



**MINUTES OF THE BOARD OF ADJUSTMENT HEARING
TOWN OF YOUNGTOWN, ARIZONA
12033 N. CLUBHOUSE SQUARE, COUNCIL CHAMBERS/TOWN CLUBHOUSE
December 19, 2019 – 5:30 P.M.**

1. **Call to Order:** Board Chair LeVault called the meeting to order at 5:30 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**
 - A. Approval of the October 3, 2019, Board of Adjustment Case Z19-08 Board Meeting minutes.

*Motion to approve the consent agenda as presented – Board Vice Chair Vickers
Second – Board Member Duran*

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

Case Z19-11- Request for a Variance for property located at 12808 N. 111th Avenue, Youngtown, AZ 85363. Applicant Tiffany Teague seeks a variance from the requirements of the following Youngtown Codes:

Title 17 Zoning, Chapter 17.44 Residential District with Neighborhood Commercial Overlay, Section 17.44.060 Side Yard Regulations: For lots used for Neighborhood Commercial uses as set forth in [Section 17.44.020](#), no side yard shall be required except where a lot is adjacent to a residential lot, in which event there shall be a side yard of not less than seven feet. In all other cases, for such Neighborhood Commercial uses, if a side yard is provided, it shall not be less than three feet in width for such Neighborhood Commercial uses. Applicant is requesting to reduce the side yard width from (7) feet to three (3) feet.

Title 17 Zoning, Chapter 17.44 Residential District with Neighborhood Commercial Overlay, Section 17.44.070 Rear Yard Regulations: For lots used for Neighborhood Commercial uses as set forth in [Section 17.44.020](#), no rear yard shall be required except where a lot is adjacent to a residential lot, in which event there shall be a rear yard of not less than fifteen (15) feet. Applicant is requesting to reduce the rear yard setback from fifteen (15) feet to five (5) feet.

A. Staff Report

Community Development Manager Arrington reviewed the Staff Report. Applicant seeks a variance from the requirements of Title 17 Zoning, Chapter 17.44, Section 17.44.606 Side Yard Regulations and Section 17.44.070 Rear Yard Regulations. The request is in conjunction with the side yard and rear yard setback requirements.

The property was constructed in 1961 and has been utilized as a single-family home. A building permit was approved in January of 2018 for an electrical panel upgrade. March 1, 2018 Council approved a rezoning of the property from single family dwelling (R-3) to residential with a neighborhood commercial overlay (R-NC Overlay). A building permit was approved in June of 2019 for the enclosure of the single car carport to a grange.

The applicant is requesting a variance from the Town of Youngtown Municipal Code;

Title 17 Zoning, Chapter 17.44 Residential District with Neighborhood Commercial Overlay, Section 17.44.060 Side Yard Regulations: For lots used for Neighborhood Commercial uses as set forth in [Section 17.44.020](#), no side yard shall be required except where a lot is adjacent to a residential lot, in which event there shall be a side yard of not less than seven feet. In all other cases, for such Neighborhood Commercial uses, if a side yard is provided, it shall not be less than three feet in width for such Neighborhood Commercial uses. Applicant is requesting to reduce the side yard width from (7) feet to three (3) feet.

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The project is located in the Live/Work Area on the General Plan Land Use map. The project is consistent with the Youngtown General Plan 2025 as a Live/Work Area designation.

The zoning designation of the property is Residential District with Neighborhood Commercial Overlay Dwelling (R-NC) where such property is located.

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.

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.

No.

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.

No

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 regarding this variance request.

The Planning and Zoning Hearing was held on December 10, 2019, and there were no comments received by citizens.

Conditionals of Approval

This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.

1. Applicants will have the project inspected to ensure compliance with local codes.
2. Applicants will need to obtain and pay for a permit within one (1) year.
3. The Planning and Zoning Hearing Officer denied the request for a three (3) feet side-yard setback. Applicant must comply with 7'0" foot side-yard side setback.
4. The Planning and Zoning Hearing Officer recommend approval of the rear yard setback from fifteen (15) feet to five (5) feet.

Community Development Manager Arrington stated that the garage will be facing the alley, and the accessory building will be stucco, and the applicant is installing a tile roof. Also, the windows by the stairs, and the stairs will be located on the south side of the building. The Arizona Public Service (APS) lines will be moved seven (7) feet to the south.

B. Applicant Presentation

The applicant was not present at the hearing.

C. Open Public Hearing and take testimony from the public

Board Chair LeVault opened the public hearing at 5:45 p.m.

Mercy Vickers resident of Youngtown, asked if this will be easier for the resident of Youngtown to build a two-story home.

Community Development Manager Arrington stated that the Town is allowing a second story on homes; however, if residents are interested in building a second story they would need to request a variance and follow the process.

D. Close Public Hearing

Board Chair LeVault closed the public hearing at 5:48 p.m.

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

E. 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. Applicants will have the project inspected to ensure compliance with local codes.
3. Applicants will need to obtain and pay for a permit within one (1) year.
4. The Planning and Zoning Hearing Officer denies the request for a three (3) feet side-yard setback. Applicant must comply with 7'0" foot side-yard side setback.
5. The Planning and Zoning Hearing Officer recommend approval of the rear yard setback from fifteen (15) feet to five (5) feet.

*Motion to approve - Board Vice Vickers
Second - Board Member Miller*

Motion passed 7-0 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, Haney Duncan and Board Chair LeVault)

4. Adjournment.

*Motion to adjourn- Board Member Chittenden
Second - Board Member Miller
Meeting adjourned at 5:50 p.m.*



Michael LeVault, Board Chair

Attest:



Nicole Smart, Town Clerk