



# City of Prescott Board of Adjustment

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September 18<sup>th</sup>, 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 (Excused)  
Mary Frederickson, Member  
Miriam Haubrich, Member  
Mark Hokeness, Member  
Tom Hutchison, Member (Excused)  
Rick Kimery, Member

### 3. PLEDGE OF ALLEGIANCE

### 4. EXECUTIVE SESSION

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Board of Adjustment and to the general public that the Board will hold a Meeting at 9:00 a.m. on September 18, in the Council Chambers for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the Board of Adjustment, the executive session will be held immediately after the vote and will not be open to the public. The agenda for the meeting is as follows:

- a) Discuss & Consult with the City's Attorneys for Legal Advice and to Consider the City's Position and to Instruct its Attorneys and Necessary City Employees Regarding the Appeal, Pursuant to A.R.S. § 38-431.03(A)(3, 4 and 7).

### 5. DISCUSSION & ACTION ITEMS

- A. Approval of the August 21, 2025 Board of Adjustment Meeting Minutes.

**MOTION BY MEMBER HOKENESS TO APPROVE THE AUGUST 21, 2025 MEETING MINUTES AS SUBMITTED; SECONDED BY MEMBER KIMERY: PASSED (5-0)**

- B. **APL25-001:** Discussion & Possible Action Regarding an Appeal of Administrative Code Interpretation Decision.

Alex Bramlette Planning Manager gave a presentation for APL25-001 regarding the applicability of the City of Prescott's Land Development Code (LDC) section 6.8 for hillside development standards. She outlined the LDC regulations for section 9.17

related to appeals of administrative decisions, LDC section 6.1, LDC section 6.8.2, LDC 6.8.3, LDC 6.8.4 and LDC 6.8.5 all related to hillside development standards. Staff recommended moving to affirm the Community Development Director's interpretation of LDC 6.8.

Veronica Grace Applicant/Appellant stated that the appeal is much larger than just the development located at 500 South Marina Street. She referenced the language of LDC sections 6.1 and 6.8.2 saying "except as otherwise specified herein" and the lack of explicit exceptions being mentioned in the code. Additionally, she said that the intent of the code needs to be met and the intent of the code is to protect Prescott's hillsides.

Member Frederickson stated that the intent of the code should be reviewed when there is ambiguity.

Member of the public Alvin Berke had concerns about the destruction of hillsides at 500 South Marina Street. He agreed that the intent of LDC section 6.8 is to protect Prescott's hillsides.

Member of the public Marti Verrier said the code is meant to be used as a means of preservation of natural resources. She has concerns related to water run-off from hillside developments.

Member of the public Cathey Rusing stated that the code does not provide city staff or the Community Development Director authority to wave, ignore, or amend the grading, slope or ridgeline sections of the LDC and only City Council has that authority.

Matt Podracky Deputy City Attorney stated the board will want to allow for rebuttal from both parties.

Chelsea Walton Community Development Director stated that all projects are still subject to the city's General Engineering Standards, and all concerns will be addressed by building codes and the general engineering standards. She did recognize that LDC 6.8 mentioned drainage and slopes of driveways, but these issues are covered by other codes outside of LDC 6.8.

Member Hokeness asked what International Building Code the city currently operates from.

Ms. Walton said it is the 2018 International Building Code and the city is in the process of adopting the 2024 building code.

Ms. Grace stated the LDC does contain the maximum allowable disturbable area based on a slope map. She added that the slope of 500 S. Marina Street averages 30-40%, making it difficult to disturb much of the land. She believes that applying LDC section 6.8 to all land development would limit the amount of hillside's that can be disturbed.

Mr. Podracky said the board needs to decide if the hillside development standards apply to all site development and opened the meeting to discussion between board members.

Ms. Rusing stated that only City Council has the authority to determine if the hillside standards shall apply to all land development.

Member Frederickson said that the board's decision cannot be based on prior projects and should only be based on if the Community Development Director's interpretation of LDC 6.8 applies to the project located at 500 S. Marina Street.

**MOTION TO REVERSE THE INTERPRETATION OF THE COMMUNITY DEVELOPMENT DIRECTOR REGARDING LAND DEVELOPMENT CODE (LDC) SECTION 6.8; SECONDED BY CHAIRMAN TEETERS. (MOTION FAILS 3-2) MEMBER HAUBRICH, MEMBER HOKENESS AND MEMBER KIMERY DISSENTING.**

Member Hokeness stated that the permitting process provides protection and is already in place but does agree there are questions on how the code should be interpreted.

Member Haubrich said there needs to be more clarity in the specifics regarding LDC section 6.8.

Member Kimery stated that the intent of the code is to apply to subdivisions and not single site development.

Member Frederickson asked if the board does not come to a conclusion, what are the next steps.

Ms. Bramlette asked if board members were wanting directions on how to apply LDC section 6.8 to single site development.

Member Frederickson said the board was tasked with the decision if LDC section 6.8 applies to this specific project and how LDC section 6.8 applies should be left to individuals with more knowledge.

Ms. Bramlette stated that LDC section 6.8 is hard to apply to single-site development and staff would need directions on how to do that moving forward.

Mr. Podracky clarified that the Board of Adjustments is a board of 7 members and it could be continued to a later date to have a full board or try a new motion.

**MOTION TO AFFIRM THE COMMUNITY DEVELOPMENT DIRECTOR'S INTERPRETATION OF LDC 6.8 WITH THE CONDITION OF CITY COUNCIL DISCUSSING LAND DEVELOPMENT CODE (LDC) SECTION 6.8 AT A FUTURE DATE; SECONDED BY MEMBER HAUBRICH: PASSED (4-1) MEMBER FREDERICKSON DISSENTING.**

Ms. Walton asked if the board's intent was for staff to bring this forward to City Council for review.

Member Hokeness confirmed.

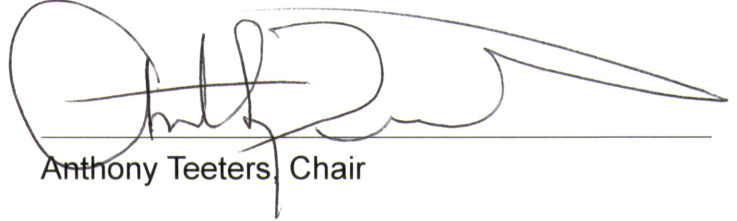
Ms. Rusing stated City Council will have a study session regarding LDC section 6.8.

**4. STAFF UPDATES**

No Staff Updates

**5. ADJOURNMENT**

Chair Teeters adjourned the meeting at 10:29 a.m.



Anthony Teeters, Chair



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Jacob Lund, Board Secretary