Hearing Officer Meeting Minutes
March 9, 2023

A meeting of the City of Yuma Hearing Officer was held on Thursday, March 9, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Emily Hart, Assistant City Attorney; Zenia Fiveash, Assistant Planner and Alejandro Marquez, Administrative Specialist.

Hearing Officer Araceli Rodriguez called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Hearing Officer Araceli Rodriguez approved the minutes of February 9, 2023.

PUBLIC HEARINGS

VAR-40954-2023: *This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26th Place, Yuma, AZ.*

Zenia Fiveash, Assistant Planner, summarized the staff report and recommended **DENIAL.**

QUESTIONS FOR STAFF

Hearing Officer Rodriguez referred to the picture on Attachment D, then asked if the new addition would reach the existing driveway. **Fiveash** replied yes. **Rodriguez** then asked if the driveway was part of the addition. **Fiveash** answered no, that the request was to relocate the required parking from the garage to within the front yard setback.

Alyssa Linville, Director of Planning and Neighborhood Services, clarified that the Yuma City Code states that required parking must be located outside of the front yard setback. **Linville** went on to say that the applicant started converting the garage into livable space without building permits, and that the applicant is requesting to allow parking in the front yard setback.

APPLICANT/APPLICANTS REPRESENTATIVE

John McCabe, 1620 E. 26th Place, Yuma AZ, stated the reason for the addition was because of his health and the overall aesthetics of the property.

Hearing Officer Rodriguez asked the applicant if they were aware that the Yuma City Code requires that each home has a designated parking area, and that the applicant had removed the required parking by enclosing the garage. **McCabe** replied the he was not aware of the parking requirements. **Rodriguez** clarified that the applicant is required to provide one parking space located outside of the front yard setback. **McCabe** asked if the side of the home could be used as a parking area. **Rodriguez** asked that the applicant consult with staff to verify if the side of the home could be allowed for the required parking.

Linville stated that the side yard could be used as a parking space if the area on the side of the home was at least 10 feet wide, if not staff could approve the use of an area off of the alley, in the rear of the home as the required parking.

Rodriguez asked if the variance was approved could there be a condition added to allow the parking requirement to be located in a different area of the property. **Linville** stated if the variance was approved it would allow the required parking to be located in the front yard setback.

Emily Hart, Assistant City Attorney stated that the case could be continued to a different hearing date to allow for remaining issues to be discussed and resolved.

OPEN PUBLIC COMMENT
None

DECISION
Hearing Officer Araceli Rodriguez continued the case to allow for remaining issues to be discussed and resolved.

VAR-41002-2023: *This is a request by JB Infrastructure, on behalf of Immanuel Southern Baptist Church, for a variance to increase the maximum height from 40 feet to 65 feet for a personal wireless communications facility disguised as a palm tree (monopalm) in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 1000 E. 24th Street, Yuma, AZ.*

Alyssa Linville, Director of Planning and Neighborhood Services, summarized the staff report and recommended **APPROVAL.**

QUESTIONS FOR STAFF
Hearing Officer Rodriguez asked for clarification on the new placement of the monopalm. **Linville** stated that the monopalm was going to be moved closer to 24th street.

APPLICANT/APPLICANTS REPRESENTATIVE
William Daily, on behalf of J5 Infrastructure and AT&T, was present and available for questions.

OPEN PUBLIC COMMENT
None

DECISION
Hearing Officer Araceli Rodriguez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Hearing Officer Araceli Rodriguez adjourned the meeting at 9:52 a.m.

Minutes approved and signed this 13th day of April, 2023.

Hearing Officer