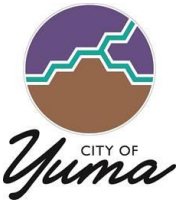


**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on April 11, 2019 at 9:30 a.m. in City Hall Room 190, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

| | |
|---|--|
|  | <p>Agenda Hearing Officer Public Hearing <i>City Hall Room 190</i> <i>One City Plaza</i></p> <p>Thursday, April 11, 2019, 9:30 a.m.</p> |
|---|--|

CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- August 23, 2018

APPLICATIONS TO BE CONSIDERED

1. **VAR-25185-2019**: This is a request by Dwayne E. Timmons and Nancy J. Chase for a variance to reduce the rear yard setback from 7 feet to 4 feet 9 inches and increase the maximum lot coverage from 50% to 63% within the Manufactured Home Subdivision (MHS) District and the Airport Overlay (AD), for the property located at 3786 S. 8th Avenue, Yuma, AZ.

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149.

**Hearing Officer Meeting Minutes
August 23, 2018**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, August 23, 2018, 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, Deputy City Attorney; Alyssa Linville, Principal Planner; Richard Munguia, Associate Planner; and Rene' Truax, Administrative Support Supervisor.

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

CONSENT CALENDAR

Urias approved the minutes of April 12, 2018.

PUBLIC HEARINGS

VAR-22333-2018: *This is a request by Rosa Campoy, for a variance to increase the maximum allowable wall height from 3' to 7' with a zero foot front yard setback, in the Low Density Residential (R-1-6) District, for the property located at 1835 S. Avenue A, Yuma, AZ. (Continued from the meeting of August 9, 2018)*

Richard Munguia, Associate Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

Urias asking if the City had taken right-of-way from in front of the subject property, therefore moving the front property line closer to the house. **Munguia** said yes. **Urias** then asked if there had been a change in standards for walls that did not require a permit. **Munguia** confirmed that the maximum height of 6' without a permit had been changed to 7'.

APPLICANT/APPLICANTS REPRESENTATIVE

Laura Cruz, daughter of the applicant, served as translator for Rosa Campoy, 1835 S Avenue A, Yuma, AZ. The applicant provided photos that showed recent accidents and safety concerns in the area where she lives. The applicant agreed with the Conditions of Approval.

OPEN PUBLIC COMMENT

None

DECISION:

Urias granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

VAR-22826-2018: *This is a request by Gorman & Company, Inc., on behalf of the Housing Authority of the City of Yuma, for a variance to increase the maximum height of a sign within the street setback from 4' to 6' to allow for two new freestanding signs, for the property located at 2024, 2040, 2100, 2150 S. Arizona Avenue, Yuma, AZ.*

Richard Munguia, Associate Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

Urias confirmed if right-of-way had been taken from this property. **Munguia** answered yes. **Urias** then asked if there had been any public comment regarding the request. **Munguia** said no.

APPLICANT/APPLICANTS REPRESENTATIVE

Emeline Gabbour, Gorman & Company, 4700 N Central Ave, Phoenix, AZ, stated the applicant was in agreement with the Conditions of Approval.

OPEN PUBLIC COMMENT

None

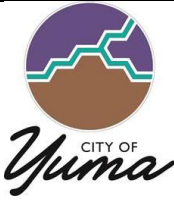
DECISION:

Urias granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Urias adjourned the meeting at 9:46 a.m.

Minutes approved and signed this _____ day of _____, 2019.

Ray Urias, Hearing Officer



STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Cheri Skinner

Hearing Date: April 11, 2019

Case Number: VAR-25185-2019

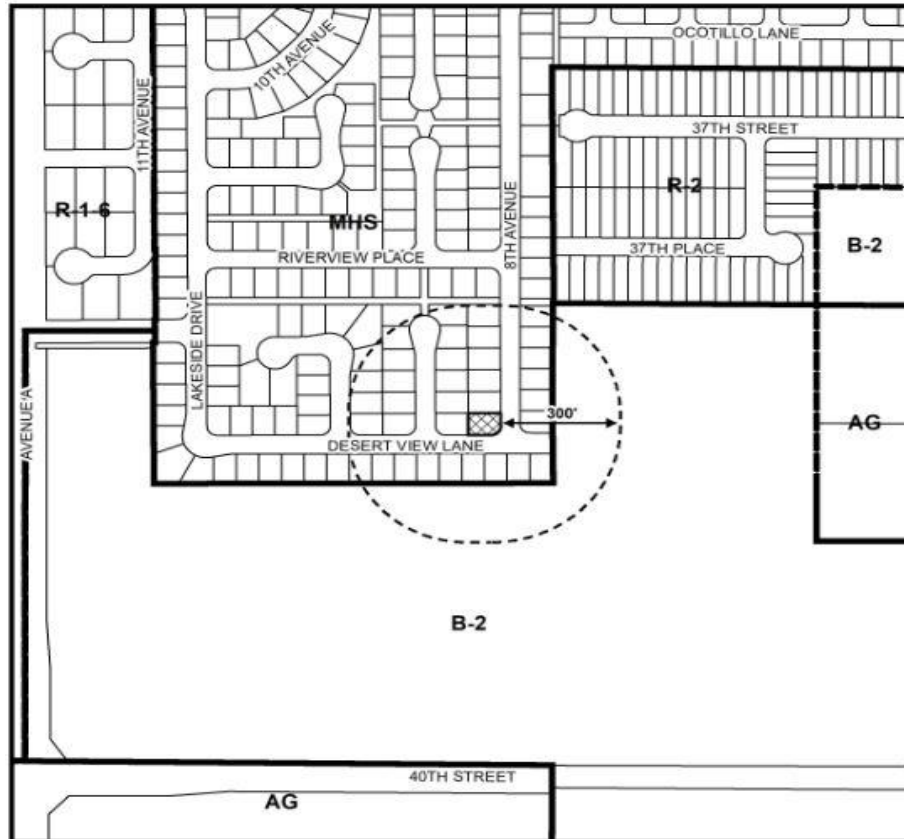
Project

Description/Location:

This is a request by Dwayne E. Timmons and Nancy J. Chase for a variance to reduce the rear yard setback from 7 feet to 4 feet 9 inches and increase the maximum lot coverage from 50% to 63% within the Manufactured Home Subdivision (MHS) District and the Airport Overlay (AD), for the property located at 3786 S. 8th Avenue, Yuma, AZ.

| | Existing Zoning | Use(s) on-site | General Plan Designation |
|--------------|-------------------------------------|----------------|--------------------------|
| Site | Manufactured Home Subdivision (MHS) | Residential | Low Density Residential |
| North | Manufactured Home Subdivision (MHS) | Residential | Low Density Residential |
| South | Manufactured Home Subdivision (MHS) | Residential | Low Density Residential |
| East | Manufactured Home Subdivision (MHS) | Residential | Low Density Residential |
| West | Manufactured Home Subdivision (MHS) | Residential | Low Density Residential |

Location Map:



Prior site actions: Annexation: October 30, 1992 (Ordinance No. 2588); Rezone: Z92-18, Z92-20 (Ordinance No. 2606, 2607). Blanket variance to reduce side yard setback (BA92-31 Approved January 19, 1993). Blanket variance to increase maximum lot coverage (BA92-33 Approved January 19, 1993).

Staff Recommendation: Staff recommends **APPROVAL** of the request for a variance to reduce the rear yard setback from 7 feet to 4 feet and 9 inches and increase the maximum lot coverage from 50% to 63 % to allow a metal carport, because it does meet the four criteria of §154-03.04 of the City of Yuma Zoning Ordinance.

Staff Analysis: The subject property was initially developed in Yuma County, on October 5, 1983, and was later annexed into the City of Yuma on October 30, 1992.

This variance request is for the reduction of the rear yard setback from 7 feet to 4 feet 9 inches to allow a metal carport and an increase of the maximum lot coverage from 50% to 63%.

The unique condition that exists originated during the development phase of the subdivision. In addition to the development standards at that time, this is a corner lot and additional setbacks and restrictions apply that other lots in the area don't have. The additional street side setback requirements as well as the sight triangle further limit the buildable area for corner lots.

Other lots within the subdivision have multiple carports and other accessory structures. If this variance request is granted, the character of the neighbor will not be changed. The proposed carport will not be detrimental to the surrounding properties or pose a health and safety concern.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code? Yes.

A) "There is a special circumstance(s) or conditions(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district."

Is this statement correct for this application?

Yes

No

Applicant Response: *The area in question has a cement driveway, but is not covered. Our heat pump and water softener is located in this area and there is room for our second vehicle. This area faces the southwest and is extremely vulnerable to the afternoon sun.*

Staff Analysis: The subject parcel is a corner lot and is subject to more restrictions based on the two street sides, multiple access points and the site triangle which causes a smaller building envelope than other lots within the same subdivision. The applicant would like to construct a 12 foot X 25 foot metal awning to provide shade and protection for the house and the car.

B) "The special circumstance was not created or caused by the property owner or applicant?"

Is this statement correct for this application?

Yes

No

Applicant Response: *When the property was purchased, December 12th, 2017. All the structures were exactly as they are today.*

Staff Analysis: The special circumstance was not created by the applicant. The subdivision was initially created in the County and had different criteria based on the County zoning ordinance. When the subdivision was annexed to the City in 1992, the setbacks and lot coverage were more restrictive.

C) "The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations?"

Is this statement correct for this application?

Yes

No

Applicant Response: *The Desert Lakes Home Owner's Association CC&R's states in Section 4.5.6: that awnings must be erected to cover side carports and patios. There are other properties like ours in our community that have dual carports, in fact the property next to ours is on a corner lot and also has the same configuration with two covered carports.*

Staff Analysis: Although the proposed rear yard setback would be reduced from 7 feet to 4 foot 9 inches and the lot coverage increased from 50 percent to 63 percent, this request if approved, would still be in character with the neighborhood and be an aesthetically pleasing addition.

D) "The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare."

Is this statement correct for this application?

Yes

No

Applicant Response: *We have spoken with our neighbors and they have no objection to us obtaining a variance and the addition of this would not be detrimental to any one residing or working in the vicinity to adjacent property to the neighborhood or to the public health, safety and general welfare.*

Staff Analysis: Granting this variance request would not be materially detrimental to any person residing in the vicinity, nor would it pose a public, health and safety concern.

2. Are any of the adjacent property owners opposed to this request? No.

Public Comments Received: No comments

External Agency Comments: No comments

Neighborhood Meeting Comments: See Attachment C.

Proposed conditions delivered to applicant on: March 19, 2019.

Final staff report delivered to applicant on: April 2, 2019.

Applicant agreed with all of the conditions of approval on: March 19, 2019.

Attachments

| A | B | C | D | E | F |
|------------------------|-----------|-------------------------------|----------------|------------------------------|--------|
| Conditions of Approval | Site Plan | Neighborhood Meeting Comments | Staff Research | Public and Internal Comments | Aerial |

Prepared By:
Cheri Skinner
Associate Planner

Cheri Skinner
cheri.skinner@yumaaz.gov

Date: 3-26-19
(928)373-5000, x 3040

Reviewed By:
Alyssa Linville
Principle Planner

Alyssa Linville

Date: 03/26/19

Approved By:
Laurie Lineberry, AICP,
Director Community Development

Laurie Lineberry

Date: 3-26-19

**ATTACHMENT A
CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

Department Of Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

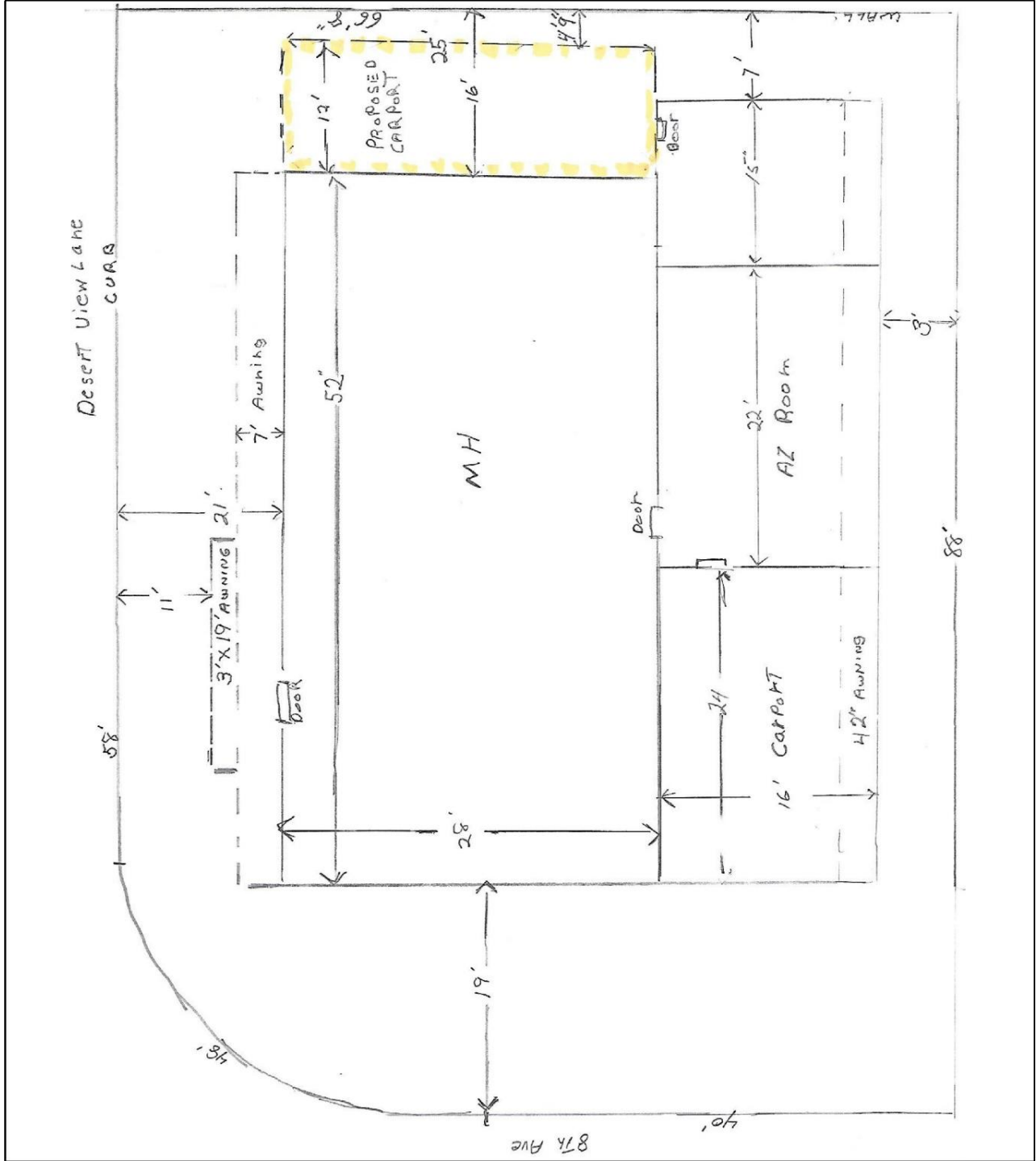
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.

Community Planning: Cheri Skinner, Associate Planner, (928) 373-5000 x 3040:

2. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
3. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

**ATTACHMENT B
SITE PLAN**



ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: March 19, 2019

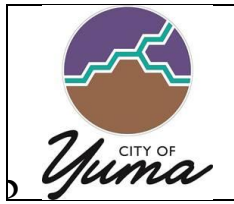
Location: On-site; 3786 S. 8th Avenue, Yuma, AZ.

Attendees: Cheri Skinner, City of Yuma, Nancy Chase and Dwayne Timmons, property owners.
Neighbors in attendance: Rick Kanase, Max and Shirley Coletta, Raymond and Marilyn Lowenberg, and Steve Connor.

Staff discussed the nature of the request, described the unique aspects of the subject property, what was being proposed, and how the variance process works.

All neighbors that were present at the neighborhood meeting were in support of the variance request. The property owners also provided signed letters by surrounding neighbors. I have not received any comments in opposition.

**ATTACHMENT D
STAFF RESEARCH**



**STAFF RESEARCH – VARIANCE
CASE #: 25185-2019
CASE PLANNER: CHERI SKINNER**

I. PROJECT DATA

| | | | | | | | | | | | | | | |
|-----------------------------|--------|---|-------|---------------------------|------|-------------------------------------|----------------------------|--|----------------------------|--|----------------------------------|--|---------|---|
| General Location | | Corner of South 8 th Avenue and Desert View Lane | | | | | | | | | | | | |
| Parcel Number(s) | | 695-57-118 | | | | | | | | | | | | |
| Parcel Size(s) | | 5016 square feet | | | | | | | | | | | | |
| Total Acreage | | .01 acre | | | | | | | | | | | | |
| Proposed Dwelling Units | | 1 existing | | | | | | | | | | | | |
| Address | | 3786 S. 8 th Avenue | | | | | | | | | | | | |
| Applicant | | Nancy J. Chase and Dwayne E. Timmons | | | | | | | | | | | | |
| Applicant's Agent | | N/A | | | | | | | | | | | | |
| Land Use Conformity Matrix: | | Conforms: | | <input type="radio"/> Yes | | <input checked="" type="radio"/> No | | | | | | | | |
| Zoning Overlay: | Public | | AO | | Auto | | B&B | | Historic | | None | | Airport | X |
| Noise Contours | 65-70 | X | 70-75 | | 75+ | | <input type="radio"/> APZ1 | | <input type="radio"/> APZ2 | | <input type="radio"/> Clear Zone | | | |

| | Existing Zoning | Use(s) on-site | General Plan Designation |
|--------------|-------------------------------------|-------------------|--------------------------|
| Site | Manufactured Home Subdivision (MHS) | Manufactured Home | Low Density Residential |
| North | Manufactured Home Subdivision (MHS) | Manufactured Home | Low Density Residential |
| South | Manufactured Home Subdivision (MHS) | Manufactured Home | Low Density Residential |
| East | Manufactured Home Subdivision (MHS) | Manufactured Home | Low Density Residential |
| West | Manufactured Home Subdivision (MHS) | Manufactured Home | Low Density Residential |

| Prior Cases or Related Actions: | | | | |
|---------------------------------|----------|---|----|---|
| Type | Conforms | | | Cases, Actions or Agreements |
| Pre-Annexation Agreement | Yes | | No | N/A |
| Annexation | Yes | X | No | Ord. #2588 (October 30, 1992) |
| General Plan Amendment | Yes | | No | N/A |
| Development Agreement | Yes | | No | N/A |
| Rezone | Yes | X | No | Z92-18, Z92-20 Ord. #2606 and #2607 From AG to MH (Feb.3, 1993) |
| Subdivision | Yes | X | No | Desert Lakes Mobile Home Subdivision (Oct. 5, 1983) |
| Conditional Use Permit | Yes | | No | X |
| Pre-Development Meeting | Yes | X | No | Date: February 14, 2019 |
| Design Review Commission | Yes | | No | N/A |
| Enforcement Actions | Yes | | No | N/A |
| Avigation Easement Recorded | Yes | X | No | Fee # 00629 (Jan. 7, 1994) |

| Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances) | | | Yes |
|--|---|----------------------|----------------------------|
| Case # | Nature of Variance Requested | Staff Recommendation | ZBA/Hearing Officer Action |
| BA92-31 | Blanket variance to reduce side yard setback from 7 feet to 3 feet for carports and patios. | Approval | Approved January 19, 1993 |
| BA92-33 | Blanket variance to increase the maximum lot coverage from 45% to 50% | Approval | Approved January 19, 1993 |
| Does the proposed variance meet the criteria of §154-03.04(D) of the Yuma City Code? | | | Yes |

A. "There is a special circumstance(s), or condition(s) that applies to the property, building, or use referred to in the application that does not apply to most other properties in the district."

Is this statement correct for this application?

Yes No

Applicants Response: *The area in question has a cement driveway, but is not covered. Our heat pump and water softener is located in this area and there is room for our second vehicle. This area faces the southwest and is extremely vulnerable to the afternoon sun.*

Staff Analysis: The subject parcel is a corner lot and is subject to more restrictions based on the two street sides, multiple access points and the site triangle which causes a smaller building envelope than other lots within the same subdivision. The applicant would like to construct a 12 foot X 25 foot metal awning to provide shade and protection for the house and the car.

B. "The special circumstance(s) was not created or caused by the property owner or applicant."

Is this statement correct for this application?

Yes No

Applicant's Response: *When the property was purchased, December 12th, 2017. All the structures were exactly as they are today.*

Staff Analysis: The special circumstance was not created by the applicant. The subdivision was initially created in the County and had different criteria based on the County zoning ordinance. When the subdivision was annexed to the City in 1992, the setbacks and lot coverage were more restrictive.

C. "The granting of the variance(s) is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations."

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Staff Analysis: Granting this variance request would not be materially detrimental to any person residing in the vicinity, nor would it pose a public, health and safety concern.

NOTIFICATION

- **Legal Ad Published: The Sun** (03/18/19)
- **300’ Vicinity Mailing:** (03/13/19)
- **Site Posted on:** (04/04/19)
- **34 Commenting/Reviewing Agencies Noticed:** (03/13/19)
- **Neighborhood Meeting Date:** (03/19/19)
- **Hearing Date:** (04/11/19)
- **Comments Due:** (03/25/19)

| External List (Comments) | Response Received | Date Received | “No Comment” | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Yuma County Airport Authority | NR | 3/18/19 | X | | |
| Yuma County Engineering | NR | | | | |
| Yuma County Public Works | NR | | | | |
| Yuma County Water Users | Yes | 3/15/19 | X | | |
| Yuma County Planning & Zoning | NR | | | | |
| Arizona Public Service | NR | | | | |
| Time Warner Cable | NR | | | | |
| Southwest Gas | NR | | | | |
| Qwest Communications | NR | | | | |
| Bureau of Land Management | NR | | | | |
| YUHS District #70 | NR | | | | |
| Yuma Elem. School District #1 | NR | | | | |
| Crane School District #13 | NR | | | | |
| A.D.O.T. | Yes | 3/18/19 | X | | |
| Yuma Mesa Irrigation District | Yes | 3/15/19 | X | | |
| Arizona Fish and Game | Yes | 3/15/19 | X | | |
| USDA – NRCS | NR | | | | |
| United States Postal Service | NR | | | | |
| Yuma Metropolitan Planning Org. | NR | | | | |
| El Paso Natural Gas Co. | NR | | | | |
| Western Area Power Administration | NR | | | | |
| City of Yuma Internal List (Conditions) | Response Received | Date Received | “No Conditions” | Written Conditions | Comments Attached |
| Rod Hamilton, Police | NR | | | | |
| Ron Ramirez, Parks | NR | | | | |
| Damon Chango, Parks | NR | | | | |
| Andrew McGarvie, Engineering | NR | | | | |
| Kayla Holiman, Fire | Yes | 3/18/19 | X | | |
| Randy Crist, Building Safety | Yes | 3/20/19 | | | X |
| City Engineer | NR | | | | |
| Traffic Engineer | NR | | | | |
| MCAS / C P & L Office | Yes | 3/18/19 | X | | |
| Jay Simonton, Utilities | NR | | | | |
| Joel Olea, Public Works | NR | | | | |
| Joel Olea, Streets | NR | | | | |

| Neighborhood Meeting | Comments Available |
|--|-----------------------------|
| MARCH 19, 2019 | See Staff Report Attachment |
| Prop. 207 Waiver | |
| Received by Owner’s signature on the application for this land use action request. | |

PUBLIC COMMENTS RECEIVED:

To Our Neighbors:

I am writing this letter in behalf of myself, Nancy Chase who is the property owner of 3786 So. 8th Avenue Az 85365.

I have applied to the Department of Community Development and Planning for a variance to erect a car port over an existing parking area.

Part of this variance requires all neighbors within 300 feet be notified. I am asking you if you have any objections to my plans.

If you don't object would you please sign below?

Thank you for your consideration.

Lot # 117

Lot # 20

Owner: Print Delmar Kruckenberg
Sign Del Kruckenberg

Owner: Print DENNIS L. PECKENSCHNEIDER
Sign Dennis L. Peckenschneider

Dated: 3/4/19

Dated: 20 FEB 19

Lot # 23

Lot # 19

Owner: Print Ron & Joyce Clark
Sign Ron & Joyce Clark

Owner: Print Kathy Karase
Sign Kathy Karase

Dated: Feb 20/19

Dated: 2-19-2019

Lot # 115

Lot # 116

Owner: Print Clarice Murdock
Sign Clarice Murdock

Owner: Print M. Kay Cave
Sign M. Kay Cave

Dated: 2-18-2019

Dated: 2-18-19

Lot # 111

Owner: Print Dwayne E. Timmons
Sign Dwayne E. Timmons

Dated: Feb 25, 2019

Internal Comments:

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s) No Condition(s) Comment

Enter conditions here: The supporting posts for the proposed awning are to be located minimum 5 feet to the property line, per IRC Table R302.1(1). The proposed awning eave projection of 4' 9" to the property line is compliant.

DATE: 3-20-19 NAME: Alan Kircher TITLE: Deputy Buiding Official
CITY DEPT: DCD / Building Safety
PHONE: 928-373-5169
RETURN TO: Cheri Skinner
Cheri.Skinner@YumaAZ.gov



 Subject Property

 Properties that signed a letter in support