

**Hearing Officer Meeting Minutes  
January 22, 2015**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, January 22, 2015, 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; 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 November 13, 2014.

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**PUBLIC HEARINGS**

**VAR-7955-2014:** *This is a request by James Breen for a Variance to reduce the side yard setback from three feet to one foot in the Recreational Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32<sup>nd</sup> Street, Lot #1181, Yuma, AZ.*

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

**QUESTIONS FOR STAFF**

**Urias** asked if the applicant knew about the conditions. **Joy Everett, Senior Planner** said yes. **Urias** asked if staff considered the "green belt" a special circumstance. **Everett** said no.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**James Breen, 5707 E. 32<sup>nd</sup> Street, Lot #1181, Yuma, Arizona**, was available for questions.

**OPEN PUBLIC COMMENT**

**John Raymond, 5707 E. 32<sup>nd</sup> Street, Lot #281, Yuma, Arizona**, stated that the architectural committee reviewed and approved the applicant's request, and forwarded their approval to the Board of Directors which also approved the request.

**Joyce Lane, 5707 E. 32<sup>nd</sup> Street, Lot #1213, Yuma, Arizona**, said the concrete was already in place for the driveway and she was not opposed to the request.

**Carl Rye, 5707 E. 32<sup>nd</sup> Street, Lot #1195, Yuma, Arizona**, said he spoke with all the neighbors in the area and all were in favor of the request.

**DECISION:**

**Urias** explained the subject property was built under an agreement that allowed for development using County standards. The City's setback regulations were designed to prevent buildings and structures from being built next to one another and to allow for the diffusion of light and the circulation of air.

**Urias** granted the variance request, subject to Condition of Approval in Attachment A, finding that Criteria # 1 had been met as the existence of the greenbelt satisfied the spirit and intent of the City's setback regulations. **Urias** went on to say that Criteria # 2 had been met as the greenbelt was part of the original design and was not created by the applicant. **Urias** then said he had traveled through the area and found there were others awnings in place and because Yuma was in the desert, shade was a necessity; because of this Criteria # 3 had been met. **Urias** noted that staff found Criteria # 4 had been met.

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**VAR-8054-2014:** *This is a request by Patrick Kelly, on behalf of John and Blanche Lekan, for a Variance to reduce the rear yard setback from 20 feet to 13 feet in the Low Density Residential (R-1-6) District. The property is located at 2559 S Terrace Avenue, Yuma, AZ.*

**Urias** stated for the record that he was previously employed as an attorney by the City of Yuma, and there were occasions when he provided legal advice to the Police Department, of which the applicant is now Chief of Police. **Urias** said he did not believe there was a conflict of interest, but asked Staff to find out from the applicant if he preferred to have a different hearing officer. The applicant declined the offer.

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

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

**John Lekan, Property Owner**, agreed with Conditions of Approval.

**OPEN PUBLIC COMMENT**

None

**DECISION:**

**Urias** granted the requested variance, subject to the Conditions of Approval in Attachment A; finding that the four criteria have been met.

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**VAR-8076-2014:** *This is a request by Christopher and Susan Flores for a Variance to reduce the side yard setback from seven feet to three feet in the Low Density Residential (R-1-8) District. The property is located at 1050 S. Hereford Avenue, Yuma, AZ.*

**Urias** stated for the record that he was previously employed as an attorney by the City of Yuma, and there were occasions when he provided legal advice to the Fire Department, where the applicant is now employed. **Urias** said he did not believe there was a conflict of interest, but asked the applicant if he preferred to have a different hearing officer. The applicant declined the offer.

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

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Chris Flores, 1050 S. Hereford Avenue, Yuma, Arizona**, asked if the annexation requirements from the first case applied to his property. **Urias** said no, that area had a pre-annexation development agreement.

**OPEN PUBLIC COMMENT**

None

**DECISION:**

**Urias** granted the requested variance, subject to the Conditions of Approval in Attachment A; finding that the four criteria have been met.

**Urias** adjourned the meeting at 10:01 a.m.

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Minutes approved and signed this 28<sup>th</sup> day of May, 2015.

  
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Ray Urias, Hearing Officer