

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

**THURSDAY, APRIL 9TH, 2020
4:00 PM**

CALL TO ORDER

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

ROLL CALL

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

Committee members absent: Chairperson Erminie Zarra, and Benjamin Naber were absent and excused.

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

CITIZEN COMMENTS

Vice Chair Cheshier asked for citizen comments, and no citizen comments were made.

APPROVAL OF THE MINUTES

A motion to approve the February meeting minutes was made by Mr. Feiner and seconded by Mr. Britton. All were in favor.

WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

PUBLIC HEARING ITEMS

A.VAR19-11 AGUILAR RESIDENCE VARIANCE:

A request by Irma Aguilar to exceed the maximum lot coverage of 10% to 30% and to reduce side yard setbacks to 15 feet from 50 feet as required in the A-1 (Agricultural) zoning district. The site is located at 6030 W. Marconi Avenue in the Sahuaro District. Presentation by Christina Lavelle, Planner.

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.

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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 50-foot setbacks of the of the lot create a special circumstance not self-imposed by the property owner. The lot dimensions of the property 108.2 square feet x 180.02 square feet. The current setbacks are seventy-five feet from the front property line, fifty (50) feet from the side yard property lines, and fifty (50) feet from the rear. Strict application of the code would result in a building footprint of roughly 775 sf. And with a building envelope eight (8) feet by fifty-eight (58) feet.

In addition, the lot coverage requirement of percent creates a special circumstance not self-imposed by the property owner. The property lot size is 19,224 square feet, whilst the minimum lot size requirement for a lot created today in A-1 is forty acres (1,742,400 square feet). Strict application of the code would limit the lot coverage by structure to 1,922 square feet.

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 size, width, and length closely resemble the lot size and dimensions of the SR-17 District. The required side yard building setbacks in the SR-17 zoning district are fifteen feet. The proposed single-family addition will meet this required setback. The maximum lot coverage by structure in the SR-17 zoning district, is thirty percent. The proposed addition and out-buildings meet the maximum lot coverage requirement of the SR-17 zoning district.

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

The requested side setbacks are the minimum necessary to construct additions to the home that are reasonable. At 108.2 feet in width, a single-family addition would be 8 feet in width which is insufficient for any addition. In addition, the A-1 maximum allowance of only ten (10) percent maximum lot coverage, would limit the total building footprint to 1922.4 square feet. This would not allow for either a limited number of accessory structures or none.

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 and increased lot coverage 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. If the Board decides to grant the variance, it should be subject to the following stipulation:

1. Development shall be in substantial conformance with the applicant's site plan date February 19, 2020

Proposed Motion: Move to approve VAR19-11 per the findings and subject to the stipulation contained in the staff report.

Mr. Feiner clarified the request. Vice Chair Cheshier asked about the setbacks of the neighboring properties.

Vice Chair Cheshier opened the public hearing, and with no comments made, she 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, and Mr. Britton, all said, "aye."
2. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, and Mr. Britton, all said, "aye."
3. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, and Mr. Britton, all said, "aye."
4. Mr. Holschlag, Vice Chair Cheshier, Mr. Feiner, and Mr. Britton, 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.

B. VAR19-14 BONAR RESIDENCE VARIANCE:

A request by Justin Bonar to allow side yard setbacks of 5 feet and 10 feet where 15 feet is required in the R-2 (Mixed Residence) zoning district. The site is located at 5439 West State Avenue in the Ocotillo District. Presentation by Edward Vigil, Planner.

Staff Findings and Analysis

FINDINGS:

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 15-foot R-2 perimeter setbacks of the lot create a special circumstance not self-imposed by the property owner. In 1993, the zoning ordinance modified the lot size from 3,000 square feet to 10,000 square feet. In addition, the setbacks were modified from 5 and 10 feet to the current 15-foot perimeter setback requirement. The construction of a single-family home requires some level of relief.

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 limit the property to fifteen (15) foot perimeter setbacks and limit the construction of any type of building. With the current setback requirements, a single-family residence could only be 20 feet wide.

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

The requested side setbacks are the minimum necessary to construct a new single-family residence. Maximum lot coverage, and minimum lot depth are in conformance with current R-2 zoning requirements.

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. Many of the properties and homeowners in the neighborhood have gone through the variance process to request reduced setbacks for a single-family residence that were approved by the Board of Adjustment in the past. This request would not appear to have any detrimental effect on the property, adjoining properties, or the surrounding neighborhood.

ANALYSIS:

All applicable city departments have reviewed the application and recommend approval of the application.

RECOMMENDATION

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:

Development shall be in substantial conformance with the applicant's site plan, floor plan, and building elevations, dated May 3, 2019.

PROPOSED MOTION

Move to approve VAR19-14 per the findings and subject to the stipulation contained in the staff report.

Vice Chair Cheshier opened the public hearing, and with no comments made, she 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, and Mr. Britton, all said, "aye."

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

Mr. Holschlag 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, May 14th, 2020, at 4 PM.

ADJOURNMENT

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