

City of Prescott

Board of Adjustment



October 17, 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 **October 17, 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 September 19, 2024 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented
- B. **NOTICE OF CONTINUANCE - CUP24-004**, Conditional Use Permit to Allow the Inclusion of a Helicopter Landing Pad at the North Side of the Hospital Site Adjacent to State Route 69 in a BR (Business Regional) Zoning District. Property Location is 4822 E State Route 69. [Property owner: EHC Prescott LP. Applicant/Agent: BMH As-Built USA. APN: 103-15-160A, Encompassing 9.2 acres]
Recommended Action: No Action. This application has been moved to the November 21, 2024, Board of Adjustment meeting per the applicants request.
- C. **V24-008**, Request for a Variance to City of Prescott Land Development Code (LDC) Section 6.8.4.D to Allow for an Increase in the Maximum Retaining Wall Height of 8' to 10' in Sections due to Topographical Challenges. [Property Location: Peregrine Ridge Subdivision (West of N State Route 89 Across from Watson Lake Encompassing 24.3 acres). [APN: 106-13-034K, Property Owner: Peregrine Ridge at Prescott Lakes LLC; Applicant/Agent: Luther Kraxberger].
Recommended Action: MOVE to Approve V24-008, request for a Variance to City of Prescott Land Development Code (LDC) Section 6.8.4.D to allow for an increase in the maximum retaining wall height of 8' to 9-10' due to topographical challenges.

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 10/11/2024 at 12:30 p.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: October 17 Board of Adjustment
DATE: October 17, 2024
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the September 19, 2024 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for approval of the September 19, 2024 Board of Adjustments 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. September 19, 2024 BOA Minutes



City of Prescott Board of Adjustment

September 19, 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 (Excused)
Mark Hokeness, Member
Tom Hutchison, Member (Excused)

3. DISCUSSION & ACTION ITEMS

- A. Approval of the July 18, 2024 Board of Adjustment Meeting Minutes.

MOTION BY MEMBER DAVIS TO APPROVE THE MEETING MINUTES AS PRESENTED; SECONDED BY MEMBER FREDERICKSON: PASSED (5 - 0)

- B. **V24-007** – Variance to Article 3, Section 3.2.3.E (SF-18/Maximum Building Height/Structure Height) of 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.

Community Planner Tammy DeWitt introduced the topic for discussion and showed the location of the project with maps and photos. Additionally, she provided the adoption of International Fire Code Amendments that states that grade & driveway slopes cannot exceed 12%. Staff has worked with the applicant and Homeowners Association (HOA) and explained that the house must be taller to meet driveway slope restrictions. All variance review criteria presented and V24-007 meets all criteria.

Member Hokeness asked if building the pad with dirt counts towards building height.

Ms. DeWitt stated that it does count and staff measures from existing natural grade.

Member Hokeness asked how staff determines where the height measurement point is.

Ms. DeWitt responded that staff locates the natural grade and examines different points to determine the highest point for measurement.

Member Hokeness asked if owners request to disturb the land prior to permitting.

Ms. DeWitt stated that owners submit for an engineering permit for grading to show the disturbance envelope prior to construction plans being provided to show building elevations.

Member Davis asked about Administrative Adjustments approved by city staff that are less than 10%.

Ms. DeWitt provided a summary of recent administrative adjustments and stated that staff is seeing an increase of administrative adjustments due to the driveway slope issue. She added that staff contacts the adjacent property owners for comments.

Member Davis asked if there is another way that height adjustments should be examined in the future due to recent Fire Code amendments.

Ms. DeWitt stated that Prescott has a lot of sloped lots and staff needs to make sure city codes apply to all residential.

Member Davis asked if this would be taller from the street level.

Ms. DeWitt responded that it is a possibility.

Member of the public, Pat Fuge, thanked Board Members, staff, and the applicant. He asked if the 12% slope of the driveway was for the upper garage or lower and asked if staff could provide information on the size of the house. He feels that this variance is acceptable and should be approved.

Ms. DeWitt responded that the driveway slope will be for both the upper and lower garages. She did not have information related to the size of the house at this time.

MOTION BY MEMBER FREDERICKSON TO APPROVE V24-007; SECONDED BY MEMBER TEETERS: PASSED (5-0).

4. UPDATES

Ms. DeWitt provided updates about the 2025 General Plan public comment period beginning September 23, 2024. She presented a flyer for the 60-Day public comment period. There will be physical and virtual meeting rooms provided.

Member Frederickson asked how the flyers will be distributed.

Ms. DeWitt stated that there will be an ad in the paper and the flyers will be emailed.

Ms. Frederickson asked if the flyers will be emailed to the public or private entities.

Ms. DeWitt stated that staff is required to send to certain reviewing agencies per state statute.

5. ADJOURNMENT

Chair Lamerson adjourned the meeting at 9:25 a.m.

Jim Lamerson, Chair

Board Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: October 17 Board of Adjustment
DATE: October 17, 2024
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **NOTICE OF CONTINUANCE - CUP24-004**,
Conditional Use Permit to Allow the Inclusion of a
Helicopter Landing Pad at the North Side of the
Hospital Site Adjacent to State Route 69 in a BR
(Business Regional) Zoning District. Property
Location is 4822 E State Route 69. [Property
owner: EHC Prescott LP. Applicant/Agent: BMH
As-Built USA. APN: 103-15-160A,
Encompassing 9.2 acres]

ITEM SUMMARY

This application has been moved to the November 21, 2024, Board of Adjustment meeting per the applicants request.

BACKGROUND

None

FINANCIAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

No Action. This application has been moved to the November 21, 2024, Board of Adjustment meeting per the applicants request.

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: October 17 Board of Adjustment
DATE: October 17, 2024
DEPT: Community Development
ITEM #: 3.C
SUBJECT: **V24-008**, Request for a Variance to City of Prescott Land Development Code (LDC) Section 6.8.4.D to Allow for an Increase in the Maximum Retaining Wall Height of 8' to 10' in Sections due to Topographical Challenges. [Property Location: Peregrine Ridge Subdivision (West of N State Route 89 Across from Watson Lake Encompassing 24.3 acres). [APN: 106-13-034K, Property Owner: Peregrine Ridge at Prescott Lakes LLC; Applicant/Agent: Luther Kraxberger].

ITEM SUMMARY

The applicant is requesting a Variance to allow for an increase in the maximum allowed height of retaining walls per the City's Hillside Development Standards (Land Development Code (LDC) Section 6.8.4.D). The applicant is proposing an increase to a maximum retaining wall height to 9-10' high in locations depicted on the accompanying Site Plan (as opposed to 8' maximum prescribed by the LDC). This is due to the steep topography of the project site and to avoid exceeding the 36' maximum total height of retaining walls in the project (also prescribed by LDC Section 6.8.4.D). By granting the extra height, the number of retaining walls needed may be reduced.

BACKGROUND

This Variance is associated with Peregrine Ridge subdivision, which has not commenced construction. The project site is on a knoll southwest of the Willow Lake Rd. and N State Route 89 roundabout (across the highway from Watson Lake). The Preliminary Plat was approved in January 2023 under project #PLN22-003. The Final Plat (project #FNP24-003) is currently under review by City staff. As the entire subdivision site is on a hillside with areas having 20-40% slopes, it is being reviewed against the City's Hillside Development Standards (LDC Section 6.8.4.D). Within the Hillside Development Standards is a requirement that the total (sum of) retaining wall heights be no greater than 36' and that individual walls not exceed 8 feet in height.

The applicant, Luther Kraxberger, has enlisted Lyon Engineering to produce civil plans for Peregrine Ridge, which include the retaining walls. In the Variance application questionnaire, the applicant states that "retaining walls [of 10' high] will be required to maintain the slopes within the project boundary" and that "the walls will not block any views, and the overall height of the site will be lower". The applicant also refers to other, developed sections of Prescott Lakes in the questionnaire that have multiple [large] retaining walls as well as taller homes due to topographical challenges. Mr. Kraxberger asserts that "all homes [in Peregrine Ridge] will be on a single level or, at most, two stories."

FINANCIAL IMPACT

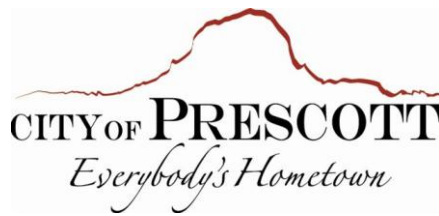
There is no fiscal impact at this time.

RECOMMENDED ACTION

MOVE to Approve V24-008, request for a Variance to City of Prescott Land Development Code (LDC) Section 6.8.4.D to allow for an increase in the maximum retaining wall height of 8' to 9-10' due to topographical challenges.

ATTACHMENTS

1. 1 V24-008 Variance Questionnaire
2. 2 V24-008 Maps and Pictures
3. 3 V24-008 Site Plan and Retaining Wall Section



CITY OF PRESCOTT

VARIANCE SUBMITTAL CHECKLIST

No application will be accepted unless it is complete including, but not limited to, the following:

- ☐ An electronic file of the Site Plan. Building Elevations are encouraged to be submitted with the site plan, if applicable.
- ☐ Completed Variance Questionnaire. (Page 2 and 3 of this document)
- ☐ Filing & Postage* Fee (Invoice to be paid will be sent to applicant after application is submitted).

*Postage Mailing Fee. The Community Development Department will notify adjacent property owners of this application within 300 feet of the subject property (or a greater distance if deemed necessary by the Community Development Director). The applicant will be billed and required to pay the postage-mailing fee prior to the scheduled Public Hearing.

NOTE: A DETERMINATION OF “APPLICATION COMPLETENESS” BY THE STAFF PLANNER AND A RECEIPT FOR THE FILING FEE WILL BE SENT TO THE APPLICANT WITHIN FIFTEEN (15) DAYS OF SUBMITTAL OF THE APPLICATION.

VARIANCE QUESTIONNAIRE

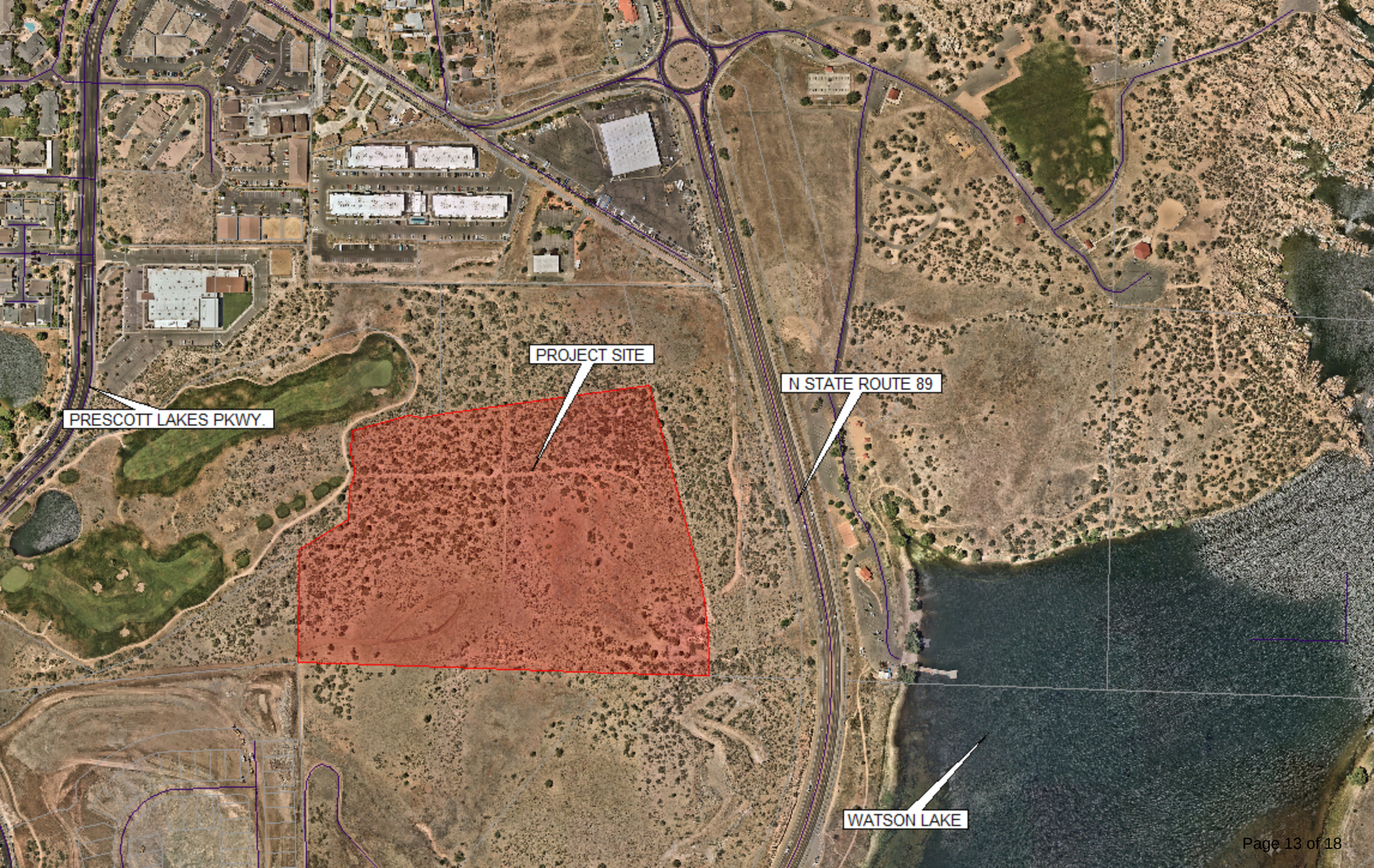
All questions must be answered prior to acceptance of the application.

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).

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

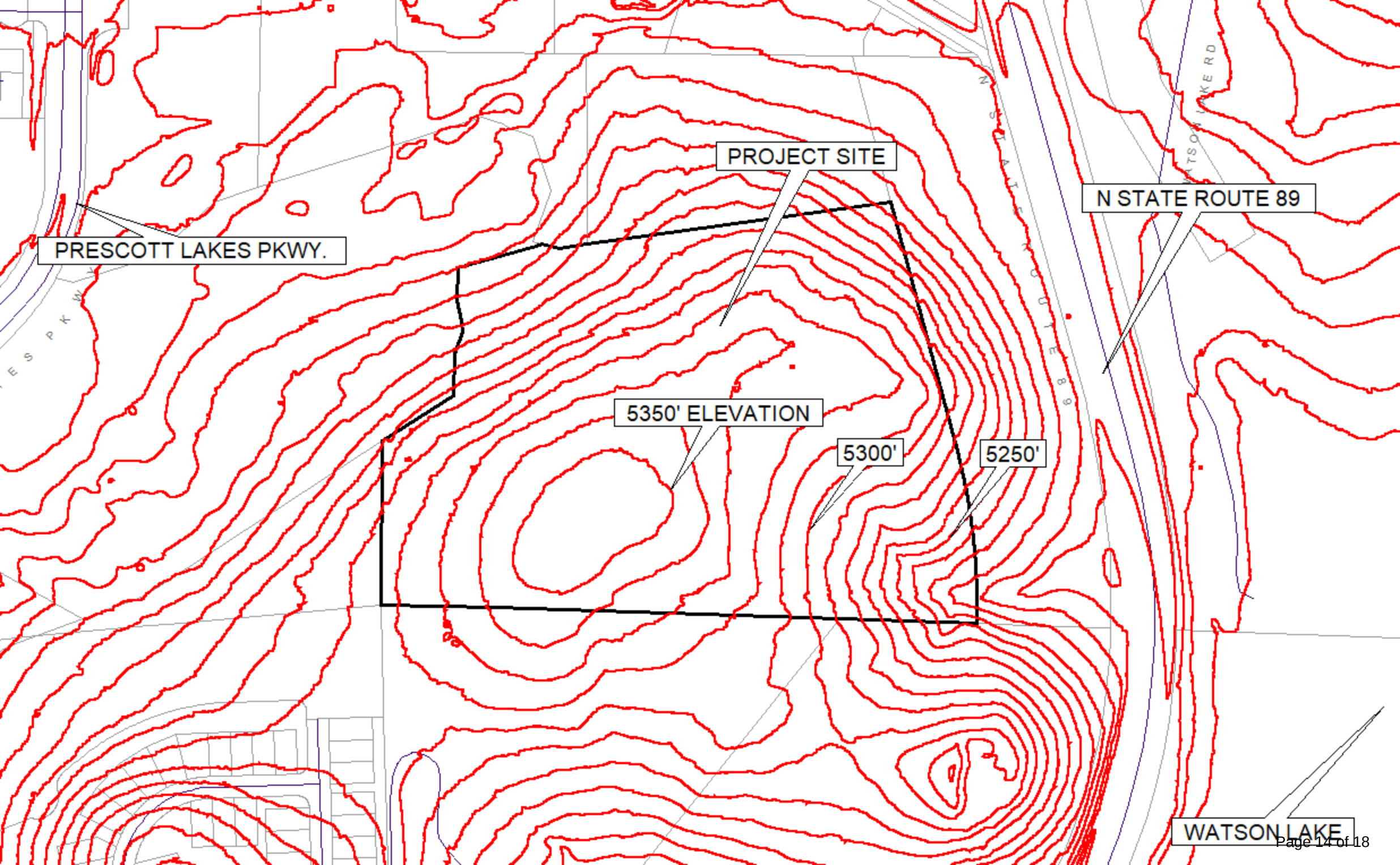


PRESCOTT LAKES PKWY.

PROJECT SITE

N STATE ROUTE 89

WATSON LAKE



PRESCOTT LAKES PKWY.

PROJECT SITE

N STATE ROUTE 89

5350' ELEVATION

5300'

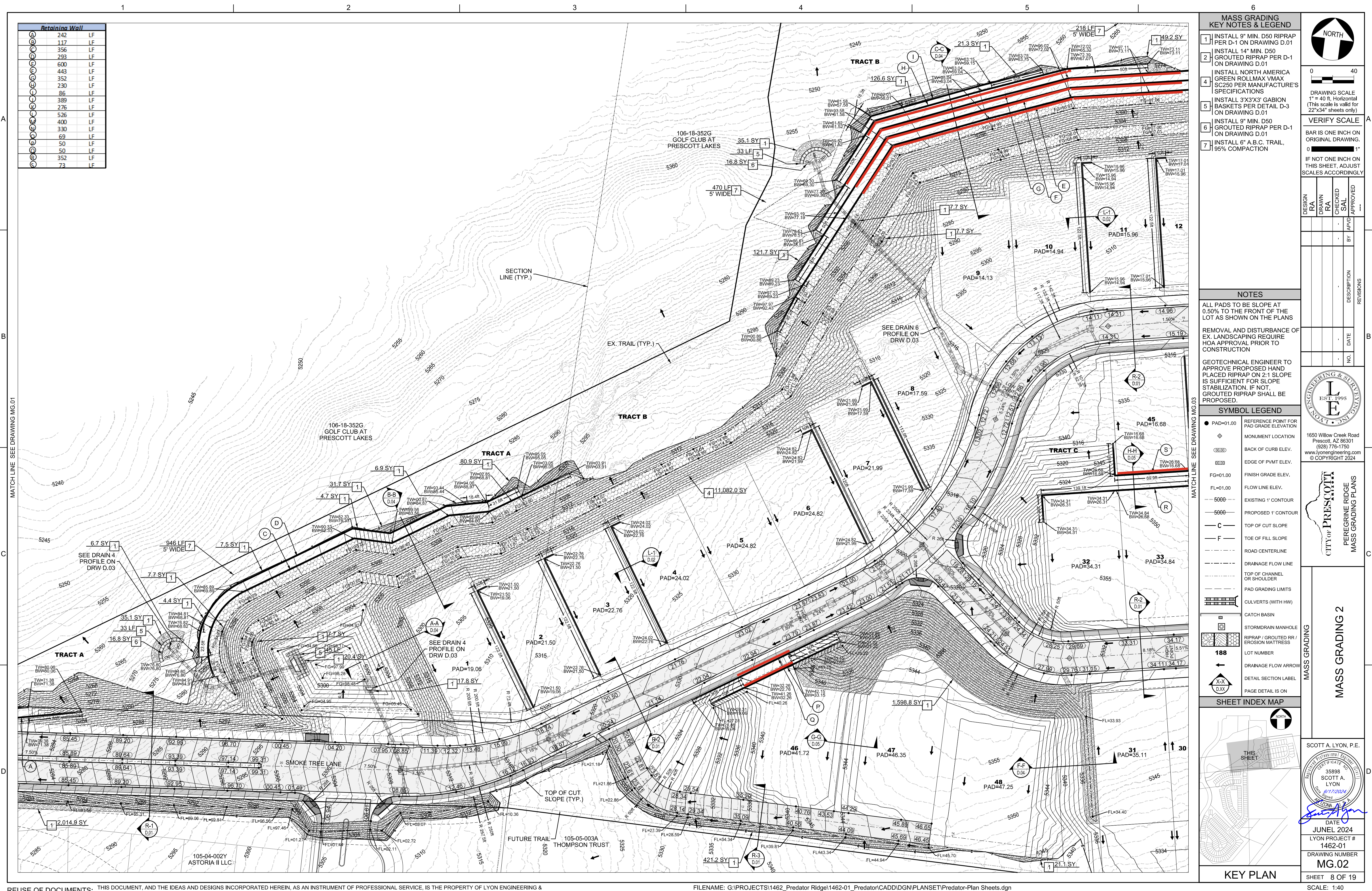
5250'

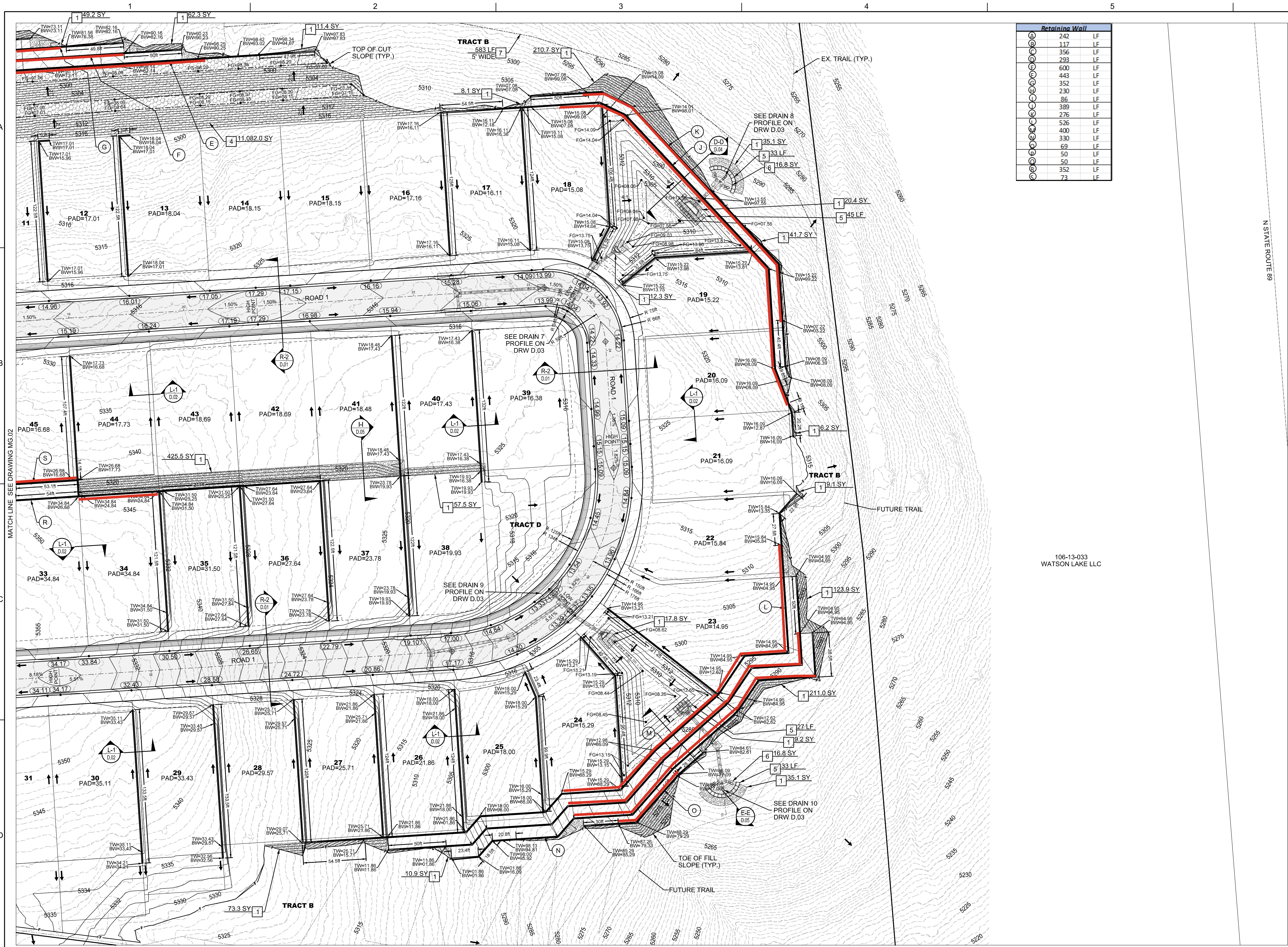
WATSON LAKE

**Photo of project site from across N SR 89,
facing Northwest**



Retaining Wall		
Ⓐ	242	LF
Ⓑ	117	LF
Ⓒ	356	LF
Ⓓ	293	LF
Ⓔ	600	LF
Ⓕ	443	LF
Ⓖ	352	LF
Ⓗ	230	LF
Ⓘ	86	LF
Ⓚ	389	LF
Ⓛ	276	LF
Ⓜ	526	LF
Ⓝ	400	LF
Ⓖ	330	LF
Ⓗ	69	LF
Ⓘ	50	LF
Ⓚ	50	LF
Ⓛ	352	LF
Ⓜ	73	LF





Retaining Wall	
1	242 LF
2	117 LF
3	356 LF
4	600 LF
5	443 LF
6	293 LF
7	230 LF
8	86 LF
9	389 LF
10	276 LF
11	526 LF
12	400 LF
13	330 LF
14	62 LF
15	50 LF
16	352 LF
17	73 LF

MASS GRADING
KEY NOTES & LEGEND

1

INSTALL 9" MIN. D50 RIPRAP
PER D-1 ON DRAWING D.01

2

INSTALL 14" MIN. D50
GROUTED RIPRAP PER D-1
ON DRAWING D.01

3

INSTALL 3'X3'X3' GABION
BASKETS PER DETAIL D-3
ON DRAWING D.01

4

INSTALL 9" MIN. D50
ROUTED RIPRAP PER D-1
ON DRAWING D.01

5

INSTALL 6" A.B.C. TRAIL,
95% COMPACTION

NOTES

ALL PADS TO BE SLOPE AT
0.50% TO THE FRONT OF THE
LOT AS SHOWN ON THE PLANS

REMOVAL AND DISTURBANCE OF
EX. LANDSCAPING REQUIRE
HOA APPROVAL PRIOR TO
CONSTRUCTION

GEOTECHNICAL ENGINEER TO
APPROVE PROPOSED HAND
PLACED RIPRAP ON 2:1 SLOPE
IS SUFFICIENT FOR SLOPE
STABILIZATION. IF NOT,
GROUTED RIPRAP SHALL BE
PROPOSED.

SHEET INDEX MAP

THIS SHEET

KEY PLAN

DESIGN
RA

DRAWN
RA

CHECKED
SAL

APPROVED
BY

DATE

NO.

DESCRIPTION

REVISIONS

0 40

DRAWING SCALE
1" = 40 ft. Horizontal
(This scale is valid for
22"x34" sheets only)

0 1"

IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY

1650 Willow Creek Road
Prescott, AZ 86301
(929) 778-1750
www.lyonengineering.com
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CITY OF PRESCOTT
PERCUTINE RIDGE
MASS GRADING PLANS

MASS GRADING 3

SCOTT A. LYON, P.E.

35898
SCOTT A.
LYON
6/17/2024

DATE
JUNE 2024

LYON PROJECT #
1462-01

DRAWING NUMBER
MG.03

SHEET 9 OF 19

SCALE: 1:40

REUSE OF DOCUMENTS: THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF LYON ENGINEERING & SURVEYING, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF LYON ENGINEERING & SURVEYING, INC.

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