



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, SEPTEMBER 21, 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 SEPTEMBER 21, 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 May 18, 2017 Minutes

IV. PUBLIC HEARING ITEMS

- 1. V17-005, Variance to Article 3, Section 3.5.F.2 (Minimum Setback) of the Land Development Code (LDC) to allow for a reduction of the side yard setback to accommodate a garage addition to the house. [Zoning: Single-family-12 (SF-12); Planned Area Development (PAD); Property Owner: Robert and Teri Taylor; APN 111-06-003]. Location: 1987 Havens End

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 September 13, 2017 at 11:00 AM in accordance with the statement filed with the City Clerk's Office.

Darla Eastman, Recording Secretary
Community Development Department



BOARD OF ADJUSTMENT

MEETING DATE: 9/21/17

DEPARTMENT: Community Development

AGENDA ITEM: V17-005, 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 garage addition to the house. [Zoning: SF-12 (PAD); Property Owner: Robert and Teri Taylor; APN 111-06-003]. Location: 1987 Havens End, Prescott, AZ 86305.

Approved By:

Date:

Director: Tom Guice	<i>TG</i>	9.15.17
Planning Manager: George Worley	<i>G.W.</i>	9/15/17
Community Planner: Katie Peterson	<i>K.P.</i>	9/15/17

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance from the minimum side yard setback requirement (9 feet) to 6 feet and 8 inches to allow a 14 foot, 4 inch wide garage bay addition in a Single-family 12 (SF-12) Planned Area Development (PAD) zoning district.

The applicant's proposed addition of a third garage bay is on the west side of the house, adjacent to the existing garage. The existing home is rotated at an angle, rather than parallel to the front lot line due to large boulder outcrops in the front and back yards. The rotated angle of the house in relation to the lot lines, and the large boulder outcrops limit potential locations for the proposed garage. The alternate potential location for an addition would be in the rear yard, and would involve removal of two mature trees and small boulder formations to provide access from the driveway. The applicant believes the requested variance of 3 feet and 2 inches to be minimal. With the Variance, there would be 21 feet and 8 inches between the neighbor's garage corner and proposed garage corner. (See Attachment 4, Figures 1-5.)

The adjacent neighbor to the west of the subject lot has issued a letter in support of this addition, without any concerns.

AGENDA ITEM: V17-005, Variance to Article 3, Section 3.5.3.F.2 (Minimum Setbacks) of the Land Development Code (LDC) to allow an addition to the house. [Zoning: SF-12 (PAD); Property Owner: Robert and Teri Taylor; APN 111-06-003]. Location: 1987 Havens End, Prescott, AZ 86305.

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

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 setbacks. Typically a reduced setback may be of concern in considering compatibility; however, due to the rotation of the house and boulder formations on this lot and some other lots in the neighborhood, it is customary for building lines to vary somewhat in relation to the lot lines. Staff has, therefore, 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 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 boulder formations and angle of the house in relation to lot lines on this lot leave limited potential locations for any building additions to the house.

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

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in the area, or to the City in administering this Code.

Staff Comments: The proposed reduced 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.

- 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: Most other lots in the neighborhood have houses with building lines parallel to lot lines, with a few others that feature houses angled on the lot to accommodate boulder formations. These lots with alternate building pad layout provide a special set of circumstances that may justify some variation.

- 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 hardship, an angled building and rock formations on the lot, is not a result of actions on the part of the applicant.

- 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: Strict application of the setback requirement on the subject lot places the property owner at a disadvantage with regard to the privilege most other property owners have of buildable area and building orientation allowing for more flexibility with location of building additions.

NEIGHBORHOOD COMMENTS:

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

Attachments:

- 1. Location/Aerial Map**
- 2. Site Plan indicating location of proposed garage bay addition**



Location Map

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.

The existing home is rotated on the lot due to large boulder outcrops in front and back. The addition fits most of the required set backs except for the front corner of garage due to rotation.

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.

Forest Trails HOA requires all vehicles to be parked inside garage. Not having approved Variance would force the sale of vehicle. Large Boulder outcrops prevent alternate location.

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).

Forest Trails HOA requires all vehicles to be parked inside a garage which is out of the control of the applicant.

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.

The amount of the requested Variance is de minimis, and the next door neighbor is in agreement. The neighborhood has many 3 car garages, so it is in conformance with neighborhood standards.

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

There will be 21'-8" between neighbor's garage corner and proposed garage corner. A letter from the neighbor is included with this Application indicating their agreement with proposed plan.

Thank you.

Attachment 4: Staff photographs of site



Figure 1: rock formations on lot



Figure 2: Existing two-car garage, adjacent to proposed garage addition

Attachment 4: Staff photographs of site



Figure 3: Trees, boulders in path to potential alternate location for proposed addition



Figure 4: Location for proposed garage addition, extending from existing building line into side yard

Attachment 4: Staff photographs of site



Figure 5: View to adjacent neighbor's lot from proposed addition

Stephen I. Mann & Genie Grant Mann

1989 Havens End Prescott, AZ 86305

8-14-17

To Whom it may concern:

We are the adjacent property owners at 1989 Havens End. We understand that Robert and Terri Taylor have submitted plans for a garage addition at 1987 Havens End. We have reviewed the plans and approve the plans and have no objection to the setback variance.

Sincerely,



Stephen I. Mann



Genie Grant Mann

Attachment 5

4/19/2017

To whom it may concern,

We agree to the garage extension proposed by Teri and Robert Taylor at 1987 Havens End.

Sincerely yours,

Genie Grant Mann
Genie Grant Mann

SM

Stephen Mann

1989 Havens End