



# Board of Adjustment Regular Agenda

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

THURSDAY, SEPTEMBER 8, 2011  
6:00 P.M.

- 
- I. CALL TO ORDER
  - II. ROLL CALL
  - III. APPROVAL OF MINUTES: May 12, 2011 Regular Meeting
  - IV. WITHDRAWALS AND CONTINUANCES
  - V. PUBLIC HEARING ITEM  
  
**VAR11-04:** A request by Chris and Jennifer Flaherty for a variance to allow 30% lot coverage where 10% lot coverage is allowed in the A-1 (Agricultural) zoning district. The site is located west of the southwest corner of 53<sup>rd</sup> Avenue and Waltann Lane (5341 West Waltann Lane). Staff Contact: Remigio Cordero, Planner (Sahuaro District).
  - VI. OTHER BUSINESS FROM THE FLOOR
  - VII. PLANNING STAFF COMMENTS AND SUGGESTIONS
  - VIII. BOARD COMMENTS AND SUGGESTIONS
  - IX. NEXT MEETING: October 13, 2011
  - 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)).

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  
5850 WEST GLENDALE AVENUE  
GLENDALE, ARIZONA 85301**

**THURSDAY, MAY 12, 2011  
6:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

II. ROLL CALL

Board Members Present: Chairperson DeLossa, (Barrel), Vice Chair Bert Schwind, (Yucca), Ryan Mander, (Cactus), Jeff Blake (Mayoral), Cathy Cheshire (Cholla), Sandra Mendez (Ocotillo)

Board Member Absent: Douglas Berg (Sahuaro)

City Staff: Bill Luttrell, Senior Planner, Remigio Cordero, Planner, Paul Li, Assistant City Attorney, Gilbert Lopez, Revitalization Administrator, Alicia Rubio, Revitalization Coordinator, Diana Figueroa, Recording Secretary

III. APPROVAL OF MINUTES:

Chairperson DeLossa called for a **MOTION** regarding the Minutes from the Regular Meeting of October 14, 2010. Board member Mander made a **MOTION** to **APPROVE** the minutes as written. Board member Schwind **SECONDED** the **MOTION, which was approved 6 to 0.**

Chairperson DeLossa called for a **MOTION** regarding the Minutes from the Board Training of December 9, 2010. Board member Mander made a **MOTION** to **APPROVE** the minutes as written. Board member Schwind **SECONDED** the **MOTION, which was approved 6 to 0.**

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS:

Chairperson DeLossa called for the Public Hearing item.

**VAR11-01:** A variance request by the City of Glendale Community Revitalization Division, representing Jose Alavez, for a variance to allow a 15 foot side yard setback to the north and a 10 foot side yard setback to the south where a 20 foot perimeter setback is required in the R-3 (Multiple Residence) Zoning District. The site is located south of the southwest corner of Lamar Road and 60<sup>th</sup> Avenue (6738 North 60<sup>th</sup> Avenue). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Cordero explained this request to reduce the north side yard setback to 14 feet and the south side yard setback to 10 feet where a 20 foot perimeter setback is required for the R-3 (Multiple Residence) zoning district. He said the applicant is the City of Glendale Community Revitalization Division representing Mr. Jose Alavez.

Mr. Cordero said the applicant is requesting a variance to reduce the side yard setbacks to contrast a 572 square foot room addition. If approved, the City of Glendale Community Revitalization Division can proceed with submitting construction documents to the Community Development Group for review.

He indicated the property is located south of the southwest corner of 60<sup>th</sup> Avenue and Lamar Road and is approximately 9,000 square feet in size.

Mr. Cordero included by stating the request appears to meet all four findings and should be approved with the stipulations in the staff report.

**Chair DeLossa called for questions from the Board.**

Board member Blake asked if this is a multiple residence or a single family. Mr. Cordero stated it is a single family residence, which the zoning being R-3.

Chair DeLossa called for the applicant's presentation.

Ms. Alicia Rubio, Community Revitalization Division, explained that Mr. Alavez had applied for the Residential Remodel Program, which is federally funded. The purpose of the program is to rehabilitate single family residences. In addition to remodeling, an addition of 572 square feet is going to be included. This addition will be two more bedrooms and increasing the size of the bathrooms. She was open for questions.

Board member Schwind questioned what percentage of the project is funded by the property owner. Ms. Rubio explained it is a grant where a lien is placed on the home. This is forgiven over a period of time. In this case, it will be forgiven over a 20 year time period.

Board member Cheshire said this sounds like a wonderful program.

**Chair DeLossa opened the public hearing.**

**With no one wishing to speak, Chair DeLossa closed the public hearing.**

**Chair DeLossa called for any other questions or discussions from the Board. The Board had no questions; therefore, he asked Mr. Paul Li, Assistant City Attorney, to proceed with the findings.**

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

**Board member Mander made a motion to APPROVE Finding One, with Board member Blake seconding the MOTION.**

**Finding One. Chair DeLossa called for a voice vote on Finding One. The Board responded with a 6 – 0 vote of “Aye”.**

**Board member Blake made a motion to APPROVE Finding Two, with Board member Schwind seconding the MOTION.**

**Finding Two. Chair DeLossa called for a voice vote on Finding Two. The Board responded with a 6 – 0 vote with Board member Schwind voting “Nay”.**

**Board member Mander made a motion to APPROVE Finding Three, with Board member Cheshire seconding the MOTION.**

**Finding Three. Chair DeLossa called for a voice vote on Finding Three. The Board responded with a 6 – 0 vote with Board member Schwind voting “Nay”.**

**Board member Mander made a motion to APPROVE Finding Four, with Board member Cheshire seconding the MOTION.**

**Finding Four. Chair DeLossa called for a voice vote on Finding Four. The Board responded with a 6 – 0 vote of “Aye”.**

Mr. Li asked that if based upon these findings, does the Board wish to grant a variance on VAR11-01 subject to the stipulations as set forth by the Planning Department.

**Chair DeLossa polled the Board. They responded with a 5 – 0 vote of “Aye”. Case No. VAR11-01 was APPROVED 6 to 0.**

- VI. OTHER BUSINESS FROM THE FLOOR:  
Chairperson DeLossa called for Other Business.

VII. PLANNING STAFF REPORT:

Chairperson DeLossa called for Staff Report. Mr. Luttrell stated there will be a special workshop on Wednesday, June 8 at 6:00pm, with the regular meeting taking place on Thursday, June 9.

VIII. BOARD COMMENTS AND SUGGESTIONS:

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

Board member Mander asked for the proper procedure when approving the Findings. Mr. Li explained the process for the Board. In addition, the Board reviewed the protocol for making and approving motions.

Board member Schwind mentioned his concern regarding the delay in approval of Board minutes. Board meetings are held on a need only basis, therefore, minutes are not approved until the next public hearing. The last hearing took place in December 2010. Mr. Li stated there may be some options and would research this issue. He said he would provide the Board with his findings.

IX. ADJOURNMENT:

The meeting adjourned at approximately 6:42 p.m.

Respectfully Submitted,

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Diana Figueroa, Recording Secretary



# Planning Department Staff Report

**DATE:** September 8, 2011 **AGENDA ITEM: 1**

**TO:** Board of Adjustment

**FROM:** Bill Luttrell, Senior Planner  
**PRESENTED BY:** Remigio Cordero, Planner

**SUBJECT:** **VARIANCE APPLICATION VAR11-04: FLAHERTY  
VARIANCE – 5341 WEST WALTANN LANE**

**REQUEST:** To increase the lot coverage to 30% where 10% is allowed in the A-1 (Agricultural) zoning district.

**APPLICANT/OWNER:** Chris and Jennifer Flaherty

**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 property. 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 VAR11-04 subject to stipulations.

**SUMMARY:** The applicant is requesting a variance to increase the lot coverage to 30%. If approved this would allow the owners to construct an accessory structure in the future.

**BOARD ACTION:** Case No. VAR11-04 was \_\_\_\_\_, subject to staff report stipulations, with a \_\_\_\_\_ to \_\_\_\_\_ vote.

**DETAILS OF REQUEST:**

**General Plan Designation:**

Low Density Residential

**Property Location and Size:**

The property is located west of the southwest corner of 53<sup>rd</sup> Avenue and Waltann Lane. The property is approximately 15,495 square feet in size.

**Zoning Ordinance Requirements:**

Table 1 Single Residence Districts Development Standards  
A-1 (Agricultural) maximum lot coverage 10%.

**Surrounding Land Use and Zoning:**

North: Single Residence, across Waltann Lane, zoned A-1

East: Single Residence, zoned A-1

South: Single Residence, zoned A-1

West: Single Residence, zoned A-1

**History:**

- This lot is part of the Sunburst Farms 21 subdivision, which was platted in the City of Glendale on November 14, 1972. The home was constructed in 1973.

**CITIZEN PARTICIPATION TO DATE:**

**Applicant's Citizen Participation Plan:**

On April 12, 2011 the applicant mailed 59 notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. The Planning Department received no response regarding the request. The applicant's Citizen Participation Final Report is attached.

**Board of Adjustment Public Hearing:**

A Notice of Public Hearing was published in *The Glendale Star* on August 18, 2011. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on August 19, 2011. The property was posted on August 18, 2011.

**STAFF FINDINGS AND ANALYSIS:**

The Board of Adjustment must make 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 A-1 zoning district requires 40 acres minimum net lot area with a lot coverage of 10%. The property is a legal non-conforming lot with approximately 15,495 square feet in size and existed before current zoning regulations became effective. This is a special circumstance not self-imposed by the property owner.

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

There are numerous properties surrounding this parcel with lot coverages similar to the applicant's request. Additionally, many properties in the neighborhood have received similar variances. For a parcel of this size in the A-1 zoning district, the maximum 10% lot coverage is restrictive. Therefore, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in this neighborhood.

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

The variance is the minimum necessary to accomplish the applicants' objective to bring the home into compliance with the lot coverage and to construct an accessory building in the future.

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

Increasing the lot coverage is generally consistent with the developed properties in the area and does not appear to be detrimental. There are similar additions and structures in this neighborhood that reflect what the applicant is proposing.

**RECOMMENDATION:**

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

1. Development shall be in conformance with applicable site, floor, and elevation plans, date-stamped August 11, 2011.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

**ATTACHMENTS:**

1. Applicant's Narrative, date stamped August 3, 2011.
2. Site Plan, date stamped August 3, 2011
3. Citizen Participation Final Report (without mailing labels), approved August 3, 2011.
4. Vicinity Zoning Map.
5. Aerial Photograph, dated November, 2008.

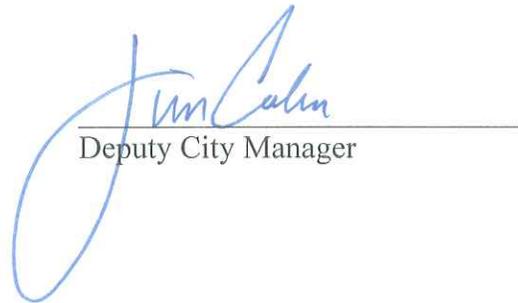
**PROJECT MANAGER:**

Remigio Cordero, Planner (623) 930-2597  
[rcordero@glendaleaz.com](mailto:rcordero@glendaleaz.com)

**REVIEWED BY:**

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

RC/df

  
\_\_\_\_\_  
Deputy City Manager

RECEIVED

AUG 03 2011

Glendale Planning Dept.

*Angie Cordova*

Detached Garage  
5341 West Waltann Lane  
VAR11-04  
Chris Flaherty  
August 3, 2011

## PROJECT NARRATIVE

### INTRODUCTION

I have a single family residence with a 15,495 square foot lot and I am located at 5341 West Waltann Lane. I am in the Sahuaro Council District and my major cross roads are 51<sup>st</sup> Avenue & Greenway.

I would like to build a detached garage in my backyard to work on my personal vehicles and store my tools.

### REQUEST

The current restriction for property in the A-1 Zoning district is 10% habitable coverage of the lot size. I am requesting a variance from the prescribed 10% to 30% so as to allow me to build this garage. The structure would be built and would add 750 square feet to the total lot coverage.

### FINDINGS FOR A VARIANCE

- 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 is in the A-1 Zoning District which allows only 10% habitable coverage of the actual lot size. I would like to bring it to compliance with current standards and request a variance to allow 30% habitable coverage. My property is out of compliance because the majority of A-1 Zoning District property lot sizes are close to a full acre; my property is not even a half an acre. That is why my house is over the 10% habitable coverage due to the builder of the house. This variance would bring me to compliance and allow for the construction of the detached garage.

- 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 hinder the addition of any structures onto this property. However, when surveying the neighborhood, it is noticeable that many neighbors have structures on their properties which add significantly more to the habitable coverage than the 10% allowed.

Detached Garage  
5341 West Waltann Lane  
VAR11-04  
Chris Flaherty  
August 3, 2011

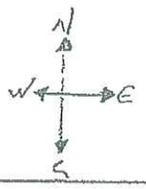
**3. The variance is the minimum necessary to alleviate the property hardship; and**

The property is currently over the required lot coverage and to increase the lot coverage to 30% would allow not only my proposed garage, but my home to be in compliance with the zoning ordinance.

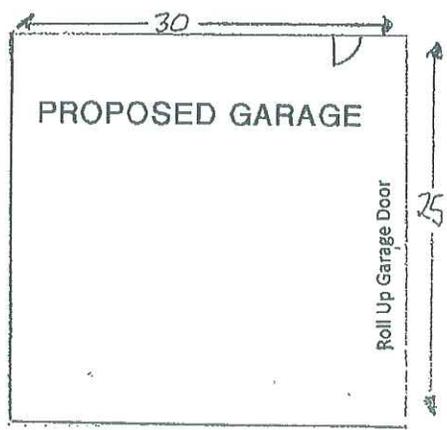
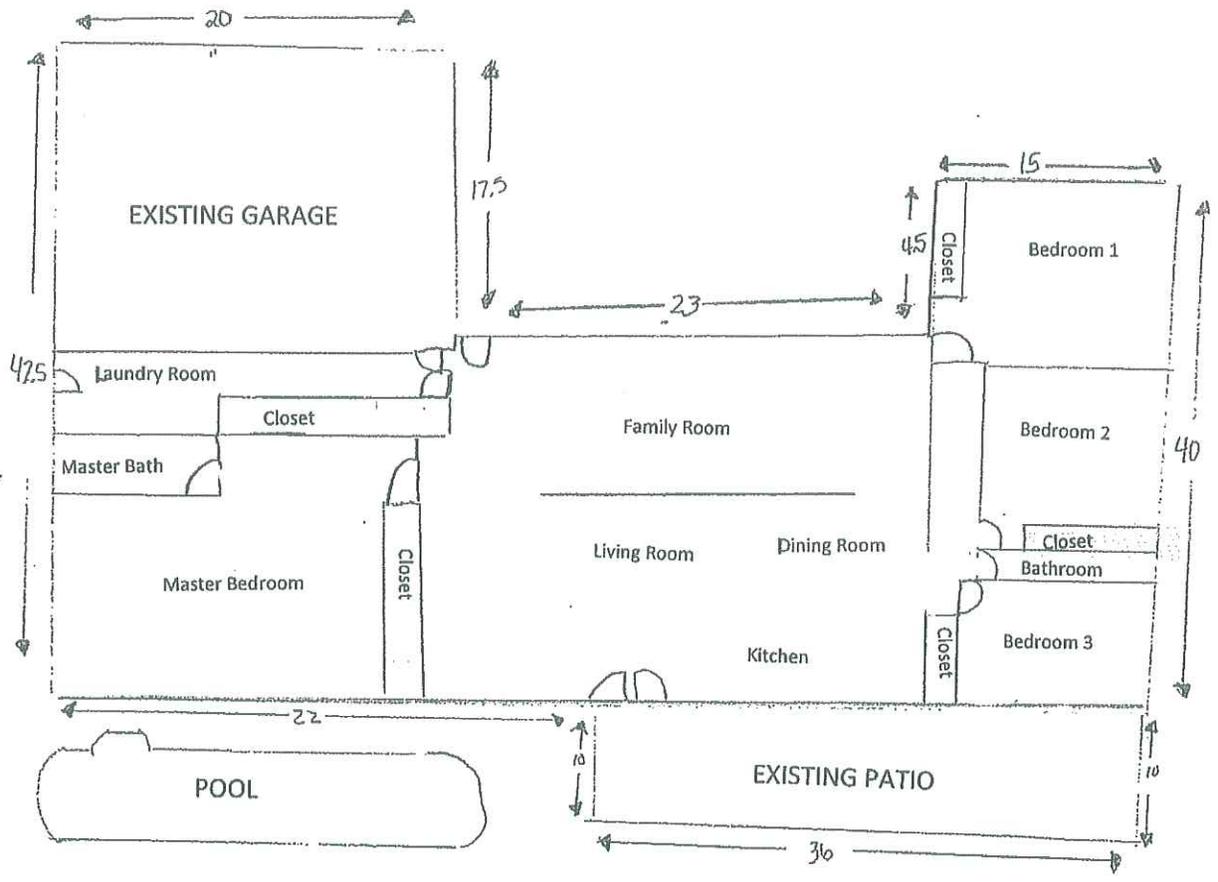
**4. Granting the variance will not have a detrimental effect on the property, adjoining property, the surrounding neighborhood, or the City in general.**

The requested variance, if granted, will not have a detrimental effect on this property or adjoining properties as there are several homes with structures in addition to the main house in this area, and this proposed addition would not in any way be different than those. Since the proposed addition is consistent with other properties in the neighborhood, there will not be any detrimental effect to the surrounding area or the City in general.

AUG 03 REC'D  
2011  
BY: *Design Center*



WALTANN LANE



SITE PLAN  
5341 W. WALTANN LANE  
Existing Home Square Footage: 2340 sq. ft.  
Proposed Garage Square Footage: 750 sq. ft.  
Current Lot Coverage: 17.5%  
Proposed Lot Coverage: 30%

Citizen  
Participation  
Plan

Final Report

Detached Garage  
5341 West Waltann Lane  
VAR11-04

Prepared By:  
Chris Flaherty  
August 3, 2011

**APPROVED**

AUG 03 2011

City of Glendale  
Planning Department

*Arviji Cochran*

**2. Provide a brief description of the proposed project.**

I am requesting a variance to allow for 30% of habitable coverage on my property since the current restrictions allow for only 10% of habitable coverage per lot size. This lot is in an A-1 Zone and has a house which has 1,980 square feet of living space. My proposal is to build a detached garage in my backyard that will be 750 square feet.

**3. State which public notification technique is most appropriate for this project.**

The Planning Department has determined that a notification letter is the most appropriate public notification technique for this project. 59 notification letters were sent out on April 12, 2011.

**4. Notification**

a. The notification area map and a list of property owners are attached to this report. All property owners in the notification area will be notified.

b. List any Homeowner Associations and Registered Neighborhood Groups, and their representatives, who will be included in the Plan.

Homeowner's Associations: Sunburst Farms  
Registered Neighborhood Groups: Sunburst Farms

c. List those individuals on the "Interested Parties" list currently maintained and provided by the Planning Department. This list will be provided to you by your project planner upon approval of your neighborhood notification letter.

Notification was sent to all Interested Parties and there was no response to the mailing.

d. List the names and addresses of individuals/companies on the Additional Notification list.

Notification was sent to the individuals on the "Additional Notification" list. There was no response.

**5. Identify to the best of your ability, who will be directly and indirectly affected by your proposal. Also identify any individuals who expressed interest in your project because they believe it will affect them.**

Notification was sent to all parties who may be affected, directly or indirectly, and those individuals who expressed interest or concern. There was no response during the notification period.

6. **State whether or not you have thought about the project from the perspective of individuals affected or otherwise interested listed above and some of the concerns or issues these individuals may have.**

In thinking of the project from the perspective of others, I do not find that there would be any reason for concern. There are many homes within my subdivision that has similar to or more coverage on their lot than my request.

7. **State how those individuals affected or otherwise interested will be provided an opportunity to discuss the proposal with the applicant if issues or questions should continue, or suddenly arise after distribution of the applicant's notification letter.**

Individuals will be free to call me at any time during the application process.

8. **State how individuals will be informed of any changes or amendments to the proposed development after the applicant's initial contact.**

If there are changes made to the project prior to the hearing date, another notification letter will be mailed.

9. **State how you plan to inform the Planning Department of any issues relating to your Citizen Participation efforts.**

I will be in contact with my project planner to update him/her.

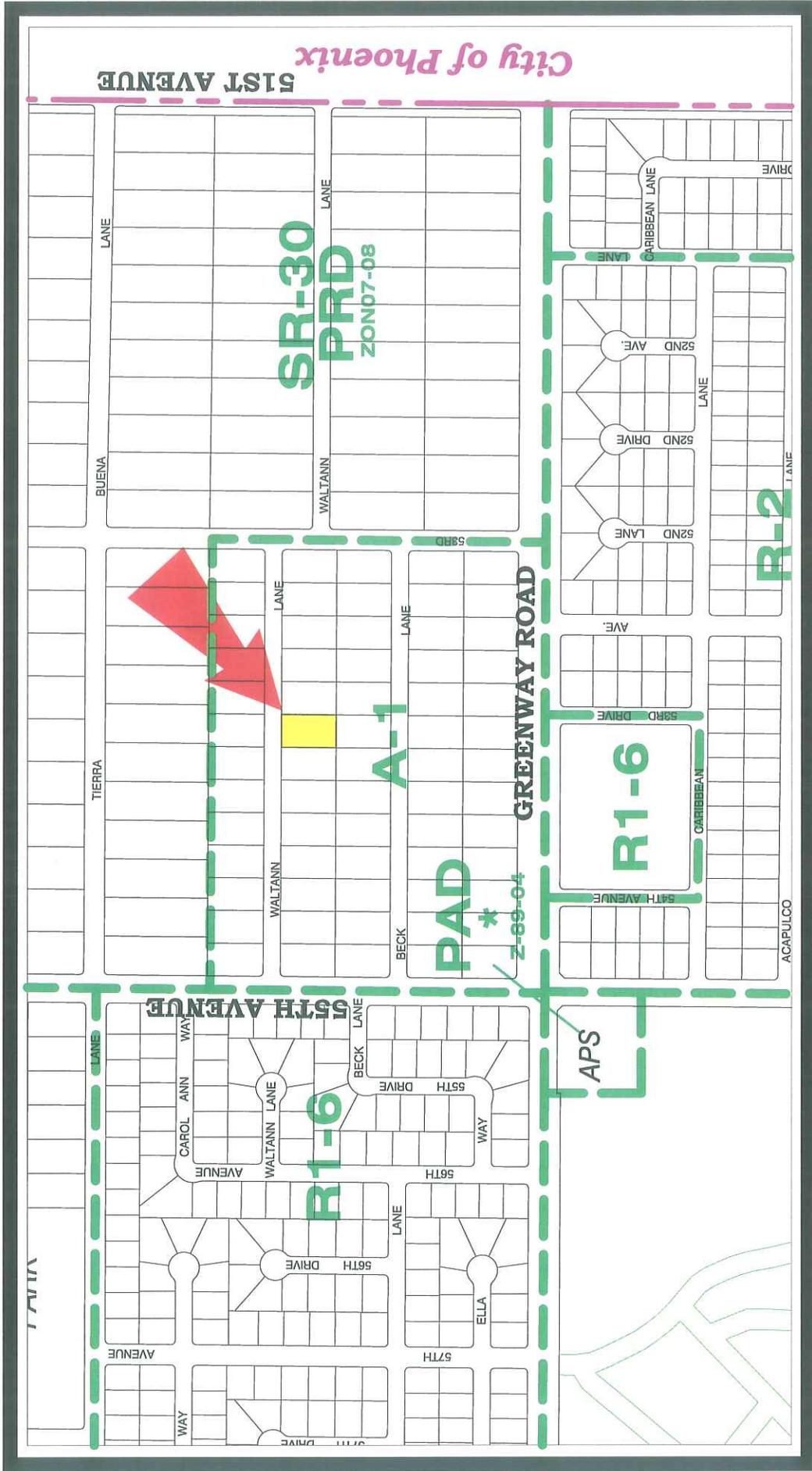
10. **Prepare a schedule with estimated dates for completion of your Citizen Participation Plan.**

1) Early April: Submit Citizen Participation Plan to Planner for approval.

2) Mid April: Mail Notification Letters

3) Early May: Deadline to receive comments.

4) Mid May: Submit Citizen Participation Final Report to the project planner for approval.



**REQUEST**  
**VARIANCE TO INCREASE THE**  
**LOT COVERAGE TO 30%**  
**WHERE 10% IS REQUIRED IN**  
**THE A-1 (AGRICULTURAL)**  
**ZONING DISTRICT.**



**CASE NUMBER**  
**VAR11-04**



**LOCATION**  
**5341 W. WALTANN LANE**

*City of Phoenix*  
**51ST AVENUE**

**SR-30**  
**PRD**  
**ZON07-08**

**A-1**

**PAD**  
**\* Z-89-04**

**GREENWAY ROAD**

**R1-6**

**R-2**

**R1-6**

**APS**

**51ST AVENUE**

**55TH AVENUE**

BUENA LANE

WALTANN LANE

WALTANN LANE

WALTANN LANE

WALTANN LANE

BECK LANE

BECK LANE

BECK LANE

BECK LANE

BECK LANE

BECK LANE

52ND LANE

53RD LANE

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59TH LANE

60TH LANE

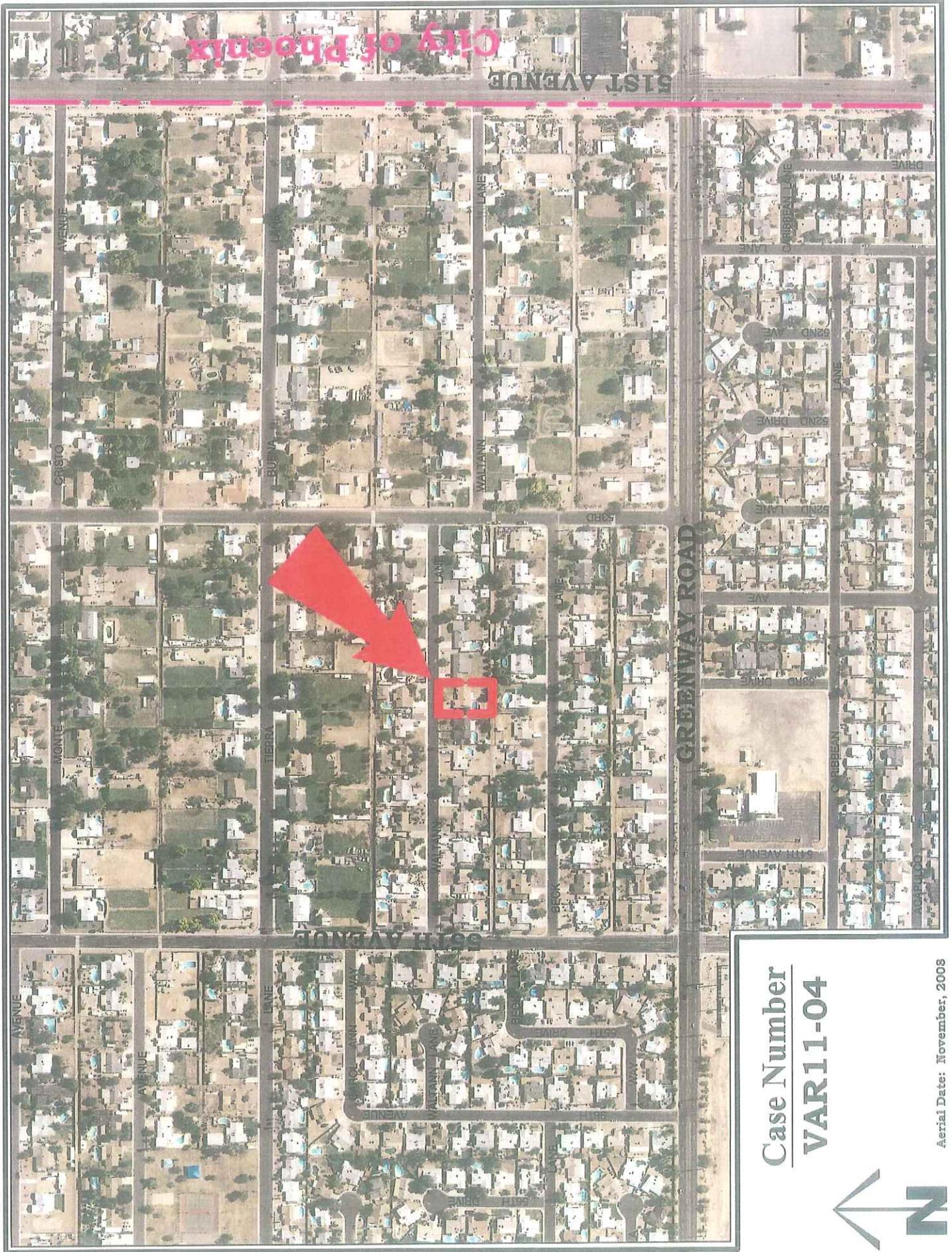
61ST LANE

62ND LANE

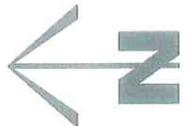
63RD LANE

64TH LANE

65TH LANE



Case Number  
**VAR11-04**



Aerial Date: November, 2008