

**Hearing Officer Meeting Minutes
July 14, 2022**

A meeting of the City of Yuma's Hearing Officer was held on July 14, 2022, at City Hall Council Chambers, One City Plaza, Yuma, AZ.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Scott McCoy, Assistant City Attorney; Alyssa Linville, Assistant Director of Planning; Amelia Griffin, Associate Planner; Erika Peterson, Associate Planner, and Alejandro Marquez, Administrative Specialist.

Rodriguez called the meeting to order at 9:32 a.m.

CONSENT CALENDAR

APPROVAL OF MINUTES

June 23, 2022

Rodriguez noted the minutes of June 23, 2022 needed to be corrected to reflect that Hearing Officer **Sonia Ramirez** adjourned the meeting.

CONTINUANCES

VAR-39987-2022: *This is a request by Andrea Plaza, on behalf of Miguel & Maria Gastelum, for a Variance to eliminate the requirement for on-site parking for a clothing retail store, Vlanco Boutique, in the General Commercial/Historic Overlay/Bed and Breakfast Overlay/Infill Overlay (B-2/H/BBO/IO) District, for the property located at 206 S. Orange Avenue, Yuma, Arizona. (Continued to July 28, 2022).*

Rodriguez approved the consent calendar of June 23, 2022, including the correction as stated.

PUBLIC HEARINGS

VAR-39872-2022: *This is a request by Kerley Homes of Yuma, LLC on behalf of KDC of Yuma, LLC, for a Variance to reduce the front yard setback from 20' to 13' 2", to allow the construction of a single-family dwelling in the Low Density Residential (R-1-8) District, for the property located at 5842 E. 47th Street Yuma, Arizona.*

Amelia Griffin, Associate Planner, summarized the staff report and recommended **Approval**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Jim Kerley, 6720 E Mission Street, Yuma AZ, 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.

VAR-39977-2022: *This is a request by Cesar Durazo for a variance to reduce the side and rear yard setbacks from 5.5 feet (setback based on height of accessory structure) to a setback of 34.5 inches, in the Low Density Residential (R-1-8) District. The property is located at 3953 West 18th Street, Yuma, AZ.*

Alyssa Linville, Assistant Director of Planning, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

Rodriguez asked if the request was for a 0 foot setback. **Linville** replied the request initially was for a different setback, but after further review of the placement of the structure it called for a 0 foot setback. **Rodriguez** then asked if the applicant was not supposed to measure from the base of the structure. **Linville** answered the measurement was to be taken from the overhang. **Rodriguez** asked if there were already setback requirements in place for the structure. **Linville** replied yes, then noted the applicant's proposed structure would require a 5.5 foot setback.

Scott McCoy, Assistant City Attorney, stated after his review of the staff report the variance does not meet any of the criteria for approval.

Rodriguez referred to the picture on attachment F of the staff report then asked if the left side of the structure was facing south, and if the picture was of the back yard. **Linville** replied no, stating that the left side of the structure was facing east. **Rodriguez** asked if the normal setback requirement for the side yard was 10 feet. **Linville** replied for the home yes, but an accessory structure of this size could be reduced from 10 feet to 5.5 feet on the side and the rear yards.

APPLICANT/APPLICANTS REPRESENTATIVE

Cesar Durazo, 3953 W. 18th Street, Yuma AZ, stated he was not aware the overhang of the structure would affect the setback, and he thought a 3 foot setback would meet the City's requirements. **Rodriguez** asked if staff had informed him that a 3 foot setback would meet the City's code requirement. **Durazo** replied no. **Durazo** then stated the contractor informed him the structure would meet the City's requirements because it was not attached to the home and no permit would be required. **Durazo** went on to say there are other shade structures in the neighborhood that have smaller setbacks. **Rodriguez** then asked if he was aware if the neighbors had obtained variances for those structures. **Durazo** said no. **Linville** stated the Accessory Structure Code allows smaller setbacks depending on the size of the proposed project.

OPEN PUBLIC COMMENT

Tony Steen, 1853 S. 39th Drive, Yuma AZ, participating telephonically, stated the he was in favor of the denial of the variance because of the safety hazards and how it could affect his property value. **Steen** then commented that the structure was already built without permits, in violation of the City code. **Rodriguez** commented there have been variance approvals of existing structures in the past.

Durazo asked if the height of the structure was lowered to meet the setback requirements would another variance be needed. **McCoy** stated Building Safety would have to answer that question. **Rodriguez** stated in order to come into compliance with City code **Durazo** would need to meet with the Staff to determine the correct setbacks.

DECISION

Rodriguez denied the variance to reduce the side and rear yard setbacks from 5.5 feet (setback based on height of accessory structure) to a setback of 34.5 inches, in the Low Density Residential (R-1-8) District, stating that there was no special circumstance that applied to the property or building. **Rodriguez** also stated that there was no special circumstance as the property owner built the structure without obtaining necessary approvals from the City. **Rodriguez** went on to state that the variance was necessary for the preservation of substantial property rights enjoyed by the neighboring properties, and that the approval of

the variance would be detrimental to any persons residing, or working in the vicinity because of the structures close proximity to the neighboring home.

VAR-39981-2022: *This is a request by Sternco Engineers, Inc., on behalf of Nextgen Properties, LLC, for a variance to increase the maximum allowable density to allow the construction of a fourplex on a lot measuring 7,500 square feet in the High Density Residential/Infill Overlay (R-3/IO) District, for the property located on the southeast corner of W. Colorado Street and N. 17th Avenue, Yuma, Arizona.*

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

QUESTIONS FOR STAFF

Rodriguez asked for clarification on the requirement that was not met. **Peterson** replied that the zoning code for the property requires each dwelling to have 2,000 square feet of lot area, and the proposed project did not meet that requirement. **Rodriguez** asked if the project was short by 500 square feet. **Peterson** answered yes.

APPLICANT/APPLICANTS REPRESENTATIVE

Jose Salazar, 3378 W. 17th Place, Yuma AZ, stated he was not aware of the denial. **Rodriguez** asked **Salazar** if he was the applicant or the owner. **Salazar** stated he was the property owner. **Salazar** went on to say he knew the project was not to City code, but in order to maximize his investment a fourplex of this size would be a better option. **Rodriguez** asked if the proposed project was a 2 story design. **Salazar** replied yes.

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.

VAR-39983-2022: *This is a request by Alberto Urias, on behalf of Sergio Castro, for a variance to reduce the rear yard setback from 20 feet to 3 feet to accommodate the expansion of a workshop, in the Low Density Residential (R-1-8) District. The property is located at 3929 West 18th Street, Yuma, AZ.*

Alyssa Linville, Assistant Director of Planning, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

Rodriguez asked if the structure was already built. **Linville** replied no. **Rodriguez** then asked if the request was only for the rear yard setback not the side yard setback. **Linville** answered yes. **Rodriguez** asked if the current structure met the required setback. **Linville** replied yes.

APPLICANT/APPLICANTS REPRESENTATIVE

Sergio Castro, 3929 W. 18th Street, Yuma AZ, stated the reason for building towards the back was to not affect the landscape on the west side of the current structure. **Castro** then stated he would be willing to reduce the size of the workshop, and work with neighbors to resolve any issues with proposed project. **Rodriguez** asked if the applicant was not willing to build on the west side of the current structure. **Castro** replied he would prefer not to because it would damage the landscaping.

Linville stated there were alternative options on the property to construct the proposed project, that it would not damage the landscape and would meet the City's code requirements.

OPEN PUBLIC COMMENT


Tony Steen, 1853 S. 39th Drive, Yuma AZ, participating telephonically, stated the he was in favor of the denial of the variance, because of the safety hazards and how it could affect his property value.

DECISION

Rodriguez denied the variance to reduce the rear yard setback from 20 feet to 3 feet to accommodate the expansion of a workshop, in the Low Density Residential (R-1-8) District, because there was no special circumstance that applied to the property, stating that there were alternative locations that the structure could be constructed. **Rodriguez** went on to state that the variance was not necessary for the preservation of substantial property rights enjoyed by the neighboring properties, and that approval of the variance would be materially detrimental to any persons residing in the vicinity, based on the structures close proximity to adjacent property lines.

Rodriguez adjourned the meeting at 10:22 a.m.

Minutes approved and signed this 28 day of July, 2022.


Hearing Officer