

**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 28, 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 28, 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

- October 14, 2021

APPLICATIONS TO BE CONSIDERED

1. **VAR-36767-2021**: *This is a request by Sign Pro, LLC, on behalf of Real Life Church, for a variance to increase the maximum allowable height of a sign from 8' to 14' in the Transitional (TR) District, for the property located at 1545 S. Avenue C, Yuma, Arizona.*

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
October 14, 2021**

A meeting of the City of Yuma's Hearing Officer was held on October 14, 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; Alyssa Linville, Assistant Director/Zoning Administrator; Amelia Griffin, Associate Planner; Alexis Garcia, Associate Planner and Lizbeth Sanchez, Administrative Specialist.

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

CONSENT CALENDAR

Rodriguez approved the minutes of September 9, 2021.

PUBLIC HEARINGS

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.*

Amelia Griffin, Assistant Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

None

OPEN PUBLIC COMMENT

Michael Montano, 2528 W. 20th Place, Yuma, AZ asked if his property value would decrease if the variance request was approved. **Rodriguez** informed Mr. Montano that the hearing was to determine if the request met the City's requirements for a variance only. **Montano** replied that he was not opposed to the variance request.

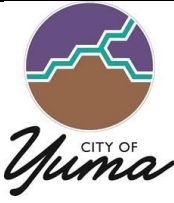
DECISION

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



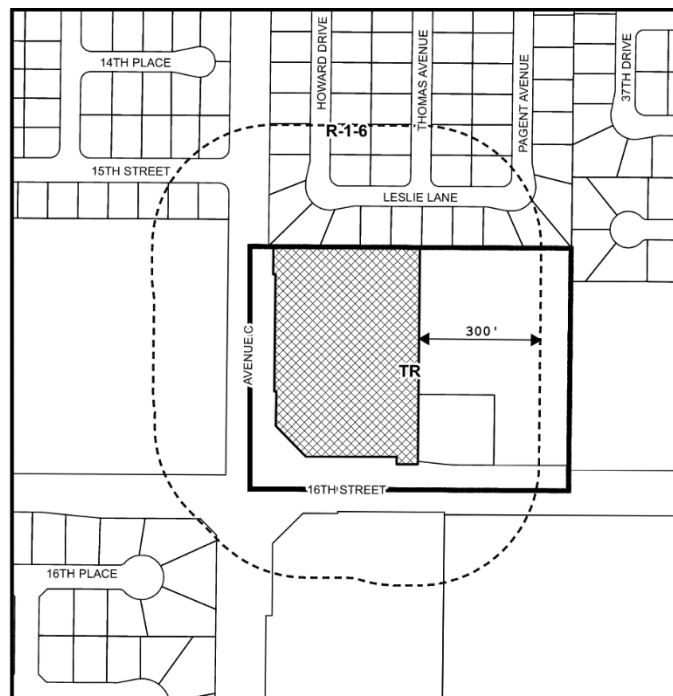
**Staff Report to the Hearing Officer
 Department of Planning and Neighborhood Services
 Community Planning
 Case Type – Variance
 Case Planner: Alexis Garcia**

Hearing Date: October 28, 2021 **Case Number:** VAR-036767-2021

Project Description/Location: This is a request by Sign Pro, LLC, on behalf of Real Life Church, for a variance to increase the maximum allowable height of a sign from 8' to 14' in the Transitional (TR) District, for the property located at 1545 S. Avenue C, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Transitional (TR) District	Church	Mixed Use
North	Low Density Residential (R-1-6) District	Residential	Low Density Residential
South	Low Density Residential (R-1-6) District	Undeveloped	Low Density Residential
East	Transitional (TR) District	Offices	Mixed Use
West	Low Density Residential (R-1-6) District	School	Public/Quasi Public

Location Map:



Prior site actions: Annexation: Ord. 2219 (09/15/1984)

Staff recommendation: Staff Recommends **APPROVAL** of the request to increase the maximum allowable height of a sign from 8' to 14' in the Transitional (TR) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)	No
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Staff Analysis: The subject property is located on the northeast corner of 16th Street and Avenue C and was annexed into the City of Yuma in 1984. Previously known as Oasis Church, the property is now owned by Real Life Church. The lot is approximately 4.21 acres in size and falls under the Transitional Zoning (TR) District. Moreover, the property has two existing monument signs facing the street intersection. The property is subject to the following development standards; 20' front yard setback; 20' side yard setback; 20' rear yard setback; and a 12' setback for a freestanding pole sign.

With this request, the applicant is requesting a Variance to increase the maximum allowable height for two sign from 8' to 14'. Typically the purpose of the Transitional District is to provide a transition between the residential and the non-residential uses, however in this case the subject property is surrounded by undeveloped lots, office spaces, and school facilities. H L Suverkrup and Desert View have similar signs as the one requested by the Real Life Church, however a variance was not required for either of those properties since signs were installed prior to a text amendment to the sign regulations (ZONE-16627-2017). According to this text amendment, communities cannot regulate messages based on content or use and thus confines all signage to their designated zoning requirements.

The property owners are proposing to install one sign facing 16th Street and one sign facing Avenue C. The proposed sign facing 16th Street would be a digital freestanding pole sign, featuring a sign face area of approximately 24 square feet. The proposed sign facing Avenue C would be a freestanding sign with a standard cabinet, featuring a sign face area of approximately 24 square feet.

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: "Real Church is zoned as transitional limiting the church to a 20' setback and 8' single post pole sign. H L Suverkrup to the West of the church has a single post sign with a 12' setback and 14' height sign. Desert View also has a digital sign 14' from the ground and a setback of 12'."

Staff Analysis: The subject property is located on the northeast corner of 16th Street and Avenue C. The property is zoned Transitional (TR) and is adjacent to various offices, two school facilities, and an undeveloped lot. The church serves as a commercial use in a

transitional zoned area, therefore it does not receive the same benefits as other churches that are in commercial zoned areas.

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: “H L Suberkrup and Desert View had a sign provision that allowed for taller pole signs.”

Staff Analysis: An increase in height would prevent vandalism, minimize damage to signage, as well as increase prominence from 16th Street and Avenue C. Additionally, the building is set back to the northeast corner of the lot, approximately 500’ from 16th street and 100’ from Avenue C. Both signs would be placed on a vacant area on the southern portion of the property. Given the limitations of Transitional (TR) zoning along with the large size of the property, compliant signage would be difficult to attain. All conditions listed lead to the conclusion that the special circumstance was not created or caused by the property owner.

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: “Real Life church has worked out an agreement with both Desert View and H L Suberkrup to allow parents to drop/pick up children in the church’s vacant lot. The current signs have been damaged on several occasions from parents backing into the signs. The signs sit too far back on the property and the signs are accessible to graffiti, which has also been a problem to the church.”

Staff Analysis: The property is adjacent to other properties who have signs similar to the proposed signs, however they were constructed before a text amendment from 2017 which constrained signage to the property’s zoning regardless of its use. Schools and religious institutions followed a different set of sign codes prior to the text amendment taking effect, thus providing greater flexibility to those properties. Because of the limitations placed on signage for Transitional (TR) districts, the applicant faces additional conditions not applicable to similar surrounding properties.

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: “Real Life is asking for the 16th Street to be converted to a digital – Desert View across the street from Real Life Church also has a digital. The conversion would still remain with a 24 sq. ft. sign and comply with the digital ordinance. The height increase and reduced set back should not affect any residing neighbors as the schools are the

immediate neighbors and the church is tall enough to block the digital NIT from residential to the North.”

Staff Analysis: The construction of a larger sign would 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. Additionally, approval of the Variance for new signs would not be out of character for this area.

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: 10/8/21

Final staff report delivered to applicant on: 10/21/21

- Applicant agreed with all of the conditions of approval on:
 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	F
Conditions of Approval	Site Plan	Agency Notifications	Sign Elevations	Site Photo	Aerial Photo

Prepared By: 
Alexis Garcia
Assistant Planner Alexis.Garcia@YumaAZ.Gov

Date: 10/20/2021
(928)373-5000, x3040

Approved By: 
Alyssa Linville,
Assistant Director Community Development

Date: 10/20/2021

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:**

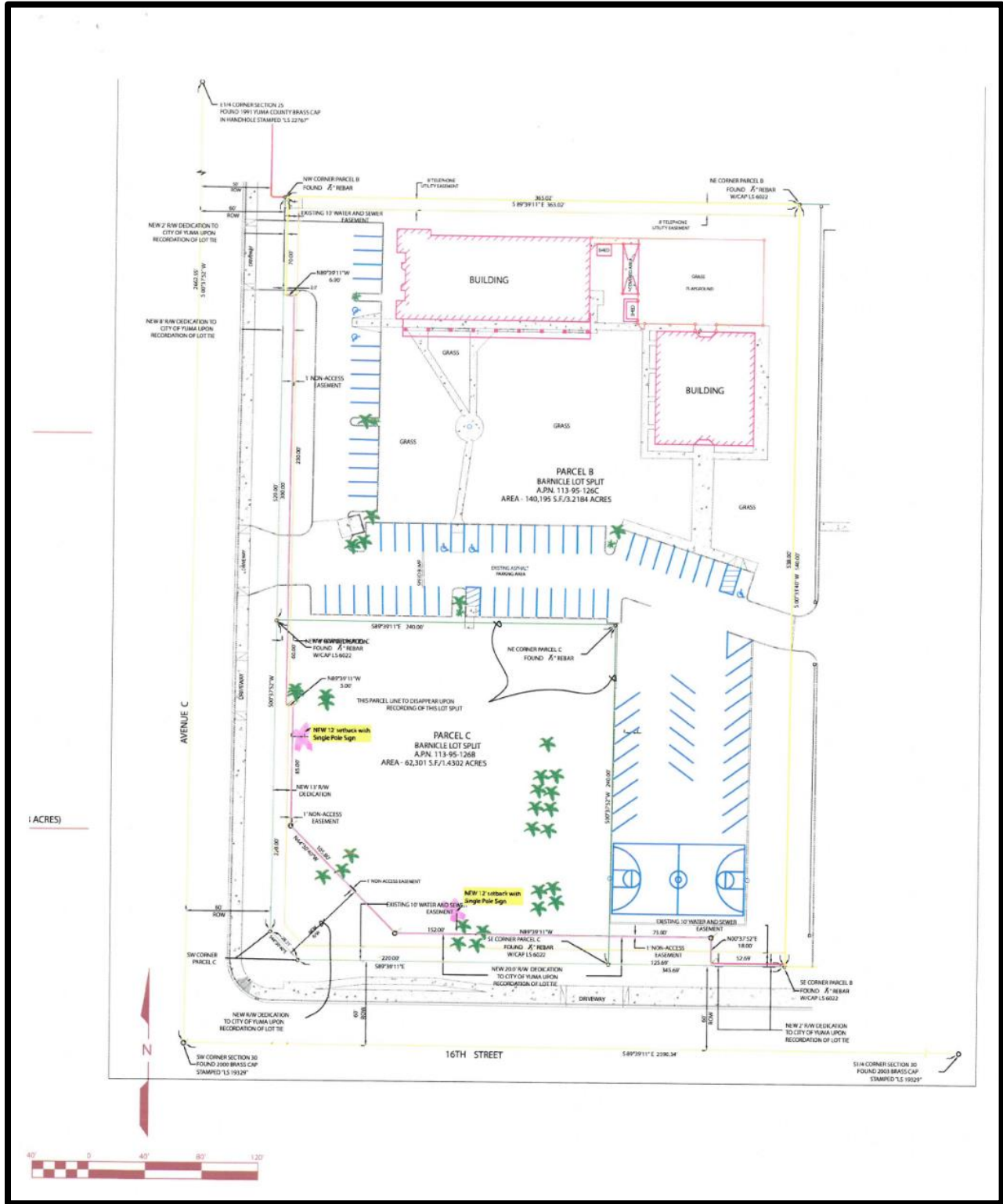
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.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

4. 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 11:00 p.m., the surface luminosity limit shall be a maximum of 342 NITS in full white mode. From 11:00p.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.
5. 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.
6. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
7. 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

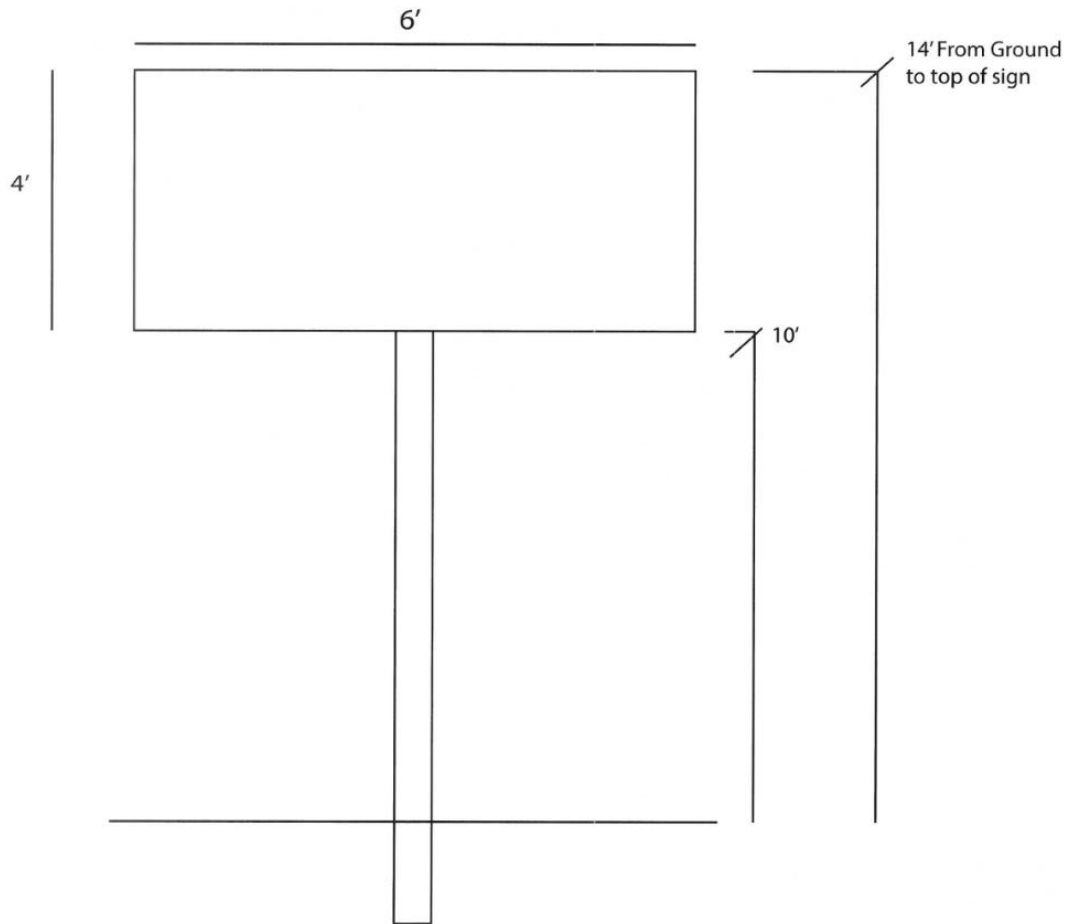


**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (10/08/21)
- 300' Vicinity Mailing: (09/29/21)
- Site Posted on: (09/21/21)
- 34 Commenting/Reviewing Agencies Noticed: (09/29/21)
- Neighborhood Meeting Date: NA
- Hearing Date: (10/28/21)
- Comments Due: (10/11/21)

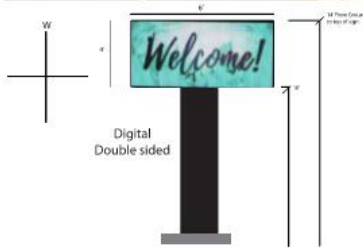
External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/1/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/1/21	X		
Yuma County Planning & Zoning	NR				
Yuma 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	10/5/21	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	YES	9/30/21	X		
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	9/30/21	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	9/30/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	9/30/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
SIGN ELEVATIONS**

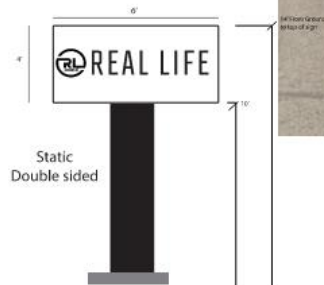


Attachment D Sign Elevations

Sign facing 16th Street



Sign facing Avenue C



**ATTACHMENT E
SITE PHOTO**



Sign facing Avenue C



Sign facing 16th Street

**ATTACHMENT F
AERIAL PHOTO**

