



BOARD OF ADJUSTMENT HEARING
TOWN OF QUEEN CREEK

6:00 P.M., Tuesday, June 22, 2010

Town of Queen Creek
Council Chambers
22350 S. Ellsworth Road
Queen Creek, Arizona

I. Call to Order

The meeting was called to order by Chairman Lopez at 6:04 p.m.

II. Roll Call

At roll call, there was a quorum of three (3) Board members: Chairman Lopez, Vice-Chairman Steinhauer, and Board Member Schuett. Absent: Board Members Fritz and Robinson.

Town Staff: Community Development Manager Wayne Balmer, Senior Planner Dave Williams, Community Development Assistant Laura Moats.

III. Consideration and Possible Approval of Minutes

Motion: Board Member Schuett.

To approve the April 23, 2009 meeting minutes as presented.

2nd: Vice-Chairman Steinhauer. All ayes. Motion carried 3-0.

IV. Public Hearing

BA(V)10-033, "Richard Weyenberg": A request by Richard Weyenberg for a variance at 25158 S. 190th Street, which is zoned R1-43, for a reduction in the side setback on the north side of the property from 30 feet to 15 feet.

Staff Presentation

Senior Planner Dave Williams presented the variance request (deviation from Zoning Ordinance) for a reduction in the side setbacks on the north side property line from 30 to 15 feet. The applicant is requesting this variance in order to build an accessory structure on the property. The accessory structure is currently allowed given the lot coverage on this parcel.

Mr. Williams outlined the challenges having to do with drainage on this site. He explained there is a vacant lot to the north of the subject property and a large vacant parcel to the west. There is sheet flow from Riggs Road and the adjacent large lot to the west, which comes into the area and creates significant flooding issues. Mr. Williams stated at the time the home was built, the Town put a requirement on the property to retain 32 cubic feet for water on the property. This addressed a build-out condition for the subject property as well as the property to the west. In recent rainstorms, the applicant has filled the basin to capacity with 18,000-20,000 cubic feet of water. If the accessory structure is built within the building envelope per code, additional flooding hazards could be created for this property and the neighbor's property. The applicant has gathered support from all of his neighbors. The property to the north of the subject property is still vacant. Mr. Williams stated reducing the setback will help water retention and help preserve views of the San Tan Mountains. Based on staff's analysis, there are unique circumstances specific to this property in that water flow has not occurred as originally anticipated on this site. Therefore, staff is recommending approval of this request.

The applicant did not wish to address the Board. Board Member Schuett asked about the zoning on the property north of Mr. Weyenberg. Mr. Williams responded it is also R1-43 and is identical in size to Mr. Weyenberg's property, and also has the same plat restriction for retention of water. Mr. Schuett asked what Mr. Weyenberg's experience has been with the flow of water on his property. Mr. Weyenberg responded he got a lot of water running off of Riggs Road, but his neighbor's property did not experience the same amount of water in their retention area. Mr. Schuett asked about the neighbor's yard to the south. Mr. Williams responded everyone is pretty heavily full of water. The neighbor to the south also has a full retention basin during rainstorms. Board member Schuett asked if there is a fence on the north side of the property. Mr. Weyenberg responded he has a block fence, which was allowed at the time of construction. Board Member Schuett asked, because of the nature of flooding, if the applicant builds outside the envelope, will there have to be changes to the way the pad is put in and the way the accessory building is built to prevent it from flood damage. Senior Planner Williams responded yes, stating it will have to be built up. If the accessory structure were to be built as the code currently allows, there would be a reduction of about 50 percent in the drainage basin. If approved, there would be a reduction of about 10 percent of the overall volume. It would have to be built up to prevent flooding. Mr. Schuett asked if a condition needs to be included in the motion to address the way the structure is built. Mr. Williams

responded it is not necessary to add a condition to the motion, since the code would address this.

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Board Member Schuett asked the measurements of the accessory structure. Mr. Weyenberg responded the structure is 1,200 square feet.

Board Member Schuett initiated discussion, specifically about the potential for setting precedent for future requests, and hearing future requests on a case-by-case basis.

There were no further questions from the Board.

Motion: Board Member Schuett.

To approve the staff recommendation on BA(V) 10-033, Weyenberg setback request.

2nd: Vice-Chairman Steinhauer

All ayes. Motion carried 3-0.

IV. Adjournment

Motion: Vice-Chairman Steinhauer.

To adjourn.

2nd: Board Member Schuett.

Vote: All ayes. Motion carried (3-0)

The meeting adjourned at 6:19 p.m.

Chuck Lopez, Chairman

I, Laura Moats, do hereby certify that, to the best of my knowledge, the foregoing Minutes are a true and correct copy of the Minutes of the June 22, 2010 Board of Adjustment Meeting. I further certify that the meeting was duly called and that a quorum was present.

Dated this 22nd day of June, 2010.

Passed and Approved this day of

