



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: TU2018038 – Remington Property

Hearing Date: January 24, 2019

Supervisor District: 3

**Applicant /
Property Owner:** Michael Remington

Request: Temporary Use Permit for temporary caretaker quarters in the Rural-43 zoning district per Article 1302.2.5 of the Maricopa County Zoning Ordinance

Site Location: APN 202-11-042B @ 48411 N. 31st Ave. in the New River area

Site Size: 108,900 sq. ft. (2.5 acres)

Current Use / Zoning: Single-Family Residence/Rural-43

Open Violation: V201701670 (Compliance Review)

**Citizen
Support/Opposition:** 1 email of opposition

Background:

1. **June 18, 1993:** The current owners, John and Amy Remington took possession of the subject site via a Joint Tenancy Deed recorded under docket 19930389656.
2. **October 3, 2017:** A complaint regarding junk, trash, and debris on the property was submitted to Code Enforcement. A violation case was opened (**V201701670**) and the complaint was verified through a site inspection. The case is now in compliance review pending further inspection and investigation by Code Enforcement. At the initial investigation, the Code Enforcement Officer noted persons residing in an RV on the property without a Temporary Use Permit as caretaker's quarters.
3. **October 26, 2018:** The owner applied for the subject Temporary Use Permit (TUP) **TU2018038**. The application was administratively incomplete and placed on hold.
4. **December 17, 2018:** The subject site was posted in accordance with Maricopa County Zoning Ordinance (MCZO) Art. 1302.3.1.2
5. **December 24, 2018:** Staff received an email of objection from a neighbor during the required posting period. The Temporary Use Permit was then scheduled for hearing before the Board of Adjustment at the next available date, January 24, 2019.

Reviewing Agencies Comments:

6. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated December 13, 2018.
7. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated December 13, 2018.

Existing On-Site and Surrounding Zoning/Land Use:

8. On-site: Rural-43 / Single-Family
North: Rural-43 / Single-Family
South: Rural-43 / Single-Family
East: Rural-43 / Single-Family
West: Rural-43 / Single-Family

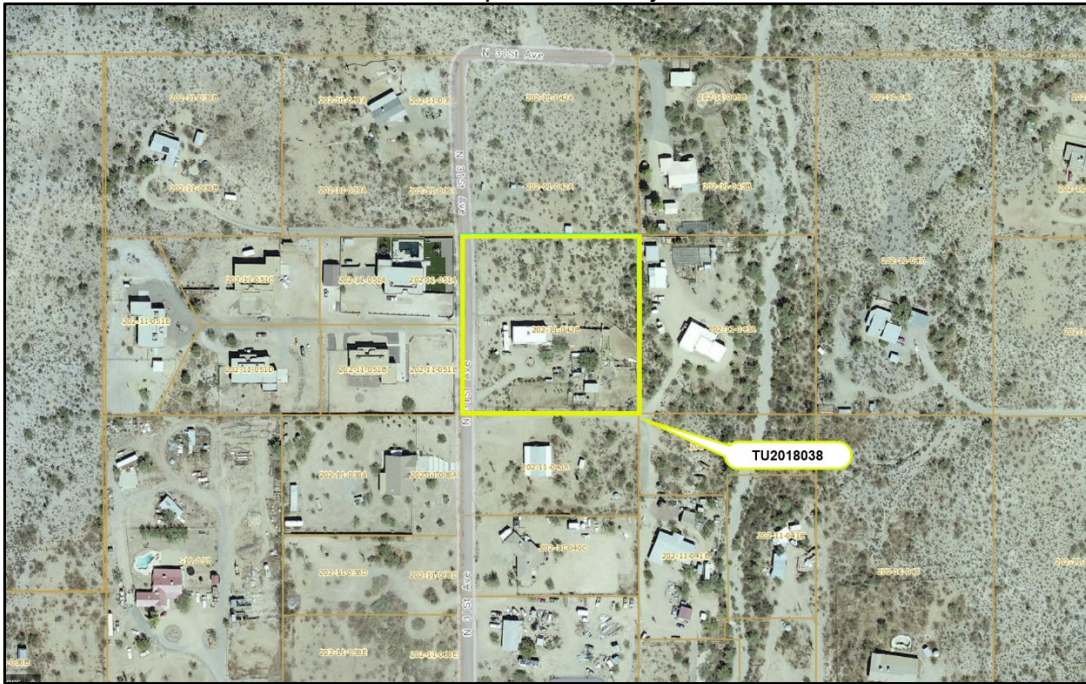
Analysis:

9. The site is located in the north valley in the New River area. The area consists of unorganized rural single-family development on one-acre lots with some formal subdivision development consisting of single-family residences on one-acre lots. The majority of the area is zoned Rural-43. The subject site is located 31st Ave. approx. 800' north of New River Rd.
10. The applicant is requesting a Temporary Use Permit to allow the occupancy of a RV by the property owner's parents who require caretakers. The proposed use of the RV may be permitted as a residence under Article 1302.2 of the MCZO with caretaker's quarters defined under Section 1302.2.5.

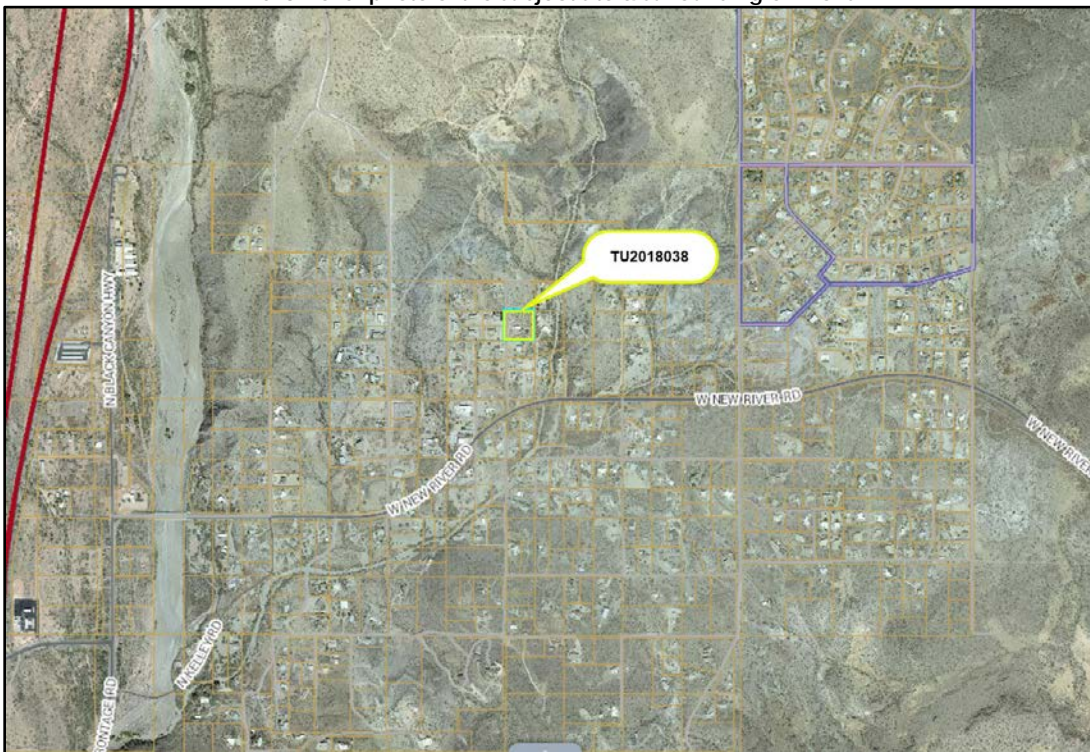
CARETAKER(S) QUARTERS: *An additional detached accessory dwelling unit for caretaker(s) may be permitted, provided that all of the following conditions are met:*3*

1. *The additional dwelling unit may be a manufactured house, mobile home or a recreational vehicle. It may not be a site built (permanent) structure.*
2. *The justification for the caretaker shall not be merely those activities associated with the normal responsibilities of a resident to maintain his property, including the care of a limited number of farm animals. An unusual condition(s) must exist which requires the on-site residency of a caretaker to perform the duties identified. Said condition(s) shall be identified as part of the Temporary Use Permit application. An unusual condition(s) may consist of:*
 - a. *Documented extended absences from the property by the occupant(s) of the principal residence.*
 - b. *Medical condition(s), when documented by a notarized statement from a physician. In the case of a medical caretaker, the caretaker or the recipient of the care may live in either the principal residence or the additional permitted residence (caretaker's quarters).*
 - c. *Other similar conditions as determined by the zoning inspector.*
3. *Only **one** additional dwelling unit shall be permitted on any property by approval of a Temporary Use Permit.*
11. The applicant is requesting a TUP for an undetermined timeframe for the care of the applicant's parents. The applicant's parents came to live at the location due to their advancing age and medical conditions. The applicant has provided a letter from a physician stating that the qualified individual requires a caregiver and that it is necessary for that individual to live on the site in order to receive proper support and care.
12. The site has been posted in accordance with MCZO Article 1302.3.1.3. with the required 10 day posting period. The site was posted on December 17, 2018, the 10 days expired on December 27, 2018. Staff did received opposition (attached) on December 24, 2018. The opposition is from a neighboring property owner. The reason for opposition was not given.
13. The RV will be placed between the residence and the front property line, approximately 49' from the front property line, within the buildable area of the lot. A site plan depicting the lot layout has been provided and attached to this report.

2018 Aerial photo of the subject site



2018 Aerial photo of the subject site & surrounding environs



14. Staff agrees that the request is appropriate per MCZO Art.1302.2.3. There is no objection from County reviewing agencies (MCESD, Engineering, Addressing review). All of these response documents are attached.

Recommendation:

15. Staff recommends the Board **motion for Approval of TU2018038** based upon the following:
- This temporary use is appropriate considering the reasonableness of the accommodation request.
 - There is an unusual family situation and circumstances that may justify the need for this Temporary Use Permit.
 - There are no agency objections to the request.

And further, staff recommends approval subject to the following conditions:

- a) General compliance with the application stamped received October 26, 2018.
 - b) This Temporary Use Permit is authorized for temporary housing for a period not to exceed two years. This Temporary Use Permit shall expire on January 24, 2021. The Temporary Use Permit approval 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.
16. However, if determination is made the temporary use is inappropriate, the Board must make findings and conclusions with a motion for denial.

Presented by: Derek Scheerer, Planner
Reviewed by: Darren Gerard, AICP, Planning Manager

Attachments: Case Map (1 page)
Vicinity Map (1 page)
Supplemental Questionnaire (2 pages)
Site Plan (1 page)
Engineering Memo (1 page)
Environmental Services (MCESD) Memo (1 page)
Objection document (1 page)