

**Hearing Officer Meeting Minutes  
November 13, 2014**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, November 13, 2014, at City Hall Room 190, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Ray Urias.

**CITY OF YUMA STAFF MEMBERS** present included Rodney Short, Assistant City Attorney; Bobette Bauermann, Principal Planner; Joy Everett, Senior Planner; Alyssa Linville, Assistant Planner; Rene' Truax, Administrative Specialist; and Lisa Ray, Administrative Assistant.

**Urias** called the meeting to order at 9:30 a.m.

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**CONSENT CALENDAR**

**Urias** approved the minutes of September 25, 2014.

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**PUBLIC HEARINGS**

**VAR-7409-2014:** *This is a request by Abel Rubio for a variance to decrease the required side yard setback from seven feet (7') to three feet (3') for a proposed awning in the Residence-Manufactured Housing (R-MH) District. The property is located at 4357 West Linda Lane, Yuma, Arizona.*

**Alyssa Linville, Assistant Planner**, summarized the staff report recommending DENIAL.

**QUESTIONS FOR STAFF**

**Urias** asked if any utility easements would affect the placement of the proposed awning. **Alyssa Linville, Assistant Planner**, said no. **Urias** asked if the fire code required a five-foot setback. **Linville** said yes. **Urias** asked if the city utilized the IRC Residential Building code. **Linville** said yes. **Urias** asked if the five-foot setback required by the fire code was separate from the building code. **Linville** said that the fire code also utilized IRC. **Urias** asked if that requirement was recently adopted by the city; previously, it was three-feet. **Linville** said last year the city updated the code requirement. **Urias** asked if the curved property line shown was correct. **Linville** said yes, it is not as angled as the site plan, but the front does have a curve. **Urias** asked if the irregular front-curve is a special circumstance. **Linville** said no. **Urias** asked if the subdivision is surrounded by the county on three sides. **Linville** said yes. **Urias** asked if the property was annexed by the city. **Linville** said yes. **Urias** asked if the subdivision is being built by the same homebuilder. **Linville** said yes. **Urias** said when he drove by the property, the west side looks like there is a separate stand-alone garage, and asked if that property meets the setbacks for fire and building safety. **Linville** said that she is unsure, as there are no variances for that area. It was most likely built to the code requirements. **Urias** asked if the subdivision was previously platted and recorded prior to annexation. **Linville** said yes. **Urias** asked if the subdivision was complete. **Linville** said this subdivision was still being built out. **Urias** asked if the homes are within the city's jurisdiction. **Linville** said she is unsure if any of them are built within the county, but most of them have been built under city requirements. **Urias** asked if the applicant's house was within city limits. **Linville** said yes.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Urias** asked the applicant if he understood the four criteria. **Abel Rubio, 4357 West Linda Lane, Yuma, Arizona**, said yes. **Urias** said that he considered the first criteria to be a stumbling block, because there is nothing special or unique about the property that would create a hardship; there is no way a variance can be granted.

**Urias** asked if the applicant understood that the staff could not find a special circumstance with his property **Rubio** said yes.

**Rubio** said he installed 18-foot long gates on the west side of the property, and is a hardship. A future shed was planned. If there were an awning on that side, it would be contradictory and unpleasing. The awning would be made out of metal, which is not a fire hazard. There was enough space between buildings to be considered sufficient. He was hoping to increase the value of the home, and was not trying to build an eyesore.

**Urias** asked if the main purpose to build the awning is to provide shade for the vehicles. **Rubio** said yes. **Urias** said that he cannot consider any reasons that are personal. **Rubio** said he understood. **Urias** said that he only has authority over the zoning code, but not over fire and building codes. **Rubio** said he hoped that the awning would be permitted because he wants the neighborhood to look nice, but also understood if the request was denied. **Urias** said regarding the gates, the second criteria states that the special circumstance cannot be caused by the applicant.

#### **OPEN PUBLIC COMMENT**

None

#### **Decision:**

**Urias** agreed with staff's findings and denied the requested variance, finding that the case does not meet any of the four (4) criteria of the City of Yuma Zoning Ordinance, Section 154-03.04 D.1.

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**CUP-7315-2014:** *This is a request by Blaes Environmental Management, on behalf of DBNCH Circle, LLC, for a Conditional Use Permit for soil and ground water remediation in the General Commercial/Bed and Breakfast Overlay (B-2/BB) District. The property is located at 695 South 4<sup>th</sup> Avenue, Yuma, Arizona.*

**Joy Everett, Senior Planner**, summarized the staff report recommending approval.

#### **QUESTIONS FOR STAFF**

**Urias** asked if the notification was sent out to surrounding property owners. **Joy Everett, Senior Planner** said yes, notifications were sent out to property owners located within 300 feet of the subject property. **Urias** asked if all the properties to the east are residential. **Everett** said no. There are commercial properties, but are used as residential. **Urias** asked if any comments were received. **Everett** said there was a neighborhood meeting on-site, and residents just wanted to know how long the process would take. **Urias** asked if all seven criteria have been met. **Everett** said yes. **Urias** asked if there were any comments about the enclosure. **Everett** said no. **Urias** asked if there was a time limit on the approval. **Everett** said the remediation must begin within one year of approval and the applicant would be allowed three years to complete. If more time is needed, an extension was required.

#### **APPLICANT/APPLICANTS REPRESENTATIVE**

**Steve Woodhull, Blaes Environmental**, said the groundwater flows west. This site is one of the flattest he has ever seen, so the distribution of the impacted ground water flows south due to the southern tank that leaked. The contaminants are more towards the south. In regards to the time-frame, Arizona Department of Environmental Quality (ADEQ) has a time limit, but came down to the responsible party. **Urias** said that it is a federal law. **Woodhull** said he understands. **Urias** said that the city cannot interfere with the enforcement of the law and asked if the applicant agreed with the Conditions of Approval. **Woodhull** asked if he is specifically talking about the aviation easement for the Marine base and the waiver under the state law. **Urias** said yes. **Woodhull** said he is going to speak to both property owners and assist them with the documents.

#### **OPEN PUBLIC COMMENT**

None

#### **Decision:**

**Urias** agreed with staff's findings and granted approval of the requested Condition Use Permit to allow soil and ground remediation, subject to the Conditions outlined in Attachment A; the case does

meet all seven (7) criteria for the Conditional Use Permit as said forth in Section 154-03.05 G.2. of the City of Yuma Zoning Ordinance.

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**CUP-7413-2014:** *This is a request by Blaes Environmental Management, on behalf of Greatstone Equities, Inc., for a Conditional Use Permit for soil and ground water remediation in the Limited Commercial (B-1) District. The property is located at 2089 South Avenue A, Yuma, Arizona.*

**Joy Everett, Senior Planner**, summarized the staff report recommending approval.

#### **QUESTIONS FOR STAFF**

**Urias** asked if the Conditions of Approval were similar to those in the previous case. **Joy Everett, Senior Planner**, said they are exactly the same. **Urias** asked about the comment from Building Safety. **Everett** said that permits are required for the remediation system.

#### **APPLICANT/APPLICANTS REPRESENTATIVE**

**Steve Woodhull, Blaes Environmental**, said he was aware of the permit requirements.

**Urias** asked the location of the remediation equipment. **Woodhull** said that it will be against the building. The only above ground structures would be contained inside the remediation fence. Everything else will be below ground. **Urias** asked if any gas or odors would be released. **Woodhull** said no.

#### **OPEN PUBLIC COMMENT**

None

#### **Decision:**

**Urias** agreed with staff's findings and granted approval of the requested Condition Use Permit to allow soil and ground remediation, subject to the Conditions outlined in Attachment A; the case does meet all seven criteria for the Conditional Use Permit as said forth in Section 154-03.05 G.2. of the City of Yuma Zoning Ordinance.

**Urias** adjourned the meeting at 10:20 a.m.

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Minutes approved and signed this 22 day of January, 2015.

  
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Ray Urias, Hearing Officer