

DRAFT



MINUTES

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

**JUNE 9, 2022
4:00 P.M.**

1. CALL TO ORDER

The Meeting was called to order at approximately 4:10

2. ROLL CALL

Present: Benjamin Naber, Vice Chair
Brian Britton, Commissioner
Lawrence Feiner, Commissioner
Tammy Gee, Commissioner (Via Zoom)

Absent: Cathy Cheshier, Chair

Also Present: Russ Romney, Deputy City Attorney
Tabitha Perry, Planning Manager
Joseline Castaneda, Planner
Lisa Wilson, Administrative Support Supervisor
Kevin Kazmerski, Recording Secretary
Alex Lerma, Interpreter

3. CITIZEN COMMENTS

Vice Chair Naber asked for citizen comments, no comments were made.

4. APPROVAL OF THE MINUTES

Board of Adjustment Minutes of April 14, 2022.
Mr. Britton motioned to approve the April 14 Minutes. Mr. Feiner seconded the motion.
All voted Aye. Motion passed.

5. WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

6. PUBLIC HEARING ITEMS

- a. **VAR22-03 Habitat Homes Glendale** - A request by Benjamin Graff, representing Habitat for Humanity Central Arizona, for a variance to reduce the minimum net lot size from 10,000 square feet to 5,688 square feet, reduce the minimum lot width from 60 feet to 50 feet, reduce the side setbacks from 10 feet and 5 feet, and reduce the street setback from 15 feet to 10 feet which are required in the R-2 (Mixed Residence) zoning district for the development of three single family residences. The site is located at the northeast corner of 61st Avenue and Gardenia Avenue (7409 N. 61st Avenue) and is in the Ocotillo District. Staff Contact: Joseline Castaneda, Planner (623)930-2823.

FINDINGS:

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 size of the lot, at 17,591 square feet, was platted as a larger parcel within the subdivision in 1946. The minimum lot size requirement of 10,000 square feet prevents the 17,591 square foot lot from being split into two lots, much less three lots. The R-2 zoning district requires a minimum lot area of 10,000 square foot, minimum lot width of 60 feet and lot depth of 94 feet, and a minimum perimeter setback of 15 feet. Each new lot created from a lot split of a property in the R-2 zone must meet these minimum requirements, if not, non-conforming lots are being created.

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 does not limit the property from developing residential buildings. With the application of the minimum 15-foot perimeter setback, there is buildable footprint of about 10,000 square feet. A single-family home, two attached or detached single family dwellings, and a multifamily residence of up to four (4) units may be developed if all other development requirements are also met.

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 February 22, 2022, and site plan, dated April 21, 2022.

Mr. Finer asked what the difference was between the land division request and this zoning request? He also asked what could be developed on the site with the current zoning.

Ms. Castaneda explained it was the same request, the client was requesting the variance because the land division was denied. If the variance is granted they will go back and request the land division again. She then explained that the site could be used for a single family home, two detached dwellings or a multifamily dwelling.

Mr. Naber asked if the property were split into two lots would it conform to current zoning standards.

Ms. Castaneda explained that the lot is 17,000 square feet. Current zoning is 10,000 square feet per lot. This site would not be able to be split.

Mr. Graff from Habitat for Humanity made the applicant presentation.

Mr. Naber asked Mr. Graff why they chose the three homes rather than one multifamily.

Mr. Graff stated that if the lot were split in two, the home size be outside the habitat scope of 1500 sq feet.

Vice Chair Naber opened the public hearing

Mr. Salome 7329 N 61st Ave stated adding three homes on that lot will add to the traffic, parking and trash issues they already experience in this neighborhood. Mr. Salome stated that the previous owner tried to split the parcel into two lots and was denied, that is why it was sold to Habitat. Now Habitat is trying to split the parcel into three lots.

Mr. Finer asked Mr. Salome if he thought the lot was OK as it is? Does he not want the parcel developed?

Mr. Salome replied that he thinks that the parcel should be developed by today's ordinance standards, not the standards from the 1940s.

Mr. Solis 7412 N 61st Ave stated He did not think there was space for the parcel to be split into three lots. Traffic and parking on the street is already an issue, adding three more homes will make it worse.

Mr. Naber asked the applicant for closing remarks

Mr. Graff stated that preliminary discussions did reveal there is a parking issue on this street. Of the 20 homes only one has a garage. All three of the habitat homes will have garages and parking in the driveway of each home.

Mr. Naber asked for procedural guidance from City staff

Ms. Perry explained the regulations and procedure for land divisions and variances. She also stated staff analysis showed that the lot has the possibility to be developed per current zoning standards

Ms. Gee asked if all the habitat homes would have block fencing.

Mr. Graff stated they would.

The board voted per each finding with the help of City Attorney Mr. Romney
Finding 1 Mr. Naber, Mr. Feiner, Mr. Britton and Ms Gee all vote "Aye"
Finding 2 Mr. Naber, Mr. Feiner, Mr. Britton and Ms Gee All Vote "Aye"

Mr. Feiner motioned to approve VAR22-03, Mr. Britton seconded All voted "Aye" in favor none opposed; variance granted

7. STAFF REPORTS

No staff reports were presented

8. BOARD COMMENTS AND SUGGESTIONS

There were no comments

9. NEXT MEETING

The next regular meeting of the Board of Adjustment is scheduled for August 11, 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

Mr. Britton motioned to adjourn Mr. Feiner seconded. All vote "Aye" Meeting adjourned approximately 4:56.

The Board of Adjustment meeting minutes of _____, 2022 were submitted and approved this ___ day of _____, 2022.

Kevin John Kazmerski
Recording Secretary