


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 14, 2019 at 10:00 a.m. in Conference Room 225, Yuma City Hall, One City Plaza, Yuma, AZ.

 <p>CITY OF <i>Yuma</i></p>	<p>Agenda Meeting of the Minor Variance Committee <i>Yuma City Hall Conference Room 225</i> One City Plaza</p> <p>Tuesday, May 14, 2019, 10:00 a.m.</p>
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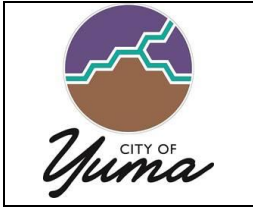
CALL TO ORDER

APPLICATIONS TO BE CONSIDERED

1. **VAR-26112-2019**: This is a request by Ronald Brooksher for a variance to reduce the side yard setback from 7 feet to 5 feet 8 inches within the Low Density Residential (R-1-6) District, for the property located at 3394 S. 16th Avenue, 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: CHERI SKINNER**

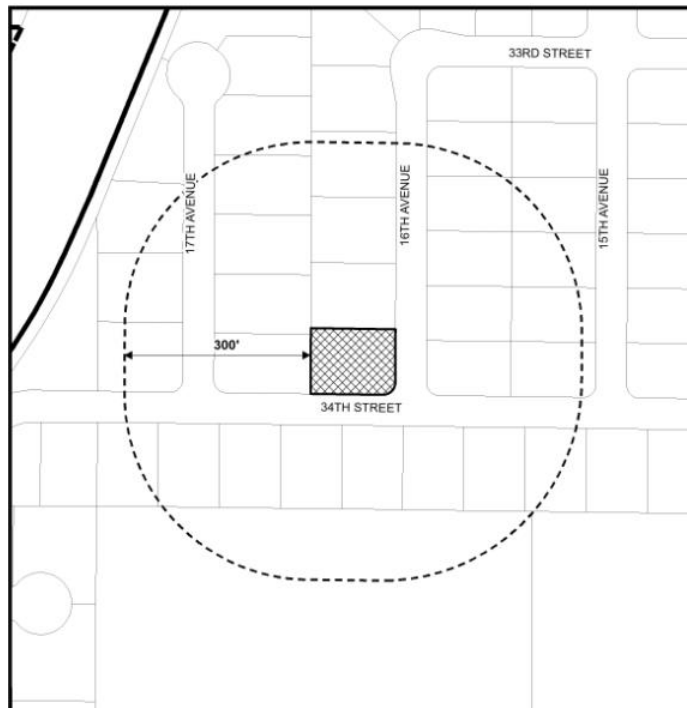
Hearing Date: May 14, 2019

Case Number: VAR-26112-2019

Project Description/Location: This is a request by Ronald Brooksher for a variance to reduce the side yard setback from 7 feet to 5 feet 8 inches within the Low Density Residential (R-1-6) District, for the property located at 3394 S. 16th Avenue, Yuma, AZ.

	Existing Zoning	Use (s) On Site	General Plan Designation
Site	Low Density Residential (R-1-6)	Site-built dwelling	Low Density Residential
North	Low Density Residential (R-1-6)	Site-built dwelling	Low Density Residential
South	Low Density Residential (R-1-6)	Site-built dwelling	Low Density Residential
East	Low Density Residential (R-1-6)	Site-built dwelling	Low Density Residential
West	Low Density Residential (R-1-6)	Site-built dwelling	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. #1510 (August 20, 1976), Rezone (Ord. # 583, Z77-35 (July 26, 1977), Subdivision (S1994-014R) The Dunes Subdivision (January 7, 1994)

Staff Recommendation: Staff recommends **APPROVAL** of the request to allow a reduction in the side yard setback from 7 feet to 5 feet 8 inches in the Low Density Residential (R-1-6) District, subject to the conditions in Attachment A. This requests meets the four criteria of §154-03.04 of the City of Yuma Zoning Ordinance.

Staff Analysis: The subject parcel is located within The Dunes Subdivision, zoned Low Density Residential (R-1-6) District. The required side yard setback is 7 feet. The owner is requesting a reduction of the side yard to 5 feet 8 inches to accommodate an extension to the existing garage, which will change the orientation of the garage entrance to face the front of the house. Most of the homes in the area have their garage entrance facing the street. This request is in character with the neighborhood and the surrounding neighbors are in support of the request.

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: *The original owners designed the garage to be entered at a 45 degree angle from the south instead of the front of the house (east side). Our home is the only one in the neighborhood designed in this manner. The lot is not large enough to accommodate this design well. The driveway is narrow making it extremely difficult to enter the single garage bay, even when parking a small car.*

Staff Analysis: The special circumstance is due to the orientation of the garage in proximity to the neighboring fence. The unusual configuration of the existing garage creates a unique angle that results in a difficult turn radius and causes limited access to the garage for parking.

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: *We would like to redesign the garage to face the street so that we may have adequate access and obtain full use. We plan to use approximately 550 sq. ft. of the current garage for office space in our planned remodel. Therefore, it is proposed that the new addition plus 10.3’ X 21.2’ of the current garage to be used as garage space. All landscaping and driveway entrances will be added and adjusted to properly gain access.*

Staff Analysis: The special circumstance was created by the previous owner or developer. The design did not take into account the proximity of the fence and the turn radius needed to properly access the garage.

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: *By allowing this variance, we will be able to enter our garage from the street and be able to enjoy the same benefits as our neighbors. We believe this will decrease any risk of running into our neighbor’s fence while trying to access our garage, as well as improve the appearance of our house as well as the neighborhood.*

Staff Analysis: The granting of this variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. Granting this variance request will allow the owner to have full access to the garage as well as safe entry to and from the garage.

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 variance will keep us within the 5 foot inset required for fire safety and not cause any detriment to the neighbors. They all have agreed to the variance and believe it will look more aesthetically pleasing.*

Staff Analysis: Granting this variance request will not be materially detrimental to any person residing or working in the vicinity, to adjacent properties, to the neighborhood, or to the public health, safety and general welfare. The 5 foot 8 inch setback from the side yard property line meets the fire safety requirement. Changing the orientation of the garage opening will be more aesthetically pleasing and be in character with the surrounding homes.

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

Discussions with Applicant/Agent: May 13, 2019

Draft staff report delivered to applicant on: May 13, 2019

- Applicant agreed with staff for approval on: May 13, 2019
- Applicant did not agree with staff: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D
Conditions of Approval	Site Plan	Photos	Neighbors Signatures

Prepared By: *Cheri Skinner* **Date:** 5-13-19
Cheri Skinner
Associate Planner cheri.skinner@yumaaz.gov (928)373-5000, x3040

Approved By: *Alyssa Linville* **Date:** 05/13/19
Alyssa Linville
Principal Planner

**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:

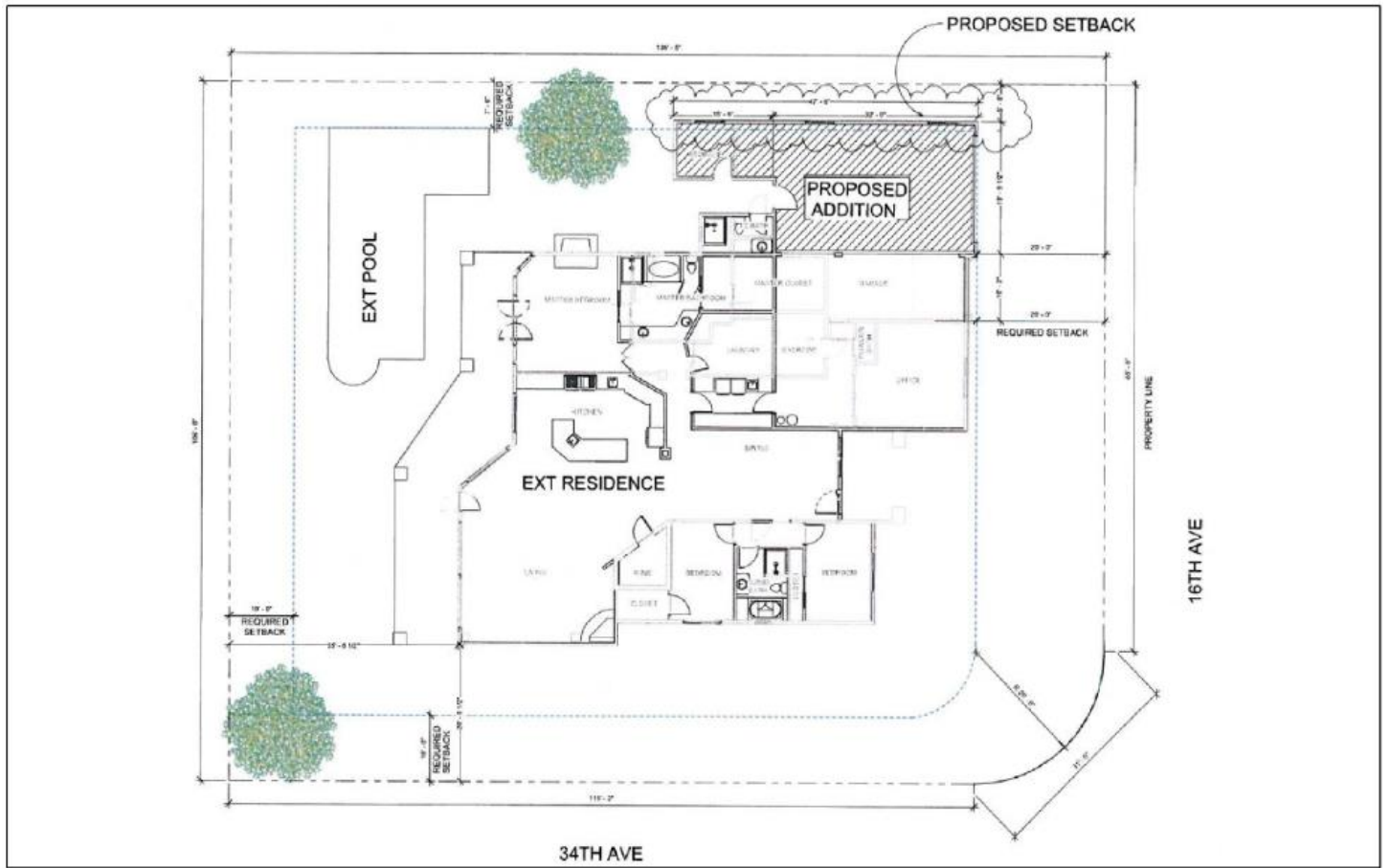
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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, Cheri Skinner, Associate Planner, (928) 373-5000 x3040

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



**ATTACHMENT D
Neighbors Signatures**

	<p>DEPARTMENT OF COMMUNITY DEVELOPMENT COMMUNITY PLANNING</p> <p>PROPERTY OWNER CONSENT FORM</p>
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All property owners adjacent to the property with the request must sign that they understand the variance request and that they do not object. If all property owners do not sign, the request shall be treated as a Variance with a Public Hearing by the Hearing Officer.

MY NAME IS Ronald Brooksher . I OWN THE PROPERTY LOCATED AT 3394 S. 16th Ave .

I AM REQUESTING A VARIANCE FOR THE FOLLOWING: The current garage turning radius is impossible to park most cars inside. We want to be able to park all cars inside not on the street. This will improve our home function + neighborhood appearance without causing fire hazard.

A MAP / SITE PLAN IS ATTACHED FOR REVIEW BY THE ADJACENT PROPERTY OWNERS

Adjacent Property Owners		
We the undersigned adjacent property owners understand the variance request by <u>Ronald Brooksher</u> , as described above. We do not object to the approval of this minor variance.		
NAME: <u>Shirley Auze</u>	ADDRESS: <u>3318 S. 16th ave.</u>	
PARCEL ID: <u>60</u>	DATE:	SIGNATURE: <u>Shirley Auze</u>
NAME: <u>Ruben Perez</u>	ADDRESS: <u>3377 S. 16th ave.</u>	
PARCEL ID: <u>47</u>	DATE: <u>04-26-2019</u>	SIGNATURE: <u>Rubén Pérez</u>
NAME: <u>Debbie Frydenlund</u>	ADDRESS: <u>3393 S. 16th ave</u>	
PARCEL ID: <u>46</u>	DATE: <u>4-29-19</u>	SIGNATURE: <u>Debbie Frydenlund</u>
NAME: <u>Jim Allen</u>	ADDRESS: <u>1555 W. 34th St.</u>	
PARCEL ID: <u>10</u>	DATE:	SIGNATURE: <u>Jim Allen</u>
NAME: <u>Linda Peterson</u>	ADDRESS: <u>1617 W. 34th st.</u>	
PARCEL ID: <u>9</u>	DATE:	SIGNATURE: <u>Linda R. Peterson</u>
NAME: <u>Anna Martinez</u>	ADDRESS: <u>3395 17th ave.</u>	
PARCEL ID: <u>62</u>	DATE: <u>4-26-19</u>	SIGNATURE: <u>Anna Martinez</u>
NAME: <u>W. Wester</u>	ADDRESS: <u>1637 W. 34th St.</u>	
PARCEL ID: <u>8</u>	DATE:	SIGNATURE: <u>Wester</u>
NAME:	ADDRESS:	
PARCEL ID:	DATE:	SIGNATURE

I, Ronald Brooksher, verify that I have discussed this proposal with my neighbors listed above (and on reverse, if any), and that they had no objections to this request.

Ronald Brooksher
Signature

5-1-19
Date