

**MEETING MINUTES  
CITY OF GLENDALE  
BOARD OF ADJUSTMENT  
CITY HALL - CONFERENCE ROOM 2-A  
FEBRUARY 12, 2015  
4:00 PM**

I. CALL TO ORDER

The meeting was called to order at approximately 4:00 p.m.

II. ROLL CALL

Board members Blakely, Dietzman, Zarra, and Feiner, Vice Chairperson Vescio and Chairperson Toops were in attendance. No members were absent.

CITY STAFF

Tabitha Perry, Acting 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 the minutes from the previous meetings. There were none.

IV. WITHDRAWALS AND CONTINUANCES

Chairperson Toops asked staff if there were any requests for withdrawals or continuances. There were none.

V. PUBLIC HEARING ITEM

1. **VAR14-09:** A request by James Martinez and Leann Holt for a variance in the R-4 zoning district to reduce the separation distance of an accessory structure from a principal building from the required 10 feet to six (6) feet in order to allow a roof cover over a ramada for an existing single residence. The site is located at 8974 West State Avenue and in the Yucca District. Staff Contact: Tom Dixon, CPM, Senior Planner.

Tom Dixon, CPM, Senior Planner, began his presentation by stating VAR14-09 is a request for a variance to reduce the separation distance of an accessory structure from a principal building from the required 10 feet to six feet in order to allow a roof cover over a ramada. He stated the property was part of the Provence subdivision and was in the R1-4 PRD zoning district. He said the property was located on the north side of West State Avenue, directly east of where the street turns south to become a short section of North 89th Lane. He noted the north property line abuts an existing asphalt parking lot owned by the City of Glendale and is used for overflow parking for events at the University of Phoenix Stadium. He said in all other directions are single family residents. He added the lot width of the subject property is 44 feet wide with a variable depth.

Mr. Dixon stated that on December 18, 2014 the applicant mailed notification letters to adjacent property owners and interested parties. He said that Planning staff, to date, had received no inquiries regarding the request. Additionally, a notice of Public Hearing was published in The Glendale Star on January 22, 2015. He indicated that notification postcards of the public hearing were mailed to adjacent property owners and interested parties on January 23, 2015. He added that the property was posted by staff on January 23, 2015.

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;**

The property is constrained by its size which is listed 3,892 square feet. This modest size of the lot creates constraints for almost any type of size of exterior improvement that could be applied to the property. The Provence gated community was built with alternative development standards approved through the Planned Residential Development overlay. A front yard setback of eight feet to the livable area, five feet for side yard setbacks, and 60% lot coverage all provide for a relatively compact development. Granting the exception to the separation requirement is a reasonable method to address the circumstance of providing the shade cover.

**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;**

With lot size ranges of 3,154 to 10,008 square feet (median size being 5,158 square feet) within the Provence development, which has less than 200 lots, there is a wide gap in how property owners can make modification or alternations within the community. The Provence development provides its residences with an outdoor pool but no shaded area and the pool is of modest size relative to the number of residences it serves. In addition, although Provence was approved with modified development standards, those do not generally address relief for separation between a principal and accessory structure.

Due to the special circumstance of being on the smaller end of lot size in the Provence development, the requested variance is deemed compatible with the manner and location of how other privileges or improvements in the residential area could occur. Likewise, it should 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 reduction of the separation requirement is the minimum necessary. If the strict application of the 10-foot separation were applied, the proposed shade cover would provide a negligible amount of protection from the sun. The reduced separation to six feet is deemed to be the minimum necessary to provide the functional use of a shade roof in this situation.

**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. The property is surrounded by a six-foot high block wall on all sides except for the front of the house and the roof addition will be barely visible from the street. Although granting the variance will benefit the requesting property owners, there is no evidence that there will be any adverse impact on any other property in 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 Blakely asked if this was in an HOA. Mr. Dixon replied yes and added they had no objection to the plans.

Board member Feiner clarified that the issue here was between the structure and another structure on its own property and not close to the property line. Mr. Dixon stated he was correct.

Board member Dietzman inquired if the roof tile would match the rest of the structure. Mr. Dixon stated the applicant would speak to that issue. Mr. Martinez, applicant, responded that the tile would match exactly.

Chairperson Toops called for the applicant to make a presentation.

James Martinez, applicant, stated he had nothing to add since staff had made a thorough presentation. However, he would be happy to answer any questions the Board may still have.

Chairperson Toops opened the public hearing. No one wished to speak.

Chairperson Toops closed the public hearing

Chairperson Toops asked the Board for any further questions or comments. There were none.

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, based on the findings, if the Board wished to grant variance VAR14-09 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Zarra made a MOTION to APPROVE VAR14-09 subject to the stipulations in the staff report. Vice Chairperson Vescio SECONDED the motion, which passed unanimously.

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

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 any Planning Staff Comments and Suggestions. There were none.

VIII. BOARD COMMENTS AND SUGGESTIONS

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

IX. ADJOURNMENT

Board member Zarra made a MOTION to ADJOURN the meeting. Vice Chairperson Vescio SECONDED the motion, which passed unanimously.

The meeting adjourned at 4:18 p.m.