


Notice of Public Meeting of the
Minor Variance Committee of
The City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Minor Variance Committee of the City of Yuma and to the general public that the Minor Variance Committee will hold a meeting open to the public on May 6, 2019 at 10:00 a.m. in Conference Room 225, Yuma City Hall, One City Plaza, Yuma, AZ.

 <p>The logo for the City of Yuma features a stylized mountain range in shades of purple and brown, with a green and blue line representing a river or path. Below the graphic, the words "CITY OF" are in a small, sans-serif font, and "Yuma" is written in a large, elegant, cursive script.</p>	<p>Agenda Meeting of the Minor Variance Committee <i>Yuma City Hall Conference Room 225</i> One City Plaza</p> <p>Monday, May 06, 2019, 10:00 a.m.</p>
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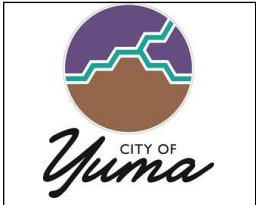
CALL TO ORDER

APPLICATIONS TO BE CONSIDERED

1. **VAR-25998-2019**: This is a request by Yumas Desert Oasis Development, LLC, for a variance to reduce the front yard setback from 20' to 16.5' to allow for construction of a single-family dwelling in the Low Density Single-Family Residential (R-1-5) District, for the property located at 3914 S. Desert Oasis Drive, Yuma, AZ.

ADJOURN

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, Yuma, AZ 85364; (928) 373-5127 or TTY (928) 373-5149.



MINOR VARIANCE COMMITTEE
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – MINOR VARIANCE
CASE PLANNER: RICHARD MUNGUIA

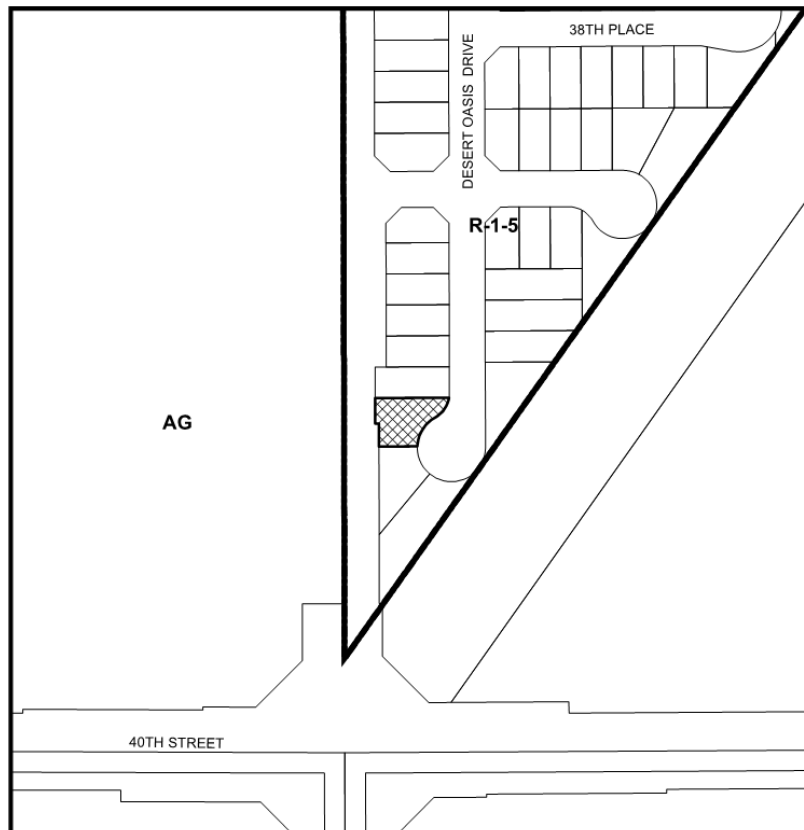
Hearing Date: May 6, 2019

Case Number: VAR-25998-2019

Project Description/Location: This is a request by Yumas Desert Oasis Development, LLC, for a variance to reduce the front yard setback from 20' to 16.5' to allow for construction of a single-family dwelling in the Low Density Single-Family Residential (R-1-5) District, for the property located at 3914 S. Desert Oasis Drive, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Single-Family Residential (R-1-5)	Undeveloped	Low Density Residential
North	Low Density Single-Family Residential (R-1-5)	Residential	Low Density Residential
South	Low Density Single-Family Residential (R-1-5)	Residential	Low Density Residential
East	Low Density Single-Family Residential (R-1-5)	Residential	Low Density Residential
West	Agriculture (AG)	Undeveloped	Suburban Density Residential

Location Map



Prior site actions: Annexation: Ordinance #O97-081 (January 2, 1998); Rezone: Ordinance #O2010-50 (Rezone from AG to R-1-5/R-2-5); Ordinance #O2013-60 (Compliance Hearing; November 6, 2013); Subdivision: Desert Oasis No. 3 Preliminary Plat (SUBD-14780-2016; September 12, 2016); Desert Oasis No. 3 Final Plat (SUBD-17917-2017; October 31, 2018).

Staff Recommendation: Staff recommends **APPROVAL** of the request to reduce the front yard setback from 20' to 16.5' to allow for construction of a single-family dwelling in the Low Density Single Family Residential (R-1-5) District, for the property located at 3914 S. Desert Oasis Drive, Yuma, AZ.

Staff Analysis: The subject property is located in the Desert Oasis Unit 3 Subdivision, and is zoned Low Density Single Family Residential (R-1-5) District. The minimum lot size for this zoning district is 5,000 square feet. The required setbacks are as follows: front yard is 20 feet, side yard is 5 feet on one side (clear of equipment or structures), 9 feet on the other, and 10 feet in the rear.

This property is one of the few irregularly shaped lots in this subdivision and per the developer, the placement of the smallest model home would not meet the required setbacks. The provided site plan shows that in order to fit the smallest home on this irregularly shaped lot, a variance would be required.

The applicant is asking to reduce the front setback from 20 feet to 16.5 feet in order to construct a single-family dwelling. The impact of this variance request would be negligible, and would most likely be unnoticed by most neighbors in the area.

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 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: *“DO 218 is unlike many lots in this subdivision because it is too small in dimension to fit our smallest approved model designated for the Desert Oasis subdivision. Most lots in this subdivision allow for the model homes to fit within city code. However this particular lot is too small for even our smallest model.”*

Staff Analysis: The applicant submitted a site plan utilizing the smallest model available for the Desert Oasis subdivision. The shape of the lot prevents the smallest model from being placed onto the property without a front yard setback reduction.

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's Response: *"The size of the lot was not created by the owner of the property Halls General Contractor. Nothing is detrimentally wrong or in any way harmful about the lot to the safety or comfort of the residents of the neighborhood."*

Staff Analysis: The special circumstance identified is the irregular shape of the lot. Irregularly shaped due to being at the end of a cul-de-sac, it does not allow for the smallest model to be placed onto the lot.

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: *"Since Desert Oasis only allows for a select choice of model homes to be built in the neighborhood. Allowing the smallest model to be built would allow for the consistency to be up kept throughout the neighborhood and prevent any inconsistencies that might bother other residents of the neighborhood."*

Staff Analysis: The granting of this variance is necessary in order to continue to construct a single-family home on the property. The surrounding properties will be developed into single-family homes as well.

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: *"The 3 ft. front yard setback that is needed would not be detrimental to neighboring homes or residents. This front yard setback would be at the front of the house but would not affect the roadway adjacent towards the front of the house. All public health, safety and general welfare will be kept and upheld."*

Staff Analysis: Reducing the setback to 16.5' would not be detrimental to the neighborhood, adjacent property or public health safety and general welfare. This request would be so minor that neighbors would be unlikely to identify any reduction.

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

No

Discussions with Applicant/Agent: April 28, 2019, April 29, 2019, April 30, 2019

Draft staff report delivered to applicant on: May 2, 2019

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Applicant agreed with staff for approval on: April 30, 2019 via e-mail. |
| <input type="checkbox"/> | Applicant did not agree with staff: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

Attachments

A
Site Plan

Prepared By:
Richard Munguia
Associate Planner



Date: 5/2/19

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:
Alyssa Linville
Principal Planner



Date: 05/02/19

**ATTACHMENT A
SITE PLAN**

Lot Coverage Calculation

Livable:	1211 Sq.,Ft.
Garage:	425 Sq.,Ft.
Porch:	53 Sq.,Ft.
Cov. Patio:	152 Sq.,Ft.
Subtotal:	1841 Sq.,Ft.
Garage:(max 400 Sq.,Fl.) - 400	
Total:	1441 Sq.,Ft.

% Lot Coverage

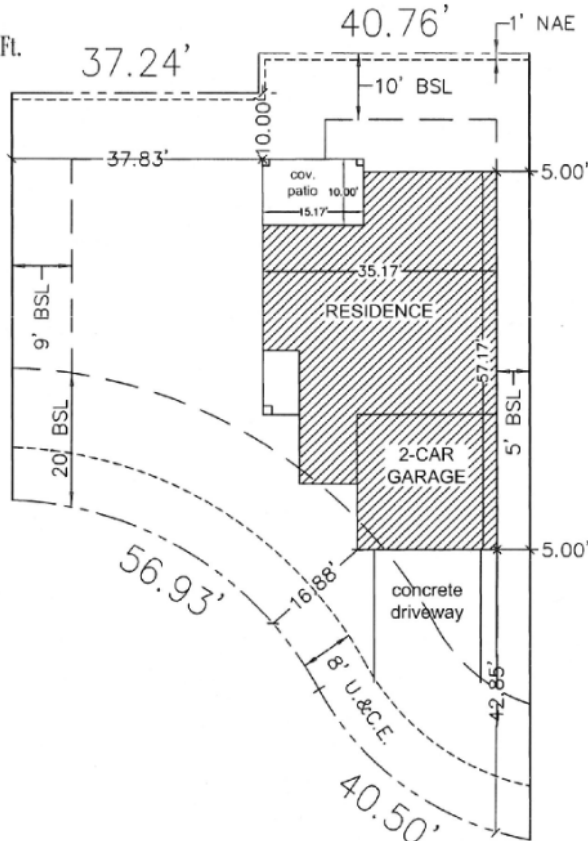
Lot Area:	6835 Sq.,Ft.
$= \frac{1441 \text{ Sq.,Ft.}}{6835 \text{ Sq.,Ft.}} \times 100$	
$= 21.1 \%$	

THIS DRAWING IS NOT PART OF THE CONTRACT. IT IS NOT A REPRESENTATION TO ANYONE. IT IS A CONTRACT DOCUMENT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT.



SCALE: 1" = 30'

LOT #218 DESERT OASIS 3 04-22-2019



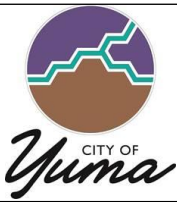
Plan: 1212
Elevation: A

DESERT OASIS DR.

218

**LOT #218
Desert Oasis 3
3914 South Desert Oasis Drive**

H B C
HOMES
3064 S. AVE B YUMA, ARIZONA
TELEPHONE (928) 782-3072



**STAFF RESEARCH – MINOR VARIANCE
CASE #: VAR-25998-2019
CASE PLANNER: RICHARD MUNGUIA**

I. PROJECT DATA

General Location:	Approximately 320 feet south of the intersection of South Desert Oasis Drive and East 38 th Lane										
Parcel Number(s):	698-61-218										
Parcel Size(s):	6835 square feet										
Total Acreage:	.15 ac										
Proposed Dwelling Units:	1 proposed										
Address:	3914 S. Desert Oasis Drive										
Applicant:	Yuma's Desert Oasis Development, LLC										
Applicant's Agent:	Ailyn Gonzalez										
Is the Variance request 20% or less than the code requirement?	17.5%	Yes	X	No							
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			

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Prior Cases or Related Actions:

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes	X	No	Ord. #O97-081 (January 2, 1998)
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes	X	No	Ord. #O2010-50 (Rezone from AG to R-1-5/R-2-5); Ord. #2013-60 (Compliance Hearing; November 6, 2013)
Subdivision	Yes	X	No	Desert Oasis No. 3 Preliminary Plat (SUBD-14780-2016; September 12, 2016); Desert Oasis No. 3 Final Plat (SUBD-17917-2017; October 31, 2018)
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes		No	N/A
Design Review Committee	Yes		No	N/A
Enforcement Actions	Yes		No	N/A
Avigation Easement Recorded	Yes	X	No	Fee # 2013-28312

Have there been any other minor variance requests of a similar nature in the vicinity and zoning district?	No
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Are there any conditions needed? (If so, they must tie to the four questions above): No

Prop. 207 Waiver

Received by Owner’s signature on the application for this land use action request.