

Notice of Public Meeting of the
Minor Variance Committee of
The City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Minor Variance Committee of the City of Yuma and to the general public that the Minor Variance Committee will hold a meeting open to the public on May 20, 2022 at 10:30 a.m. in Conference Room 245, Yuma City Hall, One City Plaza, Yuma, AZ.

	<p>Agenda Meeting of the Minor Variance Committee <i>Yuma City Hall Conference Room 245</i> One City Plaza</p> <p>Friday, May 20, 2022, 10:30 a.m.</p>
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Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meetings for the Minor Variance Committee will be conducted with limited public access.

City Hall Conference Room 245 will be open with limited public access.

Public comment regarding any **agenda** item can be provided in written format to the Minor Variance Committee 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.

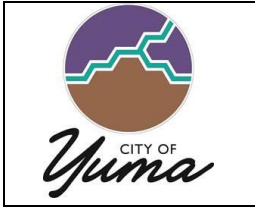
CALL TO ORDER

APPLICATIONS TO BE CONSIDERED

1. **VAR-39485-2022**: This is a request by Adolfo Luna for a variance to allow an Accessory Dwelling Unit (ADU) on a lot smaller in square footage than the code requires, in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 255 West 22nd Place, Yuma, AZ.

ADJOURN

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, Yuma, AZ 85364; (928) 373-5127 or TTY (928) 373-5149.



MINOR VARIANCE COMMITTEE
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – MINOR VARIANCE
CASE PLANNER: CHAD BROWN

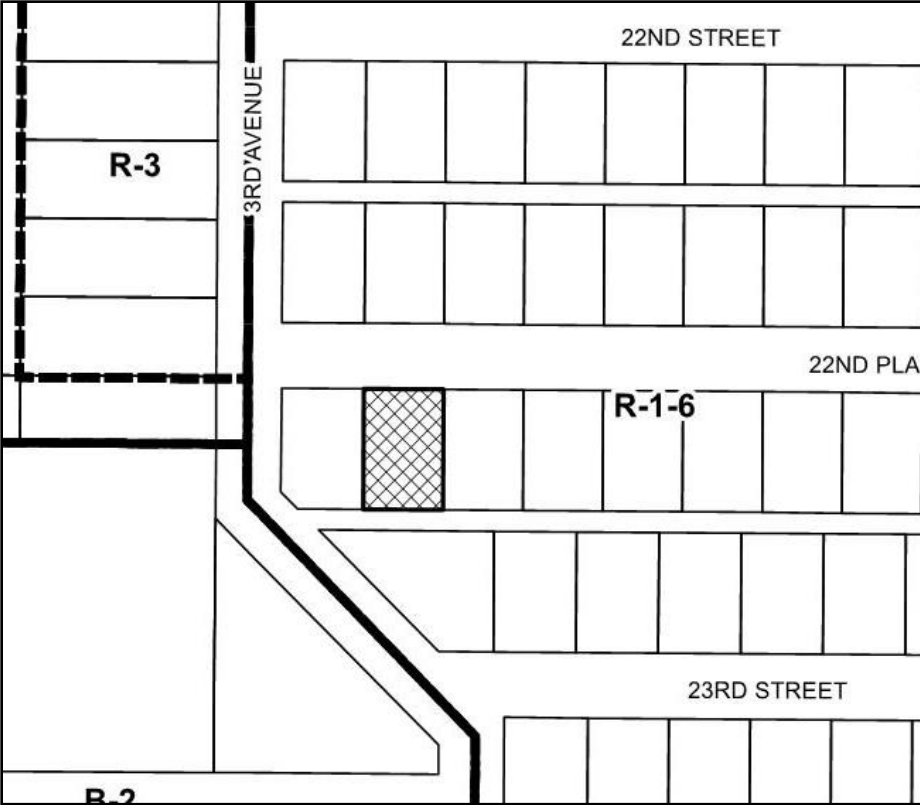
Hearing Date: May 20, 2022

Case Number: VAR-39485-2022

Project Description/Location: This is a request by Adolfo Luna for a variance to allow an Accessory Dwelling Unit (ADU) on a lot smaller in square footage than the code requires, in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 255 West 22nd Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential/Infill Overlay (R-1-6/IO)	SINGLE-FAMILY HOME	Low Density Residential
North	Low Density Residential/Infill Overlay (R-1-6/IO)	SINGLE-FAMILY HOME	Low Density Residential
South	Low Density Residential/Infill Overlay (R-1-6/IO)	SINGLE-FAMILY HOME	Low Density Residential
East	Low Density Residential/Infill Overlay (R-1-6/IO)	SINGLE-FAMILY HOME	Low Density Residential
West	Low Density Residential/Infill Overlay (R-1-6/IO)	SINGLE-FAMILY HOME	Low Density Residential

Location Map



Prior site actions: Annexation: July 17, 1956 (Ordinance No. 672); Rezone: September 16, 1952 (Ordinance No. 583, Residence 'A' changed to Low Density Residential (R-1-6); Subdivision: February 18, 1955 (Lowell Manor #3).

Staff Recommendation: Staff recommends **APPROVAL** of the request to allow an Accessory Dwelling Unit (ADU) on a lot smaller than is required by the Zoning Code in the Low Density Residential (R-1-6) District, Subject to the conditions in Attachment A, because the request meets the four criteria of §154-03.04.D.1 of the City of Yuma Zoning Ordinance

Have there been any other minor variance requests of a similar nature in the vicinity and zoning district?

Case #	Year	Staff Recommendation	Action Taken
N/A	N/A	N/A	N/A

Staff Analysis: This property is located at 255 West 22nd Place, in the Lowell Manor Subdivision. The property is zoned Low Density Residential District (R-1-6). This zoning district require 20-foot front, 7-foot side, and 10-foot rear yard setbacks. The standard lot size for this zoning district is 6,000 square feet. The subject property is 5,624 square feet.

The applicant is requesting a variance to permit the construction of a 312 square foot detached living space above a garage as an Accessory Dwelling Unit (ADU). The current zoning district of Low Density Residential (R-1-6) would require a minimum 6,000 square foot lot to construct an ADU, and the subject property is 5,624 square feet. The existing home was constructed in 1955, in accordance with Yuma Country Zoning standards and was then annexed into the City of Yuma a year after construction. The development history of this lot allowed for the lot size to be smaller than would be permitted in the current zoning district. This non-conforming lot size has created a barrier for the customer to achieve similar property rights enjoyed by other home owners in the same zoning district—the potential to build an ADU. The proposed addition would be within permitted lot coverage.

After analysis, staff believes that the applicant does poses a special circumstance. The substandard lot size restricts the customer from accessing similar rights enjoyed by others in the same zoning district—namely the potential to construct an ADU.

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: *“R-1-6 requires a min lot size of 6,000 sq. ft. Due to the configuration of the subdivision, the subject lot is a substandard lot that does not achieve the 6,000 sq. ft. lot size minimum, thus reducing the building area.”*

Staff Analysis: The single-family residence was constructed in 1955 and annexed into the City on July 21, 1956. It is currently zoned Low Density Residential (R-1-6), and upon annexation it did not meet the R-1-6 Development standards for the City of Yuma. The fact that the property does not meet the minimum size standards of the Zoning District creates a special circumstance.

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: *“The applicant did not create the substandard lot. The substandard lot was approved by the City with the approval of the subdivision plat for the neighborhood.”*

Staff Analysis: The special circumstance was not created by the applicant or the property owner. The special circumstance was created by the design and construction of the subdivision in the County in the early 50’s.

C) ***“The granting of the variance(s) 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: *“Without the variance, the applicant is unable to enjoy the same property rights as persons situation on a conforming R-1-6 lot in the same neighborhood. Granting the variance will afford the applicant the opportunity to improve his property like other have in the subdivision.”*

Staff Analysis: The granting of this variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the same, conforming, zoning designation.

D) “**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, or to the public health, safety and general welfare.**”

Is this statement correct for this application?

Yes No

Applicant Response: “*The granting of the variance will have no impact on the public health, safety and welfare nor will the requested variance be materially detrimental to any person residing or working in the vicinity. The variance is imply to allow for the construction of a two story structure in the property setback and has no off-site impacts.*”

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, or to public health, safety, and general welfare. Granting a variance will not alter the essential character of the neighborhood beyond what currently exists and should not permanently impair the view or the development of adjacent properties.

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

Discussions with Applicant/Agent: May 16, 2022

Draft staff report delivered to applicant on: May 18, 2022

- Applicant agreed with staff for approval on: May 17, 2022
- Applicant did not agree with staff: (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
Conditions of Approval	Site Plan	Site Photos	Aerial Photo

Approved By: *Chad Brown*
Chad Brown,
Associate Planner

Date: May 17, 2022

Approved By: *Alyssa Linville*
Alyssa Linville,
Assistant Director Community Planning

Date: May 17, 2022

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 Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:

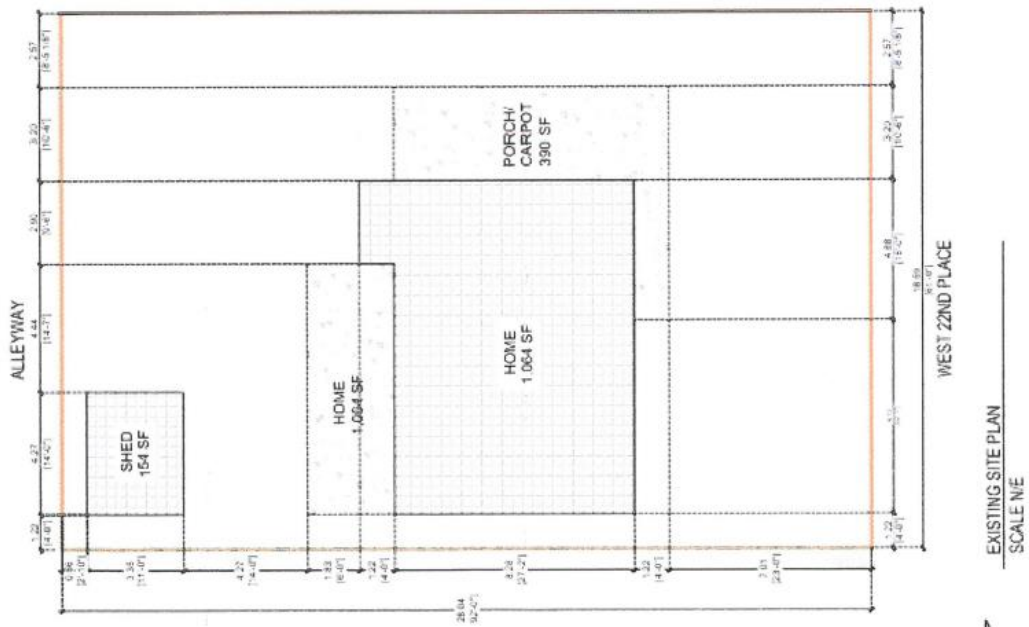
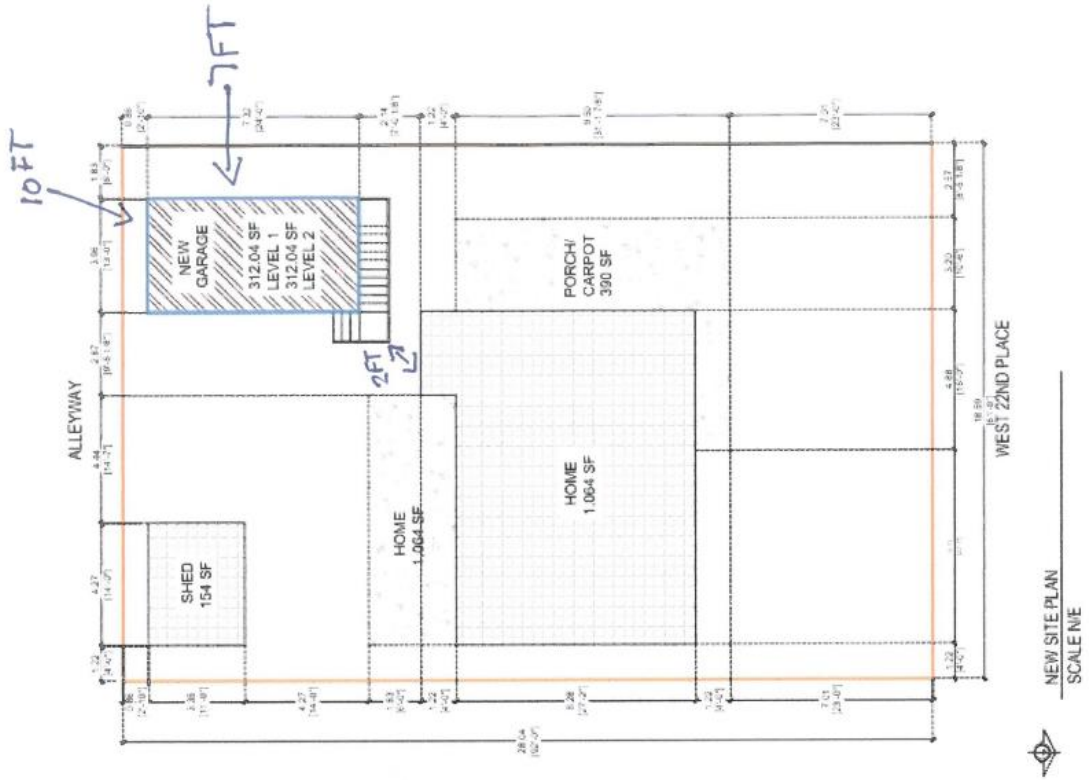
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner 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, Chad Brown, Associate Planner, (928) 373-5000 x 3038

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



ATTACHMENT D
AERIAL PHOTO

