

# City of Prescott

## Board of Adjustment



May 21, 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 **May 21, 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 April 16, 2026 Board of Adjustment Meeting Minutes.

**Recommended Action: MOVE to approve minutes as presented**

B.

**V26-006:** Request for a Variance to Article 3, Section 3.9.3.F (MF-M/Minimum Setbacks) of the City's Land Development Code (LDC) Allowing for a Reduction of the Required 7' Side Setback by 4' Resulting in a 3' Side Setback for an Existing Deck Attached to the Residence. Zoning: MF-M (MH) (Multi-Family/Medium Density). Property Owner: Karen Dille. Applicant: Northland Exploration Sureveys Inc. Location: APN: 113-14-068, 238 Meany Street.

**Recommended Action: MOVE to approve or deny V26-006 per the site plan**

**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 5/13/26 at 4:00 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

*Sarah M. Thornhill*

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Sarah M. Thornhill, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 21 Board of Adjustment  
DATE: May 21, 2026  
DEPT: Community Development  
ITEM #: 3.A  
SUBJECT: Approval of April 16, 2026 Board of Adjustment Meeting Minutes.

## ITEM SUMMARY

This item is for approval of the April 16, 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. April 16, 2026 BOA Minutes



# City of Prescott Board of Adjustment

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April 16, 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  
Miriam Haubrich, Vice Chair  
Tom Davis, Member  
Mark Hokeness, Member  
Tom Hutchison, Member (Excused)  
Larry Meads, Member  
Rick Kimery, Member

### 3. DISCUSSION & ACTION ITEMS

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

**MOTION BY MEMBER KIMERY TO APPROVE THE MARCH 19, 2026, MEETING MINUTES AS SUBMITTED; SECONDED BY MEMBER HAUBRICH: PASSED (4-0-2) MEMBERS DAVIS AND HOKENESS ABSTAINED.**

- B. Introduction & Welcome to New Appointed and Re-Appointed Board of Adjustment Members.

Community Planner Jacob Lund introduced newly appointed member Larry Meads and re-appointed member Miriam Haubrich to the Board of Adjustments.

***This item was for discussion only, no formal action was taken.***

- C. Discussion & Action Regarding Appointment of Chair and Vice-Chair for the Board of Adjustment for a One-Year Term.

Mr. Lund informed the Board Members that per the recent changes to the Board of Adjustment By-laws that they will need to select a New Chair and Vice Chair for one-year terms.

**MOTION BY MEMBER DAVIS TO RE-ELECT ANTHONY TEETERS AS CHAIR;  
SECONDED BY MEMBER HOKENESS: PASSED (6-0).**

**MOTION BY CHAIR TEETERS TO ELECT MIRIAM HAUBRICH AS VICE-CHAIR;  
SECONDED BY MEMBER KIMERY: PASSED (6-0).**

D. Presentation & Discussion Regarding the Board of Adjustment Member Orientation.

Mr. Lund provided the Board Members with orientation binders which included meeting schedules, Land Development Code (LDC), BOA amended bylaws and city code bylaws, Council Rules of Procedure, and the BCC handbook.

*This item was for discussion only; no formal action was 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.

Mr. Lund provided a presentation regarding a request for a height variance to allow an increase in the maximum allowed detached accessory structure height from 20' to 25'. He provided a zoning map, site plan, FEMA floodplain maps, renderings of the proposed garage, and photos of the proposed garage location. The elevation of the proposed garage needed to be raised above the base floodplain elevation and will require an elevation certificate for the structure completed by a licensed engineer. Staff reviewed the request against all variance review criteria per Land Development Code (LDC) Section 9.13 and stated that staff recommended to approve or deny V26-003.

Member Davis requested more information about why a 5' height increase was needed.

Mr. Lund deferred to the applicant.

Applicant & Property Owner Jeff Croy stated that the increased height was needed for the inclusion of a rock-climbing wall and for storage of a fifth wheel. He added that if the garage was attached to the house, he would be allowed a maximum structure height of 35'.

Member Hokeness asked if the climbing wall could be located outside of the garage.

Mr. Croy said that the goal is to have a climbing wall that can be used year-round.

Mr. Lund clarified that an outdoor climbing wall would still be subject to the 20' detached accessory structure height requirements.

Member Meads asked if there were requirements for a driveway approach.

Mr. Lund confirmed that driveway requirements would be reviewed under the building permit.

Member of the public Ben Jensen stated that he has concerns with the proposed garage blocking sunlight to the neighboring property to the west.

Member Davis asked if he would still have an issue with a 20' garage that is allowed by right.

Mr. Jensen stated he would have less concerns with a 20' garage but would like to see the location moved further east and believes the 5ft increase would be more intrusive.

Mr. Croy referenced the letters of support provided in the agenda packet and one was from the tenant currently living in the neighboring home to the west.

Chair Teeters asked if the owner of the home was not objecting to the variance request.

Mr. Croy clarified that the home is rented and the current tenant does not object.

**MOTION BY MEMBER MEADS TO APPROVE V26-003; SECONDED BY MEMBER KIMERY: PASSED (4-2) MEMBERS DAVIS AND HOKENESS DISSENTING.**

- 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.

Community Planner Tammy DeWitt provided a presentation regarding a request for a reduction of the required front setback by 5' and the side setback by 2' to allow for construction of a new detached garage. She provided a zoning map, aerial imagery map, map of similar variances in the neighborhood, photos of the site, and the proposed site plan for the garage; and added that the lot is considered a double frontage lot that requires a 25' front and rear setback for all structures making the placement of a garage more difficult. Staff reviewed the variance request against all review criteria per LDC Section 9.13 and recommended to approve or deny V26-004.

Member Meads asked if there were any drainage maps with the submittal.

Ms. DeWitt stated that it is not impacted by the FEMA floodplain and the drainage will be reviewed by the Public Works Department during the building permit process.

Member Meads asked if there will be any trees removed.

Applicant/Contractor Freddy Newkirk responded that the wall will stay and include a 24" culvert to improve the drainage.

Member Meads asked how many trees will be removed.

Mr. Newkirk clarified that approximately 3 trees would be removed.

Member of the public Michael McInnes expressed his support for the project as a direct neighbor to the proposed garage.

**MOTION BY MEMBER DAVIS TO APPROVE V26-004; SECONDED BY MEMBER KIMERY: PASSED (6-0).**

**4. STAFF UPDATES**

Ms. DeWitt informed the board members that there will be a meeting on May 21, 2026.

**5. ADJOURNMENT**

Chair Teeters adjourned the meeting at 9:39 a.m.

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Anthony Teeters, Chair

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Jacob Lund, Board Secretary



TO: MAYOR AND CITY COUNCIL  
AGENDA: May 21 Board of Adjustment  
DATE: May 21, 2026  
DEPT: Community Development  
ITEM #: 3.B  
SUBJECT:

**V26-006:** Request for a Variance to Article 3, Section 3.9.3.F (MF-M/Minimum Setbacks) of the City's Land Development Code (LDC) Allowing for a Reduction of the Required 7' Side Setback by 4' Resulting in a 3' Side Setback for an Existing Deck Attached to the Residence. Zoning: MF-M (MH) (Multi-Family/Medium Density). Property Owner: Karen Dille. Applicant: Northland Exploration Sureveys Inc. Location: APN: 113-14-068, 238 Meany Street.

## ITEM SUMMARY

This item is for approval of V26-006, the applicant is requesting a variance to allow a reduction of the required side setback for an existing uncovered deck attached to the residence. Per the site plan, they will be adjusting the property lines to get the deck on the subject parcel and the variance is needed to allow the current location.

## BACKGROUND

There is an existing 60 square foot uncovered deck on the east side of the residence that encroaches onto the neighboring property (234 Meany Street). The property owners wish to relocate the boundary between 238 Meany Street and 234 Meany Street to rectify the encroachment issue. See attached proposed replat map for context. While relocating the property boundary corrects the encroachment issue, there is not enough room between the residence at 234 Meany Street and the uncovered 60 square foot deck at 238 Meany Street to meet the required 7-foot side setback from both structures.

The applicant is requesting a 4-foot reduction to the required 7-foot side setback for the deck to be 3 feet from the property line.

In researching the property, it was noted there was just a window on the east side of the house on the building plans that were submitted and approved in 2018. When we reviewed the Certificate of Occupancy, issued in 2020 when the house was completed, it did note a 60 sq. ft. deck. Staff could not find any amended plans that were reviewed for the deck.

## 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 does note that no similar variances have been applied for or approved in the surrounding neighborhood.

## 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 impacted by a 20' reciprocal parking easement on the south portion of the parcel and by a 20' wide Open Space easement on the north portion of the property. The deck was there when the house received a Certificate of Occupancy and before the current owner purchased the property.

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 deck has been there since the home received a Certificate of Occupancy and there have been no complaints.

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. Staff have found other Variances that have been approved in the area to allow reductions in the required setbacks. Staff was approached by representatives of Habitat for Humanity, who built the home, to discuss options to remedy the deck encroachment.

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

**Staff Comments:** The property was developed by Habitat for Humanity and the deck is noted on the Certificate of Occupancy. Staff was contacted to find ways to remedy the encroachment.

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 two easements taking up the southern and northern portions of the property.

#### **NEIGHBORHOOD COMMENTS:**

Staff has not received any comments from the public at the time of this writing.

#### **FINANCIAL IMPACT**

There is no fiscal impact associated with this item.

#### **RECOMMENDED ACTION**

MOVE to approve or deny V26-006 per the site plan

#### **ATTACHMENTS**

1. Narrative
2. Variance Questionnaire
3. REPLAT-WITH-BLDGS 4-14-26
4. V26-006 Presentation



817 N. Humphreys St.  
Flagstaff AZ 86001  
928.774.5058  
[www.NESincAZ.com](http://www.NESincAZ.com)

The following is a narrative of the intentions and purpose for the proposed Replat of Lots 3-R, 4-R and 5-R in "An Amended Final Plat For Madison Park Cottages, A Planned Area Development".

There are two issues that prompted this proposed Replat, the first and most important issue is that there is a deck encroachment from existing Lot 5-R onto existing Lot 4-R. The proposed Replat adjusts that lot line, although it does not clear the deck from violating the setback on that side. To remedy the setback issue, we are also proposing a variance to adjust the setbacks on that side of the building.

The second issue is to accommodate the loss of square footage on Lot 4-R, we propose to slide the lot line between Lots 4-R and 3-R to make up at least a portion of the lost square footage while still maintaining a fair amount of the original lot size.

In closing I would like to include my contact information.

Michael J. Stark  
AZ. RLS 30364  
Northland Exploration Surveys, Inc.  
817 N. Humphreys Street  
Flagstaff, AZ, 86001  
(O) 928-774-5058  
(Cel) 928-606-1036  
[Mstark@nesincaz.com](mailto:Mstark@nesincaz.com)



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

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





# V26-006

## 238 Meany Street

TAMMY DEWITT-COMMUNITY PLANNER

May 21, 2026  
Board of Adjustment

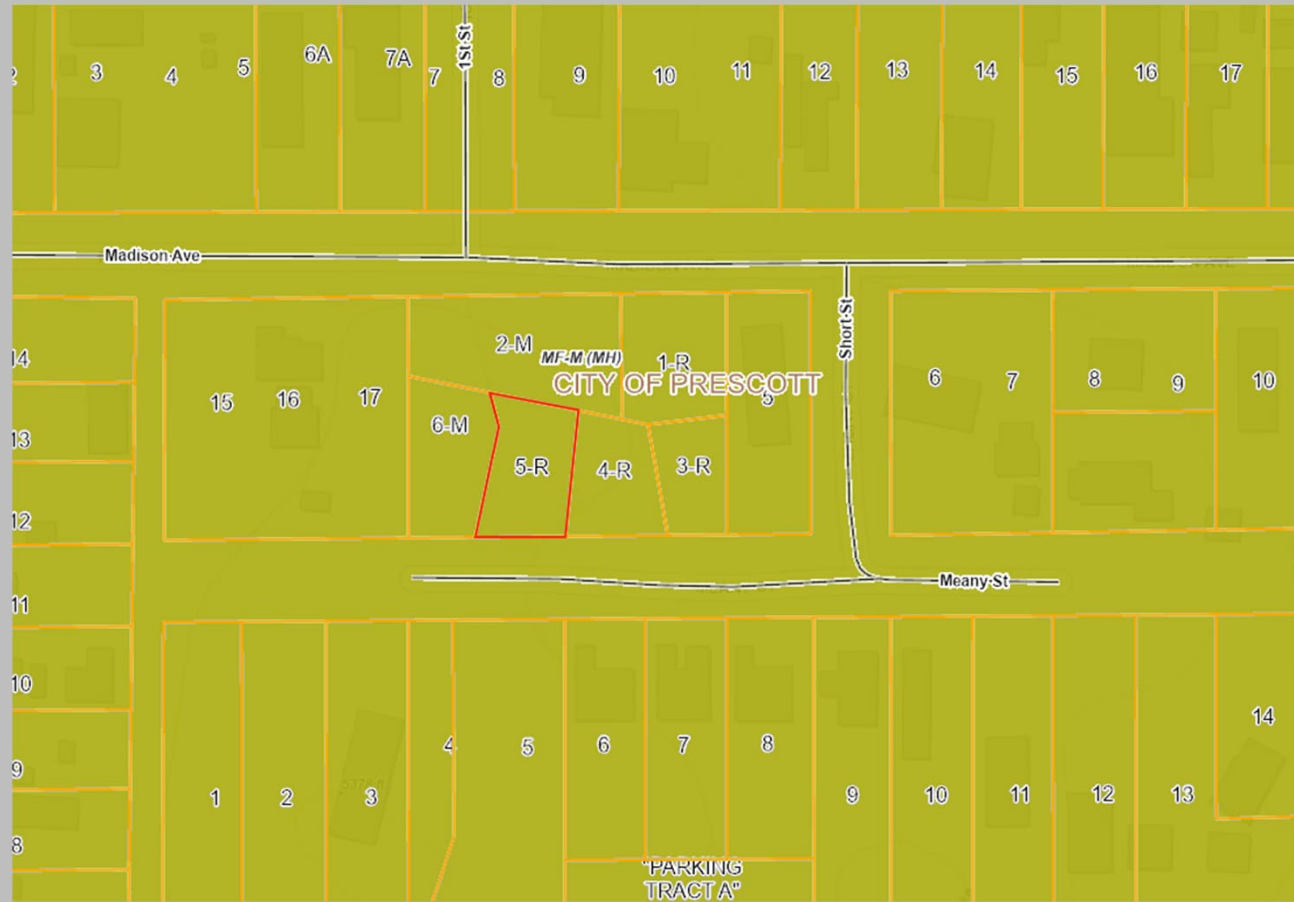


## REQUEST

Variance to Article 3, Section 3.9.3.F (MF-M/Minimum Setbacks) of the City's Land Development Code (LDC) to allow for a reduction of the required 7' side setback by 4' resulting in a 3' side setback for a deck attached to the residence.



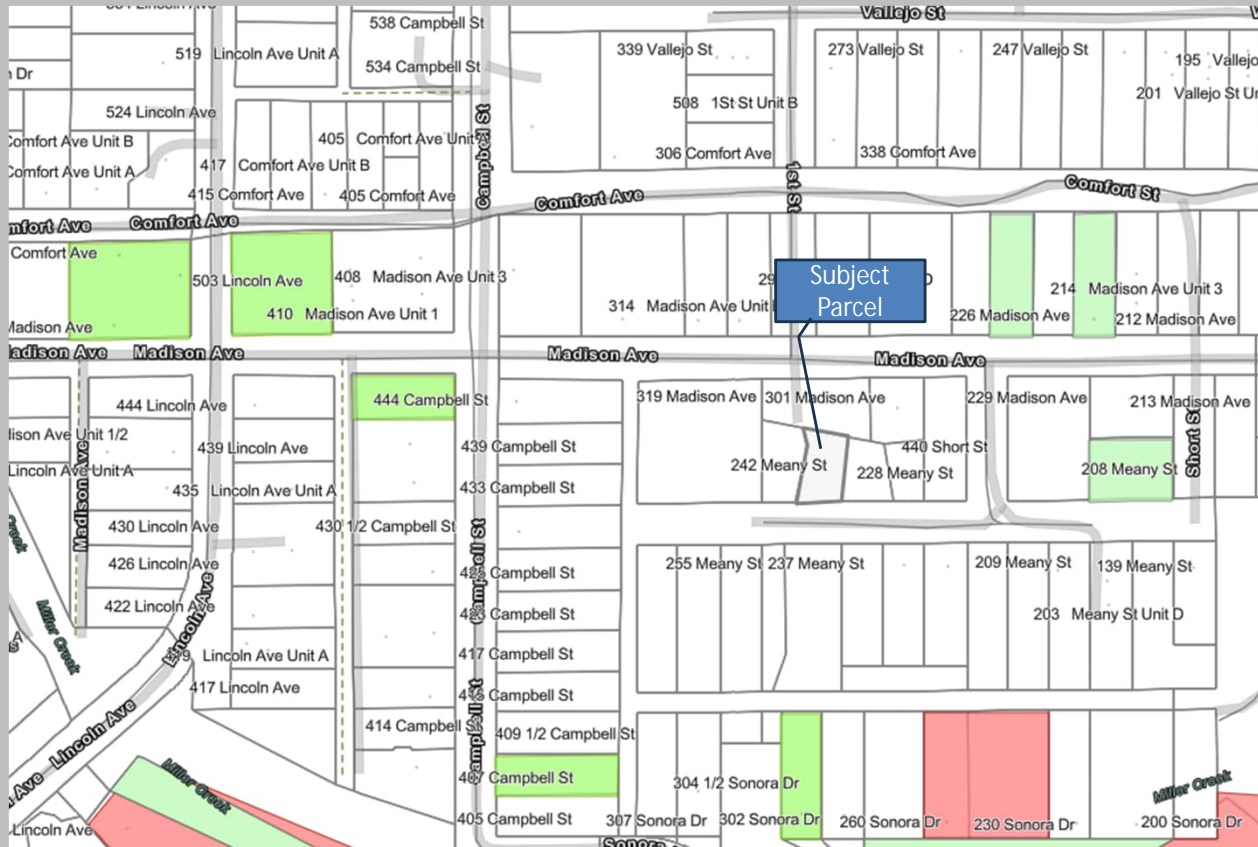
# ZONING MAP



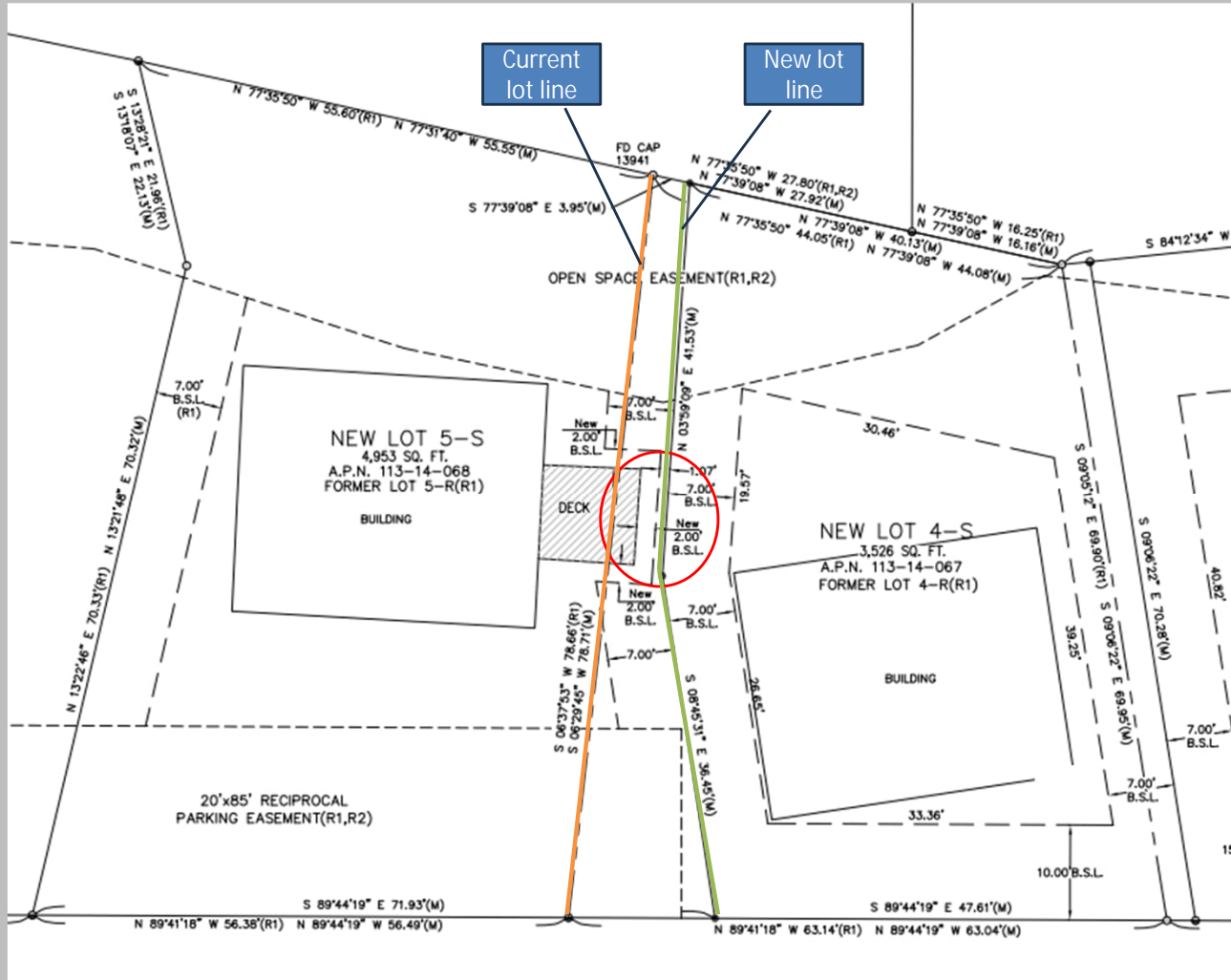
AERIAL IMAGERY MAP



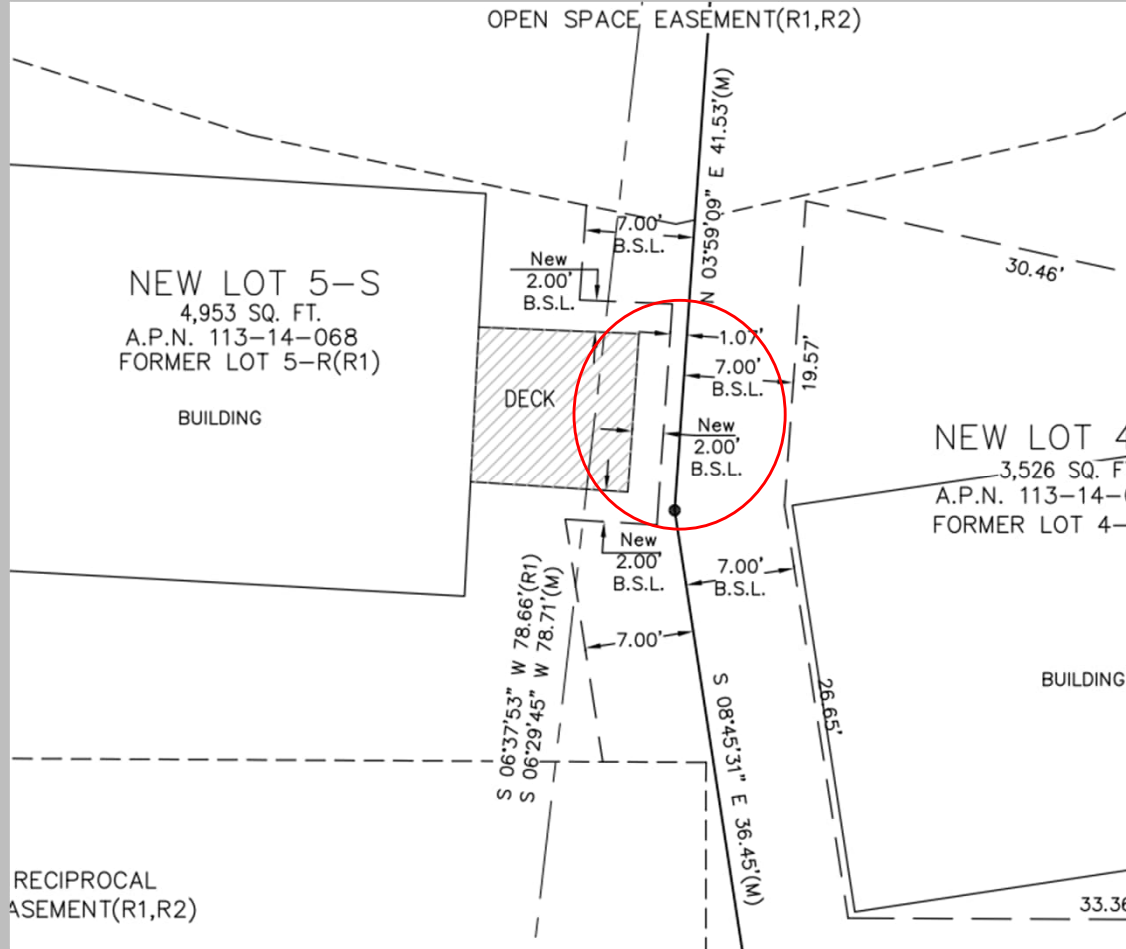
# Other Properties Nearby with Variances



# SITE PLAN



# SITE PLAN



# PICTURES OF SITE



FRONT OF PROPERTY



PICTURES OF SITE



Deck Location



**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.



## 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.



