

**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on October 14, 2021 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	<p>Agenda Hearing Officer Public Hearing City Hall Council Chambers One City Plaza</p> <p>Thursday, October 14, 2021 9:30 a.m.</p>
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City Hall Council Chambers will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address planning@yumaaz.gov no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

CALL TO ORDER

CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

- September 9, 2021

APPLICATIONS TO BE CONSIDERED

1. **VAR-36363-2021:** *This is a request by Marco and Emilia Contreras, for a variance to increase the maximum lot coverage from 35% to 40% to allow the construction of a detached shade structure in the Low Density Residential (R-1-6) District, for the property located at 2527 W. 20th Street, Yuma, AZ.*

ADJOURN

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. 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, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373-5149

**Hearing Officer Meeting Minutes
September 9, 2021**

A meeting of the City of Yuma's Hearing Officer was held on September 9, 2021, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present Kenneth Scott McCoy, Assistant City Attorney; Emily Hart, Assistant City Attorney; Robert Blevins, Principal Planner; Chad Brown, Associate Planner; Erika Peterson, Assistant Planner; Alexis Garcia, Assistant Planner; Alejandro Marquez, Administrative Specialist and Lizbeth Sanchez, Administrative Specialist.

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

CONSENT CALENDAR

Rodriguez approved the minutes of August 26, 2021.

PUBLIC HEARINGS

VAR-36147-2021: This is a request by Alex Lakey of ARCHSOL, on behalf of Yuma Regional Medical Center, for a variance to reduce the rear setback from 10 feet to 8 feet, to allow the construction of a new building addition encroaching 11.41 square feet into the setback, in the General Commercial (B-2) District, for the property located at 2851 S. Avenue B, #2801, Yuma, AZ.

Robert Blevins, Principal Planner, summarized the staff report recommending **APPROVAL**.

QUESTIONS FOR STAFF

Rodriguez asked if the current setback requirement for the building 10 Feet. **Blevins** replied yes. **Rodriguez** then asked if approved the setback would then be 8 feet. **Blevins** replied yes. **Rodriguez** then asked about the addition of the new building encroaching 11.41 square feet into the setback, if the building was going to be part of the 2 feet part of the allowed area. **Blevins** answered yes.

APPLICANT/APPLICANTS REPRESENTATIVE

Christopher Robins, 1560 S. 5th Ave. Yuma AZ, 85364, was present and available for questions.

OPEN PUBLIC COMMENT

None

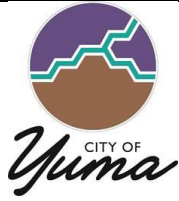
DECISION

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.

Rodriguez adjourned the meeting at 9:38 a.m.

Minutes approved and signed this _____ day of _____, 2021.

Hearing Officer



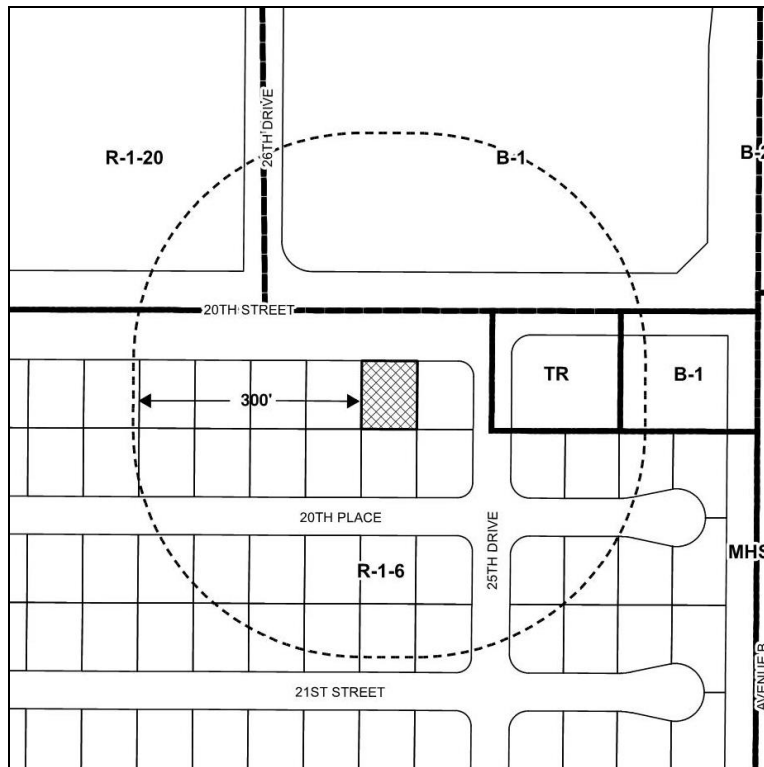
**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – VARIANCE
Case Planner: Amelia Griffin**

Hearing Date: October 14, 2021 **Case Number:** VAR-36363-2021

Project Description/Location: This is a request by Marco and Emilia Contreras, for a variance to increase the maximum lot coverage from 35% to 40% to allow the construction of a detached shade structure in the Low Density Residential (R-1-6) District, for the property located at 2527 W. 20th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
North	Limited Commercial /Aesthetic Overlay (B-1/AO)	Undeveloped	Mixed Use
South	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
East	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential
West	Low Density Residential (R-1-6)	Single-Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance #1532 (October 16, 1976); Subdivision: Villa Hermosa No. 2 (September 10, 1973); Pre-Development Meeting: PDM-35457-2021 (June 10, 2021)

Staff recommendation:

Staff recommends **APPROVAL** of the request to increase the maximum lot coverage from 35% to 40% to allow the construction of a detached shade structure in the Low Density Residential (R-1-6) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

Staff Analysis:

The subject property, located within the Villa Hermosa 2 Subdivision, is located approximately 75' from the northwest corner of 20th Street and 25th Drive. The Villa Hermosa 2 Subdivision was subdivided on September 10, 1973 and annexed into the City of Yuma on October 16, 1974. Currently, the property features a single-family residence, which was constructed in 1974.

The parcel is approximately 6,570 square feet. The subject property is zoned Low Density Residential (R-1-6) District and is subject to the following development standards: minimum front yard setback of 20 feet, side yard setback of 7', rear yard setback of 10 feet, and 35% maximum lot coverage. The first 600 square feet of covered parking is permitted in addition to the maximum lot coverage percentage. Additionally, in the Low Density Residential (R-1-6) District, accessory buildings are subject to the criteria specified in §154-15.15.

The applicant is requesting a variance to increase the maximum lot coverage from 35% to 40% in order to construct a wooden detached patio in the rear yard. The proposed detached patio will be approximately 192 square feet (16' x 12'), and 11' tall. The proposal being presented exceeds the allowable area for the residence, with a total of 2,611 square feet. While the proposal exceeds the maximum allowable lot coverage, the proposed patio will conform with the accessory structure code requirements and would not be out of character for this neighborhood.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

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 Response: *“The reason I am requesting to construct a detached patio is because the climate is very hot. My house does not have a garage and the only shade we have we utilize with things that could be in the garage. We are considering a detached patio to provide shade in the rear yard. We have utilized portable shades but they are inefficient. This is why we are requesting permission to construct a detached patio.”*

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance does apply to the property. The subject property is located within the Villa Hermosa 2 Subdivision, and is zoned Low Density Residential (R-1-6) District. This zoning district requires a minimum lot size of 6,000 square feet; this property totals approximately

6,570 square feet. While the subject property meets the minimum lot size requirement, the previous homeowners converted the garage into livable space, resulting in the property being developed to its maximum potential. As indicated on the site plan, the proposed structure will have a 7.5' side yard and 6' rear yard setback, complying with the accessory structures code requirements.

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 Response: *"We recently purchased this home and this home does not have a garage. During the time of our purchase, it was our only option."*

Staff Analysis: The special circumstance was not created or caused by the property owner as the garage was converted into livable space prior to the current owner's purchase of the property.

C) "The granting of the variance 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 Response: *"I have seen other homes like my neighbor have garages and patio shades and therefore I believed I could also have a shade with the permission of the City."*

Staff Analysis: The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. The granting of this variance would be consistent with the intent of the Low Density Residential (R-1-6) by allowing the applicant to add an accessory structure to their property. The proposed addition will meet the accessory structure setback requirements.

D) "The granting of the 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 Response: *"The shade structure that I would like to construct would not be materially detrimental to any neighbor. The shade structure will be setback 6' from my neighbor to the south and 7.5' from my neighbor to the east."*

Staff Analysis: 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, to public health, safety, and general welfare, nor would it alter the character of the neighborhood. The proposed detached patio will maintain the required accessory structure setbacks.

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

Public Comments Received: None received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: October 5, 2021

Final staff report delivered to applicant on: October 7, 2021

- Applicant agreed with all of the conditions of approval on: 10/7/21
- Applicant did not agree with the following conditions of approval: (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	E
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Aerial Photo

Prepared By: 
 Amelia Griffin
 Associate Planner
Date: 10/7/21
 Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By: 
 Alyssa Linville,
 Assistant Director Community Development
Date: October 7, 2021

**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: Alyssa Linville, Assistant Director
Community Development, (928) 373-5000 x 3037:**

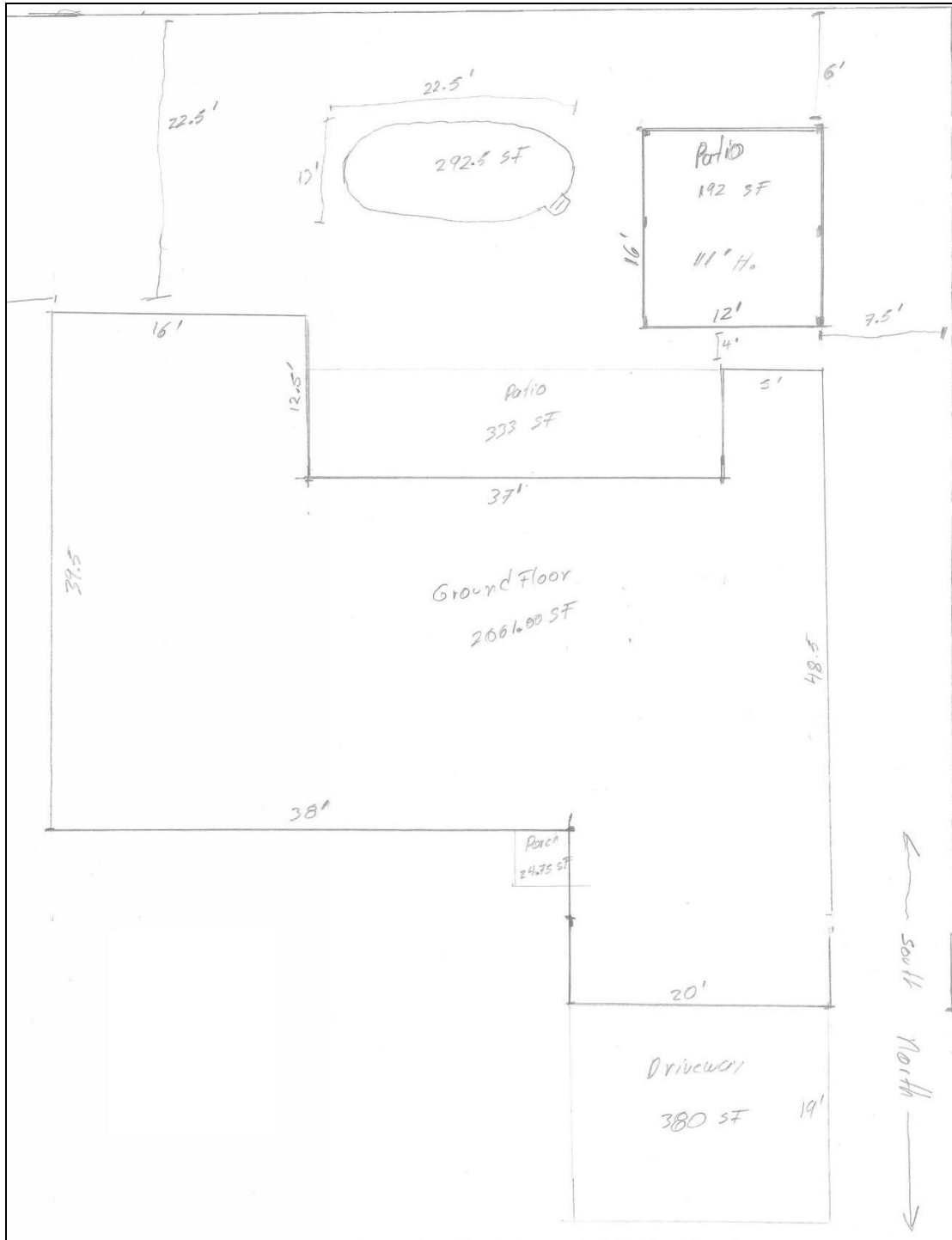
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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: Amelia Griffin, Associate Planner, (928) 373-5000 x 3034:

4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
5. In any case where a 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 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
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (09/24/21)
- 300' Vicinity Mailing: (09/15/21)
- Site Posted on: (10/7/21)
- 34 Commenting/Reviewing Agencies Noticed: (09/15/21)
- Neighborhood Meeting Date: (N/A)
- Hearing Date: (10/14/21)
- Comments Due: (09/27/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	08/25/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	08/26/21	X		
Yuma County Planning & Zoning	YES	09/02/21	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	8/30/21	X		
Yuma Irrigation District	YES	08/25/21	X		
Arizona Game and Fish	YES	08/25/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	08/25/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES		X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	08/26/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
SITE PHOTO



ATTACHMENT E
AERIAL PHOTO

