

# BOARD OF ADJUSTMENT MEETING MINUTES

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, MAY 17, 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 May 17, 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	Katie Peterson, Community Planner
Johnnie Forquer	Matt Podracky, Assistant City Attorney
Paddie Braden	George Worley, Planning Manager
Ray Everett	Darla Eastman, Recording Secretary
Stephen Silvermale	
Tony Teeters - Absent	<b>COUNCIL PRESENT</b>
Bryn Stotler	James Lamerson, Councilman

**III. REGULAR AGENDA**

**Approval of the April 19, 2018 Minutes**

**Ms. Forquer, MOTION to approve the April 19, 2018 minutes. Ms. Stotler, 2<sup>nd</sup>.  
VOTE 6-0; passed.**

**VI. 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.**

Katie Peterson presented the project and stated that the applicant is requesting a variance from the minimum corner side yard setback requirement of 15 feet to 8 feet to allow a detached garage in a single-family 9 zoning district. She said that the applicant's proposed construction of a detached garage encroaches seven feet into the corner side yard setback area on the south side of the lot that faces Crest Drive. She said, currently, an older one-car garage is located in the area of the proposed two-car garage. She said the applicant feels that the proposed two-car garage to be the only reasonable location for a larger garage.

Ms. Peterson provided more details of the request stating that 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, limiting potential sites on the lot for further construction. She said that a reduced setback on the corner side for a garage would not have a negative impact. Also, the majority of structures within the neighborhood are constructed in compliance with the established setbacks.

Cynthia Pagliasotti, owner, 122 Vista Drive, stated that she has lived in the home for over four years and the garage is in disrepair. She said it will be a standard two-car garage.

**Mr. Everett, MOTION to approve VAR18-00004, Variance to allow a reduction in the side yard setback to accommodate the construction of a garage. Ms. Forquer, 2<sup>nd</sup>. VOTE 6-0; passed.**

**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.**

Chairman Di Rienzo excused himself from this Variance discussion due to a potential conflict of interested. He appointed Vice-Chairman Silvernale to lead the discussion.

Katie Peterson presented the project and stated that the applicant is requesting a variance from the minimum side yard setback requirement of 10 feet to 6 feet to allow a covered deck addition in a Single-family 9 zoning district in the Yavapai Hills Unit 2 Subdivision. She said that the applicant's proposed addition of a deck encroaches four feet into the side yard setback area on the southeast side of the house that faces Sunrise Boulevard. The applicant feels that the requested variance will allow a six foot side yard setback to construct a side deck addition. This option would be the least intrusive option, affording views that other neighboring properties enjoy.

Ms. Peterson provided more details of the request stating that 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 from the street edge. The request is in general conformance with the character of the neighborhood and would allow adequate space for emergency access. She said that 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.

Linda Davis, owner, 4960 Tanager Court, stated that she wanted to make sure the neighbor's didn't mind her doing the renovation. She has 39 signatures approving the deck. The deck is original. She said that the deck will not obstruct visibility of the road. The Board asked how she took her pictures of the top of her house being on such a steep slope. Ms. Davis said that a drone was used to take the pictures. The Board agreed that the deck is in conformance with the neighborhood with visibility of the surrounding area and that due to the steep slopes visual obstruction is a non-issue.

**Mr. Everett, MOTION to approve VAR18-00005, Variance to allow a reduction in the front yard setback to accommodate the construction of a patio. Ms. Forquer, 2<sup>nd</sup>. VOTE 6-0; passed.**

**3. 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.**

Chairman Di Rienzo returned to the meeting. George Worley presented the project and stated that the applicant is requesting a variance for a temporary use by using a recreational vehicle (RV) as full-time guest quarters for caretaking of his mother. He said that the RV is stored on the residential property in the single-family 18 zoning district. The Land Development Code specifically prohibits habitation, but the applicant is requesting a variance from that prohibition. The RV is roughly equivalent to having a site-built guest quarter on the property and there are no apparent detriments to public health or safety resulting from this request.

Robert Ohm, owner, 5515 Snapdragon Lane, stated that it was his wife's idea and that his mom had a mini-stroke two months ago. He said that he was concerned for her safety living alone and this was the best they could come up with so that his mom would have some independence and he would be close by if there was an accident. He said that assisted living is out of their reach financially.

The Board agreed that most of them have had to make special arrangement for one or both of their parent(s). The Board suggested that Mr. Ohm comes back to the Board with a notice if the temporary variance is still needed. This would allow the Board to be notified of when the decision goes back to its original arrangement. Mr. Ohm agreed.

**Mr. Silvernale, MOTION to approve VAR18-006, Variance to permit a recreational vehicle to be used as temporary guest quarters for caretaking purposes on residential property and that the applicant will report when the variance is no longer needed. Ms. Stolter, 2<sup>nd</sup>.**

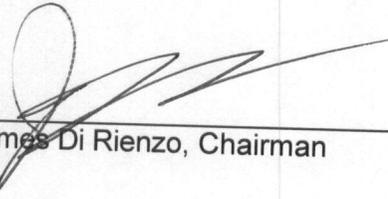
Chairman DiRienzo noted that he would like notice of conclusion of the variance from the applicant be in writing; and a response from the City acknowledging the notice of conclusion of the variance. **VOTE 6-0; passed.**

#### V. ADJOURNMENT

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



Darla Eastman, Recording Secretary



James Di Rienzo, Chairman