

PINAL COUNTY BOARD OF ADJUSTMENTS AND APPEALS  
(PO NUMBER 252269)

Regular Meeting

9:30 a.m.

Thursday, February 27, 2025

Pinal County Administrative Complex

Emergency Operations Center

85 North Street, Florence, Arizona

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TRANSCRIPTION PROVIDED BY

Julie A. Fish

Quick Response Transcription Services

829 East Windsor Avenue

Phoenix, Arizona 85006

602-561-2283

ORIGINAL PREPARED FOR:

PINAL COUNTY, ARIZONA

1                   KENNEDY: All right, good morning and welcome  
2 everybody. We're going to call the meeting of the Pinal  
3 County Board of Appeals and Adjustments to order here at, oh  
4 goodness, we're at 9:31, so we're pretty close to on schedule.  
5 Just a little housekeeping. If you guys can have your phones  
6 on silent. If you must take a phone call, please step  
7 outside. If you're going to speak, hopefully you've already  
8 signed up front. I'll probably still re-ask you to make sure.  
9 And then I'll ask you to state your name and your address as  
10 well for the record. With that, I guess we'll start with a  
11 roll call.

12                  KRAUSS: Yes Chairman, good morning. Chairman  
13 Kennedy.

14                  KENNEDY: Present.

15                  KRAUSS: Vice Chair Marsh.

16                  MARSH: Here.

17                  KRAUSS: Member Begeman.

18                  BEGEMAN: Here.

19                  KRAUSS: Member Mauller.

20                  MAULLER: Here.

21                  KRAUSS: And Member Sanchez.

22                  SANCHEZ: Here.

23                  KRAUSS: We have a quorum, all in attendance. Thank  
24 you.

25                  KENNEDY: Thank you.

1           KRAUSS: The planning, I don't have a report as a  
2 planning manager. We do have some iPhones that Todd, the  
3 deputy director wants to talk to the Board about.

4           WILLIAMS: Good morning Chairman, Members, Todd  
5 Williams, Deputy Director of Community Development. As you  
6 know, I had sent an email to all of you last night. Basically  
7 with the technology that the County typically provides, the  
8 old laptops that we had provided everybody, those are  
9 antiquated now, so we ask that if you haven't brought those  
10 in, if you could bring those in at a future meeting, we'd  
11 appreciate it. We did end up purchasing iPads for everybody.  
12 If you don't wish to take one, that's fine, we'll just note  
13 that for the record just so we're aware of that. If anybody  
14 has any questions in terms of how to use them or whatnot, I'll  
15 certainly make sure I come back at the end of the meeting and  
16 I can certainly assist you. And then you all have my phone  
17 number. And I did leave information about the IT help desk  
18 for Pinal County. You have the ability to use these and kind  
19 of add your information on them, but the intent is you would  
20 use these to essentially download your agenda prior to the  
21 meetings and then you can use them during the meetings, as  
22 desired. So I'll just leave it at that, but good to see you  
23 all again.

24           KENNEDY: Perfect. Thank you, Todd. Brent, do you  
25 have any updates for us?

1 BILLINGSLEY: No sir.

2 KENNEDY: Perfect. Agenda item number one was just  
3 put on by mistake, it's a call to a public. This type of  
4 meeting, our operations, we don't do that for a call to the  
5 public, other than pertaining to each case. So we're going to  
6 ignore item number one. And moving on, I guess we're ready to  
7 start if everybody's ready, with case BA-054-24.

8 RILEY: All right, good morning Chair, Vice Chair,  
9 Members of the Board. My name is Kendall Riley, my title is  
10 planner. I'm here to present to you case BA-054-24. Can you  
11 advance the next slide, please? This is a request to allow a  
12 reduction in the minimum lot size from 1.25 acres to .87 acres  
13 for a parcel in the General Rural zone. Property is located  
14 off of North Felix Road and East Ashbury Avenue in  
15 unincorporated San Tan Valley. Applicant and owner is David  
16 Romero. Okay, here's a County map showing the approximate  
17 location marked by the red star. Here's an aerial map showing  
18 the surrounding development patterns. Some directionals and  
19 the site posting pictured. We have the north, south, east,  
20 and west. An area map showing the surrounding zoning, it is  
21 entirely surrounded by General Rural zoning. The blue  
22 portions in the north is going to be State Land, and then we  
23 do have some residential subdivisions down to the South. This  
24 is the notification area for surrounding property owners.  
25 Some items for the Board to consider. Subject property was

1 created in 1983 through an unregulated lot split. The  
2 requested use is permitted in the General Rural zone. Parcel  
3 is smaller in size than the surrounding parcels. The special  
4 circumstance for consideration is that the variance is  
5 considered self-imposed. The lot was split in 1983, negating  
6 any claim of legal non-conforming status. And the size of the  
7 parent parcel is unknown due to lack of records. Staff  
8 recommends denial. Are there any questions for staff?

9 KENNEDY: Does anybody have any questions for staff?  
10 Nope, I think we're good.

11 RILEY: Okay.

12 KENNEDY: Is the applicant here?

13 ROMERO: Yes.

14 KENNEDY: Would you like to come up and present?

15 ROMERO: I sure would.

16 KENNEDY: As you come up, same - I hope - did you  
17 sign in already?

18 ROMERO: Yes, I did sir.

19 KENNEDY: All right, so then I'll just have you  
20 state your name and your address before you start.

21 ROMERO: David Romero, my address is 5260 West  
22 Encanto Verde, Queen Creek, Arizona, 85142.

23 KENNEDY: Perfect, thank you.

24 ROMERO: Okay. I'd like to see if the Board would  
25 actually grant the variance, the proposed variance, for the

1 reason being is that the lot, we bought it to build a single  
2 family residential home, and because due of the oddness of the  
3 lot our main access is off of Felix Road. So basically the  
4 lot is more longer and has a shorter width, so the access into  
5 Felix, we have to be able to turn - would have to turn the  
6 house around to do the access onto Ashbury. And the problem  
7 with that is, is that the home would only be able to be built  
8 20 feet wide, and that's basically the size of my pickup  
9 truck. So there's no way that we could put the house long  
10 ways. So we're asking for the variance to be granted so that  
11 we could build the home and we're asking for 10 foot on one  
12 side and 12 foot for the garage side to be - the garage access  
13 would be entered off of Ashbury. And that's the reason why we  
14 need the variance to be granted or else we won't be able to  
15 build on that property.

16 KENNEDY: Does anybody from the Board have any  
17 questions for the applicant?

18 SANCHEZ: I do, Mr. Chairman.

19 KENNEDY: Go ahead Member Sanchez.

20 SANCHEZ: Mr. Romero, my question - and hopefully  
21 you can answer this - you attained this property in 19 - I  
22 mean, 2024, is that correct?

23 ROMERO: That is correct, sir.

24 SANCHEZ: Okay. So by you acquiring this property  
25 in 2024, were you aware of the property being split into two

1 parcels?

2 ROMERO: No sir.

3 SANCHEZ: Okay. So my concern is - and this is just  
4 my opinion and my concern - I don't see why you should be  
5 punished for something that you had no control over, okay?  
6 Because I know there's a thing that says buyer beware, but  
7 there's also common sense that tells us that we have to use  
8 judgment to - in this Board, to grant the variance. And in my  
9 opinion, from what I've read and from what I've researched on  
10 this, I tend to agree with you and grant your - that's my  
11 personal opinion, and that's the way I'm going to vote. I'm  
12 going to vote to grant you the variance. But I just want  
13 those two questions answered, and you answered them and thank  
14 you.

15 ROMERO: Thank you, sir.

16 SANCHEZ: Thank you, Mr. Chairman.

17 KENNEDY: Member Marsh, Vice Chair Marsh.

18 MARSH: I have a question for staff. Could you go  
19 back to the slide showing the mailing? That one. It looks to  
20 me like that lot is just barely smaller than the surrounding  
21 lots. It looks like a lot of the others are very similar to  
22 this size, so I tend to agree that we should approve this.

23 RILEY: Can I make one comment? I apologize.

24 KENNEDY: Absolutely.

25 RILEY: During the submittal of this variance, I

1 didn't see anything that the reduction for the setbacks needed  
2 to be made, so I did a development standards for the property  
3 if it were to be approved. Did you have a chance to review  
4 those in the staff report, and if that would work for your  
5 property?

6 ROMERO: Yes I did.

7 RILEY: You did? And it would work for your  
8 property?

9 ROMERO: It would.

10 RILEY: Okay. All right, thank you.

11 MARSH: Good.

12 KENNEDY: That was going to be my question. All  
13 right, is there any other questions for the applicant?

14 ??: No, not at this time.

15 KENNEDY: I think we're good. Thank you, sir.

16 ROMERO: Thank you.

17 KENNEDY: All right, so then we're going to open up  
18 the public hearing portion for case BA-054-24, if anybody  
19 wants to address this case from the public here at - what time  
20 is it? 9:42. Seeing nobody, I guess I'll close it here at  
21 9:42 as well, and I'll entertain a motion.

22 SANCHEZ: Mr. Chairman.

23 KENNEDY: Member Sanchez:

24 SANCHEZ: I move to approve case BA-054-24, Section  
25 2.40.020 and Section 2.40.030 of the PCDSC, to allow a



1 reduction in the minimum required lot area from 54,000 to  
2 37,000 acres, and applicable development standards, R-35  
3 standards, to bring into compliance a single family home on a  
4 0.87 acre parcel in the General Rural and approve the findings  
5 B, C, and E, with three stipulations.

6 KENNEDY: Is there a second?

7 ??: Second.

8 KENNEDY: All right, it's been moved and seconded to  
9 approve case BA-054-24 with the findings of B, C, and E, along  
10 with the three stipulations that are found in the staff  
11 report. Is there any further discussion? Seeing none, all  
12 those in favor signify by saying aye.

13 COLLECTIVE: Aye.

14 KENNEDY: Any opposed, like sign. All right, motion  
15 carries.

16 RILEY: Thank you.

17 KENNEDY: Thank you. Buys, you're going to have to  
18 bear with me for a second here.

19 BILLINGSLEY: Mr. Chairman, after you open this  
20 item, I have to read something into the record.

21 KENNEDY: All right, fair enough. Let me just  
22 finish real quick, because I wasn't quite prepared, so I'm  
23 going to finalize that, in that case with, pursuant to ARS 11-  
24 816, any person aggrieved in any manner by an action of a  
25 board of adjustments, may appeal within 30 days to the

1 superior court and the matter shall be heard de novo. Okay.

2 With that one completed, we'll move on to case Z024-0059.

3 Brent, go ahead.

4 BILLINGSLEY: Mr. Chairman, Members of the Board,  
5 you might have noticed that the County Attorney sitting  
6 adjacent to me in these meetings as the attorney for the  
7 County has stepped down and moved to the audience. This is an  
8 appeal matter, and therefore, the County is involved and so we  
9 have outside representation. Today we have with us John  
10 Gaylord from Gust Rosenfeld. He is sitting to my right and he  
11 will be the Board's attorney for this item.

12 KENNEDY: Perfect. Well whenever you guys are  
13 ready.

14 DARANYI: Good morning Members of the Board, my name  
15 is Ian Daranyi, I'm from the Pinal County Attorney's Office.  
16 I am here on behalf of the code enforcement department of  
17 Pinal County and I will be addressing the appeal in Z024-0059.  
18 Before I make my remarks, I understand that I'm limited to 10  
19 minutes. I do not expect that I will be using anything close  
20 to that, so I just wanted to set that out there and also  
21 wanted to ask the Board, an appeal memorandum was previously  
22 prepared and filed and I'm assuming that was provided to the  
23 Members of the Board? Is that - I'm seeing some nods. Okay.

24 KENNEDY: Correct.

25 DARANYI: So just to set the stage and essentially

1 review some of the points raised in that memorandum. So this  
2 case was filed in the Civil Hearing Office on August 27<sup>th</sup> of  
3 2024. There were two specific violations at issue, both  
4 arising under the Pinal County Development Services Code,  
5 Section 2.185.010, and both violations related to outside  
6 storage and parking. The first count was related to accessory  
7 use, and the second count was related to RV storage. The  
8 first count, the specific issues, the specific violations at  
9 issue were that a shed was connected to utilities and being  
10 used as living quarters, and that there were other  
11 impermissible items on the property, such as a storage  
12 container, scrap debris, and construction materials. As to  
13 the second violation, the RV storage, the specific violations  
14 at issue were alleged to be an RV connected to utilities and  
15 being used as living quarters. After that complaint was  
16 filed, the civil hearing office heard the violations.  
17 Evidence and testimony was presented by both parties, both the  
18 property owners, as well as a representative from code  
19 compliance. That hearing took place on October 26<sup>th</sup> of 2024,  
20 and the hearing officer found the property in violation of  
21 both those previously referenced counts and ordered a \$500  
22 fine. So this Board is being requested to affirm that  
23 decision as to both the fine and the two violations. And the  
24 Board's analysis of this issue, its decision is limited to the  
25 record that was previously made by and at the civil hearing

1 office. So no new evidence today is intended to be permitted  
2 or allowed to be permitted to the Board for the Board's  
3 consideration. So that record that was already before the  
4 Board, a courtesy letter was mailed to the property owners  
5 back in February of 2022, there was an official letter of  
6 violation subsequently mailed to the property owners in March  
7 of 2022, and then there was a formal demand letter mailed to  
8 the property owners in October of 2022. Throughout every step  
9 of the case, photos were taken by the assigned code  
10 enforcement officer and those were presented and discussed at  
11 the hearing. And in addition to those official letters, there  
12 was emails, calls and meetings held with the property owners  
13 by the code compliance officer. As in every case, voluntary  
14 compliance is the goal, and this case showed that voluntary  
15 compliance was sought for over two years before that complaint  
16 was finally filed in the civil hearing office in an attempt to  
17 resolve these issues. Moving to the specific notice of appeal  
18 that was filed by the property owners, they're raising two  
19 issues in their notice of appeal. The first one being,  
20 violations of - I'm paraphrasing - the U.S. Constitution, the  
21 Arizona Constitution, basic human rights, and an allegation  
22 that enforcement was being done in a discriminatory fashion.  
23 None of these statements were developed, there was no specific  
24 issues raised to - or no support evidence raised to support  
25 these issues, and they were never supported in any manner,

1 they were just statements that were thrown out in the appeal.  
2 And the second issue raised on the property owners' appeal is  
3 that the County witnesses could not agree on facts and that  
4 there were discrepancies in the various statements that were  
5 made at the time of the hearing. Again, there's no references  
6 or any specific indication as to what those statements were,  
7 what any discrepancies might have been. Essentially, the  
8 record is being disputed, and the record is what it is. You  
9 all have that in front of you, and that's already been decided  
10 on by the hearing officer. So in sum, the record's clear.  
11 There were violations that existed on the property. The code  
12 compliance officer tried for a period of over two years to try  
13 to work with the property owners before it got to the point of  
14 going to the civil hearing office, and that was not  
15 successful. And because voluntary compliance was not  
16 achieved, that resulted in that complaint being filed in the  
17 civil hearing office on the previously referenced violations.  
18 And a hearing was held, all parties were provided the  
19 opportunity to present their case, their positions, their  
20 evidence, their testimony, and the hearing officer found that  
21 the violations did in fact exist and issued the according fine  
22 of \$500. So Pinal County's request is that the findings be  
23 upheld and that the fine also be upheld, based on the record  
24 before it. That's all I had. Are there any questions from  
25 any Member of the Board?

1 KENNEDY: Is there any questions?

2 DARANYI: Thank you for your time.

3 KENNEDY: Thank you. Is the applicant - there you  
4 are. I got to look to my left a little further. It's up to  
5 you guys. So I will let you guys state your case. Obviously  
6 you've heard what the attorney said basically, so no new  
7 evidence. It's basically just that the County has, you know,  
8 basically your, your, your argument is whether or not the  
9 County was fair in their ruling and their judgment, with no  
10 new evidence.

11 J. FILOGRASSO: First of all, I was unaware -

12 KENNEDY:. Is your mic on? Should be a green light.

13 ??: A green light.

14 KENNEDY: Yeah, just get a little closer.

15 J. FILOGRASSO: I was unaware that I could provide  
16 supporting evidence in -

17 KENNEDY: Guys, I don't think that mic's working.

18 Can you wait one second? That one's on. You can use that  
19 one. Yep, we're good. Sorry about that.

20 J. FILOGRASSO: I apologize for not providing  
21 supporting documentation in my appeal, I did not know that we  
22 were able to do that, and some of my supporting documentation  
23 was unavailable as it was a recording from the previous  
24 hearing. Basically, I guess if I cannot provide new  
25 information, then I cannot provide this, which is a new SB

1 bill that was introduced into the Arizona State Senate this  
2 month, so it wouldn't have been available last time. But it  
3 talks about the homestead information and what is now  
4 considered a home. But according to the Ninth Amendment -  
5 which I did bring up at the previous hearing - of the United  
6 States Constitution, the enumeration in the Constitution of  
7 certain rights shall not be construed to deny or disparage  
8 others retained by the people. Which basically means the  
9 government can't take away rights that aren't explicitly  
10 listed in the Constitution. It essentially protects  
11 individual liberties that may not be explicitly mentioned.  
12 Basic human rights are food, water, and shelter. So the right  
13 to live on my property is a basic human right, which is  
14 protected by the Ninth Amendment of the Constitution. The  
15 Arizona Constitution backs up the United States Constitution.  
16 But there's a few other laws that this County has that are  
17 violations of the Arizona Constitution as well, such as voting  
18 rights. The rights of the people, or the right to vote shall  
19 not be infringed, and if you do not have your land permitted,  
20 then this County does not allow you to vote. And that is  
21 infringement. You have to vote as a homeless person. So I  
22 guess that's all I can say on the matter since I cannot  
23 introduce anything new.

24 KENNDY: Sir, would you like to add anything before  
25 I ask these guys if they have any questions?

1 J. FILOGRASSO: I forgot to mention discrimination.

2 KENNEDY: It's your choice, I'm just giving you an  
3 option real quick. But I mean you still have the option. I'm  
4 just gonna see if anybody has any questions for you right now.  
5 If you want me to do that, I can do that. Does anybody have  
6 any questions for the applicants?

7 SANCHEZ: Mr. Chairman.

8 KENNEDY: Excuse me, not the applicants. Go ahead,  
9 Member Sanchez.

10 SANCHEZ: I just have one question for the, for the  
11 young lady. Okay. Now you're citing the Ninth Amendment of  
12 the constitution of the State of Arizona.

13 J. FILOGRASSO: No, that is the United States  
14 Constitution.

15 SANCHEZ: Okay, so you're saying the United States  
16 Constitution grants you that right.

17 J. FILOGRASSO: Correct.

18 SANCHEZ: Okay. I understand that wholeheartedly,  
19 but my concern is there's laws that are made in this country  
20 and in this County that we as citizens have to follow, okay?  
21 And from what I'm reading and from what I've read, there was  
22 ample opportunity given to you to remedy this problem before  
23 it became to this appeal. Why you didn't do it, I don't know,  
24 and it's - but it's up to us to decide. And I just want to  
25 make myself clear that, you know, the Ninth Amendment is, you



1 know, it's - the Constitution is something dear that we have  
2 to cherish, but we also have to look at the other side, okay?  
3 The laws were made for a reason. You know, my father used to  
4 always say, laws were made in somebody's blood, and that's the  
5 way I look at it. So in my opinion, you know, hindsight, you  
6 weren't allowed - you say you weren't told that you could not  
7 enter this kind of evidence when you had your hearing, well  
8 that's, you know, a mistake that was made. But again, I  
9 think, you know, you've made your point, and I think now we  
10 have to make our decision.

11 J. FILOGRASSO: Okay. Well, if I may, the Arizona  
12 Constitution basically pledges allegiance to the United States  
13 Constitution, so the County is not above the State of Arizona  
14 and the State of Arizona bows to the United States  
15 Constitution, if I may, and a lot of people, including  
16 veterans that we know, have shed blood for the freedoms that  
17 we enjoy, not just the laws that are made, like your father  
18 used to say. So -

19 KENNEDY: Absolutely. Any other any other questions  
20 (inaudible)? No? All right. So with that, then I will  
21 entertain a motion from the Board. Whenever you guys are  
22 ready.

23 MAULLER: Mr. Chair, I move to affirm in whole or in  
24 part the decision of the hearing officer.

25 KENNEDY: It's going to be one or the other, it's

1 either whole or part.

2 MAULLER: I'm sorry?

3 KENNEDY: It's either whole or part.

4 MAULLER: In whole Oh sorry, in whole.

5 KENNEDY: So there's a motion on the floor, is there  
6 a second?

7 ??: Second.

8 KENNEDY: So it's been moved and seconded to affirm  
9 in whole the decision of the hearing officer. Is there any  
10 further discussion? Seeing none, all those in favor signify  
11 by saying aye.

12 COLLECTIVE: Aye.

13 KENNEDY: Any opposed like sign? All right, motion  
14 carries. I wish you guys luck. Okay, moving on to the next  
15 ordinance, it is going to be case BA-058-24.

16 SMRITI: Good morning Chair, Vice Chair, Board  
17 Members and Members of the audience. I am Monica Smriti, I am  
18 presenting the case BA-058-24. This is a variance request by  
19 the applicant, Matt Rettig, on behalf of landowners Cindy and  
20 Samuel L. Honea II, to allow a reduction to the minimum lot  
21 size from 1.25 acres to 1.01 acres, to establish a primary use  
22 on a parcel located in General Rural zoning district.  
23 Currently the parcel is vacant and it's within a County island  
24 surrounded by City of Coolidge that you can see here marked by  
25 the red star on this County map. I'm zooming in further, so

1 all the brown colors are signifying the jurisdictional  
2 boundary of City of Coolidge and that's where the parcel is  
3 located on the County island, marked by red symbol here.  
4 Further zooming in on the aerial map, you can see how the  
5 parcel is surrounded by other development. That's basically  
6 accumulation of junk and trash currently on the subject  
7 property. Site photos indicate, looking north, a private road  
8 that's going towards the subject property. Looking east, some  
9 trailers and junkyard. Looking south, another private road.  
10 And looking west, accumulation of junk again. I'm sorry, this  
11 has stopped working. Could you please move the slide further?  
12 And this is the notice area, the 600 feet boundary. The  
13 neighbors were notified for this variance within this  
14 boundary. Some of the items to consider for the Board. The  
15 parcel was created before the County-initiated zoning  
16 amendments in 1974, when the amendment increased the minimum  
17 lot size from 12,000 square feet to 1.25 acres, and that's how  
18 the parcel became undersized. Therefore, a special  
19 circumstance does exist for the subject property. The  
20 variance is necessary so to not impede on significant property  
21 rights. The variance request would not result in an adverse  
22 impact to immediate surroundings or broader public. As you  
23 could see on those aerial maps, currently the parcel is  
24 accumulating junk and trailers and certain uses. If we allow  
25 this variance, the owners will be able to establish a primary

1 use, they would be able to clear off all the junk. If a  
2 parcel remains vacant for a very long time due to the  
3 undersized condition, an owner will not be able to establish a  
4 use and, therefore, it leads to accumulation of junk, and then  
5 we do receive many code compliance cases when something like  
6 that exists. Therefore, it is important to bring a parcel -  
7 doesn't matter what the current size or the condition is -  
8 into a compliance so that a primary use can be established.  
9 We should find ways to help the applicant, either through a  
10 variance or if a rezoning is required, or a lot combo is  
11 required, but somehow a vacancy should be considered. And if  
12 a use gets established on a vacant parcel, that contributes to  
13 the tax base of the County, because the applicants will be  
14 paying more taxes, not for the vacant land, but the land  
15 classification will change and it will become a single-family  
16 residential. In this case, that means it will generate more  
17 revenue to us and to the County. Another point for  
18 consideration, this variance is not self-imposed because this  
19 was caused by the County-initiated rezonings. The parcel  
20 follows the permitted uses of GR - General Rural zoning  
21 district. Currently the owner, they have applied for the  
22 variance to establish a single family housing. Even in the  
23 future if they would like to change the use, and instead of  
24 single family, they can have any other allowable uses within  
25 the GR zoning district, because this variance is for establish

1 a use that is allowed, not specifically for one particular  
2 use, whether it's a single family house or a beauty salon, the  
3 variance is just to bring the parcel into compliance. We have  
4 received one letter of support from the public for this  
5 variance. Staff recommends approval with three stipulations  
6 as part of the variance request. The first one is to, the  
7 applicant has to adhere to all the County rules and  
8 regulations, whether it's fire protection, disposal of  
9 wastewater, septic, building permits. The second is to  
10 establish a development standard that is suitable for the  
11 parcel size currently. So we refer to development standards  
12 of a zoning district that is similar to the parcel size. For  
13 example, in this case we have referred R-43, that's one acre,  
14 and that one acre matches with the current parcel size, that's  
15 how we came up with those development standards. And then we  
16 don't change just one or two, just the lot size, we apply all  
17 the setbacks, the lot size, as well as the accessory use  
18 corresponding to the standards that we have referred from  
19 another zoning district. If any change of use not permitted  
20 in GR zoning district is sought, the variance shall be  
21 considered null and void. Any question for the staff?

22 KENNEDY: Does anybody have any questions for staff?  
23 No, I think we're good, thank you. Is the applicant here?

24 SMRITI: He's here via Zoom. He received a Zoom  
25 invite from Citrus, and then he logged in.

1           ??: No, they're not there.

2           KENNEDY: No, they're not there.

3           SMRITI: My apologies.

4           KENNEDY: No, that's fine. So with that, then we  
5 will open up the public hearing portion for case BA-058-24  
6 here at 10:07. And seeing nobody jumping up, we'll close it  
7 at 10:07 and I'll entertain a motion. Vice Chair Marsh.

8           MARSH: I move to approve case BA-058-24, a variance  
9 to Sections 2.40.020 and 2.40.030 of the PCDSC, to allow a  
10 reduction in the minimum required lot area from 54,450 square  
11 feet to approximately 43,995 square feet for parcel 209-27-  
12 0040, located to the north of East Martin Road, and east of  
13 Bahama Road in unincorporated Pinal County, to allow the  
14 development of permitted uses of the GR zoning district on the  
15 subject property. The motion for approval is based on  
16 findings A through E as presented, and is subject to the  
17 stipulations listed in the staff report.

18          ??: I'll second it.

19          KENNEDY: All right, so it's been moved and seconded  
20 to approve case BA-058-24 with the findings of A through E,  
21 along with the three stipulations that are found in the staff  
22 report. Is there any further discussion? All those in favor  
23 signify by saying aye.

24          COLLECTIVE: Aye.

25          KENNEDY: Any opposed, like sign. All right, motion

1 carries. And then I'll add, pursuant to ARS 11-816, any  
2 person aggrieved in any manner by an action of a board of  
3 adjustments may appeal within 30 days to the superior court  
4 and the matter shall be heard de novo.

5 SMRITI: Thank you.

6 KENNEDY: Thank you. So moving on to case BA-059-  
7 24.

8 RILEY: Good morning, I will be presenting on behalf  
9 of Patrick Roberts. My name is Kendall Riley, title, planner.  
10 Nice to see you again. I'm here to present case BA-059-24.  
11 This is a request to allow a reduction in the minimum lot size  
12 from two acres to 1.8. It is located on the north side of  
13 East Stallion Drive and west of South US Highway 87. It is  
14 lot 41 of the Villa Grande Rancheros Subdivision. And owner  
15 applicant is Marion Memmott. Here's a County map showing the  
16 approximate location marked by the red star. This is the  
17 notification boundary shown in the red, for the surrounding  
18 property owners. It also shows the zoning surrounding the  
19 parcel zone. It is currently zoned Suburban Homestead with a  
20 minimum lot size of two acres. And then to the north, you  
21 have CR-5, which has a lower minimum lot size. Here is an  
22 aerial showing the surrounding development. A more - you get  
23 to see the whole scope of surrounding the site with the  
24 zoning. The brown is going to be City of Eloy, so it is  
25 almost a County island. And then you have GR in the gray, and

1 then you have Suburban Homestead surrounding the parcel.  
2 Here's some site photos of the posting and the parcel. So  
3 property lies within that subdivision of Villa Grande  
4 Rancheros, which was platted in 1974. At the time of  
5 platting, the 1972 ordinance did allow minimums of one acre  
6 for Suburban Homestead zoning. Upon the adoption of the 1982  
7 zoning ordinance, the minimum lot size was increased to two  
8 acres. The lot remains unchanged since it was platted. And  
9 staff has not received any letters of opposition regarding  
10 this case. Special circumstance does exist on this lot as it  
11 does not prevail on the other properties in the zoning  
12 district. Constraints of this property are not self-imposed.  
13 Strict application of regulations would impose a hardship on  
14 the property. Acceptance of those variance requests would  
15 preserve existing property rights. And granting of the  
16 variance will not be detrimental to health and safety, or  
17 permit additional non-permitted uses. Staff recommends  
18 approval with four stipulations. Is there any questions for  
19 staff?

20 KENNEDY: Any questions of staff? Nope, I think  
21 we're good.

22 RILEY: Thank you.

23 KENNEDY: So with that, I'm going to open up - well,  
24 is the applicant here?

25 RILEY: I believe he is, yes.



1 KENNEDY: Would you like to speak?

2 MEMMOTT: Sure.

3 KENNEDY: Come on up. I'll ask you to state your  
4 name and address.

5 MEMMOTT: I've signed in here.

6 KENNEDY: Perfect. So I'm Marion Memmott. I'll  
7 give the same address of 4320 East Stallion Drive in Eloy,  
8 Arizona. Thanks for listening to me Chairman, Vice Chairman  
9 and Members of the Board. We bought this property last year,  
10 thinking of moving closer or being closer to work. I do work  
11 at one of the facilities there, just north of that  
12 subdivision, provide care for the individuals there. And so  
13 the intent is to build a residential home in the neighborhood,  
14 help improve the neighborhood, and we're excited about doing  
15 that. We just ran into this small little variance here and  
16 we're hoping that you'll look upon it favorably. I think  
17 allowing others to build in that neighborhood would also  
18 provide an enhancement to the neighborhood. If you drive  
19 through it, yes, it was established in 1974, it's been a few  
20 years and - but it needs some new homes in there to bring it  
21 up to date and make it look nice. We have some good neighbors  
22 in there that also are willing to put forth and keep the  
23 neighborhood looking nice, and so we just want to add to the  
24 neighborhood and make it look good. Any questions?

25 KENNEDY: Any questions for the applicant? No, I

1 think we're good.

2 MEMMOTT: Appreciate it, thank you.

3 KENNEDY: Thank you. Wish you luck. So with that,  
4 then I'm going to open up the public hearing portion for case  
5 BA-059-24 here at 10:14. I don't see nobody else in there,  
6 I'm going to close it at 10:14 and I'll entertain a motion.

7 SANCHEZ: Mr. Chairman.

8 KENNEDY: Member Sanchez, go ahead.

9 SANCHEZ: I move to approve case BA-059-24, Section  
10 2.30.020 (B&D) of the PCDSC, to allow the reduction of the  
11 minimum lot size from 87,120 to 78,402, and applicable  
12 development standards in a parcel of 401-62-0410, to allow the  
13 conventional construction home in the SH zoning district with  
14 a minimum lot size of 1.8 acres, with findings A through E  
15 with four stipulations.

16 ??: Second.

17 KENNEDY: So it's been moved and seconded to approve  
18 case BA-059-24, with the findings of A through E, along with  
19 the four stipulations found in the staff report. Is there any  
20 further discussion? Seeing none, all those in favor signify  
21 by saying aye.

22 COLLECTIVE: Aye.

23 KENNEDY: Any opposed, like sign? All right, motion  
24 carries.

25 MEMMOTT: Thank you.

1                   KENNEDY: You're welcome. And then we'll add  
2 pursuant to ARS 11-816, any person aggrieved in any manner by  
3 an action of a board of adjustments may appeal within 30 days  
4 to the superior court and the matter shall be heard de novo.  
5 Do we have any further business? I think we're good. Is  
6 there a motion to adjourn?

7                   ??: So moved.

8                   KENNEDY: All right, it's been moved and seconded,  
9 all those in favor signify by saying aye.

10                  COLLECTIVE: Aye.

11                  KENNEDY: Motion carries. Motion adjourned here at  
12 10:15. Thank you, everybody.

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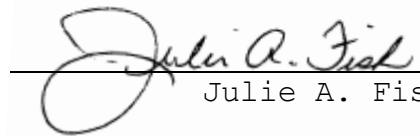
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Julie A. Fish

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