



**TOWN OF PRESCOTT VALLEY
BOARD OF ADJUSTMENT**
Meeting Minutes
Monday, August 24, 2020
Prescott Valley Library Auditorium

I. Call to Order

Chairperson Shimmin called the meeting of the Board of Adjustment to order at 5:30 p.m. and outlined the public hearing rules and procedures for the Board of Adjustment.

II. Roll Call

Members present: Chairperson Shimmin, Member Griffis, and Member Van Boening. Members absent: Vice-Chairperson Johnson. Staff present: Fernando Gonzalez, Code Enforcement Supervisor, Kelly Campbell, Administrative Support II, and Kristi Jones, Administrative Support II.

Chairperson Shimmin stated that as a full Board was not present, pursuant to Article 13-29-060, applicants have a right to request that their items be placed on an upcoming agenda for review by a full Board.

As the applicant for item UP20-002 was not present, Mr. Gonzalez stated that he had not heard from the applicant; therefore, the Board should proceed.

**Note: The applicant arrived at 5:35pm during the Staff presentation by Mr. Gonzalez.*

III. Approval of Minutes – July 27, 2020

Chairperson Shimmin asked if there were any changes to the minutes from the July 27, 2020 meeting. No revisions were submitted; therefore, Chairperson Shimmin called for a motion to approve the minutes. Member Van Boening made the MOTION, seconded by Chairperson Shimmin, to approve the minutes as submitted from the July 27, 2020 Board of Adjustment meeting.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Member Van Boening YES, and Member Griffis YES.

MOTION carried with 3 ayes and 0 nays.

IV. Announcements

🇺🇸 There were no announcements.

V. Action Items

- 1. UP20-002.** Upon the application of Susan Rigg, Owner, a request for a Use Permit per Section 13-06-020.A.8.b.(5) of the Town of Prescott Valley Zoning Ordinance in order to operate a pet grooming business. The

subject property is located at 8084 E. Yavapai Rd, Prescott Valley Unit 1, Lot 104, APN# 103-22-104.

Fernando Gonzalez, Code Enforcement Supervisor, stated the subject property is located within a R1L (Residential; Single Family Limited) zoning district. The applicant is requesting a Use Permit to operate a pet grooming business from her residence.

Mr. Gonzalez reported that Town Code allows this use subject to an approved Use Permit.

Mr. Gonzalez stated that Staff recommends the Board approve UP20-002 with the following conditions:

1. The following use is conditionally permitted as a home occupation provided that the applicant meets the provisions of Town Code Section 13-06-020.A.8.a.;
2. That the duration of the Use Permit be limited to two (2) years and subject to renewal at that time.

Chairperson Shimmin opened the item to questions or comments from the Board.

Member Griffis commented that, per the meeting materials, Mr. Sitterley is trustee of the property and has authorized his daughter Susan to operate the business at the home where she resides. Member Griffis mentioned that the materials refer to Susan Rigg as "Owner", even though she is not the legal owner of the property.

Mr. Gonzalez replied that Susan Rigg is the "Owner/Occupant", and Town Code allows for an occupant to operate a business with a Use Permit.

Member Griffis asked for clarification of "Unit 1" in the subject property description, questioning whether the residence was a modular or manufactured home.

Kristi Jones indicated that Unit 1 refers to the area of historic Prescott Valley where the property is located.

There were no further questions or comments from the Board for Staff; therefore, Chairperson Shimmin invited the applicant to address the Board.

Applicant Susan Rigg addressed the Board and had no comment.

Member Griffis asked the applicant if she had animals of her own, to which she replied "yes, dog and cats". Member Griffis continued, asking if this was the applicant's first venture into a business and what made her get into the grooming business.

Ms. Rigg replied that she started grooming about forty (40) years ago and never stopped.

Member Griffis made a comment to Staff regarding the site plan displayed on the monitors, stating that it was not the correct site plan for the application being discussed.

Mrs. Jones explained that there were no display items for the Use Permit application; the site plan displayed was for the next item on the meeting agenda.

Member Griffis questioned the walkway clients would use to bring their animals for grooming, and whether it is concrete or part of the yard.

Ms. Rigg indicated that it is a gravel walkway.

Member Griffis questioned the process of dropping off an animal for grooming, including where the client would meet the groomer, whether the client would wait or leave, how long grooming takes, and where the client would wait.

Ms. Rigg indicated that the client would bring the animal to the back door where the grooming studio is located. Ms. Rigg would then take the animal. She indicated that the client may choose to wait or leave and come back. Ms. Rigg stated that grooming time depends on the animal, typically between forty-five (45) minutes and two (2) hours. She expressed that there is an area where a chair can be set-up for clients to wait, but most people prefer to drop off and come back.

Member Griffis asked about the capturing of hair and pet fur going down into the drain of the utility wash tub.

Ms. Rigg replied that she has a strainer to catch the hair.

Chairperson Shimmin opened the item to public comment.

Robert W. Sitterley, Trustee of the Robert W. Sitterley Living Trust dated October 1993, stated that he purchased the subject property in 1996 and currently rents to his daughter, Susan Rigg.

There was no further public comment; therefore, Chairperson Shimmin brought the item back to the Board for discussion.

There were no further questions or comments from the Board for Staff; therefore, Chairperson Shimmin called for a motion related to the item.

Action UP20-002:

Member Van Boening moved to approve UP20-002 as submitted with the following conditions:

1. The following use is conditionally permitted as a home occupation provided that the applicant meets the provisions of Town Code Section 13-06-020.A.8.a.;
2. That the duration of the Use Permit be limited to two (2) years and subject to renewal at that time.

Member Griffis seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Member Van Boening YES, and Member Griffis YES.

MOTION carried with 3 ayes and 0 nays.

2. **V20-002.** Upon the application of the Town of Prescott Valley, Agent for Lidia V. Miller, Owner, a request for a Variance to reduce the front yard setback from twenty-five feet (25') to twenty feet, ten point five inches (20', 10.5") as described per Section 13-20-010.D of the Town of Prescott Valley Zoning Ordinance. The subject property is located at 8072 E. Frank Lane, Prescott Valley Unit 3, Lot 750, APN# 103-24-155.

Mr. Gonzalez stated that the subject property is located within the R1MH-10 (RESIDENTIAL; SINGLE FAMILY MOBILE/MANUFACTURED HOMES) zoning district, which is the same as the R1L district except that, with regard to single-family dwellings, it is intended to exclusively provide sites for mobile and manufactured homes.

Mr. Gonzalez explained that Black Pearl Construction, Contractor for the property owner, obtained the required building permit to install a twenty-three point four feet (23.4') by fifty-two feet (52') manufactured home on the subject property. The permit was issued on July 23, 2020.

Mr. Gonzalez stated that the Building Department conducted a mobile set inspection and found an error on the approved site plan. Mr. Gonzalez indicated that upon further review, it was noted that the Zoning Department erroneously approved a setback of twenty feet, ten point five inches (20', 10.5") in the front yard.

Mr. Gonzalez indicated that the contractor relied on the approved plans for the installation of the manufactured home, and moving, changing, or altering the present location of the home at this point would create a financial hardship to the property owner.

Mr. Gonzalez clarified that one of the purposes of the density district is to regulate the minimum setbacks required for single-family dwellings. The subject property has a density district of ten (10), which requires that the minimum front yard setback is twenty-five feet (25').

Mr. Gonzalez stated that Town Code Section 13-29-040.I.2 states: "The Board of Adjustment may not grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner."

Mr. Gonzalez reiterated that the facts clearly indicate that the Zoning Department erroneously approved a front yard setback that the contractor relied on to install the manufactured home; therefore, the circumstances for approval are clearly not self-imposed by the property owner.

Mr. Gonzalez stated that Staff recommends the Board approve V20-002 to reduce the front yard setback from twenty-five feet (25') to twenty feet, ten point five inches (20', 10.5").

Chairperson Shimmin opened the item to questions or comments from the Board.

Member Van Boening commented, "A card laid is a card played."

Mr. Gonzalez replied, stating that the Town is owning up to the mistake.

Member Griffis asked if the storage unit shown on the plot plan was pre-existing or if it had been added.

Mr. Gonzalez replied that the storage unit was pre-existing, which contributed to the confusion on the approval by the Zoning Department.

There were no further questions or comments from the Board for Staff; therefore, Chairperson Shimmin opened the item to public comment. There was no public comment; therefore, Chairperson Shimmin brought the item back to the Board for discussion.

Chairperson Shimmin stated that she believes this to be very straightforward and has no additional comment.

Member Van Boening stated nothing can be done at this point without creating a hardship and possibly a lawsuit.

There were no further questions or comments from the Board for Staff; therefore, Chairperson Shimmin called for a motion related to the item.

Action V20-002:

Member Griffis moved to approve V20-002 as submitted.

Member Van Boening seconded the motion. Chairperson Shimmin clarified that the Variance would be granted on the basis that the hardship was not self-imposed by the property owner.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Member Van Boening YES, and Member Griffis YES.

MOTION carried with 3 ayes and 0 nays.

VI. Call to Public

Chairperson Shimmin called for public comment. There was none.

VII. Adjournment

There was no further public comment related to any item presented during this meeting; therefore, Chairperson Shimmin asked if there was any further business for the Board. There was none; therefore, Chairperson Shimmin called for a motion for adjournment.

Member Van Boening made the MOTION to adjourn by roll call vote. Board members voted as follows: Chairperson Shimmin YES, Member Van Boening YES, and Member Griffis YES.

MOTION carried with 3 ayes and 0 nays.

The August 24, 2020, Board of Adjustment meeting adjourned at 5:48 p.m.

Linda Shimmin, Chairperson