

# BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, APRIL 20, 2017  
9:00 AM**

**COUNCIL CHAMBERS  
201 S. CORTEZ STREET  
PRESCOTT, ARIZONA  
(928) 777-1207**

The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on APRIL 20, 2017, 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 February 16, 2017 Minutes

- IV. PUBLIC HEARING ITEMS

- 1. V17-001, Variance to Article 7, Section 7.4.5B4c (Code Requirements for Flag Lots) of the Land Development Code (LDC) to permit the length of the driveway to exceed 150 feet in length of the property. [Zoning: SF-35; Property Owner: Bobby and Elizabeth Raber; APN 106-07-003]. Location: 400 Lorraine Drive
  - 2. V17-002, Variance to Article 3, Section 3.4.3.F.3 (Minimum Rear Yard Setbacks) of the Land Development Code (LDC) to allow the attachment of a patio cover to the house. [Zoning: SF-18 (PAD); Property Owner: Ronald Brunswig; APN 105-03-453]. Location: 1602 Cloudstone Drive

- V. ADJOURNMENT

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

#### CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on March 12, 2017 at 11:00 AM in accordance with the statement filed with the City Clerk's Office.

Darla Eastman, Administrative Specialist  
Community Development Department

Board of Adjustment  
Agenda – April 20, 2017

**BOARD OF ADJUSTMENT**

**MEETING DATE: 4/20/17**

**DEPARTMENT: Community Development**

**AGENDA ITEM:** V17-001, Variance to Article 7, Section 7.4.5B4c (Code Requirements for Flag Lots) of the Land Development Code (LDC) to permit the length of the flag pole portion of the lot to exceed 150 feet in length and to be 16.7 feet in width. [Zoning: SF-35; Property Owner: Bobby and Elizabeth Raber; APN 106-07-003]. Location: 400 Lorraine Drive

**Approved By:**

**Date:**

<b>Director:</b>	Tom Guice		4.14.17
<b>Planning Manager:</b>	George Worley		4/14/17

**REQUEST:**

The applicant owns four contiguous parcels, plus a portion of abandoned right-of-way. He proposes to reconfigure his five parcels into four developable lots with three connected to Robin Drive by long flagpole sections and one adjoining a street stub into Sandretto Hills Estates. Due to the limitations on his properties frontages on public streets, the applicant is requesting a variance to permit the length of the flagpole portions of three of the lots to exceed 150 feet in length and to be 16.7 feet wide instead of the minimum 20 feet required by code. The property is further impaired by City water main lines in easements that cross the property. The flagpole portions of the lot will incorporate both access and utility easements to assure protection of the existing utility lines.

**COMPLIANCE WITH ZONING CODE AND ARS 9-462.06:** Yes

**APPLICABLE ZONING CODE:** LDC Section 3.3 Single Family 35 (SF-35), and 9.13 Variances.

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**BACKGROUND:** The property was purchased in 2007 and the easements were understood to be on the property borders. It was later discovered that they crossed the property diagonally. Over the span of four (4) years, the property easements were granted

**AGENDA ITEM:** V17-001, Variance to Article 7, Section 7.4.5B4c (Code Requirements for Flag Lots) of the Land Development Code (LDC) to permit the length of the flag pole portion of the lot to exceed 150 feet in length and to be 16.7 feet in width. [Zoning: SF-35; Property Owner: Bobby and Elizabeth Raber; APN 106-07-003]. Location: 400 Lorraine Drive

allowing the water lines to stay in the current locations. During that time, the provisions for home lots were changed.

**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 lot reconfiguration will result in the ability to develop three lots along the western edge of the Raber property, plus the existing house. The current configuration of the lots would only allow two additional houses, due to one lot being of insufficient size to develop. The proposed lots are smaller than the large lot that adjoins to the west, but are of similar size to lots further west. Based upon the lot sizes proposed and the single-family nature of the area, staff has not identified any compatibility issues based on the requested variance.

**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 property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

**VARIANCE CRITERIA:**

1. **Extraordinary Conditions.** 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.

**Applicant's Response:** Currently, we have five (5) lots. Since the time we purchased the property, land use regulations have changed and we are unable to use them as planned.

**Staff Comments:** One of the five lots is the abandoned Lorraine Drive right-of-way.

2. **Substantial Detriment.** It 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.

**Applicant's Response:** We feel that by granting the Variance, it will not interfere with the rights of adjacent property owners. We also feel it will protect the right to clean water that is enjoyed by the home owners of the City of Prescott.

**AGENDA ITEM:** V17-001, Variance to Article 7, Section 7.4.5B4c (Code Requirements for Flag Lots) of the Land Development Code (LDC) to permit the length of the flag pole portion of the lot to exceed 150 feet in length and to be 16.7 feet in width. [Zoning: SF-35; Property Owner: Bobby and Elizabeth Raber; APN 106-07-003]. Location: 400 Lorraine Drive

**Staff Comments:** Extending the length of the driveway will not have any negative impact on public, health safety or be injurious to other property in the area. By granting the Variance, it will not have an impact on the City in regards to public safety or welfare.

- 3. Special Privileges.** 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.

**Applicant's Response:** Granting the variance will not confer a special privilege, only the same that several of our other neighbors already enjoy.

**Staff Comments:** Three car garages in the surrounding community are not uncommon and other structures in the neighborhood are near the street frontage because of similar topographic limitations.

- 4. Self-induced Hardship.** The hardship is not the result of the applicant's own actions.

**Applicant's Response:** The City water lines date back to pre-1950s. We did not provide input or construct the water lines within the easements on the property. In an effort with City Staff, we are working together to develop mutually beneficial plan that will allow the City access and provide us with some property utilization. The plan will minimize potential impacts to surrounding home owners should utility maintenance be required.

**Staff Comments:** Given the location of the water lines, to extend the length of the driveway will provide the home owners with greater access to their home.

- 5. General Plan:** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

**Applicant's Response:** Despite the requested variance area is to extend the length of the driveway, allowing the driveway to extend out in this area will have the least visual impact of any other area on the property.

**Staff Comments:** The 2015 General Plan encourages the preservation of historical development patterns. The applicant has made an effort to communicate the intent of the proposed development with the neighbors and has agreed to an architectural design that compliments the existing pattern of development and architectural style.

- 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.

**AGENDA ITEM:** V17-001, Variance to Article 7, Section 7.4.5B4c (Code Requirements for Flag Lots) of the Land Development Code (LDC) to permit the length of the flag pole portion of the lot to exceed 150 feet in length and to be 16.7 feet in width. [Zoning: SF-35; Property Owner: Bobby and Elizabeth Raber; APN 106-07-003]. Location: 400 Lorraine Drive

**Applicant's Response:** As previously stated, granting the variance will not confer a special privilege, only the same that several of our other neighbors already enjoy.

**Staff Comments:** None.

**NEIGHBORHOOD COMMENTS:**

As of the date of this staff report, one comment letter has been received from the public objecting to the Variance.

**Attachments:**

1. Location/Aerial Map
2. Applicant's Exhibits
3. Application
4. Neighbor objection letter

**SUGGESTED MOTION:**

Move to Approve/Deny Variance #V17-001, to permit the length of the driveway to exceed 150 feet in length and to have widths of 16.7 feet.

# ATTACHMENT 1

Parcel Report for APN: **106-07-031**

Site Address:

Owner:  
**RABER BOBBY LEE & ELIZABETH ANNE RS**  
**400 LORRAINE DR**  
**PRESCOTT AZ 86305-6838**

Subdivision Name:

Max. Lot Coverage: **30%**  
 Max. Bldg Height: **35 ft**  
 Setbacks:  
 Front: **30 ft**  
 Side: **12 ft**  
 Rear: **30 ft**  
 Corner: **20 ft**

Acres: **0.7 acres**  
 Square Ft: **sq.ft.**  
 TRS: **T14 R2 S09**

DOR Urban Code: **Vacant**  
 Description: **0005-VACANT MINIMAL ASSOCIATED CONTIGUOUS PARCEL**

### Zoning Information

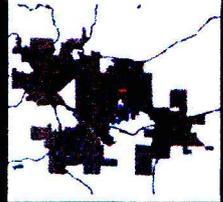
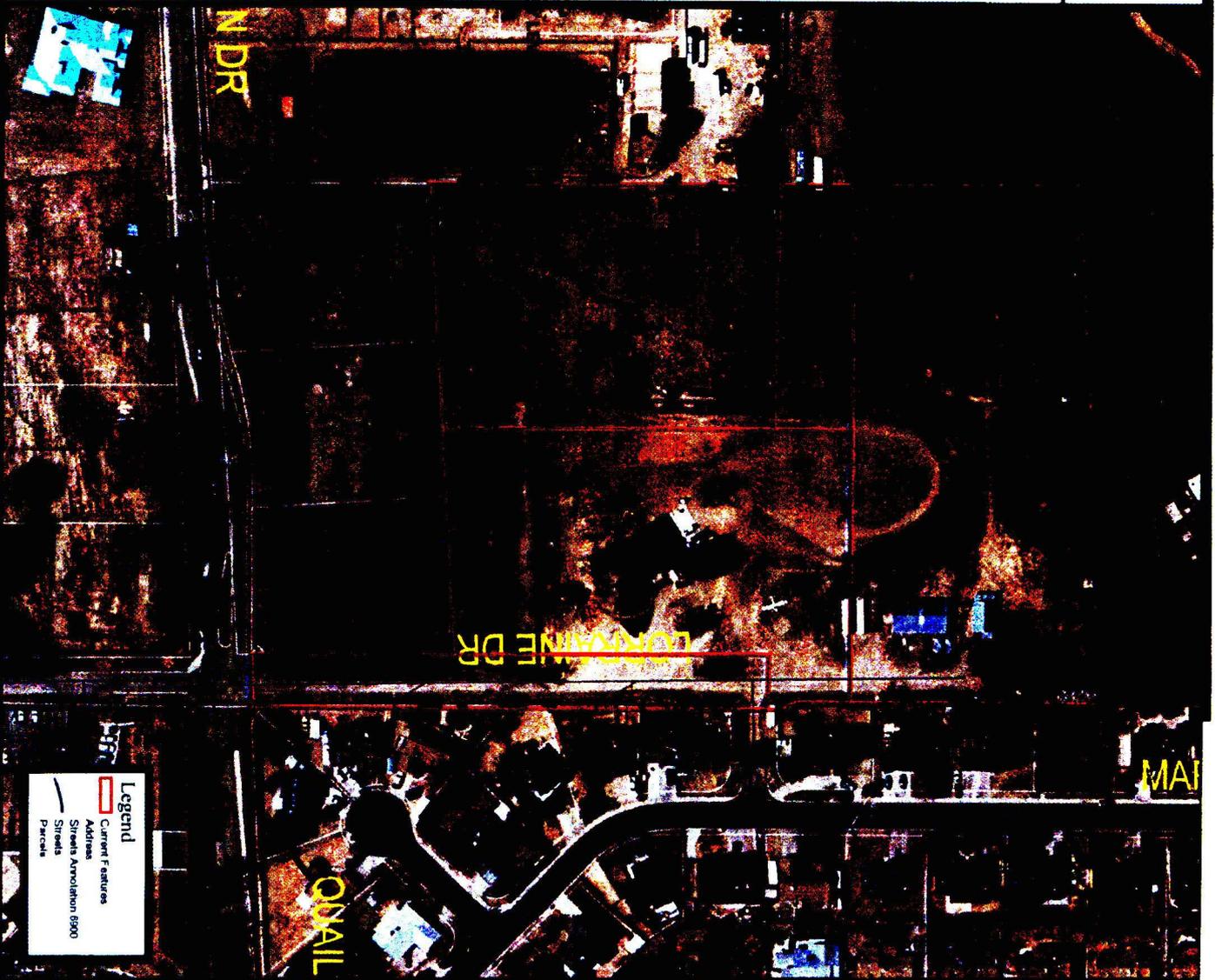
Zoning: **SF-35**

Height Zone: **0.2 PCT CHANGE, AE, X, X PROTECTED**  
 FIRM Parcel: **0402SC2055G**

### Overlay District Information

HPD District:	Outside
NR District:	Outside
Willow Creek District:	Outside
Wolver-Zuma District:	Outside
Hwy 63 District:	Outside
Prescott East Area Plan:	Outside
Prescott Enterprise:	Outside
Airport Neade District:	Outside
Wildlife Urban Interface:	Outside

### Planner's Actions:



This map is a product of The City of Prescott

**Legend**

- Current features
- Address Annotation 8900
- Streets
- Parcels

Scale: 1" = 183'

## ATTACHMENT 2

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.

Our special condition is the fact that our property is divided into three sections by the city water mains that cross the property. All 3 city water mains diagonally divide the property. (12", 18", 36")

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.

When the property was purchased (2007) the easements were understood to be on the property borders. It was later discovered that they crossed the property diagonally. Over the space of about 4 years the proper easements were granted allowing the pipes to stay in their current location. During that time the provisions for home lots were changed and now we can't use the current 5 lots as planned when the property was purchased. We are requesting driveways like our adjacent neighbor.

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).

One of the water mains dates back to pre-1950. We were not the ones that ran the city water mains in the locations where they are and ignored the easements. The current city workers were also not the ones that ignored the easements and created this dilemma. Neither of us created this mess but by working together we can resolve it. In an effort to work with the current city employees and still make some use of our 10 acres we have come up with a mutually beneficial plan that allows some property utilization while preserving the city's future access to the water mains. This plan also minimizes the potential impact on home owners should utility maintenance be required.

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 own what is one of the last remaining 10 acre lots in the city of Prescott. Our neighbors have long driveways and private drives accessing the homes on their properties while retaining the ability to have horses and rope/ride in this beautiful town. Had we not run into city utility issues our property would be utilized just like those surrounding us.

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

Granting the variance will not only not interfere the rights of other properties, it will help protect the rights to clean water enjoyed by most home owners in the city of Prescott. We have held multiple PAC meetings and this proposal is the result of those recommendations. This plan protects the city's ability to access the utilities should need arise while minimizing the impact to home owners. Granting this variance protects the city from the eventual development of this flat 10-acre property into an subdivision/neighborhood potentially impacting many many more homes. We currently have 5 lots and we would actually be consolidating them into four and placing them adjacent to a private drive making access as easy as possible should the utilities require service.





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

VARIANCE APPLICATION

V# 17-001

Property Address: 400 Lorraine Drive Prescott 86305

Assessor's Parcel Number (s)(APN): 10607003

Township \_\_\_\_\_ Section \_\_\_\_\_ Range \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

<p><b>Owner Name &amp; Address:</b>  <u>Bobby + Elizabeth Raber</u>  <u>400 Lorraine Drive</u>  <u>Prescott 86305</u></p> <p>Phone: <u>(928) 848-4570</u>                  Fax: _____                  Email: <u>yoursmiledoc@gmail.com</u></p>	<p><b>For Staff Use Only</b></p> <p>Date Received: _____</p> <p>Taken In By: _____</p> <p>Assigned To: _____</p> <p>Date Application Complete: _____</p> <p>Fees &amp; Charges: _____</p> <p>Receipt #/Date: _____</p> <p>PAC Date: _____</p> <p>BOA Date: _____</p>
<p><b>Applicant/Agent Name &amp; Address</b>                  (If different than property owner, Agent letter must accompany submittal):</p> <p><u>Lyon Engineering</u></p> <p>Phone: <u>928-776-1750</u>                  Fax: _____                  Email: <u>scottlyon@lyonengineering.com</u></p>	

Description of Request: We are requesting a variance allowing driveways longer than 150 feet.

Bobby Raber                      Bobby Raber                      1/21/17  
 Name                                      Signature                                      Date

ATTACHMENT 4  
RECEIVED

APR 14 2017

Community Development Department

City of Prescott Board Of Adjustment  
Prescott City Hall  
201 S. Cortez Street  
Prescott, AZ 86303  
April 11, 2017

RE: Raber Driveway Variance Application  
V#17-001

Commission Members,

My wife and I have lived at 1210 Quail Drive for nearly 10 years, and have enjoyed the very nice and peaceful neighborhood, until Bobby and Elizabeth Raber purchased and moved into 400 Lorraine Drive. Since their arrival, they have proven themselves to be a neighborhood nuisance, as demonstrated by the following, continued behavior:

Allowing their dog to bark at any and all hours, usually at night, despite multiple complaints, notifications and Police involvement.

Establishment of an OHV track on their property that they, and others, use to ride their off-road vehicles, which creates dust and noise for the entire neighborhood.

Using their South driveway as a runway, consistently exceeding 15-20 mph on this dirt road, which creates a noise and dust nuisance that blows right into our backyard. Additionally, many people, other than the Raber's access the property for a variety of reasons:

To move/store construction/landscaping equipment, which over the years has included semi-truck trailers, a road grader, backhoe, dump trucks, water trucks, piles of construction debris, a lo-boy heavy equipment trailer, and multiple ocean-going cargo containers. Much of this equipment movement happens as early as 5:00 AM, and as late as 11:00 PM.

To move/store boats, tent trailers, horse trailers, toy haulers, and a plane.

To take care of animals they board on the Raber property.

Additionally, it appears that the Rabers' are operating a commercial OHV rental business on their property, as a variety of different vehicles with trailers are often seen coming and going with the same OHV's loaded.

We vehemently object to the Rabers application for a driveway variance due to the above stated reasons, and the fact that they have a perfectly good, shorter driveway access directly off Marigold Drive. If, as their plan shows, they intend to create driveway access, sub-divide their property and sell it in sections, there needs to be extensive research into the water mains and wells in that area, with regards to new construction. If the Rabers are allowed to continue using the right of way and given a variance, they should have all the driveways paved or concreted to reduce the dust and traffic noise.

Thank you for your attention to this matter, and your time. If you have any questions, please feel free to call either myself or Gigi.

Scott and Gigi Bowsby  
1210 Quail Drive



①

July 11, 2016

Bobby Raber  
400 Lorraine Drive  
Prescott, AZ 86305

Dear Mr. Raber,

Please be a courteous neighbor and do something about the night time dog barking taking place on your property. The barking is sporadic, yet consistent throughout the night, and has once again become a nuisance that is resulting in an unhealthy sleep disturbance. We have attempted to cope by keeping our windows closed at night, yet the barking is loud enough to awaken us.

Enclosed is a copy of the letter we sent you last summer, with a similar request. Clearly, this is a continuing problem that would be best taken care of by simply being aware of the nuisance the barking causes, and being respectful enough of your neighbors to keep the dog inside at night.

Thank you.

--Your Neighbors

400 Lorraine Drive

2/2/14 two boys riding off road 2 stroke motorcycles on Raber property, behind our concrete wall, began 3:30 pm. 4:05 GG called the Prescott PD to complain, male dispatcher could hear the motorcycles on the phone, and said they would send an officer out. 4:15 boys take motorcycles to 3281 Marigold and park inside garage, close door. 4:40 pm Police Tahoe arrives, Officer Ehlert, Report # 14-3744. Avg noise of 2-stroke motorcycle 90dB, lawnmower 90dB.

6/15/15 We penned anonymous letter to Raber about dog barking in the night.

6/30/15 245 am, dog barking, 302 am dog barking, called police. Police arrived, and called us to identify dog, officer went to Raber's door, dog stopped barking by 3:35 am. Quiet rest of night.

5/26-27/16 Dog barking several times a night for several minutes

6/1/16 Raber's Dog barking for 6 minutes 430 am.

7/11/16 dog barking called cops 3am.

4/6-7/17 Raber's Dog barking between 3-4 am.

These are merely the documented instance, this is not inclusive of the general nuisance we experience on a nearly daily basis.

3

Prescott, AZ 86305

Scott Bowsby 928-308-0146  
Attachments

Gigi Bowsby 928-308-0092

PERSONAL AND CONFIDENTIAL FOR DR. RABER

RECEIVED

APR 14 2017

Community Development Department

November 21, 2013

The Rabers  
c/o Prescott Modern Dentistry  
1200 Gail Gardner Way  
Prescott, AZ 86305

Dear Dr. and Mrs. Raber:

Hello, we are one of your neighbors adjacent to your Lorraine Drive property. We respectfully wanted to ensure you are aware that our deck and outdoor living space is directly behind the wall to the east as you enter your property, and how we are impacted with the increased traffic and ATV/motorcycle noise of late. We are confident that once you are aware of the location of our outdoor living space, you will consider us (and other adjacent neighbors) relative to dust and noise (aka The Golden Rule).

We have spent considerable time and money to create an outdoor space in which we spend a fair amount of time. It appears that our ability to continue to enjoy this space will depend somewhat on your courtesy as neighbors. We ask that you please be mindful of the following:

- Driving slower on Lorraine Drive creates less dust for your neighbors.
- ATV/motorcycle activity, especially up and down and in the general proximity of Lorraine Drive, creates a noise, and sometimes dust, disturbance to adjacent property owners. The after-market exhaust system is particularly loud.
- This activity will be especially disturbing during the summer dinner and evening hours, when people typically enjoy outdoor dining.
- Your property is located within a neighborhood, governed by City of Prescott nuisance ordinances.

We strive to be good neighbors, and are mindful that the manner in which we conduct ourselves on our property can and does impact our neighbors. All we ask is for the same consideration in return. We are hopeful that you are of like mind, and will respect our reasonable concerns. If you would like to visit about this, please feel free to call one of us – Scott 308-0146, or Gigi 308-0092.

Thank you,

Scott and Gigi Bowsby  
PO Box 12365  
Prescott, AZ 86304

②



**BOARD OF ADJUSTMENT**

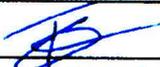
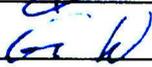
**MEETING DATE: 4/20/17**

**DEPARTMENT: Community Development**

**AGENDA ITEM:** V17-002, Variance to Article 3, Section 3.4.3.F.3 (Minimum Rear Yard Setbacks) of the Land Development Code (LDC) to allow the attachment of a patio cover to the house. [Zoning: SF-18 (PAD); Property Owner: Ronald Brunswig; APN 105-03-453]. Location: 1602 Cloudstone Drive

**Approved By:**

**Date:**

<b>Director:</b>	Tom Guice		4-14-17
<b>Planning Manager:</b>	George Worley		4/14/17

**REQUEST:**

The applicant is requesting a variance from the minimum rear yard setback requirement (10 feet) to five feet to allow an attached patio cover in a Single-family-18 (SF-18) Planned Area Development (PAD) zoning district.

The applicant is requesting to construct an attached patio cover in lieu of a free-standing patio cover due to concerns about the structural integrity of a free standing design. Free standing accessory structures have a five foot setback under zoning and building codes. In consultation with his design professionals, the applicant has determined that the free standing option will not be effective in his case. To obtain the size he desires the proposed cover will encroach five feet into the required ten foot rear setback.

The Cloudstone neighborhood is made up of mid-sized lots with reduced setbacks. The adjoining property to the west is substantially lower than the applicants property and is unlikely to be adversely effected by the setback reduction.

**COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes**

**APPLICABLE ZONING CODE:** LDC Section 3.4 Single-family-18 [(SF-18) PAD], and 9.13 Variances

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**AGENDA ITEM:** V17-002, Variance to Article 3, Section 3.4.3.F.3 (Minimum Rear Yard Setbacks) of the Land Development Code (LDC) to allow the attachment of a patio cover to the house. [Zoning: SF-18 (PAD); Property Owner: Ronald Brunswig; APN 105-03-453]. Location: 1602 Cloudstone Drive

**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 majority of structures within the neighborhood are constructed in compliance with the established and already reduced setbacks. Typically a reduction of 50% of the required setbacks would be of concern in considering compatibility; however, due to the substantial grade difference between the applicant's property and the adjoining neighbor to the west, staff has not identified substantive compatibility concerns.

**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 property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

**VARIANCE CRITERIA:**

1. **Extraordinary Conditions.** 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.

**Applicant's Response:** The house covers the majority of the lot which leaves a small rear yard. While a free standing patio cover would comply with zoning setbacks, the applicant has concerns for the structural integrity of a free standing cover.

**Staff Comments:** None.

2. **Substantial Detriment.** It 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.

**Applicant's Response:** Proposed patio cover has no impact to any home owner views or use of their property. HOA has approved the addition.

**Staff Comments:** Staff believes the grade differential will mitigate any harm to adjoining properties.

**AGENDA ITEM:** V17-002, Variance to Article 3, Section 3.4.3.F.3 (Minimum Rear Yard Setbacks) of the Land Development Code (LDC) to allow the attachment of a patio cover to the house. [Zoning: SF-18 (PAD); Property Owner: Ronald Brunswig; APN 105-03-453]. Location: 1602 Cloudstone Drive

3. **Special Privileges.** 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.

**Applicant's Response:** The purpose of the structure is to provide weather and shade protection to allow enjoyment of the home.

**Staff Comments:** Other homes in the neighborhood have covered patio features.

4. **Self-induced Hardship.** The hardship is not the result of the applicant's own actions.

**Applicant's Response:** Adjacent properties are deeper and would permit the proposed addition without need for a variance.

**Staff Comments:** A patio cover is not a requirement for the enjoyment of a residential property. In this case there remains the potential to design a free standing cover that would meet the setbacks. However it should be understood that by detaching the cover, the setback is automatically reduced to five feet.

5. **General Plan.** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

**Applicant's Response:** none.

**Staff Comments:** The 2015 General Plan encourages the preservation of historical development patterns. The addition of the patio cover would not significantly change the development pattern of the neighborhood.

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.

**Applicant's Response:** The purpose of the patio cover is to provide shade and weather protection so the outdoor space can be enjoyed.

**Staff Comments:** None.

**AGENDA ITEM:** V17-002, Variance to Article 3, Section 3.4.3.F.3 (Minimum Rear Yard Setbacks) of the Land Development Code (LDC) to allow the attachment of a patio cover to the house. [Zoning: SF-18 (PAD); Property Owner: Ronald Brunswig; APN 105-03-453]. Location: 1602 Cloudstone Drive

**NEIGHBORHOOD COMMENTS:**

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

**Attachments:**

1. Location/Aerial Map
2. Site Plan indicating patio cover addition
3. Answers to application questions

**SUGGESTED MOTION:**

Move to Approve/Deny V17-002, to reduce the rear yard setback to five feet to allow the attachment of a patio cover to the rear of the house.



Subject Site