



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

AGENDA
Thursday, May 23, 2019

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: March 21, 2019
April 18, 2019

Continuance Agenda:

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| 1. | BA2019014
Applicant/Owner:
Location:

Zoning:
Requests:

Findings:

Presented by: | XLNT Investments, LLC (cont. from 4/18/19) District 1
Timothy A. La Sota, PLC / XLNT Investments LLC
825 N. Scottsdale Rd. – approx. 400' south of Curry Rd. in the
Tempe area
IND-2
Variance to permit:
1) A proposed medical marijuana dispensary and cultivation
site to be separated 251' from an existing medical marijuana
facility and;
2) A proposed medical marijuana dispensary and cultivation
site separated 1,294 from an existing park and;
3) A proposed medical marijuana dispensary and cultivation
site separated 83' from an existing adult oriented business
where 1,500' is required per MCZO
The applicant has requested a continuance to the June 20,
2019 hearing
Jaclyn Sarnowski |
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Consent Agenda:

2. **BA2019020** **Showman Property** **District 3**
Applicant/Owner: Chris Adams / Dennis & Lorraine Showman
Location: 807 E. Joy Ranch Rd. – 7th St. & Joy Ranch Rd. in the Desert Hills area
Zoning: Rural-43
Request: Variance to permit:
1) Proposed street-side setback of 15' where 30' is the minimum permitted
Findings: **The request meets the statutory test for variance approval**
Presented by: Farhad Tavassoli

Code Compliance Review: None

Regular Agenda:

3. **BA2018083** **Rasa Properties LLC (cont. from 4/18/19)** **District 3**
Applicant/Owner: Roberto Santos / Rasa Properties, LLC
Location: 1238 E. Calvary Rd. – 12th St. & Circle Mountain Rd. in the New River area
Zoning: Rural-43
Request: Variance to permit:
1) Existing side yard setback of 25' where 30' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Eric R. Smith
4. **BA2019013** **Our Saviors Lutheran Property (cont. from 4/18/19)** **District 2**
Applicant/Owner: FMQ Development / Our Saviors Lutheran
Location: 612 S. Ellsworth Rd. – Ellsworth Rd. & Weir Ave. in the East Mesa area
Zoning: Rural-43
Requests: Variance to permit:
1) Existing light poles height of 35.5' within the parking area where 18' is the maximum permitted and;
2) Existing light poles and signage within the Sight Visibility Triangles where structures greater than 2' in height are not permitted and;
3) Waiver of parking area screening requirement along street-side (north) property line and;
4) Parking stalls 18' where 20.1' is required
Findings: **The requests fail to meet the statutory test for variance approval**
Presented by: Glenn Bak

5. **BA2019016** **12481 W. Glenn Ct.** **District 4**
 Applicant/Owner: Michelle Uhan / Meritage Homes
 Location: 12481 W. Glenn Ct. – approx. 475' from the intersection of 124th Ave. & Glenn Ct. in the Glendale area
 Zoning: R-5 RUPD
 Request: Variance to permit:
 1) Proposed front yard setback of 0' for a portion of the garage in the R-5 RUPD zoning district, where 20' is the minimum required
 Findings: **The request fails to meet the statutory test for variance approval**
 Presented by: Jaclyn Sarnowski
6. **BA2019017** **18709 E. Blue Sky Dr.** **District 2**
 Applicant/Owner: Dan Pottinger, Cardno Inc. / Taylor Morrison
 Location: 18709 E. Blue Sky Dr. – Rio Verde Dr. & Forest Rd. in the Rio Verde area
 Zoning: R1-6 RUPD
 Request: Variance to permit:
 1) Proposed height limit of 5' where a maximum of 2' is the maximum permitted within the sight visibility triangle
 Findings: **The request fails to meet the statutory test for variance approval**
 Presented by: Farhad Tavassoli
7. **BA2019018** **Mei Property** **District 2**
 Applicant & Owner: Sheila & Brian Mei
 Location: 22806 E. Kalil Dr. in the Goldfield Ranch area
 Zoning: Rural-190
 Request: Variance to permit:
 1) Proposed hillside disturbance (fencing) outside the lot's principal building envelope
 Findings: **The request fails to meet the statutory test for variance approval**
 Presented by: Ray Banker
8. **BA2019019** **3906 W. New River Rd.** **District 3**
 Applicant/Owner: Carolyn Oberholtzer, BFSO / CP2004 Station, LLC
 Location: 3906 W. New River Rd. – Northeast of the intersection of Interstate 17 (I-17) and New River Rd. in the New River area
 Zoning: C-2
 Requests: Variance to permit:
 1) A proposed off-site advertising sign (Billboard) sign face of 672 sq. ft. where 300 sq. ft. is the maximum permitted and;
 2) A proposed off-site advertising sign (Billboard) height of 66' where 30' is the maximum permitted

Findings: **The requests fail to meet the statutory test for variance approval**
Presented by: Jaclyn Sarnowski

9. **BA2019021** **Howard Property** **District 2**
Applicant & Owner: Danny & Jenell Howard
Location: 29611 N. Cave Creek Rd. – 56th St. & Dixileta Rd. in the Cave Creek area
Zoning: Rural-43
Request: Variance to permit:
1) Proposed side setback of 7' (north property line) where 30' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Glenn Bak

Other Matters:

Adjournment: The Chair shall adjourn the meeting.