



**PUBLIC NOTICE
TELECONFERENCE
YOUNGTOWN BOARD OF ADJUSTMENT HEARING
YOUNGTOWN, ARIZONA**

The Town of Youngtown provides notice that it will conduct its Board of Adjustment Hearing on **December 3, 2020** through technological means in order to minimize the spread of COVID-19. The Board of Adjustment will attend the meeting via telephone, as authorized by A.R.S. § 38-431(4). The public may listen to the meeting by calling in telephonically using the conference call and meeting identification number provided below. **Please state your name when you call in, then mute your telephone for the remainder of the call to ensure the Board of Adjustment Board can conduct its meeting without interference. No in-person attendance is available.**

The Mayor authorizes this action to serve the goal of protecting Town residents, staff, and in the interests of public safety. We thank you for your understanding. If you would like to comment on any matter on the agenda, please download a public comment form and submit it via email to Town Clerk Nicole Smart at least one hour before the meeting. **The Town Clerk will read public comments submitted before the meeting into the record. You may also comment during the public hearing portion of the agenda by unmuting your phone and providing verbal comments.**

DATE: December 3, 2020
TIME: 5:30 PM
Place: Join the Planning and Zoning Hearing by calling
1-346-248-7799
Meeting ID: 993 5816 4722
Password: 303372
Link to the Zoom Meeting:

<https://zoom.us/j/99358164722?pwd=Q2xIS2FZQ2t6eVZKTXM5OERuUXhKUT09>

Case No. Z2020-04: Variance Request. Applicant seeks a variance from the requirements of **Title 17 Zoning, Chapter 17.24 R-3 Single Family Dwelling District, and Section 17.24.050 Side Yard Regulations.** Except as provided in Chapter 17.52, there shall be a side yard on each side of a building having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever amount is smaller. Corner lots shall have side yards having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever is smaller. Applicant requests that the side yard setbacks be reduced from seven (7) feet to three (3) feet to add a carport addition to the existing garage, located at 11202 W. Greer Avenue, Youngtown, AZ.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
Approval of the November 5, 2020 Board of Adjustment Case **Z2020-01** and Board Meeting minutes.

Staff Report

- a. **Applicant Presentation**
 - b. **Open Public Hearing** and take testimony from the public related to this variance request.
 - c. **Close Public Hearing**
4. **Board of Adjustment Discussion and Action to approve, deny or approve with conditions.**
 5. **Adjournment.**

***NOTE: Persons with special accessibility needs, including large print materials or interpreter, should contact the Town Hall office at 623-933-8286 no later than 24 hours in advance of the regular scheduled meeting time. To speak on an Agenda item, a comment form must be presented at least five (5) minutes before the Hearing. Citizens may appear before the Board of Adjustment to present their views on any subject under the jurisdiction of the Board of Adjustment, however, the Board of Adjustment may not discuss, consider, or decide items NOT on the agenda (A.R.S. 38-431.02 (H)). Due to the limitation of time, citizens' comments are requested not to exceed five (5) minutes.**

POSTING CERTIFICATION OF THIS NOTICE

The undersigned hereby certifies that a copy of the attached notice and agenda were duly posted by 6:00 p.m. on November 6, 2020 in the Town's designated posting locations pursuant to Resolution No. 06-04 and on the Town's website.


Nicole Smart, Town Clerk



**MINUTES OF THE BOARD OF ADJUSTMENT HEARING
TELECONFERENCE
TOWN OF YOUNGTOWN, ARIZONA
12033 N. CLUBHOUSE SQUARE, COUNCIL CHAMBERS/TOWN CLUBHOUSE
NOVEMBER 5, 2020 – 5:30 P.M.**

1. **Call to Order:** Board Chair LeVault called the meeting to order at 5:32 p.m.
2. **Roll Call:** Board Members present: Board Chair Michael LeVault, Board Vice Chair Chuck Vickers, Board Members Margaret Chittenden, June Miller, Susan Hout, Karen Haney Duncan, and Jack Duran

Board Chair LeVault noted that a quorum is established for transacting business.

3. **Consent Agenda**

Approval of the **September 17, 2020** Board of Adjustment Case **Z17-05 and Z19-01** Board Meeting minutes.

*Motion to approve the consent agenda as presented – Board Member Haney Duncan
Second – Board Vice Chairs Vickers*

Motion passed unanimously on a voice vote with all members in attendance voting.

Case Z2020-01 - Request for a Variance for property located at 11423 N 112th Avenue, Youngtown, Arizona 85363. Applicant seeks a variance from the requirements of **Title 17 Zoning, Chapter 17.24 R-3 Single Family Dwelling District, Section 17.24.050 Side Yard Regulations**. Except as provided in Chapter 17.52, there shall be a side yard on each side of a building having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever amount is smaller. Corner lots shall have side yards having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever is smaller. Applicant is seeking a variance of the side yard from seven (7) feet to zero. Applicant installed a porch in the front yard, and the roof overhangs on the side yard setback.

4. **Staff Report**

Community Development Gregory Arrington presented the staff report. Applicant seeks a variance from the requirements of Title 17 Zoning, Chapter 17.24 R-3 Single Family Dwelling District, and Section 17.24.050 Side Yard Regulations. Except as provided in Chapter 17.52, there shall be a side yard on each side of a building having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever amount is smaller.

The applicant did comply and removed four (4) feet of the patio roof.

The request is in conjunction with an existing carport erected along the south portion (front yard) of the property line.

The applicant is requesting a variance from the Town of Youngtown Municipal Code; Chapter 17.24 R-3 Single Family Dwelling District, and Section 17.24.050 Side Yard Regulation.

The request is for residential districts (specific to R-3) to allow a carport constructed on the south property line, and to extend by seven (7'-0") into the side-yard exceeding what is currently permitted by code.

The subject property is designated as Residential on the General Plan. The proposed use is consistent with the General Plan. The zoning designation of the property is R-3. The proposal is consistent with uses allowed in the R-3 zoning district. The applicant is requesting an amendment to Title 17 Zoning-Sections 17.24.050 Side Yard Regulation Regulations, Item A.

Findings:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district.

Yes, due to the home being located in the older section of the Town.

2. Such special circumstances were not created by the owner or applicant;
No.

3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Yes.

4. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

Yes

The parcel was posted with the Public Hearing Notice as required by the public hearing procedures. A Planning and Zoning Hearing was held on October 20, 2020. As of the writing of this staff report no comments have been received with this variance request.

Condition of Approval from the Planning and Zoning Commissioner

1. This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.
2. Applicant will remove four (4) feet of the roof overhang, prior to November 5, 2020.
3. Recommending approval of a four (4) foot side yard setback.
Structure will be inspected for compliance to meet all standards

Boardmember Miller asked if the fence was on the property line.

Community Development Manager Arrington stated the fence is legal as it is 3 feet high, however, it's the patio roof that had to be cut back by four feet.

Boardmember Vice Chair Vickers inquired as to why this took so long, and why was this allowed to be built.

Community Development Manager Arrington stated that the applicant requested a permit, however the homeowner did not comply with the plans that were approved. The applicant was advised to either ask for a variance or cut the roof by four feet. Also, the structure is a non-combustible structure.

A. Applicant Presentation

The applicant was present at the hearing.

B. Open Public Hearing and take testimony from the public

Board Chair LeVault opened the public hearing at 5:49 p.m.

C. Close Public Hearing

Board Chair LeVault closed the public hearing at 5:50 p.m.

Town Attorney Stuhan reviewed the process of granting a variance, including the reasons for and against approval.

D. Board of Adjustment Discussion and Action to approve, deny or approve with conditions.

Motion to approve the variance request based on the four findings due to special circumstances subject to the following conditions.

1. This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.
2. Applicant will remove four (4) feet of the roof overhang, prior to November 5, 2020.
3. Recommending approval of a four (4) foot side yard setback.
4. Structure will be inspected for compliance to meet all standards

Motion to approve - Board Member Duran as stated per the Town Attorney

Second – Board Vice Chair Vickers

Motion passed 6-1 on a roll call vote with all members of the board in attendance voting (Ayes: Board Vice Chair Vickers, Board members Chittenden, Miller, Duran, Hout, and Board Chair LeVault) (Abstain: Boardmember Haney Duncan)

5. Adjournment.

Motion to adjourn– Board Vice Chair Vickers

Second – Board Member Miller

Meeting adjourned at 5:54 p.m.

Attest:

Michael LeVault, Board Chair

Nicole Smart, Town Clerk

Town of Youngtown



BOARD OF ADJUSTMENT HEARING STAFF REPORT

TO: YOUNGTOWN BOARD OF ADJUSTMENT

RE: PUBLIC HEARING ON A VARIANCE REQUEST Z2020-04
Submitted by Jose M. Pena property owner. The property is located at 11202 W. Greer Avenue.

PROPERTY OWNER: JOSE M. PENA

PARCEL NUMBER: 142-76-130
LOT SIZE 6,500 SQ. FT.
11202 W. GREER AVE.

FROM: GREGORY ARRINGTON
COMMUNITY DEVELOPMENT MANAGER

DATE: DECEMBER 3, 2020

SUMMARY

Applicant requests that the side yard setbacks be reduced from seven (7) feet to three (3) feet to add a carport addition to the south elevation of the existing garage.

The proposed project is located at 11202 W. Greer Avenue, Youngtown, AZ.

PROJECT DESCRIPTION

Applicant seeks a variance from the requirements of **Title 17 Zoning, Chapter 17.24 R3 Single Family Dwelling District, Section 17.24.050 Side Yard Regulations**. Except as provided in Chapter 17.52, there shall be a side yard on each side of a building having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever amount is smaller. Corner lots shall have side yards having a width of not less than seven (7) feet or fifteen (15) percent of the width of the lot, whichever is smaller.

SURROUNDING USES

Surrounding Land	Existing Use of Land	Town Zoning Designation
North	Single-Family Dwelling Districts	R-3
South	Single-Family Dwelling Districts	R-3
East	Single-Family Dwelling Districts	R-3
West	Single-Family Dwelling Districts	R-3

BACKGROUND

Permit issued for the following:

1981-Installation of a sprinkler system (permit allowed to expire)

April 20, 2019 Board of Adjustment Board approved with roll call vote by the Board of Adjustment permitting the following variances to Zoning Code, Title 17 Zoning, and Chapter 17.24 R-3 Single Family Dwelling District, Section 17.24.050 Side Yard Regulations

ANALYSIS

General Plan Review: The subject property is designated as Residential on the General Plan. The proposed use is consistent with the General Plan.

Zoning Review: The zoning designation of the property is R-3. The proposal is consistent with uses allowed in the R-3 zoning district. The applicant is requesting a variance from Title 17 Zoning-Section 17.24.050 Side Yard Regulations to decrease the setbacks.

Findings:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

Yes, there are special circumstances.

2. Such special circumstances were not created by the owner or applicant;

No, the applicant did not create these special circumstances.

3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;

No, the variance does not constitute a grant of special privileges.

4. The variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

No, the variance will not be materially detrimental to persons residing in the vicinity.

PUBLIC COMMENTS

The Parcel was posted with the Public Hearing Notice as required by the public hearing procedures.

As of the writing of this staff report, no comments have been received.

Staff does not expect any significant conflict with nearby residential uses in the area.

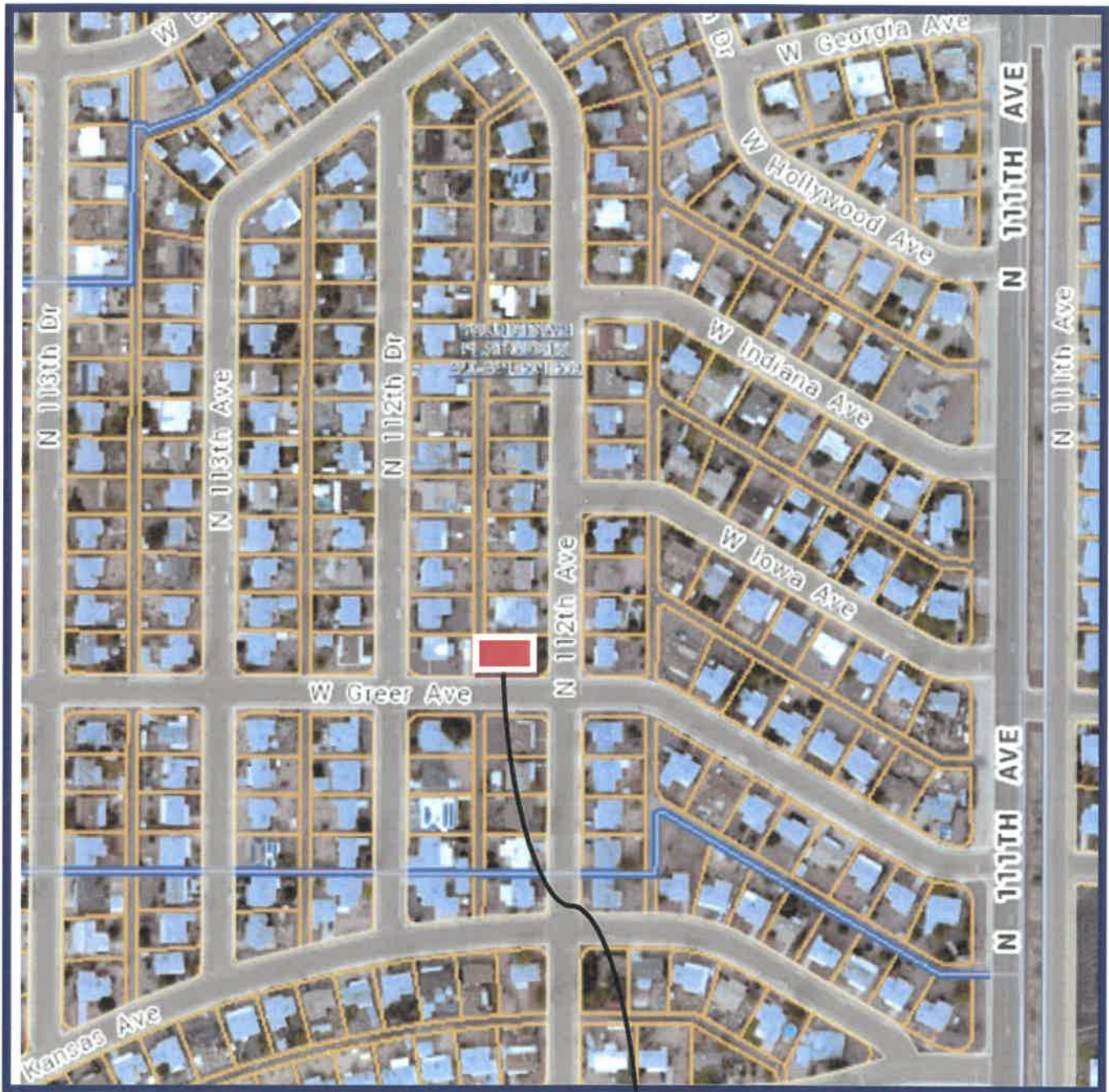
CONDITIONS OF APPROVAL

1. This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.
2. Planning and Zoning Hearing Officer recommends approval of the side yard setbacks to be reduced from seven (7) feet to three (feet) to add a carport addition to the south elevation of the existing garage.
3. Applicant must obtain and secure the required permits for construction within one (1) year.
4. Applicant will have the project inspected to ensure compliance with local codes.

ATTACHMENTS

- A. Vicinity Map
- B. Aerial Map
- C. Photographs

VICINITY MAP



Subject
Property



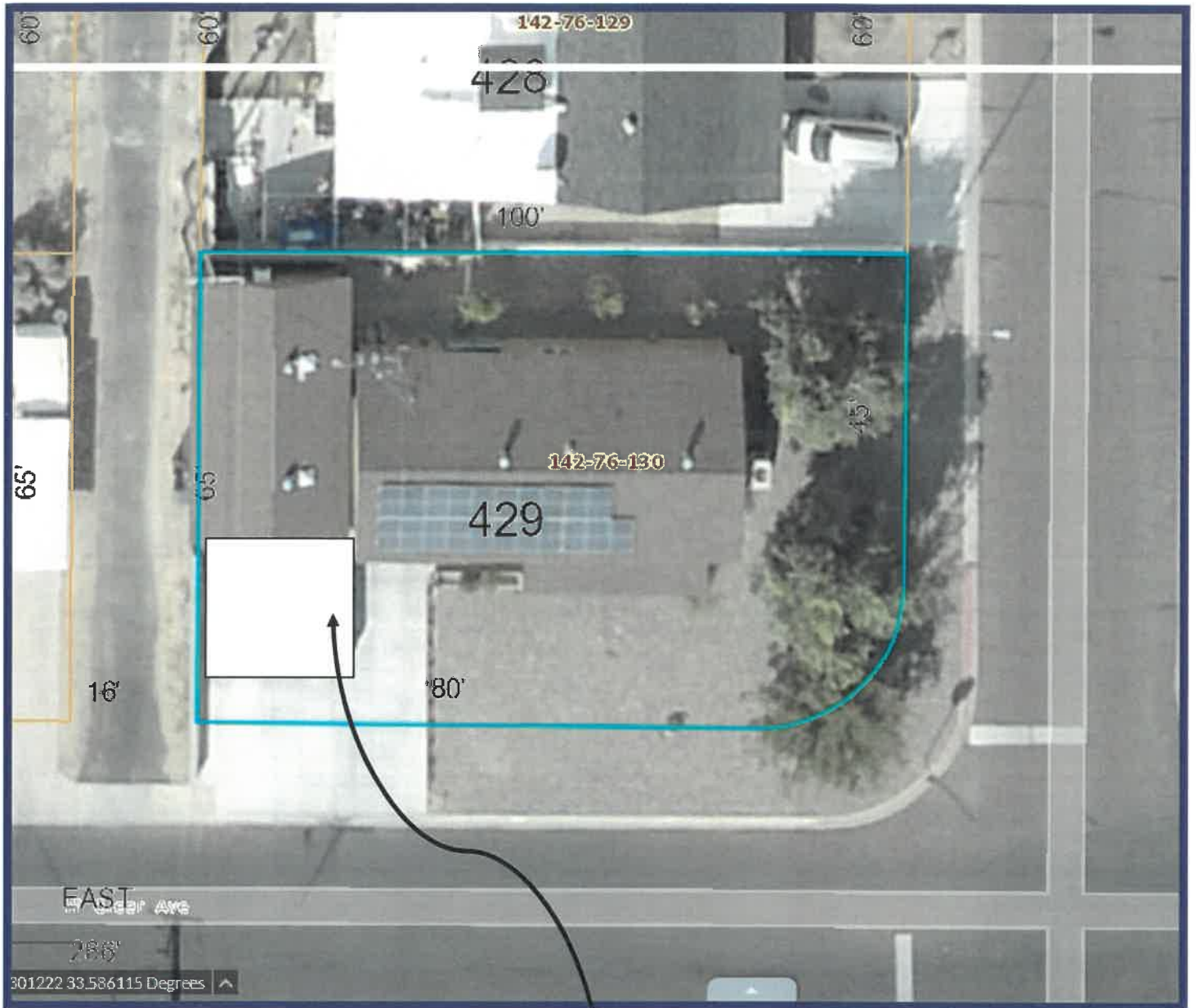
NORTH

AERIAL MAP

BOARD OF ADJUSTMENT Case Z2020-04

Pena Residence

Staff Report



**Proposed Carport Addition
(20'-0" x 20'-0")**



BOARD OF ADJUSTMENT Case Z2020-04
Pena Residence
Staff Report

PHOTOGRAPH



View from W. Greer Ave., looking north