

**MEETING MINUTES
CITY OF GLENDALE
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS - CONFERENCE ROOM B-3
JANUARY 8, 2015
4:00 PM**

I. CALL TO ORDER

Chairperson Toops called the meeting to order at approximately 4:00 pm.

II. ROLL CALL

Chairperson Toops announced that Board members Blakely, Feiner, Zarra, and Dietzman, and Chairperson Vescio were in attendance.

CITY STAFF

City staff present was Tabitha Perry, Assistant Planning Director, Tom Dixon, CPM, Senior Planner, Russ Romney, Deputy City Attorney, and Diana Figueroa, Recording Secretary

III. APPROVAL OF THE MINUTES

Chairperson Toops called for a motion on the minutes from the meeting of November 13, 2014.

Board member Blakely made a MOTION to APPROVE the Minutes of the November 13, 2014, Regular Meeting. Board member Zarra SECONDED the motion. The motion was approved unanimously.

IV. WITHDRAWALS AND CONTINUANCES

Chairperson Toops asked staff if there were any requests for withdrawals or continuances. Ms. Perry said there were none.

V. PUBLIC HEARING ITEM

Chairperson Toops called for the public hearing item.

1. **VAR14-08:** A request by Mauricio de la Cruz to allow a reduction of the west side yard setback to 6 feet where 15 feet is required in the R-2 zoning district to allow an addition to an existing single-family residence. The site is located at 5419 West Orangewood Avenue in the Ocotillo District. Staff contact: Tom Dixon, CPM, Senior Planner.

Mr. Tom Dixon, CPM, Senior Planner, introduced this item. He stated this is a request by Mauricio de la Cruz to allow a reduction of the west side yard setback to 6 feet where 15 feet is required in the R-2 (Multiple Residence) zoning district. The property is located at 5419 West Orangewood Avenue. He indicated the location on an aerial photo for the Board.

Mr. Dixon indicated where the property was located and displayed the zoning map which indicated the zoning of the surrounding properties.

Mr. Dixon reviewed each of the four findings:

- 1. There are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, which were not self-imposed by the owner.**

A lot width of 50 feet creates a special circumstance not self-imposed by the property owner. The strict application of the 15-foot perimeter setback would limit a new home on this lot to a 20-foot width. He said since the existing home is only six feet from the west property line, its building line was established when original construction occurred. This created a unique condition that necessitates relief from the required setback if an addition, as proposed, follows the primary building line. Granting the exception to the setback standard is a reasonable method to address this circumstance.

- 2. Due to the special circumstances, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the same classification in the same zoning district.**

The portion of the City of Glendale bounded by West Orangewood Avenue on the north, North 54th Avenue on the east, West State Avenue on the south, and North 55th Avenue to the west is within the R-2 zoning district. It contains 50 developed residences and one or two vacant lots. An aerial photographic examination of this section of the City reveals that at least 80% of all lots fail to satisfy the 15-foot perimeter setback at some portion of their development. The requested variance is therefore compatible with the manner and location of other residential structures in the area and will not create a situation that is inconsistent with the surrounding neighborhood character.

- 3. The variance requested is the minimum necessary to alleviate the property hardships.**

The requested side yard setback for the addition follows the building line of the existing residence. The most feasible and logical manner to add to the home would be to permit the addition to line up with what is already built. To apply a 15-foot setback to the addition would add unnecessary cost and would not provide any reasonable benefit to surrounding properties.

- 4. Granting the variance will not have a detrimental effect on the property, adjoining property, surrounding neighborhoods or the city in general.**

The requested variance will not have a detrimental effect on the community; in fact, it likely will be a benefit. The residence is presently a vacant, two-bedroom home in an older section of Glendale. Adding two more bedrooms to the residence and providing a larger home will allow the residence to be occupied and integrated back into the neighborhood.

Mr. Dixon stated the variance request appears to meet all four findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulations listed in the staff report. He concluded his presentation and stated he was available for questions.

Chairperson Toops asked if the Board had any questions.

Board member Zarra asked for clarification regarding the lot depth as there was a discrepancy between the staff report and the Citizen Participation Final Report. Mr. Dixon said there was an error in the Final Report. The lot depth as indicated in the staff report is correct.

Chairperson Toops called for the applicant to make a presentation.

Mr. Jimmy De La Cruz, applicant, introduced himself and had no further comments.

Chairperson Toops opened the public hearing.

Ms. Perry stated as a point of clarification there are three stipulations included in the staff report.

With no further comments, Chairperson Toops closed the public hearing and asked the Board for any further questions.

Chairperson Toops called for Mr. Russ Romney, Deputy City Attorney, to provide the next step in the legal process.

Based on the facts and evidence presented, Mr. Romney requested a vote from the Board. He read each finding and waited as the Board responded.

Finding One. Chairperson Toops called for a voice vote on Finding One. The Board responded with a 6-0 vote.

Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 6-0 vote.

Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 6-0 vote.

Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 6-0 vote.

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR14-08, subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Dietzman made a MOTION to APPROVE VAR14-08 subject to the stipulations in the staff report. Board member Zarra SECONDED the motion.

Chairperson Toops read the stipulations into the record.

The MOTION was APPROVED with a vote of 6 to 0.

Chairperson Toops stated the decision from the Board is to grant the variance. He said anyone wishing to appeal the action will need to file a motion in Superior Court.

VI. OTHER BUSINESS FROM THE FLOOR

Chairperson Toops asked staff if there was other business from the floor. There was none.

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Toops asked for Planning Staff Comments and suggestions. Ms. Perry said there were none.

VIII. BOARD COMMENTS AND SUGGESTIONS

Chairperson Toops asked for Board Comments and Suggestions. There were none.

IX. ADJOURNMENT

Vice Chairperson Vescio made a MOTION to ADJOURN the meeting. Board member Feiner SECONDED the motion. With no further business, the meeting adjourned at 4:20pm.

Next meeting: February 12, 2015