



# Board of Adjustment Meeting Minutes

COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B-3  
JULY 9, 2015  
4:00 P.M.

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CALL TO ORDER The meeting was called to order at approximately 4:00pm.

ROLL CALL Board members Blakely, Feiner, Zarra, Vice Chairperson Vescio, and Chairperson Toops were present. Board member Dietzman was absent and excused.

STAFF PRESENT Tabitha Perry, Assistant Planning Director, Thomas Ritz, AICP, Senior Planner, James Gruber, Assistant City Attorney, and Diana Figueroa, Recording Secretary.

APPROVAL OF MINUTES

Chairperson Toops called for approval of the May 14, 2015 Regular Meeting Minutes.

**Board member Zarra made a motion to approve the May 14, 2015 Regular Meeting Minutes. Board member Feiner seconded the motion, which was approved with a vote of 5 to 0.**

WITHDRAWALS AND CONTINUANCES

Chairperson Toops asked if there were any Withdrawals and Continuances. Ms. Perry said there were none.

PUBLIC HEARING ITEM

Chairperson Toops called for the Public Hearing Item.

**VAR15-03:** A Variance request by David Morris to reduce the rear yard setback to 12 feet where 20 feet is required in the R1-8 PRD (Single Residence, Planned Residential Overlay). The site is at 21697 North 53<sup>rd</sup> Drive and is in the Cholla District. Staff Contact: Thomas Ritz, AICP, Senior Planner.

Thomas Ritz, AICP, Senior Planner, stated this is a request to reduce the required rear yard setback to 12 feet where 20 feet is required in the R1-8 PRD (Single Residence, Planned Residential Development overlay) zoning district. If approved, the applicant intends to construct a walk-in closet. Staff is recommending approval subject to one stipulation listed in the staff report.

Mr. Ritz said the property is located within the Estates at Arrowhead Phase 1A subdivision, east of the southeast corner of Melinda Lane and 59<sup>th</sup> Avenue. The lot dimensions are approximately 90 feet wide (along 53<sup>rd</sup> Drive) and 100 feet long (along Melinda Lane). The lot also includes a narrow extension on the south side that provides frontage onto an existing lake.

He said notification letters were mailed to adjacent property owners and interested parties and Planning received no responses. Mr. Ritz said the applicant stated he received approval from the Arrowhead Lakes Homeowners Association regarding his request to construct an addition.

Mr. Ritz reviewed the 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 depth of the lot creates a special circumstance not self-imposed by the property owner. The lot is unique due to the narrow portion that provides access to the lake. The construction of the desired addition requires some level of relief.

- 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 a twenty (20) foot rear yard setback and prohibit the construction of the desired addition.

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

The requested rear yard setback is the minimum necessary to construct the requested addition on the lot. No other relief from the zoning requirements is proposed as a part of this variance request.

- 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 setback will permit the construction of the desired addition and will not detrimentally affect any neighboring properties.

Mr. Ritz stated he was available for questions.

Chairperson Toops called the applicant.

Mr. David Morris, applicant, introduced himself and stated he appreciates staff's assistance through the Variance process. Mr. Morris said as stated by staff he is interested in constructing a walk-in closet.

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

Based on the facts and evidence presented, Mr. James Gruber, Assistant City Attorney, 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 vote of 5 to 0 in favor.**

**Finding Two. Chairperson Toops called for a voice vote on Finding One. The Board responded with a vote of 5 to 0 in favor.**

**Finding Three. Chairperson Toops called for a voice vote on Finding One. The Board responded with a vote of 5 to 0 in favor.**

**Finding Four. Chairperson Toops called for a voice vote on Finding One. The Board responded with a vote of 5 to 0 in favor.**

Mr. Gruber asked, based on the findings, if the Board wished to grant variance VAR15-03, subject to the stipulation set forth by the Planning Division.

**Vice Chairperson Vescio made a motion to approve VAR15-03 subject to one stipulation in the staff report. Board member Blakely seconded the motion, which was approved with a vote of 5 to 0.**

OTHER BUSINESS FROM THE FLOOR

Chairperson Toops called for Other Business From The Floor. There was none.

PLANNING STAFF REPORT

Chairperson Toops called for the Planning Staff Report. Ms. Perry said there are tentatively two items scheduled for the August 13, 2015 Board of Adjustment hearing.

BOARD COMMENTS AND SUGGESTIONS

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

NEXT MEETING: August 13, 2015

ADJOURNMENT Chairperson Toops called for a motion to adjourn.

**With no further business, Board member Zarra made a motion to adjourn. Vice Chairperson Vescio seconded the motion, which was approved with a vote of 5 to 0.**

**The meeting adjourned at 4:22pm.**