



Board of Adjustment Regular Agenda

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-3
DECEMBER 8, 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: September 8, 2016 Regular Meeting

IV. WITHDRAWALS AND CONTINUANCES

V. PUBLIC HEARING ITEM

1. **VAR16-09:** A request by Francisco Mendoza, representing Samuel Bermudez, to allow the construction of a single-family home on an 11,019 square foot lot where the required minimum lot size, per the city's Zoning Ordinance, is 17,000 square feet. The property is zoned SR-17 (Suburban Residence). The site is located southwest of 83rd and Missouri Avenues at 8358 West Oregon Avenue, and is in the Yucca District. Staff Contact: Thomas Ritz, AICP, Senior Planner.

VI. OTHER BUSINESS FROM THE FLOOR

VII. PLANNING STAFF REPORT

VIII. BOARD COMMENTS AND SUGGESTIONS

IX. ADJOURNMENT

NEXT MEETING: January 12, 2017

FOR SPECIAL ACCOMMODATIONS



Please contact Alex Shaw at (623) 930-2831 or ashaw@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
THURSDAY, SEPTEMBER 8, 2016
4:00 P.M.**

CALL TO ORDER

The meeting was called to order at approximately 4:00 p.m.

ROLL CALL

Board members Blakely and Martinez, Vice Chairperson Feiner, and Chairperson Vescio were present.

BOARD MEMBERS ABSENT:

Board members Zarra and Dietzman were absent and excused, and Board member Crowley was absent.

CITY STAFF

Tabitha Perry, Assistant Planning Director, Russ Romney, Deputy City Attorney, Martin Martell, Planner, and Diana Figueroa, Recording Secretary, were present.

APPROVAL OF THE MINUTES

Chairperson Vescio called for approval of the July 14, 2016 Regular Meeting Minutes.

Board member Martinez made a motion to approve the July 14, 2016 Regular Meeting minutes as written. Vice Chairperson Feiner seconded the motion, which was approved unanimously with Board member Blakely abstaining as she had not been in attendance.

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

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

1. **VAR16-07:** A variance request by Wancho's Project, on behalf of Raynaldo Ozuna, to reduce the east side yard setback from the required twenty (20) feet to five (5) feet and to reduce the west side yard setback from the required twenty (20) feet to six and a half (6½) feet in the R-3 (Multiple Residence) Zoning District. This will allow for the rebuilding of a severely damaged home and allow for livable additions to the front and back of the home. The site is located southwest of the southwest corner of 59th and Glendale Avenues (6344 West Lamar Road) and is in the Ocotillo District. Staff Contact: Martin Martell, Planner.

Mr. Martin Martell, Planner, stated this was a request by Wancho's Project, on behalf of Raynaldo Ozuna, to reduce the east side yard setback from the required twenty feet to five feet and to reduce the west side yard setback from the required twenty feet to six and a half feet in the R-3 Zoning District. He said this will allow for the rebuilding of a severely damaged home and allow for livable additions to the front and back of the home. The site is located southwest of the southwest corner of 59th and Glendale Avenues and is in the Ocotillo District. He said the applicant wishes to rebuild a home that was damaged by vandalism. He added that after restoration, the applicant also wishes to add livable additions to the front and rear of the home that will be flush with the east and west walls of the reconstructed home.

Mr. Martell explained that the property is located in the Orchard Addition Subdivision southwest of the southwest corner of 59th & Glendale Avenues. He indicated that the property to the north is a mobile home park zoned R-3 and the property to the east is a single family home zoned R-3. He added that the property to the south is a church zoned R1-6 Single Residence and the properties to the west are single family homes zoned R1-6. He noted that the majority of the land uses to the east and west are residential single family homes. The land use to the south is the Renuevo Church and the property to the north is the Westview Mobile Home/RV Park.

Mr. Martell stated 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.

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 66.5 foot lot with the current 20 foot perimeter setbacks only allows for the reconstruction of a home with additions that will only be 26.5 feet wide. He added the surrounding neighborhood is developed with a variety of side-yard building setbacks many of which are less than the required 20 foot perimeter building setbacks found in this 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 in the same classification in the same zoning district;

He said the strict application of the current Zoning Ordinance would only permit a home to be reconstructed to a width of 26.5 feet, which would be unrealistic for a habitable home.

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

He said the requested reduction of the side yard building setbacks is the minimum necessary to alleviate the property's hardship and will allow for the reconstruction of a home with new

additions. He added the reconstructed home with new additions will meet the required 20 foot front and rear building setbacks established for this zoning district.

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

He said this requested reduction of the side yard building setbacks is consistent with 25 percent of the properties along this street that have the same side yard setbacks as the subject property. Granting this request will allow for the reconstruction of a home to its original state and allow for livable additions to the front and rear of the residence.

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 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 applicant's narrative, site plan, and floor plan, dated June 22, 2016.

Chairperson Vescio asked if the Board had any questions. There were none.

Chairperson Vescio called for the applicant to make a presentation. The applicant did not wish to speak.

Chairperson Vescio opened the public hearing, hearing no one wishing to speak, she closed the public hearing.

Chairperson Vescio 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 Vescio called for a voice vote on Finding One. The Board responded with a 4-0 vote.

Finding Two. Chairperson Vescio called for a voice vote on Finding Two. The Board responded with a 4-0 vote.

Finding Three. Chairperson Vescio called for a voice vote on Finding Three. The Board responded with a 4-0 vote.

Finding Four. Chairperson Vescio called for a voice vote on Finding Four. The Board responded with a 4-0 vote.

Mr. Romney asked that if based on the findings, does the Board wish to grant variance **VAR16-07** subject to the stipulations set forth by the Planning Division.

Chairperson Vescio called for a motion.

BOARD MEMBER BLAKELY MADE A MOTION TO APPROVE THIS ITEM SUBJECT TO THE STIPULATION NOTED IN THE STAFF REPORT. BOARD MEMBER MARTINEZ SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

2. **VAR16-08:** A variance request by Regency Builders, on behalf of Kathleen Griggs, to reduce the south side yard building setback from the required twenty (20) feet to six (6) feet in the R-3 (Multiple Residence) Zoning District, which will allow for the construction of an attached patio cover. The site is located southeast of the southeast corner of 67th and Olive Avenues (10230 North 66th Avenue) and is in the Barrel District. Staff Contact: Martin Martell, Planner.

Mr. Martin Martell, Planner, stated this was a variance request by Regency Builders, on behalf of Kathleen Griggs, to reduce the south side yard building setback from the required twenty feet to six feet in the R-3 Zoning District, which will allow for the construction of an attached patio cover. He said the site is located southeast of the southeast corner of 67th and Olive Avenues and is in the Barrel District. He stated the applicant wishes to build a new patio roof cover that will be attached to the southwest corner of the home in the back yard of the property over an existing concrete patio in this same location.

Mr. Martell stated that the salmon colored shaded area is the current perimeter building setbacks and the yellow shaded area is the requested 6 foot south side yard building setback. He explained the patio cover will be 276 square feet and will be 18' from the rear property line, which was originally 20' but was recently approved via Administrative Relief and 6' from the south property line, which is the reason for this variance request. He stated that in 1982 the south side yard setback was 6 feet, the north side yard setback was 5 feet, and the rear setback was 15 feet. He noted that the patio will line up with the south wall of the home.

He stated 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.

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 45 foot width of the lot creates a special circumstance not self-imposed by the property owner. He explained that when this subdivision was developed in 1985 homes such as the subject property that are 34 feet in width had required side yard setbacks of six and five feet.

Therefore, the construction of an attached new patio cover would conform to the original six foot south side yard setback and would be flush with the current south wall of the existing home on the subject property.

- 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 the strict application of the current Zoning Ordinance would only permit an attached patio cover that is only five feet wide, which would be unrealistic for an enjoyable shade structure.

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

He said the requested reduction of the side yard building setbacks is the minimum necessary to alleviate the property's hardship and will allow for the construction of a practical shade structure.

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

He said the requested reduction of the south side yard building setback is consistent with other properties along this street. He added that this request will not detrimentally affect any neighboring properties, since the requested side yard building setback will match many of the side yard setbacks found in the neighborhood.

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 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 applicant's narrative, site plan, and floor plan, dated May 13, 2016.

Chairperson Vescio asked if the Board had any questions.

Board member Blakely asked if this had an HOA. It was not known.

Chairperson Vescio called for the applicant to make a presentation.

Mr. Robert Sneddon, Regency Builders, applicant, stated he had nothing to add and agreed with staff's recommendations. He noted that he had no issues with the HOA.

Board member Blakely commented that the HOA should be notified of the application since the Board of Adjustment was approving something they might not approve in the neighborhood.

Chairperson Vescio countered saying that the HOA was not in their jurisdiction. She indicated that the Board of Adjustment was charged and limited to only look and review the four findings. Vice Chair Feiner agreed with Board member Blakely.

Mr. Romney interjected that the Board of Adjustment was indeed limited by statutory requirements as well as limited to the four findings only. He reminded the Board that HOA requirements were not under their authority. He explained that as a Board, all they can do was work with what was in front of them. He added that if the HOA decides not to approve it, they have their own process.

Ms. Perry asked if it was possible or even feasible to add a stipulation that before any permits can move forward, the applicant will work through the appropriate channels with any affiliated HOA.

Mr. Romney said he understood their concerns, however, the Board is very limited by statute and this is going outside their jurisdiction and not for the Board of Adjustment to resolve. He added that a notification was sent and only one person showed up and that person does not reside in Glendale. No other person attended the meeting or provided any concerns.

Mr. Romney recommended the Board go into executive session to discuss this issue further.

VICE CHAIR FEINER MADE A MOTION TO GO INTO EXECUTIVE SESSION. BOARD MEMBER BLAKELY SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

The Board voted to go into Executive Session to consult with the attorney about the legal implications of adding stipulations regarding independent HOA regulations. The Executive Session began at 4:26 p.m. and ended at 4:42 p.m.

The meeting resumed.

Chairperson Vescio opened the public hearing. With no one wishing to speak, she closed the public hearing.

Chairperson Vescio 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 Vescio called for a voice vote on Finding One. The Board responded with a 2-2 (Vice Chairperson Feiner and Board member Blakely voting no).

Finding Two. Chairperson Vescio called for a voice vote on Finding Two. The Board responded with a 2-2 (Vice Chairperson Feiner and Board member Blakely voting no).

Finding Three. Chairperson Vescio called for a voice vote on Finding Three. The Board responded with a 2-2 (Vice Chairperson Feiner and Board member Blakely voting no).

Finding Four. Chairperson Vescio called for a voice vote on Finding Four. The Board responded with a 2-2 (Vice Chairperson Feiner and Board member Blakely voting no).

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR16-08 subject to the stipulations set forth by the Planning Division.

Chairperson Vescio called for a motion.

BOARD MEMBER MARTINEZ MADE A MOTION TO APPROVE THIS ITEM SUBJECT TO THE STIPULATION NOTED IN THE STAFF REPORT. CHAIRPERSON VESCIO SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY.

OTHER BUSINESS FROM THE FLOOR

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

PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Vescio called for Planning Staff Comments and Suggestions. There was none.

BOARD COMMENTS AND SUGGESTIONS

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

ADJOURMENT

Chairperson Vescio called for a motion to adjourn.

BOARD MEMBER BLAKELY MADE A MOTION TO ADJOURN THE MEETING. VICE CHAIRPERSON FEINER SECONDED THE MOTION, WHICH WAS APPROVED UNANIMOUSLY

The meeting adjourned at 4:45 p.m.

NEXT MEETING: October 13, 2016



Planning Staff Report

DATE: December 8, 2016 **AGENDA ITEM:** 1

TO: Board of Adjustment

FROM: Tabitha Perry, Assistant Planning Director
PRESENTED BY: Thomas Ritz, AICP, Senior Planner

SUBJECT: **VARIANCE (VAR) APPLICATION CASE VAR16-09:
OREGON AVENUE VARIANCE – 8358 WEST OREGON
AVENUE**

REQUEST: To allow the construction of a single-family home on an 11,019 square foot lot where the required minimum lot size, per the city's Zoning Ordinance, is 17,000 square feet.

APPLICANT/OWNER: Francisco Mendoza / Samuel Bermudez.

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.

PROPOSED MOTION: Move to approve VAR16-09.

SUMMARY: The applicant is requesting a variance to construct a single-family home on an 11,019 square foot lot in the SR-17 (Suburban Residence) zoning district where the zoning ordinance provides for a minimum lot size of 17,000 square feet. If approved the property owner will construct a new home on this lot.

BOARD ACTION: Board member _____ **MADE a MOTION to** _____
Case No. VAR16-09. Board member _____ **SECONDED the MOTION.** The
MOTION was _____ with a vote of _____ to _____.

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 at 8358 West Oregon Avenue, west of 83rd Avenue and south of Missouri Avenue. The property is approximately 11,019 square feet in size.

Zoning Ordinance Requirements: Section 5.207 SR-17 Development Standards.

SR-17 district minimum lot size, 17,000 square feet.

Surrounding Land Use and Zoning:

North: Single-family residence, zoned SR-17

East: Single-family residence, zoned SR-17

South: Single-family residence, zoned SR-17

West: Single-family residence, zoned SR-17

History: The property was annexed into the City of Glendale in 1983; the property was included as part of a larger parcel at that time. The subject property has never been part of a subdivision.

The City of Glendale has no record of the original parcel being subdivided, creating parcel #102-11-308A; however according to Maricopa County Assessor's Office parcel #102-11-308A is a valid parcel.

During the latter half of 2015, the property owners' representatives communicated with City of Glendale staff inquiring about the ability to construct a new home on parcel #102-11-308A; 8358 W. Oregon Avenue. During these communications the property owners' representatives identified that the approximate lot size was 11,000 square feet and that the property was zoned SR-17. The property owners' representatives were informed by City of Glendale staff on both September 18, 2015 and December 31, 2015 that a new home could be built on the existing lot as long as the SR-17 setbacks and other requirements were met.

City of Glendale staff wrote to the owner's representative on March 15, 2016 informing the owner's representative of the need to file for a variance because the subject lot size is approximately 11,019 square feet; and current zoning classification, SR-17, requires lots be a minimum of 17,000 square feet.

The owners' representative subsequently initiated the process to request a variance to allow them to construct a home on the lot.

CITIZEN PARTICIPATION TO DATE:

A neighborhood meeting was held on March 24, 2016 at the Finley Residence located at 8329 West Oregon Avenue. The meeting was an opportunity to discuss the existing lots on Oregon Avenue, along with the proposed Dignity Health Urgent Care located at 8310 West Camelback

Road. Those in attendance support the existing SR-17 zoning and were not concerned with the urgent care. The applicant and owner supported the ability to construct a home at 8358 W. Oregon Avenue.

The applicant mailed notification letters on approximately August 16, 2016 to adjacent property owners and interested parties, and the applicant did not receive any response regarding the request. Due to the short time provided for citizen comments contained in the applicant's initial Citizen Participation letter, the applicant was required to send additional letters offering additional time for citizen comments. A copy of the applicant's Citizen Participation Final Report is attached.

Planning received letters and telephone calls concerning this request:

- Telephone comments included that the applicant needed to work with the city's Planning Division and not deviate from those plans.
- Another telephone call indicated that the lot size was too small to build on and that although the notification letter was dated April 27 the letter was postmarked August 16. They only received the letter on August 23 and residents were requested to comment by August 22.
- An additional telephone call noted there was insufficient notice given between the time that the letter was received and the time given for comments.
- Another telephone call noted opposition to having an 11,000 square foot lot in the neighborhood. They noted there was more profit on smaller lots and it would diminish the property value of the neighborhood. They noted that the notification letter bashed on the City of Glendale, and that the applicant was trying to get through as quick as possible, only allowing 12 hours for comments. They noted that the original buyer bought a two and a half acre lot, and then sold to someone else.
- Another caller noted that the second letter was not clear and they were not sure what it is about.
- Another caller noted that he would not like an undersized lot in the neighborhood.
- An additional caller noted that the original owner sold the lots and the remaining 11,000 square foot lot was left over.

Planning received an additional letter and petition concerning this request which is attached to this report. The letter opposes the variance to build a house on a lot that is less than the required minimum lot size and would negatively affect property values.

Planning received a second letter concerning this request which is attached to this report. The letter opposes the request and notes the applicant's inability to meet all four findings to grant a variance.

Board of Adjustment Public Hearing Notification:

A Notice of Public Hearing was published in *The Glendale Star* on November 17, 2016. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on November 18, 2016. The property was posted on November 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 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 size of the lot, approximately 78 feet wide by 140 feet deep, or 11,019 square feet, creates a special circumstance which was not self-imposed the property owner. The property dimensions and size was created by a previous property owner who created the substandard lot. While the construction of a new home on this lot would require some level of relief from the required lot size, the intent of the zoning ordinance is that new lots created in the neighborhood are at least 17,000 square feet in size.

- 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 require that all new lots created in the zoning district and neighborhood be at least 17,000 square feet in size. When the property owner purchased this lot it was only 11,019 square feet in size.

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

The variance requested is the minimum necessary to construct a single-family residential home on the lot. A single-family home is a permitted land use in the zoning district. The requested variance is not the result of a property hardship created by the present property owner.

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

It is debatable if granting the variance will have a detrimental impact on the property, adjoining property, the surrounding neighborhood, or the city in general. A determination cannot be made based on the information available.

The zoning ordinance, including the designation of zoning districts which have minimum lot sizes, is designed to protect the health and safety of the residents of the city and

establish performance standards for development in the various zoning districts of the city.

The lot size is out of character with other lots in the neighborhood. The existing residents of the neighborhood have relied on the requirements of the existing SR-17 zoning and 17,000 square foot minimum lot size in purchasing their homes and living in the neighborhood.

RECOMMENDATION:

The variance request appears to meet the first three (3) findings. A decision cannot be made on the fourth finding, thus the variance should be approved.

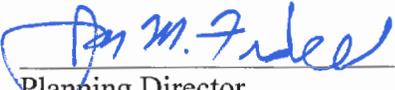
ATTACHMENTS:

1. Applicant's Vicinity Map.
2. Citizen Participation Final Report (without mailing labels), dated September 7, 2016.
3. E-mail from Maria Morfin to Rafael Castro, dated September 18, 2015.
4. E-mail from Jon Froke to Rafael Castro, dated December 31, 2015.
5. Letter from Jon Froke to Rafael Castro, dated March 15, 2016.
6. Sign-in sheet and notification list for 83rd and Oregon Avenues Neighborhood Meeting held on March 24, 2016.
7. Letter from Raymond Finley, dated September 2, 2016.
8. Letter from Joyce Clark, dated November 29, 2016.
9. Vicinity Zoning Map.
10. Aerial Photograph, dated October 2014.

PROJECT MANAGER:

Thomas Ritz, AICP, Senior Planner (623) 930-2588
tritz@glendaleaz.com

REVIEWED BY:



Planning Director

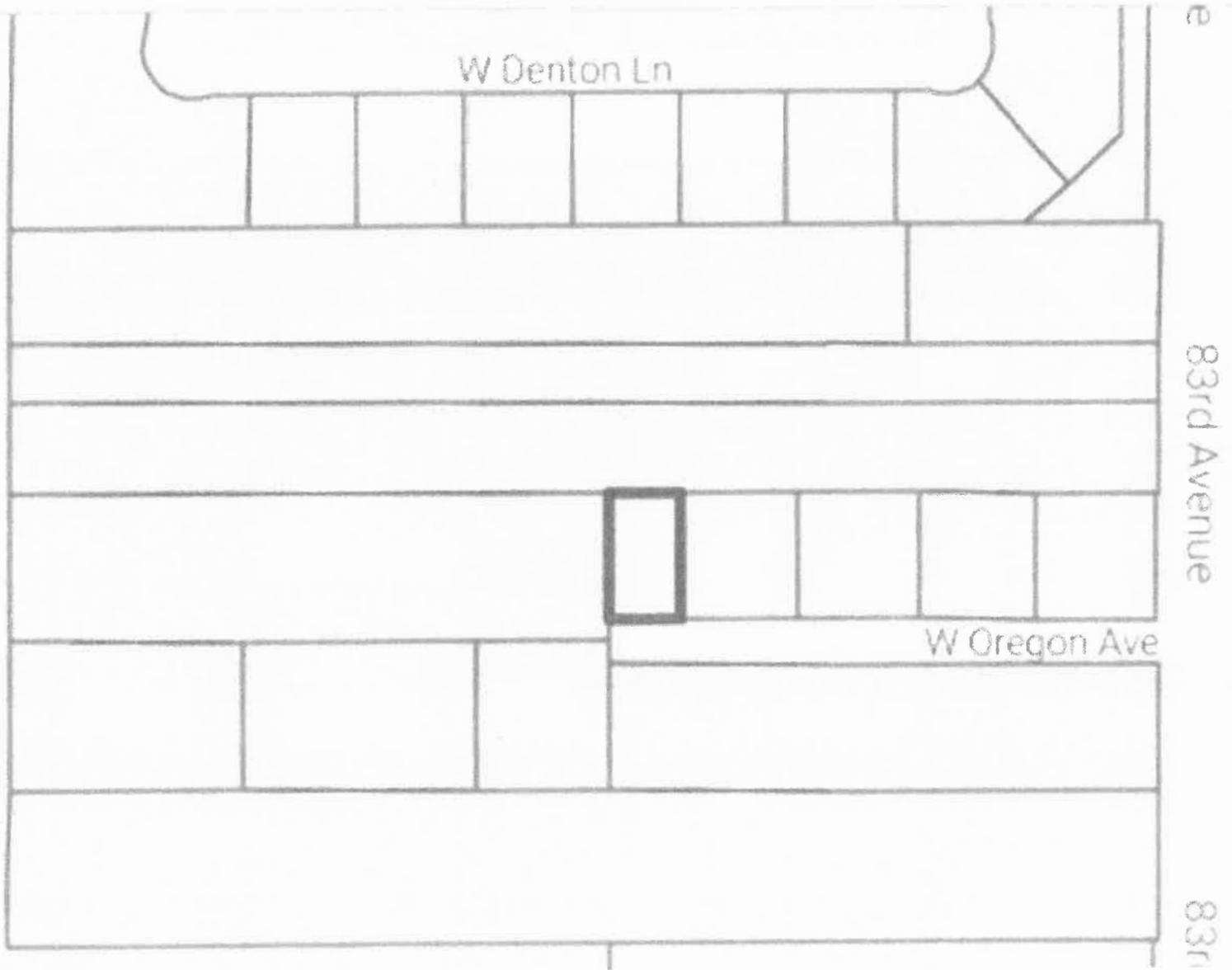
TR/as



Development Services Director

VICINITY MAP

not to scale



Note:

There is no site plan because we are not applying for a specific construction site, this variance is only for the purpose to build on a less than required by the City ordinances,



NORTH

**CITIZEN
PARTICIPATION
FINAL REPORT**

VARIANCE

8358 W. Oregon Ave.,
Glendale Arizona

PREPARED BY

Francisco Mendoza

SEPTEMBER 7, 2016

Re: Variance to minimize Damages caused by the City of
Glendale Planning Department.
8358 W. Oregon Ave., Glendale Arizona

Samuel Bermudez
P.O. Box 14264
Phoenix Arizona 85063
mberbo@hotmail.com

The purpose for this request is to be able to build on this lot which size is 11,000 sq.ft. approximately, and the requirements are 17,000 sq.ft. by the City ordinances, and to minimize the damages done to my self, my family and my economy by a gross negligence and misrepresentation done by the City of Glendale Planning Department.

The variance should make the neighborhood look better, a vacant lot doesn't look as good as a lot with a house, therefore it should not affect the neighbors in a negative manner, how ever in the event of any comments or concerns the Notification Letter it calls for any questions or comments and will be done by mail.

My Lot is located at 8358 W. Oregon Ave., Glendale Arizona (please see map attached for site location)

The public notification to be used will be mailings and sent to interested parties and property owners located with in the Zoning District SR-17 Council District Yucca.

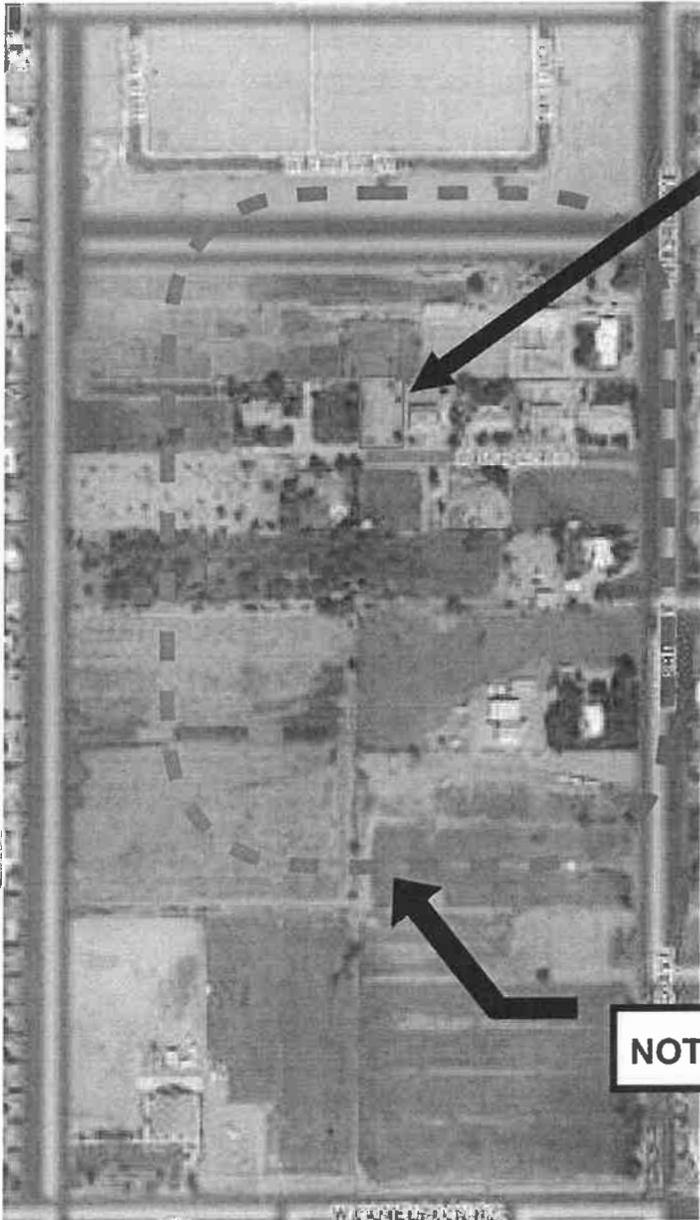
OVERVIEW

Every item of the Citizen Participation was presented and followed as indicated, even though the Notification Letter was previously approved and sent on August 17, there was one concern by one of the interested parties in reference to the time allowed to comment or so we had to send a letter extend the deadline to for comments and or objections to September 6, and we had no comments or objections to the Variance, that was not a

legitimate concern he just called to make us waste time since he never made any comments.

We got two undelivered mail on Mauro Calderon and another where the name and address were erased, original available upon request.

<i>RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA</i>	
NAME OF REQUEST:	BERMUDEZ VARIANCE
LOCATION:	8358 West Oregon Avenue
The applicant is requesting a Variance to construct a single-family home on an 11,000 square foot lot located in the SR-17 (Suburban Residence) zoning district.	
ZONING DISTRICT: SR-17	COUNCIL DISTRICT: Yucca



SITE LOCATION

NOTIFICATION AREA



NORTH

500' NOTIFICATION AREA



EXHIBIT "B"

----- Original Message -----

Subject: RE: 102-11-308A New Residential project questions

From: "Morfin, Maria" <MMorfin@GLENDALEAZ.com>

Date: Fri, September 18, 2015 10:39 am

To: "rc@rddesignteam.com" <rc@rddesignteam.com>

Good morning Rafael,

The Minimum Net Lot Area of 17,000 for SR-17 District applies only to new lots being built. This does not apply to existing lots. He would submit for his custom home as normal showing his existing lot square footage of 11,000 and follow the current setback/lot coverage requirements based on the SR-17 zoning and the custom home guidelines.

Thank you

Maria Morfin

Development Services Rep.

City of Glendale, Az

Office: 623-930-3129

Ritz, Thomas

From: Froke, Jon
Sent: Thursday, December 31, 2015 3:46 PM
To: rc@rddesignteam.com
Cc: Morfin, Maria; Ritz, Thomas
Subject: 102-11-308A New Residential Project | Glendale, AZ

Mr. Castro. You stopped by the DSC counter yesterday afternoon to discuss your client's new home projects. I met today with the Building Official and the Development Services Director and the 3 of us have agreed that the new home can be built on the existing lot, subject to meeting the SR-17 zoning district setbacks and lot coverage.

Please note that this lot does not meet the SR-17 zoning district standards and was apparently created without any review or approval from the City of Glendale. Future lots in the area, that are created through a process reviewed and approved by the City of Glendale, will have to meet the SR-17 lot sizes.

I have returned the package of redlines to Maria Morfin. Please work out the site details that you have questions on directly with Thomas Ritz.

Jon

Jon M. Froke, M.Ed., AICP
Planning Director
Planning
City of Glendale
5850 West Glendale Avenue
Suite 212
Glendale, AZ
85301

(623) 930-2585
jfroke@glendaleaz.com

www.glendaleaz.com



Home of 2016 College Football
National Championship



March 15, 2016

SENT VIA EMAIL ONLY

Mr. Rafael Castro
RD Design Team, Inc
60 East Mitchell Dr.
Phoenix AZ 85012
info@rddesignteam.com

RE: New Residential Home | Parcel No. 102-11-308A | Glendale, AZ

Dear Mr. Castro,

Over the past few months you have been working on plans for a new custom home on Oregon Avenue.

We have learned that the existing lot is approximately 11,019 square feet in size. The City of Glendale does not have any record on how the lot was created. This neighborhood is zoned SR-17, Suburban Residence. The existing zoning requires that all lots be a minimum of 17,000 square feet in size.

After consulting with the City Attorney's Office, you will need to file a variance application in order to deviate from this lot size. Variances are reviewed and considered by the Board of Adjustment. Thomas Ritz, Senior Planner, will process your variance application once it is filed. Please contact him directly to discuss this process. He can be reached at (623) 930-2588.

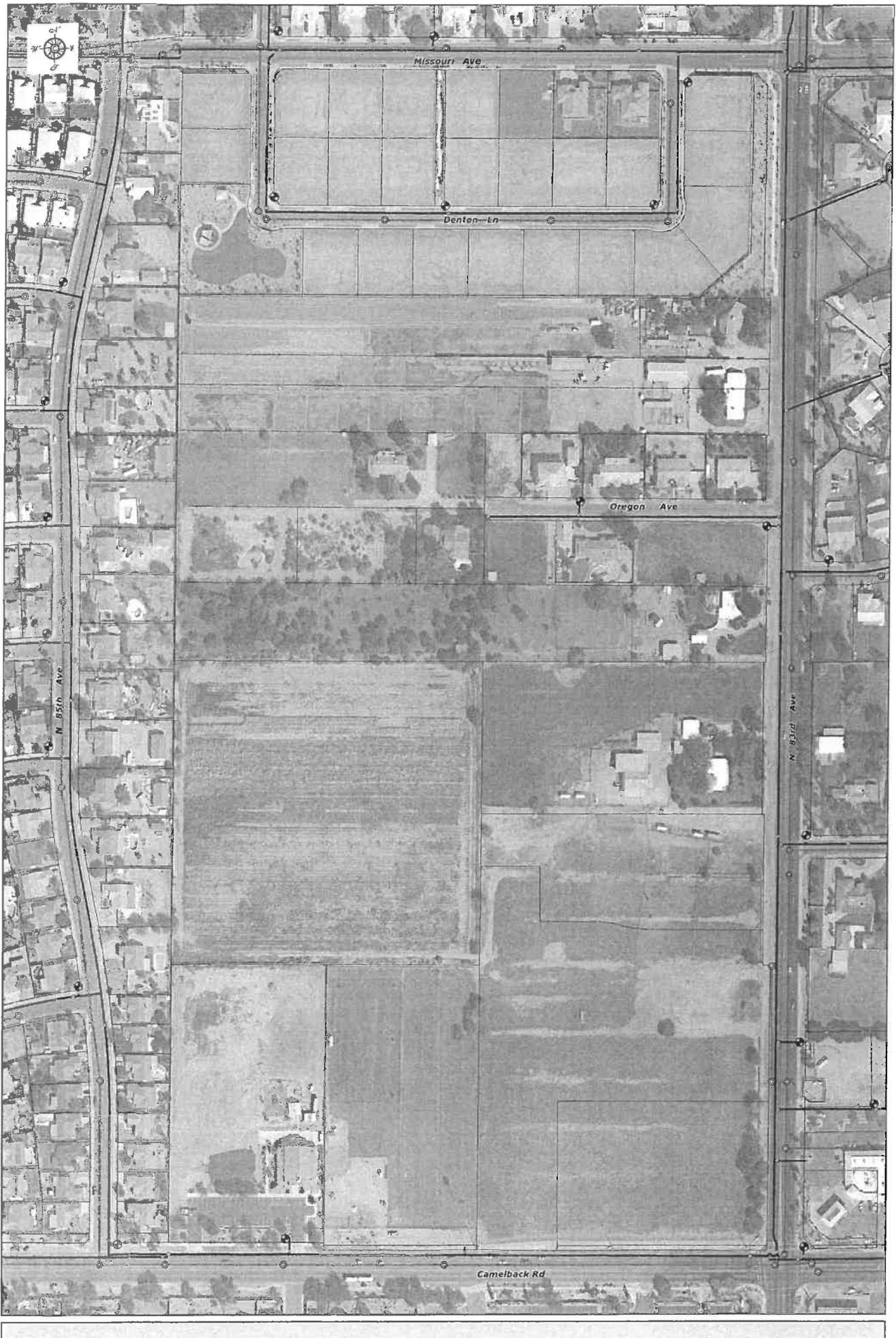
There have been recent land use proposals on various properties in the area. In order to share information with residents, an informal neighborhood meeting has been scheduled for Thursday, March 24, 2016 @ 5:00 p.m. at the Finley Residence. You are welcome to attend this meeting with city officials and residents if you wish.

Meanwhile, if you have questions of me, I can be reached at (623) 930-2585.

Sincerely,

Jon M. Froke, M.Ed., AICP
Planning Director
Planning

cc: Sam McAllen, Development Services Director
Stacy Laborin, Development Services Supervisor
Thomas Ritz, AICP, Senior Planner



VAR16-09



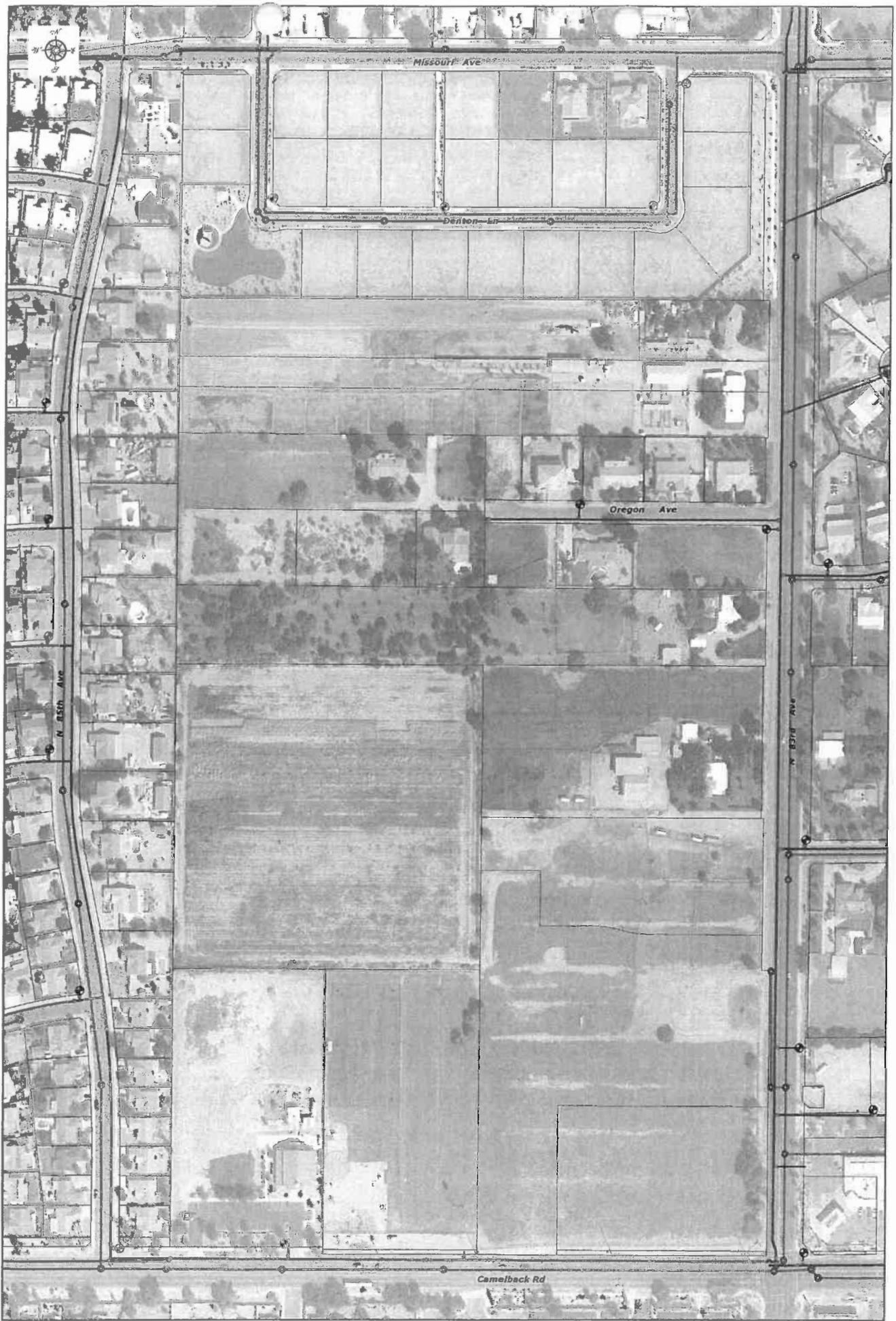
**83rd avenue & Oregon
NEIGHBORHOOD MEETING**

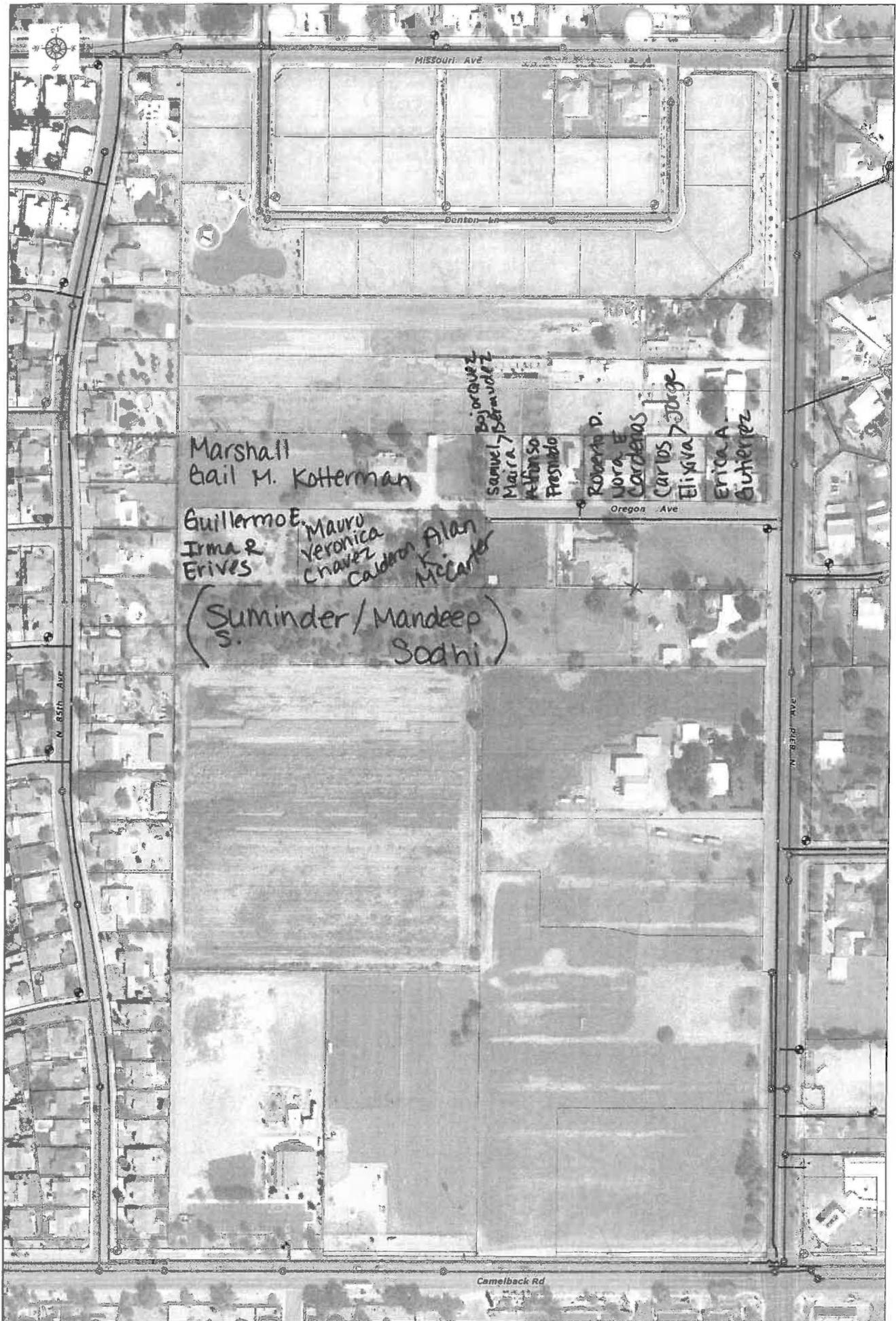
**March 24, 2016 @ 5:00 p.m.
Finley Residence
Glendale, AZ**

Name (Please Print)	Mailing Address (Please Print)
Megan Wenke	
Samuel Bermudez	
Ray Finley	
Paul Velasco	
Alfonso Frisco	
Roberto Cardenas	8334 W Oregon Ave
Regan FINLEY	8329 W. OREGON AVE.
Mel & Peggy Johnson	85303 5302 N 83rd Ave
Dorothy Keith	5136 N 83AVE
Francisco / Accompanied by Samuel Bermudez	
Alan Mc GARDEN	8383 W Oregon Ave Glendale AZ 85305
Van Frake	CITY OF GLENDALE
Julia Dominguez	City of Glendale

83RD AVE & OREGON MEETING

Parcel No.	Residence	Address
102-11-379C	KOTTERMAN MARSHALL/GAIL M	5340 N 83RD AVE GLENDALE 85303
102-11-308A	BERMUDEZ SAMUEL G/BOJORQUEZ MAIRA I	5010 N 85TH AVE GLENDALE AZ 85305
102-11-309C	FRESNEDO ALFONSO	8346 W OREGON AVE GLENDALE 85305
102-11-309B	CARDENAS ROBERTO D/NORA E	8334 W OREGON AVE GLENDALE 85305
102-11-379B	JORGE CARLOS/ELIXIVA	8322 W OREGON AVE GLENDALE 85305
102-11-379A	GUTIERREZ ERICA	8310 W Oregon Ave Glendale 85305
102-11-304A	ERIVES GUILLERMO E/VERONICA R	8455 W Oregon Ave Glendale 85305
102-11-306A	CALDERON MAURO/VERONICA CHAVEZ	8425 W Oregon Ave Glendale 85305
102-11-003U	MCCARTER ALAN K	8383 W Oregon Ave Glendale 85305
102-11-003E	SODHI SUMINDER S/MANDEEP K	5202 N 83RD AVE GLENDALE 85305
102-11-003G	JOHNSON MELVIN/PEGGY JO	5302 N 83RD AVE GLENDALE 85305
102-11-307	FINLEY RAYMOND/REZAN	8329 W OREGON AVE GLENDALE 85305





Gilendate Az 85305

107-11-307

8329 W. Dream Ave.

Raymond & Retan Finley

STAPLES

Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/8160
Label size 1" x 2 5/8" compatible with Avery® 5160/8160

MARSHALL/GAIL KOTTERMAN
5340 NORTH 83RD AVENUE
GLENDALE, AZ 85303

SAM BERMUDEZ/BOJORQUEZ
5010 NORTH 85TH AVENUE
GLENDALE, AZ 85305

ALFONSO FRESNEDO
8346 WEST OREGON AE
GLENDALE, AZ 85305

ROBERTO/NORA CARDENAS
8334 WEST OREGON AVE
GLENDALE, AZ 85305

ELIXIVA/CARLOS JORGE
8322 WEST OREGON AVENUE
GLENDALE, AZ 85305

ERICA GUTIERREZ
8310 WEST OREGON AVE
GLENDALE, AZ 85305

GUILLERMO/ ERIVES
8455 WEST OREGON AVE
GLENDALE, AZ 85305

VERONICA/MAURO CALDERON
8425 WEST OREGON AVE
GLENDALE, AZ 85305

ALAN MCCARTER
8383 WEST OREGON AVE
GLENDALE, AZ 85305

SUMINDER/MANDEEP SODHI
5202 N 83RD AVE
GLENDALE, AZ 85305

MELVIN/PEGGY JOHNSON
5302 N 83RD AVE
GLENDALE, AZ 85305

83rd Ave
and Oregon

Raymond & Rezan Finley
8329 W. Oregon Ave.
Glendale, Az 85305

LA Total

STAPLES

Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/8160
Label size 1" x 2 5/8" compatible with Avery® 5160/8160

Updated 1/30/15

9/2/2016

Ray Finley

8329 W. Oregon Ave.

Glendale, AZ 85305

Thomas Ritz

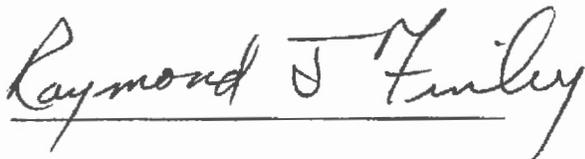
City of Glendale

Mr. Ritz;

Attached you will find a letter and site map sent to me by Samuel Bermudez concerning his intention to obtain a variance to build a house on a lot that is less than code size. You will also find a list of adjacent neighbors who are opposed to the issuance of any variance. We all have houses with lot sizes ranging from 1/2 acre to 2.5 acres and believe a house built on this 11,000 sq foot lot would negatively affect our property values.

I believe Mr. Bermudez bought the lot before he obtained all of the pertinent data from the city. Even if a mistake was made by the city the neighboring home owners should not have to be negatively affected.

Sincerely,

A handwritten signature in cursive script that reads "Raymond J. Finley". The signature is written in black ink and is positioned above a horizontal line.

Raymond J. Finley

NAME

ADDRESS

Carlos Lopez

8322 W Oregon
Portland OR 97207

Paul Verazco

8310 W Oregon Ave

Regan White: DAD

5340 N 83rd Ave

Ray Finley Regan T. Finley

8329 W Oregon Ave

Extention to the Notification Letter

August 26, 2016.

Samuel Bermudez
P.O. Box 14264
Phoenix Arizona 85063
mberbo@hotmail.com

Subject: Variance

Dear Neighbor:

This letter is to inform you that the time for comments and objections for the notification letter dated April 29, 2016, that was sent to you on August 17, 2016, has been extended to September 7, 2016 as a result of another mistake made from Mr. Thomas Ritz from the city of Glendale, who approved said letter on August 15, 2016.

Please provide any comments to my variance request by *August September 7, 2016* to: mberbo@hotmail.com and cc. licenciadomendoza@msn.com, or call me at 602-989-2929. You may also contact *Thomas Ritz* with the City of Glendale at (623) 930-2588.

Sincerely,

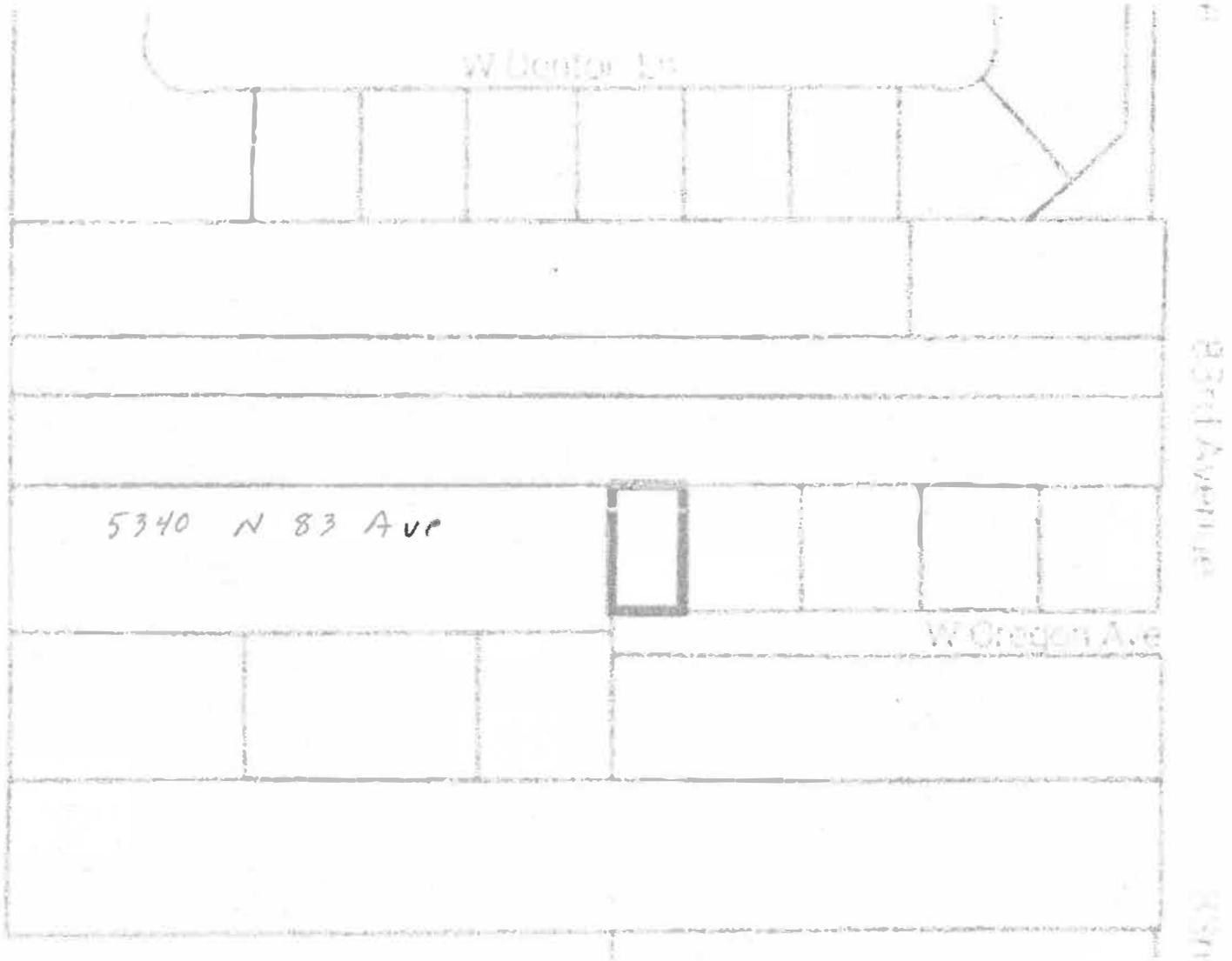


Samuel Bermudez

Encl: Site Plan

VICINITY MAP

not to scale



Note:

There is no site plan because we are not applying for a specific construction site, this variance is only for the purpose to build on a less than required by the City ordinances,



NORTH

Councilmember Elect Joyce V. Clark
8628 W. Cavalier Drive
Glendale, AZ 85305

November 29, 2016

Members of the Board of Adjustment
% Planning and Zoning Director Jon Froke
City of Glendale
5850 W. Glendale Avenue
Glendale, AZ 85301

RE: VAR 16-09, 8358 West Oregon Avenue, Glendale, AZ 85305

Members of the Board of Adjustment:

A few days ago I received notice of a variance request by Francisco Mendoza, representing Samuel Bermudez, to allow construction of a single-family home on an 11,019 square foot lot where the required minimum lot size, per the city's Zoning Ordinance, is 17,000 square feet.

I am opposed to the granting of this variance based upon the applicant's inability to meet all four findings required to grant any variance within the City of Glendale:

1. *"There are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, which were not self-imposed by the owner;*
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;*
3. *The variance requested is the minimum necessary to alleviate the property hardships; and*
4. *Granting the variance will not have a detrimental effect on the property, adjoining property, surrounding neighborhoods or the city in general."*

Findings #1 and #4 cannot be met by the property owner. With regard to finding #1 the buyer of said property failed to perform due diligence prior to acquisition of the property. The circumstances of this request for a variance are strictly self-imposed by the owner of the property by his purchase of a property less than 17,000 square feet and his assumption that he would have the ability to build a residence on a lot smaller than the zoning classification permits.

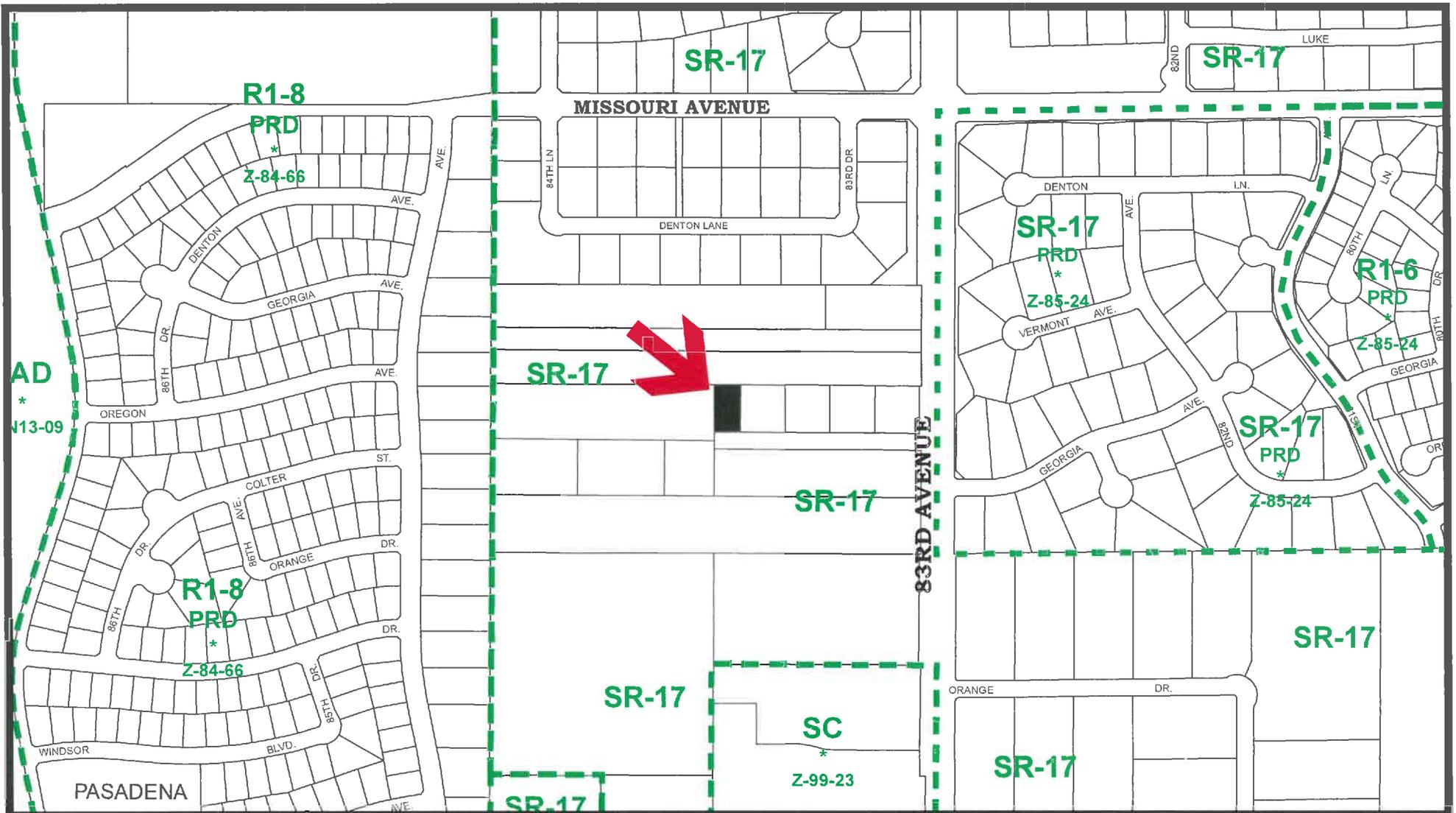
Granting this variance will have a detrimental effect on all adjoining properties. I have lived in Glendale and the Yucca district for almost 50 years and at my present location, just north of Oregon Avenue, for almost 20 years. During my service as the Yucca district councilmember I have worked diligently to preserve the 83rd Avenue from Camelback Road to Northern Avenue as a large-lot corridor. I have been generally successful and today this corridor is characterized by many SR-17 or larger properties.

The adjoining property owners obeyed the zoning law requiring SR-17 lots or larger in the expectation that the City's zoning would protect the single, major investment of their lifetimes. The allowance of an 11,000 square foot lot in the midst of these larger lot properties will have the effect of diminishing their property values while increasing those of the current owner of this property should he obtain a

variance. There is nothing just in diminishing a class of property owners' investments in order to benefit one property owner.

Based upon the applicant's inability to meet findings #1 and #4, I respectfully request that you deny the applicant's request for a variance.

Respectfully,
Joyce V. Clark



CASE NUMBER

VAR16-09



LOCATION

8358 W. OREGON AVENUE

REQUEST

A VARIANCE TO ALLOW THE CONSTRUCTION OF A HOME ON AN 11,019 SQUARE FOOT LOT WHERE THE REQUIRED MINIMUM LOT SIZE IS 17,000 SQUARE FEET.



Aerial Date: October 2014



CASE NUMBER

VAR16-09

