

BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, FEBRUARY 15, 2018
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 15, 2018, 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
Paddie Braden	Stephen Silvernale
Johnnie Forquer	Tony Teeters
Bryn Stotler	

- III. REGULAR AGENDA**

- 1. Approval of the September 21, 2017 Minutes

- IV. PUBLIC HEARING ITEMS**

- 1. VAR18-00001, Variance to Article 3, Section 3.6.F.1 (Minimum Setback) of the Land Development Code (LDC) to allow for a reduction of the front yard setback to add a porch to the existing house. [Zoning: Single-family-9 (SF-9); Property Owner: John Phillips; APN 113-12-061B]. Location: 117 Park Avenue.

- V. 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 8, 2018 at 5:00 PM in accordance with the statement filed with the City Clerk's Office.

Maureen, City Clerk



BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, SEPTEMBER 21, 2017
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 September 21, 2017 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. He thanked Pro Tem Lamerson for attending.

II. ATTENDANCE

MEMBERS	STAFF PRESENT
James Di Rienzo, Chairman	George Worley, Planning Manager
Johnnie Forquer	Darla Eastman, Recording Secretary
Paddie Braden - Absent	
Ray Everett	
Stephen Silvernale	
Tony Teeters	COUNCIL PRESENT
Bryn Stotler	Pro Tem Lamerson

III. REGULAR AGENDA

1. Approval of the May 18, 2017 Minutes

**Mr. Silvernale, MOTION to approve the May 18, 2017 minutes. Mr. Teeters, 2nd.
VOTE 6-0; passed.**

IV. PUBLIC HEARING ITEMS

**1. V17-005, Variance to Article 3, Section 3.5.F.2 (Minimum Setback) of the Land Development Code (LDC) to allow for a reduction of the side yard setback to accommodate a garage addition to the house. [Zoning: Single-family-12 (SF-12); Planned Area Development (PAD); Property Owner: Robert and Teri Taylor; APN 111-06-003].
Location: 1987 Havens End**

Katie Peterson, Community Planner, presented the agenda item and displayed the site plan on the overhead projector. Ms. Peterson stated that the applicant is requesting a Variance from the minimum side yard setback. The zoning for the property is single-family 12 (SF-12) [Planned Area Development (PAD)] and the side yard setback is 9 feet. She said that the applicant would like to change the setback to 6 feet, 8 inches to allow for a garage bay addition. Due angle of the existing home being parallel to the front lot line, and boulder outcrops and formations on the property, Ms. Peterson stated that there are limited places for a garage addition. An alternate potential location would be in the rear yard; however, two mature trees and a few smaller boulders would have to be removed to provide driveway access.

Ms. Peterson said that the best route would be with the Variance, and that there would be 21 feet and 8 inches between the neighbor's garage corner and the proposed garage corner. Ms. Peterson said there is a support letter from the neighbor to the west.

Terry Taylor, 1987 Havens End, answer questions from the Board of Adjustment and said that she bought the already built, approximately 22-years ago. Mr. Taylor said that the subdivision's HOA has approved the project.

Ms. Peterson answered a few questions from the Board and stated that the building envelopes were designated on the Final Plat. Ms. Stotler stated that she feels that we (the board) are responding to issues from the original build where homes were not placed correctly in accordance with the lot lines. She said that the request is consistent with other builds and uses in the neighborhood. Chairman Di Rienzo interjected that due to the topography of Prescott, it is important that we (the Board) are flexible and consistent with approving these types of requests.

Mr. Silvernale, MOTION to approve V17-005, Variance to allow for a reduction of the side yard setback to accommodate a garage addition to the house. Mr. Everett, 2nd. VOTE 6-0; passed.

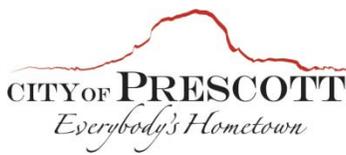
V. ADJOURNMENT

Chairman Di Rienzo adjourned the meeting at 10:15 a.m.



Darla Eastman, Administrative Specialist

James Di Rienzo, Chairman



BOARD OF ADJUSTMENT

MEETING DATE: 2/15/18

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-00001, Variance to Article 3, Section 3.6.F.1 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduced front yard setback to accommodate a front porch. [John A. Phillips; APN 113-12-061B]. Location: 117 Park Avenue.

Approved By:

Date:

Director:	Tom Guice	
Planning Manager:	George Worley	
Community Planner:	Katie Peterson	

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the minimum front yard setback requirement (25 feet) to 17 feet to allow a 6 foot deep x 20 foot wide porch addition in a Single-family 9 (SF-9) zoning district.

The applicant's proposed addition of a front porch encroaches 6 feet into the front yard setback area on the west side of the house, facing the street. The existing house has a legal non-conforming 23 foot setback with no front porch. The applicant believes the requested variance to allow a 17 foot front yard setback, for a front porch addition, to be in conformance with the character of the houses on surrounding lots, some of which have front porches. (*See Attachment 4.*)

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes (existing house has a legal, non-conforming front yard setback.)

APPLICABLE ZONING CODE: LDC Section 3.6/Single-family 9 (SF-9), and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

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 within the neighborhood are constructed in compliance with the established setbacks. Typically, a reduced setback may be of concern in considering compatibility; however, the building edge along this portion of Park Avenue varies due to proximity to the commercial zoning nearby, and addition of a front porch would be consistent with the character of the neighborhood.

AGENDA ITEM: VAR18-00001, Variance to Article 3, Section 3.6.F.1 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduced front yard setback to accommodate a front porch. [John A. Phillips; APN 113-12-061B]. Location: 117 Park Avenue.

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 properties in the district. Such Variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

COMPLIANCE WITH REQUIRED VARIANCE CRITERIA:

- 1. Extraordinary Conditions (LDC Section 9.13.4.A.1).** 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. For example, a Variance may be justified because of topography, or size, shape, intrusive off-site impacts, or other special conditions unique to the property and development involved.

Staff Comments: The existing house, per the applicant, is set back 23 feet from the front lot line, and is therefore legal non-conforming with regard to the front yard setback. The existing house does not have a front porch as some other houses on the street do. Allowing a front porch that encroaches an additional 6 feet into the front yard setback area would be furthering the non-conforming status of the house, although an addition of a porch would bring the house into greater conformance with the character of the neighborhood.

- 2. Substantial Detriment (LDC Section 9.13.4.A.2).** Granting the Variance 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.

Staff Comments: The proposed reduced front yard setback would still allow adequate space for emergency access, and there are no other detrimental effects with regard to public health, safety, or welfare on other properties in the area.

- 3. Special Privileges (LDC Section 9.13.4.A.3).** Granting of a Variance shall be subject to such conditions as will assure that 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.

Staff Comments: Some other lots in the neighborhood have houses with porches which are located behind the required front setback area [for example, 119 Park Avenue, which is zoned Business General (BG) and, therefore, has a different required front yard setback of 15 feet for residential uses]. If granted this Variance, the building line (front edge of the porch) on this lot would be two feet further from the lot line than the neighboring BG zone, and eight feet closer to the lot line than other neighboring SF-9 lots. The distance of the buildings to the street edge would vary, but this property and neighborhood would benefit from the consistent character of the front porch addition in a neighborhood featuring front porches.

- 4. Self-induced Hardship (LDC Section 9.13.4.A4).** The hardship is not the result of the applicant's own actions.

AGENDA ITEM: VAR18-00001, Variance to Article 3, Section 3.6.F.1 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduced front yard setback to accommodate a front porch. [John A. Phillips; APN 113-12-061B]. Location: 117 Park Avenue.

Staff Comments: The existing non-conforming front yard setback is not the result of the applicant's own actions. While the addition of a front porch is a voluntary action by the applicant, the porch would make the house more compatible with nearby houses.

- 5. **General Plan (LDC Section 9.13.4.A.5).** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

Staff Comments: The proposed Variance is on an existing lot with no change of use and is, therefore, in compliance with the General Plan. Historic Preservation staff indicated that this house is not listed in the historic register, is already considered compromised, and a porch addition would be an overall improvement given the neighborhood context of houses with porches.

- 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.

Staff Comments: There are two considerations regarding the compliance of this proposed variance with the "utilization" criteria:

- 1) Strict application of the setback requirement on the subject lot does not place the property owner at a disadvantage with regard to the privilege most other property owners of lots in the SF-9 zone have with regard to building setbacks and flexibility with location of building additions.
- 2) The existing house is already built into the front yard setback by 2 feet, and without a front porch as some other houses have, this legal non-conformance and lack of a front porch could be considered deprivation of privileges enjoyed by other properties in the SF-9 district in this neighborhood.

NEIGHBORHOOD COMMENTS:

Staff has not received any public comments regarding this variance request.

Attachments:

- 1. **Location/Aerial Map**
- 2. **Site Plan indicating location of proposed front porch addition**
- 3. **Applicant responses to application questions**
- 4. **Staff photographs of site**

SUGGESTED MOTION:

Move to Approve/Deny VAR18-00001, to reduce the front yard setback to 17 feet to allow the addition of a front porch to the existing house.

Attachment 1
VAR18-000001
117 Park Ave.
Aerial Map 1-

GROVE AVE

MF-H

N SUMMIT AVE

W GURLEY ST



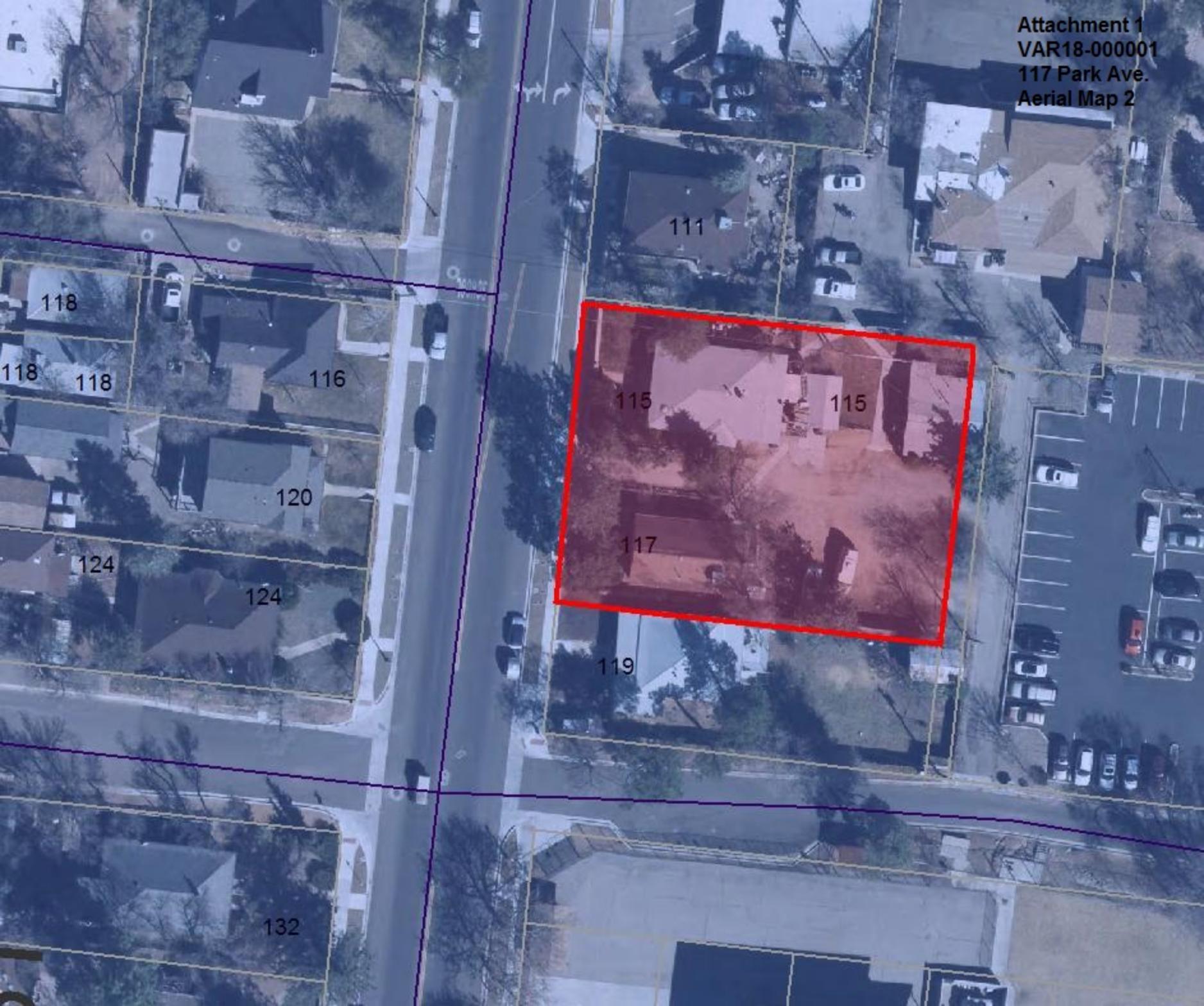
GURLEY PL

LEACH AVE

WAZTED ST

CORONADO

AVE



111

118

116

115

115

120

117

124

124

119

132



**CITY OF PRESCOTT
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
201 S. Cortez, Prescott, AZ 86301 (928) 777-1207**

Attachment 3
VAR18-000001
117 Park Ave.
Applicant responses to
application questions

VARIANCE APPLICATION

V# VAR 18-00001

Property Address: 117 PARK AVE PRESCOTT AZ 86303

Assessor's Parcel Number (s)(APN): 113-12-0618

Township _____ Section _____ Range _____ Current Zoning: SF-9

Subdivision Name: FLEURY'S ADDITION

<p>Owner Name & Address: <u>JOHN A. PHILLIPS</u> _____ <u>PRESCOTT AZ 86303</u> _____</p> <p>Phone: _____ Fax: _____ Email: _____</p>	<p><i>For Staff Use Only</i></p> <p>Date Received: _____</p> <p>Taken In By: _____</p> <p>Assigned To: _____</p> <p>Date Application Complete: _____</p> <p>Fees & Charges: _____</p> <p>Receipt #/Date: _____</p> <p>PAC Date: _____</p> <p>BOA Date: _____</p>
<p>Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal):</p> <p>_____ _____ _____</p> <p>Phone: _____ Fax: _____ Email: _____</p>	

Description of Request: ADDITION OF A 6x20' PORCH ON EXISTING BUILDING - TO BRING BLD INTO CONFORMITY WITH REST OF HOMES IN NEIGHBORHOOD - SET BUILDING IS 23 FT FROM LOT LINES WOULD LIKE TO ADD A 6 FT DEEP PORCH WHICH WOULD PUT BUILDING 8 FT INSIDE CURRENT SET BACK REQUIREMENTS

JOHN A. PHILLIPS _____ John A Phillips _____
Name Signature Date

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.

LARGE 1920'S ROCK WALL AT FRONT PROPERTY LINE WITH
TALL A3 CYPRESS TREES, SHARED DRIVEWAY WITH 117 PARK AVE

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.

MOST PROPERTIES DO NOT CONFORM - MULTIPLE STRUCTURES
LACK OF SET BACKS, FRONT, BACK & SIDE. MANY STRUCTURES
ON BUILT "ON" THE PROPERTY LINE - 119 PARK AVE, 113 PARK AVE
116, 120, 204, 223, 229, 233, 337, 339, 345, 420

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).

FULL RENOVATION IS PLANNED FOR PROPERTY - ADDING FRONT PORCH
WOULD BRING PROPERTY INTO UNIFORMITY WITH ADJACENT PROPERTIES
NEIGHBORS PROPERTIES WILL BE IMPROVED BY MODIFYING THE EYESOON
BOTH STRUCTURALLY AND ESTHETICALLY

4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

THE MAJORITY OF BUILDING & PARCELS IN THE DISTRICT DO NOT
CONFORM TO THE PRESENT LDC - SINCE MANY BUILDINGS WERE BUILT
STARTING IN THE 10'S TO THE FORTIES

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

THIS IS THE LAST PARCEL TO BE RENOVATED ON PARK AVE AND
ADDITION OF PORCH WILL BRING PARCEL INTO VISUAL & STRUCTURAL
CONFORMITY WITH ALL OTHER BUILDING ON PARK AVE.

Attachment 4: Photos
VAR18-000001
117 Park Ave.

Neighborhood Context: front porches, varied setbacks



Attachment 4: Photos
VAR18-000001
117 Park Ave.



117 Park Ave. ↑↓

