



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

DATE: July 16, 2013

TIME: 1:00 P.M.

PLACE: Aldrich Auditorium, 2351 West 26th Street, Yuma, Arizona

MEMBERS: Charles Saltzer, Chairman, Dist. 2
Joe Harper , Vice-Chairman, Dist. 4
Michael Abraham, Dist. 1
Neil Tucker, Dist. 3
Tim Eisenmann, Dist. 5

STAFF: Paul Melcher, Planning Director
Maggie Castro, Planning Section Manager
Cheri Skinner, Planner I
Karen Hemby, Planner I
Malinda Mitchell, Office Specialist III

ADVISORS: Diana Gomez, Director, County Health District

- 1. Call to Order and Roll Call.**
- 2. Pledge of Allegiance.**
- 3. Approval of the Board of Adjustment meeting minutes from May 21, 2013**
- 4. VAR 13-06:** Yuma County requests a variance from the Yuma County Zoning Ordinance, Section 706.04-Noise Zones, to allow the construction of site built homes within the 65 decibel noise zone on lots 26-34 in the Heritage Park Subdivision zoned Suburban Site-Built-2acre minimum, Assessor's Parcel Numbers 724-20-026 through-034, located within the vicinity of Avenue 5E on the north side of County 13th Street, Yuma, Arizona; located in the 65dB noise zone.

5. Adjourn.

Note: For further information about this public hearing/meeting, please contact Maggie Castro, Planning Section Manager, 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
Department of Development Services
2351 West 26th Street
Yuma, Arizona

MEETING MINUTES
Tuesday, May 21st, 2013

- 1. Call to Order and Roll Call.** Vice Chairman Harper called the meeting to order at 1:00 p.m. Members present were Michael Abraham, Joe Harper and Neil Tucker. Christina Herrera and Charles Saltzer were absent.
- 2. Pledge of Allegiance:** Michael Abraham led the Pledge of Allegiance.
- 3. Approval of the Board of Adjustment meeting minutes from February 26, 2013.**

Mr. Abraham made a motion to approve the minutes from the February 26, 2013 Board of Adjustment meeting. Mr. Tucker seconded the motion. The motion carried 3-0.

- 4. Variance Case No. 13-03:** Karen Hemby, Planner I, gave the staff report recommending denial of Variance Case No. 13-03.

Vice Chairman Harper opened the public hearing.

John Newman, 13201 E. 54th Street, Yuma, spoke in favor of the variance. Vice Chairman Harper reviewed the original permit that had been issued for the existing structure. Mr. Newman explained when original structure was built the intent was to eventually convert the structure to living quarters. Paul Melcher, Planning Director, discussed the setbacks in regard to the zoning ordinance. Ms. Maggie Castro clarified the differences in setback requirements for different types of structures.

Vice Chairman Harper closed the public hearing.

Mr. Abraham made a motion to deny variance case 13-03. Mr. Tucker seconded the motion. The motion passed 3-0

5. Adjourn. The meeting adjourned at 1:15

These minutes were approved and accepted on this 16th day of July, 2013.

Witness:
Charles Saltzer
Chairman

Attest:
Paul Melcher
Planning Director

DRAFT

AIR-5160

4.

BOA Agenda

Meeting Date: 07/15/2013

Submitted For: Maggie Castro **Submitted By:** Cheri Skinner

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Yuma County requests a variance from the Yuma County Zoning Ordinance, Section 706.04-Noise Zones, to allow the construction of site built homes within the 65 decibel noise zone on lots 26-34 in the Heritage Park Subdivision zoned Suburban Site-Built-2acre minimum, Assessor's Parcel Numbers 724-20-026 through-034, located within the vicinity of Avenue 5E on the north side of County 13th Street, Yuma, Arizona; located in the 65dB noise zone.

2. INTENT:

To allow the construction of single family homes in the 65dB noise zone.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of the request as presented.

Attachments

Staff report

GIS Map
Site Plan

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
July 16, 2013
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 13-06
OWNER: Heritage Park Subdivision
CASE PLANNER: Cheri Skinner, Planner I
DATE PREPARED: June 27, 2013

DESCRIPTION OF REQUEST: Yuma County Department of Development Services requests a variance from the Yuma County Zoning Ordinance, Section 706.04- Noise Zones, to allow the construction of site built homes within the 65 decibel noise zone on lots 26-34 zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Numbers 724-20-026 through -034, located in the Heritage Park Subdivision at the northwest corner of Avenue 5E and County 12¾ Street, Yuma, Arizona.

The applicant's reason for requesting this variance:

To allow the construction of single family homes within the 65dB noise zone.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The construction of site built homes within the 65dB noise zone.

BACKGROUND

Heritage Park Subdivision was recorded February 22, 2007, and is zoned Suburban Site Built-2 acre minimum (SSB-2). The subdivision consists of 39 lots, nine of which are partially or entirely within the 65 dB noise contour. Yuma County is requesting a variance for lots 26 through 34 to allow future construction of site built homes within the 65 dB noise zone.

The Airport District of the Yuma County Zoning Ordinance states that single family residential

development that is the subject of zoning approved on or before December 31, 2000 that permits one dwelling per acre or less is allowed. The parent parcel was rezoned after December 4, 2004; therefore, a variance is required before building permits will be issued.

The subject parent parcel was rezoned to SSB-2 with Rezoning Case No. 04-23. One of the Performance Conditions of the rezoning case stated that the final determination of compliance requires a hearing by the Airport Board of Adjustment through a variance process prior to the issuance of any building permits or the use being established for parcels located within the 65dB noise zone or higher.

Performance condition of Rezoning Case No. 04-23:

5. An informational disclosure statement shall be signed and recorded within 60 days of approval by the Board of Supervisors acknowledging that it is understood by the applicant that he or she is subject to any and all federal, state and local laws, ordinances and regulations, including, but not limited to Notes for the Record A, B, C, D & E. (*refer to Summary Notes section*)

Note for the Record - D: (If the action involves a parcel in the noise zone) Land uses in any zoning district in the 65dB or higher noise zone or in the accident potential zones are subject to compliance with the Yuma County Airport District Land Use Matrix in accordance with ARS§28-8481 AND ARS§28-8482, in order to ensure that the purpose of military airport compatibility is preserved. Land uses within a noise zone or accident potential zone are subject to the Land Use Standards and Development Criteria as shown in the Yuma County Airport District Land Use Matrix, a copy of which may be obtained from the Department of Development Services.

Note for the Record - E: (Uses subject to the Yuma County Airport District Land Use Matrix) In accordance with ARS§28-8481 and ARS§28-8482, land uses must ensure that the purpose of military airport compatibility is preserved. If a land use is not listed in the Yuma County Land Use Matrix, it is presumed to be incompatible in any zoning district in the 65dB or higher noise zone or in the accident potential zones and a variance shall be required. The Yuma County Airport Board of Adjustment may review an individual use to determine if it is compatible and consistent with the high noise or accident potential of the military airport. The final determination of compliance requires a hearing by the Airport Board of Adjustment through a variance process prior to the issuance of any building permits or the use being established.

Arizona Revised Statutes § 28-8481 requires that Yuma County and Marine Corps Air Station (MCAS) mutually agree that the proposed use is compatible and consistent with the high noise and accident potential zones of the military airport.

STAFF ANALYSIS

Section 710.03 of the Zoning Ordinance:

- A. *A person who wants to erect or increase the height of a structure, permit the growth of a tree or otherwise use the person's property in violation of an airport zoning regulation adopted under this*

article may apply to the Airport Board of Adjustment for a Variance from the airport zoning regulation in question.

The Airport District does not allow residential development other than single family residential development that was the subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less and single family residential development that is the primary residence for persons engaging in agricultural use. Although the SSB-2 zoning falls within the established residential density requirements of no more than one dwelling unit per acre, the zoning was approved after December 31, 2000. The SSB-2 zoning for this parcel became effective February 2, 2005; therefore, a variance is required before any permits are granted for the construction of residential uses.

B. A variance shall be allowed if a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, would do substantial justice and would be in accordance with the spirit of the regulation and this article.

Staff finds approval of this variance would not be contrary to the public interest. The purpose of the Airport District is the encouragement of compatible land uses in the vicinity of airports and the promotion of the general public health, safety and welfare of airport users. Several lots within the subdivision have been developed, and the future construction of other homes will be in character with the neighborhood. Denial of this variance would deprive the subject properties of a privilege enjoyed by other property owners within the subdivision and surrounding neighborhood.

For future rezoning requests where a part or all of the development lies within the 65 dB noise zone, staff will require that a developer secure the required variance from the Airport Board of Adjustment prior to the zoning vesting. A request will not always warrant an approval from the Board of Adjustment as each individual case must be considered on its own merits. In this case, the Schedule for Development created the conflict as described herein, In this instance, asking the developer or individual property owners to apply for a variance after the development of the subdivision has occurred creates both financial and time hardships. As a result, Yuma County has agreed to be the applicant for this variance request that will encompass all of the lots.

The Comprehensive Plan allows a density of one dwelling unit per two acres. Approval of this variance is in compliance with the range of identified uses, densities and intensities of the Yuma County 2020 Comprehensive Plan.

C. A variance may be allowed subject to any reasonable conditions the Airport Board of Adjustment deems necessary to fulfill the purposes of this article.

Staff is recommending that if approved, this variance include the attached conditions as a means of addressing any concerns on public health, safety, and welfare.

ADDITIONAL COMMENTS:

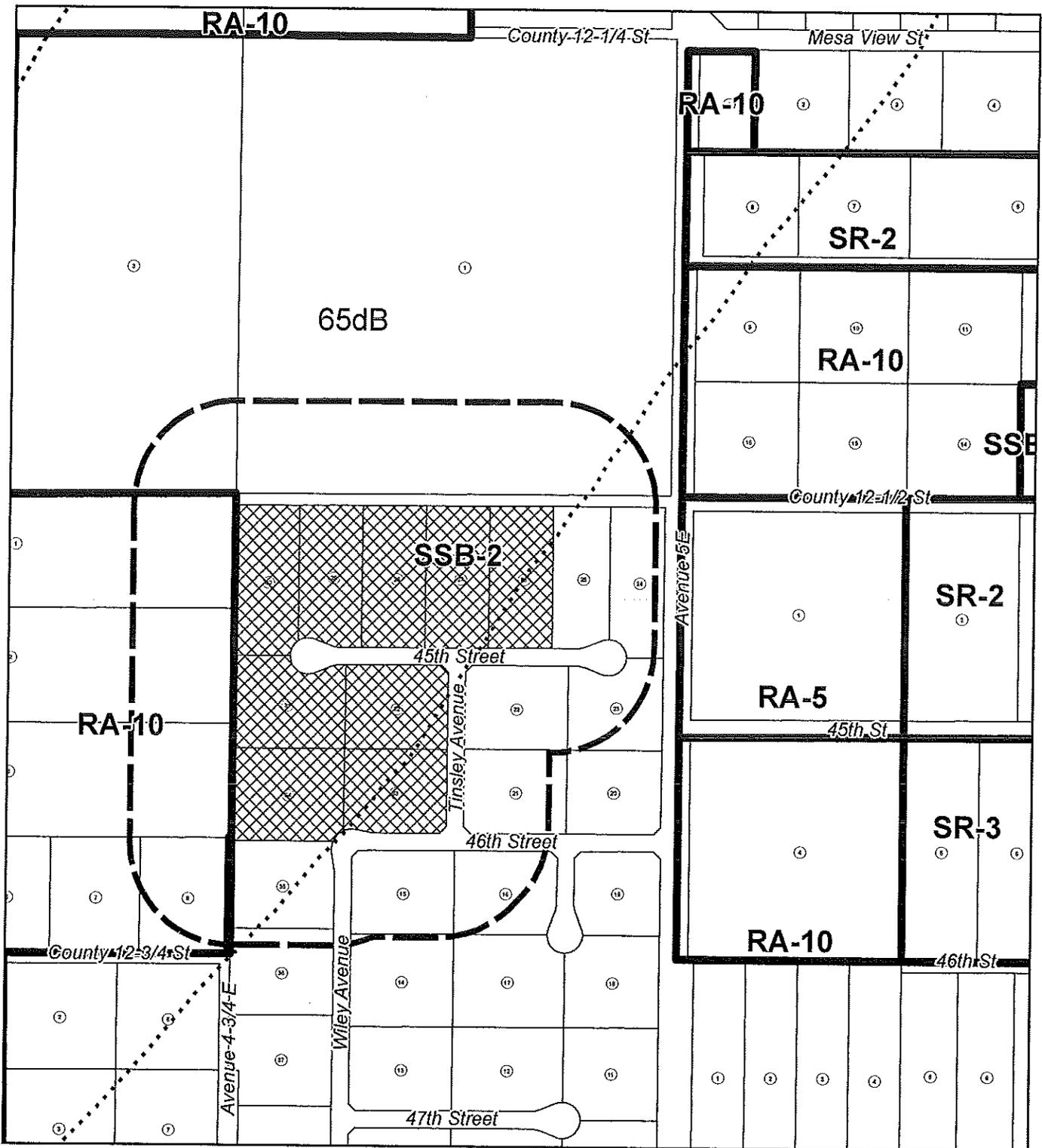
MCAS Comments: This property is located within the 65-70 dB DNL noise contour. Two acre suburban site built homes were approved to be placed on the property when it was rezoned. It is required that noise level reduction standards be incorporated in the structures. An aviation disclosure statement is also required that recognizes the noise, interference, and vibrations that are generated due to aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. (Disclosure Statements have already been recorded.)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Variance Case No. 13-06 to allow the construction of site built homes within the 65 dB noise zone based on:

1. Granting this request would not be contrary to the public interest.
2. Granting this request would be in accordance with the spirit of the regulations and the Airport District.
3. This request is in compliance with the 2020 Comprehensive Plan because site-built residential uses on parcels of two acres or more are allowed within the 65 dB noise zone.

Findings: The Yuma County Board of Adjustment hereby makes a specific finding that the purpose of military airport compatibility is preserved in accordance with A.R.S. §28-8481C.



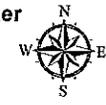

DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING & ZONING DIVISION
 2351 W. 26TH STREET
 YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V13-06
LOCATION: Heritage Park Sub. Lots 26-34
APN: Avenue 5E and E. County 12 3/4 St. 724-20-026 -034

CASE PLANNER :Cheri Skinner
DATE DRAWN:06-07-13
REVIEWD BY: X, XXXX

SCALE: 1" = 400'



-  AUX-2 NOISE ZONES
-  300' BUFFER
-  SUBJECT PROPERTY
-  ZONING
-  MUNICIPALITY

FINAL PLAT HERITAGE PARK

A SUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 9 SOUTH,
RANGE 22 WEST, CLIA & SALT RIVER BASE & MERIDIAN, YUMA COUNTY, ARIZONA
ACREAGE: 69.34 ACRES LOTS: 30 DATE: JANUARY 2007

MAP NOTES

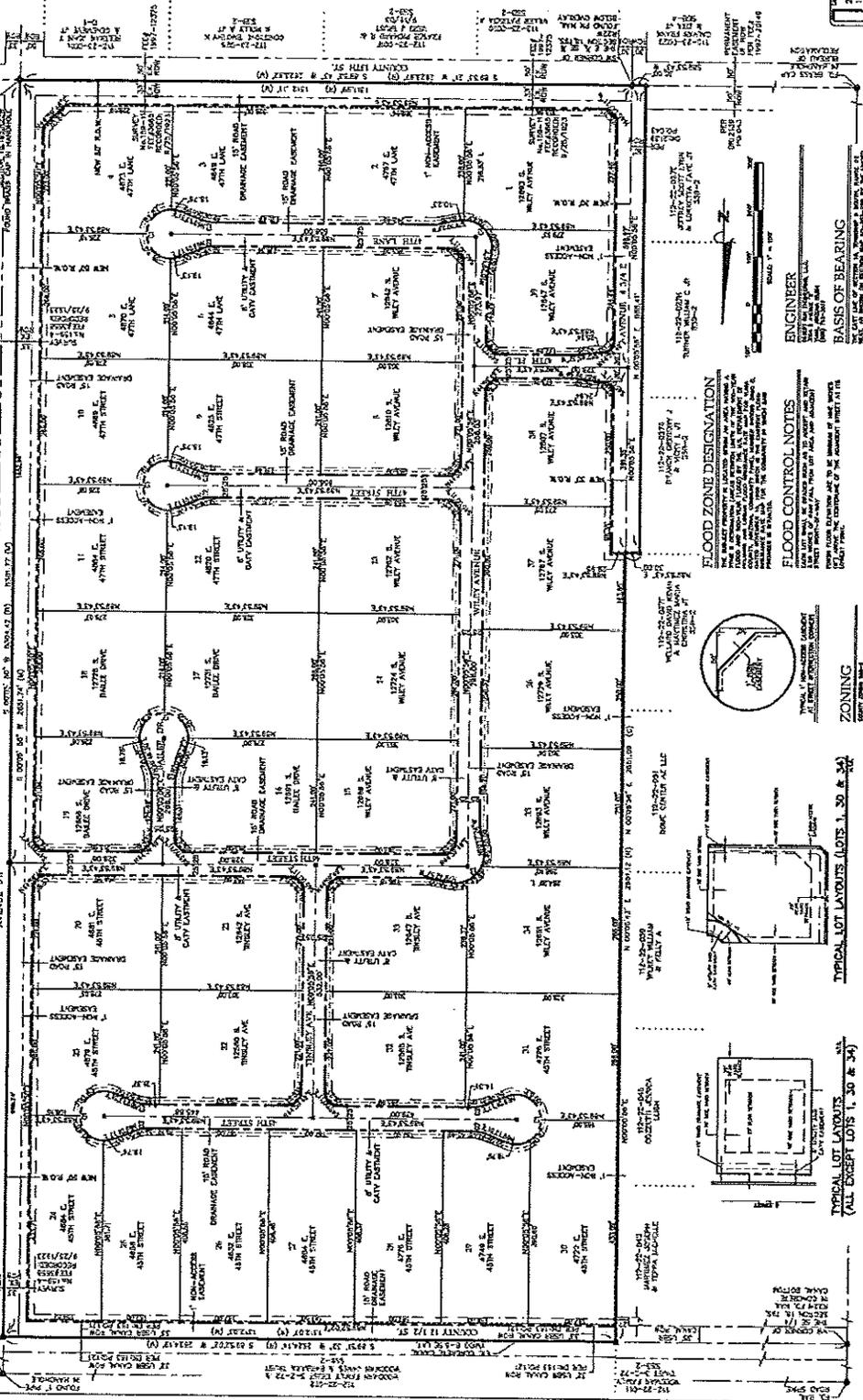
1. ALL LOTS ARE TO BE CONVEYED TO THE BUYER BY DEED.
2. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND RECORDING THE SAME.
4. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE APPLICABLE AGENCIES.
5. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE APPLICABLE AGENCIES.
6. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE APPLICABLE AGENCIES.
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9. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE APPLICABLE AGENCIES.
10. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDS FROM THE APPLICABLE AGENCIES.

RETENTION CALCULATIONS

LOT	AREA (SQ FT)	PERCENTAGE	RETENTION	RETENTION	RETENTION
1	1,234	1.78	1.78	1.78	1.78
2	1,234	1.78	1.78	1.78	1.78
3	1,234	1.78	1.78	1.78	1.78
4	1,234	1.78	1.78	1.78	1.78
5	1,234	1.78	1.78	1.78	1.78
6	1,234	1.78	1.78	1.78	1.78
7	1,234	1.78	1.78	1.78	1.78
8	1,234	1.78	1.78	1.78	1.78
9	1,234	1.78	1.78	1.78	1.78
10	1,234	1.78	1.78	1.78	1.78
11	1,234	1.78	1.78	1.78	1.78
12	1,234	1.78	1.78	1.78	1.78
13	1,234	1.78	1.78	1.78	1.78
14	1,234	1.78	1.78	1.78	1.78
15	1,234	1.78	1.78	1.78	1.78
16	1,234	1.78	1.78	1.78	1.78
17	1,234	1.78	1.78	1.78	1.78
18	1,234	1.78	1.78	1.78	1.78
19	1,234	1.78	1.78	1.78	1.78
20	1,234	1.78	1.78	1.78	1.78
21	1,234	1.78	1.78	1.78	1.78
22	1,234	1.78	1.78	1.78	1.78
23	1,234	1.78	1.78	1.78	1.78
24	1,234	1.78	1.78	1.78	1.78
25	1,234	1.78	1.78	1.78	1.78
26	1,234	1.78	1.78	1.78	1.78
27	1,234	1.78	1.78	1.78	1.78
28	1,234	1.78	1.78	1.78	1.78
29	1,234	1.78	1.78	1.78	1.78
30	1,234	1.78	1.78	1.78	1.78

CURVE DATA

STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE	PI	PC	PT
1	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
2	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
3	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
4	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
5	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
6	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
7	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
8	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
9	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
10	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
11	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
12	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
13	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
14	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
15	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
16	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
17	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
18	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
19	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
20	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
21	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
22	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
23	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
24	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
25	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
26	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
27	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
28	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
29	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00
30	N 00° 00' 00" E	100.00	0° 00' 00"	100.00	100.00	100.00	100.00



FLOOD ZONE DESIGNATION

THE FLOOD ZONE DESIGNATION IS BASED ON THE FLOOD ZONE MAP OF THE COUNTY OF YUMA, ARIZONA, AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE FLOOD ZONE DESIGNATION IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE FLOOD ZONE DESIGNATION IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

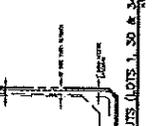
FLOOD CONTROL NOTES

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TYPICAL LOT LAYOUTS (LOTS 1, 30 & 34)



TYPICAL LOT LAYOUTS (ALL EXCEPT LOTS 1, 30 & 34)



ZONING

THE ZONING IS BASED ON THE ZONING MAP OF THE COUNTY OF YUMA, ARIZONA, AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ZONING IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ZONING IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

ENGINEER

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BASIS OF BEARING

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