

DRAFT



MINUTES

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

**JANUARY 13, 2022
4:00 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

Committee members present: Chairperson Cathy Cheshier, Vice Chairperson Benjamin Naber, Brian Britton, Larry Feiner, Tammy Gee, and Kyle Holschlag were present.

Committee members absent: None.

City staff present: Tabitha Perry (Interim Planning Manager), Samantha Cope (Administrative Support Staff), Lisa Wilson (Administrative Support Supervisor), Edward Vigil (Planner), and Russ Romney (Deputy City Attorney).

Present: Cathy Cheshier, Chair
Benjamin Naber, Vice Chair
Brian Britton, Commissioner
Lawrence Feiner, Commissioner
Tammy Gee, Commissioner
Kyle Holschlag, Commissioner

3. CITIZEN COMMENTS

If citizens wish to speak on a matter concerning the Glendale Board of Adjustment that is not on the printed agenda, please complete a Citizen Comments Card and provide it to the designated staff person prior to the beginning of the meeting. Once your name is called by the Chairperson, please proceed to the podium and state your name and address for the record. Please limit your comments to a period of three minutes or less.

Chairperson Cheshier asked for citizen comments, and no citizen comments were made.

4. APPROVAL OF THE MINUTES

A motion to approve the December 9, 2021 meeting minutes was made by Mr. Naber and seconded by Ms. Feiner. All were in favor.

- a. Board of Adjustment Minutes of December 9, 2021.

5. WITHDRAWALS AND CONTINUANCES

There were no withdrawals or continuances at this meeting.

6. PUBLIC HEARING ITEMS

- a. A. Continuation of VAR21-08 Villas at 45th Variance from the December 9, 2021 Board of Adjustment Meeting: A request by David Bohn, The BFH Group, to reduce the Glendale Centerline Overlay District, Midtown perimeter setbacks from the required 30 feet to 5 feet. The purpose of this variance is to allow the construction of 60 new 2-story modern townhomes on an infill property. The site is located at 7127 N. 45th Avenue and is in the Cactus District. Staff Contact: Edward Vigil, Senior Planner, (623) 930-3071.

On December 9, 2021, the Board of Adjustment requested the applicant to contact the adjacent homeowners to the north to work out a solution on the proposed 2 story townhomes with a 5-foot setback at the north property line. Two homeowners attended the meeting and voiced concerns that the proposed 5-foot setback was not enough distance for a two-story home. The homeowners expressed concern that they did not want someone looking into their backyard. No other homeowners participated in the meeting or have expressed concern with the request.

Since this meeting, on December 13th, the applicant reached out to the two homeowners who had concerns by telephone, emailing them, and by visiting their homes. Neither homeowner has responded to his voicemails, emails, or in person visits. Again, on December 21st, the applicant visited each homeowner but was not able to get a response from anyone.

The applicant has made the following modifications:

NEIGHBOR TO THE NORTHWEST • The applicant will provide trees along the property boundary in this area. Units are already a minimum of 22 feet away. • Once the variance is approved, the applicant will abandon the easement located on the property to the northwest.

NEIGHBORS TO THE NORTHEAST • The applicant will shift units to the south along the east property line further south by 5 feet, making the distance to the north property line a total of 10 feet. • The unit along the northeast corner will not have windows facing north providing additional privacy. • The applicant will also provide trees along the north property line giving more privacy. • An 8-foot-tall wall may be an option for additional privacy along the north property boundaries.

CHANGES TO THE SITE PLAN • For the units that back up to the north property line, total separation now is 7 feet and 8 feet, instead of 5 feet. • The applicant shifted all units that back up to the eastern property line down to the south another 5 feet – this will give a 10-foot separation from the property line to the side of the unit that faces west – at the northeast

corner. • Trees will be planted in that 10-foot section at the northeast corner to block the view from the side. • On the side elevations, there will be no windows proposed on the 2nd floor.

Should the Board decide to grant the variance, it should be subject to the following stipulations:

1. Development shall be in conformance with the applicant's project narrative date stamped November 16, 2021.
2. The property owner shall release and/or abandon the 30-foot ingress/egress easement shown on parcel number 147-08-008A with the Maricopa County Recorder's Office within 6 months of this approval date.

Mr. Britton joined the meeting.

The applicant David Bohn, spoke about the project.

Chairperson Cheshier re-opened the public hearing.

Louie Galindo spoke in opposition to the application.

With no one else wishing to speak, Chairperson Cheshier closed the public hearing.

After the public hearing closed, the board voted per each finding with the help of Mr. Romney.

1. Mr. Britton, Mr. Holschlag, Ms. Gee, Mr. Feiner, Vice Chairperson Naber, and Chairperson Cheshier all vote, "aye"
2. Mr. Britton, Mr. Holschlag, Ms. Gee, Mr. Feiner, Vice Chairperson Naber, and Chairperson Cheshier all vote, "aye"

Vice Chairperson Naber made a motion to approve the variance VAR21-08 (subject to the stipulations), and it was seconded by Mr. Britton. All voted "aye" in favor, and none opposed. Variance was granted.

7. STAFF REPORTS

Ms. Perry did not have a staff report.

- a. This report allows the Staff of Planning Department to update the Board. The Board is prohibited from discussing or acting on any of the items presented by the Staff since they are not itemized on the Board of Adjustment Agenda.

8. BOARD COMMENTS AND SUGGESTIONS

Chairperson Cheshier thanked the board for appointing her as Chairperson another year. She also thanked all the commissioners for continuing to serve another year. She also announced that this would be Mr. Holschlag's last meeting, and she thanked him for volunteering on the board.

9. NEXT MEETING

The next regular meeting of the Board of Adjustment is scheduled for March 10, 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 made a motion to adjourn the meeting, and it was seconded by Mr. Britton all vote, "aye."

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

Lisa D. Wilson
Recording Secretary