimum lot area: 54,450 square feet.
  - Minimum lot width: 100 feet.
  - Minimum front setback: 30 feet.
  - Minimum side setbacks: 10 feet.
  - Minimum rear setback: 40 feet.
  - Maximum building height: 30 feet.
  - Detached Accessory Buildings:
- Permitted coverage: 33 percent of the total area of the rear and side setbacks;
- Maximum height: 20 feet;
- Minimum distance to main building: seven feet;
- Minimum distance to front lot line: 60 feet;
- Minimum distance to rear or side lot lines: four feet, 50 feet if used for poultry or animals.
- A structure having a roof supported by columns and used exclusively for the shading of livestock shall not be considered a building and shall not need to conform to setback requirements that apply to buildings used to house livestock.

Stipulation #5

PINAL COUNTY
WIDE OPEN OPPORTUNITY

- Applicant must remove all unpermitted structures prior to permitting for new dwelling.

Comments, Questions, Concerns?

PINAL COUNTY
WIDE OPEN OPPORTUNITY