

# MINUTES BOARD OF ADJUSTMENT April 22, 2020

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

## Regular Meeting 6:08 PM

<b>Present:</b>	<b>Staff:</b>
Chairman David Lyon	Steve Abrahamson, Principal Planner
Vice Chairman James Frazey	Robbie Aaron, Planner I
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitney Baker	
Board Member Kevin Cullens	
Board Member Raun Keagy	
Board Member John 'Jack' Confer	

### 1) Voting of the Meeting Minutes

**Motion** by Vice Chair Frazey to approve the Meeting Minutes of January 22, 2020 and February 26, 2020; second by Board Member Watson. Motion passed on 7-0 vote.

**Ayes:** David Lyon, James Frazey, Kevin Cullens, Jack Confer, Whitney Baker, Richard Watson, Raun Keagy

**Nays:** None

**Abstain:** None

**Absent:** None

- 2) Request a variance to reduce the required side-yard setback from 5 feet to 2 feet for the **REESE RESIDENCE**, located at 1310 East Broadmor Drive. The applicant is Gammage & Burnham, PLC. (PL200049)

#### Presentation from Applicant representative: Manjula Vaz

Ms. Vaz informed the Board that she is here on behalf of her friend the applicant John Reese. The variance request is to reduce the side yard setback to the east from 5 feet to 2 feet to replace an existing carport with an enclosed garage. Jonathan Reese has owned the property since 2005. Over the last several years, Mr. Reese has been renovating his home. The request is to create a fully enclosed garage like other homes in the neighborhood. Mr. Reese is proposing to replace the existing carport with an enclosed garage. The garage height and building materials will match the existing home. The new garage wall and roof overhang will both be fire rated. Mr. Reese lot is narrower than the other lots in the subdivision. The house is also developed vertically and due to development

constraints caused by the narrow lot. Setbacks are intended to provide an appropriate amount of space between residences for privacy and safety. The enclosed garage will not be habitable space, will be fire rated, and will be a total of 8 feet from the neighboring structure which will provide the safety and privacy intended by the setback requirements. In the terms of not granting a special privilege inconsistent with special properties. Similar requests have been approved for other residences in the area. The enclosed garage will be consistent with the architectural character of the existing residence and other homes within the neighborhood. As mentioned before the lot is narrower than other lots in the area. The houses vertical orientation was there before Mr. Reese inquired it. Ms. Vaz believes that the narrow lot and the location of the existing residence are circumstances beyond the property owners' control and the location of the existing carport. The applicant held a neighborhood meeting on March 20, 2020 in the driveway. All ten neighbors in attendance at the meeting were supportive of the request. The applicant has received eight letters/emails in support of the request. Staff recommends approval subject to a standard stipulation requiring a building permit and inspection for the new enclosed garage.

Chairman Lyon asked the Board if they had any questions for Ms. Vaz.

Chairman Lyon acknowledged Vice Chairman Frazey.

Vice Chairman Frazey stated that all the neighbors are in support of this. The neighbor that is going to be the most impacted will be the neighbor to the east. Will the variance and addition to the house prevent that neighbor to the east from extending his house any further to the West because of the setbacks now?

Ms. Vaz stated that she was not sure and that this may be a question for Ryan Levesque. He does have a neighbor to the east going west are bedrooms. That person would also have to come and get a variance because they have existing setbacks. However, they are very much in support of the new set back requirements.

Presentation by Staff, Robbie Aaron, Planner I

Mr. Aaron informed the board that the request for the variance is to reduce the setback from 5 to 2. The special circumstances there is a narrow lot that is 59 feet where most lots have 70 feet and the vertical orientation of the residence. The accommodation of a two-car garage is similar found to others in the area. This is a privilege enjoyed by others in the R-1 zoning district. It does not constitute a grant of special privileges with limitations. Other variance has been granted throughout the area. The circumstance is not self-imposed by the property owner. On the plating of the original subdivision and the orientation of the home is something that was outside the current property owners' control. It was done back in the 60's when this house was built. During the neighborhood meeting on March 20, 2020 the applicant held the meeting on site. 10 members of the public attended. Questions about design and construction timing. Residents stated their appreciation of the efforts to improve the residence. Staff received one email throughout the process with a question about what the applicant planned to do if the variance was approved. City Staff responded and the inquirer was in favor of the changes. Furthermore, the applicant's legal representative received one phone call expressing concern about the garage being converted to habitable, rentable space and one email supporting the project as well as letters at the neighborhood meeting. Staff is recommending approval of the variance and if the Board concur there is one condition of approval. That condition being that building permits need to be obtained and inspections need to be completed.

Chairman Lyon asked the Board if they had any questions for Mr. Aaron.

**Public Comment:**

Chairman Lyon asked staff if there are any public comments.

Ms. Nelson stated that she has not received any comments.

**Public Comments Closed**

Chairman Lyon asked the applicant if they had anything else, they wanted to say.

Ms. Vaz stated she appreciates Mr. Aarons help in the application and appreciates the Boards support. Mr. Reese did take a break from work to attend the meeting however he does need to get back to the fire station.

**Commission Discussion**

Chairman Lyon acknowledged Board Member Baker.

Board Member Baker stated that this meets the criteria that the Board normally reviews as far as enjoying what other neighbors already have. It is clearly happening in other areas around the house. It makes sense that everyone agrees. The Board does have to look at all the requirements however this variance does meet them.

Chairman Lyon acknowledged Board Member Keagy.

Board Member Keagy stated that he agrees with Board Member Baker comments. This is a pretty good example of how a variance test can be meet. Giving the special circumstances the unique of the request and the precedent that has already been set in the neighborhood.

Chairman Lyon called for a motion:

Motion by Board Member Baker to approve the variance to reduce the required side-yard setback from 5 feet to 2 feet for the **REESE RESIDENCE**; second by Board Member Watson. Motion passed on 7-0 vote.

**Ayes:** David Lyon, James Frazey, Kevin Cullens, Jack Confer, Whitney Baker, Richard Watson, Raun Keagy

**Nays:** None

**Abstain:** None

**Absent:** None

Staff Mr. Abrahamson did not have any announcements.

Hearing adjourned at 7pm.

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Prepared by: Brittainy Nelson, Administrative Assistant

Reviewed by:

Steve Abrahamson, Principal Planner

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SA:bn