CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT AGENDA

BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, FEBRUARY 19, 2015
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 February 19, 2015, 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
George Wiant	Richard Rosa
Johnnie Forquer	Mike First
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of July 17, 2014 meeting minutes.

2. V15-001, 132 N Montezuma Street. APN: 113-15-081 totaling 0.13 of an acre. LDC Sections 4.9 and 9.13. Zoning is Downtown Business (DTB). Request is to construct a multi-story, single-family residence which would adhere to commercial setbacks, building height and lot coverage. Owner is Michael Fann.

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 February 13, 2015 at 12:00 PM in accordance with the statement filed with the City Clerk's Office.

Suzanne Derryberry

Suzanne Derryberry, Administrative Specialist
Community Development Department

CITY OF PRESCOTT
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BOARD OF ADJUSTMENT AGENDA

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PUBLIC HEARING
THURSDAY, JULY 17, 2014
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 July 17, 2014 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

MEMBERS	***STAFF PRESENT***
Michael Klein, Chairman	George Worley, Planning Manager
George Wiant, Vice-Chairman	Suzanne Derryberry, Administrative Specialist
Johnnie Forquer	Randy Pluimer, Building Official
Phil King	Scott Tkach, City Engineer
Mike First	Matt Podracky, Assistant City Attorney
Richard Rosa	Don Devendorf, Fire Marshall
James Di Rienzo	Dave Mecca, Fire Inspector
	COUNCIL PRESENT
	Greg Lazzell
	Jim Lamerson

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of June 19, 2014 meeting minutes.

   Mr. First, MOTION to approve the June 19, 2014 meeting minutes; Ms. Forquer, 2nd. VOTE 7-0; passed.

2. CUP14-002, 901 E ROSSER ST APN: 10503005P and totaling ± 5.7 acre. Zoning is NOB. LDC Sections 2.3 and 9.3. Requesting a conditional use permit for an increase to the allowable square footage from 12,000 sf. to 16,558 sf. The owner is The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. Applicant/agent is Loren V Sadler Architect Inc.

Mr. Worley reviewed the staff report and discussed the differences between variances and conditional use permits and related requirements. He clarified that the Variance requested was strictly tied to the increased height and the Conditional Use Permit was for the increased building square footage.

Loren Sadler, project applicant and agent, discussed the proposed Site Plan and displayed photos and site plans on the overhead projector. He noted the placement of the building, entrances, and parking. He also indicated that the proposed building would have a main sanctuary area as well as a cultural hall which would be used for church and recreational activities. The areas around the main building would be used for various religious instruction during the church meetings.

Mr. Sadler continued by providing a background of the needs of the church as well as the typical Sunday meeting times for the two wards of the building. He concluded by discussing the aesthetics of the building, proposed square footage limitations, and height limitations.

Scott Tkach, City Engineer, stated that overall the proposed traffic volumes as reviewed by national engineering standards based on traffic models, the intersection of Cloudstone and Rosser Street would function as a level of service "A" for quite some time, with the exception of the left turn. He also noted that the offset of intersections creates traffic conflicts and with Rosser Street being one of the major east/west collector streets in Prescott, staff would not want to see an impediment of that traffic.

Mr. Tkach continued by discussing secondary access points and noted that if the primary access would be on Cloudstone or South Blooming Hills that one of the other two streets would serve as secondary access for emergency services. If it was decided to take primary access off of South Blooming Hills they would then be required to build a full street width to include frontage improvements per the Development Agreement, which states what whoever is the first development to come in would be required to do the full street improvement for about 400 feet. It was also his opinion that the cheapest and safest option would be to have access off of Cloudstone.

Mr. Wiant wanted to know the distance between Cloudstone and South Blooming Hills. Mr. Tkach stated that it was about 600-700 feet and that ingress/egress off of both of those streets would not interfere with each other and could reduce stacking on the side streets if there was primary access off of both of those streets.

Various commissioners and staff members continued on with numerous discussions related to primary access points.

Mr. Klein wanted to know how you would determine which access point would be designated as the main access. Mr. Tkach stated that it would be up to the applicant to decide the main access.

Mr. Di Rienzo wanted to know if the steeple would be lit in any way. Mr. Sadler stated that it would be completely unlit at all times.

Tom Howl, Project Manager for the Church, stated that the churches policy does not light the steeple at all.

Mr. Klein discussed steeple height and wanted to know how it could be looked at as anything other than a self induced hardship. Mr. Sadler spoke about provisions in other city codes and noted that he felt it was an omission in our code.

Other discussions which took place were related to the building square footage.

Mr. First wanted to know the height of the flagpole. Mr. Sadler stated that it was about 30 feet. They also went on to discuss outside lighting and parking.

Don Devendorf, Fire Marshall, discussed concerns of having an inadequate means of secondary egress to evacuate people from Cloudstone. The current Dreamweaver intersection was not planned properly in order to allow for a true secondary means of egress. He stated that they were currently working with the developer to see if there could be better plans for secondary egress.

Mr. Sadler discussed Fire Department requests which were being entertained by the Church regarding emergency access.

Mr. Howl discussed the churches aspect related to the need for the steeple.

Charles Cobos, 322 Dreamweaver Drive, discussed issues regarding ingress and egress and stated that he has encountered a real hardship resulting traffic from Dreamweaver onto Rosser Street. He noted that the street was already busy and that stacking was occurring at that time without the additional traffic from the proposed church.

Richard Rowland, 1625 Dancing Star Way, discussed concerns regarding views and traffic.

Charles Sorenson, 339 Dreamweaver Drive, spoke about his concerns regarding traffic.

Annie Ament, 328 Dreamweaver, discussed concerns related to the aesthetics of the neighborhood as well as issues associated with traffic and soil stability.

Jim Mini, 335 Dreamweaver Drive, pointed out other possible sites for construction as well as traffic concerns.

Norman Caouette, 1609 Cloudstone Drive, discussed the impact to current views as well as issues associated, noise, light, building size, building height and the dangerous intersection at Cloudstone and Rosser.

Robert Reek, 1216 Annolen Place, expressed his concerns regarding the height of the steeple and the need for a modified design. He concluded by urging the board members to not approve the height variance.

Tom Hoafflegle, 1603 Cloudstone, discussed his concerns regarding the variance for the height of the steeple.

Juli Dalton, 378 Dogwood Lane, stated that she would be attending the church and expressed her desires for the board to approve the Variance request.

Catherine Rowland, 1625 Dancing Star Way, noted her concerns that the building would not fit in with its surrounding neighborhood.

Joan Berchan, 1619 Dancing Star, spoke about her concerns in regards to traffic on Dreamweaver.

Steve Brimhall, 429 Joseph, discussed the importance of the steeple.

Heidi Sorenson, 339 Dreamweaver Dr, stated that she disagreed with the request for the variance and would request the steeple to be made smaller to decrease the height. She also spoke about her concerns regarding traffic.

DRAFT

Mr. Klein closed the Public Hearing at 10:55AM.

Mr. King, MOTION to approve CUP14-002 with the following conditions:

Site lighting shall be reduced to 25% at 10:00 PM or one hour after the end of any meetings or events.

Mr. Rosa requested an amendment to the motion to include the following: The main access will be off of South Blooming Hills and a secondary access will be off of Cloudstone which would align with Dreamweaver.

Mr. King accepted the modified motion. Mr. Di Rienzo, 2nd. VOTE 7-0; passed.

3. V14-006, 901 E Rosser St, APN: 10503005P. Zoning is NOB. LDC Sections 4.6 and 9.3. Requesting a Variance to increase allowable height from 35' to 67' for a steeple. The owner is The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. Applicant/agent is Loren V Sadler Architect, Inc.

Mr. Klein called for any questions or comments; there were none.

Mr. Rosa, MOTION to deny variance #V14-006, request to construct a steeple with a height of up to 67 feet above finished grade at 901 E. Rosser Street because the Board finds that the hardship is self-imposed. Mr. Di Rienzo, 2nd. VOTE 7-0; passed.

IV. REVIEW ITEMS

III. SUMMARY OF CURRENT OR RECENT EVENTS

IV. ADJOURNMENT

Chairman Klein adjourned the meeting at 11:08a.m.

_____
Mike Klein, Chairman

Suzanne Derryberry

_____
Suzanne Derryberry, Administrative Specialist
Community Development

DRAFT

CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT

MEETING DATE: 2/19/15

DEPARTMENT: Community Development

AGENDA ITEM: V15-001, Variance to Article 4, Section 4.9.3E (Maximum Building Height), 4.9.3F (Minimum Setbacks) and 4.9.3D (Maximum Lot Coverage) of the Land Development Code (LDC) to construct a multi-story single family residence in the Downtown Business Zoning District (DTB) using Non-Residential (Commercial) building height, setback, and lot coverage standards. [Zoning: Downtown Business (DTB) (PAD); Property Owner: Michael Fann; APN 113-15-081]

Approved By: **Date:**

Director:	Guice, Tom	2.13.15
Planning Manager:	George Worley	
Community Planner:	Frank V. Hall	FVH 2/13/15

REQUEST:

The applicant is requesting a variance of the maximum height allowance (35 feet), the minimum side yard setback requirements (7 feet), and the maximum lot coverage (40%) for a single-family residential structure in the Downtown Business District (DTB). Instead, the applicant is requesting to construct a multi-story single-family residential structure using the non-residential (Commercial) standards to include a maximum height allowance of 50 feet, a zero foot side yard setback, and lot coverage exceeding the 40% residential use limit. Nonresidential development in the DTB does not have a limit on lot coverage.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 4.9 Downtown Business District (DTB), and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

AGENDA ITEM: V15-001, Variance to Article 4, Section 4.9.3E & 4.9.3F of the Land Development Code (LDC) to construct a multi-story single family residence in the Downtown Business Zoning District (DTB) using Non-Residential (Commercial) building height and setback standards. [Zoning: Downtown Business (DTB) (PAD); Property Owner: Michael Fann; APN 113-15-081]

BACKGROUND: The property was purchased by Mr. Fann (applicant) during Fall 2014 with the intent of constructing a new single-family residence in-place of the existing structure. The applicant met with City review staff to discuss his development plans during a Pre-Application Conference (PAC) meeting on December 31, 2014. Comments from PAC review staff were generally favorable of the project with the exception of the residential side yard setbacks (7 Feet) and height limitations (35 Feet). In order to accommodate the proposed house construction and in order to design the house to be more compatible with other buildings in the Downtown Business District (DTB), the applicant is seeking relief from the residential development standards and is requesting to use the non-residential (commercial) side yard setback standards (0 feet), maximum non-residential height of 50 feet, and to exceed the 40% lot coverage requirement for residential uses.

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 majority of structures within the DTB zoning district and within the immediate neighborhood of the subject site are designed with non-residential (commercial) design standards with regard to setbacks, height requirements and lot coverage. The applicant asserts that the proposed residential structure will incorporate design elements consistent with the historic development pattern of the DTB district.

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.** There are extraordinary conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of his land.

   Applicant's Response: [The site] is a very narrow, infill lot in downtown Prescott. The proposed project will conform to other nearby buildings and the predominant downtown architecture if allowed to utilize the commercial setbacks and height limits.

   Staff Comments: Subject parcel is less than 40 feet wide, approximately 37'. As such, it

is the narrowest parcel on both sides of North Montezuma between E. Gurley Street and E. Willis Street.

2. **Substantial Detriment.** It 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.

   Applicant's Response: Nearby and adjacent commercial buildings are allowed zero side setback, yet because this project is a single-family residential project it requires 7' side setbacks. This building will appear as a typical commercial building so utilizing the same setbacks and height limits grants the owner the same rights.

   Staff Comments: Residential uses in the DTB zoning district are permitted. The building is required to have fire sprinklers as noted by the Fire Department at the December 31, 2014 PAC meeting. The property fronts on both a public street and alley which makes the site easily accessible by emergency services. Adequate water and sewer service is available, and the house must be constructed to Flood Plain regulations as required by PAC comments from the Department of Public Works.

3. **Special Privileges.** 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.

   Applicant's Response: The applicant wishes to construct an appropriate, commercial type building and would be severely limited on this narrow lot if the residential standards are applied. In order to be a suitable infill project, the standards applied to this property should match with other downtown commercial buildings.

   Staff Comments: Residential uses are not a special privilege in the DTB zoning district, in fact, they are permitted. The use of existing non-residential (commercial) structures within the DTB district for residential use is permitted and most of these existing structures have zero side yard setbacks and a maximum height of 50 feet. The applicant is requesting to construct the residence similar to other non-residential structures in the DTB zoning district that have the potential to be redeveloped into residential uses.

4. **Self-induced Hardship.** The hardship is not the result of the applicant's own actions.

   Applicant's Response: The setback and height limits are already in place within this zoning district so no special privilege is given by allowing the application of them to this property.

   Staff Comments: The applicant is seeking to construct a building in similar character to other buildings in the DTB district. Mr. Fann has expressed his desire to design a high quality building in keeping with the historic development patterns and architecture of the

downtown. The non-residential setback standards sought by the applicant are in place and the applicant only wishes to apply those standards to a residential structure.

5. **General Plan.** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

   Applicant's Response: Most all buildings within this district enjoy the setback and height limits we are requesting and are constructed to them. Allowing them for this property only brings this project up to those pre-existing standards.

   Staff Comments: The 2003 General Plan encourages mixed use neighborhoods and compatible infill development. Goal 1, Strategy 1.3 of the Land Use Element states "Encourage in-fill development/re-development at densities compatible with the established neighborhood character and infrastructure." The applicant's proposal to redevelop this site compatible with the surrounding non-residential character is consistent with this goal.

   In addition, Goal 3 of the 1997 Downtown Specific Area Plan states: "Reestablish a Mix of Uses in Downtown: Downtown is a better place to the extent that is has varied uses, all of which contribute energy to each other and to the downtown. The uses can include **residential** [emphasis added], governmental, professional, institutional, and varied shopping opportunities.

6. **Utilization.** Because of special circumstances applicable to the property, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

   Applicant's Response: Due to the narrow lot, applying residential standards to this property would ultimately provide a structure that does not fit into the downtown historic architecture. Allowing this project to apply commercial development standards will yield an appropriate building in harmony with the downtown district.

   Staff Comments: If residential side yard setbacks of 7 feet are applied to this property, the house would be limited to a width of 23 feet, less than a double wide manufactured home. As previously noted, existing non-residential (commercial) buildings in the DTB zoning district with commercial setback and height standards can be converted to residential use by right.

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission (HPC) discussed the variance application at their regularly scheduled meeting on February 13, 2015 and reached a general consensus of support for the project.

AGENDA ITEM: V15-001, Variance to Article 4, Section 4.9.3E & 4.9.3F of the Land Development Code (LDC) to construct a multi-story single family residence in the Downtown Business Zoning District (DTB) using Non-Residential (Commercial) building height and setback standards. [Zoning: Downtown Business (DTB) (PAD); Property Owner: Michael Fann; APN 113-15-081]

NEIGHBORHOOD COMMENTS:
Staff has received three phone calls from business owners in the vicinity of the site in support of this application.

Attachments:

1. **Location/Aerial Map**
2. **Site Plan**
3. **Architectural Rendering**

SUGGESTED MOTION:

Move to Approve Variance #V15-001, a request to construct a Multi-Story Single-Family residence in the Downtown Business District using Non-Residential (Commercial) design standards of Article 4, Section 4.9.3.E.3 (Maximum Building Height), Section 4.9.3.F.3 (Minimum Setbacks), and Section 4.9.3.D.3 (Maximum Lot Coverage)

Parcel Report for APN: **113-15-081**

Site Address: **132 N MONTEZUMA ST**

Owner:
FANN MICHAEL
PO BOX 4356
PRESCOTT AZ 863024356

Subdivision Name: **PRESCOTT ORIGINAL TOWNSITE**

Max. Lot Coverage: **40%**
Max. Bldg Height: **35 ft**
Setbacks
Front: **15 ft**
Side: **7 ft**
Rear: **10 ft**
Corner: **10 ft**

Acres:
Square Ft: **sq.ft.**
TRS: **T14 R2 S33**

DOR Usage Code: **Residential**
Description: **0130-SFR-AVERAGE/AVERAGE PLUS**

Zoning Information

Zoning: **DTB**

Flood Zone: **0.2 PCT CHANCE, AE;**
FIRM Panel: **04025C2061G**

Overlay District Information

HPD District:	**Outside**
NR District:	**North Prescott**
Willow Creek District:	**Outside**
Wipple-Zuma District:	**Outside**
Hwy 69 District:	**Outside**
Prescott East Area Plan:	**Outside**
Prescott Enterprise:	**Inside**
Airport Noise District:	**Outside**
Wildlife Urban Interface:	**Outside**

Planner's Actions:

RZ-04-024: Rezones
Ord 4431

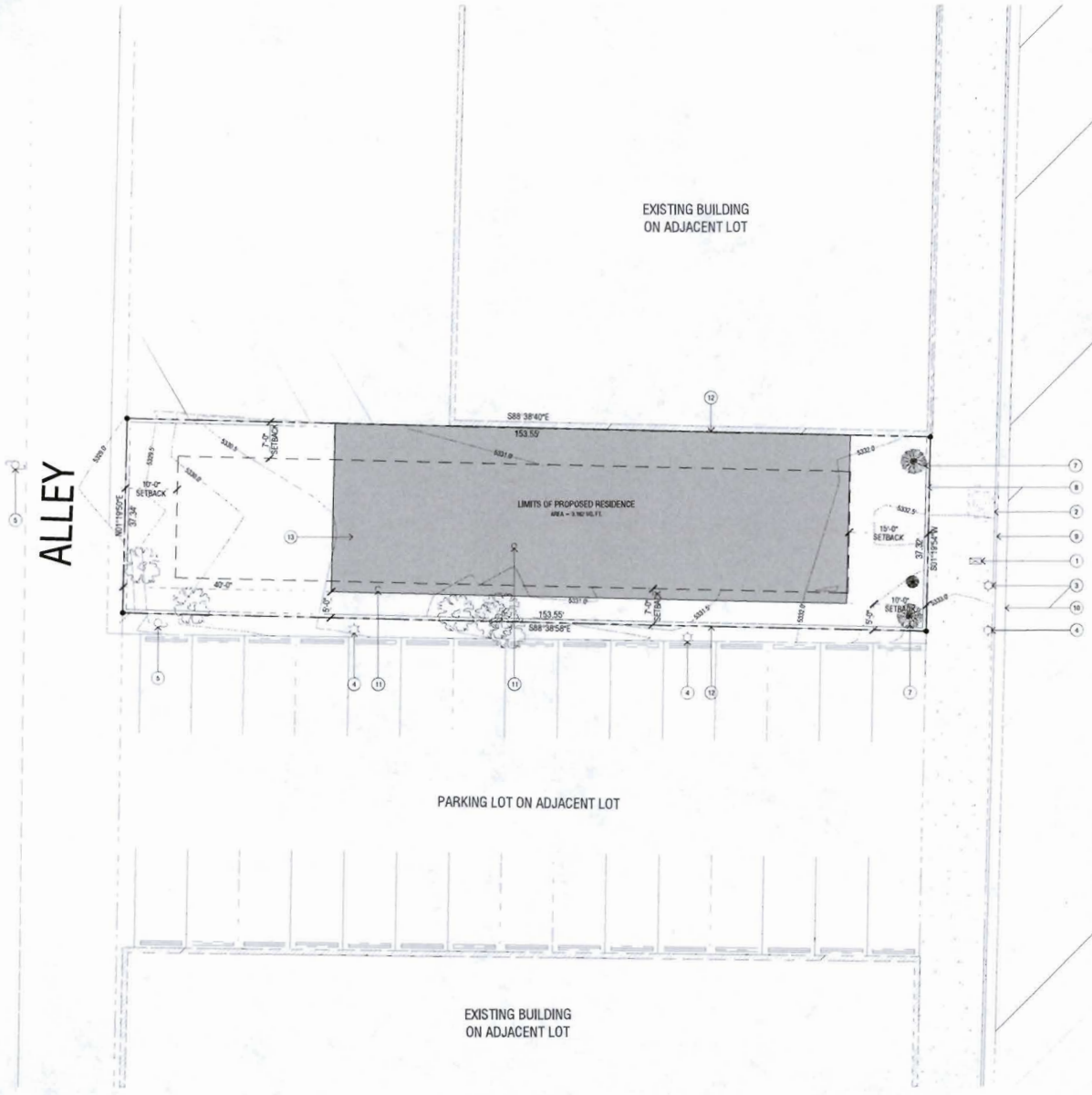
132 N MONTEZUMA ST

This map is a product of The City of Prescott

0' 1" = 53'

frank.hall, 2015-02-13 10:31:18

This document is a graphic representation only of best available sources. The City of Prescott assumes no responsibility for any errors.



1 SITE PLAN
SCALE: 1" = 10'

OWNER:
MICHAEL FANN
P.O. BOX 4356
PRESCOTT, ARIZONA 86302

ARCHITECT:
MICHAEL TAYLOR ARCHITECTS, INC.
119 SOUTH PLEASANT STREET
PRESCOTT, ARIZONA 86303

PARCEL NUMBER: 113 - 15 - 081

SECTION, TOWN, RANGE: T14N-R02W WITHIN S33

ZONING DISTRICT: DOWNTOWN BUSINESS - DTB

CONSTRUCTION TYPE: 5A OR 5BA (ASSUMED)

GOVERNING BUILDING CODES: 2012 INTERNATIONAL BUILDING CODE
2012 INTERNATIONAL ENERGY CONSERVATION CODE

OCCUPANCY: R2 (ASSUMED)

FLOOD ZONE: AE

PHYSICAL ADDRESS:
132 NORTH MONTEZUMA STREET
PRESCOTT, ARIZONA 86301

SETBACKS:
FRONT: 10'-0"
SIDE: 7'-0"
REAR: 10'-0"
CORNER: 10'-0"

ASSESSOR ACRES: .12

REQUEST: ALLOW SIDE SETBACKS AND HEIGHT LIMIT PER COMMERCIAL DEVELOPMENT IN D.T.B. DISTRICT

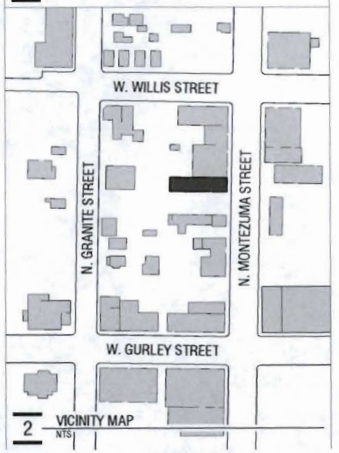
5 PROJECT DATA

1 WATER METER
2 TREE WELL WITH EXISTING TREE
3 ORNAMENTAL LIGHT POLE
4 STREET LIGHT POLE
5 ELECTRIC SERVICE POLE
6 EXISTING TREE
7 EXISTING SHRUB
8 9' PRIVACY WALL
9 CURB
10 GUTTER
11 EXISTING SEWER CLEANOUT
12 REQUESTED 0'-0" SIDE SETBACKS PER COMMERCIAL DEVELOPMENT IN D.T.B. DISTRICT
13 REQUESTED 50'-0" HEIGHT LIMIT PER COMMERCIAL DEVELOPMENT IN D.T.B. DISTRICT

4 KEYNOTES

EXISTING BUILDINGS
SITE LOCATION

3 VICINITY MAP KEY



2 VICINITY MAP
NTS

MICHAEL TAYLOR ARCHITECTS, INC.
119 South Pleasant St. Prescott, Arizona 86303
Phone (928) 445-0636 Fax (928) 445-6862

PRELIMINARY DESIGN NOT FOR CONSTRUCTION

A NEW CUSTOM RESIDENCE FOR
MIKE FANN
132 NORTH MONTEZUMA STREET PRESCOTT, ARIZONA

PROJECT NO. 1405
DATE 12/15/2014
MARK DATE

PRELIMINARY SITE PLAN

A1.0

FANN Residence / Conceptual Design