



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: TU2018029 – Johnson Property

Hearing Date: March 21, 2019

Supervisor District: 4

**Applicant /
Property Owner:** Samantha Johnson

Request: Temporary Use Permit (TUP) for an RV for living quarters during construction of single-family residence

Site Location: APN 503-32-468A @ 28921 N. 259th Ave. in the Wittmann area

Site Size: 1.2 acres

Current Use / Zoning: Vacant / Rural-43

Open Violation: No violation

**Citizen
Support/Opposition:** One (1) opposition document received

Background:

1. **March 23, 2018:** The current owner took possession of the subject property via a Warranty Deed under docket **20180219400**.
2. **August 31, 2018:** The owners submitted an application for a Temporary Use Permit to live in an RV while building a residence.
3. **September 5, 2018:** Staff attempted to contact the owner/applicant since more detail was needed in the narrative and site plan and the application was difficult to read.
4. **January 14, 2019:** Building permit **B201807892** was issued for the construction of a single-family residence. I met the owner/applicant at the front counter. The owner/applicant provided an updated site plan.
5. **February 8, 2019:** The property was posted starting the 10 day requirement period.
6. **February 15, 2018:** Opposition was submitted via 'Issue Trak'.

Reviewing Agencies Comments:

7. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated March 1, 2019.
8. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated September 25, 2018.

Existing On-Site and Surrounding Zoning/Land Use:

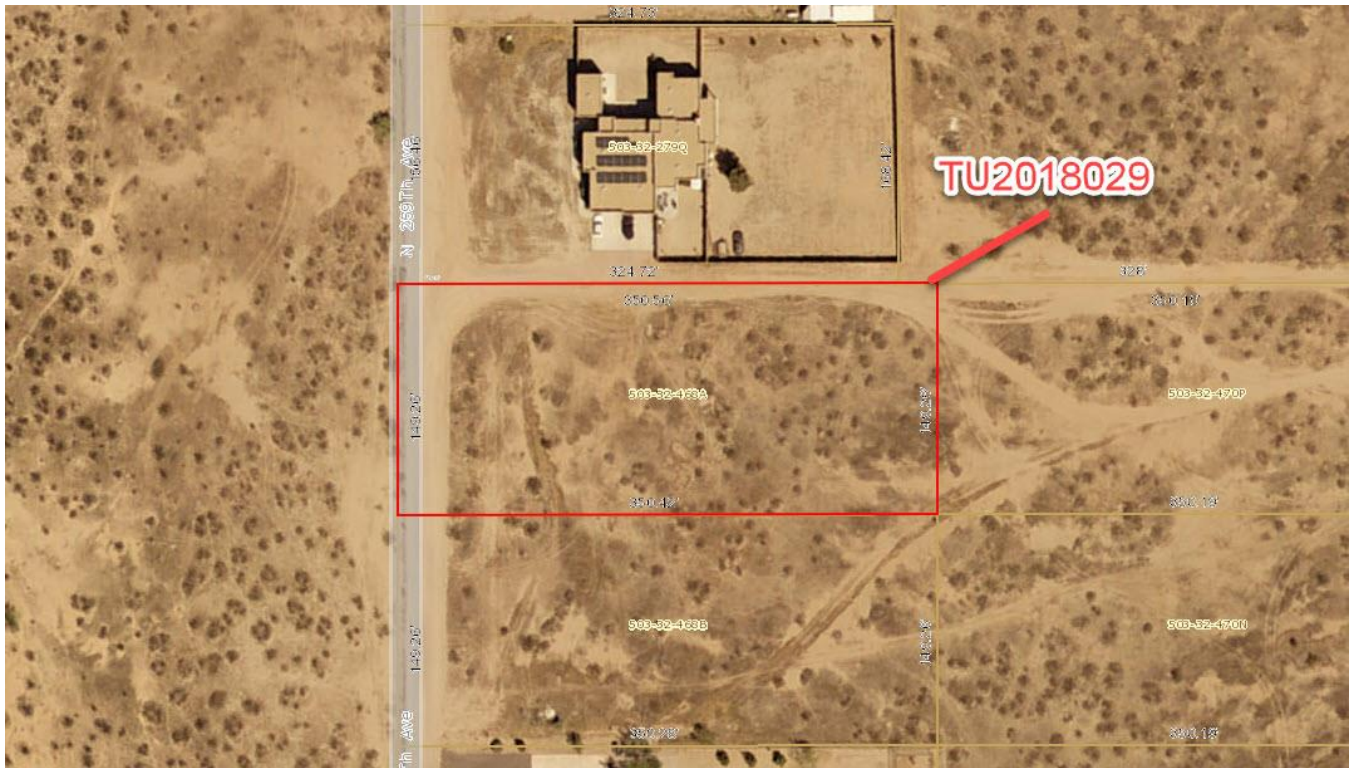
9. On-site: Rural-43 / Vacant
North: Rural-43 / Single-family residence
South: Rural-43 / Vacant
East: Rural-43 / Vacant
West: Rural-43 / 259th Ave. / Vacant

Analysis:

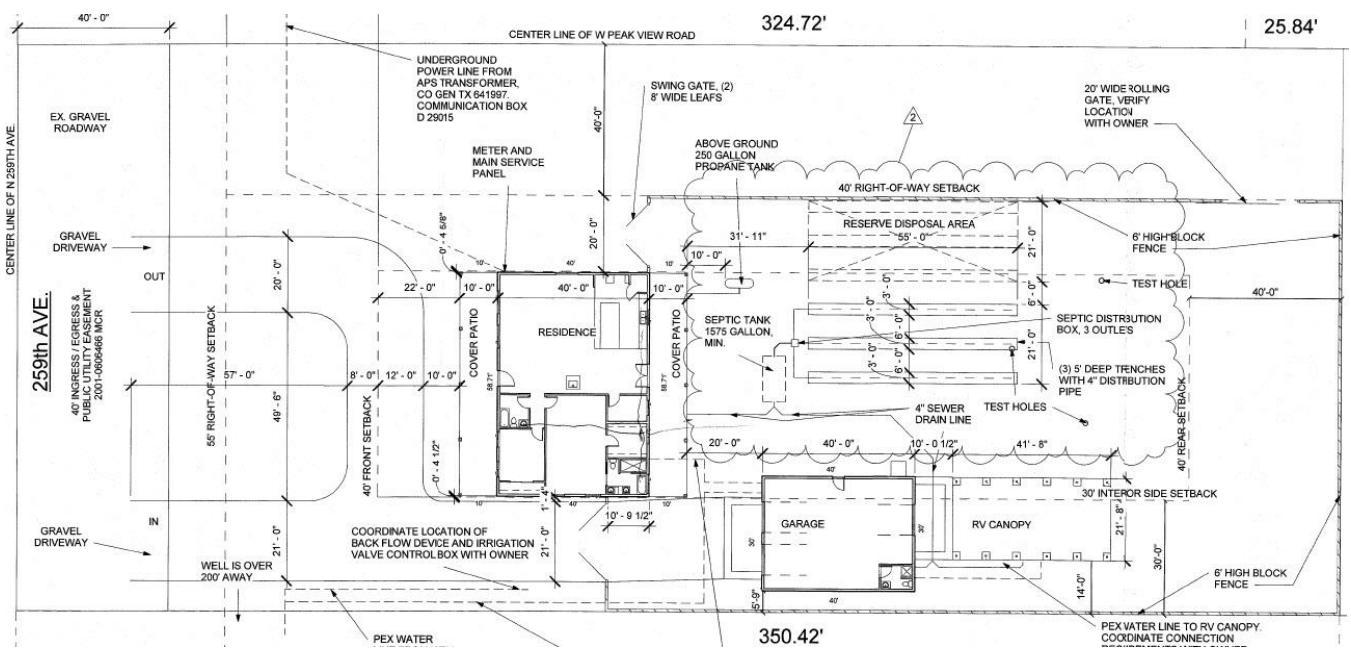
10. The property owner is requesting a Temporary Use Permit (TUP) to allow for a temporary living quarters (RV) for a 12-18 month period of time in the Rural-43 zoning district. The subject site is located at 28921 N. 259th Ave in the Wittmann area.
11. The applicant is asking for an up to 18-month timeframe for the TUP to be valid while a primary residence is being constructed. It should be noted that per Article 1302.2.1 of the Maricopa County Zoning Ordinance (MCZO), a maximum of 2 years for temporary housing can be requested provided that the building permit for the permanent dwelling is issued and remains active. Staff research found no outstanding fees owed on the property and no existing Code violations on the property. The related permit for the single-family residence B201807892 has received "issued" status. The site plan shows the temporary RV location to be southeast of the residence and under a RV canopy.

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 February 8, and the 10 days expired on February 18, 2019. Staff received opposition on February 15, 2019 within the required 10 day posting period.

2018 Aerial photo of the subject site



Proposed site plan



13. Staff agrees that the request is appropriate per MCZO Art.1302.2.1. The applicant has an "issued" permit for the primary residence under B201807892 and is asking for 12-18 months for the TUP validation instead of the maximum 2 years. Staff contacted the opposition and he expressed concerns with the duration of an occupied RV if the residence takes a longer time to build and the adverse impact on his property valued from an occupied RV. Staff understands the neighbors' concerns with the request regarding the presence of an occupied RV as the residence is being built; however, the permit for the primary residence has been issued and there is a limited time-frame requested.

Recommendation:

14. Based upon what the applicant has submitted and the analysis in this report, staff recommends the Board **motion for Approval of TU2018029:**
 - a. Development of the site shall comply with the entitled site plan, stamped received on January 14, 2019, consisting of 1 sheet, except as modified by any condition identified herein.
 - b. Use of the site shall be in conformance with the Narrative Report and Supplemental Questionnaire, consisting of 2 pages, stamped received on August 31, 2018, except as modified by any condition identified herein.
 - c. This Temporary Use Permit is authorized for eighteen months and shall expire on September 21, 2020. 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.
 - d. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with any condition.
 - e. 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.
 - f. 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.
 - g. Prior to zoning clearance approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, Department or Company servicing the site.
 - h. Extension of an approved Temporary Use Permit shall only be extended by the Board of Adjustment upon submittal of a new Temporary Use Permit application. The Board of Adjustment may grant a one time extension for up to two years with all requirements of the original Temporary Use Permit met and the applicant/owner provides justification for unusual or exceptional circumstances

not of the owner's creation. Request for time extension must be applied for prior to the expiration of the current Temporary Use Permit.

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

15. However, if determination is made the temporary use is inappropriate, the Board must make findings and conclusions with a motion for denial.

Presented by: Glenn Bak, Planner
Reviewed by: Darren V. Gerard, Planning Manager

Attachments: Case Map (1 page)
Vicinity Map (1 page)
Application (1 page)
Narrative (1 page)
Supplemental Questionnaire (1 page)
Site Plan (1 page)
Opposition document (1 page)
Planning Engineering Comments (1 page)
MCESD Comments (1 page)



Maricopa County

Planning & Development Department

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Date: March 1st, 2019

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

Attn: Glenn Bak, Planner, Planning & Development Services

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

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

Subject: TU2018029 – Temporary Accommodation During
Construction of Primary Residence.

Job Site Address: 29821 N 259th Avenue, Wittmann, AZ 85361

APN(s): 503-32-468A

This Temporary Use Permit is for the use of x1 Recreational Vehicle by Samantha Johnson. It is to be used as temporary housing whilst their main residence is being constructed (see B201807982), for a period of no greater than 12 months. Drainage has reviewed the application; submittal date stamped August 30th, 2018; and finds no objections to the proposed Temporary Use and location.

The subject property is not within a regulated floodplain; submittal stamped received August 30th, 2019. Flood Control District has no requirements or objections

MCDOT has no comments or objections to the Temporary Use Permit.

Other Maricopa County Agencies must review and recommend approval of this project.

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



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: September 25, 2018

TO : Glenn Bak, Planning & Development Dept.
Planner

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

SUBJECT: Temporary Construction Dwelling TU. TU2018029

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 is for Temporary Construction Dwelling TU at APN# **503-32-468A**. Potable water and sanitary sewer providers information is not disclosed. MCESD has no concerns. **Stormwater** - The parcel is not located in the urbanized unincorporated area and is therefore, not regulated by the Maricopa County Stormwater Quality Program.

Based on the above, MCESD **raised no objection** to this project to the Planning & Development Department in Accela Automation on September 25, 2018 and the project may proceed 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.