



Board of Adjustment Regular Agenda

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
JANUARY 9, 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 November 14, 2013 Regular Meeting
- IV. WITHDRAWALS AND CONTINUANCES
- V. PUBLIC HEARING ITEM

VAR13-07: A request by Robert Gomez, Architect, A.I.A, representing Jose Orozco, for a Variance to reduce the side yard setback to 5 feet where 15 feet is required in the M-1 (Light Industrial) zoning district. The site is located at north of the northeast corner of 58th Avenue and McLellan Road (6609 North 58th Avenue). This site is located in the Ocotillo District. Staff Contact: Remigio Cordero, Planner.

- VI. OTHER BUSINESS FROM THE FLOOR
- VII. PLANNING STAFF REPORT
- VIII. BOARD COMMENTS AND SUGGESTIONS
- IX. ADJOURNMENT

The next Board of Adjustment meeting is scheduled for February 13, 2014.

FOR SPECIAL ACCOMMODATIONS



Please contact Suzie Ricard at (623) 930-2983 or srcard@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, NOVEMBER 14, 2013
4:00 P.M.

I. CALL TO ORDER

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

II. ROLL CALL

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

City Staff:

Tabitha Perry, Assistant Planning Director, Thomas Ritz, Senior Planner, Russ Romney, Deputy City Attorney and Suzie Ricard, Administrative Assistant

III. APPROVAL OF THE MINUTES

Chairperson Blake called for a motion regarding the minutes from the June 13, 2013 meeting and the September regular meeting.

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

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

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS

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

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

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

Mr. Ritz stated that on August 8, 2013, the applicant mailed 49 notification letters to adjacent property owners and interested parties. The applicant received one response regarding the request. He said the nearby property owner was seeking more information regarding the proposed variance, and once staff explained the request, he had no further concerns. He stated the applicant also notified staff that he had contacted the Hidden Manor Homeowner's Association and they had no objection to the request. He said that notification postcards of the public hearing were mailed to adjacent property owners and interested parties on October 24, 2013.

Mr. Ritz reviewed each of the four findings:

- 1. There are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, which were not self-imposed by the owner;**

A lot width of 124 feet creates a special circumstance not self-imposed by the property owner. The construction of a garage addition requires some level of relief based on the setback requirement. A 15 foot perimeter setback requirement would prohibit the construction of the desired garage addition. The surrounding neighborhood is developed with a variety of side-yard setbacks; many do not meet the current SR-17 perimeter setbacks requirements.

- 2. Due to the special circumstances, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the same classification in the same zoning district;**

The strict application of the Zoning Ordinance would limit the property to 15 foot side yard setbacks and eliminate the possibility of building a garage addition on the property due to the total width of the lot. Several of the properties in the neighborhood have setbacks that are similar to those proposed by the applicant. In this situation, the strict application of the Zoning Ordinance would not allow the applicant the same privileges as his neighbors.

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

The request side yard setbacks are the minimum necessary to construct a garage addition on the lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current SR-17 zoning requirements.

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

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

Mr. Ritz stated the variance request appears to meet all four findings and should be approved. He concluded his presentation and stated he was available for questions.

Chairperson Blake asked if the board had any questions.

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

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

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

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

Chairperson Blake called for the applicant to make a presentation.

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

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

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

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

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

Based on the facts and evidence presented, Mr. Romney requested a vote from the board. He read each finding and waited as the board responded.

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

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

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

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

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

Chairperson Blake called for a motion.

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

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

VI. OTHER BUSINESS FROM THE FLOOR

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

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

There were none.

VIII. BOARD COMMENTS AND SUGGESTIONS

There were none.

IX. ADJOURNMENT

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

The meeting adjourned at 4:37 p.m.

Next meeting tentatively scheduled for December 12, 2013.



Planning Division Staff Report

DATE: January 9, 2014 **AGENDA ITEM:** 1

TO: Board of Adjustment

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Remigio Cordero, Planner

SUBJECT: **VARIANCE APPLICATION CASE VAR13-07: OROZCO
VARIANCE – 6609 NORTH 58TH AVENUE**

REQUEST: To reduce the south side yard setback to 5 feet where 15 feet is required in the M-1 (Light Industrial) zoning district.

APPLICANT/OWNER: Robert Gomez, Architect, A.I.A / Jose Orozco

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 VAR13-07 subject to stipulations.

SUMMARY: The applicant is requesting a variance to construct a truck storage building in the M-1 zoning district. If approved, the owner will proceed with a design review and construction document submittal with these requested setbacks.

BOARD ACTION: Vice Chairperson _____ MADE a MOTION to APPROVE Case No. VAR13-07, subject to staff report stipulations. Board member _____ SECONDED the MOTION. The MOTION was APPROVED with a vote of _ to _.

DETAILS OF REQUEST:

General Plan Designation:

Light Industrial.

Property Location and Size:

The property is located north of the northeast corner of 58th Avenue and McLellan Road. The property is a rectangular shaped lot that is approximately 7,000 square feet in size.

Zoning Ordinance Requirements:

5.913 Commercial and Employment District Development Standards:
M-1 (Light Industrial) District - 15 feet to nonresidential uses

Surrounding Land Use and Zoning:

North: Industrial business, zoned M-1.

East: Industrial business, zoned M-1.

South: Industrial business, zoned M-1

West: Legal Non-Conforming Single Family Residence, zoned M-1.

History:

- The property is vacant and part of the Glendale Blocks Subdivision, which was platted in 1920.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On October 30, 2013 the applicant mailed 127 notification letters to adjacent property owners and interested parties. The applicant received one phone call from a nearby property owner in support of the request. The applicant received a letter from a resident citing concerns regarding traffic, noise, and child safety. The letter did not have contact information listed for the applicant or City staff to respond back to, the letter only had a name of "Residents Ocotillo District Sonorita Neighborhood" on the sender line. The applicant provided a response letter to the contact person for the Sonorita Neighborhood Association Sonorita Neighborhood.

In his response letter, the applicant cited that this proposal will be in character with the existing permitted uses that are occurring within this light industrial zoned area. There has not been a response to the applicant's response letter since. Planning received one call from a nearby property owner who voiced their support of 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 December 19, 2013. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on December 20, 2013. The property was posted on December 20, 2013.

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 width of the lot creates a special circumstance not self-imposed by the property owner. The lot width is 50 feet wide and the 15 foot setback requirement makes this lot difficult for development and would limit the product of the building on the property. A required side setback of 15 feet from the side would make it difficult for adequate onsite circulation for vehicles to enter into the truck storage building. The requested side setback of five feet from the south property line would allow this proposed building relief to accommodate additional development standards that are required from other reviewing departments.

- 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 limit the property to a 15 foot side setback and limit construction of a building on this property due to the current width of the lot being 50 feet. Majority of the properties in the neighborhood have setbacks that are similar to those proposed by the applicant.

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

The requested side setback is the minimum necessary to construct a truck storage building. The front, rear, north side setback and lot coverage are in conformance with current development standards in the M-1 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.**

The requested building setback is consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties. There are other properties throughout this industrial subdivision that have setbacks less than the applicant's proposal. These properties were developed prior to the current zoning ordinance being enacted in 1993. Prior to 1993, side and rear setbacks were not required for buildings in industrial districts unless it was adjacent to residentially zoned properties.

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 applicable site plan and project narrative, date-stamped October 30, 2013.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.
4. The southern wall of the building shall be constructed with a one hour fire rating.

ATTACHMENTS:

1. Applicant's Site Plan, date stamped October 30, 2013.
2. Applicant's Narrative, date stamped October 30, 2013.
3. Citizen Participation Final Report (without mailing labels), approved November 22, 2013.
4. Vicinity Zoning Map.
5. Aerial Photograph, dated November, 2011.

PROJECT MANAGER: Remigio Cordero, Planner (623) 930-2597
rcordero@glendaleaz.com

REVIEWED BY:



Planning Director



Executive Director

RC/df

Project Narrative
Application No.
VAR 13-07
Truck Garage
6609 N. 58th. Ave
Glendale, Arizona

The empty parcel is located at 6609 N. 58th. Avenue. The parcel presently zoned M-1 (light industrial). The owners would like to construct a 2400 square feet truck garage to store company trucks at night and on weekends.

With the zoning designations surrounding the property and setback requirements it is very limited as to what can be constructed on the site.

The owner is requesting a Variance to reduce the south side setback requirements to 5'-0", where a 15'-0" side setback is required in the M-1 (light industrial) zoning district.

The property to the south and to the north are also zoned M-1 (light industrial) zoning. Both properties have vacant houses.

With the size of the lot and the zoning setback requirements, the owner can only construct a building that is 20 feet wide.

The variance is required to allow the construction of the truck storage garage.

The 15'-0" setback on the north side of the property is also required for truck circulation within the site and will ease the circulation of emergency vehicles in case they have to access the site.

This request is made with the following justifications:

1) There are special circumstances or conditions applicable to the property including its size, shape, topography, location, or surroundings that were not self-imposed by the owner.

a) The width of the vacant property is 50 feet wide, a 15 foot setback on the north and a 15 feet setback on the south would only allow for a 20 foot wide building to be built on this property. This width creates a special circumstance not self-imposed by the property owner.

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 district.

a) The Zoning Ordinance strict standards would not allow the owner to build the facility. Due to the setback requirements, the applicant could not accomplish their goal of building the truck garage

3) The variance is the minimum necessary to alleviate the property hardship.

a) The variance is the minimum necessary to alleviate the hardship of the setback requirement. The 15'-0" setback on the north side will facilitate the trucks to maneuver into the storage building. The applicant is proposing to keep the front and rear yard setback requirements

4) Granting the Variance will enhance the property, adjoining properties and will encourage the surrounding neighborhood to develop their property.

FINAL REPORT

CITIZEN

PARTICIPATION

PLAN

TRUCK STORAGE GARAGE

6609 N. 58TH. AVENUE

GLENDALE, ARIZONA

VARIANCE VAR 13-07

APPROVED

NOV 22 2013

City of Glendale
Planning Department

Miguel Cordeiro

PREPARED BY:

ROBERT GOMEZ, ARCHITECT A.I.A.

2719 E. SYLVIA ST.

PHOENIX, ARIZONA 85032

November 22, 2013

**FINAL REPORT
CITIZEN PARTICIPATIONS PLAN FOR
VARIANCE TO THE ZONING ORDINANCE
For 6609 N.59th. Avenue
TRUCK STORAGE GARAGE VAR 13-07**

Date: November 22, 2013

Purpose: The purpose of the Citizen Participation Plan was to inform citizens, property owners in the vicinity of the site of an application for a Variance to the Zoning Ordinance. The Variance request was to reduce the south side setback to 5' (five feet) where a 15 ft. side setback is required in the M-1 (Light Industrial) Zoning District. The Variance was required to allow the construction of a truck storage garage. This site is located at 6609 N. 58th. Ave., Glendale, Arizona. This plan was to ensure that those affected by this application would have an adequate opportunity to learn about and comment on the proposal. The Planning Department has determined that a notification letter was the most appropriate public notification technique for this project.

Contact:

Robert Gomez, Architect
2719 E. Sylvia St.
Phoenix, AZ 85032
(602) 263-0329; (602) 992-1499 (FAX)
E-mail: arqgomzaia@aol.com

Pre-application Meeting: The pre-application meeting with City of Glendale planning staff was held on August 22, 2013. Staff reviewed the application and recommended that adjacent residents, City of Glendale, Glendale Homeowners and Registered Neighborhood Groups be contacted by notification letter.

Action Plan: In order to provide effective citizen participation in conjunction with their application, the following actions were taken to provide opportunities to understand and address any real or perceived impacts of their development, that members of the community may have. The notification area map and a list of property owners are attached in this report. All property owners in the notification area were notified.

Parties affected by Application:

1. A contact list was developed for citizens and agencies in this area including:
 - Interested neighbors focused on 500 feet from site but may include others.
 - The head of any Glendale Homeowner Association and registered neighborhood groups within 300 feet of the proposed Variance.
 - Public Agencies: City of Glendale Mayor's Office ; Glendale City Council Office ; Remigio Cordero, Planner ; Diane Figueroa, Senior Secretary.
 - Ocotillo District and citywide interested parties lists.

Notification and Information Procedures:

All persons listed on the contact list received, by first class mail, the notice of the proposed change.

The notice included a description of the area of the proposed Variance, a general explanation of the nature of the proposal, the name of applicant and contact information for applicant.

A site plan of proposed site was included as part of notification letter.

If individuals were affected or otherwise interested, they were provided an opportunity to discuss the purpose with the applicant.

If any changes or amendments to the proposed development occur after the notification letters have been mailed, another letter will be mailed to interested parties.

Response Procedures:

Depending on interest generated by first mailing, a community meeting may be scheduled to introduce the project, and an opportunity to ask questions and state concerns. A sign-in list will be used and comments forms provided. Copies of the sign-in list and any comments were to be given to the City of Glendale Planner assigned to this project. Due to low interest generated by the mailing, the applicant did not schedule a community meeting.

Schedule for Completion:

- August 22, 2013 Pre-application meeting
- September, 2013 Submit Citizen Participation Plan to planner for approval.
- October, 2013 Mail notification letters
- November 20, 2013 Deadline to receive comments.
- November 22, 2013 Submit Citizen Participation Final Report to project planner for approval.

Status procedures:

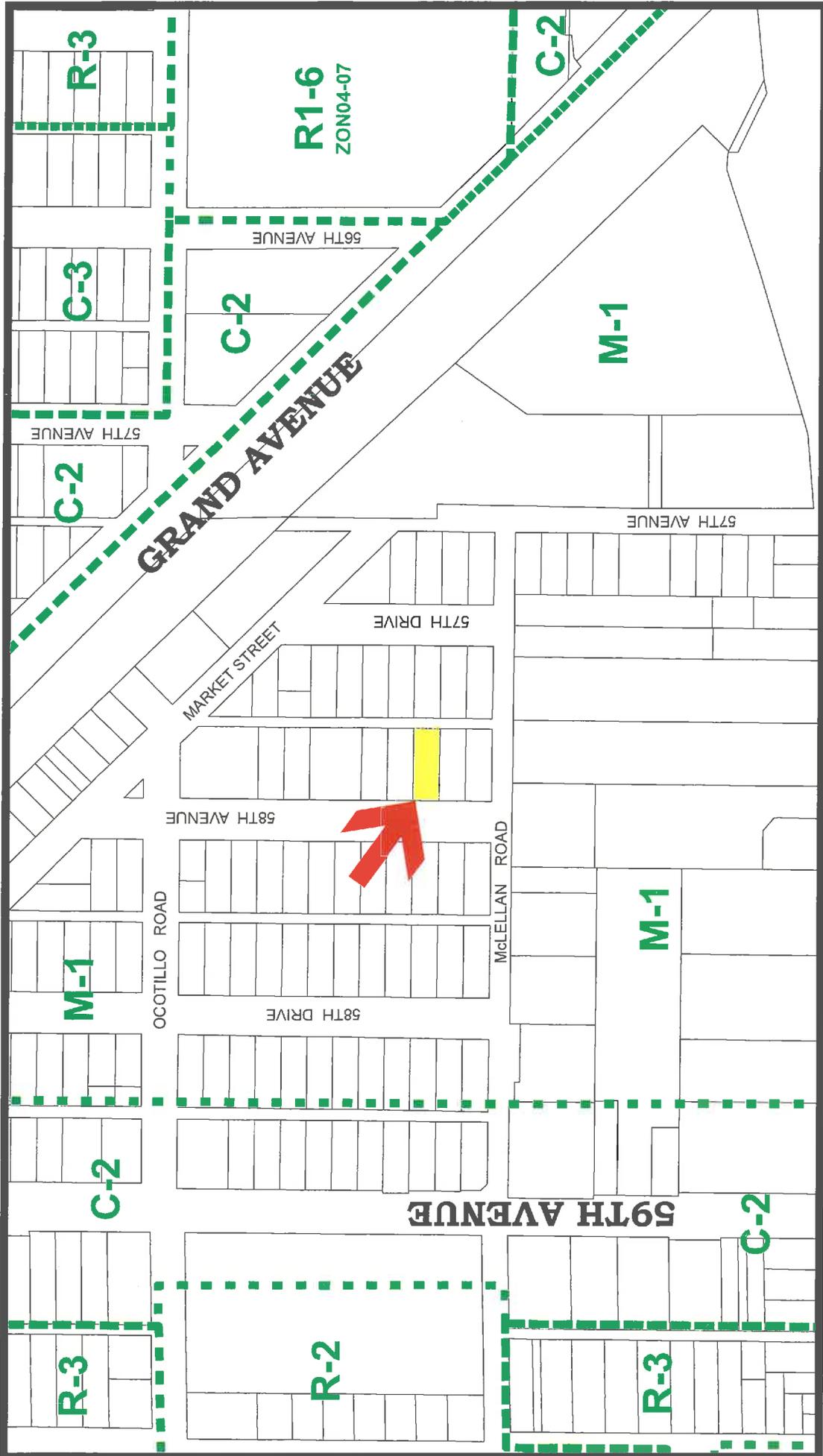
The Applicant kept the City of Glendale Planner informed of any issues, concerns or problems expressed during the process, via e-mail or phone calls to the project planner.

After the letters were sent out, the applicant received 1 phone call in favor of the request.

The Applicant is to provide a written report on the results of the citizen participation effort.

The applicant, Robert Gomez Architect, received a letter from Sonorita Neighborhood, Glendale, Arizona, postmarked November 14, 2013 (a copy of that letter is enclosed to this report).

The applicant responded to the letter and addressed some of their concerns. The neighbors are mostly concerned with traffic, noise pollution and children safety.



CASE NUMBER
VAR13-07



REQUEST
A VARIANCE TO REDUCE THE SIDE YARD SETBACK TO 5' WHERE A 15' SETBACK IS REQUIRED IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT.

LOCATION
6609 N. 58TH AVENUE



Aerial Date: November, 2012



CASE NUMBER
VAR13-07

