

MEETING MINUTES

**CITY OF GLENDALE
BOARD OF ADJUSTMENT**

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

**THURSDAY, JANUARY 14, 2010
7:00 P.M.**

Chairperson DeLossa called the regular meeting to order at approximately 7:02 p.m. He welcomed everyone to the meeting and explained the Board's policies and public hearing procedures. Roll Call was conducted with the following results:

MEMBERS PRESENT: Chairperson DeLossa
Boardmember Jim Ligon
Boardmember Doug Berg
Boardmember Bert Schwind
Boardmember Lara Houston

CITY STAFF PRESENT: Maryann Pickering, AICP, Zoning Administrator
Russ Romney, Deputy City Attorney
Remigio Cordero, Planner
Diana Figueroa, Recording Secretary

Chair DeLossa called for the Approval of the Minutes from the September 10, 2009, Board of Adjustment Meeting. He called for a MOTION.

Boardmember Ligon made a MOTION to approve the minutes as written. Boardmember Berg SECONDED the MOTION, which passed unanimously.

Chair DeLossa asked staff if there were any requests for Withdrawals or Continuances.

There were none.

Chair DeLossa called for the Public Hearing Item.

VAR09-06: A variance request by Josef Moeschl for a four foot side yard setback where five feet is required and a two foot separation between structures where 10 feet is required in the R1-10 (Single Residence) district. The site is located at the southeast

corner of 66th Drive and Crocus Drive (6617 West Crocus Drive). Staff Contact: Remigio Cordero, Planner (Sahuaro District).

Mr. Remigio Cordero, Planner, presented contents of the staff report, findings, and analysis.

Chair DeLossa called for questions from the Board.

Chair DeLossa asked if the applicant had applied and proceeded through the Variance process, could the applicant have constructed his building. Mr. Cordero explained with the guidance of the Community Development Group and with some alterations, this structure could have been constructed.

In response to a question from Boardmember Berg, Mr. Cordero stated the applicant did not obtain a building permit.

Chair DeLossa asked how the applicant could bring this storage shed into compliance. Mr. Cordero explained the shed would have to be reduced in width attached to the primary building and permits would need to be obtained as there are no approved permits for the structure.

Ms. Pickering added this request was brought forward based upon a Code violation. The applicant is now attempting to rectify the situation.

With no further questions, Chair DeLossa asked for the applicant to come forward.

Mr. Josef Moeschl, applicant, 6617 West Crocus Drive, introduced himself and presented a letter to the Board. Mr. Moeschl explained he's been at the current residence for almost 20 years. He explained he had hired a contractor to oversee this project as he was unfamiliar with city building codes and construction of the accessory structure.

Mr. Moeschl noted nearby homes that had permitted accessory buildings. He indicated where these properties are located and the current setbacks.

He said denial of this request would deprive him of the same privileges that his surrounding neighbors enjoy as shown in the pictures he submitted to the Board.

He explained he has several issues with his property. First, his property has the largest footprint house model that was constructed in the subdivision. Second, his property slopes down to the west dramatically and also has a drainage channel in the middle allowing drainage to the much lower street. He felt this makes it difficult to place a building anywhere other than where it is currently located. Mr. Moeschl said there are special circumstances. He added the size and location of the structure will not adversely affect the property or the neighborhood.

In response to a question from Chair DeLossa, Mr. Moeschl explained that the building was constructed in one day. The following day a "Stop Work Notice" was posted on his house window. He stated he talked with his neighbors and they suggested he contact the city. Also, he

contacted the contractor who stated he hadn't had anything like this happen before and stated this issue was the homeowner's, not his. After reading the contract, Mr. Moeschl said the contract did not state that the contractor would be obtaining the permit.

Chair DeLossa asked if at this point he contacted the city to apply for a permit. Mr. Moeschl stated he did contact the Community Development Group. He said he was referred to the Planning Department to attempt to resolve this issue. He felt that without making any revisions, the variance request was his last option.

Chair DeLossa opened the floor for Public Comment.

Mr. Jack Edwards, 14312 North 64th Drive, stated that he is in support of this request.

With no one else wishing to speak, Chair DeLossa closed the public hearing.

Commissioner Schwind said it is becoming more common for property owners to ask for forgiveness rather than to ask for permission. He added he would find it difficult to approve this variance request.

Commissioner Ligon he is against approval of this request.

Chair DeLossa called for any other questions or discussions from the Board. The Board had no questions; therefore, he 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.

Finding One. Chair DeLossa called for a voice vote on Finding One. The Board responded with a 5 – 0 vote of “No”.

Finding Two. Chair DeLossa called for a voice vote on Finding Two. The Board responded with a 4 – 1 (Schwind) vote of “No”.

Finding Three. Chair DeLossa called for a voice vote on Finding Three. The Board responded with a 3 - 2 (Houston, DeLossa) vote of “No”.

Finding Four. Chair DeLossa called for a voice vote on Finding Four. The Board responded with a 4 – 1 (Houston) vote of “No”.

Mr. Romney asked that if based upon these findings, does the Board wish to grant a variance on VAR09-06 subject to the stipulations as set forth by the Planning Department.

Chair DeLossa polled the Board. They responded with a 4 – 1 (Houston) vote of “No”. Case No. VAR09-06 was DENIED.

Chair DeLossa called for Other Business.

Ms. Pickering stated the Open Meeting Law packet has been distributed to each Boardmember for information purposes.

Chair DeLossa called for the Planning Staff Report.

Ms. Pickering stated that Boardmember Peter McCormick, the Mayoral appointment, has submitted his resignation effective January 12, 2010. In addition, she said there are no items for the February meeting and recommended there be a motion to vacate.

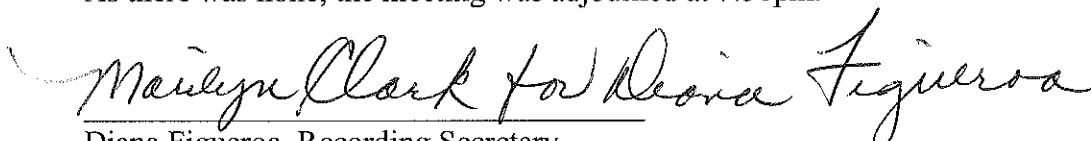
Chair DeLossa made the MOTION to vacate. Boardmember Schwind SECONDED the MOTION, which passed unanimously.

Chair DeLossa called for Comments and Suggestions from the Board.

Ms. Pickering reminded the Board that the next meeting will begin at 6:00pm.

Chair DeLossa called for New Business.

As there was none, the meeting was adjourned at 7:50pm.


Diana Figueroa, Recording Secretary