



BOARD OF ADJUSTMENT A G E N D A

BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 16, 2009
9:00 AM

COUNCIL CHAMBERS / CITY HALL
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207

The following Agenda will be considered by the **BOARD OF ADJUSTMENT** at its **PUBLIC HEARING** to be held on **April 16, 2009**, in **COUNCIL CHAMBERS**, in **CITY HALL**, located at **201 S. CORTEZ STREET**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

Michael Klein, Chairman
Duane Famas, Vice Chairman
E. Calvin Fuchs
Johnnie Forquer

Tom Kayn
Ken Mabarak
Bill Warren

III. REGULAR AGENDA

- 1. V09-003, 319 S. Mt. Vernon Street.** APN: 110-03-034 and totaling \pm 0.17 acre. LDC Section 3.6.3.D. Zoning is Single-Family 9 (SF-9). Request a variance to increase lot coverage to 46% where 40% is allowed for a free-standing garage. Owner is Warren C. Kuhles. Applicant/agent is Robert Burford, Robert Burford Architects. Community Planner is Mike Bacon (928) 777-1360.

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

2. **V09-002, 1108 Wood Spur Circle.** APN: 108-26-055 and totaling ± 0.36 acre. LDC Section 3.5.3.F.2. Zoning is Single-Family 12 (Planned Area Development) ([SF-12(PAD)]). Request a variance for a reduced side yard setback. Owners/applicants are Michael M. and Dawn E. Grant. Community Planner is Steve Gaber (928) 777-1206.

IV. SUMMARY OF CURRENT OR RECENT EVENTS

V. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on **April 10, 2009, at 3:00 PM** in accordance with the statement filed with the City Clerk's Office.

_____

Kelly Sammeli
Boards and Commissions Administrative Specialist
Community Development Department

V09-003

VARIANCE
Maximum Lot Coverage

Agenda # 1

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
BOARD OF ADJUSTMENT
STAFF REPORT
Meeting Date: 4/16/09

TO: Board of Adjustment Members
FROM: Tom Guice, Community Development Director
George Worley, Assistant Director
Mike Bacon, Community Planner 
DATE: 4/7/09

Location: 319 S. Mt. Vernon St. **Zoning:** SF-9 **Parcel Number:** 110-03-034
Applicant/Agent: Robert Burford, 339 S. Cortez St., Prescott, AZ
Owner: Warren Kuhls, 319. S. Mt. Vernon St., Prescott, AZ 86303

REQUEST. This variance request is add a garage in the rear yard which will eventually entail 2 variances: one increasing in the lot coverage from 40% to 46% to accommodate a 480 sq. ft. detached garage (which is on the agenda today) and a second variance which reduces the corner lot setback from 15-feet to 7-feet (which is not yet requested). The garage is being relocated from another location to this site, and will be compatible and in line with the existing 7-foot corner lot setback of the home.

Prior Commission Approvals

2007, January. V-09-003. Approved a corner yard variance from 15-feet to 7-feet for conversion of a deck to a porch.

PRESCOTT PRESERVATION COMMISSION

The property is located in the Southeast Prescott Historic Preservation District and the Joslin-Whipple National Register District. The Prescott Preservation Commission voted 6:0 to support the variance for maximum lot coverage at its March 8, 2009 meeting. The Commission was not asked; however, to consider a request for a needed corner yard setback.

The applicant is taking the corner yard setback request back to the Preservation Commission in May for its support and would like the Board of Adjustment to consider both variance requests at the same time; *therefore, a continuance of this maximum lot coverage request is requested by the applicant and recommended by Staff to be continued until the Board of Adjustment's meeting in May.*

The Board may wish to take comments from the public because this application has been public noticed.

STAFF ANALYSIS

Lot Size: 7,500 sq. ft.)

Land Development Code Requirement: Section 3.6.3E4

Compliance with Zoning Code and ARS 9-462.06: Yes

Neighborhood Residents Concerns. As of this date, no comments have been received from any area residents.

Variance Criteria (LDC Section 9.13)

The Board of Adjustment shall consider the following specific criteria (*Italicized* text indicates staff comments).

1. Extraordinary Conditions.

There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the code will deprive the applicant of the reasonable use of his land. *The house is listed on the National Register and has the support of the Prescott Preservation Commission for the requested variance.*

2. Substantial Detriment.

Granting of the Variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area, or to the City in administering this Code.

There are none.

3. Special Privileges

Granting of a Variance shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. *No other similar variances have been applied for in the surrounding neighborhood area. The architect has submitted a detailed analysis (see attached letter and maps), however, which reveals other corner lots in the neighborhood area which have buildings that do not meet the maximum lot cover.*

4. Self-Induced Hardship

The hardship is not the result of the applicant's own actions. *The proposal is of his own actions.*

5. General Plan

Granting of the Variance would be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

General Plan Consistency. *The project area is designated as "Low-Medium-Family Residential (1-7 DU/Acre)" on the 2003 General Plan Land Use Map. Applicable 2003 Prescott General Plan Polices include:*

"Goal 1. Maintain the integrity and character of existing neighborhoods." (p36).

"Goal 6. Encourage more compact development..."(p39).

Single-family homes surround the property site. The request is considered to be in compliance with the General Plan.

6. Utilization

Because of special circumstances applicable to the property, including size, shape topography, location or surroundings, the strict application of the ordinance will deprive such property of privileges enjoyed by other property of the same zoning district.

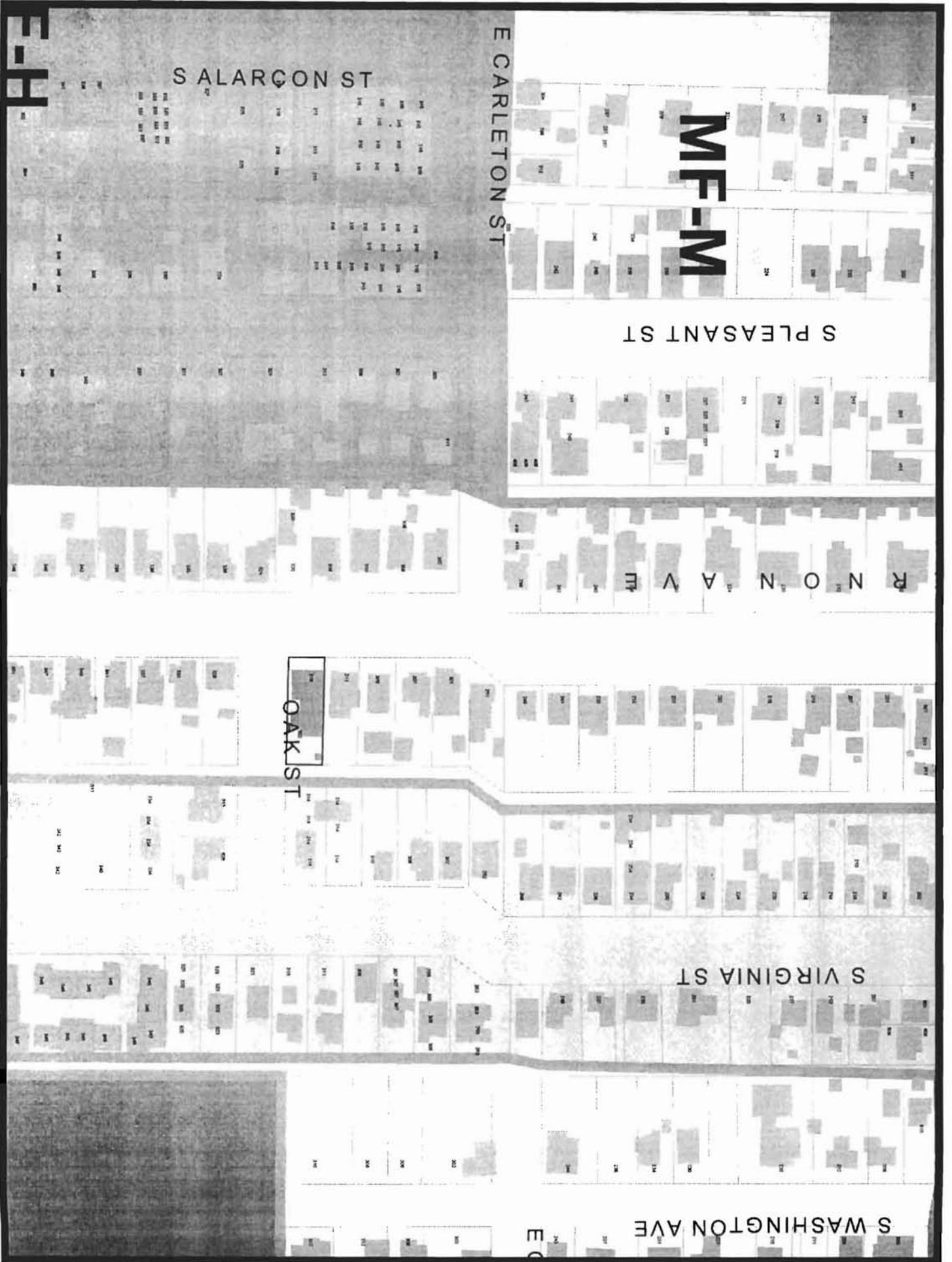
There are no special circumstances.

STAFF RECOMMENDATION

Staff recommends continuance of this case as described under the Preservation Commission.

SUGGESTED MOTION:

MOVE TO CONTINUE VARIANCE 09-003 until the May 21, 2009 Board of Adjustment meeting.



E-H

S ALARÇON ST

E CARLETON ST

MF-M

S PLEASANT ST

R N O N A V E

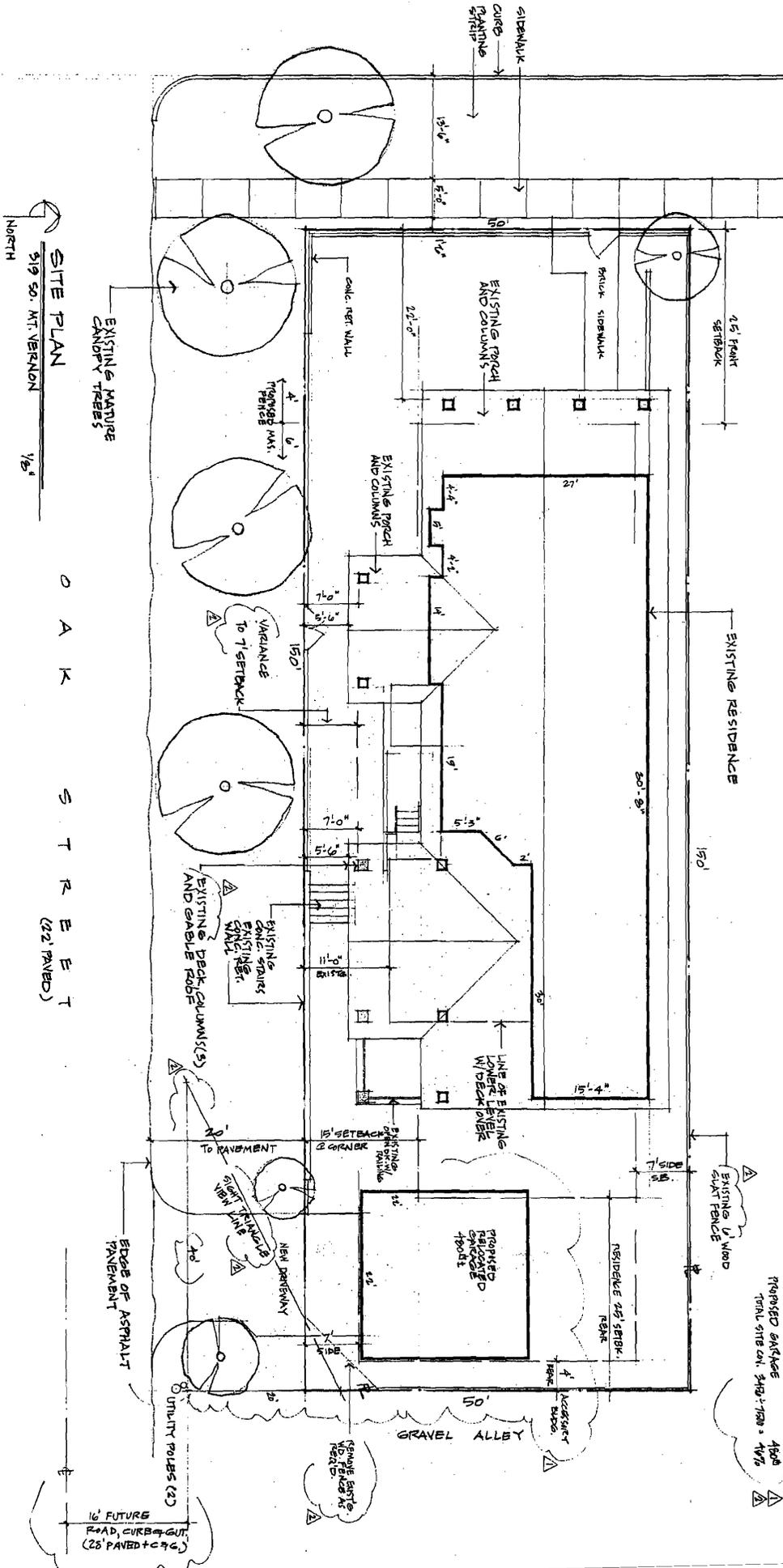
OAK ST

S VIRGINIA ST

S WASHINGTON AVE

M T V E R Z O N A V E.

PARCEL # 110-03-034
 ADDRESS 519 SO. MT. VERNON
 OWNER: WALTER KUHLES
 445-1064



SITE PLAN
 519 SO. MT. VERNON
 NORTH

O A K S T R E E T
 (22' PAVED)

AREAS:
 SITE: 7500'
 EXISTING RES. INTERIOR: 1448'
 CONCRETE DECK/PORCHES: 1134'
 TOTAL EXISTING: 2582'
 EXIST. LOT ON 5971'-780' 4776'
 PROPOSED GARAGE: 4800'
 TOTAL SITE ON 3422'-780' 4176'

16' FUTURE
 ROAD, CURB & GUT.
 (25' PAVED + 9' G.)



CITY OF PRESCOTT
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 201 S. Cortez, Prescott, AZ 86301 (928) 777-1107

RECEIVED

VARIANCE APPLICATION

MAR 18 2009

V# 09-003

CITY OF PRESCOTT
 COMMUNITY DEVELOPMENT

Property Address: 319 SO. MT. VERNON AVE.

Assessor's Parcel Number (s)(APN): 110-03-034

Township 13N Section 03 Range 2W Current Zoning: SF-9

Subdivision Name: BASHFORD TRACT

		For Staff Use Only
Owner Name & Address: <u>WARREN C. KUHLES</u> <u>319 SO. MT. VERNON AVE.</u> <u>PRESCOTT, AZ. 86303</u>		Date Received: <u>3/18/09</u>
Phone: <u>928 445-1064</u> Fax: * Email:		Taken In By: <u>Ryan Smith</u>
Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal): <u>ROBERT BURFORD, ARCHITECT</u> <u>339 SO. CORTAZ ST.</u> <u>PRESCOTT, AZ. 86303</u>		Assigned To: <u>Mike Bacon</u>
Phone: <u>719-5610</u> Fax: <u>717-0650</u> Email: <u>bandr@northlink.com.</u>		Date Application Complete: <u>3/18/09</u>
		Fees & Charges: <u>821.00</u>
		Receipt #/Date: <u>P000312</u>
		PAC Date:
		BOA Date:

Description of Request: 1. CORNER LOT SETBACK DISTANCE TO 7' FROM 15' REQ'D.
2. LOT COVERAGE 7% TO 46%± FROM 40% REQ'D.
BOTH REQUESTS ARE TO ALLOW THE ADDITION OF A DETACHED GARAGE TO BE LOCATED IN THE REAR YARD ADJACENT TO THE ALLEY.

RB ROBERT BURFORD / Robert Burford 3.18.09
 Name Signature Date

ROBERT BURFORD

ARCHITECT

March 17, 2009

CITY OF PRESCOTT

Variance Application for 319 So. Mt. Vernon Ave.

Variance includes Lot Coverage, percentage and corner yard setback distance

Questionnaire answers:

A. Describe the special or unique conditions...

The project involves an historic residence on south Mt. Vernon Avenue. Oak Street borders the site on the south and runs for only one block to Virginia Street. The site slopes down from Mt. Vernon to the alley to the east approximately 9' in elevation. Existing conditions include a retaining wall and steps along the south property line, mature canopy street trees along both streets, existing structure built beyond current setback lines on the front side and corner sides (see previous variance for corner yard setback January 2007), and Oak street pavement 20 feet from the property line (please see **attached photos** for Oak Street views of this area).

B. Indicate how the literal interpretation...

This neighborhood was developed several decades ago under quite different ordinances. There are no vacant lots nearby and most properties were built to then current setbacks which were less than the setback requirements now. Site planning of residential lots most often included a detached garage in the rear of the property. Access varies from street frontage to ally to corner lot side street access. Mt. Vernon is a corridor of S-9 zoning with MF-M and Mf-H zoning flanking either side. MF-M zoning is adjacent to this property across the alley to the east. MF-M lot coverage allows for 50% lot coverage for multi-family development, In the MF-m and MF-H zoned area nearby, lot coverage appears to be in the 40-50% range. In the S-9 zoned area along Mt. Vernon, it appears that some properties including corner lots exceed the 40% lot coverage required under current zoning (see **attached list and comments**). The setback request would allow the garage to align with the existing residence side porches and would allow more private rear yard and open space on site that complying with the 15' setback. The request is for the same setback as a side without street (see **attached list and comments** previously submitted to support corner yard variance approved in 2007.)

C. Describe how the alleged hardships caused by...

The project has been reviewed by the Preservation Commission and will be resubmitted to the Commission due to this request for variance. Preliminary comments indicate the appropriateness of the proposed additions and the benefit to the district for the project. The literal interpretation of the lot coverage requirements would not allow adding any garage because the lot coverage of the residence and covered decks is currently at approximately 40%. Liter interpretation of the corner setback distance should expand driveway land coverage and reduce private yard area and open space (as indicated in the description of S-9 zoning as an intent).

D. Indicate why granting the requested variance will not confer...

As stated, this district is built out and the original residences were built under different ordinances, mostly less restrictive in nature. The Oak street side of this residence already had components beyond the current corner setback. Oak Street has no sidewalk or curb and gutter and the asphalt edge is 20 feet from the property line with mature trees in this planting strip. Other properties may indeed fall under similar situations should they desire to request a variance to a corner setback along this one block street, or other corner street setback locations. The setback request is not for less than an interior side setback and other properties may be due similar consideration to this adjustment in the area, mainly due to the previously stated historical precedents.

E. Indicate why granting the variance will not interfere with or injure the...

The proposed garage has a roof top deck with railings thereby reducing the overall height and impact on the neighborhood. No existing views from other residences would be appreciable lessened. By granting the setback variance, the garage will be located close to Oak Street and further away from the adjacent property to the north thereby reducing the effect of the roof top deck upon the neighboring rear yard. No mature trees or land features are proposed to be removed. The garage would not be located closer to Oak Street than the existing porch columns and footprint. The style, materials and colors of the proposed garage will complement and/or match the historic residence on site and the neighborhood. (please see **attached photos** of garage proposed to be relocated to this site).The COP Preservation Commission has reviewed and approved the concept in support of this variance request and will review it again during the process. Please note that a discussion about the site triangle at Oak Street to the alley has been discussed with the COP Engineering Department. It is determined that the triangle be located with the possibility of increasing Oak Street to a 32' width (currently 22' paved) which begins the triangle leg 5' closer to the property line. This is shown on the site plan submitted. This allows for future street improvements without affecting the provisions of the sight triangle for the neighborhood use.

ROBERT BURFORD

ARCHITECT

March 18, 2009

CITY OF PRESCOTT

Variance Application for 319 So. Mt. Vernon Ave.

Addendum

The following is a short list of properties in the general locale of the site that do not appear to conform to the current lot coverage requirements. The assessment is based on a visual comparison of the building areas shown on the GIS information maps attached and from walking the area. It is difficult to obtain the precise lot coverage, either from the GIS data on each property or from field work. Several SF-9 properties are currently near to or at the 40% lot coverage and perhaps a select few are somewhat over the 40% criteria. Several MF-M and MF-H properties adjacent to the SF-9 zoning, and also in the neighborhood, are approaching the allowed 50% lot coverage for multi-family use. This list is offered to further address the criteria the Board of Adjustment is to consider, specifically 9.13.4.A.1 Substantial Detriment and .A.6 Utilization. Although comparing area lot coverage to the requested variance is important, the inability to add a detached garage due to lot coverage for this specific site is also a factor to consider. Also be advised that a portion of the total footprint is covered decks and porches to the front and side of the existing residence. These present a less solid look and feel than if these were actual interior walled spaces comprising the lot coverage.

416 E. Carlton	SF-9	110-01-040
Corner lot with alley at the rear. 2 buildings		
248 S. Mt. Vernon	SF-9	110-01-039
A corner lot at 2 streets		
240 S. Mt. Vernon	SF-9	110-01-035
Interior lot. 2 buildings		
146 S. Mt. Vernon	SF-9	110-01-020
Interior lot. Multiple buildings		
123 S. Mt. Vernon	SF-9	110-01-050A
Interior lot. 2 buildings		
119 S. Mt. Vernon	SF-9	110-01-049C
Interior lot. 2 buildings		

202 S. Mt. Vernon SF-9 110-01-022
Corner lot with alley at the rear. Multiple buildings

145 S. Mt. Vernon SF-9 110-01-060
Corner lot with alley at the rear. 2 buildings

148 S. Virginia MF-M 110-01-059
Corner lot. Single family residence. Lot immediately adjacent to SF-9 zone

406 E. Carleton St MF-M 110-01-041
Corner lot with alley at the rear. Multi-family building. Lot immediately adjacent to SF-9 zone

402 E. Goodwin MF-M 110-01-021A
Corner lot with alley at the rear. Multi-family building. Lot immediately adjacent to SF-9 zone

Again, these are representative of the properties in the immediate neighborhood. Other SF-9 areas in Prescott were not surveyed for possible lot coverage non-conformance.

YAVAPAI COUNTY GOVERNMENT

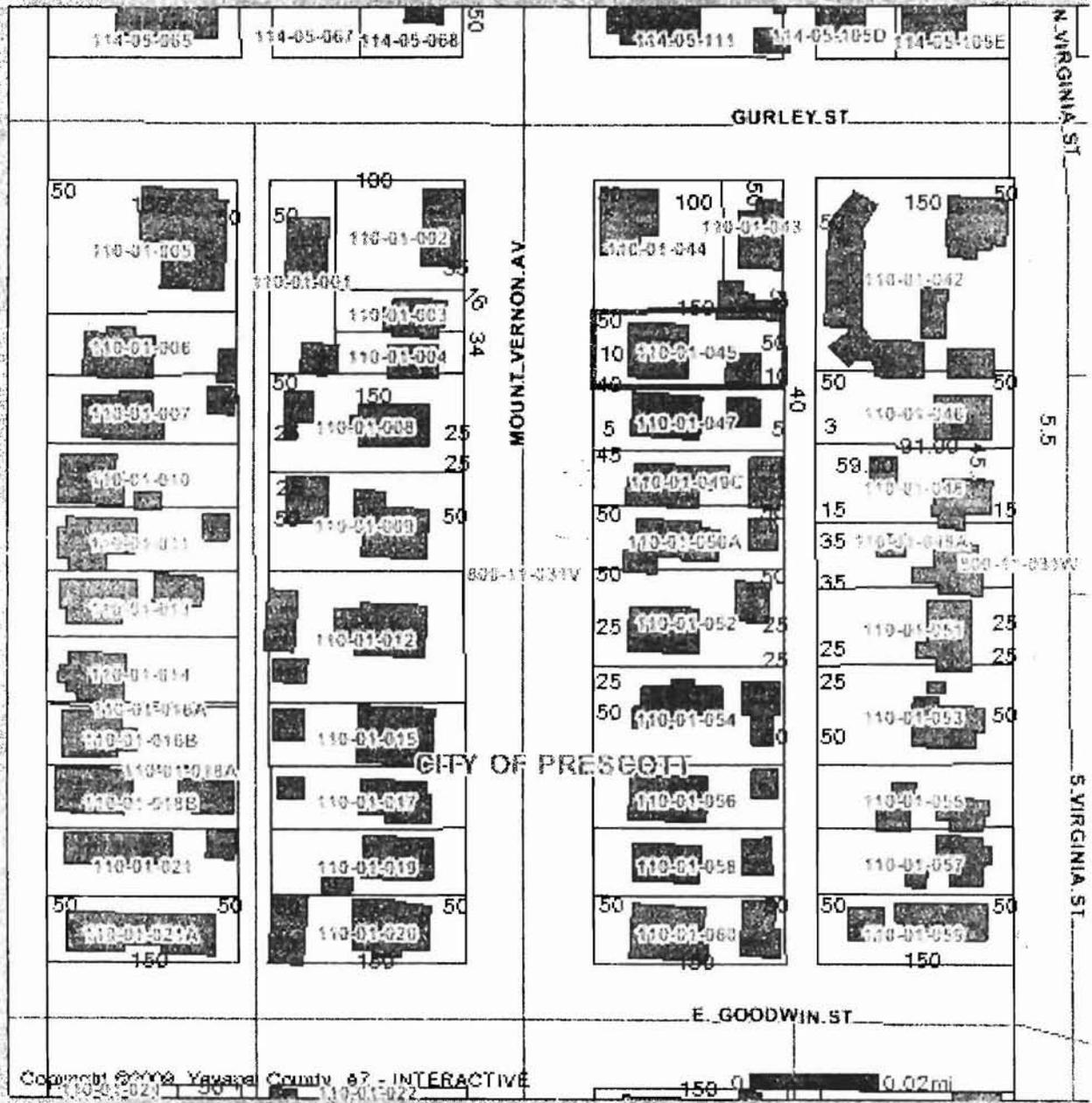
Interactive Mapping

Search By Property

Search By Location

HELP TUTORIAL

Ap



YAVAPAI COUNTY GOVERNMENT

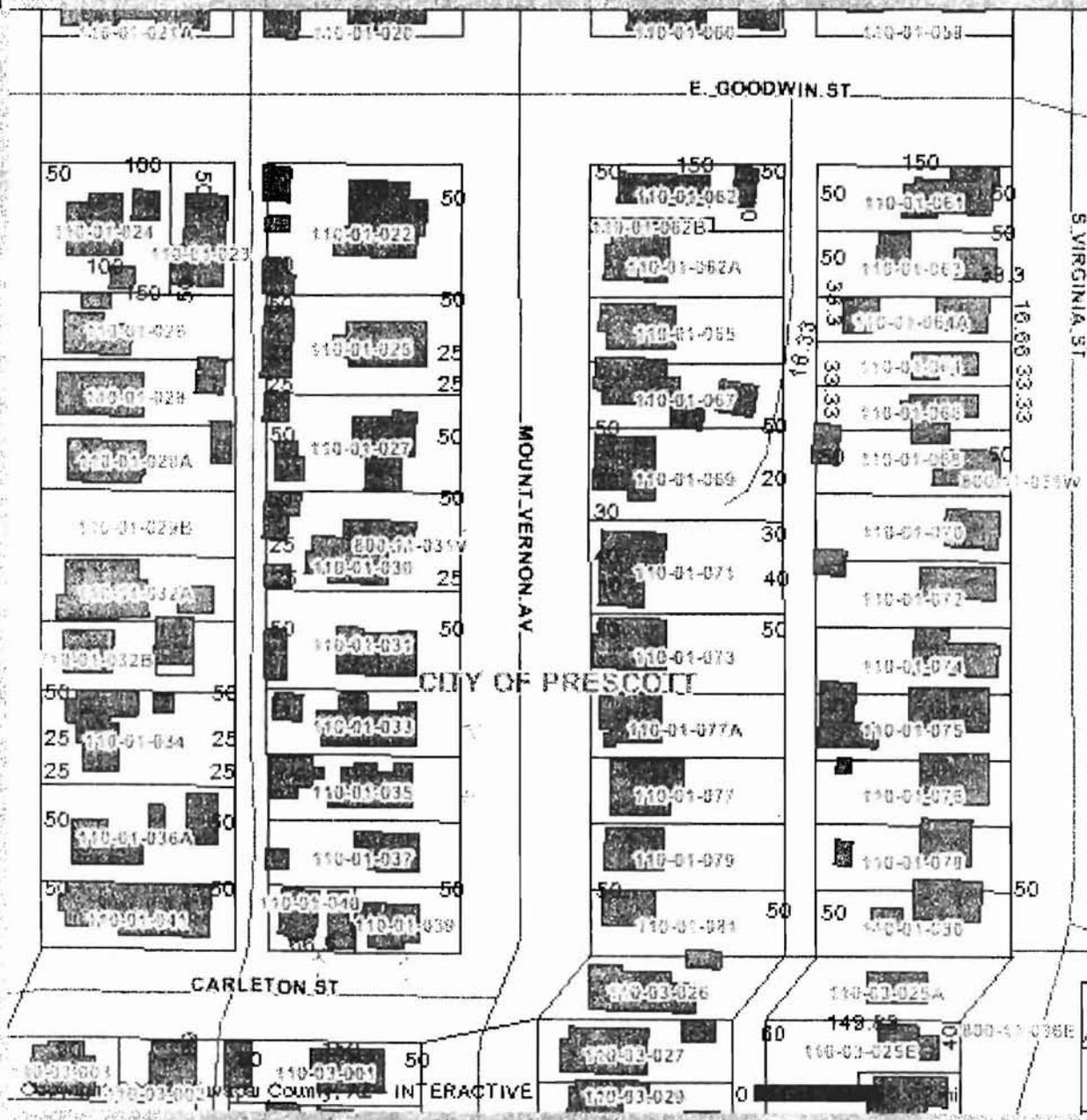
Interactive Mapping

Search By Property

Search By Location

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V 09-002

VARIANCE

Agenda # 2

**Request for Variance to Side Yard Setback
1108 Wood Spur Circle**

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
BOARD OF ADJUSTMENT PUBLIC HEARING
April 16, 2009

STAFF REPORT

From Tom Guice, Community Development Director
George Worley, Assistant Community Development Director *EW*
Steven Gaber, Community Planner *SG*

Date April 10, 2009

Location 1108 Wood Spur Circle **Zoning** SF-12 PAD

APN 108-26-055

Owner Michael and Dawn Grant
2737 E Arizona Biltmore Circle
#32
Phoenix, AZ 85016
602-852-0947

REQUEST

This request seeks a variance to the provisions of the Land Development Code (LDC) that require a 7-foot side yard setback for properties within the SF-12 Planned Area Development (PAD) zoning district associated with the Timber Ridge Subdivision.

The applicants, Michael and Dawn Grant are seeking this Variance following the replacement of a deck along the north-westerly side of their home. The new deck extends approximately 4.5 feet into the setback area. The new deck was constructed to replace an old deteriorating deck that extended 5.5 feet into the setback. The Grant's did not obtain a building permit for this project. City Code Enforcement Staff became aware of the project and informed the Grant's that it would be necessary for them to obtain a building permit for the deck along with other improvements. As a result of this communication the setback problem became evident.

The Grant's purchased the home in 2000 and had attempted to repair and maintain the old deck but the rot and decay was significant. Photos submitted with the application show the deterioration of the old deck. The home was constructed in 1985 (Building Permit No. B-13770). A copy of the site plan associated with the original permit is attached. The site plan does not show a deck. There is no documentation showing when the original deck was built. Both the old deck and the new deck are considered to be "non conforming structures". The

Land Development Code addresses nonconforming structures in Article 10. The applicable Sections are:

10.3.1 / Continuance

An existing structure that is not in compliance with this Code or subsequent amendment applicable to the structure shall not be enlarged, extended, or substituted, except in full compliance with this Code.

In this application, the removal of old deck results in a requirement for the new deck to meet the set back requirement.

10.3.2 / Ordinary Repair and Maintenance

Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a non conforming structure. This section shall not be construed to prevent the strengthening or restoration of a nonconforming structure.

In this application the old deck was beyond ordinary repair and maintenance. The newly constructed deck cannot be considered as a restored version of the old deck. No part of the old deck remains in place.

10.3.3 / Destruction or Demolition

Any nonconforming structure or a conforming structure containing a nonconforming use, when damaged or destroyed by casualty or act of God, may be restored without impairment to any nonconforming status, provided:

- A. A building permit for restoration is obtained within twelve (12) months from the calamity; and completion for occupancy is accomplished within 24 months from the time of the calamity.
- B. The size of the nonconforming use shall not be expanded.

In this application, the old deck was demolished by the Grants. There was no act of God, no casualty, and no calamity.

10.6 / Elimination of Nonconforming Status.

The owner of a nonconforming use, structure or sign may employ the following mechanisms in an attempt to eliminate the nonconformity:

10.6.2 / Nonconforming Structures and Signs.

- A. Modify the structure or sign to conform;
- B. Apply for a Variance to allow the structure or sign as built; or
- C. Rezone to a district where the structure would conform.

In this application, the Grant's have chosen to apply for the Variance.

PUBLIC NOTICE AND COMMENTS

The Public Notice for this request generated several phone calls from area residents seeking additional information about the request. The most significant call came from Ms. Katie Kelly, representing the Kelly Living Trust. They are the owners of the adjoining property that is most affected by the encroachment. Ms. Kelly called to gain information about the Grant's application along with the requirements for both building permits and Variances. Ms. Kelly described her displeasure with how "we got here". She acknowledged the mistakes made by past owners and the current mistakes made by the Grants. She indicated a preference for "following the rules". She indicated that she and the Grant's do not have a neighbor to neighbor

relationship and that they met when the Grants contacted her to discuss the Variance. Ms. Kelly does not specifically object to the request. She indicated that she did not view the encroachment as a significant impact to her property. The conversation touched upon the frustrating aspects of this type of situation and concluded with her commenting that she would support the Board's decision in this matter. Ms. Kelly did indicate that she would attend the Public Hearing.

Charlie and Dea Crozier who own the neighboring property to the south sent an e-mail (copy attached) supporting the request.

VARIANCE CRITERIA

A Variance may be granted by the Board of Adjustment when they find that the strict enforcement of the Code would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the vicinity, and that the granting of the Variance would preserve the spirit and intent of the Ordinance, would serve the general interests of the public and the applicant, and would preserve public health, safety, and welfare may be secured and substantial justice done.

VARIANCE CRITERIA, LDC 9.13

The Board of Adjustment shall consider the following specific criteria (standard text lists code criteria, italic text provides staff comments).

1. Extraordinary Conditions

There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the code will deprive the applicant of the reasonable use of his land.

The Grants cite the existence of the original deck, the location of the home in relation to topography of the lot; the width and length of the lot as extraordinary conditions. The property includes a rock out crop near the street. The conservatively sized home (1500 square feet) home is located behind and on top of the rock formation. The home includes a lower level/daylight basement that consists of a garage, a work room, and an unfinished basement. The living areas of the home occur on the second floor. This floor ranges from approximately four feet to nine feet above grade. The home includes doors that access the deck. If the deck is removed some other means of access will be required. Any other type of "landing, stoop, or porch" will by necessity encroach into the setback.

2. Substantial Detriment

Granting of the Variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area, or to the City in administering this Code.

The Board will need to evaluate the question of detriment to the neighborhood.

The Grants believe that they have made a substantial investment to clean up and improve a property that was showing a lack of maintenance. The neighborhood is not directly affected or impacted. As discussed above, the affected property is the Kelly property immediately to the north.

3. Special Privileges

Granting of a Variance shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

The Board will need to evaluate the question of special privilege.

4. Self-Induced Hardship

The Grant's cite the existence of the old deck, the position of the home on the lot and the shape of the lot as a unique hardship rather than a self-induced hardship.

5. General Plan

The General Plan Land Use Map acknowledges this area as low to medium residential density. The primary use of the Grant's property is their home. This request can be viewed as consistent with the General Plan.

6. Utilization

Because of special circumstances applicable to the property, including size, shape topography, location or surroundings, the strict application of the ordinance will deprive such property of privileges enjoyed by other property of the same zoning district.

As previously described in this report, the special circumstances associated with this property are the old deck, the position of the home on the lot and the topography of the lot. The logical location for deck is on the north side of the home.

RECOMMENDATION

Having discussed the mistakes that have occurred along with the pros and cons of this variance request with the Grant's and their neighbors, acknowledging that the old deck was in place for many years and was not identified as a problem, staff supports the issuance of this variance.

SUGGESTED MOTION

Move to approve Variance Application V 09-002 with a condition that the Grant's provide plans and information necessary to obtain a building permit and appropriate inspections for the deck and the associated improvements to their home.

Parcel Report for APN: 108-26-055

Site Address: 1108 WOOD SPUR CIR

Owner:

GRANT MICHAEL M & DAWN E JT
2737 E ARIZONA BILTMORE CIR #32
PHOENIX AZ 85016

Subdivision Name: TIMBER RIDGE UNIT 1

Max. Lot Coverage: -

Max. Bldg Height: -

Setbacks

Front: -

Side: -

Rear: -

Corner: -

Acres: 0.36 acres

Square Ft: sq.ft.

TRS: T13-R2-S7

DOR Usage Code: Res

Description: SFR GRADE 010-4 URBAN
SUBDIVIDED

Zoning Information

Zoning: SF-12 (PAD)

Flood Zone: X;

FIRM Panel: 04025C2070F

Overlay District Information

HPD District: Outside

NR District: Outside

Willow Creek District: Outside

Wipple-Zuma District: Outside

Hwy 69 District: Outside

Prescott East Area Plan: Outside

Prescott Enterprise: Outside

Airport Noise District: Outside

Urban Wildlife Interface: Inside

Planner's Actions:

-



1108 WOOD SPUR CIR

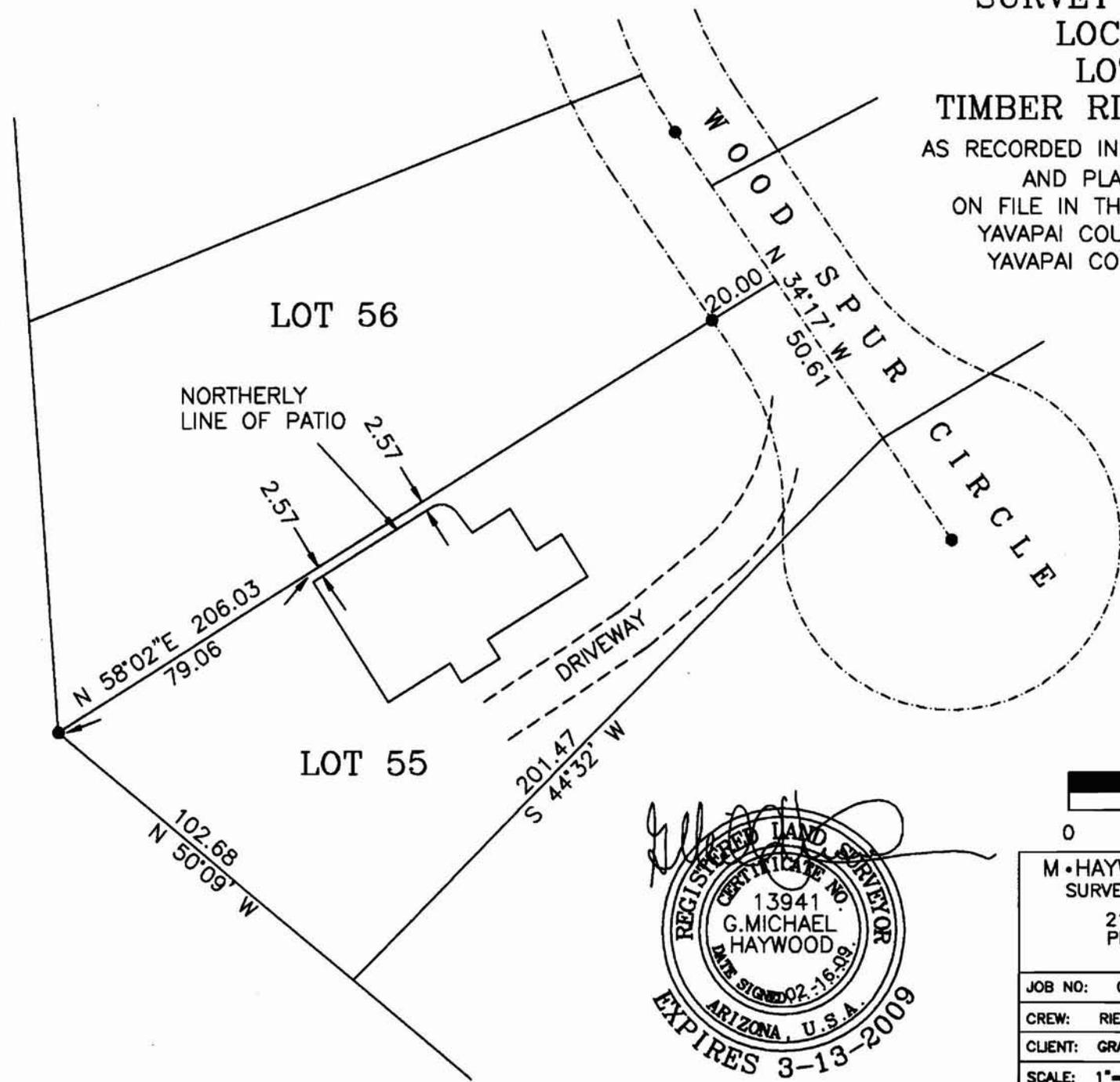
Legend

- Current Features
- abc Zoning Label med
- abc Street Name Labels
- Address
- Citylimits Poly
- Parcels
- Building

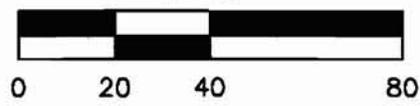
This map is a product of The City of Prescott



**SURVEY OF PATIO
LOCATION
LOT 55
TIMBER RIDGE, UNIT I**
AS RECORDED IN BOOK 22 OF MAPS
AND PLATS, PAGE 3
ON FILE IN THE OFFICE OF THE
YAVAPAI COUNTY RECORDER
YAVAPAI COUNTY, ARIZONA



1"=40'



M • HAYWOOD • ASSOCIATES • INC
SURVEYING • G.P.S. • PLANNING
212 S. MARINA STREET
PRESCOTT, AZ. 86303
(928) 778-5101

JOB NO: 09-020	DRAWN: BWR
CREW: RIEDELL	DATE: 2/16/09
CLIENT: GRANT	CHECKED: GMH
SCALE: 1"=40'	DATE: 2/16/09



CITY OF PRESCOTT
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 201 S. Cortez, Prescott, AZ 86301 (928) 777-1207

VARIANCE APPLICATION

V# _____

Property Address: 1108 Wood Spur Circle

Assessor's Parcel Number (s)(APN): 108-26-055

Township _____ Section _____ Range _____ Current Zoning: _____

Subdivision Name: Timber Ridge

<p>Owner Name & Address: <u>Dawn + Michael Grant</u> <u>2737 E. Az. Biltmore Circle, Unit 32</u> <u>Phx, Az. 85016</u></p> <p>Phone: <u>(602) 852-0947</u> Fax: <u>(602) 530-8500</u> Email: <u>mmg@gknet.com</u></p>	<p><i>For Staff Use Only</i></p> <p>Date Received: _____</p> <p>Taken In By: _____</p> <p>Assigned To: _____</p> <p>Date Application Complete: _____</p> <p>Fees & Charges: _____</p> <p>Receipt #/Date: _____</p> <p>PAC Date: _____</p> <p>BOA Date: _____</p>
<p>Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal):</p> <p><u>None</u></p> <p>Phone: _____ Fax: _____ Email: _____</p>	

Description of Request: Request for Variance on Back Deck of our home as more fully explained in attached letter

Michael M. Grant Michael M. Grant 3/10/09
 Name Signature Date

Michael & Dawn Grant
1108 Wood Spur Circle
Prescott, AZ 86301

March 10, 2009

City of Prescott
Community Development Department
Planning Division
Attn: Steve Gaber, Community Planner
201 S. Cortez
Prescott, AZ 86301

Re: Request of Michael and Dawn Grant for a variance of the setback requirement from the property line to conform to the as-built dimensions of the existing back deck; Property Address: 1108 Wood Spur Circle; Assessor's Parcel Number: 108-26-055

Dear Mr. Gaber:

The purpose of this letter is to request a variance of the setback requirement pertaining to our existing back deck. The deck has been in approximately the same location in relation to the lot line for many years without any complaint or neighborhood impact.

We only recently learned that the deck is not sufficiently separated from the northerly lot line to meet current setback requirements. A site plan survey showing the deck's edge in relation to the lot line is enclosed. Apparently, we need a variance of slightly less than 4.5 feet to meet a seven-foot setback requirement.

As background, when we purchased our home in May 2000, the back deck extended about 18" closer to the property line than it currently does. The deck was built either by the previous owner or the original owner.

Because of the unique shape and elevations of our lot, our home is designed to have decks. Unlike the other lots on our cul de sac, our lot's elevation at Wood Spur is more than six feet above street level. To accommodate that, our driveway rises rapidly and runs along the front of our house. Our lot is narrow, long and pie-shaped—only 50 feet at the front, 100 feet wide at the back, but more than 200 feet long. Therefore, the house has to sit "sideways" on the lot with the drive running along its front. The combination of the driveway in front and the narrowness of the lot forces the back wall of our house very close to the northerly lot line, making compliance with the standard setback requirement much more difficult in our case.

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To accommodate the elevation differentials and lot shape, the first floor of our house consists of a garage, a work room and an unfinished, but above-grade, "basement." The living areas of the house, i.e., the bedrooms, kitchen and living room, are actually on its second floor and range from approximately four to as much as nine feet above grade. The house also is narrow from its front-to-back to accommodate the narrow lot dimension plus the width of the drive in front. The back door and arcadia door open several feet above ground level. The deck provides not only some additional living space to compensate for the narrow lot size and house dimensions, but also provides a way to safely get to ground level rather than steep staircases.

Last summer, we had to extensively repair and renovate the back deck. Again, because the deck was in place when we bought the home nine years ago, we had no idea there was a setback issue. A few years ago, we had repainted and refurbished it, but it quickly began to deteriorate again. In some areas, the wood had actually given way. Pictures showing its poor condition when we commenced the renovation last summer are enclosed. As mentioned previously, we reduced the square footage of the deck and made it narrower in relation to the lot line. We also removed a rickety fence below, made other ground-level improvements and used superior, fire-resistant materials in the renovation. In short, we dramatically improved the appearance, condition and overall safety of our home and the neighborhood.

To summarize, the following supports our request for variance:

1. A larger back deck which was closer to the property line had been in place for many years and had not caused any problem.
2. Our deck renovation actually increased its separation from the lot line and improved the appearance and safety of the deck.
3. The elevations which are unique to our lot pose difficulties to us in complying with the standard setback requirement which are not shared by our neighbors whose lots have flatter elevations. Elevated decks similar to ours are common in the subdivision.
4. Similarly, the shape of our lot and the sideways orientation of the house and drive to overcome its narrow width make the setback requirement a unique hardship to the use and enjoyment of our property.
5. Granting the variance will alleviate this hardship and simply confirm a use which has not caused any difficulties for many years.
6. Granting the variance will not have any detrimental impact on surrounding properties. An ample separation exists from the deck to the side wall of our neighbor's home to the north.

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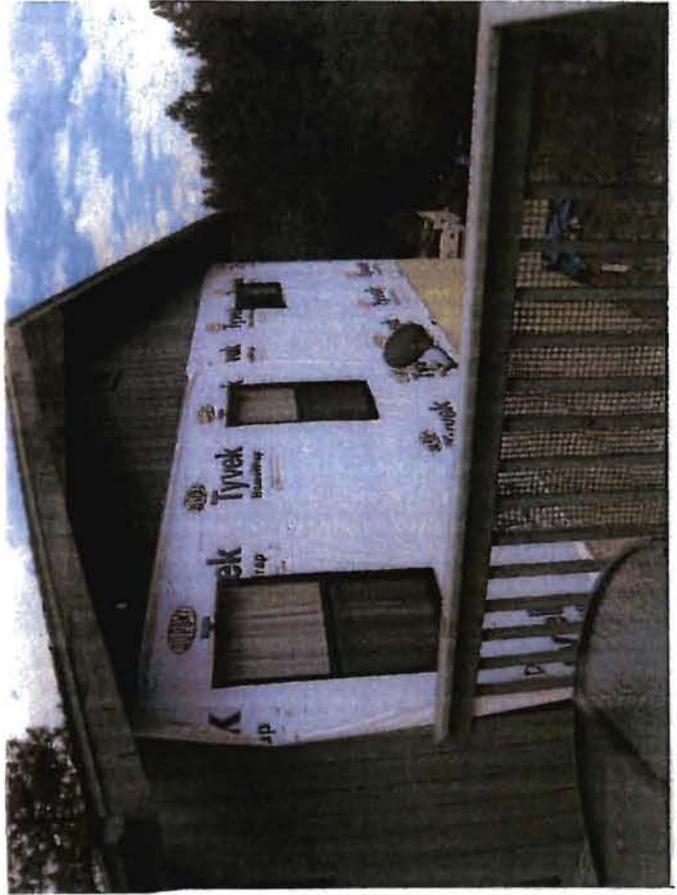
Our check for the filing fee is enclosed. If we can answer any questions concerning this request, please contact us.

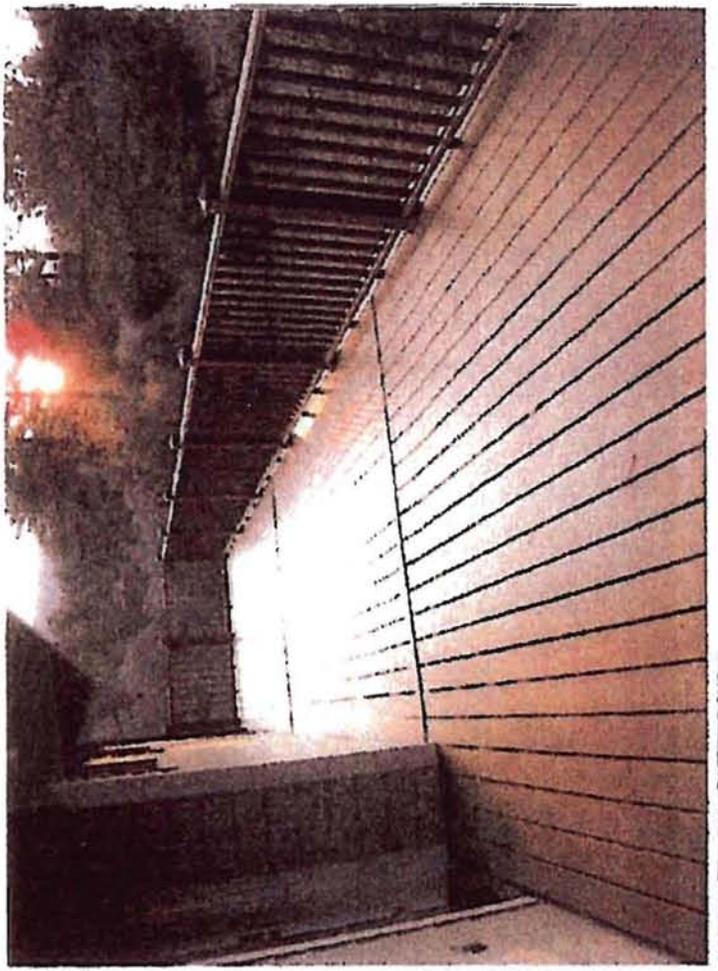
Very truly yours,

A handwritten signature in black ink, appearing to read "Michael M. Grant", with a long horizontal flourish extending to the right.

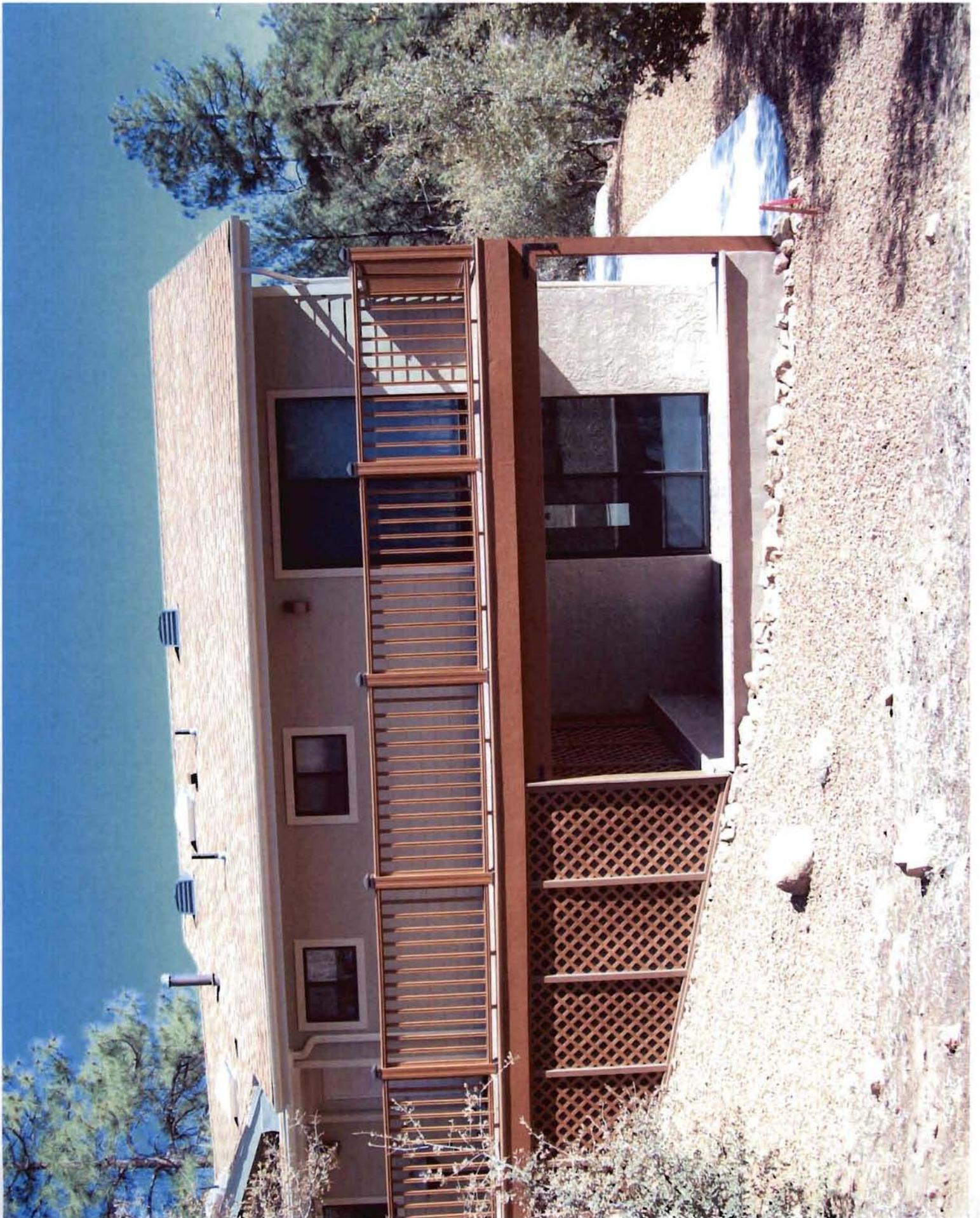
Michael & Dawn Grant

Enclosures
2053831

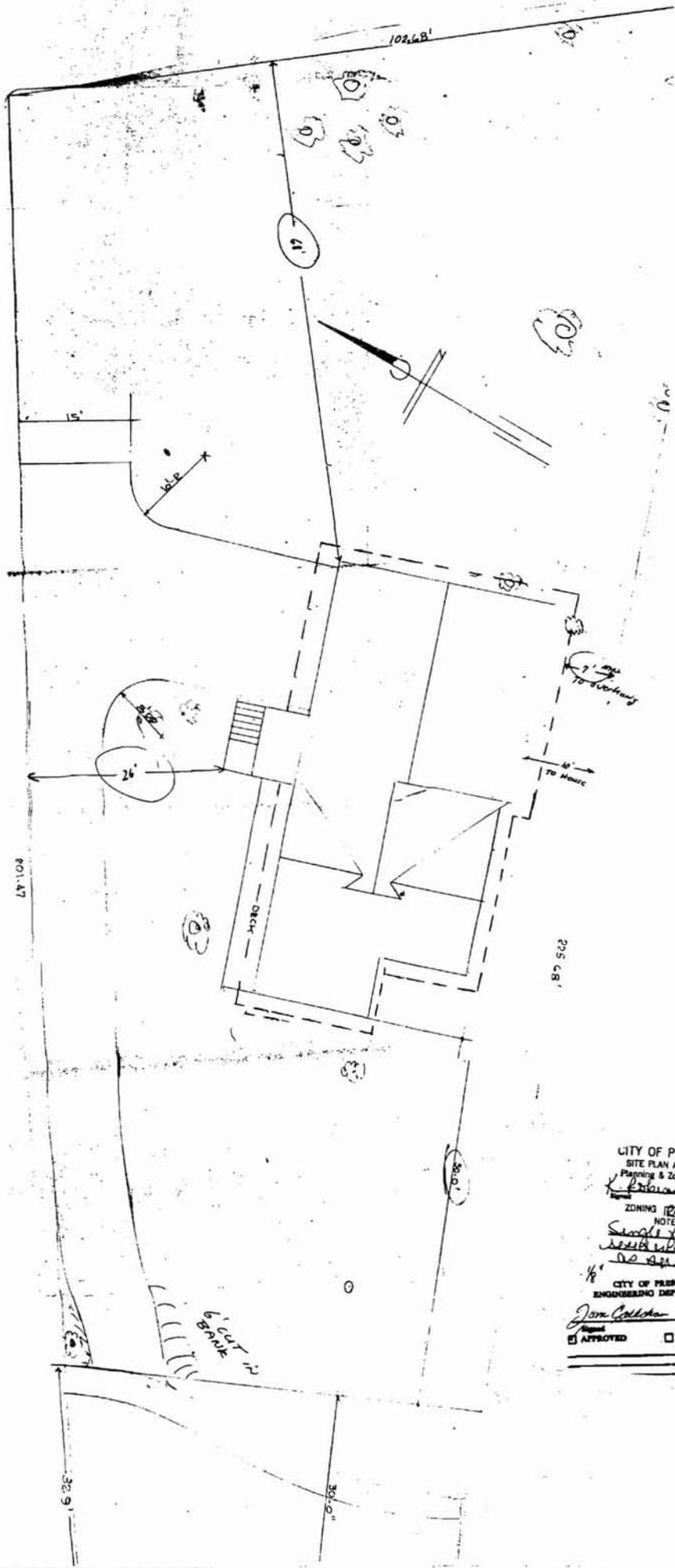












Site Plan associated
 with original
 Building Permit
 B 13770
 8/85

CITY OF PRESCOTT
 SITE PLAN APPROVED
 Planning & Zoning Dept.
Enlow 8/85
 Date
 ZONING RES-72.75 D
 NOTES
 Single Family
 Residential Approved
 No Expansion
 CITY OF PRESCOTT
 ENGINEERING DEPARTMENT
John Collier 8-8-85
 Date
 APPROVED NOT APPROVED

Fwd: Variance V09-002

cndcrozier@aol.com [cndcrozier@aol.com]

Sent: Monday, April 06, 2009 1:23 PM

To: Gaber, Steve

-----Original Message-----

From: cndcrozier@aol.com

To: steve.gaber@cityofprescott-az.gov

Sent: Mon, 6 Apr 2009 4:00 pm

Subject: Fwd: Variance V09-002

-----Original Message-----

From: cndcrozier@aol.com

To: steve.gaber@cityofprescott-az.gov

Sent: Mon, 6 Apr 2009 3:36 pm

Subject: Variance V09-002

Dear Steve,

We purchased 1110 Wood Spur Circle, Prescott, Az. in 1998 and are familiar with the property at 1108 Wood Spur Circle through the former and present owners.

To the best of our knowledge, the original deck, which had deteriorated, was unsightly and dangerous, was some what wider than the present deck.

The Grants have spent a great deal of money up grading the exterior of their house and improving the neighborhood.

We are in favor of a variance for the deck if required.

We are currently in Florida and unable to attend the meeting on April 16, 2009.

If further information is needed we can be contacted at our e-mail address or by phone at 239-458-8660.

Regards,

Charlie & Dea Crozier

Save money by eating out! Find great dining coupons in your area.