



BOARD OF ADJUSTMENT
MARICOPA COUNTY, ARIZONA
 205 W. Jefferson Street, Phoenix, Arizona
 and by GoToWebinar

MINUTES
May 18, 2023

CALL TO ORDER: Chairman Loper called the meeting to order at 10:00 a.m.

MEMBERS PRESENT:

In-person
 Mr. Greg Loper, Chairman
 Ms. Suzanne Klapp

GoToWebinar
 Mr. Craig Cardon
 Ms. Fern Ward

MEMBERS ABSENT: Ms. Heather Personne, Vice Chair

STAFF PRESENT:

Mr. Tom Ellsworth, Planning & Development Director
 Mr. Darren Gérard, Planning Division Manager
 Ms. Rachel Applegate, Senior Planner
 Mr. Daniel Johnson, Planner
 Ms. Paola Jaramillo, Planner
 Mr. Joel Landis, Planner
 Mr. Andrew Lorentzen, Planner
 Mr. Joseph Mueller, Planner
 Mr. Nick Schlimm, Planner
 Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
 Mr. David Anderson, Business Engagement Manager, OET
 Ms. Katie Sanchez, Technical Team
 Mr. Martin Camacho, Technical Team

ANNOUNCEMENTS: Chairman Loper made all standard announcements.

AGENDA ITEMS: BA2023013, BA2023020, BA2023019, BA2023024, BA2023011, BA2023012, TU2023014, BA2023009, BA2023014, BA2023016, BA2023023, TU2023019, TU2023021

APPROVAL OF MINUTES: April 13, 2023

Chairman Loper made the standard announcements and asked if there were any changes or comments to the minutes for April 13, none.

BOARD ACTION: Chairman Loper approved the April 13, 2023 minutes as written.

Mr. Gérard introduced Suzanne Klapp the new Board Member representing District 2.

- day care center, preschool, nursery, kindergarten for Marijuana Establishment use;
- 3) Proposed required separation distance of 905' where 1500' is the minimum permitted per MCZO Article 804.2.45.b.1 from a church for Marijuana Establishment use;

Mr. Gérard said the applicant requested a continuance to the July 20, 2023 hearing due to scheduling conflicts. No action by the Board.

CONSENT AGENDA

- | | | |
|-------------------|--|-------------------|
| BA2023011 | Byrne Property | District 3 |
| Applicant: | Barry Byrne, Byrne Construction and Development | |
| Location: | APN 169-16-067 @ 4438 E Lakeside Ln. – Clearwater Pkwy & Tatum Rd., in the Paradise Valley area | |
| Requests: | Variance to permit: | |
| | 1) Proposed interior side setback of 20 ft where 30 ft is the minimum permitted per MCZO Article 503.4.2 and; | |
| | 2) Proposed rear setback of 30 ft where 40 ft is the minimum permitted per MCZO Article 503.4.3 and; | |
| | 3) Existing lot size of 35,157 sq. ft. where 43,560 sq. ft. is the minimum permitted per MCZO Article 503.5.1 and; | |
| | 4) Existing lot width of 120 ft. where 145 ft. is the minimum permitted per MCZO Article 503.5.2 | |
| | | |
| BA2023012 | Brick & Market Real Estate | District 3 |
| Applicant: | Brent Armstrong, ISOS Architecture LLC | |
| Location: | APN 169-16-123 @ 7202 N. Red Ledge Dr. – Upper Ridge Way & Red Ledge Dr., in the Clearwater Hills / Paradise Valley area | |
| Requests: | Variance to permit: | |
| | 1) Proposed front yard setback (south) of 10' where 40' is the minimum permitted per MCZO Article 503.4.1.a; | |
| | 2) Proposed rear yard setback (north) of 10' where 40' is the minimum permitted per MCZO Article 503.4.3; | |
| | 3) Proposed side yard setback (west) of 10' where 30' is the minimum permitted per MCZO Article 503.4.2, and; | |
| | 4) Proposed hillside disturbance of 156 sq. ft. outside the lot's principal buildable envelope where prohibited per MCZO | |

Mr. Gérard presented the consent agenda.

Chairman Loper asked if anyone from the public wished to speak on the consent agenda. None.

BOARD ACTION: Member Klapp motioned to approve the consent agenda, BA2023011 with conditions 'a'-d', and BA2023012 with conditions 'a'-e'. Member Cardon second. Approved 4-0. Ayes: Cardon, Klapp, Ward, Loper.

BA2023011 conditions;

- a) Variance approval establishes a 20' (north) setback line for APN 169-16-067.
- b) Variance approval establishes a 30' (west) setback line for APN 169-16-067.

- c) Variance approval memorializes a legal non-conforming lot width of 120' for APN 169-16-067.
- d) Variance approval memorializes a legal non-conforming lot area of 35,157 sq. ft. for APN 169-16-067.

BA2023012 conditions;

- a) Variance approval establishes a 10' south setback line for APN 169-16-123.
- b) Variance approval establishes a 10' north setback line for APN 169-16-123.
- c) Variance approval establishes a 10' west setback line for APN 169-16-123.
- d) Legal Non-Conforming status is memorialized for hillside disturbance of 28,394 sq. ft. for APN 169-16-123.
- e) Legal Non-conforming status is memorialized for a lot area of 35,837 sq. ft. and lot width of 93.27 ft. for APN 169-16-123.

REGULAR AGENDA

TU2023014	Parking of Semi-Truck (Cont. from 4/13/23)	District 5
Applicant:	Michele Holley, Will I Miniatures	
Location:	APN 506-40-155 @ 3509 N. 359 th Ave in the Tonopah area	
Request:	Temporary Use Permit to allow for storing of commercial vehicles (semi-truck) inside enclosed shop in the Rural-43 zoning district.	

Mr. Johnson presented TU2023014 and noted this is a request to store a commercial vehicle inside an enclosed shop. The case was requested to be continued to today's hearing for staff to meet with the applicant's counsel and enter a compliance agreement. On May 9, 2023, staff and county counsel met with the property owners and their legal counsel. The terms of the compliance agreement were agreed upon regarding the existing violation, which allows the property owners to move forward with this request. Staff will recommend conditions that the non-accessory vehicle greater than 10,000 lbs. will not be stored/parked on site unless it is unloaded except for items directly related to on-site agricultural operations, and the vehicle not be stored/parked within any easement or right-of-way on or adjacent to the subject parcel. Staff has closed violation V202101226 as the property owner's legal counsel confirmed the accessory dwelling is used solely for agricultural worker housing and therefore part of the agricultural use exempt from the county's zoning authority.

Mr. Gérard said counsel advised staff, Member Klapp cannot participate in discussion or vote in this case.

Ms. Michele Holley, the applicant said they are requesting to park their semi-truck on their property in an enclosed shop, and it is not loaded and doesn't bring any material in or out. There are 15 or more semi-trucks parked in their neighborhood. They have a signed petition from some of the neighbors that don't have a problem with the semi being parked on the property. They have an agricultural exemption where they raise horses and cattle and on occasion they use the semi to bring in cattle or dairy bales. Any other time it would be empty and parked in the shop. They do not want to use a truck stop because of vandalism. She showed a video of a semi-truck pulling into the complainant's property and she noted it stays for a couple of months, and also the neighbors across the street have a semi that is parked out front. They are first requesting a Temporary Use Permit and then they will get a Special Use Permit.

Ms. Carrie Hirschberg said they are the adjacent neighbors, and they live in an equine community not a trucking community. The other semi-trucks were used for recreational vehicles for equine purposes. The Holley's have not been following any protocols and the semi-truck has been parked on the property during this entire process and not respecting the county at all, and they have other violations. She said they haven't even applied for a Special Use Permit. She was told whenever she wanted a Temporary Use Permit she would need to also apply for the Special Use Permit which could take 6 months to a year. Time will run out on the TUP, and they won't be anywhere near completing the SUP deadline and they will keep parking their semi on the property. The Holley's expect everyone else to follow the county code but themselves. They don't have proper ingress/egress for this semi, and it blocks the road while trying to get into their property. This is a busy road, and it is not the place to have a commercial semi-truck.

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

BOARD ACTION: Member Ward motioned to approve TU2023014 with conditions 'a'-'j'. Member Cardon second. Approved 3-0. Ayes: Cardon, Ward, Loper.

- a. Development of the site (with regard to storage/parking of a non-accessory vehicle greater than 10,000 lbs. GVW) shall be in substantial conformance with the site plan entitled "Will I Miniature Horse Ranch", stamped received 3/10/2023, consisting of one 24" x 36" page, except as modified by any condition identified herein.
- b. Use of the site (with regard to storage/parking of a non-accessory vehicle greater than 10,000 lbs. GVW) shall be in substantial conformance with the Narrative Report entitled, "Will I Miniatures Farm Narrative", consisting of 2 pages, stamped received 3/10/2023, except as modified by any condition identified herein.
- c. This Temporary Use Permit is authorized for parking a commercial semi-truck inside an enclosed shop and shall expire on October 19, 2023. The Temporary Use Permit approval 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.
- d. 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.
- e. 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.
- f. 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.
- g. Prior to zoning clearance approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, Department or Company servicing the site.

- h. No road closures/obstructions shall be permitted; and no signs or any other use related objects shall be placed with the public right-of-way unless a Permit is procured from the MCDOT Permitting Branch. (<https://www.maricopa.gov/499/Permits>).
- i. Parking / storage of the non-accessory vehicle greater than 10,000 lbs. GVW (semi-truck) is prohibited from within all easements and rights-of-way within or adjacent to the subject parcel.
- j. Whenever parked / stored on site the non-accessory vehicle greater than 10,000 lbs. GVW (semi-truck) shall remain unloaded except for items directly related to the on-site agricultural

BA2023009	Ely Property (Cont. from 4/13/23)	District 4
Applicants:	Gregory Seibt, Rutila, Seibt & Nash, PLLC	
Location:	APN 201-17-006L @ 26408 N. 102nd Ave –102nd Ave and Jomax Rd., in the Peoria area	
Request:	Variance to permit:	
	1) Proposed rear yard coverage of 36% for a detached accessory building within the required rear yard where the maximum coverage is 30% per MCZO Article 1106.2.	

Mr. Gérard said since this case was heard before, Member Klapp cannot participate in discussion or vote on this case.

Mr. Landis presented BA2023009 and noted approving this request would allow for a proposed rear yard coverage of 36% for a detached accessory building within the required rear yard where the maximum coverage is 30% to allow for the relocation of a permitted but unbuilt combined pool cabana, detached garage, and covered patio structure. The parcel was first developed around 2003 and the current owners took possession of the property in 2018. The original permit of this detached structure was issued in June 2022 at a rear yard coverage of 29.9%, just under the 30% maximum, and with a rear and side yard setback of 7.2 ft. Subsequently, the applicants applied for the subject variance request in March, proposing a 41% rear yard lot coverage. At the April Board of Adjustment hearing, the Board granted a continuance to work with staff to see if there were solutions on reworking the proposed structure to better fit the lot. The applicant decided to adjust the building to now take up 35.5% of lot coverage within the rear yard, a difference of approximately 362 sq. ft. The application must still meet the statutory tests for variance approval, and it fails to do so. Staff is recommending denial. The applicant has failed to demonstrate there is a peculiar condition facing the property because the lot is compliant with the Rural-43 lot standards and is not encumbered by topographical constraints such as hillside or flood conditions. The applicant has failed to demonstrate the strict application of the zoning ordinance to the applicant's property has caused undue physical hardship that prevents the development of the property as the owners have already received a permit for the same structure but in a slightly more northern location. The applicant also has other options to comply with the ordinance such as building a smaller structure or redesigning the structure to be less within the rear setback.

Mr. Gregory Seibt said he is here with Mr. Ernie Ely, the property owner. They agreed to continue the hearing to have time to discuss with staff other options. At the last hearing Vice Chair Personne asked if we could shift the building envelope forward to remove it from the rear lot area. They explored that option with the contractor, but because of the existing pool and walkway it would encroach more onto that walkway area. There was also a suggestion to move the structures forward to increase the rear yard burden, and they couldn't do that because of the encroachment issue. They can't reduce the building size because the property owner has a 42-foot RV that he uses for his business and a stacker trailer, and it

wouldn't be feasible. The initial request was 41.25%, 11.25% over the buildable rear yard allowed. It would only be 692.88 sq. feet over 30% maximum. They propose shifting the proposed building to the south by 4.2 feet which gives 1.2 feet of space between the proposed building covered patio support column versus the existing pool deck/rock grotto walkway. It's a compromise of 35.5% rear yard burden, only 334.93 sq. feet, it is cut in half to compromise that issue. A lot of the neighbors have a similar rear yard use with large structures taking up the rear yard envelope.

Member Cardon asked is the structure being built at the minimum needed to store the stacker trailer. Mr. Seibt said yes, lengthwise. It is a 42-foot RV and a 30-foot stacker trailer, and he can't store it elsewhere because of theft and vandalism.

Chairman Loper asked what is the threshold for getting a permit on a structure 400 square feet? Mr. Gérard said for a detached accessory structure it is 200 square feet, with no plumbing or electric would not require a construction permit, and required to meet drainage and zoning requirements.

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

Chairman Loper said he is in favor of small businesses and given the character of the area he doesn't believe it would be out of place. He appreciates the applicant working with staff, and it is a better situation than originally proposed. He supports this request.

Mr. Gérard said he recommends the property owner review the use regulations of Chapter 5 regarding Rural-43 zoning and home-based businesses. You are limited to a single vehicle less than 10,000 lbs. gross weight stored indoors.

BOARD ACTION: Member Cardon motioned to approve BA2023009 with condition 'a'. Member Ward second. Approved 3-0. Ayes: Cardon, Ward, Loper.

- a) Variance approval establishes an allowed 36% lot coverage with the required rear (south) yard for APN 201-17-006L.

BA2023014 Applicant: Location: Request:	Desert Palms Presbyterian Church (Cont. from 4/13/23) Amanda Lauridsen, Precise Sign APN 232-10-886 @ 13459 W. Stardust Blvd – 135th Ave. & Stardust Blvd, in the Sun City area Variance to permit: 1) Proposed sign setback of 0' where 20' is the minimum permitted per MCZO Article 1402.501.1.5.	District 4
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Mr. Gérard said this case was continued but staff did not present this case, so Member Klapp can participate.

Mr. Lorentzen presented BA2023014 and noted approving this request would allow for a zero-foot side sign setback on the west of the parcel where 20-feet is the minimum permitted. The subject lot was created as part the Sun City Master Plan Development and received formal zoning approval in September 1978. The current church complex was built on the site in late 1990. A building permit for the current digital sign in use was approved on September 1, 2011. Staff is recommending denial as the applicant has failed to demonstrate that the strict application of the MCZO to the applicant's property has caused undue physical hardship that prevents the reasonable further development of the property.

Ms. Amanda Lauridsen, the applicant said Desert Palms Presbyterian Church would like to move their sign closer to the property line and out from behind the existing utility box and palm trees that affect the visibility of the sign. It'll be moved further away from the traffic light and the existing homes. Engineering, Environmental and Fire Department does not have any concerns. The existing sign sits so far back right next to the church that it hinders the visibility of the church and the sign. She showed pictures of the palm trees and bushes blocking the visibility of the sign. They are looking to make the sign base three-foot taller and move it out to be seen from both directions. There are not houses to the west only to the north, and it will be moving further south from those homes.

Member Cardon said one of the main reasons for sign placement is safety, and it looks as though you are placing the sign away from the access to the property as well from the intersection. He asked what focus of safety to where the sign will be placed. Ms. Lauridsen said the property line sits a distance away from the streets and sidewalk and it already sits 20 feet back from the street, and there are no traffic hazards. The current sign sits so close to the church and moving it out would create less of a traffic hazard than what is currently there.

Member Klapp asked why not try to keep the sign closer to the corner, so it is visible from both streets. Ms. Lauridsen said they thought it would be more of a hazard to ask for a zero setback from the corner, then it would be sitting really close to the intersection. It is now 20 feet from 135th and Stardust and it had to sit behind and next to the church. Member Klapp said maybe move it forward from where it is right now and possibly removing a tree, then the sign would be visible from both streets. Ms. Lauridsen said they can look at that. The way LED's are portrayed, you can still see it from Stardust, and decided 135th is a better road to put it on because it will be away from the intersection.

Member Klapp asked is it going to be a new sign or use the existing sign. Ms. Lauridsen said it will be a new LED digital sign, and a little bit bigger.

Mr. Gérard said from the street corner itself there is a 25'x25' clear Sight Visibility Triangle (SVT) and within that SVT no structures or landscaping can be over two feet. The sign would need to be outside of that. Staff would not be in support of a variance in the SVT. Chairman Loper asked is it measured from property line to property or edge of curb. Mr. Gérard said it is measured from the street line or existing right-of-way. Mr. Gérard noted there is another sign located on Stardust. Chairman Loper asked if that is correct. Ms. Lauridsen said yes, it is an old monument sign that came with the church originally, and per code you can have one sign per entrance.

Chairman Loper asked what the distance of the new location from the Sight Visibility Triangle is. Ms. Lauridsen said from the sidewalk curb we will place the sign 50 feet, so 25 feet out of the SVT. Chairman Loper said the SVT is not from the curb; it is from the property line. Ms. Lauridsen asked staff for clarification, she thought it starts at the driveway. Mr. Gérard said there are SVT's at street corners and commercial driveway intersections. We draw the plane of the line up to streets or the street and edge of driveway. Ms. Lauridsen said the sign would be 25 feet more than the required setback.

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

BOARD ACTION: Member Cardon motioned to approve BA2023014 with condition 'a'. Member Ward second. Approved 4-0. Ayes: Cardon, Klapp, Ward, Loper.

- a) Variance approval establishes a 0-foot sign setback along the western street line of APN 232-10-886.

BA2023016

DeWolfe Property

District 2

Applicant:

Patrick James

Location:

APN 216-16-019M @ 42002 N. Fleming Springs Rd. in the Cave Creek area

Request:

Variance to permit:

- 1) Proposed east street side setback of 22' where 30' is the minimum permitted per MCZO Article 501.4.1.c

Mr. Schlimm presented BA2023016 and noted this home was originally built in 1979, and the current owners are in the process of remodeling where a building permit is under review. One of their proposed changes is a 1,485-square-foot addition to the east side of the home, to be used as a three-car garage. This garage would encroach 7' 2" into the required east side yard. Much of the northern portion of the parcel is rendered non-buildable due to a wash and its surrounding erosion areas. There is already an existing garage on the east side of the home, and the floor plan layout is optimized to accommodate any garage addition on this side of the home. The planned addition is encroaching just over 7' into the east side yard. While there are no designated hillside areas with slopes exceeding 15%, there are topographical features which limit development opportunities. There is the embankment just north of the home which slopes toward the floodway. There is also gentle sloping to the south and west of the home, and this hasn't prevented the development of various accessory structures, including a detached carport. The owners do appear to have viable options for building a garage without encroaching on the existing setbacks. One option would be to reduce the size of the garage extension until it fits entirely within the lot's buildable area. This could be done while still accommodating room for two cars. Another option would be to build a detached garage elsewhere on the property within the lot's buildable area. Despite gentle-to-moderate sloping on the property, the existence of other accessory structures suggests this is feasible. Staff notes that no public comment has been received on the request. Based upon what the applicant has submitted and the staff analysis, staff finds that the request fails to meet the statutory test for variance approval.

Mr. Shane DeWolfe, said he is the owner of the property. The house was built in 1979, and the builder left little room for expansion in accordance with the current zoning ordinances due to the wash and the overall topography. The lot has unique lot dimensions as well as the east easement, and they even had trouble finding the tax records. The building orientation they proposed puts only the corner of the 3-car garage in the setback and give 225 feet setback from the road and much further from the eastern neighbors. A 2-car garage wouldn't fit his large truck he uses for hay. They need a 3-car garage for their farm equipment and vehicles. Staff recommended to apply for a variance which could be a viable option for what they wanted to do and to maintain the rural aspect of the property and not add additional buildings. He asked the Board for their consideration of the variance for the reduced setbacks on the east side of the property to allow for a 3-car garage.

Member Cardon asked if they had any conversations with the property owner to the east. Mr. DeWolfe said yes, and the neighbor doesn't intend to use anything on the west side of Fleming Springs Road. It is basically unusable to them, and they understand the predicament they are in with the original building being so close to the eastern boundary of the property.

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

BOARD ACTION: Member Klapp motioned to approve BA2023016 with condition 'a'. Member Cardon second. Approved 4-0. Ayes: Cardon, Klapp, Ward, Loper.

- a) Variance approval establishes a 22' east setback line for APN 216-16-019M.

BA2023023

Herrmann Property

District 1

Applicants:

Michael & Kelly Herrmann

Location:

APN 304-82-467 @ 14014 E Cedar Waxwing Dr. – Lindsay Rd. & Riggs Rd., in the Chandler area

Request:

Variance to permit:

- 1) Proposed rear accessory structure setback of 1'4" where 3' is the minimum permitted per MCZO Article 1106.2 and;
- 2) Proposed rear yard coverage of 47% where 30% is the maximum permitted per MCZO Article 1106.2

Mr. Mueller presented BA2023023 and noted the purpose of the request is to allow for an existing pole barn to receive as-built permits. The existing structure first appeared in aerial photos 2006, almost a decade before the applicant obtained the property. The applicant has expressed they were not aware of the non-conforming nature of the structure when they obtained the property and that relocating the structure would not be feasible. One area resident reached out to staff but had no concern after she found out the requests were for an existing structure. Staff has found the applicant failed to demonstrate that there is a peculiar condition facing the property as the subject lot is relatively flat and of regular shape. There are several places on the property that a structure of the same size could be placed and comply with all zoning requirements. The applicant has not demonstrated applying the requirements of the zoning ordinance to this property that has these peculiar conditions an undue physical hardship exists because the structure could be relocated on site to comply with all zoning ordinance requirements. The applicant has failed to demonstrate the peculiar condition / physical hardship is not self-created in the line of title because the structure was erected without permit by a previous property owner.

Member Cardon said he read in the staff report the previous violation case was closed by staff without compliance. He asked how that comes to be. Mr. Gérard said that case was a staff generated violation and we are a reactive policing agency, we respond to citizen complaints. It was closed since it wasn't opened from a citizen complaint.

Member Cardon asked if this variance was declined they would have to demolish the pole barn, or it be significantly reduced in size from the southern lot line to be in compliance. Mr. Mueller said that's correct, the pole barn would have to be removed, relocated or reduced in size.

Chairman Loper asked if there was any comment from drainage review with the proximity to the rear setback, the slope of the roof, and any issues with run-off? Mr. Mueller said drainage engineering had no issues with this variance request.

Chairman Loper asked if the applicant wants to speak. The applicant did not wish to speak.

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

BOARD ACTION: Member Cardon motioned to approve BA2023023 with conditions 'a' - 'b'. Member Klapp second. Approved 4-0. Ayes: Cardon, Klapp, Ward, Loper.

- a) Variance approval establishes a 1'4" north setback line for an accessory pole barn for APN 304-82-467.
- b) Variance approval establishes a 47% rear yard coverage by accessory structures for APN 304-82-467.

TU2023019

Grant Caretaker's Quarters

District 1

Applicant:

Rose Navarrette

Location:

APN 304-91-222G @ 26006 S 204th St in the Queen Creek area

Request:

Temporary Use Permit – Temporary Caretaker's Quarters

Mr. Johnson presented TU2023019 and noted the Temporary Use Permit (TUP) request is to extend the use of an existing RV as temporary caretaker's quarters. The applicant provided a letter from Banner Health Medical Center, dated February 9, 2022, that identifies a resident requires assistance from a caregiver. The previous TUP request was limited to one year due to an open violation. Staff is of the opinion the applicant has satisfied the requirements of MCZO Article 1302.2.5 regarding temporary caretaker's quarters. The only opposition against the case focused on the non-temporary use of the RV, as this will be the third application filed for the same request by the applicant. According to department records, the RV has been used as temporary quarters since 2017. The same opposition memo also outlined concerns regarding the violations for unpermitted construction on the property, now since resolved. Due to the opposition received, the case is referred to the Board of Adjustment for determination. If no opposition had been received during the 10-day public notice period, this application would have been administratively approved with a validity period of two years. Reviewing county agencies do not have any objections to the request. Staff requests rather that the Board consider an annual status report as a condition of approving this Temporary Use Permit in-lieu of the two-year validity date. The annual status report should detail the status of the condition that requires the TUP be submitted to the department. This will help the department determine whether the conditions for issuing the Temporary Use Permit are maintained for the TUP to remain valid rather than having the applicant re-apply every two years, as the condition requiring the use of caretaker's quarters may still be applicable by that time.

Ms. Rose Navarrette the applicant said one of her parents was diagnosed with dementia and a full-time caregiver is needed, but they cannot afford to put their father in a home. This will only be temporary. They do understand they can have another dwelling built on the property, but they just can't do it right now. The family needs time to come up with the funds for another solution. This first started with their mother needing a caregiver, and now it is their father.

Member Ward said when looking at the comments from the person opposed suggested looking up Care.com, and it is listed their address. She asked the applicant to clarify. Ms. Navarrette said they ended up being hacked and they have been trying to figure that out. They attempted contacting the administrator of that account, and it was some type of scam and it never got resolved.

BOARD ACTION: Member Cardon motioned to approve TU2023019 with conditions 'a'-'e'. Member Ward second. Approved 4-0. Ayes: Cardon, Klapp, Ward, Loper.

- a. Development of the site shall comply with the entitled site plan, "26006 S 204th St., Queen Creek, AZ 85142, USA", stamped received 4/03/2023, consisting of 1 page, except as modified by any condition identified herein.
- b. Use of the site shall be in conformance with the Narrative Report entitled, "To whom it may concern", consisting of 1 page, stamped received 4/3/2023, except as modified by any condition identified herein.
- c. This Temporary Use Permit is authorized as long as the applicant submits annually a Status Report that includes an updated and notarized memo from a medical provider demonstrating the need for the caretaker's quarters is ongoing. Once it is determined the conditions requiring a temporary use are no longer applicable, the temporary use shall

cease. Any temporary or mobile structures shall be removed within **ten days** of said expiration or termination. Any alterations to the principal or accessory buildings or structures should be issued permits within **ten days** and shall be completed and finalised within 30 days of expiration.

- d. The Temporary Use Permit approval 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.

TU2023021	Cazarez Property	District 5
Applicant:	William Lally, Tiffany & Bosco	
Location:	APNs 500-93-011 & 500-93-013 @ 16740 W. Pioneer St. in the Goodyear area	
Request:	Temporary Use Permit to allow for Temporary Events on 4/15/23, 4/22/23, 4/29/23, 5/7/23, 5/13/23 and 5/19/23	

Mr. Gérard presented TU2023021 and noted this is a temporary request for six dates, and all already occurred except for one event scheduled for May 19. The zoning is Rural-43 with a Special Use Permit for a small event venue under Z2019024. The property is yet to be developed in accordance with the conditions of the SUP. The ongoing operations have been a zoning violation, case V202102065. The Cazarez recently employed a zoning firm to work on the Special Use Permit. After the May 19 event, they will cease and desist operations until such time coming into compliance with the SUP approval or come into compliance with an amended SUP after public outreach. Based on that staff is in support of recommending approval of this single event scheduled for tomorrow. There is considerable opposition and violation complaints. There is a handout where there's been multiple Sheriff's Office calls out to this site for the previous events.

Chairman Loper said Mr. Peck, the county attorney asked for a two-minute break to confer with staff.

Member Ward asked in the site analysis it says this is a small event venue with a maximum of 15 guests but says up to 500 guests are attending. If we approve this are we liable if something happens. Mr. Gérard said that is a typo, it is 150 guests. They have never complied with the Special Use Permit, and the zoning violation is a separate issue. This approval of the TUP is saying they are not meeting the conditions of the SUP, and this event is not part of the special use.

Mr. Peck said no, we don't have liability just because someone does something beyond what they were authorized to do.

Chairman Loper said an approval of the Temporary Use Permit doesn't negate code enforcement action for any unpermitted structures, or action against the Special Use Permit, or any violations. Mr. Gérard said correct. Mr. Peck said the code violations are for events that already occurred prior to today. The TUP being applied for is an event tomorrow. If something happens tomorrow that violates the ordinance that would be a separate code violation.

Mr. William Lally with Tiffany & Bosco said he is representing the applicant. In March 2020 during COVID, the Cazarez were in the middle of working with an engineer and the county to process their Special Use Permit, and it was approved in January 2021. Where they did some site improvements. Last year, staff initiated the SUP to be revoked. The applicant spent some time getting letters of support so the SUP would

not get revoked. Mr. Lally said he got involved late January 2023 and had a meeting with staff to see what we needed to do to make this right and to be in compliance. We have a plan of action in place and got an indefinite continuance from the Planning and Zoning Commission to give us time to work out some issues. They had several weddings that were scheduled in the spring and those events did happen. They are looking for a new engineer to help with a new site plan and working on new conditions that will work for everybody. This is a quality facility on 2-1/2 acres, and another 3-1/2 acre surrounding it that acts as a buffer. The Cazarez spent a lot of money on a quality venue. This area is rural, and a half mile to the south is industrial, and a quarter mile to the west will be the Loop 303. This area is transitioning and a 3 to 5-acre venue does make sense in the future. He showed pictures of the quality of their property, and said they deserve a second chance to do it right the next time around. He is asking they get through tomorrow's event, and then they will hire a new architect and engineer to come up with a site plan and go back through the SUP process to correct these issues.

Chairman Loper said we have many cards from the public and noted Ms. Deborah Zinkl is in opposition and does not wish to speak.

Mr. Todd Gribler said he lives 300 feet from the venue. They violate the SUP all of the time and never have been in compliance. They had noise from amplified music at every party since it began. He can't have his door open, and the noise comes right into his bedroom. There is much dust from vehicles coming and going to the venue. His mother lives in the back of his property and the traffic and dust creates breathing problems for her. The next morning there are beer bottles and trash around. They really need help with this, it has gotten out of control.

Ms. Rochelle Gribler said this venue has cost her \$4,000 worth of roadwork. In 2019, they ran parties all year before they had an SUP. Even through COVID restrictions they continued to have events. The road is a single-lane irrigation road and for residential use only and the irrigators. It has been so dusty with the speeding and the uncontrolled traffic. She had some asphalt millings brought in, so her mother-in-law is dust free. Mr. Cazarez came in with a grader and tore up the asphalt millings she had laid down and he put down a black dusty dirt. She recently paid for more asphalt millings to be put in so they can stay dust free. Her dog was recently diagnosed with valley fever, and she has lived there for 20 years. The vet agreed that dust caused that.

Mr. Luke Bayci said he is an adjacent neighbor to this venue, and he is deeply in opposition. His major concern is the safety for their community that has already been compromised. This is a county island that is made up of livestock and crop production right in the middle of Goodyear. A year ago, around 2:30 a.m. he was irrigating and checking on his water when multiple vehicles from the venue were leaving and going 45 mph. He stepped out of his truck to give a slowdown hand motion when a party goer pulled a pistol on him. These hundreds of participants only cause problems to the neighborhood. On April 6, they were going to have an opportunity for the revocation, and he read all the letters of support. There were three words that kept reoccurring in these letters, hardworking, family friends and livelihood. These terms can be admirable, but none of them exonerate anyone from adhering to the rules, codes, and regulations that we all have to abide by. This has also been a complete drain on law enforcement for 3-1/2 years.

Ms. Deborah Vogelpohl said she lived three-quarters of a mile east of the venue. They purchased their property in April 2017 and at that time it was peaceful. In November 2018, they started hearing loud noise coming from Cazarez property and increased traffic along 165th Avenue. We are responsible to maintain our section of the road and it has an easement access for other homeowners. The cost of this ABC roadbed is \$40/ton and taking 30 to 40 tons to repair their section of the road each time costs \$1,600. The additional traffic coming and going to the venue just tears it back down again. In addition to having events on Friday and Saturday, they also have had events on weeknights. With this loud amplified music,

they are unable to have their windows and doors open on cooler evenings. She asked the Board to not issue any permits for this venue because they have shown nothing but disregard for SUP and TUP requirements, and additional strain on law enforcement, and disregard for all the neighboring property owners. She thought they needed 10 days' notice for the TUP request, and this request is the day before.

Chairman Loper asked staff to clarify the notice. Mr. Gérard said there is a mandatory 10-day posting period and it did occur.

Mr. Jason Skelly said he has lived here for the past 23 years and lives a quarter mile away from the venue. He cannot go out and enjoy his pool and listen to his own music, he has to listen to whatever music they are playing at their events. It's unfortunate we put money into our own homes and can't enjoy it.

Mr. David Schueller said he lives 200 yards from the venue. Some people support this venue, like the guy across the street works nights and doesn't hear the noise. Another neighbor flips houses then goes on to the next one. There's been over 60 calls to the police. This is a neighborhood, not a commercial area for weddings and events. This has gone on for three years and they don't follow any rules. There is dust from hundreds of cars every weekend and they got to breath all this dust. This is a waste of time because they will be having their party tomorrow.

Mr. John Williams said he lives in the area and his biggest complaint is the noise. He can't watch TV in his own home because the noise is so loud, and he lives a quarter mile away and can't even open his own windows during cool evenings. He has called the sheriff multiple times, and realized he needs to give an exact address, if not they don't get recorded. He's sure this has happened to some of the other neighbors. This is non-stop, if they've done this a hundred times in the past and it will happen again. He also has concerns with their property values.

A letter was read from Mr. Marion Downey, he lives across from the venue and this has affected him for the past 3-1/2 years. He can't watch TV and he is unable to sleep with the loud music keeping him up late into the night. He is elderly and has lived there for 15 years, and he has never had to deal with so much noise, dust and strangers coming past his property. The excessive dust is affecting his breathing and health. After a party he is picks up beer bottles and trash that patrons have thrown out. He requests the Board do not approve the TUP, so they won't continue to abuse the neighborhood.

Mr. Mike Duren said he lives across Lower Buckeye from the venue, 2,000 ft. away. The noise is bothersome, and he can't even listen to his own TV because of the loud music. This is only going to get worse and not better, they need to respect their neighbors. He has called the police and tried calling the venue, but nobody answers the phone. The sheriff came out and had them turn it down, but the music is out of control. They don't adhere to any of the rules with these permits, and they're not going to do it now.

Chairman Loper asked if there are any other speakers in opposition that wish to speak. None.

Chairman Loper asked what the conditions of this Temporary Use Permit are. Mr. Gérard said in paragraph 12 there are three pages of conditions. In summary, substantial conformance with a site plan, and noted it is the same site plan from the SUP that they are not in compliance with. They submitted a narrative report that indicate the event times 10 a.m. to 10 p.m. with all lighting off and gates closed by 11 p.m. They are responsible for traffic control. This is not an approval for them to construct anything other than temporary structures that can be up for 96 consecutive hours or less. All traffic entering and existing the site shall be from and to the west, Pioneer Street, 169th Avenue to Lower Buckeye Road. Any food concessions must be permitted by Environmental Services, alcohol sales are not permitted unless a liquor license is obtained by the Clerk of the Board. There are standard temporary event items they need

to adhere to – one security guard for every 500 in attendance, wastewater provisions, one trash can with 32-gallon capacity for every 25 persons in attendance.

Chairman Loper said Ms. Bridget Quijada, Mr. Jose Silveira, and Keith Drunasky are in support and do not wish to speak.

Ms. Monique Steele said she lives north of Lower Buckeye; she is support of this beautiful venue to have her daughter's wedding. You can hear the music when you are outside but when you go in your home you can't hear the music. They have dust since they have a farm, and when it gets windy they have dust. People have party's and a lot of times we don't know where the music is coming from, and we don't call the police. It is not always coming from the south. The owner of the venue has offered to run non-profit events to raise money for the high school. There is a lot of growth happening in Goodyear and we need to evolve with it. She feels safe in their neighborhood.

Mr. Robert Steele said he is in support of the venue. He does hear the music, but the later it gets the lower the music. We hear other noise with the football games being played at the high school, and he doesn't call the police on Goodyear High School or other events he can hear from his home. He has met the owner and he is coming up with ideas to make it better for everybody and spoke to possibly getting a water truck to keep the dust down. Communication with neighbors can solve a lot of the problems.

Ms. Hayley Drunasky said she lives five minutes from the venue and has lived in the community for 15 years. The community has grown a lot during that time. Lower Buckeye is a one-way road and could be a concern, there is a temporary stop sign at Sarival and Lower Buckeye, until they can put in stop lights. She didn't realize there was a venue there until she was asked to be in her friend's wedding. She doesn't have any disruptions at her home and didn't know where the music was coming from. There aren't any other wedding venues in Goodyear, and they would have to go to other adjacent cities and take that revenue away from Goodyear. She is all for growth and development and likes small businesses trying to thrive and grow.

Ms. Mary Rivera said she is involved in a lot of community events, and they are a big part of their growth with community events and community engagement. The Cazarez have donated to a lot of charities and events. Their family is a pioneer in the community for the things they do. In the beginning they have had some pushback and setbacks. They could be confused on what they are supposed to do, but believes they are trying really hard. They have offered to work with a lot of the neighbors and with the road work someone recommend they do it. It is all for the neighborhood to make things better. She doesn't live in the neighborhood, but she stands behind them. They are good people and good community leaders.

Ms. Edith Bermudez said she has lived in the community for three years. The music doesn't bother them, and they can't hear it unless they go outside. When they do hear it, they dance and enjoy the music. The dust doesn't bother her, because they live on a ranch, and if there is wind there's dust. They have horses and they are used to the dust. She is in support of their venue and what they are doing for the community.

Mr. Gabriel Cabrera said he is a close neighbor to the venue. He works all hours of the day and night because of his restaurants. Only on one occasion he saw a few beer cans coming from the party goers. He has a young son, and he sleeps good at night, and he doesn't hear anything in his house. When he goes outside he can barely hear the music, and past 10 p.m. the music is turned way down. A month ago, his neighbors on 165 Avenue and Pioneer had a party and the Sheriff's office went to the Cazarez home instead. They are being unjustly targeted and it's not fair. He supports small businesses and the venue. This is a county island and there is going to be dust, not from just the cars. A few times the Cazarez purchased rock to help the road in front of his house, and it reduced the dust. He offered to pay for part

of it and they said it was their responsibility with their venue with multiple cars using the road. They also did it on 169th Avenue before the neighbor did two weeks ago. The City of Goodyear is changing with a lot of restaurants coming in and stores, and he likes to see the neighborhood grow. He believes the venue is good for everybody.

Mr. Edgar Flores said he is speaking on behalf of Raoul Hines, a Phoenix police officer that couldn't attend the hearing due to his work schedule. Mr. Flores read; Mr. Hines just had his wedding of his dreams a Rancho Viejo. They were advised as the night progressed the music would need to be turned down and no live bands in later hours. It was evident they cared about the neighbors and it's a professional business. As a Phoenix police officer, he goes out to noise complaints and there's some businesses that don't care at all. This is a great business, and they care about the community.

Mr. Daniel Arechiga said he lives in a small double wide home, and this area is zoned close to Luke Airforce base where homes need to be double insulated. In his house he can't hear a thing and lives 100 feet from the venue. The dust is all around and doesn't only come from the venue, there's people with quads, dirt bikes and side by sides. Miguel offered to do a charity event for one of the neighbors' sons, where the money would go to help with medical bills and expenses. He also received help from Miguel to help minimize the mud and dust in his own driveway. He is a good person, and he helps the community and helps Goodyear.

Mr. Jeremy Garnier said he lives directly to the east of the venue. He has three small children and never had any trouble with violence or anybody getting out of hand, or any issues with traffic. He does hear the music since he lives right next to the venue, but when he goes inside he doesn't hear anything, and it is not a problem. The events are on Friday and Saturday, not every day. He hasn't witnessed any trash or beer bottles. They have improved the roadways and are trying to comply. He is in full support.

Ms. Vanessa Montes said she is also a wedding venue owner and family of the Cazarez. She was also fought and targeted. Her building in the City of Phoenix was big enough where she didn't need a hearing and ended up getting her use permits. The people that fought them never came again. She sits on the City of Phoenix Hispanic Advocacy Board, and she donates space, without any benefit because she wants to help and support the community. There is one person continually calling the non-emergency number 90 percent of the time for noise, and many times the police go to the property and there's not even any events being held. She feels the family is being targeted because who they are, and it is harder for them to have businesses. Her brother in-law, Miguel has put his heart and soul into this along with his family. There is maybe one more wedding venue business in Goodyear. Any mistakes he's made he is willing to correct them, and to stick by the hours of operation with the music. He is invested into this, it is his livelihood. He's offered to do equine therapy and field trips for kids. She has stayed true to her promise, and she knows her brother in-law will too.

Mr. Francisco Giron said he is a neighbor and lives three quarters of a mile away from the venue. He has had an opportunity to attend an event at the venue. It is a nice place, and he is sorry there are complaints against it. When he moved there he knew it was an agricultural area and there is dust where he lives. He would be sorry to hear that the business was shut down because of a few issues. Goodyear is developing and businesses are coming where these businesses should stay in Goodyear.

Mr. Fidel Valenzuela said he lives 200 feet south of the venue. He lives in an older place and the insulation isn't that good. The music doesn't bother him or his kids, and he also has horses, and they haven't been affected at all with the dust. They are good people, and he doesn't have any complaints with them.

Ms. Yazmin Cortes said wanted to thank the Cazarez family for creating a wonderful ranch where they provide a place where families gather for joy and happiness. When she was going through a tough time, she went to the ranch. In 2001, the population of Goodyear was 16,000 and 22 years later it's grown to 106,000. There is a lot more people, noise and traffic especially once they connect the 303. She recently moved downtown Phoenix close to the clubs where she hears noise Thursday through Sunday, but she loves living downtown. Sometimes she wears ear plugs or she's not home. She understands the complaints of noise and the music isn't amplified because the people are told. She suggested the neighbors to wear earplugs or go out and enjoy the music. They are a small business to create memories by offering their place to others. She realizes there is dust, but there are no paved roads, no stop signs or speed limits and it is part of where you live. She believes there is a solution to this.

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

Mr. Lally said there is an ongoing process with the SUP with hours, and stipulations. They will work closely with staff and the community to come up with a happy median to allow for a beautiful facility to coexist with a growing county island.

Chairman Loper asked what we do today has zero bearing with the Special Use Permit. Mr. Gérard said that is correct.

Chairman Loper asked if the Temporary Use Permit were not approved and they had the event tomorrow, is that under the SUP. Mr. Gérard said if they host any event outside of this TUP approval it is a zoning violation. They do not have the permits completed that would authorize occupancy of the site or the event venue.

Chairman Loper said this is a rural area and an area in transition. A lot of the people that spoke have lived in this area for a long time. Some didn't realize there would be a property quasi commercial in their vicinity. Things are changing out there with the 303 coming down to MC85 and plans to expand Lower Buckeye Road and Yuma Road. These venues are the most troublesome zoning issues and sometimes it can be a process as it operates to get as compatible as it can be. He is in support of the TUP.

Member Ward said she agrees the community is experiencing growing pains, she understands the dirt, the loud music but her biggest concern is the applicants disregard for the previous recommendations. She would approve tomorrow's event, but she wants the applicant to be aware and understand the conditions.

Mr. Gérard said he misspoke earlier that the Temporary Use Permit case does not have requirement for compliance with a site plan. It does require conformance with the narrative, and it limits them to May 19 only with an event from 10 a.m. to 10 p.m. The lights and gates closed by 11 p.m., and the TUP expires at midnight May 20.

Mr. Lally said he shared the three pages of conditions with the owners and operators of the facility, and they are very aware of the specific conditions and requirements. They will work very hard to meet those conditions.

Mr. Gérard asked if this Temporary Use Permit is approved today, the operator would go on record to cease and desist the use of this site until they are able to come into compliance with all conditions of the governing Special Use Permit as to what that is at the time. Mr. Lally said that is our plan, we have an SUP today in violation and understand what the violations are. He has conveyed they will work with the operator and understand going forward and what it is going to take to continue operation.

Mr. Miguel Cazarez, the operator of the venue said he understands and puts his word on it.

Mr. Gérard said there should not be any operation until all permits are acquired and completed and other conditions are addressed. With his understanding they will not operate after this one event until that is in place. Mr. Cazarez said yes.

Member Cardon said after listening to those opposed this and those in favor, he doesn't think there is any reason to assume a bad motif. We heard what their experiences were and those that oppose it like things the way they've been before this venue came in. Those in favor like the way things are going. He appreciates both of those perspectives. After hearing the closest neighbor speak that lives right next to the venue, he is in favor of this TUP.

Member Klapp said she sees both positions on this, and some people tolerate music and dust better than others. Today, we are voting on one event and hopefully some of these problems can be resolved once staff and the applicant discuss the Special Use Permit. She is in favor for this one-day Temporary Use Permit.

BOARD ACTION: Member Ward motioned to approve TU2023021 with conditions 'a'-'q'. Member Cardon second. Approved 4-0. Ayes: Cardon, Klapp, Ward, Loper.

- a. Use of the site for the temporary event shall be in conformance with the Narrative Report entitled, "Cazarez Property", consisting of 3 pages, stamped received April 6, 2023, except as modified by any condition identified herein.
- b. This Temporary Use Permit is authorized for a single event to be held on **May 19, 2023** with start time of 10:00 a.m. and end time of 10:00 p.m., with all lighting and closure of the venue by 11:00 p.m. This Temporary Use Permit shall expire at midnight **May 20, 2023**. 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.
- c. The following Planning Engineering MCDOT conditions shall apply:
 1. Traffic control is the responsibility of the owner/applicant who shall employ qualified personnel as required or necessary to control & direct traffic.
 2. No road closures/obstructions shall be permitted; and no signs or any other event related objects shall be placed within the public right-of-way unless a Special Events Permit is procured from the MCDOT Permitting Branch. (<https://www.maricopa.gov/499/Permits>).

Owner/applicant shall refer to Chapter of the MCDOT Traffic Control Manual: Work Zone and Special Events. (<https://www.maricopa.gov/DocumentCenter/View/300>) for more information.
 3. This Temporary Use shall in no way be construed to indicate the approval to control any new buildings on the site.
 4. This Temporary Use shall in no way be construed to include the approval to disturb any regulated floodplains on or adjacent to (including access drives) the subject property.

5. Upon abandonment of the temporary use, the site shall be restored to its existing condition.
- d. 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.
- e. 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.
- f. 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.
- g. Prior to zoning clearance approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, Department or Company servicing the site.
- h. Traffic Control is the responsibility of the owner/applicant who shall employ qualified personnel as required or necessary to control & direct traffic. All traffic entering and exiting the event site shall be from and to the west Pioneer St. and 169th Ave. to Lower Buckeye Rd.
- i. All event activity including parking shall be contained with parcels APN 500-93-011 and APN 500-93-013. There shall be no off-site parking nor any on-street parking.
- j. This Temporary Use shall in no way be construed to indicate the approval to construct any new buildings on site.
- k. Upon abandonment of the temporary use, the site shall be restored to its existing condition.
- l. Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide the Affidavit of Structures for Temporary Events documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.
- m. All temporary structures must be removed, and the site returned to its original condition or better upon completion of each event. No structures shall be erected more than 72 hours before the start of the event from which this permit is issued. All structures shall be removed within 72 hours following the end of the event for which this permit is issued.
- n. Prior to any event, food concessions shall be permitted by Maricopa County Environmental Services Department (MCESD).

- o. Alcohol sales are not permitted on site unless a Liquor License is obtained through the Clerk of the Board.
- p. The applicant or property owner/s will be responsible for contacting their applicable emergency and fire protection agency for medical/emergency services and fire protection.
- q. The Temporary Event or Special Event shall adhere to the Board of Supervisors Resolution, December 1980 as applicable which establishes guidelines and conditions for temporary uses. The following conditions shall apply:

Security

- 1. At least one patrolman or security guard for every 500 persons in attendance.

Access to Event

- 2. The applicant shall provide adequate ingress and egress to the premises and parking areas. Traffic guards shall be employed to insure orderly traffic movement and relieve traffic congestion onto public rights-of-way.

Water and Wastewater

- 3. The applicant shall provide an ample supply of water for drinking and sanitation purposes. The quality and quantity of water and location of facilities shall be approved by the Maricopa County Environmental Services Department.
- 4. Supplemental toilet facilities must be provided for every special event. At least one closed toilet facility marked MEN and at least one closed toilet marked WOMEN shall be provided. A toilet for each 40 males and for each 40 females expected to attend the event may be required; the number and location of toilets shall be approved by the Maricopa County Environmental Services Department.

Concessions

- 5. Concessionaries must be licensed. The quality and quantity of food and location of concessions shall be approved by the Maricopa County Environmental Services Department.

Refuse

- 6. At least one trash can with 32 gallons capacity for every 25 persons expected to be in attendance shall be provided. Trash and refuse disposal shall be pursuant to procedures established by the Maricopa County Environmental Services Department.

Outdoor Lighting

- 7. Temporary uses conducted after dark shall provide lighting to insure public areas are adequately illuminated. All outdoor lighting shall be shielded so that it is directed downward below the horizontal plane of the fixture and does not trespass onto adjacent properties.

Camping

No overnight camping is allowed with this Temporary Use Permit.

Adjournment: Chairman Loper adjourned the meeting of May 18, 2023 at 1:04 p.m.

Prepared by Rosalie Pinney
Recording Secretary

May 18, 2023