



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

The Town of Youngtown provides notice that it will conduct its **Board of Adjustment Hearing on September 21, 2023** through *in-person and technological* means. The Board of Adjustment Board may attend the hearing in-person or via video/telephone conference, 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.

Case Z2023-05: Variance Request. Applicant Dean Bolton seeks a variance from the strict application of the Zoning Code for property located at 11102 W. Florida Avenue, Youngtown, Arizona. 85363. The applicant seeks a variance from the requirements of **Title 17 Zoning, Chapter 17.24 R-3 Single Family Dwelling District, Section 17.24.060 Rear yard regulations**. Except as provided in Chapter 17.52, rear yards shall have a depth of not less than thirty-five (35) feet or twenty (20) percent of the lot, whichever amount is smaller. Applicant Dean Bolton is requesting a variance on the yard percentage to build a new detached garage 30' x 40' feet.

The application and project file may be viewed by the public Monday through Friday, 8:00 a.m. to 4:00 p.m. at the Town of Youngtown in the Community Development Department, located at 12030 N. Clubhouse Square, Youngtown, Arizona. Written comments may be sent to the Town of Youngtown, Community Development Department, 12030 N. Clubhouse Square, Youngtown, Arizona 85363. Written comments may also be submitted at the public hearings.

September 21, 2023 at 5:30 p.m.

PLACE: Join the Meeting by calling 1-346-248-7799

Meeting ID: 813 1182 5893

Password: 516320

Link to the Zoom Meeting:

<https://us02web.zoom.us/j/81311825893?pwd=ZkpCdXJZTWFYSW5idUZMM0xTc2RaQT09>

**Address for in-person attendance: Council Chambers
12033 N. Clubhouse Sq.
Youngtown, AZ 85363**

- 1. Call to Order**
- 2. Roll Call**
- 3. Consent Agenda**
 - i. Approval of the Board of Adjustment Meeting Minutes of March 2, 2023 for Case Z2023-01 and Z2023-02.**

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 the variance request for case Z2023-05.**
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 **5:00 p.m. on August 22, 2023** 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
TOWN OF YOUNGTOWN, ARIZONA
12033 N. CLUBHOUSE SQUARE, COUNCIL CHAMBERS/TOWN CLUBHOUSE
MARCH 2, 2023 at 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, Jim Starke, Karen Haney Duncan, Mike Francis. Board Member Hout was present telephonically.

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

3. **Consent Agenda** – No items on consent.

Case Z2023-01: Variance Request. Applicant William Wen seeks a variance from the strict application of the Zoning Code for property located at 11115 W. Grand Avenue, Youngtown, Arizona. 85363. The applicant seeks a variance from the requirements of **Title 17 Zoning, Chapter 17.36 C-2 Commercial District, Section 17.36.040 Fence and Free-Standing Wall Regulations.** Fence or free-standing walls shall not exceed six feet in height in side or rear yard. Fences may be solid, of any approved fencing material except barbed wire, but may have a barbed wire protector along top; protector must be straight in line with fence or slope in. Fences in front yards may not exceed two and one-half feet in height. The effect of the variance will be to increase the fence height requirement in the rear yard to eight (8) feet to provide the desired security outcome without compromising the security of the tenants and business customers.

Staff Report

Community Development Manager Arrington stated the applicant is requesting a variance from the Town of Youngtown Municipal Code Section Title 17, Zoning, Chapter 17.36 C-2 Commercial District, Section 17.36.040. Fence and Free-Standing Wall Regulations to allow to exceed to eight (8) feet instead of the required six (6) feet high for the rear yard.

The following permits were issues to this property.

Issued	07/10/2018	C18-000023	HVAC install.
Issued	04/15/2022	C22-000010	Replaced AC unit.
Open	11/15/2022	C22-000031	Erecting Block wall and security bars.

The subject property is immediately adjacent to an arterial road – West Grand Avenue. The subject property is in a commercial district near heavy foot traffic with unique visibility concerns.

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, because the property is immediately adjacent to an arterial road that creates high traffic and security concerns. This unique visibility concern supports a higher fence height.

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

No, the applicant did not create this condition. The conditions are due to their lot and location.

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 compared to other properties in the vicinity and zone.

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

No, there will not be a material detriment due to this variance.

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 or issues have been raised regarding this variance request.

The Planning & Zoning Officer Ray Jacobs recommendation to the Board of Adjustment to approve, deny or approve with conditions the variance request for Case Z2023-01.

Chairman Jacobs recommended approval of the request subject to the following conditions:

- This project shall be constructed according to the stipulation(s) set forth by the Planning and Zoning Hearing Officer.
- Applicant must secure the required permits for construction.
- Applicant will have the project inspected to ensure compliance with local codes.
- Submit an engineer letter stating the eight (8) foot fence is received, and stamp of approval from the engineering firm.
- Gain and pay for permit within six (6) months.

Applicant William Wen was not present for the hearing.

- A. Board Chair LeVault opened the public hearing at 5:37 p.m. to take testimony from the public.
- B. Board Chair LeVault closed the public hearing at 5:37 p.m., with no comments from the public.

Board Chair LeVault stated this is a great improvement to keep the tenants safe, and keep transients and other people from hanging behind the building.

- 4. Attorney Michelle Stinson reviewed the process of granting a variance, including the reasons for and against approval.

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

- This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.
- Applicant must obtain and secure the required permits for construction.
- Applicant will have the project inspected to ensure compliance with local codes.
- Submit an engineer letter stating the eight (8) feet fence is received, and stamp of approval from the engineering firm.
- Gain and pay for permit within six (6) months.

*Motion to approve – Board Member Chittenden as stated per the Town Attorney
Second – Board Vice Chair Vickers*

Motion passed 7-0 on a roll call vote with all members of the board in attendance voting (Ayes: Board Chair LeVault, Board Vice Chair Vickers, Board members Chittenden, Starke, Haney Duncan Francis)

Board Member Hout telephonic voice vote was noted as a yes.

No adjournment as the Board entered into another variance hearing Z2023-02

Michael LeVault, Board Chair

Attest:

Nicole Smart, Town Clerk



**MINUTES OF THE BOARD OF ADJUSTMENT HEARING
TOWN OF YOUNGTOWN, ARIZONA
12033 N. CLUBHOUSE SQUARE, COUNCIL CHAMBERS/TOWN CLUBHOUSE
MARCH 2, 2023 5:30 P.M.**

1. **Call to Order:** Board Chair LeVault called the meeting to order at 5:40 p.m.
2. **Roll Call:** Board Members present: Board Chair Michael LeVault, Board Vice Chair Chuck Vickers, Board Members Margaret Chittenden, Jim Starke, Karen Haney Duncan, Mike Francis, Board Member Hout was present telephonically.

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

3. **Consent Agenda** – No item on consent.

Case Z2023-02: Variance Request. Applicant Jalil Talaie seeks a variance from the strict application of the Zoning Code for property located at 11100 W. Michigan Avenue, Youngtown, Arizona. 85363. The applicant seeks a variance from the requirements of **Title 17 Zoning, Chapter 17.36 C-2 Commercial District, Section 17.36.040 Fence and Free-Standing Wall Regulations.** Fence or free-standing walls shall not exceed six feet in height in side or rear yard. Fences may be solid, of any approved fencing material except barbed wire, but may have a barbed wire protector along top; protector must be straight in line with fence or slope in. Fences in front yards may not exceed two and one-half feet in height. The effect of the variance will be to increase the fence height requirement in the side and rear yard to eight (8) feet.

Staff Report

Applicant is requesting a variance from the Town of Youngtown Municipal Code Section Title 17, Zoning, Chapter 17.36 C-2 Commercial District, Section 17.36.040. Fence and Free-Standing Wall Regulations to allow to exceed to a height of eight (8) feet instead of the required six (6) feet high for the side and rear yard, and the required two and half (2 ½) feet in height in the front yard. The following permits were issues to this property.

Open	06/08/2022	C22-000015	Metal Fencing
Issued	06/09/2022	C22-000017	Electrical panel upgrade.
Open	01/13/2023	C23-000002	Metal building

The subject property is immediately adjacent to an arterial road – West Michigan Avenue and North 111th Drive. The subject property is in a commercial district near heavy foot traffic with unique visibility concerns.

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, because the property is immediately adjacent to an arterial road that creates high traffic and security concerns. This unique visibility concern supports a higher fence height.

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

No, the applicant did not create this condition. The conditions are due to their lot and location.

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 compared to other properties in the vicinity and zone.

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

No, there will not be a material detriment due to this variance.

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

The Planning and Zoning Hearing was held on February 21, 2023.

As of the writing of this staff report, no comments or issues have been raised regarding this variance request.

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

Planning & Zoning Officer Discussion and/or Action Re: Recommendation to the Board of Adjustment to approve, deny or approve with conditions the variance request for Case Z2023-02.

Chairman Jacobs recommended approval of the request subject to the following conditions:

- This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.
- Applicant must obtain and secure the required permits for construction.
- Applicant will have the project inspected to ensure compliance with local codes.
- Submit an engineer letter stating the eight (8) foot fence is received, and stamp of approval from the engineering firm.
- Gain and pay for permit within six (6) months.

A. Applicant Presentation

Applicant Jalil Talaie thanked the Board and would appreciate an approval for the increase of the fence to eight (8) feet for the safety of his business.

Mayor LeVault stated that Youngtown plans to do everything within our jurisdiction, to keep our residents and our business owners and their properties safe.

- B.** Board Chair LeVault opened the public hearing at 5:43 p.m. to take testimony from the public.
- C.** Board Chair LeVault closed the public hearing at 5:43 p.m. with no comments from the public.
- 4.** Attorney Michelle Stinson reviewed the process of granting a variance, including the reasons for and against approval.

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

- This project shall comply with the stipulation(s) set forth by the Planning and Zoning Hearing Officer and the Board of Adjustment.
- Applicant must obtain and secure the required permits for construction.
- Applicant will have the project inspected to ensure compliance with local codes.
- Submit an engineer letter stating the eight (8) feet fence is received, and stamp of approval from the engineering firm.
- Gain and pay for permit within six (6) months.

Motion to approve – Board Member Starke stated the motion per the Town Attorney

Second – Board Member Haney Duncan

Motion passed 7-0 on a roll call vote with all members of the board in attendance voting (Ayes: Board Chair LeVault, Board Vice Chair Vickers, Board members Chittenden, Starke, Haney Duncan Francis)

Board Member Hout telephonic voice vote was noted as a yes.

Adjournment.

Motion to adjourn– Board Member Chittenden

Second – Board Chair Vickers

Meeting adjourned at 5:45 p.m.

Michael LeVault, Board Chair

Attest:

Nicole Smart, Town Clerk

Town of Youngtown



PUBLIC HEARING

TO: BOARD OF ADJUSTMENT

**RE: PUBLIC HEARING ON A VARAINCE REQUEST
11102 W. FLORIDA AVENUE**

CASE NO.: Z2023-05

PROPERTY OWNER: MR. DEAN BOLTON

PARCEL NUMBER: 142-69-077

ZONING: R3 SINGLE-FAMILY DWELLING DISTRICT

**FROM: GREGORY ARRINGTON
COMMUNITY DEVELOPMENT MANAGER**

DATE: SEPTEMBER 21, 2023

SUMMARY

The applicant is seeking a variance of the Youngtown Zoning Code Title 17, Zoning, Chapter 17.24 R-3 Single-family Dwelling District, Section 17.24.070 Rear Yard and 17.52.070 Accessory Buildings Regulations.

Town Code says that an accessory building shall not occupy more than thirty (30) percent of a rear yard.

The property is approximately 7,683 square feet of real property generally located at 11102 W. Florida Ave. thirty-five (35) feet west of N. 111th Avenue. The accessory building proposed would be around forty (40) percent of the rear yard.

PROJECT DESCRIPTION

The applicant is requesting an increase in the percentage of rear yard that may be occupied by structures from the thirty (30) percent as regulated by ordinance to forty (40) percent. The requested increase would allow for the construction of a detached garage measuring thirty (30) foot by forty (40) foot.

The proposed increase will exceed the maximum rear yard coverage by two-hundred and eighty-eight (288) square feet.

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	Town Limits	R1-6
West	Single-Family Dwelling Districts	R-3

BACKGROUND

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

05/23/2023 Permit number R23-000165 issued for the following work. Update kitchen, bathroom, new windows, flooring, block wall fencing, and new detached garage. Homeowner is doing work.

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 17.24.100 Fence 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, the lot size is too small to accommodate the storage needs for live/work use. The current lots were created to accommodate the needs of a retirement community and does not accommodate the storage needs for live/work use.

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

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. This does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

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 variance will not be detrimental to persons residing or working in the vicinity. The accessory building will be the same height as the main residence.

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 with this variance request.

On September 12, 2023 a Planning and Zoning Hearing was held.

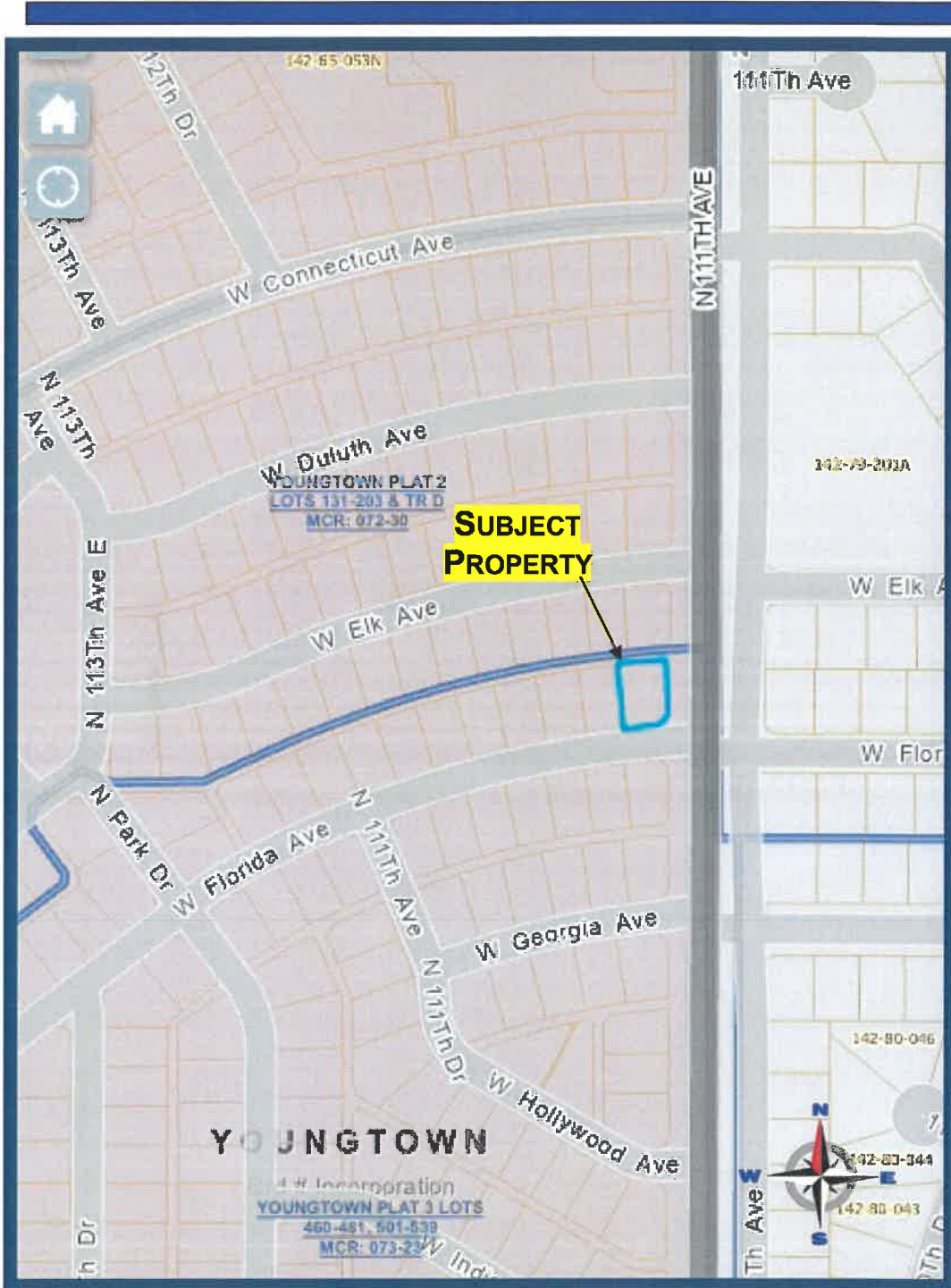
CONDITIONS OF APPROVAL

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 shall adhere to the required rear and side yard setbacks of Chapter 17.52.070 - Accessory Building.
3. Applicant shall move accessory building to aligned with the western wall of the primary structure.
4. Applicant shall adhere to the Guidelines established in the Traditional Neighborhood Development District.
5. Applicant will have the project inspected to ensure compliance with local codes.
6. Applicant should not have more than two parking spaces adjacent to West Florida.
7. Applicant should provide landscaping in front of property.
8. Applicant hours of operation is seven days a week from 7:00 a.m. to 9:00 pm.
9. Applicant will need to obtain and pay for a permit within six (6) months.

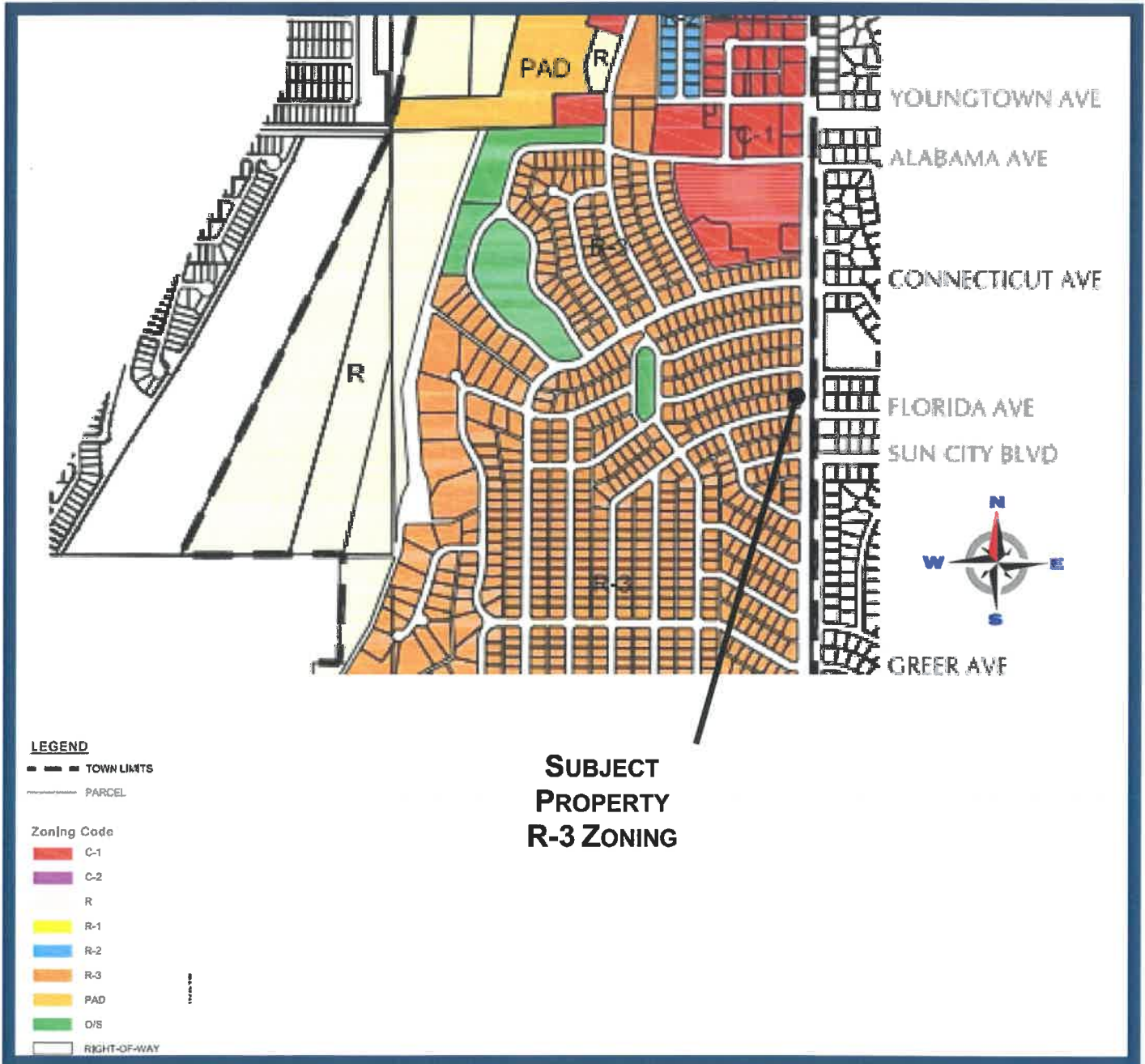
ATTACHMENTS

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

Vicinity Map



Youngtown Zoning Map



Site Plan



Proposed Site Plan

