does the maricopa county board of ac

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AI Overview

Yes, the Maricopa County Board of Adjustment (BOA) has the authority to hear and decide on variance requests for setbacks in residential airparks, even if they have an active Homeowners Association (HOA). However, that authority is distinct from and does not override the private, more restrictive regulations of an HOA. Maricopa County (.gov)

Key points regarding the interaction between Maricopa County and HOAs:

- **Independent Authority:** The County (via the Board of Adjustment) deals with public zoning, while the HOA enforces private Deed Restrictions and Covenants, Conditions, and Restrictions (CC&Rs). The Board of Adjustment is not a party to, and does not take into consideration, HOA rules when granting a variance.
- **Variance Process:** The Board of Adjustment can allow a variance from the terms of the Zoning Ordinance if a strict interpretation would cause an "unnecessary hardship" due to unique conditions (like peculiar lot shapes or topography).
- **Setback Enforcement:** If an HOA requires a 50-foot setback and the county only requires 30 feet, the homeowner must comply with the 50-foot HOA requirement. If the county requires 50 and the HOA only requires 30, the homeowner must comply with the 50-foot county requirement.
- **HOA Conflict:** If the Board of Adjustment grants a variance, it simply allows the building to exist in accordance with the county's zoning. The HOA can still take legal action if that same building violates the CC&Rs. Maricopa County (.gov) +3

For specific projects, you would need to file a variance request with the Maricopa County Planning and Development Department if the county setbacks cannot be met. Maricopa County (.gov)

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