City of Prescott
Board of Adjustment

April 16, 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 **April 16, 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 March 19, 2026 Board of Adjustment Meeting Minutes.
Recommended Action: MOVE to approve minutes as presented

B. Introduction & Welcome to New Appointed and Re-Appointed Board of Adjustment Members.
Recommended Action: This item is for discussion only. No formal action will be taken.

C. Discussion & Action Regarding Appointment of Chair and Vice-Chair for the Board of Adjustment for a One-Year Term.
Recommended Action: 1) MOVE to appoint a Chair for a one-year term; and 2) MOVE to appoint a Vice-Chair for a one-year term

D. Presentation & Discussion Regarding the Board of Adjustment Member Orientation.
Recommended Action: This item is for discussion only. No formal action will be taken.

E. **V26-003:** 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) Allowing for an Increase in Height from the Maximum Allowed Height of 20ft to 25ft for Construction of a New Detached Garage. Zoning: SF-18 (Single-Family 18,000 sq ft Minimum Lot Size). Property Owner: Croy Jeffrey R & Patricia L (RS). Applicant: Jeff Croy. Location: APN: 108-09-007B, 1118 Middlebrook Rd.
Recommended Action: MOVE to approve or deny V26-003

F. **V26-004:** Variance to Article 3, Section 3.6.3.F (SF-9/Minimum Setbacks) of the City's land Development Code (LDC) Allowing for a Reduction of the Required 25' Front Setback by 5' Resulting in a 20' Front Setback; and a Request to Reduce the Required 7' Side Setback by 2' Resulting in a 5' Side Setback to Allow for a New Detached Garage. Zoning: SF-9 (Single-Family 9,000 sq ft Minimum Lot Size. Property Owner: Ceasar De Moss. Applicant: Freddie Newkirk/ Ready Renovations and Remodeling LLC. Location: APN 108-10-032,

811 Evergreen Road.
Recommended Action: MOVE to approve or deny V26-004 per the site plan provided

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 4/9/26 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Thornhill

Sarah M. Thornhill, City Clerk

TO:	MAYOR AND CITY COUNCIL
AGENDA:	April 16 Board of Adjustment
DATE:	April 16, 2026
DEPT:	Community Development
ITEM #:	3.A
SUBJECT:	Approval of March 19, 2026 Board of Adjustment Meeting Minutes.

ITEM SUMMARY

This item is for approval of the March 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. March 19, 2026 BOA Minutes

CITY OF PRESCOTT

City of Prescott
Board of Adjustment

March 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 (Excused)
Miriam Haubrich, Member
Mark Hokeness, Member (Excused)
Tom Hutchison, Member
Rick Kimery, Member

3. DISCUSSION & ACTION ITEMS

A. Approval of the February 19th, 2026 Board of Adjustment Meeting Minutes.

MOTION BY MEMBER HAUBRICH TO APPROVE THE FEBRUARY 19, 2026, MEETING MINUTES AS SUBMITTED; SECONDED BY MEMBER KIMERY: PASSED (4-0).

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.

Community Planner Jacob Lund gave a presentation providing information related to the proposal CUP26-001. He provided an ariel view, zoning map, and site plan. There are two buildings on the same parcel number. The property 401 S Montezuma is the building being presented on. 121 W Aubry Street is currently in use as a residence. The applicant is proposing 400 square feet for an art gallery portion, 200 square feet for a tattoo portion, and the remaining space will be office and storage. No additional parking will need to be added. He provided photos of the street view and a permitted use table. It shows that the property is zoned business regional. Tattoo parlors are only allowed in industrial transition or industrial light zoning districts.

Member Hutchison asked if the board recently approved of a similar project on Sheldon.

Mr. Lund confirmed.

Member Hutchison asked if this was the same applicant.

Mr. Lund said it is a different applicant.

Member Hutchison asked about the red building between residence and proposed tattoo parlor.

Mr. Lund deferred to the applicant.

Applicant Brooke Holstedt said it is the back office to main building. It is just painted a different color.

MOTION BY MEMBER HUTCHISON TO APPROVE CUP26-001; SECONDED BY MEMBER KIMERY: PASSED (4-0).

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.

Community Planner Jacob Lund presented on the variance request to allow for an increase in height from 20ft to 25ft for the construction of a new detached garage. He provided a zoning map, aerial map, site plan, and site plan with slope layer. There is a good section of the lot that is sloped, making it more difficult to be constructed. There is also a 25 ft water easement, and draining easement that cannot be constructed in. He also provided the elevations showing it exceeds allowable height by 2'7". All other elevations are under 25', which is why the variance is requested for 25'. He said they researched variances in the area and found a similar one for detached garage that was approved for a height of 27'. Regarding neighborhood outreach they received two oppositions. One from neighbor directly east was concerned with the drainage. The second opposition had a concern with the precedent with allowing these kinds of structures.

Chair Teeters asked if the opposition mentioned if there are other exceptions granted.

Mr. Lund read the opposition, "Perhaps the variance 5ft total has already been approved elsewhere, in the north portion in Pinion Oaks, in which case we really have no argument here".

Chair Teeters said then they really have no argument.

Mr. Lund said they are entitled to the opposition.

Member Hutchison said when he looks at the site plan, he has concern. 125 amps of power, and water. Stated his concern of the project starting off as a garage and ending up as secondary living quarters.

Mr. Lund said based on the floor plans provided, there were no bedrooms shown. They are not proposing a residence. It may be garage with a workshop, but not a secondary residence.

Member Hutchison asked if it's typical to have that much water and power. Also, if it is possible to include a clause that says you will not turn this into a secondary residence.

Chair Teeters asked if you have to ask for permission to start with.

Mr. Lund confirmed. He said that we are going to permit this as a garage. If we found out it was being used as a guest house, that would be a zoning violation. It could be a condition that we could put on approval of the permit. As far as a condition for approval, he said he is not sure that would be appropriate.

MOTION BY MEMBER HAUBRICH TO APPROVE V26-002; SECONDED BY MEMBER HUTCHISON: PASSED (4-0).

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.

Tammy DeWitt Community Planner presented on the amendment for a proposed change to the LDC bylaws. She said the City Clerk's office went through the city code, and since there is another set of criteria for all of the Boards and Commissions, they updated those to make them more consistent. Part of that approval is the bylaws needed to be updated to match the changes.

1) First change: “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.

2) Second Change “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.

Member Hutchison asked how this would work.

Ms. DeWitt said we will have it on the agenda, and you will nominate someone for chair and vice chair, then vote on it.

MOTION BY MEMBER HUTCHISON TO APPROVE LDC26-002; SECONDED BY MEMBER KIMERY: PASSED (4-0).

4. STAFF UPDATES

Ms. DeWitt informed the board members that there will be a meeting in April.

5. ADJOURNMENT

Chair Teeters adjourned the meeting at 9:24 a.m.

_____

Anthony Teeters, Chair

_____

Jacob Lund, Board Secretary

TO:	MAYOR AND CITY COUNCIL
AGENDA:	April 16 Board of Adjustment
DATE:	April 16, 2026
DEPT:	Community Development
ITEM #:	3.B
SUBJECT:	Introduction & Welcome to New Appointed and Re-Appointed Board of Adjustment Members.

ITEM SUMMARY

This item is to welcome our newly appointed and re-appointed Board of Adjustment members.

BACKGROUND

Each spring when existing terms are ending, the Council Subcommittee on Appointments makes recommendations to the City Council for appointments to city Boards, Commissions and Committees. Staff wanted to use this time to welcome and congratulate newly appointed Board of Adjustment Member Larry Meads, as well as congratulate Miriam Haubrich on her re-appointment.

FINANCIAL IMPACT

There is no financial impact associated with this item.

RECOMMENDED ACTION

This item is for discussion only. No formal action will be taken.

ATTACHMENTS

None

TO:	MAYOR AND CITY COUNCIL
AGENDA:	April 16 Board of Adjustment
DATE:	April 16, 2026
DEPT:	Community Development
ITEM #:	3.C
SUBJECT:	Discussion & Action Regarding Appointment of Chair and Vice-Chair for the Board of Adjustment for a One-Year Term.

ITEM SUMMARY

This item is for the appointment of a Chair and Vice-Chair for the Board of Adjustment to serve one-year terms.

BACKGROUND

None.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

1) MOVE to appoint a Chair for a one-year term; and 2) MOVE to appoint a Vice-Chair for a one-year term

ATTACHMENTS

None

TO:	MAYOR AND CITY COUNCIL
AGENDA:	April 16 Board of Adjustment
DATE:	April 16, 2026
DEPT:	Community Development
ITEM #:	3.D
SUBJECT:	Presentation & Discussion Regarding the Board of Adjustment Member Orientation.

ITEM SUMMARY

This item is for the orientation for the new and existing Board of Adjustment Members.

BACKGROUND

Staff will provide a general orientation to ensure board members have what they need to perform their duties. Additionally, staff will provide the following documents for Commissioners:

- Boards, Commissions, and Committee and City Council schedules, attached.
- Title 1 Chapter 1-7 updated under Ordinance Number (2026-1930), attached.
- Bylaws under Appendices E in the Land Development Code.
- Land Development Code - https://www.codepublishing.com/AZ/Prescott/#!/PrescottLDC/PrescottLDCNT.html
- Resolution No. (2025-1952), attached

FINANCIAL IMPACT

There is no financial impact associated with this item.

RECOMMENDED ACTION

This item is for discussion only. No formal action will be taken.

ATTACHMENTS

1. BOA 2026 Meeting Schedule
2. BCC CALENDAR
3. Ordinance No. 2026-1930
4. Resolution No. 2025-1952

CITY OF PRESCOTT
ARIZONA

2026 BOARD OF ADJUSTMENT
MEETING SCHEDULE
3RD THURSDAY OF THE MONTH
9:00 AM – COUNCIL CHAMBERS

January 15, 2026
February 19, 2026
March 19, 2026
April 16, 2026
May 21, 2026
June 18, 2026
July 16, 2026
August 20, 2026
September 17, 2026
October 15, 2026
November 19, 2026
December 17, 2026

PUBLIC MEETING SCHEDULING IS TENTATIVE. Items will be agendized for BOA based on COMPLETE APPLICATIONS and ADEQUATE TIME FOR EVALUATION. The applicant will be contacted to confirm placement on agenda schedule.

2026 BCC Calendar

CITY COUNCIL
P&Z COMMISSION
BOA
PPC
CDBG
WIS
WORKFORCE HOUSING
NO MEETINGS DUE TO COUCIL CLOSURES

January						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
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May						
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31						

June						
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July						
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August						
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September						
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October						
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November						
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December						
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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:

_____
SARAH M. THORNHILL
City Clerk

APPROVED AS TO FORM:

_____
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.

Docusign Envelope ID: C45C9585-4F77-4BE3-BA1F-921B9F20901E

RESOLUTION NO. 2025-1952

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING THAT CERTAIN DOCUMENT ENTITLED "*REVISIONS TO CITY OF PRESCOTT LAND DEVELOPMENT CODE CONSISTENT WITH A.R.S. §9-500.49",* AS A PUBLIC RECORD, WHICH DOCUMENT REPLACES AND AMENDS MULTIPLE SECTIONS OF THE PRESCOTT LAND DEVELOPMENT CODE; AND DIRECTING THE CITY CLERK TO RETAIN THREE COPIES THEREOF ON FILE AND ONE ELECTRONIC FILE OF THE DOCUMENT ON THE CITY WEBSITE

RECITALS:

WHEREAS, the City of Prescott adopted by reference that certain document entitled "*REVISIONS TO THE CITY OF PRESCOTT LAND DEVELOPMENT CODE CONSISTENT WITH A.R.S. §9-500.49* ", as a public record enacted by Ordinance 2025-1915; and,

WHEREAS, the City of Prescott wishes to adopt that certain document entitled "*REVISIONS TO THE CITY OF PRESCOTT LAND DEVELOPMENT CODE CONSISTENT WITH A.R.S. §9-500.49*" attached hereto and made a part hereof as Exhibit "A", which document amends multiple sections of the Prescott Land Development Code adopted in the Prescott City Code Title X, Chapter 10-1, Section 10-1-1 ("Land Development Code"); and,

WHEREAS, The City Clerk is directed to maintain three (3) copies of the above-referenced public document on file at all times for inspection by the public and publish this public document electronically on the City of Prescott website.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, certain document entitled "*REVISIONS TO THE CITY OF PRESCOTT LAND DEVELOPMENT CODE CONSISTENT WITH A.R.S. §9-500.49"* is hereby declared to be a public record.

SECTION 2. THAT, certain document entitled "*REVISIONS TO THE CITY OF PRESCOTT LAND DEVELOPMENT CODE CONSISTENT WITH A.R.S. §9-500.49"* attached hereto and made a part hereof as Exhibit "A", which document replaces and amends multiple sections of the Prescott Land Development Code, adopted in the Prescott City Code Title X, Chapter 10-1, Section 10-1-1 ("Land Development Code").

SECTION 3. THAT, the City Clerk is hereby directed to always maintain three (3) copies of the above-referenced public document on file for inspection by the public and one electronic publication on the City of Prescott website.

PASSED, APPROVED and ADOPTED by the Mayor and Council of the City of

Docusign Envelope ID: C45C9585-4F77-4BE3-BA1F-921B9F20901E

Prescott, Arizona, this 9 day of December, 2025.

Mayor Cathey Rusing
CATHEY RUSING, Mayor

ATTEST:

Sarah M Thornhill
SARAH M. THORNHILL, City Clerk

APPROVED AS TO FORM:

Joseph Young
JOSEPH D. YOUNG, City Attorney

Docusign Envelope ID: C45C9585-4F77-4BE3-BA1F-921B9F20901E

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 Resolution No. 2025-1952 is a true, correct and accurate copy of Resolution No. 2025-1952, passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the 9 day of December, 2025, at which a quorum was present and, by a 5-0-2 vote, five voted in favor of said resolution.

Given under my hand and sealed this 11th day of December, 2025.



Sarah M Thornhill
City Clerk

Docusign Envelope ID: C45C9585-4F77-4BE3-BA1F-921B9F20901E

EXHIBIT A

REVISIONS TO THE CITY OF PRESCOTT LAND DEVELOPMENT CODE CONSISTENT WITH A.R.S. §9-500.49

The strike through text areas are proposed for removal and all capitalized text areas are the proposed additions.

Article 4/ Nonresidential Districts

~~**Sec. 4.9.4.A / Special Use Permits**~~

~~**1. Applicability**~~

~~Notwithstanding other provisions to the contrary and as necessary to determine compatibility relative to Sec. 4.9.4B, "Compatibility Review Guidelines," the following development proposals shall be subject to a courtesy review by the Prescott Preservation Commission, review and recommendation by the City's Planning & Zoning Commission, and approval by the City Council pursuant to the provisions of Sec. 9.9:~~

~~**a.** Construction of new structures 10,000 square feet and larger;~~

~~**b.** Expansion of existing structures by 50 percent or more floor area; and~~

~~**c.** Remodeling that adds 50 percent or more to the value of existing structures relative to the pre-remodel values.~~

~~Upon reliance of the Compatibility Review criteria outlined in Sec. 4.9.4B, the Prescott Preservation Commission shall provide its determination to the Planning and Zoning Commission as to the development proposal's consistency with the guidelines listed therein. The Planning and Zoning Commission shall review such determination and make its recommendation to the City Council. The City Council shall approve or deny the development proposal.~~

~~**2. Additional Submittal Requirements**~~

~~A complete application shall be submitted to the Community Development Director as set forth in Sec. 9.1.3. In addition, such applications shall include the following:~~

~~**a.** A complete site plan must accompany all applications for a Special Use Permit as set forth in Sec. 9.8;~~

~~**b.** Building elevations illustrating all exposed façades;~~

~~**c.** Scaled drawings showing how the structure will appear from the adjacent street frontage(s) and from at least 2 other locations in the community as determined by the Community Development Director;~~

Docusign Envelope ID: C45C9585-4F77-4BE3-BA1F-921B9F20901E

~~**d. Building materials and colors, and**~~

~~**e.** Other information sufficient to demonstrate conformance with these guidelines.~~

Sec. 4.9.4.~~BA~~ / Compatibility Review Guidelines

~~The compatible relationship of proposed development to the unique character of Prescott's downtown area is of critical public concern for any structures or site improvements. The intent of these design guidelines is to help protect the unique character of Prescott's downtown area. Without prescribing particular architectural designs or materials, compatibility review shall consider the architectural context of any proposed projects with the goal of achieving development that complements the immediate and surrounding areas.~~

THE PURPOSE OF THESE STANDARDS IS TO MAINTAIN DOWNTOWN PRESCOTT'S ESTABLISHED DEVELOPMENT PATTERN THROUGH MEASURABLE DESIGN CRITERIA. REVIEW SHALL ENSURE THAT NEW DEVELOPMENT CONFORMS TO ADOPTED STANDARDS FOR BUILDING SCALE, HEIGHT, MASSING, MATERIALS, AND STREETSCAPE DESIGN APPLICABLE TO THE DOWNTOWN BUSINESS DISTRICT. DEVELOPMENT IN DOWNTOWN PRESCOTT SHALL MEET THE FOLLOWING CRITERIA.

1. Construction and exterior building materials shall ~~be high quality and long lasting.~~ COMPLY WITH THE APPLICABLE BUILDING CODES ADOPTED BY CITY COUNCIL.

2. ~~Structures shall demonstrate the general principles of good design including but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with other like structures in the vicinity where such structures are substantially in compliance with this LDC.~~ STRUCTURES SHALL COMPLY WITH THE DIMENSIONAL STANDARDS, BUILDING HEIGHT LIMITS, AND SETBACK REQUIREMENTS ESTABLISHED FOR THE DOWNTOWN BUSINESS DISTRICT.

~~**3**. The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of downtown Prescott. Generous use of architectural interest elements is encouraged.~~

~~A.~~ **3.** All mechanical equipment shall be screened from view in accordance with the requirements of Sec. 6.5.8E.

~~C.~~ B. Parking and Loading

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~~D.~~ C. Landscaping

~~E.~~ D. Height

~~F.~~ E. Signs

~~G.~~ F. Grandfathered Signs in Downtown Area

Article 7/ Subdivision and Land Split Design Standards

Sec. 7.3.2 / Large lots

Where an area is proposed to be divided into lots more than twice the size of the zoning district minimum lot area and ~~in the opinion of the Planning and Zoning Commission or City Council~~, any or all of the tracts are susceptible of being resubdivided, the proposed subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with the requirements of this Code and the minimum standards specified by the zoning district.

Sec. 7.4.1.B / Suitability of Lands

The ~~City Council~~ COMMUNITY DEVELOPMENT DIRECTOR shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding, land in proximity to the airport approach, and land deemed to be topographically unsuitable should not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, aggravate erosion or flood hazard. Such land within the plat shall be set aside for uses that are not endangered by periodic or occasional inundation or that produce unsatisfactory living conditions.

Sec. 7.4.1.D / Waivers

The ~~Planning and Zoning Commission may advise and the City Council~~ COMMUNITY DEVELOPMENT DIRECTOR AND PUBLIC WORKS DIRECTOR may grant waivers to the standards of this Sec. 7.4, Subdivision and Land Split Design Standards, with the exception of the City of Prescott General Engineering Standards, where it finds that such waivers are necessary due to the physical characteristics of the site, is not harmful to surrounding properties or public interests, and is consistent with Sec. 1.5, Purpose and Intent, of this Code.

Sec. 7.4.6.E / Waiver

Waiver or partial waiver of the requirements of this section may be granted by the COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE TRAFFIC

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ENGINEER ~~City Council~~ where it has determined that satisfactory alternative pedestrian and/or bikeways have been or will be provided outside the normal right-of-way or, that unique circumstances or unusual topographic, vegetative, or other natural or man-made conditions prevail to the extent that strict adherence to said requirements would be unreasonable and inconsistent with the purposes and goals of this Code or the General Plan.

Sec. 7.4.8.F.2 / Assured Water Supply

The ~~City Council~~ SUBDIVIDER shall note on the face of the Final Plat that a certificate of assured water supply has been submitted with the plat or that the subdivider has obtained a written commitment of water service for the proposed subdivision from a City or private water company designated as having an assured water supply, pursuant to ARS 45-576 or is exempt from the requirement pursuant to ARS 45-576.

Sec. 7.6.1 / Financial Assurances

Prior to recording of the final plat and prior to commencement of construction within one year following approval of Final Plat and construction plans unless a different time frame is approved by ~~Council~~ THE PUBLIC WORKS DIRECTOR, the subdivider shall post a financial assurance in accordance with the General Engineering Standards, Section 1.4 to cover to the cost of installing all required improvements.

Article 8/ Review Bodies

8.1.2 / Powers and Duties

The City Council is authorized to hear and take final action on the following:

- **A.** Special Use Permits;
- **B.** Zoning Map Amendments (Rezoning);
- **C.** Text Amendments;
- ~~**D.** Preliminary Plats;~~
- ~~**E.** Final Plats;~~
- ~~**F.** Site Plans, as may be required;~~
- ~~**G.**~~ **D.** Planned Area Developments;
- ~~**H.**~~ **E.** Creation of national and local register historic districts;
- ~~**I.**~~ **F.** Appeals of decisions made by the Historic Preservation Commission;
- ~~**J.**~~ **G.** Development Agreements.

8.2.3.B / Recommendations

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The Planning and Zoning Commission reviews and makes recommendations to the City Council subject to the terms and conditions set forth for such uses in this Code for the following:

1. Special Use Permits;
2. Zoning Map Amendments (Rezoning);
3. Text Amendments;
4. ~~Preliminary Plats;~~
5. ~~Final Plats, as applicable;~~
6. ~~Site Plan Review, as applicable;~~
7. ~~7.~~ 4. General Plans, Area Plans, Neighborhood Plans and Amendments;
8. ~~8.~~ 5. Planned Area Developments, as applicable;
9. ~~9. Waivers of standards of Article 7, Subdivision and Land Split Standards~~;
10. ~~10.~~ 6. Other powers and duties as may be specified in the Prescott City Code.

Article 9 / Administration and Procedures

9.1.10 / Required Public-Hearings

The following table illustrates the types of review and the body responsible for holding a public meeting to consider such applications.

Table 9.1.10

ITEMS FOR PUBLIC MEETINGS			
Application Type	**Board of Adjustment**	**Planning and Zoning Commission**	**City Council**
Administrative Appeals	X		
Comprehensive Sign Plan		X	X
Conditional Use Permit	X		
General Plan Amendments		X	X
~~PAD Master Plan/Site Plan~~		~~X~~	~~X~~
~~Site Plans, Council-approved~~	-	~~X~~	~~X~~
Special Use Permit		X	X
~~Subdivisions/~~ PAD/ PAD MASTER PLAN		X	X
Text Amendment		X	X
Variance	X		

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Table 9.1.10

ITEMS FOR PUBLIC MEETINGS			
Application Type	**Board of Adjustment**	**Planning and Zoning Commission**	**City Council**
Water Service Agreement (4 or more dwellings)			X
Zoning Map Amendment		X	X

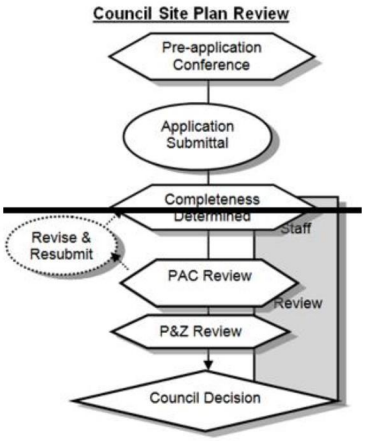
Sec. 9.8.1 / General

The provisions of this section are intended to ensure that all developments have functional, well-designed and user-oriented spatial arrangements. ~~Where Council approval is required, there may be greater emphasis on aesthetic quality.~~

Sec. 9.8.2 / Applicability

No building, site, or use shall be developed and no building permits may be issued prior to completion of site plan review and approval, issued by the Community Development Director in conformity with the provisions of this Section. ~~In addition, where required, site plan approval by City Council and/or the Planning and Zoning Commission may be required as a prerequisite for building permits.~~

Sec. 9.8.4.B.1 / Site Plan Application Process

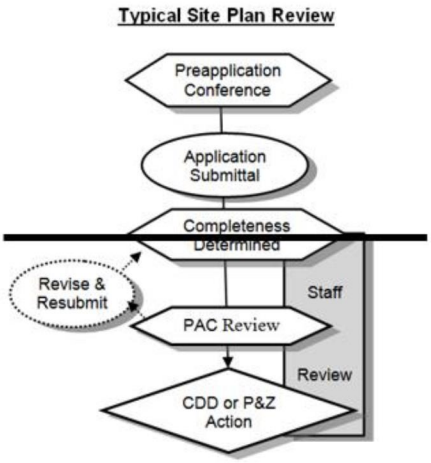


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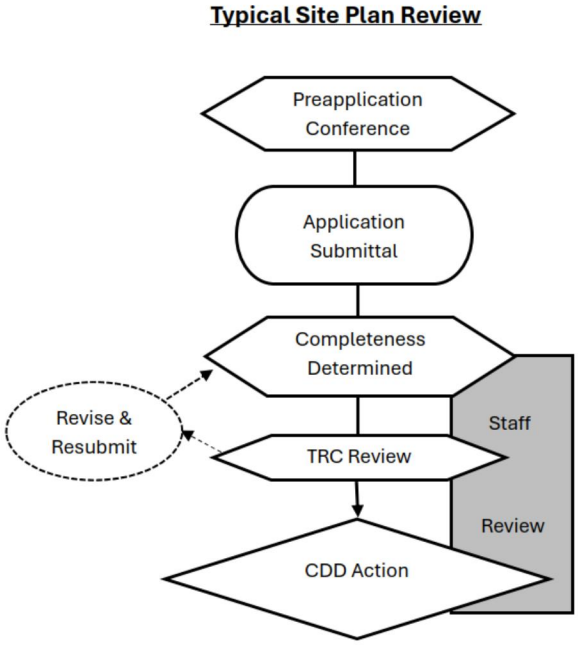
9.8.4.C / Review by the Technical Review Committee

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NEW GRAPHIC:



Following submittal of a complete application, the TRC shall review the application and provide written comments to the applicant within 15 working days. Following receipt of TRC comments, the applicant shall correct the site plan and resubmit the corrected application to the Community Development Department.

9.8.4.D / Community Development Director Action

~~1.~~ If the proposed site plan is determined by the TRC to be consistent with all applicable provisions of the Code, the Community Development Director may approve the site plan. ~~and return 2 copies of the approved plan to the applicant and keeping one.~~

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~~**2.** The Community Development Director may, at his discretion, require site plan review by the Planning and Zoning Commission and/or the Prescott Preservation Commission.~~

~~**9.8.4.E / Review by the Planning and Zoning Commission recommendation and/or Action**~~

~~**1.** Where the Community Development Director elects to refer a site plan to the Planning and Zoning Commission following TRC review, no building permit shall be issued without site plan approval by the Commission.~~

~~**2.** Where site plan approval by City Council is required as a condition of a rezoning or other approval, the Community Development Director shall refer the plan to the Planning and Zoning Commission for recommendation prior to scheduling for Council review.~~

~~**9.8.4.F / City Council Action**~~

~~Where site plan approval by City Council is required as a condition of a rezoning, PAD or other approval, Staff shall prepare a report that includes the Planning and Zoning Commission recommendation. No building permit shall be issued prior to site plan approval by City Council.~~

9.8.8 / Modification

Minor modification to aN ~~Council~~ approved Site Plan may be approved by the Community Development Director, provided that the development plan remains substantially consistent with the ~~Council~~ approved Site Plan.

9.8.9 / Appeal

An APPLICANT MAY appeal ~~from~~ any final decision regarding a Site Plan Review ~~shall be~~ in accordance with THE APPEAL PROCESS OUTLINED IN Sec. 9.17.3~~, Appeals of Administrative Decisions, Sec. 9.18, Appeal of Council or Board of Adjustment Decisions,~~ or the City of Prescott General Engineering Standards, IN ACCORDANCE WITH THE GENERAL ENGINEERING STANDARDS APPEAL PROCESS OUTLINED IN SEC. 9.6 ~~as appropriate~~.

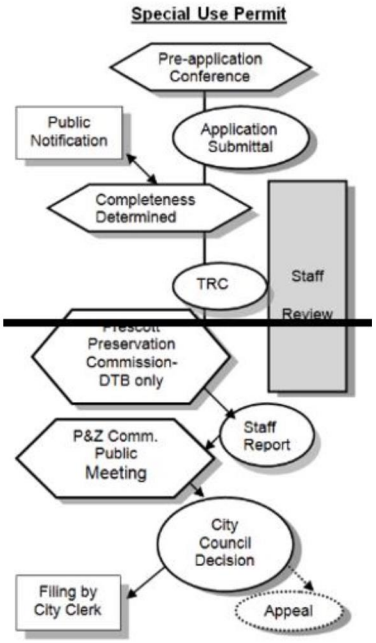
9.9.2 / Applicability

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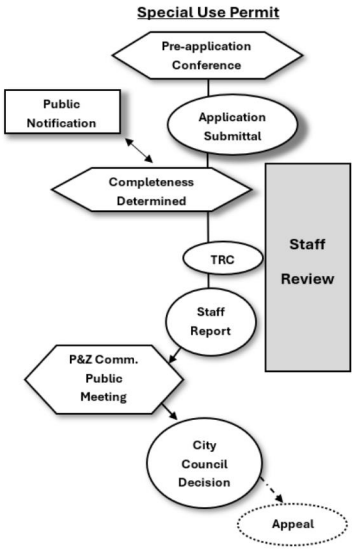
Commentary:
Special Use Permit applications for development in the DTB district should be referred to the Preservation Commission for courtesy, compatibility reviews and recommendation prior to Planning and Zoning Commission or City Council review and action.

9.9.4 / Special Use Application Process

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~~E.~~ **~~Review by Prescott Preservation Commission~~**

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~~For development proposals located in the Downtown Business District only, the proposal shall be scheduled for a "courtesy review."~~

~~F.~~ **E. Review by Community Development Director**

The Community Development Director shall review Special Use Permit applications, the comments of the Technical Review Committee (TRC) and prepare a staff report.

~~G.~~ **F. Planning and Zoning Commission Recommendation**

The Planning and Zoning Commission shall review Special Use Permit applications in a public hearing and recommend approval, approval with conditions, or denial of the special use application.

~~H.~~ **G. City Council Action**

City Council shall review special use applications in a public meeting and vote to approve, approve with conditions, or deny the special use application.

~~I.~~ **H. Notice of Decision**

A copy of an approved or denied Special Use Permit shall be given to the owner of the property, and a copy shall be filed in the office of the Community Development Department.

9.10.4 / Unlawful to Record Plat without Final Plat Approval

It shall be unlawful to record any subdivision, master plan, plat, revision of plat or replat of land within the City limits unless the subject subdivision plat has been reviewed and approved by ~~the City Council or~~ the Community Development Director, as required by this Code.

9.10.5.C / Plat Amendments

1. **Revision of Plat**
   The following activities shall be considered a Revision of Plat and require an application and processing with the Final Plat procedures of Sec. 9.10.9B, and subsequent approval by the ~~City Council~~ <u>COMMUNITY DEVELOPMENT DIRECTOR:</u>

2. **Replat**
   The following activities shall be considered a Replat and require an application in accordance and processing with the Final Plat procedures of Sec. 9.10.9B, but may be administratively approved by the Community Development Director. ~~Notwithstanding the above, the Community Development Director may request and the City Council may direct that any replat request be acted on by Council.~~

9.10.6.D / Master Plan

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1. All Preliminary Plats and land split applications shall include a master plan for the entire contiguous property under common ownership. Such master plans enable the COMMUNITY DEVELOPMENT DIRECTOR ~~staff, public, Planning and Zoning Commission and City Council~~ to evaluate the proposed development, including its historical character, topography, physical constraints, proposed lot layout and land uses, or other features; and its relationship to existing and planned streets, and to surrounding properties. The master plan shall conform in all respects to the requirements of the Preliminary Plat; except, it may be on a scale of not more than one inch to 400 feet.
2. The Community Development Director may waive all or part of the Master Development Plan requirements depending upon the nature of the proposed development. ~~However, the Planning and Zoning Commission or City Council may require additional information on some or all items excluded from the report before action is taken on the request.~~

9.10.9.A.2.i / Phasing

Each Preliminary Plat shall identify all proposed units, as well as lots, ~~for Council consideration,~~ provided each phase can stand alone. The Final Plat shall be recorded unit by unit, as stated on the approved Preliminary Plat. Construction may occur in phases as may be approved on each recorded Final Plat unit. Separate plans shall be required for each phase.

9.10.9.A.3.a / Date of Filing

The Preliminary Plat and all supporting data as described in subsection 2 above shall be submitted to the Community Development Director. ~~a minimum of 34 days prior to the Planning and Zoning Commission meeting at which consideration is desired.~~ The Preliminary Plat shall be considered officially filed only after it is examined and found to comply with the general provisions of these regulations by the Community Development Director.

9.10.9.A.3.c / Review by Technical Review Committee

The Technical Review Committee shall review the preliminary plat and provide written comments ~~for use in the staff report,~~ as specified below. The subdivider, his engineer, land surveyor, or other representative may request a Technical Review Committee meeting at which the proposed plat is to be discussed. If the Committee determines that additional information is needed ~~prior to the Planning and Zoning Commission review,~~ the ~~Commission's~~ review may be delayed as necessary to allow the applicant sufficient time to provide such information.

9.10.9.A.3.d / Review by Community Development Director

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The Community Development Director shall review the Preliminary Plat application and the recommendation of the Technical Review Committee and prepare ~~a~~ AN APPROVAL, AN APPROVAL WITH CONDITIONS, OR A DENIAL OF THE PLAT APPLICATION. ~~staff report.~~

~~9.10.9.A.4 / Review by Planning and Zoning Commission~~

~~The Planning and Zoning Commission shall review the application in a public meeting and recommend approval, approval with conditions or denial. The recommendation and its reasons shall be forwarded to the City Council.~~

~~9.10.9.A.5 / City Council Action~~

~~The City Council shall review the Preliminary Plat in a public meeting and vote to approve, approve with conditions, or deny the plat application.~~

9.10.9.A.~~6.~~ 4. Issues for Consideration

9.10.9.A.~~7.~~ 5. Effect of Preliminary Plat Approval

a. **Not Approval of Final Plat**
Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat.

b. **Lapse of Approval**
Preliminary approval of the subdivision shall be valid for a period of 12 months from the date of approval, and the general terms and conditions under which the preliminary approval was granted will not be changed. The preliminary plat approval of a subdivision shall expire unless a Final Plat is submitted within the 12 month period or unless an extension is approved by ~~the City Council~~ THE COMMUNITY DEVELOPMENT DIRECTOR at the request of the subdivider. An extended approval for a phased development may be granted by the ~~Council~~ COMMUNITY DEVELOPMENT DIRECTOR.

9.10.9.B / Final Plats

The Final Plat shall substantially conform to the APPROVED Preliminary Plat, ~~as approved by the~~ ~~City Council~~, OR APPROVED PAD PRELIMINARY PLAT, incorporating all changes, modifications, corrections, and conditions imposed AT THE TIME OF PRELIMINARY PLAT; ~~by the Planning and Zoning Commission and City Council;~~ and provided further, that it conforms to all applicable requirements of this Code.

9.10.9.B.1 / Submittal Requirements

DELETE COMMENTARY:

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Commentary:
Each Final Plat must substantially conform to the approved Preliminary Plat. While a Final Plat may represent only a portion of the approved Preliminary Plat, each final plat unit must be in conformance with the approved Preliminary Plat. This is true even when there is a mutual agreement between the subdivider and City Council allowing for phasing, and the proposed phasing is in accordance with a plan submitted by the subdivider and approved by the Community Development Director.

9.10.9.B.1.c / Building Lines

Minimum building setback lines when required or approved by the ~~City Council~~ COMMUNITY DEVELOPMENT DIRECTOR shall be placed on the Final Plat.

9.10.9.B.1.d / Construction Plans and Reports

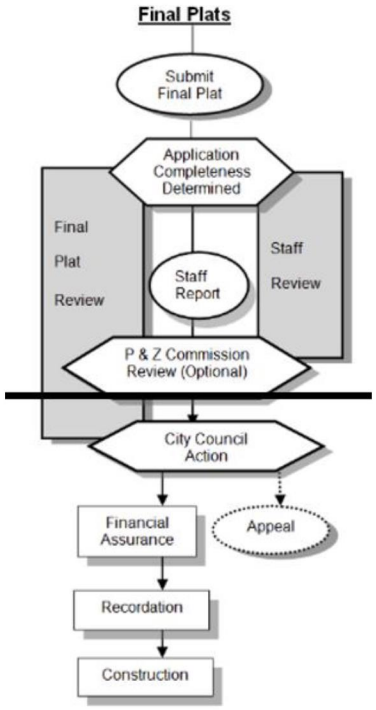
Three sets of construction plans for required improvements, 24" x 36" in size along with all data and calculations related to utilities, drainage or other construction in the subdivision, as necessary to demonstrate compliance with the requirements of Sec. 7.4.2, Engineering and Construction Standards and the City of Prescott General Engineering Standards, shall be submitted with the Final Plat. In addition, two (2) copies of the final water, sewer and drainage report shall be submitted when construction plans are submitted with the Final Plat. Such plans and reports shall be reviewed and approved by the City Engineer prior to APPROVING THE FINAL PLAT. ~~scheduling a Final Plat for approval by the City Council.~~

9.10.9.B.2. / Final Plat Review Procedures

a. Date of Filing

1) The Final Plat as described in subsection 9.10.9.B.1 shall be submitted to the Community Development Director. The related construction civil plans plat shall be submitted to the Community Development Departments for concurrent review. The Final Plat shall be considered officially filed only after it is examined and found to be in compliance with the general provisions of these regulations by the Community Development Director.

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2) The Final Plat will not be considered unless a Preliminary Plat has first been approved ~~or a waiver has been granted by City Council~~.

b. Review by Community Development Director

The Community Development Director shall review the Final Plat application for compliance with the provisions of this Code, the conditions or modifications required by Preliminary Plat approval, and shall then prepare a summary report. ~~Scheduling the report and review by the Planning and Zoning Commission or the City Council shall occur only after the full multi-department compliance review is complete.~~

~~**c. Review by Planning and Zoning Commission (Optional)**~~

~~The Director may elect to refer a Final Plat to the Planning and Zoning Commission for recommendation where there are concerns regarding consistency of a Final Plat with the approved Preliminary Plat or other relevant matters.~~

~~**d. City Council Action**~~

~~The City Council shall review the application (Refer to Sec. 9.19.1B) in a public meeting and vote to approve, approve with conditions, or deny the plat application.~~

Sec. 9.10.12 / Recordation

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If favorable action has been taken by the ~~City Council~~ COMMUNITY DEVELOPMENT DIRECTOR, all other applicable requirements have been met, and the recording fees have been paid, the Final Plat, REVISION OF PLAT, LAND SPLIT, OR REPLAT becomes the instrument to be recorded in the County Recorder's Office by CITY STAFF. ~~the City Clerk.~~ Three Mylar copies of the approved Final Plat, REVISION OF PLAT, LAND SPLIT, OR REPLAT shall be provided to CITY STAFF ~~the City Clerk~~ for **signature**(s). Furthermore, the owner or subdivider shall submit paper copies of the required improvement construction drawings (Construction Documents) in a number to be determined by the PUBLIC WORKS DIRECTOR ~~City Engineer~~. The Construction Documents when ~~duly~~ signed by ~~both the City Engineering and the City Utilities Engineer~~ PUBLIC WORKS DIRECTOR ~~are~~ IS authority to proceed with the construction of required improvements. Nothing in the procedure authorizes construction other than as specifically detailed on the approved construction plans.

9.10.13 / Waivers

The ~~City Council~~ COMMUNITY DEVELOPMENT DIRECTOR may approve, approve with conditions, or disapprove waivers of the standards in Sec. 7.4, Subdivision Design Standards, with the exception of the City of Prescott General Engineering Standards. The ~~City Council~~ COMMUNITY DEVELOPMENT DIRECTOR may also approve, approve with conditions, or disapprove waivers, to the procedural requirements of Sec. 9.10, Subdivision and Land Split Review, when it is demonstrated to be appropriate for a project's viability, to not to detract from the public good, and to be consistent with the Sec. 1.5, Purpose and Intent, of these regulations.

9.10.14 / Appeals

A. Subdivision PRELIMINARY Plat, FINAL PLAT, ~~or~~ Revision of Plat, LAND SPLIT, OR REPLAT

An APPLICANT MAY appeal ~~from~~ any final decision regarding a PRELIMINARY PLAT, final subdivision plat, REVISION OF PLAT, LAND SPLIT OR REPLAT IN ACCORDANCE WITH THE APPEAL PROCESS OUTLINED IN SEC. 9.17.3, OR THE CITY OF PRESCOTT GENERAL ENGINEERING STANDARDS, IN ACCORDANCE WITH THE GENERAL ENGINEERING STANDARDS APPEAL PROCESS OUTLINED IN SEC. 9.6. ~~or a plat amendment shall be filed with a court of competent jurisdiction within 30 days of the decision. If no appeal is filed in writing within 30 calendar days from the date of final City action, the decision shall be considered final.~~

~~**B. Land Split or Replat**~~

~~An appeal from any final administrative decision regarding a land split or a replat shall be submitted in writing to the Board of Adjustment by the Community Development Director or his designee within 30 calendar days of the decision.~~

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9.13.2.C / Council Approvals

Modifications to the otherwise required development standards through City Council actions on a Planned Area Development~~, a subdivision waiver,~~ or a Special Use Permit.

11.2.5 / General Terms

Final Plat	The final drawing of a property being subdivided as prepared by a land surveyor or engineer for recording and approval by the ~~City Council~~ COMMUNITY DEVELOPMENT DIRECTOR and prepared in accordance with Sec. 9.10.9B.1 of this LDC.
Plat or ~~Tentative~~ PRELIMINARY Plat	That portion of a preliminary plan or any separate drawing of a parcel of land that conforms with the requirements of the subdivision regulations intended for subdivision and approval ~~of~~ FROM the ~~Planning and Zoning Commission and City Council~~ COMMUNITY DEVELOPMENT DIRECTOR which is prepared in accordance with subdivision Plat Review procedures of the City of Prescott Land Development Code.

TO:	MAYOR AND CITY COUNCIL
AGENDA:	April 16 Board of Adjustment
DATE:	April 16, 2026
DEPT:	Community Development
ITEM #:	3.E
SUBJECT:	**V26-003:** 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) Allowing for an Increase in Height from the Maximum Allowed Height of 20ft to 25ft for Construction of a New Detached Garage. Zoning: SF-18 (Single-Family 18,000 sq ft Minimum Lot Size). Property Owner: Croy Jeffrey R & Patricia L (RS). Applicant: Jeff Croy. Location: APN: 108-09-007B, 1118 Middlebrook Rd.

ITEM SUMMARY

This item is for a request for variance to Article 2, Section 2.7.3.E.4.E. The applicant is requesting 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 RV garage from 20ft to 25ft (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 23'-9". However, due to the property being located within the FEMA Floodplain, the base flood elevation and natural grade is 5,488ft and will result in a total height of 24'-9" measured from natural grade to ensure the structure is raised 1ft above the base flood elevation.

BACKGROUND

The subject property is within the Cortez Park subdivision and was constructed in 1962. The applicant is proposing 1500sf detached RV garage and storage area. The lot has generally flat topography, however it is located within the FEMA Floodplain and cannot be attached to the primary residence due to existing sewer lines, water lines, and overhead powerlines. As a result of the FEMA Floodplain and the property's natural grade of 5488ft, it will result in a maximum structure height of 24'-9" to be compliant with Floodplain regulations. The applicant stated that the proposed location is the highest area on the property and if the garage was proposed in any other location, the variance request would be for a much larger height and they would not have a suitable location to park their RV. Additionally, the applicant has provided letters of support from adjacent property owners.

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation 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 many variance requests within the area, but they are very old and we no longer have records of the approvals to determine if there have been similar variance approvals in the

area.

VARIANCE REQUIREMENTS:
Variances 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 property is located within the FEMA Floodplain and has existing sewer lines, water lines, and overhead power lines that limit the location a detached rv garage can be placed on site.

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 negatively impact any adjacent neighbors or city infrastructure.

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 Section9.13.4.A.4).** The hardship is not the result of the applicant's own actions.

Staff Comments: Since the property is located within the FEMA Floodplain, it does create requirements for construction that property owners outside of the FEMA Floodplain would not be subject to.

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 proposed Variance is on an existing residential lot and is, therefore, 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: This property being located within the FEMA Floodplain places more limitations on construction that may not be required of property owners in the same zoning district.

NEIGHBORHOOD COMMENTS:
Staff have not received any comments from the public as of the submittal of this Staff Report on April 3rd, 2026. 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 V26-003

ATTACHMENTS

1. V26-003 - VARIANCE QUESTIONNAIRE
2. V26-003 - DETACHED GARAGE PLANS
3. V26-003 - PRESENTATION
4. V26-003 - LETTER OF SUPPORT #1
5. V26-003 - LETTER OF SUPPORT #2_redacted
6. V26-003 - LETTER OF SUPPORT #3

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 QUESTIONAIRE

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.

I desire to build a 25 foot tall detached garage in the South West corner of my property which is the highest in elevation on the parcel. Unfortunately, the area selected is still in the 100 year flood plain so I am unable to build down 3 feet and receive a 10% waiver (2 feet over the 20' allowed).

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.

Literal interpretations of the provisions of the Zoning Ordinance would deprive me of the height needed to build the desired indoor climbing wall for personal use and the height needed for the Recreational Vehicle parking needed. The same garage built outside of the 100 year flood zone could easily be built by building down three feet. Unfortunately the highest area of my property, which was selected for the garage, is still partially in the flood plain. The rest of the property is too low in elevation and far more subject to flooding.

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).

I have selected the highest area of my property for the garage and yet due to Federal Emergency Management Agency height requirements (I cannot build into the soil) and Zoning restrictions (limiting to 20 feet in height) I am unable to build the garage. When I initially purchased the property the house was not within the 100 year flood plain. The FEMA 100 year flood plain restrictions are not a result from my actions.

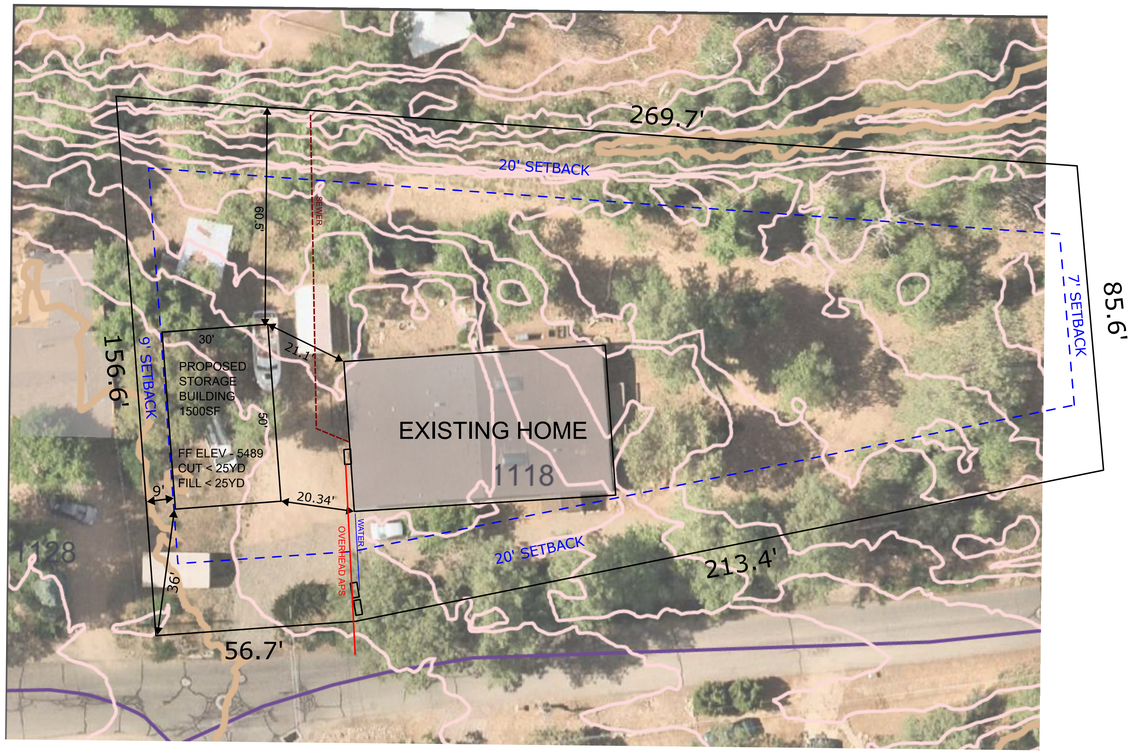
Yes, literal interpretation of the provisions of the Zoning Ordinance will cause personal inconvenience and financial hardship requiring hiring an architect to redesign the garage. In addition, without the needed height, I will be unable to park my recreational vehicle in the garage or set up the climbing wall.

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.

I am requesting a 5 foot variance in height. The same building could be built by any one else who does not build in the 100 year flood plain. Since a 10% variance in height can be approved by the Planning Department, I am actually only requesting a 3 foot variance.

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

I have spoken to the neighbors around my property and no one is opposed to my building a 25 foot garage on the property. There was only 1 neighbor I could not talk with because they frequently travel. I attached letters from the three closest neighbors (Written 3-1-26) who support the garage project.


269.7'
20' SETBACK
85.6'
7' SETBACK
156.6'
9' SETBACK
30'
PROPOSED
STORAGE
BUILDING
1500SF
50'
FF ELEV = 5489
CUT < 25YD
FILL < 25YD
21.11'
20.34'
9'
36'
EXISTING HOME
1118
SEWER
OVERHEAD
WATER
20' SETBACK
213.4'
56.7'
128

N

GENERAL STRUCTURAL NOTES

...APPLY UNLESS NOTED OTHERWISE ON STRUCTURAL DRAWINGS

CODE: Comply with 2018 IBC

SEISMIC: Soils Site Class D
Seismic Design Category C
Seismic Use Group 1

WIND: Basic wind speed 115 m.p.h., exposure C.

SUPERIMPOSED LOADS

LIVE LOADS:
Roof - 30 psf (Snow)

DEAD LOADS:
Roof - 0.9 psf
Purlins - 1.0 psf
Insulation/ceiling - 2.0 psf
Collateral - 2.0 psf
Total - 5.9 psf

STRUCTURAL INSPECTION:
It is the Contractor's responsibility to inspect all structural work for conformance with the contract documents.
Any structural inspection provided by others does not relieve him of this responsibility.
Any structural deviations from the contract documents that are found at a later date and are declared to be significant by the Structural Engineer shall be corrected by the Contractor with all dispatch.
The Structural Inspector is not authorized to direct or approve any changes from the contract documents.
If the Contractor wishes to question the Structural Inspector's interpretation of the contract documents, he may do so directly with the Architect or the Structural Engineer.
The Structural Inspector is not authorized to stop or delay the work.
If the contractor elects to continue with a certain work after being notified by the Structural Inspector that such work is unacceptable, he does so at his own responsibility and risks correcting the work at a less opportune time.
The Structural Inspector is not inspecting for OSHA compliance and temporary construction, such as bracing.me
The Contractor is responsible for providing adequate facilities for the Structural Inspector, to allow him to perform his work safely and efficiently.

SPECIAL INSPECTION:
Special inspection by special inspectors satisfactory to the building official is required for the following types of work in conformance with Chapter 17 of the 2018 International Building Code

1. Field Welding: None required no field welding
2. Concrete: None required 2500 psi used in design
3. None required turn of nut method used

FOUNDATIONS:
Bear at 1'-6" below finished grade on undisturbed or prepared soil. Allowable bearing pressure = 1500 psf

COLD-FORMED STEEL STUDS AND JOISTS:
Steel stud system shall be designed by stud manufacturer, to the minimum criteria noted below and shown on plans.
Submit for review prior to proceeding with work.
All 16 gage and heavier cee, zee, eaves strut, tracks and straps shall be AISI Specifications with 57,000 p.s.i. yield stress.
All other stud material shall be 33,000 p.s.i. steel of standard commercial quality.
Web stiffeners shall be provided at reaction points and/or at points of concentrated loads.
Joist bridging shall be provided as required by manufacturer.
Additional joists shall be provided around all floor and roof openings which interrupt one or more spanning members, unless otherwise noted.
End blocking shall be provided where joist ends are not otherwise restrained from rotation
.
SECTION PROPERTIES FOR LIGHT GAGE MATERIALS:
All section properties must comply with the "Metal Stud Manufacturer's Association" (ICBO ER 4943).
The structural properties included here have been computed based on the American Iron and Steel Institute "Specification for the Design of Cold-Formed Structural Members".

THICKNESS - STEEL COMPONENTS

Gauge	Design Thickness (in)	Minimum Thickness (in)
16	.0566	.0538
14	.0713	.0677
12	.1017	.0966

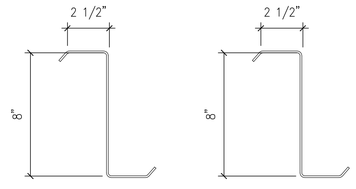
STRUCTURAL STEEL:
ASTM A-992 50 ksi
Bolts ASTM A-325.
Bolts embedded in concrete ASTM A-307.

See "Welding" section for special requirements.

CONCRETE
Shall meet all the requirements of ACI 301-95 with Type II cement. Minimum 28 day strength 3,000 p.s.i., (2500 used in design, no Special inspection rquired).
No admixtures without approval.
Admixtures containing chlorides shall not be used. Concrete shall not be in contact with aluminum.
Mechanically vibrate all concrete when placed, except that slabs on grade need be vibrated only around embedded items.
Slump 4 inches for slabs not on grade and 5 inches for other concrete. Do not add water to concrete at site.
All reinforcing, including dowels and anchor bolts, shall be securely tied in location before placing concrete or grout.
Dowels will not be allowed to be "stabbed" in.

REINFORCING:
ASTM A-615 Grade 60 except as follows:
#2 bars - Grade 40

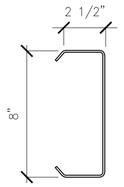
Welded anchors - Grade 40, chemical analysis limited per AWS spec for weld without preheat.
Also see "Welding" below.



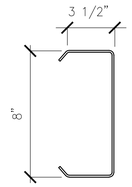
8" X 2.5 " X 16 GA. Z
Ix=7.19 in.^4 Sx=1.8 in.^3
Fy=55 ksi.

8" X 2.5 " X 14 GA. Z
Ix=9.4 in.^4 Sx=2.4 in.^3
Fy=55 ksi.

PURLIN



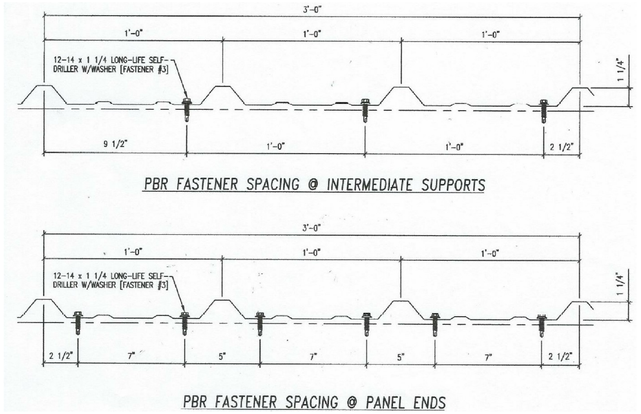
8" X 2 1/2" X 14 GA. C
Ix=7.6 in.^4 Sx=1.75 in.^3
Fy=55 ksi.



8" X 3 1/2" X 14 GA. C
Ix=11.15 in.^4 Sx=2.51 in3 (EACH PIECE)
Fy=55 ksi.

GIRT

WINDPOST (WP)-DOOR JAM (DJ)



PBR FASTENER SPACING @ INTERMEDIATE SUPPORTS

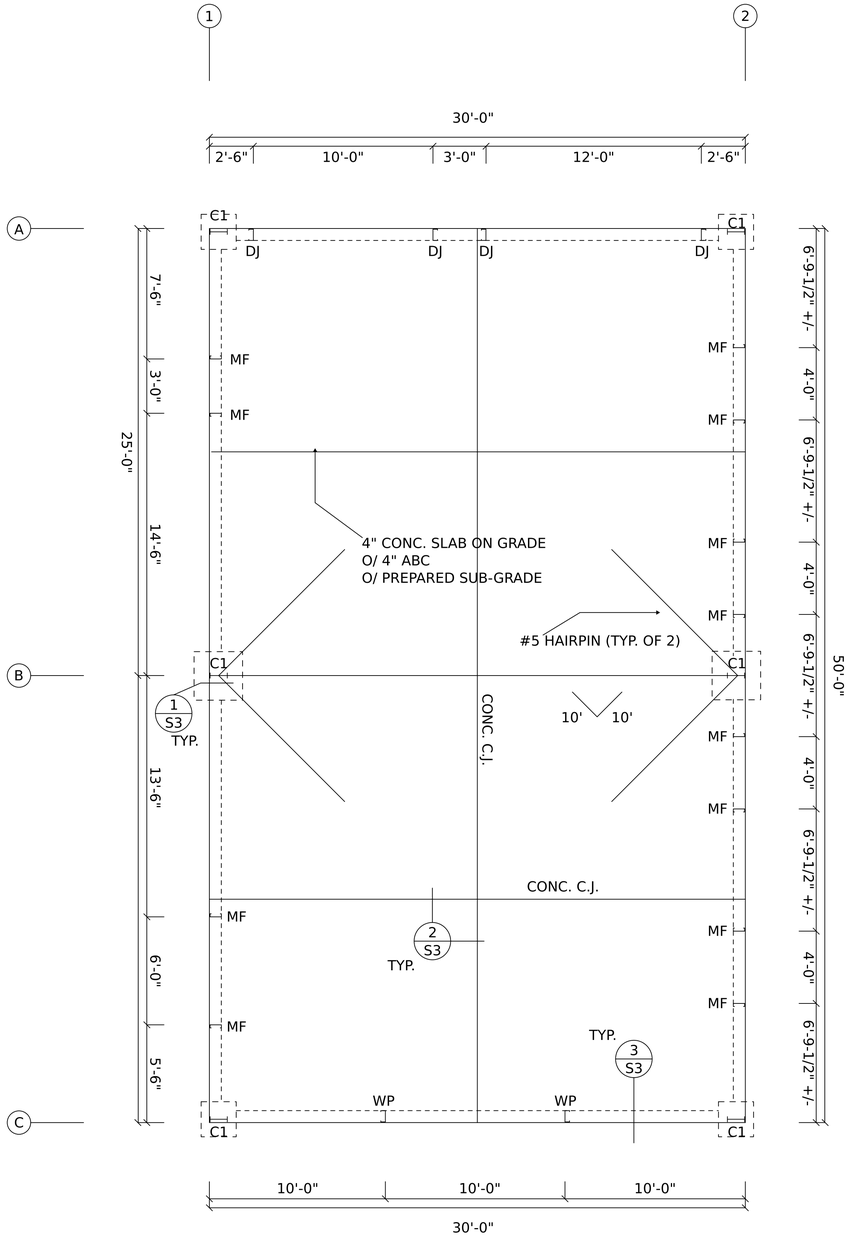
PBR FASTENER SPACING @ PANEL ENDS

SUPPLEMENTARY NOTES:
Provide all temporary bracing, shoring, guying or other means to avoid excessive stresses and to hold structural elements in place during construction.
Any members. required to support equipment from the framing shown shall be designed and provided by the equipment Contractor.
For connections, see details.
If not shown or noted, minimum connections to be included in cost shall be two 3/4" diameter bolts or 3/16" fillet weld 4" long using 1/4" connection material and detailed to minimize bending in connection.
Proceed after clarification through shop drawing submittal.
Options and approved substitutions are for Contractor's convenience.
He shall be responsible for all changes and additional costs necessary and he shall coordinate all details.
Any engineering design provided by others and submitted for review shall be by an insured Structural Engineer with continuous five years of experience in the type of design submitted.
Unless noted otherwise, details on Structural Drawings are typical as indicated by cuts, references, or titles.
In case of conflicts, more costly requirements govern for bidding.
Submit clarification request prior to proceeding with work.
Verify all dimensions with Architectural Drawings.
Contractor shall establish and verify in field all existing conditions affecting new construction.
Contact Architect immediately if existing conditions are not as depicted in drawings.
All construction meeting or crossing expansion or shrinkage control joints in framed floors or roofs must have provisions to accommodate the movement or must be delayed until the joint is closed.

26 GAGE "R" PANEL, METAL ROOF DECK:
Steel Deck Institute specifications and recommendations apply, except as noted otherwise. Deck shall be painted, minimum 26 gage, MCBI 36" width, with minimum
Sx(t) = 0.039 & Sx(b) = 0.0437 inch cubed per foot of width ICBO #ER-S409P).
Deck units shall be continuous over three spans, except that simple spans are required where deck warps to meet roof slopes. Use next heavier gage for simple or two span continuous conditions.

WELDING:
All construction and testing per American Welding Society codes and recommendations.
All welding shall be by welders holding current valid certificates and having current experience in type of weld called for.
Welding rods to be low hydrogen type, E70 Series, per AWS D1.1 typically except E-6010 Series for steel sheet metal per AWS D1.3 and reinforcing weldments per AWS 01.4.
Use E90 Series welding rods for A706 rebar.
All full-penetration groove or butt welded splices in material thicker than 5/16" shall be inspected by an independent testing laboratory, which shall test ultrasonically a sufficient number of welds but not less than 25 percent of total per welder, to certify all splices as meeting or exceeding strength of material spliced.
Two copies of all test reports and a letter of such certification shall be submitted to the Architect.

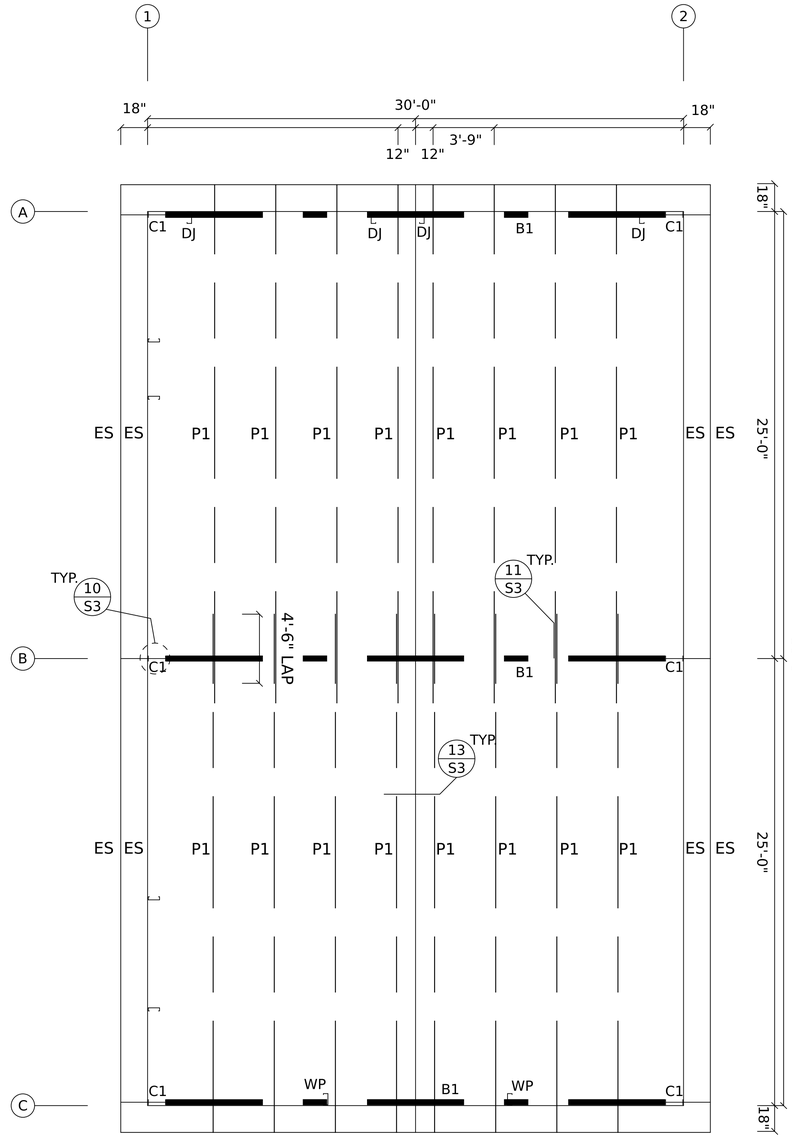
S0



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

FOUNDATION:

F1:	2'-0" SQ X 18" DEEP CONC. FOOTING W/ (3) #5 EACH WAY, BOTT.
F2:	2'-9" SQ X 18" DEEP CONC. FOOTING W/ (4) #5 EACH WAY, BOTT.
F3:	8" W X 18" D FOOTING W/ (1) #5 CONT. TOP & BOTT.
C1:	W12X26
WP:	8" x 3-1/2" x 14GA CEE PURLIN
DJ:	8" x 3-1/2" x 14GA CEE PURLIN
HDR:	8" x 3-1/2" x 14GA CEE PURLIN
MF:	8" x 2-1/2" x 14GA CEE PURLIN

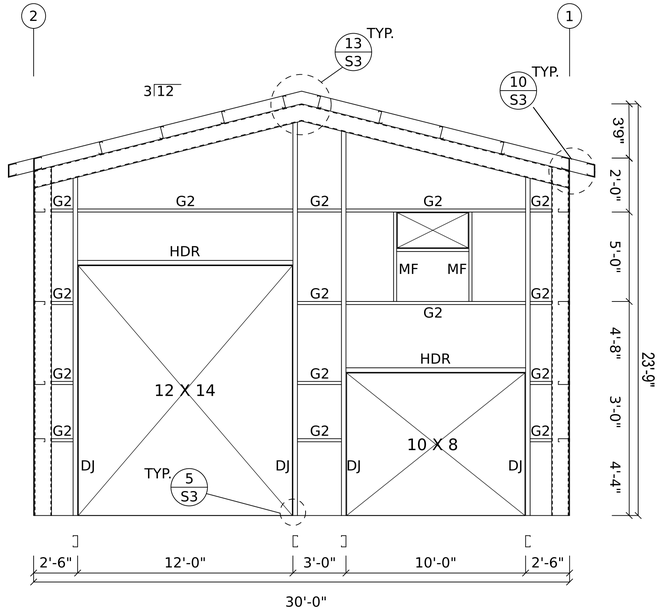


FRAMING PLAN
SCALE: 1/4" = 1'-0"

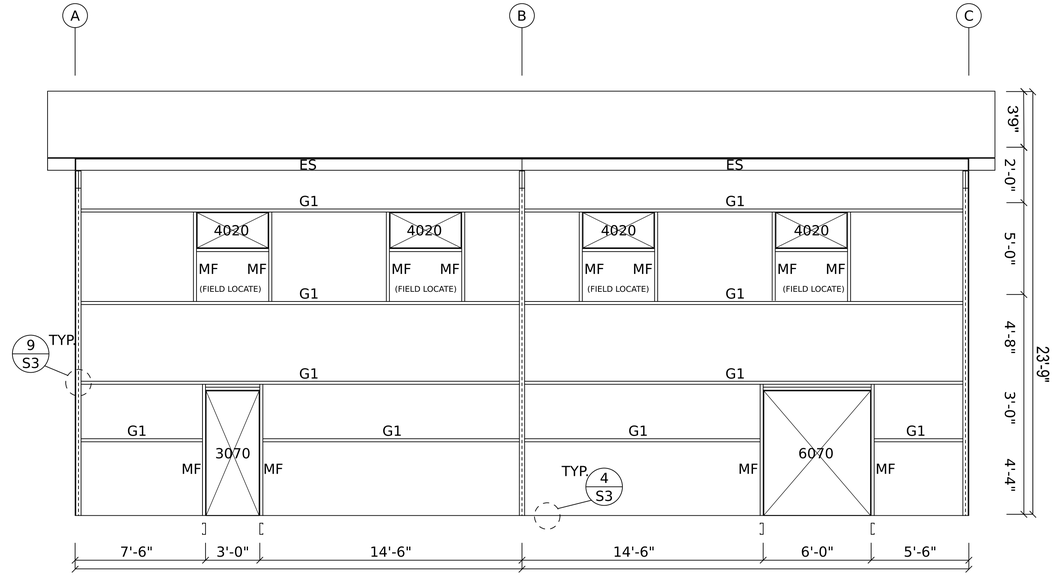
FRAMING MEMBERS:

C1:	W12X26
B1:	W12X26
P1:	8" x 2-1/2" x 14GA ZEE PURLIN
ES:	8" x 4" x 4" 14GA EAVE STRUT
WP:	8" x 3-1/2" x 14GA CEE PURLIN
DJ:	8" x 3-1/2" x 14GA CEE PURLIN
HDR:	8" x 3-1/2" x 14GA CEE PURLIN
G1:	8" x 2-1/2" x 14GA CEE PURLIN
MF:	8" x 2-1/2" x 14GA CEE PURLIN

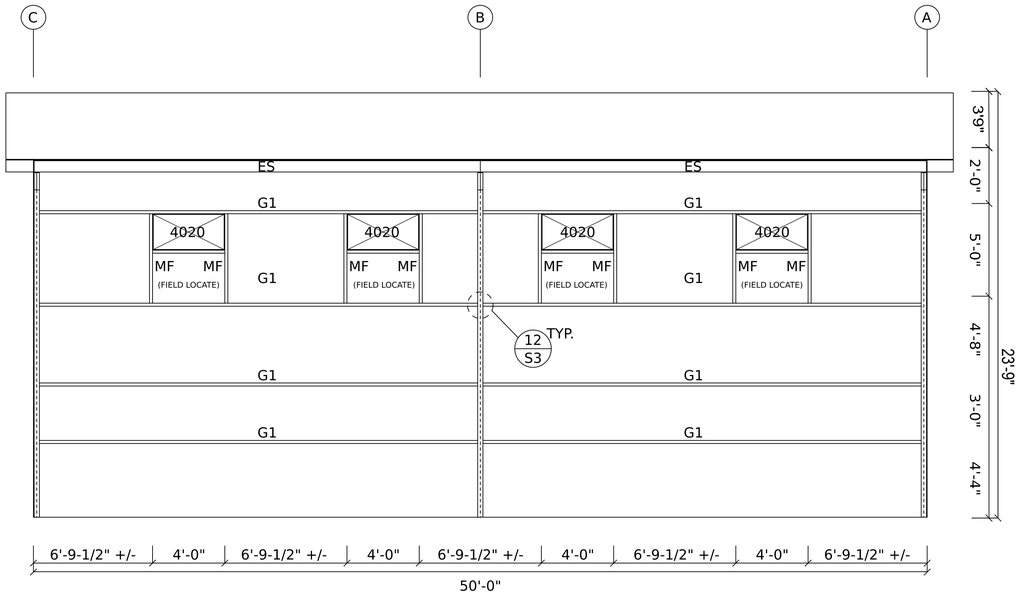
S1



ELEVATION LINE: A
SCALE: 1/4" = 1'



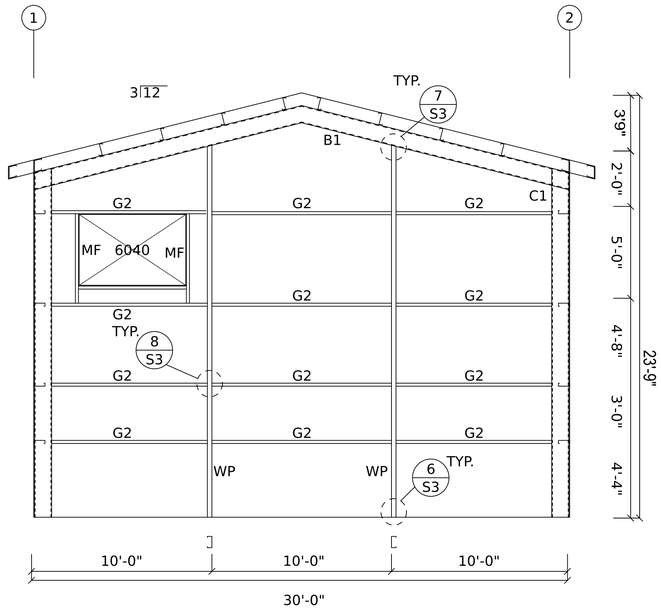
ELEVATION LINE: 1
SCALE: 1/4" = 1'



ELEVATION LINE: 2
SCALE: 1/4" = 1'

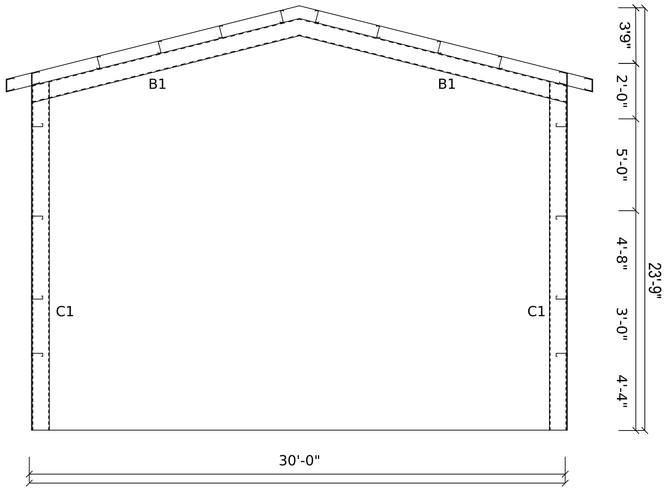
FRAMING MEMBERS:

C1:	W12X26
B1:	W12X26
P1:	8" x 2-1/2" x 14GA ZEE PURLIN
ES:	8" x 4" x 4" 14GA EAVE STRUT
WP:	8" x 3-1/2" x 14GA CEE PURLIN
DJ:	8" x 3-1/2" x 14GA CEE PURLIN
HDR:	8" x 3-1/2" x 14GA CEE PURLIN
G1:	8" x 2-1/2" x 14GA CEE PURLIN
MF:	8" x 2-1/2" x 14GA CEE PURLIN



ELEVATION LINE: C
SCALE: 1/4" = 1'

S2



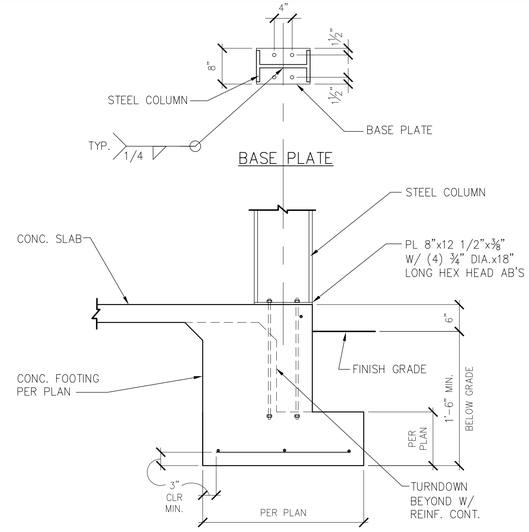
FRAME LINE: A, B & C
SCALE: 1/4" = 1'

FRAMING MEMBERS:

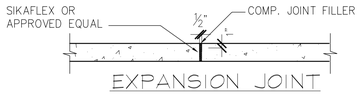
C1:	W12X26
B1:	W12X26
P1:	8" x 2-1/2" x 14GA ZEE PURLIN
ES:	8" x 4" x 4" 14GA EAVE STRUT
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G1:	8" x 2-1/2" x 14GA CEE PURLIN
MF:	8" x 2-1/2" x 14GA CEE PURLIN

[redacted]

S2.1

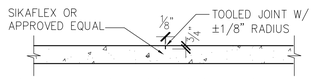


1 — STEEL COLUMN @ CAISSON

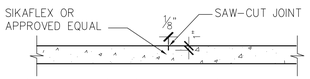


EXPANSION JOINT

PROVIDE EXP. JOINT AT 30'-0" O.C. EA. WAY

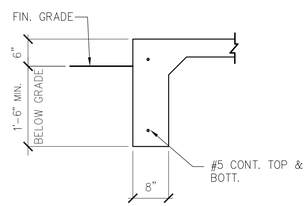


CONTROL JOINT AT EXPOSED CONC.

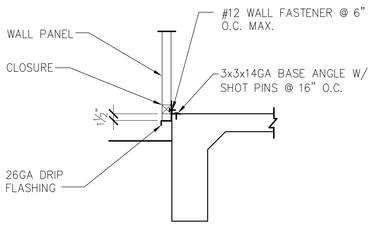


SAW-CUT AT CONCEALED CONC.

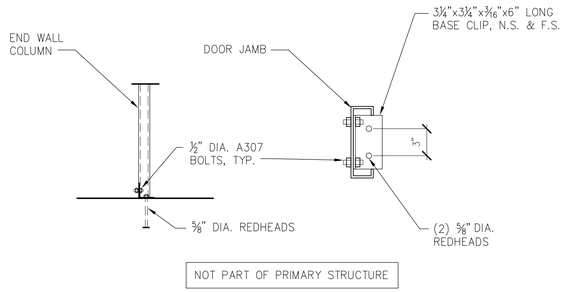
2 — CONC. CONTROL JT.



3 — TURNDOWN FOOTING

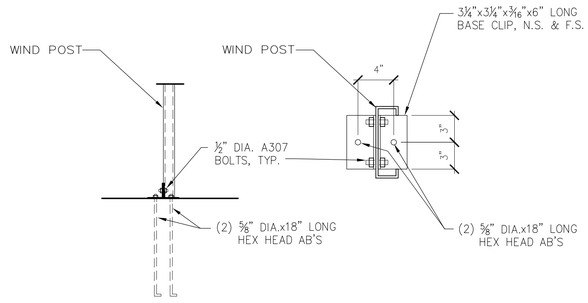


4 — BASE ANGLE CONNECTION

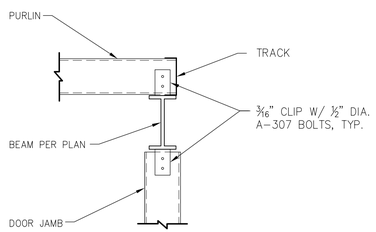


NOT PART OF PRIMARY STRUCTURE

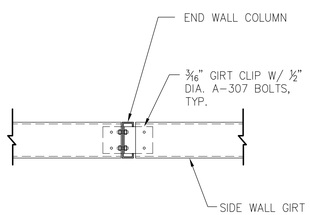
5 — DOOR JAMB COLUMN BASE CONNECTION



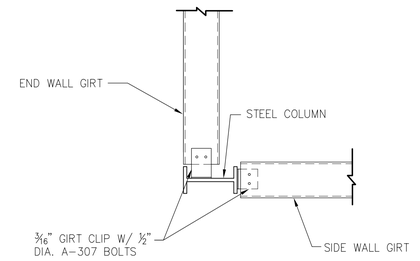
6 — WIND POST COLUMN BASE CONNECTION



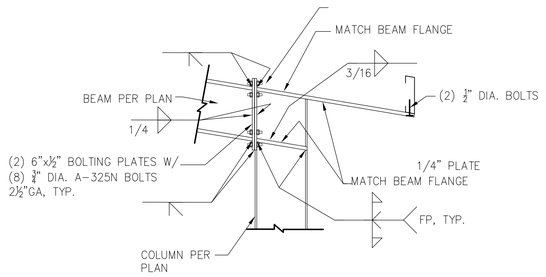
7 — WIND POST & DOOR JAMB @ BEAM



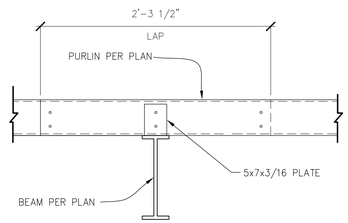
8 — GIRT CONNECTION TO DJ & WP



9 — GIRT CONNECTION @ STEEL COLUMN

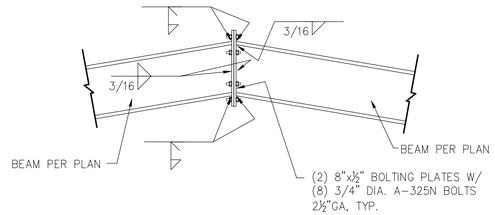


10 — BEAM @ COLUMN

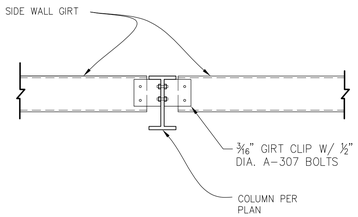


(6) ½" DIA. x 1" A307 BOLTS

11 — PURLIN @ BEAM



13 — FRAME @ RIDGE



12 — WALL GIRT TO SIDE WALL COLUMN

S3

CITY OF PRESCOTT
ARIZONA

April 16, 2026
Board of Adjustment

V26-003
1118 MIDDLEBROOK RD



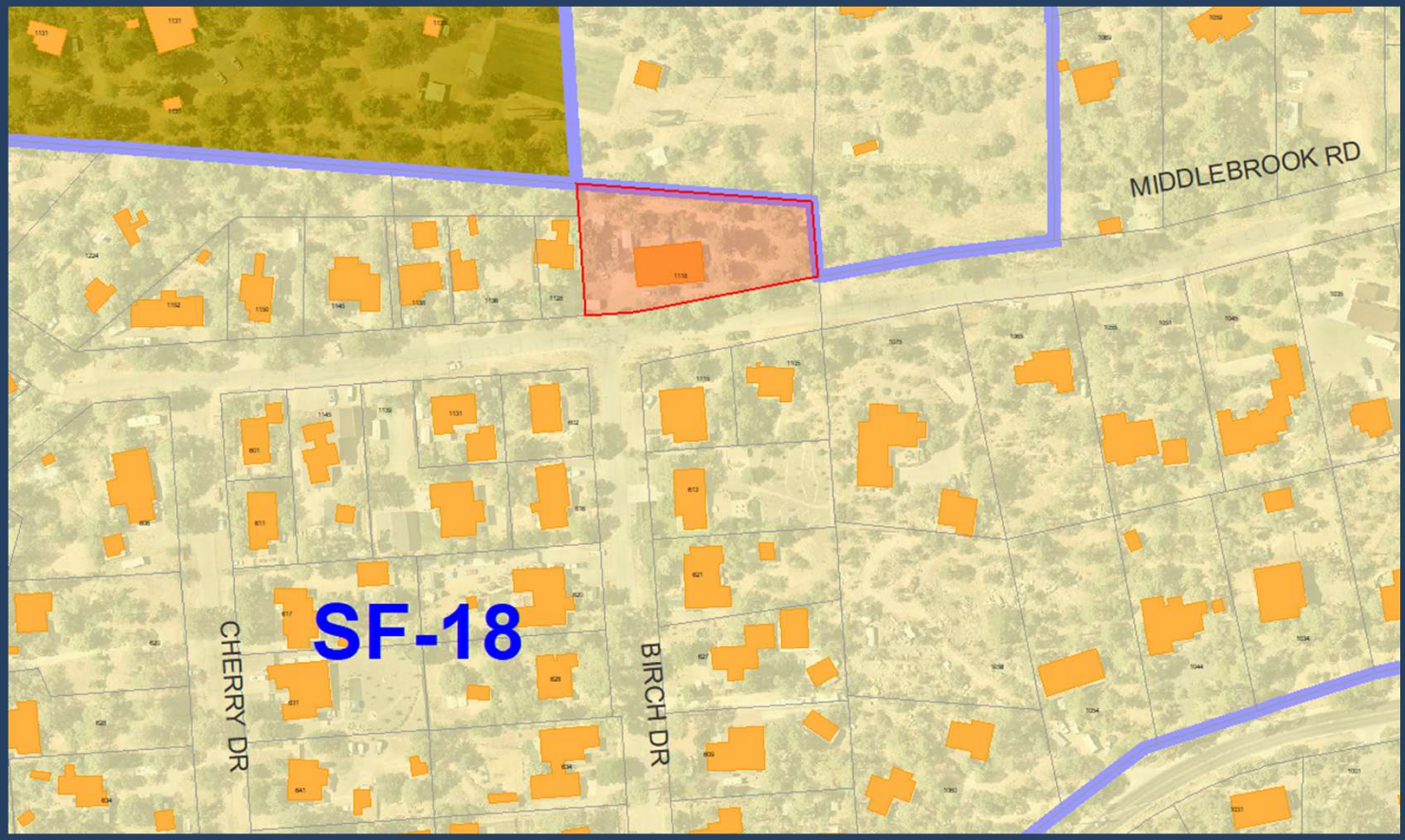
JACOB LUND - COMMUNITY PLANNER

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 20ft to 25ft for construction of a new detached garage. [Zoning: SF-18 (Single-Family 18,000 sq ft minimum lot size); Property Owner: Croy Jeffrey R & Patricia L (RS); Applicant: Jeff Croy; APN: 108-09-007B; Location: 1118 Middlebrook Rd].

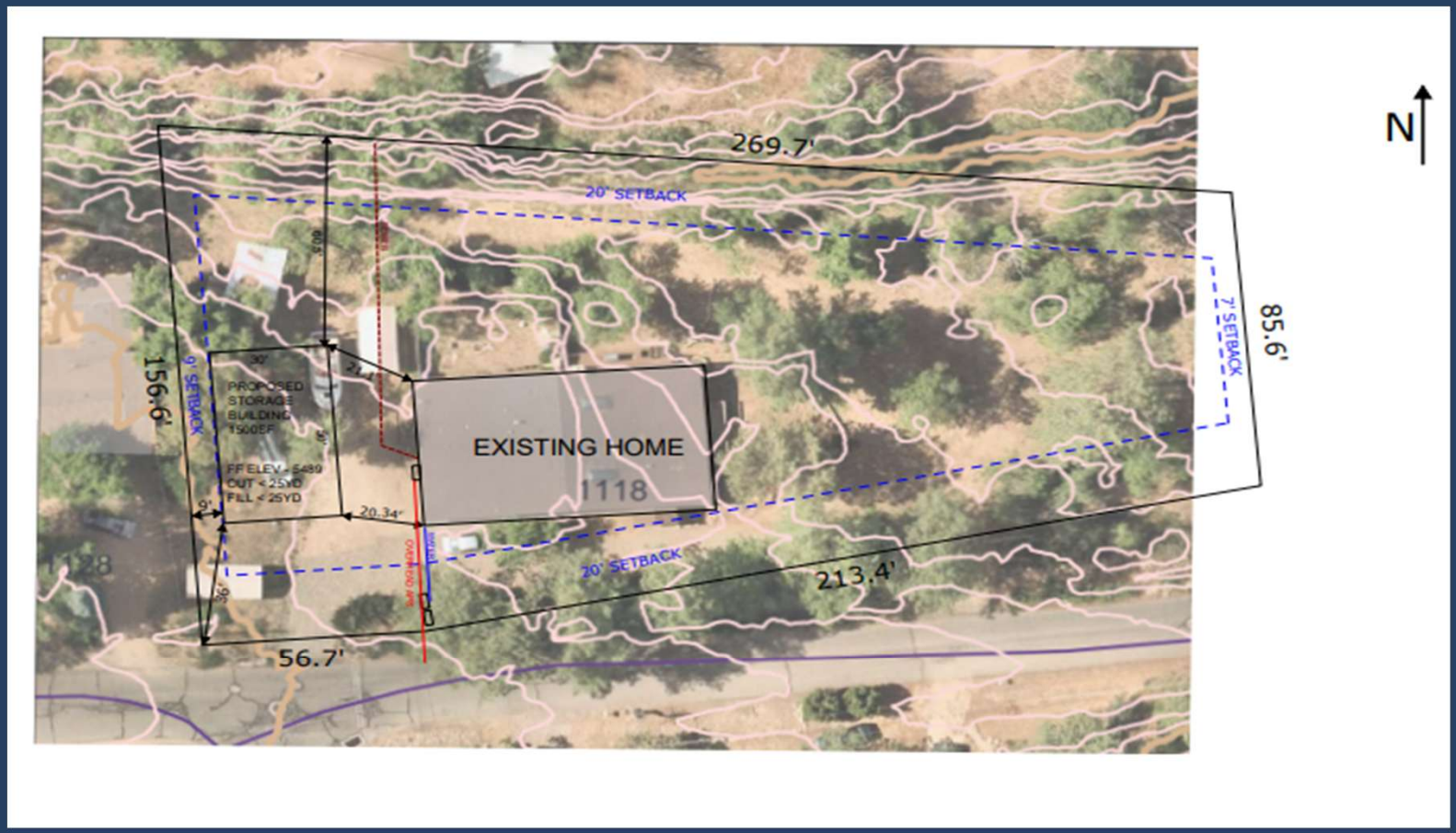
CITY OF PRESCOTT
ARIZONA

ZONING MAP



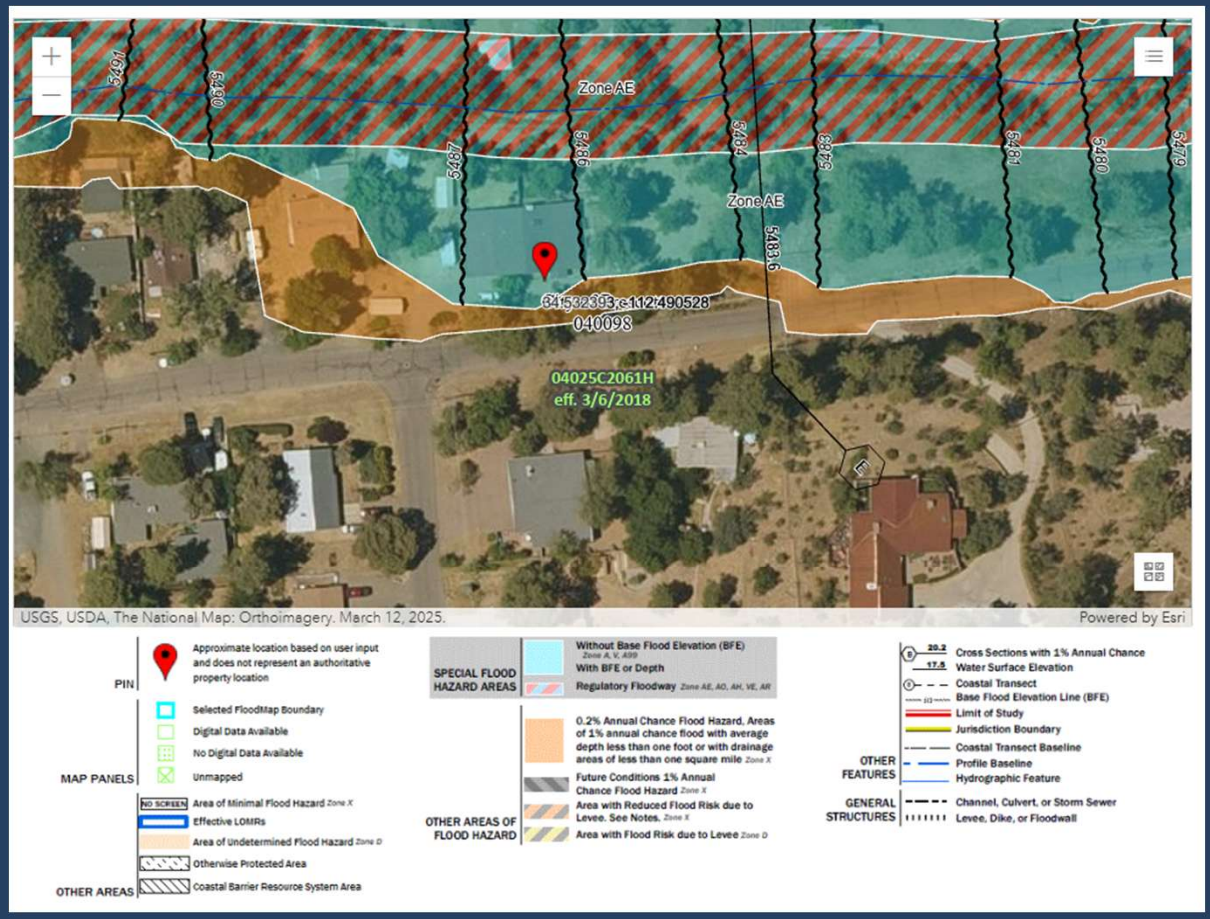
CITY OF PRESCOTT
ARIZONA

SITE PLAN


269.7'
20' SETBACK
85.6'
7' SETBACK
156.6'
9' SETBACK
PROPOSED STORAGE BUILDING 1500SF
FF ELEV - 5439
CUT < 25YD
FILL < 25YD
EXISTING HOME
1118
20.34'
20' SETBACK
213.4'
56.7'
N

FEMA FLOODPLAIN

- The property is located within the FEMA Floodplain along Aspen Creek.
- The Structures location falls under Zone AE and Zone X.
- Base Flood Elevation and natural grade is 5,488ft.
- Elevation required to be at 5,489ft to ensure the finished floor elevation of the structure is at least 1ft above the Base Flood Elevation.
- Structure will require an Elevation Certificate prepared by a licensed Surveyor or Engineer prior to permit approval.



CITY OF PRESCOTT ARIZONA

FEMA FLOODPLAIN MAP

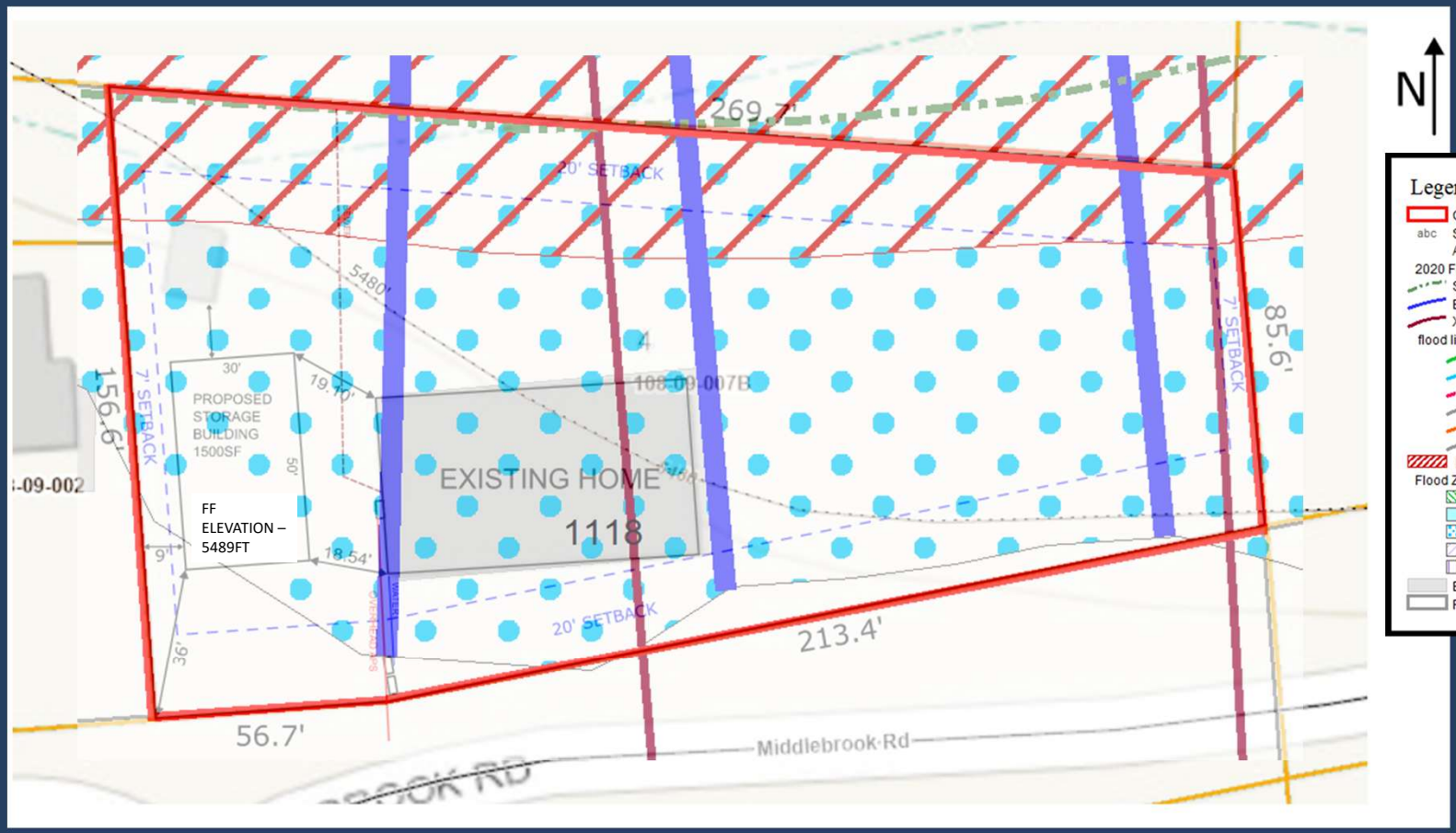


Legend

- Current Features
- abc Street Name Labels
- Address
- 2020 Fema Data:
- Stream CL
- Base Flood Elev
- Xsec
- flood lines:
  - 500-YEAR
  - 100-YEAR
  - FLOODWAY
  - LIMIT OF DETAILED STUDY
  - ZONE BREAK
  - LIMIT OF STUDY
- Floodway
- Flood Zones:
  - 500 YR
  - 100 YR - A
  - 100 YR - AE
  - 100 YR - AH
  - 100 YR - AO
- Building
- Parcels

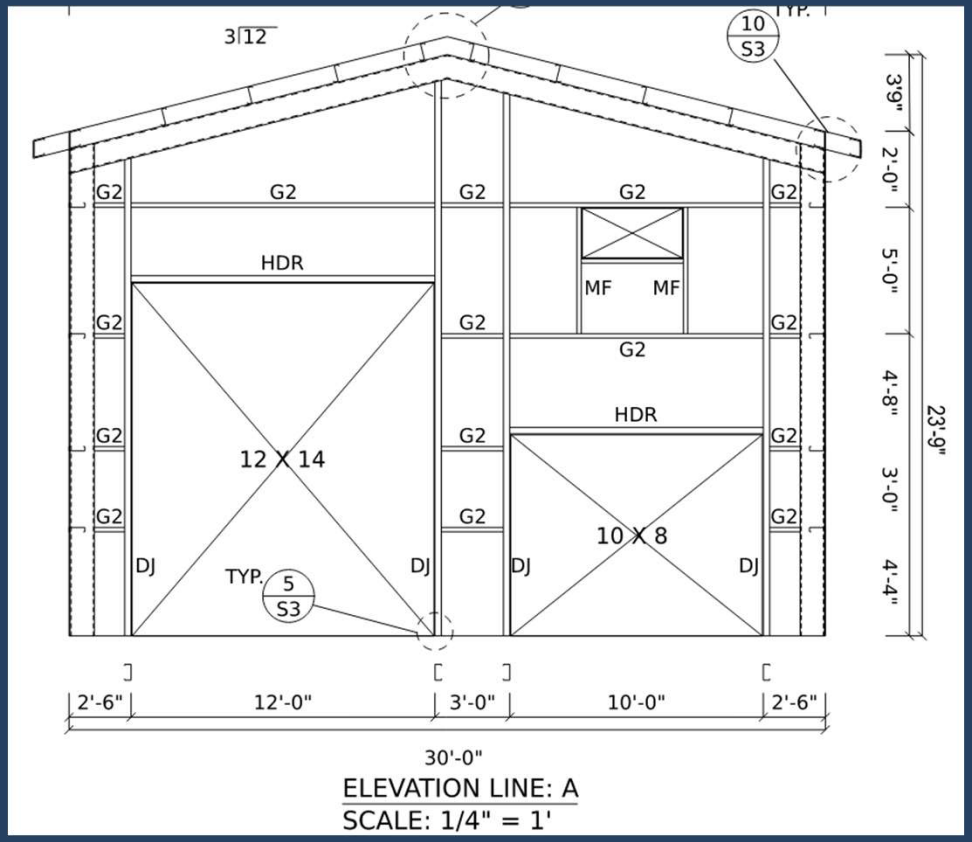
CITY OF PRESCOTT ARIZONA

SITE PLAN WITH FLOODPLAIN LAYER

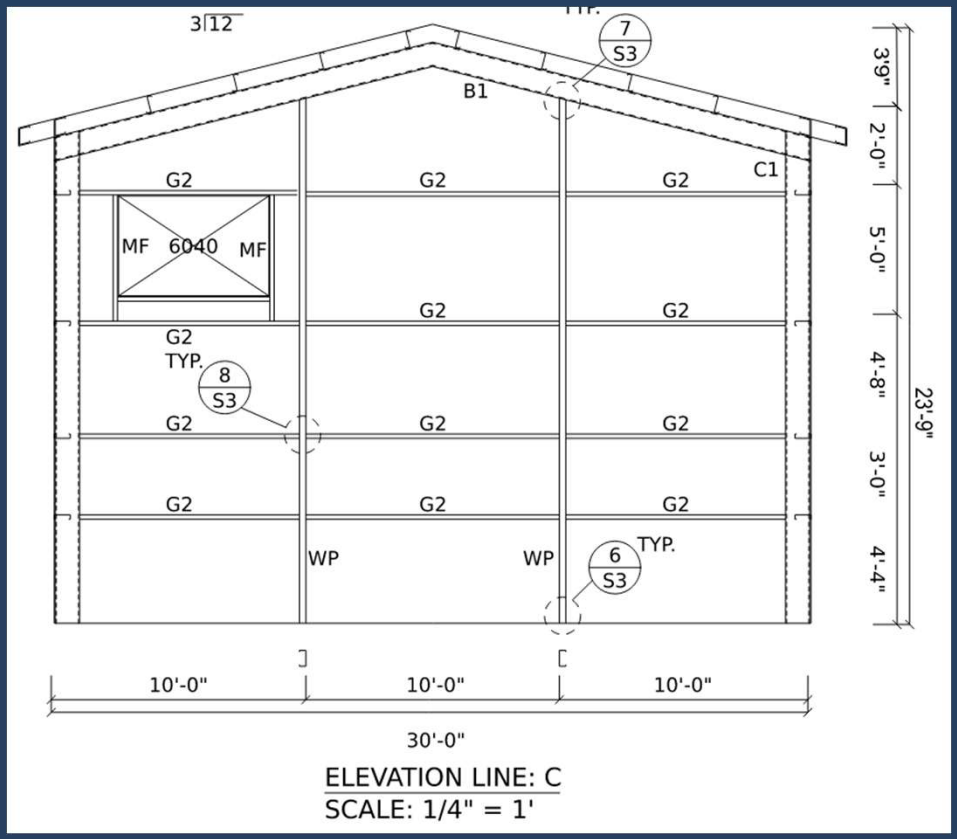


CITY OF PRESCOTT
ARIZONA

ELEVATIONS

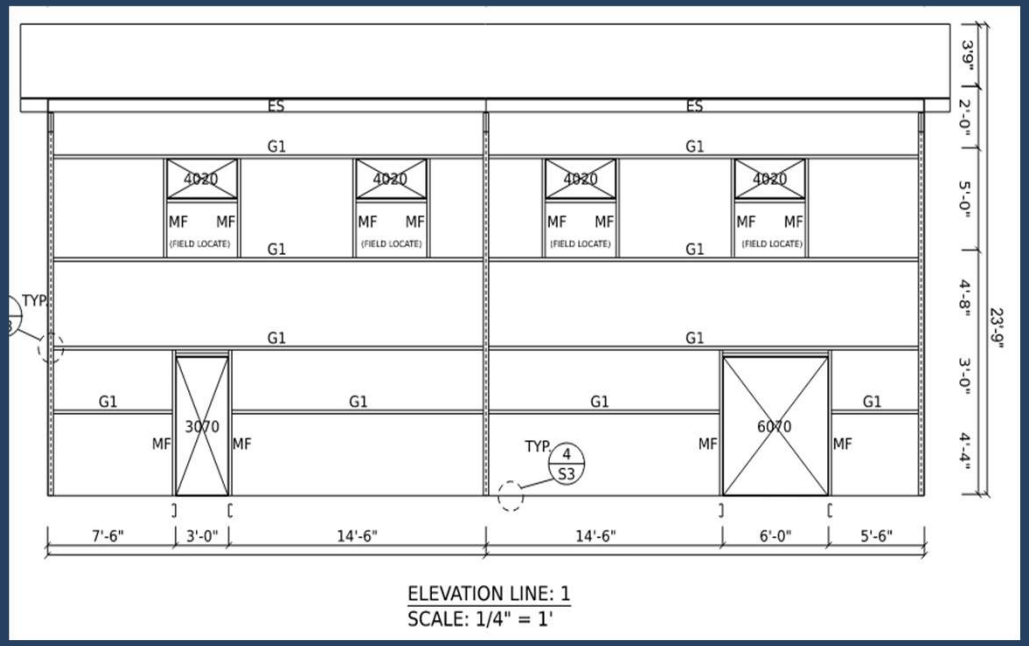


ELEVATION LINE: A
SCALE: 1/4" = 1'

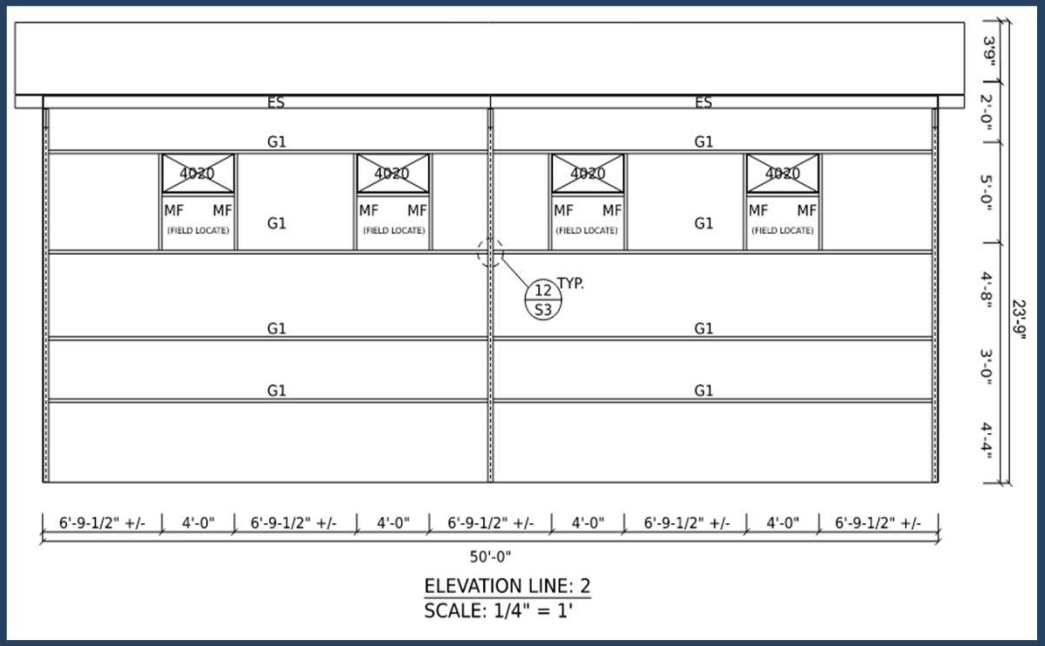


ELEVATION LINE: C
SCALE: 1/4" = 1'

ELEVATIONS



ELEVATION LINE: 1
SCALE: 1/4" = 1'



ELEVATION LINE: 2
SCALE: 1/4" = 1'

PICTURES OF SITE



EXISTING SITE (FRONT OF PROPERTY)



PROPOSED GARAGE LOCATION (FRONT OF PROPERTY)

CITY OF PRESCOTT
ARIZONA

PICTURES OF SITE CONT...



EAST SIDE OF PROPERTY – BASE FLOOD ELEVATION (5486)



ASPEN CREEK - RUNS ALONG SOUTHERN PROPERTY BOUNDARY

CITY OF PRESCOTT ARIZONA

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 there have been variances approved in the area, but records are old and cannot find specific information on the variance approvals to determine if a similar variance has been approved.

CITY OF PRESCOTT
ARIZONA

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.

CITY OF PRESCOTT
ARIZONA

CITY OF PRESCOTT
ARIZONA

Recommended Action

MOVE to approve or deny V26-003.

Questions & Comments?



I JOHN LAMBERT at 1128 MIDDLEBROOK RD DOES NOT CARE IF JEFF CROY BUILDS a 25' GARAGE

John Lambert

I JOHN LAMBERT at 1128 MIDDLEBROOK RD DOES NOT CARE IF JEFF CROY BUILDS a 25' GARAGE

John Lambert

March 1, 2026

I Casey Russell give permission
to Jeff Cray at 1118 MIDDLEBROOK RD
PRESCOTT AZ to build @ 25' garage

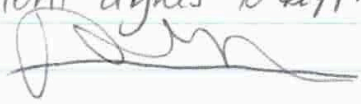
Casey Russell
[redacted]

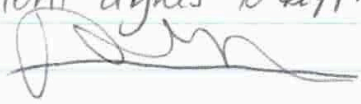
March 1, 2026

I Casey Russell give permission to Jeff Cray at 1118 MIDDLEBROOK RD PRESCOTT AZ to build @ 25' garage

Casey Russell

[redacted]

1115 Middlebrook Rd. resident agrees to approve on 3/1/26 building a garage x  Dayna Hufford

1115 Middlebrook Rd. resident agrees to approve on 3/1/26
building a garage x  Dayna Hufford

TO:	MAYOR AND CITY COUNCIL
AGENDA:	April 16 Board of Adjustment
DATE:	April 16, 2026
DEPT:	Community Development
ITEM #:	3.F
SUBJECT:	**V26-004:** Variance to Article 3, Section 3.6.3.F (SF-9/Minimum Setbacks) of the City's land Development Code (LDC) Allowing for a Reduction of the Required 25' Front Setback by 5' Resulting in a 20' Front Setback; and a Request to Reduce the Required 7' Side Setback by 2' Resulting in a 5' Side Setback to Allow for a New Detached Garage. Zoning: SF-9 (Single-Family 9,000 sq ft Minimum Lot Size. Property Owner: Ceasar De Moss. Applicant: Freddie Newkirk/ Ready Renovations and Remodeling LLC. Location: APN 108-10-032, 811 Evergreen Road.

ITEM SUMMARY

This item is for a request for variance to Article 3, Section 3.6.3.F. The applicant is requesting a variance to allow for a reduction required 25' front setback by 5' resulting in a 20' front setback; and a request to reduce the required 7' side setback by 2' resulting in a 5' side setback to allow for a new detached garage.

BACKGROUND

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation 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:

In review, Staff has found other Variances that have been approved in the area to allow reductions in the required setbacks.

VARIANCE REQUIREMENTS:

Variances 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: Property is located on a corner which limits area for structures because of required setbacks due to there being 2 fronts and no rear that can be encroached into for detached structures. In 2018, an Administrative Adjustment was approved to reduce the side setback for a detached shed.

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 location of the proposed garage will not negatively impact any neighbors or city infrastructure.

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 setbacks do not grant the applicant special consideration as compared to other existing residences nearby. As such, no special privilege would be conferred on the applicant by the granting of this request.

4. **Self-induced Hardship (LDC Section9.13.4.A.4).** The hardship is not the result of the applicant's own actions.

Staff Comments: The property was developed by a previous property owner. The property has limited area due to being on a corner and having 2 fronts and no rear area to allow detached structures to encroach into.

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 proposed Variance is on an existing residential lot and is, therefore, 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: The property has limited area due to being on a corner and having 2 fronts and no rear area to allow detached structures to encroach into.

NEIGHBORHOOD COMMENTS:
Staff has not received any comments from the public.

FINANCIAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDED ACTION

MOVE to approve or deny V26-004 per the site plan provided

ATTACHMENTS

1. V26-004 Variance Questionnaire
2. V26-004 Site Plan_redacted
3. V26-004 BOA Presentation

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.

Rev 4/8/2020

VARIANCE QUESTIONAIRE

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.

Property is located on the end of the street where roads Evergreen Rd and MiddlebrookRd intersect leaving the property with a 25ft setback on all road sides besides the property line separating homes. Requesting 20ft setback and 5’ from property line to allow 24’x24’ standard garage for truck and ATVs

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.

Both Neighboring properties “ 890 Middlebrook Rd” and “605 Highland Ave” have an easement between the properties along with sufficient space away from the roadways to add onto their properties.

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).

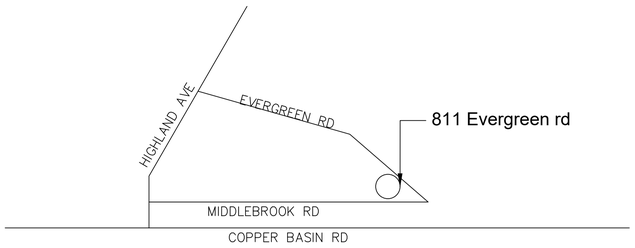
Limites the property owner from adding value to current property by restricted setbacks and cornering streets

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.

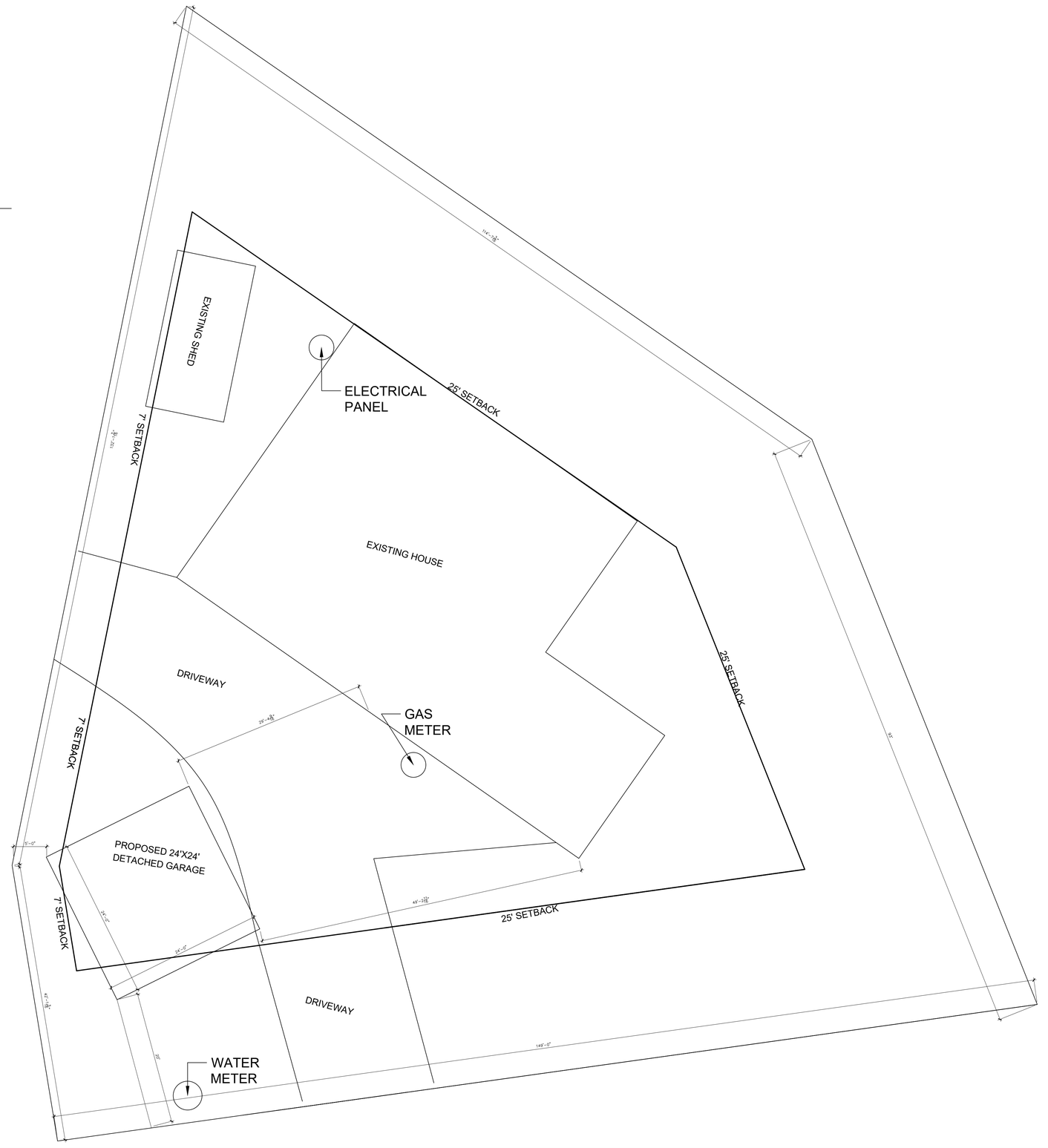
Existing garage space is limited and it is common to be able to add an additional garage to store valuable assets and storage space for the home owners

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

Garage will be located in the front of property off of the existing driveway to complement the original lot, all drainage will be assessed improved and extended where needed with no potential harm to neighboring properties



DIRECTIONS FROM
WHITE SPAR RD
TURN RIGHT ON
COPPER BASIN RD
TURN RIGHT ON
HIGHLAND AVE
TURN RIGHT ON
MIDDLEBROOK RD
PROPERTY WILL BE ON
THE LEFT SIDE
OF THE ROAD AT THE
CORNER OF
MIDDLEBROOK RD AND
EVERGREEN RD



CONTRACTOR\OWNER IS RESPONSIBLE FOR LOCATING UTILITYS

[redacted]

Date 03/09/26

Scale 1/8" TO 1'

A1

V26-004
811 Evergreen Rd

April 16, 2026

Board of Adjustment

TAMMY DEWITT-COMMUNITY PLANNER

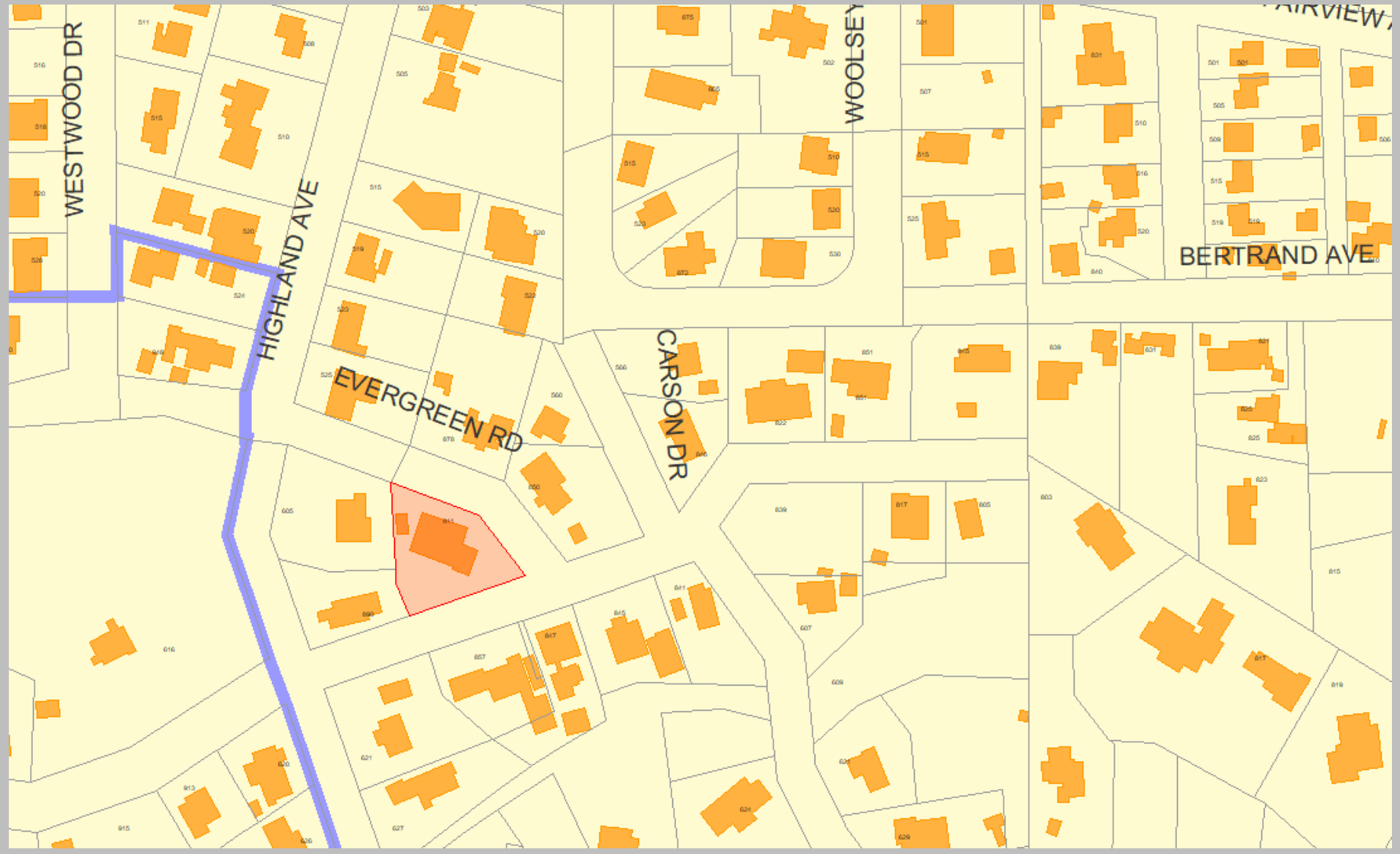


REQUEST

Variance to Article 3, Section 3.6.3.F (SF-9/Minimum Setbacks) of the City's land Development Code (LDC) to allow for a reduction of the required 25' front setback by 5' resulting in a 20' front setback; and a request to reduce the required 7' side setback by 2' resulting in a 5' side setback to allow for a new detached garage.

CITY OF PRESCOTT
ARIZONA

ZONING MAP



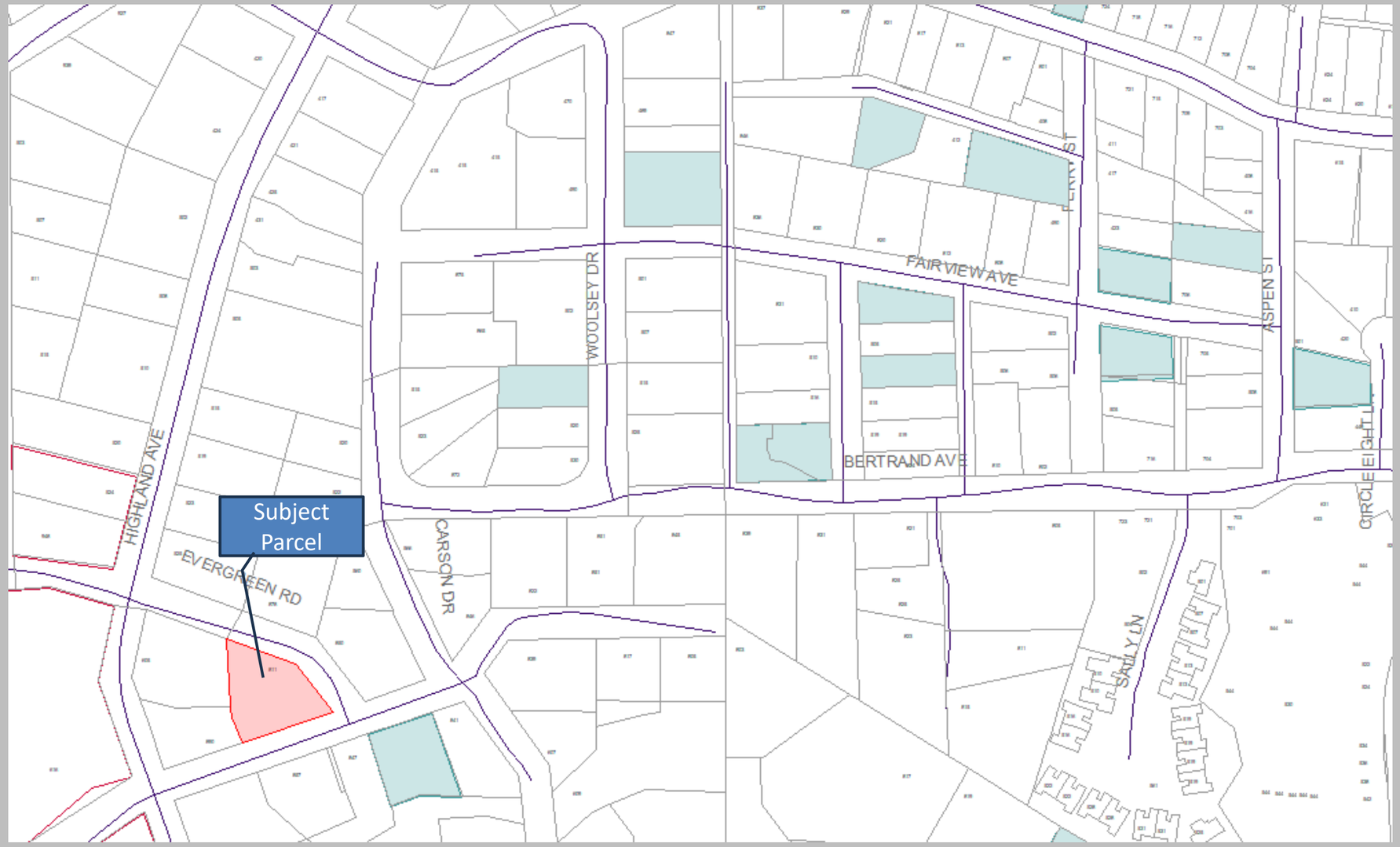
CITY OF PRESCOTT
ARIZONA

AERIAL IMAGERY MAP



CITY OF PRESCOTT
ARIZONA

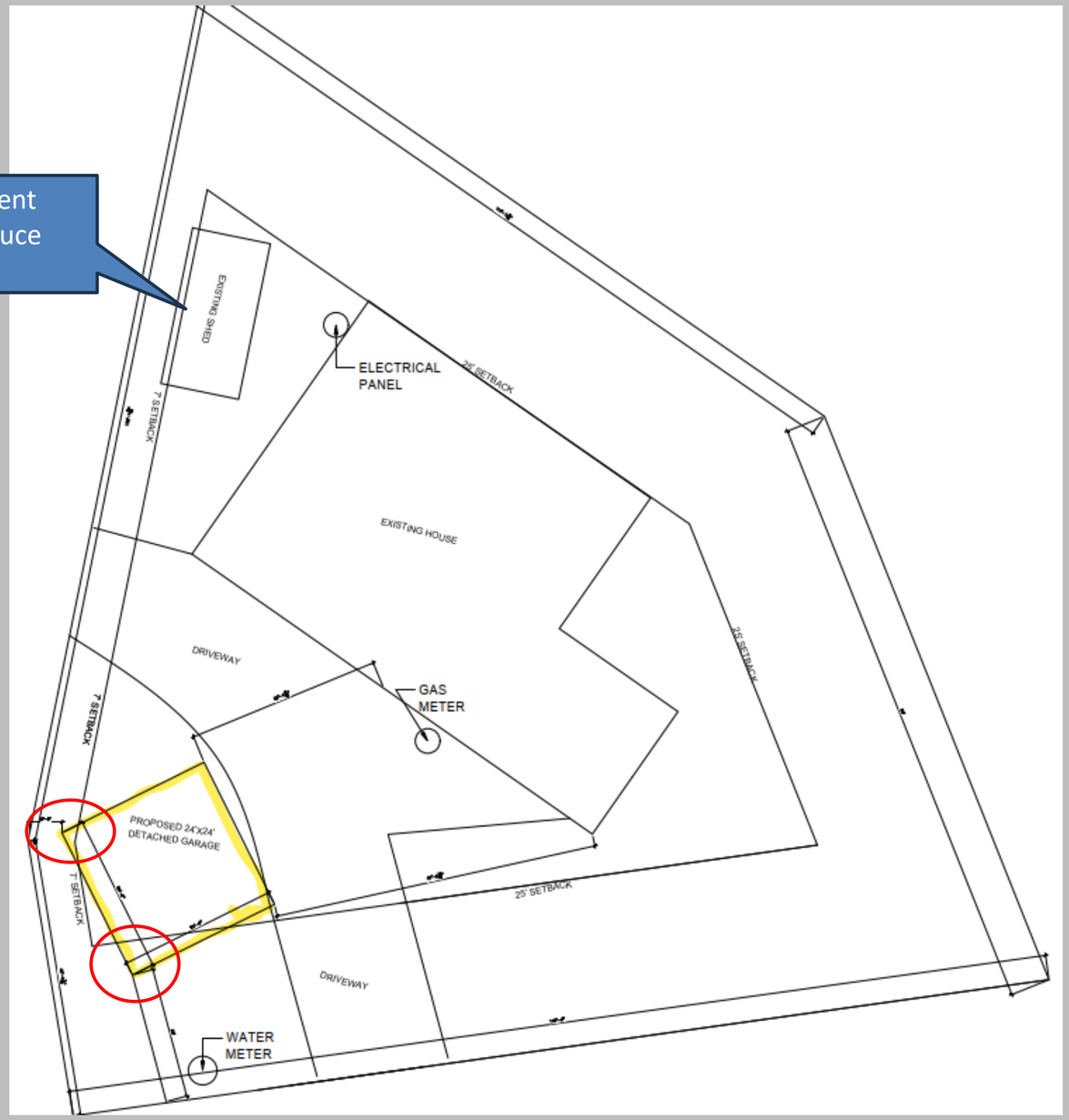
Other Properties Nearby with Variances

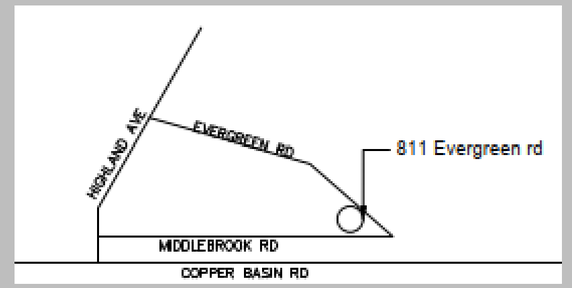


CITY OF PRESCOTT ARIZONA

SITE PLAN

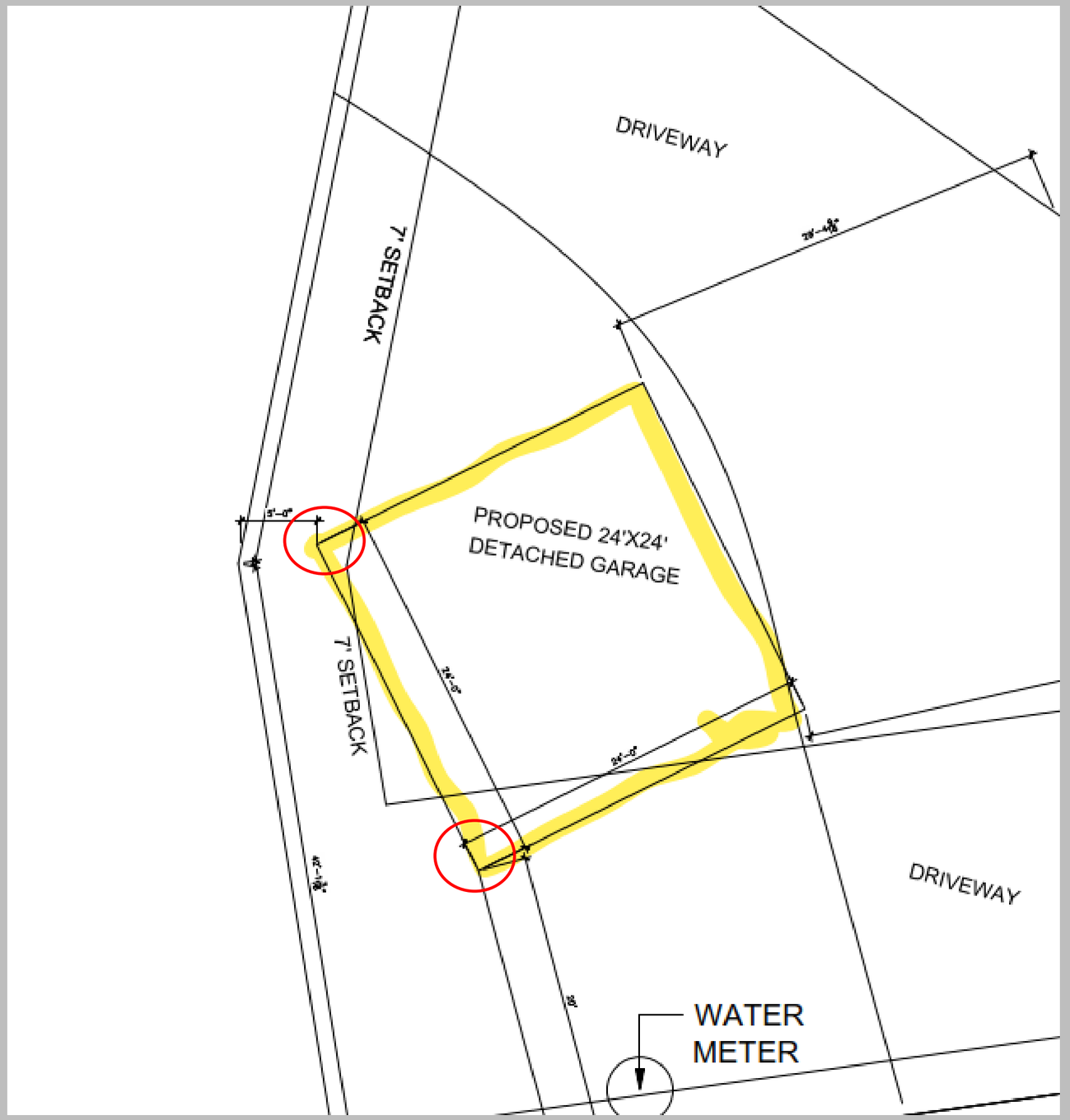
Administrative Adjustment approved in 2018 to reduce setback for shed





CITY OF PRESCOTT ARIZONA

SITE PLAN


DRIVEWAY
7' SETBACK
PROPOSED 24'X24'
DETACHED GARAGE
7' SETBACK
DRIVEWAY
WATER
METER

PICTURES OF SITE



FRONT OF PROPERTY

CITY OF PRESCOTT
ARIZONA

PICTURES OF SITE



CITY OF PRESCOTT
ARIZONA

PICTURES OF SITE



CITY OF PRESCOTT
ARIZONA

PICTURES OF GARAGE ACROSS STREET



Variance Review Criteria LDC Section 9.13

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



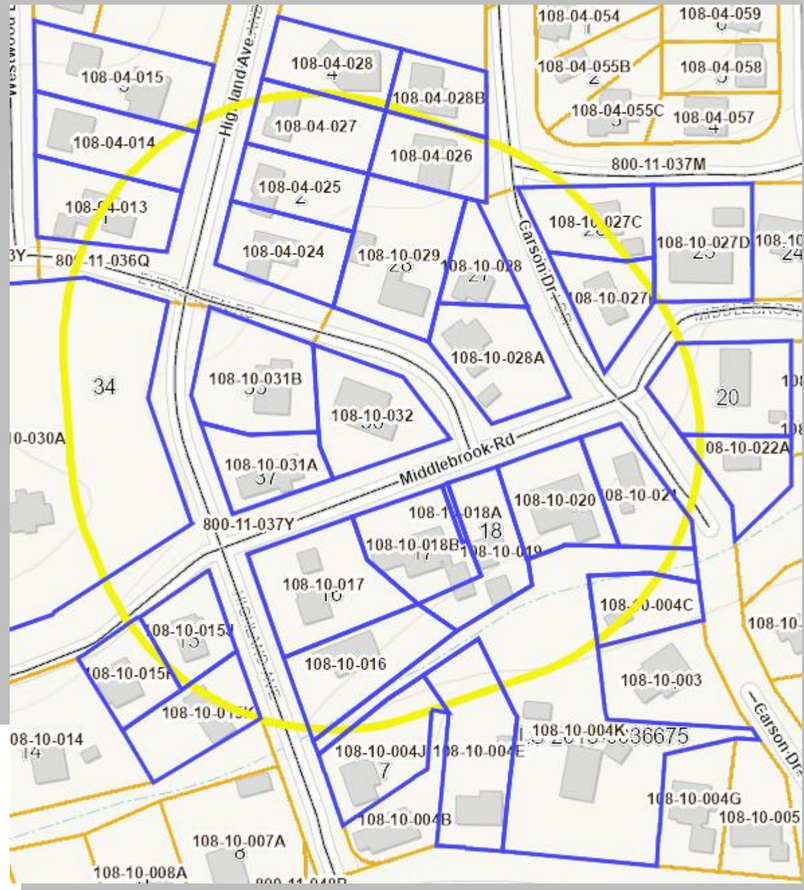
STAFF ANALYSIS

- Weighed against six review criteria per the LDC.

- Researched records and did find other adjacent properties that had Variances approved for setback reductions.

CITY OF PRESCOTT
ARIZONA

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 V26-004 per site plan provided.

Questions & Comments?

