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February 22, 2022

City of Glendale
Board of Adjustment
5850 West Glendale Avenue, Suite 212
Glendale, Arizona 85301-2599

Re: Narrative for a Variance Request on behalf of Habitat for Humanity Central Arizona (the "Applicant"): 7409 N. 61st Avenue, Glendale, Arizona 85301, Maricopa County Assessor's Parcel No. 143-43-099A (the "Property").

Dear Board of Adjustment:

Quarles & Brady LLP, on behalf of Habitat for Humanity Central Arizona (the "Applicant" or "Habitat") hereby submits this application for variances from the Glendale Code of Ordinances (the "Ordinance") Section 5.449, to allow the necessary relief to create three lots and construct three single-family, affordable homes on the site located at 7409 N. 61st Avenue, Glendale, Arizona 85301, Maricopa County Assessor's Parcel No. 143-43-099A (the "Property"). See Aerial and Zoning Maps Attached at **Tab A**.

The proposed development is compatible with the area, as it is surrounded by other similarly sized lots with homes, and other nearby single-family and multi-family residences. This application is also motivated by Habitat's mission as a non-profit and is not self-imposed since the intent of the proposal is to meet a critical, affordable housing need.

I. Introduction

Habitat is a non-profit with the goal of providing safe, affordable housing to the working poor and eliminating substandard housing. Habitat has already built, renovated and repaired in excess of 3,158 homes in the metro Phoenix area as well as Pinal County (e.g. Avondale, Apache Junction, Chandler, Gilbert, Guadalupe, Glendale, Mesa, Peoria, Phoenix, Surprise, Tempe, Arizona City, Casa Grande). Habitat's homes are built and renovated with energy efficiency in mind, are provided to stable, working families who are legal residents, and who exhibit a documented need for affordable housing in Arizona.

The Property is a vacant lot located on the northeast corner of Gardenia Avenue and 61st Avenue. According to our research with City Staff, the Property has no prior rezoning cases, stipulations, variances, use permits, or design review applications. See Email from City Staff dated

November 1, 2021 Attached at **Tab B**. According to Maricopa County Historical Aerials, the Property has been vacant since sometime between 2004 and 2006, which is over 16 years ago. The Property is zoned Mixed Residence ("R-2") and is adjacent to other residential homes within the R-2 to the north, east, and south, and adjacent to Multiple Residence ("R-3") zoning to the west. The vacant lot currently shares walls along the northern and eastern Property lines with other residential homes. See Zoning and Historical Aerial Maps Attached at **Tab A**.

II. Variance Requests

The purpose of the Applicant's request is to allow the reasonable use of this oversized lot for affordable housing by requesting relief from certain development standards due to the unique circumstances applicable to the Property. The Applicant seeks the following variance requests:

1. Variance to reduce the minimum net lot area to 5,688 square feet. Minimum 10,000 feet required. (Section 5.449.Table 2);
2. Variance to reduce the minimum lot width to 50 feet. Minimum 60 feet required. (Section 5.449.Table 2);
3. Variance to reduce the setbacks to 15 feet for the rear setback, 10 feet for the street side setback, 10 feet for the west side setback, and 5 feet for the east side setback from a 20-foot perimeter setback. Minimum 15 feet required. (Section 5.449.Table 2)

See Section 5.449.Table 2 of the Glendale Zoning Ordinance Attached at **Tab C**.

III. The Requests Meet All Variance Criteria

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;**

There are, at a minimum, five special circumstances which apply to the Property:

- i. With the exception of the Applicant's 17,591 square foot net lot area and the church located south of the Property, all lots (27 lots total) located in this R-2 block area have net lot areas between 4,050 and 8,366 square feet, which all fail to meet the minimum net lot area for R-2 of 10,000 square feet. Therefore, the outlying size and orientation of this lot is a special circumstance when compared to the standard lot size in the area.
- ii. Similarly, with the exception of the Applicant's 155' wide lot and the one lot directly across the street, all lots (19 lots total) along Gardenia Avenue have lot widths ranging from 50' to 54'.

- iii. According to Maricopa County Assessor aerial exhibits, it also appears the majority of the residential homes, and even the church's northern buildings, located in this R-2 block area do not appear to meet the 15' perimeter setback as outlined in R-2 standards. See Plat and Close Up Aerial Exhibit Attached at **Tab D**.
- iv. It is also a special circumstance that while the far majority of lots along Gardenia Avenue were established at less than a 60' lot width as required by the Ordinance, it appears not a single existing lot has been approved for a reduced lot width variance, thereby placing the Applicant in a situation where only the Applicant, and the Applicant alone, is required to apply for the subject variance request in order to match the size and style of adjacent and surrounding lots and corresponding homes. This is unquestionably a hardship applicable only to the Applicant, Applicant's lot, and the Applicant's property rights.
- v. The Property is vacant and appears to have been vacant since at least 2006 according to Maricopa County Historical Aerials. See Historical Aerials 2006 and 2004 Attached at **Tab A**. The development would enhance the neighborhood and would clearly qualify as a beneficial infill development. Additionally, no other residential lot along this street is vacant. The abnormal size and location of the lot has not allowed for development. However, the variances will allow for this vacant lot to be transformed into three affordable homes for families.

Almost all the existing lots along Gardenia Avenue fail to meet the underlying R-2 net lot area, lot width, and setback requirements, placing the Applicant's lot in a very unique situation not caused by the Applicant. Approval of the requested variances will actually bring the subject Property, and the corresponding split lots, into conformance with the surrounding area and similarly situated lots in the R-2 zoning area. Granting the variances will allow the Applicant the same privileges received by surrounding property owners.

2. Due to the special circumstances, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the same classification in same zoning district;

As stated above, the strict application of the Ordinance would deprive the Applicant's privileges and rights on the Property. Several properties in the same R-2 zoning within the neighborhood have similar lot areas, lot widths, and setbacks as proposed by the Applicant. The variances would allow the Applicant to develop harmoniously with the surrounding neighborhood, develop an infill development which has been vacant for over 15 years, and also provide an important service for affordable housing to families in need.

3. The variances are the minimum necessary to alleviate the property hardship; and

The Applicant is only proposing variances which will bring these new lots into conformance with the surrounding lots and area. The variances are the minimum necessary

to bring the lots into conformance. The variances are also the minimum necessary to create affordable housing identical in character to the homes which exist in the area. The Applicant meets all other R-2 development requirements and will be abiding by the 15' building setback in the front and rear of the lots.

4. Granting the variances will not have a detrimental effect on the property, adjoining property, the surrounding neighborhood, or the City in general.

Granting the variances will not have a detrimental effect on the Property or surrounding community. The existence of smaller lots, lot widths, and setbacks appear to be the character of the neighborhood and demonstrates there is no detrimental impact to the surrounding neighborhood or property values as a result of the proposed lot size and setbacks. In fact, the removal of vacant land which can be susceptible to vagrancy and litter will provide a significant benefit to the surrounding community. If the variances are granted, the Applicant will be able to eliminate a currently vacant site and develop these lots with affordable homes, which will be a benefit to the community and families in need. The homes will be provided to stable, working families who are legal residents, have good credit, with Area Median Income's (AMI's) in the 30% to 80% range. The Applicant is a highly reputable non-profit dedicated to providing safe homes to the working poor and eliminating substandard housing, which can only be beneficial to the area. The existing vacant site, if left unimproved, will be far more detrimental to the surrounding neighborhood and adjacent homes.

IV. Conclusion

The Applicant has provided ample evidence of special circumstances applying to the Property, which do not apply to surrounding, smaller lots in the area. The variances will allow the Applicant the same privileges received by surrounding property owners, allow the Applicant to fill a vacant lot which has been vacant for over 15 years, and develop three, single-family affordable homes for working families in need.

Please feel free to contact me at Benjamin.Graff@Quarles.com or 602.229.5683 if Glendale Planning and Development Staff have any questions or comments.

Sincerely yours,
QUARLES & BRADY LLP

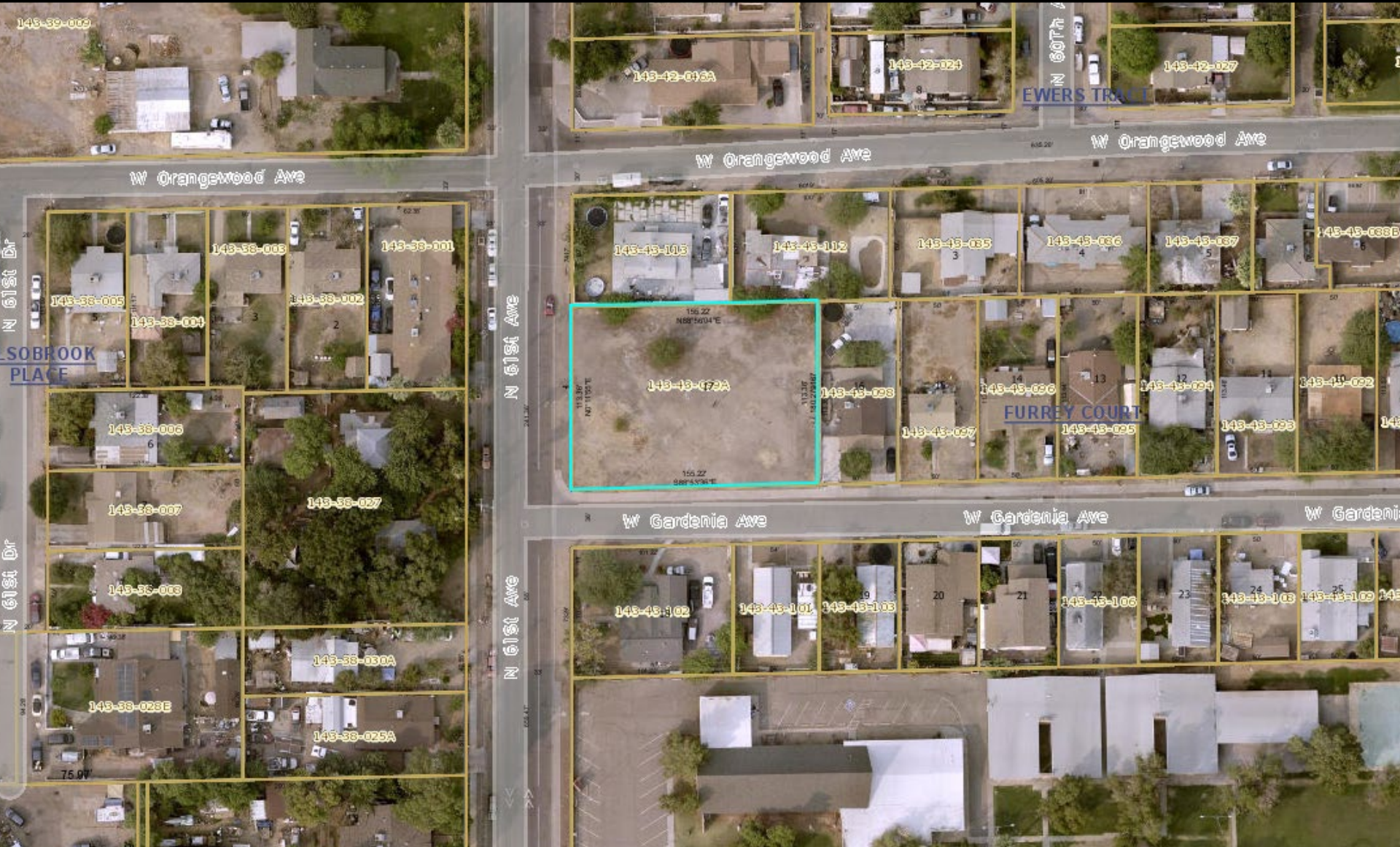


Benjamin W. Graff

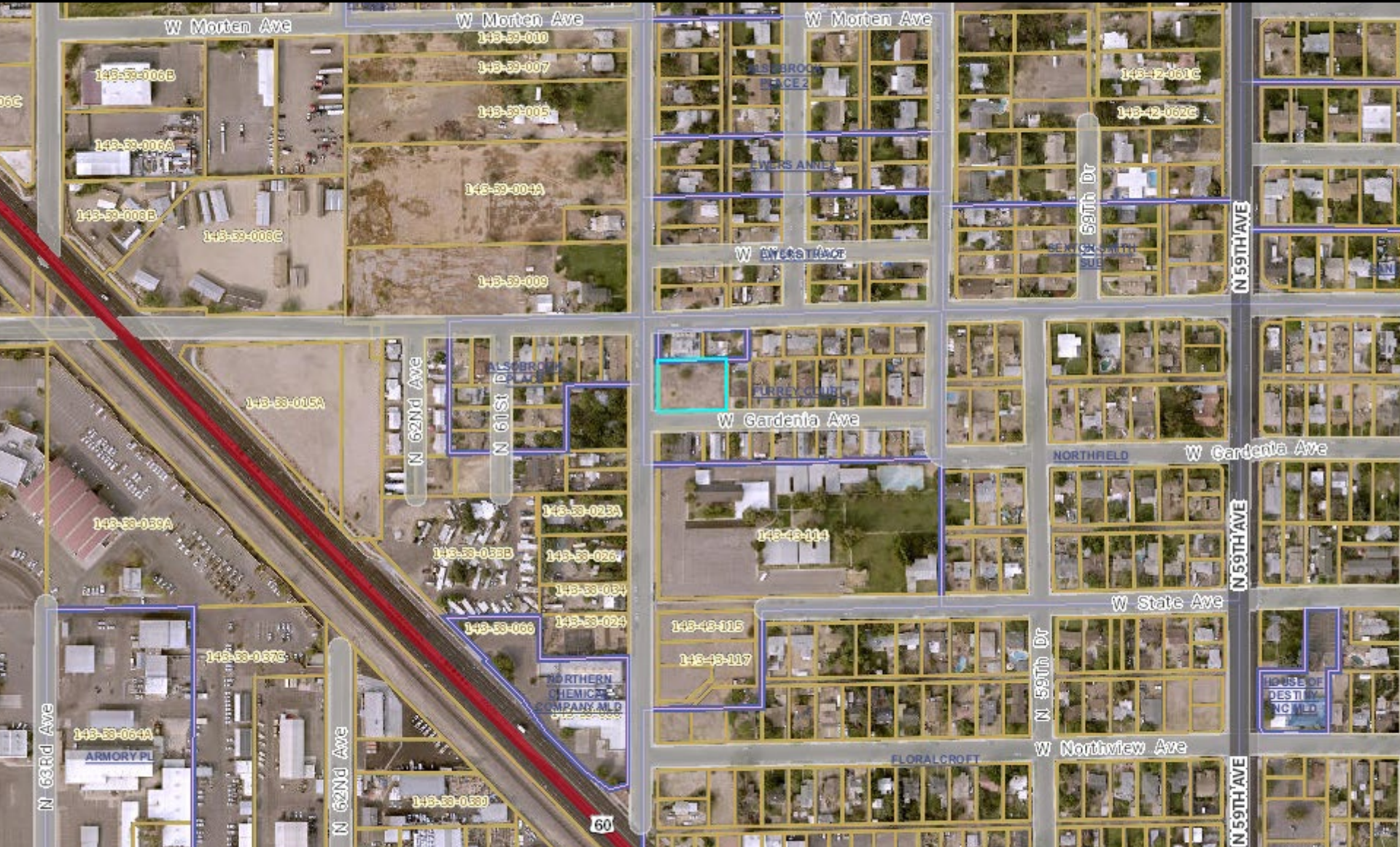
Enclosure: Application Exhibits and Materials

TAB A

AERIAL MAP



AERIAL MAP

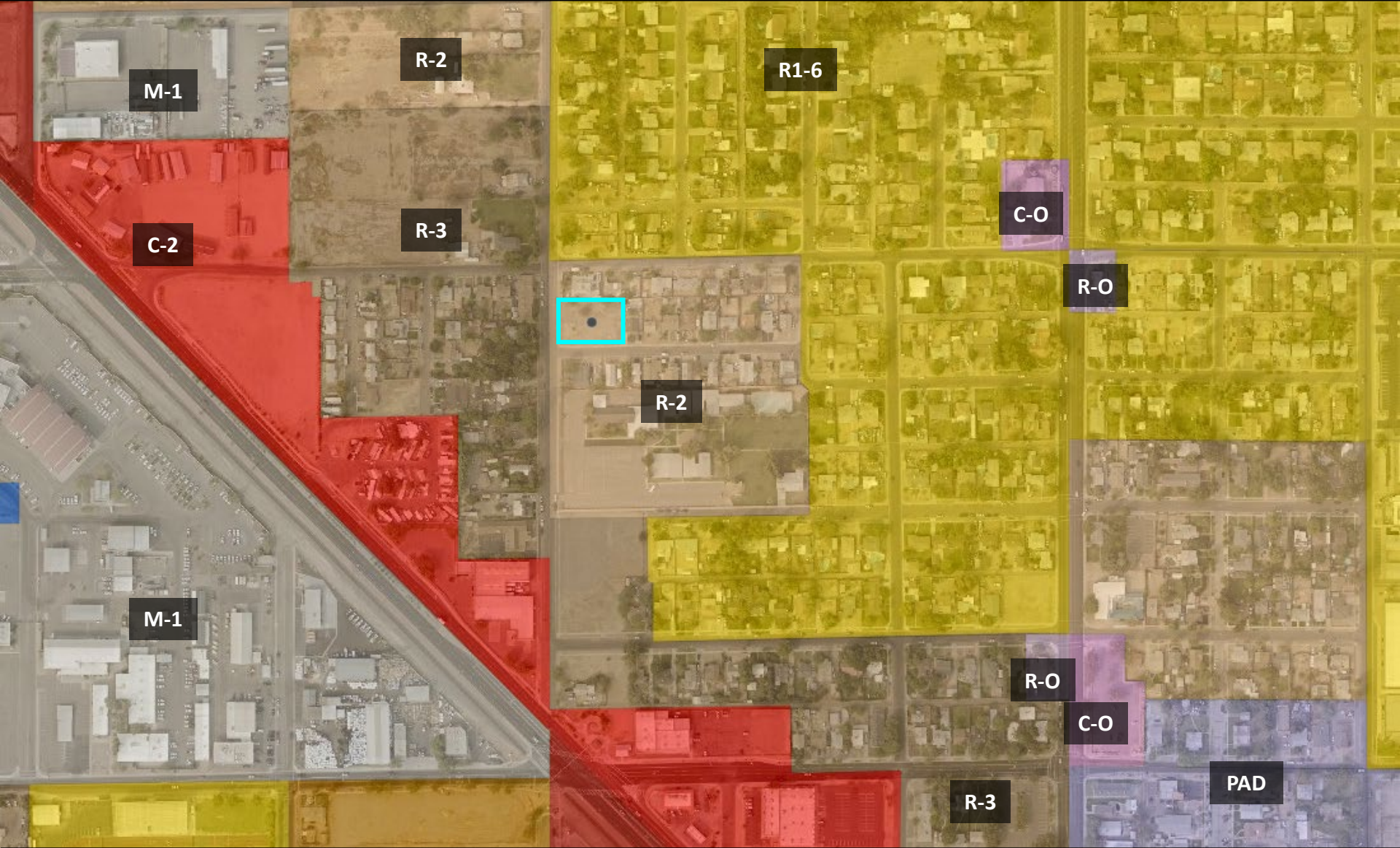


APN: 143-43-099A

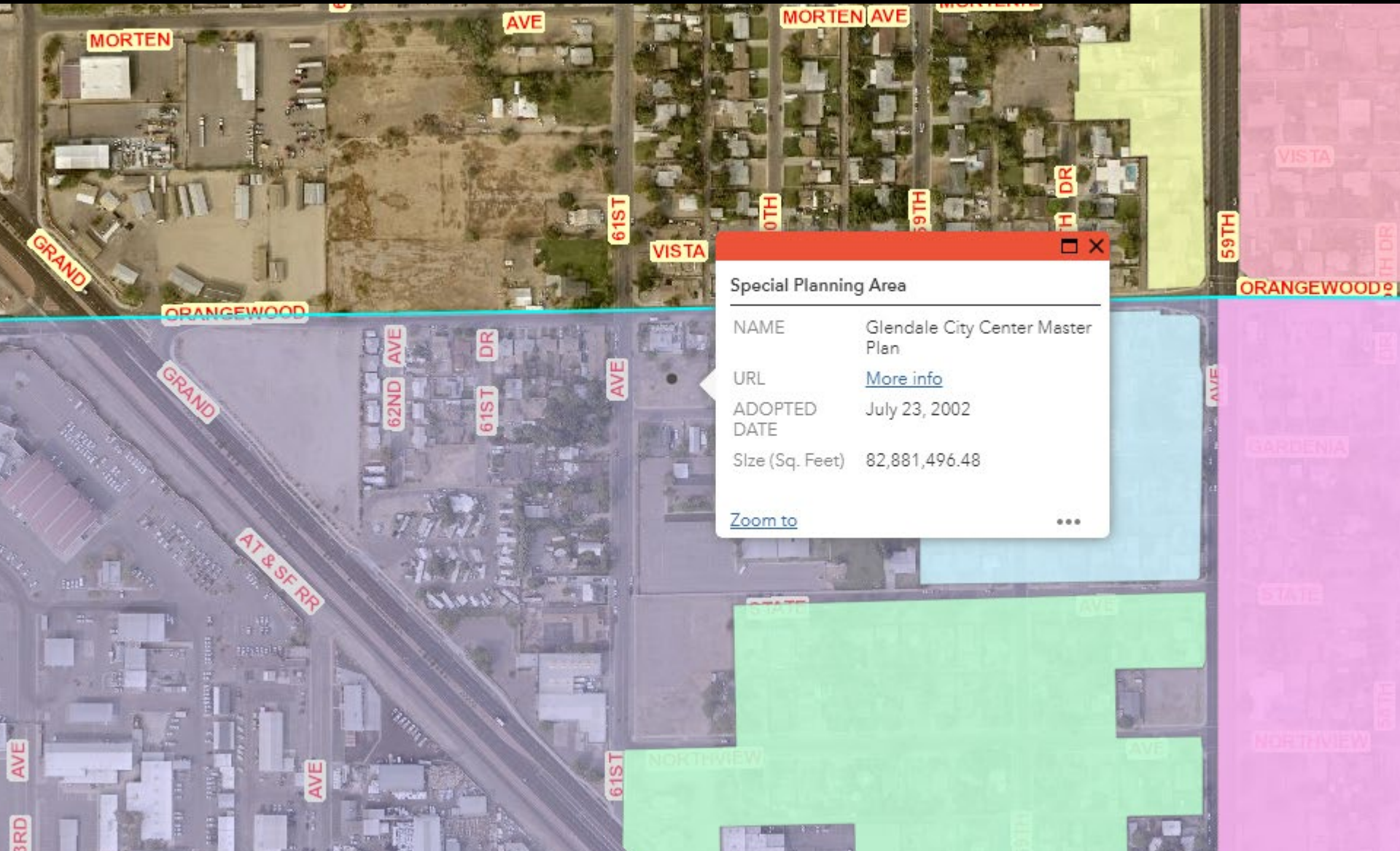
7409 N 61ST AVE, GLENDALE, AZ 85301

ZONING MAP

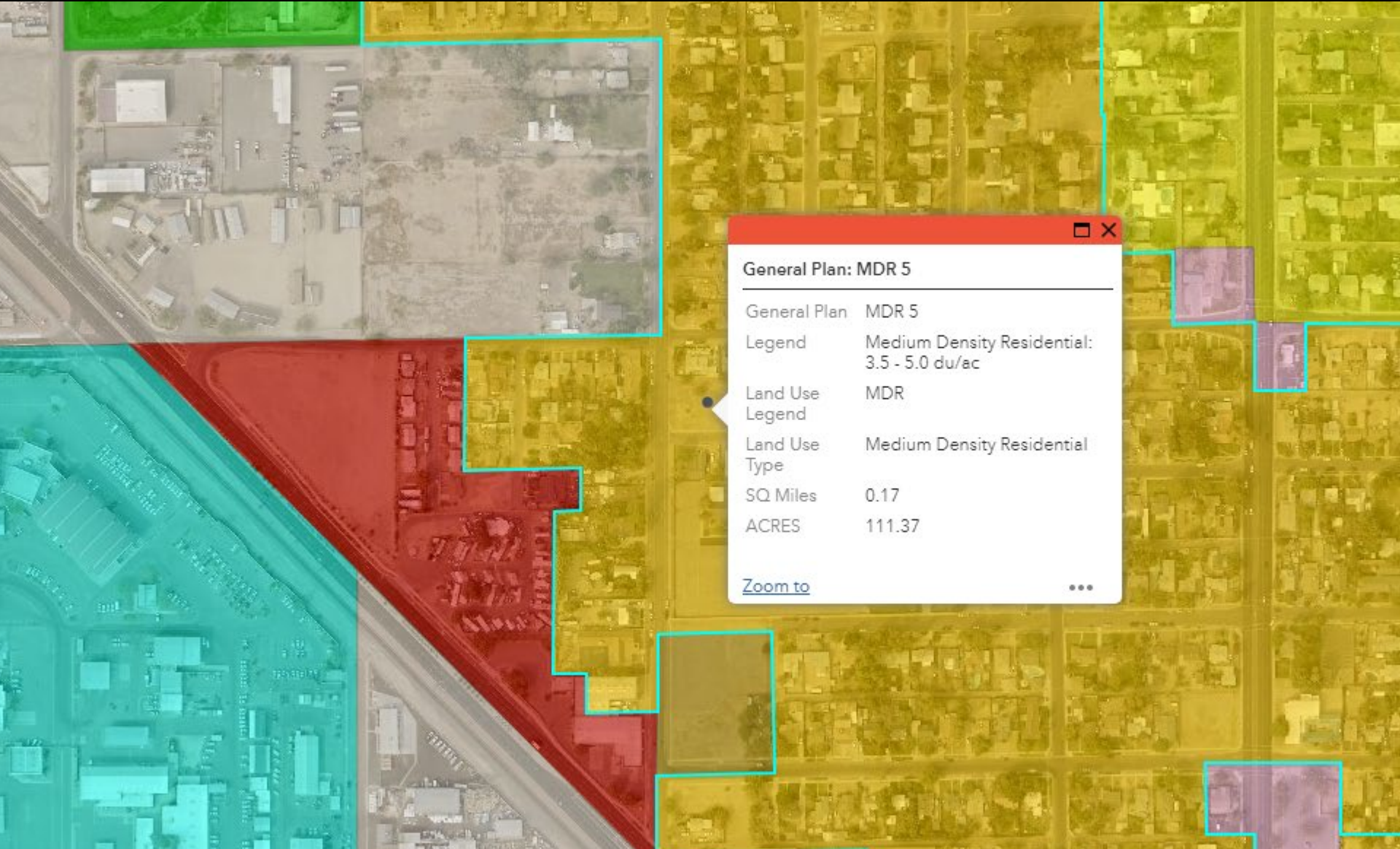
R-2: MIXED RESIDENCE



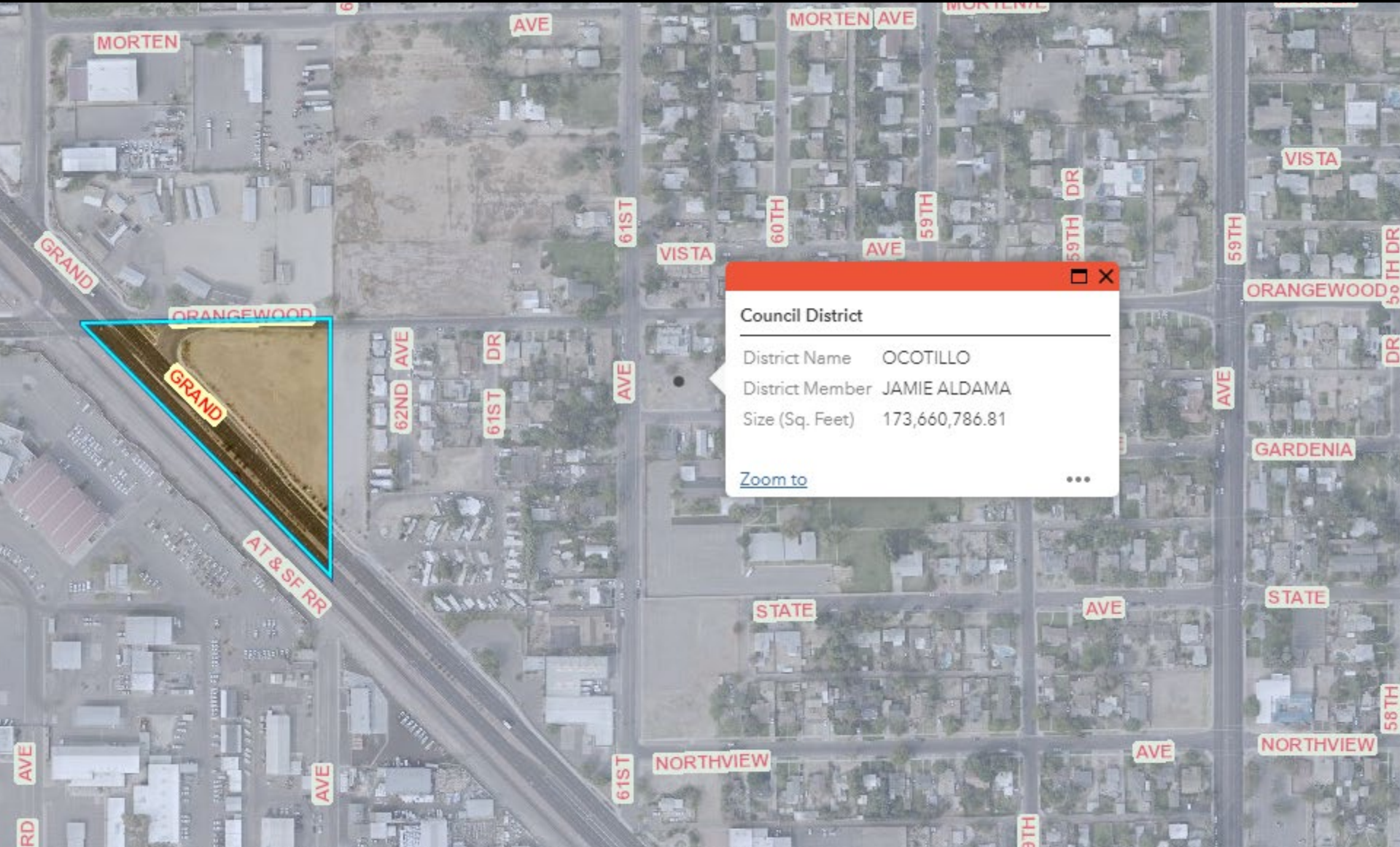
SPECIAL PLANNING AREA GLENDALE CITY CENTER MASTER PLAN



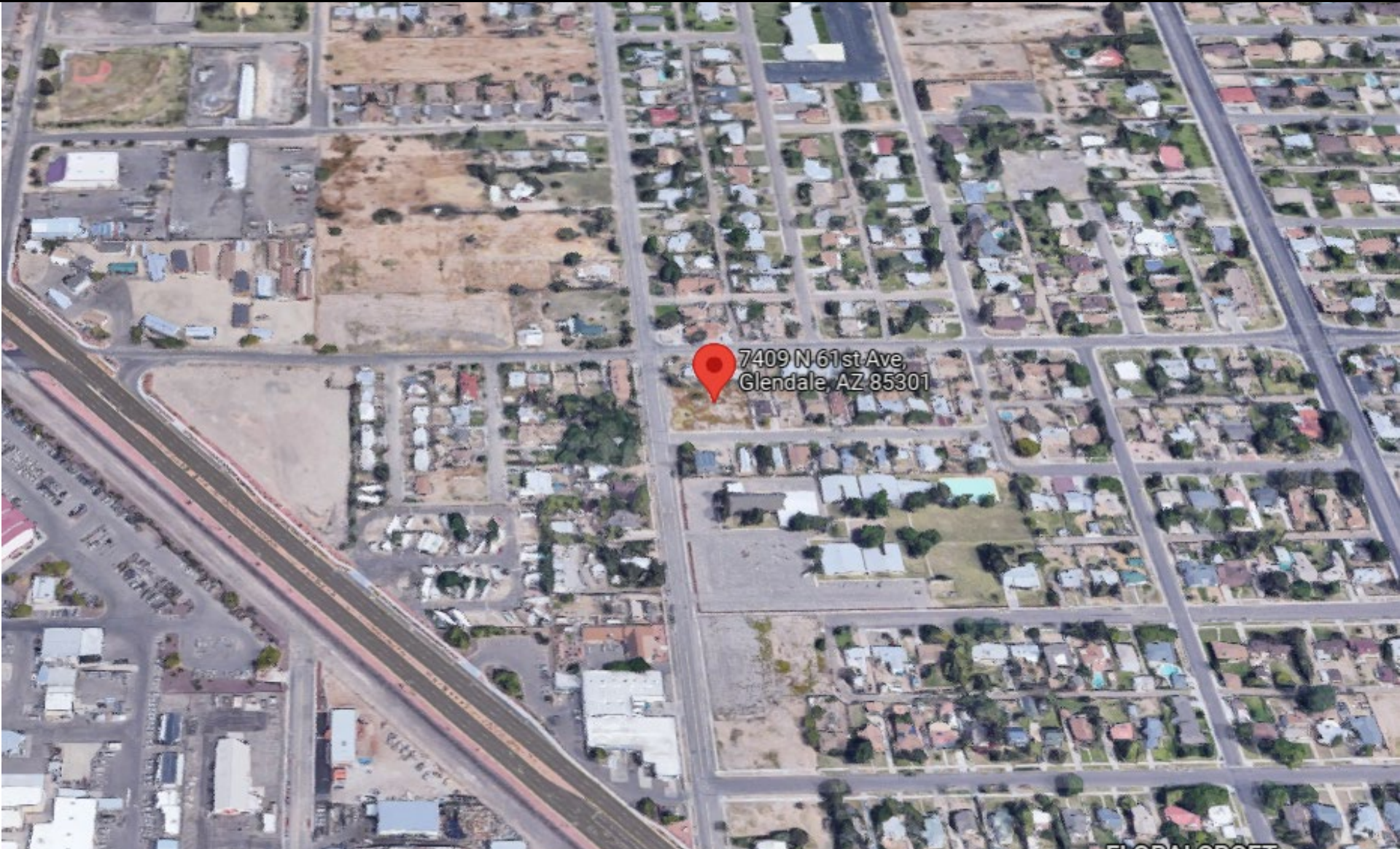
GENERAL PLAN



OCOTILLO COUNCIL DISTRICT – COUNCILMEMBER JAMIE ALDAMA



PHOTOGRAPHIC ELEVATIONS



7409 N 61st Ave,
Glendale, AZ 85301

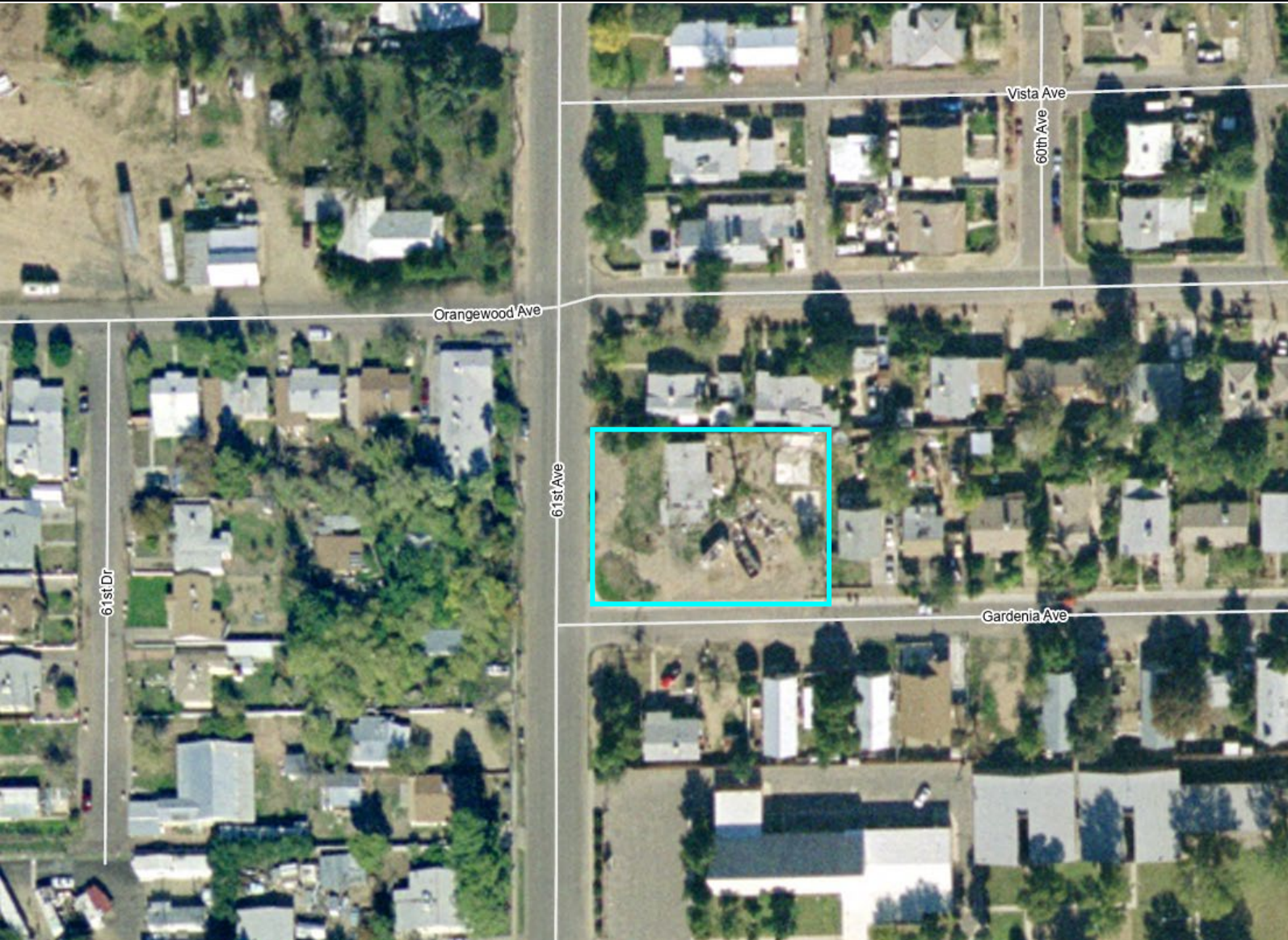
HISTORIC AERIAL - 2006



Layer List

- 2010 Sep - 2010 Oct
- 2010 Jun - 2010 Sep Statewide
- 2009 Oct - 2009 Nov
- 2009 May - 2009 Jun
- 2008 Oct - 2008 Dec
- 2007 Oct - 2008 Jan
- 2007 Jun - 2007 Jul Statewide
- 2006 Oct - 2006 Nov
- 2006 Jan - 2006 Feb
- 2004 Nov - 2004 Dec
- 2003 Dec - 2004 Jan
- 2002 Dec - 2002 Dec
- 2002 Jan - 2002 Dec
- 2001 Dec - 2002 Feb
- 2001 Jan - 2001 Dec
- 2000 Jan - 2000 Apr
- 2000 Dec - 2001 Mar
- 1998 Dec - 1999 Oct
- 1998 Jan - 1998 Mar
- 1996 Dec - 1997 Feb
- 1993 Jan - 1993 Feb

HISTORIC AERIAL - 2004



- 2010 Sep - 2010 Oct
- 2010 Jun - 2010 Sep Statewide
- 2009 Oct - 2009 Nov
- 2009 May - 2009 Jun
- 2008 Oct - 2008 Dec
- 2007 Oct - 2008 Jan
- 2007 Jun - 2007 Jul Statewide
- 2006 Oct - 2006 Nov
- 2006 Jan - 2006 Feb
- 2004 Nov - 2004 Dec
- 2003 Dec - 2004 Jan
- 2002 Dec - 2002 Dec
- 2002 Jan - 2002 Dec
- 2001 Dec - 2002 Feb
- 2001 Jan - 2001 Dec
- 2000 Jan - 2000 Apr
- 2000 Dec - 2001 Mar
- 1998 Dec - 1999 Oct
- 1998 Jan - 1998 Mar
- 1996 Dec - 1997 Feb

TAB B

From: [Graff, Benjamin W. \(PHX x3083\)](#)
To: [Jung, Crissy \(PHX x3096\)](#)
Subject: FW: Public Records Request No. 3933
Date: Monday, November 1, 2021 4:30:57 PM
Attachments: [3933 6553 Original Application.pdf](#)
[3933 6554 Fw MLD20-13 7409 N. 61st Avenue Review Redacted.pdf](#)
[3933 6555 FIRST TEAM REVIEW.pdf](#)
[125EvergreenEmailSignature_a6b3add9-9dae-435d-970f-4c0911565efe.jpg](#)



Benjamin W. Graff / Partner

Zoning and Land Use

Benjamin.Graff@quarles.com / [LinkedIn](#) [BIO](#) [vCard](#)

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Assistant Amy Gallagher (602) 229-5221

[VISIT our COVID-19: Guidance for Clients page for the latest updates from Q&B attorneys](#)

From: donotreply@glendaleaz.com <donotreply@glendaleaz.com>

Sent: Monday, November 1, 2021 4:27 PM

To: Graff, Benjamin W. (PHX x3083) <Benjamin.Graff@quarles.com>; kbenavidez@glendaleaz.com; jknoll@glendaleaz.com

Subject: Public Records Request No. 3933

Dear Mr. Graff,

Thank you for your record request. The Planning Department found no record of any rezoning cases, stipulations, variances/use permits, or design reviews. However, there is a record of an MLD (Minor Land Division) on the property. The Engineering Department has provided documents related to this.

If you have any questions, please feel free to contact the Records Center at 623-930-2236.

Thank you,

Glendale Records Center

Property Address: 7409 N. 61st Avenue, Glendale, AZ 85301; Parcel No. 143-43-099A; NEC of 61st Avenue and Gardenia Ave

CONFIDENTIALITY NOTICE: This electronic mail transmission and any attachments are confidential and may be privileged. They should be read or retained only by the intended recipient. If you have received this transmission in error, please notify the sender immediately and delete the transmission from your system.

TAB C

5.449 - Parking.

See Section 7.400.

(Ord. No. 1772, 6-23-93)

Table 2 Multiple Residence Districts Development Standards								
District	Min. Net Lot Area	Min. Width	Min. Depth	Min. Perimeter Setback	Max. Density Gross Acre	Min. Open Space %	Max. Structure Ht. ²	Max. % Lot Coverage
R-2	10,000	60	94	15 ³	12	30	30 ¹	50
R-3	6,000	60	94	20 ³	16	30	30 ¹	50
R-4	6,000	60	94	20 ³	20	30	30 ¹	50
R-5	43,560	N/A	N/A	20 ⁴	30	25	48 ²	55

1—Two story maximum for principal buildings, refer to Section 7.300 for accessory buildings.

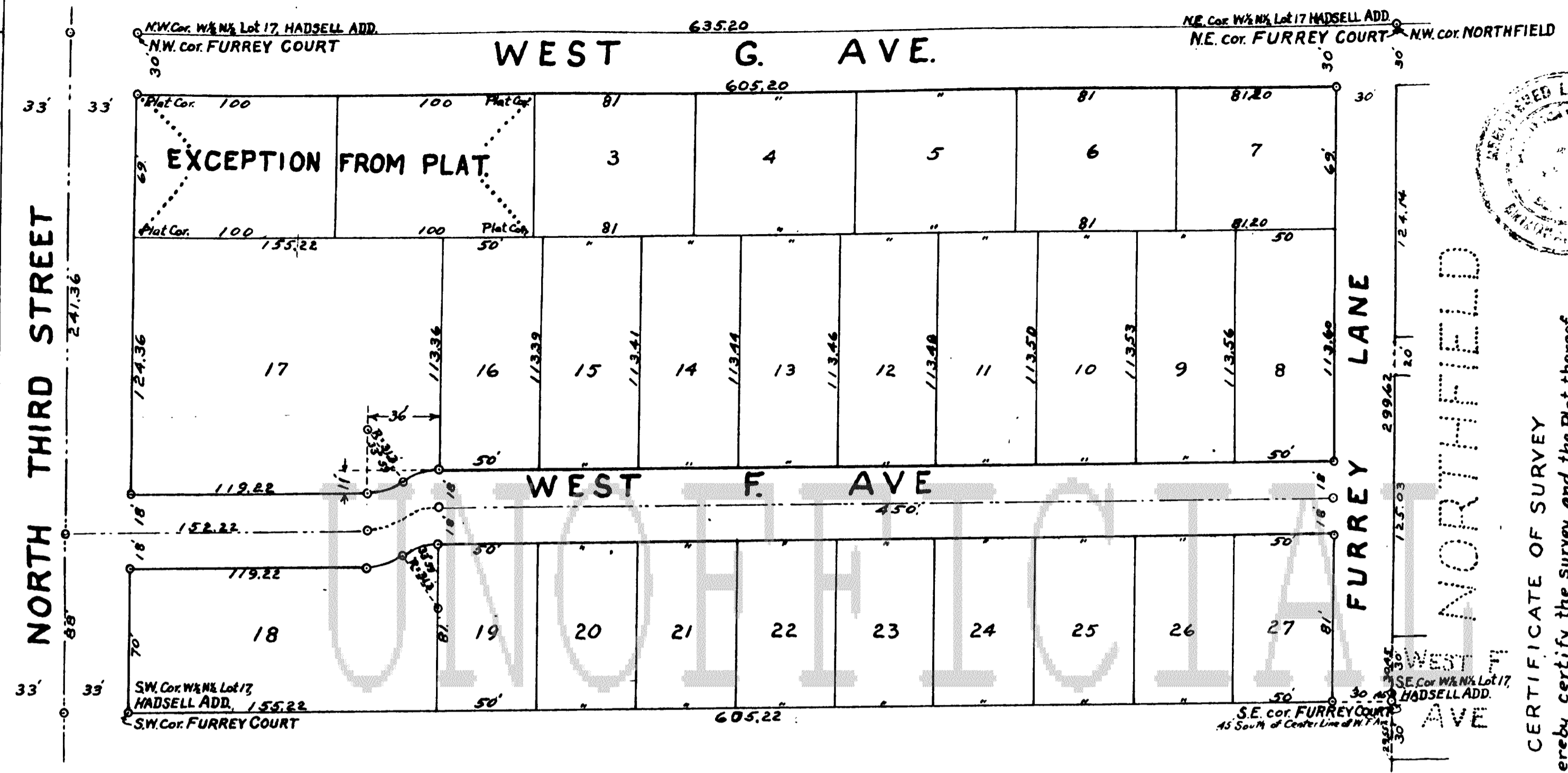
2—Four story maximum for principal buildings, refer to Section 7.300 for accessory buildings.

3—Setbacks increase 1 foot to 1 foot ratio for buildings over 20 feet.

4—Setbacks increase 6 inches per one (1) foot in height over 20 feet.

(Ord. No. 1772, 6-23-93)

TAB D



CERTIFICATE OF SURVEY
 I hereby certify the survey and the Plat thereof
 as shown hereon, were made by me in December, 1946.
 Mrs. A. B. [Signature]
 REGISTERED LAND SURVEYOR
 31 So. 1st Ave., PHOENIX, ARIZONA.

DEDICATION

BE IT HEREBY KNOWN That F. F. FURREY and JESSIE E. FURREY his wife, and BERTHA TREBILCOCK, being the owners of the West Half (W¹/₂) of the North Half (N¹/₂) of Lot Seventeen (17) of Hadsell Addition, a subdivision in Section Six (6), Tp. 2 N., Rg. 2 E., G. & S.R. B. & M., Maricopa County, Arizona, as recorded in the Office of the Recorder of said County, in Book 2 of Maps at Page 10 thereof, except the South Sixty-nine (69) feet of the North Ninety-nine (99) feet of the West Two Hundred (200) feet of said Lot Seventeen (17), have caused the foregoing described premises to be surveyed, subdivided and platted as shown hereon, which premises so subdivided and platted shall hereafter be known as "FURREY COURT"; and said plat sets forth the location, and gives the number and dimension of each Lot, and gives the dimension and name of each Avenue and Lane thereof; and said Avenues and Lane are hereby dedicated to the use of the Public.

FURREY COURT
 A SUBDIVISION IN W²N² OF LOT 17
 HADSELL ADDITION, GLENDALE, ARIZONA.

APPROVAL

This Plat, as shown hereon, has been approved by the COMMON COUNCIL of the CITY of GLENDALE, ARIZONA.

[Signature] Mayor
 [Signature] City Clerk

IN WITNESS WHEREOF, We have hereunto set our hands and seals, this 2 day of December, 1946.

[Signature] Bertha E. Trebilcock
 [Signature] F. F. Furrey
 [Signature] Jessie E. Furrey

STATE OF ARIZONA
 COUNTY OF MARICOPA) s. s.

The foregoing instrument was acknowledged before me by F. F. Furrey, Jessie E. Furrey, and Bertha Trebilcock, this 2 day of December, 1946.

My Commission will expire June 9th 1948

[Signature] NOTARY PUBLIC



Scale: 1" = 50'

85333 INDEXED

Indexed	Paged	Compared
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

STATE OF ARIZONA Fee No.
 County of Maricopa

I hereby certify that the within instrument was filed and recorded

at request of [Signature] Bertha E. Trebilcock

DEC 31 1946 in Book 96 of Maps page 49

Witness my hand and official seal the day and year aforesaid.

ROGER G. LAVERN County Recorder
 [Signature]



W Orangewood Ave

W Orangewood Ave

N 61st Ave

N 59th Ln

143-43-113

143-43-112

143-43-085

143-43-086

143-43-087

143-43-088A

143-43-088B

143-43-089

155.22'
N88°56'04"E

17
143-43-099A

FURREY COURT

155.22'
S88°53'36"E

143-43-098

143-43-097

143-43-096

143-43-095

143-43-094

143-43-093

143-43-092

143-43-091

143-43-090

FURREY COURT

W Gardenia Ave

W Gardenia Ave

143-43-102

18

143-43-101

143-43-103

143-43-104

143-43-105

143-43-106

143-43-107

143-43-108

143-43-109

143-43-110

143-43-111

669.47'

125.03'

299.62'

124.14'

11'

60'

30'

30'

36'

36'

33'

30'

30'

30'

30'

30'