

**Hearing Officer Meeting Minutes
September 14, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, September 14, 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 Jennifer Albers, Assistant Director of Planning; Robert Blevins, Principal Planner; Amelia Dombay, Senior Planner; Zenia Fiveash, Assistant Planner; Guillermo Moreno-nunez, Assistant Planner; Rodney Short, Deputy City Attorney and Alejandro Marquez, 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 August 24, 2023.

PUBLIC HEARINGS

TIMEX-41652-2023: *This is a request by Jill Kaiser, on behalf of Circle K Stores, Inc., for a two year time extension to a previously approved conditional use permit, CUP-40457-2022, to demolish and rebuild a convenience store and motor fuel sales with an exception to reduce the landscape and building setback from 20' to 3', and to reduce parking spaces required from 21 to 17 spaces. The property is in the Limited Commercial (B-1) District, at 2398 S. Avenue B, Yuma, AZ.*

Robert Blevins, Principal Planner, summarized the staff report and recommended **Approval**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

None

PUBLIC COMMENT

None

DECISION

Hearing Officer Sonia Ramirez granted the time extension for the previously approved Conditional Use Permit, subject to the Conditions of Approval in Attachment A.

VAR-41649-2023: *This is a request by Core Engineering, on behalf of Elvira Hidalgo-Avalos, 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 and for the increase in lot coverage from 35% to 43% in the Low Density Residential (R-1-6) District. The property is located at 905 W. Solana Drive, Yuma, AZ.*

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

QUESTIONS FOR STAFF

Hearing Officer Sonia Ramirez referred to question D of the four criteria, then asked for clarification on staff's response that stated, "The granting of this variance will lead to some detrimental effects on the neighbors and general public traveling near this property without the required clear vision of traffic". **Fiveash** stated for safety reasons there is to be clear vision of oncoming traffic and pedestrians beyond the buildings parking setback requirement. **Fiveash** then stated if there were vehicles parked under the shade structure it could potentially block that clear vision. **Hearing Officer Sonia Ramirez** asked if shade structure was not in place would the homeowner still be able to park in the area in question. **Fiveash** replied yes.

Hearing Officer Sonia Ramirez then asked that the issue is the parking requirement not the shade structure. **Fiveash** replied yes, because the buildings original parking requirement had already been converted into a living space, so the request is to be able to reduce the front yard setback to be able use the area as the parking requirement.

Hearing Officer Sonia Ramirez asked if the photos in Attachment J were of neighboring homes that had a similar style of carport. **Fiveash** replied yes. **Hearing Officer Sonia Ramirez** asked if the carport had met all the safety requirements. **Fiveash** stated if the variance was granted the structure would still have to be reviewed and approved by the Building Safety Department.

APPLICANT/APPLICANTS REPRESENTATIVE

Johnathan Klein, on behalf of Core Engineering Group, stated the applicant had purchased the home and was not aware that there was no covered parking. **Klein** went on to say that the structure was built to provide shade for the home and vehicles and that the neighbors were in support of the proposed project, also the owner had agreed to resolve the right-of-way encroachment issues by applying for all the building permits should the variance be granted. **Klein** then noted that the structure is set back far from the street and should not cause a visibility issue.

Hearing Officer Sonia Ramirez asked how long had the owners been living in the home.

Elvira Hidalgo-Avalos, 905 W. Solana Drive, Yuma, AZ, replied she had been living in the home since October 2021. **Hearing Officer Sonia Ramirez** then asked how long had the structure been built. **Hidalgo-Avalos** replied construction of the structure started in November 2022, then stated the structure had been built to provide safety from the heat.

Arturo Avalos, 905 W. Solana Drive, Yuma, AZ, stated that he had worked in the construction industry by his standards the structure was well built.

PUBLIC COMMENT

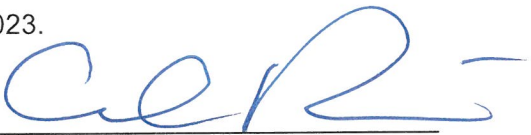
None

DECISION

Hearing Officer Sonia Ramirez 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 Sonia Ramirez adjourned the meeting at 9:45 a.m.

Minutes approved and signed this 28 day of September, 2023.



Hearing Officer