

**Hearing Officer Meeting Minutes  
August 12, 2021**

A meeting of the City of Yuma's Hearing Officer was held on August 12, 2021, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

**HEARING OFFICER** in attendance was Sonia Ramirez.

**CITY OF YUMA STAFF MEMBERS** present Kenneth Scott McCoy, Assistant City Attorney; Randall Crist, Assistant Director DCD; Alyssa Linville, Assistant Director/Zoning Administrator; Agustin Cruz, Senior Civil Engineer; Amelia Griffin, Associate Planner; Alejandro Marquez, Administrative Assistant and Lizbeth Sanchez, Administrative Assistant.

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**Ramirez** called the meeting to order at 9:30 a.m.

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**CONSENT CALENDAR**

**Ramirez** approved the minutes of June 10, 2021.

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**PUBLIC HEARINGS**

**VAR-35159-2021:** *This is a request by Osman Engineering, PLLC, on behalf of Taco Monster LLC, for a Variance to reduce the front yard setback from 15' to 0' for the addition of a permanent outdoor seating expansion, for the property located at 2198 S. 4<sup>th</sup> Avenue, Yuma, AZ.*

**Amelia Griffin, Associate Planner,** summarized the staff report recommending **APPROVAL**.

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

None

**OPEN PUBLIC COMMENT**

None

**DECISION**

**Ramirez** 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.

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**VAR-35164-2021** *This is a request by Cain Santamaria for a Variance to reduce the front yard setback from 20' to 17'6" for the construction of a garage in the Low Density Residential (R-1-6) District, for the property located at 253 W. George Street, Yuma, Arizona.*

**Alyssa Linville, Assistant Director/Zoning Administrator,** summarized the staff report recommending **APPROVAL**.

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

None

**OPEN PUBLIC COMMENT**

**Elva Karolsky, 263 W. George St. Yuma AZ, 85364,** stated that she was in support of the proposed project.



## DECISION

**Ramirez** granted the variance, subject to the Conditions of Approval in Attachment A, to include Condition #4, finding that the four criteria of Yuma City Code §154-03.04(D) (1) had been met.

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**VAR-35400-2021:** *This is a request by Sign Masters, LLC, on behalf of Prince of Peace Lutheran Church, for a variance to increase the maximum allowable height of a sign from 6' to 15'2" and the maximum size of a sign from 24 sq.ft. to 61 sq. ft. in the Low Density Residential (R-1-8) District, for the property located at 5954 E. 38<sup>th</sup> Street, Yuma, Arizona.*

**Alyssa Linville, Assistant Director/Zoning Administrator**, summarized the staff report recommending **DENIAL**.

## QUESTIONS FOR STAFF

**Ramirez** asked if the church had been there since 2013. **Linville** replied yes. **Linville** stated that the property was zoned in 2004 and purchased in 2013 by the church. **Linville** also stated that there was an existing sign on site that met the City's requirements. **Ramirez** asked if there were any residents that were in agreement with the proposed project. **Linville** stated that the residents that attended the neighborhood meeting were not in favor of the proposed project because of the height and LED lighting. **Ramirez** then asked if the sign was going to be LED on both sides. **Linville** replied yes. **Ramirez** asked would the staff's recommendation change if the sign was placed in a different location. **Linville** stated that the issue with the proposed sign was the height not the placement. **Ramirez** ask what was the maximum height allowed by the City for the proposed sign. **Linville** replied 6 feet, and stated that the request was to increase the size of the sign.

## APPLICANT/APPLICANTS REPRESENTATIVE

**Greg Villapando, 2205 W. 12<sup>th</sup> St. Yuma AZ 85364, on behalf of Sign Masters**, stated that he attended the neighborhood meeting and discussed with the applicants about planting trees near the walls so that the sign would not disturb the neighbors. **Villapando** then stated that the sign would shut off at a designated time and stated that the current sign was not visible to the public. **Villapando** stated that Sign Masters had done similar signs before in existing neighborhoods that didn't disturb the public. **Ramirez** asked Villapando for the size of those signs. **Villapando** replied that the most recent sign was 16 feet tall. **Ramirez** asked if there was a way to make the sign not so bright. **Villapando** stated that the sign was designed to dim at night.

## OPEN PUBLIC COMMENT

**Anthony Spano, on behalf of Prince of Peace Church**, stated that the sign could be moved closer to the building so that it would not affect the neighbors. **Spano** added that the reason they are requesting to increase the height was because semi-trucks parked along Avenue 6E block the view of the current sign.

**David Fleischmann, Pastor of Prince of Peace Church**, stated that he would make sure that the sign would be turned off at night, and that it's not the church's intention to disturb the neighbors with the placement of the sign. **Ramirez** asked what the reason for the new sign was. **Fleischmann** replied that he wanted the new sign to be more visible to the public and to relay messages to the public. **Ramirez** stated that turning the sign off at eleven o'clock would be too late. **Fleishmann** agreed. **Ramirez** stated that eight o'clock would be a better time. **Fleishmann** agreed. **Ramirez** asked Fleishmann what he thought about the height of the sign being reduced. **Fleishmann** replied that reducing the height of the sign a little bit would be acceptable.

**Barney Brienza, 5881 E. 38<sup>th</sup> St., Yuma AZ**, stated that he was against any change to the neighborhood, and he was not in agreement with the proposed sign.

**Ramirez** asked Linville if there were any more concerns about the proposed sign. **Linville** expressed concern about the height of the sign, stating that as proposed, the light of the sign would shine into the neighbor's backyard. **Linville** then stated the sign being turned off at eight o'clock would be agreeable if the sign does get turned off at that time.

**Ramirez** asked Fleischmann if he would consider a sign that was not illuminated. **Fleischmann** replied yes.



Ramirez asked Linville if a letter sign would be a better option. Linville replied that it would take care of the illumination concern, and added that a monument sign would be a better option.

Ramirez then asked for a short recess to discuss the case with Staff and the Applicant at 10:15 a.m. Ramirez resumed the meeting at 10:20 a.m.

Kenneth Scott McCoy, Assistant City Attorney, stated the following modifications to the Conditions in Attachment A, stating that Condition #3 will now read "The sign shall be limited to a maximum surface luminosity limit of 6,500 NITS in full white mode during daytime hours. After sunset and before 8 p.m., the surface luminosity limit shall be a maximum of 342 NITS in full white mode. From 8 p.m. until sunrise, illumination shall be extinguished. The sign shall be equipped and provide automatic dimming based upon ambient lighting conditions, including evening and overcast weather." and the addition of Condition #7, "Prior to illumination of the sign the Applicant will install four 36 inch box trees a species type acceptable to the Zoning Administrator on the north end of the property line, and four 36 inch box trees a species type acceptable to the Zoning Administrator on the south end of the property line to screen adjacent properties from light trespass and visibility of the sign.

McCoy then stated, as a consideration of approval the sign height is to be reduced from 15 feet 2 inches to 10 feet, and that it would become a monument sign as opposed to the requested pole sign.

**DECISION**

Ramirez granted the variance, finding that the four criteria of Yuma City Code §154-03.04(D) (1) had been met.

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VAR-35492-2021 This is a request by Westerner Products, on behalf Brian and Jennifer Olea, for a variance to allow an accessory structure in front of the midpoint of the primary building, in the Low Density Residential (R-1-6) District, for the property located at 3959 S Devane Drive, Yuma, Arizona.

Alyssa Linville, Assistant Director/Zoning Administrator, summarized the staff report recommending APPROVAL.

**QUESTIONS FOR STAFF**

None

**APPLICANT/APPLICANTS REPRESENTATIVE**

None

**OPEN PUBLIC COMMENT**

None

**DECISION**

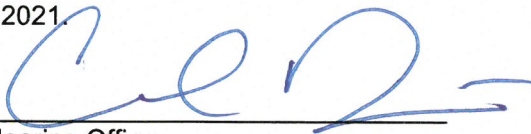
Ramirez granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D) (1) had been met.

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Ramirez adjourned the meeting at 10.19 a.m.

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Minutes approved and signed this 20<sup>th</sup> day of August, 2021.

  
Hearing Officer