



BOARD OF ADJUSTMENT REPORT

MEETING DATE: 12/09/2021
FROM: Edward Vigil, Senior Planning Project Manager
PRESENTED BY: Edward Vigil, Senior Planning Project Manager

SUBJECT

VAR21-08 Villas at 45th Variance: A request by David Bohn, The BFH Group, to reduce the Glendale Centerline Overlay District, Midtown perimeter setbacks from the required 30 feet to 5 feet. The purpose of this variance is to allow the construction of 60 new 2-story modern townhomes on an infill property. The site is located at 7127 N. 45th Avenue and is in the Cactus District. Staff Contact: Edward Vigil, Senior Planner, (623) 930-3071.

REQUEST

Variance approval to reduce the required perimeter setbacks from 30 feet to 5 feet in the Glendale Centerline Overlay District-Midtown.

APPLICANT/OWNER

David Bohn/ BFH Holdings, LLC.

REQUIRED ACTION

The Board must consider the facts and determine that the findings required to grant a variance have been met. The Board may condition a variance to ensure that it will not grant special privileges inconsistent with the limitation of other similarly zoned properties. The Board must deny the request if the required findings have not been met.

BACKGROUND INFORMATION

General Plan Designation:

The property is designated as MDR 5 (Medium Density Residential) 3.5 - 5 dwelling units per acre.

Zoning:

The property is zoned R1-6 (Single Family Residence), however, the applicant has opted into the Glendale Centerline Overlay District-Midtown which replaces the R1-6 zoning development requirements.

Property Location and Size:

The property is located at the southeast corner of Myrtle Avenue and 45th Avenue. The site is approximately 130,900 square feet in size (3.01 - acre lot).

Zoning Ordinance Requirements: Section 6.804 – Glendale Centerline Overlay District- Midtown Development Standards:

Front	0 ft setback*
Side	0 ft setback *
Rear	0 ft setback *
Street Side	0 ft setback*

*30 feet setback to property within a residential zoning district, which includes Agricultural, Single Residence, Mixed Residence, Multiple Residence, and detached single-family dwelling units.

Maximum Building Height	70 ft
Dwelling Units per Acre	50 DU/AC
Maximum Floor Area Ratio	4.0

Surrounding Land Use and Zoning:

North: Single-family residence – zoned R1-6.
 East: Multiple residence – zoned R-3.
 South: Multiple residence – zoned R-3.
 West: Multiple residence – zoned R-4.

History:

The property is vacant land and was annexed into the City on April 28, 1959.

CITIZEN PARTICIPATION TO DATE:

Applicant’s Citizen Participation Process:

On October 28, 2021, the applicant mailed notification letters to adjacent property owners and interested parties. A neighborhood meeting was held virtually on November 15, 2021. There were not any participants however, staff has received 2 voicemails in opposition stating a 5-foot setback was not enough for a 2-story building and 1 voicemail in support of the request. The applicant’s Citizen Participation Final Report is attached.

Board of Adjustment Public Hearing:

A Notice of Public Hearing was published in *The Arizona Republic* on November 17, 2021. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on November 19, 2021. The property was posted on November 19, 2021.

STAFF FINDINGS AND ANALYSIS

The Board of Adjustment must analyze two 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 lot is long, narrow, and an infill property and creates a special circumstance not self-imposed by the property owner. The construction of a multi-family development requires some level of relief. The surrounding neighborhoods are also multi-family

developments with the exception to the single family lots to the north. The main challenge is the parcels' shape being very long and narrow. At the narrowest section, the property is approximately 132'. When implementing a 30' setback in this area (on both the north (30' BSL) and south side (30' BSL) = 60 ft total lost) on this portion, it would take away nearly half of the developable section of land. Overall, the area outside the perimeter building setbacks which structures may be placed would be reduced by nearly 40%. When bearing in mind that this site is only approximately 3 acres total, this translates to over an acre of space that cannot be used for residential development. Also, it is important to highlight the infill nature of this property where all parcels adjacent have been fully developed. This limits or eliminates the ability of the developer to coordinate future efforts with adjacent landowners, get more creative with his circulation plan internally, or propose many viable solutions when there's limited available space.

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 Zoning Ordinance would require thirty (30) foot perimeter setbacks as required in the Glendale Centerline Overlay District-Midtown adjacent to multiple residences to the east and south, and the single-family dwellings to the north and northeast. This requirement would deem the lot unbuildable.

RECOMMENDATION

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

Development shall be in conformance with the applicant's project narrative date stamped November 16, 2021.

Attachments

Project Narrative
CPP Final Report
Preliminary Site Plan
Preliminary Building Elevations
Zoning Map
Aerial Map
Presentation