



## PLANNING COMMISSION REPORT

CASE: ZTA24-01 VARIANCE FINDINGS  
CASE #: ZTA24-01  
MEETING DATE: 09/26/2024  
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### **SUBJECT**

ZTA24-01 - A request by the Glendale Planning Commission to amend the Unified Development Code (UDC), Section 35.6.209 Variances and Appeals, and bring it into conformance with the Arizona Revised State Statute Section 9-462.06 (Citywide).

Presented by: Alex Lerma, Senior Planner

### **REQUEST**

Amend the Unified Development Code, Section 35.6.209 Variances and Appeals, and bring it into conformance with the Arizona Revised State Statute.

### **APPLICANT/OWNER**

City of Glendale Planning Commission Initiated.

### **REQUIRED ACTION**

The Planning Commission must conduct a public hearing and determine if this request is consistent with the General Plan and the Arizona Revised State Statute.

### **SUMMARY**

Variance requests are regulated by state statutes and by local regulations. The Board of Adjustment uses these criteria to analyze the request as well as a basis to approve or denial of a variance application. With the adoption of the UDC, the general purpose for a variance was modified and the three (3) state required findings for a variance were replaced with four (4) criteria. To comply with the Arizona Revised State Statute, an amendment to Section 35.6.209 is required.

### **BACKGROUND INFORMATION**

The Arizona Revised State Statute, Section 9-462.06(G) 2, asserts that the Board of Adjustment shall:

*“Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography or surroundings the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property in the same zoning classification in the same zoning district. Any variance granted is subject to conditions as will assure that the*

*adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located."*

Furthermore, Section 9-462.06(H)1 & 2, states that the Board of Adjustment may not:

*"Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article."*

and/or

*"Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner."*

The City of Glendale 1993 Zoning Ordinance, Sections 3.701 General and 3.706 Findings for a Variance, mirrored the language and text of the Arizona Revised State Statute.

With the adoption of the UDC, the general purpose for a variance was modified and the three (3) previously mentioned state required findings for a variance were replaced with four (4) criteria. To comply with Arizona Revised State Statute, a modification to Section 35.6.209 of the UDC is required. The proposed draft modifications are included in the attached Draft Text document.

## **CITIZEN PARTICIPATION TO DATE:**

### **Applicant's Citizen Participation Process:**

On June 24, 2024, the applicant mailed notification letters to interested parties. No responses have been received. The Citizen Participation Final Report is attached.

### **Planning Commission Public Hearing:**

A Notice of Public Hearing was published in The Arizona Republic on September 4, 2024. Notification postcards of the public hearing were mailed to staff, elected officials, and interested parties on August 30, 2024.

## **STAFF FINDINGS AND ANALYSIS**

1. The amendment is consistent with the policies and objectives of the General Plan.
  - **Goal LU-1: Development is guided by sound growth management.**
  - **Goal UD-5: There is a cohesive land planning approach through Glendale's Municipal Planning Area**
  - **Goal NPR-3: Regulations and standards for livability guide existing and future neighborhoods.**

**The Envision 2040, City of Glendale General Plan, prioritizes sound growth management (Goal LU-1) and a cohesive land planning approach (Goal UD-5) for all development, including livability within existing neighborhoods within the city boundaries. The proposed amendment supports the goals of the General Plan by providing a clear and concise process for a variance approval or denial that is consistent with 9-462.06 of the Arizona Revised Statute.**

2. The proposed amendment furthers the public health, safety, and general welfare of the citizens of Glendale.

**The amendment supports the general welfare of the public by providing a fair and equitable process for obtaining variance approval or disapproval consistent with the State Statute.**

3. If the amendment is to the official Zoning Map, the proposed change will include any conditions necessary to mitigate any adverse impacts on business, persons, or properties adjacent to the requested amendment.

**The amendment does not change the official Zoning Map. Therefore, finding #3 is not applicable to this request.**

4. A finding is made that there are adequate school facilities, if the amendment made to the official Zoning Map, and if Section 3.812 (Adequate School Facilities) is applicable.

**Section 3.812 is not applicable to this amendment.**

**RECOMMENDATION**

Staff recommends approval of ZTA24-01 as written.

**PROPOSED MOTION**

Move to recommend approval of ZTA24-01 as presented.

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**Attachments**

Narrative

Text Amendment

CP Final Report\_without labels

PC Presentation