



**TOWN OF PRESCOTT VALLEY
BOARD OF ADJUSTMENT**

Meeting Minutes
Monday, October 28, 2019
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, Vice-Chairperson Johnson, Member Brower, and Member Corrigan. Members absent: Member Van Boening. Staff present: Fernando Gonzalez, Code Enforcement Supervisor 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.

Both applicants agreed to continue.

III. Approval of Minutes – September 23, 2019

Chairperson Shimmin asked if there were any changes to the minutes from the September 23, 2019 meeting. No revisions were submitted; therefore Chairperson Shimmin called for a motion to approve the minutes. Member Brower made the MOTION, seconded by Vice-Chairperson Johnson, to approve the minutes as submitted from the September 23, 2019 Board of Adjustment meeting.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, and Member Brower Yes.

MOTION carried with 4 ayes and 0 Nays.

IV. Announcements

V. Action Items

- 1. UP19-003.** Upon the application of Ramiro Sifuentes, Owner, a request for a Use Permit per Section 13-06-020.A.8.b.3, of the Town of Prescott Valley Zoning Ordinance in order to operate a home massage therapy business. The subject property is located at 4960 N. Hobo Circle, Prescott Valley Unit 19, Lot 8075, APN# 103-37-762.

Fernando Gonzalez, Code Enforcement Supervisor, stated that the subject property is located in a R1L (Residential; Single Family Limited) zoning district. This site is surrounded by conventionally built single family residential homes.

Mr. Gonzalez reported that the applicant is requesting a Use Permit to operate a massage therapy business from his residence. All business activity shall be conducted within the residence. He noted that Town Code Section 13-06-020.A.8.b.3 allows this use subject to an approved Use Permit.

Mr. Gonzalez stated that the facts show Town Code section 13-06-020.A.8.b.3 allows a massage therapy business in the R1L zoning district in conjunction with a Use Permit.

In conclusion, Mr. Gonzalez stated that Staff recommends the Board approve UP19-003 in order to operate a home massage therapy business 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.
3. That the Use Permit is allowed to operate as long as the applicant is in good standing with all state and local licensing authorities.

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

Member Brower inquired as to how the number of clients allowed per day would be monitored.

Mr. Gonzalez indicated that it is the applicant's responsibility and noted that neighbors usually aid in monitoring home-based business activity.

Member Brower asked if they would be licensed and also inquired how sales tax would be collected.

Mr. Gonzalez noted that the applicant has the appropriate licensing. He indicated that sales tax wasn't within his purview.

Member Brower asked for clarification on whether the square footage devoted to the massage therapy business is less than 25% of the total square footage of the residence.

Mr. Gonzalez replied "yes." He explained that he based the calculation on the square footage from the Yavapai County GIS website which was the same data used by the Yavapai County Assessor.

Member Corrigan stated that he is concerned about adequate parking.

Mr. Gonzalez reported that the Town Code only required one parking space. He noted that normally clients would be seen by appointment only and there wouldn't be multiple clients at the same time.

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

Ramiro Sifuentes addressed the Board and thanked them for their time and consideration.

As there were no questions for the applicant, 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.

Member Corrigan commented that the application was in order and consistent with the Town Code requirements.

Chairperson Shimmin called for a motion related to the item.

Action UP19-003:

Member Corrigan moved to approve UP19-003 as submitted with an additional condition:

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.
3. That the Use Permit is allowed to operate as long as the applicant is in good standing with all state and local licensing authorities.
4. In the event that the property is transferred to another owner, it would be subject to review at that time.

Chairperson Shimmin seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, and Member Brower YES.

MOTION carried with 4 ayes and 0 nays.

2. **UP19-004.** Upon the application of Laura Markey, Owner, a request for a Use Permit per Section 13-11-020.C.1.f of the Town of Prescott Valley Zoning Ordinance in order to operate a physical therapy business. The subject property is located at 7515 E. Long Look Dr., Prescott Valley APN# 103-02-730E.

Fernando Gonzalez, Code Enforcement Supervisor, stated that the subject property is located in a RS (Residential and Services) zoning district. This site is surrounded by conventionally built single family residential homes and service oriented structures. He noted that the

subject property was originally developed as a church and indicated that there were several churches and schools in the vicinity.

Mr. Gonzalez reported that the applicant is requesting a Use Permit to operate a physical therapy business in the RS zoning district. All business activity shall be conducted within a structure. He noted that Town Code Section 13-11-020.C.1.f allows the use subject to an approved Use Permit.

Mr. Gonzalez stated that the facts show that Town Code section 13-11-020.C.1.f allows a professional service business in the RS zoning district in conjunction with a Use Permit.

In conclusion, Mr. Gonzalez stated that Staff recommends the Board approve UP19-004 in order to operate a physical therapy business with the following conditions:

1. The Use Permit shall be valid until such time as the property is sold or the business changes hands.
2. That the Use Permit is allowed to operate as long as the applicant is in good standing with all state and local licensing authorities.

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

Member Brower expressed his concerns regarding ADA requirements and asked if any ADA updates would be required.

Mr. Gonzalez explained that once the business license was submitted, a building inspector would conduct a site visit to ensure it was in compliance with Town Code as part of the approval process.

Member Brower noted that there was a code violation on the door for weeds. He asked if the current landscaping was in compliance with Town Code – specifically the 10' buffer.

Mr. Gonzalez stated that the landscaping meets Town Code standards and would be double-checked as part of the business license approval process.

Vice-Chairperson Johnson commented that he felt the proposed business is a good use for the building.

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

Linda Markey, Owner, addressed the Board and thanked them for their time and consideration. She expressed that it is a perfect spot with room to grow and they plan to be of service to the community for many years.

Member Brower asked if she was a licensed physical therapist and inquired if they use any salves or ointments for treatment that would require hazardous disposal.

Ms. Markey confirmed that she was a licensed physical therapist and noted that they do not use any types of salves or ointments.

Chairperson Shimmin opened the item to public comment. There was no public comment; therefore, Chairperson Shimmin called for a motion related to the item.

Action UP19-004:

Member Corrigan moved to approve UP19-004 as submitted with the following conditions:

1. The Use Permit shall be valid until such time as the property is sold or the business changes hands.
2. That the Use Permit is allowed to operate as long as the applicant is in good standing with all state and local licensing authorities.

Member Brower seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, and Member Brower YES.

MOTION carried with 4 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 called for a motion for adjournment.

Member Corrigan made the MOTION, seconded by Member Brower to adjourn by roll call vote. Board members voted as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, and Member Brower YES.

MOTION carried with 4 ayes and 0 nays

The October 28, 2019, Board of Adjustment meeting adjourned at 5:53 p.m.

Linda Shimmin, Chairperson