



City of Goodyear

Meeting Minutes

Board of Adjustment

Goodyear Justice Center
185 N 145th Ave
(SE Corner of 145th Ave
& Van Buren St)
Goodyear, AZ 85338

Tuesday, August 27, 2013

6:00 PM

Goodyear Justice Center

1. CALL TO ORDER

Chairman Burton called the meeting to order at 6:00 p.m. The Pledge of Allegiance followed.

2. ROLL CALL

Present: 5 - Chairman Burton, Vice Chairman Lamphere, Boardmember Beswick, Boardmember Kane and Boardmember Herrington

Boardmember Herrington attended through teleconferencing.

Staff Present: Joe Schmitz, Planning Manager; Brett Burningham, Planner III; and Mary Ann Fry, Administrative Assistant

3. APPROVE MINUTES

3.1 [MINUTES](#)
[83-2013](#)

APPROVAL OF MINUTES

Approve minutes from the Board of Adjustment meeting held February 21, 2013

MOTION by Vice Chairman Lamphere, SECONDED by Boardmember Beswick, to APPROVE the minutes of the February 21, 2013 meeting. The motion carried by the following vote:

Ayes: 5 - Chairman Burton, Vice Chairman Lamphere, Boardmember Beswick, Boardmember Kane and Boardmember Herrington

4. CITIZENS COMMENTS/ APPEARANCES FROM THE FLOOR

None

5. OLD BUSINESS

None

6. NEW BUSINESS

6.1 [13-400-00001](#)

ZONING VARIANCE TO ALLOW A REDUCTION OF THE SIDE YARD SETBACK REQUIREMENTS OF THE PALM

**VALLEY PHASE VIII PLANNED AREA DEVELOPMENT
UR/L SINGLE FAMILY RESIDENTIAL DISTRICT FROM 10
FEET TO 5 FEET ALONG THE SIDE PROPERTY LINE,
LOCATED AT 15993 WEST VERNON AVENUE.**

RECOMMENDATION:

Approval of a variance to allow a reduction of the side yard setback requirements of the Palm Valley Phase VIII Planned Area Development UR/L Single Family Residential District from 10 feet to 5 feet along the side property line of Lot 260 of the Palm Valley Phase VIII North subdivision located at 15993 West Vernon Avenue (Brett Burningham, Planner III).

- a. Open Public Hearing
- b. Staff Presentation
- c. Applicant Presentation
- d. Receive Public Comment
- e. Close Public Hearing

Chairman Burton opened the Public Hearing.

Brett Burningham, Planner III, gave a staff presentation. Mr. Burningham showed several maps, which explained the home was incorrectly laid out on the lot at an angle. The applicant, Ashton Woods Homes, is requesting a Zoning Variance to allow a reduction of the side yard setback requirements from ten feet to five feet along the east property line of Lot 260. In support of the variance request, Ashton Woods Homes submitted a "Zoning Variance Request Narrative" that identified the purpose of the request and presented arguments for the special circumstances justifying approval of this request. Mr. Burningham said one resident, who owns a TW Lewis home, did not support the recommendation. Mr. Burningham advised this resident to submit his objections in writing, but no letter was received. Staff did receive a written letter of support from the HOA, which is controlled by TW Lewis. It was the staff recommendation that the Board approve the variance as requested.

Mari A. Flynn, representing Ashton Woods Arizona LLC, spoke to the Board. She said lots 260 and 261 were due to close August 9 and 10, 2013. The buyers are ready to move in. Ashton Woods Homes has made accommodations for them until this situation is resolved. It was unfortunate the cause was human error by their subcontractors. Ms. Flynn said a new system is in place that resurveys the lots once the PADs has been poured. She also reassured the Board and the City this will never happen again.

There were no public comments. Chairman Burton closed the Public Hearing.

Vice Chairman Lamphere asked if the City's public safety departments were made aware of this, and would there be problems for Police and Fire to gain access? Mr. Burningham said the remaining five feet is adequate for the access desired by Police

and Fire.

Boardmember Beswick wanted to know if this was the first time the subcontractor made this error. Mr. Burningham said this was a very rare situation.

Boardmember Hamilton commented that human error is just that and thanked Ms. Flynn for putting in place new procedures. Boardmember Hamilton asked about the one resident complaint and if there was enough time for a letter to reach the City. Mr. Burningham spoke to the gentleman two weeks ago. All residents received the notice in the mail, and there was a sign on the property. The resident said he would write a letter, but none was received.

Boardmember Herrington asked what the City can do to prevent this from happening again. Mr. Burningham replied the City inspectors missed the setbacks. This has been reviewed by Ed Kulik, Building Official, and his staff has received additional training on the subject. Boardmember Herrington asked if the Board approved this, would it be setting a precedent? Mr. Joe Schmitz, Planning Manager, replied it would have to be very similar to this. It is not worth the expense to tear down the structure to comply as the variance is minimal.

MOTION by Vice Chairman Lamphere, SECONDED by Boardmember Beswick, to APPROVE Case 13-400-00001, as requested and recommended by staff. The motion carried by the following vote:

Ayes: 5 - Chairman Burton, Vice Chairman Lamphere, Boardmember Beswick, Boardmember Kane and Boardmember Herrington

7. INFORMATION ITEMS

None

8. ADJOURNMENT

There being no further business to discuss, Chairman Burton adjourned the meeting at 6:20 p.m.

Respectfully Submitted by:

Mary Ann Fry, Administrative Assistant

Nancy Burton, Chairman

Date: _____

