

**BOARD OF ADJUSTMENT
PUBLIC HEARING
AUGUST 20, 2009
PRESCOTT, ARIZONA**

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on **AUGUST 20, 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

MEMBERS PRESENT	OTHERS PRESENT
Michael Klein, Chairman	George Worley, Asst. Development Services Director
Duane Famas, Vice Chairman	Richard Mastin, Development Services Director
E. Calvin Fuchs	Matthew Podracky, Sr. Assistant City Attorney
Johnnie Forquer	Mike Bacon, Community Planner
Tom Kayn	Kelly Sammeli, Recording Secretary
Ken Mabarak	
Bill Warren	COUNCIL PRESENT
	Councilman Luzius

III. REGULAR AGENDA

1. Approve the minutes of the July 16, 2009 public hearing.

Mr. Fuchs, **MOTION: to approve the minutes** of the July 16, 2009 public hearing.
Ms. Forquer, 2nd. **VOTE: 7-0.**

2. Reconsideration of V09-003, 319 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 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.

Mike Bacon, Community Planner indicated that the Board had before them a request for continuance until to next meeting in September, because the applicant would like to add two additional variance requests. Mr. Bacon noted that the request would require additional public notifications to the surrounding property owners as well as the general

public. Mr. Bacon reported that the two new variance requests would be in addition to the current request. Mr. Bacon placed the site plan of the property on the overhead projector and reminded the Commissioners that the current request was heard in June of this year, where the board denied the entire request. However, it was brought back for reconsideration on just the lot coverage and not the corner side yard reduction. Mr. Bacon reported that the applicant would like to place the garage on the interior side, and noted that under the previous code, the setback was only 5 feet and the applicant will be requesting a reduction in the side yard of two feet from the current setback of seven feet. Mr. Bacon added that the applicant is also requesting a reduction in the rear setback to one foot from four feet, and this is why the applicant is asking for the continuance until the September meeting. This way all the variance request can be heard at one time.

Chairman Klein inquired if the Board would like to consider the continuance request or consider the current variance request and called for input from the Board.

Mr. Kayn inquired if the additional items would affect the corner setback.

Mr. Bacon indicated no because the building will be setback the required 15 feet. Mr. Bacon added, if the Board decided to vote on the current variance request today, the applicant will probably return next month with the two new requests, and it would be beneficial to everyone to postpone the request until the September meeting.

Mr. Kayn offered that the corner setback reduction that was denied would not be reintroduced with the new request.

Mr. Bacon noted that was correct.

Mr. Mabarak noted he would be in favor of continuing the request and review the final site plan in one undertaking.

Chairman Klein asked staff if that would require a motion to defer the request.

Mr. Bacon noted it would because the public hearing on the item will be continued until September.

Mr. Warren, MOTION: to continue variance request, V09-003, address location of 319 S. Mt. Vernon Street until the next regular Board of Adjustment hearing.

Mr. Fuchs, 2nd. VOTE: 7-0.

3. **Extension request for Variance, V05-014, 1450 Iron Springs Road.** APN: 115-06-191H (now 115-06-191K). The applicant is seeking an extension of time of 3 years regarding a prior variance approval. Owner/Agent; Michael P. Strasser, M.D., Strasser-Mergler Partnership. Community Planner is Ryan Smith (928) 777-1209.

Assistant Community Development Director, George Worley noted that he would be handling the report for Mr. Smith who was away. Mr. Worley reported that the request was for an extension of a variance that was extended once prior. Mr. Worley added that the request came before the Board in 2005 for a landscape reduction requirement along the frontage of Iron Springs Road. Continuing, Mr. Worley explained that the property is located within an area that was affected by the Iron Springs Road improvement project.

The Board granted the Variance and within about six months, the applicant returned and indicated that they would not be able to move forward with the project while the road construction was occurring and requested the extension. That extension was granted and will expire in November of this year. Mr. Worley indicated that the current request is to extend the Variance an additional three years based upon the downturn of the economic conditions which are not conducive to this type of project. Mr. Worley added that staff has reviewed the extension request, the original Variance granted by the Board and do not see a down side to granting the extension for the additional three years requested, extending the Variance to 2013. Mr. Worley concluded the report and indicated he would answer any questions the Board may have.

Chairman Klein called for questions from the Commissioners for staff.

Mr. Mabarak indicated that he was not on the Board at the time the request was approved and asked Mr. Worley to go over the original Variance request.

Mr. Worley place the site plan on the overhead projector and reported that a majority of commercial development requires a ten foot landscape buffer along the frontage of the property, to provide a landscape area help buffer the parking away from the street. The buffer also helps provide for site triangle issues at corners. Mr. Worley noted that the property is located on a corner where a notch has been taken out of the property for the right-of-way due to the Iron Springs Road improvements. Meadowridge Road connected with Iron Springs Road and in the time since the Variance was granted there has been a realigned of the streets and the area is now a four intersection with a traffic signal. Mr. Worley noted that the landscaping buffer would have had to occur on the property itself, behind the sidewalk, and it would have reduced the property to a level that would not allow for parking along the front of the building. The additional landscaping that would have been provided on the frontage is located on the side of the property.

Mr. Mabarak noted that the Variance eliminated the ten foot landscaping setback.

Mr. Worley noted that was correct. Adding that it eliminated the ten foot landscaping along the entire front of the site, allowed for the arrangement of the side landscaping and it included the frontage of the building that is not yet built.

Mr. Kayn indicated that he felt in this case, due to the time intrusion of the Iron Springs Road project it would easily justify the request and queried the board if the economic impacts held any reverence in the decision.

Mr. Fuchs noted that each project should be considered on its own facts and merit and that is what the Board should do with regards to request. Mr. Fuchs indicated that one reason variances are not allowed to keep rolling over is that there may be changes in the future that may make the granting a variance unwise. Mr. Fuchs further added that in this case he does not believe that to be true, as the widening of Iron Springs Road has been completed and under the circumstances he would be in favor of granting the extension request.

Chairman Klein called for additional comments or questions for staff, hearing none opened the item to the public. Hearing no public comment chairman Klein closed the item to the public and called for a motion.

Mr. Kayn, MOTION: to approve the extension of variance, V05-014, extension of time allowed for an additional three years for the project completion with the following conditions: 1) construction shall be in general conformance of the site plan dated August 31, 2005; and, 2) if the construction of the project has not been completed, the approved variance shall expire November 18, 2013.

Mr. Fuchs inquired why the date was 2013 and not 2012.

Mr. Kayn noted because the current variance does not expire until 2010.

Mr. Worley concurred that the variance would expire on November 18, 2010.

Mr. Fuchs 2nd.

Chairman Klein noted the motion and the 2nd and called for the vote.

VOTE: 7-0.

IV. REVIEW ITEMS

4. **Staff update of V07-011, 140 N. Pleasant Street.** Variance, V07-011 was approved to allow for a front porch and a detached garage. Lot coverage of 45.9% (40% permitted). No action by the Board is required.

Mr. Worley reported that the item was properly permitted, finalized, and completed.

5. **Staff update on CUP07-009, 1323 Stetson Road.** This conditional use permit was approved on December 20, 2007 to allow the owner, Prescottonian Motel Limited Partnership, for the use of a self- or mini-storage. No action by the Board is required.

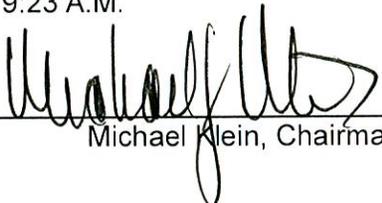
Mr. Worley reported that there has been no activity on this project and the Conditional Use Permit has expired and voided.

V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

V. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:23 A.M.


Michael Klein, Chairman


Kelly Sammeli
Recording Secretary