

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

Regular Meeting

9:30 a.m.

Thursday, May 22, 2025

Pinal County Administrative Complex

Emergency Operations Center

85 North Street, Florence, Arizona

INDEX:

CALL TO ORDER & ROLL CALL: [Not recorded]

PLANNING MANAGER REPORT: [Not recorded]

NEW CASES:

- BA-005-25 - pp. 1-15
- BA-006-25 - pp. 15-18
- BA-008-25 - pp. 18-21
- BA-014-25 - pp. 21-28

ADJOURNMENT: p. 28

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PINAL COUNTY, ARIZONA

1 BAK: ...This shows you an aerial photo of the area,
2 and you'll kind of note there's a number of well-defined
3 washes in that area. So this is the parcel, a bit of an
4 unusual shape. This is looking north from the property. To
5 the east. To the south. And then to the west. So items to
6 consider, is a manufactured home was placed on the property in
7 2000, and in 2002 the subject parcel was created, and also the
8 Monterey Drive was apparently abandoned back then. The
9 current owner took possession of the property on June of 2021.
10 Also to consider is a wash traverses the property and reduces
11 the overall buildable area. However, there also appear to be
12 some viable alternatives. So staff ultimately recommends
13 denial of the request, and so staff would be happy to
14 entertain any questions the Board may have.

15 KENNEDY: Does anybody have any questions for staff?
16 Member Mauller.

17 MAULLER: All right, so you say there's viable
18 areas, and when we looked at the map there was, but none of
19 them were convenient to getting in your car from the front
20 door. So where would staff recommend that they look? I mean
21 what are some of the other suggestions? Not telling them
22 where to put it, but where were some of the other - if you
23 could bring the map back up.

24 BAK: So when the applicant comes up for his
25 presentation, I think he has a site plan and such for that, so

1 we can take a look at that. But there seems - there appears
2 to be some area available next to the existing casita, but
3 that would, yes, be some distance from the house. And then
4 also there appears to be some room, I think it's to the
5 southwest or southeast of the house, so next to the house.
6 However, that would block traffic from easily going to the
7 casita, so that's the limitation of that. But that seems to
8 be the couple areas. Otherwise, the wash reduces pretty
9 significantly the overall amount of building area in the
10 property.

11 KENNEDY: Any further questions for staff? Nope?
12 All right, would the applicant like to address the Board?

13 SANDERS: Yes, sir.

14 KENNEDY: Come on up. I'm going to have you sign
15 in. There should be a sign-in sheet where you'll put your
16 name and your address, and I'll also have you speak it into
17 the mic, name and address, so that we can have it for the
18 record.

19 SANDERS: Good morning, my name is Nick Sanders.
20 I'm the owner-occupant of this property. I live here with my
21 wife, Lexi. She wanted to be here today, but she's actually
22 very, very pregnant. We're due to give birth here honestly
23 any moment, so hopefully it's not this morning. She really
24 did want to be here today, but I'm going to represent my
25 family the best I can here. I want to start off with just an

1 AI-generated photo of the structure we're attempting to build
2 here. It's just a very simple kind of rudimentary, affordable
3 carport structure. This particular one is made by a company
4 called VersaTube. I'd like to ask, does anyone have a carport
5 similar to this at their house or ever parked under one
6 before? I'd be surprised if no one's ever parked under a
7 structure like this. Okay. This is basically what we're
8 trying to build. It's not a shopping mall, it's not a shop.
9 We're not trying to build anything substantial here, we're
10 just simply trying to preserve a parking area that's been used
11 as a parking area since 2002. People have been parking
12 vehicles here - you could look with satellite imagery - for a
13 very, very long time and we're essentially just trying to
14 shade them at this point. So this structure here is 20 feet
15 across, 40 feet long, parks anywhere from three to four cars,
16 and it's varying height between 10 and 12 feet. This is a
17 site plan for the property here. There's some notable things
18 to see. You see a non-regulatory wash. Despite the fact it
19 is a non-regulatory wash, it still does flow pretty good in
20 the summertime, so this is a pretty serious thing. Erosion is
21 definitely the largest battle that this property faces, so the
22 biggest objective here is just simply to keep, you know, the
23 second most valuable asset - a vehicle - away from the edge of
24 a wash. Also, safety is a major concern, you know, public
25 safety. It'd be a huge shame to have this denial go through

1 and then for us to build a carport on the edge of a wash.
2 This embankment is over 30 feet tall, so it'd be life-
3 threatening if a vehicle went over the edge of said
4 embankment. You'll see there in the pink, that's where we
5 propose to put this structure. Like I said, this is an area
6 that people have been parking cars since the parcel's creation
7 when it was subdivided from the parcel north, you see there.
8 These were at one time one piece, and at that point in time
9 Monterey Drive no longer goes through to a street you can't
10 see here called Kaniksu. It's just to the south, but that
11 Monterey Drive at one time went from Frontier all the way
12 through the subject parcel down to Kaniksu. But it's just,
13 it's not needed anymore. It's been absorbed into three
14 different parcels. Every piece of Monterey Drive south of
15 Frontier is essentially now private property. So we have to
16 talk about frontage, too. I googled this. This is the legal
17 term for frontage. Property front or frontage refers to the
18 boundary line of a piece of land that faces the street or
19 right-of-way. And I have a neighbor right next door, he lives
20 in the parcel right over there to the east on the right-hand
21 side of Monterey Drive. He was pretty worked up over the
22 flyer that was mailed out because he didn't understand the
23 frontage. The frontage is actually Frontier. Anyone walking
24 by this parcel, you know, it's very blatantly obvious that's
25 where the mailbox is, that's where the notice signs for this

1 case were posted. That's truly the front. So he was
2 concerned that I was trying to extend my property all the way
3 to Frontier and he was really worked up over this. So I
4 talked to him about it and he was surprised at the formality
5 of everything we had to do to build a carport in this
6 location, because in reality it's the practical real-world
7 side, which would only need a setback of four feet. So I'm
8 here before you today requesting 18, which still preserves the
9 values of General Rural zoning, which in reality is to keep
10 people spaced far apart. It's a density issue, and we're not
11 adding any density to the area, we're just simply adding shade
12 to an area that's already used for vehicle parking. And after
13 I told him that, he was actually elated. He was pretty happy
14 about it, he thought it was a good idea. So he called Glenn
15 here yesterday and expressed his support for the project.
16 He's a little bit older, he wanted to come today, but he
17 decided to stay home. It's just quite a drive. It took about
18 50 minutes to get here today. So down there in the lower
19 corner, too, you see the proposal like we talked about
20 earlier. We're just essentially trying to build a pretty
21 rudimentary carport. Also, too, take note of some of the
22 utilities here, you see water, you see power, you see septic.
23 I actually unearthed a lot of these waterlines myself a year
24 ago when we built this casita and we had to hook it up to
25 water. They're varying conditions of PVC pipe, schedule 40,

1 one inch to three-quarter. Some of it's pretty brittle,
2 pretty old. We replaced as much of it as we could, but also,
3 I'm not really interested in parking 20,000 pounds of vehicle
4 on top of these brittle old waterlines, and I think it'd be an
5 unnecessary financial hardship to have to replace all these
6 waterlines simply to put a carport closer to a wash, which
7 would be a safety concern when in reality I could just park
8 cars where I've always parked cars. Also, too, in front of
9 the casita - we'll get into that here. We'll scan to the next
10 slide. I'm gonna try to make this as quick as possible, I
11 know you guys have a lot on the agenda today. Here's an
12 aerial photo I took. I am licensed to fly drones. I have a
13 107, I took this photo legally and you can see kind of the
14 surrounding parcels. I did map out in blue, that's the
15 property boundary. And you'll see the access to this property
16 is off of Frontier Drive. If you make a right onto an
17 easement, which at one time was Monterey, which now there's
18 nothing more than an easement through private property. So
19 again, the real world practical front is off of Frontier. So
20 this is a good aerial view. Take some time, you guys can
21 really mull this over, give it a good look. And there's some
22 stuff here to see. You can see the main house. You can see
23 the casita over there as well, just below the parcel number.
24 We built that last year for family to stay in, to kind of help
25 us out intermittently with the baby. There's solar panels,

1 ground mounted also to the south of the casita. And there's a
2 couple sheds. You'll see the wash is kind of a - it's
3 definitely a thing to consider. Definitely don't want to be
4 too close to it. It's a pretty big safety concern, especially
5 at nighttime. Parking vehicles anywhere close to that, I just
6 think is a, it's an unnecessary hardship. Could be a life-
7 threatening safety issue as well. So here's the front. And I
8 wish that I had took a photo with the notice signs, because
9 those notice signs were actually put right next to that
10 mailbox there. So this is truly the front, because are the
11 signs supposed to be posted in the front of the parcel, Glenn?

12 BAK: In this case, yeah, that's the only place they
13 could be placed. And the intention of the signs is so that
14 the neighbors can see them. So that's where they went.

15 SANDERS: So for practicality, I think we can all
16 agree that the front is really off of Frontier, not off of a
17 street that no longer exists since 2002. Also, too, when the
18 County abandoned this, there's some good things for the
19 County. Every time this washes out in the summertime, I'm out
20 there with a couple tons of quarter-minus repairing it. This
21 is no longer a consideration of the County, so I think it's a
22 win-win for everybody that Monterey was abandoned when it was.
23 Now here's another view of the front. So when Amazon comes,
24 when FedEx, UPS, this is what they see. You'll see a blocked
25 wall off to the left, the County views the block wall as the

1 front, but in reality I think it's pretty apparent, I mean
2 that is the practical, real-world side for all realistic
3 purposes. There's also a key up there too, if you're
4 wondering kind of where this view is from. That's basically
5 where we're looking at this. Another aerial view here, this
6 one kind of defines the wash. This one's not quite as steep
7 as the one by the casita over there on the right-hand side,
8 that's a 30-foot drop. Also, too, we got to talk about
9 ceremonial views. We're talking about beautiful views out of
10 windows. A ceremonial view is essentially, if you're in your
11 kitchen doing your dishes and you have a nice view of a
12 mountain range, that's essentially a ceremonial view. So this
13 carport won't block any ceremonial views. We do have the
14 Superstitions here off to the right, to the east. We have the
15 Goldfields over here off to the north, down at the bottom of
16 the screen. No one's views are going to be blocked by this
17 carport, it's going to be pretty low. So that's another thing
18 to consider. There'll be no diminishment in property value
19 for any of the neighboring parcels. Here's another view here.
20 Now they propose that we build it in front of the house here,
21 which would completely block access to everything west of this
22 point. We also had 40 dump truck loads come in last year to
23 kind of combat some of the erosion issues. We're talking 20-
24 ton dump truck loads, we took 40 of them. So if we build a
25 casita here, how are we going to maintain the wash when we

1 have major, major erosion issues every single summer? Just
2 not realistic. We also have underground utilities here, as
3 well, in front of the house. We talked about the PVC. We
4 have underground power, it's just not realistic to park
5 vehicles on top of this because we all know these things need
6 maintenance, they don't last forever. It'd be difficult to
7 get an excavator in there, carefully dig around a carport,
8 when in reality we could just put it right where we've been
9 parking cars pretty much forever. It's a native soil, it's
10 nice and flat. It's compacted. It's out of the way of a
11 wash. It's safe. It's not a safety concern. You know, I'll
12 be honest with you, my parents aren't the best drivers when
13 they come to visit, it would - you know, we don't want them
14 parking on the edge of a wash, guys. I want to just park
15 where we've been parking, nice and convenient to the house. I
16 think its necessitated use is, I think it's pretty obvious
17 here. Another view of the parcel here, just a different angle
18 somewhat. Here you have an electrical box. You can see
19 there's utilities, there's water, there's power. Not really
20 too interested in parking on top of these. It's just, it's
21 not realistic. Here's another view of where vehicles have
22 been parked pretty much since the beginning of time. There's
23 already a shade structure that we have, very similar to the
24 one I'm proposing to build. I'm just looking to build one a
25 little larger. It might even be argued that this is not even

1 a permanent structure, but I guess that's a topic for another
2 moment. It's really hard to say. But I'm essentially just
3 trying to build a VersaTube carport where one already exists
4 and where we already park vehicles. Here's another view, too,
5 to the north. You can see the vehicles. You can see the
6 ground is flat. It's really easy to build on. Again, an area
7 that vehicles have been parked for a very, very long time.
8 There's also a ramp to enter the home, too, on the right-hand
9 side. Very convenient. If anybody was ever in a wheelchair
10 or anything like that, it'd be really easy to get them in the
11 house instead of wheeling them through a whole bunch of mud in
12 the rain, in the wind, in the sun, if we were to build this in
13 front of the casita, which isn't for living, it's a guest
14 house. So why would the main house have parking for vehicles
15 occupying the main house in front of a guest house? Seems
16 like a code enforcement nightmare in the future if I were to
17 ever sell this parcel. Another view from the front, you can
18 see there's a power pole, there's power lines, there's
19 underground utilities. If anybody's ever seen the movie
20 Austin Powers, getting a vehicle out of this location too
21 would be, you know, easily a hundred point turn. It's just,
22 it's not realistic. Here's another view, too. Now I think
23 this is a good time to talk about building this in front of
24 the casita. We added a lot of that soil, that pad to build
25 the casita. It didn't always look like that, it took a lot of

1 dirt to pad it out like that. We even had the City of A.J.
2 dump a whole block of sidewalk out there. Literally the City
3 of Apache Junction, they dumped a whole block on [Idaho]
4 Street of sidewalk out there to pad this out the way that it
5 is. So we don't know how it's going to fare. You know, this
6 summer we'll see, we'll see what the season brings, but it's a
7 safety concern. I just don't feel comfortable parking a car
8 on the edge of a cliff simply because the County doesn't allow
9 us to park cars where we already park them under shade. Just,
10 it doesn't make any sense. There's also a seepage pit over
11 there to the left of the casita. Not really too interested in
12 parking next to that, it could be damaging. You'll hear
13 different opinions on parking on top of leech lines or seepage
14 pits, but I personally believe it's not a good idea if it
15 could be avoided. There's not a ton of room there either. I
16 mean, imagine backing a truck out over that land bridge, over
17 that three foot culvert into the house, making a tight little
18 turn and then backing it up to where the cars are already
19 parked just to make your exit everyday in the dark, in the
20 rain, in the wind. I mean, it's just, it's an unnecessary
21 hardship when we could just park vehicles, again, where we've
22 always parked them, just under shade. Here's some
23 documentation as well, documenting the - of just two things
24 here. There's abandonment of Monterey Drive. For all legal
25 purposes, it doesn't exist anymore. So is it the front? Is

1 Frontier the front? I guess that's why we're here today.

2 Here's another recording of the abandonment of Monterey Drive

3 and the subdivision of two parcels, which lead to the flag lot

4 shape, which is unusual. This isn't the norm in the area. A

5 lot of these lots are perfect rectangles. So I think the

6 variance is justified due to the flag shape, the unique

7 access, the unique frontage. We're not asking for a lot here,

8 we're asking for 18 feet, which still preserves the values of

9 General Rural zoning in the area. We've got to talk about

10 this too. Maximum height of 20 feet, we're asking for 10 to

11 12, so we got that. Minimum distance from the front, 60 feet,

12 we're asking for 18. But then again, what is the front? Is

13 it a block wall that has no access whatsoever? Hard to say.

14 The minimum for the rear and the side is only four feet. So

15 my neighbor next door, Randy, if he were to build this same

16 structure, he would only have to put it four feet off of the

17 front of my property line, which in reality has no

18 significance as a front, really. But then if we go down here

19 to livestock, now if I had a sheep and I wanted to build a

20 shade structure for my sheep, we wouldn't even be having this

21 hearing. So is the concern the structure itself, or is the

22 concern where the structure is, what it's used for? I mean if

23 I park a truck under this structure, it's a completely

24 different ballgame than if I park a sheep under this

25 structure, which requires no setbacks of any kind. So I'm

1 really hoping you guys grant this. We really, really would
2 appreciate it. We already park vehicles here. It hasn't
3 impacted anybody since 2002 when a lot of people have parked
4 vehicles before us. I just simply want to put kind of a
5 rudimentary shade structure over these vehicles, and it would
6 really mean a lot to my family. That's all I got for you
7 guys. Appreciate your time. Thank you.

8 KENNEDY: Thank you, sir. Nice presentation. Hang
9 on one second. Anybody have any questions for the applicant?

10 MAULLER: Yeah.

11 KENNEDY: Go ahead, Member Mauller.

12 MAULLER: What's your address?

13 SANDERS: Oh, sorry. 4522 North Monterey Drive.

14 MAULLER: Okay, so Monterey. So where the County is
15 coming from, and my 50 years of building is wherever the
16 address, that's the front of the property. So that's where
17 that came from.

18 SANDERS: I understand that, but the property needed
19 an address after the subdivision, and there just simply wasn't
20 an address available between 663 Frontier and I think it's
21 665, so they had to kind of fabricate an address, so they used
22 a road, then they abandoned the road. So the only real reason
23 it has a Monterey Drive address is for the postal service,
24 just so they have, you know, a legal address, but in reality
25 it has no practical value. But I understand that, and I

1 absolutely respect it. I'll also say something I want to
2 note. I forgot actually. In the wording of the report, it's
3 talking about a blanket variance, and I'm not requesting a
4 blanket variance, I'm looking for a one-time specific variance
5 for one structure. I'm not looking for a blanket variance in
6 the area to apply to other properties in similar situations.
7 I know these variance cases are very unique and they're all
8 different. You can't just grant a blanket variance and say
9 that, oh, every property that's a flag shape, that has a
10 unique access, can change the frontage. I understand there
11 are situations where it's not justifiable, but in this
12 situation I know it has a Monterey Drive address, but I think
13 it's justifiable for safety, for practicality, and for ease of
14 repair of underground utilities in the future. So just for
15 this specific structure, just maybe we could agree that
16 Frontier is the real access point, maybe Frontier is the
17 front. Yeah.

18 KENNEDY: Thank you, sir.

19 SANDERS: Thank you, I appreciate your time. Thanks
20 for having me. Thanks for letting me speak. I appreciate it
21 a lot.

22 KENNEDY: Absolutely. All right, if there's no
23 further questions for the applicant, I'm going to open up the
24 public hearing portion for case BA-005-25 here at 9:54.
25 Seeing nobody, I'm going to close it at 9:54 and I'll

1 entertain a motion. Vice Chair Marsh.

2 MARSH: Yes. I move to approve this variance to
3 Section 2.40.020 and 2.40.030 of the PCDSC, to decrease the
4 minimum distance from the property line from 60 feet to 18
5 feet in the General Rural zone, to construct a carport, based
6 on findings A, D, and E in the staff report, with the
7 stipulations listed in the staff report.

8 MAULLER: Second.

9 KENNEDY: All right. Excuse me, it's been moved and
10 seconded to approve case BA-005-25 with the findings of A, D,
11 and E, along with the single stipulation found in the staff
12 report. Is there any further discussion? All right, seeing
13 none, all those in favor signify by saying aye.

14 COLLECTIVE: Aye.

15 KENNEDY: Any opposed? All right, motion carries.
16 I'll also add, pursuant to ARS 11-816, any person aggrieved in
17 any manner by an action of a board of adjustments may appeal
18 within 30 days to the superior court and the matter shall be
19 heard de novo. All right, moving on. We've got case BA-006-
20 25.

21 RILEY: All right, we're going to give them a moment
22 to get my PowerPoint.

23 KENNEDY: Fair enough. Whenever you guys are ready.

24 RILEY: All right, it looks like we're good. All
25 right, good morning Chair, Vice Chair, members of the Board,

1 Kendall Riley, title, planner. I'm here to present to you
2 case BA-006-25. This is a request to allow a reduction in the
3 minimum lot size from 1.25 acres to 0.44 acres for a new
4 single family residence in the General Rural zone. Subject
5 property is located northwest of South Martan Drive and East
6 Monitor Street within Picacho, unincorporated, Pinal County.
7 And owner/applicant is Yesenia Leon Leue, and she is present
8 today. Here's a County map showing the approximate location
9 marked by the red star. Here's the aerial map showing the
10 surrounding development patterns of the area. It is located
11 just south of I-10. Here's some directional images showing
12 the site postings and onto the site. Here's a vicinity map
13 showing the surrounding zonings. Also, too, it is in close
14 proximity to the City of Eloy. Here's the notification
15 boundary for the mailers that were sent out. Some items to
16 consider. The subject property was created in 1964 through an
17 approved subdivision plat following all County standards at
18 the time. The requested use is a permitted use in the GR
19 zoning district. Parcel is similar in size with the
20 surrounding parcels, and the special circumstance for
21 consideration is considered not self-imposed. And staff
22 recommends approval of this case. Any questions for staff?

23 KENNEDY: Does anybody have any questions for staff?
24 No? Is the applicant here?

25 RILEY: They are, yes.

1 KENNEDY: Would the applicant like to address the
2 Board? It's totally up to you.

3 RILEY: Do you want to come up and speak?

4 KENNEDY: If you do, I'm going to ask you to state
5 your name and your address, and then there should be a sign-in
6 sheet as well.

7 LEON: Hi, good morning. First of all, I would like
8 to apologize for my entrance.

9 KENNEDY: Oh no, you're fine. But can I get your
10 name and your address first?

11 LEON: Yesenia Leon and 6025 East Peak Lane,
12 Picacho.

13 KENNEDY: Thank you.

14 LEON: I don't really know what to say.

15 KENNEDY: All right, you don't have to. It's just
16 an option for you.

17 LEON: Okay, thank you.

18 KENNEDY: Thank you. All right, I guess I should
19 ask, does anybody have any questions for the applicant being
20 that they're here? No? Okay. All right, I'm going to open
21 up the public hearing portion of case BA-006-25 here at 9:58,
22 if anybody would like to address this from the public. Seeing
23 nobody, I'm also going to close it - I'll close it here at
24 9:59, and I'll entertain a motion. Vice Chair Marsh, go
25 ahead.

1 MARSH: I move to approve case BA-006-25, to allow a
2 reduction in the minimum required lot area from 1.25 acres to
3 .44 acres, based on stipulations A through F.

4 KENNEDY: Those are the findings. The findings of A
5 through F, but there's four stipulations in the staff report.

6 MARSH: Yes, subject to the stipulations.

7 MAULLER: Second.

8 KENNEDY: All right. I'll clean it up. It's been
9 moved and seconded to approve case BA-006-25 with the findings
10 of A through F, along with the four stipulations that are
11 found in the staff report. Is there any further discussion?
12 All right, seeing none, all those in favor signify by saying
13 aye.

14 COLLECTIVE: Aye.

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

17 RILEY: Thank you.

18 KENNEDY: Thank you. I'm going to add, pursuant to
19 ARS-11-816, any person aggrieved in any matter by an action of
20 a board of adjustments may appeal within 30 days to the
21 superior court, and the matter shall be heard de novo. All
22 right, next up we have case BA-008-25. Mic's not on.

23 PANCHENKO: Okay. Good morning Chair, Vice Chair,
24 Member of the Board. My name is Valentyn Panchenko, Planner,
25 and I'm here to present your variance case for a request to

1 allow a reduction in the minimum required lot area and
2 reducing some development standards - setbacks - for a
3 Suburban Homestead zone. The property located in the Gold
4 Canyon area to the east of the area, and the applicant/owner
5 also present here today. Here is the general location. Here
6 is - you will see in the bottom, in the southeast portion of
7 Gold Canyon area, the subdivision. Here is the exact parcel
8 under the question. Here is a lookout from the property to
9 the west-east, south-north, and the most important part here
10 for you to consider is the history of this parcel. It was
11 plotted as a part of Mesa del Oro Estate Units III subdivision
12 in 1981. At that point of time, SH minimum lot area was one
13 acre, and the current parcel is 1.1 acre. Then in 1982,
14 County adopted new zoning ordinance that increases the minimum
15 lot size for SH, it became two acres. Since then, there was
16 no splits to this parcel, no interruption from any owners of
17 that parcel, so basically that was a County action that made
18 up this parcel undersized. There was issued a permit for a
19 single-family residence building in the '90s, according to the
20 parcel history documents that we have. And currently, the
21 applicant applied for a reduction of front setback for the
22 detached accessory building garage. And looking to the
23 history of this area also, how - so here is a plan. You will
24 see there in the top left side the proposed garage with 40
25 feet setback from the front that's proposed by the applicant.

1 And here's a map, and you will see on this pink area some
2 whiter spots. All of those are previously approved variances.
3 Last month, we got also approved another variance in this
4 area. So those parcel has been already granted a reduction of
5 the front setback from 60 to 40 feet. So it's pretty similar
6 case, and it also corresponds to some other zoning that has
7 one acre minimum lot size. So this reduction also supports it
8 by other zones similar to that size of parcels. So general,
9 staff is recommending approval for this case. Any questions
10 to the staff?

11 KENNEDY: Are there any questions for staff? No, I
12 think we're good. Is the applicant here did you say?

13 PANCHENKO: Yes.

14 KENNEDY: Would the applicant like to address the
15 Board? All right, fair enough. Does anybody have any
16 questions for the applicant? All right, so with that, I'm
17 going to open up the public hearing portion for case BA-008-25
18 here at 10:04, if anybody would like to address this from the
19 public. Seeing nobody jumping up, I'll shut it down here at
20 10:04, and I'll entertain a motion. Vice Chair Marsh.

21 MARSH: Yes, I move to conditionally approve case
22 BA-008-25, a variance to the PCDSC to allow a reduction in the
23 minimum required lot area from 2 acres to 1.1 acre and
24 applicable development standards, to allow construction of
25 accessory buildings on the property in question located in the

1 SH zoning district. The move for approval is based on
2 findings A through F in the staff report, and subject to the
3 listed stipulations.

4 MAULLER: Second.

5 MARSH: Okay, it's been moved and seconded to
6 approve case BA-008-25 with the findings of A through F, along
7 with the four stipulations that are found in the staff report.
8 Is there any further discussion? Nope? All right, seeing
9 none, all those in favor signify by saying aye.

10 COLLECTIVE: Aye.

11 MARSH: Any opposed, like sign. All right, motion
12 carries. I'll also add, pursuant to ARS 11-816, any person
13 aggrieved in any manner by an action of a board of adjustments
14 may appeal within 30 days to the superior court and the matter
15 shall be heard de novo. All right, next we have case BA-014-
16 25.

17 BAK: Good morning Mr. Chair, Board Members, BA-014-
18 25 is a proposed variance to allow a 60-foot antenna to
19 provide necessary communication links between EPCOR facilities
20 and the applicable development standards to allow construction
21 of an antenna in the CR-1A/PAD zone. Location is southwest of
22 West Phillips Road and North Thompson Road. Owner/applicant
23 is Toll Brothers and they are here today. This shows you the
24 general location in the San Tan Valley area. Shows you an
25 aerial photo. You have the park just to the west, the

1 mountain park just to the west of the site. Shows you the
2 case map with the surrounding zoning, and that purple area,
3 that's the park. So this is looking to the north from the
4 site. To the east. And then this is looking to the south.
5 And this is taken a while ago when they were just barely
6 beginning to build the water facility. And then this is
7 looking to the west. So items to consider. The subject site
8 serves the surrounding area as a water distribution facility,
9 and per a radio path study, it was determined that the antenna
10 needs to be at least 60 feet to communicate effectively with
11 other EPCOR facilities. Also, the granting of the variance
12 will not adversely affect properties in the area, rather, the
13 granting of the variance would enhance the adequate delivery
14 of water for properties in the area. So staff recommends
15 approval with the singular stipulation, and staff is here to
16 entertain any questions the Board may have.

17 KENNEDY: Any questions for staff?

18 MAULLER: I have several.

19 KENNEDY: Go ahead Vice Chair - or Member Mauller.

20 MAULLER: So is this a temporary antenna or is this
21 a permanent antenna?

22 BAK: I'll defer more to the applicant for that, but
23 I believe it's essentially permanent. So this facility I
24 would think is going to be there for quite some time and the
25 antenna is integral to that.

1 MAULLER: Okay. So I'm sure that - does this have
2 to go before the planning commission also or are we it?

3 BAK: No, this should be it.

4 MAULLER: Okay, then I'm going to address what it
5 looks like. So this antenna sticking up out of the middle of
6 the desert out here with Toll Brothers, who builds a nice
7 house, people are going to have to look at this thing and
8 people enjoying the park are going to have to look at this.
9 Is there any way that we're going to think about making it
10 look like it should be there?

11 BAK: Yeah, the applicant's fortunately here for
12 that and I would think that if the Board so desires, they can
13 add a stipulation perhaps to stealth the antenna. Or plant
14 some trees around it.

15 MAULLER: Okay.

16 KENNEDY: Any further questions for staff? All
17 right, would the applicant like to address the Board?

18 MALONEY: Sure, thank you.

19 KENNEDY: Same thing, and welcome and good morning
20 and I'll have you state your name and your address, and there
21 should be a sign-in sheet as well.

22 MALONEY: Sure, good morning. My name's Mark
23 Maloney with Toll Brothers, 8767 East Via de Ventura. We
24 appreciate you hearing our request this morning. Although we
25 are the applicant for this request, it's primarily something

1 that's required and necessary for the operation of the EPCOR
2 water plants. Currently, we're the only resident in the area.
3 Probably a quarter mile away, I think, maybe a half a mile to
4 the east, you have Thompson Road with some development in that
5 area. I think our only neighbor at this point is the park to
6 the west. So certainly we have other developments that have
7 water campuses on them. Certainly, it's not the most
8 desirable for us to have the tower, but we understand the
9 necessity for communications in operation of their facility.
10 Obviously being Toll Brothers, we try and put forth our best
11 foot in providing a product that not only can be enjoyed by
12 our customers, but the community that we build in as well. So
13 we're excited, I think this is going to be an awesome
14 community for the County. We're about wrapping up the
15 construction of the water plant right now and about ready to
16 open and start selling homes. However, having this tower is a
17 necessity for EPCOR. Thank you very much.

18 KENNEDY: Does anybody have any questions for the
19 applicant?

20 MAULLER: Yeah, same question that I asked staff.
21 The aesthetics of this tower, are they going to address this,
22 or is it just going to be a big blight on the horizon?

23 MALONEY: The pole itself at the base - and I have
24 my engineer with me and he could probably speak to it a little
25 bit further, but due to the foundation is a little wider at

1 the base, but as you get to the top, I believe the pole is
2 roughly less than four inches in diameter at the top, is that
3 correct? Something in that neighborhood? Hopefully, he can
4 address that as well. Obviously, aesthetics are very
5 important for Toll Brothers, that's how we sell homes. Our
6 communities, we put forth the effort to enhance our entries,
7 enhance the open space and parks, and if there was something
8 that we could do to not have the tower, we would certainly not
9 build it. But we understand the necessity to have it to
10 provide water, not only for our community, but the entire
11 area. Pressure and storage in the area is fairly - this
12 really helps EPCOR in providing service to this part of Pinal
13 County.

14 MAULLER: Well, let me give you some background of
15 where I'm coming from. As a city councilperson, somebody
16 asked me one time what was the worst mistake I ever made, and
17 I would say approving a tower that the applicant assured us
18 was going to be aesthetically pleasing, and it looked like a
19 stump fence up there sticking up for everybody to view in a
20 very expensive part of town. And so is this not like a cell
21 tower where it can be like made to look like a palm tree or a
22 pine tree or something? I mean, are we missing something on
23 that? Is it -

24 MALONEY: I do know that the tower is line of sight,
25 so it's not necessarily - like they do have to have a straight

1 site between the top of the tower and their other facilities.
2 If there's any mountains or trees in the way, it will
3 interrupt communications, so I'm not a technical expert on
4 that, and maybe my engineer can speak to it a little bit. Can
5 you? I appreciate it, thank you.

6 KENNEDY: I'm going to ask the same of you, though,
7 to state your name and your address, please, for the record,
8 and sign in also.

9 JOHNSON: My name's Daniel Johnson, I'm with
10 Colliers Engineering & Design. Our address is 2141 East
11 (inaudible) Avenue. So we did the engineering design, working
12 with Toll Brothers and EPCOR. As discussed, this is a
13 requirement from EPCOR to communicate, so it's (inaudible)
14 operation of the pump station. The design of the antenna
15 itself, so it's a - at the top it's 8-inch diameter, so it's
16 just a monopole, it's not like a cell tower. We paint these
17 black. It sounds counterintuitive, but the dark color helps
18 it blend in. It doesn't attract the eye. And at the top,
19 it's a small antenna that's actually mounted at the top, so
20 it's not a big base, you know, kind of antenna tower, it's a
21 monopole. In terms of shielding it, as Mark addressed, it's
22 line of sight, so the height overall is elevation change,
23 buildings, and then trees in the area is what drives that
24 total elevation. So trying to mask it in, it's difficult to
25 keep that line of sight.

1 KENNEDY: Any further questions for the applicant?

2 I think we're good, thank you, sir. I'm just going to add, I
3 mean just for the sake of conversation. Sorry Member Mauller,
4 but it's like things are of a necessity, and if people are
5 opposed for something because it looks bad, you're just
6 putting lipstick on a pig. I mean what's the difference? It
7 still has to be there, it has a purpose, and it doesn't have
8 to be, in my opinion, visually a pleasing thing. I mean it's
9 a tool that's there for a reason. I think citizens need to
10 realize it's there for their benefit, not for their enjoyment
11 of sight.

12 MAULLER: I understand.

13 KENNEDY: Yeah, so that's just my two cents on that.
14 I'm going to open up the public hearing portion for case BA-
15 014-25 here at 10:15, if anybody would like to address this
16 case from the public. And seeing nobody jumping up, I'm going
17 to close it at 10:15, and I am going to entertain a motion.
18 Vice Chair Marsh.

19 MARSH: Yes, I move to conditionally approve case
20 BA-014-25, a variance to the PCDSC, to allow a 60-foot antenna
21 in the CR-1A/PAD zone, based on findings A through F in the
22 staff report, and subject to a stipulation listed in the staff
23 report.

24 BEGEMAN: Second.

25 KENNEDY: All right, it's been moved and seconded to

1 approve case BA-014-25, with the findings of A through F,
2 along with the single stipulation that is found in the staff
3 report. Is there any further discussion? All right, seeing
4 none, all those in favor signify by saying aye.

5 COLLECTIVE: Aye.

6 KENNEDY: Any opposed? All right, the motion
7 carries. I will add also, pursuant to ARS 11-816, any person
8 aggrieved in any manner by an action of a board of adjustments
9 may appeal within 30 days to the superior court, and the
10 matter shall be heard de novo. All right, I think that's all
11 our cases. Does staff have anything for us before we adjourn?

12 BAK: Just if the Board members can remain for a few
13 minutes. Now that we have the vote tallied for the cases, I
14 can print the resolutions.

15 KENNEDY: Absolutely. All right, is there a motion
16 to adjourn?

17 ??: So moved.

18 KENNEDY: All right, second?

19 MAULLER: Second.

20 KENNEDY: All right, all those in favor say aye.

21 COLLECTIVE: Aye.

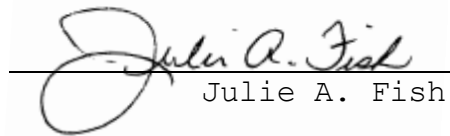
22 KENNEDY: Meeting adjourned at 10:17. Thank you,
23 everybody.

24

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1 I, Julie A. Fish, Transcriptionist, do hereby
2 certify that the foregoing pages constitute a full, true, and
3 accurate transcript in the foregoing matter, and that said
4 transcription was done to the best of my skill and ability.

5 I FURTHER CERTIFY that I am not related to nor
6 employed by any of the parties hereto, and have no interest in
7 the outcome hereof.

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Julie A. Fish