

REGULAR MEETING MINUTES OF THE BOARD OF ADJUSTMENT OF THE CITY OF CHANDLER, ARIZONA
August 12, 2020, held in the City Council Chambers, 88 E. Chicago Street.

1. **CALL TO ORDER / ROLL CALL**

CHAIRMAN VASQUEZ called the regular meeting to order at 6:00 p.m.

The following Board members answered Roll Call:

Chairman Bill Vasquez
Vice Chairman Dean Oullette
Boardmember Meaghan Coon
Boardmember Dan Henderson
Boardmember Manuel Ramirez
Boardmember Jim Ryan
Boardmember Chad Wakefield

Also, present:

Mr. David de la Torre, Planning Manager
Mr. Benjamin Cereceres, City Planner
Mr. Harley Mehlhorn, Planning Technician
Mr. Thomas Allen, Assistant City Attorney
Ms. Elisa Thompson, Clerk

2. **PLEDGE OF ALLEGIANCE:**

Pledge of Allegiance led by BOARDMEMBER RYAN

3. **APPROVAL OF MINUTES:**

a. Minutes of Wednesday, August 9, 2017

Approved.

Moved by BOARDMEMBER RYAN, seconded by BOARDMEMBER HENDERSON to approve the regular meeting minutes of August 12, 2017, Board of Adjustment meeting.

Chairman Vasquez – <i>In Favor</i>	Vice Chairman Oullette – <i>In Favor</i>
Boardmember Coon – <i>In Favor</i>	Boardmember Ryan – <i>In Favor</i>
Boardmember Henderson – <i>In Favor</i>	Boardmember Ramirez – <i>In Favor</i>
Boardmember Wakefield – <i>In Favor</i>	

The motion passed unanimously 7-0.

4. **ANNUAL PLANNING COMMISSION BUSINESS MEETING**

Election of Officers:

a. Chairman

BOARDMEMBER RYAN motioned to elect **CHAIRMAN VASQUEZ** to continue as CHAIRMAN for the Board of Adjustment, second by BOARDMEMBER HENDERSON.

Chairman Vasquez – <i>In Favor</i>	Vice Chairman Oullette – <i>In Favor</i>
Boardmember Coon – <i>In Favor</i>	Boardmember Ryan – <i>In Favor</i>
Boardmember Henderson – <i>In Favor</i>	Boardmember Ramirez – <i>In Favor</i>
Boardmember Wakefield – <i>In Favor</i>	

The motion passed unanimously 7-0.

b. Vice Chairman

BOARDMEMBER RYAN motioned to elect **VICE CHAIR OULLETTE** to continue as VICE CHAIRMAN for Board of Adjustment, second by BOARDMEMBER HENDERSON.

Chairman Vasquez – *In Favor*
Boardmember Coon – *In Favor*
Boardmember Henderson – *In Favor*
Boardmember Wakefield – *In Favor*

Vice Chairman Oullette – *In Favor*
Boardmember Ryan – *In Favor*
Boardmember Ramirez – *In Favor*

The motion passed unanimously 7-0.

5. ACTION ITEMS:

a. PLH20-0005 HEALY RESIDENCE

Continued to September 9, 2020, Board of Adjustment Meeting.

Request variance from Zoning Ordinance to allow encroachment into the required setbacks on property located at 5745 S Topaz Pl, north of Riggs Road, and east of Lindsay Road.

RECOMMENDATION

Planning staff, upon finding the need for a variance to be self-imposed and the criteria by which all variances are reviewed to not be fully satisfied, recommends denial of the requested variance.

PROPERTY INFORMATION

Subdivision Name	Vasaro (formerly Citrus Preserve)
Lot #	87
Lot size	20,375 square feet
Home size	7,050 square feet
Year home constructed	2017
# of existing structures on property	2 (a dwelling unit and one illegally constructed accessory building for which the variance is requested)

ZONING INFORMATION

Zoning	Planned Area Development (PAD) for single family residential (Ordinance No. 3225)
Year zoning adopted	2001

SETBACKS

	Required Min. Setbacks:	Requested setbacks (variance)
Front Yard Setback:	25 feet	<i>no change</i>
Side Yard Setbacks:	10 feet & 10 feet	<i>no change</i>
Rear Yard Setback:	25 feet	12 feet and 2 inches
Max. Lot Coverage:	45%	<i>no change</i>

REQUESTED VARIANCE

The subject of this variance is to allow a detached accessory building to be setback approximately 12 feet – 2 inches from the rear yard property line. The approximate 477 sq. ft. accessory building is located on the south-east side of the home.

It is important to note that while the proposed structure functions as a ramada, the zoning code categorizes it as an accessory building because it exceeds 150-square feet, which is defined as the maximum size for open-air ramadas. Accessory structures must comply with the same setbacks as the home. Open-air ramadas, that is those that do not exceed 150-square feet in size, may be as close as 5-feet to the rear and side property lines.

Staff would like to note that despite numerous attempts, the applicant has not been responsive or cooperative and has not provided details on the existing non-permitted accessory building (ramada). The applicant did submit plans to the Home Owners Association (HOA) and received approval from the HOA. Staff received a copy of those plans from the HOA. Below is a brief case history:

Timeline of request to build structure on subject property:

- June 14, 2018: Variance Request (VAR18-0001) submitted to allow for a reduction in rear yard setback from 25' to 12'.
- August 6, 2018: Staff provided initial comments on variance application and didn't receive response from applicant.
- December 2, 2019: Staff sent out a letter informing the client that staff has not received any response from the applicant to date and that the case will be closed out due to inactivity.
- January 2, 2020: Variance case (VAR18-0001) was withdrawn by staff due to inactivity.
- January 2, 2020: Complaint received by Code Compliance regarding for possible structure not meeting rear yard setback requirements.
- January 29, 2020: A building permit application was submitted to the City for a detached accessory structure to encroach within required rear yard setbacks. The permit was withdrawn by staff and the applicant directed to apply for a variance.
- February 11, 2020: Variance case (PLH20-0005) submitted to allow existing accessory structure to encroach within required rear yard setback.

APPROVAL CRITERIA AND STAFF FINDINGS

The following approval criteria is provided by Chandler City Code (Section 35-2502.6) for the Board of Adjustment to hear and decide variance requests. Following each criterion are Planning Staff's italicized responses. The applicant's written narrative answering the following criteria is included as an attachment.

"A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:

Criteria: 1. **"There are special circumstances or conditions that apply to the land, building, or use referred to in the application."**

Finding: *The approximate 20,375 sq. ft. lot is considered a larger lot compared to others within the City of Chandler, thereby allowing sufficient space to construct a small open-air-ramada which can be a maximum of 150 sq.ft. from edge of roof which includes roof overhang/eave/ edge of beam that has reduced setback requirements and there is also the possibility of adding an attached patio cover to the rear of the home. The regular rectangular shaped nature of the property does not restrict the rear yard setbacks. There are no special circumstances that apply to the property which do not apply equally to other properties in the neighborhood. The lot has no physical constraints that restrict the property's use as planned or zoned. Planning staff is of the opinion that this criteria has not been fully satisfied.*

Criteria: 2. **"The granting of the variance is necessary for the preservation and enjoyment of substantial property rights."**

Finding: *The existing home demonstrates that the property has been allowed to develop and the property owner has enjoyed substantial property rights. There appears to be adequate available land to construct the accessory building. It is not a property right to build an accessory building and violate the minimum rear and side yard setback requirements. Planning staff is of the opinion that this criteria has not been satisfied.*

Criteria: 3. **"The granting of the variance will not materially be detrimental to persons, property, or the public welfare of the community."**

Finding: *The variance would be a detriment to the neighboring properties as they do not legally enjoy, nor have been granted approval to construct an accessory structure that does not abide by zoning regulations. Planning staff is of the opinion that this criteria has not been satisfied.*

"The Board of Adjustment may not:

Criteria: 4. **Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning code provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article."**

Planning staff finds no changes in the uses permitted are requested and will not be granted with the requested variance.

Criteria: 5. **"Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner"**

Planning staff finds that the existing accessory building hardship is self-imposed.

Criteria: 6. **"A variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is located."**

Finding: *Planning staff finds that if the variance is granted, this would be a special privilege that adjacent property owners would not be granted due to zoning code limitations.*

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Planning staff received comments from property owners
- As of the writing of this memo, Planning staff is aware of opposition and general inquiries to the request:
 - General Inquiry: Three (3)
 - Opposed: One (1)

RECOMMENDED ACTION

Planning staff finds that the requested variance does not meet the approval criteria and therefore recommends denial.

BOARDMEMBER RYAN confirmed with staff they had originally submitted for this project on June 14, 2018, a variance for the setbacks to be changed from 25 ft to 12 ft. He continued that August 6, 2018 staff had given initial comments on the variance application and had not received comments from the applicant. He asked staff if the initial comments made by staff were available and if the comments included that this variance was something that they couldn't grant.

BENJAMIN CERECERES, CITY PLANNER responded that he did not have a copy of the comments but more than likely it would have included questions and a request for further information.

CHAIRMAN VASQUEZ opened up the floor to the applicant's representative.

STEVE YODER, PREMIER PARADISE stated that they were the general contractor on this project. He said that the initial design of the project was for a resort-style backyard for the homeowner, Laura Healy which he shared suffered from cancer. He said that --this a place where she could retreat, recover, and enjoy after her therapies. He said the scope of the pool was quite large and they wanted to match the outdoor living space. He said that initially, they had a framed stucco tile roof to match the home structure that they tried to permit. He said that they had gone to a variance meeting where they were instructed that they could build an open-air ramada with multiple tiers as long as they did not have more than 150 sq ft of the covered area it would be acceptable. He said that they had moved forward with that design. He said that it is an open lattice structure with custom wood with about 150 sq ft of covered area with a fan. He said that it is attached to a large fireplace which blocks the view of one neighbor and that it bumps out to a desert field that will be a future park. He said that the structure is blocked off by large canary palm trees adding that it is not visible from the surrounding properties. He said that they thought they had done their due diligence on the original variance meeting. He said that they had built it within the scopes that they had been told. He said that it has been engineered since then and has been submitted for a permit. He said that it is currently sitting in permitting due to the variance. He said

-that he was not involved with the original variance. He said that Jeremy the owner is the designer and had made the original changes. He added that unfortunately, the homeowners were not available to come to the meeting.

BOARDMEMBER RYAN confirmed with STEVE YODER that the structure is already been built and has been there for 2 years. He also confirmed that the ramada only covered 150 sq ft.

STEVE YODER confirmed that it was correct. He said the structure had been built with four columns with large lumber going one direction and the other. He said it's a TNG roof with a fan which is 150 sqft of coverage and four lights. He said that a portion is then attached to a 6 ft x 8 ft fireplace.

BOARDMEMBER RYAN confirmed that they had built the ramada as well as the fireplace structure all in one. He asked if there was a cover over the fireplace.

STEVE YODER confirmed that it was covered up in stone and it was approximately 10 ft tall with a chimney and confirmed that it had one beam like a ledger on the front and it came off of that. He said that there was an 85" TV and mantel.

BOARDMEMBER WAKEFIELD asked to see plans of the new structure so they could take a look at it.

STEVE YODER shared the plans. He responded to a question directed to him by BOARDMEMBER COON about what made up the 150 sq ft. He said it was the solid roof in the center. He said that the open ramada is lower than the covered portion. He said that there were several levels to it.

CHAIRMAN VASQUEZ confirmed that they had not done the original variance submitted and that they had changed the design.

STEVE YODER responded that it was correct the original design had been changed after the original design meeting.

CHAIRMAN VASQUEZ asked if he was at the variance meeting.

STEVE YODER responded that he was not a part of the original variance meeting.

BOARDMEMBER COON confirmed that there is a solid roof and a part of it is a lattice roof.

STEVE YODER responded that it was correct.

BOARDMEMBER WAKEFIELD asked if he had seen the letter from the City asking for more information.

STEVE YODER responded that he had not. He said that information would have been received by their CAD Designer he is the one that had submitted the information for the variance.

BOARDMEMBER COON confirmed that there is a wood tiled roof and then there is a lattice style roof.

STEVE YODER *responded that was correct and* shared the plans with the board of what they had built.

CHAIRMAN VASQUEZ confirmed with staff the dates of when the application was submitted and when staff had responded with initial comments which staff had not received a response. He said that staff had then sent a letter to the applicant that the case would be withdrawn if they did not receive a response and then in January the case was closed due to no response from the applicant. He said that on January 2nd they had received a complaint to code enforcement for a building violation. He asked staff for further clarification.

BENJAMIN CERECERES responded that they had received the variance request on June 14, 2018, and continued that when they receive an application they will check for completeness and other ways that they can build the accessory structure while meeting City Code requirements regarding setbacks and so forth. He said that the letter that they had sent out they usually send initial comments on how they could meet code and a request for additional items that they might need. He continued that after they had sent out the initial comments they had never received any comments back from the applicant regarding the initial comments that were sent to them.

CHAIRMAN VASQUEZ asked STEVE YODER if there was anyone that was part of that process that could answer those questions.

STEVE YODER responded that no one present was part of that process that could answer those types of questions.

BOARDMEMBER WAKEFIELD asked staff if the roof lattice counts as coverage area.

DAVID DE LA TORRE responded that the footprint starts and is counted from the edges of the roof, beams, and lattice. He said that even if it may not be completely solid it is all still counted as square footage.

BOARDMEMBER RAMIREZ asked staff for further clarification as to why the square footage is seen as 477 sq ft structure instead of 117 sq ft.

DAVID DE LA TORRE responded that it is seen as a whole unit as it has a similar visual impact on neighbors. He continued as it has a beam with a close setback structure to the neighboring properties. He said that the code does not provide specifics on whether it has a solid or lattice roof it just provides the square footage.

STEVE YODER responded that because it was different levels it was seen as different structures.

CHAIRMAN VASQUEZ stated that he wanted to see what was sent to the applicant by staff on the initial comments.

BENJAMIN CERECERES responded that the structure that was built is not what was submitted to the comments would have been on the original structure that was submitted on the initial variance request. He added that the HOA had approved the plans of what was built but they had not been submitted to the City Staff for a review.

BOARDMEMBER WAKEFIELD asked if when they had originally submitted for the variance the structure had been built.

BENJAMIN CERECERES responded that they had not

BOARDMEMBER WAKEFIELD confirmed with staff that the structure had been built before they received a response.

BENJAMIN CERECERES confirmed that it was correct.

BOARDMEMBER COON asked if then they had built additional on top of that.

BENJAMIN CERECERES clarified that when they had submitted the variance they had not built the structure yet. He said that the plans that were seen today are what was built and not submitted to staff for review. He stated that staff had obtained the plans of what was built from the HOA board but it was not submitted originally to staff.

BOARDMEMBER COON asked if the lattice is included in the square footage or what made up that amount.

BENJAMIN CERECERES responded that they were counting the farthest edge of the beam and seen as one.

DAVID DE LA TORRE responded that he had done a quick calculation of 520 sq ft which included the lattice section on both sides and the beam as well as the centerpiece. He said that is what they would calculate the square footage by is over the initial 150 square footage allowed as it would be considered an accessory structure.

VICE CHAIR OULLETTE asked if there was the reason given by the applicant on why there was no response.

BENJAMIN CERECERES responded that he could not respond to the applicant as to the reasons why but he said that staff had reached out by mail, email and the phone and staff had not received a response to resubmittal of the initial comments.

STEVE YODER responded that he had not received any emails himself but was directed to build the structure as per what was discussed on the initial variance meeting which he was not a part of. He said that the home had some structural cracks and had an inspector come to the home. He said that is when the City became aware that the structure had been built. He said that they had received a violation and that is when they submitted all the plans.

CHAIRMAN RAMIREZ asked STEVE YODER if they had received some sort of permit or application approval for the structure to be built.

STEVE YODER responded that after the initial variance meeting they had the understanding that because it was less than 150 sq ft it didn't need to be permitted as an open-air ramada as each structure was a different level. He said since it was different levels each level was seen as an individual structure. He said that each structure was less than 150 sq ft. He said that is his understanding of why they had moved forward with building. He said that the meeting was held with City staff not present here.

CHAIRMAN VASQUEZ responded that he needed to know what was discussed during that meeting and he needed to have the people representing the applicant that attended that meeting because they do not have the information of what was said because they do not have a full story here. He said it was being asked to put a puzzle together with missing pieces.

Moved by **BOARDMEMBER HENDERSON**, seconded by **BOARDMEMBER WAKEFIELD** to **CONTINUE ITEM A. PLH20-0005 HEALY RESIDENCE TO THE SEPTEMBER 9, 2020, BOARD OF ADJUSTMENT MEETING.**

Chairman Vasquez – *In Favor*
Boardmember Coon – *In Favor*
Boardmember Henderson – *In Favor*
Boardmember Wakefield – *In Favor*

Vice Chairman Oullette – *In Favor*
Boardmember Ryan – *In Favor*
Boardmember Ramirez – *In Favor*

The motion passed unanimously 7-0.

b. PLH20-0024 WIATROWSKI RESIDENCE

Denied.

Request variance from Zoning Ordinance to allow encroachment into the required setbacks on property located at 831 W San Marcos Dr, north of Frye Road and east of Alma School Road.

RECOMMENDATION

Planning staff, upon finding the need for a variance to be self-imposed and the criteria by which all variances are reviewed to not be fully satisfied, recommends denial of the requested variance.

PROPERTY INFORMATION

Subdivision Name		San Marcos Country Club Estates I
Lot #		19
Lot size		12,855 square feet
Home size		2,901 square feet
Year home constructed		1998
# of existing structures on property		1 (home)

ZONING INFORMATION

Zoning	Planned Area Development (PAD) for single family residential (Ordinance No. 1927)
Year zoning adopted	1988

SETBACKS

	Required Min. Setbacks:	Requested setbacks (variance)
Front Yard Setback:	30 feet	<i>no change</i>
Side Yard Setbacks:	8 feet & 8 feet	5 feet
Rear Yard Setback:	30 feet	6 feet
Max. Lot Coverage:	40%	<i>no change</i>

REQUESTED VARIANCE

The subject of this variance is to allow a detached accessory building (ramada) to maintain a 6-foot distance from the rear property line and a 5-foot setback from the eastern side yard property line. The approximate 360 sq. ft. accessory building would be constructed on the south-east side of the home.

It is important to note that while the proposed structure functions as a ramada, the zoning code categorizes it as an accessory building because it exceeds 150-square feet, which is defined as the maximum size for open-air ramadas. Accessory structures must comply with the same setbacks as the home. Open-air ramadas, that is those that do not exceed 150-square feet in size, may be as close as 5-feet to the rear and side property lines.

The design of the proposed accessory building is architecturally integrated with the primary structure incorporating white smooth stucco finished columns and a concrete tile roof. If approved, a building permit submittal will be required.

APPROVAL CRITERIA AND STAFF FINDINGS

The following approval criterion is provided by Chandler City Code (Section 35-2502.6) for the Board of Adjustment to hear and decide variance requests. Following each criterion are Planning staff's italicized responses. The applicant's written narrative answering the following criteria is included as an attachment.

"A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:

- Criteria: 6. **"There are special circumstances or conditions that apply to the land, building, or use referred to in the application."**

Finding: *Planning staff is of the opinion that this criteria has not been fully satisfied. The approximate 12,855 sq. ft. lot is considered a larger lot compared to others within the City of Chandler, thereby allowing sufficient space to construct a small open-air-ramada -that is 150 square-feet maximum and has reduced setback requirements, there is also the possibility of adding an attached patio cover to the rear of the home. The regular rectangular shaped nature of the property does not restrict the rear yard -setbacks. There are no special circumstances that apply to the property which do not apply equally to other properties in the neighborhood. The lot has no physical constraints that restrict the property's use as planned or zoned.*

Criteria: 7. **"The granting of the variance is necessary for the preservation and enjoyment of substantial property rights."**

Finding: *Planning staff is of the opinion that this criteria has not been satisfied. The existing home demonstrates that the property has been allowed to develop and the property owner has enjoyed substantial property rights. There appears to be adequate available land to construct a small open-air ramada and still comply with setbacks.. It is not a property right to build an accessory building and violate the minimum rear and side yard setback requirements.*

Criteria: 8. **"The granting of the variance will not materially be detrimental to persons, property, or the public welfare of the community."**

Finding: *Planning staff is of the opinion that this criteria has not been satisfied. The variance would be a detriment to the neighboring properties as they do not legally enjoy, nor have been granted approval to construct an accessory building that does not abide by zoning regulations.*

"The Board of Adjustment may not:

Criteria: 9. **Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning code provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article."**

Planning staff finds no changes in the uses permitted are requested and will not be granted with the requested variance.

Criteria: 10. **"Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner"**

Planning staff finds that the proposed accessory building is self-imposed.

Criteria: 6. **"A variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is located."**

Finding: *Planning staff finds that if the variance is granted, this would be a special privilege that adjacent property owners would not be granted due to zoning code limitations.*

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with state law requirements.
- As of the writing of this memo, Planning staff is aware of support and general inquiries for the request:
 - General Inquiry: Two (2)
 - Support: Five (5) letters/emails/phone calls – Including HOA
- As of the writing of this memo, Planning staff is not aware of any opposition to the request.

RECOMMENDED ACTION

Planning staff finds that the requested variance does not satisfy the approval criteria and therefore recommends denial.

VICE CHAIR OULLETTE asked staff if it was possible for the ramada to be moved closer to the pool to be able to meet the rear-yard setback requirements.

BENJAMIN CERECERES responded that it would be possible but he would have to take a look and see if there are any setback restrictions on how close a column can be to a body of water.

DAVID DE LA TORRE responded that moving the ramada further west would help with the side yard setbacks but would not help with the rear yard setbacks. He added that moving it would still encroach into that.

BOARDMEMBER COON asked if the property backed into an alley or if it was a road.

BENJAMIN CERECERES responded that it was a street and confirmed with **BOARDMEMBER COON** that rear-yard setbacks were required due to this.

BOARDMEMBER RYAN asked staff for further clarification that pertained to item a. HEALY RESIDENCE as well as item b. He asked how far apart structures needed to be seen as a separate structure.

DAVID DE LA TORRE responded that the structures cannot touch and be less than 1 foot apart to be seen as separate structures. He added that item a. HEALY RESIDENCE would have to be analyzed based on the information that they have provided there today.

BOARDMEMBER RYAN said that if the applicant wanted to build two side by side ramadas no less than 1 foot apart to be able to meet the requirements but could not build one continuous ramada larger than 150 sq ft.

DAVID DE LA TORRE confirmed that it was correct and that the information had been conveyed to the applicant.

CHAIRMAN VASQUEZ opened up the floor to the APPLICANT.

APPLICANT stated he is the owner of the property and it is his residence. He added that the property is not used as a rental. He shared a presentation that he had made of the property which included an aerial view as well as a photograph of what the ramada would look like. He said he that

-the total square footage of his yard is over 3200 sq ft. and it backups to Fry Road. He said the ramada would be 360 sq ft and would have concrete footings with wooden beams that would extend to the timber wood structure. He continued that the columns would be coated in white stucco which would match the time. He said the roof framing would be exposed timber in the interior up into the ceiling and exterior of the structure with a pitched tile roof with concrete roof tile. He added that the concrete roof tile would match the roofing from the home. He said that the walking surface would be concrete pavers throughout that would extend to the pool and going into the gravel. He said it would be a custom-built ramada and not a prefabricated ramada that you would be able to purchase through Costco or Loews as prepacked. He said that it would be a custom-built ramada made from quality materials and exposed lumber for aesthetics. He continued that what he meant by that is that it could be possible to build with smaller timber whether it is 2 by 6 roof joist, half sheeting on the roof. He said that they would be using 4 by 6 roof joist and tung and groove lumber for the roof itself and using oversized beams to make it aesthetically pleasing. He said it was also important to note that the structure would meet the aesthetics of the home. He said that the purpose of the project is that they have an active family and they do not like being cooped up in the house so they like to spend a lot of their time outdoors. He said that they also like to entertain family, friends, and neighbors. He said his neighbor is rectangular and faces east to west. He shared that there is currently no shade or coverage in the backyard and that is why he would like to build the ramada to be able to provide shade and protection from the sun. He shared that there is an existing patio there that has seating and a gas fireplace that they can use when the heat is not too bad. He continued that they currently do not have any shade in the backyard and that is why they would like to build the ramada. He said that the ramada would cover the exiting sitting area as well as at the same time they will have a bbq area where they can have a built-in grill where they can cook different meals outside and enjoy the backyard and be utilized by their friends and neighbors all year long. He said that he has spent a lot of time speaking to staff with lots of consideration and have included the recommendations made by staff. He said he had talked through the details with staff to make sure he understood the requirements. He said he had also discussed with all of his neighbors to make sure that they were okay with the structure. He said that his original design had the ramada going from the north to the south and had received suggestions to move the ramada to the current design. He demonstrated the current property lines with setbacks. He said with the current dimensions of his home that he could only have a 6ft long structure that would follow along the length of the home but it would not provide the shade that they need to be able to make his outdoor space usable. Said that the purpose of putting g the ramada in the corner was to provide shade to his s current patio space. He said he was open to seeing how close the ramada could be to the pool to meet the setback requirements. He demonstrated that the alternative would be to build two smaller outdoor structures. He said that the point he wanted to make is that this choice would be worse than the variance. He continued that the reason was with the current zoning there would be no restriction on how many 150 sq ft structures he could build in his rear yard. He said he could build two structures or more that are 150 sq ft and 1 foot apart. He demonstrated a graphic of what the two ramadas would look like with a graphic of what he would like to build as a visual comparison. He stated that the compliant structure would have more columns, be larger, would be more expensive to have built, and would be generally aesthetically unpleasing than the single ramada he is proposing. He added the structure could be modified by a future homeowner that doesn't know why the ramadas are built separately and could be inclined to modify it into a single structure. He said it currently meets the open-air ramada requirements is that it is over 150 sq ft. He continued that it occupies 11% of the yard. He said it was under what the allowable coverage of the rear yard area is. He said it minimizes

-the amount of the columns and it provides unrestricted movement. He said having only 4 columns allows for more mobility and having a single structure is more aesthetically pleasing than two. He said it also prevents the unpermitted marriage of structures in the future. He said he has spent a lot of time trying to do the right and going through the permitting process and that building a single structure would provide a better solution than the two. He said he has spent a lot of time golfing in the community and has observed structures that extend the rear-yard setbacks and his structure would follow the standards that have been placed by his community. He said he has had the HOA committee over and walked them through the plans of the backyard and they have approved it and said he just needed the City of Chandler's approval to build it. He included the letters of support by the HOA and his neighbors. He said that he had a neighbor that had received the postcard notification for the variance request. She had contacted the City Planner and once she knew what the project was about she submitted a letter of recommendation. He also included a Facebook post from his wife where she shared information on the project with contact information of the City Planner which they had received over 20 supporting comments on the post. He said that they were excited about the project and couldn't wait to have it built and come over for a bbq.

BOARDMEMBER COON said that the packet said the ramada is 360 sq ft but in the presentation it listed the square footage as 355.

APPLICANT confirmed that it was 360 sq ft.

BOARDMEMBER WAKEFIELD asked staff if there were any setback restrictions in HOA that would prevent this structure from being built.

BENJAMIN CERECERS responded that there were no restrictions that would force the City to enforce. He said that the zoning setbacks are to be met by City Code. He said if the HOA has different setbacks they would still need to be compliant with City Code requirements.

BOARDMEMBER WAKEFIELD asked if the definition of the size of an open-air ramada, accessory building, and setbacks was in the Zoning Code. He said he was just wanted to know that it was specifically listed in the Code and not open to interpretation.

BENJAMIN CERECERES confirmed that the code was specific.

DAVID DE LA TORRE responded that the San Marcos community where the applicant resides has specific setbacks for that property and that is where they pulled the setbacks from for this project.

BOARDMEMBER RYAN stated that due to the statute the request would not be allowed due to the APPLICANT simply not wanting to follow the zoning setbacks.

Moved by **BOARDMEMBER RYAN** seconded by **VICE CHAIR OULETTE** to **DENY ITEM B. PLH20-0024 WIATROWSKI RESIDENCE.**

Chairman Vasquez – *In Favor*
Boardmember Coon – *In Favor*
Boardmember Henderson – *In Favor*
Boardmember Wakefield – *In Favor*

Vice Chairman Oullette – *In Favor*
Boardmember Ryan – *In Favor*
Boardmember Ramirez – *In Favor*

The motion passed unanimously 7-0.

6. BRIEFING ITEMS

None

7. MEMBERS COMMENTS/ANNOUNCEMENTS

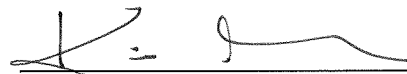
8. CALENDAR

Next regular meeting will be held on Wednesday, September 9, 2020, in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona

9. ADJOURNMENT

The regular meeting was adjourned at 7:24 p.m.

Bill Vasquez, Chairman



Kevin Mayo, Secretary