

DRAFT



MINUTES

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

**MARCH 10, 2022
4:00 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

City staff present: Tabitha Perry (Interim Planning Manager), Lisa Wilson (Administrative Support Supervisor), Christine Lavelle (Planner), and Russ Romney (Deputy City Attorney)

Chairperson Cheshier explained to the applicant due to the fact there are only 4 board members present that if there was a tie vote it would be considered a no vote and asked if they wanted to continue,

The applicant indicated he wanted to move forward.

Present: Chair Cathy Cheshier
Commissioner Brian Britton
Commissioner Lawrence Feiner
Commissioner Tammy Gee

Absent: Vice Chair (Excused Absence) Benjamin Naber

3. CITIZEN COMMENTS

Chairperson Cheshier called for citizen comments there were no citizen comments

4. APPROVAL OF THE MINUTES

a. Board of Adjustment Minutes of January 13th 2022

A motion to approve the January 13th, 2022 meeting minutes was made by Mr. Feiner and seconded by Ms.Gee. All were in favor.

b. Board of Adjustment Special Workshop Minutes of December 2nd 2021

A motion to approve the January 13th, 2022 with amended start time for 3:30 pm meeting minutes was made by Mr. Britton and seconded by Ms.Gee. All were in favor.

c. **Board of Adjustment Special Workshop Minutes of October 6th 2021**

A motion to approve the January 13th, 2022 meeting minutes was made by Ms. Gee and seconded by Mr. Britton. All were in favor.

5. **WITHDRAWALS AND CONTINUANCES**

There were no withdrawals or continuances at this meeting.

6. **PUBLIC HEARING ITEMS**

- a. **VAR21-10 West Glenn Dr.** - A request from Joe A. Begay of A.I.E. design group representing Lisa and Anthony Quidera, to reduce the required thirty (30) foot building setbacks, as is required in the Glendale Centerline Overlay (GCO) Beet Sugar District, to a minimum of five (5) feet on the east, ten (10) feet to the south, ten (10) feet to the north, and (2'-3") two feet three inches to the west, to permit the development of two duplex (townhome) apartments at the property located at 5310 W. Glenn Drive in the Ocotillo District. Staff Contact: Christina LaVelle, 623-930-2553, clavelle@glendaleaz.com.

1. **FINDINGS:**

The Board of Adjustment must analyze findings based on the evidence in the record prior to granting a variance. Each finding is presented below along with staffs analysis.

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 width of the lot is 55 feet, and the property abuts residentially zoned properties to the north, east and west. If the 30-foot setback from adjacently zoned residential properties is applied this would result in a non-buildable lot.

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 Glendale Centerline Overlay district allows for a low to medium intensity of uses which include variety of residential units. The development concept of this district encourages development from suburban to urban uses, land assemblage, and in-fill development on vacant land or on underperforming properties, and vertical development up to 50 feet in height and 25 dwelling units per acre.
- The Beet Sugar District is intended for low-to-moderate intensity and allows for a F.A.R. (floor area ratio) of 2.0 and a maximum of dwelling units per acre (du/ac) of 25. The project site is approximately 7,706 square feet (.176 acres) in size. At this size, the applicant is permitted a maximum of four (4) dwelling units and a F.A.R allowance of 15,412 square feet of floor area.
- Strict application of the code creates a situation where the required setbacks reduce the lot to where it is un-buildable without a variance. In addition, the variance would allow the property to develop to its highest and best use in the GCO. Adhering to the current setback requirements will deprive the property of the privileges that other similarly zoned properties in the GCO zoning district enjoy regarding density and floor area ratio maximums.

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 Glendale Centerline Overlay district allows for a low to medium intensity of uses which include variety of residential units. The development concept of this district encourages development from suburban to urban uses, land assemblage, and in-fill development on vacant land or on underperforming properties, and vertical development up to 50 feet in height and 25 dwelling units per acre.

The Beet Sugar District is intended for low-to-moderate intensity and allows for a F.A.R. (floor area ratio) of 2.0 and a maximum of dwelling units per acre (du/ac) of 25. The project site is approximately 7,706 square feet (.176 acres) in size. At this size, the applicant is permitted a maximum of four (4) dwelling units and a F.A.R allowance of 15,412 square feet of floor area.

Strict application of the code creates a situation where the required setbacks reduce the lot to where it is un-buildable without a variance. In addition, the variance would allow the property to develop to its highest and best use in the GCO. Adhering to the current setback requirements will deprive the property of the privileges that other similarly zoned properties in the GCO zoning district enjoy regarding density and floor area ratio maximums.

3. **RECOMMENDATION**

If the Board decides to grant the variance, it should be subject to the following stipulation: Development shall be in conformance with applicable site plan dated January 20, 2022, and project narrative date stamped, January 21, 2022.

Applicant Joe A. Begay made a presentation

Chairperson Cheshier asked for confirmation trees would be on the eastern boarder and no houses look into the lot.

Applicant Begay confirmed

Chairperson Cheshier opened the public hearing.

There were no comments made or any procedural comments public hearing closed

The board voted per each finding with the help of Mr. Romney.

Finding 1 Mr. Feiner, Ms. Gee, Mr. Britton and Chairperson Cheshier all vote, "aye."

Finding 2 Mr. Britton, Mr. Feiner, Ms. Gee, and Chairperson Cheshier all vote, "aye."

Mr. Britton made a motion to approve the Variance 21-10 (subject to the stipulation), and it was seconded by Mr. Feiner All voted "aye" in favor, and none opposed. Variance granted.

7. STAFF REPORTS

Ms. Perry indicated there were no staff reports.

8. BOARD COMMENTS AND SUGGESTIONS

GOAL SETTING AND TOPICS OF DISCUSSION FOR THE UPCOMING YEAR

1. The Board decided to keep the same goals from the previous year

OTHER COMMENTS

The Chair asked for an update of the findings and Ms. Perry and Atty Romney indicated they are working on the language and should have the results of the findings by the end of June 2022 to bring before the Planning Commission and City Council.

9. NEXT MEETING

The next regular meeting of the Board of Adjustment is scheduled for April 14th 2022 at 4:00 p.m., in conference room B3 of the Council Chambers Building, located at 5850 W. Glendale Ave, Glendale, Arizona, 85301.

10. ADJOURNMENT

Chairperson Cheshier called for a motion to adjourn

Ms Gee made a motion to adjourn Mr., Britton second the motion, All voted AYE meeting adjourned

The Board of Adjustment meeting minutes of March 10th, 2022 were submitted and approved this 14th day of April, 2022.

Lisa D. Wilson
Recording Secretary