

BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, MAY 17, 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 MAY 17, 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 April 19, 2018 Minutes

IV. PUBLIC HEARING ITEMS

1. VAR18-00004, Variance to Article 3, Section 3.6.3.F.2. Zoning: Single-family-9 minimum (SF-9) setback request to allow a reduction in the side yard setback to accommodate the construction of a garage. Property Owner: Cynthia Pagliasotti. Site APN is 109-07-097. Location: 122 Vista Drive.
2. VAR18-00005, Variance to Article 3, Section 3.6.3.F.1. Zoning: Single-family-9 (SF-9) minimum setback request to allow a reduction in the front yard setback to accommodate the construction of a patio. Property Owner: Bill and Linda Davis. Site APN is 103-20-382. Location: 4969 Tanager Court.

- V. VAR18-006, Variance to Article 6, Section 6.2.4.B.1. Zoning: Single-family-18 (SF-18). Request to permit a recreational vehicle to be used as temporary guest quarters for caretaking purposes on residential property. Property Owner: Robert and Joan Ohm. Site APN is 106-02-186. Location: 5515 Snapdragon Lane.

VI. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 5/14/18 at 1:00p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Maureen Scott
Maureen Scott, City Clerk

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org



BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 19, 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 APRIL 19, 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	Jon Paladini, City Attorney
Ray Everett	George Worley, Planning Manager
Stephen Silvernale	Darla Eastman, Recording Secretary
Tony Teeters - Absent	COUNCIL PRESENT
Bryn Stotler - Absent	James Lamerson, Councilman

III. REGULAR AGENDA

I. REGULAR AGENDA

1. Approval of the March 15, 2018 Minutes

Ms. Forquer, MOTION to approve the March 15, 2018 minutes. Ms. Braden, 2nd. VOTE 5-0; passed.

IV. PUBLIC HEARING ITEMS

I. PUBLIC HEARING ITEM

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

Katie Peterson, Community Planner, presented the project to the Board with a site map on the overhead projector. Ms. Peterson stated that the applicant is requesting a Variance from the minimum front yard setback requirement of 25 feet to 10 feet. Ms. Peterson stated that there is a 20 foot drainage easement through the western portion of the lot, and the 30 foot roadway and utility easement on the northern portion. She said that these easements are preventing construction of the applicant's 2,500 square foot single-family house on a buildable pad in the single-family 18 zoning district. She said that the requested setback would allow a house size that is compatible with the neighborhood character.

The Board discussed the project in further detail including drainage easements and road access. Ms. Peterson stated that reducing the front yard setback will allow adequate space for emergency access. She included that there are no other detrimental effects with regard to public health, safety, or welfare on other properties in the area.

Tom Terry, Architect for Distinctive Homes, stated that the lot has limited building area and house will touch all sides of the drainage easement. He said that he has drafted the design the house in a variety of options to fit within the building area.

The Board commented to Mr. Terry that because the drainage easements are so close to the house, they would like some assurance that water doesn't revert back toward the house or toward the adjacent property owner's house. Mr. Terry said that the rock banks that he has designed into the plans will protect the houses from high flows during the winter months and during the monsoon rains.

Mr. Silvernale, MOTION to approve VAR18-00003, to allow a reduction in the front yard setback to accommodate the construction of a single-family home, and to ensure the drainage easement is not changed in any way. Ms. Forquer, 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



BOARD OF ADJUSTMENT

MEETING DATE: 5/17/18

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

Approved By:

Date:

Director:	Tom Guice	
Planning Manager:	George Worley <i>[Signature]</i>	5/11/18
Community Planner:	Katie Peterson <i>[Signature]</i>	5/11/18

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the minimum corner side yard setback requirement (15 feet) to 8 feet to allow a detached garage in a Single-family 9 (SF-9) zoning district.

The applicant's proposed construction of a detached garage encroaches 7 feet into the corner side yard setback area on the south side of the lot, facing Crest Drive. Currently, an older one-car garage is located in the area of the proposed two-car garage, and the applicant believes the proposed two-car garage to be the only reasonable location for a larger garage, and consistent with the neighborhood. (See Attachments.)

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

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

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

COMPATIBILITY WITH THE NEIGHBORHOOD:

Typically, a reduced setback may be of concern in considering compatibility; however, this lot is located on a corner and features mature trees and boulders. The distance of the buildings to the street edge varies in this neighborhood, so the proposed reduced setback on a side street would have a similar appearance of compatibility. A reduced corner side setback would not negatively impact traffic on Crest Drive, as a short street, and a detached garage would be compatible with the prevalence of detached garages 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 house is located on a corner lot with mature trees and boulders on much of the undeveloped area, limiting potential sites on the lot for further construction. The SF-9 zone has a side corner setback minimum of 15 feet. A wider corner side setback is intended to provide visibility for vehicles at intersections, and due to the limited length and traffic on Crest Drive, a reduced setback on the corner side for a garage would not have a negative impact.

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 corner side yard setback would still allow adequate space for emergency access and visibility for traffic, 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

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

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: If granted this Variance, the building line of the proposed garage would be 7 feet closer to the corner side lot line than other houses on neighboring SF-9 lots. The location of boulders and mature trees on this site, combined with a corner side on a short side street, offers a unique situation for potential locations of a detached garage similar to what some other neighbors have.

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

Staff Comments: The boulder and tree locations on the lot and its location on the corner are not self-induced by the applicant. While the addition of a two-car garage in place of the existing one-car garage is a voluntary action by the applicant, the proposed garage would be generally compatible with nearby lots, and would not interfere with visibility at the corner.

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: Surrounding neighboring lots do not have the same corner lot location on a short side street, with additional corner side setbacks and boulders and mature trees, and non-corner side yards have more room for side yard garages with only 7 foot setbacks. With the short side street, visibility intended by a corner side setback is not as necessary as a typical corner setback would require.

NEIGHBORHOOD COMMENTS:

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

Attachments:

1. **Aerial/Location Map**
2. **Aerial Close-up**
3. **Applicant responses and application**

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

SUGGESTED MOTION:

Move to Approve/Deny VAR18-00004, to reduce the corner side yard setback to 8 feet to allow the construction of a detached garage.

SHAR

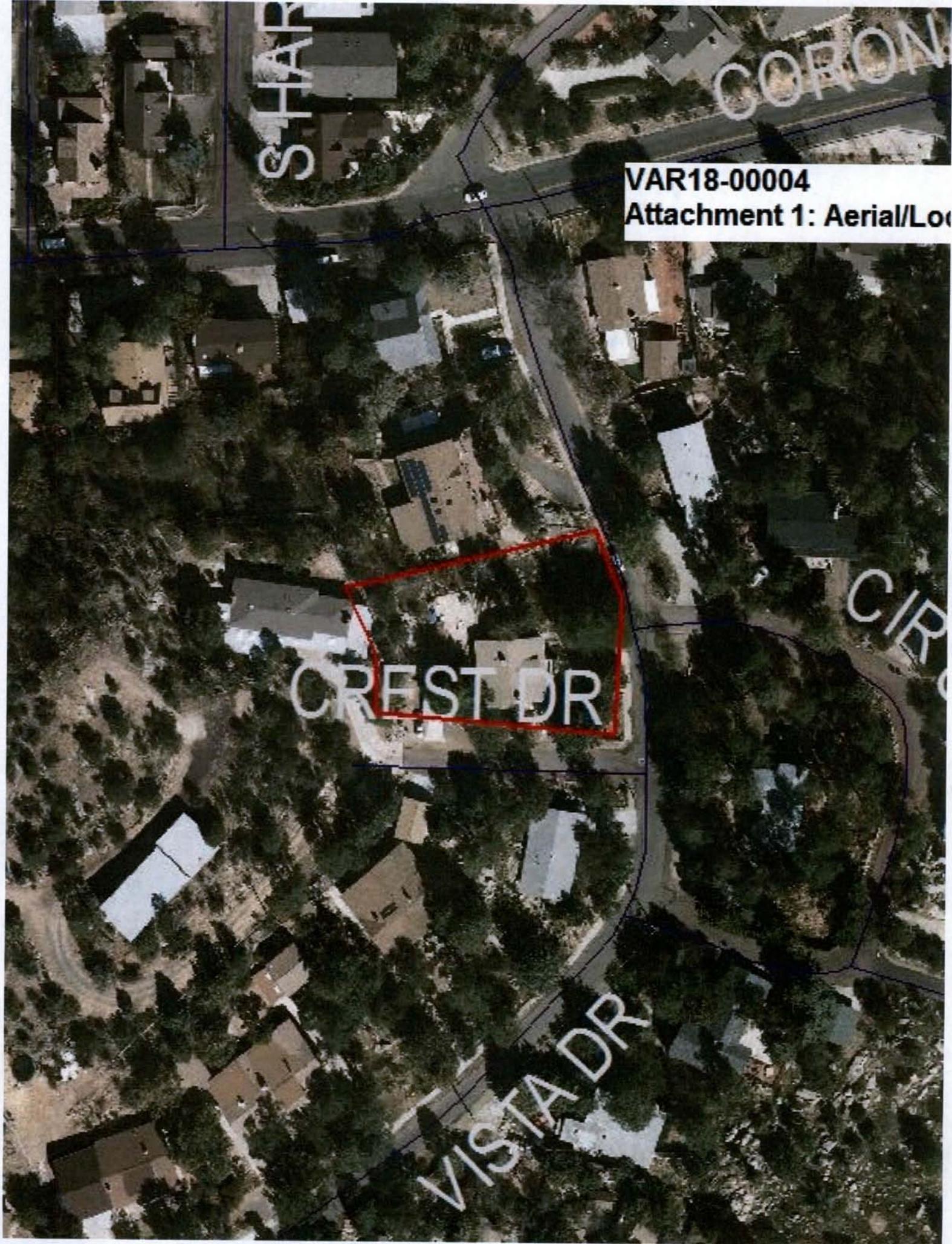
CORON

VAR18-00004
Attachment 1: Aerial/Lo

CREST DR

CIR

VISTA DR





WESTER



VARIANCE APPLICATION

V# VAR18-00004

Property Address: 122 VISTA Dr.

Assessor's Parcel Number (s)(APN): 109-07-097

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

Subdivision Name: _____

	For Staff Use Only
Owner Name & Address: <u>Cynthia Pagliasotti</u> <u>122 VISTA Dr</u> <u>Prescott, AZ 86303</u>	Date Received: _____
Phone: <u>928-713-8108</u>	Taken In By: _____
Fax: _____	Assigned To: _____
Email: <u>ccindy1@mindspring.com</u>	Date Application Complete: _____
Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal): _____ _____ _____	Fees & Charges: _____
Phone: _____	Receipt #/Date: _____
Fax: _____	PAC Date: _____
Email: _____	BOA Date: _____

Description of Request: Seeking a variance regarding the construction of a new garage in the location of existing garage which does not meet the set back requirements

Cynthia Pagliasotti
Name

Cynthia Pagliasotti
Signature

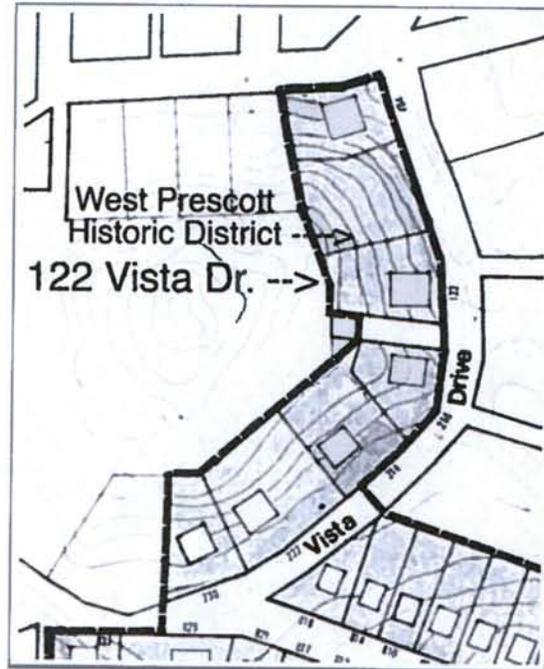
4/1/18
Date

Owner:
Cynthia Pagliasotti

Address:
122 Vista Dr.
Prescott, AZ

Parcel No.:
109-07-097

Variance application:
Prescott submittal checklist
Photographs
Basic description
Site Plan 1"=20'



This is to supplement the variance application. Please refer to the photograph collage for visual evidence. Site Plan is also included.

Owner has an existing single car, detached garage, that is in dilapidated condition, that does not show up on C.O.P. or Yavapai County GIS because the mature and unique pine tree obscures it. The house was built in 1917, this garage may be the same vintage. It is accessed off of the dead end side street Crest Drive. Owner would like to demolish the existing garage, and build a new double car garage to current code.

Question #1

Question #3

The setback requirement allows detached garages to be 5 feet from the rear setback, but no exceptions are dictated for side setbacks. The current measurement to the south property line is 5 feet. We propose grandfathering this distance. The proposed rear setback will be 8 feet minimum. To require moving northward encounters blasting into the granite bedrock outcrop. To build elsewhere on the property is not feasible.

Question #2

Question #4

The neighbor across Crest Drive to the south recently built a detached garage, so this should not be inconsistent for the neighborhood.

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

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.

See Attached

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).

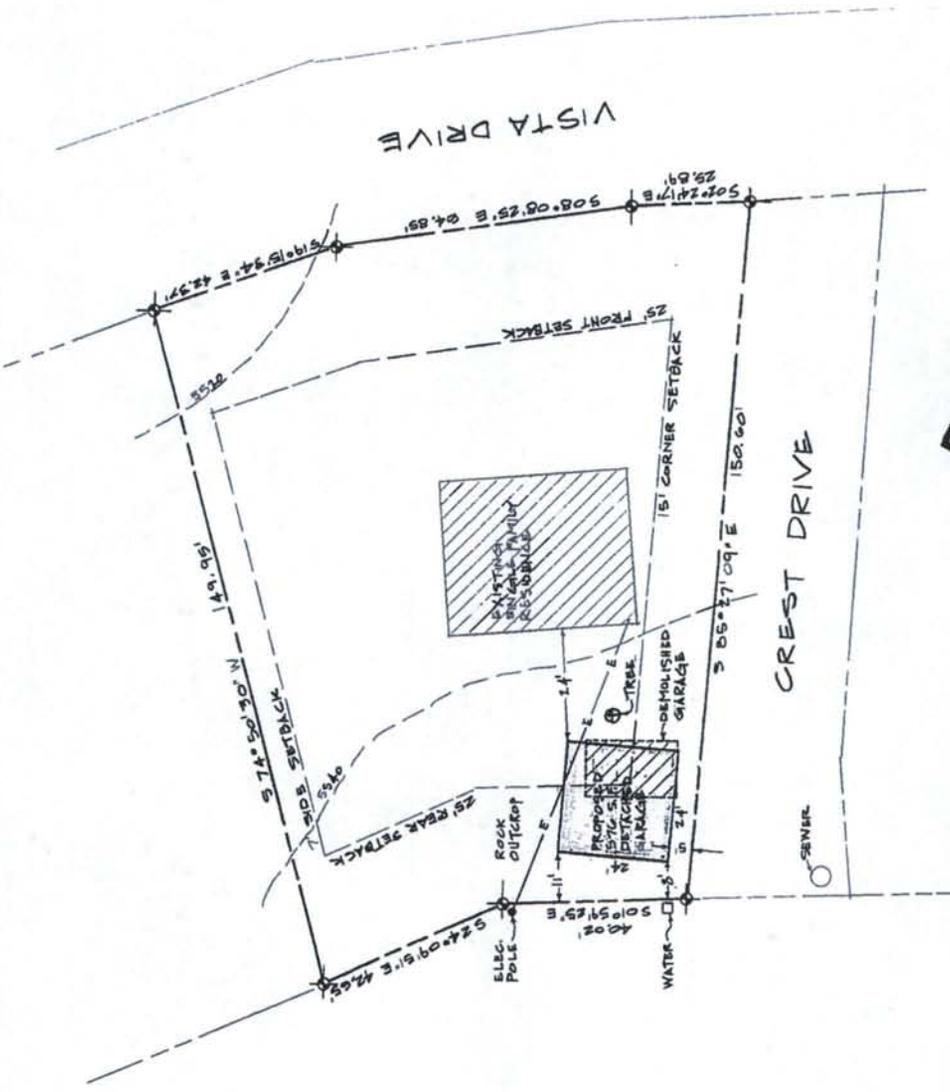
See Attached

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.

See Attached

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

Current garage does not interfere with access to, or use of, neighboring properties. New garage will not encroach any further



**PRELIMINARY
NOT FOR CONSTRUCTION**

ADDRESS: 122 VISTA DR.
PARCEL #: 109-07-097



SITE PLAN
SCALE: 1" = 20'

Parcel Report for APN: 109-07-097

Site Address: 122 VISTA DR

Owner:
PAGLIASOTTI CYNTHIA LIVING TRUST
122 VISTA DR
PRESCOTT AZ 863034050

Subdivision Name: BUENA VISTA HEIGHTS

Max. Lot Coverage: 40%
Max. Bldg Height: 35 ft
Setbacks
Front: 25 ft
Side: 7 ft
Rear: 25 ft
Corner: 15 ft

Acres: 0.4 acres
Square Ft: sq.ft.
TRS: T13 R2 S04

DOR Usage Code: Residential
Description: 0130-SFR-AVERAGE/AVERAGE
PLUS

Zoning Information

Zoning: SF-9

Flood Zone: X;

FIRM Panel: 04025C2061G

Overlay District Information

HPD District:	Outside
NR District:	West Prescott
Willow Creek District:	-
Wipple-Zuma District:	-
Hwy 69 District:	-
Prescott East Area Plan:	-
Prescott Enterprise:	Outside
Airport Noise District:	-
Wildlife Urban Interface:	Inside

Planner's Actions:



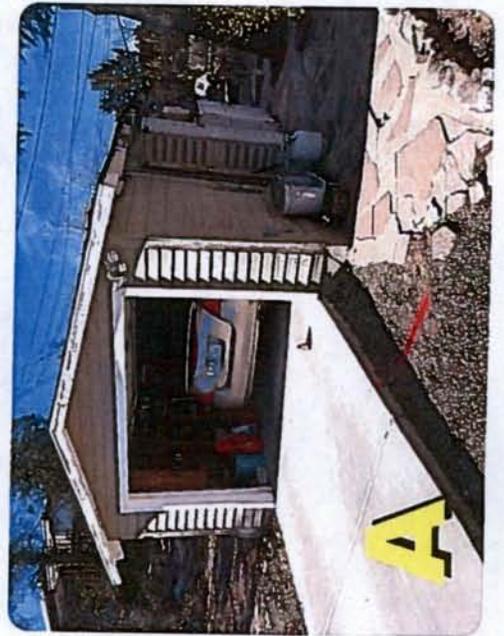
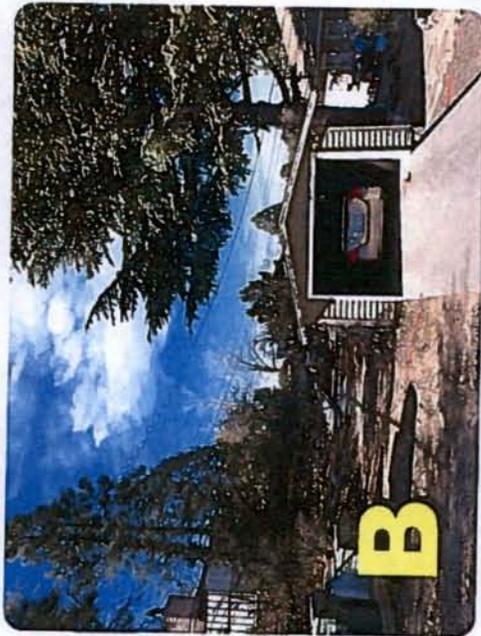
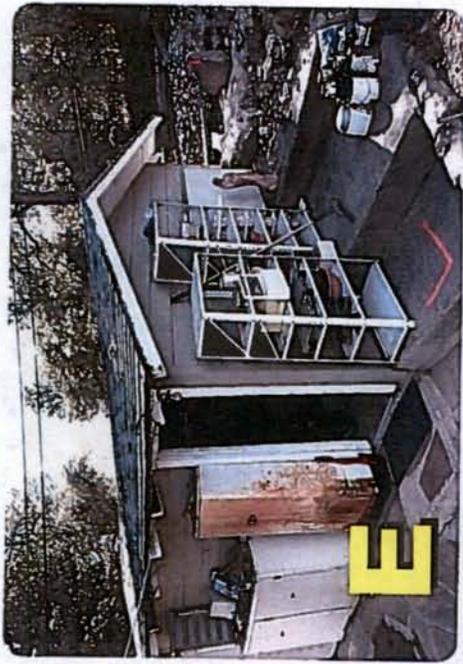
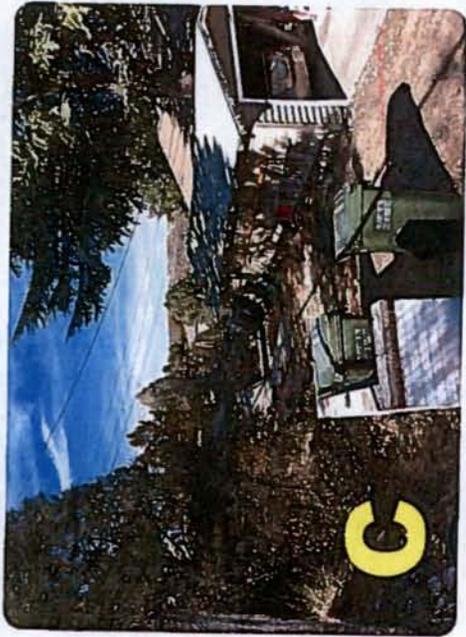
122 VISTA DR

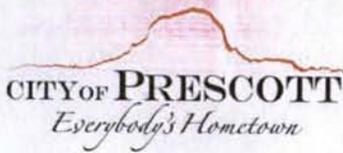


This map is a product of
The City of Prescott



This document is a graphic representation only of best available sources. The City of Prescott assumes no responsibility for any errors.





BOARD OF ADJUSTMENT

MEETING DATE: 5/17/18

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-00005, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a covered deck addition to the house. [Zoning: SF-9; Property Owner: Bill and Linda Davis; APN 103-20-382]. Location: 4969 Tanager Court.

Approved By:

Date:

Director:	Tom Guice		
Planning Manager:	George Worley	<i>GW</i>	<i>5/11/18</i>
Community Planner:	Katie Peterson	<i>KP</i>	<i>5/11/18</i>

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the minimum side yard setback requirement (10 feet) to 6 feet to allow a covered deck addition in a Single-family 9 (SF-9) zoning district in the Yavapai Hills Unit 2 Subdivision (Planned Area Development).

The applicant's proposed addition of a deck encroaches 4 feet into the side yard setback area on the southeast side of the house, facing Sunrise Boulevard. The applicant believes the requested variance to allow a 6 foot side yard setback, for a side deck addition, to be the least intrusive option, affording views that other neighboring properties enjoy. (See *Attachments.*)

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 3.6/Single-family 9 (SF-9), 9.13 Variances, and 9.5.8/Planned Area Development-Minimum Requirements.

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

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

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 on a corner with a grade difference between the location of the house on the lot and the street corner, and the house is situated at an angle in relation to the lot lines and corner. The addition of a side deck would not interfere with visibility at the corner intersection due to the grade difference, and the corner lot features a differing appearance due to the building orientation and the lot location at a corner.

VARIANCE REQUIREMENTS:

Variations 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 house is located on a corner lot with the house situated at an angle in relation to the lot lines, with a steep incline of about 15 feet (per the applicant) from the street edge. A wider corner side setback is intended to provide visibility for vehicles at intersections, and due to the topography of the lot, the proposed reduced setback for an uncovered deck extension would not have a negative impact. While the SF-9 zone has a side corner setback minimum of 15 feet, the subdivision plat specifies a 10 foot corner side setback. The existing house, per the applicant, is set back 10 feet from the corner side lot line, in compliance with the subdivision plat required setbacks, and positioned at an angle. The existing house has an existing side deck on the corner side, with a corner facing the corner side. Allowing an extension of the existing side deck that has a corner encroachment of an additional 4 feet into the side yard setback area would not have a significant impact visually. The proposed uncovered deck with side yard encroachment is in general conformance with the character of the neighborhood.

- 2. Substantial Detriment (LDC Section 9.13.4.A.2).** Granting the Variance will not

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

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 corner side 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. The proposed deck extension would be at an elevation higher than the street level, thereby avoiding any traffic visibility problems from the street.

- 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: If granted this Variance, the building line (corner edge of the porch) on this lot would be 4 feet closer to the lot line than other houses on neighboring SF-9 lots. The distance of the buildings to the street edge would vary, but this lot location and building orientation on the lot create a unique situation, differing from neighboring 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 topography of the lot, its location on the corner with steep topography, and the orientation of the house are not self-induced by the applicant. While the addition of a side deck extension is a voluntary action by the applicant, the deck would be generally more compatible with nearby houses, and would not interfere with visibility at the corner.

- 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: Surrounding neighboring lots do not have the same corner lot location, with additional corner side setbacks on a steep lot, and would have more room for side yard decks with only 7 foot setbacks. With house orientation at an angle, the extension of a corner deck at an elevated height provides reasonable visibility intended by a corner side setback.

AGENDA ITEM: VAR18-00004, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the side yard setback to accommodate a detached two-car garage. [Zoning: SF-9; Property Owner: Cynthia Pagliasotti; APN 109-07-097]. Location: 122 Vista Drive.

NEIGHBORHOOD COMMENTS:

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

Attachments:

1. Location/Aerial Map
2. Applicant responses with site plan
3. Subdivision plat setback diagram
4. Staff photographs of site

SUGGESTED MOTION:

Move to Approve/Deny VAR18-00004, to reduce the corner side yard setback to 8 feet to allow the construction of a detached garage.

VAR18-00005
Attachment 1





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

VARIANCE APPLICATION

V# VAR-18-00065

Property Address: 4969 TANGER COURT

Assessor's Parcel Number (s)(APN): 103-20-382

Township _____ Section _____ Range _____ Current Zoning: SF-9 (PAD)

Subdivision Name: YAVAPI HILLS - UNIT 2

		For Staff Use Only
Owner Name & Address: <u>BILL & LINDA DAVIS</u> <u>4969 TANGER COURT</u> <u>PRESCOTT AZ 86301</u> Phone: <u>480 650 6493</u> Fax: _____ Email: _____		Date Received: _____ Taken In By: _____ Assigned To: _____ Date Application Complete: _____
Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal): <u>ERIN RAISLEY</u> <u>305 ROBINSON DRIVE</u> <u>PRESCOTT AZ 86303</u> Phone: <u>928 713 4350</u> Fax: _____ Email: <u>RAISLEYERIN@GMAIL.COM</u>		Fees & Charges: _____ Receipt #/Date: _____ PAC Date: _____ BOA Date: _____

Description of Request: PLEASE SEE ATTACHED LETTER

ERIN RAISLEY Name [Signature] Signature 4.8.18 Date

- 1. Describe the special or unique conditions and circumstances which are peculiar to the land (large trees, rocks, outcrops, washes, steep topography, etc.) structure or building, which are not applicable to other lands, structures or building in the same zoning district in other locations.**

On June 17, 2014, I purchased a home in Yavapai Hills. The lot is very unique in that it is irregularly shaped, steep topography, contains a wash, has multiple retaining walls, and is set on what I would describe as a small knoll carved out just enough to place the home. On Sunrise Boulevard it is set back nearly 40 feet, however it is not a flat 40 feet, but has an abrupt rise of at least 15 feet to the home. The best view from the home and proposed covered deck is looking towards Mingus Mountain, which the views are spectacular.

- 2. Indicate how the literal interpretation of the provision 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.**

My neighbors have extraordinary views of the surrounding mountains in Yavapai Hills from their patios, covered decks, and yards. I like my neighbors would like to enjoy the life style of being able to utilize the proposed covered deck in the four-seasons climates that is afford to all homeowners in Prescott. The covered deck would not have an impact on traffic safety due to its proposed location on the lot, nor will it block or impede my neighbor's spectacular views from their patios, covered decks, or yard.

- 3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the Zoning Ordinance included more than the personal inconvenience and financial hardship which do not result for the actions of the applicant(s).**

The hardship that I am experiencing is how the original construction location of my home and the floor plan has limited the proposed design. The only place to place the covered deck is feasible is on the Northeast portion of my home. This will allow me to keep the request of a variance at a minimum. After much thought and direction from our architect in reviewing all four (4) sides of my home that the proposed location would be the least intrusive to all of our surrounding neighbors.

- 4. Indicate why granting the request variance will not confer upon the applicant any special privilege that is denied by the Land Development code to other owning lands, structure or buildings in the same district.**

By granting the proposed variance would not confer upon myself any special privileges due to the fact that the proposed cover deck would be approved through the Architectural/Building Committee of Yavapai Hill Home Owners Association. The Architectural/Building Committee of Yavapai Hill Home Owners Association would help support my variance request.

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

By granting the said Variance will not interfere with or injure the right of any other properties in the same district due to: 1) this is not a typical busy intersection because Tanager Court is a



DATE: 11/11/11
 DRAWN BY: ERIN RAISLEY
 CHECKED BY: BILL DAVIS
 PROJECT: TANGER COURT

SITE PLAN
 PROJECT INFORMATION

Bill and Linda Davis
 COVERING EXISTING DRIVEWAY AND WALKWAY FOR
 PROJECT: TANGER COURT
 ADDRESS: 108.83'

DATE: 11/11/11
 DRAWN BY: ERIN RAISLEY
 CHECKED BY: BILL DAVIS
 PROJECT: TANGER COURT

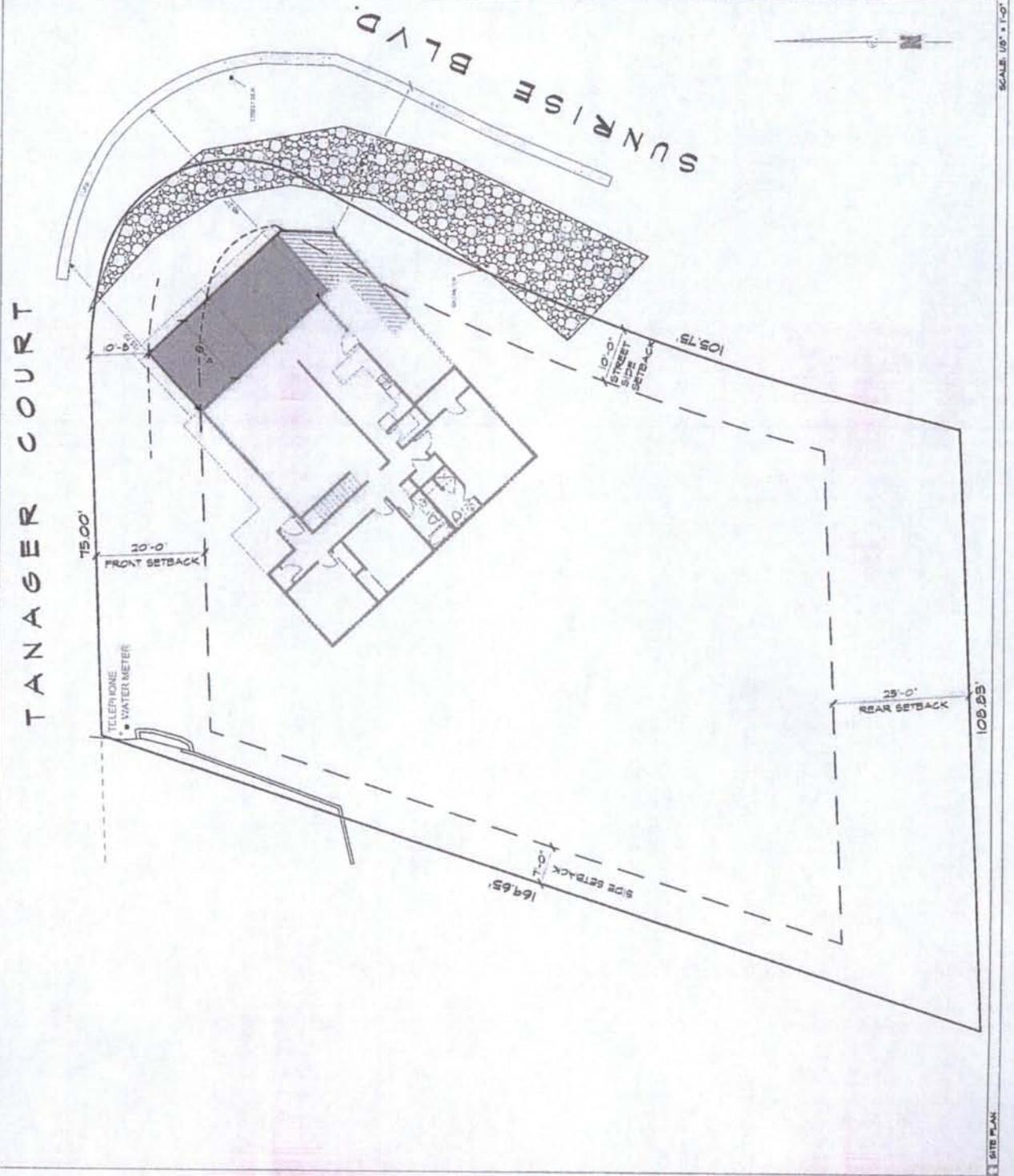
ERIN RAISLEY
 PHONE: (202) 111-1111
 PROJECT: TANGER COURT

PROJECT TEAM
 ARCHITECT: BILL DAVIS
 PROJECT MANAGER: ERIN RAISLEY
 ADDRESS: 108.83'

PROJECT INFORMATION
 PROJECT: TANGER COURT
 ADDRESS: 108.83'

APPLICABLE CODES
 1. ALL THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

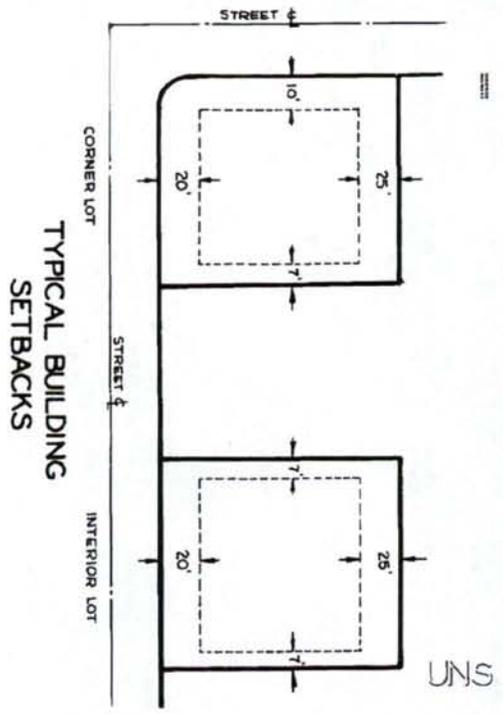
SITE PLAN GENERAL NOTES
 1. SITE PLAN / PROJECT INFORMATION
 2. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 3. NEW DRIVEWAY AND WALKWAY TO BE CONSTRUCTED
 4. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 5. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 6. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 7. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 8. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 9. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED
 10. EXISTING DRIVEWAY AND WALKWAY TO BE REMOVED



SCALE: 1/8" = 1'-0"

SHEET INDEX

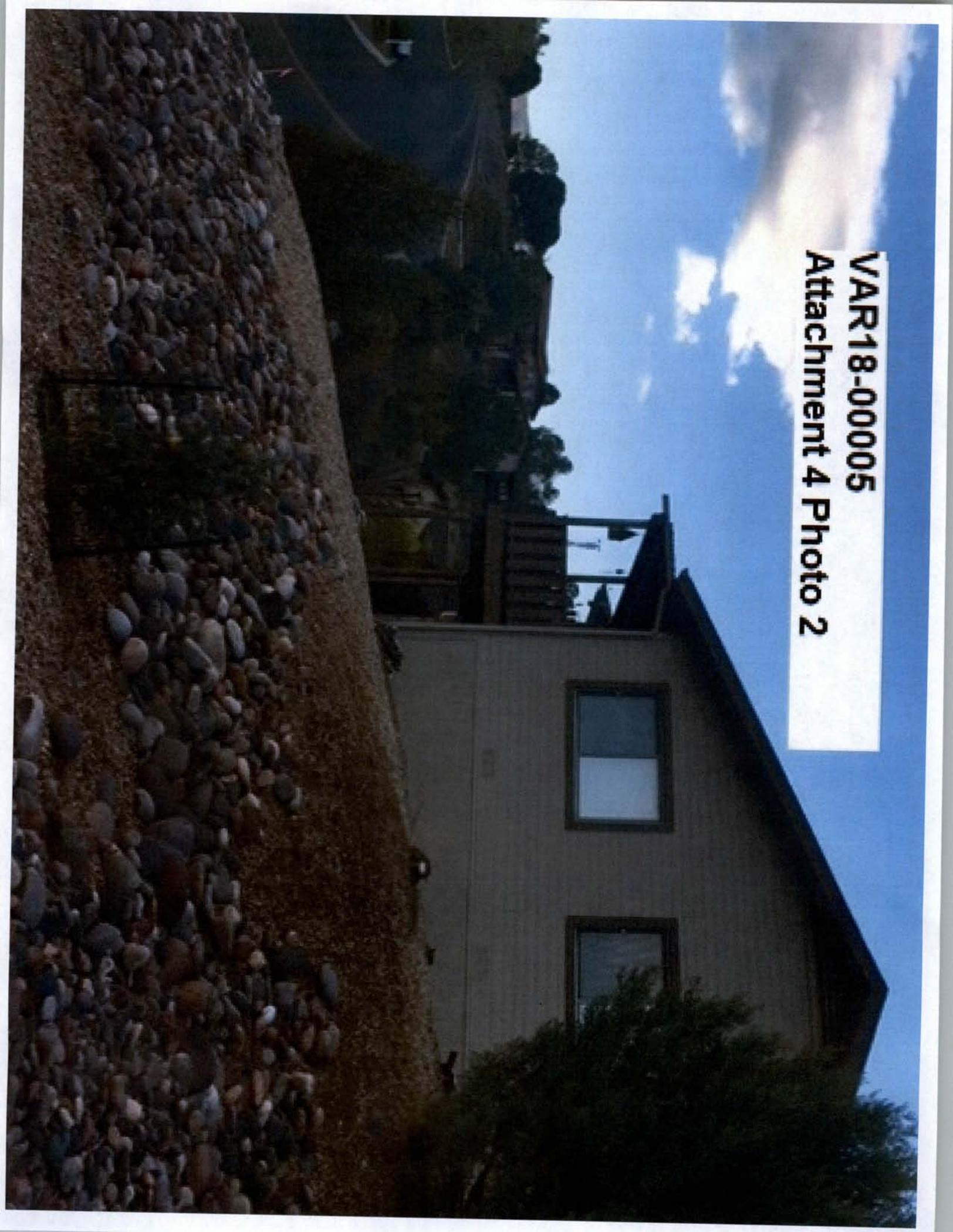
THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



VAR18-00005
Attachment 4 Photo 1

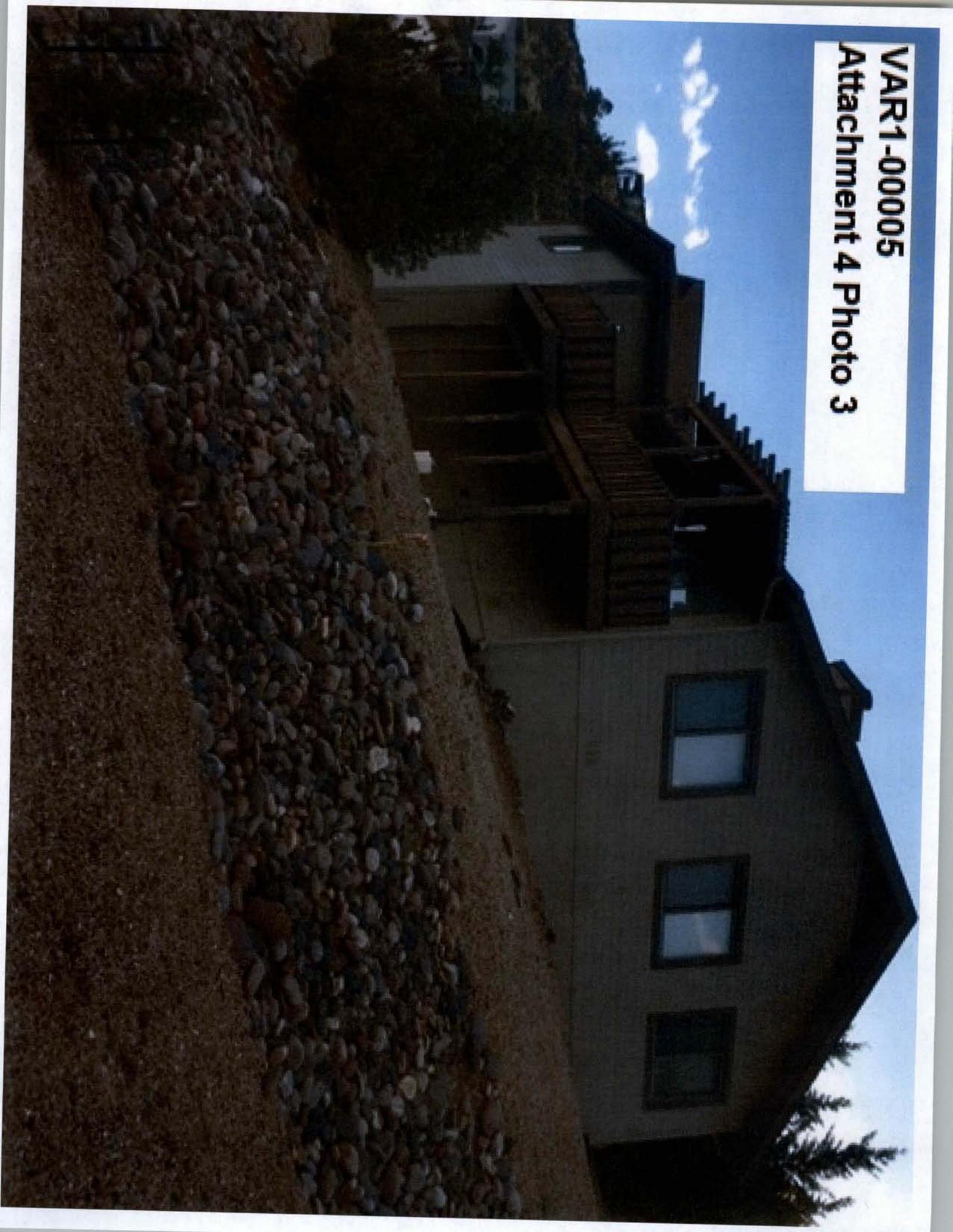


**VAR18-00005
Attachment 4 Photo 2**

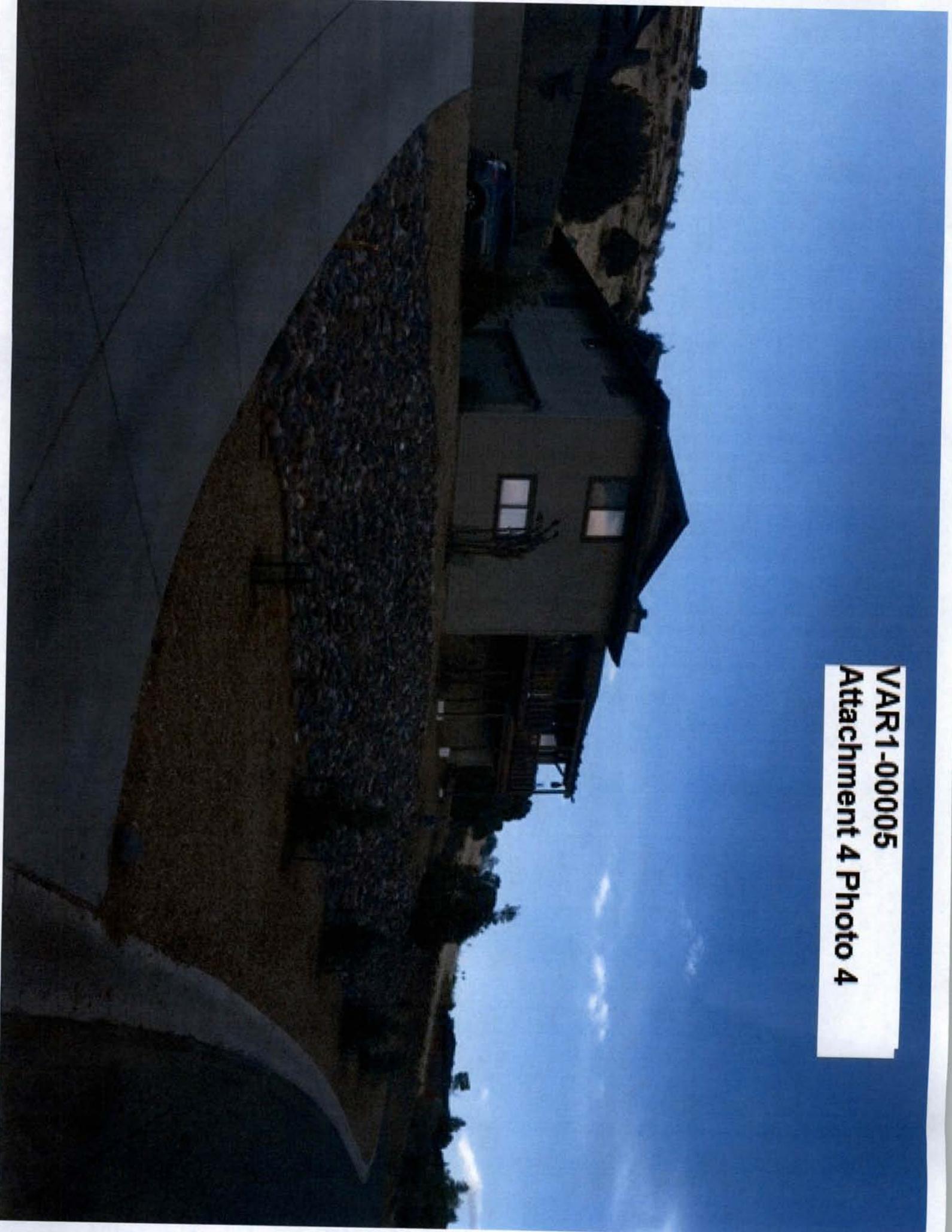


VAR1-00005

Attachment 4 Photo 3



**VAR1-00005
Attachment 4 Photo 4**





BOARD OF ADJUSTMENT

MEETING DATE: 5/17/2018

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-006, Variance to Article 6, Section 6.2.4.B.1. Zoning: Single-family-18 (SF-18). Request to permit a recreational vehicle to be used as temporary guest quarters for caretaking purposes on residential property. Property Owner: Robert and Joan Ohm. Site APN is 106-02-186. Location: 5515 Snapdragon Lane.

Approved By:

Date:

Director:	Tom Guice	
Planning Manager:	George Worley <i>GW</i>	<i>5/11/18</i>
Community Planner:	Katie Peterson	

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance to LDC Section 6.2.4.B.1, prohibiting the use of Recreation Vehicle (RV) for sleeping or habitation on residential properties. The applicant is requesting to use the RV as temporary guest quarters for caretaking purposes on residential property in a Single-family 18 (SF-18) zoning district.

The applicant resides at the primary residence at 5515 Snapdragon Lane. The applicant's mother desires to reside in the RV, already stored legally on the property, while receiving care by her son. The Land Development Code (LDC) specifically prohibits use of a stored RV for habitation. The applicant requests a Variance from that prohibition.

The LDC Section 6.2.4.b.1, stated "Recreational vehicles, motor homes, utility trailers, cap trailers, boats and similar equipment this is allowed to be stored on residentially-zoned property in accordance requirement of Section 2 .5.9, RV, motor homes and similar storage, shall not be used for sleeping or habitation purposes." The RV is legally stored on the property per Section 2.5.9.

City Code Section 5-9 allows "camping" on private property throughout the City. Camping, as defined in the City Code, includes sleeping in tents or camping trailers or other vehicles. Where codes conflict, the more specific usually takes precedent, in this case, the LDC prohibiting the use of RVs for sleeping would control. However, the remainder of the City Code allowance "camping" would allow a tent to be used for sleeping right next to the RV.

AGENDA ITEM: VAR18-006, Variance to Article 6, Section 6.2.4.B.1. Zoning: Single-family-18 (SF-18). Request to permit a recreational vehicle to be used as temporary guest quarters for caretaking purposes on residential property. Property Owner: Robert and Joan Ohm. Site APN is 106-02-186. Location: 5515 Snapdragon Lane.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Sections Article 6, Section 6.2.4.B.1., 3.4/Single-family 18 (SF-18), 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:

VARIANCE REQUIREMENTS:

This is a residential neighborhood. The single-family residential use is compatible with the surrounding uses. The use of the RV is roughly equivalent to having a site-built guest quarter on the property.

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: There are no extraordinary conditions of the land.

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: There are no apparent detriments to public health or safety resulting from this request.

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 applicant proposes to use the RV for habitation by his mother. By strict reading of the LDC, this Variance would not grant a special privilege to the applicant. There are mitigating circumstances, as noted in the request that the Board can take into consideration.

AGENDA ITEM: VAR18-006, Variance to Article 6, Section 6.2.4.B.1. Zoning: Single-family-18 (SF-18). Request to permit a recreational vehicle to be used as temporary guest quarters for caretaking purposes on residential property. Property Owner: Robert and Joan Ohm. Site APN is 106-02-186. Location: 5515 Snapdragon Lane.

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

Staff Comments: The hardship is associated with the applicant's mother and the intended use of the RV. It can be argued that the hardship is self-induced.

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 site is designated residential on the General Plan Land Use Map. The residential use of the site is in conformance 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 applicant has based his request upon the need to use the RV provide a place for his mother to live and where he can provide her care. The strict application of the LDC would affect his use of the property, but does not appear to deprive the applicant of the use of his property.

NEIGHBORHOOD COMMENTS:

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

Attachments:

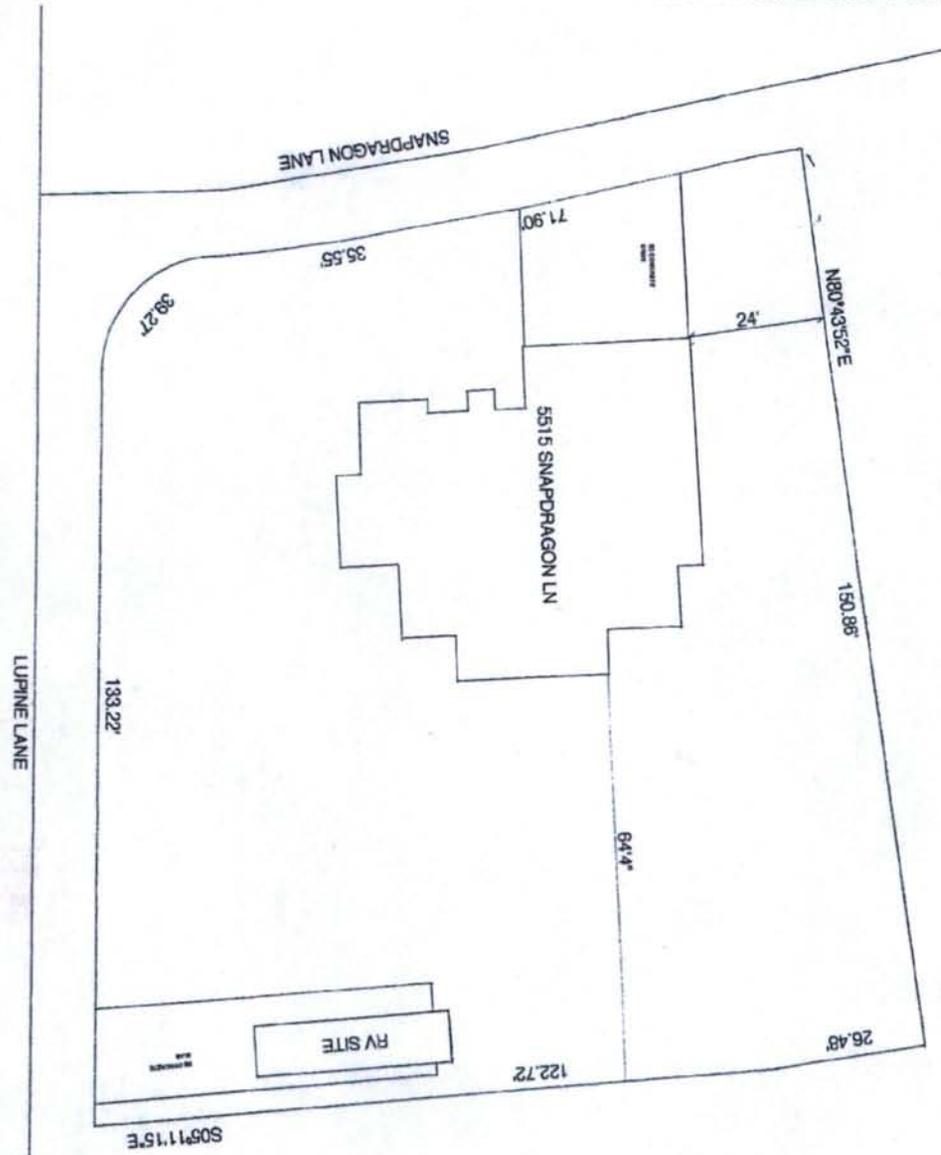
1. Location/Aerial Map
2. Site Plan
3. City Code Chapter 5.9.2 & LDC Section 6.2.4.1
4. Applicant responses to Variance application questions
5. Photographs of Site

SUGGESTED MOTION:

Move to Approve/Deny VAR18-006, to permit a recreational vehicle to be used as temporary guest quarters for caretaking purposes on residential property.



Attachment 2. Site Plan



LUPINE LANE

SNAPDRAGON LANE

SCALE 1"=10'



INFORMATION
 Address: 5315 Snapdragon Lane
 County: Solano and Lake Counties
 Parcel: 200-02-010
 Zoning: R-2
 Area: 26.48

EXISTING AREA
 1000
 1000
 1000

Table 6.2.3 Cont'd.	OFF-STREET PARKING REQUIREMENTS
Use Type	Minimum Parking Requirements
Restaurant, Standard	1 per 100 sf
Restaurant/Tavern/ Supper Club	1 per 100 sf of customer service area + 1 per 35 sf of dance floor
Retail, General	1 per 200 sf
Retail, Large Consumer Goods	1 per 500 sf
Schools, K-8	2 spaces per classroom + drop-off area
Schools, 9-12	10 spaces per classroom
Self-service/Mini- storage	1 per 100 lockers inside of fenced area + 5 spaces outside of fenced area + loading areas
Shooting/Archery Range	1 space per station
Theater, Entertainment	1 per 3 fixed seats, or 1 per 60 sf seating area if no fixed seats
Utility, Major	Office Area: 1 per 300 sf + Work/Storage/Other Area: <50,000 sf: 1 per 750 sf; >50,000 sf: 1 per 1,250 sf
Unlisted Uses	See Sec. 6.2.11E
Vehicle Repair	4 per bay including bay
Vehicle Sales	Office Area: 1 per 300 sf + Sales Area: 1 per 2,000 sf
Vehicle, Service Station	1 per 200 sf convenience sales area + 1 per service bay, + 2 stacking spaces per pump
Warehousing and/or Distribution	Office Area: 1 per 300 sf + Work/Storage/Other Area: 1 - 10,000 sf: 1 per 500 sf; 10,000 - 50,000 sf: one per 750 sf; >50,000 sf: 1 per 1,250 sf
Wholesale Sales and Storage	Office Area: 1 per 300 sf + Indoor Sales/Display/Storage Area: 1 per 500 sf + Outdoor Sales/Display Area: 1 per 750 sf
Workforce Housing	See Dwelling Units, Workforce Housing

6.2.4 / General Requirements

A. Use of Off-Street Parking Areas, Commercial Sites

Required off-street parking areas for commercial sites are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motorhomes, campers, mobile homes, or building materials, except for special events that may be approved by the Community Development Director.

B. Use of Off-Street Parking Areas, Residential

1. Recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment that is allowed to be stored on residentially-zoned property in accordance requirements of Sec. 2.5.9, RV, motor homes and Similar Storage, shall not be used for sleeping or habitation purposes.
2. No trailer of any type in excess of 40 feet in length shall be located on residential property unless screened from surrounding properties in accordance with City Code Section 7.5.2 DEFINITIONS - "Screened Area - Exterior".

C. Surfacing and Maintenance

For every project, all required off-street parking areas shall be paved and maintained in a dust-free, mud-free, pothole-free, and excessive crack-free condition; except for unique conditions, as

CHAPTER 5-9: OUTDOOR CAMPING

SECTIONS:

- 5-9-1: DEFINITIONS:
- 5-9-2: CAMPING ON MUNICIPAL PROPERTY:
- 5-9-3: CAMPING ON PRIVATE PROPERTY:
- 5-9-4: PENALTY
- 5-9-5: SEVERANCE CLAUSE:

5-9-1 DEFINITIONS:

"Camping" or "camp" shall mean the use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes. (Ord. 3778, 7-14-1998)

5-9-2 CAMPING ON MUNICIPAL PROPERTY:

No person shall camp on property owned, leased or licensed by the City, unless that property is specifically posted with signage allowing camping, or is otherwise a specifically designated camping area. (Ord. 3778, 7-14-1998)

5-9-3 CAMPING ON PRIVATE PROPERTY:

No person shall camp on private property, unless that person has in his or her possession written permission from the property owner or lawful tenant of that property. (Ord. 3778, 7-14-1998)

5-9-4 PENALTY:

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-3-1 of this Code. (Ord. 3778, 7-14-1998)

5-9-5 SEVERANCE CLAUSE:

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the validity of any part thereof. (Ord. 3778, 7-14-1998)



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

VARIANCE APPLICATION

V# VAR 18-006

Property Address: 5515 Snapdragon Lane, Prescott, AZ 86305

Assessor's Parcel Number (s)(APN): 106-02-186

Township 14 Section 3 Range 2W Current Zoning: SF-18

Subdivision Name: Pinon Oaks Unit 3 Ph 1 Lot 171

		<i>For Staff Use Only</i>
Owner Name & Address: <u>Robert & Joan Ohm</u> <u>5515 Snapdragon Lane</u> <u>Prescott, AZ 86305</u>		Date Received: _____
Phone: <u>928.925.2789</u> Fax: _____ Email: <u>4bjohm@gmail.com</u>		Taken In By: _____
Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal): _____ _____ _____		Assigned To: _____
Phone: _____ Fax: _____ Email: _____		Date Application Complete: _____
		Fees & Charges: _____
		Receipt #/Date: _____
		PAC Date: _____
		BOA Date: _____

Description of Request: _____
 I am asking for a variance to allow my very independent mother to live in an RV in our backyard; similar to the variance previously granted V#14-003. She recently had a mini-stroke that has impaired her ability to walk. She can still get around with a walker or mobility scooter. She has five children and over the years has enjoyed following us to different destinations across the country. She still loves her independence and equally loves family interaction. In the various locations she has lived 3-5 miles from one or two of her children. When my brother and I retired to Prescott she visited and fell in love. Her current condition has taken the short distance between us and increased it exponentially. We would like to offer her the short distance back and still keep her independence. A short distance for lunch, dinner or impromptu card games. Her medical team has said she should no longer live alone and no more driving. She is at a turning point in her life and we would like to see her happy, confident and active again.

Robert Ohm
 Name _____ Signature  Date 4/23/18

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.

There are no direct issues with these items; however, we will install a concrete pad for the RV and walkways as she cannot navigate the rocky landscape.

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.

We have always enjoyed and respected our mother. Her doctors have made it clear for her health and safety she should be closer to care givers. With this variance we can still enjoy her company and provide her with her independence.

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).

The variance provides us the opportunity to care for her as she has for us for many years. Under the doctor's recommendations, we are left with few options other than dropping her off at an assisted living facility. Both her medical team as well as her children believe that would be detrimental to her very sharp mind and amazing spirit. Although she is in need of extra help it would destroy her to be put in an assisted living facility.

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.

We have lived in this house for over 18 years and over that time we had an RV on and off for six years. The hook-ups were installed a long time ago. Multiple neighbors have RV's on their property year-round. Simply allowing my mother to live in one will have no ill effect on our friends and neighbors. As a matter of fact, she will add laughter and kindness to all passers-by.

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

The location on our property where the RV will go has the best man-made screen of trees and shrubs. It is only obvious when standing directly in front of the spot.

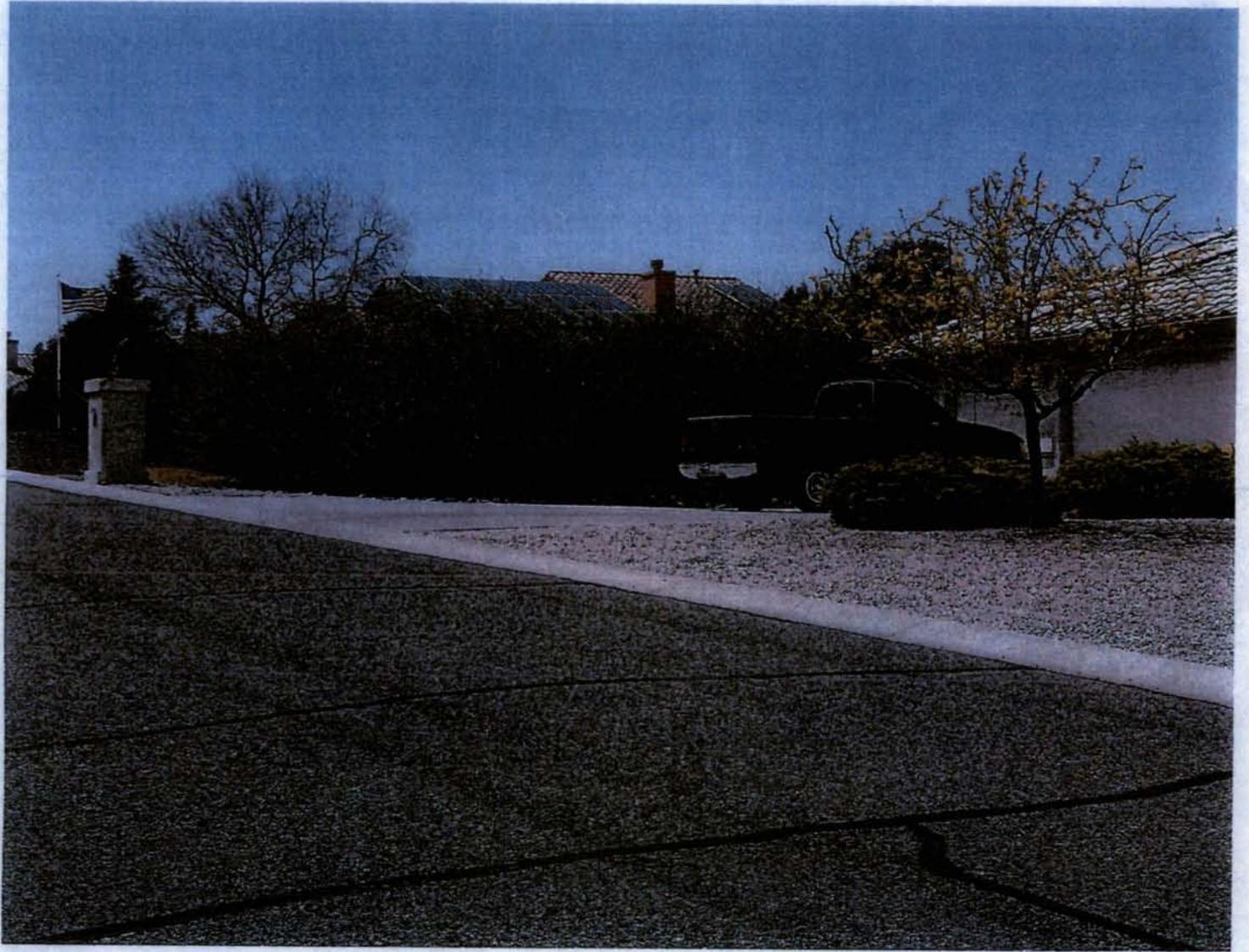
Attachment 5. Photographs of Site



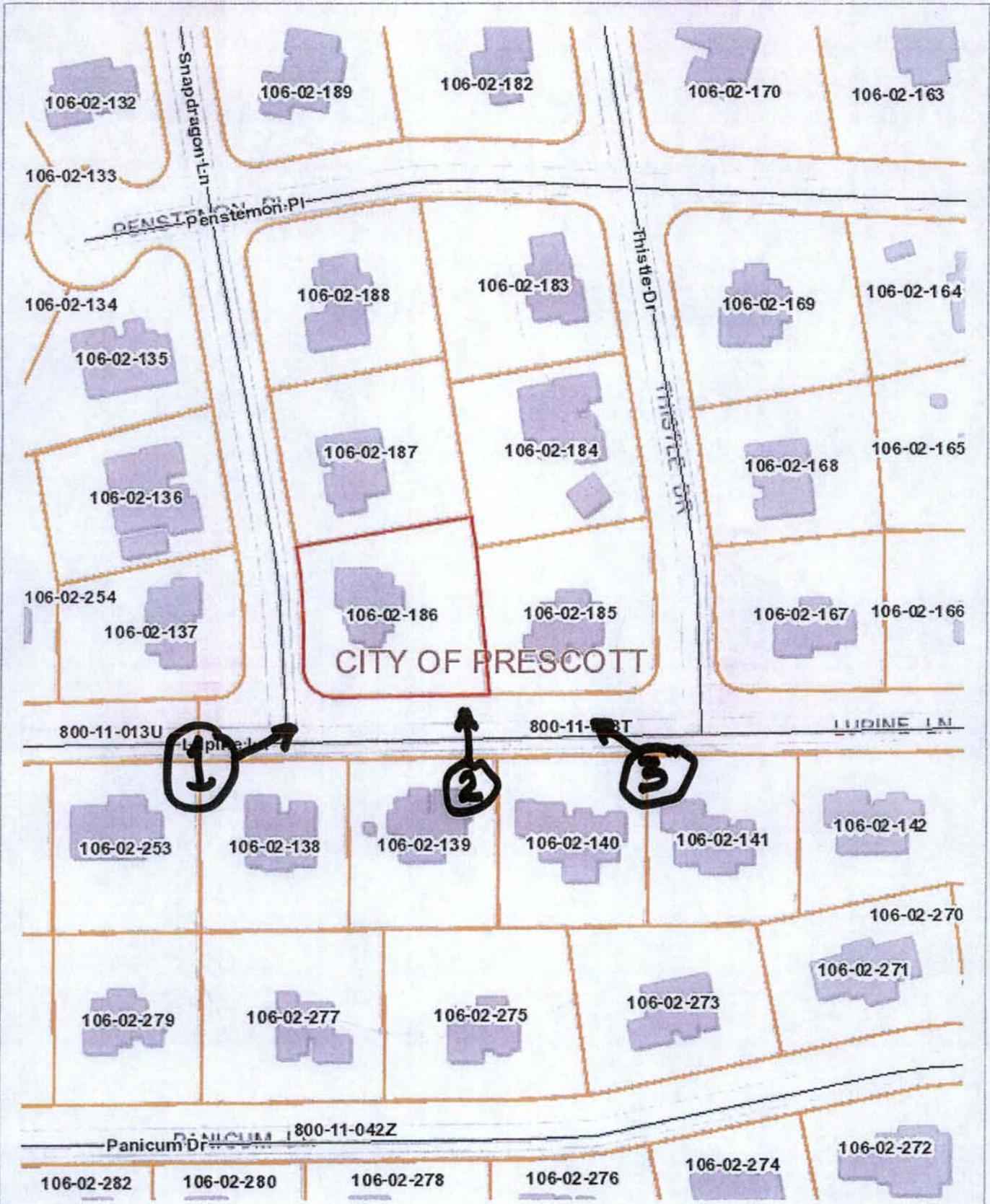
1



2



3



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express