

**MEETING MINUTES**

**CITY OF GLENDALE  
BOARD OF ADJUSTMENT**

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

**THURSDAY, AUGUST 14, 2014  
4:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at approximately 4:05 p.m.

II. ROLL CALL

Board members Zarra, Vescio (arrived at 4:12pm), Feiner, Dietzman and Chairperson Toops were in attendance. Board member Blakely was absent and excused.

CITY STAFF

Tabitha Perry, Assistant Planning Director, Remigio Cordero, Planner, Russ Romney, Deputy City Attorney and Diana Figueroa, Recording Secretary

Guest in Attendance: Councilmember Sherwood, Sahuaro District

III. APPROVAL OF THE MINUTES

Chairperson Toops stated there were no minutes for approval.

IV. WITHDRAWALS AND CONTINUANCES

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

V. PUBLIC HEARING ITEMS

1. **VAR14-03:** A request by Southwest Opportunity Rental to reduce the side yard setbacks to 11 feet and 14 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located west of the southwest corner of 59th Drive and Ocotillo Road (5955 West Ocotillo Road) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-03 is a request by Southwest Opportunity Rental to reduce the side yard setbacks to 11 feet and 14 where 20 feet is required in the R-3 zoning district. He said the lot is an irregularly shaped lot with multiple property line dimensions, and the property is approximately 18,537 square feet in size. He

explained that the applicant is proposing to construct an additional multi-residential unit in an existing multiple residential apartment complex.

Mr. Cordero continued by stating on July 18, 2014 the applicant mailed notification letters to adjacent property owners and interested parties. He noted the applicant did not receive any response from the request. He added that the Planning Division did not receive any response as well.

Mr. Cordero reviewed each of the four findings:

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.**

The lot width is 42 feet at the southern portion of the property which creates a special circumstance that is not self-imposed by the property owner. Typical lot width requirements for properties in the R-3 are 60 feet. The construction of an additional multi-residential unit requires some level of relief based on the setback requirement and the irregular lot configuration. A 20 foot perimeter setback requirement would render the property unusable in the area where the applicant is requesting to construct an additional multi-residential unit.

The setback requirement limits the property's overall development due to it being irregularly shaped. The lot's characteristic that create these hardships were not self-imposed by the property owner. The surrounding neighborhood is developed with a variety of side yard setbacks. Many do not meet the current R-3 perimeter setbacks.

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.**

The strict application of the Zoning Ordinance would limit the property to 20 foot side yard setbacks and eliminate the possibility of an additional residential unit being constructed on the property due to the lot's irregular shape and narrow width toward the rear of the property. Development of an additional unit could be accomplished without the need for a variance if the lot was rectangular and of the same square footage.

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

The requested side yard setbacks are the minimum necessary to construct an additional multi-residential unit on this property. The residential unit that was previously in this location was only four feet from the east side yard property line. The applicant is asking for an additional seven feet to give the new unit greater separation from the adjacent property line and structures to the east. The front and rear yard setbacks, maximum lot coverage, are in conformance with current R-3 zoning requirement.

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

The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighborhood properties.

Mr. Cordero concluded by stating 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 listed in the staff report. He concluded his presentation and stated he was available for questions.

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

Chairperson Toops called for the applicant to make a presentation. There was no presentation.

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

Chairperson Toops called for Mr. Russ Romney, Deputy City Attorney, to provide the next step in the legal process.

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

**Finding One. Chairperson Toops called for a voice vote on Finding One. The Board responded with a 5-0 vote.**

**Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.**

**Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.**

**Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.**

Mr. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-03, subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

**Board member Dietzman made a MOTION to APPROVE VAR14-03 subject to the stipulations in the staff report. Board member Zarra SECONDED the motion.**

**The MOTION was APPROVED with a vote of 5 to 0.**

Chairperson Toops stated the decision from the Board is to grant the variance. He said anyone wishing to appeal the action will need to file a motion in Superior Court.

2. **VAR14-04:** A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located south of the southeast corner of 61st Avenue and Glendale Avenue (6825 North 61st Avenue) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-04 is a request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 feet is required in the R-3 zoning district. He said the applicant is requesting a variance to reduce the side yard setbacks to construct a new single family residential (SFR) home on an infill within the city's downtown corridor. He noted that the lot dimensions are 49 feet wide by 180 feet deep, and the property is approximately 8,677 square feet in size.

Mr. Cordero continued stating that on July 15, 2014, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. He added Planning did not receive any responses either.

Mr. Cordero reviewed each of the four findings:

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.**

A lot width of 49 feet creates a special circumstance not self-imposed by the property owner. The construction of a new SFR home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 9 foot wide housing product to be constructed.

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.**

The strict application of the Zoning Ordinance would limit the property to 20 foot side yard setbacks and eliminate the possibility of building a SFR home on the property due to the total width of the lot. The surrounding neighborhood is developed with a variety of side yard setbacks; many do not meet the current R-3 perimeter setbacks. Several of the properties in the neighborhood have setbacks similar to those proposed by Habitat for Humanity.

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

The requested side yard setbacks are the minimum necessary to construct a single family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 zoning requirements.

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

The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighborhood properties.

Mr. Cordero 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 stipulations listed in the staff report. He concluded his presentation and stated he was available for questions.

Chairperson Toops asked if the Board had any questions. There were no questions.

Chairperson Toops called for the applicant to make a presentation. There was no presentation.

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

Chairperson Toops praised Habitat for Humanity and the great work they provide the community.

Chairperson Toops called for Mr. Russ Romney, Deputy City Attorney, to provide the next step in the legal process.

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

**Finding One. Chairperson Toops called for a voice vote on Finding One. The Board responded with a 5-0 vote.**

**Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.**

**Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.**

**Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.**

Mr. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-04 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

Board member Feiner, made a **MOTION** to **APPROVE VAR14-04** subject to the stipulations in the staff report. Board member Vescio **SECONDED** the motion.

The **MOTION** was **APPROVED** with a vote of 5 to 0.

Chairperson Toops stated the decision from the Board is to grant the variance. He said anyone wishing to appeal the action will need to file a motion in Superior Court.

3. **VAR14-05:** A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 9 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located south of the southeast corner of 61st Avenue and Glendale Avenue (6829 North 61st Avenue) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-05 is a request by Habitat for Humanity for the property located at 6829 North 61st Avenue. He stated the applicant is requesting a variance to reduce the side yard setbacks to construct a new single family residential (SFR) home on an infill lot within the city's downtown corridor. He said the lot dimensions are 49 feet wide by 180 feet deep, and the property is approximately 8,680 square feet in size.

Mr. Cordero continued by stating that on July 15, 2014, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. He noted Planning did receive one response in opposition to the request. He explained that a nearby business owner did not want more density or homes in the area. Staff explained the proposed land use is part of a subdivision that was platted over one hundred years ago. He added the business owner reiterated his/her opposition to the request.

Mr. Cordero reviewed each of the four findings:

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.**

A lot width of 49 feet creates a special circumstance not self-imposed by the property owner. The construction of a new SFR home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 9 foot wide housing product to be constructed. The surrounding neighborhood is developed with a variety of side yard setbacks; many do not meet the current R-3 perimeter setbacks.

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.**

The strict application of the Zoning Ordinance would limit the property to 20 foot side yard setbacks and eliminate the possibility of building a SFR home on the property due to the total

width of the lot. Several of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity.

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

The requested side yard setbacks are the minimum necessary to construct a single-family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 zoning requirements.

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

The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighborhood properties.

Mr. Cordero 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 stipulations listed in the staff report. He concluded his presentation and stated he was available for questions.

Chairperson Toops asked if the Board had any questions.

Chairperson Toops inquired as to the one response in opposition to the request. Mr. Cordero explained that a nearby business owner did not want more density or homes in the area.

Chairperson Toops called for the applicant to make a presentation. There was no presentation by the applicant.

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

Chairperson Toops called for Mr. Russ Romney, Deputy City Attorney, to provide the next step in the legal process.

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

**Finding One. Chairperson Toops called for a voice vote on Finding One. The Board responded with a 5-0 vote.**

**Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.**

**Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.**

**Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.**

Mr. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-05 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

**Board member Zarra made a MOTION to APPROVE VAR14-05 subject to the stipulations in the staff report. Board member Dietzman SECONDED the motion.**

**The MOTION was APPROVED with a vote of 5 to 0.**

Chairperson Toops stated the decision from the Board is to grant the variance. He said anyone wishing to appeal the action will need to file a motion in Superior Court.

- VAR14-06:** A request by Habitat for Humanity to reduce the side yard setbacks to 5 and 10 feet where 20 feet is required in the R-3 (Multiple Residence) zoning district. The site is located at the southwest corner of 54th Drive and Lamar Road (6746 North 54th Drive) and is in the Ocotillo District.

Mr. Remigio Cordero, Planner, began his presentation by stating VAR14-06 is a request by Habitat for Humanity to reduce the side yard setbacks to construct a new family residential home on an infill lot. He said the property is located at the southwest corner of 54th Drive and Lamar Road. The lot dimensions are 50 feet wide by 140 feet deep, and the property is approximately 7,114 square feet in size.

Mr. Cordero continued by stating that on July 15, 2014 the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. Planning did not receive a response regarding the request.

Mr. Cordero reviewed each of the four findings:

- 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.**

A lot width of 50 feet creates a special circumstance not self-imposed by the property owner. The construction of a new SFR home requires some level of relief based on the setback requirement. A 20 foot perimeter setback requirement would render the property unusable. The setback requirement would only allow for a 10-foot wide housing product to be constructed.

- 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.**

The strict application of the Zoning Ordinance would limit the property to 20 foot side yard setbacks and eliminate the possibility of building a SFR home on the property due to the total width of the lot. The surrounding neighborhood is developed with a variety of side yard setbacks; many do not meet the current R-3 perimeter setbacks. Several of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity.

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

The requested side yard setback is the minimum necessary to construct a single-family residential home on the vacant lot. The front and rear yard setbacks, maximum lot coverage, and minimum lot depth are in conformance with current R-3 zoning requirements.

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

The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties.

Mr. Cordero 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 stipulations listed in the staff report. He concluded his presentation and stated he was available for questions.

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

Chairperson Toops called for the applicant to make a presentation. There was none.

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

Chairperson Toops called for Mr. Russ Romney, Deputy City Attorney, to provide the next step in the legal process.

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

**Finding One. Chairperson Toops called for a voice vote on Finding One. The Board responded with a 5-0 vote.**

**Finding Two. Chairperson Toops called for a voice vote on Finding Two. The Board responded with a 5-0 vote.**

**Finding Three. Chairperson Toops called for a voice vote on Finding Three. The Board responded with a 5-0 vote.**

**Finding Four. Chairperson Toops called for a voice vote on Finding Four. The Board responded with a 5-0 vote.**

Mr. Romney asked, based on the findings, if the Board wishes to grant variance VAR14-06 subject to the stipulations set forth by the Planning Division.

Chairperson Toops called for a motion.

**Board member Zarra made a MOTION to APPROVE VAR14-06 subject to the stipulations in the staff report. Board member Vescio SECONDED the motion.**

**The MOTION was APPROVED with a vote of 5 to 0.**

Chairperson Toops stated the decision from the Board is to grant the variance. He said anyone wishing to appeal the action will need to file a motion in Superior Court.

VI. OTHER BUSINESS FROM THE FLOOR

Chairperson Toops asked staff if there was other business from the floor. There was none.

VII. PLANNING STAFF COMMENTS AND SUGGESTIONS

Chairperson Toops asked for Planning Staff Comments and Suggestions. There were none.

VIII. BOARD COMMENTS AND SUGGESTIONS

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

IX. ADJOURNMENT

**Board member Zarra made a MOTION to ADJOURN the meeting. Board member Dietzman SECONDED the motion.**

The meeting adjourned at 4:43 p.m.

Next meeting tentatively scheduled for September 11, 2014.