



City of Prescott

Board of Adjustment

July 18, 2024 | 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 **July 18, 2024**. 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 June 20, 2024 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented
 - B. **V24-004** - A Request for Variance to Article 3, Section 3.9.3.F (MF-M/Minimum Setbacks) of the Land Development Code (LDC) to Allow for a Reduction of the Minimum Rear Yard Setback to 15' 9" (From 20'). Zoning: MF-M (MH - Multi-Family Medium Density w/ Manufactured Home Floating District Overlay). Property Owner/Applicant: Clayton Hall-Hillside Daycare & Learning Center. Location: APN 113-01-061e, 827 5th St Units C & D.
Recommended Action: MOVE to approve V24-004 per the site plan submitted
4. **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 7/11/24 at 9:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

A handwritten signature in cursive script, reading "Sarah M. Siep".

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: July 18 Board of Adjustment
DATE: July 18, 2024
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the June 20, 2024 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the June 20, 2024 Board of Adjustment meeting minutes. 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 minutes as presented

ATTACHMENTS

1. 06.20.24 BOA Minutes



City of Prescott

Board of Adjustment

June 20, 2024 | 9:00 AM
201 N Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chair Lamerson called the meeting to order at 9:00 a.m.

2. ROLL CALL

Jim Lamerson, Chair
Tony Teeters, Vice Chair
Tom Davis, Member
Mary Frederickson, Member
Miriam Haubrich, Member
Mark Hokeness, Member
Tom Hutchison, Member, Excused

3. DISCUSSION & ACTION ITEMS

- A. HP24-008: Approval of the April 18, 2024, Board of Adjustment Meeting Minutes.

MOTION BY MEMBER FREDERICKSON TO APPROVE THE MINUTES AS PRESENTED; MOTION SECONDED BY VICE CHAIR TEETERS: PASSED (6-0)

- B. V24-003: Variance to Article 3, Section 3.6.3.F (SF-9/Minimum Setbacks) of the Land Development Code (LDC) Allowing a Reduction of the Required 7' Side Setback by 4.5' to Allow for a 2.5' Side Setback for an Existing Carport on a 0.15 Acre Parcel. Zoning: SF-9 (Single-Family-9 Density). Property Owner & Applicant: Brandi Tara Allman Living Trust. Location: APN 116-17-062, 731 Flora St.

Community Development Planner, Tammy DeWitt, presented the item and discussed the summary of the project. The applicant is requesting a variance to allow for a decrease in the side setback, to allow for an existing detached carport next to the house. Ms. DeWitt explained that the applicant stated that they hired a contractor who told them a permit was not required, and therefore, constructed the carport. The applicant came in after to permit the carport and a shed that the contractor built without permits. Staff have since been working with the property owner to get the structure permitted.

Ms. DeWitt shared a map and aerial image of the property and surrounding area. She explained that this request is not out of character for the neighborhood, and shared photos of the property. Photos from similar houses with carports within the area were also shared, which displayed the decreased side setbacks.

According to Ms. DeWitte, staff reviewed the variance criteria, and found no extraordinary conditions. Neighborhood outreach took place within 300 feet of the property, and no comments were received. The applicant has obtained letters of support from adjacent property owners that have no concern with the structure. The staff analysis and recommendation are based on a review of the request's consistency with the 2015 General Plan, consistency with neighborhood characteristics, and variance requirements of Land Development Code (LDC) Section 9.13.4.

Ms. DeWitt stated that the applicant was present and welcomed comments and discussion from the Board.

Member Frederickson commented that she appreciates the curb appeal of the applicant's home and had no questions or concerns regarding the carport.

Member Hokeness asked Ms. DeWitt if freestanding units available at stores for purchase are subject to permits requirements. Ms. DeWitt responded yes; the requirements remain the same.

MOTION BY MEMBER FREDERICKSON TO APPROVE V24-003 PER THE SITE PLAN; MOTION SECONDED BY MEMBER DAVIS; PASSED (6-0)

4. STAFF UPDATES

No updates.

5. ADJOURNMENT

There being no further business to discuss, Chair Lamerson adjourned the meeting at 9:08 a.m.

JIM LAMERSON, Chairman

ATTEST:

MARIKAY WHISENAND, Senior City Clerk Specialist

Date



TO: MAYOR AND CITY COUNCIL
AGENDA: July 18 Board of Adjustment
DATE: July 18, 2024
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **V24-004** - A Request for Variance to Article 3, Section 3.9.3.F (MF-M/Minimum Setbacks) of the Land Development Code (LDC) to Allow for a Reduction of the Minimum Rear Yard Setback to 15' 9" (From 20'). Zoning: MF-M (MH - Multi-Family Medium Density w/ Manufactured Home Floating District Overlay). Property Owner/Applicant: Clayton Hall-Hillside Daycare & Learning Center. Location: APN 113-01-061e, 827 5th St Units C & D.

ITEM SUMMARY

Item Summary

The applicant is requesting a Variance to allow for a decrease in the rear yard setback (from 20' to 15'-9") to allow for an additional manufactured home on the property. The applicant desires to use the second manufactured home as their new residence (Unit D) and to convert their existing residence (Unit C) into a daycare. The applicant previously obtained a Conditional Use Permit (CUP21-009) in December 2021 to permit the daycare use at the subject property (APN #113-01-061E).

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation are 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:

In addition to the Variance granted for the current manufactured home (Unit C), staff does note one other Variance that has been approved in the neighborhood. The property immediately adjacent to the east has a secondary residence as well. There also appear to be several legal non-conforming structures in the neighborhood as it relates to setbacks.

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 properties in the district. Such Variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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 affecting the land; however, the applicant strongly desires to expand their daycare business to fulfill a need for these services in the community.

2. 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 reduction of the rear yard setback by 5'-3" will not cause a detriment to other, adjacent properties. As noted previously, there appear to be several, nonconforming structures in the neighborhood as it relates to setbacks.

3. 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 setback reduction does not grant the applicant special consideration and is consistent with other properties in the area. As such, no special privilege would be conferred on the applicant by the granting of this request.

4. 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 applicant is creating the hardship by the desire to place a second unit on the property; however, they have obtained a Conditional Use Permit for the daycare and the second unit will not be out of character nor will cause significant impact to the neighborhood as observed by items 2 & 3.

5. 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 is on an existing residential lot and is, therefore, in compliance 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.

Staff Comments: In the request, the applicant states that granting of this Variance will allow them to continue operating their daycare with more robust room for play and care as well as the addition of two full bathrooms. This will ease burden on the children and the applicant as they will not have to use their residence for the daycare facility.

NEIGHBORHOOD COMMENTS:

Staff have not received any comments from the public at this time, any future comments received will be forwarded directly to Board Members.

BACKGROUND

The subject parcel is 0.17-acre and has an existing, 1680 sq ft manufactured home on it that was placed in 2015. Site plan provided by applicant denotes that existing home is also approximately 15' 9" from the rear property line and was granted a Variance in 2016 to do so.

FINANCIAL IMPACT

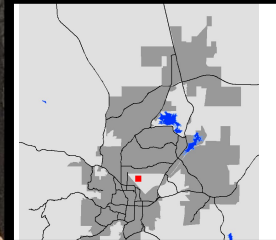
There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve V24-004 per the site plan submitted

ATTACHMENTS

1. V24-004 Aerial Map
2. V24-004 Zoning Map
3. V24-004 Site Plan
4. V24-004 Variance Questionnaire

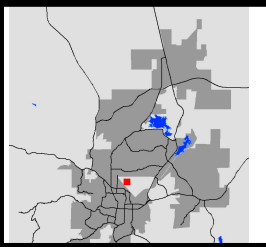
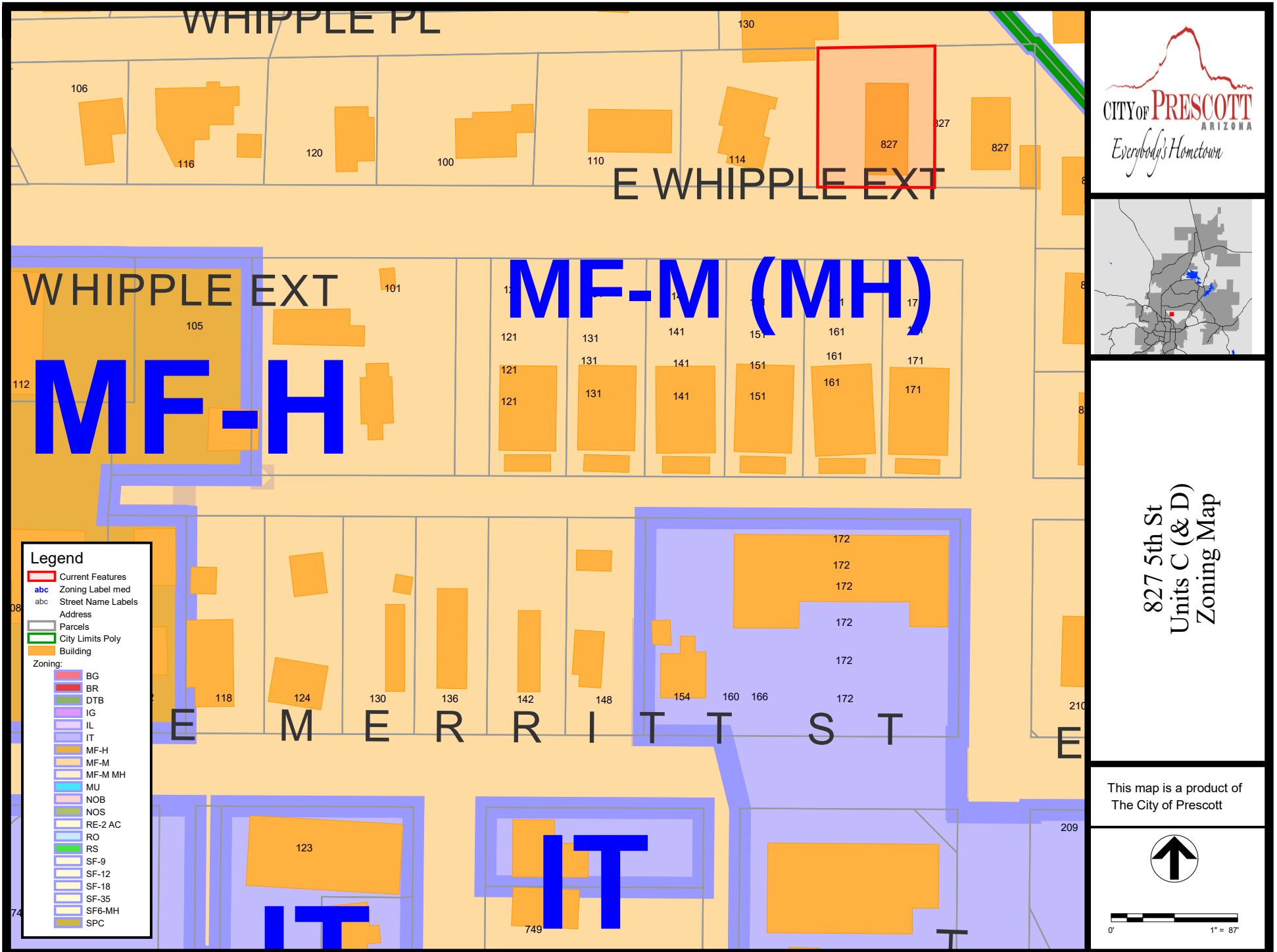


827 5th St
Units C (& D)

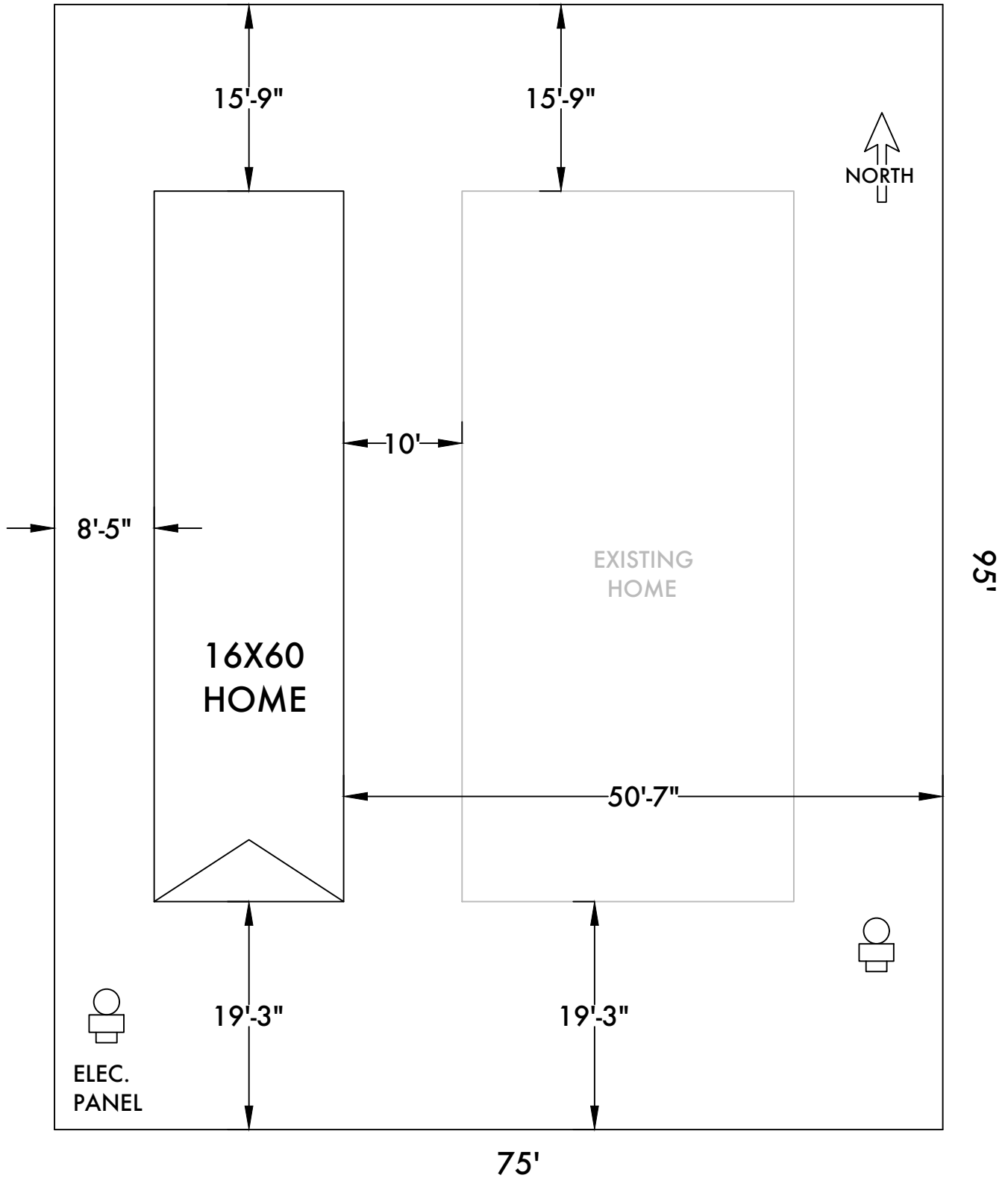
This map is a product of
The City of Prescott



0' 1" = 75'



827 5th St. Units C (& D)
Site Plan



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

The home/structure we have proposed for the multi-family property at 827 5th Street Unit C will allow my life partner (Tainisha Williams) to expand her business and continue to provide high quality child care to additional residents here in Prescott. We plan to use the new house (proposed as 827 5th Street Unit D) as our primary living space, while continuing the daycare in our current home (Unit C) according to the regulations laid out in our conditional use permit.

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.

Our existing Conditional Use Permit with the City of Prescott likely makes our current residence, as well as our proposed new structure, distinct from most or all of the properties around us. My life partner receives many more inquiries for daycare than she can presently accommodate (because it is a shared living and business space), and she and I would like to maximize the space in our current home along with her services to as many parents as is permitted by our CUP here in Prescott.

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).

Since launching her business my partner has become distinctly aware of the dire need for childcare services here in Prescott. She regularly hears from parents about their challenges finding reliable and trustworthy care. Being able to utilize nearly 100% of the space we have in our home at 827 5th Street Unit C for business will allow for more robust space for safe care and play, including being able to access amenities like two full bathrooms for the business.

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.

Tainesha and I are not privy to how many others in the immediate or surrounding area have applied for, or are currently operating with, a Conditional Use Permit for childcare services. But she is currently in the middle stages of applying for State residential child care licensure. We do not, therefore, feel that this variance (if granted) is likely to confer special privileges to us as residents. It would merely allow us to make full use of our currently existing, larger home for the aforementioned childcare services.

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

Our current primary residence (827 5th Street Unit C), has an identical 60' depth, matching the depth of the newly proposed second home. As such, our current home required us to apply for a variance back in 2016, and that exception was granted. We do not believe our neighbors have been negatively affected in any way over the past six years by the additional home length. Extrapolating from this experience, neither of us can imagine any substantial, negative impact on road usage, runoff, or other relevant homeowner issues, by the newly proposed structure. All construction of the new home (including grading, drainage & runoff, setbacks, lot coverage, etc.) should successfully meet with city codes.