

**BOARD OF ADJUSTMENT MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
FEBRUARY 12, 2019**

A Regular Meeting of the Board of Adjustment of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 5:30 p.m.

Members Present: Chair Michael Kwederis, Board Members Dr. William Bercu, Thomas Griggs, Kathaleen Patterson, and Les Marquart

Members Absent: Board Member Cecil Daniels

Others Present: David Benton – Assistant City Attorney, Lorie Dever – Principal Planner, Randy Proch – Senior Planner and Della Ernest – Executive Assistant.

Opening Statement: The Opening Statement was dispensed with by Chair Kwederis.

Final call for speaker request forms.

Audience: none

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a “C” are considered to be routine by the Board of Adjustment, and were enacted by one motion

1C Disposition of Absence:

Discussion and possible action to approve the absence of Board Member Cecil Daniels from the Board of Adjustment meeting held on April 11, 2017.

BOARD ACTION: Board Member Patterson moved to approve item 1C. The motion was seconded by Board Member Griggs and upon vote, carried unanimously.

2C Minutes:

Discussion and possible action to approve the minutes of the Board of Adjustment meeting held on April 11, 2017.

BOARD ACTION: Board Member Griggs moved to approve item 2C. The motion was seconded by Board Member Bercu and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

3R V18-01: Howell RV Cover:

Steven L. Howell is requesting a Variance for the property located at 8412 W. Foothill Drive. The request would modify the following standards:

1. Reduce the rear setback from the required 40 feet to 15ft; and
2. Reduce the side setback from 20 feet to a minimum of five (5) feet on one side and fifteen (15) feet combined on both sides.

Protest was received for the initial Administrative Relief application (AR18-03), which requires the proposal to proceed forward as a variance request to the Board of Adjustment. The subject property is Lot 37 within the Citrus Gardens subdivision and more specifically described as Assessor's Parcel Number 200-08-229.

Ms. Lorie Dever, Principal Planner provided a statement to the Board requesting a continuance of V18-01.

BOARD COMMENT:

Commissioner Marquart asked if the structure being already in place affects the request.

Ms. Dever stated the structure is in place, and if the request was approved, then it would be allowed to remain. Since the request originated as a code compliance matter, staff will work with the Code Compliance division to inform them of the request to continue the matter. Once the code conflicts are resolved, then staff will determine what is the applicable process to move the matter forward. Depending on the resolution, it is possible the specific request may or may not change.

Commissioner Griggs asked about the timing of the continuation request and depending on the resolution of the conflict, the case may never be brought back to the Board.

Ms. Dever stated depending on staff's findings and proposed resolution of the issues, it is possible that the case may not come back to the Board.

Commissioner Griggs stated his concern that there is no deadline for continuing the case.

Ms. Dever stated that since the path forward to resolving the ambiguities in the Zoning Ordinance is unknown, rather than bring the case before the Board each month only to continue it, it is staff's intention to finish analyzing the issues, gather feedback from stakeholders, and then potentially bring the request before the Board when it is ready. If it is the Board's direction, staff can provide updates at regular intervals.

Chair Kwederis asked for confirmation that it is administrative procedural conflict that need to be resolved and by whom or how the potential conflict was raised.

Ms. Dever confirmed it is an administrative procedural conflict, and the item has been on staff's list to address for some time. Staff typically receives administrative relief requests in waves, and we've once again seen an influx in these requests. At this time, staff is taking a step back to fully evaluate the process in its entirety before processing any additional requests of this nature.

Chair Kwederis asked if one possible resolution of the conflict would be to eliminate the right of abutting resident to be heard on the issue.

Ms. Dever stated there are already certain mechanisms for neighbors to reach out to the city to voice their concerns regarding accessory structures and any other issues. Those continue to remain in place.

Chair Kwederis stated his concern that residents will not have the ability to be heard.

Ms. Dever stated that in moving forward, if the analysis shows the request should be addressed in a different manner because it doesn't necessarily line up with the Administrative Relief requirements, then staff will make a recommendation on how to provide equity and balance for all parties. Neighbors can always contact the city with their concerns.

BOARD ACTION: Board Member Bercu moved to continue item 3R. The motion was seconded by Board Member Marquart and upon vote, carried unanimously.

3R **Election of Vice-Chair:**

Discussion and possible action to elect Vice-Chair for the remainder of 2019.

BOARD ACTION:

Board Member Griggs stated he would like to be considered for Vice-Chair. Board Member Marquart nominated Board Member Griggs for Vice-Chair. The motion was seconded by Board Member Patterson and upon vote, carried unanimously.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: None

REPORT FROM STAFF: Ms. Dever notified the Board of the next meeting on March 12, 2019.

REPORT FROM THE BOARD OF ADJUSTMENT: None

ADJOURNMENT: There being no further business to come before the Board of Adjustment, the meeting adjourned at 5:54 p.m.

Michael Kwederis, Chair

Date Signed