

**CITY OF GOODYEAR
BOARD OF ADJUSTMENT REPORT**

SUBJECT: Appeal of a decision of the Zoning Administrator	STAFF PRESENTER: Christopher Baker, Development Services Director
	CASE NUMBER: 17-810-00001
	APPLICANT: Crawford Breedlove, Arizona Behavioral Care Homes

FACTS:

Property Address: 4349 N. 161st Avenue

Request: Appeal the decision of the Zoning Administrator

Zoning Administrator decision has been appealed to the Board for affirmation or reversal. The decision made states that the required separation between two group homes having 7-10 residents must be separated by a distance 1,320 feet. The Zoning Administrator finds this is measured from property line to property line.

Both the applicant (the party challenging the interpretation) and the Zoning Administrator have provided narratives attached to this staff report.

Section 1-2-7 (C) of the Zoning Ordinance gives guidance to the Board of Adjustment for Appeals of the Zoning Administrator:

The party filing the appeal bears the burden of proof:

- a. The party challenging the interpretation(s) of the Zoning Administrator of the Ordinance and/or provisions of the Goodyear Code of Ordinances bears the burden of proving that the Zoning Administrator's interpretation is clearly contrary to legislative intent or that it is without rational basis.
- b. The party challenging factual determinations by the Zoning Administrator bears the burden of proving that no reasonable person could have made such factual determination.

The Board of Adjustment must make the decision to either:

1. Affirm the decision of Zoning Administrator which has the effect of continuing to measure the separation distance from property line to property line; or,
2. Reverse the decision of Zoning Administrator having the effect of measuring the separation distance from door to door.

The outcome of these options are as follows:

1. A vote to affirm the decision means that the proposed group home is too close to an existing group home and will not be permitted with 7-10 residents;

2. A vote to reverse the decision means that the proposed group home would be permitted with 7-10 residents.

ATTACHMENTS:

1. Applicant Narrative
2. City Staff Narrative
3. Resident Feedback