

**TOWN OF CAREFREE
PUBLIC HEARING
of the
BOARD OF ADJUSTMENT
MINUTES**

WHEN: MONDAY, AUGUST 22, 2022

WHERE: TOWN COUCNIL CHAMBERS
33 EASY STREET
CAREFREE, AZ 85377

TIME: 5:00 P.M.

Members Present:

Vice Chairperson Lyn Hitchon
Peter Burns
Phil Corso
Dan Davee

Absent:

Chairperson Tom Cross
Heather Burgett
Ralph Ferro

Also Present:

Michael Wright, Town Attorney; Michael Tibbett, Town of Carefree Chief Building Official; Dennis Randolph, Town of Carefree Code Enforcement Officer; Samantha Gesell, Planning Clerk

CALL TO ORDER

ROLL CALL and PLEDGE OF ALLEGIANCE

ITEM #1 **APPEAL** of the Zoning Administrator's interpretation of the Town of Carefree Zoning Ordinance *Article V. Uses Permitted in each Zoning District and Additional Requirements and Clarification for Uses Permitted in each Zoning District, Section 5.02 (21)* as it pertains to a repair shop.

CASE #: 22-07-AP

APPLICANT: Mr. Josh Awad
8733 West Puget Avenue
Peoria, AZ 85345

CASE *A Time to Ride, Appeal to the Zoning Administrator's Decision*

LOCATION: Mariachi Plaza, 7171 East Cave Creek Road, **Suite J**
APN # 216-83-281

ZONING: Commercial (C)

GENERAL PLAN: The Carefree General Plan designates the property as
Town Center (TC)

Vice Chairperson Hitchon swore in all persons, that during the hearing, had an intent to testify or present evidence.

Grant Frazier, Attorney representing Arizona Unlimited Motor Sports L.L.C. dba Time to Ride AZ, presented his testimony and responded to questions from the Board. Mr. Frazier provided the intent of the Appeal:

1. Servicing of the business's own rental vehicles
2. The ability to provide those same services to 3rd party vehicles (public)

Mr. Frazier, to eliminate unnecessary discussion, asked for clarification and the Town's position, that the servicing of the business's own rental vehicles, is approved, and need not be addressed. However, the ability to provide those same services to 3rd parties is not.

Attorney for the Town of Carefree, Michael Wright, introduced himself and explained, the focus is on the 3rd party aspects and asked Attorney Frazier, if he was withdrawing all alleged discriminatory aspects etc. of the appeal? Mr. Frazier responded, regarding this appeal, they will retract the discriminatory aspect.

The group discussed the list, compiled by Chief Building Official, Mike Tibbett, of what services are permitted regarding Time to Ride's own rental vehicles.

Mr. Josh Awad, applicant and owner of Time to Ride AZ, clarified for the Board, the scope of the business and explained how the Time to Ride's own ATVs, UTVs and jet skis are maintained.

Planning Director, Stacey Bridge-Denzak responded to comments regarding the origination of the first complaint, and addressed further issues relayed by both, the Carefree Water Company, and the Town of Carefree Streets department.

Board Member Davee asked Mr. Awad, how many units Time to Ride has and how large their facility is? Mr. Awad responded, they have 40-45 units, and the facility is approximately 2000 square feet.

Board member Davee asked what the percentage of Time to Ride's business is third party service? Mr. Awad responded approximately 30%.

Mr. Awad concluded his testimony informing that he is a happy business in the Town of Carefree, he wants to stay and grow his business in Carefree. He wants to work with the Town and comply.

The group discussed at length, interpretation of the definitions in the Zoning Ordinance pertaining to the servicing of rental fleets etc.

Town of Carefree, Planning Director and Zoning Administrator, Stacey Bridge-Denzak then testified, summarized the timeline of meetings and communications with Time to Ride and explained the Town's position and what the expectations were/are.

Ms. Bridge-Denzak concluded, that this was never about parts and sales, it was about a rental business and helping a business owner have that type of business in the Town, which then became something that was against the Town of Carefree's ordinance.

Director Bridge-Denzak responded to questions.

APPROVED: APRIL 10, 2023

Board Member Burns **MOVED TO REVERSE** the Zoning Administrator's June 1, 2022, decision, now allowing for service and repairs of Time to Ride AZ's own rental inventory only, as follows:

- Oil changes
- Filter changes
- Battery testing, cleaning and replacement
- Testing and replacing brake pads and brake fluid
- Fixing or replacing exterior glass plastic windshields, window etc
- Fixing superficial damage to the exterior of vehicle
- Analyzing engine health, including engine lights, spark plugs, serpentine belts and radiator hoses
- Alignment and suspension services
- Tire rotation balancing, repair, and replacement

Prohibited services included with Time to Ride AZ's rental fleet:

- Sale of gasoline
- Building of motors
- Welding of any major structural work

SECONDED by Board Member Corso. **CARRIED**, unanimously.

ITEM #2 ADJOURNMENT

Board Member Burns **MOVED TO ADJOURN**. **SECONDED** by Board Member Corso. **CARRIED**, unanimously.

The meeting was adjourned at 6:54 p.m.

TOWN OF CAREFREE


Tom Cross, Chairperson

Samantha J. Gesell
Samantha Gesell, Planning Clerk
AUGUST 22, 2022.