

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, August 15, 2019
9:00 AM**

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

CALL TO ORDER – Chair Teeters called the meeting to order at 9:00am.

I. ATTENDANCE

Members	
Jerry Kaufman	Ray Everett
Paddie Braden	Stephen Silvernale (Absent)
Johnnie Forquer	Tony Teeters, Chair
Larry Meads, Vice Chair	
Staff	
Bryn Stotler, Community Development Director	Tammy DeWitt, Community Planner
George Worley, Planning Manager	Michelle Chavez, Recording Secretary
Council	
James Lamerson	

II. MINUTES

Approve the minutes of the May 16, 2019 meeting.

Member Kaufman made a motion to approve the May 16, 2019 minutes. The motion was seconded by Member Meads and passed unanimously.

III. PUBLIC HEARING 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.**

George Worley gave a brief overview of the request for a Conditional Use Permit for a tattoo business at 514 E. Sheldon St. He showed an aerial view of the site and explained where conditional use permits are needed. He described the surrounding area, parking, previous uses, surrounding and existing zoning, hours of operation, sign requirements and accessibility.

Ryan Cristan, applicant, explained the accessibility ramp. He indicated to the board that a 10:00 pm closing time is fine. Mr. Worley indicated the hair salon portion of the business is permitted by right.

Member Kaufman made a motion to approve CUP19-002. The motion was seconded by Member Forquer.

Citizen Robert McMeekin spoke regarding parking concerns. Mr. Cristan indicated there is only one employee at the tattoo shop. Mr. McMeekin stated other businesses share the same parking area and he is concerned about traffic and congestion in the residential area behind the tattoo shop and other businesses.

The members and staff discussed parking requirements for the site. Mr. Worley indicated there are 4 spaces required based on the type of the business.

Applicant Ryan Cristan stated most of his business is done between 11am and 6pm and the earliest they would open would be 9am. He indicated that he typically sees less than two cars in the parking lot.

Director Stotler stated she is a patron of the adjacent salon which shares the rear parking lot with the other businesses, including the subject property. She related her experience of having always utilized the on-street parking in front of the salon, rather than the shared parking lot, noting that in her experience, on-street parking appeared to be readily available.

Mr. McMeekin mentioned the 504 building and the surrounding area and that he prefers all the businesses closing at 5pm. Mr. Cristan indicated he is typically done working by 8:00pm.

Member Meads asked if the applicant would be amenable to posting closing hours at 8pm and then after that by reservation only, up to 10pm. He indicated that he was ok with that.

The original motion and second were withdrawn.

Member Meads made a motion to approve CUP19-002 with the condition of hours of operation no later than 8pm and up to 10pm by reservation only. This motion was seconded by member Forquer and the motion passed unanimously.

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.

George Worley gave an overview of the site including an aerial view and surrounding zoning. The current proposal is to construct a garage with a second floor living space. There are two options; one attached garage with a breezeway, and another a detached building with a variance to the height and setback requirements. The maximum size of a detached accessory building cannot be more than 50% of the primary residence. By adding the breezeway, this would allow the size of the new building to be counted toward the primary residence.

Mr. Worley indicated that variances require a hardship. They must not allow a special privilege for a property owner.

The members, staff and applicants discussed the surrounding properties and what heights and setbacks are contained in the area. The structure is just below the 50% threshold whether it is attached or not.

Mr. Worley indicated the area does have old structures. Anything prior to 2003 was built under a different zoning code. There may be existing legal non-conforming uses. If the structure is not attached to the house the maximum height allowed is 20 feet. If it is attached to the home, the maximum height allowed is 35 feet.

Kurt Womack applicant / designer talked about existing setbacks at other properties, proposed breezeway, and lack of other buildings with breezeways. He indicated he was hoping for a compromise between the existing zoning and the right to build the structure in two phases (scenario B). He prefers the option to not build the breezeway and still be allowed to build up to 27 feet high.

Mr. Worley clarified the differentiation between the attached vs. detached building and clarified that the "attached" structure must have a roof and be "functional."

David Hackitt, applicant, indicated they would prefer to have the 10 foot setback and a 27 foot garage / living space with no breezeway. They tried to draw the plans so that the windows were higher on the project.

Citizen John Baker spoke to the board. He indicated he was not aware how tall the structure would be. He did an informal assessment and found 27 homes between Gurley and Sheldon that had 20 single story garages and 1 two story garage. He doesn't feel this building fits into the character of the neighborhood and feels that it gives the owner a special privilege. He is concerned about the privacy issues also.

Mr. Worley indicated this would fall under the State of Arizona guest quarters law. The state amended their rules to allow vacation rentals in any single family zoning. The applicants have not expressed any desire to do this but future owners could choose to do so. The same restrictions apply to guest quarters and they have to share utilities with the main home.

The applicants indicated they only intend to use the guest quarters for family. They also discussed their perception of a hardship based upon existing neighbor structures and lack of space.

Citizen Mike Mirco spoke to the board. He lives behind the property. He won't be able to see it and feels it is a large structure. His other neighbors built guest homes attached to the front of the garage. He would rather see a similar strategy with this project.

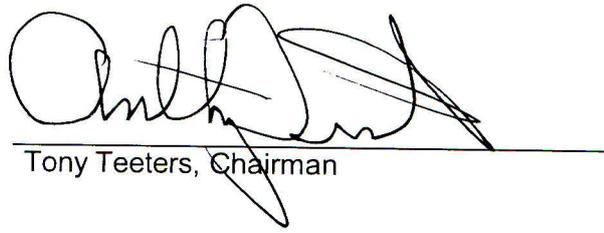
Citizen John Gilway spoke regarding the project and he would like the new structure to match the rest of the neighborhood.

Member Meads made a motion to deny VAR19-002, this motion was seconded by member Kaufman. There were five yeas and one nay (Everett). Motion to deny carried.

IV. ADJOURNMENT

Meeting adjourned at 10:02am.


Michelle Chavez, Recorder


Tony Teeters, Chairman