


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 July 17, 2019 at 10:30 a.m. in Conference Room 226, 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 226</i> One City Plaza</p> <p>Wednesday, July 17, 2019, 10:30 a.m.</p>
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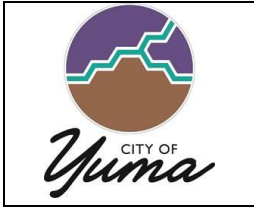
CALL TO ORDER

APPLICATIONS TO BE CONSIDERED

1. **VAR-26915-2019**: This is a request by Vega & Vega Engineering, PLC on behalf of Douglas and Elisa Owens, for a variance to reduce the front yard setback for an accessory dwelling from 60 feet to 50 feet within the Low Density Residential (R-1-6) District for the property located at 1900 S. 14th 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

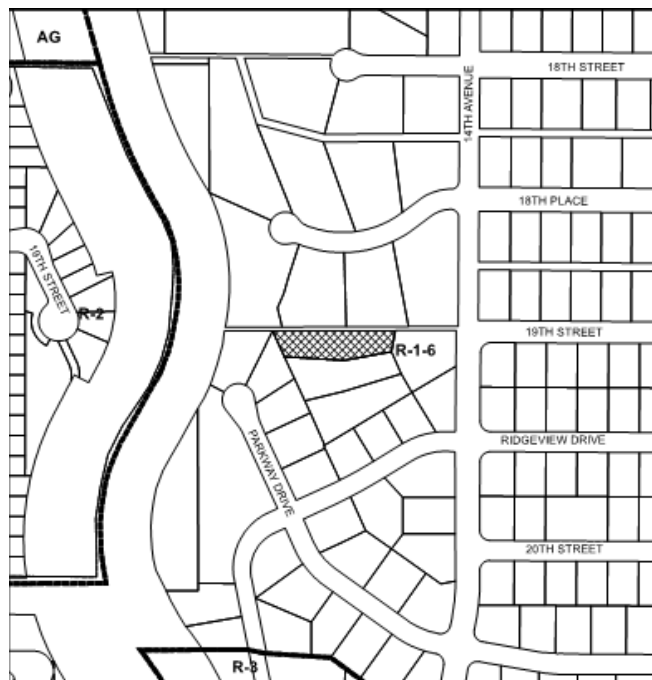
Hearing Date: July 17, 2019

Case Number: VAR-26915-2019

Project Description/Location: This is a request by Vega & Vega Engineering, PLC on behalf of Douglas and Elisa Owens, for a variance to reduce the front yard setback for an accessory dwelling from 60 feet to 50 feet within the Low Density Residential (R-1-6) District for the property located at 1900 S. 14th Avenue, Yuma, AZ.

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

Location Map



Prior site actions: Annexation: Ord. #787 (December 31, 1959), Subdivision (SUBD-019970-2017) Alta Vista Estates Subdivision (August 20, 2018)

Staff Recommendation: Staff recommends **APPROVAL** of the request to allow a reduction in the front yard setback for an accessory dwelling from 60 feet to 50 feet 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 one of three residential lots within the Alta Vista Estates Subdivision. Each lot ranges in size from 18,631 square feet to 20,385 square feet. Originally developed in 1964, the parcel featured a 4,700 square foot single family residence with a detached garage on a parcel nearly 1.8 acre in size. When the property was acquired by the current owners, they demolished the home and developed the Alta Vista Estates Subdivision leaving the detached garage intact. The owner is proposing to add living space to the existing garage and convert it to a dwelling until the primary residence is complete. When the primary residence is complete, the existing structure will be converted to an accessory dwelling unit, (ADU). The front yard setback for an accessory dwelling is 60 feet. The variance request is to allow a reduction from 60 feet to 50 feet. Frontage for each lot is a private road that is maintained by the property owners. It is a gated community and the entrance gate fronts south 14th Avenue. The subject parcel is approximately 200 feet from the public right-of-way on south 14th Avenue.

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 property mentioned above has only an existing garage that will be converted into a guest house with an addition of 10 feet to the east and 8 feet to the south which will have a setback to the front property line of 50 feet instead of the 60 feet required, but the lot property line is to a common landscaped round-about access easement tract that provides an additional 150 feet to the street property line creating a setback to the street property line of at least 200 feet. Owner will live in said guest house until permanent residence is built on the property.*

Staff Analysis: The special condition exists due to the original development in 1964 that featured a single family residence with a detached garage. The current owners demolished the home leaving the detached garage. The property was then subdivided to the Alta Vista Estates Subdivision, August 20, 2018, which consist of three lots and a tract for private access. The owners would like to add living space to the garage and use the structure as a dwelling until the primary residence is complete; at which time the space would be converted to an accessory dwelling unit, (ADU). The special circumstance is based on the fact that the structure existed prior to rules regarding ADU setbacks. In addition, the private drive was designed to meet the City of Yuma Standard for adequate fire department access; a requirement which further impacted the setback of the existing structure/future ADU.

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: *Since actual setback to street property line will be over the required, there is no special circumstances created by the property owner.*

Staff Analysis: The existing structure was constructed by the previous owner and further impacted by the access standards required during the subdividing of the property.

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: *The granting of the variance will preserve the property rights enjoyed by the property owners in the vicinity.*

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 utilize an existing structure as an accessory dwelling. The proposed accessory dwelling fronts a private drive that is gated and approximately 200 feet from the public right-of-way.

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 granting of this variance will not be 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.*

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 structure existed prior to the development of the current subdivision.

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

Discussions with Applicant/Agent: N/A

Draft staff report delivered to applicant on: July 16, 2019

- Applicant agreed with staff for approval on: July 16, 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:** *7-16-19*
Cheri Skinner
Associate Planner cheri.skinner@yumaaz.gov (928) 373-5000, x 3040

Reviewed By: *Alyssa Linville* **Date:** *07/16/19*
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:

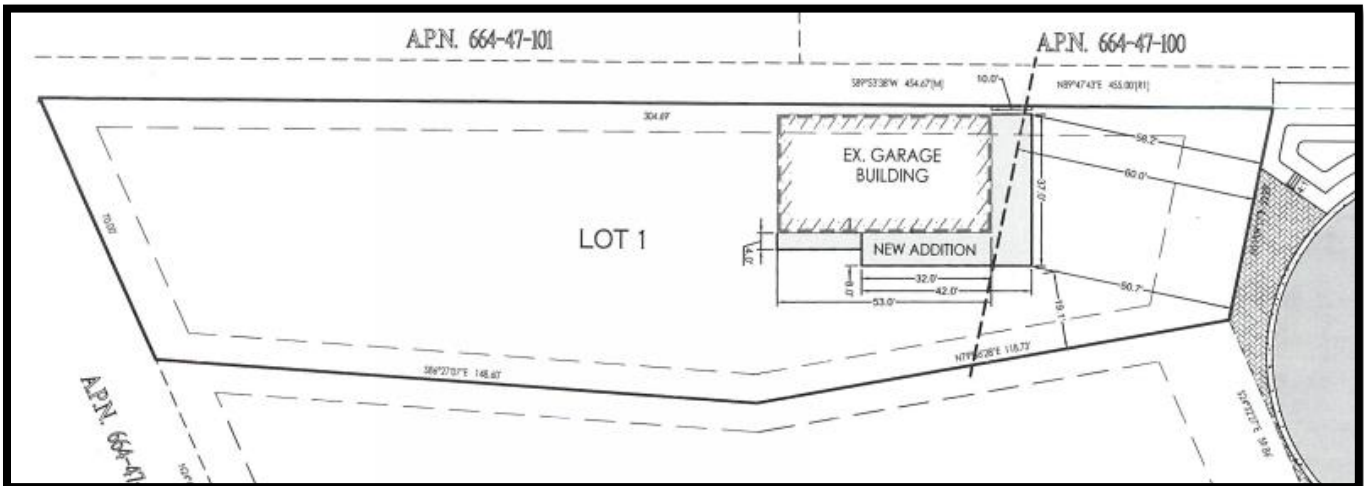
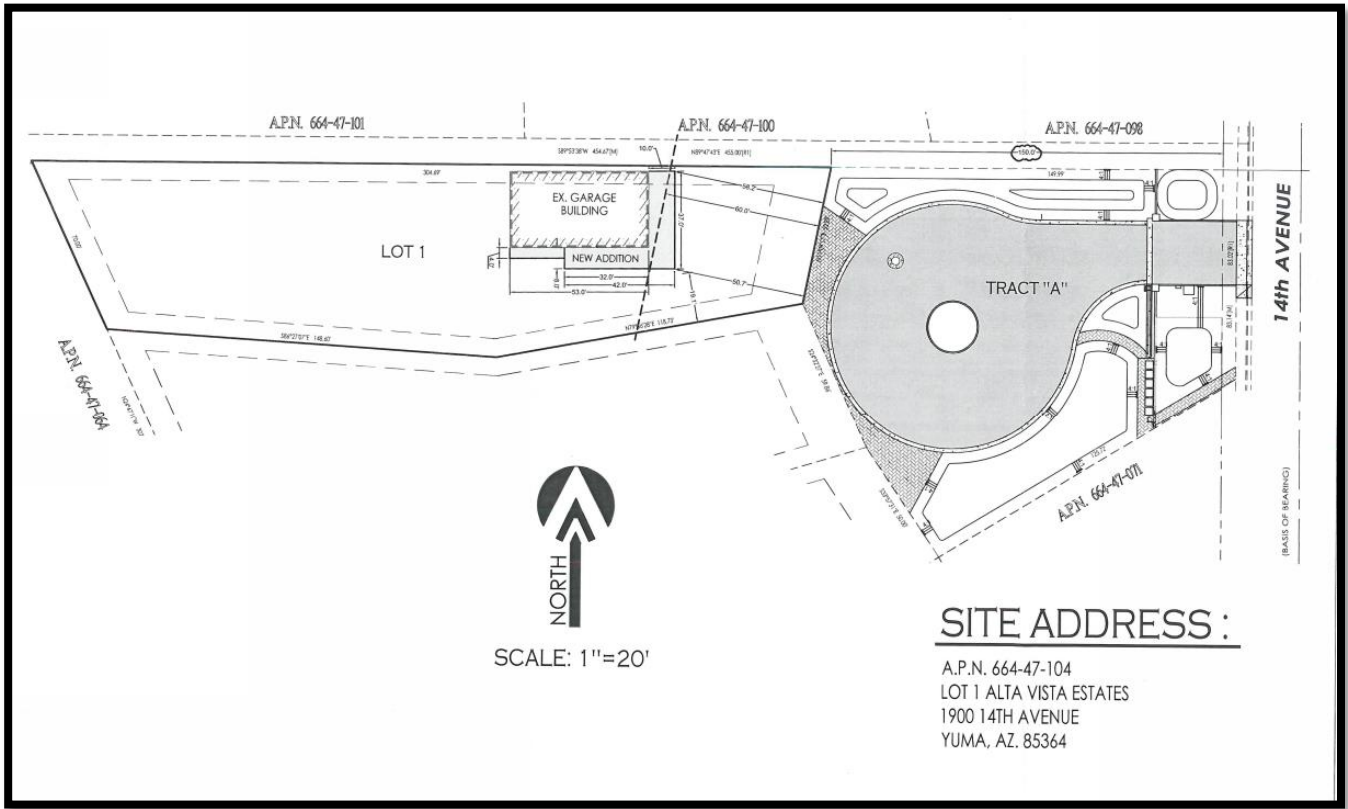
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning, Cheri Skinner, Associate Planner, (928) 373-5000 x3040

3. 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.
4. An accessory dwelling unit application with accompanying deed restriction must be completed and processed prior to the completion of the primary dwelling.
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 Elisa & Douglas Owens. I OWN THE PROPERTY LOCATED AT 1900 S 14th Ave.

I AM REQUESTING A VARIANCE FOR THE FOLLOWING: Living room Guest house addition + mobile garage + 10' deck

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>Elisa & Douglas Owens</u> as described above. We do not object to the approval of this minor variance.		
NAME: <u>Elisa + Doug Owens</u>	ADDRESS: <u>1461 W 18th Pl</u>	
PARCEL ID: <u>664-47-101</u>	DATE: <u>6-27-19</u>	SIGNATURE <u>Elisa Owens</u>
NAME: <u>Elisa + Doug Owens</u>	ADDRESS: <u>1908 14th Ave</u>	
PARCEL ID:	DATE: <u>6-27-19</u>	SIGNATURE <u>Elisa Owens</u>
NAME: <u>David + Stacey Wilson</u>	ADDRESS: <u>1425 W 18th Pl</u>	
PARCEL ID: <u>664-47-100</u>	DATE: <u>6/27/19</u>	SIGNATURE <u>David Wilson</u>
NAME: <u>David Wilson</u>	ADDRESS: <u>1901 S Parkway</u>	
PARCEL ID:	DATE: <u>6/27/19</u>	SIGNATURE
NAME: <u>P. URIBE</u>	ADDRESS: <u>1905 S Parkway</u>	
PARCEL ID: <u>664-47-064</u>	DATE: <u>6/27/19</u>	SIGNATURE <u>P. Uribe</u>
NAME: <u>Gary Lee</u>	ADDRESS: <u>1491 W 18th Pl</u>	
PARCEL ID: <u>664-47-102</u>	DATE:	SIGNATURE <u>Gary Lee</u>
NAME: <u>Jody Ward</u>	ADDRESS: <u>1901 S Parkway</u>	
PARCEL ID: <u>664-47-063</u>	DATE: <u>6/27/19</u>	SIGNATURE <u>Jody Ward</u>
NAME:	ADDRESS:	
PARCEL ID:	DATE:	SIGNATURE

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

Elisa Owens
Signature

6-27-19
Date