



City of Prescott Board of Adjustment

March 20, 2025 | 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

3. DISCUSSION & ACTION ITEMS

A. Approval of the February 20, 2025 Board of Adjustment Meeting Minutes.

MOTION BY MEMBER FREDERICKSON TO APPROVE THE FEBRUARY 20, 2025 MEETING MINUTES AS PRESENTED; SECONDED BY MEMBER DAVIS: PASSED (6-0)

B. **V24-009:** Variance to Article 3, Section 3.3.3.F (SF-35/Minimum Setbacks) of the City's Land Development Code (LDC) Allowing for a Reduced Front Setback from 22' to 20' for Construction of a New Single-Family Residence. Zoning: SF-35 (Single-Family 35,000 sq ft Minimum Lot Size). Property Owner: Southwest Sunset Acquisitions AZI LLC. Applicant: Davis Construction Consulting LLC. Location: APN 106-20-521, 1116 S. Lakeview Drive.

Tammy Dewitt Community Planner gave a presentation for the variance request to reduce the front setback from 22 feet to 20 feet for a new single-family residence. She provided imagery maps, a site plan, and photos of adjacent properties for reference. She stated that staff had concerns that a reduced driveway length could create a safety hazard if large vehicles extend into the roadway or sidewalk. Additionally, she provided that the applicants have an approved permit that does meet setback requirements, but this request is to allow the homeowners a larger backyard.

Member Frederickson asked if there were plans for a sidewalk to be installed.

Ms. Dewitt stated that this side of the street does not have a sidewalk.

Member Hutchison noted that the most popular truck in America is a Ford F-150 measuring 19 feet long and with a trailer hitch it could extend into the roadway.

Ms. Dewitt stated this is staff's concern.

Member Frederickson asked how many feet it is from the back of the house to the terrace of the wall in the backyard.

Ms. Dewitt said that it is around 14 feet.

Member Frederickson asked if the house was moved backwards to comply with the code it would have a 12-foot backyard.

Ms. Dewitt stated that is correct.

Member Frederickson asked for clarification on the approved model plans for this area.

Ms. Dewitt said that there are pre-approved model plans that provide a site plan to show how the home will fit on each lot. This particular lot already has an approved site plan that meets code requirements.

Member Frederickson asked if it was approved by the Homeowner's Association (HOA) or by the city.

Ms. Dewitt noted that it was approved by the city.

Member Frederickson asked if there was a way to build a home on this lot that does comply with code.

Ms. Dewitt said yes.

Member Hokeness asked how tall the first wall behind the house is.

Ms. Dewitt deferred to the applicant for clarification.

Chad DeVries Southwest Sunset Homes and Davis Construction explained that the challenge is the retaining wall severely limits usable space in the backyard. Additionally, he stated that the HOA did approve of this variance request to adjust the driveway length and provided exhibits to the board members showing the constraints of the lot.

Member Hutchison asked if the lot is too small or if the house is too big.

Mr. DeVries stated that the floor plan is very small the variance would be beneficial for ingress and egress for first responders.

Member Hutchison asked what lot coverage percentage is allowed.

Ms. Dewitt said they just have to meet the setbacks per the subdivision plat.

Member Hokeness asked if they are measuring from the patio columns or the rear door.

Mr. DeVries stated it is measured to the columns.

Member Hokeness asked if the home did not have the rear patio could they move the house back.

Mr. DeVries said yes, but they would have to go back through the review process.

Member Davis asked if lot 40 will have this same issue.

Mr. DeVries said he does not believe so.

Member Davis asked if the homes to the east comply with the code.

Ms. Dewitt said yes.

Member Frederickson asked what the height of the retaining wall was.

Mr. DeVries stated the retaining wall is at least 5 feet and goes higher towards lot 40.

Member Frederickson asked what changed from the approved plans that requires the variance request.

Ms. Dewitt stated it was to allow more room in the backyard.

Member Frederickson asked if the retaining wall was in place when the original plans were approved that met the setback requirements.

Ms. Dewitt said yes.

Member Hokeness asked if the retaining wall could be moved back.

Ms. Dewitt explained that the wall runs across multiple properties and would need to be re-engineered and redesigned.

Member Hokeness if there is the option of moving the wall back.

Ms. Dewitt stated that due to the terracing it does not appear to be an option.

Chair Lamerson asked if this falls under a self-induced hardship.

Ms. Dewitt said that it could be.

Mr. DeVries stated that the HOA approval should be taken into consideration.

Member Hutchison asked if the board members are trading marketing convenience for public safety.

Matt Podracky Deputy City Attorney stated that it is up to the board to determine if this is a self-induced hardship. He referenced Arizona Revised Statutes (ARS 9-462.06) subsection G2 and provided guidance on variance criteria and self-imposed hardships.

Member Hokeness asked if the garage is a standard depth garage or an extra-large garage.

Mr. DeVries stated it is a standard garage.

Member Hokeness asked for clarification on the opposition letter that was received.

Ms. Dewitt stated that there were concerns that there could be setback issues when this area was developed, and other properties meet the setbacks.

Member Teeters asked if this is the first variance request in that area for this type of exception.

Ms. Dewitt said she believes so.

Member of the public Jim Orr Board of Directors for Prescott Lakes Community Association spoke in support of the variance. He noted that their architectural review committee and Hoa board unanimously approved the request. He stated that their use restrictions govern parking in driveways and do not allow overnight parking.

Member Davis stated that the more serious concern is the two-foot encroachment into the sidewalk and would rather see a two-foot reduction to the backyard.

Member Hokeness agreed with Member Davis and believes the footprint of the home is too large.

Member Frederickson agrees that she would rather see a reduction to the backyard.

MEMBER HOKENESS MOTION TO DENY V24-009; SECONDED BY MEMBER DAVIS: PASSED (5-1); MEMBER LAMERSON DISSENTED; VARIANCE DENIED.

- C. **V25-002:** Variance to Article 3, Section 3.5.3.E (SF-12/Maximum Building/Structure Height) of the City's Land Development Code (LDC) to Allow for an Increase in the Maximum Allowed Height for a New Single-Family Residence to 46' (from 35'). Zoning: SF-12 (Single-Family 12,000 Sq. Ft. Minimum Lot Size). Property Owner: McHenry, Jeannie Filar & Brian. Applicant: Distinctive Homes & Architecture. Location: APN 112-02-226, 691 Cloud Crossing Circle.

Kaylee Nunez Community Planner gave a presentation for a variance request to increase the maximum allowed building height from 35 feet to 46 feet. She provided maps with contours, photos of the site, and elevations of the proposed home. She stated that the average slope of the lot is roughly 30% and the applicant is requesting an 11-foot height increase for a total of 46 feet from natural grade.

Member Frederickson asked how tall the architectural cupola or turret will be.

Tom Terry Distinctive Homes & Architecture stated that the cupola is about 6 feet tall. He stated that the architectural committee approved the cupola to improve the presence of the roof line from the street.

Member Frederickson asked if the taller cupola was removed, would kitchen cupola enhance the aesthetic from the street level.

Mr. Terry stated yes, and they are open to suggestions, but this is what the owner would like.

Member Frederickson asked if the rear cupola was removed what would be the height variance needed and how tall will the kitchen cupola be from natural grade.

Ms. Nunez stated that it would decrease the height to about 40 feet and the need for a 5-foot variance would still be needed.

Mr. Terry stated that the height of the kitchen cupola would be approximately 42 feet.

Member Frederickson stated that a 7-foot height variance would still be required.

Mr. Terry said that the lot will be filled, and the home will appear as a two-story house from the street.

Member Frederickson asked if the lot below was developed, would they view the building as 3-story.

Mr. Terry said yes, it would look tall from the rear, but the applicant also owns the rear property.

Ms. Nunez noted that most homes in the area have vegetation masking the buildings, but the topography makes this lot difficult to build on.

Member Davis asked if there was an elevation from the street included in the staff report.

Ms. Nunez said yes, all four elevations were provided.

Member Frederickson noted that the architect's renderings appear to show more than just the roof line from the street view.

Mr. Terry stated that you see it all, but it is one story lower from the cul-de-sac area.

Member Frederickson asked if from the street you don't see the lower level, but you do see the entire first floor.

Mr. Terry said that is correct.

Member Hokeness asked if the addition of the cupolas are for aesthetic only and do not have a real function to the home.

Mr. Terry explained that the cupolas are for aesthetics, but they do let light into the house.

Member Hokeness asked if the cupolas were removed would this meet the height requirements.

Mr. Terry stated that if the cupolas were removed this home would still need a variance.

Member Davis asked what the height would be if the highest cupola was removed.

Ms. Nunez stated that it would be about 40 feet.

Member of the public Jim Smith does not agree with a 40-foot house being built near him. He has concerns about the home obstructing his views. He believes that he is the only person that will be affected by granting this variance.

Member Hokeness asked if Mr. Smith understood that if the cupolas are not included the house would meet code and the variance would not be required.

Mr. Smith said yes, if the architectural committee approves.

Ms. Nunez noted that if the cupolas were removed a variance would still be needed.

Member Hokeness asked if the owner could combine the lots in the future.

Ms. Nunez replied yes, the owners could do a replat to combine lots.

Member Frederickson asked what the height is from natural grade to before the cupolas.

Ms. Nunez stated it is 41 feet 6 inches.

Member Frederickson asked if both cupolas were removed and skylights included would a variance still be needed.

Ms. Nunez said yes, it would still need a variance.

Mr. Terry stated the owners want to develop this lot any way they can.

Member Frederickson asked for clarification if this variance could be denied or deferred until a redesign is completed.

Mr. Podracky explained that the board could grant a 5-foot variance, or a continuance could be granted for a later date.

Member Frederickson noted that the homeowner might be open to a redesign, and she would be inclined to deny the variance request.

Ms. Nunez clarified that if the request is denied the applicant will have to re-apply and pay the \$1,250 fee again.

Member Frederickson stated that a continuance would be a better option.

Member Hokeness said that if the application is deferred, he would like the applicant to meet the code requirements.

Ms. Nunez stated that if the board would like the code to be met, the variance would not be required and denying the variance would be the best approach.

Mr. Terry referenced The Ranch at Prescott's HOA requirements of a 4:12 pitched roof and the city requiring a 18% driveway slope makes meeting the code requirements difficult.

Member Frederickson asked what the pitch of the driveway is.

Mr. Terry said it is at 18%.

Member Davis believes that a continuance is in order to allow the applicant to redesign.

MOTION BY MEMBER DAVIS TO DEFER V25-002 TO A DATE NOT SPECIFIC TO ALLOW THE APPLICANT TO REDESIGN; SECONDED BY MEMBER TEETERS: PASSED (4-2); REQUEST DEFERRED.

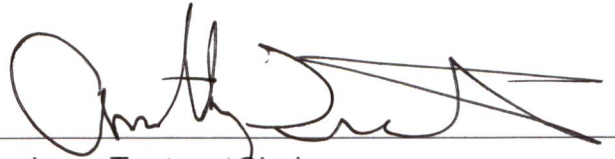
4. STAFF UPDATES

Ms. Dewitt reminded the board members that the council chambers will be closed and there will not be meetings in April. Additionally, she provided updates on the 2025 General Plan.

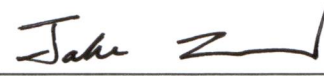
Ms. Nunez thanked Mr. Lamerson for his service to the Board of Adjustments as this was his last meeting.

5. ADJOURNMENT

Chair Lamerson adjourned the meeting at 10:12 a.m.



Anthony Teeters, Chair



Board Secretary