

## 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 January 23, 2020 at 9:30 a.m. in City Hall Room 190, 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> <i>City Hall Room 190</i> <i>One City Plaza</i>  <b>Thursday, January 23, 2020, 9:30 a.m.</b>
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### 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

- October 10, 2019

### APPLICATIONS TO BE CONSIDERED

1. **VAR-28796-2019**: This is a request by Suntech Awning, on behalf of Helen Edgin, for a variance to reduce the side yard setback from 3' to 2', for the construction of a carport, in the Recreational Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32nd Street, Unit 159, 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  
October 10, 2019**

A meeting of the City of Yuma's Hearing Officer was held on Thursday, October 10, 2019, at City Hall Room 190, One City Plaza, Yuma, AZ.

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

**CITY OF YUMA STAFF MEMBERS** present included Scott McCoy, Assistant Attorney; Agustin Cruz, Senior Civil City Engineer; Alyssa Linville, Assistant Director/Zoning Administrator; Richard Munguia, Associate Planner; and Amelia Griffin, Assistant Planner.

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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 August 8, 2018.

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**WITHDRAWALS BY APPLICANT**

**VAR-27565-2019:** This is a request by Brian Sankey, for a variance to increase the permitted height of a fence within the front yard setback, from 3' to 4'6", in the Low Density Residential (R-1-6) District. The property is located at 7955 E. 37th St, Yuma, AZ.

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**PUBLIC HEARINGS**

**TIMEX-27556-2019:** This is a request by Scott Audsley, on behalf of McDonald's Real Estate Company, for a one year time extension to a previously approved conditional use permit (CUP23794-2018), to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ.

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

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Scott Audsely, 3800 Kilroy Airport Way, Suite 200, Long Beach, CA**, was available for questions.

**OPEN PUBLIC COMMENT**

None

**DECISION:**

**Walsma** granted the Conditional Uses Permit subject to the Conditions of Approval in Attachment A, finding that the seven criteria had been met.

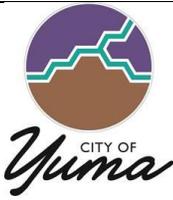
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**Walsma** adjourned the meeting at 9:35 a.m.

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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: Chad Brown**

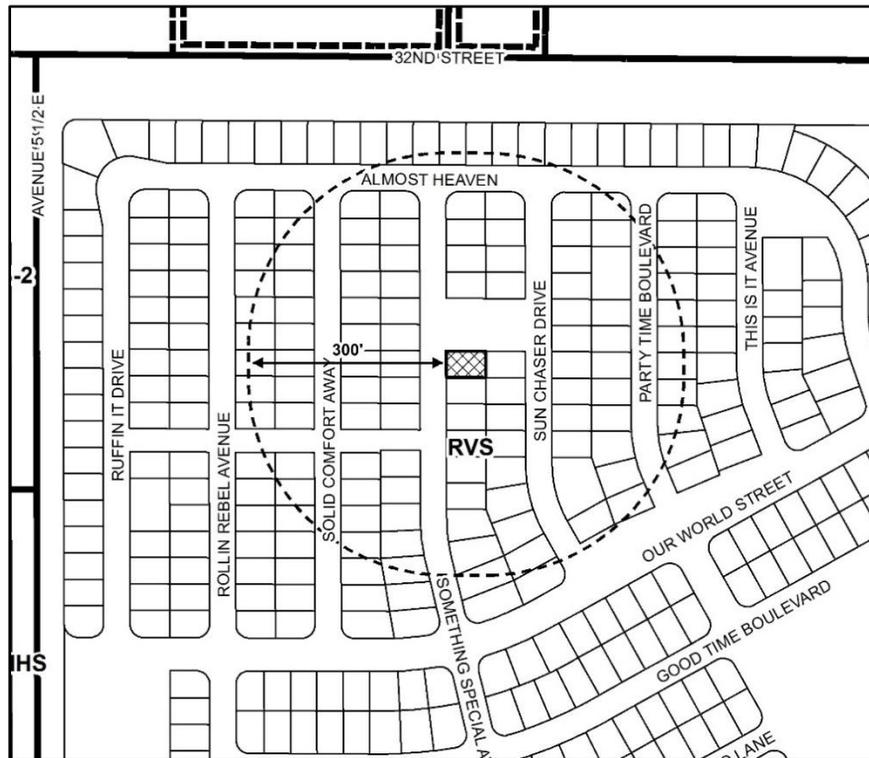
**Hearing Date:** January 23, 2020

**Case Number:** VAR-28796-2019

**Project Description/Location:** This is a request by Suntech Awning, on behalf of Helen Edgin, for a variance to reduce the side yard setback from 3' to 2', for the construction of a carport, in the Recreational Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32<sup>nd</sup> Street, Unit 159, Yuma AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Recreational Vehicle Subdivision (RVS)	Single-Family Home	Medium Density Residential
North	Recreational Vehicle Subdivision (RVS)	Clubhouse	Medium Density Residential
South	Recreational Vehicle Subdivision (RVS)	Single-Family Home	Medium Density Residential
East	Recreational Vehicle Subdivision (RVS)	Single-Family Home	Medium Density Residential
West	Recreational Vehicle Subdivision (RVS)	Single-Family Home	Medium Density Residential

**Location Map:**



**Prior site actions:** Pre-Annexation: February 16, 2000 (Res. #R2000-08); Annexation: August 7, 1999 (Ord. #099-81); Subdivisions: June 20, 1984 (Country Roads RV Village); Development Agreement: February 16, 2000 (Res. #R2000-08); Rezone: March 20, 2000 (Ord.#02000-94).

**Staff recommendation:** Staff recommends **DENIAL** of the request to reduce the side yard setback from 3' to 2', for the construction of a carport, in the Recreational Vehicle Subdivision (RVS) District. If the proposed variance were to be approved, it would be subject to the conditions in Attachment A.

**Staff Analysis:** The subject property is located in Country Roads RV Village, and is subject to the development standards of Development Agreement (Res. #R2000-08). Said development standards include maintaining the following setbacks along property lines for the primary structure: front yard setback is 10 feet, side yard setbacks are 7 feet, rear yard setback is 10 feet. Each lot may have 50% lot coverage. Additionally, there are setback exceptions that are permitted for terraces, patio covers, awnings, carports, platforms and ornamental features—they project into any required side yard, provided such features shall be distant at least three feet from any lot line or setback line.

This variance request is to reduce the side yard setback from 3' to 2' for the construction of a carport.

There is no special circumstance or condition that applies to the property, that does not apply to most other properties in the district. The subject property is similar in shape and layout as most lots in the subdivision. While the property has been built-out over the years, leaving little room for a properly sized carport, there are additional design alternatives that would offer a carport which meets setback requirements. An example of such design alternatives includes a cantilevered shade structure. The location of the posts for the proposed carport do not meet the separation requirements as required by the adopted building codes. Locating the posts closer than 3 feet from the property line could be a fire safety hazard.

**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’s Response:** *“I need to have a 9-foot area in order to put my carport up.”*

**Staff Analysis:** There is no special circumstance or condition that applies to the property, that does not apply to most other properties in the district. The subject property is similar in shape and layout as most lots in the subdivision. While the property has been built-out over the years, leaving little room for a properly sized carport, there are additional design alternatives that would offer a carport which meets setback requirements. An example of such design alternatives includes a cantilevered shade structure.

**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:** *"Bought the property as is otherwise I would have made my rooms small to accommodate the parking."*

**Staff Analysis:** A special circumstance does not apply to the property. 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. Most other properties within the subdivision have designed their properties so as to provide adequate space for a carport and/or other shade structure.

**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."**

Is this statement correct for this application?

Yes       No

**Applicant's Response:** *"There has been other residences that have been granted variances for similar situations."*

**Staff Analysis:** The development agreement for this subdivision allows for awnings to be 3 feet from the property line; a reduction from the typical requirement of 7 feet as required by all other developments within the Recreational Vehicle Subdivision (RVS) District. As previously mentioned, alternatives do exist that would provide the property owner with covered parking while also meeting the already reduced side yard setback.

**D. "The granting of this 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's Response:** *"I need the extra foot for my parking area—need to encroach one foot so I can put up my carport 9X 34 carport. The adjacent lot is a common area—swimming pool next door and club house area."*

**Staff Analysis:** Granting this variance request could be materially detrimental to any person residing in the vicinity, and could pose a public, health and safety concern. The location of the posts for the proposed carport do not meet the separation requirements as required by the adopted building codes. Locating the posts closer than 3 feet from the property line could be a fire safety hazard.

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

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: See Attachment C.

Proposed conditions delivered to applicant on: January 14, 2020

Final staff report delivered to applicant on: January 16, 2020

Attachments

A	B	C	D	E
Conditions of Approval	Site Plan	Neighborhood Meeting Comments	Photos	Staff Research

Prepared By: *Chad Brown* Date: 1.16.20  
 Chad Brown Associate Planner [Chad.brown@yumaaz.gov](mailto:Chad.brown@yumaaz.gov) (928)373-5000, x 3038

Approved By: *Alyssa Linville* Date: 01/16/20  
 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: Laurie Lineberry, Community Development Director (928) 373-5175:**

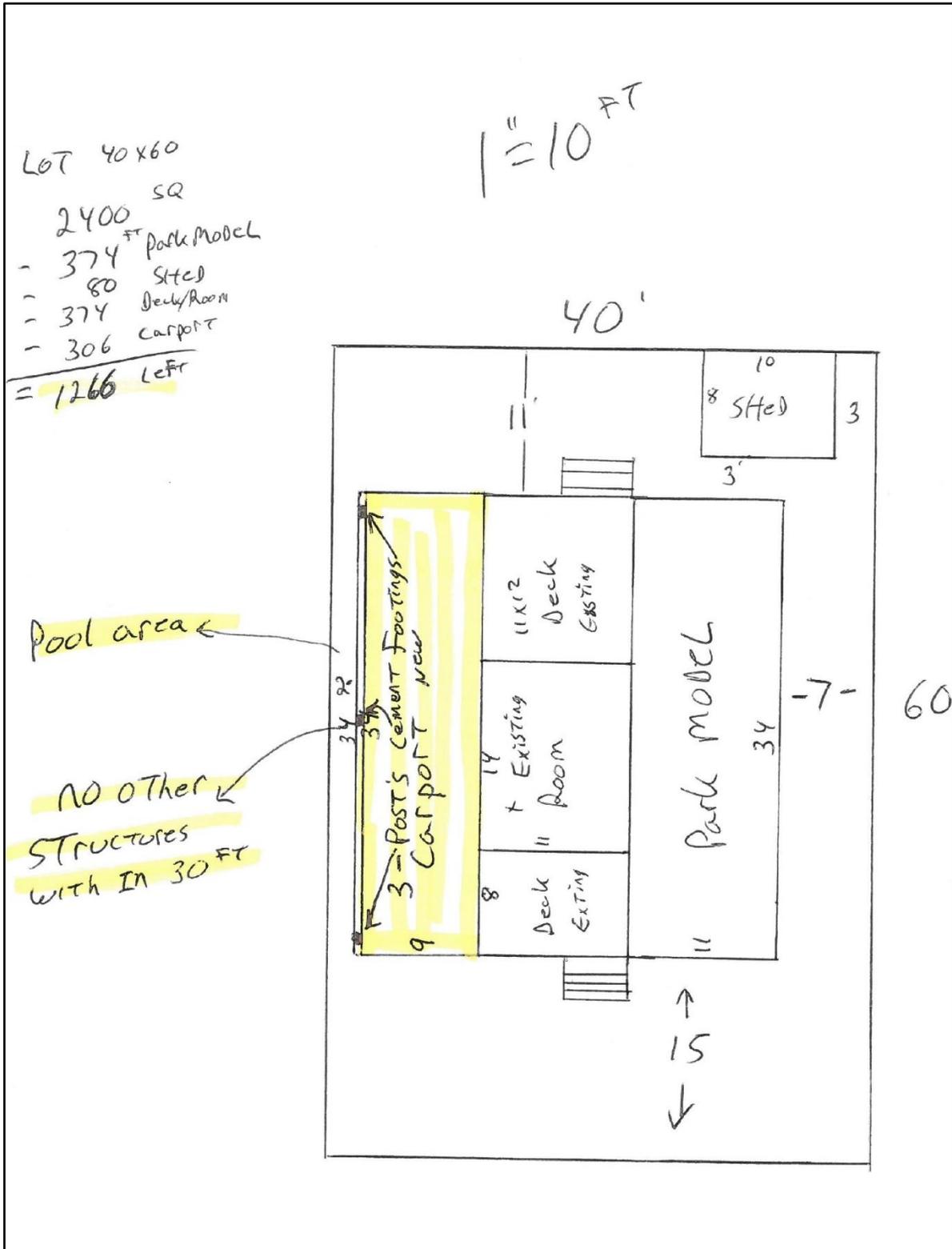
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

**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**



**ATTACHMENT C**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** January 7, 2020

**Location:** Subject property; 5707 E. 32<sup>nd</sup> Street,  
unit 159, Yuma AZ.

**Attendees:** Chad Brown; City of Yuma, Helen Edgin; property owner; unit 159, George Simmons; subject parcel resident, Carl and Mary Bechard; unit 125, Deborah Richardson; unit 200, Debbie and Tom Thompson; unit 158

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **SEVERAL NEIGHBORS JOINED THE MEETING, PRIMARILY FOR GENERAL INFORMATION, INCLUDING THE PROPERTY OWNER TO THE DIRECT SOUTH OF THE SUBJECT PROPERTY.**
- **THE COMMUNITY WAS POSITIVE AND SUPPORTIVE OF THE PROPOSED VARIANCE, AND FELT THAT THE PROCESS WAS CUMBERSOME FOR THE NATURE OF THE PROPOSED REQUEST.**
- **THE SUBJECT PARCEL OWNERS STATED THAT THE DESIGN BOARD OF COUNTRY ROADS WAS IN SUPPORT OF THE PROPOSED STRUCTURE.**
- **CARL AND MARY OF UNIT 125 SPECIFICALLY CAME TO THE MEETING TO SUPPORT THE PROPOSED VARIANCE**

**ATTACHMENT D  
STAFF RESEARCH**



**STAFF RESEARCH – VARIANCE  
CASE #: VAR-28796-2019  
CASE PLANNER: CHAD BROWN**

**I. PROJECT DATA**

General Location	SE corner of S. Avenue 5 ½ E and E 32 <sup>nd</sup> St										
Parcel Number(s)	697-39-159										
Parcel Size(s)	2400 sq. ft.										
Total Acreage	.06 acres										
Proposed Dwelling Units	1 existing										
Address	5707 E. 32 <sup>nd</sup> Street, Unit 159										
Applicant	Helen Edgin										
Applicant's Agent	Dennis Turgeon										
Land Use Conformity Matrix:	Conforms: Yes X No										
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X			
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	CLEAR ZONE			

	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)	Clubhouse	Medium Density Residential
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<b>West</b>	Recreational Vehicle Subdivision (RVS)	Manufactured Home	Medium Density Residential

Prior Cases or Related Actions: Yes.

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes	X	No	Res. #R2000-08(February 16, 2000) amending Res.#R99-02 (January 20, 1999)
Annexation	Yes	X	No	Ord. #099-81 (August 7, 1999)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes	X	No	Res. #R2000-08 (February 16, 2000)
Rezone	Yes	X	No	Ord.#02000-94 (March20, 2000)-Z2000-005
Subdivision	Yes	X	No	Country Roads RV Village (June 20, 1984)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes		No	Date: N/A
Design Review Commission	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # DKT 1402, PG927-928

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 front setback from 10' to 8'2"	Approval	Approved

VAR-26077-2019	side yard setback from 3 ft to 2 ft for an awning	Approval	Approved
Does the proposed variance meet the criteria of §154-03.04(D) of the Yuma City Code?			No.

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**NOTIFICATION**

- **Legal Ad Published: The Sun** (1/30/20)
- **300' Vicinity Mailing:** (12/26/19)
- **Site Posted on:** (12/31/19)
- **34 Commenting/Reviewing Agencies Noticed:** (12/26/19)
- **Neighborhood Meeting Date:** (1/7/19)
- **Hearing Date:** (1/23/19)
- **Comments Due:** (1/6/19)

<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	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	12/27/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	12/26/19	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	12/30/19	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	12/31/19	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>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	YES	12/31/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	1/6/20	X		
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
JANUARY 7, 2020	N/A
<b>Prop. 207 Waiver</b>	
Received by Owner's signature on the application for this land use action request.	