



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 19, 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 APRIL 19, 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 (Vice Chair)
Johnnie Forquer	Tony Teeters
Bryn Stotler	

III. REGULAR AGENDA

- 1. Approval of the March 15, 2018 Minutes

IV. PUBLIC HEARING ITEMS

- 1. VAR18-00003, Variance to Article 3, Section 3.4.3.F.1 (Single-family-18 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: Jerry Capriano Trust.
Site APN is 105-08-343. Location: 1586 Estancia Way

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 April 12, 2018 at 3:00pm in accordance with the statement filed with the City Clerk's Office.

Maureen Scott
Maureen Scott, City Clerk

BOARD OF ADJUSTMENT

MEETING DATE: 4/19/18

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-00003, Variance to Article 3, Section 3.4.3.F.1 (Single-family 18/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-18; Property Owner: Jerry Capriano Trust; APN 105-08-343]. Location: 1586 Estancia Way, Prescott, AZ 86301.

Approved By:

Date:

Director:	Tom Guice	<i>[Signature]</i>	4/3/18
Planning Manager:	George Worley	<i>[Signature]</i>	4/4/18
Community Planner:	Katie Peterson	<i>[Signature]</i>	4/3/18

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the minimum front yard setback requirement (25 feet) to 10 feet to allow an approximately 2500 square foot single-family house on a buildable pad in a Single-family 18 (SF-18) 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. The western portion of the lot features a drainage easement from north to south. 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 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 3.4/Single-family 18 (SF-18), and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

STAFF ANALYSIS AND RECOMMENDATION:

AGENDA ITEM: VAR18-00003, Variance to Article 3, Section 3.4.3.F.1 (Single-family 18/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-18; Property Owner: Jerry Capriano Trust; APN 105-08-343]. Location: 1586 Estancia Way, Prescott, AZ 86301.

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, this lot is located in a cluster of lots between Soaring Ave. and Estancia Way that vary in their dimensions, and feature drainage and access easements. The proposed size of the house would also be consistent with the character of the houses in the neighborhood.

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 20 foot drainage easement through the western portion of the lot, and the 30 foot roadway and utility easement on the northern portion of the subject lot prevent construction on the western portion of the lot. The requested setback would allow a house size that is compatible with the neighborhood character.

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.

AGENDA ITEM: VAR18-00003, Variance to Article 3, Section 3.4.3.F.1 (Single-family 18/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-18; Property Owner: Jerry Capriano Trust; APN 105-08-343]. Location: 1586 Estancia Way, Prescott, AZ 86301.

- 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 a drainage easement through the lot, in addition to the easements similar to those on adjacent and nearby lots.

- 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 the need for drainage and access easements, 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 drainage easement through the western portion of the subject lot prevent construction on that portion of the lot. The requested setback reduction would allow the property owner to locate the house outside of the easement areas, and similar in size to the other houses in the neighborhood.

NEIGHBORHOOD COMMENTS:

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

Attachments:

- 1. Aerial view of site**
- 2. Site plan**
- 3. Easements**
- 4. Applicant responses to Variance application questions**

AGENDA ITEM: VAR18-00003, Variance to Article 3, Section 3.4.3.F.1 (Single-family 18/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-18; Property Owner: Jerry Capriano Trust; APN 105-08-343]. Location: 1586 Estancia Way, Prescott, AZ 86301.

SUGGESTED MOTION:

Move to Approve/Deny VAR18-00003, to reduce the front yard setback to 10 feet to allow the construction of a single-family house on a lot with a drainage easement through the lot.

VAR18-00003: 1586 Estancia Way
Attachment 1
Aerial View

322



1586

1584

ESTANCIA WAY

RING AVE

THE DR

130

128

126

124

132

127

125

1578

1577

1574

137

1583

Variance Questionnaire – 1586 Estancia Way

1. There is a 30ft. roadway and utility easement to the north, there is a 20ft drainage easement to the west and a 17ft drainage easement to the south. If allowed to reduce the setback to the east from 25ft to 10ft, we can build the house we anticipated by not encroaching in any other easements.
2. The current easements on this property deprive us the right to build a modestly sized home with a four-car garage, as other properties can enjoy. As the ARC committee would like to see a minimum sqft home of 2500sqft in the community, the easements limit us to building that size of home with a four- car garage.
3. Because of the restrictions associated with the easements on the property, we are unable to accommodate the minimum size home with the four-car garage. The four-car garage is necessary, as there is limited space for parking in the driveway. The driveway will only accommodate for one vehicle. We have four drivers and five vehicles. We do not want to litter the driveway or the roadways with vehicles and feel it would be considerate to the neighbors to conceal the vehicles. This subdivision is of higher end homes and would like to look consistent with other homes in the area.
4. By granting the requested variance, we will be able to fit the minimum required home and address the limited parking situation for this property. Had the city not implied such easements to this property, we would be in compliant with the neighborhood.
5. By allowing us to have a 10ft setback ILO 25ft setback, like the other properties, we can build the minimum size home the community allows with a four-car garage to address our parking dilemma, keeping property values up not depreciating the values.



BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, MARCH 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 MARCH 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

MEMBERS	STAFF PRESENT
James Di Rienzo, Chairman	Tom Guice, Director
Johnnie Forquer	Katie Peterson, Community Planner
Paddie Braden	Matt Podracky, Assistant City Attorney
Ray Everett	George Worley, Planning Manager
Stephen Silvernale - Absent	Darla Eastman, Recording Secretary
Tony Teeters - Absent	COUNCIL PRESENT
Bryn Stotler	James Lamerson, Councilman

III. REGULAR AGENDA

I. REGULAR AGENDA

1. Approval of the February 15, 2018 Minutes

**Ms. Forquer, MOTION to approve the February 15, 2018 minutes. Ms. Stotler, 2nd.
VOTE 5-0; passed.**

IV. PUBLIC HEARING ITEMS

I. 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.**

Katie Peterson, Community Planner, presented the project to the Commission with a site map on the overhead projector. Ms. Peterson stated that this is a request is for a Variance from the minimum front yard setback requirement of 25 feet to 15 feet to allow an approximately 1,000 square foot single-family house on a buildable pad in the single-family 9 zoning district.

She said that 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. She said that 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. Ms. Peterson commented that the proposed size and style of structure is consistent with the character of the other houses on Oregon Avenue. Ms. Peterson said that the boulder formations and floodway on the northern portion of the subject lot prevent construction on nearly half of the lot. The level, buildable area on the lot is located on the southern portion, leaving limited space for a building pad.

The Board Members agreed that the proposed site is a buildable lot; however, due to the boulders and according to the site plan, it is obvious that the structure needs to be built in the center of the lot. They also agreed that this is why the City has a Variance process in place because of these types of situations and it is an appropriate request.

John Matthews, 13230 N Victor Hugo, Phoenix, AZ, he said that it is his dream home and he will be living at this property when he retires soon.

Buss Nichols, 1412 Oregon Ave., the adjacent homes are significantly set-back from the road, next door is 50 feet and the home to the east is over 100 feet. He said he feels it is wildly keeping out of character of the neighborhood. The Board Members responded that the City has deemed it a buildable lot and due to the location of the boulders and the floodway, there is only a portion of the lot where a structure can be placed. Ms. Peterson clarified that part of the legal and staff reviews of the site plan, the adjacent lots are evaluated for consistency and character. Ms. Peterson stated that the site plan for this request meets those requirements.

J Dianne Brederson, 1412 Oregon Ave., asked if the footprint of the home is impeding on the required setback why not consider a smaller footprint and then the applicant would not need a Variance. The Board Members responded that they cannot dictate, but the property dictates, the size of home the owner wishes to build. The Board Members stated that they review a site plan for reasonable square footage of a home compared to other homes in the neighborhood and the size of the lot.

Marriner Cardon, 1502 Oregon Ave., stated that he owner the home to the west and is most impacted. Mr. Cardon asked about the height of the house and the parking. The new neighbors, Mr. Cardon and Mr. Nichols shook hands and greeted each other. Mr. Nichols demonstrated on the site plan the height of the house and the parking.

The Board Members discussed that the request before them is for a reduction in the front setback only and not for height of the home or an amendment to the parking requirements. The Board Members provided the Applicant with additional information if he needed to come back to the Board with another request. They continued that if the applicant wishes to come back to request Variance in the height of the home or within the parking restrictions, he may do so at another meeting.

Mr. Everett, MOTION to approve VAR18-00002, Variance to change to allow a reduction in the front yard setback to accommodate the construction of a single-family home. Ms. Stolter, 2nd. VOTE 5-0; passed.

V. ADJOURNMENT

Chairman Di Rienzo adjourned the meeting at 9:30 a.m.



Darla Eastman, Recording Secretary

James Di Rienzo, Chairman