

**MEETING MINUTES**

**CITY OF GLENDALE  
BOARD OF ADJUSTMENT**

**GLENDALE COUNCIL CHAMBERS BUILDING  
CONFERENCE ROOM B3  
5850 WEST GLENDALE AVENUE  
GLENDALE, ARIZONA 85301**

**THURSDAY, JANUARY 8, 2009  
7:00 P.M.**

Chairperson Burrell called the regular meeting to order at approximately 7:00 p.m. and explained the Board's policies and procedures. She then proceeded to conduct Roll Call with the following results:

MEMBERS PRESENT: Sandy Burrell, Chairperson  
Hugh Leonardo, Vice Chairperson  
William Barker  
Al DeLossa  
Jim Ligon  
Dan Lundberg

MEMBERS ABSENT: Peter McCormick

CITY STAFF: Russ Romney, Deputy City Attorney  
Maryann Pickering, AICP, Zoning Administrator  
Remigio Cordero, Planner  
Marilyn Clark, Planning Department  
Lisa Hunt, Recording Secretary

Chairperson Burrell called for Approval of the Minutes for the regular meeting on October 9, 2008.

Vice Chair Leonardo brought an error to an entry in the minutes to their attention. Staff informed him that it would be corrected.

**Boardmember Ligon MADE a MOTION to APPROVE the minutes from the October 9, 2008 meeting. Boardmember Barker SECONDED the MOTION. The motion passed unanimously.**

Chairperson Burrell asked staff if there were any requests for Withdrawals or Continuances. As there were none, she explained the public hearing procedures.

**AGENDA ITEM: 1. VAR08-11: A request by Habitat for Humanity for variances to reduce the perimeter setback to 15 feet for the rear-yard and ten feet for the side-yard where**

20 feet is required in the R-3 (Multiple Residence) zoning district. The property is located west of the northwest corner of 59th Drive and Ocotillo Road (5942 West Ocotillo Road). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Remigio Cordero, Planner, presented the application, reviewing the site and request. He stated that the variance request appears to meet the required four findings and should be recommended for approval subject to the following stipulations:

1. Development shall be in conformance with the site plan, floor plan, and elevations date-stamped November 26, 2008.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

Chairperson Burrell called for questions from the Board. As there were none, she called for the applicant to come forward and make a presentation.

Ms. Tana Nicholas, applicant's representative, introduced herself and stated that staff had done a great job with their presentation of this item. She said she was proud to announce that this home will be the first two-story Habitat home built in Glendale. She added that the last home the Board had approved had received the LEAD Platinum Certificate, which had been very exciting since it is quite difficult to obtain in the construction industry.

Chairperson Burrell asked for any additional comments from the Board.

Boardmember Ligon commented that this house was extremely large for the area and believes it would stand out like a giraffe against a bunch of monkeys. Ms. Nicholas explained that part of the problem they were having in the older areas, was that the building footprints were very tiny and the families were large. She stated that the only recourse was to build upwards. She added that they had constructed similar homes in an area that had similar constraints with great success. She noted that she would be happy to e-mail those photos to the Board for their review. Boardmember Ligon responded that he would very much appreciate it.

Boardmember Lundberg commented that he had personally seen the two-story product and was very impressed with the quality and attractiveness.

Chairperson Burrell asked for any further comments.

Ms. Maryann Pickering, AICP, Zoning Administrator, commented in response to Boardmember Ligon's concerns. She explained that the house did meet their maximum lot coverage requirements for the zoning district. She noted that they did not have a maximum house size in that district; therefore, the house does meet the legal limits.

Chairperson Burrell opened the floor for public comments. As there were no comments, the public hearing was closed.

Boardmember Lundberg asked if there had been any negative feedback in response to this public notification. Mr. Cordero stated there was none.

Chairperson Burrell commented that she was very excited to see Habitat for Humanity properties being developed. She added that she was very pleased that they were still helping people find nice homes, even in these economic times.

Chairperson Burrell called for any other questions or discussions from the Board. The Board had no questions; therefore, she asked Mr. Russ Romney, Deputy City Attorney, to proceed with the findings.

Based on the facts and evidence presented, Mr. Romney requested a voice vote from the Board. He then went on to ask the following questions and waited as the Board responded after each finding.

Finding One: Does the Board find that there are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, which were not self-imposed by the owner?

**Chairperson Burrell called for a voice vote on the 1st finding. They responded with a 5-0 vote of "Aye".**

Finding Two: Does the Board find that 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 the same zoning district?

**Chairperson Burrell called for a voice vote on the 2nd finding. They responded with a 5-0 vote of "Aye".**

Finding Three: Does the Board find that the variance requested is the minimum necessary to alleviate the property hardships?

**Chairperson Burrell called for a voice vote on the 3rd finding. They responded with a 5-0 vote of "Aye".**

Finding Four: Does the Board find the granting of the variance will not have a detrimental effect on the property, adjoining property, surrounding neighborhoods or the city in general?

**Chairperson Burrell called for a voice vote on the 4th finding. They responded with a 5-0 vote of "Aye".**

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR08-11: subject to the site plan and floor plan date-stamped November 26, 2008 with the stipulations set forth by the Planning Department.

Boardmember DeLossa joined the meeting at 7:15 p.m. He noted that he was familiar with the case and will join the final vote.

**Ms. Hunt polled the Board. They responded with a 6-0 vote of "Aye". Case No. VAR08-11 was APPROVED.**

**AGENDA ITEM:** 2. VAR08-12: A request by John Helvey representing Gilbert Bernal for variances to reduce the north side-yard setback to ten feet and the south side-yard setback to seven feet where a 20-foot perimeter setback is required, and reduce the separation between structures to seven feet where ten feet is required in the R-3 (Multiple Residence) zoning district. The property is located at the southeast corner of 54th Avenue and Lamar Road (6745 North 54th Avenue). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Remigio Cordero, Planner, presented the application, reviewing the site and request. He stated that the variance request appears to meet the required four findings and should be recommended for approval subject to the following stipulations:

1. Development shall be in conformance with the site plan, floor plan, and elevations date-stamped November 26, 2008.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

Chairperson Burrell called for questions from the Board.

Vice Chair Leonardo inquired as to the age of the home. Mr. Cordero responded that he did not know the exact age and deferred the question to the applicant.

Chairperson Burrell called the applicant forward to make a presentation.

Mr. John Helvey, applicant's representative, residing at 1238 West Allegra Drive, Litchfield, Arizona stated that he was the applicant's contractor. He explained that the house had been vacant for sometime; however, the applicants would like to use it as their retirement home. He stated that the home needed a lot of renovations to make it comfortable to live in. He explained the issues with the setback requirements. He noted that the house was built sometime in the 1940s; however, the house had a good solid structure.

Chairperson Burrell asked for any additional comments from the Board. There were none.

Chairperson Burrell opened the floor for public comments. As there were no comments, the public hearing was closed.

Vice Chairperson Leonardo commented that since the home was older than some of the newer rules, it made sense to approve this variance.

Chairperson Burrell called for any other questions or discussions from the Board. The Board had no questions; therefore, she asked Mr. Russ Romney, Deputy City Attorney, to proceed with the findings.

Based on the facts and evidence presented, Mr. Romney requested a voice vote from the Board. He then went on to ask the following questions and waited as the Board responded after each finding.

Finding One: Does the Board find that there are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, which were not self-imposed by the owner?

**Chairperson Burrell called for a voice vote on the 1st finding. They responded with a 6-0 vote of "Aye".**

Finding Two: Does the Board find that 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 the same zoning district?

**Chairperson Burrell called for a voice vote on the 2nd finding. They responded with a 6-0 vote of "Aye".**

Finding Three: Does the Board find that the variance requested is the minimum necessary to alleviate the property hardships?

**Chairperson Burrell called for a voice vote on the 3rd finding. They responded with a 6-0 vote of "Aye".**

Finding Four: Does the Board find the granting of the variance will not have a detrimental effect on the property, adjoining property, surrounding neighborhoods or the city in general?

**Chairperson Burrell called for a voice vote on the 4th finding. They responded with a 6-0 vote of "Aye".**

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR08-12: subject to the site plan and floor plan date-stamped November 26, 2008 with the stipulations set forth by the Planning Department.

**Ms. Hunt polled the Board. They responded with a 6-0 vote of "Aye". Case No. VAR08-12 was APPROVED.**

**AGENDA ITEM:** 3. **VAR08-13:** A request by Primitivo Wancho representing Ramon and Elena Ruelas for variances to reduce the perimeter setback to ten feet for the west side-yard and five feet on the east side-yard where 20 feet is required in the R-3 (Multiple Residence) zoning district. The property is located west of the southwest corner of 54th and Myrtle avenues and (5411 West Myrtle Avenue). Staff Contact: Remigio Cordero, Planner (Ocotillo District).

Mr. Remigio Cordero, Planner, presented the application, reviewing the site and request. He stated that the variance request appears to meet the required four findings and should be recommended for approval subject to the following stipulations:

1. Development shall be in conformance with the site plan, floor plan, and elevations date-stamped November 26, 2008.
2. All mechanical equipment shall be ground mounted.
3. All utilities less than 69kv shall be placed underground.

Chairperson Burrell called for questions from the Board.

Boardmember Barker inquired as to the zoning requirements regarding the length between building and setbacks. Mr. Cordero stated that they had made the determination that it was 15 feet on each side. He explained the new variance setbacks as ten feet for the west side-yard and five feet on the east side-yard.

Boardmember DeLossa asked how the size of the home compared to the neighborhood homes in appearance and size. Mr. Cordero responded that the size of the home was large; however, it still had to go through the custom home review process following this process if it was approved.

Boardmember Lundberg inquired as to the lot percentage requirements as well as the lot coverage for this home. Mr. Cordero stated that the required lot coverage for this property was 50%. The home in question is 18%.

Chairperson Burrell called for the applicant to make a presentation.

Mr. Primitivo Wancho, contractor, representing Ramon and Elena Ruelas, stated that his daughter Ms. Denise Wancho would be his English interpreter when needed. The Board agreed.

Mr. Wancho explained why he was asking for a variance and asked for questions from the Board.

Boardmember Ligon asked if they were planning to build a football field in the backyard since it was quite large. The applicant joked that he was not.

Boardmember DeLossa asked if this would become their personal property or was it going to be used for resale. Ms. Wancho stated that they will live in it for a while and then sell it. Boardmember DeLossa asked if they were in the business of buying and reselling properties and if they enjoyed doing it. Ms. Wancho responded for her father and stated that he did enjoy being part of families moving into updated homes.

Mr. Cordero clarified the livable property on the plans for the Board's benefit.

Boardmember DeLossa asked for further clarification as to the square footage. Mr. Cordero explained each section's square footage and determined that it was within the standard requirements.

Chairperson Burrell asked for any additional comments from the Board. There were none; therefore, she opened the floor for public comments. As there were no comments, the public hearing was closed.

Vice Chair Leonardo commented on the many skinny lots in the area.

Chairperson Burrell called for any other questions or discussions from the Board. The Board had no questions; therefore, she asked Mr. Russ Romney, Deputy City Attorney, to proceed with the findings.

Based on the facts and evidence presented, Mr. Romney requested a voice vote from the Board. He then went on to ask the following questions and waited as the Board responded after each finding.

Finding One: Does the Board find that there are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings, which were not self-imposed by the owner?

**Chairperson Burrell called for a voice vote on the 1st finding. They responded with a 6-0 vote of "Aye".**

Finding Two: Does the Board find that 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 the same zoning district?

**Chairperson Burrell called for a voice vote on the 2nd finding. They responded with a 6-0 vote of "Aye".**

Finding Three: Does the Board find that the variance requested is the minimum necessary to alleviate the property hardships?

**Chairperson Burrell called for a voice vote on the 3rd finding. They responded with a 6-0 vote of "Aye".**

Finding Four: Does the Board find the granting of the variance will not have a detrimental effect on the property, adjoining property, surrounding neighborhoods or the city in general?

**Chairperson Burrell called for a voice vote on the 4th finding. They responded with a 6-0 vote of "Aye".**

Mr. Romney asked that if based on the findings, does the Board wish to grant variance VAR08-13: subject to the site plan and floor plan date-stamped November 26, 2008 with the stipulations set forth by the Planning Department.

**Ms. Hunt polled the Board. They responded with a 6-0 vote of "Aye". Case No. VAR08-13 was APPROVED.**

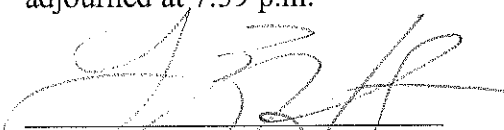
Chairperson Burrell called for Other Business. There was none.

Chairperson Burrell called for the Planning Staff Report.

Ms. Pickering reported on the new Staff Report format. She explained the various changes that will make the report more efficient. She also requested that the Board vacate the February 12, 2009, meeting, as there were no pending items. She indicated that if they did, the next meeting would be March 13, 2009.

**Chairperson Burrell called for a voice vote. They responded with a 6-0 vote of "Aye". The FEBRUARY 12, 2009, MEETING was VACATED.**

Chairperson Burrell called for Board Comments and Suggestions. As there were none, the meeting adjourned at 7:39 p.m.



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Lisa Hunt, Recording Secretary