



# BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, JULY 21, 2016  
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 JULY 21, 2016, 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**

|                          |                    |
|--------------------------|--------------------|
| James DiRienzo, Chairman | Raymond Everett    |
| George Wiant             | Stephen Silvernale |
| Johnnie Forquer          | Tony Teeters       |

**III. REGULAR AGENDA / PUBLIC HEARING ITEMS**

1. Approval of the April 21, 2016 meeting minutes.
2. **AGENDA ITEM: CUP16-001, Conditional Use Permit for an indoor condominium Recreational Vehicle (RV) Storage Yard and Self/Mini Storage [Zoning: Business General; Property Owner: Dave Everson; APN 106-16-003D; 106-16-004C; and 106-16-012E]**
3. **AGENDA ITEM: Reconsideration of V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code (LDC) to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]**

**IV. REVIEW ITEMS**

**V. SUMMARY OF CURRENT OR RECENT EVENT**

**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.

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### 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 July 14, 2016 at 11:00 AM in accordance with the statement filed with the City Clerk's Office.



Darla Eastman, Administrative Specialist  
Community Development Department



# BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, APRIL 16, 2015  
9:00 AM**

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

DRAFT MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on April 16, 2015 in Council Chambers, City Hall, located at 201 S. Cortez Street, Prescott, Arizona 86303.

## I. CALL TO ORDER

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

## II. ATTENDANCE

### Members

| <b>MEMBERS</b>              | <b>STAFF PRESENT</b>                         |
|-----------------------------|--|
| James Di Rienzo, Chairman   | George Worley, Planning Manager              |
| Johnnie Forquer             | Darla Eastman, Administrative Specialist     |
| George Wiant, Vice-Chairman | Matt Podracky, Assistant City Attorney       |
| Ray Everett                 | Frank Hall, Community Planner                |
| Stephen Silvernale - Absent | Michael Fleming, Code Enforcement Supervisor |
|                             | Randy Pluimer, Chief Building Inspector      |
| <b>COUNCIL PRESENT</b>      | Matt Podracky, Assistant City Attorney       |
| Greg Lazzell, Councilman    | Tom Guice, Community Development Director    |

## I. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. **AGENDA ITEM: V16-001, Variance to the height and size requirements of Article 6, Table 6.12.5A (Free-Standing Sign Standards) of the Land Development Code to replace an existing non-conforming sign with a new free-standing sign. [Zoning: Business General (BG); Property Owner: Prescottonian Motel, LP (Thomas Foster); APN 114-06-087B]**

Frank Hall reviewed the staff report and stated that the applicant was seeking a variance from the height and size requirements to replace an existing non-conforming sign with a new free-standing sign. Mr. Hall stated that the owner/applicant of the Best Western hotel was notified by the corporate offices that the branding of the hotel chain is changing nationwide and that all Best Western signs will need to incorporate the new design. The corporate offices offered only a few options in style, height and color. All of the sign options failed to comply with the LDC. Also, the owner worked with planning office staff to try to incorporate the new sign style into the existing 40 year old non-conforming sign. Unfortunately, the effort was unsuccessful and the owner hired a professional sign company, Morgan Signs, to assist with this variance application.

**Mr. Wiant, MOTION to approve V16-001 as presented. Ms. Forquer, 2<sup>nd</sup>. VOTE 4-0; passed.**

- 2. AGENDA ITEM: V16-002, Variance to Article 3, Section 3.6.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code to attach an additional garage bay to an existing garage. [Zoning: SF-9; Property Owner: Raymond B. Sigafos; APN 108-18-007]**

Frank Hall reviewed the staff report and stated that the applicant was seeking a variance from the minimum front yard setback requirement of 25 feet to add an additional garage bay to an existing garage. The side of the new garage would be approximately 10 feet from the front property line at its closest point. The most relevant special circumstance to the subject property is the steep slope exceeding 20% and the significant boulders and mature trees on the lot. The subject parcel, because of the 20% slope, could be administratively granted a 10 foot reduction in the front yard setback through a Topographic Exception application. However, the 10 foot reduction is not enough to achieve that applicant's request. Granting the variance will not confer a special privilege, only the same that several of our other neighbors already enjoy.

**Mr. Wiant, MOTION to approve V16-001 as presented. Ms. Forquer, 2<sup>nd</sup>. VOTE 4-0; passed.**

- 3. AGENDA ITEM: V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]**

Frank Hall reviewed the staff report and stated that the applicant was seeking a variance to the minimum front yard setback requirement of 25 feet or the storage of a RV. The applicant applied for and received a right-of-way permit to construct a new driveway with access to Black Drive and that permit was issued on May 5, 2015. The permit included a staff review comment letter which included the parking pad construction in the front yard is permitted; parking of RV and the like is prohibited in the front yard; and RV vehicles may only be stored in a side or rear yard. Mr. Hall noted that our Code Enforcement Officer issued a violation notice on September 30, 2015 but it was postponed pending the outcome of a variance application by the RV owner.

James Beavers, 345 Black Drive, said he received a violation notice and was asked to take pictures of other homeowners' RVs in the neighborhood and he was able to obtain many pictures of violations. Has lived in the subdivision over 20 years and most of the residents own and park their RVs on their property illegally. However, he was picked out for a violation. He said he spent \$15,000 in landscaping and pad to park his RV, but he can only park there, he cannot store it. He said he asked most of his neighbors if they minded if he parked his RV in the front yard, and all said no, they didn't mind.

Mr. Worley stated that he understands that many residents have been parking their RVs illegally for some time; however, the violation has not been brought to our attention and therefore, the City has not issued a Violation Notice. The violation is not parking the RV, the violation is the front yard setback requirement that puts most of the homeowners in violation. He noted that the City has only one Code Enforcement Officer and violation notices and issued in priority of public safety and then code enforcement. We don't have the staff to look for violations; at this point we can only respond to complains. However, homeowners who are in violation will eventually be issued a notice.

Greg Lazzell, 815 Walnut Dr., stated that he has familiar with the subdivision and recognizes that many home owners with RVs park and store them at their residences. He said it is very common in that neighborhood.

The Board discussed the situation that most of the residents are parking their RVs in their front yard for many years; however, they are storing them illegally. Some of the Board felt that since it was normal practice in that area that the fair thing to do would be to allow Mr. Beavers to park his RV as well without violation. However, on the other hand, it is a City code violation.

**Mr. Everett, MOTION to approve V16-003 as presented. Ms. Forquer, 2<sup>nd</sup>. VOTE 3-1; Mr. Wiant voted against the motion. Motion require 4 (four) affirmative votes for approval. Motion failed.**

### III. ADJOURNMENT

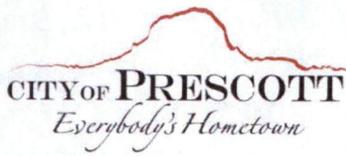
Chairman Di Rienzo adjourned the meeting at 9:45a.m.

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Darla Eastman,  
Administrative Specialist

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James Di Rienzo, Chairman



# BOARD OF ADJUSTMENT

**MEETING DATE: 7/21/16**

**DEPARTMENT: Community Development**

**AGENDA ITEM:** Reconsideration of V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code (LDC) to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]

**Approved By:**

**Date:**

|                           |               |            |        |
|---------------------------|---------------|------------|--------|
| <b>Director:</b>          | Guice, Tom    | <i>TG</i>  | 7.6.16 |
| <b>Planning Manager:</b>  | George Worley | <i>GW</i>  | 7/6/16 |
| <b>Community Planner:</b> | Frank V. Hall | <i>FVH</i> | 7/6/16 |

**REQUEST:**

This is a request from Mr. James Beavers for the Board of Adjustment to reconsider their decision to not approve his variance application (V16-003) at the Board's meeting on April 21, 2016. The original variance application requested relief from the minimum front yard setback requirement (25 feet) for the storage of a Recreational Vehicle (RV).

Mr. Beavers is requesting the reconsideration because there were only four (4) voting members at the April 21<sup>st</sup> hearing. As a result, the application required four votes in the affirmative in order for it to be approved by Board. One dissenting vote, with only four members present, would cause any application before the Board to fail.

**ROBERT'S RULES OF ORDER: RECONSIDER**

Robert's Rules of Order states: "The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote."

In any motion that does not receive a unanimous vote, there is a prevailing side and a defeated side. In order for a vote to be reconsidered, the motion must come from the prevailing side. In the case of V16-003, the prevailing side was the singular "No" vote from Mr. George Wiant since the Board only had four (4) members present at the meeting and the motion to approve failed. Therefore, Mr. Wiant is the only member who may make a motion to reconsider the original vote.

If Mr. Wiant chooses to make such a motion, and if the motion is approved, the consideration of V16-003 will be placed on the agenda in August.

**MEETING DATE:** 7/21/16

**DEPARTMENT:** Community Development

**AGENDA ITEM:** CUP16-001, Conditional Use Permit for an indoor condominium Recreational Vehicle (RV) Storage Yard and Self/Mini Storage [Zoning: Business General; Property Owner: Dave Everson; APN 106-16-003D; 106-16-004C; and 106-16-012E]

**Approved By:**

**Date:**

|                           |               |            |        |
|---------------------------|---------------|------------|--------|
| <b>Director:</b>          | Guice, Tom    | <i>TG</i>  | 7.2.16 |
| <b>Planning Manager:</b>  | George Worley | <i>GW</i>  | 7/7/16 |
| <b>Community Planner:</b> | Frank V. Hall | <i>FVA</i> | 7/6/16 |

**REQUEST:**

The applicant is requesting a Conditional Use Permit for an indoor Recreational Vehicle (RV) Storage Yard and Self/Mini Storage in the Business General (BG) zoning district. The storage units will be designed as condominiums for individual ownership.

**COMPLIANCE WITH ZONING CODE:** Article 2, Table 2.3 of the Land Development Code (LDC) requires a Conditional Use Permit (CUP) for both an RV storage yard and Mini/Self Storage.

**APPLICABLE ZONING CODES:** Land Development Code (LDC) Article 2, Table 2.3 (Permitted Use Table); Article 2, Section 2.4.43 (RV Storage Yards); Article 6, Section 6.5.8 (Screening Standards), and Article 9, Section 9.3 (Conditional Use Permits).

**BACKGROUND:**

The subject property was annexed into the City of Prescott on January 6, 1998. In 2008, the property received Preliminary Plat approval for a project entitled Granite Dells Plaza/Twin Lakes Mini Mall. At that time, the proposed development included three separate buildings totaling 30,000 square feet of floor area. The project was never final platted.

Since 1998, at least seven (7) different projects have been proposed through the Pre-Application Process (PAC). The PAC projects included proposals for large shell buildings, duplex residential development, an assisted living facility, and mini storage units.

**AGENDA ITEM:** CUP16-001, Conditional Use Permit for an indoor condominium Recreational Vehicle (RV) Storage Yard and Self/Mini Storage [Zoning: Business General; Property Owner: Dave Everson; APN 106-16-003D; 106-16-004C; and 106-16-012E]

**PROJECT DETAILS:**

**General Location:** The project is located on Willow Lake Road near the intersection with the State Route 89 roundabout. The site borders unincorporated lands of Yavapai County to the north and west, Business General zoning to the east, and Industrial Transition and Multi-family zoning to the south contiguous to Willow Lake Road. A Yavapai County owned alley separates the main storage unit parcel from the Willow Lake residential subdivision.

**Storage Units:** The applicant is proposing approximately 66 storage units of varying sizes for Recreational Vehicles and other storage uses. Each storage unit will be marketed for condominium ownership rather than rental space.

**Office/Entrance:** The office and parking lot for the project will be located on the small of the three parcels located at the corner of Willow Lake Road and Meadow Lane which is a Yavapai County right-of-way that provides access to the Willow Lake residential subdivision.

**Property Size:** The project encompasses three (3) parcels for a total of 3.10 acres. The two larger parcels for the main storage unit site will be joined together to form one large parcel. The third remaining parcel will include the office and parking lot for the project.

**Access:** External access to the site is proposed to be from Willow Lake Road through the existing allow and via Meadow Lane to the office parcel. Internal circulation will be accomplished by wide drive isles needed to accommodate the turning radius of large RV's and emergency vehicles.

**Lighting:** All exterior lighting must comply with the "Dark Sky" requirements of Article 6, Section 6.11 of the Land Development Code. The applicant is proposing wall mounted lighting on each condo storage unit instead of large pole lights.

**Landscaping:** Perimeter landscaping along Willow Lake Road is required for screening and aesthetic value. Additional landscaping and screening devices such as the proposed six foot masonry wall will be needed to comply with the residential projection standards of Article 6, Section 6.13 and the landscaping requirements of Article 6, Section 6.5 of the Land Development Code.

**CONDITIONAL USE REVIEW CRITERIA (Article 9, Section 9.3.5 – LDC)**

The Board of Adjustment may approve an application for a conditional use where it reasonably determines that there will be no significant negative impact upon residents or other owners of surrounding property or upon the public. The Board of Adjustment shall consider the following criteria in its review and approval shall be contingent upon compliance with the site plan and any conditions of approval:

**A. Effect on Environment**

The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

**AGENDA ITEM:** CUP16-001, Conditional Use Permit for an indoor condominium Recreational Vehicle (RV) Storage Yard and Self/Mini Storage [Zoning: Business General; Property Owner: Dave Everson; APN 106-16-003D; 106-16-004C; and 106-16-012E]

**B. Compatible with Surrounding Area**

The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like.

**C. External Impacts Minimized**

The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

**D. Infrastructure Impacts Minimized**

The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

**E. Consistent with General Plan and Code**

The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for locating the use in an area where it is only conditionally allowed.

**F. Parcel Size**

The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the affected zoning district.

**G. Site Plan**

The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**STAFF ANALYSIS AND RECOMMENDATION:** Community Development staff recommends approval of the Conditional Use Permit (CUP16-001) with the condition that additional perimeter landscaping be added along the property lines to the north and west adjacent to nearby single family residences.

**AGENDA ITEM:** CUP16-001, Conditional Use Permit for an indoor condominium Recreational Vehicle (RV) Storage Yard and Self/Mini Storage [Zoning: Business General; Property Owner: Dave Everson; APN 106-16-003D; 106-16-004C; and 106-16-012E]

**Attachments:**

1. Aerial Location Map
2. Zoning Map
3. Site Plan
4. Renderings
5. Applicant's Letter

**SUGGESTED MOTION:**

Move to Approve/Not Approve CUP16-001 with the condition that additional landscaping be added along western and northern property lines near the Willow Lake subdivision.

# AERIAL LOCATION MAP

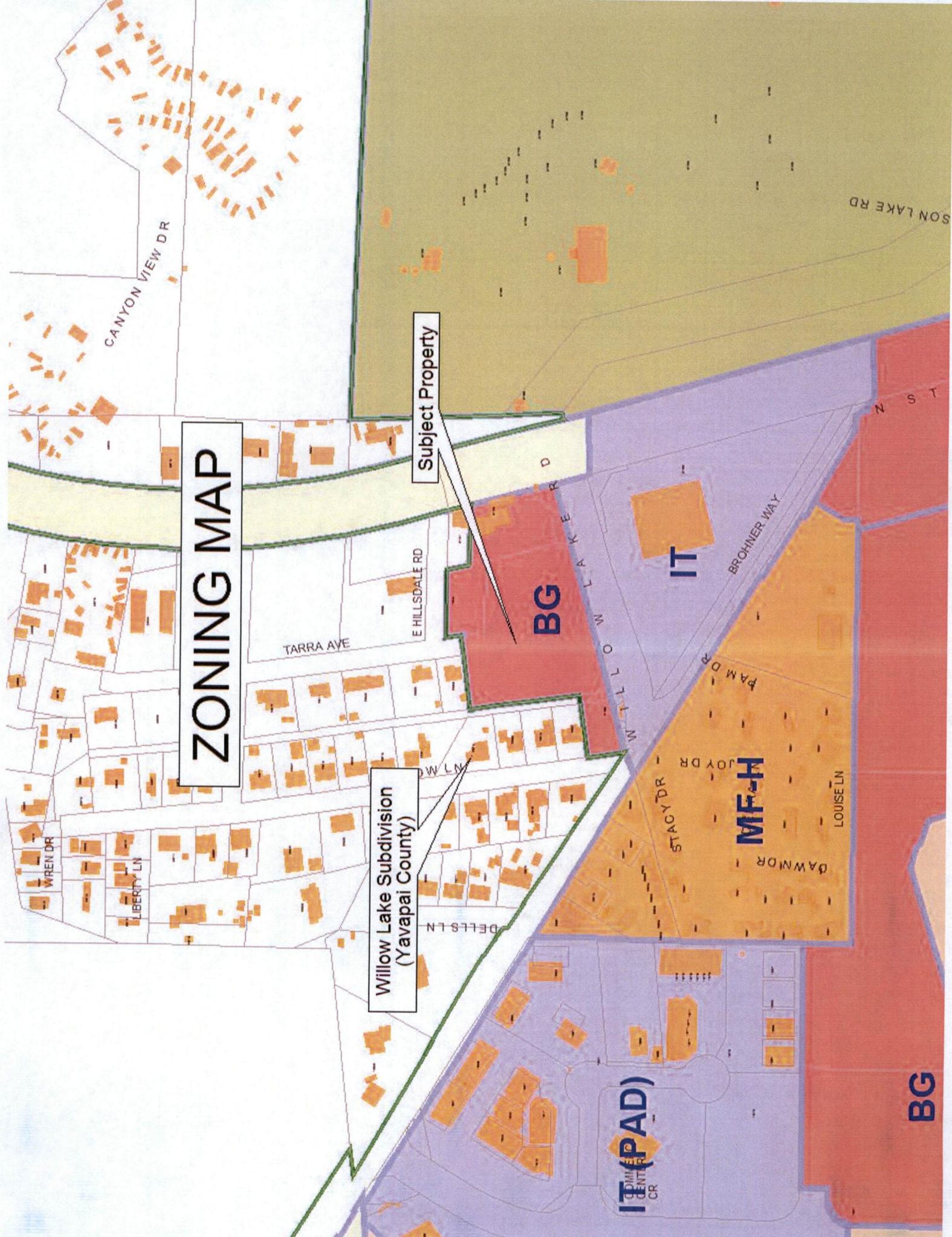
SUBJECT PROPERTY (Red)



# ZONING MAP

Subject Property

Willow Lake Subdivision  
(Yavapai County)



IT(PAD)  
COMMERCIAL CENTER  
CR

BG

BG

IT

MF-H

ST

## WILLOW LAKE RV STORAGE

Our enclosed RV storage facility is a condominium project designed for multiple uses to include storage of RV's, boats, classic cars, motorcycles, ATV's, various business uses or just to create a man cave . Toys take up a lot of space. Owning a private storage condo has many benefits. The quality of concrete and steel (concrete tilt construction) will provide a good long-term investment. Each garage will have interior lighting, fire sprinklers, it's own security system, the availability for conditioned space with restrooms and showers and large 12' and 16' wide doors by 14' high with 16' plus ceiling heights. Anything legal on the highway will fit in our garages. Security is a top priority. Exterior lighting, perimeter electronic security, video surveillance, fully fenced with security gates will provide this security. Large paved driveways (60') will provide plenty of parking and maneuverability. Access will be 24/7, 365 days a year. Owning commercial real estate makes sense in today's market.





