



# BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, MARCH 15, 2018  
11:00 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 11:00 AM on MARCH 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 February 15, 2018 Minutes

**IV. PUBLIC HEARING ITEMS**

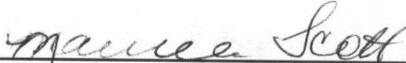
- 1. VAR18-00002, Variance to Article 3, Section 3.6.3.F.1 (Single-family-9 Minimum Setback) A proposed change to allow a reduction in the front yard setback to accommodate the construction of a single-family home. Property owner: John F Matthews. Site APN is 111-09-126. Location: 1414 Oregon Ave.

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

  
Maureen Scott, City Clerk



# BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, FEBRUARY 15, 2018  
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 February 15, 2018 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 Councilman Lamerson for attending.

**II. ATTENDANCE**

<b>MEMBERS</b>	<b>STAFF PRESENT</b>
James Di Rienzo, Chairman	George Worley, Planning Manager
Johnnie Forquer	Kaylee Collison, Recording Secretary
Paddie Braden	Matt Podracky, Assistant City Attorney
Ray Everett - Absent	Katie Peterson, Community Planner
Stephen Silvernale	
Tony Teeters	<b>COUNCIL PRESENT</b>
Bryn Stotler	Councilman Lamerson

**III. REGULAR AGENDA**

**1. Approval of the September 21, 2017 Minutes**

**Ms. Forquer, MOTION to approve the September 21, 2017 minutes. Ms. Braden, 2<sup>nd</sup>. VOTE 5-0; passed.**

**IV. 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.**

Katie Peterson, Community Planner, presented the project and stated that the applicant is requesting a Variance from the minimum front yard setback requirement of 25 feet to 17 feet to allow a 6 foot deep, 20 foot wide porch addition in a Single-family 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 nonconforming 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.

Ms. Peterson stated that it is staff's 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 in the Land Development Code.

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. The proposed reduced front yard setback would still allow adequate space for emergency access.

Some other lots in the neighborhood have houses with porches which are located behind the required front setback are. Ms. Peterson gave an example of 119 Park Avenue, which is zoned Business General and has a different required front yard setback of 15 feet for residential uses. She said if the Variance is granted, the building line which is the front edge of the porch, on this lot would be two feet further from the lot line than the neighboring Business General zone, and eight feet closer to the lot line than other neighboring SF-9 lots. She said that 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. Ms. Peterson said that Staff has not received any public comments regarding this Variance request.

The Board Members discussed the project in more detail and asked the owner additional questions. John Phillips answered questions from the Board Members.

John Phillips, 500 S Hassayama Drive, stated that there are two windows and two doors on the side of the house and that is where the entrance was. Unfortunately, the existing block wall is missing approximately 15 feet due the large tree that has pushed the wall over. He said, as of today, the new pillar has been put into place and the wall has been extended. He said that his intention is to add a sidewalk up to the street if we are granted the Variance to add the porch. He said, currently, the house looks more like a garage than a house. He said when he submits his building plans; he is going to include the walkway that goes from the sidewalk up to the front of the house. The entry will be between the two windows and the porch will extend out 6 feet and 2 feet high. He said it will look just like the adjacent houses entry way and front porch. Mr. Phillips stated that he will continue with the interior floor plan once the Board makes their decision today on the Variance for the porch.

The Board Members discussed the possibility that historically the property was multi-family. Mr. Phillips stated that in the 1900s, the two houses were built with one entrance because there was only one owner. He said that in the 1980s the houses were sold separately and remodeled and an additional entrance was included to the second house.

**Mr. Silvernale, MOTION to approve 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. Ms. Stotler, 2<sup>nd</sup>. VOTE 6-0; passed.**

## V. ADJOURNMENT

Chairman Di Rienzo adjourned the meeting at 10:00a.m.



Darla Eastman, Administrative Specialist

James Di Rienzo, Chairman

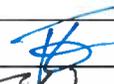
**MEETING DATE: 3/15/18**

**DEPARTMENT: Community Development**

**AGENDA ITEM:** VAR18-00002, Variance to Article 3, Section 3.6.3.F.1 (Single-family 9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the front yard setback to accommodate the construction of a single-family house. [Zoning: SF-9; Property Owner: John F. Matthews; APN 111-09-126]. Location: 1414 Oregon Ave., Prescott, AZ 86305.

**Approved By:**

**Date:**

<b>Director:</b>	Tom Guice		3.7.18
<b>Planning Manager:</b>	George Worley		3/7/18
<b>Community Planner:</b>	Katie Peterson		KP 3/7/18

**REQUEST AND JUSTIFICATION:**

The applicant is requesting a Variance from the minimum front yard setback requirement (25 feet) to 15 feet to allow an approximately 1000 square foot single-family house on a buildable pad in a Single-family 9 (SF-9) zoning district.

The applicant's proposed building pad encroaches 10 feet into the front yard setback area on the south side of the house, facing the street. Nearly half of the lot area features large boulder formations and a floodway on the north end of the sloping lot. The applicant is requesting a reduced front yard setback to accommodate a building pad on the more buildable portion of the lot, and believes the requested variance allows a style and size of house in conformance with the modestly-sized, cottage-style houses on surrounding lots. (See Attachments 1-3, and 4.)

**COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes**

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

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**AGENDA ITEM:** VAR18-00002, Variance to Article 3, Section 3.6.3.F.1 (Single-family 9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the front yard setback to accommodate the construction of a house. [Zoning: SF-9; Property Owner: John F. Matthews; APN 111-09-126]. Location: 1414 Oregon Ave., Prescott, AZ 86305.

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:** The subject lot features boulders and a floodway on-site that are not as prevalent on other lots along Oregon Avenue, extending east from this lot. Lots to the northwest similarly have large boulder formations, a floodway, and some houses to the north have reduced front yards to accommodate boulder formations to the rear.

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

**Staff Comments:** The limited buildable area of this lot, due to natural features (large boulder formations and the floodway), is not the result of the applicant's own actions.

- 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.

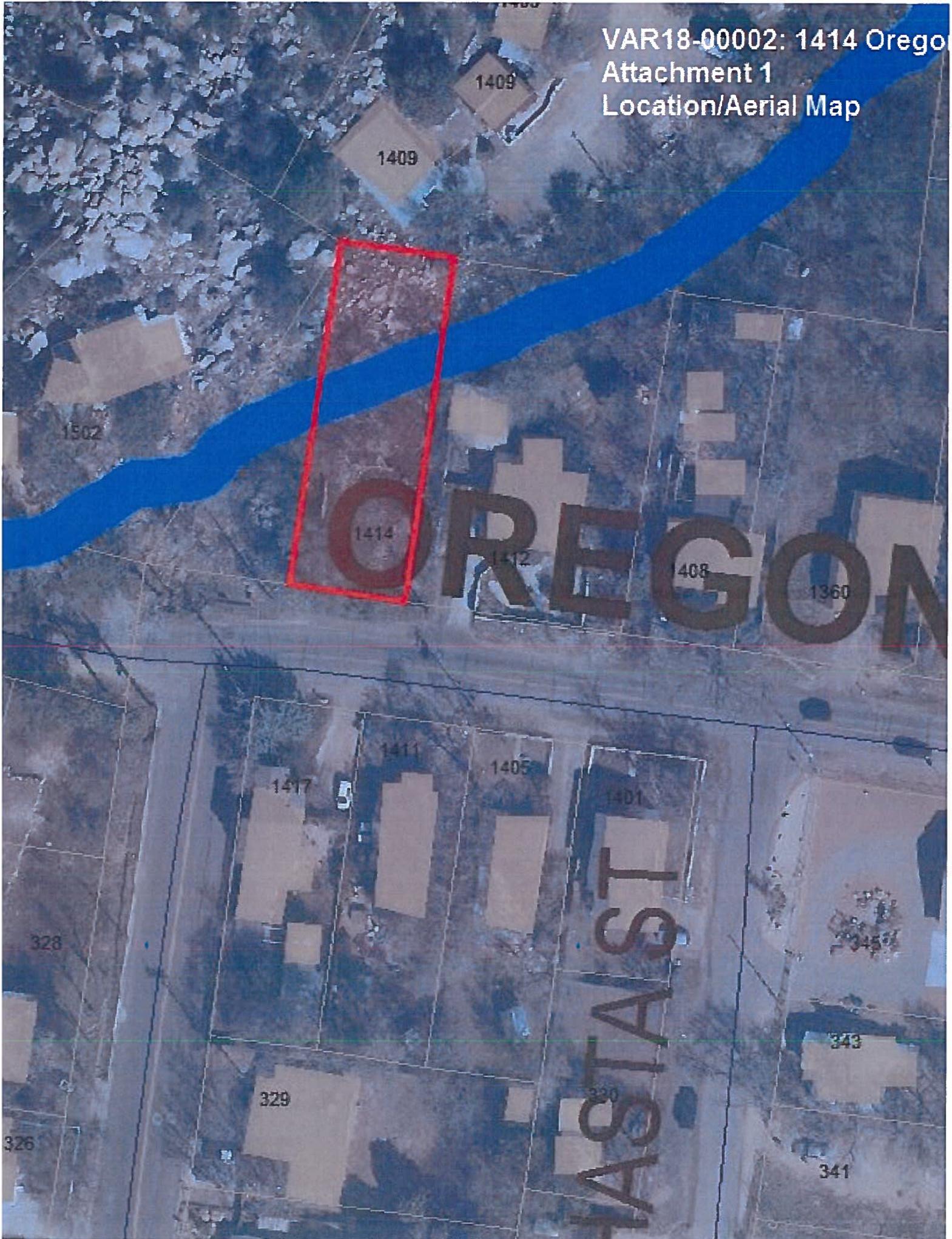
- 6. Utilization.** Because of special circumstances applicable to the property, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

**Staff Comments:** The boulder formations and floodway located on the northern portion of the subject lot create a challenge for construction on that portion of the lot, occupying nearly half of the lot area. The level, buildable area on the lot is located on the southern portion, leaving limited space (slightly over half the lot area) for a building pad. The requested setback reduction would allow the property owner to develop a modestly-sized (approximately 1000 square foot) home on the lot.

**NEIGHBORHOOD COMMENTS:**

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

VAR18-00002: 1414 Orego  
Attachment 1  
Location/Aerial Map



VAR18-00002: 1414 Oregon  
Attachment 2  
Aerial View

*Floodway*

1414

1412



1414 OREGON

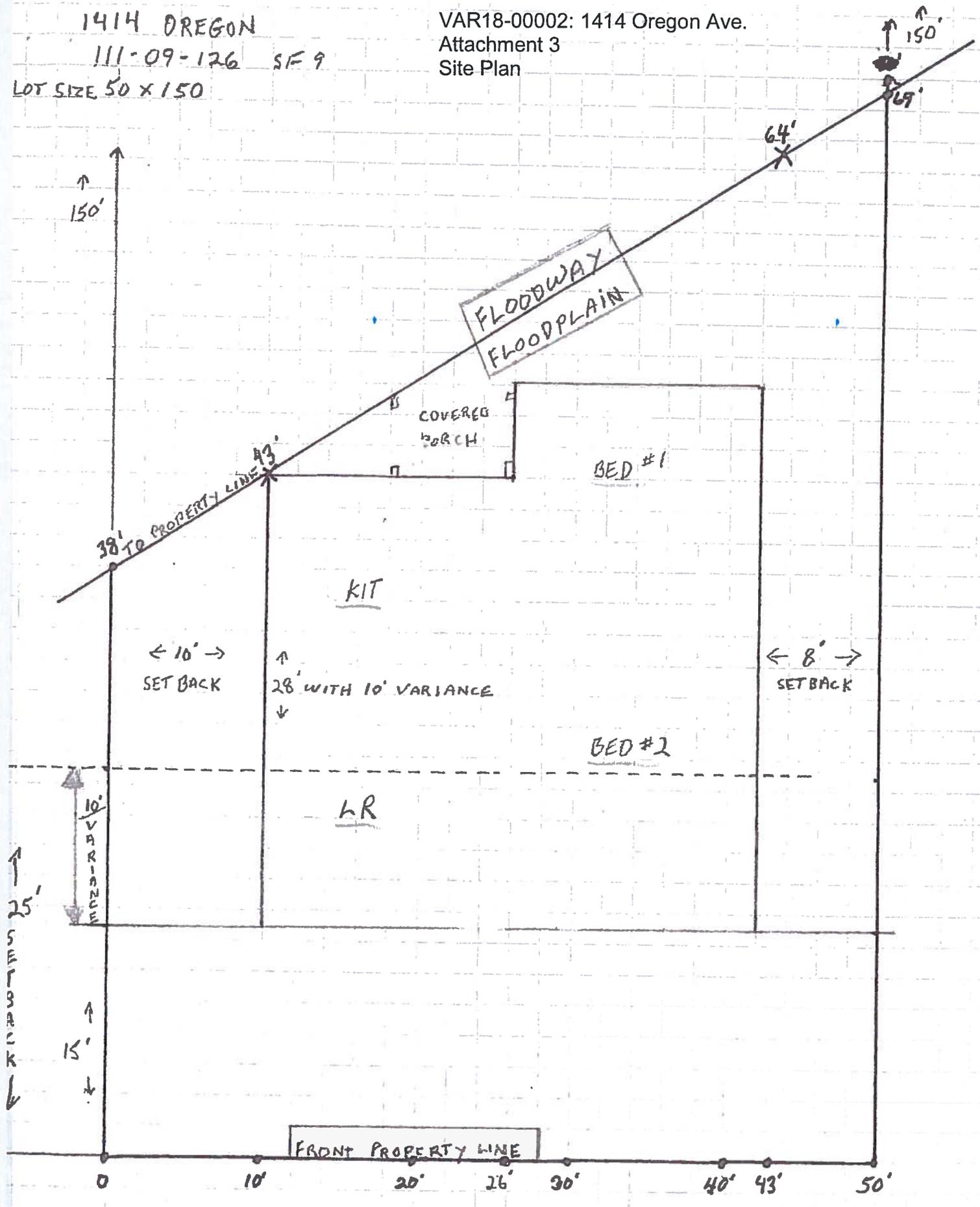
VAR18-00002: 1414 Oregon Ave.

111-09-126 SF 9

Attachment 3

Site Plan

LOT SIZE 50 X 150



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.

SEE ATTACHED (OVER)

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.

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).

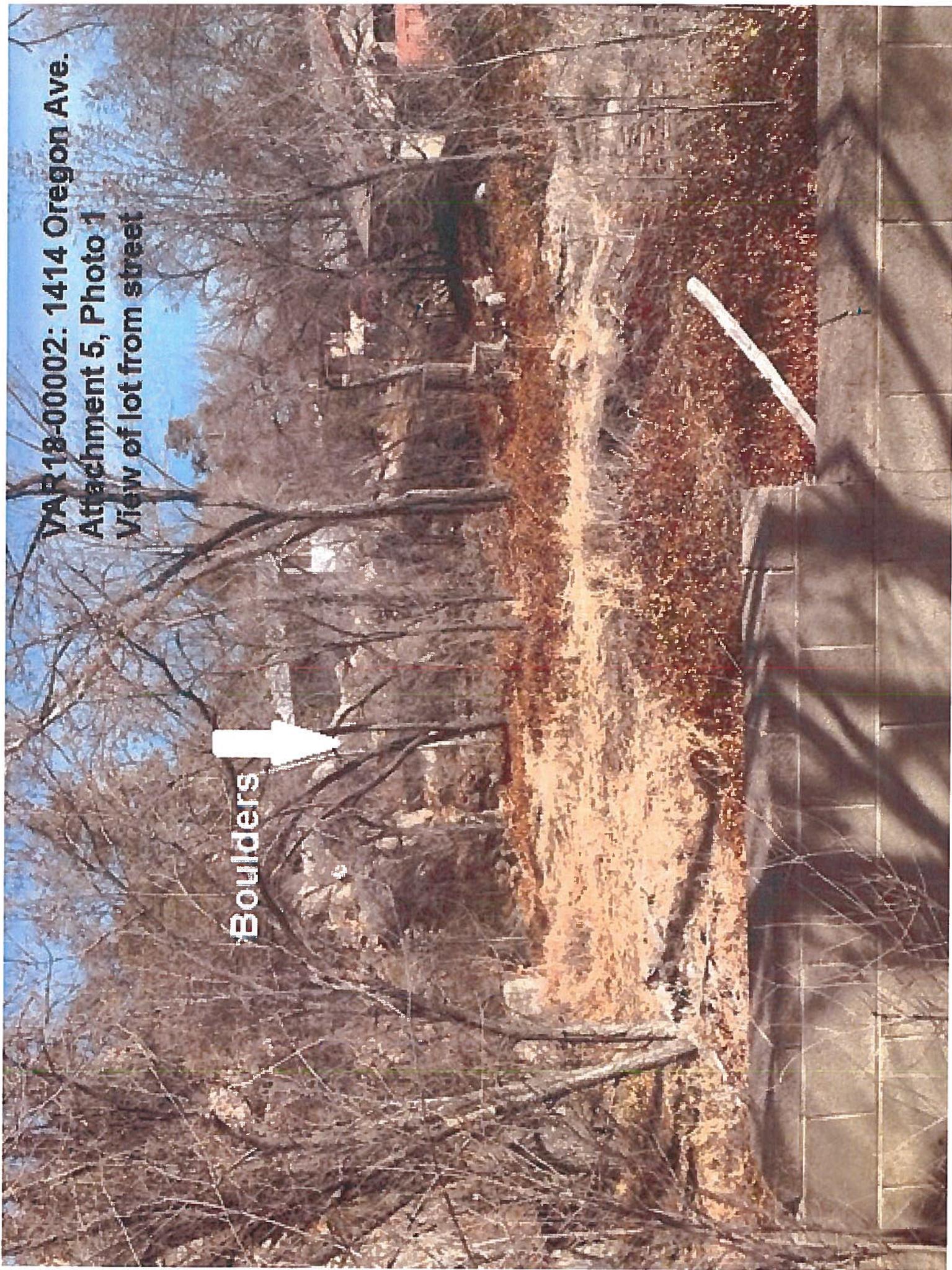
4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

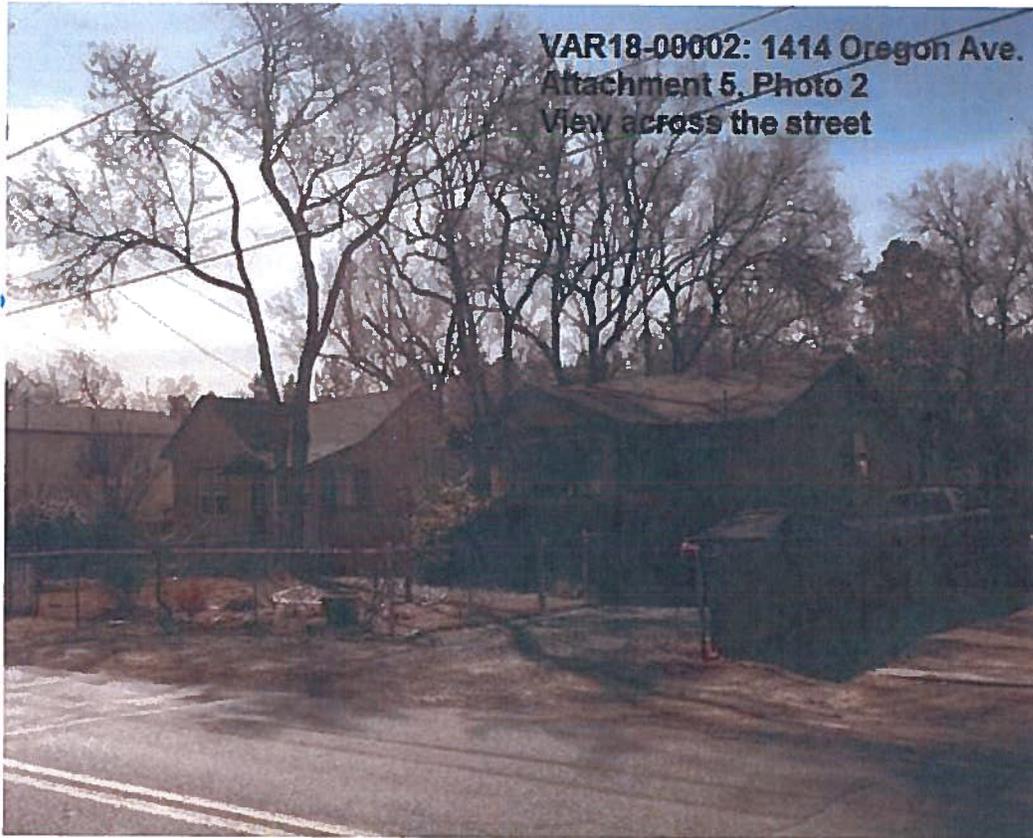
5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.

1. This particular lot sits in the floodplain of Miller Creek. With a large boulder wall in the back of the lot, followed by the creek and then floodway, the only buildable space is the front of the lot. Because the floodway/floodplain line is diagonal, a portion of the buildable space is squeezed to 18 feet after the 25 foot setback.
2. Zoning rights of the other properties in the area are probably a non-issue given it is a historical neighborhood built in the early 1900s (Lincoln Park).
3. It's my intention to build a house that is architecturally sensitive to the historical nature of the neighborhood. This would be a single story, "cottage" type design. The variance would allow for about a 1000 square foot structure.
4. As explained in questions 2 and 3 above the variance wouldn't confer special privilege but instead allow my project to more closely match the standards and nature of the neighborhood.
5. Granting the variance will not block views, impede traffic, affect public health or safety. Its intention is to allow a structure that fits in and helps rejuvenate a neighborhood.

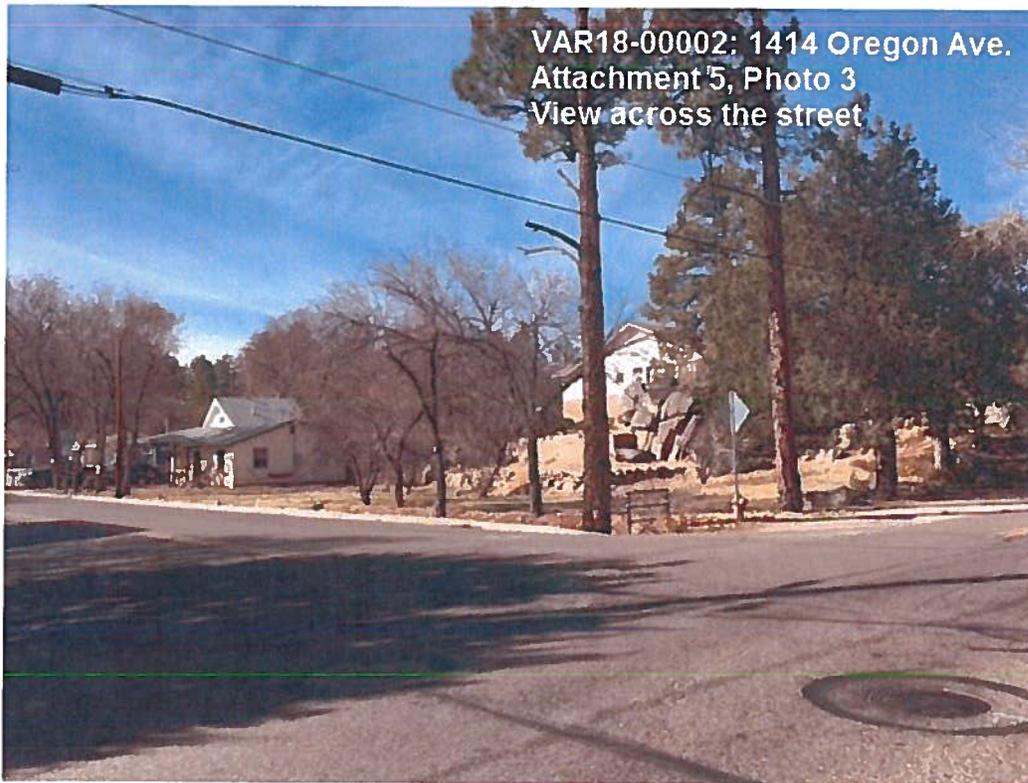
**VAR18-00002: 1414 Oregon Ave.  
Attachment 5, Photo 1  
View of lot from street**

**Boulders**





**VAR18-00002: 1414 Oregon Ave.  
Attachment 5, Photo 2  
View across the street**



**VAR18-00002: 1414 Oregon Ave.  
Attachment 5, Photo 3  
View across the street**