



Board of Adjustment Regular Agenda

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3

May 12, 2016
4:00 P.M.

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

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

I. CALL TO ORDER

II. ROLL CALL

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

IV. WITHDRAWALS AND CONTINUANCES

V. PUBLIC HEARING ITEMS

1. **VAR15-16:** A request by Mark Sidler, on behalf of Gheorghe Micula, for a variance to reduce all of the building setbacks on a vacant parcel and increase the lot coverage on a property in the A-1 (Agricultural) Zoning District. The site is located west of the southwest corner of North 67th Avenue and West Pinnacle Peak Road (6835 West Pinnacle Peak Road) in the Cholla District. Staff contact is Martin Martell, Planner.
2. **VAR16-05:** A request by Scott Carmichael, for a variance to reduce the east side yard building setback from the required fifteen (15) feet to ten (10) feet on a property in the SR-17 (Suburban Residence) Zoning District. The site is located southwest of the southwest corner of North 75th Avenue and West Union Hills Drive (7618 West Villa Theresa Drive) in the Sahuaro District. Staff contact is Martin Martell, Planner.

VI. OTHER BUSINESS FROM THE FLOOR

VII. PLANNING STAFF REPORT

VIII. BOARD COMMENTS AND SUGGESTIONS

IX. ADJOURNMENT

NEXT MEETING: June 9, 2016

FOR SPECIAL ACCOMMODATIONS



Please contact Julia Dominguez at (623) 930-2831 or JDominguezPLAN@glendaleaz.com at least three working days prior to the meeting if you require special accommodations due to a disability. Hearing impaired persons should call (623) 930-2197.

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

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

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

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

**MINUTES
CITY OF GLENDALE
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
THURSDAY, 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 67th 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 67th 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 51st 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 51st 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



Planning Division Staff Report

DATE: May 12, 2016 **AGENDA ITEM:** 1

TO: Board of Adjustment

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

SUBJECT: **VARIANCE (VAR) APPLICATION VAR15-16: MICULA RESIDENCE – 6835 WEST PINNACLE PEAK ROAD**

REQUEST: Variance to allow for a reduction of all of the building setbacks on the parcel and an increase of the maximum lot coverage for a vacant property in the A-1 (Agricultural) Zoning District.

APPLICANT/OWNER: Mark Sidler on behalf of Gheorghe Micula.

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 VAR15-16 subject to one stipulation.

SUMMARY: The applicant is requesting a reduction of the front yard building setback from the required seventy-five (75) feet to forty (40) feet, a reduction of the side yard building setbacks from the required fifty (50) feet to twenty-five (25) feet, and a reduction of the rear yard building setback from the required fifty (50) feet to twenty-five (25) feet. In addition, the applicant is requesting an increase of the maximum lot coverage from the required ten (10) percent to twenty-five (25) percent. If this variance request is approved the property owner will construct a new custom home on this vacant parcel that will match the width of other homes along the street.

BOARD ACTION: Board member _____ MADE a MOTION to _____ Case No. VAR15-16, subject to the staff report stipulations. Board member _____ . The MOTION was _____ with a vote of _____.

DETAILS OF REQUEST:

General Plan Designation:

Low Density Residential, 1 to 2.5 dwelling units per acre.

Property Location and Size:

The property is located on the south side of West Pinnacle Peak Road just west of the southwest corner of 67th Avenue and Pinnacle Peak Road. The parcel dimensions are approximately 145 feet wide and 305 feet long.

Zoning Ordinance Requirements:

Section 5.106 – A-1 (Agricultural) Table 1:

- Minimum net lot area: 40 acres
- Minimum front yard setback: 75 feet
- Minimum side yard setback: 50 feet
- Minimum rear yard setback: 50 feet
- Maximum lot coverage: 10 percent

Surrounding Land Use and Zoning:

North: Single-family home zoned SR-43 (City of Peoria)

East: Vacant lot, zoned A-1

South: Horse ranch, zoned A-1

West: Single-family home, zoned A-1

History:

- The property was annexed into the City of Glendale on September 11, 1979.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On February 24, 2016 notification letters were mailed to adjacent property owners and interested parties by the applicant. The applicant has received one response from the applicant's direct neighbor to the west who was concerned about the property owner's original request for a reduction of the side yard building setbacks of fifteen (15) feet would be far too close to their home. The applicant reached out to the neighbor and agreed to increase the requested side yard building setbacks from fifteen (15) feet to twenty-five (25) feet. To date, Planning staff has not received any questions or comments concerning the subject site. 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 April 21, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on April 22, 2016. The property was posted on April 22, 2016.

STAFF FINDINGS AND ANALYSIS:

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

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

The property's lot size creates a special circumstance that is not self-imposed by the property owner. Presently the size of the lot is over one (1) acre in size, which is less than the required minimum lot size of forty (40) acres for parcels in the A-1 Zoning District.

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

By using the strict application of the Zoning Ordinance on the subject property will result in a narrow and long home that will not be complementary to existing adjacent houses along Pinnacle Peak Road. The adjacent property to the west and the two (2) properties to the north on this street are greater than forty-five (45) feet in width, which is what the current building setbacks would allow for on the subject property. Moreover, the adjacent property and the two (2) properties to the north on this street are on lots that are a similar size as the subject property.

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

The requested reduction of the building setbacks and lot coverage will permit the construction of a livable home which will match many of the homes on this street.

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

The requested reduction of all the building setbacks and an increase of lot coverage on the property will be indiscernible from the street since this will conform to the pattern found on adjacent properties. This request will also permit the construction of the desired home that will match the width of adjacent homes found on this street and therefore, will not detrimentally affect any neighboring 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 stipulation:

1. Development shall be in conformance with the approved narrative and site plan, date stamped March 24, 2016.

ATTACHMENTS:

1. Applicant's Narrative, dated March 24, 2016.
2. Applicant's Site Plan, dated March 24, 2016.
3. Completed Citizen Participation Final Report (without mailing labels) approved March 30, 2016.
4. Vicinity Zoning Map.
5. Aerial Photograph, dated October 2014.

PROJECT MANAGER:

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

REVIEWED BY:



Planning Director



Development Services Director

MM/jd



LEMME ENGINEERING, INC.

PLANNING

CIVIL ENGINEERING

SURVEYING

SR15-0136
GHEORGHE MICULA RESIDENCE
PROJECT NARRATIVE:

Mr. Micula is intending to develop his lot with the construction of a residential dwelling. The current zoning on the parcel is Agricultural (A-1). The required construction setback distances are: Front yard 75 feet and side yard and rear yard of 50 feet.

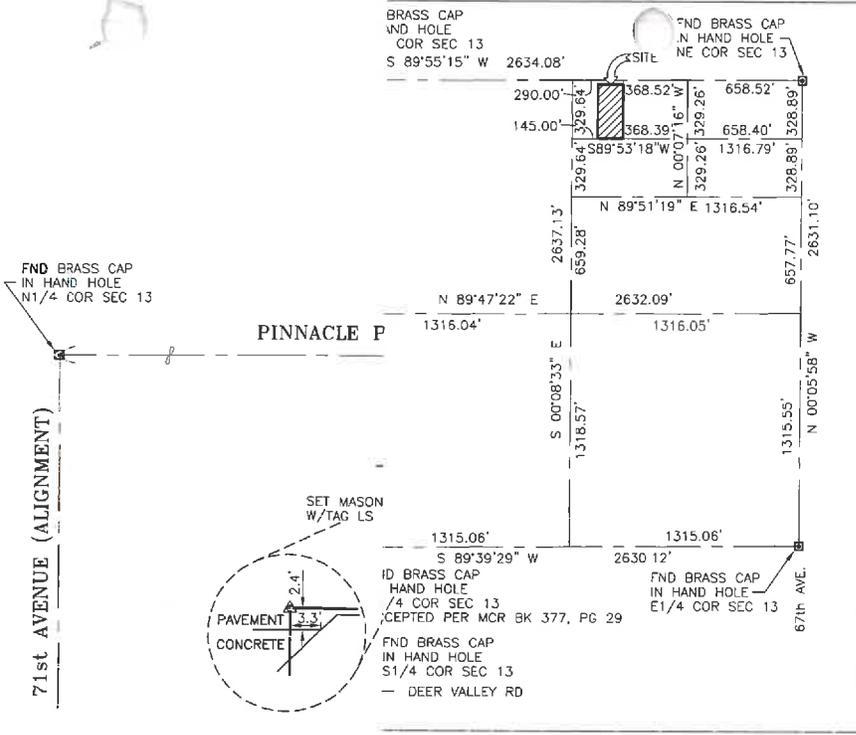
This restriction causes undue hardship and limitation to the residential development of the lot. The restriction does not allow the full use of the lot for normal residential improvements.

The Variance request is to alter the existing setback requirements to a condition similar to other residential lots in a less rural site. The project is undertaking the required actions to request a variance to the setback requirements to more reasonable distances of 25 foot front yard and 25 foot side yard and 25 foot rear yard.

Granting the variance will not be detrimental on neighboring property as the adjacent property to the West is already developed with less than the A-1 zoning setbacks and the property across Pinnacle Peak Road is residential in nature and the properties to the East and South have yet to be developed.

The Citizen Participation Plan will presenting the project to the surrounding neighbors, to enlist their support of this petition to alter the setback distance requirements on this lot.

24 Mar 16



NOTE: THIS MAP OR PLAN IS NOT TO BE USED, RELIED UPON, OR CONSIDERED COMPLETE OR READY FOR CONSTRUCTION, UNLESS STAMPED BY A PROFESSIONAL FROM LEMME ENGINEERING.

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PRELIMINARY
 APPROVED

PLANNING - CIVIL ENGINEERING - SURVEYING
LEMME ENGINEERING INC
3608 WEST BETHANY HOME ROAD
PHOENIX, ARIZONA 85019
PHONE (602) 841-6804 FAX (602) 841-6351



VICINITY MAP
SECTION 13, T4N, R1E
NOT TO SCALE

DESCRIPTION PER DKT 98-0305447
25.00 FEET OF THE WEST 290.00 FEET OF THE WEST HALF
NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER
NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH,
RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA.

APN 200-06-01

THE NORTHERLY 25.00 FEET.

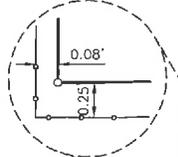
S OF BEARINGS:
THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 13, BEARING S 89°55'15" W

INFORMATION:
ACRES +/- (44,155 SQ.FT.)
00-06-012M

SEALER CERTIFICATE
I, MARK P. SIDLER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT THE SITE PLAN SHOWN HEREON UNDER CONTRACT WITH THE OWNER, THAT THE MEASUREMENTS WERE FOUND OR SET AS NOTED AND THAT THE SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS CERTIFICATE IS FILED IN THE OFFICE OF THE MARICOPA COUNTY RECORDERS IN BOOK OF MAPS 744 PAGE 7

03-15-16 (SEAL)
MARK P. SIDLER LS28232

Mark P. Sidler
SIGNATURE DATE 24 MAR 16

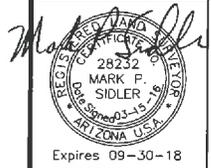


NOTES:
FND BRASS CAP IN HAND HOLE
FND 1" IRON PIPE
SET 1/2" REBAR WITH CAP LS 28232
SET MASONRY NAIL WITH TAG LS 28232
CHAIN LINK FENCE

SET 1/2" W/CAP LS

CLIENT:
DOREL MICULA
4806 W. ECHO LANE
GLENDALE, AZ 85302
TEL(623)931-3866

REFERENCE:
SURVEY MCR 744 PAGE 7
LEI 05-355



Expires 09-30-18

DESIGNED BY: MS

DRAWN BY: RB

SCALE:
HORIZONTAL = 1" = 20'
VERTICAL = N/A

SHEET 1 OF 1

DATE 03-15-16

W.O. 15-329

**CITIZEN
PARTICIPATION
FINAL REPORT**

**GHEORGHE MICULA RESIDENCE
6835 W. PINNACLE PEAK ROAD**

VARIANCE CASE: VAR15-16

**PREPARED BY:
LEMME ENGINEERING, INC.
3608 W. BETHANY HOME ROAD
PHOENIX, AZ 85019
LEI W.O. # 15-329**

MARCH 28, 2016

Lemme Engineering, Inc.

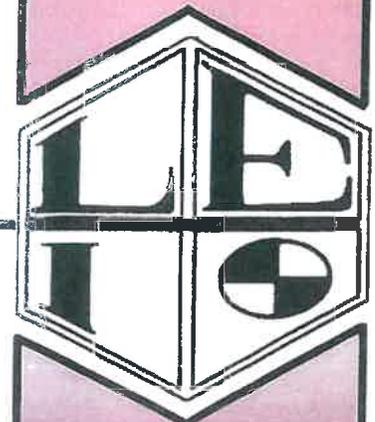
3608 W. Bethany Home Rd., Phoenix, AZ 85019-1942
(602) 841-6904 (602) 841-6351 fax

Complete
30 Mar 16

**CIVIL
ENGINEERING**

SURVEYING

PLANNING





**VAR15-16
GHEORGHE MICULA RESIDENCE
PROJECT NARRATIVE**

Mr. Micula is intending to develop his lot with the construction of a residential dwelling. The current zoning on the parcel is Agricultural (A-1). The required construction setback distances are: Front yard 75 feet and side yard and rear yard 50feet. Also, the property has a maximum lot coverage of 10 percent.

These development restrictions cause an undue hardship and limitations to the residential development of the lot. The restrictions do not allow the full use of the lot for normal residential improvements.

The Variance Request is to alter the existing setback and lot coverage requirements to a condition similar to other residential lots in a less rural site. The project is undertaking the required actions to request a variance to the setback requirements to more reasonable distances of 40 foot front yard and 15 foot side yard and 25 foot rear yard. In addition, the applicant is requesting an increase of the allowed maximum lot coverage from 10 percent to 25 percent.

Granting the variance will not be detrimental on neighboring property as the adjacent property to the West is already developed with less than the A-1 zoning setbacks and the property across Pinnacle Peak Road is residential in nature and the properties to the East and South have yet to be developed.

The Citizen Participation Plan will be presenting the project to the surrounding neighbors, to enlist their support of this petition to alter the setback distance and lot coverage requirements on this lot.



MICULA VARIANCE CITIZEN PARTICIPATION PLAN ELEMENTS

CASE # VAR 15-16

The Micula variance case utilized the "Neighborhood Notification" method recommended by the City Planning Department. This method included a project description letter and site plan explaining where the proposed addition to the residence was being located. The information was sent for review to the surrounding property owners with-in a 300' radius. This also included how and who to contact with any concerns, questions or comments.

The citizen participation notification letters were delivered to the city planning department for verification via email on 2/11/16 and mailed out on 2/24/16.

The citizen participation plan had a time schedule of 3 weeks to respond to the mailed notification information.

The total number of Notification letters sent was 82. This included homeowner associations, neighborhood groups, interested parties, surrounding property owners and additional notification list addresses provided by the City Planning Department.

The only objection or concern that was received during the 3 week response time the notification letter generated was from Jim and Susan Hemm, 6847 W. Pinnacle Peak Rd., Glendale (Attached) Taking exception to the 15' sideyard and requested a 30' sideyard. Mr. Micula negotiated a compromise of 25' sideyard. The site plan reflects this change.

RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA

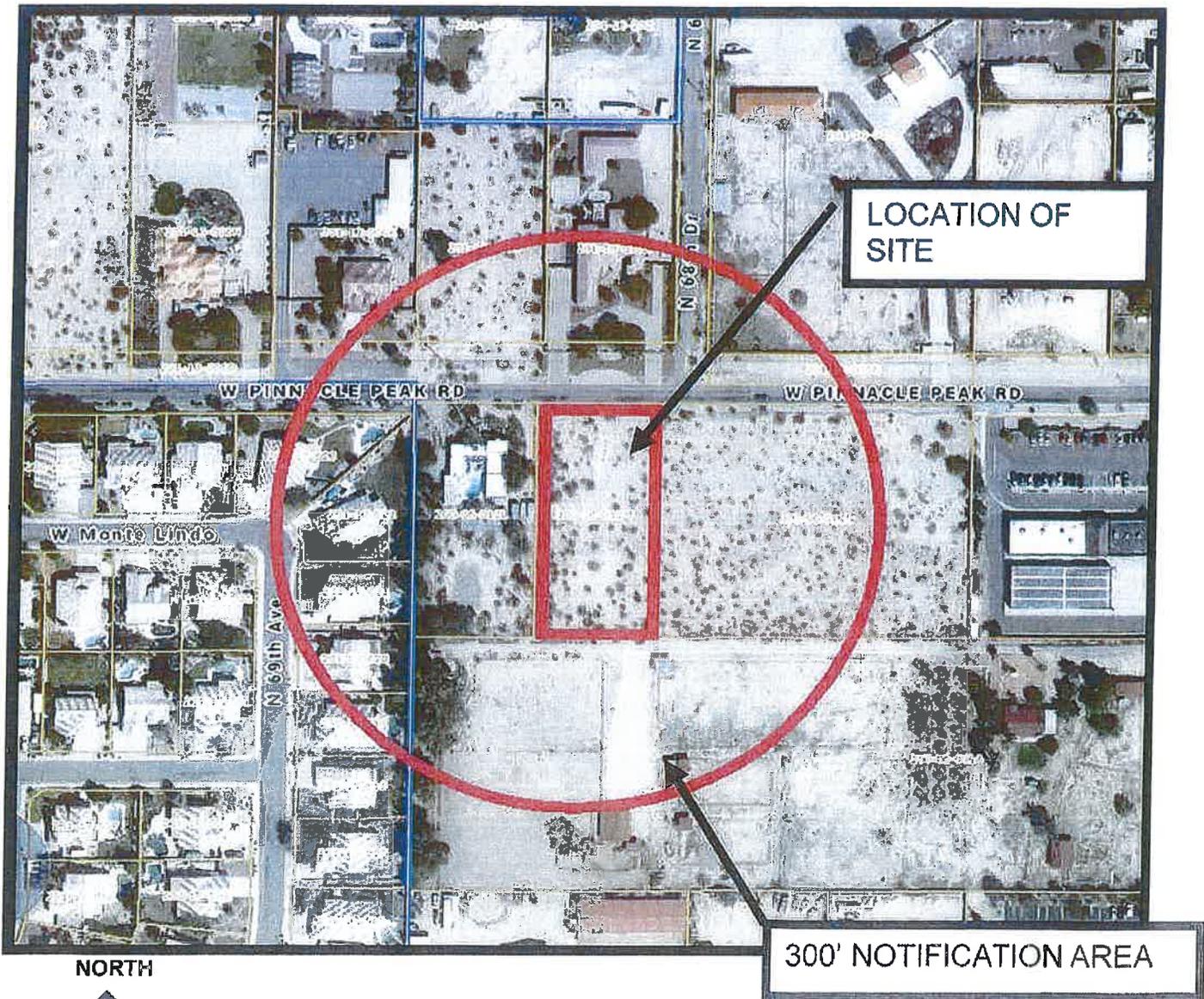
NAME OF REQUEST: MICULA RESIDENCE VARIANCE

LOCATION: West of the SWC of 67th Avenue & Pinnacle Peak Road

The applicant is requesting reduction of the front yard setback from 75 feet to 25 feet; rear yard setback from 50 feet to 25 feet; side yard setbacks from 50 feet to 10 feet; and an increase of the maximum lot coverage from 10% to 30% for a property in the A-1 (Agricultural) Zoning District.

ZONING DISTRICT: A-1

COUNCIL DISTRICT: Cholla





March 4, 2016

To: Current Resident in the Vicinity of:
6835 W. Pinnacle Peak Rd.

RE: Petition for a Variance to required building setback distances and lot coverage allowance

Greetings,

Mr. Micula owner of the lot at 6835 W. Pinnacle Peak Road, located west of the Southwest corner of 67th Avenue and W. Pinnacle Peak Road, is intending to develop his lot with the construction of a residential dwelling.

The current zoning on the parcel is Agricultural (A-1). The required construction setback distances are: Front yard 75 feet and side yard and rear yard 50 feet. This restriction causes undue hardship and limitation to the residential development of the lot.

The project is undertaking the required actions to request a variance to the setback requirements to more reasonable distances of 40 foot front yard, 15 foot side yard and 25 foot rear yard. In addition, the project's request will increase the allowable lot coverage from 10 percent to 25 percent.

This letter is part of the required Citizen Participation Plan, and is presenting the project to the surrounding neighbors, in the hope that you will agree and support this petition to alter the setback distance requirements on this lot.

No response is required if you are agreeable to this variance. If you have any concerns or questions, you may address them to Martin Martell, Planner with the City of Glendale at (623) 930-2597 or to Mr. Micula at (623) 308-5206.

If you have a reason to respond please do so prior to March 14, 2016

Sincerely,

Mr. Gheorghe Micula

March 10, 2016

City of Glendale

5850 W. Glendale Ave.

Glendale AZ 85301

Atten: Planning and Zoning 2nd Floor

Mr. Martin Martell

Subject: Variance at 6835 W. Pinnacle Peak Rd.

Mr. Martell

I am responding to the letter dated March 4th 2016 received from Lemme Engineering Inc. regarding the petition for setback variance at 6835 West Pinnacle Peak Road. After reviewing the attached plot and talking to you on the phone our only concern is the 15' side setback. My wife and I agree that 30' to 35' would be a more appropriate setback for a side yard on acreage. As the property is 145' wide this would still leave 75' to 85' of available building width. I have contacted Mr. Micula by phone on 3-9-16 and voiced this concern to him as well. Please let this be notice that we are in disagreement with only the variance for a 15' side setback.

Jim and Susan Hemm

6847 W. Pinnacle Peak Rd.

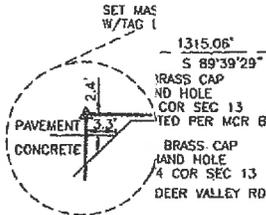
Glendale AZ, 35310

602-989-7435 /623-703-1974

FND BRASS CAP
IN HAND HOLE
N 1/4 COR SEC 13

71st AVENUE (ALIGNMENT)

PINNACLE



VICINITY MAP
SECTION 13, T4N, R1E
NOT TO SCALE

DESCRIPTION PER DKT 98-0305447
145.00 FEET OF THE WEST 290.00 FEET OF THE WEST HALF
RTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER
RTH EAST QUARTER OF SECTION 13, TOWNSHIP 4 NORTH,
AST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
COUNTY, ARIZONA.

APN 200-06-

E NORTHERLY 25.00 FEET.

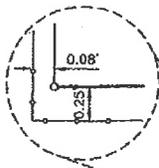
OF BEARINGS:
G LIES ON THE NORTH LINE OF THE NORTHEAST
F SECTION 13, BEARING S 89°55'15" W

FORMATION:
S +/- (44,155 SQ.FT.)
36-012M

FOR CERTIFICATE
SIDLER, HEREBY CERTIFY THAT I AM A REGISTERED LAND
IN THE STATE OF ARIZONA AND THAT THE SITE PLAN SHOWN
HEREON UNDER CONTRACT WITH THE OWNER, THAT THE
WERE FOUND OR SET AS NOTED AND THAT THE SURVEY IS
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
DED IN THE OFFICE OF THE MARICOPA COUNTY RECORDERS
BOOK OF MAPS 744 PAGE 7

Mark P. Sidler

03-15-16 (SEAL)
MARK P. SIDLER LS28232



BRASS CAP IN HAND HOLE
1" IRON PIPE
2" REBAR WITH CAP LS 28232
2x4 WOODEN NAIL WITH TAG LS 28232
LINK FENCE

SET 1/2
W/CAP L

CLIENT:
DOREL MICULA
4806 W. ECHO LANE
GLENDALE, AZ 85302
TEL(623)931-3866

REFERENCE:
RVEY MCR 744 PAGE 7
05-355



NOTE: THIS MAP OR
PLAN IS NOT TO BE
USED, RELED UPON,
OR CONSIDERED
COMPLETE OR READY
FOR CONSTRUCTION,
UNLESS STAMPED BY A
PROFESSIONAL FROM
LEMME ENGINEERING.

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IS RECEIVED FROM
LEMME ENGINEERING.

PRELIMINARY
 APPROVED

PLANNING - CIVIL ENGINEERING - SURVEYING

LEMME ENGINEERING INC.

3608 WEST BETHANY HOME ROAD
PHOENIX, ARIZONA 85019
PHONE (602) 841-6804 FAX (602) 841-6351



SITE PLAN

Gheorghe Micula Residence
SEC. 13, T. 4 N., R. 1 E.,
G&SRM, MARICOPA COUNTY, ARIZONA



Expires 03-30-18

DESIGNED BY: MS

DRAWN BY: RB

SCALE:
HORIZONTAL = 1"=20'
VERTICAL = N/A

SHEET 1 OF 1

DATE 03-15-16

W.O. 15-329

City of Peoria

PINNACLE PEAK ROAD



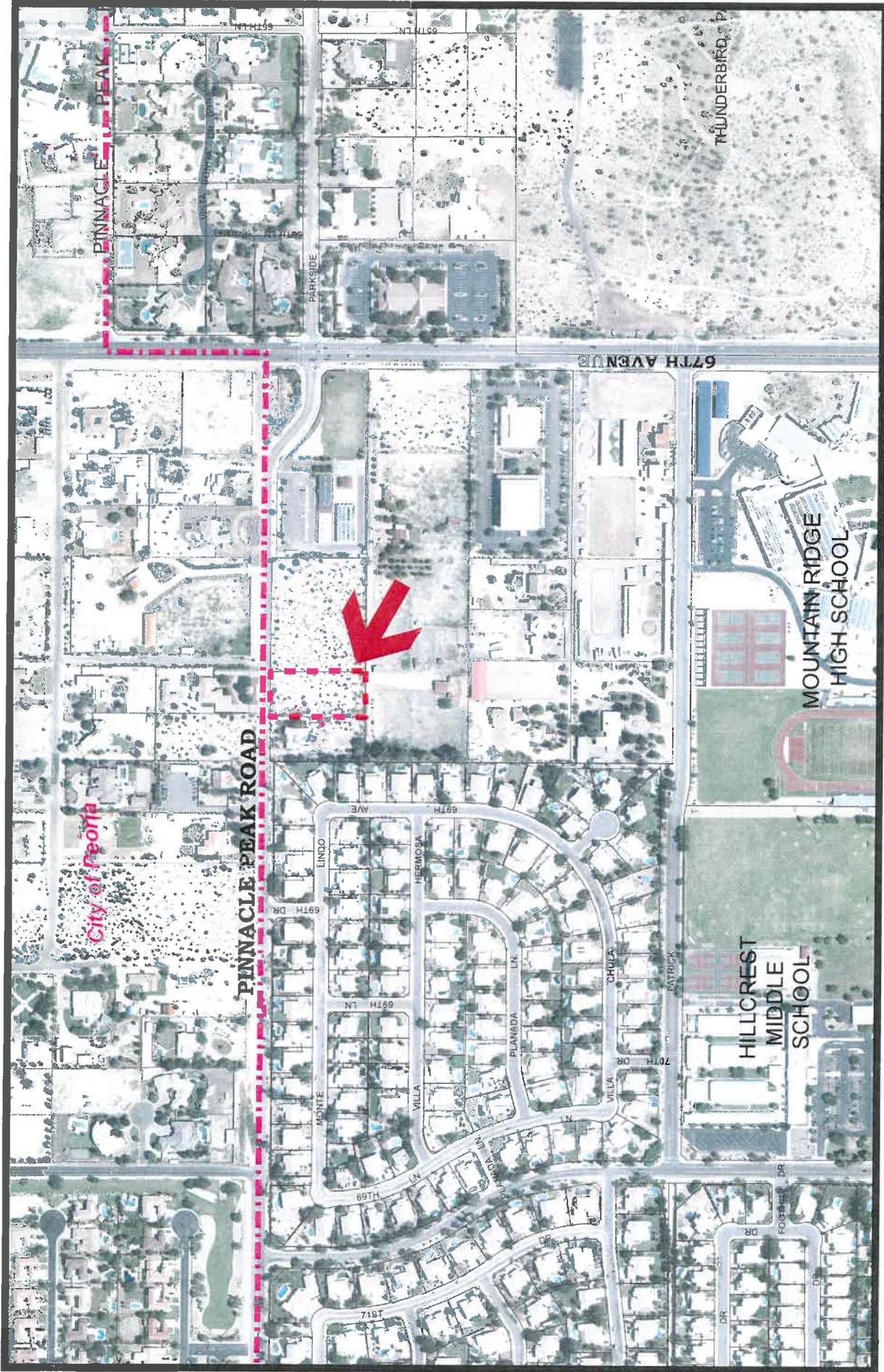
CASE NUMBER
VAR15-16



LOCATION
6835 W. PINNACLE PEAK ROAD

REQUEST

A VARIANCE TO ALLOW FOR A REDUCTION OF ALL OF THE BUILDING SETBACKS ON THE PARCEL AND AN INCREASE OF THE MAXIMUM LOT COVERAGE FOR A PROPERTY IN THE A-1 (AGRICULTURAL) ZONING DISTRICT.



Aerial Date: October 2014



CASE NUMBER
VAR15-16



Planning Division Staff Report

DATE: May 12, 2016 **AGENDA ITEM:** 2

TO: Board of Adjustment

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

SUBJECT: **VARIANCE (VAR) APPLICATION VAR16-05:
CARMICHAEL RESIDENCE - 7618 WEST VILLA
THERESA DRIVE**

REQUEST: Variance to allow a reduction of the east side yard building setback from the required fifteen (15) feet to ten (10) feet on a property that is in the SR-17 (Suburban Residence) Zoning District.

APPLICANT/OWNER: Scott and Mechell Carmichael

REQUIRED ACTION: The Board must consider the facts and determine that the findings required to grant a variance have been met. The Board may condition a variance to ensure that it will not grant special privileges inconsistent with the limitation of other similarly zoned properties. The Board must deny the request if the required findings have not been met.

RECOMMENDATION: Staff recommends approval subject to one stipulation.

PROPOSED MOTION: Move to approve VAR16-05 subject to one stipulation.

SUMMARY: The applicant is requesting a reduction of the east side yard building setback from the required fifteen (15) feet to ten (10) feet in the SR-17 Zoning District. If approved, the applicant intends to keep an existing garage that is currently within the side yard setback and construct a new home adjacent to this garage on a partially vacant property.

BOARD ACTION: Board member _____ MADE a MOTION to _____ Case No. VAR16-05, subject to the staff report stipulation. Board member _____ SECONDED the MOTION. The MOTION was _____ with a vote of _____.

DETAILS OF REQUEST:

General Plan Designation:

Low Density Residential, 1 to 2.5 dwelling units per acre.

Property Location and Size:

The property is located in the Hidden Manor Subdivision that is southwest of the southwest corner of 75th Avenue and Union Hills Drive. The lot dimensions are approximately 120 feet wide and 150 feet deep.

Zoning Ordinance Requirements:

Section 5.206 – SR-17 (Suburban Residential) Table 1:

Minimum side yard setbacks are fifteen (15) feet

Surrounding Land Use and Zoning:

North: Single-family homes zoned R1-6 (Single Residence).

East: Single-family home zoned SR-17 (Suburban Residential).

South: Single-family home zoned SR-17 (Suburban Residential).

West: Single-family home zoned SR-17 (Suburban Residential).

History:

- The property is part of the Hidden Manor platted on December 1, 1972.
- Hidden Manor was annexed into the City of Glendale on December 19, 1979.

CITIZEN PARTICIPATION TO DATE:

Applicant's Citizen Participation Process:

On January 27, 2016, the applicant mailed out a total of ninety-seven (97) notification letters to adjacent property owners and interested parties. The applicant received two (2) responses in support of the variance request. To date, Planning staff has not received any additional response from the neighborhood notification letters. 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 April 21, 2016. In addition, notification postcards of the public hearing were mailed to adjacent property owners and interested parties on April 22, 2016. The property was posted on April 22, 2016.

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 on the following page 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;**

This property was recently purchased by the applicant to build their new home. There is currently a garage on the property that was built prior to the current zoning development standards and is presently within the east side yard setback of their lot.

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;**

If the strict application of the zoning ordinance for this property were applied, it would deny the property owners an opportunity to keep this garage and will not become an integral part of their future home.

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

The requested reduction of the east side yard building setback will allow the property owners to keep the existing garage and make it a part of their future home.

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

The requested reduction of the east side yard building setback will be indiscernible from the street and will match the side yard setbacks that are found on lots throughout the Hidden Manor Subdivision.

RECOMMENDATION:

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

1. Development shall be in conformance with the approved narrative and site plan, both dated March 1, 2016.

ATTACHMENTS:

1. Applicant's Narrative, dated March 1, 2016.
2. Applicant's Site Plan, dated March 1, 2016.
3. Completed Citizen Participation Final Report (without mailing labels) completed March 1, 2016.
4. Vicinity Zoning Map.
5. Aerial Photograph dated October 2014.

PROJECT MANAGER:

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

REVIEWED BY:



Planning Director

MM/jd



Development Services Director

SR15-0176 Carmichael Residence Variance

The current property owners Scott and Mechell Carmichael are requesting a variance to reduce the east side yard setback from 15' to 10' on a property located at 7618 W. Villa Teresa Drive in the SR-17 (Suburban Residence) zoning district in the Sahuaro council district. The current side yard setbacks for homes in this district are 15', however when the lot was platted and subdivided in 1972 the side yard setbacks were 10' for this subdivision.

If the variance is approved we will be able to construct a custom home that will integrate with an existing garage that is presently 10' from the east property line. Once our home is built it will blend into our beautiful neighborhood.

To support our variance request we have answers to the following required findings:

Finding #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;

When we purchased this property with intent to construct our dream home we discovered that there was an existing garage on the property that was done by a previous property owner. With further investigation we discovered that when the garage was built in the 1970's the side yard setbacks for the Hidden Manor subdivision was 10' to the property line.

Finding #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;

This existing garage that is only 10' from the east property line will become an integral part of our custom home design. If we follow the development standards of the Zoning Ordinance here we will be unable to keep the garage on our property greatly impacting our new home design.

Finding #3: The variance is the minimum necessary to alleviate the property hardship; and

If the garage is able to remain to be 10' from the property line we will be able to incorporate this into our new home and it would be the minimum necessary to alleviate the property hardship.

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

This variance request will not affect adjoining or surrounding properties in the area because this garage has been on the lot for over 30 years and has become an integral part of the neighborhood.

Citizen Participation Plan Final Report

**Carmichael Residence Variance
7618 W. Villa Theresa Drive Variance
Glendale, AZ 85308**

Case: #SR15-0176

**Prepared by:
James and Mechell Carmichael**

COMPLETED

01 Mar 16

Citizen Participation Plan – Carmichael Residence

Brief Description of Proposed Project

We are requesting a variance to reduce the east side yard setback from the current 15 feet to 10 feet in the SR-17 (Suburban Residential) Zoning District. Currently our property is vacant except for one existing garage that is 10 feet away from the east property line and inside the 15 foot side yard setback. Our intention and reason we are requesting a variance is to allow us to keep the garage and attach a new home to the west of it that will be similar to the other homes on the street.

The house will be a 2500 square foot single story home with the current garage as it stands. The lot size is 18,000 square feet. Building heights are: 12 feet 6 inches tall for the garage and the house is 20 feet tall.

Citizen Participation Plan – Carmichael Residence

Notification:

We mailed “Neighborhood Notification” letter via US postal service to all neighbors. We also mailed “Notification” letter to all property owners within 300 feet from our property. In the letter we included Scott Carmichael’s email address for any questions or concerns. The letter was submitted to the Planning Division on January 20, 2016 for verification and approval. The letters were mailed out on January 27, 2016. Which gave all parties 4 ½ weeks to review and respond. In total we mailed 97 (ninety-seven) letters and received 2 (two) responses. Both responses had no negative comments. (see attached)

Attachments:

Outlined map

Notification letter

Site Plan

Complete mailing list

Responses from neighbors

RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA

NAME OF REQUEST: CARMICHAEL RESIDENCE VARIANCE

LOCATION: 7618 West Villa Theresa Drive

The applicant is requesting the approval of a variance to reduce the east side yard setback from 15' to 10' on a property in the SR-17 (Suburban Residence) Zoning District. This will allow an existing garage, which is 10' from the east property line to be fully integrated into a future custom built home on their property.

ZONING DISTRICT: SR-17

COUNCIL DISTRICT: Sahuaro



NORTH



January 10, 2016

Scott and Mechell Carmichael
20877 N 87th Drive
Peoria, AZ 85382

Subject: Carmichael Residence Variance

Dear Neighbor:

This letter is to inform you that I am applying for a variance application with the City of Glendale. The property is located at 7618 W Villa Theresa Drive in the Sahuaro Council District

We are requesting a variance to reduce the east side yard setback from the current 15 feet to 10 feet in the SR-17 (Suburban Residential) Zoning District. Currently our property is vacant except for one existing garage that is 10 feet away from the east property line and inside the 15 foot side yard setback. Our intention and reason we are requesting a variance is to allow us to keep the garage and attach a new home to the west of it that will be similar to the other homes on the street.

i have included a site plan with this letter for your review. Please provide any comments to my email at Sctcarm@gmail.com by February 1, 2016. Please write or email me at the contact information above. You may also contact Martin Martell, Planner with the City of Glendale at (623) 930-2597.

Sincerely,

Scott Carmichael

Mechell Carmichael

YOU TO CLARIFY FOR DANCE OF HAZARD.
 DEVELOPMENT IS PROHIBITED AND MAY SUBJECT
 TO THE PROVISIONS OF THE ZONING AND
 ORDINANCES OF THE CITY OF PHOENIX AND
 THE COUNTY OF MARICOPA. THE DESIGNER
 ASSUMES NO LIABILITY FOR THE PROVISIONS
 AND ENFORCEMENT THEREOF.

CARMICHAEL RESIDENCE DR
 7618W VILLA THERESA DR
 GLENDALE AZ
 PARCEL # 231-04-026
 (623)521-7731

K.N.F.
 DESIGN & DEVELOPMENT

DATE:
 DRAWN BY: KENNETH FULLER
 CHECKED BY: KENNETH FULLER
 CAD FILE:
 JOB #:
 SITE PLAN

LEGAL DESCRIPTIONS:

PARCEL 231-04-026
 PROPERTY ADDRESS 7618W VILLA THERESA DR
 LOTS 26

SITE DATA

SITE AREA 18,000 SF

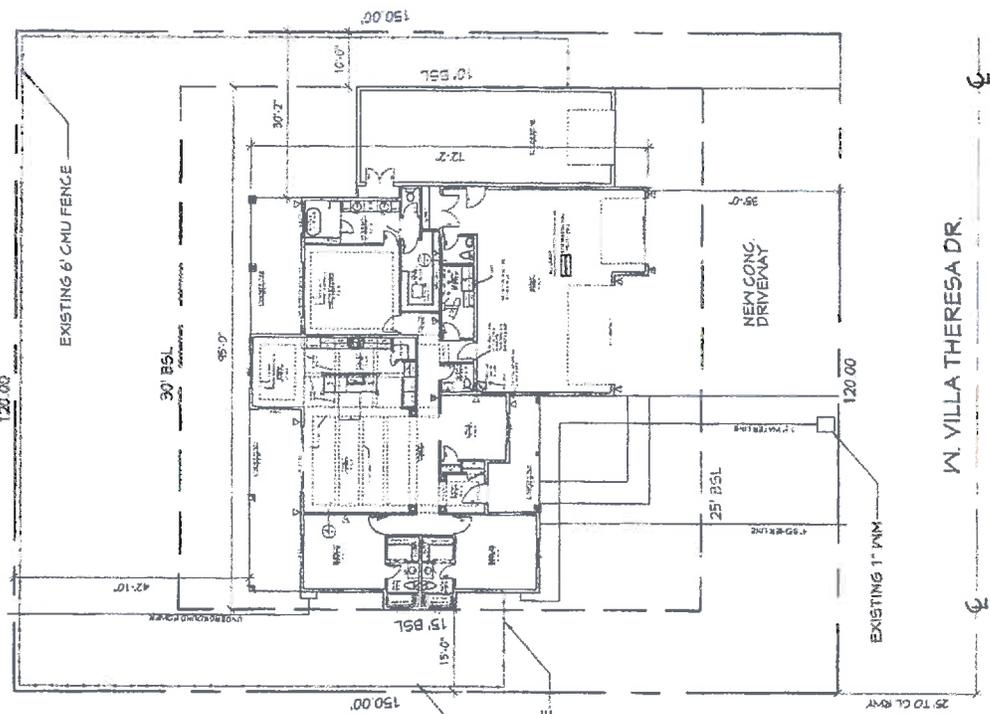
BUILDING DATA

PROPOSED USES HOUSE
 BUILDING CODES FOR: MARICOPA COUNTY, AZ

ZONING TYPES 2013 INTERNATIONAL BUILDING CODE
 CONSTRUCTION TYPE RSLT

CONSTRUCTION TYPE	SIZE
HOUSE	2,800 S.F.
GARAGES	1,100 S.F.
COVERED PATIO (P)	310 S.F.
COVERED ENTRY	298 S.F.
TOTAL NEW HOUSE	4,508 S.F.
EXISTING GARAGE	540 S.F.

TOTAL	5,328 SF
GROSS BUILDING AREA	5,328 SF / 18,000 SF
LOT COVERAGE	29.6%



SITE PLAN
 SCALE: 1"=10'-0"
 NORTH



label:lot-new-house

Cancel

Remove label

More

Unsubscribe

Vilia Theresa Residence

11/11/2014

Inbox

John Hofforth - john.hofforth@villia.com

Genl Mail

Scott and Michelle

Onsite

I received your letter and wanted to let you know that I have no problem with the requested variance you are applying for. Hopefully others are

Spam

Trash

Good luck

Archive

Send Copy

John and Cherie Hofforth
7807 W. Vilia Theresa Drive

Print

Reply

Reply All

Forward

Print

Scott Carmichael - scott@villia.com

See Details

Thank you very much

Reply

Reply All

Items House pics

Missing pics

new to:

Print

4.16 GB (27%) of 16 GB used
[More...](#)

Close

Personal

Work

Simons Group

Travelers Group

Travel

More



Scott Carmichael <sctcarm@gmail.com>

7618 W Villa Theresa Dr

2 messages

Joe Bourland <joe@joearizona.com>
To: sctcarm@gmail.com

Wed, Jan 27, 2016 at 8:18 PM

Scott,

We have no objection to the variance request of a 10' setback on the east property line.

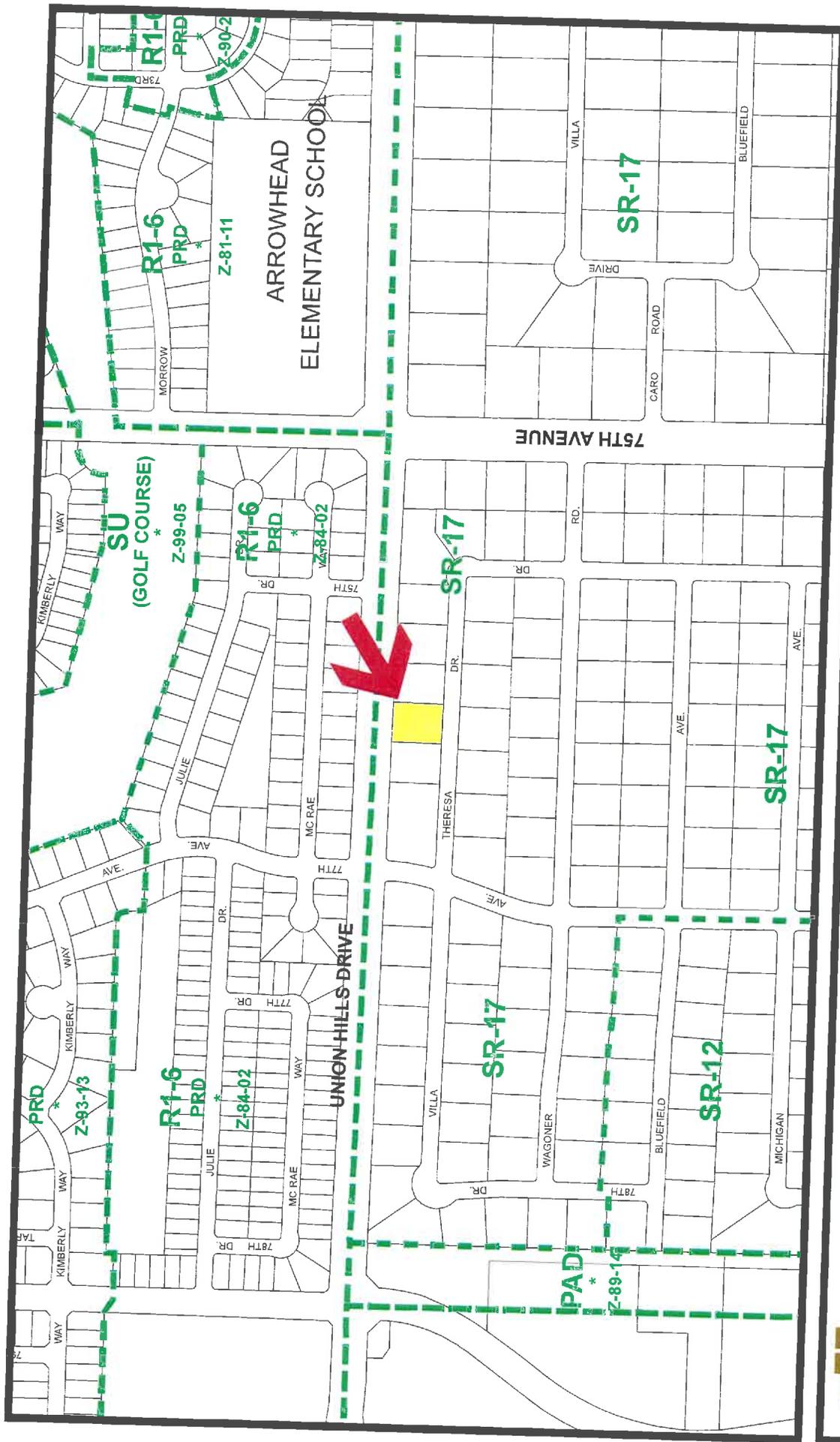
Joe and Courtney Bourland
7608 W Villa Theresa Dr
Glendale, AZ 85308
Sent from my iPhone

Scott Carmichael <sctcarm@gmail.com>
To: Joe Bourland <joe@joearizona.com>

Wed, Jan 27, 2016 at 8:19 PM

Thanks Joe

Included with hidden.



REQUEST

A VARIANCE TO REDUCE THE EAST SIDE YARD SETBACK FROM THE REQUIRED 15' TO 10' IN THE SR-17 (SUBURBAN RESIDENTIAL) ZONING DISTRICT.

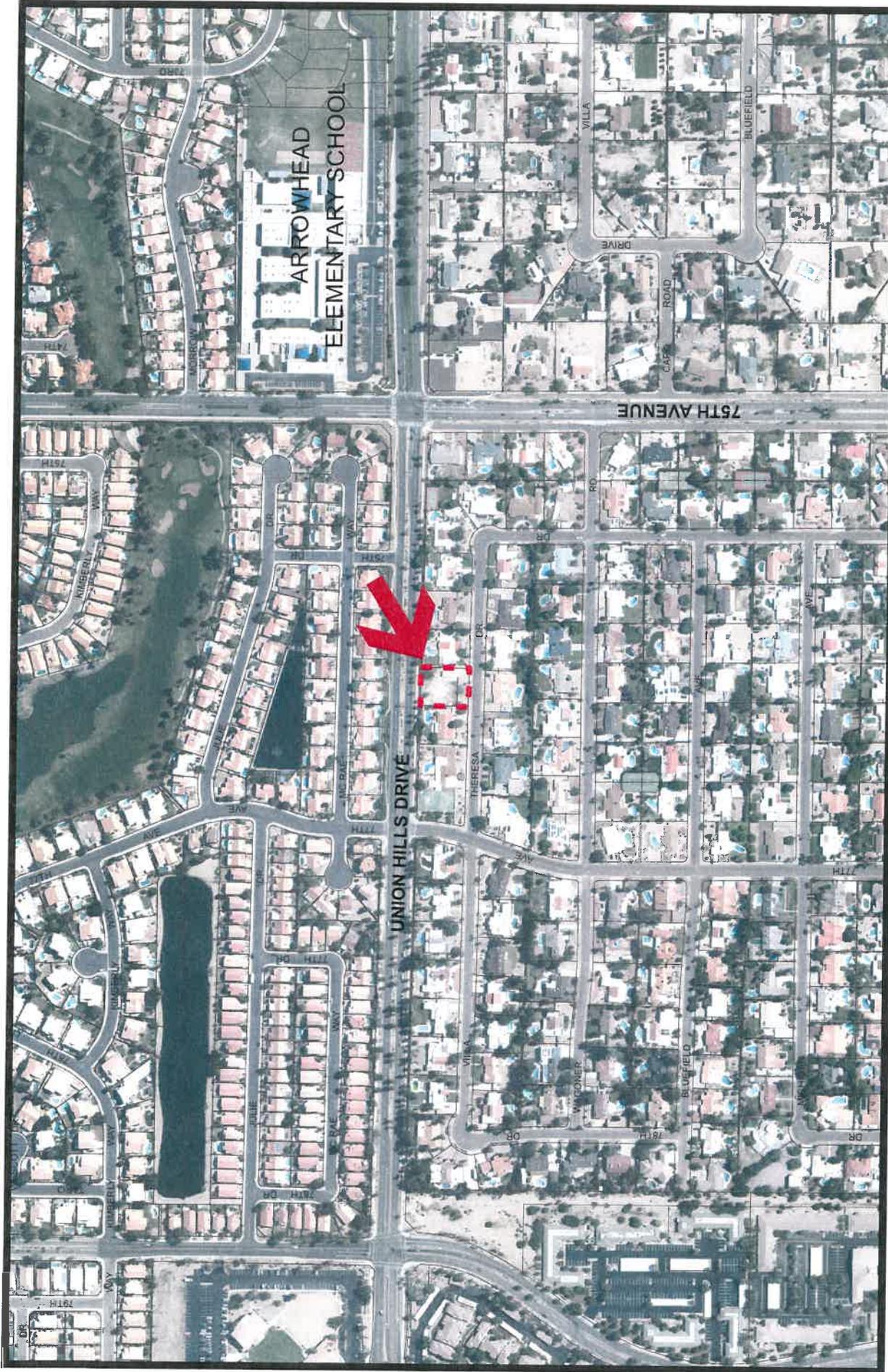
CASE NUMBER

VAR16-05



LOCATION

7618 W. VILLA THERESA DRIVE



Aerial Date: October 2014



CASE NUMBER
VAR16-05

