

Minutes of the special meeting and public hearing of the Winslow Board of Adjustment held on Thursday, December 8, 2022 at 5:30 P.M. in the City Hall Conference Room, 21 Williamson Avenue, Winslow, Arizona.

**MEMBERS PRESENT**

Chairperson Pennington  
Board Member Evans  
Board Member Harrison

**MEMBERS ABSENT**

Board Member Leary  
Board Member Pruett

**STAFF**

David Coolidge, City Manager  
Trish Stuhan, City Attorney (Via Zoom)  
Suzy Wetzel, City Clerk  
Marshall Larsen, City Inspector

Chairperson Pennington called the meeting to order at 5:34 p.m. The Pledge of Allegiance was recited and the invocation was given by Board Member Evans. Roll was called, and Board Members Leary and Pruett were absent.

Motion: Moved by Board Member Evans, seconded by Chairperson Pennington, to excuse Board Members Leary and Pruett. Motion passed unanimously with Chairperson Pennington and Board Members Evans, and Harrison voting yes.

**CALL TO THE PUBLIC**

None.

**DISCUSSION AND/OR ACTION TO APPROVE MINUTES OF THE OCTOBER 4, 2021 SPECIAL MEETING & PUBLIC HEARING**

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

**COMMISSION CONSIDERATION AND ACTION**

- A. Public Hearing and Discussion and/or Action regarding Request for a Variance from Setback Requirements Pursuant to Chapter 17.56 – Density Schedule, and Chapter 17.88 – Non-Conforming Buildings, Structures, Uses and Lots, of the Winslow Municipal Code, for Real Property Identified as Parcel 103-16-277, Southerly 72’ of Lots 1 and 2 of Block 9 of the Hicks Addition, located at 311 Warren Avenue, Winslow, Arizona for the conversion of a garage to a studio apartment space.**

The applicant, Sean Gravier, provided the Board with information regarding the existing structure and his desire to create a studio apartment space. After thanking Board Member Evans for providing background information regarding the property, including architectural and historic notes, Mr. Gravier noted that he has obtained permits for both the intended and existing structures on the property.

In response to a question from Board Member Evans, the City Inspector stated that setbacks are determined by the property line to the farthest projection of the structure. In response to a question from Chairperson Pennington, the City Attorney clarified that a historically classified home that pre-dates City code is generally considered a legal non-conforming use which holds legal protections in place, however any conversions, renovations and/or structural changes to the property are beyond legal protections. If the applicant is requesting to convert a garage into a studio apartment that conversion is beyond the scope of any prior “grandfathered” rights that may exist. The City Inspector noted that there are

fixtures and utilities present but that substantial renovation is needed for the conversion to a studio apartment. The City Attorney reiterated that there is no legal requirement to determine that the building is non-conforming.

The City Inspector also discussed the variance application stating that although it was clarified that the structure was not a garage as previously indicated, it does not meet current setback requirements. In response to a question from Board Member Evans regarding the distance between the north wall of the structure and the south wall of the house, the City Inspector stated that the separation distance was less than ten feet.

After Chairperson Pennington asked the applicant if there were special circumstances that should be considered for the Board's decision, there was discussion in which the City Attorney provided guidance for what factors should be deliberated during the decision-making process. The City Attorney also noted that historical agreements would not lawfully effect the consideration for the variance and the Board should look at state-law criteria for granting a variance and make specific findings as to whether a variance was warranted.

The City Inspector responded to an inquiry from Chairperson Pennington, noting that should the structure remain a garage with full use of utilities rather than being converted to a living space, the owner would only be allowed to repair or maintain the structure per the code wherein any additions such as toilets, sinks and other fixtures would be subject to question. There was discussion regarding the definition and interpretation of alterations wherein the City Attorney provided clarification regarding what the City Code classifies as modifications and additions, as well as discussion of time limitations that may be imposed by the Board's decision.

The applicant stated that should the variance be granted, he does have a plan for the conversion of the interior of the structure and noted that there is a solid plan in place and the project would be fairly simple

Motion: Moved by Chairperson Pennington, seconded by Board Member Evans, to approve the variance for setback requirements for parcel 103-16-277. Prior to a vote on the motion, the City Attorney recommended that with the motion to approve, the Board also state the criteria and conditions that apply to the granting the variance. The motion was amended as follows:

Moved by Chairperson Pennington, seconded by Board Member Evans, that the structure in its prior use as a home meets the following criteria to approve the variance for setback requirements and granting the variance:

1. That special conditions and circumstances exist which are peculiar to the land or building involved which are not self-imposed by the owner;
2. That literal interpretation of the provisions of this Ordinance would deprive the property of rights enjoyed by other properties in the same zoning district;
3. The variance is the minimum necessary to alleviate the hardship; and
4. Granting the variance will not grant special privileges to this property that are not enjoyed by other properties in this district.

It was the consensus of the Board that the motion include conditions per the City Inspector's direction requiring that the north and south walls, including eaves of the structure, be fire rated. Motion passed unanimously with Chairperson Pennington and Board Members Evans, and Harrison voting yes.

**ADJOURNMENT**

Motion: Moved by Board Member Evans, seconded by Board Member Harrison, to adjourn at 6:10 p.m. Motion passed unanimously with Chairperson Pennington and Board Members Evans, and Harrison voting yes.

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Chairperson Pennington

ATTEST:

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Larrilynn Oso,  
Recording Secretary