



DECISIONS
BOARD OF ADJUSTMENT – Public Hearing
CITY OF PRESCOTT
Thursday, January 18, 2007 - 9:00 AM
City Council Chambers

MEMBERS

E. Calvin Fuchs, Chairman
Mike Klein, Vice Chairman
Duane Famas
Johnnie Forquer

Tom Kayn
Ken Mabarak
Bill Warren

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

I. CALL TO ORDER

II. ATTENDANCE

III. REGULAR AGENDA

- 1. Election** of Chairman and Vice-Chairman for the period from January 18, 2007 and ending January 17, 2008.

Mr. Kayn, **MOTION: to elect Calvin Fuchs Chairman** of the Board of Adjustment from January 18, 2007 through January 17, 2008. Mr. Famas, 2nd. **Vote: 6-0.**

Mr. Kayn, **MOTION: to elect Michael Kline Vice-Chairman** of the Board of Adjustment from January 18, 2007 through January 17, 2008. Mr. Warren, 2nd. **Vote: 6-0.**

- 2. Approve the minutes** of the 11-16-06 public hearing.

Mr. Mabarak, **MOTION: to approve the minutes** of the November 16, 2006 hearing. Ms. Forquer, 2nd. **Vote: 6-0.**

- 3. CUP06-009, 128 N. Washington Avenue.** APN: 114-05-026 and totaling ± 0.19 acre. LDC Section 2.3.1. Zoning is Multi-Family Medium (MF-M). Request conditional use permit for a pre-school. Owner is Caleb A. Palmer. Applicants/agents are Robert H. and Deborah A. McMillan. Community Planner is Mike Bacon (928) 777-1360.

- 4. CUP06-010, 127 S. Mt. Vernon Avenue.** APN: 110-01-052 and totaling ± 0.25 acre. LDC Section 2.5 and Table 2.3. Zoning is Single-Family 9 (SF-9). Request conditional use permit for detached guest quarters. Owners/applicants are Charles R. & Christina C. Hastings. Community Planner is Ryan Smith.

Mr. Kayn, **MOTION: to approve CUP06-010, 127 S. Mt. Vernon Avenue**, subject to the following conditions: that the proposed guest house is built in substantial conformance to the site plan dated 08/21/2006. Ms. Forquer, 2nd. **Vote: 6-0.**

5. **CUP06-011, 3019 La Questa.** APN: 106-25-104 and totaling ± 0.65 acre. LDC Section 2.5 and Table 2.3. Zoning is Single-Family 35 (PAD) [(SF-35(PAD))]. Request; conditional use permit for detached guest quarters. Owners are Billy J. & Kathleen J. Bond. Applicant/agent is Carter Builders, Inc. Community Planner is Mike Bacon.

Mr. Warren made a motion with Mr. Kayn seconding. The original motion was amended as follows:

Mr. Warren, **MOTION: to approve CUP06-011**, 3019 La Questa, for a detached, non-rentable residence in an accessory building in accordance with Exhibit A dated January 18, 2007, and in accordance with Section 2.5.6C of the *Land Development Code (LDC)*, with the following four conditions: 1) If blasting is required, the residents within 300 feet will be notified in writing and/or verbally 48 hours before any blasting occurs; 2) the applicant adhere to strict conditions of the LDC and condition #1, whichever is the more stringent; 3) that proof of valid insurance coverage is provided to the City before any blasting permit is issued; and, 4) subject to LDC Section 2.5.6: Guest quarters may be utilized by guests and persons employed on site by the resident family of the principal dwelling unit. Mr. Kayn, 2nd. **Vote: 5-1** (Klein).

6. **V06-008, 319 S. Mt. Vernon Avenue.** APN: 110-03-034 and totaling ± 0.17 acre. LDC Section 3.6.3E4. Zoning is Single-Family 9 (SF-9). Request variance to encroach into corner yard setback for a deck addition. Owner/applicant is Warren C. Kuhles. Community Planner is Mike Bacon.

Mr. Mabarak, **MOTION: to approve V06-008**, 319 S. Mt. Vernon Avenue, for a reduced setback in accordance with "Exhibit A" dated January 18, 2007. Ms. Forquer, 2nd. **Vote: 6-0**.

7. **V06-009, 335 Park Avenue.** APN: 109-08-082 and totaling ± 0.17 acre. LDC Section 3.6.3.E2&3. Request variance for a reduction of north (rear) and east (side) setbacks for construction of a kitchen and garage. Owners are Louis & Sherry DiBernardo. Applicant/agent is JTS Enterprises, LLC. Community Planner is Steve Gaber.

Mr. Warren, **MOTION: to approve V06-009**, 335 Park Avenue, subject to the conditions that: 1) that the improvements be constructed in substantial conformance with the plans and drawings dated 01/18/07; and, 2) that the vehicle doors of the garage are to face west (i.e., facing the house). Mr. Mabarak, 2nd. **Vote 6-0**.

8. **CUP05-008, 2402 Desert Willow.** LDC Section 4.20.B. APN: 116-07-091. Request a conditional use permit for a detached guest house.
BOA approved 07/21/2005 with one condition: That the proposed guest house is built in substantial conformance to the site plan dated June 21, 2005.

Request for a 6-month extension, ending on or before July 19, 2007. (*Refer to letter in agenda packet*).

Mr. Kayn, **MOTION: to extend CUP05-008** for six months ending July 19, 2007. Mr. Famas, 2nd. **Vote: 6-0**.

9. **CUP05-009, 909 Fern Avenue.** LDC Section 4.20.B. APN: 116-07-010A. Request conditional use permit for a detached guest house.
BOA approved 08/18/2005 with the following two conditions:
- 1) That the proposed guest house is built in substantial conformance to the site plan dated June 28, 2005; and,
 - 2) That the Board of Adjustment permits 18 months for the completion of the guest house and main residence from the date of permit issuance.

Request for a 2-month extension, ending on or before March 15, 2007. (*Refer to letter in agenda packet*).

Mr. Kayn, **MOTION: to extend CUP05-009**, 909 Fern Avenue for three months ending 19, 2007. Mr. Famas, 2nd. **Vote: 6-0**.

10. CUP05-007, 1802 Bridge Park Place. LDC Section 4.20.B. APN: 115-03-007Q

Request conditional use permit for a detached guest house/art studio.

BOA approved 07/21/2005 with the following three conditions:

- 1) That the proposed guest house is built in substantial conformance to the site plan dated May 29, 2005;
- 2) That the art studio does not exceed the definition of a home-based business; and,
- 3) That the Board of Adjustment permits 18 months to allow for completion of the guest house.

Request for a 6-month extension, ending on or before July 19, 2007. (*Refer to letter in agenda packet*).

Mr. Kayn, **MOTION: to extend CUP05-007**, 1802 Bridge Park Place, for six months ending July 19, 2007. Mr. Warren, 2nd. **Vote: 6-0**.

IV. REVIEW ITEMS

11. V05-003, 509 & 511 E. Gurley Street. APN: 110-01-043. Zoning is BG. Request a variance to reduce parking requirements for general office use.

BOA approved 07/21/2005 with the following five conditions:

- 1) That the site plan be developed in substantial conformance to the site plan dated "As Received" on February 17, 2005;
- 2) That the cottage not be rented;
- 3) That the parking use of the site shall be revised at one year after the date of the variance being finished;
- 4) That the owner shall post "no parking" signs on his property as approved by the City's Legal Department; and,
- 5) That the property not be used for residential purposes.

Finalized 07/20/2006.

V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VI. ADJOURNMENT

Vice-Chairman Klein adjourned the hearing at 10:37 AM.