

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

**THURSDAY, MARCH 11, 2021  
4:00 PM**

CALL TO ORDER

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

ROLL CALL

**Committee members present:** Chairperson Cathy Cheshier, Vice Chairperson Benjamin Naber, Tammy Gee, Larry Feiner, and Brian Britton were present.

**Committee members absent:** Kyle Holschlag

**City staff present:** Jamsheed Mehta (Development Services Director) David Richert (Planning Administrator), Alex Lerma (Planner), Russ Romney (Deputy City Attorney), Diana Figueroa (Administrative Supervisor), and), Alexis Vasquez (Recording Secretary),

CITIZEN COMMENTS

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

APPROVAL OF THE MINUTES

A motion to approve the February 11<sup>th</sup>, 2021, meeting minutes was made by Vice Chairperson Naber and seconded by Mr. Britton. All were in favor.

WITHDRAWALS AND CONTINUANCES

Mr. Richert announced that there were none.

PUBLIC HEARING ITEMS

**HABITAT FOR HUMANITY VARIANCE VAR20-08:** A request by Tana Nichols representing Habitat for Humanity to reduce the required side setbacks to 5 feet along the west property line and 10 feet along the east property line where a 20 foot perimeter setback is required in the R-2 (Multiple Residence) zoning district. The purpose of the variance is to allow the construction of a new single-family home. The site is located at 5329 West Gardenia Avenue in the Ocotillo District. Staff Contact: Alex Lerma, Planning Project Manager, 623-930-2810.

**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 side setbacks required in the R-2, Multiple Residence Zoning District are not typical of single-family residential development, and further, not typical of existing development in the area. The majority of the surrounding are development contains a variety of setbacks that do not meet the current zoning requirements. The existing homes in the neighborhood are enjoying setback less than the twenty (20) feet required.

**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 to a total width of ten (10) feet. The majority of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity Central Arizona.

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

The requested side setbacks and minimum lot width reduction are the minimum necessary to construct a typically sized single-family residential home on the lot. The front and rear setbacks, as well as the minimum lot depth, and size 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.

**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, dated January 13, 2021 and site plan, dated September 28, 2020.

**Proposed Motion** Move to approve VAR20-08 per the findings and subject to the stipulations contained in the staff report.

Chairperson Cheshier opened the public hearing, and with no one wishing to speak she closed the public hearing.

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

1. Mr. Britton, Vice Chairperson Naber, Mr. Feiner, Ms. Gee, and Chairperson Cheshier all vote “aye”.
2. Mr. Britton, Vice Chairperson Naber, Mr. Feiner, Ms. Gee, and Chairperson Cheshier all vote “aye”.
3. Mr. Britton, Vice Chairperson Naber, Mr. Feiner, Ms. Gee, and Chairperson Cheshier all vote “aye”.
4. Mr. Britton, Vice Chairperson Naber, Mr. Feiner, Ms. Gee, and Chairperson Cheshier all vote “aye”.

**Vice Chairperson Naber made a motion to approve the variance subject to stipulation, and it was seconded by Mr. Britton. All voted “aye” in favor. Variance granted.**

#### STAFF REPORT

Mr. Richert stated the once the Zoning Ordinance is complete these requests will no longer have to be heard by the Board of Adjustment.

#### BOARD COMMENTS AND SUGGESTIONS

Chairperson Cheshier had questioned a revision on the Board Member handbook.

#### NEXT MEETING

The next meeting will take place on Thursday, April 8, 2021, at 4 PM.

#### ADJOURNMENT

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