

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

**THURSDAY, DECEMBER 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, Vice Chairperson Benjamin Naber, Brian Britton, Larry Feiner were present.

**Committee members absent:** Tammy Gee, and Kyle Holschlag were absent and excused.

**City staff present:** Tabitha Perry (Interim Planning Manager), Samantha Cope (Administrative Support Staff), Edward Vigil (Planner), 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 October 14, 2021 meeting minutes was made by Mr. Naber and seconded by Ms. Feiner. All were in favor.

WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

PUBLIC HEARING ITEMS

**VAR21-05 Dotson Duplex Variance:** A request by Carolyn Dotson, representing Julian Dotson, for a variance to reduce the north side setback to 14 feet and south side setback to 7 feet where a minimum 20-foot side setback is required in the R-3 (Multiple Residence) zoning district and reduce the minimum landscape requirement of 30% to 20% for the development of a two-unit multifamily development. The site is located at 6806 North 59th Drive, south of Glendale Avenue and 59th Drive 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.

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 lot size creates a special circumstance not self-imposed by the property owner. The property is long and narrow and constructing a residential building requires some level of relief. With the requirement to provide significant landscaping for multi-family developments, which would be at about one-third of the parcel area, it is difficult for the property to meet this as this reduces the amount of land needed to meet all other development requirements.

**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 building footprint to 10 feet in width and 140 feet in depth with the application of the minimum twenty (20) foot perimeter setbacks, which would not allow for an adequately sized building. The property would be deprived of the privilege of having a structure of a similar size enjoyed by adjacent property owners, which are all also within the same zoning district. The significant amount of landscaping required for this property is not required for single-family residences within this zoning district, and this deprives the property of utilizing this amount of space.

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

Development shall be substantially in conformance with the applicant's project narrative, dated October 13, 2021, and site plan, date stamped October 15, 2021.

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, Vice Chairperson Naber, and Chairperson Cheshier all vote, "aye."
2. Mr. Britton, Mr. Feiner, Vice Chairperson Naber, and Chairperson Cheshier all vote, "aye."

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

**B. VAR21-08 Villas at 45<sup>th</sup> 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. 45<sup>th</sup> Avenue and is in the Cactus District. Staff Contact: Edward Vigil, Senior Planner, (623) 930-3071.

**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 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.

The applicant David Bohn, from The BFH Group spoke about the request.

Vice Chair Cheshier opened the public hearing.

Louie Galindo, and Adam Proctor spoke in opposition to the application.

With no one else wishing to speak, Chairperson Cheshier closed the public hearing.

**Vice Chairperson Naber made a motion to table VAR21-08 to the January 13, 2022 meeting, and it was seconded by Mr. Feiner. All voted “aye” in favor, and none opposed.**

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

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

DRAFT