

**MINUTES  
BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B3  
5850 W. GLENDALE AVENUE  
GLENDALE, ARIZONA 85301**

**THURSDAY, FEBRUARY 13TH, 2020  
4:00 PM**

CALL TO ORDER

The meeting was called to order at 4:00 PM.

ROLL CALL

**Committee members present:** Chairperson Erminie Zarra, Vice Chair Cathy Cheshier, Lawrence Feiner, Kyle Holschlag, and Brian Britton were present.

**Committee members absent:** Benjamin Naber was absent

**City staff present:** Lisa Collins (Interim Development Services Director), Samantha Cope (Administrative Support Staff), Tina LaVelle (Planner), and Russ Romney (Deputy City Attorney).

CITIZEN COMMENTS

Chairperson Zarra asked for citizen comments, and no citizen comments were made.

APPROVAL OF THE MINUTES

A motion to approve the January meeting minutes was made by Mr. Britton and seconded by Vice Chair Cheshier. All were in favor.

WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

PUBLIC HEARING ITEMS

**A. RAMIREZ VARIANCE VAR19-12**

Ms. Labelle made a presentation for this Mr. Ramirez. This is a request by Magin Juarez Ramirez to allow a five (5) and ten (10) foot side setback where a 20-foot perimeter setback is required in the R-3 (Multiple Residence) zoning district. The site is located 6826 N. 60th Avenue in the Ocotillo District. The request is to reduce the side yard setbacks of five (5) feet to north property line, ten (10) feet from the south property line, with fifteen (15) to any permanent structure on the adjacent lots, from the twenty (20) perimeter setback required by the Glendale Zoning Ordinance, Section 5.420, for R-3 (Multiple Residence) zoning.

The Board of Adjustment was urged to consider the facts and determine that the findings required to grant a variance have been met. They may condition a variance to ensure that it will

not grant special privileges inconsistent with the limitation of other similarly zoned properties. The board should also consider the R-3 zoning code was adopted after the single-family home and the lot were both created.

### **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 twenty (20) foot R-3 perimeter setbacks of the lot create a special circumstance not self-imposed by the property owner. The lot dimensions are 50 feet by 180 feet. Strict application of the code would limit the building envelope to 10 feet in width which results in an unreasonable building envelope and would significantly limit the size of any addition.

**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 lot's width, depth and size closely resemble the lot size and dimensions of the R1-6 zone located to the southeast of this site. The properties to the south east of North 61st and West Lawrence road have comparable lot widths and enjoy the five (5) and ten (10) foot side setbacks of R1-6 zoning. Using these setbacks, the building envelope would increase to 35 feet in width.

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

The requested side setbacks are the minimum necessary to construct additions to the home that are reasonable. The existing lot has a width of fifty (50) feet which is under the minimum width requirement of sixty (60) feet in the R-3 zone. As proposed, the proposed addition would increase the width of the building footprint to 35 feet which is consistent with an adequate width for the building footprint.

**4. Granting the variance will not have a detrimental effect on the property, adjoining property, the surrounding neighborhood, or the city in general.** The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties.

**Recommendation:** The variance request appears to meet all four findings and should be approved.

**Proposed Motion:** Move to approve VAR19-12 per the findings.

Vice Chair Cheshier asked when the existing residence on the property was built and wondered if would be grandfathered in, and Ms. Labelle stated the new setbacks would have to meet the current R-3 standard. Vice Chair Cheshier asked why this area wouldn't be rezoned, and Ms. Collins noted these types of variances are presented often. As the zoning ordinances are rewritten, these lots should've had a different zoning categorization initially.

Chairperson Zarra opened the public hearing, and with no comments made, he immediately closed the public hearing as well.

After the public hearing closed, the board voted per each finding with the help of Mr. Romney.

1. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, Mr. Britton, and Chairperson Zarra all said, “aye.”
2. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, Mr. Britton, and Chairperson Zarra all said, “aye.”
3. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, Mr. Britton, and Chairperson Zarra all said, “aye.”
4. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, Mr. Britton, and Chairperson Zarra all said, “aye.”

Mr. Feiner made a motion to approve the variance (subject to stipulations), and it was seconded by Mr. Britton. All voted “aye” in favor, and none opposed. Variance granted.

#### STAFF REPORT

Ms. Collins did not have a staff report.

#### BOARD COMMENTS AND SUGGESTIONS

No other business, board comments, or suggestions were made.

#### NEXT MEETING

The next meeting will take place on Thursday, April 9th, 2020, at 4 PM.

#### ADJOURNMENT

Vice Chair Cheshier made a motion to adjourn the meeting, and it was seconded by Mr. Britton.