

**BOARD OF ADJUSTMENT MINUTES
CITY OF PEORIA, ARIZONA
Willow Room – Peoria Main Library
November 13, 2012**

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

Members Present: Board Members Russ Conway, Cecil Daniels, Dr. William Bercu, and Karen McDaniel.

Members Absent: Board Member Kevin Kadlec.

Others Present: Cynthia Odom – Assistant City Attorney, Robert Gubser – Principal Planner, Chris Jacques – Planning & Community Development Director, Adam Pruett – Senior Planner, and Bev Parcels - Planning Assistant.

Opening Statement: None

Final call for speaker request forms.

Audience: Two

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 of Adjustment members Karen McDaniel and Alternate Shelby Duplessis from the Board of Adjustment meeting held on February 14, 2012.
- 2C MINUTES:** Discussion and possible action to approve the minutes of the Board of Adjustment meeting held on February 14, 2012.
- 3C Authorization to Hold an Executive Session: Pursuant to A.R.S. § 38-431.03.A.(3):** Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussion and consultation with legal counsel for legal advice regarding the appeal of an Administrative Decision pertaining to Loan Max, LLC, and for legal advice regarding any matter listed on the agenda of the Regular Meeting.

Board Member Conway made a request to remove item 3C from the Consent Agenda.

Board Action: Board Member Bercu moved to approve the Consent Agenda with the removal of item 3C. The motion was seconded by Board Member Daniels and upon vote, the motion carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING:** RE: Request for two variances.

PUBLIC HEARING – V12-0003: Silver Canyon Investments, LLC requested two variances from *Section 14-19A-5 SR-43 Property Development Standards* for the Silver Canyon Ranch II Residential Development. The applicant requested a reduction in the required lot size for seven lots from 1 acre to as low as 0.81 acres and a reduction in the required lot width for two lots from 145 feet to 137 feet and 125 feet. The properties are located south of the southeast corner of the 79th Avenue alignment and Happy Valley Road.

STAFF REPORT: Presented by Robert Gubser, Principal Planner. Mr. Gubser entered into the record a modification to the recommendation of approval.

BOARD COMMENT: Inquiries included the lot sizes of neighboring developments and whether changes will be made to the existing channel in the proposed development.

PUBLIC COMMENT: None

BOARD ACTION: Board Member Bercu moved to approve case V12-0003 with the proposed modifications. Board Member Daniels seconded the motion and upon vote, carried 4-0.

5R **PUBLIC HEARING:** RE: Appeal to an Administrative Determination.

PUBLIC HEARING – V12-0004: Loan Max, LLC, represented by Beus Gilbert PLLC is appealing an administrative determination by the Planning & Community Development Director regarding the use classification of a title loan company. The applicant is proposing a title loan agency in the C-2 Commercial District, which is an undefined use in the Zoning Ordinance. Staff's position is that the use best fits the 'pawnshop' definition. The applicant's position is that the use is a 'professional office'.

STAFF REPORT: Staff entered into the record a request from the applicant to continue this case to the January 8, 2013 regular Board of Adjustment meeting.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Board Member Bercu moved to recommend a request from the applicant to continue case V12-0004 to the January 8, 2013 Board of Adjustment meeting. The motion was seconded by Board Member McDaniel and upon vote, carried 4-0.

CALL TO THE PUBLIC FOR NON-AGENDA ITEMS: None

REPORT FROM STAFF: None

REPORT FROM THE BOARD OF ADJUSTMENT: None

ADJOURNMENT: There being no further business to come before the Board of Adjustment, the meeting adjourned at 5:43 p.m.

Russ Conway, Acting Chair

Date Signed