



BOARD OF ADJUSTMENT
MARICOPA COUNTY, ARIZONA
 205 W. Jefferson Street, Phoenix, Arizona
 and by GoToWebinar

MINUTES
February 12, 2026

CALL TO ORDER: Chair Personne called the meeting to order at 10:04 a.m.

MEMBERS PRESENT:

In-person
 Ms. Heather Personne, Chair
 Ms. Suzanne Klapp, Vice Chair
 Mr. Adam Baugh

GoToWebinar
 Mr. Greg Loper
 Ms. Fern Ward

STAFF PRESENT:

Mr. Darren Gérard, Planning Division Manager
 Ms. Rachel Applegate, Planning Supervisor
 Mr. Ron Quarles, Senior Planner
 Mr. Daniel Johnson, Planner
 Mr. Joel Landis, Planner
 Mr. Nick Schlimm, Planner
 Ms. Evelyn Amekudzi, Planning Intern
 Ms. Nadia Barragan, Management Analyst
 Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Max Carpinelli, County Attorney
 Mr. David Anderson, OET / Technical Team
 Mr. Martin Camacho, Media Specialist

AGENDA ITEMS: V2500174, BA250079, BA250081, BA260001, BA260007, BA260008

Chair Personne made the standard announcements and asked if there were any changes or comments to the minutes for January 15. None.

BOARD ACTION: Chair Personne approved the January 15, 2026 minutes as written.

WITHDRAWN AGENDA

V2500174	Code Compliance Review (Cont. from 12/11/2025)	District 4
Respondent:	Donald & Kathy Hendrickson	
Location:	19332 W. Huron Lane, Buckeye, AZ (400-52-103)	
Violation:	Unpermitted construction (sea containers)	
Request:	Withdrawn by Respondent	

Withdrawn, no action required by the Board.

REGULAR AGENDA

BA250079	479 Cahan Dr Variance (Cont. from 1/15/2026)	District 4
Applicant:	Shade by Design LLC	
Location:	APN 503-86-134 @ 479 Cahan Drive, Morristown	
Request:	Variance to the development standards of the Maricopa County Zoning Ordinance to permit:	
	1) Proposed rear setback of 16' where 25' is the minimum permitted per MCZO Article 503.4.3.	

Mr. Landis presented BA250079 and noted this is a request for a variance from the residential development standards to allow a rear setback of 16 feet, where the minimum required rear setback in the R1-6 zoning district is 25 feet, per MCZO Article 503.4.3. The request is tied to a proposed 13 x 28 attached patio cover, which would encroach about 9 feet into the required rear yard. The applicant's main concern is that the rear yard is south-facing and lacks shade and would like an attached cover for usability and comfort. Lack of shade is common in the area and is not unique to this parcel. A detached shade structure can be placed much closer to the rear and side property lines subject to yard coverage limits, which avoids the need for a variance. Staff did not identify a peculiar physical condition unique to the property that is not common to the area or zoning district. The proposed patio cover is an accessory improvement and is not required for reasonable use of the property. The hardship described is not tied to the physical characteristics of the lot. Approval would be based primarily on personal convenience rather than statutory criteria. There are alternative designs available, including detached shade structures.

Member Baugh said it's perplexing that we can have a detached structure closer to the setback to the perimeter property lines, but once it's attached, it can't be. He asked staff the rationale behind that. Mr. Gérard said this was part of ongoing regulatory reform over the last 15 years. Prior to the MCZO update this year, we probably did a hundred text amendments, every one of which was in favor of the regulated community. The idea with the setbacks in lot coverages all related to bulk of structure. Part of the regulatory reform was to remove the requirement for a minimum separation distance between structures on the same lot as part of the zoning ordinance that's relegated to building code. We also opened up the required side yards to allow for detached structures. There's a maximum 30% of a required side yard that can be encroached by detached accessory structures. It is just the coincidence of multiple different regulatory reforms that resulted in us saying as long as you're structurally detached, your detached structure can encroach into the side yard. That is for the benefit of the applicant. They could structurally detach it, redesign the project, and still meet our code. Member Baugh asked how far the detached structure needs to be from the house to be considered detached. Is it a matter of just simply not attaching it and can be a gap of an inch. Mr. Gérard said it can, if it's structurally detached, not under the same roof or eave but there are building code requirements based upon how close the walls may be. Member Baugh asked if it's just a post or is this an enclosed structure. Mr. Landis said he believes it's just a post structure.

Mr. Nick Baker representing the property owner said it is just a post structure and it's only a patio cover. We have no enclosures, nothing like that. We're not anywhere near the PUE with the proposed structure. It's eight feet from the nearest point to the PUE. He measured the closest distance in the rear from the proposed cover to the next neighbor and it's around 50 feet, so we're not encroaching on anybody. The elevation isn't super high and it's not to exceed 10 feet. This isn't something that's going to be an eyesore and above the other neighbors. We notified Ms. Green, the owner that it was possible to get detached, but she really pressed us because this is southward facing and she has no natural forms of shade. She asked us to try and see if this is possible.

Member Baugh asked if you are proposing two posts and then the balance of the shade structure to attach to the rear of the house. Mr. Baker said it is attached and it's not to exceed 10 feet. It's three posts and footings and then the attachment to the rear of the house. Our plans are professionally engineered and stamped.

Chair Personne asked if you were to detach the structure and to convert the portion that's connected to the house to a fourth post and have it away from the house by two inches as long as it's a separate structure, then it would be a detached structure, and you wouldn't need the variance. Mr. Gérard said he believes that there would be three additional posts and he's assuming there's a two-foot eave overhang. They would probably have to move those posts unless there's overhang from the posts. If they move it back two to three feet so that the eaves don't overlap, they will need three new posts.

Member Loper asked how far you are into your construction documents. Mr. Baker said we applied for a permit and were rejected because of the setback issue. We already have the engineering filled out that meets county requirements so the only reason for the denial is just the 25-foot setback. Member Loper asked is your client aware of the requirements and you talked to her about the options, but she still wants to pursue the variance. Mr. Baker said correct.

Chair Personne asked if anyone else from the public wished to speak on this case. None.

Member Baugh said when looking at a photo in the packet, there appears to be a structure directly southeast of you that has a rear shade structure behind it. Based on the angle of this photo, it looks like there's six posts, three in the front, three in the back. He asked would a structure like that be compliant since it's detached. Mr. Gérard said based on just the aerial he doesn't know if this is a permitted structure. It appears to be structurally detached and not under the eave because you can see the ground in between the two. If that was under 200 square foot and detached, it would require a permit. Member Baugh said the property next door found a way to give themselves shade and be compliant with the code. He can see a way where the shade can be accomplished by the owner, and the code can still be respected and it's happening literally at the property next door.

Member Loper said he's been consistent throughout his time on the Board that if a problem could be fixed by another solution, then it's really not an issue, and therefore he's in favor of the variance. He does understand Member Baugh's position and agrees with it, but the person has made a request, and it just seems like it's a whole other step. They would have to redo plans that have already been prepared. They could have done several different things, but they chose this path to go through the variance.

BOARD ACTION: Member Loper motioned to approve BA250079 with condition 'a'. Vice Chair Klapp second. Approved 3-2. Ayes: Klapp, Ward, Loper. Nays: Baugh, Personne.

- a) Variance approval establishes a 16' south rear setback line for APN 503-86-134.

BA250081 Applicant: Location: Request:	Romanek Residential Variance Morgan Busby, Busby Permits APN 503-04-048 @ 51434 N and 295 th Ave., in the Wickenburg area. Variance to the development standard of the Maricopa County Zoning Ordinance to permit: 1) Proposed height of 35' where 30' is the maximum permitted in an area subject to hillside slope per MCZO Article 901.3.	District 4
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Ms. Amekudzi presented BA250081 and noted the request is to allow for a building height of 34 feet instead of the permitted 30 feet by the zoning ordinance. The proposed single-family residence is in an area that has a natural slope of at least 15% and is subject to hillside development standards. Stipulating that the height shall not exceed 30' measured vertically from the natural grade. The applicant notes the western portion of the site is within the floodway and the residence must be located at the southeastern portion of the site. As a result of varying the proposed finished floor, the building roof height exceeds the 30' maximum height above the natural grade by approximately 4.8'. Based upon what the applicant has submitted and the staff analysis in this report, the applicant has demonstrated that there is a peculiar condition facing the property and has demonstrated that due to applying the requirements of the MCZO to this property, the peculiar condition(s) create an undue physical hardship not self-created in the line of title that prevents reasonable development of the property. The applicant has demonstrated that the general intent and purpose of the MCZO will be preserved despite the variance.

Mr. Gérard said the 35-foot height would be consistent with the rural and single-family zoning districts in our ordinance today. Today, there is a stricter maximum building height in hillside slope areas. Prior to the zoning ordinance update, they were consistent maximum building heights.

Mr. Paul Romanek, the property owner said we purchased this property about two years ago and we have struggled with multiple areas of how restricted we are to actually build. Recently we found a builder, we went through all the exercises and found out we're 4'5" too tall and it would be basically starting from ground zero. We are asking the Board to understand our family has put everything into this to try to make it work and that we are not seeing any other way around this. Most of neighbors around us are much higher and built on top of the mountains. They are at the very bottom of the wash and that wash really limits what they're able to do with the property. We are asking permission to just go slightly above, it's only 4'5" above. Most other areas do have a 35-foot building height. This property will be of good value to the community since it's currently sitting as bare dirt, and we have looked at almost all avenues.

Chair Personne asked if there is anyone else that wished to speak on this case. None.

Mr. Anderson said Mr. David Flores wanted to speak but he's having connection issues and he shared a message in the chat: The building is 30 feet higher from slab; the wash vicinity causes issues.

Member Baugh said he appreciates the findings staff made at the end of the memo which justifies the variance. When you have this much parcel that you can't develop and you can't spread out horizontally. He believes the variance factors are justified in this circumstance.

BOARD ACTION: Member Baugh motioned to approve BA250081 with condition 'a'. Member Loper second. Approved 5-0. Ayes: Baugh, Klapp, Loper, Personne, Ward.

- a) Variance approval establishes a 35' maximum building height for APN 503-04-048.

BA260001	11313 W Hidalgo Ave Variance	District 5
Applicant:	Ricardo Lopez	
Location:	APN 101-43-055 @ 11313 W. Hidalgo Ave. – Southern Ave and Avondale Blvd., in the Tolleson area	
Request:	Variance to the development standards of the Maricopa County Zoning Ordinance to permit:	
	1) Proposed street side (west) setback of 0' where 20' is the minimum permitted per MCZO Sec. 502	

Mr. Landis presented BA260001 and noted this is a request for a variance to allow an existing accessory structure to maintain a zero-foot street-side setback along 114th Avenue, where 20 feet is required in the Rural-43 zoning district. The property is approximately 50,835 square feet, developed with a single-family residence and multiple accessory structures, including the subject structure. Historical aerials show the subject structure in roughly this location as early as the 1970s. In 2006, the building appears to have been expanded west to the property line without permits. Additional expansion and enclosure occurred around 2021–2022. It currently appears to be being used as an accessory dwelling unit. A zoning violation was opened in November 2024 for unpermitted construction. A building permit was submitted in September 2025 to address that work, and during review it was identified that the structure does not meet the required 20-foot street-side setback. This variance was subsequently requested. The lot is flat and fully developed. Staff has not identified any irregularities, topography, easements, or other physical constraints that would necessitate a zero-foot setback. The placement of the structure at the property line appears to be the result of past construction decisions and there does not appear to be a peculiar condition or unnecessary hardship present.

Ms. Jessica Lopez, the property owner said she is here with her husband Ricardo Lopez. They are requesting a variance for a zero-foot setback on our property. This structure existed decades before we purchased it in 2011. We're currently living in this home, and we respectfully request to see if we can get an approval. We did add an extension and it's a living room and we're currently running permits for it. One of the requirements is to get a variance approved.

Chair Personne asked if there is anyone else that wished to speak on this case. None.

Member Ward said she would like to make a motion to approve. Like the applicant said, this building has been there for decades.

BOARD ACTION: Member Ward motioned to approve BA260001 with condition 'a'. Member Loper second. Approved 5-0. Ayes: Baugh, Klapp, Loper, Personne, Ward.

- a) Variance approval establishes a 0' west street-side setback line for APN 101-43-055.

BA260007 Applicant: Location: Requests:	Cordoba Property David Flores APN 220-39-039 @ 9716 E. Birchwood Ave. in the east Mesa area Variance to the development standards of the Maricopa County Zoning Ordinance to permit: <ul style="list-style-type: none">1) Proposed front (south) setback of 5' where 10' is the minimum permitted per MCZO Section 502.2) Proposed rear (north) setback of 3' where 25' is the minimum permitted per MCZO Section 502.	District 2
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Mr. Schlimm presented BA260007 and noted this is a request to permit a front setback of 5' and a rear setback of 3' where the R-5 zoning district requires a minimum front setback of 10' and a minimum rear setback of 25'. The property owners have recently removed the original mobile home, which itself was nonconforming to the required setbacks, and are proposing to place a new manufactured home onsite. There appears to be a peculiar condition facing the property in that it was created via subdivision plat in 1961 to a size just large enough to accommodate a typical mobile home for the time. To that effect, the mobile homes of the 1960s were relatively small compared to today's manufactured homes. The small area of the lot, together with the unusual rhombus shape and the required 25' rear setback, make it difficult to place a modern manufactured home within the required building envelope. Although a small home without any

attachments could be feasibly placed within the existing building envelope. The nature of most modern manufactured homes and the amenities that come with them make this outcome unlikely. The peculiar conditions of the property create unnecessary hardship, as evidenced by the fact that most of the surrounding properties have mobile homes encroaching within their own rear yards. The subdivision plat includes a note requiring that all single-family homes placed therein be mobile homes. Granting the requested variance, at least to the rear setback, would allow a modern manufactured home to be comfortably placed onsite. Reducing the rear setback would not put the property at odds with neighboring parcels, but in fact would legally permit what is already the *de facto* norm. A 60' wide drainage easement located opposite the rear lot line means that a manufactured home would be set well back from any property across the way. Said nearby property would therefore not be affected by a reduced rear setback on the subject site. Accordingly, staff finds that granting the requested variance to the rear setback would preserve the intent of the MCZO. Though some of the neighboring mobile homes encroach on front setbacks as well, site aerials suggest that this is a less common problem. The site plan shows that the livable area of the home would meet the required 10' front setback, but the attached carport would bring it down to just 5'. There is arguably less justification for a front setback reduction; removing the patio and shifting the home at least 5' north would negate the need for a front setback reduction and still allow the home to meet the minimum 3' rear yard required per building code. Doing so would also allow the carport to remain part of the home and proximate to the street. Many manufactured homes come with attached patios as built-in amenities, so removing it from the home may not be feasible.

Member Baugh asked if there's a restriction that requires that they must be mobile homes on this property. Mr. Schlimm said in that subdivision, yes, and that was plotted in 1961, so our interpretation is that also includes manufactured homes. Mr. Gérard said prior to 2004, the ordinance included a special use category called mobile home subdivision. That is antiquated, no longer part of the ordinance because since 2004, we permitted mobile homes, manufactured homes, and site-built homes on any residential or rural zoning.

Mr. David Flores said he is representing the homeowner. The owner is in possession of this mobile home already. That's part of the reason why pushing for the variance to fit this specific model on the lot. It is pre-engineered with the carport and the patio attached already so removing the carport creates some issues. He believes this is a hardship for the owner and would prefer to avoid. He's not sure if there's maybe a condition or stipulation that states that the main home can be set back at 10 feet and that a carport or patio can encroach up to five feet. Some jurisdictions allow certain portions of the dwelling to encroach further than others like garages and so forth. We were hoping that maybe we could allow just that carport to remain there. Due to the shape of the lot, it's a really, small portion of the structure that would be within that required setback whereas a majority of the structure is going to be 20 feet or more back. If we were to use a smaller mobile home as outlined in the blue here, that does not allow for the covered carport, which the covered carport is a code requirement for these mobile homes, because it's not in a mobile home park, it is in a residential area. The two covered parking spaces are required so we'd have to find a way to add that regardless. They are in possession of this mobile home unit already and we understand that with the new front setback, reduced to 10 feet this year, that it is doable with some adjustments to the patio. They would have to hire an engineer and either completely remove it or hire an engineer to reduce the footprint of it. We are really hoping to move forward with the proposed unit that they're in possession already.

Chair Personne asked if there is anyone else that wished to speak on this case. None.

Vice Chair Klapp said it appears the home does fit into this spot and it's been difficult to figure out. Nevertheless, it's been noted that there was a peculiar condition that staff would be okay with the rear setback, but there's only the front setback that you have a little question about. As the applicant has stated, there's just a small section of this home that's going to extend into that front setback. She believes they

have done a good job of coming up with a solution to place the building on this property. She agrees to grant a variance for this request.

BOARD ACTION: Vice Chair Klapp motioned to approve BA260007 with conditions 'a'-'b'. Member Baugh second. Approved 5-0. Ayes: Baugh, Klapp, Loper, Personne, Ward.

- a) Variance approval establishes a 5' front (south) setback line for APN 220-39-039.
- b) Variance approval establishes a 3' rear (north) setback line for APN 220-39-039.

BA260008 Applicant: Location: Requests:	Veselovsky Property Melissa Veselovsky APN 219-26-128A @ 2160 N. 77 th Pl. in the east Mesa area Variance to the development standards of the Maricopa County Zoning Ordinance to permit: <ul style="list-style-type: none">1) Proposed horse corral in the front yard where a horse corral may be permitted only in the rear yard, and a2) Proposed use-specific setback of 15' from the south lot line for a horse corral where 40' is the minimum permitted per MCZO Article 603.1.2.	District 2
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Mr. Schlimm presented BA260008 and noted this is a request to permit a horse corral in the front yard and at a setback of 15' from the south lot line. The R1-35 zoning district allows a horse corral as an accessory use to a single-family residence but only in the rear yard and at a minimum setback of 40' from all lot lines. Notwithstanding a legally nonconforming lot width, which resulted from a County-initiated zone change in 1989. The single-family property is rectangular in shape, relatively flat, and not encumbered by floodplain or washes. The residence is located closer to the rear lot line than the front lot line. On paper, the rear yard could still accommodate a small corral for a single horse, although to meet the minimum 1,200 square feet of fenced space required per horse, this would place a corral at a very small setback from the existing residence. The owner hopes to keep two rescue horses on the property, which would require at least 2,400 square feet of space. Meeting this area requirement would necessitate putting the corral in the front yard. Though variance would be required to address the corral's location, it could be done without need for additional variance to the required use-specific setbacks. To meet those setbacks, the corral would need to measure no more than 40' in width. To meet the area requirement then, it would need to measure at least 60' in depth. A corral of these dimensions could maintain a setback of as much as 68' from the residence without encroaching on the required setbacks from the lot lines. However, to maximize space for the horses to roam and exercise, the owner is proposing a larger corral generally measuring about 65' x 100', or 6,500 square feet. Though it would meet the required setbacks from the north and east, it would encroach up to 15' from the south lot line. Staff notes that the purpose of the 40' setbacks, required specifically for horse corrals from all lot lines, is to prevent unwanted impacts, such as noise, odor, or dust generation, to nonconsenting neighbors. The owner has provided a letter of support from the neighbor who would be directly impacted by the reduced setback. In their letter, the neighbors affirm their support for both variances to accommodate the corral. They attest that the subject property owners are good neighbors themselves, would keep the property clean, and care for the animals well. Having experience as horsekeepers themselves, the neighbors further attest that the horses would be a welcome addition to the neighborhood and improve their quality of life. The owner also notes that the rear yards are where property owners most tend to congregate when enjoying the outdoors. Therefore, locating the corral in the front yard would significantly reduce any adverse impacts to neighboring properties.

Ms. Melissa Veselovsky, the property owner said she believes that the variances requested may better conserve and promote public health convenience and general welfare than strict adherence to the letter of MCZO. If the purpose of the zoning requirement to have horses in the backyard is to minimize the impact on neighbors by reducing noise and flies and ensuring adequate space for horse welfare and maintaining a reasonable separation between animal care and living spaces, then placement of the horse corral in the front yard of our property in our particular neighborhood is actually closer to the intent of the ordinance as the front yard actually provides the most separation between animal care and living spaces while ensuring adequate space for the horses. Our neighbors socialize in their backyards, so a farther distance from flies would be much more considerate of their space. In regard to the 15-foot setback on the south side, the rules were written with the expectation that our lot width would be a minimum of 145 feet, not 120 feet. We are proposing a setback on one side to make up the difference so that we have parity with others in the neighborhood and can allow more room for the wellbeing of the animals. She asked her neighbors what they thought and they were over the moon and fully supportive. She believes that keeping horses in the front yard would preserve the character of the neighborhood. She also included a letter of support from the Director of Equine Science Program at Scottsdale Community College. Dr. Clements has been helping us every step of the way and is fully supportive. We want nothing more than to protect the health, safety, comfort, and general welfare of the horses and our neighbors. Our variance requests will have a positive impact and align well with the purpose and the spirit of zoning rules.

Chair Personne asked if anyone else from the public wished to speak on this case. None.

Vice Chair Klapp asked how does your neighbor to the north feel about this. You talked about the neighbor to the south, but you have a neighbor to the north, and this corral is going to sit right next to their house. Ms. Veselovsky said they have an old horse corral at the back of their property. We contacted them to ask if maybe they would sell us the back part of their property and they said we could maybe rent it to you. They have since moved to Tucson and their kids are living there now so we haven't had a lot of contact.

Vice Chair Klapp said she's okay with the concept of moving the corral to the front yard, but she is not persuaded by the 15-foot setback on one side and would argue that there could be a foot setback that would be big enough to accommodate two horses.

Member Baugh said one of the things that is interesting is, it is a narrower lot than what the zoning code allows likely because there was a lot split issued in the eighties not created by the applicant. Mr. Schlimm said yes, the property was created in 1986 or 1987 to a 120-foot lot width. At the time the property was owned, he believes R1-18, which allowed a minimum lot width of 120 feet. When the property was created, it was conforming to the MCZO. In 1989, the Planning and Zoning Commission initiated a zone change to R1-35 with the anticipation that that neighborhood would be annexed into the City of Mesa. That annexation never took place, but that action on behalf of Planning and Zoning Commission and Board of Supervisors made the lot legally non-conforming. It is narrower than required by the zoning ordinance. Member Baugh said it appears to be about 25 feet narrow with what the zoning code requires of 145 feet. Mr. Schlimm said that is correct. Member Baugh asked if it had been a normal width of 145 feet then where they're placing it would have just been compliant with the code. Mr. Schlimm said yes.

Vice Chair Klapp said even though the neighbors to the south are welcoming of this, she must consider that someone who might live in that house in the future might be happier that the corral is 40 feet away rather than the required or the requested 15 feet. With horse properties, there's dust, smell, noise, and there's things that require a larger setback. She believes that it could be 40 feet on each side again with enough room for two horses without granting the 15-foot setback. She is okay with the corral going in the front yard. She is concerned about the neighbors on both sides. She believes that it would be better for all concerned if we kept the 40-foot setback on both sides of the lot, not just one.

Member Baugh said he thought the neighbor to the south is the one who wrote a letter of support, is that correct. Mr. Schlimm said yes that is correct. That's the neighbor with the closer setback. Vice Chair Klapp said she's appreciative of the fact that there's a neighbor that is saying they're okay with it, but if you want to follow the intent of horse properties to keep some of this noise, smell and dust that comes from horse corrals away from neighbors. There's still enough room to build a horse corral in the front yard by not granting the 15-foot setback. Her motion would be to approve the horse corral in the front yard but not permit the 15-foot setback. Member Baugh asked does the decision has to be a yes or no on the variance or can we approve with a different setback that's greater than 15, but not the full 40. Mr. Gérard said yes, you have options before you. You could separate the requests and vote on them separately if that's easier. Vice Chair Klapp said 4,000 square feet is more than enough to accommodate two horses. Mr. Gérard said since variance approval isn't subject to a specific site plan. If this request gets denied for their building permit for corral fencing, they just show a different morphology, different shape, meaning setback.

Ms. Veselovsky said the reason that we went wider is because they're horses and we don't have a big property to run them anywhere or go anywhere. They're currently in an open space that is where they're not cared for as well, and we're trying to get them to a better space. She understands your concern for future owners. The horses have been through an awful lot, and they remember an awful lot. She wants to fight for everything that she could to give them the best life that they could have. The more space for them to move, the better. She's trying to find a solution that would be reasonable. She absolutely appreciates the concerns of the dust and the dirt and all of that stuff. We're very committed to not having those types of issues, although they're just inherent. She doesn't want flies and manure and all this stuff, and we have plans. She spends three hours every day, as it is, driving out to where they are, to clean the pasture every single day. She shovels tons of manure out of their current living situation. It won't be any different in her own place. It's going to be even better because now she can do it twice a day. We are just trying to find the most square footage that she can for them so they're safe. The neighbors are fully supportive, and their house is also set back so that's all just driveway for them.

Member Baugh asked if it was in the rear yard, would there be setback requirements of a 40-foot on each side. Mr. Schlimm said horse corrals are required per MCZO to be set back 40 feet from all lot lines, regardless of their placement relative to the house. Part of the issue here is with those setback requirements; the corral would need to be a lot smaller. Also, the issue is that by placing the corral in the rear yard it would be a lot closer to where people tend to congregate on their properties. Mr. Gérard said the 40-foot minimum setback for horse corrals applies to residential zoning, doesn't apply to rural zoning.

Chair Personne said we have a support letter from the neighbor to the south. Perhaps someone in the future might have an issue but given the fact that we have the narrower lot, we have their support and it's a driveway there. She is comfortable with the setback as proposed.

Member Ward said she is a former horse owner. If you're going to get one horse or 10 horses, you're going to get dust, manure, and flies no matter what. She doesn't believe 40 feet or 15 feet is going to make a difference. She is in favor of it.

Member Baugh said the accommodation to grant the variance to the front is unusual but would help the applicant to continue with their equine use. One of the benefits of a setback is to reduce the externalities that occur outside the invisible property lines with odor, flies, etc. It's unusual to grant one in the front yard. He doesn't know if he's totally comfortable moving it that close to the south, but the absence of any feedback from people across the street is interesting but nonetheless, he doesn't think he'll be able to support the motion.

Member Loper said he's in support of the variance request. He's not a horse owner but has been around them for a large part of his life. What Member Ward said is correct, there's going to be dust, there's going to be flies. It's clear that the applicant has their heart and soul in this use.

BOARD ACTION: Vice Chair Klapp motioned to approve BA260008 (Request '1') with condition 'a'. Member Baugh second. Approved 5-0. Ayes: Baugh, Klapp, Loper, Personne, Ward.

BOARD ACTION: Vice Chair Klapp motioned to approve BA260008 (Request '2') with condition 'b'. Member Ward second. Approved 3-2. Ayes: Loper, Personne, Ward. Nays: Baugh, Klapp.

- a) Variance approval establishes that a horse corral may be permitted in the front yard for APN 219-26-128A.
- b) Variance approval establishes a 15' south setback for a horse corral for APN 219-26-128A.

Adjournment: Chair Personne adjourned the meeting of February 12, 2026, at 11:14 a.m.

Prepared by Rosalie Pinney
Recording Secretary

February 12, 2026