



BOARD OF ADJUSTMENT MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, July 15th, 2021
9:00 AM**

**Zoom Meeting + Council Chambers
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

CALL TO ORDER – Chair Lamerson called the meeting to order at 9:00 AM.

I. PLEDGE OF ALLEGIANCE

II. ATTENDANCE

Board Members	
Jim Lamerson, Chair	Mark Hokeness, Zoom
Tony Teeters, Vice Chair	Larry Meads
Thomas Davis	James Myers
Mary Frederickson	
Staff	
Bryn Stotler, Community Dev. Director	Kimberly Blanco, Recording Secretary
George Worley, Planning Manager	
Tammy DeWitt, Community Planner	
Council	
Phil Goode	

III. MINUTES

Approve the minutes of the April 15th, 2021 Board of Adjustment meeting.

Member Teeters made a motion to approve the April 15th, 2021 minutes. The motion was seconded by Member Meads and passed unanimously (7-0).

IV. PUBLIC HEARING ITEMS

- V21-004**, Variance to Article 3, Section 3.5.3.F. (Single Family-12/Minimal Setbacks) of the Land Development Code (LDC) to allow a reduction of the required 25' front setback by 8' to allow for a 17' front setback and a Variance to Section 3.5.3.E (Single Family-12/Maximum Building Height) to allow an increase of the required 35' building height by 7' 8" to allow for a building height of 42'8" for a new single family residence on a 0.46 acre parcel. [Zoning: SF-12; Property Owner: Timothy Dufour; Agent: Crystal Creek Builders, Inc.; APN 112-10-307]. Location: 3132 Rainbow Ridge Dr., Prescott, AZ 86303.

George Worley, Planning Manager, presented the item V21-004 at 3132 Rainbow Ridge Drive. He presented a zoning map of the subject property which borders the Prescott National Forest. Mr. Worley stated the zoning is BG and he acknowledged a typo within the staff report heading, noting that the front setback is 25 feet, not 35 feet. Next, the

Site Plan was presented, depicting where the driveway is situated in relation to the house and garage. The request is for the garage to have a 17 foot setback rather than the required 25' from the front property line, and to allow a building height exception of 42'8" where a maximum 35' height is allowed. A reduced setback would require less grading and filling. The City Code encourages less grading and filling on steep slopes to protect hillside integrity from erosion damage. Mr. Worley acknowledged the unique character of the neighborhood consists of steep slopes impacting most lots. The houses in this area are significantly below street level view, which supports a view to the national forest. The height adjustment requested would be 4 feet above street level, visually. The height requested does not impede the view shed for any other owners in the vicinity. Mr. Worley stated the planning division recommends approval of V21-004.

Mr. Worley stated that the neighboring property owner has requested to address the Board next.

Chair Lamerson stated he must excuse himself early due to another commitment, and the meeting will continue with Tony Teeters, Vice Chair, leading the proceedings.

Robert Von Esch, 3136 Rainbow Ridge, stated he had filed an objection because when he initially read the application he had envisioned the house towering over the other houses. He then spoke with another neighbor at 3128 Rainbow Ridge, who explained the rendition. Mr. Von Esch stated that Mr. Dufour, homeowner,, would have the same ambulatory service issues that he has due to the steep slope. Mr. Von Esch then asked Mr. Worley to clarify the concern. Mr. Worley clarified that the steepness of the driveway is a concern for emergency personnel. Mr. Von Esch then rescinded his objection and encouraged approval of the requests.

Applicant Scott Nalda with Crystal Creek Builders addressed the Board, stating he is available to answer any questions the Board may have.

Member Meads asked Mr. Worley if variances are common in situations like this one. Mr. Worley affirmed they are because steeper slope lots and unusual topography are the vast majority of the variances received before the Board. Member Meads asked if the neighboring properties requested variances for their builds. Mr. Worley stated he did not find a variance request from the properties to the north or south. He stated that local requirements can change over time and the builds may have met the requirements at the time. The steepness concern for emergency personnel is far more recent than the construction of the neighboring properties.

Thomas Davis, board member, states he had visited the site and the homes further north and south on the road appeared to have benefited from the reduced setback, like the applicant's request. Mr. Worley stated that he did not check the other properties for variances, only the two abutting properties. Mr. Davis asked for clarification if the property is zoned SF- 6 or SF-12. Mr. Worley clarified the zoning is SF-12.

Jim Meyers, board member, stated that the request is more than 30% of the allowance between the structure and the street. He asked the applicant if that is enough space for the driveway to be placed where the homeowner wants it. Mr. Nalda stated yes, he has been communicating with the fire department, who has indicated they prefer to move away from steeper driveways. This informed their decision to move the build up the hill to mitigate the steep slope. He noted the cost has increased for the property owner.

Mary Frederickson, board member, asked if the driveway goes down to the house itself. Mr. Nalda responded that the drive way connects to the garage to soften the slope; it does not connect directly to the house. Mr. Worley clarified that steps with hand railing will be included for safe access. Access to the house is at the same level as the garage. Member Frederickson asked Mr. Worley if the codes for driveways have changed over time. He responded affirmatively, noting that the Codes for slope disturbance and stabilization have been updated over time.

Mr. Nalda clarified that the high point for the roof of the home is three feet above the height allowance, and the chimney is what extends higher, constituting most of the height exception request.

Mark Hokeness, Board member, asked if approved, will the building height be restricted to the height of the chimney and parapet, or could the plans change to elevate the entire roof to the height allowance requested. Mr. Worley responded that the variance allowance is connected to the application as presented, and if the building plans change significantly then the variance process would need to be repeated.

Member Meads made a motion to approve V21-004. The motion was seconded by Member Meyers. The motion passed 6-0. (Chair Lamerson was absent for the vote.)

- 2. CUP21-005**, 1201 Unit 1 Iron Springs Rd, APN: 115-09-042F. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business General (BG). Request for a Conditional Use Permit for a Tattoo business. Property Owner: Xerxes Development LLC. Applicant: Ryan Cristan (Still Vision Tattoo).

Tammy DeWitt, Community Planner, presented an overview of CUP21-005 for Still Vision Tattoo. She stated the use is allowed in the zoning district and the Board must consider if there are any stipulations or conditions that should be added (i.e. hours of operation.) Ms. DeWitt displayed an aerial and zoning map of the property, noting there is adequate parking for the business. She presented photos of the site which indicated the tattoo shop is not visible from the parking area. It was noted that the hours of operation indicated on the application are 11am to 8pm, which is compatible with surrounding businesses. Planning staff recommended approval of the CUP with no conditions, or with conditions as delineated by the Board.

Member Meads asked if in addition to the tattoo service, will there will be a rock climbing wall. Ms. DeWitt clarified that the climbing wall was for a previous business and the zoning would still allow that activity by right.

Member Frederickson asked for clarification on operation hours. She notes the application indicates hours of operation from 11am -10pm and the agenda indicates 11am-8pm. Ms. DeWitt clarified that operating till 10 pm is still consistent with the surrounding business uses, and would not limit the parlor to end operations at 8pm if approved without the time specified.

Ryan Cristan, applicant, addressed the Board, noting that the agenda states the address as Unit 1 when they are located in Suite 7. Ms. Dewitt stated staff uses the legal address

to identify the property, which may be different from how the building suites are identified.

Mr. Cristan went on to request approval for hours to extend to 10pm rather than 8pm, considering the surrounding commercial character.

Member Davis made a motion to approve CUP21-005 with no conditions. The motion was seconded by Member Meads. The motion passed 6-0 .

3. STAFF UPDATES

None.

4. ADJOURNMENT

Meeting adjourned at 9:33 am.



Jim Lamerson, Chair



Kimberly Blanco, Recording Secretary