



# Board of Adjustment Regular Agenda

COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B-3  
SEPTEMBER 10, 2015  
4:00 P.M.

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

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES: July 9, 2015 Regular Meeting
- IV. WITHDRAWALS AND CONTINUANCES
- V. PUBLIC HEARING ITEMS
  1. **VAR15-04:** A request by Harry White Jr. to allow an increase of the permitted maximum height of a front yard wrought iron/cmu wall from three (3) feet to six (6) feet on a property zoned R1-6 (Single Residence). The site is located at the southeast corner of Bethany Home Road and 72<sup>nd</sup> Avenue (5909 North 72<sup>nd</sup> Avenue) and is in the Yucca District. Staff Contact: Martin Martell, Planner.
  2. **VAR15-12:** A request by Sheldon Shaw, representing Jerry & Vickie Moyes, to allow a reduction of the side yard setback from the required fifty (50) feet to fifteen (15) feet and increase the allowable lot coverage from ten (10) percent to fifteen (15) percent in order to allow an addition to the existing residence in the A-1 (Agricultural) zoning district. The site is located southeast of the southeast corner of 67<sup>th</sup> Avenue and Thunderbird Road (13327 North 65<sup>th</sup> Drive) and is in the Sahuaro District. Staff Contact: Martin Martell, Planner.
- VI. OTHER BUSINESS FROM THE FLOOR
- VII. PLANNING STAFF REPORT
- VIII. BOARD COMMENTS AND SUGGESTIONS
- IX. NEXT MEETING: October 8, 2015

X. ADJOURNMENT

**FOR SPECIAL ACCOMMODATIONS**



Please contact Diana Figueroa at (623) 930-2808 or [dfigueroa@glendaleaz.com](mailto: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.



# Board of Adjustment Meeting Minutes

COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B-3  
JULY 9, 2015  
4:00 P.M.

CALL TO ORDER The meeting was called to order at approximately 4:00pm.

ROLL CALL Board members Blakely, Feiner, Zarra, Vice Chairperson Vescio, and Chairperson Toops were present. Board member Dietzman was absent and excused.

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

APPROVAL OF MINUTES

Chairperson Toops called for approval of the May 14, 2015 Regular Meeting Minutes.

**Board member Zarra made a motion to approve the May 14, 2015 Regular Meeting Minutes. Board member Feiner seconded the motion, which was approved with a vote of 5 to 0.**

WITHDRAWALS AND CONTINUANCES

Chairperson Toops asked if there were any Withdrawals and Continuances. Ms. Perry said there were none.

PUBLIC HEARING ITEM

Chairperson Toops called for the Public Hearing Item.

**VAR15-03:** A Variance request by David Morris to reduce the rear yard setback to 12 feet where 20 feet is required in the R1-8 PRD (Single Residence, Planned Residential Overlay). The site is at 21697 North 53<sup>rd</sup> Drive and is in the Cholla District. Staff Contact: Thomas Ritz, AICP, Senior Planner.

Thomas Ritz, AICP, Senior Planner, stated this is a request to reduce the required rear yard setback to 12 feet where 20 feet is required in the R1-8 PRD (Single Residence, Planned Residential Development overlay) zoning district. If approved, the applicant intends to construct a walk-in closet. Staff is recommending approval subject to one stipulation listed in the staff report.

Mr. Ritz said the property is located within the Estates at Arrowhead Phase 1A subdivision, east of the southeast corner of Melinda Lane and 59<sup>th</sup> Avenue. The lot dimensions are approximately

90 feet wide (along 53<sup>rd</sup> Drive) and 100 feet long (along Melinda Lane). The lot also includes a narrow extension on the south side that provides frontage onto an existing lake.

He said notification letters were mailed to adjacent property owners and interested parties and Planning received no responses. Mr. Ritz said the applicant stated he received approval from the Arrowhead Lakes Homeowners Association regarding his request to construct an addition.

Mr. Ritz reviewed the 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;**

The depth of the lot creates a special circumstance not self-imposed by the property owner. The lot is unique due to the narrow portion that provides access to the lake. The construction of the desired addition requires some level of relief.

- 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 twenty (20) foot rear yard setback and prohibit the construction of the desired addition.

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

The requested rear yard setback is the minimum necessary to construct the requested 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 setback will permit the construction of the desired addition and will not detrimentally affect any neighboring properties.

Mr. Ritz stated he was available for questions.

Chairperson Toops called the applicant.

Mr. David Morris, applicant, introduced himself and stated he appreciates staff's assistance through the Variance process. Mr. Morris said as stated by staff he is interested in constructing a walk-in closet.

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

Based on the facts and evidence presented, Mr. James Gruber, Assistant City Attorney, 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 vote of 5 to 0 in favor.**

**Finding Two. Chairperson Toops called for a voice vote on Finding One. The Board responded with a vote of 5 to 0 in favor.**

**Finding Three. Chairperson Toops called for a voice vote on Finding One. The Board responded with a vote of 5 to 0 in favor.**

**Finding Four. Chairperson Toops called for a voice vote on Finding One. The Board responded with a vote of 5 to 0 in favor.**

Mr. Gruber asked, based on the findings, if the Board wished to grant variance VAR15-03, subject to the stipulation set forth by the Planning Division.

**Vice Chairperson Vescio made a motion to approve VAR15-03 subject to one stipulation in the staff report. Board member Blakely seconded the motion, which was approved with a vote of 5 to 0.**

#### OTHER BUSINESS FROM THE FLOOR

Chairperson Toops called for Other Business From The Floor. There was none.

#### PLANNING STAFF REPORT

Chairperson Toops called for the Planning Staff Report. Ms. Perry said there are tentatively two items scheduled for the August 13, 2015 Board of Adjustment hearing.

#### BOARD COMMENTS AND SUGGESTIONS

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

NEXT MEETING: August 13, 2015

ADJOURNMENT Chairperson Toops called for a motion to adjourn.

**With no further business, Board member Zarra made a motion to adjourn. Vice Chairperson Vescio seconded the motion, which was approved with a vote of 5 to 0.**

**The meeting adjourned at 4:22pm.**



# Planning Division Staff Report

**DATE:** September 10, 2015 **AGENDA ITEM:** 1

**TO:** Board of Adjustment

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

**SUBJECT:** **VARIANCE (VAR) APPLICATION VAR15-04: WHITE  
VARIANCE – 5909 NORTH 72<sup>ND</sup> AVENUE**

**REQUEST:** Variance to allow an increase of the permitted maximum height of front yard fences/walls from three (3) feet to six (6) feet on a property zoned R1-6 (Single Residence).

**APPLICANT/OWNER:** Harry White, Jr.

**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 VAR15-04 subject to stipulations.

**SUMMARY:** The applicant is requesting a variance to allow an existing six (6) foot wall in the front yard of their home, where three (3) feet is the permitted maximum height for front yard fences/walls in the R1-6 Zoning District.

**BOARD ACTION:** Board member \_\_\_\_\_ **MADE** a **MOTION** to \_\_\_\_\_  
**Case No. VAR15-04, subject to staff report stipulations. Board member** \_\_\_\_\_  
**SECONDED** the **MOTION**. The **MOTION** was \_\_\_\_\_ with a vote of \_\_\_\_\_ to \_\_\_\_\_.

**DETAILS OF REQUEST:**

**General Plan Designation:**

3.5 - 5 density units per acre (Medium Density Residential 3.5 - 5 density units per acre).

**Property Location and Size:**

The subject site is located on the southeast corner of Bethany Home Road and 72<sup>nd</sup> Avenue. Residentially zoned properties surround the site. The lot's dimensions are 126 feet wide by 141 feet deep, and the property is a total of 17,751 square feet in size.

**Zoning Ordinance Requirements:**

Section 5.3180A(1): Accessory Uses (within R1-6 -- Single Residence Zoning District)

- Front yard fences/walls: maximum height permitted is 3 feet.

**Surrounding Land Use and Zoning:**

North: Single-Family Residence, zoned R1-6.

East: Single-Family Residence, zoned R1-6.

South: Single-Family Residence, zoned R1-6.

West: Single-Family Residence, zoned R1-6.

**CITIZEN PARTICIPATION TO DATE:**

**Applicant's Citizen Participation Process:**

On June 1, 2015, notification letters were mailed to adjacent property owners and interested parties. The applicant received three (3) responses regarding this request. Two (2) of the responses were in favor of the property's addition, while one (1) of the responses were indifferent about the matter.

To date, Planning Staff has only received one (1) inquiry regarding this request. This respondent is vehemently opposed to the addition to the property. The respondent's concern centers on visibility and traffic safety for motorists, pedestrians, and bicyclists at the adjacent intersection of 72<sup>nd</sup> Avenue and Bethany Home Road. The respondent was advised that the applicant will address this issue by providing a visibility triangle to the northwest corner of the existing front yard wall. To further alleviate the respondent's concern, the applicant will remove part of the existing wall that falls outside of the visibility triangle to increase traffic safety at this intersection. 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 July 23, 2015. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on July 24, 2015. The property was posted on July 24, 2015.

As the August 13, 2015 Board of Adjustment public hearing was vacated, a second Notice of Public Hearing was published in *The Glendale Star* on August 20, 2015. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on August 21, 2015. The property was posted on August 21, 2015.

**STAFF FINDINGS AND ANALYSIS:**

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

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

Presently, the property is adjacent to a busy multi-lane arterial with a posted speed limit of forty (40) miles per hour. The posted speed limit has created safety concerns for the property owner in regards to his grandchildren and household pets, since accidents involving pedestrians and vehicles traveling at speeds over twenty-five (25) miles per hour are often fatal (Impact speed and a pedestrian's risk of severe injury or death, AAA Foundation for Traffic Safety, September 2011).

- 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;**

Unlike many of the homes within the R1-6 Zoning District where a three (3) foot wall in the front yard of the property is adjacent to a residential street, this property is located next to a high speed multi-lane arterial.

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

The requested increase of the permitted front yard fence/wall height of six (6) feet is the minimum necessary to alleviate the property owner's safety concerns for his grandchildren and pets.

- 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 height will be practically indiscernible from the street and the neighboring properties due to the majority of the front yard wall being a wrought iron view fence. Moreover, traffic safety will be enhanced with the addition of a visibility triangle on the northwest corner of the walled front yard adjacent to the intersection with Bethany Home Road and 72<sup>nd</sup> Avenue.

**RECOMMENDATION:**

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

1. Development shall be in conformance with the narrative dated June 1, 2015.

2. A visibility triangle shall be provided in the northwest corner of the walled in front yard set at a minimum of ten (10) feet from the west and north walls. The wall that is outside this visibility triangle shall be demolished and removed.

**ATTACHMENTS:**

1. Applicant's Narrative, date stamped July 10, 2015.
2. Applicant's Site Plans, date stamped July 10, 2015.
3. Citizen Participation Final Report (without mailing labels) approved July 10, 2015.
4. Vicinity Zoning Map.
5. Aerial Photograph, dated November 2012.

**PROJECT MANAGER:**

Martin Martell, Planner (623) 930-2597.  
[mmartell@glendaleaz.com](mailto:mmartell@glendaleaz.com)

**REVIEWED BY:**

  
\_\_\_\_\_  
Planning Director

  
\_\_\_\_\_  
Development Services Director

MM/df

# White Variance Description

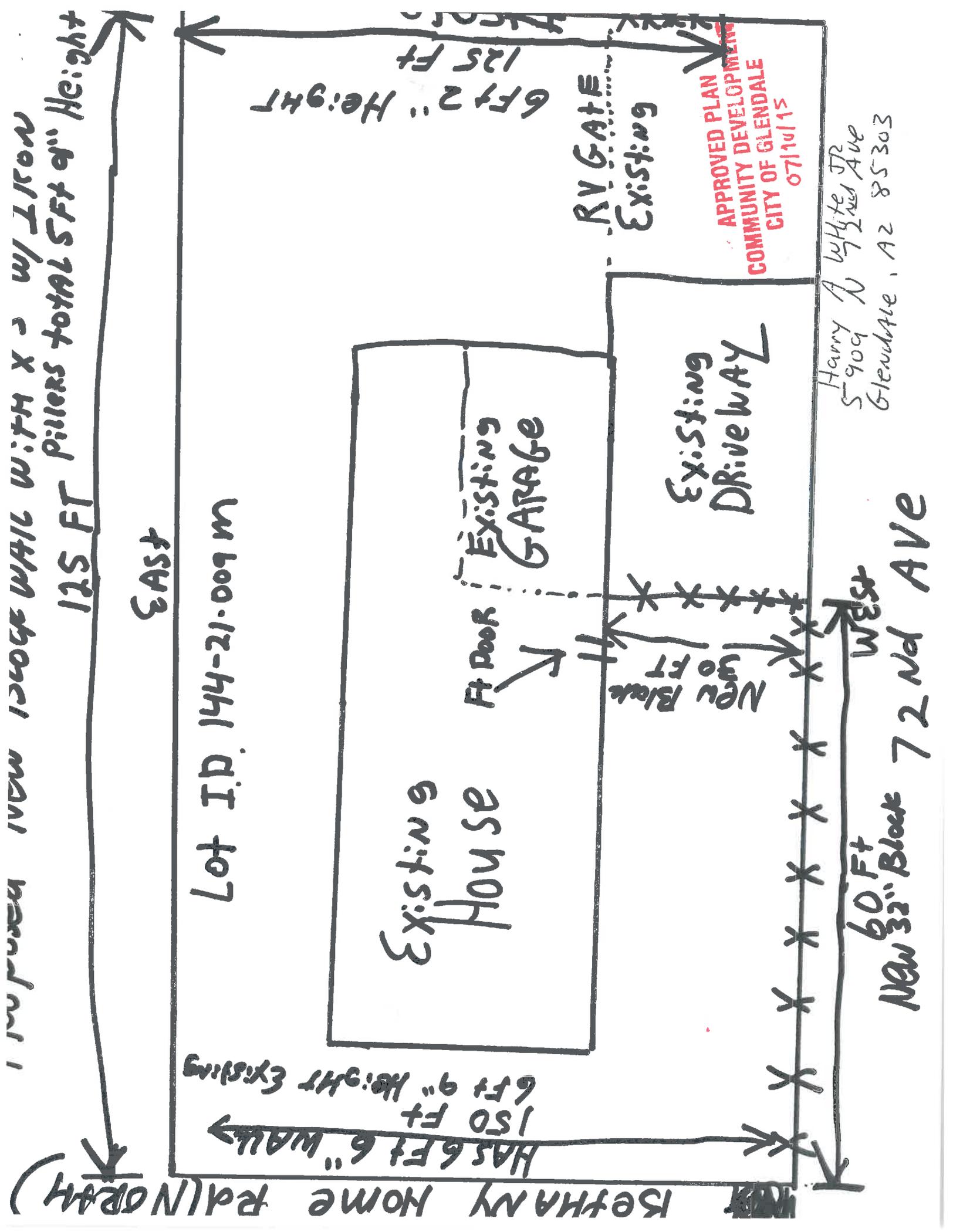
Case # VAR15-04

We are requesting a variance to add a fence in the front yard of residence that will accommodate a wrought iron view fence. This fence will be at the front property line and along the north side of the driveway.

This Property is at the South East corner of 72<sup>nd</sup> Ave and Bethany Home Road. The traffic along Bethany Home Road, which travels at high rates of speed, has us concerned for the safety of grandchildren and our dogs.

Approval of this request would allow for safety for our grandchildren to be in the front yard and the safety of the family pets.

**APPROVED PLAN  
COMMUNITY DEVELOPMENT  
CITY OF GLENDALE  
7/10/15  
Micki McCall**



RETHANY HOME PD (NORTH)

125 FT Pillars total 5 Ft 9" Height

EAST

HAS 6 FT 6" WALLS  
150 FT  
6 FT 9" Height Existing

Lot ID. 144-21-009 M

Existing House

Existing GARAGE

Ft DOOR

Existing DRIVEWAY

NEW Block 30 FT

RV GATE Existing

6 Ft 2" Height

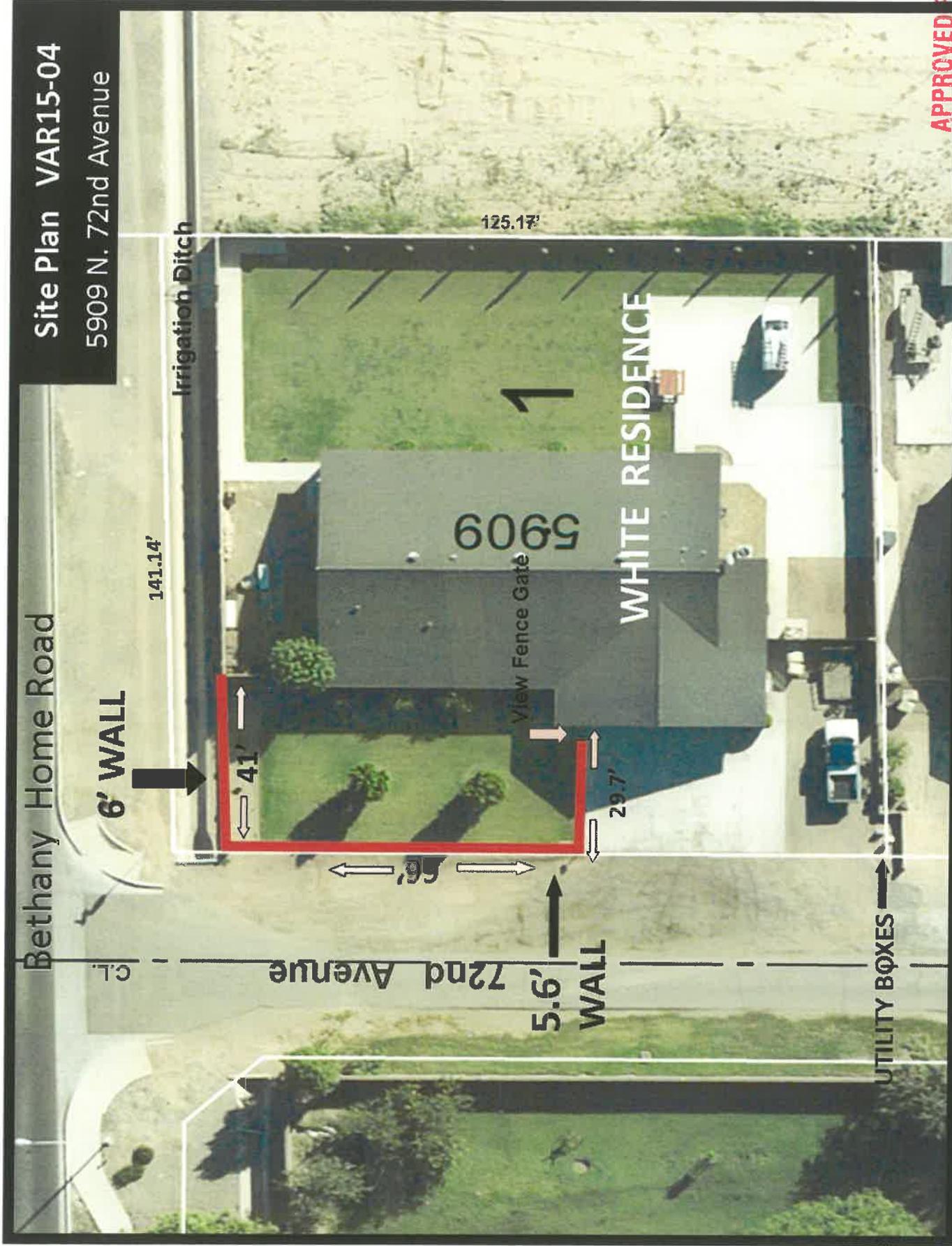
125 FT

APPROVED PLAN  
COMMUNITY DEVELOPMENT  
CITY OF GLENDALE  
07/10/15

Harry A White JR  
5909 72nd Ave  
Glendale, AZ 85303

WEST  
New 60 Ft  
32" Block 72nd AVE

**Site Plan VAR15-04**  
5909 N. 72nd Avenue



**APPROVED PLAN**  
**COMMUNITY DEVELOPMENT**  
**CITY OF GLENDALE**  
07/10/15 *Adrian Hall*

**NORTH**

# **Citizen Participation Final Report**

**White Variance  
5909 N. 72<sup>nd</sup> Ave  
Glendale, AZ 85303**

**Case # VAR15-04**

**Prepared By: Harry White Jr.**

**July 2015**

**APPROVED PLAN  
COMMUNITY DEVELOPMENT  
CITY OF GLENDALE**  
*Martin Martell* July 10, 2015

**Re: Variance for Fence**  
**Property address: 5909 N. 72<sup>nd</sup> Ave**  
**Glendale, AZ 85303**  
**Property owner: Harry A. White Jr.**

The primary purpose for this fence is to provide safety and security for my young Grandchildren and my dogs. The 30” requirement does not provide this and consequently creates a hardship in providing safety and security for my family. The wrought iron that is to be placed above the block provides the security and visibility required in the code, as well as an aesthetic enhancement to the neighborhood.

My home is located at the corner of 72<sup>nd</sup> Avenue and Bethany Home Road which is a very high traffic road.

The design of this fence does not inhibit the view of the property nor does it obstruct visibility for traffic on either street.

The Planning division has determined that a notification letter is the most appropriate notification technique for this project. Therefore the public notification to be used will be mailings and sent to Interested Parties and Property owners located within the Zoning District R1-6/ Counsel district : Yucca.

**APPROVED PLAN**  
**COMMUNITY DEVELOPMENT**  
**CITY OF GLENDALE**  
07/10/15

With regard to individuals that would or may be affected, no parties should be affected as the fence is entirely on my property and does not obstruct any street view.

The design of this fence does not inhibit the view of the property from the road nor does it obstruct visibility for traffic on the street. The primary purpose for this fence is to provide safety and security for the young Grandchildren and the dogs. The 30" requirement does not provide this and consequently creates a hardship in providing safety and security for my family. The wrought iron to be placed above the block provides the security, visibility as required in the code as well as an aesthetic enhancement to the neighborhood.

Any individual who feels that they are impacted by the construction of the fence are free to call me at any time during the application process to discuss their concerns. My direct number is 602-505-0952.

Although not anticipated, another notification letter will be mailed if any changes to my project occur before my hearing date.

I will stay in contact with the Project Planner and provide updates in a timely manner should that be necessary.

June 04, 2015

Harry A. White  
5909 N. 72<sup>nd</sup> Ave  
Glendale, AZ 85303

[AZRoscoe1962@gmail.com](mailto:AZRoscoe1962@gmail.com)

RE: Variance/Fencing of Front Property  
Case # VAR15-04

Dear Neighbor:

This letter is to inform you that I am applying for a Planning Application with the City of Glendale for a Variance. The property making the request is located at 5909 N. 72<sup>nd</sup> Avenue, Glendale, AZ 85303 in the Yucca council district.

This property is at the south-east corner of 72<sup>nd</sup> Ave and Bethany Home Road. The traffic along Bethany Home Road, which travels at high rates of speed, has us concerned for the safety for our grandchildren and our dogs. This concern consequently creates a hardship by failing to provide adequate safety and security for my family. This concern, also, has prompted us to request an increase of the allowed front yard fence height requirement from 3 feet to 5 feet 9 inches. The fence is placed along the front yard property line and along the north side of the driveway. The design of the fence will accommodate a wrought iron view fence with 32" CMU block columns placed every few feet. The decorative wrought iron that's placed across the top of the block wall will not inhibit the view of the property nor does it obstruct visibility for traffic on either 72<sup>nd</sup> Avenue or Bethany Home Road, all of which is required in the City Code.

I have included a site plan with this letter for your review. Please provide any comments to my request by June 15, 2015. Please write or email at the contact information above. You may also contact Martin Martell, Planner with the City of Glendale at 623-930-2597.

Sincerely,



Harry A. White Jr

Enc: Site Plan

# White Variance Citizen Participation Plan Elements

Case # VAR15-04

The White Variance case utilized the “Neighborhood Notification” method recommended by the City Planning Department. This method included mailing a project description letter and site plan explaining where the proposed addition would be located. The information was sent for review to the surrounding property owners with-in a 500’ radius. This also included who to contact with any questions, comments or concerns.

The citizen participation notification letters were mailed out on June 4, 2015 with proof of a notarized Affidavit of mailing.

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 65. Approximately 5 letters were returned as unable to forward or insufficient address.

All responses that were received from neighbors were supportive and positive.

We will comply with this request upon approval.

## Attachments:

- Outline map
- Site Plans
- Neighborhood Notification Area Map
- Citizen Participation Letter
- Appendix A (complete mailing list)

**RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA**

**NAME OF REQUEST:**

**WHITE RESIDENCE VARIANCE**

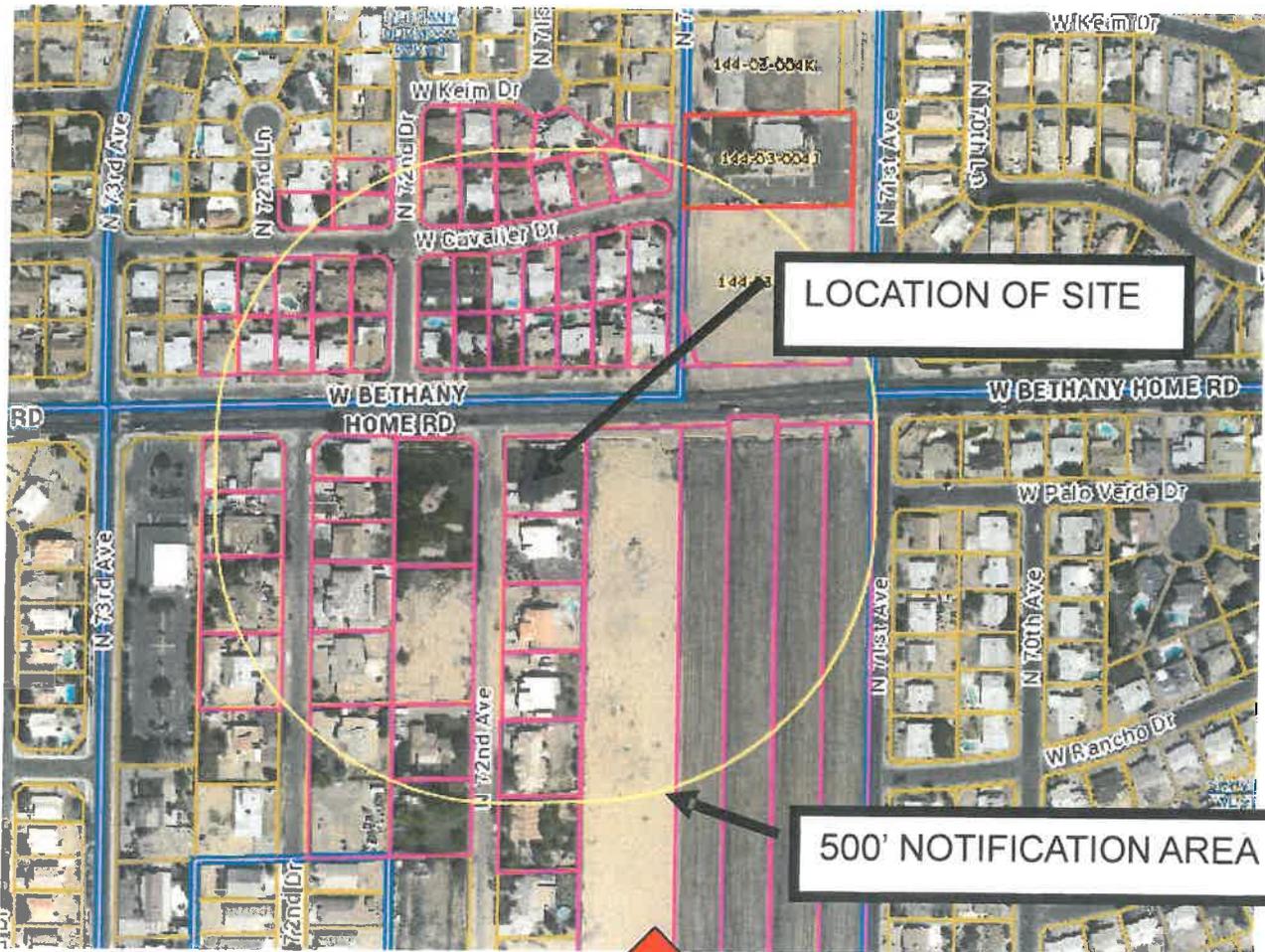
**LOCATION:**

**5909 North 72<sup>nd</sup> Avenue**

**REQUEST:** The applicant is requesting the approval of a variance to increase maximum height requirements for front yard wall/fences from 3 feet to 6 feet.

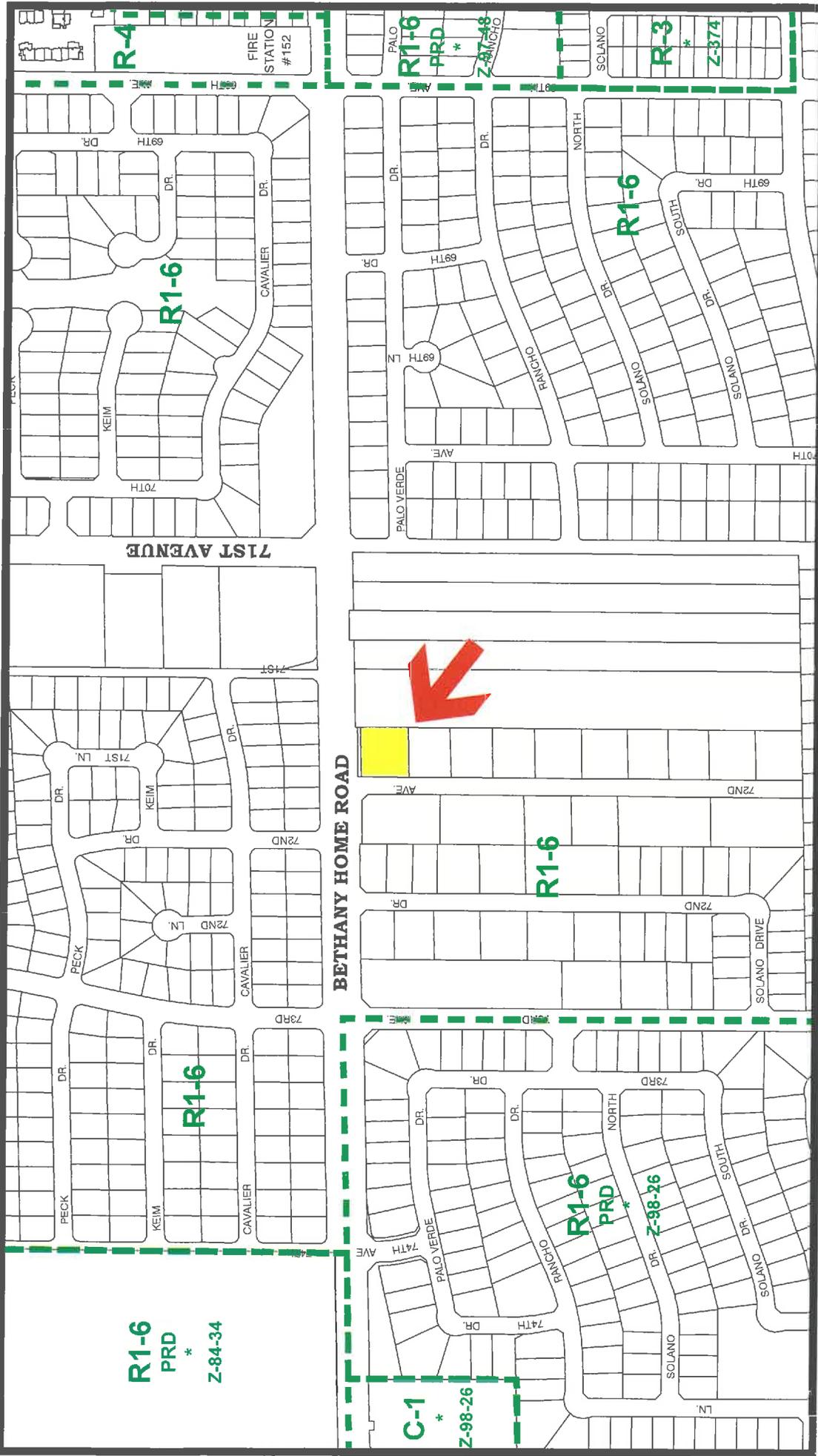
**ZONING DISTRICT: R1-6**

**COUNCIL DISTRICT: YUCCA**



**NORTH**

# **CITIZEN PARTICIPATION LETTER**

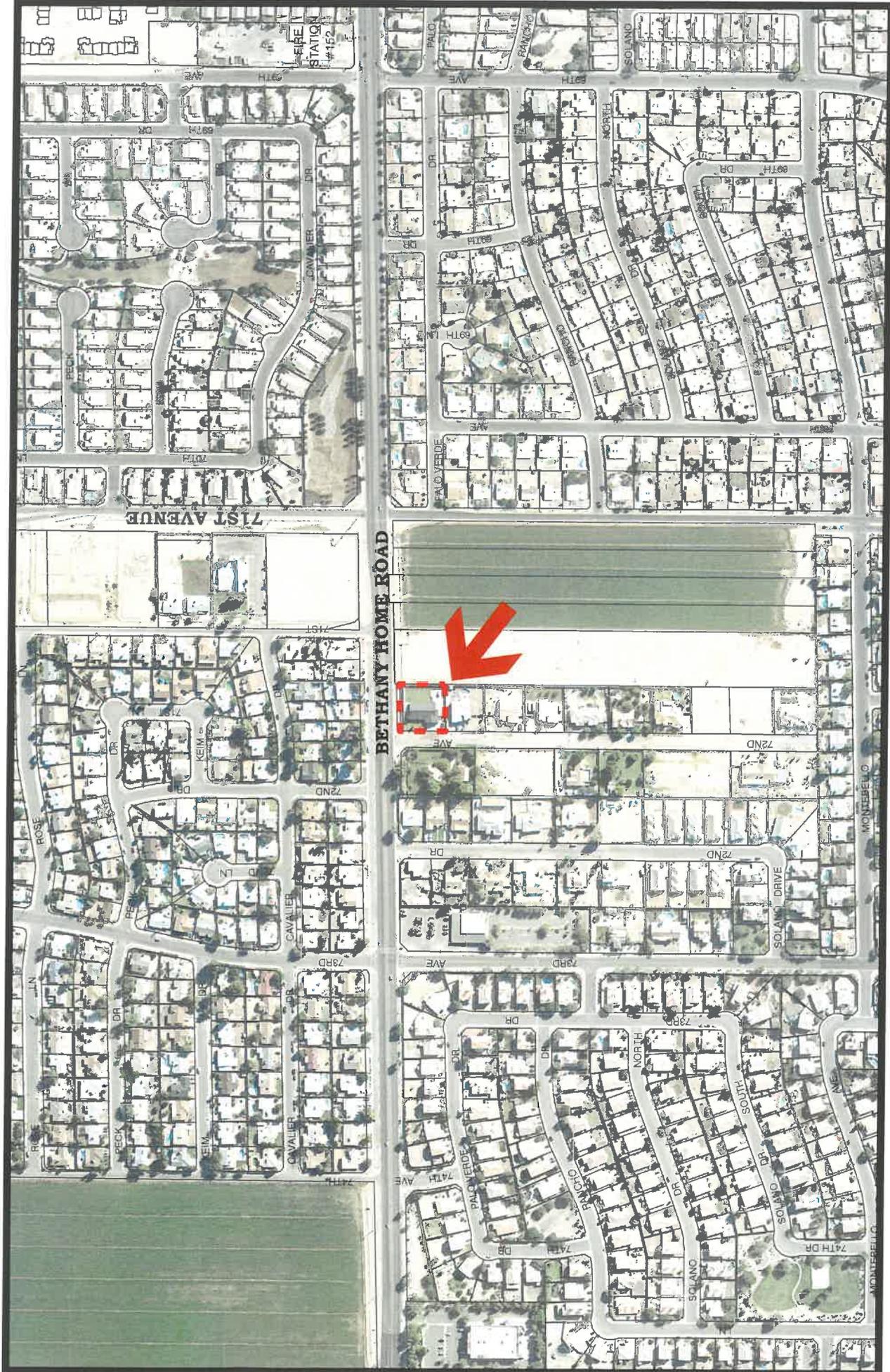


**CASE NUMBER**  
**VAR15-04**

**LOCATION**  
**5909 N. 72ND AVENUE**

**REQUEST**

**A VARIANCE TO ALLOW AN EXISTING 6' HIGH WALL IN THE FRONT YARD OF A PROPERTY IN THE R1-6 (SINGLE RESIDENCE) ZONING DISTRICT.**



Aerial Date: November 2012



**CASE NUMBER**  
**VAR15-04**





# Planning Division Staff Report

**DATE:** September 10, 2015 **AGENDA ITEM:** 2  
**TO:** Board of Adjustment  
**FROM:** Tabitha Perry, Assistant Planning Director  
**PRESENTED BY:** Martin Martell, Planner  
**SUBJECT:** **VARIANCE (VAR) APPLICATION VAR15-12: MOYES  
VARIANCE – 13327 NORTH 65<sup>TH</sup> DRIVE**

**REQUEST:** Variance to allow a reduction in the side yard setback from a required fifty (50) feet to fifteen (15) feet and increase the allowable lot coverage from ten (10) percent to fifteen (15) percent in order to allow an expansion to the existing garage in the A-1 (Agriculture) Zoning District.

**APPLICANT/OWNER:** Jerry & Vickie Moyes.

**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 VAR15-12 subject to stipulations.

**SUMMARY:** The applicant is requesting a variance to allow a reduction in the side yard setback from a required fifty (50) feet to fifteen (15) feet and increase the allowable lot coverage from ten (10) percent to fifteen (15) percent in the A-1 Zoning District. If approved, a garage expansion will occur to the existing single-family residence on the property.

**BOARD ACTION:** Board member \_\_\_\_\_ **MADE a MOTION to** \_\_\_\_\_  
Case No. VAR15-12, subject to staff report stipulations. Board member \_\_\_\_\_  
**SECONDED the MOTION.** The **MOTION** was \_\_\_\_\_ with a vote of \_\_\_\_\_ to \_\_\_\_\_.

## **DETAILS OF REQUEST:**

### **General Plan Designation:**

1 – 2.5 density units per acre (Low Density Residential 1 – 2.5 density units per acre).

### **Property Location and Size:**

The subject site is located on the north side of the cul-de-sac of 65<sup>th</sup> Drive, immediately south of Thunderbird Road. Commercially zoned properties are along the west side of the property and single-family residential properties are found to the north, east, and south of this site. The subject property consists of a total of 324,929 square feet, which is approximately 7.5 acres.

### **Zoning Ordinance Requirements:**

Section 5.106 – A-1 (Agricultural District, Development Standards) Table 1:

- Side yard setback: 50 feet.
- Allowable lot coverage: 10 percent.

### **Surrounding Land Use and Zoning:**

North: Single-Family Residence, zoned SR-30.

East: Single-Family Residence, zoned SR-17.

South: Single-Family Residence, zoned SR-17

West: Commercial Office, zoned C-O

## **CITIZEN PARTICIPATION TO DATE:**

### **Applicant's Citizen Participation Process:**

On May 1, 2015, notification letters were mailed to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. To date, Planning staff has received only one inquiry regarding this request. Their concern focused on the height of the proposed garage expansion. According to the applicant, the proposed garage expansion will maintain the same height as the existing garage. 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 July 23, 2015. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on July 24, 2015. The property was posted on July 24, 2015.

As the August 13, 2015 Board of Adjustment public hearing was vacated, a second Notice of Public Hearing was published in *The Glendale Star* on August 20, 2015. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on August 21, 2015. The property was posted on August 21, 2015.

**STAFF FINDINGS AND ANALYSIS:**

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

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

The property's lot size creates a special circumstance that is not self-imposed by the property owner. Presently the size of the lot is 7.5 acres far less than the required minimum lot size of forty (40) acres for parcels in the A-1 Zoning District. Therefore, the fifty (50) foot side yard setback and the ten (10) percent maximum lot coverage would be unrealistic for this property. The desire to expand an existing garage to secure additional vehicles is difficult if some exceptions to these standards are not granted. In this case, the garage expansion would extend the east side of the home fifteen (15) feet from the eastern property line. Furthermore, this expansion to the main portion of the home will increase lot coverage from ten (10) percent to fifteen (15) percent.

- 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;**

Several other homes within a 500-foot radius of the subject site have side yard setbacks of fifteen (15) feet and allowable lot coverages of thirty (30) percent. The reduction of side yard setbacks is in keeping with other residences in the neighboring SR-17 Zoning District. The strict application of the Zoning Ordinance would limit the property to a fifty (50) foot side yard setback and a ten (10) percent lot coverage on a lot that is far smaller than the minimum forty (40) acre lot size required for the A-1 Zoning District.

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

The requested side yard setback reduction and increase of the maximum lot coverage is the minimum necessary to construct the addition to the garage on this lot. The reduced side yard setback and increase of the lot area will not impact the residential property to the east since this adjoining property has a rear yard setback of forty (40) feet. Also, the requested fifteen (15) foot side yard setback would create a forty-five (45) foot separation between the two (2) properties.

- 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 decrease and increase of the permitted lot coverage will be practically indiscernible from the street and the neighboring properties. Also, this requested decrease of the side yard setback and increase the lot coverage will not detrimentally affect any neighboring properties, since these lots reside in the SR-17

Zoning District which permits fifteen (15) foot side yard setbacks and maximum lot coverages of thirty (30) percent.

**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 the approved narrative and site plan stamped June 30, 2015.
2. The proposed addition shall be attached and constructed with the same material and color(s) as the existing home.

**ATTACHMENTS:**

1. Applicant's Narrative, dated June 30, 2015.
2. Applicant's Site Plan, dated June 30, 2015.
3. Citizen Participation Final Report (without mailing labels) approved June 30, 2015.
4. Vicinity Zoning Map.
5. Aerial Photograph, November 2012.

**PROJECT MANAGER:** Martin Martell, Planner (623) 930-2597.  
[mmartell@glendaleaz.com](mailto:mmartell@glendaleaz.com)

**REVIEWED BY:**

  
\_\_\_\_\_  
Planning Director

  
\_\_\_\_\_  
Development Services Director

MM/df

## Moyes Variance Narrative

We are requesting a variance to reduce side-yard building setback from 50' to 15' for a proposed 1,042 S.F. garage addition and to increase the allowable lot coverage from 10% to 15% for a property in the A-1 zoning district. The approval of this request would allow the residence to park and secure additional vehicles indoors utilizing the existing concrete driveway.

The subject property is located at 13327 N. 65<sup>th</sup> Drive in the rear of a cul-de-sac with the proposed addition locate along the East side of the lot making it only visible from the three adjacent neighboring lots. The residence at 13508 N. 65<sup>th</sup> Ave. and 13496 N. 65<sup>th</sup> Ave. on the East side and the residence at 13311 N. 65<sup>th</sup> Ave. to the Southeast would be indirectly affected by this proposal.

All of the surrounding residential lots in the SR-17 zoning district currently allow a side yard setback of 15' from the property line which is what this variance is requesting.

**APPROVED PLAN  
COMMUNITY DEVELOPMENT  
CITY OF GLENDALE**  
C. 30.15  
*M. M. M.*



# Citizen Participation Final Report

Moyes Variance  
13327 N. 65<sup>th</sup> DR.  
Glendale, Az. 85304

Case # SR15-0017

Prepared By:  
William D. Down

April 2015

APPROVED PLAN  
COMMUNITY DEVELOPMENT  
CITY OF GLENDALE

*William D. Down*  
June 30, 2015

## Moyes Variance Description

Case # SR15-0017

We are requesting a variance to reduce the side-yard building setback to 15' feet for a proposed 1,042 S.F. garage addition and to increase the allowable lot coverage from 10% percent to 15%. The approval of this request would allow the residence to park and secure additional vehicles indoors utilizing the existing concrete driveway.

The subject property is located in the rear of a cul-de-sac with the proposed addition located along the East side of the lot making it only visible from three adjacent neighboring lots. The residence at 13508 N. 65<sup>th</sup> Ave. and 13496 N. 65<sup>th</sup> Ave. on the East side and the residence at 13311 N. 65<sup>th</sup> Ave. to the Southeast would be indirectly affected by this proposal.

All the surrounding residential lots currently allow a side yard setback of 15' from the property line which is what this variance is requesting.

# Moyes Variance Citizen Participation Plan Elements

Case # SR15-0017

The Moyes variance case utilized the "Neighborhood Notification" method recommended by the City planning department. This method included mailing 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 on April 30<sup>th</sup>, 2015 and mailed out on May 1<sup>st</sup>, 2015.

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 107. This included homeowner associations, neighborhood groups, interested parties, surrounding property owners and additional notification list addresses provided by the City planning dept. (13 letters were returned as "unable to forward or insufficient address").

The only question or concern that was received during the 3 week respond time the Notification Letter generated was "how tall is the proposed addition?" (Reply was -to match the roof line and eve height as the existing structure.)

Attachments: \* Outlined Map (adjacent property owners)  
\*List of HOA's, neighborhood groups, interested parties and additional notification lists  
\*Citizen participation Letter (April 29, 2015)  
\*Site Plan  
\*Appendix A (Complete mailing list)

## RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA

NAME OF REQUEST: MOYES VARIANCE

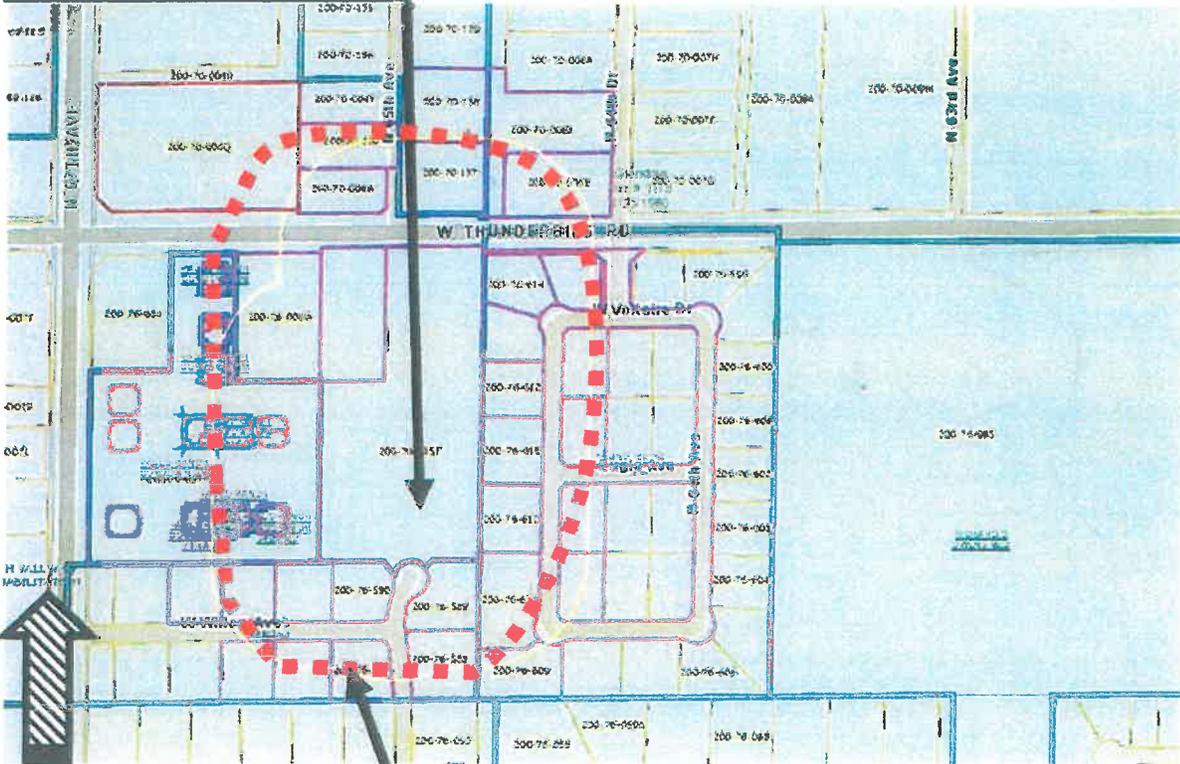
LOCATION: 13327 North 65<sup>th</sup> DR.

The applicant is requesting the approval of a variance to reduce the required side yard setback from 50 feet to 15 feet and increase the permitted lot coverage from 10 percent to 15 percent.

ZONING DISTRICT: A-1

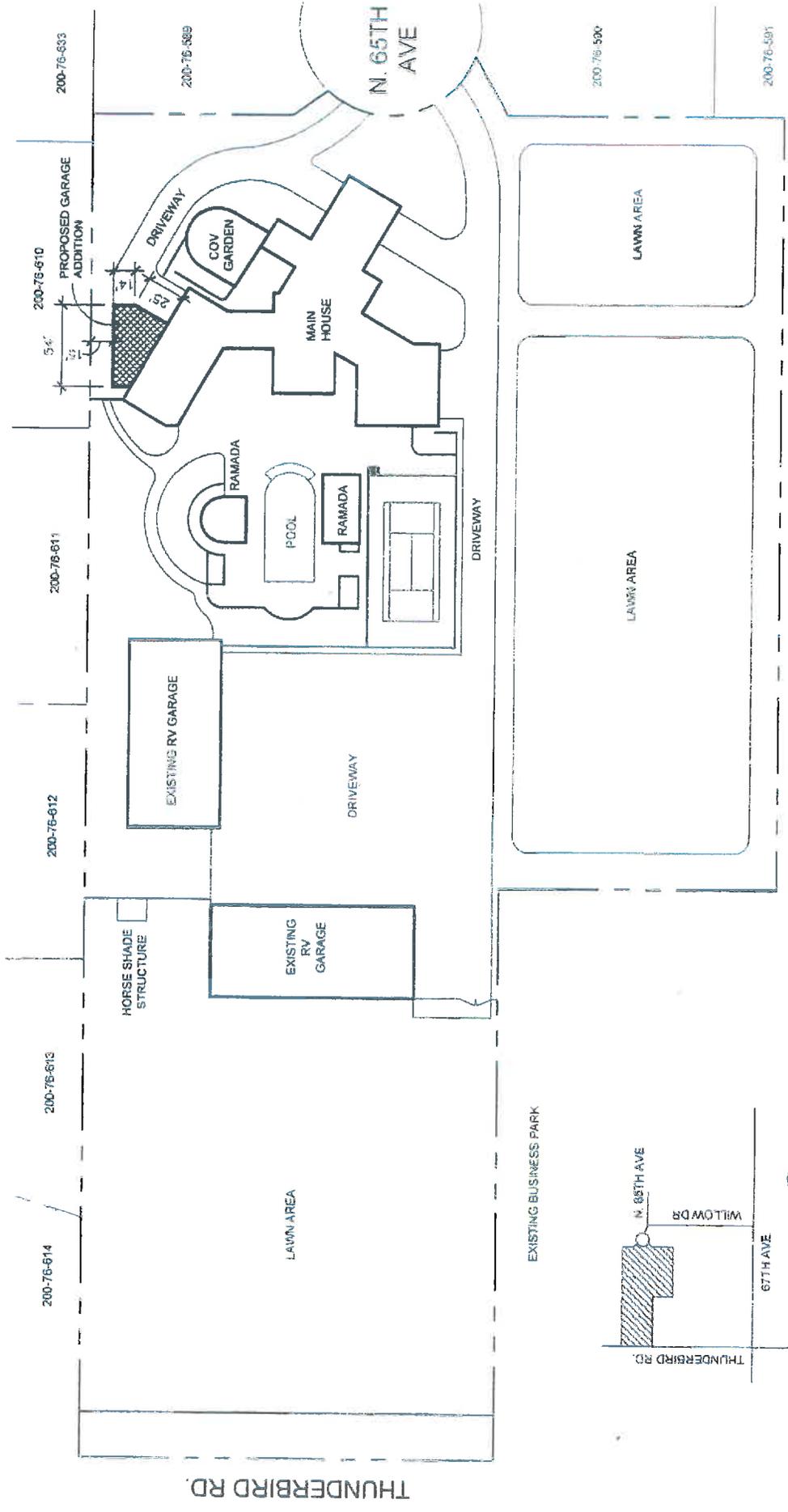
COUNCIL DISTRICT: Sahuaro

### LOCATION OF SITE



North

300' NOTIFICATION AREA



**PROPOSED ATTACHED GARAGE ADDITION**

VARIANCE FOR 15' BUILDING SETBACK APPROVAL AT EAST PROPERTY LINE.

MR. JERRY MOVES RESIDENCE  
13327 N. 65TH DRIVE GLENDALE, AZ 85304

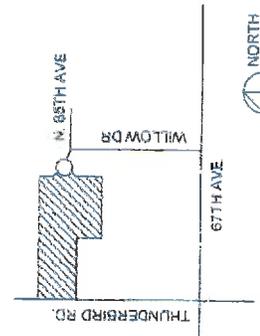
EXISTING BUSINESS PARK



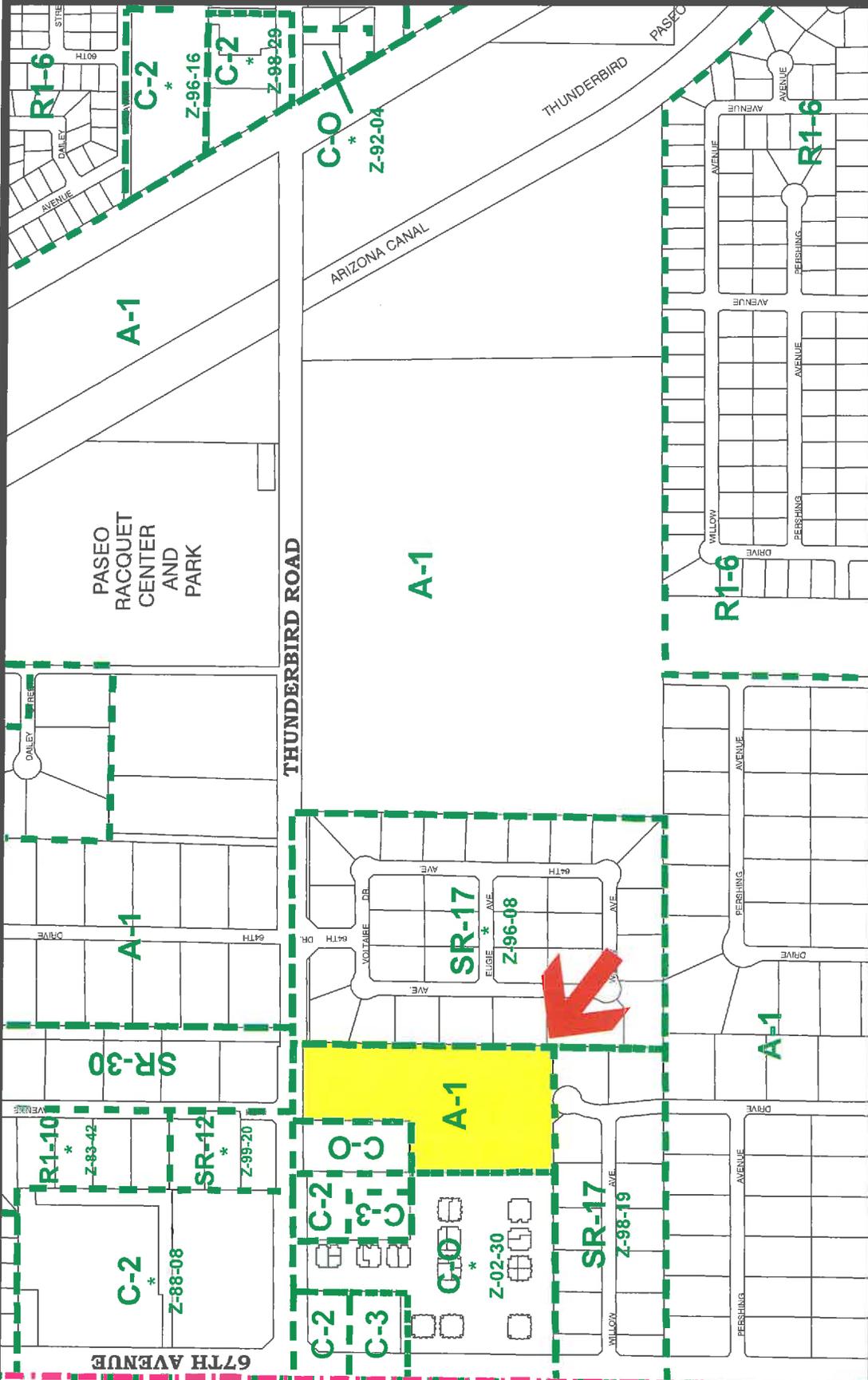
SITE PLAN



VICINITY MAP



City of Peoria



**CASE NUMBER**  
**VAR15-12**



**REQUEST**  
 A VARIANCE TO REDUCE THE SIDE YARD  
 SETBACK TO 15' AND INCREASE  
 ALLOWABLE LOT COVERAGE TO 15% IN  
 THE A-1 (AGRICULTURAL) ZONING DISTRICT.

**LOCATION**  
 13327 N. 65TH DRIVE



Aerial Date: November 2012



**CASE NUMBER**  
**VAR15-12**



*City of Peoria*