



BOARD OF ADJUSTMENT DECISIONS

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, JULY 15, 2010
9:00 AM**

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

The following decisions were made by the **BOARD OF ADJUSTMENT** at its **PUBLIC HEARING** to held at 9:00 AM on JULY 15, 2010, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

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

II. ATTENDANCE

MEMBERS PRESENT

Cal Fuchs, Chairman
Duane Famas, Vice Chairman
Johnnie Forquer
Mike Klein

MEMBERS ABSENT

Tom Kayn
Dick Rosa

OTHERS PRESENT

Tom Guice, Community Development Director
Matt Podracky, Senior Assistant City Attorney
George Worley, Planning Manager
Richard Mastin, Development Services Manager
Ryan Smith, Community Planner
Kathy Dudek, Administrative Assistant and
Recording/Transcribing Secretary

III. REGULAR AGENDA

1. **Approve the minutes** of the April 15, 2010 public hearing.

Mr. Klein, **MOTION: to approve the minutes** of the April 15, 2010 public hearing. Mr. Famas, 2nd. Vote: 4-0

2. **CUP10-001, 202 S. Montezuma St.**, (Eco3 Oil Change). APN: 109-02-046A, and totaling ±0.25 acres. *Land Development Code* Section 2.3. Zoning is Downtown Business (DTB). Request is for an amendment to mobile vendor / hot dog cart CUP09-006 to include: additional freestanding vendors, add a canopy cover, and allow for extended hours of operation. Owner is Montezuma

Goodwin, LLC. Applicant is Diane Rosito. Community Planner is Ryan Smith (928) 777-1209.

Mr. Klein made a motion and was seconded by Mr. Famas. The motion was amended and eliminates condition #3 of the staff report.

Mr. Klein, **MOTION: to approve CUP10-001** subject to the following five conditions:

1. The applicant must secure an approved building permit for the canopy within 30 days.
2. At no time may the service area be extended beyond the canopy except as noted on the site plan revised 7-9-10. If the canopy cannot be fire rated, then the hotdog cart may be placed outside of the canopy with a single cart umbrella as required by the County Health Department.
3. At no time shall this CUP be construed to allow sales of non-food retail items.
4. Violations of any and all City Codes shall be deemed in direct conflict with this CUP.
5. The BOA shall review CUP09-006 / CUP10-001 in 90 days, or it's nearest meeting thereafter, to determine the disposition of mobile food vending at this site.

Mr. Famas, 2nd. **Vote: 3-1** (Fuchs). *Motion fails to carry as four affirmative votes are needed to approve an item.*

3. **CUP10-002, 741 Downer Trail.** APN: 111-10-027, and totaling ±1.36 acres. *Land Development Code* Table 2.3 and 2.5.6. Zoning is Single-Family 35 (SF-35). Request is for Conditional Use Permit for a detached guesthouse. Owner is Bentivegna Family Trust. Applicant is Distinctive Homes, Inc. Community Planner is Mike Bacon (928) 777-1360.

Mr. Klein, **MOTION: to approve CUP10-002** for a detached guest quarters with the following conditions of approval:

1. The project be constructed in substantial conformance with the Site Plan, "Exhibit A," dated July 17, 2010;
2. The project be in accordance with Section 2.5.6 (Guest Quarters) of the *Land Development Code*; and,
3. Site development must be within the approved building envelope (or approved, adjusted building envelope) on file with the Community Development Department.

Ms. Forquer, 2nd. **Vote: 4-0.**

4. **Approve Amendment of the Board of Adjustment Bylaws.**

A consensus was reached to defer this item until the August 19, 2010 public hearing.

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VI. ADJOURNMENT

Chairman Fuchs adjourned the public hearing at 10:05 AM.