



Board of Adjustment Regular Agenda

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
SEPTEMBER 8, 2016
4:00 P.M.

One or more members of the Board of Adjustment may be unable to attend the Board Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE BOARD'S DISCRETION

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES: July 14, 2016 Regular Meeting

IV. WITHDRAWALS AND CONTINUANCES

V. PUBLIC HEARING ITEMS

1. **VAR16-07:** A variance request by Wancho's Project, on behalf of Raynaldo Ozuna, to reduce the east side yard setback from the required twenty (20) feet to five (5) feet and to reduce the west side yard setback from the required twenty (20) feet to six and a half (6½) feet in the R-3 (Multiple Residence) Zoning District. This will allow for the rebuilding of a severely damaged home and allow for livable additions to the front and back of the home. The site is located southwest of the southwest corner of 59th and Glendale Avenues (6344 West Lamar Road) and is in the Ocotillo District. Staff Contact: Martin Martell, Planner.
2. **VAR16-08:** A variance request by Regency Builders, on behalf of Kathleen Griggs, to reduce the south side yard building setback from the required twenty (20) feet to six (6) feet in the R-3 (Multiple Residence) Zoning District, which will allow for the construction of an attached patio cover. The site is located southeast of the southeast corner of 67th and Olive Avenues (10230 North 66th Avenue) and is in the Barrel District. Staff Contact: Martin Martell, Planner.

VI. OTHER BUSINESS FROM THE FLOOR

VII. PLANNING STAFF REPORT

VIII. BOARD COMMENTS AND SUGGESTIONS

IX. ADJOURNMENT

NEXT MEETING: October 13, 2016

FOR SPECIAL ACCOMMODATIONS



Please contact Diana Figueroa at (623) 930-2808 or dfigueroa@glendaleaz.com at least three working days prior to the meeting if you require special accommodations due to a disability. Hearing impaired persons should call (623) 930-2197.

After 5:00 p.m. on Monday, prior to the meeting, staff reports for the above referenced cases will be available online at <http://www.glendaleaz.com/planning/boardsandcommissions.cfm>. If after reviewing the material you require further assistance, please call the staff contact listed for each application at (623) 930-2800.

Upon a public majority vote of a quorum of the Board of Adjustment, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purpose:

- (i) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3)); or

Confidentiality Requirements Pursuant to A.R.S. § 38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. § 38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the Board of Adjustment, or as otherwise ordered by a court of competent jurisdiction.

**MINUTES
CITY OF GLENDALE
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
THURSDAY, JULY 14, 2016
4:00 PM**

CALL TO ORDER

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

ROLL CALL

Board Members Martinez, Zarra, Dietzman, Vice Chairperson Feiner, and Chairperson Vescio were all in attendance.

BOARD MEMBERS ABSENT:

Board Members Crowley and Blakely were absent and excused.

CITY STAFF

Tabitha Perry, Assistant Planning Director, Russ Romney, Deputy City Attorney, Martin Martell, Planner, and Julia Dominguez, Recording Secretary were present.

APPROVAL OF THE MINUTES

Chairperson Vescio called for approval of the May 12, 2016, Regular Meeting Minutes.

VICE CHAIRPERSON FEINER MADE A MOTION TO APPROVE THE MINUTES. BOARD MEMBER ZARRA SECONDED THE MOTION, WHICH WAS APPROVED 4-1 (Martinez).

Board Member Martinez voted nay on approval of the minutes due to the fact he was not appointed prior to the May 12, 2016 meeting.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

Chairperson Vescio called for staff's presentation on the public hearing items.

1. **VAR16-06:** A variance request by Caute Partners, LLC, on behalf of Ainel Cuevas, to reduce the side yard building setbacks from the required twenty (20) feet to five (5) and ten (10) feet in the R-3 (Multiple Residence) Zoning District, which will allow for the construction of a livable home on a vacant fifty (50) foot wide lot. The site is located south of the southeast corner of 55th and Glendale Avenues (6721 North 55th Avenue) in the Ocotillo District.

Mr. Martin Martell, Planner, stated this was a variance request by Cauter Partners, LLC, on behalf of Ainel Cuevas, to reduce the side yard building setbacks from the required twenty feet to five and ten feet in the R-3 Zoning District, which will allow for the construction of a livable home on a vacant fifty foot wide lot. He said the site is located south of the southeast corner of 55th and Glendale Avenues in the Ocotillo District. He noted the property is located in the Sugar Addition Subdivision and is located south of the southeast corner of 55th and Glendale Avenues. He indicated the dimensions are 50 feet in width by 140 feet in length. Mr. Martell displayed an aerial map while discussing the site.

Mr. Martell stated that on February 24, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. He stated the applicant did not receive any response regarding the request. He noted that to date, Planning has not received any questions or comments concerning this application.

Mr. Martell 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 the width of the lot creates a special circumstance not self-imposed by the property owner. He noted the construction of a new home requires some level of relief. The surrounding neighborhood is developed with a variety of side-yard building setbacks many of which are less than the required 20 foot perimeter building setbacks found in this zoning district.

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 strict application of the current Zoning Ordinance would only permit a home that is ten feet wide, which would be unrealistic for a habitable home.

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

He said that the requested reduction of the side yard building setbacks is the minimum necessary to alleviate the property's hardship and will allow for the construction of a home. He explained that the future home will meet the required 20 foot front and rear building setbacks established for this zoning district.

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 requested reduction of all the building setbacks is consistent with other properties along this street. He said this request will not detrimentally affect any neighboring properties, since the requested side yard building setbacks will match many of the side yard setbacks found in the neighborhood.

Mr. Martell 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 stipulation listed in the staff report. He concluded his presentation and stated he was available for questions. The stipulation is listed below.

1. Development shall be in conformance with the applicant's narrative, site plan, and floor plan, dated May 19, 2016.

Chairperson Vescio asked if the Board had any questions. There were none.

Chairperson Vescio called for the applicant to make a presentation. The applicant did not wish to speak.

Chairperson Vescio opened the public hearing, hearing no one wishing to speak, she closed the public hearing.

Chairperson Vescio asked the Board for any further questions or comments. There were none.

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 Vescio called for a voice vote on Finding One. The Board responded with a 5-0 vote.

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

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

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

Mr. Romney asked that if based on the findings, does the Board wish to grant variance **VAR16-06**: subject to the stipulations set forth by the Planning Division.

Chairperson Vescio called for a motion.

BOARD MEMBER ZARRA MADE A MOTION TO APPROVE THIS REQUEST SUBJECT TO ONE STIPULATION. BOARD MEMBER DIETZMAN SECONDED THE MOTION WHICH WAS APPROVED WITH A VOTE OF 5 TO 0.

OTHER BUSINESS FROM THE FLOOR

Chairperson Vescio called from Other Business From The Floor. There was none.

PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Vescio called for Planning Staff Comments and Suggestions.

Ms. Perry stated there were no items scheduled for next month's Board of Adjustment meeting. The Board agreed to vacate the meeting of August 11, 2016.

BOARD COMMENTS AND SUGGESTIONS

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

NEXT MEETING: September 8, 2016

ADJOURNMENT

Chairperson Vescio called for a motion to adjourn.

BOARD MEMBER ZARRA MADE A MOTION TO ADJOURN. VICE CHAIRPERSON FEINER SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 4:13 p.m.



Planning Staff Report

DATE: September 8, 2016 **AGENDA ITEM:** /

TO: Board of Adjustment

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Martin Martell, Planner

SUBJECT: **VARIANCE (VAR) APPLICATION VAR16-07: WANCHO RESIDENCE – 6344 WEST LAMAR ROAD**

REQUEST: To reduce the east side yard building setback from the required 20 feet to five (5) feet and the west side yard building setback from the required 20 feet to six and a half (6½) feet in the R-3 (Multiple Residence) Zoning District.

APPLICANT/OWNER: Wancho's Project / Osuna Raynaldo.

REQUIRED ACTION: The Board must consider the facts and determine that the findings required to grant a variance have been met. 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.

RECOMMENDATION: Staff recommends approval subject to stipulations.

PROPOSED MOTION: Move to approve VAR16-07 subject to stipulations.

SUMMARY: The applicant is requesting a variance to reduce the east and west side yard building setbacks. If approved, the applicant wishes to rebuild a home that was damaged by vandalism. After restoration the applicant also wishes to add livable additions to the front and rear of the home that will be flush with the east and west walls of the reconstructed home.

BOARD ACTION: Board Member _____ MADE a MOTION to _____
VAR16-07, subject to stipulations noted in the staff report. Board member _____
SECONDED the MOTION. The MOTION was _____ with a vote of __ to __.

DETAILS OF REQUEST:

General Plan Designation:

Medium Density Residential, 3.5 to 5 density units per acre.

Property Location and Size:

The property is located in the Orchard Addition Subdivision and is located southwest of the southwest corner of 59th and Glendale Avenues. The dimensions are 66.51 feet in width by 163.01 feet in depth.

Zoning Ordinance Requirements:

Section 5.426 – R-3 (Multiple Residences) Table 2:
Minimum Side Yard Building Setbacks are 20 feet.

Surrounding Land Use and Zoning:

North: Mobile-Home Park zoned R-3.
East: Single-family home zoned R-3.
South: Church zoned R1-6.
West: Single-family homes zoned R1-6.

History:

- The property is part of the Orchard Addition, which was platted on June 29, 1908.
- The property is identified as Lot No. 2 of Block No. 6, West Washington Street on the plat.
- On August 21, 2009, the property owner purchased the damaged home with an intention to rebuild it back to its original condition.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On May 15, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did receive one response regarding the request from a neighboring property owner who was concerned about the current state of the home that is on the subject site. Due to this response the applicant mailed a second set of notification letters on June 1, 2016 that described the current state of the home. Planning staff also received one response from the same neighboring property owner that notified the applicant from the first notification letter regarding the request. The applicant's Citizen Participation Final Report is attached.

Board of Adjustment Public Hearing Notification:

A Notice of Public Hearing was published in *The Glendale Star* on August 18, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on August 19, 2016. The property was posted on August 18, 2016.

STAFF FINDINGS AND ANALYSIS:

The Board of Adjustment must analyze four (4) findings based on the evidence in the record prior to granting a variance. Each finding is presented below along with staff's analysis.

- 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 66.5 foot lot with the current 20 foot perimeter setbacks only allows for the reconstruction of a home with additions that will only be 26.5 feet wide. The surrounding neighborhood is developed with a variety of side-yard building setbacks many of which are less than the required 20 foot perimeter building setbacks found in this zoning district.

- 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 current Zoning Ordinance would only permit a home to be reconstructed to a width of 26.5 feet, which would be unrealistic for a habitable home.

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

The requested reduction of the side yard building setbacks is the minimum necessary to alleviate the property hardship and will allow for the reconstruction of a home with new additions. The reconstructed home with new additions will meet the required 20 foot front and rear building setbacks established for this zoning district.

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

This requested reduction of the side yard building setbacks is consistent with 25 percent of the properties along this street that have the same side yard setbacks as the subject property. Granting this request will allow for the reconstruction of a home to its original state and allow for livable additions to the front and rear of the residence.

RECOMMENDATION:

The variance request appears to meet all four (4) findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulation:

1. Development shall be in conformance with applicant's narrative, site plan, and floor plan, completed on June 22, 2016.

- ATTACHMENTS:**
1. Applicant's Narrative, completed on June 22, 2016.
 2. Applicant's Site Plan, completed on June 22, 2016.
 3. Applicant's Floor Plan, completed June 22, 2016.
 4. Citizen Participation Final Report (without mailing labels), completed on July 28, 2016.
 5. Vicinity Zoning Map.
 6. Aerial Photograph, dated October 2014.

PROJECT MANAGER: Martin Martell, Planner (623) 930-2597
mmartell@glendaleaz.com

REVIEWED BY:


Planning Director

MM/df


Development Services Director

3/10/2016



Wancho, Primitivo
Wancho's Project

PROJECT NARRATIVE

RE: 6344 W Lamar Rd, Phoenix, Az, 85301 Parcel# 144 08 024 A

The reason for this variance request is to reduce the side yard building setbacks on our property. Our property is the R-3 (Multiple Residence) zoning district with perimeter building setback of 20' and if the 20' side yard setback remain on our property we can only build an addition to our home that will only be 26.5'. To make a livable addition to our home we are requesting a reduction of the east side yard setback from 20 feet to 5 feet and the west side yard setback from 20 feet to 6.5 feet which conforms to the other properties on this street.

Finding 1. For a Variance

The lot is 66.5 feet wide with side yard setback of 20, which only allow us to construct a very narrow 26.5' wide addition. This type of addition will differ from the exiting property and most homes in this neighborhood.

Finding 2. For a Variance

The majority of houses in this neighborhood are not in conformance with the setback found in the R-3 zoning district. The majority of homes on this street have a side yard setbacks that are less than 20 feet.

Finding 3. For a Variance

Our request for this variance is to change the side yard building setbacks to 6.5 feet on the east side yard and 5 feet on the west side yard. By granting this variance, would alleviate the property hardship and will permit a livable addition to our home that will match the rest of our house in width.

COMPLETED

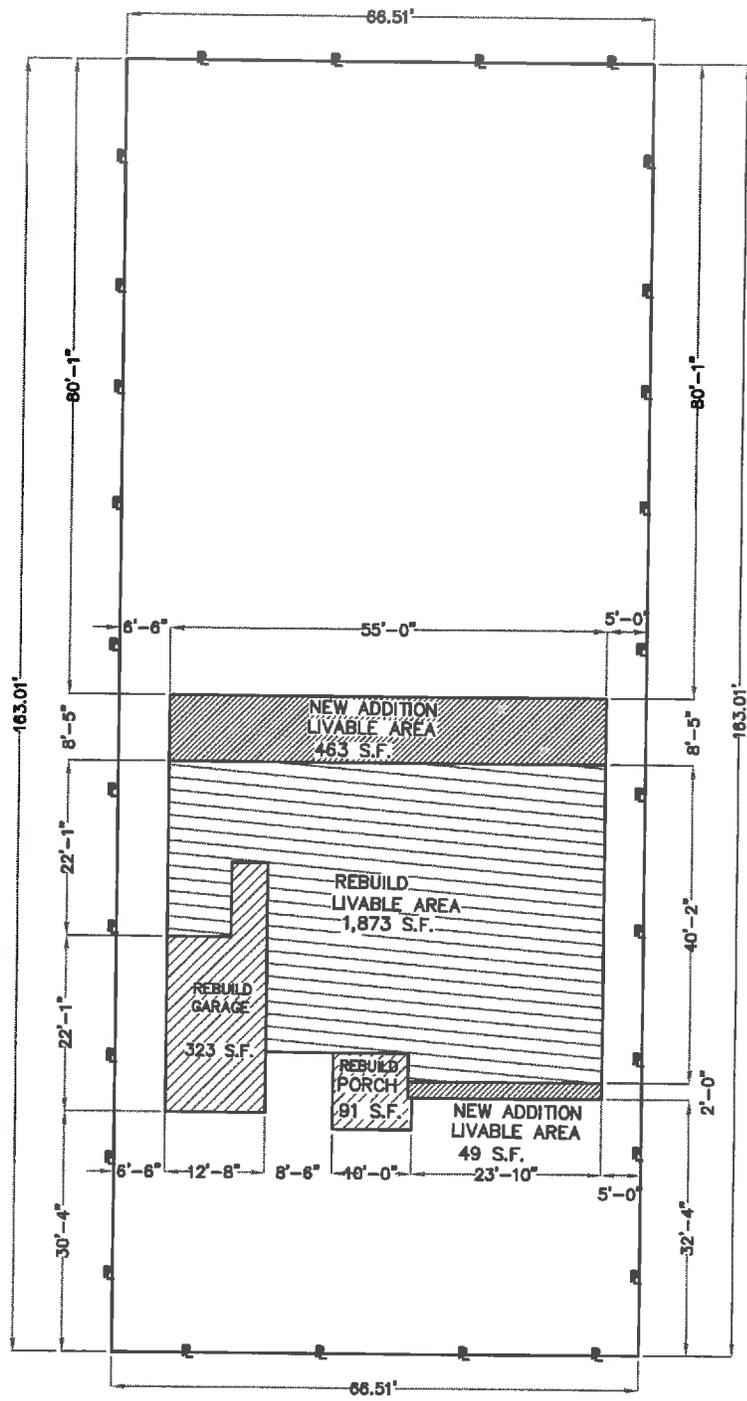
22 June 16

Glendale Planning Division



Finding 4. For a Variance

Granting this variance would not have a detrimental effect on the property, adjoining properties, surrounding neighborhood, or the City in general. The granting of this variance would allow us to build an addition to our home that will conform with the width of the other homes in our neighborhood.



6344 W. LAMAR RD.

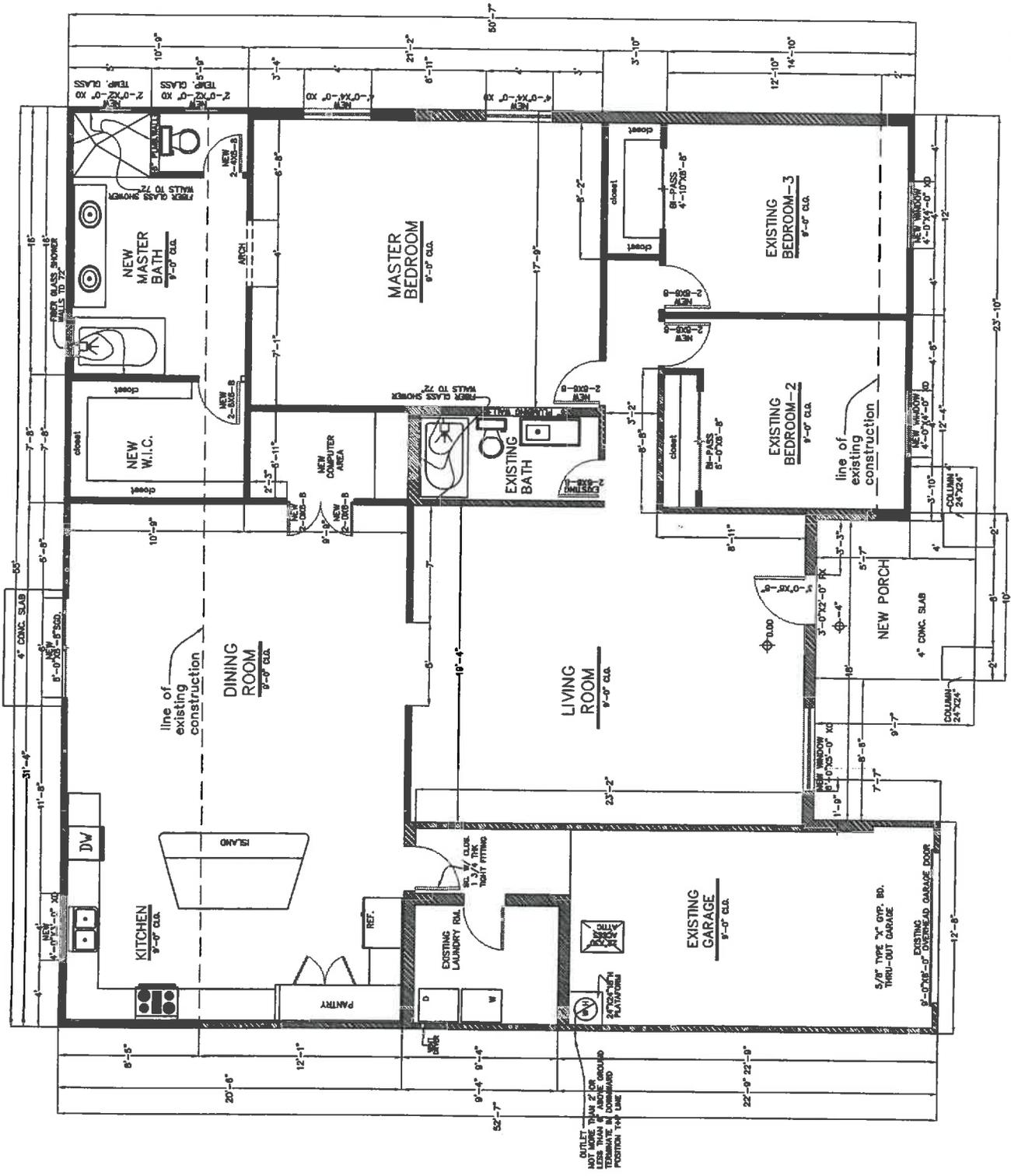


SITE PLAN

 1" = 30'

 PARCEL # 144-08-024-A

COMPLETED
 22 June 16
 Glendale Planning Division



FLOOR PLAN

[Hatched Box] EXISTING WALL
 [Solid Box] NEW WALL

COMPLETED
 22 June 16
 Glendale Planning Division

Citizen Participation Final Report

Wancho's Residence

6344 West Lamar Road

VAR16-07

COMPLETED

28 July 16

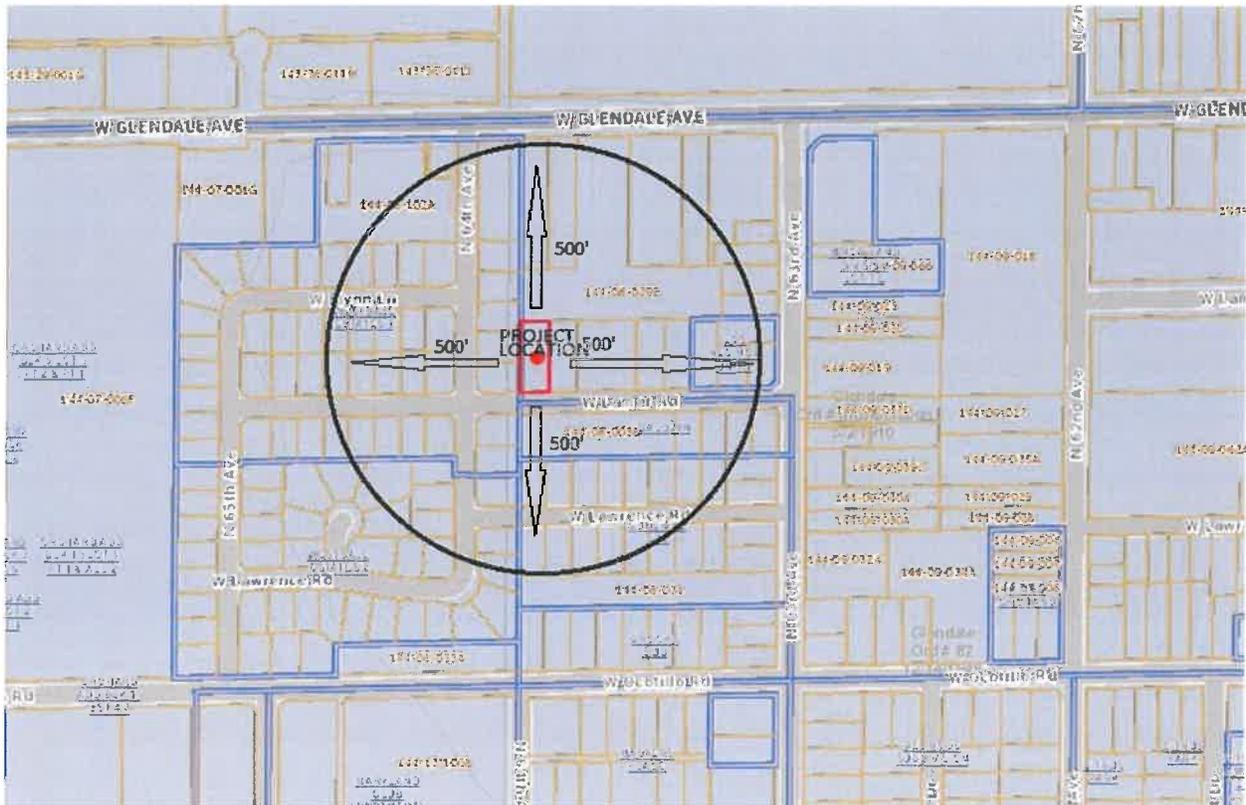
Glendale Planning Division

2. Requesting a variance to reduce the east side yard building setback from the required 20 feet to 6.5 feet and for a reduction of the west side yard building setback from the required 20 feet to 5 feet in the R-3 (Multiple Residence) Zoning District. This will allow the homeowner to rebuild a damaged existing home and add new livable additions to the home. By keeping the east and west side yard existing 20 foot side yard setbacks on a 66.5 foot wide lot will only allow the homeowner a home that would be 26.5 feet wide, which would be an unrealistic width, especially for a growing family.

3. A Citizen Participation Plan was required to inform neighbors and interested parties of changes required at 6344 West Lamar Road. A First set of Notification Letters were sent to inform the changes requested to remodel the property. Due to concerns from neighbors on the current condition of the property it was necessary to resend a second set of Notification Letters specifying the current condition of the home and the homeowner's plans of rebuilding the house. After the second Notification Letters were sent no new concerns from neighbors were received.

4. First set of Notification Letters were distributed to adjacent property owners and interested parties on May 15th 2016, due to a correction on first letters that were sent out a second set of Notification Letters were distributed to adjacent property owners and interested parties on June 1st 2016.

5. The first Notification Letters were mailed to the property owners within 500' radius from the project location, as recommended by planning staff. The first sets of letters were sent to a 500' radius from projected location as shown below:



The second set of Notification Letters were sent to 100' radius of projected location as shown below as recommended by planning staff:



6. No Homeowners Associations and Registered Neighborhood Groups are registered in this area.

7.- No meetings were required for this particular project.

8.- We mailed out the first Notification Letters to 140 adjacent property owners, interested parties, and additional individuals. We mailed out the second Notification Letters to 77 adjacent property owners, interested parties, and additional individuals.

9.- Patricia L. Rodriguez- 6420 W Flynn Ln. Phx, AZ 85301: had concerns about the structure standing on two walls and wanted to know if the structure was going to be rebuilt or demolished.

10.- Our response was that this structure will be completely rebuilt. Because of her comment Notification Letters were sent for a second time to illustrate the existing condition of the home and what our plans were to restore this home to its original state and add new additions to it.

11.- All concerns, issues and problems were addressed.

12.- Public concerns were addressed by informing adjacent property owners and interested parties of the current condition of property and what our plans are for this property. All individuals were informed via Citizen Participation Notification Letters.

13.- Below are all materials pertaining to the notification process.

1st Notification Letter

5/11/16

Carlos Bustamante
3345 W Evans Dr.
Phoenix, AZ 85053
cabustam2@gmail.com
(602) 621-7324

Dear Neighbor:

This letter is to inform you that I am applying for a variance application with the City of Glendale. The property is located at 6344 W. Lamar Rd. in the Ocotillo District.

I am requesting a variance to allow for side-yard setbacks of six and a half feet on the east side and five feet on the west side where twenty feet is required in the R-3 (Multiple Residence) Zoning district. This is for the construction of a livable addition to an existing home to our 66.5' lot that currently has twenty foot side yard setbacks. If the current setbacks remain in place we can only build a narrow 26.5 foot wide addition and this is why we are making this request.

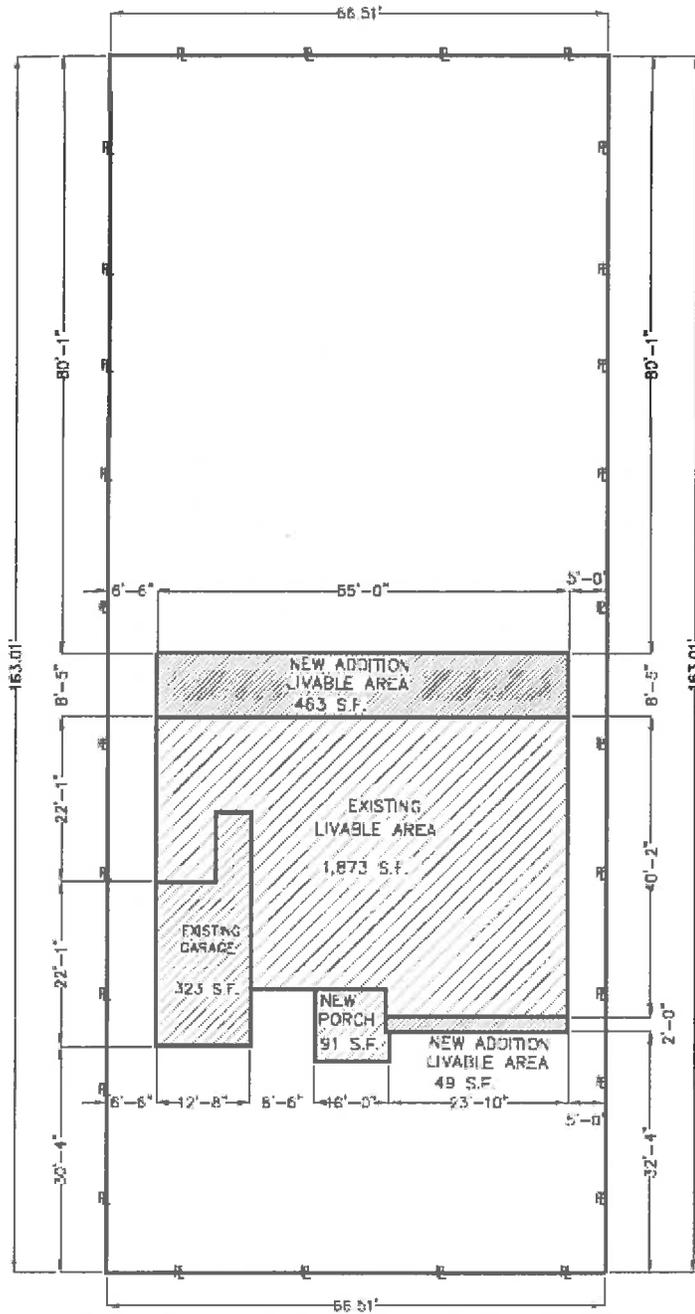
I have included a site plan with this letter for your review. Please provide any comments to my variance request by June 2, 2016. Please write, email, or call me at the contact information above. You may also contact Martin Martell, Planner with the City of Glendale Planning Division at 623 930 2597 or by e-mail at mmartell@glendaleaz.com.

Sincerely,

Carlos Bustamante

Encl: Site Plan

1st Site Plan



6344 W. LAMAR RD.



SITE PLAN

1" = 30'

PARCEL # 144-08-024-A

2nd Notification Letter-

5/31/16

Carlos Bustamante
3345 W Evans Dr.
Phoenix, AZ 85053
cabustam2@gmail.com
(602) 621-7324

Dear Neighbor:

This letter is to inform you that I am applying, on behalf of the homeowner's, for a variance application with the City of Glendale for a property located at 6344 W. Lamar Rd. in the Ocotillo District.

I am requesting a variance for a reduction of the west side yard setback from the required twenty feet to six and a half feet and the east side-yard setbacks from the required twenty feet to five feet in the R-3 (Multiple Residence) Zoning District. If approved, the existing footprint of an abandoned home will be rebuilt and then new additions will be added to the home on a 65.5' lot, where if the required twenty foot setbacks remain will only allow us to rebuild a narrow 26.5 foot unlivable home.

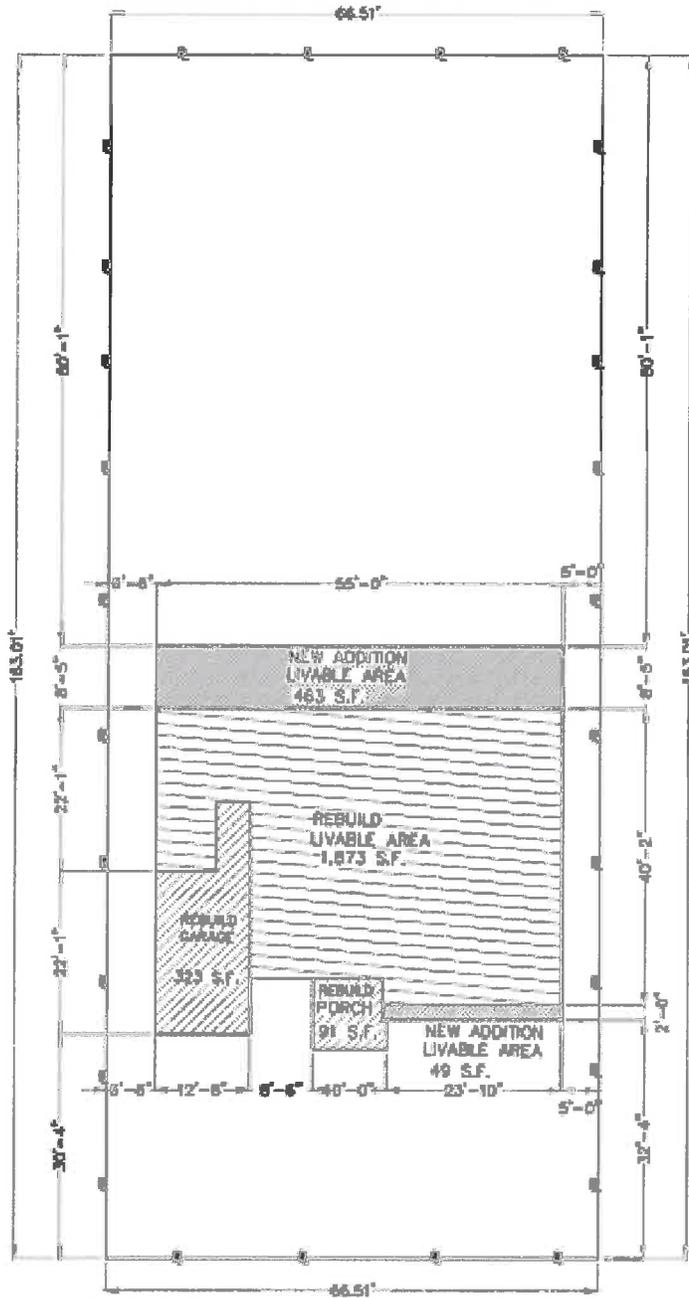
I have included a site plan with this letter for your review. Please provide any comments to my variance request by June 9, 2016. Please write, email, or call me at the contact information above. You may also contact Martin Martell, Planner with the City of Glendale Planning Division at (623) 930 - 2597 or by e-mail at mmartell@glendaleaz.com.

Sincerely,

Carlos Bustamante

Encl: Site Plan

2nd Site Plan:



6344 W. LAMAR RD.



SITE PLAN

1" = 30'

PARCEL # 144-08-024-A

Concerning Letter from:

Patricia L. Rodriguez

Address: at 6344 W Lamar Rd, Glendale, AZ 85301

Hello Mr. Martell... i rec'd a letter from a property owner in my neighborhood regarding a 'variance to allow for side-yard setbacks'. the property in question is located at 6344 W Lamar Rd, Glendale, AZ 85301. the person on my letter is a Carlos Bustamante, 3345 W Evans Dr, Phx, AZ 85053, and... it included your contact information.

i'm not sure what this all means other than Mr. Bustamante wants to build an addition to his property on Lamar - Wancho's Project???

if it is that structure that is barely standing on two/three walls... that should of been condemned and bulldozed long ago... then by all means replace it with a brand new home or tear it down completely. it is an eyesore, brings blight to our community, is a haven for drug users and transients, and a danger to the children in the community. as long as it doesn't interfere with my property, i have no problem with it. thank you.

Patricia L. Rodriguez

6420 W Flynn Ln

Glendale, AZ 85301



Planning

NEIGHBORHOOD NOTIFICATION LETTER

AFFIDAVIT OF MAILING

Case No. (if available) _____

Project Name: 6349 W Lamar Rd.

I, Carlos Bustamante certify that I am the authorized applicant / representative to the City of Glendale for the above application, and do hereby affirm that notice as required for the case noted above has been completed in accordance with the Citizen Participation Process in the City of Glendale's Zoning Ordinance, and a copy of the letter and mailing labels has also been submitted.

Applicant/Representative Signature: [Signature]

STATE OF ARIZONA

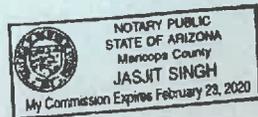
SS.

COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me this 17th day of MAY, 2016.

[Signature]
Notary Public

My Commission Expires:
Feb 23, 2020





Aerial Date: October 2014



CASE NUMBER

VAR16-07





Planning Staff Report

DATE: September 8, 2016 **AGENDA ITEM:** 2

TO: Board of Adjustment

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Martin Martell, Planner

SUBJECT: **VARIANCE (VAR) APPLICATION VAR16-08: GRIGGS RESIDENCE – 10230 NORTH 66TH AVENUE**

REQUEST: To reduce the south side yard building setback from the required 20 feet to six (6) feet in the R-3 (Multiple Residence) Zoning District, this request will allow for an attached patio roof cover in the rear yard of the property.

APPLICANT/OWNER: Regency Builders / Kathleen Griggs.

REQUIRED ACTION: The Board must consider the facts and determine that the findings required to grant a variance have been met. 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.

RECOMMENDATION: Staff recommends approval subject to one stipulation.

PROPOSED MOTION: Move to approve VAR16-08 subject to one stipulation.

SUMMARY: The applicant is requesting a variance to reduce the south side yard building setbacks. If approved, the applicant wishes to build a new patio roof cover that will be attached to the southwest corner of the home in the back yard of the property over an existing concrete patio in this same location.

BOARD ACTION: Board Member _____ MADE a MOTION to _____ Case No. VAR16-08, subject to one stipulation noted in the staff report. Board Member _____ SECONDED the MOTION. The MOTION was _____ with a vote of _____ to _____.

DETAILS OF REQUEST:

General Plan Designation:

Medium Density Residential, 5 to 8 dwelling units per acre.

Property Location and Size:

The property is located in the Chaparral Ranch Patio Homes and is located southeast of the southeast corner of 67th and Peoria Avenues. The dimensions are 45 feet in width by 109.03 feet in depth.

Zoning Ordinance Requirements:

Section 5.426 – R-3 (Multiple Residences) Table 2:

Minimum Side Yard Building Setbacks are 20 feet.

Minimum lot width is 60 feet.

Surrounding Land Use and Zoning:

North: Single-family home zoned R-3.

East: Single-family home zoned R-3.

South: Single-family home zoned R-3.

West: Single-family home zoned R-3.

History:

- The property is part of the Chaparral Ranch Patio Homes Subdivision, which was platted on June 13, 1984 and the property is identified as Lot No. 132 on the plat.
- The home was built in 1985.
- On May 23, 2016, an Administrative Relief (ARF16-05) was approved administratively that reduced the rear yard setback from the required 20 feet to 18 feet to allow the future patio cover to encroach into the current rear yard setback westward. This was filed in lieu of this variance request to reduce the south side yard setback so that the future patio cover could encroach into the current side yard setback.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On June 8, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. Planning staff did not receive any response regarding the request. The applicant's Citizen Participation Final Report is attached.

Board of Adjustment Public Hearing Notification:

A Notice of Public Hearing was published in *The Glendale Star* on August 18, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on August 19, 2016. The property was posted on August 18, 2016.

STAFF FINDINGS AND ANALYSIS:

The Board of Adjustment must analyze four (4) findings based on the evidence in the record prior to granting a variance. Each finding is presented below along with staff's analysis.

- 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 width of the lot creates a special circumstance not self-imposed by the property owner. When this subdivision was developed in 1985 homes such as the subject property that are 34 feet in width had required side yard setbacks of six (6) and five (5) feet. Therefore, the construction of an attached new patio cover would conform to the original six (6) foot south side yard setback and would be flush with the current south wall of the existing home on the subject property.

- 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 current Zoning Ordinance would only permit an attached patio cover that is only five (5) feet wide, which would be unrealistic for an enjoyable shade structure.

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

The requested reduction of the side yard building setback is the minimum necessary to alleviate the property's hardship and will allow for the construction of a practical shade structure.

- 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 reduction of the south side yard building setback is consistent with other properties along this street. This request will not detrimentally affect any neighboring properties, since the requested side yard building setback will match many of the side yard setbacks found in the neighborhood.

RECOMMENDATION:

The variance request appears to meet all four (4) findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulation:

1. Development shall be in conformance with applicant's narrative and site plan, completed on May 13, 2016.

- ATTACHMENTS:**
1. Applicant's Narrative, completed on May 13, 2016.
 2. Applicant's Plot Plan, completed on May 13, 2016.
 3. Citizen Participation Final Report (without mailing labels), completed on July 6, 2016.
 4. Vicinity Zoning Map.
 5. Aerial Photograph, dated October 2014.

PROJECT MANAGER: Martin Martell, Planner (623) 930-2597
mmartell@glendaleaz.com

REVIEWED BY:



Planning Director
MM/df



Development Services Director

RE: SR16-0106 Griggs Residence Variance

NARRATIVE:

The homeowner of 10230 N. 66th Avenue is requesting a variance to reduce the south side yard setback from the required 20' to 6' for the property located in the R-3 (Multiple Residence) Zoning District. This property was purchased June 20, 2014 without the Owner's knowledge the existing side yard setbacks had been changed from 6' and 5' to 20' when the zoning changed after the property was annexed by the City of Glendale.

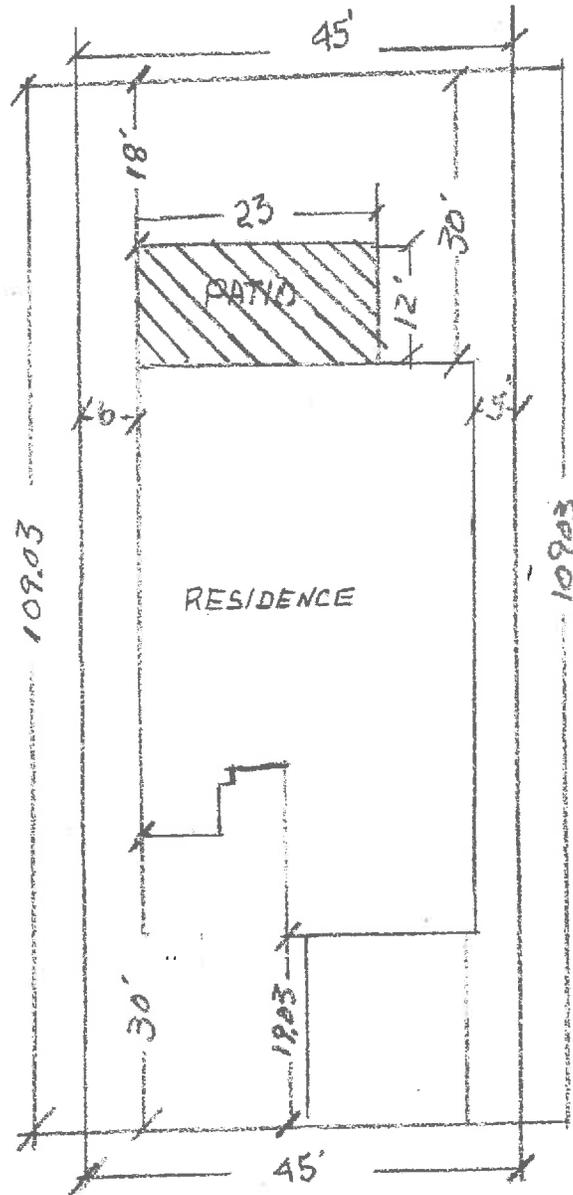
The property has an existing 12'X23' concrete patio without a patio cover. The existing 20' setback makes it difficult to build a patio cover that would provide shade for the occupants during the hot summer months and without a covered patio this part of the property is unlivable during a large part of the year. The size of the lot, adhering to the current required setbacks makes it difficult to build a shaded patio in their back yard.

If the variance is approved the homeowner can construct a patio cover over the existing concrete slab that will not be detrimental to the community or the City of Glendale. This patio cover will conform to the other existing patio covers in the majority of back yards in this subdivision. Approval of this variance request will conform to the side yard setbacks that are found in this subdivision, which was platted in 1984. This reduction of the south side yard setback will not be noticeable from the street, because the new patio cover will line up with the existing south wall of the house and will be in the backyard. Approval of this variance request will be the minimum course of action required to alleviate this hardship, as well as promote the use of this part of the property.

COMPLETED

13 May 16

Glendale Planning Division



SITE PLAN
 scale 1" = 20'

COMPLETED

13 May 16

Glendale Planning Division

FINAL CITIZEN PARTICIPATION REPORT

Variance

10230 West 66th Avenue
Glendale, Arizona 85302

CASE # RS16-0106 Griggs Residence

PREPARED BY:
Robert L. Sneddon
Regency Builders

June 30,2016

COMPLETED

6 July 16

Glendale Planning Division

Citizen Participation Plan

Case # SR16-0106 Griggs Residence Variance

We are requesting a variance to reduce the side yard setback to 6' for a proposed attached patio cover over the existing concrete slab. The property is located at 10230 West 66th Avenue, Glendale Arizona 8504.

The attached patio cover shall be 12'X23" totaling 276 square feet at a height of 8 feet. This patio cover shall be constructed as per 2012 and the City of Glendale Building Code 2012 w/Amendments.

The enclosed letter of Notification was approved the City of Glendale Planning Department and mailed to community property owners and interested parties. This letter with site plan was mailed to 72 property Owners and interested parties June 8, 2016. To date there has not been concerns or interest in this project by property owners or interested parties.

It is not anticipated any revisions or changes to the variance request after this initial notification, follow-up information's will be sent out.

The applicant will contact the Glendale Planning Department each week to discuss any and all responses received from any interested parties or citizens receiving notifications letters.

The Schedule for this Citizen Participations Plan is as follows:

June 7 - Submitted plan to the project at the Planning Department.
June 8, - Mailed notifications letters
June 27- Deadline for responses and input.
July 5 - Final Report Submitted

Robort L Sneddon
Regency Builders
regencybuilders@msn.com
(602) 789-0320

RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA

NAME OF REQUEST: GRIGGS RESIDENCE

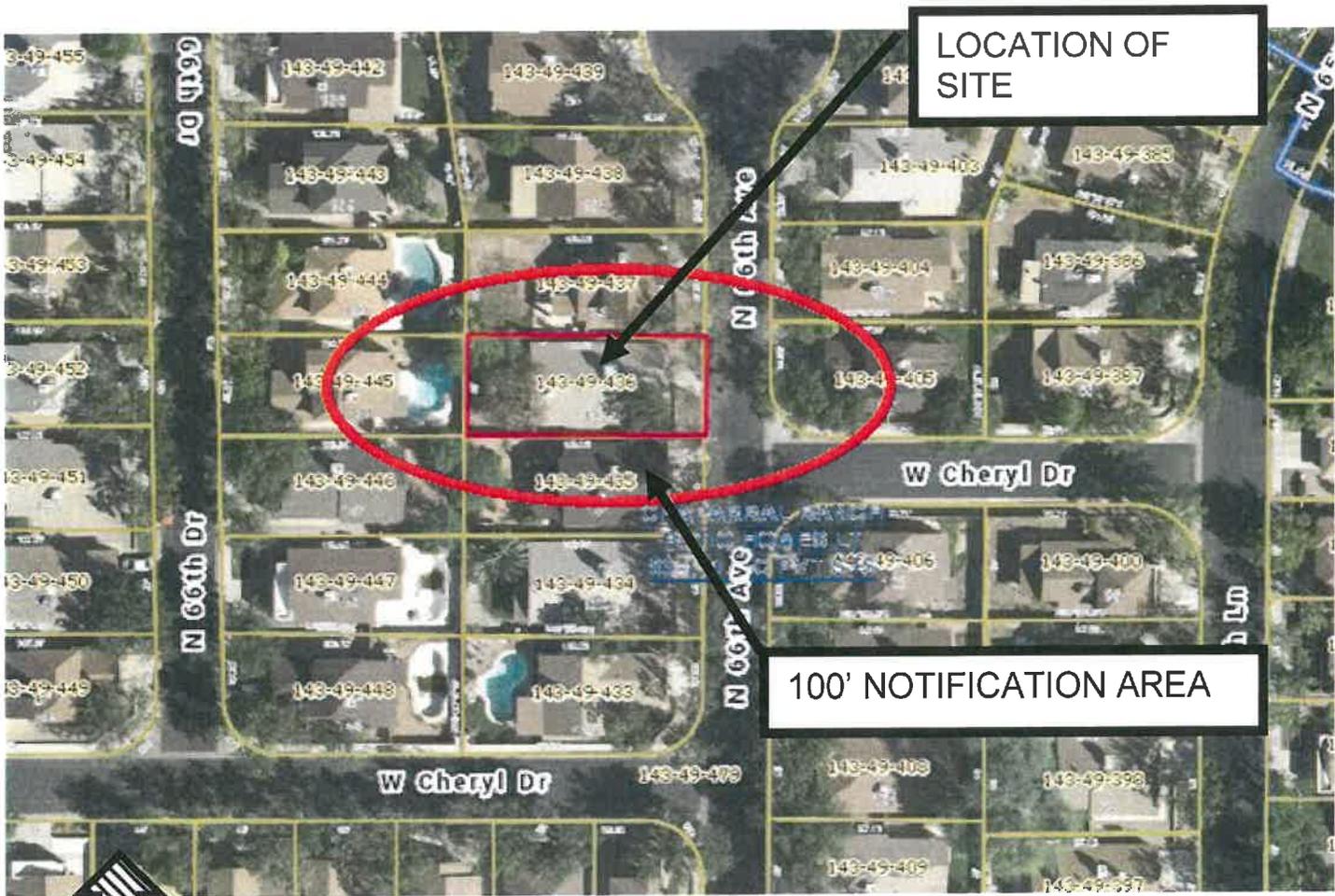
LOCATION: 10230 N. 66th Avenue

REQUEST: The applicant is requesting the approval of a variance that will reduce the south side yard setback from the required 20' to 6' in the R-3 (Multiple Residence) Zoning District to accommodate the ability to add a covered patio to the rear of the principal home on the property.

ZONING DISTRICT: R-3

COUNCIL DISTRICT: Ocotillo

FORMAL APPLICATION SUBMITTED: No



LOCATION OF SITE

100' NOTIFICATION AREA

NORTH

DATE: 6/4/16

Kathleen Griggs
10230 North 66th Avenue
Glendale, Arizona 85302
Email, regencybuilders@msn.com

RE: SR16-0106 Griggs Residence Variance

Dear Neighbor:

This letter is to inform you that I am applying for a Variance application with the City of Glendale. The property is located at 10230 N. 66th Ave. Glendale, AZ. 85302 in the Barrel District and is Zoned R-3 (Multiple Residence)

This proposed project consists of building a 12'X23' patio cover over an existing concrete slab located in the back yard. This patio cover will be 276 Square Feet with a height of 8'. The cover will be attached to the southwest corner of the existing house and will not be visible from the street.

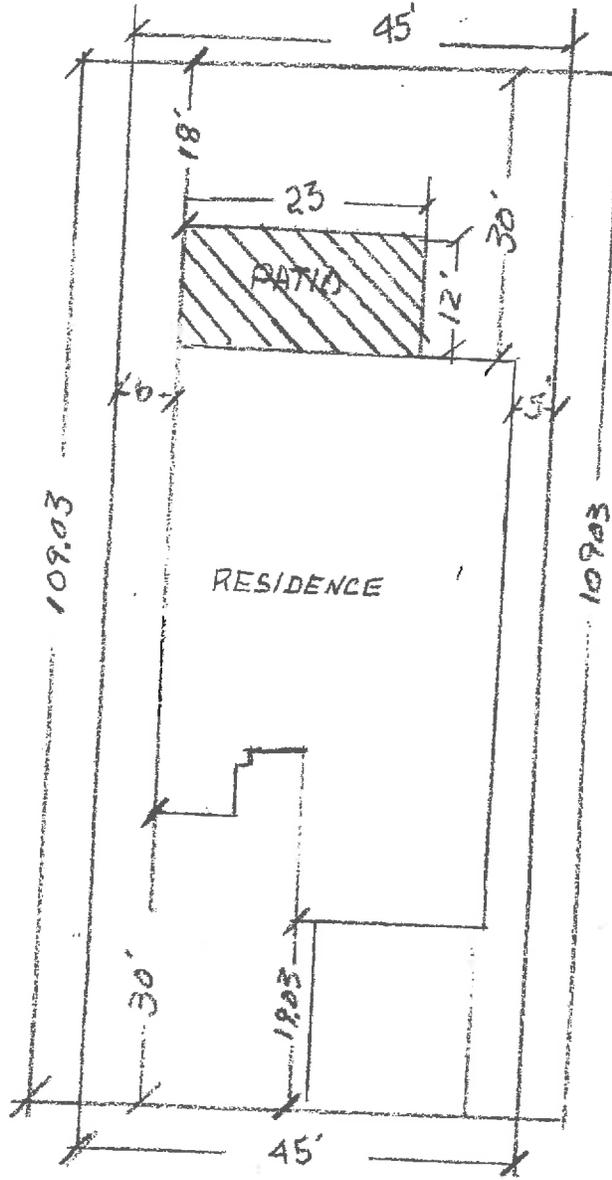
Variance is required due to the present 20' perimeter setback requirements imposed after the City of Glendale annexed the property. The request of the variance is to reduce the required 20' side yard setback to 6' so that the patio cover will line up with the house's South wall.

This will be a typical conventional frame patio cover and will conform with the other patio covers in this community. Construction of the patio cover will adhere to the City Glendale Building code and the International Residential Code. Building materials shall consist of ledger, rafters, Glu-Lam beam, posts, plywood sheathing, and Modified Bitumen roofing. The patio cover shall be painted to match the existing house as close as possible.

I have included a site plan with this letter for your review. Please provide any comments to my Variance request by June 27, 2016. Please write, email, or call me at the contact information above. You may also contact Martin Martell Planner with the City of Glendale at (623) 930-2597, mmartell@glendaleaz.com

Sincerely,

Kathleen Griggs



SITE PLAN

Scale 1" = 20'



Planning

NEIGHBORHOOD NOTIFICATION LETTER

AFFIDAVIT OF MAILING

Case No. (if available) SR16-0106

Project Name: Griggs Residence

I, Robert L. Sneddon certify that I am the authorized applicant / representative to the City of Glendale for the above application, and do hereby affirm that notice as required for the case noted above has been completed in accordance with the Citizen Participation Process in the City of Glendale's Zoning Ordinance, and a copy of the letter and mailing labels has also been submitted.

Applicant/Representative Signature: [Signature]

STATE OF ARIZONA

SS.

COUNTY OF MARICOPA

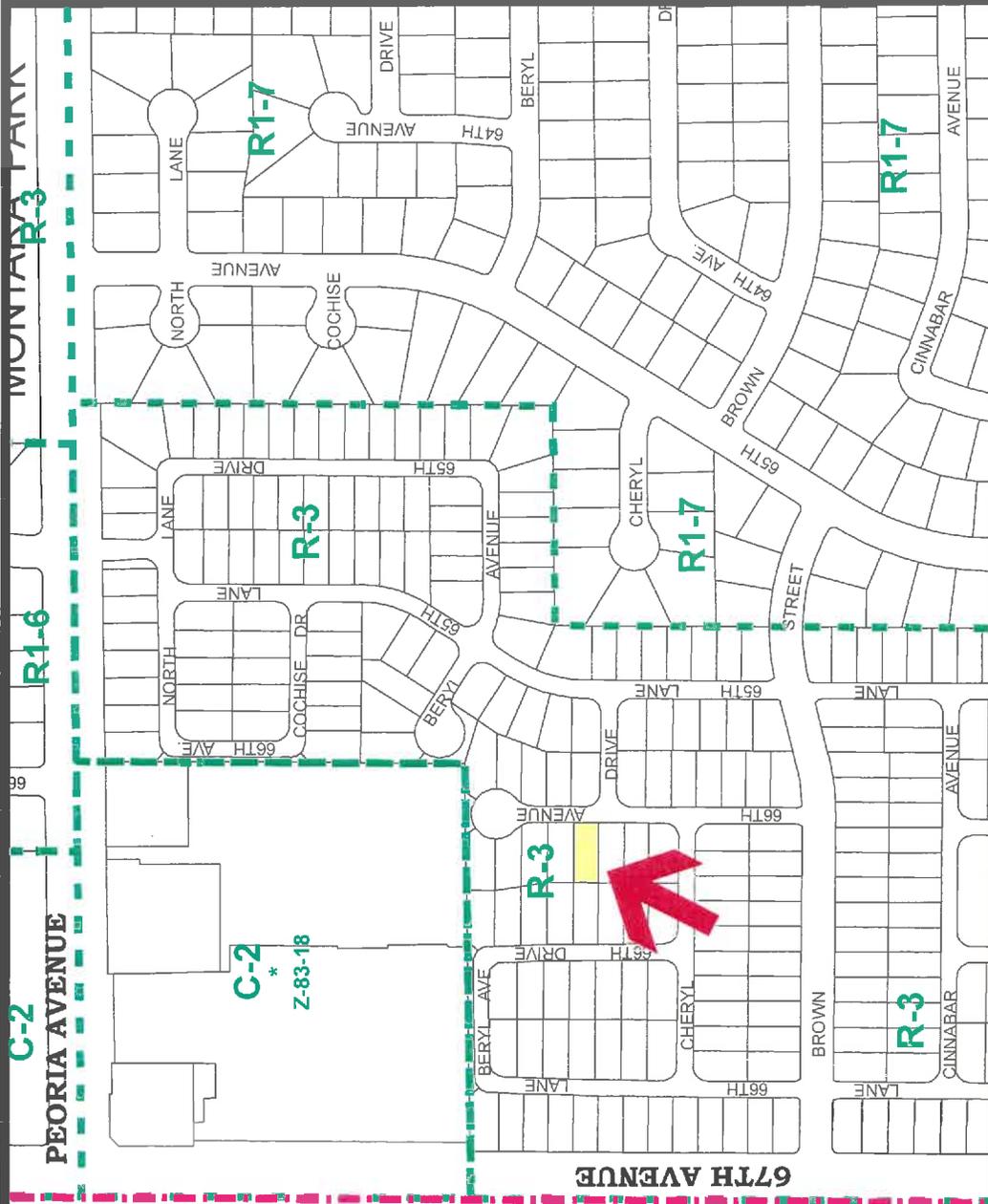
The foregoing instrument was acknowledged before me this 9th day of June, 2016.

[Signature]
Notary Public

My Commission Expires:

July 4, 2018





CITY OF PEORIA



CASE NUMBER

VAR16-08



REQUEST

A VARIANCE TO REDUCE THE SOUTH SIDE YARD SETBACK FROM THE REQUIRED 20' TO 6' IN THE R-3 (MULTIPLE RESIDENCE) ZONING DISTRICT.

LOCATION

10230 N. 66TH AVENUE



Aerial Date: October 2014



CASE NUMBER
VAR16-08

