

MINUTES

CITY OF GLENDALE BOARD OF ADJUSTMENT

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301

THURSDAY, APRIL 11, 2013
4:00 P.M.

I. CALL TO ORDER

The meeting was called to order at approximately 4:03 pm.

II. ROLL CALL

Board members Toops and Garland, and Vice Chairperson Cheshier and Chairperson Blake were in attendance. Board members Mendez and Galbavy were absent.

City Staff: Jon Froke, AICP, Planning Director, Remigio Cordero, Planner, Martin Martell, Planning Intern, Russ Romney, Deputy City Attorney, Diana Figueroa, Recording Secretary

III. APPROVAL OF MINUTES

Chairperson Blake called for a motion regarding the Minutes from the August 9, 2012, Regular Meeting.

Vice Chairperson Cheshier made a **MOTION** to **APPROVE** the minutes from the August 9, 2012, Regular Meeting as written. Board member Toops **SECONDED** the motion, which was **UNANIMOUSLY APPROVED.**

IV. WITHDRAWALS AND CONTINUANCES

Chairperson Blake asked staff if there were any requests for Withdrawals or Continuances. There were none.

V. PUBLIC HEARING ITEMS

VAR13-01: A request by the property owner, Gilbert Lopez, to reduce the side yard setbacks to 12 feet on the north side yard and 8 feet on the south side yard and 10 feet in rear yard where a 20 foot perimeter setback is required in the R-3 (Multiple Residence). The site is located south of the southwest corner of 54th Drive and Ocotillo Road (6642 North 54th Drive). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Remigio Cordero, Planner, introduced this item. He said VAR13-01 is a request by the property owner, Mr. Gilbert Lopez, for the property located at 6642 North 54th Drive. He said the applicant is requesting a variance in the R-3 (Multiple Residence) zoning district to reduce the north side yard setback to 12 feet and the south side yard setback to eight feet and the rear

yard setback to 10 feet where a 20 foot perimeter setback is required for the R-3 (Multiple Residence) zoning district.

Mr. Cordero said the property is located south of the southwest corner of 54th Drive and Ocotillo Road. The property is approximately 3,533 square feet in size.

He said the applicant is requesting a variance to decrease the side and rear setbacks to proceed with a room addition and patio additions to the existing property.

He continued by stating on March 7, 2013, the applicant mailed 65 notification letters to adjacent property owners and interested parties. The applicant received one response in support of the request. The Planning Division received no responses regarding the request. The applicant's Citizen Participation Final Report is attached.

Mr. Cordero reviewed each of the four findings:

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

The width, depth, and size of the lot create special circumstances not self-imposed by the property owner. These three characteristics for this property do not meet the zoning ordinance requirements for the R-3 zoning district. The room addition and two patio additions requires some level of relief based on the setback requirement. Currently the home is constructed within the 20 foot perimeter setback. The proposed additions will be within the same side yard setbacks of the house. The surrounding neighborhood is developed with a variety of side-yard and rear yard setbacks; many do not meet the current R-3 perimeter setbacks.

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

The strict application of the Zoning Ordinance would limit the property owner of adding these additions to the home due to the perimeter setback requirement of 20 feet. Several of the properties in the neighborhood have setbacks that are similar to those proposed by the applicant.

3. The variance is the minimum necessary to alleviate the property hardship; and

The requested side yard setbacks are the minimum necessary to alleviate the property's hardships. This variance would allow the property owner to apply for permits to construct the proposed additions to the home.

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

The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties.

Mr. Cordero concluded 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 stipulation:

1. Development shall be in conformance with the site plan date-stamped March 6, 2013.

Mr. Cordero stated he was available for questions.

Chairperson Blake asked if the Board had any questions.

Board member Garland asked if the patio was located in the front of the house. Mr. Cordero said the "front" of the home is actually the side which has access through the alley.

Board member Toops asked if the footprint remains the same. Mr. Cordero said the proposed structure is slightly larger.

Chairperson Blake called for the applicant.

Mr. Gilbert Lopez introduced himself and explained his proposal. He said he was available for questions.

Vice Chairperson Cheshier asked if vehicular traffic was allowed on alleyway. Mr. Cordero said it is a public right-of-way and is paved. He added residents are and do use the alleyway to access their lots. He said the alley is maintained by the City of Glendale.

Chairperson Blake opened the public hearing.

With no one wishing to comment, Chairperson Blake closed the public hearing.

Chairperson Blake called on Mr. Russ Romney, Deputy City Attorney.

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 Blake called for a voice vote on Finding One. The Board responded with a 4 – 0 vote in favor.

Finding Two. Chairperson Blake called for a voice vote on Finding Two. The Board responded with a 4 – 0 vote in favor.

Finding Three. Chairperson Blake called for a voice vote on Finding Three. The Board responded with a 4 to 0 vote in favor.

Finding Four. Chairperson Blake called for a voice vote on Finding Four. The Board responded with a 4 – 0 vote in favor.

Mr. Romney asked that if based upon these findings, does the Board wish to grant a variance on VAR13-01, subject to the stipulation as set forth by Planning.

Chairperson Blake called for a motion.

Vice Chairperson Cheshier MADE a MOTION to APPROVE VAR13-01 subject to the stipulation in the staff report. Board member Garland SECONDED the MOTION.

The MOTION was APPROVED with a vote of 4 to 0.

Chairperson Blake called for the next item.

VAR13-02: A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 foot perimeter setback is required in the R-3 (Multiple Residence) zoning district. The site is located south of the southwest corner of 55th Avenue and Lamar Road (6730 North 55th Avenue). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Cordero presented this item stating VAR13-02 was a request by Habitat for Humanity for the property located at 6730 North 55th Avenue to reduce the side yard setbacks to five and nine where 20 feet is required in the R-3 (Multiple Residence) zoning district.

He explained the property is a rectangular shaped lot and is approximately 49' feet wide and 169' feet deep with an area of approximately 8,526 square feet. The applicant is proposing to construct a new 2,100 square foot single-family home that is comparable in scale to the houses in the existing neighborhood.

On March 7, 2013 the applicant mailed 110 notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. Planning did not receive any response regarding the request.

Mr. Cordero reviewed the Four Findings.

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

A lot width of 49 feet creates a special circumstance not self-imposed by the property owner. The construction of a new home requires some level of relief based on the setback requirement. The setback requirement would only allow for a 9-foot wide housing product to be constructed. A 20 foot perimeter setback requirement would render the property unusable. The surrounding neighborhood is developed with a variety of side-yard setbacks; many do not meet the current R-3 perimeter setbacks.

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

The strict application of the Zoning Ordinance would limit the property to 20 foot side yard setbacks and eliminate the possibility of building a home on the property due to the total width of the lot. Several of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity.

3. **The variance is the minimum necessary to alleviate the property hardship; and;**

The requested side yard setbacks are the minimum necessary to construct a single-family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 zoning requirements.

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

The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties.

In conclusion, 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:

1. Development shall be in conformance with the site plan, floor plan, and elevations date-stamped March 7, 2013.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

Chairperson Blake called the applicant.

Ms. Tana Nichols, Habitat for Humanity, introduced herself and the organization. She said she was available for questions.

Board member Garland questioned the footprint. Ms. Nichols said the footprint for a three bedroom and a four bedroom home was the same.

Chairperson Blake opened the public hearing.

With no one wishing to comment, Chairperson Blake closed the public hearing.

Chairperson Blake called on Mr. Russ Romney, Deputy City Attorney.

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 Blake called for a voice vote on Finding One. The Board responded with a 4 – 0 vote in favor.

Finding Two. Chairperson Blake called for a voice vote on Finding Two. The Board responded with a 4 – 0 vote in favor.

Finding Three. Chairperson Blake called for a voice vote on Finding Three. The Board responded with a 4 to 0 vote in favor.

Finding Four. Chairperson Blake called for a voice vote on Finding Four. The Board responded with a 4 – 0 vote in favor.

Mr. Romney asked that if based upon these findings, does the Board wish to grant a variance on VAR13-02 subject to the stipulations as set forth by Planning.

Chairperson Blake called for a motion.

Board member Garland MADE a MOTION to APPROVE VAR13-02 subject to the stipulations in the staff report. Board member Toops SECONDED the MOTION.

The MOTION was APPROVED with a vote of 4 to 0.

VI. OTHER BUSINESS FROM THE FLOOR

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

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Blake asked staff if there were any planning staff comments or suggestions. Mr. Froke announced in addition to his role as Planning Director he is now also the liaison to the Board of Adjustment. He said Tabitha Perry is on temporary assignment in the Economic Development Division. Also, he said Board member Mander has resigned from the Board and that Ms. Sandra Mendez was not reappointed by the Government Services Committee.

VIII. BOARD COMMENTS AND SUGGESTIONS

Chairperson Blake asked the Board if there were any comments or suggestions. Vice Chairperson Cheshier stated she is very happy with the 4pm meeting start time.

Board member Garland asked if there were any comments from the public regarding the 4pm start time. Mr. Froke said there have not been any comments or complaints received.

ADJOURNMENT

With no further business, the meeting was adjourned at approximately 4:50 pm.

Respectfully submitted,


Diana Figueroa, Recording Secretary