

## 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 August 27, 2020 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

 CITY OF <i>Yuma</i>	<b>Agenda</b> <b>Hearing Officer Public Hearing</b> <b>City Hall Council Chambers</b> <i>One City Plaza</i>  <b>Thursday, August 27, 2020, 9:30 a.m.</b>
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Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meetings of the City of Yuma Hearing Officer will be conducted remotely through technological means.

***City Hall Council Chambers will be open with limited public access.***

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer secretary at email address [planning@yumaaz.gov](mailto:planning@yumaaz.gov) no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

### 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

- June 11, 2020

### APPLICATIONS TO BE CONSIDERED

1. **VAR-30904-2020:** This is a request by Sign Masters, LLC, on behalf of Seventh Day Adventist/Church School, for a variance to increase the maximum allowable height of a sign form 6' to 12' in the Low Density Residential (R-1-6) District, for the property located at 1681 S. 6th Avenue, Yuma, Arizona.
2. **VAR-31151-2020:** This is a request by the Robert Bentley, for a variance to reduce the street side setback from 3' to 0' to accommodate the placement of a carport, in the Recreational Vehicle Subdivision (RVS) District, 5707 E. 32nd St., unit 864, 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  
June 11, 2020**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, April 23, 2020, in City Council Chambers, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Pamela Walsma.

**CITY OF YUMA STAFF MEMBERS** present included Kenneth McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director/Zoning Administrator.

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

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**CONSENT CALENDAR**

**Walsma** approved the minutes of April 23, 2020.

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**PUBLIC HEARINGS**

**TIMEX-29995-2020:** This is a request by Vega & Vega Engineering, on behalf of Corona & Vega Properties LLC., for a one year time extension to a previously approved Conditional Use Permit (CUP-024257-2018) to allow office/retail in the Light Industrial/Airport Overlay (L-I/AD) District, for the property located at 2619 S. Avenue 2 ½ E, Yuma, AZ.

**Alyssa Linville, Assistant Director/Zoning Administrator**, summarized the staff report, recommending **APPROVAL**.

**QUESTION FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Vianey Vega, Vega & Vega Engineering**, 1846 S 8<sup>th</sup> Ave, Yuma, AZ was available for questions.

**OPEN PUBLIC COMMENT**

None

**DECISION**

**Walsma** granted the time extension for the previously approved Conditional Use Permit, subject to the Conditions of Approval in Attachment A.

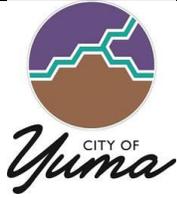
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**Walsma** adjourned the meeting at 9:35 a.m.

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Minutes approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Pamela Walsma, Hearing Officer



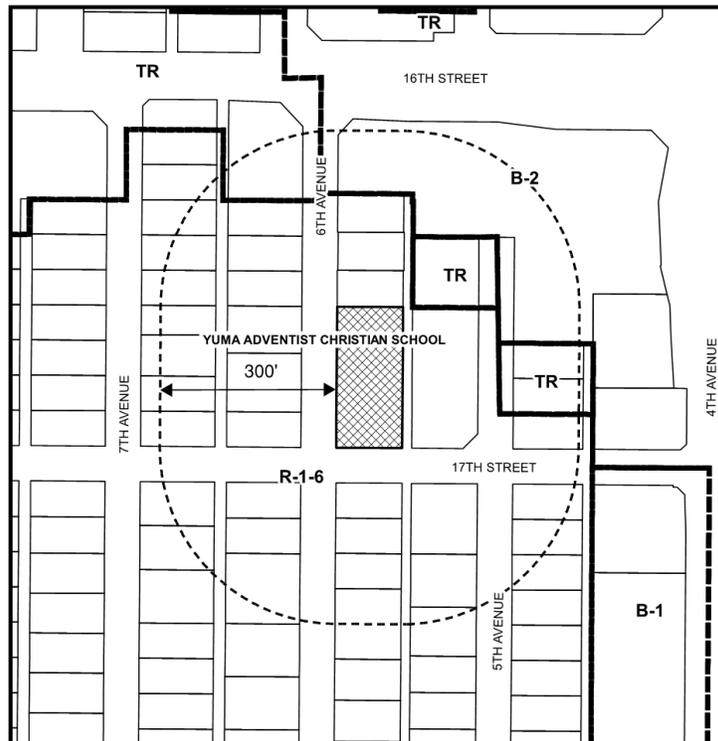
**STAFF REPORT TO THE HEARING OFFICER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING DIVISION  
CASE TYPE – VARIANCE  
Case Planner: ERIKA PETERSON**

**Hearing Date:** AUGUST 27, 2020      **Case Number:** VAR-30904-2020

**Project Description/Location:** This is a request by Sign Masters, LLC, on behalf of Seventh Day Adventist Church School, for a variance to increase the maximum allowable height of a sign from 6' to 12' in the Low Density Residential (R-1-6) District, for the property located at 1681 S. 6<sup>th</sup> Avenue, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Low Density Residential (R-1-6/IO) District/Infill Overlay	Religious/Educational	Low Density Residential
<b>North</b>	Low Density Residential (R-1-6/IO) District/Infill Overlay	Single-family Residential	Low Density Residential
<b>South</b>	Low Density Residential (R-1-6/IO) District/Infill Overlay	Single-family Residential	Low Density Residential
<b>East</b>	Low Density Residential (R-1-6/IO) District/Infill Overlay	Single-family Residential	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6/IO) District/Infill Overlay	Religious/Educational	Low Density Residential

**Location Map:**



**Prior site actions:** Annexation: Ord. #567 (March, 11, 1952); Variance (March 19, 1974)

**Staff recommendation:** Staff recommends **APPROVAL** of the request to allow the maximum allowable height of a sign from 6’ to 12’ in the Low Density Residential (R-1-6) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

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)			No
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA-12-74	Increase in fence height within the minimum front yard.	Unknown	Granted

**Staff Analysis:** The subject property is located on the corner of 6<sup>th</sup> Avenue and 17<sup>th</sup> Street in the Orange Grove Subdivision, subject to the Low Density Residential (R-1-6) District and the property is .61 acres in size, and annexed into the City of Yuma in 1952. The property is utilized as a school and as a church.

According to the City of Yuma Code, the Low Density Residential (R-1-6) District allows a maximum height of a sign to be 6 feet outside of the street yard setback, with a maximum total area of all sign face(s) of 24 square feet for each non-residential use for a freestanding sign. This particular property is surrounded by residential uses. Prior to 2017, the City of Yuma Code, Article 17- Sign Regulations, had a section specifically for schools. This section allowed for a maximum height of a sign outside of the street yard setback of 19 feet.

The property owner is proposing to install an LED, freestanding pole sign measuring 12 feet in height featuring a sign face area of approximately 24 square feet outside of the street setback. The street yard setback for the R-1-6 District is 10 feet and the proposed pole sign will be placed 12 feet from the property line along 17<sup>th</sup> Street. The applicant identified two schools and a church within the surrounding R-1-6 District that have signs with similar heights to what is being proposed; implying the construction of this sign would allow the preservation of substantial property rights enjoyed by other property owners within the vicinity and identical zoning district.

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

**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:** *“There does exist a special circumstance or condition that applies to the property, building or use referred to in the application that does NOT apply to most other properties in the district. The existing zoning is Residential and most other properties in this district are homes, and by no means the size of this property and building. Other churches and schools in residential areas have up to 12’ tall pole signs of up to 50 square feet.”*

**Staff Analysis:** The subject property is located within the Orange Grove Subdivision, Low Density Residential (R-1-6) Zoning District. It was annexed into the City in 1952 and has been utilized by the current users for over 56 years. The subject property is surrounded by residential homes and are much smaller in size. There are two nearby schools and a church within the same zoning district; those properties have signs that are similar in height to the proposed sign and are either located within the street setback or in the right-of-way. The existing monument sign located on the corner of 6<sup>th</sup> Avenue and 17<sup>th</sup> Street will be removed and replaced by the proposed LED, freestanding pole sign, approximately 80 feet east of its current location on 17<sup>th</sup> Street. In order for the sign to be visible from its proposed location the height would need to be taller than what the sign code allows. Those signs located on other school properties were installed when the sign code had specific sign regulations for such uses. However, in 2017, a code amendment occurred eliminating these provisions. Now, schools located in the R-1-6 District must follow the regulations required for residential development. These new regulations have proven to be an issue for many schools looking to add or replace onsite signage.

**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:** *“This special circumstance was NOT created or caused by the property owner or applicant. The church and church school has been in this current location for over 56 years and has faithfully served the Yuma community for over 180 years.”*

**Staff Analysis:** The Seventh Day Adventist Church School has been at its current location for over 56 years. Prior to a text amendment in 2017, schools had their own section in the sign code with different height allowances; the sign height allowance outside of the street setback was 19 feet, 7 feet taller than what is being proposed. The special circumstance was not created or caused by the property owner.

**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 granting of this variance is necessary for the preservation of substantial property rights enjoyed by other Church/School property owners in vicinities under identical zoning designations.”*

**Staff Analysis:** Schools and church in the surrounding area have signs similar in height and location to the one being proposed. The granting of this variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity.

**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:** *“The granting of this variance will NOT be materially detrimental to any persons residing or working in the vicinity, to the neighborhood, or to the public health, safety, and general welfare. The sign would be well out of the way of driving and foot traffic for it will be situated in the facility’s desert-landscaped property area. The sign itself will be out of reach and out of the way.”*

**Staff Analysis:** The granting of this variance will not be materially detrimental to any person residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public health, safety, and general welfare. The proposed sign would meet the total sign face area signage requirements for a non-residential use of 24 square feet, will meet the digital sign requirements for the NITS measurements and will feature automatic dimming. Additionally, the proposed sign will be relatively small when compared to the signs in the vicinity and will be located an additional 2 feet further away from the street yard setback.

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

**Public Comments Received:**

Name:	Rhonda Givens				Contact Information: (928)782-1932 <a href="mailto:rhonda@royalelectricyuma.com">rhonda@royalelectricyuma.com</a>					
Method of Contact:	Phone		FAX		Email	X	Letter		Other	
She had questions about the lighting, size and location of the sign on the property. The customer did not provide any further questions or comments.										

Name:	Kenneth Doten				Contact Information: (928)210-9985					
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
He had questions and was concerned about the illumination type and the size the sign. Thinks it could be a distraction and could pose a safety hazard for drivers. Mr. Doten called back and said he spoke with Sign Masters and was not concerned anymore about the location and illumination of the sign. He stated he was okay with the proposed location.										

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** No Meeting Required.

**Proposed conditions delivered to applicant on:** August 4, 2020

**Final staff report delivered to applicant on:** August 11, 2020

- Applicant agreed with all of the conditions of approval on: August 5, 2020
- Applicant did not agree with the following conditions of approval: (list #'s)
- (If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

**Attachments**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Site Photos	Proposed Sign	Aerial Photo

**Prepared By:**



**Date:**

8/10/2020

Erika Peterson  
Assistant Planner

[Erika.Peterson@YumaAZ.gov](mailto:Erika.Peterson@YumaAZ.gov)

(928)373-5000, x 3071

**Approved By:**



**Date:**

08/10/2020

Alyssa Linville,  
Assistant Director Community Development

**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: Alyssa Linville, Assistant Director  
Community Development, (928) 373-5000 x 3037:**

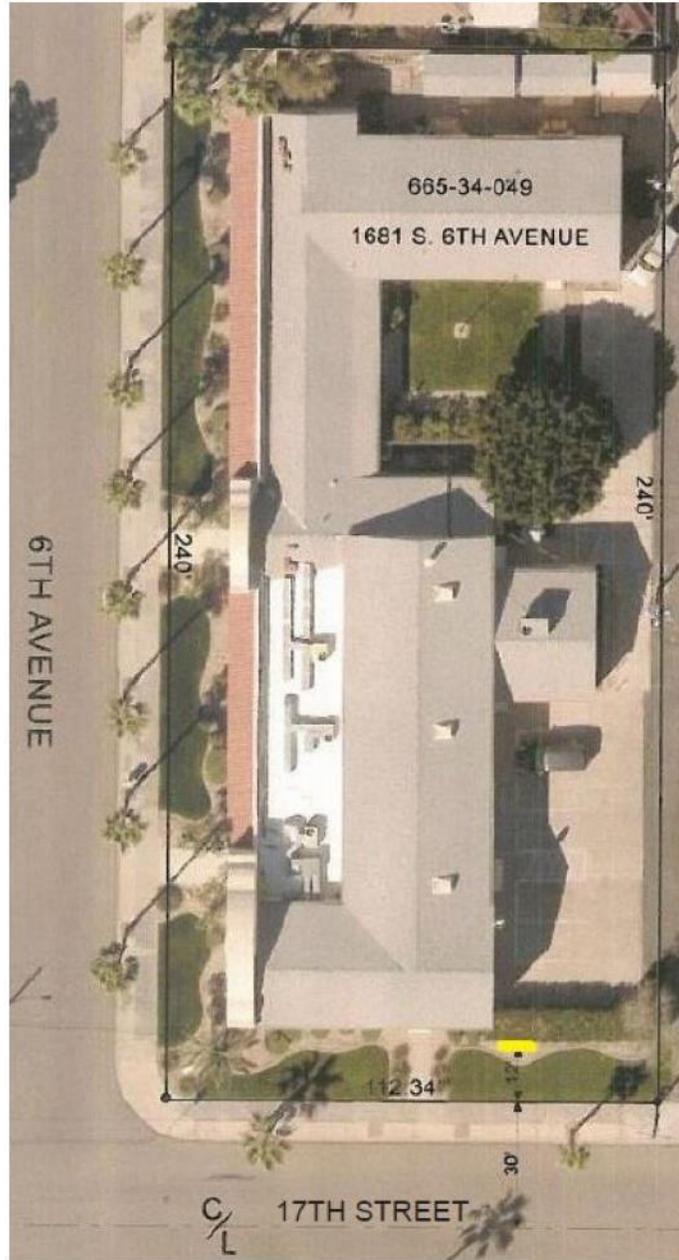
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

**Community Planning: Erika Peterson, Assistant Planner, (928) 373-5000 x 3071**

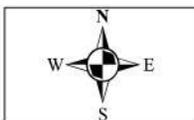
4. The sign shall be limited to a maximum surface luminosity limit of 6,500 NITS in full white mode during daytime hours. After sunset and before 11:00 p.m., the surface luminosity limit shall be a maximum of 342 NITS in full white mode. From 11:00 p.m. until sunrise, illumination shall be extinguished. The sign shall be equipped and provide automatic dimming based upon ambient lighting conditions, including evening and overcast weather.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
6. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
7. 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**



**SITE PLAN**



Prepared by: EP  
Checked by:



Date: 07-09-2020  
Revised:  
Revised:

Project #:  
VAR-30904-2020

**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (07/24/20)
- 300' Vicinity Mailing: (07/13/20)
- Site Posted on: (07/29/20)
- 34 Commenting/Reviewing Agencies Noticed: (07/15/20)
- Neighborhood Meeting Date: N/A
- Hearing Date: (08/27/20)
- Comments Due: (07/27/20)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	7/17/2020	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	7/17/2020	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	7/16/2020	X		
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	7/15/2020	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	7/20/2020	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	7/20/2020			X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	7/21/2020	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D  
AGENCY COMMENTS**

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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

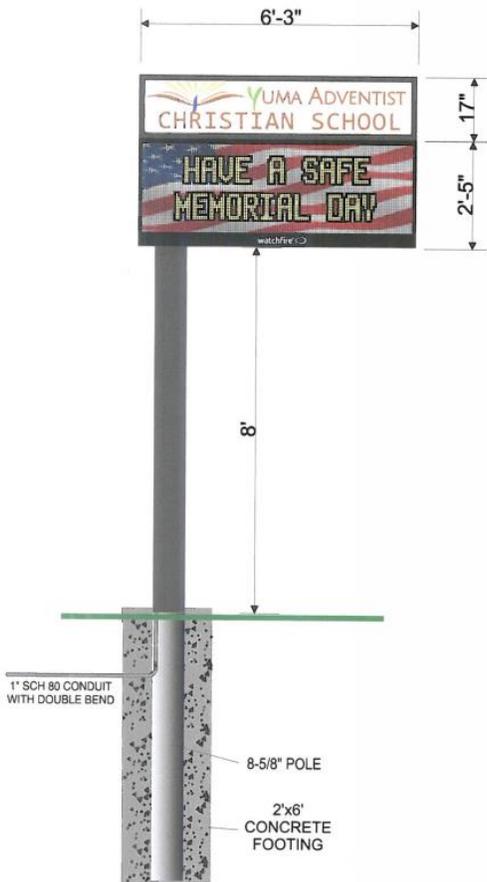
Enter conditions here: **A significant past due fire code violation on this property exists: a fire alarm is required in educational areas.**

+  
DATE: **7/20/2020**                      NAME: **Kayla Franklin**                      TITLE: **Fire Marshal**  
CITY DEPT: **Fire**  
PHONE: **928-373-4865**  
RETURN TO: **Erika Peterson**  
**Erika.Peterson@YumaAZ.gov**

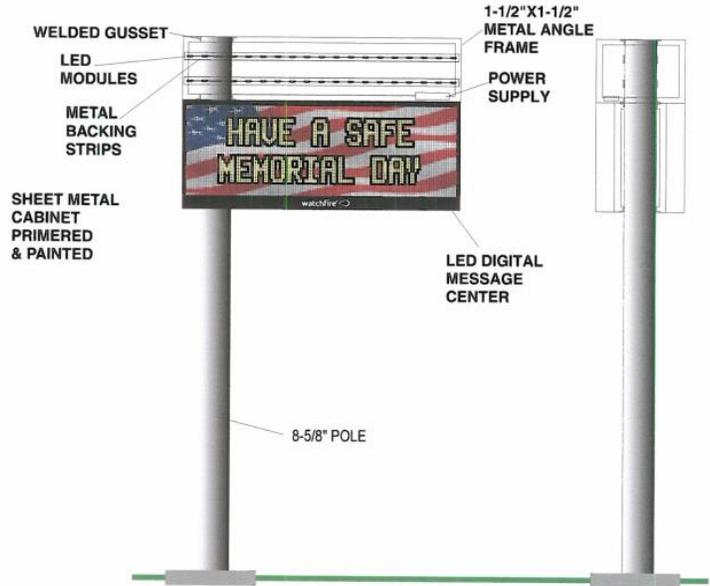
**ATTACHMENT E**  
**SITE PHOTOS**



# ATTACHMENT F PROPOSED SIGN



## POLE SIGN CABINET ELECTRIC DETAIL 1-120V / 15 AMP SINGLE CIRCUIT



THIS DESIGN IS PROPERTY OF SIGNMASTERS, AND MAY NOT BE REPRODUCED IN ANY MEDIA WITHOUT PRIOR WRITTEN CONSENT OF SIGNMASTERS.

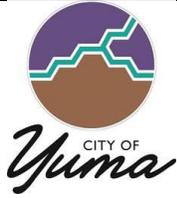
AUTHORIZED SIGNATURE DATE: 4-22-20	PREPARED FOR: CITY OF YUMA FILE NAME: Yuma Adventist Christian Church
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Greg Villalpando - Sales Executive  
Ph: 928-782-7497 Fax: 928-782-1515  
Cell: 928-503-1324  
Office: 1165 S. 4th Ave., Yuma AZ

ATTACHMENT G  
AERIAL PHOTO





**STAFF REPORT TO THE HEARING OFFICER**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COMMUNITY PLANNING DIVISION**  
**CASE TYPE – VARIANCE**  
**Case Planner: Chad Brown**

**Hearing Date:** August 27, 2020

**Case Number:** VAR-31151-2020

**Project Description/Location:** This is a request by Robert Bentley for a variance to reduce the street side setback from 3' to 0' for the placement of a carport, in the Recreational Vehicle Subdivision (RVS) District, for the property located at 5707 E. 32nd Street, Lot # 864, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Recreational Vehicle Subdivision (RVS)	Manufactured Home	Medium Density Residential
<b>North</b>	Recreational Vehicle Subdivision (RVS)	Manufactured Home	Medium Density Residential
<b>South</b>	Recreational Vehicle Subdivision (RVS)	Manufactured Home	Medium Density Residential
<b>East</b>	Recreational Vehicle Subdivision (RVS)	Manufactured Home	Medium Density Residential
<b>West</b>	Recreational Vehicle Subdivision (RVS)	Manufactured Home	Medium Density Residential

**Location Map:**



**Prior site actions:** Pre-Annexation Agreement Res. #R99-02 (January 20, 1999), Res. #R2000-08 (February 16, 2000) Amending, Annexation: Ord. #099-81 (August 7, 1999), Subdivision, Country Roads RV Village (June 20, 1984), Rezone Ord. #02000-94 (March 20, 2000) Z2000-005, Variance VAR-2917-2013 (August 28, 2013), VAR-2950-2013 (August 28, 2013), VAR-2955-2014 (January 22, 2015).

**Staff recommendation:**

Staff recommends **APPROVAL** of the request for a variance to reduce the street side setback for a carport from 3' to 0', in the Recreational Vehicle Subdivision (RVS) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

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
VAR-26077-2019	Reduce side yard setback from 3 ft to 2 ft for an awning	Approval	Approved
VAR-13688-2016	Reduce side yard setback from 3' to 0'	Denial	Approved

**Staff Analysis:**

Country Roads RV Village Subdivision was initially developed in Yuma County and was annexed to the City of Yuma on August 7, 1999. The pre-annexation agreement allowed the Yuma County setbacks for the subdivision to remain in place; which specifically allows an awning to be placed 3 feet from the property line. The subject parcel is unique in shape and narrows in the rear. The owner is requesting a reduction in the side yard setback to 0 foot for the construction of a carport. Most of the area of the proposed awning will exceed the 3 foot requirement; this is due to the narrowing of the lot. The area adjacent to the proposed variance request is a roadway, creating a natural buffer between the proposed reduced setbacks and another residential lot. The proposed carport is desired by the applicant to replace trees that once provided shade for the parking area. These trees became a visibility issue for drivers in the community. The proposed carport would provide shade and more visibility than the trees that were once in place.

There have been other variances approved for reductions in the setback requirements. VAR-2917-2013 was approved for a reduction in the front and street side to 3 feet. VAR-7955-2014 was approved for a reduction in the side yard to 1 foot for and awning, and VAR-2950-2013 was approved for a reduction of the front yard setback to 7 feet for several lots.

This request, if approved, would be in character with the neighborhood and would not be detrimental to other lots within the vicinity.

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

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

**Applicant Response:** *“I am applying for a variance to erect a carport on my property. I would like the placement on the northeast corner of the carport to be at the property line. As the carport extends south the distance to the property line increases to three foot set back from the property line. If I had a rectangular lot, I would not need a variance, however my lot is pinched in towards the back of the lot. My lot is 46’ at the front and narrows to 40’ on the back. Most corner lots are not this restricted by size.”*

**Staff Analysis:** The special circumstance that applies to the subject parcel is that it is a unique shaped lot. The lot is wide in the front and narrows in the rear.

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:** *“As I have purchased the property in spring of 2019, the circumstances for this variance were not created by myself. I have however removed the trees that gave me shade for my car but blocked the intersection and the street sign.”*

**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 1999, there was a development agreement to keep the existing setbacks in place which allows awnings to have a 3 foot side yard setback. If this particular lot was not irregular in shape, it would meet the 3 foot setback requirement. The configuration of the lot hinders the buildable area.

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:** *“As I am a full time resident it would preserve the condition of my new 2019 Civic by getting out of the summer sun. I plan on putting up a newer style carport which will be more ascetically pleasing for my neighbors.”*

**Staff Analysis:** The development agreement for this subdivision allows for awnings to be 3 feet from the property line. Granting this variance request for a reduction in the side yard to 0 feet would allow the owners to utilize their lot as others within the subdivision have done that have a regular shaped lot, therefore preserving their property rights.

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:** "As I am on a corner with a wider 50 foot street (Drifting) on my east side it should not be detrimental to any of my neighbors and I have proposed it far back on my lot as not to interfere corner vision."

**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. Approval of this variance request will enable the owner to construct an awning along the side of the existing manufactured home to provide shade for their vehicle. The internal community street area adjacent to the subject parcel provides a significant buffer from the subject parcel and the neighbor to the east.

**2. Are any of the adjacent property owners opposed to this request? Yes.**

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** No neighborhood meeting was held.

**Proposed conditions delivered to applicant on:** 8/13/20

**Final staff report delivered to applicant on:** 8/27/2020

Applicant agreed with all of the conditions of approval on: 8/13/20

**Attachments**

A	B	C	D	E	F
Conditions of Approval	Site Plan	Comment from Neighbor	Agency Notifications	Site Photos	Aerial Photo

**Prepared By:**  **Date:** 8/14/20  
 Chad Brown  
 Associate Planner      Chad.Brown@yumaaz.gov      (928)373-5000, x 3038

**Approved By:**  **Date:** 08/13/2020  
 Alyssa Linville,  
 Assistant Director Community Development

**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: Alyssa Linville, Assistant Director  
Community Development, (928) 373-5000 x 3037:**

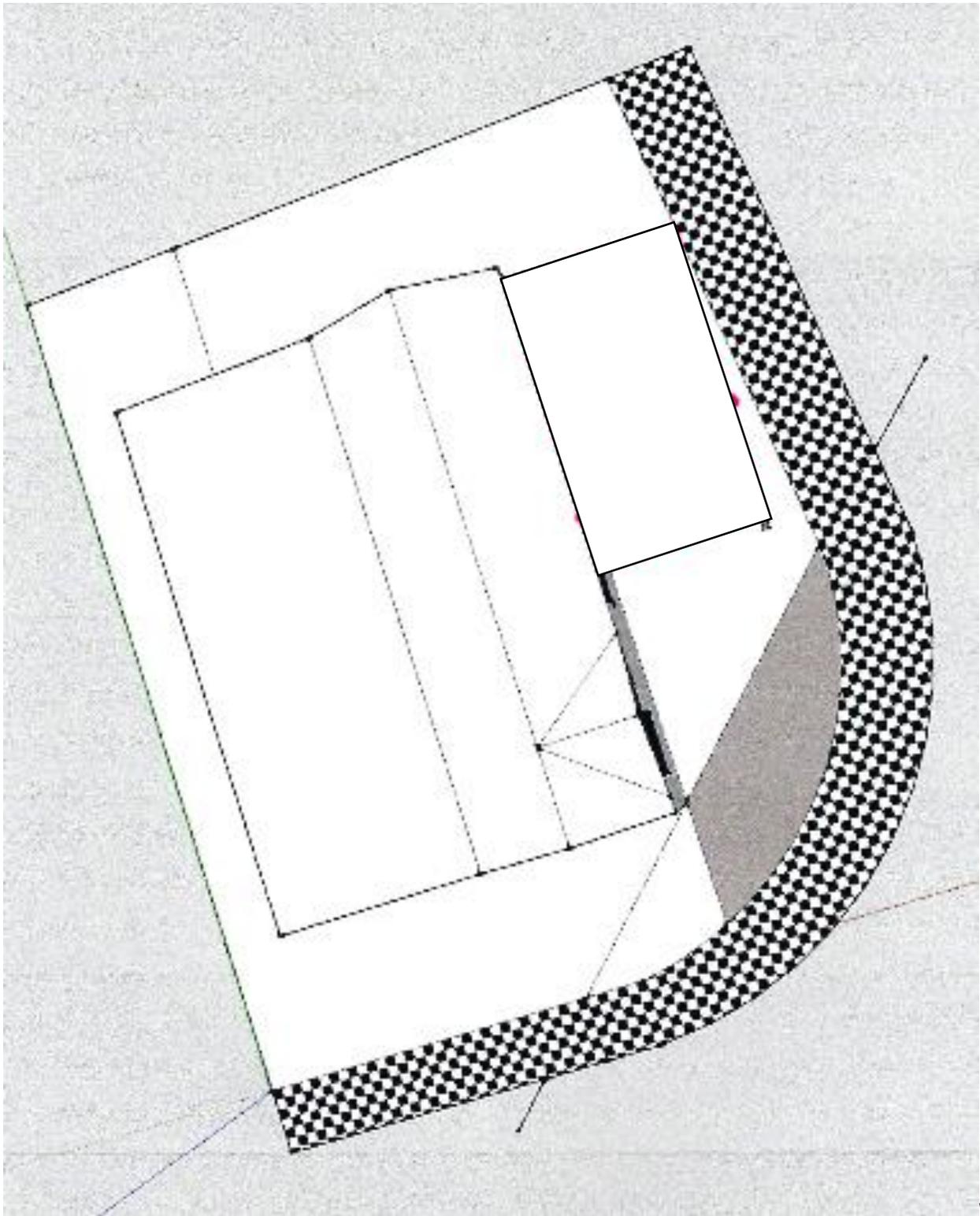
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

**Community Planning: Chad Brown, Associate Planner, (928) 373-5000 x 3038**

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. 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



W

**ATTACHMENT C  
COMMENT FROM NEIGHBOR**

 Reply  Reply All  Forward

 Mon 8/10/2020 10:30 AM  
Elaine Holmes <holmeselaine75@gmail.com>  
VAR-31151-2020

To Brown, Chad - Associate Planner

 You replied to this message on 8/10/2020 10:35 AM.

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 CAUTION: External Email

In receipt of the notice of the referenced variance I would like to record my opposition to such variance. I don't feel such action is warranted.

Sincerely  
Elaine Holmes  
Lot #746  
Sent from my iPhone

 Reply  Reply All  Forward

 Mon 8/10/2020 2:11 PM  
Elaine Holmes <holmeselaine75@gmail.com>  
Re: VAR-31151-2020

To Brown, Chad - Associate Planner

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I feel the owner should abide by the set backs as we have established in the past and in this case no zero set back should not be given because of the esthetics of our park.

Sent from my iPhone

On Aug 10, 2020, at 10:35 AM, Brown, Chad - Associate Planner <[Chad.Brown@yumaaz.gov](mailto:Chad.Brown@yumaaz.gov)> wrote:

Hello Elaine,

Thank you for your email. I will add this to the staff report. It may be helpful to mention why you do not feel the reduction of the setback is warranted.

Best,

Chad

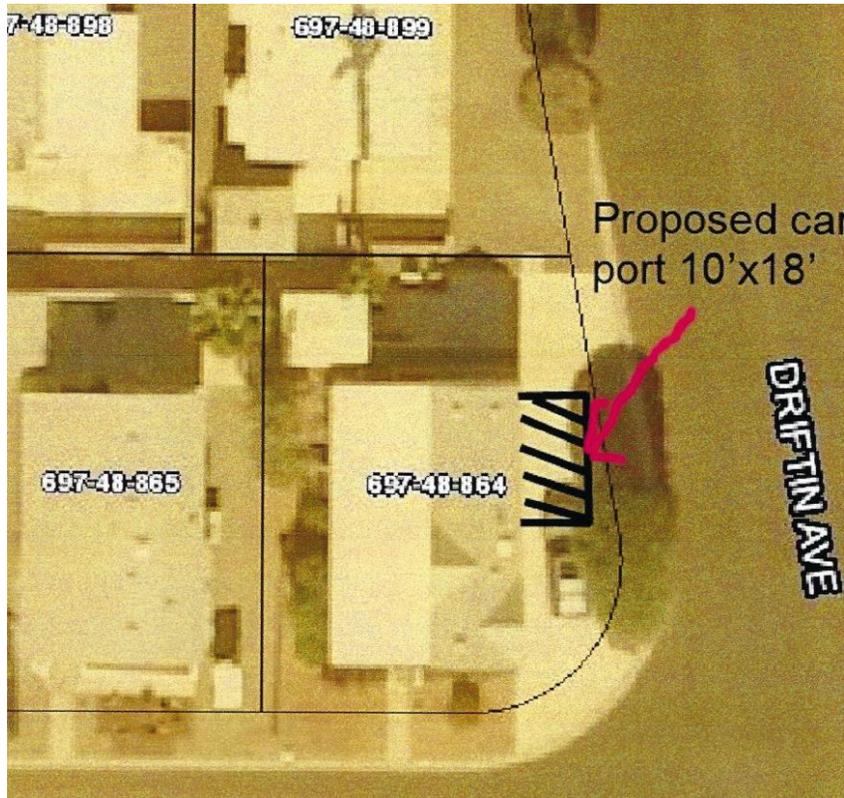
**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- o Legal Ad Published: 8/7/20
- o 300' Vicinity Mailing: 7/29/20
- o 34 Commenting/Reviewing Agencies Noticed: 7/29/20

- o Neighborhood Meeting Date: Not held due to COVID.
- o Hearing Date: 8/27/20
- o Comments Due: 8/10/20

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	7/30/2020	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	7/30/2020	X		
Yuma County Assessor	YES	7/29/2020	X		
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	7/30/2020	X		
YCWUA	YES	7/30/2020	X		
Arizona Fish and Game	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	7/29/2020	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	7/29/2020	X		
Building Safety	YES	7/30/2020	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	8/7/2020	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D  
SITE PHOTOS



ATTACHMENT E  
AERIAL PHOTO

