



# BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, AUGUST 18, 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 August 18, 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 July 21, 2016 meeting minutes
2. Discussion and Possible Action on Bylaw Amendment
3. 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]
4. CUP16-002, Conditional Use Permit for a Recreational Vehicle (RV) Park [Zoning: Business Regional; Property Owner: Clint Anderson; APN 109-03-059]
5. Powerpoint Presentation by the Legal Department on Board of Adjustment Scope and Duties Training

**IV. REVIEW ITEMS**

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

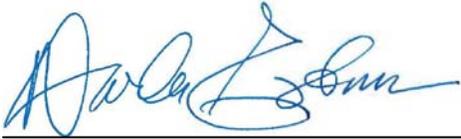
**VI. ADJOURNMENT**

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.

---

### **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 August 12, 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, JULY 21, 2016  
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 21, 2016, in COUNCIL CHAMBERS ROOM, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.**

**I. CALL TO ORDER**

Chairman DiRienzo called the meeting to order at 9:00 a.m. He welcomed Councilman Lazzell and introduced the newest member of the Board, Mr. Tony Teeters.

**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	Tom Guice, Community Development Director
Tony Teeters	
<b>COUNCIL PRESENT</b>	
Greg Lazzell, Councilman	

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

**1. Approval of July 21, 2016 meeting minutes.**

**Mr. Wiant, MOTION to approve the July 21, 2016 meeting minutes. Ms. Forquer, 2<sup>nd</sup>. VOTE 6-0; passed.**

**2. 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]**

Frank Hall presented the Conditional Use Permit project and displayed maps on the overhead projector. Mr. Hall reported that the Applicant is requesting a Conditional Use Permit for an indoor recreational vehicle storage yard and self/mini storage in the Business General zoning district. The storage units will be designed as condominiums for individual ownership. Mr. Hall said the project is located on Willow Lake Road near the intersection with the State Route 89 roundabout. The site was annexed into the City of Prescott in 1998. In 2008, there was a preliminary plat approval for the Granite Dells mini-mall, but never materialized. Since 1998 there has been at least seven different projects proposed for this site. This project is unique that it is proposed for sixty-six storage units of varying sizes that can be purchased, as well as rented.

The project encompasses three 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. The office and parking will be located at the corner of Willow Lake Road and Meadow Lane. Wall mounted lighting on each condo storage unit is being proposed instead of large pole lights.

Mr. Hall discussed the Yavapai County owned alley separates the main storage unit parcel from the Willow Lake residential subdivision. There will be landscaping and screening between the neighboring residential property and the storage units

Mr. Hall specifically noted that the applicant will be coordinating with the City's Public Works Department and the Prescott Circle Trails Group with the design of the landscaping and trails. The front of the property is an extension of Prescott Circle Trail in the Yavapai County right-of-way along Willow Lake Road and the design of the landscaping and trails will be coordinated with those groups.

Mr. Hall also noted that as a courtesy the Applicant will coordinate a meeting with the adjacent neighbors, City's Public Works Department, and Yavapai County to discuss the alley which is a Yavapai County right-of-way that provides access to the Willow Lake residential subdivision. The Applicant is here in the audience today.

Bill Watson, Applicant, 3300 N Tova Trail, stated that the alley is 6" to 3 yards above the rear yard lines along the west boundary. He said he would not have any objection to do some landscaping in the alley.

Councilman Lazzell said he felt it is a great project.

**Mr. Silvernale, MOTION to approve 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. Mr. Wiant, 2<sup>nd</sup>.** Mr. Hall stated that the Land Development Code guidelines will be followed for the landscaping. **VOTE 6-0; passed.**

- 3. 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]**

**Mr. Wiant, MOTION to postpone V16-003 to the August 18, 2016 meeting for complete review by the Board. Mr. Silvernale, 2<sup>nd</sup>. Mr. Everett opposed. VOTE 5-1; passed.**

### **III. ADJOURNMENT**

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



---

Darla Eastman,  
Administrative Specialist

---

James Di Rienzo, Chairman

## ARTICLE VI Meetings

A. All meetings and hearings of the Board shall be subject to the Arizona Open Meeting Law.

B. Each member of the Board will be expected to make individual field inspections to examine the properties for which variances, conditional use permits and appeals are requested; and, if there should be a need for a group field inspection, staff will notify Board members by phone or in writing.

C. Regular Board meetings will be held on the third Thursday of every month.

D. Changes in the date of field inspection meetings may be made by the Chairman or four (4) members of the Board. Special meetings may be held on call of the Chairman or four (4) members of the Board.

E. Voting: A majority of the total members of the Board (4) must vote for a request for approval. Members shall only refrain from voting due to a substantial conflict of interest, as defined in A.R.S. Section 38-502, and shall state that fact for the record. The Chairman may request a show of hands to clarify the vote.

F. Agenda Format

- (1) Call to order
- (2) Recording of members present/absent, staff, and public in attendance
- (3) Approval of the minutes
- (4) Administering oath
- (5) Other items, such as variances, conditional use permits, appeals, parking requirements, screening plans, etc.



# BOARD OF ADJUSTMENT

**MEETING DATE:** 8/18/16

**DEPARTMENT:** Community Development

**AGENDA ITEM:** 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>	7-26-16
<b>Planning Manager:</b>	George Worley	<i>GW</i>	7/26/16
<b>Community Planner:</b>	Frank V. Hall	<i>FVH</i>	7/26/16

**REQUEST:**

The applicant is requesting a variance from the minimum front yard setback requirement (25 feet) for the storage of a Recreational Vehicle (RV).

**RECONSIDERATION:**

The initial variance application was not approved at the April 21, 2016 meeting on a 3 to 1 vote when only four (4) members were present. Four affirmative votes are needed to approve a variance. The prevailing side was based on a singular no vote by Mr. Wiant. At the July 21, 2016 meeting, the Board approved a motion by Mr. Wiant to allow the variance application to be reconsidered at the August 18, 2016 meeting.

**COMPLIANCE WITH ZONING CODE AND ARS 9-462.06:** No

**APPLICABLE ZONING CODE:** LDC Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage, Article 3, Section 3.6 Single-Family 9 (SF-9), and Article 9, Section 9.13 Variances.

**Article 2, Section 2.5.9/Recreational Vehicle (RV), Motor homes and Similar Storage**

On-site storage of recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment owned by the occupants of the principal residence for more than 72 consecutive hours in any 7-day period shall be deemed accessory to a residential dwelling, subject to the following requirements:

**AGENDA ITEM:** 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]

- A. Such equipment may only be stored in a side or rear yard, and not in the required front yard;
- B. Such equipment shall be stored so as to maintain a minimum 3 foot clearance on at least one side for emergency access; and
- C. Setback adjustments may be approved in accordance with the provisions of Sec. 2.7.3D.7, Setback Adjustments.

These provisions shall not be construed to permit storage of construction vehicles and equipment in a residential zoning district. RV storage on individual residential properties is further subject to the provisions of Sec. 6.2.4B, Use of Off-Street Parking Areas, Residential.

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**BACKGROUND:** The applicant applied for and received a right-of-way permit (ES1505-012) to construct a new driveway with access to Black Drive. The permit was issued on May 5, 2015. The permit included a staff review comment letter (Attachment 6) which included the following conditions from Planning & Zoning staff.

1. The parking pad construction in the front yard is permitted. Parking of RV and the like is prohibited in the front yard.
2. Per Article 2, Section 2.5.9A of the Land Development Code states: “recreational vehicles may only be stored in a side or rear yard, and not in the required front yard”
3. Per Article 2, Section 2.5.9B of the Land Development Code states: “recreational vehicles shall be stored so as to maintain a minimum 3 foot clearance on at least one side for emergency access.”

Code Enforcement staff issued a Municipal Code Violation Notice on September 30, 2015 (Attachment 7). Action on the code violation notice was postponed pending the outcome of a variance application by the RV owner.

**STAFF ANALYSIS AND RECOMMENDATION:**

The staff analysis and recommendation is based on a review of the request’s consistency with the 2015 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 in the neighborhood are single-family homes with typical attached and detached accessory structures. The applicant asserts that the parking of RV’s in the front yard is a common occurrence in the neighborhood.

**AGENDA ITEM:** 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]

**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:** Our house has 10 ft. setbacks on both sides prohibiting a vehicle from entering the back yard. Our lot is uncommonly narrow and the slopes of the grade prevent a vehicle from entering the back yard.

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:** It's obvious that dozens of home owners in my subdivision are in violation of several code violations. I've been parking recreational vehicles on my property since 1993 and never had a problem or complaint. If necessary, I can add additional concrete and park the RV even further from the road. All care was considered when planning (including permitting) and constructing an esthetic pad for the RV to sit. Additional concrete was poured to make sure that the RV sat back as to not impede or obstruct any traffic or neighbors view. Many of our neighbors park multiple cars and trailers in their front yard that is under designed and/or unpaved. Thought was given to create a structured parking area to promote structure and organization and enhance property value. RV parking increases property value.

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:** Our neighborhood is not a planned community nor were the lots designated in advance of homes being built. Our home was the last home built and significantly later than most. Given the lot size as stated above, no access to our backyard or side yard could have been accommodated. There are numerous recreational vehicles, utility trailers, camp trailers, boats and similar equipment that are parked and stored within the 25 ft. setback in the front yards of our neighborhood do to this lack of side or backyard access for many. Some property owners have to park such vehicles there every day as it is their only available space. See Ex. "A" dated March 10, 2016 which is attached. Please note

**AGENDA ITEM:** 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]

my comments on that email or document. The parking of our RV on this new driveway does not negatively affect the quality of life in my neighborhood. All I've been told by my neighbors and the walkers (people who walk down my street) is "WOW" what a nice improvement.

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

**Applicant's Response:** When I inquired about the permit to add a driveway to my property I specified in great detail that the purpose of this \$5,000.00 improvement was to park my RV and a vehicle on this new drive way. I later found out that I can park it there but can't store it there.

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

**Staff Response: (Not Applicable)** The subject of the variance request is not addressed by the 2015 General Plan or specific neighborhood plans.

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:** Parking or storing my RV on this new permitted driveway will not depreciate the value of any properties in my neighborhood. It will not create an eye sore and as a matter of fact I spent an additional \$4,000.00 on landscaping. Most importantly parking our RV there doesn't create any traffic problems or challenges. In granting this request it does not confer any special privilege, rather promotes good will in neighborhood where by the nature of their lot size and lack of back or side yard accessibility is discriminated from being able to afford the same rights as those lots that can.

**NEIGHBORHOOD COMMENTS:** The applicant provided a list of neighbors in support of the variance application (Attachment 5).

**Attachments:**

1. Aerial Location Map
2. Applicant's Variance Response
3. Applicant's Email
4. Applicant's Neighborhood Photos (6 Pages)
5. Applicant's Neighbor Support List
6. Right-of-Way Permit & Comment Letter
7. Municipal Code Violation Notice

**AGENDA ITEM:** 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]

**SUGGESTED MOTION:**

Move to Approve/Not Approve Variance #V16-003, a request to park a Recreational Vehicle in the front yard setback.



AERIAL LOCATION MAP

Proposed RV Storage Area

## 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.

**Answer:** Our house has 10 ft. setbacks on both sides prohibiting a vehicle from entering the back yard. Our lot is uncommonly narrow and the slopes of the grade prevent a vehicle from entering the 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.

**Answer:** Our neighborhood is not a planned community nor were the lots designated in advance of homes being built. Our home was the last home built and significantly later than most. Given the lot size as stated above, no access to our backyard or side yard could have been accommodated. There are numerous recreational vehicles, utility trailers, camp trailers, boats and similar equipment that are parked and stored within the 25 ft. setback in the front yards of our neighborhood do to this lack of side or backyard access for many. Some property owners have to park such vehicles there every day as it is their only available space. See Ex. "A" dated March 10, 2016 which is attached. Please note my comments on that email or document. The parking of

our RV on this new driveway does not negatively affect the quality of life in my neighborhood. All I've been told by my neighbors and the walkers (people who walk down my street) is "WOW" what a nice improvement.

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).

**Answer:** When I inquired about the permit to add a driveway to my property I specified in great detail that the purpose of this \$5,000.00 improvement was to park my RV and a vehicle on this new drive way. I later found out that I can park it there but can't store it there.

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.

**Answer:** Parking or storing my RV on this new permitted driveway will not depreciate the value of any properties in my neighborhood. It will not create an eye sore and as a matter of fact I spent an additional \$4,000.00 on landscaping. Most importantly parking our RV there doesn't create any traffic problems or challenges. In granting this request it does not confer any special privilege, rather promotes good will in neighborhood where by the nature of their lot size and lack of back or side yard accessibility is discriminated from being able to afford the same rights as those lots that can.

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

**Answer:** It's obvious that dozens of home owners in my subdivision are in violation of several code violations. I've been parking

recreational vehicles on my property since 1993 and never had a problem or complaint. If necessary, I can add additional concrete and park the RV even further from the road. All care was considered when planning (including permitting) and constructing an esthetic pad for the RV to sit. Additional concrete was poured to make sure that the RV sat back as to not impede or obstruct any traffic or neighbors view. Many of our neighbors park multiple cars and trailers in their front yard that is under designed and/or unpaved. Thought was given to create a structured parking area to promote structure and organization and enhance property value. RV parking increases property value.

Respectfully submitted,

James Beavers      3/18/2016

**James Beavers**

---

**From:** James Beavers <james@gbsi-step.com>  
**Sent:** Thursday, March 10, 2016 1:09 PM  
**To:** Hall, Frank; george worley (george.worley@prescott-az.gov)  
**Cc:** debra kudelka-beavers (debrakudelkabeavers@gmail.com); Fleming, Michael  
**Subject:** Emailing: IMG\_5416.jpg, IMG\_5417.jpg, IMG\_5418.jpg, IMG\_5419.jpg, IMG\_5420.jpg, IMG\_5421.jpg, IMG\_5412.jpg, IMG\_5413.jpg, IMG\_5414.jpg, IMG\_5415.jpg  
**Attachments:** IMG\_5416.jpg; IMG\_5417.jpg; IMG\_5418.jpg; IMG\_5419.jpg; IMG\_5420.jpg; IMG\_5421.jpg; IMG\_5412.jpg; IMG\_5413.jpg; IMG\_5414.jpg; IMG\_5415.jpg

Please start compiling a file for case #CE1507-022 and add these attached pictures and this email to it.

Regarding the "Variance Questionnaire" item number 2 (citing other properties) I drove down a couple of streets in my neighborhood and in 10 minutes took these pictures. It's pretty disappointing to point all these illegal parked RV's and trailers knowing I'm the only one that has to pony-up \$900.00 to resolve this matter. Per Michael Fleming there is no one on record filing this complaint against us. I can clearly see how this could turn into a hornet's nest for the City and Mike Fleming (Code Enforcement) if an agreement is not consummated. I'll be visiting with Mike to better understand how this is not considered discrimination and why all these other owners aren't going through the same process we are.

To say the least one could go by the book (Chapter 7-5: Property Maintenance) and this could get out of control over night.

The following depicts the attached pictures.

- Picture 5416 is at 642 Rosser.
- Picture 5417 is at 622 Rosser.
- Picture 5418 is at 600 Campbell.
- Picture 5419 is at 600 Campbell.
- Picture 5420 is at 1414 Campbell.
- Picture 5421 is at 849 Whetstine.
- Picture 5412 is at 1220 Doka Dr.
- Picture 5413 is at 540 Mosher Ln.
- Picture 5414 is at 642 533 Prescott Heights.
- Picture 5415 is at 1373 Terrace View Dr.

I can take more pictures of trailers and RV's and code violations but I think our point has been proven.

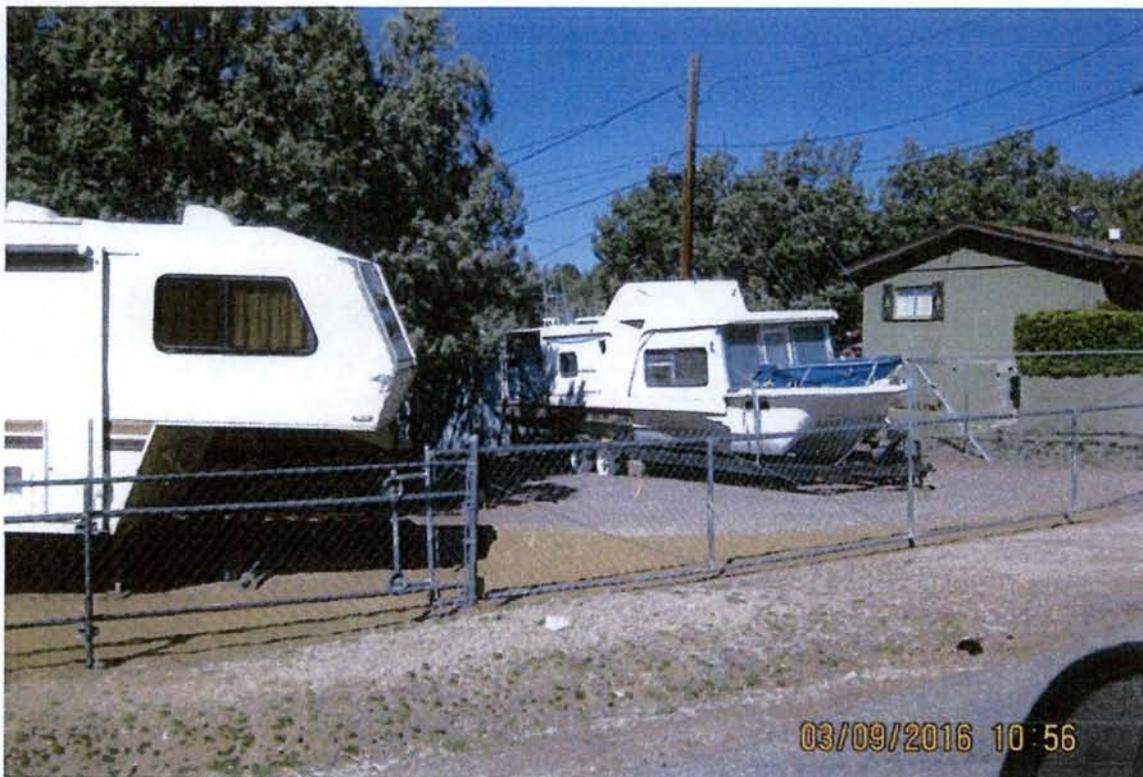
JB



This photo - APPLICANT'S RV ↓













To: The City of Prescott

Let the record reflect that I (see my signature below) do not object to James Beavers parking his recreational vehicle in the front yard of 734 Black Drive.

- 1. Name printed Foye Long Signature Foye Long Date 3/23/16
  - a. Address 723 Black Dr
- 2. Name printed James P. Beavers Signature James P. Beavers Date 3/24/16
  - a. Address 726 Black Dr
- 3. Name printed MARYANN J. CARTER Signature Maryann Carter Date 3/23/16
  - a. Address 726 Black Dr
- 4. Name printed Sherry Gagnon Signature Sherry Gagnon Date 3/23/16
  - a. Address 718 Black Dr
- 5. Name printed MARILYN MERITT Signature Maryann Meritt Date 3/23/16
  - a. Address 731 Black Dr
- 6. Name printed Elizabeth A. Miller Signature Elizabeth A. Miller Date 3-24-16
  - a. Address 742 Black Dr
- 7. Name printed KENNETH A. BUTLER Signature Kenneth A. Butt Date 3-24-16
  - a. Address 735 Black Dr. 86301
- 8. Name printed Robert B. De Santis Signature Robert B. DeSantis Date 3/24-16
  - a. Address 705 Black Dr.

Submitted to Frank Hall on 3/25/2016 SB

**CITY OF PRESCOTT**  
PUBLIC WORKS DEPARTMENT  
201 S. Cortez, Prescott, AZ 86301 (928)777-1269

JOB ADDRESS: 734 BLACK DR  
PARCEL #116-17-292  
DESCRIPTION OF APPROVED WORK: POURING CONCRETE DRIVEWAY ENCROUCHING INTO THE ROW  
Work to start on **5/15/2015**. All work to be performed between 7:00 a.m. and 6:00 p.m., Monday thru Saturday. This permit shall expire at 6:00 p.m. on **5/15/2015**.

**SPECIAL CONDITIONS:** Traffic control approved per Typical Application #4, a copy was attached.

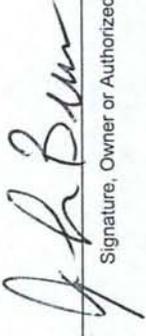
Contractor: GSG CONCRETE CONSTRUCTION INC  
Contractor License#  
Approved by: KATIE HEIN  
Issued by: KATIE HEIN  
Inspector: STEVE GUIZZO

**PERMIT REQUIREMENTS**

1. All work shall conform to applicable City, State and Federal Regulations.
2. Traffic control for any work performed on rights-of-way shall conform to the Manual on Uniform Traffic Control and the City of Prescott Traffic Barricade Manual.
3. Permit submittals with traffic control plans require 48 hours for review and approval by the Transportation Services Division prior to permit issue.
4. All excavations shall be properly barricaded. Applicant/Contractor shall barricade and maintain all traffic control at his own expense. City reserves the right to correct deficient barricading and charge applicant/contractor.
5. All road cuts shall be patched immediately with hot (C-3/4 mix) asphalt or high performance cold mix (UPM or equal). Non-shrink material will be used as backfill in all trenching under pavement. Asphalt patches shall be sealed with a material acceptable to City Public Works Dept. All permanent patches shall be hot mix asphalt or high performance cold mix (UPM or equal).
6. Call for Inspection R-O-W START prior to any work being performed. If work is not inspected by City, applicant/contractor may be required to remove/modify to allow for City inspection, at applicant's/contractor's expense.
7. Any damage to pavement due to work shall immediately be repaired to the satisfaction of the City Public Works Department.
8. All concrete shall be protected from freezing for a period of seven days and all exposed concrete surfaces shall be sprayed with a curing compound, as approved by City Public Works Dept.

**PERMIT REQUIREMENTS (Continued)**

9. Vehicles, dumpsters or similar type equipment shall not be parked or placed on paved surfaces unless specifically allowed in the permit.
10. Excavated or imported material shall not be stored on pavement, sidewalk, travel roadway surface or other public right-of-way without prior approval of the City Public Works Dept.
11. Proper drainage/erosion control shall be maintained at all times.
12. All work performed shall conform to MAG and/or City of Prescott/Public Works Dept standard specifications and detail drawings (YAG) most current edition, and Prescott City Code.
13. Any repairs to existing streets or rights-of-way shall be warranted for a period of one year from the date of City approval and acceptance.
14. It is expressly understood by the undersigned that this Permit is revocable at will by the City, at the sole option of the City. If City revokes this permit, it shall be the responsibility of the Permittee to remove, at permittee's expense, all improvements authorized by this permit.
15. The undersigned hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits as a result of the undersigned's work in or use of the right-of-way as allowed in this permit, whether said claims, liabilities, expenses or lawsuits arise by the acts or omissions of the undersigned, his/her agents, whether by acts or omissions of the City, its agents or employees, or whether by the acts or omissions of third persons. The undersigned further releases and discharges the City, its departments and divisions, its agents and employees, and any and all persons legally responsible for the acts or omissions of the City, from any and all claims which the undersigned has or may have against the City, its agents, or employees, arising out of or in any way connected with the undersigned's activities as set forth on this permit.
16. Final hot mix pavement patch shall be completed as soon as possible, (no longer than 30 days without City Engineer approval.) If inclement weather conditions exist, or hot mix is not available, approved steel traffic plates may be utilized for up to five (5) days when recessed in milled pavement and approved by City Engineer, or UPM (Unique Paving Materials) may be used.
17. Franchise utility companies and/or property owners along with their contractors shall be responsible for the integrity of the excavation and backfill along with the performance of the asphalt patch for a period of two (2) years on residential streets; five (5) years on collector and arterial streets, for the following deficiencies: 1) Settlement or bump of more than 1/4"; 2) Edge separation; and 3) Alligator cracking and/or raveling.

  
 Signature, Owner or Authorized Agent

5/11/15  
 Date

**CITY OF PRESCOTT**  
PUBLIC WORKS DEPARTMENT

201 S. Cortez, Prescott, AZ 86301 (928)777-1269

**RIGHT-OF-WAY PERMIT #: ES1505-012**

**DATE:**

**IVR SYSTEM (INTERACTIVE VOICE RESPONSE)  
CALL 777-1176 FOR BUILDING INSPECTIONS**

In order to use the City of Prescott's IVR System, you will need to have the BUILDING PERMIT NUMBER AND THE SITE ADDRESS. Please refer to the attached inspection code list prior to attempting to schedule your inspection. For multiple inspections on the same project you must schedule each type of inspection separately.

**CALL BEFORE 5:00 A.M. FOR INSPECTIONS  
SYSTEM WILL BE UPDATED EACH DAY FROM 1 A.M. TO 3:30 A.M.  
INSPECTIONS CAN NOT BE SCHEDULED BETWEEN THESE HOURS  
(928) 777-1176**

CALL BEFORE 5:00 A.M. FOR INSPECTIONS

TO SCHEDULE AN INSPECTION:

AFTER YOU DIAL THE NUMBER ABOVE, YOU WILL BE PROMPTED FOR A RESPONSE.

FOR EXAMPLE:

- PRESS 1 TO SCHEDULE AN INSPECTION
- PRESS 2 TO CANCEL AN INSPECTION
- PRESS 3 TO OBTAIN INSPECTION RESULTS
- PRESS 4 TO OBTAIN PLAN REVIEW STATUS
- PRESS 0 TO SPEAK WITH THE OPERATOR
- PRESS THE \* TO LISTEN TO GENERAL INFORMATION

You will be prompted throughout the call to enter your permit number, your inspection codes, and the date you want to schedule, etc.

Please listen carefully to confirm that the correct address was given and that the correct inspection with requested

When finished with scheduling your inspections you will be given a confirmation number. Please write this down.

It is very important that you schedule ALL you inspections for each visit. If you need your rough and/or final inspection scheduled, there is a combo rough and a combo final. If you need your meter set, then you must schedule that specific inspection for each meter.

If your project is covered under a grading and drainage permit or in the Urban Wildland interface you must call in all required inspections.

**CALL 777-1176 FOR AN INSPECTION PRIOR TO STARTING WORK**

**ENGINEERING SERVICES COPY**

**ENGINEERING (RIGHT-OF-WAY) IVR INSPECTION CODES**

\*\* IN THE ORDER THEY CAN BE SCHEDULED \*\*

Inspection	Description	IVR Code
R-O-W START	RIGHT OF WAY START	3038
R-O-W FINAL	RIGHT OF WAY FINAL	3040

**ENGINEERING (RIGHT-OF-WAY) IVR INSPECTION CODES**

\*\* CAN BE SCHEDULED AT ANY TIME \*\*

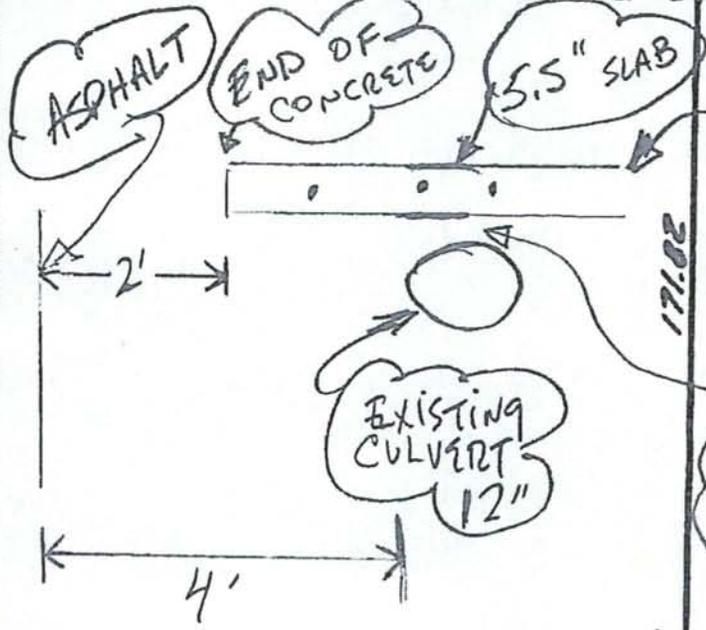
Inspection	Description	IVR Code
ADMINISTRATION	GENERAL NOTES	9900

**ENGINEERING (RIGHT-OF-WAY) FEES**

Acct#	Description	Amt
2109999-6405	PW-RIGHT OF WAY PERMIT	20.00

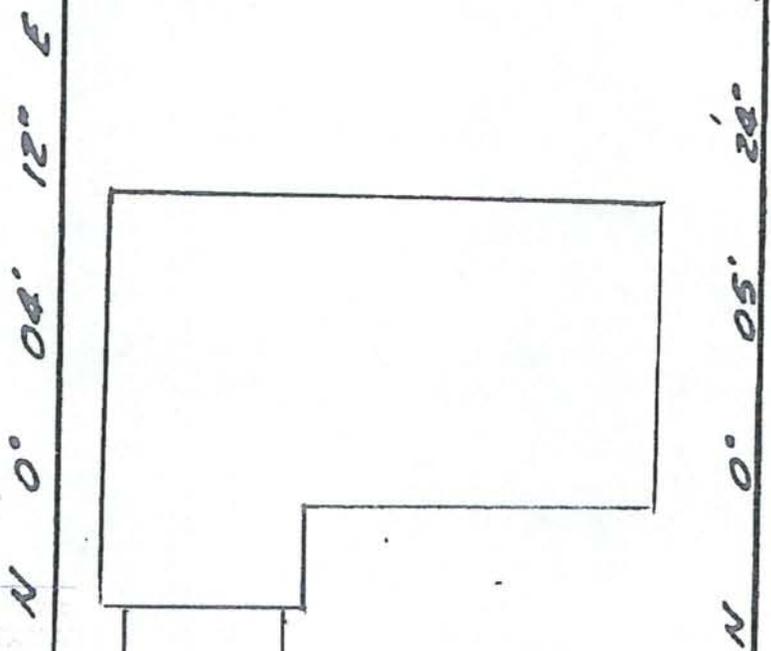
S 89° 57' 00" E 232.54  
 73.39 Easement for 73.39 Utilities and C.A.T.V.

SECTIONAL OF ENTRANCE  
 (A)



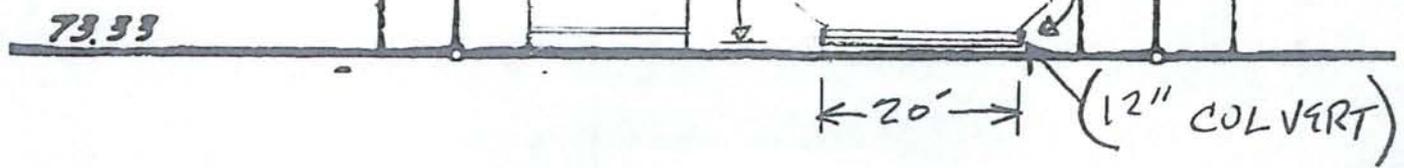
# 3 REBAR ON 36" φ  
 3" TO 4" OF COMPACTION OVER CULVERT

605 Sq. Ft.



CITY OF HOUSTON  
 ENGINEERING DEPARTMENT  
 Signed 5/8/15  
 APPROVED

TRAFFIC CONTROL APPROVED PER  
 TYPICAL APPLICATION 4, SEE ATTACHED.





CITY OF PRESCOTT  
DEPARTMENT OF PUBLIC WORKS  
PRIVATE DEVELOPMENT PERMIT REVIEW  
201 S. CORTEZ STREET  
PRESCOTT, AZ 86303  
(928)777-1130

PERMIT STATUS:       APPROVED                       NOT APPROVED

DATE:            5/6/2015

TO:            BEAVERS, JAMES L &  
                 734 BLACK DR  
                 PRESCOTT, AZ 86301

PERMIT #:    ES1505-012

RE:            734 BLACK DR

ROUND OF REVIEW:     1<sup>ST</sup>             2<sup>ND</sup>             3<sup>RD</sup>             4<sup>TH</sup>

**THE FOLLOWING LIST INCLUDES REVIEW COMMENTS AND REQUIRED CORRECTIONS FOR THIS PROJECT. ALL ITEMS LISTED, REQUIRE CORRECTION AND RESUBMITTAL TO THE COMMUNITY DEVELOPMENT DEPARTMENT.**

**ENGINEERING SERVICES**

Reviewer: Sergio Rivera 777-1811 APPROVED W/COMMENTS

1. Traffic Control approved per MUTCD Typical Application 4.

Notes from Planning and Zoning:

1. The parking pad construction in the front yard is permitted. Parking of RV and the like is prohibited in the front yard.
2. Per Article 2, Section 2.5.9A of the Land Development Code states: "recreational vehicles may only be stored in a side or rear yard, and not in the required front yard"
3. Per Article 2, Section 2.5.9B of the Land Development Code states: "recreational vehicles shall be stored so as to maintain a minimum 3 foot clearance on at least one side for emergency access."

**WHEN RESUBMITTING PLANS FOR REVIEW PLEASE INCLUDE THE FOLLOWING:**

1. Two (2) new sets of all plans/reports with corrections as noted above. All changes shall be clouded.
2. The original or previous review round redline plans and any attached paperwork from the previous review set.



Craig McConnell  
City Manager

# Prescott Police Department

Integrity Courage Accountability Respect Excellence



Jerald Monahan  
Chief of Police

09/30/2015

BEAVERS, JAMES L &  
734 BLACK DR  
PRESCOTT, AZ 86301

Reference: **FINAL NOTICE - CERTIFIED**  
Investigation of Municipal Code Violation  
APN # 11617292 / Case # CE1509-027

Dear SIR/MADAM:

Property under your control at 734 BLACK DR has been reported to the Code Enforcement, Prescott Police Department, as a source of a municipal code violation. An inspection of the property was conducted on 9/30/2015 to verify the violation(s) and a letter was mailed to you notifying you of the violation(s) on 9/11/2015.

Violation(s) Noted	Recommended Action for Compliance
LDC 2.5.9 Recreational Vehicle (RV) Parking/Storage RV PARKED STORED IN THE FRONT SETBACK OF THE PROPERTY	PARKING/STORAGE OF AN RV MUST MEET THE SETBACK REQUIREMENTS FOR THE FRONT. RELOCATE THE RV OUT OF THE FRONT SETBACK TO THE SIDE OR REAR. IF YOU DO NOT HAVE THE SPACE OFF SITE PARKING /STORAGE ARRANGEMENTS MAY HAVE TO BE MADE. RELOCATE THE RV OUT OF THE REQUIRED SETBACK.

A final inspection will occur on 10/16/15. If the property is not code compliant at this time pursuant to PCC 7-5-19, (C) Violations and Penalties; a civil violation is punishable by a minimum sanction of \$250, up to a maximum sanction of \$2,500 for each day that a property is in violation and a citation will be issued. Please direct any questions or concerns to Kelly Sammeli, Code Enforcement Officer, Prescott Police Department (928) 777-1271, or emailed to [KELLY.SAMMELI@PRESCOTT-AZ.GOV](mailto:KELLY.SAMMELI@PRESCOTT-AZ.GOV).

KELLY SAMMELI  
CITY OF PRESCOTT  
CODE ENFORCEMENT OFFICER

MEETING DATE: 8/18/16

DEPARTMENT: Community Development

**AGENDA ITEM:** CUP16-002, Conditional Use Permit for a Recreational Vehicle (RV) Park  
[Zoning: Business Regional; Property Owner: Clint Anderson; APN 109-03-059]

**Approved By:**

**Date:**

<b>Director:</b>	Guice, Tom	<i>TG</i>	7.26.16
<b>Planning Manager:</b>	George Worley	<i>GW</i>	7/26/16
<b>Community Planner:</b>	Frank V. Hall	<i>FVH</i>	7/26/16

**REQUEST:**

The applicant is requesting a Conditional Use Permit for a Recreational Vehicle (RV) Park in the Business Regional (BR) zoning district. The applicant is proposing to locate two (2) Park Models on the site for use as cabins for short-term rental accommodations.

**COMPLIANCE WITH ZONING CODE:** Article 2, Table 2.3 of the Land Development Code (LDC) requires a Conditional Use Permit (CUP) for an RV Park.

**APPLICABLE ZONING CODES:** Land Development Code (LDC) Article 2, Table 2.3 (Permitted Use Table); Article 2, Section 2.4.41 (RV Parks); Article 6, Section 6.5.8 (Screening Standards), Article 4, Section 4.8 (Business Regional) and Article 9, Section 9.3 (Conditional Use Permits).

**PROJECT DETAILS:**

**General Location:** The project is located at 406 S. Montezuma Street near the intersection with West Aubrey Street. All contiguous parcels are also zoned Business Regional with a mix residential and commercial uses.

**Property Size:** The parcel size is approximately 8,700 square feet. The Business Regional zoning density would permit up to four (4) multi-family dwelling units on a parcel of this size.

**Access:** External access to the site is proposed to be from the alley for vehicular traffic and from the existing sidewalk through a decorative gated entrance. Based on staff comments during the initial review process, the applicant revised the site plan so that vehicles do not back into the alley.

**AGENDA ITEM: CUP16-002, Conditional Use Permit for a Recreational Vehicle (RV) Park**  
[Zoning: Business Regional; Property Owner: Clint Anderson; APN 109-03-059]

**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 residential scale lighting for the cabins to comply with Article 6, Section 6.11 of the LDC.

**Landscaping:** The applicant is proposing to keep the existing mature trees on the site. An existing low wall with a decorative wrought iron fence fronts the sidewalk parallel to Montezuma Street. The walls of existing buildings on adjacent property frame the side property lines leaving little space or need for side property line landscaping.

**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.

**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.

**AGENDA ITEM:** CUP16-002, Conditional Use Permit for a Recreational Vehicle (RV) Park  
[Zoning: Business Regional; Property Owner: Clint Anderson; APN 109-03-059]

**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 (CUP16-002) with the condition that on-site parking be designed to prevent backing into the right-of-way (alley).

**Attachments:**

1. Aerial Location Map
2. Zoning Map
3. Site Plan (Initial)
4. Site Plan (Revised)
5. Cabin Style Example
6. Applicant's Description of Work

**SUGGESTED MOTION:**

Move to Approve/Not Approve CUP16-002 with the condition that on-site parking be designed to prevent backing into the right-of-way (alley).

# AERIAL LOCATION MAP



Office Building  
404 404 404

SUBJECT PROPERTY

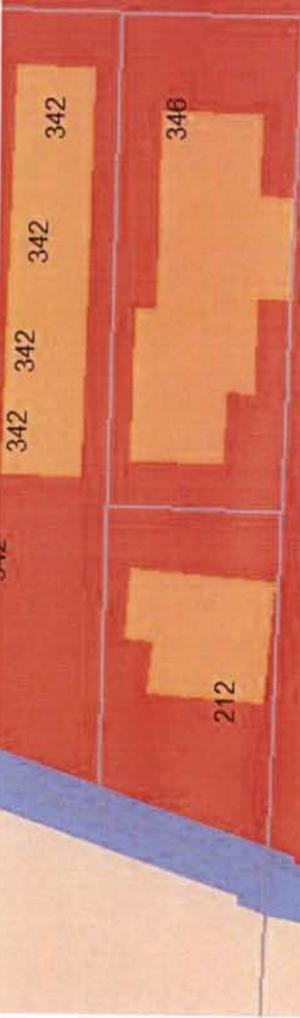
Tri-Plex (Multi-Family)  
414 414 414

Furniture Store  
409 409 409

# ZONING MAP

W AUB

W 15th St



Office Building  
404 404 404

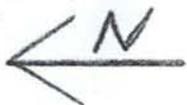
SUBJECT PROPERTY

Tri-Plex (Multi-Family)

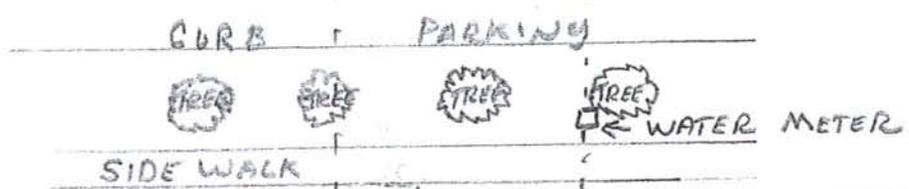
Furniture Store  
409



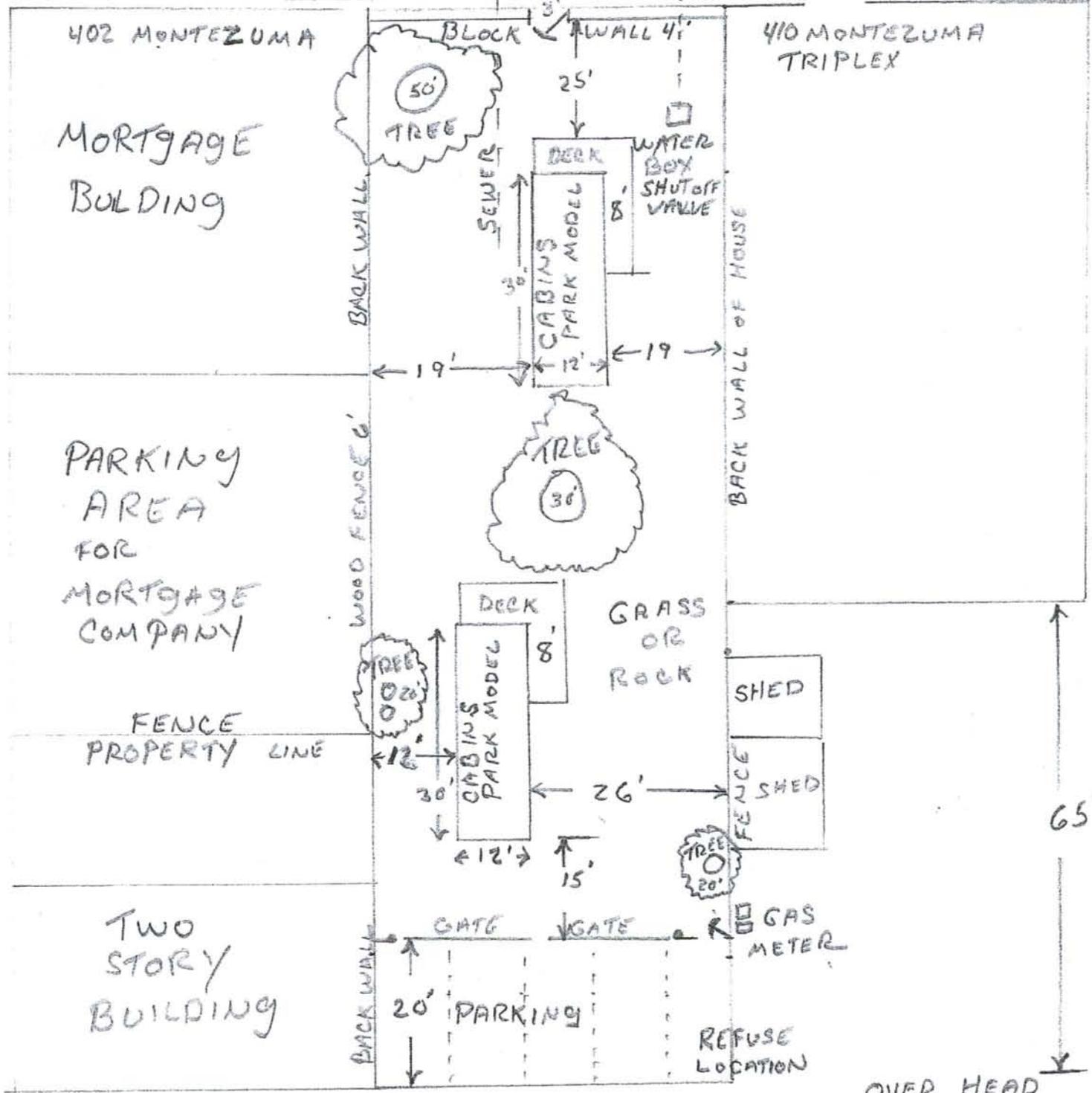
406 MONTEZUMA



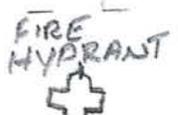
FIRE HYDRANT END OF B



AUBREY 57



OVER HEAD POWER LINE

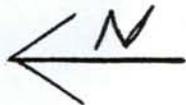


TOPOGRAPHIC

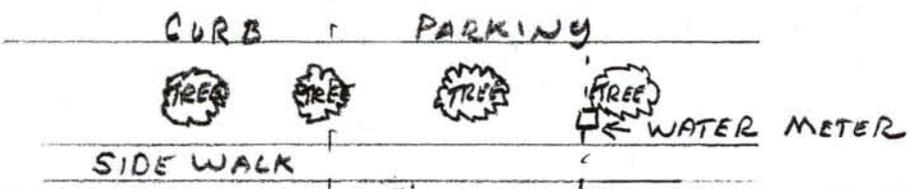
ALLEY

INITIAL

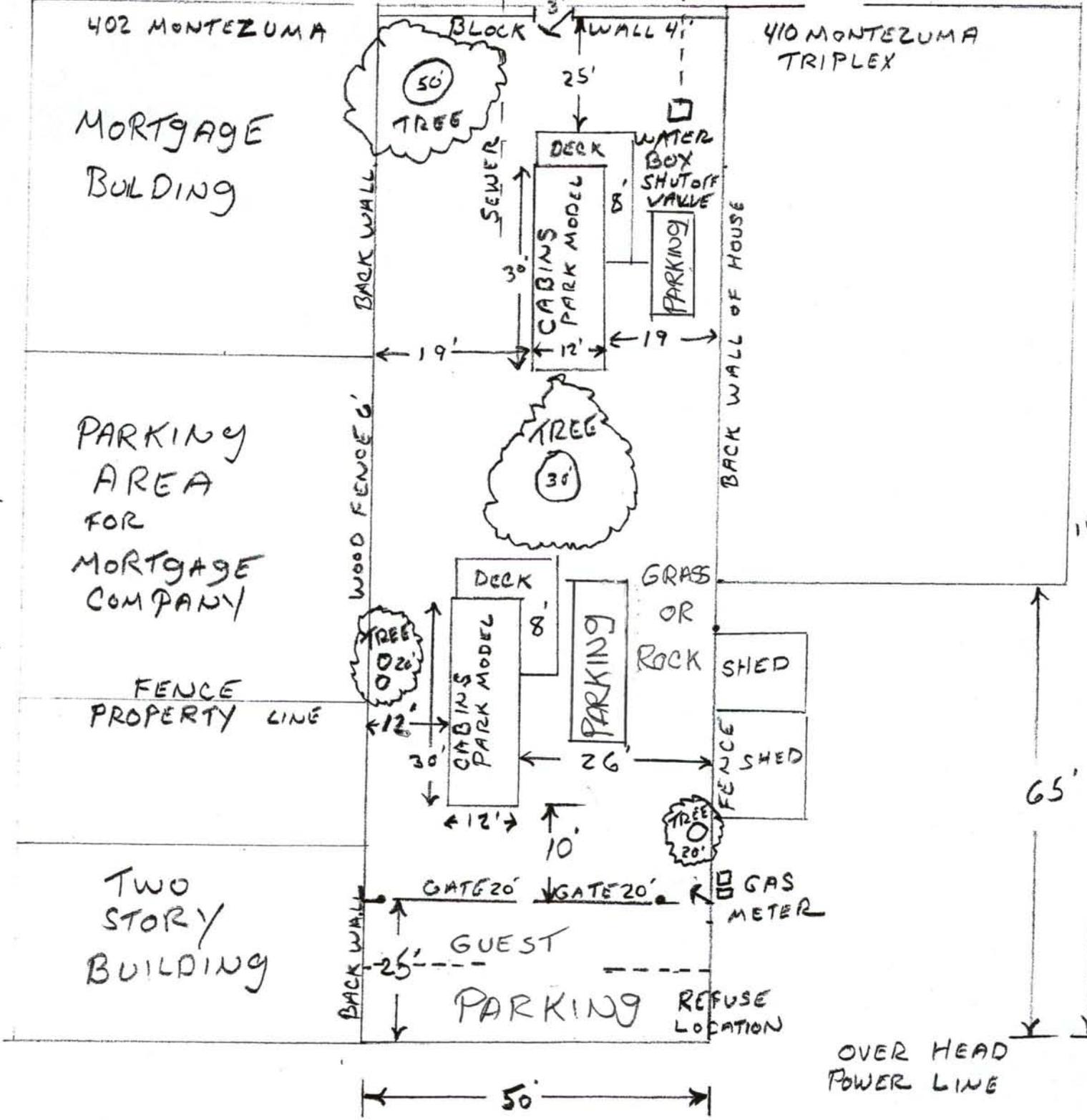
406 MONTEZUMA



FIRE HYDRANT END OF!



AUBREY ST



ELEVATIONS TOPOGRAPHIC +

ALLEY

REVISED 7-26-16



Cabins >>>

**Description of Work:**

We plan on incorporating our existing mature trees and shrubs into our project. No grading.

The existing rear chain link gate is in bad shape and needs to be replaced. The current gate leaves property open to vagrants.

Would like to replace the missing wooden panels on the top of the front block wall with decorative wrought iron inserts to blend in with wrought iron used on historic Whiskey Row.

Would like to place two small cabins or park models, approximately 360 square feet, 12 x 30 feet. Each cabin will have 1 bedroom, 1 bath, shower only, no bathtub, no laundry room. Kitchen to include sink, stove and refrigerator, no dishwasher. Cabins will include an open, raised desk.

The cabins will be manufactured as per Prescott's building code. Whoever we purchase these cabins from will be a bonded, licensed contractor with permits.

Our intention is to blend in with beautiful, historic downtown Prescott. We would like to add that we purchased our dream cabin in Ponderosa Park a year ago and while we are currently part time residents of Prescott our goal is to become permanent residents at Ponderosa Park and to use the proposed cabin rentals on Montezuma to supplement our social security.

We love Prescott and have become involved in community activities through our membership with the Prescott Regulators.

We are hoping that our plans meet with your approval.

Thank you,



Clint Anderson