



City of Prescott Board of Adjustment

June 19, 2025 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 1st Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

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

2. ROLL CALL

Tony Teeters, Chair
Tom Davis, Vice Chair
Mary Frederickson, Member
Miriam Haubrich, Member
Mark Hokeness, Member
Tom Hutchison, Member (Excused)
Rick Kimery, Member

3. DISCUSSION & ACTION ITEMS

A. Approval of the May 15, 2025 Board of Adjustment Meeting Minutes.

MOTION BY MEMBER HAUBRICH TO APPROVE THE MAY 15, 2025 MEETING MINUTES AS PRESENTED; SECONDED BY MEMBER DAVIS: PASSED (6-0)

B. **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 40'-6" (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 the variance request and explained that it is to increase the maximum allowed building height to 40 ft 6 inches. She stated that this is a return of a previous request from March 20th, and the applicant had revised the design. She provided maps with contours to show the topography and imagery of the site. Staff reviewed the proposal against all variance review criteria and recommended to approve with conditions or deny V25-002.

Member Frederickson asked for clarification on the height measurement from the presentation.

Ms. Nunez explained that residential height is measured from natural grade to the highest point of the structure.

Member Frederickson asked what the measurement was from natural grade to the red circle.

Ms. Nunez clarified the red circle shows the measurement from natural grade to the highest point of the structure.

Member Hokeness asked if there were any responses from the public.

Ms. Nunez said yes there was one in opposition, one in support, and one that was indifferent to the proposal.

Member Frederickson stated that the board's decisions should not create precedent and should be considered on an individual basis.

Ms. Nunez stated yes but they may see similar variance requests in the future.

Member Frederickson agreed, but stated their decision today should not be in fear of setting a precedent for future applications.

Member Hokeness said the board should recognize that some lots are unable to be built on.

Member Davis asked if the request was a result of the fire code for the driveway slope.

Ms. Nunez deferred to the applicant Tom Terry.

Tom Terry Distinctive Homes & Architecture explained that the prior submittals driveway was steeper, however this proposal reduced the driveway to less than 18% for fire code requirements.

Member Davis asked if the site plan and design of the house is affected by the slope of the driveway.

Mr. Terry said it was on the original submittal, but the design changes have put them under the 18% driveway slope.

Member Frederickson asked if the site of the home was moved on the lot.

Mr. Terry stated the house remained in the same location.

Member Frederickson asked what the difference in elevation between the proposal and the neighboring property is.

Mr. Terry stated that the only part of the design that might block the neighbors' view slightly would be the cupulas/turrets.

Ms. Nunez clarified there is a 20-foot difference in elevation between properties.

Member Hokeness what design other than person desire requires the variance for increasing the height.

Mr. Terry stated the architectural committee wanted a two-story home with an improved roof design and this design was approved by the architectural committee.

Member Frederickson asked if the addition of the cupulas was a request of the architectural committee.

Mr. Terry said yes, and it was approved by the committee.

Member Frederickson asked if the architectural committee would deny the design if there was more of a plain roof line.

Mr. Terry said they were waiting for the outcome of the variance.

Member Kimery asked if the only function of the cupulas was for lighting and if it could be handled through skylights.

Mr. Terry stated they are for lighting and aesthetics, but skylights are an option.

Member of the public Jim Smith spoke in opposition to the variance request. He stated that the home would block his view from his great room when looking North and Northwest. Additionally, he added that the home was originally designed for a different lot and there are alternatives for the proposal to meet code requirements.

Member Hokeness thanked Mr. Smith for his participation agreed there are alternatives for the project to meet code requirements.

Chair Teeters asked if this was approved for a different lot.

Mr. Terry stated the design was previously planned for the lot Northeast and was approved for both locations. He added that the architectural committee approval has expired and will need to be reapproved.

Member of the public Jeannie McHenry stated the design was originally designed to straddle lots 859 and 850. The homeowner's association requested the home be pushed higher towards Cloud Crossing, an addition of the lower level due to The Ranch's square footage requirements, and to add natural light or windows to the kitchen. She added that the cupulas are common features in The Ranch and disagrees with Mr. Smith that this design will block views from his property.

Member Davis asked if the cupulas are removed does this proposal comply with zoning height requirements.

Mr. Terry said yes it will be very close.

Member Haubrich asked if the HOA has the power to dictate the interior lighting requirements.

Mr. Terry stated yes because it is reflected on the exterior.

Member Frederickson asked if there was an alternative structure that could replace the cupulas to allow interior light.

Mr. Terry said there are always options, but this is the option selected.

Member Frederickson stated it seems for aesthetics it is cupulas, or no cupulas and the lighting will be through cupulas or skylights.

Mr. Terry said that is correct.

Member Hokeness believes the house could be moved to a different location or lowered to meet height requirements.

Mr. Terry said the home could be lowered but it could not be moved on the lot.

MOTION BY MEMBER HOKENESS TO DENY V25-002; SECONDED BY MEMBER KIMERY: PASSED (6-0).

- C. **CUP24-004:** Review for Revocation of the 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. Location: APN 103-15-160A, 4822 E State Route 69 Encompassing 9.2 Acres. Property Owner: EHC Prescott LP.

Tammy DeWitt Community Planner gave a presentation regarding revocation of CUP24-004. She explained that the Conditional Use Permit (CUP) was approved on November 21, 2024 with three conditions: 1) Addition of a 6-foot masonry wall along the North and West property line; 2) Additional landscaping along State Route 69 frontage;

3) Conditions to be completed prior to final inspection of the building permit for the helipad and initiation of use. She provided maps and imagery of the location of the helipad and alternative options provided by the applicant for a 6-foot wood fence or a mix of 6-foot wood fence and concrete masonry wall. Staff recommends to amend or revoke CUP24-004.

Member Hokeness asked if the issue is because the helipad is in use prior to the conditions being met.

Ms. DeWitt said yes.

Member Hokeness asked if the options were to revoke the CUP, do nothing and leave it in place to let the city enforce violations, or modify the CUP.

Ms. DeWitt stated the only way to enforce violations for the use is by revoking the CUP.

Member Hokeness said they have not violated anything based on the November 2024 approval of the CUP and the conditions are in the process to be met.

Ms. DeWitt stated they are in violation of the CUP since they have used the helipad prior to all conditions of the CUP being completed.

Member Hokeness asked how the city will enforce the violations of the CUP.

Ms. DeWitt said that for enforcement to be taken to the hearing officer, the CUP will need to be revoked.

Matt Podracky Deputy City Attorney stated there are three options; the board can revoke CUP24-004; they can consider alternative proposals; or they can do nothing. He added that violations of the code are civil issues and there is a hearing officer process.

Member Frederickson stated the third condition for the CUP is clearly in violation and revocation of the CUP would be appropriate.

Member Hokeness has concerns with revocation of the CUP if there was an emergency the helicopter needs to be allowed to land for life safety issues.

Member Frederickson believes there is a difference between landing a helicopter in an emergency situation and landing as part of the business model.

Robert Donaldson architect BMH As-Built said they are still working towards meeting all requirements for the building permit and conditional use permit but would still like to use the helipad in emergency situations while other issues are getting resolved.

Bob Cardenas CEO Arizona Exceptional Health Care Properties said there have been 4 life saving evacuations.

Member Hokeness asked if it was just the 4 landings in 4 months.

Mr. Cardenas said yes, 4 landings in 3 months.

Member Hokeness asked what time of day the landings occurred at.

Mr. Cardenas stated he did not know the specific times, but he could find out.

Member Hokeness asked what the criticality of the patients for the 4 evacuations was.

Mr. Cardenas stated two were heart attacks; one was shortness of breath.

Member of the public Ann Friday does not believe that a hospital with a heliport is allowed in the Business Regional zoning. She provided a handout to the board members claiming the city knew about the helipad 3 years earlier than the approval and that the CUP was approved based on false information.

Member of the public Larry Springer has issues with public safety with the helipad. He stated that the parcel is zoned Business Regional and aircraft operations are not permitted in the Business Regional zoning. He believes that Exceptional Health Care has not followed the rules from the start and would like to see this go back to the beginning.

Member of the public Pamela Boyer has issues with the noise from the helipad and stated her property value has dropped \$55,000 already. She does not have any issues against the hospital but does believe the helipad is a danger to the community. She would like to see the CUP revoked.

Member of the public Mike Schumacher spoke in support of the hospital and helipad. He believes the hospital is better for the community and stated the needs of the many outweigh the wants of the few.

Member of the public Gil Ingraham stated that the hospital and helipad are an asset to the neighborhood rather than a liability. He believes the city should have Dignity Health upgrade their trauma capability in order to eliminate the need of additional helicopter landing locations. He believes that the value of life is the most important item to take into consideration.

Member of the public Kathy O'Boyle questioned the need for a helipad since all patients were transported out rather than brought in. She agrees that the hospital is fantastic but does not agree that the helipad meets zoning regulations. She would like to see the CUP revoked.

Mr. Cardenas stated that zero patients were brought in by helicopter.

Member of the public Karen Thiel stated the trauma levels of hospitals in Prescott and Prescott Valley are level 4, which is the lowest level. She believes that there are safety concerns due to damage of property from the helicopters. Additionally, she does not believe there is a need for the heliport since EMT's could provide similar stabilization and transportation.

Member of the public Craig Niece expressed concerns about flight paths over residences, property damage, and the hospital's failure to meet previous conditions applied to the CUP. He does not agree that a 6-foot wall will help with screening or noise abatement and would like to see the CUP revoked.

Chelsea Walton Community Development Director explained a rezone of the property was not required as this is viewed as an ambulance service rather than a heliport. Additionally, she stated that pre-application conference submittals are not official and when the hospital submitted plans for permitting there was no helipad proposed.

Member Hokeness believes the need for the hospital exists and the original conditions of approval for the CUP were well thought out. Additionally, he stated that if there is no helipad then a helicopter will land on site during an emergency regardless. He would like to see the original conditions stay in place with the addition of a fourth condition for all conditions to be met by a specific date.

Member Frederickson does not believe a deadline will be helpful and does not see the benefit of modifying the conditions.

Member Davis agrees with member Frederickson and is not compelled to make changes to the CUP and is more compelled to revoke the CUP.

Member Hokeness asked if the city is part of the process that has held up the conditions being met.

Ms. DeWitt stated the current permit for the helipad is out for corrections and is in the applicants' hands. Once new plans are submitted, staff will review and if approved the permit will be issues for construction.

Member Hokeness expressed the best way to approach this would be to do nothing and leave it in the city's hands for enforcement.

Member Frederickson stated that without revocation of the CUP the city cannot proceed with enforcement and the board should revoke the CUP.

Member Davis asked if the revocation of the CUP would start the process to appropriately to correct the situation.

Mr. Podracky stated it's not a staff preference it is up to the board to consider if revocation is appropriate. Additionally, he stated there are alternative civil remedies the city can take.


MOTION BY MEMBER FREDERICKSON TO REVOKE CUP24-004; SECONDED BY MEMBER DAVIS: PASSED (4-2).

4. STAFF UPDATES

No Staff Updates

5. ADJOURNMENT

Chair Teeters adjourned the meeting at 10:53 a.m.



Anthony Teeters, Chair



Board Secretary