

MINUTES

CITY OF GLENDALE BOARD OF ADJUSTMENT

**COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B-2
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, OCTOBER 13, 2011
5:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at approximately 5:17 p.m.

II. ROLL CALL

Board Members Present: Chairperson Bert Schwind (Yucca), Vice Chair Jeff Blake (Mayoral), Cathy Cheshier (Cholla), Sandra Mendez (Ocotillo), Jack Bethel (Barrel)

Board Members Absent: Douglas Berg (Sahuaro), Ryan Mander (Cactus)

City Staff: Bill Luttrell, Senior Planner, Jon Froke, AICP, Planning Director, Tabitha Perry, Principal Planner, Thomas Ritz, AICP, Senior Planner, Karen Stovall, Senior Planner, Remigio Cordero, Planner, Paul Li, Assistant City Attorney, Diana Figueroa, Recording Secretary

III. OVERVIEW

Chairperson Schwind opened the discussion.

Mr. Luttrell began the presentation by reviewing the Board's Rules and Expectations. He said the Board is serving the public interest by representing the community as a whole. He said it is expected that board members attend all meetings, arrive on time, and remain for the entire meeting. He added it is expected that Board members become knowledgeable on all matters before the Board prior to the meeting. He asked that each board member actively participate in all meetings.

Mr. Luttrell introduced the Staff Review Process. Ms. Stovall explained the process.

She said initially the applicant submits a Service Request where information is gathered and assigned a project planner. The planner will meet with the applicant and discuss the four Variance findings. This information may be discussed before the Planning Department and feedback will be accepted. She said if the Department feels this is an approvable request a formal application is then submitted. Once the application is submitted, plans are routed for review to appropriate city departments. The planner then

conducts a review of the application for use, setbacks, height, and lot coverage. The request is analyzed and a staff report is then prepared.

Ms. Stovall reviewed the Single Residence Development Standards table and an example site plan. She explained the site plan will be reviewed by staff for compatibility with the Zoning Ordinance.

Board member Bethel asked if a portion of a variance could be approved but not the request in its entirety. Mr. Luttrell stated that is possible. In addition, if the Board feels that stipulations are necessary in order to approve a variance request, that would be acceptable. Mr. Luttrell added that past Boards have denied variance requests.

Mr. Ritz continued by explaining the Historic Preservation issues that may occur. He stated that a Certificate of No Effect which is for properties with Historic Preservation (HP) Overlay District Zoning. Some of these properties are located within Catlin Court, the Glendale Woman's Club, Beet Sugar Factory, and Sahuaro Ranch Park. Mr. Ritz stated some properties require a Historic Clearance. This is necessary when federal funds are used for project improvements.

He provided a map showing the HP overlay zoning. He displayed another map showing properties that are included on the National Register.

Mr. Cordero explained the Citizen Participation (CP) Process. He said the project planner initiates the process and explained how the council member is advised of the proposed project. He explained the notification map and how the notification area is determined. He said a step by step instruction packet with specific details is sent to each applicant. Mr. Cordero explained great lengths are taken to involve the public. The City Planner posts the site, notification postcards are mailed, and a public hearing notice is published in The Glendale Star.

Mr. Luttrell reviewed the Public Hearing Procedures. He explained the chairman and vice chairman's responsibilities. He said these positions are appointed by the City Council for one year. He said the Chair presides at all meetings, decides points on order and procedure, sets the Board's agenda, and other duties as required. Mr. Luttrell said the vice chairman performs these duties in the absence of the Chair.

He continued by saying the Chairman works with the staff liaison as a resource for the Board prior to, during, and after meetings. He said during the meeting the staff liaison provides procedural guidance and zoning ordinance interpretations to the Chairman. He said the Chair should work with the liaison in preparing future agenda and discussing Board member concerns. He encourages the board members to contact the project planner for questions on specific projects. However, if the project planner is contacted prior to a hearing, the questions asked must be disclosed at the meeting. This can be done during the discussion of the item.

Chairperson Schwind asked if security was available. Mr. Luttrell stated there is security provided at city hall. If Staff or the Board feels there may be a contentious item it is possible the liaison request security prior to the meeting.

Chairperson Schwind stated that he will call on the Board members from left to right. He felt calling on the newest board members would be the best approach. The Chair has the right to seat the board members as to how he sees fit.

Mr. Luttrell stated that all comments should go through the Chair. The Chair should not allow argument and questioning to be disruptive. The Chair should set the pace of the meeting and keep the agenda moving.

Chairperson Schwind stated he has revised the Chairperson's Script as he was dissatisfied with what was presented to him from Staff. Mr. Li reviewed the revised script and included some revisions.

Mr. Luttrell explained the Voting Procedure. He listed the criteria for decision making. He said voting should be based on key planning and land use issues are the required findings. He asked the board to be sensitive to the applicant's personal situation, but remain objective. Mr. Luttrell reminded the Board not let emotions or personal values impair decisions. Mr. Luttrell said all the facts and issues should be weighed carefully. He asked that the Board stick to the issues. Last, remember to listen to all the testimony and ask questions.

Mr. Li reviewed the following four required findings. He said the Board of Adjustment must make four findings based on the evidence in the record prior to granting a variance. Mr. Li defined and provided examples of what would constitute of a special circumstance.

Mr. Luttrell continued with the making a motion and a second. He said the Chair will ask the City Attorney to present the required findings to the Board. He said each member votes yes or no upon the roll call and each member can request to add stipulations as part of their motion.

The Board practiced a mock exercise in making a motion and a second with discussion and voting on the findings.

Mr. Luttrell concluded by explaining the next steps after the meeting. He said there is a 15 day appeal period. He said no permits can be issued or activity can occur on the project during this time period. He said on the 16th day and if no appeal has been filed, the applicant can begin construction after the appropriate permits have been requested.

Ms. Figueroa explained the processes following the meeting. She stated summary minutes are sent to the City Clerk's Office for posting. These minutes should be sent to the City's Office within 48 hours of the meeting. Draft minutes are provided to the

Board, after staff's review, approximately one week prior to the next meeting. In closing, she explained her duties and responsibilities regarding the Board.

Mr. Luttrell said there was discussion regarding changing the meeting time to begin at 4pm. He said this issue was open for discussion. Chairperson Schwind stated the Board serves the public. He felt the current time of 6pm is more appropriate. This item will return for further discussion.

The last item on the agenda is regarding emailing and phone calls. Mr. Luttrell asked the Board not to copy or blind copy the entire Board on an email or hold conference calls with the Board. He asked that all correspondence be directed through him or the current staff liaison.

Chairperson Schwind wished to establish a minimum dress code of business casual. He said business casual means shirt, coat, but no tie. Board member Blake stated he agrees. Board member Mendez stated the typical citizen who is dealing with the Board may be intimidated by the Board's dress code. This item will return for further discussion.

VI. ADJOURNMENT:

With no further business, the meeting adjourned at approximately 7:34 p.m.

The next meeting is scheduled for November 10, 2011.

Respectfully Submitted,


Diana Figueroa, Recording Secretary