



# BOARD OF ADJUSTMENT AGENDA

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**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, MAY 15, 2014  
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 May 15, 2014, 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	Phil King
George Wiant	Richard Rosa
Johnnie Forquer	Mike First
James DiRienzo	

**III. REGULAR AGENDA / PUBLIC HEARING ITEMS**

1. Approval of February 20, 2014 meeting minutes.
2. V14-002-Request to reduce rear yard setback from 30 feet to 10 feet at 897 Downer Trail to permit construction of a single-family home. APN 111-10-018. Zoning is Single-family SF-35. Owner is Tony and Michele Hamer. Applicant is Marc VanWormer.
3. V14-003-Request to permit recreational vehicle to be used as a caretaker residence on residential property at 910 Country Park Drive. APN is 116-01-043. Zoning is Single-family SF-35. Owner/Applicant is Juliana Hutchins Greer.
4. V14-004-Request to reduce side yard setbacks from 7 feet to 4 feet at 143 S Alarcon to permit the construction of a garage in the rear of the existing home. APN is 109-01-050. Zoning is Multifamily MF-M. Owners are Daniel and Antoinette Zorich. Applicant is Bill Otwell.

- 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 May 8, 2014 at 2:00 PM 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, FEBRUARY 20, 2014  
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 February 20, 2014 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	Ryan Smith, Community Planner
Johnnie Forquer	Suzanne Derryberry, Administrative Specialist
Phil King	
James Di Rienzo	<i>COUNCIL PRESENT</i>
George Wiant	Marlin Kuykendall
Richard Rosa (Absent)	Greg Lazzell

## III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the January 16, 2014 meeting minutes.

Mr. King, MOTION to approve the January 16, 2014 meeting minutes.  
Mr. Di Rienzo 2<sup>nd</sup>. VOTE 5-0; passed.

2. CUP14-001 705 E Sheldon St. APN: 114-04-004A totaling ±0.1 acre. LDC Sections 2.3 and 4.8. Zoning is Business Regional (BR). Request a Conditional Use Permit to allow for the operation of a Tattoo Parlor. Owner is Vasquez Resources, LLC. Applicant is Autumn Goodspeed, 843 Sunset Ave, Apt. B, Prescott, AZ 86305. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and indicated that the use being proposed was located within a Business Regional Zoning District; therefore, it would require a Conditional Use Permit.

Mr. Smith indicated that the submitted site plan showed a tattoo parlor as well as an art gallery. In addition, the building contained three separate suites; one vacant and the other was an alteration shop.

Mr. Smith discussed the Conditional Use Permit criteria and stated that if any, the possible impacts would be minimal.

Mr. Smith concluded with his presentation and stated that staff was recommending approval of CUP14-001 without any conditions.

Mr. Klein called for any questions and/or comments from the applicant or public; there were none.

Mr. Wiant, MOTION to approve CUP14-001 as presented. Mr. King, 2<sup>nd</sup>.  
VOTE 5-0; passed.

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

None

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

None

#### **IV. ADJOURNMENT**

Chairman Klein adjourned the meeting at 9:04 a.m.

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Mike Klein, Chairman

  
Suzanne Derryberry, Administrative Specialist  
Community Development

**VAR # V14-002**

# **VARIANCE**

**Reduce rear Setback  
897 Downer Trail**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION  
BOARD OF ADJUSTMENT MEETING FOR **May15, 2014**

## STAFF REPORT

**TO:** Board of Adjustment

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

**Date:** April 14, 2014

**Location:** 897 Downer Trail

**Parcel No:** 111-10-018

**Zoning:** SF-35

**Owner:** Tony & Michele Hamer  
3015 Pamela Street  
Prescott, Arizona 86305

### REQUEST:

This is a request for a variance to reduce the rear setback of this parcel from 30 feet to 10 feet due to topographic constraints existing on the site.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

ZONING CODE REQUIREMENT: LDC Section 3.3

PAST BOARD OF ADJUSTMENT ACTIONS: None

### BACKGROUND:

The applicants propose to construct a home on the parcel, however, due to the very rocky site; they request to reduce the rear setback to allow the home to be shifted to the rear into a better location for construction. The parcel is zoned SF-35, which requires a 30 foot rear setback.

The applicants contend that the shift to the rear is necessary to construct a home on the lot and that no other location within the existing setbacks would be feasible. The proposed

reduction would place the home up to 20 feet closer to the side yard of the neighbor to the east, but would maintain more than 50 feet of horizontal separation between the homes.

**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 Residential neighborhood. The proposed single-family home is compatible with the 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's lot is very rocky, even for lots in the vicinity. Based upon the natural topography, staff acknowledges that extraordinary conditions exist that limit development of this parcel.*

- 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. The property owner to the east will still have more than 50 feet of separation from the proposed home.*

- 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 Proposes to construct a 3100± square foot home on this site. The variance requested would not grant a special privilege to the applicant other than reduced setback.*

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

*The hardship is directly related to the rocky nature of the site. Staff does not believe the hardship is self-induced.*

- 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 residential on the General Plan Land Use Map. The proposed residential use of the site is in conformance with the General Plan.*

- 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 inability to construct a home on the site within the established setbacks. In this case the strict application of the zoning setback requirement of 30 feet would shift the footprint of the home into a more rocky portion of an already difficult site.*

**NEIGHBORHOOD COMMENTS:**

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

**STAFF RECOMMENDATION:**

Based upon the above findings, staff recommends approval of variance request V14-002.

**SUGGESTED MOTION:**

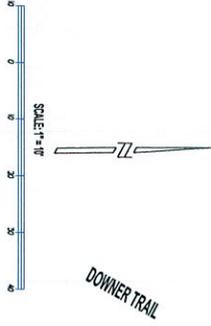
Move to Grant Variance #V14-002, a request to reduce the rear setback from 30 feet to 10 feet to permit the construction of a home.

NOTE: SCATTERED ROCK THROUGHOUT LOT.

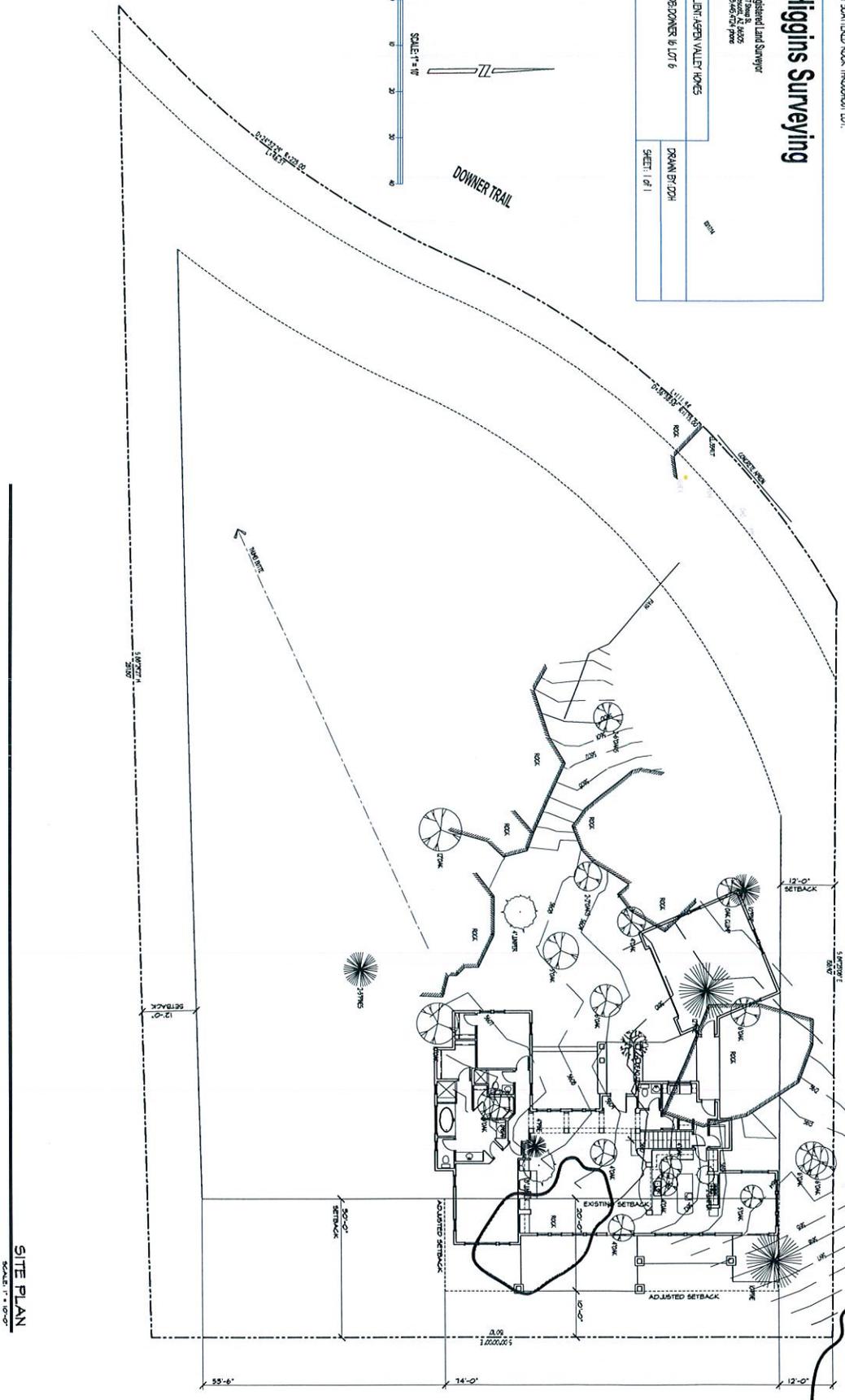
# Higgins Surveying

Registered Land Surveyor  
 License No. 14005  
 420-455-4714 phone  
 420-455-4714 pager

CLIENT: ARN VALLEY HOMES	PROJECT: DOWNER TRAIL
JOB: DOWNER 16 LOT 6	SHEET: 1 of 1



THESE PLANS ARE IN ACCORDANCE WITH THE  
 2006 INTERNATIONAL RESIDENTIAL CODE



SITE PLAN  
 SCALE: 1" = 10'-0"

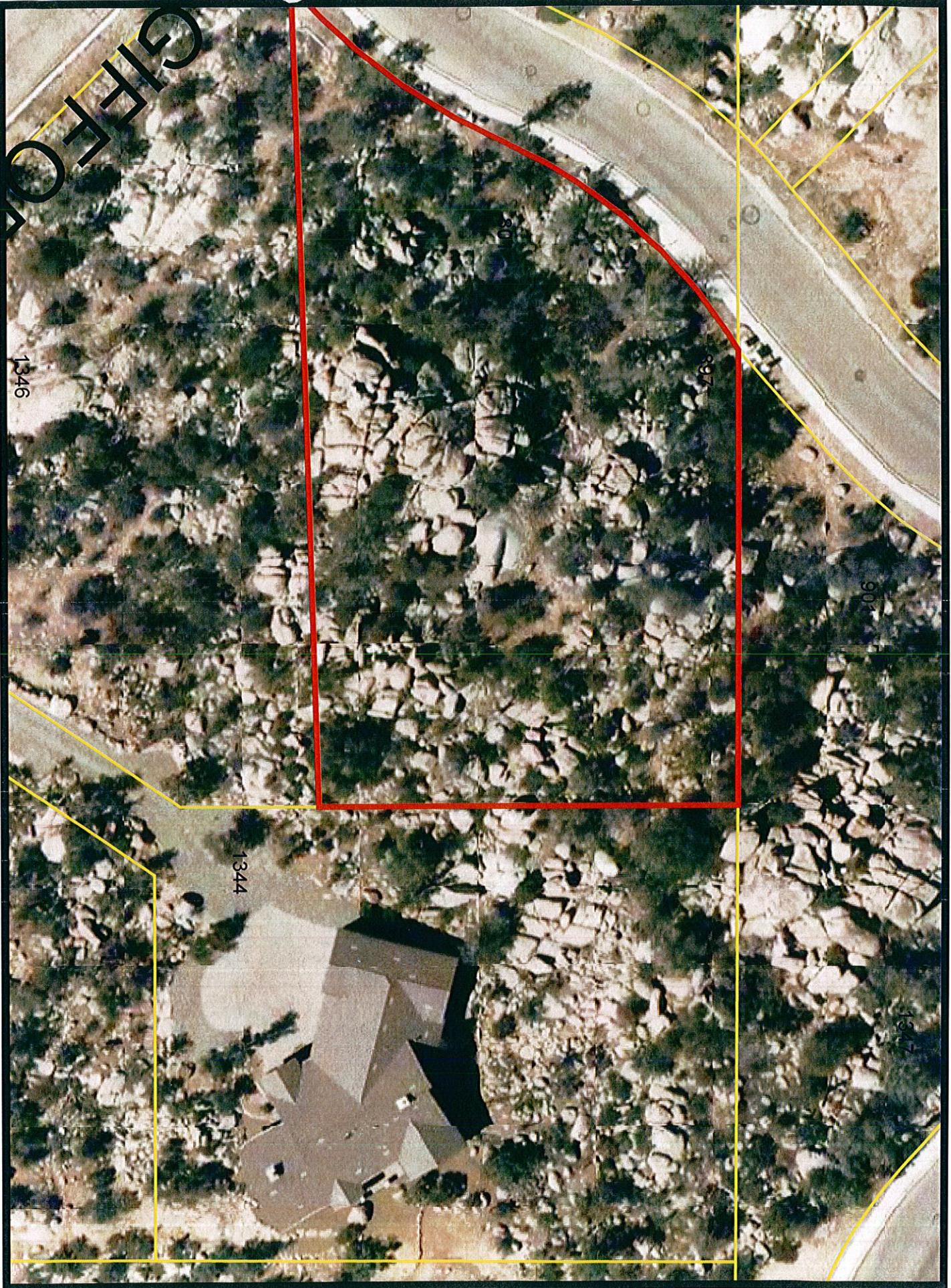
PARCEL NO. III-10-018  
 ADDRESS: 841 DOWNER TRAIL

A CUSTOM RESIDENCE FOR:  
**MR. & MRS. TONY HAMER**  
 LOT 6, DOWNER 16  
 PRESCOTT, ARIZONA

**C. LEYVA DESIGN INC.**  
 Carlos Leyva  
 Designer  
 Custom Home Design  
 & Drafting Service  
 2075 N. Granite Road  
 Fountain, AZ 86034  
 Office (428) 711-4441  
 Fax (428) 443-4462

**SITE PLAN**

4/14/2014  
 THESE DRAWINGS ARE THE SOLE PROPERTY OF C. LEYVA DESIGN, INC. AND MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT THE EXPRESSED WRITTEN CONSENT OF C. LEYVA DESIGN, INC.



GIFFOA

1346

907

907

1344

**VAR # V14-003**

# **VARIANCE**

**Use of RV for Caregiver Quarters  
910 Country Park Drive**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION  
BOARD OF ADJUSTMENT MEETING FOR **May15, 2014**

## STAFF REPORT

**TO:** Board of Adjustment

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

**Date:** May 5, 2014

**Location:** 910 Country Park Drive

**Parcel No:** 116-01-043

**Zoning:** SF-35

**Owner:** Julianna Hutchins Greer Kyer  
910 Country Park Drive  
Prescott, Arizona 86305

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**REQUEST:**

This is a request for a variance to LDC Section 6.2.4.B.1, prohibiting the use of Recreation Vehicles for sleeping or habitation on residential properties. The request is to permit a Recreational Vehicle to be used as residence for a caregiver of the occupant of the primary residence.

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

**ZONING CODE REQUIREMENT:** LDC Section 6.2.4.B.1

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**BACKGROUND:**

The applicant's mother resides at the primary residence at 910 Country Park. The applicant's brother is her caregiver. He desires to reside in the RV, already stored legally on the property, while providing care to his mother. The LDC specifically prohibits use of a stored RV for habitation. The applicant requests a variance from that prohibition.

LDC Section 6.2.4.B.1 states "Recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment that is allowed to be stored on residentially-zoned property in accordance requirements of Sec.2.5.9, RV, motor homes and Similar Storage, shall not be used for sleeping or habitation purposes." The RV is legally stored on the property per Section 2.5.9.

City Code Section 5-9 allows "camping" on private property throughout the city. Camping, as defined in the City Code, includes sleeping in tents or camping trailers or other vehicles. Where codes conflict, the more specific usually takes precedent, in this case the LDC prohibiting the use of RVs for sleeping would control. However, the remainder of the City Code allowance for "camping" would allow a tent to be used for sleeping right next to the RV. This conflict of codes has prompted staff to consider an amendment to the LDC removing the habitation prohibition. That amendment has not yet occurred, so a variance is the only way the LDC prohibition can be addressed.

#### 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 Residential neighborhood. The single-family residential use is compatible with the surrounding uses. The use of the RV is roughly equivalent to having a site-built guest quarters on the property.

#### 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.

*There are no extraordinary conditions of the land.*

- 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 proposes to use the RV for habitation. By strict reading of the LDC this variance would not grant a special privilege to the applicant. There are mitigating circumstances, as noted in the Background section of this report that the Board can take into consideration.*

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

*The hardship is associated with the applicant's family and the intended use of the RV. It can be argued that the hardship is self-induced.*

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 residential on the General Plan Land Use Map. The residential use of the site is in conformance with the General Plan.*

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 her request upon the need to use the RV for the caregiver of a family member. The strict application of the LDC would affect her use of property, but does not appear to deprive the applicant of the use of her property.*

**NEIGHBORHOOD COMMENTS:**

Staff has received one comment from a neighbor objecting to the use of the RV and two letters of support from neighbors. Comments are attached to this report.

**SUGGESTED MOTION:**

Move to Deny, Grant or Grant with conditions, Variance #V14-003, a request to permit a Recreational Vehicle to be used for habitation for a resident caregiver.

Table 6.2.3 Cont'd.	OFF-STREET PARKING REQUIREMENTS
Use Type	Minimum Parking Requirements
Restaurant, Standard	1 per 100 sf
Restaurant/Tavern/ Supper Club	1 per 100 sf of customer service area + 1 per 35 sf of dance floor
Retail, General	1 per 200 sf
Retail, Large Consumer Goods	1 per 500 sf
Schools, K-8	2 spaces per classroom + drop-off area
Schools, 9-12	10 spaces per classroom
Self-service/Mini- storage	1 per 100 lockers inside of fenced area + 5 spaces outside of fenced area + loading areas
Shooting/Archery Range	1 space per station
Theater, Entertainment	1 per 3 fixed seats, or 1 per 60 sf seating area if no fixed seats
Utility, Major	Office Area: 1 per 300 sf + Work/Storage/Other Area: <50,000 sf: 1 per 750 sf; >50,000 sf: 1 per 1,250 sf
Unlisted Uses	See Sec. 6.2.11E
Vehicle Repair	4 per bay including bay
Vehicle Sales	Office Area: 1 per 300 sf + Sales Area: 1 per 2,000 sf
Vehicle, Service Station	1 per 200 sf convenience sales area + 1 per service bay, + 2 stacking spaces per pump
Warehousing and/or Distribution	Office Area: 1 per 300 sf + Work/Storage/Other Area: 1 - 10,000 sf: 1 per 500 sf; 10,000 - 50,000 sf: one per 750 sf; >50,000 sf: 1 per 1,250 sf
Wholesale Sales and Storage	Office Area: 1 per 300 sf + Indoor Sales/Display/Storage Area: 1 per 500 sf + Outdoor Sales/Display Area: 1 per 750 sf
Workforce Housing	See Dwelling Units, Workforce Housing

**6.2.4 / General Requirements**

**A. Use of Off-Street Parking Areas, Commercial Sites**

Required off-street parking areas for commercial sites are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, motorhomes, campers, mobile homes, or building materials, except for special events that may be approved by the Community Development Director.

**B. Use of Off-Street Parking Areas, Residential**

1. Recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment that is allowed to be stored on residentially-zoned property in accordance requirements of Sec. 2.5.9, RV, motor homes and Similar Storage, shall not be used for sleeping or habitation purposes.
2. No trailer of any type in excess of 40 feet in length shall be located on residential property unless screened from surrounding properties in accordance with City Code Section 7.5.2 DEFINITIONS - "Screened Area - Exterior".

**C. Surfacing and Maintenance**

For every project, all required off-street parking areas shall be paved and maintained in a dust-free, mud-free, pothole-free, and excessive crack-free condition; except for unique conditions, as

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## CHAPTER 5-9: OUTDOOR CAMPING

### SECTIONS:

[5-9-1](#): DEFINITIONS:

[5-9-2](#): CAMPING ON MUNICIPAL PROPERTY:

[5-9-3](#): CAMPING ON PRIVATE PROPERTY:

[5-9-4](#): PENALTY

[5-9-5](#): SEVERANCE CLAUSE:

### **5-9-1 DEFINITIONS:**

"Camping" or "camp" shall mean the use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes. (Ord. 3778, 7-14-1998)

### **5-9-2 CAMPING ON MUNICIPAL PROPERTY:**

No person shall camp on property owned, leased or licensed by the City, unless that property is specifically posted with signage allowing camping, or is otherwise a specifically designated camping area. (Ord. 3778, 7-14-1998)

### **5-9-3 CAMPING ON PRIVATE PROPERTY:**

No person shall camp on private property, unless that person has in his or her possession written permission from the property owner or lawful tenant of that property. (Ord. 3778, 7-14-1998)

### **5-9-4 PENALTY:**

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section [1-3-1](#) of this Code. (Ord. 3778, 7-14-1998)

### **5-9-5 SEVERANCE CLAUSE:**

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the validity of any part thereof. (Ord. 3778, 7-14-1998)

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(The roof of the RV site in this photo became a hazzard, so we took it down)  
 with plans to rebuild. it to code. later after their insurance in

View from Country Park dr.



*View from Cyclorama*



## HUTCHINS VARIANCE

Regarding 910 Country Park Dr., Prescott, AZ

We are in need of a variance from the city to be able to have Bill Hutchins, son of Barbara Hutchins, stay in his RV to help take care of our Mom. She is 85yrs and has been in poor health. We as a family are doing all we can do to enable her to live out her life in the home she loves and has lived in for 40+ years. This means someone needs to be there for her on the property 24/7.

The city, in our requesting this variance, has suggested we get okays from our immediate neighbors saying they have no problem with this.

Please sign this indicating this is or is not okay with you and include your address.

Thanks for your help!

Juliana

I live at 2301 Cyclorama Dr Prescott AZ. I have no problem with our neighbors obtaining a variance for the motor home to be parked in its space and Bill living in it.

John Cunningham  
John Cunningham

HUTCHINS VARIANCE

Regarding 910 Country Park Dr., Prescott, AZ

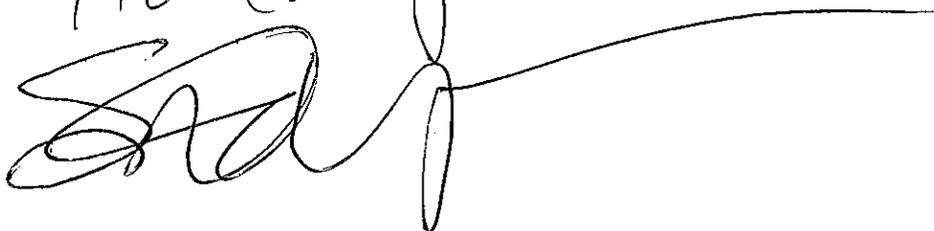
We are in need of a variance from the city to be able to have Bill Hutchins, son of Barbara Hutchins, stay in his RV to help take care of our Mom. She is 85yrs and has been in poor health. We as a family are doing all we can do to enable her to live out her life in the home she loves and has lived in for 40+ years. This means someone needs to be there for her on the property 24/7.

The city, in our requesting this variance, has suggested we get okays from our immediate neighbors saying they have no problem with this.

Please sign this indicating this is or is not okay with you and include your address.

Thanks for your help!

Juliana

Steve Morgan  
910 Country Park Dr  


# RECEIVED

MAY 05 2014

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT

Maria Cristina Zepeda  
315 E Carleton  
Apt H-2  
Prescott, Arizona 86303

Planning and zoning  
City of Prescott, Arizona  
ATTENTION: George Worley

**Hand delivered on Monday 05 May 2014**

Dear Mr. Worley:

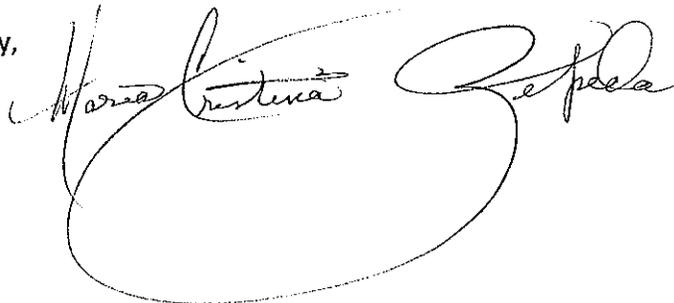
At this time I am living in an apartment. That will change after I have constructed my home at 2320 Cyclorama late this year or early next year. I am writing this letter because I am concerned about the request for variance initiated by Juliana Hutchins Greer which would permit her to use a recreational vehicle as a caretaker residence on her residential property at 910 Country Park Drive. I am opposed to the granting of that variance and permit.

I spent many months and much effort working on my own and with a realtor searching for vacant land, a plot on which I might build my home, within the city of Prescott. As I am certain you are aware, there is no surplus of such sites. I wanted a home site in the city with no homeowner association, with city utilities, with a prohibition against mobile homes rendered immobile and all manufactured housing. That includes recreational vehicles. It was a long and difficult search. I do not want that time and effort to be rendered moot or irrelevant.

My life's work has been such that I am very aware of and familiar with the looming crisis of how to house and care for the elderly who need assistance. I am not opposed to the construction on Ms. Greer's property of a small cottage or apartment, attached to or detached from her existing dwelling. Or the conversion of any garage space. Or a second story addition, +/- an elevator. I am opposed to the requested use of a recreational vehicle in lieu of the effort involved in constructing an appropriate residence.

Every time I turn from Country Park to Cyclorama or back, I will pass her property. Even if the said recreational vehicle can be camouflaged by landscaping, I will know, if the permit is granted, that a precedent has been set, that other local residents can then make, and likely get, similar variances. I am opposed to the granting of the request Ms. Greer has made.

Sincerely,

A handwritten signature in cursive script that reads "Maria Cristina Zepeda". The signature is written in black ink and is positioned below the word "Sincerely,".

**VAR # V14-004**

**VARIANCE**  
**Reduce Side Setbacks**  
**143 S. ALARCON**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION  
BOARD OF ADJUSTMENT MEETING FOR **May15, 2014**

**STAFF REPORT**

**TO:** Board of Adjustment

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

**Date:** April 14, 2014

**Location:** 143 S. Alarcon

**Parcel No:** 109-01-050

**Zoning:** MF-M

**Owner:** Daniel & Antoinette Zorich  
958 North Quail  
Mesa, Arizona 85205

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**REQUEST:**

This is a request for a variance to reduce the side yard setbacks of this parcel from 7 feet to 4 feet to allow for the construction of a garage on a 28 foot wide downtown lot.

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

**ZONING CODE REQUIREMENT:** LDC Section 3.9

**PAST BOARD OF ADJUSTMENT ACTIONS:** None

**BACKGROUND:**

The applicants propose to construct a garage on the parcel behind the existing house; however, due to the narrow width of the lot, they request a variance to reduce both side yard setbacks from 7 feet to 4 feet in order to fit a 20 foot wide building. Typical two-car garages are 22 feet wide. The 20 foot width requested by the applicants is the minimum to allow for a typical 16 foot wide garage door and be able to meet Building Code requirements. Access to the garage would be from the alley to the east of the lot.

This lot is unusually narrow, even for downtown Prescott. To fit a garage on the lot that meets the MF-M setbacks would allow only a single-car width structure. The proposed garage is intended to be deep enough to accommodate more than two automobiles by tandem parking.

The existing house is legally nonconforming, with side yard setbacks of 3'4" on one side and 2'4" on the other. The proposed garage would not encroach as far into the required setbacks as the house. The applicants also propose to set the garage back 20 feet from the rear property line to allow for additional or guest parking.

#### 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 Residential neighborhood. The proposed garage is accessory to a single-family home and would be compatible with the 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's lot is very narrow; staff acknowledges that extraordinary conditions of the land limit reasonable development of this parcel.*

- 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 Proposes to construct a two-car width garage, a common feature of properties in the district. The variance requested would not grant a special privilege to the applicant other than reduced setbacks.*

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

*The hardship is directly related to the narrow width of the lot. While the property owner new of the lot width, the request is reasonable and commonplace for residential properties.*

- 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 residential on the General Plan Land Use Map. The proposed residential accessory use of a garage is in conformance with the General Plan.*

- 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 unusually narrow width of his lot and the need for enclosed parking for his automobiles. Typical properties in the district would be able to construct a similar garage structure. Strict application of the zoning ordinance would deprive the applicant of privileges enjoyed by other properties in the same district.*

NEIGHBORHOOD COMMENTS:

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

STAFF RECOMMENDATION:

Based upon the above findings, staff recommends approval of variance request V14-004.

*typp*

SUGGESTED MOTION:

*4*  
Move to Grant Variance #V14-00, a request to reduce both side setbacks from 7 feet to 4 feet to permit the construction of a garage.

*The applicant Proposes to construct a two-car width garage, a common feature of properties in the district. The variance requested would not grant a special privilege to the applicant other than reduced setbacks.*

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

*The hardship is directly related to the narrow width of the lot. While the property owner new of the lot width, the request is reasonable and commonplace for residential properties.*

- 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 residential on the General Plan Land Use Map. The proposed residential accessory use of a garage is in conformance with the General Plan.*

- 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 unusually narrow width of his lot and the need for enclosed parking for his automobiles. Typical properties in the district would be able to construct a similar garage structure. Strict application of the zoning ordinance would deprive the applicant of privileges enjoyed by other properties in the same district.*

**NEIGHBORHOOD COMMENTS:**

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

**STAFF RECOMMENDATION:**

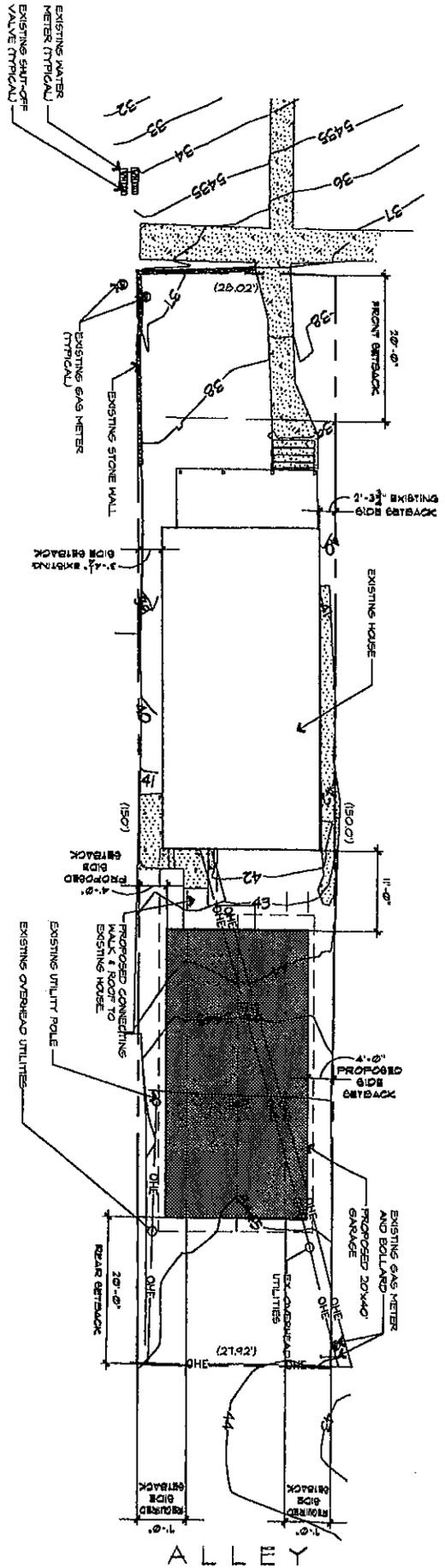
Based upon the above findings, staff recommends approval of variance request V14-004.

**SUGGESTED MOTION:**

Move to Grant Variance #V14-004, a request to reduce both side setbacks from 7 feet to 4 feet to permit the construction of a garage.



ALARCON STREET



SITE PLAN  
1" = 10'-0"