



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION  
PINAL COUNTY BOARD OF ADJUSTMENTS AND APPEALS  
SUMMARY OF AGENDA FOR MEETING  
Thursday, May 22, 2025

9:30 AM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX  
EMERGENCY OPERATIONS CENTER  
301 E. 11TH ST  
FLORENCE, AZ 85132

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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) **REGULAR ITEMS**

**CALL TO ORDER AND ROLL CALL OF BOARD MEMBERS**

- ( ) **KENNEDY, Chairman**
- ( ) **MARSH, Vice Chairman**
- ( ) **BEGEMAN, Member**
- ( ) **MAULLER, Member**
- ( ) **SANCHEZ, Member**

(2) **PLANNING MANAGER REPORT (INFORMATION ITEM)**

(3) **NEW CASES**

- A. **BA-005-25 – PUBLIC HEARING/ACTION:** Nicholas Sanders, landowner/applicant, requesting a variance to **Section 2.40.020 and 2.40.030** of the Pinal County Development Services Code, to decrease the minimum distance to the front property line from sixty (60) to eighteen (18) feet in the General Rural Zone (GR) Zone, to construct a carport, located within a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.

*Glenn Bak/Brent Billingsley*

- B. **BA-006-25 – PUBLIC HEARING/ACTION:** Yesenia Leon Leue, 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 minimum required lot area from 54,450 square feet (1.25 acres) to 19,166± square feet (0.44 acres) and applicable development standards to allow a single family residence on a 0.44 acres parcel in the (GR) General Rural zoning district, 411-21-0390 (legal on file), situated in Section 22, Township 08 South, Range 08 East Gila & Salt River Baseline & Meridian, located northwest of S Martan Dr and E Monitor St, within Picacho, unincorporated Pinal County.

*Kendall Riley/Dedrick Denton*

- C. **BA-008-25 – PUBLIC HEARING/ACTION:** Scott Leubner (applicant/landowner) is requesting a variance to **Section 2.30.020 and Section 2.30.030** of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 87,120 square feet (2± ac) to 47,916± square feet (1.1± ac) for a parcel in the Suburban Homestead Zone (SH); situated in NE part of SE ¼ of Section 09, Township 01S, Range 09E of the Gila and Salt River Base and Meridian, Tax Parcel 104-61-0900, located east of intersection of E Breathless Dr and S Lazy Rd in Gold Canyon area, unincorporated Pinal County, AZ.

*Valentyn Panchenko/Dedrick Denton*

- D. **BA-014-25 – PUBLIC HEARING/ACTION:** Toll Brothers AZ Construction, landowner/applicant, requesting a variance to **Section 2.55.020** of the Pinal County Development Services Code, to allow a 60-ft antenna to provide necessary communication links between EPCOR facilities, and applicable development standards, to allow the construction of an antenna in the CR-1A (PAD) Zone, Parcel 16 of San Tan 320 Parcels 14-16, located within a portion of Section 15, Township 3 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 509-223-960 legal on file, located southwest of W Phillips Rd and

#### 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 Thursday between the hours of 7:00 a.m. and 5:30 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.





# PINAL COUNTY

WIDE OPEN OPPORTUNITY

##ITEMTYPE##

5/22/2025

311 E. 11th Street, Florence, AZ 85132

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Community Development

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

CALL TO ORDER AND ROLL CALL OF COMMISSION MEMBERS:

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:

ATTACHMENTS



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

##ITEMTYPE##

5/22/2025

311 E. 11th Street, Florence, AZ 85132

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Boards & Commissions

Director:

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

PLANNING MANAGER REPORT (INFORMATION ITEM)

**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:**

**ATTACHMENTS**



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

##ITEMTYPE##

5/22/2025

311 E. 11th Street, Florence, AZ 85132

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Community Development

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

BA-005-25

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:

## ATTACHMENTS

ATTACHMENTS:

Description

- ☐ powerpoint
- ☐ applicants powerpoint
- ☐ powerpoint
- ☐ Packet



**BA-005-25**

**5/22/25**

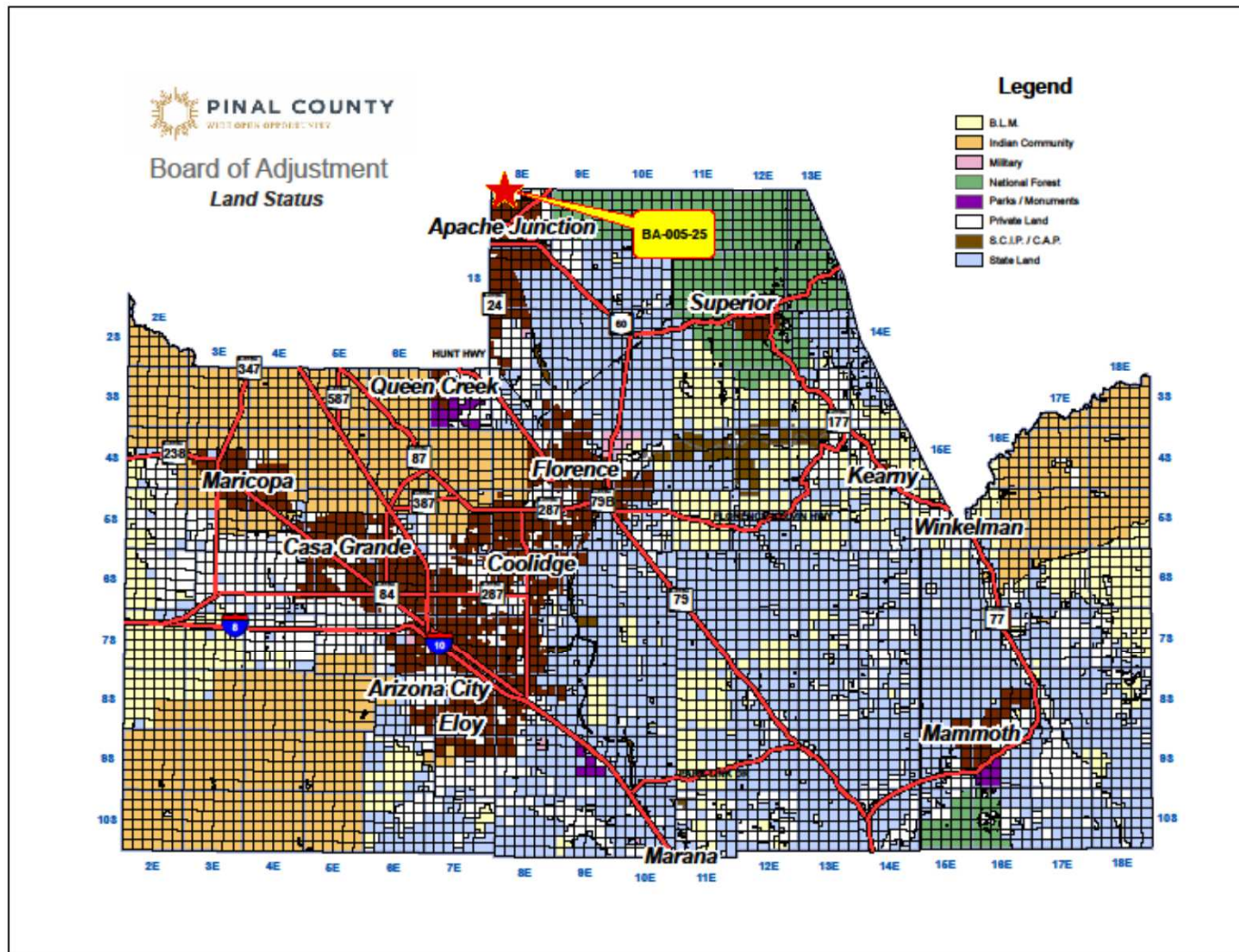
**Community Development Department**

# BA-005-25

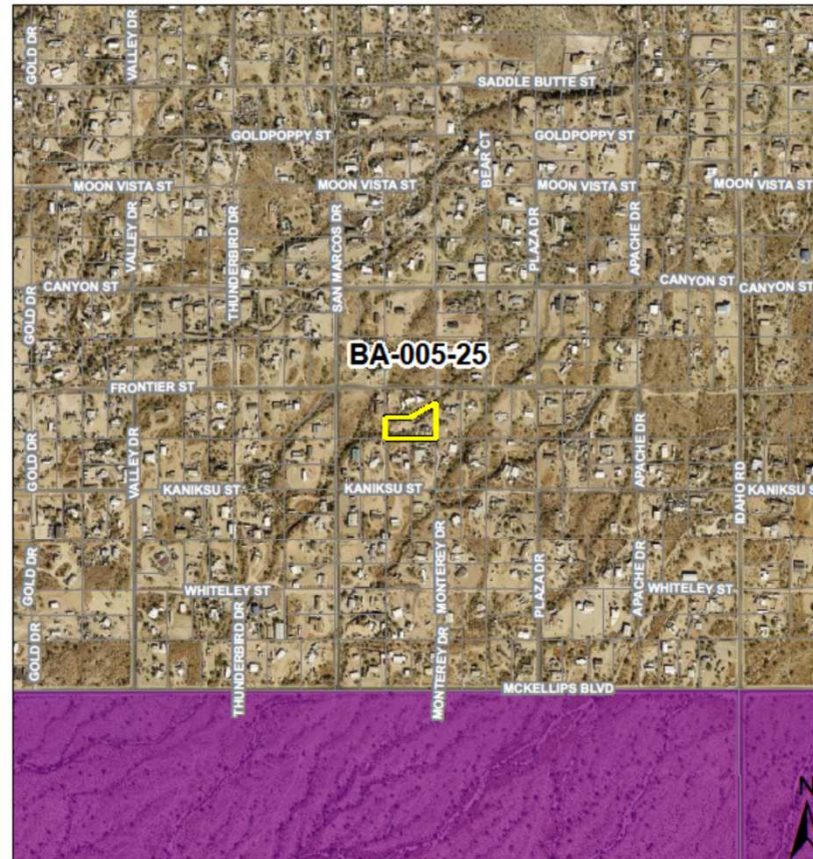


- **Proposal:** Variance to reduce the required minimum front yard setback from sixty (60) feet to eighteen (18) feet for a parcel in the General Rural (GR) Zone.
- **Location:** Southeast of W Frontier St and N San Marcos Rd.
- **Owner/Applicant:** Nicholas Sanders

# County Map



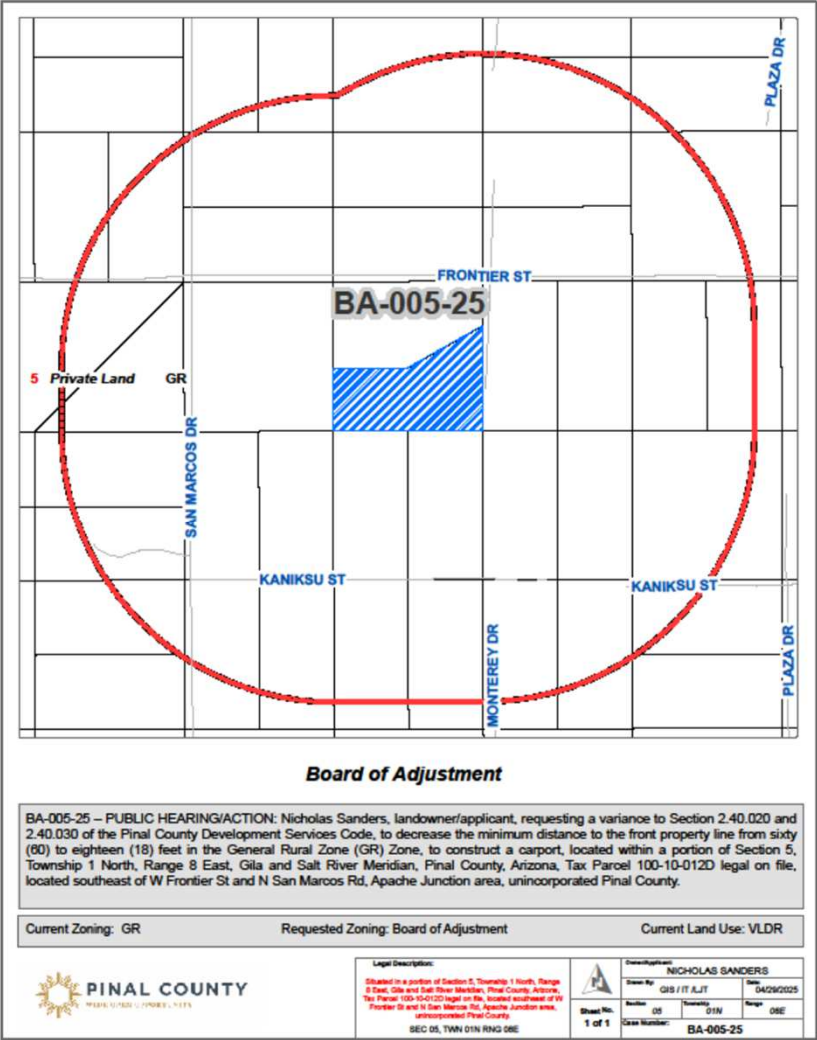
# Aerial Map



**Board of Adjustment**



# Case Map





# North



# East





# South



# West



# BA-005-25

## □ Items to consider:

- A manufactured home was placed in 2000, In 2002 the subject parcel was created and Monterey Drive was abandoned. The owner took possession of the property June 4, 2021.
- A wash reduces the overall available area; However, there appear to be viable alternatives to the request.

# BA-005-25



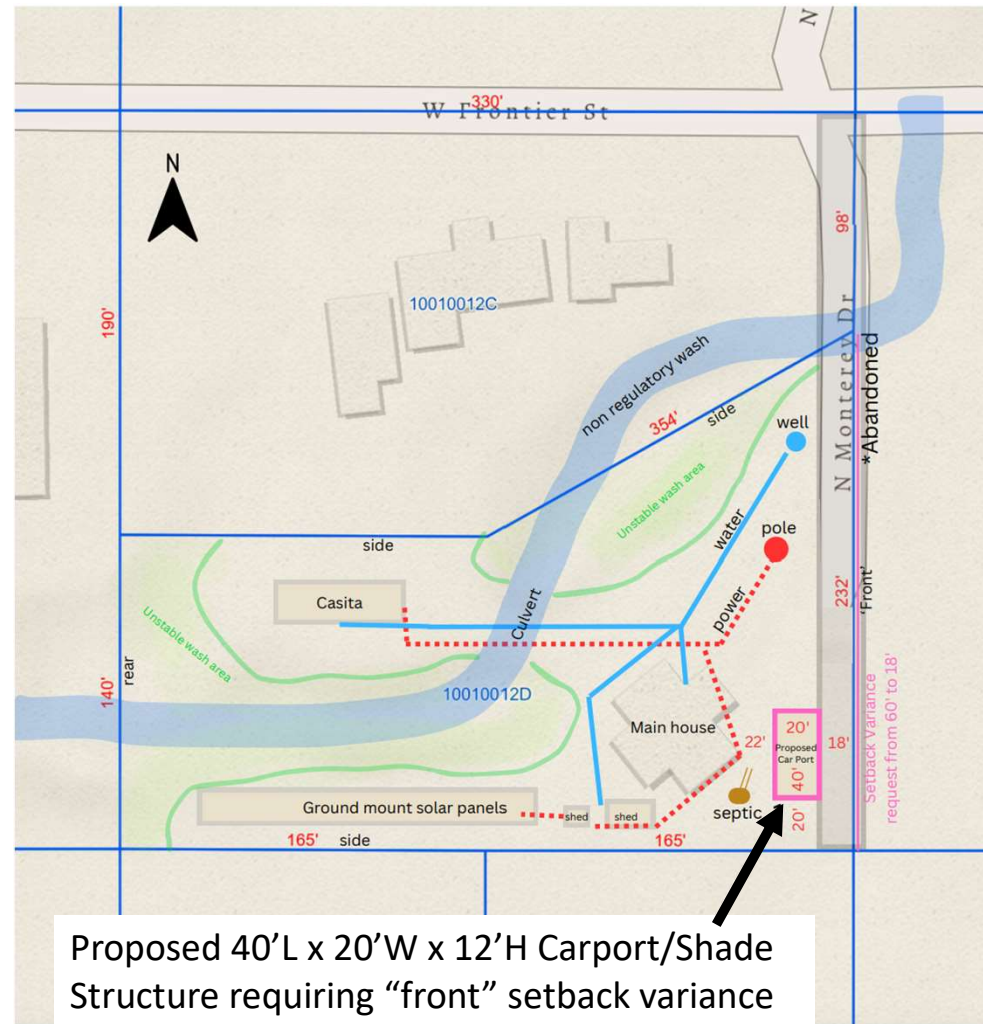
☐ Staff Recommends **denial**.





Site Plan  
4522 N. Monterey Dr.  
Apache Junction, 85120

Definition of "property front" or "frontage" refers to the boundary line of a piece of land that faces a **street** or other right-of-way.

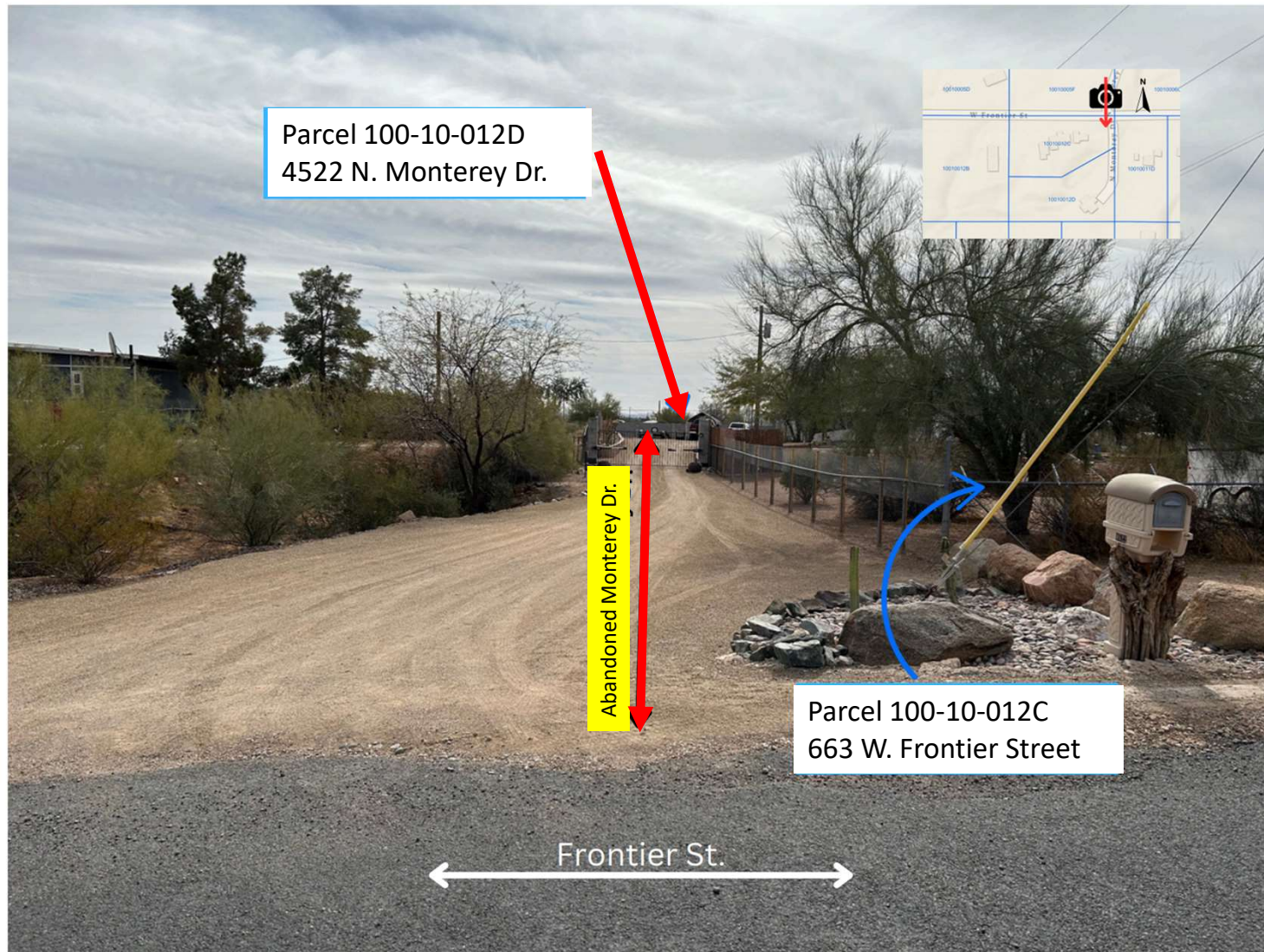


Proposed 40'L x 20'W x 12'H Carport/Shade Structure requiring "front" setback variance inside of 60' due to unique circumstantial reasons listed in application.









Real World /  
Practical Front







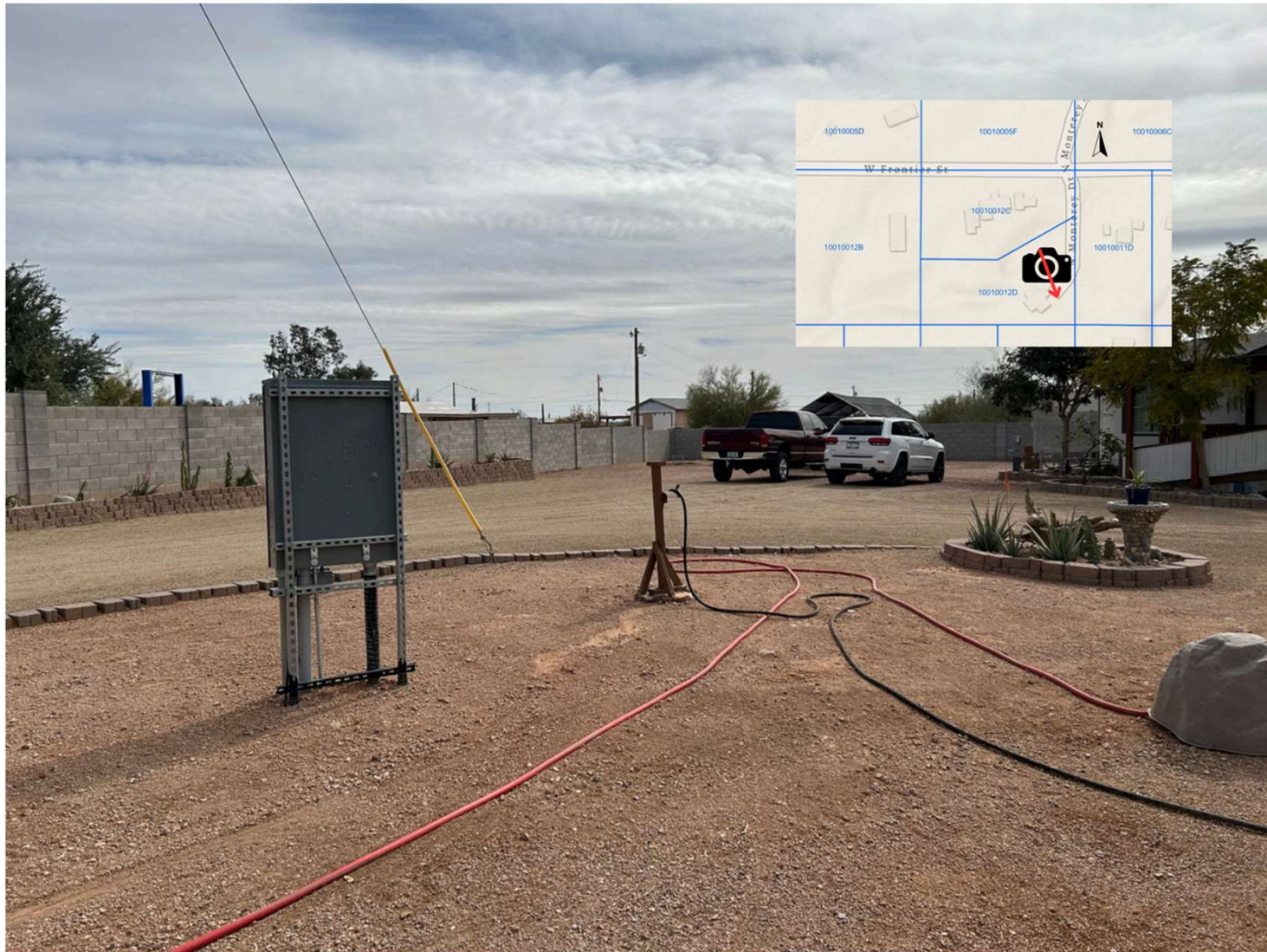














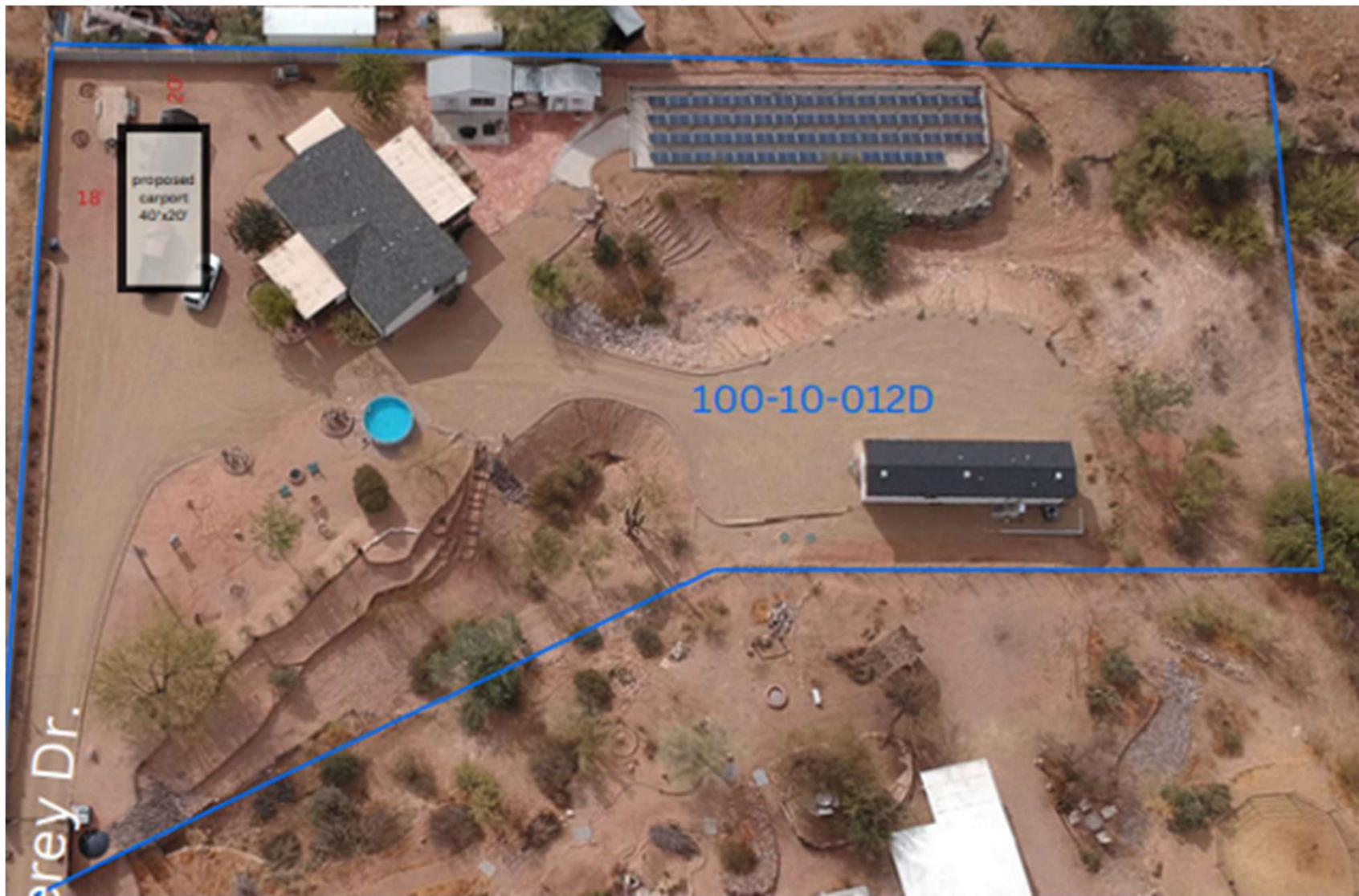












Will Call  
Pinal County Recorder



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTTLE

DATE: 10/10/02 TIME: 1154  
FEE: 28.00  
PAGES: 0  
FEE NO: 2002-055193

**NOTICE OF RECORDING  
MAP OR PLAT**

TITLE: Record of Survey / minor land division

TYPE: SUBDIVISION ( ) SURVEY (X) CONDO ( ) OTHER ( )

LOCATION/LEGAL DESCRIPTION:

SECT 05 TOWNSHIP 01-N RANGE 08-E N

NUMBER OF SHEETS 1

FILED IN: BOOK: 7 OF SURVEYS PAGE: 051

COMMENTS: \_\_\_\_\_

NAME OF CURRENT OWNER: Samuel D. Terry

OR SUBMITTED BY: (SURVEYS ONLY - ENTERED ON GRANTOR 2nd SCREEN)

Name & Address of person to receive original map:

4603 N. Frontier St

Apache Junction, AZ 85220

This Notice is being filmed in place of a recorded map or plat and in the same sequence as the original recording. The original map or plat is microfilmed on 35mm media and can be reproduced on 11 X 17 inch copy. The original is then filed in the above mentioned format.

LAURA DEAN-LYTTLE  
Pinal County Recorder

By: Nancy Hammit Deputy

forrel4a.doc

Will Call  
Pinal County Recorder



OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTLE

DATE: 10/01/02 TIME: 1636  
FEE: \$ .00  
PAGES: 0  
FEE NO: 2002-053329

**NOTICE OF RECORDING  
MAP OR PLAT**

TITLE: Record of Survey - Abandonment

TYPE: SUBDIVISION ( ) SURVEY (X) CONDO ( ) OTHER ( )

LOCATION/LEGAL DESCRIPTION:

SECT 05 TOWNSHIP 01-N RANGE 08-E N

NUMBER OF SHEETS

FILED IN: BOOK: 7 OF SURVEYS PAGE: 030

COMMENTS:

NAME OF CURRENT OWNER: Sam Terry  
OR SUBMITTED BY: (SURVEYS ONLY - ENTERED ON GRANTOR 2nd SCREEN)

Name & Address of person to receive original map:

W/C Board of Sup

This Notice is being filmed in place of a recorded map or plat and in the same sequence as the original recording. The original map or plat is microfilmed on 35mm media and can be reproduced on 11 X 17 inch copy. The original is then filed in the above mentioned format.

LAURA DEAN-LYTLE  
Pinal County Recorder

By: Alicia Dominguez Deputy

forre14a.doc

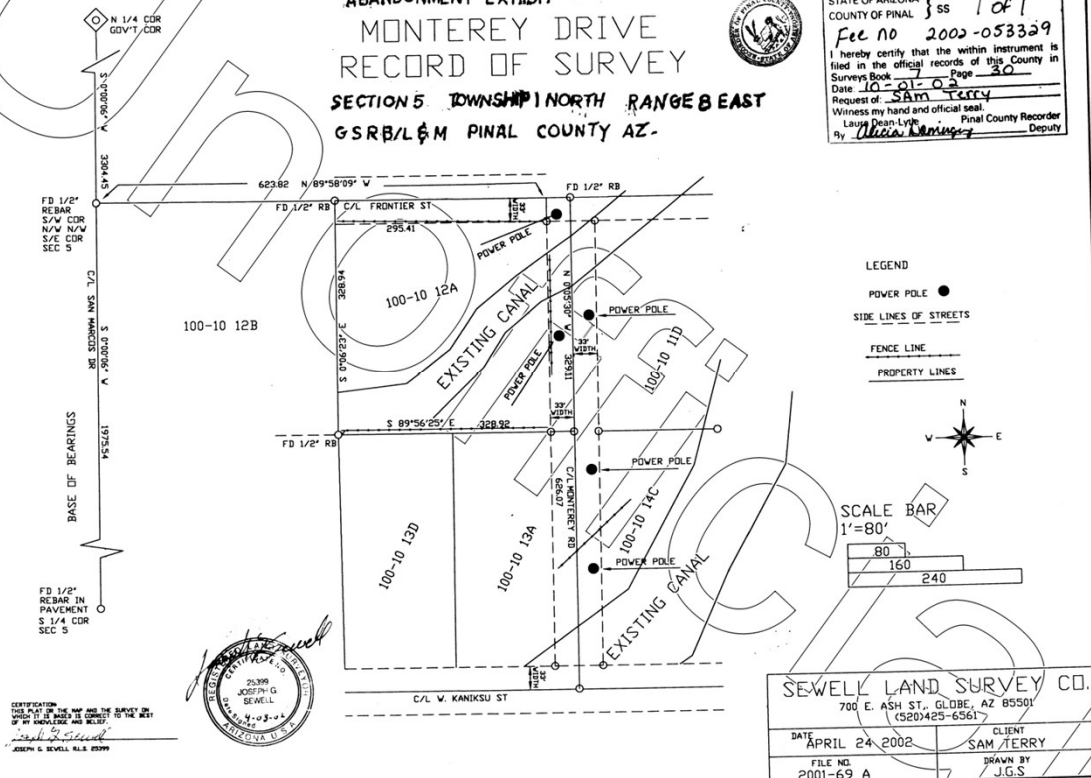
**ABANDONMENT EXHIBIT**

**MONTEREY DRIVE  
RECORD OF SURVEY**

SECTION 5 TOWNSHIP 1 NORTH RANGE 8 EAST  
GSRB/L&M PINAL COUNTY AZ.



STATE OF ARIZONA } SS 1 of 1  
COUNTY OF PINAL }  
Fee No 2002-053329  
I hereby certify that the within instrument is  
filed in the official records of this County in  
Survey Book Page 30  
Date 10-01-02  
Request of: Sam Terry  
Witness my hand and official seal.  
Laura Dean-Lytle Pinal County Recorder  
By: Alicia Dominguez Deputy



**2.40.030. - Detached accessory buildings.**

- A. Permitted coverage: One-third of the total area of the rear and side yards.
- B. Maximum height: 20 feet.
- C. Minimum distance to main building: Seven feet.
- D. Minimum distance to front lot line: 60 feet.
- E. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 15 feet to side lot line and four feet to rear lot line if building is used for poultry or small animals; 50 feet if used for livestock.
- F. 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.



**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

**BA-005-25**

**5/22/25**

**Community Development Department**

# BA-005-25

- **Proposal:** Variance to reduce the required minimum front yard setback from sixty (60) feet to eighteen (18) feet for a parcel in the General Rural (GR) Zone.
- **Location:** Southeast of W Frontier St and N San Marcos Rd.
- **Owner/Applicant:** Nicholas Sanders

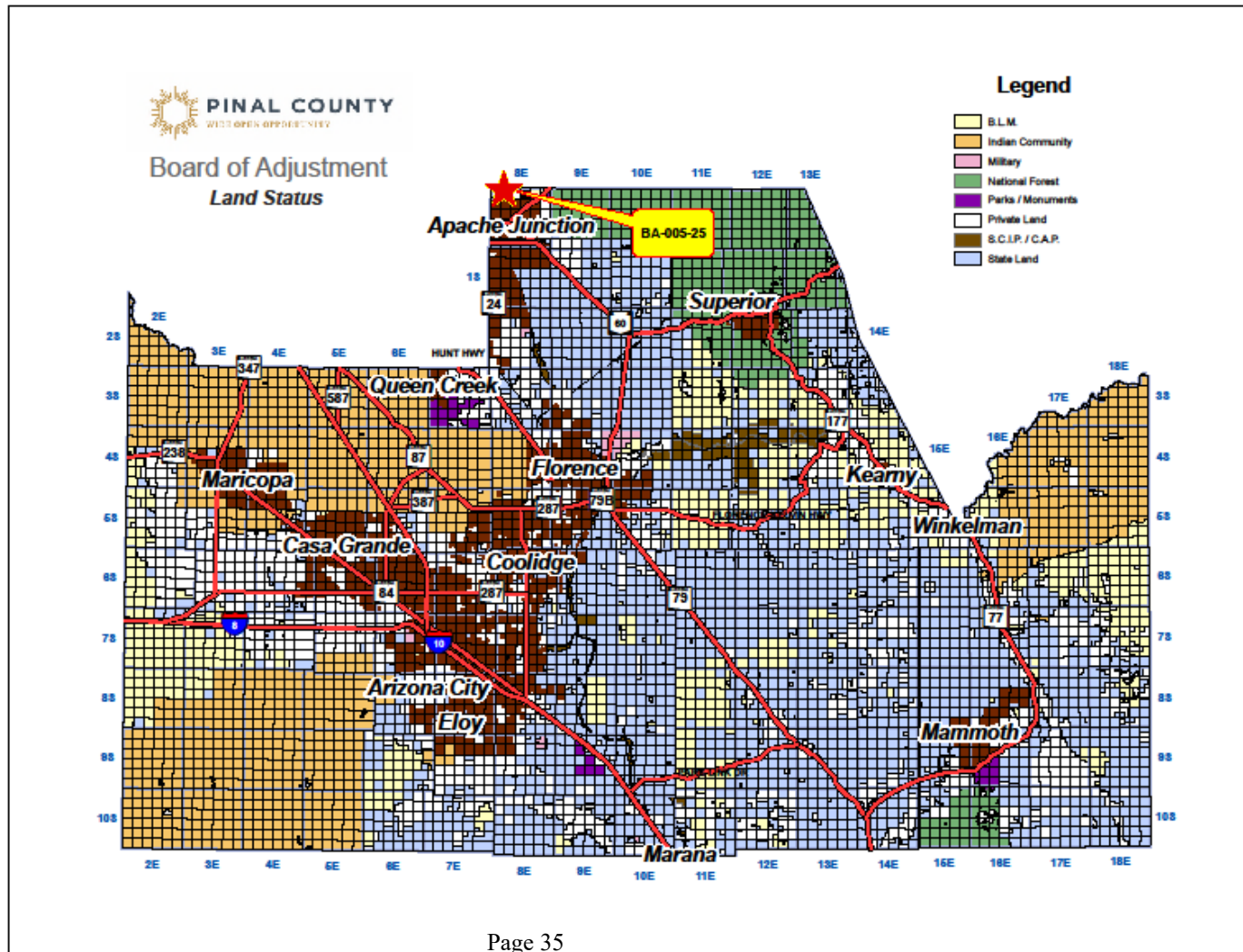


# County Map

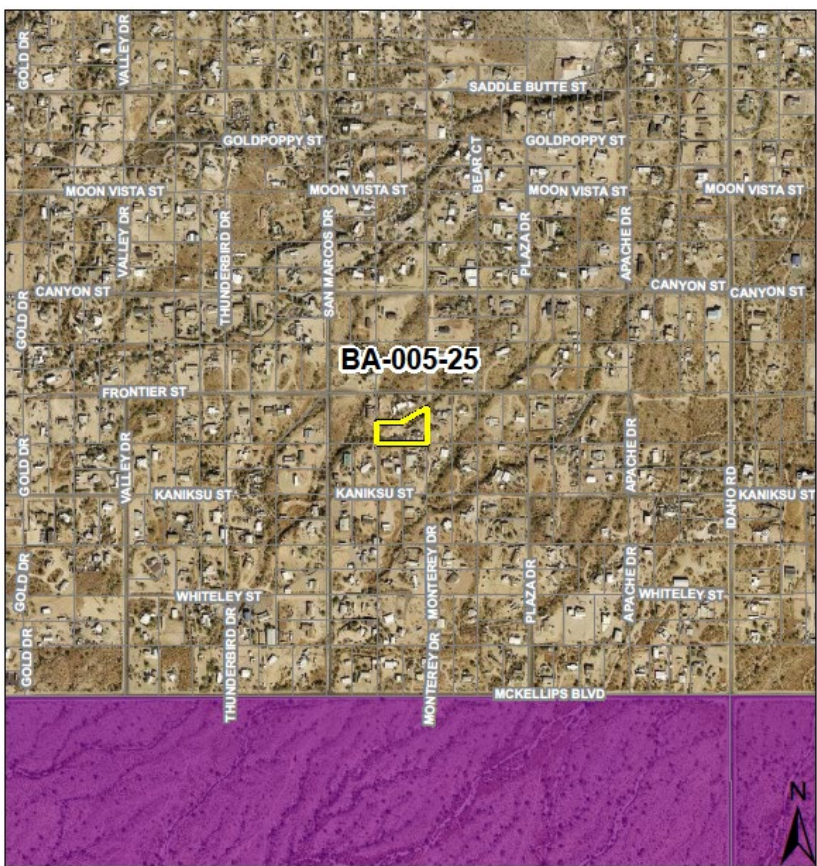


**PINAL COUNTY**

WIDE OPEN OPPORTUNITY



# Aerial Map



***Board of Adjustment***

# Case Map



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY

**BA-005-25**

**Board of Adjustment**

**BA-005-25 – PUBLIC HEARING/ACTION:** Nicholas Sanders, landowner/applicant, requesting a variance to Section 2.40.020 and 2.40.030 of the Pinal County Development Services Code, to decrease the minimum distance to the front property line from sixty (60) to eighteen (18) feet in the General Rural Zone (GR) Zone, to construct a carport, located within a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.

Current Zoning: GR	Requested Zoning: Board of Adjustment	Current Land Use: VLDR
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**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

**Legal Description:**  
Situating in a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.

SEC 05, T1N 01N R8E 01E

**Owner/Applicant:**  
NICHOLAS SANDERS

**Drawn By:** GIS / IT ALJT

**Date:** 04/26/2025

**Sheet No.:** 1 of 1

**Case Number:** BA-005-25



# North



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY





# East



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY





# South



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY



# West



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY





## □ Items to consider:

- A manufactured home was placed in 2000, In 2002 the subject parcel was created and Monterey Drive was abandoned. The owner took possession of the property June 4, 2021.
- A wash reduces the overall available area; However, there appear to be viable alternatives to the request.

# BA-005-25

□ Staff Recommends **denial**.

## NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:30 A.M., ON **MAY 22, 2025** AT THE PINAL COUNTY EOC / PLANNING & ZONING BUILDING, 301 E. 11TH STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **VARIANCE** FOR AN UNINCORPORATED AREA OF PINAL COUNTY.

**BA-005-25 – PUBLIC HEARING/ACTION:** Nicholas Sanders, landowner/applicant, requesting a variance to **Section 2.40.020 and 2.40.030** of the Pinal County Development Services Code, to decrease the minimum distance to the front property line from sixty (60) to eighteen (18) feet in the General Rural Zone (GR) Zone, to construct a carport, located within a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, 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 21<sup>st</sup> DAY OF **APRIL, 2025**

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

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

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***[Anything below this line is not for publication.]***

PUBLISHED ONCE:  
Pinal Central Dispatch

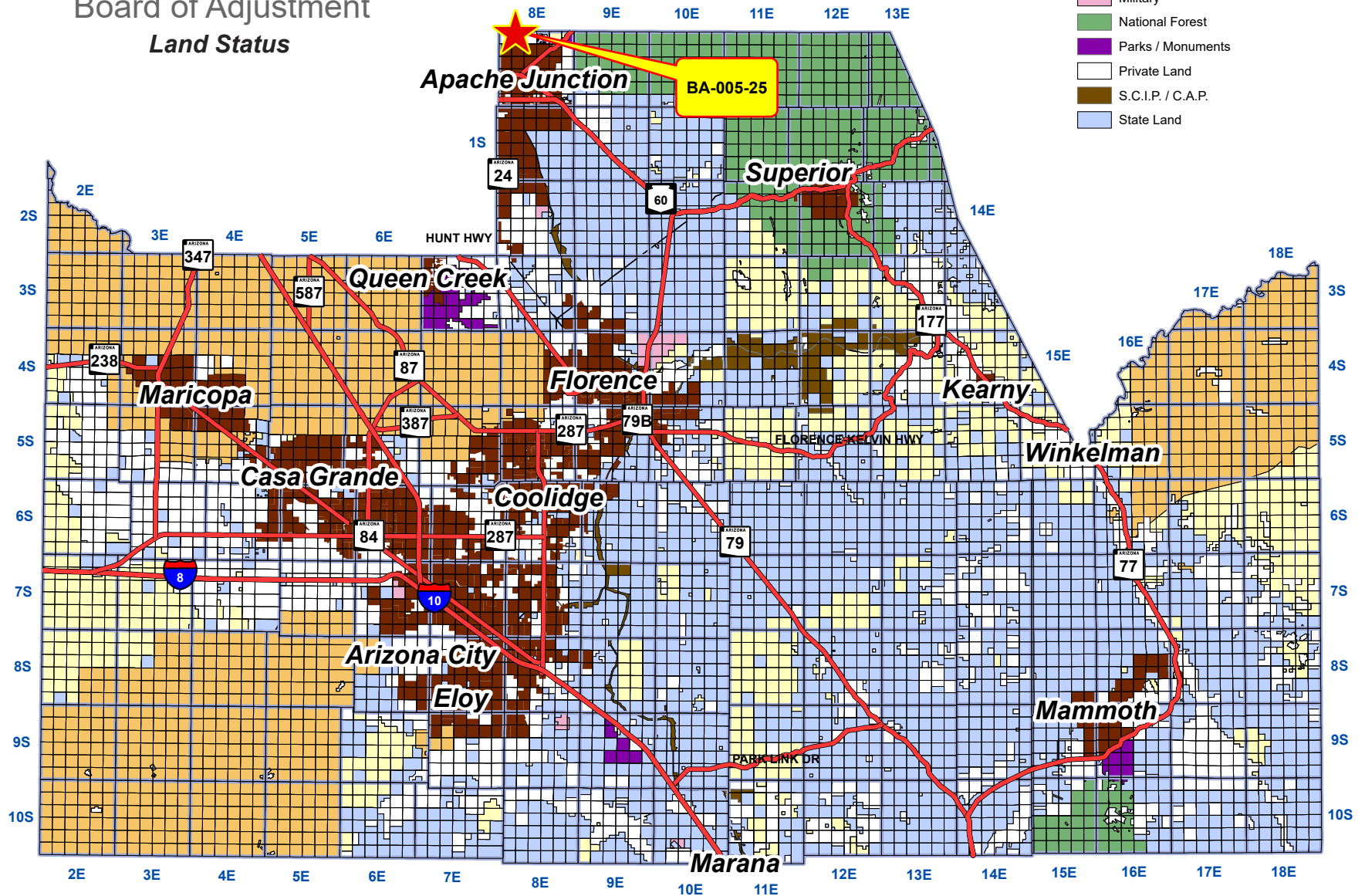


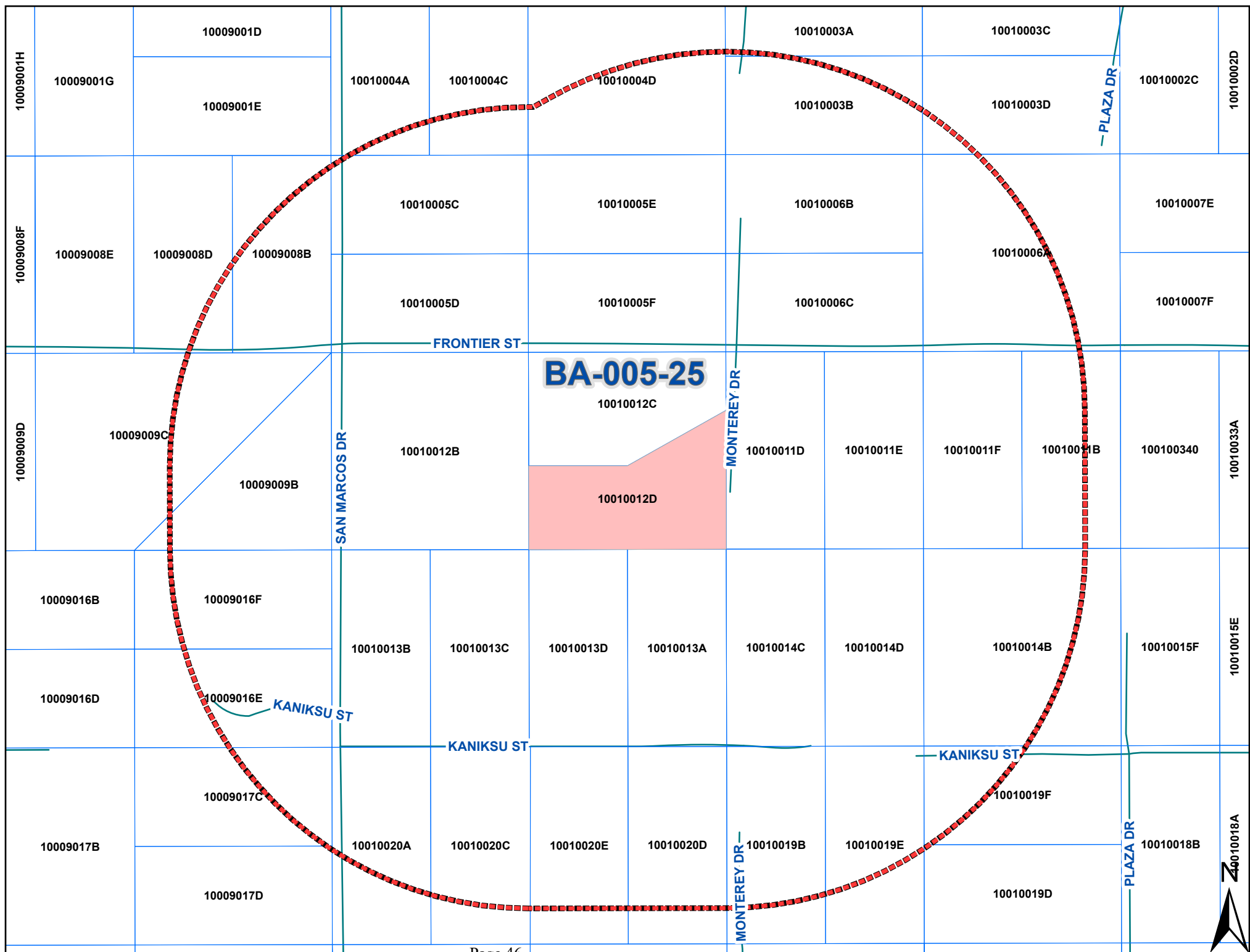


Board of Adjustment  
Land Status

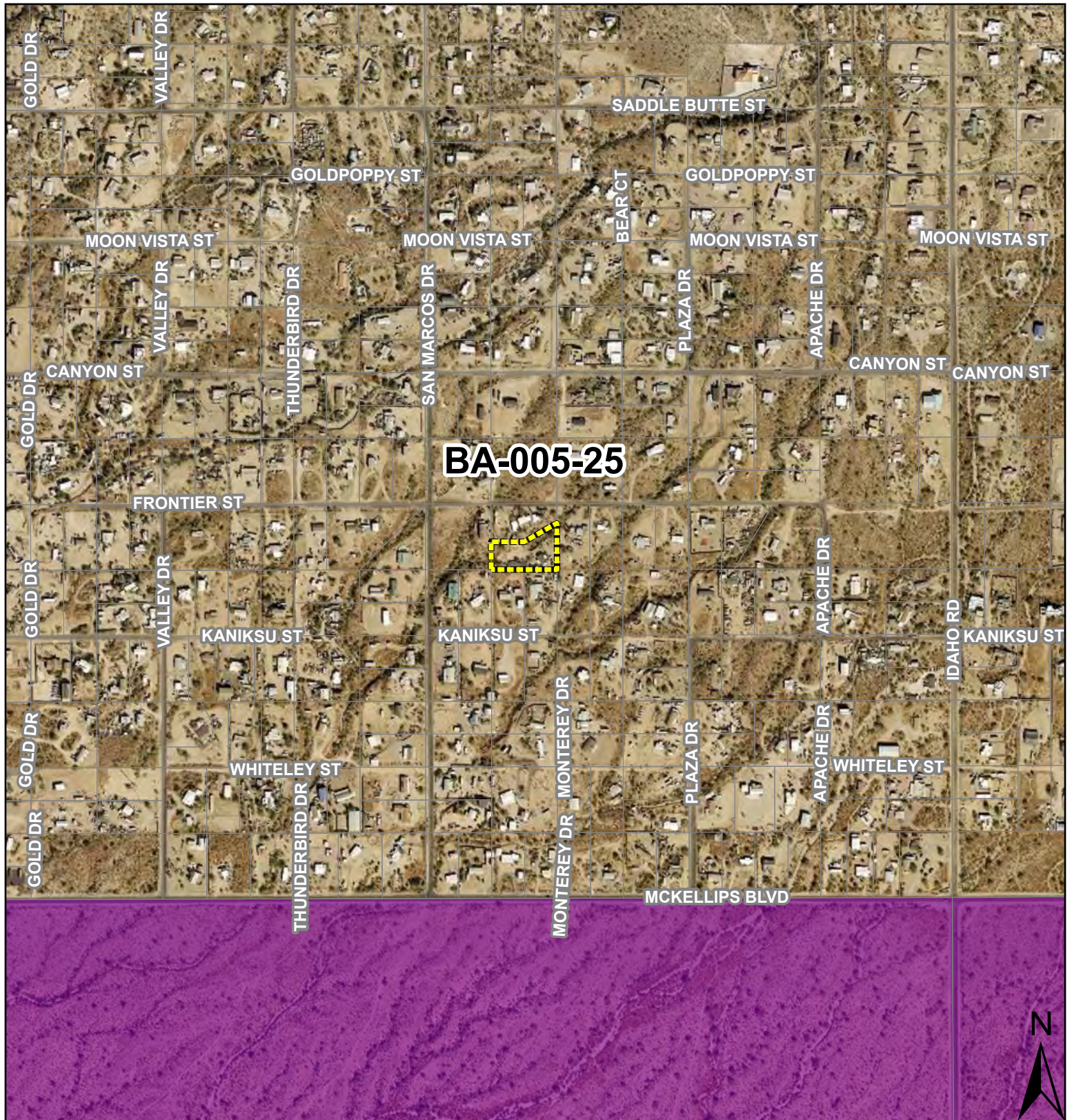
Legend

- B.L.M.
- Indian Community
- Military
- National Forest
- Parks / Monuments
- Private Land
- S.C.I.P. / C.A.P.
- State Land



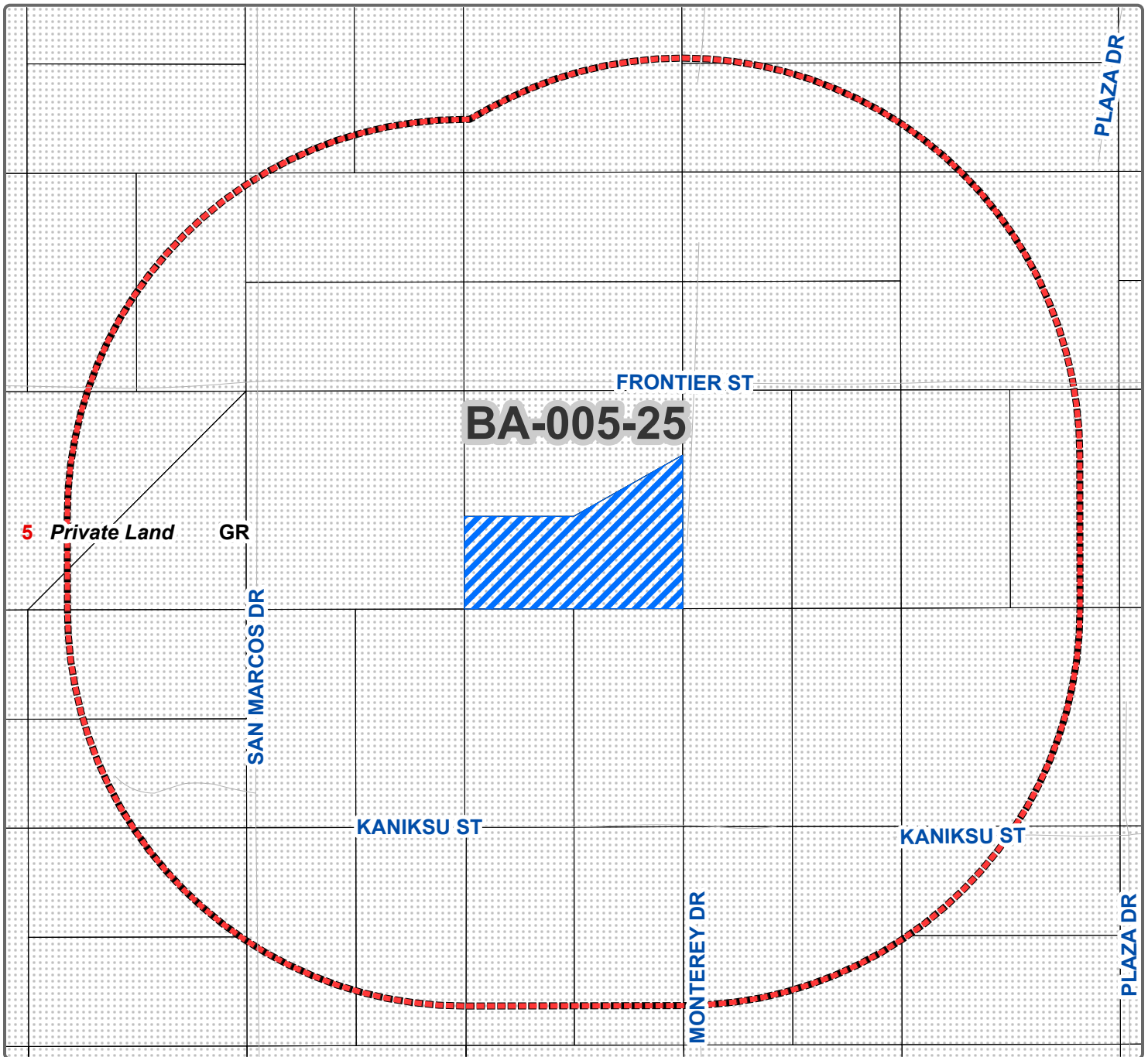






## ***Board of Adjustment***





## Board of Adjustment

BA-005-25 – PUBLIC HEARING/ACTION: Nicholas Sanders, landowner/applicant, requesting a variance to Section 2.40.020 and 2.40.030 of the Pinal County Development Services Code, to decrease the minimum distance to the front property line from sixty (60) to eighteen (18) feet in the General Rural Zone (GR) Zone, to construct a carport, located within a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.

Current Zoning: GR

Requested Zoning: Board of Adjustment

Current Land Use: VLDR



### Legal Description:

Situated in a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.

SEC 05, TWN 01N RNG 08E



### Owner/Applicant:

NICHOLAS SANDERS

### Drawn By:

GIS / IT /LJT

### Date:

04/29/2025

Sheet No.  
1 of 1

### Section

05

### Township

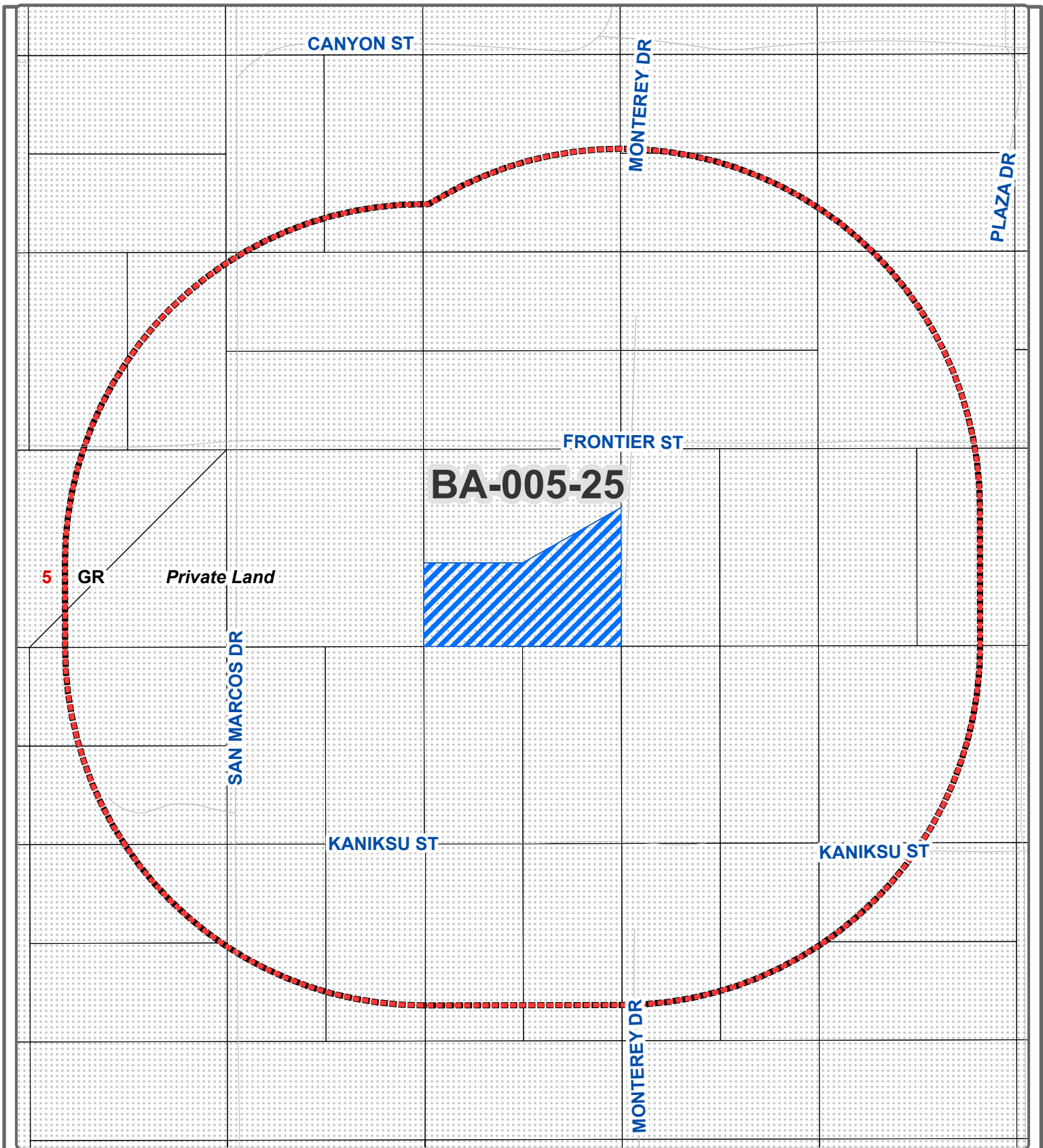
01N

### Range

08E

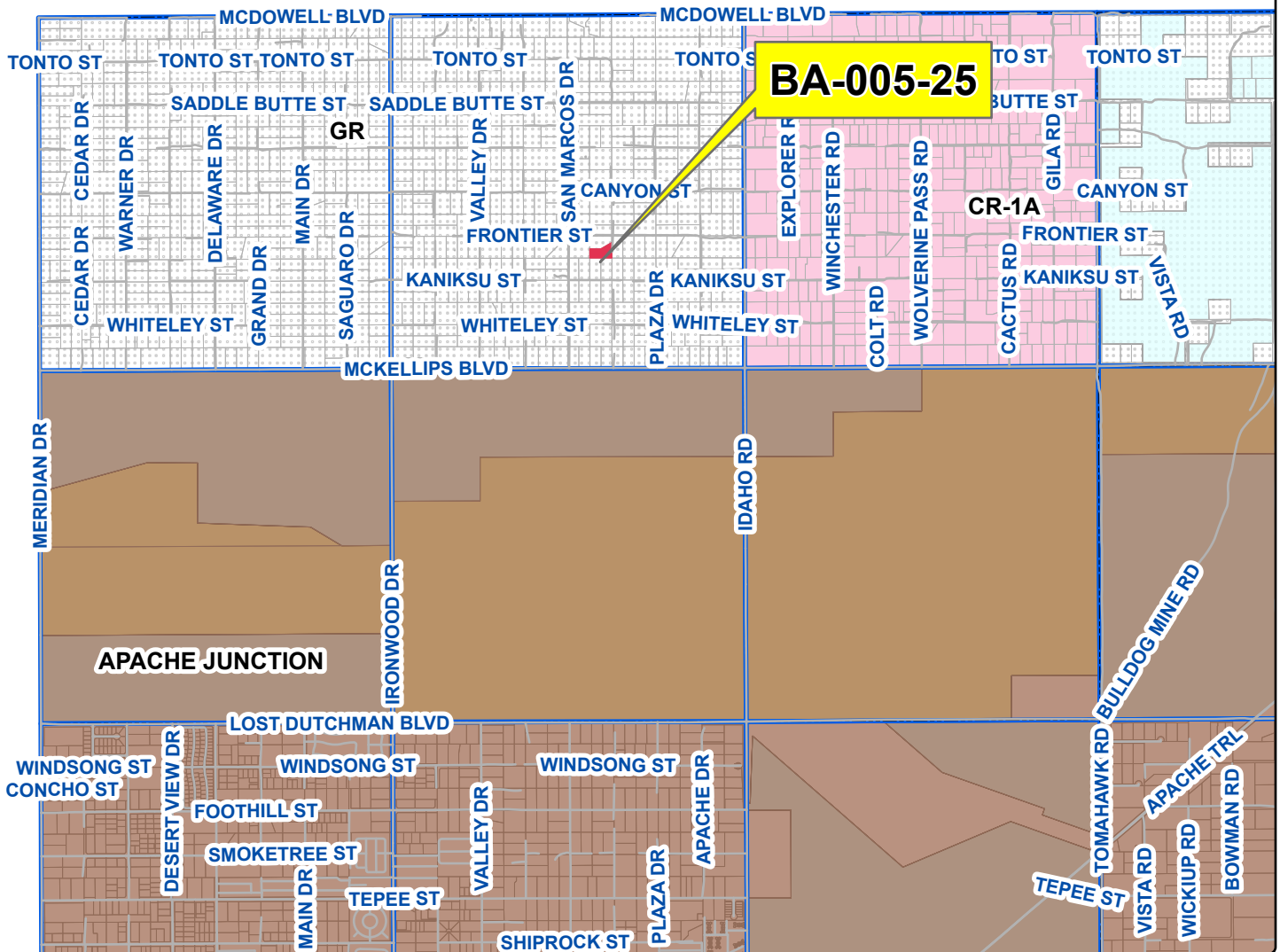
### Case Number:

BA-005-25



## Board of Adjustment

Owner/Applicant: <b>Nicholas Sanders</b>			<b>Legal Description:</b> Situated in a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.		 Sheet No. 1 of 1		 <b>PINAL COUNTY</b> <small>WHERE OPEN OPPORTUNITY</small>		Current Zoning: CR-3 Request Zoning: Board of Adjustment Current Land Use: MLDR	
Drawn By: GIS/IT - LJT      Date: 04/29/2025										
Section 05	Township 01N	Range 08E								
Case Number: <b>BA-005-25</b>			SEC 05, TWN 01N RNG 08E							



**Board of Adjustment**  
**Community Development**

**Legal Description:**

Situated in a portion of Section 5, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 100-10-012D legal on file, located southeast of W Frontier St and N San Marcos Rd, Apache Junction area, unincorporated Pinal County.



Sheet No.

1 of 1

**Owner/Applicant:**

NICHOLAS SANDERS

**Drawn By:**

GIS / IT / LJT

**Date:**

04/29/2025

**Section**

05

**Township**

01N

**Range**

08E

**Case Number:**

**BA-005-25**





**REPORT TO THE PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS**

**CASE:** Sanders Carport

**MEETING DATE:** May 22, 2025

**CASE NUMBER:** BA-005-25

**CASE COORDINATOR:** Glenn Bak, Senior Planner

**SUPERVISOR DISTRICT:** District 5 Supervisor Serdy

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**Applicant/Owner:** Nicholas Sanders

**Request:** To reduce the required minimum the front yard setback from sixty (60) feet to eighteen (18) feet in the GR General Rural Zone.

**Site Location:** APN 100-10-012D, 4522 N Monterey Drive, southeast of W Frontier St and N San Marcos Rd.

**Site Size:** 1.25 acres

**Zoning:** GR General Rural

**Current Use:** Single Family Residence/Manufactured Home

**Opposition/Support:** None received at the time this report was written

**Staff**

**Recommendation:** Denial

**Surrounding Zoning and Land Use:**

North: General Rural Zoning (GR) - Single-Family Residence

South: General Rural Zoning (GR) - Single-Family Residence

East: General Rural Zoning (GR) - Single-Family Residence

West: General Rural Zoning (GR) - Single-Family Residence

**History:** Available records show that a manufactured home was placed on the parcel in 2000, and the subject parcel was created in 2002. Monterey Drive was also abandoned in 2002. The current owner took possession of the property via a Warranty Deed, recorded on June 4, 2021. The owner applied for

a building permit to construct a carport on February 3, 2025 (PER-25-00881). Staff is unable to advance the permit due to the proposed carport not meeting the required minimum setback.

**Site Conditions:** The site is an unusually shaped lot that is 1.25 acres in area and gains access from W Frontier Street to the north. The site developed with a single-family residence, casita, sheds, and a solar panel array. The property is landscaped with primarily indigenous vegetation typical of the Upper Sonoran.

Recent aerial view of the subject site and surrounding area



**Plan Analysis:** This is a request for a variance to permit a proposed carport to setback eighteen (18) feet from the front property line in lieu of the sixty (60) foot front yard setback as required in the General Rural (GR) Zone. This request came about when the owner applied for a permit to construct said carport and staff was unable to advance the permit after discovering the setback issue. In analyzing this request, staff recognizes the presence of a well-defined wash that reduces the available area wherein structures can be built. While the wash reduces the overall available area, there also appear to be viable alternatives to the request, in that a carport or other structure may be placed south of the casita in an area that is outside the influence of the wash. There also appears to be available area north and west of the main residence. In considering this request, staff believes there are viable alternatives to the request. While staff is sympathetic to the applicant's request, the presence of viable alternatives preclude staff from supporting the request. Staff recommends denial of this request.

**Legal Description:** Tax parcel 100-10-012D, zoned GR, on a total of 1.25 ± acres, Section 05, T 01N, R 08E G&SRB&M (located southeast of W Frontier St and N San Marcos Rd, in Pinal County.)

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

Newspaper publish dates:	Week of 5/5/25
Mail-outs:	Week of 5/5/25
Site Posting:	5/6/2025
Website:	5/6/2025

**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 OF THE PCDSC, AS OUTLINED BELOW:**

**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 variance request.

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:** There is a well-defined wash bisecting the property, thus reducing the overall amount of buildable area. What is determined to be the de jure 'front yard' is atypical of a front yard in that the access drive intersects the property to the north, and also terminates where it meets the property.

**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. The configuration of the lot existed prior to the current owner taking possession of the parcel. The lot was essentially created in 2002 and Monterey Drive was also abandoned that year. The hardship was apparently created within the chain of title in the land division that created the parcel, as well as County action that abandoned Monterey Drive.

**FINDING:** The special circumstances referred to in subsection (C) (4) (a) are 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 carport.

**FINDING:** The strict application of the regulations would not work an unnecessary nonfinancial hardship

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

**ANALYSIS:** While a wash bisects the property, thus reducing the available buildable area, there appears to be ample room available in alternative locations to build a similarly sized carport.

**FINDING:** Staff finds that granting the variance does not 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:** Due to the termination of Monterey Drive at the NE portion of the property and the fact it terminates there, the eastern portion of the property is considered the 'front yard' but it does not act as such. At present, there appear to be no nearby structures on adjacent parcels. 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.

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

**ANALYSIS:** A single family residential dwelling and accessory structures such as carports are an allowed use in the GR zone.

**FINDING:** Granting of the variance will not 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-005-25) 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 Deny:**

\*\* (Staff recommends citing a minimum of three findings)

\*\*\* (Suggested finding)

**I move to deny case BA-005-25** a variance to Section 2.40.020 and Section 2.40.030 of the PCDSC, in that the findings(s)/special circumstances referred to in subsection (C)(4)(a) of Section 2.155.040 of the PCDSC are self-imposed.

**To Approve:**

**I move to conditionally approve case BA-005-25** a variance to Section 2.40.020 and Section 2.40.030 of the PCDSC, to reduce the minimum required front yard setback from sixty (60) feet to eighteen (18) feet in the General Rural Zone (GR) Zone, by citing the following findings (please cite a minimum of three findings in a-f) as set forth in the staff report. Subject to the following stipulation:

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.

**DATE PREPARED: 5/12/2025 - GB**

**REVISED:**



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.: 100-10-012D 2. Size (to the nearest 1/10th of an acre) 1.25

COM @ SW COR OF NW, NW, SE OF SEC 5-1N-8E TH E-659.05 TH S-97.92 TO POB TH S-231.19  
TH W-328.92 TH N-139.98 TH E-151.15 TH N-63D E-199.36 TO POB. 1.25 AC, AC PER SURVEY BK-7 PG-51

3. The legal description of the property: \_\_\_\_\_

4. Current zoning: GR 5. Septic or Sewer? Septic x Sewer \_\_\_\_\_  
Sewer District \_\_\_\_\_

6. The existing use(s) of the property: 0301L-Owner Occupied Residential

7. The exact variance request and/or Section(s) of Code impacted: \_\_\_\_\_  
Front property line set back variance / 2.155.040. - Variance.

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation #  
(CC/BCC) NONE

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.

This parcel was subdivided by Sam Terry (former owner of 663 W Frontier St.) on 10/01/2002 creating 2 parcels with 2 different addresses. Monterey Drive was then abandoned by Pinal County on 10/10/2002. Monterey Drive was then absorbed into parcels 100-10-012C & 100-10-012D with an access easement for 100-10-012D through 100-10-012C. Both parcels have real practical frontage & access off Frontier St. to the North.

10. State any special circumstances or conditions about the property that do not negatively impact other properties in that zoning district. Also state any physical characteristics of this property that are unique and unlike other properties in the area.

This property is known as a 'Flag Lot' making it unique in the area, with a unique shape & unique access. It has been in this current configuration for 23 years with no negative impacts on the surrounding area. Consistant with the values of GR zoning, this property including the proposed change would still be of low density use, not adding population to the area.

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](http://www.pinalcountyaz.gov)



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**11. State how the special circumstances or conditions referred to question #10 are not self-imposed.**

Neither the lot division of 663 Frontier St. (100-10-012C) or abandonment of Monterey Dr. by Pinal County were imposed by any owner, current or present, of 4522 N Monterey Drive (100-10-012D). This was the configuration of the property when it was purchased in 2021.

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**12. State how the granting of this application will not materially affect the health or safety of persons residing or working in the neighborhood and how this variance will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

The granting of this application will not affect the health or safety of anyone residing in the area. The purpose of the proposed variance is to build a simple carport to provide shade for vehicles used by individuals residing in the main house. This use is necessitated for the protection of vehicles and the health of residents due to subject property being located in the Sonoran Desert.

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**13. State how the variance will only allow permitted uses in the zoning district in which the property is located.**

The Zoning district is GR with a major focus on density & large front set backs to keep buildings away from frontage roads for a rural aesthetic. Parcel 100-10-012D already is set back off the main road (Frontier St.) further than traditional lots in the area (aprox 225'), due to it being a flag lot. Pinal county views the "front" as the practical / real world side lot line, formally Monterey Dr. which was abandoned by the county in 2002.

**14. State how the strict application of the current regulations would work an unnecessary nonfinancial hardship and how the granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights. Show how all beneficial uses and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professionals can be useful.**

The reconsideration of the "front" setback should be adjusted due to it actually being the realistic side of property. The current setback regulation is a hardship to property owner's ability to build a simple car port on property. Due to factors including, lot shape, location of underground electric & water utilities, large wash, main house prox, geographical location, and real world practicalities. This variance is justifiable to protect vehicle investment & allowing ease of access for use due to uniqueness, while respecting GR zoning values aligned with the area, and practicalities from abandonment. (The following are additional questions for reductions in parking requests only)

**15. Site Plan Review or Building Permit Number:** TBD

**16. Required parking either in total number or ratio:** \_\_\_\_\_ **17. Requested (# or ratio)** \_\_\_\_\_

**18. 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:** \_\_\_\_\_

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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.

Nicholas Sanders	4522 N Monterey Dr. Apache Junction 85120 AZ	
Name of Applicant	Address	
/Nicholas Sanders/	Nicksandman7@yahoo.com	(480) 925-9320
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.

Name of Landowner	Address	
Signature of Landowner	E-Mail Address	Phone Number

If the landowner is not the applicant, then the applicant must submit a signed and notarized agency authorization form from the landowner with this application.

## 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, or request from the case planner assigned, 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.
- ☐ I understand that two newspaper publications must be advertised for this variance case per Pinal County staff instructions no later than 21 days before the hearing date as assigned. The applicant is responsible for all publication fees.
- ☐ Submitted application via online portal (<https://citizenaccess.pinalcountyz.gov/CitizenAccess/>)

## **Important:**

If the application is incomplete or is not detailed enough, the case will not be presented to the Board of Adjustments.



**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.: 100-10-011D  
Name: HOWELL RANDALL E & JUNE G  
Address: 565 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010011F  
Name: MERRILL TYLER ALLEN  
Address: 451 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 100-10-014C  
Name: LEWIS TALISHA  
Address: 550 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010011B  
Name: DND FRONTIER LLC  
Address: 443 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 100-10-013A  
Name: STANFORD GINGER  
Address: 624 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010012B  
Name: VALLET CHRISTOPHE R  
Address: 735 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 100-10-012C  
Name: DEWEVER GINETTE & Forgie Mary  
Address: 663 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10009009B  
Name: MILLIRON TOMI LAVONN TR  
Address: 4550 N SAN MARCOS DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010011E  
Name: WARREN MARY ALMA TRUST  
Address: 513 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010013D  
Name: HAMMIS CHRISTOPHER D  
Address: 674 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

I hereby verify that the name list above was obtained on the 18 day of FEBRUARY, 2025, at the office of OFFLINE COUNTY PARCEL MAP and is accurate and complete to the best of my knowledge.  
(Source of Information)

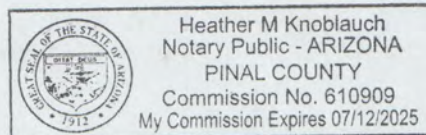
On this 18 day of FEBRUARY, 2025, before me personally appeared NICHOLAS SANDERS  
(Name of signor)

Signature NICHOLAS SANDERS Date 2/18/25

State of Arizona ss.

County of Pinal

My Commission Expires 7/12/2025



(SEAL)

Signature of Notary Public Heather M Knoblauch



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Parcel No.: 10010013C  
Name: AGUILAR PAUL F & OTILIA I REV TRUST  
Address: 734 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010013B  
Name: BLAND JEFFREY A & MARY  
Address: 772 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10009016F  
Name: RIMERT LILLIAN A  
Address: 4474 N SAN MARCOS DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10009016E  
Name: WHITFIELD JOHN  
Address: 4404 N SAN MARCOS DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010020C  
Name: DUGAN CLYDE R II  
Address: 735 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010020E  
Name: WALL KJ FAMILY LIVING TRUST  
Address: 685 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010020D  
Name: HUNT NICHOLAS R & MOLINO HANNAH  
Address: 649 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010019B  
Name: SCHAFER TOM J  
Address: 4333 N MONTEREY DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010019E  
Name: HOLMES AMBER ROSE & DANIEL RYAN  
Address: 533 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010019F  
Name: MCATEE TYLER & ROSEMARY  
Address: 481 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

I hereby verify that the name list above was obtained on the 18 day of FEBRUARY, 2025, at the office of ONLINE COUNTY PARCEL MAP and is accurate and complete to the best of my knowledge.  
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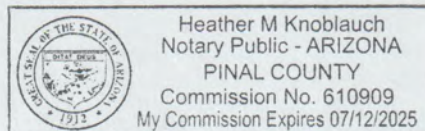
On this 18 day of FEBRUARY, 2025, before me personally appeared NICHOLAS SANDER  
(Name of signor)

Signature NCS Date 2/18/25

State of Arizona  
)ss.

County of Pinal

My Commission Expires 7/12/2025



(SEAL)

Signature of Notary Public Heather M Knoblauch



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Parcel No.: 10010019D  
Name: COBURN ROBERT C  
Address: 4322 N PLAZA DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010014D  
Name: WATSON KURT R & RONDA G  
Address: 542 W KANIKSU ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010014B  
Name: PRINGLE DAVID E & MARGARET A  
Address: 4470 N PLAZA DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010006A  
Name: DEWEVER GINETTE F  
Address: 450 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010006C  
Name: DEWEVER GINETTE F  
Address: 530 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010005F  
Name: GINETTE DEWEVER F  
Address: 450 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010005D  
Name: CARDINAL SONYA  
Address: 726 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010005C  
Name: ROBINSON MICHAEL T  
Address: 4681 N SAN MARCOS DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010005E  
Name: GINETTE DEWEVER F  
Address: 450 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: 10010006B  
Name: DEWEVER GINETTE F  
Address: 4681 N MONTEREY DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

I hereby verify that the name list above was obtained on the 18 day of FEBRUARY, 2025, at the office of ONLINE COUNTY PARCEL MAP and is accurate and complete to the best of my knowledge.  
(Source of Information)

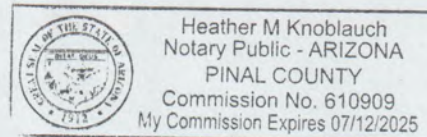
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(Name of signor)

Signature NICHOLAS SANDERS Date 2/18/25

State of Arizona )ss.

County of Pinal

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(SEAL)

Signature of Notary Public Heather M Knoblauch



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Parcel No.: 10010003B  
Name: MEISE EDWARD A JR  
Address: 4725 N MONTEREY DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/ST/Zip: \_\_\_\_\_

Parcel No.: 10010004D  
Name: FELTON LANCE & FLORIAN-FELTON KRISTY  
Address: 679 W CANYON ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/ST/Zip: \_\_\_\_\_

Parcel No.: 10010004C  
Name: TAYLOR NATHAN & AMELIA  
Address: 721 W CANYON ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/ST/Zip: \_\_\_\_\_

Parcel No.: 10009009C  
Name: DOWNNEY LOWELL TODD & SUSAN RENE  
Address: 915 W FRONTIER ST  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/ST/Zip: \_\_\_\_\_

Parcel No.: 10009008B  
Name: LEINEKE MARK STEVEN & JEANE A  
Address: 4648 N SAN MARCOS DR  
City/ST/Zip: APACHE JUNCTION, AZ 85120

Parcel No.: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/ST/Zip: \_\_\_\_\_

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(Source of Information)

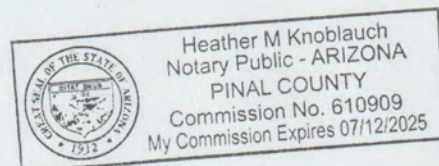
On this 18 day of FEBRUARY, 2025, before me personally appeared NICHOLAS SANDERS  
(Name of signor)

Signature Nicholas Sanders Date 2/18/25

State of Arizona ss.

County of Pinal

My Commission Expires 7/12/2025

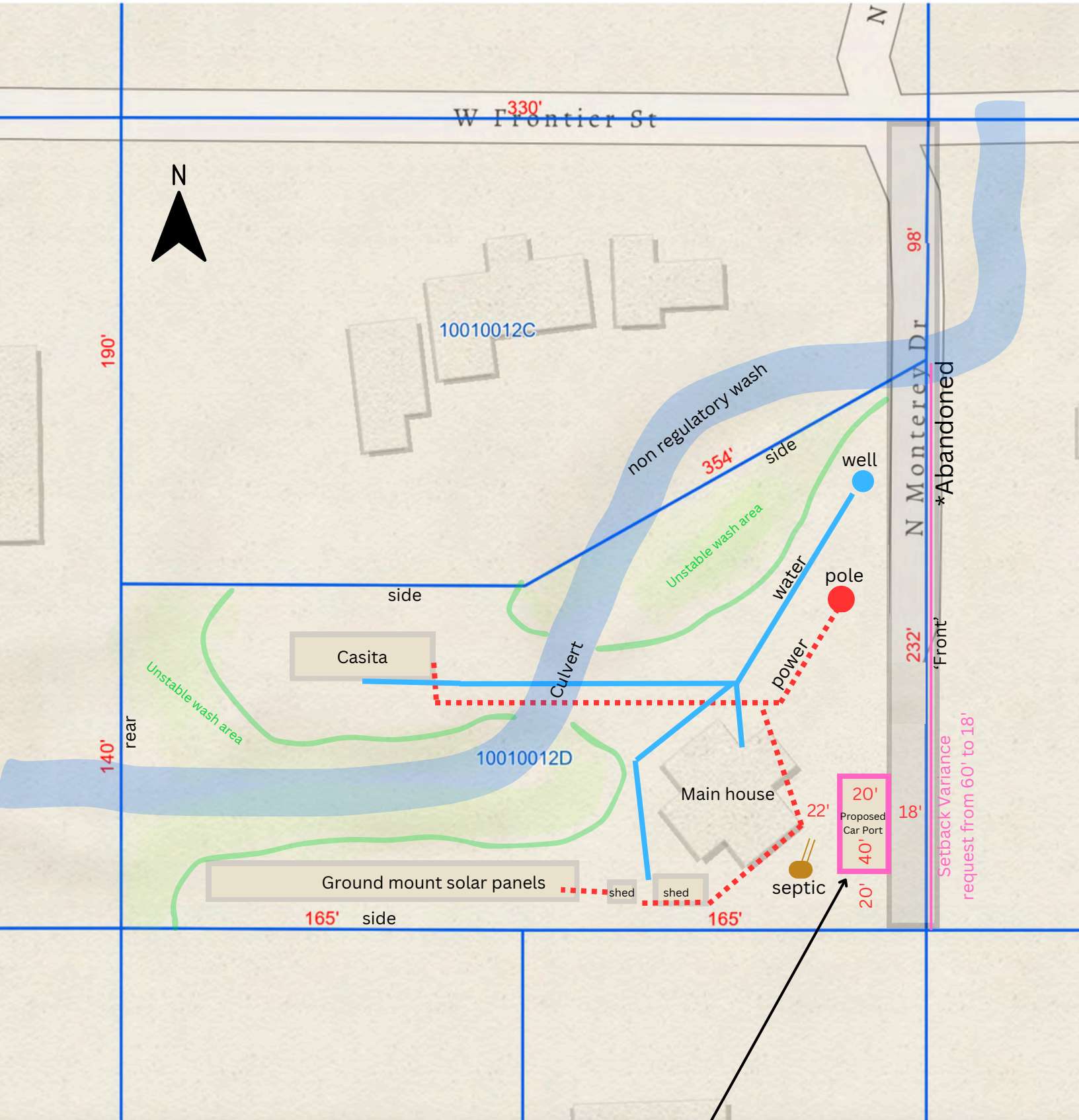


(SEAL)

Signature of Notary Public Heather M Knoblauch



Site Plan 4522 N Monterey Dr.  
Apache Junction 85120



Proposed 40'L x 20'W x 12'T carport / shade structure requiring 'front' setback variance inside of 60' due to unique circumstantial reasons listed in application

## **Variance Hardship Explanation Exhibit**

The owner of parcel 100-10-012D is simply wanting to build a basic 20'W x 40'L X 12'H shade structure to act as a car port.

This will be inside of an unrealistic and outdated 60' front setback requirement that uniquely affects this property with no practical relevance today. The reason is to park vehicles that are used by the occupants of the residence under shade, protecting vehicles and health of occupants. There is no other location that is suitable on this parcel due to environmental factors, wash location, utility locations, and practicality reasons.

This proposed structure is to be built in the realistic and real-world far 'back/side' corner of lot (South East Corner of parcel). This structure would be over 225' away from current county access road (Frontier St)

A variance is required due to Pinal county viewing this boundary of the parcel as the 'front/side' corner based off of an old frontage to an abandoned street that no longer exists through property (Monterey Dr). The county's current view is unrealistic, and exerts upon the property owner an unnecessary hardship.

This street (Monterey Dr) was abandoned in 2002 resulting in it being absorbed and maintained by subject property as well as neighboring property to the North.

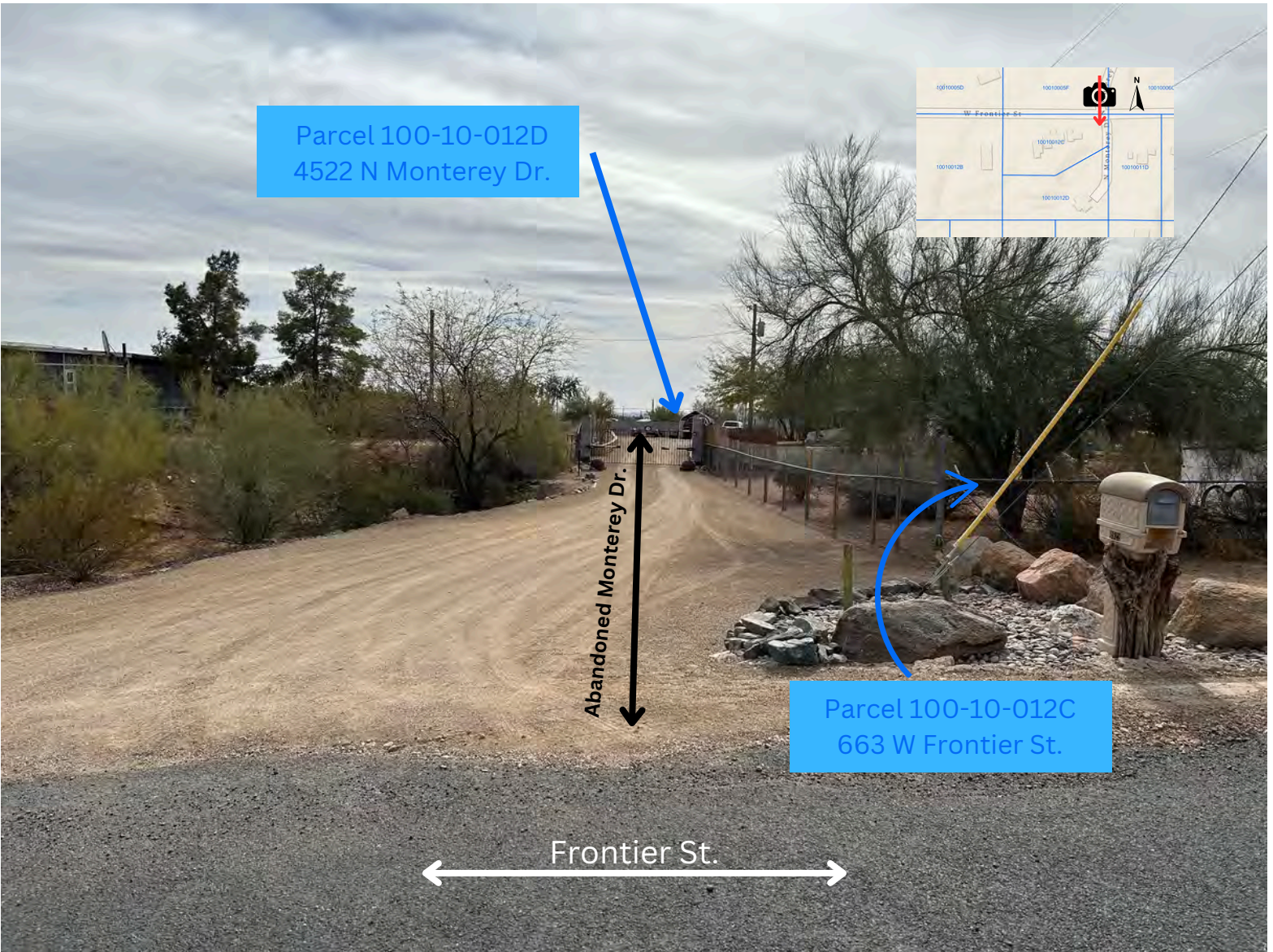
The real and practical frontage is Frontier St. which is public, used for all access and holds a mailbox for subject property.

This proposed carport will be inside of the 60' set back from the county viewed 'front' but will meet all other setback requirements. It will not negatively impact anyone in the surrounding area for the reasons, vehicles are already parked daily in this exact location, and the proposed location in reality is the practical 'side' of property. Any other lots in this surrounding area would normally only be subjected to a 4' setback in these circumstances.

This proposed structure will be 20' from the East lot boundary and 18' from South lot boundary. These proposed setbacks are further than what neighboring properties are subjected to making this proposal proven to not be a hardship to any neighboring parcels. This proposed structure is practical, not adding population density to the area, meets rural aesthetics, and is far away from any county or public road.

For these reasons this proposed variance to build this simple shade structure is very reasonable and absolutely justifiable.















## Real world / practical Front





























OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER

LAURA DEAN-LYTLE

Will Call  
Pinal County Recorder

DATE: 10/01/02 TIME: 1636  
FEE : 0.00  
PAGES: 0  
FEE NO: 2002-053329

**NOTICE OF RECORDING**  
**MAP OR PLAT**

TITLE: Record of Survey - Abandonment

TYPE: SUBDIVISION ( ) SURVEY (X) CONDO ( ) OTHER ( )

LOCATION/LEGAL DESCRIPTION:

SECT 05 TOWNSHIP 01-N RANGE 08 E N

NUMBER OF SHEETS 1

FILED IN : BOOK: 7 OF SURVEYS PAGE: 030

COMMENTS:

NAME OF CURRENT OWNER: Sam Terry  
OR SUBMITTED BY: (SURVEYS ONLY - ENTERED ON GRANTOR 2nd SCREEN)

Name & Address of person to receive original map:

W/C Board of Sup

This Notice is being filmed in place of a recorded map or plat and in the same sequence as the original recording. The original map or plat is microfilmed on 35mm media and can be reproduced on 11 X 17 inch copy. The original is then filed in the above mentioned format.

LAURA DEAN-LYTLE  
Pinal County Recorder

By: Alicia Dominguez Deputy

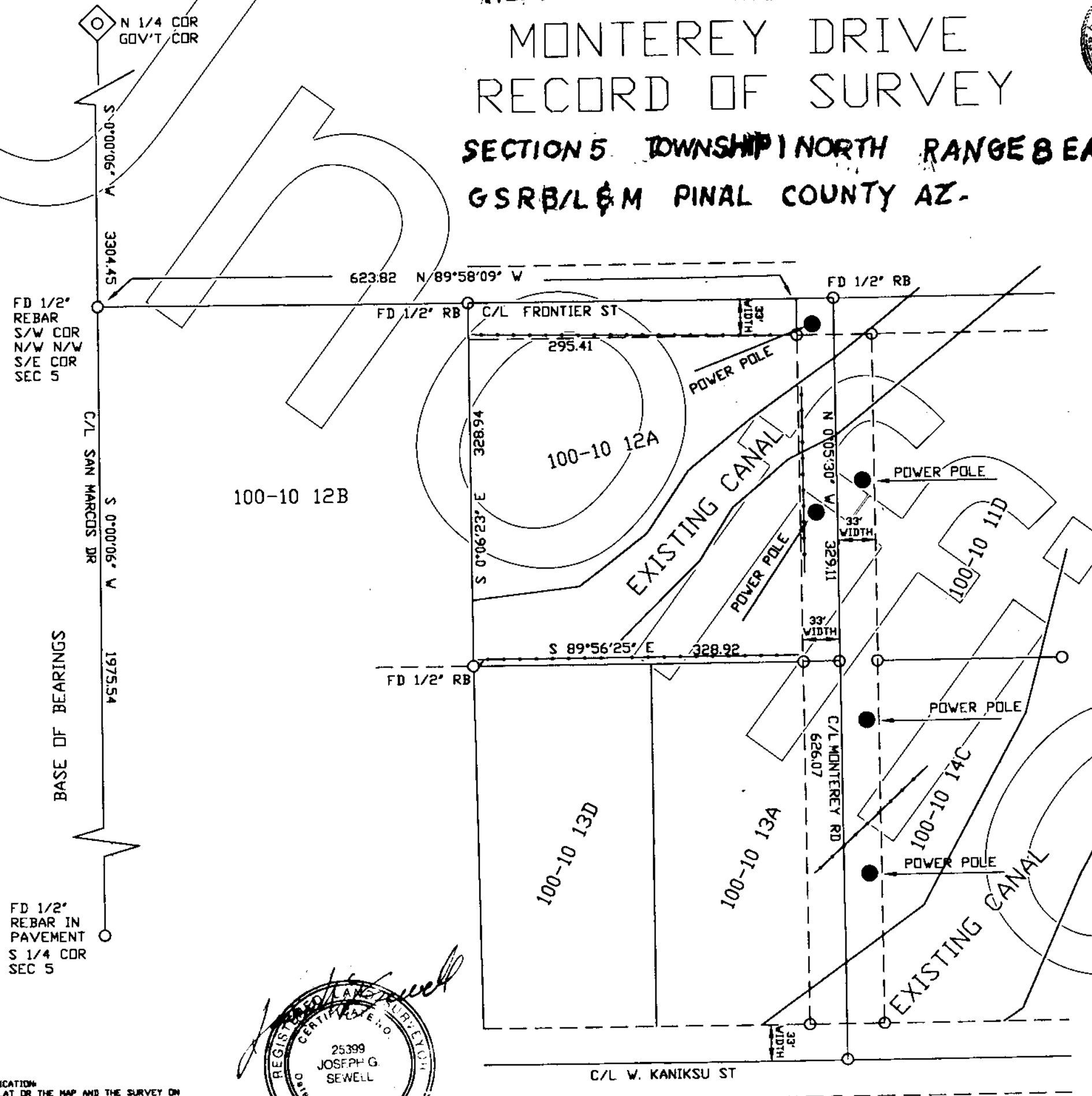
forre14a.doc

# ABANDONMENT EXHIBIT MONTEREY DRIVE RECORD OF SURVEY

SECTION 5 TOWNSHIP 1 NORTH RANGE 8 EAST  
GSRB/L&M PINAL COUNTY AZ.

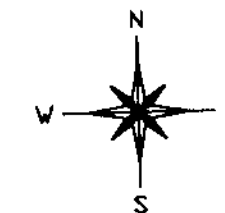


STATE OF ARIZONA } SS 1 of 1  
COUNTY OF PINAL }  
Fee NO 2002-053329  
I hereby certify that the within instrument is  
filed in the official records of this County in  
Surveys Book 7 Page 30  
Date: 10-01-02  
Request of: SAM Terry  
Witness my hand and official seal.  
Laura Dean-Lytle Pinal County Recorder  
By Alicia Ramirez Deputy

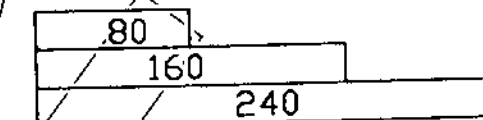


## LEGEND

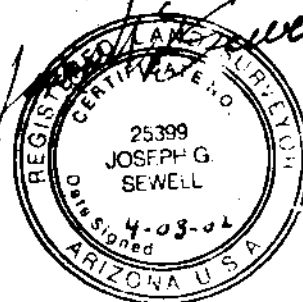
- POWER POLE ●
- SIDE LINES OF STREETS
- FENCE LINE
- PROPERTY LINES



SCALE BAR  
1"=80'



CERTIFICATION  
THIS PLAT OR THE MAP AND THE SURVEY ON  
WHICH IT IS BASED IS CORRECT TO THE BEST  
OF MY KNOWLEDGE AND BELIEF.  
JOSEPH G. SEWELL R.L.S. 25399



SEWELL LAND SURVEY CO. 700 E. ASH ST., GLOBE, AZ 85501 (520)425-6561	
DATE APRIL 24 2002	CLIENT SAM TERRY
FILE NO. 2001-69 A	DRAWN BY J.G.S.





OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTLE

Will Call  
Pinal County Recorder

DATE: 10/10/02 TIME: 1154  
FEE : 28.00  
PAGES: 0  
FEE NO: 2002-055193

**NOTICE OF RECORDING**  
**MAP OR PLAT**

TITLE: Record of survey / minor land division

TYPE: SUBDIVISION ( ) SURVEY (X) CONDO ( ) OTHER ( )

LOCATION/LEGAL DESCRIPTION:

SECT 05 TOWNSHIP 01-N RANGE 08E N

NUMBER OF SHEETS 1

FILED IN : BOOK: 7 OF SURVEYS PAGE: 051

COMMENTS: \_\_\_\_\_

NAME OF CURRENT OWNER: Samuel P. Terry

OR SUBMITTED BY: (SURVEYS ONLY - ENTERED ON GRANTOR 2nd SCREEN)

Name & Address of person to receive original map:

6603 N. Frontier St

Apache Junction AZ 85220

This Notice is being filmed in place of a recorded map or plat and in the same sequence as the original recording. The original map or plat is microfilmed on 35mm media and can be reproduced on 11 X 17 inch copy. The original is then filed in the above mentioned format.

LAURA DEAN-LYTLE  
Pinal County Recorder

By: Tracy Hamilla Deputy

forre14a.doc



STATE OF ARIZONA } SS 181  
COUNTY OF PINAL }  
2002-055193  
I hereby certify that the within instrument is  
filed in the official records of this County in  
Surveys Book 7 Page 051  
Date: 10-16-02  
Request of: Samuel Terry  
Witness my hand and official seal.  
Laura Dean-Lyle Pinale County Recorder  
By: Stacy Hamilton Deputy

RECORD OF SURVEY/MINOR LAND DIVISION  
PINAL COUNTY PARCEL 100-10 12A RECORDS NO 1998-040 584  
SITUATED IN THE S/W 1/4 N/W 1/4 N/W 1/4 OF THE S/E 1/4  
SECTION 5 TOWNSHIP 1 NORTH RANGE 8 EAST G.S.R.B.L.&M.

CERTIFICATION:  
THIS PLAT OR THE MAP AND THE SURVEY ON  
WHICH IT IS BASED IS CORRECT TO THE BEST  
OF MY KNOWLEDGE AND BELIEF.

*Joseph G. Sewell*  
JOSEPH G. SEWELL R.L.S. 25399

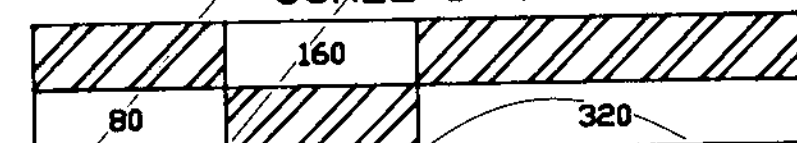
LEGEND

- SET 1/4" REBAR PLASTIC  
CAP RLS 25399



THIS MINOR LAND DIVISION  
COMPLIES WITH AND IS NOT IN  
VIOLATION OF EXISTING LEGAL  
ACCESS REQUIREMENTS AND  
ZONING ORDINANCES WITHIN PINAL  
COUNTY.

SCALE 1"=80'



SEWELL LAND SURVEY CO.

115 S. PINE ST. GLOBE, AZ 85501  
(520)425-6561

AUG. 16, 2001

N. ORTIZ

2000-42

SAM TERRY

MLD NO. 02-0236



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

##ITEMTYPE##

5/22/2025

311 E. 11th Street, Florence, AZ 85132

REQUESTED BY:  
Funds #:  
Dept. #:  
Dept. Name: Boards & Commissions  
Director:

---

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

BA-006-25

---

**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:**

---

**ATTACHMENTS**

**ATTACHMENTS:**

	Description
	BA-006-25 BA Packet





**REPORT TO THE PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS**

**CASE:** Leon Leue Variance Request

**MEETING DATE:** May 22, 2025

**CASE NUMBER:** BA-006-25

**CASE COORDINATOR:** Kendall Riley, Planner

**SUPERVISOR DISTRICT:** District 4 Supervisor McClure

---

**Applicant/Owner:** Yesenia Leon Leue

**Request:** Allow a lot size of 19,166 +/- square feet (0.44 acres) in lieu of the required minimum lot size of 144,000 square feet (3.3 acres).

**Site Location:** APN 411-21-0390, Northwest of S Martan Dr and E Monitor St, within Picacho, unincorporated Pinal County.

**Site Size:** 0.44 acres

**Zoning:** GR General Rural

**Current Use:** Vacant Land

**Opposition/Support:** None received at the time this report was written

**Staff**

**Recommendation:** Approval

**Surrounding Zoning and Land Use:**

North: General Rural Zoning (GR) – Vacant Land

South: General Rural Zoning (GR) – Vacant Land

East: General Rural Zoning (GR) – Vacant Land

West: General Rural Zoning (GR) - Single-Family Residence

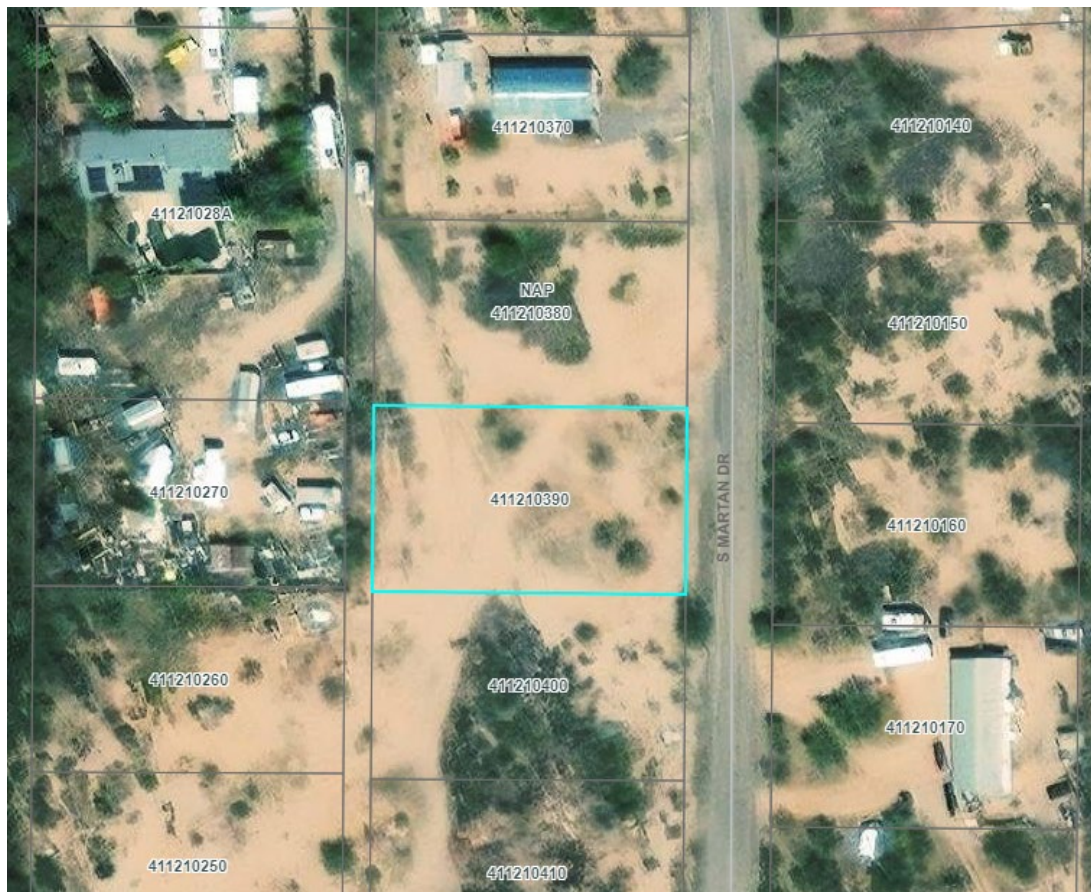
**History:** On January 4, 1954 Pinal County adopted a zoning ordinance in response to the 1949 County Planning and Zoning Act. This ordinance was the first in Pinal County to provide for the creation of zoning districts and associated zoning regulation and enforcement within Pinal County. The 1954 zoning ordinance was repealed and replaced by the ordinance adopted by the Board of Supervisors on June 18,

1962. 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).

Available records show the property has been vacant since its creation. The subject parcel was created through an approved subdivision plat on January 27<sup>th</sup>, 1964. These lots were compliant with the zoning at the time of creation.

**Site Conditions:** The site is a rectangular-shaped lot measuring 106 feet in width and approximately 179 feet in depth for a total area of 19,166 -sq. ft. or 0.44 acres. The subject site abuts and has frontage on S Martan Drive to the east. The site is currently vacant, and the applicant plans to place their home on the property. Subject parcel is located in an area in which the sewage disposal method is identified as the landowner's responsibility. If a septic permit is applied for any structures, the system must meet requirements per the Arizona Administrative Code R18-9-A312.C. The Parcel is located in flood zone A. Additional permitting through the flood control division may be required during the building permit process.

Recent aerial view of the subject site and surrounding area



**Plan Analysis:** This is a request for a variance to reduce the minimum lot size from 54,450 square feet (1.25 acres) to 19,166 +/- (0.44 acres) to allow a manufactured home and any future permitted development on a parcel within the General Rural (GR) Zone. This request came about when the owner sought a permit for installation of a manufactured home on the subject site. In reviewing the permit application, staff was unable to intake the permit due to the lot being below the minimum required area.

---

**Legal Description:** NO TENGO RANCHO EST: LOT 36, Section 22, Township 08 South, Range 08 East Gila & Salt River Baseline & Meridian, in Pinal County.

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

Newspaper publish dates:	Week of 5/5/25
Mail-outs:	4/29/2025
Site Posting:	5/1/2025
Website:	4/22/2025

**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 of the Pinal County Development Services Code.**

**FINDINGS:** Under Section 2.155.040.C of the Pinal County Development Services 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-referenced Section of the Code.

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 subject property was subdivided in 1964 and met the minimum lot size at that time. The majority of the other parcels in the subdivision plat are the same size. The zoning code update of 1974 made the subdivision non-conforming.

**FINDING:** A special circumstance/condition does apply to this property due to the zoning code update of 1974 making the parcels within the subdivision undersized.

- b. 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 homeowners full enjoyment of the site as other parcels in the same zoning district. Without the variance the existing parcel will be unusable.

**FINDING:** The property question is considered to be in a non-conforming status, which would prevent the current owner and new ownership from acquiring the necessary permits for residential use. The granting of this variance request is necessary for the preservation and enjoyment of substantial existing property rights.



- c. 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:** If this variance is granted, the building setbacks found in the attached stipulations would match those of a similar lot size in the 2012 zoning code. All new structures will be required to meet both the Pinal County development standards, the 2018 International Building Code (IBC), and all additional applicable conditions for permit approval.

**FINDING:** The granting of this 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.

- d. That the special circumstances or conditions referred to in subsection (C)(4)(a) of this section are not self-imposed and are not a matter of mere inconvenience or personal preference.

**ANALYSIS:** As mentioned earlier, the subdivision plat was approved by Pinal County zoning department and met the minimum lot size for the General Rural Zoning in 1964.

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

- e. That the variance will not allow a use that is not permitted in the zoning district where the property is located.

**ANALYSIS:** The General Rural zoning district permits residential use, which is the primary use for the subject property. The owners plan on installing a manufactured home.

**FINDING:** Granting of the variance will not allow a use that is not permitted in the subject property's zoning district.

**STAFF SUMMARY AND RECOMMENDATION:** All submittals, evidence presented, written documentation, public testimony, and Planning Case Staff Report (BA-006-25) are considered part of the record in this variance case. If the Board of Adjustment 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 motion as listed below.

#### **BOARD MOTION**

##### **Staff Recommendation to Approve:**

**\*\***(Staff recommends citing a minimum of three findings)

**\*\*\***(Suggested finding)

I move to approve case BA-006-25, to allow a reduction in the minimum required lot area from 54,450 square feet (1.25 ac) as provided in Section 2.40.020 and Section 2.40.030 of the PCDSC to 19,166 ± square feet (0.44 ± acres) and applicable GR District development standards to allow the installation of

a manufactured home on a 0.44 acre parcel in the General Rural Zone (GR), and approve findings citing a minimum of three findings from a. thru f. as set forth in the above-referenced criteria in the staff report, subject to the following stipulation:

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 wastewater, air quality permit, security lighting, fire protection, etc.
2. The development standards following R-12 Single Residence zone classification for this parcel are as follows:
  - A. Minimum lot area: 12,000 square feet.
  - B. Minimum lot width: 50 feet.
  - C. Minimum front setback: 25 feet.
  - D. Minimum side setbacks: Ten 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 side and rear lot lines: Four feet.
3. All agricultural, livestock, horses, and dairy uses are prohibited.
4. If any change of use is requested - aside from use stated within this report - the variance shall be considered null and void.

**To Deny:**

I move to deny the variance request, case BA-006-25, a variance to Section 2.40.020 and Section 2.40.030 of the PCDSC, since the Board was unable to determine that the findings(s)/special circumstances referred to in the subsection 2.155.040.C of the PCDSC, exists.

**DATE PREPARED: 5/1/2025 - KR**

**REVISED:**



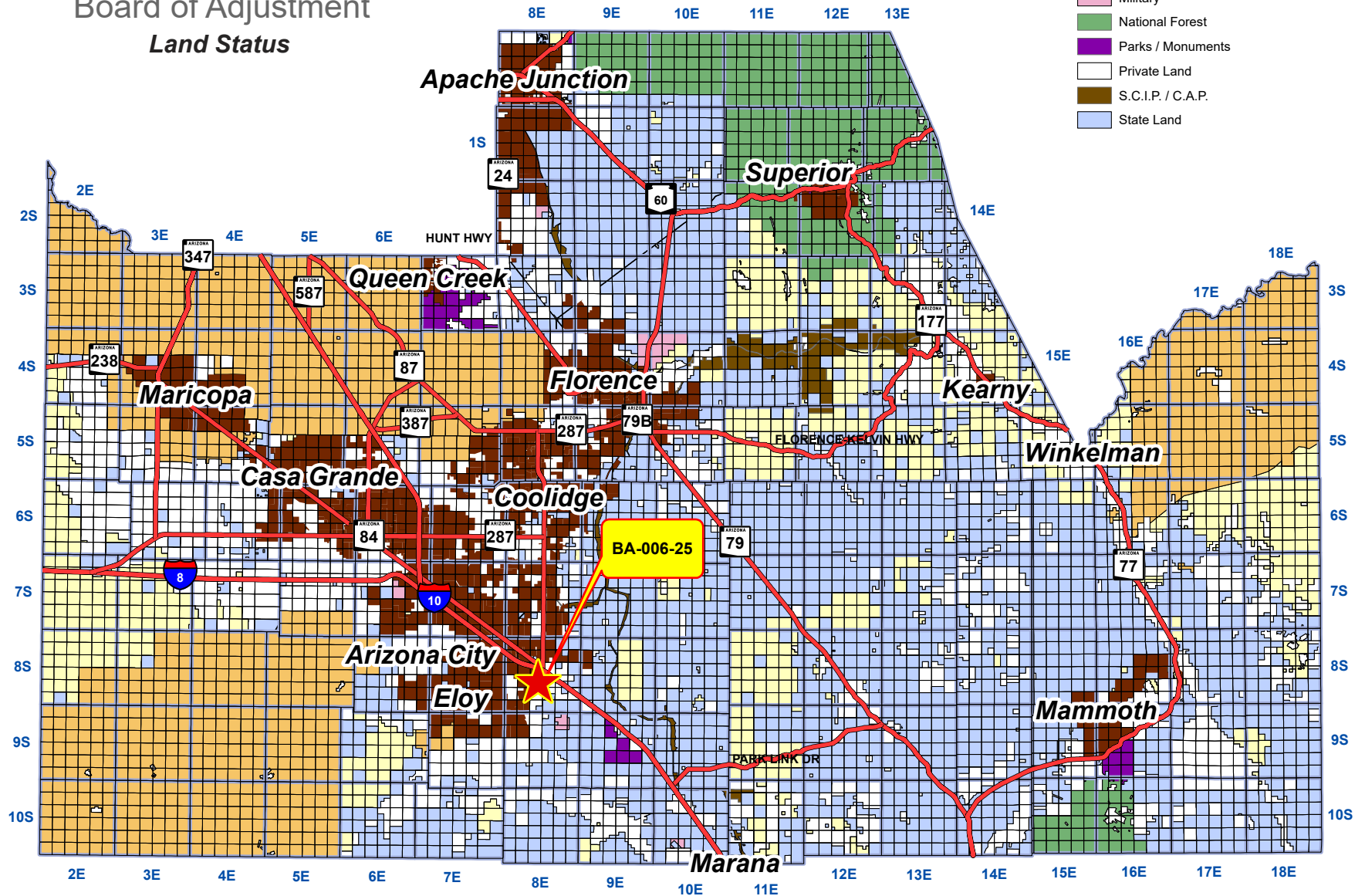


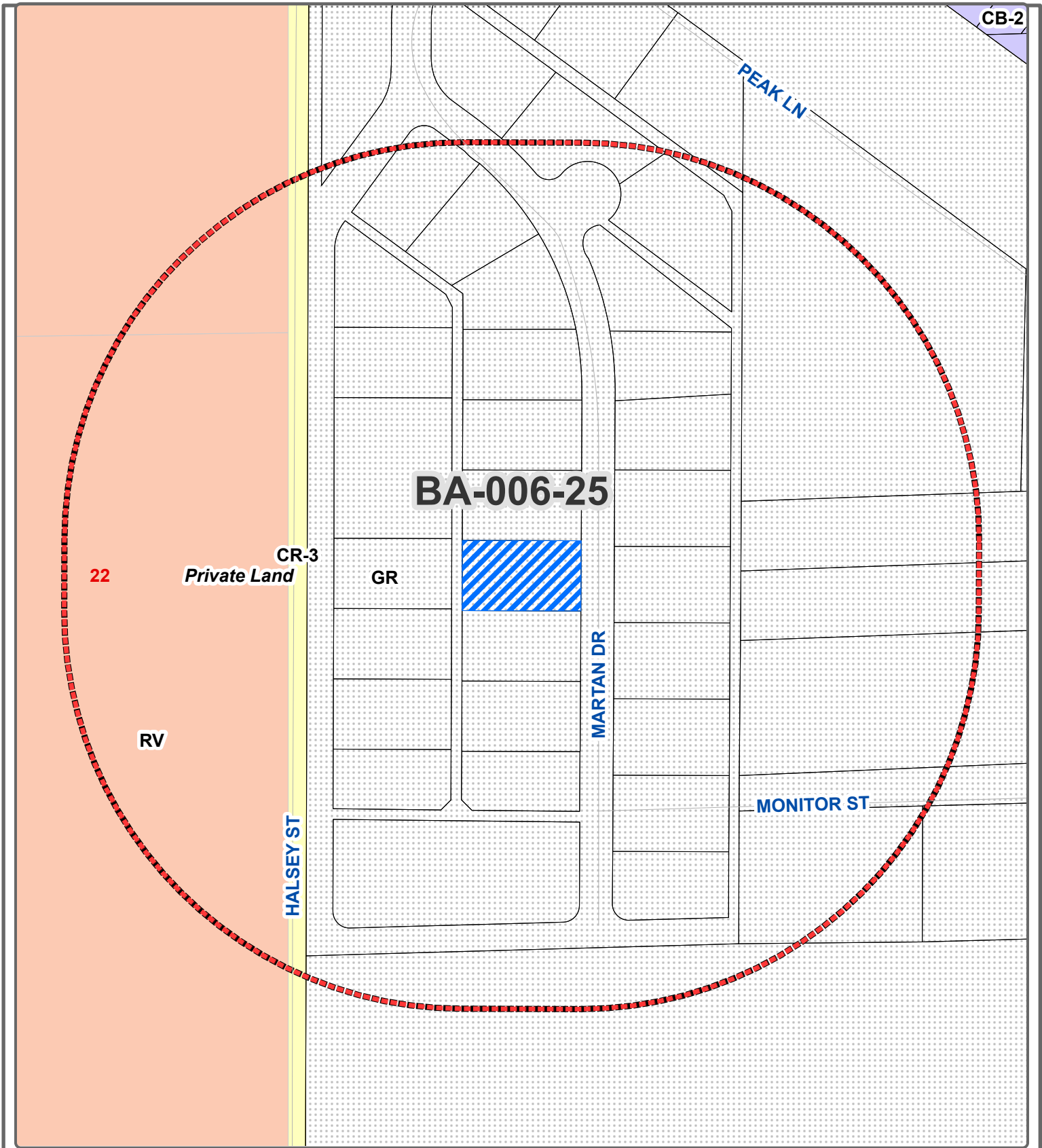
**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

## Board of Adjustment Land Status



### Legend

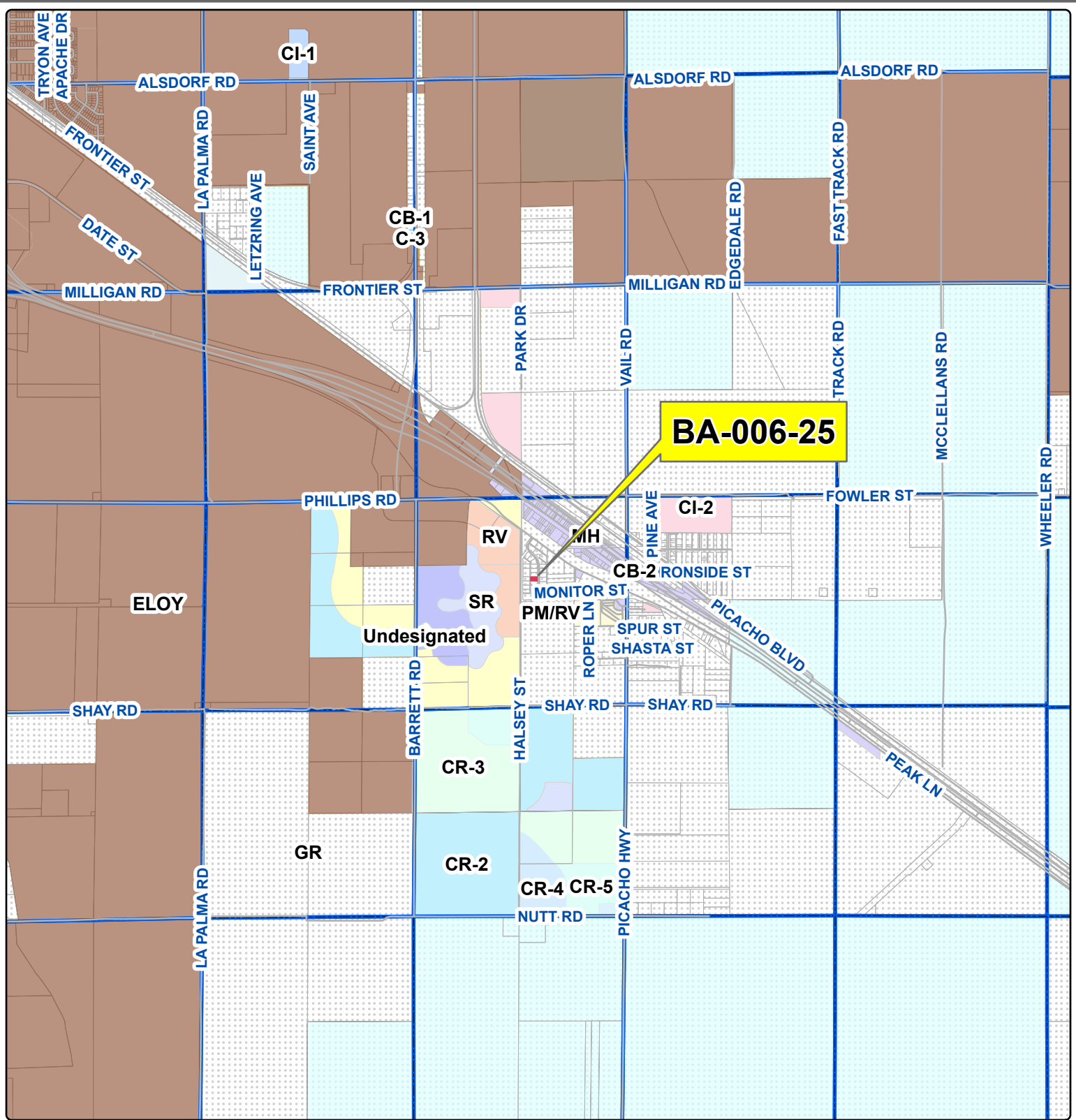
- B.L.M.
- Indian Community
- Military
- National Forest
- Parks / Monuments
- Private Land
- S.C.I.P. / C.A.P.
- State Land





## Board of Adjustment

Owner/Applicant: <b>Yesenia Leon Leue</b>			<b>Legal Description:</b>  Sited in Section 22, Township 08 South, Range 08 East Gila & Salt River Baseline & Meridian, located northwest of S Martan Dr and E Monitor St, within Picacho, unincorporated Pinal County	  <b>Sheet No.</b> <b>1 of 1</b>	  <b>PINAL COUNTY</b> <small>WIDE OPEN OPPORTUNITY</small>	Current Zoning: GR Request Zoning: Board of Adjustment Current Land Use: MLDR
Drawn By: GIS/IT - LJT	Date: 04/24/2025					
Section 22	Township 08S	Range 08E				
Case Number: <b>BA-006-25</b>						
SEC 22, TWN 08S, RNG 08E						



## Board of Adjustment Community Development



**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

**Legal Description:**

Situated in Section 22, Township 08 South, Range 08 East Gila & Salt River Baseline & Meridian, located northwest of S Marian Dr and E Monitor St, within Picacho, unincorporated Pinal County

Page 89  
SEC 22, TWN 08S, RNG 08E



Sheet No.  
1 of 1

**Owner/Applicant:**

YESENIA LEON LEUE

**Drawn By:**

GIS / IT / LJT

**Date:**

04/24/2025

**Section**

22

**Township**

08S

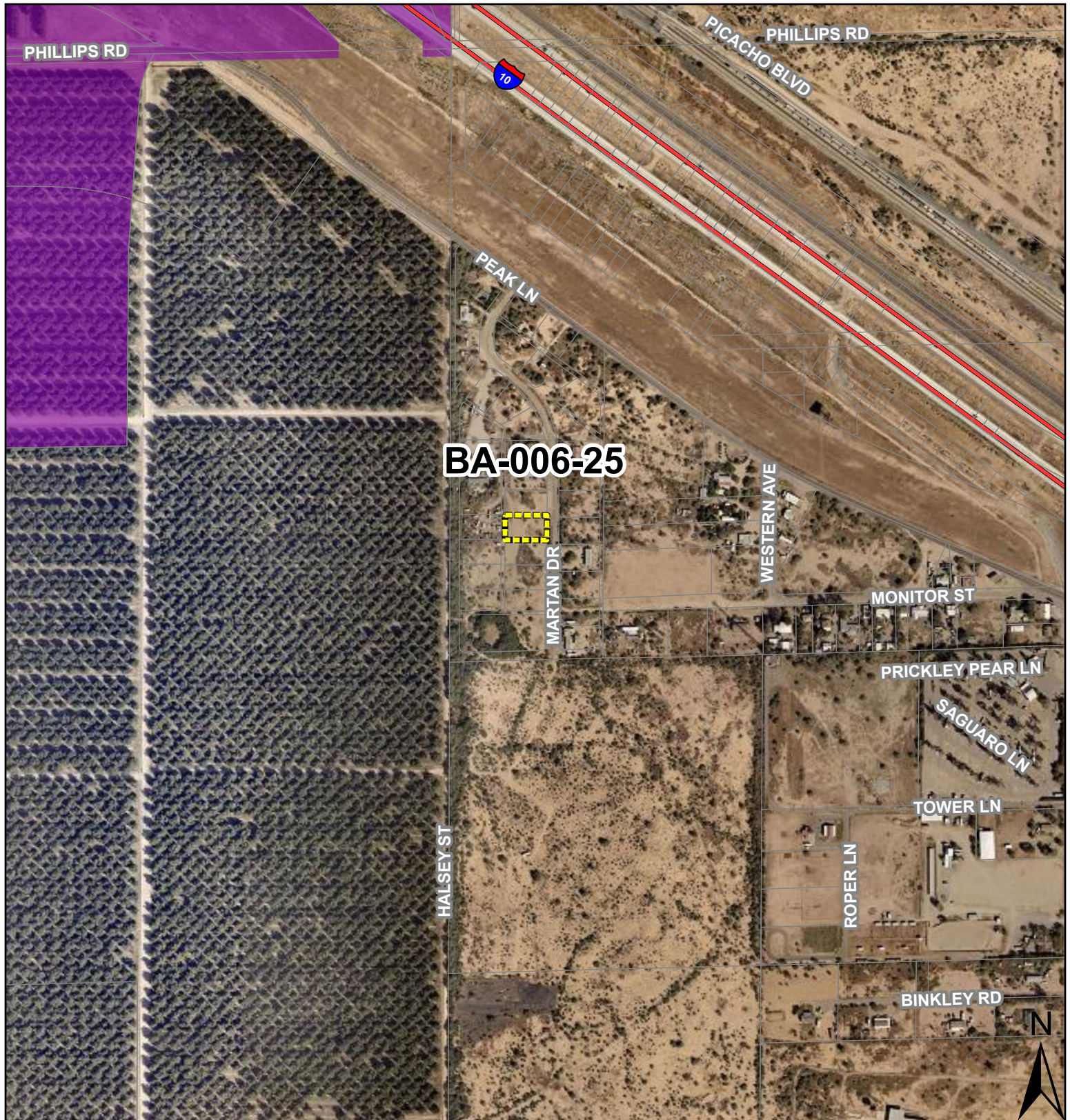
**Range**

08E

**Case Number:**

**BA-006-25**





**BA-006-25**

## ***Board of Adjustment***





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.: 411210390 2. Size (to the nearest 1/10th of an acre) 0.44

3. The legal description of the property: on file

4. Current zoning: GR 5. Septic or Sewer? Septic ☒ Sewer ☐  
Sewer District \_\_\_\_\_

6. The existing use(s) of the property: vacant

7. The exact variance request and/or Section(s) of Code impacted: undersized

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation #  
(CC/BCC) NO

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.

NO

10. State any special circumstances or conditions about the property that do not negatively impact other properties in that zoning district. Also state any physical characteristics of this property that are unique and unlike other properties in the area.

All parcels are similar sizes and there's already homes out there.

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](http://www.pinalcountyaz.gov)

11. State how the special circumstances or conditions referred to question #10 are not self-imposed.

I didn't create the parcel under sized, it was approved that way.

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

All parcels are similar sizes and there's already homes around nothing hazardous ~~at~~ around.

13. State how the variance will only allow permitted uses in the zoning district in which the property is located.

Manufactured home is allowed in zoning.

14. State how the strict application of the current regulations would work an unnecessary nonfinancial hardship and how the granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights. Show how all beneficial uses and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professionals can be useful.

As a single mom of two and one disabled son with low income <sup>family</sup> this is the best option for us. to not approve this variance would be very devastating to us. It is difficult for us to rent due to my sons supplies and equipment sizes. I have worked very hard to even get started in this process. please consider my family limitations. And applying for a home is not possible.

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

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

16. Required parking either in total number or ratio: N/A 17. Requested (# or ratio) N/A

18. 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: N/A



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.

Yesenia Leon Leue 6025 E. Peak Lane Picacho AZ 85141  
Name of Applicant Address

Yesenia ll leonyesenia87@hotmail.com 5207098292  
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.

Yesenia Leon Leue  
Name of Landowner Address

Yesenia ll leonyesenia87@hotmail.com 5207098292  
Signature of Landowner E-Mail Address Phone Number

If the landowner is not the applicant, then the applicant must submit a signed and notarized agency authorization form from the landowner with this application.

NAP

41101013L  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210200  
WATSON ELAINE M  
18355 S MARTAN DR  
PICACHO , AZ 85141-8514

41121003H  
VILLA ADAM & REBECCA  
223 S LA AMADOR TRL  
CASA GRANDE , AZ 85194-4854

41121003G  
KILE VERNON EDWARD & ARLENE L  
30095 E VISTA GRANDE RD  
MARANA , AZ 85658-8801

411210190  
MARTAN EILEEN  
18355 S MARTAN DR  
PICACHO , AZ 85141-1412

411210420  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210240  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210180  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210410  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210250  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

41121003D  
ARVIZU MARIA DEL ROCIO RESENDIZ  
1120 E ROGER RD  
TUCSON , AZ 85719-9135

411210170  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210400  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210260  
MARTAN EMIL K  
PO BOX 1245  
RED ROCK , AZ 85145-5100

41121003K  
GUTIERREZ LUIS A L & LEON IRACEMA  
18226 S WESTERN AVE  
PICACHO , AZ 85141-8514

411210160  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210390  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210270  
MARTAN EMIL K  
PO BOX 1245  
RED ROCK , AZ 85145-5100

41121003J  
FLORES ENRIQUE L & DE LEUE TRINIDAD  
18206 S WESTERN AVE  
PICACHO , AZ 85141-8514

411210380  
FALK JERRY W & MARIA T  
18110 S MARTAN DR  
PICACHO , AZ 85141-1412

411210150  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210370  
SANCHEZ RAFAEL & LORONA JOAQUINA  
18152 S MARTAN DR  
PICACHO , AZ 85141-1412

41121028A  
MARTAN EMIL K & ANITA  
PO BOX 1245  
RED ROCK , AZ 85145-5100

411210140  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210130  
LEOS GILBERT AND MARY  
18115 S MARTAN DR  
PICACHO , AZ 85141-1412

411210360  
FALK JERRY W & MARIE T  
18110 S MARTAN DR  
PICACHO , AZ 85141-1412

411210300  
MARTAN EMIL K & ANITA  
PO BOX 1245  
RED ROCK , AZ 85145-5100

411210350  
FALK JERRY W & MARIA T  
18110 S MARTAN DR  
PICACHO , AZ 85141-1412

411210120  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210310  
MARTAN EMIL K  
PO BOX 1245  
RED ROCK , AZ 85145-5100

411210340  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210110  
MARTAN EDWARD BRUCE  
4095 W PLANTATION ST  
TUCSON , AZ 85741-1105

411210330  
MARTAN EMIL K  
17928 S MARTAN DR  
PICACHO , AZ 85141-1412

411210100  
MARTAN EMIL K  
PO BOX 1245  
RED ROCK , AZ 85145-5100

411210010  
CHON ERIC & JULIA  
13112 NE 70TH DR  
KIRKLAND , WA 98033-3834

411210040  
WATSON ELAINE ELEANOR  
18355 S MARTAN DR  
PICACHO , AZ 85141-1412

41101012L  
BEN FATTO LP ETAL  
1223 S CLEARVIEW AVE ST 103  
MESA , AZ 85209-8520

NAP

41120057A  
MARTAN EDWARD BRUCE  
17928 S MARTAN DR  
PICACHO , AZ 85141-1412



41121023A  
MARTAN ERON BRUCE  
17930 S MARTAN DR  
PICACHO , AZ 85141-1412

## 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 3 day of March, 2025 at the office of Pinal County and is accurate and complete to the best of my knowledge.  
(Source of Information)

On this 3 day of March, 2025 before me personally appeared Yesenia Leon Leue  
(Name of signor)

Signature Yesenia lg Date 3/3/2025

State of Arizona )ss.

County of Pinal

My Commission Expires Dec. 26, 2027

Signature of Notary Public



Angela Sanchez

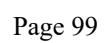
### Application Checklist:

- ☐ 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, or request from the case planner assigned, 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.
- ☐ I understand that two newspaper publications must be advertised for this variance case per Pinal County staff instructions no later than 21 days before the hearing date as assigned. The applicant is responsible for all publication fees.
- ☐ Submitted application via online portal (<https://citizenaccess.pinalcountyz.gov/CitizenAccess/>)

### **Important:**

If the application is incomplete or is not detailed enough, the case will not be presented to the Board of Adjustments.









OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
Dana Lewis

DATE/TIME: 03/04/2025 1416  
FEE: \$30.00  
PAGES: 2  
FEE NUMBER: 2025-016230

THIS SPACE PROVIDED FOR RECORDER'S USE ONLY:

WHEN RECORDED RETURN TO:

Yesenia Leon Leue  
6025 E Peak Lane  
Picacho, Arizona, 85141

### WARRANTY DEED

#### THE GRANTOR

- Edward Bruce Martan, a single person,

for and in consideration of: \$20,000.00 grants, bargains, sells, conveys and warranties to the GRANTEE

- Yesenia Leon Leue

the following described real estate, situated in the County of Pinal, State of Arizona:

LOT 36, OF NO TENGO RANCHO ESTATES ACCORDING TO THE PLAT OF RECORD  
IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA,  
RECORDED IN BOOK 11 OF MAPS, PAGE 57

Subject to existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record the grantor hereby covenants with the Grantee(s) that Grantor is lawfully seized in fee simple of the above granted premises and has good right to sell and convey the same; and that Grantor, his heirs, executors and administrators shall warrant and defend the title unto the Grantee, his heirs and assigns against all lawful claims whatsoever.

Tax Parcel Number: parcel# 411210390

#### Grantor Signatures:

DATED: 03/04/2025



Edward Bruce Martan  
Edward Bruce Martan

STATE OF Arizona, COUNTY OF Pinal, ss:



Kasie Chavez  
Notary Public

Notary  
Title (and Rank)

My commission expires 8/27/2028



# AFFIDAVIT OF PROPERTY VALUE

## 1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(S)

Primary Parcel: 41140390  
BOOK MAP PARCEL SPLIT

Does this sale include any parcels that are being split / divided?  
Check one: Yes ☐ No ☐

How many parcels, other than the Primary Parcel, are included in this sale? \_\_\_\_\_

Please list the additional parcels below (attach list if necessary):

(1) \_\_\_\_\_ (3) \_\_\_\_\_  
(2) \_\_\_\_\_ (4) \_\_\_\_\_

## 2. SELLER'S NAME AND ADDRESS:

Edward Bruce Martin  
6043 W Plantation St.  
Tucson AZ 85741

## 3. (a) BUYER'S NAME AND ADDRESS:

Tesenia Leon Leve  
6025 E. Peak Lane Pichacho AZ 85141

(b) Are the Buyer and Seller related? Yes ☐ No ☐  
If Yes, state relationship: \_\_\_\_\_

## 4. ADDRESS OF PROPERTY:

See legal description

## 5. (a) MAIL TAX BILL TO: (Taxes due even if no bill received)

6025 E. Peak Lane Pichacho AZ  
85141

(b) Next tax payment due \_\_\_\_\_

## 6. PROPERTY TYPE (for Primary Parcel): NOTE: Check Only One Box

- a. ☒ Vacant Land f. ☐ Commercial or Industrial Use  
b. ☐ Single Family Residence g. ☐ Agricultural  
c. ☐ Condo or Townhouse h. ☐ Mobile or Manufactured Home  
i. ☐ Affixed ☐ Not Affixed  
d. ☐ 2-4 Plex j. ☐ Other Use; Specify: \_\_\_\_\_  
e. ☐ Apartment Building

## 7. RESIDENTIAL BUYER'S USE: If you checked b, c, d or h in Item 6 above, please check one of the following:

- a. ☒ To be used as a primary residence.  
b. ☐ To be rented to someone other than a "qualified family member."  
c. ☐ To be used as a non-primary or secondary residence.

See reverse side for definition of a "primary residence, secondary residence" and "qualified family member."

If the property is a multi-unit property, indicate the number of units: \_\_\_\_\_  
Apartment, Condo, Townhouse, Mobile Home / RV Parks, etc.

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Signature of Seller / Agent

State of Arizona, County of Pinal

Subscribed and sworn to before me on this 3 day of March 2025

Notary Public [Signature]

Notary Expiration Date 8/27/2028

DOR FORM 82162 (04/2014)

## FOR RECORDER'S USE ONLY

COUNTY OF RECORDATION PINAL  
FEE NO 2025-016230  
RECORD DATE 03/04/2025

## 9. TYPE OF DEED OR INSTRUMENT (Check Only One Box):

- a. ☒ Warranty Deed d. ☐ Contract or Agreement  
b. ☐ Special Warranty Deed e. ☐ Quit Claim Deed  
c. ☐ Joint Tenancy Deed f. ☐ Other: \_\_\_\_\_

10. SALE PRICE: \$ 20,000 00

11. DATE OF SALE (Numeric Digits): 2/27/2025  
Month / Year

12. DOWN PAYMENT \$ \_\_\_\_\_ 00

## 13. METHOD OF FINANCING:

- a. ☒ Cash (100% of Sale Price) e. ☐ New loan(s) from financial institution:  
b. ☐ Barter or trade (1) ☐ Conventional  
c. ☐ Assumption of existing loan(s) (2) ☐ VA  
f. ☐ Other financing; Specify: (3) ☐ FHA  
d. ☐ Seller Loan (Carryback)

## 14. PERSONAL PROPERTY (see reverse side for definition):

- (a) Did the Sale Price in Item 10 include Personal Property that impacted the Sale Price by 5 percent or more? Yes ☐ No ☐  
(b) If Yes, provide the dollar amount of the Personal Property:

\$ \_\_\_\_\_ 00 AND

briefly describe the Personal Property: \_\_\_\_\_

15. PARTIAL INTEREST: If only a partial ownership interest is being sold, briefly describe the partial interest: \_\_\_\_\_

## 16. SOLAR / ENERGY EFFICIENT COMPONENTS:

- (a) Did the Sale Price in Item 10 include solar energy devices, energy efficient building components, renewable energy equipment or combined heat and power systems that impacted the Sale Price by 5 percent or more? Yes ☐ No ☐

If Yes, briefly describe the solar / energy efficient components: \_\_\_\_\_

## 17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone Number):

## 18. LEGAL DESCRIPTION (attach copy if necessary)



Signature of Buyer / Agent

State of Arizona, County of Pinal

Subscribed and sworn to before me on this 3 day of March 2025

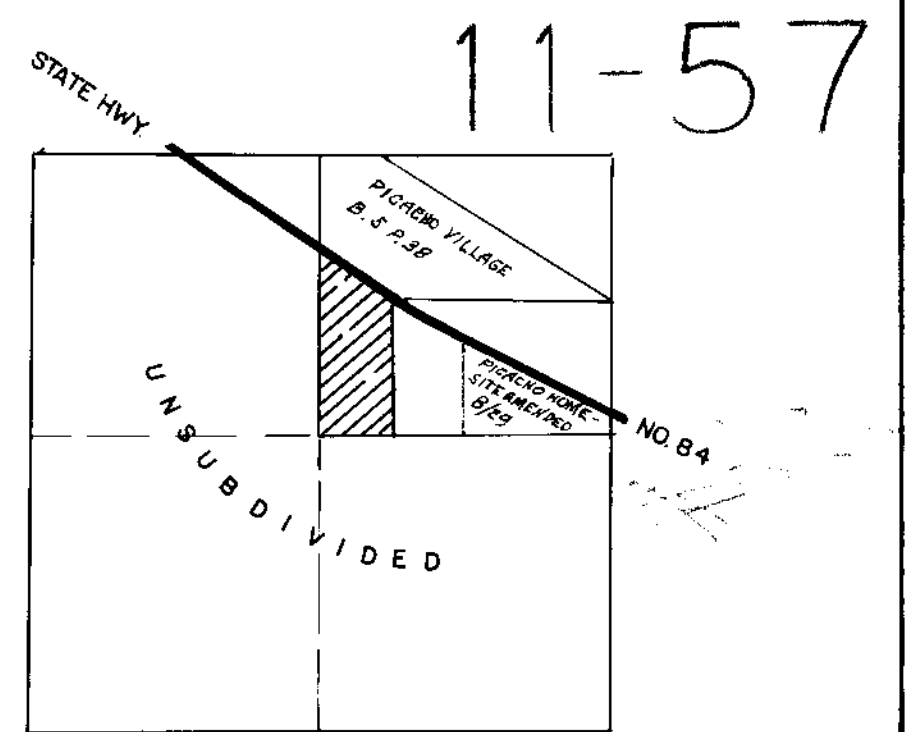
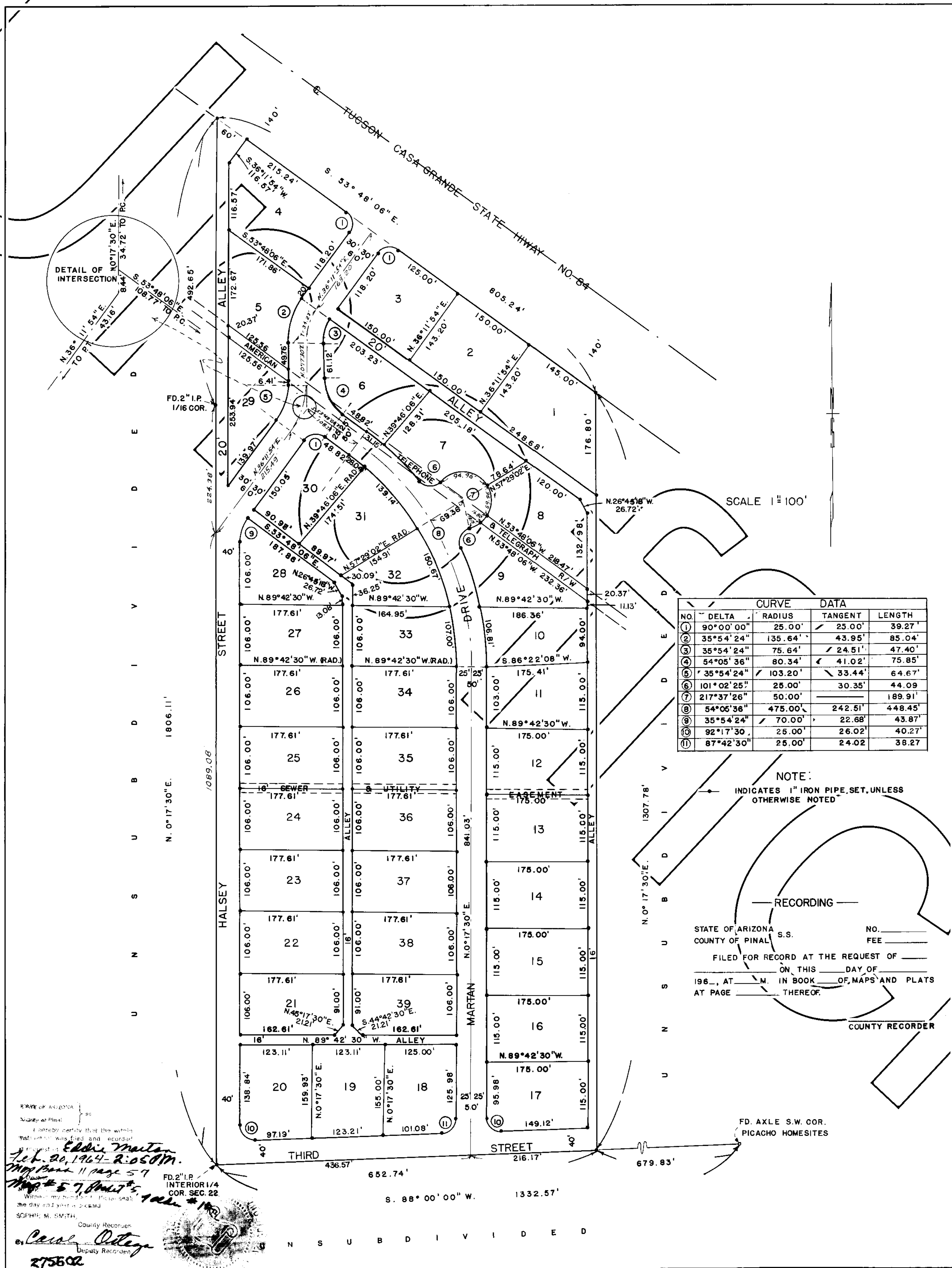
Notary Public [Signature]

Notary Expiration Date 8/27/2028



Legal description      Question  
   18  
   EXHIBIT "A"

Lot 36 of no tengo Rancho estates  
according to the plat of record in the  
office of the county recorder of Pinal  
County Arizona, recorded in book 11 of  
maps, page 57.



LOCATION MAP  
SECTION 22, T-8-S, R-8-E, G&SR  
B&M, PINAL COUNTY, ARIZONA  
SCALE: 3" = 1 MILE

**CERTIFICATION OF SURVEY**  
I HEREBY CERTIFY THAT THIS PLAT REPRESENTS  
A SURVEY MADE UNDER MY DIRECTION AND ALL  
MONUMENTS ACTUALLY EXIST AS SHOWN ON THIS MAP

*Donald P. Chambers*  
R.L.S. 5576

**DEDICATION**  
WE THE UNDERSIGNED HEREBY CERTIFY THAT WE ARE THE  
SOLE OWNERS OF THE LAND SHOWN ON THIS MAP AND THAT WE  
HAVE CAUSED SAME TO BE SUBDIVIDED IN THE MANNER HERE  
SHOWN, AND HEREBY DEDICATE TO THE PUBLIC USE ALL STREETS,  
ALLEYS AND SEWER & UTILITY EASEMENTS, TOGETHER WITH A  
5' AERIAL OR OVERHEAD EASEMENT ON EACH SIDE OF SAID ALLEYS  
AND SEWER & UTILITY EASEMENTS FOR WIRES, CROSSARMS, ETC.  
ON POWER AND POLE LINES WITHIN THE BOUNDARIES OF THIS  
SUBDIVISION ONLY.

*Eddie E. Martan* *Leonor F. Martan*  
EDDIE E. MARTAN LEONOR F. MARTAN

STATE OF ARIZONA S.S.  
COUNTY OF PINAL

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE  
ME THIS 19 DAY OF 1964 BY EDDIE E. MARTAN  
AND LEONOR F. MARTAN HUSBAND AND WIFE.

MY COMMISSION EXPIRES May 24, 1965  
NOTARY PUBLIC

**APPROVALS**  
THIS PLAT HAS BEEN APPROVED AS TO FORM AND CONTENTS.

*Walter T. Quinn*  
ZONING DEPARTMENT  
*A. C. Boyd*  
HEALTH DEPARTMENT  
*Charles L. Beavitt*  
ENGINEERING DEPARTMENT

THIS PLAT HAS BEEN APPROVED AS TO FORM IN ACCORDANCE  
WITH A.R.S. SEC. 9-475 THIS 27<sup>th</sup> DAY OF January  
1964, BUT THIS APPROVAL IS NOT AN ACCEPTANCE OF ANY  
STREETS OR ROADS AS COUNTY HIGHWAYS.

BOARD OF SUPERVISORS  
*Earl W. Anderson*  
CHAIRMAN

ATTEST:  
*Sydney C. ...*  
CLERK

**NO TENGO RANCHO ESTATES**  
LOTS 1-39  
BEING THE WEST 652.22' OF THE WEST  
HALF OF THE N.E. QUARTER OF SECTION  
22, T-8-S, R-8-E, G&SR B&M, PINAL  
COUNTY, ARIZONA, LYING SOUTHERLY  
AND WESTERLY OF THE TUCSON CASA-  
GRANDE HWY NO. 84

**BENNETT & CHAMBERS**  
REGISTERED LAND SURVEYORS

STATE OF ARIZONA  
COUNTY OF PINAL  
I hereby certify that the within  
instrument was filed and recorded  
in accordance with the provisions of  
the laws of this state.  
Witness my hand and the seal of the  
County Recorder on this day of January  
1964.  
SOPHIE M. SMITH  
County Recorder  
*Carol Ortega*  
Deputy Recorder  
275602



## NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:30 A.M., ON **MAY 22, 2025** AT THE PINAL COUNTY EMERGENCY OPERATIONS CENTER (EOC) HEARING ROOM, 301 E 11<sup>th</sup> ST, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **VARIANCE** FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

**BA-006-25 – PUBLIC HEARING/ACTION:** Yesenia Leon Leue, 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 minimum required lot area from 54,450 square feet (1.25 acres) to 19,166± square feet (0.44 acres) and applicable development standards to allow a single family residence on a 0.44 acres parcel in the (GR) General Rural zoning district, 411-21-0390 (legal on file), situated in Section 22, Township 08 South, Range 08 East Gila & Salt River Baseline & Meridian, located northwest of S Martan Dr and E Monitor St, within Picacho, unincorporated Pinal County.

Information regarding the case can be found online at:

<https://www.pinal.gov/236/Notice-of-Hearings>

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 21<sup>st</sup> DAY OF APRIL, 2025

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 749 (85 N. FLORENCE, FIRST FLOOR)  
FLORENCE, AZ 85132

**Contact for this matter:** Kendall Riley, Planner  
E-mail Address: [Kendall.riley@pinal.gov](mailto:Kendall.riley@pinal.gov)  
Phone: (520) 866-6514

---

Anything below this line not for publication

PUBLISHED ONCE:

Pinal Central Dispatch

## AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Burlington, ss:

India Johnston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Pinal Central Dispatch, a newspaper 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 1 issues. The publications thereof having been on the following dates:

### PUBLICATION DATES:

May. 1, 2025

**NOTICE ID:** e27oCy4WMt70nuQWHMP6

**NOTICE NAME:** BA-006-25

*India Johnston*

(Signed) \_\_\_\_\_

### VERIFICATION

State of New Jersey  
County of Burlington

**LIZA ORTIZ**  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires November 27, 2028

Subscribed in my presence and sworn to before me on this: 05/02/2025



Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING  
NOTICE OF PUBLIC HEARING BY  
THE BOARD OF ADJUSTMENT  
AND APPEALS AT 9:30 A.M.,  
ON MAY 22, 2025 AT THE  
PINAL COUNTY EMERGENCY  
OPERATIONS CENTER (EOC)  
HEARING ROOM, 301 E 11th  
ST, FLORENCE, ARIZONA, TO  
CONSIDER AN APPLICATION  
FOR A VARIANCE FOR THE  
UNINCORPORATED AREA OF  
PINAL COUNTY.  
BA-006-25 - PUBLIC HEARING/  
ACTION: Yesenia Leon Laue,  
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 minimum  
required lot area from 54,450  
square feet (1.25 acres) to  
19,166± square feet (0.44 acres)  
and applicable development  
standards to allow a single family  
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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  
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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 21st DAY OF APRIL,  
2025  
TO QUALIFY FOR FURTHER  
NOTIFICATION IN THIS LAND  
USE MATTER YOU MUST  
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1) Planning Case Number (see  
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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 749 (85 N. FLORENCE,  
FIRST FLOOR)  
FLORENCE, AZ 85132  
Contact for this matter : Kendall  
Riley, Planner

E-mail Address: Kendall.riley@  
pinal.gov  
Phone: (520) 866-6514  
No. of publications: 1: date of  
publication: May 01, 2025

















# PINAL COUNTY

WIDE OPEN OPPORTUNITY

##ITEMTYPE##

5/22/2025

311 E. 11th Street, Florence, AZ 85132

REQUESTED BY:  
Funds #:  
Dept. #:  
Dept. Name: Community Development  
Director:

---

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

BA-008-25

---

**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:**

---

**ATTACHMENTS**

**ATTACHMENTS:**

	Description
	BA_008_25_Packet

**REPORT TO THE PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS**

**CASE:** Leubner Garage

**MEETING DATE:** May 22, 2025

**CASE NUMBER:** BA-008-25

**CASE COORDINATOR:** Valentyn Panchenko, Planner

**SUPERVISOR DISTRICT:** District 5 Supervisor Serdy

---

**Applicant:** Scott Leubner

**Owner:** Scott R. Luebner and Sarah M. Leubneras co-Trustees of Leubner Legacy Trust

**Request:** Allow a lot size of 47,916± square feet (1.1 acre) in lieu of the required 87,120 square feet (2 acres) minimum lot size.

**Site Location:** APN 104-61-0900, 6491 S Lazy Ln, right east of intersection of S Lazy Dr and E Breathless Dr in Gold Canyon area.

**Site Size:** 1.1 acre

**Zoning:** SH Suburban Homestead Zone

**Current Use:** Single Family Residence

**Opposition/Support:** To date, no supportive or opposition letters have been submitted.

**Staff**

**Recommendation:** Approval

**Surrounding Zoning and Land Use:**

North, South, West: Suburban Homestead Zoning (SH) - Single-Family Residence  
East: GR General Rural Zone - Vacant

**History:** The subject parcel, identified as Lot 171 within the Mesa del Oro Estates Unit III Subdivision, is one of several similarly sized lots in the subdivision. The subdivision was approved and subdivided in May 1981 under the August 1974 Zoning Ordinance amendments (PZ-C-024-74), which allowed residential lots as small as 43,560 square feet (1 acre).



Pursuant to these regulations, the area was rezoned from Suburban Ranch (SR) to Suburban Homestead (SH) with approval of case PZ-012-80, which at the time required a minimum lot size of 1 acre. Accordingly, this parcel was approved and subdivided as fully conforming to the zoning standards in effect at that time.

However, in December 1982, Pinal County adopted a new zoning ordinance that increased the minimum lot size in the SH zoning district from 1 acre (43,560± sq ft) to 2 acres (87,120± sq ft). This change rendered the subject parcel nonconforming under the updated SH zoning requirements. Since the 1982 ordinance revision, the 2-acre minimum lot size for the SH zone has been retained in all subsequent versions of the County Code. As a result, the subject parcel remains nonconforming to current development standards, which prevents any additional development or improvements unless a variance is approved.

**Additionally, the Board of Adjustment and Appeals has previously (2016-2025) approved eleven (11) variance cases within the same area, all under similar conditions and rationale, demonstrating consistent support for such type of requests.**

**Site Conditions:** The site is a rectangular-shaped lot measuring 225 feet in width and approximately 220 feet in depth. The subject site abuts and has frontage on E Lazy Rd to the west. The site is currently developed with a single-family residential structure and detached garage since 1994. The site is landscaped with mature trees, shrubs and grass areas.

Recent aerial view of the subject site and surrounding area



**Plan Analysis:**

This is a variance request to reduce the **minimum lot size requirement** of the **Suburban Homestead (SH) Zone** for a single parcel located in the **Mesa Del Oro Estates Unit III subdivision**, within the **unincorporated Gold Canyon area**. The 1.1-acre parcel was **subdivided in 1981**, prior to the **1982 zoning ordinance update**, which increased the minimum lot size from **1 acre to 2 acres** in the SH zone.

The residential house was added to the property in 1994. The County does not have any building permits on file for this property. However, the residential property record card mentioned: “12-15-94 Permit New SFR (Single Family Residential)”. The applicant wishes to bring the property into **conformance with the current code** as well as to allow for the **future addition of an accessory structure (garage)** with development standards adjusted to reflect the actual lot size.

Due to the **reduced parcel size** in comparison to the **2-acre minimum required** in the Suburban Homestead (SH) zoning district, the applicant faces **limitations on available area** for constructing detached accessory buildings. In comparison, other zoning districts with similar lot sizes—such as **CR-1A Single Residence Zone** and **R-43 Single Residence Zoning District**—require a **minimum front setback of only 40 feet** for detached accessory structures, whereas the current SH requirement is **60 feet**.

Additionally, in cases **BA-012-19** and **BA-013-24**, located **two parcels to the southwest**, as well **recently approved BA-004-25** in the same subdivision, a **variance was granted** allowing a **reduction in the front setback to 40 feet**. Given these precedents and the constraints of the lot, it is **reasonable and justified** to grant the applicant a **reduced minimum front setback of 40 feet** for detached accessory buildings.

**Considering that the parcel became nonconforming in size because of direct County actions, and given the reasonable justification for the requested setback reduction, staff is supportive of this variance request.**

---

**Legal Description:** Mesa Del Oro Estates #3 Lot 171, Gold Canyon in Pinal County.

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

Newspaper publish dates:	Week of 04/24/25
Mail-outs:	04/14/25
Site Posting:	04/07/25
Website:	04/10/25

**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 of the Pinal County Development Services Code.**

**FINDINGS:**

THE BOARD OF ADJUSTMENT AND APPEALS shall consider the following criteria in conditionally approving or denying a variance according to the PCDS SECTION 2.155.040(C)(4).

- 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 subject property is consistent in size and shape with other lots within the Mesa del Oro Estates Unit III Subdivision created in 1981. However, its uniqueness lies in its legal status—it became nonconforming due to a County-initiated amendment to the Zoning Ordinance in 1982, which increased the minimum lot size requirement for parcels zoned Suburban Homestead (SH) from 43,560 square feet (1 acre) to 87,120 square feet (2 acres). As a result of this change—not due to any action by the property owner—the subject parcel no longer meets current zoning standards, despite having been subdivided and approved in full compliance with the regulations in place at the time.

**FINDING:** There do appear to be special circumstances/conditions applicable to the property which do not prevail on other property in that zoning district. Due to the standards of the two-acre minimum in 1982, the subject property does not meet the current minimum lot size requirements within the Suburban Homestead 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.*

**ANALYSIS:** As previously noted, the undersized nature of the subject parcel is not the result of any action by the applicant. The justification for special circumstances is based on the physical characteristics and legal status of the property, rather than any self-imposed condition. The special circumstance arises from a County-initiated amendment to the Zoning Ordinance, as outlined earlier in this report. This legislative change increased the minimum lot size requirements, resulting in the parcel's nonconforming status. These circumstances—created solely through County action—make strict compliance with the current development standards of the Suburban Homestead (SH) zoning district impractical and unattainable for the subject property.

**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 construct an accessory building (garage), which is a permitted use by right within the existing zoning district. The hardship presented is non-financial in nature, as the inability to obtain a variance would effectively deny the applicant reasonable use of the property—preventing any development due to the current minimum lot size requirements. Strict application of current regulations would permanently restrict the property to a nonconforming status, limiting its utility and preventing the owner from realizing the intended and otherwise allowable use.



**FINDING:** Strict application of the current regulations would result in the property remaining in a permanent nonconforming status, imposing an unnecessary, non-financial hardship on the property owner.

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

**ANALYSIS:** The parcel was created and developed in full compliance with the zoning standards in place at the time of its subdivision. However, following the legally established subdivision, the County enacted changes to the development standards for the Suburban Homestead (SH) Zoning District, rendering the property nonconforming through no fault of the owner. This variance request clearly demonstrates a legitimate need to preserve the property owner's rights. Approval of the variance would ensure the continued functionality and usability of the property for both the current and future owners, allowing for reasonable use consistent with the original intent of the subdivision.

**FINDING:** Staff finds sufficient justification to support the granting of the variance in order to preserve and uphold the substantial property rights of the landowner. Approval would allow the property to remain functional and usable for both the current and future owners.

- e. *That 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:** Staff has identified no elements of the subject property or this request that would pose an adverse impact to public health, safety, or welfare, nor be detrimental to the surrounding neighborhood or broader community. The parcel is approximately 1.1 acre—consistent in size with adjacent lots within the Mesa del Oro Estates Unit III subdivision. The proposed use is permitted within the SH Zoning District, and comparable in character and intensity to uses in similar zoning districts, such as the CR-1A Single Residence Zone. This report includes stipulations outlining adjusted development standards that are proportionate to the parcel size and aligned with the prevailing standards in the area. If the variance is approved, the resulting building setbacks will mirror those of surrounding properties, maintaining neighborhood compatibility. Any future construction will be required to comply with Pinal County development standards, the 2018 International Building Code (IBC), and any other applicable permitting conditions.

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

**ANALYSIS:** The Suburban Homestead zoning district permits residential use which is the desired primary use for the subject property. Section 2.30.030 of the County Development Services Code

establishes the permitted uses, and an accessory building is permitted within the SH Zoning District

**FINDING:** Granting of the variance will not allow a use that is not permitted in the zoning district where the property is located.

**STAFF SUMMARY AND RECOMMENDATION:** All submittals, presented evidence, written documentation, public testimony, and the Staff Report (BA-008-25) are hereby incorporated into the official record for this variance case. If the Board of Adjustment and Appeals finds sufficient evidence within the record, staff recommends that the Board adopt the staff report and supporting documentation as presented and approve the requested variance using the recommended motion. However, if the Board determines that sufficient evidence does not exist to support approval, staff recommends denial of the request in accordance with the alternative motion outlined below in the staff report.

**BOARD MOTION:**

**Staff Recommendation to Approve:**

\*\*(Staff recommends citing a minimum of three findings)

\*\*\* (Suggested finding)

**To Approve:**

I move to conditionally approve case **BA-008-25**, a **variance** to **Section 2.30.020** and **Section 2.30.030** of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 87,120 square feet (2± ac) to 47,916± square feet (1.1± ac) and applicable development standards, to allow the construction of an accessory buildings on the property in question (Parcel # 104-61-0900) located in the Suburban Homestead (SH) Zoning District. The move for approval is based on the findings of A through F -as presented in the staff report- and is subject to the following stipulations:

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 wastewater, air quality permit, security lighting, fire protection, etc.
2. That the owner of the property adhere to the site development standards of the Pinal County Development Services Code (**Section 2.30.020. - Site development standards**) for this parcel, which are as follows:
  - A. Building height: maximum height of any structure shall be 30 feet.
  - B. Minimum lot area: **47,916 square feet (1.1± acre).**
  - C. Minimum lot width: 100 feet.
  - D. Minimum area per dwelling unit: **47,916 square feet (1.1± acre).**
  - E. Minimum front yard: 30 feet.
  - F. Minimum side yards: Ten feet.
  - G. Minimum rear yard: 40 feet.
  - H. Minimum distance between main buildings: 29 feet.

3. That the owner of the property adhere to the site development standards of the Pinal County Development Services Code (**Section 2.30.030. - Detached accessory buildings**) for this parcel, which are as follows:
  - A. Permitted coverage: One-third of the total area of the rear and side yards.
  - B. Maximum height: 20 feet.
  - C. Minimum distance to main building: Seven feet.
  - D. Minimum distance to front lot line: **40 feet.**
  - E. Minimum distance to side and rear lot lines: Four feet if building is not used for poultry or animals; 50 feet if building is used for poultry or animals.
  - F. 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.
4. If any change of use is requested - aside from the use stated within the (SH) zoning district - the variance shall be considered null and void.

**To Deny:**

I move to deny the variance case **BA-008-25**, a **variance** to **Sections 2.30.020** and **2.30.030** of the PCDSC, based on the finding that the condition is neither peculiar nor exceptional to adjust development standards specified by the PCDSC.

**DATE PREPARED: 5/7/2025 - VP**

**REVISED:**



## NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS AT 9:30 A.M., ON **MAY 22<sup>ND</sup>, 2025** AT THE PINAL COUNTY EMERGENCY OPERATIONS CENTER, 311 E. 11<sup>TH</sup> STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A VARIANCE FOR THE UNINCORPORATED AREA OF PINAL COUNTY.

**BA-008-25 – PUBLIC HEARING/ACTION:** Scott Leubner (applicant/landowner) is requesting a variance to **Section 2.30.020** and **Section 2.30.030** of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 87,120 square feet (2± ac) to 47,916± square feet (1.1± ac) for a parcel in the Suburban Homestead Zone (SH); situated in NE part of SE ¼ of Section 09, Township 01S, Range 09E of the Gila and Salt River Base and Meridian, Tax Parcel 104-61-0900, located east of intersection of E Breathless Dr and S Lazy Rd in Gold Canyon area, unincorporated Pinal County, AZ.

DOCUMENTS PERTAINING TO THIS CASE CAN BE FOUND ON THE NOTICE OF HEARING PAGE FOR THE BOARD OF ADJUSTMENT AND APPEALS AT: <https://www.pinal.gov/236/Notice-of-Hearings>

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) 866-6414 FOR MORE INFORMATION

DATED THIS **2<sup>nd</sup>** DAY OF **APRIL, 2025**, by Pinal County Community Development Department.

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 749 (85 N. Florence Street)  
FLORENCE, AZ 85132

Contact for this matter: Valentyn Panchenko, Planner  
E-mail Address: [Valentyn.Panchenko@pinal.gov](mailto:Valentyn.Panchenko@pinal.gov)  
Phone: (520) 866-6414

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**[Anything below this line is not for publication.]**

PUBLISHED ONCE:  
Pinal Central Dispatch

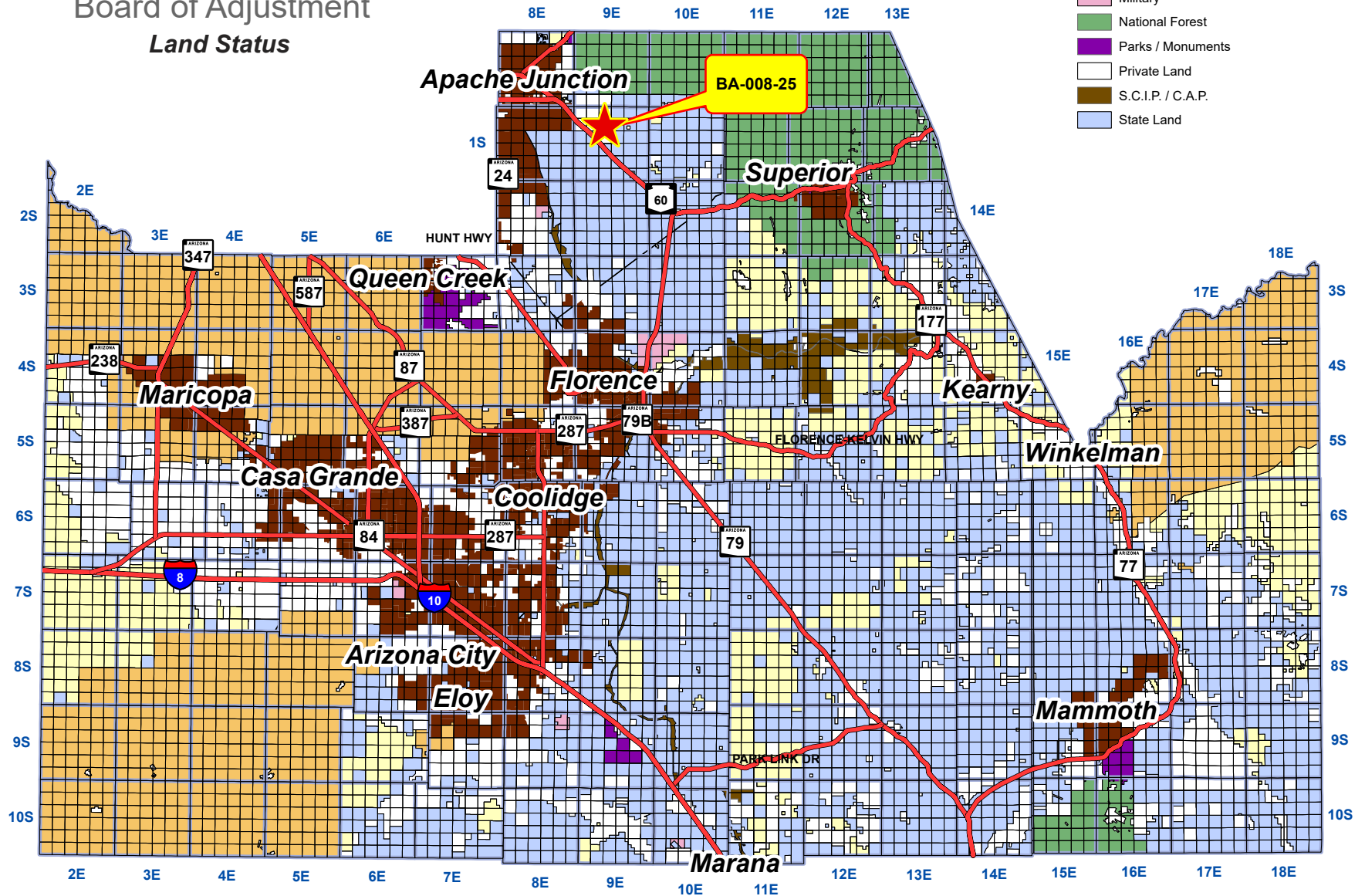


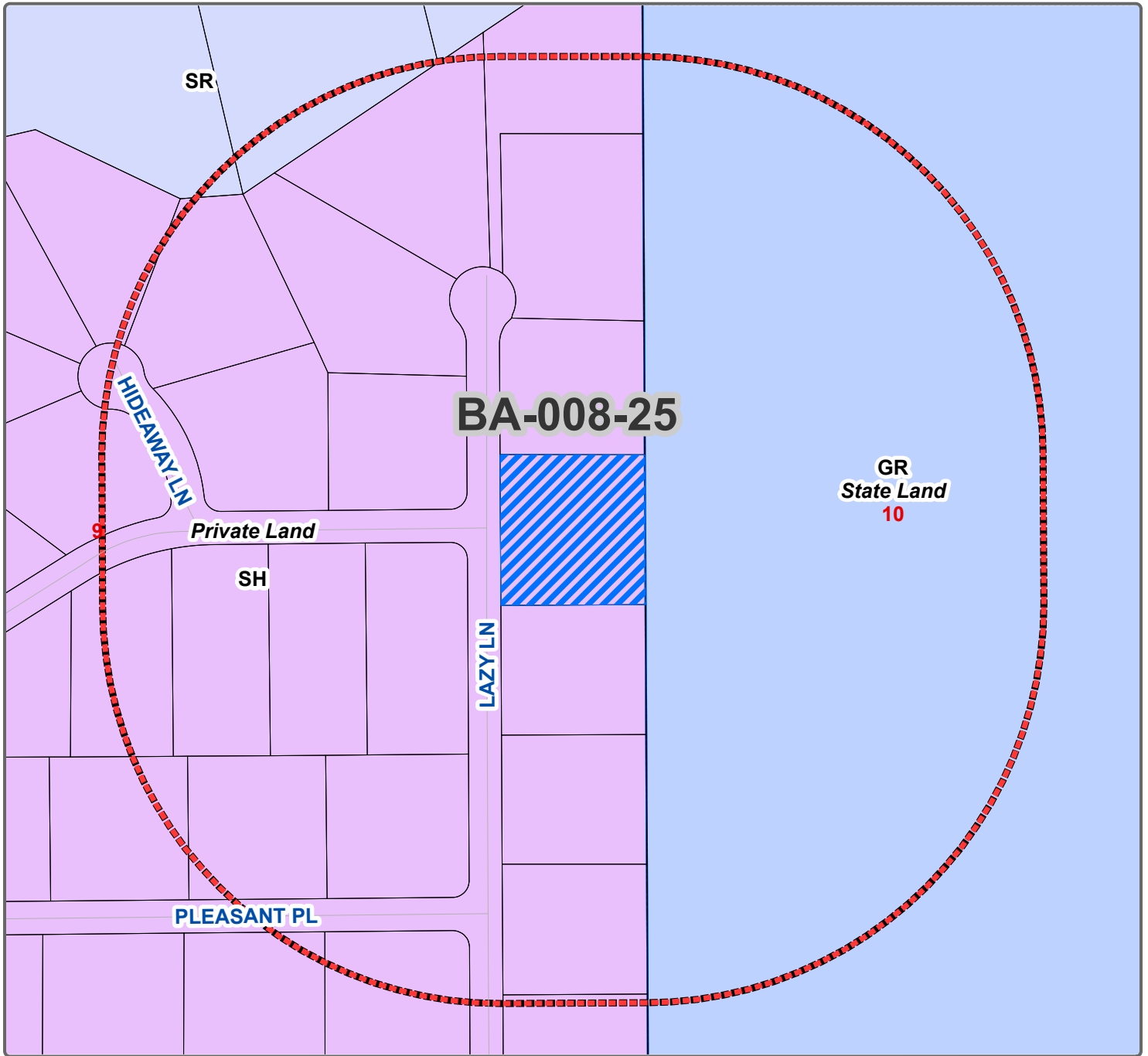
**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

## 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





## Board of Adjustment

BA-008-25 – PUBLIC HEARING/ACTION: Scott Leubner (applicant/landowner) is requesting a variance to Section 2.30.020 and Section 2.30.030 of the Pinal County Development Services Code (PCDSC), to allow a reduction in the minimum required lot area from 87,120 square feet (2± ac) to 47,916± square feet (1.1± ac) for a parcel in the Suburban Homestead Zone (SH); situated in NE part of SE ¼ of Section 09, Township 01S, Range 09E of the Gila and Salt River Base and Meridian, Tax Parcel 104-61-0900, located east of intersection of E Breathless Dr and S Lazy Rd in Gold Canyon area, unincorporated Pinal County, AZ.

Current Zoning: SH

Requested Zoning: Board of Adjustment

Current Land Use: MLDR



### Legal Description:

Situated in NE part of SE ¼ of Section 09, Township 01S, Range 09E of the Gila and Salt River Base and Meridian, Tax Parcel 104-61-0900, located east of intersection of E Breathless Dr and S Lazy Rd in Gold Canyon area, unincorporated Pinal County, AZ.

SEC 09, TWN 01S, RNG 09E



### Owner/Applicant:

SCOTT LEUBNE

### Drawn By:

GIS / IT / RWH

### Date:

04/03/2025

### Sheet No.

1 of 1

### Section

09

### Township

01S

### Range

09E

### Case Number:

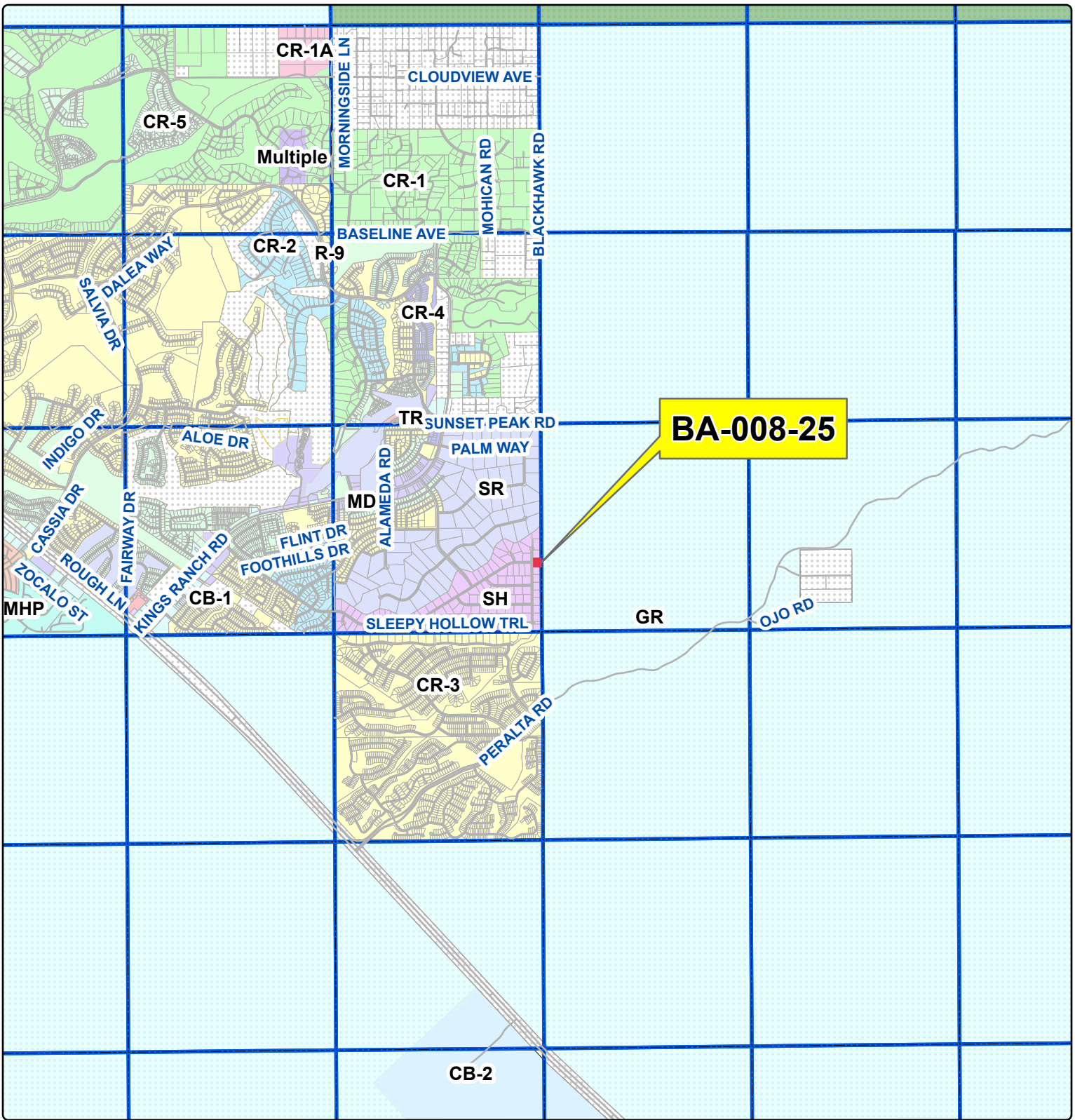
BA-008-25





## ***Board of Adjustment***





**Board of Adjustment**  
**Community Development**



**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

**Legal Description:**

Situated in NE part of SE ¼ of Section 09, Township 01S, Range 09E of the Gila and Salt River Base and Meridian, Tax Parcel 104-61-0900, located east of intersection of E Breathless Dr and S Lazy Rd in Gold Canyon area, unincorporated Pinal County, AZ.

Page 124  
SEC 09, TWN 01S, RNG 09E



Sheet No.  
1 of 1

**Owner/Applicant:**

SCOTT LEUBNE

**Drawn By:**

GIS / IT / RWH

**Date:**

04/03/2025

**Section**

09

**Township**

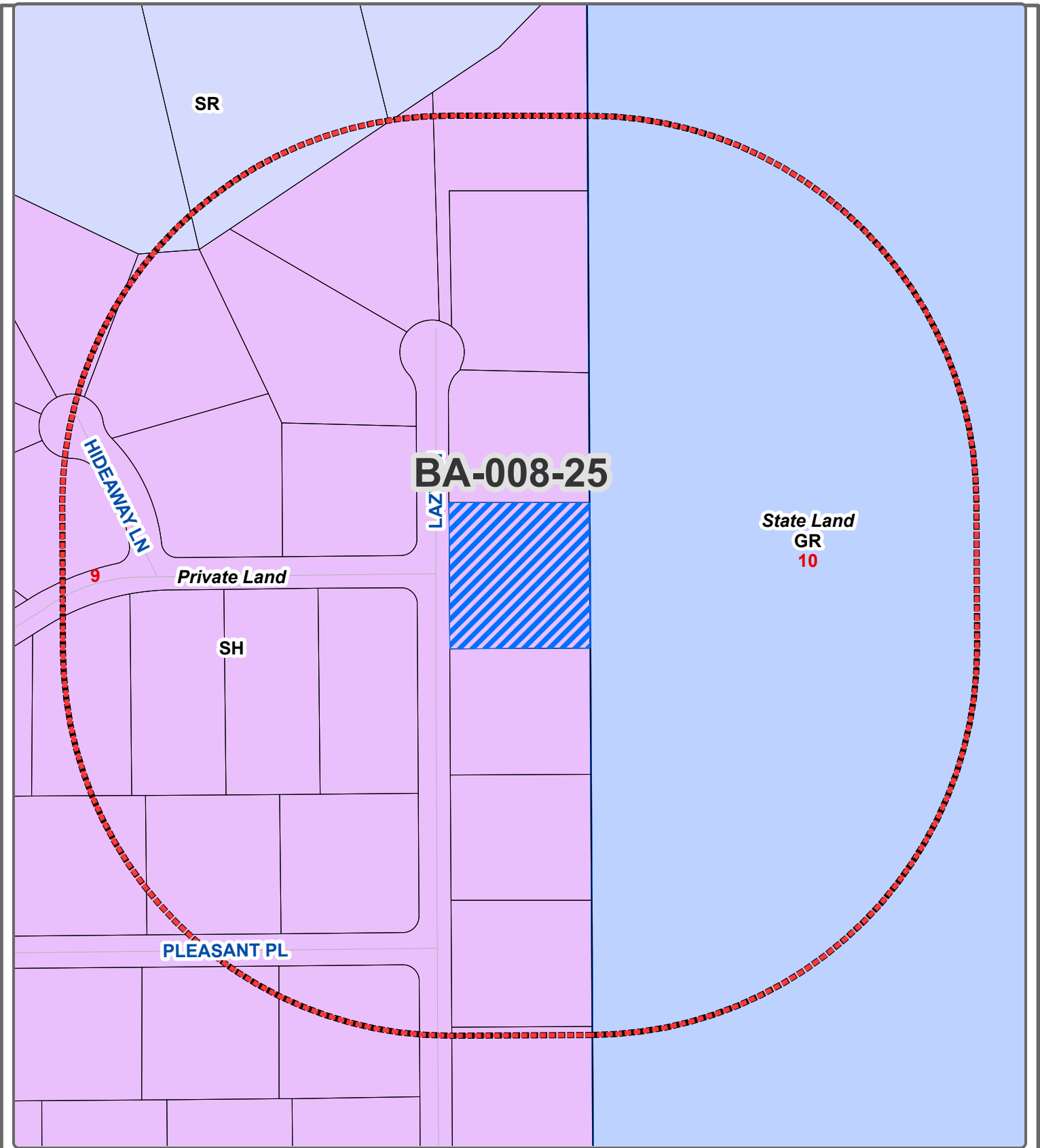
01S

**Range**

09E

**Case Number:**

**BA-008-25**



## Board of Adjustment

Owner/Applicant: <b>Scott Leubne</b>		
Drawn By: <b>GIS/IT - RWH</b>	Date: <b>04/03/2025</b>	
Section <b>09</b>	Township <b>01S</b>	Range <b>09E</b>
Case Number: <b>BA-008-25</b>		

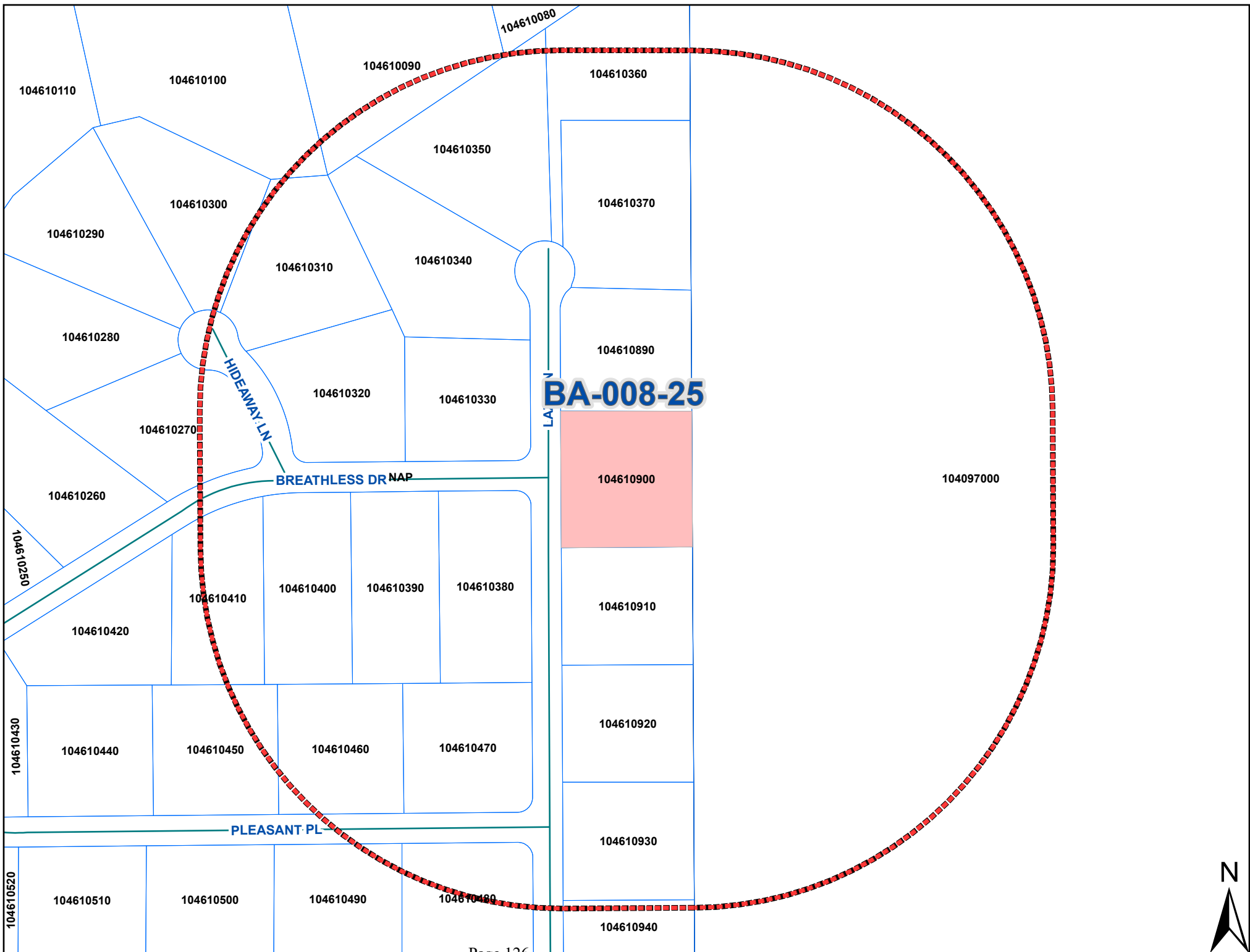
<b>Legal Description:</b> Situated in NE part of SE ¼ of Section 09, Township 01S, Range 09E of the Gila and Salt River Base and Meridian, Tax Parcel 104-61-0900, located east of intersection of E Breathless Dr and S Lazy Rd in Gold Canyon area, unincorporated Pinal County, AZ.
SEC 09, TWN 01S, RNG 09E


<b>Sheet No.</b> 1 of 1


<b>PINAL COUNTY</b> WIDE OPEN OPPORTUNITY

Current Zoning: SH Request Zoning: Board of Adjustment Current Land Use: MLDR
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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/>

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**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.: 104-61-0900 2. Size (to the nearest 1/10th of an acre) 1.1

3. The legal description of the property: MESA DEL ORO ESTATES #3 LOT 171 SEC 9-1S-9E

4. Current zoning: SH - Suburban Homestead 5. Septic or Sewer? Septic ☒ Sewer ☐  
Sewer District

6. The existing use(s) of the property: Primary residence for the Leubner family.

7. The exact variance request and/or Section(s) of Code impacted:   
Variance request for undersized lot and amending development standards

8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation #  
(CC/BCC) NO

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.

I would like to add a detached/accessory garage for additional vehicle storage on my property, with amended development standards for front/side setback requirements, proportional to my parcel size.

10. State any special circumstances or conditions about the property that do not negatively impact other properties in that zoning district. Also state any physical characteristics of this property that are unique and unlike other properties in the area.

My parcel is zoned SH (Suburban Homestead Zone), which requires a minimum lot size of 2 acres. However, my parcel is ~1.1 acres.

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](http://www.pinalcountyaz.gov)

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**11. State how the special circumstances or conditions referred to question #10 are not self-imposed.**

The lot was split in 1982—prior to changes in the minimum lot size requirements

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**12. State how the granting of this application will not materially affect the health or safety of persons residing or working in the neighborhood and how this variance will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

The proposed garage is tucked away, hidden behind tree & vegetation with minimum visual impact. The new garage will enhance safety by providing secure, off-street parking for additional vehicles. This reduces street congestion and potential traffic hazards in the neighborhood. The garage will improve appearance of my property as vehicles and other personal items will be stored inside.

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**13. State how the variance will only allow permitted uses in the zoning district in which the property is located.**

The variance request is for construction of an accessory detached building (garage) on my property, a permitted use of the SH zone.

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**14. State how the strict application of the current regulations would work an unnecessary nonfinancial hardship and how the granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights. Show how all beneficial uses and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professionals can be useful.**

Due to the size of my 1.1 acre parcel, setback requirements adhering to a 2-acre SH parcel would not permit me to build an accessory/detached garage on my property without significant terra-forming & engineering of land to build near the large wash system on the south side of my property. Additionally, if placed near the wash side of my parcel, I would have to relocate the septic system/leach field. The visual impact of the garage is minimized in the proposed location on my property.

---

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

**15. Site Plan Review or Building Permit Number:** \_\_\_\_\_

**16. Required parking either in total number or ratio:** \_\_\_\_\_ **17. Requested (# or ratio)** \_\_\_\_\_

**18. 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:** \_\_\_\_\_

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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.

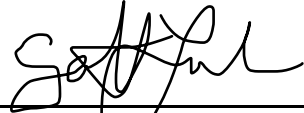
Scott Leubner

6497 S Lazy Lane, Gold Canyon, AZ 85118

---

Name of Applicant

Address



leubner.scott@gmail.com

480 215 1592

---

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.**

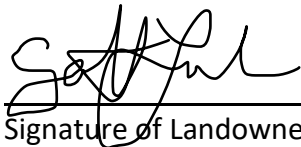
Scott Leubner

6497 S Lazy Lane, Gold Canyon, AZ 85118

---

Name of Landowner

Address



leubner.scott@gmail.com

480 215 1592

---

Signature of Landowner

E-Mail Address

Phone Number

**If the landowner is not the applicant, then the applicant must submit a signed and notarized agency authorization form from the landowner with this application.**

## 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, or request from the case planner assigned, 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.
- ☒ I understand that two newspaper publications must be advertised for this variance case per Pinal County staff instructions no later than 21 days before the hearing date as assigned. The applicant is responsible for all publication fees.
- ☒ Submitted application via online portal (<https://citizenaccess.pinalcountyz.gov/CitizenAccess/>)

## **Important:**

If the application is incomplete or is not detailed enough, the case will not be presented to the Board of Adjustments.

## 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: \_\_\_\_\_

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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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the office of \_\_\_\_\_ 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 \_\_\_\_\_



Parcel Number:  
104-61-0900

Property Address:  
6497 S Lazy Lane

Property Legal Desc:  
MESA DEL ORO ESTATES  
#3 LOT 171 SEC 9-1S-9E

Adjacent Street:  
Lazy Lane (Public)

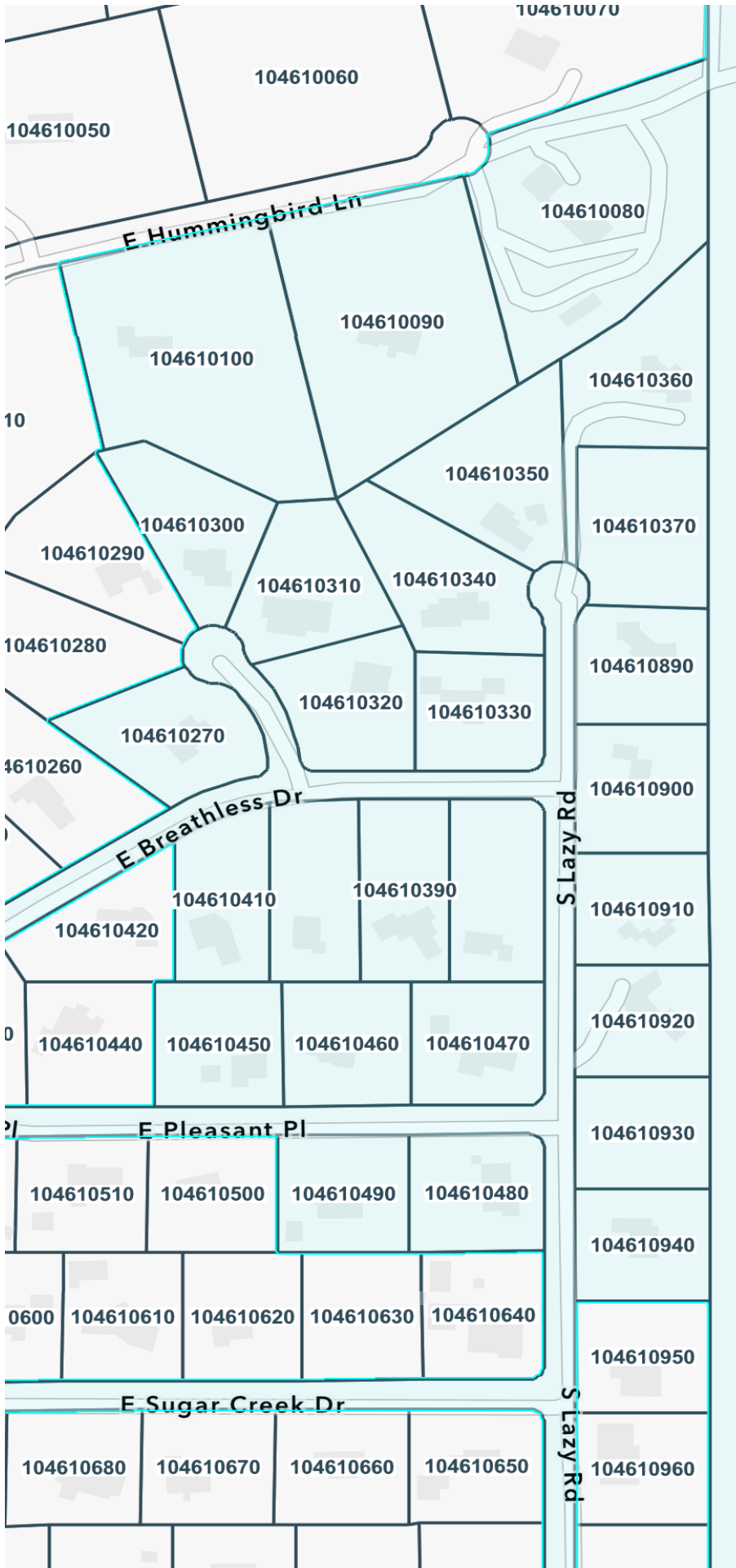
North ↑

Water (Arizona Water)

Power (SRP)

Cable/Internet  
(Mediacom/CenturyLink)





NAP

, -

104610940  
MCBROOM EMMERTT G & BRIGITTE CO TRS  
6743 S LAZY LN  
GOLD CANYON , AZ 85118-8984

104610490  
LUNEBURG WALT  
2169 BIRCH POINT RD  
TOWER , MN 55790-0810

104610480  
BEEMAN BOBBY L & LISA K TRS  
11125 E PLEASANT PL  
GOLD CANYON , AZ 85118-8680

104610930  
PARBERRY DANIELLE M SUPPLEMENTAL NEEDS TR  
PO BOX 669  
FERNDAL , WA 98248-8066

104610450  
PETERSON LARRY W & MARGARET F TRS  
11000 E PLEASANT PL  
GOLD CANYON , AZ 85118-8687

104610460  
PARSON GARY & CAROL REVOCABLE TRUST  
11022 E PLEASANT PL  
GOLD CANYON , AZ 85118-8687

104610470  
MOLL WIEGAND M & CYNTHIA S  
20139 S SOUTH END RD  
OREGON CITY , OR 97045-5975

104610920  
PARBERRY DANIELLE M SUPPLEMENTAL NEEDS TR  
PO BOX 669  
FERNDAL , WA 98248-8066

104610910  
PARBERRY DANIELLE M SUPPLEMENTAL NEEDS TR  
PO BOX 669  
FERNDAL , WA 98248-8066

104610410  
BURKE MATTHEW J & LYNN E FAM TRUST  
11003 E BREATHLESS DR  
GOLD CANYON , AZ 85118-8686

104610400  
SCHULER WARREN H & CYNTHIA L TRUST  
11047 E BREATHLESS DR  
GOLD CANYON , AZ 85118-8686

104610390  
CRANE STEVEN DANIEL & LINDA SUSAN TRS  
11091 E BREATHLESS DR  
GOLD CANYON , AZ 85118-8686

104610380  
SCHUMACHER JOSEPH H TRUST  
222 S WALNUT ST  
BYRON , IL 61010-0146

104610900  
LEUBNER SCOTT R & SARAH M  
6497 S LAZY LN  
GOLD CANYON , AZ 85118-8984

104610270  
HULSEY TIMOTHY D  
6460 S HIDE AWAY LN  
GOLD CANYON , AZ 85118-8337

104610330  
LE DUC RONALD JR  
11126 E BREATHLESS DR  
GOLD CANYON , AZ 85118-8685

104610320  
PARROTT TREVOR H & CAROL A TRS  
11070 E BREATHLESS DR  
GOLD CANYON , AZ 85118-8686

104610890  
BAKER GAYLE R & ROBERT WESLEY  
6445 S LAZY LN  
GOLD CANYON , AZ 85118-8984

104610310  
AMATO JOHN M & DIANE L TRS  
6439 S HIDE AWAY LN  
GOLD CANYON , AZ 85118-8337

104610340  
BEAM SUZAN L TRUST  
6404 S LAZY LN  
GOLD CANYON , AZ 85118-8984

104610370  
RAEMAC INVESTMENTS LLC  
MAIL RETURN  
, -

104610300  
JOHNSTON ROBERT S & DENISE L  
6419 S HIDEAWAY LN  
GOLD CANYON , AZ 85118-8337

104610350  
HELTMACH RONALD A & CELIA A TRS  
6382 S LAZY LN  
GOLD CANYON , AZ 85118-8984

104610360  
SCHULER GEORGE P & CONSTANCE B TRUST  
6379 S LAZY LN  
GOLD CANYON , AZ 85118-8984

104610100  
SMITH LAWRENCE R & ELLEN W TRS  
10973 E HUMMINGBIRD LN  
GOLD CANYON , AZ 85118-8983

104610090  
BURRIS RODGER M & JOANNE M TRS  
11049 E HUMMINGBIRD LN  
GOLD CANYON , AZ 85118-8983

104610080  
NICHOLS MONTY P  
11089 E HUMMINGBIRD LN  
GOLD CANYON , AZ 85118-8983

104097000  
, -



**AFFIDAVIT OF PUBLICATION**

State of Florida, County of Broward, ss:

Ankit Sachdeva, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Pinal Central Dispatch, a newspaper 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 1 issues. The publications thereof having been on the following dates:

**PUBLICATION DATES:**

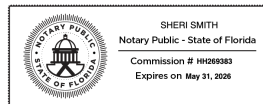
Apr. 24, 2025

**NOTICE ID:** petUHFKO0WEumPQXi6VV

**NOTICE NAME:** NOH-BA-008-25-LeubnerVariance

*Ankit Sachdeva*

(Signed) \_\_\_\_\_



**VERIFICATION**

State of Florida  
County of Broward

Subscribed in my presence and sworn to before me on this: 04/25/2025

*S. Smith*

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING  
NOTICE OF PUBLIC HEARING  
BY THE PINAL COUNTY  
BOARD OF ADJUSTMENT  
AND APPEALS AT 9:30 A.M.  
ON MAY 22ND, 2025 AT THE  
PINAL COUNTY EMERGENCY  
OPERATIONS CENTER, 311  
E. 11th STREET, FLORENCE,  
ARIZONA, TO CONSIDER AN  
APPLICATION FOR A VARIANCE  
FOR THE UNINCORPORATED  
AREA OF PINAL COUNTY.  
BA-008-25 – PUBLIC HEARING/  
ACTION: Scott Leubner (applicant/  
landowner) is requesting a variance  
to Section 2.30.020 and Section  
2.30.030 of the Pinal County  
Development Services Code  
(PCDSC), to allow a reduction  
in the minimum required lot area  
from 87,120 square feet (2± ac) to  
47,916± square feet (1.1± ac) for a  
parcel in the Suburban Homestead  
Zone (SH); situated in NE part of  
SE ¼ of Section 09, Township  
01S, Range 09E of the Gila and  
Salt River Base and Meridian, Tax  
Parcel 104-61-0900, located east  
of intersection of E Breathless Dr  
and S Lazy Rd in Gold Canyon  
area, unincorporated Pinal County,  
AZ.  
DOCUMENTS PERTAINING TO  
THIS CASE CAN BE FOUND  
ON THE NOTICE OF HEARING  
PAGE FOR THE BOARD OF  
ADJUSTMENT AND APPEALS  
AT: [https://www.pinal.gov/236/](https://www.pinal.gov/236/Notice-of-Hearings)  
Notice-of-Hearings  
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) 866-6414 FOR MORE  
INFORMATION  
DATED THIS 2nd DAY OF APRIL,  
2025, by Pinal County Community  
Development Department,  
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 749 (85 N. Florence  
Street)

FLORENCE, AZ 85132  
Contact for this matter: Valentyn  
Panchenko, Planner  
E-mail Address: Valentyn.  
Panchenko@pinal.gov  
Phone: (520) 866-6414  
No. of publications: 1: date of  
publication: Apr 24, 2025

**BA-008-25**

**SIGN POSTING FOR  
PINAL COUNTY BOARD OF  
ADJUSTMENT PUBLIC HEARING  
MAY 22, 2025**

**POSTED: APRIL 7, 2025**





NORTH:



SOUTH:



EAST:



WEST:





# PINAL COUNTY

WIDE OPEN OPPORTUNITY

##ITEMTYPE##

5/22/2025

311 E. 11th Street, Florence, AZ 85132

REQUESTED BY:  
Funds #:  
Dept. #:  
Dept. Name: Community Development  
Director:

---

**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

BA-014-25

---

**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:**

---

**ATTACHMENTS**

**ATTACHMENTS:**

	Description
<input type="checkbox"/>	Packet
<input type="checkbox"/>	powerpoint
<input type="checkbox"/>	powerpoint



## NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BY THE BOARD OF ADJUSTMENT AND APPEALS AT 9:30 A.M., ON **MAY 22, 2025** AT THE PINAL COUNTY EOC / PLANNING & ZONING BUILDING, 301 E. 11TH STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **VARIANCE** FOR AN UNINCORPORATED AREA OF PINAL COUNTY.

**BA-014-25 – PUBLIC HEARING/ACTION:** Toll Brothers AZ Construction, landowner/applicant, requesting a variance to **Section 2.55.020** of the Pinal County Development Services Code, to allow a 60-ft antenna to provide necessary communication links between EPCOR facilities, and applicable development standards, to allow the construction of an antenna in the CR-1A (PAD) Zone, Parcel 16 of San Tan 320 Parcels 14-16, located within a portion of Section 15, Township 3 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 509-223-960 legal on file, located southwest of W Phillips Rd and N Thompson Rd, San Tan Valley area, 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 21<sup>st</sup> DAY OF **APRIL, 2025**

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

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

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***[Anything below this line is not for publication.]***

PUBLISHED ONCE:  
Pinal Central Dispatch

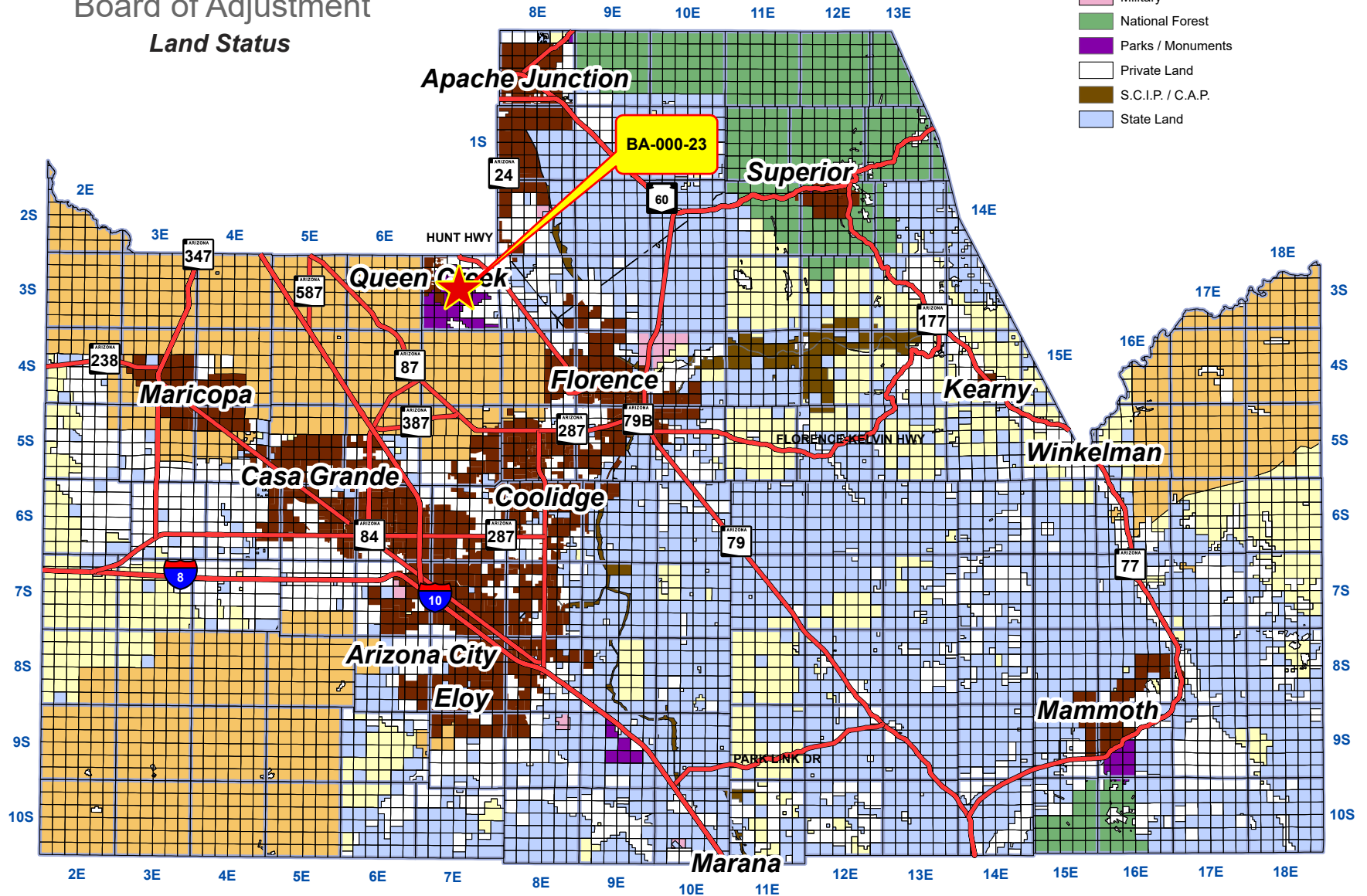


**PINAL COUNTY**  
WIDE OPEN OPPORTUNITY

## Board of Adjustment Land Status

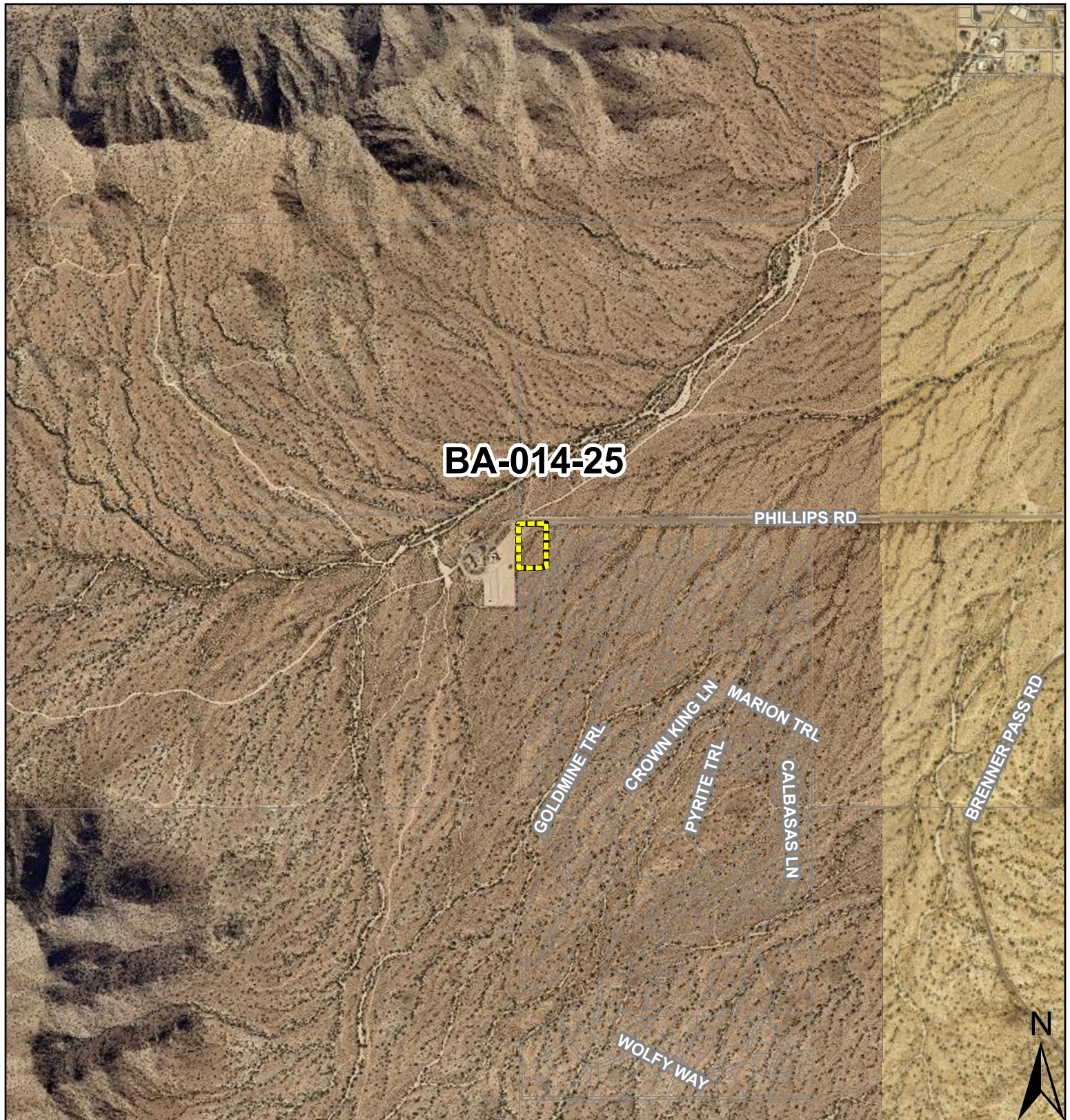
### Legend

- B.L.M.
- Indian Community
- Military
- National Forest
- Parks / Monuments
- Private Land
- S.C.I.P. / C.A.P.
- State Land



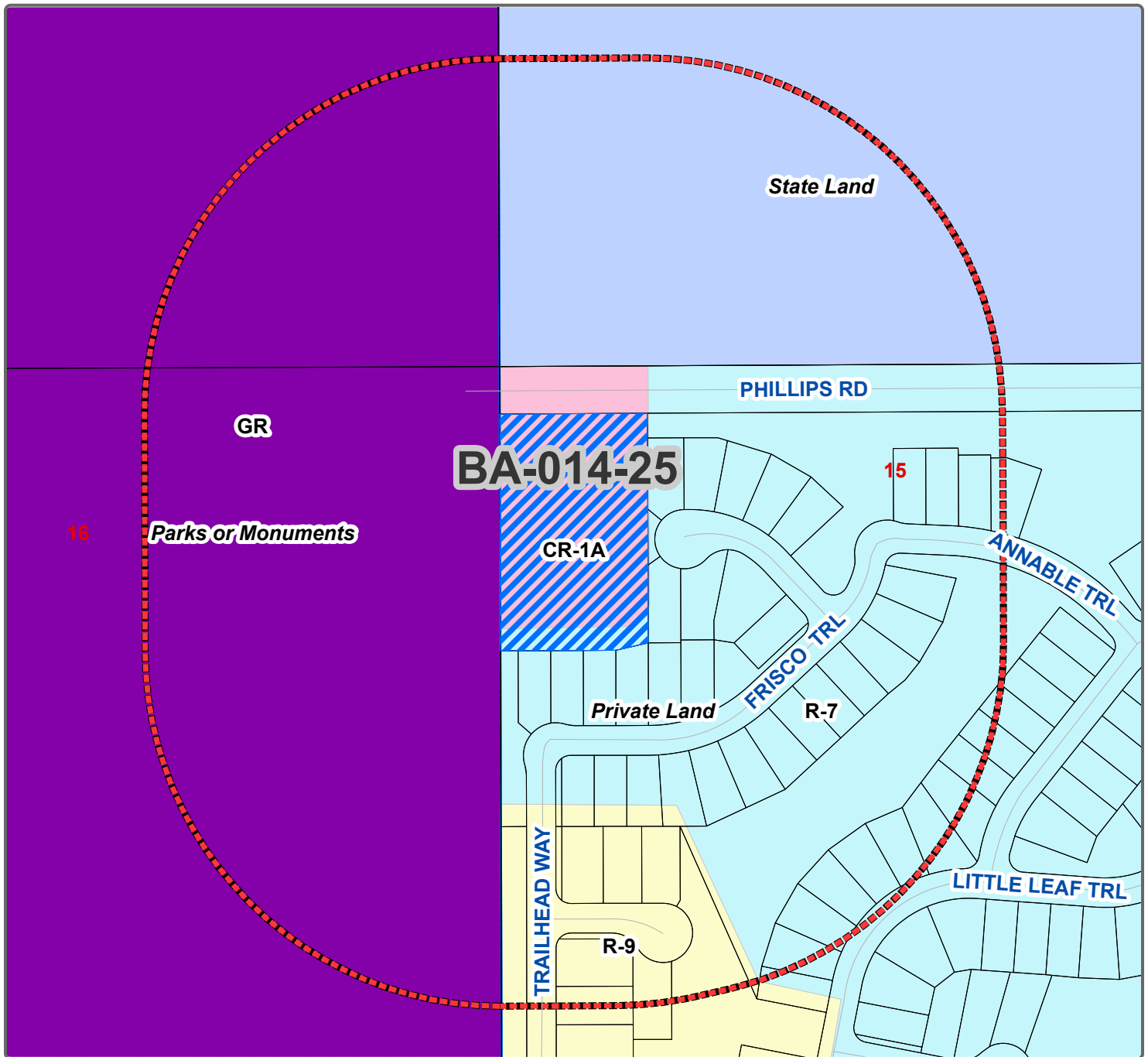






## ***Board of Adjustment***





## Board of Adjustment

BA-014-25 – PUBLIC HEARING/ACTION: Toll Brothers AZ Construction, landowner/applicant, requesting a variance to Section 2.55.020 of the Pinal County Development Services Code, to allow a 60-ft antenna to provide necessary communication links between EPCOR facilities, and applicable development standards, to allow the construction of an antenna in the CR-1A (PAD) Zone, Parcel 16 of San Tan 320 Parcels 14-16, located within a portion of Section 15, Township 3 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 509-223-960 legal on file, located southwest of W Phillips Rd and N Thompson Rd, San Tan Valley area, unincorporated Pinal County.

Current Zoning: CR-1A

Requested Zoning: Board of Adjustment

Current Land Use: LDR



### Legal Description:

Situated in a portion of Section 15, Township 3 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 509-223-960 legal on file, located southwest of W Phillips Rd and N Thompson Rd, San Tan Valley area, unincorporated Pinal County.

SEC 15, TWN 03S, RNG 07E



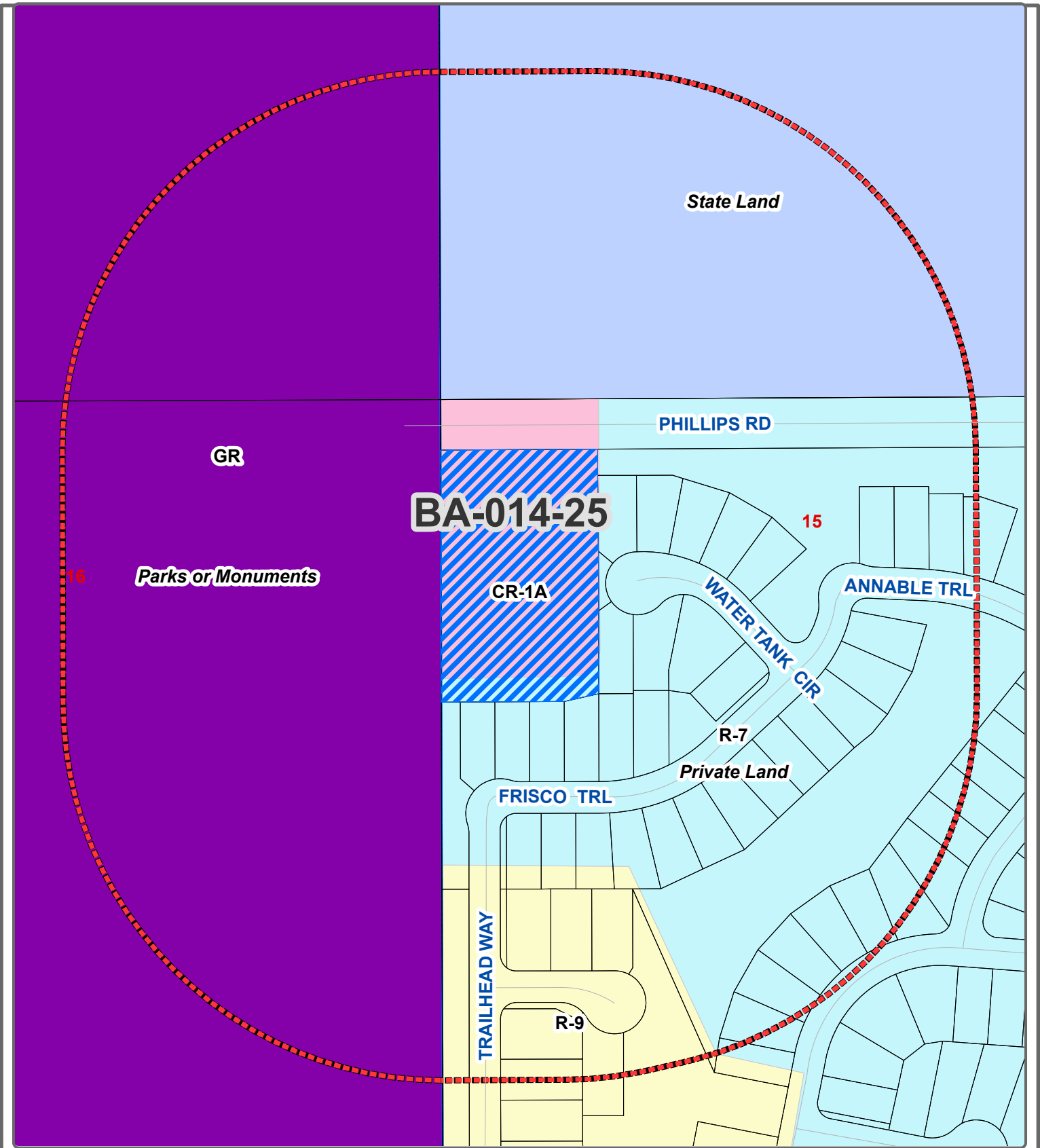
Owner/Applicant: TOLL BROTHERS AZ CONSTRUCTION

Drawn By: GIS / IT /LJT Date: 04/29/2025

Sheet No.  
1 of 1

Section 15 Township 03S Range 07E

Case Number: BA-014-25



## Board of Adjustment

Owner/Applicant: Toll Brothers AZ Construction		
Drawn By: GIS/IT - LJT	Date: 04/29/2025	
Section 15	Township 03S	Range 07E
Case Number: <b>BA-014-25</b>		

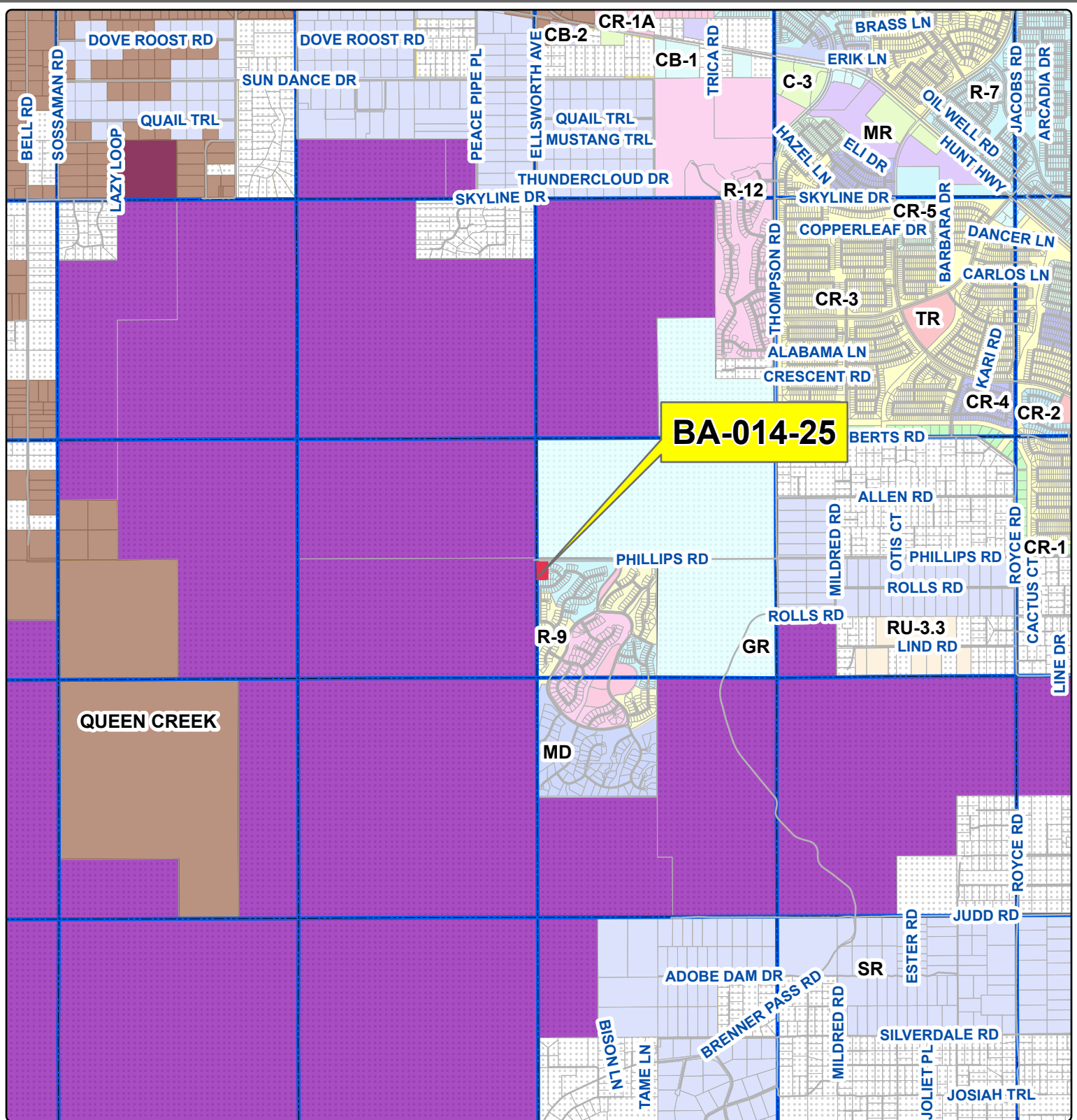
<b>Legal Description:</b>
Situated in a portion of Section 15, Township 3 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona, Tax Parcel 509-223-960 legal on file, located southwest of W Phillips Rd and N Thompson Rd, San Tan Valley area, unincorporated Pinal County.
SEC 15, TWN 03S, RNG 07E

Sheet No. 1 of 1

<b>PINAL COUNTY</b> WIDE OPEN OPPORTUNITY

Current Zoning: CR-1A
Request Zoning: Board of Adjustment
Current Land Use: LDR





## Board of Adjustment Community Development



**PINALEÑO COUNTY**  
WIDE OPEN OPPORTUNITY

**Legal Description:**

Situated in a portion of Section 15, Township 3 South, Range 7 East, Gila and Salt River Meridian, Pinaleño County, Arizona, Tax Parcel 509-223-960 legal on file, located southwest of W Phillips Rd and N Thompson Rd, San Tan Valley area, unincorporated Pinaleño County.

Page 147

SEC 15, TWN 03S, RNG 07E



Sheet No.

1 of 1

**Owner/Applicant:**

TOLL BROTHERS AZ CONSTRUCTION

Drawn By:

GIS / IT / LJT

Date:

04/29/2025

Section

15

Township

03S

Range

07E

Case Number:

BA-014-25

**REPORT TO THE PINAL COUNTY BOARD OF ADJUSTMENT AND APPEALS**

**CASE:** San Tan 320 Water Campus

**MEETING DATE:** May 22, 2025

**CASE NUMBER:** BA-014-25

**CASE COORDINATOR:** Glenn Bak, Senior Planner

**SUPERVISOR DISTRICT:** District 1 Supervisor Vitiello

---

**Applicant/Owner:** Toll Brothers AZ Construction

**Request:** To allow a 60-ft antenna to provide necessary communication links between EPCOR facilities, and applicable development standards, to allow the construction of an antenna in the CR-1A (PAD) Zone.

**Site Location:** APN 509-223-960 southwest of W Phillips Rd and N Thompson Rd.

**Site Size:** 2.29 acres

**Zoning:** CR-1A (PAD) Single Residence Zone

**Current Use:** Water production facility

**Opposition/Support:** None received at the time this report was written

**Staff**

**Recommendation:** Approval

**Surrounding Zoning and Land Use:**

North: General Rural Zoning (GR) - Vacant

South: Single Residence Zone (R-7) - Single-Family Residence/Under Construction

East: Single Residence Zone (R-7) - Single-Family Residence/Under Construction

West: General Rural Zoning (GR) - San Tan Mountain Regional Park

**History:** Available records show that a Tentative Plat (S-037-20) that included the subject site was approved on July 15, 2021. The related Final Plat (FP-21-040) was approved on September 6, 2023. The San Tan 320 Water Campus Site Plan (SPR-045-24) was approved on October 10, 2024.

**Site Conditions:** The site is a rectangular shaped lot that is 2.29 acres in area and gains access from W Phillips Road to the north. The site currently being developed as an EPCOR water distribution facility.

Recent aerial view of the subject site and surrounding area



**Purpose of Request:** This is a request for a variance to permit a proposed sixty (60) foot high monopole radio antenna within the CR-1A zoning district. The maximum allowed height of any structure within this district is thirty (30) feet. The antenna is to be owned and operated by EPCOR. The 60 foot height is apparently needed for the antenna to communicate with other EPCOR facilities, as determined by a radio path study. The antenna is integral to insuring the delivery of safe and reliable water supply to the surrounding area.

---

**Legal Description:** Tax parcel 509-223-960, zoned CR-1A, on a total of 2.29 ± acres, Section 15, T 03S, R 07E G&SRB&M (located southwest of W Phillips Rd and N Thompson Rd, San Tan Valley area, unincorporated Pinal County.)

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

Newspaper publish dates:	Week of 5/5/25
Mail-outs:	Week of 5/5/25
Site Posting:	5/5/2025
Website:	5/6/2025



**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 OF THE PCDSC, AS OUTLINED BELOW:**

**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 variance request.

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 subject site is intended to serve the surrounding area in the capacity of a water distribution facility. It is also necessary that this facility is able to communicate effectively with other EPCOR facilities in the area. In order to do so, it has been determined that the minimum height of the antenna needs to be sixty feet.

**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” is not self-imposed in that it relates to the communication antenna that would be limited to 30 feet, which is inadequate to meet the needed communication abilities.

**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 disallow an antenna over 30 feet in height, which would then potentially impede the delivery of water to the surrounding area.

**FINDING:** 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.

**ANALYSIS:** As stated earlier, the purpose of the subject site is for water delivery to the surrounding area. Without the variance, the intended use of the property is thus threatened if the overall delivery system is impeded by inadequate communication between facilities.

**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 granting of the variance will not adversely affect properties in the area. Rather, the granting of the variance would enhance the adequate delivery of water for properties in the surrounding area. If approved with the attached stipulations the proposed monopole would have to be in compliance with all other applicable construction codes.

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

**ANALYSIS:** The water campus use is allowed within the CR-1A zone, and granting of the variance is necessary to fully achieve such use.

**FINDING:** Granting of the variance will not 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-014-25) 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 motion provided below.

#### **BOARD MOTION**

##### **Staff Recommendation to Approve:**

\*\*(Staff recommends citing a minimum of three findings)

\*\*\* (Suggested finding)

##### **To Approve:**

**I move to conditionally approve case BA-014-25** a variance to Section 2.55.020 of the PCDSC, to allow a 60-ft antenna in the CR-1A (PAD) Zone, by citing the following findings (please cite a minimum of three findings in a-f) as set forth in the staff report. Subject to the following stipulation:

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.

##### **To Deny:**

I move to deny case BA-014-25 a variance to Section 2.55.020 of the PCDSC, in that the findings(s)/special circumstances referred to in subsection (C)(4)(a) of Section 2.155.040 of the PCDSC are self-imposed.

**DATE PREPARED: 5/13/2025 - GB**

**REVISED:**





## 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.pinalcountyz.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.: 509-223-960      2. Size (to the nearest 1/10th of an acre) 2.3 acres  
Parcel 16 of the Final Plat of San Tan 320 Parcels 14-16, Prepared by
3. The legal description of the property: HILGARTWILSON #FP21-040  
PAD - CR-1A
4. Current zoning: (PZ-PD-037-99)      5. Septic or Sewer?    Septic         Sewer         \*No Sewer or Septic for Site  
Sewer District N/A
6. The existing use(s) of the property: Site is under construction as an EPCOR Water Campus and once completed,  
will store and pump potable water to the surrounding area.
7. The exact variance request and/or Section(s) of Code impacted: §2.55.020 (A) : maximum structure height in CR 1A.  
EPCOR's operations of the site will require a 60-ft tall antenna. See the narrative for more information.
8. Is there a zoning violation on the property for which the owner has been cited? If yes, zoning violation #  
(CC/BCC)    None
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.  
There are no known changes in land use, street arrangement, or other physical conditions that have not previously  
been approved by the County. The Water Campus Site Plan was approved by the County on October 10, 2024  
(County Case No: SPR-045-24).
10. State any special circumstances or conditions about the property that do not negatively impact other  
properties in that zoning district. Also state any physical characteristics of this property that are unique and  
unlike other properties in the area.

This property contains a water campus, which will be owned and operated by EPCOR upon completion of  
construction and will be used to serve potable water to the surrounding area. The site was designed with landscape  
buffers outside the western and northern walls and equipment in the site was laid out to have minimum impact on  
surrounding residents. To properly operate and monitor the water campus, EPCOR needs the site to be able to  
communicate with its other sites, thereby necessitating the 60-ft tall antenna. See the narrative for more information.

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.pinalcountyz.gov](http://www.pinalcountyz.gov)

**11. State how the special circumstances or conditions referred to question #10 are not self-imposed.**

The water campus operations require a direct line of site from the water campus to other EPCOR facilities in the area to properly transmit signals, operational feedback and set points via radio/telemetry. A radio path study was completed by EPCOR to confirm the minimum required height for transmitting the required signals. That study found a minimum height of 60-ft is required. Accordingly, the antenna will be 60-ft tall. It will also be a dark color to minimize visual impacts as much as possible.

**12. State how the granting of this application will not materially affect the health or safety of persons residing or working in the neighborhood and how this variance will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.**

The granting of this application will enable EPCOR to properly operate equipment and to remotely monitor operations at the site to ensure a safe and reliable water supply to the surrounding area. The antenna also allows for quick notification to EPCOR's operators of any issues at the site so they can quickly respond. The antenna will be structurally sound and is designed with a hinge to lower the antenna towards the south if needed for maintenance, thereby keeping it within the site.

**13. State how the variance will only allow permitted uses in the zoning district in which the property is located.**

The variance request is only for a single 60-ft tall antenna on the water campus site. The land use for the parcel will remain the same as currently approved.

**14. State how the strict application of the current regulations would work an unnecessary nonfinancial hardship and how the granting of the variance is necessary for the preservation and enjoyment of substantial existing property rights. Show how all beneficial uses and/or enjoyment of the land will be lost if the variance is not granted. Evidence from an appraiser, realtor or other professionals can be useful.**

The current height restriction would not allow for the single 60-ft tall antenna. If the variance is not granted, EPCOR would not be able to properly operate and remotely monitor the water campus site, which would result in slower response time if any operational issues are identified. With the granting of the variance, the water campus and a safe and reliable water supply can be maintained for the surrounding area.

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


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

**16. Required parking either in total number or ratio:** N/A **17. Requested (# or ratio)** N/A

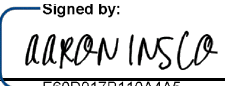
**18. Evidence to support a reduction, this may include codes and ordinance from other jurisdictions, structures with multiple building occupancy types and/or operational characteristics of the particular use that would warrant a reduction:** N/A

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.

Toll Brothers AZ Construction	8767 E. Via de Ventura Ste. 390, Scottsdale, Arizona 85258		
Name of Applicant	Address		
	04-02-2025	ainsco@tollbrothers.com	602-999-5684
Signature of Applicant		E-Mail Address	Phone Number

Mark Ipson - Colliers Engineering & Design	2141 E. Highland Ave., Suite 250, Phoenix, AZ 85016		
Name of Agent/Representative	Address		
		mark.ipsen@collierseng.com	602-730-3834
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.

Toll Brothers AZ Construction	8767 E. Via de Ventura Ste. 390, Scottsdale, Arizona 85258		
Name of Landowner	Address		
	04-02-2025	ainsco@tollbrothers.com	602-999-5684
Signature of Landowner		E-Mail Address	Phone Number

If the landowner is not the applicant, then the applicant must submit a signed and notarized agency authorization form from the landowner with this application.



## 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, or request from the case planner assigned, 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.
- ☒ I understand that two newspaper publications must be advertised for this variance case per Pinal County staff instructions no later than 21 days before the hearing date as assigned. The applicant is responsible for all publication fees.
- ☒ Submitted application via online portal (<https://citizenaccess.pinalcountyz.gov/CitizenAccess/>)

## **Important:**

If the application is incomplete or is not detailed enough, the case will not be presented to the Board of Adjustments.

**PROPERTY OWNERSHIP LIST**

(Required for filing all applications)

\*\*\*\* See attached list \*\*\*\*

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.: See attached list.  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
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I hereby verify that the name list above was obtained on the 27th day of March, 2025, at the office of Pinal Co. Development Svcs and is accurate and complete to the best of my knowledge.  
(Source of Information)

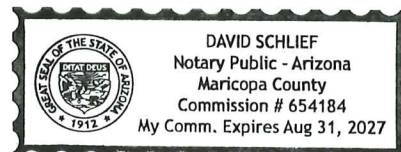
On this 9th day of April, 2025, before me personally appeared Mark K. Ipson  
(Name of signor)

Signature Mark K. Ipson Date 4-9-25

State of ARIZONA )ss.

County of MARICOPA

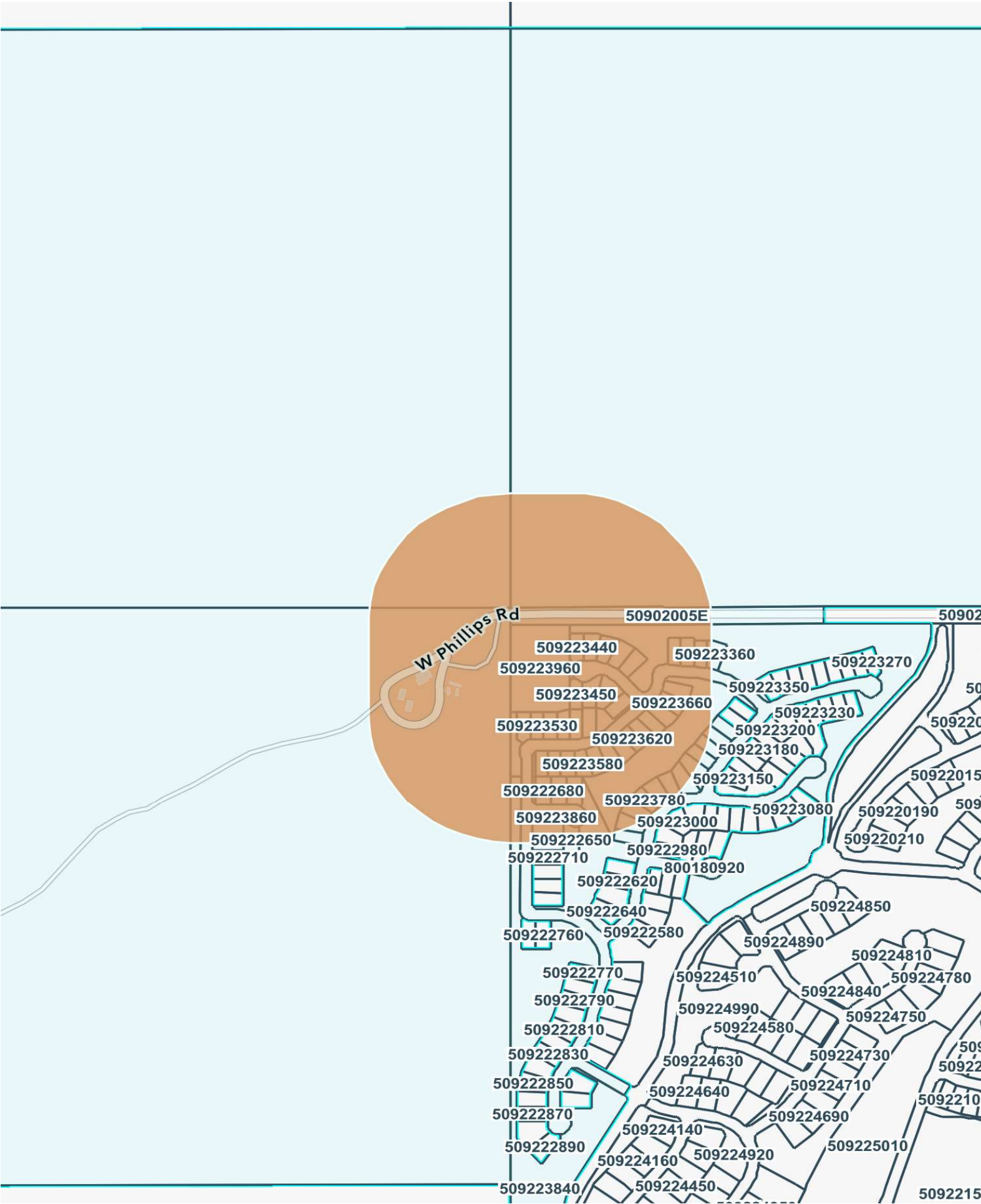
My Commission Expires 8/31/27



(SEAL)

Signature of Notary Public

David Schlieff





ARIZONA

, -

509020220

MARICOPA COUNTY BOARD OF SUPERVISORS  
301 W JEFFERSON ST FL 10  
PHOENIX , AZ 85003-3214

USA509020

, -

50902005E

PINAL COUNTY  
PO BOX 827  
FLORENCE , AZ 85132-2301

509223360

TOLL BROTHERS AZ CONSTRUCTION COMPANY  
8767 E VIA DE VENTURA STE 390  
SCOTTSDALE , AZ 85258-8525

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PINAL COUNTY  
PO BOX 827  
FLORENCE , AZ 85132-2301

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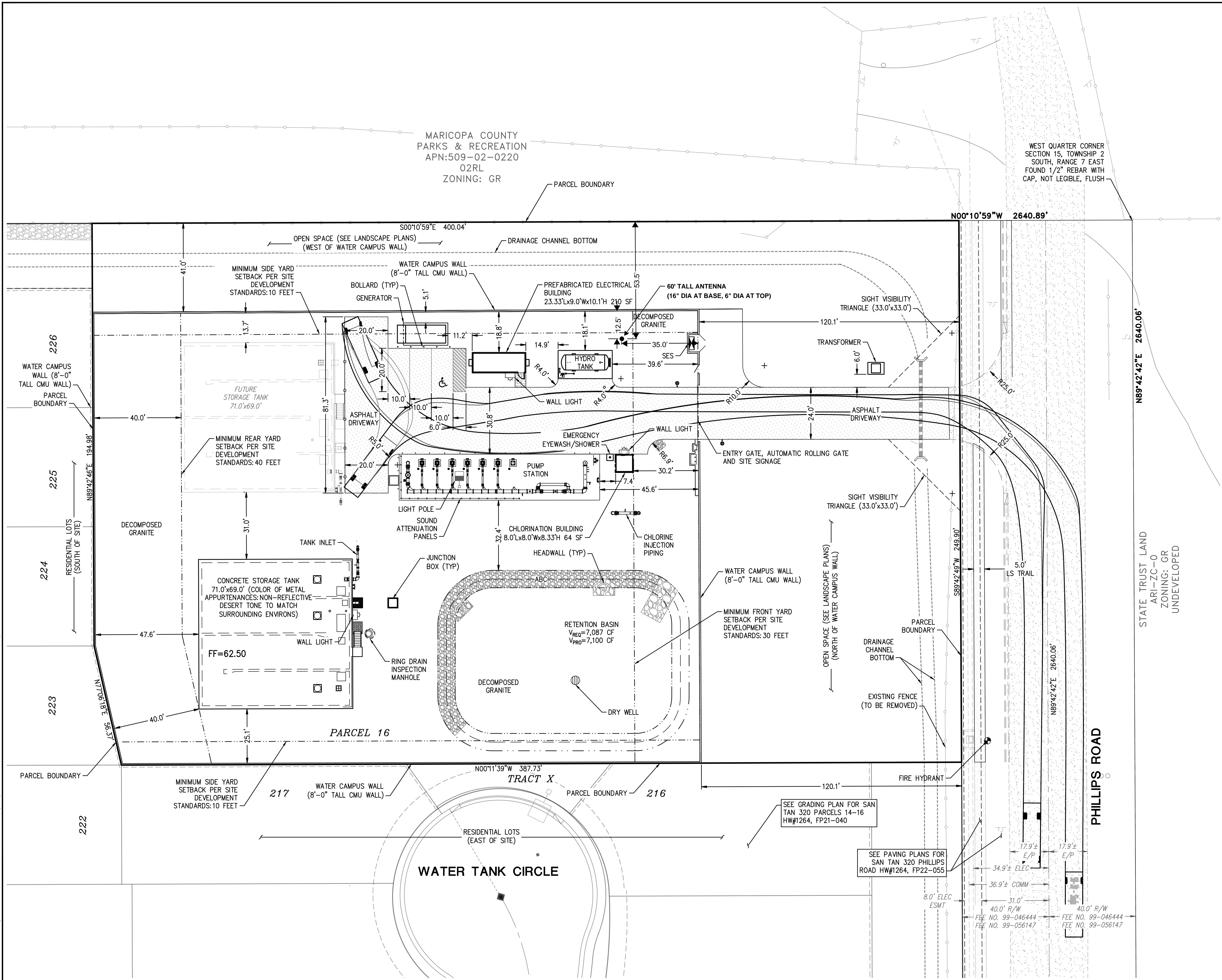
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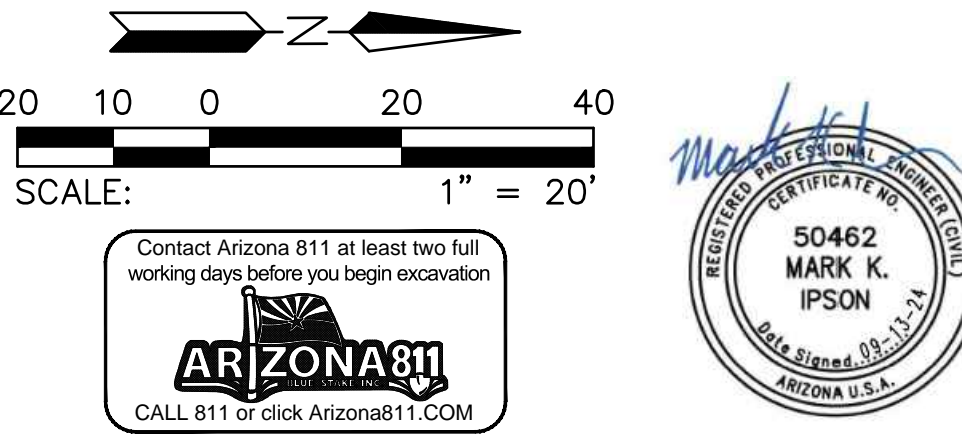
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- NOTES:**
1. THE WATER CAMPUS WILL NOT REQUIRE SEWER OR SEPTIC.
  2. OUTDOOR LIGHTING SHALL BE FULLY SHIELDED AND SHALL MEET LIGHTING ZONE 1 RESIDENTIAL REQUIREMENTS. NO MOTION SENSORS SHALL BE USED FOR LIGHTING.
  3. SIGNS ARE APPROVED BY SEPARATE PERMIT.
  4. DUMPSTERS AND MECHANICAL EQUIPMENT WILL BE SCREENED FROM THE PUBLIC.
  5. WALLS OVER 7.0' HIGH APPROVED BY SEPARATE PERMIT.
  6. PARKING WILL BE PAVED.
  7. PARKING WILL BE WITHIN 600 FT OF BUILDING.
  8. LIGHTING FOR FUTURE BUILDINGS/PADS/ADDITIONS NOT SHOWN IN CURRENT PROPOSAL WILL REQUIRE NEW LIGHT PERMIT AND PHOTOMETRIC PLANS.
  9. FIRE APPARATUS ACCESS AND FIRE LANES SHALL BE PER THE 2018 INTERNATIONAL FIRE CODE, SECTION 503 AND APPENDIX D.
  10. FIRE PROTECTION WATER SUPPLY/HYDRANT LOCATIONS SHALL BE PER THE 2018 INTERNATIONAL FIRE CODE, SECTION 507, SECTION 3312 AND APPENDIX C.



**SPECIFIC SITE PLAN FOR SAN TAN 320-WATER CAMPUS**  
PHILLIPS ROAD AND TAILWATER WAY  
PINAL COUNTY, ARIZONA

**ARCHITECTURAL SITE PLAN**

PROJ. NO.	1264	 <b>HILGARTWILSON</b>
DATE:	SEPT 2024	
SCALE:	1"=20'	
DESIGNED:	MKI	
DRAWN:	JDG	
APPROVED:	MKI	DWG. NO. <b>C0.1</b>
REV.		
		SHT. 2 OF 16



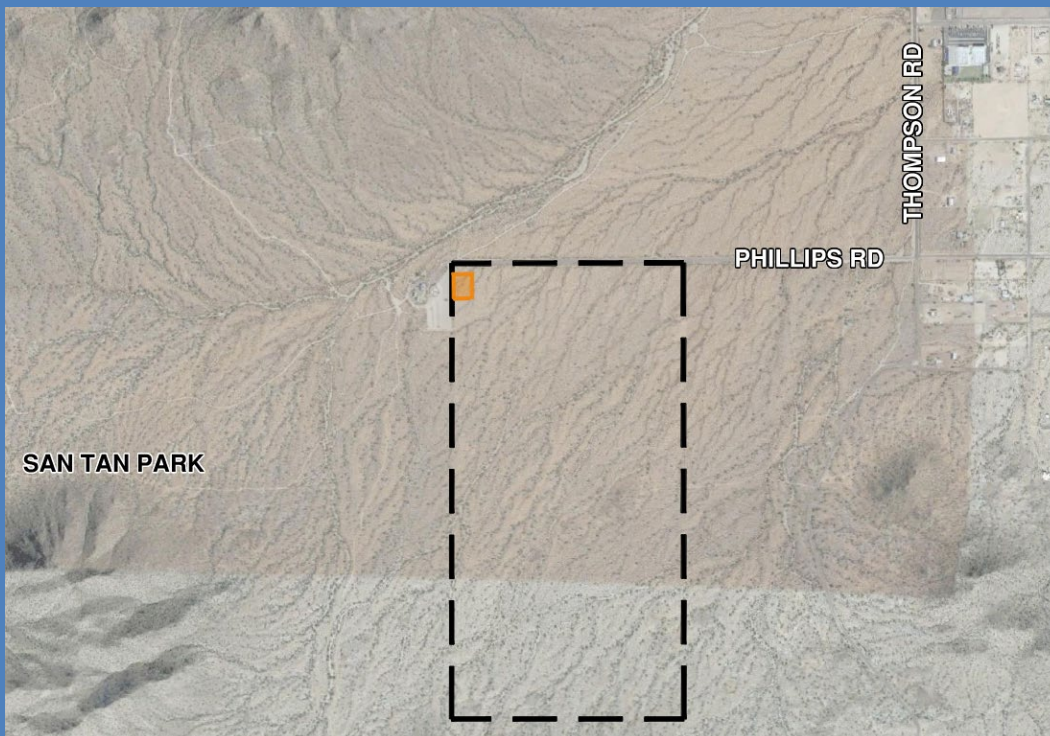
April 9, 2025

NARRATIVE  
VARIANCE REQUEST – ANTENNA HEIGHT  
FOR  
***SAN TAN 320 WATER CAMPUS***

*PHILLIPS ROAD & TRAILHEAD WAY*

PINAL COUNTY, ARIZONA

Prepared by:  
**Colliers Engineering &  
Design**  
(Formerly  
**HILGARTWILSON**)  
2141 E. Highland  
Avenue, Suite 250  
Phoenix, AZ 85016  
Phone: (602) 490-0535





## Background

The San Tan 320 PAD (PZ-PD-008-015) was amended in 2021 to include a water campus site at the northwest corner of the proposed San Tan 320 community (also known as Circle G at the San Tans). The San Tan 320 Water Campus Site Plan (County Case No: SPR-045-24) was approved by Pinal County on October 10, 2024.

The San Tan 320 Water Campus site is represented as Parcel 16 of the San Tan 320 Parcels 14-16 Final Plat and is located south of Phillips Road and east of the San Tan Mountain Regional Park. The residential development improvement plans for Phase 2 of San Tan 320, which borders the water campus on the east and south, have been reviewed and approved by staff. The San Tan 320 Water Campus plans have been reviewed and approved by EPCOR and ADEQ, and the water campus is currently under construction.

## Purpose of Variance Request

As noted on the application for variance of regulations, the water campus site will be owned and operated by EPCOR and will store and pump potable water to the surrounding area. It has been determined that EPCOR's operations of the water campus site require a 60-ft tall antenna (monopole) to be located within the water campus. This variance request relates to Code Section §2.55.020 (A): maximum structure height in CR 1A, as the proposed monopole antenna will exceed the maximum structure height currently allowed at the site.

The 60-ft antenna height is the minimum allowable height as identified through a radio path study that evaluated various heights and their resulting ability to communicate with EPCOR's other facilities in the area. The antenna will allow operators to properly operate equipment and to remotely monitor operations at the site to ensure a safe and reliable water supply to the surrounding area. The antenna also allows for quick notification to EPCOR's operators of any issues at the site so they can quickly respond. With a direct line of site from the antenna at the water campus to other EPCOR facilities in the area, the antenna will be able to properly transmit signals, operational feedback, and set points via radio/telemetry.

The location of the proposed antenna within the water campus site is shown on the Site Plan submitted with the variance application. As shown, the monopole antenna will be located 35.0-ft south of the northern water campus wall (approximately 155-ft south of the northern property boundary), and 12.5-ft east of the western water campus wall (approximately 53.5-ft east of the western property boundary). This location keeps the monopole within the walled area, away from adjacent residential lots and away from the property boundary.

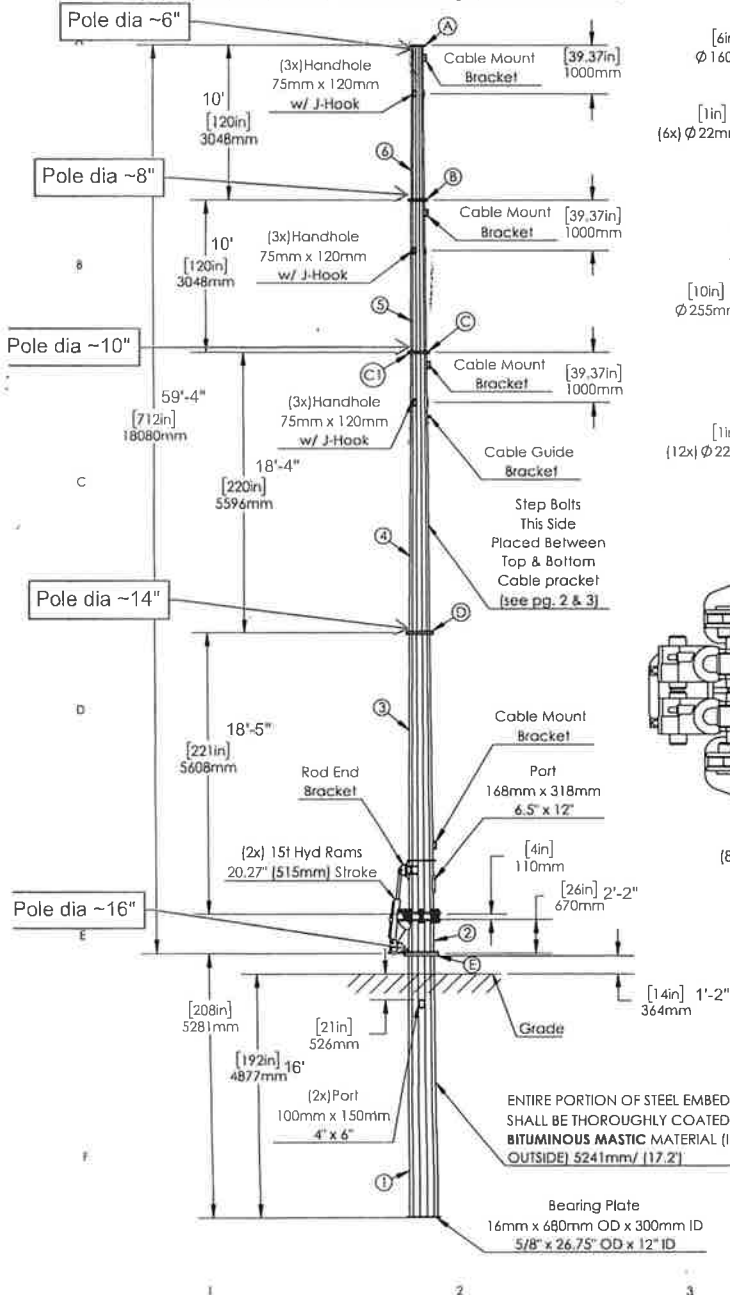
The 60-ft tall monopole antenna will be a dark color to minimize visual impacts as much as possible. The monopole diameter decreases with increased height, starting at a 16-inch diameter at ground level and trimming down to a 6-inch diameter at the top of the monopole. A sample data sheet for the proposed antenna is attached to this narrative for reference. The antenna monopole will be



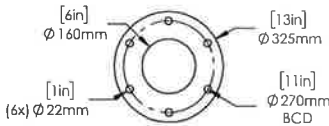
structurally sound and will be designed with a hinge and hydraulic rams to allow operators to gently lower the antenna towards the south if needed for maintenance, thereby keeping it within the walled portion of the site. While catastrophic failure of the antenna is highly unlikely, the fall radius of the full antenna would be just under 60-ft and would not impact any residential parcels around the water campus site. If a shorter upper portion of the antenna were to catastrophically fail, the fall radius would be smaller.

Thank you in advance for your support of this variance request. The water campus is a critical site for supplying water to the San Tan 320 community, and the antenna will play a critical role in proper site operations to protect the potable water supply to the surrounding area.

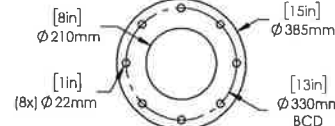
Proprietary rights are included in the information disclosed herein. This information is submitted in confidence and neither the document nor the information disclosed herein shall be reproduced or transferred to other documents for manufacturing or for any other purpose except as specifically authorized in writing by ARE Telecom & Wind.



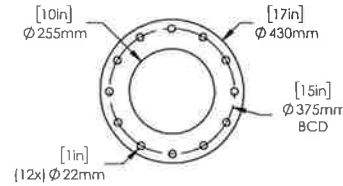
### A Flange (25mm)



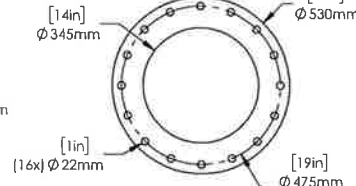
### B Flange (25mm)



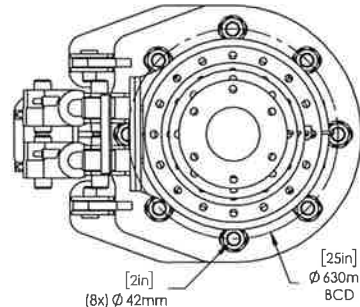
### C Flange (25mm) C1 Flange (35mm)



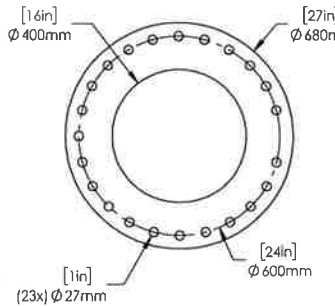
### D Flange (35mm)



### Top View



### E Flange (40mm)



### 11. Pole Section Details

Pole Section	#1	#2	#3	#4	#5	#6
Thickness - (in)/ (mm)	0.236/ 6	0.236/ 6	0.236/ 6	0.197/ 5	0.197/ 5	0.197/ 5
Length - (in)/ (m)	208/ 5281	26.4/ 670	220.8/ 5.608	220.3/ 5.596	120/ 3.048	120/ 3.048
Top Dia. - (in)/ (mm)	19.5/ 495	19.1/ 485	15.7/ 398	12.2/ 310	10.3/ 262	8.4/ 214
Bottom Dia. - (in)/ (mm)	22.76/ 578	19.45/ 494	19.1/ 485	15.63/ 397	12.2/ 309	10.3/ 261
Weight - (lb)/ (kg)	1173/ 533	689/ 313	1179.2/ 536	671/ 305	314.6/ 143	261.8/ 119
Max (design) Slip - (in)/ (mm)		NA	NA	NA	NA	NA

**Steel Weight**  
 (18.3m) 60ft Pole - 2466.5 lb/ (1121 kg)  
 Direct Burial Base - 1859 lb/ (845 kg)  
 Total Weight - 4324 lb/ (1966 kg)  
 Does not include fasteners

**APPROVALS**  
 DRAWN MGC  
 CHECKED  
 RESP ENG  
 FINISH See Notes  
 MFG ENG  
 DO NOT SCALE DRAWING QUAL ENG

CAD-generated drawing do not manually update

**ARE**

1041 Grand Ave. #213  
 St. Paul, MN 55105  
 (612) 230-1983  
 www.aretelcom.com

**18.3m 6SF 2x15T Hyd Direct Burial**

Details and dimensions not shown on this drawing can be found in CAD file.

scale NA rev. A-1 size NA sheet 1 of 3





BA-014-25

5/22/25

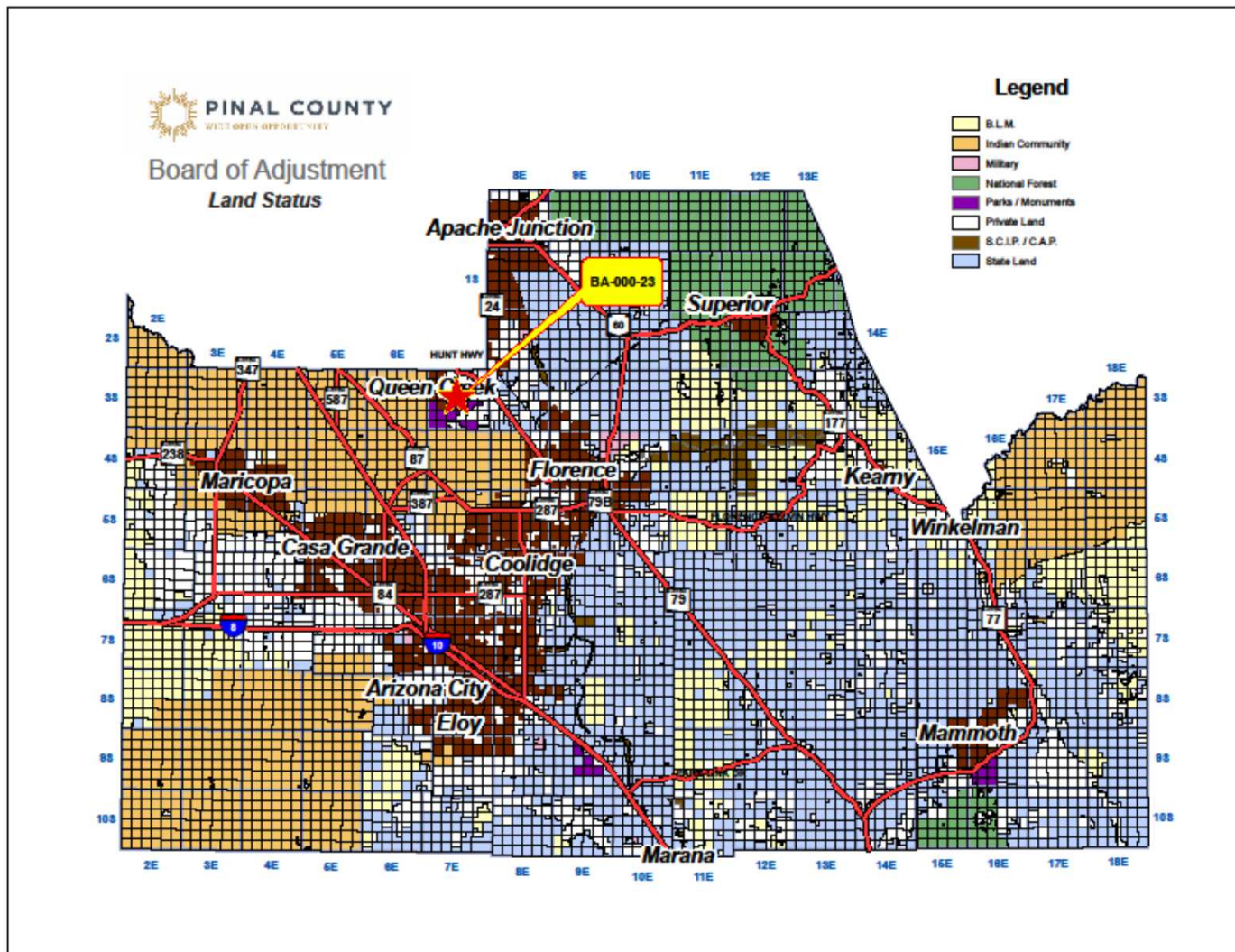
Community Development Department

# BA-014-25



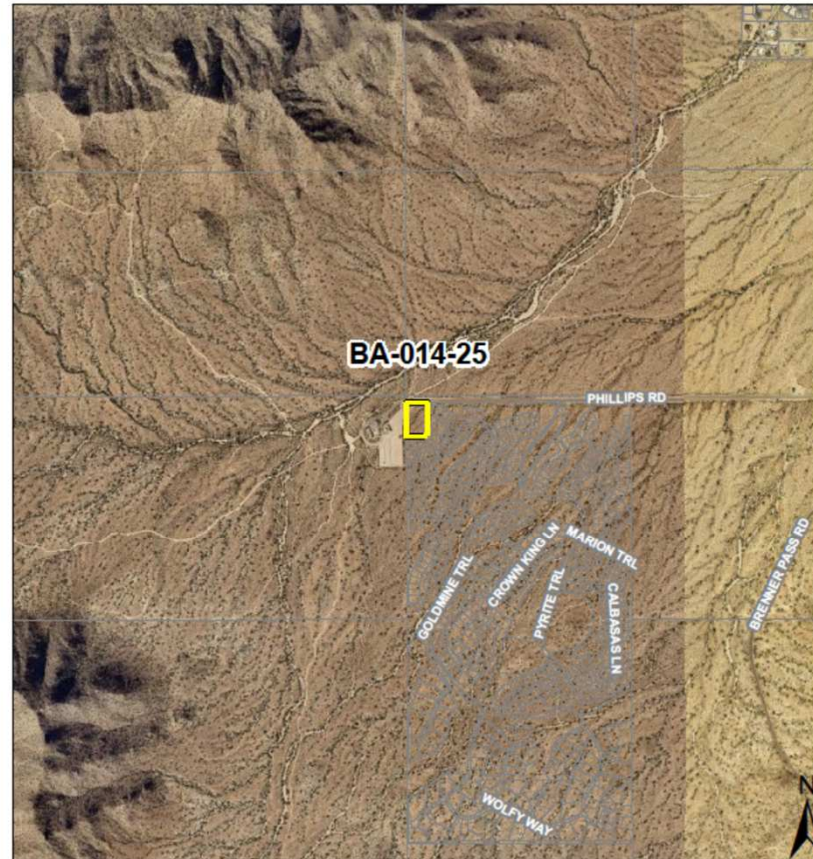
- **Proposal:** Variance to allow a 60-ft antenna to provide necessary communication links between EPCOR facilities, and applicable development standards, to allow the construction of an antenna in the CR-1A (PAD) Zone.
- **Location:** APN 509-223-960 southwest of W Phillips Rd and N Thompson Rd.
- **Owner/Applicant:** Toll Brothers AZ Construction.

# County Map



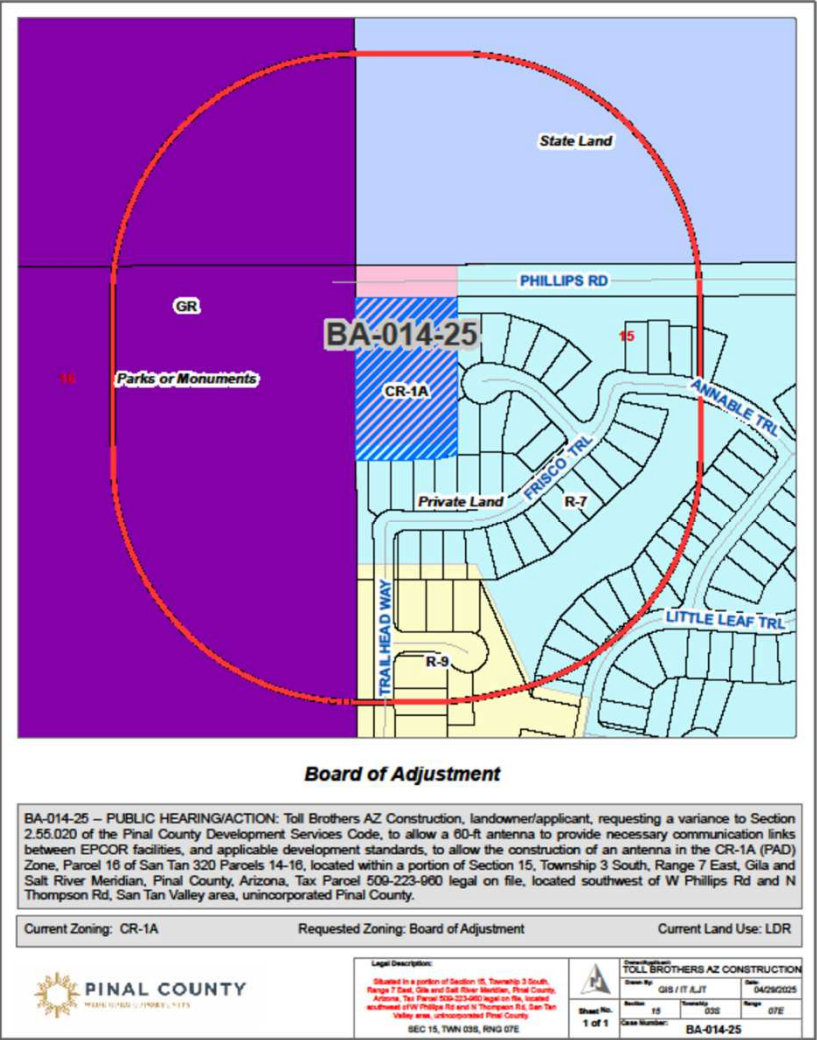


# Aerial Map



***Board of Adjustment***

# Case Map



# North





# East



# South



# West





## □ Items to consider:

- The subject site serves the surrounding area as a water distribution facility. Per a radio path study, it was determined that the antenna needs to be 60 ft. to communicate effectively with other EPCOR facilities in the area.
- The granting of the variance will not adversely affect properties in the area. The granting of the variance would enhance the adequate delivery of water for properties in the area.

- Staff Recommends **approval** with one 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-014-25**

**5/22/25**

**Community Development Department**



# BA-014-25

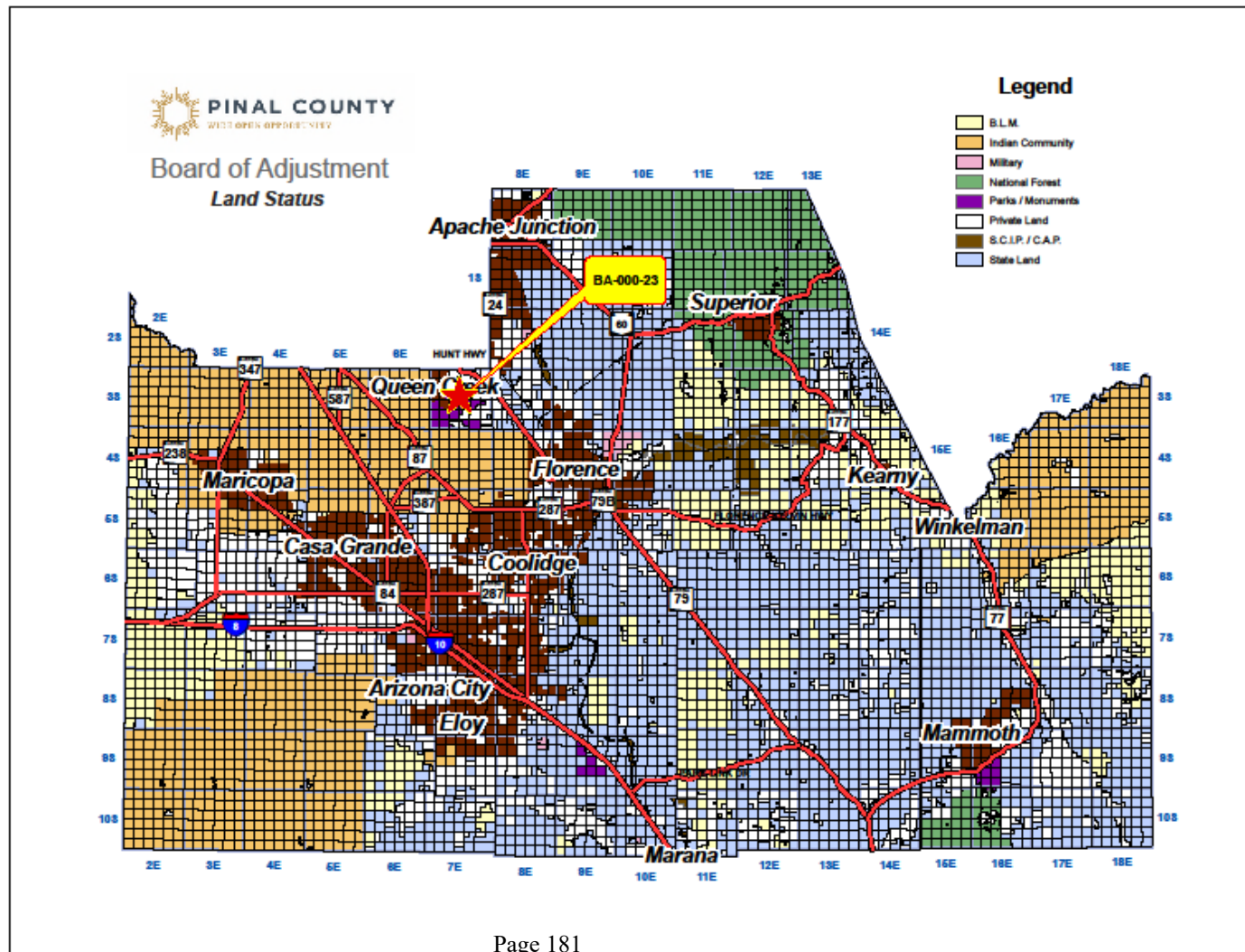
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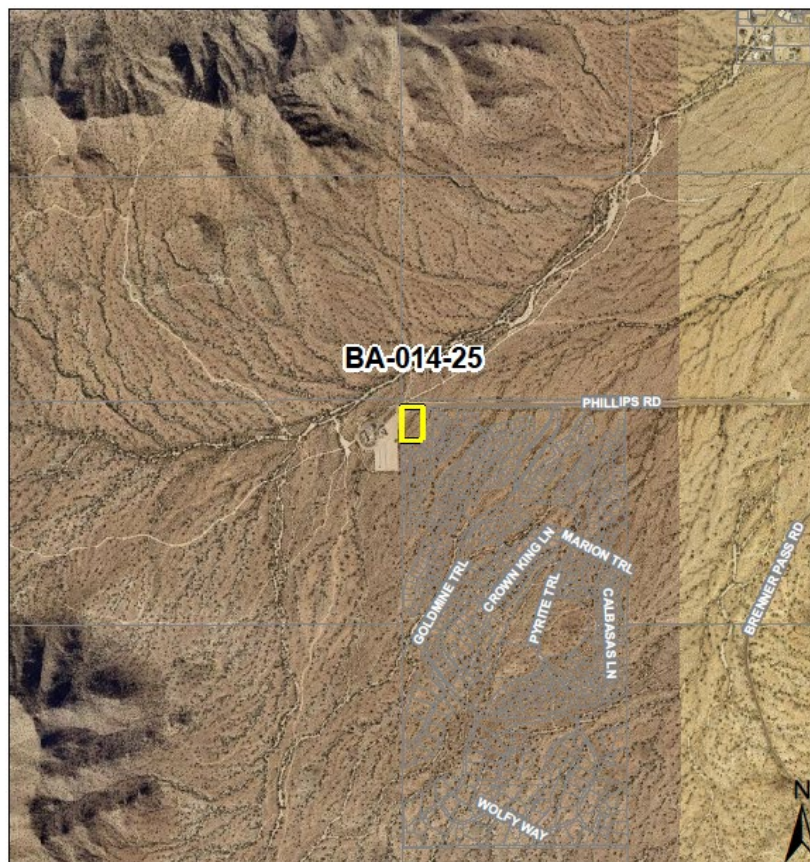


**PINAL COUNTY**

WIDE OPEN OPPORTUNITY



# Aerial Map



***Board of Adjustment***

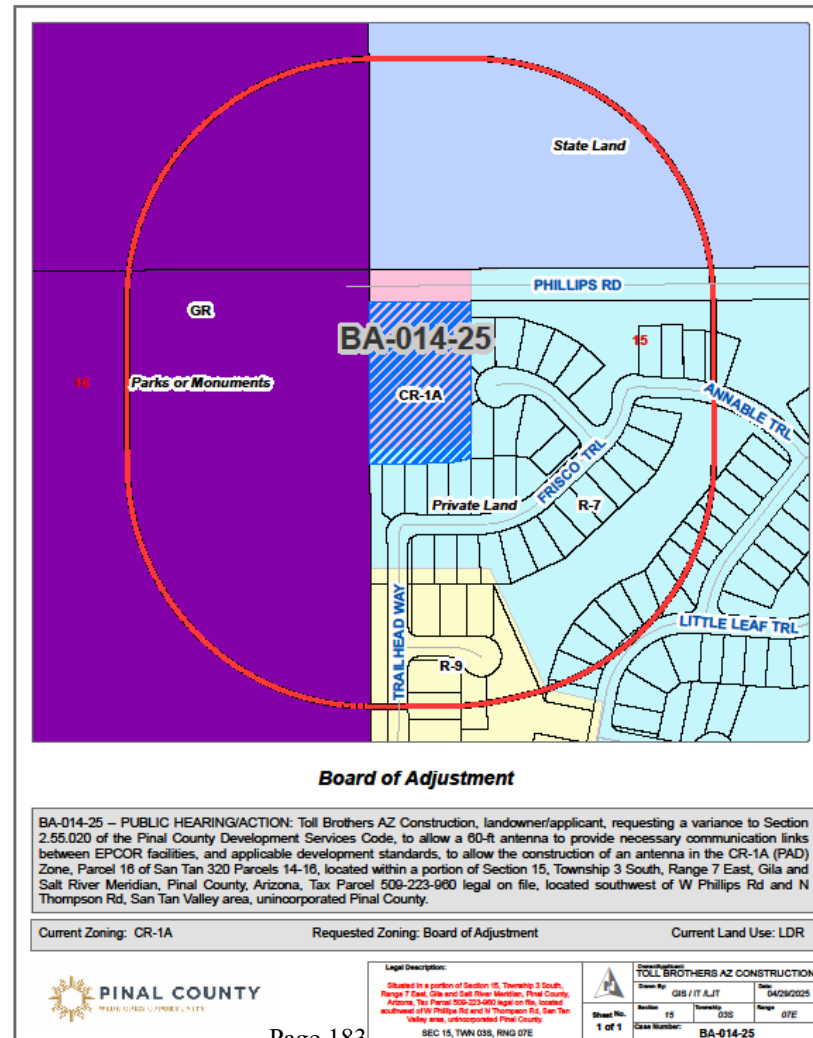


# Case Map



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY



# North



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY



# East



**PINAL COUNTY**

WIDE OPEN OPPORTUNITY





# South



# West



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