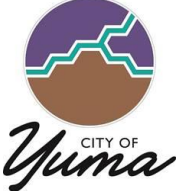


**Notice of Public Hearing of the
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the 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 Thursday, July 27, 2023 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	Agenda Hearing Officer Public Hearing City Hall Council Chambers One City Plaza Thursday, July 27, 2023 9:30 a.m.
---	--

Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address planning@yumaz.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

- June 8, 2023

APPLICATIONS TO BE CONSIDERED

1. **VAR-41462-2023:** *This is a request by Carol Courreges for a variance to reduce the street side yard setback from 3 feet to 1 foot 6 inches for the placement of a 9 foot by 32 foot awning within the street side yard setback in the Recreation Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32nd Street, Lot #1133, Yuma, AZ.*
2. **VAR-41468-2023:** *This is a request by Antonio Alcocer II for a variance to reduce the side yard setback from 6 feet to 3 feet 9 inches to legalize the placement an accessory structure 11 feet in height within in the Low Density Residential (R-1-6) District. The property is located at 1819 W. 17th Place, Yuma, AZ.*
3. **VAR-41495-2023:** *This is a request by Dahl, Robins & Associates, Inc., on behalf of United Cerebral Palsy, for a Variance to reduce the street side yard setback along Orange Avenue from 15 feet to 0 feet for the construction of a new building and reduce the street side yard setback along Orange Avenue from 15 feet to 7 feet for the construction of a new parking lot, in the General Commercial/Infill Overlay (B-2/IO) District. The property is located at the southwest corner of 8th Street and Orange Avenue, 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) 373-5149.

**Hearing Officer Meeting Minutes
June 8, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, June 8, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Sonia Ramirez.

CITY OF YUMA STAFF MEMBERS present included Rodney Short, Deputy City Attorney; Jennifer Albers, Assistant Director of Planning; Zenia Fiveash, Assistant Planner; and Lizbeth Sanchez, Administrative Specialist.

Hearing Officer Sonia Ramirez called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Hearing Officer Sonia Ramirez approved the minutes of April 13, 2023.

PUBLIC HEARINGS

VAR-41251-2023: *This is a request by Charles & Gayle Land for a variance to reduce the north side yard setback from 5 feet to 1 feet 8 inches to legalize an existing carport in the Low Density Residential/Infill Overlay(R-1-6/IO) District. The property is located at 661 S. 7th Avenue.*

Zenia Fiveash, Assistant Planner, summarized the staff report and recommended **DENIAL**.

QUESTIONS FOR STAFF

Hearing Officer Ramirez referred to a comment on line nine (Attachment D) of the Staff report that stated, "If this variance is approved, the post and beam at the North end of the carport must be relocated", and asked if this comment was discussed with the property owner. **Fiveash** replied yes, and that the comment was provided by the Building Safety Department because it was a fire safety concern to be three feet from the side property.

Hearing Officer Ramirez asked if similar carports located on the neighboring properties were done by variances. **Fiveash** replied no. **Hearing Officer Ramirez** then asked if the variance was granted would the shade structure cause any safety issues. **Fiveash** referred to a photo on page ten of the Staff Report, which showed a storage shed to the right of the shade structure, and then answered Building Safety could possibly have a concern with the neighbors storage shed being close to the proposed project. **Fiveash** went on to say that there should be a three foot separation between the two structures. **Hearing Officer Ramirez** asked should the separation be between the white pole and the structure to the right. **Fiveash** replied yes to the property wall. **Hearing Officer Ramirez** asked for the current distance between the structures. **Fiveash** answered one foot eight inches. **Hearing Officer Ramirez** asked how long had the structure been constructed in that manner. **Fiveash** stated that the roof had been redone, but the post had been in the same location since the home was purchased. **Hearing Officer Ramirez** clarified if the property owner would like to keep the post in the same location. **Fiveash** answered yes. **Hearing Officer Ramirez** asked did the existing post need to be relocated. **Fiveash** replied yes, because a three foot separation between the structures is required. **Hearing Officer Ramirez** stated if the variance was granted how many feet would the poles need to be moved. **Fiveash** replied that the poles are currently one foot eight inches from the neighbor's structure so they would need to be moved an additional one foot four inches and also the edge of the roof would need to be moved. **Hearing Officer Ramirez** asked if the carport needed to be decreased in size. **Fiveash** replied yes. **Jennifer Albers, Assistant Director of Planning** clarified that the post could be moved but the eave can stay the same.

APPLICANT/APPLICANTS REPRESENTATIVE

Gayle Land, 661 S. 7th Avenue, Yuma AZ, stated that she would like the request to be grandfathered in because all that was done to the structure was the replacement of the roof and that the carport had already been in place since the home was purchased. **Land** went on to say that maybe the neighbors could move the shed over because it is against the property owner’s wall, and that it would be difficult to park their vehicle in the carport if the poles were moved. **Hearing Officer Ramirez** asked if the property was purchased thirty years ago. **Land** replied yes, then stated the reason why they use the carport in the back was because that’s where her husband parks his work truck. **Charles Land, 661 S. 7th Avenue, Yuma AZ**, stated that the current wall was not the boundary line of the property, and if the carport was reduced he would have trouble getting in and out of his vehicle. **Gayle Land** stated that maybe the width of the brick could be added to the spacing between the structures.

Fiveash stated at the Pre-Development meeting Building Safety had discussed with the applicant that the poles needed to be five foot from the wall, and that the overhang could remain the same.

OPEN PUBLIC COMMENT

None

DECISION

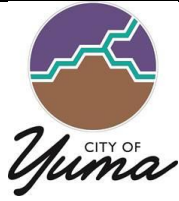
Hearing Officer Sonia Ramirez granted the variance, subject to the Conditions of Approval in Attachment A, with the exception of Condition #3, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

Albers asked for clarification if the Hearing Officer was removing Building Safety’s condition to remove the post or all the conditions that needed to be completed in one year. **Hearing Officer Ramirez** replied that the approval would not include Building Safety’s Condition #3.

Hearing Officer Sonia Ramirez adjourned the meeting at 9:42 a.m.

Minutes approved and signed this _____ day of _____, 2023.

Hearing Officer



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

Hearing Date: July 27, 2023

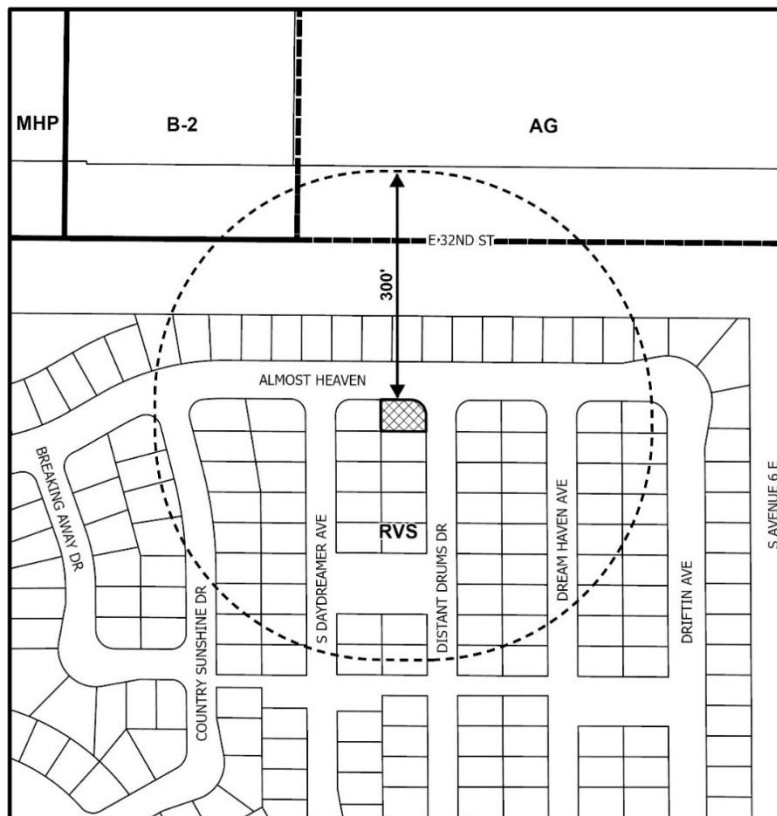
Case Number: VAR-41462-2023

Project Description/ Location:

This is a request by Carol Courreges for a variance to reduce the street side yard setback from 3 feet to 1 foot 6 inches for the placement of a 9 foot by 32 foot awning within the street side yard setback in the Recreation Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32nd Street, Lot #1133, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Recreation Vehicle Subdivision (RVS)	Single Family Residence	Medium Density Residential
North	Recreation Vehicle Subdivision (RVS)	Single Family Residence	Medium Density Residential
South	Recreation Vehicle Subdivision (RVS)	Single Family Residence	Medium Density Residential
East	Recreation Vehicle Subdivision (RVS)	Single Family Residence	Medium Density Residential
West	Recreation Vehicle Subdivision (RVS)	Single Family Residence	Medium Density Residential

Location Map:



Prior site actions: Annexation: Ordinance 099-81 (July 7, 1999); Subdivision: Country Roads RV Village (June 29, 1984)

Staff recommendation: Staff recommends **APPROVAL** of the request to reduce the street side yard setback from 3 feet to 1 foot 6 inches for the placement of a 9 foot by 32 foot awning within the street side yard setback in the Low Density Residential (R-1-6) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-03.04 of the Yuma City Code.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? See Attachment J for map			Yes
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
VAR-40750-2022	Reduce side yard setback to zero ft. & increase lot coverage from 50% to 56.3% for new shed & shade structure.	Approval	Approved
VAR-31151-2020	Reduce side street setback to zero ft. for a carport.	Approval	Approved
VAR-13688-2016	Reduce the side yard setback to zero ft. for and awning.	Denial	Approved

Staff Analysis: The subject property is located in the Country Roads RV Village, Lot #1133 at the southwest corner of Distant Drums Drive and Almost Heaven. The lot is approximately 60 feet by 41.5 feet which is a typical lot size in this subdivision. The lot contains a 24 foot by 40 foot manufactured home. The said property is subject to the following setback requirements: front yard setback of 3 feet, side yard setback of 7 feet, a rear yard setback of 10 feet and a street side yard setback of 3 feet.

The property owner is requesting this variance to allow the construction of a new 9 foot by 32 foot patio cover to be located on the north side of the property and partially within the street side yard setback. As indicated on the Site Plan (Attachment B), the awning will be constructed 1 foot 6 inches from the north property line. In addition, the awning is approximately 288 square feet in size.

Due to the existing home placement options, the encroachment will be required into the north street side yard setback, 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 conditions(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: “I know that there is an architectural variance from the rules listed in the CC&R booklet but there is only one way to make the house more comfortable.”

Staff Analysis: The location and construction of buildings and walls on this property was completed prior to the present owners' purchase of the property. The current building is at the limit of building setbacks on the south and west property lines within the Recreation Vehicle Subdivision (RVS) District.

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 will be highly obliged if the Arizona Planning Department would consider the variance, as this renovation makes the outside area of my home a comfortable place to utilize in the same way my neighbors utilize their outside areas. I am the second owner of this home, and I purchased the home as is without changes."

Staff Analysis: According to the staff's analysis, the special circumstance was not created by the property owner. This property has only the north side to add the shade structure and the owner is seeking to legalize this new accessory structure.

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 awning would allow much needed shade from the hot Arizona sun, as well as lowering my energy consumption to cool my home during the summer months. This awning would make life very convenient for me and my family."

Staff Analysis: The purpose of a side yard setback is to ensure reasonable open space between the property line and any building or structure on the lot and adjacent lots. The applicant has no adjacent property owners to the north.

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: "If allowed, this open structure would cover the patio on the side of home. The awning would be a full 6' off the curb. I have enclosed pictures of the patio and has not any sun protection, showing that there are no other homes near the patio to cause any undo hardships, be detrimental or create any issues within my community."

Staff Analysis: The granting of this variance will not lead to detrimental effects on the neighbors and general public traveling near this property. Since the 1984 creation of this subdivision, a number of property owners have added accessory structures to their property for the enjoyment of their outdoor space.

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

One public comment received noted support of the request.

Name:	Donna McTaggart			Contact Information:	kenndonh@gmail.com				
Method of Contact:	Phone		FAX		Email		Letter		Other
					X				

1-28-2023
 On June 25th we received your postcard regarding the meeting date and neighbourhood meeting for Lot #1133.
 Both dates have passed and we cannot attend the public hearing on the placement of a 9ft x 32ft awning within the street side yard. We are across the street within 300 feet but have no problem with approving this variance.
 Donna McTaggart
 Lot #1287

External Agency Comments: None

Neighborhood Meeting Comments: See Attachment D

Proposed conditions delivered to applicant on: 06/21/23

Final staff report delivered to applicant on: 07/05/23

- Applicant agreed with all of the conditions of approval on: 06/21/23
- 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	J
Conditions of Approval	Site Plan	Agency Notifications	Neighborhood Meeting Comments	Site Photo	Neighbor Notification List	Neighbor Postcard	Aerial Photo	Neighboring Property Photos	Neighboring Variance Cases

Prepared By: Zenia Fiveash **Date:** June 30, 2023
 Zenia Fiveash
 Assistant Planner Zenia.Fiveash@yumaaz.gov (928)373-5000, x3040

Approved By: *Jennifer L. Albers* **Date:** 6/30/23
 Jennifer L. Albers
 Assistant Director of 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, Director (928) 373-5000, x 3037:

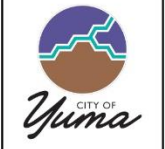
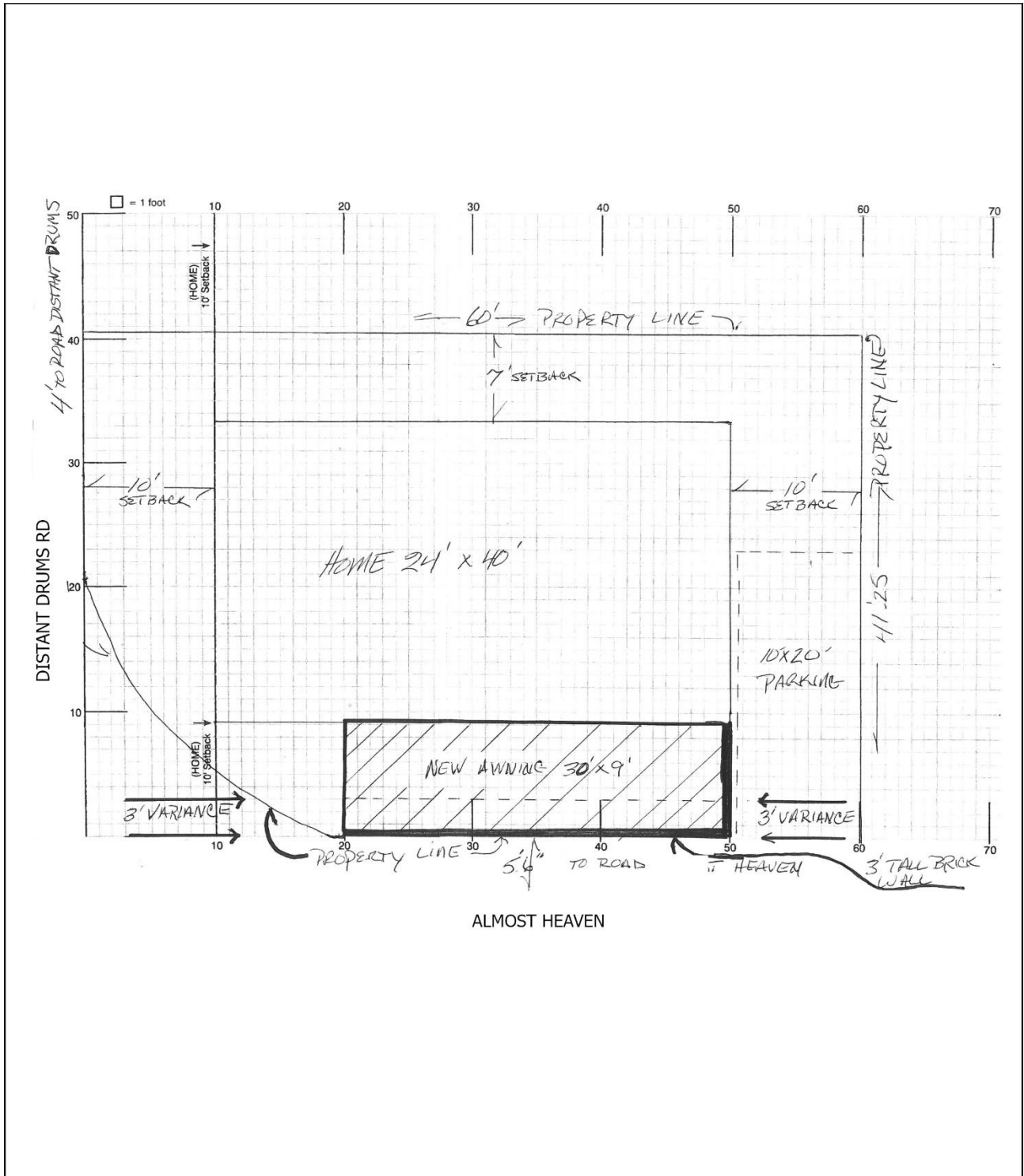
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Zenia Fiveash, Assistant Planner, (928) 373-5000 x 3040

3. 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.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. 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



Prepared by:
DG
Date:
6/2/2023

VAR-41462-2023
Site Plan

Plan/Case:
41462



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (06/21/23)
- 300' Vicinity Mailing: (06/21/23)
- Site Posted on: (06/15/23)
- 34 Commenting/Reviewing Agencies Noticed: (06/26/23)
- Neighborhood Meeting Date: (06/22/23)
- Hearing Date: (07/13/23)
- Comments Due: (06/26/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	6-14-23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	6-15-23	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.	NR				
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	6-14-23	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	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	6-27-23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS
June 22, 2023

Attendees:

Neighbor: John Youngman & Collette Youngman

Applicant: Carol Courregas

Staff: Zenia Fiveash

Summary of Attendee(s') Comments Related to the Project:

- Carol Courregas – She stated that she only wants to be able to enjoy a patio space & to have much needed shade for her home.
- John Youngman – He stated that he agreed with her variance request.
- Collette Youngman – She also stated the she agreed with the variance & that other residence had similar situations

ATTACHMENT E
SITE PHOTO



**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
GUTRIDGE THOMAS HALE & DIANA KAY	158 RAINBOW DR #5873	LIVINGSTON	TX	77399
HAWKINS JOHNNY RAY & CORDELL GILBERT K & KAREN M	5707 E 32ND ST #1294	YUMA	AZ	85365
THORNBURG STEVEN L	553 LITTLE VALLEY RD	ROSEBURG	OR	97471
LIVING TRUST 7-23-2020	5707 E 32ND ST #1292	YUMA	AZ	85365
WAWRYK HELEN	4525 66TH ST	DELTA	BC	V4K 4Y8
GREENHALGH WILLIAM R & PATRICIA A JT	4622 BRICKFORD AVE	SNOHOMISH	WA	98920
BROUGHAM SYLVIA & MARK DOUGLAS	5918 192ND AVE EAST 209 1234 MERKLIN STREET	LAKE TAPPS	WA	98391
MCTAGGART DONNA	5707 E 32ND ST SPC 1286	WHITE ROCK	BC	V4B 4B9
JENSEN WILLIAM J S ANDERSON GARY MICHAEL	24436 16TH AVE	YUMA	AZ	85365
POPOVIC SAVO & CHAROLETTE	5707 E 32ND ST #1284	YUMA	AZ	85365
LONNES TRUST 3-11-2020	18104 129th PI SE	SNOHOMISH	WA	98290
YOUNGMAN JOHN G & COLLETTE E JT	5707 E 32ND ST #1282	YUMA	AZ	85365
BMS ENTERPRISES LLC	5707 E 32ND ST #872	YUMA	AZ	85365
AGUILAR LINDA & GILBERTO	5707 E 32ND ST 1280 5707 E 32ND ST SPC 1279	YUMA	AZ	85365
HEINRICHS SHARON	PO BOX 2266 STN MAIN	LADYSMITH	BC	V9G 1B7
BUCCHIERI RENA LYNN	PO BOX 1002	TUALATIN	OR	97062
SWAN JACQUE	180 RAINBOW DR	LIVINGSTON	TX	77399
BLAETTLER JOSEPH P & RALETTE JT	975 ROCKFORK CR	LAUREL	MT	59044
ANDERSON DUANE & SUSAN	5707 E 32ND ST LOT 1169	YUMA	AZ	85365
MCCORD RICHARD E JR & GRETA JT	P.O. BOX 822	LONG BEACH	WA	98631
PAREDES LIVING TRUST 1- 17-2020	PO BOX 8	MA-ME-O BEACH	AB	T0C 1X0
HAYTER STANLEY F & LORRAINE M JT	5753 HWY 85 N	CRESTVIEW	FL	32536
MOUNTAIN MICHAEL	938 W AXTON RD	BELLINGHAM	WA	98226
GRANT & JACKLYN DAWN	RR2 SITE 3 BOX 7	WESTEROSE	AB	T0C 2V0
BIAGI CAROL DARLENE	12790 S E HACIENDA DR	DAMASCUS	OR	97089
JOHNSON GLENNA L	2420 E BUHLER AVE	NORTH BATTLEFORD	SK	S9A 1R2
GILMORE GERALD JR & JANICE L JT	9940 SW CENTURY OAK DR	TIGARD	OR	97224
ECKEL DAVID N & EUNICE M JT				
HARRISON NORMAN F & HARRISON SHIRLEY A TRUST 3-9-94				

HUDSON BELINDA O'HARA KEVIN J & RENEE L J	5707 E 32ND ST #1168 5707 E 32ND ST #1095	YUMA YUMA	AZ AZ	85365 85365
QUIMBY LIVING TRUST 3- 26-2015	816 W FRANCIS AVE #264	SPOKANE	WA	99205
ARSENEAU GLENDA ILENE	6016-51 AVE 7065 BUTTLE FALLS HWY	COLD LAKE	AB	T9M 1T5
HOGUE NEIL R & LESLIE N LESKO SUSAN	2856 TRINITY ST	EAGLE POINT VANCOUVER	OR BC	97524 V5K 1E9
JOHNSON EDWARD DAVID & PAULETTE L	5707 E 32ND ST 1138	YUMA	AZ	85365
ALTHOF-CORRELL TRUST 11-21-2003	PO BOX 1329	WEAVERVILLE	CA	96093
HANSON LARRY E & SANDRA R JT	PO BOX 1338	YELM	WA	98597
TESKE TRUST 4-4-2023	5707 E 32ND ST # 1167 3522 S MUDDY STRING RD	YUMA	AZ	85365
WATKINS VIRGINIA MCPHERSON KIM	590 FORESS DR	THAYNE PORT MOODY	WY BC	83127 V3H 1J2
RICH GRANT E & ROBERTA J JT	5707 E 32ND ST #1061	YUMA	AZ	85365
RICH GRANT H & LORRAINE E TRUST 2-13- 97	5707 E 32ND ST #1052	YUMA	AZ	85365
FREIBURGER FAMILY TRUST 11-2-2000	3009 AMMONS DR 5707 E 32ND ST SPC 1133	LONGVIEW	WA	98632
COURREGES CAROL A REVOCABLE INTER VIVOS TRUST 6-17-1998	5707 E 32ND ST #1165	YUMA	AZ	85365
MAINE RENEE L	PO BOX 323	CONGRESS	AZ	85332
WALKER DOUGLAS & LANA	PO BOX 988	BROOKINGS	OR	97415
KIRBY RICHARD A SIMPSON BAXTER	2820 36TH AVE	LONGVIEW	WA	98632
STOCKER & PAMELA ROSE ELLEN REVOCABLE TRUST 3-20-2020	5707 E 32ND ST SPC 1085	YUMA GRANTS PASS	AZ OR	85365 97526
COOKE ROBERTA L VAN KLEECK FAMILY TRUST 10-4-06	498 NW SCENIC DR 5707 E 32ND ST #1141	YUMA	AZ	85365
BAYLEY DAVID C & JEAN R TRUST 11-21-00	5707 E 32ND ST #1179	YUMA	AZ	85365
HONRUD DUANE E	10955 IDITAROD CIR	EAGLE RIVER	AK	99577
HALL DOUGLAS ROY & KELLY SHERMAN	PO BOX 2306	PALMER	AK	99645
SHELTON TONY	9781 E ORTNER LP	PALMER	AK	99645
OHALLORAN GARY & CARI STENSLAND MICHAEL V & SUSAN M	339 WILD RICE WAY 5707 E 32ND ST SPC 1142	WILMINGTON YUMA	NC AZ	28412 85365
REX MICHAEL WILLIAM & KARI LYNN	1305 NW ZINFANDEL CT	MCMINNVILLE	OR	97128
KIRKELIE KENNETH D & NANCY SUE JT	2037 NW DORAL ST	MCMINNVILLE PORT	OR	97128
WILEY SHARON LEE	PO BOX 588	TOWNSEND	WA	98368

KROKOSKI ROBERT W & LINDA R	PO BOX 246	MILL CITY	OR	97360
KING EUGENE RALPH LIVING TRUST 12-15-2021	1202 NE 136TH AVE	PORTLAND	OR	972303224
PATTIS'S TRUST 5-25-2022	5707 E 32ND ST #1091	YUMA	AZ	85365
BROWN JOHN L & ALVINA LYNNETTE	330 6TH AVE SE	CUT BANK	MT	59427
BARTLETT GARY EDWARD MELOHN GENE F & MARGARET A JT	5707 E 32ND ST #1207	YUMA	AZ	85365
ORRELL JUDY	3114 MERRY LN	CENTRALIA	WA	98531
	8529 SW 160TH AVE	ALOHA	OR	97007
	5707 E 32ND ST SPC 1135	YUMA	AZ	85365
MUELLER MARY B MCCLARTY ROBERT & LANIS JT	5707 E 32ND ST UNIT 1132	YUMA	AZ	85365
MACKENZIE ANNE	5707 E 32ND ST #1170	YUMA	AZ	85365
SMITH JUDITH L & DAVID W	5707 E 32ND ST #1093	YUMA	AZ	85365
	5707 E 32ND ST LOT 1090	YUMA	AZ	85365
MAINS MARY PERRONE RICHARD JOSEPH	10661 WEST RD	REDWOOD VALLEY	CA	95470
DORIGAN THOMAS M & DIANE L	2241 GREENSPRINGS DR #11	KLAMATH FALLS	OR	97501
KING ANN E	5707 E 32ND ST #1177	YUMA	AZ	85365
MULLER FAMILY TRUST 10- 23-2019	5707 E 32ND ST #1166	YUMA	AZ	85365
WRIGHT RICHARD EUGENE & PATTI LAVONE JT	14009 E NIXON	SPOKANE	WA	99216
BUNN BARBARA RUTH	5707 E 32ND ST #1086	YUMA	AZ	85365
BALL JO ANN	5707 E 32ND ST #1062	YUMA	AZ	85365
GARRETT DONALD & SANDRA	1841 NICHOLS LN	CARSON CITY	NV	89706
COUNTRY RD RV VILLAGE PROP OWN ASSOC	5707 E 32ND ST #1127	YUMA	AZ	85365

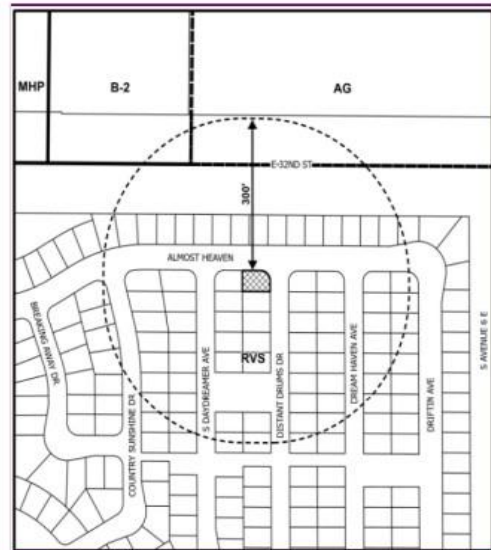
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Carol Courreges for a variance to reduce the street side yard setback from 3 feet to 1 foot 6 inches for the placement of a 9 foot by 32 foot awning within the street side yard setback in the Recreation Vehicle Subdivision (RVS) District. The property is located at 5707 E. 32nd Street, Lot #1133, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-41462-2023**

NEIGHBORHOOD MEETING
06/22/2023 @ 5:00PM
ON-SITE

PUBLIC HEARING
7/13/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 5707 E. 32nd Street, Lot #1133, 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 Zenia Fiveash by phone at (928)373-5000 ext.3040 or by email at Zenia.Fiveash@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



**ATTACHMENT I
NEIGHBORING PROPERTY PHOTOS**

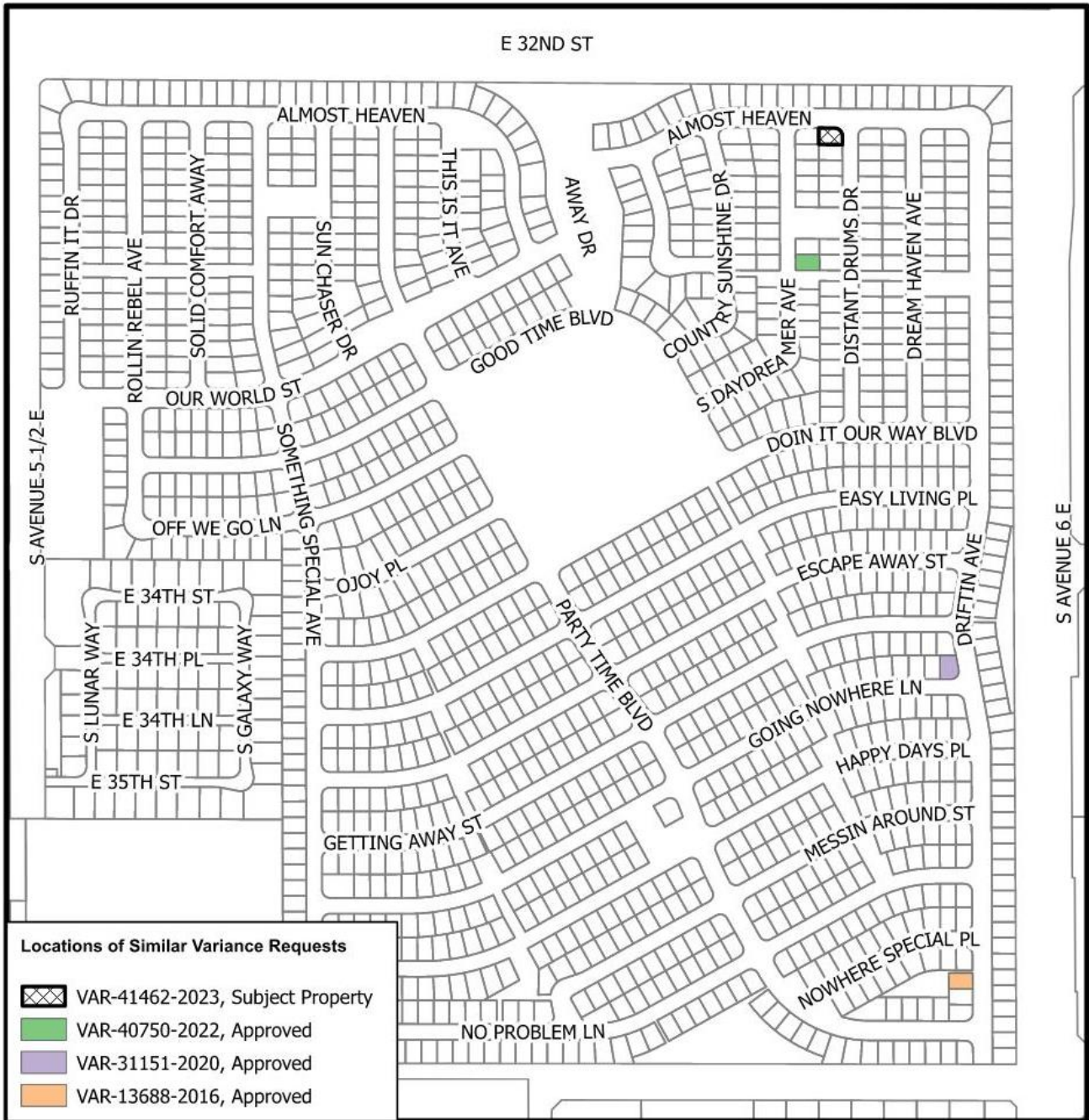
Similar Lot Issues
5707 E. 32nd Street, Lot 900

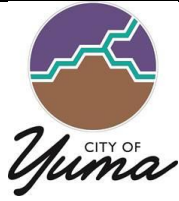


5707 E. 32nd Street, Lot 987



**ATTACHMENT J
NEIGHBORING VARIANCE CASES**





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

Hearing Date: July 27, 2023

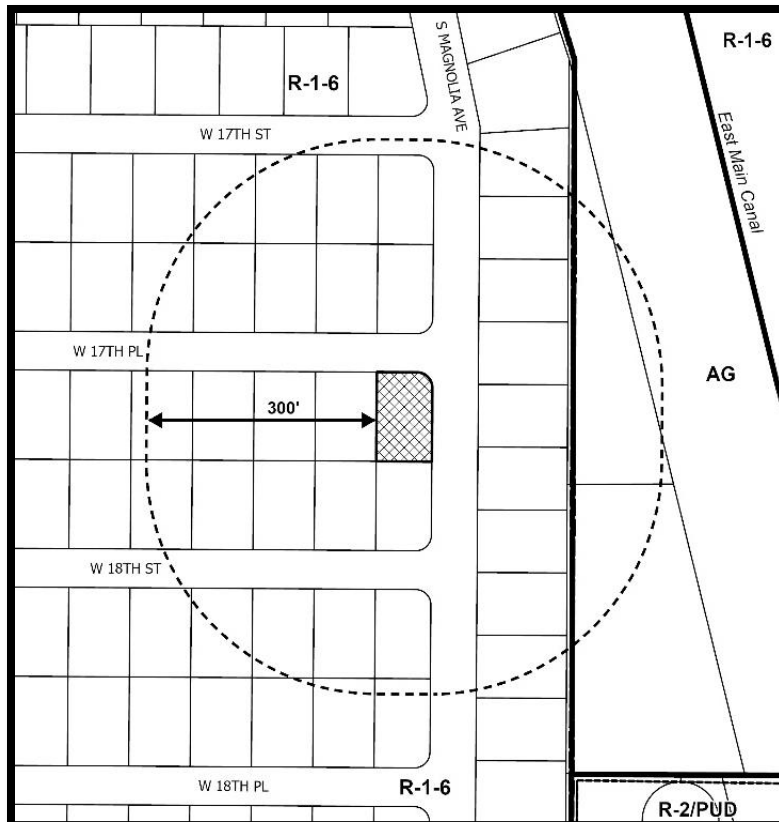
Case Number: VAR-41468-2023

Project
Description
Location:

This is a request by Antonio Alcocer II for a variance to reduce the side yard accessory structure setback from 6 feet to 3 feet 9 inches to legalize the placement of an accessory structure 11 feet in height within in the Low Density Residential (R-1-6) District. The property is located at 1819 W. 17th Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential (R-1-6)	Single Family Residence	Low Density Residential
North	Low Density Residential (R-1-6)	Single Family Residence	Low Density Residential
South	Low Density Residential (R-1-6)	Single Family Residence	Low Density Residential
East	Low Density Residential (R-1-6)	Single Family Residence	Low Density Residential
West	Low Density Residential (R-1-6)	Single Family Residence	Low Density Residential

Location Map:



Prior site actions: Code Enforcement Case Code-BS008117-2023; Annexation: (December 28, 1979); Subdivision: El Pueblcito (December 30, 1954)

Staff recommendation: Staff recommends **DENIAL** of the request to reduce the side yard accessory structure setback from 6 feet to 3 feet 9 inches to legalize the placement of an accessory structure 11 feet in height within the Low Density Residential (R-1-6) District. Although Staff is not recommending approval of the request, if a variance is granted Staff recommends that the variance be conditioned to include those conditions listed in Attachment A.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? See Attachment J			Yes
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA97-003	Reduce front yard setback	Denial	Approval
BA99-021	Reduce side yard setback	Denial	Approval
BA99-025	Reduce front yard setback	Approval	Approval
BA87-009	Reduce front yard & side yard setback	Denial	Denial front yard Approval side yard

Staff Analysis: The subject property is located at 1819 W. 17th Place, within the El Pueblcito Subdivision. The property features a single-family residence on a parcel which measures approximately 9,200 square feet, in the Low Density Residential (R-1-6) District. The said property is subject to the following building setback requirements: front yard setback of 20 feet, side yard setback of 7 feet, side street yard setback of 10 feet and rear yard setback of 10 feet.

The applicant is requesting to reduce the accessory structure setback from 6 feet to 3 foot 9 inches to legalize the placement of an accessory structure 11 feet in height. As indicated on the Site Plan (Attachment B), the accessory structure has been constructed 3 foot 9 inches from the west property line. In addition, the accessory structure is approximately 198 square feet in size.

After researching the request and the property, it has been determined that there are no special circumstances that apply to the property in regard to the size, shape or layout. The request to reduce the west side accessory structure setback would not be uncommon within the surrounding area and the permitting of this variance will not be detrimental to the surrounding property owners or those in nearby proximity.

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 conditions(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 reason me building the storage close to the block wall due to me having a gate that has access to the alley and I’m able to open without any issues. Also I built it in that corner due to in the future I have plans to build a pool on the other side where there is enough space. The storage shed doesn’t have electricity or plumbing it is only utilize for storage.”*

Staff Analysis: There is no special circumstance or condition that applies to the property that does not apply to most other properties in this district. After researching the property, staff was unable to identify a special circumstance that relates to the size, shape nor layout of the property which satisfies the need to recommend approval for this variance request.

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: *“Before I started to build a storage shed, I went to the city department planning and zoning to ask if there were any restrictions to build it. The ladies that attended me and gave me information said there were no restrictions in height or size if it’s not more than 200ft specifically if it’s going to be utilize for storage shed purposes.*

The storage shed was built because the property does not have a garage or storage unit to store all of my tools and things that need to be kept inside and not get damage by the sun/weather outside.”

Staff Analysis: According to staff’s analysis, the special circumstance is being created by the property owner. The property owner is seeking to reduce the side yard setback to legalize an existing accessory structure.

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: *“No.”*

Staff Analysis: The purpose of a side yard accessory structure setback is to ensure reasonable open space between the property line and any building or structure on the lot and adjacent lots. The applicant has the option of modifying the structure to legalize the accessory structure.

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: "No."

Staff Analysis: The granting of this variance will not lead to detrimental effects on the neighbors and general public traveling near this property. Since the 1954 creation of this subdivision, a number of property owners have added accessory structures to their rear yard area.

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

External Agency Comments: None

Neighborhood Meeting Comments: See Attachment E

Proposed conditions delivered to applicant on: 06/21/23

Final staff report delivered to applicant on:

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 06/21/23
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	(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	J
Conditions of Approval	Site Plan	Agency Notifications	Neighborhood Meeting Comments	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo	Neighboring Property Photos	Neighbor Variance Cases

Prepared By: Zenia Fiveash **Date:** 6/30/23
Zenias Fiveash
Assistant Planner Zenia.Fiveash@yumaaz.gov (928)373-5000, x3040

Approved By: *Jennifer L. Albers* **Date:** 7/3/23
Jennifer L. Albers
Assistant Director of 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, Director
(928) 373-5000, x 3037:**

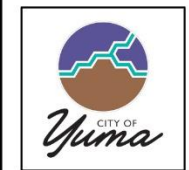
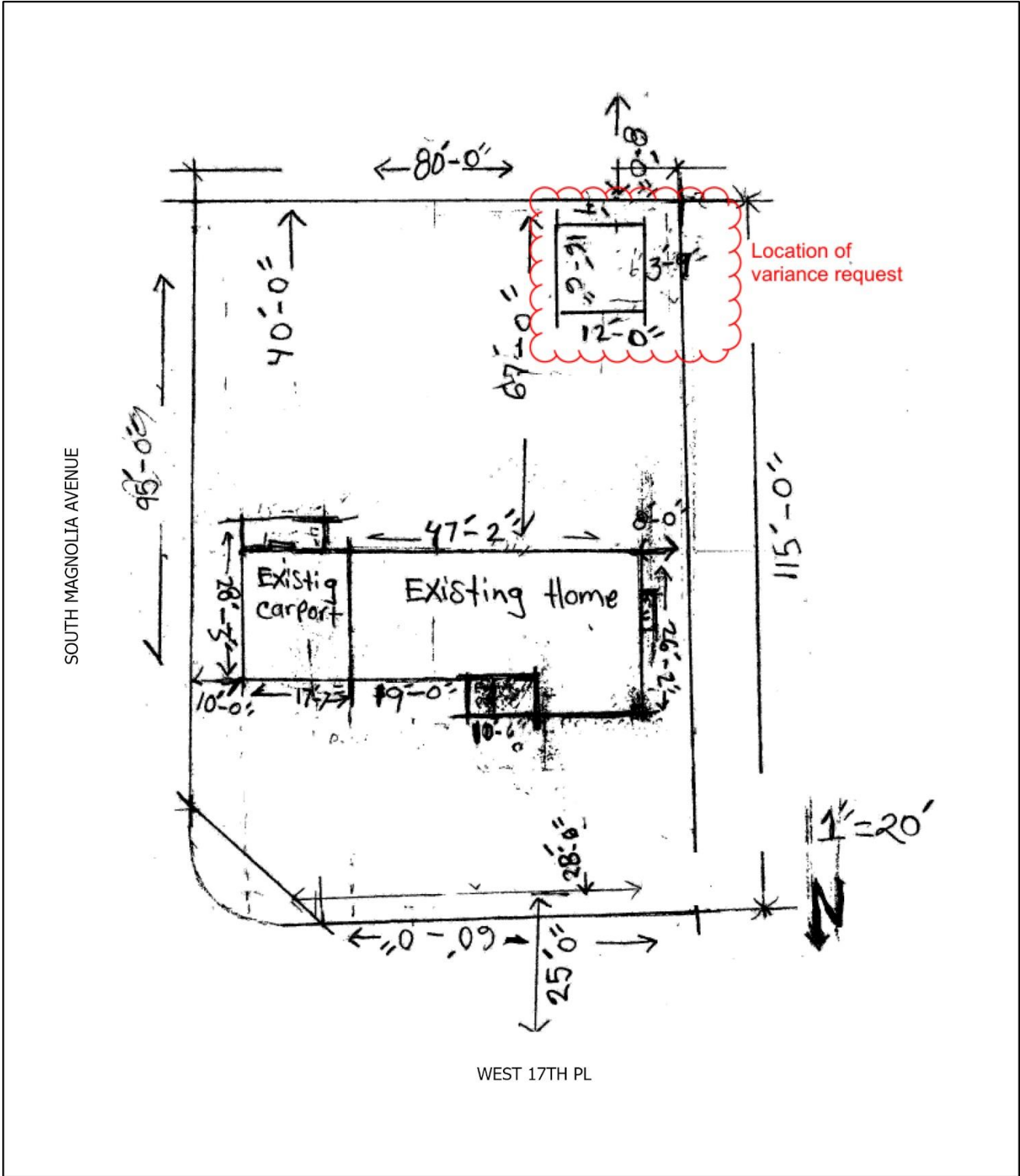
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Zenia Fiveash, Assistant Planner, (928) 373-5000 x3040

3. 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.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. 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**



Prepared by:
DG
Date:
6/2/2023

VAR-41468-2023
Site Plan

Plan/Case:
41468



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (06/19/23)
- 300' Vicinity Mailing: (06/14/23)
- Site Posted on: (06/13/23)
- 34 Commenting/Reviewing Agencies Noticed: (06/26/23)
- Neighborhood Meeting Date: (06/20/23)
- Hearing Date: (07/13/23)
- Comments Due: (06/26/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	6-14-23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	6-15-23	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.	NR				
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	6-14-23	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	6-20-23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	6-27-23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS
June 26, 2023

Attendees:

Neighbor: Thomas McIntire
Applicant: Antonio Alcocer III
Staff: Zenia Fiveash

Summary of Attendee(s') Comments Related to the Project:

- Antonio Alcocer III – He stated that went to the Planning Department & was told by someone that it didn't matter how big or tall his shed was & that he could put it wherever he wanted. .
- Thomas McIntire – He was not sure what notice was for & then said he did not notice the shed from the road. Asked for information about a shade structure for his RV.

ATTACHMENT E
SITE PHOTOS



**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
O'NEILL-GULLEY BRANDI S	1713 S MAGNOLIA AVE	YUMA	AZ	85364
MC INTIRE THOMAS O & DIANA A JT	1903 W 18TH ST	YUMA	AZ	85364
KONKLER DEVIN C	1827 W 18TH ST	YUMA	AZ	85364
FIVE SYCAMORE TREES NV CORP LLC	2232 S NELLIS BLVD SUITE G3-306	LAS VEGAS	NV	89104
JOHNSON LINDA	1819 W 18TH ST	YUMA	AZ	85364
CARAVANTES JAVIER	1815 W 18TH ST	YUMA	AZ	85364
BENNETT DONNIE R & SHAROL L TR 5-18-06	1470 W HILLSIDE PL	YUMA	AZ	85364
LANDAZORI ENRIQUE RIVAS	1829 W 17TH PL	YUMA	AZ	85364
BURDEN RUTH F	1827 W 17TH PL	YUMA	AZ	85364
CASTRO ESTEBAN	1823 W 17TH PL	YUMA	AZ	85364
VARGAS ANTONIO ALCOCER	1819 W 17TH PL	YUMA	AZ	85364
DENISE WILLIAM & BETTY TRUST 12-2-09	1800 W 17TH ST	YUMA	AZ	85364
SANCHEZ VICTOR A JR	323 HONEY AVE	YUMA	AZ	85364
RIVERA SYLVIA C	1901 W 17TH ST	YUMA	AZ	85364
FRAIJO DORA	1829 W 17TH ST	YUMA	AZ	85364
PSOLKA BRIAN	1825 W 17TH ST	YUMA	AZ	85364
MORGAN CARLOS	3110 52ND ST	SAN DIEGO	CA	92105
CALZADA MARIO F	1817 W 17TH ST	YUMA	AZ	85364
MORALES ADRIAN & ALEJANDRA JT	1705 S MAGNOLIA	YUMA	AZ	85364
BOOTH HELGA H TRUST 12-2-2016	1906 W 17TH PL	YUMA	AZ	85364
WILKINS THOMAS E & JENNIFER L JT	1830 W 17TH PL	YUMA	AZ	85364
GRAHAM JASON G & JENNIFER B JT	1826 W 17TH PL	YUMA	AZ	85364
PEREZ DANIEL	1822 W 17TH PL	YUMA	AZ	85364
DANIEL EARL H & BEA N JT	1818 W 17TH PL	YUMA	AZ	85364
STURDIVANT CARLY L	1709 S MAGNOLIA AVE	YUMA	AZ	85364
DESERT HOLDINGS OF YUMA AZ LLC	1800 W 17TH ST	YUMA	AZ	85364
RODRIGUEZ JAYNE	975 RONALD ST	BRAWLEY	CA	92227
MCKIVERGAN MICHAEL & MARIA JT	1358 S HETTEMA ST	YUMA	AZ	85364
BERROTERAN SILVIA	1826 W 18TH ST	YUMA	AZ	85364
DE LA BARRA MICHELLE	1822 W 18TH ST	YUMA	AZ	85364
CUEVAS JAIME SALOMON & SANDRA L	1818 W 18TH ST	YUMA	AZ	85364
ORTEGA GLORIA E	1814 W 18TH ST	YUMA	AZ	85364
MCCALL MICHELLE S	1725 S MAGNOLIA AVE	YUMA	AZ	85364
ARCHULETA VANESSA M	1801 S MAGNOLIA AVE	YUMA	AZ	85364
VIRGEN VICTOR GONZALEZ	1805 S MAGNOLIA AVE	YUMA	AZ	85364
BALDERAS HUMBERTO & JOAKINA B JT	8128 E LORENZO LN	YUMA	AZ	85365
WILSON ISIAH & HENRIETTA	PO BOX 7145	YUMA	AZ	85366
SAINZ RAY J JR & CINDY L JT	1812 S MAGNOLIA AVE	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364

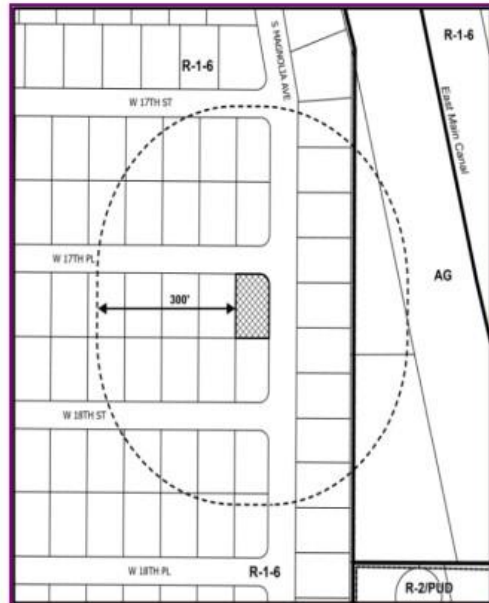
**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Antonio Alcocer II for a variance to reduce the side yard setback from 6 feet to 3 feet 9 inches to legalize the placement an accessory structure 11 feet in height within the Low Density Residential (R-1-6) District. The property is located at 1819 W. 17th Place, Yuma , AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-41468-2023**

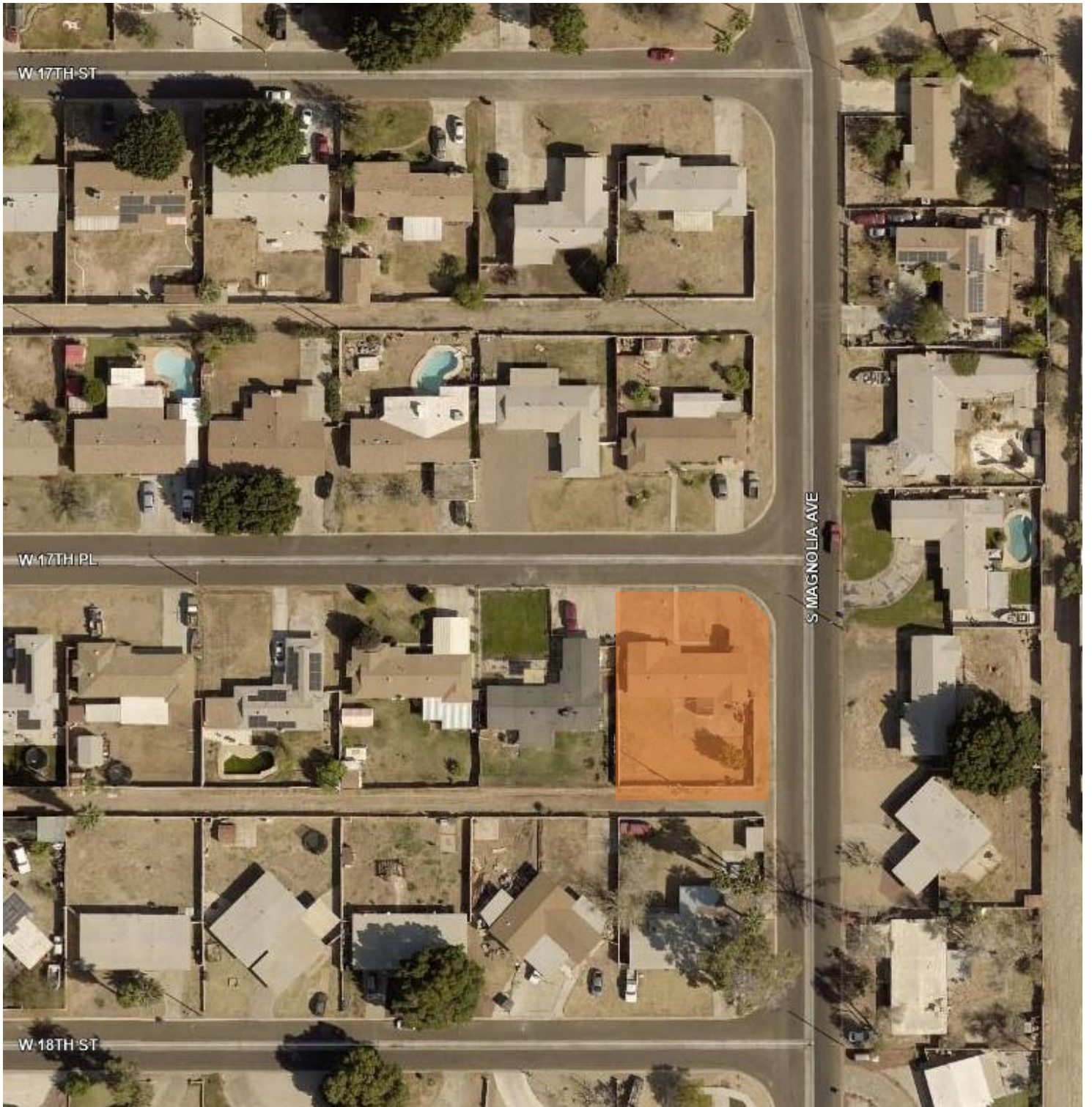
**NEIGHBORHOOD MEETING
06/20/2023 @ 5:00PM
ON-SITE**

**PUBLIC HEARING
7/13/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of 1819 W. 17th Place, 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 Zenia Fiveash by phone at (928)373-5000 ext. 3040 or by email at Zenia.Fiveash@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



ATTACHMENT I
Neighboring Property Photos

1814 W. 18th Street



1815 W. 18th Street



1813 W. 18th Place



1822 W. 19th Place



**ATTACHMENT J
NEIGHBOR VARIANCE CASES**





Staff Report to the Hearing Officer
Department of Planning and Neighborhood Services
Community Planning Division
Case Type – Variance
Case Planner: Guillermo Moreno-nunez

Hearing Date: July 27, 2023

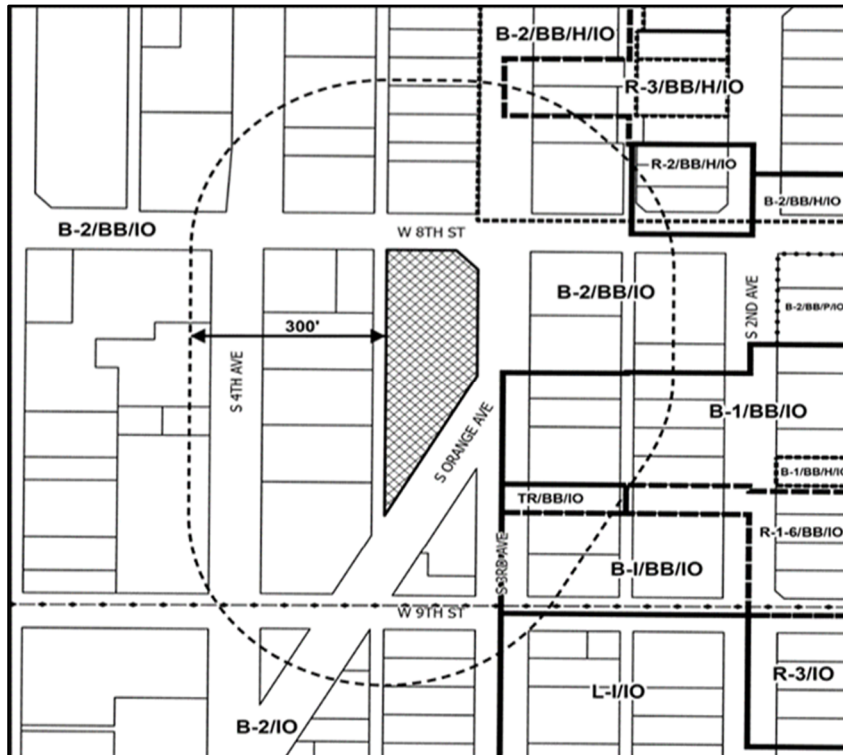
Case Number: VAR-41495-2023

Project Description/Location:

This is a request by Dahl Robins & Associates, Inc, on behalf of United Cerebral Palsy for a variance to reduce the street side yard setback along Orange Avenue from 15 feet to 0 feet for the construction of a new building and reduce the street side yard setback along Orange Avenue from 15 feet to 7 feet for the construction of a new parking lot, in the General Commercial/Infill Overlay (B-2/IO) District. The property is located at the southwest corner of 8th Street and Orange Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Infill Overlay/ Bed & Breakfast Overlay (B-2/IO/B&B)	Offices & Vacant	Mixed Use
North	General Commercial/Infill Overlay/ Bed & Breakfast Overlay (B-2/IO/B&B)	Parking Lot & Laundromat	Mixed Use
South	General Commercial/Infill Overlay/ Bed & Breakfast Overlay (B-2/IO/B&B)	Dry Cleaner	Mixed Use
East	General Commercial/Infill Overlay/ Bed & Breakfast Overlay (B-2/IO/B&B)	Offices & Single-Family Homes	Mixed Use
West	General Commercial/Infill Overlay/ Bed & Breakfast Overlay (B-2/IO/B&B)	Retail Business	Commercial

Location Map:



Prior site actions: Annexation: Ord.449 (May 29,1946); Subdivision: United Cerebral Palsy Lot Tie Lot: A (December 21, 2022); Lot Tie/Split LOTS-040539-2022 (in process)

Staff recommendation: Staff recommends **APPROVAL** of the request for a variance to reduce street side yard setback along Orange Avenue from 15 feet to 0 feet for the construction of a new building and reduce the street side yard setback along Orange Avenue from 15 feet to 7 feet for the construction of a new parking lot in the General Commercial/Infill Overlay/Bed & Breakfast Overlay (B-2/IO/B&B) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-03.04 of the Yuma City Code.

Have there been any other variance requests of a similar nature in the vicinity and zoning district?			YES
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA93-17	Variance requesting to reduce the minimum setback requirement from 15 feet to 0 feet. 901 S 4 th Ave.	Approval	Approval

Staff Analysis: The subject property is located at the southwest corner of 8th Street and Orange Avenue, within the United Cerebral Palsy Lot Tie Subdivision, in the General Commercial/Infill Overlay/Bed & Breakfast Overlay (B-2/IO/B&B) District. The property is approximately 1.06 acres with an occupied building and parking on the north side while the south part is currently vacant. With this request, the applicant is proposing to develop the existing vacant land with a new 2-story 12,200 square foot building and a 37-vehicle parking lot. Historically, the property was developed with a single-family residence and a motor vehicle repair shop. The property is subject to the following setback requirements: All buildings including any accessory structures shall be set back a minimum of 15 feet from any public or private street right-of-way line.

The applicant is requesting to reduce the street side yard setback along Orange Avenue from 15 feet to 0 feet for the construction of the new building and reduce the street side yard setback along Orange Avenue from 15 feet to 7 feet for the construction of a new parking lot.

The property has a unique shape, due to the alignment and right of way of Orange Avenue. The triangular shape makes it more difficult than a normal square shaped lot to be develop, causing this request for reduced setbacks in order to accomplish the proposed construction.

1. Does the proposed variance meet the criteria of §154-16.04(D)(1) of the Yuma City Code?

A) *“There is a special circumstance(s) or conditions(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: *“Yes, there is a unique circumstance relating to this property. The*

South portion of the site is triangular shaped, 140 feet wide on the North tapering to 0 feet on the South. There is also an Alley on the West side of the property with existing power poles and overhead electric lines on the East side of the Alley which encroach onto the property. The unique shape of the property makes efficient placement of the building and parking area less practical and hampers the layout of the project. It is difficult to provide large areas for both parking and storm water retention on a “pie-shaped” property. The existing electric lines prevent the building from being located on the West property line, where it would typically be allowed and situated.”

Staff Analysis: There is a special circumstance that applies to the property. The triangular shape of the lot caused by the layout of Orange Avenue, makes the development on property somewhat more difficult than a regular square shaped lot. The existing building on the lot is sitting at a 0 foot setback from Orange Avenue. The new proposed building will follow the same layout.

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: *“No, this special circumstance was not created or caused by the property owner or applicant. The unique shape of the property and the existence of the overhead electric lines have existed for decades.”*

Staff Analysis: According to staff’s analysis, the special circumstance was not created by the property owner. This property was designed in this triangular shape due the direction of Orange Avenue running next to the property. The property owner is seeking to construct a 2-story building and parking lot to fully develop the property.

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: *“Yes, the granting of this variance is necessary for the preservation of substantial property rights enjoyed by other property owners. Granting this variance request will help overcome the problems associated with the physical property constraints and limitations of this particular site.”*

Staff Analysis: Granting approval of this variance will allow the owner to develop the property by maximizing the size of the building and parking lot in order to fully use the entire property.

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: “No, the granting of the variance will not be detrimental. The granting of this variance request should have zero negative impact to persons, property, the neighborhood, or to the public health, safety and general welfare.”

Staff Analysis: The granting of this variance will not lead to detrimental effects on the neighbors and general public traveling near this property. Property has remained undeveloped for a period of time and the approval of this variance will help bring life to the neighborhood.

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

Public Comments Received: None

External Agency Comments: None

Neighborhood Meeting Comments: None

Final staff report delivered to applicant on: 7-14-2023

Proposed conditions delivered to applicant on: 7-3-2023

- Applicant agreed with all of the conditions of approval on: 7-11-2023
- Applicant did not agree with the following conditions of approval: (list #'s)
- Conditions of approval have been emailed to applicant and no response has been received:

Attachments

A	B	C	D	E	F	G	H
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Neighborhood Meeting Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By: *Guillermo Moreno-nunez* **Date:** 7-12-2023
 Guillermo Moreno-nunez,
 Assistant Planner Guillermo.Moreno-nunez@yumaaz.gov (928)373-5000, Ext. 3038

Approved By: *Jennifer L. Albers* **Date:** 7/13/23
 Jennifer L. Albers,
 Assistant Director of 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, Director (928) 373-5000, x 3037:

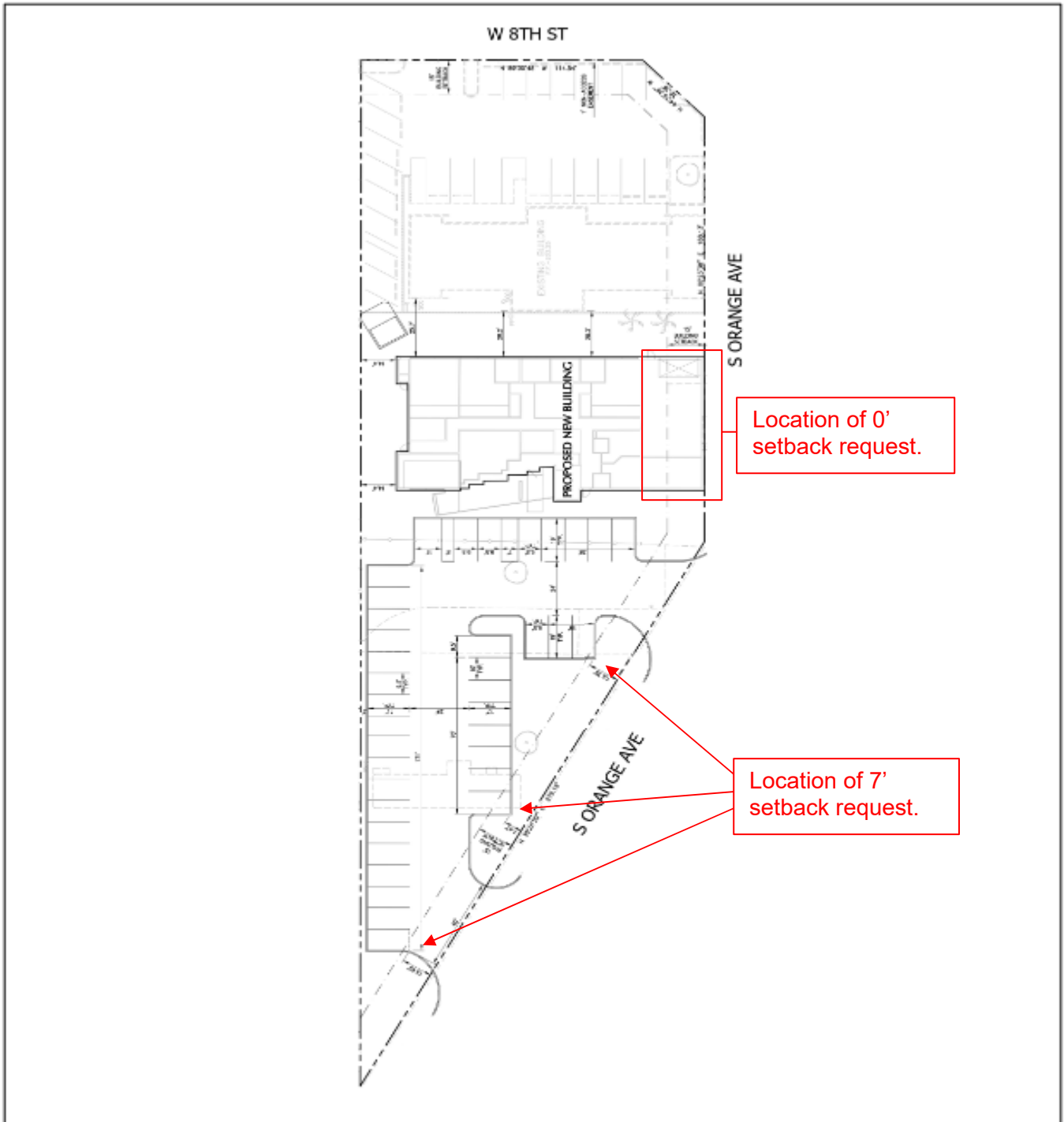
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Guillermo Moreno-nunez, Assistant Planner, (928) 373-5000 x 3038:

3. The conditions listed above shall be completed within two (2) years 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.
4. In any case where a Variance has not been used within two years after the granting thereof, it shall be null and void.
5. 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



Prepared by:
DG
Date:
6/7/2023

VAR-41495-2023
Site Plan

Plan/Case:
41495



ATTACHMENT C
Agency Notifications

- Legal Ad Published: The Sun 7-10-23
- 300' Vicinity Mailing: 6-21-23
- Site Posted on: 6-14-23
- 34 Commenting/Reviewing Agencies Noticed: 6-14-23
- Neighborhood Meeting Date: 6-20-23
- Hearing Date: 7-27-23
- Comments Due: 7-10-23

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	6-14-23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
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.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	Yes	6-14-23	X		
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	6-14-23	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	6-20-23	X		
Building Safety	Yes	6-29-23	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	6-27-23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
Site Photos



ATTACHMENT E
Neighborhood Meeting Comments

Date Held: 6-20-2023

Location: 826 S Orange Ave.

Attendees:

Neighbors: Mikel & Emily White

Applicant: Christopher Robins

Staff: Erika Peterson & Guillermo Moreno-nunez

Summary of Attendee(s') Comments Related to the Project:

- Mr. & Mrs. White – Both had concerns about traffic and sewer during and after construction since manhole to sewer is located on alleyway behind the new proposed construction.
- Christopher Robins – Explained the plan for construction and showed proposed site plan to neighbors.
- Mr. & Mrs. White – Asked if a soils report was needed after vehicle repair shop was taken down and dirt was not properly cleaned.
- Christopher Robins – Explained the reason for the Variance request and explained that the adjacent property, which was the neighbors concern due to suspicious activity, was not part of the project.
- Mr. & Mrs. White – Were not opposed and excited for new construction.

ATTACHMENT F
Neighborhood Notification List

Property Owner	Mailing Address	City/State/Zip Code		
EVERETT FAMILY TRUST 11-25-2019	837 S 3RD AVE	YUMA	AZ	85364
KASA B UNITED LLC	820 S 2ND AVE	YUMA	AZ	85364
BOTEO JORGE	3541 S AVE B	YUMA	AZ	85365
GIFFORD LYLE R	855 S 3RD AVE	YUMA	AZ	85364
BOCIO BRIAN RICHARD	820 S 2ND AVE	YUMA	AZ	85364
SANT SOUTHWEST EQUITIES INC AZ CORP	3219 E CAMELBACK RD STE 840	PHOENIX	AZ	85018
ADULT LITERACY PLUS OF SW AZ INC	825 S ORANGE AVE	YUMA	AZ	85364
EL PAISA AUTO MECHANIC LLC	229 W 8TH STREET	YUMA	AZ	85364
PICACHO TRADING POST LLC	3641 NORTH 39TH AVE	PHOENIX	AZ	85019
SMITH DONALD & TERESA JT	21817 OCOTILLO WAY	APPLE VALLEY CA		92308
ANDERSON E W & ELIZABETH TRUST 4/2/76	976 S 5TH AVE	YUMA	AZ	85364
ANDERSON DECLARATION OF TRUST 4-2-76	972 S 5TH AVE	YUMA	AZ	85364
GOOD BIRD ON 2ND LLC	3225 MCLEOD DR STE 777	LAS VEGAS	NV	89121
WHITE WILLIAM L & KAROL R TRUST	877 S ORANGE AVE	YUMA	AZ	85364
SANCHEZ GUILLERMO	843 S 3RD AVE	YUMA	AZ	85364
FARRAR RANDAL V & LINDA J	845 S 3RD AVE	YUMA	AZ	85364
LEE GARY D	8601 DUNWOODY PL SUITE 406	ATLANTA	GA	30350
ALVARADO GROUP AZ LLC	963 W 34TH PL	YUMA	AZ	85365
SEVENTH AVENUE COTTAGES LLC	200 S 7TH AVE #4	YUMA	AZ	85364
PHILLIPS ESTHER GIL	912 S 3RD AVE	YUMA	AZ	85364
BRICK VICKIE M	2100 W COUNTRY LN	YUMA	AZ	85365
YUMA BUILDING CORP AZ CORP	221 S 2ND AVE	YUMA	AZ	85364
YUMA THIRD AVENUE PROPERTIES AZ LLC	221 S 2ND AVE STE 1	YUMA	AZ	85364
YUMA BUILDING AZ CORP	221 S 2ND AVE	YUMA	AZ	85364
FAIRMAN ELIZABETH	770 S ORANGE AVE	YUMA	AZ	85364
P D M INC AZ CORP	801 S 4TH AVE	YUMA	AZ	85364
ZAVALA JORGE & BERTHA JT	3130 W CO 13TH ST	YUMA	AZ	85365
NEFF THOMAS E & ANGELITA F JT	2575 S 36TH DR	YUMA	AZ	85364
YUMA 895 AZ LLC	3805 E LAS CRUCES LN	YUMA	AZ	85365
MENDIBLES EDWARD V	965 SALVADOR GUILLEN ST	CALEXICO	CA	92231
MCNEECE PROPERTIES LLC	PO BOX 1280	EL CENTRO	CA	92244
DURAN VALDEZ TRUST 10-12-2021	2341 N GARCIA BLVD	SAN LUIS	AZ	85349
BARRAGAN PAUL & BLANCA JT	773 S ORANGE AVE	YUMA	AZ	85364
MARKAL INVESTMENTS INC AZ CORP	2006 S KENNEDY LN	YUMA	AZ	85365
UNITED CEREBRAL PALSY OF SOUTHERN AZ INC	630 N CRAYCROFT RD	TUCSON	AZ	85711
LAREDO MARINA VAZQUEZ	786 S 2ND AVE	YUMA	AZ	85364

ATTACHMENT H
Aerial Photo

