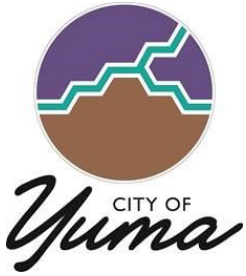


Notice of Public Meeting of the
Minor Variance Committee of
The City of Yuma

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 September 12, 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>Monday, September 12, 2022, 10:00 a.m.</p>
---	---

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.

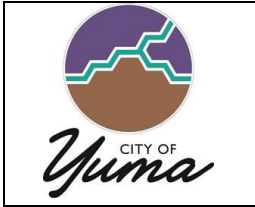
CALL TO ORDER

APPLICATIONS TO BE CONSIDERED

1. **VAR-40391-2022**: This is a request by Susan Green, on behalf of Lodyeen Properties, LLC, for a minor variance to reduce the accessory structure setback for an existing shed in the High Density Residential/Infill Overlay (R-3/IO) District, for the property located at 190 N. 13th Avenue 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: AMELIA GRIFFIN

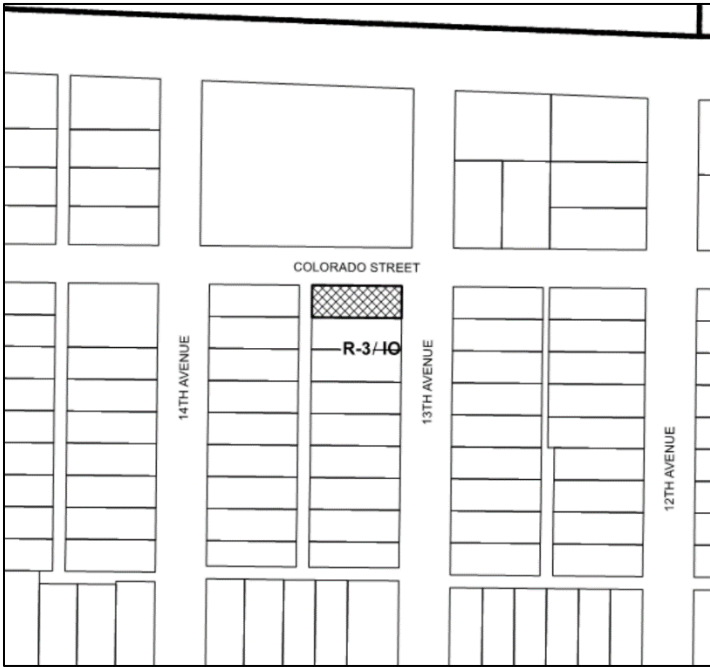
Hearing Date: September 12, 2022

Case Number: VAR-40391-2022

Project Description/Location: This is a request by Susan Green, on behalf of Lodyeen Properties, LLC, for a minor variance to reduce the accessory structure setback for an existing shed in the High Density Residential/Infill Overlay (R-3/IO) District, for the property located at 190 N. 13th Avenue Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	High Density Residential/Infill Overlay (R-3/IO) District	Single-Family Residence	Low Density Residential
North	High Density Residential/Infill Overlay (R-3/IO) District	Multi-Family Apartments	Low Density Residential
South	High Density Residential/Infill Overlay (R-3/IO) District	Single-Family Residence	Low Density Residential
East	High Density Residential/Infill Overlay (R-3/IO) District	Single-Family Residences	Low Density Residential
West	High Density Residential/Infill Overlay (R-3/IO) District	North Caballeros Park	Low Density Residential

Location Map:



Prior site actions: Annexation: City Charter January 15, 1915

Staff Recommendation: Staff recommends **APPROVAL** of the request to reduce the side yard setback from 5' to 4' in the High Density Residential/Infill Overlay (R-3/IO) District, because it meets the criteria of § 154-03.04 of the Yuma City Code

Have there been any other minor variance requests of a similar nature in the vicinity and zoning district? No.

Staff Analysis: The subject property is located at the southwest corner of Colorado Street and 13th Avenue within the McPhaul's Subdivision. This property was annexed into the City of Yuma as part of the City Charter on January 12, 1915. Currently, the property features a single-family residence and detached storage sheds. The parcel size is approximately 7,000 square feet.

The property is located in the High Density Residential/Infill Overlay District (R-3/IO) District and is subject to the following development standards: front yard setback is 20', side yard setback is 5', street side yard setback is 10', and the rear yard setback is 10'.

The applicant is requesting to reduce the side yard setback from 5' to 4' to legalize an existing shed that was constructed prior to the current owner's purchase of the property. As indicated on the Site Plan (Attachment B), the shed was constructed 4' from the south property line. In addition, the existing shed is approximately 192 square feet in size.

The code addressing accessory structures permits accessory buildings or structures in residential districts. The accessory structure cannot be utilized as a dwelling. However, plumbing is permitted in accessory buildings for a washing machine only. The applicant has indicated the existing shed will be utilized for storage and would like to potentially install a washer and dryer in the future.

Due to the age of the subdivision, many of the surrounding properties have structures that encroach into the required setback. Staff feels the requested variance is justifiable, as the proposal will match established development patterns within the neighborhood.

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: "We at the Lodyeen properties LLC are applying for the Variance as it has come to our attention that a shed on our recently purchased property is 1' to close to the property/fence line. The shed is not taller than the main home dwelling."

Staff Analysis: The subject property, located in the McPhauls' Subdivision, is subject to the development standards required by the High Density Residential/Infill Overlay (R-3/IO) District. Due

to the age of the subdivision, many of the surrounding properties have structures that encroach into the required setback. In addition, the Infill Overlay (IO) District allows for reductions in the required setbacks to fit seamlessly in existing neighborhoods. The minor variance request will match existing development patterns within the neighborhood.

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: *“We bought this property from foreclosure to use as a rental. We do not live on the property. The shed was already on the property in its current condition.”*

Staff Analysis: The special circumstance was not created or caused by the property owner. The current property owner purchased the property after the shed was constructed 4’ from the south property line.

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: *“Hereby stated that easement Variance applied for within is not a special privilege for this condition but is an acceptable privilege afforded surrounding properties in the area.”*

Staff Analysis: The subject property, developed in 1950, is located within the McPhaul’s Subdivision. Aerial photos of the surrounding properties indicate that many of the residences and accessory structures encroach into the required side and street yard setbacks. The request to reduce the side yard setback from 5’ to 4’ would allow for a similar property right enjoyed by property owners in the vicinity. Reducing the side yard setback by 1’ to accommodate the existing storage shed preserves this property right.

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: *“We have spoken with all neighbors required and obtained signatures from them. No one indicated to us any problems with the building being there in that location.”*

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 the public health, safety and general welfare. The granting of this Variance will legalize an existing shed that was constructed prior to the current homeowner’s purchase of the property.

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

Discussions with Applicant/Agent: September 1, 2022

Draft staff report delivered to applicant on: September 9, 2022

Applicant agreed with staff for approval on: September 9, 2022

Attachments

A	B	C	D
Conditions of Approval	Site Plan	Site Photos	Aerial Photo

Prepared By: *Amelia Griffin*

Date: **September 9, 2022**

Amelia Griffin
Senior Planner

Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By: *Alyssa Linville*

Date: **September 9, 2022**

Alyssa Linville,
Director of 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, Amelia Griffin, Senior 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 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 PHOTO



ATTACHMENT D
AERIAL PHOTO

