

**MINUTES  
CITY OF GLENDALE  
BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B-3  
THURSDAY, MAY 12, 2016  
4:00 PM**

CALL TO ORDER

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

ROLL CALL

Board members Feiner, Crowley, Dietzman, Zarra (arrived at 4:08 p.m.), Blakely, Vice Chairperson Vescio and Chairperson Toops were all in attendance.

CITY STAFF

Staff Present: Tabitha Perry, Assistant Planning Director, Russ Romney, Deputy City Attorney, Martin Martell, Planner, and Julia Dominguez, Recording Secretary were present.

APPROVAL OF THE MINUTES

Chairperson Toops called for approval of the April 14, 2016 Regular Meeting Minutes.

**BOARD MEMBER CROWLEY MADE A MOTION TO APPROVE THE MINUTES. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 6 TO 0.**

**VICE CHAIRPERSON VESCIO VOTED NAY AND STATED IT WAS DUE TO THE FACT SHE WAS NOT IN ATTENDANCE FOR THE APRIL 14 REGULAR MEETING.**

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

Chairperson Toops called for staff's presentation on the public hearing items.

1. **VAR15-16:** A request by Mark Sidler, on behalf of Gheorghe Micula, for a variance to reduce all of the building setbacks on a vacant parcel and increase the lot coverage on a property in the A-1 (Agricultural) Zoning District. The site is located west of the southwest corner of North 67<sup>th</sup> Avenue and West Pinnacle Peak Road (6835 West Pinnacle Peak Road) in the Cholla District. Staff contact is Martin Martell, Planner

Martin Martell, Planner, stated this was a variance request by Mark Sidler, on behalf of Gheorghe Micula, for a variance to reduce all of the building setbacks on a vacant parcel and increase the lot coverage on a property in the A-1 Zoning District. He said the site is located west of the southwest corner of North 67<sup>th</sup> Avenue and West Pinnacle Peak Road in the Cholla District.

Mr. Martell stated that the applicant is requesting a reduction of the front yard building setbacks from the required 75 feet to 40 feet, a reduction of the side yard building setbacks from the required 50 feet to 25 feet, and a reduction of the rear yard building setbacks from the required 50 feet to 25 feet in the A-1 Zoning District. He explained that the applicant is also requesting an increase of the maximum lot coverage from the required 10% to 25%. He stated that if this variance request is approved the property owner will construct a new custom home on this vacant parcel that will match the width of other homes along the street. He noted that the properties to the north are zoned SR-43 in the City of Peoria. He said that if the variance request is approved the buildable area would be 95' wide and 275.5' deep. He indicated the land in question is vacant and is on the south side of Pinnacle Peak Road.

Mr. Martell stated that on February 24, 2016 notification letters were mailed to adjacent property owners and interested parties. He stated the applicant received one response from the applicant's direct neighbor to the west who was concerned about the property owner's original request for a reduction of the side yard building setbacks of 15 feet would be far too close to their home. He said the applicant reached out to the neighbor and agreed to increase the requested side yard building setbacks from 15 feet to 25 feet. He noted that to date, Planning has not received any questions or comments concerning the subject site.

Mr. Martell reviewed staff's findings.

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

He said the property's lot size creates a special circumstance that is not self-imposed by the property owner. Presently the size of the lot is over one acre in size, which is less than the required minimum lot size of 40 acres for parcels in the A-1 Zoning District.

**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;**

He stated that by using the strict application of the Zoning Ordinance on the subject property will result in a narrow and long home that will not be complementary to existing adjacent houses along Pinnacle Peak Road. He added that the adjacent property to the west and the two (2) properties to the north on this street are greater than 45 feet in width, which is what the current building setbacks would allow for on the subject property. Moreover, the adjacent property and the two (2) properties to the north on this street are on lots that are a similar size as the subject property.

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

He said the requested reduction of the building setbacks and lot coverage will permit the construction of a livable home which will match many of the homes on this street.

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

He noted the requested reduction of all the building setbacks and an increase of lot coverage on the property will be indiscernible from the street since this will conform to the pattern found on adjacent properties. He explained that this request will also permit the construction of the desired home that will match the width of adjacent homes found on this street and therefore, will not detrimentally affect any neighboring properties.

Mr. Martell stated the variance request appears to meet all four (4) findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulation listed in the staff report. He concluded his presentation and stated he was available for questions. The stipulation is listed below.

1. Development shall be in conformance with the applicant's narrative, site plan, and floor plan, dated March 24, 2016.

Chairperson Toops asked if the Board had any questions. There were none.

Chairperson Toops called for the applicant to make a presentation.

Mr. Gheorghe Micula, applicant, said everything had been covered and believes it was done correctly. He thanked Planning and Zoning for all their help on this application.

Chairperson Toops opened the public hearing, hearing no one wishing to speak, he closed the public hearing.

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

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 7-0 vote.**

**Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 7-0 vote.**

**Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 7-0 vote.**

**Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 7-0 vote.**

Mr. Romney asked that if based on the findings, does the Board wish to grant variance **VAR15-16**: subject to the stipulations set forth by the Planning Department.

Chairperson Toops called for a motion.

**BOARD MEMBER ZARRA MADE A MOTION TO APPROVE THIS REQUEST SUBJECT TO THE STIPULATION IN THE STAFF REPORT. BOARD MEMBER CROWLEY SECONDED THE MOTION WHICH WAS APPROVED WITH A VOTE OF 7 TO 0.**

Chairperson Toops called for the next application.

2. **VAR16-05**: A request by Scott Carmichael, for a variance to reduce the east side yard building setback from the required fifteen (15) feet to ten (10) feet on a property in the SR-17 (Suburban Residence) Zoning District. The site is located southwest of the southwest corner of North 75<sup>th</sup> Avenue and West Union Hills Drive (7618 West Villa Theresa Drive) in the Sahuaro District. Staff contact is Martin Martell, Planner.

Martin Martell, Planner, stated this was a variance request by a request by Scott Carmichael, for a variance to reduce the east side yard building setback from the required 15 feet to ten (10) feet on a property in the SR-17 Zoning District. He said the site is located southwest of the southwest corner of North 75<sup>th</sup> Avenue and West Union Hills Drive in the Sahuaro District. He indicated that if approved, the applicant intends to keep an existing garage that is currently within the side yard setback and construct a new home adjacent to this garage on a partially vacant property.

Mr. Martell stated on January 27, 2016 a total of 97 notification letters were mailed to adjacent property owners and interested parties. He noted the applicant received two responses in support of the variance request. He noted that to date, Planning has not received any additional responses from the neighborhood notification letters.

Mr. Martell reviewed staff's findings.

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

He stated this property was recently purchased by the applicant to build their new home. He said there is currently a garage on the property that was built prior to the current zoning development standards and is presently within the east side yard setback of their lot.

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;**

He stated that if the strict application of the zoning ordinance for this property were applied, it would deny the property owners an opportunity to keep this garage and will not become an integral part of their future home.

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

He noted the requested reduction of the east side yard building setback will allow the property owners to keep the existing garage and make it a part of their future home.

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

He explained the requested reduction of the east side yard building setback will be indiscernible from the street and will match the side yard setbacks that are found on lots throughout the Hidden Manor Subdivision.

Mr. Martell stated the variance request appears to meet all four (4) findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulation listed in the staff report. He concluded his presentation and stated he was available for questions. The stipulation is listed below.

1. Development shall be in conformance with the narrative date stamped March 8, 2016 and the site plan date stamped March 1, 2016.

Chairperson Toops asked if the Board had any questions.

Board member Dietzman noted that in the photos it looked like there were two (2) garages. Mr. Martell explained that when the property was first bought there were two but presently there is only one.

Chairperson Toops called for the applicant to make a presentation. There was no presentation provided.

Chairperson Toops opened the public hearing. No one spoke.

Chairperson Toops closed the public hearing. He asked the Board for any further questions or comments. There were none.

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 7-0 vote.**

**Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 7-0 vote.**

**Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 7-0 vote.**

**Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 7-0 vote.**

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR16-05 subject to the stipulations set forth by the Planning Division.

**VICE CHAIRPERSON VESCIO MADE A MOTION TO APPROVE THIS REQUEST SUBJECT TO THE STIPULATION IN THE STAFF REPORT. BOARD MEMBER FEINER SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 7 TO 0.**

OTHER BUSINESS FROM THE FLOOR

**THE BOARD OF ADJUSTMENT VOTED TO VACATE THE MEETING OF JUNE 9, 2016.**

PLANNING STAFF COMMENTS AND SUGGESTIONS

There were none.

NEXT MEETING: July 14, 2016

BOARD COMMENTS AND SUGGESTIONS

There were none.

ADJOURNMENT

**VICE CHAIRPERSON VESCIO MADE A MOTION TO ADJOURN. BOARD MEMBER ZARRA SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 4:32 p.m.