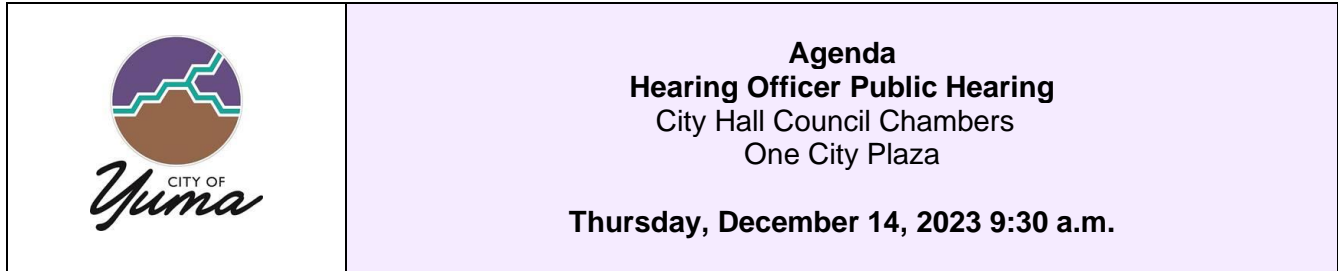


**Notice of Public Hearing of the  
Hearing Officer of the City of Yuma**

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, December 14, 2023 at 9:30 a.m. in City Hall Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:



Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address [planning@yumaaz.gov](mailto: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

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

- November 9, 2023

APPLICATIONS TO BE CONSIDERED

1. **VAR-41952-2023**: *This is a request by Dahl, Robins & Associates, Inc. on behalf of Esteban Gonzalez-Rodriguez for a variance request to reduce the south, west & east street side yard setback from 15 feet to 0 feet to build a new office building in the General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District, for the property located at 899 S. Orange Avenue, Yuma, AZ.*
2. **VAR-41966-2023**: *This is a request by Brittani Lee, on behalf of T3AZ LLC, for a Variance to reduce the minimum lot width from 50' to 49' for a new parcel in the Low Density Residential/Infill Overlay (R-1-6/IO) District for the property located at 381 S. 7<sup>th</sup> 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  
November 9, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, November 9, 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; Amelia Dombay, Senior Planner; Meredith Burns, 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.

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**CONSENT CALENDAR**

**Hearing Officer Araceli Rodriguez** approved the minutes of September 28, 2023, with a correction as noted.

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**PUBLIC HEARINGS**

**VAR-41340-2023:** *This is a request by Chris and Pauline Hayes, on behalf of Chris and Pauline Hayes, and Marie H. Miller, for a Variance to reduce the minimum side yard setback from 5 feet to 3 feet, the rear yard setback from 7 feet to 4 feet 4 inches, and increase the maximum lot coverage from 45% to 52% in the Manufactured Housing Subdivision (MHS) District, for the property located at 2045 S. Roadrunner Avenue, Yuma, AZ.*

**Amelia Dombay, Senior Planner**, summarized the staff report and recommended **Denial**.

**QUESTIONS FOR STAFF**

**Hearing Officer Araceli Rodriguez** referred to a picture on page 12 of the Staff Report, and then asked if the shed in question was the one with no door. **Dombay** replied yes. **Hearing Officer Araceli Rodriguez** then asked if there was another shed on the property prior to this one. **Dombay** answered yes, but the shed was torn down due to termite damage. **Hearing Officer Araceli Rodriguez** asked if the old shed had been built without building permits. **Dombay** replied that she did not find any record of the shed because the subdivision was developed by Yuma County.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**Chris and Pauline Hayes, 2045 S. Roadrunner Avenue, Yuma, AZ**, **Chris Hayes** stated that the property had been purchased from his in-laws and was in disrepair. **Chris Hayes** went on to say that he was not aware that building permits were needed to construct a new shed. **Pauline Hayes** stated that the new shed was located in the same area of the old one.

**Hearing Officer Araceli Rodriguez** asked when the property was purchased. **Pauline Hayes** replied the property was purchased in 2021, and that they did not know that permits were required. **Pauline Hayes** went on to say that the neighbors were not in opposition of the new shed. **Hearing Officer Araceli Rodriguez** stated that the shed may have been built while under the Yuma County jurisdiction, but now the subdivision is now under the City of Yuma and will need new building permits.

**PUBLIC COMMENT**

**Vicky Bever, 2144 S. Whitewing Avenue, Yuma, AZ**, stated that she was the President of the Del Oro Mobile Estates Homeowners Association, and then stated that the shed had been approved by the association and was a nice addition to the property.

**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.

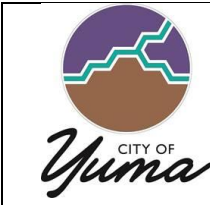
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**Hearing Officer Araceli Rodriguez** adjourned the meeting at 9:39 a.m.

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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**

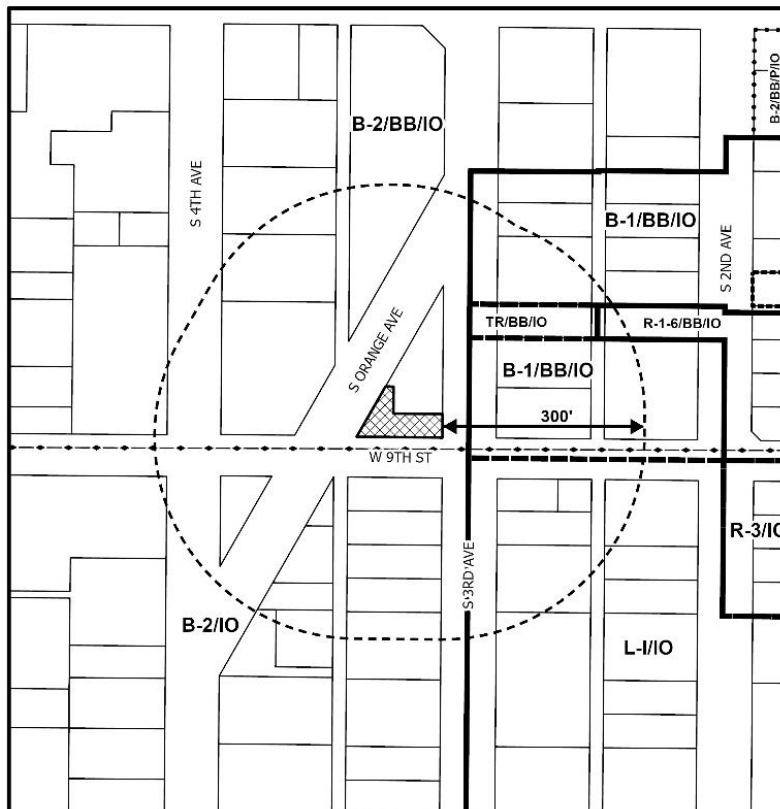
**Hearing Date:** December 14, 2023

**Case Number:** VAR-41952-2023

**Project Description/Location:** This is a request by Dahl Robins and Associates, Inc. on behalf of Esteban Gonzalez-Rodriguez for a variance to reduce the south, west & east street side yard setback from 15 feet to 0 feet to build a new proposed office in the General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District. The property is located at 899 S. Orange Avenue, Yuma AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District	Vacant Lot	Commercial
<b>North</b>	General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District	Melody Cleaners	Commercial
<b>South</b>	General Commercial/infill Overlay (B-2/IO) District	Apartment Complex	Commercial
<b>East</b>	General Commercial/Bed & Breakfast/Infill Overlay (B-1/BB/IO) District	Single Family Residence	Commercial
<b>West</b>	General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District	Vacant Lot	Commercial

**Location Map:**



**Prior site actions:** Annexation: Ordinance 449 (May 29, 1946) Subdivision: Speese Addition (September 14, 1954)

**Staff recommendation:**

Staff recommends **APPROVAL** of the variance request to reduce the south, west & east side yard setback from 15 feet to 0 feet to build a new proposed office in the General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-08.04 of the Yuma City Code.

**Staff Analysis:**

The subject property is located at the northeast corner of Orange Avenue and 9<sup>th</sup> Street. This property was annexed into the City of Yuma on May 29, 1946. The parcel is within the Speese Addition Subdivision created in 1954 and is approximately 0.13 acres. The subject property is zoned General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District and is subject to the following standards: minimum setback of 15 feet along any public or private street right-of-way line.

The applicant is requesting a variance to reduce the setback along Orange Avenue, 9<sup>th</sup> Street & 3<sup>rd</sup> Avenue from 15 feet to 0 feet. The applicant is proposing to construct a new 1,700 square foot office building with 6 parking spaces for this small undeveloped parcel.

After researching the request and the property, it has been determined that there is a special circumstance that applies to the property.

Have there been any other variance requests of a similar nature in the vicinity and zoning district?				Yes
Case #	Address	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA78-21	901 & 905 Orange Avenue	Joint Use Parking	Approval	Approval

**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:** *“Yes, there is a unique circumstance relating to this property. The site is triangular shaped, only 35 feet wide on the East side and 22 feet wide on the North side. The property is bordered on three sides by road right-of-way and there are existing power poles and overhead electric lines on the South and East sides 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 “arrowshaped” property.”*

**Staff Analysis:** There is a special circumstance applies to the property that does not apply to most other properties in this district. This property has an irregular shape & size that restricts development of this lot. After researching the property staff was able to identify a special circumstance that relates to the size, shape and 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:** “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. The property has three road frontages that creates an irregular shape & size making it difficult to design any new development on this parcel.

**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:** Most properties within this zoning area have a normal rectangular parcel shape to make new development an easy task. With this property the irregular shape makes that task impossible without requesting a variance for the preservation of property rights enjoyed by the surrounding property owners.

**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.

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

**Public Comments Received:** None Received

**External Agency Comments:** See Attachment D

**Neighborhood Meeting Comments:** See Attachment E

**Proposed conditions delivered to applicant on:** 11-22-23

**Final staff report delivered to applicant on:** 12-01-23

- Applicant agreed with all of the conditions of approval on: 11-22-23
- 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
Conditions of Approval	Site Plan	Agency Notifications	Neighborhood Meeting Comments	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

**Prepared By:** *Zenia Fiveash* **Date:** 12-01-2023  
 Zenia Fiveash  
 Assistant Planner Zenia.Fiveash@yumaaz.gov (928)373-5000, x3040

**Approved By:** *Jennifer L. Albers* **Date:** 12/1/23  
 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.

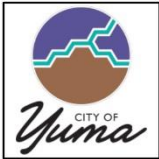
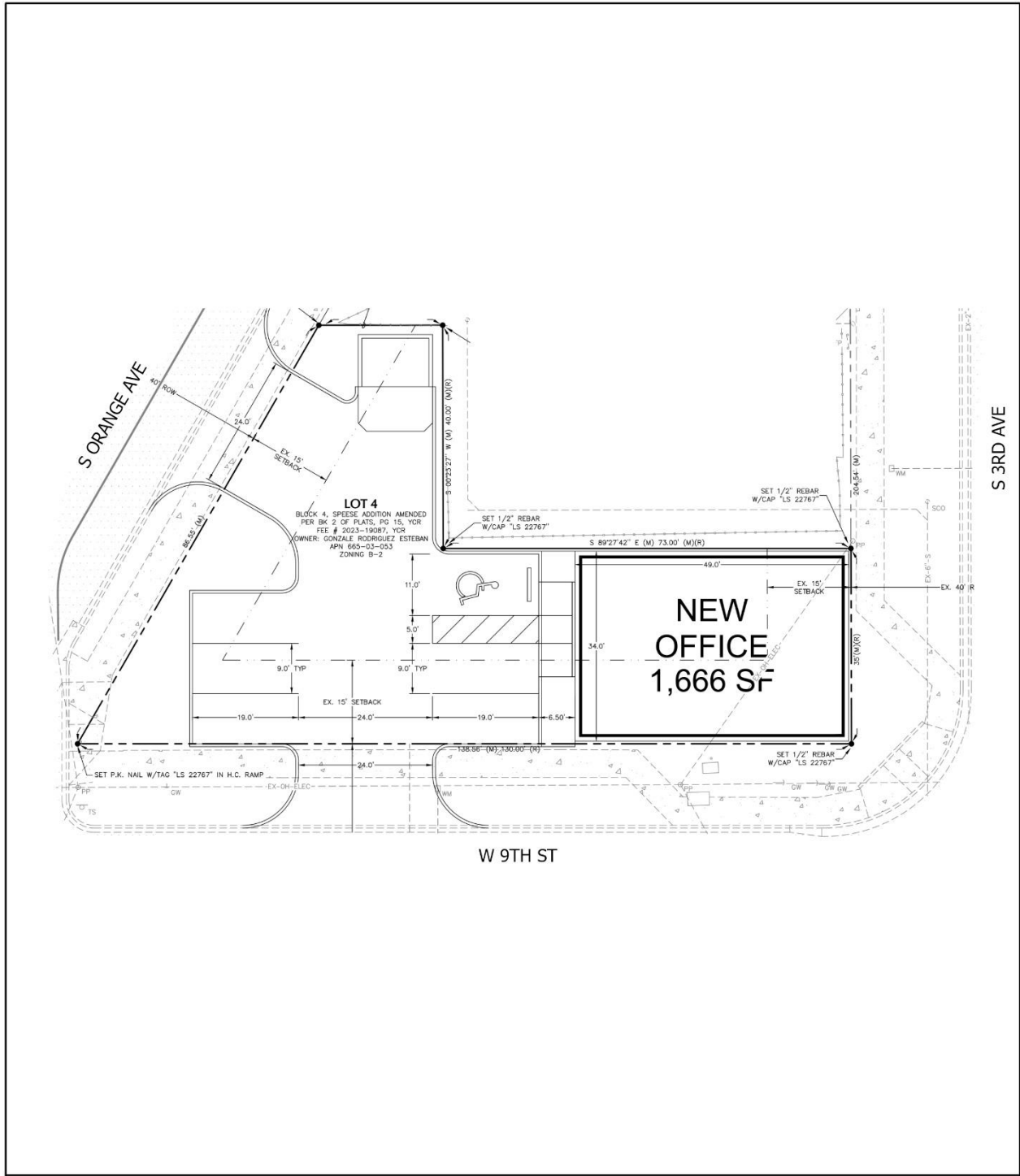
**Community Planning: Zenia Fiveash, Assistant Planner, (928) 373-5000 x 3040**

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:  
10/23/2023

VAR-41952-2023  
899 S ORANGE AVE  
Site Plan

Plan/Case:  
**41952**



**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (11/24/23)
- 300' Vicinity Mailing: (11/15/23)
- Site Posted on: (11/14/23)
- 34 Commenting/Reviewing Agencies Noticed: (11/27/23)
- Neighborhood Meeting Date: (11/21/23)
- Hearing Date: (12/14/23)
- Comments Due: (11/27/23)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	11-14-23		X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	11-14-23		X		
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.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	11-14-23		X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	11-18-23		X		
Building Safety	11-15-23		X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	11-15-23		X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACMENT D**  
**NEIGHBORHOOD MEETING COMMENTS**

**Attendees:**

Neighbor: Arthur Everett & Tito Valenzuela

Applicant: Esteban Gonzales

Staff: Zenia Fiveash & Meredith Burns

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

- Esteban Gonzales – This was his first development & welcomed all the help from the City staff.
- Arthur Everett – No opposition to the applicant's request
- Tito Valenzuela – No opposition to the applicant's request

**ATTACHMENT E**  
**SITE PHOTOS**



**ATTACHMENT F  
NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip Code</b>		
ALVARADO GROUP AZ LLC	963 W 34TH PL	YUMA	AZ	85365
ANDERSON DECLARATION OF TRUST 4-2-76	972 S 5TH AVE	YUMA	AZ	85364
ANDERSON E W & ELIZABETH TRUST 4/2/76	976 S 5TH AVE	YUMA	AZ	85364
BRICK VICKIE M	2100 W COUNTRY LN	YUMA	AZ	85365
CLABORN MICHELLE R TRUST 6-1-2016	340 W 32ND ST #447	YUMA	AZ	85364
EAGLE LEASING INC	100 EAGLE RIDGE DR	MIDLAND CITY	AL	36350
EAGLE LEASING INC	100 EAGLE RIDGE DR	MIDLAND CITY	AL	36350
EAGLE LEASING INC	100 EAGLE RIDGE DR	MIDLAND CITY	AL	36350
EVERETT FAMILY TRUST 11-25-2019	837 S 3RD AVE	YUMA	AZ	85364
EVERETT FAMILY TRUST 11-25-2019	837 S 3RD AVE	YUMA	AZ	85364
FARRAR RANDAL V & LINDA J	845 S 3RD AVE	YUMA	AZ	85364
FEW PROPERTIES LLC	965 S 4TH AVE	YUMA	AZ	85364
FEW PROPERTIES LLC	965 S 4TH AVE	YUMA	AZ	85364
GALBREATH JOHN R III TRUST 04-15-97	920 S 3RD AVE	YUMA	AZ	85364
GIFFORD LYLE R	855 S 3RD AVE	YUMA	AZ	85364
GIVENS EVA	902 S 2ND AVE	YUMA	AZ	85364
GIVENS EVA	902 S 2ND AVE	YUMA	AZ	85364
GONZALEZ RODRIGUEZ ESTEBAN	1737 S 10TH AVE	YUMA	AZ	85364
GOOD BIRD ON 2ND LLC	3225 MCLEOD DR STE 777	LAS VEGAS	NV	89121
HARRIS FAMILY TRUST 3-9-2008	13991 RANCHO DORADO BND	SAN DIEGO	CA	92130
LEE GARY D	8601 DUNWOODY PL SUITE 406	ATLANTA	A	30350
NEFF THOMAS E & ANGELITA F JT	2575 S 36TH DR	YUMA	AZ	85364
NOVAK DAVID ALAN	2579 VITTORI AVE	YUMA	AZ	85365
OLIVARES JOAQUIN & SONIA JT	907 S 3RD AVE	YUMA	AZ	85364
PATINO ABRAHAM &	842 S 2ND AVE	YUMA	AZ	85364
PHILLIPS ESTHER GIL	912 S 3RD AVE	YUMA	AZ	85364
PJT LLC	900 S 4TH AVE	YUMA	AZ	85364
SANCHEZ GUILLERMO	843 S 3RD AVE	YUMA	AZ	85364
SEVENTH AVENUE COTTAGES LLC	200 S 7TH AVE #4	YUMA	AZ	85364
SW LTN AM DIST CHURCH OF NAZARENE	1780 W MTN OAK LN	TUCSON	AZ	85746
UNITED CEREBRAL PALSY OF SOUTHERN AZ INC	630 N CRAYCROFT RD	TUCSON	AZ	85711
VALENZUELA CIRILO C & RITA F JT	1150 S 8TH AVE	YUMA	AZ	85364
WHITE WILLIAM L & KAROL R TRUST	877 S ORANGE AVE	YUMA	AZ	85364
YUMA 895 AZ LLC	3805 E LAS CRUCES LN	YUMA	AZ	85365

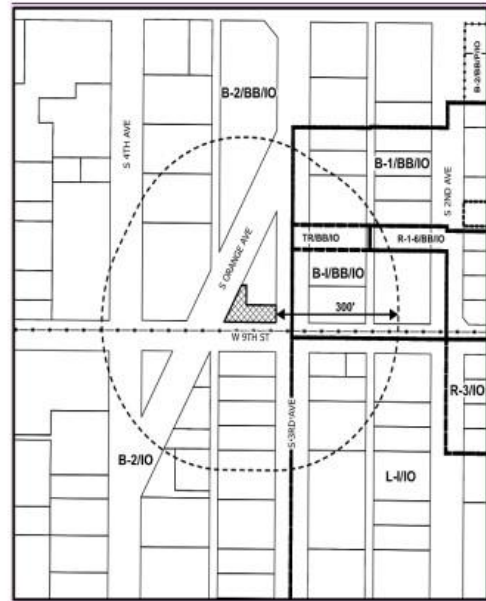
**ATTACHMENT G  
NEIGHBOR MAILING**

This is a request by Lee Homes, LLC on behalf of Esteban Gonzalez-Rodriguez for a variance to request to reduce the south, west & east street side yard setback from 15 feet to 0 feet to build a new office building in the General Commercial/Bed & Breakfast/Infill Overlay (B-2/BB/IO) District, for the property located at 899 S. Orange Avenue, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
VAR-41952-2023**

**NEIGHBORHOOD MEETING**  
11/21/2023 @ 5:00PM  
ON-SITE

**PUBLIC HEARING**  
12/14/2023 @ 9:30AM  
City of Yuma Council Chambers  
One City Plaza, Yuma, AZ

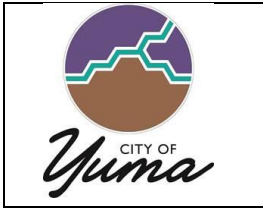


Because you are a neighbor within 300' of 899 Orange Avenue, Yuma, AZ., you are invited to attend the neighborhood meeting and public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Zenia Fiveash by phone at (928)373-5000 ext. 3040 or by email at [Zenia.Fiveash@YumaAz.gov](mailto:Zenia.Fiveash@YumaAz.gov)



ATTACHMENT H  
AERIAL PHOTO





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

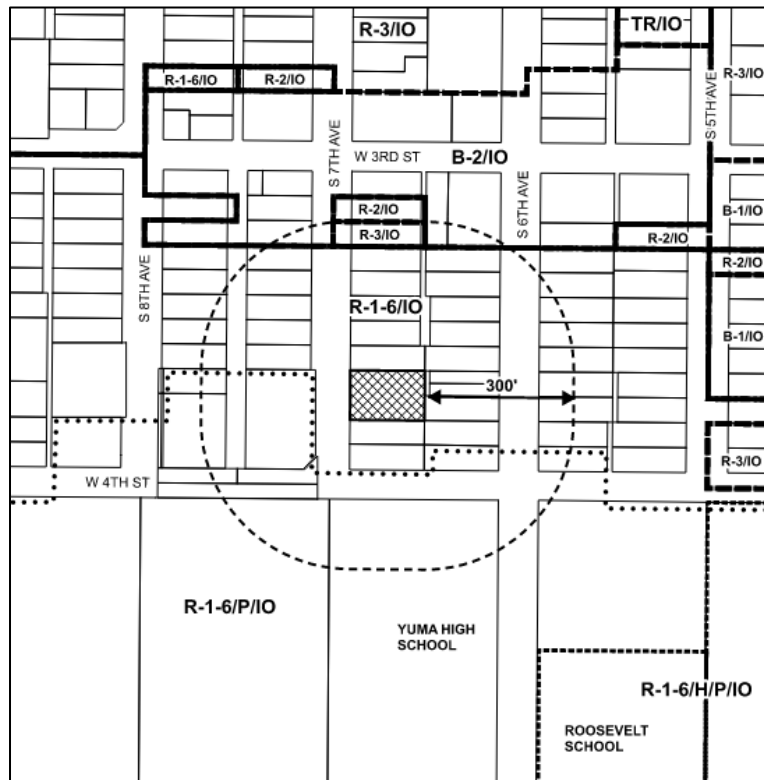
**Hearing Date:** December 14, 2023

**Case Number:** VAR-41966-2023

**Project Description/Location:** This is a request by Brittani Lee, on behalf of T3AZ LLC, for a Variance to reduce the minimum lot width from 50' to 49' for a new parcel in the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 381 S. 7th Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Low Density Residential/Infill Overlay (R-1-6/IO) District	Two-Family Residence & Detached Single-Family Residence	Medium Density Residential
<b>North</b>	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single-Family Residence	Medium Density Residential
<b>South</b>	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single-Family Residence	Medium Density Residential
<b>East</b>	Low Density Residential/Infill Overlay (R-1-6/IO) District	Single-Family Residences	Medium Density Residential
<b>West</b>	Low Density Residential/Infill Overlay (R-1-6/IO) District	Parking Lot	Medium Density Residential

**Location Map:**





**Prior site actions:** Annexation: City Charter January 15, 1915, Pre-Development Meeting: March, 30, 2023

**Staff recommendation:** Staff recommends **APPROVAL** of the request to the minimum lot width from 50' to 49' for a new parcel in the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 381 S. 7th Avenue, Yuma, AZ, 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?	No.
--	-----

**Staff Analysis:** The subject property is located along 7<sup>th</sup> Avenue and is approximately 15,000 square feet in size. This property was annexed into the City of Yuma as part of the City Charter on January 12, 1915. Currently, the property features a duplex and detached residence in the rear.

The applicant is requesting a Variance to reduce the minimum lot width from 50' to 49' to construct a single-family residence on the new parcel. This portion of the parcel is undeveloped.

The property is zoned Low Density Residential/Infill Overlay (R-1-6/IO) District and is subject to the following development standards: minimum 6,000 square foot lot size, minimum 50' lot width, 20' minimum front yard setback; 5' side yard setback; 10' rear yard setback; and 50% maximum lot coverage.

In addition, this property is located within the Infill Overlay (IO) District. The Infill Overlay (IO) District allows flexibility and deviations from the typical development standards identified in the zoning code. Flexible standards are permitted, however carefully evaluated to ensure that the scale and character of new construction enhances the surrounding area.

A neighborhood meeting was held on November 21, 2023, in which four neighbors were in attendance. The neighbors in attendance were not opposed to this Variance request.

**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:** "Yes, the special condition is that I need to request a variance to reduce the minimum lot width from 50' to 49' due to the placement of the existing home on my property in order to build a structure on the new split property."

**Staff Analysis:** The subject property is located along 7<sup>th</sup> Avenue and is approximately 15,000 square feet in size. According to the Yuma County Assessor map, this property was previously two separate parcels and was later combined to create one parcel. The current property owner purchased this property in 2022 with the existing structures on the property.

A 49' lot width is required to ensure the existing structures on the property are not closer than 5' to the new property line.

**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:** "Prior to taking possession of the property, the lot was split into parcel A and B then overtime to one parcel. This was not created by me, but looks as though the neighbor to the north is on my property. During my ownership I have not altered the property in any way."

**Staff Analysis:** This special circumstance was not created or caused by the property owner. The current property owner purchased this property in 2022 and did not construct the structures on this property. According to the Yuma County Assessor, the structures on the property were constructed in 1928.

**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:** "I have noticed some other properties adjacent to or nearby that are of same dimensions as what I am asking of. By granting this variance approval, it will only make the values in the neighborhood go up and bring the physical obsolescence back to life. This project/variance approval will cost a lot of money, but will benefit myself, the city and neighborhood."

**Staff Analysis:** The granting of this Variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. Splitting this property into two separate parcels will create two lots similar in shape and size within the existing subdivision. A 49' wide lot is required to ensure the existing residence meets the minimum side yard setback requirement for the Low Density Residential/Infill Overlay (R-1-6/IO) District.

**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 the variance is approved I will comply with city planning and zoning rules and regulations. I will not harm the public or neighborhood. All work will be licensed and bonded and go through the city inspections."

**Staff Analysis:** The granting of the variance will not be materially detrimental to any person(s) residing or working in the vicinity, to adjacent property, to the neighborhood, or the public health, safety, and general welfare. The granting of the variance will allow the addition

of a single-family residence on a new parcel that would otherwise remain undeveloped. In addition, the applicant will need to meet the development standards of the Low Density Residential/Infill Overlay (R-1-6/IO) District for the construction of the new single-family residence.

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

**Public Comments Received:** None Received.

**Agency Comments:** See Attachment.

**Neighborhood Meeting Comments:** See Attachment.

**Proposed conditions delivered to applicant on:** November 27, 2023

**Final staff report delivered to applicant on:** December 7, 2023

- Applicant agreed with all of the conditions of approval on: December 6, 2023
- 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.) E-mailed Conditions of Approval. No Response.

**Attachments**

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

**Prepared By:** *Amelia Dombay* **Date:** December 6, 2023  
 Amelia Dombay  
 Senior Planner *Amelia.Dombay@yumaaz.gov* (928)373-5000, x3034

**Approved By:** *Jennifer L. Albers* **Date:** 12/6/23  
 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:**

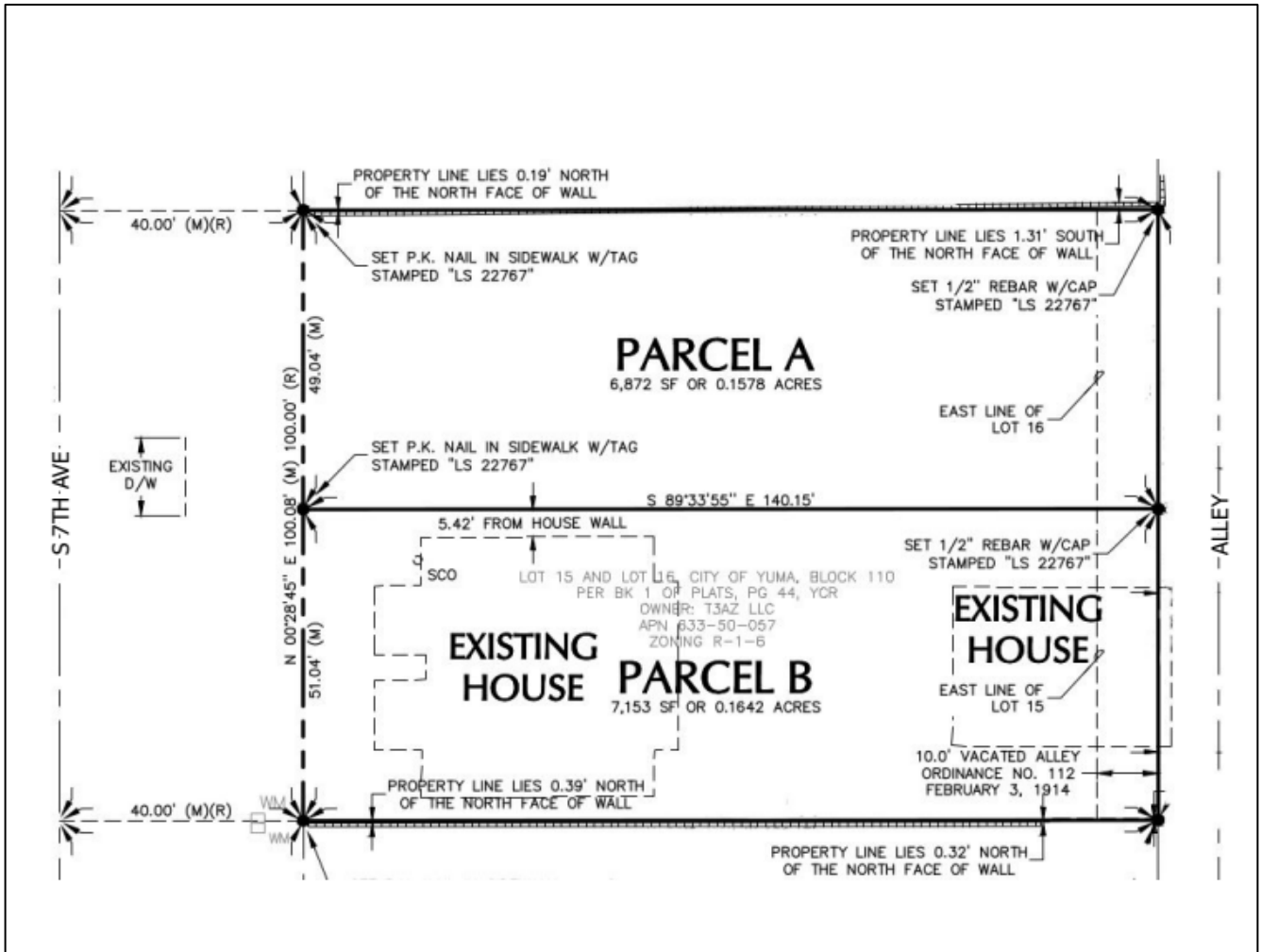
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

**Community Planning: Amelia Domby, Senior Planner, (928) 373-5000 x3034**

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**



**ATTACHMENT C  
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun (11/24/23)
- 300' Vicinity Mailing: (11/15/23)
- Site Posted on: (11/14/23)
- 34 Commenting/Reviewing Agencies Noticed: (11/15/23)
- Neighborhood Meeting Date: (11/21/23)
- Hearing Date: (12/14/23)
- Comments Due: (11/27/23)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>“No Comment”</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	11/16/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	YES	11/15/23	X		
Yuma County Planning & Zoning	YES	11/16/23		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	11/16/23	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>“No Conditions”</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	YES	12/4/23			X
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	11/30/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D  
AGENCY COMMENTS**

COMMENT       NO COMMENT

*Enter comments below:*

There is no hardship on this request, it is clear that the required (50') width can be achieved without a variance. Instead, a variance for side setbacks reduction has more merits, than the one been requested.

Appreciate the opportunity to comment.

DATE:            11-16-23      NAME: Javier Barraza    TITLE: Senior Planner  
AGENCY:        Yuma County, Department of Development Services, Planning Division  
PHONE:         (928) 817-5000  
RETURN TO:     Amelia Domby  
                    Amelia.Domby@YumaAZ.gov

Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

Condition(s)                       No Condition(s)                       Comment

Enter conditions here: No comments/conditions from Building Safety for the variance; Building Safety will have a comment/requirement for the subsequent lot split.

DATE:            12-4-23            NAME: Alan Kircher            TITLE: Building Safety Manager  
CITY DEPT:      Building Safety-Building Safety  
PHONE:          928-373-5169  
RETURN TO:      Amelia Domby  
                    Amelia.Domby@YumaAZ.gov

**ATTACHMENT E**  
**NEIGHBORHOOD MEETING COMMENTS**

**Date Held:** November 21, 2023

**Location:** On-site

**Attendees:** Applicant: Brittani Lee; Staff: Amelia Dombay, and four neighbors in attendance: Juanita Chavaz, Anna Ortiz, Alex Salazar, and Edith Ibarra.

**SUMMARY OF ATTENDEE(S) COMMENTS RELATED TO THE PROJECT:**

- STAFF EXPLAINED THE VARIANCE PROCESS AND THE VARIANCE REQUEST.
- THE NEIGHBORS IN ATTENDANCE ASKED FOR CLARIFICATION ON WHAT WILL BE CONSTRUCTED ON THE PROPERTY.
- THE APPLICANT EXPLAINED THAT THEIR INTENT IS TO CONSTRUCT A 3-OR 4-BEDROOM SINGLE-FAMILY RESIDENCE ON THE NEW PARCEL AND PROVIDED CONCEPTUAL ELEVATIONS. THE APPLICANT ADDED THAT THE NEW RESIDENCE WOULD MEET THE DEVELOPMENT STANDARDS OF THE LOW DENSITY RESIDENTIAL (R-1-6) DISTRICT.
- THE NEIGHBORS ASKED IF THE NEW RESIDENCE WILL BE A RENTAL OR LISTED FOR SALE.
- THE APPLICANT STATED THAT THE NEW RESIDENCE WOULD BE LISTED FOR SALE AND ADDED THAT THE RESIDENCE WILL BE A NICE ADDITION TO THE NEIGHBORHOOD.
- THE TENANT ASKED THE APPLICANT IF HE WOULD BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION. THE APPLICANT SAID YES.
- THE NEIGHBORS STATED THEY WERE NOT OPPOSED TO THIS REQUEST.



**ATTACHMENT F  
SITE PHOTOS**



**ATTACHMENT G**  
**NEIGHBOR NOTIFICATION LIST**

<b>Property Owner</b>	<b>Mailing Address</b>	<b>City/State/Zip</b>
ALARCON RAMON ALFONSO JR & CHRISTINA	374 S 6TH AVE	YUMA AZ
BON ALMA LORENA	360 S 7TH AVE	YUMA AZ
CABRALES STEPHANIE ELAINE	1102 S 5TH AVE	YUMA AZ
CEGOVIANO JOSE LUIS	348 S 7TH AVE	YUMA AZ
CHAVOYA JESSE & ESTHER	5891 E 37TH LN	YUMA AZ
DOMINGUEZ ARTURO SERRANO &	366 S 6TH AVE	YUMA AZ
DURAN CAMILO & SALINAS CESAR VAZQUEZ JT	365 S 6TH AVE	YUMA AZ
FELIX JUAN M	362 S 6TH AVE	YUMA AZ
FLORES CONSTANTINO R & EULALIA R JT	337 S 7TH AVE	YUMA AZ
FLORES ROSA & ANASTACIO	1315 S C ST APT 2	OXNARD CA
FRANKLIN MARTIN SCOTT	339 S 6TH AVE	YUMA AZ
GUTIERREZ NANCY	337 S 6TH AVE	YUMA AZ
HOSSLER JOSEFINA	225 E MESQUITE ST	YUMA AZ
JIM JESUS J & MARY J JT	213 S MOODY AVE	FULLERTON CA
MENDOZA SANTOS	341 S 7TH AVE	YUMA AZ
MOLINA ALEJANDRO G	835 S 2ND AVE	YUMA AZ
MONYOTA JOSE R JR	3395 W 15TH ST	YUMA AZ
OREJEL SANCHEZ CARLOS & ALMA A JT	373 S 6TH AVE	YUMA AZ
ORTEGA ANNA M	357 S 7TH AVE	YUMA AZ
PADILLA SEVERIANO R &	357 S 8TH AVE	YUMA AZ
PEREZ CLAUDIA PADILLA	333 S 8TH AVE	YUMA AZ
PPEP MICROBUSINESS & HOUSING DEV CORP	806 E 46TH ST	TUCSON AZ
RAMOS MARTIN R & LETICIA H TRUST 11-3-00	327 E 10TH ST	YUMA AZ
ROMERO DIANA ANGULO	355 S 6TH AVE	YUMA AZ
RUIZ MARCO A & MARIBEL JT	349 S 8TH AVE	YUMA AZ
SHIPP MARIA R	645 S 9TH AVE	YUMA AZ
SHIPP MARIA R	645 S 9TH AVE	YUMA AZ
SIEMIENOWSKI JOSEPH & IRINA	10561 SAND CRAB PL	SAN DIEGO CA
SWAYZE MANUELA H	1814 W PUEBLO ST	YUMA AZ
T3AZ LLC	1700 S 1ST AVE STE 200	YUMA AZ
TERHARK CARLOTA MARIA & DOUGLAS	384 S 6TH AVE	YUMA AZ
TIMMINS MARIA ARMIDA	332 S 7TH AVE	YUMA AZ
TOPETE FRANCISCA VALLEJO	2070 W 2ND PL	YUMA AZ
URIBE FAUSTINO & MARIA JESUS JT	346 S 6TH AVE	YUMA AZ
WARNER GARY IRREVOCABLE TRUST 9-8-09	3800 W FRANCIS ST	YUMA AZ
WARNER GARY W TRUST 9-8-09	3800 W FRANCIS ST	YUMA AZ
YOAKUM MARIA JESUS	345 S 6TH AVE	YUMA AZ
YUMA ELEMENTARY SCHOOL DISTRICT #1	450 W 6TH ST	YUMA AZ
YUMA UNION HIGH SCHOOL DIST # 70	3150 S AVENUE A	YUMA AZ

**ATTACHMENT H  
NEIGHBOR MAILING**

This is a request by Brittani Lee, on behalf of T3AZ LLC, for a Variance to reduce the minimum lot width from 50' to 49' for a new parcel in the Low Density Residential/Infill Overlay (R-1-6/IO) District for the property located at 381 S. 7th Avenue, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
VAR-41966-2023**

**NEIGHBORHOOD MEETING**  
11/21/2023 @ 5:00PM  
ON-SITE

**PUBLIC HEARING**  
12/14/2023 @ 9:30AM  
City of Yuma Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 383 S. 7th Avenue, Yuma, AZ., you are invited to attend the neighborhood meeting and public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Amelia Dombay by phone at (928)373-5000 ext. 3034 or by email at [Amelia.Dombay@YumaAz.gov](mailto:Amelia.Dombay@YumaAz.gov)



ATTACHMENT I  
AERIAL PHOTO

