

**MINUTES  
CITY OF GLENDALE  
BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B-3  
THURSDAY, MARCH 10, 2016  
4:00 P.M.**

CALL TO ORDER

The meeting was called to order at approximately 4:02 p.m.

ROLL CALL

Board members Zarra, Crowley, Dietzman, Feiner, Blakely and Vice Chairperson Vescio, were in attendance. Chairperson Toops was absent and excused.

CITY STAFF

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

APPROVAL OF THE MINUTES

Vice Chairperson Vescio called for approval of the December 10, 2015 Regular Meeting minutes.

**BOARD MEMBER DIETZMAN MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 10, 2015 MEETING MINUTES, AS WRITTEN. BOARD MEMBER CROWLEY SECONDED THE MOTION.**

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS

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

1. **VAR16-01:** A request by Greg Packham, representing Chicanos Por La Causa, for a variance to reduce the side yard building setbacks on the property from the required twenty (20) feet to five (5) and ten (10) feet on a fifty (50) foot wide vacant parcel in the R-3 (Multiple Residence) Zoning District, which will allow the property owner to construct a new livable home. The site is located at 6715 North 60th Avenue and is located in the Ocotillo Council District. Staff Contact: Martin Martell, Planner.

Martin Martell, Planner, stated this was a variance request by Greg Packham, representing Chicanos Por La Causa, for a variance to reduce the side yard building setbacks on the property from the required 20 feet to five and ten feet on a fifty foot wide vacant parcel in the R-3 Zoning District, which will allow the

property owner to construct a new livable home. He said the site is located at 6715 North 60th Avenue and is located in the Ocotillo Council District.

Mr. Martell stated the applicant mailed notification letters on November 24, 2015 to adjacent property owners and interested parties. He stated the applicant received two responses regarding this proposal and these responders wanted a better understanding of what will occur on the property. To date, staff has not received any questions or comments concerning the subject site.

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 noted that the vacant 50' wide lot located in the R-3 Zoning District, which has 20' perimeter setbacks, makes it very difficult to construct a livable home on this property. He stated that if these development standards were applied it will result in a home that will only be 10' wide. He indicated the desire to construct a new single family home on this vacant lot is difficult if some exceptions to these standards are not granted.

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

He said that many of these surrounding properties are all in the R-3 Zoning District, which have minimum lot widths of 60' and side yard setbacks of 20 feet. He added that in contrast, the majority of lots on this street with the R-3 zoning designation are on lots that are 50' wide with side yard setbacks of 5' and 10'.

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

He noted that this request to reduce the side yard setbacks will permit the construction of a livable home that will conform with the width of many of the homes on this same street.

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

He noted that this request to reduce the side yard setbacks will permit the construction of a livable home that will conform to the width of many of the homes on this same street and not detrimentally affect any neighboring properties.

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 November 24, 2015.

Vice Chairperson Vescio asked if the Board had any questions.

Board member Zarra noted a discrepancy on page four. He indicated that the photograph was incorrect on the document and the site was not on 60th Avenue and was actually on 59th Drive. Tabitha Perry, Assistant Planning Director, explained that page four was part of the citizen participation process to identify the properties that are mostly affected. She added that even though the map shows an error, the required notifications were sent to the right parties and the intent of the notification in the citizen participation process was met. She added that all other documentations as it relates to this site plan are correct.

Vice Chairperson Vescio called for the applicant to make a presentation.

Greg Packham, representing Chicanos Por La Causa, stated he had nothing to add but would be happy to answer any questions the Board may have. There were no questions from the Board.

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

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

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

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

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

Mr. Romney asked that if based on the findings, does the Board wish to grant variance **VAR16-01** subject to the stipulations set forth by the Planning Division.

Vice Chairperson Vescio called for a motion.

**BOARD MEMBER ZARRA MADE A MOTION TO APPROVE CASE No. VAR16-01 SUBJECT TO THE STIPULATION IN THE STAFF REPORT. BOARD MEMBER DIETZMAN SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 6 TO 0.**

**The MOTION was APPROVED with a vote of 6 to 0.**

Vice Chairperson Vescio called for the next application.

2. **VAR16-02:** A request by Greg Packham, representing Chicanos Por La Causa, for a variance to reduce the side yard building setbacks on the property from the required twenty (20) feet to five (5) and ten (10) feet on a fifty (50) foot wide vacant parcel in the R-3 (Multiple Residence) Zoning District, which will allow the property owner to construct a new livable home. The site is located at 6717 North 59th Drive and is located in the Ocotillo Council District. Staff Contact: Martin Martell, Planner.

Martin Martell, Planner, stated this was a variance request by Greg Packham, representing Chicanos Por La Causa, for a variance to reduce the side yard building setbacks on the property from the required twenty (20) feet to five (5) and ten (10) feet on a fifty (50) foot wide vacant parcel in the R-3 (Multiple Residence) Zoning District, which will allow the property owner to construct a new livable home. The site is located at 6717 North 59th Drive and is located in the Ocotillo Council District.

Mr. Martell stated that on October 16, 2015, the applicant mailed notification letters to adjacent property owners and interested parties. He noted that to date Planning Staff has not received any response regarding the request.

Mr. 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 that the lot size creates a special circumstance that is not self-imposed by the property owner. Presently the size of the lot is just 50 feet wide with a 20-foot perimeter setback. Thus, with these required development setbacks and current lot size, development will only allow for a 10 feet wide home which would be unrealistic for this 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 that the majority of homes in this neighborhood are not in conformance with the current development standards of the R-3 Zoning District. These homes typically have residential side yard setbacks of 5 and 10 feet. In addition, the majority of the lots in this neighborhood are on parcels that are only 50 feet wide when the minimum lot width for properties in this zoning district is 60 feet.

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

He said the request reduction on the north and south side yard building setbacks will permit the construction of a livable home which will match the size of many existing homes on this street.

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

He explained the reduction of the side yard building setbacks will be indiscernible from the street and will permit the construction of the desired home and will not detrimentally affect any neighborhood properties.

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 narrative and site plan, date stamped November 24, 2015, with the exception that the north side yard setback shall be 10 feet and the south side yard setback shall be 5 feet. This will provide 15 feet between the building on the adjacent property to the north and the future home on the subject property, which is in keeping with other zoning districts that have side yard setbacks of 5 and 10 feet.

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

Vice Chairperson Vescio called for the applicant to make a presentation.

Greg Packham, representing Chicanos Por La Causa, stated he had nothing to add to the presentation, but was available for questions.

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

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

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

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

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

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR16-02 subject to the stipulation set forth by the Planning Division.

**BOARD MEMBER CROWLEY MADE A MOTION TO APPROVE CASE No. VAR16-02 SUBJECT TO THE STIPULATION IN THE STAFF REPORT. BOARD MEMBER ZARRA SECONDED THE MOTION, WHICH WAS APPROVED WITH A VOTE OF 6 TO 0.**

OTHER BUSINESS FROM THE FLOOR

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

PLANNING STAFF COMMENTS AND SUGGESTIONS

Vice Chairperson Vescio called for the Planning Staff. Ms. Perry informed the Board of an upcoming appreciation event. She encouraged them all to attend the Arizona Coyotes hockey game on March 17th.

BOARD COMMENTS AND SUGGESTIONS

Vice Chairperson Vescio called for Board comments and suggestions. There were none.

ADJOURNMENT

Vice Chairperson Vescio called for Board comments and suggestions. There were none.

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

The meeting adjourned at 4:25p.m.

NEXT MEETING: April 14, 2016