



MINUTES
BOARD OF ADJUSTMENT
Thursday, January 17, 2008 - 9:00 AM
City Council Chambers
201 S. Cortez Street, Prescott, AZ

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

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

COUNCIL MEMBERS PRESENT

Bob Bell

OTHERS PRESENT

George Worley, Assistant Community Development Director
Gary Kidd, City Attorney
Dick Mastin, Development Services Manager
Mike Bacon, Community Planner
Steve Gaber, Community Planner
Kathy Dudek, Boards & Commissions Recording Secretary

III. REGULAR AGENDA

1. **Approve the minutes** of the December 20, 2007 public hearing.

Mr. Kayn, **MOTION: to approve the minutes** of the December 20, 2007 public hearing. Mr. Famas, 2nd. **Vote: 6-0-1** (abstention due to absence: Forquer).

2. **Election of Chairman** for the 2008 calendar year.

Prior to making a motion, Mr. Kayn thanked Cal Fuchs for serving as Chairman for two years and for a job well done.

Mr. Kayn, **MOTION: to elect Michael Klein** as Chairman of the Board of Adjustment for the 2008 calendar year. Mr. Warren, 2nd. **Vote: 6-0-1** (abstention: Klein).

3. **Election of Vice-Chairman** for the 2008 calendar year.

Mr. Kayn, **MOTION: to elect Duane Famas** as Vice-Chairman of the Board of Adjustment for the 2008 calendar year. Ms. Forquer, 2nd. **Vote: 6-0-1** (abstention: Famas).

Newly-elected Chairman Klein accepted the gavel from outgoing Chairman Cal Fuchs. Chairman Klein then conducted the hearing.

4. **V07-010, 2309 Country Park Drive.** APN: 116-01-053 and totaling ± 2.2 acres. Zoning is Single-Family 35 (SF-35). LDC Section 2.5.2.B. Request variance to allow an additional 2,800 SF accessory building. Owner/applicant is Emmons Investments. Community Planner is Steve Gaber (928) 777-1206. (*Continued from 12-20-07*).

(Staff requests a one month deferral to enable the applicant to submit additional materials requested).

Mr. Fuchs, **MOTION: to defer variance request V07-010** until the public hearing at 9:00 AM on February 21, 2008. Mr. Klein, 2nd. **Vote: 7-0.**

5. **CUP07-011, 1800 Timber Cove Lane.** APN: 111-02-008D and totaling ± 2.41 acres. Zoning is Single-Family 35 (SF-35). LDC Section 2.5.6 and Table 2.3. Request conditional use permit for a detached guesthouse/garage. Owner is Donald S. Grier. Applicant/agent is Robert Sanford, Otwell & Associates Architects. Community Planner is Wendell Hardin (928) 777-1259.

(Staff requests a one month deferral to enable applicant to submit plans for primary and secondary structures concurrently).

Mr. Fuchs, **MOTION: to defer conditional use permit request CUP07-011** until the public hearing at 9:00 AM on February 21, 2008. Ms. Forquer, 2nd. **Vote: 7-0.**

6. **CUP07-012, 1299 E. Gurley Street.** APN: 114-06-001 and totaling ± 1.33 acres. Zoning is Business General (BG). LDC Section 2.4.10 and Table 2.3. Request conditional use permit for an auto rental agency. Owners are Stanley E. & Virginia Power. Applicant/agent is Neil Wesson, Enterprise Rent-a-Car. Community Planner is Ryan Smith (928) 777-1209.

(Withdrawn).

7. **V07-011, 140 N. Pleasant Street.** APN: 113-16-091 and totaling ± 0.11 acre. Zoning is Multi-Family Medium (MF-M) zoning district. LDC Sections 3.9.3.F.1 and 3.9.3.D.2, and 3.10.3. Request variance for reduction of front setback to 12', reduction of side yard setback to 5' on one side, reduction of rear yard setback to 4' where 20' is required and increase lot coverage from 40% to approximately 55%. Owner is Constance J. Cantelme. Applicant/agent is Robert Burford, Architect. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon reviewed the staff report and indicated:

- this is a variance request that the Prescott Preservation Commission (PPC) reviewed at a meeting on January 11, 2008;
- two parts of the request were deleted at the PPC's meeting;

- the request to reduce the side yard (Staff Memo, Item #2), and the request to reduce the rear yard from 20' to 4' (Staff Memo, Item #4) were both deleted by the applicant on January 11, 2008;
- the remaining two parts of the request are:
 - (Staff Memo, Item #1) to reduce the front yard from 20' to 12' for a 250 square foot porch; and (Staff Memo, Item #3) to increase the allowable lot coverage from 40% to 49% on a ± 4,687 square foot lot as modified by the applicant on January 11, 2008;
- the property is located in the East Prescott Historic District;
- the lot is substandard in size as are many lots in the area;
- greater lot sizes exist on the east side of the street;
- the coverage of the adjoining lots shows several parcels that are over the allowable percentages;
- the previous owner of the property demolished a large accessory building;
- a previous variance request was applied for and approved by the Board of Adjustment, but it expired because the previous owner did not pull any building permits;
- after a lengthy discussion, the PPC voted unanimously to support the request with the two afore-mentioned parts eliminated, i.e., #2 and #4 in the Staff Memo;
- the property is zoned Multi-Family Medium (MF-M) density and the owner could demolish the house and put in apartments without seeking a variance;
- in the MF-M zoning districts, 50% lot coverage is allowed; and,
- the PPC strongly recommends that the property be preserved and noted that some smaller-than-normal lot sizes exist where a greater than normal lot coverage may be appropriate.

Commissioners queried and commented on:

- the size changes in lot coverage;
- the objection from the adjacent lot owner [Mr. Bacon: the elimination of the side yard reduction mitigates the lot owner's objection];
- the property, because of its size, would not qualify for MF-M because a MF-M minimum lot size is 6,000 square feet; and,
- the lot coverage before the demolition of the garage [Mr. Bacon: approximately 75%].

Mr. Robert Burford, architect and applicant, 339 S. Cortez Street, noted:

- the owner is present at today's hearing;
- the garage that was demolished was smaller than 24' x 24';
- the applicant is proposing to remove the existing accessory structure;
- the square footage of the house approximates 1,470 square feet;
- the square footage of the front porch is included in the percentage of lot coverage; and,
- the revised plan will remedy the neighbor's objections because the light will not be reduced to that property.

Mr. Fuchs added that he would like to make a motion with respect to this request. He reviewed the suggested motion by staff and does not believe it is appropriate to utilize the suggested motion to the extent that it would suggest that this Board in the future would automatically grant a variance on smaller sized lots. As a practical matter, the idea that it is a self-induced hardship may, in fact, enter into our deliberations.

Mr. Fuchs, **MOTION: to approve V07-011** to: 1) reduce the required front yard setback from 20' to 12' with a porch not to exceed 250 square feet in size; and, 2) increase the allowable lot coverage from 40% to 49%. Mr. Mabarak, 2nd.
Vote: 7-0.

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:32 AM.

Michael Klein, Chairman