



# BOARD OF ADJUSTMENT A G E N D A

BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, MAY 21, 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 **May 21, 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. **Approve the minutes of the March 19, 2009 and the April 16, 2009 meetings.**
2. **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 and reduce the corner lot setback from 15-feet to 7-feet which would be compatible and in line with the existing 7-foot corner lot setback of the home. 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.

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

**V. ADJOURNMENT**

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**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 **MAY 13, 2009, at 3:00 PM** in accordance with the statement filed with the City Clerk's Office.

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**Kelly Sammeli**  
**Boards and Commissions Administrative Specialist**  
**Community Development Department**

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
MARCH 19, 2009  
PRESCOTT, ARIZONA**

**MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT** held on **MARCH 19, 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>	<b>OTHERS PRESENT</b>
Michael Klein, Chairman	George Worley, Asst. Community Development Director
Duane Famas, Vice-Chairman	Gary Kidd, City Attorney
E. Calvin Fuchs	Richard Mastin, Development Services Manager
Johnnie Forquer	Mike Bacon, Community Planner
Tom Kayn	Wendell Hardin, Community Planner
Ken Mabarak	Kelly Sammeli, Recording Secretary
Bill Warren	<b>COUNCIL MEMBERS PRESENT</b>
	Bob Luzius

**III. REGULAR AGENDA**

- 1. Approve the minutes** of the January 15, 2009 public hearing.

Mr. Fuchs, **MOTION: to approve the minutes** of the January 15, 2009 meeting.  
Mr. Forquer, 2<sup>nd</sup>. **Vote: 6-0-1. (Abstention due to absence Kayn)**

- 2. V09-001, 460 Isabelle Lane.** APN: 105-03-314 and totaling ± 9,592 square feet. Land Development Code Section 3.4.3.D. Zoning is Single-Family 18 (SF-18). Request if for a variance to increase lot coverage to 44% maximum where 35% is allowed per code. Owner is Sherman Family Trust. Agent is Jeffery Adams. Community Planner is Mike Bacon, (928) 777-1360.

Mike Bacon reported that the variance request was for an increase in the maximum lot coverage allowed in the district from 35% to 42.2%. Mr. Bacon placed a map of the area and the property being discussed on the overhead projector. Mr. Bacon continued to report that property is located in the Blooming Hills Estates subdivision which is a Planned Area Development that was approved in 2002. Mr. Bacon placed an overview of the development on the overhead which reflected several large homes with a scattering of vacant lots. Mr. Bacon indicated that the applicant is requesting an increase of the lot coverage to 42.2% and staff has not received any objections from the surrounding neighbors in the area. Mr. Bacon noted that there has not been any other similar variance request in the area however, the applicant did submit a detailed analysis which reveals that there are 18 other lots which have homes that exceed the maximum lot coverage of 35%. Mr. Bacon noted that staff reviewed the finalized permits issued for the area and found it to be true. Mr. Bacon

noted that there were over-sights from staff, that occurred in the building application review process and there were several permits issued in 2005 exceeding the lot coverage. Mr. Bacon indicated that granting the variance will not be detrimental to the public health, safety, or welfare of other properties in the neighborhood. Mr. Bacon further noted that the applicant had submitted for the building permit to build a similar house as those in the area when the lot coverage was discovered. In closing the staff report Mr. Bacon reported that because of the circumstances applicable to the property, including the size, shape, topography, location, and surroundings of similar style homes, the strict application of the ordinance would deprive the property owners the privileges that others in the same zoning district have. Mr. Bacon noted that staff is recommending approval of the variance with the following conditions of approval; in order to give notice to all future home builders of the maximum lot coverage requirements and, the notice will help ensure that future variance requests of exceeding the maximum lot coverage will not have a sound basis. Mr. Bacon noted that the conditions were: 1. The Blooming Hills Estates CCR's will be modified to include the requirement that lot coverage shall not exceed 35% lot coverage for homes. 2. The amended CCR's shall be recorded with the Yavapai County Recorded within 60 days and a copy of the CCR's given to the Community Development Department for confirmation prior to the final building inspection for 460 Isabelle Lane. Mr. Bacon placed a proposed site plan of the home on the overhead projector and indicated that it is a similar type home that was built and approved in the area. Mr. Bacon added the house is the same size the lot is a little smaller. Mr. Bacon noted that the applicant was in attendance.

Mr. Fuchs inquired what the procedures would be if an applicant wanted to create a Planned Area Development within Prescott.

Mr. Bacon noted that first there would be a preapplication meeting with staff to discuss all the City codes and regulations regarding the project, then a preliminary plat would be filed with the City with all the details of the project, the Planning Commission reviews it for approval and upon approval it is send to the City Council for approval. If the City Council approves it then a final plat would need to be filed with the City to again be reviewed by the City Council for approval. If the Final Plat is approved it becomes a recorded legal document with specific details such as, the lots, the legal terms, obligations, responsibilities, easements, street details and anything pertaining to the plat as a final legal document.

Mr. Fuchs inquired if a Final Plat would include the maximum size of a residence that would be allowed on the lots.

Mr. Bacon indicated no.

Mr. Fuchs inquired if the information was referenced anywhere in the Planned Area Development.

Mr. Bacon indicted no.

Mr. Fuchs commented that the land code is a part of the process even if it is not referenced.

Mr. Bacon indicated that was correct.

Mr. Fuchs noted that as he understands it the subdivision has eighteen houses located in it that are in violation of code.

Mr. Bacon indicated that they were approved by the City.

Mr. Fuchs indicated that there are a lot of vacant parcels in the subdivision and inquired if the Board decides to grant a Variance for this request, will the Board not have to grant a Variance to others applicants within the subdivision with a similar request.

Mr. Bacon indicated no and added that because staff had made over sites in the past, staff is recommending that the 35% lot coverage requirement be included in the homeowners CCR's. Mr. Bacon added that once the CCR's were recorded it would effectively close the door.

Mr. Fuchs asked Mr. Kidd if the Home Owners Association could retroactively change the CCR's and change the size of the house if a person had already purchased the lot with the intent of building a similar size house as the other eighteen houses in the subdivision.

Mr. Gary Kidd, City Attorney, reported that the Board of Adjustment looks at each property by law, on the individual basis based on the unique topography or other circumstances to that piece of property. Mr. Kidd added that there is no legal precedent set and the City normally does not have the power to condition CC and R changes as it is a matter of private contract. Mr. Kidd further added that the developer can make the changes to the CCR's on their own, but it cannot be a condition.

Mr. Fuchs noted that he did not think the City could mandate the change to the CCR's that could possible cause future complications for the Home Owners Association in the future. Mr. Fuchs further indicated that as a practical matter the Board of Adjustments is empowered to permit zoning variances where appropriate, on land conditions and not on mishaps created by the City, and does not believe that a Variance is the appropriate step to address this problem.

Mr. Kidd indicated that a PAD or a rezoning where there is flexibility on the part of City to look at the variables to allow uniformity would make sense.

Chairman Klein called upon the property owner to speak.

Mr. Steven Sherman, 1155 Northridge Drive, Prescott, indicated that he owns the remaining 25 lots within the subdivision and he retains the voting control for the CCR's.

Chairman Klein asked Mr. Sherman if there were any sold lots that do not have homes on them.

Mr. Sherman indicated no, and further noted that he was the one who made the suggestion to amend the CCR's so there would not be any further problems in the future.

Mr. Fuchs inquired what the procedure was in respect to the houses that were built in violation of the code.

Mr. Bacon reported that in the event of oversights staff believes that options need to be provided for the community for the best remedies.

Mr. Fuchs inquired how staff would remedy the situation that was being reviewed today.

Mr. Bacon noted that a final building inspection was provided for the houses that were already built and that provides the homeowner with the information that the house has been built to code.

Mr. Kayn inquired if the lot coverage was not reviewed because the properties were located within a PAD or how did the oversight occur?

Mr. Bacon noted that when a building plan is submitted it is reviewed by various departments as part of the review. Mr. Bacon further noted that zoning looks at the setbacks as well as the overall height and the lot coverage is usually determined by a visual check that it does not occupy more than 25% of the lot. Mr. Bacon added that it could be different in a PAD because there could be smaller lot sizes allowed than are required in the zoning district as part of the flexibility of the PAD. Mr. Bacon indicated that the trade off is that something is being offered to the overall subdivision and in this case it was open space. Mr. Bacon further indicated that there is an administrative adjustment in the *Land Development Code* to allow for an adjustment of up to 10% of the maximum lot coverage requirement, if it is requested and if the neighbors approve. Mr. Bacon noted that by looking at the analysis that was provided it appears that several of the houses were adjusted administratively.

Mr. Kayn indicated that by listing 18 properties it gives the impression of excessive code violations when there are really only 3 or 4 homes that were built in violation, and does not represent what truly occurred. Mr. Kayn further indicated that because there is only one other house with 40% lot coverage it is leaning towards a special privilege.

Mr. Fuchs noted that if the CCR's state 35%, the applicant would not automatically get the additional 10% as it is reflected, and that all 18 houses on the list exceed the lot coverage. Mr. Fuchs further noted that he was not convinced that the Board was empowered to place a condition, even if the applicant does control the remainder of the lots and the Home Owners Association, and it is beyond the scope of the Board. Mr. Fuchs indicated that when the City Council made the final decision on the development it took many things into consideration that the Board is not looking at today and it makes more sense for the City Council to make the decision rather than the Board of Adjustments. Mr. Fuchs commented that he felt this was a self imposed hardship based on the fact that the developer has built houses that are larger than allowed and got caught this time, and wants to get a variance to make it match the other 18 houses that were built.

Mr. Bacon noted that as Mr. Kidd had reported that the condition on the CCR's is not legal and staff is requesting that the condition be withdrawn. Mr. Bacon reiterated that was the property owner's suggestion. Mr. Bacon further noted that in a PAD there is a specific requirement that as long as there 20% of open space set back modifications can be made to any dimensional standard except for lot coverage.

Mr. Fuchs inquired if Mr. Bacon was indicating that the City Council cannot approve a replat to fix the problem in review today.

Mr. Bacon noted that was correct.

Mr. Mabarak inquired what was the propose of a reduced setback in a PAD.

Mr. Bacon indicated that a Planned Area Development allows the developer to design the use to better fit the site with the variation on the dimensional standards. Mr. Bacon further noted that if there was not a provision for the PAD the developer would be locked in to all the regulatory requirements for the zoning district and the PAD allows for creativity.

Mr. Mabarak inquired if a PAD subdivision allowed for more lot coverage on a lot.

Mr. Bacon noted the lot coverage would be the same regardless of the lot being located in a PAD or not. Mr. Bacon further noted in this case the lots vary in size and the same home has been built on other lots, but if the house is placed on a smaller lot the house exceeds the lot coverage.

Mr. Mabarak inquired if the lot coverage had been varied by the applicant as noted in table one.

Mr. Bacon reported that before the Variance option was offered to the applicant Mr. Bacon reviewed all the permits of the homes in the area, and that the lot coverage's were consistent of 36% to 40 % lot coverage.

Mr. Mabarak indicated that he had questions for the applicant.

Chairman Klein noted that he also had questions for the applicant but would like to finish with staff before inviting the applicant back to the podium. Mr. Klein called for other questions for staff.

Mr. Warren noted that the way he understands the request is that the developer developed the PAD and started to build the houses, and over half of the houses exceeded the lot area requirement, which were not verified and now they are before the Board of Adjustment. Mr. Warren asked Mr. Bacon to further explain the reduction request.

Mr. Bacon noted that that the 44% was put in the request to allow for a margin of error for the public notice and indicated that the request is for 42.2%.

Mr. Warren reiterated that the request is for 42.2% of lot coverage and the Board has to determine if the Board will approve a Variance request for a house that is overbuilt, but smaller than the largest illegally built house in the subdivision.

Mr. Bacon noted that was correct in terms of building a similar size home in the neighborhood.

Mr. Warren indicated that the request is to exceed the lot coverage with the home.

Chairman Klein invited the applicant back to the podium to speak to the Board.

Mr. Sherman indicated that the only thing that he would add is that the home in question is the sixth largest home in the subdivision with some of the homes on larger lots and some on smaller lots.

Chairman Klein asked the applicant if there were any larger lots left in the subdivision that the home would fit on at the 35% lot coverage.

Mr. Sherman indicated no.

Chairman Klein inquired if it was the largest lot left in the subdivision.

Mr. Sherman indicated that it was.

Chairman Klein inquired if the house plans were model plans or if it was a custom built home.

Mr. Sherman noted that there are three different plans for the lots and the home proposed is a model home with 4 bedrooms and 3 baths.

Chairman Klein noted that it was the lot size that was creating this problem and inquired if there was another 11,000 square foot lot available where the house could be built.

Mr. Sherman indicated no.

Mr. Mabarak inquired who the contractor was that built the houses.

Mr. Sherman reported that all of the homes but one where built by Peterson and Associates.

Mr. Mabarak inquired if Mr. Sherman was a member of Peterson and Associates.

Mr. Sherman indicated no he was the land owner. Mr. Sherman further indicated when Mr. Peterson would sell a land home package, Mr. Sherman would sell and transfer the title to the land to Mr. Peterson and Mr. Peterson would build the house.

Mr. Mabarak inquired if Mr. Sherman subdivided the property.

Mr. Sherman indicated no he purchased it after it was subdivided.

Mr. Mabarak indicated that he keeps coming back to why Mr. Peterson was willing to overwrite the CCR's.

Mr. Peterson indicated that he was not aware of the 35% lot coverage restriction and did not know about the problem until this plan was submitted to the building department. Mr. Peterson further noted that is when he came up with the idea to not the restriction of the 35% lot coverage in the CCR's.

Mr. Mabarak inquired if there was a buyer of the house.

Mr. Peterson noted that was correct and the house was designed for the buyer.

Mr. Mabarak noted that the replat process seemed very complicated.

Mr. Bacon reported that the replat of the subdivision was not an option.

Mr. Mabarak asked Mr. Peterson why a smaller house could not be built on the lot.

Mr. Peterson indicated that the purchaser wants a four bedroom home and a three car garage to accommodate the needs of the family.

Mr. Kayn asked Mr. Peterson if he knew why the resident at 472 Isabelle did not sign the petition that was presented to the Board.

Mr. Sherman indicated that Desert Hills Bank is the owner of that location as well as lot 57 and it was signed off as part of lot 57.

Chairman Klein called for any other questions, comments, or discussion.

Mr. Kayn noted that it appears that the applicant is asking for approximately 350 sq feet and it would not be before the Board if the building plan had not been caught in the permitting process. Mr. Kayn further noted that he felt although staff has noted the hardship is not one of the applicants, the building has not been built, the plan is re-workable, there are not any topography issues, and by insisting on the square foot it is a self imposed hardship.

Mr. Warren asked the applicant if the house would fit on any of the remaining vacant lots within the subdivision.

Mr. Sherman noted that there were not any vacant lots within the subdivision that could hold the house and stay within the 35% or 38% lot coverage. Mr. Sherman noted that lot that the house is proposed for is the largest lot left in the subdivision.

Mr. Famas inquired since the houses were models would they all have to be redesigned now.

Mr. Sherman indicated no the other models were at 1,900 and 2,100 square feet. Mr. Sherman added that the house has already been redesigned down to 2,680 sq ft.

Mr. Mabarak noted that if the square footage of the home is only 2,700 and the lot is 9,500 square feet, quick math notes that a 3,500 square foot home could go on the lot.

Mr. Famas noted it was the garage.

Mr. Peterson commented that it was his understanding that the covered patio, covered front porch, and the garage, are added to the square footage of the home.

Mr. Mabarak commented that it was the total footprint that would bring the total to 42.2 %.

Mr. Peterson noted that was correct.

Mr. Mabarak noted that everyone is very aware of the economic situation of the community and understands why Mr. Peterson would like this request to be approved however, he is having a difficult time because he is seeing the request as a self imposed hardship. Mr. Mabarak further noted that the Board cannot require the changing of the CCR's and that he would vote against the request until he sure that the CCR's were amended for the subdivision.

Chairman Kline called for additional questions or comments from the Board.

Ms. Forquer indicated that the builder and the developer should have determined what could fit on the lots a long time ago.

Mr. Kayn inquired if there was any reason to bring this item back to the Board so that Mr. Peterson does not have to leave with a denial and added that he would concur with his fellow Board members. Mr. Kayn added that it might be possible for Mr.

Peterson to reconfigure the house to lower the square footage and return back to the Board.

Chairman Klein asked staff under what conditions could the applicant return before the Board.

Mr. Bacon noted that would depend upon the concerns of the Board. Mr. Bacon added that Mr. Mabarak had commented that he would be more favorable if the changed CCR's reflected 38%, and were recorded and brought before the Board rather than a statement of intent. Mr. Bacon further noted that could be an option for the Board to Discuss.

Mr. Famas indicated that would not change his vote.

Chairman Klein noted that he was trying to determine if anything could be done prior to the Board going to a Vote.

Mr. Kayn indicated that he concurred with Mr. Famas unless there was a reduction in the square footage.

Mr. Worley, Assistant Community Development Director indicated that one of the ways the item could be brought back is that the applicant asked the action be deferred to a date certain today, and return with modifications to the design of the site. Mr. Worley added that the CCR's would not be enough criteria as the City does not enforce CCR's and it would not be one of the criteria's that the City uses to review the plans of any project and anyone wanting to build is required to meet both the building code requirements and the zoning code requirements.

Mr. Fuchs comments that he had a question for Mr. Kidd. Mr. Fuchs then asked Mr. Kidd if the applicant comes in and requests for the deviation in the Land Development Code to increase to the 38% lot coverage, where the City Council approved the subdivision at 35% lot coverage would that be acceptable.

Mr. Kidd, City Attorney indicated that some of the lots in the subdivision were reviewed under a different code and that code allowed for a 10% deviation by staff. Mr. Kidd added that the City Council did approve the subdivision at the 35% lot coverage and it each lot would be determined on a lot by lot basis as determined by staff.

Mr. Fuchs indicated that he understood the code to read as a line of what is allowed and the Board of Adjustment has the power to adjust that code if there is a good reason to adjust it however, it is not expected that staff will go in and deviate 10% or all the different lot coverage and different zoning areas.

Mr. Kidd noted that was correct.

Mr. Fuchs indicated that the reason it was brought back up was that because he does not see any reason for the applicant to bring the item back however, there should not be any indication that the applicant can just amend the CCR's for 38% lot coverage, which would be in violation of the code.

Mr. Kayn indicated that it would allow for future applicants to request for administrative adjustment to max out at 38% and they would not be in violation of the CCR's.

Chairman Klein indicated that any discussion of the CCR's is a moot point. Chairman Klein then called for a motion.

Mr. Fuchs, **MOTION: that the Board deny** application for Variance V09-001 at 460 Isabelle Lane.

Mr. Warren, **2<sup>nd</sup>**.

Mr. Kayn indicated that he would like to ask the applicant if he would like to bring the item back.

Chairman Klein indicated that the open discussion portion of the item has been closed and the discussion is open to the Board only.

Mr. Kayn indicated that because he is not aware if the applicant has intention to revise the site plan and bring it back he would have to vote against the Variance.

Chairman Klein asked the applicant to address the question.

Mr. Peterson indicated that he would be willing to change the CCR's and come back before the Board.

Mr. Kayn noted that he was not talking about the CCR's but an amended site plan.

Mr. Peterson noted that he could try but it would be up to the prospective home owner.

Chairman Klein called for the vote.

**Vote: 7-0. Motion was denied.**

#### **IV. REVIEW ITEMS**

None.

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

None.

#### **VI. ADJOURNMENT**

Chairman Klein adjourned the meeting at 10:09 AM.

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Michael Klein, Chairman

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Kelly Sammeli  
Recording Secretary

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
APRIL 16, 2009  
PRESCOTT, ARIZONA**

MINUTES OF THE **PUBLIC HEARING OF THE BOARD OF ADJUSTMENT** held on **APRIL 16, 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 Johnnie Forquer Ken Mabarak Bill Warren	<b>OTHERS PRESENT</b> George Worley, Asst. Community Development Director Matt Podracky, Asst. City Attorney Mike Bacon, Community Planner Steve Gaber, Community Planner Kelly Sammeli, Recording Secretary
<b>MEMBERS ABSENT</b> E. Calvin Fuchs Tom Kayn	<b>COUNCIL MEMBERS PRESENT</b> Bob Bell Bob Luzius

**III. REGULAR AGENDA**

**Chairman Klein announced that the minutes from the March 19, 2009 Board of Adjustment meeting will be postponed until the May 21, 2009.**

- 1. V09-003, S. Mt. Vernon Street.** APN: 110-03-034 and totaling ± 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.

Mr. Worley, Assistant Community Development Director noted that the request was for a lot coverage variance however, the applicant had made some adjustments to the site plan to modify the building location, during the review by the Preservation Commission, and would have an additional Variance request to be added to the current request for a setback Variance. Mr. Worley noted that the request had occurred after the fact of the public notice advertisement; and, staff and the applicant have requested that the item be deferred until the next Board of Adjustment meeting where staff will provide a complete report on the lot coverage and setback Variance together.

Chairman Klein announced because the item was advertized they would hear from the public on the item and opened the item for public comment. Hearing no public comment Chairman Klein closed the item and called for a motion.

Mr. Warren, MOTION: to postpone the decision on the Variance request for 319 S. Mt. Vernon Street until the May 21, 2009 meeting.

Ms. Forquer, 2<sup>nd</sup>.

VOTE: 5-0.

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.

Mr. Gaber reported that the variance request was for a side yard setback in the area of Timber Ridge where the setbacks are noted in the plat. Mr. Gaber further noted that in a typical SF-12 zoning the setbacks would be nine feet and in the Timber Ridge area it is seven feet. Mr. Gaber continued the report and indicated that the Grant's have owned the home since 2000 and have been making ongoing improvements to their home when an issue arose with the replacement of the deck. Mr. Gaber noted that the original permit for the house was issued in 1985 and the site plan does not indicate that there was a deck as part of the original building however, common sense would indicate that there was something there because of the doorways opening on the side of the house. Mr. Gaber further noted that any type of structure that was in the location on the side would be non-conforming even from the original build date. Mr. Gaber placed photographs of the deck on the overhead projector and reported that the Grant's have been making improvements to the home and over the years have tried to maintain the old deck however, it was falling apart and had to be removed and rebuilt. Mr. Gaber reported that there were no building permits issued for the removal or replacement of the new deck and so the property setback issue was not discovered until the last couple of months. Mr. Gaber indicated that the staff report provides information on what to do about non-conforming uses. Mr. Gaber added that the code does allow for non-conforming structures to be continued as long as they are not expanded or replaced. Mr. Gaber reported that the replacement would be allowed only by an act of nature and the long term decay of the deck would not qualify for the replacement of the deck. Mr. Gaber added that in the staff report, at the end of the explanation of the non-conforming uses there is information on how to resolve the situation, which could be removal, corrections, or applying for a variance or a rezoning. Mr. Gaber placed a photograph of the new deck on the overhead which showed that the deck is to be located about two and a half feet from the property line. Mr. Gaber explained to the Board that the adjoining property is owned by the Kelly's and that he has had detailed conversations with Mrs. Kelly regarding the encroachment. Mr. Gaber noted that both the Kelly's and the Grant's have acknowledged frustration and the mistakes that were made with the original deck and the replacement of the deck. Mr. Gaber indicated that the Kelly's noted that they would like everything be in compliance however, they did not feel there was a significant impact to their property. Mr. Gaber added that he also heard from the Crozier's, who are the neighbors on the opposite side of the property who submitted an email indicating that they supported the variance. Mr. Gaber indicated that the support was based on a neighborhood relationship and also the upgrades that are occurring on the Grant's house having a positive effect on the neighborhood. Mr. Gaber concluded the staff report by noting that the standard criteria for the variance is in the rest of the staff report however, it would be best for the Board to hear from the Grant's and the most effected neighbor, the Kelly's, who were both present at the meeting.

Chairman Klein invited the applicant to the podium to speak.

Mr. Michael Grant, 1108 Wood Spur Circle, Prescott noted that he and his wife Dawn, own the property and did appreciate the time to speak to the Board. Mr. Grant indicated that he would first like to apologize. Mr. Grant further indicated that when they started the renovation of the deck they did not think of variance, setbacks, or permit issues as the deck was there when they purchased the house in 2000. Mr. Grant added that they thought they could use the existing supports and posts however, when they got into it, they discovered that the deterioration was too bad and the work was not done right as the photographs provided reflected. Mr. Grant noted that the posts were just stuck in cement and dirt and there was not an adequate foundation to build on and it turned out to be a very extensive renovation. Mr. Grant acknowledged that they now know that was a mistake. Mr. Grant indicated that they did reduce the size of the deck considerably; it was pulled closer to the house and away from the lot line about 18 inches, and they also eliminated a 5' X 8' overhang that was originally there. Mr. Grant noted that there is 22 feet between the edge of the deck and the side of the house at 1106 Wood Spur Circle, and if the purpose of the 7' setback was to allow a minimum of 14' between structures that is being met by more than 8'. Mr. Grant added that the area between the houses has several large trees. Mr. Grant indicate that the old deck was not only unsafe but was also unsightly and a fire hazard which was a concern for them. Mr. Grant added that the new deck has been built out of superior fire rated wood with a 25 year warranty and asked to Board to support their request for the 4 ½ foot variance.

Chairman Klein inquired if anyone on the Board had any questions for the applicant.

Mr. Warren asked Mr. Grant how the deck was brought to the City's attention.

Mr. Grant indicated that he thought the Kelly's had called it in.

Mr. Warren noted that if the deck had been reduced by 18 inches it would have originally been located one foot from the property line.

Mr. Grant noted that was correct.

Mr. Warren inquired if any of the original deck still existed.

Mr. Gaber placed the photographs of the old deck and the various parts on the overhead for all to see.

Mr. Grant indicated that the ledger plate was still in tact. Mr. Grant indicated that they had intended on using the old posts but they were in too bad of condition.

Mr. Warren made note that one of the things the Board has to consider when they allow for a variance is not only the location, but also the neighbors, and how the variance will apply to the future developments of the property. Mr. Warren added that side yard setbacks are important for the light, ventilation, and fire department access. Mr. Warren noted that currently the area is open however, future owners could build a side yard fence in that area and the access could be blocked.

Mr. Warren asked Mr. Gaber to explain what the requirements for a remodel would be, and if the ledger plate could be considered as part of the original non-conforming deck. Mr. Warren then indicated that before Mr. Gaber answered that he would like to commend the Grant's for doing a nice job and upgrading the property which is an asset to the neighborhood and Prescott.

Mr. Gaber reported that a non-conforming structure could be repaired or renovated but it has to stay within the boundaries of the original structure. Mr. Gaber further reported that it is addressed in the Land Development Code under Article 10.3 and indicated that some of the original structure needs to be in place.

Chairman Klein noted that there were a number of photographs provided that documents the old decks location, footings, attachments, etc; and, the new deck and the asked Mr. Grant what was the reason for the documentation of the deck.

Mr. Grant indicated that he had gotten his wife a new camera last year and that she had taken photographs for everything. Mr. Grant added that his wife was the superintendant of the project.

Chairman Klein called for any other questions from the Board for Mr. Grant. Hearing none Chairman Klein invited Mrs. Kelly to the podium to speak.

Mrs. Kathleen Kelly, 1105 Wood Spur Circle, Timber Ridge noted that she would speak on behalf of her husband John. Mrs. Kelly indicated that they have lived in their home since building it in 1984, and it is directly across the street from the property under review. Mrs. Kelly noted that they own five additional properties on the street, one of which in next door to 1108 Wood Spur Circle. Mrs. Kelly indicated that the property was originally owned by her father-in law who is now deceased. Mrs. Kelly added that after the estate settlement they had a survey of the 1106 property, found the discrepancy, and then inquired to the City about the setbacks between the two properties, and did not hear anything until the variance request arrived for 1108 Wood Spur Circle. Mrs. Kelly indicated that they were offered a copy of the staff report by Mr. Gaber which detailed the variance request and the code violations for the property. Mrs. Kelly stated that they appreciate the rules, regulations, and codes that the City has in place and also appreciated Mr. Gaber who provided them with information. Mrs. Kelly further noted that after reading the staff report, the situation seems too complicated for inexperienced home owners to make the proper decision, and that they appreciated the Board of Adjustment members who have knowledge and experience, and would take into the consideration all of the codes to make a decision that is fair to the situation and set the proper outcome for the current request.

Chairman Klein called for questions to Mrs. Kelly. Hearing none Chairman Klein called for questions of staff.

Mr. Mabarak inquired what the setbacks would be in a single family subdivision.

Mr. Gaber reported that it would vary on the zoning district and gave an example of a Single-Family-9 (SF-9) which would be a seven foot setback and noted that the setbacks would increase as the lots got bigger. Mr. Gaber added that in this case the setbacks are seven feet.

Mr. Mabarak inquired what the intention of a setback was.

Mr. Gaber reported that in most single family homes it is a safety requirement which also includes light, air, and access.

Mr. Mabarak noted that when he was at the site he had observed that the deck was approximately twenty feet from the Kelly's which is almost three times more that what the code calls for and does not have a problem with it.

Mr. Famas indicated that a person could tell by the condition of the old deck that it was probably built at the same time as the house was as it takes a long time to get that type of deterioration.

Chairman Klein called for other comments or questions, hearing none called for a motion.

Mr. Mabarak, MOTION: move to approve Variance Application V09-002 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.

Mr. Famas, 2<sup>nd</sup>.

VOTE: 5-0.

None.

**IV. REVIEW ITEMS**

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

None.

**VI. ADJOURNMENT**

Chairman Klein adjourned the meeting at 9:32 AM.

---

Michael Klein, Chairman

---

Kelly Sammeli  
Recording Secretary

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION  
BOARD OF ADJUSTMENT  
STAFF REPORT  
Meeting Date: 5/21/09

**TO:** Board of Adjustment Members  
**FROM:** Tom Guice, Community Development Director  
George Worley, Assistant Director  
Mike Bacon, Community Planner   
**DATE:** 5/12/09

**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

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**UPDATE.** The request for a variance in the maximum lot coverage was continued from the April 16<sup>th</sup> meeting in order to amend the original variance request to include the corner-yard setback variance, and for the Prescott Preservation Commission to first meet and consider supporting a corner-yard setback variance. As part of this amended request, the area neighbors were again notified regarding the additional variance request along with the request for a garage recreational/observation roof-top deck.

**REQUEST.** This is a two-fold variance request:

1. Increase the lot coverage from 40% to 46% to accommodate a 480 sq. ft. detached garage with recreational roof-top deck that is being relocated from another location to this site, and;
2. Reduce the corner lot setback from 15-feet to 7-feet which would be compatible and in line with the existing 7-foot corner lot setback of the home.

**PRIOR COMMISSION APPROVALS.**

2007, January. V06-008. 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 and voted 5:1 to support a variance for the corner lot setback at its April 10, 2009 meeting with the following 2 conditions of support:

1. Substantial conformance with the site plan dated March 18, 2009;
2. A building permit may be granted if a Variance is granted by the BOA if the garage architecture is not changed and the observation deck will be noted on the notices sent out for the BOA hearing.

**STAFF ANALYSIS.**

**Lot Size:** 7,500 sq. ft.)

**Land Development Code Requirement:** Section 3.6.3.D and 3.6.3.F.3

**Compliance with Zoning Code and ARS 9-462.06:** Yes

**Neighborhood Residents Concerns:** As of this date, no comments or phone calls 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 variances. A previous variance was also granted to this property for a corner yard setback in 2007.*

**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 no detriments..*

**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. A previous variance for the corner yard setback was granted by the Board in 2007 as a result of a similar submitted analysis for other properties in the area.*

**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.

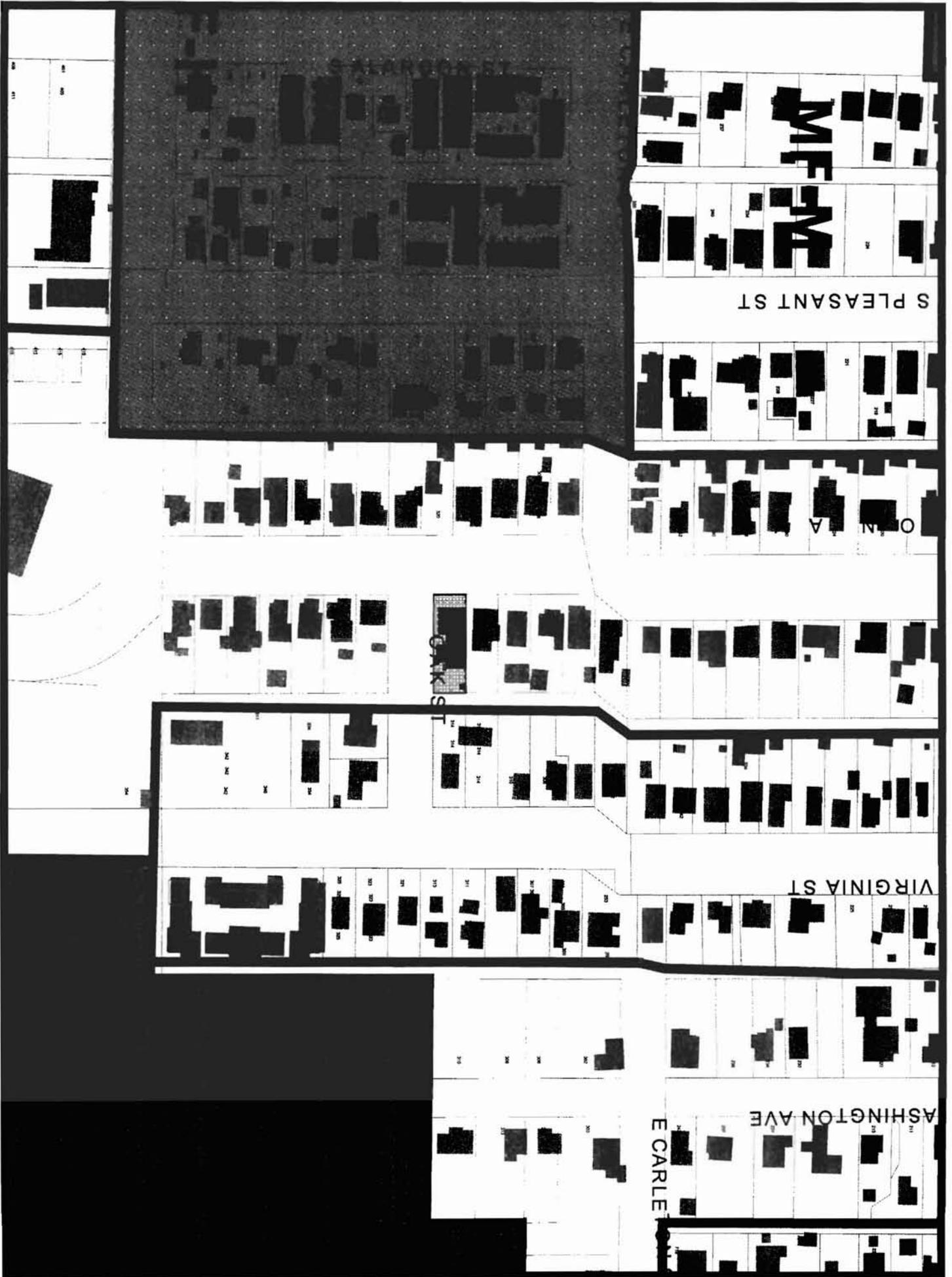
*According to the information submitted by the architect, there are other properties which enjoy a reduced corner lot setback and have additional lot coverage (see attachments).*

**STAFF RECOMMENDATION.**

Staff recommends approval of these 2 variance requests.

**SUGGESTED MOTION:**

MOVE TO APPROVE VARIANCE 09-003 in accordance with attached Exhibit "A4" and that the garage architecture is not to be changed.



S PLEASANT ST

CARK ST

O N A

VIRGINIA ST

WASHINGTON AVE

E CARLE





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

**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

		<i>For Staff Use Only</i>
<b>Owner Name &amp; Address:</b> <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> Assigned To: <u>Mike Bacon</u>
<b>Applicant/Agent Name &amp; Address</b> (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>		Date Application Complete: <u>3/18/09</u>
Phone: <u>778-5610</u> Fax: <u>717-0650</u> Email: <u>bandre@northlink.com</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 % 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.

ROBERT BURFORD / [Signature] 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

April 2, 2009

**CITY OF PRESCOTT**  
**Variance Application for 319 So. Mt. Vernon Ave.**  
**ADDENDUM DESCRIPTION**

Variance includes **Lot Coverage percentage** and **corner yard setback distance**

The Owner, in further review of the project on site and in discussions with staff, has determined that access into the garage is best made from the alley. This requires that the garage be placed within the 6 foot setback to the alley rear property line due to the door to the garage opening to the alley. The new location for the garage (2 feet further to the west) is shown on the site plan and does not require a variance. Also shown is the proposed new stairway to access the roof deck of the garage. This stairway is at the north of the garage away from Oak Street and the alley. The stairs are proposed to be detailed consistent with the deck railings and will be submitted during the building permit process.

All other comments made on the variance submittal form are still valid.

# 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 ARIZONA

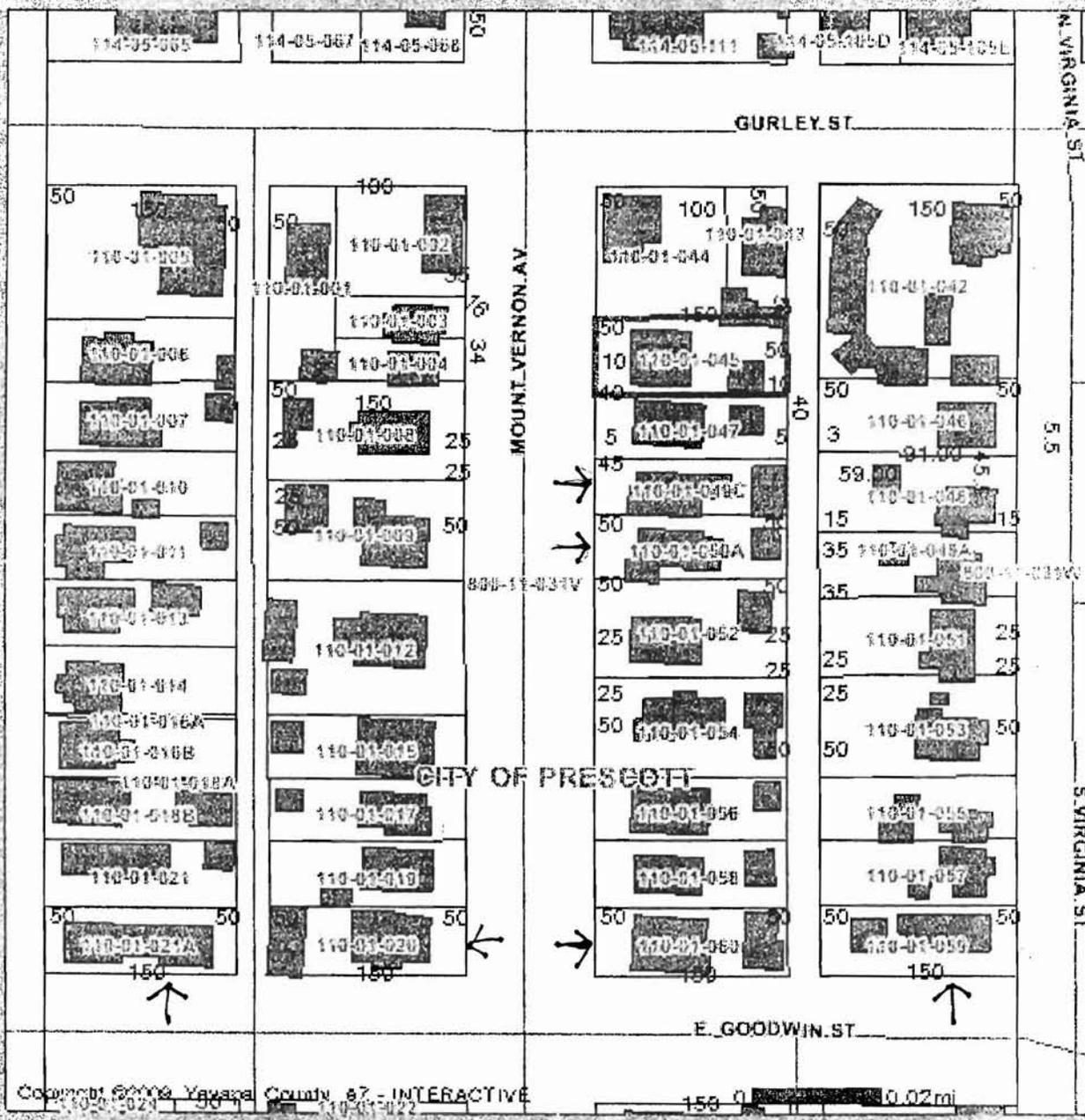
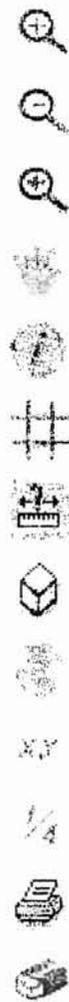
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# YAVAPAI COUNTY GOVERNMENT *ARIZONA*

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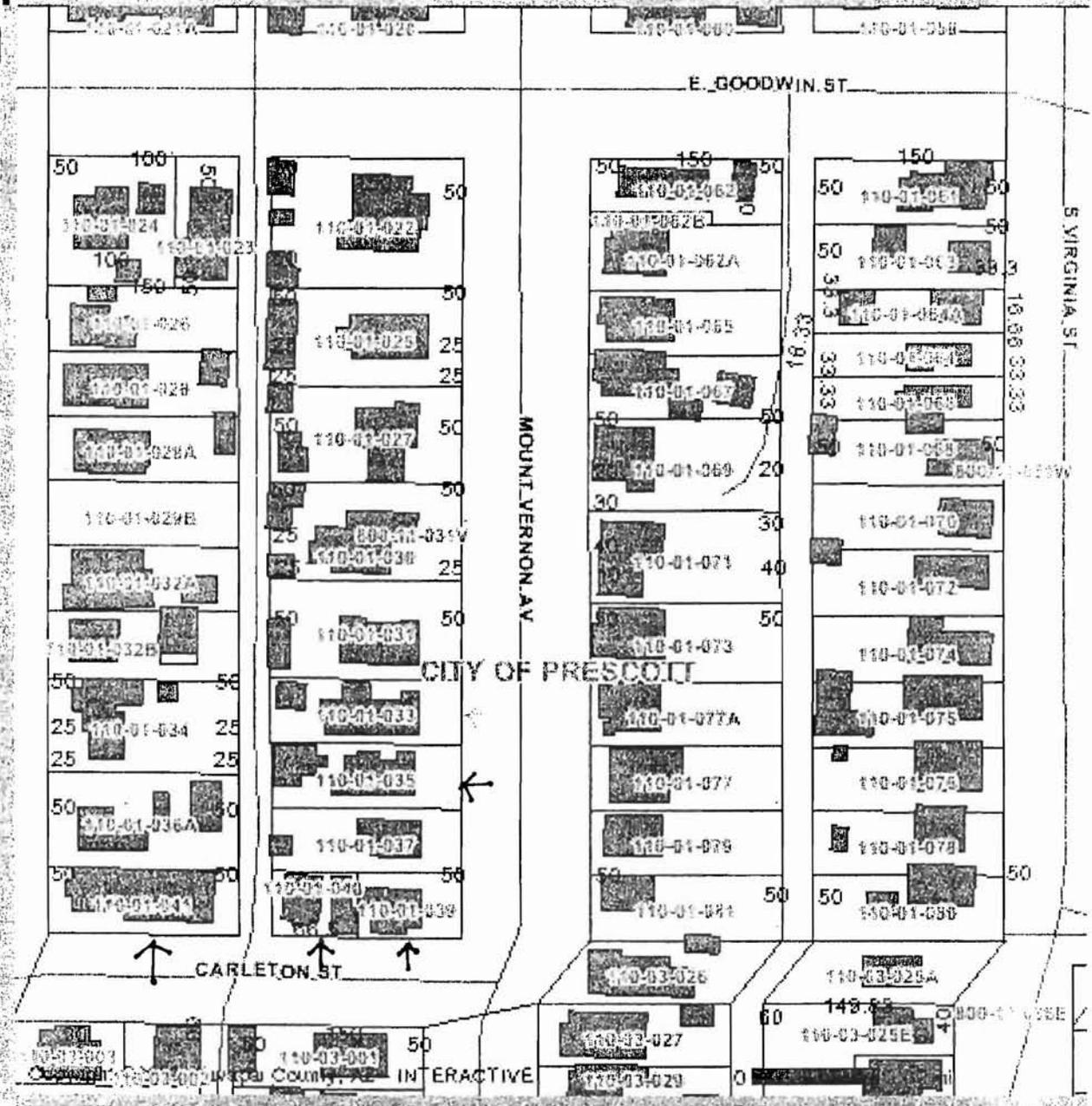
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# YAVAPAI COUNTY GOVERNMENT *ARIZONA*

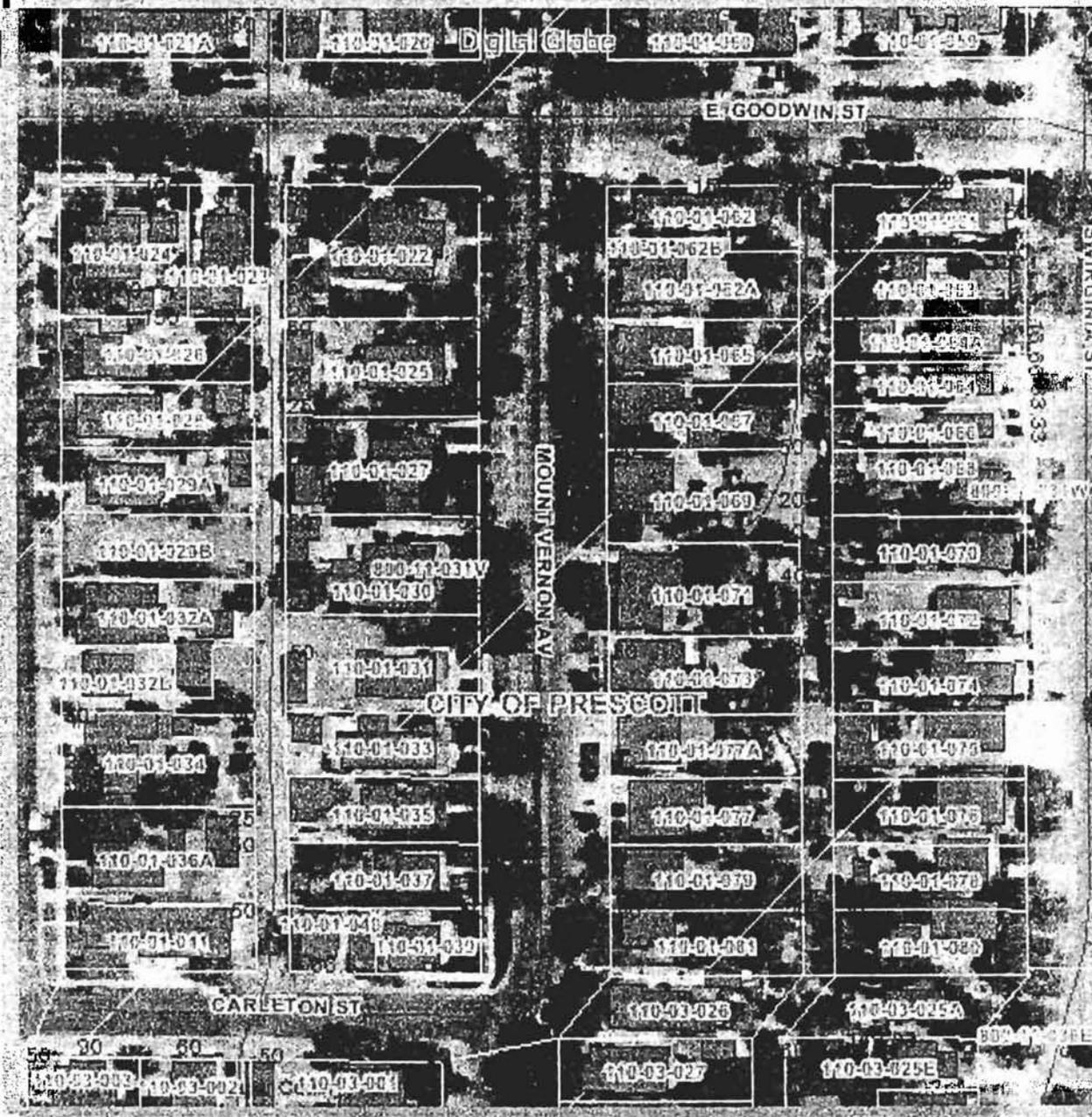
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# ROBERT BURFORD

## ARCHITECT

November 28, 2006

### **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 are on corner lots and do not appear to conform to the current corner setback requirements. 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.

329 S. Mt. Vernon                      SF-9

Approximately 6 feet from the chain link fence (assumed property line) to the face of the garage

243 S. Washington                      SF-9

22'-8" curb to house. Approx 7'-6" assumed property line to house

303 S. Washington                      SF-9

16 feet from back of curb to house. Assume less than 7' from prop. line to house

148 S. Washington                      MF-M

The zoning changes at the center line of Goodwin to SF-9  
7'-7" +/- prop. line to residence

149 S. Washington                      MF-M

The zoning changes at the center line of Goodwin to SF-9  
9 feet +/- prop. line to residence

305 S. Arizona                              MF-M

6 feet +/- Property line (fence) to recently built addition

303 S. Pleasant                              MF-H

8 feet back of sidewalk to porch columns. Assume prop. line closer to res.

248 S. Mt Vernon            SF-9  
4'-7" back of sidewalk to residence

302 S. Mt. Vernon           SF-9  
8'-4" Back of sidewalk to garage

146 S. Mt. Vernon           SF-9  
11 feet back of sidewalk to garage. 6 feet wooden fence (property line) to garage

202 S. Mt. Vernon           SF-9  
16 feet back of sidewalk to garage. 9 feet fence to garage. Property line appears to be inside the fence line.

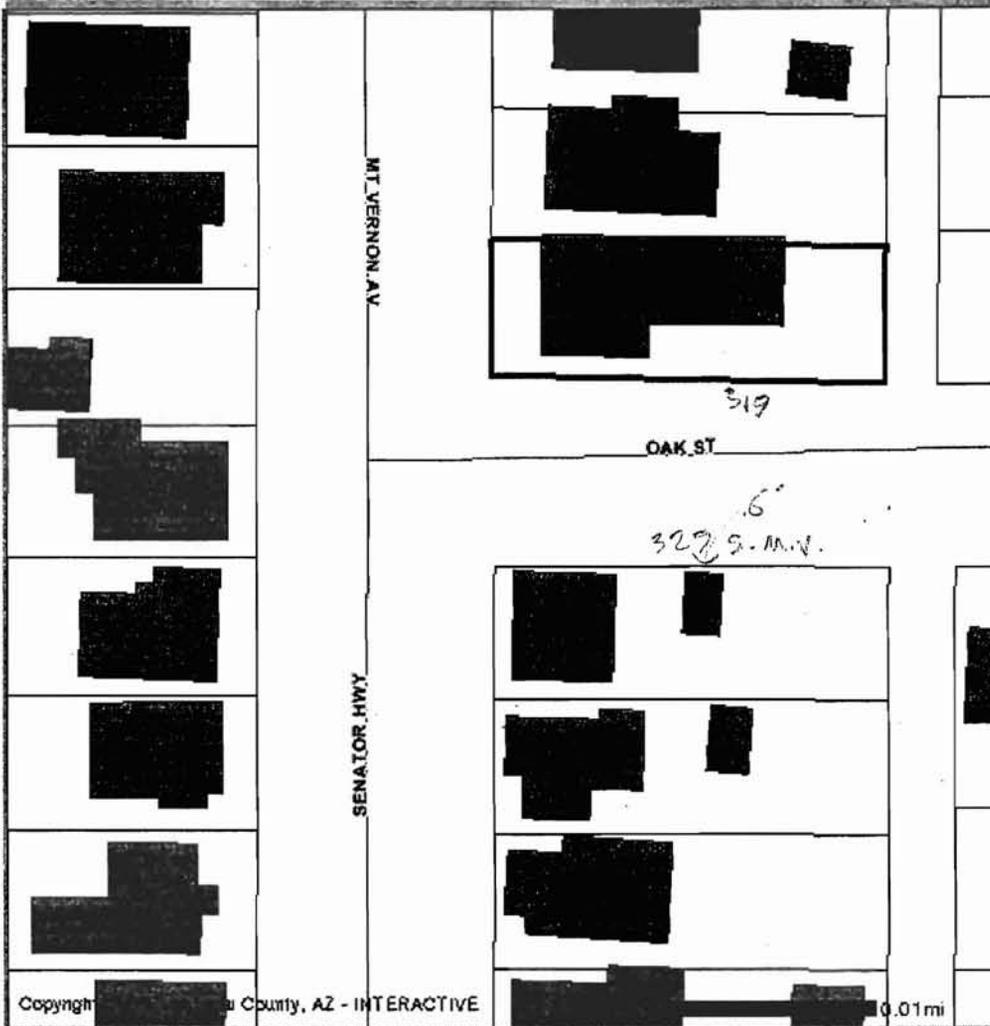
319 S. Mt Vernon           SF-9  
Subject property  
7 feet property line to porch columns

The above are all measured on the long corner side of the properties. Although property lines are not determined accurately, it is clear that several properties do not meet the current corner setback requirements. There are other setback distances at interior sides and at fronts in the locale that do not comply with the current setback requirements as well. We did not survey properties beyond the immediate locale for other setback non-conformities.

# YAVAPAI COUNTY GOVERNMENT ARIZONA

## INTERACTIVE MAPPING APPLICATION

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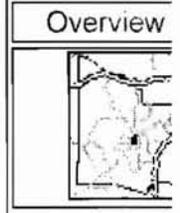
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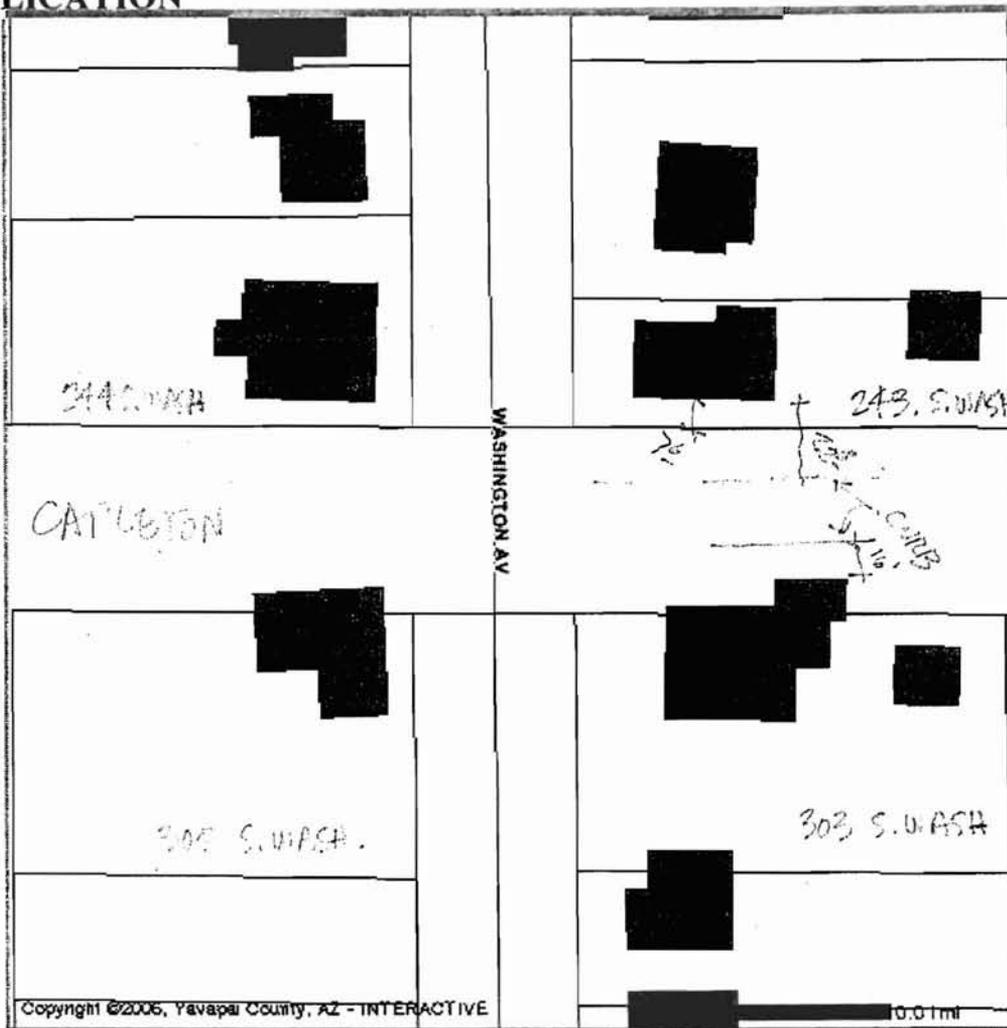
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<b>Owner Information</b>		# Buffer this parcel	
<b>Owner(Primary)</b> KUHLES WARREN C	<b>Owner(Secondary)</b> N/A		
<b>Owners Mailing Address</b> 319 S MOUNT VERNON			
<b>Owner City</b> PRESCOTT	<b>Owner State</b> AZ	<b>Owner Zip</b> 86303	
<b>Recorded Date</b>	<b>Last Transfer Doc Docket</b>	<b>Last Transfer Doc Page</b>	

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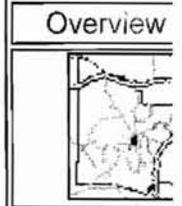
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110-03-034

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**Owner Information**

**Owner(Primary)**

KUHLES WARREN C

**Owner(Secondary)**

N/A

**Owners Mailing Address**

319 S MOUNT VERNON

**Owner City**

PRESCOTT

**Owner State**

AZ

**Owner Zip**

86303

**Recorded Date**

**Last Transfer Doc Docket**

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<b>Owner(Primary)</b> KUHLES WARREN C	<b>Owner(Secondary)</b> N/A		
<b>Owners Mailing Address</b> 319 S MOUNT VERNON			
<b>Owner City</b> PRESCOTT	<b>Owner State</b> AZ	<b>Owner Zip</b> 86303	
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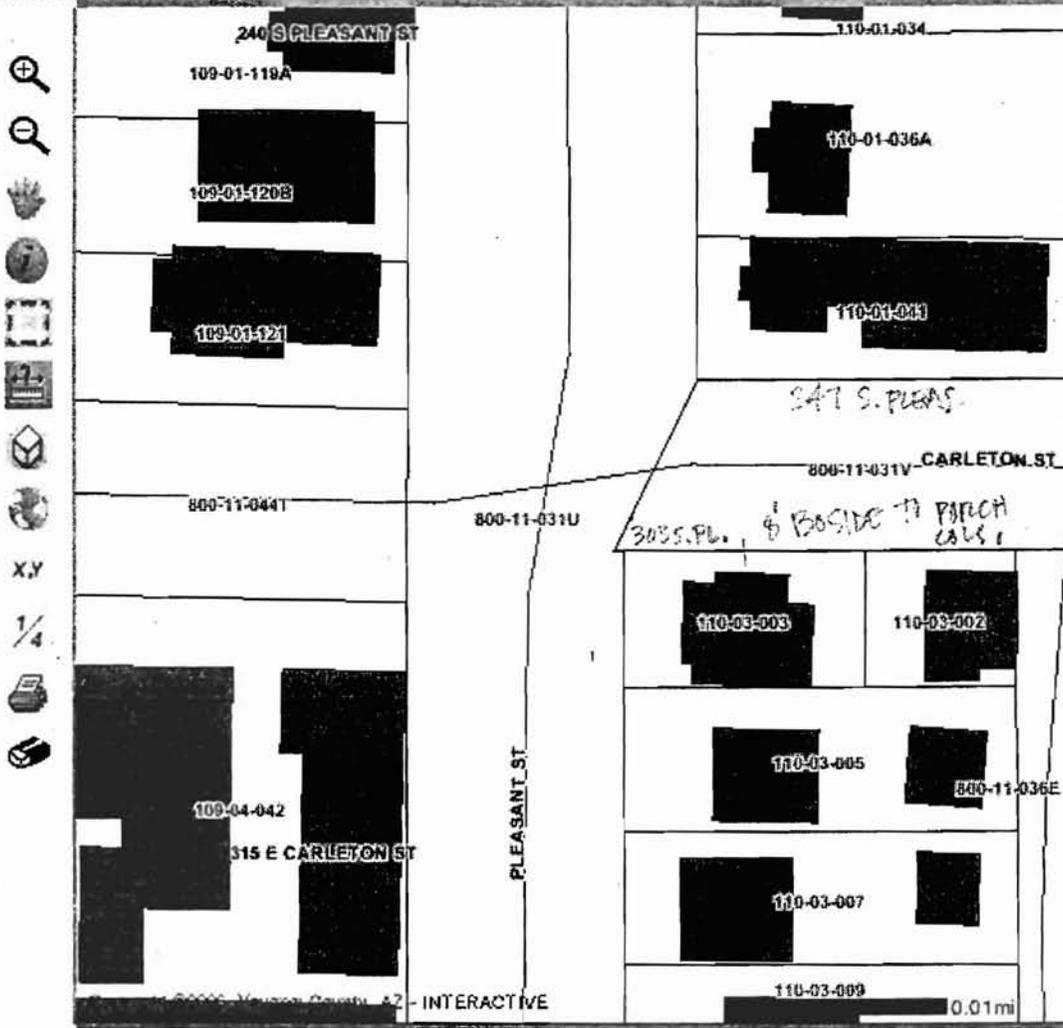
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# YAVAPAI COUNTY GOVERNMENT

## INTERACTIVE MAPPING APPLICATION

Search By Property  Search By Location  [HELP](#) [TUTORIAL](#)



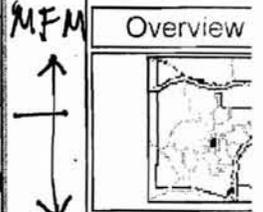
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Refresh Map



Identify La

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  - Land Featur
  - Districts/Pre
  - Zoning
  - Map Theme
  - Satellite/Aer
- Refresh M

Parcel ID: 110-03-034      Check Digit: 3       Print This Information       View Comparables  
 Buffer this parcel

**Owner Information**

**Owner(Primary)**  
KUHLES WARREN C

**Owner(Secondary)**  
N/A

**Owners Mailing Address**  
319 S MOUNT VERNON

**Owner City**: PRESCOTT      **Owner State**: AZ      **Owner Zip**: 86303

**Recorded Date**      **Last Transfer Doc Docket**      **Last Transfer Doc Page**

Active Use  
46

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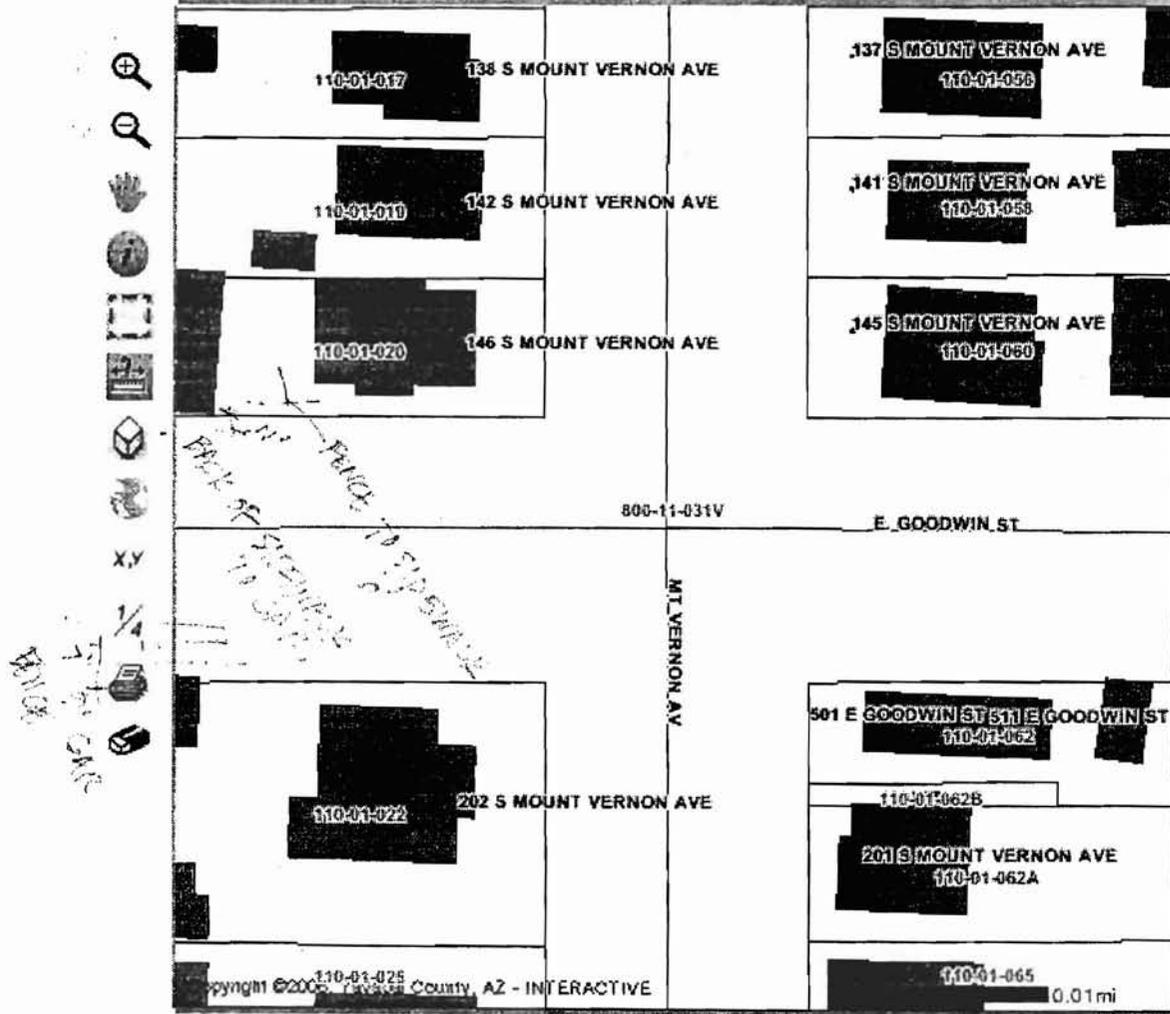
Active Use  
59

12

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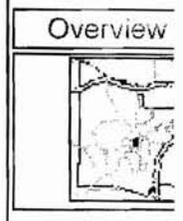
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110-03-034

**Check Digit**

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**Owner(Primary)**

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**Owner(Secondary)**

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**Owner State**

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