

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

**THURSDAY, OCTOBER 8, 2020
4:00 PM**

CALL TO ORDER

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

ROLL CALL

Committee members present: Acting Chairperson Lawrence Feiner, Kyle Holschlag, Benjamin Naber, and Brian Britton were present.

Committee members absent: Vice Chair Cathy Cheshier was absent and excused.

City staff present: Lisa Collins (Interim Development Services Director), Samantha Cope (Administrative Support Staff), Alex Lerma (Planner), and James Gruber (Chief Deputy City Attorney).

CITIZEN COMMENTS

Acting Chairperson Feiner asked for citizen comments, and no citizen comments were made.

APPROVAL OF THE MINUTES

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

WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

PUBLIC HEARING ITEMS

A. VAR19-15 Gardenia Variance East: A request by Juan Gutierrez of Blueprints & Design on behalf of Jaime Carrillo to allow for a reduced lot size, lot width, and setbacks on a recently split parcel in the R-2 (Mixed Residence) zoning district. The variance will allow a reduction in minimum lot area to 6,498 sf where 10,000 sf is required, a minimum lot width to 50 feet where 60 feet is required and building side setbacks per the R1-6 zoning district (5' & 10') where a 15 foot perimeter setback is required. The site is located west of the North West Corner of Gardenia Avenue and 54th Avenue with APN 147-18-094B. The site is in the Ocotillo District.

Staff 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;

Although the lot was subdivided, the lot size and width are similar to the surrounding lots within the Cook & White Amended Subdivision. The 15-foot R-2 perimeter setbacks of the lot create a special circumstance. 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 a fifteen (15) foot perimeter setback and limit the type of building permitted. 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. The residence will also be abiding by the 15 feet building setback in the front and rear of the lot.

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. 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, floor plan, and building elevations, dated August 20,2020.

Proposed Motion: Move to approve VAR19-15 per the findings and subject to the stipulation contained in the staff report.

Acting Chairperson Feiner opened the public hearing, and with no comments made, he immediately closed the public hearing.

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

1. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”
2. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”
3. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”
4. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”

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

B. VAR19-16 Gardenia Variance West: A request by Juan Gutierrez of Blueprints & Design on behalf of Jaime Carrillo to allow for a reduced lot size, lot width and setbacks on a recently split parcel in the R-2 (Mixed Residence) zoning district. The variance will allow a reduction in minimum lot area to 6,498 sf where 10,000 sf is required, a minimum lot width to 50 feet where 60 feet is required, and a side building setbacks per the R1-6 zoning district (5’ & 10’) where a 15 feet perimeter setback is required. The site is located west of the north west corner of Gardenia Avenue and 54th Avenue with APN 147-18-094C. The site is in the Ocotillo District.

Staff 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;

Although the lot was subdivided, the lot size and width are similar to surrounding lots within the Cook & White Amended Subdivision. The 15-foot R-2 perimeter setbacks of the lot creates a special circumstance. 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 type building permitted. 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. The residence will also be abiding by the 15 feet building setback in the front and rear of the lot.

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. 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, floor plan, and building elevations, dated August 20, 2020.

PROPOSED MOTION

Move to approve VAR19-16 per the findings and subject to the stipulation contained in the staff report.

Acting Chairperson Feiner opened the public hearing, and with no comments made, he immediately closed the public hearing.

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

1. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote "aye."
2. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote "aye."
3. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote "aye."
4. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote "aye."

Mr. Naber made a motion to approve the variance (subject to stipulation), and it was seconded by Mr. Holschlag. All voted "aye" in favor, and none opposed. Variance granted.

C. VAR20-05 Siordia Residence Variance: A request by Salvador Siordia to reduce the required side yard setbacks to 12 feet on the south property line and 10 feet on the north property line where 20 feet is required in the R-3 (Multiple Residence) zoning district. The purpose of the variance is to allow the construction of a new two story single-family custom home. The site is located at 6742 North 54th Avenue in the Ocotillo District.

Staff 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 width of the lot creates a special circumstance not self-imposed by the property owner. The construction of a new home requires some level of relief. The surrounding neighborhood is developed with a variety of side-yard setbacks, many that 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 of the same classification in the same zoning district;

The strict application of the Zoning Ordinance would limit the property to twenty (20) foot side setbacks and limit the type of housing product due to total width. Several of the properties in the neighborhood have setbacks that are similar to those proposed by the applicant.

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

The requested side setbacks are the minimum necessary to construct a typically sized single-family residential home on the lot. The minimum lot area is under the required minimum lot area, front and rear setbacks, maximum lot coverage, and minimum lot width and depth are in conformance with current R-3 zoning requirements. The two-story residence building will comply with the required 26 feet front and rear building setback based on the height of the residence per R-3 standards.

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

1. Development shall be in conformance with the applicant's project narrative, site plan and floor plan, dated August 11, 2020 and building elevations, dated June 18, 2020.

PROPOSED MOTION

Move to approve VAR20-05 per the findings and subject to the stipulation contained in the staff report.

Acting Chairperson Feiner opened the public hearing, and with no comments made, he immediately closed the public hearing.

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

2. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”
3. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”
4. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”
5. Mr. Holschlag, Mr. Britton, Mr. Naber, and Acting Chairperson Feiner all vote “aye.”

Mr. Naber made a motion to approve the variance (subject to stipulation), 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

Mr. Holschlag made a motion to continue recommendation of the 2021 Chairperson and Vice Chairperson until next meeting, seconded by Mr. Britton. All voted “aye” in favor, and none opposed.

NEXT MEETING

The next meeting will take place on Thursday, November 12, 2020, at 4 PM.

ADJOURNMENT

Mr. Naber made a motion to adjourn the meeting, and it was seconded by Mr. Britton. All voted “aye” in favor, and none opposed.