

**MINUTES  
BOARD OF ADJUSTMENT  
Town of Queen Creek  
22350 S. Ellsworth Road  
Queen Creek, AZ  
Town Council Chambers  
March 11, 1999  
6:00 p.m.**

**1. CALL TO ORDER:**

Chairman Gardner called the meeting to order at 6:20 p.m.

**2. ROLL CALL:**

Board Members Present

Board Member Boris  
Board Member Lopez  
Board Member Stinnett  
Chairman Gardner

Board Members Absent

Board Member Neihuis

**3. CONSIDERATION OF MINUTES – December 1, 1998:**

**Motion: Board Member Lopez**

To approve the December 1, 1998 minutes.

**Second: Board Member Boris**

**Vote: Unanimous**

**PUBLIC HEARINGS**

3. **Public Hearing on TU 09-97 – 20401 E. Superstition Drive – an application submitted by Roger and Connie Hart for renewal of a Temporary Use Permit.** Pursuant to the Zoning Ordinance, a permit was authorized for a temporary structure (mobile home) to be occupied during the course of construction or at the conclusion of 1 year at 20401 E. Superstition Drive, whichever comes first. The term has expired, without the completion of the residence and the applicants are requesting an extension of the temporary use permit.

Planning Director Kross reviewed the prior approval of the Temporary Use Permit and the request for an extension. Mr. Kross reviewed the temporary use

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permit regulations in Article 6 of the Zoning Ordinance. Mr. Kross stated that staff recommends approval of the extension with stipulations.

Chairman Gardner opened the Public Hearing.

Roger Hart, 20401 E. Superstition Drive, the applicant, came forward to address the Board. Mr. Hart reported his expenses incurred to date for clean up of the property and stated that a family illness had delayed construction of the residence. Mr. Hart stated disagreement with the stipulations and requested a one-year extension with no stipulations but agreed to install a modular home if necessary to comply with the temporary use permit.

Board Member Boris requested clarification on whom was building the residence and whether it would be a site built or modular home. Mr. Hart responded that he was acting as owner/builder.

Connie Hart, 20401 E. Superstition Drive, the applicant, came forward and also spoke in opposition to the stipulations recommended by staff.

Mr. Hart stated that they were closing on a loan in the next 10 days and the move in or completion time would be July 1999.

The Board requested clarification from the applicant whether a site built home would be built or modular installed. Mr. Hart responded that the footings have been approved and the slab is ready to pour.

Chairman Gardner closed the Public Hearing.

Board Member Lopez asked if the latest letter was taken into consideration for the staff report. Planning Director Kross replied that the letter was not received until March 11, 1999, after the staff report was prepared and therefore it was not taken into consideration.

Board discussion was in regard to stipulations for modular home installation; requesting a letter of loan verification from the lender and a shorter time limit on an extension.

Connie Hart asked if they could complete their barn prior to completing a residence. Mr. Kross explained the zoning ordinance prohibition on constructing

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accessory buildings prior to construction of the primary residence and temporary use permit procedures.

**Motion: Board Member Lopez**

To approve a six month temporary use permit extension to September 11, 1999 with a substantial amount of progress per staff stipulations; receipt of a loan verification letter from the lender within 30 days or a modular home be installed with a Certificate of Occupancy issued within six months.

**Second: Board Member Stinnett**

**Vote: Unanimous**

4. **Public Hearing on BA(AP) 01-99 – 19575 Avenida del Valle (Lot 75 of the Queen Creek Ranchettes Unit II).** An *APPEAL* has been submitted opposing an application for a Temporary Use Permit (**Case No. (TU) 02-99**). The application for the Temporary Use Permit is to allow a temporary motor home in conjunction with construction of the primary residence. If an application is granted, then Article 6.19 of the Queen Creek Zoning Ordinance requires that the temporary residence be removed from the property within 10 days upon the completion of the construction or one (1) year, whichever comes first. If the application is denied, then the temporary residence will not be permitted on the lot during the course of construction of the primary residence.

Planning Director Kross reviewed the request for an appeal filed by the Gerry Klein, president of the Queen Creek Ranchettes II Homeowners Association. The temporary use permit applicant, Scot Rigby, is in the process of building a home in Queen Creek Ranchettes II. Mr. Kross explained Codes, Covenants and Restrictions (C,C, and R's) and that Mr. Klein's request for denial is without merit since C,C, and R's are a private contract with the lot/homeowner and the Town cannot enforce the C,C and R's.

Board discussion was in regard to fencing around construction sites, and CC and R's being a major reason for people buying in a certain neighborhood. Further discussion was in regard to zoning ordinance regulations on temporary use permits.

**Motion: Board Member Lopez**

To deny the appeal as recommended by staff.

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**Second: Board Member Stinnett  
Vote: Unanimous**

**ADMINISTRATIVE ITEMS**

- 5. Communication from Members of the Board – none**
- 6. Adjournment**

**Motion: Board Member Boris**

To adjourn the meeting at 7:25 p.m.

**Second: Board Member Stinnett  
Vote: Unanimous**

Dated this 16<sup>th</sup> day of March 1999.

TOWN OF QUEEN CREEK

\_\_\_\_\_  
Bryant R. Gardner, Chairman

ATTEST:

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Jennifer F. Robinson, Deputy Town Clerk

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I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the March 11, 1999 Board of Adjustment Meeting. I further certify that the meeting was duly called and that a quorum was present.

\_\_\_\_\_  
Jennifer F. Robinson, Deputy Town Clerk

Passed and approved on \_\_\_\_\_