



BOARD OF ADJUSTMENT MARICOPA COUNTY

Attend in Person: Board of Supervisors' Auditorium 205 W. Jefferson St.
Or attend virtual hearing: GoToWebinar

AGENDA

Thursday, November 10, 2022

This hearing has been noticed in accordance with the Open Meeting Law (ARS §38-431).

Board of Adjustment hearing will be held at the Board of Supervisors' Auditorium and also available as an on-line virtual public hearing. To register virtual attendance - please register at the following web address:

<https://attendee.gotowebinar.com/register/4287635079389032207>

After registering, you will receive a confirmation e-mail containing information about joining the webinar.

To listen by telephone, dial 1 (562) 247-8422, when prompted enter Audio Access code 390-545-143. If you are not registered as a webinar participant, you may be able to listen to the hearing but will be unable to participate in the hearing. Registered participants may participate in real time when the Chairman instructs participants on how to be recognized or to provide comment.

If you would like to send a comment, or register support or opposition regarding one of the items on the agenda, please send an e-mail to Rachel.Applegate@Maricopa.Gov identifying the following:

- Board of Adjustment hearing date
- Agenda item and case number
- Your name, e-mail and phone number
- Identify yourself as applicant / applicant representative / in support / in opposition / other
- Indicate support or opposition
- Indicate if you wish to speak or do not wish to speak
- You may attach items to the email that you wish to be presented to the Board.
- Any such email must be received prior to the public hearing beginning for that item. It is preferred for the e-mail to be received at least one day prior to the public hearing.

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, 301 W. Jefferson St., Suite 170., 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 hearing. 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 3 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. After completion of the hearing the video will be available on [YouTube.com – Maricopa County – Board of Adjustment](https://www.youtube.com/channel/UCv8pD0j8U0b9E6eW1aF0q1g) within 2 business days after the 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
- Approval of Minutes:** September 15, 2022
- Announcements:** The Chair shall make the normal meeting announcements.
- Continuance Agenda:** None

Consent Agenda:

1. **BA2022044** **Sigalove Property** **District 3**
Applicant: Ashley Marsh, Gammage and Burnham
Location: APN 169-16-103C @ 7521 N. Lakeside Ln. – Lakeside Ln. & Moonlight Dr., in the Paradise Valley area
Request: Variance to permit:
1) Proposed front setback of 21.6' where 40' is the minimum permitted per MCZO Article 503.4.1.A
Findings: **The request meets the statutory test for variance approval**
Presented by: Joel Landis

2. **BA2022054** **A and B Homes Lot B** **District 4**
Applicant: Phillip Woolbright, A and B Homes Inc
Location: APN 503-52-406F @ 27145 N. 147th Ave. – 147th Ave. and Jomax Rd., in the Peoria area
Request: Variance to permit:
1) Hillside disturbance of 2,139 sq. ft. outside the lot's principal building envelope where prohibited per MCZO Article 1201.6.1.1
Findings: **The request meets the statutory test for variance approval**
Presented by: Joseph Mueller

3. **BA2022055** **A and B Homes Lot D** **District 4**
Applicant: Phillip Woolbright, A and B Homes Inc
Location: APN 503-52-406J @ 27153 N. 147th Ave. – 147th Ave. and Jomax Rd., in the Peoria area
Request: Variance to permit:
1) Hillside disturbance of 3,373 sq. ft. outside the lot's principal building envelope where prohibited per MCZO Article 1201.6.1.1
Findings: **The request meets the statutory test for variance approval**
Presented by: Joseph Mueller

Code Compliance Review: None

Regular Agenda:

4. **BA2022026** **Clevenger Property** **District 1**
Applicant: Tiffany & Bosco, P.A.
Location: APN 301-60-009N @ 1380 W. Caroline Ln. – North of the NEC of Priest Dr. & Caroline Ln., in the Tempe area
Requests: Variance to permit:
1) A lot area of 23,950 sq. ft. where one (1) acre or 43,560 sq ft, is the minimum permitted (MCZO Article 503.5.1);
2) A lot width of 140 ft. where 145 ft. is the minimum permitted (MCZO Article 503.5.2);
3) A 20' west side yard setback where 30 ft is the minimum permitted (MCZO Article 503.4.2.);
4) A 20 ft east side yard setback where 30 ft is the minimum permitted (MCZO Article 503.4.2) and;
5) A 27% lot coverage where 25% is the maximum permitted (MCZO Article 503.5.4).
Findings: **The requests fail to meet the statutory test for variance approval**
Presented by: Paola Jaramillo
5. **BA2022043** **Schmitt Property** **District 3**
Applicant: Randy Schmitt
Location: APN 211-51-009F @ 36825 N. 17th Avenue in the New River Area
Request: Variance to permit:
1) West / front setback of 10' where 40' is the minimum permitted per MCZO Article 503.4.a
Findings: **The request meets the statutory test for variance approval**
Presented by: Paola Jaramillo
6. **BA2022045** **Dobis Property** **District 3**
Applicant: Andrew Dobis
Location: APN 211-24-012G @ 33611 N. Central Ave. – Dove Valley Rd. & Central Ave., in the Desert Hills area
Requests: Variance to permit:
1) North side yard of 19' where 30' is the minimum permitted per MCZO Article 503.4.2 and;
2) South side yard of 25' where 30' is the minimum permitted per MCZO Article 503.4.2 and;
3) Hillside disturbance of 8,661 sq. ft. outside the lot's principal buildable envelope inside the required front yard and south side yard, where prohibited per MCZO Article 1201.6.1.1
Findings: **The requests fail to meet the statutory test for variance approval**

Presented by: Martin Martell

7. **BA2022048** **Arizona Ave Dispensary** **District 1**
Applicant: Joel Watson / Watson Civil Engineering
Location: APN 303-33-018U @ 19033 S. Arizona Ave. – Arizona Ave. and Germann Rd. in the Chandler area
Requests: Variance to permit:
1) Proposed separation of a marijuana establishment from an adult oriented facility of 66' where 1,500' is the minimum required per MCZO Article 804.2.45.b.5 and;
2) Proposed separation of a marijuana establishment from a public park of 1,312' where 1,500' is the minimum required per MCZO Article 804.2.45.b.4
Findings: **The requests fail to meet the statutory test for variance approval**

Presented by: Joseph Mueller

8. **BA2022049** **CW Clark Living Trust Property** **District 4**
Applicant: Mark Burton, M. Burton Design LLC
Location: APN 501-63-210 @ 12828 W. Georgia Ave., W. Georgia Ave. & N. 129th Ave., in the Litchfield Park area
Requests: Variance to permit:
1) Proposed street-side setback of 15' where 20' is the minimum permitted per MCR 466-08 (Litchfield Vista Views 3B Corrective Plat) and;
2) Proposed lot coverage of 27% when 25% is the maximum permitted per MCR 466-08 (Litchfield Vista Views 3B Corrective Plat)
Findings: **The requests fail to meet the statutory test for variance approval**

Presented by: Joel Landis

9. **BA2022052** **2PHDs LLC Property** **District 2**
Applicant: Andrei Polukhtin
Location: APN 219-37-095A@ 27814 N. 162nd Way. – Rio Verde Dr & 164th St., in the Rio Verde area
Requests: Variance to permit:
1) Proposed front setback of 23' where 40' is the minimum permitted per MCZO Article 503.4.1.A and;
2) Proposed rear setback of 33' where 40' is the minimum permitted per MCZO Article 503.4.3
Findings: **The requests fail to meet the statutory test for variance approval**

Presented by: Joel Landis

10. **TU2022041** **Jajou Property** **District 4**
Applicant: Kenny Hermiz Jajou
Location: APN 142-80-035 @ 11221 N. 111th Ave. Sun City, AZ

Request:

Temporary Use Permit (TUP) for underage occupancy of a minor
in the Senior Citizen Overlay

Recommendation:

Denial

Presented by:

Paola Jaramillo

Other Matters:

Adjournment:

The Chair shall adjourn the hearing.