



Board of Adjustment Regular Agenda

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
NOVEMBER 13, 2014
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: July 10, 2014 Regular Meeting
 August 14, 2014 Regular Meeting

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

- IV. WITHDRAWALS AND CONTINUANCES
- V. PUBLIC HEARING ITEM
 - 1. **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 is in the Barrel District. Staff Contact: Thomas Ritz, AICP, Senior Planner.
- VI. OTHER BUSINESS FROM THE FLOOR
- VII. PLANNING STAFF REPORT
- VIII. BOARD COMMENTS AND SUGGESTIONS
- IX. NEXT MEETING: December 11, 2014
- 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.

MEETING MINUTES

**CITY OF GLENDALE
BOARD OF ADJUSTMENT**

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

**THURSDAY, JULY 10, 2014
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 Zarra and Feiner, Vice Chairperson Vescio, and Chairperson Toops were in attendance. None were absent.

CITY STAFF

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

III. APPROVAL OF THE MINUTES

Chairperson Toops called for Approval of the January 9, 2014, Meeting Minutes.

Board member Zarra made a MOTION to APPROVE the January 9, 2014 minutes. Board member Feiner SECONDED the MOTION, which was APPROVED with a vote of 4 to 0.

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEM

1. **VAR14-02:** A request by Sharon White for Joy Ater to reduce the side yard setback to 10 feet where 50 feet is required in the A-1 (Agricultural) district, to reduce the rear yard setback to 20 feet where 50 feet is required in the A-1 (Agricultural) district, and to increase the maximum percentage lot coverage to 25 percent where 10 percent is the maximum percentage lot coverage in the A-1 (Agricultural) District. The site is at 10257 North 53rd Avenue and is located in the Barrel District.

Mr. Thomas Ritz, AICP, Senior Planner, began his presentation by stating VAR14-02 is a request by stating Ms. Sharon White, representing Ms. Joy Ater, is requesting to reduce the side

yard setback to 10 feet where 50 feet is required in the A-1 (Agricultural) district, to reduce the rear yard setback to 20 feet where 50 feet is required in the A-1 (Agricultural) district, and to increase the maximum percentage lot coverage to 25 percent where 10 percent is the maximum percentage lot coverage in the A-1 (Agricultural) District. Mr. Ritz said the site is located at 10257 North 53rd Avenue and is located in the Barrel District.

Mr. Ritz said the applicant is requesting approval of a variance which will allow the construction of a hobby room on the back southeast corner of the house.

He described the surrounding land uses and zoning districts.

Mr. Ritz said this property is not part of any subdivision. It was annexed into the City of Glendale on November 14, 1967. He said the home was built in approximately 1985 prior to the adoption of the present lot size, lot coverage, and setback requirements for the A-1 zoning district in 1993.

Mr. Ritz reviewed each of the four findings:

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;**

A lot width of 100 feet, a lot depth of 133 feet, and a lot size of 13,300 feet with an A-1 (Agricultural) zoning district classification creates a special circumstance not self-imposed by the property owner. The construction of a hobby room addition requires some level of relief based on the setback and lot coverage requirements. A 50 foot side yard and 50 foot rear yard setback requirement would prohibit the construction of the desired room addition. The surrounding neighborhoods are developed with a variety of side-yard and rear yard setbacks; all of which are equal to or less than this variance request. The proposed lot coverage request is also less than the percentage lot coverage permitted in the surrounding zoning districts.

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 Zoning Ordinance would prohibit any additions to the existing home and eliminate the possibility of building a room addition on the property due to the total width of the lot. 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 is the minimum necessary to alleviate the property hardship; and**

The requested side yard and rear setbacks are the minimum necessary to construct a room addition on the lot. The requested lot coverage is also required to construct a room addition on

the lot. No other relief from the zoning requirements is proposed as a part of this variance request.

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 building setbacks and lot coverage are consistent with or greater than other properties in the surrounding area and will not detrimentally affect any neighboring properties. The surrounding neighbors have side-yard and rear yard setbacks that are similar to, or less than, what is being requested.

Mr. Ritz concluded by stating 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 Toops asked if the Board had any questions. There were none.

Chairperson Toops called for the applicant to make a presentation. Ms. Sharon White, applicant, provide more details regarding the reason for the variance request. She thanked the Board for their time.

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

Chairperson Toops called for Mr. James Gruber, Assistant City Attorney, to provide the next step in the legal process.

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 4-0 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. Gruber asked, based on the findings, if the Board wishes to grant variance VAR14-02, subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Zarra made a **MOTION** to **APPROVE VAR14-02** subject to the stipulations in the staff report. Vice Chairperson Vescio **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.

Ms. Perry indicated included in their packet was a letter dated April 24, 2014 from the Government Services Committee. She said the letter serves as an appreciation and reminder of their commitment to serve as a Board and Commission member. She noted that without their dedication and commitment to staff, staff would not be able to proceed with conducting city business. She said their attendance was vital to staff being able to process applications and proceed with obligations to hold public hearing meetings that have been previously legally posted. Therefore, if aware in advance that they will be unable to attend a scheduled meeting, please advise staff so they can prepare accordingly.

VII. **PLANNING STAFF COMMENTS AND SUGGESTIONS**

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

VIII. **BOARD COMMENTS AND SUGGESTIONS**

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

IX. **ADJOURNMENT**

Vice Chairperson Vescio made a **MOTION** to **ADJOURN** the meeting. Board member Zarra **SECONDED** the motion, which was approved 4 to 0.

The meeting adjourned at 4:22 p.m.

Next meeting tentatively scheduled for August 14, 2014.

MEETING MINUTES

**CITY OF GLENDALE
BOARD OF ADJUSTMENT**

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

**THURSDAY, AUGUST 14, 2014
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 Zarra, Vescio (arrived at 4:12pm), Feiner, Dietzman and Chairperson Toops were in attendance. Board member Blakely was absent and excused.

CITY STAFF

Tabitha Perry, Assistant Planning Director, Remigio Cordero, Planner, Russ Romney, Deputy City Attorney and Diana Figueroa, Recording Secretary

Guest in Attendance: Councilmember Sherwood, Sahuaro District

III. APPROVAL OF THE MINUTES

Chairperson Toops stated there were no minutes for approval.

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS

1. **VAR14-03:** A request by Southwest Opportunity Rental to reduce the side yard setbacks to 11 feet and 14 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located west of the southwest corner of 59th Drive and Ocotillo Road (5955 West Ocotillo Road) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-03 is a request by Southwest Opportunity Rental to reduce the side yard setbacks to 11 feet and 14 where 20 feet is required in the R-3 zoning district. He said the lot is an irregularly shaped lot with multiple property line dimensions, and the property is approximately 18,537 square feet in size. He

explained that the applicant is proposing to construct an additional multi-residential unit in an existing multiple residential apartment complex.

Mr. Cordero continued by stating on July 18, 2014 the applicant mailed notification letters to adjacent property owners and interested parties. He noted the applicant did not receive any response from the request. He added that the Planning Division did not receive any response as well.

Mr. Cordero 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 42 feet at the southern portion of the property which creates a special circumstance that is not self-imposed by the property owner. Typical lot width requirements for properties in the R-3 are 60 feet. The construction of an additional multi-residential unit requires some level of relief based on the setback requirement and the irregular lot configuration. A 20 foot perimeter setback requirement would render the property unusable in the area where the applicant is requesting to construct an additional multi-residential unit.

The setback requirement limits the property's overall development due to it being irregularly shaped. The lot's characteristic that create these hardships were not self-imposed by the property owner. The surrounding neighborhood is developed with a variety of side yard setbacks. Many do not meet the current R-3 perimeter setbacks.

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 20 foot side yard setbacks and eliminate the possibility of an additional residential unit being constructed on the property due to the lot's irregular shape and narrow width toward the rear of the property. Development of an additional unit could be accomplished without the need for a variance if the lot was rectangular and of the same square footage.

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

The requested side yard setbacks are the minimum necessary to construct an additional multi-residential unit on this property. The residential unit that was previously in this location was only four feet from the east side yard property line. The applicant is asking for an additional seven feet to give the new unit greater separation from the adjacent property line and structures to the east. The front and rear yard setbacks, maximum lot coverage, are in conformance with current R-3 zoning requirement.

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 neighborhood properties.

Mr. Cordero concluded by stating 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. There was no presentation.

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

Chairperson Toops 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 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. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-03, subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Dietzman made a MOTION to APPROVE VAR14-03 subject to the stipulations in the staff report. Board member Zarra SECONDED the motion.

The MOTION was APPROVED with a vote of 5 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.

2. **VAR14-04:** A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located south of the southeast corner of 61st Avenue and Glendale Avenue (6825 North 61st Avenue) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-04 is a request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 feet is required in the R-3 zoning district. He said the applicant is requesting a variance to reduce the side yard setbacks to construct a new single family residential (SFR) home on an infill within the city's downtown corridor. He noted that the lot dimensions are 49 feet wide by 180 feet deep, and the property is approximately 8,677 square feet in size.

Mr. Cordero continued stating that on July 15, 2014, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. He added Planning did not receive any responses either.

Mr. Cordero 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 49 feet creates a special circumstance not self-imposed by the property owner. The construction of a new SFR home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 9 foot wide housing product to be constructed.

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 20 foot side yard setbacks and eliminate the possibility of building a SFR home on the property due to the total width of the lot. The surrounding neighborhood is developed with a variety of side yard setbacks; many do not meet the current R-3 perimeter setbacks. Several of the properties in the neighborhood have setbacks similar to those proposed by Habitat for Humanity.

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

The requested side yard setbacks are the minimum necessary to construct a single family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 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 neighborhood properties.

Mr. Cordero 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 no questions.

Chairperson Toops called for the applicant to make a presentation. There was no presentation.

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

Chairperson Toops praised Habitat for Humanity and the great work they provide the community.

Chairperson Toops 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 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. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-04 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Feiner, made a **MOTION** to **APPROVE VAR14-04** subject to the stipulations in the staff report. Board member Vescio **SECONDED** the motion.

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

3. **VAR14-05:** A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located south of the southeast corner of 61st Avenue and Glendale Avenue (6829 North 61st Avenue) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-05 is a request by Habitat for Humanity for the property located at 6829 North 61st Avenue. He stated the applicant is requesting a variance to reduce the side yard setbacks to construct a new single family residential (SFR) home on an infill lot within the city's downtown corridor. He said the lot dimensions are 49 feet wide by 180 feet deep, and the property is approximately 8,680 square feet in size.

Mr. Cordero continued by stating that on July 15, 2014, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. He noted Planning did receive one response in opposition to the request. He explained that a nearby business owner did not want more density or homes in the area. Staff explained the proposed land use is part of a subdivision that was platted over one hundred years ago. He added the business owner reiterated his/her opposition to the request.

Mr. Cordero 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 49 feet creates a special circumstance not self-imposed by the property owner. The construction of a new SFR home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 9 foot wide housing product to be constructed. The surrounding neighborhood is developed with a variety of side yard setbacks; many do not meet the current R-3 perimeter setbacks.

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 20 foot side yard setbacks and eliminate the possibility of building a SFR home 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 Habitat for Humanity.

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

The requested side yard setbacks are the minimum necessary to construct a single-family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 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 neighborhood properties.

Mr. Cordero 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.

Chairperson Toops inquired as to the one response in opposition to the request. Mr. Cordero explained that a nearby business owner did not want more density or homes in the area.

Chairperson Toops called for the applicant to make a presentation. There was no presentation by the applicant.

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

Chairperson Toops 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 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. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-05 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Zarra made a MOTION to APPROVE VAR14-05 subject to the stipulations in the staff report. Board member Dietzman SECONDED the motion.

The MOTION was APPROVED with a vote of 5 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.

- 4. VAR14-06:** A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 10 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located at the southwest corner of 54th Drive and Lamar Road (6746 North 54th Drive) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-06 is a request by Habitat for Humanity to reduce the side yard setbacks to construct a new family residential home on an infill lot. He said the property is located at the southwest corner of 54th Drive and Lamar Road. The lot dimensions are 50 feet wide by 140 feet deep, and the property is approximately 7,114 square feet in size.

Mr. Cordero continued by stating that on July 15, 2014 the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. Planning did not receive a response regarding the request.

Mr. Cordero 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 50 feet creates a special circumstance not self-imposed by the property owner. The construction of a new SFR home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 10-foot wide housing product to be constructed.

- 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 20 foot side yard setbacks and eliminate the possibility of building a SFR home on the property due to the total width of the lot. The surrounding neighborhood is developed with a variety of side yard setbacks; many do not meet the current R-3 perimeter setbacks. Several of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity.

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

The requested side yard setback is the minimum necessary to construct a single-family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 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.

Mr. Cordero 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. There was none.

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

Chairperson Toops 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 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. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-06 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Zarra made a MOTION to APPROVE VAR14-06 subject to the stipulations in the staff report. Board member Vescio SECONDED the motion.

The MOTION was APPROVED with a vote of 5 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

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

VIII. BOARD COMMENTS AND SUGGESTIONS

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

IX. ADJOURNMENT

Board member Zarra made a MOTION to ADJOURN the meeting. Board member Dietzman SECONDED the motion.

The meeting adjourned at 4:43 p.m.

Next meeting tentatively scheduled for September 11, 2014.



Planning Staff Report

DATE: November 13, 2014 **AGENDA ITEM:** 1

TO: Board of Adjustment

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Thomas Ritz, AICP, Senior Planner

SUBJECT: **VARIANCE APPLICATION CASE VAR14-07: SAUNDERS
VARIANCE – 6008 WEST CORTEZ STREET**

REQUEST: 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).

APPLICANT/OWNER: Jeff Shelton / James and Tricia Saunders

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 VAR14-07 subject to stipulations.

SUMMARY: 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.

BOARD ACTION: Board member _____ **MADE a MOTION** to _____
Case No. VAR14-07, subject to staff report stipulations. Board member _____
SECONDED the MOTION. The **MOTION** was _____ with a vote of _____ to _____.

DETAILS OF REQUEST:

General Plan Designation:

Low Density Residential 1-2.5 dwelling units per acre.

Property Location and Size:

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 square feet in size.

Zoning Ordinance Requirements:

Section 5.100 – A-1 (Agricultural) Table 1:

Minimum front yard setback: 75 feet

Minimum side yard setback: 50 feet

Maximum percentage lot coverage: 10 percent

Surrounding Land Use and Zoning:

North: Single-family residence, across Cortez Street, zoned A-1.

East: Single-family residence zoned A-1.

South: Single-family residence zoned A-1.

West: Single-family residence zoned A-1.

All surrounding properties are single-family residences within the Del Rey Farms subdivision on lots of approximately the same size as this property.

History:

- The property is part of the Del Rey Subdivision, which was platted in unincorporated Maricopa County on December 28, 1970.
- The home was constructed in approximately 1972 prior to annexation.
- Annexation into the City of Glendale occurred on December 26, 1979.
- Many of the homes in the Del Rey Subdivision were constructed prior to annexation, and prior to the adoption of the present lot size, lot coverage, and setback requirements for the A-1 zoning district in 1993.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On October 3, 2014 staff, on behalf of the applicant, mailed 75 notification letters to adjacent property owners and interested parties. The applicant indicated they had spoken to three of their neighbors who supported the project and desired the remodeling be completed.

Planning received a response from a neighbor who opposed the request. She indicated the request sounded like the sort of addition which would convert the house to something other than a single family residence. Planning received a second response from a neighbor who opposed the request. A third neighbor called and was not opposed to the variance request, however he expressed concern that the house had been under construction for two years, and concern about

what the house could be turned into. The property is not within a homeowners association or registered neighborhood. 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 October 23, 2014. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on October 23, 2014. The property was posted on October 23, 2014.

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;**

A lot width of 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 of 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 is the minimum necessary to alleviate the property hardship; and**

The requested 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 requirements is proposed as a part of this variance request.

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 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 are being requested.

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 stipulations:

1. Development shall be in conformance with narrative and site plan date-stamped October 14, 2014.
2. All utilities shall be placed underground.
3. The home shall be used for a single-family residence only. The home shall not be divided into multiple residences, or used as an office for a home based business which does not qualify as a Home Occupation (Class 1) under Section 7.304 of the Zoning Ordinance.

RECOMMENDATION:

The variance request appears to meet all four findings and should be approved.

- ATTACHMENTS:**
1. Applicant's Narrative, date stamped October 14, 2014.
 2. Site Plan, date stamped October 14, 2014.
 4. Citizen Participation Final Report (without mailing labels), approved November 4, 2014.
 5. Vicinity Zoning Map.
 6. Aerial Photograph, dated November 2012.

PROJECT MANAGER: Thomas Ritz, AICP, Senior Planner (623) 930-2588
tritz@glendaleaz.com

REVIEWED BY:



Planning Director



Development Services Department Director

Project Narrative

In the course of doing a remodel of the house we own at 6008 W. Cortez Street we became aware of the setbacks of our A-1 zoned property. They consist of a front setback of 75 feet from the street, 50 feet from the sides of the house to the property line, 50 feet to the rear, and 10% lot coverage. The house currently has a front setback of 62 feet 6 inches, and side setbacks of 31 feet on the east side of the property and 32 feet 6 inches on the west side. The lot coverage is 12.938%.

We are asking for a variance to reduce the current setbacks to 50 feet in the front and 20 feet on the sides, while leaving the rear setback the same, and increase the lot coverage to 20% in order to complete our project. We are seeking to add an outside stairwell of 132.50 sqft to the front of the house to allow a code compliant and ADA compliant fire escape from the current basement. This addition will increase the front of the house by 4 feet 5 inches, making our front setback 57 feet 10 inches. We are also adding to the rear of the current Master bathroom to allow for an ADA compliant bathroom, shower, and facilities. This addition will add 283.50 sqft to the house. This addition will maintain the 31 foot existing setback on the east side of the property and be 197 feet from the rear property line. We are also relocating the laundry room from inside the house to the front of the garage to allow for wider interior halls and doorways in the former laundry area, it will be 274.31 sqft in size. This will also allow a larger guest bath for a future ADA compliant tub and facilities. This addition will match the stair addition with the same 57 foot 10 inch setback from the street, and maintain the 32 feet 6 inches existing on the west side of the property. Overall the lot coverage will increase to 14.215%.

Details such as square footage, lot size, setbacks, etc... are included on the accompanying site plan.



SITE PLAN

CHECKED 03/14/14

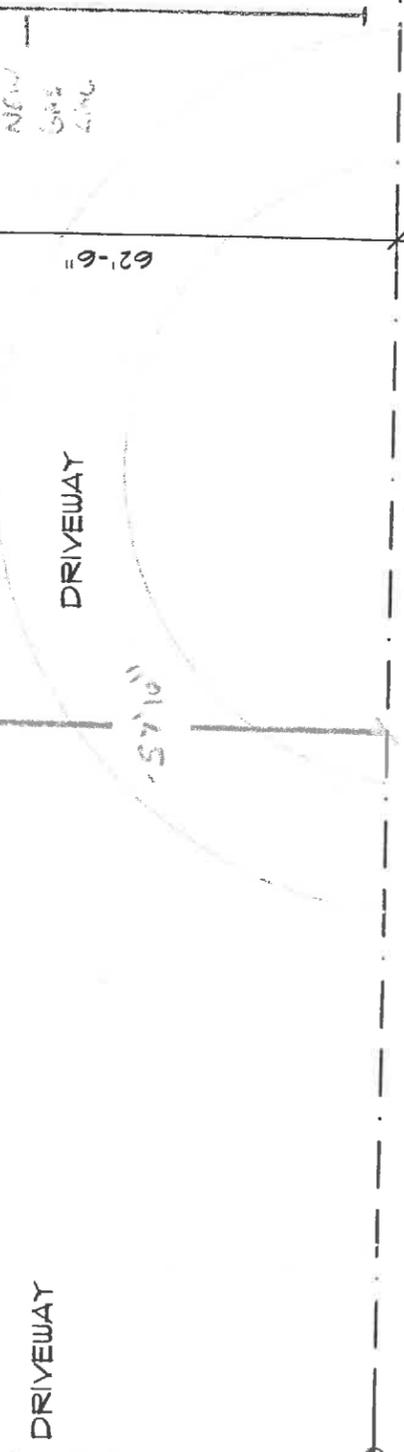
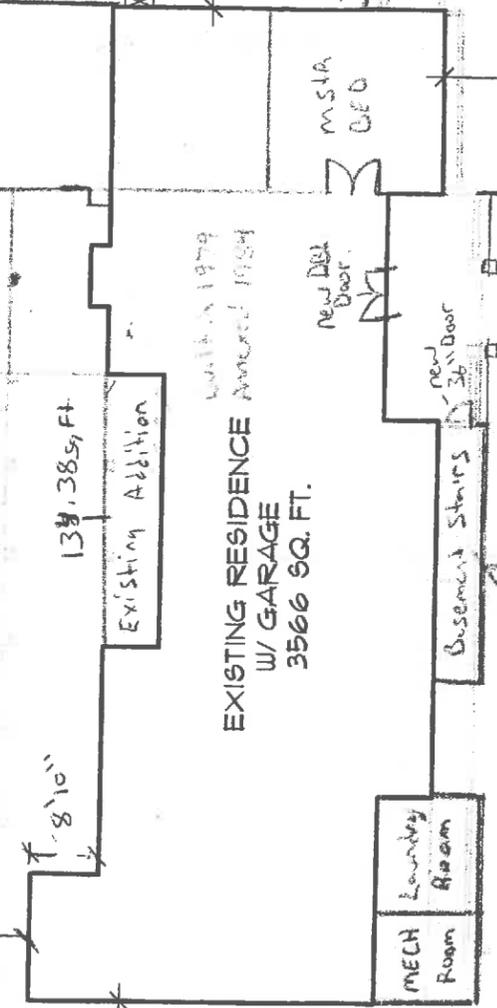
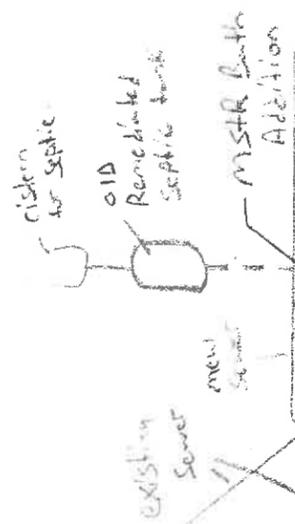
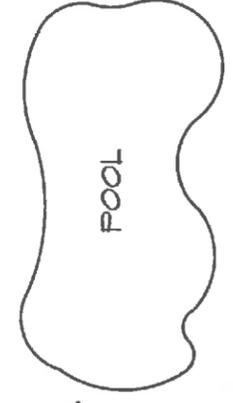
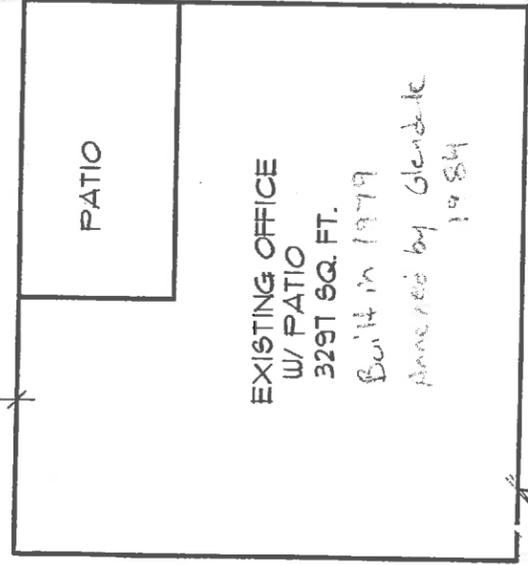
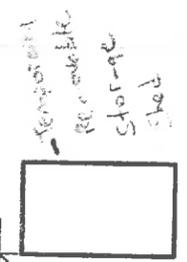
Lot Coverage 12.938%

Current zoning A-1 Front 75'
Sides 50', Rear 50'

Requested Variance Front 50'
Sides 20', Rear 50'
Lot coverage 20%

Lot coverage if variance passed 14.215%

TENNIS COURT



DRIVEWAY

DRIVEWAY

6008 W. CORTEZ ST.

314'43"

314'41"

172'

172'

32'-6"

138.385 ft

8'10"

Existing Addition

Existing Residence Annexed 1984

Existing underground 200A SFS

31'

57'10"

62'-6"

CITIZEN PARTICIPATION FINAL PLAN

For

SAUNDERS PROPERTY

6008 W. CORTEZ STREET

CASE # Var 14-07

SR # 14-0045

APPROVED

NOV - 4 2014

**City of Glendale
Planning Department**

Concerns, Issues and Problems Expressed by Participants

A total of 15 neighbors were notified by letter, as well as an extra 61 residence outside of the neighborhood. Three neighbors called the City to voice concerns. The neighbor to the East, Lois McLean; and the second neighbor to the East, Barbara Jacobs, voiced concerns that they had if the residence were to be used as more than a single family dwelling. Our contractor tried on six different occasions, on various days and times, to contact Lois McLean with no success.

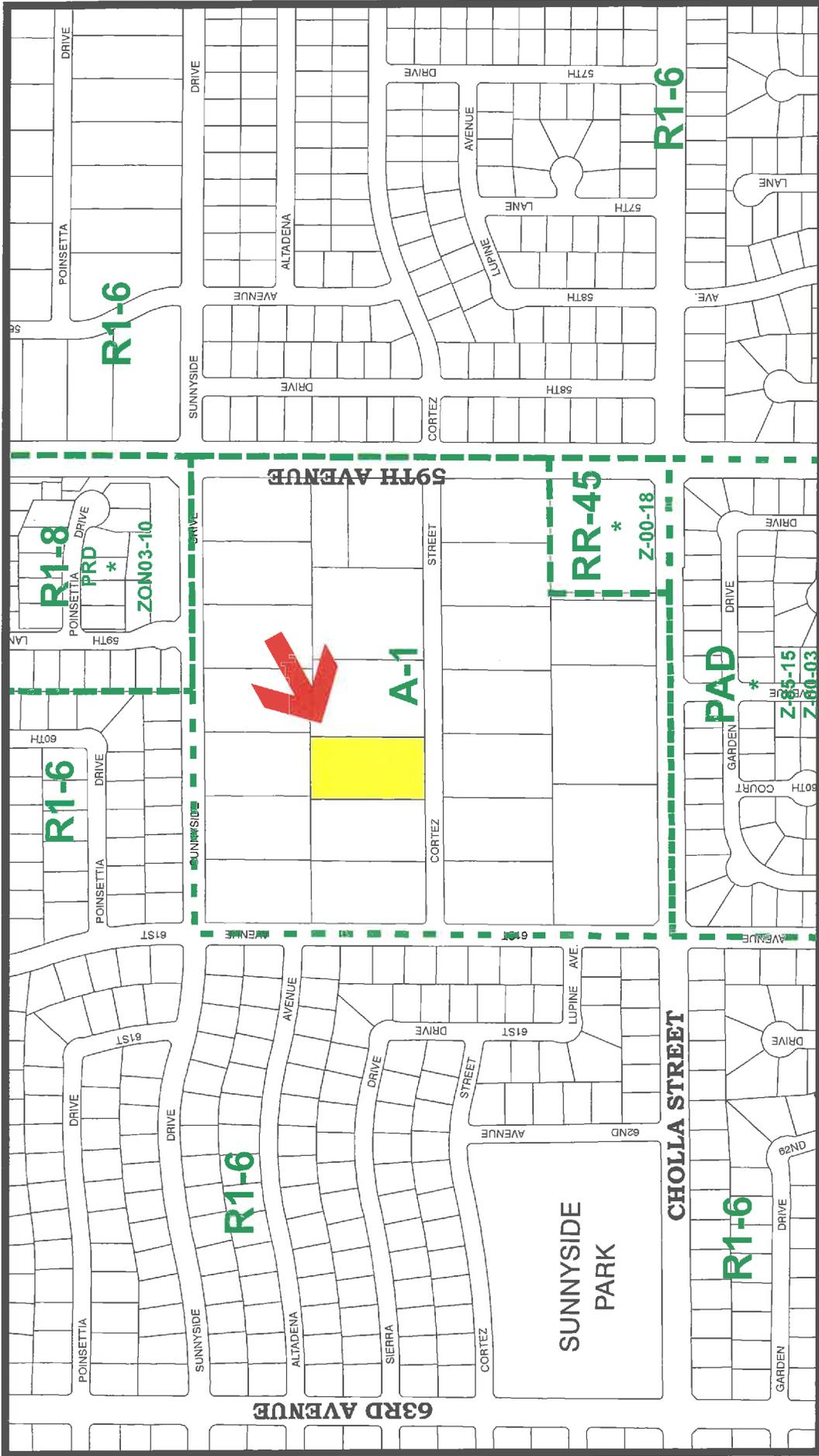
Our contractor had a face to face meeting with Barbara Jacobs and went over the entire scope of work for the additions requiring a variance, assuring her that the work is ADA and City of Glendale code compliant and it will remain a single family dwelling for my wife and myself. Mrs. Jacobs expressed concerns that our home would be turned into a group home like the house on Sunnyside that is a foster care home.

The third neighbor, Michael McNeely, expressed concerns to our contractor that the front of the house should be finished with stucco and the front landscape should be finished. Our contractor expressed to Mr. McNeely that we are awaiting the approval of the variance to finish construction of the house, at which point the stucco would then be finished. The front landscaping is as has been in the past, a grass yard and has been maintained. Since he is in the process of selling his home, Mr. McNeely expressed that the sewer pipes that are in the front yard are unsightly and bringing down property values. Our contractor told him that houses that are under construction do not bring down property values like a house that is blighted. Mr. McNeely asked our contractor to finish the stucco and landscaping as a good faith gesture to the neighborhood since it has been under construction so long. Our contractor informed him that his concerns would have been taken care of and finished by now, had the variance process not taken over seven months (to date) to complete.

Our plan has never been, nor will it be, to make our home anything but a single family residence that is ADA and City of Glendale code compliant.

Sincerely,

James & Tricia Saunders



CASE NUMBER

VAR14-07

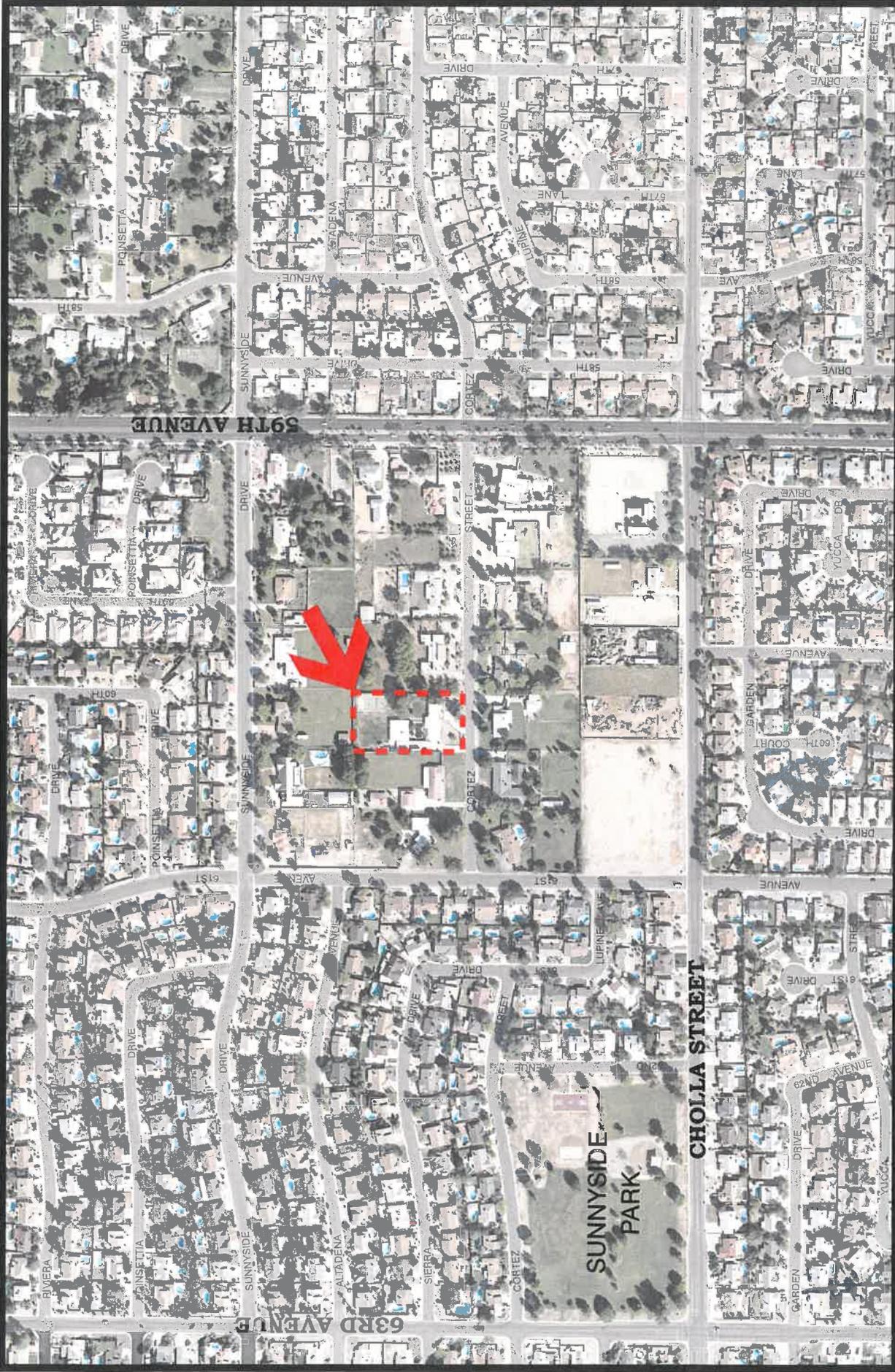


LOCATION

6008 W. CORTEZ STREET

REQUEST

A VARIANCE TO REDUCE THE SIDE YARD SETBACK TO 20' WHERE 50' IS REQUIRED, TO REDUCE THE FRONT YARD SETBACK TO 50' WHERE 75' IS REQUIRED AND TO INCREASE THE MAXIMUM PERCENTAGE LOT COVERAGE TO 20% WHERE 10% IS THE MAXIMUM IN THE A-1 (AGRICULTURAL) ZONING DISTRICT.



Aerial Date: November 2012



CASE NUMBER

VAR14-07

