



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case:	V201701823 – Code Compliance Review
Hearing Date:	January 24, 2019 (revisited from 10/18/18 and 12/20/18 request for rehearing)
Supervisor District:	4
Respondent:	Kevin and Stacie Brown
Request:	Appeal of the Hearing Officer's Order of Judgment
Site Location:	Unaddressed parcel (Parcel 201-22-008B)
Site Size:	879,249 sq. ft. (20.18 ac.)
Violation:	Operation of a commercial business without proper zoning entitlement in a rural/residential area

Synopsis:

This case was reviewed by the Board on October 18, 2018. The respondent was not present. He indicated that he did not receive notice of the Board hearing. He requested a re-hearing for the January 24, 2019 Board hearing date. On December 20, 2018 staff recommend the Board re-hear the case, and the Board voted to re-hear the case at the January 24, 2019 public hearing. See the attached notice to the respondent.

This case was opened October 25, 2017 due to citizen complaints regarding the operation of a commercial business in a residential area. The violation was verified through evidence submitted by the Flood Control District on January 23, 2018. Hearings involving the Flood Control District, Air Quality and Code Compliance were scheduled for September 11, 2018 and a Summons was sent to the respondent on August 2, 2018. In addition, the summons was posted on the subject site August 9, 2018. The respondents initially attended the Flood Control hearing, but left before either the Air Quality hearing or the Code Compliance hearing took place. Officer Moore-Korse presented testimony in regard to the verified violations.

After the **administrative hearing held on September 11, 2018, the hearing officer found the respondent responsible** for the violations listed above. The judgment of the hearing officer was based on testimony from both the Code Compliance Officer and staff from other County agencies. The respondent was ordered to pay a \$750.00 non-compliance fine immediately and also a daily non-compliance fine of \$75.00 to commence immediately and to accrue until compliance is verified. No fine amount has been paid to date.

On September 28, 2018, the respondent appealed for code enforcement review with oral arguments.

The hearing officer made a finding of fact and reached his conclusion pursuant to Section 1502 of the Maricopa County Zoning Ordinance.

Pursuant to Article 1504.3.2 of the Maricopa County Zoning Ordinance, the BOA may either affirm the hearing officer's order of judgment, or remand it to the hearing officer due to finding of a procedural error. Staff has reviewed the record and believes the evidence supports the decision of the hearing officer. Further, staff's review finds no administrative or procedural errors. Staff recommends the BOA affirm the hearing officer's order of judgment.

2017 - 18 Aerial



Presented by: Charles Hart, AICP, Code Compliance Manager
Reviewed by: Darren V. Gerard, AICP

Attachments:
Appeal (9 pages)
Order of Judgement (1 page)
Notice of Complaint (1 page)
Notice and Order to Comply (1 page)
Summons (1 page)
Summons Posting Photo (1 page)
Notice of Review for Code Compliance Review (1 page)
Department Report (2 pages)