



BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, AUGUST 18, 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 AUGUST 18, 2016 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	STAFF PRESENT
James Di Rienzo, Chairman	George Worley, Planning Manager
Johnnie Forquer	Darla Eastman, Administrative Specialist
George Wiant, Absent	Matt Podracky, Assistant City Attorney
Ray Everett	Frank Hall, Community Planner
Stephen Silvernale	Tom Guice, Community Development Director
Tony Teeters	COUNCIL PRESENT
	Greg Lazzell, Councilman

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

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

Mr. DiRienzo noted that on page two (2) of the minutes where it read that Mr. Watson stated that the alley is 6" to 3 yards above the rear yard lines along the west boundary. The comment should have been that the alley is 6" to 3 yards above elevation measurement along the west boundary. Also, it should be noted that the Board cannot provide a date to postpone V16-003 to complete review by the Board.

Mr. Everett, MOTION to approve the August 18, 2016 meeting minutes. Ms. Forquer, 2nd. VOTE 4-0; passed. (Mr. Silvernale arrived)

2. Discussion and Possible Action on Bylaw Amendment

Mr. DiRienzo stated that the Bylaws currently require four (4) board members to approve a Variance or Conditional Use Permit. If there were only four members present and the vote is 3-1, the vote is not carried which means it is unanimous. This is not what the Board intended. The suggested change is that the majority of the total Board members present so it would be three (3) members required to approve a project rather than four. The Board members agreed that it is a good change and it conforms to Robert's Rules of Order. The change is effective immediately.

Mr. Everett, MOTION to approve the Bylaw Amendment. Mr. Teeter, 2nd. VOTE 4-0; passed.

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]

Frank Hall stated that is request was presented at the April 21, 2016, Board meeting and the project was denied on the vote of having four members present. On the July 21, 2016, the project was approved for reconsideration. The reconsideration was set for the August 18, 2016, agenda. Mr. Hall said that that the applicant is 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 stated the parking pad construction in the front yard is permitted, but 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, 2016, but it was postponed pending the outcome of a variance application by the RV owner.

Mr. Everett, MOTION to approve V16-003, Variance to the storage of an RV within the front yard of residentially zoned property. Mr. Silvernale, 2nd. VOTE 5-0; passed.

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

Frank Hall presented the staff report and stated that the request is for a Conditional Use Permit for a recreational vehicle park, 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 noted that 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.

Mr. Teeter, MOTION to approve CUP16-002, Conditional Use Permit for a Recreational Vehicle (RV) Park with the condition that on-site parking be designed to prevent backing into the righ-of-way (alley). Mr. Silvernale, 2nd. VOTE 5-0; passed.

5. Powerpoint Presentation by the Legal Department on Board of Adjustment Scope and Duties Training

Matt Podracky, Assistant City Attorney, gave a powerpoint presentation training of the Board of Adjustment's scope and duties. He stated that, in general, the Board of Adjustment is the body established to hear appeals of decisions rendered by zoning administrators, interpret unclear provisions in the zoning ordinance, and decide on applications by landowners to permit buildings or land uses which vary from the zoning regulations. The powerpoint presentation can be viewed by contacting Mr. Podracky in the City of Prescott's Legal Department.

III. ADJOURNMENT

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



Darla Eastman, Administrative Specialist



James Di Rienzo, Chairman