

BOARD OF ADJUSTMENT MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, August 19th, 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
Tony Teeters, Vice Chair	Larry Meads
Thomas Davis	James Myers, Absent
Mary Frederickson	
Staff	
Bryn Stotler, Community Dev. Director	Kaylee Nunez, Recording Secretary
George Worley, Planning Manager	
Tammy DeWitt, Community Planner	
Council	
Phil Goode, Liaison	

III. MINUTES

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

Board Member Davis made a motion to approve the July 15th, 2021 minutes with corrections made. The motion was seconded by Vice Chair Teeters and passed unanimously (6-0).

IV. PUBLIC HEARING ITEMS

- CUP21-004**, 4920 Willow Creek Road, APN: 106-02-005N. Land Development Code (LDC) Sections 3.2 and 9.3. Zoning is Residential (RE-2 ACRE). Request for a Conditional Use Permit for a Church. Owner: Yavapai Orthodox Presbyterian Church. Applicant: Distinctive Homes and Architecture. Staff: Tammy DeWitt, Planner

Community Planner Tammy Dewitt presented aerial and zoning maps of the subject property and clarified that it is a legal non-conforming parcel due to its size but that it still must meet setback and lot coverage requirements of the RE-2 Acre district. Ms. Dewitt also presented a site plan provided by the applicant as well as site photos detailing site access and adjacent parcel(s). Staff suggests a motion to approve/deny the application with the following conditions:

- The CUP approval and subsequent construction of an approximate 5984 square foot sanctuary and parking area.
- Additional activities outside regular service Sunday mornings and evenings; Wednesday evening services; and occasional wedding ceremonies must be approved by the Community Development Staff, who may require approval by the Board of Adjustment.

Board Member Thomas Davis asked for clarification regarding tying the approval of this item to a specific site plan—Ms. Dewitt clarified that the CUP approval would not be tied to a site plan.

Board Member Larry Meads expressed concern about the lighting, height of the building and asked whether this was an expansion of the church on adjacent property. Ms. Dewitt clarified that it is not an expansion, it is a separate church. She answered that the height would have to meet all criteria of the Land Development Code (LDC) and explained that the lighting schematic(s) have not been received yet but would also have to meet all criteria of the LDC.

Board Member Mary Frederickson asked whether the notices to neighbors included a site plan—Ms. Dewitt explained that it did not but they were provided with information to contact staff if they desired additional documentation. Board Member Frederickson also asked whether the Church intends to regularly have events with meals in the courtyard.

Project Architect Tom Terry explained that courtyard was intentionally designed to be near the front of the property facing Willow Creek Road to direct noise and activity away from the residential (west) side. Mr. Terry also clarified that the referenced, future play area would be in the courtyard as well.

Chairman Jim Lamerson expressed concern about traffic impacts and lighting. Ms. Dewitt explained that the City traffic engineer reviewed the traffic situation in a Pre Application Conference (PAC) and did not see a need for a Traffic Impact Analysis (TIA). She also explained that lighting will be reviewed during the building permit review.

Board Member Meads made a motion to approve CUP21-004 with conditions recommended by staff as well as review date of 1 year post Certificate of Occupancy after which the application will be re-reviewed by the Board of Adjustment for conformance to conditions and assessment as to whether any new conditions need to be applied. The motion was seconded by Board Member Teeters. The motion passed unanimously (6-0).

2. **V21-003**, Variance to Article 3, Section 3.2.3.F. (Residential- 2 Acre/Minimal Setbacks) of the Land Development Code (LDC) to allow a reduction of the required 35' side setbacks on both sides by 12'4" to allow for 22'8" side setbacks for a new church on a 1.03 acre parcel. [Zoning: RE-2 Acre; Property Owner: Yavapai Orthodox Presbyterian Church; Agent: Distinctive Homes and Architecture; APN 106-02-005N]. Location: 4920 Willow Creek Road. Staff: Tammy DeWitt, Planner

Ms. Dewitt presented a site plan of the proposed project. She explained that the applicant desired to make the structure wider so that they would not have to encroach into the rear parking area in order to achieve their desired square footage. Staff suggests a motion to approve/deny the Variance request as is.

Board Member Mark Hokeness asked whether the parking area would be encroaching into the side setbacks as well—Ms. Dewitt answered that it would not.

Board Member Frederickson asked the applicant about utilizing additional space near the front of the property (towards Willow Creek) to expand the building.

Mr. Terry answered that the church desires to have a children's program, which would operate in the courtyard area; they had to widen the design of the building in order to accommodate such.

Board Member Meads dropped off the Zoom call at 9:32 AM due to technical difficulties and rejoined at 9:44 AM

Prescott resident Judith Merrell expressed her concern that nearby residents did not have sufficient notice; specifically that the postings on site were not clearly visible. Ms. Merrell also expressed her opinion that the applicants should have found a larger parcel or bought additional, adjacent land in order to accommodate their project properly.

Co- applicant and contractor Keith Levin emphasized that the applicant could have put the playground(s) and parking around the exterior of the parcel but they felt putting the childrens' area in the courtyard was a safer and more considerate option.

Vice Chairman Teeters asked what the setbacks would be if the subject parcel were zoned appropriately for its size (SF-25); Ms. Dewitt clarified that they would be 12' on the side.

Board Members Meads and Davis expressed their concerns that this application doesn't quite meet a sufficient hardship in order to warrant a variance.

Board Member Frederickson added that she feels the best option would be for the applicant to try and purchase a 'strip' of land from the southern, adjacent parcel owner so that they could meet their needs without requiring a variance.

Board Member Hokeness made a motion to deny V21-003. The motion to deny was seconded by Board Member Meads. The motion passed unanimously (6-0).

- 3. V21-005**, Variance to Article 3, Section 3.4.3.F. (Single Family-18 / Minimal Setbacks) of the Land Development Code (LDC) to allow a reduction of the required 25' rear setback by 9'4" to allow for 15'8" rear setback for a new single family residence on a 0.78 acre parcel. [Zoning: SF-18; Property Owner: Daniel and Katherine Morse; Agent: Nanke Signature Group LLC; APN 115-07-188A]. Location: 1348 Westridge Drive. Staff: Tammy DeWitt, Planner

Community Planner Tammy Dewitt presented aerial and zoning maps of the subject property. She explained that a topographic exception was discussed, yet the 10% adjustment it allows was not sufficient for the applicant's desired setback. Ms. Dewitt also mentioned that staff received two letters of opposition from neighbors which were included in Board Members' packets. Staff recommends a motion to approve/deny the variance request as is.

Board Member Frederickson asked whether the applicant is desiring a variance due to topography, aesthetics or costs.

Applicant and project architect and contractor, Jared Nanke with Nanke Designs, explained that they have a variety of obstacles to try to design and construct the home appropriately, and that costs and aesthetics are their main concerns.

Board Member Meads shared that he visited the project site yesterday and that it is pretty well naturally screened from every direction except the northwest corner. However, he noted the neighbor to that rear corner would have a sufficient obstruction of views as their current view is primarily of the subject lot itself and not beyond.

Neighbor Ruth Schepler, who resides in the aforementioned residence to the rear, explained that she incurred significant costs to meet the proper setbacks when her home was constructed. She expressed her belief that it will create an unfair precedent where other new builds will want Variances, whereas the current homeowners have met all the setback requirements.

David Neuer, neighbor, explained the he too conformed to the required setbacks and also incurred significant expenses by doing so. He also feels his view will be significantly impacted.

Jerry Wilder, nearby resident explained that he isn't adjacent to the subject property but that he walks and drives by frequently so he saw the posted notice—he has concerns that the Variance is over 1/3 of what is required and that it will encroach on the quality of life of its neighbors. He also feels the current layout is dangerous in regards to the proposed access point which is on a very busy, blind corner.

Board Member Meads asked whether the driveway access would be located as the site plan indicates and if the approval of this variance would somehow grant an approval of such. Ms. Dewitt explained that it would not, that this Variance request is for the rear setback only and that the access point would be evaluated by Public Works during building permit review.

Board Member Davis expressed that the proper setbacks and overall buildability of this lot should have been addressed a 'long time ago' and as such, this new request primarily for economic reasons is not a sufficient hardship.

Board Member Davis made a motion to deny V21-005. The motion to deny was seconded by Vice Chairman Teeters. The motion passed unanimously (6-0).

4. **V21-006**, Variance to Article 2, Section 2.7.3.E.4. (Accessory Structure Height) of the Land Development Code (LDC) to allow an increase in the allowed height of an accessory structure of 20' by 7'6" to allow for a height of 27'6" for a shade structure on a 5.5 acre parcel. [Zoning: SF-9; Property Owner: Prescott Christian Church; Agent: Frances Mincieli; APN: 110-06-002A]. Location: 501 S. Senator Highway. Staff: Tammy DeWitt, Planner

Community Planner Tammy Dewitt presented an aerial photo of the subject property; the site photo indicates that the proposed shade structure will be in a courtyard area between existing buildings and, as such, is quite a distance from the adjacent road (Senator

Highway). She also presented renderings of the proposed shade structure as well as site photos depicting the view of the project site from Senator Highway.

Board Member Davis asked whether the shade canopy would be higher than any of the existing roofs; Ms. Dewitt answered that it would not.

Member Meads asked whether the structure would be fire proof and also asked who would regulate colors; Ms. Dewitt answered that it will be constructed out of fire proof materials and that the City does not regulate color choice.

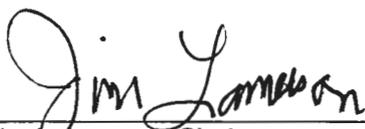
Board Member Hokeness made a motion to approve V21-006. The motion was seconded by Board Member Davis. The motion passed unanimously (6-0).

5. STAFF UPDATES

None

6. ADJOURNMENT

Meeting adjourned at 10:35 AM.



Jim Lamerson, Chair



Kaylee Nunez, Recording Secretary