The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on November 21, 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

<table>
<thead>
<tr>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Silverman</td>
</tr>
<tr>
<td>Raymond Everett</td>
</tr>
<tr>
<td>Paddle Braden</td>
</tr>
<tr>
<td>Tony Teeters, Chair</td>
</tr>
<tr>
<td>Johnnie Forquer</td>
</tr>
<tr>
<td>Jerry Kaufman</td>
</tr>
<tr>
<td>Larry Meads, Vice Chair</td>
</tr>
</tbody>
</table>

II. MINUTES

Approve the minutes of the September 19, 2019 meeting.

III. PUBLIC HEARING ITEMS

1. VAR19-003, Variance to Article 3, Section 3.5.3.F.1 (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25’ front yard setback by 16’9” to allow for a front setback of 8’3” to accommodate the construction of a covered porch. [Zoning: SF-9; Property Owner: Paul Garrow; APN 110-01-077]. Location: 235 S. Mount Vernon Avenue, Prescott, AZ 86303.

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 November 19, 2019 at 12:00pm 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.
CALL TO ORDER – Chair Teeters called the meeting to order at 9:00am.

I. ATTENDANCE

<table>
<thead>
<tr>
<th>Members</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerry Kaufman</td>
<td>Bryn Stotler, Community Development Director</td>
</tr>
<tr>
<td>Paddie Braden</td>
<td>Tammy DeWitt, Community Planner</td>
</tr>
<tr>
<td>Johnnie Forquer</td>
<td>George Worley, Planning Manager</td>
</tr>
<tr>
<td>Larry Meads, Vice Chair</td>
<td>Michelle Chavez, Recording Secretary</td>
</tr>
<tr>
<td></td>
<td>Council</td>
</tr>
<tr>
<td></td>
<td>James Lamerson</td>
</tr>
</tbody>
</table>

II. MINUTES

Approve the minutes of the August 15, 2019 meeting.

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

This motion was withdrawn by Member Meads and Kaufman.

A new motion to approve the minutes was made by member Kaufman with amended language that stated hours of operation no later than 8pm. Motion was seconded by member Meads and passed unanimously.

III. PUBLIC HEARING ITEM


Tammy DeWitt gave a brief overview of the request for a Conditional Use Permit for a tattoo business at 504 E. Sheldon St. She showed an aerial view of the site and explained that a conditional use permit is needed. She described the surrounding area, parking, and hours of operation.
David Noggle the applicant and the BOA talked about apprenticeship and hours. The current hours Mr. Noggle prefers are opening at about 10am to 11am and leaving between 4pm to 6pm. He believes the latest he would be there would be 8pm.

Member Kaurfman made a motion to approve CUP19-003. This motion was seconded by member Forquer. The motion passed unanimously.

IV. ADJOURNMENT

Meeting adjourned at 9:10am

Michelle Chavez, Recorder

Tony Teeters, Chairman
MEETING DATE: 11/21/19

DEPARTMENT: Community Development

AGENDA ITEM: VAR19-003, Variance to Article 3, Section 3.5.3.F.1 (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25' front yard setback by 16'9" to allow for a front setback of 8'3" to accommodate the construction of a covered porch. [Zoning: SF-9; Property Owner: Paul Garrow; APN 110-01-077]. Location: 235 S. Mount Vernon Avenue, Prescott, AZ 86303.

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance to allow a reduction in the required 25' front yard setback by 16'9" to allow for a front setback of 8'3" to accommodate the construction of a 40' by 12' covered porch in a Single-family 9 (SF-9) zoning district.

The applicant's proposed covered porch is along the front of the house, including over the attached garage. The home was built in 1986 and is one of 2 homes on the street that has an attached garage with access from the front of the property. The applicant believes the requested Variance is consistent with other houses along South Mount Vernon Avenue. With the Variance, the applicant has stated that the home will better conform to the neighborhood.

An adjacent neighbor to the north of the subject parcel has issued a letter in support of this addition, without any concerns.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 3.6 Single-family-9 (SF-9), and 9.13 Variances
AGENDA ITEM: VAR19-003, Variance to Article 3, Section 3.5.3.F.1 (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25’ front yard setback by 16’9” to allow for a front setback of 8’3” to accommodate the construction of a covered porch. [Zoning: SF-9; Property Owner: Paul Garrow; APN 110-01-077]. Location: 235 S. Mount Vernon Avenue, Prescott, AZ 86303.

PAST BOARD OF ADJUSTMENT ACTIONS: None, but the request was reviewed by the Historic Preservation Commission who recommended approval.

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 encroaching in the front setback due to they were constructed prior to zoning and setback requirements. Typically a reduced setback may be of concern in considering compatibility. This request was reviewed by the Prescott Preservation Commission and recommended approval 5 to 1.

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 applicant states that of the 61 homes on South Mount Vernon Avenue, only 5 of those homes do not have a front porch. The allowance of the covered porch will be consistent with the other homes in the neighborhood.

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 front setback would still allow adequate space for emergency access, and there are no other detrimental effects with regard
AGENDA ITEM: VAR19-003, Variance to Article 3, Section 3.5.3.F.1 (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25’ front yard setback by 16’9” to allow for a front setback of 8’3” to accommodate the construction of a covered porch. [Zoning: SF-9; Property Owner: Paul Garrow; APN 110-01-077]. Location: 235 S. Mount Vernon Avenue, Prescott, AZ 86303.

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 of the other homes on the street encroach in the front setback due to the homes were built prior to the current setback requirements.

4. Self-induced Hardship (LDC Section 9.13.4.A4). The hardship is not the result of the applicant’s own actions.

Staff Comments: The house was constructed in 1986 and the current owner purchased the home in December of 2004. As constructed, the house meets the required setbacks. While the applicant desires a porch, the Board will need to determine if the proposed porch addition creates a self-imposed hardship.

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 in regards to having a front covered porch.

NEIGHBORHOOD COMMENTS:
Staff has received 1 letter of support from a neighbor located 2 houses to the north of the subject property.

Attachments:

1. Location/Aerial Map
2. Application, Site Plan, Floor Plan, and Rendering
3. Staff photographs of site
4. Public comments
AGENDA ITEM: VAR19-003, Variance to Article 3, Section 3.5.3.F.1 (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25’ front yard setback by 16’9” to allow for a front setback of 8’3” to accommodate the construction of a covered porch. [Zoning: SF-9; Property Owner: Paul Garrow; APN 110-01-077]. Location: 235 S. Mount Vernon Avenue, Prescott, AZ 86303.

SUGGESTED MOTION:

Move to Approve/Deny VAR19-003, to reduce the front yard setback to 8’3” to allow the addition of a covered porch to the house.
1. The special and unique condition of South Mount Vernon Avenue is 99.9 percent of the homes have a front porch. In granting a Variance, our home will better conform to the neighborhood.

2. The literal interpretation 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. 61 homes are on South Mount Vernon Avenue. Only 5 of those homes do not have a porch. South Mount Vernon Avenue is from West Gurley Street to the beginning of the Senator Highway.

3. Adding a porch is consistent with the overall look of South Mount Vernon Avenue. No alleged hardships are caused by the literal interpretation of the provisions of the Zoning Ordinance.

4. Only .08 percent of the homes on South Mount Vernon Avenue do not have a porch; granting the variance will be more consistent with the 99.9 percent of the existing homes. No special privilege will result.

5. Conforming more with the look of South Mount Vernon Avenue will enhance the overall street. Granting the variance will not interfere with or injure the rights of other property owners.
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.

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.

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).

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.

5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.
VARIANCE SUBMITTAL REQUIREMENTS
Land Development Code, Article 9.13.

Purpose. The Board of Adjustment shall have jurisdiction to hear requests for a Variance from the terms of the LDC as outlined in Section 8.4, Board of Adjustment, and ARS 9-462.06(O)(2) and (H)(2). The Board of Adjustment shall be authorized to grant a Variance from the terms hereof if the Board finds that the strict enforcement of this code would create a substantial hardship to the applicant by virtue of unique special conditions not generally found within the vicinity, that the granting of the Variance would preserve the spirit and intent of the Ordinance, would serve the general interests of the public and the applicant, would preserve public health, and safety; and welfare may be secured, and substantial justice done.

Applicability. All sections of the LDC are considered binding unless relief is granted through one of the following processes:

Administrative Adjustments. A Variance request up to 10 percent of height, bulk, setback and other site-related standards may be treated as an administrative adjustment subject to the requirements of the LDC Section 9.16, Administrative Adjustments.

Variances. All other requests for Variance are subject to review and approval by the Board of adjustment. All Variance applications are subject to the standards of this section.

Council Approvals. Modifications to the otherwise required development standards through City Council actions on a Planned Area Development, a subdivision waiver, or a Special Use Permit.

Pre-Application Process. Prior to the submission of an application for a Variance, all potential applicants are required to attend a Pre-Application Conference (PAC). The purpose of the conference is to respond to any questions that the applicant or the City may have regarding the application.

Application Submittal. A complete application for a Variance shall be submitted to the Community Development Director as set forth in LDC Sec. 9.1.3, Application Forms and Fees and Sec 9.1.5 Application Completeness.

Public Notification. Upon receipt of a complete application, public notices shall be issued in accordance with LDC Sec. 9.1.7, Public Notice. Additional notice may also be provided to parties having specific interest in the application, in accordance with the provisions of LDC Sec. 9.1.10, Additional Notice.

Review by Community Development Director. Upon receipt of a complete application, the Community Development Director shall review the proposed Variance for compliance with criteria enumerated in Sec 9.13.4. The Director shall then prepare a report for presentation to the Board of Adjustment and schedule a public meeting.

Board of Adjustment Action. The Board of Adjustment shall review the application in a public hearing and vote to approve, approve with conditions, or deny the Variance.

Written Decision. The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant within 15 days from the decision.

Variance Criteria. The Board of Adjustment shall take into account the proposed use of the land involved, the surrounding land uses, and the possibility that a nuisance will be created. In addition, any probable effect of such Variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity shall be considered. The following criteria shall be considered:
VIEW LOOKING NORTH
HOMES LOCATED ACROSS THE STREET
November 5, 2019

City of Prescott
Board of Adjustment

RE: VAR 19-003 - 235 S. Mt. Vernon, (APN: 110-01-077),

Board,

Thank you for the notification of this public hearing and the work you do. We are unable to attend the November 21st hearing so we have decided to write this letter to voice our opinion of the requested variance to existing setback requirements.

We support the proposed variance and believe that the planned porch will add to the beauty and curb appeal of the home. Additionally, the proposed setback and porch are consistent with the improvements to other homes along Mount Vernon as most of the existing homes have porches and many do not meet the required setback according to code.

Thank you for taking our feelings into consideration. Feel free to contact us if you have any questions.

Respectfully,

Bob & Sue Beyea