



Planning and Development Department

DATE: April 13, 2022

TO: Board of Adjustment

FROM: Adam Cannon, AICP, Planner

SUBJECT: **BA2022007 – Hood Property**
Consent Agenda Item: #1

Since the publishing of the staff report for the above case, Staff received late opposition on Tuesday, April 12, 2022 from a neighboring property owner, James Kohler. Mr. Kohler stated that he opposes the variance request because he believes the east property line should be the front of the property and have a 40' front setback and that the proposal creates difficult visibility for vehicles travelling on 106th Way.

Staff notes that the front yard is the north property line because the front setback follows the shortest line of access on a property thereby rendering 106th Way as the street-side yard. Staff also notes there is already a permitted 6' wall present on site at the edge of access easement. The variance request for a 10' street-side yard accommodates the previously permitted wall and the proposed RV garage.

Attachment: Opposition Correspondence (2 pages)

From: [Rachel Applegate \(PND\)](#)
To: [Adam Cannon \(PND\)](#)
Subject: FW: 4/14/22 BOA Hearing - Interest in Speaking during the hearing
Date: Wednesday, April 13, 2022 8:13:20 AM
Attachments: [image001.png](#)
[image002.png](#)

From: James Kohler <jakohle@gmail.com>
Sent: Tuesday, April 12, 2022 7:31 PM
To: Rachel Applegate (PND) <Rachel.Applegate@Maricopa.Gov>
Subject: Re: 4/14/22 BOA Hearing - Interest in Speaking during the hearing

Rachel,

I would like to provide the below information:

1. Board of Adjustment hearing date: **April 14 2022**
2. Agenda item and case number: **1723 N 106th Way, Mesa, AZ, 85207/ 220-03-022M**
3. Your name, e-mail and phone number: **James Kohler, jakohle@gmail.com, 330-289-4391**
4. Identify yourself as applicant / applicant representative / in support / in opposition / other:
Resident at [220-03-022P](#) next to 220-03-22M
5. Indicate support or opposition: **opposition**
6. Indicate if you wish to speak or do not wish to speak: **Do not wish to speak**
7. You may attach items to the email that you wish to be presented to the Board:

I would like to provide the following statement in opposition to the project at 1723 N 106th Way Mesa, AZ 85207. As the resident at 220-03-022P the proposed structure creates difficulty seeing vehicles traveling on 106th Way, which runs the length of the east side of lot 220-03-022M. It would seem that the east side of lot 220-03-022M should be viewed as the front since 106th way is running down the length of the east side of the lot. As the front I believe a view fence would be required and the setbacks would be 40 feet which would provide the best visibility of vehicles on 106th Way. However, I understand that the present site assumes that the North lot line of 220-03-022M is the front. Based on that definition the proposed structure is going to be 10 feet off the 106th way easement, which will impact visibility of vehicles on 106th way. I understand it is more costly, but drainage pipes could be routed under the proposed structure allowing the structure to be built at the 20 feet setback requirement. Thank you for the opportunity to comment on this issue.

On Mon, Apr 11, 2022 at 8:07 AM Rachel Applegate (PND) <Rachel.Applegate@maricopa.gov> wrote:

Thank you for registering attendance for the April 14, 2022 Board of Adjustment hearing with GoToWebinar.

As follow up to attendance for the virtual public hearing, please let me know the following information to relay to the Chairman your interest in a planning case and if you would like to

speak during the hearing. If you are not interested in speaking, no need to respond to this e-mail.

Please answer the following questions if you are interested in speaking:

1. Case number / Project Name
2. Your name, e-mail and phone number
3. Identify yourself as **applicant / applicant representative / other**
4. Indicate **support or opposition**

Public Hearing – Gotowebinar User Guide (Registration – Audio – Chat)

<https://www.maricopa.gov/DocumentCenter/View/62323/Gotowebinar-User-Guide---Maricopa-County-published-8-17-20?bidId=>

Thank you,



Rachel Applegate

Senior Planner

[Maricopa County Planning & Development Department](#)

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Rachel.Applegate@maricopa.gov

P&D is now 100% digital for construction permit applications.

Find information on our new permit process [here](#).