



Board of Adjustment Regular Agenda

GLENDALE CITY HALL
CONFERENCE ROOM 2-A
FEBRUARY 12, 2015
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).

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES: None.

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

- IV. WITHDRAWALS AND CONTINUANCES
- V. PUBLIC HEARING ITEM
 - 1. **VAR14-09:** A request by James Martinez and Leann Holt for a variance in the R-4 zoning district to reduce the separation distance of an accessory structure from a principal building from the required 10 feet to six (6) feet in order to allow a roof cover over a ramada for an existing single residence. The site is located at 8974 West State Avenue and in the Yucca District. Staff Contact: Tom Dixon, CPM, Senior Planner.
- VI. OTHER BUSINESS FROM THE FLOOR
- VII. PLANNING STAFF REPORT
- VIII. BOARD COMMENTS AND SUGGESTIONS
- IX. NEXT MEETING: March 12, 2015
- X. ADJOURNMENT

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.



Planning Division Staff Report

DATE: February 12, 2015 **AGENDA ITEM:** 1

TO: Board of Adjustment

FROM: Tabitha Perry, Assistant Planning Director

PRESENTED BY: Tom Dixon, CPM, Senior Planner

SUBJECT: **VARIANCE (VAR) APPLICATION VAR14-09: MARTINEZ VARIANCE – 8974 WEST STATE AVENUE**

REQUEST: To reduce the separation distance of an accessory structure from a principal building from the required 10 feet to six (6) feet in order to construct a roof cover over a ramada.

APPLICANT/OWNER: James Martinez and Leann Holt.

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 VAR14-09 subject to the stipulation.

SUMMARY: The applicant is requesting a variance to reduce the separation distance of an accessory structure from a principal building from the required 10 feet to six (6) feet in order to allow the construction of a roof cover over a sunken ramada. The property is part of the Provence subdivision and is in the R1-4 PRD zoning district.

BOARD ACTION: Board member _____ MADE a MOTION to _____ Case No. VAR14-09, subject to staff report stipulations. Board member _____ SECONDED the MOTION. The MOTION was _____ with a vote of _____ to _____.

DETAILS OF REQUEST:

General Plan Designation:

2.5 – 3.5 du/acre (Medium Density Residential 2.5 – 3.5 du/acre).

Property Location and Size:

The property is located on the north side of West State Avenue, directly east of where the street turns south to become a short section of North 89th Lane. The north property line abuts an existing asphalt parking lot owned by the City of Glendale and is used for overflow parking for events at the University of Phoenix Stadium. All other directions are single-family residences. The lot width of the subject property is 44 feet wide with a variable depth. The Maricopa County Assessor's website lists the total lot area as 3,869 square feet.

Zoning Ordinance Requirements:

Section 7.301A.5.: Any accessory building or structure, unless otherwise permitted, must maintain a minimum of ten (10) feet set back from the principal building or any other accessory structure.

Surrounding Land Use and Zoning:

North: City of Glendale parking lot, zoned M-1

East: Multiple Residence, zoned R1-4 PRD

South: Multiple Residence, zoned R1-4 PRD

West: Multiple Residence, zoned R1-4 PRD

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On December 18, 2014, the applicant mailed notification letters to adjacent property owners and interested parties. Planning staff, to date, has received no inquiries regarding the request. The applicant's Citizen Participation Plan final report is attached.

Board of Adjustment Public Hearing Notification:

A Notice of Public Hearing was published in *The Glendale Star* on January 22, 2015. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on January 23, 2015. The property was posted by staff on January 23, 2015.

STAFF FINDINGS AND ANALYSIS:

The Board of Adjustment must analyze four 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 property is constrained by its size which is listed as containing 3,892 square feet. This modest size of the lot creates constraint for almost any type or size of exterior improvement that could be applied to the property. The Provence gated community was built with alternative development standards approved through the Planned Residential Development overlay. A front yard setback of eight (8) feet to the livable area, five (5) feet for side yard setbacks, and 60% lot coverage all provide for a relatively compact development. The lot size was not created by the applicants. Granting the exception to the separation requirement is a reasonable method to address the circumstance of providing the shade cover. **This finding is satisfied.**

- 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;**

With lot size ranges of 3,154 to 10,008 square feet (median size being 5,158 square feet) within the Provence development, which has less than 200 lots, there is a wide gap in how property owners can make modifications or alterations within the community. The Provence development provides its residences with an outdoor pool but that facility has no shaded area and the pool is of modest size relative to the number of residences it serves. In addition, although Provence was approved with modified development standards, those do not generally address relief for separation between a principal and accessory structure.

Due to the special circumstance of being on the smaller end of lot sizes in the Provence development, the requested variance is deemed compatible with the manner and location of how other privileges or improvements in the residential area could occur. Likewise, it should not create a situation that is inconsistent with the surrounding neighborhood character. **This finding is satisfied.**

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

The requested reduction of the separation requirement is the minimum necessary. If the strict application of the 10-foot separation were applied, the proposed shade cover would provide a negligible amount of protection from the sun. The reduced separation to six feet is deemed to be the minimum necessary to provide the functional use of a shade roof in this situation. **This finding is satisfied.**

- 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 variance will not have a detrimental effect on the community. The property is surrounded by a six-foot high block wall on all sides except for the front of the house and the roof addition will be barely visible from the street. Although granting the variance will benefit the requesting property owners, there is no evidence that there will be any adverse impact on any other property in the neighborhood. **This finding is satisfied.**

RECOMMENDATION:

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:

1. Development shall be in conformance with the site plan, date-stamped January 16, 2015.

ATTACHMENTS:

1. Applicant's Narrative, date stamped January 16, 2015.
2. Site Plan date stamped January 16, 2015.
3. Citizen Participation Final Report approved January 23, 2015.
4. Vicinity Zoning Map.
5. Aerial Photograph, dated November 2012.

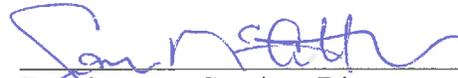
PROJECT MANAGER:

Tom Dixon, CPM, Senior Planner (623) 930-2553
tdixon@glendaleaz.com

REVIEWED BY:



Planning Director

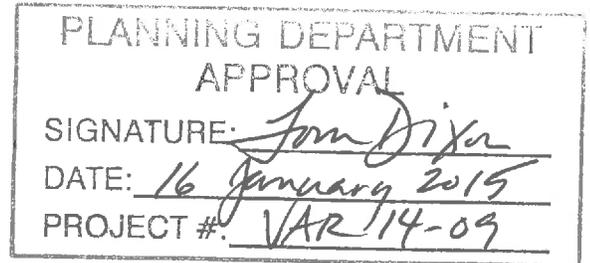


Development Services Director

TD/df

December 18, 2014

Mr. James Martinez / Mrs. Leann Holt
8974 W State Ave
Glendale, Arizona 85305
(480) 626-7438
Jaymo360@yahoo.com / leannelisabeth@gmail.com



To: Board of Adjustment

Subject: Project Narrative for Variance Request Application

We are currently building a pool and sunken ramada in our back yard. The pool area will be 20 feet by 13 feet, and the sunken ramada area 12 feet by 10 feet. We are requesting to build a roof to cover our sunken ramada area, but in order to do so by city code, we're required to build it at least 10 feet from the house structure's edge. Since our yard is only 19 feet total from the house structure to the back wall, it is impossible for us to accomplish this without an approved variance. There are several lots within our community that are large enough to accommodate the same site plan without a variance, and several have completed similar projects, but our lot is one of the smallest in the area. We understood this prior to purchasing the property 2 months ago, but we were unaware of the proximity restriction that's now preventing us from following through with our plan. We are requesting to add a roof to just simply cover the 12x10 area of the ramada portion of our project. The ramada roof will be built no taller than 8 feet from ground level, and raise no more than 2 feet above the boundary wall once complete. The materials and colors used to build the ramada roof will be selected to best match to the roof of the house. There are no residential properties in the lot behind ours, which is only used by the University of Phoenix Stadium during Cardinals home games. The property owners to both sides of us are friends and have already given us their verbal approval to proceed with this variance request.

Please write, email or call us at the contact information above if you have any questions or concerns.

Thank you very much for your consideration,

James Martinez / Leann Holt

Name: **JAMES MARTINEZ & LEANN HOLT**
 Address: **8974 W. STATE AVE.**
 City: **GLENDALE** Zip: **95305**
 Home #: **480-626-7438** Cell #:

POOL DATA

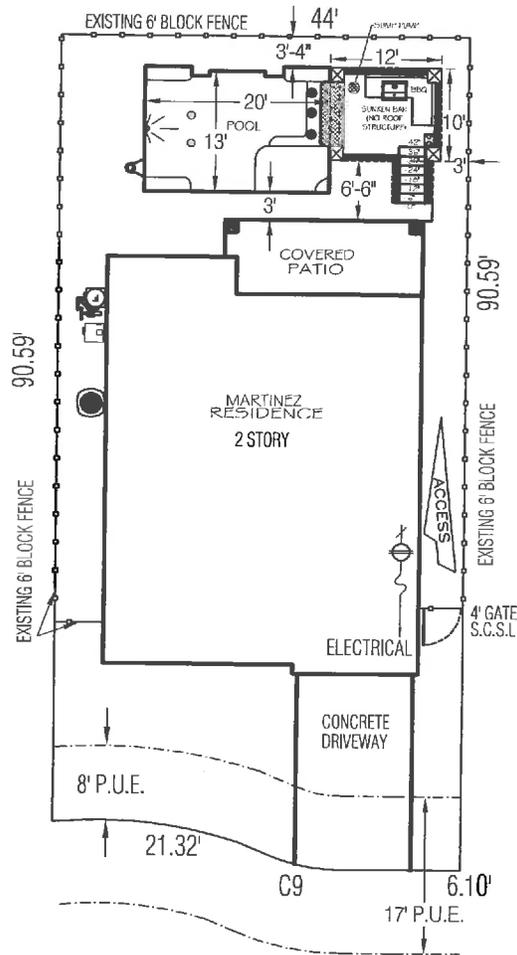
PER: 70'
 SA: 263sq'
 SIZE: 16' X 20'
 DEPTH: 3'6" - 5'

NOTE:
ALL POOL BARRIER REQUIREMENTS TO BE MET.

LEGAL DESCRIPTION

SUBDIVISION: PROVENCE
LOT#: 30
PARCEL#: 142-29-034

PLANNING DEPARTMENT
APPROVAL
 SIGNATURE: *Tom Dixon*
 DATE: *16 January 2015*
 PROJECT #: *VAR 14-09*



8974 W. STATE AVE.

SITE PLAN
SCALE: 1" = 20'



**Final
Citizen
Participation
Plan
Report
VAR14-09**

Martinez Variance
8974 W. State Avenue
Glendale, Arizona 85305

**Citizen Comment Expiration Date:
01/02/2015**

PLANNING DEPARTMENT APPROVAL	
SIGNATURE:	<u>Tom Dixon</u>
DATE:	<u>23 January 2015</u>
PROJECT #:	<u>VAR14-08</u>

Martinez Variance

Project description

In order to provide a shade cover over a sunken ramada adjacent to the property's swimming pool, a variance from the City of Glendale is necessary. The variance is needed because, according to the Zoning Ordinance, a 10-foot separation is required between a principal structure (the house) and the accessory structure (the shade cover). The need for the variance was identified by City staff when a building permit for the shade cover was applied for with the City of Glendale.

The property is located at 8974 W. State Avenue, a restricted access community north of Glendale Avenue and situated between N. 89th and N. 91st Avenues.

Elements of the Citizen Participation Plan:

The area of notification was specified by the City of Glendale Planning Division staff. It was determined by staff that a letter detailing the variance request was the most appropriate means of public notification. The letter was sent to the surrounding property owners identified as those owning property within 50 feet of the subject site. In addition, the list included names and addresses of interested parties and those persons and/or entities requesting such notification. Contact information was also listed on the letter.

Notification date:

The notification letter, included as an attachment and dated December 18, 2014, was sent to surrounding neighbors as well as those persons and/or entities included on the City of Glendale's notification list.

Notification area:

The notification area was determined by City of Glendale staff according to the attached notification area map.

December 18, 2014

Mr. James Martinez / Mrs. Leann Holt
8974 W State Ave
Glendale, Arizona 85305
(480) 626-7438
Jaymo360@yahoo.com / leannelisabeth@gmail.com

Subject: Notification of Variance Request

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 8974 W State Ave, Glendale, Arizona 85305 in the Yucca District.

We are currently building a pool and sunken ramada in our back yard. The pool will be 20 feet by 13 feet, and the sunken ramada 12 feet by 10 feet. We would like to build a roof to cover our ramada, but in order to do so by City of Glendale code, we would be required to build it at least 10 feet from the edge of the structure of the house. Since our yard is only 19 feet total from the structure of the house to the back wall, it is impossible to accomplish that without a variance from the city. Our request is to add a roof just over the 12x10 area of the ramada. The ramada roof will be no taller than 8 feet from the ground level, and no more than 2 feet above the boundary wall once complete. The materials and colors used to build the ramada roof will be selected to best match to the roof of the house.

I have included a site plan with this letter for your review. Please provide any comments to my variance request by January 2, 2015. Please write, email or call me at the contact information above. You may also contact Mr. Tom Dixon with the City of Glendale at (623) 930-2553.

Name: **JAMES MARTINEZ & LEANN HOLT**
 Address: **8974 W. STATE AVE.**
 City: **GLENDALE** Zip: **85305**
 Home #: **480-628-7438** Cell #:

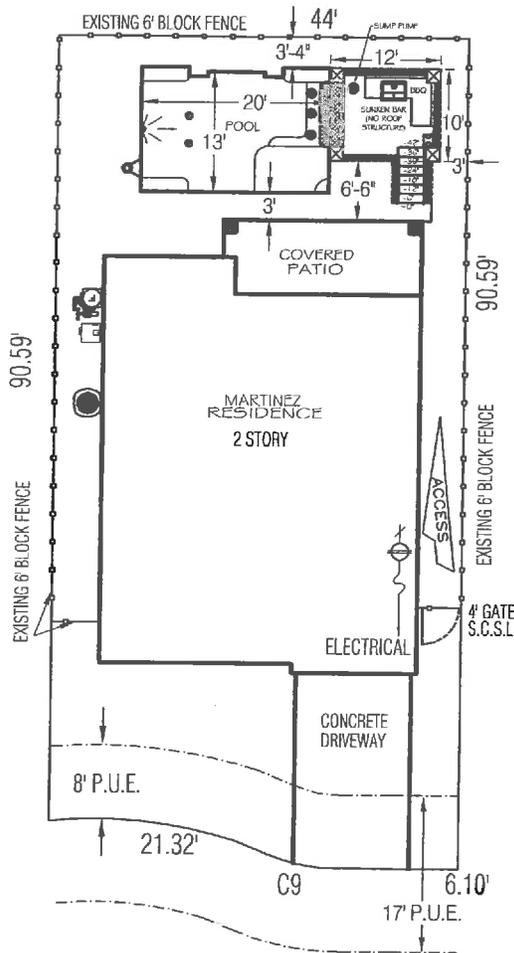
POOL DATA

PER: 70'
 SA: 263sq'
 SIZE: 16' X 20'
 DEPTH: 3'6" - 5'

NOTE:
ALL POOL BARRIER REQUIREMENTS TO BE MET.

LEGAL DESCRIPTION

SUBDIVISION: PROVENCE
LOT#: 30
PARCEL#: 142-29-034



8974 W. STATE AVE.

SITE PLAN
SCALE: 1" = 20'





CASE NUMBER
VAR14-09



LOCATION
8974 W. STATE AVENUE

REQUEST

A VARIANCE TO REDUCE THE SEPERATION DISTANCE OF AN ACCESSORY STRUCTURE FROM A PRINCIPAL BUILDING FROM THE REQUIRED 10' TO 6' IN ORDER TO BUILD A ROOF COVER.



Aerial Date: November 2012



CASE NUMBER

VAR14-09

