



**RESOLUTION OF APPROVAL
MARICOPA COUNTY BOARD OF ADJUSTMENT
CASE NO.: BA2013025
INTRODUCED: September 19, 2013**

Applicant/Owner: Joe & Connie Martin

Site Location: 228 N. 65th Place – 65th Street and University Drive (in the Mesa Area)

Site Size: 6,207 square feet (0.12 acres)

Existing Zoning: R-3

Current Use: Single-family residence

WHEREAS, an application for Variance was filed on May 21, 2013; and

WHEREAS, All statutory requirements have been met granting the Board jurisdiction over the applications; and

WHEREAS, the Applicant has requested the following variance:

1. An existing attached accessory structures' rear yard setback of 20 feet where 25 feet is required.

WHEREAS, the reviewing County agencies offered the following:

1. Maricopa County Department of Transportation (MCDOT): No comments on the request.
2. Flood Control District (FCD): No comments on the request at the time of this writing.
3. Environmental Services Department (MCESD): No comments on the request.
4. Drainage Plan Review (DPR): No comments on the request; and

WHEREAS, the Board adopts this resolution to set forth its findings of facts and conclusions of law thereby memorializing the reasons for the action taken:

NOW THEREFORE, the Board makes the following factual findings:

1. A public hearing on proper notice was held on the application on August 15, 2013.

2. The Applicant presented the case to the Board.
3. The site is rectangular in shape, with a total lot area of is 6,207 square feet square feet.
4. The subject property is developed with a single family residence constructed circa 1978.
6. The existing attached accessory structure was not approved under a staff reviewed and finaled building permit.
7. The existing attached accessory structure was constructed circa 2009.

NOW THEREFORE, the Board makes the following findings of law pursuant to A.R.S. § 11-807:

1. To establish entitlement to variance relief, the applicant must demonstrate "peculiar conditions," related to the property.
2. If the applicant is able to establish the peculiar conditions exist, to establish entitlement to variance relief, the applicant must demonstrate that because of those peculiar conditions, applying the ordinance to the property would work an "unnecessary hardship."
3. An unnecessary hardship is not one that is personal to the applicant and is not one of financial burden. To establish entitlement to the variance, the applicant must demonstrate that the hardship arises because this property is being treated in a way other properties in the same zoning district are not.
4. If the applicant is able to demonstrate that there is a peculiar condition associated with the property, and that application of the particular regulation to that condition works an unnecessary hardship, to establish entitlement to variance relief, the applicant must demonstrate that the condition was not created by the applicant or anyone in the chain of title to the applicant, such that the hardship is not self imposed.
5. If the applicant is able to establish entitlement to variance relief, the applicant must also demonstrate that in granting the relief may the "intent and purpose" of the zoning ordinance would, nevertheless, be preserved.

NOW, THEREFORE, BE IT RESOLVED, by the Maricopa County Board of Adjustment, after having considered the aforementioned application, plans, evidence and testimony that the variance relief requested for request is approved for the following reason:

1. There is a peculiar condition present at this site that warrants approval of this variance request.
2. The request does not harm or conflict with the intent of the Maricopa County Zoning Ordinance.

THIS RESOLUTION IS HEREBY ADOPTED by the Maricopa County Board of Adjustment, Maricopa County, Arizona, this _____ day of _____ 2013.

Garry Hays, Board of Adjustment Chairman

ATTEST:

Marsha Spencer, Recording Secretary

CERTIFICATION

I, Marsha Spencer, do hereby certify that the foregoing Resolution was duly passed by the said Board at a meeting held on September 19, 2013.

Marsha Spencer
Maricopa County Board of Adjustment

YOU HAVE THE RIGHT TO APPEAL THIS ACTION. ANY APPEAL MUST BE FILED WITH THE MARICOPA COUNTY SUPERIOR COURT **WITHIN 30 DAYS** OF THIS RESOLUTION.