

**MEETING MINUTES
CITY OF GLENDALE
BOARD OF ADJUSTMENT**

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

**THURSDAY, NOVEMBER 13, 2014
4:00 P.M.**

I. CALL TO ORDER

Chairperson Toops called the meeting to order at approximately 4:00 pm.

II. ROLL CALL

Board members Blakely, Feiner, Dietzman and Chairperson Toops were in attendance.

Board member Vescio was absent.

CITY STAFF

Tabitha Perry, Assistant Planning Director, Thomas Ritz, AICP, Senior Planner, Russ Romney, Deputy City Attorney and Diana Figueroa, Recording Secretary

III. APPROVAL OF THE MINUTES

Chairperson Toops called for the minutes from the previous meetings.

Board member Feiner made a MOTION to APPROVE the Minutes of the July 10, 2014 Regular Meeting. Board member Blakely SECONDED the motion. The motion was approved unanimously.

Board member Feiner made a MOTION to APPROVE the Minutes of the August 14, 2014 Regular Meeting. Board member Blakely SECONDED the motion. The motion was approved unanimously.

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS

Chairperson Toops called for the public hearing item.

VAR14-07: A request by Jeff Shelton for James and Tricia Saunders to reduce the side yard setback to 20 feet where 50 feet is required, reduce the front yard setback to 50 feet where 75 feet is required, and increase the maximum percentage lot coverage to 20 percent where 10

percent is the maximum percentage lot coverage in the A-1 (Agricultural District). The site is at 6008 West Cortez Street and in the Barrel District.

Thomas Ritz, AICP, Senior Planner, began his presentation by stating VAR14-07 is a request by Jeff Shelton for James and Tricia Saunders to reduce the side yard setback to 20 feet where 50 feet is required, reduce the front yard setback to 50 feet where 75 feet is required, and increase the maximum percentage lot coverage to 20 percent where 10 percent is the maximum percentage lot coverage in the Agricultural District. He said the site is at 6008 West Cortez Street and is in the Barrel District.

Mr. Ritz stated that in summary this variance is because the applicant is requesting a variance to add an outside stairwell to the front of the house to provide access to the basement, construct an addition to the master bathroom, and relocate the laundry room in front of the garage. He said the property is located within the Del Rey Farms subdivision, north of the northwest corner of Cholla Street and 59th Avenue. The lot dimensions are approximately 172 feet wide and 314 feet deep, and the property is approximately 55,000 sq. feet in size.

Mr. Ritz stated that on October 3, 2014, notification letters were mailed to adjacent property owners and interested parties. He noted the applicant indicated they had spoken to three of their neighbors who supported their project and desired the remodeling be completed. He said that Planning received a response from a neighbor who opposed the request. He explained the neighbor indicated the request sounded like the sort of addition which would convert the house into something other than a single family residence. He added that Planning received a second response from a neighbor who opposed the request, as well as a call from a third neighbor. The third caller was not opposed to the variance request, however, he expressed concern that the house had been under construction for two years, and had concerns about what the house could be turned into. Mr. Ritz indicated that the property is not within a homeowners association or registered neighborhood.

Mr. Ritz 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.**

The lot width is 172 feet, a lot depth of 314 feet, and a lot size of 55,000 feet with an A-1 (Agricultural) zoning district classification creates a special circumstance not self-imposed by the property owner. The construction of an outside stairwell to the front of the house to provide access to the basement, construction of an addition to the master bathroom, and relocating the laundry room in front of the garage requires some level of relief based on the setback and lot coverage requirements. A 50 foot side yard and 75 foot front yard setback requirement would prohibit the construction of the desired room additions. The surrounding neighborhood was developed with a variety of side yard and front yard setbacks, few of which meet the current A-1 front and side yard 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 prohibit an addition to the front of the existing front face of the home and in line with the existing side of the house. The surrounding properties have setbacks that are similar to those proposed by the applicant. In this situation, the strict application of the Zoning Ordinance would not allow the property the same privileges as its neighbors.

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

The request side yard and front yard setbacks are the minimum necessary to construct the proposed additions on the lot. The requested lot coverage is also required to construct the room additions on the lot. No other relief from the zoning requirement is proposed as a part of this variance request.

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

The request building setbacks and lot coverage are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties. The surrounding neighbors have side yard and front yard setbacks that are similar to what is being requested.

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 the property and zoning will remain constant for this single family home. Mr. Ritz replied yes.

Chairperson Toops called for the applicant to make a presentation.

Jeff Shelton, the applicant's representative, stated that Mr. Ritz had explained in detail the project and had nothing further to added. He noted he agreed with the stipulations set forth by staff.

Chairperson Toops opened the public hearing.

Lois G. McLean, a Glendale resident, stated her objection to the application. She said she was afraid the home might become a group home. She added she was fearful they will remodel the home only to sell it.

John and Barbara Jacobs, Glendale residents, expressed their concern on the amount of time the house had been under construction. They worried what the house and its use could potentially become.

Donald Peper, a Glendale resident, stated his support of the application. He noted he was a neighbor and friend of the family. He said he was glad someone had finally stepped up and did something with the property and invested time and money. He hopes to see the area and property values improve.

Chairperson Toops asked Mr. Shelton if he had any closing comments.

Mr. Shelton explained the proposed layout of the house. However, for the most part, the structure will remain the same. He reiterated the applicant's request for construction of an outside stairwell to the front of the house to provide access to the basement, construction of an addition to the master bathroom, and relocating the laundry room in front of the garage which will all be ADA code compliant. He indicated that the applicants had no plans to turn this into a group home. However, if that were true, they would still have to come before a panel and get approval.

Tabitha Perry, Assistant Planning Director, stated that for clarification, the decision for the case before them should be made based on the four findings as it relates to the standards presented before them in staff's presentation. She explained as far as the group home argument, that was a totally different process that has to go through the State of Arizona as well as adhere to distance requirements. She indicated that process will have to occur if the applicant decides to go in that direction.

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

Chairperson Toops called for Mr. Russ Romney, Deputy City Attorney, to provide the next step in the legal process.

Mr. Romney interjected when Board members made comments pertaining to the group home when commencing their vote. He stated that the Board of Adjustment was to decide whether cases meet certain setback requirements. He noted that uses of the property are not the province of the Board of Adjustment and beyond the scope of their authority to make a decision based on either a fear or potential use of a property. He explained that the Board should analyze the factors that are given regarding the lot size and the privileges enjoyed by other properties as listed in the statute. The Board is then to make a decision based on the facts in evidence before them.

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 4-0 vote.

Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 4-0 vote.

Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 4-0 vote.

Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 4-0 vote.

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR14-07, subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Blakely made a MOTION to APPROVE VAR14-07 subject to the stipulations in the staff report. Board member Feiner SECONDED the motion.

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

Chairperson Toops stated the decision from the Board is to grant the variance. He said anyone wishing to appeal the action will need to file a motion in Superior Court.

VI. OTHER BUSINESS FROM THE FLOOR

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

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

Ms. Perry announced there are no items for the December 11, 2014 meeting. She recommended the Board vacate the December 11 meeting.

Chairperson Toops asked for a motion.

Board member Feiner made a MOTION to VACATE the December 11, 2014 meeting. Board member Blakely SECONDED the motion, which passed unanimously.

VIII. BOARD COMMENTS AND SUGGESTIONS

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

IX. ADJOURNMENT

Board member Dietzman made a MOTION to ADJOURN the meeting. Board member Blakely SECONDED the motion. With no further business, the meeting adjourned at 4:53pm.

Next meeting: January 8, 2015