

DRAFT



MINUTES

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

**AUGUST 11, 2022
4:00 P.M.**

1. CALL TO ORDER

The Meeting was called to order at approximately 4:15 PM

2. ROLL CALL

Present: Cathy Cheshier, Chair
Benjamin Naber, Vice Chair
Brian Britton, Board Member (VIA ZOOM)
Tammy Gee, Board Member

Absent: Lawrence Feiner, Board Member

Also Present: Tabitha Perry, Planning Manager
Russ Romney, Deputy City Attorney
Alex Lerma, Senior Planner
Christina Lavelle, Senior Planner
Kevin Kazmerski, Recording Secretary

3. CITIZEN COMMENTS

Chair Cathy Cheshier asked for Citizen Comments, no comments were made.

4. APPROVAL OF THE MINUTES

Mr. Britton Motioned to approve the June 9, 2022, minutes. Mr. Naber seconded. All voted "Aye" Motion Passed.

5. WITHDRAWALS AND CONTINUANCES

There were no Withdrawals or continuances at this meeting.

6. PUBLIC HEARING ITEMS

- A. VAR22-05 - A request by Maximo Cabellos on behalf of MXD Solutions LLC, representing Real Solution Properties LLC, to reduce the south property setback to 5 feet and the north property setback to 11 feet where a 20-foot perimeter setback is required in the R-3 (Multiple Residence) zoning district. The purpose of this variance is to allow the construction of a single-family residence. The site is located at 6718 North 59th Drive in the Ocotillo District. Staff Contact: Alex Lerma, Senior Planner, Project Manager, 623-930-2810, alerma@glendaleaz.com.

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 configuration of the lot creates a special circumstance not self-imposed by the property owner. The lot is situated in Orchard Addition Subdivision, platted in 1908. The properties lot dimensions are 50 feet in width and 120 feet in depth. The lot configurations have not been modified since the recordation of the lot.

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 property to a twenty (20) foot perimeter setback and limit the type of building permitted. With the current setback requirements, a single-family residence could only be 10 feet wide. The surround properties were either built prior to the adoption of the 1993 Zoning Ordinance or have received a variance approval to build on the lot.

RECOMMENDATION

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

1. Development shall be in conformance with applicable project narrative and site plan date stamped, June 6, 2022.

Ms. Cheshier asked Mr. Lerma if there was any feedback from citizens about the 5' set back Mr. Lerma replied there were to responses from the notification that was sent out.

Mr. Cabellos presented his case.

Ms. Cheshier opened the public hearing. No comments from the public.
Ms. Cheshier closed the public hearing.

Ms. Cheshier opened board discussion for comments. No Board discussion.

The Board voted per each finding with the help of City Attorney Mr. Romney.

Finding 1 Mr. Naber, Mr. Britton, Ms. Gee and Ms. Cheshire all vote "Aye"
Finding 2 Mr. Naber, Mr. Britton, Ms. Gee and Ms. Cheshire all vote "Aye"

Mr. Naber motioned to approve VAR22-05 Mr. Britton seconded. All voted "Aye" in favor none opposed; variance granted.

- B.** VAR22-07 - A request from Cristina Lozada, representing Processing Multiservices, LLC, to reduce the required twenty-foot perimeter setbacks for the R-3 (Multiple Residence) zoning district at the south to fifteen feet, the west to five feet, and for the east to ten feet to permit the development of a single-family home. The property is located at 5014 W. Cavalier Drive, in the Cactus District. Staff Contact: Christina LaVelle, 623-930-2553, clavelle@glendaleaz.com.

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 dimensions of the lot are approximately 69.03 feet by 78 feet. Strict adherence to the code would reduce the building envelope to a dimension of 30 feet by 38 feet. This would result in a total building envelope of 1103.14 square feet for a single-family home and garage. This is an unreasonable limitation for a lot this size. This is a situation not self-imposed by the owner but was created at the time the lot was platted.

- 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;**

In the R-3 zoning district, the maximum allowable lot coverage by structure is 50%. The lot size is approximately 5, 436 square feet. At this size, the applicant would be allowed a maximum square footage of 2,718. Application of the current setbacks would result in a maximum lot coverage of 14%. Strict application of the zoning ordinance would reduce the buildable area resulting in the deprivation of privileges that are enjoyed by other properties in the R-3 zoning district.

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

1. Development shall be in conformance with applicable site plan and project narrative date stamped April 21, 2022.

Mr. Britton asked what was currently on the lot.

Ms. Lavelle replied that there were fences and a defunct accessory building that will be removed.

Ms. Cheshire asked there was opposition to the 5-foot setback. Neighbor to the west spoke up. Ms Cheshire replied that the board would call on him shortly.

Mr. Naber asked what the setbacks were for neighboring properties.
Ms. Lavelle replied 10 and 5 foot. All are roughly the same throughout the neighborhood.

Ms. Cheshire asked how that was determined.
Ms. Lavelle said she used the measuring tool from the City's GIS software to determine them.

Ms. Cheshire asked if there were any questions from the board. No from the Board.

Ms. Cheshire asked the applicant to make her presentation.
Ms. Losada presented.

Ms. Cheshire asked the board for questions.

Mr. Naber asked about parking.
Ms. Losada stated there were two spaces plus a carport.

Ms. Cheshire Opened the Public Hearing.

Joseph Sammartano 6211 N. 51st Ave spoke in opposition to the 5' setback. He is the owner of the adjacent lot with the proposed 5-foot set back and the previous owner of the lot in question. He stated several concerns with the proposed building location.

Dan Poulter, 4965 W Cavalier Dr. Spoke. He stated that the street is too narrow. The neighborhood is contaminated from the business to the south. Drainage issues from the road construction cause Cavalier drive to flood.

Ms. Cheshire asked the applicant if she wished to respond to either of the speakers.

Ms. Losada asked Mr. Sammartano about providing property disclosures to the lot when it was sold to the applicant's firm.

Mr. Romney, City Attorney, spoke to the board stating that some items brought up did not fall under the Board's jurisdiction. The board could vote to table the hearing or move forward to findings.

Ms. Cheshire Closed the hearing and opened it for Board discussion.

Mr. Naber motioned to continue.

Ms. Cheshire polled the board.

Ms. Gee stated she still had questions.

Ms. Cheshire re-opened the public hearing.

Ms. Gee asked the total number of parking spaces provided in the plan?
Ms. Losada replied three.

Ms. Gee asked if the property was purchased from Mr. Sanmartano?
Ms. Losada stated she did purchase from him.

Ms. Cheshire asked if the 5-foot setback could be increased to 8 feet?
Ms. Losada stated yes she could have her architect make the corrections.

Ms. Chesire asked Mr. Romney if the board could add a stipulation for an 8-foot setback. Mr. Romney replied that Ms. Losada had referenced her architect, so she is unable to truly confirm that the change can be made today.

With the help of Mr. Romney, Ms. Cheshire asked for a motion to table this case until next meeting.

Mr. Naber motioned to table VAR22-07 until the next meeting.

Mr. Britton seconded the motion.

Ms. Gee, Mr. Britton, Mr. Naber and Ms. Cheshire all voted "Aye" to table until the next meeting.

Ms. Chesire realized she had not closed the public hearing and closed it.

Ms. Cheshire asked if they needed to vote again due to the vote occurring during the public hearing.

Ms. Perry stated they needed to re-vote and include the date of the meeting they want the case heard.

With the help of City Attorney Mr. Romney, Ms. Cheshire asked for a motion to table this case until the September 8, 2022, Board of Adjustment meeting.

Mr. Naber motioned to table VAR22-07 until the September 8th meeting.

Mr. Britton Seconded the motion.

Ms. Gee, Mr. Naber, Mr. Britton and Ms. Cheshire all voted "Aye" motion in favor of tabling until the September 8, 2022, Board of Adjustment meeting.

7. STAFF REPORTS

Ms. Perry introduced newly appointed Development Services Director, Randy Huggins and New Sr Planner, Matthew Taylor to the Board members.

8. BOARD COMMENTS AND SUGGESTIONS

There were no comments.

9. NEXT MEETING

The next regular meeting of the Board of Adjustment is scheduled for September 8, 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

Ms. Gee motioned to adjourn, Mr. Naber seconded. All voted "Aye" meeting adjourned at approximately 5:05 PM.

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

Kevin John Kazmerski
Recording Secretary

