

BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, November 15, 2012
9:00 AM**

**COUNCIL CHAMBERS
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 at 9:00 AM on November 15, 2012, 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

II. ATTENDANCE

Members

Mike Klein, Chairman	Duane Famas
Greg Lazzell, Vice Chairman	Richard Rosa
Johnnie Forquer	George Wiant
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. **Approve the minutes** of the June 21, 2012 public hearings.
2. **V12-007, 420 Aspen Street.** APN: 109-07-046 totaling 0.19 acre. LDC Section 3.6.3.F. Zoning is Single-family, SF-9. Request is for a reduced side yard setback from 7 feet to 4 feet to permit the construction of a garage. The Owner is Robin Burr, 420 Aspen Street, Prescott 86303. Planner is George Worley (928) 777-1287.
3. **CUP12-002, 501 S. Senator Hwy.** APN: 110-06-002A and C totaling ±6.25 acre. LDC Sections 2.3 and 3.6. Zoning is Single Family - 9000 square feet minimum lot size (SF-9). Request an amendment to the existing church Conditional Use Permit, CU-8801, to allow for the construction of a 30,000 square foot sanctuary and multi use building and a parking lot. Owner is the Prescott Christian Church. Applicant is Michael Taylor Architects, Inc., 118 S. Pleasant St., Prescott, AZ 86303. Community Planner is Ryan Smith (928) 777-1209.

4. **V12-008, 501 S. Senator Hwy.** APN: 110-06-002A and C totaling ±6.25 acre. LDC Section 3.6. Zoning is Single Family - 9000 square foot minimum lot size (SF-9). Request a Variance to increase allowed building height from 35' to 50'. Owner is the Prescott Christian Church. Applicant is Michael Taylor Architects, Inc., 118 S. Pleasant St., Prescott, AZ 86303. Community Planner is Ryan Smith (928) 777-1209.

IV. REVIEW ITEMS

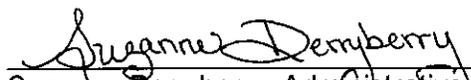
V. SUMMARY OF CURRENT OR RECENT EVENTS

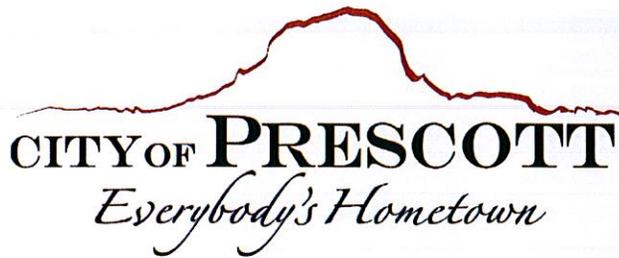
VI. ADJOURNMENT

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.

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 November 9, 2012 at 2:00 PM in accordance with the statement filed with the City Clerk's Office.


Suzanne Derryberry, Administrative Specialist
Community Development Department



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, JUNE 21, 2012
9:00 AM**

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

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on June 21, 2012 in Council Chambers, City Hall, located at 201 S. Cortez Street, Prescott, Arizona 86303.

I. CALL TO ORDER

Chairman Klein called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Members

<i>MEMBERS</i>	<i>STAFF PRESENT</i>
Michael Klein, Chairman	George Worley, Planning Manager
George Wiant	Suzanne Derryberry, Administrative Specialist
Johnnie Forquer	
Duane Famas	
James Di Rienzo	
	<i>COUNCIL PRESENT</i>
<i>MEMBERS ABSENT</i>	Marlin Kuykendall, Mayor
Greg Lazzell, Vice Chairman	
Dick Rosa	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. **Approve the minutes** of the April 19th and May 17th, 2012 public hearings.

Mr. Wiant, MOTION: to approve the minutes of the April 19th, 2012 Meeting.
Mr. DiRienzo, 2nd. VOTE 5-0

Mr. Wiant, MOTION: to approve the minutes of the May 17th, 2012 meeting.
Mr. DiRienzo, 2nd. VOTE 5-0

2. V12-004 – 504 East Willis Street. APN: 114-05-091. Zoning is SF-9. Variance requested for reduced corner-side yard setback and lot coverage. Owner/Applicant is Richard and Peggy Roberts. Planning Manager is George Worley (928) 777-1287.

Mr. Worley reviewed his staff report and indicated that the request was for a variance for the property at the northeast corner of Willis Street and Mount Vernon Street. The property is a remnant of an original lot which was split sometime in the past and 1/3 of the property was created and developed as a separate lot.

Mr. Worley continued by displaying images on the overhead projector and noted that the original lot was 50 feet by 150 feet in dimension. The lot is a corner lot which creates additional concerns and problems for development under newer zoning codes. Modern zoning codes require an additional setback on corner side lots. This zoning district requires a front yard setback of 20 feet and the corner side requires 15 feet. There is an additional 7 foot setback requirement beyond what the interior lots are required for every corner lot which created an additional 7 foot strip of property that is not buildable.

The applicants wished to partially remove the existing structure and incorporate it into a new garage. The building will meet the front setback but they are requesting a variance to be allowed to move the front face of the building to 8 feet from the property line which more or less approximates the setback along Willis. The intent is to allow for a moderately sized house on the lot.

Mr. Worley stated that staff recommended granting both requests; reducing the corner side setback and the maximum lot coverage.

Mr. Famas discussed the driveway being 8 feet in length and was concerned about there not being enough room for parking on the driveway as well as not having enough sight distance. Mr. Worley noted that there is space on the other side of the sidewalk which would give them enough room for visibility distance. He didn't think there would be a hazard for visibility when backing out of the garage and city code would not allow them to park across the sidewalk; they would have to either park on the street or in the garage.

Mr. Klein questioned whether the total square footage of 2,400 square feet included the garage. Mr. Worley stated that was correct; the total square footage included the home and the garage.

Rich Roberts, 18012 N. 14th Street, Phoenix, shared his excitement of moving to the Prescott area and the possibility of building their new home. He added that they plan on building a home similar to what is already present in the neighborhood.

Bill Feldmeyer, neighbor of the applicant (did not state his address), stated that he was very pleased that someone would be building on the vacant lot and felt that it would be a great addition to the neighborhood; he encouraged the board to approve the request.

Mr. DiRienzo, MOTION to approve V12-004; as submitted to the board.
Mr. Wiant, 2nd. VOTE 5-0

3. V12-006 – 214 North McCormick Street. APN 113-15-018A. Zoning is BG. Variance request for reduced front yard setback. Owner/Applicant is Larry Kantor. Planning Manager is George Worley (928) 777-1287.

Mr. Worley reviewed the staff report and indicated the request was for a variance to decrease the front yard setback from 15 feet to 10 feet in order to allow the construction of a single-family home.

Mr. Worley added that the area was zoned as Business General and that the surrounding area was a mixture of both business and residential uses. The property in question was an older property; Mr. Worley showed photos of the home on the overhead projector. The property has a significant sloped area across the rear 2/3 of the property. Because of the slope of the property it falls within the city's criteria for a hillside lot and there are restrictions as to how much the lot can be modified to create building paths. This was a previously modified site however, so there is an issue of that modification being much closer to the street than what would currently be allowed based on the city's current zoning code.

Mr. Worley noted that there is a criterion in the code which allows staff to administratively grant a topographic exception. Mr. Worley finished by displaying photos of surrounding structures and their setbacks and stated that staff recommended approval of the request.

Mr. DiRienzo discussed water diversions. Mr. Worley added that the proposal would not have water flow that would drain onto adjacent properties.

Mr. Wiant expressed his happiness that someone would be using the lot. Mr. Famas wanted to know if the home would be a split level home. Mr. Worley indicated that it would be a split level home. Mr. Famas questioned questions other various issues pertaining to home occupations and driveways.

Mr. Klein called the applicant to speak. Larry Canter, 205 Grove Ave, stated that he wanted to live in the downtown area and that this would be his dream home. He added that his desire was to make the area a more livable space especially since it had been such an eye sore for many years. The board did not have any questions for the applicant.

Mr. Klein made a call to the public. Ann Alexander, 204 N. McCormick, stated that she would love to have the applicant's for neighbors and that she would be in favor of the proposal aside from her concern of possible water run-off. Mr. Worley stated that staff would work with the property owner in order to help direct the flow of water runoff. Mr. Klein called for any other members of the public; there were none.

Mr. DiRienzo, MOTION to approve V12-006; as submitted to the board.
Mr. Famas, 2nd. VOTE 5-0

IV. REVIEW ITEMS

None

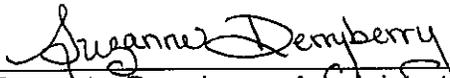
V. SUMMARY OF CURRENT OR RECENT EVENTS

None

VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:29 a.m.

Mike Klein, Chairman


Suzanne Derryberry, Administrative Specialist
Community Development

VAR # V12-007

VARIANCE
Setbacks and lot coverage
420 Aspen Street

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR **November 15, 2012**

STAFF REPORT

TO: Board of Adjustment

FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*

Date: November 15, 2012

Location: 420 Aspen Street

Parcel No: 109-07-046

Zoning: Single-family (SF-9)

Owner: Robin Burr
420 Aspen Street
Prescott, Arizona 86303

REQUEST:

This is a request for a variance to decrease the side yard setback from 7 feet to 4 feet to permit the construction of a detached single-car garage on a residential property. The proposed garage is approximately 360 square feet and will be located adjacent to the existing house, well behind the front setback.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

ZONING CODE REQUIREMENT: LDC Section 3.6

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND:

The property is on Aspen Street in an older developed neighborhood. This home was likely built in the early 1930's, but is not in a historic district. Nearby properties to the north are in a historic district with homes documented as dating from the late 1920's through the early 1930's. The applicant's home was built without a garage, unlike several nearby properties.

The potential locations for a garage on the property are limited by rocky terrain that predominates across the rear of the lot. Clearing of a site for the garage at the rear of the property (which would meet the side setback requirement) would be prohibitively expensive (See attached photographs). Attaching the garage to the existing home is impractical for two reasons. First, there are bedroom windows that would be covered by such attachment. The building codes would not allow these windows to be covered or removed. The proposed three-foot gap between the existing house and the proposed garage would allow these windows to be used for egress if needed. Second, the home is of a historically relevant rock construction. Covering the exposed rock wall would damage the historic significance of the home. While this home is not within a historic district, its historic integrity remains important to the owners and the neighborhood.

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request's consistency with the 2003 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The area is a single-family residential neighborhood. The proposed garage addition would be compatible with the single-family use of the property and the neighborhood.

VARIANCE REQUIREMENTS:

Variances may be granted only if, because of special and unusual circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning code will deprive such property of privileges enjoyed by other property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

VARIANCE CRITERIA:

1. Extraordinary Conditions.

The property has considerable rock outcroppings that impede construction on areas of the lot where the setbacks can be met.

2. Substantial Detriment.

Due to the limited area where a garage can be reasonably constructed, the owners are severely constrained in the size and location of the garage. This is a substantial detriment to the construction of a garage on the lot without being granted the requested variance.

3. Special Privileges.

While granting this request will allow the owners reduce the side yard setback, the desire for a garage on a residential property is not an unusual request and granting this request does not constitute granting a special privilege.

4. Self-induced Hardship.

The applicants have a hardship not of their own creation in the extensive rock outcroppings and the lack of alternative locations within their site. Staff considers the extent of the rock outcroppings and the burdensome expense of clearing such a rocky site to be a hardship of the land and not self-induced.

5. General Plan.

The General Plan encourages in-fill development and the maintenance of existing neighborhood character. This request is consistent with other existing developed parcels within the immediate vicinity and would not adversely impact the neighborhood character.

6. Utilization.

This request is the minimum necessary to permit the reasonable utilization of the applicant's site.

NEIGHBORHOOD COMMENTS:

Staff has received no comments from the public regarding this request.

STAFF RECOMMENDATION:

Based upon the findings above, staff recommends approval of Variance V12-007, reducing the side yard setback from 7 to 4 feet.

SUGGESTED MOTION:

Move to approve Variance #V12-007, reducing the north side yard setback to 4 feet to permit the construction of a single car garage.

Parcel Report for APN: 109-07-046

Site Address: 420 ASPEN ST

Owner:

BURR ROBIN JO
420 ASPEN ST
PRESCOTT AZ 86303

Subdivision Name: RIDGEWOOD HEIGHTS

Max. Lot Coverage: 40%
Max. Bldg Height: 35 ft
Setbacks:
Front: 25 ft
Side: 7 ft
Rear: 25 ft
Corner: 15 ft

Acres:
Square Ft.
TRS: T13-R2-S4

DOR Usage Code: Residential
Description: 0131-SFR-010-3 URBAN-SUBDIVID

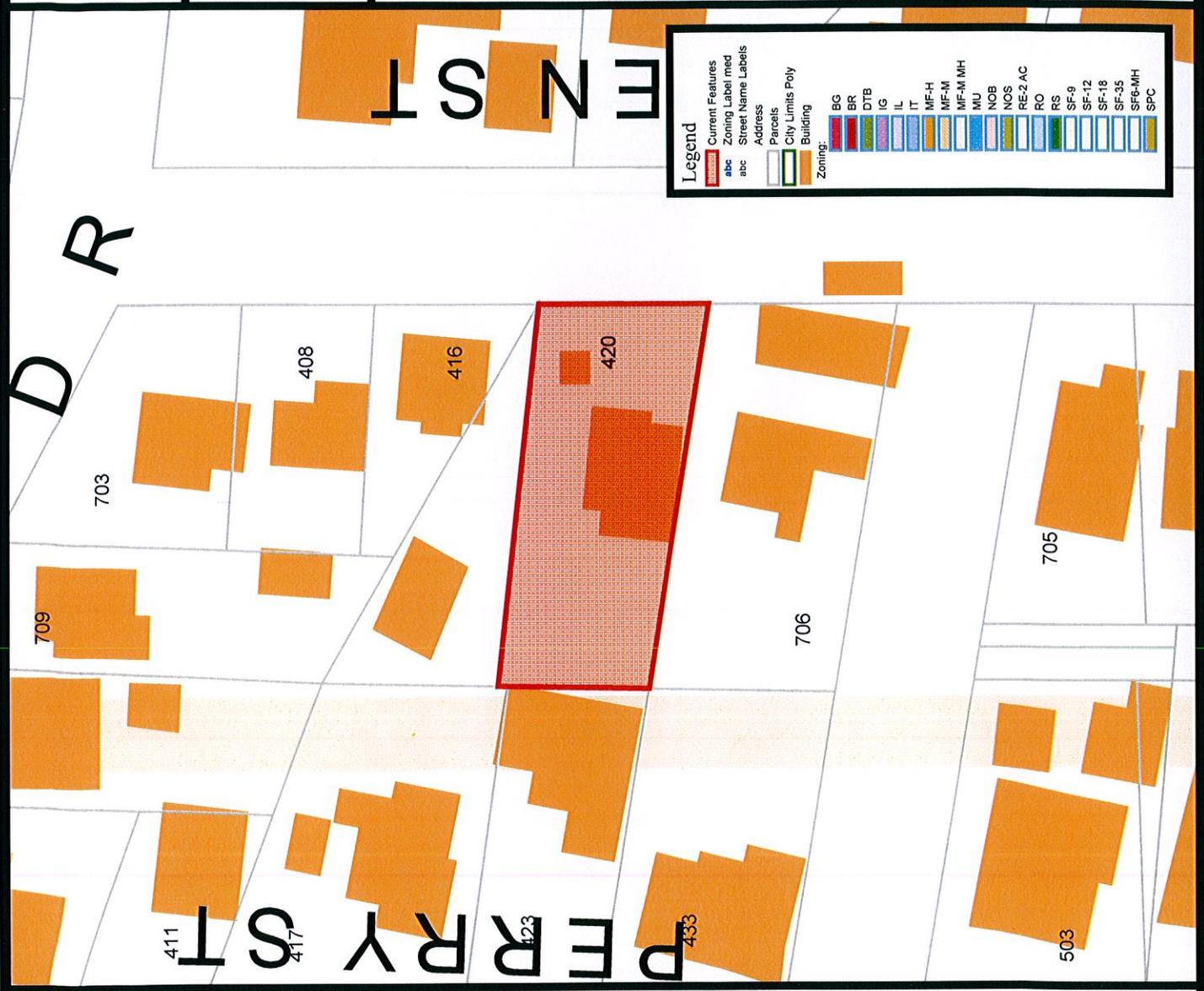
Zoning Information

Zoning: SF-9
Flood Zone: X;
FIRM Panel: 04025C2061G

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
Wildlife Urban Interface: Inside

Planner's Actions:

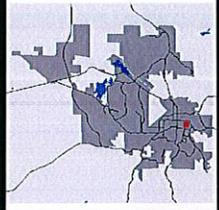


Legend

- Current Features
- Zoning Label med
- Street Name Labels
- Address
- Parcels
- City Limits Poly
- Building

Zoning:

- BG
- BR
- DTB
- IG
- IL
- IT
- MF-H
- MF-M
- MF-M MH
- MU
- NOB
- NOS
- RE-2 AC
- RO
- RS
- SF-9
- SF-12
- SF-18
- SF-35
- SF6-MH
- SPC



420 ASPEN ST

This map is a product of The City of Prescott



This document is a graphic representation only of local, state, and federal laws. The City of Prescott assumes no responsibility for any errors.



430

420

416

409

408

490

50

ASPEN ST

HERRING DR

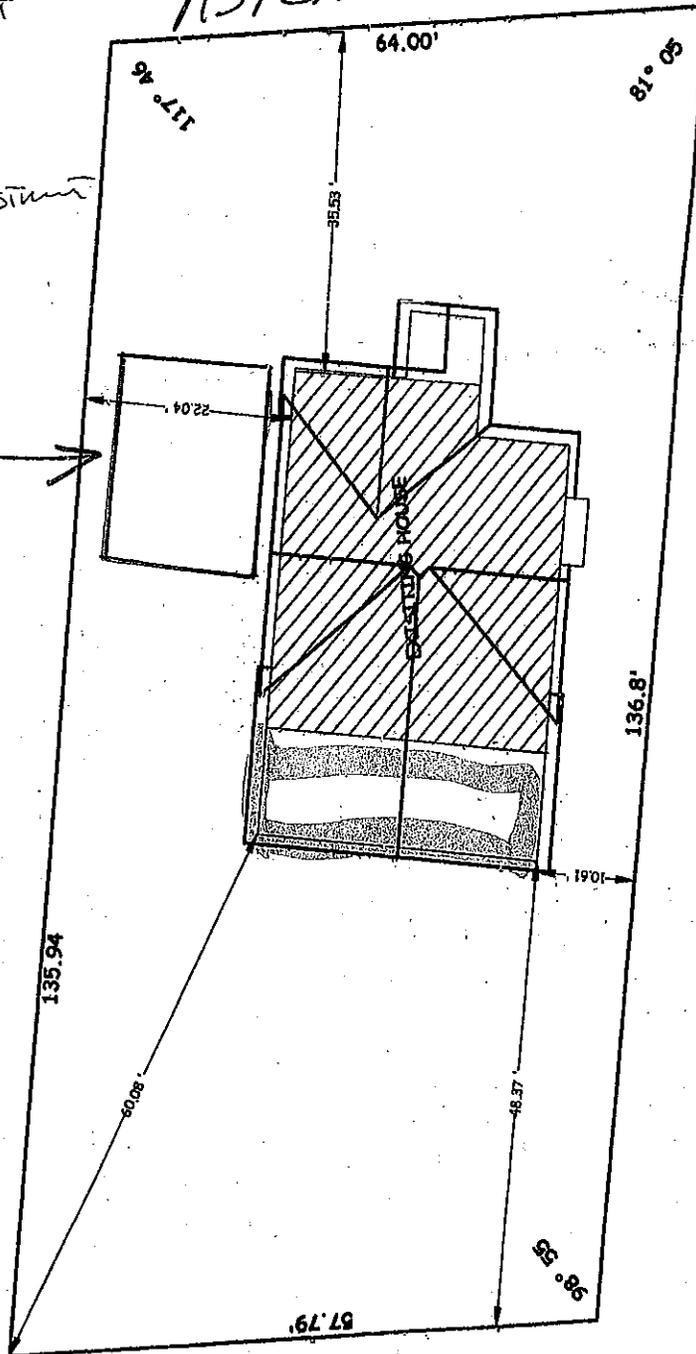


ADMINISTRATIVE ADJUSTMENT
WILL GAIN 1 FT

ASPEN STREET

VARIANCE
BOARD OF ADJUSTMENT
\$1000 COST

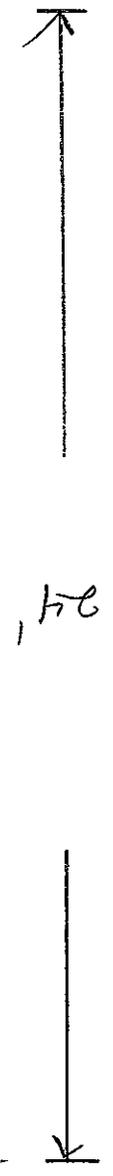
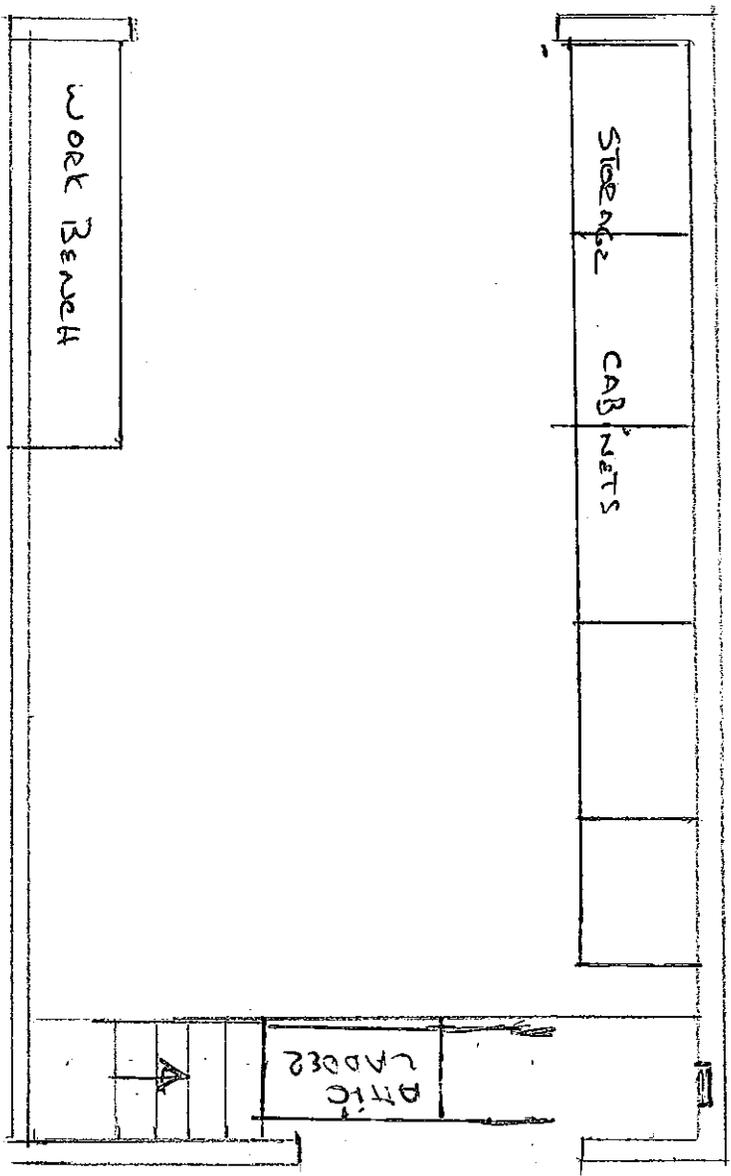
PROPOSED
GARAGE



COMPLETED



1/4" = 1 FOOT



360 SQ. FT.

**City of Prescott
Community Development Department
Planning & Zoning Division**

August 30, 2012

Dear Board Members:

The home at 420 Aspen St. in Prescott, Arizona is a rock house built in the late 1930's. The backyard consists mainly of large boulders with the property increasing in a rather steep incline to the property line in the rear of the home. This incline, in conjunction with the large boulders, would make the possibility of constructing the garage in the rear of the property nearly impossible. After owning the home through last winter, it is obvious that there is a need for a garage that not only protects the vehicle from the elements, but to be able to enter and exit the vehicle in a safe manner. In researching this need, it was observed that all of the other homes in our area have a garage and/or carport. Since the garage cannot be attached to the home, we are asking for a variance in order to build a structure that will accommodate a small vehicle.

Thank you for your consideration.

Respectfully,

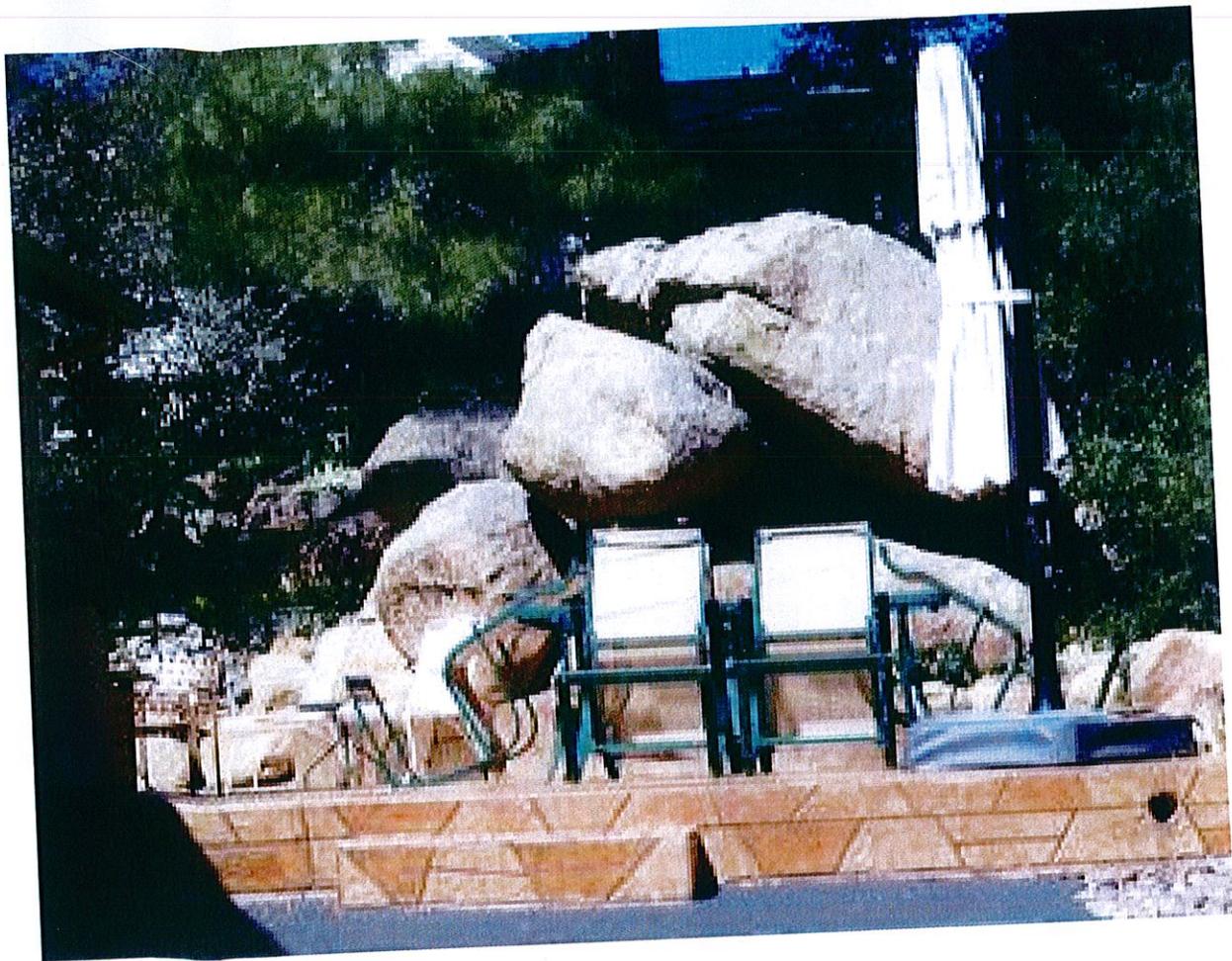


Robin J. Burr, Homeowner

420 Aspen St
Prescott, Arizona







September 12, 2012

To Whom It May Concern:

I am authorizing Ted Hannaman to represent me as my agent in the application process for the variance hearing on the property located at:

420 Aspen St
Prescott, Az 86303

Thank you for your time and attention.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Robin J. Burr", with a long horizontal flourish extending to the right.

Robin J. Burr, Owner



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

VARIANCE APPLICATION

V# 12-007

Property Address: 420 ASPEN ST.

Assessor's Parcel Number (s)(APN): 109-07-046

Township _____ Section _____ Range _____ Current Zoning: SF 9

Subdivision Name: RIDGEWOOD HEIGHTS

		<i>For Staff Use Only</i>
Owner Name & Address: <u>ROBIN J BURR</u> <u>420 ASPEN ST</u> <u>PRESCOTT AZ. 86303</u>		Date Received: _____
Phone: <u>1602 910-1982</u> Fax: _____ Email: _____		Taken In By: _____
Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal): <u>TED W HANNEMAN</u> <u>416 ASPEN ST</u> <u>PRESCOTT AZ 86303</u>		Assigned To: _____
Phone: <u>928 771 1170</u> Fax: _____ Email: <u>TED.HANNEMAN@PRESCOTT-AZ.GOV</u>		Date Application Complete: _____
		Fees & Charges: _____
		Receipt #/Date: _____
		PAC Date: _____
		BOA Date: _____

Description of Request: SIDE YARD SET BACK ADJUSTMENT
TO BUILD ONE CAR GARAGE

TW Han 9-10-2012
 Name Signature Date

VARIANCE QUESTIONNAIRE

All questions must be answered prior to acceptance of the application.

- 1. Describe the special or unique conditions and circumstances which are peculiar to the land (e.g. large trees, rocks, outcrops, washes, steep topography, etc), structure or building, which are not applicable to other lands, structures or buildings in the same zoning district in other locations.

LARGE ROCKS ON PROPERTY AND STEEP TOPOGRAPHY
PREVENT BUILDING IN BACK YARD

- 2. Indicate how the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance. If citing other properties, their addresses must be given.

EXISTING SETBACKS DO NOT ALLOW PROPERTY OWNER
THE ABILITY TO BUILD A GARAGE OF A REASONABLE
AND USEABLE SIZE

- 3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the Zoning Ordinance include more than personal inconvenience and financial hardship, which do not result from the actions of the applicant(s).

LACK OF COVERED PARKING + STORAGE
HOMES BUILT IN THE 1930S HAVE INADEQUATE
STORAGE

- 4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

ALL PROPERTIES IN AREA HAVE GARAGES

- 5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.

THE VARIANCE WILL NOT ENCROACH ON
NEIGHBORING PROPERTIES

CUP12-002

CONDITIONAL USE PERMIT

Agenda # _____

V12-008

And VARIANCE

Prescott Christian Church

501 S. Senator Highway

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR November 15, 2012

STAFF REPORT

TO: City of Prescott Board of Adjustment (BOA)

FROM: Tom Guice, Community Development Director
George Worley, Planning Manager *GW*
Ryan Smith, Community Planner *RS*

DATE: November 8, 2012

APPLICATION: CUP12-002 and V12-008

ZONING: Single Family-9000 (SF-9)

APN: 110-06-002A, C

AREA: 6.26 acres

Owner: Prescott Christian Church
501 S. Senator Highway
Prescott, AZ 86303

Agent: Michael Taylor Architects, Inc.
118 S. Pleasant St.
Prescott, AZ 86303

REQUEST:

Request an amendment to the existing church Conditional Use Permit, CU-8801, to allow for the construction of a 30,000 square foot sanctuary / multi use building and a parking lot. The applicant indicates that 15,000 square feet of the building will be used as a new church sanctuary with the remaining 15,000 square feet to be multi-use.

The applicant is also requesting a variance to allow for an increased maximum building height from 35 feet to 55 feet.

BACKGROUND AND PAST BOA ACTIONS:

The Prescott Christian Church currently operates under Conditional Use Permit CU-8801. An approved amendment to the church Conditional Use Permit is needed to allow for the proposed expansion. The property is zoned SF-9 which allows for a church with an approved CUP. The Church is currently allowed by CUP (CU-8801) which was approved in 1988 as a 15,500 square foot church with 264 seats and 70 parking spaces. The Church was indicated to have Sunday activities with M-F office hours from 8am to 5pm. A 12,000 square foot classroom expansion took place in 2001. The proposed sanctuary building will add an additional 30,000 square feet to the church with 500 seats. This is a significant expansion of the church that was not anticipated 1988.

CONDITIONAL USE REVIEW CRITERIA:

Conditional uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the certain general criteria as described in Section 9.3.5 of the LDC:

- A. Effect on the environment:** The church currently offers Sunday services, youth ministry on Tuesday and Wednesday and M-F office hours. The applicants narrative regarding the expansion does not indicate any additional church activity, but does discuss possible future growth. Additional seating for Sunday services will increase traffic along Senator Highway.
- B. Compatible with surrounding area:** Residential zoning exists on all adjacent sides of the church. To the north and south is vacant land that may be developed residentially in the future. To the east is a vacant parcel, a cemetery and the 80 acre Acker Park. To the west is the Senator Highway and the Palmer Hill subdivision which has completed infrastructure, but is currently vacant.
- C. External impacts minimized:** The applicant is proposing a structure 55 feet in height and a new parking area. Visual impacts may exist due to the height of the building. Temporary impacts may be anticipated during construction. Elevations have been requested to better represent the visual impacts of the request.
- D. Infrastructure impacts minimized:** Additional infrastructure is not required. A TIA is not required at this time, however, if the church proposes additional uses such as a public school curriculum, M-F daycare or other daily use of the property, a TIA may be required.
- E. Consistent with General Plan and Code:** Request is consistent with the General Plan.
- F. Parcel size:** The subject property is adequately sized for this use.
- G. Site Plan:** A site plan has been provided showing the new structure and parking area. Landscaping shall be provided as required in the Land Development Code.

VARIANCE CRITERIA:

A variance may be granted only when the Board of Adjustment finds the proposal meets the 6 items of certain general criteria as described in Section 9.13.4.A of the LDC:

1. Extraordinary Conditions:

Variances may be granted for special and unique circumstances to the property. The proposed building site location is currently a flat paved parking area. Topographic conditions do not appear to constrain building height at this location, however, the applicant narrative sites earthwork and drainage considerations. Building elevations have been requested to clarify which portions of the building are proposed to be 55 feet in height, but will not be available until the November 15th BOA meeting.

2. Substantial Detriment:

Granting of the variance will not create detrimental effects to the public health, safety and welfare or be materially injurious to nearby properties. Extended building height may create a visual detriment, however, the Senator Highway is at a higher elevation than the proposed building site. Varying topography in some areas of the property that may serve to minimize visual impact to nearby properties.

3. Special privilege:

The LDC states, "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 such property is located". The applicant narrative refers to church campus buildings on the same property as similar to the proposed building. There are numerous examples of churches operating in Single Family zoning districts, however, staff is unable to locate other examples of height variances granted to church structures.

4. Self-induced hardship:

The applicant has verbally indicated that the 55 foot building height is due to a tower like architectural feature and possibly a slope feature.

5. General Plan:

The structure and use is in conformance with the General Plan.

6. Utilization:

There are numerous examples of churches operating in Single Family zoning districts either by approved CUP or as legal-nonconforming uses.

NEIGHBORHOOD COMMENTS:

Staff has sent mailings to the owners of record within 300' of the property, posted the property, and published notices in the local paper. As a courtesy, additional mailings were sent to the owners of record for all properties adjacent to the Senator Highway from Gurley Street heading south to the church. No responses have been received as of this writing.

STAFF FINDINGS AND RECOMMENDATIONS:

The Land Development Code allows for the expansion of this use under the CUP process. The prior history under the current CUP would suggest an efficiently run organization conforming to all City Codes. However, the application does not completely address aspects of the continued growth of this church. Therefore, staff is recommending approval of CUP12-002 with suggested conditions. Staff offers a neutral recommendation regarding Variance V12-008.

SUGGESTED MOTION OF CUP APPROVAL WITH CONDITIONS:

Move To Approve Conditional Use Permit Amendment CUP12-002 with the following conditions:

1. The CUP approval and subsequent construction of a 30,000 square foot sanctuary and parking area shall be in substantial conformance with the site plan dated 9-13-12.
2. Additional activities outside regular Sunday services, Tuesday and Wednesday youth ministry and M-F church office hours must be approved by the Community Development staff, who may require infrastructure analysis and/or approval by the Board of Adjustment.

POSSIBLE MOTIONS FOR VARIANCE: Board members have the option as follows:

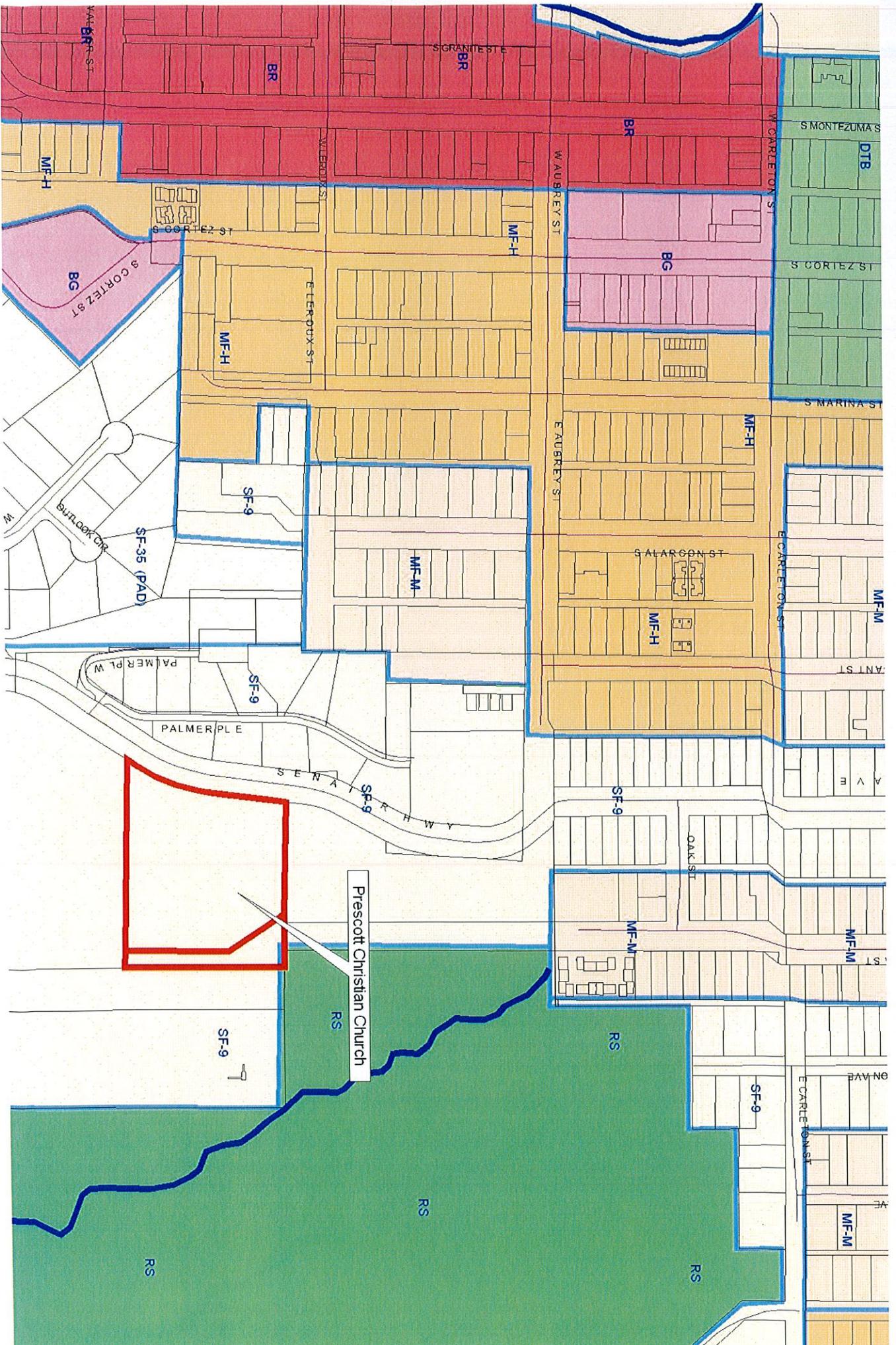
Move To approve Variance V12-008 with no conditions of approval.

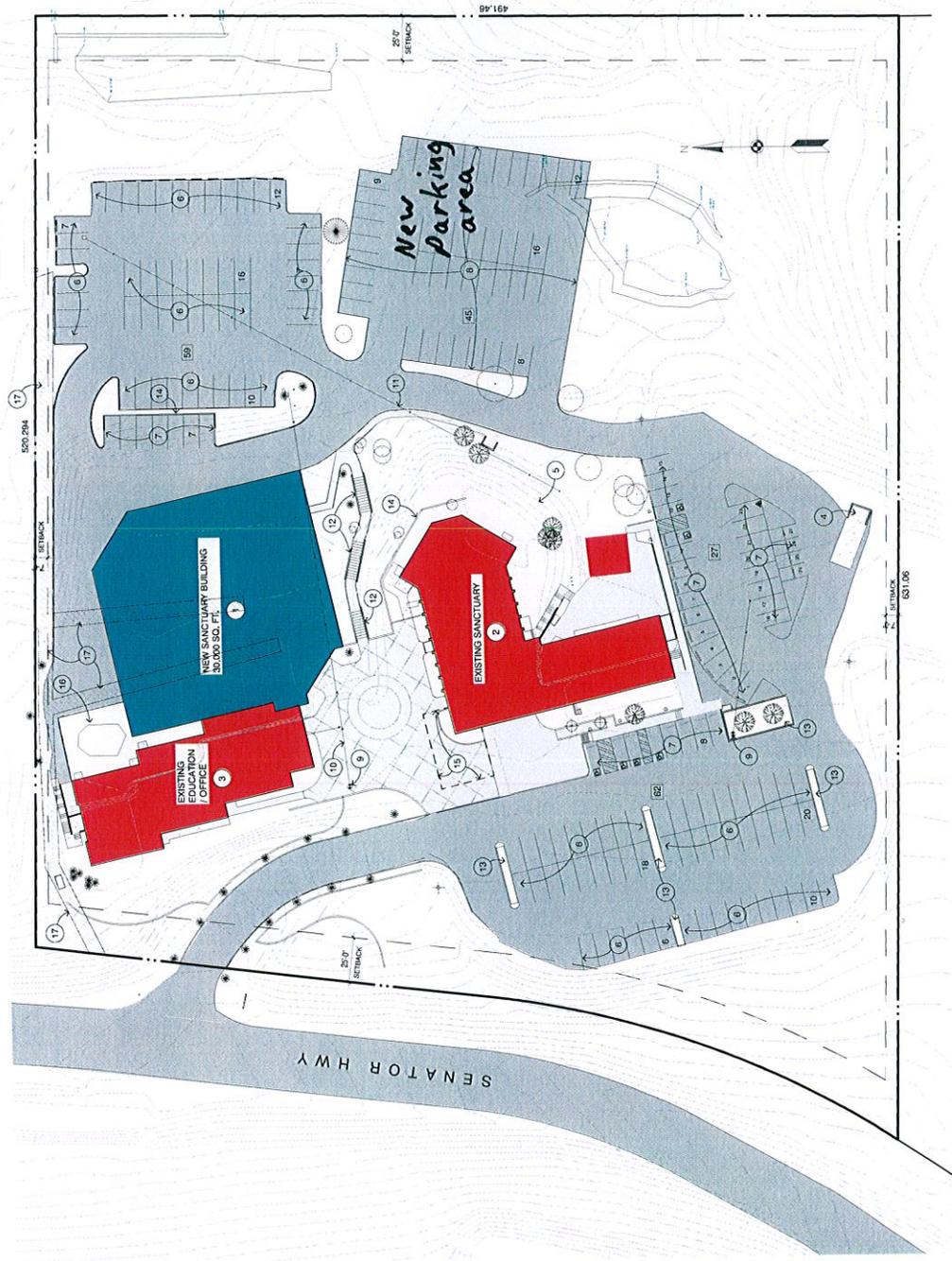
Move To approve Variance V12-008 with conditions of approval.

Move To deny Variance V12-008.

Attachments:

- Vicinity and Zoning Map
- Applicant Narratives
- Parking and Use Table





PROJECT DESCRIPTION
 NEW SANCTUARY AND
 NEW PARKING LOT
 AND FUTURE EXPANSION
 OF EXISTING SANCTUARY
 AND EDUCATION OFFICE
 PROJECT LOCATION
 500 SOUTH SENATOR HIGHWAY
 PRESCOTT, ARIZONA 86303
 OWNER
 PRESBYTERIAN CHURCH
 OF ARIZONA
 500 SOUTH SENATOR HIGHWAY
 PRESCOTT, ARIZONA 86303
 ARCHITECT
 MICHAEL TAYLOR ARCHITECTS, INC.
 14 SOUTH PARKWAY, SUITE 100
 PRESCOTT, ARIZONA 86303
 PROJECT #110-000000
 TOWNSHIP 50S RANGE 13W, 1/4 SECTION 16W
 ZONING: UF-9
 BUILDING: 2 STORY 15,000 SF EACH - 30,000 SF
 CONSTRUCTION TYPE: IIA
 OCCUPANCY: A3
 BUILDING HEIGHT: 45'
 SETBACKS: 25'
 SIDE: 7'
 REAR: 25'

PROJECT DATA
PARKING SUMMARY
 NEW SANCTUARY
 REQUIRED PARKING: 1 PER 100 SQ. FT. OF FLOOR AREA
 300 SPACES REQUIRED - NO SPACES OF 25 SEATS PER
 PARKING SPACE
 HANDICAPPED PARKING:
 151,100 SPACES REQUIRE 6 ADA ACCESSIBLE
 HANDICAPPED PARKING PROVIDED: 6 SPACES

PARKING SUMMARY
 1 NEW SANCTUARY BUILDING
 2 EXISTING SANCTUARY - APPROX. 12,000 SF
 3 EXISTING EDUCATION OFFICE BUILDING -
 APPROX. 12,000 SF
 4 EXISTING DUMPSTER LOCATION
 5 EXISTING TOPOGRAPHIC LINES - TYPICAL
 6 EXISTING PARKING SPACES
 7 NEW PARKING STRIP
 8 NEW PARKING LOT
 9 EXISTING WATER LINE
 10 EXISTING SANITARY LINE
 11 NEW STORM
 12 EXISTING LANDSCAPE AREA
 13 NEW RETAINING WALL
 14 DEMO EXISTING PORTION OF BUILDING
 15 EXISTING PLAYGROUND
 16 EXTENT OF ELECTRICAL LAYOUT

KEYNOTES

LOCATION MAP

PRELIMINARY DESIGN
 FOR CONSTRUCTION

PRESCOTT CHRISTIAN CHURCH
 PROJECT #110-000000
 PRESCOTT, AZ 86303

MICHAEL TAYLOR ARCHITECTS, INC.
 14 SOUTH PARKWAY, SUITE 100
 PRESCOTT, ARIZONA 86303
 PHONE: 928-445-0000 FAX: 928-445-0000

PROJECT NO. 11002
 DATE: 8/13/2012
 DRAWING NO. 11002-01

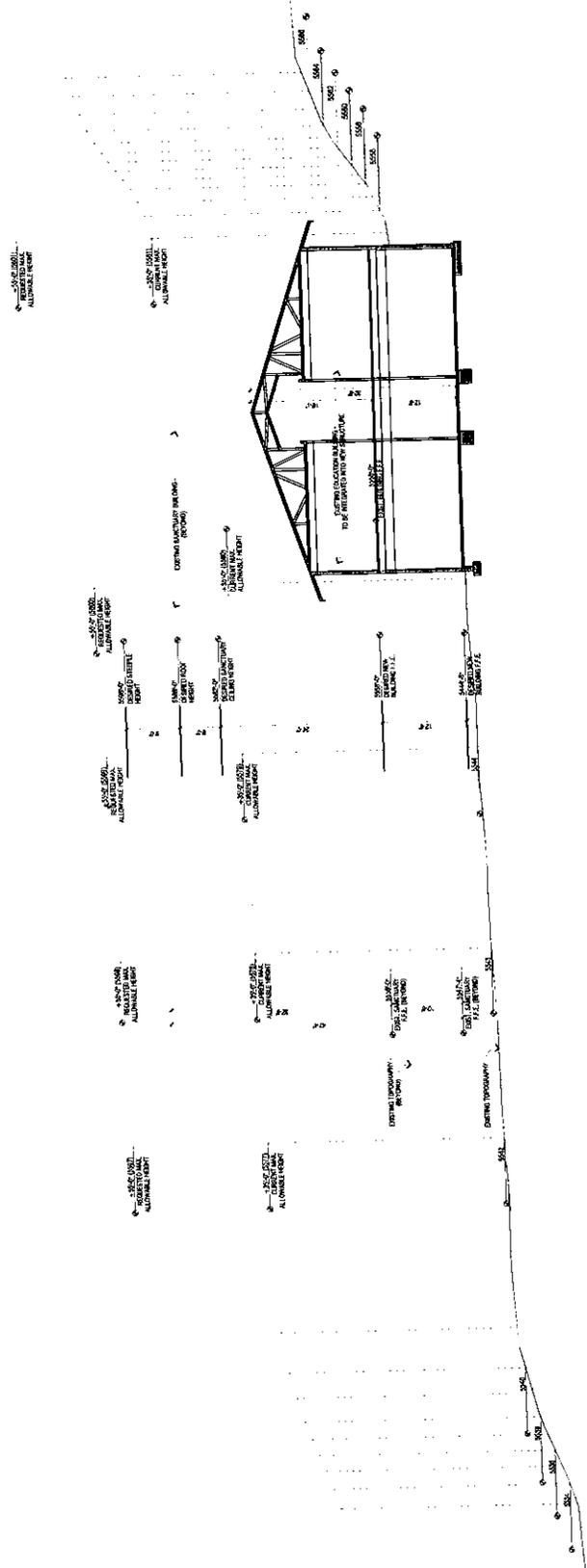
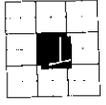
SECTION - ALLOWABLE MAX. HEIGHT
SKI

DATE: 01/10/2012
TIME: 10:00 AM
PROJECT: SKI
SCALE: 1/8" = 1'-0"

501 SOUTH 2514TH AVENUE
PRESOTT CHRISTIAN CHURCH
 PRESOTT, AZ 85001

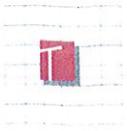
PRELIMINARY DESIGN
 CONSULTING DESIGN

MICHAEL TAYLOR
 ARCHITECTS, INC.
 1600 SOUTH 10TH AVENUE, SUITE 100
 PHOENIX, AZ 85026



SCALE: 1/8" = 1'-0"

1 SECTION - ALLOWABLE MAXIMUM HEIGHT



Michael Taylor Architects, Inc.

13 September 2012

City of Prescott
Community Development Department – Planning Division
201 South Cortez Street
Prescott, Arizona 86303

<http://www.prescott-az.gov/services/planning/>

928.777.1207

Applicant: Prescott Christian Church
M.T.A.I. Job#: 11052 – Prescott Christian Church
Address: 501 South Senator Highway
Prescott, Arizona 86303

Re: Conditional Use Permit Application and Amendment

To Whom It May Concern:

Michael Taylor Architects, Inc. (MTAI), as representative for the Prescott Christian Church (PCC), proposes the amendment of the existing Conditional Use Permit (CUP), CU-8801, which governs the development on parcel number 110-06-002A (Docket 1844/Page 623), located at 501 South Senator Highway, in Prescott, Arizona.

The proposed amendment to the CUP will include the addition of the 0.76 acre neighboring parcel, 110-06-002C, which was obtained by the church in 2002 (Docket 3951/Page 375). This portion of the site, when paired with the existing 5.5 acre parcel 110-06-002A, will increase the overall site defined by the CUP to 6.16 acres, or 272,686 SF. A property legal description, which includes both parcels, has been included in this application.

To better accommodate the increase of active church and community members represented by Prescott Christian Church, the owners are exploring alleys for growth potential within the site. The original CUP was granted on 21 July 1988, allowing for the construction of campus to its current state. Since that time, the current Land Development Code has been implemented, the property's zoning has been overlaid to SF-9, and the additional parcel has been incorporated into the legal description. For these reasons, along with the prospect for further campus development, the Planning and Zoning Department has recommended, via Pre-Application Conference (PAC) comments, that the CUP be amended.

Currently the site consists of two main structures: a 240 seat (not-fixed), 13,050 SF Sanctuary, Fellowship, Reception and Nursery/Daycare building; and a 12,700 SF Education and Administration building. The site also contains 187 asphalt parking

spaces, 9 of which are Accessible Spaces. The facility's administration office is open on to the public on Mondays thru Thursdays from 8 AM to 4 PM, but peak activity hours on site are on Sundays from 6 AM to 2 PM.

Early programmatic efforts are underway by MTAI, exploring the potential of building a new 500 seat (not-fixed) sanctuary and fellowship facility to be integrated into the campus. This addition may also provide for the demolition of portions of existing buildings and subsequent reclamation. The proposed building will be adjacent to the existing structure, and will be built on an existing parking lot, reducing the amount of site impact and required grading cuts and improvements. A site plan, with an initial schematic study has been provided with this application. This building is programmed to be approximately 30,000 SF, on a 15,000 SF footprint, and will be designed to meet health, safety, community and International Code requirements. The relocation and installation of additional fire hydrants is also anticipated.

Should the campus continue to grow to service additional community members, the feasibility of a second access driveway, connecting to Senator Highway, may also be explored. This would also have the effect of increasing access for users and emergency services, while reducing the point load of the current driveway on Senator Highway.

Beyond the studies for a new sanctuary space expressed on the site plan, future development and expansion on the site may be desired, explored and should be anticipated. Other future improvements could present in the forms of additional buildings, enhanced exterior spaces and hardscape or increased availability of parking and vehicular access. Any new development will be pertinent to the church's worship, education and community related activities. With an amended CUP, PCC seeks the liberty to develop their property within the bounds of the Land Development Code, amended by the City of Prescott on 25 November 2008.

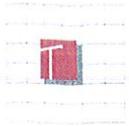
We at Michael Taylor Architects, Inc., appreciate the opportunity to present the proposal to amend the Conditional Use Permit for the Prescott Christian Church. Please contact us if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Taylor'.

Michael Taylor, AIA
Agent for the Owner

Michael Taylor Architects Inc.
118 South Pleasant Street
Prescott, Arizona 86303
Phone: 928.445.0626
Fax: 928.445.6810
michael@mtai.net



Michael Taylor Architects, Inc.

3 October 2012

City of Prescott
Community Development Department – Planning Division
201 South Cortez Street
Prescott, Arizona 86303

<http://www.prescott-az.gov/services/planning/>

928.777.1207

Applicant: Prescott Christian Church
M.T.A.I. Job#: 11052 – Prescott Christian Church
Address: 501 South Senator Highway
Prescott, Arizona 86303

Re: Variance Application

To Whom It May Concern:

Michael Taylor Architects, Inc. (MTAI), as representative for the Prescott Christian Church (PCC), presents the application for a variance for parcels 110-06-002A (Docket 1844/Page 623) and 110-06-002C (Docket 3951/Page 375), located at 501 South Senator Highway, in Prescott, Arizona. Currently the site consists of two main structures: a 240 seat (not-fixed), 13,050 SF Sanctuary, Fellowship, Reception and Nursery/Daycare building; and a 12,700 SF Education and Administration building. The site also contains 187 asphalt parking spaces, 9 of which are Accessible Spaces.

To better accommodate the increase of active church and community members represented by Prescott Christian Church, the owners are exploring alleys for growth potential within the site. A proposed campus site plan has been included in this application for your review. Early programmatic efforts are underway by MTAI, exploring the potential of building a new 500 seat (not-fixed) sanctuary and fellowship facility to be integrated into the campus. This addition may also provide for the demolition of portions of existing buildings and subsequent reclamation.

The most responsible and efficient means for growth on site is represented by the proposed layout, which integrates the conceptual sanctuary structure with the existing education building and creates a circulation and gathering court at the heart of the worship complex. The proposed building will merge with the existing structure, and will be built on an existing parking lot, reducing the amount of site impact and required grading cuts and improvements.

Schematic design explorations have determined however; that the maximum allowable height, as determined by the City of Prescott (COP) Land Development Code (LDC) severely limits the building. Lifting this constraint by way of a height increase variance is imperative to the

development of a new structure as it has been conceptualized. Cross-sections of the property at the proposed construction location have been provided.

As required by the variance application, responses to the variance questionnaire have been provided, and can be found below:

Variance Questionnaire Responses:

1. Describe the special or unique conditions and circumstances which are peculiar to the land (e.g. large trees, rocks, outcrops, washes, steep topography, etc.), structure or buildings, which are not applicable to other lands, structures or buildings in the same zoning district in other locations.
 - a. This site covers 6.26 acres of SF-9 zoned property, and has highly variable topography, including steep slopes at specific locations on the property (See Attached Site Plan). The enormity of the site means that while some portions may have gentle slopes, other portions may be excessively sloped.
 - i. The western portion of the site is one such location affected by severe slopes.
 1. Any development in this area would require extreme amounts of earthwork cutting to produce a viable site for construction or parking facilities.
 2. Extensive drainage and erosion prevention measures would be required to stabilize disturbed hillsides.
 - b. Several of these steep mountain grades feed naturally occurring washes that drain to a major wash that bisects the property, running southwest to north.
 - i. The wash, located along the eastern portion of the property, represents the primary drainage path of water from sites to the south.
 1. Development in this area would require extensive fill, erosion prevention measures and engineered drainage.
 - c. The most viable location on property for construction is at the existing parking lot at the northern portion of the site.
 - i. This location already effectively provides for site drainage and would require little cut and fill to be made viable.
 1. The problem with developing on this portion of this site lies in the allowable building height restriction.
2. Indicate how the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance. If citing other properties, their addresses must be given.
 - a. This site, zoned as RA-9 historically, allowed for places of worship and churches, with an approved Conditional Use Permit (CUP).
 - i. The site received its original CUP in 1988, allowing the construction of the current campus.
 - b. At the time of the sanctuary's construction, Planning and Zoning allowed for the height restriction to be implemented from finish floor grade, rather than the existing site topography grade.
 - i. This allowance provided necessary feasibility for the existing sanctuary's construction; site conditions would have likely prohibited any large construction project without an extreme amount of excavation.

- c. The current zoning, SF-9 maintains a 35' maximum height.
 - i. For residential purposes, the height restriction is granted to the "pre-disturbed natural grade", while for non-residential purposes, the restriction is applied to the existing finish grade.
 - ii. The proposed location of the new construction places the finish grade below the existing two-story education building, which the new structure would ideally merge with, sharing finish floor elevations.
- 3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the Zoning Ordinance include more than personal inconvenience and financial hardship, which do not result from the actions of the applicant(s).
 - a. As described in the response to question 1, the limited amount of site available for viable development provides for a multitude of hardships.
 - b. Should the variance not be approved, additional hardships to the owners may include:
 - i. PCC will likely have to submerge and/or separate the proposed building from the existing education building. Such a resolution would significantly limit the goals of the PCC's conceptual plan.
 - 1. A centralized campus allows for the congregation and visitors to have a focal point for their experience on site.
 - 2. The program looks to provide a central court, promoting access to the campus' four main resources: the new Sanctuary, the Education Center, the Administration Complex and the Fellowship Hall (former sanctuary).
 - 3. Physical integration of the new building with the existing, through party walls and shared spaces will reduce the amount of site coverage required, while increasing interior and exterior access and defining the central court space.
 - a. The evolution of the LDC, specifically in terms of the allowable maximum height restriction and its determination, will cause a fragmentation between the campus' existing structures and their ideal growth pattern.
 - b. An approved variance would allow for the new construction to integrate with the existing structure, while allowing the new construction to achieve a vaulted sanctuary space, a significant characteristic of theological architecture.
 - c. The variance is also necessary for an elevator tower, without which, circulation throughout the complex would be severely impaired.
 - d. The maximum height requested in this variance will only be reached by specific elements of the structure, such as a steeple, light wells and an elevator tower, rather than a uniform and unarticulated mass.
 - ii. Should the variance not be approved, PCC may be forced to relocate the new sanctuary elsewhere on the site.
 - 1. Relocation may require great expense in site preparations.
 - a. Steep mountainous grades will have to be cut while valleys and washes will require fill.

- b. Existing vegetation at these locations will require removal, leaving a more exposed and barren site.
 - c. Large scale civil works would be required to reroute drainage flows.
 - d. Soil remediation and erosion prevention measures will be required at all locations of cut and fill.
 - 2. This option would cause the campus master plan to lose all semblance of the clustered and cohesive layout as currently programmed.
 - a. A centralized ordered site reduces site disturbance and improvements on areas less than ideal for construction.
 - b. An integrated campus provides ease of access to visitors.
 - i. Conversely, having buildings separated across the site requires additional site work in the form of ramps, stairwells and courtyards.
- 4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.
 - a. This variance would seek to allow the building height of the new sanctuary to be similar to the existing sanctuary, which was built on fill, as was allowed previously on site.
 - b. The current height restriction does not allow the proposed building to reach a similar height as the education building, which it is programmed to merge with.
 - c. The ceiling height of the proposed building would also need to be of a height equal to the neighboring education building, due to their proposed connection.
- 5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.
 - a. No other properties zoned SF-9 within this area face the same limitations as this property.
 - i. This property is 6.26 acres of non-subdivided land and, with an approved variance, will remain largely un-improved.
 - ii. An approved variance will limit the amount of site improvements to the vicinity of the existing structures, reducing the overall site impact.
 - 1. A segmented campus with buildings scattered around the site would cause greater hardship on view sheds and maximum lot coverage areas.
 - 2. The existing structures on site are of a similar height and mass. The proposed building will be of a similar height and mass (See Attached Section).
 - a. Development of these buildings within close proximity to each other will allow the buildings to nest together, while maintaining a consistency of scales.
 - b. The resulting complex would have less impact on the site and to neighboring parcels, since the proposed building would merge, physically and visually, with the existing structures.
 - i. For example, the eastern elevation of the existing education building will become interior walls of the

- proposed building, and serve as fire and use separators.
 - ii. This would have the effect of absorbing the mass of the education building into the proposed building.
 - c. Relocating the proposed building elsewhere on site will place its mass in a previously unaffected location, visually detaching the buildings and creating far greater impact.
 - 3. Additional exposed cut of the mountainside and intensive erosion reduction measures could impair flow rates of the washes, which would affect other properties downstream.
- b. Most properties within 1000' are either vacant or do not have structures facing the site (See Attached).
 - i. There are no structures within 1000' of the north or the east property lines.
 - 1. These property lines reflect the downward slope of the site and would offer the most exposure of the proposed structure.
 - 2. Without residences or other nearby structures, the juxtaposition of the conceptual building relates solely to the other buildings on site, which it seeks to mimic in mass and height.
 - 3. With no neighboring structures, the effect on view sheds would be minimal.
 - c. Height requirements for residences in this district are determined by a different method than non-residential projects.
 - i. Non-residential projects, such as the proposed new sanctuary building, have to follow stricter requirements than their residential counterparts.
 - 1. These requirements were not in effect when the site was originally developed.

We at Michael Taylor Architects, Inc., appreciate the opportunity to present an application for a height restriction variance for the Prescott Christian Church. Please contact us if you have any questions or comments.

Sincerely,



Michael Taylor, AIA
Agent for the Owner

Michael Taylor Architects Inc.
118 South Pleasant Street
Prescott, Arizona 86303
Phone: 928.445.0626
Fax: 928.445.6810
michael@mtai.net