

1. February 20, 2020 - Board Of Adjustment

Documents:

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2. TU2020006 Staff Report

Documents:

[01. TU2020006.PDF](#)

3. BA2019060 Staff Report

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4. BA2019061 Staff Report

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**BOARD OF ADJUSTMENT
MARICOPA COUNTY**
Board of Supervisors' Auditorium
205 W. Jefferson Street
Phoenix, Arizona

AGENDA

Thursday, February 20, 2020

This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Rosalie Pinney at Rosalie.Pinney@maricopa.gov at 602-506-0625 or 602-506-3301. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness shall fill out speaker's card and shall be limited up to a maximum of 10 minutes. Rebuttal by the applicant shall be limited up to a maximum of 5 minutes.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-816. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time, but shall be moved for continuance either indefinitely or to a date-certain. Those items that are continued indefinitely will require new notification.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Code Compliance Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant’s justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

Call To Order: 10:00 a.m.

Roll Call: Board of Adjustment Members

Announcements: The Chair shall make the normal meeting announcements.

Approval of Minutes: January 23, 2020

Continuance Agenda:

1.	TU2020006	Amadio Property	District 5
	Applicant:	Hannah Bleam, Withey Morris PLC	
	Location:	4701 W. Dobbins Rd. – southwest corner of Dobbins Rd. and 47 th Ave. in the Laveen area	
	Zoning:	Rural-43	
	Request:	Temporary Use Permit for temporary events for farmer’s market and other community events	
	Findings:	Continuance to the March 19, 2020 hearing to allow the applicant time to address staff’s review comments	
	Presented by:	Ray Banker	

Consent Agenda:

2.	BA2019060	Fisher Property	District 2
	Applicant:	Jan Higgins	
	Location:	18738 E. Avenida Del Ray – Forest Rd. and McDowell Mountain Rd. in the Rio Verde area	
	Zoning:	R1-8 RUPD	
	Request:	Variance to permit:	

Findings: 1) Proposed front setback of 16.4' where 20' is the minimum permitted
Presented by: **The request meets the statutory test for variance approval**
Martin Martell

3. **BA2019061** **Greene Property** **District 4**
Applicant: Elizabeth Greene
Location: 14019 N. 99th Drive, Sun City – 450' southwest of the SWC of 99th Avenue & Cameo Drive in the Sun City area
Zoning: R-3 RUPD
Requests: Variance to permit:
1) Existing front setback of 15 feet where 20 feet is required, and
2) Existing Lot coverage of 62% where 60% is the maximum per MCZO 702.5.4
Findings: **The requests meet the statutory test for variance approval**
Presented by: Sean Watkins

Code Compliance Review: None

Regular Agenda:

4. **BA2019038** **Boyd Property (Cont. from 12/19/19)** **District 3**
Applicant: Phyllis McGurren
Location: 38108 N. 25th Ave, N. 25th Ave. & Joy Ranch Rd., in the Desert Hills area
Zoning: Rural-43
Request: Variance to permit:
1) Proposed 5 lighting structures to be setback 3' where 20' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Eric R. Smith

5. **BA2019055** **LaCasse Property (Cont. from 1/23/20)** **District 4**
Applicant: Robert LaCasse
Location: 15014 W. Heritage Dr. – 151st Ave. & Heritage Dr. in the Sun City West area
Zoning: R1-7 SC
Request: Variance to permit:
1) Proposed front setback of 14' where 20' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Eric R. Smith

6. **BA2019058** **Nelson Property** **District 4**
Applicant: Blake, Tammy, Bradley and Linda Kay Nelson

Location: 27307 N. 237th Ave. Bunker Peak Rd. and 237th Ave. in the Surprise area

Zoning: Rural-43 Military Airport Ancillary Military Facility overlay zoning district

Requests: Variances to permit:

- 1) Proposed front yard setback of 0' where 40' is minimum permitted and,
- 2) Proposed south side setback of 0' where 30' is the minimum permitted and,
- 3) Proposed Accident Potential Zone line northeast side setback of 5' where 30' is the minimum permitted

Findings: **The requests fail to meet the statutory test for variance approval**

Presented by: Martin Martell

7. **BA2020001** **Amrine Property** **District 3**

Applicant: Bill Amrine

Location: 35822 N. 16th St. – cloud Rd. and 16th St. in the New River area

Zoning: Rural-43

Requests: Variance to permit:

- 1) Detached accessory building to be placed in the required front yard at a 12-foot setback, where detached accessory structures are to be located outside the required front yard and,
- 2) Proposed front (east) accessory setback of 12-feet where 40-feet is the minimum permitted and,
- 3) Proposed rear (west) accessory setback of 1.5-feet and side (south) accessory setback of 0-feet where 3-feet is the minimum permitted

Findings: **The request fails to meet the statutory test for variance approval**

Presented by: Adam Cannon

8. **BA2020003** **Bomyea Property** **District 4**

Applicant: Jeffery Bomyea

Location: 13801 N. 183rd Ave. – Waddell Rd. & 183rd Ave. in the Surprise area

Zoning: Rural-43

Request: Variance to permit:

- 1) Allow an accessory structure to occupy 31.4% of a required side (north) yard where 30% of any required yard is the maximum permitted

Findings: **The request fails to meet the statutory test for variance approval**

Presented by: Adam Cannon

Other Matters:
Adjournment:

The Chair shall adjourn the meeting.



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: TU2020006 – Amadio Property

Hearing Date: February 20, 2020

Supervisor District: 5

Applicant: Hannah Bleam, Withey Morris PLC

Property Owner: Eric Amadio

Request: Temporary Use Permit for temporary events for farmer's market and other community events

Site Location: APN 300-10-081C @ 4701 W. Dobbins Rd. – SWC of Dobbins Rd. and 47th Ave. in the Laveen area

Site Size: 1.41 acres (61,611 sq. ft.)

Current Use/Zoning: Single-family residence with Home Occupation Permit/Rural-43

Open Violation: V201901975

Findings: The applicant is requesting this case be **continued** to **March 19, 2020 BOA hearing** to allow for time to address staff's review comments

Attachment: E-mail requesting continuance (1 page)

Ray Banker (PND)

To: Benjamin Tate
Subject: RE: APN 300-10-081C / V201901975 @ 4701 W Dobbins Rd

From: Benjamin Tate <ben@witheymorris.com>

Sent: Thursday, February 6, 2020 9:58 AM

To: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>; Hannah Bleam <hannah@witheymorris.com>

Cc: Ray Banker (PND) <Ray.Banker@Maricopa.Gov>; Jen Pokorski (PND) <Jen.Pokorski@Maricopa.Gov>; Tom Daley (PND) <Tom.Daley@Maricopa.Gov>

Subject: RE: APN 300-10-081C / V201901975 @ 4701 W Dobbins Rd

Darren,

Thank you. Yes – we would like to request a continuance of our BOA hearing to address the unresolved staff comments on our TUP submittal. I'm checking with Eric right now on his availability for tomorrow.

Benjamin L. Tate
Withey Morris, PLC
Direct: 602-346-4610



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2019060 – Fisher Property

Hearing Date: February 20, 2020

Supervisor District: 2

Applicant: Jan Higgins

Property Owner: Louis McLane Fisher, Jr. & Sue Fisher

Request: **Variance to a development standard of the Maricopa County Zoning Ordinance to permit:**

- 1) Proposed front setback of 16.4' where 20' is the minimum permitted per MCZO Article 604.1.a

Site Location: APN 219-43-595 @ 18738 E. Avenida Del Ray – Forest Rd. and McDowell Mountain Rd., in the Rio Verde area

Site Size: 10,724 sq. ft.

Current Use / Zoning: Single-family residence / R1-8 RUPD

Open Violation: **No Violation on property**

Citizen Support/Opposition: No known opposition

Findings: **The request meets the statutory test for variance approval**

Background:

1. **May 8, 1978:** The subdivision plat for Rio Verde Unit 5-A, which created the subject lot, was recorded (S1975001).
2. **October 27, 1993:** Current property owners purchased the property.
3. **December 27, 2019:** The applicant submitted for the subject variance request (BA2019060).

Reviewing Agencies Comments:

4. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated January 7, 2020.
5. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated January 17, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

6. On-site: R1-8 RUPD/ Single-family residence
North: R-3 RUPD/Private golf course
South: R1-8 RUPD / Single-family residence
East: R1-8 RUPD/ Single-family residence
West: R1-8 RUPD / Single-family residence

Site Analysis:

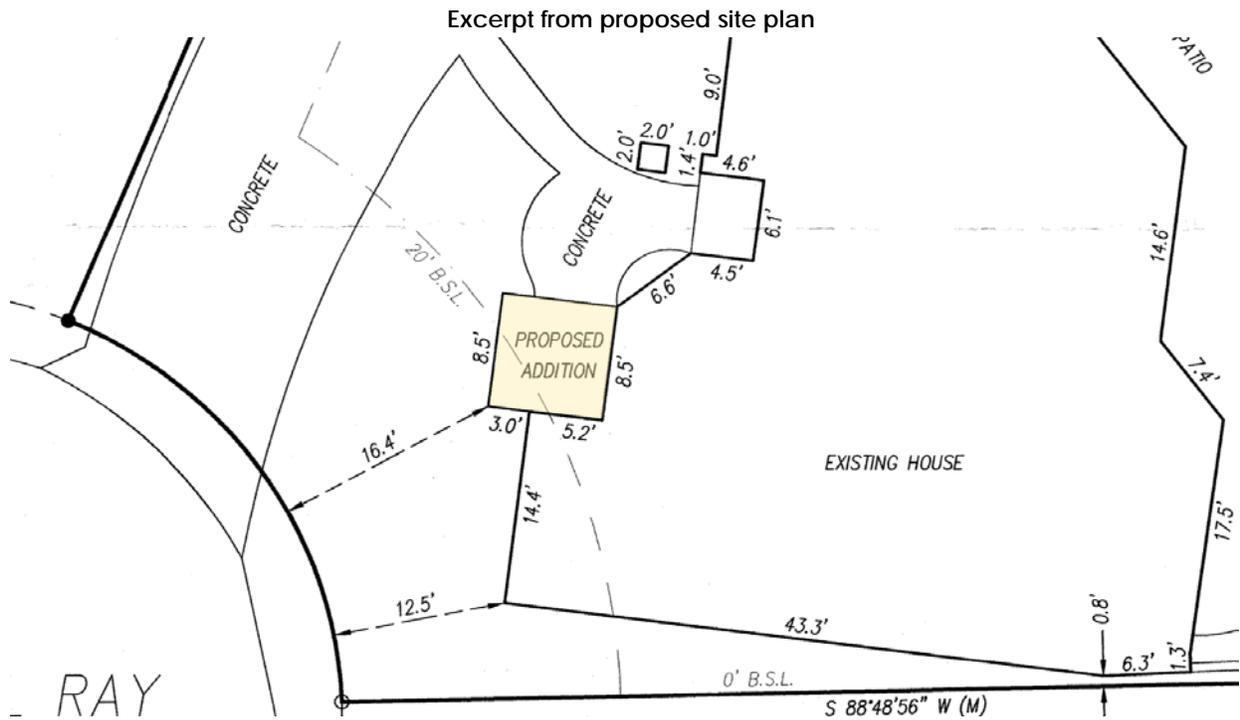
7. The subject property is located within the Rio Verde area located approximately 3,549 feet northwest of the northwest corner of Forest Rd. and McDowell Mountain Rd. The terrain of the site is flat and the lots shape is an irregular pentagon shape that is similar to the surrounding properties on this cul-de-sac. The majority of the surrounding lots are residential in nature and the lot to the north of the site is part of the Rio Verde Country Club Golf Course.
8. The existing 2,820 square foot residence was constructed in 1981, consisting of three bedrooms, two bathrooms and a two-car garage. Presently, the existing home encroaches 7½ feet into the front yard setback and 4½ feet into the westerly side yard setback. Although, the existing home is in both the westerly side yard and front yard setback, the residence was built prior to January 1, 2000, making the property legally non-conforming. Due to the curvature of the cul-de-sac and irregular shape of the lot as it relates to the positioning of a reasonably sized residence would encroach into both the front yard and westerly side yard setbacks. Thus, in considering this request, staff is of the opinion this request is supportable due the development history of the site and the physical hardship of the unusual lot configuration.
9. The applicant, on behalf of the property owners, proposes to add a 69 square foot new bathroom attached to an existing bedroom of the residence. The proposed addition will encroach into the 20 foot wide front yard setback by 3½ feet. Due to the irregular orientation of the home any addition to this particular bedroom would encroach into the front yard setback.

Aerial photo of subject site & surrounding environs



Recent Street-View of the subject residence





10. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	R1-8 RUPD Zoning District	Proposed Standard
Front Yard Setback	20-feet	16.4-feet**
Rear Yard Setback	20-feet	21-feet
Westerly Side Yard Setback	10-feet	5.4-feet*
South/Easterly Side Yard Setback	0-feet	0.8-feet
Maximum Height	30-feet	~14-feet
Minimum Lot Area	8,000-sq. ft.	10,724-sq. ft.
Minimum Lot Width	80-feet	66-feet*
Lot Coverage	35%	26.9%

Note: Standards indicated in **bold** do not meet base zoning standards

* Legal Non-Conforming

** Existing 12.5' front yard setback is considered legal non-conforming

ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

11. **Statutory Test -1 Peculiar condition-** Discuss and explain what is/are the peculiar condition facing the property and include reference to the Maricopa County Zoning

Ordinance Regulation or Development Standard to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation or Development Standard would impose a hardship on the property.

"The peculiar condition on this property stems from the building originally being approved and recorded with the SW corner of the building 7.5 feet beyond the front B.S.L. This approval created an unnecessary hardship for any future value-added home additions on this side of the property. Original plan attached showing the original building location intent."

"The home owner is requesting a variance to allow a 69 SF bathroom to be added to the Second bedroom, (of which only 10 SF of this addition extends over the front 20' B.S.L.), located on the front of the home, to allow this bedroom to be utilized as a bedroom suite, with its own private bathroom, adding value to the home, and eliminating the daily delays being caused with two bedrooms utilizing the same bathroom."

"The addition is in a level area on the property and at its furthest most point is still 3.9 feet behind the originally approved and recorded 7.5 feet building point beyond the front B.S.L."

12. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar condition on the site created with respect to existing Regulation and Standard of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

"When the building was originally built, it was recorded as acceptable, being 7.5 feet Over the front B.S.L. This created an unnecessary hardship for the current owner. When The current owners purchased this property 6 years ago, this hardship was not disclosed. One can only assume that this was unknown since the drawing on record at the HOA Office shows the building's SW corner was to be on the 20 foot B.S.L."

"The fact that the corner is actually 7.5 feet beyond the front 20' B.S.L. was found during the ground preparation and staking of the proposed addition. A survey was ordered to confirm the findings."

"Had this building been located as originally planned with the SW building corner located On the front 20' B.S.L., this bathroom addition would be 3.9 feet behind the form B.S.L., which would have been in compliance with the building codes and avoiding this process entirely."

13. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** - Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

"Granting this variance of extending 3.6 feet beyond the front 20 foot front B.S.L. does not cause a negative impact on the Zoning Ordinance intent because this location is less than the existing SW building corner approved and recorded encroachment of 7.5 feet of the same front 20 foot B.S.L. This home addition has been approved and is viewed as a positive property improvement by the Rio Verde Architecture Committee,

the Rio Verde Administrative Board, and the surrounding neighbors, with approval letters sent to the Rio Verde Administration Board Committee."

14. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.**

Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit or as-built permit currently filed with Planning and Development Department and the current review status. Specify the permit number. If no permit have been filed, please provide a timeline for building permit submittal and projected timeframe for construction. Conversely, indicate if the variance request is/are not related to a specific development proposal.

"The submittal of the building permit has been put on hold until the variance request has been approved because we were informed by the MCP&D that all monies spent on the permit submittal process are non-refundable is the variance board did not approved the variance. Even though we feel the variance request is a fair request given the historical events that occurred, it is financially wiser to wait until written approval has been granted."

"Therefore, upon receiving written variance approval, the building permit submittal package will be turned into MCP&D to begin the permit process."

"The project will be completed within 120 days requested."

Findings:

15. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has demonstrated that there is a peculiar condition facing the property in that the homes current legal non-conformance in relation to the setbacks and the residence's orientation in relation of the unorthodox shaped lot has already created a peculiar condition.
- The applicant has demonstrated applying the requirements of the MCZO to this property that has this peculiar condition an undue physical hardship exists that prevents any property improvement in that the unusual shape of the lot and orientation of the residence prevents the front yard setback of any addition to the front of the home.
- The applicant has demonstrated the peculiar condition / physical hardship is not self-created in the line of title since the residence was permitted 39 years ago in the homes present location on the lot and not in conformance with the required minimum front yard setback.

- The applicant has demonstrated that the general intent and purpose of the MCZO will be preserved despite the variance because the new addition will be placed 3.9 feet behind the southwest corner of the existing home which is already inside of the front yard setback and would be hardly noticeable from the street,

And further, staff offers the Board the following Conditions of Approval:

- a) General compliance with the site plan stamped received December 27, 2019.
 - b) All required building permits for proposed development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permits within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
 - c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.
16. However, if the Board finds that any aspect of the statutory test has not been proven, Board must state on the record the basis for that determination in a motion to deny the relief sought.

Presented by: Martin Martell, Planner
Reviewed by: Darren V. Gérard, AICP, Planning Manager

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (4 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)



MARICOPA COUNTY



Application Name: Fisher Property		
Legal Description		
Applicant JAN HIGGINS	Applicant Phone/Email 928.284.8311 HIGGINSJ58@YAHOO.COM	BA2019060
Case Address 18738 E AVENIDA DEL RAY RIO VERDE AZ 85263	Parcel Primary: 219-43-595	
Generated January 31, 2020 09:53 AM	Gross Acres: 0.255 approx.	Map scale 1:378

Supervisor District No. 2

REQUEST FOR 16.4' FRONT SETBACK WHERE 20' IS REQUIRED





Planning & Development Department VARIANCE / INTERPRETATION APPLICATION



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>			
REQUEST			
Description of Request: <u>REQUEST FOR 16.4' SETBACK WHERE 20' IS REQUIRED</u>			
Existing Use of Property: <u>RESIDENTIAL</u>			
Existing Zoning District: <u>R1-8</u>			
Related Case Number(s): <u>N/A</u>			
PROPERTY INFORMATION			
Address (if known): <u>18738 DEL RAY CIRCLE, RIO VERDE AZ 85263</u>			
General Location (include nearest city/town): <u>RIO VERDE</u>			
Size in Acres: <u>.255 ACRE</u>		Square Feet: <u>11,141 SF</u>	
Legal Description:	Section: <u>6</u>	Township: <u>4N</u>	Range: <u>7E</u>
Assessor's Parcel Number: <u>219-43-595</u>			
Subdivision Name (if applicable): <u>RIO VERDE</u>			
APPLICANT INFORMATION			
Name: <u>JAN HIGGINS</u>		Contact: <u>N/A</u>	
Address: <u>18132 E. PICACHO RD</u>			
City: <u>RIO VERDE</u>		State: <u>AZ</u>	Zip: <u>85263</u>
Phone #: <u>928.284.8311</u>		Fax #: <u>N/A</u>	
E-mail Address: <u>higginsj58@yahoo.com</u>			
PROPERTY OWNER INFORMATION			
Name: <u>MIKE & SUE FISHER</u>		Contact: <u>N/A</u>	
Address: <u>18738 DEL RAY CIRCLE</u>			
City: <u>RIO VERDE</u>		State: <u>AZ</u>	Zip: <u>85263</u>
Phone #: <u>303.638.6453</u>		Fax #: <u>N/A</u>	
E-mail Address: <u>m.fishe@AOL.com</u>			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) <u>MIKE & SUE FISHER</u> authorize (applicant's name) <u>JAN HIGGINS</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature: <u>Mike Fisher</u>		Date: <u>12/5/19</u>	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature: <u>Mike Fisher</u>		Date: <u>12/5/19</u>	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature: <u>Mike Fisher</u>		Date: <u>12/5/19</u>	



Planning & Development
Department



BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the zoning ordinance will be preserved.

- 1. Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

SEE ATTACHED.

- 2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

SEE ATTACHED

- 3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

SEE ATTACHED

RECEIVED DEC 27 2019

BA2019060

4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

SEE ATTACHED

*Additional sheets may be attached.

** DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN INTERPRETATION

VARIANCE SUPPLEMENTAL QUESTIONNAIRE ANSWERS

Question #1:

The peculiar condition on this property stems from the building originally being approved and recorded with the SW corner of the building 7.5 feet beyond the front B.S.L. This approval created an unnecessary hardship for any future value-added home additions on this side of the property. Original plan attached showing the original building location intent.

The home owner is requesting a variance to allow a 68SF bathroom to be added to the second bedroom, (of which only 10SF of this addition extends over the front 20' B.S.L.), located on the front of the home, to allow this bedroom to be utilized as a bedroom suite, with its own private bathroom, adding value to the home, and eliminating the daily delays being caused with two bedrooms utilizing the same bathroom, (See layouts for existing and proposed additional bathroom.) The flow of the home is dramatically improved with this additional bathroom attached to the second bedroom.

This addition is in a level area on the property and at its furthest most point is still 3.9 feet behind the originally approved and recorded 7.5 feet building point beyond the front B.S.L.

Question #2

When the building was originally built, it was recorded as acceptable, being 7.5 feet over the front B.S.L. This created an unnecessary hardship for the current owner. When the current owners purchased this property 6 years ago, this hardship was not disclosed. One can only assume that this was unknown since the drawing on record at the HOA office shows the building SW corner was to be on the 20 foot B.S.L.

The fact that the corner is actually 7.5 feet beyond the front 20' B.S.L. was found during the ground preparation and staking of the proposed addition. A survey was ordered to confirm the findings. (See attached survey drawing).

Had this building been located as originally planned with the SW building corner located on the front 20' B.S.L., this bathroom addition would be 3.9 feet behind the front B.S. L., which would have been in compliance with the building codes and avoiding this process entirely.

Question #3

Granting this variance of extending 3.6 feet beyond the front 20 foot B.S.L. does not cause a negative impact on the zoning ordinance intent because this location is less than the existing SW building corner approved and recorded encroachment of 7.5 feet of the same front 20 foot B.S.L. (See layouts). This home addition has been approved and is viewed as a positive property improvement by the Rio Verde Architectural Committee, the Rio Verde Administration Board, and the surrounding neighbors, with neighbor approval letters sent to the Rio Verde Administration board committee.

Question #4

The submittal of the building permit has been put on hold until the variance request has been approved because we were informed by the MCP&D that all monies spent on the permit submittal process are non-refundable if the variance board did not approve the variance. Even though we feel the variance request is a fair request given the historical events that occurred, it is financially wiser to wait until written approval has been granted. Therefore, upon receiving written variance approval, the building permit submittal package will be turned into the MCP&D to begin the permit process.

The project will be completed within the 120 days requested. Please see the attached project schedule.

**Regards,
Jan Higgins
Owner Agent & Representative
928.284.8311**

RESULTS OF SURVEY

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6,
TOWNSHIP 4 NORTH, RANGE 7 EAST OF THE GILA AND SALT
RIVER BASELINE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

**18738 E. DEL RAY CIRCLE
RIO VERDE, AZ 85263**

OWNER **SITE DATA**
LOUIS AND SUE FISHER AREA: 11,141 SQ.FT. (M)
APR: 219-43-305

LEGAL DESCRIPTION

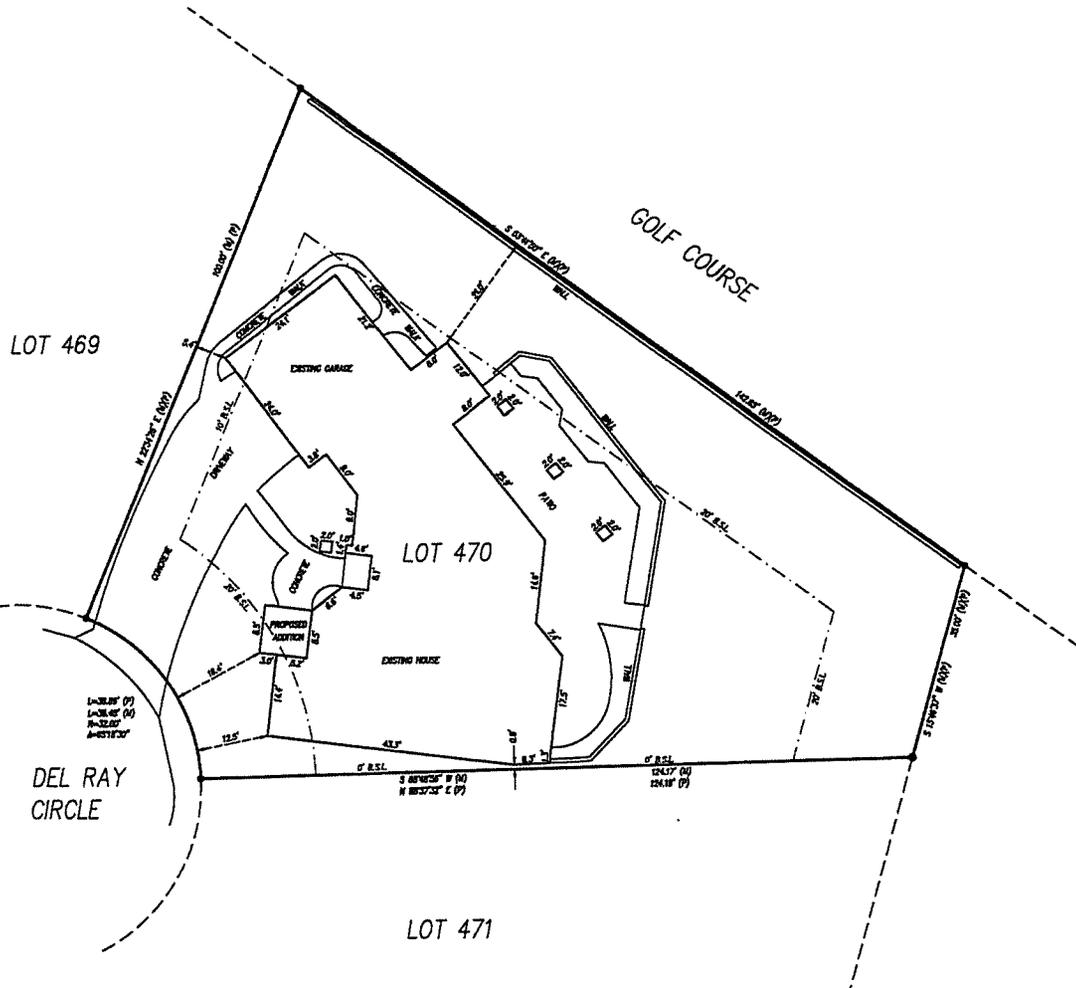
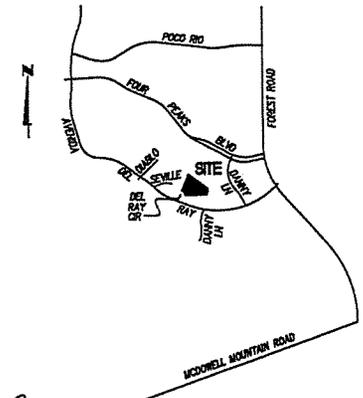
LOT 493, RIO VERDE UNIT 5-A, ACCORDING TO BOOK 199 OF MAPS,
PAGE 34, RECORDS OF MARICOPA COUNTY, ARIZONA.

BASIS OF BEARINGS

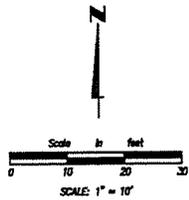
THE BASIS OF BEARINGS IS THE WEST LOT LINE OF LOT
470, HAVING A BEARING OF N 22°34'28" E.

LOCATION MAP

NOT TO SCALE



- LEGEND**
- FOUND REBAR
 - FOUND IRON PIPE
 - SET REBAR
 - (P) RECORDED PLAT BEARING/DISTANCE
 - (M) MEASURED BEARING/DISTANCE
 - B.S.L. BUILDING SETBACK LINE



DEL RAY
CIRCLE

NOTES

1. UNDERGROUND UTILITIES WERE NOT LOCATED FOR THIS SURVEY.
2. THIS SURVEY WAS PREPARED WITHOUT TITLE RESEARCH.
3. SETBACK SHOWN PER R.U.P.D. (ZONING CASE Z-78-53)

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY OF THE HEREDIN
DESCRIBED PREMISES WAS PREPARED UNDER MY DIRECT
SUPERVISION DURING THE MONTH OF AUGUST 2019 AND IS
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

LLOYD E. PEW, PLS #33065



PEW SURVEYING, LLC	
P.O. Box 18211 Fountain Hills, AZ 85269 (480) 239-1807 E-mail: lpew@pew-s.com www.pew-s.com	Project No. 19-068 Drawn by: LEP Checked by: LEP Date: 8-21-19



Maricopa County

Planning & Development Department

Greg Toth, CFM
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-2923
Fax: (602) 506-8762
www.maricopa.gov/planning
Email address:
Greg.Toth@Maricopa.gov

Date: January 7, 2020

Memo To: Darren Gerard, AICP, Planning Manager, Department of Planning & Development

Attn: Martin Martell, Planner, Planning & Development Services

From: Greg Toth, Engineering Associate, Planning & Development Services

cc: Michael Norris, PE, Engineering Manager, Planning & Development Services

Subject: BA2019060 – Variance for Encroachment into Setback
E1 Memo

Address: 18738 E Avenida Del Ray Circle, Rio Verde, AZ 85263

APN(s): 219-43-595

Engineering Plan Review (Drainage, FCD and MCDOT) has no position on the proposed variance requested by the applicant. It should be noted however, that this position is specific to the encroachment variance and does not constitute any approval for the development permit which will be required.

It should be noted that several other Maricopa County agencies must review this project. Final approval for the variance rests with the Maricopa County Board of Adjustment.

Please contact me if you have any questions or require clarification of these comments.



Maricopa County

Environmental Services Department
Water and Waste Management
Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 17, 2020

TO : Martin Martell, Planning & Development Dept.
Planner

FROM: Souren Naradikian, P.E.
Senior Civil Engineer

SUBJECT: Set Backs Variance. BA2019060

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This request is for 16.4F front Set Back at APN # 219-43-595. Water and wastewater services provider is not disclosed, MCESD has no concerns, the variance will not impact the utilities. NOID must be obtained prior to construction permit issued if applicable.

Stormwater - The parcel is not located in the urbanized unincorporated area, and therefore, not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on January 17, 2020 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2019061 – Greene Property

Hearing Date: February 20, 2020

Supervisor District: 4

Owner: Elizabeth Greene

Requests: Variances to the development standards of the Maricopa County Zoning Ordinance (MCZO) to permit:

- 1) Existing front setback of 15 feet where 20 feet is required per MCZO Article 702.4, and
- 2) Existing Lot coverage of 62% where 60% is the maximum per MCZO 702.5.4

Site Location: APN: 200-81-264 @ 14019 N. 99th Drive, Sun City – 450' southwest of the SWC of 99th Avenue & Cameo Drive in the Sun City area

Site Size: 3,404 square feet

Current Use / Zoning: Single-family residence / R-3 RUPD

Open Violation: **V201900370**

Citizen Support/Opposition: No known opposition

Findings: **The requests meet the statutory test for variance approval**

Background:

1. **1970:** Assessor's data identifies that the existing residence was built in 1970. Aerial photography from 1979 (the next year of aerial photos available after 1970) shows the home with its current footprint and front setback.
2. **January to February 2017:** The Applicant worked with the Tumblebrook Condominium Association to obtain HOA permission and approval to enclose the subject carport to garage conversion.
3. **February 2019:** Violation **V201900370** opened in response to complaint of construction without zoning/building/drainage permits regarding subject carport to garage conversion. Complaint found to be valid.
4. **April 22, 2019:** Building permit **B201903727** submitted to Planning and Development to provide for carport to garage conversion, subject of this variance request. Zoning review comments include non-conforming front (west) setback (15 ft. where 20 ft. is required) and lot coverage (62% where 60 % is the maximum).
5. **December 30, 2019:** The current variance request submitted to Planning and Development to request variance for the existing non-conforming front (west) setback and lot coverage.

Reviewing Agencies Comments:

6. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated January 7, 2020.
7. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated January 17, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

- | | |
|-------------|--|
| 8. On-site: | R-3 RUPD/ Attached, Townhome Residence |
| North: | R-3 RUPD/ Attached, Townhome Residence |
| South: | R-3 RUPD/ Attached, Townhome Residence |
| East: | R-3 RUPD/ Attached, Townhome Residence |
| West: | R-3 RUPD/ Single-Family Residence |

Site Analysis:

9. The subject property is parcel 200-81-264, which is a rectangular deed lot surrounded by common area, located in Sun City Unit 20. According to County Assessor's data, the subject residence was constructed in 1970. Historic aerial photographs confirm that the subject residence, and the other nearby residences, were constructed between 1969 and 1976. The original footprint of the subject residence appears to match its current footprint, including the current 15 foot Front (west) setback to the formerly unenclosed carport / currently enclosed garage (but not including the 2% of lot coverage that was added as part of the subject carport to garage conversion). The original building permit records for the residence and the R-3 RUPD development standards that were in effect at the time of construction are not available because State record retention regulations required their destruction many years ago. Therefore, it is not possible to demonstrate

that the residence was constructed according to the R-3 RUPD development standards applicable at that time. However, all buildings constructed in the County before January 1, 2000, and not modified after that date, are considered legally conforming or legally non-conforming. Because the R-3 RUPD records have been destroyed, the applicable development standards of the current Zoning Ordinance are considered to be in effect.

10. Historic and recent aerial photographs suggest that the subject residence and nearby residences were built to the same development standards, including an apparent 15 foot Front setback to carports (many of which appear to have been converted to enclosed garages, including the attached residence to the north). A considerable number of variances for individual properties to have 11 to 15 foot Front setbacks to enclosed carports (i.e. garages) where 20 feet is required under the R-3 RUPD have been approved in Sun City 20 (including but not limited to BA77-212, BA93-31, BA93-46, BA93-113, BA93-115, and BA93-116). A similar Blanket Variance for a 12 foot Front setback to enclosed carports where 20 feet is required was approved for Sun City Unit 20 lots 211 through 234 under BA76-90. Finally, current street-level photographs show that many residences in Sun City 20 have enclosed garages with Front setbacks apparently similar to the subject residence, including the attached residence to the north.
11. The 62% lot coverage request where 60% lot coverage is the maximum per MCZO 702.5.4 provides for a slightly enlarged footprint for the garage, however, that increased footprint does not extend past the original roofline. Therefore, the effect of the additional 2% of lot coverage is considered by staff to be of de minimis functional and aesthetic value.
12. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	R-3 Standard*	Proposed Standard
Minimum Front Setback	20 feet	15 feet
Minimum Rear Setback	25 Feet	NA
Minimum Side Setback	5 feet	NA
Minimum Street Side Setback	10 feet	NA
Minimum Lot Area	3,000 Square Feet	3,404 Square Feet
Minimum Lot Width	60 feet	NA
Maximum Lot Coverage	60%**	62%
Maximum Height	40 feet	NA

Note: Standards indicated in **bold** do not meet base zoning standards

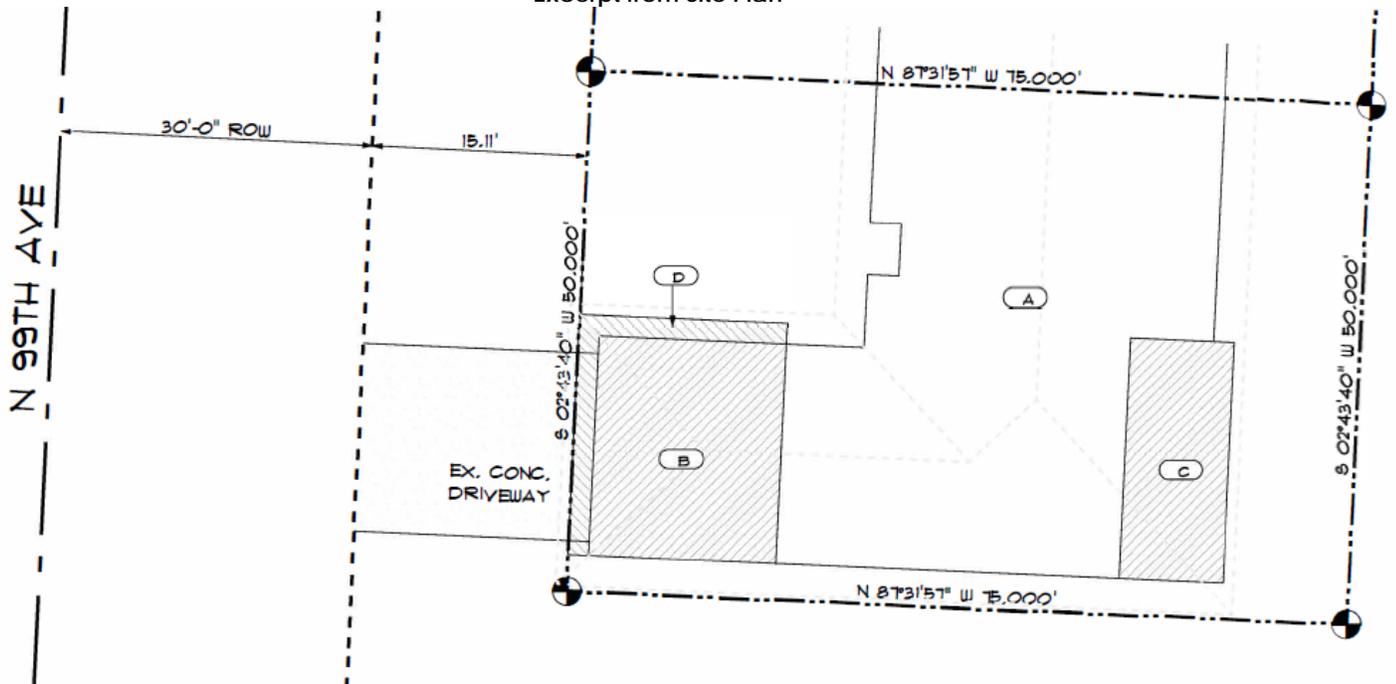
*Per MCZO Section 702

**Per MCZO 702.5.4

2019 Aerial Photograph of Subject Property (outlined in turquois) and Attached Property



Excerpt from Site Plan



ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

13. **Statutory Test -1 Peculiar condition** – Discuss and explain what is the peculiar condition facing the property and include reference to the Maricopa County Zoning Ordinance Regulations or Development Standards to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulations or Development Standards would impose a hardship on the property.

"Many of the properties were developed 50 years ago with less than the 20 ft. setback. The proposed use is as a garage for safety and protection from weather. We built this on advice/approval of Tumblebrook Homeowners Board Officer Darrel Larson."

14. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar conditions on the site created with respect to existing Regulations and Standards of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

"Built on advice/approval of Tumblebrook Homeowners Board Officer Darrel Larson. Work was done as required."

15. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** – Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance

"Increasing the lot coverage from 60% to 62% should not negatively impact on the general purpose of the Zoning Ordinance. The increase had no effect on the structure's roofline and no effect on the surrounding properties. It also will allow the subject property to match the adjoining property."

16. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.** Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permits or as-built permits currently filed with Planning and Development Department and the current review status. Specify the permit numbers. If no permits have been filed, please provide a timeline for building permits submittal and projected timeframe for construction. Conversely, indicate if the variance request is not related to a specific development proposal.

"Construction is complete, permits have been applied for and variances are being applied for."

Findings:

17. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has demonstrated that there is a peculiar condition facing the property because the Sun City Unit 20, R-3 RUPD apparently allowed for a 15 foot Front setback for unenclosed carports and 20 foot Front setback for enclosed garages. The applicant enclosed the garage for safety reasons and the resulting 15 foot enclosed garage Front setback appears to match the condition of many properties in the Sun City Unit 20 area, including the attached residence directly north of the subject property. The additional 2% of lot coverage included in the request is considered by staff to be of de minimis functional and aesthetic value.
- The applicant has demonstrated applying the requirements of the MCZO to this property that has this peculiar condition an undue physical hardship exists that prevents the development of the property in that the 20 foot Front setback requirement has been varied for a number of residences in Sun City Unit 20 and the R-3 RUPD zoning district, including Front setbacks of less than 15 feet. The additional 2% of lot coverage is considered by staff to be of de minimis functional and aesthetic value.
- The applicant has demonstrated the peculiar condition / physical hardship is not self-created in the line of title because many residences in Sun City Unit 20 have been similarly modified with carport to garage conversions with less than 20 foot Front setbacks. The additional 2% of lot coverage is considered by staff to be of de minimis functional and aesthetic value.
- The applicant has demonstrated that the general intent and purpose of the MCZO will be preserved despite the variance because many variances have been approved in Sun City Unit 20 under similar circumstances.

And further, staff offers the Board the following Conditions of Approval:

- a) General compliance with the site plan stamped received January 13, 2020.
- b) Obtain permits and complete construction for all existing and proposed construction currently proposed on the property that requires permitting. Failure to complete necessary construction within one year from the date of approval shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Attachments: Case Map (1 page)
Application (1 page)
Supplemental Questionnaire (2 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)



MARICOPA COUNTY



Application Name: Greene Property

Legal Description

T03N R01E 9, T3N R01E 09

Applicant

ELIZABETH GREENE

Applicant Phone/Email

319.361.1663
GREENE172@MCHSI.COM

BA2019061

Case Address

14019 N 99TH Dr
SUN CITY AZ 85351

Parcel Primary: 200-81-264

Generated January 31, 2020 08:57 AM

Gross Acres: 0.07 approx.

Map scale 1:191

Supervisor District No. 4

REQUESTING CHANGE OF THE 20 FT SETBACK TO 15' 6" FT FOR EXISTING GARAGE





**Planning & Development
Department
VARIANCE / INTERPRETATION
APPLICATION**



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input type="checkbox"/>			
REQUEST			
Description of Request: <u>Variance</u>			
Existing Use of Property: <u>Residential</u>			
Existing Zoning District: <u>R-3 RUPD</u>			
Related Case Number(s): <u>V201900370</u>			
PROPERTY INFORMATION			
Address (if known): <u>14019 N. 99th Drive</u>			
General Location (include nearest City/Town): <u>Sun City, AZ 85351</u>			
Size in Acres: <u>3.404 SF</u>	Square Feet: <u>2111</u>		
Legal Description:	Section: <u>9</u>	Township: <u>3N</u>	Range: <u>1E</u>
Assessor's Parcel Number: <u>200-8T-264</u>			
Subdivision Name (if applicable): <u>(Tumble Brook)</u>	<u>Sun City 20</u>		
APPLICANT INFORMATION			
Name: <u>Elizabeth A. Greene</u>	Contact: <u>Elizabeth Greene</u>		
Address: <u>14019 N. 99th Dr.</u>			
City: <u>Sun City</u>	State: <u>AZ</u>	Zip: <u>85351</u>	
Phone #: <u>319-361-1663</u>	Fax #:		
E-mail Address: <u>greene172@mchsi.com</u>			
PROPERTY OWNER INFORMATION			
Name: <u>Elizabeth A. Greene</u>	Contact: <u>ELIZABETH GREENE</u>		
Address: <u>14019 N. 99th Dr.</u>			
City: <u>Sun City</u>	State: <u>AZ</u>	Zip: <u>85351</u>	
Phone #: <u>319-361-1663</u>	Fax #:		
E-mail Address: <u>greene172@mchsi.com</u>			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) _____ authorize (applicant's name) _____ to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S.§12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature: <u>Elizabeth A. Greene</u>	Date: <u>12/26/19</u>		
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature: <u>Elizabeth A. Greene</u>	Date: <u>12-26-19</u>		
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature: <u>Elizabeth A. Greene</u>	Date: <u>12-26-19</u>		



Planning & Development
Department



BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the zoning ordinance will be preserved.

- 1. Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

Many of the properties were developed 50 years ago with less than the 20 ft. setback. The proposed use is as a garage for safety and protection from weather. We built this on advice/approval of Tumblebrook Homeowners Board Officer Darrel Larson.

- 2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

Built on advice/approval of Tumblebrook Homeowners Board Officer Darrel Larson. Work was done as required.

- 3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

Increasing the lot coverage from 60% to 62.2% should not have a negative impact on the general purpose of the Zoning Ordinance. The increase had no effect on the structure's roof line and no effect on the surrounding properties. It also will allow the subject property to match the adjoining property.

RECEIVED DEC 30 2019

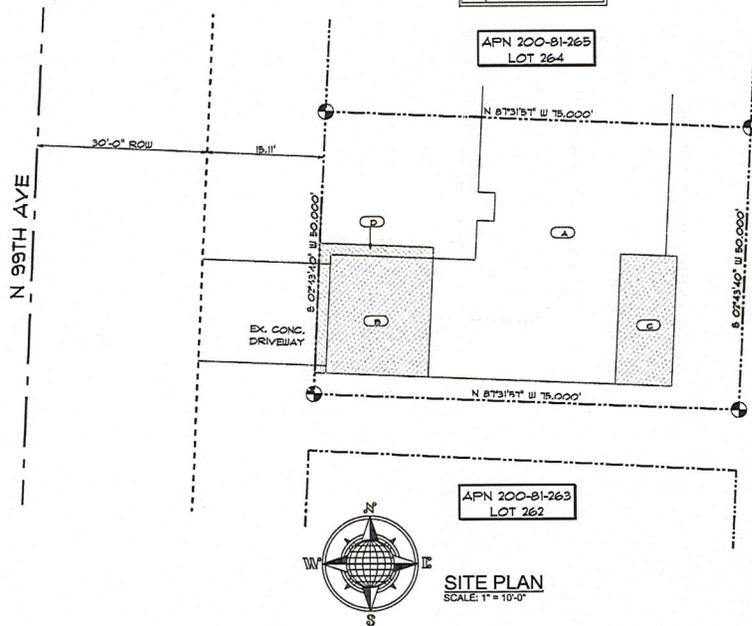
BA2019061

4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

Construction is completed, permits have been applied for and variances are being applied for.

*Additional sheets may be attached.

** DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN INTERPRETATION



GENERAL NOTES:

CONTRACTORS AND SUBCONTRACTORS MUST VERIFY BUILDING SETBACKS AND BUILDING FOOTPRINT PRIOR TO ANY GRADING. NOTIFY THE DESIGNER IMMEDIATELY IF THERE IS ANY POSSIBILITY OF ENCROACHMENT.

WATER DIVERTED FROM ITS ORIGINAL DRAINAGE PATTERN SHALL BE RETURNED TO ITS ORIGINAL COURSE BEFORE LEAVING THE PROPERTY.

VERIFY PROPERTY AND BUILDING LINES AND FINISH FLOOR ELEVATIONS PRIOR TO CONSTRUCTION. CONFIRM THAT UTILITIES (SEWER, ELECTRIC, WATER) ARE LOCATED AS SHOWN, AND THE SEWER TAP IS LOW ENOUGH TO SERVE ALL TO SERVE ALL PLUMBING DRAINS.

DRAININGS ARE NOT TO BE SCALED, BUILD FROM DIMENSIONS INDICATED. VERIFY ALL DIMENSIONS. NOTIFY DESIGNER AND/OR ENGINEER OF ANY CONFLICTS.

AREAS DISTURBED DURING CONSTRUCTION OF DRAINAGE FACILITIES OR UTILITY OR UTILITY (SEWER, WATER, ELECTRIC, ETC.) TRENCHES SHALL BE RESTORED TO THEIR NATURAL STATE.

FINISH GRADE SHALL BE A MINIMUM OF 4" BELOW WOOD RAMPING AT BUILDINGS EXTERIOR. SLOPE FINISH GRADE AWAY FROM BUILDING FOR A 10'-0" HORIZONTAL DISTANCE.

RAIL ELEVATIONS OF ALL A/C AND ELECTRO-MECHANICAL UNITS SHALL BE SET REASONABLY HIGHER THAN THE ADJACENT GRASSHOP TO PROVIDE FLOOD PROTECTION UNDER A 100-YEAR STORM EVENT.

TEMPORARY SECURITY FENCING THAT IS REQUIRED OR IS OPTIONALLY PROVIDED SHALL BE IN ACCORDANCE WITH DRAINING ORDINANCE AND THE DESIGNER'S AND POLICE MANUAL.

EVERY EFFORT IS MADE TO PROVIDE COMPLETE AND ACCURATE INFORMATION. IF THERE IS ANY CONFLICTING INFORMATION OR OMISSION IN THE WORKING DRAWINGS OR SUPPLEMENTAL DOCUMENT, IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH DESIGNER AND/OR ENGINEER FOR A RESOLUTION.



PROPERTY INFORMATION

OWNER	ELIZABETH A GREENE
APN #	200-81-264
ADDRESS	14019 N 99TH DR
MCR	0288
SUBDIVISION	SUN CITY 20
JURISDICTION	MARICOPA COUNTY
LOT #	263
LOT AREA	3,404
USE	RESIDENTIAL
YEAR BUILT	1970
MAX. COVERAGE	60%
ZONING	R-3

PROJECT AREAS

AREA	EXISTING	REMODEL AREA	ADDITION	DEMOLITION	NEW TOTAL
LIVABLE	1406.0				1406.0
PORCH	15.0				15.0
PATIO TO AZ ROOM	230.0	230.0			230.0
CARPORIT	378.0	378.0	82.0		460.0
TOTAL OF AREAS	2029.0	608.0	82.0		2719.0
LOT AREA	3,404.0				
LOT COVERAGE	58.6%				62.0%

SCOPE OF WORK

ENCLOSURE OF EXISTING CARPORT INTO A GARAGE, AND ENCLOSURE OF EXISTING PATIO INTO AN AZ ROOM.

BUILDING SAFETY CODES

ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES AND AMENDMENTS PER THEIR ADOPTING ORDINANCES:

- 2012 INTERNATIONAL BUILDING CODE
- 2012 INTERNATIONAL RESIDENTIAL CODE
- 2012 INTERNATIONAL PLUMBING CODE
- 2012 INTERNATIONAL MECHANICAL CODE
- 2012 INTERNATIONAL FUEL GAS CODE
- 2012 INTERNATIONAL EXISTING BUILDING CODE
- 2012 INTERNATIONAL ENERGY CONSERVATION CODE
- 2012 INTERNATIONAL GREEN CONSTRUCTION CODE
- 2011 NATIONAL ELECTRICAL CODE

SHEET INDEX

PAGE #	DRAWING NAME
1	SITE PLAN
2	ELEVATIONS EXISTING FLOOR PLAN
3	NEW FLOOR PLAN

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ENGINEER STAMP:

PROPERTY OWNER:
Mr. and Mrs. Greene
14019 N 99th Dr
Sun City, Arizona, 85351

DRAWING NAME:
SITE PLAN

DRAWING SCALE:
As Noted

SHEET NUMBER:
1
OF: 4

RECEIVED JAN 13 2020

BA 2019061



Maricopa County

Planning & Development Department

Greg Toth, CFM
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-2923
Fax: (602) 506-8762
www.maricopa.gov/planning
Email address:
Greg.Toth@Maricopa.gov

Date: January 7, 2020

Memo To: Darren Gerard, AICP, Planning Manager, Department of Planning & Development

Attn: Sean Watkins, Planner, Planning & Development Services

From: Greg Toth, Engineering Associate, Planning & Development Services

cc: Michael Norris, PE, Engineering Manager, Planning & Development Services

Subject: BA2019061 – Variance for Encroachment into Setback
E1 Memo

Address: 14019 N 99th Drive, Sun City, AZ 85351

APN(s): 200-81-264

Engineering Plan Review (Drainage, FCD and MCDOT) has no position on the proposed variance requested by the applicant. It should be noted however, that this position is specific to the encroachment variance and does not constitute any approval for the development permit which will be required.

It should be noted that several other Maricopa County agencies must review this project. Final approval for the variance rests with the Maricopa County Board of Adjustment.

Please contact me if you have any questions or require clarification of these comments.



Maricopa County

Environmental Services Department
Water and Waste Management Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 17, 2020
TO : Sean Watkins, Planning & Development Dept.
Planner
FROM: Souren Naradikian, P.E.
Senior Civil Engineer
SUBJECT: Lot Coverage Variance. BA2019061

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This request is for Lot Coverage Variance at APN # 219-43-595. Water and wastewater services provider is not disclosed, MCESD has no concerns, the variance will not impact the utilities. NOID must be obtained prior to construction permit issued if applicable.

Stormwater - The parcel is located in the urbanized unincorporated area, but the disturbed soil is estimated to be much less than one acre, and therefore, the project is not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on January 17, 2020 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2019038 – Boyd Property

Hearing Date: February 20, 2020 (continued from December 19, 2019)

Supervisor District: 3

* Denotes changes from the December 19, 2019 hearing.

Applicant Phyllis McGurren

Owner: Jesse Boyd

Request: **Variance to the development standard of the Maricopa Zoning Ordinance to permit:**

- 1) Proposed 5 lighting structures to be setback 3' where 20' is the minimum permitted per MCZO Article 501.2.15.e

Site Location: APN 203-33-002F @ 38108 N. 25th Ave, N. 25th Ave. & Joy Ranch Rd., in the Desert Hills area

Site Size: 103,003 sq. ft.; 2.4 ac.

Current Use / Zoning: Single-family residence / Rural-43

Open Violation: **Violation on property**

Citizen Support/Opposition: One letter of support

The request fails to meet the statutory test for variance approval

Background:

1. **October 28, 2014:** A lot split and combination created lots 203-33-005A, 203-33-005A and subject parcel **203-33-002F** from parent parcels 203-33-005 and 203-33-002C.
2. **January 18, 2018:** The current owner took possession of the subject property via a warranty deed under docket **20180042172**.
3. **May 17, 2018:** A code violation (**V201800892**) was opened on the subject property for altering the natural grade / importing truckloads of asphalt. Case was closed February 21, 2019 as invalid.
4. **May 13, 2019:** A code violation (**V201900970**) was opened on the subject property for commercial business in Rural/Residential area grading/stockpiling without permits/clearances, no primary use established. The case status is admin remedy.
5. **August 19, 2019:** The subsequent variance request was submitted.
6. **September 19, 2019:** The Board voted to continue the case to the October hearing to allow the applicant time in order to contact adjacent neighbors and provide responses for the variance request.
7. **October 17, 2019:** The Board voted to continue the case to the December hearing.
8. * **November 21, 2019:** The violation case (**V201900970**) was heard by a hearing officer, who found the respondent responsible in absentia, with non-compliance fine (NCF) due and daily non-compliance fine (DNCF) to accrue. The case status is Legal Action. The NCF was paid December 18, 2019. Per Hearing Officers Order the DNCFs and accruing but will be suspended if the required permits are completed by April 21, 2020. At present, the fines are current and the Board may hear the case.
9. * **December 19, 2019:** The Board voted 4-0 to continue the case to the February 20th hearing to provide the applicant additional time to work on a solution.

Reviewing Agencies Comments:

10. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated August 19, 2019.
11. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated August 28, 2019.

Existing On-Site and Surrounding Zoning/Land Use:

12. On-site: Rural-43 /site improvements from 2018 – 2019 aerial images
North: Rural-43 /Vacant
South: Rural-43 /Single-family residence
East: Rural-43 /Single-family residence
West: Rural-43 /Single-family residence

Site Analysis:

- 13. The site is a rectangular shaped lot measuring approximately 321 feet in width and 329 feet in depth for a total area of 103,003 square feet. Property access is from 25th Avenue, a paved two-lane road. The site is level and free of any topographical hardships, aerial image indicates unpermitted site work from 2018-2019. There are a few trees and cacti along the eastern and southern boundaries. The property is currently has no established primary use or residence, and there are no construction permits for anything in the permitting system. According to (V201900970) violation photographs, the site has been mass graded, has rail fencing, stock piled material and barn structures. This area is primarily residential with large lot properties developed with single-family residences. Development in the immediate area is primarily through the lot splitting process although there are two master planned communities in the general area. Anthem is approximately 0.75 miles north of the subject site; Tramanto, in City of Phoenix, location is approximately 1.20 miles south of the subject site. The immediate area is zoned Rural-43 with the surrounding properties zoned Rural-43, R1-6 RUPD, and R1-8 RUPD and S-1 (Phoenix jurisdiction).

Aerial photo of subject site & surrounding environs

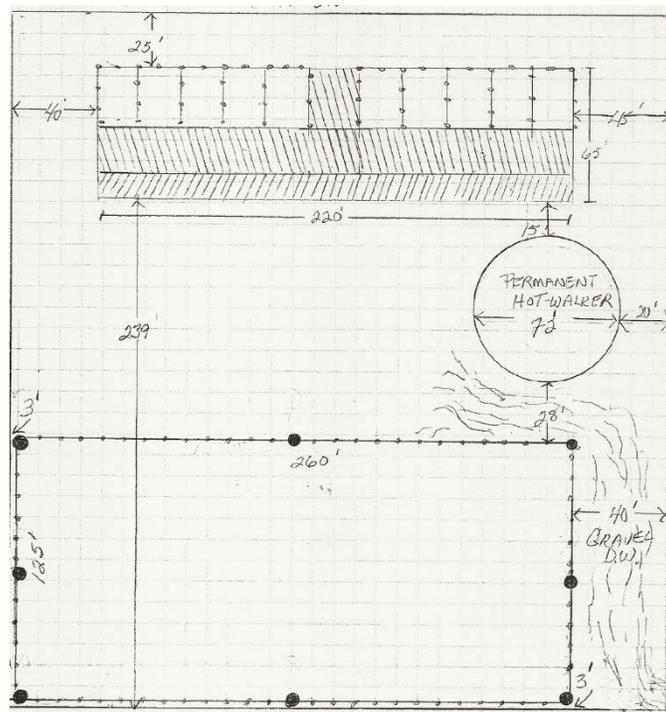


2018 Aerial photo on the left and 2019 aerial photo on the right.



14. The applicant proposes placing 5 lights on the property at 3' from the south and west property boundaries instead of the required 20' as outlined in the Maricopa County Zoning Ordinance 501.2.15.e. The structure illustrated on the site plan (appx 35' x 220') would be approximately 7,700 sq. ft. in area. Staff finds that rearranging the arena, where the ordinance setbacks were met is possible. Moving the arena north 17' and east 17' could meet the required light setbacks and still leave a drive-way to the barn area. Moving everything northward as well. As such staff finds the request unsupportable.

Proposed site plan



15. It's important to note that proposed primary use is a proposed corral for the keeping of horses which is listed as a permitted primary use in the Rural Zoning districts per MCZO Article 501.2.12. The existing/proposed stables, hot walker and arena will be uses accessory to the horse corral. The proposed lighting are accessor use lights for the arena are required to be setback 20' and no higher than 20' per MCZO Article 501.2.15.e:

"15. Accessory buildings and uses customarily incidental to the above uses, including:

e. Accessory use lights provided that permitted accessory use exits. The lights must be located on the property and shielded so as to not direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height."

15. * The variance is not warranted. Existing, unpermitted construction does not represent an undue physical hardship facing the property. This situation is created solely by the property owner. He owns the adjacent property to the west. Variance is not needed with a simple redesign of project layout. The design could have driveway enter property and drive along south lot line forcing lights and arena to meet the required 20' south setback. Drive way can enter western parcel and circle north of the arena to serve the hot walker and stalls. Further, the two parcels can be consolidated to negate variance for lights from the west lot line.

16. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	45-feet
Rear Yard Setback	40-feet	40-feet
Street Side Setback	20-feet	N/A
Side Yard Setback (south)	30-feet	N/A
Maximum Height	30-feet	N/A
Accessory use lights setback (west & south property lines)	20-feet	3-feet
Minimum Lot Area	43,560-sq. ft.	103,003-sq. ft.
Minimum Lot Width	145-feet	321-feet
Lot Coverage	25%	7.6%

Note: Standards indicated in **bold** do not meet base zoning standards

ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

17. **Statutory Test -1 Peculiar conditions** – Discuss and explain what is/are the peculiar conditions facing the property and include reference to the Maricopa County Zoning

Ordinance Regulations or Development Standards to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulations or Development Standards would impose a hardship on the property.

"Owner needs the arena permitted (primary use) so he permit the mare motel and resolve the violation case(V201900972). The owner is a semi-professional team roper, so the arena needs to be standard sized (150' x 120'). A 20' setback for lights puts the arena too close to the hot walker for road. There will be cattle housed on the property in the future, so there is no other place for the arena."

18. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar conditions on the site create with respect to existing Regulations and Standards of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

"Chapter 5, Art. 501.2 states that light must be 20' inside the property line. This would place the arena too close to the hot walker (concreted in place and unmovable) for any horse trailers, hay trucks, etc., to make the turn into the center of property between arena and hot walker."

19. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** - Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

"All surrounding properties have horses and are 150 + from any light pole. Lights will be shielded to minimize or eliminate light on neighbors property."

20. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.**

Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permits or as-built permits currently filed with Planning and Development Department and the current review status. Specify the permit numbers. If no permits have been filed, please provide a timeline for building permits submittal and projected timeframe for construction. Conversely, indicate if the variance requests is/are not related to a specific development proposal.

"Owner is very anxious to get his violation taken care of and to get his arena built so he can practice at home. He will start construction immediately on permit issuance."

Findings

21. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has failed to demonstrate that there is a peculiar condition facing the property because the site is largely undeveloped and has no topographic restrictions.
- The applicant has failed to demonstrate that the strict application of the MCZO to the applicant's property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as the rearranging of the proposed elements of the site plan, thus a variance is not warranted.
- The applicant has failed to demonstrate the peculiar condition / physical hardship is not self-created in the line of title in that constructing to the Zoning Ordinance requirements would alleviate the need for the request.

22. However, if the Board finds that the applicant has proven entitlement to the variance; then, the Board must state on the record the basis for that determination with findings and conclusion in a motion to grant the relief sought.

In such event staff would offer the Board the following Conditions of Approval:

- a) General compliance with the site plan stamped received August 19, 2019.
- b) All required building permits for the proposed and existing development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permits within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Presented by: Eric R. Smith, Planner
Reviewed by: Darren V. Gerard, AICP, Deputy Director

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (3 pages)
Site Plan (2 pages)
Engineering Comments (1 page)
MCESD Comments (1 page)
Hearing Officer Judgement (2 pages)
Support Letter (1 page)

MARICOPA COUNTY



Date: 9/10/19 Legal Description: T1S, R6E, Section 30

Applicant: Phyllis McGurren Phone: 480.226.4194

Case Address: 38108 N. 25th Ave, N. 25th Ave Parcel: 203-33-002F

BA2019038
Aerial Date: 2019

SUPERVISORAL DISTRICT NO 3

Relief from light location requirements



**Planning & Development
Department
VARIANCE / INTERPRETATION
APPLICATION**



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
REQUEST			
Description of Request: <u>REDUCE ARENA LIGHT SETBACKS TO 3'</u>			
Existing Use of Property: <u>HORSE CONTAINMENT - NOT OCCUPIED</u>			
Existing Zoning District: <u>R-43</u>			
Related Case Number(s): <u>V201900970</u>			
PROPERTY INFORMATION			
Address (if known): _____			
General Location (include nearest city/town): <u>JOY RANCH RD & 25TH AVE, DESERT HILLS</u>			
Size in Acres: <u>2 1/3</u>	Square Feet: <u>103,003</u>		
Legal Description: _____	Section: <u>25</u>	Township: <u>60N</u>	Range: <u>2E</u>
Assessor's Parcel Number: <u>203-33-002F</u>			
Subdivision Name (if applicable): _____			
APPLICANT INFORMATION			
Name: <u>PHYLLIS MCGURREN</u>		Contact: <u>PHYLLIS</u>	
Address: <u>39024 N. CENTRAL AVE</u>			
City: <u>PHOENIX</u>	State: <u>AZ</u>	Zip: <u>85086</u>	
Phone #: <u>480-226-4194</u>	Fax #: _____		
E-mail Address: <u>PTANT1889@AOL.COM</u>			
PROPERTY OWNER INFORMATION			
Name: <u>JESSE BOYD</u>		Contact: <u>JESSE</u>	
Address: <u>38135 N. 27TH AVE DHT</u>			
City: <u>DESERT HILLS</u>	State: <u>AZ</u>	Zip: <u>85086</u>	
Phone #: <u>281-979-9632</u>	Fax #: _____		
E-mail Address: <u>JESSE.BOYD@ICLOUD.COM</u>			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) <u>JESSE BOYD</u> authorize (applicant's name) <u>PHYLLIS MCGURREN</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. § 12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature:		Date: <u>8/15/19</u>	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature:		Date: <u>8-12-19</u>	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature:		Date: _____	

Variance Application
BA2019038

'RECEIVED AUG 19 2019



Planning & Development
Department

ONE
STOP
SHOP

BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the zoning ordinance will be preserved.

- 1. Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements; etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

OWNER NEEDS THE ARENA PERMITTED (PRIMARY USE) SO HE CAN PERMIT THE MARE MOTEL AND RESOLVE VIOLATION V001900072. OWNER IS SEMI-PROFESSIONAL TEAM ROPER SO ARENA NEED TO BE STANDARD SIZE (150' X 220)' A 20' SET BACK FOR LIGHTS PUTS ARENA TO CLOSE TO HOT WALKER FOR ROAD. THERE WILL BE CATTLE HOUSED ON PROPERTY IN THE FUTURE - SO THERE IS NO OTHER PLACE FOR ARENA

- 2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

CH. 5, ART. 5012 STATES LIGHTS MUST BE 20' INSIDE PL. THIS WOULD PUT THE ARENA TOO CLOSE TO THE HOT WALKER (CONCRETE IN AND NOT MOVABLE) FOR ANY HORSE TRAILERS, HAY TRUCKS, ETC. TO MAKE THE TURN INTO CENTER OF PROPERTY BETWEEN ARENA & HOT WALKER

- 3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

ALL SURROUNDING PROPERTIES HAVE HORSES AND ARE 150+ FEET FROM ANY LIGHT POLE. LIGHTS WILL BE SHIELDED TO MINIMIZE OR ELIMINATE LIGHTING ON NEIGHBOR'S PROPERTY

BA 2019038

RECEIVED AUG 19 2019

4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

OWNER IS VERY ANXIOUS TO GET HIS VIOLATION TAKEN CARE OF AND TO GET HIS ARENA BUILT SO HE CAN PRACTICE AT HOME. HE WILL START CONSTRUCTION IMMEDIATELY ON PERMIT ISSUANCE!

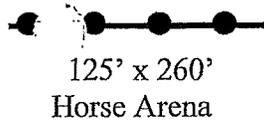
*Additional sheets may be attached.

** DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN INTERPRETATION

Jesse Boyd Property
Desert Hills AZ 85086

APN 203-33 002F

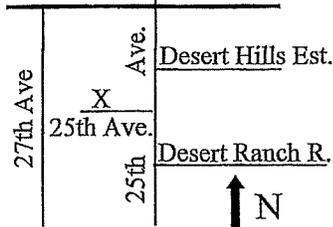
ZONE R-43



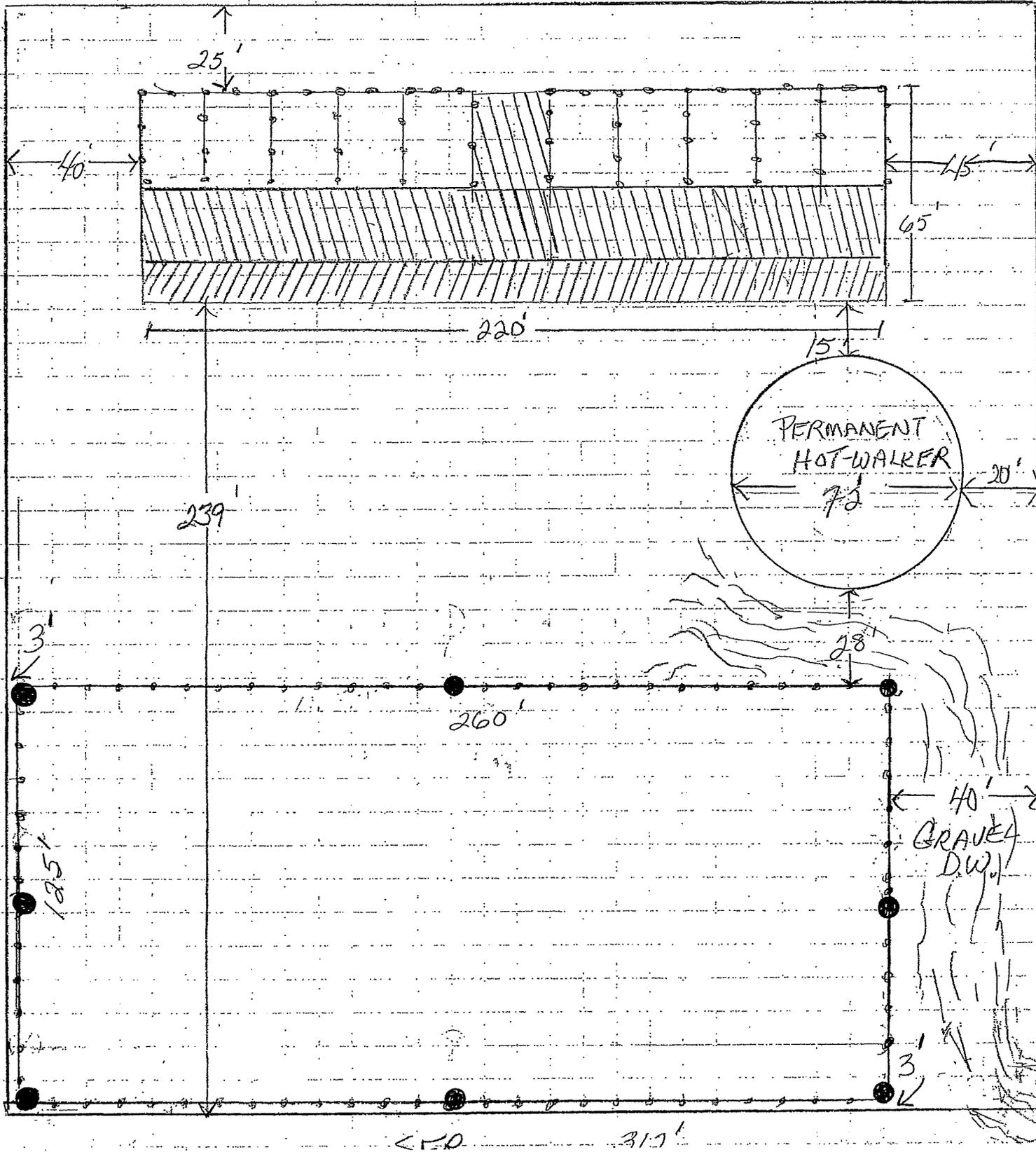
UNDER ROOF () ERAGE
(in sq. ft.)

103,003 lot @ 25 % = 25,750
Existing Mare Motel - 14,300
Remaining usable = 11,450

Desert Hills Dr.

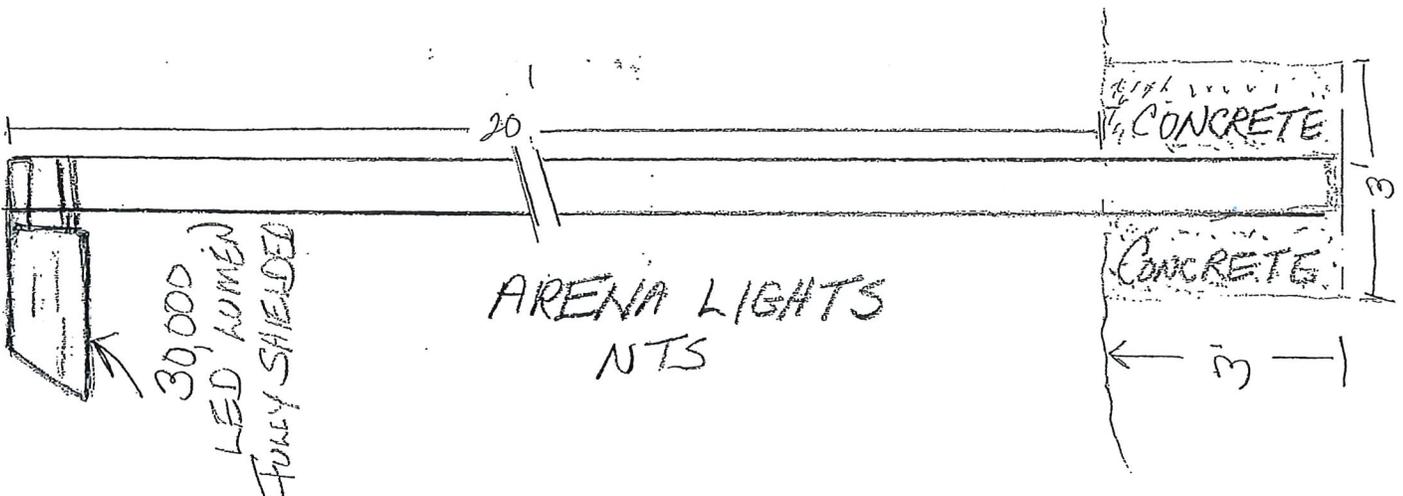
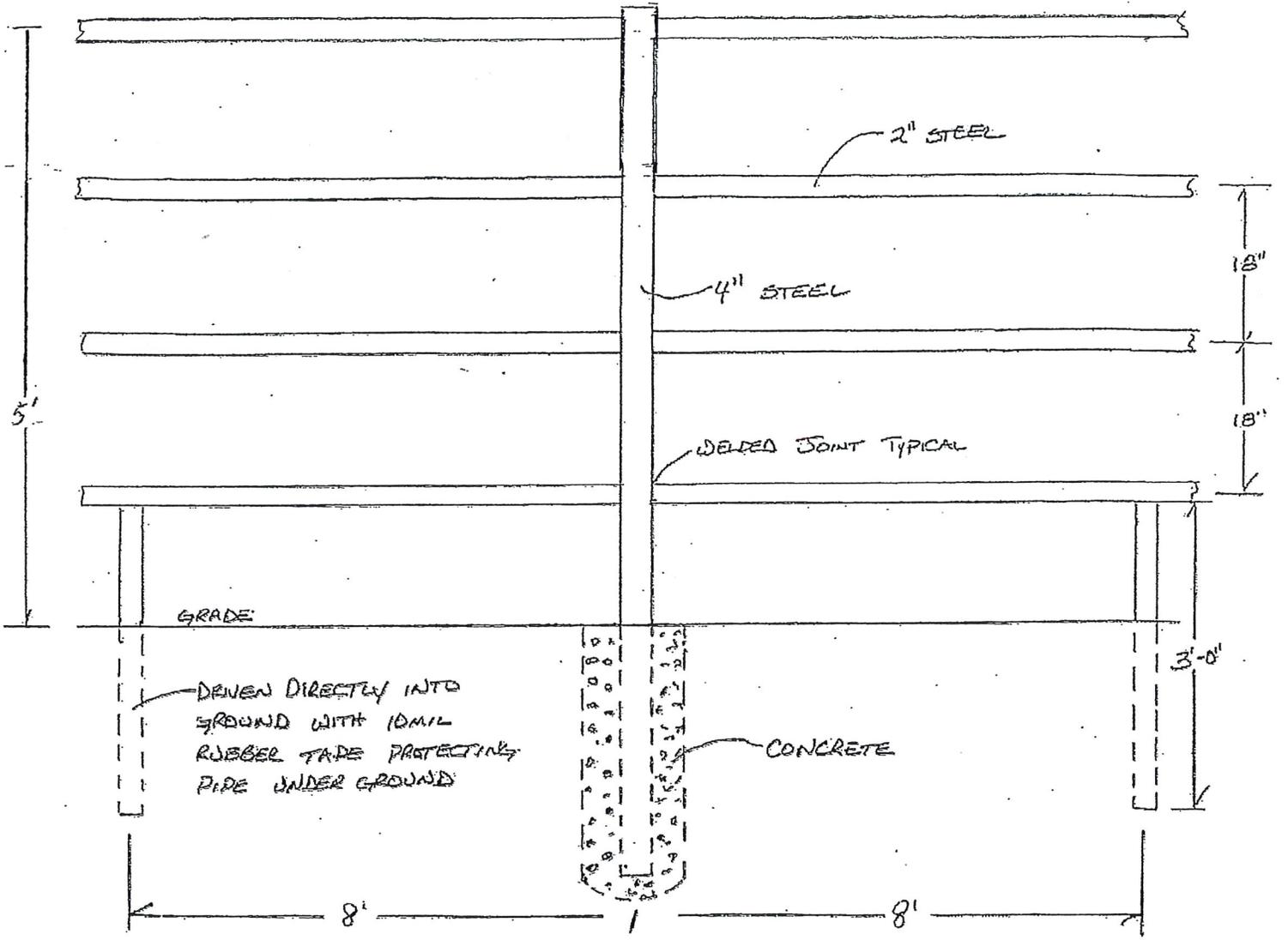


VACANT 312'



FLOOR PLAN ARENA FENCING

N.T.S



BA 2019038

RECEIVED AUG 19 2019



Maricopa County
Planning & Development Department

Simon Edwards
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-0850
Fax: (602) 506-3282
www.maricopa.gov/planning
Email address:
Simon.Edwards@Maricopa.Gov

Date: August 19th, 2019

Memo To: Darren Gerard, AICP, Deputy Director,
Department of Planning & Development

Attn: Eric Smith, Planner, Planning & Development Services

From: Simon Edwards, Engineering Associate,
Planning & Development Services

cc: Michael Norris, P.E., Drainage Engineering Manager,
Planning & Development Services

Subject: BA2019038 – Residential Variance
Reduction To Required Setbacks For Arena Lighting – D1
Memo

Job Site Address: Joy Ranch Road & 25th Avenue, Desert Hills, AZ 85086

APN(s): 203-33-002F

Drainage has no objection to the residential variance to allow for x5 arena lights to be located 3ft from the property line where 20ft is required per the Maricopa County Zoning Ordinance; submittal date stamped August 19th, 2019.

The Flood Control District of Maricopa County has no objections or requirements; the subject parcel is not located within a regulated floodplain.

MCDOT has no objections to the requested variance.

Should the Board of Adjustment find favorable approval for the applicants request, a Drainage Clearance will need to be obtained prior to issuance of a building permit(s).

Please contact me if you have any questions or require clarification of these comments.



Maricopa County
Environmental Services Department
Water and Waste Management Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: August 28, 2019
TO : Eric Smith, Planning & Development Dept.
Planner
FROM: Souren Naradikian, P.E.
Senior Civil Engineer
SUBJECT: Reduce site setbacks. BA2019038

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This request is for Reduce site setbacks at APN # 203-33-002F. Water and wastewater services provider is not disclosed, MCESD has no concerns, the variance will not impact the utilities. NOID must be obtained prior to construction permit issued if applicable.

Stormwater - The parcel is located in the urbanized unincorporated area, but the disturbed soil is estimated to be much less than one acre, and therefore, the project is not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on August 28, 2019 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.



MARICOPA COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

**JUDGMENT AND
ORDERS OF THE
HEARING OFFICER**

COMPLAINT NO: V201900970

IN THE MATTER OF: BOYD, JESSE
38235 N 27TH
AVENUE PHOENIX, AZ 85086

PROPERTY LOCATION: UNADDRESSED PARCEL 38108 N. 27TH AVE

ZONING CLASSIFICATION OF PROPERTY: R-43

R-43

PARCEL NO.: 203-33-002F

HEARING DATE: November 21, 2019 ~ DEC 19 - 28 DAYS P.P. \$700
NON COMPLIANCE FINE \$500
\$1,200

APPEARANCES: Investigator Michael Ordahl was present on behalf of the Department. Charles Hart was also present. Respondent failed to appear.

CHARGES: Commercial Business Operation, Chapter 5 - Rural Zoning Districts, Section 501; Grading and/or Paving without a Building Permit, Chapter 12 - Drainage Provisions, Section 1205; Junk 1 Trash and Debris; Chapter 11 - General Regulations, Section 1116 Use Regulations, Chapter 5 - Rural Zoning Districts, Section 501

FINDINGS — (X) RESPONSIBLE () NOT RESPONSIBLE () DEFAULT () DISMISS W/O PREJUDICE

BASIS FOR FINDINGS: Respondent failed to appear and a finding of responsible is mandated. Further, the testimony of the Code Enforcement officer and photographs of the site clearly show the various cited violations. The Hearing Officer is advised that some clean-up of the junk, trash and debris on the property has been undertaken. The property appears to be operating as a horse boarding/training facility without a permit.

IT IS THEREFORE ORDERED THAT THE RESPONDENT PAY THE FOLLOWING FINES/SANCTIONS:

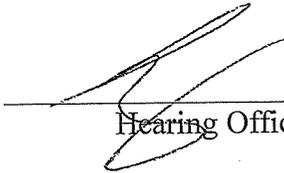
NON-COMPLIANCE FINE: \$500

DAILY NON-COMPLIANCE FINE: \$25/day

NON-COMPLIANCE FINE IS DUE AND PAYABLE IMMEDIATELY. DAILY NON-COMPLIANCE FINE SHALL BEGIN TO ACCRUE EFFECTIVE THE DATE OF THIS ORDER, CONTINUING UNTIL COMPLIANCE IS CONFIRMED BY THE CODE ENFORCEMENT DIVISION. RESPONDENT IS AFFORDED THE FOLLOWING TIME PERIODS WITHIN WHICH TO CURE THESE VIOLATIONS: NINETY (90) DAYS TO APPLY FOR AND OBTAIN ALL NECESSARY PERMITS, AND AN ADDITIONAL SIXTY (60) DAYS THEREAFTER TO PERFORM WHATEVER WORK ON THE PROPERTY IS MANDATED. THE DEPARTMENT MAY IN ITS DISCRETION EXTEND THE COMPLETION DATE BY AN ADDITIONAL 30 (THIRTY) DAYS IN THE EVENT RESPONDENT IS ATTEMPTING IN GOOD FAITH TO COMPLY WITH THIS ORDER. IN THE EVENT THE VIOLATIONS ARE CURED WITHIN THE ALLOWED OR EXTENDED PERIODS PROVIDED IN THIS ORDER THE DAILY FINE SHALL BE WAIVED.

IN ACCORDANCE WITH THE PROCEDURES FOR CIVIL HEARINGS AND REVIEW OF HEARINGS, MCZO CHAPTER 15, YOU HAVE 10 BUSINESS DAYS TO FILE AN APPEAL TO THE MARICOPA COUNTY BOARD OF ADJUSTMENT.

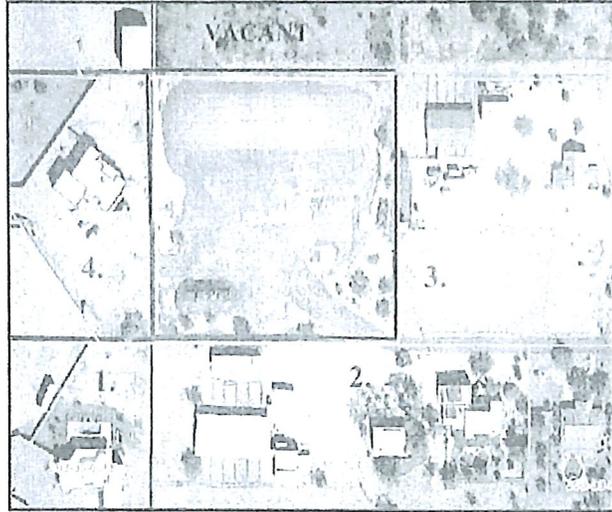
Dated: November 26, 2019


Hearing Officer

JESSE BOYD
38135 North 25th Avenue
Phoenix, Arizona 85086
281-979-9632 jesse.boyd@icloud.com

Dear neighbor,

I am currently working with Maricopa County on a variance that would allow me to install arena lights on my lot three feet from the south and west property lines. While current setback requirements are twenty feet from property lines for arena lights the Board of Adjustments is willing to approve this variance. However, before they sign off they would like the assurance of written approval from my adjoining neighbors that you do not object with this variance request. All lighting will be shielded, on a timer and meet all additional codes.

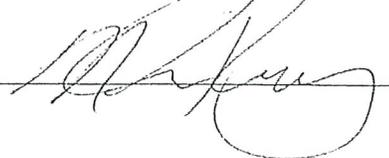


NAME Mike Runsey

ADDRESS 2609 W. Lavitt Lane

MY PROPERTY IS No. 1 ON THE ABOVE MAP

I have no objections with the installation of arena lights on this property set back three feet from the south and west property lines.

SIGNATURE  DATE: 11/27/19

BA2019038

RECEIVED DEC 03 2019



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2019055 – LaCasse Property
Hearing Date: February 20, 2020 (continued from January 23, 2020)
Supervisor District: 4

* Denotes changes from the January 23, 2020 staff report.

Applicant/Owner: Robert LaCasse

Request: **Variance to the development standard of the Maricopa County Zoning Ordinance to permit:**

- 1) Proposed front setback of 14' where 20' is the minimum permitted per MCZO Article 503.4.1.a

Site Location: APN 232-20-172 @ 15014 W. Heritage Drive. – 151st Ave. & Heritage Dr., in the Sun City West area

Site Size: 9,000 sq. ft.

Current Use / Zoning: Single-family residence / R1-7 SC

Open Violation: **No Violation on property**

Citizen Support/Opposition: No known opposition

Findings: **The request fails to meet the statutory test for variance approval**

Background:

1. **March 9, 1989:** Sun City West Unit 44 Subdivision plat was recorded by the County Assessor.
2. **Circa 1991:** The single-family residence was constructed.
3. **December 12, 1994:** The current owner took possession of the subject property via a Warranty Deed under **180822404**.
4. **December 18, 2019:** The subject variance request was submitted.
5. * **January 23, 2020:** The Board voted 3-0 to continue the case to the February 20th hearing to provide the applicant additional time to work on a solution.
6. * **January 23, 2020:** Area of interest email sent to PORA for comment.
7. * **January 31, 2020:** Staff contacted PORA to inquire if there was a response to the email sent January 23, 2020. Informed that PORA does not review variances requests any longer. Contact for Recreation Activities & CC&R was provided.
8. * **February 3, 2020:** Staff contacted Recreation Activities & CC&R Manager James Riley. Case material was emailed for comment. No response received at the time of writing the staff report.

Reviewing Agencies Comments:

9. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated December 31, 2019.
10. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated December 31, 2019.

Existing On-Site and Surrounding Zoning/Land Use:

- | | |
|--------------|------------------------------------|
| 11. On-site: | R1-7 SC / Single-family residence |
| North: | R1-7 SC / Single-family residence |
| South: | Rural-43 / Single-family residence |
| East: | R1-7 SC / Single-family residence |
| West: | R1-7 SC / Single-family residence |

Site Analysis:

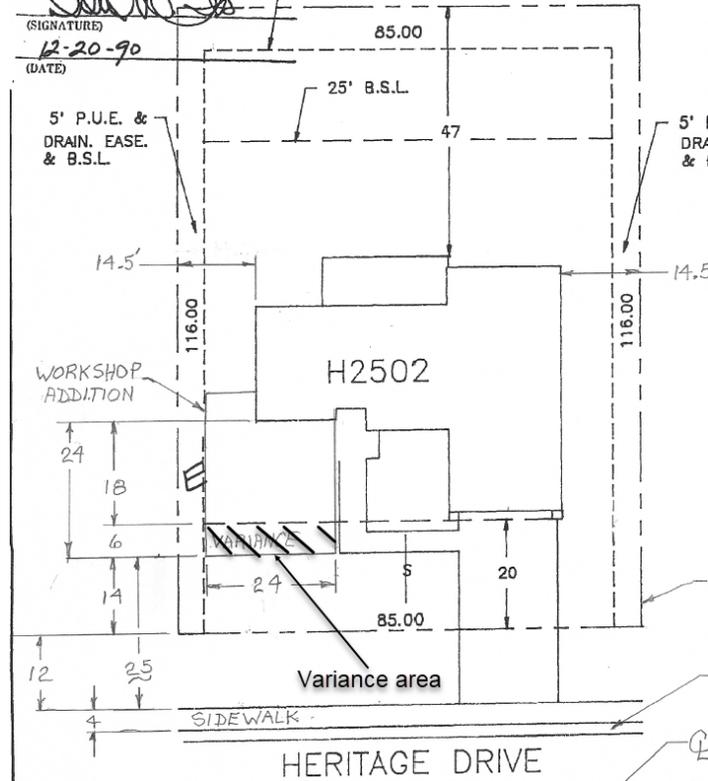
12. The subject site is located within Unit 44 subdivision in the Sun City West area and was developed as a single family residence neighborhood in 1989. The subject site is Lot 170 zoned R1-7 SC. It fronts onto Heritage Dr. to the south. The property contains a 1,269 sq. ft. residence. The site is a rectangular 9,000 sq. ft. lot surrounded by similar lots. The topography of the site is small, flat with trees at the rear of the residence and is otherwise unremarkable.
13. The applicant proposes, a workshop/car restoration area at the front of the residence with a front setback of 14' where 20' is required by the Ordinance. The neighborhood has

lots appearing to have the similar configurations as requested. The request cannot be supported by staff because the applicant hasn't provided a hardship nor peculiar circumstance. However, a condition to address reduced setback has been included for Board consideration.

Aerial photo of subject site & surrounding environs



Proposed site plan



14. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	R1-7 Zoning District	Proposed Standard
Front Yard Setback (residence to south property line)	20-feet	14-feet
Rear Yard Setback (residence to north property line)	25-feet	47-feet
Side Yard Setback (residence to west property line)	5-feet	n/a
Maximum Height	30-feet	n/a
Minimum Lot Area	9,000-sq. ft.	9,000-sq. ft.
Minimum Lot Width	85-feet	85-feet
Lot Coverage	45%	15.7%

Note: Standards indicated in **bold** do not meet base zoning standards

ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

15. **Statutory Test -1 Peculiar condition** – Discuss and explain what is/are the peculiar condition facing the property and include reference to the Maricopa County Zoning Ordinance Regulation or Development Standard to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation or Development Standard would impose a hardship on the property.

"Adding workshop/garage space for auto restoration. Building an 18' by 24' creates an accessibility issue; with a front door the building is not deep enough and with a side door it will be difficult to enter through the existing driveway".

16. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar condition on the site created with respect to existing Regulation and Standard of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

"When purchasing the home I was told by both the real estate agent and the local Property Owners and Residence Association what the guidelines for setbacks were. After checking with the county for clarification, the guidelines were incorrect. This hardship was created primarily due to PORA's lack of knowledge of the correct property setback lines."

17. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** - Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

"The curvature of the street minimizes the visual effect of the additional 6' into the 20' setback. Because of the siting on this street the setback is in addition to the 12' easement making the total setback actually 32'."

18. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.**

Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit or as-built permit currently filed with Planning and Development Department and the current review status. Specify the permit number. If no permit have been filed, please provide a timeline for building permit submittal and projected timeframe for construction. Conversely, indicate if the variance request is/are not related to a specific development proposal.

"No permits have been requested prior to the approval of a variance. Design work has started and can be completed with 30 days. Once design is complete bids will be requested in anticipation of approval of the variance request. Once permits are approved construction can start within 120 days of this variance request".

Findings:

19. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has failed to demonstrate that there is a peculiar condition facing the property because the single family residence was constructed to the requirements of the Ordinance.
- The applicant has failed to demonstrate that the strict application of the MCZO to the applicant's property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as extend the workshop addition on the west, toward the rear side of the residence, thus variance is not warranted.
- The applicant has failed to demonstrate the peculiar condition / physical hardship is not self-created in the line of title in that in that subject lot was platted in its current Configuration and the residence constructed to the Ordinance requirements.

20. However, if the Board finds that the applicant has proven entitlement to the variance; then, the Board must state on the record the basis for that determination with findings and conclusion in a motion to grant the relief sought.

In such event staff would offer the Board the following Conditions of Approval:

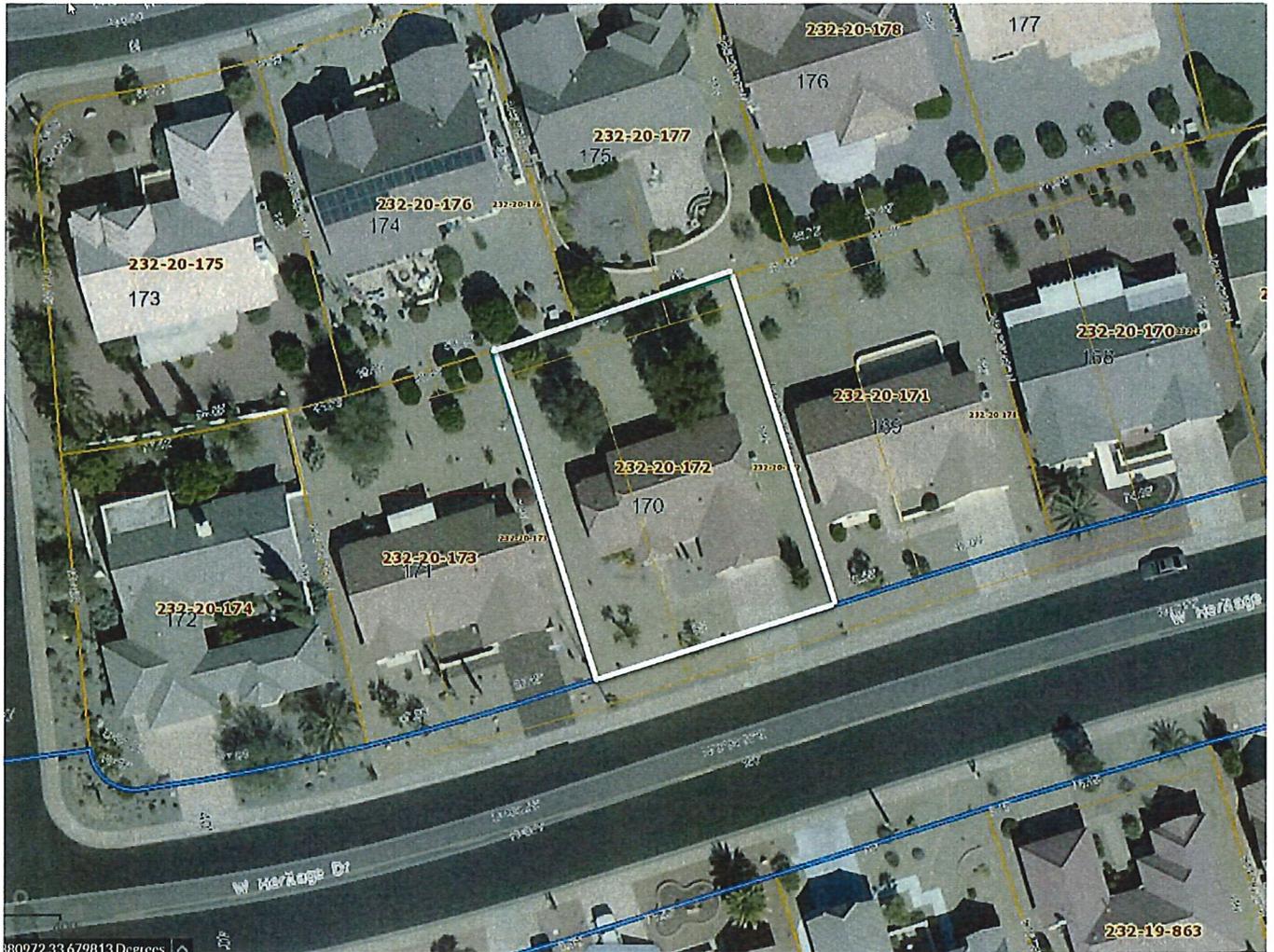
- a) General compliance with the site plan stamped received December 18, 2019.

- b) All required building permit for proposed development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Approval of this variance for a reduced front yard setback of 14' shall apply to encroachment of the workshop addition only. All livable spaces of the residence including any future expansions within the front of the lot shall meet the underlying R1-7 SC zoning district standard of 20'.
- d) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Presented by: Eric R. Smith, Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (3 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)
Email to PORA (1 page)
Email to Recreation Activities & CC&R Manager (1 page)

MARICOPA COUNTY



Date: 01/10/2020 Legal Description: T4N, R1E, Section 20

Applicant: Robert LaCasse Phone: 651.439.2108

Case Address: 15014 W. Heritage Dr. Sun City 85375 Parcel: 232-20-172

BA2019055
Aerial Date: 2019

SUPERVISORAL DISTRICT NO 4

Relief from MCZO requirements.



**Planning & Development
Department
VARIANCE / INTERPRETATION
APPLICATION**



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
REQUEST			
Description of Request: <u>REQUESTING FRONT YARD VARIANCE</u>			
Existing Use of Property: <u>RESIDENTIAL</u>			
Existing Zoning District: <u>R1-7</u>			
Related Case Number(s): <u>NONE</u>			
PROPERTY INFORMATION			
Address (if known): <u>15014 W HERITAGE DR, SUN CITY WEST, AZ 85375</u>			
General Location (include nearest city/town): <u>North of Northeast Corner of</u> <u>RH JOHNSON BLVD and 151 AVE</u>			
Size in Acres: _____	Section: <u>20</u>	Township: <u>4N</u>	Range: <u>1W</u>
Legal Description: _____	Assessor's Parcel Number: <u>232 20 172</u>	Square Feet: <u>9000 Sq Ft</u>	Subdivision Name (if applicable): <u>SUN CITY WEST 44</u>
APPLICANT INFORMATION			
Name: <u>ROBERT LA CASSE, JR</u>		Contact: <u>SAME</u>	
Address: <u>15014 W HERITAGE DR</u>			
City: <u>SUN CITY WEST</u>	State: <u>AZ</u>	Zip: <u>85375</u>	
Phone #: <u>651-439-2108</u>	Fax #: _____		
E-mail Address: <u>LACASSEBJ@GMAIL.COM</u>			
PROPERTY OWNER INFORMATION			
Name: <u>SAME</u>		Contact: _____	
Address: _____			
City: _____	State: _____	Zip: _____	
Phone #: _____	Fax #: _____		
E-mail Address: _____			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) <u>Robert LaCasse, Jr</u> authorize (applicant's name) <u>SAME</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature: <u>Robert LaCasse, Jr</u>		Date: <u>12/14/2019</u>	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature: <u>Robert LaCasse, Jr</u>		Date: <u>12/14/2019</u>	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature: <u>Robert LaCasse, Jr</u>		Date: <u>12/14/2019</u>	

RECEIVED 18 DEC 2019

BA 2019055



Planning & Development
Department



BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the zoning ordinance will be preserved.

- 1. Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

Adding workshop/garage space for auto restoration. Building an 18' by 24' creates an accessibility issue; with a front door the building is not deep enough and with a side door it will be difficult to enter through the existing driveway.

- 2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

When purchasing the home I was told by both the real estate agent and the local Property Owners and Residence Association what the guidelines for setbacks were. After checking with the county for clarification, the guidelines were incorrect. This hardship was created primarily due to PORA's lack of knowledge of the correct property setback lines.

- 3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

The curvature of the street minimizes the visual effect of the additional 6' into the 20' setback. Because of the siting on this street the setback is in addition to the 12' easement making the total setback actually 32'.

RECEIVED 18 DEC 2019

BA 2019055

4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

No permits have been requested prior to the approval of a variance. Design work has started and can be completed with 30 days. Once design is complete bids will be requested in anticipation of approval of the variance request. Once permits are approved construction can start within 120 days of this variance request.

*Additional sheets may be attached.

** DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN INTERPRETATION

I HEREBY CERTIFY THAT I AM THE OWNER OR DULY AUTHORIZED OWNER'S AGENT OF THE PROPERTY SHOWN ON THIS PLOT PLAN, AND FURTHER THAT THIS IS A COMPLETE AND ACCURATE PLAN SHOWING ALL CORRECT RECORDED LOT DIMENSIONS AND SETBACKS OF ALL STRUCTURES.

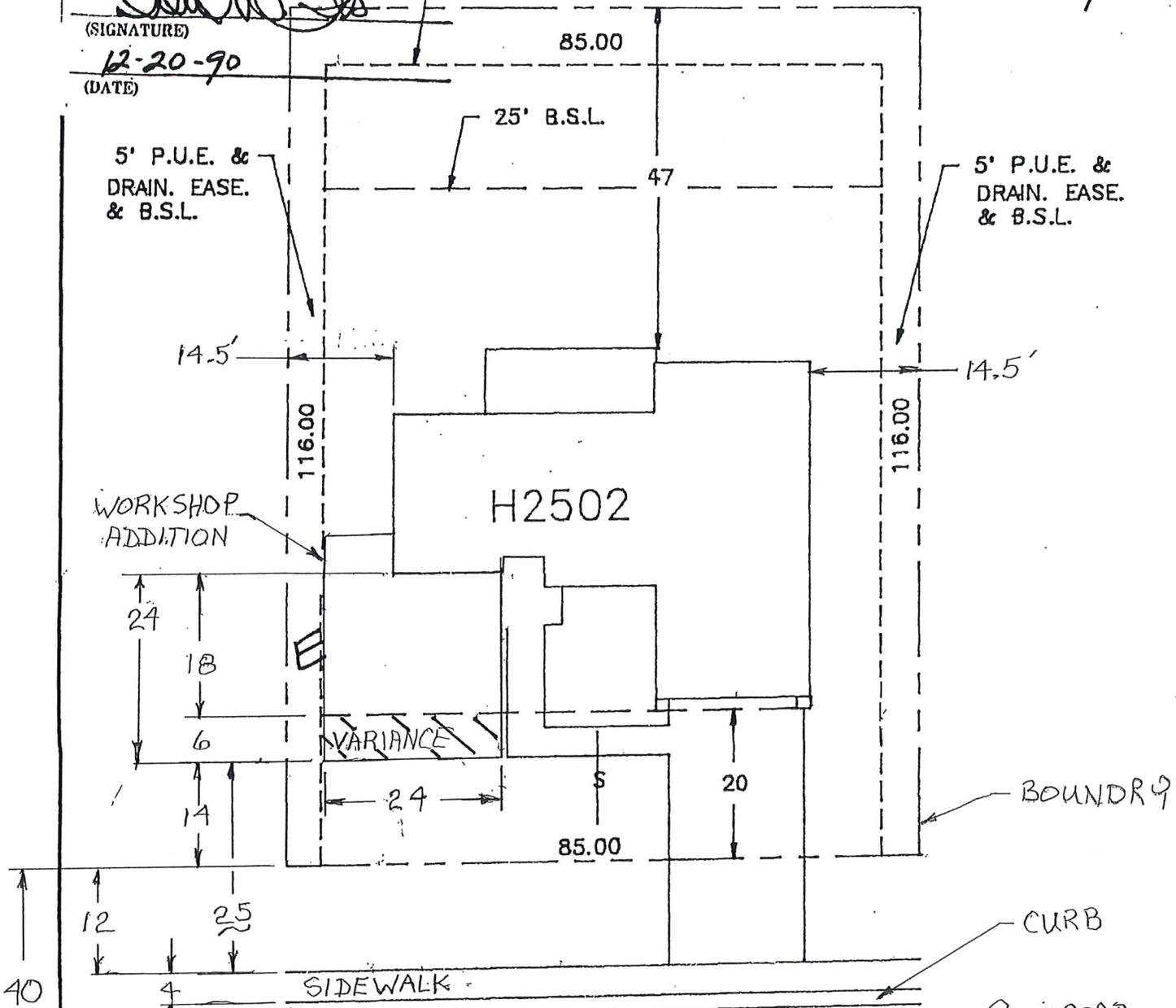
8' P.U.E. & DRAIN. EASE.



(SIGNATURE)

12-20-90

(DATE)



H2502

VARIANCE

BOUNDARY

CURB

Q OF ROAD

This plot plan is tentative, and subject to change pending final governmental approval.

Consult the recorded subdivision plat for accurate lot size and boundary information.

4651/10

HERITAGE DRIVE

F.G. 89.0
PLOT PLAN

SCALE: 1" = 20'

Accordance with construction sequence schedule dated 12-31-90

SUN CITY WEST, ARIZONA

UNIT W44

LOT 170 PLAN H2502C ADDRESS 15014 HERITAGE DRIVE

DEL E. WEBB DEVELOPMENT COMPANY

BA 2019055

RECEIVED 18 DEC 2019



Maricopa County

Planning & Development Department

Greg Toth, CFM
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-2923
Fax: (602) 506-8762
www.maricopa.gov/planning
Email address:
Greg.Toth@Maricopa.gov

Date: December 31, 2019

Memo To: Darren Gerard, AICP, Planning Manager, Department of Planning & Development

Attn: Eric Smith, Planner, Planning & Development Services

From: Greg Toth, Engineering Associate, Planning & Development Services

cc: Michael Norris, PE, Engineering Manager, Planning & Development Services

Subject: BA2019055 – Variance for Reduced Setback
E1 Memo

Address: 15014 W Heritage Drive, Sun City West, AZ 85375

APN(s): 232-20-172

Engineering Plan Review (Drainage, FCD and MCDOT) has no position on the proposed variance requested by the applicant.

It should be noted that several other Maricopa County agencies must review this project. Final approval for the variance rests with the Maricopa County Board of Adjustment.

Please contact me if you have any questions or require clarification of these comments.



Maricopa County

Environmental Services Department
Water and Waste Management Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 9, 2020

TO : Sean Watkins, Planning & Development Dept.
Planner

FROM: Souren Naradikian, P.E.
Senior Civil Engineer

SUBJECT: Front Yard setback variance. BA2019055

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This request is for Front Yard setback variance at APN # 232-20-172. Water and wastewater services provider is not disclosed, MCESD has no concerns, the variance will not impact the utilities. NOID must be obtained prior to construction permit issued if applicable.

Stormwater - The parcel is located in the urbanized unincorporated area, but the disturbed soil is estimated to be much less than one acre, and therefore, the project is not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on January 9, 2020 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.

Eric Smith (PND)

From: Eric Smith (PND)
Sent: Thursday, January 23, 2020 2:00 PM
To: Tracy.mcguire@porascw.org
Cc: LACASSEBJ@GMAIL.COM
Subject: Variance case in your area of Interest
Attachments: BA2019055 - 12_23_2019 - SITE-PLAN-1.pdf; 2020-01-10_12-23-10.jpg; BA2019055 - 12_23_2019 - APPL-FORM-1.pdf; BA2019055 - 12_23_2019 - FLOR-PLAN-1.pdf; BA2019055 - 12_23_2019 - PHOT-DETL-1.pdf

Madam,
There is a variance case within the area of interest. Please make comment.



Eric R. Smith
Planner

Maricopa County Planning & Development Department
501 N. 44th Street, Suite 200, Phoenix, AZ 85008
Desk: 602-506-4242 |
Eric.Smith@maricopa.gov

Eric Smith (PND)

From: Eric Smith (PND)
Sent: Monday, February 3, 2020 10:34 AM
To: James Riley
Cc: Bob LaCasse
Subject: FW: Sun City West Unit 44 variance
Attachments: BA2019055 - 12_23_2019 - SITE-PLAN-1.pdf; BA2019055 - 12_23_2019 - APPL-FORM-1.pdf

Sir,
The applicant proposes, a workshop/car restoration area at the front of the residence with a front setback of 14' where 20' is required by the Ordinance. Comments would be appreciated.

From: Eric Smith (PND)
Sent: Monday, February 3, 2020 10:29 AM
To: James Riley <james.riley@suncitywest.com>
Subject: RE: Sun City West Unit 44 variance

From: James Riley <james.riley@suncitywest.com>
Sent: Monday, February 3, 2020 10:26 AM
To: Eric Smith (PND) <Eric.Smith@Maricopa.Gov>
Subject: Sun City West Unit 44 variance

Hello Eric,

I would appreciate all the information you have about this issue. All the property's in Sun City West must also act in accordance with CC&R. I will be happy to review and get back in contact ASAP.

Thank you,



James Riley
Recreation Activities & CC&R Manager
Office (623) 544-6114
Fax (623) 544-6114
james.riley@suncitywest.com
Recreation Centers of Sun City West Inc.
19803 RH Johnson Blvd., Sun City West, AZ 85375
suncitywest.com



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2019058 – Nelson Property

Hearing Date: February 20, 2020

Supervisor District: 4

Applicant: Bradley Nelson

Property Owners: Blake, Tammy, Bradley, & Linda Kay Nelson

Requests: **Variances to the development standards of the Maricopa County Zoning Ordinance to permit:**

- 1) Proposed front yard setback of 10' where 40' is the minimum permitted per MCZO Article 503.4.1.a, and
- 2) Proposed south side yard setback of 0' where 30' is the minimum permitted per MCZO Article 503.4.2, and
- 3) Proposed Accident Potential Zone (APZ) Line northeast side yard setback of 5' where 30' is the minimum permitted per MCZO Article 503.4.2

Site Location: APN 503-30-039H @ 27307 N. 237th Ave., Bunker Peak Rd. and 237th Ave., in the Surprise area

Site Size: 189,000 sq. ft.

Current Use / Zoning: Vacant/ Rural-43 MAAMF (Military Airport & Ancillary Military Facility) overlay zoning district

Open Violation: **No Violation on property**

Citizen Support/Opposition: No known opposition

Findings: **The requests fail to meet the statutory test for variance approval**

Background:

1. **C. 2004:** Arizona Revised Statutes (ARS) enacted the high noise and accident potential zone around Luke Air Force Base, Luke Air Force Auxiliary vicinity, and Gila Bend Auxiliary vicinity.
2. **January 1, 2005:** The subject site was created as a result of a lot combination of four separate parcels.
3. **March 17, 2010:** The MAAMF overlay zoning district was created due to a 2008 court settlement ordered by Superior Court of Arizona in the case of Arizona State, et al. v. Maricopa County, et al. to address A.R.S. §28-8461 and §28-8481.
4. **March 9, 2019:** The current owners took possession of the subject property.
5. **December 23, 2019:** The property owners applied for the subject variance request (BA2019058).

Reviewing Agencies Comments:

6. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated January 30, 2020.
7. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated January 22, 2020.

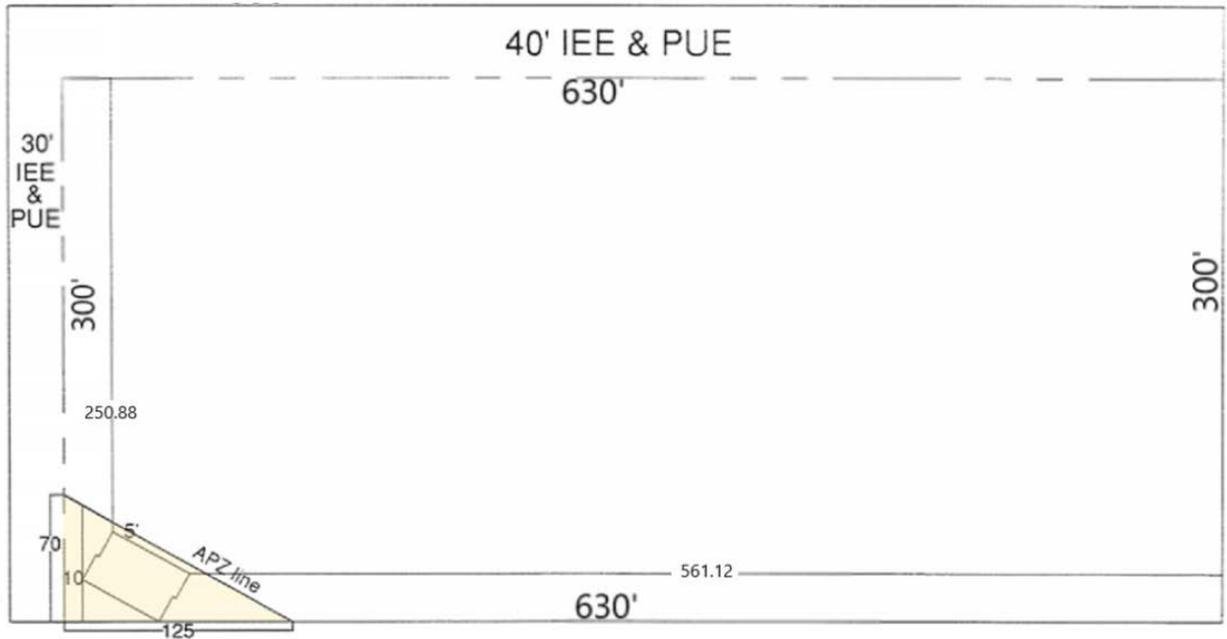
Existing On-Site and Surrounding Zoning/Land Use:

8. On-site: Rural-43 MAAMF/ Vacant
North: Bunker Peak Rd. then Rural-43 MAAMF/ Vacant
South: Rural-43/ Single-family residence
East: Rural-43 MAAMFC/ Single-family residence & Vacant
West: 237th Ave. then Rural-43/ Vacant

Site Analysis:

9. The site is a rectangular lot with a width of 300' and a depth of 630' for a total lot size of 4.33 acres located at the southeast corner of Bunker Peak Rd. and 237th Ave. in the Surprise area. The subject lot itself has a relatively flat topography with various Lower Sonoran Desert vegetation. The majority of the site is inside the Accident Potential Zone (APZ 2) where any residential uses are prohibited, as per A.R.S. §28-8481(J), leaving only 10% of the site to place a residential dwelling unit. The developable area of the site forms a right triangle starting at the lot's southwest corner moving 70' north along the west property line and 125' east along the south property line.
10. The applicant is proposing to construct a 1,500 square foot single-family home, which will be a manufactured home consisting of three bedrooms and two bathrooms. With the new residence on the parcel the lot coverage will be 0.8%. Due to the lot's limitation, the applicant is requesting three different variances of the Rural-43 development standards. The first variance request is to reduce the minimum front yard setback from the required 40' to 10'. Another variance request is to reduce the minimum south side yard setback from the required 30' to 0'. Still another variance request to reduce the northeast side

Excerpt from proposed site plan



11. Essentially, staff considers the lot unbuildable for residential development. The lot was created via an unregulated land division. However, it was a lot combination rather than a lot split. The lot combination occurred after state law established the high noise and accident potential zone, but prior to the County's MAAF overlay zoning district.
12. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	10-feet
Rear Yard Setback	40-feet	561-feet
South Side Yard Setback	30-feet	0-feet
Accident Potential Zone Line Side Yard Setback	30-feet	5-feet
Street Side Yard Setback	20-feet	250-feet
Maximum Height	30-feet	30-feet
Minimum Lot Area	43,560-sq. ft.	189,000-sq. ft.
Minimum Lot Width	145-feet	300-feet
Lot Coverage	25%	0.8%

Note: Standards indicated in **bold** do not meet base zoning standards

ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

13. **Statutory Test -1 Peculiar condition** – Discuss and explain what is a peculiar condition facing the property and include reference to the Maricopa County Zoning Ordinance Regulation or Development Standard to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation or Development Standard would impose a hardship on the property.

“The property is in the Luke AFB Accident Prevention Zone. One corner of the property is the southwest is outside of the APZ. Reduction of the side yard setbacks will allow for placement of a residential home in this area.”

14. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar condition on the site created with respect to existing Regulation and Standard of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

“The APZ covers most of the property and the RU-43 allows for livestock uses. The property we are requesting is outside of the APZ and the side yard requirements restricts any other use of the property”

15. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** - Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

“Granting the variances will not impact the area around the request as roadway and Residential use (over 200’) are next to the request area.”

16. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.** Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit or as-built permit currently filed with Planning and Development Department and the current review status. Specify the permit number. If no permit have been filed, please provide a timeline for building permit submittal and projected timeframe for construction. Conversely, indicate if the variance request is/are not related to a specific development proposal.

“Financing of the project has been secured and contracts with general contractor with general contractor and home builder. Schedule allows for completion this year.”

Findings:

17. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has failed to demonstrate that the strict application of the MCZO to the applicant's property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as developing the site for agriculture, equestrian uses, the raising of livestock, or other non-residential development with approval of Military Compatibility Permit, thus a variance is not warranted.
- The applicant has failed to demonstrate that the general intent and purpose of the MCZO will be preserved with the variance in that placing a home 10' away from the access easement and 0' along the south property line will presumably negatively impact the area. The new single-family residence will not fit in with the rural-residential character of the surrounding homes of the area, that are setback 30' or more from side property lines and 40' or more setback from roadways,

18. However, if the Board finds that the applicant has proven entitlement to the variance; then, the Board must state on the record the basis for that determination with findings and conclusion in a motion to grant the relief sought.

In such event staff would offer the Board the following Conditions of Approval:

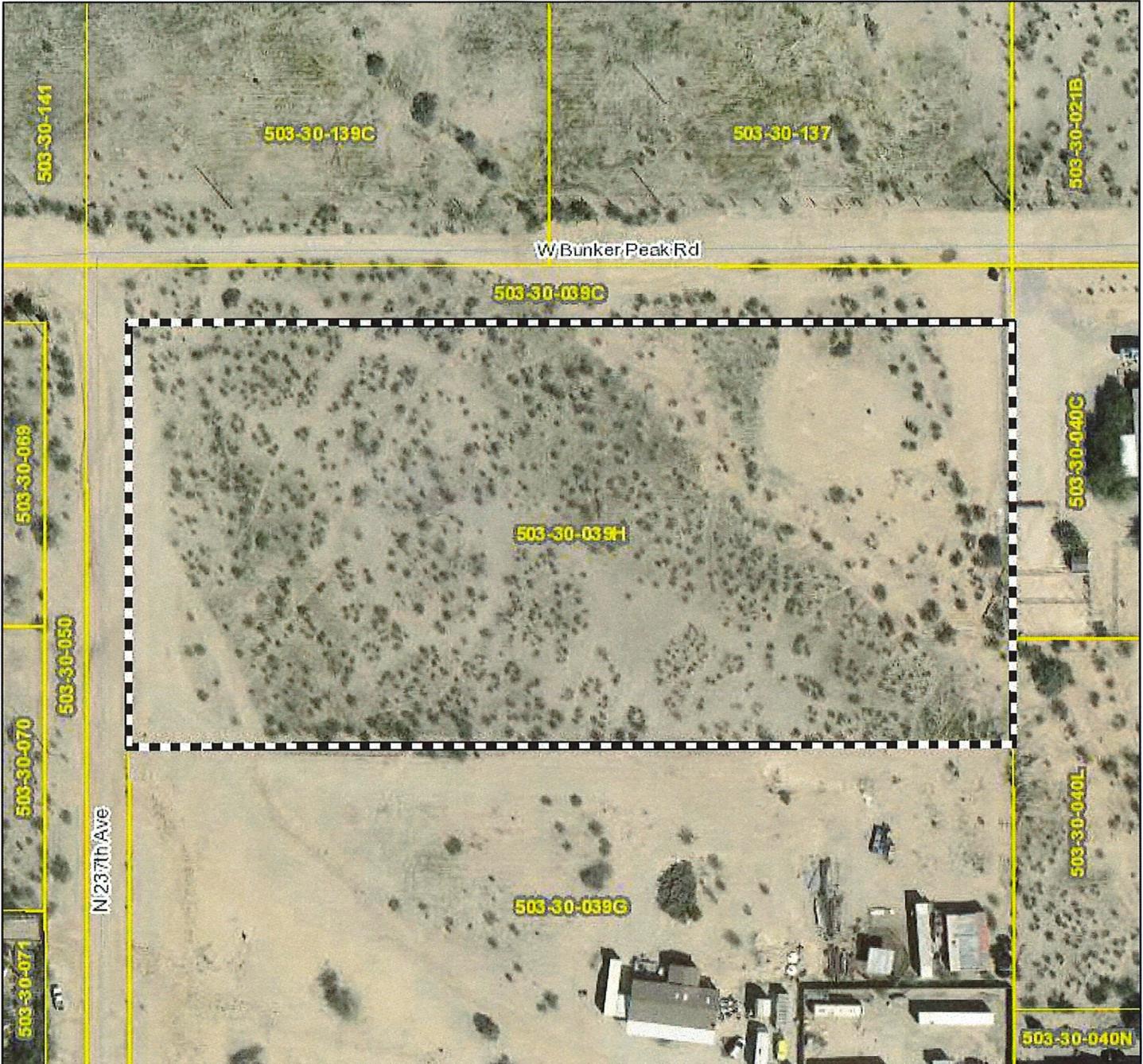
- a) General compliance with the site plan stamped received January 2, 2020.
- b) All required building permits for proposed development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permits within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Presented by: Martin Martell, Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (3 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)



MARICOPA COUNTY



Application Name: Nelson Property		
Legal Description T05N R03W 033, T5N R03W 33		
Applicant BRADLEY NELSON	Applicant Phone/Email 307.631.4889 BRAD.FMS.CHEYENNE@GMAIL.COM	BA2019058
Case Address 27307 N 237TH Ave WITTMANN AZ 85361	Parcel Primary: 503-30-039H	
Generated January 28, 2020 15:31 PM	Gross Acres: 5 approx.	Map scale 1:1,558

Supervisor District No. 4

REQUEST TO REDUCE THE FRONT SETBACK TO 20'; REDUCE THE NORTHWEST SIDE SETBACK TO 10'; & REDUCE THE SOUTH SIDE SETBACK TO 3' IN THE RURAL-43 ZONING DISTRICT





**Planning & Development
Department
VARIANCE / INTERPRETATION
APPLICATION**

**ONE
STOP
SHOP**

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
REQUEST			
Description of Request: <u>Decrease setbacks to front yard 10'ft, south side 0'ft, north east 5'ft</u>			
Existing Use of Property: <u>Vacant</u>			
Existing Zoning District: <u>R443</u>			
Related Case Number(s): <u>PA 2019052</u>			
PROPERTY INFORMATION			
Address (if known): _____			
General Location (include nearest city/town): <u>237 Ave E Bunker Peak</u> <u>Wittman, AZ</u>			
Size In Acres: <u>4-5</u>	Square Feet: _____		
Legal Description: _____	Section: <u>33</u>	Township: <u>5N</u>	Range: <u>3W</u>
Assessor's Parcel Number: <u>503-30-039H</u>	<u>503-30-039C</u>		
Subdivision Name (if applicable): _____			
APPLICANT INFORMATION			
Name: <u>Bradley Nelson</u>		Contact: <u>Same</u>	
Address: <u>P.O. Box 205</u>			
City: <u>Morrishtown</u>		State: <u>AZ</u>	Zip: <u>85342</u>
Phone #: <u>307-631-4889</u>		Fax #: _____	
E-mail Address: <u>brad.fms.cheyenne@gmail.com</u>			
PROPERTY OWNER INFORMATION			
Name: <u>Blake & Tammy Nelson, Bradley & Lyndee Nelson</u>		Contact: <u>Bradley Nelson</u>	
Address: <u>P.O. Box 205</u>			
City: <u>Morrishtown</u>		State: <u>AZ</u>	Zip: <u>85342</u>
Phone #: <u>307-631-4889</u>		Fax #: _____	
E-mail Address: <u>brad.fms.cheyenne@gmail.com</u>			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) <u>Bradley Nelson</u> authorize (applicant's name) <u>Bradley Nelson</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. § 12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature: <u>Bradley Nelson</u>		Date: <u>1/2/2020</u>	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature: <u>Bradley Nelson</u>		Date: <u>1/2/2020</u>	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a <u>50% timeframe extension</u> for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature: <u>Bradley Nelson</u>		Date: <u>1/2/2020</u>	



Planning & Development
Department



BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the zoning ordinance will be preserved.

- 1. Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

The property is in the Luke AFB Accident Prevention Zone. One corner of the property on the southwest is outside the APZ. Reduction of side yard setback will allow for placement of a residential home in this area.

- 2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

The APZ Covers most of the property and the R443 allows for livestock uses. The property we are requesting is outside the APZ and the side yard requirement restricts any other use of the property.

- 3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

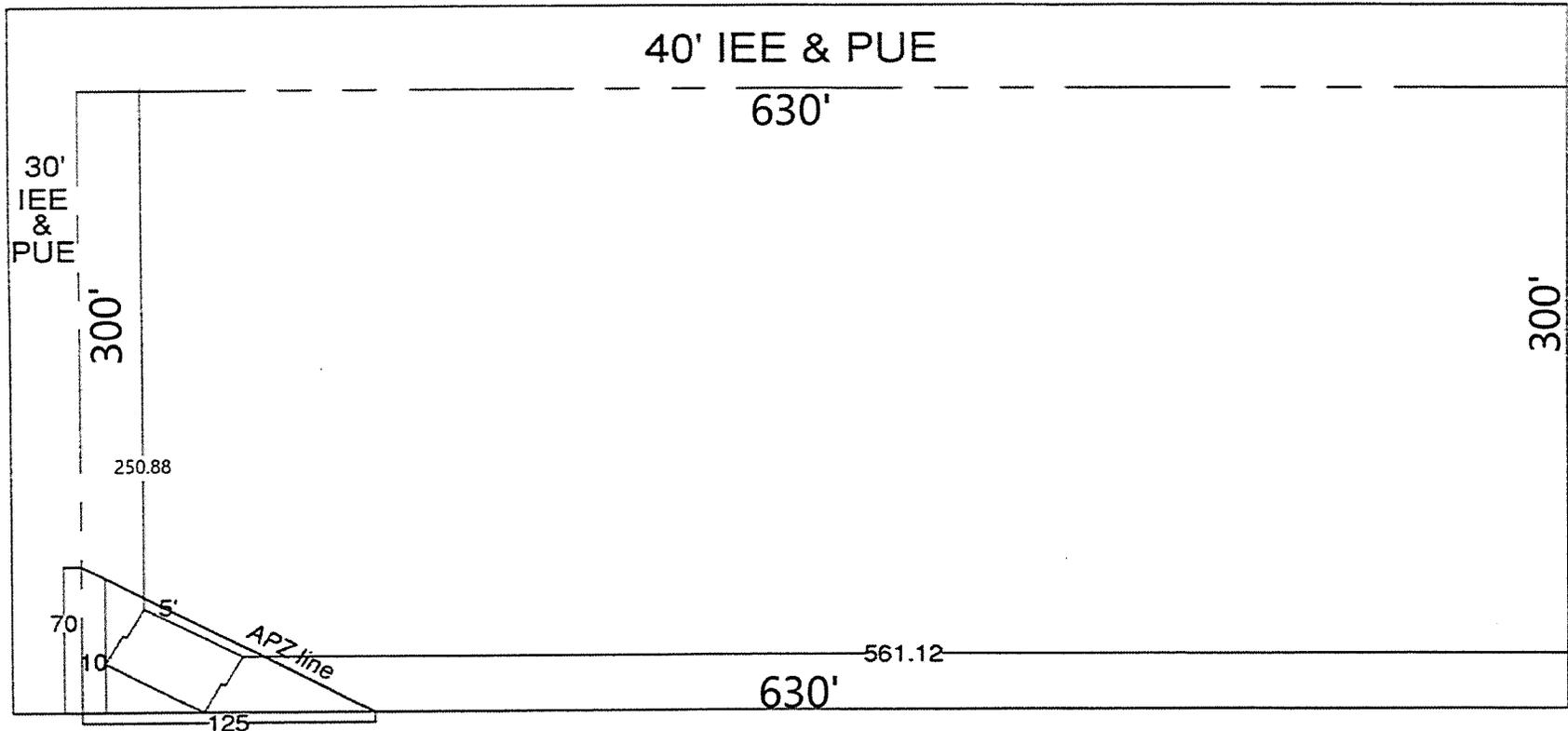
Granting the variance will not impact the area around the request as roadway and residential use (over 200') are next to the request area.

4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

Financing of the project has been secured and contracts with general contractor and home builder. Schedule allows for completion this year.

*Additional sheets may be attached.

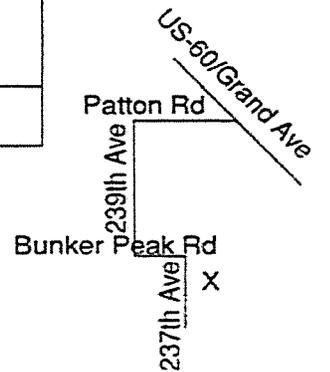
** DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN INTERPRETATION



XXXX N 237th Ave Rd
 Wittmann AZ 85361
 APN : 503-30-039H
 Bradley J. Nelson
 Deed : 20190167075

Zoning : RU-43
 Lot size : 189,000 sq ft
 Home size : 1500 sq ft
 In-ground set 18" FFE
 Lot Coverage : 0.79%

1" = 60'





Maricopa County

Planning & Development Department

Greg Toth, CFM
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-2923
Fax: (602) 506-8762
www.maricopa.gov/planning
Email address:
Greg.Toth@Maricopa.gov

Date: January 30, 2020

Memo To: Darren Gerard, AICP, Planning Manager, Department of Planning & Development

Attn: Martin Martel, Planner, Planning & Development Services

From: Greg Toth, Engineering Associate, Planning & Development Services

cc: Michael Norris, PE, Engineering Manager, Planning & Development Services

Subject: BA2019058 – Variance for Encroachment into Setbacks
E1 Memo

Address: N 237th Avenue, Wittman, AZ 85361

APN(s): 503-30-039H

Engineering Plan Review (Drainage, FCD and MCDOT) has no position on the proposed variances requested by the applicant.

It should be noted that several other Maricopa County agencies must review this project. Final approval for the variance rests with the Maricopa County Board of Adjustment.

Please contact me if you have any questions or require clarification of these comments.



Maricopa County

Environmental Services Department
Water and Waste Management Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 22, 2020

TO : Martin Martell, Planning & Development Dept.
Planner

FROM: Souren Naradikian, P.E.
Senior Civil Engineer

SUBJECT: Reduce site setbacks. BA2019058

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This request is for Reduce the site setbacks at APN #503-30-039H. Water and wastewater services provider is not disclosed, MCESD has no concerns, the variance will not impact the utilities. NOID must be obtained prior to construction permit issued if applicable.

Stormwater - The parcel is located in the urbanized unincorporated area, but the disturbed soil is estimated to be much less than one acre, and therefore, the project is not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on November 20, 2019 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2020001 – Amrine Property

Hearing Date: February 20, 2020

Supervisor District: 3

Applicant: Bill Amrine

Property Owner: Amrine Family Revocable Trust

Requests: **Variances to the development standards of the Maricopa County Zoning Ordinance to permit:**

- 1) Detached accessory building to be placed in the required front yard at a 12-foot setback, where detached accessory structures are to be located outside the required front yard per MCZO Article 1106.2, and
- 2) Proposed front (east) accessory setback of 12-feet where 40-feet is the minimum permitted per MCZO Article 503.4.2, and
- 3) Proposed rear (west) accessory setback of 1.5-feet and side (south) accessory setback of 0-feet where 3-feet is the minimum permitted per MCZO Article 1106.2

Site Location: APN 211-52-035H @ 35822 N. 16th St. – Cloud Rd. and 16th St. in the New River area

Site Size: 49,920 sq. ft.

Current Use / Zoning: Single-family residence / Rural-43

Open Violation: **V201300117**

Citizen

Support/Opposition: Three (3) support letters were submitted from adjacent properties owned by Ellis/Mandi Farstvedt, Steven Spurling and Michael Rubie.

Findings: **The request fails to meet the statutory test for variance approval**

Background:

1. **February 18, 1997:** A parcel split was recorded showing parcel 211-52-035B split into two new parcels: 211-52-035E and **211-52-035F**.
2. **Circa 1997/1998:** A single-family residence was built on the site as noted by building permit **97-019767**.
3. **June 4, 1998:** A parcel split was recorded showing the parent parcel (211-52-035F) split into two new parcels: 211-52-035G and **211-52-035H** (the subject parcel).
4. **Circa 1999:** Available aerial photos show the residence in the same approximate location as shown in the most recently available aerial photos.
5. **February 15, 2005:** The current owners took possession of the subject site via a Warranty Deed recorded under docket **2005-0535153**.
6. **May 30, 2007:** The owner applied for building permit **B200706025** to build an addition to the residence.
7. **July 16, 2007:** The owner/applicant met with staff for a pre-application meeting.
8. **August 6, 2007:** The owner applied for variance request **BA2007098**. The variance request is for a side (north) yard setback of 21.55 feet.
9. **September 12, 2007:** The Board of Adjustment votes to approve **BA2007098** with conditions. The variance is still in place as no time limits were imposed upon satisfaction of the conditions of **BA2007098**.
10. **Circa 2012-2013:** An unpermitted structure "Mare Motel" is built on the subject parcel.
11. **March 5, 2013:** A Notice and Order to Comply (**V201300117**) is sent to the property owner. The NOTC orders the property owner to obtain a building permit for an unpermitted structure "Mare Motel".
12. **November 21, 2013:** An application is received for a building permit for the "Mare Motel" under permit **B201306876**.
13. **December 13, 2013:** Zoning review flags two issues with permit **B201306876** to be rectified prior to issuance of the permit. The first issue is that the existing shed from **BA2007098** has not been removed. The second issue identified is that the "Mare Motel" is located within the required 40-foot front setback.
14. **January 16, 2020:** An application for **BA2020001** is stamped received.

Reviewing Agencies Comments:

15. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated January 29, 2020.
16. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated January 22, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

- 17. On-site: Rural-43 / Single-family residence
- North: Rural-43 / Single-family residence
- South: Rural-43 / Single-family residence
- East: Rural-43 / Single-family residence
- West: Rural-43 / Single-family residence

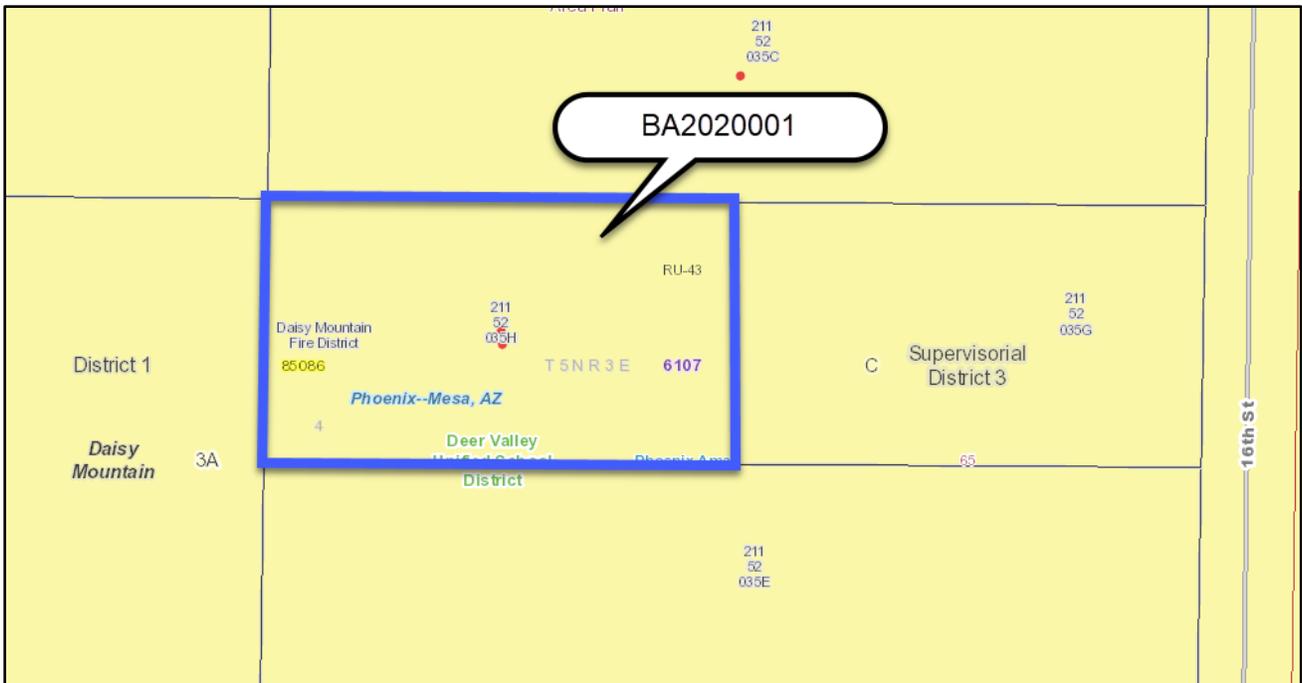
Site Analysis:

- 18. The subject site is a rectangular lot measuring approximately 166 feet in width and 298 feet in depth. The total area of the lot is approximately 49,920 square feet or 1.146 acres. Access to the site is available through a 20-foot ingress/egress and utility easement from 16th Avenue that runs through the adjacent property to the east (APN 211-52-035G). The 20-foot easement extends 60 feet along the southern border of the subject property. The site has a relatively flat topography with various Lower Sonoran Desert vegetation. A fence borders the entire property and there is a gate providing access to the adjacent northern property (APN 211-52-035C). A 5-foot utility easement is present that extends 60-feet along the northern property line.
- 19. A septic area is present behind the residence. There are four structures located on site: a residence, shop building (shed), "mare motel" and what appears to be a shared well between the subject property and the adjacent property to the north. A parking pad for an RV is located onsite as well. The approximate lot coverage of the site is 5,952 square feet or 11.92%. The applicant is requesting four variances. All setbacks that do not pertain to the requested variances meet the standards for a Rural-43 district in the MCZO.
- 20. The first requested variance is for a detached accessory building to be placed in the front yard, where detached accessory structures are to be located in outside of the required front yard per MCZO Article 1106.2. A "mare motel" is located in the front yard (east property line) of the subject site at a 12-foot setback.
- 21. The second requested variance is for a front (east) accessory setback of 12-feet where 40-feet is the minimum permitted per MCZO Article 503.4.2. This variance also pertains to the location of the "mare motel" as it is located approximately 12-feet from the east property line.
- 22. The third requested variance is for a rear (west) accessory setback of 1.5-feet and side (south) accessory setback of 0-feet where 3-feet is the minimum permitted per MCZO Article 1106.2. The shop building (shed) is located approximately 1.5-feet from the rear (west) property line and approximately 0-feet from the side (south) property line.

2019 Aerial Map and Surroundings



Zoning Map and Surroundings



Excerpt from the Proposed Site Plan



23. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback (Residence to east property line)	40-feet	n/a
Side Yard Setback (Residence to north property line)	30-feet	21.55 feet*
Rear Yard Setback (Residence to west property line)	40-feet	n/a
Accessory Front Yard Setback (Mare Motel to east property line)	Not Permitted**	12-feet & accessory structure allowed
Accessory Rear Yard Setback (Shop Building to west property line)	3-feet	1.5-feet
Accessory Side Yard Setback (Shop Building to south property line)	3-feet	0-feet
Accessory Side Yard Setback (north property line)	3-feet	n/a
Maximum Height	30-feet	n/a
Minimum Lot Area	43,560-sq. ft.	n/a
Minimum Lot Width	145-feet	n/a
Lot Coverage	25%	n/a

Note: Standards indicated in **bold** do not meet base zoning standards

* Variance already granted for 21.55-feet (BA2007098)

** Accessory structures are not permitted in the front yard per MCZO.

ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

24. **Statutory Test -1 Peculiar conditions** – Discuss and explain what is/are the peculiar conditions facing the property and include reference to the Maricopa County Zoning Ordinance Regulations or Development Standards to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulations or Development Standards would impose a hardship on the property.

"The Maricopa County Zoning Ordinance defines a "front yard" as the narrowest part of a lot and/or the portion that fronts a street. For the subject site, that is the east side of the lot. This "definition" causes a peculiarity in that although access does occur from the east via an easement that extends across the southern part of the lot to the east, the existing home – built in 1998 – is placed at what is defined as the rear of the lot but what actually works as the side yard portion of the lot.

Because of the home placement, the only available area for any accessory structures is in what is technically the front yard area."

25. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar conditions on the site created with respect to existing Regulations and Standards of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

"The home, which was legally permitted and constructed in 1998, is placed in such a way on the lot that any accessory structures, such as the existing open horse shade structure/shed, can only be placed at its present location: in the front yard.

Due to site configuration and also the placement of the existing permitted home, onsite circulation also limits the area where this structure can be placed.

All other setbacks and development standards of the Rural-43 zoning district are maintained."

26. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** - Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

"No negative impact will occur from the granting of the requested variances to the general intent and purpose of the Zoning Ordinance, as no impacts to health, safety or the general welfare of the public is occurring today (nor in the past 22 years) from the existence of these buildings at their existing setbacks.

Both the existing residence and the existing shop building underwent plan review and inspections when they were being designed and built.

If approved, an application for a building permit will be submitted and processed through Maricopa County for the mare motel; this will ensure that this structure complies with all applicable building requirements.

The area is dominated by single-family residential and equestrian uses, and the existence of the residence, shop building and mare motel are in keeping with the character of this area.

No impacts have been, or will occur, to the surrounding properties. Written support has been received from the neighbors to the east (Farstvedt), north (Rubie) and south (Spurling) – copies of their respective letters are included with this application.”

27. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.**

Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permits or as-built permits currently filed with Planning and Development Department and the current review status. Specify the permit numbers. If no permits have been filed, please provide a timeline for building permits submittal and projected timeframe for construction. Conversely, indicate if the variance requests is/are not related to a specific development proposal.

“Any required permits will be applied for within three (3) months of approval of the variance(s).

The residence and shop building were both permitted, with construction completed in 1998.”

Findings:

28. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has failed to demonstrate that there is a peculiar condition facing the property because **the site is unremarkable and free of topographic or physical hardships.**
- The applicant has failed to demonstrate that the strict application of the MCZO to the applicant’s property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as **placing the “Mare Motel” outside of the required front setback**, thus variance is not warranted.

- The applicant has failed to demonstrate the peculiar condition / physical hardship is not self-created in the line of title in that **permits for the “Mare Motel” and “Shop Building” were not obtained prior to construction.**

29. However, if the Board finds that the applicant has proven entitlement to the variance; then, the Board must state on the record the basis for that determination with findings and conclusion in a motion to grant the relief sought.

In such event staff would offer the Board the following Conditions of Approval:

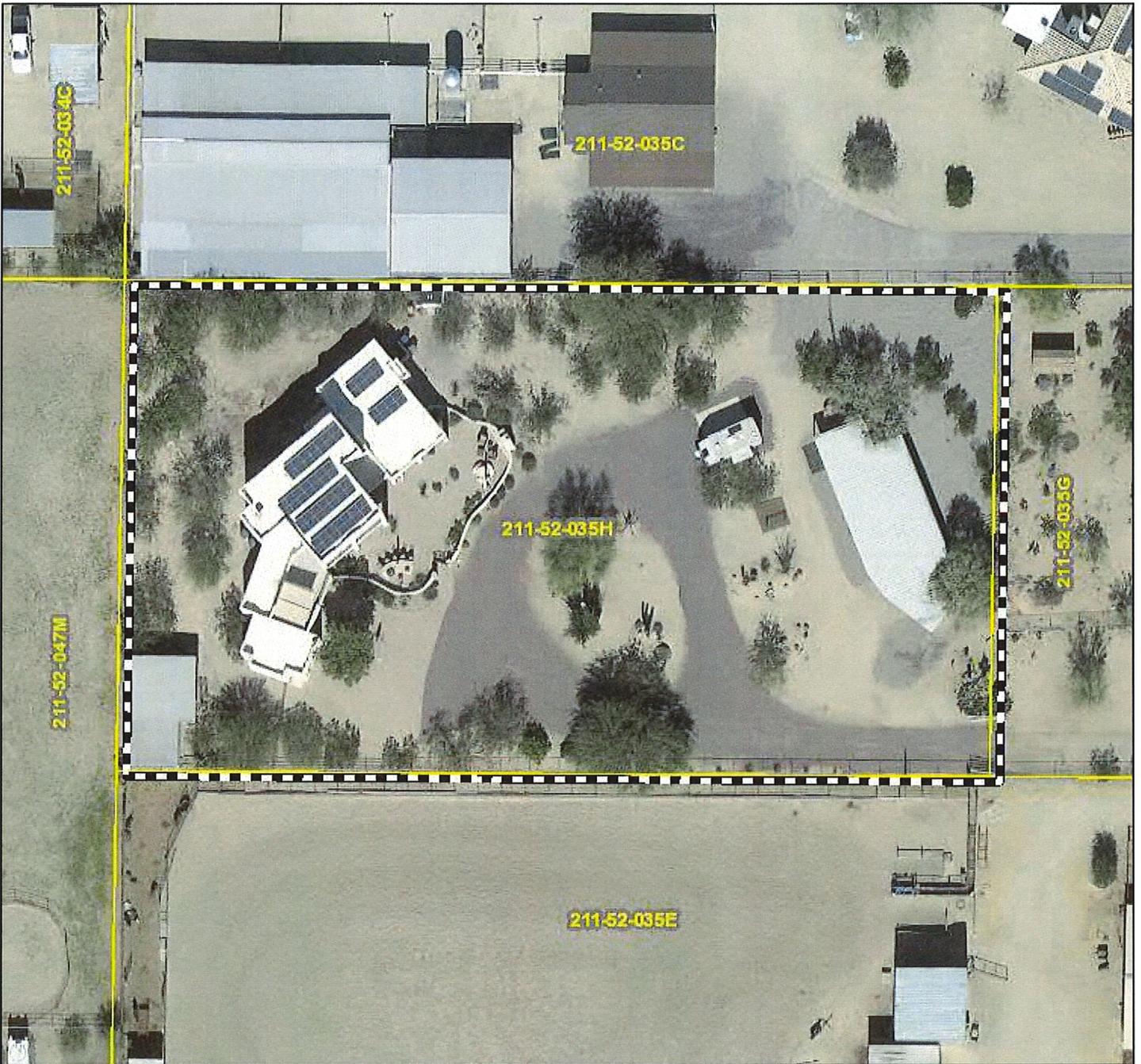
- a) General compliance with the site plan stamped received January 27, 2020.
- b) All required building permits for existing development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permits within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Presented by: Adam Cannon, Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (3 pages)
Site Plan (1 page)
Narrative (2 pages)
Engineering Comments (1 page)
MCESD Comments (1 page)
Citizen Support Letters (3 pages)



MARICOPA COUNTY



Application Name: Amrine Family Revocable Trust		
Legal Description T05N R03E 4, T5N R03E 04		
Applicant ROD JARVIS for EARL & CURLEY, PC	Applicant Phone/Email 602.265.0094 R.JARVIS@EARLCURLEY.COM	BA2020001
Case Address 35822 N 16TH St PHOENIX AZ 85086	Parcel Primary: 211-52-035H	
Generated February 3, 2020 12:38 PM	Gross Acres: 1.17 approx.	Map scale 1:745

Supervisor District No. 3

REQUEST TO SHORTEN SETBACKS TO BUILD ACCESSORY STRUCTURE





**Planning & Development
Department
VARIANCE / INTERPRETATION
APPLICATION**



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
REQUEST			
Description of Request: <u>Amrine Variance</u>			
Existing Use of Property: <u>Single-family Residential</u>			
Existing Zoning District: <u>Rural-43</u>			
Related Case Number(s): <u>N/A</u> <u>B201306876 / V201300117</u>			
PROPERTY INFORMATION			
Address (if known): <u>35822 North 16th Street, Phoenix 85086.</u>			
General Location (include nearest city/town): <u>Cloud Road & 16th Street, Phoenix</u>			
Size in Acres: <u>1.17</u>		Square Feet: <u>49,920</u>	
Legal Description:		Section: <u>4</u>	Township: <u>5 North</u> Range: <u>3 East</u>
Assessor's Parcel Number: <u>211-52-035H</u>			
Subdivision Name (if applicable): _____			
APPLICANT INFORMATION			
Name: <u>Earl & Curley, PC</u>		Contact: <u>Rod Jarvis / Greg Loper</u>	
Address: <u>3101 N. Central Avenue, Suite #1000</u>			
City: <u>Phoenix</u>	State: <u>AZ</u>	Zip: <u>85012</u>	
Phone #: <u>602-265-0094</u>	Fax #: <u>602-265-2195</u>		
E-mail Address: <u>rjarvis@earlcurley.com / gloper@earlcurley.com</u>			
PROPERTY OWNER INFORMATION			
Name: <u>AMRINE FAMILY REVOCABLE TRUST</u>		Contact: <u>Bill Amrine</u>	
Address: <u>35822 North 16th Street</u>			
City: <u>Phoenix</u>	State: <u>AZ</u>	Zip: <u>85086</u>	
Phone #: _____	Fax #: _____		
E-mail Address: _____			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) <u>William F Amrine, Trustee</u> authorize (applicant's name) <u>Earl & Curley, PC</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature: <u>[Signature]</u> <u>Trustee</u>		Date: <u>12-26-19</u>	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature: <u>[Signature]</u> <u>Trustee</u>		Date: <u>12-26-19</u>	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature: <u>[Signature]</u> <u>Trustee</u>		Date: <u>12-26-19</u>	

BA2020001

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SUPPLEMENTAL QUESTIONNAIRE:

1. *Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.*

The Maricopa County Zoning Ordinance defines a "front yard" as the narrowest part of a lot and/or the portion that fronts a street. For the subject site, that is the east side of the lot. This "definition" causes a peculiarity in that although access does occur from the east via an easement that extends across the southern part of the lot to the east, the existing home – built in 1998 – is placed at what is defined as the rear of the lot but what actually works as the side yard portion of the lot.

Because of the home placement, the only available area for any accessory structures is in what is technically the front yard area.

2. *Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.*

The home, which was legally permitted and constructed in 1998, is placed in such a way on the lot that any accessory structures, such as the existing open horse shade structure/shed, can only be placed at its present location: in the front yard.

Due to site configuration and also the placement of the existing permitted home, onsite circulation also limits the area where this structure can be placed.

All other setbacks and development standards of the Rural-43 zoning district are maintained.

3. *Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.*

No negative impact will occur from the granting of the requested variances to the general intent and purpose of the Zoning Ordinance, as no impacts to health, safety or the general welfare of the public is occurring today (nor in the past 22 years) from the existence of these buildings at their existing setbacks.

Both the existing residence and the existing shop building underwent plan review and inspections when they were being designed and built.

RECEIVED 27 JAN 2020

BA 2020001

If approved, an application for a building permit will be submitted and processed through Maricopa County for the mare motel; this will ensure that this structure complies with all applicable building requirements.

The area is dominated by single-family residential and equestrian uses, and the existence of the residence, shop building and mare motel are in keeping with the character of this area.

No impacts have been, or will occur, to the surrounding properties. Written support has been received from the neighbors to the east (Farstvedt), north (Rubie) and south (Spurling) – copies of their respective letters are included with this application.

4. *Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.*

Any required permits will be applied for within three (3) months of approval of the variance(s).

The residence and shop building were both permitted, with construction completed in 1998.



Amrine Variance - 35822 N 16th Street (APN 211-52-035H)

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BA 2020001



Amrine Variance

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35822 N. 16th Street (APN 211-52-035H)
Supplemental Questionnaire & Narrative – January 27, 2020 (updated)

NARRATIVE:

BA 2020001

Description of Request:

This application is related to a 1.146-acre (49,920 square feet) property located at 35822 North 16th Street in north Phoenix (APN 211-52-035H).

The property is zoned Rural-43, and is owned by the Amrine Family Revocable Trust (Bill Amrine).

This request seeks the following variances for the property from the Maricopa County Zoning Ordinance ("MCZO"):

- Side (north) yard setback of 20-feet for the residence, where 30-feet is required (MCZO Section 503.4.2).
- Detached accessory building (horse shed, aka "mare motel") to be placed in the front yard, where detached accessory structures are to be located in the rear or side yard (MCZO Section 1106.2)
- Detached accessory building ("mare motel") to be placed with a front (east) yard setback with a depth of approximately 12-feet, where 40-feet is required (MCZO Section 503.4.1.a)
- Detached accessory building ("shop building") to be have a rear (west) yard setback with a depth of approximately 1.5-feet, and a side (south) yard setback of approximately 0-feet, where a minimum of 3-feet is required for both setbacks (MCZO Section 1106.2)

The buildings noted above have all been constructed. Both the residence and shop building were permitted and constructed in 1998. The mare motel was constructed in 2012 (but does not have an issued building permit – see below).

The approximate square footages of the footprints for the three (3) existing structures are:

- Residence = ~3,745
- Shop Building = ~544
- Mare Motel = ~1,870

The total of all building footprints is approximately 5,889 square feet, which equates to a lot coverage of approximately 11.8%.

Access to the property is via an existing 20-foot wide easement along the southern boundary of the adjacent parcel to the east, APN 211-52-035G (owned by Ellis Farstvedt and Amanda Holland). The easement does not extend onto the subject site.

Based on lot configuration, and that access to the property is via the easement noted above to 16th Street, the front of the lot is the eastern property line. Extending the easement onto the subject site could change the lot characteristics so that the southern property line is the "front"; however, several of the above variances would still be required (even if worded differently).

History & Discussion:

As stated above, both the residence and shop building were permitted and constructed in 1998.

Article 1305.1 of the MCZO (Continuing Existing Uses), states that "... any building or structure that was existing, or any use of land that was lawfully existing, as of January 1, 2000... may continue even though such use, building or structure does not conform to the regulations of this Ordinance... provided the size, shape and configuration of the parcel remains unchanged since January 1, 2000."

From this, and because the lot characteristics remain as they were on January 1st, 2000, it may be determined that the placement of the residence and shop building are legally non-conforming, and therefore the requested variances are not necessary. Nonetheless, the variances are requested to "be safe" and so that it can be fully determined that these buildings are made fully "legal" in regard to their placement.

Unlike the residence and shop building, the mare motel was constructed in 2012 without a building permit. Due to the equestrian purpose of the structure (really not much more than a shade structure with interior corrals and a small storage shed under the canopy), the property owner was unaware that a permit was required. Upon completion of the mare motel, the property owner received a zoning violation for not having received a building permit.

The property owner then hired an architect (Scott Merritt) to submit for a permit for the mare motel in 2013 (Tracking #B2013-06876 – copy of comments attached). All agencies signed-off on the approval, except for the Zoning Division, which acknowledged the setback issue and recommended that the structure be demolished and then rebuilt in a location where it would meet setbacks and also be placed in the rear or side yard of the property.

The applicant did not want to have to demolish and then rebuild the ~\$35,000 mare motel, and never re-submitted for the permit or met with staff to discuss options, such as a variance. No follow-up on the zoning violation is known to have occurred.

If the variance request is approved, a new application for a building permit will be submitted.

The property owner, wanting to take care of the issue, decided to submit for a variance for the mare motel. In reviewing the site, it was found that additional variances may be needed for the existing residence (side yard setback) and existing shop building (setbacks and placement).



Maricopa County

Planning & Development Department

Greg Toth, CFM
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-2923
Fax: (602) 506-8762
www.maricopa.gov/planning
Email address:
Greg.Toth@Maricopa.gov

Date: January 29, 2020

Memo To: Darren Gerard, AICP, Planning Manager, Department of Planning & Development

Attn: Adam Cannon, Planner, Planning & Development Services

From: Greg Toth, Engineering Associate, Planning & Development Services

cc: Michael Norris, PE, Engineering Manager, Planning & Development Services

Subject: BA2020001 – Variance for Encroachment into Setbacks
E1 Memo

Address: 35822 North 16th Street, Phoenix, AZ 85086

APN(s): 211-52-035H

Engineering Plan Review (Drainage, FCD and MCDOT) has no position on the proposed variances requested by the applicant.

It should be noted that several other Maricopa County agencies must review this project. Final approval for the variance rests with the Maricopa County Board of Adjustment.

Please contact me if you have any questions or require clarification of these comments.



Maricopa County

Environmental Services Department
Water and Waste Management Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 22, 2020

TO : Adam Cannon, Planning & Development Dept.
Planner

FROM: Souren Naradikian, P.E.
Senior Civil Engineer

SUBJECT: Reduce front site setbacks. BA2020001

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This project is a request for setbacks modifications at APN # 211-52-035H. Water and sewer service will be not impacted. MCESD has no concern.

Stormwater - The parcel is located in the urbanized unincorporated area, but the disturbed soil is estimated to be much less than one acre, and therefore, the project is not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on January 22, 2020 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.

January 23, 2020

Ellis & Mandi Farstvedt
35820 N 16th Street
Phoenix, AZ 85086

Adam Cannon
Maricopa County
501 N. 44th ST
Phoenix AZ. 85008

Dear Mr. Cannon:

I am writing this letter to inform you that I am in favor of William Amrine variance at 35822 N 16th Street.

I am owner of the parcel 211-52-035G directly east of his property where the horse cover was constructed. I feel the structure is well positioned and has a low profile. It is a clean design and does not distract in my opinion. As such, I have no issues with the positioning or location of the structure.

If you have any questions, please feel free to contact me.

Sincerely,



Ellis Farstvedt

BA2020001

RECEIVED 27 JAN 2020

January 23, 2020

Steven Spurling
35806 N 16th Street
Phoenix, AZ 85086

Adam Cannon
Maricopa County
501 N. 44th ST
Phoenix AZ. 85008

Dear Mr. Cannon:

I am writing this letter to inform you that I am in favor of William Amrine variance at 35822 N 16th Street.

I am owner of the parcel 211-52-035E directly south of his property where the horse cover was constructed. I feel the structure is well positioned on the property and has a low profile. It is a clean design and does not distract in my opinion. As such, I have no issues with the positioning or appearance of the structure.

If you have any questions, please feel free to contact me.

Sincerely,


Steven Spurling

January 23, 2020

Michael Rubie
35844 N 16th Street
Phoenix, AZ 85086

Adam Cannon
Maricopa County
501 N. 44th ST
Phoenix AZ. 85008

Dear Mr. Cannon:

I am writing this letter to inform you that I am in favor of William Amrine's variance at 35822 N 16th Street.

I am owner of the parcel 211-52-035C directly north of his property where the horse cover was constructed. I feel the structure is well positioned and has a low profile. It is a clean design and does not distract in my opinion. As such, I have no issues with the positioning or appearance of the structure.

If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Rubie', enclosed within a blue oval scribble.

Michael Rubie



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2020003 – Bomyea Property

Hearing Date: February 20, 2020

Supervisor District: 4

Applicant: Tom Stitt

Property Owner: Jeffery Bomyea and Michelle Day

Request: **Variance to the development standards of the Maricopa County Zoning Ordinance to permit:**

- 1) Allowing an accessory structure to occupy 31.4% of a required side (north) yard, where 30% of any required yard is the maximum permitted per MCZO Article 1106.2.

Site Location: APN 502-03-128 @ 13801 N. 183rd Ave. – Waddell Rd. and 183rd Ave. in the Surprise area

Site Size: 43,597 sq. ft.

Current Use / Zoning: Single-family residence / Rural-43

Open Violation: N/A

Citizen Support/Opposition: One (1) letter of support from Ivan & Judy Simpson

Findings: **The request fails to meet the statutory test for variance approval**

Background:

1. **February 5, 1973:** Subdivision **158-38** (Waddell Haciendas 2) is recorded by the County Recorder.
2. **Circa 1998:** A single-family residence was built on the site based upon historical aerial photography.
3. **July 12, 2013:** A minor electrical permit was issued as noted by building permit **B201304044**.
4. **November 16, 2018:** A deed is recorded showing Jeffery Bomyea and Michelle Day as the current owner of the subject property.
5. **August 13, 2019:** The owner applied for building permit **B201907482** to build accessory structure that is the subject of this variance request.
6. **August 27, 2019:** Quality Control requested revisions from applicant for building permit **B201907482**. The revisions requested are associated with placement of the building in the side yard. At the time, the plan showed the accessory structure occupying greater than 30% of the required side yard.
7. **August 29, 2019:** The owner submitted a revised plan which showed the accessory building occupying less than 30% of the required side yard.
8. **September 23, 2019:** Building permit **B201907482** was issued to the owner.
9. **November 22, 2019:** Inspections issued a denial of the final inspection as the location of the accessory structure was closer to the property line than the approved plans indicated.
10. **December 19, 2019:** Quality Control requested more revisions from applicant for building permit **B201907482**. Zoning comments indicate that the applicant was advised that a variance must be obtained or the building design must be modified in order to bring the structure into compliance with MCZO Article 1106.2.
11. **January 21, 2020:** An application for **BA2020003** is received.

Reviewing Agencies Comments:

12. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated February 5, 2020.
13. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated January 30, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

14. On-site: Rural-43 / Single-family residence
North: Rural-43 / Single-family residence
South: Rural-43 / Single-family residence
East: Rural-43 / Single-family residence

West: Rural-43 / Single-family residence

Site Analysis:

- 15. The subject site is a rectangular lot measuring approximately 141.25 feet in width and 237.60 feet in depth. The total area of the lot is approximately 43,597 square feet or 1 acre. Access to the site is available from 183rd Avenue. The site has a relatively flat topography with little if any vegetation present. A chain-link fence borders the majority of the property with a 100% opaque wall bordering the remainder. A 1-foot non-vehicular access easement is present along Waddell Rd.
- 16. A septic area is present underneath the existing paved driveway. There are four existing structures located on site: a residence, storage area, horse stables and an accessory garage. An accessory garage was demolished along with a portion of the horse stables to allow additional space for the new accessory building. Two fenced horse arenas are also present on site. The approximate lot coverage of the site is 7,014 square feet or 16.1%.
- 17. The requested variance is for the allowance of accessory structures to occupy 31.4% of the required north side yard, where 30% is the maximum permitted per MCZO Article 503.4.2. The subject accessory structure has already been built and is set back approximately 5.4-feet from the side (north) property line currently.

2019 Aerial Map and Surroundings



18. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner (Note: changes to proposed standards are indicated in bold).

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	n/a
Side Yard Setback	30-feet	n/a
Rear Yard Setback	40-feet	n/a
Accessory Structure Setback	3-feet	n/a
Accessory Coverage in Required Side Yard (North)	30%	31.4%
Maximum Height	30-feet	n/a
Minimum Lot Area	43,560-sq. ft.	n/a
Minimum Lot Width	145-feet	n/a
Lot Coverage	25%	n/a

Note: Standards indicated in **bold** do not meet base zoning standards.

ARS § 11-816.B.2 and MCZO Article 303.2.2 states the Board of Adjustment may, "Allow a variance from the terms of the ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of the zoning ordinance will be preserved."

State Statute / County Zoning Ordinance Tests:

19. **Statutory Test -1 Peculiar conditions** – Discuss and explain what is/are the peculiar conditions facing the property and include reference to the Maricopa County Zoning Ordinance Regulations or Development Standards to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulations or Development Standards would impose a hardship on the property.

"Existing Septic system was found to be closer to the building than would be allowed for clearance. Septic system was existing and location was established before the current owner purchased the property."

20. **Statutory Test 2 – Unnecessary Hardship** – Explain the unnecessary hardship the peculiar conditions on the site created with respect to existing Regulations and Standards of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

"The corner lot restricts the amount of buildable area which, in turn, restricts the maneuvering area between the buildings. Also, the septic system restricts building placement."

21. **Statutory Test 3 – General Intent and Purpose of the Zoning Ordinance** - Discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

"There are many accessory buildings on similar properties in the area. Allowing a 1.4% variance to the side yard area requirement will not be noticeable. The building does comply with the minimum 3' sideyard requirement (5.4' is provided)."

22. **Per MCZO – Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment.**

Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permits or as-built permits currently filed with Planning and Development Department and the current review status. Specify the permit numbers. If no permits have been filed, please provide a timeline for building permits submittal and projected timeframe for construction. Conversely, indicate if the variance requests is/are not related to a specific development proposal.

"Permits have been filed and approved and the building is in place."

Findings:

23. The applicant has the burden of proving that, in accordance with ARS §11-816.B.2 and MCZO, Art. 303.2.2, the property is entitled to receive a variance. To do so, the applicant must present evidence that, due to a peculiar condition related to the land, that being something that is not a common condition of other properties, applying the requirement of the MCZO as written to this particular property would work an undue hardship on the property. In addition, the applicant must demonstrate that the granting of the variance would preserve the general intent and purpose of the MCZO.

Based upon what the applicant has submitted and the staff analysis in this report, staff offers the following findings:

- The applicant has failed to demonstrate the peculiar condition / physical hardship is not self-created in the line of title in that **the accessory structure was built outside of the area approved in building permit B201907482.**

24. However, if the Board finds that the applicant has proven entitlement to the variance; then, the Board must state on the record the basis for that determination with findings and conclusion in a motion to grant the relief sought.

In such event staff would offer the Board the following Conditions of Approval:

- a) General compliance with the site plan stamped received January 21, 2020.
- b) Failure to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

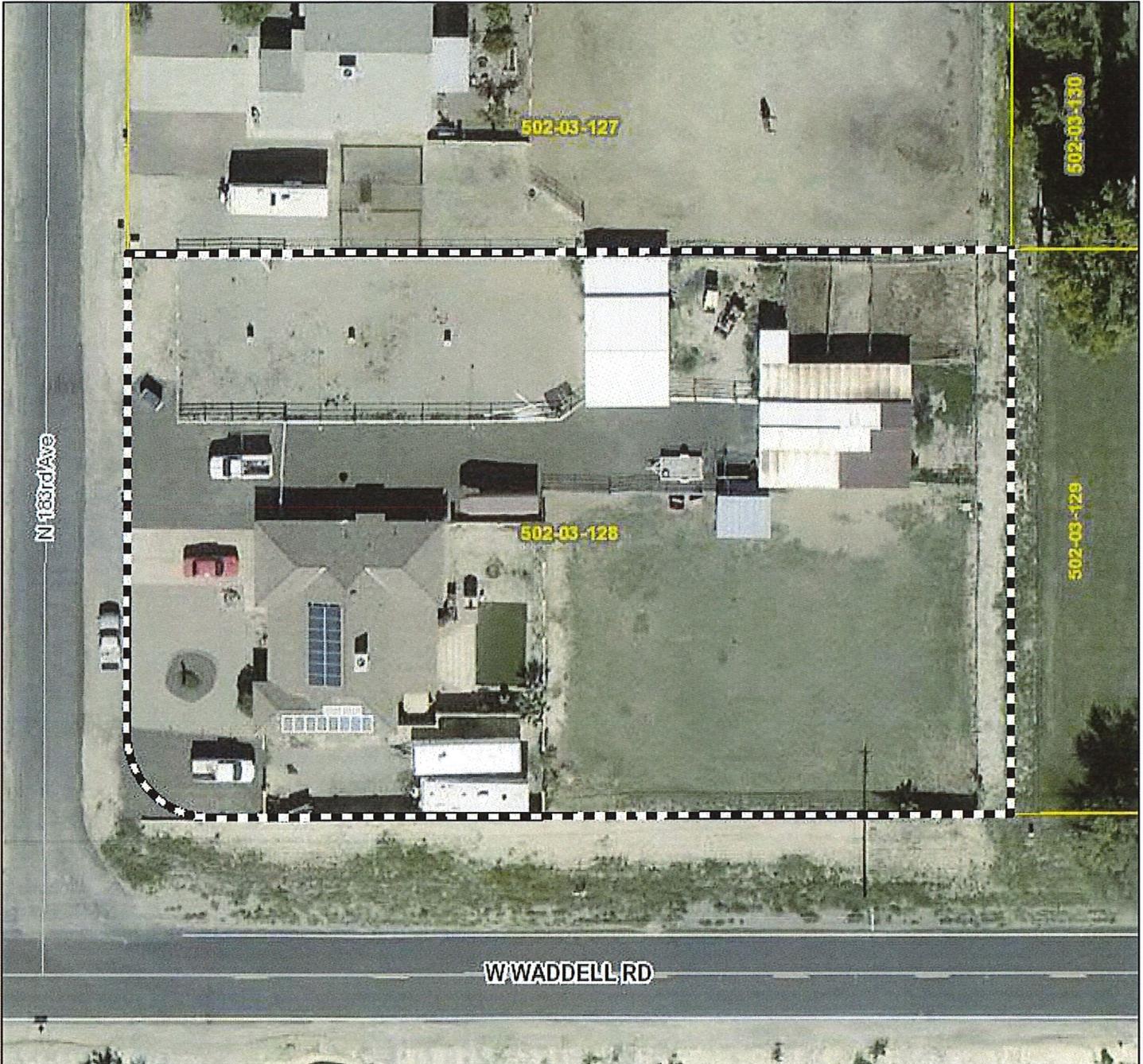
Presented by: Adam Cannon, Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (3 pages)

Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)
Letter in support (1 page)



MARICOPA COUNTY



Application Name: Bomyea Property		
Legal Description T03N R02W 010, T3N R02W 10		
Applicant TOM STITT for PRO STEEL STR. LLC	Applicant Phone/Email 480.510.9693 TOMSTITT@PROSTEELSTR.COM	BA2020003
Case Address 13801 N 183RD Ave SURPRISE AZ 85388	Parcel Primary: 502-03-128	
Generated February 5, 2020 07:35 AM	Gross Acres: 1 approx.	Map scale 1:649

Supervisor District No. 4

VARIANCE TO ALLOW 1.4% REDUCTION TO THE ACCESSORY SIDEYARD AREA REQUIREMENT





Planning & Development Department VARIANCE / INTERPRETATION APPLICATION



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this Residential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input checked="" type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input type="checkbox"/>			
REQUEST			
Description of Request: <u>Variance to allow a 1.4% reduction (77 S.F.) to the Accessory sideyard area requirement (Article 1106.2)</u>			
Existing Use of Property: <u>Residence</u>			
Existing Zoning District: <u>RU-43</u>			
Related Case Number(s): _____			
PROPERTY INFORMATION 13801			
Address (if known): <u>13803 N. 183rd Ave., Surprise, AZ,</u>			
General Location (include nearest city/town): <u>Northeast corner of Waddell Rd. and 183rd Ave., One mile west of the 303 and one mile south of Bell Rd.</u>			
Size in Acres: <u>One Acre</u>		Square Feet: <u>43,597 S.F.</u>	
Legal Description: _____		Section: <u>10</u> Township: <u>3N</u> Range: <u>2W</u>	
Assessor's Parcel Number: <u>502-03-128</u>			
Subdivision Name (if applicable): <u>Waddell Haciendas 2</u>			
APPLICANT INFORMATION			
Name: <u>Pro Steel Str. LLC</u>		Contact: <u>Tom Stitt</u>	
Address: <u>6015 E. Delcoa</u>			
City: <u>Scottsdale</u>		State: <u>AZ</u> Zip: <u>85254-4216</u>	
Phone #: <u>480-510-9693</u>		Fax #: _____	
E-mail Address: <u>tomstitt@prosteelstr.com</u>			
PROPERTY OWNER INFORMATION			
Name: <u>Bomyea</u>		Contact: <u>Jeff Bomyea</u>	
Address: <u>13801 N. 183rd Ave.</u>			
City: <u>Surprise</u>		State: <u>AZ</u> Zip: <u>85388</u>	
Phone #: _____		Fax #: _____	
E-mail Address: <u>jbomyea.fr@gmail.com</u>			
PROPERTY OWNER AND APPLICANT AUTHORIZATION			
I (property owner) <u>Jeff Bomyea</u> authorize (applicant's name) <u>Tom Stitt</u> to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.			
PROPOSITION 207 WAIVER			
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. § 12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.			
Property Owner Signature: <u>[Signature]</u>		Date: <u>1/22/2020</u>	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.			
Owner or Authorized Agent Signature: <u>[Signature]</u>		Date: <u>1/22/2020</u>	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.			
Property Owner Signature: <u>[Signature]</u>		Date: <u>1/22/2020</u>	

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BA2020003



Planning & Development
Department



BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the zoning ordinance will be preserved.

1. Please discuss and explain what is/are the peculiar condition(s) facing the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

Existing Septic system was found to be closer to the building than would be allowed for clearance. Septic system was existing and location was established before the current owner purchased the property.

2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

The corner lot restricts the amount of buildable area which, in turn, restricts the maneuvering area between the buildings. Also, the septic system restricts building placement.

3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

There are many accessory buildings on similar properties in the area. Allowing a 1.4% variance to the side yard area requirement will not be noticeable. The building does comply with the minimum 3' sideyard requirement (5.4' is provided).

BA2020003

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4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

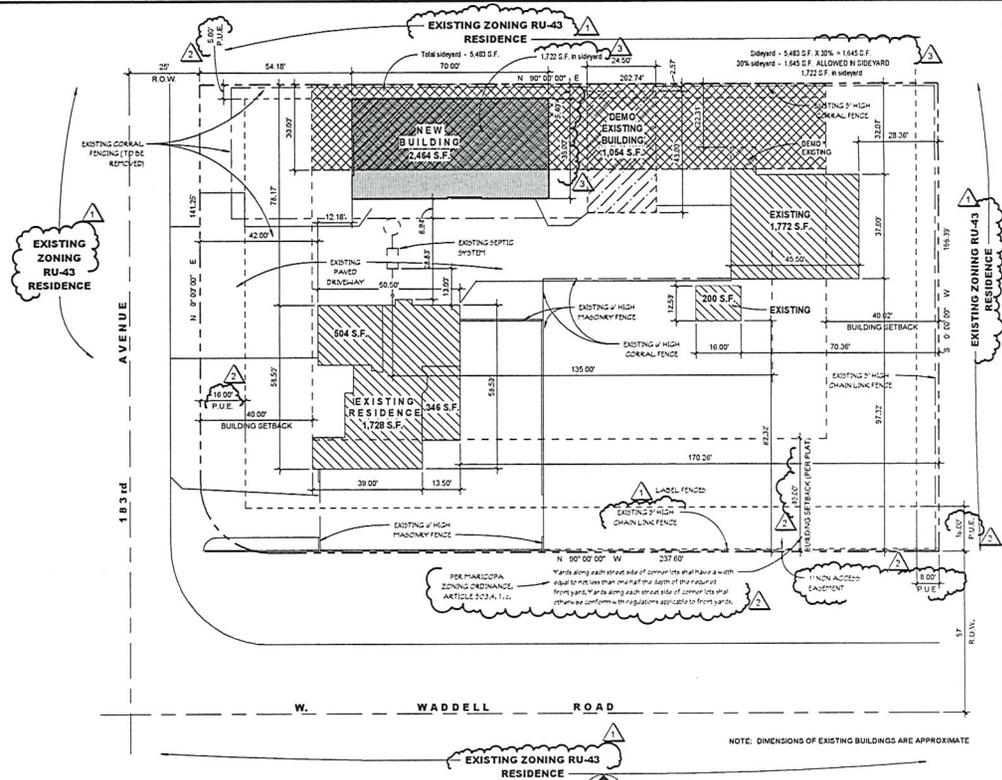
Permits have been filed and approved and the building is in place.

*Additional sheets may be attached.

** DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN INTERPRETATION

BA2020003

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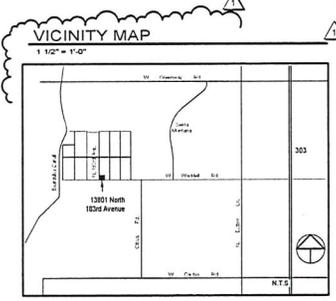


SITE PLAN
1" = 20'-0"

APPLICABLE CODES	
Residential Building	2012 International Building Code
Residential Electrical	2012 International Residential Code 2011 National Electrical Code

ASSESSOR'S PARCEL NUMBER : 502-03-128
 ZONING : RU-43
 ADDRESS : 13801 N. 183rd Ave.
 Surprise, AZ
 SITE AREA : 43,597 S.F. 1.00 ACRES

LOT COVERAGE :
 ALLOWABLE : 25% 10,894 S.F.
 EXISTING RESIDENCE : 2,578 S.F.
 EXISTING BUILDINGS : 1,972 S.F.
 EXISTING COVERAGE : 4,550 S.F. 12.9 %
 NEW BUILDING : 2,450 S.F.
 TOTAL COVERAGE : 7,000 S.F. 16.1 % < 25% OK



OWNER : BOMYEA, JEFFERY ADAY, MICHELLE
 13801 N. 183RD AVE
 SURPRISE, AZ 85388



Revisions		
Num	Date	Revision
1	10/09/2019	County Revisions
2	11/02/2019	County Revisions
3	12/04/2019	City Revisions

DATE: 06-05-2019

BOMYEA
 13801 N. 183RD AVE
 SURPRISE, AZ
 SITE PLAN

1328
 MICHELE ENGLER
 FULTON
 ARCHITECTS
 PHOENIX, AZ
 SEAL EXPIRES: 12/31/2020

Sheet Number
 A1
 of



Maricopa County

Planning & Development Department

Jose Castaneda
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 372-4362
Fax: (602) 506-3282
www.Maricopa.Gov/Planning
Email address:
Jose.Castaneda@Maricopa.Gov

Date: February 5th, 2020

Memo To: Darren Gerard, AICP, Deputy Director,
Department of Planning & Development

Attn: Adam Cannon, Planner, Planning & Development Services

From: Jose Castaneda, Engineering Associate,
Planning & Development Services

cc: Michael Norris, P.E., Drainage Engineering Manager,
Planning & Development Services

Subject: BA2020003 – Residential Variance
Variance to allow 1.4% reduction to the accessory side yard area
requirement

Job Site Address: 13801 N 183rd Ave, Surprise 85388

APN(s): 502-03-128

Drainage has no objection to the residential variance of reduction to the accessory side yard area requirement for a RU-43 zoned lot; submittal date stamped January 24th, 2020.

The Flood Control District of Maricopa County has no objections or requirements; the subject parcel is not located within a regulated floodplain.

MCDOT has no objections to the requested variance.

Please contact me if you have any questions or require clarification of these comments.



Maricopa County

Environmental Services Department
Water and Waste Management Division

Subdivision Infrastructure &
Planning Program
1001 N. Central Avenue #150
Phoenix, Arizona 85004
Phone: (602) 506-0376
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 30, 2020

TO : Adam Cannon, Planning & Development Dept.
Planner

FROM: Souren Naradikian, P.E.
Senior Civil Engineer

SUBJECT: Reduce site setbacks. BA2020003

The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This project is a request for setbacks modifications at APN # 502-03-128. Water and sewer service will be not impacted. MCESD has no concern.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on January 30, 2020 and will allow the project to proceed at this time.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.

To who it may concern; Maricopa County Planning & Development

Concerning the property of Jeff and Michelle Bomyea, 13801 N 183rd Ave, Surprise, AZ 85388.

Referring to the new structure adjoining our property to the south. We have no grievances with the building in any way. We actually feel it's a benefit to our area.

Ivan and Judy Simpson
13823 N 183rd Ave
Surprise, AZ 85388

Judy A Simpson

1/22/2020

Ivan Simpson

1/22/2020