



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, June 21, 2012
9:00 AM**

**COUNCIL CHAMBERS
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on June 21, 2012, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

Members

Mike Klein, Chairman	Duane Famas
Greg Lazzell, Vice Chairman	Richard Rosa
Johnnie Forquer	George Wiant
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. **Approve the minutes** of the April 19th and May 17th, 2012 public hearings.
2. **V12-004 – 504 East Willis Street.** APN: 114-05-091. Zoning is SF-9. Variance requested for reduced corner-side yard setback and Lot Coverage. Owner/Applicant is Richard and Peggy Roberts. Planning Manager is George Worley (928) 777-1287.
3. **V12-006 – 214 North McCormick Street.** APN 113-15-018A. Zoning is BG. Variance request for reduced front yard setback. Owner/Applicant is Larry Kantor. Planning Manager is George Worley (928) 777-1287.

IV. REVIEW ITEMS

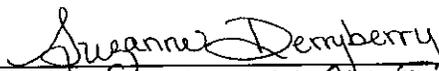
V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on June 13, 2012 at 10:00 AM in accordance with the statement filed with the City Clerk's Office.


Suzanne Derryberry, Administrative Specialist
Community Development Department



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, April 19, 2012
9:00 AM**

**COUNCIL CHAMBERS
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on April 19, 2012 in COUNCIL CHAMBERS, CITY HALL, located at 201 S. Cortez Street, Prescott, Arizona.

I. CALL TO ORDER

Chairman Klein called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Members

<i>MEMBERS PRESENT</i>	<i>STAFF PRESENT</i>
Michael Klein, Chairman	George Worley, Planning Manager
Greg Lazzell, Vice Chairman (Absent)	Suzanne Derryberry, Administrative Specialist
Dick Rosa	Ryan Smith, Community Planner
Duane Famas	
George Wiant	
Johnnie Forquer	
James Di Rienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approve the minutes of the March 15, 2012 public hearing

Mr. Wiant, **MOTION:** to approve the minutes of the March 15, 2011 public hearing. Mr. Rosa, 2nd. **Vote:** 6-0

2. **V12-003, 580 Miller Valley Road.** APN: 113-07-062B totaling ±0.19 acre. LDC Sections 2.7.3.D and 4.8. Zoning is Business Regional (BR). Request a Variance to reduce front yard and rear yard setbacks. Owner/Applicant is Michael D. Scannel, 1425 Adams Drive, Prescott, AZ 86305. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and indicated:

- the request is for a variance to reduce front yard and rear yard setbacks
- the property is located at 580 Miller Valley Road
- the applicant would like to demolish the building due to its condition
- the applicant would like to replace it with a new building and open a yogurt shop
- the property is located just South of Brannen Ave and North of Rodeo Drive
- there are a number of restaurants and small businesses located in that area
- the lot used to be a used car lot
- the site is zoned Business Regional, which would allow for the proposed use
- the applicant purchased three properties which are located in a floodway from Miller Creek which creates a limited building area
- the current structure is a legal non-conforming building
- the Land Development Code will not allow the removal and replacement of the building due to current rules which prohibit building in a floodway
- the current setbacks create a situation where the building cannot be removed in order to rebuild it
- there is a very limited envelope of where the applicant can build on his three properties
- according to the Land Development Code variance criteria, the applicant meets at least two of the criteria:
 - extraordinary conditions; relocating the structure is prohibited due to the floodway
 - utilization of property; strict application of the Land Development Code would prohibit ability to make use of the property
- staff recommended approval of V12-003 based on that criteria

- Mr. Klein called for any comments from the applicant; he declined
- Mr. Klein reiterated the purpose of the variance request
- Mr. Smith stated that the handicap ramp will be adjacent to the building
- It will project approximately three feet, effectively making the setback 13 feet
- Mr. Wiant questioned the uses for the other portions of the applicant's land
- Mr. Smith stated that he would use them for temporary outdoor seasonal sales, which will only require administrative approval
- Mr. Klein called for any other questions; there were none

Mr. Wiant, **MOTION: to approve V12-003** in accordance with staff's recommendation; "approval of V12-003 to allow the removal and reconstruction of the existing structure using approximately the same footprint by; reducing the required front yard setbacks from 25' to 16', reducing the required rear yard setback from 10' to 6' and to allow a wheelchair accessible ramp that may further encroach required setbacks." Mr. Rosa, 2nd. **Vote: 6-0**

IV. REVIEW ITEMS

None

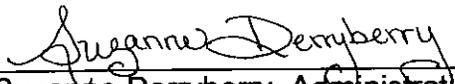
V. SUMMARY OF CURRENT OR RECENT EVENTS

None

VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:10 a.m.

Mike Klein, Chairman


Suzanne Derryberry, Administrative Specialist
Community Development Department



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, May 17, 2012
9:00 AM**

**COUNCIL CHAMBERS
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on May 17, 2012 in COUNCIL CHAMBERS, CITY HALL, located at 201 S. Cortez Street, Prescott, Arizona.

I. CALL TO ORDER

Chairman Klein called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Members

<i>MEMBERS</i>	<i>STAFF PRESENT</i>
Michael Klein, Chairman	George Worley, Planning Manager
Greg Lazzell, Vice Chairman	Suzanne Derryberry, Administrative Specialist
Dick Rosa	Ruth Hennings, Community Planner
Duane Famas	Mike Bacon, Community Planner
James Di Rienzo	Gwen Rowitsch, Engineering Technician
Johnnie Forquer	Matt Podracky, Senior Assistant City Attorney
George Wiant (Absent)	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

- 1. Approve the minutes** of the April 19, 2012 public hearing.

Minutes were deferred to the next meeting.

- 2. CUP12-001, 633 Miller Valley Road.** APN: 113-07-007 totaling ±0.07 acre. LDC Sections 2.3 and 9.3 and Table 2.3. Zoning is Business General (BG). Request Conditional Use Permit for a Tattoo Parlor. Owner is Ina Womack. Applicant is Big Easy Tattoo, 633 Miller Valley Road. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon displayed the tattoo parlor location on the overhead projector. He noted that there had been many other tattoo parlors approved by the board in the near vicinity. There were 2 parking spaces available on site. Under section 6.2.2.C of the code, it stated that off-street parking and loading must be provided for any change of use or manner of

operation that would, based on the Off-Street Parking Table 6.2.3, result in a requirement for more parking or loading spaces than the existing use; provided, however, buildings and uses which existed prior to October 28, 1968, which did not conform to the off-street parking requirements shall not be required to furnish such additional off-street parking unless there is sufficient room on-site for additional parking. The existing parking situation meets code.

Mr. Bacon displayed photos of the tattoo parlor and surrounding property. Mr. Bacon pointed out types of impacts and how they could be mitigated. He recommended approval by the board.

Mr. Klein called for any questions to staff; there were none. Mr. Klein called for any comments from the applicant. Jana Harris, 1202 Havasu Drive, stated that she did not have any questions but requested approval of her proposal. Mr. Klein made a call to the public; there were no comments.

Mr. Rosa **MOTION: to approve CUP12-001**. Mr. Famas added that the motion would be approved in accordance with exhibit A. Mr. Rosa agreed. Mr. Famas 2nd. **VOTE: 6-0**.

3. **V12-005, 3700 Willow Creek Road**. APN: 106-02-006 totaling ± 20 acres. Zoning is Business General (BG). Request is for a variance to allow a 26 square foot electronic changeable copy sign within existing sign structure area. LDC Section 6.12.8. Owner is Embry-Riddle Aeronautical University. Applicant is A & B Sign. Community Planner is Ruth Hennings (928) 777-1319.

Mr. Di Rienzo recused himself stating a conflict of interest; he is an instructor at the university. Mr. Klein noted that they would need a vote of four to have an approval.

Ms. Hennings reviewed the staff report and indicated that the request was submitted by A&B signs on behalf of Embry-Riddle Aeronautical University. The request involved an existing sign at the entrance to the university.

The existing sign meets all requirements of the standard sign code in the Land Development Code. It was approved for 100 sq feet due to the 50 ft setback from the road. Under the highway commercial sign code you are allowed 2 sq ft of signage for every foot setback from the right-of-way. The existing sign meets all standard sign code regulations.

The proposal was to modify the existing structure; not to increase the overall square footage or to change the location, but rather to add an electronic and changeable sign area that exceeds what is otherwise allowable under the code. The Land Development Code restricts the electronic sign portion to 12 sq feet. The variance is to allow for 26 sq ft of electronic signage. It doesn't increase the overall size of the existing sign.

Ms. Hennings displayed photos on the overhead projector and discussed the different criteria for evaluating a variance request. She added that staff recommended approval of the request.

Mr. Klein called for any questions to staff. Mr. Lazzell wanted to know if Yavapai College had to obtain a variance for their sign. Ms. Hennings stated that it had been approved prior to the change in code; today's code restricts it to 12 sq ft. Mr. Klein questioned why there is a differential from regular signage and electronic signage. Ms. Hennings stated that she was unable to find any direct reasons why that electronic signage was limited other than it

being an aesthetics issues and possibly a safety issue; most communities usually have a limit but she did not know the specific reason why our code is 12 sq ft.

Ms. Hennings noted that staff would be bringing amendments to the board regarding electronic signage from the Unified Development Code Committee. They will be taking a look at the square footage and restrictions related to electronic signage. Mr. Klein wanted to know the maximum square footage of signage that the university would be allowed to have. Ms. Hennings stated that it was 100 sq ft., which was what they currently had.

Mr. Famas inquired if there were other LED signs in the city and if advertising had been placed on those signs. Ms. Hennings stated that electronic signs come in all different formats but regardless of the types of bulbs being used, the code does not allow animation or movement; it would still look like a static message which is required by our code. She added that they are not allowed to rent out space on their sign for advertising purposes.

Mr. Klein invited the applicant to speak. David Hall, Director of Business at Embry-Riddle Aeronautical University, stated that the sign is really for the benefit of the community. He noted that there is a lack of knowledge regarding Embry Riddle and the intent was to have better communication with the community.

Mr. Klein called for any comments from the public; there were none.

Mr. Rosa, **MOTION: to approval of V12-005. Mr. Famas, 2nd. 5-0-1**

IV. REVIEW ITEMS

None

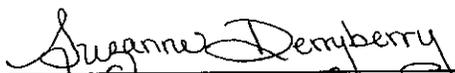
V. SUMMARY OF CURRENT OR RECENT EVENTS

Mr. Lazzell asked about the Unified Development Committee reviewing signage and wanted to know if they would also address the topic of tattoo parlors. Mr. Worley stated that they would address that issue as well.

VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:20a.m.

Mike Klein, Chairman


Suzanne Derryberry, Administrative Specialist
Community Development

alter #2

VAR # V12-004

VARIANCE
Setbacks and lot coverage
504 E. Willis Street

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR June 21, 2012.

STAFF REPORT

TO: Board of Adjustment

FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*

Date: June 6, 2012

Location: 504 E. Willis Street

Parcel No: 114-05-091

Zoning: Single-family (SF-9)

Owner: Richard and Peggy Roberts
18012 N. 14th Street
Phoenix, Arizona 85022

REQUEST:

This is a request for a variance to decrease the corner side yard setback from 15 feet to 8 feet and to increase the maximum lot coverage from 35% to 49% to permit the construction of a single-family home. The proposed home is approximately 2400 square feet, including a two-car garage and exterior covered porch.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

ZONING CODE REQUIREMENT: LDC Section 3.6

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND:

The property is on the northeast corner of Willis Street and Mount Vernon Street. The original lot was split at some time in the past (staff cannot determine the exact date) resulting in two substandard lots. The subject lot is 2/3 of the original and a second, much smaller, lot to the east was developed in the past and contains a single-family home. The subject lot contains a very small and somewhat dilapidated residence that the applicants propose to remove, leaving a portion of it to be incorporated into the proposed new residence.

At the time this neighborhood was subdivided, there was no zoning and no setbacks. All of the lots were originally 50 feet by 150 feet in dimension. Zoning codes typically establish a corner street side yard setback larger than an interior lot side setback so that structures built on corner lots do not crowd the side streets. The standard SF-9 interior side setback is 7 feet. Much of development in this neighborhood pre-dates that concept and the resulting character of the area includes structures closer to both the front and the corner side streets.

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request's consistency with the 2003 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The area is a mix of single and multifamily residential dwellings. The proposed use as a single-family home is consistent and compatible with the developed lots in the neighborhood.

VARIANCE REQUIREMENTS:

Variances may be granted only if, because of special and unusual circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning code will deprive such property of privileges enjoyed by other property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

VARIANCE CRITERIA:

1. Extraordinary Conditions.

The property is substandard in size due to a very old lot split that removed the east 50 feet to create a separate lot. The substandard dimensions of this lot, coupled with the modern zoning requirements of the LDC, severely impair the development of the lot in a manner similar to, and compatible with, the surrounding developed lots.

2. Substantial Detriment.

Due to the undersized lot, the owners are severely constrained in the size and location of their home design. This is a substantial detriment to the construction of a reasonable sized home on the lot that would also be compatible with the surrounding development pattern.

3. Special Privileges.

While granting this request will allow the owners reduced setbacks and greater lot coverage, the detriment caused by the smaller lot cannot be overcome in any other reasonable manner.

4. Self-induced Hardship.

The hardships associated with this request are linked to the smaller size of this lot. It is 2/3 of the area and dimensions of standard lots in this neighborhood. In addition, this area was platted long before the establishment of zoning in Prescott and, unlike modern subdivisions, did not anticipate the requirement for greater setbacks on the corner street side of a corner lot that is required by the LDC.

5. General Plan.

The General Plan encourages in-fill development and the maintenance of existing neighborhood character. This request is an in-fill development and the reduced setbacks requested by the applicants are consistent with other existing developed parcels within the immediate vicinity.

6. Utilization.

To meet the General Plan's encouragement of in-fill development, the development must be of a reasonable size for the intended use. The smaller size of this lot, combined with the greater setback required of corner lots under the LDC, would render any structure that fully conforms to the LDC undersized as compared to surrounding developed lots. Further, the resulting home would be forced into a long, narrow floor plan inconsistent with the needs of the applicant.

NEIGHBORHOOD COMMENTS:

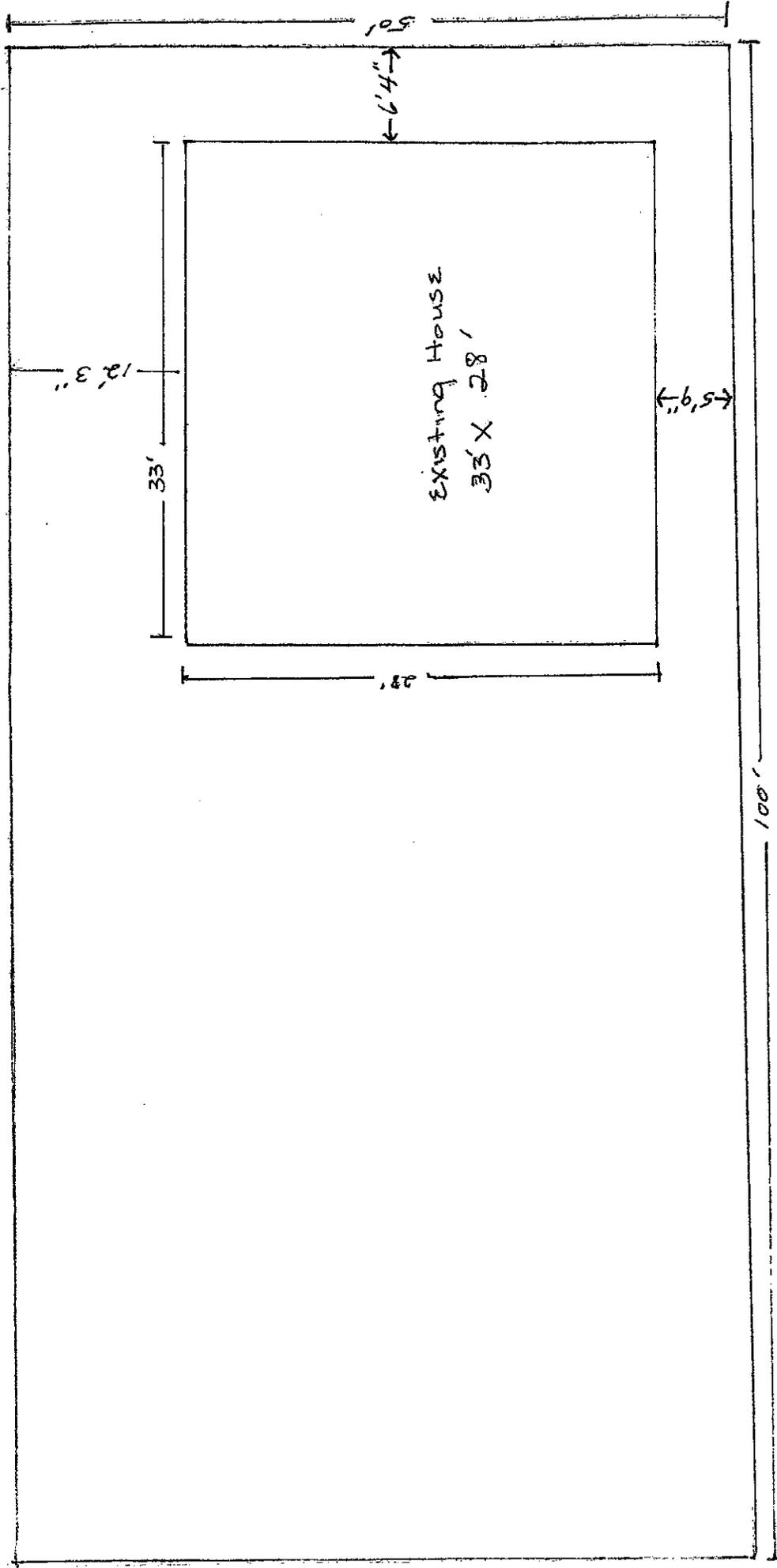
Staff has received no comments from the public regarding this request.

STAFF RECOMMENDATION:

Based upon the findings above, staff recommends approval of Variance V12-004, reducing the corner side setback to 8 feet and the maximum lot coverage to 49%.

SUGGESTED MOTION:

Move to approve Variance #V12-004, reducing the corner side setback to 8 feet and increasing the maximum lot coverage to 49%.

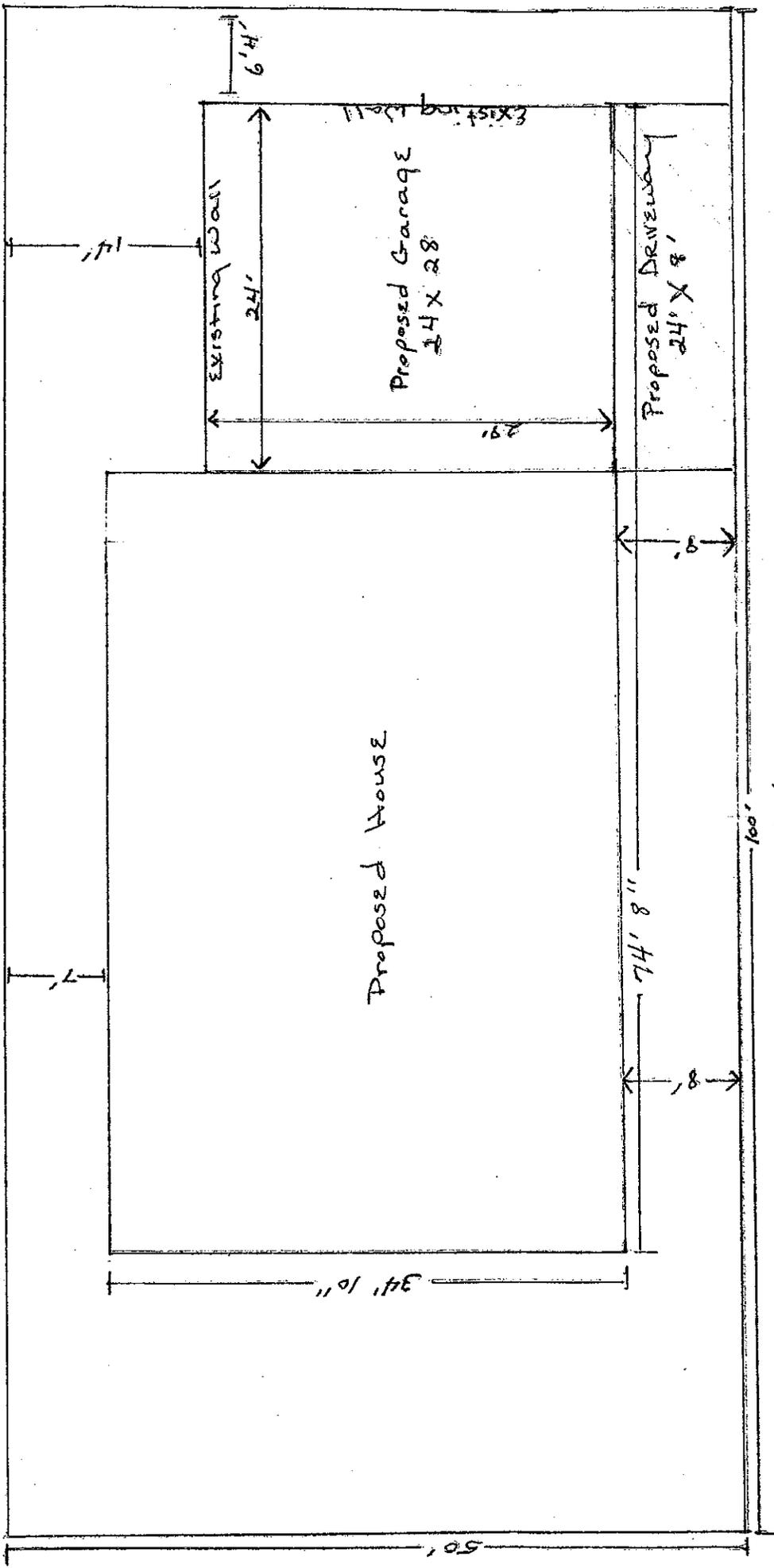


N. Mount Vernon

North and east wall retained.
 portion of south wall retained
 west wall, front porch and
 roof removed and rebuilt
 to be in with new house

E. Willis

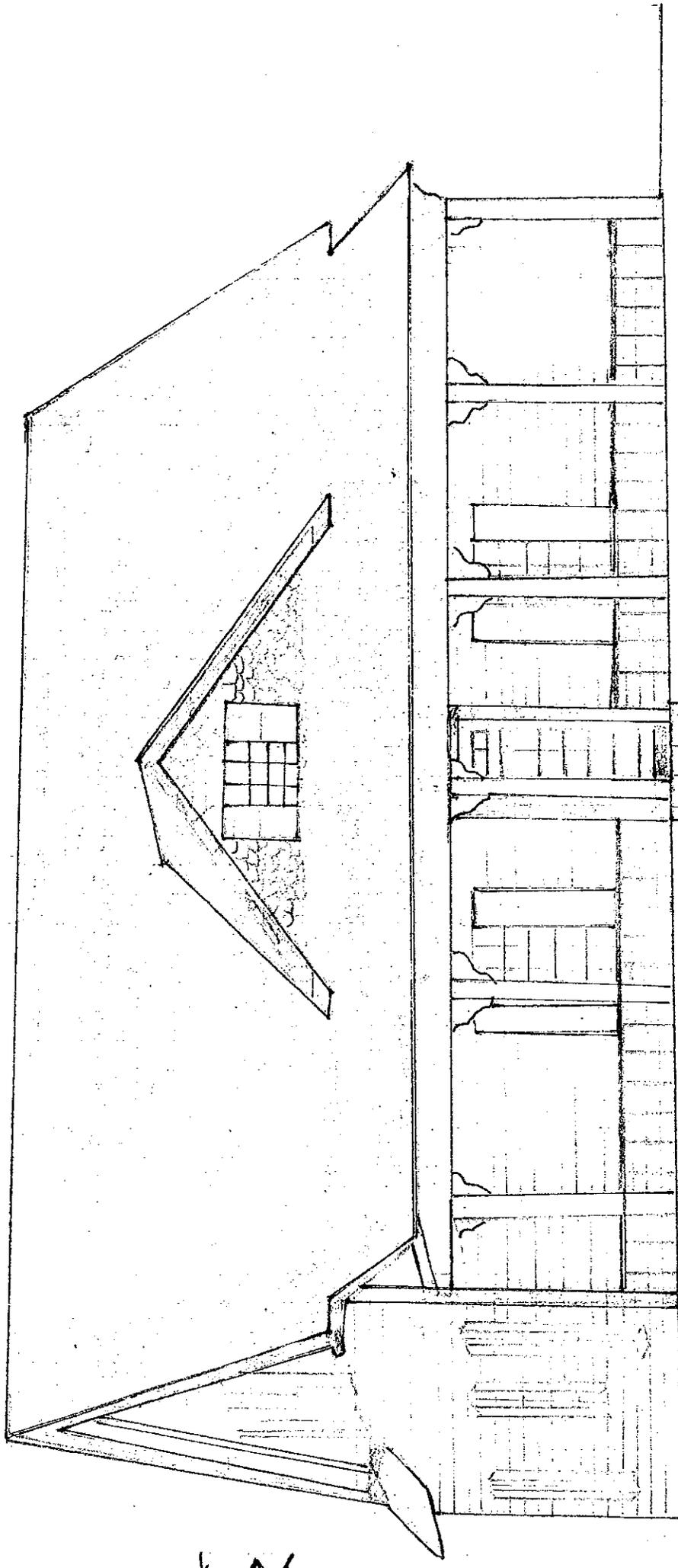
N



E. Willis

Mount View

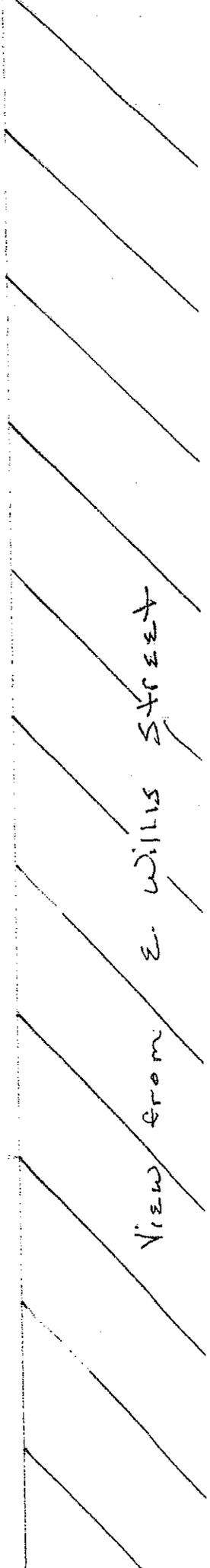
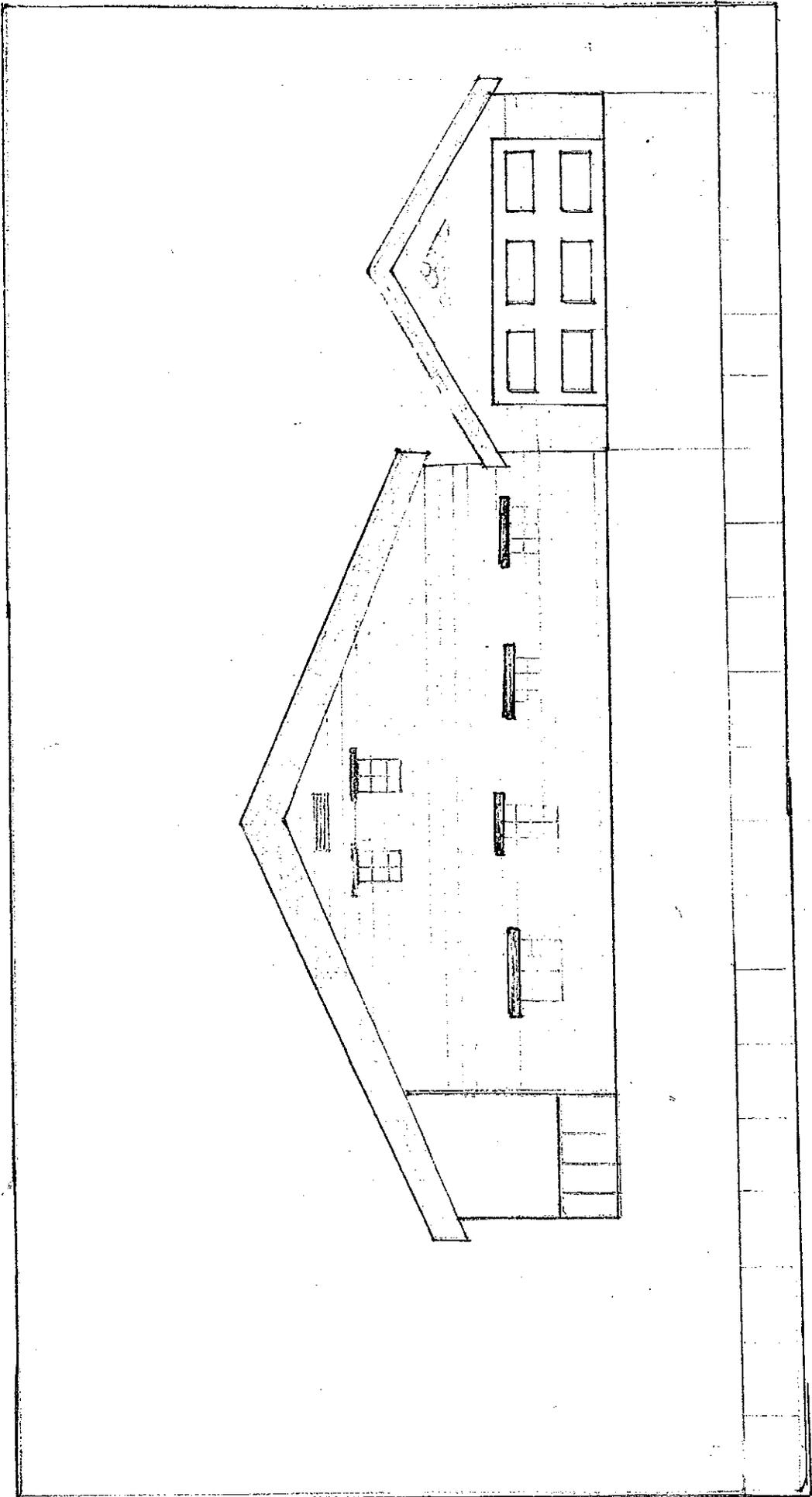
Architecture Shingles (SEE Elevation 1)
Composite Siding (SEE Elevation 2)
Sweet pane / paned windows



View From N. Mt. Vernon

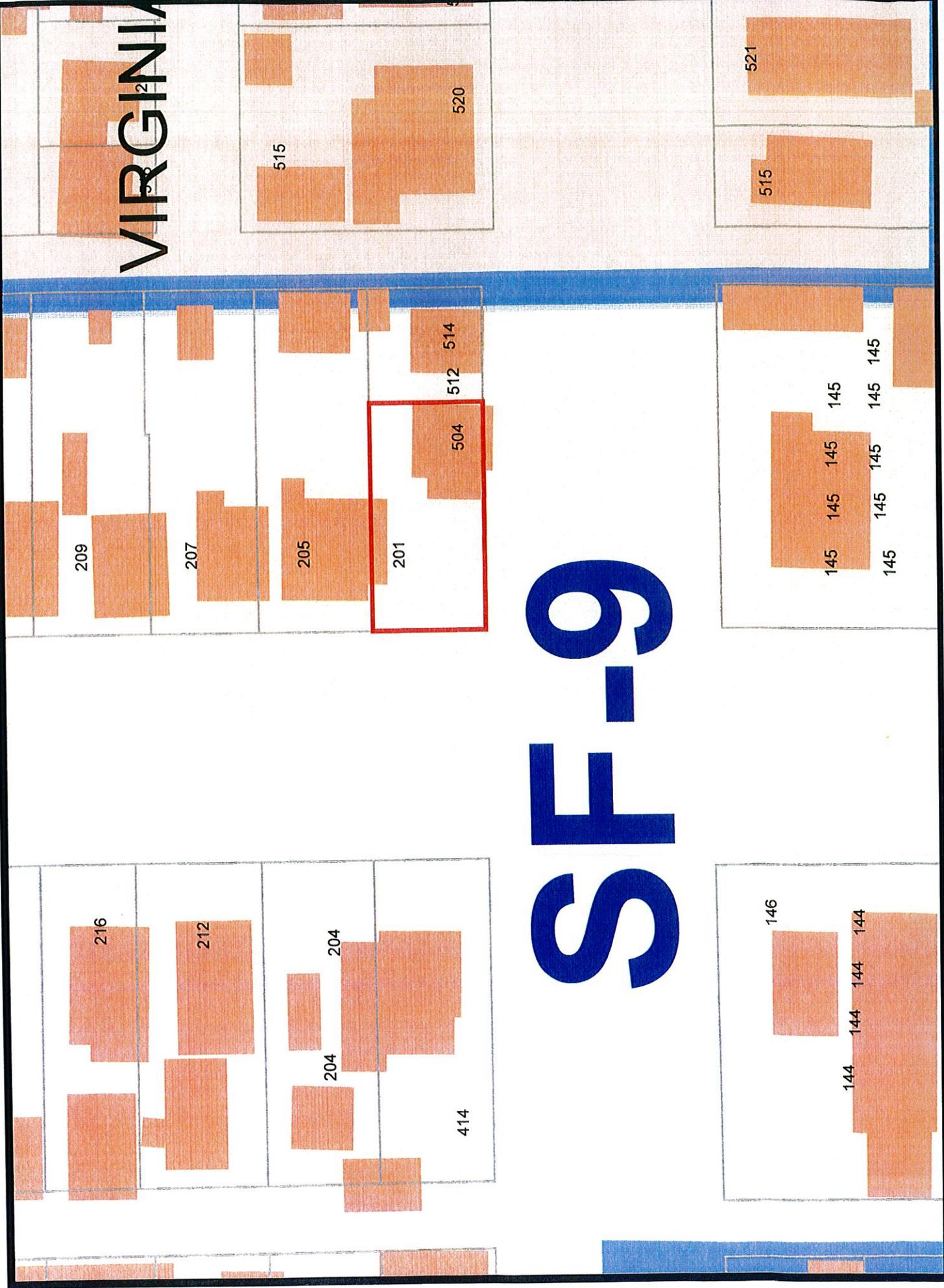
Elevation from
E. Willis St.

N ↑



View from E. Willis Street

VIRGINIA



SF-9

Item #3

VAR # V12-006

VARIANCE

**Front Setback
214 N. McCormick**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR **June 21, 2012.**

STAFF REPORT

TO: Board of Adjustment

FROM: Tom Guice, Community Development Director 
George Worley, Planning Manager 

Date: June 6, 2012

Location: 214 N. McCormick Street

Parcel No: 113-15-018A

Zoning: Business General (BG)

Owner: Larry Kantor
205 Grove Avenue
Prescott, Arizona 86301

REQUEST:

This is a request for a variance to decrease the front yard setback from 15 feet to 10 feet to permit the construction of a single-family home.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

ZONING CODE REQUIREMENT: LDC Section 4.7

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND:

The property is on the East side of McCormick Street. Due to the steep slope over the rear 2/3's of the site, it is subject to Hillside Protection requirements of the LDC. A previous structure existed on the site, but was removed in 2009 due to its dilapidated condition. An area at the front of the property was graded flat for the previous small residential structure, but the property then immediately slopes upward at a steep angle. The intended home design of the applicant would require substantial additional grading of the hillside and construction of retaining walls. The proposed home design is two stories at the street level stepping back into the hillside with the second story. Nearby existing structures, to the south and across the street, have substantially reduced setbacks, even as close as zero setback for the commercial building across the street from the subject site. An aerial photo is included with this report depicting the proximity and arrangement of surrounding buildings.

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request's consistency with the 2003 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The area is a mix of single and multifamily residential dwellings and light commercial uses. The proposed use as a single-family home is consistent and compatible with the developed lots in the neighborhood.

VARIANCE REQUIREMENTS:

Variations may be granted only if, because of special and unusual circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning code will deprive such property of privileges enjoyed by other property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

VARIANCE CRITERIA:

1. Extraordinary Conditions.

There is a substantial grade over the rear 2/3 of the property. This creates a topographic hardship to development unless substantial grading is done. Extensive grading on this site is limited by the Hillside Protection requirements of LDC Section 6.8. Grading would also cause visual impacts to nearby properties and could cause drainage problems as well.

2. Substantial Detriment.

Due to the steep slope of the rear 2/3 of the site substantial grading would be required to construct at the required 15 foot front setback. Reducing the setback by the five feet requested would reduce the need for much of the grading and would leave this structure setback from the street further than many of the nearby existing structures. This is a substantial detriment to the construction of a home on the lot that would also be less compatible with the surrounding development pattern.

3. Special Privileges.

While granting this request will allow the owners a reduced front setback, the reduction would allow a more compatible development of the site and reduce substantial grading that would have wider impacts on the neighborhood.

4. Self-induced Hardship.

The hardships associated with this request are a result of the steep slope of the majority of this site. Design of a home that would not require either substantial grading or this requested variance would result in a much smaller structure than any nearby existing buildings.

5. General Plan.

The General Plan encourages in-fill development and the maintenance of existing neighborhood character. This request is an in-fill development and the reduced setback is consistent with other existing developed parcels within the immediate vicinity.

6. Utilization.

While this lot could be developed without the requested variance, the adverse impacts on both the applicant and the neighboring developed lots would be substantial. The requested reduced front setback would result in a developed site comparable and compatible to the surrounding existing sites.

NEIGHBORHOOD COMMENTS:

Staff has received no comments from the public regarding this request.

STAFF RECOMMENDATION:

Based upon the findings above, staff recommends approval of Variance V12-006, reducing the front yard setback from 15 feet to 10 feet.

SUGGESTED MOTION:

Move to approve Variance #V12-006, 214 North McCormick Street, reducing the front yard setback from 15 feet to 10 feet.

Parcel Report for APN: 113-15-018A

Site Address: -

Owner:
KANTOR LARRY & ALLISON WRS
214 N MCCORMICK ST
PRESCOTT AZ 863012703

Subdivision Name: PRESCOTT ORIGINAL TOWNSITE
REPLAT BLOCK B LOTS

Max. Lot Coverage: 60%
Max. Bldg Height: 35 ft
Setbacks
Front: 15 ft
Side: 5-12 ft
Rear: 10 ft
Corner: 8 ft

Acres: 0.38 acres
Square Ft: sq.ft.
TRS: T14-R2-S33

DOR Usage Code: Vacant
Description: VACANT RESIDENTIAL

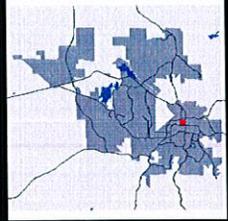
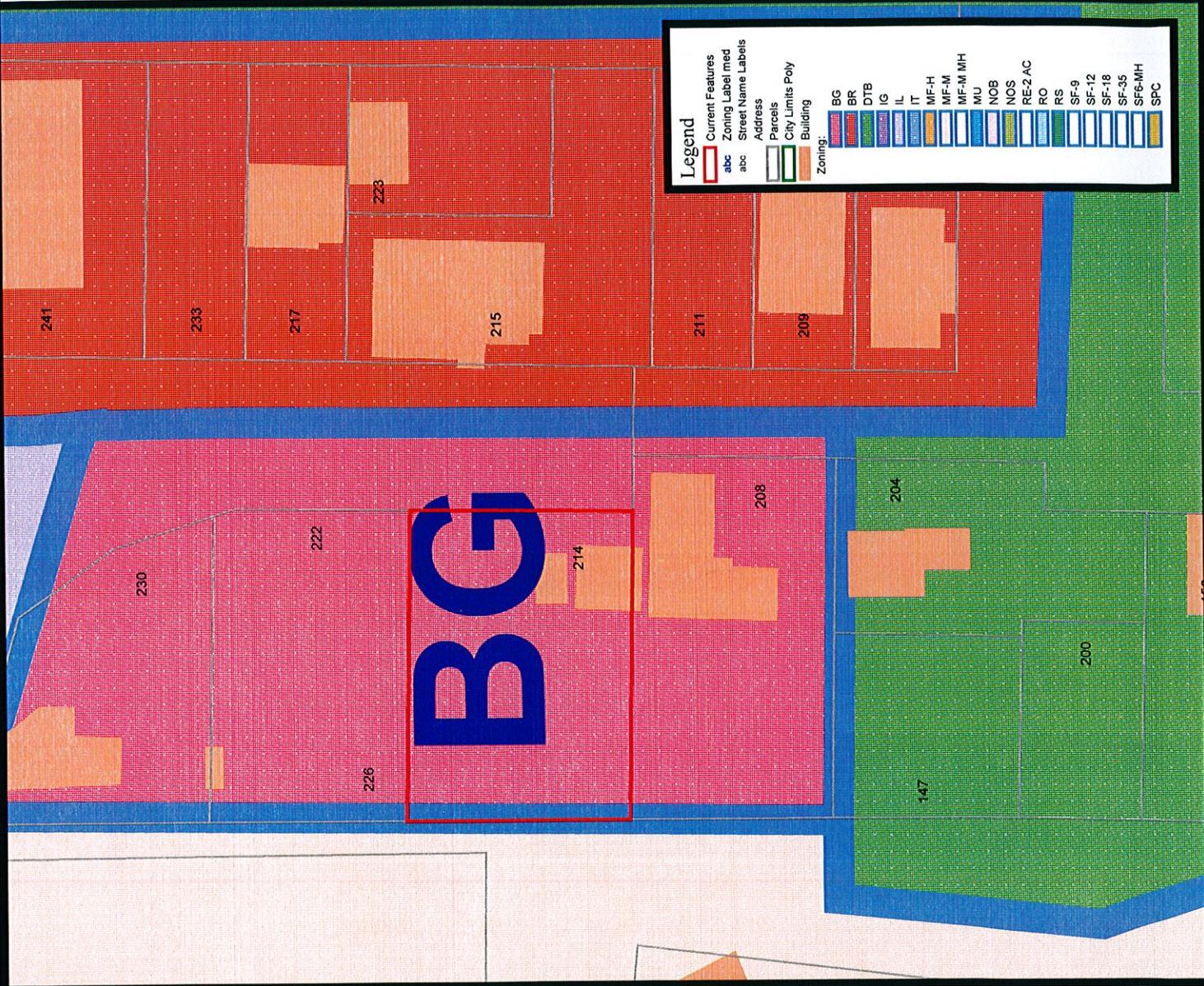
Zoning Information

Zoning: BG
Flood Zone: 0.2 PCT CHANCE, X;
FIRM Panel: 04025C2061G

Overlay District Information

HPD District: Outside
NR District: Outside
Willow Creek District: Outside
Whipple-Zuma District: Outside
Hwy 69 District: Outside
Prescott East Area Plan: Outside
Prescott Enterprise: Inside
Airport Noise District: Outside
Wildlife Urban Interface: Outside

Planner's Actions:



214 N MCCORMICK ST

This map is a product of The City of Prescott



To: City of Prescott Planning and Zoning
Date: May 16, 2012
From: Mr and Mrs Larry Kantor

We are requesting a variance on the property at 214 N. McCormick St.. We are asking for a variance for the current (front) setback of 15 feet to be reduced to between 7 and 8 feet. The reason for the variance is to conform to the hillside code by moving the house forward 8 to 10 feet and therefore not disturb more than 30% of the hill.

The residence will sit back approximately 30 feet from the curb to allow for a semi-circular driveway, thereby eliminating the danger of backing out onto McCormick St..

At this point all other legal options have been exhausted in our endeavor to conform to the hillside code.

The benefit to the city is to have a maintained and visually appealing property where now there is trash, old concrete rubble, and transient activity. We will be eliminating the current danger to the public by removing rebar, concrete residue that remains after the demolition of the previous house on the property.

Thank you for your consideration of this request.



