



**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 **November 5, 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. Section 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: November 5, 2020
TIME: 5:30 PM
Place: Join the Planning and Zoning Hearing by calling
1-346-248-7799
Meeting ID: 951 3555 6601
Password: 745218
Link to the Zoom Meeting:
<https://zoom.us/j/95135556601?pwd=VndOcmdpRk1UVXlxRzQwMldvbDR1dz09>

1. **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.

2. Call to Order

3. Roll Call

4. Consent Agenda

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

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

6. 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 October 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
OCTOBER 1, 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**

- A. Approval of the December 19, 2019, Board of Adjustment Case Z19-11 Board Meeting minutes.

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

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

- A. **Presentation, Discussion and/or Action Re:** Approval of a six (6) month permit extension for variance request Z17-05 for Steve Heiserman for Sunland Plumbing and Cooling, owner of property at 11234 W. Michigan Avenue, to complete the construction project.

Town Clerk Nicole Smart presented a request for an approval of a six (6) month permit extension for variance request Z17-05 for Steve Heiserman for Sunland Plumbing and Cooling, owner of property at 11234 W. Michigan Avenue, to complete the construction project, and to answer questions from the Board.

Approval of a six (6) month permit extension for variance request Z17-05 for Steve Heiserman for Sunland Plumbing and Cooling, owner of property at 11234 W. Michigan Avenue, to complete the construction project.

Boardmember Miller
Second – Boardmember Duran

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

B. Presentation, Discussion and/or Action Re: Approval of a six (6) month permit extension for variance request Z19-01 for Ms. Flores and Mr. Rivas, owner of property located at 11404 N. 112th Drive, to complete the construction project.

Town Clerk Nicole Smart presented a request for an approval of a six (6) month permit extension for variance request Z19-01 for Ms. Flores and Mr. Rivas, owner of property located at 11404 N. 112th Drive, to complete the construction project, and to answer any questions from the Board.

Board June Miller asked if the addition is in the front of the house, or in the back left of the house.

Town Clerk Nicole Smart stated that the addition is in the back of the house.

Approval of a six (6) month permit extension for variance request Z19-01 for Ms. Flores and Mr. Rivas, owner of property located at 11404 N. 112th Drive, to complete the construction project.

Boardmember Chittenden
Second – Board Member Duran

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

4. Adjournment.

*Motion to adjourn– Board Vice Chair Vickers
Second – Board Member Miller
Meeting adjourned at 5:38 p.m.*

Attest:

Michael LeVault, Board Chair

Nicole Smart, Town Clerk

Town of Youngtown



YOUNGTOWN PUBLIC HEARING STAFF REPORT

TO: BOARD OF ADJUSTMENT HEARING

RE: PUBLIC HEARING ON A VARIANCE REQUEST
CASE NUMBER Z20-01

SUBMITTED BY: CHAVEZ RICARDO ALDABA

THE PROPERTY IS LOCATED AT 11423 N. 112TH
AVENUE

PARCEL NUMBER: 142-69-140
LOT SIZE 7,056 SQ. FT.

FROM: GREGORY ARRINGTON
COMMUNITY DEVELOPMENT MANAGER

DATE: NOVEMBER 5, 2020

SUMMARY

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

PROJECT DESCRIPTION

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.

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

There were permits issued for the following on the subject property:

- R13-000083 Permit for block fence
- R16-000132 Permit to remove and replace shingles
- R18-000142 – Permit issued 06/21/2018 – Did not follow the plans that were approved.
- July 2, 2018 a framing inspection was called for, and completed stop work order placed on the job site.
- September 10, 2018 – Letter sent to applicant to correct the violation.
- December 13, 2019 Case set for pre-trial conference for December 19, 2019.

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 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.

No.

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.

No

PUBLIC COMMENTS

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.

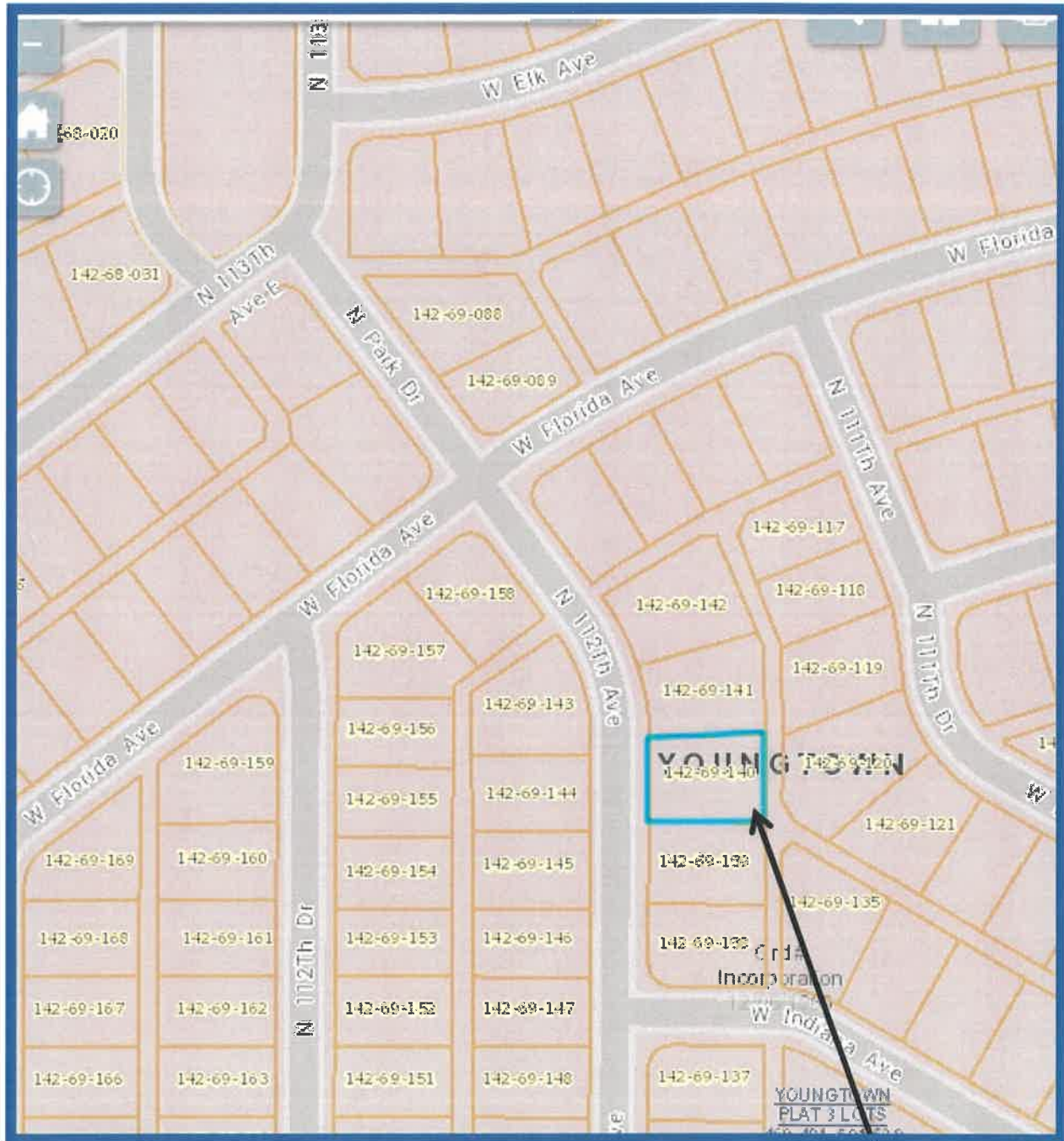
As of the writing of this staff report no comments have been received with this variance request.

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. Applicant will remove four (4) feet of the 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.

ATTACHMENTS

- A. Vicinity Map
- B. Zoning Map
- C. Site Plan
- D. Photograph



VICINITY MAP

**Subject
Property**

B of A # Z20-01
11423 N. 112th Avenue
Public Hearing Staff Report

NORTH



ZONING MAP

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NORTH



NORTH

SITE PLAN

Carport



**PHOTOGRAPH
(Looking East)**