

Hearing Minutes

City of Prescott Board of Adjustment Public Hearing Thursday, September 21, 2006 – 9:00 AM

MEMBERS PRESENT:

Mike Klein, Chairman Pro Tempore
Johnnie Forquer
Tom Kayn
Bill Warren

MEMBERS ABSENT:

E. Calvin Fuchs, Chairman
Duane Famas
Ken Mabarak

OTHERS PRESENT:

George Worley, Assistant Director,
Community Development
Gary Kidd, City Attorney
Dick Mastin, Eng. Services Director
Linda Hartmann, Grants Administrator
Ryan Smith, Community Planner
Mike Bacon, Community Planner
Bob Luzius, Councilman
Kathy Dudek, Recording Secretary

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

I. CALL TO ORDER

Chairman Klein called the public hearing to order at 9:00 AM.

II. ATTENDANCE

The proceedings of this hearing were recorded and a tape is available in the Planning and Zoning Division for playback. A list of members of the public in attendance is also on file in the Community Development Department. With four members present, an item will need for affirmative votes for a motion to pass.

III. REGULAR AGENDA

1. **Approve the minutes** of the 08/17/06 public hearing.

Mr. Kayn, **MOTION: to approve the minutes** of the August 17, 2006 public hearing.
Ms. Forquer, 2nd. **Vote: 4-0.**

2. **V06-001, 215 W. Leroux Street.** APN: 109-14-022 and totaling ± 0.378 acre. Zoning is Business Regional (BR). Request a variance for a zero setback allowance on the south side for a 12-unit studio apartment (*LDC* Section 4.8). Owner is Project Aware, Inc. Applicant is Alfred E. Falk. Community Planner is Ryan Smith. (*Continued from 03-16-06*).

Mr. Smith reviewed the staff report and indicated:

- the variance request is to eliminate the rear yard setback;
- the request is for a supervised living facility for 20 total units in separate

- buildings;
- zoning is Business Regional (BR) which permits supervised living facilities;
- the lower, corner house will be demolished and replaced with a 12-unit living area;
- the request for the reduced rear setback is based on the adjacent self-storage owner's wanting to eliminate an area for potential loiterers;
- staff is recommending approval based on the proximity of the sewer line; and,
- staff is requesting that the approval be tied to the site plan.

Commissioners queried and commented on:

- how easements get recorded; and,
- the required firewall on the property line [Mr. Smith: 1 hour requirement per the Fire Department].

Mr. Alfred Falk, 1911 Atlantic Avenue, applicant was present to answer questions. When asked about a supervisor being present, Mr. Falk indicated a supervisor will be present 24 hours each day.

Mr. Tom Cox, 333 W. Leroux, stated his objections to the zoning and the amount of density not being appropriate on the small property.

Mr. Bruce Hella, 333 W. Leroux, HOA President of neighboring condominiums, objected to the project based on the safety issues, i.e., sex offenders living on the property. He indicated that he talked to Mike Haywood, Engineer, and Mr. Haywood agreed that the project is inappropriate.

Commissioners continued with the following questions and comments:

- if there is an issue with the school's proximity [Mr. Smith: it is permitted under the existing zoning code].

City Attorney Gary Kidd stated that once the zoning is determined, the standard allows the particular use to exist. It is not a consideration for the Board. The setback variance is what the Board is to consider.

Mr. Kayn, **MOTION: to approve Variance V06-001**, 215 W. Leroux Street allowing for a "zero" rear yard setback with the following condition: 1) Approval of a "zero" rear setback shall be in general conformance with the site plan received 01-12-2006. Mr. Warren, 2nd. **Vote: 4-0.**

3. **V06-006, 2581 Luella Lane.** APN: 116-01-101 and totaling ± 0.46 acre. Zoning is Single-Family 35 (SF-35). LDC Section 3.3.3F. Request a variance to reduce side and rear setbacks. Owner is Martin Strava. Applicant/Agent is Al Tompkins. Community Planner is Mike Bacon.

Mr. Bacon reviewed the staff report and indicated:

- the requested setback variance includes the north, east and south property lines;
- special conditions exist including:
 - a. the vast majority of the lots do not meet the minimum lot size of the

- SF-35 zoning;
- b. many of the lots are irregular in size;
 - c. there are a number of variances granted in the neighborhood because of lot sizes and restricting conditions, i.e., rock outcroppings;
 - d. three replats to combine lots have been approved by the City with at least four more approved lot-line adjustments because of terrain;
 - e. no, or minimal, impacts will affect surrounding lot owners; and,
 - f. the adjoining lot to the east may have a minimum rear yard setback of 20' administratively approved by staff due to a greater than 20% slope.

Board members queried and commented on:

- how lots in this area developed substantially smaller than the requirement of SF-35 zoning; and,
- if an administrative adjustment could be applied to this property.

Mr. Bacon indicated that when the property was annexed into the City, a lower zoning category existed and some properties were already developed with the lower lot square footage.

Ms. Forquer, **MOTION: to approve Variance V06-006**, 2581 Luella Lane for reduced setbacks in accordance with Exhibit "A" dated September 21, 2006. Mr. Warren, 2nd. **Vote: 4-0.**

IV. REVIEW ITEMS

4. **CUP05-002, 3260 Clearwater Drive.** APN: 106-49-091. Request a conditional use permit for a detached guesthouse.
BOA Approved 03-17-05 with 1 condition: that the proposed guest house is built in Substantial conformance to the revised site plan dated 01-07-05.
Finale 02-02-06.

5. **V05-001, 327 S. Marina Street.** APN: 109-04-033. Request a variance to reduce side yard setbacks.
BOA Approved 03-17-05 with 3 conditions: 1) that the structure can only be used for family and is not to be used as a rental; 2) that the proposed single-family home is built in substantial conformance to the site plan dated February 15, 2005; and, 3) that the City of Prescott be allowed to inspect the property to be in compliance once a year.
Finale 09-29-05. Modified as a garage without living area.

6. **V05-002, 3787 Karicio Lane (Joe's Furniture).** APN: 103-20-007A. Request a Variance to increase signage by 14 square feet.
BOA Approved 03-17-05 with 1 condition: that a maximum 100 square feet of signs is allowed for Joe's Furniture providing Joe's Furniture occupies the entire building. Open sign permit. An after-the-fact permit in the process of a final inspection.
Signs are in place and no extension is required.
Finale 09-19-06.

V. SUMMARY OF RECENT OR CURRENT EVENTS

None.

VI. ADJOURNMENT

Chairman Klein adjourned the hearing at 9:35 AM.

E. Calvin Fuchs, Chairman