

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, August 15, 2019  
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 August 15, 2019 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.

**CALL TO ORDER**

**I. ATTENDANCE**

**Members**

Stephen Silvernale	Raymond Everett
Paddie Braden	Tony Teeters, Chair
Johnnie Forquer	Jerry Kaufman
Larry Meads, Vice Chair	

**II. MINUTES**

Approve the minutes of the May 16, 2019 meeting.

**III. PUBLIC HEARING ITEMS**

- 1. CUP19-002**, 514 E Sheldon Street, APN: 114-02-020. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo business. Owner: **Wheaton Management Group**. Applicant: **Ryan Cristan**.
- 2. VAR19-002**, Variance to Article 3, Section 3.6.3 F (Single-family (SF-9) /Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an addition at the rear of the property. [Zoning: SF-9; **Property Owner: David and Gail Hackitt**; APN 114-05-089]. Location: 207 N Mt Vernon Avenue, Prescott, AZ 86301.

**IV. 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 8/12/19 at 12:00 p.m. in accordance with the statement filed with the City Clerk's Office.

  
Maureen Scott, City Clerk

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 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](http://www.azrelay.org).



# BOARD OF ADJUSTMENT MINUTES

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, May 16, 2019  
9:00 AM**

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

## CALL TO ORDER

### I. ATTENDANCE

Members	
Jerry Kaufman	Raymond Everett
Paddie Braden	Stephen Silvernale, Vice Chair
Johnnie Forquer	Tony Teeters
Larry Meads	
Staff	
Bryn Stotler, Community Development Director	Katie Peterson, Community Planner
George Worley, Planning Manager	Michelle Chavez, Recording Secretary
Council	
James Lamerson	

### II. MINUTES

**March minutes - Member Meads made a motion to approve the March 21, 2019 minutes. The motion was seconded by Member Teeters and passed unanimously.**

### III. PUBLIC HEARING ITEM

**VAR19-001**, Variance to Article 3, Section 3.10.3.F (Multifamily High density /Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an accessory building at the rear (Western Ave) of the property; [Zoning: MF-H; Property Owner: Daniel and Lorina McCabe; APN 114-05-001]. Location: 654 Ash Street, Prescott, AZ 86305.

George Worley gave a brief overview of the request for a variance at 654 Ash. He showed an aerial view of the site. He described the difference in single family and multi-family zoning and setbacks.

This request is for an accessory building 9 ft from the rear property line. Staff looked at nearby properties and their accessory structures with similar setbacks. It was noted there is no special granting of privilege and the applicants have a hardship with rock walls and other impediments to developing the new structure in line with existing setback requirements.

Variance approval is recommended by staff.

Board members discussed the existing zoning with staff and why it was multi-family, retaining walls, and the history of development in this area.

Applicant Lorena McCabe explained the proposed use is to have a rental unit in the back. She explained the unique area around the proposed location and the elm trees that they wish to be preserved.

Member Meads asked how many parking spaces will be available on the property. The applicant indicated at least one spot would be situated under the raised structure and another parking spot would be adjacent to the property.

Member Meads and staff discussed multi-family zoning utility allowances for accessory dwelling units. All utility requirements will need to be met before building permits are issued. Rental licenses will be needed before for renting the property.

**Member Meads made a motion to approve VAR19-001 a variance to Article 3, Section 3.10.3.F (Multifamily High Density/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an accessory building at the rear (Western Ave) of the property at 654 Ash Street. The motion was seconded by Member Kaufman and the motion approved unanimously.**

#### **IV. ADJOURNMENT**

A motion to adjourn was made by Member Meads, seconded by Member Forquer and approved unanimously.

Meeting adjourned at 9:18am.

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Michelle Chavez, Recorder

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Stephen Silvernale, Vice Chairman

**MEETING DATE: 08/15/19**

**DEPARTMENT: Community Development**

**AGENDA ITEM:** CUP19-002, 514 E Sheldon Street, APN: 114-02-020. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo business. Owner: Wheaton Management Group. Applicant: Ryan Cristan. Planning Manager, George Worley (928) 777-1287.

Approved By:		Date:
<b>Director:</b>	Bryn Stotler	BS 8/9/19
<b>Planning Manager:</b>	George Worley	GW 8/9/19
<b>Community Planner:</b>		

**REQUEST:**

This request seeks a Conditional Use Permit (CUP) for a new tattoo shop. Per Land Development Code (LDC) Section 2.3/Land Use Table, Tattoo shops are allowed in the Business Regional (BR) zoning district by CUP.

In compliance with LDC Section 9.1.2/Common Procedure, the applicant completed a meeting with staff prior to submitting the CUP application for the proposed use at this site and has met all other requirements of Section 9.1/Common Procedure.

**SITE INFORMATION:**

The business plan of the applicant includes a salon as well as the tattoo business. The salon is permitted by right, while the tattoo use requires the CUP. The business is proposed to be located in a multi-tenant building on a site with multiple businesses, with shared parking on the parcel to the north. The parking is accessed via the alley. Sidewalks along Sheldon Street provide pedestrian access to the site. The applicant does not propose any changes to the existing site or building, other than minor change to the interior space.

**PROPOSED USE:**

The applicant proposes a tattoo shop and hair salon, with daytime hours of operation, in an existing building. The hair salon portion of the business is permitted by right; the tattoo portion requires the CUP. In past applications, the Board has focused on hours of operation

**AGENDA ITEM:** CUP19-002, 514 E Sheldon Street, APN: 114-02-020. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo business. Owner: Wheaton Management Group. Applicant: Ryan Cristan. Planning Manager, George Worley (928) 777-1287.

for tattoo uses and placed limitations where the business operation could impact nearby residential uses. The designated parking lot to the north is within the same BR commercial zoning district as the tattoo shop location, but is adjacent to residential zoning to the north (see the attached zoning map exhibit).

**CONDITIONAL USE REVIEW CRITERIA:**

Conditional Uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the general criteria, as detailed in LDC Section 9.3.5/Conditional Use Review Criteria.

**Section 9.3.5.A. Effect on Environment**

"The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property."

A condition limiting hours of operation would mitigate any impacts from noise or activity associated with customers visiting the shop. The designated parking lot to the north is within the same BR commercial zoning district as the tattoo shop location, but is adjacent to residential zoning to the north.

**Section 9.3.5.B. Compatible with Surrounding Area**

"The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like."

The proposed tattoo parlor is within an existing building and no exterior or site changes are proposed.

**Section 9.3.5.C. External Impacts Minimized**

"The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation response to these impacts."

Noise from customers arriving/departing and parking is the only potential impacts on neighbors. Imposing limited hours through a condition, could mitigate any potential parking and noise impacts.

**AGENDA ITEM:** CUP19-002, 514 E Sheldon Street, APN: 114-02-020. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo business. Owner: Wheaton Management Group. Applicant: Ryan Cristan. Planning Manager, George Worley (928) 777-1287.

**Section 9.3.5.D. Infrastructure Impacts Minimized**

"The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately."

As a tattoo shop in an existing building, there would be no negative impacts to infrastructure.

**Section 9.3.5.E. Consistent with General Plan and Code**

"The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for locating the use in an area where it is only conditionally allowed."

The proposed use, with Conditional Use Permit, is in conformance with the purposes of the LDC and General Plan, and all relevant policies and plans. Tattoo shops are allowed by right in the Industrial Transitional (IT) and Industrial Light (IL) zoning districts. The proposed location for this type of business, however, would be more convenient for clients. With nearby restaurants, shops and hotels which clients may frequent during their wait periods, and before and after appointments, this particular location offers other commercial conveniences that are not as common in the industrial zoning districts.

**Section 9.3.5.F. Parcel Size**

"The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the affected zoning district."

This proposed use will not have impacts requiring additional land area.

**Section 9.3.5.G. Site Plan**

"The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review."

The proposed use is in an existing building and therefore in compliance with the applicable procedures and requirements of Sec. 9.8. The proposed use includes

**AGENDA ITEM:** CUP19-002, 514 E Sheldon Street, APN: 114-02-020. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo business. Owner: Wheaton Management Group. Applicant: Ryan Cristan. Planning Manager, George Worley (928) 777-1287.

designated parking spaces adjacent to the business.

### **Section 9.3.6. Additional Conditions**

“The Board of Adjustment may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use.”

Staff recommends imposing the condition of hours of operation no later than 10:00 pm daily to ensure compatibility with the surrounding neighborhood, which include some existing residential and commercial uses located adjacent to this site.

### **Section 9.3.7.C. Expiration/Revocation of Approval**

“The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an ongoing condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8.A.”

### **Section 9.3.8. Appeal**

“An appeal from any final decision regarding a Conditional Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.”

### **HISTORIC PRESERVATION:**

The site is not located within a Prescott Preservation or National Register district.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit for a tattoo parlor, with a condition to allow daily hours of operation no later than 10:00 pm.

### **NEIGHBORHOOD COMMENTS:**

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

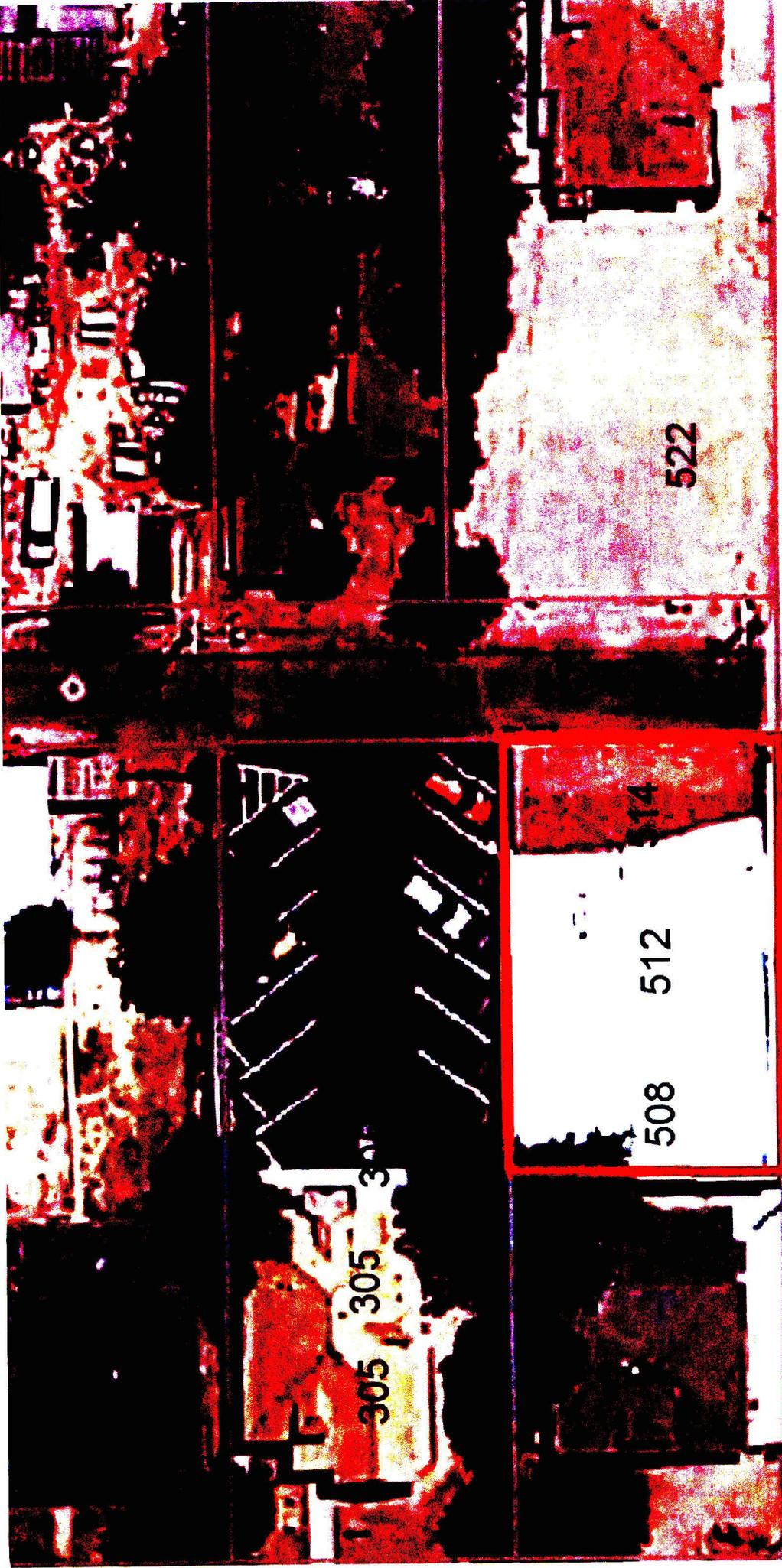
### **Attachments:**

1. Aerial/Location Map
2. Zoning vicinity map
3. Applicant application

**AGENDA ITEM:** CUP19-002, 514 E Sheldon Street, APN: 114-02-020. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo business. Owner: Wheaton Management Group. Applicant: Ryan Cristan. Planning Manager, George Worley (928) 777-1287.

**SUGGESTED MOTION:**

Move to Approve/Deny CUP19-002, to approve a tattoo shop in a Business Regional (BR) zoning district at 514 E Sheldon Street.



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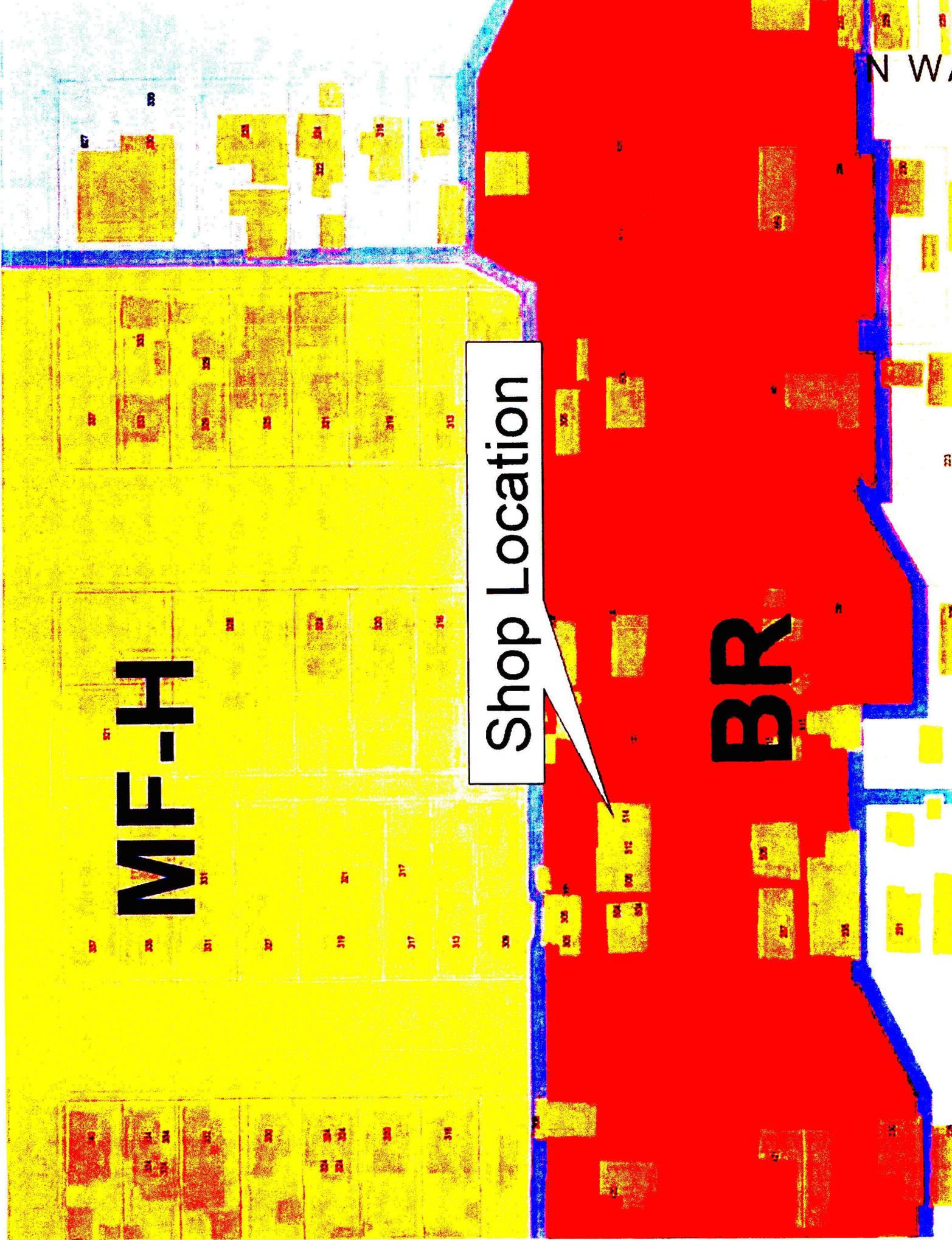


**MF-H**

Shop Location

**BR**

N W,



CONDITIONAL USE PERMIT APPLICATION

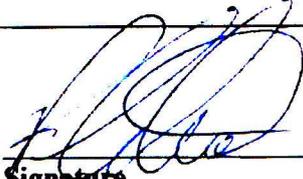
CUP# CUP19-002

Property Address: 514 E Sheldon

Assessor's Parcel Number (s)(APN): 114-02-020

Township 14N Section 34 Range 02W Zoning: BR

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

		For Staff Use Only
<b>Owner Name &amp; Address:</b> <u>Wheaton Management Group c/o</u> <u>Ben Marshall, 10537 Wilkins Ave.</u> <u>Los Angeles, CA 90024</u>		Date Received: <u>7/19/19</u>
Phone: <u>424-384-7233</u>		Taken In By: <u>MYC</u>
Fax: _____		Assigned To: <u>GW</u>
Email: <u>lonsat@aol.com</u>		Date Application Complete: _____
<b>Applicant/Agent Name &amp; Address</b> (If different than property owner, Agent letter must accompany submittal): <u>Ryan Cristan</u> <u>4469 N. Miner Rd Apt. 2</u> <u>Prescott Valley AZ 86314</u>		Fees & Charges: <u>\$1050.97</u>
Phone: <u>928-458-3676</u>		Receipt #/Date: <u>7-19-19</u>
Fax: _____		PAC Date: <u>AUG 1, 2019</u>
Email: <u>rc.tattoo.shop@gmail.com</u>		BOA Date: <u>Aug 15, 2019</u>
Description of Request: <u>CUP for tattoo shop.</u>		
Total Acres: <u>1.09</u> Total Lots: <u>1</u>		
Existing Zoning: <u>BR</u>		
Name: <u>Ryan Cristan</u>	Signature: 	Date: <u>7/19/19</u>

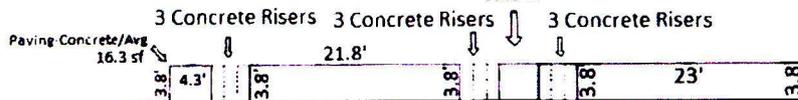
114-02-020

512 E. Sheldon Street, Prescott

Improvement # 1

Paving-Concrete/Avg

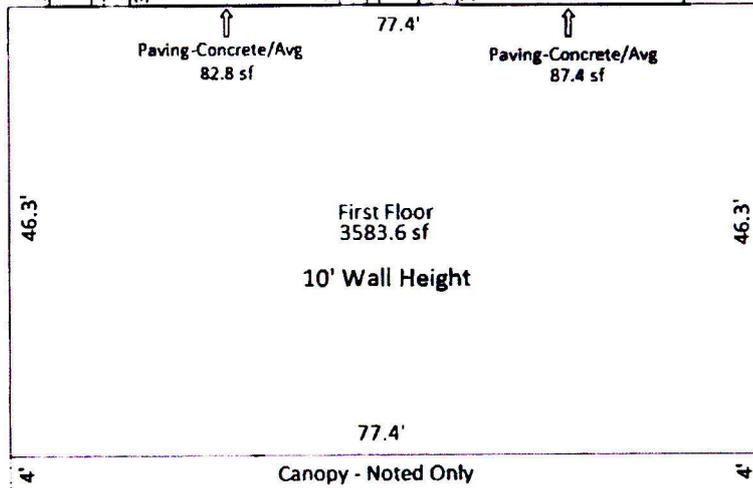
15.2 sf



Wood Frame Stucco  
Shed & Gable Roof  
Split AC

Improvement # 2  
Commercial Yard Improvements  
Asphalt Paving: 3,630 sf

Original Construction Year: 1935  
Remodel 2000  
Remodel 2015  
Add minimal plumbing 2016  
Effective Age: 1956



Sheldon Street

**MEETING DATE: 08/15/2019**

**DEPARTMENT: Community Development**

**AGENDA ITEM:** VAR19-002, Variance to Article 3, Section 3.6.3 F (Single-family (SF-9) /Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an addition at the rear of the property. [Zoning: SF-9; Property Owner: David and Gail Hackitt; APN 114-05-089]. Location: 207 N Mt Vernon Avenue, Prescott, AZ 86301.

Approved By:	Date:
Director: Bryn Stotler	BS 8/9/19
Planning Manager: George Worley	GW 8/9/19
Community Planner:	

**REQUEST AND JUSTIFICATION:**

The applicant is requesting a Variance from the minimum rear yard (Western Avenue) setback requirement of twenty-five feet to allow construction of an addition that would encroach to a point ten feet from the rear property line.

The applicant's proposed building addition would include a garage with guest quarters above. The existing house occupies the front half of the lot and there is an existing outdoor patio and substantial hard-scaped fire pit immediately behind the house. This limits the ability to extend the house toward the rear. The proposed addition, if the variance is granted, will effectively bridge over/around the patio and fire pit, leaving a central outdoor space in between.

A reduced rear setback is available for a detached accessory building, but that comes with a limitation on the building height of 20 feet and a maximum floor area of 50% of the main house. The 20 foot height limit precludes a garage and a second floor guest quarters with standard height ceilings and a large enough floor area.

The applicant has requested consideration of two options for either an addition with a rear setback variance or a detached accessory building with a floor area and height variance. Staff has provided two possible motions for the Board's consideration.

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

**AGENDA ITEM:** VAR19-002, Variance to Article 3, Section 3.6.3 F (Single-family (SF-9) /Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an addition at the rear of the property. [Zoning: SF-9; Property Owner: David and Gail Hackitt; APN 114-05-089]. Location: 207 N Mt Vernon Avenue, Prescott, AZ 86301.

**APPLICABLE ZONING CODE:** LDC Section 3.6 Single-family (SF-9), 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 area is primarily developed as single-family homes, many with accessory buildings of similar size to this request. Given the character of the area, this use should be compatible under either option.

**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 granting 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 existing development on the site creates limitation for the property owner. However, given that the dimensions of the lot are standard for the neighborhood, and a smaller accessory building is possible, the Board may need additional information to make this determination.

- 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 setbacks will result in a structure located

**AGENDA ITEM:** VAR19-002, Variance to Article 3, Section 3.6.3 F (Single-family (SF-9) /Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an addition at the rear of the property. [Zoning: SF-9; Property Owner: David and Gail Hackitt; APN 114-05-089]. Location: 207 N Mt Vernon Avenue, Prescott, AZ 86301.

on the lot in a manner similar to nearby lots. No obvious detriments result from this request.

- 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:** Similar to the staff comments on the extraordinary conditions question above, the Board will need to determine if this request grants a privilege to the applicant not enjoyed by other nearby properties.

- 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 existing walls, trees and fire pit create a difficulty for the property owner.

- 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 in compliance with the General Plan's residential designation of the area.

- 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 proposed accessory building could not be constructed to the size desired by the applicant without this variance. A setback-compliant building would not result in a viable guest quarters and garage because of the very limited footprint and livable area that could be attained. The special circumstances (existing walls, trees and fire pit) of the site deprive the applicant of options available to other properties in the district.

**NEIGHBORHOOD COMMENTS:**

Staff have not received any public comments regarding this Variance request.

**Attachments:**

1. Aerial vicinity map

**AGENDA ITEM:** VAR19-002, Variance to Article 3, Section 3.6.3 F (Single-family (SF-9) /Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the rear yard setback to accommodate the construction of an addition at the rear of the property. [Zoning: SF-9; Property Owner: David and Gail Hackitt; APN 114-05-089]. Location: 207 N Mt Vernon Avenue, Prescott, AZ 86301.

2. Zoning vicinity map
3. Site Plan
4. Application with narrative
5. Additional information provided by applicant

**SUGGESTED MOTION:**

Move to Approve/Deny VAR19-001:

Option A - setback Variance for reduced rear yard setback from 25 feet to 10 feet for construction of an addition.

Option B – Variance to the maximum height of an accessory building up to 27 feet and a floor area of 956 square feet.

**BR**

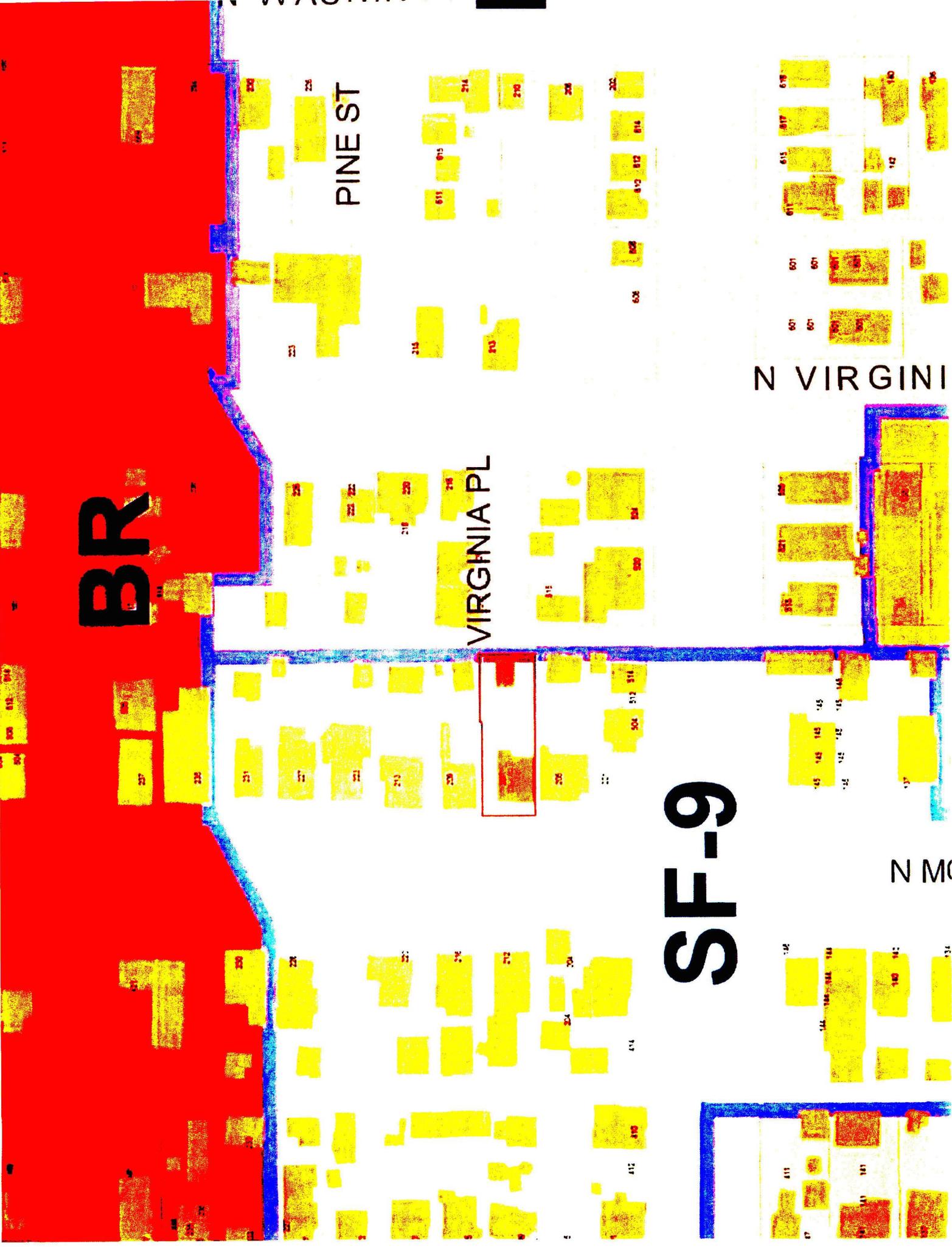
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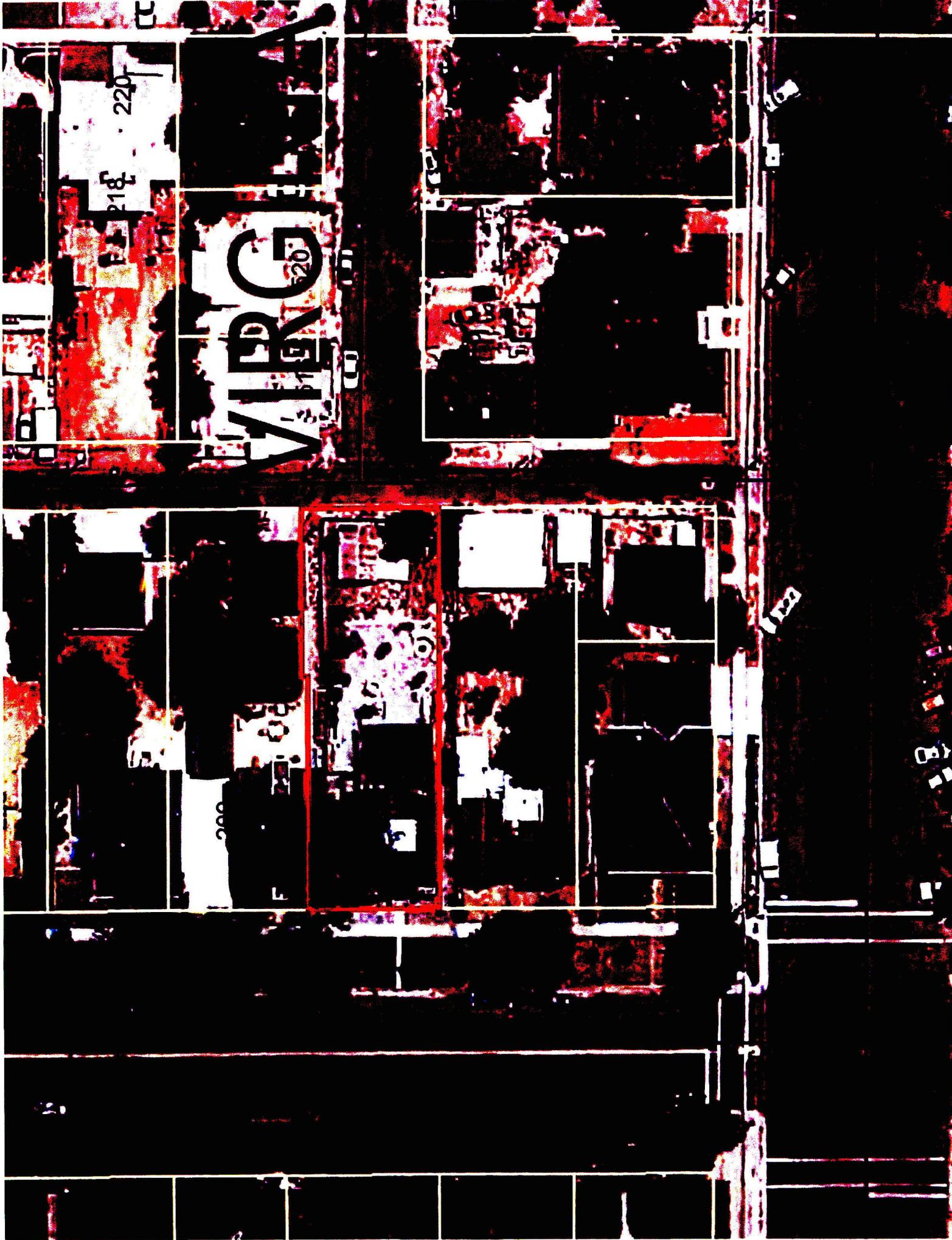
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**SF-9**

N MC





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VIRGINIA

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VARIANCE APPLICATION

V# VAR F1-002

Property Address: 207 N. Mt. Vernon Ave.

Assessor's Parcel Number (s)(APN): 114-05-089

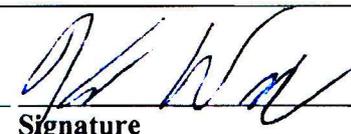
Township 14 Section 34 Range 2 Current Zoning: SF-9

Subdivision Name: East Prescott

		<i>For Staff Use Only</i>
<b>Owner Name &amp; Address:</b> David & Gail Hackitt 1348 W. Kiowa Mesa, AZ 85202  Phone: (480)385-8801 Fax: n/a Email: ausiebeach@cox.net		Date Received: <u>7-16-19</u> Taken In By: <u>MYC</u> Assigned To: <u>GW</u> Date Application Complete: <u>7-16-19</u> Fees & Charges: <u>1,050.77</u> Receipt #/Date: _____ PAC Date: _____ BOA Date: <u>8-15-19</u>
<b>Applicant/Agent Name &amp; Address</b> (If different than property owner, Agent letter must accompany submittal): Kurt Womack 1150 N. Opal Dr. Prescott, AZ 86303  Phone: (928) 308-1022 Fax: n/a Email: kwdesign2@yahoo.com		

Description of Request: Scenario A: request reduction of rear setback, from 20 feet to 10 feet. Original proposed structure was a detached garage with studio on second floor, with 6 foot rear setback. Zoning does not allow more than 50% floor area of house, or more than 20 feet height. With a proposed Breezeway, technically would be considered an attached addition, which determines the 20' rear setback. It is understood that a fire sprinkler system will be required. See attached document.

Scenario B: request A, also eliminate the Breezeway addition. Due to the Historic District character, many properties have existing detached buildings, with no connecting structures, and in some cases are on the property line. The Breezeway is incongruous with the character of the historic neighborhood. Due to the recent Wildland Interface Code, any new structure has additional requirements to "reduce" conflagrations, the simple act of building this wood structure "introduces" unnecessary fuel, a fire sprinkler system will be required anyway.

<u>Kurt Womack</u>		<u>July 16, 2019</u>
Name	Signature	Date

## 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.

Long established Historic District neighborhood. Many other properties in the vicinity have large detached buildings, some not compliant with recent zoning regulations. Proposed structure is 27' high. Established patio has a masonry bench that incorporated granite stones from house foundation, and paver hardscape, proposed location abuts edge of patio.

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.

Long established Historic District neighborhood, many cases of structures not compliant with modern zoning regulations in the immediate vicinity. Literal interpretation of adding incongruous Breezeway to fit intent of addition vs. detached definition, forces the addition of unwarranted structure, for Scenario B. At the minimum, Scenario A setback is a compromise.

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).

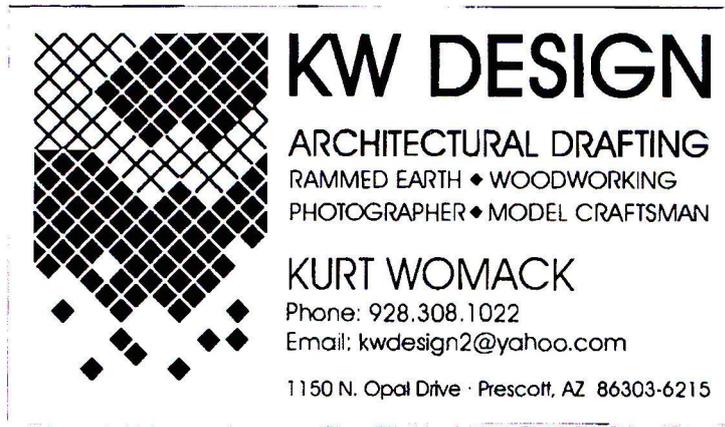
The proposed garage is intended for parking vehicles, moving away from the alley access introduces unnecessary parking on a driveway, and reduces the patio area. Literal interpretation of the modern zoning code designed for new developments, is not compatible with the Historic Downtown area (Scenario A). Breezeway introduces fuel, elimination best solution for Wildland. (B)

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.

Visual observation of the neighborhood indicates many other properties have structures similar to the proposed garage/studio. The only "special privilege" that is a legal interpretation of the regulations, is the Breezeway to conform with recent (relative to the age of this historic property) regulations (Scenario A&B). Owner had no control of existing residence size.

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

Scenario A: setback of 10 feet, not 6 feet, or 20 feet, will not interfere with any rights of the neighbors, and if they stay off the property, they should not get injured; there will be a fence and gate to keep them out. The proposed 27 feet height is within the average height of similar structures. Scenario B: Nobody should be "injured" by seeing they don't have a Breezeway, less fuel.



July 16, 2019

## Letter of Authorization

Re: David & Gail Hackitt  
207 N. Mt. Vernon Ave., Prescott, AZ  
A.P.N.: 114-05-089  
(408) 385-8801

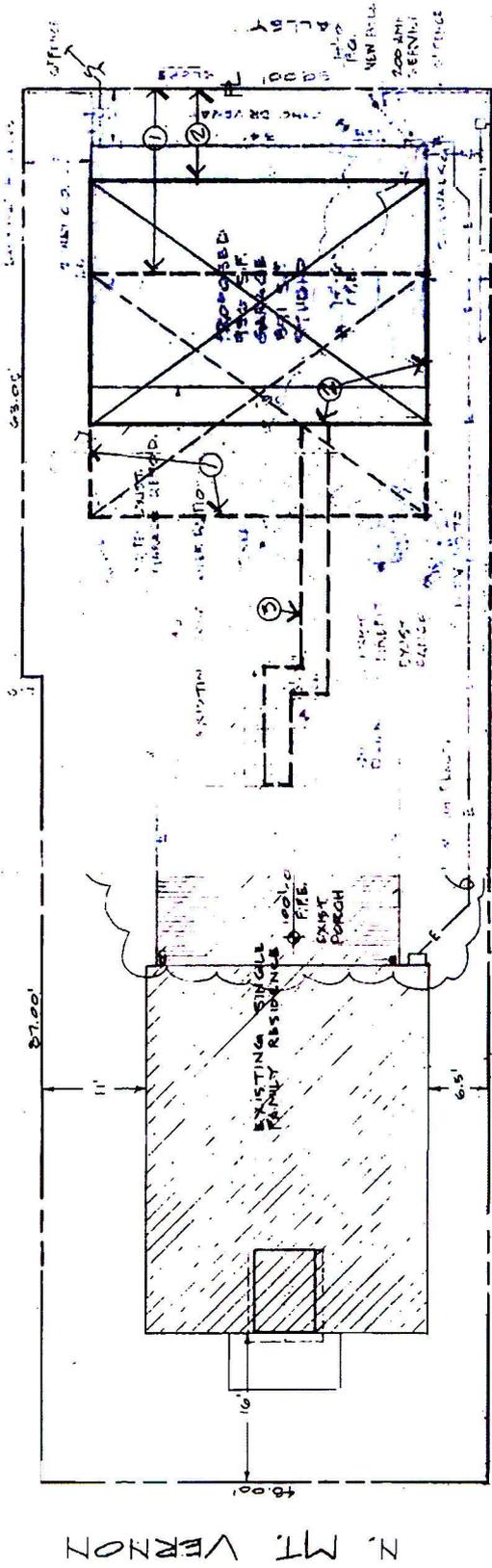
To City Of Prescott:

I am the architectural draftsman who has been working with Mr. & Mrs. Hackitt, on a proposed garage/studio. Due to issues dealing with Zoning, we are applying for a Variance. Attached is the application, supplemental document, check for \$1,050.97. The Hackitt's primary residence is in Mesa, AZ, they requested that I fill out the paperwork and deliver to the C.O.P.

Regards,  
Kurt Womack



- ① 20' REAR SETBACK
- ② 10' REAR SETBACK VARIANCE REQUEST (A)
- ③ BREZEWAY (SCENARIO B)



# VARIANCE APPLICATION

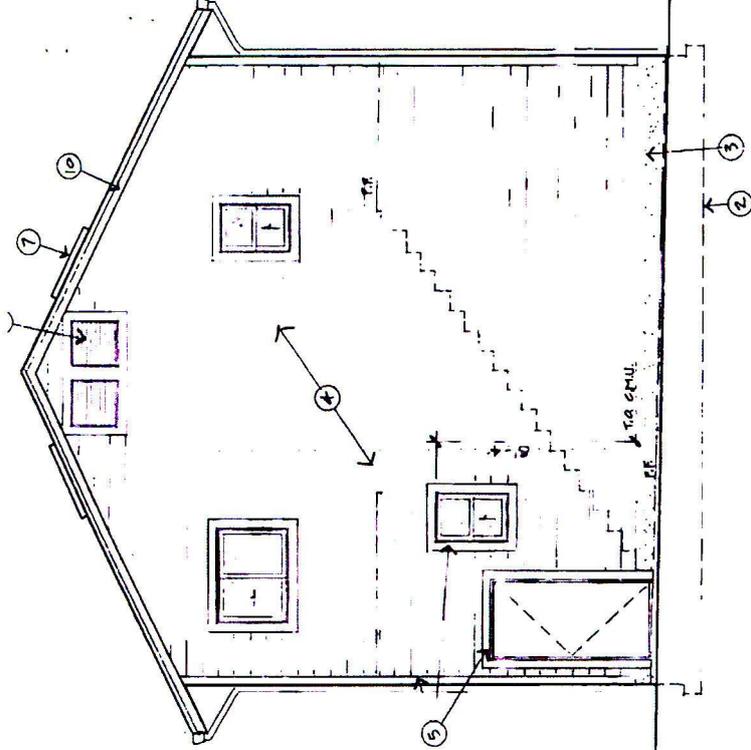


LOT 16, BLOCK 5, EAST PRESLOT  
PARCEL NO: 114-05-089

**SITE PLAN**  
SCALE: 1" = 20'

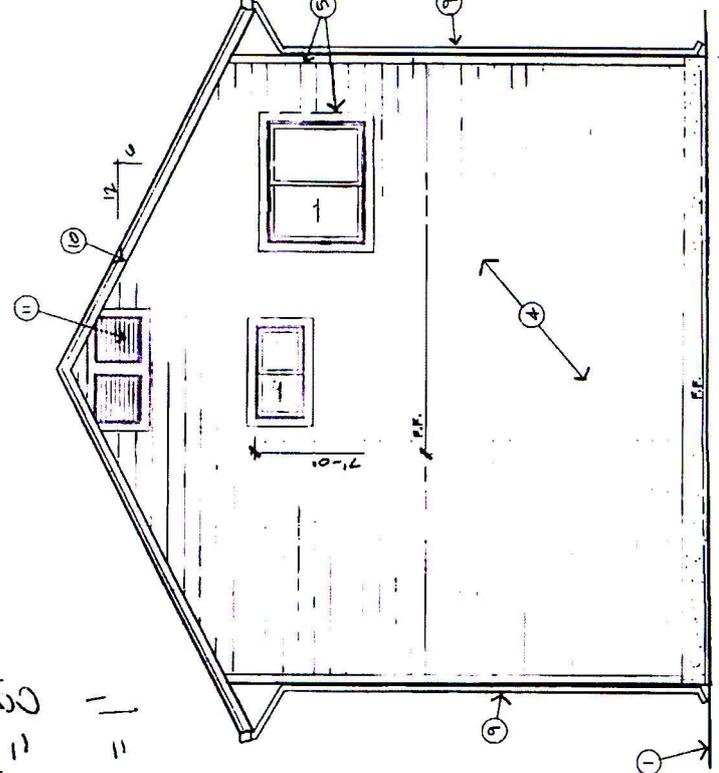
1" = 20'

HACKIT 114-05-089



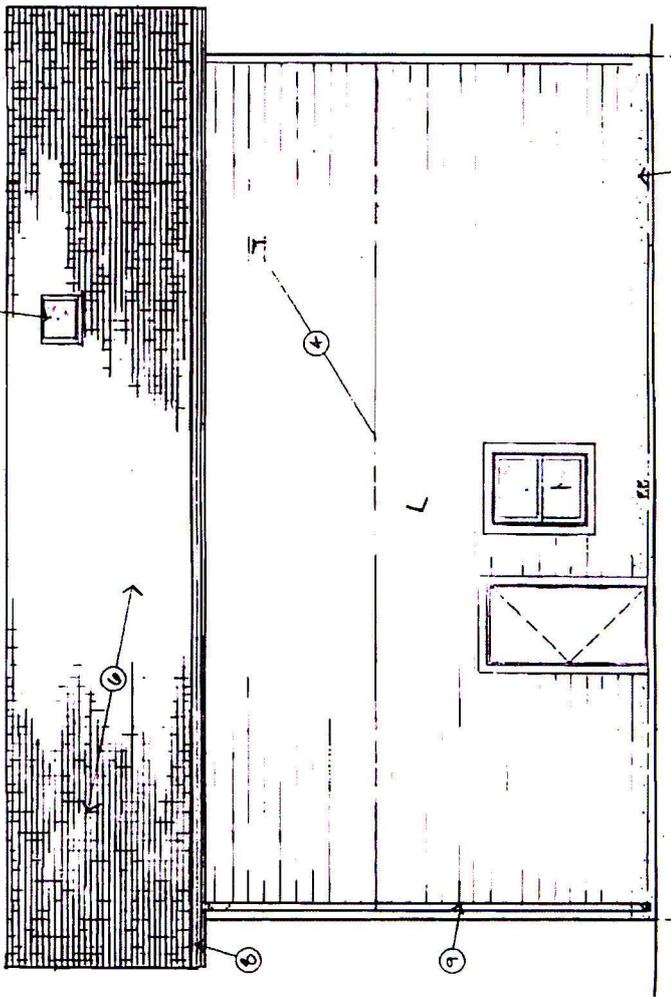
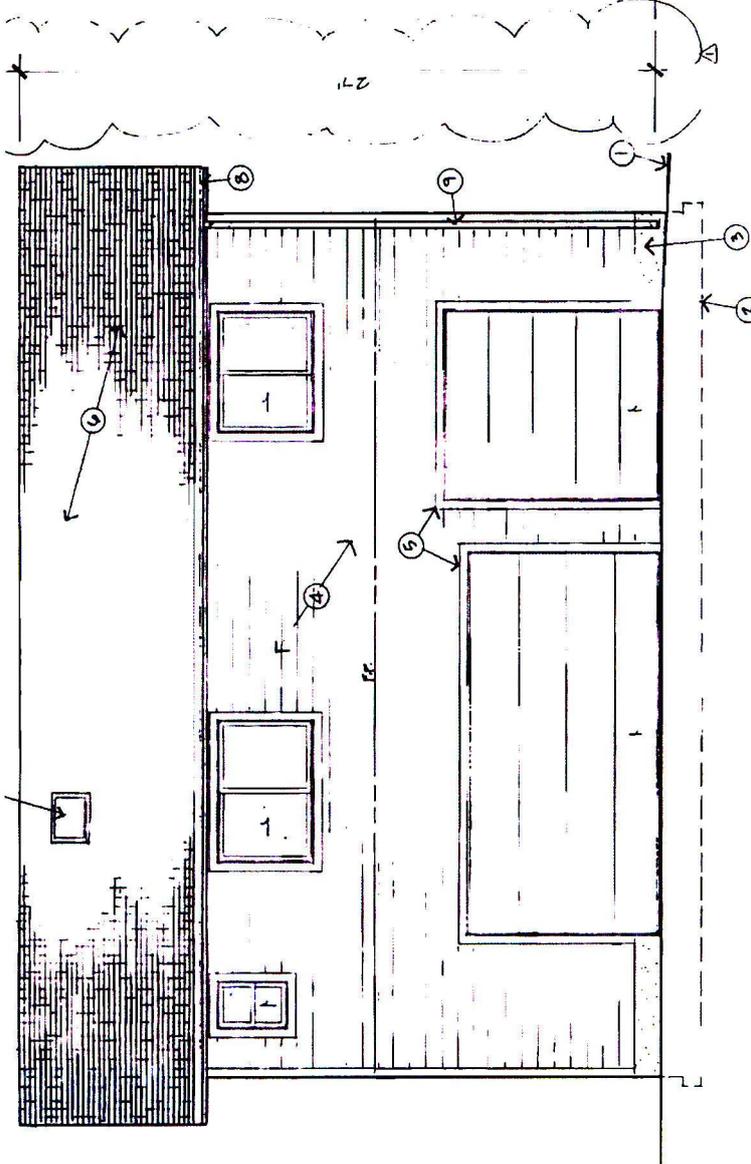
SOUTH

1" = 8'  
1/2" = 2'



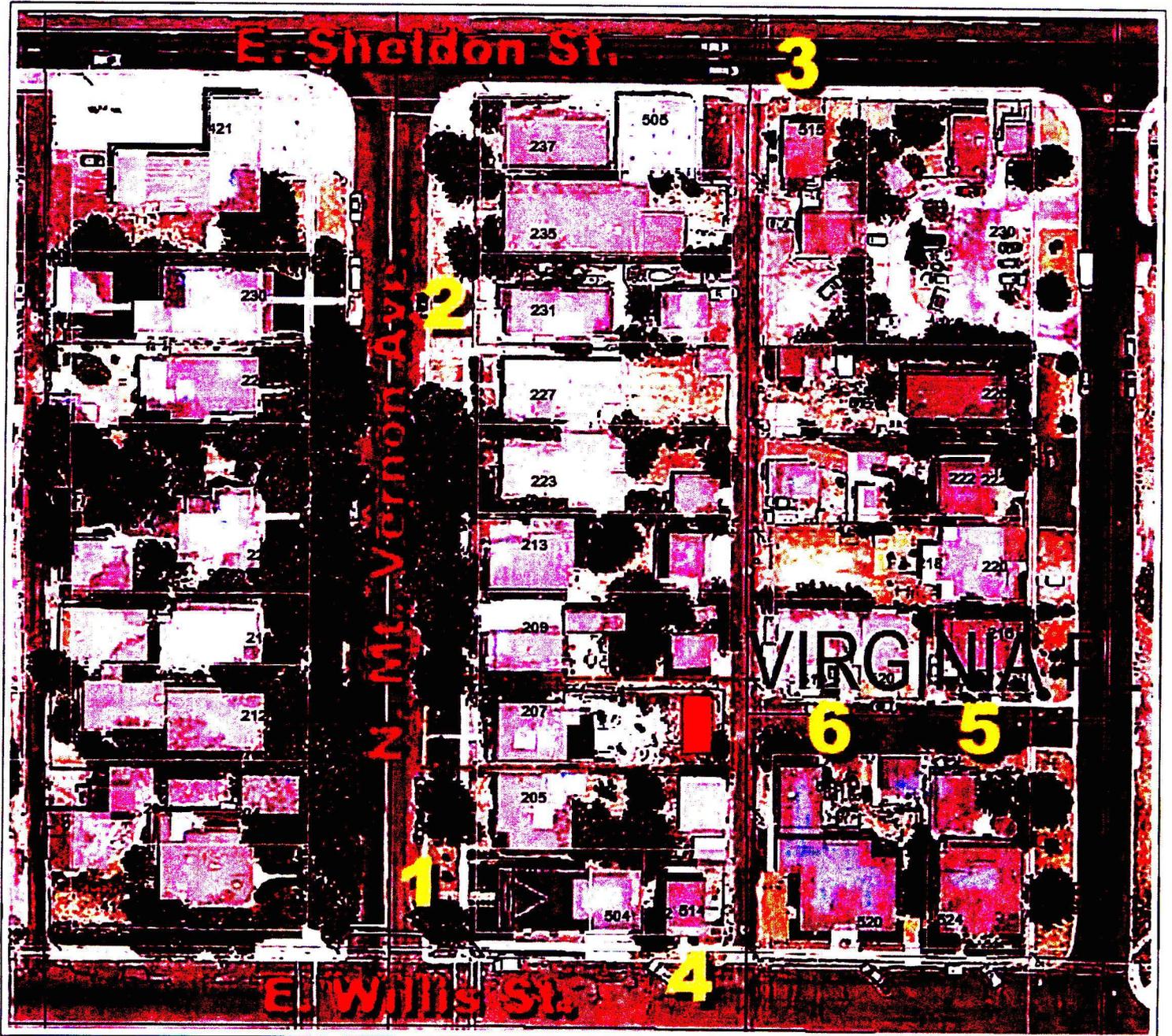
EAST

HACKITT  
114-05-029



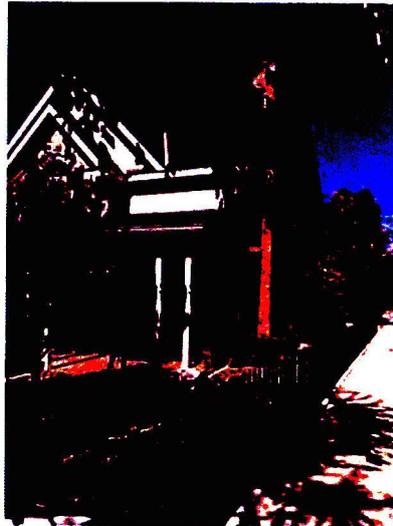
**VARIANCE SUBMITTAL FOR DAVE & GAIL HACKITT  
207 N. Mt. Vernon Ave. A.P.N. 114-05-089**

Supplemental documentation, photographs taken in immediate neighborhood, to show the character of this downtown location. 4 pages.



**1. 201 N. Mt. Vernon**

Recently remodeled and constructed residence, setbacks noticeably reduced.



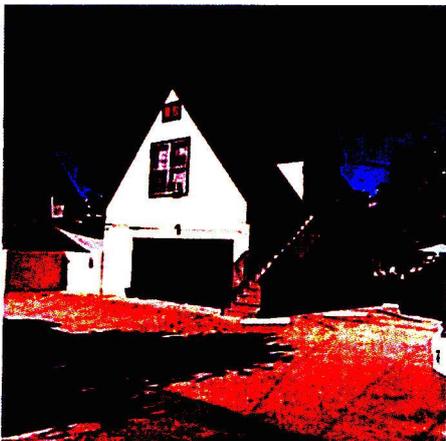
**2. 231 N. Mt. Vernon**

Detached, two story garage with livable above. No breezeway connected to residence, setback much less than 20 feet to the alley.



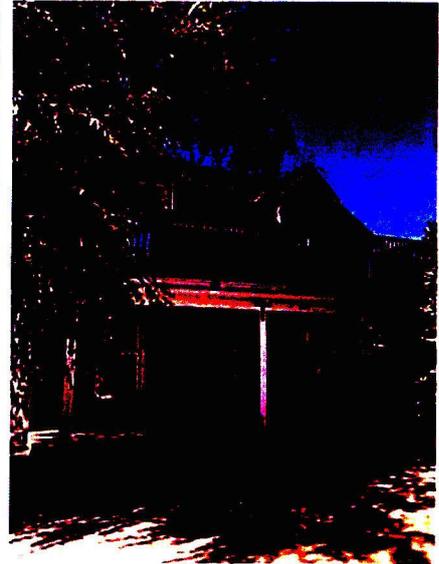
**3. 515 Sheldon St.**

Somewhat "attached" at corners of structures, not by a breezeway. Garage with livable above, appears to be same size as original residence. Height is possibly above maximum allowed for a detached situation. Zero setback on east side.



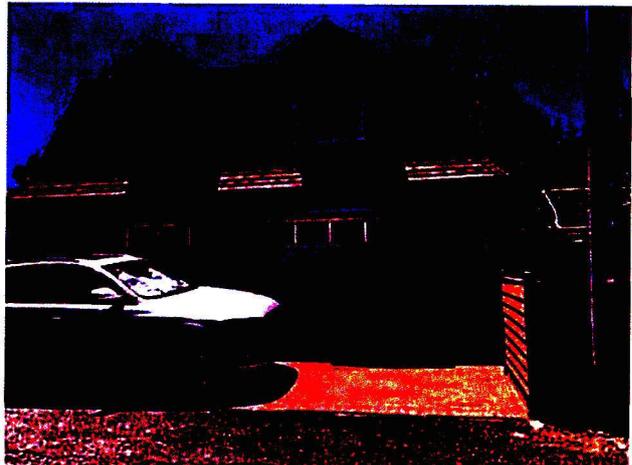
**4. 512/514 Willis St.**

Tiny lot, appears no setback at the front on Willis. Two stories. Only two properties south of Hackitt's alley access.



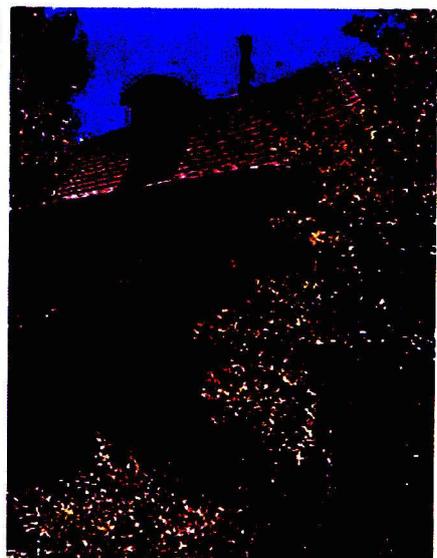
**5. 519 (524) Virginia Pl.**

Detached without a breezeway, two stories, garage with livable above. Appears to be new construction. No side setback on west with 6, much less than 20 feet to street.



**6. 515 Virginia Pl.**

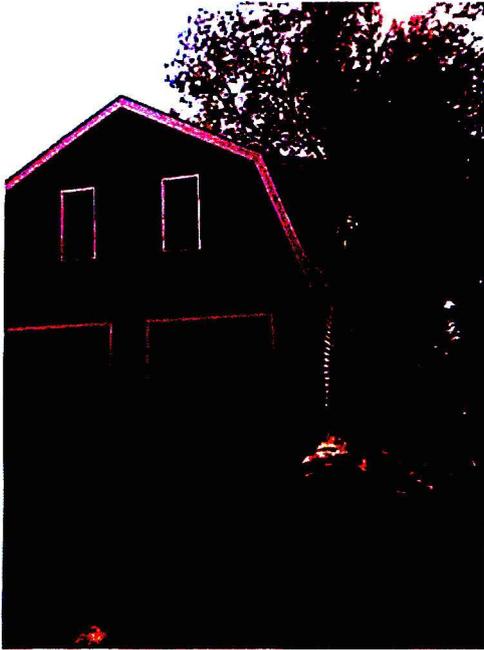
Immediately to the east of Hackitt's proposed project. Detached two story. Appears zero setback to the street, almost no setback on the east side with neighbor 5. Other setbacks around residence appear much less than required.



Two more examples on the block north of Hackitt (off the map).

(left) 327 N. Mt. Vernon: Two story, garage with livable above, appears higher than 20 feet.

(right) 405 N. Mt. Vernon: Two story, appears higher than 20 feet.4



Hackitt back yard, to show the patio with substantial masonry banco built with granite stones salvaged from the house foundation, and fire pit. To push the proposed detached garage/studio back the required 20 feet from the east (alley) property line, pushes into the patio. You can see example 6 beyond in right photo. The blue recycle can is set at the requested southwest corner of the proposed structure, if 10 feet was allowed for the variance. To push the building footprint back 20 feet, wastes the usability of the patio, and transfers that area to the other side of the garage on the alley side, which is only useable for parking, which is the purpose of the garage. Considering many detached garages in this neighborhood are built at the property line (obviously before the zoning regulations which were generically designed for general use was established), this request is not out of character for the neighborhood.

