

**DECISIONS OF THE  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
FEBRUARY 18, 2010  
PRESCOTT, ARIZONA**

**DECISIONS OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on  
FEBRUARY 18, 2010 in the 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 a.m.

**II. ATTENDANCE**

***MEMBERS PRESENT***

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

***OTHERS PRESENT***

George Worley, Asst. Community Development Director  
Matt Podracky, Senior Assistant City Attorney  
Dick Mastin, Development Services Manager  
Steve Gaber, Community Planner  
Wendell Hardin, Community Planner  
Kathy Dudek, Recording Secretary

**III. REGULAR AGENDA**

- 1. Approve the minutes** of the November 19, 2009 public hearing.

Mr. Fuchs, **MOTION: to approve the minutes** of the November 19, 2009 public hearing. Mr. Mabarak, 2<sup>nd</sup>. **Vote: 6-0-1** (abstention due to absence: Klein).

- 2. CUP09-006, 202 S. Montezuma Street.** APN: 109-02-046A and totaling ± 0.25 acre. Land Development Code, Section 2.5.13. Zoning is Downtown Business (DTB). Request conditional use permit to operate a mobile food cart on various occasions throughout the year. Owner is Brad Christensen. Applicant is Diane Rosito. Community Planner is Wendell Hardin (928) 777-1259.

Mr. Kayn, **MOTION: to approve Conditional Use Permit CUP09-006** subject to the terms and conditions of the staff report dated January 21, 2010. Mr. Warren, 2<sup>nd</sup>. **Vote: 7-0.**

- 3. V09-006, 1373 Dalke Point.** APN: 113-10-312 and totaling ± 0.73 acre. *Land Development Code, Section 3.3.3.F.* Zoning is Single Family 35 (SF-35 District). Request is for a variance to reduce side yard setbacks from the 12' requirement to 3' to the east, 7' to the south and 7' to the west. Owner/applicant is Hehlen Family Trust--Rob & Susie Hehlen. Community Planner is Steve Gaber (928) 777-1206.

Mr. Fuchs, **MOTION: to deny Variance V09-006.** Mr. Warren, 2<sup>nd</sup>. **Vote: 6-1** (dissenting: Kayn).

4. **CUP09-007, 650 Miller Valley Road.** APN: 113-07-031A totaling ± 0.47 acre. Request conditional use permit to allow a Pawn Shop. *Land Development Code*, Use Table 2.3. Currently zoned Business General (BG). The property owner is Canant Family Trust. Applicant/agent G&S Pawn LLC/Terry Garside. Community Planner is Steve Gaber (928) 777-1206.

*(This item was moved after Item #5).*

Mr. Fuchs, **MOTION: to approve Conditional Use Permit CUP09-007** allowing Prescott Pawn and Coin to relocate to 650 Miller Valley Road subject to the terms and conditions of the Staff Report dated January 21, 2010. Mr. Famas, 2<sup>nd</sup>. **Vote: 5-0.** *(Mr. Kayn and Mr. Warren were excused from the meeting prior to this vote).*

5. **CUP09-008, 1455 Willow Creek Road.** APN: 116-17-270B totaling ± 6.37 acre. Request conditional use permit to allow a school (K-8) on property with a Single Family 9 (SF-9) zoning. *Land Development Code*, Use Table 2.3. Property owner is First Assembly of God Prescott Arizona, Inc. Applicant/agent is Mountain Oak School-Cindy Roe/Dave Conners. Community Planner is Steve Gaber (928) 777-1206.

*(This item was moved before Item #4).*

**Mr. Kayn, MOTION: to approve Conditional Use Permit CUP09-008** subject to the terms and conditions of the Staff Report dated January 21, 2010 removing conditions 1 and 2 from the suggested motion in the Staff Report. Mr. Famas, 2<sup>nd</sup>. **Vote 6-0.** *(Mr. Warren was excused from the meeting prior to this vote.)*

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

None.

#### V. ADJOURMENT

Chairman Klein adjourned the public hearing at 11:58 am.