



BOARD OF ADJUSTMENT MARICOPA COUNTY, ARIZONA

205 W. Jefferson Street, Phoenix, Arizona
and by GoToWebinar

**August 11, 2022
Minutes**

CALL TO ORDER: Chairman Loper called the meeting to order at 10:01 a.m.

MEMBERS PRESENT:

In-person
Mr. Greg Loper, Chairman
Ms. Heather Personne, Vice Chair

GoToWebinar
Ms. Fern Ward

MEMBERS ABSENT:

Mr. Craig Cardon
Mr. Jeff Schwartz

STAFF PRESENT:

Mr. Tom Ellsworth, Planning & Development Director
Mr. Darren Gérard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Daniel Johnson, Planner
Mr. Joel Landis, Planner
Mr. Martin Martell, Planner
Mr. Joseph Mueller, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Ms. Alisha Bach, Technical Team
Ms. Pearl Duran, Technical Team
Mr. Martin Camacho, Technical Team

ANNOUNCEMENTS: Chairman Loper made all standard announcements.

AGENDA ITEMS: BA2022015, BA2022020, BA2022024, BA2022018, BA2022023,
BA2022028, TU2022029

APPROVAL OF MINUTES: June 23, 2022

Chairman Loper asked if there were any changes or comments to the minutes for June 23, none.

BOARD ACTION: Chairman Loper approved the June 23, 2022 minutes as written.

REGULAR AGENDA

**BA2022015
Applicant:**

**Mazurek Property (Cont. from 7/14/22)
Wesley Mazurek**

District 4

Location: APN 502-57-020 @ 6727 S. MC 85 – MC 85 & Southern Ave., in the Goodyear area
Request: Variance to permit:
1) Proposed minimum lot width of 74' where 145' is the minimum required per MCZO 503.5.2

Mr. Gérard presented BA2022015 originally on the consent agenda.

Chairman Loper asked if anyone from the public wished to speak on this case. A member from the audience asked to speak on this case. Case moved from the consent agenda to the regular agenda.

Mr. Wesley Mazurek, the applicant said he is requesting a variance because of the shape and size of his property, and it's next to a water canal, so he is unable to adjust anything. He needs a variance because his property is too narrow.

Ms. Cherlynn Berry spoke in opposition said she is here representing some of the neighbors. The original parcel was an easement and driveway along the canal. She doesn't know why he is able to do anything on the easement and how he can build on a smaller piece of the lot. Mr. Gérard said this lot was created by the state and it was conveyed to the current property owner. He is unaware of any easement history.

Mr. Peck said if the property is subject to an easement, it doesn't prevent you from developing the property you just can't develop the property in a way that interferes with whatever rights the easement holder may have, but those rights are private. If it were a recorded access easement that would be under our ordinance, but staff hasn't found it's a recorded easement. This easement is not a consideration for the Board and if the easement prevents him from building it would be a private matter.

Ms. Berry said this property was sold by the state for tax deferral several years ago. One parcel was an easement to access the home on the property, and it has been fenced off and the entrance to the home is limited. Chairman Loper said the attorney said private easements are a private matter between you and the property owner.

Mr. Mazurek said there are two properties on MC85, and the easement was granted a long time ago to the previous owner. The easement is not closed, and it can be accessed. The property he is asking to put a manufactured home is completely on the side of the easement. There is a second easement on the property next to the canal with the Buckeye Water District. There is no interruption with any access. The neighbor behind him tried to buy the property from him several times and he told him he didn't want to sell it. Now they don't want him to be there. Previously, this property was being used for dumping and he cleaned it up and is making it nice.

BOARD ACTION: Vice Chair Personne motioned to approve BA2022015 with condition 'a'. Member Ward second. Approved 3-0. Ayes: Ward, Personne, Loper.

a) Variance approval establishes a 74' lot width for APN 502-57-020.

BA2022020

Darner Property (Cont. from 7/14/22)

District 2

Applicant:

William Lally, AICP, Tiffany & Bosco, LLC

Location:

APNs 141-58-176 & 141-58-179 @ 120 N. Power Rd. – Power Rd. & Main St., in the Mesa area

Request:

Variance to permit:

- 1) A proposed distance separation from a marijuana establishment to a school of 1,264' where a minimum of 1,500' is required per MCZO, Article 804.2.45.b.2

Chairman Loper recused himself from this case.

Mr. Martell presented BA2022020 and noted the applicant proposes to convert an existing marine repair and service facility to a marijuana establishment after combining and consolidating the two adjacent subject parcels. The site is zoned C-2, where marijuana establishments are a permitted use, as long as the site is separated from certain other uses within a set a minimum 1,500' distance from the closest exterior wall of the subject building to the closest boundary line of any affected parcel. These uses would be another medical marijuana establishment, house of worship, school, daycare center, park, playground, or adult oriented business. The proposed marijuana establishment will meet most of the above distancing requirements, except there is a private school located 1,264' to the northwest. The applicant is requesting to reduce the minimum required separation distance from 1,500' to 1,264'. Staff is not in support of this variance. The applicant has failed to demonstrate that there is a peculiar condition facing the property because if the site was annexed into the City of Mesa and offered both medical marijuana dispensary with general marijuana sales, the proposed use would only have to be 1,200' from the school to the northwest (according to the applicant), thus meeting the requirements of Mesa's zoning ordinance. The applicant has failed to demonstrate that the strict application of the zoning ordinance to the applicant's property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as seeking annexation into the City of Mesa and adding a second use of medical marijuana dispensary on the site, thus a variance is not warranted.

Vice Chair Personne asked about the solution by adding medical marijuana. Mr. Martell said if they went to the City of Mesa and asked for annexation one of the requirements with a medical establishment with retail sales, there would have to be a medical component. If they annexed, the nearest school can be 1,200'.

Mr. Bill Lally, the applicant with Tiffany Bosco said there is some inconsistencies with different municipalities when it comes to marijuana establishments. The requirement in Maricopa County is 1,500' from a number of uses including a school and the City of Mesa is 1,200'. We are at 1,264'. We would meet the standard if annexed in the City of Mesa but not in the County. The measurement in County code is from the existing building to the outside parcel line of the buffered use. The intent is to separate these uses with a buffer to not have marijuana establishments in or around and easily accessible to school children, parks, and churches. The buffer catches the last quarter of the property of the gated ballfield. The likelihood of exposure with the two uses is limited. To get to one facility to the other you could use one or two routes and take the main arterial to go to the front of the facility which is more than double the required buffered distance. If you cut through the neighborhood, you are well beyond the buffer distance. There shouldn't be any cross-pollination of traffic or exposure between the two facilities whatsoever. This parcel has been zoned C-2 for over 30 years. This will be a great

improvement to the community and neighborhood. We are caught between two buffered standards, one in Mesa and one in Maricopa County. If we applied for annexation, Mesa doesn't want recreational marijuana in a stand-alone facility, even though state law passed the ability to do that. Facilities like this get caught in special circumstances. Mesa's code is 1,200' from a medical marijuana facility and we exceed that and meet the intent of Mesa's code, but this property is within Maricopa County and is a stand-alone facility. Annexation doesn't solve the overall issue. There is no one in opposition and the city didn't comment to oppose this use.

Member Ward asked if the licensing for medical versus recreational marijuana is a lottery to add the medical. Mr. Lally said it is a lottery situation to obtain a secondary license.

Vice Chair Personne asked if anyone from the public wished to speak on this case.

Mr. R. L. Whitmer spoke of issues he had with a previous case, he also said he has concerns of the stipulations staff is recommending which can't be enforced. Mr. Peck said his comments have nothing to do with this application. Mr. Whitmer said he isn't here to defame anyone other than stating on the record about a public concern of the stipulations.

Mr. Peck said the conditions that were attached to the variance case he speaks of related to a building permit and site plan within a certain amount of time. We argued successfully to the court that these are not conditions that could be enforced. This Board has nothing to do with site plans and building permits. What is proposed here is to codify what the variance is, that is the only condition. If you approve the distance, you are just adjusting the minimum.

Member Ward said she is looking at the realistic distance unless somebody is willing to jump over fences to get there.

BOARD ACTION: Member Ward motioned to approve BA2022020 with condition 'a'. Vice Chair Personne second. Approved 2-0. Ayes: Ward, Personne; Loper recused.

- a) Variance approval establishes a minimum distance separation of 1,264' from a marijuana establishment located on APNs 141-58-176 (Lot 2, Block 18, MCR Book 38, Page 3) & 141-58-179 (Lot 4, Block 18, MCR Book 38, Page 3) (or consolidated parcel of same site) to an existing boundary containing a school on parcel number 141-59-005M.

BA2022024	Kvool Property (Cont. from 7/14/22)	District 2
Applicant:	Colin Kvool	
Location:	APN 219-43-161@ 18440 E. Corto Ln. – Rio Verde Dr. and Forest Rd. in the Rio Verde area	
Requests:	Variance to permit: <ul style="list-style-type: none">1) Proposed front setback of 19' where 20' is the minimum permitted per MCZO Article 604.4.1.a and;2) Proposed street side setback of 5'-9 1/2" where 10' is the required per MCZO Article 604.4.1.c	

Mr. Mueller presented BA2022024 and noted the request would allow the applicant to complete a 352 square feet garage addition. Staff has received five letters of support plus

a letter from the HOA. The applicant has failed to demonstrate there is a peculiar condition facing the property because the lot is within a recorded and platted subdivision. While the eastern lot line slightly creating a situation where the setback pushes in towards the residence and the southern portion of the lot. It is a typical size and shape to the nearby parcels. This request is unique in which the applicant will use a medical mobility device such as a walker, but it is not a peculiar condition facing the physical property. The applicant has not demonstrated applying the requirements of the MCZO to this property that undue physical hardship exists because both the lot and the existing residence are of similar size and shape of those in the immediate area. The applicant has failed to demonstrate that a peculiar condition and physical hardship is not self-created in the line of title because the platted lot and current setbacks were created and established well before convenience to the applicant. If approved, a variance approval establishes a 19-foot setback line and a 5-foot east setback line.

Chairman Loper asked if there is an encroachment on the side yard. Mr. Mueller said there is not.

Mr. Colin Kvoool, the applicant said we are wanting to build a 2-car garage addition to the existing home, 22' wide and 16' deep. The Rio Verde HOA has a rule where we can't park our vehicles in the driveway overnight and need to be parked in the garage. The HOA sent in a letter of support for our garage addition request. Our two vehicles and our golf cart do not fit in the garage. The solution is to add additional space to satisfy the HOA rule and to safely store our two vehicles and golf cart and more importantly provide ample room for his wife's current and future medical needs. We want to create a reasonable space that resolves his wife's challenges and satisfy the HOA rules and create a design that is esthetically pleasing. The proposed addition has been approved by the Rio Verde architectural committee and letters of support from the neighbors. The garage addition will be a straight line in front of existing garage and Rio Verde has several residents that have had additions approved. We aren't asking for anything extreme or elaborate it is well within other additions in the area. The garage is tight for our two cars, his wife's walker, and no room for a golf cart. Under the Americans with Disabilities Act (ADA), if you have a disability or have a physical or mental impairment that substantially limits a major life activity. If you have a disability, you will be protected by the ADA, if you also are qualified to perform the essential function or duties of a job, with or without reasonable accommodation. The ADA Act is a law that makes it illegal to discriminate against anyone with a disability. Discrimination means you are treated unfairly or unequally because you have a disability. Discrimination also occurs when you are denied a necessary reasonable accommodation, which we feel this is. A reasonable accommodation is not limited to, making changes to building or equipment to make it more accessible and usable by people with disabilities. He appreciates the Board's consideration for this reasonable addition to their property which will help long term.

Mr. Gérard said this house has an existing two-car garage and the southeast corner encroaches in the setback today at 8 feet, 3 inches. If they made this a 15'x22' addition, and only came out 15' south he would meet the front setback and only be requesting the street-side setback on the east.

Chairman Loper asked if they would accommodate to have it 15' deep. Mr. Kvoool said yes.

Chairman Loper asked if anyone from the public wished to speak on this case. None.

BOARD ACTION: Vice Chair Personne motioned to approve BA2022024 request #2 with condition 'b'. Member Ward second. Approved 3-0. Ayes: Ward, Personne, Loper.

- a) Variance approval establishes a 5' east setback line for APN 219-43-161.

BOARD ACTION: Vice Chair Personne motioned to deny BA2022024 request #1. Member Ward second. Denied 3-0. Ayes: Ward, Personne, Loper.

BA2022018	McCavitt Residence	District 4
Applicants:	John & Sara McCavitt	
Location:	APN 219-43-151A @ 18420 N. Sierra Vereda – Avenida Del Ray & Sierra Vereda in the Rio Verde area	
Requests:	Variance to permit: <ul style="list-style-type: none">1) Front yard (west) setback of 10' for primary residence where 20' is the minimum permitted per subdivision plat, and;2) Interior side setback (north) of 9' for primary residence where 10' is the minimum permitted per subdivision plat, and;3) Street-Side Setback of 0' feet (south) for as-built pool barrier wall where 10' is required per MCZO Article 1111.5.4.3.	

Mr. Johnson presented BA2022018 and noted requests #1 and #2 would allow a proposed garage addition with a reduced interior side north setback of 9' where 10' is the minimum setback required. Additionally, a reduced front yard setback (west) of 10' for where 20' is the minimum setback required. Request #3 would allow an as-built pool barrier previously permitted to encroach the required street side setback where 10' is required. Staff received a letter of support from the applicant's neighbor to the north in support of the garage addition. The findings are split where request #3 meets the statutory test for variance approval and requests #1 and #2 fail to meet the statutory test for variance approval. The applicant has failed to demonstrate there is a peculiar condition facing the property because the land is relatively unremarkable in shape and topography and there appears to be no development constraints such as easements or washes complicating development. The applicant has not demonstrated applying the requirements of the Maricopa County Zoning Ordinance (MCZO) to this property that has these peculiar conditions an undue physical hardship exists that prevents the development of the property. There are alternatives available to the property, such as opting for a detached structure that has less restrictive setbacks. Staff notes the garage location is somewhat limited based upon existing driveway/access onto street location. The applicant has failed to demonstrate that the peculiar condition and physical hardship is not self-created in the line of title because there does not appear to be a hardship related to a peculiarity of the land. The applicant has failed to demonstrate that the general intent and purpose of the zoning ordinance will be preserved with the variance.

Chairman Loper asked at the time the building permit was issued it was just lot 234 and the side was to Del Ray and that's why the building was granted with a 10' setback. Mr. Johnson said that is correct. Chairman Loper said that changed the orientation, so the front went from a private street to Del Ray. The existing home is legal non-conforming.

Chairman Loper asked if it were the old orientation towards the south, would they need the variance for the rear yard. Mr. Johnson said yes.

Mr. John McCavitt, the applicant said our address is on Sierra Vereda and it is really the side of our home. That is all bedroom wall and there is no front of our home due to the layout of the lot and the original plot of the house. The house faces east and west, and he owns the empty lot behind them. The entrance to the home is the driveway and through the garage. He is asking for a one car garage addition butting right up to the existing garage. The garage door would be 23 feet to the street, because of the angle of the lot he is asking for 27-foot-long garage addition 13 feet wide. It starts out at 10.5 inches from the property line, so it meets the variance of 10 feet. To keep the garage square, it gradually infringes on that 10-foot so the back corner of the new addition would be 9 feet 2 inches, so that would be a 10-inch variance from that back corner. That is 50 feet from Avenida Del Ray Street which is the side of his house and the side of his neighbor's house, and the neighbor provided a letter of support. This will match his existing garage and the HOA has approved it. It was said by staff that the garage can be put somewhere else on the property, and he is unsure where that would be.

Mr. Johnson said the lot would not be able have a detached structure. If it could be designed to be detached from the main residence, there could be a way for it to fit. Mr. Gérard said since it is an addition, the primary structure has to be within the principle building envelope. If it were structurally detached it could be as close as three feet to the rear or side yard. The applicant also indicated he owns the lot to the east. Mr. McCavitt said we could not build a garage there it must be a home. Mr. Gérard said the lot could be re-delineated like he did before.

Chairman Loper said if you did a lot combination it would be considered a detached accessory structure and can be built three feet from a side or rear property line. Mr. McCavitt said that would defeat the value of the lot and he doesn't want a car garage 400 feet from his home.

Chairman Loper said the new addition will be adjoining the existing garage and asked will it be open to access it from inside. Mr. McCavitt said yes, he will extend the length of his garage for additional storage. He would use the existing wall of the current garage with an opening in the wall to walk into the house.

Chairman Loper asked why he didn't match the front plain for the proposed garage. Mr. McCavitt said he was trying to extend it out to give him some extra length since the garage is tight and he has no room for his golf cart. He wants to make it a little longer to provide a place to park his golf cart and an area for some storage.

Vice Chair Personne said you could possibly take the entire addition and shift it more to the east and that would create a larger setback along Avenida Del Ray, that would line it up to the existing garage. Mr. McCavitt said there is a short wall on that back side.

Chairman Loper asked if anyone from the public wished to speak on this case. None.

Chairman Loper said he would like to see it pushed back four to five feet so it's part of the plain of the existing structure, but there is a low wall to the east that prevents from going deeper and he does have support from the neighbors.

Vice Chair Personne said we did discuss some other options and she in support to move this forward. There is a peculiar condition with the changing of the front street assignment.

BOARD ACTION: Vice Chair Personne motioned to approve BA2022018 with condition 'a' – 'c'. Member Ward second. Approved 3-0. Ayes: Ward, Personne, Loper.

- a) Variance approval establishes a 0' street side (south) setback line for the existing pool barrier for APN 219-43-151A.
- b) Variance approval establishes a 10' front (west) setback line for APN 219-43-151A.
- c) Variance approval establishes a 9' interior side (north) setback line for APN 219-43-151A.

BA2022023	Clovis Residence	District 3
Applicant:	Carl Clovis	
Location:	APN 211-51-040H @ 1215 W. Primrose Path – Approx. 500' west of intersection of Primrose Path & 11th Ave in the Desert Hills area	
Requests:	Variance to permit: 1) Front yard (east) setback of 8'-5" for detached accessory structure where 40' is the minimum permitted per MCZO Article 503.4.1.	

Mr. Johnson presented BA2022023 and noted the request would allow a proposed detached RV garage and accessory dwelling unit with a reduced front yard east setback of 8'5" where 40' is the minimum setback required. Staff received three letters of support from the neighbors. The applicant has failed to demonstrate that there is a peculiar condition facing the property and has failed to demonstrate that the strict application of the MCZO and the applicant's property has caused undue physical hardship that prevents the development of the property. There are alternatives available to the property, such as reducing the size of RV garage to fit the lot or detaching the two structures and proposing them within the rear and side-yards as accessory structures have less restrictive setbacks. The variance is not warranted. Staff notes, however, the garage location is somewhat limited based upon existing driveway access onto street location, and the septic tank and leech fields to the northeast of the property prevents the driveway from wrapping around the east side of the building to the north. The applicant has failed to demonstrate the peculiar condition and physical hardship is not self-created in the line of title. The applicant has failed to demonstrate that the general intent and purpose of the MCZO will be preserved with the variance, as the intent of the MCZO front yard requirements ensure an orderly appearance of residential uses from public rights-of-way.

Mr. Carl Clovis, the applicant said there is a nearby property that received a similar approved variance. This is for a proposed garage/casita with a 40-foot front yard setback on the entire eastern property line. This shouldn't affect the neighbors because it acts like a side yard rather than a front yard. The ordinance allows detached accessory structures to be as close as five feet from interior lot lines. The structure will be built behind the neighbor's wall that acts as a separation from their front yard and side yard. The hardship is the lot size and peculiar shape of the parcel. This property is closed off by a block wall and this looks like a side or backyard verses a front yard with a 40-foot setback. A variance is needed so this parcel can be reasonably used. The neighbors provided a support letter for this request and other county agencies have no objections to the request.

Chairman Loper asked if anyone from the public wished to speak on this case. None.

Vice Chair Personne said she could see how the configuration of the lot creates a condition with two front yard setbacks and she is in support of this request.

BOARD ACTION: Vice Chair Personne motioned to approve BA2022023 with condition 'a'. Member Ward second. Approved 3-0. Ayes: Ward, Personne, Loper.

- a) Variance approval establishes an 8'-5" front (east) setback line for APN 211-51-040H.

BA2022028	Walters Property	District 3
Applicant:	Wesley Walters	
Location:	APN 202-08-004U @ 48627 N 3rd Ave. – 3rd Ave. & Fig Springs Rd., in the New River area	
Requests:	Variance to permit: 1) Proposed hillside disturbance of 1,107 sq. ft. outside the lot's principal building envelope where hillside disturbance is prohibited per MCZO Article 1201.6.1.1	

Mr. Mueller presented BA2022028 and noted the request would allow the applicant to complete a new single-family residence on currently vacant land. The applicant has an active building permit for the residence. The applicant has demonstrated a peculiar condition facing the property due to about two thirds of the property being either flood plain or floodway. In addition, there are hillside slopes located separately throughout the entire parcel. Staff notes that the applicant had worked with plan review staff and made every reasonable effort to conform to the MCZO and that given the physical complexities and size of the parcel the requested amount of hillside disturbance is relatively minor. The applicant has demonstrated applying the requirements of the MCZO to this property has these peculiar conditions an undue physical hardship exists because it would effectively prevent a 3-acre lot to be developed in a similar way that other parcels in the area have been developed. The applicant has demonstrated that the peculiar condition and physical hardship is not self-created in the line of title because of geological conditions facing the property. Staff received one letter of opposition.

Chairman Loper asked the reason this was not on consent was because of the one letter of opposition. Mr. Mueller said yes. The opposition primarily focused on the New River/Desert Hills area plan, and it was their opinion the variance proposal was not conducive to the area plan.

Mr. Wesley Walters, the applicant said he wants to build a home to raise his five children. There is very limited space and obstacles. The septic requirements were also challenging.

Chairman Loper asked if anyone from the public wished to speak on this case. None.

Vice Chair Personne said she doesn't have a problem with this request. She appreciates the applicant taking time to work out alternative solutions, and it looks as though he is minimizing the impact.

BOARD ACTION: Vice Chair Personne motioned to approve BA2022028 with condition 'a'. Member Ward second. Approved 3-0. Ayes: Ward, Personne, Loper.

- a) Variance approval establishes 1,107 square feet of allowed hillside disturbance outside of the lot's principal building envelope area on APN 202-08-004U.

TU2022029	Wheat Property	District 2
Applicant:	Rosa Wheat	
Location:	APN 219-21-015A @ 3211 N. 82nd St. – McDowell & Hawes., in the Mesa area	
Request:	Temporary housing in a recreational vehicle while construction of the primary residence is completed	

Mr. Landis presented TU2022029 and noted the applicant is requesting to temporarily occupy a 38' x 10' recreational vehicle (RV), to be placed in the southeast of the property until the completion of a primary structure not to exceed one and a half years from approval or until completion of the home. The primary structure on the lot along with a propane tank and retaining wall, are currently under construction with all associated permits having been issued in April 2022. The site is accessed on the west by an ingress/egress easement and is of typical size and nature to surrounding developments. Staff received one letter of opposition with concerns about the construction on the parcel, including removing vegetation without the benefit of a permit, the obstruction of historic washes, and fencing off a fire hydrant on the western parcel line. The drainage engineer reviewed and approved the grading and drainage plan as part of the issued permit application. The engineer reviewing drainage for this temporary use permit had no objections to the request. The applicant has fulfilled the statutory requirements for obtaining a temporary use permit, and staff would have approved this request administratively had no opposition been received.

Vice Chair Personne said to clarify, the person that expressed opposition was not opposed to the living situation but rather something that is outside of the Board's purview. Mr. Landis said that is correct.

Mr. Darren Wheat, the property owner said we started this project over a year ago and we didn't anticipate moving on site, but because of the high costs and COVID hitting our business it's not financially feasible to rent a place and pay for the new home construction. He is asking the Board to consider this TUP so they can move their RV on the property temporarily so they can finish out the project and not incur additional costs. The opposition has complained about everything we've done on our property, and they didn't appreciate us building in their line of view.

Mr. Pete Amundsen said he lives adjacent to this property. His concerns are when is the project going to be finished because putting an RV on the property is open ended. The final determination of the drainage has been a problem since day one and it won't be resolved until they do the final grading and finish the house. He would like to stipulate the applicant maintain the drainage path until they get a final conclusion, and he wants the dust control to be maintained. He also has concerns with the fencing blocking the fire hydrant.

Chairman Loper said somebody already inspected the drainage issues and it is something we would not stipulate; it is also outside of our purview. The complaints would be handled through the County and not through this Board. The fire hydrant issue is something you can check with the Fire District to see what they require for that area.

Mr. Gérard said whether or not the TUP is approved, the construction permit is active and valid, and the construction activity will be ongoing as long as he passes inspections.

Chairman Loper asked if anyone from the public wished to speak on this case. None.

BOARD ACTION: Member Ward motioned to approve TU2022029 with conditions 'a'-'g'. Vice Chair Personne second. Approved 3-0. Ayes: Ward, Personne, Loper.

- a) Development of the site shall be in substantial conformance with the site plan entitled "Site Plan-2", received June 22, 2022, consisting of 1 page, except as modified by any condition identified herein.
- b) Use of the site shall be in conformance with the Supplemental Questionnaire, consisting of 1 page, received June 14, 2022, except as modified by any condition identified herein.
- c) 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.
- d) This Temporary Use Permit is authorized for temporary housing on the following dates: August 11, 2022 through February 9, 2024. This Temporary Use Permit shall expire on February 10, 2024 and the use of the RV as housing must stop within 48 hours. The Temporary Use Permit 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.
- e) 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.
- f) 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.
- g) 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.

Adjournment: Chairman Loper adjourned the meeting of August 11, 2022 at 11:59 a.m.

Prepared by Rosalie Pinney
Recording Secretary

August 11, 2022