

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

**THURSDAY, SEPTEMBER 9, 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, Brian Britton, Tammy Gee, Kyle Holschlag, Larry Feiner were present.

Committee members absent: Vice Chairperson Benjamin Naber, was absent and excused.

City staff present: Tabitha Perry (Interim Planning Manager), Samantha Cope (Administrative Support Staff), Joseline Castaneda (Planner), and Russ Romney (Deputy City Attorney).

CITIZEN COMMENTS

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

APPROVAL OF THE MINUTES

A motion to approve the June 10, 2021 meeting minutes was made by Mr. Holschlag and seconded by Ms. Gee. All were in favor.

WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

PUBLIC HEARING ITEMS

A. 83RD/GLENDALE CONVENIENCE STORE VARIANCE- VAR21-01: A request by Adam Baugh, EAA Investment Group LLC, to reduce the rear yard setback to 47 feet and the east side yard setback to 15 feet from the required 60-foot minimum setback in the C-2 (General Commercial) zoning district. The site is located at the NEC of 83rd and Glendale Avenues and is in the Yucca District. Staff Contact: Joseline Castaneda, Planner, (623) 930-2823.

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.

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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;

This property, comprised of two parcels, has special circumstances that affect the potential development of the proposed retail gasoline station. The property has an odd shape and existing billboards that limit the development. In addition, the existing access drives from the corner parcel, previously a gas station, need relocation and affects the internal site circulation and refuse locations. These constraints create a limited building footprint area.

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 variance would deprive the property of a new development opportunity as proposed. The parcels' unique size and irregular shape create a constraint on the property, and the setback reductions allow for the proposed development to meet engineering standards for access points

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

This is the minimum necessary to accommodate the development as minimal relief is needed to the north side, which is abutting residential lots, and the east side that is abutting a retention basin which is part of the subdivision tract. This variance will resolve the site conflicts, as it relates to driveway, and refuse 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 setback reductions will not have a detrimental impact on the adjacent property or properties in the area. Although the zoning to the east of the site is residential, there are not existing single-family residences directly adjacent. The subdivision's retention area is adjacent to the proposed building, and the requested east setback reduction has no impact on this side. The minimal setback reduction to the north will not impact the residential homes. A wall, an existing 10-foot billboard setback, and proposed landscaping along that perimeter to the north will provide additional buffering

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 stipulations:

1. Development shall be in substantial conformance with the narrative, date stamped September 1, 2021.
2. Development shall be in substantial conformance with the site plan dated August 10, 2021.

Proposed Motion: Move to approve VAR21-01 per the findings and subject to the stipulations contained in the staff report.

The applicant’s representative Adam Baugh gave a presentation to the board.

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

Ms. Gee 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. CECILIA ROMERO VARIANCE-VAR21-04: A request by Cecilia Romero to reduce the west side setback to 17 feet and east setback to 7 feet where a minimum 20-foot side setback is required in the R-3 (Multiple Residence) zoning district. The purpose of the variance is to allow for an addition to the main residence. The site is located at 5315 W Myrtle Avenue, west of the SWC of Myrtle and 53rd Avenues and is in the Ocotillo District. Staff Contact: Joseline Castaneda, Planner, (623) 930-2823.

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 addition requires some level of relief as the current side setbacks make the existing main residence legally nonconforming and an increase to the footprint is not possible without a variance. 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, to which the current residence does not meet and would limit the total width of the addition. The existing residence has a west side setback of 17 feet and the east side setback of 7 feet and the proposal is to apply these setbacks. Several of the properties in the neighborhood have setbacks that are similar to these proposed setbacks.

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

The requested side setback reductions are the minimum necessary for a residential addition and allow the same privileges received by the surrounding property owners. The proposed development standards will be similar to neighboring residences and the addition will comply with the 15-foot building separation between adjacent lots as required by the Zoning Ordinance.

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 stipulations:

1. Development shall be in conformance with the narrative dated May 26, 2021.
2. Development shall be in conformance with the site plan and floor plan dated September 07, 2020.

PROPOSED MOTION

Move to approve VAR21-04 per the findings and subject to the stipulations 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.

5. Mr. Britton, Mr. Feiner, Ms. Gee, Mr. Holschlag, and Chairperson Cheshier all vote, “aye.”
6. Mr. Britton, Mr. Feiner, Ms. Gee, Mr. Holschlag, and Chairperson Cheshier all vote, “aye.”
7. Mr. Britton, Mr. Feiner, Ms. Gee, Mr. Holschlag, and Chairperson Cheshier all vote, “aye.”
8. Mr. Britton, Mr. Feiner, Ms. Gee, Mr. Holschlag, and Chairperson Cheshier all vote, “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. Perry 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, October 14, 2021, at 4 PM.

ADJOURNMENT

Ms. Gee made a motion to adjourn the meeting, and it was seconded by Mr. Britton all vote, “aye.”