

Hearing Minutes

**City of Prescott
Board of Adjustment
Public Hearing
Thursday, November 16, 2006 – 9:00 AM**



PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

I. CALL TO ORDER

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

II. ATTENDANCE

MEMBERS PRESENT:

E. Calvin Fuchs, Chairman
Mike Klein, Vice-Chairman
Duane Famas
Johnnie Forquer
Tom Kayn
Ken Mabarak
Bill Warren

OTHERS PRESENT:

George Worley, Assistant Community Development Director
Gary Kidd, City Attorney
Dick Mastin, Development Services Manager
Ryan Smith, Community Planner
Bob Bell, Council Liaison
Kathy Dudek, Recording Secretary

III. REGULAR AGENDA

1. **Approve the minutes** of the 10/19/06 public hearing.

Mr. Klein, **MOTION: to approve the minutes** of the October 19, 2006 hearing. Mr. Mabarak, 2nd. **Vote: 6-0-1** (abstention due to absence: Warren).

2. **CUP06-008, 1025 White Cloud Lane.** APN: 116-05-035 and totaling ± 5.22 acres. Zoning is Single-Family 18 (SF-18). LDC Section 2.3. Request conditional use permit for a detached guesthouse. Owner is Gary P. Sumner Revocable Trust. Applicant/Agent is Robert Sanford, Otwell Associates Architects. Community Planner is Ryan Smith.

Mr. Smith reviewed the staff report and indicated:

- the property is located at the northwest corner of White Cloud Lane and Estrella Road;
- the property is zoned Single-Family 18 (SF-18) and a conditional use permit is required for a detached guest house;
- no objections to the proposal have been received;
- one letter of support has been received;
- a substantial home addition is being planned by the applicant;
- the height of the guest house is 21'7" and is over the 20' limit;
- the applicant notes that there is a topographic depression on the parcel; and,
- the project meets all required setbacks.

Board members queried and commented on:

- the proposed addition, or remodel, of the house;
- the discretion of the Community Planners in relation to the height; and,
- the square footage of the proposed house addition.

Mr. Smith noted that a 10% Administrative Adjustment is possible; however, the Board could grant a waiver for the height due to the topographical consideration.

Chairman Fuchs questioned the permissible height [Mr. Smith: 20'] and indicated a variance is needed. The applicant has not applied for a variance as of this date.

Board members further queried and remarked on:

- the project proceeding under the assumption that an Administrative Adjustment will be granted.

Mr. Worley explained that the applicant could obtain a Conditional Use Permit for the detached guest house and make application for an Administrative Adjustment to the building height; however, if the Conditional Use Permit is not obtained, the other condition, i.e., height adjustment, would not be applicable.

Chairman Fuchs indicated a condition could be made that the guest house be in conformance with the requirements of the *Land Development Code*.

Mr. Warren made a motion, Ms. Forquer seconded the motion. Discussion ensued with Chairman Fuchs asking Mr. Warren to amend the motion to include condition number three. Mr. Warren then amended the original motion.

Mr. Warren, **MOTION: to approve CUP06-008**, subject to the following conditions: 1) that the proposed guesthouse is built in substantial conformance to the site plan dated 11-06-06; 2) the addition to the main house as contemplated by the applicant must be started on or before construction of the guest house; and, 3) that the house and detached guest house must conform to all requirements of the *Land Development Code*. Ms. Forquer, 2nd. **Vote: 7-0**.

3. **CUP05-003, 697 Driftwood Court.** APN: 106-49-098. Request a conditional use permit for a detached guesthouse.

BOA Approved 04-21-05 with 1 condition of approval: 1) That the proposed detached guest quarters is built in substantial conformance to the revised Site Plan dated April 11, 2005.

Request a 12-month extension to the Board of Adjustment hearing on Thursday, October 18, 2007. Staff supports this extension.

Mr. Worley reviewed the staff report and noted that the property was sold after the conditional use permit was granted. The new owners, after a lengthy escrow, are in the process of building the house and need a 12-month extension to finish the detached guest house.

Mr. Klein, **MOTION: to grant a 12-month extension** to CUP05-003, 697 Driftwood Court, to expire on October 18, 2007. Mr. Kayn, 2nd. **Vote: 7-0**.

IV. REVIEW ITEMS

4. **CUP05-005, 302 N. Alarcon Street.** APN: 113-03-006A. Request a conditional use permit for a contractor's office.
BOA Approved 05-19-05 with 5 conditions: 1) the use shall be offices only with no storage of construction materials and equipment on site; 2) the rear parking area must provide 5 parking spaces and must be with a surfacing material approved by the Community Development Department prior to commencement of the business use; 3) off-site improvements, as may be required by the Public Works Dept., must be completed prior to the commencement of the business use; 4) one identification sign is permitted near the entrance to the building and such signage shall be limited to a maximum of 9 square feet; and, 5) shall be subject to the City's approval of site configuration and parking use and subject to site inspection prior to the Certificate of Occupancy being issued.
Finalized 09-27-05.
5. **CUP05-004, 1459 Creek Trail.** APN: 106-25-062. Request a conditional use permit for a detached guest quarters.
BOA Approved 05-19-05 with 1 condition: that the proposed detached guest quarters is built in substantial conformance to the revised site plan dated January 14, 2004, on file in the City's Planning Office.
Finalized 12-16-05.
6. **V05-005, 219 S. Pleasant.** APN: 110-01-029A. Request variance to reduce side and rear yard setbacks for completion of cottage.
BOA Approved 05-19-05 with 6 conditions: 1) that the setbacks for the side yard to the north and the rear yard to the east be reduced to zero for the existing unfinished guest quarters; 2) that the existing structure be completed in substantial compliance with the site plan dated 08-30-2001 and all current building codes; 3) that the guest quarters comply with Section 2.5.6 of the *LDC*; 4) that the one required parking space for the guest quarters be shown on the building plans; 5) that the recorded easement be provided to the City of Prescott within the next thirty (30) days; and, 6) that the applicant secure a Certificate of Occupancy within the next 18 months; and, if he fails to do so, that the variance be null and void.
Finalized 05-05-06.

V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VI. ADJOURNMENT

Chairman Fuchs adjourned the hearing at 9:30 a.m.

E. Calvin Fuchs, Chairman