

Tonto Hills Improvement Association

President: Michael Jans
Vice President: Nancy Nelson
Treasurer: Kathleen Kuchta
Secretary: Diana Cole

ACC meeting October 12th 2022

I. Call to Order

The ACC meeting was called to order at 6:45 PM on October 12th 2022. Bud Tolp declared that the meeting was being recorded by the ACC. He asked if any other recordings were being made? Steve Rensel said he was recording. Committee members present; Bud Tolp and Gil Stedman; via ZOOM Rick Nelson, Robyn Baker, and Mark Laliberte. Jim Gibbs was absent. Tonto Hills property owners present: Chris Stuart, and Amy Kent via ZOOM, Nick Tilley, Steve Rensel, Bork-recording, Bob Swan

II. Opening Comments

Bud Tolp opened the meeting asking if any member wish to address the Committee. Chris Stuart, Lot 181, stated he wished to present a concept plan for a remodel of his home. Bud Told said the Committee would be glad to hear from him after the published agenda item is completed. No other opening comments were made.

III. Approval of Consent Agenda

Rick Nelson moved to accept the meeting agenda, Mark Laliberte 2nd the motion passed 5-0-1. Rick Nelson stated he had not finished the draft minutes from the October 5th meeting. Bud Tolp moved to defer the minutes of October 5, 2022 meeting, Robyn Baker 2nd, motion passed 5-0-1.

IV Review of Projects - Design Submittal Meeting Lot 54

This is a continuation meeting of the October 5th ACC meeting. At that time, Mr. Nick Tilley, the owner of Lot 54, presented two copies of Maricopa County's approved design. Since the Committee had not reviewed County approved plans, discussions and decisions were differed until a review was completed. The committee members reviewed the plans over the weekend and scheduled this meeting as a courtesy to Mr. Tilley to provide a timely review and decision.

Bud Tolp reiterated the ACC process must follow its procedure detailed in the DofRs, Bylaws, and Addendum A of the Bylaws. Mr. Tilley's plans were again not in compliance with the setback requirements. Although all other aspects of the design were appropriate, the set-backs as required by paragraph 9 of the THIA DofRs were less than 50 feet on the E Quail Lane road side.

Bud Tolp also acknowledged that some additional information was provided by Mr. Tilley. A booklet he characterized as examples of properties out of compliance and claims that variances were granted by the Association. It was not clear what the Committee was to do with this information. Mr. Tilley also described the DofRs as poorly written and vague. Mr. Nelson pointed out that amongst all the vague language, there is nothing more definitive than the wording of Paragraph 9 requiring the setbacks of 50' for corner lots.

Bud Tolp pointed out even if existing structures approved by previous ACC reviews are out of compliance by accident or intent, Paragraph 4 of the DofRs state that the current Committee must follow the existing rules. Mr. Tilley stated he was not calling out violation examples in his booklet.

Bud Tolp pointed out that some examples by Mr. Tilley used the Maricopa County GIS site tools to estimate the set-back distance. However, the photogrammetry method used by Maricopa County is not registered to a known fixed position and that induces just one of the potential errors in measurement. The errors can actually be many feet. A review of some of the building plans for lots identified by Mr. Tilley indicated that plans approved by past ACCs were in compliance with paragraph 9.

Mr. Rensel asked via the ZOOM chat function, “What should the procedure be to verify Mr. Tilley’s concern about potential violations.” Rick Nelson stated that according to the Arizona state statute and THIA Bylaws, a written complaint concerning a potential violation must be received by THIA. Neither the Board nor the ACC can consider any action without a written complaint from a member.

Remodel Presentation: After all agenda items had been addressed, Chris Stuart and Amy Kent, Lot 181, presented design concepts of their remodel project. The project calls for enlarging the garage and casita and creating a brick patio area, low wall, and continuing the overhang cover on the main residence. Mr. Stuart asked what permits the County requires and how the ACC viewed the design. Bud Tolp explained the process, stated the importance of adhering to the set-back requirements and recommended contacting the County concerning permit questions. He also advised Mr. Stuart to review the County ordinances on lighting and the ‘dark sky’ initiative. Mr. Stuart said he hoped to have preliminary plans by the next scheduled ACC meeting

V. Final review of recommended changes to the ACC Addendum A

Tabled until next meeting

VI. Projects Tracking Sheet

Not discussed

VII. Adjourn

Mark Laliberte moved to adjourn at 7:23PM, Gil Stedman 2nd, motion passed 5-0-1.

VIII. Executive Session (If necessary) - None