

**MINUTES  
CITY OF GLENDALE  
BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B-3  
THURSDAY, APRIL 14, 2016  
4:00 P.M.**

**CALL TO ORDER**

The meeting was called to order at approximately 4:04 p.m.

**ROLL CALL**

Board members Zarra, Crowley, Dietzman, Feiner (arrived at 4:15pm), Blakely and Chairperson Toops, were in attendance. Vice Chairperson Vescio was absent and excused.

**CITY STAFF**

Tabitha Perry, Assistant Planning Director, Russ Romney, Deputy City Attorney's Office, Martin Martell, Planner, Doug Howard, Planner, Diana Figueroa and Julia Dominguez, Recording Secretaries were present.

**APPROVAL OF THE MINUTES**

Chairperson Toops called for approval of the March 10, 2016 Regular Meeting minutes.

**BOARD MEMBER ZARRA MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 10, 2016 MEETING. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.**

**WITHDRAWALS AND CONTINUANCES**

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

**PUBLIC HEARING ITEMS**

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

1. **VAR16-03:** A variance request by Leonard Behie to reduce the east side yard building setback from the required five (5) feet to two (2) feet in the Hillcrest Ranch PAD (Planned Area Development), which will allow for an existing attached pergola on the east side of the home. The site is located northwest of the northwest corner of 67<sup>th</sup> Avenue and Deer Valley Road (6832 West Robin Lane) in the Cholla District. Staff Contact: Martin Martell, Planner.

Martin Martell, Planner, stated this was a variance request by Leonard Behie to reduce the east side yard building setback from the required five feet to two feet in the Hillcrest Ranch PAD, which will allow for an existing attached pergola on the east side of the home. He said the site is located northwest of the

northwest corner of 67<sup>th</sup> Avenue and Deer Valley Road in the Cholla District. He discussed the application using an aerial map illustration.

Mr. Martell stated that on January 11, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. He stated the applicant received three responses regarding this proposal and these responders were all in support of the variance request.

Mr. Martell reviewed staff's findings.

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

He said the orientation of the property owner's lot and their neighbor's lot creates a unique situation in regards to the amount of sun exposure the home receives during the mid-morning and early afternoon. He noted that during the summer that makes the east side of their yard and home unlivable due to excessive heat during a large part of the daytime hours and during a large part of the year.

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

He said that by not granting this variance request, it will deny the homeowners the ability to use 25% of the property during a large part of the day.

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

He indicated that by reducing the east side yard setback of the subject property it will allow the homeowners the ability to keep the existing shade structure that is attached to the east side of the home and allow the applicant a chance to use 25% of their property any time.

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

He said that this request to reduce the east side yard setback will not be noticeable from the street or the neighboring properties. However, the existing pergola will be visible from the street, but its integrated and open design blends in well with the rest of the home.

Mr. Martell stated the variance request appears to meet all four findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulation as listed in the staff report:

1. Development shall be in conformance with the applicant's narrative, site plan, and floor plan, dated November 19, 2015.

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. The applicant did not wish to speak and agreed with staff's presentation.

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

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

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

**Finding One. Chairperson 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, that if based on the findings, does the Board wish to grant variance **VAR16-03**: subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

**BOARD MEMBER CROWLEY MADE A MOTION TO APPROVE VAR16-03 SUBJECT TO THE STIPULATION IN THE STAFF REPORT. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 5 TO 0.**

Chairperson Toops called for the next application.

2. **VAR16-04:** A request by Paul Williams of Republic West Remodeling, representing Glendle and Angela Faulkinbury, for a reduction of the side yard setback from ten (10) feet from the eastern property line to seven (7) feet. The property is zoned R1-6 (Single Residence) District, located in the Palm Lane Village Subdivision, northeast of 51<sup>st</sup> and Glendale Avenues, addressed as 4616 W. Myrtle Avenue, and is in the Cactus District. Staff Contact: Doug Howard, Planner.

Doug Howard, Planner, stated this was a variance request by Paul Williams of Republic West Remodeling, representing Glendle and Angela Faulkinbury, for a reduction of the side yard setback from ten (10) feet from the eastern property line to seven (7) feet. He said the property is zoned R1-6 District, located in the Palm Lane Village Subdivision, northeast of 51<sup>st</sup> and Glendale Avenues, addressed as 4616 W. Myrtle Avenue, and is in the Cactus District. He discussed the application using an aerial map illustration.

Mr. Howard stated that on February 8, 2016, the applicant mailed notification letters to adjacent property owners and interested parties. He noted that to date Planning Staff has not received any response regarding the request.

Mr. Howard reviewed staff's findings.

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

He stated that staff finds that there are no applicable conditions or special circumstances existing on this property based on lot size. He said the lot is approximately 70 feet by 100 feet. Current zoning standards require a minimum of 60 feet by 100 feet. He explained that the proposed structure exceeds the minimum lot size and dimensions for the R1-6 Zoning District. Additionally, the shape and topography of the lot creates no special circumstances or conditions.

He added that staff finds that most homes in the applicant's neighborhood do not conform to current R1-6 setbacks standards, but were in conformance at the time of construction. The current non-conforming status of these homes are not self-imposed by the owners. This finding appears to meet the 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;**

He stated that the properties within the R1-6 zoning district, built under the current zoning standard, are designed specifically with the current five (5) and ten (10) foot setbacks. Those homeowners, adhering to the minimum lot coverage standards, are able to construct additional based on the current setback standards. He said that the applicant's home is currently located seven (7) feet from the eastern property line. He indicated that the proposed addition will not further increase the current setback encroachment, but will allow the homeowner to construct an

addition using the setbacks for which the home was specifically designed. He noted that this finding appears to be met.

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

He said that in order to maintain the original design of the home and to continue the existing eastern wall of the home with the bedroom addition, the minimum setback reduction needed is three (3) feet. He explained that the requested reduction in the side yard setback will not increase the existing setback encroachment. This finding appears to be met.

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

He explained the requested reduction of the side yard building setbacks will not increase the existing setback encroachment and the property will continue to meet the maximum lot coverage for 40%. He indicated that the variance will not detrimentally affect any neighboring properties. This finding appears to be met.

Mr. Howard stated the variance request appears to meet all four findings and should be approved. If the Board decides to grant the variance, it should be subject to the following stipulation listed in the staff report. He concluded his presentation and stated he was available for questions. The stipulation is listed below.

1. Development shall be in conformance with the narrative date stamped March 8, 2016 and the site plan date stamped March 14, 2016.

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 provided.

Chairperson Toops opened the public hearing with no one wishing to speak.

Chairperson Toops closed the public hearing.

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

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

**Finding One.** Chairperson Toops called for a voice vote on Finding One. The Board responded with a 6-0 vote.

**Finding Two.** Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 6-0 vote.

**Finding Three.** Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 6-0 vote.

**Finding Four.** Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 6-0 vote.

Mr. Romney asked, that if based on the findings, does the Board wish to grant variance VAR16-04 subject to the stipulations set forth by the Planning Division.

**BOARD MEMBER BLAKELY MADE A MOTION TO APPROVE VAR16-04 SUBJECT TO THE STIPULATION IN THE STAFF REPORT. BOARD MEMBER ZARRA SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 6 TO 0.**

OTHER BUSINESS FROM THE FLOOR

Chairperson Toops called for other business from the floor. There was none.

PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Toops called for Planning Staff comments and suggestions. There were none.

BOARD COMMENTS AND SUGGESTIONS

Chairperson Toops called for Board comments and suggestions. There were none.

ADJOURNMENT

**BOARD MEMBER BLAKELY MADE A MOTION TO ADJOURN THE MEETING. BOARD MEMBER ZARRA SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 4:26 p.m.

NEXT MEETING: May 12, 2016