

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
JANUARY 15, 2009  
PRESCOTT, ARIZONA**

MINUTES OF THE **PUBLIC HEARING OF THE BOARD OF ADJUSTMENT** held on **JANUARY 15, 2009** in **COUNCIL CHAMBERS, CITY HALL** located at **201 S. CORTEZ STREET**, Prescott, Arizona.

**I. CALL TO ORDER**

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

**II. ATTENDANCE**

<b>MEMBERS PRESENT</b> Michael Klein, Chairman Duane Famas, Vice-Chairman E. Calvin Fuchs Johnnie Forquer Ken Mabarak Bill Warren	<b>OTHERS PRESENT</b> Tom Guice, Community Development Director George Worley, Assistant Community Development Director Matt Podracky, Senior Assistant City Attorney Ryan Smith, Community Planner Kelly Sammeli, Recording Secretary
<b>MEMBERS ABSENT</b> Tom Kayn	<b>COUNCIL MEMBERS PRESENT</b> Bob Luzius

**III. REGULAR AGENDA**

1. **Approve the minutes** of the September 18, 2008 public hearing.

Mr. Fuchs, **MOTION: to approve the minutes** of the September 18, 2008 meeting.  
Mr. Mabarak, 2<sup>nd</sup>. **Vote: 6-0.**

2. **Election of Chairman** for the 2009 calendar year.

Mr. Fuchs indicated that based on the outstanding job that Mr. Kline has done over the past year, he would **MOTION: to nominate Mr. Kline for a second term as Chairman.**

Mr. Warren noted that based on the fact that Chairman Kline kept his fellow board members time and concerns in mind, he would 2<sup>nd</sup> that nomination.

Chairman Kline called for further nominations. Hearing none, closed the nomination process and called for a vote. **VOTE: 5-0-1** (abstention Kline).

3. **Election of Vice Chairman** for the 2009 calendar year.

Chairman Kline called for nominations for Vice Chairman.

Mr. Warren **MOTION: to nominated Duane Famas for Vice Chairman.**  
Ms. Forquer, 2<sup>nd</sup>.

Chairman Kline called for other nominations. Hearing none, closed the nomination process and called for a vote. **VOTE: 5-0-1** (abstention Famas).

Chairman Kline announced at that Mr. Tom Kayne and Mr. Ken Mabarak were both reappointed to the Board of Adjustment earlier in the month and offered his congratulations.

**4. Review of** recently adopted amendments to the LDC.

Mr. Smith, Community Planner noted to the Board members that he was going to briefly review the recently adopted, amendments to the *Land Development Code*, that affect Section 6.4.3, Section 6.4.7, Table 6.12.5C, Section 6.2.9, Table 6.2.9 and Section 6.11.3.

Mr. Smith reported that the first item was regarding Sections 6.4.3 and 6.4.7 of the *LDC*, permit requirements for fences and walls. Mr. Smith noted that there was a conflict with the language between the *Land Development Code* and the Building Code with fences over 4 feet in height. Mr. Smith noted that The Building Code contains requirements for permitting fences or walls 6 feet or more in height. The language in the *Land Development Code* required a site plan review for **all** fences and permits for any request over 4 feet in height. The Planning and Zoning Commission recommended deleting a portion of the language of Section 6.3.4 in the Land Development Code to eliminate the conflict. This would allow for staff to have flexibility to apply the site plan review, and /or permit as appropriate to the situation. Mr. Smith also noted there was a portion of the language for electric or barbed wire fencing that has been stricken out of the language as it is becoming a common use for protection in screening fences for commercial uses.

Mr. Smith noted that the second change was in Table 6.12.5C and the requirement for a \$100 deposit for Temporary Signs or Banners. Mr. Smith reported that the requirement to collect and administer the deposit had been a challenge for accounting reasons. The Planning and Zoning Commission recommended the deletion of the language in Table 6.12.5C relating to the required deposit requirements however, the remaining provisions related to Special Events signs and Banners are to remain.

Mr. Smith reported that the third item related to the vehicle stacking requirements associated with drive-through services. Mr. Smith noted that staff had found it was better to reverse the stacking and to allow for more cars between the order box and the pick-up window. The Planning and Zoning Commission recommended that the *Land Development Code Table 6.2.9* be amended to require 6 minimum stacking spaces for the order window instead of four, and that 4 stacking spaces from the order box to the pick up window be required instead of 6.

Mr. Smith noted that the last item that was amended in the *Land Development Code* was in Section 6.11.3. Mr. Smith reported that Section 6.11.3A.1.b applies to security lighting on single-family and duplex properties. Mr. Smith also noted that through a neighborhood dispute it was brought to staff's attention that the language specifically exempts lighting activated by a motion sensor that is not directed beyond a property line. However, it would allow for the "security light" to be pointed into the neighbor's property line providing, that the motion sensor was not pointed across the property line. Mr. Smith reported that the Planning and Zoning Commission voted to add language to the Land Development Code to prohibit both the motion sensor and the security lighting from being directed beyond the property line.

Chairman Kline called for questions from the Board. Hearing none, moved to the next agenda item.

#### IV. REVIEW ITEMS

None.

#### IV. SUMMARY OF CURRENT OR RECENT EVENTS

Mr. Smith, Community Planner reported that staff is in the process of amending the Airport Master Plan, indicated that the purpose for the update is to change out the "crossed area" that currently indicates flight zones to the six zones that relate to areas that are influenced by aircraft impact; over flight operations and the adjacent land uses. Mr. Smith noted that this led to a major General Plan Amendment for the area west of the airport. There will be amendments forthcoming to the *Land Development Code* and the Airport Specific Area Plan so that both plans will agree.

Mr. Mabarak inquired about Zone 3.

Mr. Smith responded that area 3 is where the planes take off and noted that there will be no residential allowed in zones 1, 2, or 3.

Mr. Mabarak also inquired about area 6.

Mr. Smith noted that area 6 is the largest area and that it has controlled uses by the FAA.

Mr. Warren inquired where the residential areas are located within the Airport Master Plan.

Mr. Smith indicated that currently the area includes Pinon Oaks, Antelope Village and Golf Links.

Chairman Klein called for any other questions or other current events.

Mr. Fuchs **MOTION**: to adjourn. Mr. Warren, 2<sup>nd</sup>.

#### VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:13 AM.

  
Michael Klein, Chairman

  
Kelly Sammeli  
Recording Secretary