

**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 December 9, 2021 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:



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 28, 2021

APPLICATIONS TO BE CONSIDERED

1. **VAR-36947-2021**: This is a request by Michael St. Cyr, for a Variance to reduce the rear yard setback from 6' to 3.5' and reduce the side yard setback from 6' to 3.5', to allow the addition of a steel accessory building in the Medium Density Residential (R-2) District, for the property located at 3767 W. 25th Lane, 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 28, 2021**

A meeting of the City of Yuma's Hearing Officer was held on October 28, 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; Tim Bourcier, Director of Planning and Neighborhood Services; Alyssa Linville, Assistant Director of Planning and Neighborhood Services; 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 October 14, 2021.

PUBLIC HEARINGS

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.*

Alexis Garcia, Assistant Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Rodriguez asked if the variance request was to increase the height of two signs. **Garcia** said yes.

APPLICANT/APPLICANTS REPRESENTATIVE

None

OPEN PUBLIC COMMENT

None

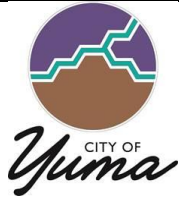
DECISION

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 9:33 a.m.

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

Hearing Officer



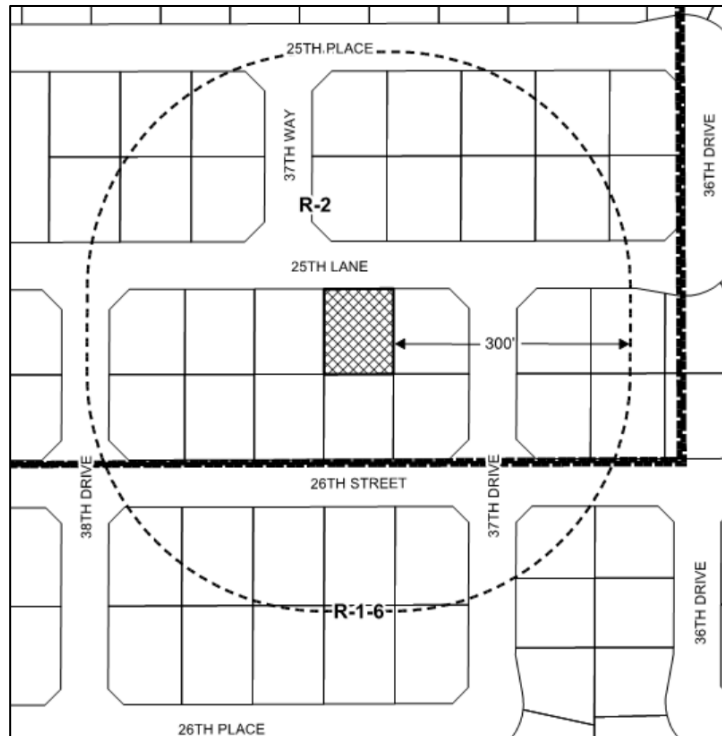
**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING
CASE TYPE – VARIANCE
Case Planner: Amelia Griffin**

Hearing Date: December 9, 2021 **Case Number:** VAR-36947-2021

Project Description/Location: This is a request by Michael St. Cyr, for a Variance to reduce the rear yard setback from 6' to 3.5' and reduce the side yard setback from 6' to 3.5', to allow the addition of a steel accessory building in the Medium Density Residential (R-2) District, for the property located at 3767 W. 25th Lane, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Medium Density Residential (R-2)	Single-Family Residence	Medium Density Residential
North	Medium Density Residential (R-2)	Single-Family Residence	Medium Density Residential
South	Medium Density Residential (R-2)	Single-Family Residence	Medium Density Residential
East	Medium Density Residential (R-2)	Single-Family Residence	Medium Density Residential
West	Medium Density Residential (R-2)	Single-Family Residence	Medium Density Residential

Location Map:



Prior site actions: Annexation: Ord. O2004-22 (June 10, 2004); Rezone: Ord. O2004-26; Subdivision: Parkway Place Unit No. 6 (December 21, 2004); Variance: VAR-33597-2021 (February 17, 2021)

Staff recommendation: Staff recommends **DISAPPROVAL** of the request to reduce the rear yard setback from 6' to 3.5' and reduce the side yard setback from 6' to 3.5' to allow the addition of a steel accessory building in the Medium Density Residential (R-2) District, subject to the conditions outlined in Attachment A, because it does not meet the criteria of §154-.03.04 of the Yuma City Code.

Staff Analysis: The subject property, located within the Parkway Place Unit No. 6 Subdivision, is located along 25th lane. Currently, the property features a single-family residence, which was constructed in 2005. The parcel size is approximately 9,504 square feet. The subject property is zoned Medium Density Residential (R-2) District and is subject to the following setback requirements: front yard setback of 20', side yard setback of 7', and rear yard setback of 10'. Additionally, the residential zoning district provides options for accessory buildings within the setback based upon height and square footage.

The applicant is requesting a Variance to reduce the minimum side and rear yard accessory structure setback from 6' to 3.5', to allow an approximately 372 square foot structure, measuring 11' 1" in height. Accessory buildings are permitted to be setback at least 3' from side and rear property lines. However, an additional one foot setback is required for every foot in height above 8'. Based upon the current height of the structure, a minimum 6' rear and side yard setback is required.

The applicant received a Variance on February 17, 2021 (VAR-33597-2021) to increase the maximum lot coverage to 36.2% for the addition of a 360 square foot structure, measuring 8' in height. Based on the height identified on the original site plan, the structure was in compliance with the setback requirements of the accessory structures code. However, upon construction of the accessory structure, the applicant noticed the structure was 11' 1" in height.

According to the applicant, the quote for the steel structure indicated that the structure was 8' in height. The applicant did not realize the height of the structure until the inspection. The applicant contacted the Steel Building Company after the structure was erected on the property. The company informed the applicant that the legs were 8' in height, without the pitch of the roof. Additionally, the Company said there would be an additional cost to correct the height of the structure, resulting in a financial burden.

After further review of the property, staff has determined that there is no special circumstance regarding this property in relation to its size, shape, or elevation. The accessory structures code provides placement regulations for accessory structures, such as the proposed steel structure. The code enables property owners the ability to place the accessory structures in certain setbacks while also protecting neighbors.

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 special circumstance is that the steel building ended up being 11' 1" H, when I got the quote from AMERICAN STEEL CARPORTS, The Blue Print Quote showed the steel building to be 12' W X 31' L X 8' H."*

Staff Analysis: After analyzing the subject property, it has been determined that a special circumstance does not apply to the property that does not apply to most other properties within the district and surrounding development in regard to allowable accessory structures. The subject property is located within the Parkway Place Unit No. 6 Subdivision. The surrounding properties and residences are similar in size and are required to comply with the accessory structures code.

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: *"I requested a building permit for a 12'W x 31'L X 8'H structure. When I applied for the permit I did not receive the Blue Prints to view until after the steel structure was up and the erection crew gone."*

Staff Analysis: The special circumstance was not created by the property owner as the owner requested a steel structure that was 8' in height.

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: *"The steel structure is very nice looking and does not block any of my neighbors view. I have not received (1) complaint concerning the heights from my neighbors."*

Staff Analysis: The Medium Density Residential (R-2) District provides options for accessory buildings within the setback based upon height and square footage. The structure is currently 11'1" in height, which requires a minimum 6' setback. The minimum 6' setback requirement is a 1' reduction from the typical 7' side yard setback requirement.

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 steel structure is dark color metal and does give any type of glare to my neighboring properties. The steel structure is located in the back of my property behind my Fifth Wheel Trailer, not visible from the street."*

Staff Analysis: The granting of the variance will not be materially detrimental to any person(s) residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

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

Public Comments Received: None Received.

External Agency Comments: See Attachment.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: 11/29/21

Final staff report delivered to applicant on: 12/1/21

- Applicant agreed with all of the conditions of approval on: 12/1/21
- 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	Agency Comments	Aerial Photo

Prepared By: 
 Amelia Griffin
 Associate Planner Amelia.Griffin@yumaaz.gov

Date: November 30, 2021

Approved By: 
 Alyssa Linville,
 Assistant Director Community Development

Date: December 2, 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 Planning, (928) 373-5000 x 3037:**

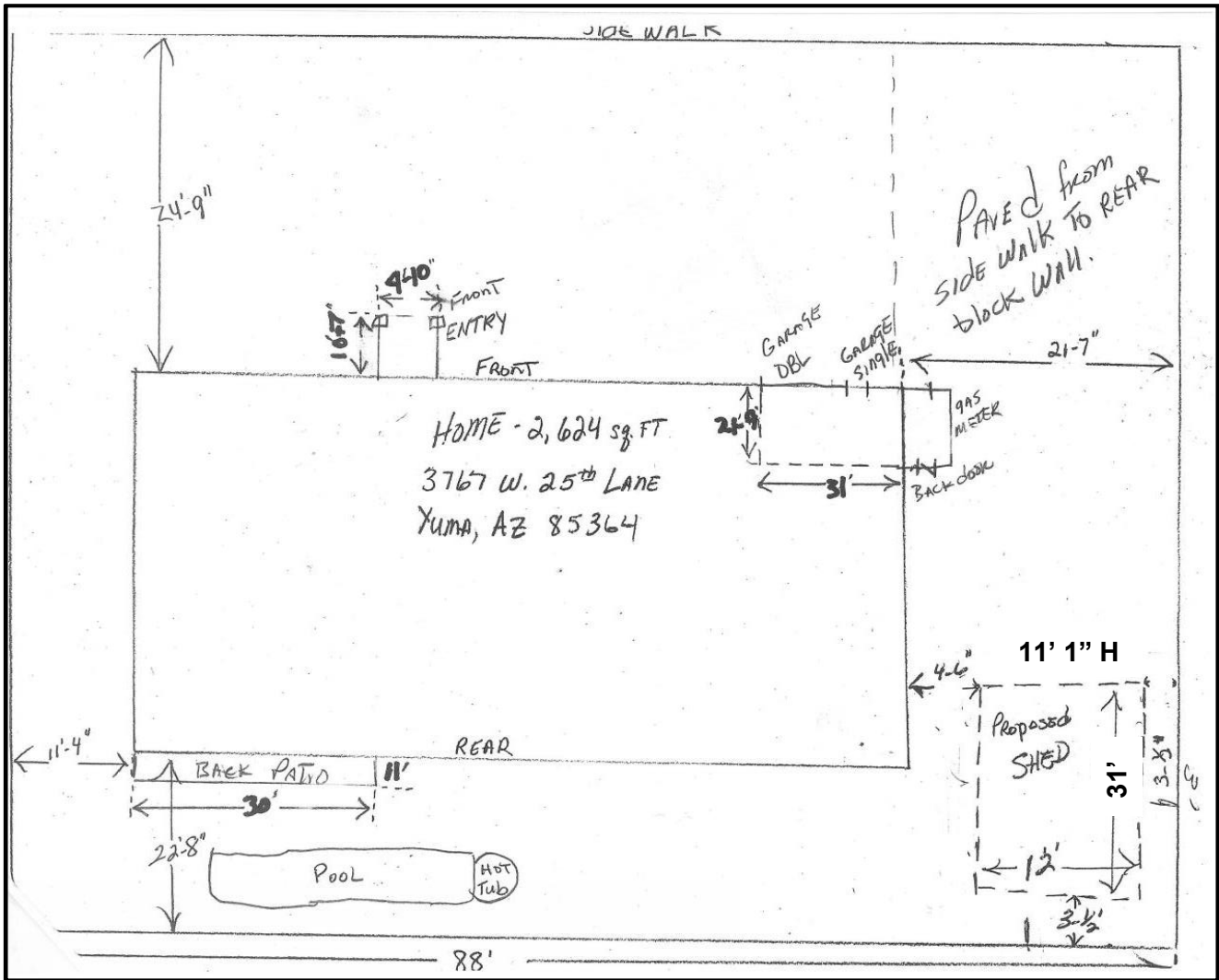
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning: Amelia Griffin, Associate Planner, (928) 373-5000 x3034

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 (11/19/21)
- 300' Vicinity Mailing: (11/10/21)
- Site Posted on: (12/02/21)
- 34 Commenting/Reviewing Agencies Noticed: (11/10/21)
- Neighborhood Meeting Date: (N/A)
- Hearing Date: (12/09/21)
- Comments Due: (11/22/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	11/23/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	11/23/21	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	11/10/21	X		
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	11/10/21	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	11/15/21			X
Building Safety	YES	11/15/21			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	11/10/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
Agency Comments

Condition(s) No Condition(s) Comment

Enter conditions here: **Comment only. Provide 1-hour fire resistive protection at South and East exterior walls of the subject shed, as noted per the Approved Project Plans.**

DATE: 11-10-2021 NAME: Alan Kircher TITLE: Deputy Building Official
CITY DEPT: Building Safety
PHONE: 928-373-5169
RETURN TO: Amelia Griffin
Amelia.Griffin@YumaAZ.gov

From: Franklin, Kayla - Fire Marshal <Kayla.Franklin@yumaaz.gov>
Sent: Monday, November 15, 2021 3:59 PM
To: Marquez Jr. Alejandro - Administrative Specialist <Alejandro.MarquezJr@YumaAz.Gov>
Cc: Kircher, Alan R - Deputy Building Official <Alan.Kircher@yumaaz.gov>
Subject: RE: Request For Conditions VAR-36947-2021

Fire will echo Building Safety's comments on this variance.

ATTACHMENT E
AERIAL PHOTO

