



**VAR20-08**

**Habitat For Humanity**

**5329 West Gardenia Avenue**

**Board of Adjustment Hearing, March 11, 2021**

**Alex Lerma**

**Planning Project Manager**





# VARIANCE REQUEST

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- A request to reduce the required side yard setbacks to 5 feet on the west property line and 10 feet on the east property line where 15 feet is required in the R-2 (Multiple Residence) zoning district. The site is located at 5329 West Gardenia Avenue in the Ocotillo District.
- **Applicant: Tana Nichols on behalf of Habitat For Humanity**



# REQUIRED ACTION


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Consider the facts and determine whether the findings meet the Statutory provisions for approval of a Variance.



# ZONING MAP



	<p><b>NICHOLS VARIANCE (VAR20-08)</b></p>	<p><b>REQUEST</b> A VARIANCE TO ALLOW A REDUCTION IN BUILDING SETBACKS TO 5' AND 10' WHERE 15' IS REQUIRED IN THE R-2 (MIXED RESIDENCE) ZONING DISTRICT.</p>
<p><b>LOCATION</b> 5329 W. GARDENIA AVENUE</p>		



# AERIAL



Aerial Date: July 2020



**NICHOLS  
VARIANCE  
(VAR20-08)**





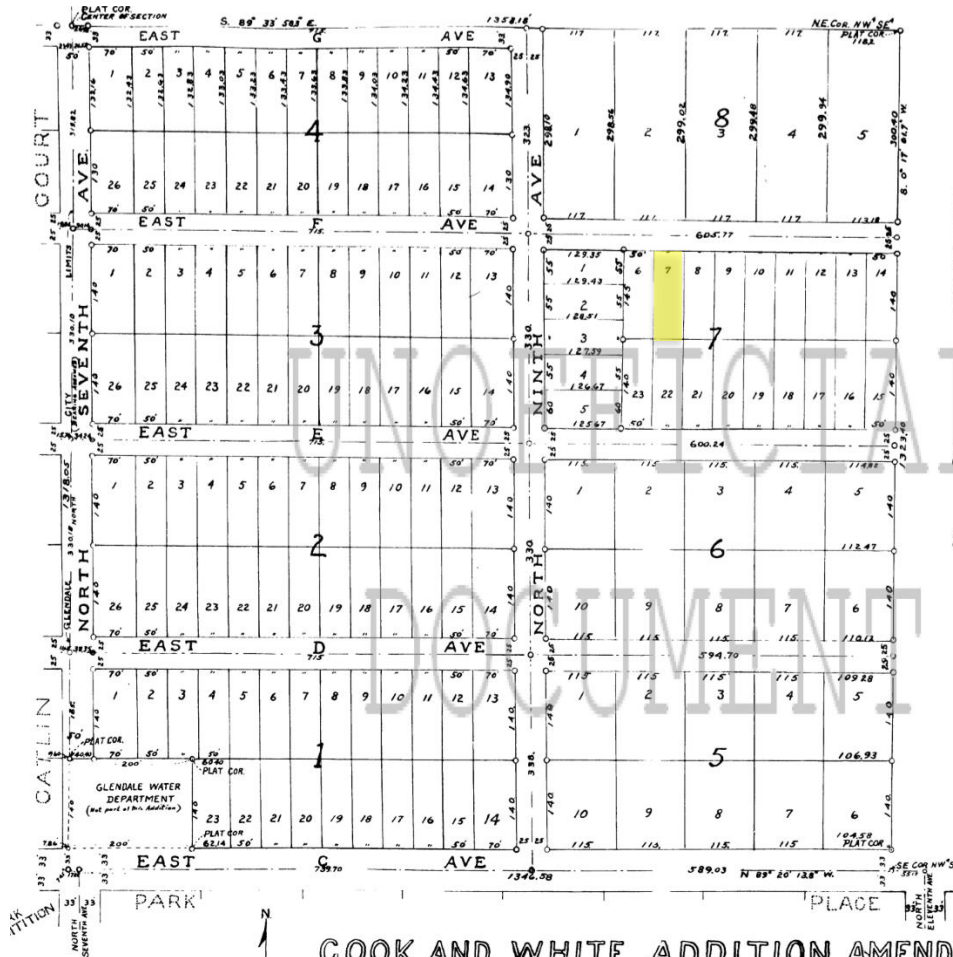
## BACKGROUND

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- The property was annexed to the City of Glendale in November 1949. The property is located in the Cook and White Addition, platted in Maricopa County in 1944.



# BACKGROUND



**CERTIFICATE OF SURVEY**  
 I hereby certify the Survey and the Plat thereof as shown hereon was made by me during the year 1944. *Ernest E. Cook*  
 REGISTERED LAND SURVEYOR  
 37 CALVIN AVE., PHOENIX, ARIZONA

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, ERNEST E. COOK and ELIZABETH H. COOK, his wife, owners of all except the South 172 feet of the West 200 feet of the NW¼ of the SE¼ of Section 5, T.2 N., R. 2 E., G. & S. R. B. & M., Maricopa Co., Arizona, have caused the foregoing described property to be surveyed subdivided and platted as shown hereon, which property, so subdivided and platted, shall be hereafter known as COOK AND WHITE ADDITION. Said plat sets forth the location, gives the number and dimensions of each Lot and Block, and the name and size of each Avenue, which Avenues so shown are hereby dedicated to the use of the public.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 25 day of January, 1945.

*Ernest E. Cook*  
*Elizabeth H. Cook*

### ACKNOWLEDGEMENT

STATE OF ARIZONA }  
 COUNTY OF MARICOPA }  
 The foregoing instrument was acknowledged before me by ERNEST E. COOK, and ELIZABETH H. COOK, his wife, this 25 day of January, 1945.

My Commission will expire 26th day of 1945

*M. Elizabeth White*  
 NOTARY PUBLIC

### APPROVAL

This PLAT, as shown hereon, is hereby approved by the Common Council of the CITY OF GLENDALE, Sept. 26, 1944.

*Wm. W. Smith*  
 CITY CLERK  
 C 4824  
 RECORDER OF DEEDS  
 Phoenix, Maricopa County, Ariz.  
 Filed for record at Phoenix  
*Ernest E. Cook*  
 D. FEB 1 1945  
 A. 4824  
 Book 20 Maps  
 Page 9  
*Harold C. Lawson*  
*Augustine*

**COOK AND WHITE ADDITION, AMENDED.**  
 A SUBDIVISION IN NW¼ SE¼ OF SEC. 5, T.2 N., R.2 E.,  
 G. & S. R. B. & M. MARICOPA CO., ARIZONA.





# ELEVATION





# PUBLIC NOTIFICATION

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- CPP mailings were sent to adjacent owners and interested parties on Oct. 5, 2020, and on Nov. 30, 2020 with additional information.
- Advertised in Glendale Star Jan. 21, 2021.
- Hearing notifications were mailed on Jan. 22, 2021 and site was posted Feb. 11, 2021.
- ***One (1) comments was received regarding the CPP or the Public Hearing.***



# FINDINGS

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The Board of Adjustment shall make the following findings based on the evidence in the record prior to granting a variance:



# REQUIRED FINDINGS

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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 parcel's size and dimensions have not changed since the recordation of the plat in 1944. The lot size and width are similar to the surrounding lots within the Cook & White Amended subdivision. The construction of a single-family home would require some level of relief.



## FINDINGS (continued)

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**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 fifteen (15) foot side setbacks and limit the type of housing product due to total width. The required setbacks will leave a building envelope of 20 feet in width. Several of the properties in the neighborhood have setbacks that are similar to those proposed by the applicant.



## FINDINGS (continued)

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

The proposed side setbacks are the minimum necessary to construct a typically sized single-family residential home on the lot. The location of the proposed residence will be located approximately 25 feet away from the front property line and 53.4 feet away from the rear property line and will be abiding by the front and rear R-2 building setback requirement.



# FINDINGS (continued)

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**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

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Staff recommends approval of VAR20-08 per the findings, subject to the following:

- Development shall be in conformance with the applicant's project narrative, dated January 13, 2021 and site plan, dated September 28, 2020.



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