Tempe
Community Development

MINUTES
BOARD OF ADJUSTMENT
February 27, 2019

Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Study Session 5:36 PM

Present:	**Staff:**
Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Lee Jimenez, Senior Planner
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitni Baker	
Board Member Kevin Cullens	
Board Member David Naugle	
Board Member John 'Jack' Confer	
Board Member Joshua Tracy (Alternate)	

- **Review of Minutes**
  Chair David Lyon asked if anyone had anything in the minutes that need to be edited.

- **Ingram Residence**
  Chair David Lyon asked Staff if there were any updates. Mr. Jimenez stated that they have received a comment from the public that is in the report already. The Board Members questioned how the site would look were the applicants creating a wall and if the plans have been through Building Permits yet. Mr. Jimenez informed that Board that the site will look the same as it does now they are not going to be putting a wall as of now. Mr. Jimenez also informed the Board that the plans are going to be looked at in Building Permit side after the Variance is approved.

- **Other comments & questions**
  Chair David Lyon asked if the Board would be able to put items on consent in which they would not have to hear the case. Steve Abrahamson stated that he will need to check with legal on the process for Variance.

Regular Meeting 6:00 PM

Present:	**Staff:**
Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Lee Jimenez, Senior Planner
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitni Baker	
Board Member Kevin Cullens	
Board Member David Naugle	
Board Member John 'Jack' Confer	

1) Voting of the Meeting Minutes

Motion by Board Member Richard Watson to approve the Meeting Minutes of August 8, 2018; second by Baker. Motion passed on 6-0 vote.
Ayes: David Lyon, James Frazey, Richard Watson, Whitni Baker, David Naugle, John Confer
Nays: None
Abstain: Kevin Cullens
Absent: None

Motion by Board Member Richard Watson to approve the Meeting Minutes of January 23, 2019; second by David Naugle**.** Motion passed on 6-0vote.
Ayes: David Lyon, James Frazey, Richard Watson, Kevin Cullens, David Naugle, John Confer
Nays: None
Abstain: Whitni Baker
Absent: None

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2) Request a variance to reduce the street side building setback from 25 feet to 9 feet for the **INGRAM RESIDENCE,** located at 531 East Secretariat Drive. The applicants are Matt and Margo Ingram. (**PL180335**)

Presentation by Staff, Lee Jimenez, Senior Planner

- The INGRAM RESIDENCE is located on the southwest corner of East Secretariat Drive and South La Rosa Drive on Lot 35 of the Raintree Unit 2 subdivision in the R1-10, Single-Family Residential District.
- The applicants, Matt and Margo Ingram, are requesting a setback reduction for a new addition consisting of two bedrooms and a bathroom along the east end of the home.
- The required street side building setback in the R1-10 zoning district is 15'-0"; however, a key lot is adjacent to the south which increases the setback by 10'-0", resulting in a total required street side setback of 25'-0".
- A neighborhood meeting was held twice; the first took place on December 12, 2018 at 6 p.m., and the second occurred on January 7, 2019 at 5 p.m. Both meetings were held at the INGRAM RESIDENCE.
- A second meeting was required because the first meeting did not conform with the neighborhood meeting notification requirements.

- One written public comment was received by the applicant after the first neighborhood meeting. The comment did not oppose the request but suggested that no perimeter wall be added to the east of the addition and that installation of landscape would soften the encroaching addition.
- Based on the information provided by the applicant, the public input received, and the analysis provided in the staff report, staff supports approval of the requested variance and believes the request meets the required approval criteria and will conform to the recommended conditions in the staff report.

Presentation from Applicant: Margo & Matt Ingram

Mrs. Ingram informed the board that they moved to Raintree a little over four years ago. The lot in which their home is on is in a pretty visible lot in the subdivision. The whole neighborhood has a lot of green which is what drew them to the neighborhood. One thing that is noticeable on the property is that there is an extensive amount of space around the property. Upon meeting with Mr. Jimenez, they learned about the key lot and how setbacks work. Their house is a three-bedroom home with a den where most of the homes around the neighborhood are four bedrooms. They would personally see it as a benefit if they could have the additional bedroom for their family. However, they are aware of the importance to meet the criteria. Upon doing the research of the homes in the neighborhood, a few of the homes have utilized space on the side of their homes where the key lot is adjacent. In addition, they have been wanting to get rid of some of the grass for sustainability purposes. Which will give them more space in the home and not infringing on anybody around them. They can keep the landscape very consist with what they have. However, something like this will allow for them to take the significant portion of the grass on the East side of their home but the landscape won't be completely gone. It will maintain what it looks like now but help with reducing utility bills and the water usage of their home. And in the neighborhood, there is substantial water usage because of how the neighborhood was created. Most of the homes that are like there's are model homes and a few semi-custom. But the few that are have significant space on either end of the homes. Some people have added garage space and have gone back behind the home to add on at their home they are not able to do that because they are close to there neighbors. After the neighborhood meeting and speaking to people they felt as though they were able to meet the requirements and specifications that are needed for a variance. They got positive feedback and really the only question and concerns that came up were about the landscape. The Architect that they meet with informed them that a few of the neighborhoods have moved their side wall to the property line so there is very little space between the property line and the street but with theirs they have significant space. They have meet with City Planners to make sure they are ok with drainage because some of the neighbors have run into issues with drainage when they tried to add pools or do additions to the back. However, the planner did say that they would be fine. They also had the utilities checked out as well. But at this moment it seems that everything is ok. They hope to bring more value to the neighborhood with a nice addition.

Chair Lyon asked the Board if they had any questions for The Ingram's.

Chair Lyon noted that there was no one in the audience for public comments.

Public Comments Closed

Commission Discussion

Chair Lyon acknowledged Board Member Watson

Board Member Watson asked staff, they mentioned they couldn't find any other variances. Is this the time in which variances were in a black hole where there weren't good records on the variances X number of years ago.

Mr. Jimenez stated that this subdivision based on historical aerial photograph appears that the subdivision was construction with the reduced sets. I could not find any records of variances for an example comparable lots so it

is assumed that for some reason subdivisions was constructed with reduced setbacks. One example is R1-10 requires a 30-foot front building set back and the Ingram Residence encroaches into that and a lot of other garages encroach into setbacks. That's what leads him to believe the subdivision was constructed that way.

Board Member Watson asked what year the subdivision was constructed.

Mr. Jimenez stated that it was in the early 80's.

Chair Lyon acknowledged Board Member Cullens

Board Member Cullens stated that the documentation provided was great. It helped make his decision a little bit easier. It is probably the best drawings that he has seen come to The Board of Adjustments for review. That helps a lot he is very appreciative of that.

Chair Lyon acknowledged Board Member Baker

Board Member Baker stated that it is important to remember when the board goes to vote that the neighborhood is not opposed to this. Everyone is on board.

Chair David Lyon stated that he agrees with that the documentations are great. He also feels that this is a great example of what the variance process is about. From his take there are plenty of homes in this neighborhood that violate those sort of traditional setbacks as we heard, and he thinks there are other people that are enjoying that privilege and this process is designed specifically to grant relief.

Chair Lyon called for a motion:

Motion by Board Member John Confer to approve the variance to reduce the street side building setback from 25 feet to 9 feet for the INGRAM RESIDENCE, located at 531 East Secretariat Drive; second by Whitni Baker. Motion passed on 7-0 vote.

Ayes: David Lyon, James Frazey, Richard Watson, Kevin Cullens, David Naugle, John Confer, Whitni Baker
Nays: None
Abstain: None
Absent: None

Staff Mr. Abrahamson did not have any announcements.

Hearing adjourned at 6:20pm

Prepared by: Brittainy Nelson, Administrative Assistant
Reviewed by:

Steve Abrahamson, Principal Planner

SA:bn