

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