

BOARD OF ADJUSTMENT  
PUBLIC HEARING  
SEPTEMBER 17, 2009  
PRESCOTT, ARIZONA

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on  
SEPTEMBER 17, 2009 in COUNCIL CHAMBERS, CITY HALL located at 201 S. CORTEZ  
STREET, Prescott, Arizona.

I. CALL TO ORDER

Chairman Klein called the public hearing to order at 9:00 AM.

II. ATTENDANCE

<b>MEMBERS PRESENT</b>	<b>OTHERS PRESENT</b>
Michael Klein, Chairman	George Worley, Asst. Community Development Director
Duane Famas, Vice Chairman	Richard Mastin, Development Services Director
E. Calvin Fuchs	Mike Bacon, Community Planner
Johnnie Forquer	Kelly Sammeli, Recording Secretary
Ken Mabarak	
Bill Warren	
<b>MEMBERS ABSENT</b>	<b>COUNCIL PRESENT</b>
Tom Kayn	Councilman Bell
	Councilman Luzius

III. REGULAR AGENDA

1. Approve the minutes of the August 20, 2009 public hearing.

Mr. Mabarak, **MOTION:** to approve the minutes of the August 20, 2009 public hearing.

Ms. Forquer, 2<sup>nd</sup>. **VOTE:** 6-0.

2. **V09-003, 319 S. Mt. Vernon Street.** APN: 110-03-034 and totaling ± 0.17 acre. LDC Section 3.6.3.D; Section 3.6.3.F.2; & LDC Section 2.7.3.D.5a Zoning is Single-Family 9 (SF-9). Request variance to increase lot coverage to 46% where 40% is allowed; reduce the side yard setback from 7-feet to 5-feet; and, reduce the rear yard setback from 4-feet to 1-foot for a free-standing garage with a recreational roof deck. Owner is Warren C. Kuhles. Applicant/agent is Robert Burford, Robert Burford Architects. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon indicated that each of the board members had received copies of letters submitted from the adjoining property owners stating their approval of the request that was being presented. Mr. Bacon placed a copy of the site plan on the overhead projector and reported the variance request consisted of three requests. 1) to increase the lot coverage from 40% to 46% to accommodate a 480 square foot detached garage with a recreational roof-top deck that is being relocated from another location to the site; and, 2) to reduce the side yard setback from 7-feet to 5-feet, which would be compatible and in line with the existing 5-foot side yard setback of the home. And, 3) to reduce the rear yard setback from 4-feet to 1-foot in order to give additional usable rear yard space to the owner and to save three trees. Mr. Bacon indicated that the request had been before the Board several times prior, starting in May, 2009. Mr. Bacon reported in May, 2009, the Board denied the request for a corner yard setback and maximum lot coverage, which would have placed the garage on the exterior side of the property. The Board reconsidered their May decision in June, 2009, and brought the item back for maximum lot coverage (only) and set the item for the August hearing date. In August, the applicant asked for a continuance to make a new request for the side yard (interior) and rear yard setbacks to be combined with the lot coverage request. Mr. Bacon added that a new public hearing notification had been completed for the current request.

Mr. Bacon reviewed the variance criteria and noted that the item had also been reviewed by the Prescott Preservation Commission, who voted to support the request with two conditions, which were: 1) substantial conformance with the site plan dated March 18, 2009 (reduced exterior side setback); and, 2) that a Building Permit may be granted if a Variance is granted by the Board of Adjustment, and if the garage architecture is not changed and the observation deck will be noted on the notices sent out for the BOA hearing. Mr. Bacon closed the report by noting that the architect has submitted an analysis of other historic homes in the area and other historic districts that have similar or greater lot coverage's as their request. Mr. Bacon added that staff recommends approval of the three part variance request with five conditions that were noted in the staff report. Mr. Bacon further added that the applicant was present to answer any questions.

Chairman Kline called for questions from the Board for staff.

Mr. Fuchs noted that the Prescott Preservation Commission had supported the request for the lot coverage at their March 8, 2009 meeting and inquired if the current request needed to go before the Prescott Preservation Commission again for the other two items being requested.

Mr. Bacon reported no because the Preservation Commission has approved other similar variances in the area. (Mr. Bacon then gave the example of the garage in the side yard setback as noted in the staff report).

Chairman Klein invited the applicant to the podium to speak.

Mr. Warren Kuhles, 319 S. Mount Vernon indicated that they had talked to all the immediate neighbors who are adjacent to the alley and they have all approved the three requests of the variance and have submitted letters of approval. Mr. Kuhles added that it is their intention to preserve two apple trees and one elm tree that are located in the back yard.

Chairman Klein called on the Board for questions to the applicant. Hearing none, Chairman Klein opened the item up to the public. Hearing no public comment, Chairman Klein closed the public hearing and called for a motion.

Mr. Fuchs, **MOTION: to approve Variance 09-003** subject to the following conditions: 1) the site development shall be in substantial conformance with Exhibit "A" dated 9/17/09; 2) the garage architecture shall not to be changed; 3) the accessory building along the north property line in the rear yard is to be removed prior to the issuance of a Building Permit; 4) the two apple trees are to be saved and the large elm tree is to be saved; and, 5) the two apple trees are to be replaced should they die as a result of construction.

Mr. Warren, 2<sup>nd</sup>.

Chairman Klein inquired if there was documentation of the garage architecture for the record.

Mr. Bacon indicated that because the garage was being relocated from another property that there were photographs of it. Mr. Bacon added that the garage was made of lap siding, with an observation deck and railing on the top of it.

Chairman Klein noted there was documentation of the garage design to base if the architecture had been changed or not.

Mr. Warren inquired if item number one of the motion (site development shall be in substantial conformance with Exhibit "A" dated 9/17/09) is where the 46% of the lot coverage would be addressed or if it should be made clearer.

Mr. Bacon noted that was correct.

Chairman Klein called for any other questions. Hearing none, called for the vote.

Vote: **6-0**.

#### IV. REVIEW ITEMS

None.

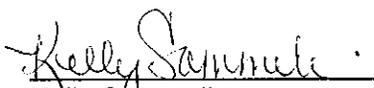
#### V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

#### V. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:12 A.M.

  
Michael Klein, Chairman

  
Kelly Sammeli  
Recording Secretary