



**MARICOPA COUNTY, ARIZONA**  
**Board of Adjustment**  
**Minutes**  
**July 16, 2020**

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**CALL TO ORDER:** Chairman Loper called meeting to order at 10:02 a.m.

**MEMBERS PRESENT:** Mr. Craig Cardon  
Mr. Greg Loper  
Ms. Heather Personne  
Ms. Fern Ward

**MEMBERS ABSENT:** Mr. Jeff Schwartz

**STAFF PRESENT:** Mr. Darren Gerard, Planning Services Manager  
Ms. Rachel Applegate, Senior Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:** Mr. Wayne Peck, County Attorney  
Mr. David Anderson, Business Engagement Manager, OET  
Ms. Rebecca Quince, Senior Project Manager, OET

**ANNOUNCEMENTS:** Chairman Loper made all standard announcements.

**AGENDA ITEMS:** BA2020019, BA2020020, BA2020024, BA2020027, BA2020028

**MINUTES:** April 16, 2020

Chairman Loper requested a motion to approve the April 16 minutes.

**BOARD ACTION:** Vice Chair Ward motioned to approve the April 16, 2020 minutes. Member Personne second. Approved 4-0.

**CONSENT AGENDA**

**BA2020019** **Blount Contracting** **District 2**  
**Applicant:** Joey Gimbut, Standage and Associates  
**Location:** APN 220-05-015C Generally located at the northwest corner of Brown Rd. and 104th St.  
**Zoning:** R1-35  
**Request:** Variance to permit:  
1) Propose a CMU wall 8' in height be allowed in the front-yard setback at the northwest corner of the lot

**BA2020020** **Blount Contracting** **District 2**  
**Applicant:** Joey Gimbut, Standage and Associates  
**Location:** APN 220-05-015D Generally located at the northwest corner of Brown Rd and 104th St.

**Zoning:** R1-35  
**Request:** Variance to permit:  
1) Propose a CMU wall 8' in height be allowed in the front-yard setback at the southwest corner of the lot

**BA2020024** **Skinner Property** **District 3**  
**Applicant:** F. Kenneth Skinner  
**Location:** APN 210-13-001H approx. 332' north of the intersection of Briles Rd. and Central Ave.  
**Zoning:** Rural-43  
**Requests:** Variance to permit:  
1) Proposed front (north) setback of 30-feet where 40-feet is the minimum permitted, and  
2) Proposed street-side (off 12ft – access easement) setback of 10-feet where 20-feet is the minimum permitted, and  
3) Hillside disturbance outside the building envelope where no hillside disturbance is permitted outside the building envelope, and  
4) Detached accessory building to be placed in the required front yard, where detached accessory structures are to be located outside the required front yard

**BA2020027** **Kieselburg Property** **District 3**  
**Applicant:** Jon & Erin Kieselburg  
**Location:** APN 210-12-017D @ 26112 N. 7th Ave. – 7th Ave. & Jomax Rd., in the Phoenix area  
**Zoning:** Rural-43  
**Request:** Variance to permit:  
1) Modification to condition 'b' of BA2019022 for a time extension

Mr. Gerard presented the consent agenda.

**BOARD ACTION: Member Cardon motioned to approve the consent agenda - BA2020019 with conditions 'a'-'d', BA2020020 with conditions 'a'-'c', BA2020024 with conditions 'a'-'c', and BA2020027 with conditions 'a'-'c'. Vice Chair Ward second. Approved 4-0.**

**BA2020019 conditions;**

- a) General compliance with the site plan received May 28, 2020.
- b) Failure to complete necessary construction within one year from the date of approval shall negate the Board's approval.
- c) The following Planning Engineering condition shall apply:
  1. There are public utility/easement(s) located on this property. Variance approval by Maricopa County does not constitute permission to interfere with the easement(s) in any way.
- d) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

**BA2020020 conditions;**

- a) General compliance with the site plan received May 28, 2020.
- b) Failure to complete necessary construction within one year from the date of approval shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

**BA2020024 conditions;**

- a) General compliance with the site plan stamped received June 22, 2020.
- b) All required building permit(s) for proposed and existing development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permit(s) within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

**BA2020027 conditions;**

- a) General compliance with the site plan stamped received May 10, 2019.
- b) All required building permit for proposed development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

**REGULAR AGENDA**

<b>BA2020028</b>	<b>Eneboe Property</b>	<b>District 2</b>
<b>Applicant:</b>	Tamara Eneboe	
<b>Location:</b>	APN 219-38-058 @ 16831 E. Via Dona Rd. – NE of the NEC of 168th St. and Verde River Dr., in the Rio Verde area	
<b>Zoning:</b>	Rural-43	
<b>Request:</b>	Variance to permit: Existing front yard setback of 29’ for a detached garage where 65’ is the minimum permitted	

Mr. Gerard presented BA2020028 and noted the request fails to meet the statutory test for approval. When the property owner purchased the property in 2019 it already contained the existing development including the detached garage and swimming pool. The previous permits were never issued or approved. The property owner decided to complete the permitting process

and during this process they discovered the violation. They are requesting a variance for the front yard setback of 29 feet for a detached garage where 65 feet is the minimum permitted. Via Dona Road is a mid-section line that normally requires a 40 foot future right-of-way reservation, and on February 1, 2019 MCDOT reduced the reservation down to 25 feet. Via Dona Road has access to the subject site and an existing single-family residence to the north across the street.

Chairman Loper asked if normally it would be 40 feet on each side. Mr. Gerard said the future right-of-way reservation mid-section line is 40 feet, and it's what we consider to be the ultimate right-of-way and measure the setback from there. We are saying 29 feet from the mid-section line and 9 feet from ultimate street line, so it is a 9 foot front setback for the detached accessory structure. Even though it is a mid-section line, it is a local street that will not be extended further due to the large sandy bottom wash one parcel to the east.

Ms. Donna Eneboe, the applicant's representative said we believe this is the best place on the property for the garage because of the washes on the north and south side of the property. She took on this project and didn't realize there were so many things that were incorrect. She understands setbacks are there for a reason, and she believes the garage with the riprap behind it will actually eliminate further erosion of the wash. We are remaining diligent in getting this property into compliance, and she appreciates the Board's consideration.

**BOARD ACTION: Member Cardon motioned to approve BA2020028 with conditions 'a'-'c'. Vice Chair Ward second. Approved 4-0.**

- a) General compliance with the site plan stamped received June 15, 2020.
- b) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.
- c) The following Planning Engineering conditions shall apply:
  - 1. There may be access easement(s) located on this property. Variance approval by Board of Adjustment does not constitute permission to interfere with the easement(s) in any way.
  - 2. Building and Floodplain Use Permits currently under review on the subject premises must be approved within six (6) months if this variance is approved. Otherwise, the detached garage must be removed.

**Adjournment:** Chairman Loper adjourned the meeting of July 16, 2020 at 10:21 a.m.

Prepared by Rosalie Pinney  
Recording Secretary  
July 16, 2020