1. March 19, 2020 - Board Of Adjustment - CANCELLATION NOTICE

   Documents:

   3-19-20 BOA CANCELLED.PDF

2. March 19, 2020 - Board Of Adjustment

   Documents:

   00. 3-19-2020 BOA AGENDA.PDF

3. BA2020006 Staff Report

   Documents:

   01.BA2020006.PDF

4. TU2020006 Staff Report

   Documents:

   02.TU2020006.PDF

5. BA2020005 Staff Report

   Documents:

   03.BA2020005.PDF

6. BA2020007 Staff Report

   Documents:

   04. BA2020007.PDF

7. BA2020008 Staff Report

   Documents:

   05. BA2020008.PDF

8. BA2020009 Staff Report

   Documents:

   06. BA2020009.PDF

Notice of Cancellation

MARICOPA COUNTY

Board of Adjustment

For the Meeting of

March 19, 2020

BOARD OF ADJUSTMENT
MARICOPA COUNTY

Board of Supervisors' Auditorium
205 W. Jefferson Street
Phoenix, Arizona

AGENDA
Thursday, March 19, 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
February 20, 2020

Continuance Agenda: None

Consent Agenda:

1. **BA2020006** **Singalove Property** **District 3**

Applicant:	David J. Wade, David J. Wade Architect
Location:	4323 Upper Ridge Way – 2,550' north of the NWC of Lincoln Drive & Hillside Drive in the Paradise Valley area
Zoning:	Rural-43
Request:	Variance to permit: 1) Proposed disturbance of 2,596 sq. ft. of Hillside area outside principal building envelope where no Hillside disturbance outside the principal building envelope is permitted
Findings:	**The request meets the statutory test for variance approval**
Presented by:	Sean Watkins

Code Compliance Review: None

Regular Agenda:

2. **TU2020006** **Amadio Property (Cont. from 2/20/20)** **District 5**

Applicant: Hannah Bleam, Withey Morris PLC
Location: 4701 W. Dobbins Rd. – southwest corner of Dobbins Rd. and 47th Ave. in the Laveen area
Zoning: Rural-43
Request: Temporary Use Permit for temporary events for farmer's market and other community events
Recommendation: **Approval with conditions**
Presented by: Ray Banker

3. **BA2020005** **Reid Property** **District 2**

Applicant: Chris Stanford, Mountain Top Builders, LLC
Location: 425 N. Higley Rd. – Higley Rd. and University Dr. in the Mesa area
Zoning: R1-6 SC
Request: Variance to permit:
1) Proposed rear setback of 16' where 25' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Martin Martell

4. **BA2020007** **Davis Property** **District 4**

Applicant: Kenneth C. Bartels
Location: 14503 W. Osprey Dr. – Osprey Dr. and White Rock Dr. in the Sun City West area
Zoning: R1-7 SC
Request: Variance to permit:
1) Proposed rear (west) setback of 21-feet where 25-feet is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Adam Cannon

5. **BA2020008** **Rahman/Islam Property** **District 1**

Applicant: Mizan Rahman
Location: 24430 S. Cooper Rd. – South of Cooper Rd. and Cloud Rd. in the Chandler area
Zoning: Rural-43
Request: Variance to permit:
1) Proposed lot widths of 135' where 145' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Ray Banker

6.	**BA2020009**	**McAllister Property**	**District 4**
	Applicant:	Francis & Trina McAllister	
	Location:	24408 S. 140th Way, – Cloud Rd. & Lindsey Rd., in the Queen Creek area	
	Zoning:	Rural-43	
	Request:	Variance to permit:	
		1) Proposed casita street side (north) setback of 25' where 45' is the minimum permitted	
	Findings:	**The request fails to meet the statutory test for variance approval**	
	Presented by:	Eric R. Smith	

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:	BA2020006 – Singalove Property
Hearing Date:	March 19, 2020
Supervisor District:	3

Applicant:	David J. Wade, David J. Wade Architect
Property Owners:	Noemi and Steven Singalove
Request:	Variance to the development standard of the Maricopa County Zoning Ordinance to permit: 1) Proposed disturbance of 2,596 square feet of Hillside area outside principal building envelope where no Hillside disturbance outside the principal building envelope is permitted per MCZO Article 1201.6.1
Site Location:	APN 169-13-027 @ 4323 Upper Ridge Way – 2,550' north of the NWC of Lincoln Drive & Hillside Drive in the Paradise Valley area
Site Size:	1 acre
Current Use / Zoning:	Vacant / Rural-43
Open Violation:	No Violation on property
Citizen Support/Opposition:	No known opposition
Findings:	☒ **The request meets the statutory test for variance approval**

Background:

1. **August 10, 1959**: Subject property was recorded as Lot #160 of the Clearwater Hills No. 2. Subdivision, approved by the Maricopa County Board of Supervisors and recorded on August 10, 1959. The subject property area and boundaries do not appear to have changed since the original recording of this subdivision.

2. **1991 to 1996:** Historic aerial photography shows disturbance of the property which, according to the applicant's data, comprises approximately 6,723 square feet (sq. ft.). Staff found no permitting for this historic disturbance. Aerial photography appears to show no further disturbance of the property since 1996. According to the project engineer this included a cut slope of up to 8 feet below natural grade at the building pad.

3. **September 5, 2017:** According to the current deed, Noemi and Steven Singalove purchased the subject property.

4. **February 18, 2020:** Current variance request submitted to Planning and Development.

Reviewing Agencies Comments:

5. **Engineering** (**Transportation, Drainage, and Flood Control**): No objection to the request, see attached memo dated March 4, 2020.

6. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated February 20, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

7.

On-site:	Rural-43 / vacant
Northwest:	Rural-43 / Single-family residence
South:	Paradise Valley: R-43 / Single-family residence
East:	Upper Ridge Way then Rural-43 / Single-family residence
Southwest:	Rural-43 / Single-family residence

Site Analysis:

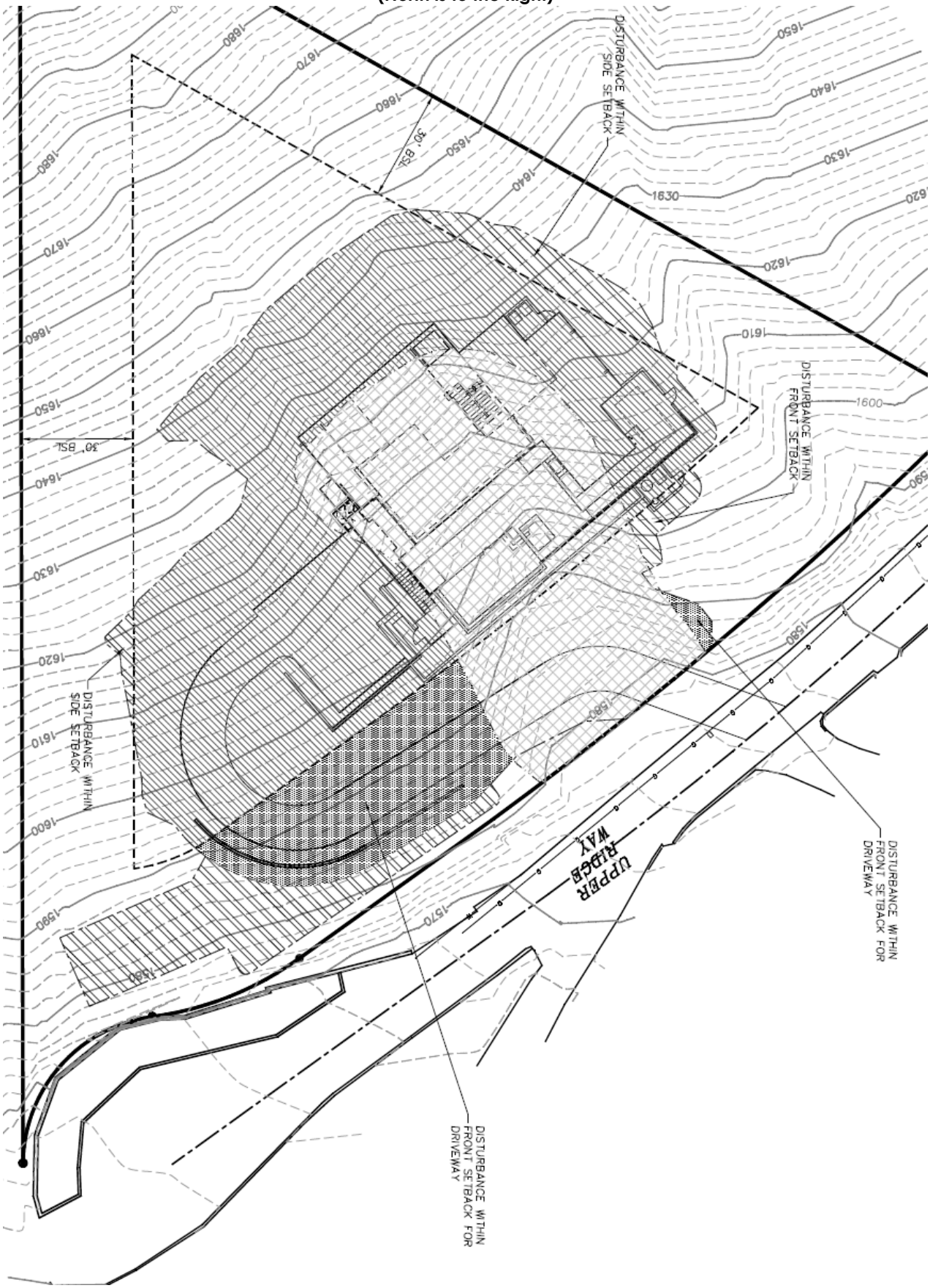
8. The subject property is Lot #160 of the Clearwater Hills No. 2 subdivision and (per the current Grading and Drainage plans including a one-page "Disturbance Exhibit") the current property area and boundary lengths are consistent with the original property area and boundaries, demonstrating that the property has not been modified since the Clearwater Hills No. 2 subdivision was recorded in 1959. According to the current Grading and Drainage plans (G&Ds) 100% of the 45,341 sq. ft. property comprises Hillside area (per MCZO 1201.2.1). Historic aerial photographs appear to show disturbance of the property occurring between 1991 and 1996 with no further apparent disturbance since 1996. The current G&Ds identify that historic Hillside disturbance area as 6,723 sq. ft. and the applicant's statement identifies that disturbance took place approximately 30 years ago (which is consistent with historic aerial photography).

2019 Aerial Photograph of Subject Property & Surrounding Environs

9. 100% of the subject property comprises Hillside area characterized by approximately 45% slopes. The 6,723 sq. ft. of previously disturbed area is located near the middle of the northeast property boundary which has largely revegetated since being disturbed.

10. The applicant proposes to develop the property with a new single-family residence comprising approximately 4,000 sq. ft. of floor area within a 3,606 sq. ft. building footprint (7.9% lot coverage). Per the applicant's statements the property characteristics including the triangular shape, steep slopes, and relatively small area (approximately 1 acre) combine to restrict the development of the property to such a degree that placing the proposed 3,606 sq. ft. residence makes disturbance outside the principal building envelope unavoidable (other than disturbance for the driveway, which is permitted per MCZO 1201.6.1.1). Per the current Disturbance Exhibit a total of 21,832 sq. ft. (48%) of the 45,341 sq. ft. subject property would be disturbed by the proposed development (including all historic and new disturbance area). Of that 21,832 sq. ft. of total Hillside disturbance, 2,596 sq. ft. would be new disturbance located outside the principal building envelope and not associated with the driveway (identified as "new disturbance within setbacks" on the Disturbance Exhibit) and that disturbance is the subject of this variance request. The subject 2,596 sq. ft. of disturbance outside the principal building envelope comprises four areas, which provide for the siting of the residence and a portion of the septic system, located in the required Front (southeast) setback.

Excerpt from Disturbance Exhibit
(North is to the Right)



11. 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	Percentage
Front Yard Setback (residence to east property line)	40-feet	43-feet	
Rear Yard Setback (west setback line*)	40-feet	145-feet	
Side Yard Setback (residence to south property line)	30-feet	73-feet	
Side Yard Setback (residence to north property line)	30-feet	33-feet	
Maximum Height	30-feet	30-feet	
Minimum Lot Area	43,560-sq. ft.	45,341-sq. ft.	
Minimum Lot Width	145-feet	275-feet	
Lot Coverage	25%	7.9%	
Hillside Disturbance in buildable area (lot max)	75,000 sq. ft.	21,832 sq. ft.	
Total Area of lot that is Hillside		45,341 sq. ft.	100.0%
Total Area of Hillside disturbance		21,832 sq. ft.	48.0%
Total Area of Hillside disturbance outside buildable area (**not** associated with the driveway)	None	**2,596 sq. ft.**	5.7%

Note: Standards indicated in **bold** do not meet base zoning standards
* Rear (west) proposed setback measured per MCZO Chapter 2 "Lot Line, Rear."

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:

12. **Statutory Test -1 Peculiar conditions** – Discuss and explain what 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.

    "Development standard to be varied: allow regrading within setbacks [outside the principal building envelope]. Use: single-family residence. Peculiar site conditions: triangular shape, very steep slope. Triangular shape of lot makes development difficult and extreme slope greatly reduces buildable area. Enforcement of zoning regulation would further restrict ability to develop lot. Proposed design is only approximately 4,000 sq. ft. Lot coverage is only 7.9% and percent of regrading in setbacks is only 2%."

13. **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.

"Small size of lot (1.04 acre), steep slope and shape of lot result in a building envelope that greatly restricts development of lot. Regrading within the setbacks eases this hardship."

14. **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.

    "Amount of regrading in setbacks is minor (2%) and is not visible to neighbors or community. Area is to be revegetated to blend into natural Hillside. Drainage of area is directed back onto lot and no other lots are affected."

15. **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.

    "Building permit will be applied for approximately 2 weeks from now [i.e. within 2 weeks of variance approval date]. Construction to begin as soon as permit is approved. Variance request is not related to a specific development proposal" [i.e. to date, no applications for building permits have been submitted].

Findings:

16. 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 unusual shape of the subject property and the extreme slopes combine to make development of the property impracticable without some disturbance outside the principal building envelope in order to achieve stable cut slopes and provide for the relatively modest proposed lot coverage of 7.9% where up to 25% lot coverage is allowed under the Rural-43 development standards.
    - 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 property was created as part of a County Board of Supervisors approved subdivision (Lot #160 of Clearwater Hills No. 2) and practicable residential development of the property results in some

disturbance of Hillside area outside the principal building envelope, even to provide for the relatively modest proposed lot coverage of 7.9% where up to 25% lot coverage is allowed under the Rural-43 development standards.

- The applicant has demonstrated the peculiar condition / physical hardship is not self-created in the line of title.
- The applicant has demonstrated that the general intent and purpose of the MCZO will be preserved despite the variance because the property was created for residential development which could be achieved by the current proposal with minimal impact to Hillside area outside the principal building envelope and no anticipated off-site drainage or visual effects.

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

a) General compliance with the Disturbance Exhibit stamped received March 2, 2020.

b) All required building permits for the 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.

17. 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: Sean Watkins, Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

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

MARICOPA COUNTY

Application Name: Sigalove Property

Legal Description
, T2N R04E 06

Applicant DAVID WADE	**Applicant Phone/Email** 602.558.6875 DAVID@DAVIDJWADE.COM	**BA2020006**
Case Address 4323 E UPPER RIDGE Way PARADISE VALLEY AZ 85253	**Parcel Primary:** 169-13-027	
Generated March 3, 2020 11:01 AM	Gross Acres: 2 approx.	Map scale 1:862

Supervisor District No. 3

VARIANCE TO 30' HEIGHT REGULATION AND ALLOW GRADING WITHIN SETBACK

N
W E
S

Maricopa County Planning & Development - Phoenix, AZ

Planning & Development Department
VARIANCE / INTERPRETATION APPLICATION

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

ONE STOP SHOP

Is this Design Build? ☐ Yes ☒ No Is this Residential? ☒ Yes ☐ No

Please select the type of Board of Adjustment application from the checkboxes below.

☒ Residential Variance | ☐ Non-residential Variance | ☐ Interpretation | ☐ BA Blanket Variance

Is this subject property within an area of 15% or greater hillside slopes? Yes ☒ No ☐

REQUEST

Description of Request: ALLOW REGRADING WITHIN SETBACKS
Existing Use of Property: VACANT LOT
Existing Zoning District: RU 43
Related Case Number(s):

PROPERTY INFORMATION

Address (if known): 4323 E. UPPER RIDGE WAY. PARADISE VALLEY, AZ 85253
General Location (include nearest city/town): CLEARWATER HILLS

Size in Acres: 1.04 Square Feet: 45341
Legal Description: Section: 6 Township: 2N Range: 4E
Assessor's Parcel Number: 169-13-027
Subdivision Name (if applicable): CLEARWATER HILLS

APPLICANT INFORMATION

Name: DAVID J. WADE Contact: DAVID
Address: 1208 S. FARMER AVE
City: TEMPE State: ARIZONA Zip: 85281
Phone #: 602.558.6875 Fax #:
E-mail Address: davide.davidjwade.com

PROPERTY OWNER INFORMATION

Name: STEVE & NOEMI SIGALOVE Contact: NOEMI
Address: 7521 N. LAKESIDE LANE
City: PARADISE VALLEY State: ARIZONA Zip: 85253-2857
Phone #: 630.390.0187 Fax #:
E-mail Address: Sigalove@me.com

PROPERTY OWNER AND APPLICANT AUTHORIZATION

I **(property owner)** [signature] authorize **(applicant's name)** DAVID J. WADE 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.§1§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: [signature] Date: 2/16/2020

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: [signature] Date: 2/16/2020

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:

Planning & Development Department

BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ONE STOP SHOP

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.

DEVELOPMENT STANDARD TO BE VARIED: ALLOW REGRADING WITHIN SETBACKS. USE: SINGLE FAMILY RESIDENCE. PECULIAR SITE CONDITIONS: TRIANGULAR SHAPE, VERY STEEP SLOPE. TRIANGULAR SHAPE OF LOT MAKES DEVELOPMENT DIFFICULT; EXTREME SLOPE GREATLY REDUCES BUILDABLE AREA. ENFORCEMENT OF ZONING REGULATION WOULD FURTHER RESTRICT ABILITY TO DEVELOP LOT. PROPOSED DESIGN IS ONLY ±4000 SQ.FT. LOT COVERAGE IS ONLY 7.9% AND PERCENTAGE OF REGRADING IN SETBACKS IS ONLY 2%.

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.

SMALL SIZE OF LOT (1.04 ACRE), STEEP SLOPE AND SHAPE OF LOT RESULT IN A BUILDING ENVELOPE THAT GREATLY RESTRICTS DEVELOPMENT OF LOT. REGRADING WITHIN THE SETBACKS EASES THIS HARDSHIP

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.

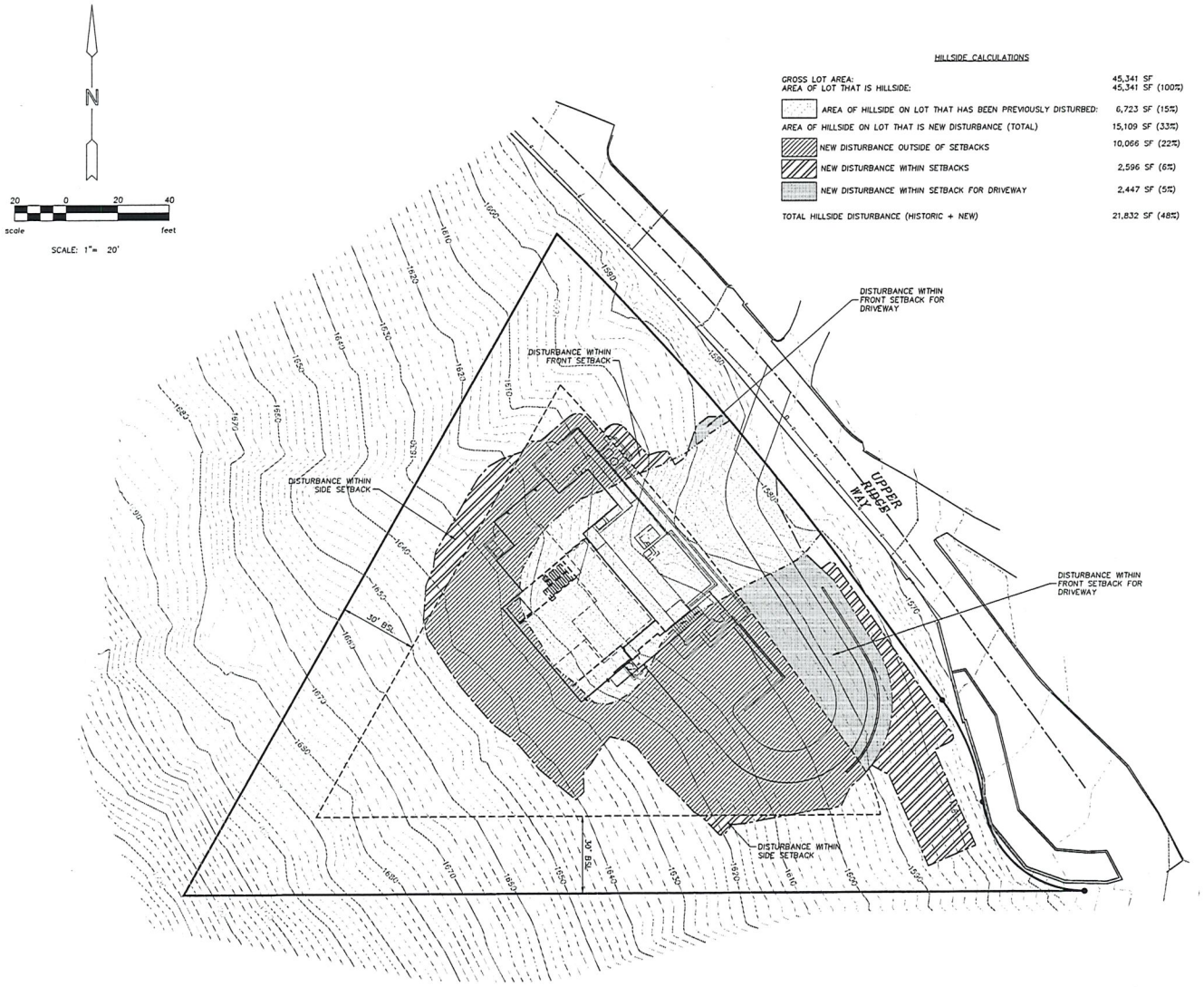
AMOUNT OF REGRADING IN SETBACK IS MINOR (2%) AND IS NOT VISIBLE TO NEIGHBORS OR COMMUNITY. AREA IS TO BE REVEGED TO BLEND INTO NATURAL HILLSIDE. DRAINAGE OF AREA IS DIRECTED BACK ONTO LOT AND NO OTHER LOTS ARE AFFECTED.

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.

- BUILDING PERMIT WILL BE APPLIED FOR APPROX. 2 WEEKS FROM NOW.
- CONSTRUCTION TO BEGIN AS SOON AS PERMIT IS APPROVED.
- VARIANCE REQUEST IS NOT RELATED TO A SPECIFIC DEVELOPMENT PROPOSAL.

*Additional sheets may be attached.

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



HILLSIDE CALCULATIONS

GROSS LOT AREA:	45,341 SF
AREA OF LOT THAT IS HILLSIDE:	45,341 SF (100%)
AREA OF HILLSIDE ON LOT THAT HAS BEEN PREVIOUSLY DISTURBED:	6,723 SF (15%)
AREA OF HILLSIDE ON LOT THAT IS NEW DISTURBANCE (TOTAL)	15,109 SF (33%)
NEW DISTURBANCE OUTSIDE OF SETBACKS	10,066 SF (22%)
NEW DISTURBANCE WITHIN SETBACKS	2,596 SF (6%)
NEW DISTURBANCE WITHIN SETBACK FOR DRIVEWAY	2,447 SF (5%)
TOTAL HILLSIDE DISTURBANCE (HISTORIC + NEW)	21,832 SF (48%)

SUMMIT CIVIL GROUP
8707 EAST VISTA BONITA DRIVE STE 145
SCOTTSDALE, ARIZONA 85255 • (602) 725-0172

REVISIONS

DISTURBANCE EXHIBIT
LOT 160 CLEARWATER HILLS 2
UPPER RIDGE WAY
MARICOPA COUNTY, ARIZONA

REGISTERED PROFESSIONAL ENGINEER (CIVIL)
CERTIFICATE NO. 20587
FRANK BOXBERGER
Date Signed 2/12/20
ARIZONA U.S.A.

SHEET 1 OF 1
DATE FEB 2020

BD
IN
NAME DRAWN BY:
DESIGNED BY:
DRAWN BY: KR
JOB NUMBER
160CH
FILE NAME 160CH

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

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RECEIVED 0 2 MAR 2020
BA2020006

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:	March 4th, 2020
Memo To:	Darren Gerard, AICP, Deputy Director, Department of Planning & Development
Attn:	Sean Watkins, Planner, Planning & Development Services
From:	Jose Castaneda, Engineering Associate, Planning & Development Services
Cc:	Michael Norris, P.E., Drainage Engineering Manager, Planning & Development Services
Subject:	BA2020006 2nd Sub – Residential Variance Variance to allow grading within setback and variance to height regulation.
Job Site Address:	T.B.D
APN(s):	169-13-027

Drainage has no objection to the proposed residential variance request for a hillside RU-43 zoned lot; submittal date stamped February 19th, 2020. 2nd Submittal has not generated any additional comments. Maximum grades for fill slopes shall be 3:1 and 2:1 for cut slopes. Slopes in excess of those specified shall require a geotechnical stability analysis. 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.

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: February 20, 2020

TO : Sean Watkins, Planning & Development Dept.
Planner

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

SUBJECT: Reduce development standards. BA2020006

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 reduce development standards at APN # 169-13-027. 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 February 20, 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:	TU2020006 – Amadio Property
Hearing Date:	March 19, 2020 (Cont. from 2/20/20)
Supervisor District:	5
Applicant/Owner:	Hannah Bleam (Withey Morris PLC)/Eric E. Amadio
Request:	**Temporary Event Permit to allow for:** 1) Temporary Events such as farmers market and other community events per Maricopa County Zoning Ordinance (MCZO) Article 1302.2.2.
Site Location:	APN 300-10-081C @ 4701 W. Dobbins Rd. in the Phoenix (Laveen) area
Site Size:	1.41 acres
Current Use / Zoning:	Single-family residential with Home Occupation / Rural-43
Open Violation:	Yes, V201901975 (Possible Business Operation being run in a Residential Zoning District) & V202000314 (RV/Trailer stored in improper location)
Citizen Support/Opposition:	52 support documents and 6 opposition documents received
Recommendation:	**Approval with conditions**

Background:

1. **September 22, 2015:** The current property owner purchased the subject property via Quit Claim Deed (MC Recorder # 20150680386).

2. **August 27, 2018**: The current owner obtained administrative approval for a Home Occupation Permit (HOP) under LU20180082 for a commercial kitchen (used for pies and other baked good) within an existing detached garage.

3. **October 25, 2019:** Violation Case V201901975 was opened based on a citizen complaint regarding the business operating at more than allowed per the HOP zoning regulations. A Compliance Agreement (CA) was executed on December 18, 2019. As part of the CA, the applicant must cease and desist all hosting farmers markets and other events by March 31, 2020 and gain compliance by December 31, 2020 with completed permit for any unpermitted construction.

4. **November 8, 2019:** Permit B201807727 received a CofO for converting the detached garage into a commercial kitchen.

5. **January 21, 2020:** The subject Temporary Use Permit (TU2020006) was submitted by the applicant.

6. **February 28, 2020:** A violation case (V202000314) was opened, this case is currently under review for verification as of writing of this report.

Reviewing Agencies Comments:

7. **Engineering** (**Transportation, Drainage, and Flood Control**): No objection to the request (with recommended conditions), see attached memo dated March 2, 2020.

8. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated January 30, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

9.

On-site:	Rural-43/Single family residence with Home Occupation
North:	Arterial then Rural-43/Dobbins Rd. then Fire Station
South:	Rural-43/Single-family residences
East:	Arterial then R1-10 (City of Phoenix)/Single-family residential subdivision (Dobbins Point)
West:	Rural-43/Single-family residence

Site Analysis:

10. The subject property is located within the Laveen area located on the SWC of Dobbins Rd. and 147TH Ave. The lot has an existing single-family residence with accessory structures. There is an approved Home Occupation Permit (LU20180082) to allow for the commercial kitchen operation. The applicant is proposing that the site be used for temporary events including a farmers market and other community events or "farm days" to allow for visitors to access the farm with no outside vendors involved. There is an open violation (V201901975) in connection with this commercial operation.

Aerial photo of subject site & surrounding environs

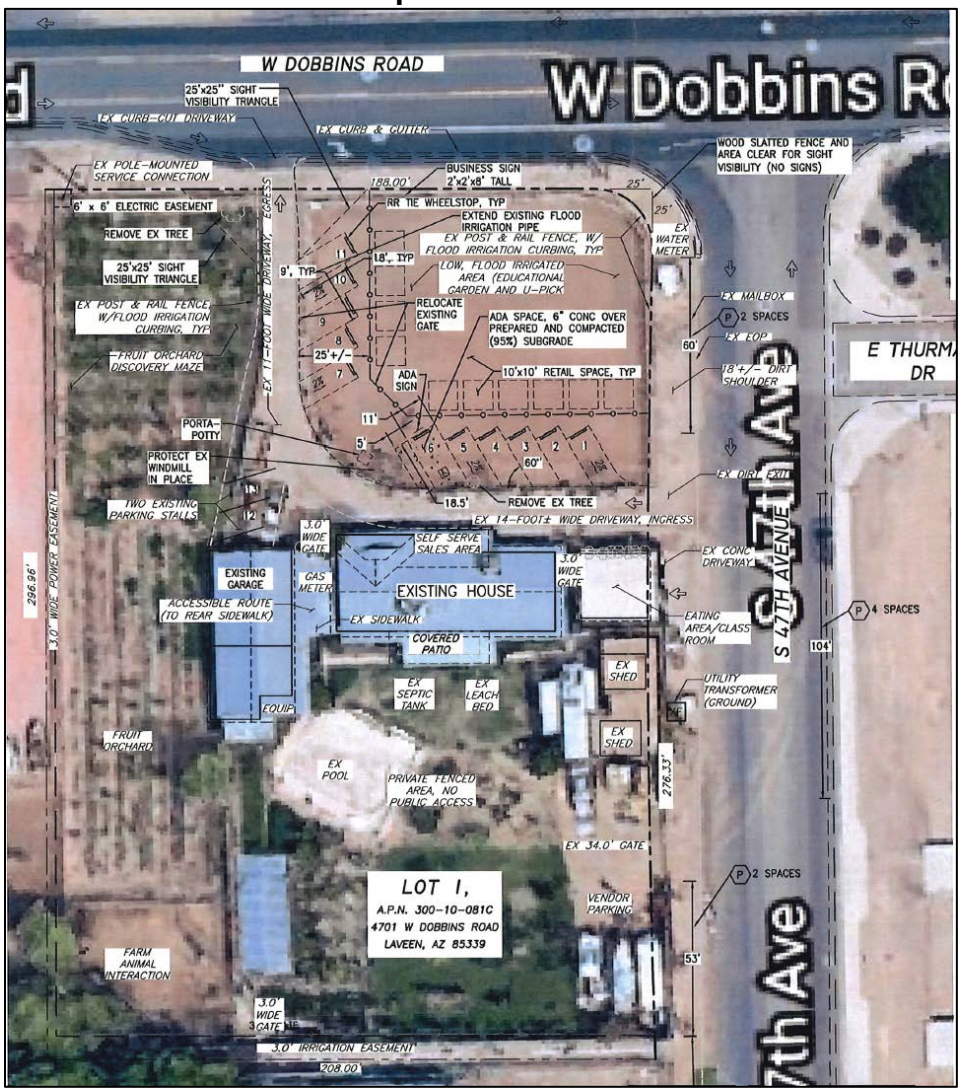
11. With this TUP request, there would be a total of 26 event days from April-June (2020) where a maximum of 30 event days are allowed within a 6 month period per MCZO Article 1302.2.2. Three of these event days would be for a farmer's market (April 11, May 16 and June 6). The hours of operation would be from 8:00 a.m. to 1:00 p.m. The other 23 events would be considered "farm days' and would be April 4, 5, 12, 18, 19, 25, 26; May 2, 3, 9, 10, 17, 23, 24, 30, 31; and June 7, 13, 14, 20, 21, 27, 28. These event days would be from 7:00 a.m. to 7:00 p.m. It should be noted that all of the proposed event days fall on a weekend.

12. Vehicular traffic is planned to access the site from 47th Ave. and travel in a one-way direction to the 13 (including 1 ADA) on-site parking spaces. The exit would be to the north on Dobbins Rd. The applicant also mentions that 47th Ave. (a public right-of-way) has enough for 39 street parking spaces should there be a need for overflow parking. The site plan shows ten areas for vendors (retail space) located within the fenced area on the northeast corner of the site. As for water and wastewater, there would be a portable restroom and bottled water provided for the public use.

13. As of writing of this report, staff has received 52 documents of support and 6 documents of opposition. The opposition stated concerns and issues with traffic, vehicle and pedestrian safety, amount of visitors to the site at a given time, a business within a residential community, as well as others. These documents are included as attachments to this report. The applicant has submitted a map of the supporters in relation to the subject site (attached). Although some of the opposition did not include a name and/or

property address/parcel, it appears that several of these individuals are located within the neighborhood of the subject property.

Proposed Site Plan



Google Street View of Subject Property (circa 2019 looking west from 47th Ave.)

Google Street View of Subject Property (circa 2019 looking south from Dobbins Rd.)

<u>Maricopa County Zoning Ordinance – Section 1302 Temporary Uses</u>

1302.2.2 **Temporary Event:** Temporary events such as, but not limited to, circuses, carnivals, concerts, revivals, horse shows, rodeos, sales promotion events, and charity events. Any such event shall last no longer than a total of **30 days** within a **six (6) month period**. No continuations shall be approved. Any application submitted for such a use shall address the issues and satisfy the requirements as outlined below:

A. Site plans – ten (10) copies drawn to scale indicating all activities and facilities proposed as part of the temporary event use. If the proposed temporary event is proposed to use a portion of an existing facility or use, an additional plan showing the entire facility or use as well as the location of the temporary use is required.

B. Authorization to use the site – a signed cop of the lease or other agreement which is being used by the owner to allocate the space and time frame of the temporary event is required.

C. Narrative Report – ten (10) copies of a narrative report which addresses the following items is required:

a. Police protection/traffic control.
b. Water facilities.
c. Food concessions. Quality and quantity of food and location of concessions must be approved by the Maricopa County Services Department (MCESD) prior to issuance of any use permit.
d. Sanitation facilities. All sanitation facilities must be approved by the Maricopa County Environmental Services Department prior to issuance of any use permit.
e. Medical facilities and fire protection.
f. Parking areas – identify amount and location of parking for attendees of the temporary event. Parking shall be required to meet minimum requirements as outlined in Section 1102 of the Maricopa County Zoning Ordinance (MCZO). Adequate dust control shall be provided as par Maricopa County

Department of Transportation (MCDOT) and Maricopa County Environmental Services Department (MCESD) requirements.

g. Access, traffic and parking control – identify ingress/egress for temporary event.
h. Hours of operation – identify duration of the proposed temporary event (dates and hours of operation).
i. Illumination – state if proposed and identify how it is to be provided. All outdoor lighting must comply with Section 1112 of the MCZO.
j. Overnight camping facilities – all overnight camping facilities shall be reviewed and approved by the MCESD prior to issuance of any use permit.
k. Other – identify the anticipated number of attendees; include any other information which staff deems necessary.

D. Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 consecutive hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit, that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of this Ordinance.

Findings:

14. Staff recommends approval of the TUP given that the applicant has an open violation for operating without proper entitlement. This TUP would allow the applicant to continue operation of events with the restrictions of having a specific site plan and other conditions to adhere to. If the applicant does submit a request for an SUP and if approved, this would allow the applicant the flexibility to make this a semi-permanent event facility. Furthermore, if the SUP was approved, this would also end the need to submit for TUP's with this ongoing event site. Staff understands the concerns brought forth by the opposition and does believe that with an SUP, items such as parking, access, water and wastewater, etc. would need to be discussed and evaluated further.

Recommendation:

15. Staff recommends **approval** of TU2020006 with the following conditions of approval:

a. Development of the site shall comply with the entitled site plan, "Amadio Farms Temporary Use Permit – Parking Plan", stamped received February 24, 2020, consisting of one (1) sheet, except as modified by any condition identified herein.

b. Use of the site shall be in conformance with the Narrative Report, entitled "4701 W. Dobbins Road Temporary Use Permit Narrative", stamped received February 24, 2020, consisting of four (4) pages, except as modified by any condition identified herein.

c. This Temporary Use Permit is authorized for events on the following dates (all in year 2020): April 11, May 16 and June 6, with start time of 8 a.m. and end time of 1 p.m. as well as April 4, 5, 12, 18, 19, 25, 26; May 2, 3, 9, 10, 17, 23, 24, 30, 31; and June 7,

13, 14, 20, 21, 27, 28 with a start time of 7 a.m. and end timer of 7 p.m. Changes in proposed dates shall be provided to staff at least two (2) weeks in advance of the change in event dates. This Temporary Use Permit shall expire on **June 28, 2020**. The Temporary Use Permit letter must be visibly displayed at the front of the property at all times. Failure to meet this display requirement shall result in revocation of the Temporary Use Permit if a Zoning Citation is issued.

d. The following Engineering conditions shall apply:

1. Traffic Control is the responsibility of owner/applicant.

2. No road closures/obstructions shall be permitted; and no signs or any other event related object shall be placed within the public right-of-way unless a Special Events Permit is procured from the MCDOT Permitting Branch. Owner/applicant shall refer to Chapter 5 of the MCDOT Traffic Control Manual: Work Zone and Special Events.

3. Parking on the east side of 47th Avenue is subject to approval by the City of Phoenix.

4. Upon abandonment of the temporary use, the site shall be restored to its existing condition.

5. Approval for the temporary use is at the discretion of the Maricopa County Board of Adjustments.

e. The property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with any condition.

f. Approval of the Temporary Use is not an approval to construct. Prior to construction, development or use of the property, the applicant/owner shall obtain all necessary clearances and construction permits.

g. All development and engineering design shall conform with the Drainage Regulation, Drainage Policies and Standards and current engineering policies, standards and best practices at the time of application for construction.

h. Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide the Affidavit of Structures for Temporary Events documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.

i. The Temporary Use must be removed at the end of the approved time period. All temporary structures must be removed, and the site returned to its original condition or better upon completion of each event. No structures shall be

erected more than **72 hours** before the start of the event from which this permit is issued. All structures shall be removed within **72 hours** following the end of the event for which this permit is issued.

j. Prior to any event, food concessions shall be permitted by Maricopa County Environmental Services Department (MCESD).

k. Alcohol is not permitted on site unless a Liquor License is obtained through the Clerk of the Board.

l. The applicant or property owner/s will be responsible for contacting their applicable emergency and fire protection agency for medical/emergency services and fire protection.

m. A Temporary Access-Track Out permit for the driveway must be obtained prior to any use on the site with Maricopa County Department of Transportation.

n. Upon expiration or termination of the Temporary Use Permit, the temporary use shall cease. Any temporary or mobile structures shall be removed **within ten (10) days** of said expiration or termination. Any alterations to the principal or accessory buildings or structures should be issued permits within **ten (10) days** and shall be completed and finalized within 30 days of expiration.

o. The Temporary Event or Special Event shall adhere to the Board of Supervisors Resolution, December 1980 as applicable which establishes guidelines and conditions for temporary uses. The following conditions shall apply:

<u>Security</u>

1. At least one patrol officer or security guard for every 500 persons in attendance.

<u>Access to Event</u>

2. The applicant shall provide adequate ingress and egress to the premises and parking areas. Traffic guards shall be employed to insure orderly traffic movement and relieve traffic congestion onto public rights-of-way.

<u>Water and Wastewater</u>

3. The applicant shall provide an ample supply of water for drinking and sanitation purposes. The quality and quantity of water and location of facilities shall be approved by the Maricopa County Environmental Services Department.

4. Supplemental toilet facilities must be provided for every special event. At least one closed toilet facility marked MEN and at least one closed toilet marked WOMEN shall be provided. A toilet for each 40 males and for each 40 females expected to attend the event may be required; the number and location of toilets shall be approved by the Maricopa County Environmental Services Department.

Concessions

5. Concessionaries must be licensed. The quality and quantity of food and location of concessions shall be approved by the Maricopa County Environmental Services Department.

Refuse

6. At least one trash can with 32 gallons capacity for every 25 persons expected to be in attendance shall be provided. Trash and refuse disposal shall be pursuant to procedures established by the Maricopa County Environmental Services Department.

Outdoor Lighting

7. Temporary uses conducted after dark shall provide lighting to insure public areas are adequately illuminated. All outdoor lighting shall be shielded so that it is directed downward below the horizontal plane of the fixture and does not trespass onto adjacent properties.

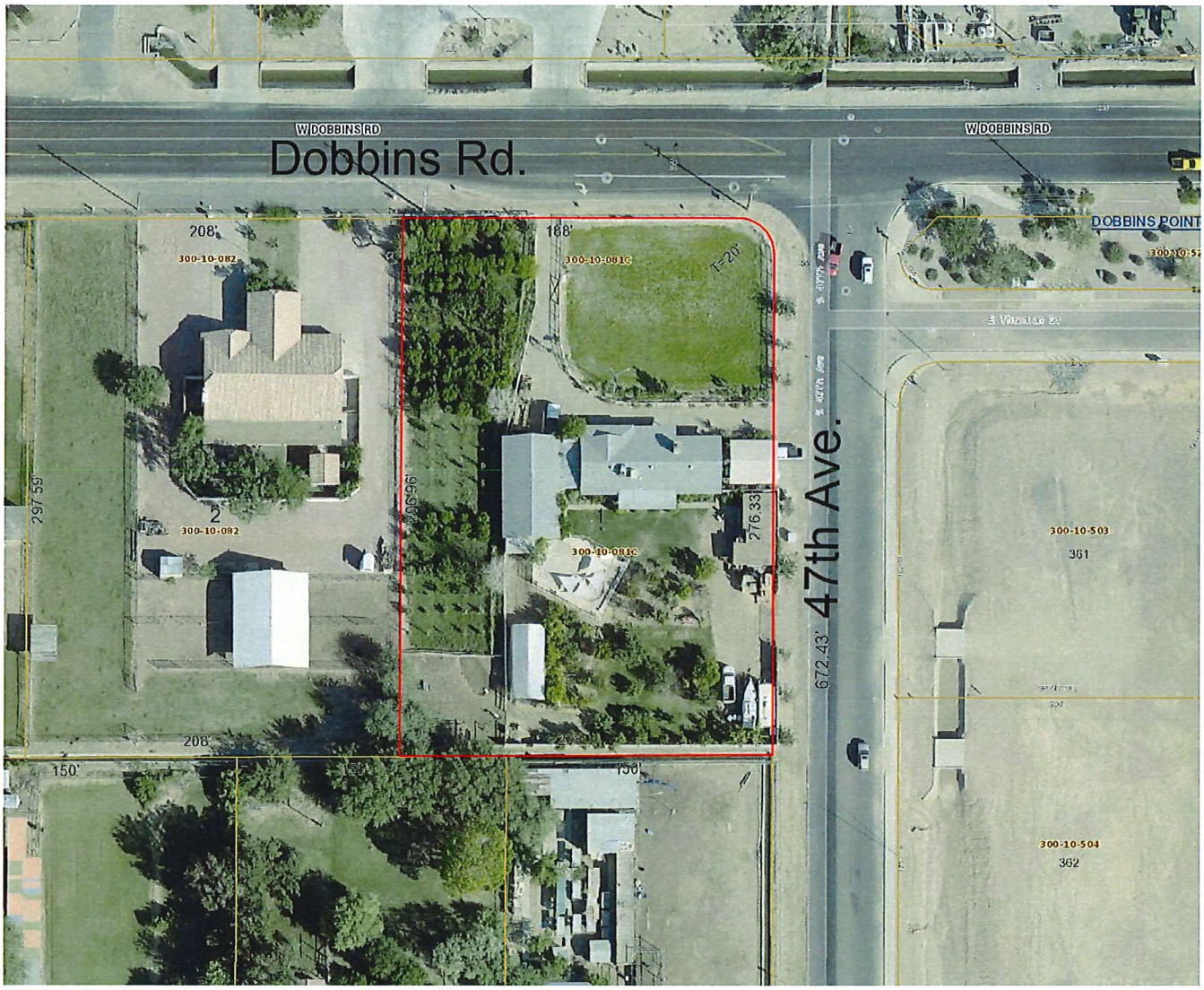
Camping

8. No overnight camping is allowed with this Temporary Use Permit.

Presented by: Ray Banker, Planner
Reviewed by: Darren V. Gerard, AICP, Deputy Director

Attachments:
Case Map (1 page)
Narrative Report (4 pages)
Application/ Temporary Use Supplemental Questionnaire (2 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)
Opposition Documents (11 pages)
Support Map (1 page)
Support Documents (52 pages)

MARICOPA COUNTY



Date: 3/6/2020 Legal Description: T1S, R2E, Section 9

Applicant: Hannah Bleam (Withey Morris PLC) Phone: 602-230-0600

Case Address: 4701 W. Dobbins Rd. Parcel: 300-10-081C

TU2020006
Aerial Date: 2019

SUPERVISORAL DISTRICT NO 5

Temporary Events including farmers market and other community events

4701 W. Dobbins Road
Temporary Use Permit Narrative

I. Introduction and Background

Amadio Ranch and Farm is the home of Eric & Christina Amadio, located at 4701 W. Dobbins Road (the "Property") as shown on the attached Aerial Maps. The property is zoned RU-43 and the primary use on the site is a single-family residence. The Amadios currently have a home occupation permit which allows the baking and selling of pies and produce. Shortly after buying the Property, the Amadio family started farming on-site for their own food and enjoyment. They found the land to be productive and rich - the vegetables and existing fruit trees produced in abundance. They shared this abundance with friends and neighbors, but still had far more to give. Feeding it to the animals seemed a terrible waste of good organic food, so one day they put out a small sign that stated, "vegetables for sale", not knowing if anyone would want them. Much to their surprise, strangers showed up and were so happy to get fresh, homegrown produce. The Amadios found a new passion in simply meeting local folks that they didn't know and bringing joy to people in their community. In that spirit, Eric & Christina formed Amadio Ranch with the goal of keeping Laveen's local agricultural heritage alive by providing the community a place to learn about growing fruits and vegetables, being good stewards of the land, and interacting with farm animals. In addition, they strive to provide the best-tasting produce and baked goods to share. Eric & Christina enjoy seeing the pleasure on children's faces when they pull a carrot out of the ground or pet a pig. The Amadios provide most of these experiences to everyone free of charge.

The Amadios' efforts to bring a farmer's market to the Laveen community has spanned the last 8 years. They have been involved with many attempts to get an offsite farmers market started in Laveen, with each attempt failing due to lackluster attendance and poor profitability. Two years ago, the Amadios opened their farm to see if having the occasional event on an actual working farm would create enough inherent value to bring enough people out to make the endeavor sustainable. The answer was yes.

For the past two years, the Laveen Farmers Market has seasonally operated at the Amadios' farm to great success. They provide a valuable real farm experience to local families. The key to success in the Laveen and South Mountain area is that these events are completely free to attend.

Families can come and enjoy the scenery, pet the animals, listen to local school age instrumental musicians, take pictures, and picnic in the orchard. Fresh vegetables and fruit, freshly-made food options, and local craft and artwork vendors are available for purchase.

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Local families have been enthusiastic supporters of these events. The attendance at these events have been enough to cover the cost, but they are not a profitable enterprise. The primary income to sustain the business comes from off-site events where the Amadios sell produce and goods on a weekly basis to North Central Phoenix and the East Valley communities of Chandler, Gilbert, and Ahwatukee. The outreach and events at the farm in Laveen are by necessity a quasi-charitable venture for the local community that brings neighbors together.

To be zoning compliant, the Amadios are requesting a Temporary Use Permit (TUP) to allow temporary events, such as farmers markets and other community events (Farm Days), as described in more detail below. Following an approval of the Temporary Use Permit, a Special Use Permit request will be submitted to allow seasonal special events.

II. Temporary Events - Farmers Market and Farm Days

The Amadio Ranch and Farm is proposing all events under the TUP to run from April 2020 through September 2020. No events are planned prior to April because of the timing required to get the TUP approved. The proposal is for two types of events that will occur at the farm, the first is the Laveen Farmer's Market and the second is Farm Days.

The Laveen Farmers Market events are scheduled to occur from 8:00am to 1:00pm on April 11th, May 16th, and June 6th, with a total of three events. The number of attendees at any given time at the Laveen Farmer's Market will be approximately 25 attendees. The total for the entire day is usually around 50 to 75 people, which includes children. The number of cars associated with this attendance is much less since most attendees are families with 3 to 6 individuals that come in the same vehicle. In addition, most families come and go within a 20-minute span.

Parking will be provided on-site with the 13 customer parking spaces (12 standard spaces with 1 ADA space) and overflow parking if needed will be provided on 47th Avenue. On 47th Avenue there are 39 legal on-street parking spaces (22-foot-long) that are located within 500 feet of the farm. Parking for farmer's market vendors is provided on-site inside the 32-foot gate on the east side of the property.

The other type of event that will be held is called "Farm Days". It's designed to be a smaller event that will have no outside vendors and is a great opportunity for families to wander the farm and interact with farm livestock. Farm Days events will run 7:00am-7:00pm on April 4, 5, 12,18,19, 25, 26; May 2, 3, 9, 10, 17, 23, 24, 30, 31; and June 7,13,14, 20, 21, 27, 28. There will be a total of 23 Farm Days events. All parking for Farm Days will easily be satisfied with the on-site parking spaces and there will be approximately 10 attendees on site at any given time during these events.

The new farmers market retail space and educational garden will be located within a fenced area with only one exit/entrance in the middle of the property that should help contain

wandering children. We also have the orchard and farm animals in a fenced area on the property with only one exit/entrance.

Below is a summary of information required for the TUP application:

a. **Police Traffic Control Protection:** Traffic control protections are not planned.

b. **Water Facilities:** None are proposed beyond what is already existing.

c. **Food Concessions:** Food concessions during the events will include bottled water, soft drinks, snack items, and baked goods from the existing pie shop.

d. **Sanitation Facilities:** Portable toilets will be provided as shown on site map, near the entrance to the educational garden.

e. **Medical Facilities and Fire Protection:** We will not be providing on-site, but there is a fire station with emergency services located across the street from the property on Dobbins Road.

f. **Parking Areas:** As shown on the site plan, parking will be provided on-site with the 13 customer parking spaces (12 standard spaces with 1 ADA space) and overflow parking if needed will be provided on 47th Avenue. On 47th Avenue there are 39 legal on-street parking spaces (22-foot-long) that are located within 500 feet of the farm. Parking for farmer's market vendors is provided on-site inside the 32-foot gate on the east side of the property.

   Driveway and parking spaces will be 4" gravel over 95% compacted subgrade. The ADA parking space will be 6" concrete over 6" prepared compacted subgrade and the ADA space will have sign. Railroad ties will be provided as wheel stops staked with rebar. Each marked parking spot will be 9 feet wide and 18.5 feet deep and the ADA parking space will be 18.5 feet deep and 16 feet wide. On 47th Ave (where the ingress and overflow parking are located) it is particularly well suited to the ingress and overflow parking due to its low speed limit (25mph) and extraordinary width at 43 feet wide, which is the same width as three lane, 45 mph Dobbins Road. In addition, Saturday mornings are a very low traffic time on both 47th Avenue and Dobbins Road.

g. **Access, Traffic, and Parking Control:** The vehicular entrance to these events will occur from 47th Avenue and the exit will be onto Dobbins Road, as shown on site plan. The driveway will consist of 4" gravel over 95% compacted subgrade.

h. **Time of Operation:** The Laveen Farmer's Market will run from 8:00am to 1:00pm on April 11th, May 16th, and June 6th, with a total of three events. The Farm Days, a smaller event, will run from 7:00am to 7:00pm on April 4, 5, 12,18,19, 25, 26; May 2, 3, 9, 10, 17, 23, 24, 30, 31; and June 7,13,14, 20, 21, 27, 28.

i. **Illumination:** We do not propose any lighting due to all the events occurring during daylight hours.

j. **Overnight Camping Facilities:** None will be provided.

k. **Other:** There will be a total of 3 Laveen Farmer's Market events and 23 Farm Days from April through September. As noted previously, the number of attendees at any given time at the Laveen Farmer's Market will be approximately 25 attendees. The number of attendees for a Farm Day at any given time will be approximately 10 attendees.

   In order to notify the public of the temporary events, three signs will be displayed three days prior and on the day of each temporary event scheduled. The temporary signage will include the following:

   - Vinyl Banner, 71" x 36"
   - A-frame sign, 49" x 30"
   - A-frame sign, 26" x 18"

Planning & Development Department
TEMPORARY USE PERMIT APPLICATION
APPLICATION MUST BE COMPLETED IN FULL

ONE STOP SHOP

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

Please select the type of Temporary Use Permit application from the following checkboxes.

☐ Caretakers Quarters ☐ Non-residential use of mobile home ☐ Construction Office/Yard Complex ☒ Temp Event

☐ Temporary Housing ☐ Model Home Sales Complex ☐ Seasonal Sales ☐ Underage Occupancy ☐ Other

Is this Design Build? ☐ Yes ☐ No | **Is this Residential?** ☐ Yes ☐ No

REQUEST

Requested Temporary Use: Temporary events such as farmers market and other community events

Description of Request: We are requesting a temporary use permit for temporary events

Existing Zoning District: RU-43 (with a home occupation permit)

Length of Time Requested: One year

Current Zoning District: RU-43 (with a home occupation permit)

Existing Use of Property: Residential use, with home occupation permit for making and selling pies and produce

PROPERTY INFORMATION

Address (if known): 4701 W W Dobbins Road, Laveen, AZ 85339

Directions to subject property (include nearest City/Town:): Southwest corner of Dobbins Rd and S. 47th Ave

Size in Acres: 1.41 acres Square Feet: 61,611 square feet (lot)

Section: 9 Township: 1S Range: 2E

Assessor's Parcel Number/s: 300-10-081C

Building Permit # (if applying for Temporary Housing): N/A

Violation Case # (if applicable): V201901975

OWNER'S AUTHORIZED AGENT INFORMATION

Name: Hannah Bleam, Withey Morris PLC Contact:

Address: 2525 E. Biltmore Circle, Suite A-212

City: Phoenix State: AZ Zip: 85016

Phone #: 602-230-0600 Fax#:

E-mail Address: hannah@witheymorris.com

PROPERTY OWNER INFORMATION

Name: ERIC E AMADIO Contact:

Address: 4701 W Dobbins Road

City: Laveen State: AZ Zip: 85339

Phone #: 602-285-9959 Fax#:

E-mail Address: happyamadios@yahoo.com

PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION

I **(property owner)** Eric E. Amadio authorize **(owner's agent)** Withey Morris, PLC 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.

INSPECTIONS

By submitting this application, I am invitina County staff to conduct all site inspections they deem necessary.

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 possesses 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: 1-15-20

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: 1-15-20

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: 1-15-20

TU2020006

RECEIVED 21 JAN 2020

Planning & Development Department
TEMPORARY USE SUPPLEMENTAL QUESTIONNAIRE

ONE STOP SHOP

1. Explain the type of Temporary Use being proposed and why it is needed:

The Temporary Use Permit is requested in order to permit temporary events. These events are community focused and will include a farmer's market and farm days. The farmers markets will provide an opportunity for neighbors to attend and purchase pies, produce, and other goods from local vendors. There are currently no events like this in the area.

In addition, Farm Days are designed to provide an opportunity for families to wander the farm and interact with livestock. There will be no vendors at these events. These two types of events provide a valuable real farm experience to local families and is in line with Laveen's local agricultural heritage.

2. What length of time will the Temporary Use be located on the property:

The farmer's market events are scheduled to occur from 8:00am to 1:00pm on April 11th, May 16th, and June 6th, with a total of three events.

Farm Days events will run 7:00am-7:00pm on April 4, 5, 12,18,19, 25, 26; May 2, 3, 9, 10, 17, 23, 24, 30, 31; and June 7,13,14, 20, 21, 27, 28. There will be a total of 23 Farm Days events.

3. Please note any other comments:

4. List all structures to be erected in conjunction with the event (if applicable).

Portable tents to shade the farmer's market vendor tables.

Owner's Signature/Authorized Agent's Signature: _____ Date: 03/05/2020

RECEIVED MAR 05 2020

TU2020006

AMADIO FARMS
TEMPORARY USE PERMIT - PARKING PLAN

MARICOPA COUNTY ASSESSOR'S PARCEL No. 300-10-081C

A PORTION OF THE NORTHWEST QUARTER OF SECTION 9,
TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA

SCALE 1" = 20'
ONE INCH AT FULL SCALE
NORTH

OWNER:
ERIC E AMADIO
PROPERTY & MAILING ADDRESS:
4701 W DOBBINS ROAD
LAVEEN, AZ 85339
PHONE: 602.791.9633
EMAIL: tonnyamadios@yahoo.com

ENGINER
MICHAEL J. JONES
4616 W. PIEDMONT
LAVEEN, AZ 85339
PHONE: 602.663.2781
EMAIL: civiljones69@gmail.com

SURVEYOR
LANCE C DICKSON, RLS 46643
ARIZONA SURVEYING AND MAPPING
2440 W MISSION LANE, SUITE 4
PHOENIX, AZ 85069-5455
PHONE: 602.246.9944
EMAIL: info@asami.com

DATE OF FIELD SURVEY
FEBRUARY 4, 2019

DRAWN BY
WATSON CIVIL ENGINEERING
3746 E OMEGA CIRCLE
MESA, AZ 85215
CONTACT: JOEL WATSON, P.E.
PHONE: 480.330.0803
EMAIL: joelwatson@watsoncivilengineering.com

PROJECT DESCRIPTION
OWNER WISHES TO PROVIDE ADDITIONAL PARKING FOR BUSINESS EXPANSION PURPOSES AT THE PROPERTY

DECLARATION OF RESPONSIBLE CHARGE

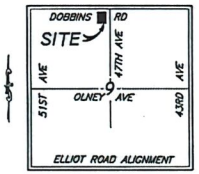
I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION R4-30-301 OF THE RULES OF THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE REVIEW OF THE PROJECT DRAWINGS AND SPECIFICATIONS BY MARICOPA COUNTY IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR THE PROJECT DESIGN.

ENGINEER'S GENERAL NOTES

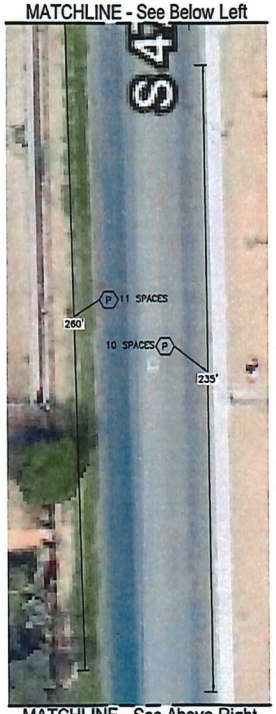
1. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES, SHOWN OR NOT SHOWN, ON THESE PLANS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND UTILITIES SHOWN ON THE PLANS OR NOT.
2. CONTRACTOR SHALL VERIFY EXISTING UTILITIES WITH RESPECT TO LINE AND GRADE PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCY.
3. FIVE PERCENT MINIMUM SLOPE AWAY FROM BUILDING FOR A MINIMUM OF FIVE FEET, UNLESS OTHERWISE SHOWN.
4. ALL CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY, OR IN EASEMENTS GRANTED FOR PUBLIC USE, MUST CONFIRM TO THE LATEST MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) UNIFORM STANDARD SPECIFICATIONS AND UNIFORM STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION AS AMENDED BY THE LATEST VERSION OF THE MARICOPA COUNTY SUPPLEMENTAL STANDARD SPECIFICATION AND SUPPLEMENTAL STANDARD DETAILS. IF THERE IS A CONFLICT, THE LATTER SHALL GOVERN.
5. CALL ARIZONA BLUE STAKE CENTER 602-263-1100, TWO WORKING DAYS PRIOR TO EXCAVATION.

ON-STREET PARKING WITHIN 500' OF PROPERTY. NUMBER OF SPACES AS SHOWN. TYPICAL SPACE LENGTH=22'. 39 TOTAL ON-STREET.

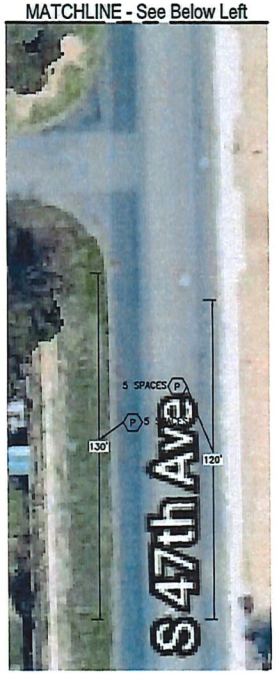


VICINITY MAP
NTS

MATCHLINE - See Below Left



MATCHLINE - See Below Left



MATCHLINE - See Above Right

MARICOPA COUNTY PROJECT CASE NO. TU2020006

NO.	REVISION	DATE

WATSON CIVIL ENGINEERING
www.watsoncivilengineering.com

AMADIO FARMS
TEMPORARY USE PERMIT
4701 W. DOBBINS ROAD, LAVEEN, AZ 85339
MC APN 300-10-081C

PARKING PLAN

WCE PROJECT NO:	DESIGNED BY:	SHEET	DRAWING
20003	WCE / SDPL	1 or 1	C1.0

DATE SAVED: 2/19/20 C:\USERS\JOEL\GOOGLE DRIVE\WATSON ENGINEERING\PROJECTS\20003 AMADIO - MCV9-CAD\20003 AMADIO SITE PLAN.DWG

TU2020006

RECEIVED FEB 24 2020

Maricopa County
Planning & Development Department

Bob Fedorka
Planning & Development
501 North 44th Street, Suite 200
Phoenix, Arizona 85008
Phone: (602) 506-7151
www.maricopa.gov/planning
Email address:
bob.fedorka@maricopa.gov

Date:	March 2, 2020
Memo To:	Darren Gerard, AICP, Deputy Director, Department of Planning & Development
Attn:	Raymond Banker, Planner, Planning & Development Services
From:	Bob Fedorka, PE, PND Engineering Supervisor, Planning & Development Services
cc:	Michael Norris, P.E., PND Engineering Manager, Planning & Development Services
Subject:	TU2020006– Temporary Use Permit for Farmers Market (2nd Review)
Job Site Address:	4701 W. Dobbins Road, Laveen
APN(s):	300-10-081C

PND Engineering has reviewed the 2nd submittal of the application routed for review on February 24, 2020, for the subject temporary use permit and has no objections.

The following conditions will apply:

1. Traffic Control is the responsibility of owner/applicant.

2. No road closures/obstructions shall be permitted; and no signs or any other event related objects shall be placed with the public right-of-way unless a Special Events Permit is procured from the MCDOT Permitting Branch. (https://www.maricopa.gov/499/Permits).

   Owner/applicant shall refer to Chapter 5 of the MCDOT Traffic Control Manual: Work Zone and Special Events. (https://www.maricopa.gov/DocumentCenter/View/300) for more information.

3. Parking on the east side of 47th Avenue is subject to approval by the City of Phoenix.

4. Upon abandonment of the temporary use, the site shall be restored to its existing condition.

5. Approval for the temporary use is at the discretion of the Maricopa County Board of Adjustments.

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) 506-1058
Fax: (602) 506-5813
TDD 602 506 6704

DATE: January 30, 2020

TO : Ray Banker, Planning & Development Dept.
Planner

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

SUBJECT: TU for farmers market. TU2020006

The Maricopa County Environmental Services Department (MCESD) has reviewed documents received from the Maricopa County Planning and Development Department for the above referenced project. This project requests a Temporary Use for farmers market at APN# 300-10-081C. Water is provided by bottled water, MCESD has no concerns. Sewer will be provided by potable toilets, MCESD has no concerns.

Based on the above, MCESD **raised no objection** to this project to the Planning & Development Department in Accela Automation on January 30, 2020 and the project may proceed at this time subject to the following stipulations:

Stipulations: None.

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.

Ray Banker (PND)

Subject: RE: Erick Amadio Market Ranch at 4701 West Dobbins Rd

From: James Shope <jrshope@msn.com>
Sent: Monday, February 3, 2020 10:30 AM
To: Ray Banker (PND) <Ray.Banker@Maricopa.Gov>
Subject: Re: Erick Amadio Market Ranch at 4701 West Dobbins Rd

Opposed to temporary use permit for Amadio Farms at 4701 West Dobbins Rd.

List 1. Added traffic on to Dobbins Rd and onto right turning line

2. Fire station access across from Amadio site on Dobbins Rd

3. Parking spaces and drive not hard surface (dust) problems

4. Only 12 spaces for 300 attendees

5. Width of north exit drive only 11 ft

6. Emergency access (Fire Line) has commercial kitchen

7. Hay wagon parked in easement on Dobbins Rd with signage

8. Was new (SWG) gas line safely installed under drive (depth)

9. In ground swimming pool on site safe to public and would it have to meet County Health Department required

10. Past non-permitted events on Amadio site have had other vendors dog trimmer, wagon rides on public streets, etc

11. What is meant other community events uses

12. Document title deed for Amadio lot 300-10-081 use not permitted

13. Amadio has permission to have events at Laveen School site 51 Ave and Dobbins which has more parking and safer site

Thank you
James Shope
4820 W LaMirada Dr

February 5, 2020

Maricopa County Planning and Development Department
501 N 44th Street, Ste 200
Phoenix, AZ 85008

SUBJECT: Temporary Use Permit for 4701 W Dobbins Road, MCA Parcel# 219-16-021G

Dear Board Members:

This letter is to voice strong opposition to the granting of any special use/event permit to Mr. Eric Amadio for the purposes stated in the application dated January 15, 2020.

The events that Mr. Amadio has held at this location in the past resulted in large traffic increases in an increasingly congested area as a result of the new housing developments and freeway access. The people that attended these events were parking in the new development areas that were under construction, lining both sides of 47th Avenue down to Piedmont at times, as well as on the side streets of La Mirada, Piedmont and Thurman. The attendees walked in the middle of the street, although there is a sidewalk on the east side of 47th Avenue for pedestrians, and they did not pay attention to any vehicular traffic. Their children ran out into the streets unattended. Vehicles would stop in the middle of the street to de-board passengers, effectively blocking the flow of traffic and increasing risks to safety. Some people even double parked. Should anyone south of this property need emergency services, it would be difficult to get through the area. The sign advertising the event was placed a few days before the events in such a way as to block vision of traffic trying to exit 47th Avenue onto Dobbins Road. In addition, there was a portable toilet and a food vendor set up in the public utility easement. Traffic was backed up 2 blocks with people trying to leave the area which includes attendees and residents who were trying to go to work or about their business. This is a significant liability issue as well as a public safety issue.

For comparison only, the recent Laveen Parade held on Saturday, February 1, closed traffic on Dobbins Road between 43rd Avenue and 51st Avenue, forcing through traffic to divert through the neighborhoods to the south of Dobbins Road. This resulted in a heavy increase in traffic. Several of those east-west streets are not through streets with signs on the street posts indicating they are dead ends. People were still trying to use them to get around the blocked streets, creating unsafe traffic conditions and extremely heavy traffic conditions. This is the same type of issue that the special events on Mr. Amadio's property present.

The residents south of Mr. Amadio's property have had their rights to peaceful enjoyment and use of their property taken away whenever there is a special event at his property. When he learned that not everyone was supportive of this venture, Mr. Amadio was dismayed by the reaction. He stated that he didn't understand it and that they were 'nice people'. No one is questioning his character, only the wisdom in conducting a venture of this sort at this location.

For a brief time, these events were held at the Laveen Education Center that is located 4 blocks from the property in question. There is adequate parking for this event as well as ample space for the vendors participating and for the attendees. There was little traffic congestion. Since there was a cost associated with holding the event at this facility, however, it was stated that they couldn't make any money so this wouldn't be an option.

Based on the space available as a result of the layout shown of the property in the application, there is no way that the information presented in the application is feasible or even reasonable. There is simply not enough room on the allocated space to conduct events such as the ones held there in the past or that are planned. To give an idea of the size of the area that Mr. Amadio plans to use for the event and some parking. it was a former horse corral/small riding arena. Mr. Amadio is either mistaken in his anticipated attendance or is under-reporting the numbers and the impact on the neighborhood.

To be clear, no one is opposed to Mr. Amadio's home occupation business. The opposition it to the special event use and resulting problems. This type of venture is better suited to locations that are designed for commercial or community use and that do not negatively impact the surrounding property and residents. No one gains anything from these special events except Mr. Amadio and his vendors...certainly not the residents and his neighbors who must contend with the traffic and the trash left behind in the streets by the attendees.

Please note that this issue has been a point of contention since the first time a special event was held at this location. The events grew over time and created more problems. If a special use permit is granted to Mr. Amadio, this will continue to happen. The residents of the area who oppose this venture have been silenced out of fear of retribution since some of Mr. Amadio's supporters indicated on a public website that they would 'publicly shame anyone who was found to be unsupportive'. This is bullying and is unacceptable. For that reason, this letter is unsigned as the writer does not wish to be publicly shamed or have other retaliatory measures taken against them.

Please carefully consider all facts before reaching a decision as the negative impact on this area is significant. A site inspection would show the exact space that Mr. Amadio would be using for this venture and support the contention that there is not enough room to safely and appropriately conduct events such as are planned.

A concerned property owner

Ray Banker (PND)

From: Rosalie Pinney (PND)
Sent: Thursday, February 13, 2020 7:38 AM
To: Ray Banker (PND)
Subject: FW: Temporary Use Permit Application for 4701 W. Dobbins Road

Follow Up Flag: Follow up
Flag Status: Flagged

From: Debbie Keating <dkeating777@gmail.com>
Sent: Wednesday, February 12, 2020 4:18 PM
To: Rosalie Pinney (PND) <Rosalie.Pinney@Maricopa.Gov>
Subject: Temporary Use Permit Application for 4701 W. Dobbins Road

To Whom It May Concern:

This letter is to register my strong opposition to any Temporary Use Permit Application at this location by the current occupants. I am a long time property owner in this neighborhood and have been extremely grateful that at least part of the commercial activities that were being held at this residence have finally come to a stop. I am disheartened that they are trying to resume these activities.

These acreage properties are part of an organized residential subdivision created by Roy Cheatham (now deceased), who envisioned nice looking, upscale acreage residences on what was formerly his family's homestead. He developed the acreage subdivision on the west side of 51st Avenue south of Dobbins Road first, followed by the subdivision at 47th Avenue south of Dobbins. Drive through these neighborhoods and you will find that for the most part, they conform to that vision.

This property is a glaring exception. This is a commercial operation plain and simple. They get away with a lot already as I believe their daily operations already violate the zoning regulations. Their past events, in addition to creating a public nuisance to the rest of the neighborhood have been downright dangerous. People park all over the street and small children are often running in the roadway right in area where a great deal of through traffic turns in. I have called the sheriff on numerous occasions to document this problem as I feel one day someone's child will be seriously hurt or killed.

If this application is approved, where does this end? What about all the other residences in this neighborhood? Is this only going to apply to the properties on Dobbins Road? The corner properties?

Their events are strictly for their profit - and I for one have had enough. This is first and foremost a residential neighborhood and it is time for the County to support keeping that way.

Deborah Keating

November 6, 2019

Eric Amadio
4701 West Dobbins
Laveen, Arizona 85339

Sir:

The residents that rely on 47th Avenue as their regular use for ingress and egress to their home are negatively impacted by your events. A lot of these residents do not use social media and are unaware of the current county involvement to voice their opinions. Now that the county is involved, the county has liability and responsibility for the safety of all vehicular traffic and pedestrian traffic which allows them to be named in a lawsuit along with you should one arise. Emergency vehicles would be very challenged to respond timely as a result of the traffic congestion.

The county is aggressively enforcing zoning ordinances against other Laveen home based operations in your immediate area that are far less obvious and create far fewer liability issues but yet have contributed to Laveen for many years. These businesses have had to relocate/close because of enforcement. If you are granted permission than this would be considered preferential treatment and would set a precedent for these business to re-establish. Some of these businesses are owned and operated by minorities which could be seen as disparate treatment.

Your recent remarks that no one has voiced their complaints to you concerning their objection/concern to your weekend events is an attempt to negate your responsibility to your neighbors. Given the tone of the social media posts, it is not surprising that you haven't been approached – they are fearful for their safety and that their concerns would be unheard. The statement that "once we find out who is complaining we will publicly shame them" is bullying at its best.

This type of activity requires a venue that is more suited to its needs than a residential neighborhood. Due to your vast growth and success perhaps you should consider Corona Ranch or other similar commercially zoned sites.

cc: Steve Gallardo County Supervisor
Thomas Daley Enforcement Code Compliance Officer

RECEIVED FEB 28 2020

Ray Banker (PND)

From: Patricia Vezie <pattyvezie@gmail.com>
Sent: Wednesday, March 4, 2020 6:38 PM
To: Ray Banker (PND)
Subject: Objection to Temporary Use Permit Request
Attachments: letter county re temp permit pdf.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ray,

Attached is a letter outlining our objections to the Temporary Use Permit Request case TU 2020006. If you have trouble opening the document please contact me. Would appreciate it if you wold send a reply stating you received this. Also if you have questions contact me.

Thank you, Patty Vezie

Ray Banker,

RE: Case TU2020006

We are writing to express our opposition to the Temporary Use Permit requested by Eric Amadio for the residential property located at 4701 W. Dobbins Road, Laveen, AZ 85339. In previous conversations with Amadios we have expressed our opposition to their having a business on this residential property. If this permit is granted it will set a precedent for future requests. this request has be modified from the original request and continues to be fluid.

We live at 4715 W. McNeil Street in the subdivision where the Amadio property is located and feel the Permit will have a negative impact on our lives and surrounding properties. We were the first family to move into this subdivision, July 1974. The subdivision was developed in two sections starting in the south and moving to the north. The corner of 47th Ave and Dobbins Road was an old farm house and cattle corrals 47th Ave was a dirt irrigation road. This subdivision was established for single family homes on acre plus property,with deed restrictions so families could have a farm/ ranch experience without businesses encroaching on our life styles.

When the Amadios first started having farm sales they set up pop shades on the easement east of the property and sold the fresh vegetables and fruit they had grown as well as pies, pickles and honey. Traffic was minimal, one to two or three cars at a time. People purchased the fruit and vegetables and left. The last two years they expanded to having outside vendors selling craft item, services, food trucks, eating area and porta potties. We have had previous experiences with the venue that is being requested and have opposition to the permit as follows.

° **Safety** - Crowd size cannot be controlled in an open attendance event such as this In one plan the estimated daily crowd size was 300 people with the new plan crowd size is estimated to be 50-75 No explanation as to why the size down graded so dramatically, 300 is not unreasonable estimate as experienced from previous events. The parking area of 13 spots for parking on the property will not come close to handling the crowd.

People will be walking through the on site parking creating a hazard and soon no one will want to park there because of the difficulty getting in and out of the parking spots and onto dobbins Road. They will move to 47th Ave. The easement on the street is dirt and with multiple cars parking on it dust will become a problem. At the moment all of the dirt is covered with weeds. As these dry they will be come a fire hazard from hot engines and tossed cigarettes. Trash is thrown in the easement by inconsiderate people.

Traffic congestion is horrendous. Excessive numbers of cars are parked along 47th avenue on both sides for 3 streets, approximately 3/8 of a miles, blocking driveways and leaving only one lane for traffic to use the road. People walk across the road at numerous locations, children run out in the street and pets are running around. In October we almost hit a child that was running in the street. The antique car we were driving was going very slow having just turned the corner and we were able to brake in time, because 5 people were walking in the road. A child came very close to being hit.

A tractor-pulled hayride has been going up and down 47th Ave making driving even more hazardous because of the number of people getting on and off the wagon at the side of the street.

The plan shows the exit will be on Dobbins Road thru a right turn only lane. This creates a turning problem for drivers trying to negotiate 47th Ave and people exiting the event will be frustrated by the traffic. The exit is directly across from the Fire Station where big trucks and equipment come and go. There is an open canal in front of the Fire Station. Dobbins Road is one of the major east - west roads with access to the new Loop 202. Often times making a turn onto Dobbins from 47th Ave is frustrating at best and with limited road width cars turning south will be backed up and those going east and west will be hampered by the cars parked along 47th. Traffic will continue to increase on it as new homes are built in Laveen. The planned parking for the vendors in the back of the property is limited. At the current time the area is most often filled with a hay wagon, tractor, tractor implements and numerous old model flat bed trucks. Where will these be moved to on event days?

Emergency vehicles will have limited access to the homes south of Dobbins on both the east and west side of 47th Ave. With cars parking on 47th Ave and people walking in the middle of the street a bigger hazard is created. There have been numerous times when a quick response by emergency vehicles have made the difference between life and death/

° **Health** The plan calls for portable toilets being available. In the past they have been placed in the easement on 47th Ave, unsightly, smelly and creating more congestion. They have sat there for multiple days during previous events No hand washing stations were mentioned in the plan. What plans have been made for the trash that is generated and its disposal?

° **Atmosphere**. The noise level will be high. The vendors are there to make money. The entire atmosphere is like a carnival.

The Farm Days will be every Saturday and Sunday so there will never be a weekend when the streets won't have heavy traffic. These days could be overly crowded because groups of people are attending making for more congestion.

This corner is the entrance point to a quiet subdivision of custom built homes and have these events on what has become a commercial enterprise negates the serenity of the rest of the subdivision.

° **Unanswered Questions**

Will vendors be allowed in other spaces such as around the house, under the carport, in the easement on 47th Ave because the 10 allowed spaces are full?

° **Community Input** The Laveen Planning Committee and LCRD have heard the request and gave their OK with a minimal amount of input from the whole subdivision. The committee of 4 men did not have the two proposals submitted to the county and received a copy of the drawing at the meeting as an emotional presentation was given. The written plans were not given to the committee. There was little time for them to prepare

questions. They listened to tearful pleas from vendors and arguments that the community needed fresh vegetables and fruit. No mention was made of the amount of produce grown on the location was available. Two people gave presentations opposing the approval of this Temporary Use Permit. The attorney for the Amadios informed the committee they would be back with a Permanent Use Permit which would be the same as rezoning. This is setting a precedent for other rezoning requests in the neighborhood. That is not what the subdivision was developed for in the early 70's. Many people opposed to this permit are afraid to be involved because of previous threats on social media of public shaming of those opposed by those supporting the request. People don't normally want to create a conflict with their neighbors so they don't speak up till it is too late to stop it.

Because of the congestion, safety, concerns, potential health issues and precedent being set, we feel compelled to save our neighborhood and recommend this Temporary Use permit and any further requests for modifications to the use of the property at 4701 W. Dobbins be denied.

Sincerely,
Harmel D. Vezie, Jr.
Patricia F. Vezie

Ray Banker (PND)

From: Nancy Anthony <niadbacks@gmail.com>
Sent: Friday, March 6, 2020 10:25 AM
To: Ray Banker (PND)
Subject: Amadio ranch

Follow Up Flag: Follow up
Flag Status: Flagged

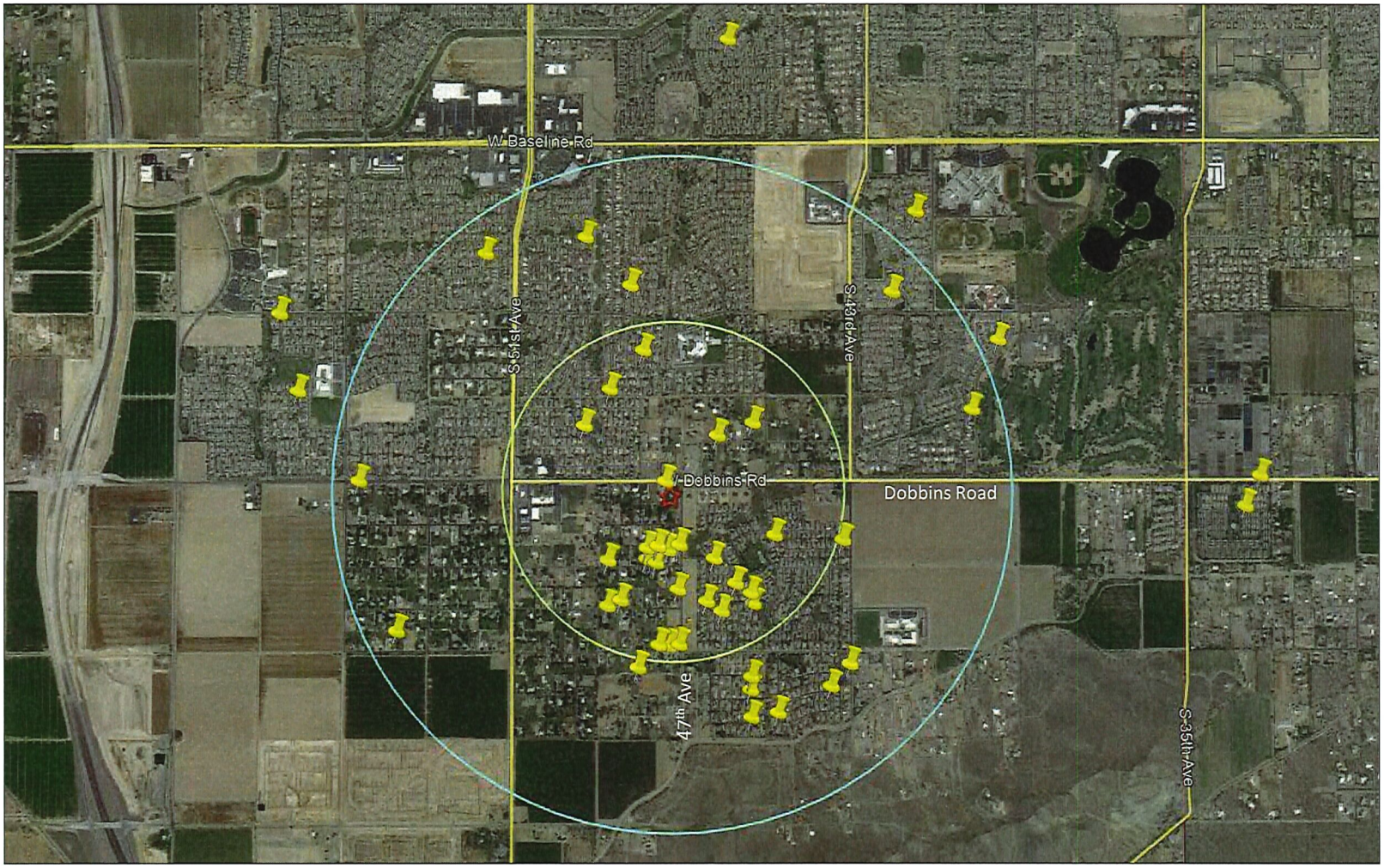
Amadio Family is running a farmers market out of their house.

Deed restrictions states we are not allowed businesses out of our homes. We are zoned residential. I don't think they should be allowed. It brings in a lot of traffic. If they want to run a business they should rent or buy a proper place to do so.

Concerned neighbor

Sent from my iPad

Map of Support Letters



Legend

- Property
- Support Letters
- 1/2 mile radius
- 1 mile radius

TU2020006

RECEIVED MAR 05 2020.

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

Re: Temporary Use Permit / 4701 W Dobbins Road

To Whom It May Concern:

I am a homeowner near 4701 W. Dobbins Road in Laveen. I support Eric and Christina Amadio's request for a temporary use permit to host a farmer's market and farm days on their property. Laveen is an agricultural area and the proposed events are a benefit to the community and honor the heritage of Laveen. Their events introduce families and younger generations to farming and bring our community together. The Amadios and the events they host on their property are important to our community.

I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Stacey Dodd

Address: 4828 W Pedro lane Laveen Az 85339

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

Re: Temporary Use Permit / 4701 W Dobbins Road

To Whom It May Concern:

I am a homeowner near 4701 W. Dobbins Road in Laveen. I support Eric and Christina Amadio's request for a temporary use permit to host a farmer's market and farm days on their property. Laveen is an agricultural area and the proposed events are a benefit to the community and honor the heritage of Laveen. Their events introduce families and younger generations to farming and bring our community together. The Amadios and the events they host on their property are important to our community.

I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

RMcBride

Print Name: Rebecca McBride

Address: 4701 W. Olney Ave
Laveen, AZ 85339

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

Re: Temporary Use Permit / 4701 W Dobbins Road

To Whom It May Concern:

I am a homeowner near 4701 W. Dobbins Road in Laveen. I support Eric and Christina Amadio's request for a temporary use permit to host a farmer's market and farm days on their property. Laveen is an agricultural area and the proposed events are a benefit to the community and honor the heritage of Laveen. Their events introduce families and younger generations to farming and bring our community together. The Amadios and the events they host on their property are important to our community.

I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: JEFFREY A. HALE

Address: 4702 W. PIEDMONT DR. LAVEEN, AZ 85339

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: LOREN LUNT

Address: 4510 W. LODGE DR LAVEEN AZ 85339

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Jeffrey E. Risenay

Address: 4512 W Coplen Farms Rd Laveen, AZ

RECEIVED FEB 24 2020

TU2020006

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Steve Farris

Address: 4511 W. Coplen Farms Rd.

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

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Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Tobie Stevens

Print Name: Tobie Stevens

Address: 4721 W. Olney Laveen Az 85339

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Susan Wonkow

Address: 4217 W Magdalena Ln Laveen

RECEIVED FEB 24 2020

TU2020006

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: MARILYN LUND

Address: M 10226 S 44th LANE LAVEEN

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Serenity Jones

Print Name: Serenity Jones

Address: 4509 W McNeil St. Laveen, 85339

TU2020006

RECEIVED FEB 24 2020

February 23, 2020

Maricopa County
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501 N 44th St # 200
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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Jessica Robins

Print Name: Jessica Robins

Address: 9343 S 33rd Glen Laveen, AZ 85339

RECEIVED FEB 24 2020

TU2020006

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: KIP GALE

Address: 4829 W. McNeil St. Laveen, AZ 85339

TU2020006

RECEIVED FEB 24 2020

February 20, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Name: Sue Spencer, Sue Spencer

Address: 9519 S. 45th Ave, Laveen Az 85339

RECEIVED MAR 0 2 2020

TU2020006

February 20, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Name: Stacey Kloszewski S Kloszewski

Address: 8815 S. 56th Dr Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Jen Winton

Print Name: Jen Winton Jeffrey Winton

Address: 4702 W McNeil St
Laveen, AZ 85339

TU2020006

RECEIVED MAR 02 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Elvia Villa

Address: 4614 W. Fremont Rd.
Laveen Az 85339.

TU2020006

RECEIVED MAR 0 2 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Cheryl D Coppinger

Yours truly,

Print Name: CHERYL D COPPINGER

Address: 4730 W PIEDMONT DR, LAVEEN, AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Michael J. Jones

Address: 4616 W. Piedmont Rd, Laveen, AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: SHIRLEY A. TERRELL

Address: Shirley A Terrell 4512 W Siesta Way
Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Tina Washburn

Address: 4305 W. Monte Way, Laveen AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Jose L Cedeno

Address: 2120 W Harwell Rd Phoenix, AZ 85041

TU2020006

RECEIVED MAR 0 2 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Keith Podolak

Address: 4815 W. McNeil St. Laveen AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Loree Draper

Print Name: Loree Draper

Address: 8567 S. 40th Dr. Laveen, AZ 85339

TU2020006

RECEIVED MAR 02 2020

February 23, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Martha Cook - Martha Cook

Address: 5439 W Dobbins, Laveen, AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Lilly Janet Ramirez

Address: 4119 W. Desert Ln, Laveen AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Velia Aguirre

Address: 4511 W. Carter Rd Laveen AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Maria Johnson

Address: 9808 S. 46th Ln. Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Sarah L. Salazar

Print Name: Sarah L. Salazar

Address: 10114 S 43rd Ave 85339

TU2020006

RECEIVED MAR 0 2 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Carol Douglas

Print Name: Carol Douglas

Address: 4508 W. McNeil St
Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Lorraine Deniega

Address: 3316 W. Paseo Way Laveen, AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Stacy Rummer

Print Name: Stacy R Rummer

Address: 4815 West McNeil Street
Laveen, AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly, Marnie Reid / Stephen Reid

Print Name: Stephen + Marnie Reid

Address: 5338 W. Olney Ave
Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: WILLIAM WASHBURN

Address: 4305 W. MONTE WAY, LAVEEN, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly

Print Name: Cera Murphy

Address: 4732 W Allen St Laveen 85339

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Zachary Gaines & Jaime Cohen

Address: 4841 W Piedmont dr Laveen, AZ

RECEIVED MAR 0 2 2020

TU2020006

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Kyla McMillion

Address: 8316 S 48th Dr, Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 20, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

Re: Temporary Use Permit / 4701 W Dobbins Road

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Name: Cathryn Simet

Address: 4912 W. Siesta Way

TU2020006

RECEIVED MAR 0 2 2020

February 20, 2020

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Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Name: Dani Cook

Address: 4618 W Summerside Rd
Laveen AZ 85339

TU2020006

RECEIVED MAR 0 2 2020

February 20, 2020

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501 N 44th St # 200
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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Name: Brian Rodacker

Address: 8418 S. 56th Ln Laveen AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 20, 2020

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501 N 44th St # 200
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Yours truly,

Name: CONRAD DAWSON

Address: 4925 W. MELODY LANE
85339

TU2020006

RECEIVED MAR 0 2 2020

February 20, 2020

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501 N 44th St # 200
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Yours truly,

Name: Leslie Kuklis

Address: 4122 W Beverly Rd. Laveen, AZ 85339

TU2020006

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Name: Celene Milliland

Address: 8915 S. 40th Dr. Laveen, AZ 85339

RECEIVED MAR 0 2 2020

TU2020006

February 23, 2020

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501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly, Jessie McKinley Benjamin W. Fisher

Print Name: Jessie McKinley Benjamin W. Fisher

Address: 4745 W. Piedmont Drive, Laveen AZ 85339

RECEIVED MAR 05 2020

TU2020006

February 23, 2020

Maricopa County
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501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Mark [illegible]

Address: 4615 W Siesta Way Laveen, AZ

TU2020006

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February 23, 2020

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly, Sharon Aker

Print Name: Sharon Aker

Address: 4309 W LODGE DR, Laveen AZ 85339

TU2020006

RECEIVED MAR 05 2020

February 24, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am a homeowner near 4701 W. Dobbins Road in Laveen. I support Eric and Christina Amadio's request for a temporary use permit to host a farmer's market and farm days on their property. Laveen is an agricultural area and the proposed events are a benefit to the community and honor the heritage of Laveen. Their events introduce families and younger generations to farming and bring our community together. The Amadios and the events they host on their property are important to our community.

I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Jennifer Woodson

Address: 6024 S. 66th Ave Laveen AZ 85339

TU2020006

RECEIVED MAR 05 2020

February 26, 2020

Maricopa County
Planning and Development Department
501 N 44th St # 200
Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Print Name: Dawn Redding

Address: 10032 S. 47th Ave - Laveen - Az - 85339

TU2020006

RECEIVED MAR 05 2020

February 24, 2020

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Phoenix, AZ 85008

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Charmian Woodson

Print Name: CHARMIAN WOODSON

Address: 4729 W. DOBBINS ROAD LAVEEN, AZ 85339

TU2020006

RECEIVED MAR 05 2020

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Yours truly,

Print Name: JOSE G Valencia JR

Address: 4735 W. Olney laveen AZ

TU2020006

RECEIVED MAR 05 2020

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Yours truly,

KWarbington

Print Name: KARREN WARBENGTON

Address: 4716 W Piedmont Dr Laveen Az 85339

TU2020006

RECEIVED MAR 05 2020

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I am in full support of their temporary use permit and urge you to approve it.

Phyllis Trussell

Yours truly,

Print Name: Phyllis Trussell

Address: 4729 W. Piedmont, Laveen AZ 85339

TU2020006

RECEIVED MAR 05 2020

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I am in full support of their temporary use permit and urge you to approve it.

Yours truly,

Donnel Horn

Print Name: Donnel Horn

Address: 4746 W Piedmont

TU2020006

RECEIVED MAR 05 2020

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case:	BA2020005 – Reid Property
Hearing Date:	March 19, 2020
Supervisor District:	2

Applicant:	Chris Stanford, Mountain Top Builders, LLC
Property Owner:	Jim Reid
Request:	**Variance to a development standard of the Maricopa County Zoning Ordinance to permit**: 1) Proposed rear setback of 16' where 25' is the minimum permitted per MCZO Article 606.4.3
Site Location:	APN 141-47-044 @ 425 N. Higley Rd. – Higley Rd. and University Dr., in the Mesa area
Site Size:	8,487 sq. ft.
Current Use / Zoning:	Single-family residence / R1-6 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. **July 12, 1962**: The subdivision plat for Dreamland Villa Six, which created the subject lot was recorded (MCR 99-49).

2. **October 1, 2006**: The current owner took possession of the subject property.

3. **September 27, 2019**: The applicant submitted a Building Permit application for a patio conversion and room addition (B201909080).

4. **February 18, 2020:** The applicant submitted the subject variance request to address comments found in the building permit review (BA2020005).

Reviewing Agencies Comments:

5. **Engineering** (**Transportation, Drainage, and Flood Control**): No objection to the request, see attached memo dated February 21, 2020.

6. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated February 20, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

7.

On-site:	R1-6 SC / Single-family residence
North:	R1-6 SC / Single-family residence
South:	R-3 across Cicero St. / Attached single-family residences
East:	R1-6 SC/ Single-family residence
West:	City of Mesa across Higley Rd. / Commercial Shopping Center

Site Analysis:

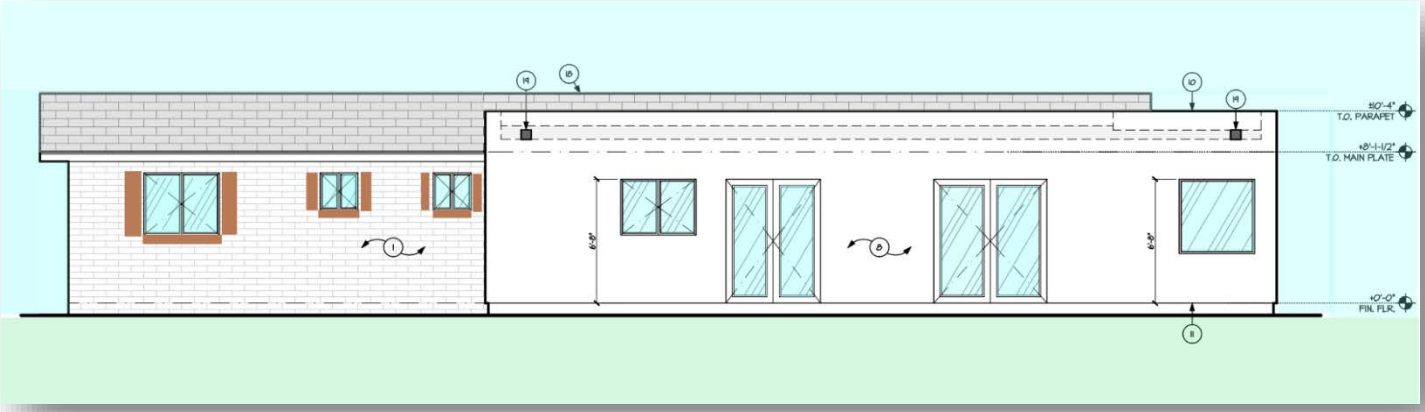
8. The subject property is located within the Mesa area located approximately 310' north of the northeast corner of Higley Rd. and University Dr. within the Dreamland Villa Six Subdivision. The terrain of the lot is flat and the property is a corner lot with a rectangular shape, similar to the adjacent parcels. The majority of the lots adjacent to the site are residential, but the properties to the west in within the City of Mesa across Higley Dr. are commercial in nature. The existing single-family home's front face is oriented to the west with the rear facing east. However, the actual front yard of the subject property is along the south lot line, which is the shortest property line along a street and the rear is along the north lot line.

9. The existing 1,729 square foot residence was built in 1965, consisting two bedrooms, two bathrooms, and two-car garage. The applicant is proposing to retrofit an existing rear patio on the east side of the residence into a 540 square foot new bedroom and new kitchen. The addition will be over eight feet in height with a two foot high rooftop parapet to hide a flat roof with an architectural design that will complement the existing Mid-Century Ranch style residence. In addition, the applicant is proposing to add a 104 square foot bathroom to be attached to the north wall of the proposed new bedroom, which will encroach into the rear yard setback of the lot. Therefore, the applicant is requesting a variance to reduce the rear yard setback from the minimum required 25' to 16'.

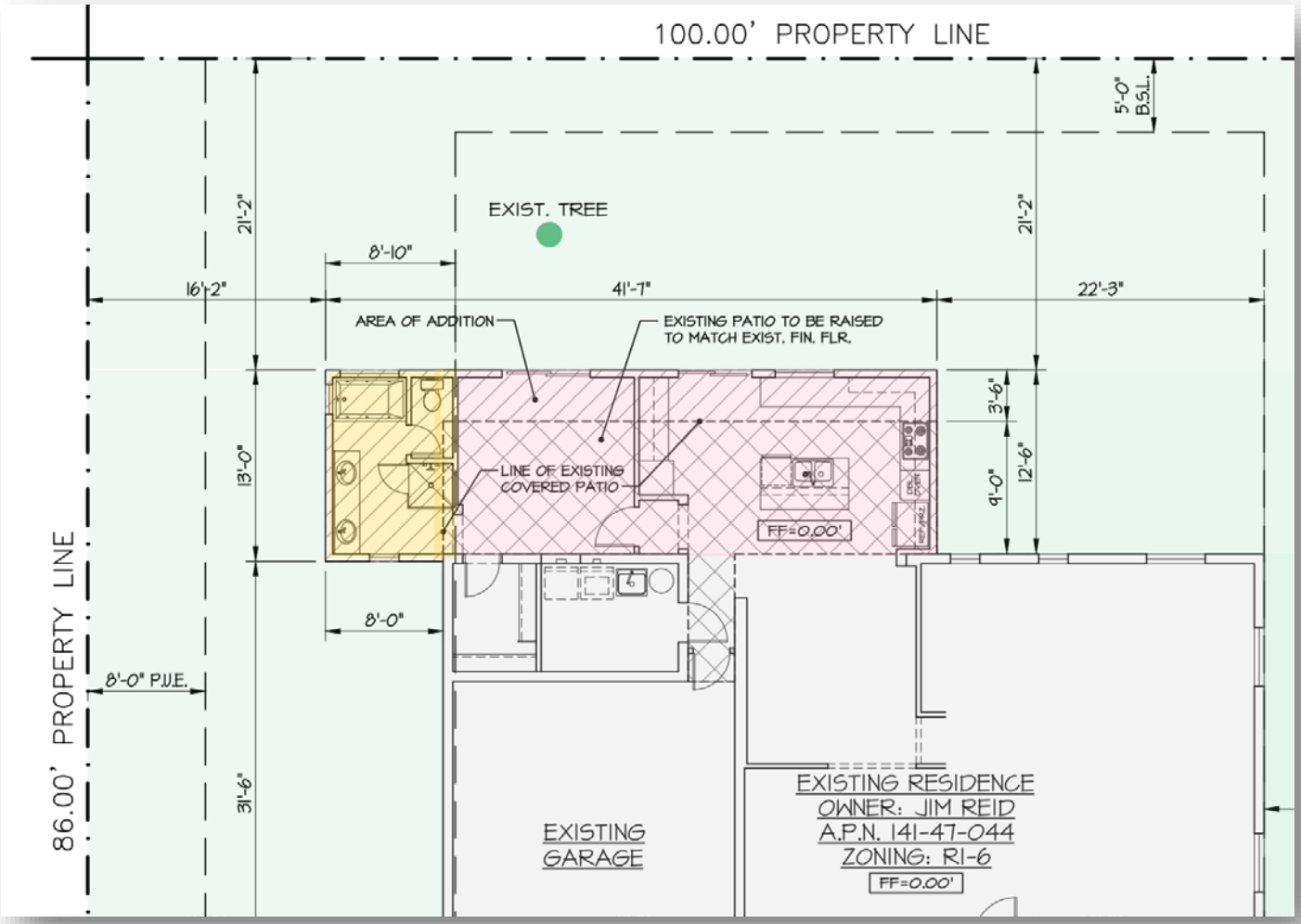
Aerial photo of subject site & surrounding environs

Recent Street-View Looking East

East Elevation of Exiting Home and Proposed Addition



Excerpt from proposed site plan



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	R1-6 Zoning District	Proposed Standard
Front Yard Setback (South)	20-feet	20-feet
Rear Yard Setback (North)	25-feet	**16-feet**
Side Yard Setback (East)	5-feet	21.1-feet
Street Side Yard Setback (West)	10-feet	20-feet
Maximum Height	30-feet	11.3-feet
Minimum Lot Area	6,000 sq. ft.	8,487 sq. ft.
Minimum Lot Width	145-feet	85-feet
Lot Coverage	50%	27%

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:

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 in this circumstance is caused by the non-conforming frontage orientation of the house. Because, the home was addressed and designed off of Higley Road and not Cicero Street, the interior design of the house projects from west to east. The rear yard of 425 N. Higley Road lies on the northern property line, but the practical rear yard of the home is on the eastern portion of the home. Although the rear yard is in the northern part of the property by today's standards, the home was designed and builit in 1965, clearly under the impression that the western side of the lot is the front yard. This can be seen in the attached pictures of the home; the garage door and front door face N. Higley Road. Because, of the corner lot represents an impractical hardship on the property owner who is trying to modify his house to support his elderly family members."

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.

"The unnecessary hardship in this case is caused by the applicant's inability to build a Small addition, because of the current R1-6 zoning standards and the orientation Determination by the County. This hardship is caused by the imposed rear yard setback that does not take into consideration the original layout and design of the home, which faces N. Highly Road. Because, of this non-conforming layout, a reasonable addition to the home in an area where the house has extra space to expand, becomes impossible. The proposed addition makes the property more functional and adds value to the neighborhood. It is within the Reid's family's reasonable rights to add a small addition their family home. The rear yard setback impinges on their rights and ability to build this addition in a sensible location of their current existing home, the rear patio."

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.

    "If the County were to grant this variance for a mere nine-foot encroachment into the rear yard setback. There would be no adverse effect on the neighboring homes or on the neighborhood as a whole. The small addition to the home would increase the value of the homes nearby. The proposed addition would place the 425 N. Higley building line 16 feet from its northern property line. The northerly neighbor to 425 N. Higley Road, 5201 E. Covina Road, currently sits 17 feet from the property line as issue by way of a grand-fathered non-conforming rear yard encroachment. If the proposed variance is granted, the distance between the home at 425 N. Higley and the home at 5201 E. Covina would be approximately 35 feet, a sufficient distance for one-story homes on corner lots."

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.

    "If the County were to grant this variance, we would be able to submit our corrected Redlines on permit number B201909080 for the addition. We are ready to move on this project immediately. With permit in hand we would begin work in less than two weeks to allow the Reid family to spend more time with Mrs. Reid's elderly parents."

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 failed to demonstrate that there is a peculiar condition facing the property, because the rectangular lot is similar to the homes to the north and east. The exiting residence conforms to the building setbacks and offers space to expand the home to the east.
- The applicant has failed to demonstrate that the strict application of the MCZO to the subject property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as moving the proposed bathroom addition along the new bedroom's east wall expanding the addition into the east side yard, thus variance is not warranted.

16. 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 February 18, 2020.

b) Failure to complete necessary construction within one year from the date of approval, shall negate the Board's approval.

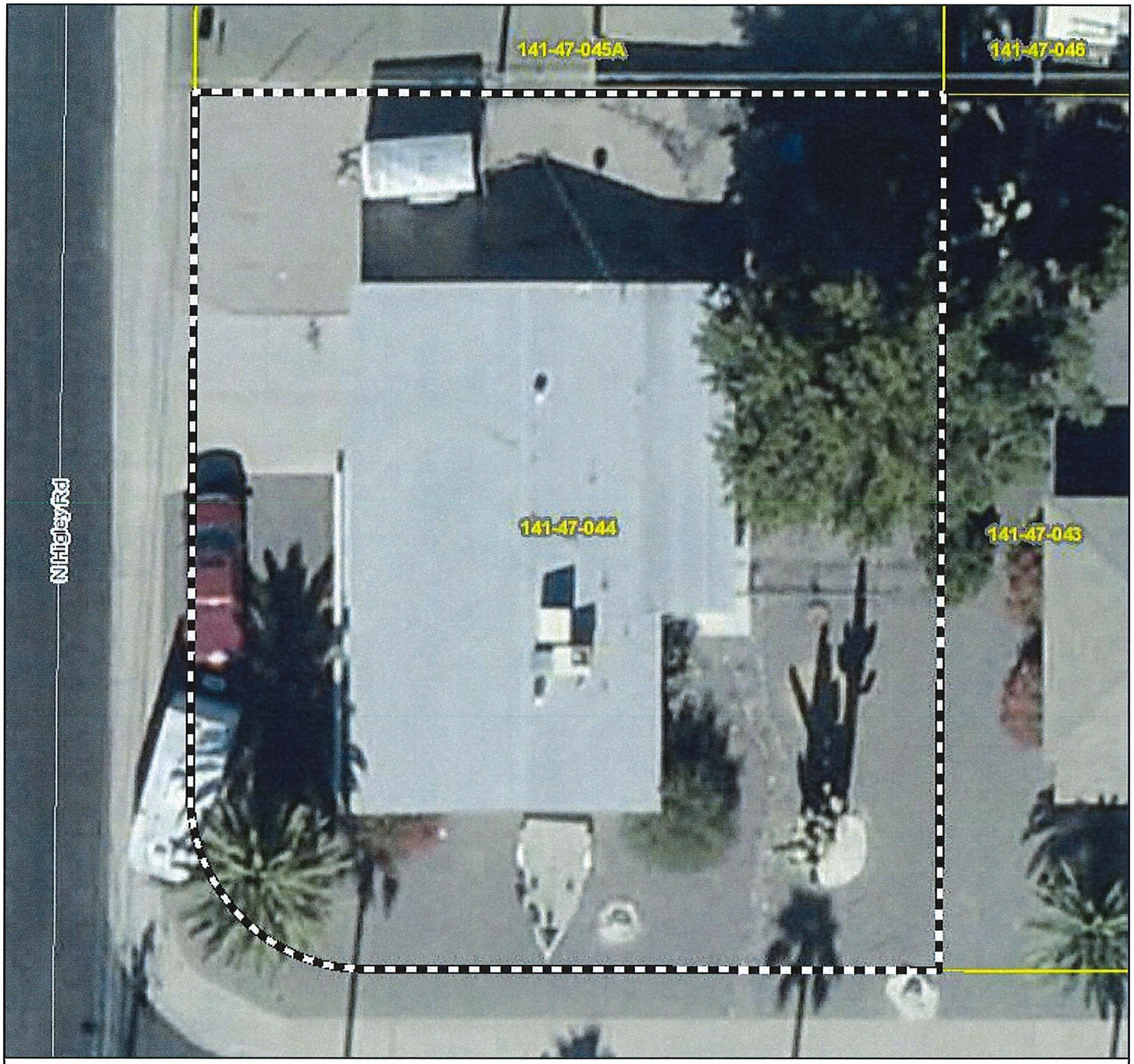
c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

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

Attachments: Case Map (1 page)
Application / Supplemental Questionnaire (6 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)

MARICOPA COUNTY

ONE STOP SHOP



Application Name: Reid Property		
Legal Description T01N R06E 014, T1 NORTH R6 EAST 16		
Applicant CHRIS STANFORD	**Applicant Phone/Email** 602.466.0959 CHRIS@STANFORDAZ.COM	**BA2020005**
Case Address 425 N HIGLEY Rd MESA AZ 85205	**Parcel Primary:** 141-47-044	
Generated March 2, 2020 08:25 AM	Gross Acres: 0.19 approx.	Map scale 1:247

Supervisor District No. 2

ADJUST SETBACKS TO ACCOMMODATE ADDITION

N
W E
S

Maricopa County Planning & Development - Phoenix, AZ

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? ☐ Yes ☒ No Is this Residential? ☒ Yes ☐ No

Please select the type of Board of Adjustment application from the checkboxes below.

☒ Residential Variance | ☐ Non-residential Variance | ☐ Interpretation | ☐ BA Blanket Variance

Is this subject property within an area of 15% or greater hillside slopes? Yes ☐ No ☒

REQUEST

Description of Request: ADD A 3RD BAY TO ACCOMODATE ADDITIONAL CAR STORAGE
Existing Use of Property: RESIDENTIAL HOME
Existing Zoning District: R1-6
Related Case Number(s): NONE

PROPERTY INFORMATION

Address (if known): 425 N. HIGLEY RD MESA
General Location (include nearest city/town): HIGLEY & CHILTON

Size in Acres: Square Feet: 2487
Legal Description: Section: Township: Range:
Assessor's Parcel Number: 141-47-044
Subdivision Name (if applicable): DREAMLAND VILLA 6

APPLICANT INFORMATION

Name: MOUNTAIN TOP BUILDERS, LLC Contact: CHRIS STANFORD
Address: 18211 N. SCOTTSDALE RD City: SCOTTSDALE State: AZ Zip: 85254
Phone #: 602 466 0259 Fax #: 1 888 327 9164
E-mail Address: CHRIS@STANFORD2.COM

PROPERTY OWNER INFORMATION

Name: JIM REID Contact: Jim Reid
Address: 745 N. GILBERT RD City: GILBERT State: AZ Zip: 85234
Phone #: 602-499-6041 Fax #:
E-mail Address:

PROPERTY OWNER AND APPLICANT AUTHORIZATION

I (property owner) Jim Reid authorize (applicant's name) CHRIS STANFORD to file this application and 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 the 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 respect to any action taken by Maricopa County as result of the filing of this application.

Property Owner Signature: Jim Reid Date: 1/7/20

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: Jim Reid Date: 1/7/20

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: Jim Reid Date: 1/7/20

Planning & Development Department

BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ONE STOP SHOP

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

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

February 1, 2020

Zoning Hearing Officer
Maricopa County Planning and Development Department
Address: 501 N 44th St # 200
Phoenix, AZ 85008

RE: Variance to Reduce Rear Yard Setback of 425 N Higley Road in Mesa, Arizona (APN : 141-47-044) from 25 Feet to 16 Feet

To Whom It May Concern,

We are pleased to submit for your consideration the enclosed variance request to reduce the rear yard setback of the above mentioned property nine feet, from 25 feet to 16 feet. The Reid family hopes to add a small addition to their home so they can accommodate Mrs. Reid's elderly parents. The proposed addition adds a bedroom and a bathroom for her parents, as well as a new kitchen where the family can prepare meals and spend time together. This variance is for the rear yard setback of 425 N Higley Road, on the north side of the property, as governed by Section 606.4.1 of the Maricopa County Zoning Ordinance.

This variance request to reduce the rear yard setback of 425 N Higley Road Mesa, Arizona 85205 from 25 feet to 16 feet satisfies the four variance criteria set forth by ARS §11-816.B.2 and the Maricopa County Planning and Development for the following reasons:

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 peculiar condition in this circumstance is caused by the non-conforming frontage orientation of the house. Because the home was addressed and designed off of Higley Road and not Cicero Street, the interior design of the house projects from west to east. The rear yard of 425 N Higley lies on the northern property line, but the practical rear yard of the home is on the eastern portion of the home. Although the rear yard is the northern property line by today's standards, the home was designed and built in 1965 clearly under the impression that the western lot line is the front yard. This can be seen in the attached pictures of the home; the garage door and front door face N Higley Road. Because of the corner lot orientation and the depth of the lot, the imposing rear yard setback on the north side of the lot represents an impractical hardship on the owner who is trying to modify his house to support his elderly family members.

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 unnecessary hardship in this case is caused by the applicant's inability to build a small addition because of the current R1-6 zoning standards and the orientation determination by the County. This hardship is caused by the imposed rear yard setback that does not take into consideration the original layout and design of the home, which faces N Higley Road. Because of this non-conforming layout, a reasonable addition to the home in an area where the house has extra space to expand, becomes impossible. The proposed addition makes the property more functional and adds value to the neighborhood. It is within the Reid family's reasonable rights to add a small addition their family. The rear yard setback impinges on their rights and ability to build this addition in a sensible location of their current existing home, the rear patio.

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.**

If the County were to grant this variance for a mere nine foot encroachment into the rear yard setback, there would be no adverse effect on the neighboring homes or on the neighborhood as a whole. The small addition to the home would increase the value of the house and thereby increase the property values of homes nearby. The proposed addition would place the 425 E Higley building line 16 feet from its northern property line. The northerly neighbor to 425 E Higley Road, 5201 E Covina Road, currently sits 17 feet from the property line as issue by way of a grandfathered non-conforming rear yard encroachment. If the proposed variance is granted, the distance between the home at 425 E Higley and the home at 5201 E Covina would be approximately 35 feet, a sufficient distance for one-story homes on corner lots.

The privacy rights of 5201 E Covina Road would not be hindered if this variance is proposed, as both homes are one-story tall and the homes are separated by a privacy fence. The northerly neighbor of 425 N Higley, the most effected neighbor by this variance, has voiced their support to this variance.

4. **Provide evidence of the ability and intention to proceed with construction work within 120days (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.**

If the County were to grant this variance, we would be able to submit our corrected redlines on permit number B2019090880 for the addition. We are ready to move on this project immediately. With permit in hand we would begin work in less than two weeks to allow the Reid family to spend more time Mrs. Reid's elderly parents.

We respectfully request the Zoning Hearing Officer and the Zoning Department staff find the above justifications in support of this request and approve this variance. Thank you for your time and consideration. We look forward to discussing this request with you in more detail at our scheduled hearing date. Please see the attached exhibits and feel free to contact me with any questions.

Sincerely,

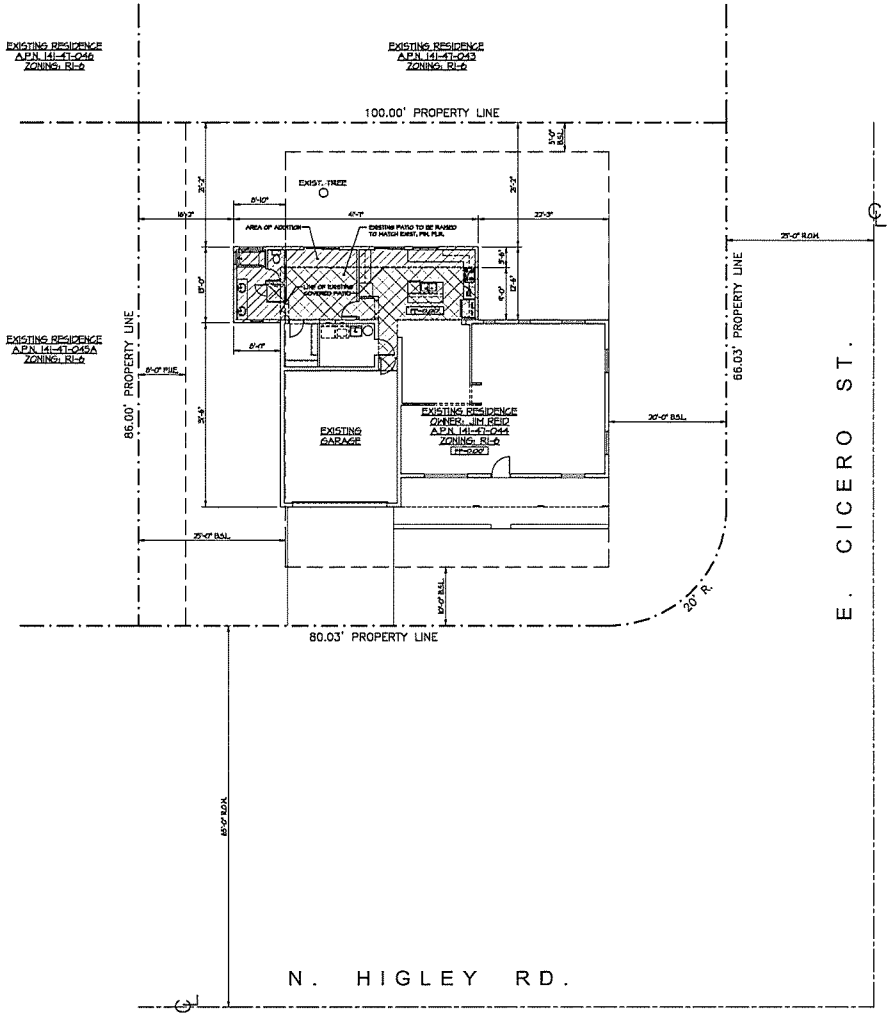
Chris Stanford
Mountain Top Builders, LLC

NOTE:

ALL RENDERINGS CONTAINED HEREIN HAVE BEEN PREPARED BY A DRAFTSMAN. IN THE EVENT ANY AREAS ARE QUESTIONABLE AS TO THE SPECIFICATIONS CONTAINED HEREIN, IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR OR HOMEOWNER TO CONSULT AN ENGINEER OR LICENSED ARCHITECT. GENERAL CONTRACTOR TO VERIFY ALL CRUCIAL MEASUREMENTS. DRAFTMANS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO NON-VERIFICATION OF MEASUREMENTS.

NOTE:

ALL MEASUREMENTS ARE TO BE FIELD VERIFIED PRIOR TO START OF CONSTRUCTION.



SITE PLAN

SCALE: 1" = 10'-0"

NORTH

GENERAL INFORMATION

1. CONTRACTOR MUST CHECK THE BUILDING SETBACK LINES AND THE BUILDING FOOTPRINT BEFORE DIGGING OR FRAMING FOR ANY CONCRETE WORK. NOTIFY THE DESIGNER IMMEDIATELY IF THERE IS ANY POSSIBILITY OF ENCROACHMENT.
2. ALL CONCRETE DRIVES AND SIDEWALKS ARE TO BE FREE FORMED IN THE FIELD AND APPROVED BY THE HOME OWNER.
3. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES.

AREA CALCS.

EXISTING HABITABLE SPACE	1,080 S.F.
NEW HABITABLE SPACE	582 S.F.
TOTAL HABITABLE SPACE	1,662 S.F.
EXISTING COVERED PATIO	171 S.F.
EXISTING GARAGE	472 S.F.
TOTAL ROOF AREA	2,311 S.F.
TOTAL ROOF AREA PERCENTAGE	27%

SITE DATA:	
A.P.N. #	141-47-044
ZONING	R1-6
CONSTRUCTION TYPE	V-B
OCCUPANCY TYPE	R-3, R-3U
LOT SIZE	8,601 S.F.

CUSICK ADDITION

A.P.N. 141-47-044
Lot 518 - Dreamland Villa 6
428 North Higley Road
Mesa, Arizona 85205

2190 east southern avenue
apache junction, az 85119
studio...480.386.7543
jmdesignllc@gmail.com

SITE PLAN

PLOT DATE: 1-29-20	
Rev.	DATE:
1	
2	
3	
4	

PLAN #

18119

SHEET NO.

A1

ARIZONA BLUE STAKE, INC.
ALL UTILITIES WITHIN ARIZONA
DIAL 811 or
602-263-1100
1-800-STAKE-IT
(NON-MEMBERS IDENTIFY)

811
Know what's below.
Call before you dig.

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 21st, 2020
Memo To:	Darren Gerard, AICP, Deputy Director, Department of Planning & Development
Attn:	Martin Martell, Planner, Planning & Development Services
From:	Jose Castaneda, Engineering Associate, Planning & Development Services
cc:	Michael Norris, P.E., Drainage Engineering Manager, Planning & Development Services
Subject:	BA2020005 – Residential Variance to adjust setbacks to accommodate addition.
Job Site Address:	425 N Higley Rd Mesa, 85205
APN(s):	141-47-044

Drainage has no objection to the residential variance to reduce the rear yard setback requirement for a R1-6 zoned lot; submittal date stamped February 19th, 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: February 20, 2020

TO : Martin Martell, Planning & Development Dept.
Planner

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

SUBJECT: Reduce rear yard setback. BA2020005

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 reduce rear yard setback at APN # 141-47-044. 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 February 20, 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:	BA2020007 – Davis Property
Hearing Date:	March 19, 2020
Supervisor District:	4

Applicant:	Kenneth C. Bartels
Property Owner:	Jeff and Donna Davis
Request:	**Variance to the development standards of the Maricopa County Zoning Ordinance to permit**: 1) Proposed rear (west) setback of 21-feet where 25-feet is the minimum permitted per MCZO Article 605.4.3
Site Location:	APN 232-17-256 @ 14503 W. Osprey Dr. – Osprey Dr. and White Rock Dr. in the Sun City West area
Site Size:	10,898 sq. ft.
Current Use / Zoning:	Single-family residence / R1–7 SC (Senior Community Overlay)
Open Violation:	N/A
Citizen Support/Opposition:	One (1) letter of support from Gerald Dahlke One (1) letter stating no concerns from Sun City HOA
Findings:	☒ **The request fails to meet the statutory test for variance approval**

Background:

1. **January 6, 1986:** The Board of Supervisors approve a zone change from Rural-43 to Single-Family Residential – 7,000 Square Feet per Dwelling Unit with a Senior Community overlay on 114.99 acres of land including the subject property.

2. **May 1, 1987**: Subdivision **310-35** (Sun City West 36) is approved by the Board of Supervisors.

3. **Circa 1988:** A single-family residence was built on the site based upon historical aerial photography.

4. **June 15, 2019:** A deed is recorded showing Jeff and Donna Davis as the current owner of the subject property.

5. **February 18, 2020:** An application for **BA2020007** is received.

Reviewing Agencies Comments:

6. **Engineering** (**Transportation, Drainage, and Flood Control**): No objection to the request, see attached memo dated February 27, 2020.

7. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated February 26, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

8.

On-site:	R1-7 SC / Single-family residence
North:	R1-7 SC / Single-family residence
South:	R1-7 SC / Single-family residence
East:	R1-7 SC / Single-family residence
West:	R1-7 SC / Single-family residence

Site Analysis:

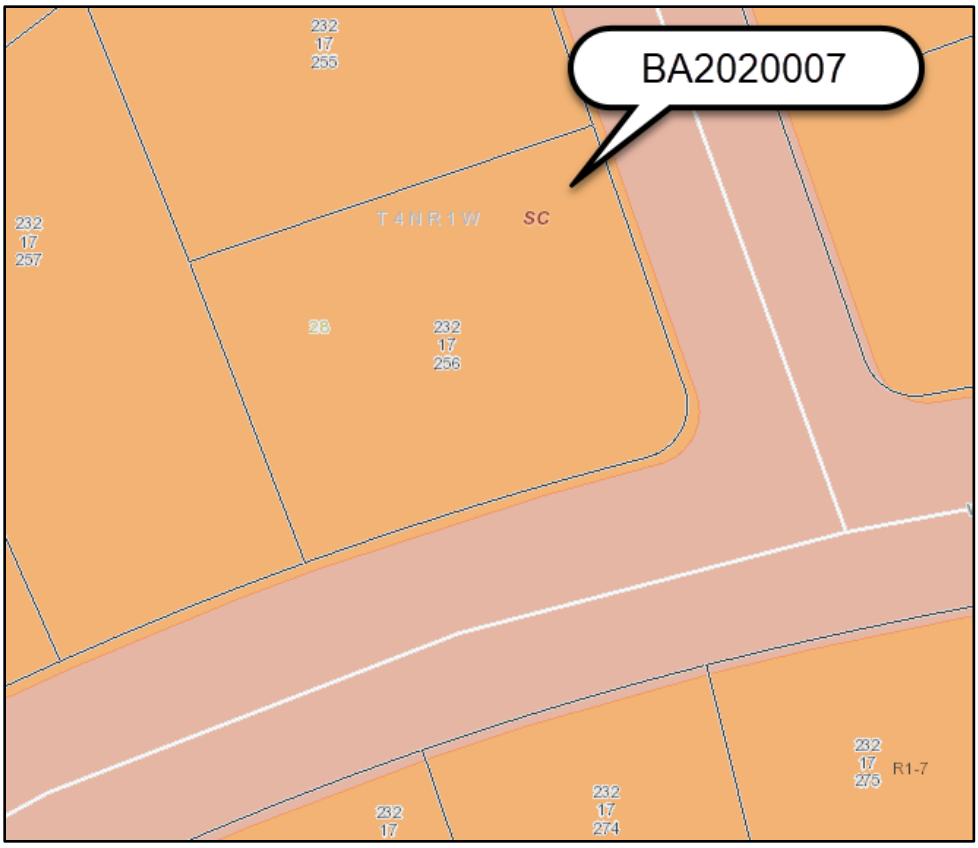
9. The subject site is a rectangular lot measuring approximately 92 feet in width and 113 feet in depth. The total area of the lot is approximately 10,898 square feet or 0.25 acres. Access to the site is available from Osprey Drive & White Rock Drive. The site has a relatively flat topography with a thick hedge of oleander bushes along the rear (west) property line.

10. There is one existing structure located on site: a residence. There are two outdoor patio areas. One patio located on the rear of the property and the other patio is located along the street side (White Rock Dr.) of the property. The proposed approximate lot coverage of the site (including the addition) is 3,160 square feet or 29%.

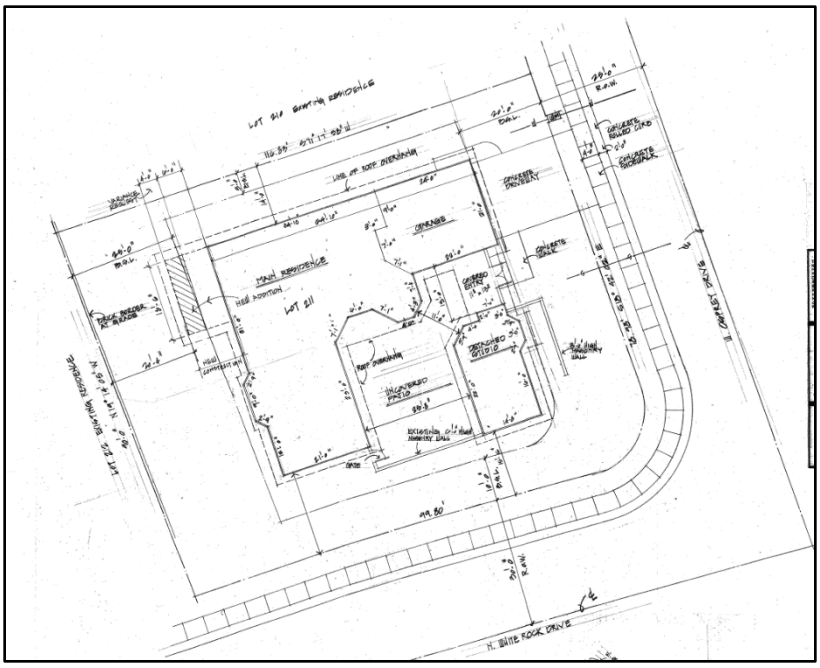
11. The requested variance is for the allowance of a rear (west property line) setback of 21 feet, where 25-feet is the minimum permitted per MCZO Article 605.4.3. The requested variance will allow for the building of an attached addition (library) along the rear of the house.

2019 Aerial Map and Surroundings

Zoning Map and Surroundings



Excerpt from the Proposed Site Plan



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	Single-Family Residential-7 Zoning District	Proposed Standard
Front Yard Setback	20-feet	n/a
Side Yard Setback	5-feet	n/a
Streetside Yard Setback	10-feet	n/a
Rear Yard Setback	25-feet	**21-feet**
Accessory Structure Setback	3-feet	n/a
Maximum Height	30-feet	n/a
Minimum Lot Area	7,000-sq. ft.	n/a
Minimum Lot Width	70-feet	n/a
Lot Coverage	45%	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:

13. **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.

"Lot 211 has one of the larger model homes on one of the smaller lots. It is a corner lot and has a larger side yard setback on North White Rock Drive and a rear yard which is also less than other lots with the same floor plan."

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.

    "The other lots in the same subdivision with the same model/floor plan are deeper with larger rear yards and would accommodate the 4'-0" deep expansion that the owner is requesting."

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.

    "The side yard setback in this subdivision is a minimum 5'-0". The rear yard of lot 211 will be 21'-0" from the property line common with the side yard lot 212. The approximate distance between residences will be 26'-0". The side yard setback on other side of lot 212 is approximately 17 feet to 18 feet between lot 212 and lot 213. The common property line between lot 211 and lot 212 also has a 12'-0" high oleander hedge visually separating the two properties. The applicant has also attached a letter from the owner/resident of lot 212 stating that the proposed expansion would not have a negative impact on this 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 requests is/are not related to a specific development proposal.

    "The owner has not submitted building plans as of this date but is prepared to submit construction documents for a permit within 3 weeks of approval of the variance. The construction for the addition should take 4 to six months to complete."

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 the peculiar condition / physical hardship is not self-created in the line of title in that **the applicant acquired this property in 2019, while the zoning has been present since 1986, the shape of the lot has been present since 1987 and form of the existing building has been present since 1988**.
- 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 addition in the area of the uncovered patio facing White Rock Dr.**, thus variance is not warranted.

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 March 4, 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) Failure to complete necessary construction within one year from the date of approval, shall negate the Board's approval.

d) 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 (5 pages)
Site Plan (1 page)
Engineering Comments (1 page)
MCESD Comments (1 page)
Sun City HOA Comments (1 page)
Support Letter (1 page)

MARICOPA COUNTY

Application Name: Davis Property

Legal Description
, T1W R04N 28

Applicant JEFF DAVIS	**Applicant Phone/Email** 623.444.6658 FORREST333@GMAIL.COM	**BA2020007**
Case Address 14503 W OSPREY Dr SUN CITY WEST AZ 85375	**Parcel Primary:** 232-17-256	
Generated March 4, 2020 09:12 AM	Gross Acres: 1 approx.	Map scale 1:343

Supervisor District No. 4

EXTEND BORDER 4FT LESS THAN 23 FT REQUIREMENT TO EXTEND LIBRARY

N
W E
S

Maricopa County Planning & Development - Phoenix, AZ

Planning & Development Department
VARIANCE / INTERPRETATION APPLICATION

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

ONE STOP SHOP

Is this Design Build? ☐ Yes ☐ No Is this Residential? ■ Yes ☐ No

Please select the type of Board of Adjustment application from the checkboxes below.

■ Residential Variance | ☐ Non-residential Variance | ☐ Interpretation | ☐ BA Blanket Variance

Is this subject property within an area of 15% or greater hillside slopes? Yes ☐ No ■

REQUEST

Description of Request: Encroach 4'-0" into rear ssetback
Existing Use of Property: Residence
Existing Zoning District: R1-7
Related Case Number(s): N/A

PROPERTY INFORMATION

Address (if known): 14503 West Osprey Drive, Sun City West Arizona 85375
General Location (include nearest city/town): Sun City West

Size in Acres: .25 Acres Square Feet: 10,898 SF
Legal Description: Section: 28 Township: 4N Range: 1W
Assessor's Parcel Number: 232-17-256
Subdivision Name (if applicable): Sun City West Unit 36

APPLICANT INFORMATION

Name: Ken Bartels Contact: Ken Bartels
Address: P.O. Box 45438
City: Phoenix State: AZ Zip: 85064
Phone #: 602 263 8488 Fax #:
E-mail Address: kcbainc@aol.com

PROPERTY OWNER INFORMATION

Name: Jeff and Donna Davis Contact: Donna Davis
Address: 14503 West Osprey Drive
City: Sun City West State: AZ Zip: 85375
Phone #: 1 925 852 3622 Fax #: 623 444 6658
E-mail Address: Forrest337@gmail.com

PROPERTY OWNER AND APPLICANT AUTHORIZATION

I **(property owner)** [signature] authorize **(applicant's name)** Ken Bartels 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: [signature] Date: 2/18/2020

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: Kenneth C. Bartels Date: 2/18/2020

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: [signature] Date: 2/18/2020

BA 2020007

RECEIVED FEB 2 5 2020

RECEIVED FEB 2 5 2020

DA 2020007

Planning & Development Department

ONE STOP SHOP

BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816 B.2

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Lot 211 has one of the larger model homes on one of the smaller lots. It is a corner lot and has a larger side yard setback on North White Rock Drive and a rear yard which is also less than other lots with the same floor plan.

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 other lots in the same subdivision with the same model/floor plan are deeper with larger rear yards and would accommodate the 4'-0" deep expansion that the owner is requesting.

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 side yard setback in this subdivision is a minimum 5'-0". The rear yard of lot 211 will be 21'-0" from the property line common with the side yard lot 212. The approximate distance between residences will be 26'-0". The side yard setback on other side of lot 212 is approximately 17 feet to 18 feet between lot 212 and lot 213. The common property line between lot 211 and lot 212 also has a 12'-0" high oleander hedge visually separating the two properties. The applicant has also attached a letter from the owner/resident of lot 212 stating that the proposed expansion would not have a negative impact on his property.

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*Additional sheets may be attached.

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

BA2020007

RECEIVED FEB 2 5 2020

Additional Supplemental Information:

My wife and I purchased the home at 14503 West Osprey Drive, Sun City West, AZ 85375 in June 2019. We have renovated the entire inside (i.e. new cabinets in the kitchen, laundry room, and bathrooms, as well as new flooring throughout the home), and desire to construct an extension for a library. The county regulations call for a 25 foot distance from the end of the existing construction on the side of the house to the border separating our home from our neighbor's side yard. My wife and I are avid readers and we have collected a library full for research as well as casual reading, we desire to extend the side of our home 4 feet to construct a library which would make the distance to the border with our neighbor 21 feet rather than 25 feet. Our home is of unique construction. Our backyard is adjacent to the side yard of Mr. Dalke. Mr. Dalke has signed a release (enclosed) stating he has no issue with our request. There is a line of thick brush along the border between our back yard and Mr. Dalke's side yard which will continue to provide privacy to both parties. The hardship my wife and I face is due to the construction of the home vs the land it resides upon. Our neighbors' back yards all along Osprey Drive have a depth far greater than 25 feet. However, as we have a courtyard with a cassita, a good deal of our available land use is the courtyard area between the cassita and the main house. We are on a corner lot with our back yard facing our neighbor's side yard (Mr. Dalke). From the vantage point of the courtyard area, all doors from the main house open to the courtyard. Accordingly, should we construct the extension from the courtyard rather than the proposed location, the cost for the extension would be severely prohibitable and would prove a financial hardship. The lot is a corner lot and therefore has greater setbacks than the other lots in the subdivision with a similar model/floor plan (see attached aerial photos of lots 272, 280 and 282). Lots 272 and 280 are 7'0" to 8'0" longer than lot 211 which would accommodate the requested 4'0" expansion into the rear yard. As Mr. Dalke has agreed to the extension, as existing privacy would not be compromised by the construction of the extension, and as the 4 foot extension would fail to cause any hardship for Mr. Dalke, my wife and I

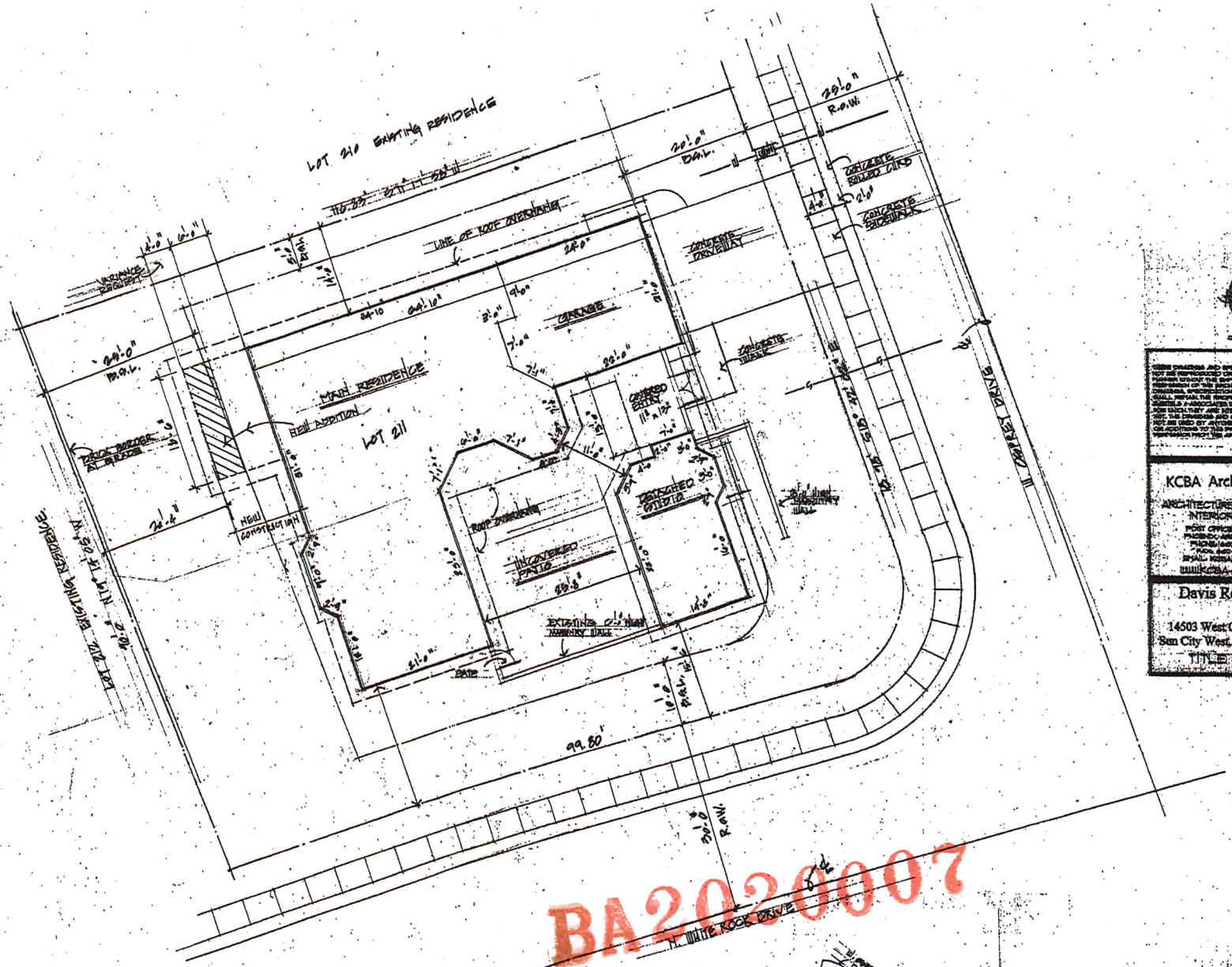
request that our application for a variance be given all possible consideration.

My wife and I have hired a contractor for the extension (Kevin Sanders), who has been renovating our home for the past several months. He has constructed a temporary wall which cuts our living room in half in preparation of the demolition he intends to complete in order to connect the extension to the other half of the living room. The proposed timeline for the completion of the requested extension is 4-6 months from the time the proposal is approved. Photographs are provided. We have retained an architect (Kenneth Bartels) for the planning of the extension (drawings as provided). As of today, no permits have been filed, although the intention is to file for permits as soon as the requested variance is approved.

PROJECT DATA

Project Address	14503 West Osprey Drive Sun City West, Arizona 85375
Owner	Jeffrey F. and Donna A. Davis 14503 West Osprey Drive Sun City West Arizona 85375 925 852 3622
Lot No.	211
A.P.N.	232-17-256
Occupancy	R1-6
Building Type	VN
Zoning	R1-7
Lot Area	10,898 SF

Building Area	Existing Livable	1,786 SF
	Existing Detached	410 SF
	New Livable	180 SF
	Total New Livable	2,376 SF
	Remodeled Area	144 SF
	Existing covered Entry	96 SF
	Existing Covered Patios	160 SF
	Existing Garage	528 SF
	Total Footprint	3,160 SF
Building Height	Actual 18'-0"	Allowable 30'-0"
Number of Stories	One	
Lot coverage	Allowable 45%	4,904 SF
	Actual 29%	3,160 SF
Setbacks	Front 20'-0"	
	Rear 25'-0"	
	Street Side 10'-0"	
	Side 10'-0"	
Legal Description	Sun City West 36 Lot 1 - 315 Tr A-d Subdivision Maricopa County Records, Maricopa County Arizona MCR 31035	
Energy Compliance	All modifications to the building envelope must comply with the following fenestration = .40 max u-factor, 0.25 max SHGC Minimum R-13 at frame walls and floors, R-6 at mass walls, R-38 at ceilings. Duct insulation requires a minimum of R-6. Minimize air leakage per 2012 IRC N1102.4	



BA2020007

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KCBA Architecture

ARCHITECTURE PLANNING INTERIOR DESIGN

POST OFFICE BOX 18-456
PHOENIX, ARIZONA 85064
PHONE: (602) 265-8488
FAX: (602) 265-8489
EMAIL: KCBA@COX.NET
WWW.KCBA-ARCH.COM

Davis Renovation

14503 West Osprey Drive
Sun City West, Arizona 85375

TITLE SHEET

SHEET

SP1

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 27th, 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:	BA200007 – Residential Variance Variance to allow a reduction of the rear yard setback
Job Site Address:	14503 W Osprey Dr, Sun City West 85375
APN(s):	232-17-256

Drainage has no objection to the residential variance to reduce the required rear yard setback on the subject R1-7 residential zoned lot.

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: February 26, 2020

TO : Adam Cannon, Planning & Development Dept.
Planner

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

SUBJECT: Reduce site yard setback. BA2020007

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 reduce site yard setback at APN # 232-17-256. 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 February 26, 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.

SUN CITY WEST

R.C.S.C.W

19803 N R.H. Blvd

Sun City West, AZ 85375

February 25, 2020

To whom it may concern:

The property owners at 14503 have requested to build in the 25' building setback, set by Maricopa County. The R.C.S.C.W expresses that they are not responsible for any rulings made by Maricopa County in this matter. We do however accept the ruling made by Maricopa County, and the neighbors signed agreement. This does not mean that all homeowners in Sun City West will be allowed to make the same type of adjustments to their property. This is strictly a case by case situation.

PORA is no longer involved in any CC&R decisions.

Regards,

James Riley

BA2020007

RECEIVED FEB 25 2020

January 28, 2020

Mr. Gerald Dalke
19830 North White Rock Drive
Sun City West, AZ 85375

To Whom It May Concern:

This letter is to stipulate that as the resident whose property is adjacent to that of Jeffrey and Donna Davis (at 14503 West Osprey Drive, Sun City West, AZ 85375), and whose side yard borders that of the Davis' property, that I do not have an issue with the Davis' desire to construct an addition to their home that will extend to within 19 to 21 feet from the adjoining border.

Their desire is to construct an addition (a library) that will be in violation of Maricopa County's rule stating that there must be a minimum of 25 feet from the end of a permanent structure of the house to the back border separating the the two homes.

My side yard is separated by the border of the Davis family back yard, with most of the border separating the two homes covered in a high bush area, which also provides privacy for the two homes in question.

Accordingly, as I stated earlier, I have no issue with the Davis family desiring to construct an extension to their home as it shall not infringe on my property and the privacy accorded by the bushes remains in place.

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

Sincerely,

Gerald Dalke

Gerald Dalke

Cc: Jeff & Donna Davis

BA2020007

RECEIVED 18 FEB 2020

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case:	BA2020008 – Rahman/Islam Property
Hearing Date:	March 19, 2020
Supervisor District:	1

Applicant:	Mizan Rahman
Property Owners:	Mizan Rahman and Naila Islam
Request:	**Variance to the development standard of the Maricopa County Zoning Ordinance (MCZO) to permit**: 1) Proposed lot widths of 135' where 145' is the minimum permitted per MCZO Article 503.5.2
Site Location:	APN 303-54-954 @ 24430 S. Cooper Rd. – South of Cooper Rd. and Cloud Rd. in the Chandler area
Site Size:	90,653 sq. ft. (2.08 acres)
Current Use / Zoning:	Single-family residence / Rural-43
Open Violation:	**No Violation on property**
Citizen Support/Opposition:	1 email of opposition, 1 email of support
Findings:	☒ **The request fails to meet the statutory test for variance approval**

Background:

1. **January 14, 2020:** The current owner took possession of the subject property via Warranty Deed under MC Recording # 20200034135.

2. **February 18, 2020:** The applicant submitted for the subject Variance request.

3. **March 3, 2020:** The applicant re-submitted their request to staff after discussion. They omitted their request for deviations from minimum side-yard setback requirements for the resulting southern parcel after the proposed parcel split.

Reviewing Agencies Comments:

4. **Engineering** (**Transportation, Drainage, and Flood Control**): No objection to the request, see attached memo dated February 28, 2020.

5. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated February 20, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

6.

On-site:	Rural-43 / Single-family residence
North:	Rural-43 / Single-family residences
South:	Rural-43 / Single-family residences
East:	Cooper Rd. then PAD (City of Chandler)/ Single-family residences
West:	Rural-43 / Single-family residence

Site Analysis:

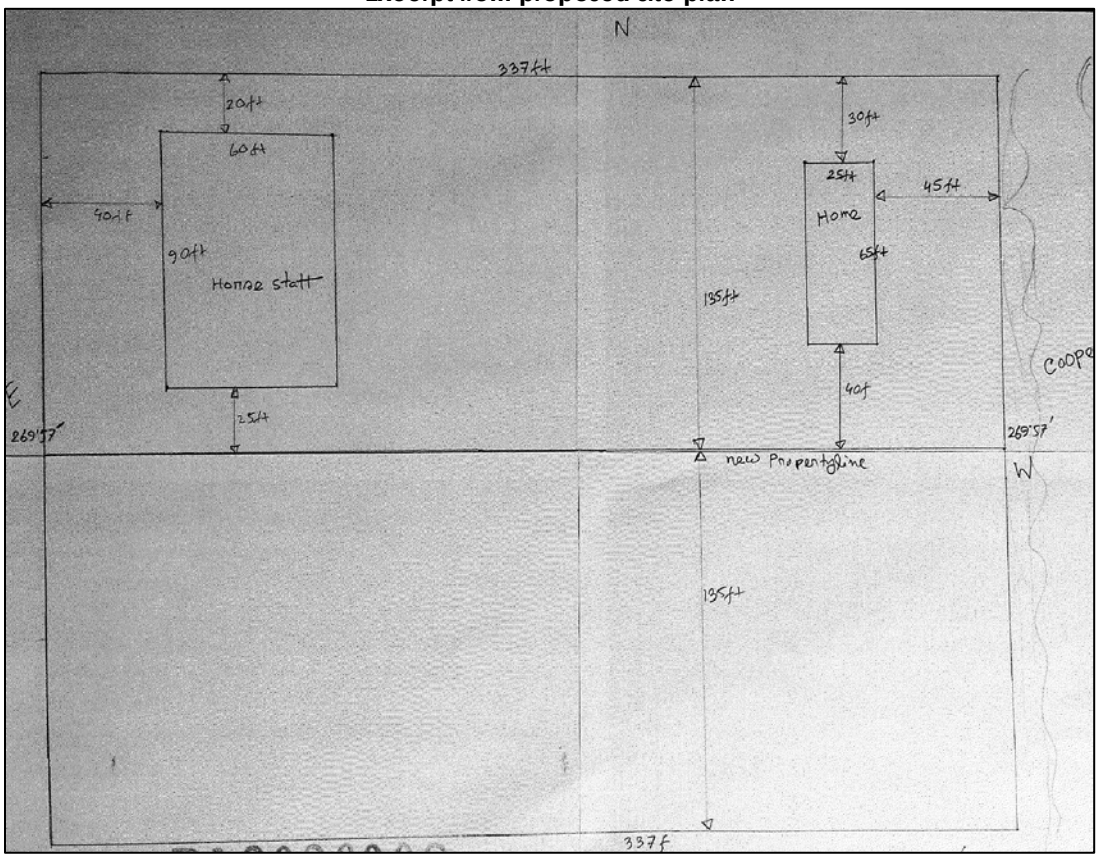
7. The subject site currently meets the minimum requirements for the Rural-43 zoning district. There is an existing residence and horse stalls structure located on the north side of the property. According to the provided site plan exhibit by the applicant, these structures meet the minimum setback requirements as well. Historical aerials show that the home has existing since at least 1986 and the horse stalls structure has been there since at least 1996. Access to the site is from Cooper Rd. via single access driveway.

8. The applicant is proposing to split the parcel into two separate parcels. According to the site plan exhibit, the resulting parcels would be approximately 337'x 135' or approximately 1.04 acres each. The resulting parcels would not be able to meet the minimum lot width of 145' required with the Rural-43 zoning district per MCZO Article 503.5.2.

9. The City of Chandler has provided an opposition email (attached). They were opposed to the request for minimum side-yard setback reductions. The applicant has since removed this request and the City of Chandler has expressed their indifference regarding the minimum lot width variance request. The applicant also forwarded an email of support from an apparent neighbor. This email is also attached.

2019 Aerial photo of subject site & surrounding environs

Excerpt from proposed site plan



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

Standard	Rural-43 Zoning District	Proposed Standard
Minimum Lot Width	145'	**135'**

Note: Standard indicated in **bold** does 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:

11. **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.

    There is over two acres in the parcel 303-54-954 (90,663sf). Currently a smaller house (build in 1930) present in the North side of the property and there is a horse stall too. As the property is more than two acres, we are intending to split the parcel 303-54-954 into two parcels with 1 acre each. Only issue we have is that lot width for the new lots will be 135ft each instead of standard 145ft.

12. **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.

    Only hardship we have spiting the property is that total width is around 270ft. Our new two 1 acre parcels will have lot width of 135ft instead of 145ft.

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.

    RU43 has the general requirements of having one acres on each parcel. We are satisfying the that requirements, just we have hardship of lot width (135ft instead of 145ft).

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 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.

There is no permit requirements. We will use a surveyor to generate a new legal description and map and record that to the county once we have the variance for lot width.

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 failed to demonstrate that there is a peculiar condition facing the property because the current parcel and existing development meets the Rural-43 development standard requirements.
    - 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 keeping the parcel as is. The current single 2-acre parcel is developed with a single-family residence. It might be difficult for the owner to obtain more land to the north or south of the subject lot to meet the minimum lot width since there are structures in the way and by doing this, it could create zoning issues for the adjacent parcels. The fact is that splitting this lot would be a self-created hardship, thus a variance is not warranted.

16. 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:

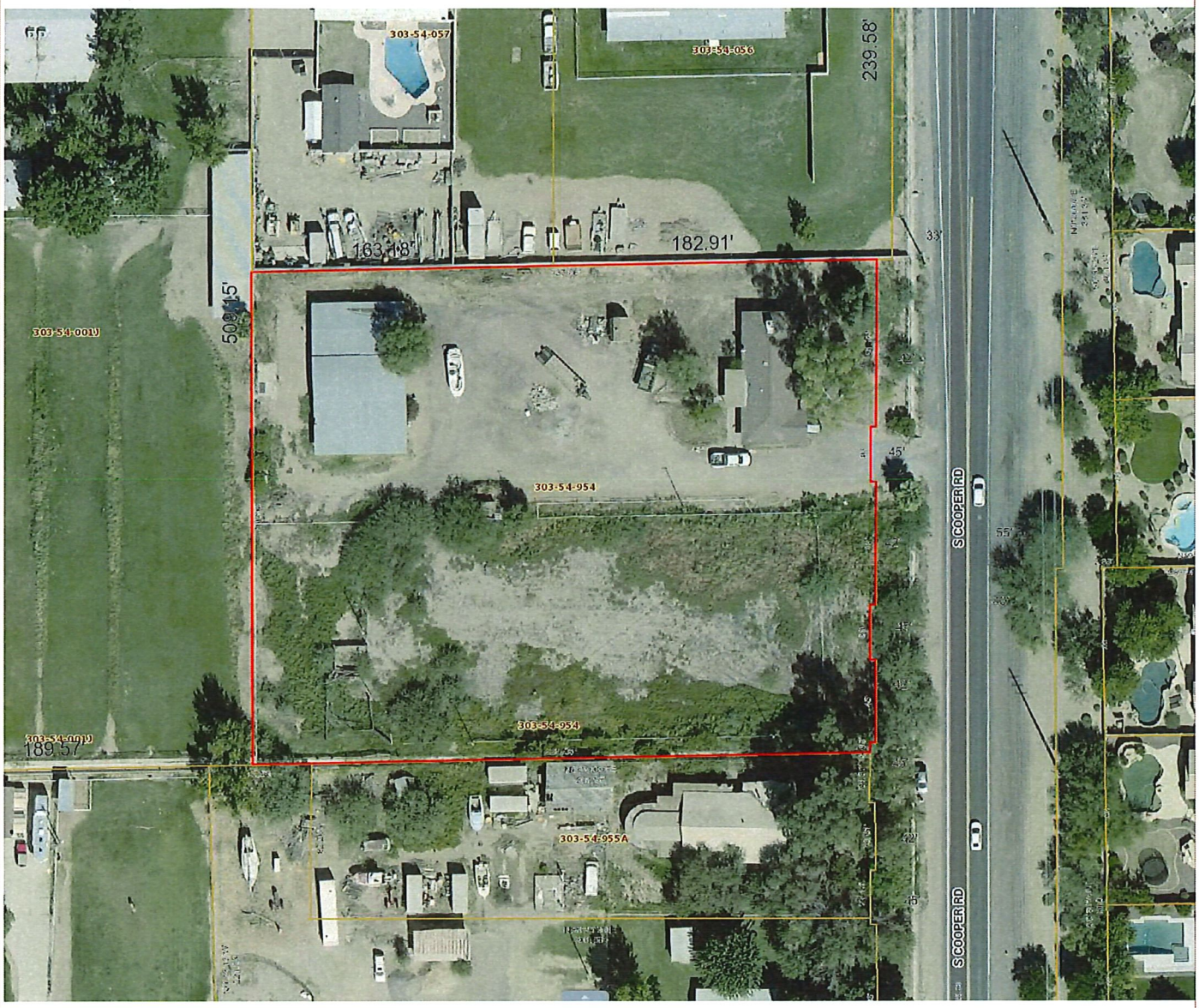
    a) General compliance with the site plan stamped received March 3, 2020.

    b) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Presented by: Ray Banker, 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)
City of Chandler Opposition Email (1 page)
Email of Support (1 page)

MARICOPA COUNTY



Date: 3/4/2020 Legal Description: T2S, R5E, Section 26

Applicant: Mizan Rahman Phone: 623-505-8236

Case Address: 24430 S. Cooper Rd. Parcel: 303-54-954

BA2020008
Aerial Date: 2019

SUPERVISORAL DISTRICT NO 1

Variance to reduce the minimum lot widths from 145' to 135' in the Rural-43 zoning district

Planning & Development Department
VARIANCE / INTERPRETATION APPLICATION

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

Is this Design Build? ☐ Yes ☐ No Is this Residential? ☒ Yes ☐ No

Please select the type of Board of Adjustment application from the checkboxes below.

☒ Residential Variance | ☐ Non-residential Variance | ☐ Interpretation | ☐ BA Blanket Variance

Is this subject property within an area of 15% or greater hillside slopes? Yes ☐ No ☐

REQUEST

Description of Request: Splitting a parcel into two parcels with smaller lot width in RU-43 zoning
Existing Use of Property: Residential
Existing Zoning District: RU-43
Related Case Number(s):

PROPERTY INFORMATION

Address (if known): 24430 S Cooper Rd, Chandler, AZ 85249
General Location (include nearest city/town): Cooper and Chandler Height Cross section, Chandler, AZ

Size in Acres: 2 acres Square Feet: 90,653
Legal Description: Section: 2S Township: 5E Range: 26
Assessor's Parcel Number: 303-54-954
Subdivision Name (if applicable):

APPLICANT INFORMATION

Name: Mizan Rahman Contact: 623-505-8236
Address: 1911 E Horseshoe Dr
City: Chandler State: AZ Zip: 85249
Phone #: 623-505-8236 Fax #:
E-mail Address: mizan.muhammad.rahman@gmail.com

PROPERTY OWNER INFORMATION

Name: Mizan Rahman and Naila Islam Contact: 623-505-8236
Address: 1911 E Horseshoe Dr
City: Chandler State: AZ Zip: 85249
Phone #: 623-505-8236 Fax #:
E-mail Address: mizan.muhammad.rahman@gmail.com

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.§1§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: MRahman Date: 3-3-2020

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: MRahman Date: 3-3-2020

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: MRahman Date: 3-3-2020

BA2020008 RECEIVED 03 MAR 2020

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.

There is over two acres in the parcel 303-54-954 (90,663sf). Currently a smaller house (build in 1930) present in the North side of the property and there is a horse stall too. As the property is more than two acres, we are intending to split the parcel 303-54-954 into two parcels with 1 acre each. Only issue we have is that lot width for the new lots will be 135ft each instead of standard 145ft.

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.

Only hardship we have spiting the property is that total width is around 270ft. Our new two 1 acre parcels will have lot width of 135ft instead of 145ft.

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.

RU43 has the general requirements of having one acres on each parcel. We are satisfying the that requirements, just we have hardship of lot width (135ft instead of 145ft).

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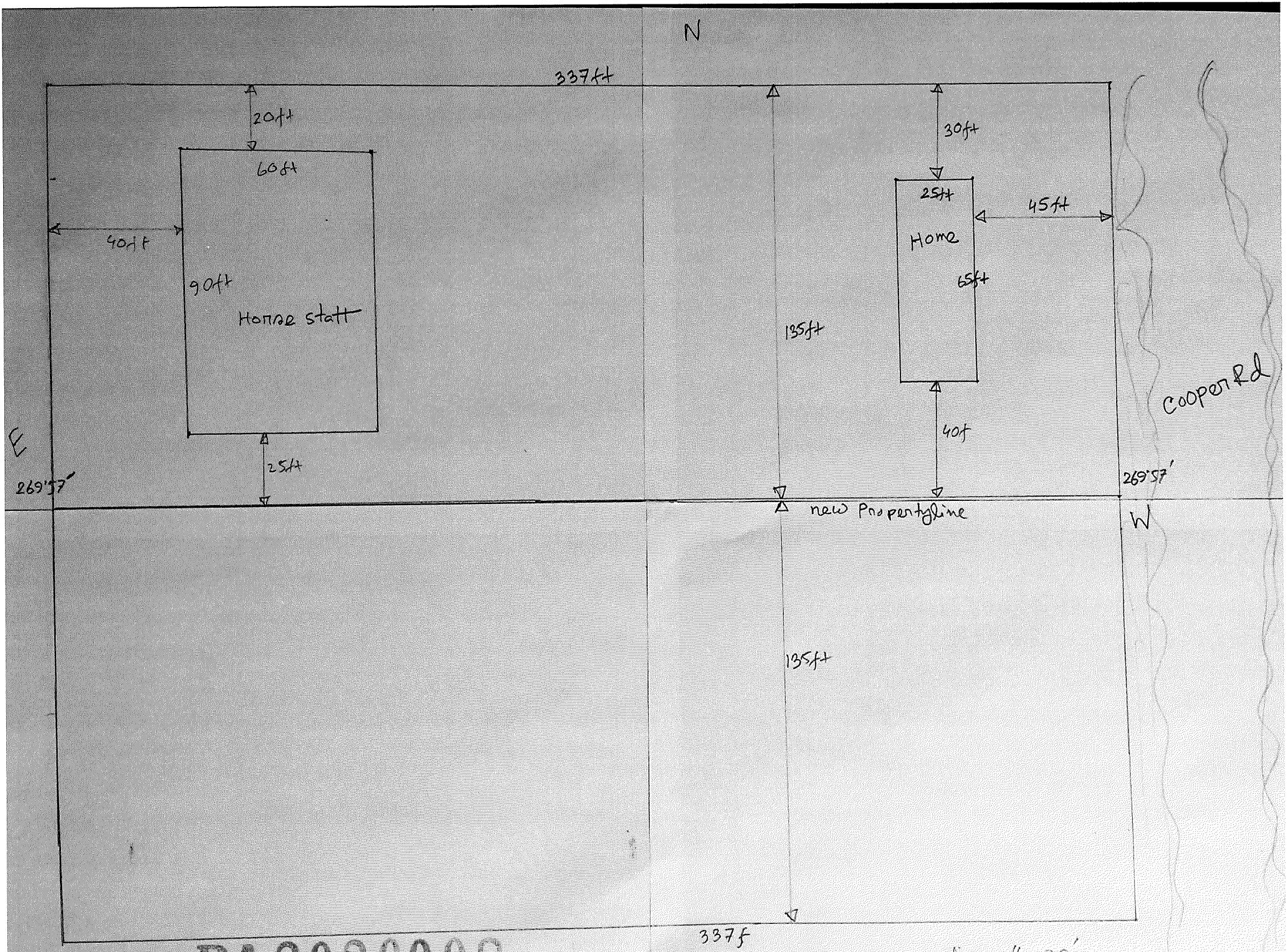
BA2020008

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.

There is no permit requirements. We will use a surveyor to generate a new lega description and map and record that to the county once we have the variance for lot width.

*Additional sheets may be attached.

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



BA2020008

RECEIVED 03-MAR 2020

Scale 1" = 20'

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 28th, 2020
Memo To:	Darren Gerard, AICP, Deputy Director, Department of Planning & Development
Attn:	Raymond Banker, Planner, Planning & Development Services
From:	Jose Castaneda, Engineering Associate, Planning & Development Services
Cc:	Michael Norris, P.E., Drainage Engineering Manager, Planning & Development Services
Subject:	BA2020008 – Residential Variance Variance to allow smaller lot width and setbacks in RU-43 zoning.
Job Site Address:	24430 S Cooper Rd, Chandler 85249
APN(s):	303-54-954

Drainage has no objection to the residential variance of reducing the required lot width and yard setback requirement for an RU-43 zoned lot; submittal date stamped February 18th, 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: February 20, 2020

TO : Ray Banker, Planning & Development Dept.
Planner

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

SUBJECT: Reduce lots width. BA2020008

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 reduce lots width at APN # 303-54-954. Water and sewer service will be not impacted. MCESD has no concern. If there is existing septic system to straddle the new split line then this action must be denied.

Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on February 20, 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.

Ray Banker (PND)

Subject: RE: New Variance Request: BA2020008

From: Lauren.Schumann@chandleraz.gov <Lauren.Schumann@chandleraz.gov>
Sent: Friday, February 28, 2020 3:28 PM
To: Ray Banker (PND) <Ray.Banker@Maricopa.Gov>
Cc: Zachary.Werdean@chandleraz.gov; Benjamin.Cereceres@chandleraz.gov
Subject: Re: New Variance Request: BA2020008

Good Afternoon Ray,

City of Chandler (COC) has reviewed the request for a Variance for a property located within Maricopa County. If this application was filed with the COC, staff would make a recommendation of denial as it's not meeting the Arizona State Statutes, which requires three conditions exist on the subject property.

1. What special circumstance or condition occurs on the property that refer to the land, building, or use. Special circumstances or conditions would include for example: an unusual lot size, shape, or topography. This condition is considered a property hardship and must be a condition relating to the property that is so unique it cannot be replicated on any other similar zoned lot. The special circumstance or condition was not created by the applicant, owner, or previous owner of the property. The property hardship cannot be self-imposed.
2. The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights. In other words, without granting of a variance the property cannot be reasonably used. There is no cause for a variance if the property can be reasonable used, even if it is in a manner other than that desired by the owner or applicant.
3. The authorization of a variance will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general. A variance which will not be compatible with the surrounding development or will create an adverse impact on other properties cannot be approved.

We would recommend denial for the reduction in setbacks as a special circumstance does not occur on the property. The north lot is proposing side yard setbacks of 30 and 40 feet, but only required to maintain thirty (30) feet. The property line can be adjusted ten feet to the north maintaining both required building setbacks and maintaining minimum lot size (an acre) for each property. As for the Variance for reduction to the required 145 foot width of each lot, we are indifferent to that outcome.

Since the property is within our boundaries, it may be annexed into Chandler's jurisdiction at a later date. Therefore, we would strongly encourage not approving the variance to reduce building setbacks, as the property line can be adjusted to meet setbacks on both lots.

If you have questions or concerns, do not hesitate to ask. Thank you for taking our comments into consideration.

Lauren Schumann
Senior City Planner, City of Chandler Planning Division
215 E. Buffalo St.
Chandler, AZ 85225
(480) 782-3156

Ray Banker (PND)

From: Mizan Rahman <mizan.muhammad.rahman@gmail.com>
Sent: Tuesday, March 3, 2020 9:38 AM
To: Ray Banker (PND)
Subject: Fwd: Sign out front

Follow Up Flag: Follow up
Flag Status: Flagged

FYI...

---------- Forwarded message ---------
From: **Ken McAlister** <kenmcalister@gmail.com>
Date: Mon, Mar 2, 2020 at 9:46 AM
Subject: Sign out front
To: <mizan.muhammad.rahman@gmail.com>

Mizan Rahman,
I drove by this morning and saw your posted sign out front.
I requested the documents from the county for your requested zoning application to split the parcel. I live around the corner from you and if you have any issues with pushing this through the county and need a letter in support from a neighbor please reach out to me. Sometimes the county can be difficult to work with.

Ken

--

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case:	BA2020009 – McAllister Property
Hearing Date:	March 19, 2020
Supervisor District:	4
Applicant/Owner:	Francis & Trina McAllister
Request:	**Variance to the development standard of the Maricopa Zoning Ordinance to permit**: 1) Proposed casita street side (north) setback of 25' where 45' is the minimum permitted per MCZO Article 1105.1.5.
Site Location:	APN 304-82-470B @ 24408 S. 140th Way – Cloud Rd. & Lindsey Rd., in the Queen Creek area
Site Size:	87,195 sq. ft.
Current Use / Zoning:	Single-family residence / Rural-43
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. **May 14, 2003**: The subject site was part of a record of survey minor land division. (see attachments)

2. **October 14, 2008**: A corrective split and combine of parent parcels 304-82-465A & 304-82-470A created 304-82-465B, 304-82-470C and subject parcel **304-82-470B**.

3. **April 25, 2014**: The current owner took possession of the subject property via warranty deed under docket **20140268802**.

4. **Circa 2015**: A 2,262 sq.-ft. barn was constructed at the southwest side property boundary, without benefit of permit or required inspections.

5. **June 19, 2015:** Permits **B201502222**, **2223, 2224** and **B201502546** were submitted for the residence, pool, pool barrier and above ground propane tank. The permits are all in final status.

6. **December 10, 2019:** Building permit **B201911579** was submitted for the related variance request, which includes the unpermitted barn.

Reviewing Agencies Comments:

7. **Engineering** (**Transportation, Drainage, and Flood Control**): No objection to the request, see attached memo dated February 21, 2020.

8. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated February 28, 2020.

Existing On-Site and Surrounding Zoning/Land Use:

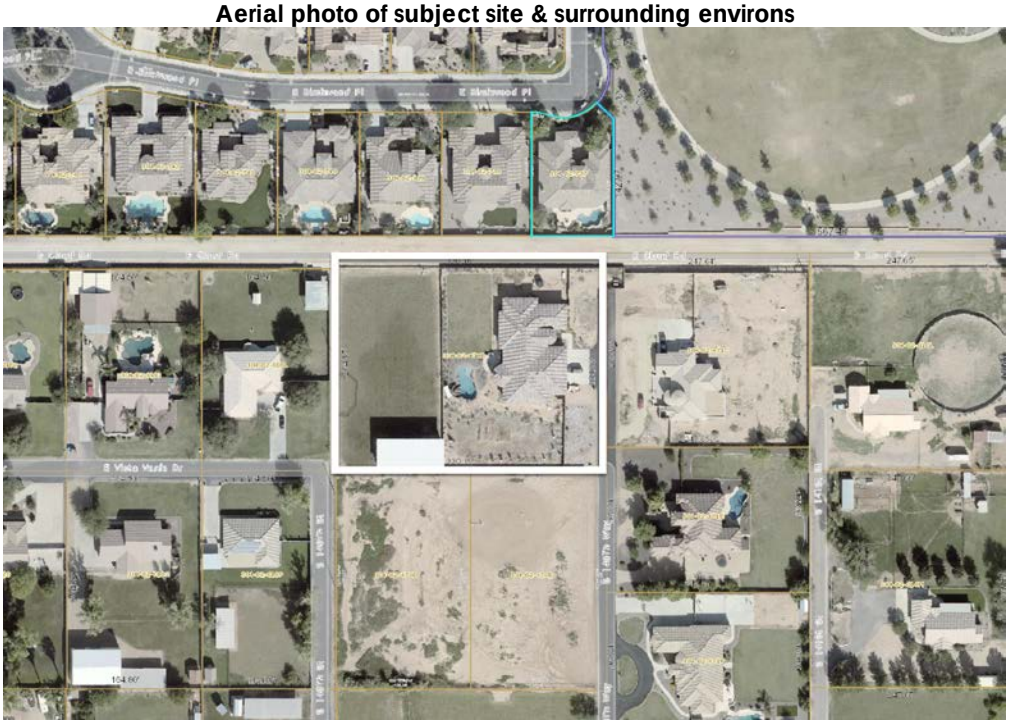
9.

On-site:	Rural-43 /Single-family residence
North:	Cloud Rd. then PAD Chandler /Single-family residence
South:	Rural-43 /Vacant
East:	Rural-43 /Single-family residence
West:	Rural-43 /Single family residence

Site Analysis:

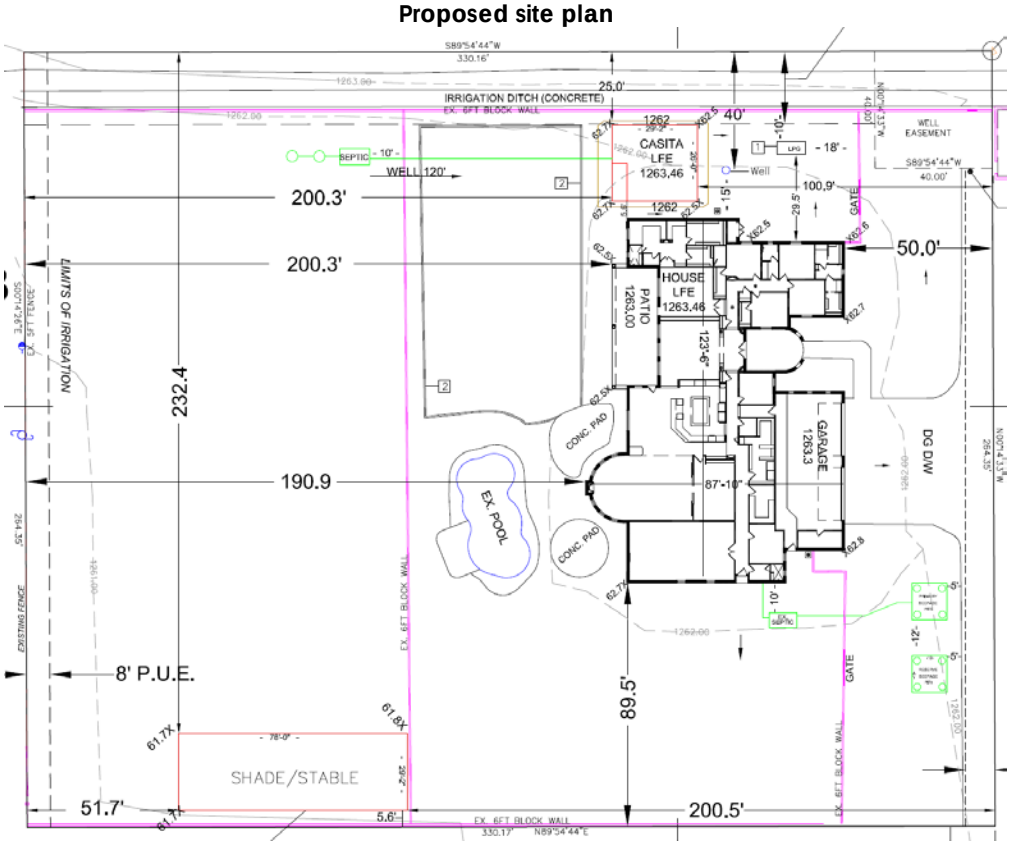
10. The site location is approximately ½ mile west of the southeast corner of Lindsey and Cloud Rd. The subject site is on the south of Cloud Rd. across from the San Sebastian at Valencia 2 subdivision in the City of Chandler. The site is the result of corrective splitting and combine. The property is comprised of a 6,635 sq. ft. single-family residence, a barn and pool. The site is a rectangular 87,195 sq. ft. lot surrounded southeast and west by similar lots. North, across Cloud Rd. alignment is the San Sebastian at Valencia 2 subdivision in the City of Chandler. No flora was noted in the aerials on the site. The site topography is flat with the back yard west of the residence, a large horse turnout with a shade structure to the west (rear) yard at the rear of the residence, and is otherwise unremarkable.

Aerial photo of subject site & surrounding environs



Aerial photo of subject site

Proposed site plan



11. The proposal requires placing an (1263.46 sq. ft.) accessory dwelling (casita) 25-feet in the side yard where 45-feet is required setback for the zoning district. The request entails the 20-foot street-side frontage setback, the 25-feet easement for an accessory structure, which makes up the 45-feet. The proposed structure will be setback zero-feet (0') from the edge of the 25' ingress/egress easement along the north lot line. The applicant states the position of the proposed structure is required because the relative requires close proximity to the single-family residence.

12. There are no peculiar conditions presenting a physical or topographical hardship. In considering this request, staff took into consideration a clear lack of peculiar conditions that may present a hardship. Viable alternatives exist where the proposal could be built. Construction to the southwest or south of the residence without encroaching into the setbacks are two examples. Staff is not in support of the proposal.

13. Along and parallel to the north property line is a canal/irrigation ditch south of the Cloud Rd. roadway easement. This roadway easement services the six other properties west of the subject site and then dead ends at the Mesquite Grove Estates Subdivision most eastern boundary, located in Chandler jurisdiction.

14. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the owner Substantial area is available elsewhere wherein a detached

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	50-feet
Rear Yard Setback	40-feet	200.25-feet
Street Side Setback (north)	45-feet	**25-feet**
Side Yard Setback (south)	30-feet	89.5-feet
Maximum Height	30-feet	n/a
Minimum Lot Area	43,560-sq. ft.	87, 175-sq. ft.
Minimum Lot Width	145-feet	236-feet
Lot Coverage	25%	11.7%

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.

"This variance request is for an accessory structure to house aging parents who cannot afford senior living housing. The placement of this structure is designed to 1) a short and safe walkway to the main house. 2) immediate access to the grandparents if they have medical emergencies or other needs. 3) provide private space for grandparents yet c lose proximity to the family living portion of the house to encourage grandparents to join family activities and feel a part of the family. Side yard setbacks require 20 feet from the inside of the easement, which makes this 40 feet in, but only on the north side. Moving this structure to another portion of the yard would make access to the main house difficult and p lace them in danger as we couldn't get to them quickly in an emergency situation. It would also isolate them and make them feel as though they are intruding on activities rather than a welcome family member."

16. **Statutory Test 2 – Unnecessary Hardship –** Explain the unnecessary hardship the peculiar condition on the site create 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 required side yard setback is 20 feet from the property line, and the proposed structure is more than 20 feet from the property line. But because there is an easement, we have to lose an additional 20 feet of usable space the entire east-west length of our property. We have already obtained a reduction of the right of way requirement to zero, so we know no further roads or development will occur on Cloud Rd., see attached letter from MCDOT. The structure, in any other location, would prove too difficult for the occupants to move to/from the main living areas and render the structure unusable for the purposes of creating it. Situating the grandparent accessory structure in the proposed location proves no hardship on neighbors: north neighbors are 44 feet from the wall on property. East and west neighbors are over 100 feet away. Many neighbors have accessory structures within this same distance to their property lines on Cloud Rd. We are being unduly restricted compared to our neighbors because the setbacks are not universally enforced."

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 location of this accessory structure would not affect the purpose of the easement, which is to maintain the irrigation ditch. There is no other use for this road. MCDOT has issued a reduction in future right of way use to ZERO, so it isn't going to impact any future use. As our neighbors already have structures in place, see photo attachment, and they are not impacting the use of the road. Our new structure would not overhang our property wall, or be within 20-ft. from the property line."

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.

    "Planning and development application number for this project is B201911579, and we already have a designed and approved septic plan and the permit for that has been issued and paid for. Septic permit number is OW-1901631. Plans have been submitted, and reviewed. County requests for modifications to the plans are already completed and ready for re -submittal, with the exception of this variance for the side yard setback." If variance is approved, modified plans will be resubmitted immediately. I would like to complete this building as soon as possible."

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.

20. 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 large 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 further 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.

21. 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 March 3, 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: Eric R. Smith, Planner
Reviewed by: Darren V. Gerard, AICP, Deputy Director

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

MARICOPA COUNTY

Date: 03/05/2020 Legal Description: T2S, R6E, Section 30

Applicant: McAllister, Francis & Trina Phone: 520.909.9331

Case Address: 24408 S. 140th Way. Chandler, AZ Parcel: 304-82-470B

BA2020009
Aerial Date: 2019

SUPERVISORAL DISTRICT NO 1

Reduction of street side yard setback.

Planning & Development Department
VARIANCE / INTERPRETATION APPLICATION

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

ONE STOP SHOP

Is this Design Build? ☐ Yes ☐ No Is this Residential? ☐ Yes ☐ No

Please select the type of Board of Adjustment application from the checkboxes below.

☒ Residential Variance | ☐ Non-residential Variance | ☐ Interpretation | ☐ BA Blanket Variance

Is this subject property within an area of 15% or greater hillside slopes? Yes ☐ No ☐

REQUEST

Description of Request: Allow side yard setback reduction to allow for accessory structure, presedence set by all my neighbors, side yard is cloud road with no neighbors for over 40 feet.
Existing Use of Property: Single Family Home
Existing Zoning District:
Related Case Number(s):

PROPERTY INFORMATION

Address (if known): 24408 S 140th Way
General Location (include nearest city/town): In Chandler city limits on county land: Dead center in block contained by Riggs/Gilbert/Chandler Heights/Lindsay directly adjacent to and south of Cloud Rd.
Size in Acres: 2 Square Feet: 87,195
Legal Description: Section: 30 Township: 2S Range: 6E
Assessor's Parcel Number: 304-82-470b
Subdivision Name (if applicable): n/a

APPLICANT INFORMATION

Name: Francis and Trina McAllister Contact: Trina McAllister
Address: 24408 S 140th Way
City: Chandler State: AZ Zip: 85249
Phone #: 520-909-9331 Fax #:
E-mail Address: trinamcallister@hotmail.com

PROPERTY OWNER INFORMATION

Name: Francis and Trina McAllister Contact: Trina McAllister
Address: 24408 S 140th Way
City: Chandler State: AZ Zip: 85249
Phone #: 520-909-9331 Fax #:
E-mail Address: trinamcallister@hotmail.com

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.§1§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: 2/20/18

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: 2/20/18

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: 2/20/18

BA2020009

RECEIVED 18 FEB 2020

Planning & Development Department

BOARD OF ADJUSTMENT
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ONE STOP SHOP

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.

This variance request is for an accessory structure to house aging parents who cannot afford senior living housing. The placement of this structure is designed to provide 1) a short and safe walkway to the main house, 2) immediate access to the grandparents if they have medical emergencies or other needs, 3) provide private space for grandparents yet close proximity to the family living portion of the house to encourage grandparents to join famly activities and feel a part of the family. Side yard setbacks require 20 feet from the inside of the easement, which makes this 40 feet in, but only on the north side. Moving this structure to another portion of the yard would make access to the main house difficult and place them in danger as we couldn't get to them quickly in an emergency situation. It would also isolate them and make them feel as though they are intruding on activities rather than a welcome family member.

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 required side yard setback is 20 feet from the property line, and the proposed structure is more than 20 feet from the property line. But because there is an easement, we have to lose an additional 20 feet of usable space the entire east-west length of our property. We have already obtained a reduction of theright of way requirement to zero, so we know no further roads or development will occur on Cloud Rd., see attached letter from MCDOT. The structure, in any other location, would prove too difficult for the occupants to move to/from the main living areas and render the structure unusable for the purposes of creating it. Situating the grandparent accessory structure in the proposed location proves no hardship on neighbors: north neighbors are 44 feet from the wall on property. East and west neighbors are over 100 feet away. Many neighbors have accessory structures within this same distance to their property lines on Cloud Rd. We are being unduly restricted compared to our neighbors because the setbacks are not universally enforced.

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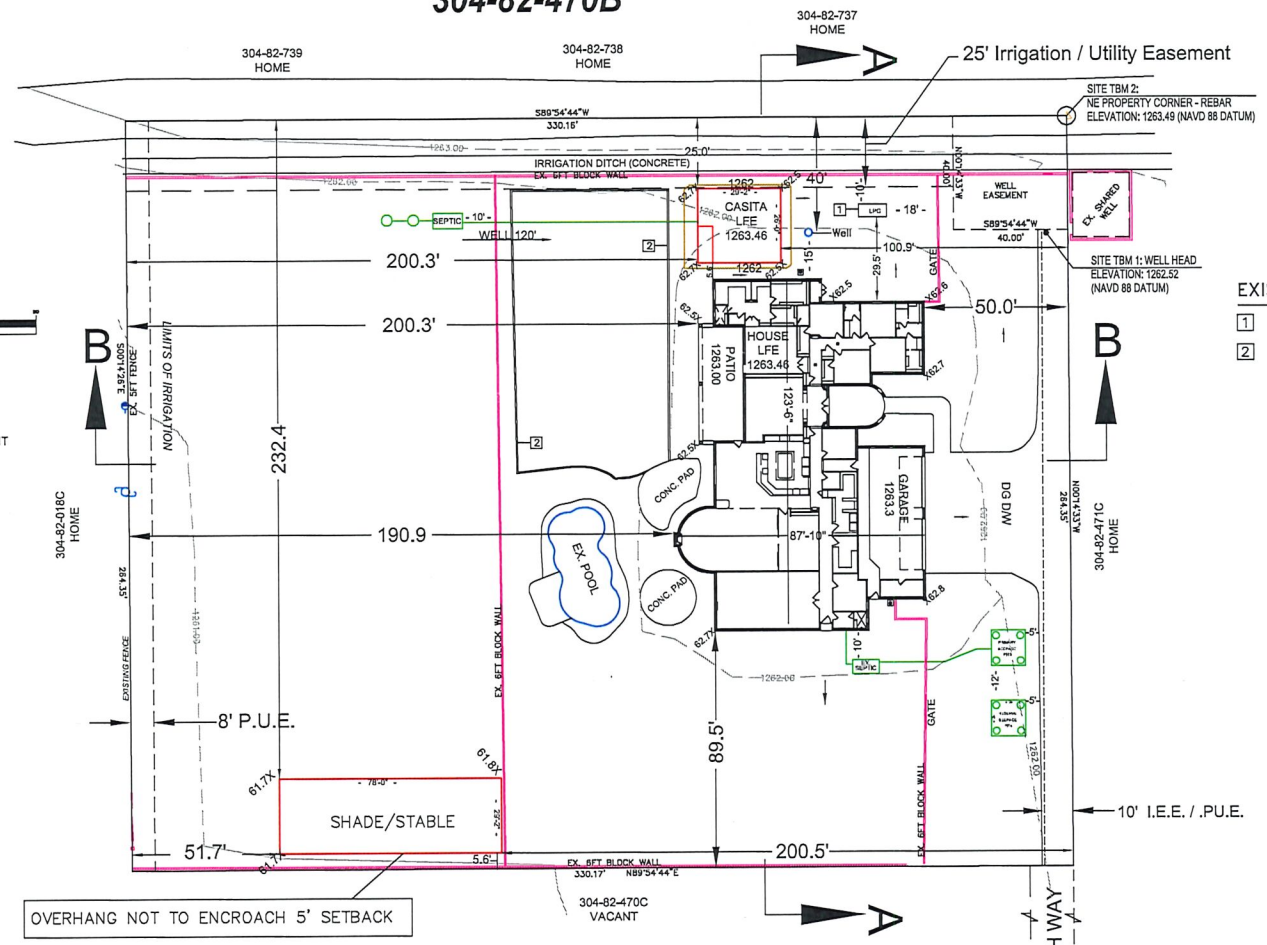
4. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with Planning and Development Department and the current review status. Specify 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.

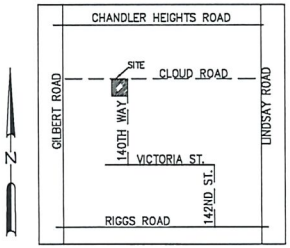
Planning and development application number for this project is B201911579, and we already have a designed and approved septic plan and the permit for that has been issued nd paid for. Septic permit number is OW-1901631. Plans have been submitted, and reviewed. County requests for modifications to the plans are already completed and ready for re-submittal, with the exception of this variance for the sideyard setback. If variance is approved, modified plans will be resubmitted immediately. I would like to complete this building as soon as possible.

*Additional sheets may be attached.

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

GRADING & DRAINAGE PLAN
304-82-470B





GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

LEGEND

I.E.E.	INGRESS/EGRESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
o	AS NOTED
→	FLOW DIRECTION
------	EXISTING CONTOUR
— — —	PROPOSED CONTOUR
X00.0	FINISH GRADES
TBM	TEMPORARY BENCHMARK

EXISTING SITE IMPROVEMENTS NOTES

1. 250 GAL – PROPANE TANK (ABOVE GROUND)
2. 296 LF– LANDSCAPE CURBING

CALL TWO WORKING DAYS BEFORE YOU DIG
602-263-1100
1-800-STAKE-IT
(OUTSIDE MARICOPA COUNTY)

ESTIMATED RAW EARTH QUANTITIES	
CUT	– 0 CY
FILL	– 20 CY

JNS
DEVELOPMENT
CONSULTING
418 E. PIUTE AVE
PHOENIX, AZ 85024
(602)206-4963

EXPIRES 9/30/22

SITE PLAN FOR:
304–82–470B
MARICOPA COUNTY, ARIZONA

JOB# 0120519

SHEET 2 OF 2

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 21st, 2020
Memo To:	Darren Gerard, AICP, Deputy Director, Department of Planning & Development
Attn:	Eric Smith, Planner, Planning & Development Services
From:	Jose Castaneda, Engineering Associate, Planning & Development Services
cc:	Michael Norris, P.E., Drainage Engineering Manager, Planning & Development Services
Subject:	BA2020009 – Residential Variance Reduce side yard setback to allow for accessory structure
Job Site Address:	24408 S 140th Way, Chandler 85249
APN(s):	304-82-470B

Drainage has no objection to the residential variance to reduce the accessory side yard setback requirement for a RU-43 zoned lot; submittal date stamped February 19th, 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: February 28, 2020

TO : Eric R. Smith, Planning & Development Dept.
Planner

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

SUBJECT: Reduce site yard setback. BA2020009

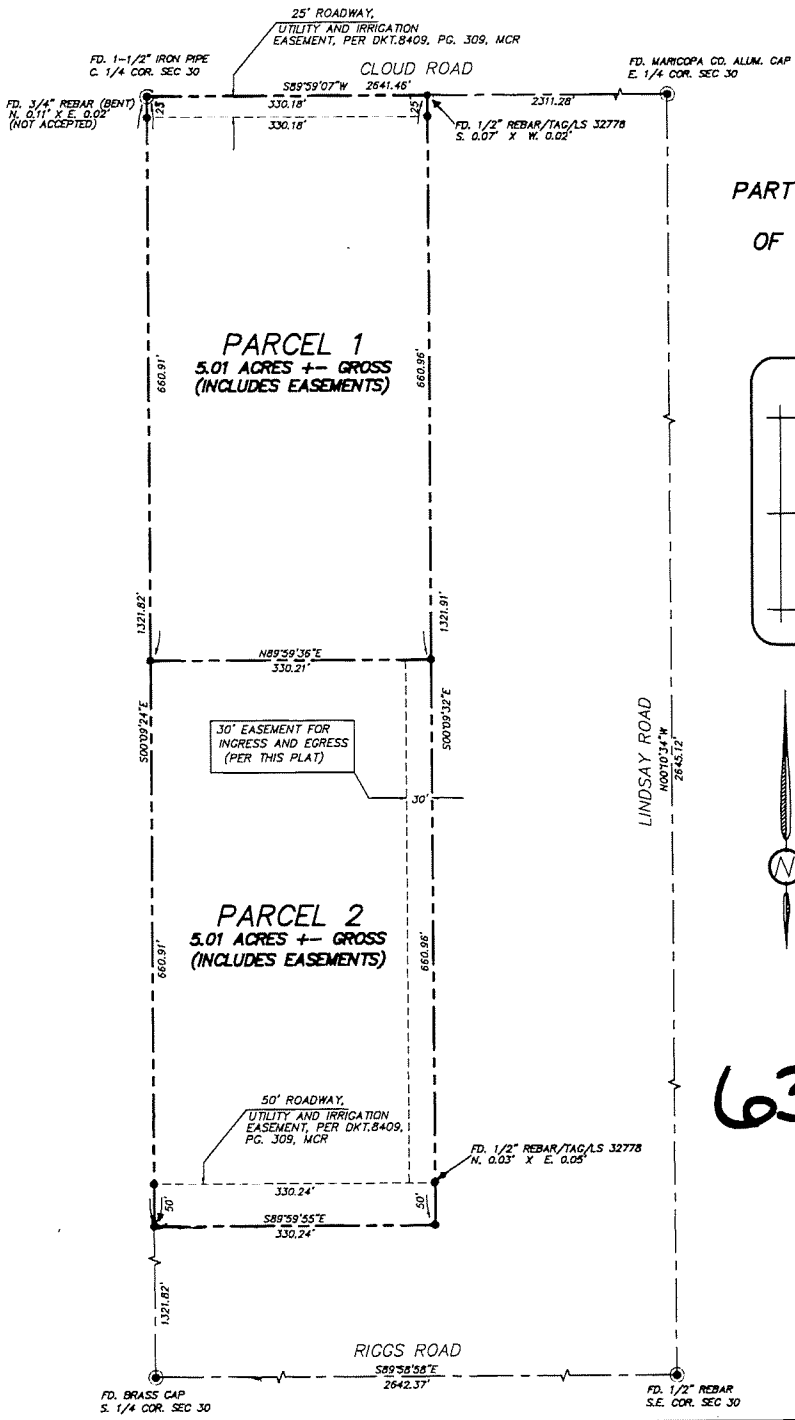
The Maricopa County Environmental Services Department (MCESD) has reviewed information concerning the above referenced project provided by the Maricopa County Planning & Development Department. This project is a request for reduce site yard setback at APN # 304-82-470B. Water and sewer service will be not impacted. MCESD has no concern.

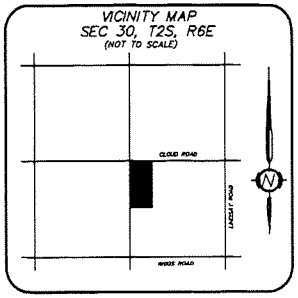
Based on the above, MCESD **raise no objection** to the Planning & Development Department in Accela Automation on February 28, 2020 and will allow the project to proceed at this time.

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.

RECORD OF SURVEY
MINOR LAND DIVISION

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH , RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA





SCALE: 1" = 100'

0' 50' 100' 200'

LEGEND

- ● – PROPERTY CORNER SET 1/2" REBAR U.O.N.
- ○ – PROPERTY CORNER FND. 1/2" REBAR U.O.N.
- ◉ – BRASS CAP U.O.N.

635-40

BOOK 635 PAGE 40

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER HELEN PURCELL

2003-0614397

05/14/2003 12:54 PM

ORIGINAL LEGAL DESCRIPTION

THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 1

THE NORTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 2

THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

NOTE: THE CLIENT HAS BEEN ADVISED AND INFORMED OF RULES AND REGULATIONS GOVERNING LAND DIVISIONS. IN ORDER TO ASSURE COMPLIANCE THE PROPER GOVERNING AUTHORITIES SHOULD BE CONTACTED TO ANSWER ANY QUESTIONS.

NOTE: THIS SURVEYOR HAS MADE NO INDEPENDENT SEARCH FOR TAXES, ASSESSMENTS, RESERVATIONS IN PATENTS, EASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, LIENS, COVENANTS, CONDITIONS AND RESTRICTIONS OR ANY OTHER RECORD INFORMATION THAT MAY BE DISCLOSED BY A CURRENT TITLE REPORT OR OTHER RESEARCH.

NOTE: THIS SURVEY WAS BENEFITTED BY A TITLE REPORT FROM TRANSNATION TITLE INSURANCE COMPANY. ESCROW NO. 1231875. THIS REPORT WAS FOR GORDON LOFSHULT.

SURVEYOR'S CERTIFICATE:

I, PAUL A. CULVER, A DULY LICENSED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THIS DRAWING IS BASED ON A SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PAUL A. CULVER
ARIZONA R.L.S. 29868

REGISTERED LAND SURVEYOR 29868 PAUL A CULVER 3/25/03

HIGH MOUNTAIN SURVEYING & MAPPING

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SURPRISE, AZ 85387
602.722.1062

RECORD OF SURVEY
MINOR LAND DIVISION
FOR
GORDON LOFSHULT
520.421.1448

DRAWN:	DATE:	CHECKED:	SHEET:
PAC	3/2003	PAC	1 OF 1

Public Record