City of Prescott
Board of Adjustment

September 19, 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 **September 19, 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 July 18, 2024 Board of Adjustment Meeting Minutes.
     Recommended Action: MOVE to approve minutes as presented
   - B. **V24-007 -** Variance to Article 3, Section 3.2.3.E (SF-18/Maximum Building Height/Structure Height) of the Land Development Code (LDC) to Allow an Increase in the Allowed 35' Building Height by 5'to Allow for a Maximum Building Height of 40' for a New Single-Family Residence. Property Owner: Joey Cipriano. Applicant: Wildflower Designs. Location: APN 105-08-362, 1561 Bello Monte Drive.
     Recommended Action: MOVE to approve or deny V24-007 per the site plan and renderings provided
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 9/12/24 at 10:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Siep

Sarah M. Siep, City Clerk

TO:	MAYOR AND CITY COUNCIL
AGENDA:	September 19 Board of Adjustment Meeting
DATE:	September 19, 2024
DEPT:	Community Development
ITEM #:	3.A
SUBJECT:	Approval of the July 18, 2024 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the July 18, 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. July 18, 2024 BOA Minutes

CITY OF PRESCOTT

City of Prescott
Board of Adjustment

July 18, 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

3. DISCUSSION & ACTION ITEMS

A. Approval of the June 20, 2024 Board of Adjustment Meeting Minutes.
MOTION BY CHAIR LAMERSON TO APPROVE THE MEETING MINUTES AS PRESENTED; SECONDED BY MEMBER HOKENESS: PASSED (6 - 0) MEMBER HUTCHISON ABSTAINED.

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.

Community Planner Kaylee Nunez introduced the topic for discussion and showed the location of the project with maps and photos. Variance Review criteria was discussed with the members. Neighborhood outreach was completed and no comments were received from neighborhood members.

Member Hokeness asked if there was a variance for another prior established structure.

Deputy City Attorney Matt Podracky advised the Commission can only act on the issue before them today.

Member Hutchison commented that this is an infill project and can help provide a service needed by the community. He was concerned regarding traffic near the location.

Applicant responded that their special use permit allows them a max of 8 children for the daycare. This change will not change the current traffic amount.

Member Frederickson asked the applicant if they are currently operating at the maximum number of children allowed at the daycare.

Applicant responded that they currently have from 5 to 7 children in attendance.

MOTION BY MEMBER FREDERICKSON TO APPROVE V24-004; SECONDED BY MEMBER HUTCHISON: PASSED (7 - 0).

4. UPDATES

None.

5. ADJOURNMENT

Chair Lamerson adjourned the meeting at 9:13 a.m.

_____

Jim Lamerson, Chair

_____

Board Secretary

TO:	MAYOR AND CITY COUNCIL
AGENDA:	September 19 Board of Adjustment Meeting
DATE:	September 19, 2024
DEPT:	Community Development
ITEM #:	3.B
SUBJECT:	**V24-007 -** Variance to Article 3, Section 3.2.3.E (SF-18/Maximum Building Height/Structure Height) of the Land Development Code (LDC) to Allow an Increase in the Allowed 35' Building Height by 5'to Allow for a Maximum Building Height of 40' for a New Single-Family Residence. Property Owner: Joey Cipriano. Applicant: Wildflower Designs. Location: APN 105-08-362, 1561 Bello Monte Drive.

ITEM SUMMARY

The applicant is requesting a Variance to allow for an increase in the allowed height of a new single-family residence due to recent fire code changes in the maximum driveway slope that requires the lot to be built up and make the house exceed the height allowance from natural grade.

BACKGROUND

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:

In review, staff does note one other variance has been approved in the neighborhood for a reduction in the rear setback.

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: The slope of the property is such that the foundation for the proposed residence needs to be built up about 8' for the driveway to meet the slope requirements per the Fire Code.

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 proposed residence is within the approved building/disturbance envelope and will not impact any adjacent neighbors.

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 height allowance does not grant the applicant special consideration as compared to other existing residences nearby. As such, no special privilege would be conferred on the applicant by the granting of this request.

4. Self-induced Hardship (LDC Section9.13.4.A.4). The hardship is not the result of the applicant's own actions.

Staff Comments: The property is currently vacant and the Architect has been working with the City and the HOA to design the house to meet City and HOA Design Requirements. The house is smaller than other and a reduced slope of the roof to reduce the height requested.

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: Due to the slope of the property, the home has to be raised so the driveway slope can meet fire code requirements. The applicant has an approval letter from the HOA for the height.

NEIGHBORHOOD COMMENTS:

Staff has not received any comments from the public. Attached is an approval letter from the HOA for the drawings as submitted.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve or deny V24-007 per the site plan and renderings provided

ATTACHMENTS

1. VARIANCE QUESTIONNAIRE
2. V24-007 Drawings and Pictures
3. HOA Approal Letter

VARIANCE QUESTIONAIRE

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

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

   The slope of the site exceeds 20%. The steepest part of the lot is located next to the road. The driveway will need to be short, therefore the Finished Floor Building Height will exceed 35'

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.

   In order to access the Home, the driveway needs to be set high near the street. If not allowed, the house would not be buildable.

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

   The severe slope of the property makes it impossible to maintain the 35' max height requriement.

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.

The variance will make it possible to build a house on the steep property.

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

The house will be over 35' from Natural Grade, however, it be approxamently 31' above grade once the terraced retaining walls and finished grade are completed. It will not "soar" out of the ground. It will look like the houses around it.

Subject Parcel
Legend
Current Features
Street Name Labels
Address
Streets
Parcels
Imagery Map
This map is a product of
The City of Prescott
CITY OF PRESCOTT
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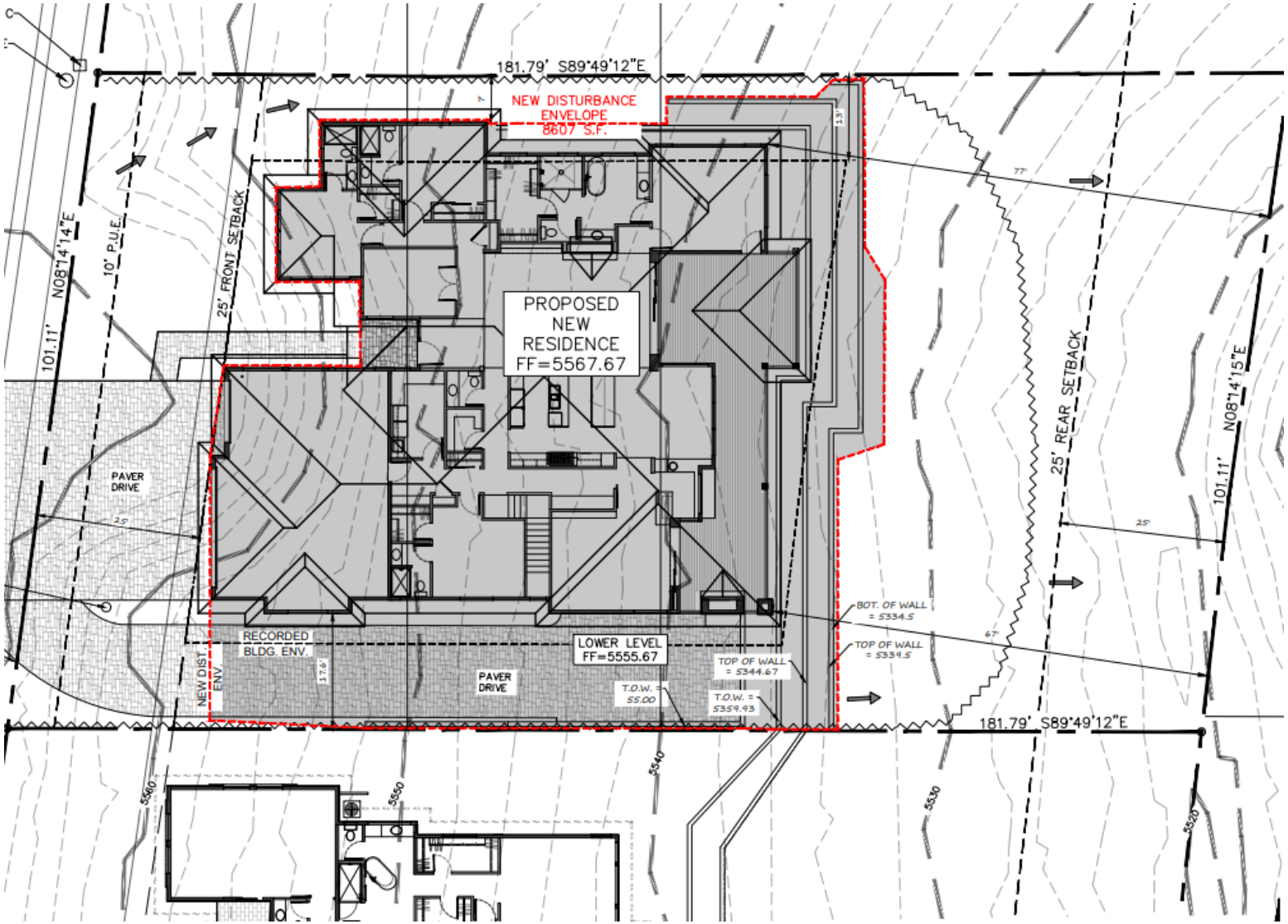
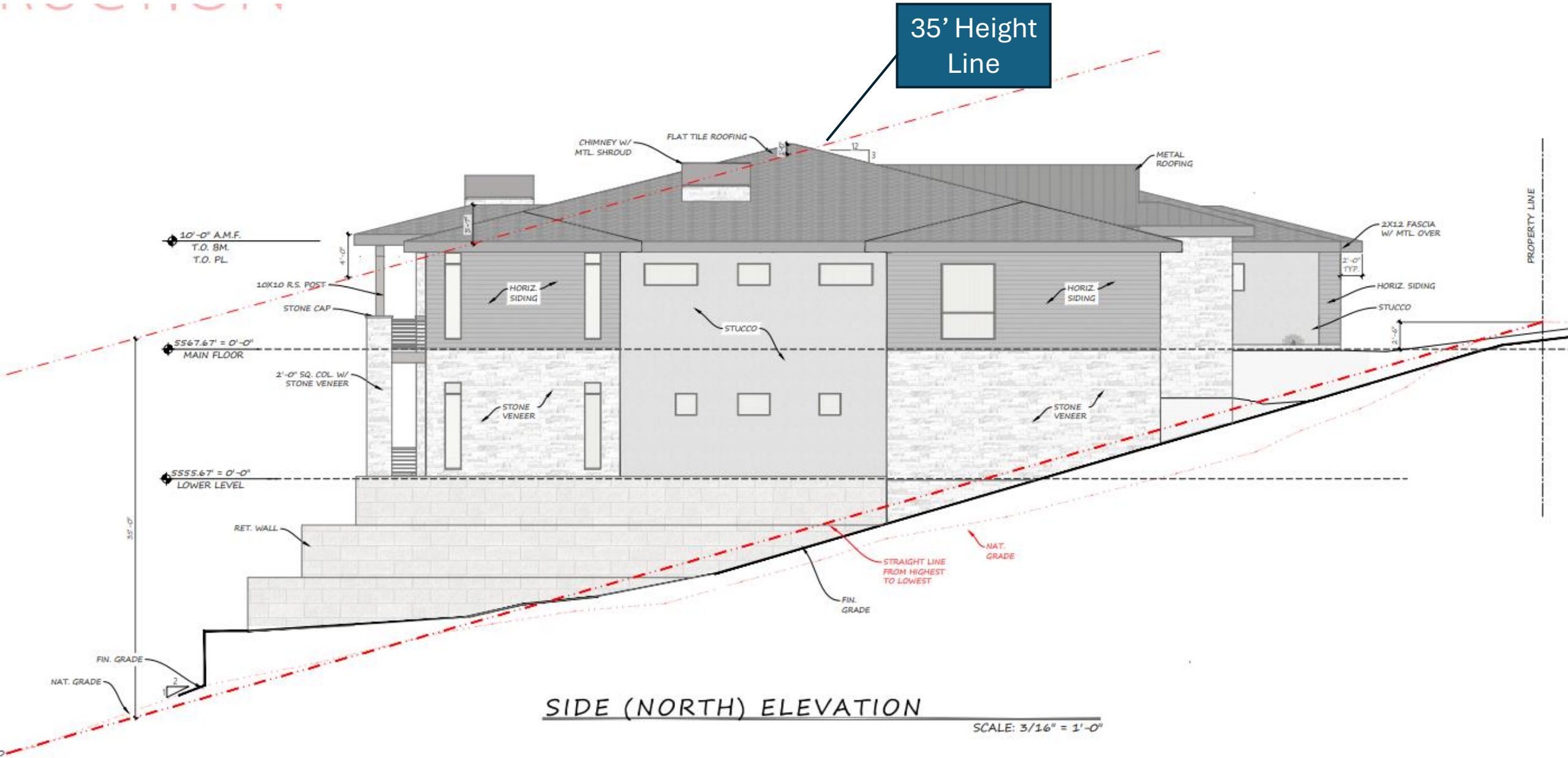
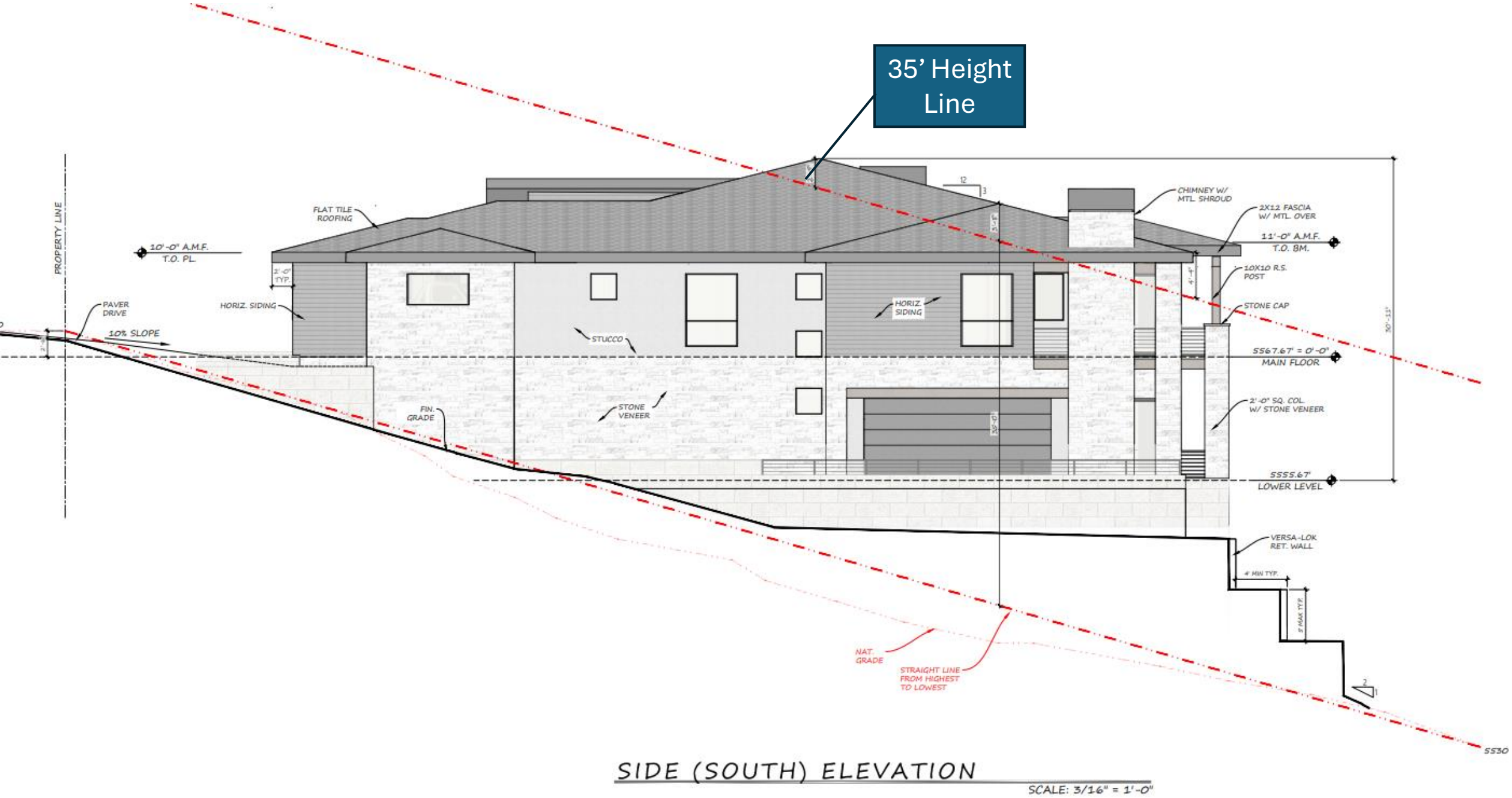
Site Plan with Revised Disturbance Envelope





SIDE (NORTH) ELEVATION

SCALE: 3/16" = 1’-0"



SIDE (SOUTH) ELEVATION

SCALE: 3/16" = 1'-0"

Subject Parcel

Lots Across the Street with Raised Building Pads

Adjacent Lot with Raised Building Pad

Neighborhood Example of Built Up Building Pad

ESTANCIA DE PRESCOTT
PRESCOTT ARIZONA

6 August 2024

Arizona Coalition 4 Education LLC
C/O Jerry Cipriano
1561 Bello Monte Dr
Prescott, AZ 86301

Re: Lot 46, Estancia de Prescott Preliminary Review with Stipulations

Dear Homeowner,

The Estancia de Prescott Architectural Review Committee has reviewed the submitted application for Preliminary submittal review. The preliminary submittal was approved with stipulations listed as:

1. Landscape plan with heights and set back per each wall.
2. Show A/C screen wall.

Should you have any additional questions, please feel free to contact me at 928-776-1997 ex. 1129 or email rburlingame@hoamco.com.

Sincerely,

Rhea Burlingame

Rhea Burlingame, *Architectural Administrator*
On behalf of the Estancia de Prescott Architectural Review Committee

CC: ARC file