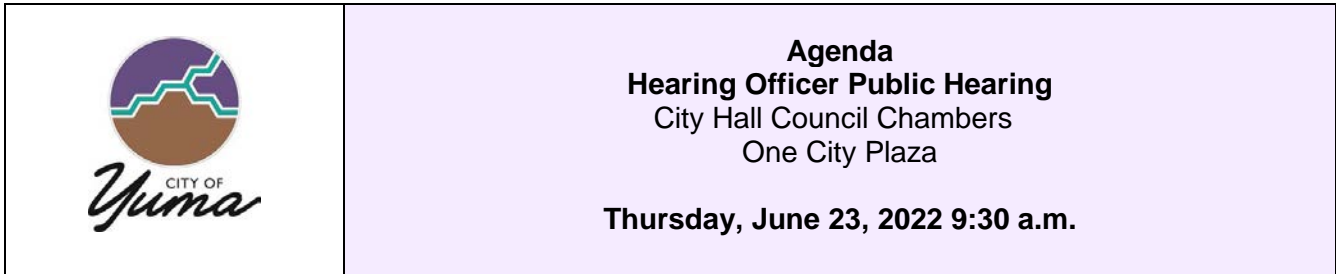


**Notice of Public Hearing of the  
Hearing Officer of The City of Yuma**

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 June 23, 2022 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](mailto: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

- May 5, 2022

APPLICATIONS TO BE CONSIDERED

1. **VAR-39341-2022:** This is a request by Arthur Patrick, subject property owner, for a variance to reduce the street side yard setback from 10' to 0' to accommodate the expansion of a garage space, in the Low Density Residential (R-1-6) District, for the property located at 2400 West 5<sup>th</sup> Street, Yuma, AZ. (*originally scheduled for May 26, 2022*).
2. **VAR-39750-2022:** This is a request by Sign Masters, on behalf of Sunset Community Health Center INC, for a variance to allow the placement of a monument sign with a zero foot setback, in the General Commercial (B-2) District. The property is located at 703 South Avenue B, 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

**Hearing Officer Meeting Minutes**  
**May 5, 2022**

A meeting of the City of Yuma's Hearing Officer was held on May 5, 2022, 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 of Planning; Chad Brown, Associate Planner; Erika Peterson, Associate Planner and Alejandro Marquez, Administrative Specialist.

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

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**CONSENT CALENDAR**

**Rodriguez** approved the minutes of December 9, 2021.

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**PUBLIC HEARINGS**

**TIMEX-39125-2022:** *This is a request by Anne-Marie Mirante and Richard Fay for a one-year time extension to a previously approved variance (VAR-33872-2021) to reduce the side setbacks from 7' to 3'5", the rear yard setback from 10' to 4'7", and increase the allowable height for accessory structures from 15' to 18' for two RV shade structures and two storage trailers in the Recreational Vehicle Subdivision (RVS) District, for the property located at 9732 E. 38<sup>th</sup> Lane, Yuma, Arizona*

**Erika Peterson, Associate Planner**, summarized the staff report and recommended **APPROVAL**.

**QUESTIONS FOR STAFF**

**Rodriguez** asked if the comment in Attachment D was also in opposition to the request. **Peterson** replied it was from the original variance.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Richard Fay and Anne-Marie Mirante, 9732 E. 38<sup>th</sup> Lane, Yuma, AZ**, were present and available for questions. **Mirante** went on to explain why the project was delayed.

**Rodriguez** asked for the deadline of the original variance. **Mirante** replied April 8th, 2022. **Rodriguez** then asked the applicants who was doing the work. **Mirante** stated that some of the work was done by a contractor, and they were doing some themselves. **Rodriguez** then asked how much of the project was completed. **Fay** replied it was about 65 to 75 percent done. **Rodriguez** asked for the cost of the project. **Fay** answered the final cost would be about 16,000 dollars.

**OPEN PUBLIC COMMENT**

None

**DECISION**

**Rodriguez** granted the time extension for the previously approved 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-39102-2022:** *This is a request by Deborah G Ybarra on behalf of Shannon Gonzalez, for a variance to reduce the side yard setbacks from 10' to 7' to accommodate the placement of a new single-family home, in the Residential Estate (RE-12) District, for the property located at 8334 E. Adobe Ridge Road, Yuma, AZ.*

**Chad Brown, Associate Planner**, summarized the staff report and recommended **APPROVAL**.

#### **QUESTIONS FOR STAFF**

**Rodriguez** asked for clarification of staff's use of the word frontage on page one of the Staff Report. **Brown** replied frontage refers to the part of the property that faced the street. **Rodriguez** asked for the direction of the front of the property. **Brown** replied that the front of the property was facing south. **Rodriguez** then asked if the back of the property was located at the wider part of the parcel. **Brown** answered yes.

#### **APPLICANT/APPLICANTS REPRESENTATIVE**

**Deborah Ybarra, 10516 E. 37<sup>th</sup> Street, Yuma, AZ**, stated the request for the variance was to allow the home to fit on the odd shaped lot, and to comply with the Architectural requirements of the Covenants, Conditions & Restrictions (CC&R).

**Rodriguez** asked for the square footage of the home, and the size of the lot **Ybarra** replied the home was supposed to be no less than 3,000 square feet, and the size of the lot was .51 acres.

#### **OPEN PUBLIC COMMENT**

**Justin Haile, 4745 W. 27<sup>th</sup> Place, Yuma, AZ**, stated that he was the owner of the lot located on the west side of the proposed project, and he would like the side setbacks to remain at 10 feet.

#### **DECISION**

**Rodriguez** granted the Variance subject to the Conditions of Approval in Attachment A, Yuma City Code §154-03.04(D) (1) had been met specifically finding the following regarding the four criteria; Criteria #1: The shape of the property created a special circumstance; Criteria # 2: The property shape was not created by the property owner; Criteria # 3: Because of the contractual requirements of the CC&Rs to have structures be 3,000 square feet, and the odd shape of the lot, this variance is necessary; Criteria # 4: The reduction of three feet will not be detrimental to any property owners.

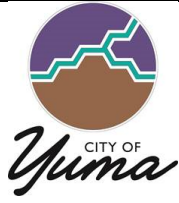
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**Rodriguez** adjourned the meeting at 9:50 a.m.

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Minutes approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Hearing Officer



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

**Hearing Date:**

JUNE 23, 2022

**Case Number:**

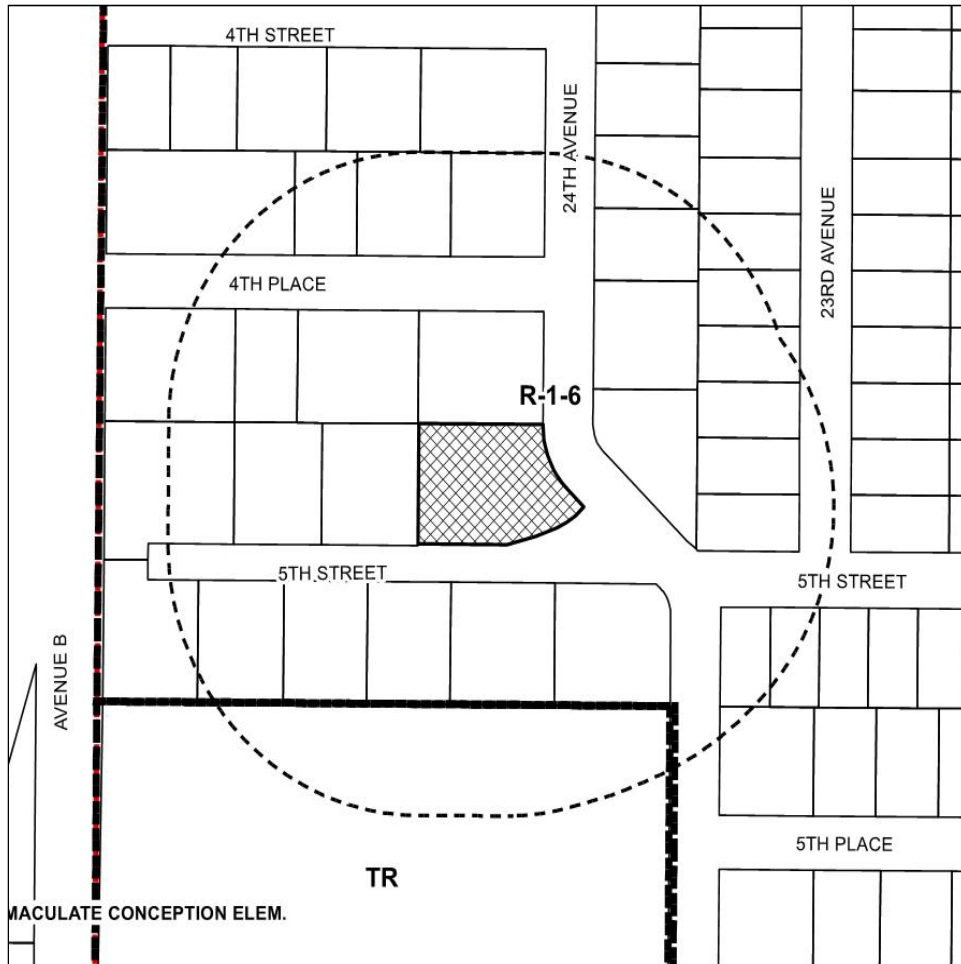
VAR-39341-2022

**Project**

**Description/Location:** This is a request by Arthur Patrick, subject property owner, for a variance to reduce the street side yard setback from 10' to 0' to accommodate the expansion of a garage space, in the Low Density Residential (R-1-6) District, for the property located at 2400 West 5<sup>th</sup> Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Low Density Residential (R-1-6)	<u>Single-Family Home</u>	Low Density Residential
<b>North</b>	Low Density Residential (R-1-6)	<u>Single-Family Home</u>	Low Density Residential
<b>South</b>	Low Density Residential (R-1-6)	<u>Single-Family Home</u>	Low Density Residential
<b>East</b>	Low Density Residential (R-1-6)	<u>Single-Family Home</u>	Low Density Residential
<b>West</b>	Low Density Residential (R-1-6)	<u>Single-Family Home</u>	Low Density Residential

**Location Map:**



**Prior site actions:** Annexation: February 2, 1954; Subdivision: September 13, 1950 (Hansberger Subdivision No. 2).

**Staff recommendation:** Staff recommends **DENIAL** of the request to reduce the street yard setback from 10' to 0' to accommodate the expansion of garage space in the Low Density Residential (R-1-6) District, because it does not meet all four criteria for §154-03.04 of the City of Yuma Zoning Code. Although Staff is not recommending a variance for the aforementioned item, if a variance is granted Staff recommends that the variance be conditioned to include conditions listed in Attachment A.

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.
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
N/A	N/A	N/A	N/A

**Staff Analysis:** The subject property is located on the northwest corner of 5th Street and 24<sup>th</sup> Avenue. The property was subdivided September 13, 1950, and then annexed in to the City of Yuma on February 2, 1954. The subject property is located in the Low Density Residential (R-1-6) District, which requires a minimum lot size of 6,000 square feet, and 20' front yard setbacks, 7' side yard setbacks, 10' street side setbacks, and 10' rear yard setbacks.

The subject property features a 21,902 square foot lot, with a primary structure that was constructed in 1957, and an accessory dwelling unit that was constructed in 2021. The property features two parking areas, including a three car garage (704 square feet), and a secondary paved driveway on the western edge of the parcel.

The requested variance is to reduce the street side setback from 10' to 0' in order to expand the 704 square foot garage by another 1,200 square feet. This request would allow for a 1,904 square foot garage, or a 9 car garage, designed as the property owner would prefer. The property is large enough to accommodate the desired square footage expansion, without a variance.

After analysis, staff has found no special circumstance that applies to the property. The zoning district requires 6,000 square foot lots, and the subject property is nearly four times larger than the minimum lot size required—illustrating ample room for expansion without the need for a variance. The property owner could expand the garage by several parking spaces towards the street side setback without the proposed variance, and there is room to expand the garage elsewhere on the property.

Neighboring property owners, from 2441 West 5<sup>th</sup> Street were in support of the proposed variance.

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 subject property at 2400 W. 5<sup>th</sup> Street is a special circumstance in that it is a corner lot with an arc radius property line. Therefore, the proposed garage/Workshop would be close to the property line only in the North East corner of the building. The remainder of the building would be an average of 4 to 5 feet from the property line. This is not the case with the majority of properties in the area, where the property lines are straight and consistent.”*

**Staff Analysis:** Staff was unable to identify a special circumstance. While the subject property does feature a curved lot frontage (front and street side), the fact that the lot is nearly four times the size as required by the zoning district negates the impacts of the curved frontage. There is ample room to expand the square footage of structures on the lot. Street side setbacks are required in all residential zoning districts.

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:** *“This arc radius property line is due to the adjacent street layout and is not caused by the property owner. Also, there is already a 20 foot easement that sets the property back from the sidewalk allowing for good visibility when rounding the corner.”*

**Staff Analysis:** Staff was unable to identify a special circumstance.

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:** *“In order for the property to be utilized without disrupting the mature landscape, this variance will need to be granted. The mature landscape with its historic Pecan trees is one of the most important attractions of this neighborhood. I therefore, do not want to disrupt the landscape but rather integrate with it.”*

**Staff Analysis:** The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designation. The subject property has ample space to accommodate the expansion of the garage without the need of a variance.

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 granting of this variance will in no way be detrimental to any of the neighboring properties. This East side property line has no adjoining property but rather a wide radius street with sidewalk and adequate setback due to the easement which is part of the official survey. I ask that this variance be granted in order to ascertain the allowable footprint of the addition and facilitate the completion of the construction plans.”*

**Staff Analysis:** 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.

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

**External Agency Comments:** See Attachment D.

**Neighborhood Meeting Comments:** See Attachment E.

**Proposed conditions delivered to applicant on:** May 20, 2022

**Final staff report delivered to applicant on:** May 26, 2022.

- Applicant agreed with all of the conditions of approval on: May 23, 2022
- 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	G	H	I
Conditions of Approval	Site Plan	Agency Notifications	Agency Comments	Neighborhood Meeting Comments	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

**Prepared By:** *Chad Brown*

**Date:** 6.17.22

Chad Brown      Chad.Brown@yumaaz.gov  
Associate Planner

(928)373-5000,  
x1234

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

**Date:** June 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 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 (05/05/22)
- 300' Vicinity Mailing: (04/27/22)
- Site Posted on: (04/26/22)
- 34 Commenting/Reviewing Agencies Noticed: (04/27/22)
- Neighborhood Meeting Date: (05/03/22)
- Hearing Date: (05/26/22)
- Comments Due: (05/09/22)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	4/28/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	5/2/22	X		
Yuma County Planning & Zoning	YES	4/28/22		X	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	5/2/22	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	4/28/22	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	4/28/22	X		
Building Safety	YES	5/2/22	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	5/2/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D  
AGENCY COMMENTS**

COMMENT       NO COMMENT

*Enter comments below:*

It is recommended that the site plan is revised for accuracy. The provided site plan does not shows dimensions. Also the shape of the lot on the site plan, does not match the subject parcel as per The Stuart/Beaubier Lot Split/Lot Tie (Fee #2008-30832).

DATE:                    04-28-2022    NAME:    J. Barraza                    TITLE:    S. P.  
AGENCY:                Yuma County DDS  
PHONE:                 (928) 817-5000  
RETURN TO:             Chad Brown  
                              Chad.Brown@YumaAZ.gov

**ATTACHMENT E**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** 05/03/22

**Location:** Subject property; 2400 West 5<sup>th</sup>  
Street

**Attendees:** Chad Brown; City of Yuma, Arthur Patrick; property owner, Aimee Patrick; property resident, Richard Valenzuela; neighbor, Molly Valenzuela; neighbor.

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- **APPLICANT DESCRIBED WHAT IS DESIRED, INCREASED GARAGE AREA AND A ZERO FOOT SETBACK.**
- **THE NEIGHBORS IN ATTENDED WERE IN SUPPORT OF THE PROPOSED VARIANCE.**
- **STAFF DESCRIBED THE NEXT STEP IN THE VARIANCE PROCESS, INCLUDING THE HEARING DATE.**

**ATTACHMENT F  
SITE PHOTOS**



*Neighborhood Meeting sign and approximate area of proposed garage.*

**ATTACHMENT G**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>
GONZALEZ HENRY & SHANNAN CPWROS	8495 E OLIVE ANN LN	YUMA, AZ 85365
WESTER EBBINGHAUS WERNER & CANDICE TRUST 6-1-1996	1637 W 34TH ST 8289 E ADOBE RIDGE	YUMA, AZ 85365
CLARK RON & HEATHER TRUST 4-24-2015	RD 8353 S ADOBE RIDGE	YUMA, AZ 85365
MILLER CHRIS N TRUST 5-12-2015	RD	YUMA, AZ 85365
OLIVAR HECTOR JR & ANA ROSA JT	4181 W ARABIAN LN	YUMA, AZ 85365
JWS ROYAL AZ LLC	502 E MARLETTE AVE	PHOENIX, AZ 85012
HAILE J & J TRUST 9-14-2021	4745 W 27TH PL 8302 E ADOBE RIDGE	YUMA, AZ 85364
AGUILAR STEPHANE K	RD 8288 E ADOBE RIDGE	YUMA, AZ 85365
DEMPSEY TIMOTHY R & TIFFANY A JT	RD 8352 E ADOBE RIDGE	YUMA, AZ 85365
BARDO FAMILY TRUST 4-9-1991	RD 8364 E ADOBE RIDGE	YUMA, AZ 85365
DRSRSS TRUST 12-11-2019	RD	YUMA, AZ 85365
CRAWFORD DANIEL W & PATRICIA S TRUST 9-29- 2017	8376 ADOBE RIDGE RD	YUMA, AZ 85365
ARIZONA WESTERN COLLEGE POLITICAL SUB	PO BOX 929	YUMA, AZ 85366

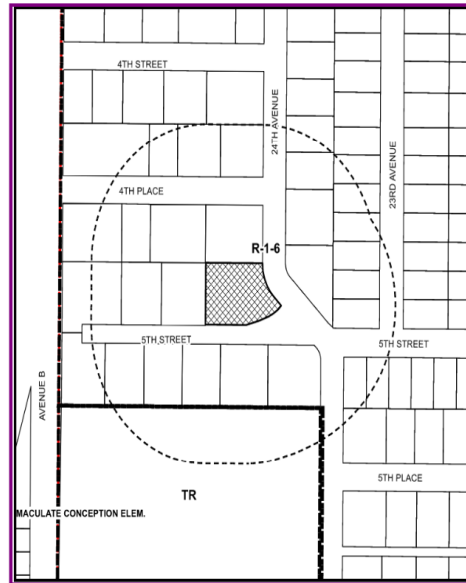
**ATTACHMENT H  
NEIGHBOR MAILING**

This is a request by Arthur Patrick, subject property owner, for a variance to reduce the street side yard setback from 10' to 0' to accommodate the expansion of a garage space, in the Low Density Residential (R-1-6) District, for the property located at 2400 West 5<sup>th</sup> Street, Yuma, AZ.

**MEETING DATES,  
TIMES & LOCATIONS  
FOR CASE #  
VAR-39341-2022**

**NEIGHBORHOOD MEETING  
5/3/2022 @ 5:00PM  
ON-SITE**

**PUBLIC HEARING  
05/26/2022 @ 9:30AM  
City of Yuma Council Chambers  
One City Plaza, Yuma, AZ**

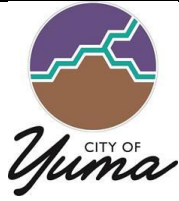


Because you are a neighbor within 300' of 2400 West 5th Street, Yuma, AZ. you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Chad Brown by phone at (928)373-5000 ext. 3038 or by email at [Chad.Brown@YumaAz.gov](mailto:Chad.Brown@YumaAz.gov)

ATTACHMENT I  
AERIAL PHOTO







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

**Hearing Date:** June 23, 2022

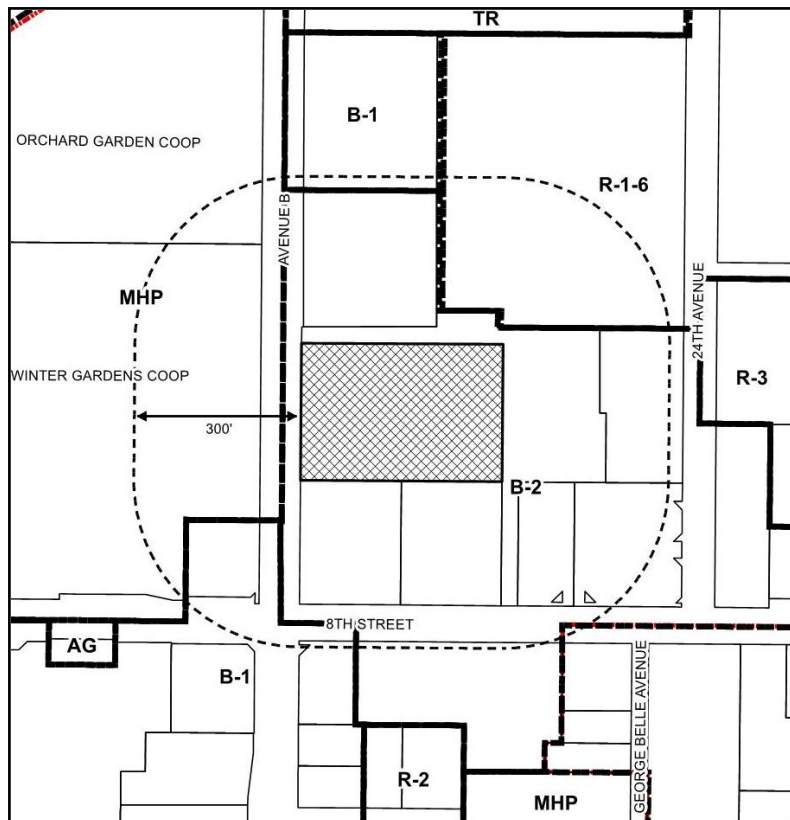
**Case Number:** VAR-39750-2022

**Project**

**Description/Location:** This is a request by Sign Masters, on behalf of Sunset Community Health Center INC, for a variance to allow the placement of a monument sign with a zero foot setback, in the General Commercial (B-2) District. The property is located at 703 South Avenue B, Yuma, AZ.

	<b>Existing Zoning</b>	<b>Use(s) on-site</b>	<b>General Plan Designation</b>
<b>Site</b>	General Commercial (B-2)	SUNSET COMMUNITY HEALTH CENTER	LOW DENSITY RESIDENTIAL
<b>North</b>	General Commercial (B-2)	SUNSET COMMUNITY HEALTH CENTER	LOW DENSITY RESIDENTIAL
<b>South</b>	General Commercial (B-2)	CONVENIENCE STORE/MULTI-TENANT COMMERCIAL BUILDING	COMMERCIAL
<b>East</b>	General Commercial (B-2)	UNUSED NONCONFORMING COMMERCIAL BUILDING	LOW DENSITY RESIDENTIAL
<b>West</b>	Manufactured Housing park (MHP)	WINTER GARDENS CO-OPERATIVE	MEDIUM DENSITY RESIDENTIAL

**Location Map:**



**Prior site actions:** Annexation: Ordinance No. 605 (February 6, 1954); Subdivision: Townsend Tract (January 29, 1954), Hansberger Subdivision Block 54 (February 6, 1980).

**Staff recommendation:** Staff recommends **DENIAL** of the request to allow the placement of a monument sign with a zero foot setback, in the General Commercial (B-2) District, because it does not meet all four criteria for §154-03.04 of the City of Yuma Zoning Code. Although Staff is not recommending a variance for the aforementioned item, if a variance is granted Staff recommends that the variance be conditioned to include conditions listed in Attachment A.

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.
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
N/A	N/A	N/A	N/A

**Staff Analysis:** The subject property is approximately 220 feet north of the intersection of Avenue B and 8<sup>th</sup> Street. The property was annexed into the City of Yuma on February 6, 1954, and later subdivided, resulting in the current two acre parcel. With this request, the applicant is seeking to reduce the setback for a nine foot, double-sided monument sign, from twelve feet to zero feet.

The City of Yuma's sign regulations were established to ensure that free-standing signs are adequately visible, being placed in such a manner so as not to be hidden by structures located on-site. As an example, the General Commercial (B-2) District, requires that all buildings and parking areas be located fifteen feet from the property line, while free-standing signs can be placed anywhere between two feet and twelve feet from the property line depending upon the type and height of the proposed signage. These regulations provide ample opportunity for sufficiently visible signage.

According to the applicant, other neighboring properties have similar signs and setbacks as those being requested, however, no specific examples were provided. During their research, staff could not find a legal or legal non-conforming sign with a reduced setback in close proximity, within the same zoning district and jurisdiction. The property north of the subject property, Sunset Community Health, does appear to have a monument sign at a zero foot setback, however, no permit could be located for the existing monument sign.

After a full analysis, staff was unable to identify a special circumstance which relates to the subject property. The subject property has a fifteen foot setback for the primary structure required with the zoning code, and according to the construction drawings provided there is thirty feet between the property line and the building being constructed—meaning, there is ample space to accommodate free-standing sign without the need for a variance.

**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:** *“There does exist a special circumstance or condition that applies to the property, building or use referred to in the application that does NOT apply to most other properties in the district. Signs in and around this area are just as close the street as what is being asked for and most are taller than 9’. Also, keeping patient and others from turning into this property will avoid traffic congestion trying to leave this property only to go to the property to the north (patient clinic).”*

**Staff Analysis:** There is no special circumstance which applies to the subject property. The subject property is currently under development and according to the approved construction drawings, adequate space has been provided to accommodate an adequately visible free-standing sign, without the need for a variance. In addition, there exists no visual impediments along the frontage of Avenue B which may necessitate the need for a modified setback. Lastly, if visibility was an immediate concern, there alternative sign designs which could lend themselves to smaller setback requirements, including the ability to construct a six foot tall monument, which would only require a six foot setback from the property line.

In response to the applicant’s comments regarding similar signs in the immediate area, staff was unable to locate a legal or legal non-conforming sign with a reduced setback in close proximity, within the same zoning district and jurisdiction. The property north of the subject property, Sunset Community Health, does appear to have a monument sign at a zero foot setback, however, no permit could be located for the existing monument sign.

**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:** *“This special circumstance was NOT created or caused by the property owner or applicant. Street setbacks and sign setbacks were established by City of Yuma without Sunset health Center’s Input.”*

**Staff Analysis:** The special circumstance was created and caused by the property owner or applicant. The subject property is currently being developed, and ample room to construct the monument sign has been provided without the need for a variance. Additionally, alternative signage options are available which offer the ability to reduce the setbacks for monument signs.

**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 granting of this variance is necessary for the preservation of substantial property rights enjoyed by Church/School property owners and closest now vacant gas station in vicinity.”*

**Staff Analysis:** The granting of this variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designation. The property features ample buildable area for a free-standing sign which meets the requirements as identified within the Yuma City Code. The granting of this variance would grant special opportunities for the subject property that are not available to properties within the same zoning district and area, setting a precedent for future variance requests.

**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 granting of this variance will NOT be materially detrimental to any persons residing or working in the vicinity, to the neighborhood, or the public health, safety, and general welfare. The sign would be well out of the way of driving and pedestrians. The sign will be placed in the location that will allow ample visibility for drivers and pedestrians to avoid harmful traffic situations.”*

**Staff Analysis:** The granting of this variance could be materially detrimental to persons residing or working in the vicinity as the proposed signage location at zero feet could block the view of traffic for those turning south onto Avenue B.

**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:** See Attachment E.

**Proposed conditions delivered to applicant on:** June 15, 2022.

**Final staff report delivered to applicant on:** June 17, 2022

- Applicant agreed with all of the conditions of approval on:
- Applicant did not agree with the following conditions of approval: (list #'s)
- Agent responded, and forwarded the conditions to the applicant, who has not responded yet.

**Attachments**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>
Conditions of Approval	Site Plan	Site Plan (2)	Agency Notifications	Neighborhood Meeting Comments	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

**Prepared By:** *Chad Brown*

**Date:** **June 17, 2022**

Chad Brown  
Associate Planner

Chad.Brown@yumaaz.gov (928)373-5000, x 3038

**Approved By:** *Alyssa Linville*

**Date:** **June 17, 2022**

Alyssa Linville,  
Assistant Director Community Planning

**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:**

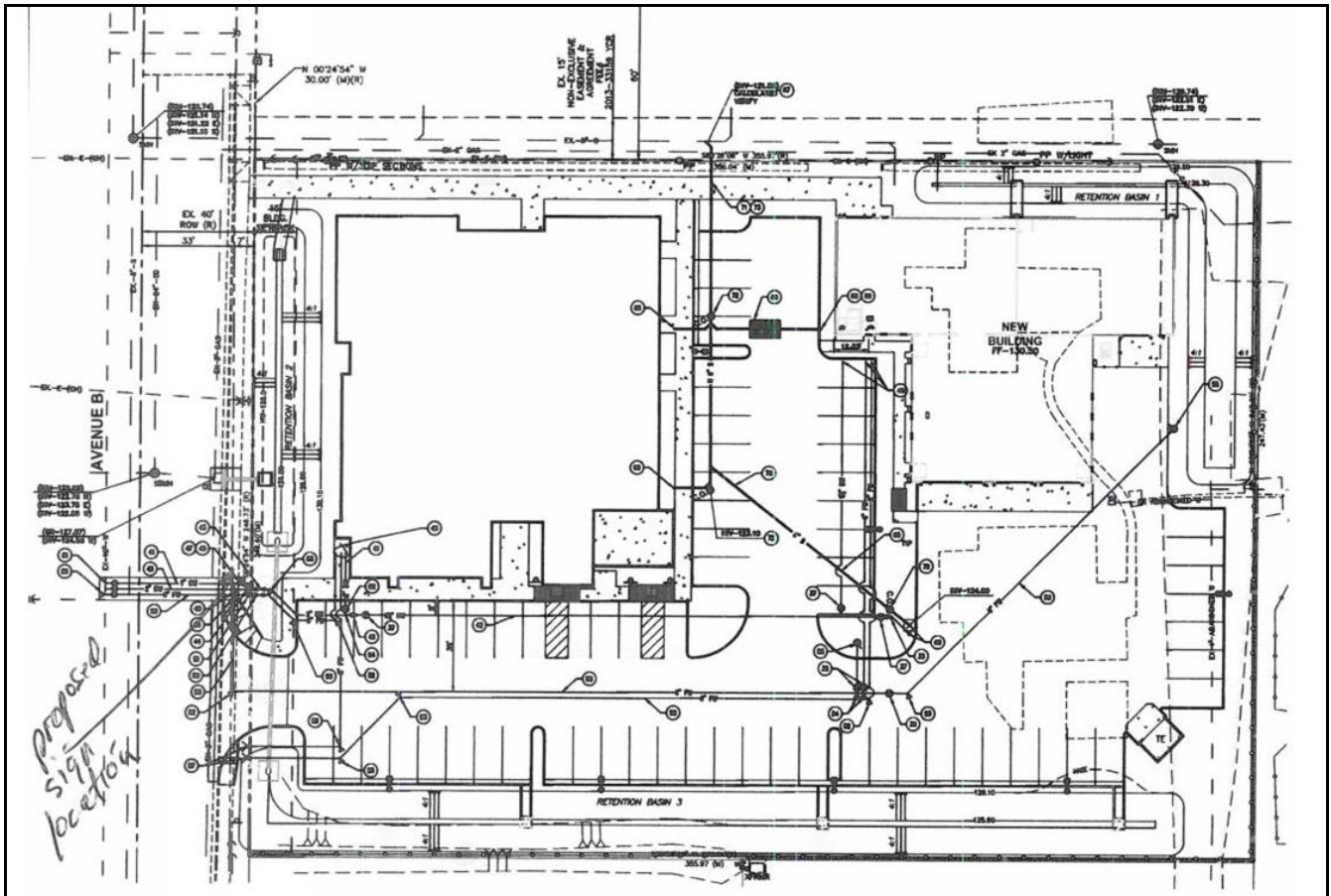
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner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

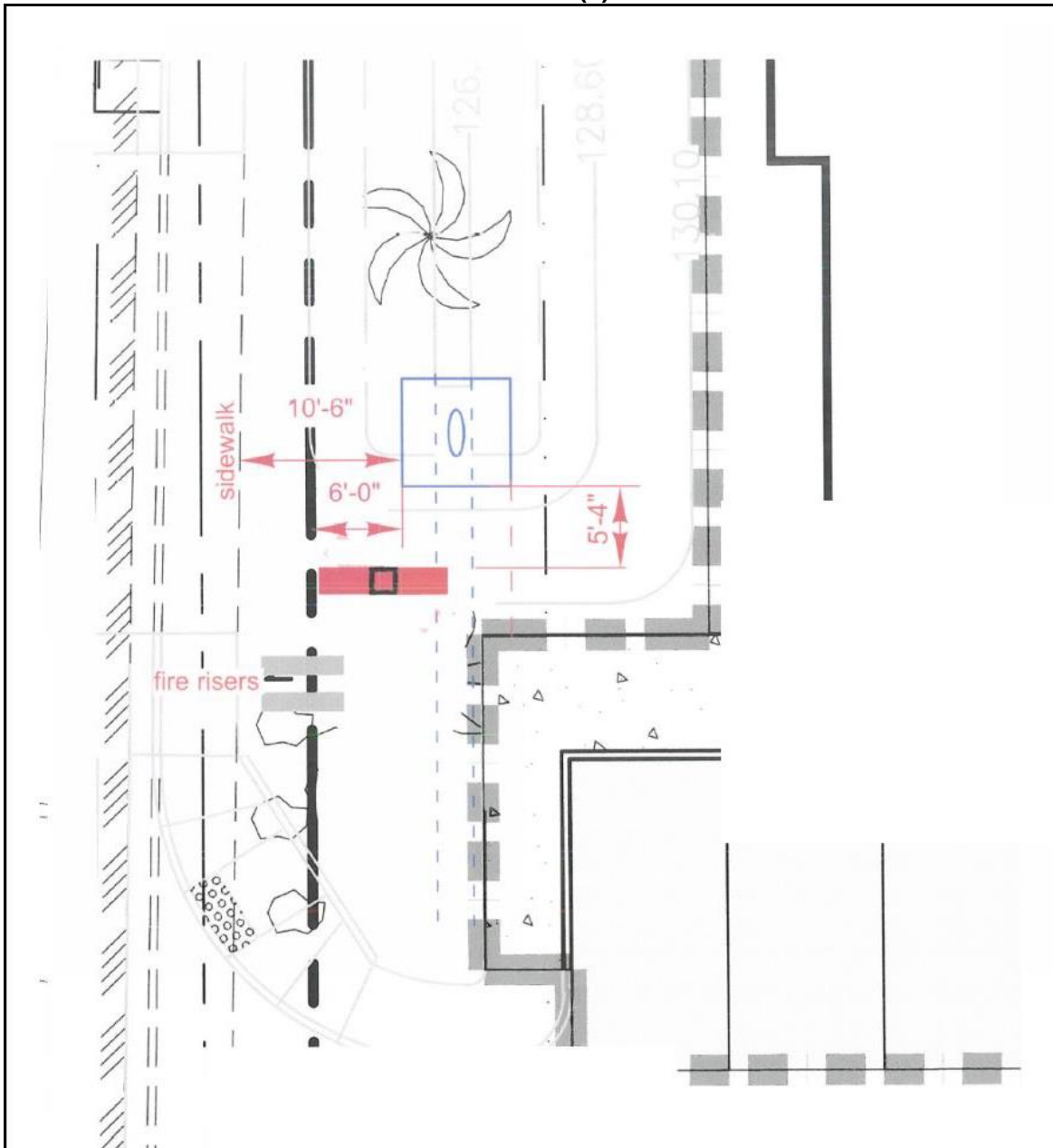
4. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within 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  
SITE PLAN (2)





**ATTACHMENT D  
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (6/3/22)
- 300' Vicinity Mailing: (5/25/22)
- Site Posted on: (5/31/22)
- 34 Commenting/Reviewing Agencies Noticed: (5/25/22)
- Neighborhood Meeting Date: (6/1/22)
- Hearing Date: (6/23/22)
- Comments Due: (6/6/22)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	5/26/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	5/27/22	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	6/2/22	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	5/31/22	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	6/1/22	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT E**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** June 1, 2022

**Location:** Subject property; 703 South Avenue B.

**Attendees:** Chad Brown; City of Yuma, Greg Villalpando; Agent.

SUMMARY OF ATTENDEE(S) COMMENTS RELATED TO THE PROJECT:

- **NO NEIGHBORS WERE IN ATTENDANCE.**
- **AGENT EXPRESSED SUPPORT FOR THE PROPOSED VARIANCE.**

**ATTACHMENT F  
SITE PHOTOS**



**ATTACHMENT G**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA, AZ 85364
VALS DRIVE THRU LIQUOR LLC	4119 W 23RD ST	YUMA, AZ 85364
LARA DAVID A & ESTELA L TRUST 1-24-01	PO BOX 3748	SAN LUIS, AZ 85349
CANIZALES ALEXANDER	3606 W 20TH PL	YUMA, AZ 85364
ORCHARD GARDENS CO-OPERATIVE AN AZ CORP	650 S AVENUE B LOT SP 58	YUMA, AZ 85364
ROMEOS INVESTMENT PROPERTIES LLC	2301 S 4TH AVE	YUMA, AZ 85364
THOMAS MERRITT P & HILLARY J	1765 S 7TH AVE	YUMA, AZ 85364
CARDENAS ROSA	1773 W 27TH DR	YUMA, AZ 85364
ROCHA ASSETS LLC	2718 S 4TH AVE	YUMA, AZ 85364
PIVO JACK & CHARLOTTE TR 11-22-74 1/2 ET AL	PO BOX 9167	SPRINGFIELD, MO 65801
BLANCO JESSICA	9503 MANDALE ST	BELLFLOWER, CA 90706
YUMA CITY OF	ONE CITY PLAZA	YUMA, AZ 85364
WINTERGARDENS CO-OPERATIVE	2700 W 8TH ST	YUMA, AZ 85364
SUNSET COMMUNITY HEALTH CENTER INC	2060 W 24TH ST	YUMA, AZ 85364

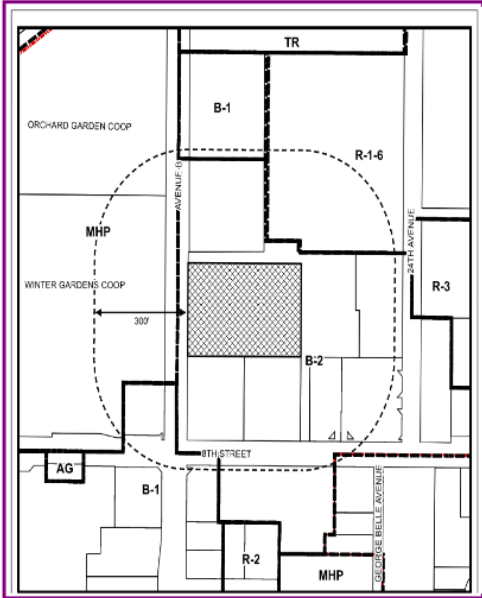
**ATTACHMENT H  
NEIGHBOR POSTCARD**

This is a request by Sign Masters, on behalf of Sunset Community Health Center INC, for a variance to allow the placement of a monument sign with a zero foot setback, in the General Commercial (B-2) District. The property is located at 703 South Avenue B, Yuma, AZ.

**MEETING DATES,  
TIMES & LOCATIONS  
FOR CASE #  
VAR-39750-2022**

**NEIGHBORHOOD MEETING**  
06/01/2022 @ 5:00PM  
ON-SITE

**PUBLIC HEARING**  
06/23/2022 @ 9:30AM  
City of Yuma Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 703 South Avenue B, Yuma, AZ. you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Chad Brown by phone at (928)373-5000 ext. 3038 or by email at [Chad.Brown@YumaAz.gov](mailto:Chad.Brown@YumaAz.gov)

ATTACHMENT I  
AERIAL PHOTO



THE AERIAL IMAGE IS SEVERAL YEARS OLD, AND DOES NOT SHOW THE CURRENT LAYOUT OF THE PROPERTY.