

**Hearing Officer Meeting Minutes
August 24, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, August 24, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Araceli Rodriguez.

CITY OF YUMA STAFF MEMBERS present included Jennifer Albers, Assistant Director of Planning; Zenia Fiveash, Assistant Planner; Emily Hart, Assistant City Attorney and Alejandro Marquez, Administrative Specialist.

Hearing Officer Araceli Rodriguez called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Hearing Officer Araceli Rodriguez approved the minutes of August 10, 2023.

PUBLIC HEARINGS

VAR-41572-2023: *This is a request by Dan Kenley, on behalf of Lucia Garcia, for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located within the front yard setback in the High Density Residential (R-3) District, for the property located at 2690 S. James Avenue, Yuma, AZ.*

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

QUESTIONS FOR STAFF

Hearing Officer Araceli Rodriguez referred to Attachment J, then asked if the highlighted homes were variances that had been approved. **Fiveash** replied yes. **Hearing Officer Araceli Rodriguez** then asked if the approvals were similar to this request. **Fiveash** replied no, that the approvals were for the side yard setbacks.

APPLICANT/APPLICANTS REPRESENTATIVE

Dan Kenley, 4028 S. Sunflower Dr., Yuma, AZ, stated that the garage had been converted before he had purchased the home. **Kenley** went on to say that there were other homes in the neighborhood that had closed off their garages without variances.

Hearing Officer Araceli Rodriguez asked for clarification if the applicant was in the process of getting permits for the garage, and permission to allow a different parking requirement. **Kenley** stated yes, because he wants the garage conversion and the parking to be legal through the City. **Hearing Officer Araceli Rodriguez** then asked if the variance for the parking requirement was not granted would the applicant not be able to convert the garage. **Kenley** answered that the variance for the parking requirement is the first step in the process to get the garage converted. **Kenley** then stated that every house in the neighborhood has at least two cars with no two car garages, and then asked if everyone parks one car in the garage and the other in the driveway wouldn't the second car encroach on the twenty-foot setback. **Hearing Officer Araceli Rodriguez** explained that each home should have an area on the property designated for parking, and then stated that the applicant is trying to convert the designated parking area into a living space which would leave zero designated parking. **Hearing Officer Araceli Rodriguez** went on to say that the reason for the variance is to get approval to use another area of the property as the designated parking requirement, and to approve said area as the parking requirement. **Kenley** stated that he would like to use the current driveway and the concreted area next to the driveway as the parking requirement, because the area to the north of the property would be difficult to convert to be used as parking.

Kenley then asked for clarification if the side yard setback was seven or seventeen feet. **Fiveash** replied the setbacks are seven feet from the property line to the side of the home. **Kenley** then asked if the seven-foot pad next to the driveway could be used as the parking requirement. **Hearing Officer Araceli Rodriguez** replied that the parking requirement needed to be a ten by twenty-foot area, and if the seven-foot pad was to be used for parking a variance would be required. **Fiveash** stated that the area on the north side and the rear of the property had enough space to be designated as the parking requirement.

Hearing Officer Araceli Rodriguez if a variance application would be needed in these areas. **Fiveash** replied no, and that the seven-foot area where the applicant is requesting the parking to be is not wide enough. **Hearing Officer Araceli Rodriguez** confirmed that more concrete could not be added to the seven-foot pad. **Fiveash** replied correct, because it already is to the edge of the property line.

Hearing Officer Araceli Rodriguez asked the applicant if there were any other comments or questions.

Kenley referred to a statement in the staff report that reads "The purpose of a front yard setback is to ensure reasonable clear vision along the street for either the driver or a pedestrian to safely cross the sidewalk and safely enter into traffic without mishap", and then asked how a car that is parked in a driveway would impede the vision of a car that is driving down the street. **Hearing Officer Araceli Rodriguez** deferred the question to staff. **Fiveash** replied if the garage was converted into a living space and the owner has two cars both would be parked in the driveway and could possibly block clear vision of oncoming traffic and pedestrians.

Hearing Officer Araceli Rodriguez referred to the photo on Attachment E, and asked if the black car was parked within the twenty-foot setback. **Fiveash** replied yes. **Kenley** stated he understood that if a vehicle was parked on the sidewalk it would impede vision, then stated that he owns a large truck and does not fit within the allowable area but does not block the sidewalk, and then asked how would that vehicle impede vision of pedestrians and cars. **Hearing Officer Araceli Rodriguez** stated that in this case the safety issue is more for pedestrians rather than vehicles. **Kenley** stated there is a thirty-four feet distance from the sidewalk to the garage and did not understand what the issue would be. **Hearing Officer Araceli Rodriguez** then stated that the request was to allow parking within the twenty-foot front yard setback.

Jennifer Albers, Assistant Director of Planning, stated that the parking requirement is for visibility and safety issues, then stated if a pedestrian is walking past cars that are parked in the driveway onto the sidewalk an oncoming vehicle would not see the pedestrian until they walked onto the street and the vehicle might not have enough time to react unless they have that extra twenty feet of visibility. **Albers** also stated if there are two cars parked in the driveway and one begins to pull out there might not be enough time for oncoming traffic to react to the car that is pulling out. **Albers** noted that this parcel setback is at the property line which is not the back of sidewalk and that for most subdivisions the back of sidewalk is the property line so there is some additional room for visibility because of the right-of-way located near the property.

PUBLIC COMMENT

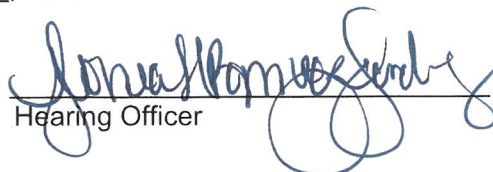
None

DECISION

Hearing Officer Araceli 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.

Hearing Officer Araceli Rodriguez adjourned the meeting at 9:51 a.m.

Minutes approved and signed this 14th day of September, 2023.


Hearing Officer