



**AGENDA AND NOTICE OF BOARD OF ADJUSTMENT
SPECIAL MEETING AND PUBLIC HEARING
WEDNESDAY, JANUARY 22, 2025 AT 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

**City Hall Conference Room
102 East Third Street
Winslow, Arizona 86047**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Board of Adjustment of the City of Winslow, Arizona, and to the general public that the Board of Adjustment will hold a special meeting on Wednesday, January 22, 2025 at 6:00 p.m. at Winslow City Hall Conference Room, 102 East Third Street, Winslow, Arizona 86047. **MEMBERS OF THE BOARD OF ADJUSTMENT AND THE PUBLIC MAY JOIN THE MEETING IN PERSON OR TELEPHONICALLY BY DIALING 928-289-8412 AND ENTERING PIN# 123321.**

- 1. CALL TO ORDER – *Please Remember to Silence all Cell Phones***
- 2. PLEDGE OF ALLEGIANCE AND INVOCATION**
- 3. ROLL CALL – EXCUSE ABSENT MEMBERS**
- 4. CALL TO THE PUBLIC**
- 5. DISCUSSION AND/OR ACTION TO APPROVE MINUTES OF THE NOVEMBER 18, 2024 SPECIAL MEETING & PUBLIC HEARING**
- 6. COMMISSION CONSIDERATION AND ACTION**
 - A.** Public Hearing and Discussion and/or action regarding a request for a variance to construct a 12'X16' (192 SF) accessory utility shed in the front yard of the residence located at 411 East Maple Street, Winslow, Arizona, identified as Parcel 103-17-320, Township 19, Range 16 E, Section 19. This variance is requested as construction of a utility shed in the front yard is not permitted by Winslow Municipal Code Chapter 17.36 Multi-Family Residence District, Section 17.36.050 Property Development Standards for Permitted Accessory Uses.
- 7. ADJOURNEMENT**

The Board of Adjustment reserves the right to move into executive session for legal advice under authority of A.R.S. 38-431.03(A)(3) on any of the above agenda items. A copy of the agenda background materials already made available to Board Members is available at City Hall, 102 East Third Street, Winslow, Arizona between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday.

Pursuant to the Americans with Disabilities Act (ADA) the Board of Adjustment endeavors to ensure the accessibility of its meetings to all persons with disabilities. Assistive listening devices are available for the public's use for meetings. Reasonable accommodations will be made upon request for persons with disabilities or for those who speak English other than very well. If you need an accommodation for a meeting, please call the City Clerk's Office at 928-289-1416 at least 48 hours prior to the meeting so that an accommodation can be arranged.

Notice is hereby given that pursuant to A.R.S. 1-602. A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Board are audio and/or video recorded, and as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. 1-602. A.9 have been waived.

These minutes are subject to approval and/or correction at their next special meeting.

Minutes of the special meeting and public hearing of the Winslow Board of Adjustment held on Monday, November 18, 2024 at 6:00 P.M. in the City Hall Conference Room, 102 E. Third Street, Winslow, Arizona.

MEMBERS PRESENT

Chairperson Pennington
Board Member Evans (Telephonically)
Board Member Harrison
Board Member Pruett
Board Member Thompson

MEMBERS ABSENT

STAFF

David Coolidge, City Manager
Michelle Stinson, City Attorney (Telephonically)
Marshall Larsen, City Inspector
Tim Westover, Public Works Director
Larrilynn Oso, Recording Secretary

Chairperson Pennington called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited and the invocation was given by Tim Westover. Roll was called all members were present.

CALL TO THE PUBLIC

None.

DISCUSSION AND/OR ACTION TO APPROVE MINUTES OF THE JULY 16TH, 2024 SPECIAL MEETING & PUBLIC HEARING

Motion: Moved by Board Member Pruett seconded by Board Member Evans, to approve the meeting minutes of July 16, 2024 as presented. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, Pruett and Thompson voting yes.

COMMISSION CONSIDERATION AND ACTION

- A. **Public Hearing and Discussion and/or Action regarding an appeal of a decision by the Zoning Administrator denying a permit to construct a 16' X 24' (384 Square Foot) attached garage due to noncompliance with the front yard setback of 20 feet and the rear yard setback of 15 feet as required by Winslow Municipal Code Chapter 17.36 Multi-Family Residence District (MFR), Section 17.36.030 Property Development Standards for Permitted Principal Uses as well as a possible request for a variance to the front and rear yard setback requirement for structures located in the multi-family residence district required by Chapter 17.36 MFR Multiple-Family Residence District, Section 17.36.030, for Real Property Identified as Parcel 103-15-288, Township 19 North, Range 15 E, Section 19, located at 111 N. Dent Ave in Winslow, Arizona.**

Applicant for this item, Mr. John Maine, was present. In response to inquiry by Board Member Pruett, the applicant noted that the house on the property was originally constructed in the late 1950s – early 1960s, with an addition added in the 1980s. There were no further questions or concerns stated by the Board.

Per direction of the City Manager and the City Attorney, the City Inspector read the Zoning Administrator recommendations for approval of this variance as follows:

1. That special conditions and circumstances exist which are peculiar to the land because of the unusual shape and sloping of the existing lot compared to the other lots in the area that does not allow the owner the same ability to comply with the code

requirements for setback as enjoyed by other lot owners in the same area and zoning district.

2. That literal interpretation of the provisions of this title would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
3. The hardship caused by the literal interpretation is more than personal conveniences and financial hardship and it is not a result of actions by the appellant.
4. Granting the variance will not confer any special privileges on the appellant that are denied to other land, structures or buildings in the same zoning district.
5. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district,
6. This is the minimum variance that will make possible the reasonable use of the appellant's land.
7. Granting the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Motion: Moved by Board Member Pruett, seconded by Board Member Evans, to approve the variance requested by the applicant based upon that special conditions and circumstances exist which are peculiar to the land because of the unusual shape and sloping of the existing lot compared to the other lots in the area that does not allow the owner the same ability to comply with the code requirements for setback as enjoyed by other lot owners in the same area and zoning district. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, Pruett and Thompson voting yes.

B. Public Hearing and Discussion and/or Action regarding Request for a Variance from Light Pole Height Mounting Requirements Pursuant to Section 17.60.070 – Exterior Lighting, for Real Property Identified as Parcel Nos. 103-31-007C, 103-31-007D and 103-31-007E located at the northeast corner of Interstate 40 & Transcon Lane, Winslow, Arizona. The effect of the variance would be to allow the pole lighting to be mounted at 43'-0" max in the truck parking area only instead of the zoning code required 25-foot maximum, for the Love's Travel Stop, in order to meet the minimum lighting levels across the entire parking lot to ensure pedestrian safety.

The Recording Secretary provided submitted map documentation of the proposed lighting area. The Applicant, Mr. Anthony Beavers was present, alongside Mr. Pascal Aughtry who joined the hearing telephonically. Both applicants provided discussion that the requested variance will allow for safety of both vehicle and pedestrian traffic in the parking area. Mr. Aughtry also noted that the light range will not surpass the property line.

Chairperson Pennington introduced Mr. Jesus Rodriguez, a representative for the Best Western Hotel, who spoke regarding the request for variance. In response to concern for light interference from the truck stop parking area towards the guestrooms of the hotel, Mr. Aughtry noted that each individual lighting fixture will be specifically aimed away from

the hotel building and lights located on the other side of the lot will not reach the hotel property and/or interfere with guest experience. Discussion also occurred regarding the proposed timeline of groundbreaking and construction for this project. Mr. Beavers and Mr. Rodriguez exchanged contact information with the intention of further communication.

In response to Board Member's Thompson's inquiry, there are approximately 11 poles that are part of this request.

Ms. Theresa Warren, Executive Director of Alice's Place, a local organization that specializes in domestic violence and human trafficking spoke in favor of granting the variance. Ms. Warren noted that in best interest of the public, the proposed lighting would provide a safer environment. To further the discussion, Board Member Pruett agreed with Ms. Warren, and stated that extra lighting would be advantageous for customers, drivers and pedestrians alike.

Chairperson Pennington requested for the City Inspector to provide his recommendations. Before doing so, he also noted that the Flying J truck stop also utilized 43' foot light poles. The City Inspector read the Zoning Administrator recommendations for approval as follows:

1. Granting the variance will not confer any special privileges on the appellant that are denied to other land, structures or buildings in the same zoning district,
2. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district,
3. Granting the variance will be in harmony with the general purpose of this title and will not be injurious to the neighborhood, or otherwise detrimental to the public.

Motion: Moved by Board Member Pruett, seconded by Board Member Thompson, to approve the variance requested by the applicant citing that the literal interpretation of the provision of this ordinance would deprive the applicant property of rights enjoyed by other properties in the same zoning district. Motion passed with Chairperson Pennington and Board Members Harrison, Pruett and Thompson voting yes. Board Member Evans voted no.

C. Public Hearing and Discussion and/or Action regarding Request for a Variance to reduce the parking spaces required per lot and use by Chapter 17.84 Parking Requirements, Section 17.84.010 Parking Requirements by Use, for real Property Identified as Parcel Nos. 103-17-078 and 103-17-079 Township 19 North, range 16 East, Section 30, located at 218 North Williamson Avenue and 211 East Third Street in Winslow, Arizona. The variance requested for Parcel No. 103-17-078 is 9 parking spots from the required 14 spots, and the variance requested for Parcel No. 103-17-079 is 9 parking spots from the required 12 parking spots.

Applicant, Mr. Greg Hackler provided a photograph and plan information to the Board for the parking area. The materials were also provided to the Recording Secretary. The City Inspector noted that the variance will not interfere with current parking arrangements. Discussion occurred with the concern for possible development and/or fence placement by a future property owner. The City Manager provided guidance on addressing the issue

during the fence permitting process as it would make the parking in the area non-compliant. The City Inspector provided the following recommendations for approval of the variance:

1. Approval of the variance will not create a deficit of existing off street parking spaces. The total number of existing off-street parking currently provided will remain the same.
2. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district,
3. This is the minimum variance that will make possible the reasonable use of the appellant's land,
4. Granting the variance will be in harmony with the general purpose of this title and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Motion: Moved by Board Member Pruett, seconded by Board Member Thompson, to approve the reduced parking variance requested by the applicant due to special conditions and circumstances existing that are peculiar to the land or building participants and which are not self-imposed by the owner. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, Pruett and Thompson voting yes.

ADJOURNMENT

Motion: Moved by Board Member Pruett, seconded by Board Member Thompson, to adjourn at 6:32 p.m. Motion passed unanimously with Chairperson Pennington and Board Members Evans, Harrison, Pruett and Thompson voting yes.

Chairperson Pennington

ATTEST:

Larrilynn Oso
Recording Secretary

Mayor
Roberta W. Cano

(928) 289-2422



Discover Winslow-A City in Motion

Council Members
Peter Cake
Samantha Crisp
Jim MacLean
Darcey McKee
Melcor Salazar
Daniel T. Tafoya

AGENDA DATE: January 22, 2025

TO: Board of Adjustment

FROM: Marshall Larsen, City Inspector

SUBJECT:

- A. Public Hearing and Discussion and/or action regarding a request for a variance to construct a 12'X16' (192 SF) accessory utility shed in the front yard of the residence located at 411 East Maple Street. This request is requested as construction of a utility shed in the front yard is not permitted by Winslow Municipal Code Chapter 17.36 Multi-Family Residence District, Section 17.36.050 Property Development Standards for Permitted Accessory Uses.

DISCUSSION:

Item A:

Mr. Woods came to the office and asked what would be required to construct a storage shed in the front yard of his single-family residence at 411 East Maple Street. I explained to Mr. Woods that the Multi-Family Residence (MFR) zoning district in which the property was located did not allow accessory structures in the front yard. Mr. Woods told me that his house set back on the property and there wasn't a rear yard. I told Mr. Woods that I would look into the matter further to see if there may be some exceptions to the zoning requirements.

As I looked into the request, I found that not only was the house at the rear of the lot, but the lot was small (legal nonconforming) compared to some of the other properties in the area. The lot has a square footage of only 4,800 SF. The minimum lot size required for the MFR zoning is a minimum of 7,000 SF. After discussing Mr. Woods request with city staff and the city attorney it was determined that no exceptions could be found, and the language of the zoning code would not allow the accessory building to be constructed in the front yard.

Chapter 17.36
MFR MULTIPLE-FAMILY RESIDENCE DISTRICT

17.36.050 Property Development Standards for Permitted Accessory Uses (A). No accessory uses are permitted in the required front or side yard.

Chapter 17.08

RULES OF CONSTRUCTION AND DEFINITIONS

"Yard" means a required space unobstructed from the ground upward and measured as the minimum horizontal distance from a building or structure to the property line.

1. Front: a yard abutting on a public street and extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front line of the main building.



The top picture shows the front yard of 411 East Maple Street with the house sitting to the back of the lot. The bottom picture shows the rear of the house and the lack of a rear yard.

RECOMMENDATION:

Staff recommend that after a hearing on the matter, the Board approve the request for a variance pursuant to A.R.S § 9-462.06 and City Code § 17.100.080 for the following reasons.

1. Special conditions and circumstances exist on this property that are not applicable to other properties in this zoning district due to this property's small square footage and lack of a rear yard. This means that the literal interpretation of the zoning code would deprive appellant of rights commonly enjoyed by other properties in the zoning district. These conditions existed prior to the appellant purchasing the property, were not a result of the appellant's own actions, and the hardship caused by the literal interpretation of the zoning code would be more than a personal inconvenience or financial hardship.
2. This is the minimum variance that will make possible the reasonable use of the appellant's land.
3. Granting of the variance will not confer a special privilege to the appellant.
4. Granting of the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.
5. Granting of the variance will be in harmony with the general purpose and intent of the zoning code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



BOARD OF ADJUSTMENT APPLICATION

ADDRESS OF SITE: 411 E maple st

Applicant: NICK WOODS Phone: [REDACTED]

Address: 411 E maple st

City: Winslow State: AZ Zip Code: 86047

Owner of Property: same Phone: _____

(if different from applicant)

Address: _____

City: _____ State: _____ Zip Code: _____

County Assessor's Parcel Number: 103-17-320 Zoning District: MFR



TYPE OF VARIANCE REQUESTED

Ordinance Requirement: NO ALLEGEDLY USES ARE PERMITTED IN THE FRONT YARD
Municipal Code Sec. 17-36.050 12. Sec. 17-08.20

Your Request: Placement of a utility shed in front yard following setback distances.



APPEAL TO A DECISION

Code section: _____

SIGNATURE

DATE 12/3/24

Property Owner or Authorized Representative

The applicant expressly acknowledges that all development must occur in compliance with the site plan, as approved, and all pertinent City of Winslow Municipal Codes.

FOR OFFICE USE ONLY:

CITY FILE NO: _____ DATE: 12-9-24 RECEIPT NO. 231920081

AMOUNT PAID: 200.00 CASH _____ CHECK NO. _____

WRITTEN JUSTIFICATION: See I.D. AGENDA DATE _____

DEC 03 2024

BY: Ashley Salyers

ITEM 6A

Request for Zoning Exception – Property at 411 E Maple St

To Whom It May Concern,

I am writing to respectfully request an exception to the Winslow Municipal Code Section 17.36.050, specifically related to Section 17.08.20, for my property located at 411 E Maple St. I believe an exception is warranted due to the unique circumstances surrounding the layout of the property and the practical needs of my household. Attached is the proposed site plan for the shed.

Below, I outline the key reasons for this request:

1. Unique Property Layout

My home is positioned at the Southern end of the lot, leaving the Northern/front portion as the only available area for any substantial development. Current setback limitations prevent the placement of any structures behind or alongside the house, making the front yard the only feasible location for a shed or accessory structure.

2. Practical Storage Needs

The house itself is relatively small and lacks sufficient internal storage space. With several household members, including young children, we face ongoing challenges in storing outdoor equipment, tools, and other items that cannot be kept inside the home. A utility shed would address this need and improve the organization and longevity of our belongings.

3. Work Space for Property Maintenance

The house, built in the 1960's with an addition in 1980, is aging and requires ongoing maintenance. A dedicated external work/storage space would allow us to address these repairs more effectively and promptly, preventing further deterioration of the property.

4. Aesthetic Considerations

The proposed shed in the front yard would not significantly alter the neighborhood's aesthetic. Similar structures, such as detached garages, are common in this area. For instance, there are multiple homes on E. Maple St. that feature overhang parking areas and sheds in their front yards, not limited to the properties at: 415 and 417 E Maple St. As such, this proposed shed would align with the character of the neighborhood without being visually obtrusive.

5. Consistency with Neighboring Properties

The proposed shed would be positioned in full accordance with existing setback restrictions, ensuring that it does not exceed the scope of other accessory structures in the area. If such a shed had been constructed when the house was originally built, it is unlikely that it would have raised concerns, as it would be comparable in both function and appearance to existing structures.

Request for Zoning Exception – Property at 411 E Maple St

In conclusion, I believe an exception to the zoning code is justified due to the unique layout of my property, the practical need for additional storage space, and the necessity for a work area. Moreover, the proposed shed will be consistent with the aesthetic and character of the surrounding neighborhood. I respectfully request your consideration of this exception.

Thank you for your time and attention to this matter. I would be happy to provide any further information or discuss this request in more detail if needed.

Sincerely,

Nick Woods | [REDACTED] 411 E Maple St, Winslow, AZ

Definitions and Codes:

- Winslow Municipal Code Section 17.36.050 – Property Development Standards Permitted Accessory Uses (A): “No accessory uses are permitted in the front yard.”
- Winslow Municipal Code Section 17.08.20 – Definitions: “Yard” means a required space unobstructed from the ground upward and measured as the minimum horizontal distance from a building or structure to the property line.
 - Front Yard: A yard abutting on a public street, extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and the front line of the main building.

Request for zoning
Exception
re: 411 E mapk 9T.

