

MEETING MINUTES

**CITY OF GLENDALE
BOARD OF ADJUSTMENT**

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

**THURSDAY, SEPTEMBER 12, 2013
4:00 P.M.**

I. CALL TO ORDER

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

II. ROLL CALL

Board members Toops, Vescio, Padia, Vice Chairperson Garland and Chairperson Blake were in attendance. No board members were absent.

City Staff:

Jon Froke, AICP, Planning Director, Thomas Ritz, AICP, Senior Planner, Remigio Cordero, Planner, Russ Romney, Deputy City Attorney and Suzie Ricard, Administrative Assistant

III. APPROVAL OF THE MINUTES

Chairperson Blake called for a motion regarding the minutes from the June 13, 2013, regular meeting.

Vice Chairperson Garland noted that a significant three to five minute discussion was absent from the minutes in regards to the agricultural rezoning case. She suggested they table the motion until that discussion is recovered and added to the minutes.

The minutes were tabled until the next board meeting. Everyone agreed.

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS

VAR13-04: A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 10 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located at the north of the northeast corner of 54th Drive and Ocotillo Road (6713 North 54th Drive). The site is located in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR13-04 is a request by Habitat for Humanity to reduce the side yard setbacks to 5 and 10 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. He said the site is located at the north of the northeast corner of 54th Drive and Ocotillo Road. The lot dimensions are 50 feet wide by 140 feet deep, and the property is approximately 7,000 square feet in size. He added the property is part of the Sugar Addition Blocks Subdivision, which was platted in the Territory of Arizona, Maricopa County on April 12, 1909.

Mr. Cordero stated that on July 25, 2013, the applicant mailed 128 notification letters to adjacent property owners and interested parties. The applicant received one response regarding the request. He said the nearby property owner was seeking more information regarding the proposed variance. They understood what the applicant was requesting and had no additional concerns. He noted planning did not receive any response regarding the request.

Mr. Cordero 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 construction of the new home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 10-foot wide housing product to be constructed. The surrounding neighborhood is developed with a variety of side-yard setbacks; many do not meet the current R-3 perimeter setbacks requirements.

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 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 requested is the minimum necessary to alleviate the property hardships; and

The request 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, surrounding neighborhoods 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 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 finding stipulations:

1. Development shall be in conformance with the site plan and floor plan, date-stamped August 8, 2013.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

Mr. Cordero concluded his presentation and stated he was available for questions.

Chairperson Blake asked if the board had any questions. There were no questions from the board.

Chairperson Blake called for the applicant to make a presentation.

Tana Nichols Habitat for Humanity, representative, stated staff had presented the application well. She indicated they will work with staff to address all the stipulations set forth in the staff report. She also commented on a recent grant they had received to help them build homes at infill locations.

Vice Chairperson Garland had a question on the two and four bedroom homes. She asked if the process was to pick a family before they built a home. Ms. Nichols replied no. She explained the application process. She stated that they start looking at which homes were suited after the application process was completed and families were approved.

Chairperson Blake opened the public hearing.

With no one wishing to speak, he closed the public hearing.

Vice Chairperson Garland commented she had visited the properties and they seem to fit quite nicely in the neighborhood.

Chairperson Blake stated that for future reference, he would like them to add an illustration of the home's elevation to the presentation. He said it would be very useful to the board. The applicant noted the request.

Chairperson Blake 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 Blake called for a voice vote on Finding One. The board responded with a 5-0 vote in favor.

Finding Two. Chairperson Blake called for a voice vote on Finding Two. The board responded with a 5-0 vote in favor.

Finding Three. Chairperson Blake called for a voice vote on Finding Three. The board responded with a 5-0 vote in favor.

Finding Four. Chairperson Blake called for a voice vote on Finding Four. The board responded with a 5-0 vote in favor.

Mr. Romney asked that if based on the findings, does the board wish to grant variance VAR13-04: subject to the stipulations set forth by the Planning Department.

Chairperson Blake called for a motion.

Vice Chairperson Garland made a MOTION to APPROVE VAR13-04 subject to the stipulations in the staff report. Board member Padia SECONDED the motion.

The MOTION was APPROVED with a vote of 5 to 0.

Chairperson Blake called for the next item.

VAR13-05: A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 10 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located at the north of the northeast corner of 54th Drive and Ocotillo Road (6717 North 54th Drive). The site is located in the Ocotillo District.

Mr. Remigio Cordero, Planner, presented the application, reviewing the site and request. He stated this is a request by Habitat for Humanity to reduce the side yard setbacks to 5 and 10 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. He said the site is located at the north of the northeast corner of 54th Drive and Ocotillo Road. The property is a rectangular shaped lot. It is approximately 50' feet wide and 140' feet deep with an area of approximately 7,000 square feet. He stated the applicant is requesting a variance to construct a

2,100 square-foot home on a vacant lot. The property is part of Sugar Additional Blocks Subdivision, which was platted in the Territory of Arizona, Maricopa County on April 12, 1909.

Mr. Cordero noted that on July 25, 2013, the applicant mailed 128 notification letters to adjacent property owners and interested parties. The applicant received one response regarding the request. He said the nearby property owner was seeking more information regarding the proposed variance. The property owner was of the assumption that the applicant wanted to take some of his property to add to their lot in order to construct their home. The applicant informed the property owner that they were not going to do that, rather they needed a relief in the setback requirement on their own lot and his lot would not be affected. The nearby property owner understood what the applicant was requesting and had no additional concerns. He stated the Planning Department did not receive any response regarding the request.

Mr. Cordero 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 construction of the new home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 10-foot wide housing product to be constructed. The surrounding neighborhood is developed with a variety of side-yard setbacks; many do not meet the current R-3 perimeter setbacks standards.

- 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 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 requested is the minimum necessary to alleviate the property hardships; and**

The request 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 of the variance will not have a detrimental effect on the property, adjoining property, surrounding neighborhoods 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 finding stipulations:

1. Development shall be in conformance with the site plan and floor plan, date-stamped August 8, 2013.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

Mr. Cordero stated his presentation was complete and he was available for questions.

Chairperson Blake asked if the board has any questions. There were no questions.

Chairperson Blake called for the applicant to make a presentation.

Ms. Tana Nichols, Habitat for Humanity, representative, stated they were a worldwide organization with one main goal of eliminating substandard housing. She said with the help of donated money and volunteer labor, they build affordable home and sell them to qualified low-income buyers with the help of no interest loans. She explained they receive aid from many entities including recently from an AZ Republic executive who recently passed away and donated a property. She said the people receiving these homes were very appreciative and most work on their own home as well as their neighbors. Infill development is beneficial to all parties.

Chairperson Blake inquired as to the homes being built side by side and if anything was separating them. He asked if there was ever the idea of just building a larger home on the two properties. The applicant stated the homes built were approximately 1,048 square feet. She noted they try and keep them to around that footage because of the expense to the owner. She also mentioned that with using NSP money, there were particular grant requirements and environmental clearances that are required. Furthermore, she explained that property did not have the appropriate environmental clearances.

Chairperson Blake opened the public hearing.

With no one wishing to speak, he closed the public hearing.

Chairperson Blake asked for additional comments.

Vice Chairperson Garland stated the homes looked nicely placed in the neighborhood.

Chairperson Blake thanked the presenter for providing valuable information on this great program. He added he also appreciated the explanation on why they built the two homes on that lot instead of one large one.

Chairperson Blake 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 Burrell called for a voice vote on Finding One. The board responded with a 5-0 vote in favor.

Finding Two. Chairperson Burrell called for a voice vote on Finding Two. The board responded with a 5-0 vote in favor.

Finding Three. Chairperson Burrell called for a voice vote on the Finding Three. The board responded with a 5-0 vote in favor.

Finding Four. Chairperson Burrell called for a voice vote on the Finding Four. The board responded with a 5-0 vote in favor.

Mr. Romney asked that if based on the findings, does the board wish to grant variance VAR13-05: subject to the stipulations set forth by the Planning Department.

Chairperson Blake called for a motion.

Board member Toops made a MOTION to APPROVE VAR10-05 subject to the stipulations in the staff report. Board member Padia SECONDED the motion.

The MOTION was APPROVED with a vote of 5 to 0.

VI. OTHER BUSINESS FROM THE FLOOR

Chairperson Blake asked staff if there was other business from the floor.

Ms. Opal Evans from the Glendale Citizen Corps gave a presentation to discuss the “Whole Community Approach” to emergency preparedness. She showed images of different disasters that have happened around the world as well as the tragic events of 9/11. She also came prepared

to show the board the many survival items they need to have in an emergency kit. She stated that for that reason, America has recognized September as National Preparedness Month. This month is to remind Americans of the importance of taking steps to prepare for emergencies in their homes, businesses, schools, and communities. This year, Glendale Citizen Corps proposes that the best stage for this mission must begin with existing leaders who represent all six city districts in Glendale. She invited everyone to tour the facility at 11550 West Glendale Avenue and get involved.

Vice Chairperson Garland asked for additional information on this program. Ms. Evans reviewed the program and noted they were sponsored by the City of Glendale and other cities to work with and support effective collaboration and partnerships between government, non-profit agencies and local businesses.

Chairperson Blake thanked her for the very informative presentation. He suggested she speak with board member Toops about her organization.

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

Mr. Froke stated the next Board of Adjustment meeting scheduled for October 10, 2013 will be vacated. He asked for a motion from the board.

Vice Chairperson Garland made a MOTION to VACATE the October 10, 2013 meeting. Board member Padia SECONDED the motion.

VIII. BOARD COMMENTS AND SUGGESTIONS

There were none.

IX. ADJOURNMENT

Board member Padia made a MOTION to ADJOURN the meeting. Vice Chairperson Garland SECONDED the motion.

The meeting adjourned at 5:00 p.m.

Next meeting will be held on November 14, 2013.