



MARICOPA COUNTY, ARIZONA
Board of Adjustment
Minutes
June 18, 2020

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

MEMBERS PRESENT: Mr. Craig Cardon
Mr. Greg Loper
Ms. Heather Personne
Ms. Fern Ward (arrived @ 10:04)

MEMBERS ABSENT: Mr. Jeff Schwartz

STAFF PRESENT: Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES: Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Rebecca Quince, Senior Project Manager, OET

ANNOUNCEMENTS: Chairman Loper made all standard announcements.

AGENDA ITEMS: BA2020023, BA2020025, BA2020008

CONSENT AGENDA

BA2020023	Liberty Utilities	District 4
Applicant:	Tom Bayles, NCS Engineers	
Location:	APN 501-63-002E @ 5752 N. 119 th Ave., approx. 4,700' northeast of the northeast corner of El Mirage Rd. and Camelback Road in the Glendale area	
Zoning:	Rural-43	
Requests:	Variance to permit: 1) Proposed Lot Area of 6,350 sq. ft. where a minimum Lot Area of 43,560 sq. ft. is the minimum permitted; and 2) Proposed Lot Width of 50 ft. where a minimum Lot Width of 145 ft. is the minimum permitted; and 3) Front setback of 5 ft. where a minimum setback of 40 ft. is the minimum permitted; and 4) Rear setback of 20 ft. where 40 ft. is the minimum permitted; and 5) Interior Side setback of 5 ft. where 30 feet is the minimum permitted	

BA2020025

Donovan Property

District 5

Applicant:

Leodra Bowdell, Phoenix Permit Service LLC

Location:

APN 300-15-830 @ 10446 S. 27th Ave. – South of Dobbins Rd. and west of 27th Ave. in the Laveen area

Zoning:

Rural-43

Request:

Variance to permit:

- 1) Proposed front setback of 15' where 40' is the minimum permitted per MCZO Article 503.4.1.a

Mr. Gerard presented the consent agenda.

BOARD ACTION: Member Cardon motioned to approve the consent agenda - BA2020023 with conditions 'a'-'c', and BA2020025 with conditions 'a'-'c'. Member Personne second. Approved 4-0.

BA2020023 conditions;

- a) General compliance with the Site Plan stamped received April 30, 2020.
- b) Unless a deed restriction is recorded to limit use and development of the subject property to public utility and ancillary uses all required building permits for the proposed development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permits within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

BA2020025 conditions;

- a) General compliance with the site plan stamped received May 3, 2020.
- b) All required building permits for the existing development shall be applied for within 120 days of the hearing date unless otherwise directed by the Board. Failure to apply for any required building permits within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval.
- c) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

REGULAR AGENDA

BA2020008

Rahman Property (Cont. from 4/16/20)

District 1

Applicant:

Mizan Rahman

Location:

APN 303-54-954 @ 24430 S. Cooper Rd. – South of Cooper Rd. and Cloud Rd. in the Chandler area

Zoning:

Rural-43

Request:

Variance to permit:

- 1) Proposed lot widths of 135' where 145' is the minimum permitted per MCZO Article 503.5.2

Mr. Gerard presented BA2020008 and noted the request is to split an existing parcel into two different lots with widths of 135 feet where 145 feet is the minimum permitted. There are no violations on the property, and there is one opposition e-mail from the City of Chandler. The City of Chandler was opposed to an earlier request of reduction of side yard setback, but the applicant has since removed this request. The City of Chandler expressed their indifference to the minimum lot width variance request, and there is an e-mail of support from an apparent neighbor. The applicant has failed to demonstrate a peculiar condition facing the property because the current parcel and existing development meets the Rural-43 development standard requirements. Splitting the lot would be a self-created hardship, and a variance is not warranted. Since this case was continued from April, staff has had multiple discussions with the applicant based upon the Board's recommendation to explore other possibilities. The surrounding parcels are Rural-43 and the two parcels to the north are both under lot sized, but meet the minimum lot width requirements. The parcel to the south had a variance that approved a lot width of 84 feet and a lot area of just over 26,000 square feet. Correspondence from the applicant dated June 4, noted they are dealing with a death in the immediate family and staff have not received a response since then. Staff does not believe the applicant is on the webinar, and recommends a continuance if the applicant is not available or a negative motion from the Board.

Member Personne asked when we continued this case from April there was going to be some other solutions discussed with staff. Mr. Gerard said the only other option for creating two different parcels is to create one parcel that is standard and the other one is not, or to reorient them north/south other than east/west, and that would require a new road easement. That split would result in setback issues with the existing structure. It will also result in a street that doesn't align with the existing curb access point with the City of Chandler. What they are proposing would be the most optimal.

Chairman Loper asked if Mr. Rahman is available. Mr. Anderson said he is not on the webinar.

Member Cardon said as you look at the map you see a bunch of different non-conforming uses, and lots of different sizes. The City of Chandler is indifferent to this variance request and there is a neighbor in support. It doesn't clearly identify a peculiar condition and they purchased the property as one lot, but this would be a great advantage to them to have the lot split and build two different houses. He is in favor of granting this variance.

BOARD ACTION: Member Cardon motioned to approve BA2020008 with conditions 'a'-'b'. Member Personne second. Approved 4-0.

- a) General compliance with the site plan stamped received March 3, 2020.
- b) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.

Adjournment: Chairman Loper adjourned the meeting of June 18, 2020 at 10:16 a.m.

Prepared by Rosalie Pinney, Recording Secretary - June 18, 2020.