



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 21, 2016
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 April 21, 2016, 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

James DiRienzo, Chairman	Raymond Everette
George Wiant	Stephen Silvernale
Johnnie Forquer	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

- 1. AGENDA ITEM: V16-001, Variance to the height and size requirements of Article 6, Table 6.12.5A (Free-Standing Sign Standards) of the Land Development Code to replace an existing non-conforming sign with a new free-standing sign. [Zoning: Business General (BG); Property Owner: Prescottonian Motel, LP (Thomas Foster); APN 114-06-087B]**
- 2. AGENDA ITEM: V16-002, Variance to Article 3, Section 3.6.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code to attach an additional garage bay to an existing garage. [Zoning: SF-9; Property Owner: Raymond B. Sigafos; APN 108-18-007]**
- 3. AGENDA ITEM: V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]**

IV. REVIEW ITEMS

V. SUMMARY OF CURRENT OR RECENT EVENT

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 April 15, 2016 at 11:00 AM in accordance with the statement filed with the City Clerk's Office.


Darla Eastman, Administrative Specialist
Community Development Department

BOARD OF ADJUSTMENT

MEETING DATE: 4/21/16

DEPARTMENT: Community Development

AGENDA ITEM: V16-001, Variance to the height and size requirements of Article 6, Table 6.12.5A (Free-Standing Sign Standards) of the Land Development Code (LDC) to replace an existing non-conforming sign with a new free-standing sign. [Zoning: Business General (BG); Property Owner: Prescottonian Motel, LP (Thomas Foster); APN 114-06-087B]

Approved By:

Date:

Director:	Guice, Tom		4.11.16
Planning Manager:	George Worley		4/11/16
Community Planner:	Frank V. Hall		4/11/16

REQUEST:

The applicant is requesting a variance from the height and size requirements of Article 6, Table 6.12.5A (Free-Standing Sign Standards) of the Land Development Code (LDC).

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Article 6, Section 6.12/Signs, and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND: The owner/applicant of the Best Western hotel was notified by the corporate offices that the branding of the hotel chain is changing nationwide and that all Best Western signs will need to incorporate the new design. The corporate offices offered only a few options in style, height and color. All of the sign options failed to comply with the LDC.

In addition, the owner/applicant worked with planning office staff to try to incorporate the new sign style into the existing 40 year old non-conforming sign. Unfortunately, the effort was unsuccessful and the applicant hired a professional sign company (Morgan Signs) to assist with this variance application.

AGENDA ITEM: V16-001, Variance to the height and size requirements of Article 6, Table 6.12.5A (Free-Standing Sign Standards) of the Land Development Code (LDC) to replace an existing non-conforming sign with a new free-standing sign. [Zoning: Business General (BG); Property Owner: Prescottonian Motel, LP (Thomas Foster); APN 114-06-087B]

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request's consistency with the 2015 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The existing non-conforming sign is the largest in square foot area and the highest sign in surrounding commercial neighborhood. The proposed sign is more in scale with other commercial signs in the vicinity of the Best Western hotel and other hotels in and around Prescott.

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.

Staff Comments: The existing sign at 30 feet in height and over 300 square feet in area far exceeds current sign design standards. The applicant is requesting to replace the non-conforming sign with a sign that is more conforming today's standards and in the same location as the existing sign.

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

Staff Comments: The impact of the existing non-conforming sign will be lessened by the new sign. The new sign is only 15 feet high and 54 square feet in area as compared to the existing sign which is 30 feet high and 300 square feet in area.

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.

Staff Comments: The proposed sign is to be located in the same location as the existing sign and is actually more conforming with current code and other signs within and around Prescott. Current code would permit a 24 square sign at a 12 foot maximum height.

AGENDA ITEM: V16-001, Variance to the height and size requirements of Article 6, Table 6.12.5A (Free-Standing Sign Standards) of the Land Development Code (LDC) to replace an existing non-conforming sign with a new free-standing sign. [Zoning: Business General (BG); Property Owner: Prescottonian Motel, LP (Thomas Foster); APN 114-06-087B]

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

Staff Comments: The Best Western hotel is a long-term business in Prescott. The corporate offices of Best Western denied alternative sign options even though the owner/applicant proposed multiple alternative sign designs after working with City staff.

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

Staff Comments: The 2015 General Plan encourages incentives that support and retain small businesses in the City of Prescott. (Element 11 – Economic Development)

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.

Staff Comments: The existing sign has been in the current location for over 40 years. The replacement sign is proposed in the same location and is more conforming with today's sign standards. Other 1950's style signs on Gurley Street lost their non-conforming status because their use and maintenance was discontinued for extensive periods of time. The Best Western non-conforming sign has been in continuous use over time and well maintained, but corporate decisions are forcing the current owner of the hotel to remove the sign.

NEIGHBORHOOD COMMENTS:

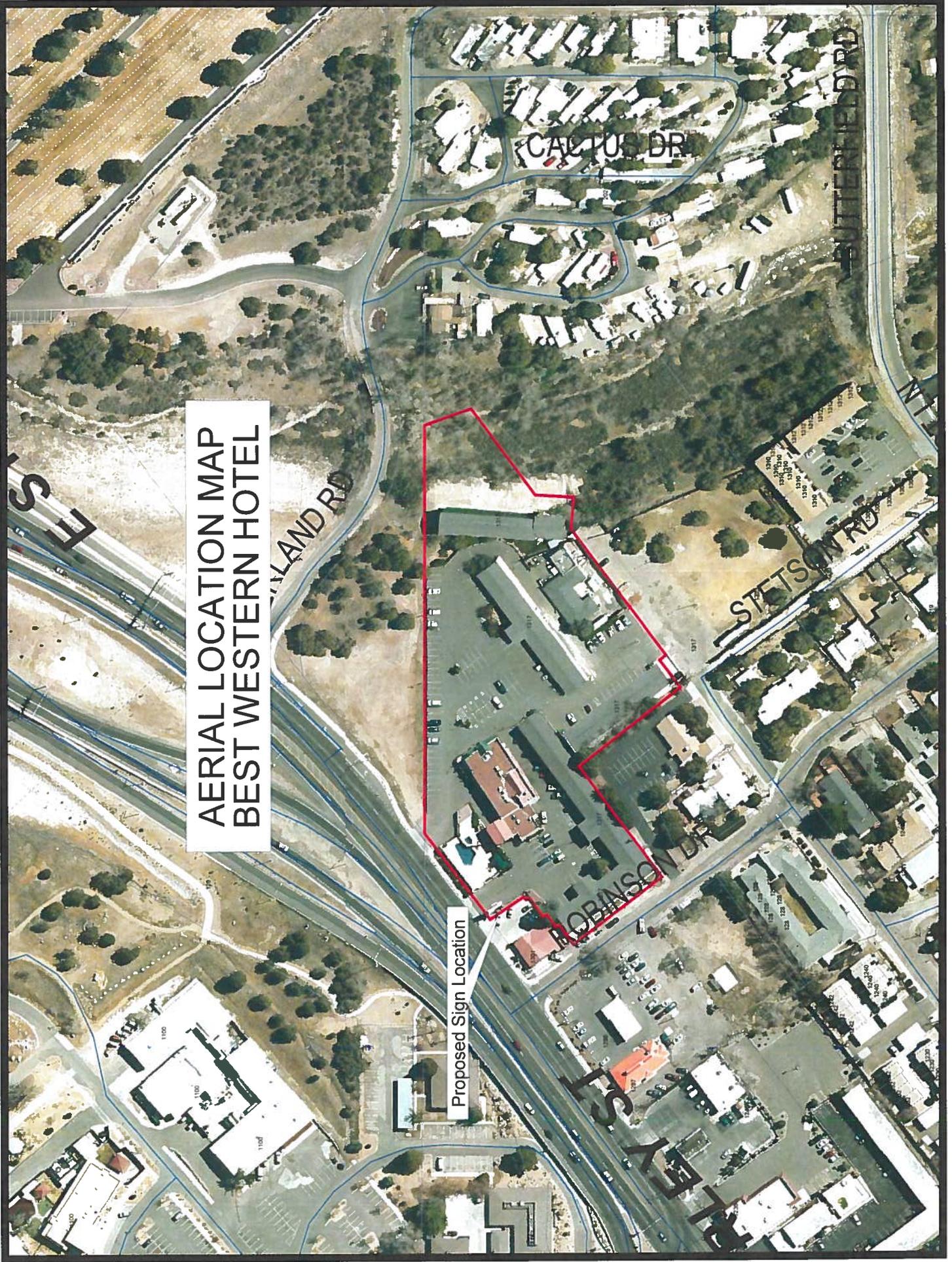
As of the date of this staff report, no comments have been received from the public.

Attachments:

- 1. Location/Aerial Map**
- 2. Existing Sign Photograph**
- 3. Morgan Sign Company Letter**
- 4. Proposed Sign Exhibits**

SUGGESTED MOTION:

Move to Approve/Not Approve Variance #V16-002, a request to replace the existing non-conforming thirty (30) foot high 300 square foot free-standing Best Western sign with a new fifteen (15) foot high fifty-four (54) square foot sign in the same location.



POSTED
4/5/16
FVA



City of Prescott
P & Z Dept.
201 S. Cortez St.
Prescott, AZ 86301

Re: Best Western Sign Proposal

The project is new signage at 1317 E. Gurley St., The Best Western Prescottonian Motel. New signage is being requested by the corporate office because they have updated their branding. The existing signs are over 40 yrs. old and not compatible with the new corporate image.

The existing main sign has 300 sq. ft. of copy space and is 30' in height. It identifies Best Western and Plaza Bonita. There is also a directional sign (approx. 4' x 6') for the Best Western.

We propose to remove the existing 30' high sign and replace it with a new 6' x 9' cabinet sign, 54 sq. ft. Design is per corporate specs. The new sign will be 15' in height and have the street address and "ENTER" placed on the pole cover. The directional sign will also be removed. A new sign for Plaza Bonita will be installed on an existing pole, and stay within the code of 24 sq. ft. Current code mandates 12' height and 24 sq. ft. of signage in this area.

The location of this property creates a unique situation. At present time two highways merge into Gurley St. at a point beyond the hotel entrance. Previously Hwy 89 merged with Hwy 69 before the hotel entrance, allowing access from either highway. There were less lanes of traffic then, at a slower rate of speed. The current sign is hardly visible from Hwy 89 because of the overpass. The new sign, at a lower elevation will be more visible and effective.

A sign following the current city codes would be ineffective at this location for many reasons. For example, the size and location of the property, the rate of speed on the highways, existing landscaping and an existing sign at 1301 E. Gurley St. which would obstruct a smaller sign at Best Western.

A 15' elevation sign will be more effective to the line of sight of moving traffic. The proposed rendering shows the sign to scale, and gives a better concept of the placement.

The owner has elected not to put any wall mounted signage on the building. The linear footage and set back of the buildings allow for several hundred sq. ft. In place of that the owner requests that the corporate guidelines for signage be considered.

Sincerely,



Stephan Markov
Morgan Sign Co.
704 E. Moeller St.
Prescott, AZ
928-778-6336

Attachment 4



PROJECT: BEST WESTERN SIGN UPGRADE
 1317 E. GURLEY ST., PRESCOTT
 928.446.3098

DATE: 12/28/2018 SCALE: NTS DRAWN BY: SKM
 CUSTOMER APPROVAL:

THIS UNPUBLISHED DRAWING IS SUBMITTED FOR A PROJECT BEING DESIGNED FOR YOU BY MORGAN SIGN. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, REPRODUCED OR USED IN ANY FASHION WITHOUT EXPRESSED WRITTEN APPROVAL. THE ORIGINAL IDEAS HEREIN ARE PROPERTY OF MORGAN SIGN. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 800 OF THE MCGON OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER UNDOCKING AND DOWNING OF THE SIGN.

Satisfaction by Design

morgan sign

704 Mueller
 Prescott, AZ 86301
 P 928.778.6396
 F 928.778.5094
 www.morgansign.com
 morgan@csdb.com

ROCI173453

Attachment 4



PROJECT: BEST WESTERN SIGN UPGRADE
 1317 E. GURLEY ST., PRESCOTT
 928.446.3096

DATE: 12/28/2018 SCALE: NTS DRAWN BY: SKM
 CUSTOMER APPROVAL:

THIS UNPUBLISHED DRAWING IS SUBMITTED FOR A PROJECT BEING DESIGNED FOR YOU BY MORGAN SIGN. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, REPRODUCED OR USED IN ANY FASHION WITHOUT EXPRESSED WRITTEN APPROVAL. THE ORIGINAL IDEAS HEREIN ARE PROPERTY OF MORGAN SIGN.
 THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NBC ANNO 0708 OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUPINGS AND SPACING OF THE SIGN.

Satisfaction by Design

morgan sign

704 Moeller
 Prescott, AZ 86301
 P 928.778.6396
 F 928.778.5094
 www.morgansign.com
 morgan@gn@delteon.net

ROCI75453 ANNO MCMLXXXII



PROJECT: BEST WESTERN SIGN UPGRADE
 1317 E. GURLEY ST. PRESCOTT
 828.445.3086

DATE: 12/28/2016 SCALE: NTS DRAWN BY: SKM
 CUSTOMER APPROVAL:

THIS UNPUBLISHED DRAWING IS SUBMITTED FOR A PROJECT BEING DESIGNED FOR YOU BY MORGAN SIGN. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, REPRODUCED OR USED IN ANY FASHION WITHOUT EXPRESSED WRITTEN APPROVAL. THE ORIGINAL IDEAS HEREIN ARE PROPERTY OF MORGAN SIGN. THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE MCGAARD OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



INTERNATIONAL SIGN ASSOCIATION
 WORLDWIDE QUALITY
 IS A REGISTERED TRADE MARK IN THE STATE OF ARIZONA



Satisfaction by Design®
morgan sign
 ROC173453 ANNO MCMLXXXIII



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 orgn@orgn.net



BOARD OF ADJUSTMENT

MEETING DATE: 4/21/16

DEPARTMENT: Community Development

AGENDA ITEM: V16-002, Variance to Article 3, Section 3.6.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code (LDC) to attach an additional garage bay to an existing garage. [Zoning: SF-9; Property Owner: Raymond B. Sigafos; APN 108-18-007]

Approved By:

Date:

Director:	Guice, Tom		4.11.16
Planning Manager:	George Worley		4/11/16
Community Planner:	Frank V. Hall		4/11/16

REQUEST:

The applicant is requesting a variance from the minimum front yard setback requirement (25 feet) to add an additional garage bay to an existing garage. The side of the new garage would be approximately 10 feet from the front property line at its closest point.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 3.6 Single Family 9 (SF-9), and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND: The original house was built in 1975. In 2005 a pool was added in the lower elevation area of the lot. The lot has steep slope and grade variations on all sides except along the northern lot line where the driveway and existing garage are located. The existing garage is approximately 30 feet from the front property line. The required front yard setback is 25 feet in the SF-9 zoning district.

AGENDA ITEM: V16-002, Variance to Article 3, Section 3.6.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code (LDC) to attach an additional garage bay to an existing garage. [Zoning: SF-9; Property Owner: Raymond B. Sigafos; APN 108-18-007]

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request's consistency with the 2015 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The majority of residential structures within the Loma Cantante neighborhood are offset to one side of the lot because of the topographic variations in the area. As a result, most residences are located directly on or very close to minimum setback lines. Therefore, the location of structures in close proximity to street frontages is not uncommon in the surrounding 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.** 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.

Applicant's Response: Our property is very steep with several large boulders and mature trees. In some areas there is about an eighty foot drop from one side to the other. Even walking on certain parts of the property can be treacherous.

Staff Comments: Topographic features such as large boulders and a steep slope prevent the location of a garage on the lot other than the proposed location. The slope exceeds 20%.

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

Applicant's Response: There are three properties within 300 feet of our property that have three or four car garages. Topography is not a challenge for these properties as is ours.

Staff Comments: The additional garage bay will not have any negative impact on public, health safety or welfare. The existing driveway will be used for street access and line of sight for vehicles will not be affected.

AGENDA ITEM: V16-002, Variance to Article 3, Section 3.6.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code (LDC) to attach an additional garage bay to an existing garage. [Zoning: SF-9; Property Owner: Raymond B. Sigafos; APN 108-18-007]

- 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.

Applicant's Response: Granting the variance will not confer a special privilege, only the same that several of our other neighbors already enjoy.

Staff Comments: Three car garages in the surrounding community are not uncommon and other structures in the neighborhood are near the street frontage because of similar topographic limitations.

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

Applicant's Response: The topography of our property makes a garage addition prohibitive. Building on any other part of this property would require structures that would diminish or ruin the natural aesthetics of the property, both for ourselves and the neighborhood, and would reduce an area frequented by wildlife, including javalina, coyotes and especially deer.

Staff Comments: The existing house and attached garage are in the only practical location given the existing natural grade when the house was constructed in 1975.

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

Applicant's Response: Despite the requested variance area going several feet into the setback, building the extension in this area will have the least visual impact of any other area on the property. Only the roof line will be visible from most street views, it won't interfere with anyone's vista, and it will be the most aesthetically conforming option. I've spoken with several of my neighbors. The only concern I heard was that the roof shingles should match. As the plan is for the extension to match the house, this is not an issue.

Staff Comments: The 2015 General Plan encourages the preservation of historical development patterns. The applicant has made an effort to communicate the intent of the proposed development with the neighbors and has agreed to an architectural design that compliments the existing pattern of development and architectural style.

- 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.

Applicant's Response: The current garage is already six feet below grade to the closest road edge. As previously stated, granting the variance will not confer a special privilege, only the same that several of our other neighbors already enjoy.

AGENDA ITEM: V16-002, Variance to Article 3, Section 3.6.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code (LDC) to attach an additional garage bay to an existing garage. [Zoning: SF-9; Property Owner: Raymond B. Sigafos; APN 108-18-007]

Staff Comments: The most relevant special circumstance to the subject property is the steep slope exceeding 20% and the significant boulders and mature trees on the lot. The subject parcel, because of the 20% slope, could be administratively granted a 10 foot reduction in the front yard setback through a Topographic Exception application. However, the 10 foot reduction is not enough to achieve that applicant's request.

NEIGHBORHOOD COMMENTS:

As of the date of this staff report, no comments have been received from the public

Attachments:

1. Location/Aerial Map
2. Applicant's Exhibits

SUGGESTED MOTION:

Move to Approve/Not Approve Variance #V16-002, a request to reduce the front yard setback to ten (10) feet for the construction of an additional garage bay to the existing garage.



AERIAL LOCATION MAP



Desired location



(view from neighbor's drive w/ most visual impact.)

Non-desired location



BOARD OF ADJUSTMENT

MEETING DATE: 4/21/16

DEPARTMENT: Community Development

AGENDA ITEM: V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code (LDC) to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]

Approved By:		Date:
Director:	Guice, Tom 	4.11.16
Planning Manager:	George Worley 	4/11/16
Community Planner:	Frank V. Hall 	4/11/16

REQUEST:

The applicant is requesting a variance from the minimum front yard setback requirement (25 feet) for the storage of a Recreational Vehicle (RV).

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: No

APPLICABLE ZONING CODE: LDC Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage, Article 3, Section 3.6 Single-Family 9 (SF-9), and Article 9, Section 9.13 Variances.

Article 2, Section 2.5.9/Recreational Vehicle (RV), Motor homes and Similar Storage
On-site storage of recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment owned by the occupants of the principal residence for more than 72 consecutive hours in any 7-day period shall be deemed accessory to a residential dwelling, subject to the following requirements:

- A. Such equipment may only be stored in a side or rear yard, and not in the required front yard;
- B. Such equipment shall be stored so as to maintain a minimum 3 foot clearance on at least one side for emergency access; and

AGENDA ITEM: V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code (LDC) to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]

C. Setback adjustments may be approved in accordance with the provisions of Sec. 2.7.3D.7, Setback Adjustments.

These provisions shall not be construed to permit storage of construction vehicles and equipment in a residential zoning district. RV storage on individual residential properties is further subject to the provisions of Sec. 6.2.4B, Use of Off-Street Parking Areas, Residential.

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND: The applicant applied for and received a right-of-way permit (ES1505-012) to construct a new driveway with access to Black Drive. The permit was issued on May 5, 2015. The permit included a staff review comment letter (Attachment 6) which included the following conditions from Planning & Zoning staff.

1. The parking pad construction in the front yard is permitted. Parking of RV and the like is prohibited in the front yard.
2. Per Article 2, Section 2.5.9A of the Land Development Code states: “recreational vehicles may only be stored in a side or rear yard, and not in the required front yard”
3. Per Article 2, Section 2.5.9B of the Land Development Code states: “recreational vehicles shall be stored so as to maintain a minimum 3 foot clearance on at least one side for emergency access.”

Code Enforcement staff issued a Municipal Code Violation Notice on September 30, 2015 (Attachment 7). Action on the code violation notice was postponed pending the outcome of a variance application by the RV owner.

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request’s consistency with the 2015 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The majority of structures in the neighborhood are single-family homes with typical attached and detached accessory structures. The applicant asserts that the parking of RV’s in the front yard is a common occurrence 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

AGENDA ITEM: V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code (LDC) to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]

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.

Applicant's Response: Our house has 10 ft. setbacks on both sides prohibiting a vehicle from entering the back yard. Our lot is uncommonly narrow and the slopes of the grade prevent a vehicle from entering the back yard.

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

Applicant's Response: It's obvious that dozens of home owners in my subdivision are in violation of several code violations. I've been parking recreational vehicles on my property since 1993 and never had a problem or complaint. If necessary, I can add additional concrete and park the RV even further from the road. All care was considered when planning (including permitting) and constructing an esthetic pad for the RV to sit. Additional concrete was poured to make sure that the RV sat back as to not impede or obstruct any traffic or neighbors view. Many of our neighbors park multiple cars and trailers in their front yard that is under designed and/or unpaved. Thought was given to create a structured parking area to promote structure and organization and enhance property value. RV parking increases property value.

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.

Applicant's Response: Our neighborhood is not a planned community nor were the lots designated in advance of homes being built. Our home was the last home built and significantly later than most. Given the lot size as stated above, no access to our backyard or side yard could have been accommodated. There are numerous recreational vehicles, utility trailers, camp trailers, boats and similar equipment that are parked and stored within the 25 ft. setback in the front yards of our neighborhood do to this lack of side or backyard access for many. Some property owners have to park such vehicles there every day as it is their only available space. See Ex. "A" dated March 10, 2016 which is attached. Please note my comments on that email or document. The parking of our RV on this new driveway does not negatively affect the quality of life in my neighborhood. All I've been told by my neighbors and the walkers (people who walk down my street) is "WOW" what a nice improvement.

AGENDA ITEM: V16-003, Variance to Article 2, Section 2.5.9 (Recreational Vehicle, Motor Homes, and Similar Storage) of the Land Development Code (LDC) to permit the storage of an RV within the front yard of residentially zoned property. [Zoning: SF-9; Property Owner: Beavers-Kudelka Family Living Trust (James Beavers); APN 116-17-292]

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

Applicant's Response: When I inquired about the permit to add a driveway to my property I specified in great detail that the purpose of this \$5,000.00 improvement was to park my RV and a vehicle on this new drive way. I later found out that I can park it there but can't store it there.

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

Staff Response: (Not Applicable) The subject of the variance request is not addressed by the 2015 General Plan or specific neighborhood plans.

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.

Applicant's Response: Parking or storing my RV on this new permitted driveway will not depreciate the value of any properties in my neighborhood. It will not create an eye sore and as a matter of fact I spent an additional \$4,000.00 on landscaping. Most importantly parking our RV there doesn't create any traffic problems or challenges. In granting this request it does not confer any special privilege, rather promotes good will in neighborhood where by the nature of their lot size and lack of back or side yard accessibility is discriminated from being able to afford the same rights as those lots that can.

NEIGHBORHOOD COMMENTS: The applicant provided a list of neighbors in support of the variance application (Attachment 5).

Attachments:

1. Aerial Location Map
2. Applicant's Variance Response
3. Applicant's Email
4. Applicant's Neighborhood Photos (6 Pages)
5. Applicant's Neighbor Support List
6. Right-of-Way Permit & Comment Letter
7. Municipal Code Violation Notice

SUGGESTED MOTION:

Move to Approve/Not Approve Variance #V16-003, a request to park a Recreational Vehicle in the front yard setback.



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.

Answer: Our house has 10 ft. setbacks on both sides prohibiting a vehicle from entering the back yard. Our lot is uncommonly narrow and the slopes of the grade prevent a vehicle from entering the back yard.

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.

Answer: Our neighborhood is not a planned community nor were the lots designated in advance of homes being built. Our home was the last home built and significantly later than most. Given the lot size as stated above, no access to our backyard or side yard could have been accommodated. There are numerous recreational vehicles, utility trailers, camp trailers, boats and similar equipment that are parked and stored within the 25 ft. setback in the front yards of our neighborhood do to this lack of side or backyard access for many. Some property owners have to park such vehicles there every day as it is their only available space. See Ex. "A" dated March 10, 2016 which is attached. Please note my comments on that email or document. The parking of

our RV on this new driveway does not negatively affect the quality of life in my neighborhood. All I've been told by my neighbors and the walkers (people who walk down my street) is "WOW" what a nice improvement.

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).

Answer: When I inquired about the permit to add a driveway to my property I specified in great detail that the purpose of this \$5,000.00 improvement was to park my RV and a vehicle on this new drive way. I later found out that I can park it there but can't store it there.

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.

Answer: Parking or storing my RV on this new permitted driveway will not depreciate the value of any properties in my neighborhood. It will not create an eye sore and as a matter of fact I spent an additional \$4,000.00 on landscaping. Most importantly parking our RV there doesn't create any traffic problems or challenges. In granting this request it does not confer any special privilege, rather promotes good will in neighborhood where by the nature of their lot size and lack of back or side yard accessibility is discriminated from being able to afford the same rights as those lots that can.

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

Answer: It's obvious that dozens of home owners in my subdivision are in violation of several code violations. I've been parking

recreational vehicles on my property since 1993 and never had a problem or complaint. If necessary, I can add additional concrete and park the RV even further from the road. All care was considered when planning (including permitting) and constructing an esthetic pad for the RV to sit. Additional concrete was poured to make sure that the RV sat back as to not impede or obstruct any traffic or neighbors view. Many of our neighbors park multiple cars and trailers in their front yard that is under designed and/or unpaved. Thought was given to create a structured parking area to promote structure and organization and enhance property value. RV parking increases property value.

Respectfully submitted,

James Beavers 3/18/2016

James Beavers

From: James Beavers <james@gbsi-step.com>
Sent: Thursday, March 10, 2016 1:09 PM
To: Hall, Frank; george worley (george.worley@prescott-az.gov)
Cc: debra kudelka-beavers (debrakudelkabeavers@gmail.com); Fleming, Michael
Subject: Emailing: IMG_5416.jpg, IMG_5417.jpg, IMG_5418.jpg, IMG_5419.jpg, IMG_5420.jpg, IMG_5421.jpg, IMG_5412.jpg, IMG_5413.jpg, IMG_5414.jpg, IMG_5415.jpg
Attachments: IMG_5416.jpg; IMG_5417.jpg; IMG_5418.jpg; IMG_5419.jpg; IMG_5420.jpg; IMG_5421.jpg; IMG_5412.jpg; IMG_5413.jpg; IMG_5414.jpg; IMG_5415.jpg

Please start compiling a file for case #CE1507-022 and add these attached pictures and this email to it.

Regarding the "Variance Questionnaire" item number 2 (citing other properties) I drove down a couple of streets in my neighborhood and in 10 minutes took these pictures. It's pretty disappointing to point all these illegal parked RV's and trailers knowing I'm the only one that has to pony-up \$900.00 to resolve this matter. Per Michael Fleming there is no one on record filing this complaint against us. I can clearly see how this could turn into a hornet's nest for the City and Mike Fleming (Code Enforcement) if an agreement is not consummated. I'll be visiting with Mike to better understand how this is not considered discrimination and why all these other owners aren't going through the same process we are.

To say the least one could go by the book (Chapter 7-5: Property Maintenance) and this could get out of control over night.

The following depicts the attached pictures.

- Picture 5416 is at 642 Rosser.
- Picture 5417 is at 622 Rosser.
- Picture 5418 is at 600 Campbell.
- Picture 5419 is at 600 Campbell.
- Picture 5420 is at 1414 Campbell.
- Picture 5421 is at 849 Whetstine.
- Picture 5412 is at 1220 Doka Dr.
- Picture 5413 is at 540 Mosher Ln.
- Picture 5414 is at 642 533 Prescott Heights.
- Picture 5415 is at 1373 Terrace View Dr.

I can take more pictures of trailers and RV's and code violations but I think our point has been proven.

JB



This photo - APPLICANT'S RV ↓













To: The City of Prescott

Let the record reflect that I (see my signature below) do not object to James Beavers parking his recreational vehicle in the front yard of 734 Black Drive.

- 1. Name printed Faye Long Signature Faye Long Date 3/23/16
 a. Address 723 Black Dr
- 2. Name printed JAMES BEAVERS Signature James Beavers Date 3/24/16
 a. Address 726 Black Dr
- 3. Name printed MARYANN J. CARTER Signature Maryann Carter Date 3/23/16
 a. Address 726 Black Dr
- 4. Name printed Sherry Gagnon Signature Sherry Gagnon Date 3/23/16
 a. Address 718 Black Dr
- 5. Name printed MARILYN MERRITT Signature Marilyn Merritt Date 3/23/16
 a. Address 731 Black Dr
- 6. Name printed Elizabeth A. Miller Signature Elizabeth A. Miller Date 3-24-16
 a. Address 742 Black Dr
- 7. Name printed KENNETH A. BUTLER Signature Kenneth A. Butt Date 3-24-16
 a. Address 735 Black Dr. 86301
- 8. Name printed Robert B. De Santis Signature Robert B. DeSantis Date 3/24-16
 a. Address 705 Black Dr.

Submitted to Frank Hall on 3/25/2016 SB

CITY OF PRESCOTT
PUBLIC WORKS DEPARTMENT
201 S. Cortez, Prescott, AZ 86301 (928)777-1269

CALL 777-1176 FOR AN INSPECTION PRIOR TO STARTING WORK

DATE:

ENGINEERING SERVICES COPY

JOB ADDRESS: 734 BLACK DR
PARCEL # 1116-17-292
DESCRIPTION OF APPROVED WORK: POURING CONCRETE DRIVEWAY ENCROUCHING INTO THE ROW
Work to start on **5/15/2015**. All work to be performed between 7:00 a.m. and 6:00 p.m., Monday thru Saturday. This permit shall expire at 6:00 p.m. on **5/15/2015**.

PERMIT REQUIREMENTS (Continued)

- 9. Vehicles, dumpsters or similar type equipment shall not be parked or placed on paved surfaces unless specifically allowed in the permit.
- 10. Excavated or imported material shall not be stored on pavement, sidewalk, travel roadway surface or other public right-of-way without prior approval of the City Public Works Dept.
- 11. Proper drainage/erosion control shall be maintained at all times.
- 12. All work performed shall conform to MAG and/or City of Prescott/Public Works Dept standard specifications and detail drawings (YAG) most current edition, and Prescott City Code.
- 13. Any repairs to existing streets or rights-of-way shall be warranted for a period of one year from the date of City approval and acceptance.
- 14. It is expressly understood by the undersigned that this Permit is revocable at will by the City, at the sole option of the City. If City revokes this permit, it shall be the responsibility of the Permittee to remove, at permittee's expense, all improvements authorized by this permit.
- 15. The undersigned hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits as a result of the undersigned's work in or use of the right-of-way as allowed in this permit, whether said claims, liabilities, expenses or lawsuits arise by the acts or omissions of the undersigned, his/her agents, whether by acts or omissions of the City, its agents or employees, or whether by the acts or omissions of third persons. The undersigned further releases and discharges the City, its departments and divisions, its agents and employees, and any and all persons legally responsible for the acts or omissions of the City, from any and all claims which the undersigned has or may have against the City, its agents, or employees, arising out of or in any way connected with the undersigned's activities as set forth on this permit.
- 16. Final hot mix pavement patch shall be completed as soon as possible, (no longer than 30 days without City Engineer approval.) If inclement weather conditions exist, or hot mix is not available, approved steel traffic plates may be utilized for up to five (5) days when recessed in milled pavement and approved by City Engineer, or UPM (Unique Paving Materials) may be used.
- 17. Franchise utility companies and/or property owners along with their contractors shall be responsible for the integrity of the excavation and backfill along with the performance of the asphalt patch for a period of two (2) years on residential streets; five (5) years on collector and arterial streets, for the following deficiencies: 1) Settlement or bump of more than 1/4"; 2) Edge separation; and 3) Alligator cracking and/or raveling.

SPECIAL CONDITIONS: Traffic control approved per Typical Application #4, a copy was attached.

Contractor: GSG CONCRETE CONSTRUCTION INC

Contractor License#

Approved by: KATIE HEIN

Issued by: KATIE HEIN

Inspector: STEVE GUIZZO

PERMIT REQUIREMENTS

- 1. All work shall conform to applicable City, State and Federal Regulations.
- 2. Traffic control for any work performed on rights-of-way shall conform to the Manual on Uniform Traffic Control and the City of Prescott Traffic Barricade Manual.
- 3. Permit submittals with traffic control plans require 48 hours for review and approval by the Transportation Services Division prior to permit issue.
- 4. All excavations shall be properly barricaded. Applicant/Contractor shall barricade and maintain all traffic control at his own expense. City reserves the right to correct deficient barricading and charge applicant/contractor.
- 5. All road cuts shall be patched immediately with hot (C-3/4 mix) asphalt or high performance cold mix (UPM or equal). Non-shrink material will be used as backfill in all trenching under pavement. Asphalt patches shall be sealed with a material acceptable to City Public Works Dept. All permanent patches shall be hot mix asphalt or high performance cold mix (UPM or equal).
- 6. Call for Inspection R-O-W START prior to any work being performed. If work is not inspected by City, applicant/contractor may be required to remove/modify to allow for City inspection, at applicant's/contractor's expense.
- 7. Any damage to pavement due to work shall immediately be repaired to the satisfaction of the City Public Works Department.
- 8. All concrete shall be protected from freezing for a period of seven days and all exposed concrete surfaces shall be sprayed with a curing compound, as approved by City Public Works Dept.


 Signature, Owner or Authorized Agent

5/11/15
 Date

CITY OF PRESCOTT RIGHT-OF-WAY PERMIT #: ES1505-012
 PUBLIC WORKS DEPARTMENT
 201 S. Cortez, Prescott, AZ 86301 (928)777-1269

DATE:

CALL 777-1176 FOR AN INSPECTION PRIOR TO STARTING WORK
 ENGINEERING SERVICES COPY

**IVR SYSTEM (INTERACTIVE VOICE RESPONSE)
 CALL 777-1176 FOR BUILDING INSPECTIONS**

In order to use the City of Prescott's IVR System, you will need to have the BUILDING PERMIT NUMBER AND THE SITE ADDRESS. Please refer to the attached inspection code list prior to attempting to schedule your inspection. For multiple inspections on the same project you must schedule each type of inspection separately.

**CALL BEFORE 5:00 A.M. FOR INSPECTIONS
 SYSTEM WILL BE UPDATED EACH DAY FROM 1 A.M. TO 3:30 A.M.
 INSPECTIONS CAN NOT BE SCHEDULED BETWEEN THESE HOURS
 (928) 777-1176**

CALL BEFORE 5:00 A.M. FOR INSPECTIONS

TO SCHEDULE AN INSPECTION:

AFTER YOU DIAL THE NUMBER ABOVE, YOU WILL BE PROMPTED FOR A RESPONSE.

- FOR EXAMPLE:
- PRESS 1 TO SCHEDULE AN INSPECTION
 - PRESS 2 TO CANCEL AN INSPECTION
 - PRESS 3 TO OBTAIN INSPECTION RESULTS
 - PRESS 4 TO OBTAIN PLAN REVIEW STATUS
 - PRESS 0 TO SPEAK WITH THE OPERATOR
 - PRESS THE * TO LISTEN TO GENERAL INFORMATION

You will be prompted throughout the call to enter your permit number, your inspection codes, and the date you want to schedule, etc.

Please listen carefully to confirm that the correct address was given and that the correct inspection with requested

When finished with scheduling your inspections you will be given a confirmation number. Please write this down.

It is very important that you schedule ALL your inspections for each visit. If you need your rough and/or final inspection scheduled, there is a combo rough and a combo final. If you need your meter set, then you must schedule that specific inspection for each meter.

If your project is covered under a grading and drainage permit or in the Urban Wildland interface you must call in all required inspections.

ENGINEERING (RIGHT-OF-WAY) IVR INSPECTION CODES

** IN THE ORDER THEY CAN BE SCHEDULED **

Inspection	Description	IVR Code
R-O-W START	RIGHT OF WAY START	3038
R-O-W FINAL	RIGHT OF WAY FINAL	3040

ENGINEERING (RIGHT-OF-WAY) IVR INSPECTION CODES

** CAN BE SCHEDULED AT ANY TIME **

Inspection	Description	IVR Code
ADMINISTRATION	GENERAL NOTES	9900

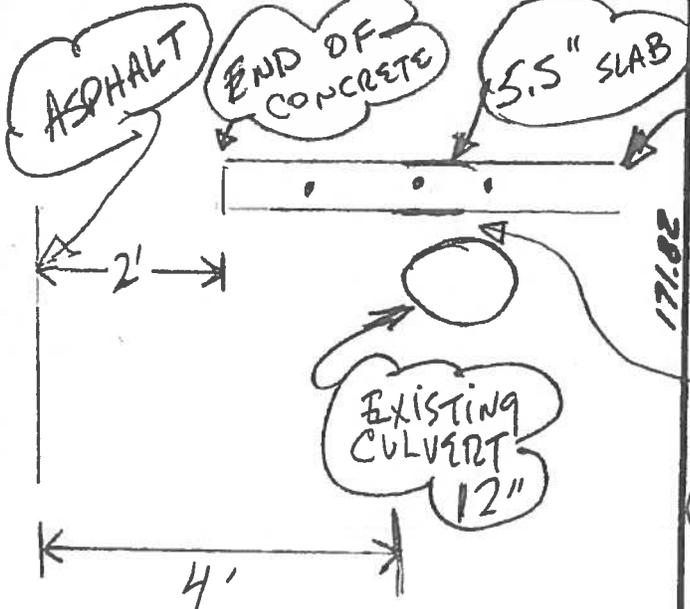
ENGINEERING (RIGHT-OF-WAY) FEES

Acct#	Description	Amt
2109999-6405	PW-RIGHT OF WAY PERMIT	20.00

S 89° 57' 00" E 232.54

73.39 Easement for 73.39 Utilities and C.A.T.V.

SECTIONAL OF ENTRANCE (A)



#3 REBAR ON 36" φ
3" TO 4" OF COMPACTION OVER CULVERT

605 Sq. Ft.

0° 04' 12" E

0° 05' 28" N

CITY OF PEACOCK
ENGINEERING DEPARTMENT

Signed [Signature]

5/8/15

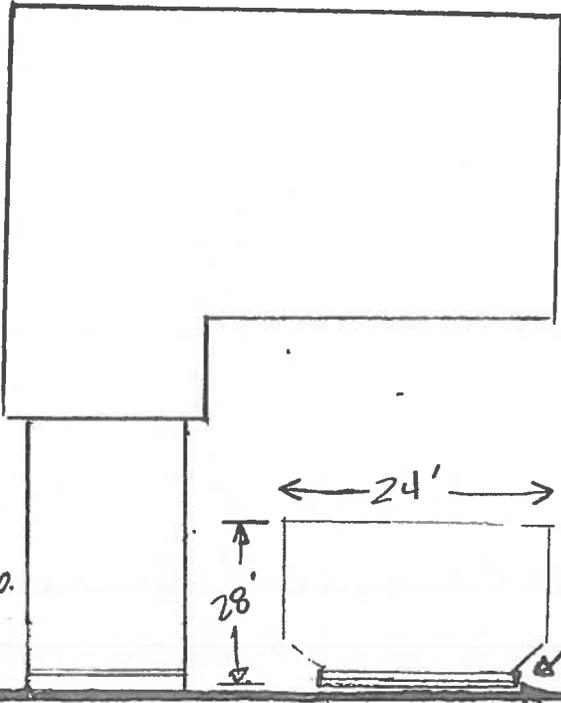
APPROVED

NOT APPROVED

TRAFFIC CONTROL APPROVED PER

TYPICAL APPLICATION 4, SEE ATTACHED.

73.33



20' (12" CULVERT)



Craig McConnell
City Manager

Prescott Police Department

Integrity · Courage · Accountability · Respect · Excellence



Jerald Monahan
Chief of Police

09/30/2015

BEAVERS, JAMES L &
734 BLACK DR
PRESCOTT, AZ 86301

Reference: **FINAL NOTICE - CERTIFIED**
Investigation of Municipal Code Violation
APN # 11617292 / Case # CE1509-027

Dear SIR/MADAM:

Property under your control at 734 BLACK DR has been reported to the Code Enforcement, Prescott Police Department, as a source of a municipal code violation. An inspection of the property was conducted on 9/30/2015 to verify the violation(s) and a letter was mailed to you notifying you of the violation(s) on 9/11/2015.

<u>Violation(s) Noted</u>	<u>Recommended Action for Compliance</u>
LDC 2.5.9 Recreational Vehicle (RV) Parking/Storage RV PARKED STORED IN THE FRONT SETBACK OF THE PROPERTY	PARKING/STORAGE OF AN RV MUST MEET THE SETBACK REQUIREMENTS FOR THE FRONT. RELOCATE THE RV OUT OF THE FRONT SETBACK TO THE SIDE OR REAR. IF YOU DO NOT HAVE THE SPACE OFF SITE PARKING /STORAGE ARRANGEMENTS MAY HAVE TO BE MADE. RELOCATE THE RV OUT OF THE REQUIRED SETBACK.

A final inspection will occur on 10/16/15. If the property is not code compliant at this time pursuant to PCC 7-5-19, (C) Violations and Penalties; a civil violation is punishable by a minimum sanction of \$250, up to a maximum sanction of \$2,500 for each day that a property is in violation and a citation will be issued. Please direct any questions or concerns to Kelly Sammeli, Code Enforcement Officer, Prescott Police Department (928) 777-1271, or emailed to KELLY.SAMMELI@PRESCOTT-AZ.GOV.

KELLY SAMMELI
CITY OF PRESCOTT
CODE ENFORCEMENT OFFICER