

# BOARD OF ADJUSTMENT AGENDA

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**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, FEBRUARY 21, 2013  
9:00 AM**

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

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The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on February 21, 2013, 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. Approval of the January 17, 2013 meeting minutes.
2. V13-001, 1006 Commerce Drive. APN: 106-08-088B totaling 5.34 acres. LDC Section 4.11 & 9.13. Zoning is Industrial Light. Request is for a variance to permit an 80 foot tall flag pole where the allowed height is 50 feet. Owner is Resource Holdings, Inc. 1006 Commerce Drive, Prescott 86305. Planning Manager is George Worley (928) 777-1287.
3. V13-002, 410 E. Gurley Street. APN: 114-05-065 totaling .024 acres. LDC Section 3.9 & 9.13. Zoning is Multifamily Medium. Request is for a variance to permit a new stairway to encroach into the front yard building setback. Owner is First Church of Christ Scientist. 410 E. Gurley Street, Prescott 86301. Community Planner is Ruth Hennings (928) 777-1319

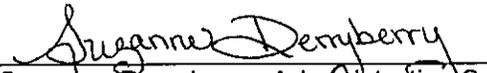
- IV. REVIEW ITEMS
- V. SUMMARY OF CURRENT OR RECENT EVENTS
- VI. ADJOURNMENT

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.

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#### 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 February 15, 2013 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, JANUARY 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 January 17, 2012 in Council Chambers, City Hall, located at 201 S. Cortez Street, Prescott, Arizona 86303.

## 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
George Wiant	Tom Guice, Community Development Dir.
Duane Famas	Ryan Smith, Community Planner
James Di Rienzo	Matt Podracky, Assistant City Attorney
Dick Rosa	Suzanne Derryberry, Administrative Specialist
Greg Lazzell, Vice Chairman	Ruth Hennings, Community Planner
Johnnie Forquer	Kelly Sammeli, Code Enforcement Supervisor
	<i>COUNCIL PRESENT</i>
	Marlin Kuykendall

## II. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the November 15 and December 20, 2012 minutes.

Mr. Rosa, MOTION to approve minutes from the November 15 and December 20, 2012 meetings. Mr. Lazzell, 2<sup>nd</sup>. VOTE: 5-0-1 (Ms. Forquer abstained as she was not present for the meetings)

2. TUP12-011, 1301 Prescott Lakes Parkway. APN: 105-04-002W totaling ±15.45 acre. LDC Sections 2.6.7 and 3.12.1. Zoning is Business General - Planned Area Development (BG PAD). Request an extension to a Temporary Use Permit originally granted in 1998 under a previous Zoning Code to allow a manufactured building as a sales office. Owner/Applicant is Jeff Davis of PL Commercial Partners LLC, 110 E. Gurley Street, Prescott, AZ 86301. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and indicated that the request was for a ten year extension of a Temporary Use Permit allowing for the continued use of a manufactured building as a sales and marketing office in a BG PAD zoning district.

Mr. Smith continued by noting that the existing zoning is Business General which does allow for the proposed use, but the current question does not deal with the use but rather the use of a manufactured housing for a sales office. Mr. Smith discussed the various options which were available to the applicant and offered different proposals for the commission to review. Mr. Smith concluded by noting that there are remedies available to the applicant, therefore, staff was recommending approval of 5 years instead of 10 years with no possibility of extension. Staff suggested two conditions:

1. Conditional Use Permit shall be approved for a period of 5 years with an expiration date of May 15, 2018.
2. No further extensions shall be permitted.

Mr. Smith discussed the alternate conditions which the commission could approve.

Mr. Rosa wanted to know the estimated time of build out for the Prescott Lakes area. Jeff Davis, 110 E. Gurley, Suite 200, stated that Prescott Lakes is approx 11,000 acres and the preliminary plat was estimate at about 2,700 units. The current build out was 1,500. Mr. Davis continued by discussing a new builder and also discussed the alternative scenarios and requested that alternative scenario #2 be approved.

Don Bonnell, 503 E. Gurley St., stated that he currently occupied the building in question and spoke about the services his business provides.

Mr. Klein wanted to know the amount of business which takes place in the Prescott Lakes Community. Mr. Bonnell stated that their market share was over 25%. Mr. Klein wanted to know who lists the properties for that area.

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

Mr. Klein called for a motion.

Mr. Rosa, MOTION to approve scenario #1, TUP12-011, which included the following condition:

Future requests for time extension may be administratively approved by the City of Prescott Community Development Director.

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

Mr. Di Rienzo added that he would like the motion to also state that if the current use of the building ceases, then the Temporary Use Permit would expire after 3 months.

Mr. Rosa stated that he didn't have a problem adding that to the motion.

Mr. Klein discussed his opinion regarding temporary uses and stated that since it is a temporary use, at some point in time, the use must end.

The motion, with the amendment, was read back to the commissioners.

Mr. Davis requested that he be provided with a period of 6 months as opposed to 3 months in order to provide him with the time needed in the event he ever needed to find another real estate company to take things over.

Mr. Di Rienzo stated that he was okay changing the time frame to 6 months.

The motion was again read back to the commissioners with the updated information. Mr. Klein called for a vote. MOTION passed 5-1 (Mr. Klein opposed).

3. CUP12-003, 2121 Larry Caldwell Drive. APN: 102-06-005H totaling 23.5 acres. LDC Section 9.3. Zoning is Single-Family, Neighborhood Oriented Business, and Residential Office. Request is for an amendment to the existing Conditional Use Permit (CUP02-007) to allow for a fenced storage area. The Owner / Applicant is The Heights Church, 2121 Larry Caldwell Drive, Prescott 86301. Planner is Ruth Hennings (928) 777-1319.

Ms. Hennings reviewed the staff report and stated that the existing Conditional Use Permit was originally approved in 2002 with the following conditions:

- Substantial conformance to a conceptual site plan which was to allow a building not to exceed 30,000 sq ft. on the south side of the property.
- It must meet requirements for a building permit
- Parking lot lighting which must be turned off one hour after all events.
- Landscaping to be done along Larry Caldwell Drive.

She continued by discussing the approved conceptual site plan and existing site conditions.

Mr. Hennings stated that the current request was for an amendment to the existing Conditional Use Permit which allows for a church within the SF- 9 zoning district. Any modification to the previously approved site plan would require a formal amendment to the CUP. The current proposal was to amend the site plan to include a fenced storage area along the south property line adjacent to HWY 89A. In addition, the fence would be 6' high and approximately 350' by 72', totaling 25,200 square feet.

Ms. Hennings noted that outdoor storage may be permitted as an accessory use and structure in the SF-9 zoning district. It may not be permitted as a primary use in any of the residential zoning districts. She indicated the criteria outlined by the Land Development Code which the Board of Adjustment should consider when evaluating the current request.

Ms. Hennings concluded by stating that staff recommended approval of the request.

Mr. Lazzell wanted to know if the church could ever sell that portion of property for residential use and have a home constructed on that land. Ms. Hennings stated that a single-family use could be constructed in that area.

Todd Marolf, 1951 Commerce Center Cir, discussed on-site storage.

Ty Myers, 3601 Crossings Dr, discussed the original site plan and stated that the church had never built anything without a permit. He continued by discussing the fence proposal.

Mr. Klein discussed the tent and tractor trailers which were currently on the church property. Mr. Marolf stated that the tent was permitted from the fire department but they were unaware that an additional permit needed to be obtained. He noted that the tent would be taken down the following week. Mr. Myers also discussed issues regarding the tent.

Mr. Klein called for any comments from the public.

Andy Ozols, 2029 Gold Links Dr, discussed the fact that the homeowner's do not want to see any amendments to the Conditional Use Permit because the church is not cooperative with the neighborhood.

Mr. Klein requested the applicant to address the neighbor's concerns regarding lighting. Mr. Myers stated that the lighting had been set on a timer which was set to turn off at 10:00 PM with the exception of security lights. He continued to discuss traffic issues and other concerns noted by the members of the neighborhood.

Mr. Lazzell wanted to know how many people Mr. Ozols was representing. Mr. Ozols stated that he was representing approximately 20-30 families.

Mr. Klein wanted to know if it was mandatory to amend the Conditional Use Permit in order to allow the fence. Ms. Hennings stated that the CUP was tied to the original conceptual site plan so they would be expanding the boundaries of the conceptual site plan to include the new storage area.

Mr. Di Rienzo discussed other areas to place the storage area.

Cheryl Cooperman, 5667 Hole In One Dr., discussed the tent on the property which she stated had exceeded the allowable amount of time. She continued to discuss the trailers being placed on the property.

Various members of the commission discussed concerns regarding code violations and some issues with non-compliance. Mr. Klein addressed staff to discuss the current code violations and what was being done to correct those violations. Ms. Hennings stated that the current code violations were related to the tent, storage containers and general storage of property maintenance issues.

Mr. Lazzell wanted to know if staff had received complaints regarding lighting. Ms. Sammeli, Code Enforcement Supervisor, stated that staff had received numerous complaints regarding lighting, noise, property maintenance conditions, etc. She stated that the lighting concerns are usually related to staff still cleaning up after events. She added that the majority of the time the church does adhere to the regulations of having the lighting turned off by a specific time. Ms. Sammeli concluded by noting that the statuses of the code violations were put on hold until after the board rules on the proposal.

Mr. Klein suggested having the applicant place everything that would be stored in the storage location at the location prior to the fence being placed. He continued by stating that the amendment of the Conditional Use Permit contingent upon all the code violations being addressed prior to the fence being built.

Mr. Myers stated that he would be glad to relocate all items to the proposed location.

Frank Cooperman, 5667 Hole In One Dr., spoke about the removal of the trailers which were in violation.

Ms. Sammeli stated that the storage of any nature, as long as it's orderly, is allowed. She added that if the board does move forward, staff would request that the compliance of the code violations be met within a 30-day period.

Various members of the committee, public and applicant discussed the need for a fence.

Mr. Di Rienzo, MOTION to approve CUP12-003, an amendment to CUP02-007, with the following conditions:

1. Storage area must be in substantial conformance to the site plan dated October 17, 2012, not to exceed dimensions shown on same.
2. Storage area must meet the requirements of LDC Section 2.5.2, Accessory Uses and Structures.
3. All items stored in the outdoor storage area must be entirely screened from view; items may not exceed the 6' height of the fence.
4. Fence must be painted or stained in an earth tone color to blend in with the landscape.
5. Access must be approved by the Fire Department for the purpose of firefighting operations and the storage area must be a minimum of 10' from the property line.
6. The applicant will move all items to be stored to the proposed site before the construction of fence.
7. All code violations must be resolved within 30 days from the time of the approval of the request.

Mr. Rosa, 2<sup>nd</sup>. VOTE: 6-0; passed.

#### **IV. REVIEW ITEMS**

None

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

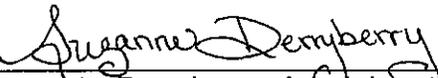
None

**VI. ADJOURNMENT**

Chairman Klein adjourned the meeting at 10:38 a.m.

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Mike Klein, Chairman



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Suzanne Derryberry, Administrative Specialist  
Community Development

**VAR # V13-001**

**VARIANCE**  
**Flag Pole Height**  
**1006 Commerce Drive**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION  
BOARD OF ADJUSTMENT MEETING FOR **February 21, 2013**

**STAFF REPORT**

**TO:** Board of Adjustment

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

**Date:** February 14, 2013

**Location:** 1006 Commerce Drive

**Parcel No:** 106-08-088B

**Zoning:** Industrial Light (IL)

**Owner:** Resource Holdings II  
1006 Commerce Drive  
Prescott, Arizona 86305

**REQUEST:**

This is a request for a variance to allow a flag pole of up to 80 feet in height at Tim's GMC Dealership at the northwest corner of Willow Creek Road and Commerce Drive. The district maximum allowed height is 50 feet.

**COMPLIANCE WITH ZONING CODE AND ARS 9-462.06:** Yes

**ZONING CODE REQUIREMENT:** LDC Section 4.11

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**BACKGROUND:**

Tim's GMC dealership is undergoing a renovation. The dealership desires to relocate a flagpole to a more visible location in the vehicle display area, placing it closer to the major road frontage of Willow Creek Road and is requesting this variance to allow the flag pole to be up to 80 feet in overall height. The Industrial Light district permits structures up to 50 feet in height. The Dealership notes in their application that the nearby Business Regional (BR) district allows for Special Use Permits (reviewed and granted by the City Council) to reach

heights of up to 100 feet. Staff would note that Special Use Permits are not automatically granted by Council and some of the criteria considered by Council in review of such a request are similar to the considerations of the Board in their review of a variance request. Following are comments associated with the criteria required to be considered by the Board of Adjustment in order to grant a variance.

#### 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 primarily a commercial district. The surrounding businesses are other auto dealerships, retail businesses and industrial sites. The dealership use of this site is clearly compatible with surrounding uses.

#### 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.** *There are extraordinary conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of his land.*

The applicant describes the need for the height exception as being the result of visual competition with numerous power utility poles in the immediate vicinity. Staff certainly agrees that there are many electrical poles and wires in the vicinity, however there are no competing flags and the wires do not appear to be so densely spaced as to block the view of the site or of a flag flown at 50 feet in height.

- 2. Substantial Detriment.** *It will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.*

There are no apparent detriments to the public health or safety resulting from this request.

- 3. Special Privileges.** *The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.*

The applicant states that this is not a special privilege because other height exception processes (SUP's) exist in other zoning districts, which do not require the same burden of proof as is required by a variance. The applicant argues for granting this variance because other dealerships (located in BR districts) have access to an approval process allowing up to 100 foot high flag poles. As noted in the text above, staff would like to emphasize that SUP's are not guaranteed in BR districts.

- 4. Self-induced Hardship.** *The hardship is not the result of the applicant's own actions.*

The applicant argues that the ability to display a large American flag on other properties in Prescott creates a hardship on his dealership by limiting the height of the pole. He contends this limitation is imposed by code and is not self induced. However, the applicant can display a large flag in this district. The district limit of 50 feet in height does not preclude a larger flag.

- 5. General Plan.** *It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.*

The site is designated Commercial/Employment on the General Plan Land Use Map. The industrial zoning is compatible with that designation. The dealership use of the site is in conformance with the General Plan. The General Plan does not address specific development criterion such as height limits.

- 6. Utilization.** *Because of special circumstances applicable to the property, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.*

The applicant has based his request upon the ability of other similar commercial uses, in other zoning districts, to seek an exception to their district height limits. Each district has different standards depending upon the intended purpose of the district. Staff does not agree that just because district standards vary, that the different standards create a hardship. The test for this criterion is whether this property is deprived of a privilege available to other properties in the same zoning district. Staff contends that it is not. The applicant has not contended that nearby properties have flag poles higher than 50 feet or that any nearby competitors are able to display larger flags on higher flagpoles. They contend only that one could have a higher flag pole somewhere else in Prescott.

**NEIGHBORHOOD COMMENTS:**

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

STAFF RECOMMENDATION:

Based upon the above findings, staff recommends denial of variance V13-001.

SUGGESTED MOTION:

Move to Deny Variance #V13-001, a request to install a flag pole up to 80 feet in height where the district maximum is 50 feet.



**CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
201 S. Cortez, Prescott, AZ 86301 (928) 777-1207**

**VARIANCE APPLICATION**

V# 13-001

Property Address: 1006 Commerce Drive

Assessor's Parcel Number (s)(APN): 106-08-088B

Township \_\_\_\_\_ Section \_\_\_\_\_ Range \_\_\_\_\_ Current Zoning: IL

Subdivision Name: \_\_\_\_\_

		<i>For Staff Use Only</i>
<b>Owner Name &amp; Address:</b> <u>Resource Holdings II IP</u> <u>1006 Commerce Drive</u> <u>Prescott, Arizona 86305</u>  <b>Phone:</b> <u>928-445-7350</u> <b>Fax:</b> _____ <b>Email:</b> <u>ali@timsauto.com</u>		Date Received: _____  Taken In By: _____  Assigned To: _____  Date Application Complete: _____
<b>Applicant/Agent Name &amp; Address</b> (If different than property owner, <b>Agent letter must accompany submittal</b> ): <u>Michael Taylor Architects, Inc.</u> <u>118 South Pleasant Street</u> <u>Prescott, Arizona 86303</u>  <b>Phone:</b> <u>928.445.0626</u> <b>Fax:</b> <u>928.445.6810</u> <b>Email:</b> <u>michael@mtai.neet</u>		Fees & Charges: _____  Receipt #/Date: _____  PAC Date: _____  BOA Date: _____
Description of Request: <u>Request a variance from the 50' limit for flagpoles in IL zoning to allow the installation of an 80' tall flagpole.</u> _____ _____ _____ _____ _____		
<u>Michael Taylor, AIA</u> <b>Name</b>	_____ <b>Signature</b>	<u>12-5-12</u> <b>Date</b>

## VARIANCE QUESTIONNAIRE

All questions must be answered prior to acceptance of the application.

1. Describe the special or unique conditions and circumstances which are peculiar to the land (e.g. large trees, rocks, outcrops, washes, steep topography, etc), structure or building, which are not applicable to other lands, structures or buildings in the same zoning district in other locations.

This is a very large parcel of land surrounded by a variety of electrical distribution towers, some over 100' high.

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Due to the positioning of the proposed flagpole on the site the height is necessary to provide comparable visibility amongst the electrical towers.

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2. Indicate how the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance. If citing other properties, their addresses must be given.

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Other similar users have been allowed a BR zoning which allows 100' max height. IL, as an industrial zoning should allow a similar height. BR zoning is located across the street from the subject parcel.

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3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the Zoning Ordinance include more than personal inconvenience and financial hardship, which do not result from the actions of the applicant(s).

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Allowing other similar users a 100' maximum height limit while limiting this parcel to only 50' limits this owner's ability to display the American flag in similar fashion to those others.

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4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

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The 100' height limit is allowed in a number of zoning districts including IG. To allow a 100' height limit at this IL zoned property merely allows the applicant the same privilege already allowed to others.

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5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.

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This variance is for a flagpole of 80' to be installed near other structures that are much higher. This does not affect or injure the rights of others.

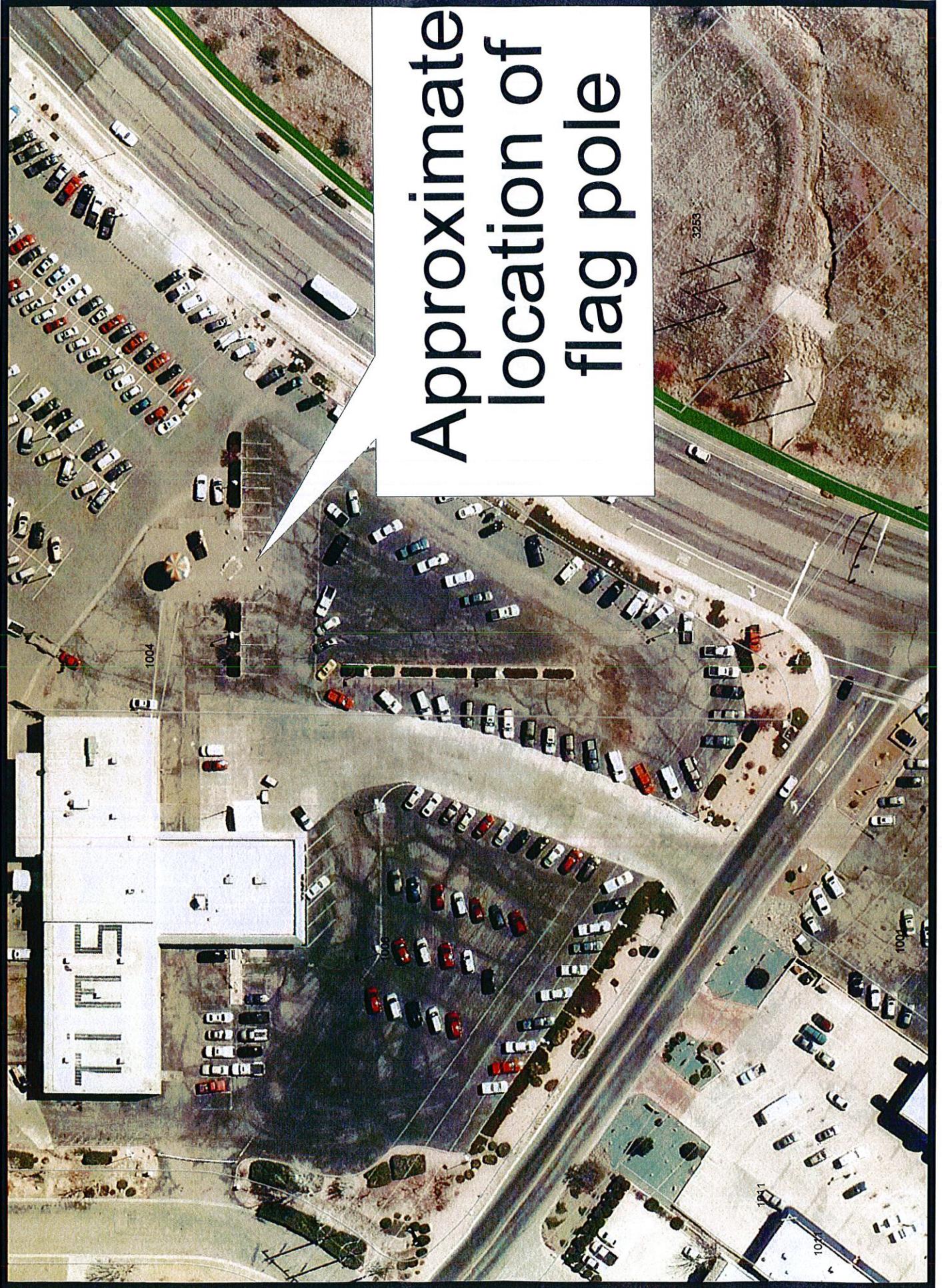
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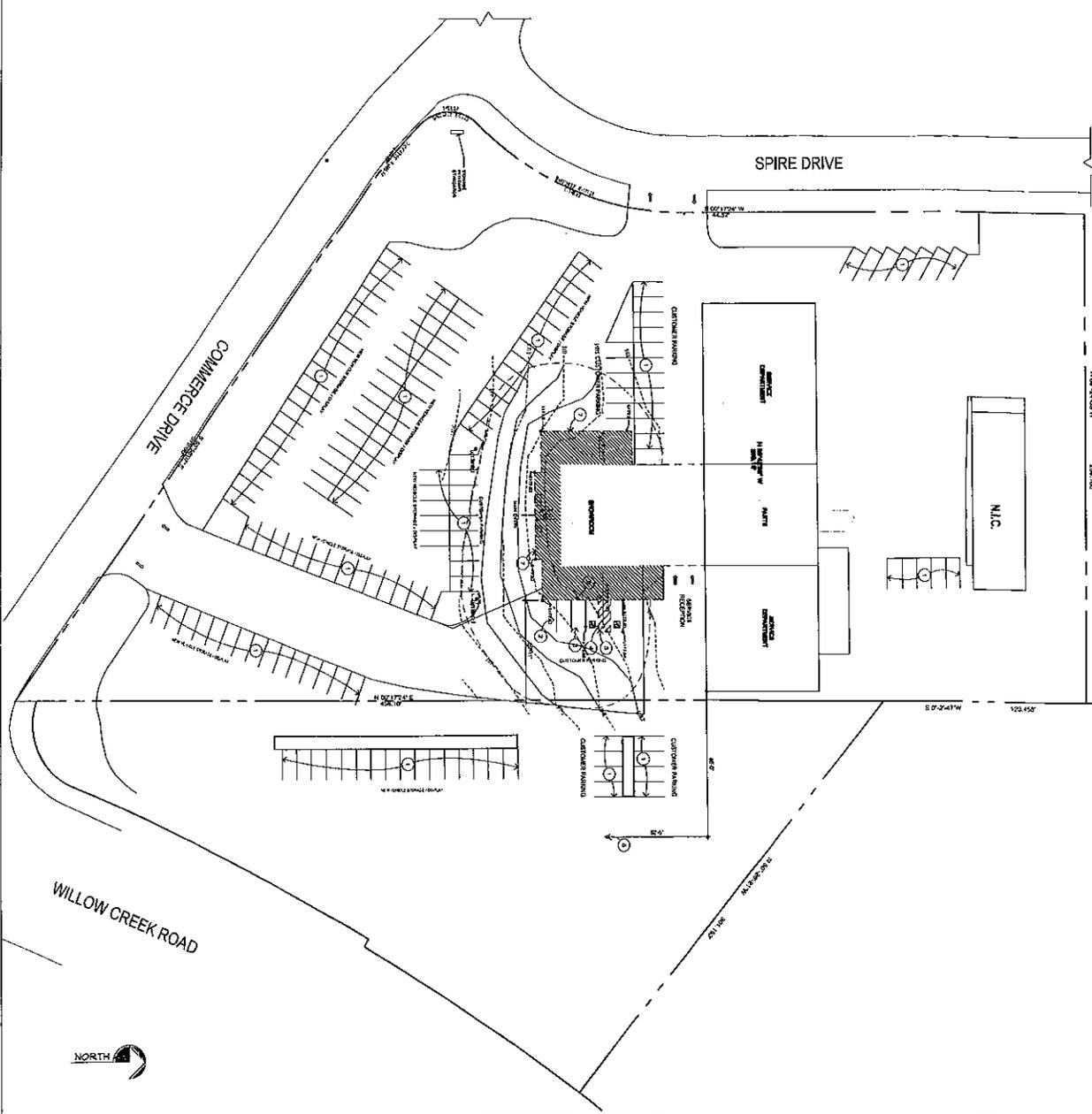
Google earth



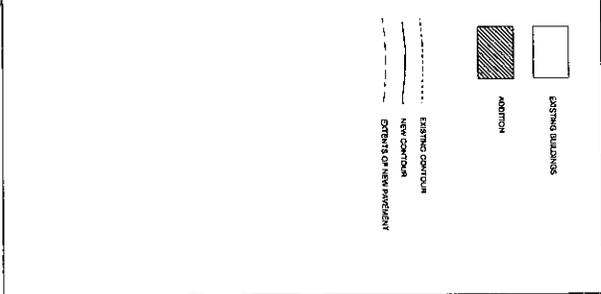
# Approximate location of flag pole



1 SITE PLAN



LEGEND



A1.1

PROJECT NO.	11005
DATE	2/22/2012
WORK	CONSTRUCTION

A REMODEL FOR  
**TIM'S BUICK GMC**  
 1806 COMMERCE DRIVE      BLD # 118950      PRESCOTT, ARIZONA



**MICHAEL TAYLOR ARCHITECTS, INC.**  
 10 South Phoenix Rd. Phoenix, Arizona 85023  
 Phone 928-445-0636 Fax 928-445-6800

DATE PLOTTED: 2/22/2012 12:32 PM

**V13-002**

**VARIANCE**

410 E. Gurley

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

BOARD OF ADJUSTMENT MEETING for February 21, 2013

**STAFF REPORT**

**TO:** City of Prescott Board of Adjustment (BOA)

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

**DATE:** February 14, 2013

**ZONING:** Multi-Family Medium (MF-M)

**ADDRESS:** 410 E. Gurley St.

**APN:** 114-05-065

**OWNER:** First Church of Christ Scientist  
410 E. Gurley St.  
Prescott, AZ 86301

**APPLICANT:** Douglas Stroh  
1323 S. Scenic Hts. Dr.  
Prescott, AZ 86303

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**REQUEST:** The applicant is proposing a new entrance to the First Church of Christ Scientist, which requires replacing and redesigning the front stairway and ramp. The purpose is to create a more inviting entrance and to comply with ADA standards for the ramp. A Variance is required because the new stairway projects into the required front setback, 25' along Gurley Street. The site plan indicates a 0' front setback where the stairway and ramp meet the adjacent sidewalk.

**BACKGROUND:** The property has been granted several Variances in the past, as follows: side setback of 3'5" for addition (1968), side setback of 2' for an awning (1974), increased sign area (1985), increased sign height (1986), and a 6' fence in the front setback (1998).

**VARIANCE REVIEW CRITERIA:** The Board of Adjustment shall consider the following criteria in its review:

- 1) Extraordinary conditions:** *There are extraordinary conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of his land.*

This is a historic building, listed in the National Register of Historic Places. The existing entrance and building are currently located within the front setback. The original staircase (no longer existing) projected to the property line boundary. Strict application of the Code would make it difficult to recreate a historically appropriate entrance.

- 2) **Substantial detriment:** *It will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.*

The application has been reviewed by Public Works for interference with the adjacent right-of-way and it was determined that there were no adverse impacts. There are no other aspects of the project that would be detrimental to public health or safety.

- 3) **Special privileges:** *The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.*

Adjacent properties are subject to similar setback requirements, as the 25' setback along Gurley Street affects all properties outside the Downtown Business District. However, there are several other properties in the vicinity with projections into the front setback, for the same reason that they were built previous to the current Land Development Code.

- 4) **Self-induced hardship:** *The hardship is not the result of the applicant's own actions.*

The hardship is in part due to applicant's desire for a more inviting, substantial, and historic entrance.

- 5) **General Plan:** *It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.*

Historic preservation is listed as a priority in both the Quality of Life and Economic Development elements of the General Plan. This project proposes to create a more historically accurate entrance than the existing.

- 6) **Utilization:** *Because of special circumstances applicable to the property, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.*

The historic nature of the property is considered to be a special circumstance applicable to this proposal.

**STAFF RECOMMENDATION:** Staff recommends approval of V13-002. The project meets the majority of the criteria required for the granting of a Variance as set in the Land Development Code.

**Attachments:**

- 1) Variance questionnaire
- 2) Existing site plan
- 3) Proposed site plan
- 4) Historic photos

**SUGGESTED MOTION:** Move To Approve V13-002, a Variance to allow a 0' front setback for a new staircase and handicapped ramp.

## VARIANCE QUESTIONNAIRE

All questions must be answered prior to acceptance of the application.

1. Describe the special or unique conditions and circumstances which are peculiar to the land (e.g. large trees, rocks, outcrops, washes, steep topography, etc), structure or building, which are not applicable to other lands, structures or buildings in the same zoning district in other locations.

The original church building was built in the 1920's with the stairs starting at the sidewalk and leading up to the front doors.

2. Indicate how the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance. If citing other properties, their addresses must be given.

The literal interpretation of the zoning ordinance could prevent the re-building of the stairs and ramp.

3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the Zoning Ordinance include more than personal inconvenience and financial hardship, which do not result from the actions of the applicant(s).

The literal interpretation of the zoning ordinance could prevent ADA access to the main door.

4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

This is basically a re-construction project of an existing element in a grand fathered building.

5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.

Re-building the stairs and ramp and creating a more inviting entrance will enhance the neighborhood.



DRAWN BY: JRK  
CHECKED BY: JRS  
DATE: 19 JAN 2018  
JOB NO.: 12120

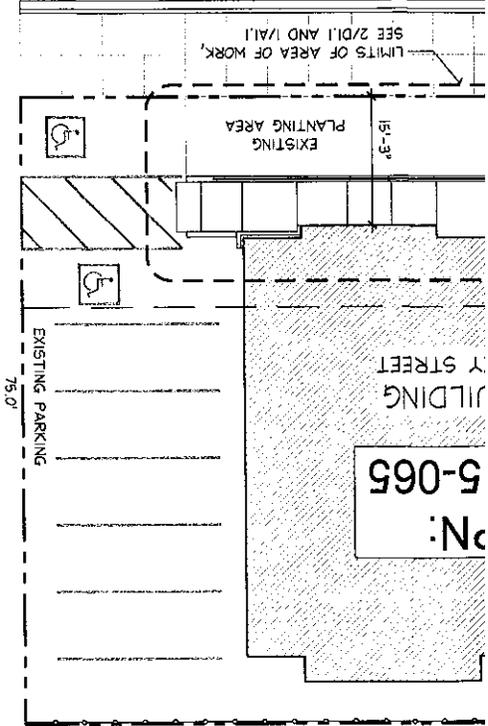
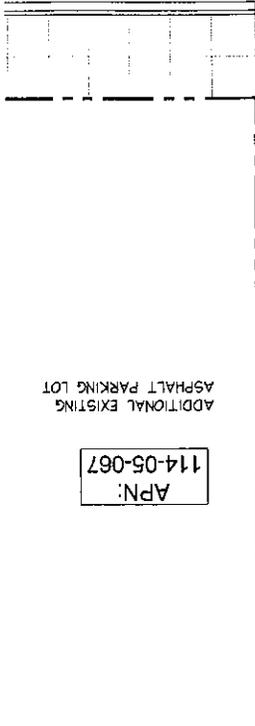
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SHEET

REVISION

**ENTRY RECONSTRUCTION  
FIRST CHURCH OF  
CHRIST SCIENTIST  
PRESCOTT, AZ**

**STROH ARCHITECTURE, INC**  
1323 South Scenic Heights Drive  
Prescott, AZ 86303  
(928) 771-0548



EXISTING FENCE

Y STREET

EXISTING PLANTING AREA

SEE Z/D/I AND I/M/I

GUTTER



