



**YUMA COUNTY BOARD OF ADJUSTMENT MEETING
PUBLIC NOTICE & AGENDA**

DATE: January 16, 2018
TIME: 1:00 P.M.
PLACE: Aldrich Auditorium, 2351 West 26th Street, Yuma, Arizona

MEMBERS: Joe Harper, Chairman, Dist. 4
Neil Tucker, Vice-Chairman, Dist. 3
Eric Saltzer, Dist. 1
Rosalie Lines, Dist. 2
Tim Eisenmann, Dist. 5

STAFF: Maggie Castro, AICP, Planning Director
Javier Barraza, Senior Planner
Juan Leal-Rubio, Senior Planner
Fernando Villegas, Senior Planner
Susan Elton, Administrative Assistant.

ADVISORS: Ed Feheley, Deputy County Attorney
Diana Gomez, Director, Yuma County Public Health Services District

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of the Board of Adjustment meeting minutes from November 14, 2017.**
4. **Approval of the 2018 Regular Meeting Schedule for the Board of Adjustment.**
5. **Elect a Chairman for the Yuma County Board of Adjustment for Calendar Year 2018.**
6. **Elect a Vice Chairman for the Yuma County Board of Adjustment for Calendar Year 2018.**
7. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**
8. **Adjourn.**

Note: For further information about this public hearing/meeting, please contact Maggie Castro, AICP, Planning Director, phone number (928) 817-5173; or e-mail contactdds@yumacountyaz.gov or TDD/TTY (Arizona Relay Service): call in 1-800-367-8939, call back 1-800-842-4681. Individuals with special accessibility needs should contact the individual indicated above before the hearing/meeting with special need requirements.

Note: The Board may vote to hold an Executive Session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda, pursuant to A.R.S. §38-431(A)(3).

Yuma County Board of Adjustment

Item No. 3

The Yuma County Board of Adjustment met in a regular session on November 14, 2017. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:03 p.m., Chairman Joe Harper convened the Board of Adjustment meeting. Board Members present: Joe Harper, Tim Eisenmann, Eric Saltzer and Neil Tucker. Others present: Planning Director Maggie Castro, AICP; Edward Feheley, Deputy County Attorney; Senior Planner Juan Leal Rubio; and Administrative Assistant Susan Elton.

PLEDGE OF ALLEGIANCE: Chairman led the Pledge of Allegiance.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of September 19, 2017.

MOTION (EISENMANN/TUCKER): Approve as presented.

VOICE VOTE: The motion carried 4-0.

ITEM No. 4: Variance Case No. 17-11: Paula & Isaac Rivadeniera request a variance from the Yuma County Zoning Ordinance, Section 1108.03 (B)(2)(a)-Fences, Walls and Hedges, to allow a height of six feet for a fence along the north side lot line of the front yard on a parcel approximately 1.28 acres in size zoned Low Density Residential-40,000 square feet minimum (R-1-40), Assessor's Parcel Number 693-34-026 located at 11262 South Holland Avenue, Yuma, Arizona.

Senior Planner Juan Leal-Rubio presented the staff report recommending denial of Variance Case No. 17-11 based on:

1. Granting this variance appears to confer a special privilege not enjoyed by others in the zoning district.
2. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance.
3. Staff finds the condition is self-imposed.

If the Board of Adjustment approves this Variance, staff suggests attaching the following conditions:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. The approval of this variance is based on the site plan submitted by the applicant. Any change from the site plan will require approval of a new variance by the Board of Adjustment.

Tim Eisenmann asked how long the fence has been in its present location.

Joe Harper asked if this case had already gone to the Board of Supervisors. Juan Leal-Rubio clarified that the Board of Supervisors case was for a Special Use Permit for a kennel. This Variance case is for the fence only. Mr. Harper asked how high the fence is allowed to be. Juan Leal-Rubio said three feet is the maximum height limit in the front yard per the Yuma County Zoning Ordinance.

Eric Saltzer asked if this Variance request was only for the 20 foot section on the north. Juan Leal-Rubio responded yes, that was correct.

Chairman Harper opened the public hearing.

Applicant, Paula Rivadeniera, 11262 South Holland Avenue, Yuma, Arizona. Ms. Rivadeniera stated that the fence has been up for two years due to the neighbors request to keep her cats on her property. She mentioned there are disputes with the neighbors. Her direct neighbor has cameras on his roof facing their property and she would feel safer with a fence of six feet so they cannot look onto her property. Ms. Rivadeniera also stated that the horses were moved off of the property on October 1, 2017.

Alexis Liggett, 3163 West Patricia Lane, Yuma Arizona. Ms. Liggett is the daughter of neighbor Mr. Soto and is opposed to the Variance. She spoke about a harassment case that her father filed against the applicant and mentioned that a sheriff in the neighborhood feared for his safety. She did not agree that the fence would restrain cats from roaming the neighborhood. She said her belief was that the current six foot fence was constructed because of the horses and that there are corrals and shade structures in the back of the yard for the horses. She mentioned additional letters of opposition from other neighbors. Ms. Liggett believed that the Board of Adjustment was not allowed to grant a variance if the situation was self-imposed. She mentioned that she heard the applicants are house hunting and hopes that any new owners of the property will not be led to believe that horses are allowed on the property.

Carol Engler, 1455 West 16th Street, Yuma Arizona. Ms. Engler stated she is a realtor assisting the applicant with locating another property and suggested the fence be left up until the applicant relocates.

Chairman Joe Harper closed public meeting.

MOTION (TUCKER/SALTZER): Deny Variance Case No. 17-11 based on staff recommendations.

ROLL CALL VOTE: Eisenmann – AYE; Tucker – AYE; Harper - AYE; Saltzer – AYE.
The motion carried 4-0.

ITEM No. 5: Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.

There being no further business to come before the Board, the Chairman adjourned the meeting at 1:23 p.m.

Approved and accepted on this 16th day of January 2018.

Joe Harper, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

Yuma County Board of Adjustment

Item No. 4

AIR-8018

4.

BOA Agenda

Meeting Date: 01/16/2018

Submitted For: Maggie Castro

Submitted By: Susan
Elton

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Approval of the 2018 Regular Meeting Schedule for the Board of Adjustment.

2. INTENT:

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Attachments

Draft BOA 2018 Regular Meeting Schedule



YUMA COUNTY
BOARD OF ADJUSTMENT
2018 Regular Meeting Schedule

Tuesday, January 16, 2018	Tuesday, July 17, 2018
Tuesday, February 20, 2018	Tuesday, August 21, 2018
Tuesday, March 20, 2018	Tuesday, September 18, 2018
Tuesday, April 17, 2018	Tuesday, October 16, 2018
Tuesday, May 15, 2018	Tuesday, November 20, 2018
Tuesday, June 19, 2018	Tuesday, December 18, 2018

All Yuma County Board of Adjustment meetings start at 1:00 p.m.

Meetings are held at the Yuma County Department of Development Services, Aldrich Auditorium, 2351 West 26th Street (West entrance), Yuma, Arizona.

Additional special meetings and/or work sessions may be scheduled throughout the calendar year. Changes to meeting location shall be advertised in accordance with State law. For further information, contact Department of Development Services, Planning & Zoning Division at (928) 817-5000.

Yuma County Board of Adjustment

Item No. 5

AIR-8047

5.

BOA Agenda

Meeting Date: 01/16/2018

Submitted For: Maggie Castro

Submitted By: Susan
Elton

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Elect a Chairman for the Yuma County Board of Adjustment for Calendar Year 2018.

2. INTENT:

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Attachments

No file(s) attached.

Yuma County Board of Adjustment

Item No. 6

AIR-8048

6.

BOA Agenda

Meeting Date: 01/16/2018

Submitted For: Maggie Castro

Submitted By: Susan
Elton

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Elect a Vice Chairman for the Yuma County Board of Adjustment for Calendar Year 2018.

2. INTENT:

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Attachments

No file(s) attached.
