



MINUTES
BOARD OF ADJUSTMENT
CITY OF PRESCOTT
Thursday, April 19, 2007 - 9:00 AM
City Council Chambers

MEMBERS PRESENT

E. Calvin Fuchs, Chairman
Mike Klein, Vice Chairman
Duane Famas
Johnnie Forquer
Tom Kayn
Ken Mabarak
Bill Warren

OTHERS PRESENT

George Worley, Assistant Community
Development Director
Gary Kidd, City Attorney
Ryan Smith, Community Planner
Kathy Dudek, Recording Secretary

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

I. CALL TO ORDER

II. ATTENDANCE

III. REGULAR AGENDA

1. **Approve the minutes** of the March 15, 2007 hearing.

Mr. Famas, **MOTION: to approve the minutes** of the March 15, 2007 hearing. Mr. Warren, 2nd. **Vote: 6-0-1** (abstention due to absence: Kayn).

2. **V07-002, 325 E. Gurley Street (The Cleaning Machine)**. APN: 109-01-055A and totaling ± 0.21 acre. LDC Section 3.6. Zoning is Business General (BG). Request variance to reduce side and rear setbacks. Owners are Loren Q. and Linda R. Rowling. Applicant/agent is Mark Peugh. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and indicated:

- the request for side and rear yard setbacks is to accommodate a storage shed;
- the property is located in the Southeast Prescott Historic District and the East Prescott National Register District;
- the Prescott Preservation Commission (PPC) voted to support the variance with specific additional conditions;
- the owners and/or agent will have to include the PPC conditions when building;
- several phone calls have been received, both positive and negative;
- the two parcels [109-01-055A and 109-01-056A] will need to be combined into one

- parcel;
- parcel 109-01-055A is presently used as parking and parcel 109-01-056A contains the dry cleaner/laundromat; and,
 - the applicant will not be able to get a building permit until both parcels are combined.

Chairman Fuchs asked City Attorney Kidd if the parcels need to be combined.

City Attorney Kidd indicated:

- the request cannot be considered until the parcels are combined; and,
- when the variance is looked at, the request for an accessory structure must be on the parcel that contains a primary structure.

Mr. Mark Peugh, 423 N. Arizona Avenue [no signature on attendance roster], indicated that he asked numerous times about combining the lots. He stated that the assessor's parcel number (APN) was incorrect and has stalled the project for one month. If lots need to be combined another month will pass.

Chairman Fuchs asked if the APN submitted on the application was done by Mr. Peugh. [Mr. Peugh: it could be]. Chairman Fuchs also noted that he e-mailed City Attorney Kidd to decide if the variance request could be done without the necessary primary structure.

Chairman Fuchs stated he followed the Open Meeting Law procedure and made a request of City Attorney Kidd to address the issue; consequently, Chairman Fuchs requested the City Attorney to answer the question before the Board of Adjustment.

Commissioners queried and discussed:

- where and how access is taken;
- the lack of knowing what the exact height of the wall would be;
- where the dumpster will be positioned on the parcel;
- if the lot exists by itself, does it need to have access;
- if the Board postpones the request, would 30 days be sufficient to combine the parcels [Mr. Peugh: certainly];

Mr. Warren made a motion to approve V07-002. Chairman Fuchs stated that he could not accept the motion because the Board has received information from City Attorney Kidd that precludes granting a variance at this time. Mr. Warren withdrew his motion.

Chairman Fuchs indicated that once the parcels are combined, the case will be brought back before the Board of Adjustment. The Board has no authority to proceed with this request at today's public hearing.

Mr. Famas, **MOTION: to continue V07-002** until public hearing on May 17, 2007 at 9:00 AM. Mr. Kayn, 2nd. **Vote: 7-0.**

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VI. ADJOURNMENT

The Public Hearing was adjourned at 9:35 AM.

E. Calvin Fuchs, Chairman