



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

AGENDA

Thursday, February 20, 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

Continuance Agenda:

1.	TU2020006	Amadio Property	District 5
	Applicant:	Hannah Bleam, Withey Morris PLC	
	Location:	4701 W. Dobbins Rd. – southwest corner of Dobbins Rd. and 47 th Ave. in the Laveen area	
	Zoning:	Rural-43	
	Request:	Temporary Use Permit for temporary events for farmer’s market and other community events	
	Findings:	Continuance to the March 19, 2020 hearing to allow the applicant time to address staff’s review comments	
	Presented by:	Ray Banker	

Consent Agenda:

2.	BA2019060	Fisher Property	District 2
	Applicant:	Jan Higgins	
	Location:	18738 E. Avenida Del Ray – Forest Rd. and McDowell Mountain Rd. in the Rio Verde area	
	Zoning:	R1-8 RUPD	
	Request:	Variance to permit:	

Findings: 1) Proposed front setback of 16.4' where 20' is the minimum permitted
Presented by: **The request meets the statutory test for variance approval**
Martin Martell

3. **BA2019061** **Greene Property** **District 4**
Applicant: Elizabeth Greene
Location: 14019 N. 99th Drive, Sun City – 450' southwest of the SWC of 99th Avenue & Cameo Drive in the Sun City area
Zoning: R-3 RUPD
Requests: Variance to permit:
1) Existing front setback of 15 feet where 20 feet is required, and
2) Existing Lot coverage of 62% where 60% is the maximum per MCZO 702.5.4
Findings: **The requests meet the statutory test for variance approval**
Presented by: Sean Watkins

Code Compliance Review: None

Regular Agenda:

4. **BA2019038** **Boyd Property (Cont. from 12/19/19)** **District 3**
Applicant: Phyllis McGurren
Location: 38108 N. 25th Ave, N. 25th Ave. & Joy Ranch Rd., in the Desert Hills area
Zoning: Rural-43
Request: Variance to permit:
1) Proposed 5 lighting structures to be setback 3' where 20' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Eric R. Smith

5. **BA2019055** **LaCasse Property (Cont. from 1/23/20)** **District 4**
Applicant: Robert LaCasse
Location: 15014 W. Heritage Dr. – 151st Ave. & Heritage Dr. in the Sun City West area
Zoning: R1-7 SC
Request: Variance to permit:
1) Proposed front setback of 14' where 20' is the minimum permitted
Findings: **The request fails to meet the statutory test for variance approval**
Presented by: Eric R. Smith

6. **BA2019058** **Nelson Property** **District 4**
Applicant: Blake, Tammy, Bradley and Linda Kay Nelson

Location: 27307 N. 237th Ave. Bunker Peak Rd. and 237th Ave. in the Surprise area

Zoning: Rural-43 Military Airport Ancillary Military Facility overlay zoning district

Requests: Variances to permit:

- 1) Proposed front yard setback of 0' where 40' is minimum permitted and,
- 2) Proposed south side setback of 0' where 30' is the minimum permitted and,
- 3) Proposed Accident Potential Zone line northeast side setback of 5' where 30' is the minimum permitted

Findings: **The requests fail to meet the statutory test for variance approval**

Presented by: Martin Martell

7. **BA2020001** **Amrine Property** **District 3**

Applicant: Bill Amrine

Location: 35822 N. 16th St. – cloud Rd. and 16th St. in the New River area

Zoning: Rural-43

Requests: Variance to permit:

- 1) Detached accessory building to be placed in the required front yard at a 12-foot setback, where detached accessory structures are to be located outside the required front yard and,
- 2) Proposed front (east) accessory setback of 12-feet where 40-feet is the minimum permitted and,
- 3) Proposed rear (west) accessory setback of 1.5-feet and side (south) accessory setback of 0-feet where 3-feet is the minimum permitted

Findings: **The request fails to meet the statutory test for variance approval**

Presented by: Adam Cannon

8. **BA2020003** **Bomyea Property** **District 4**

Applicant: Jeffery Bomyea

Location: 13801 N. 183rd Ave. – Waddell Rd. & 183rd Ave. in the Surprise area

Zoning: Rural-43

Request: Variance to permit:

- 1) Allow an accessory structure to occupy 31.4% of a required side (north) yard where 30% of any required yard is the maximum permitted

Findings: **The request fails to meet the statutory test for variance approval**

Presented by: Adam Cannon

Other Matters:
Adjournment:

The Chair shall adjourn the meeting.