

**MINUTES
CITY OF GLENDALE
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
THURSDAY, OCTOBER 8, 2015
4:00 P.M.**

CALL TO ORDER

The meeting was called to order at approximately 4:07 p.m.

ROLL CALL

Board members Blakely, Crowley, Dietzman, Feiner and Chairperson Toops were in attendance. Board member Zarra and Vice Chairperson Vescio were absent.

CITY STAFF

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

APPROVAL OF THE MINUTES

Chairperson Toops called for approval of the September 10, 2015 minutes.

BOARD MEMBER BLAKELY MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 10, 2015 MEETING. BOARD MEMBER DIETZMAN SECONDED THE MOTION.

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. **VAR15-13:** A variance request by Norman Hurne to allow the construction of a sunroom addition to the rear of the residence that will be placed along the zero lot line like the rest of the existing home. The property is in the R-3 (Multiple Residence) zoning district, which has perimeter setbacks of twenty (20) feet; however, when the subdivision was developed in 1982, the side setbacks were at zero (0) feet and ten (10) feet. The site is located northeast of the northeast corner of 67th and Peoria Avenues (6411 West Christy Drive) and is in the Barrel District. Staff Contact: Martin Martell, Planner.

Thomas Ritz, AICP, Senior Planner, stated this was a variance request by Norman Hurne to allow the construction of a sunroom addition to the rear of the residence that will be placed along the zero lot line like the rest of the existing home. He said the property was in the R-3 zoning district, which has perimeter setbacks of twenty feet; however, when the subdivision was developed in 1982, the side setbacks were at zero feet and ten feet. The site was located northeast of the northeast corner of 67th and Peoria Avenues and is in the Barrel District.

Mr. Ritz stated that on August 1, 2015, notification letters were mailed to adjacent property owners and interested parties. During the three week notification period the applicant received no responses. He noted that to date Planning Staff received three inquires regarding this request. He explained that the respondents wanted to know why they were being contacted and two respondents needed more details about the proposal. He said staff did receive an additional notice to receive a copy of the staff report and it was provided electronically to them. He provided aerial photos of the property and explained where the addition was planned.

Mr. Ritz 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 that although this property is in the R-3 Zoning District with current perimeter setbacks of twenty feet, this property was developed during a time when the side yard setbacks were zero feet and ten feet for the entire subdivision.

- 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 said the current twenty foot perimeter setback is unrealistic for properties that are only forty-five feet wide. Therefore, if the strict application of the Zoning Ordinance is abided by, this property would only allow for a structure that is five feet wide.

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

He said the requested side yard setback reduction is the minimum necessary to construct the addition to the home. The reduced side yard setback will not impact the residential property to the west because the majority of the applicant's home is presently on the zero lot line. Furthermore, the neighboring property, to the west, is buffered by a ten foot side yard setback on their lot.

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

He explained that the requested building setback decrease will be practically indiscernible from the street and the neighboring properties since the addition will be located in the rear of the home. Moreover, the new addition's west wall will be flush with the existing west wall of the home which is currently placed on the zero lot line.

Mr. Ritz 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. There were none.

Chairperson Toops called for the applicant to make a presentation.

Norman Hurne, applicant, stated he would like to modify stipulation number 3. He said he would like the additional proposed materials to exceed the quality that was already in place. He noted the structure was constructed with low quality materials. Tabitha Perry, Assistant Planning Director, recommended that stipulation number 3 be omitted and let Staff and the applicant work on the issue of the quality of the materials and come to an agreement. The Board agreed.

Chairperson Toops opened the public hearing. With 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. Gruber 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 5-0 vote.

Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.

Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.

Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.

Mr. Gruber asked that if based on the findings, does the Board wish to grant variance VAR15-13 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

BOARD MEMBER BLAKELY MADE A MOTION TO APPROVE VAR15-13 SUBJECT TO TWO STIPULATIONS DELETING STIPULATION THREE LISTED IN THE STAFF REPORT. BOARD MEMBER FEINER SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

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

- VAR15-14:** A variance request by Lydia Reyes, on behalf of the property owner Farzana Bafaiz, to allow the reduction of the street side yard setback from the required fifteen (15) feet to eight (8) feet for a property in the R-2 (Mixed Residence) zoning

district. This will allow for a refurbishment of a vacant apartment unit that is encroaching into the required street side yard setback. The site is located northwest of the northwest corner of 51st and Glendale Avenues (5301 West Northview Avenue) and is in the Ocotillo District. Staff Contact: Martin Martell, Planner.

Thomas Ritz, AICP, Senior Planner, stated this was a variance request by Lydia Reyes, on behalf of the property owner Farzana Bafaiz, to allow the reduction of the street side yard setback from the required fifteen feet to eight feet for a property in the R-2 zoning district. He said this will allow for a refurbishment of a vacant apartment unit that was encroaching into the required street side yard setback. He noted the site was located northwest of the northwest corner of 51st and Glendale Avenues and was in the Ocotillo District.

Mr. Ritz stated that on July 24, 2015, notification letters were mailed to adjacent property owners and interested parties. During the three week notification period the applicant received no responses. He said that to date, Planning Staff has received no inquiries regarding this request. He provided photos of the site plan and property. He added that since the apartment unit has been unoccupied for over a year, the applicant was requesting a variance to reduce the street side yard setback. He noted the apartment was 484 square feet.

Mr. Ritz 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 that, although this property is in the R-2 Zoning District with current perimeter setbacks of fifteen feet, this property was developed during a time when it was permissible to place a structure eight feet from a property line.

- 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 the current fifteen foot perimeter setback would deprive the property owner the opportunity to revitalize and use an otherwise derelict and abandoned structure.

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

He said the request street side yard setback's reduction is the minimum necessary to revitalize and use the unoccupied structure that is within the side yard setback as an apartment unit.

- 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 reduced street side yard setback will not impact the surrounding properties, since the structure has been on the property for many years. Moreover, renovation of this blighted unit and property will help improve the quality of life for the tenants living on the site and enhance the neighborhood.

Mr. Ritz 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 Dietzman asked if this was previously a garage or what other sort of structure was it. He wondered because he did not see any windows. Mr. Ritz stated that it was currently being used as storage and it was previously an apartment unit along with other apartment structures in the immediate area. Board member Dietzman stated his concern was that this was an apartment that had no windows. Mr. Ritz stated that it would be one of the requirements to have windows present. He explained that the structure does look like it used to have windows but they have been seen boarded up and painted over.

Chairperson Toops called for the applicant to make a presentation.

Lydia Reyes, applicant, introduced herself and stated that the unit has windows and they were waiting for the variance approval to take advantage of the property and finish the remodel including landscaping and fencing. She said the unit has a kitchenette and two bedrooms.

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

He asked the Board for any further questions or comments.

Board member Feiner stated it was good to see revitalization of properties such as these occurring in the area.

Based on the facts and evidence presented, Mr. Gruber 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 5-0 vote.

Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.

Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.

Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.

Mr. Gruber asked that if based on the findings, does the Board wish to grant variance VAR15-14 subject to the stipulations set forth by the Planning Division.

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

BOARD MEMBER CROWLEY MADE A MOTION TO APPROVE VAR15-14 SUBJECT TO THE FOUR STIPULATIONS LISTED IN THE STAFF REPORT. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

- 3. VAR15-15:** A variance request by Lydia Reyes, on behalf of the property owner Gregory Cantor, to allow for a reduction of the rear yard setback from the permitted twenty (20) feet to ten (10) feet on property located in the R1-8 PRD (Single Residences, Planned Residential Development) zoning district. This will allow for an existing unauthorized addition that is located in the rear south west portion of the existing residence, which was done by a previous homeowner. The site is located northwest of the northwest corner of 83rd Avenue and Camelback Road (5124 North 85th Avenue) and is in the Yucca District. Staff Contact: Martin Martell, Planner.

Thomas Ritz, AICP, Senior Planner, stated this was a variance request by Lydia Reyes, on behalf of the property owner Gregory Cantor, to allow for a reduction of the rear yard setback from the permitted twenty feet to ten feet on property located in the R1-8 PRD zoning district. He said this will allow for an existing unauthorized addition that is located in the rear south west portion of the existing residence, which was done by a previous homeowner. He noted the site was located northwest of the northwest corner of 83rd Avenue and Camelback Road and is in the Yucca District.

He stated that on July 24, 2015, notification letters were mailed to adjacent property owners and interested parties. He explained that during the three week notification period the applicant received no responses. He said that to date, Planning Staff has received no inquiries regarding this request. He provided an aerial map of the area.

Mr. Ritz 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 the previous homeowner constructed an addition to the rear of the home without obtaining the necessary building permits. He noted the current owner has purchased the property without knowledge of the encroachment into the rear yard setback and now is interested in renovating the addition and the property.

- 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 said that although the strict application of the Zoning Ordinance would not deprive the property of privileges enjoyed by the properties of the same classification in the same zoning district, the required twenty foot rear yard setback would deprive the property owner from maintaining the current floor plan which attracted the homebuyer to this particular property.

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

He stated the requested rear yard setback reduction is the minimum necessary to ensure the structure is in compliance with all current building and fire codes.

- 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 reduced rear yard setback will be practically indiscernible from the street and the majority of neighboring properties since this addition is entirely in the rear of the property. Furthermore, this setback reduction will not detrimentally affect immediate neighboring properties since this rear addition to the home has been on this property for many years without any complaints from other property owners.

Mr. Ritz 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. There were none.

Chairperson Toops called for the applicant to make a presentation.

Lydia Reyes, applicant, introduced herself and stated she would like the variance approved so they can renovate the property and occupy the house.

Chairperson Toops opened the public hearing. There were no speakers.

Chairperson Toops closed the public hearing. He asked the Board for any further questions or comments.

Board member Dietzman asked if they should decide to pass the variance as stated in stipulation 3, would the addition be up to code. Mr. Ritz stated the applicant would have to bring the property up to code and obtain a building permit in order to occupy this addition that was built without permits.

Based on the facts and evidence presented, Mr. Gruber 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 4-1 vote. (Board member Feiner voted nay.)

Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.

Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.

Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.

Mr. Gruber asked that if based on the findings, does the Board wish to grant variance VAR15-15 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

BOARD MEMBER BLAKELY MADE A MOTION TO APPROVE VAR15-15 SUBJECT TO THE TWO STIPULATIONS LISTED IN THE STAFF REPORT. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 4 TO 1 (BOARD MEMBER FEINER).

The MOTION was APPROVED with a vote of 4 to 1.

OTHER BUSINESS FROM THE FLOOR

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

PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Toops called for Planning Staff Comments and Suggestions. There were none.

BOARD COMMENTS AND SUGGESTIONS

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

ADJOURNMENT

Chairperson Toops called for a motion to adjourn.

BOARD MEMBER BLAKELY MADE A MOTION TO ADJOURN THE MEETING. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 4:45 p.m. The next meeting is scheduled for November 12, 2015.