

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, July 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 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	COUNCIL PRESENT
Bryn Stotler - Absent	James Lamerson, Councilman

III. REGULAR AGENDA

1. Approval of the May 17, 2018 Minutes

**Mr. Silvernale, MOTION to approve the May 17, 2018 minutes. Ms. Forquer, 2nd.
VOTE 6-0; passed.**

VI. 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

Katie Peterson presented the project and stated that Arizona Public Service (APS) Company is requesting a Variance from the maximum wall heights of 6 feet for NOS and 8 feet for IL zones, to allow a 10 foot wall on a site in the Natural Open Space and Industrial Light zoning districts. She said that the proposed wall exceeds the allowed 6 foot and 8 foot wall height for the NOS and IL zoning districts. 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. This site is adjacent to one other industrially zoned lot that is surrounded by commercial and open space zones. Ms. Peterson said that the Land Development Code allows a wall height of up to 8 feet in industrial zones; however, the property owner is requesting a 10 foot fence as an additional safety measure which is one of the criteria for a Variance.

Ryan Weed, 455 12th North St, Phoenix, said that we assist Arizona Public Service (APS) in these types of hearings and Variance requests. He said that the deterrent on the top of the fence looks like little pyramids or triangles and they stick up about 2", sharp and pointed, bolted to the wall, and they are not visible from the ground level given the height of the fence. The deterrents surround the perimeter of the wall are a preventive measure.

John Cradel, 1828 Senora, Prescott stated that his concern is that we already have an industrial presence with all the fencing around the APS building and that APS has not been a good neighbor. APS owns a large parcel and no maintenance has been done to it and the parcel has become essentially a haven for the homeless because of the lack of visibility. Mr. Cradel said that he resists the idea of further industrializing the area because it looks like a prison. He said that he heard the safety concern from the group, but hasn't heard of any problems with the height of the fence now or any breaches of security.

Mr. Weed said that there is an existing retaining wall close to the creek's floodplain. It was to secure the wall and not for public security purposes. He said that the plan is to remove the existing chain link and wire fence and replace it with the new fence. Mr. Weed said that we looked at the site earlier and did not see any homeless; however, there could be homeless that are living east of the substation. He said that the Company believes the fence to be esthetically pleasing.

Mr. Silvernale said that he feels the 10 foot fence is necessary to keep people out for their own safety.

Mr. Silvernale MOTION to approve VAR18-007, request to allow a 10' wall surrounding the APS substation site. Ms. Forquer, 2nd. VOTE 6-0; passed.

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

Katie Peterson presented the project and stated that the applicant is requesting a Variance from the minimum rear yard setback requirement of 25 feet to 14 feet. She said that this will allow an approximately 2,500 square foot single-family house on a buildable pad in the single-family 18 zoning district. She said that the 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 majority of structures within the neighborhood are constructed in compliance with the established setbacks.

Ms. Peterson said that 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. She said that 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.

Chairman Di Rienzo made a comment and stated that homeowners cannot adjust an easement on their property and a homeowner cannot block up an easement to defer water to another neighbor. So if a homeowner has an issue with their site plan where the drainage is interfering with building a home, the homeowner can bring the issue to the Board of Adjustment to resolve because this is the type of project a Variance is designed for.

Tom Terry, Architect, Distinctive Homes, PO Box 3988, Prescott, stated that they plan to build up the house to create a level pad a little higher near the back of the property. Mr. Terry said that the plans are just a little tight and if we could have a little relief on the back side, it would help a lot.

Mr. Silvernale MOTION to approve VAR18-008, a proposed change to allow a reduction in the front yard setback to accommodate the construction of a single-family home. Ms. Forquer, 2nd. 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