



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, NOVEMBER 21, 2013
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 21, 2013, 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	Phil King
Greg Lazzell, Vice Chairman	Richard Rosa
Johnnie Forquer	George Wiant
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the October 17, 2013 meeting minutes.
2. V13-007 642 Merrell Blvd. APN: 116-17-118 totaling ±0.25 acre. LDC Section 3.6.F.1 and Section 9.13. Zoning is Single-Family 9000 square feet minimum lot size (SF-9). Request is for a variance for a reduced front yard setback from 25 feet to 18 feet 4 inches to allow for the construction of a 2nd story over an existing structure. Owner and Applicant: Ray and Sue Canova, 642 Merrill Blvd., Prescott, AZ 86301. 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 14, 2013 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, OCTOBER 17, 2013
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 October 17, 2013, 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 Klein called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Members

Mike Klein, Chairman	Phil King
Greg Lazzell, Vice Chairman (Absent)	Richard Rosa
Johnnie Forquer	George Wiant
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the July 18, 2013 meeting minutes.

Mr. Wiant, MOTION to approve the July 18, 2013 meeting minutes. Mr. Rosa, 2nd. VOTE 6-0; passed.

2. V13-006, 1165 Trinity Court. APN: 106-20-248 totaling 0.21 acres. LDC Section 9.13. Zoning is Single-Family 6. Request is to reduce side yard setback from 9' 6" to 6' 8" for an existing carport. Owners are Robert and Andrea Weedon. Community Planner is Ruth Traxler (928) 777-1319.

Ms. Traxler reviewed the staff report and presented a PowerPoint discussing the property setback requirements and noted that the side yard setback was a few inches short of the property line. In addition, she noted that the owners of the property had replaced the manufactured home this previous summer in which they had used the same site plan from 1994, unaware that it was incorrect.

Ms. Traxler indicated that when the property owners were made aware of the incorrect plan, the owners met with staff and submitted a variance application and did a survey of the property as well.

Ms. Traxler stated that the project had met all required criteria needed to obtain a variance and that staff had recommended approval of the proposed variance.

Robert Weedeon, 1165 Trinity Court, property owner, stated that the contractor could move his home, but it would be at a substantial cost to him, as the homeowner. He had hoped that the house would not have to be relocated.

In addition, Mr. Weedeon noted that his neighbors did not have any issues or concerns with the current setback of his home.

Chairman Klein made a call to the public; there were no comments.

Mr. Rosa, MOTION to approve V13-006, a variance to reduce the 9'6 side yard setback to 6'8 for a carport and shed. Mr. King, 2nd. VOTE 6-0; passed.

IV. REVIEW ITEMS

None

V. SUMMARY OF CURRENT OR RECENT EVENTS

None

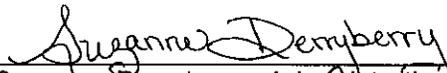
VI. ADJOURNMENT

There being no further items to be discussed, Chairman Klein adjourned the meeting at 9:13 A.M.

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 October 11, 2013 at 1:00 PM in accordance with the statement filed with the City Clerk's Office.


Suzanne Derryberry, Administrative Specialist
Community Development Department

Variance Request

V13-007

Reduction of the required front setback to allow for a 2nd story home expansion.

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR November 21, 2013.

STAFF REPORT

TO: Board of Adjustment

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

Date: November 14, 2013 **Parcel Number:** 116-17-118

Location: 642 Morrell Blvd. **Zoning:** SF-9

Owner/Applicant/Agent: Ray and Sue Canova
642 Morrell Blvd.
Prescott, AZ 86301

REQUEST:

The applicant is seeking a variance approval to reduce the required front yard setback from 25' to 18' 4" to allow for 2nd story home expansion over an existing structure.

BACKGROUND:

The home, built in 1962, is located in the Pinon Hills subdivision. Setbacks, measured from exterior walls to the property line, are front: 25' and sides: 7'. The lot has a 10% diagonal slope. A permit for a 2 vehicle carport was issued in 1970. The carport permit allowed an encroachment to the front setback under a previous code which contained a provision for a generous slope allowance. The carport was later enclosed into what is now an encroaching livable area.

Under the existing Land Development Code, the encroachment of the current livable area is a legal non-conforming (grandfathered) structure. The addition of a 2nd story is considered a vertical expansion, which will require an approved variance to encroach the setback by the requested amount of 6' 8".

PAST BOARD OF ADJUSTMENT ACTIONS: No other variance or CUP applications exist for this property. No other variances exist within 700' allowing for relief from code requirements.

VARIANCE CRITERIA:

Extraordinary Conditions:

Variances may be granted for special and unique circumstances to the property. There are no topographic conditions present on the property that constrain development.

Substantial Detriment:

Granting the variance will not cause detrimental effects to the public health safety and welfare nor will there be materially injurious effects to nearby properties. Since there is an existing encroachment, impacts are minimal to other nearby properties.

Special privilege:

Subject to the findings of the Board of Adjustment. Building permits for other Morrell Blvd. lots issued in the vicinity of the subject property meet the setback requirement of 25 feet.

Self-induced hardship:

The hardship is a direct result of the applicant's desire to vertically expand the front of the home. Ample area to the rear of the house exists for an expansion.

General Plan:

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

Utilization:

Variances may be granted where extraordinary conditions affect the land such as size & shape of the lot, and where strict application of the code will deprive the applicant of the reasonable use of his land. No unique circumstances exist.

NEIGHBORHOOD COMMENTS:

A phone call has been received from a neighbor indicating support for the variance based on the expected improved appearance of the property and the benefit for the children under the care of the Canova's.

Letters have been received from neighbors indicating opposition based on concerns regarding the increased capacity of the house, the number of occupants, noise, and traffic.

HISTORIC PRESERVATION:

The subject property is not within any National Register or local Preservation District

STAFF RECOMMENDATION: The request does not meet the established variance criteria for approval.

Attachments:

- Site Plan
- Applicant Narrative
- Variance Questionnaire
- Vicinity & Zoning Map
- Letter of Opposition

SUGGESTED MOTIONS:

- Move to approve variance V13-007, reducing the required front yard setback from 25' to 18'6".

OR

- Move to approve variance V13-007, reducing the required front yard setback from 25' to 18'6" subject to conditions as may be determined by the Board.

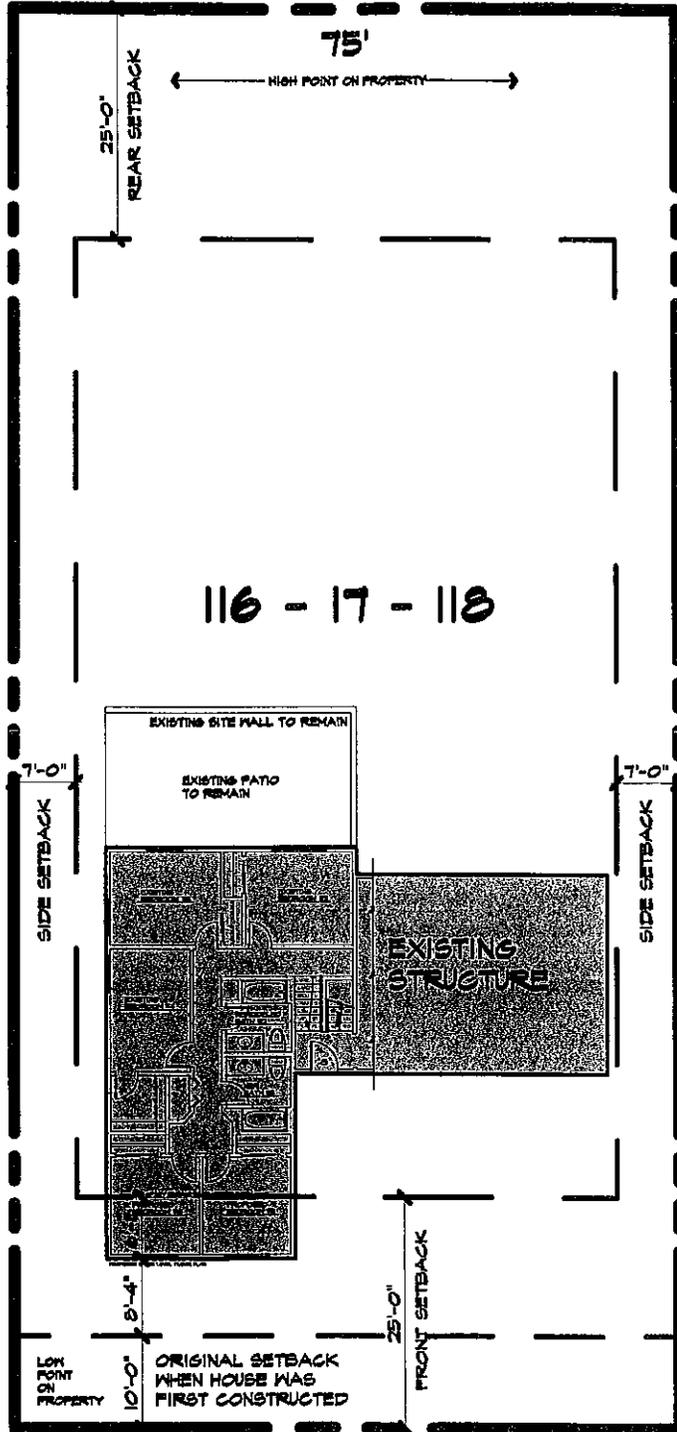
OR

- Move to deny variance V13-005.

OWNER:
 PAUL AND BILLY GANDVA
 1501 N. MORRELL BLVD.
 PRESCOTT, ARIZONA 86301

PLANS DRAWN BY:
 TRIN RAJULU
 505 ROBINSON DRIVE
 PRESCOTT, ARIZONA 86303
 (928) 718-4880

PARCEL # 116 - 17 - 118
 ACRES: 0.28
 JURISDICTION: CITY OF PRESCOTT
 ZONING: GP-4
 SETBACKS: FRONT: 25'-0"
 REAR: 25'-0"
 SIDE: 7'-0"
 SITE ADDRESS: 643 MORRELL
 PROJECT: ADDITION / REMODEL



MORRELL BLVD.

RAY and SUE CANOVA
642 MORRELL BLVD. PRESCOTT AZ. 86301
928 273 3171
chilly1@cableone.net

October 18, 2013

City of Prescott, Building and Variance Department

To Whom It May Concern:

We are requesting a variance for our property located at 642 Morrell Blvd in Prescott, so we can be allowed to build on top of our existing structure. We are wanting to add on 2 bathrooms and 2 bedrooms.

We currently have five children, a sibling group of four which we adopted many years ago when we were foster parents, our two and a half year old grandson which we have had since birth, and are bringing in two more to stay with us as they finish high school, coming to us from a foster home. We have helped out many, many kids over the seven years we were foster parents, but now need some extra space for our family.

We are not receiving money for this and to be able to use the existing structure would be so much more cost effective, and perhaps a bit more speedier as winter approaches.

I am a stay at home mom and my husband is the only one working at this time employed by Fry s Food and Drug, which is the flip side of making this another reason for affordability.

The addition would not only increase the value of our home but improve the neighborhood as well; the extra space would be a greater value for our large family, giving space and privacy to all.

Thank you for your time in reviewing this issue.

Sincerely:

Handwritten signature of Sue Canova and Ray Canova in cursive script.

Sue Canova and Ray Canova

* 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.

Our house doesn't set back the full 25 feet as required. The house was built in the 60's and was still part of the County

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.

Our neighbors at 629 Merrill Blvd have added on to their garage just recently and didn't have the issues we had because they had the right set back

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).

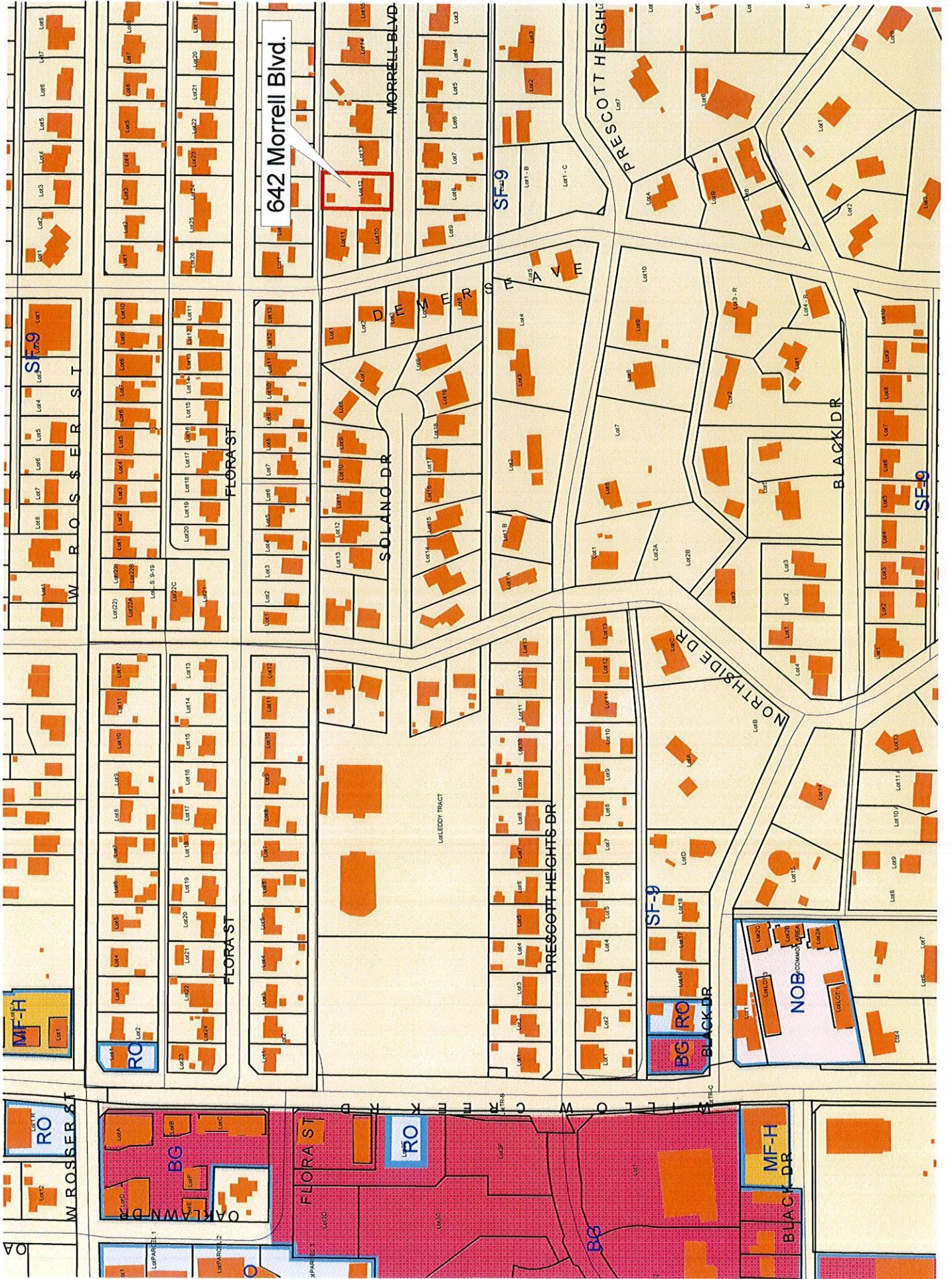
Because the house does not set back the 25 feet we are having a hardship getting a normal permit to build as we would like to

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.

The structure was already there when we purchased it in 1987 and it will not structurally change

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

By granting us the variance the other houses will not be effected because they are not track homes.



642 Morrell Blvd.

SOLANO DR

PRESCOTT HEIGHTS DR

BLACK DR

NORTHSIDE DR

W ROSSER ST

FLORA ST

FLORA ST

PRESCOTT HEIGHTS DR

BLACK DR

LALEDDY TRACT

SOLANO DR

MORRELL BLVD

LALEDDY TRACT

Melanie Bishop & Ted Bouras
630 Morrell Blvd.
Prescott, AZ 86301

Ryan Smith
City of Prescott/Community Development Dept.
201 South Cortez St.
Prescott, AZ 86303

Case #: V13-007

Dear Ryan Smith:

As neighbors of the Canovas for nearly twenty years, since the summer of 1994, I am deeply concerned and very much opposed to the proposed expansion of their house at 642 Morrell. Having spoken to some of the other neighbors, I know they share our concerns. All due respect to the Canovas, it is our opinion that any expansion of their domicile will only increase the numerous challenges associated with being their neighbors.

For the two decades I've lived next to them, their house has hosted foster children, adopted children, their own children, grandchildren, and sometimes other kids who get dropped off for the day. Additionally, they have always had multiple pets—as many as four dogs at one time, a couple of cats, and most recently, they've added half a dozen chickens to the back yard menagerie. The general mood over there is chaos: children of all ages on the trampoline all hours of the day, dogs barking incessantly at anyone who passes the back alley adjacent to our yards, toddlers crying, and Sue Canova yelling intermittently at kids and dogs. Frequently, the dogs get out of the back yard and run freely through the neighborhood. Many of us on the street have had to call Animal Control. I don't know how long Animal Control keeps records of such complaints, but I know that the Canovas have a long history with that agency. Similarly, the Prescott Police Dept. pays numerous visits to 642 Morrell. If there is a police car on our street, it's going to be at their house. On certain occasions when I've asked Sue why the police were there, the reasons ranged from one of her daughters, Kayla, being uncontrollable, to some of the foster children having mental challenges, to some issues with runaways from Juvenile Detention, to family feuds between the Canovas and the family of the father of Kayla's child, over custody and care of that child.

While my husband and I did not have children (we married late in life), we love kids. Between us we have 11 nieces and nephews, 11 great-nieces and nephews, and 4 God-children. We both have worked our entire careers in higher education, and I was a teacher for 22 years. Our opposition to the expansion of the Canova house is not due to any aversion to kids in general or any lack of compassion for children stuck in the foster care system. The Canovas keep adding children and pets, when they struggle to handle the children and pets who already live there. In a more typical scenario with neighbors, their kids grow up over time, become independent, and move out of the house. Not so with these neighbors. They continue to replace any kids who leave with new ones. And when one of these kids became pregnant, they ended up raising that child,

too. I have been a very patient and tolerant next-door neighbor to the Canovas for twenty years now. Despite their advancing age, they continue to accumulate children and pets, and there seems to be no end in sight. My concern is that by enlarging their house, increasing its capacity, they will fill the house with more people, potentially doubling the noise and chaos. I wonder if the time will ever come in our lovely neighborhood, when all the children have grown up and moved out, and the mostly elderly folks remaining get to enjoy some much-deserved peace and quiet.

From the deck over our carport, we have a nice view of Thumb Butte. This is one of the main selling points of our property—its elevated position and the view it affords. If the proposed two bedrooms and two baths were added to the Canova's home, all we might see from our deck is the east wall of their addition. This would not only negatively impact our quality of life, it would significantly reduce the value of our home.

Most of the homes on Morrell Blvd. are of a modest size, with 2, 3 or 4 bedrooms. The proposed expansion sounds like overkill to me. (What is the rationale behind it? Are they opening a hotel? A boarding house? A care home?) The resulting size of the house would be atypical for the neighborhood. Similarly, most of the current residents of Morrell Blvd. are mature, retired people. My husband and I are 55 and 57 years old. I don't know the ages of Sue and Ray Canova, but I assume they are also in their fifties or early sixties. Everyone at our end of the block is over 55. Why would an elderly couple need a house with five or six bedrooms in it? It's not a time when people typically expand their families.

I regret that I cannot be at the hearing on November 21st. Several other neighbors intend to be there, and I trust them to represent any of us who cannot be present. We are all in agreement that the proposed expansion would negatively impact the quality of life on Morrell Blvd., which has already been jeopardized by the Canovas for two decades.

Thank you for listening.

Respectfully submitted,

Melanie Bishop (and Ted Bouras)
928-420-9120

RECEIVED

NOV 13 2013

**CITY OF PRESCOTT
COMMUNITY DEVELOPMENT**

concerning V13-007

Fred & Josie [orvil62955@centurylink.net]

Sent: Wednesday, November 13, 2013 2:08 PM**To:** Smith,Ryan

Dear Ryan Smith This concerns 642 Morrell Blvd. We live at 618 Morrell Blvd. We area against the new structure that Mr and Mrs Canover wish to build. The structure they want to build on top was put up illegally with no permit. The reasons we are against the stucture also is because they will be able to have more children (adopted or fostered) living there. We as neighbors have put up with a living hell of noise from the children and grownups for many years. We moved into our house in 1979 and also knew the previous owners of Ted and Melanie Bishop house. They were elderly and the noise made it a living hell for them. My wife and I cannot at times hear each other speak in our own back yards because either the kids are screaming, she is screaming, or the dogs are barking. People may think they are good people and probably are, but I'm not sure if they are really sincere people in adopting all these children. I presume the house right now is a three-bedroom, so with an addition it would amount to five and I strongly disagree with that. My wife and I are retired and in our seventies and do not wish to live all our life with noise like this. My wife and I have 7 grandchildren and 8 greatgrandchildren. My wife worked in the Calif. School District working with six and seven year olds, the worked for 14 years in daycare, and finally as a nurse. So you can see we do love children, so it has nothing to do with them. Also the traffic over the years has increased, due to people dropping off their children at the Canova's. Please do not let this change go through on their property. Thankyou, and we are hoping to be at the meeting.
Fred and Josephine Carmen 618 Morrell Blvd Prescott Az 86301