

BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, February 20, 2020
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 February 20, 2020 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 December 19, 2019 meeting.

III. PUBLIC HEARING ITEMS

- V20-001:** Variance to Article 3, Section 3.6.3. (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25' front yard setback by 22.5', to allow for a front setback of 2.5', to accommodate the construction of a detached carport. [Zoning: SF-9; Property Owner: Cat & Lance Moody; APN: 109-07-042B; .21 Acres]. Location: 414 Perry St. Prescott, AZ 86303.

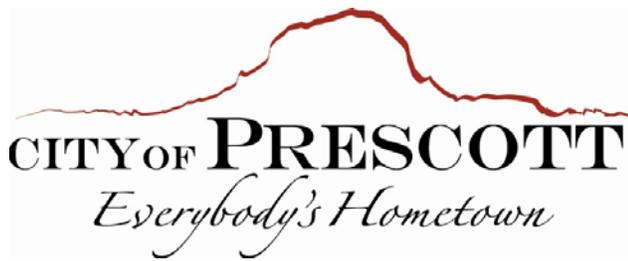
IV. ADJOURNMENT

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 _____ at _____ in accordance with the statement filed with the City Clerk's Office.

Sarah Siep, 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.



BOARD OF ADJUSTMENT MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, December 19, 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 (Absent)
Paddie Braden (Absent)	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
Kaylee Nunez, Recording Secretary	
Council	
Steve Sischka	

II. MINUTES

Approve the minutes of the November 21, 2019 meeting.

Member Kaufman made a motion to approve the November 21, 2019 minutes. The motion was seconded by Member Meads and the motion passed unanimously.

III. PUBLIC HEARING ITEM

1. VAR19-004, Variance to Article 3, Section 3.4.3. (Single Family-18/ Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 15’ rear yard setback by 7’ to allow for a rear setback of 8’ to accommodate the construction of a covered patio. [Zoning: SF-18(PAD); Property Owner: J. Doran Greenberg; APN 107-24-054]. Location: 1520 Cougar Trail, Prescott, AZ 86303.

Community Planner Tammy DeWitt gave a brief overview of the request for a variance at 1520 Cougar Trail. She explained that the property is found within a Planned Area Development known as Hidden Valley Ranch. She also showed aerial views of the site along with street and perspective views.

Applicant, staff and board members discussed characteristics of adjacent lots, building limitations due to topography, and weather and safety issues with the current (uncovered)

patio. HOA approval was addressed, which is separate from the Board's decision and is still pending. The applicant also clarified that she will apply for building permit once HOA approves her plans.

Citizen Jeff Phillips voiced his concerns about the pitch of the roof on the proposed patio as well as potential encroachment of patio posts on a nearby drainage area. Member Meads clarified that we are only approving a setback reduction, not the design of the patio cover.

Citizen Mark Fredstrom voiced his concerns about the design of the patio cover as well as the possibility of enclosing the structure. Member Meads and Tammy Dewitt clarified that the applicant would have to re-apply to the Board if she were to desire an enclosed patio. Ms. Dewitt clarified that screening the patio would not require this Board's approval, however.

Member Meads made a motion to approve VAR19-004. This motion was seconded by Member Forquer. The motion passed unanimously.

IV. ADJOURNMENT

Meeting adjourned at 9:22 am

Kaylee Nunez, Recorder

Tony Teeters, Chairman



BOARD OF ADJUSTMENT

MEETING DATE: February 20, 2020

DEPARTMENT: Community Development

AGENDA ITEM: V20-001: Variance to Article 3, Section 3.6.3. (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25' front yard setback by 22.5', to allow for a front setback of 2.5', to accommodate the construction of a detached carport with storage. [Zoning: SF-9; Property Owner: Cat and Lance Moody; APN 109-07-042B]. Location: 414 Perry Street, Prescott, AZ 86303.

Approved By:

Date:

Director:	Bryn Stotler	<i>BS</i>	<i>2/14/2020</i>
Planning Manager:	George Worley	<i>GW</i>	<i>2/13/2020</i>
Community Planner:	Tammy DeWitt	<i>TD</i>	<i>2-13-2020</i>

REQUEST AND JUSTIFICATION:

The applicant is requesting a Variance to allow a reduction in the required 25' front yard setback by 22.5' to allow for a front setback of 2.5' accommodating the construction of a detached carport with storage in a Single-Family 9 (SF-9) zoning district.

The applicant's proposed carport is adjacent to a turnaround easement that was required by the Fire Department due to the property is located at the end of an alley right-of-way and there was no room for a fire truck to turn around. Due to the slope of the property and the required turnaround, there was limited area for the house to be placed. The home does not have a garage and there is limited area for a detached structure due to large granite boulders throughout the property and the required fire turnaround.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 3.4 Single-Family-9 (SF-9), and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None.

AGENDA ITEM: V20-001: Variance to Article 3, Section 3.6.3. (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25' front yard setback by 22.5', to allow for a front setback of 2.5', to accommodate the construction of a detached carport with storage. [Zoning: SF-9; Property Owner: Cat and Lance Moody; APN 109-07-042B]. Location: 414 Perry Street, Prescott, AZ 86303.

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:

There are other parcels along the alley to this property that have detached accessory buildings that go up to the property line. The proposed carport with storage is smaller in size to the existing structures adjacent to the access road leading to this property.

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 property is impacted by large granite boulders, topography, and the fire turnaround which takes up a majority of the flat buildable area in the front setback area.

- 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 allow for a covered parking area and a small storage area, and there are no other detrimental effects with regard to public health, safety, or welfare on other properties in the area.

AGENDA ITEM: V20-001: Variance to Article 3, Section 3.6.3. (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25' front yard setback by 22.5', to allow for a front setback of 2.5', to accommodate the construction of a detached carport with storage. [Zoning: SF-9; Property Owner: Cat and Lance Moody; APN 109-07-042B]. Location: 414 Perry Street, Prescott, AZ 86303.

- 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: The requested setbacks do not grant the applicant special consideration as compared to other existing structures nearby. The reduced setbacks will result in an accessory structure located on the lot in a manner similar to the adjacent lots and to other nearby lots adjacent to the alley. As such, no special privilege would be conferred on the applicant by the granting of this request.

- 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 location to build a house was very limited due to the topography, boulders, and the fire turnaround.

- 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: The proposed accessory building could not be constructed without this variance. There is no other location on the property to construct a carport. The special circumstances (topography and fire turnaround) of the site deprive the applicant of options available to other properties in the district.

NEIGHBORHOOD COMMENTS:

Staff has not received any correspondence from any of the neighbors at this time.

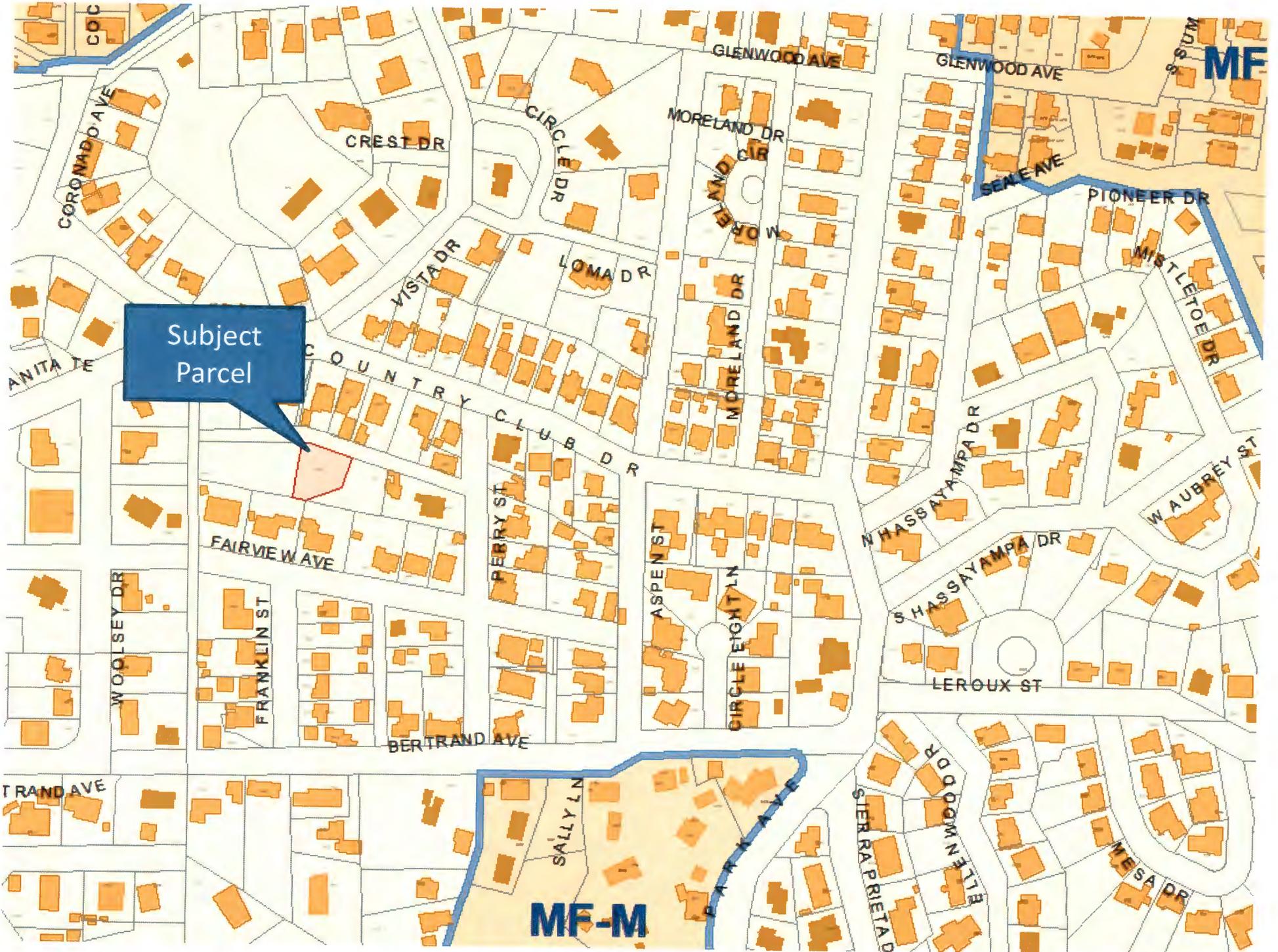
Attachments:

- 1. Location/Aerial Map**
- 2. Application**
- 3. Site Plan**
- 4. Staff photographs of site**

AGENDA ITEM: V20-001: Variance to Article 3, Section 3.6.3. (Single Family-9/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction in the required 25' front yard setback by 22.5', to allow for a front setback of 2.5', to accommodate the construction of a detached carport with storage. [Zoning: SF-9; Property Owner: Cat and Lance Moody; APN 109-07-042B]. Location: 414 Perry Street, Prescott, AZ 86303.

SUGGESTED MOTION:

Move to Approve/Deny VA20-001, to reduce the front yard setback by 22.5', resulting in a 2.5' front setback, for a detached carport with storage.



Subject Parcel

MF

MF-M



Subject Parcel

VARIANCE QUESTIONNAIRE

V20-001

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.

ROCK OUTCROPS, STEEP SLOPE, FIRE TRUCK
TURN-AROUND ON UPPER PORTION OF LOT, AND LOT
FRONTS AN ALLEY.

- 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.

OTHER PROPERTIES HAVE GARAGES AND CARPORTS INSIDE
SETBACKS - GARAGE ACROSS ALLEY AT 813 COUNTRY CLUB DR.

OTHER CARPORTS - 824 BERTRAND AVE, 415 CARSON DR,
131 VISTA DR

- 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).

DUE TO THE FIRE TRUCK TURN-AROUND AND ROCKY, STEEP
SITE THERE IS NO OTHER LOCATION AVAILABLE FOR A
CARPORT. THERE IS NOT A GARAGE ASSOCIATED WITH THE HOUSE.

- 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.

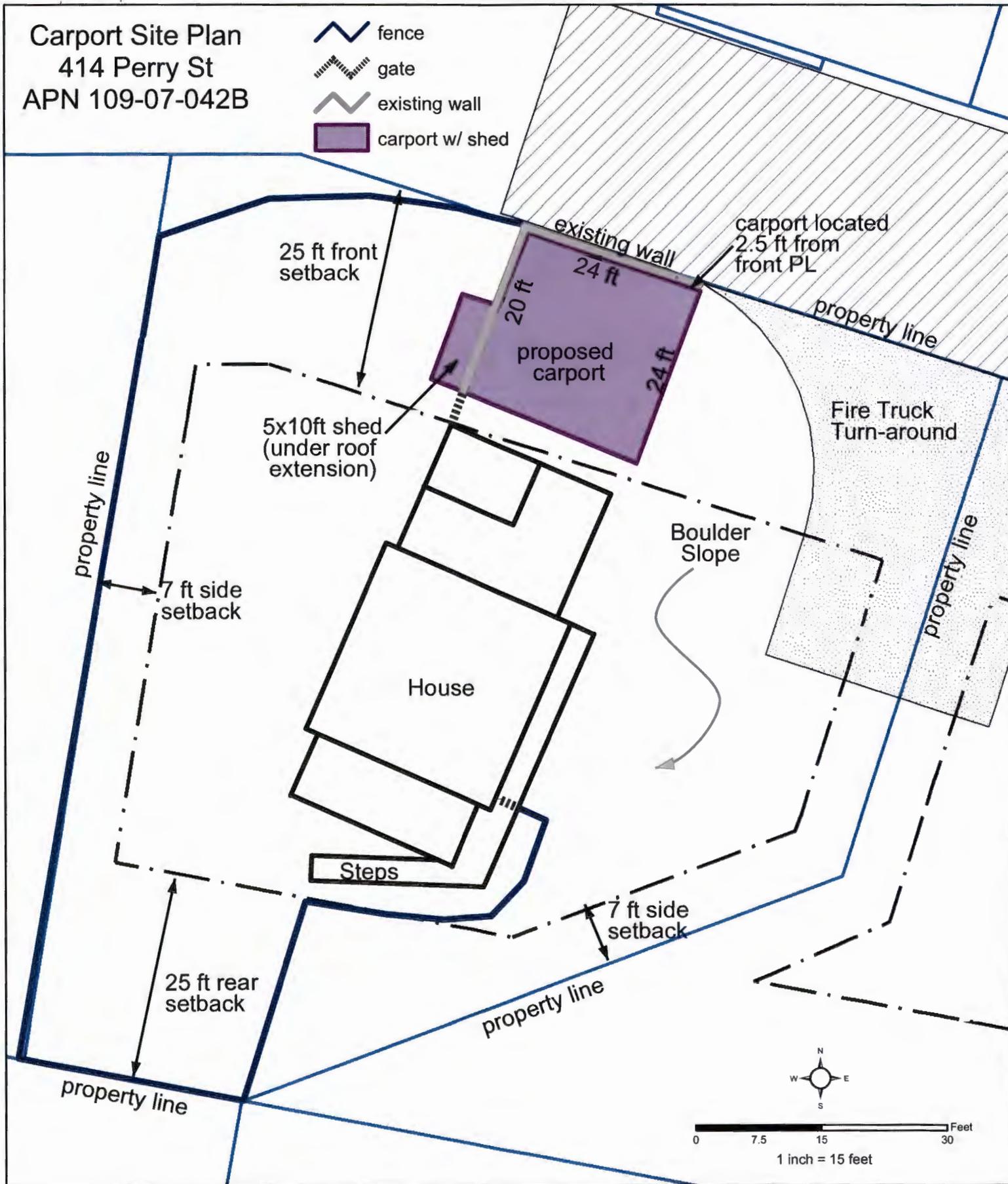
VERY FEW LOTS FRONT AN ALLEY IN SF-9 DISTRICTS.
THERE ARE OTHER GARAGES AND CARPORTS WITHIN SETBACKS
NEARBY.

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

MOST PROPERTIES DO NOT FRONT AN ALLEY, ^{OR} AND HAVE
TO PROVIDE A FIRE TRUCK TURN-AROUND ON A
STEEP, ROCKY SITE.

Carport Site Plan
414 Perry St
APN 109-07-042B

-  fence
-  gate
-  existing wall
-  carport w/ shed





Area of
proposed
carport

Required Fire Turnaround Area

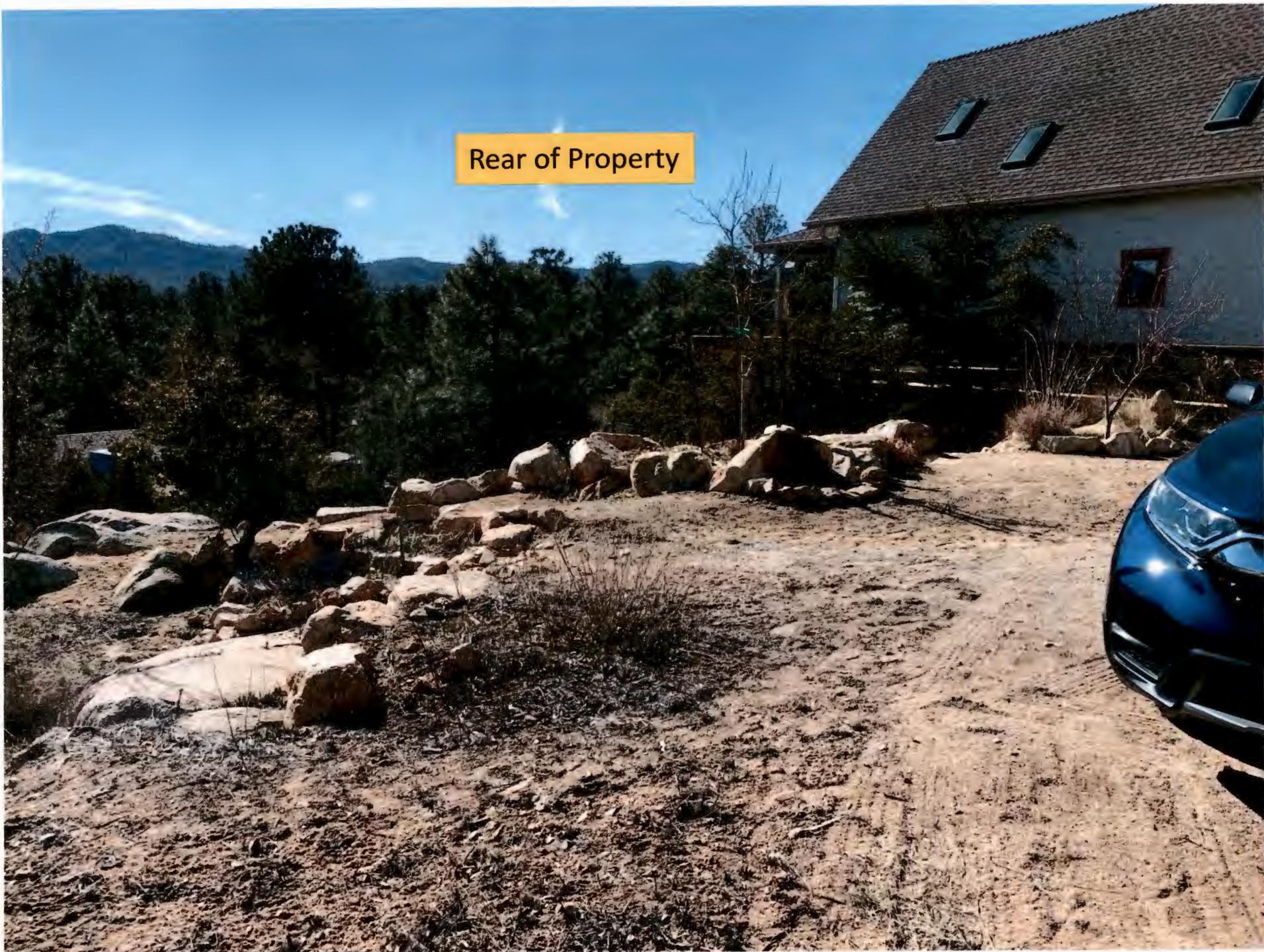


Area of proposed carport

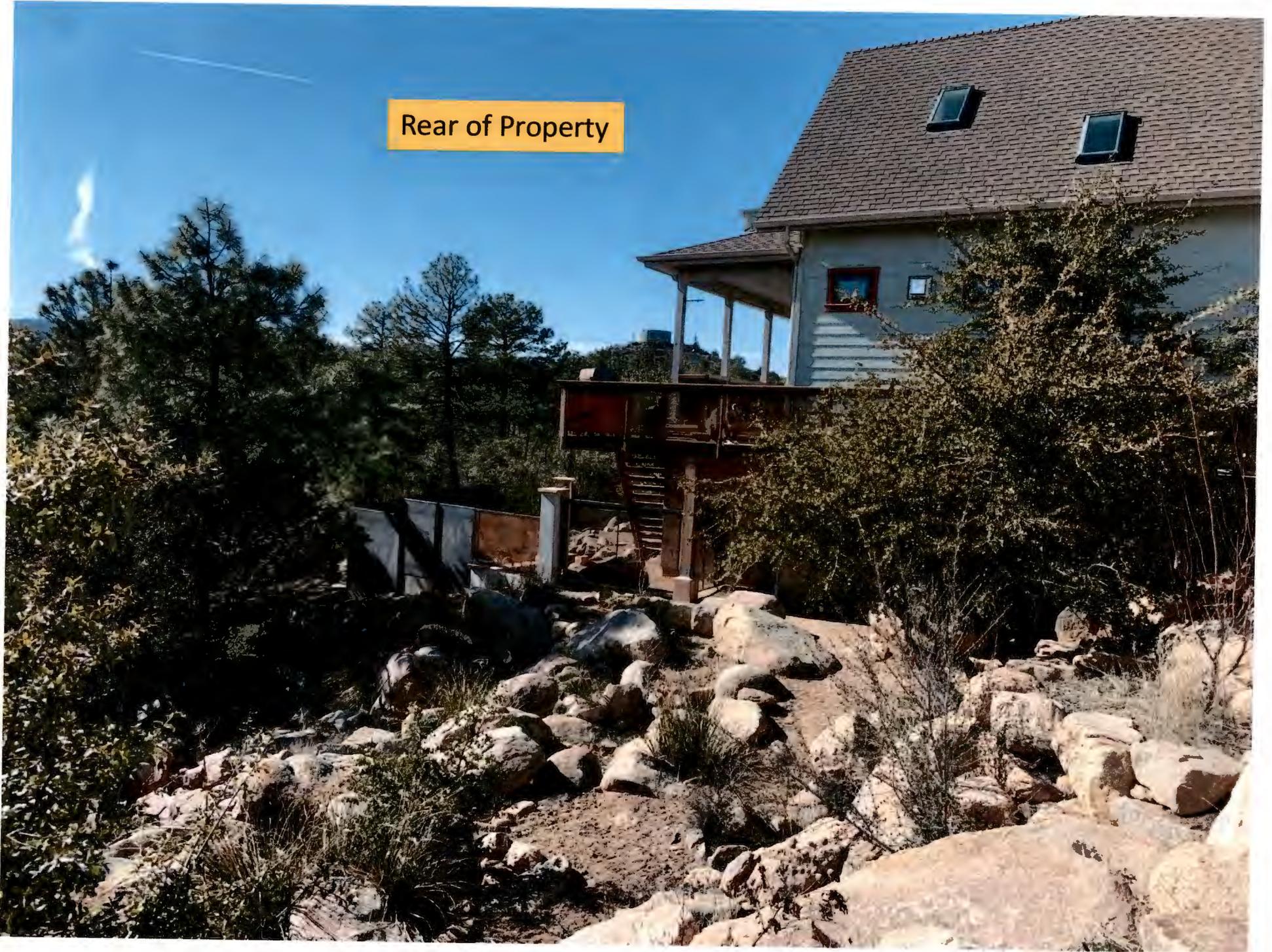
Roadway

Required Fire Turnaround Area

Rear of Property

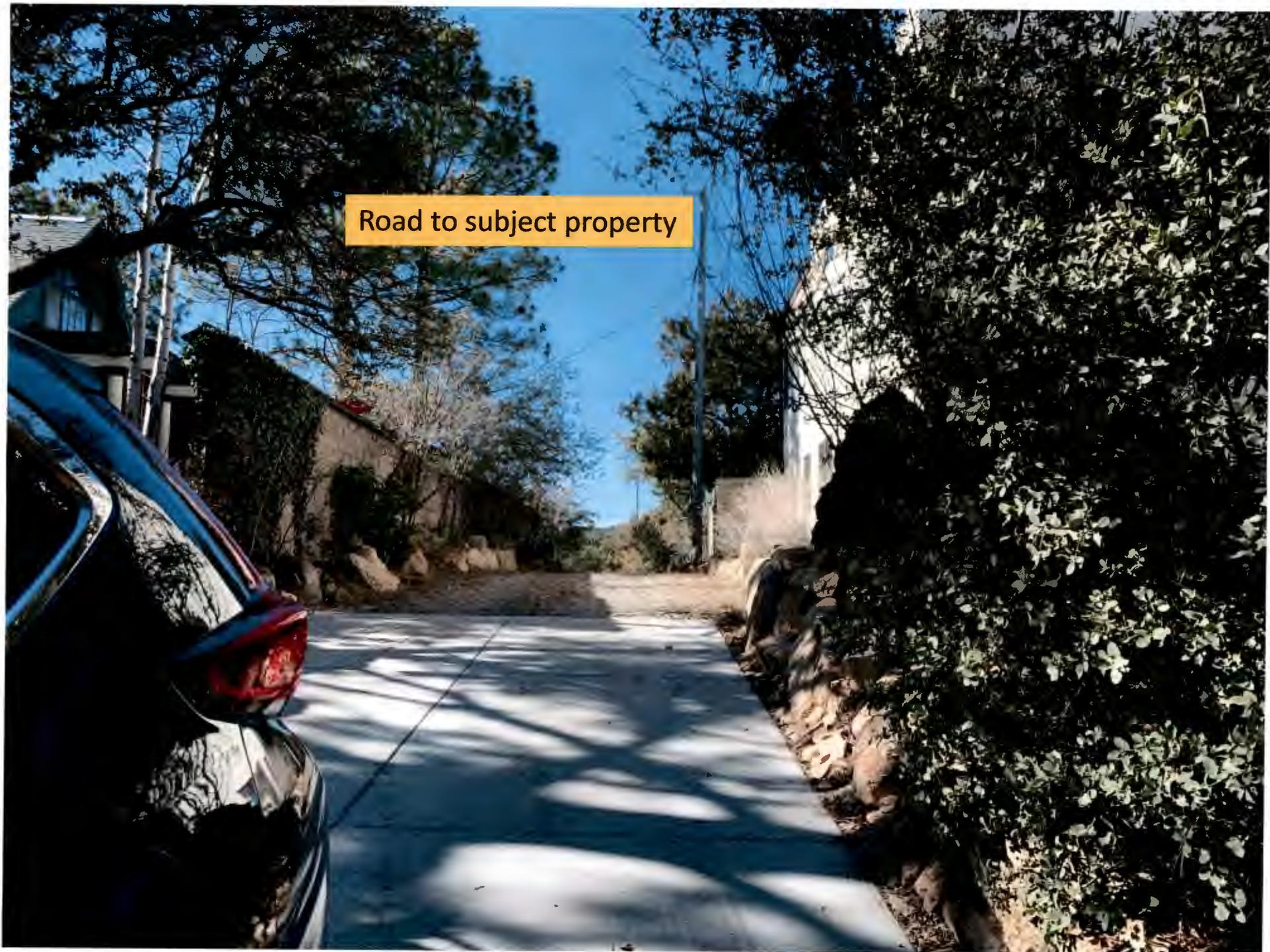


Rear of Property





Access to subject property



Road to subject property