

City of Prescott

Board of Adjustment



September 21, 2023 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Board of Adjustment** at their meeting to be held **September 21, 2023**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION & ACTION ITEMS**
 - A. Approval of the August 17, 2023 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve the minutes as presented
 - B. **V23-005** - Variance to Article 6, Section 6.12.5.A.1.h. (Permanent On-Site Signs) of the Land Development Code (LDC) to Allow for an Increase From 32 Square Feet of Allowable Menu Board Signage to 38 Square Feet of Menu Board Signage for Wendy's Restaurant on an Approximate 0.90-Acre Parcel. Zoning: Business General (BG). Location: APN 113-07-030A, 650 Miller Valley Road. Owner: 650 Properties LLC. Applicant: Grace Signs Arizona LLC. Community Planner: Kaylee Nunez
Recommended Action: MOVE to approve/deny V23-005
4. **STAFF UPDATES**
5. **ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations

(A.R.S. §38-431.03(A)(5));

(6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));

(7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 9/14/23 at 9:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.



Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: September 21 Board of Adjustment Meeting
DATE: September 21, 2023
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the August 17, 2023 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the August 17, 2023 Board of Adjustment Meeting. Staff recommends approval of the minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

There is no fiscal impact at this time.

RECOMMENDED ACTION

MOVE to approve the minutes as presented

ATTACHMENTS

1. August 17, 2023 BOA Minutes



City of Prescott

Board of Adjustment

August 17, 2023 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chairman Jim Lamerson called the meeting to order at 9:00 A.M.

2. ROLL CALL

Members:

Jim Lamerson, Chairman
Tony Teeters, Vice Chairman
Thomas Davis
Mary Frederickson
Mark Hokeness
Miriam Haubrich, Absent
James Myers

3. DISCUSSION & ACTION ITEMS

- A. Approval of the July 20, 2023 Board of Adjustment Meeting Minutes.

**MOTION BY BOARD MEMBER DAVIS TO APPROVE JULY 20, 2023 MINUTES;
SECONDED BY BOARD MEMBER TEETERS: PASSED (6 - 0)**

- B. **V23-004** - Variance to Article 3, Section 3.3.3.F (SF-35/Minimum Setbacks) of the Land Development Code (LDC) to Allow a Reduction of the Required 30' Front Setback by 20' Allowing for a 10' Front Setback for a New Single Family Residence on a 0.32 Acre Parcel. Zoning: SF-35 (Single Family). Property Owner: Knoll Norman Living Trust. Applicant: Distinctive Homes and Architecture. Location: APN 116-01-036, 2325 Cyclorama Dr.

Tammy DeWitt, Community Planner presented an analysis of the proposed variance. She stated that other properties in the area have had variances approved to reduce setbacks due to the terrain. She also noted that the subject property was approved for a variance for the same setback request in July of 2020, but the property was sold, and a variance approval is only valid for a year. This is a new owner and applicant.

Ms. DeWitt presented a site plan that shows the large slope on the property. She stated that the property did not qualify for a topographic exception as that would only reduce the setback by ten feet and they need it reduced by twenty feet. Ms. DeWitt presented photos to show the slope of the subject property.

Ms. DeWitt stated that they posted notice on the property and contacted the

property owners within 300 feet and have not received any feedback.

Variance Review Criteria:

- Extraordinary Conditions
- Substantial Detriment
- Special Privileges
- Self-Induced Hardship
- General Plan
- Utilization

Board Member Mark Hokeness requested to hear from the applicant.

Tom Terry with Distinctive Homes and Architecture stated that Cyclorama is a single lane road of seventeen feet. This means that there is a lot of right of way in front of the property and it would be hard to develop while meeting the eighteen percent grade and the thirty-foot setback.

Board Member Tony Teeters asked if the project would encroach on the right of way.

Mr. Terry stated that it would not.

MOTION BY BOARD MEMBER HOKENESS TO APPROVE V23-004; SECONDED BY BOARD MEMBER TEETERS: (6 - 0)

4. STAFF UPDATES

Ms. DeWitt spoke about the General Plan open house that will be held at the Rowle Adult Center on August 30th from 3:00 to 6:00 pm.

5. ADJOURNMENT

There being no further business to discuss, Chairman Lamerson adjourned the meeting at 9:09 am.

JIM LAMERSON, Chairman

ATTEST:

SARAH HILTON, Recording Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: September 21 Board of Adjustment Meeting
DATE: September 21, 2023
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **V23-005** - Variance to Article 6, Section 6.12.5.A.1.h. (Permanent On-Site Signs) of the Land Development Code (LDC) to Allow for an Increase From 32 Square Feet of Allowable Menu Board Signage to 38 Square Feet of Menu Board Signage for Wendy's Restaurant on an Approximate 0.90-Acre Parcel. Zoning: Business General (BG). Location: APN 113-07-030A, 650 Miller Valley Road. Owner: 650 Properties LLC. Applicant: Grace Signs Arizona LLC. Community Planner: Kaylee Nunez

ITEM SUMMARY

The applicant is requesting a Variance to allow for an increase in the allowed square footage for menu board signage for the new Wendy's drive-through at 650 Miller Valley Rd. Land Development Code (LDC) Section 6.12.5.A.1.h allows for a maximum of one, 32 square foot menu board sign per drive-through lane. Wendy's has one drive-through lane with one standard menu sign that is 38 square feet in size. Applicant states that Wendy's Corporate requires them to have this minimum menu board signage and that reducing such would require removing available menu items, which could have a negative impact on their business and overall customer satisfaction.

BACKGROUND

COMPLIANCE WITH REQUIRED VARIANCE CRITERIA:

1. **Extraordinary Conditions (LDC Section 9.13.4.A.1).** 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. For example, a Variance may be justified because of topography, or size, shape, intrusive off-site impacts, or other special conditions unique to the property and development involved.

Staff Comments: There are no extraordinary conditions on this site. The proposed signs are on the south side of the property, principally facing a parking area. There is a 6' wooden fence on the west side of the property to screen the adjacent, residential area.

1. **Substantial Detriment (LDC Section 9.13.4.A.2).** Granting the Variance 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 applicant states that the proposed signage is standard for the Wendy's brand and is needed to list all of the items they serve. The signage does not cause a significant detriment

to the neighboring south and west properties and no complaints have been received thus far.

1. **Special Privileges (LDC Section 9.13.4.A.3).** Granting of a Variance shall be subject to such conditions as will assure that 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 requested signs do not grant the applicant special consideration compared to other existing businesses nearby as we have not had other requests for extra menu board signage that have been denied. As such, no special privilege would be conferred on the applicant by the granting of this request.

1. **Self-induced Hardship (LDC Section 9.13.4.A.4).** The hardship is not the result of the applicant's own actions.

Staff Comments: The hardship is a result of the applicant's own actions as they installed the menu board signage prior to getting approval from the City.

1. **General Plan (LDC Section 9.13.4.A.5).** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

Staff Comments: The proposed Variance would be accessory to the primary use of the drive-through restaurant, which is compliant with the General Plan.

1. **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 traffic flow for the property dictates where the drive-through lanes are and the location of the menu board signs. The applicant is requesting a larger menu board to adequately display all their menu items.

NEIGHBORHOOD COMMENTS:

Staff has not received any comments from the public.

FINANCIAL IMPACT

There is no fiscal impact at this time.

RECOMMENDED ACTION

MOVE to approve/deny V23-005

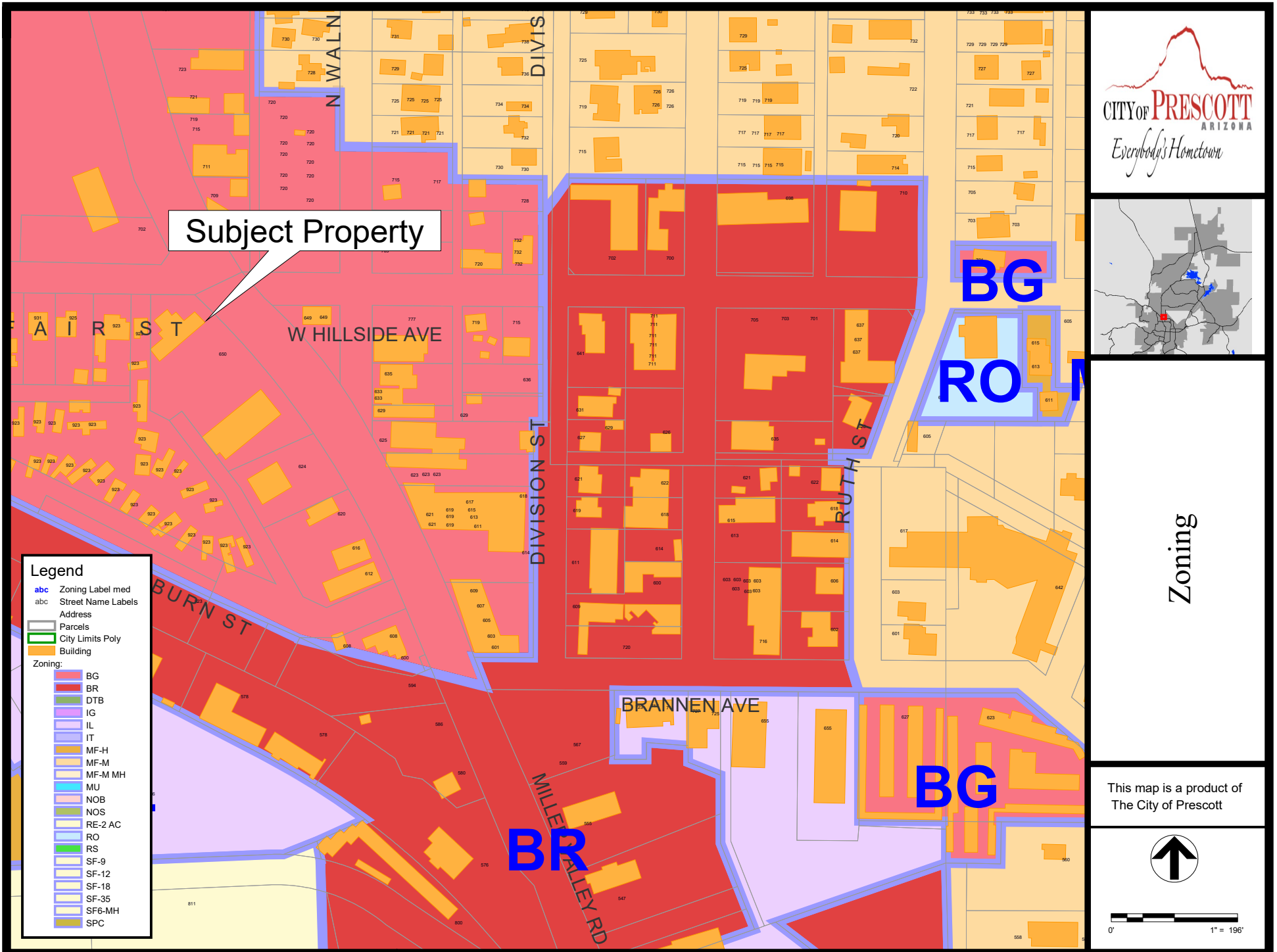
ATTACHMENTS

1. V23-005 Aerial Map

2. V23-005 Zoning Map
3. V23-005 Questionnaire
4. V23-005 Site Plan
5. V23-005 Rendering
6. V23-005 Photos_Optimized



This map is a product of
The City of Prescott



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.

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.

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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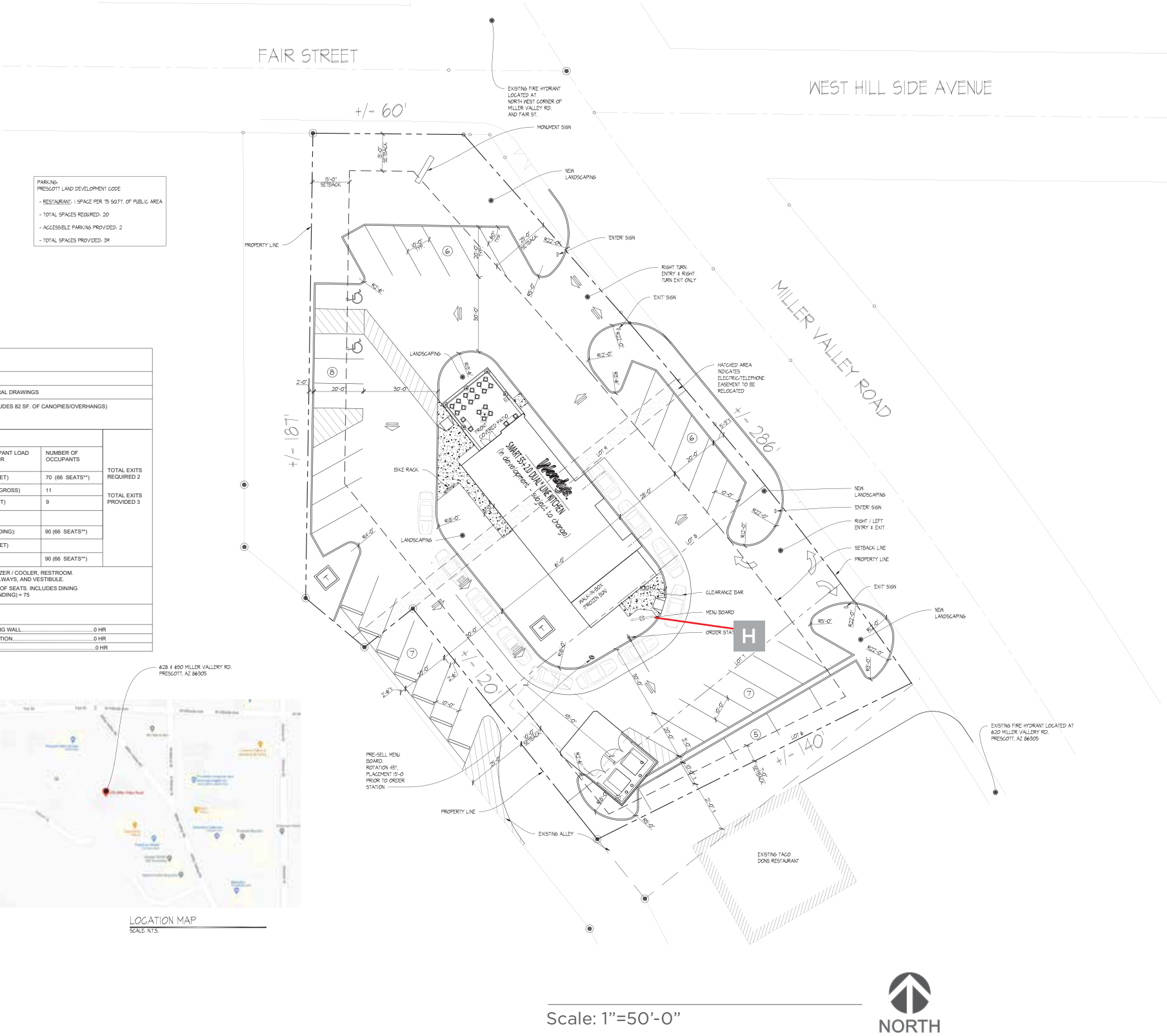
Site Map

Legend

H Menu Board

PARKING: PRESGOTT LAND DEVELOPMENT CODE			
- RESTAURANT: 1 SPACE PER 75 SQFT. OF PUBLIC AREA			
- TOTAL SPACES REQUIRED: 20			
- ACCESSIBLE PARKING PROVIDED: 2			
- TOTAL SPACES PROVIDED: 34			

OCCUPANCY GROUP			
A-2 RESTAURANT			
ZONING			
-			
WIND SPEED			
REFER TO STRUCTURAL DRAWINGS			
GROSS BUILDING AREA: 2,581 SF. (INCLUDES 82 SF. OF CANOPIES/OVERHANGS)			
WB: 431 SF. (AGGREGATE + 392 SF.)			
TOTAL FOOTPRINT AREA: 3,012 SF.			
OCCUPANCY CALCULATIONS:			
	SQUARE FOOTAGE	OCCUPANT LOAD FACTOR	NUMBER OF OCCUPANTS
DINING	1,038 SF.	1/15 (NET)	70 (66 SEATS**)
KITCHEN	1,098 SF.	1/100 (GROSS)	11
STANDING SPACE	42 SF.	1/5 (NET)	9
NON-OCC.*	834 SF.		
TOTAL NUMBER OF OCCUPANTS (BUILDING):			90 (66 SEATS**)
PATIO		1/15 (NET)	
GRAND TOTAL: 3,012 SF.			90 (66 SEATS**)
* NON-OCCUPIED AREA INCLUDES FREEZER / COOLER, RESTROOM, CANOPIES / OVERHANGS, WALLS, HALLWAYS, AND VESTIBULE.			
** TOTAL OCCUPANTS USING NUMBER OF SEATS, INCLUDES DINING ROOM OCCUPANTS (66 SEATS + 9 STANDING) + 75			
CONSTRUCTION TYPE: COMBUSTIBLE VB			
FIRE RESISTIVE REQUIREMENTS:	EXTERIOR BEARING WALL		0 HR
	ROOF CONSTRUCTION		0 HR
	CEILING		0 HR



Customer Approval

Name

Co/Title

Date

Landlord Approval

Name

Co/Title

Date



Locations:

9200 Valley Rd.
Prescott Valley,
Arizona 86314

2507 W. Villa Rita Dr.
Phoenix,
Arizona 85023

800-257-5095 arizonasignsplus.com

Project:

Wendy's Prescott

Project Location:

Miller Valley Rd. | Prescott, AZ 86305

Account Executive:

Todd Adkins

Project Manager:

KD

Design

Number: 231234

Design / Revision Date:

01-07/26/2023 BL

Sheet:

1 OF 2

Sign H - Menu Board

Materials

- 1

Illumination
 - illuminated with LED lamps (one power supply per cabinet)
- 2

Cabinet
 - extruded aluminum construction
- 3

Cover Doors
 - locking side hinged doors and scratch/mar resistant plex
- 4

Frames
 - Versatrac magnetic translite frames
- 5

Pole Cover
 - Formed ABS pole cover
- 6

Cabinet
 - rotating cabinets for dayparting

Paint Colors

P1 Dark Bronze ALC #313

Customer Approval

Name

Co/Title

Date

Landlord Approval

Name

Co/Title

Date



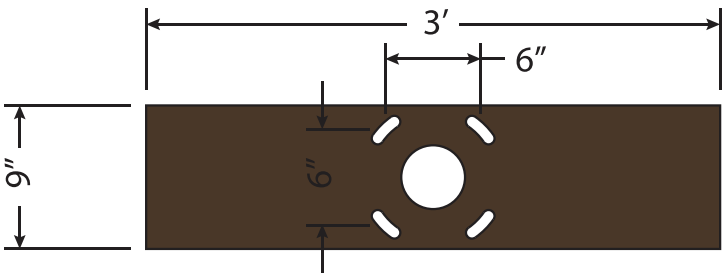
Night View

Scale: 1"=1'-0"

Face View

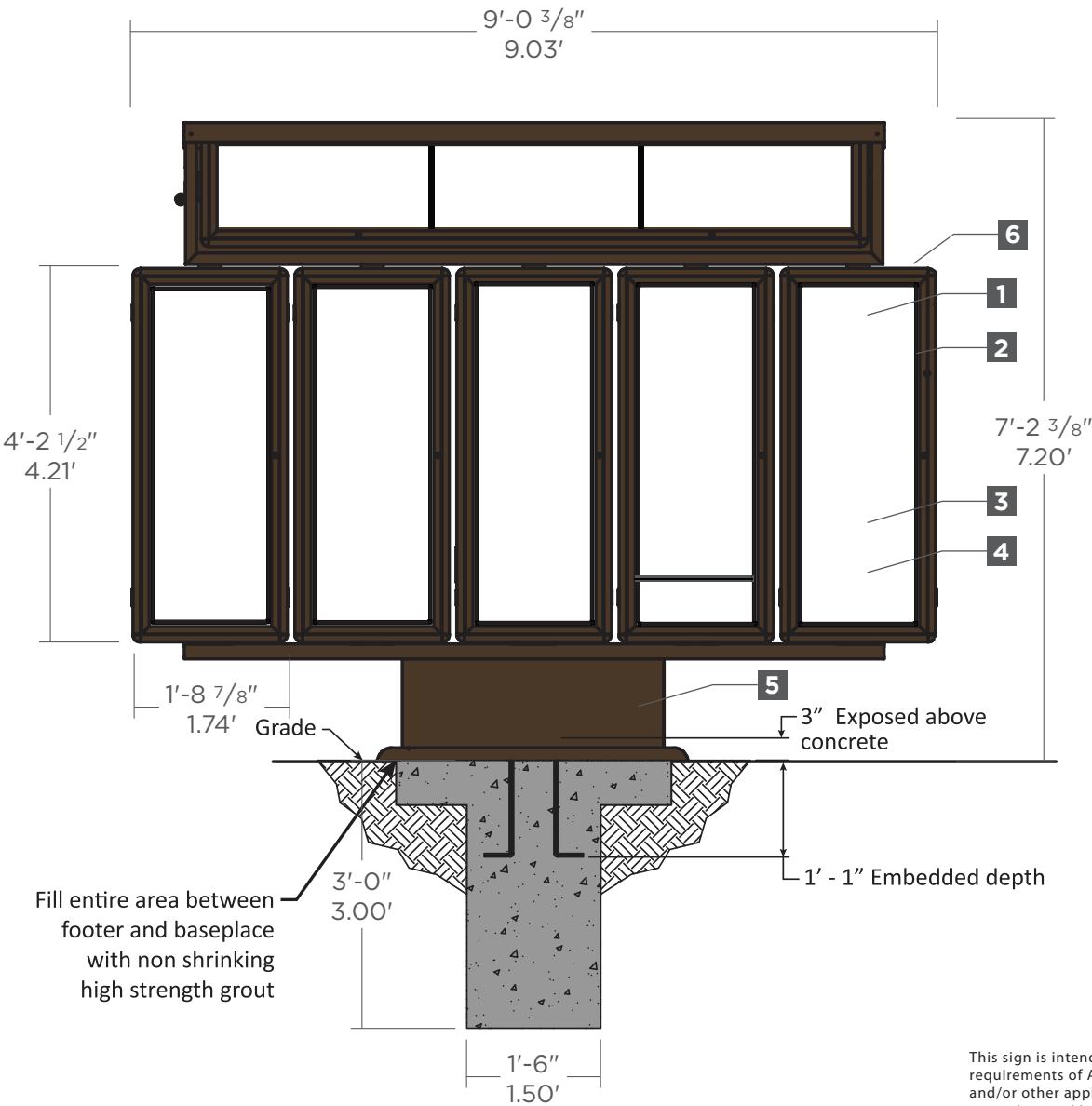
Scale: 1/2"=1'-0"

Description:
Manufacture and install one (1) pre-sell menu board.



Mounting Detail

Scale: 1"=1'-0"



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the signs. The location of the disconnect switch after installation shall comply with article 600.6(A) (1) of the National Electrical Code.

2018 IBC, 2011 NEC, 2012 IBC



Locations:
9200 Valley Rd.
Prescott Valley,
Arizona 86314
800-257-5095 arizonasignsplus.com

2507 W. Villa Rita Dr.
Phoenix,
Arizona 85023

Project:
Wendy's Prescott
Project Location:
Miller Valley Rd. | Prescott, AZ 86305

Account Executive:
Todd Adkins
Project Manager:
KD

Design Number: 231234
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Sheet:
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