

MEETING MINUTES

**CITY OF GLENDALE
BOARD OF ADJUSTMENT**

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

**THURSDAY, NOVEMBER 14, 2013
4:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at approximately 4:05 p.m.

II. ROLL CALL

Board members Toops, Vescio, Vice Chairperson Garland and Chairperson Blake were in attendance. Board member Padia was absent.

City Staff:

Tabitha Perry, Assistant Planning Director, Thomas Ritz, Senior 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 meeting and the September regular meeting.

Vice Chairperson Garland made a MOTION to Approve the June 13, 2013 minutes as amended. Board member Toops SECONDED the motion.

Vice Chairperson Garland made a MOTION to Approve the September 12, 2013 minutes as written. Board member Toops SECONDED the motion.

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS

VAR13-06: A request by Troy Theall to reduce the side yard setback to 10 feet where 15 feet is required in the SR-17 (Suburban Residence) zoning district. The site is at 7625 West Michigan Avenue within the Sahuaro District.

Thomas Ritz, Senior Planner, began his presentation by stating VAR13-06 is a request by Troy Theall to reduce the side yard setback to 10 feet where 15 feet is required in the SR-17 zoning district. He said the property is located in the Hidden Manor subdivision, southwest of the southwest corner of 75th Avenue and Union Hills Drive. The lot dimensions are approximately 124 feet wide by 145 feet deep, and the property is approximately 18,000 square feet in size. He noted the board must consider the facts and determine that the findings required to grant a variance have been met. In addition, the board may condition a variance to ensure that it will not grant special privileges inconsistent with the limitation of other similarly zoned properties. The board must deny the request if the required findings have not been met. He stated that in summary, the applicant is requesting a variance to construct a single car addition to an existing two car garage.

Mr. Ritz explained that many of the homes in the Hidden Manor subdivision were constructed prior to annexation. The placement of City of Glendale SR-17 zoning district on the neighborhood created properties to have less than the required 15 feet. He noted the applicant applied for a variance to reduce the side yard setback on the west side of the house to 10 feet to construct a room addition. He said the variance request was approved by the Board of Adjustment on December 13, 2007. The room addition is shown on the materials submitted for the present variance request; however, the applicant has not yet constructed the room addition.

Mr. Ritz stated that on August 8, 2013, the applicant mailed 49 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, and once staff explained the request, he had no further concerns. He stated the applicant also notified staff that he had contacted the Hidden Manor Homeowner's Association and they had no objection to the request. He said that notification postcards of the public hearing were mailed to adjacent property owners and interested parties on October 24, 2013.

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;**

A lot width of 124 feet creates a special circumstance not self-imposed by the property owner. The construction of a garage addition requires some level of relief based on the setback requirement. A 15 foot perimeter setback requirement would prohibit the construction of the desired garage addition. The surrounding neighborhood is developed with a variety of side-yard setbacks; many do not meet the current SR-17 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 15 foot side yard setbacks and eliminate the possibility of building a garage addition 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 the applicant. In this situation, the strict application of the Zoning Ordinance would not allow the applicant the same privileges as his neighbors.

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 garage addition on the lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current SR-17 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. The surrounding neighbors have side-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. He concluded his presentation and stated he was available for questions.

Chairperson Blake asked if the board had any questions.

Vice Chair Garland inquired as to the homes that were constructed with a setback of less than 15 feet.

Mr. Ritz agreed that the homes with less than 15 feet as a setback would be grandfathered in. He said that 15 feet seemed to be a fairly common setback in this neighborhood. He added this occurred since most of the homes were built prior to the SR-17 having a 15 foot setback.

Chairperson Blake commented that if he understood correctly, there were possibly other properties that had been granted variances because of the zoning ordinances for this type of property. Mr. Ritz stated he was correct.

Chairperson Blake inquired as to the other variance request of the additional room that was never acted upon. He asked if it impacts this request in any way. Mr. Ritz stated the City of Glendale does not have a time limit on when to act upon variance requests once they have been approved.

Chairperson Blake called for the applicant to make a presentation.

Troy Theall, applicant, thanked the board for their time on his application. He said he really did not have much to add to staff's report.

Vice Chairperson Garland had a few questions regarding the layout of the house and the limited areas. Mr. Theall explained the layout of the house in relation to the setback requested.

Chairperson Blake opened the public hearing. With no one wishing to speak, he closed the public hearing. He asked the board for any further questions.

Vice Chair Garland asked for clarification on the legal non-conforming request. Mr. Ritz explained if the request meets the four findings and other properties have similar variances granted either before or after the annexation of this property are legal non-conforming requests. This causes the issue to go away and be mitigated because of the before mentioned circumstances.

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 3-1 vote. Vice Chair Garland voted "nay"

Finding Two. Chairperson Blake called for a voice vote on Finding Two. The board responded with a 3-1 vote. Vice Chair Garland voted "nay"

Finding Three. Chairperson Blake called for a voice vote on Finding Three. The board responded with a 3-1 vote. Vice Chair Garland voted "nay"

Finding Four. Chairperson Blake called for a voice vote on Finding Four. The board responded with a 4-0 vote in favor.

Mr. Romney asked that if based on the findings, does the board wish to grant variance VAR13-06: subject to the stipulations set forth by the Planning Department.

Chairperson Blake called for a motion.

Board member Toops made a MOTION to APPROVE VAR13-06 subject to the stipulations in the staff report. Board member Vescio SECONDED the motion.

The MOTION was APPROVED with a vote of 3 to 1. Vice Chair Garland voted "nay"

VI. OTHER BUSINESS FROM THE FLOOR

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

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

There were none.

VIII. BOARD COMMENTS AND SUGGESTIONS

There were none.

IX. ADJOURNMENT

Board member Vescio made a MOTION to ADJOURN the meeting. Vice Chair Garland SECONDED the motion.

The meeting adjourned at 4:37 p.m.

Next meeting tentatively scheduled for December 12, 2013.