



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



**Agenda
Thursday, March 21, 2013**

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 Marsha Spencer at MarshaSpencer@mail.maricopa.gov or 602-506-1510. 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 to a maximum of 10 minutes. Rebuttal by the applicant shall be limited to a maximum of 5 minutes.

The Drainage Review Board is established, governed and limited by the provision of ARS §11-151, Sections 30 and 36 and ARS §11-251.05 and has to do with the Drainage Regulation and standards of Maricopa County. The Board does not purport to settle or determine or advise concerning other matters that may have application to rights to use real property. All Actions by the Drainage Review Board are final unless an appeal is filed with the Board of Supervisors within thirty (30) days of the Board's decision.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-807. 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.

Code Enforcement 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.

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.

Adoption of Resolutions: Items acted on in a previous meeting where a resolution was carried forward to amend per said action.

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.

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.

Standard Conditions (All agenda items shall be subject to the following):

- 1) Satisfaction of all applicable Maricopa County Zoning Ordinance requirements, Drainage Regulations, and Building Safety codes.
- 2) General compliance with the site plan submitted with the application.
- 3) All required building permits for proposed and 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 permit within the specified time, or to complete necessary construction within one year from the date of approval, shall negate the Board's approval, except for Appeals of Temporary Use Permits for temporary housing, which may allow two years to complete construction from date of approval.
- 4) All conditions set forth by the Board of Adjustment shall be complied with prior to the Department of Planning and Development finalizing any building permit or issuing a Certificate of Occupancy, whichever is applicable.

Call To Order: 10:00 a.m.

Roll Call

Announcements

DRB Approval of Minutes: None

DRB Consent: None

DRB Continuance Agenda: None

DRB Regular Agenda: None

DRB Other Business: None

DRB Adjournment

Code Enforcement Review: V201201494

BOA Approval of Minutes: February 14, 2013

BOA Consent: None

B-1 BA2013007

Applicant:

Location:

Requests:

District 3

Von Dix for Judd Herberger

7537 N. Lakeside Lane (in the Paradise Valley area)

Variances to permit: 1) a proposed rear yard setback (east) of 25.5 feet where a minimum of 40 feet is required, 2) a proposed side yard setback (west) of 28 feet where a minimum of 30 feet is required; and 3) an existing lot width of 81.5 feet where 145 is the minimum required in the RU-43 zoning district

Recommendation:

Presented by:

Approve with conditions

Glenn Bak

BOA Adoption of Resolutions:

B-2 BA2013002

Applicant:

Location:

Request:

District 2

Rick Carlson

10105 S. 159th Street (in the Gilbert area)

Variance to permit a proposed lot coverage of 17.2% where 15% is the maximum allowed

BOA Continuance Agenda:

B-3 BA2013004

Applicant:

Location:

Requests:

District 3

Jacqueline Morgan for Frances Early

1010 W. Carlise Road (in the Desert Hills area)

Variances to permit: 1) a side yard of 15 feet where 30 feet is required, 2) a side yard of 0 feet where 3 feet is required, and 3) a front yard of 20 feet where 40 feet is required in the Rural-43 zoning district

Recommendation:

Presented by:

Continue to April 18, 2013

Eric Smith

BOA Regular Agenda:

Unfinished Business:

- B-4 **BA2013003** **All Districts**
Applicant: Courtney Bratton
Request: Appeal of a staff determination that personal/family dirt bike recreation on private property in the Rural zoning districts is not a public/commercial motocross track requiring a Special Use Permit (SUP)

Recommendation: **Deny**
Presented by: Darren Gerard
- B-5 **TU2013002** **District 4**
Applicant: Daniel Matthews for Arizona State Land Department
Location: 19421 W. Jomax Rd. (in the Wittmann area)
Request: Temporary Use Permit (TUP) for temporary events every Saturday and Sunday, February 9th –May 19th

Recommendation: **Deny**
Presented by: Darren Gerard

New Business:

- B-6 **BA2013001** **District 2**
Applicant: Jeff Geller for Paul and Lisa Baret
Location: 29206 N. 137th Street (in the Scottsdale area)
Request: Variance to permit an existing side yard of 24 feet where a minimum of 30 feet is required in the Rural-43 zoning district

Recommendation: **Withdrawn**
Presented by: Eric Smith
- B-7 **BA2013005** **District 4**
Applicant: Daniel and Elizabeth Palashak
Location: 13625 N. Emberwood Drive (in the Sun City area)
Request: Variance to permit enclosure of an existing carport to setback 17 feet, 9 inches from the front (southwest) property line where a front yard of 20 feet is required in the R-3 RUPD zoning district

Recommendation: **Approve** with conditions
Presented by: Eric Smith
- B-8 **BA2013006** **District 4**
Applicant: Gregg and Allison Lentz
Location: 10529 W. Avenida Del Sol (in the Peoria area_
Request: Variance to permit proposed lot coverage of 17.2% where 15% is the maximum lot coverage allowed in the Rural-43 zoning district

Recommendation: **Approve** with conditions
Presented by: Eric Smith

BOA Other Business:
BOA Adjournment

None