CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, JULY 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 July 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
Johnnie Forquer	Tony Teeters
Bryn Stotler	

III. REGULAR AGENDA

1. Approval of the May 17, 2018 Minutes

IV. PUBLIC HEARING ITEMS

1. VAR18-007, Variance to Article 6, Section 6.4.4. Fence and Wall Location and Height. Zoning: Industrial Light (IL) and Natural Open Space (NOS). Request to allow a 10' wall surrounding the APS substation site. Property Owner: Arizona Public Service Company. Site APNs: 113-14-056C and 113-14-058C. Location: 300 N Granite Street

2. VAR18-008, 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: Cheryl and Luis Fernandez Site APN is 105-08-366. Location: 151 E Soaring Avenue

V. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on July 13, 2018 at 5:00 p.m. in accordance with the statement filed with the City Clerk's Office.

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, 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 Silvernale	
Tony Teeters - Absent	***COUNCIL PRESENT***
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, 2nd. 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.

CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT

MEETING DATE: 7/19/18

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-008, Variance to Article 3, Section 3.4.3.F.3 (Single-family 18/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of a single-family house. [Zoning: SF-18; Property Owner: Cheryl and Luis Fernandez; APN 105-08-366]. Location: 151 East Soaring Avenue, Prescott, AZ 86301.

Approved By:		**Date:**
Director:		
Planning Manager:	George Worley GW	7/13/18
Community Planner:	Katie Peterson KP	7/13/18

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the minimum rear yard setback requirement of 25 feet to 14 feet to allow an approximately 2,500 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 11 feet into the rear yard setback area on the west side of the house. The central/eastern portion of the lot features a drainage easement from north to south and a drainage, slope and utility easement along the south and east lot lines. The applicant is requesting a reduced rear 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 1-4*)

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:
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: VAR18-008, Variance to Article 3, Section 3.4.3.F.3 (Single-family 18/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of a single-family house. [Zoning: SF-18; Property Owner: Cheryl and Luis Fernandez; APN 105-08-366]. Location: 151 East Soaring Avenue, Prescott, AZ 86301.

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 along Soaring Avenue 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 central/eastern portion of the lot, and the 10 foot drainage, slope and utility easement along the southern and eastern lot lines of the subject lot prevent construction on the eastern portion of the lot. The requested setback on the rear of the lot 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 rear yard setback would still allow adequate space for emergency access, and there are no other detrimental effects with regard to public health, safety, or welfare on other properties in the area.

3. **Special Privileges (LDC Section 9.13.4.A.3).** Granting of a Variance shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

AGENDA ITEM: VAR18-008, Variance to Article 3, Section 3.4.3.F.3 (Single-family 18/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of a single-family house. [Zoning: SF-18; Property Owner: Cheryl and Luis Fernandez; APN 105-08-366]. Location: 151 East Soaring Avenue, Prescott, AZ 86301.

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 Section9.13.4.A4).** 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 central/eastern portion of the subject lot and the drainage, slope and utility easement along the south and east lot lines prevent construction on the eastern portion of the lot. The requested setback reduction would allow the property owner to locate the house outside of the easement area, 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:

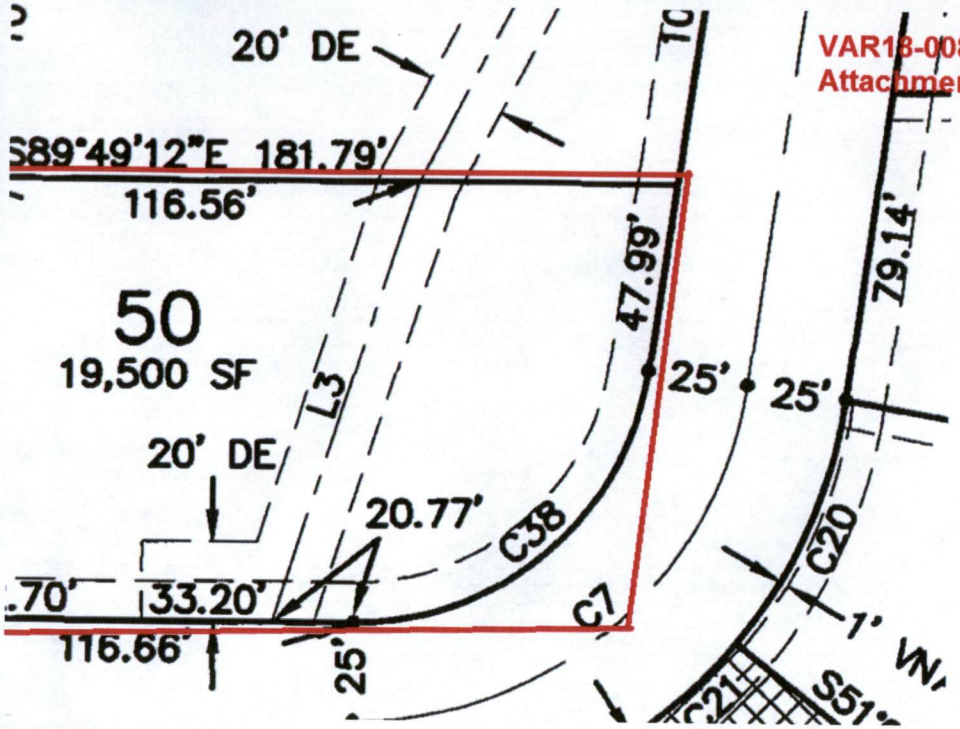
1. **Aerial view of site**
2. **Photos of site**
3. **Easements**
4. **Applicant responses to Variance application questions**

SUGGESTED MOTION:

Move to Approve/Deny VAR18-008.

VAR18-008
Attachment 1: Aerial View
1561
1559
1558
1557
1555
149
148
150
152
154
25'
20' easement
10' easement
E SOARING
DA WAY

VAR13-008
Attachment 3: Easements



Attachment 4

Variance Questionnaire

1. Due to the drainage easement going through the center of the property, we would like to use the building envelope to the west of the lot's easement. We have a minimum SF requirement in Estancia de Prescott community of 2500 SF. This home is 2794 SF.

2 The current drainage easement of this property deprives us the right to build a modestly sized property of over 2500 SF with a 3-car garage that other homes in the area have.

3. The easement associated with this property prohibits us from building the plan we established to enhance the community and comply with the required square footage in the current building envelope.

4. By granting the requested variance, we would be able to build our home similar to other homes in the neighborhood. Had the natural drainage easement not gone through this property we would be able to build the footprint of the home in the existing envelope.

5. By allowing us to build into the west setback of the rear of the property by approximately 11 feet it will allow us to shift the building envelope to not interfere with the natural 20-foot drainage easement on the property.

CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT

MEETING DATE: 7/19/18

DEPARTMENT: Community Development

AGENDA ITEM: VAR18-007, Variance to Article 6, Section 6.4.4 (General Development Standards/Fence and Wall Location and Height) of the Land Development Code (LDC) to allow an increased wall height surrounding an electrical substation site. [Zoning: IL and NOS; Property Owner: Arizona Public Service Company; APNs 113-14-059C and 113-14-056C]. Location: 300 North Granite Street, Prescott, AZ 86301.

Approved By:		**Date:**
Director:		
Planning Manager:	George Worley	7/13/18
Community Planner:	Katie Peterson	7/13/18

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the maximum wall heights of 6 feet for Natural Open Space (NOS) and 8 feet for Industrial Light (IL) zones, to allow a 10 foot wall on a site in the NOS and IL zoning districts.

The applicant's proposed wall exceeds the allowed 6 foot and 8 foot wall height for the NOS and IL zoning districts (respectively). The proposed 10 foot wall is the height necessary to screen the electrical equipment from view and protect the public from electrical hazards, as well as protect the equipment from vandalism.
(*See Attachments 1-4*)

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 6.4.4/Fence and Wall Location and Height, and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

STAFF ANALYSIS AND RECOMMENDATION:
The staff analysis and recommendation is based on a review of the request's consistency with the 2015 General Plan, and consistency with neighborhood characteristics, as well as the Variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:
The site is surrounded by industrial, commercial, and open space zoning districts. The existing use is already compatible with the surrounding zoning, and the proposed wall height would better screen a new electrical facility on-site from the view of neighboring lots.

AGENDA ITEM: VAR18-007, Variance to Article 6, Section 6.4.4 (General Development Standards/Fence and Wall Location and Height) of the Land Development Code (LDC) to allow an increased wall height surrounding an electrical substation site. [Zoning: IL and NOS; Property Owner: Arizona Public Service Company; APNs 113-14-059C and 113-14-056C]. Location: 300 North Granite Street, Prescott, AZ 86301

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 subject lot is at a lower topographic level than the lots at Granite Street, although this is not a significant factor in the request.

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 wall height will improve the safety and welfare of public. There are no other detrimental effects with regard to public health, safety, or welfare on other properties in the area.

3. **Special Privileges (LDC Section 9.13.4.A.3).** Granting of a Variance shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

   Staff Comments: This site is zoned Industrial Light (IL), and is adjacent to one other industrially zoned lot, surrounded otherwise by commercial and open space zones. The Land Development Code allows a wall height of up to 8 feet in industrial zones, which is higher than the maximum of 6 feet allowed in non-industrial zones. While one neighboring lot has the same zoning, it does not feature a public utility use requiring special public health and safety measures as an electrical facility does.

4. **Self-induced Hardship (LDC Section9.13.4.A4).** The hardship is not the result of the applicant's own actions.

AGENDA ITEM: VAR18-007, Variance to Article 6, Section 6.4.4 (General Development Standards/Fence and Wall Location and Height) of the Land Development Code (LDC) to allow an increased wall height surrounding an electrical substation site. [Zoning: IL and NOS; Property Owner: Arizona Public Service Company; APNs 113-14-059C and 113-14-056C]. Location: 300 North Granite Street, Prescott, AZ 86301

Staff Comments: The existing and proposed use which requires additional public safety measures is a choice of the property owner, however a public utility use serves as a public benefit, which is a unique use requiring additional safety measures in order to function.

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: Only one of the surrounding lots is in the same zoning district of IL. The neighboring IL zoned lot does not feature public utilities, and therefore has different safety and screening needs.

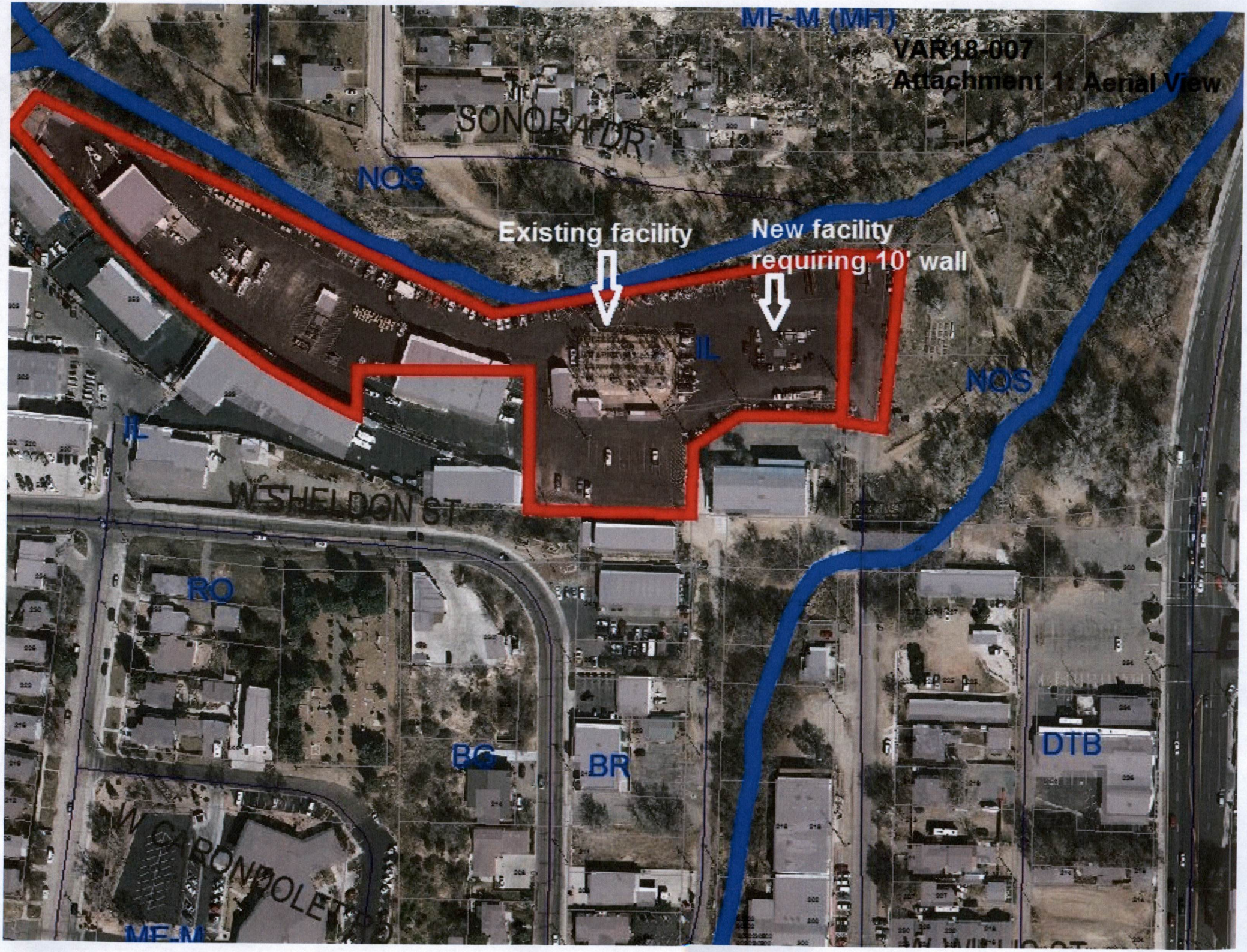
NEIGHBORHOOD COMMENTS:
Staff has not received any public comments regarding this variance request.

Attachments:

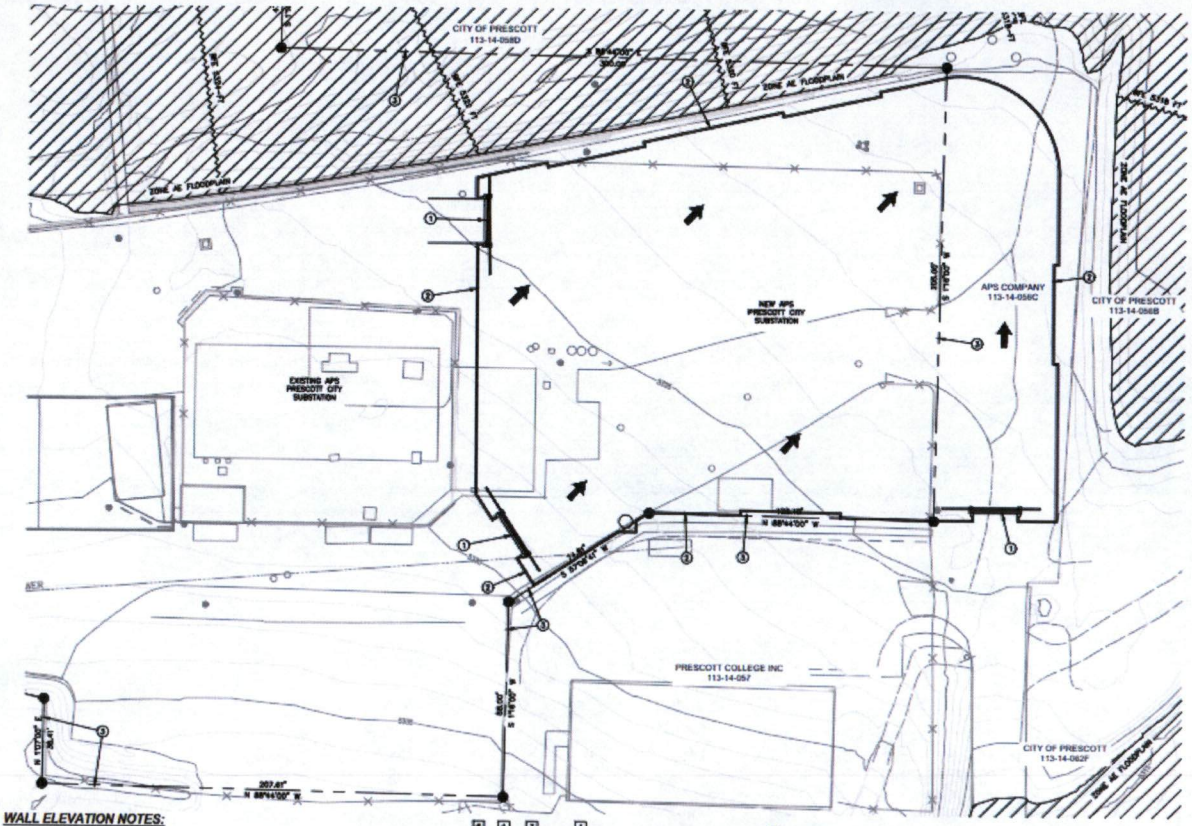
1. **Aerial view of site**
2. **Site Plan**
3. **Photo of site**
4. **Applicant responses to questions**

SUGGESTED MOTION:

Move to Approve/Deny VAR18-007.


ME-M (MH)
VAR18-007
Attachment 1: Aerial View
SONORA DR
NOS
Existing facility
New facility
requiring 10' wall
IL
NOS
IL
W SHELDON ST
RO
BG
BR
DTB
W CARONDOLET
ME-M

VAR18-007
Attachment 2: Site Plan



SITE PLAN NOTES:

1. NEW APS ROLLING GATE.
2. NEW 10' – 11' HIGH CMU PERIMETER WALL
3. PROPERTY LINE

GENERAL NOTES:

1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
2. THIS PROJECT IS LOCATED IN THE CITY OF PRESCOTT WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
3. ALL NEW ON RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
4. ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS.
5. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENCE AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED SO THAT IT EXCEEDS THE GENERAL LEVEL OF NOISE, ODOR OR VIBRATION EMITTED BY USES OUTSIDE THE SITE.
6. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.

PROJECT DATA

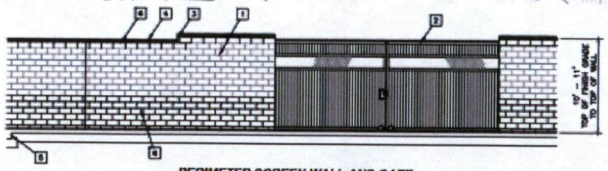
BUILDING AREA:	=XXXXX S.F.
LOT COVERAGE:	=X.X%
GROSS AREA:	= X.XX ACRES / XXXXX S.F.
NET AREA:	= X.XX ACRES / XXXXX S.F.
ZONING:	= S-1
OPEN SPACE:	=X.X%

WALL ELEVATION NOTES:

1. 8"x8"x16" CMU INTEGRAL COLORED SMOOTH FACE BLOCK. COLOR: T.B.D.
2. ROLLING/SWING METAL GATE. COLOR: T.B.D.
3. WALL ELEVATION CHANGE
4. ANTI CLIMB INSTALLED ON TOP OF WALL AND GATE
5. STEPPED FOOTING
6. 8"x8"x16" SOLID INTEGRAL COLORED SPLIT FACE BLOCK. COLOR: T.B.D.

GENERAL NOTES:

1. ONLY EMERGENCY LIGHTING WILL BE PROVIDED WITHIN THE SUBSTATION ON ELECTRICAL EQUIPMENT. THE LIGHTING ONLY OPERATES IN TIMES OF EMERGENCY OR ELECTRICAL OUTAGES.



PERIMETER SCREEN WALL AND GATE
N.T.S.

SCALE: 1" = 40'

CVL CONSULTANTS
60 YEARS
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Phoenix, Arizona 85034
602.262.5551
www.cvlci.com

COE & VAN LOO CONSULTANTS, INC.

PROFESSIONAL ENGINEER
CVL JOB # 1-01-02820-01

0	00-00-0000	XXXX	XX	XX	XX	XX	XXXX
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0	00-00-0000	XXXX	XX	XX	XX	XX	XXXX
0	00-00-0000	XXXX	XX	XX	XX	XX	XXXX
DWG. CHANGE		DESCRIPTION	DRAWN	CHECKED	APPROVED	PROJECT MGR.	DATE

SITE PLAN
PRESCOTT CITY SUBSTATION
PRESCOTT, AZ

aps

AS SHOWN

DRG	
PROJ	XX

C1.1

VAR18-007
Attachment 3: Photo of site

VARIANCE QUESTIONAIRE

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.

APS requires a 10' typical wall height surrounding their substation sites.
This wall is design to screen electrical equipment from public view, protect the public from electrical hazards, and protect the substation site from vandelism.

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.

APS requires a 10' typical wall height surrounding their substation sites.
Code allows for similar uses (recycling center and other industrial uses) to construct a minimum of 6' high wall but no taller than 10'. APS requires a minimum of a 10' high wall with the average wall height being between 10' and 11'.

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).

Installation of less than a 10' high wall will not allow APS to construct a new electrical 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.

Allowance of the 10' - 11' typical wall height will allow APS to construct the new upgraded substation.
The new screen wall will better screen the electrical equipment from public view.

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

Allowance of the 10' - 11' typical wall height will allow APS to construct the new upgraded substation.
The new screen wall will better screen the electrical equipment from public view, improving neighboring residents views.

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, 2nd. 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 as 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, 2nd. 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 the 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-stoke 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, 2nd. 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