

City of Prescott

Board of Adjustment



March 19, 2026 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 1st Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Board of Adjustment** at their meeting to be held **March 19, 2026**. 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 February 19, 2026 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented

B. **CUP26-001:** Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo Business. Property Owner: Hollister Family Trust. Applicant/Agent: Brooke Hulstedt – The Osprey Art and Tattoos. Location: APN 109-03-081A, 121 W. Aubrey St & 401 S. Montezuma St.

Recommended Action: MOVE to approve or deny CUP26-001

C. **V26-002:** Variance to Article 2, Section 2.7.3.E.4.e (Accessory Uses & Structures/Accessory Structures Height) of the City's Land Development Code (LDC) to Allow for an Increase in Height from the Maximum Allowed Height of 20' to 25' for Construction of a New Detached Garage. Zoning: SF-18 (Single-Family 18,000 sq ft Minimum Lot Size). Property Owner: Freyslaben Thomas E & Taulli-Freyslaben 2004 Family Trust. Applicant: Bighorn Construction & Development. Location: APN 106-03-150, 780 Grapevine Lane.

Recommended Action: MOVE to approve or deny V26-002

D. **LDC26-002:** An Amendment to the City of Prescott Land Development Code (LDC) Appendices by Replacing the Former Board of Adjustment Bylaws with the Newly Amended Board of Adjustment Bylaws. Applicant: City of Prescott - Planning & Zoning Division.

Recommended Action: MOVE to approve or deny LDC26-002 with or without changes

4. 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 3/12/26 at 11:00 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: March 19 Board of Adjustments
DATE: March 19, 2026
DEPT: Community Development
ITEM #: 3.A
SUBJECT: Approval of the February 19, 2026 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for approval of the February 19, 2026 Board of Adjustments meeting minutes. Staff recommends approval of the minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve minutes as presented

ATTACHMENTS

1. February 19, 2026 BOA Minutes



City of Prescott Board of Adjustment

February 19th, 2026 | 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
Miriam Haubrich, Member
Mark Hokeness, Member
Tom Hutchison, Member
Rick Kimery, Member

3. PLEDGE OF ALLEGIANCE

4. DISCUSSION & ACTION ITEMS

A. Approval of the December 18th, 2025 Board of Adjustment Meeting Minutes.

MOTION BY VICE CHAIR DAVIS TO APPROVE THE DECEMBER 18, 2025 MEETING MINUTES AS SUBMITTED; SECONDED BY MEMBER HUTCHISON: PASSED (6-0).

B. **V26-001**: Variance to Article 3, Section 3.9.3.F (MF-M/Minimum Setbacks) of the Land Development Code (LDC) Allowing a Reduction of the Required 20' Rear Setback by 17' to Allow for a 3' Rear Setback for the Conversion of an Existing Garage to a Second Residence. Zoning: MF-M (Multi-Family). Property Owner: Tetreau Holdings LLC. Applicant: Broken Arrow Drafting and Design, LLC. Location APN 113-02-016, 815 1st Street.

Tammy DeWitt Community Planner gave a presentation for a variance on a rental property, including a zoning map, site plan, location map, existing and proposed floor plans, and images of the property. The variance was reviewed by staff against variance review criteria and was found to be in compliance; other variances have been approved in the area. Staff sent mailings to surrounding property owners, with no response from the public. Staff recommended to approve or deny V26-001 per site plan provided.

Member Haubrich asked whether there was any parking provided for the additional residence.

Ms. DeWitt said there is a wrap-around driveway provided in the plans.

Member Kimery asked why the setback was originally 5 feet and that the new setback is 20 feet.

Ms. DeWitt said that as a second residence, the converted garage will be required to meet the same setbacks as the primary residence, which is 20 feet, up from 5 feet as an accessory structure.

Member Hokeness asked if other variances in the area concern the same type of setbacks and distances.

Ms. DeWitt said there were nearby properties with setback reductions but she does not have access to the exact variance information.

Member Hutchison said he had concerns about the safety implications of having a compromised fire ingress/egress with no way for fire trucks to turn around.

Ms. DeWitt said the structure has been under review for permitting and fire had no concerns.

MOTION BY COUNCIL MEMBER HOKENESS TO APPROVE V26-001 AS SUBMITTED BY STAFF; SECONDED BY MEMBER HUTCHISON: PASSED (6-0).

4. STAFF UPDATES

- Meeting next month with 3 items

5. ADJOURNMENT

Chair Teeters adjourned the meeting at 9:10 a.m.

Anthony Teeters, Chair

Jacob Lund, Board Secretary



TO: MAYOR AND CITY COUNCIL
AGENDA: March 19 Board of Adjustments
DATE: March 19, 2026
DEPT: Community Development
ITEM #: 3.B
SUBJECT: **CUP26-001**: Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for a Tattoo Business. Property Owner: Hollister Family Trust. Applicant/Agent: Brooke Hulstedt – The Osprey Art and Tattoos. Location: APN 109-03-081A, 121 W. Aubrey St & 401 S. Montezuma St.

ITEM SUMMARY

This item is a request for a Conditional Use Permit (CUP) for a new tattoo parlor. Per Land Development Code (LDC) Section 2.3/Land Use Table, Tattoo Parlors are allowed in the Business Regional (BR) zoning district by approved CUP.

In compliance with LDC Section 9.1.2/Common Procedure - Pre-Application Conference, and Section 9.3.3/Conditional Use Permits - Conditional Use Application Process, the applicant completed a meeting with staff prior to submitting the CUP application for the proposed use at this site and has met all other requirements of Section 9.1/Common Procedure.

BACKGROUND

SITE INFORMATION:

The proposed tattoo business is located in a single building on a site with parking to the north of the property along West Aubrey Street. The applicant does not propose any changes to the existing site or building, other than minor changes to the interior space. The interior space will consist of approximately 400sf dedicated to an art gallery, 200sf dedicated to a tattoo studio, and the rest of the existing building will be limited to private offices and storage. There are 5 existing parking spaces. Based on how the space is intended to be divided, it will not result in the need for additional parking spaces.

PROPOSED USE:

The applicant proposes a tattoo parlor in an existing building. Most of the business is by appointment only, with very little foot traffic by walk-ins. There will be additional space dedicated as an art gallery where local artists can display and sell their work.

CONDITIONAL USE REVIEW CRITERIA:

Conditional Uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the general criteria, as detailed in LDC Section 9.3.5/Conditional Use Review Criteria.

Section 9.3.5.A. Effect on Environment

“The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.”

The property has historically been used for retail sales stores since the early 2000's. The most recent tenant at this location was Whiskey 'n' Wildflowers who sold a variety of items from antiques, furniture, clothing, jewelry, and more. There is an additional building in the rear of the property along West Aubrey Street that is currently being used as a residence and it will remain as a residence.

Section 9.3.5.B. Compatible with Surrounding Area

"The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like."

The proposed tattoo parlor will be within an existing building and no exterior or site changes are proposed. There will also be an art gallery and retail areas within the building. The only change from existing uses will be the inclusion of the tattoo parlor.

Section 9.3.5.C. External Impacts Minimized

"The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation response to these impacts."

Noises from customers arriving/departing and parking are the only potential impacts on neighbors. Most neighboring properties are commercial uses with the exception of the residence located on the same parcel and a duplex located at 117 W. Aubrey Street. The main use of the building will be retail sales and art gallery.

Section 9.3.5.D. Infrastructure Impacts Minimized

"The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately."

As the proposed tattoo parlor will be in an existing building, there would be no negative impacts to infrastructure.

Section 9.3.5.E. Consistent with General Plan and Code

"The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for locating the use in an area where it is only conditionally allowed."

The proposed use, with Conditional Use Permit, is in conformance with the purposes of the LDC and General Plan, and all relevant policies and plans. Tattoo parlors are allowed by right in the Industrial Transitional (IT) and Industrial Light (IL) zoning districts. The proposed location for this type of business, however, would be more convenient for clients. With nearby restaurants and shops which clients may frequent during their wait periods, and before and after appointments, this particular location offers other commercial conveniences that are not as common in the industrial zoning districts.

Section 9.3.5.F. Parcel Size

"The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of

impacts on surrounding land uses and the affected zoning district.”

This proposed use will not have impacts requiring additional land area.

Section 9.3.5.G. Site Plan

“The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.”

The proposed building is existing and does not meet current setbacks for the Business Regional zoning district. However, the building was constructed in 1938 and is considered legal non-conforming and no changes to the existing building's footprint are being proposed. The property is located within zone AE of the FEMA Floodplain.

Section 9.3.6. Additional Conditions

“The Board of Adjustment may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use.”

Staff have no additional conditions to suggest.

Section 9.3.7.C. Expiration/Revocation of Approval

“The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an ongoing condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8.A.”

Section 9.3.8. Appeal

“An appeal from any final decision regarding a Conditional Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.”
Appeals must be filed within 30 days of Board of Adjustment decision.

HISTORIC PRESERVATION:

The site is not located within a Local Prescott Preservation or National Register district.

NEIGHBORHOOD COMMENTS:

Staff have not received any public comments regarding this Conditional Use Permit request.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve or deny CUP26-001

ATTACHMENTS

1. CUP26-001 - Narrative
2. CUP26-001 - Site Plan & Floor Plan
3. CUP26-001 - PRESENTATION



The Osprey: Art and Tattoo Studio

January 2026

Prepared by: [Brooke Hulstedt](#)

Owner of The Osprey and Painted Vulture Tattoo

Bhulstedt@gmail.com

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Executive summary

The Osprey art studio is a new art and tattoo studio that caters to the next generation of art collectors.

For the art studio portion, there is a focus on local artists and art communities, inviting them into the space to host fun and exciting classes. Additionally, artwork of all kinds will be sourced from local artists to display and sell in a small gallery, including paintings, ceramics, and jewelry.

For the tattoo studio portion there is a heavy focus on cleanliness and customer service. Modern tattoo enthusiasts want a safe, quiet, and clean environment during a tattoo session. This focus on friendliness and safety sets us apart from many other tattoo studios in the Prescott area.

When possible, The Osprey will host charity fundraising events to help local non-profits and give back to the community.

Company overview

The Osprey provides a safe place for tattoo artists, art classes, and related art events. Our business is all about providing high quality art of all kinds to the community and supporting the careers of local artists

- **Business Type:** The Osprey Art Studio will be filed as a D.B.A. name for the business Painted Vulture Tattoo LLC, owned by Brooke Hulstedt.
- **Industry:** The Osprey is an art and tattoo studio, hosting tattoo artists, art events, and a small gallery.
- **Business Objectives**
 - Host 3-4 tattoo artists full time
 - Create a small gallery of work for sale from local artists
 - Host art classes and events 1-2 times per month

Market analysis

- **Market size and growth:** In the United States, tattooing is expected to reach USD 1.25 billion by 2032, driven by the strong demand for both cosmetic and professional tattoo services. Expected to grow at a CAGR of 10.32% through 2032.
 - Source: <https://www.fortunebusinessinsights.com/tattoo-market-104434>
- **Target Market:** Our target audience is high quality tattoo and art collectors of any age and those looking to learn more about art techniques.
- **Key Competitors:**
 - Other local tattoo studios: Although there are many established tattoo studios in Prescott, many of them lack basic hygiene and customer service which leads to a poor client experience. The Osprey's goal is to create a clean, safe, and friendly tattoo studio environment.
 - Local art galleries: Prescott has many diverse art galleries but they have high commission costs and feature more well-known artists. The Osprey aims to have a small gallery with low commission rates, inviting younger or less well known artists to display and sell their work. Having an art gallery within a tattoo studio also sparks new and interesting conversations compared to a typical gallery.

Products and services

Products

The Osprey's available products will include:

- Tattoo services: High quality, professional, and clean tattoos with a strong focus on customer service and client experience.
- Artwork for sale: Artwork from local artists or students in the Yavapai College arts programs will be for sale in a small gallery to promote lesser known local artists.
- Classes and Events: Local artists are encouraged to host events on art techniques or materials in exchange for a low fee to use the space.

Pricing model

- The current market rate for tattoos in Prescott is \$120-250 per hour depending on the artist and the piece. Tattoo artists will pay a flat booth rent to the studio owner in exchange for a fully set-up space to work, marketing, and supplies.
- Any artwork for sale in the gallery will be priced at the artist's discretion, and the studio will collect a low commission on the sale of a piece.
- Classes and event prices will vary between \$20-100 per person depending on the cost to host the class or event.

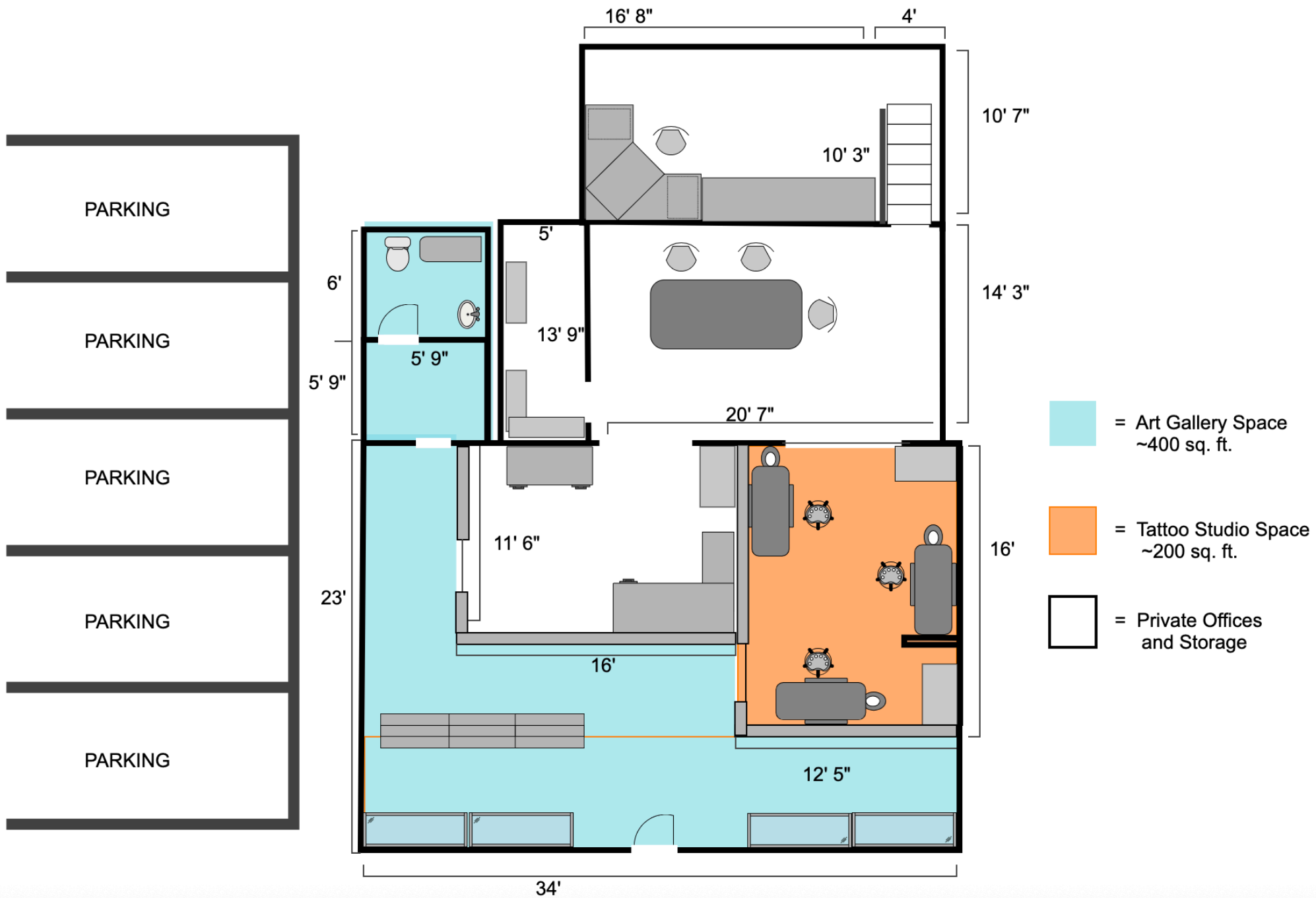
Marketing Plan

- **Product:** Creating safe and clean tattoos while also promoting local artists through a small gallery and events sets our business apart from other tattoo studios in Prescott.

- **Promotion:**
 - **Paid advertising:** We use Instagram ads to reach customers all over the country interested in high quality tattoos and artwork. Many tourists will use social media to find local things to do, allowing us to market to both locals and tourists.
 - **Charity events:** Free admission charity events allow customers to get to know the studio and encourage them to explore the gallery, while also benefitting local charities through paid fundraising activities or tattoos.
 - **Networking events:** Inviting local artists into the space for casual networking events helps market the studio through word-of-mouth and also connects the studio's gallery to artists interested in selling their work.
 - **Social Media Marketing:** The owner has a strong background in social media marketing, with most marketing posts reaching 3,000-7,000 views and some reaching over 100,000 views

Logistics and operations plan

- **Tattoo artists:** Tattoo artists will pay a competitive flat monthly rate in exchange for a fully furnished “booth” in the studio. There will only be 3-4 tattoo booths to avoid overcrowding. All tattoo artists will be expected to follow a strict set of cleaning rules that exceeds state requirements, have a current bloodborne pathogens certificate, and carry general liability insurance. All tattoo artists are expected to be friendly towards customers and create a welcoming environment.
- **Gallery:** Any local artist may apply to have their artwork displayed and sold in the gallery. The artist will set the price of their own artwork, and any sales will be subject to a low commission fee.
- **Classes and events:** The owner will host paid art classes and events, and will also invite other local artists to host events. Local artists hosting events will set their own prices based on market research and pay a low commission fee to the studio to use the space.





CUP26-001 Tattoo Parlor at 121 W. AUBREY ST. & 401 S. Montezuma St.

JACOB LUND - COMMUNITY PLANNER

Board of Adjustment
March 19, 2026



AERIAL MAP



SITE PLAN/FLOOR PLAN





Front & Side of Building
(Corner of Montezuma St.
& W. Aubrey)





S. Montezuma St &
W. Aubrey St.





Side of building with parking area (West Aubrey Street)



Conditional Use Permit Review Criteria

- Effect on Environment
- Compatibility with Surrounding Area
- External Impacts Minimized
- Infrastructure Impacts Minimized
- Consistent with General Plan and Code
- Parcel Size
- Site Plan



Permitted Use Table

PERMITTED USE TABLE																					
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS										NONRESIDENTIAL BASE ZONING DISTRICTS								Use Standards		
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC	NOS	RS	MU	RO	NOB	BG	BR	DTB		IT	IL
Retail, Service and Business Use Categories (See Sec. 11.1.5)																					
Tattoo Parlor																C	C		P	P	--



Neighborhood Outreach

Staff has sent mailings to the owners of record within 300' of the property, posted the property, and published notices in the local paper. Staff has not received any public comments regarding this CUP request.





Recommended Action

Move to Approve or Deny CUP26-001.





TO: MAYOR AND CITY COUNCIL
AGENDA: March 19 Board of Adjustments
DATE: March 19, 2026
DEPT: Community Development
ITEM #: 3.C
SUBJECT: **V26-002:** Variance to Article 2, Section 2.7.3.E.4.e (Accessory Uses & Structures/Accessory Structures Height) of the City's Land Development Code (LDC) to Allow for an Increase in Height from the Maximum Allowed Height of 20' to 25' for Construction of a New Detached Garage. Zoning: SF-18 (Single-Family 18,000 sq ft Minimum Lot Size). Property Owner: Freyslaben Thomas E & Taulli-Freyslaben 2004 Family Trust. Applicant: Bighorn Construction & Development. Location: APN 106-03-150, 780 Grapevine Lane.

ITEM SUMMARY

This item is a request for a variance to allow for an increase in the maximum allowed height of an accessory structure (detached garage) per the City's Density and Dimensional Standards for Accessory Structures (Land Development Code (LDC) Section 2.7.3.E.4.e). The applicant is requesting an increase of the maximum height of the proposed detached garage from 20' to 25' (measured from natural grade to the highest point along the roofline). The proposed garage meets all setback requirements for a detached accessory structure. The garage will be 22'-7" from the street view along Grapevine Lane, however due to the topography of the lot in the proposed area, it will measure 25' from natural grade from the rear, west, and east elevations.

BACKGROUND

The subject property is within the Pinon Oaks subdivision and the principal structure was constructed in 2004. The applicant is proposing 2100sf detached RV garage. The lot has generally flat topography, except for the area located along the rear and east sides of the property where the garage is being proposed. In this area there are multiple slope categories exceeding 20%. The lot does have hardships that can be taken into consideration due to the topography of the lot and the location of existing drainage and utility easements impacting the area where any detached accessory structure can be constructed. The applicant stated that the height variance is needed in order to match the rear of the proposed garage to the front due to the natural grade of the area and without approval of the request, the property owner will not be able to construct the garage.

STAFF ANALYSIS:

The staff analysis 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:

Staff researched the City's GIS for other Variances granted within the vicinity of the subject property. Staff found one similar variance request in the area for a detached garage with an approved height of 27'-6" from July 17, 2025.

VARIANCE REQUIREMENTS:

Variations 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 topography of the lot containing slopes of 20% or greater in many areas and the location of easements creates a design challenge. Matching the rear roofline with the front of the proposed structure would not be possible without a variance.

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 RV garage is within the approved building setbacks and would not impact 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 properties nearby. As such, no special privilege would be conferred on the applicant by granting of this request.

4. **Self-induced Hardship (LDC Section 9.13.4.A.4).** The hardship is not the result of the applicant's own actions.

Staff Comments: Due to the topography and the applicant's desire to keep the roof line even, this does require a variance and is not a result of the applicant's own actions.

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 2015 General Plan designates the area of the project site as Low-Medium Density Residential. Therefore, the proposal is 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 where the RV garage is being proposed and locations of easements that are unbuildable, denial of the variance could deprive the property owner of privileges enjoyed by other property owners in the same zoning district.

NEIGHBORHOOD COMMENTS:

Staff has received one neighborhood comment on March 9th, 2026, but there is no opposition to the requested height. However, they do have questions regarding the handling of drainage as a result of the new structure. Any comments received after this point will be delivered to the Board members via email.

FINANCIAL IMPACT

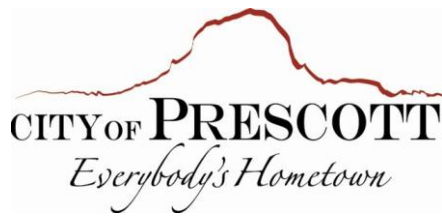
There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve or deny V26-002

ATTACHMENTS

1. V26-002 - Variance Questionnaire
2. V26-002 - Detached Garage Plans
3. V26-002 - PRESENTATION
4. V26-002 - Neighbor Concerns - Drainage



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.

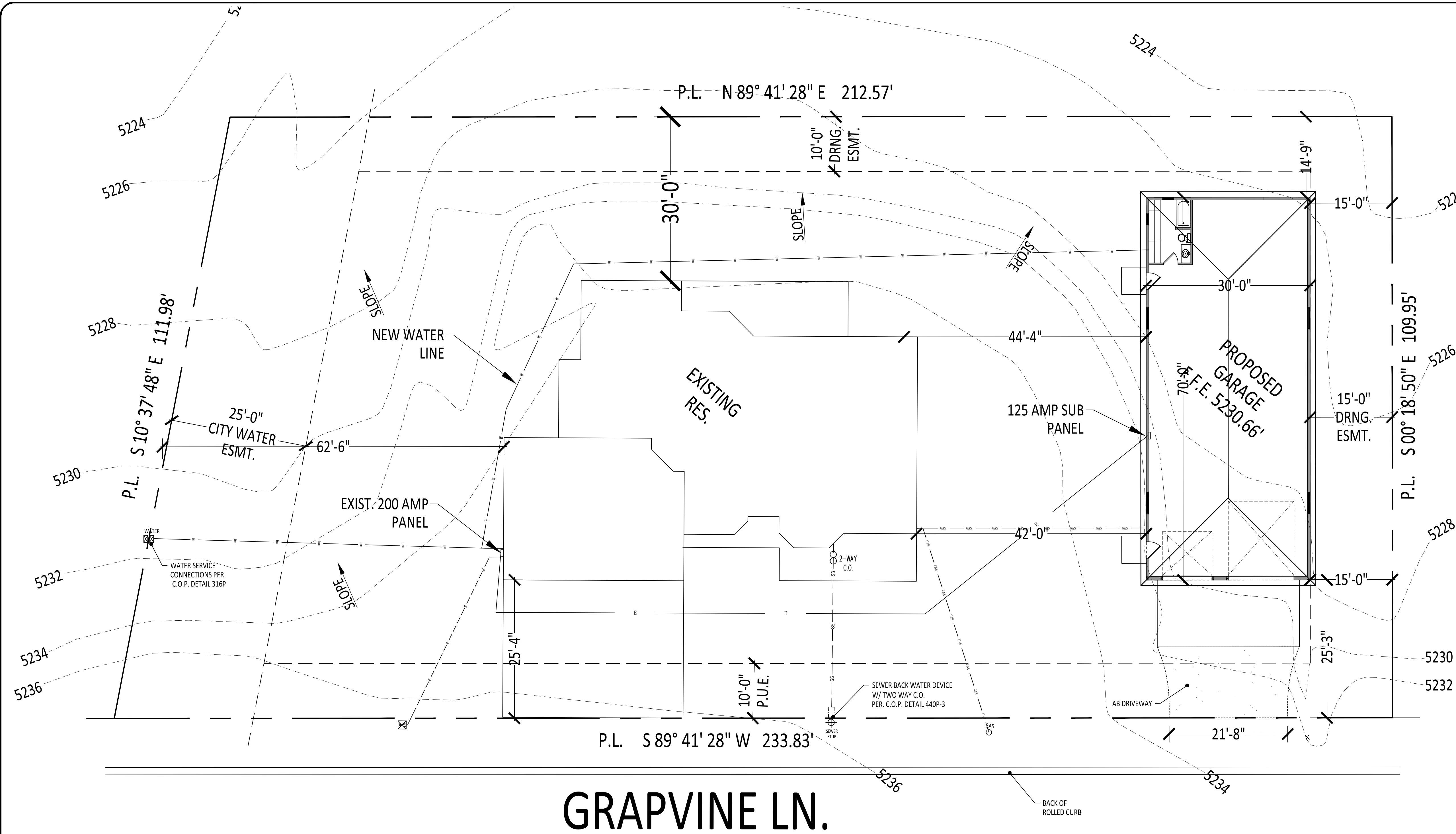
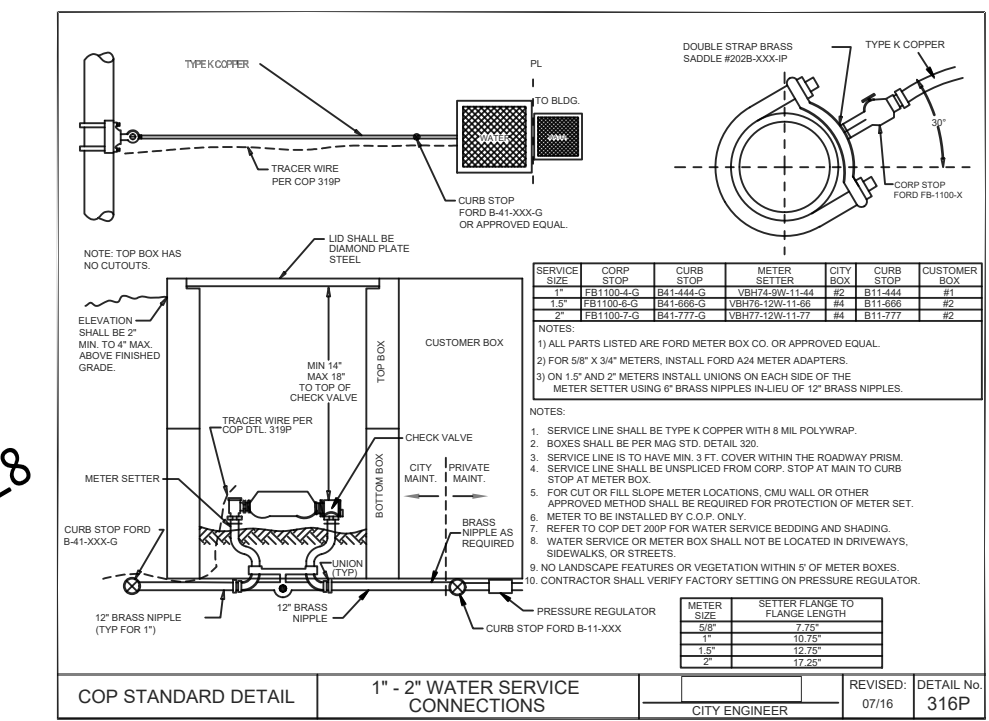
4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

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

THESE PLANS ARE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE

SITE PLAN
GENERAL NOTES:

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO STARTING CONSTRUCTION.
2. CONTACT BLUE STAKE TWO DAYS BEFORE DIGGING.
3. CONTRACTOR TO IDENTIFY ALL PROPERTY LINES & PROPERTY CORNERS PROPERLY PINNED PRIOR TO FOOTING INSPECTION.
5. THE CONTRACTOR/BUILDER MUST REVIEW ALL DIMENSIONS AND DETAILS AND SHOULD REVIEW PLANS TO INSURE ACCURACY. THE CONTRACTOR ASSUMES FULL RESPONSIBILITY TO VERIFY THE CONDITIONS, DIMENSIONS, AND STRUCTURAL DETAILS OF THE BUILDING, AND ASSUMES FULL LIABILITY FOR ANY PROBLEMS THAT MAY ARISE.
6. THE HOMEOWNER AFFIRMS THAT THE PROPERTY IS INTENDED FOR THEIR SOLE OCCUPANCY AND WILL NOT BE OFFERED FOR SALE OR RENT WITHIN ONE YEAR OF COMPLETION

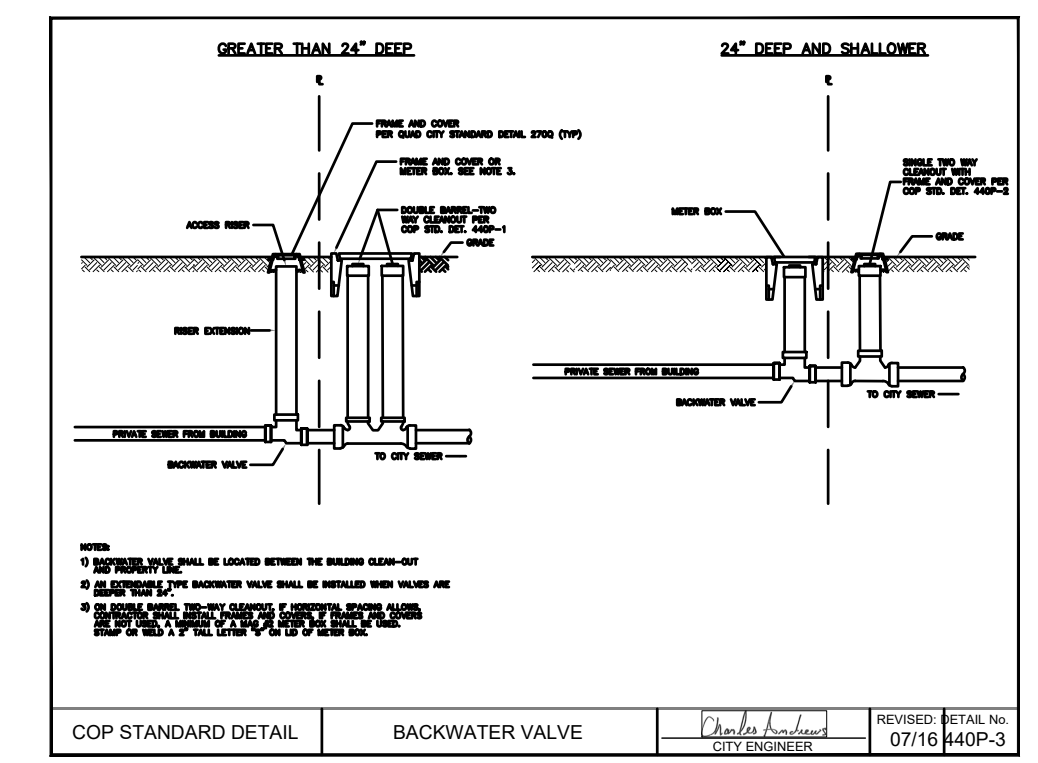
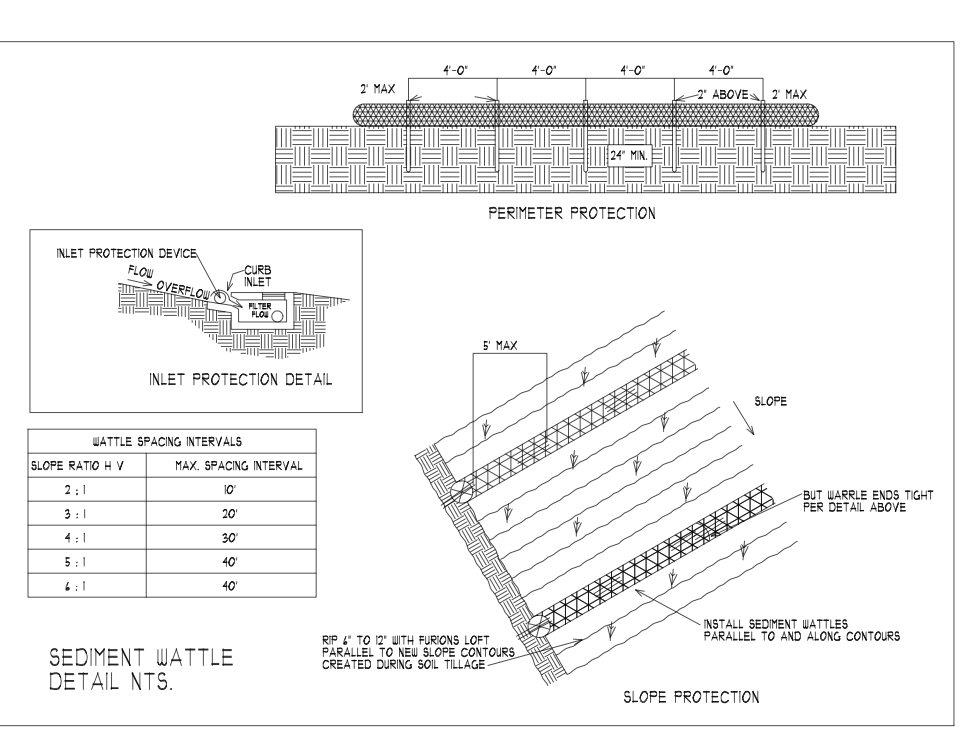
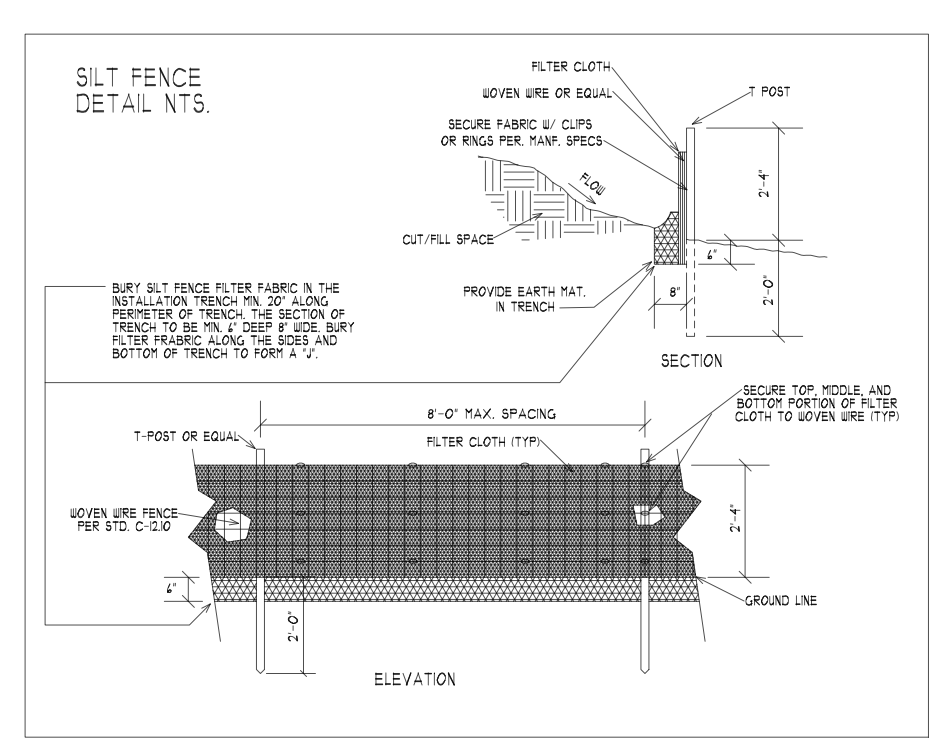


GRAPVINE LN.

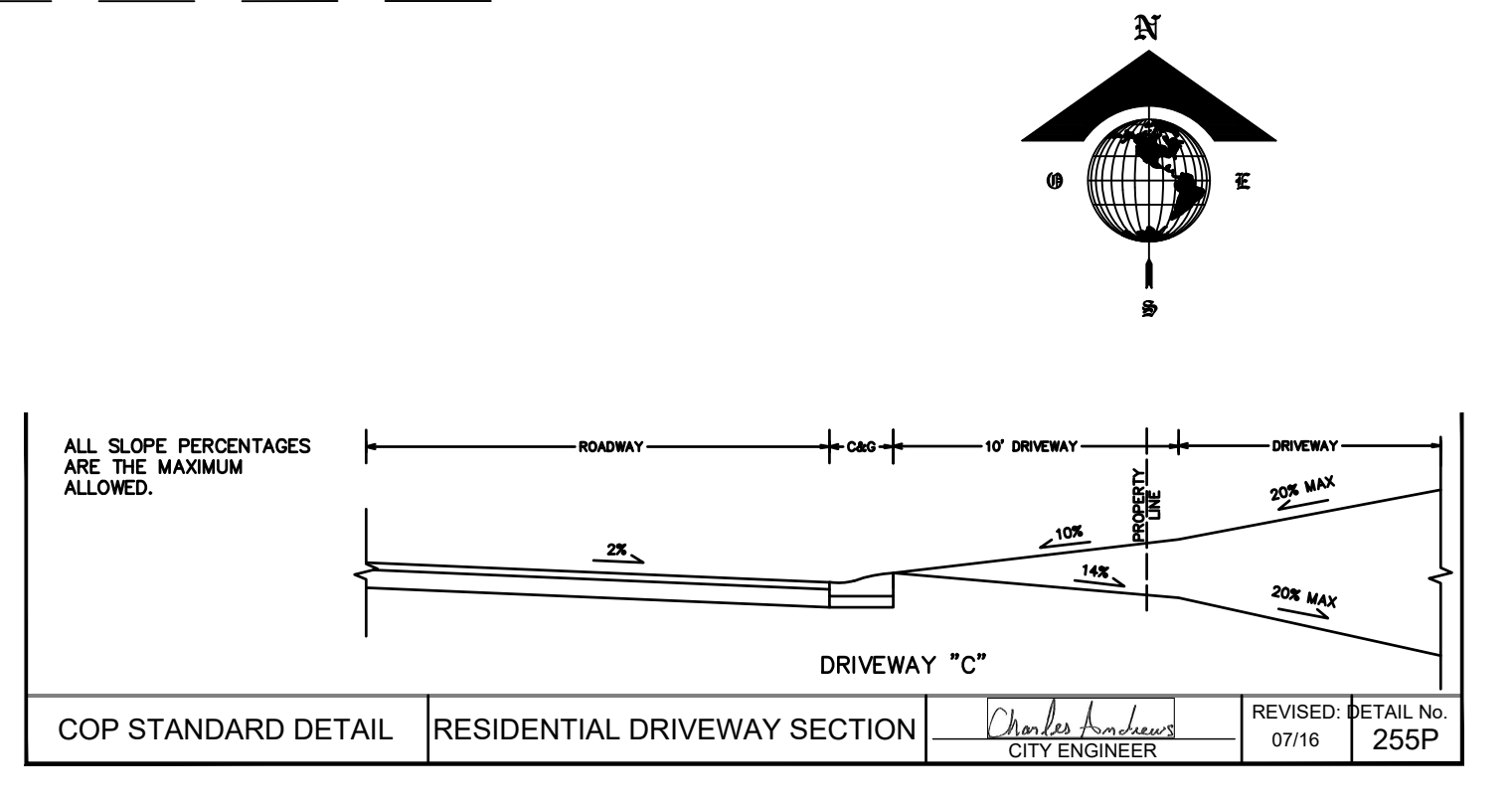
SHEET INDEX

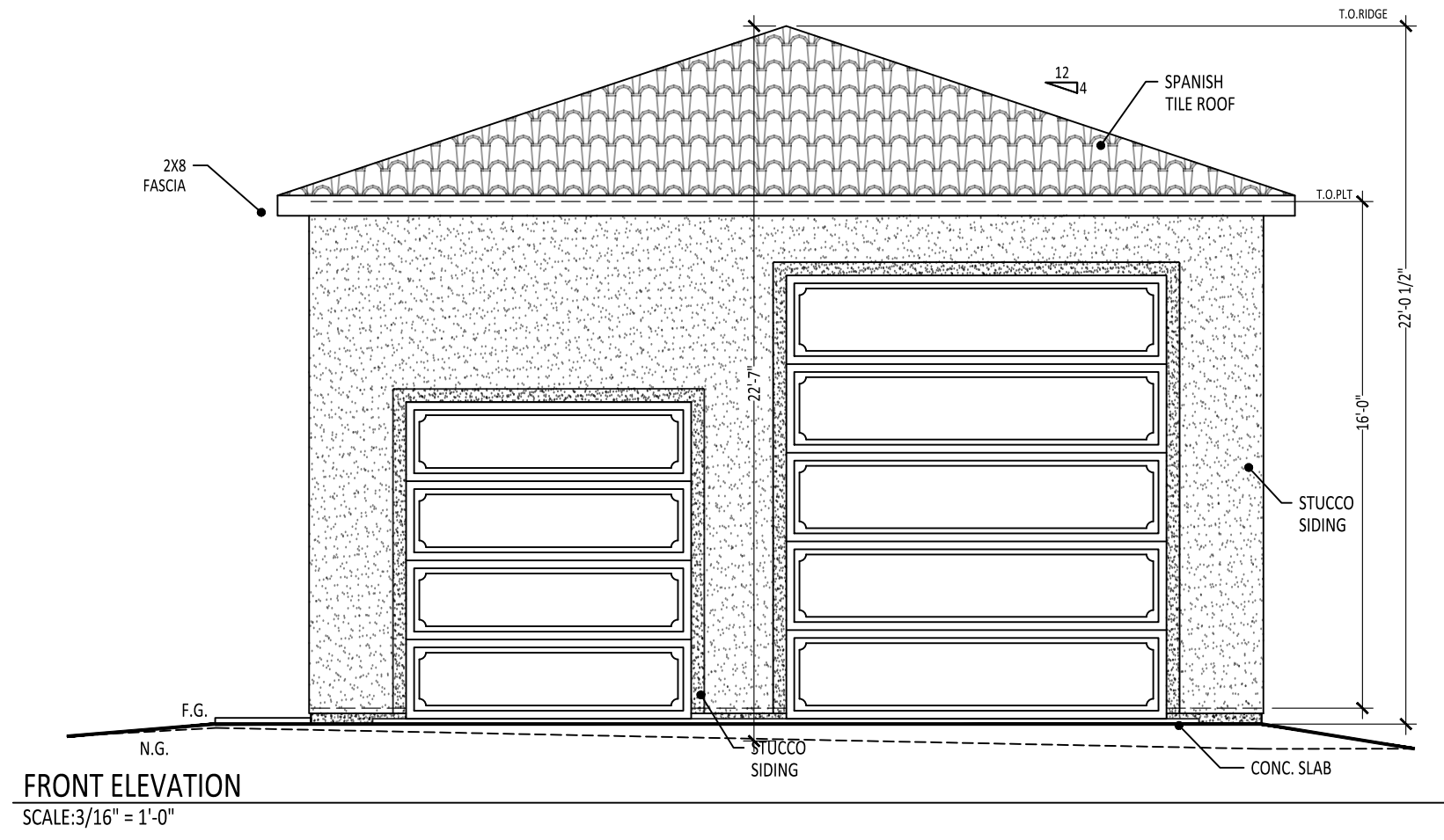
1. SITE PLAN
2. FOUNDATION-FLOOR PLAN
3. ROOF-ELECTRICAL PLAN
4. BUILDING SECTIONS
5. EXTERIOR ELEVATIONS

S1.0 STRUCTURAL NOTES
S1.1 TYPICAL DETAILS
S2.0 STRUCTURAL DETAILS

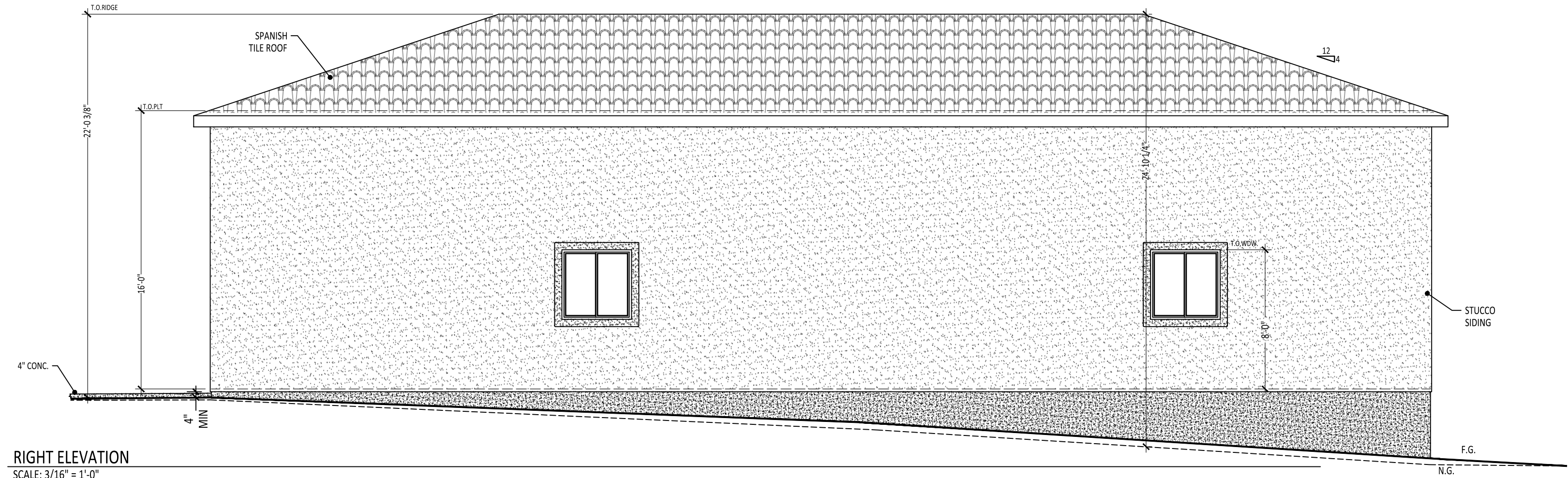


--- EXISTING
- - - PROPOSED
C.Y. CUT - 15
C.Y. FILL - 28

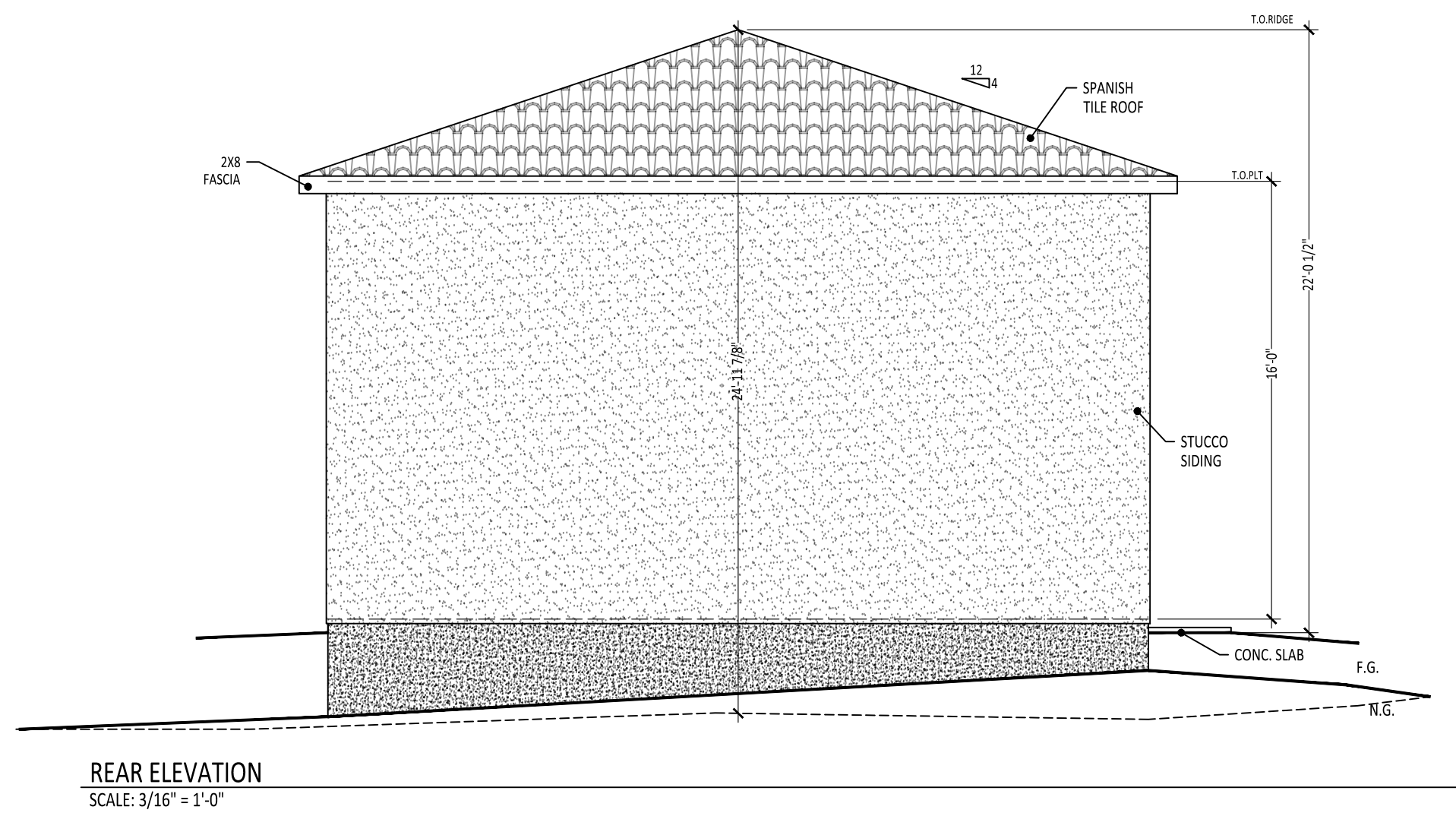




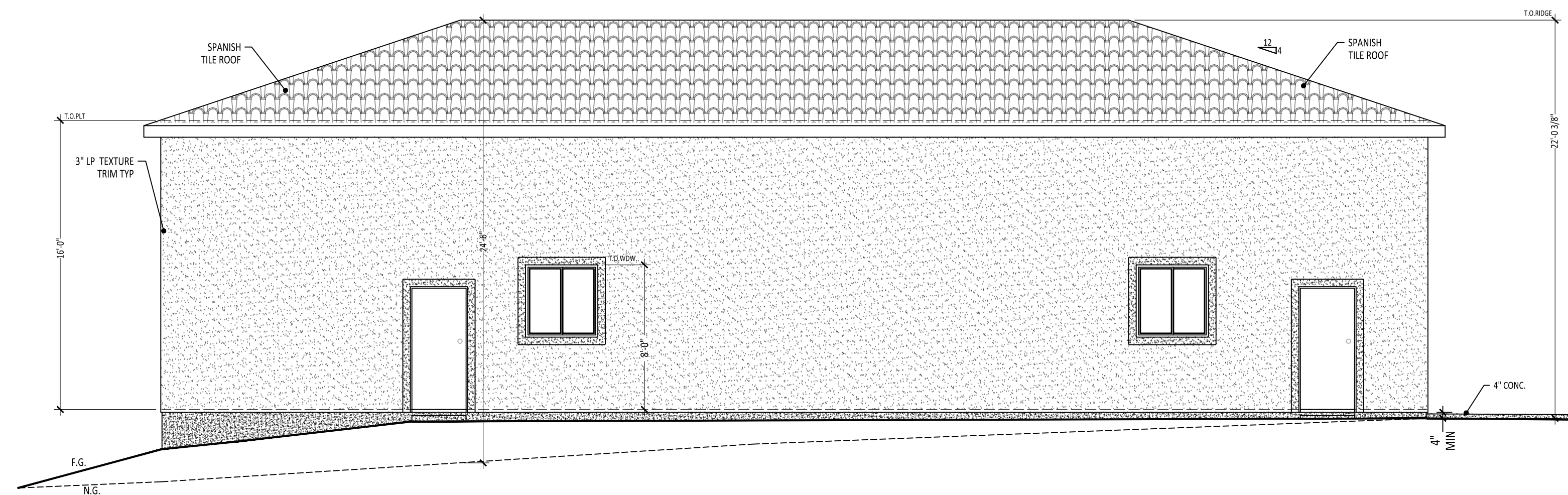
FRONT ELEVATION
SCALE: 3/16" = 1'-0"



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



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



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

EXTERIOR ELEVATION NOTES

1. TYVEC WEATHER RESISTANT BARRIER PAPER SHALL BE APPLIED OVER STUDS OR SHEATHING OF ALL EXTERIOR WALLS
2. WINDOWS SHALL BE DOUBLE PANE OR TEMPERED.
3. RAIN GUTTERS AND DOWNSPOUTS ARE REQUIRED. POSITIVE DRAINAGE AWAY FROM THE STRUCTURE IS REQUIRED. REFER TO THE GEOTECHNICAL REPORT FOR ANY ADDITIONAL REQUIREMENTS.
4. GUTTERS AND DOWNSPOUTS SHALL BE CONSTRUCTED OF NONCOMBUSTIBLE MATERIAL.



V26-002 780 GRAPEVINE LN.

JACOB LUND - COMMUNITY PLANNER

March 19, 2026
Board of Adjustment

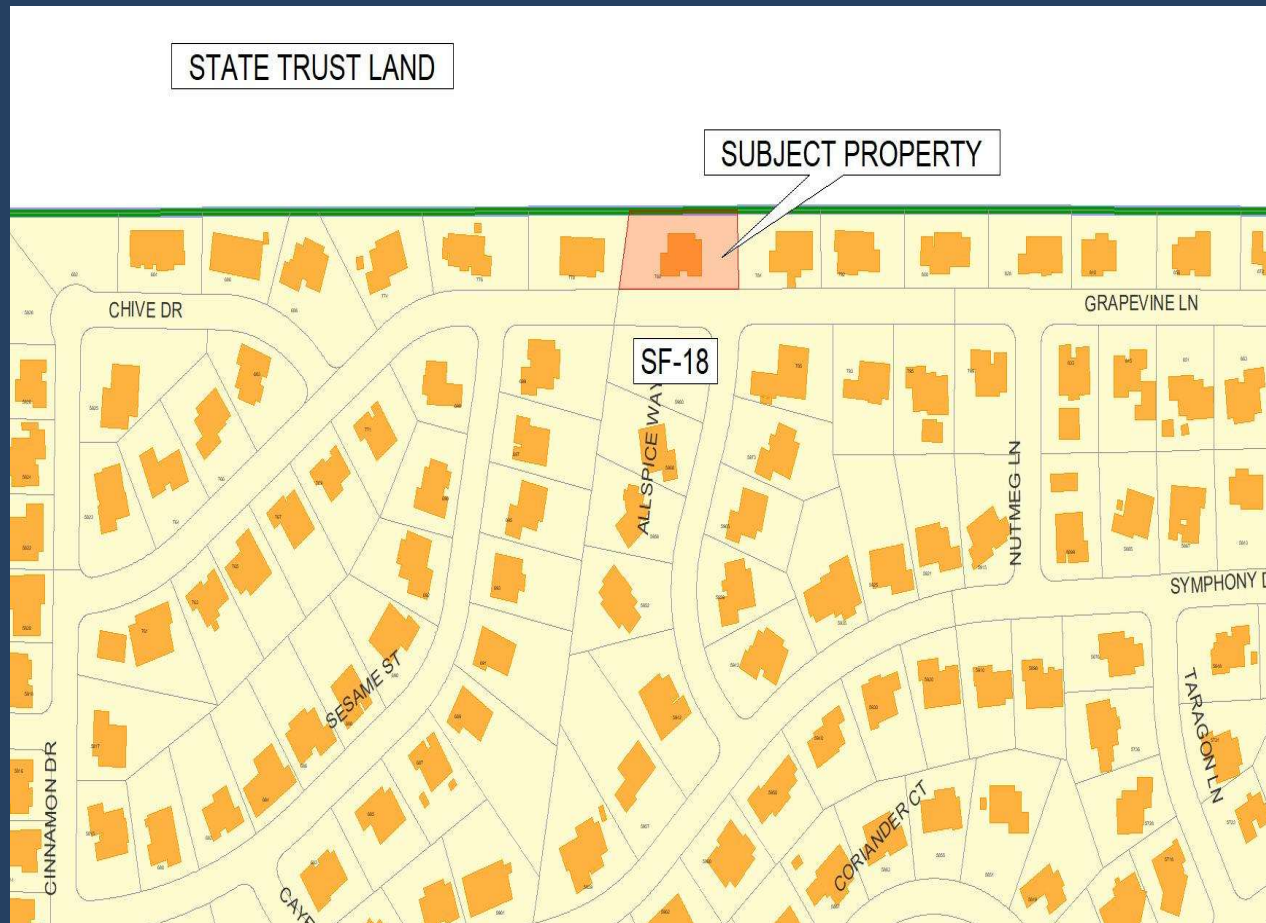


REQUEST

Variance to Article 2, Section 2.7.3.E.4.e (Accessory Uses & Structures/Accessory Structures Height) of the City's Land Development Code (LDC) to allow for an increase in height from the maximum allowed height of 20' to 25" for construction of a new detached garage. [Zoning: SF-18 (Single-Family 18,000 sq ft minimum lot size); Property Owner: Freyslaben Thomas E & Taulli-Freyslaben 2004 Family Trust; Applicant: Bighorn Construction & Development; APN: 106-03-150; Location: 780 Grapevine Lane]



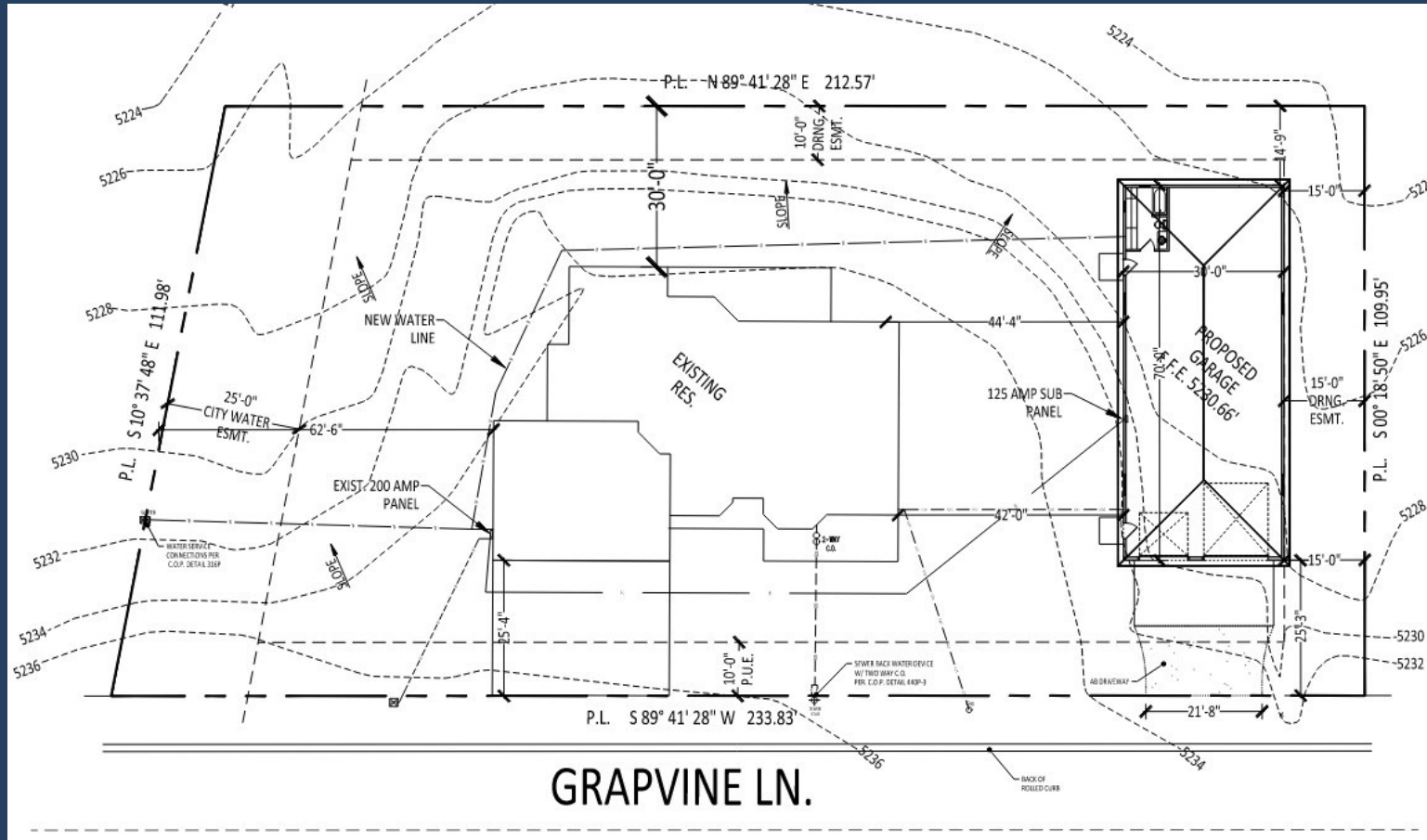
ZONING MAP



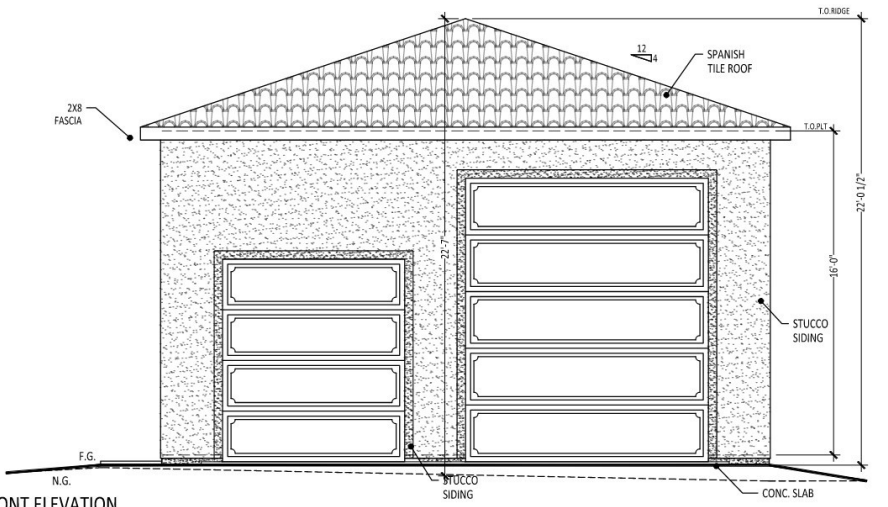
AERIAL IMAGERY MAP



SITE PLAN

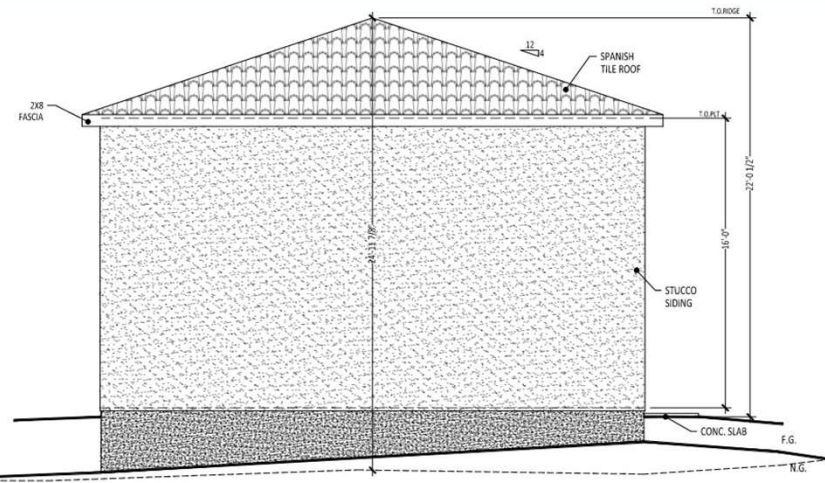


ELEVATIONS



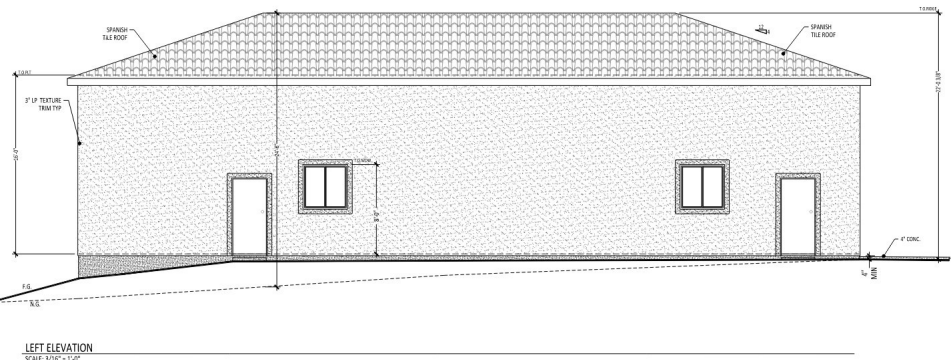
FRONT ELEVATION
SCALE: 3/16" = 1'-0"

FRONT ELEVATION – FACING NORTH (MAX HEIGHT 22’-7”)



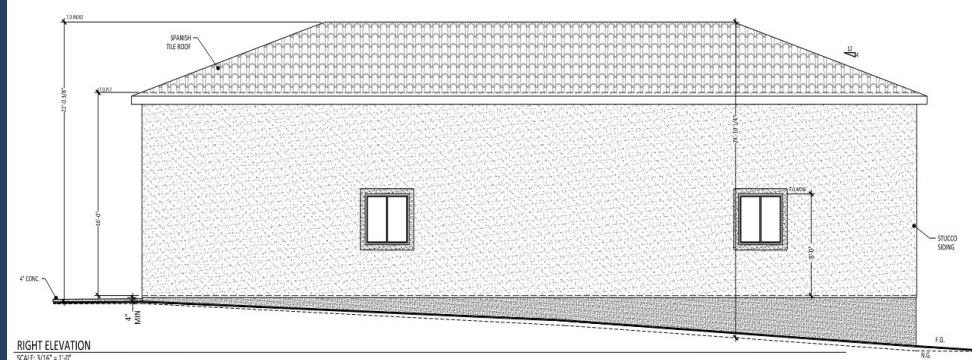
REAR ELEVATION
SCALE: 3/16" = 1'-0"

REAR ELEVATION – FACING SOUTH (MAX HEIGHT 24’-11 7/8”)



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

LEFT ELEVATION – FACING EAST (MAX HEIGHT 24’-6”)



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

RIGHT ELEVATION – FACING WEST (MAX HEIGHT 24’-10 1/4”)

PICTURES OF SITE



FRONT YARD (FACING NORTH)



STREET VIEW
(GRAPEVINE LN &
ALLSPICE WAY)



PICTURES OF SITE CONT...



VIEW OF PROJECT AREA
(FACING NORTH)



VIEW OF NEIGHBORING PROPERTY
(FACING EAST)

**Variance
Review Criteria
LDC Section
9.13**

- Extraordinary Conditions
- Substantial Detriment
- Special Privileges
- Self-Induced hardship
- General Plan
- Utilization

STAFF ANALYSIS

- Weighed against six review criteria per the LDC
- Researched records and found 1 similar variance for a detached garage approved with a height of 27'-6"



Neighborhood Outreach



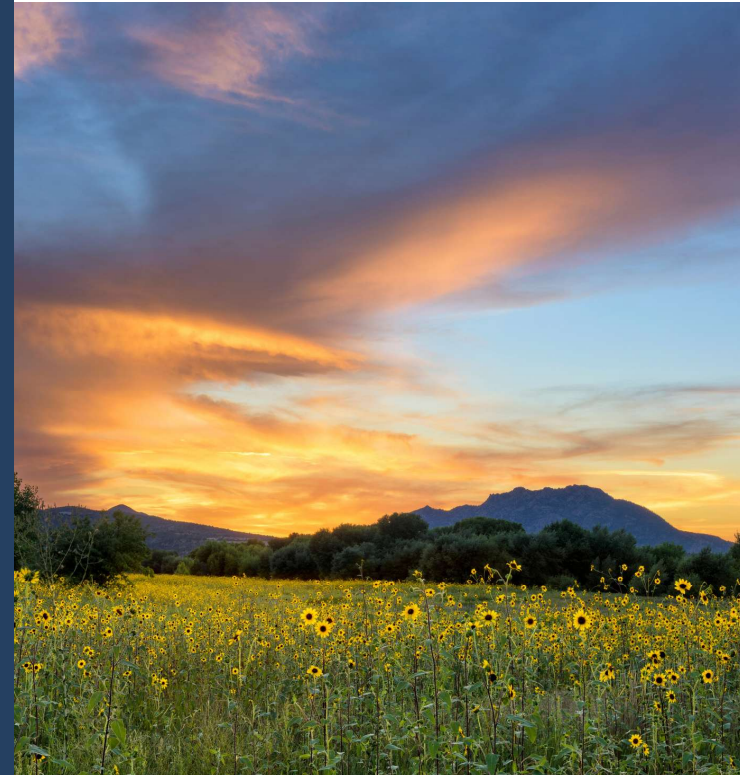
Staff sent mailings to the owners of record within 300' of the property, posted the property, and published a notice in the local paper pursuant to statutory requirements.



Recommended Action

MOVE to approve or deny V26-002.

Questions & Comments?



Jacob Lund

From: Bob Dubsy <[REDACTED]>
Sent: Sunday, March 8, 2026 11:19 AM
To: Planning
Subject: V26-002: 780 Grapevine

No problem with the height, but a question about the existing drainage run from the street north. How will drainage be handled? Apparently, the building site will be raised substantially resulting in a large drop to the drainage run. How will the height be stabilized? Where, exactly will the garage be placed, and how large will it be?

Thank you.

Sent from my iPhone



TO: MAYOR AND CITY COUNCIL
AGENDA: March 19 Board of Adjustments
DATE: March 19, 2026
DEPT: Community Development
ITEM #: 3.D
SUBJECT: **LDC26-002:** An Amendment to the City of Prescott Land Development Code (LDC) Appendices by Replacing the Former Board of Adjustment Bylaws with the Newly Amended Board of Adjustment Bylaws. Applicant: City of Prescott - Planning & Zoning Division.

ITEM SUMMARY

This item is for approval of LDC26-002. At their February 10, 2026 meeting, City Council voted to approve an Ordinance to amend the City Code, Repealing Chapter 1-7 (Board of Adjustment) in its entirety and replacing it with new language to update, clarify, and standardize language in the City of Prescott's Boards, Committees, and Commissions forming documents. In the approved Ordinance, it stated that the Board of Adjustment bylaws are to be amended to be consistent with the changes to City Code.

BACKGROUND

The City Clerk's Office reviewed all forming documents related to Boards, Committees, and Commissions and revised them to ensure common language with regard to member terms, attendance requirements, and their ability to elect their own chair and vice chair on an annual basis. These updates will consolidate and simplify the annual recruitment process, as previously, not all Boards, Committees, and Commissions had terms that expired in March. Additionally, these updates will also allow all BCCs more autonomy with regard to chair and vice chair selection, and establish uniform standards and procedures.

Attached is both the approved Ordinance revising the City Code, Title 1, Chapter 7 (Board of Adjustment) and the proposed changes to the Land Development Code for the Board of Adjustment Bylaws. Strikethroughs represent text to be deleted and bold underlined represent text to be inserted.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve or deny LDC26-002 with or without changes

ATTACHMENTS

1. Ordinance No. 2026-1930_Board of Adjustment Update (Repealing Chapter 1-7)
2. Board of Adjustment Amended Bylaws
3. LDC26-002 BOA Bylaws Update Presentation

ORDINANCE NO. 2026-1930

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT (“CITY”), YAVAPAI COUNTY, ARIZONA, REPEALING IN ITS ENTIRETY THE PRESCOTT CITY CODE, TITLE 1, CHAPTER 7 (BOARD OF ADJUSTMENT) OF THE PRESCOTT CITY CODE; AND REPLACING IT WITH LANGUAGE INCLUDED IN EXHIBIT “A” ATTACHED HERETO; AND DIRECTING THE BOARD OF ADJUSTMENT TO UPDATE ITS BYLAWS TO BE CONSISTENT WITH THE NEWLY ADOPTED CHAPTER 1-7 OF THE CITY CODE

RECITALS:

WHEREAS, Chapter 1-13 of the Prescott City Code authorizes the Mayor and Council to form Standing Committees of the City to act in an advisory role to the Mayor and Council; and,

WHEREAS, The Mayor and City Council wish to update Code language with respect to the Board of Adjustment; and,

WHEREAS, the Mayor and City Council wish to replace said language by repealing Chapter 1-7 and several associated ordinances in their entirety and replace Chapter 1-7 with the attached document listed as Exhibit “A”.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT Title 1, Chapter 7, “*Board of Adjustment*” is hereby repealed in its entirety to include the repeal of Ordinance No. 364, Ordinance No. 3236, and Ordinance No. 4737-1034.

Section 2. THAT the language in Title 1, Chapter 7 “*Board of Adjustment*” shall be replaced with the language included in Exhibit “A” titled “CHAPTER 1-7 BOARD OF ADJUSTMENT” and attached hereto.

Section 3. THAT the Board of Adjustment is directed to amend its bylaws to be consistent with the changes to Chapter 1-7 and the amended bylaws shall be placed in the appendices of the City of Prescott Land Development Code.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 10th day of February 2026.

CATHEY RUSING, Mayor

ATTEST:

APPROVED AS TO FORM:

SARAH M. THORNHILL
City Clerk

JOSEPH D. YOUNG
City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
County of Yavapai) ss.

I, the undersigned Sarah M. Thornhill, being the duly appointed, qualified City Clerk of the City of Prescott, Yavapai County, Arizona, certify that the foregoing Ordinance No. 2026-1930 is a true, correct and accurate copy of Ordinance No. 2026-1930 , passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the _____ day of _____ 2026, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 2026.

Seal

City Clerk

Exhibit "A"

CHAPTER 1-7: BOARD OF ADJUSTMENT

SECTIONS:

1-7-1: CREATED:

1-7-2: DUTIES AND POWERS:

1-7-3: MEETINGS:

1-7-4: SPECIAL EXCEPTIONS:

1-7-5: APPEAL:

1-7-6: ABSENCE:

1-7-1 CREATED:

There is hereby created a Board of Adjustment consisting of seven (7) members to serve without compensation, who shall be residents of the City of Prescott, each to be appointed by the city council, for a term of three (3) years; vacancies shall be filled in the same manner. Terms shall expire in March of the respective year.

1-7-2 DUTIES AND POWERS:

At the first meeting following April 1st of each calendar year, the Board shall elect from its membership, a chair and vice chair and such other officers as it deems necessary and shall prescribe the duties of said officers; the Chairman of the Board of Adjustment shall have the power to administer oaths and to take evidence.

1-7-3 MEETINGS:

Meetings of the Board of Adjustment shall be held as provided for by the rules or bylaws of said Board.

1-7-4 SPECIAL EXCEPTIONS:

The Board of Adjustment, acting through a majority of the members thereof, shall have power, in appropriate cases, to make special exceptions to the terms of this Chapter or any zoning regulation, insofar as it relates to the general rules and regulations of zoning.

1-7-5 APPEAL:

Any person aggrieved by, or any officer, department or board of the City affected by any decision of any administrative official within the Community Development Department may, within ten (10) days of that decision, appeal to the Board of Adjustment, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds therefor. Thereupon the officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. The appeal shall be governed by the provisions of State Statutes and amendments thereto.

1-7-6 ABSENCE:

If any member shall be absent from more than three meetings without prior notice to the Chairman, City Clerk or Staff Liaison, he or she shall upon notification by the Chairman to City Council, and by a majority vote of the Council, cease to hold office. Exceptions will be made in emergency situations.

E. Board of Adjustment Amended Bylaws

ARTICLE I Name

The name of this Board shall be: the BOARD OF ADJUSTMENT, City of Prescott, Arizona.

ARTICLE II Purpose

The Board is responsible for acting in accordance with the provisions of the Arizona Revised Statutes Section [9-462](#) et seq. and the City Code Title I, Chapter 7, and the Land Development Code of the City of Prescott for the purpose of taking action on all matters which properly come within the purview of the Board.

ARTICLE III Membership

- A. Members shall be appointed by the Mayor, with the advice and consent of the City Council, in accordance with City Code and Council policy.
- B. The Board shall consist of seven (7) members to serve without compensation, who shall be residents of the City of Prescott, each to be appointed by the City Council for a term of three (3) years. Vacancies shall be filled in the same manner. Terms shall expire in March of the respective year. (Ord. 364, 12-45; amd. Ord. 737, 8-23-65; amd. Ord. 4737-1034, eff. 04-13-2010).

ARTICLE IV Vacancies

- A. Board members may resign from their appointed post for any reason. It is requested that thirty (30) days written notice of resignation be given to the Chairman of the Board.
- B. ~~If any member shall be absent for more than two (2) consecutive meetings without notifying the Chairman or the Community Development Director, or shall be absent for more than thirty percent (30%) of all meetings during any one twelve-month period for any reason, he or she shall thereupon automatically cease to hold membership on the Board of Adjustment without any further action being taken by either the Board or the City Council. It shall be the responsibility of the Chairman of the Board to so notify the City Council immediately upon the creation of a vacancy pursuant to this Section. Meetings as used in this Section shall include all regular and special meetings, study sessions and field inspections. (City Code, Section 1-7-6/Ord. 2278, 6/25/91)~~ **If any member shall be absent from more than three meetings without prior notice to the Chairman, City Clerk or Staff Liaison, he or she shall upon**

notification of the Chairman to City Council, and by a majority vote of the Council, cease to hold office. Exceptions will be made in emergency situations.

ARTICLE V Officers and their Duties

A. ~~The City Council shall appoint a Chairman and Vice-chairman in March of each year and such other officers as it deems necessary and shall prescribe the duties of said officers; the Chairman of the Board of Adjustment shall have the power to administer oaths and to take evidence. (Ord. 364, 12-10-45; amd. Ord. 4737-1034, eff. 04-13-2010).~~ **At the first meeting following April 1st of each calendar year, the Board shall elect from its membership, a chair and vice chair and such other officers as it deems necessary and shall prescribe the duties of said officers; the Chairman of the Board of Adjustment shall have the power to administer oaths and to take evidence.**

B. The Chairman shall:

- (1) Preside at all meetings.
- (2) Coordinate agenda with Planning and Zoning Division.
- (3) Coordinate with the Community Development Director to provide the Board current information about planning and zoning regulations, policies, and City Council actions.
- (4) Review and sign all minutes of Board meetings.

C. The Vice-chairman shall act for the Chairman in his/her absence.

D. The Secretary, who shall be appointed by the Community Development Director, shall keep a record of proceedings of all meetings, send out all meeting notices required, compile agenda, records, files, indexes, and shall perform the clerical work of the Board. The Secretary shall not be a member of the Board.

E. The Prescott City Attorney shall be legal counsel for the Board.

ARTICLE VI Meetings

A. All meetings and hearings of the Board shall be subject to the Arizona Open Meeting Law.

B. Each member of the Board will be expected to make individual field inspections to examine the properties for which variances, conditional use permits and appeals are requested; and, if there should be a need for a group field inspection, staff will notify Board members by phone or in writing.

- C. Regular Board meetings will be held on the third Thursday of every month.
- D. Changes in the date of field inspection meetings may be made by the Chairman or four (4) members of the Board. Special meetings may be held on call of the Chairman or four (4) members of the Board.
- E. Voting: A majority of the total members of the Board (4) must vote for a request for approval. Members shall only refrain from voting due to a substantial conflict of interest, as defined in A.R.S. Section [38-502](#), and shall state that fact for the record. The Chairman may request a show of hands to clarify the vote.
- F. Agenda Format
 - (1) Call to order
 - (2) Recording of members present/absent, staff, and public in attendance
 - (3) Approval of the minutes
 - (4) Administering oath
 - (5) Other items, such as variances, conditional use permits, appeals, parking requirements, screening plans, etc.

ARTICLE VII
Code of Ethics

- (A) Board of Adjustment members occupy positions of public trust. Board members shall strictly adhere to both the letter and the spirit of the laws of the State of Arizona pertaining to conflicts of interest and open meetings.
- (B) Board members shall refrain from making use of special knowledge or information before it is made available to the general public.
- (C) Board members shall refrain from using their influence as members of the Board in attempts to secure favorable municipal action for themselves, friends, immediate family members, or business associates.
- (D) Board members shall be disqualified from participation in any manner in the decision of the Board when such action will violate sections A through C of this Article.
- (E) A member of the Board shall not initiate, permit or consider ex parte communications, or consider other communications made to the Board member outside the presence of a quorum

of the Board, concerning a pending or impending matter or proceeding before the Board of Adjustment. This policy does not prohibit:

- (1) Ex parte communications to determine from the applicant or a member of the public a factual matter which does not deal with the merits or issues of a particular matter.
- (2) Communications with City Staff, Council or members of other City boards or commissions.
- (3) Communications with a disinterested third party, who is neither opposed nor in favor of the particular matter, in order to seek advice or comments from said disinterested party.

**ARTICLE VIII
Amendments**

Amendments to these By-laws shall be made by a majority vote of the full Board.

These By-laws have been presented to the Board. All By-laws dated previous to ~~July 15, 2010~~ **March 19, 2026** are null and void.

Approved on the ~~15th day of July, 2010~~ **19th day of March, 2026** by a quorum of Board of Adjustment members.

~~E. Calvin Fuchs~~ **Michael Mirco**
Chairman of the Board of Adjustment

Date

~~Thomas A. Guice~~ **Chelsea Walton**
Community Development Director

Date

APPROVED AS TO FORM:

~~Gary D. Kidd~~ **Joseph D. Young**, City Attorney



LDC26-002

Board of Adjustment

Bylaws

March 19, 2026
Board of Adjustment

Tammy DeWitt
Planner

**ARTICLE IV
Vacancies**

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~~B. If any member shall be absent for more than two (2) consecutive meetings without notifying the Chairman or the Community Development Director, or shall be absent for more than thirty percent (30%) of all meetings during any one twelve-month period for any reason, he or she shall thereupon automatically cease to hold membership on the Board of Adjustment without any further action being taken by either the Board or the City Council. It shall be the responsibility of the Chairman of the Board to so notify the City Council immediately upon the creation of a vacancy pursuant to this Section. Meetings as used in this Section shall include all regular and special meetings, study sessions and field inspections. (City Code, Section 1-7-6/Ord. 2278, 6/25/91)~~ **If any member shall be absent from more than three meetings without prior notice to the Chairman, City Clerk or Staff Liaison, he or she shall upon**

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Recommended Action

MOVE to approve/deny LDC26-002, Board of Adjustment Bylaws with or without changes.

