



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

DATE: February 25, 2014

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
Ron Rice, Dist. 1
Neil Tucker, Dist. 3
Tim Eisenmann, Dist. 5**

**STAFF: Monty M. Stansbury, AICP, Planning Director
Maggie Castro, Planning Section Manager
Cheri Skinner, Associate Planner
Karen Hemby, Associate Planner
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 January 28, 2014.**
- 4. Variance Case No. 14-01:** Jeff and Julie Caster request a variance from the Yuma County Zoning Ordinance, Section 1101.00 (1)-Nonconforming Lots, to allow a side yard setback of five feet on a parcel 33,976 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 459-51-007, located at 10520 Martinez Lake Road, Yuma, Arizona.
- 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).

AIR-5545

BOA Agenda

Meeting Date: 02/25/2014

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

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 14-01: Jeff and Julie Caster request a variance from the Yuma County Zoning Ordinance, Section 1101.00 (1)-Nonconforming Lots, to allow a side yard setback of five feet on a parcel 33,976 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 459-51-007, located at 10520 Martinez Lake Road, Yuma, Arizona.

2. INTENT:

To allow a reduction of the side yard to five (5) feet.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of this request.

Attachments

Staff Report

GIS Map
Site Plan

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
February 25, 2014
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 14-01
OWNER: Jeff and Julie Caster
CASE PLANNER: Cheri Skinner, Associate Planner
DATE PREPARED: February 7, 2014

DESCRIPTION OF REQUEST: Jeff and Julie Caster request a variance from the Yuma County Zoning Ordinance, Section 1101.00 (1)-Nonconforming Lots, to allow a side yard setback of five feet on a parcel 33,976 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 459-51-007, located at 10520 Martinez Lake Road, Yuma, Arizona.

The applicant's reason(s) for requesting this variance:
To allow the reduction of the required side yard setback to 5 feet.

APPROVAL OF THIS REQUEST WOULD ALLOW:
The reduction of the side yard setback to five feet for the purpose of constructing an accessory building.

BACKGROUND

Applicant has submitted fees for a second attempt to obtain this variance after a split vote on January 28, 2014 with a 2/2 decision resulting in a denial.

The Rural Area-20 acre minimum zoning district requires a front yard setback of 50 feet, a rear yard setback of 34 feet, and a side yard setback of 50 feet. Section 1101.00 (1) of the Zoning Ordinance states each side yard setback on lots of non-conforming width may be reduced to ten percent (10%) of the width of the lot, but in no case shall the side yard be less than five (5) feet on each side. The width of the subject

parcel is approximately 130 feet at its widest point, this would allow a side yard setback of 13 feet without a variance. The subject parcel has an existing dwelling that was built in 1963. The intent is to construct an accessory building with 2,140 square feet of storage space and 507 square feet of living area. The reduction of the side yard setback to five feet would allow the owners to maintain 13 feet to the existing leach field and also maintain a 25 foot driveway between the accessory structure and a cactus that is located in the front yard area. The purpose of a side yard setback is to create a space between structures and provide access for emergency vehicles and/or personnel in the event of a fire or emergency. Because there will be no construction within the private easement, this access will be preserved.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variiances under section 403.02 shall be granted only when, because of peculiar conditions applicable to the property, the strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district.*

Staff finds peculiar conditions applicable to the property exist. The subject property's square footage and unique shape limits the ability to construct an accessory building within the building envelope required by the RA-20 district. Additionally, the septic and leach field location impose restrictions on the development of the lot as well. The owner has obtained a Flood Permit to address the drainage and water retention issues related to this parcel. If this variance request is denied, the owner may have to make changes to the approved drainage plan to accommodate the setback and further restricting construction.

- B. *Variiances are available only in cases where there is a hardship arising from conditions or circumstances unique to the development of a particular piece of land, not from personal considerations, personal convenience or financial hardships.*

Staff finds the small square footage and the unusual shape of the subject parcel creates a hardship for development. The subject parcel is 33,976 square feet in size. The RA-20 district requires a minimum parcel size of 20 acres. If the subject parcel were located within a zoning district that was more appropriate for the size of the lot, (i.e. Residential Low Density-20,000 square feet minimum, R-1-20), the side yard setback requirement would be seven feet for a dwelling and three feet for an accessory building.

- C. *Any motion to grant a variance by the Board of Adjustment shall include specific peculiar conditions applicable to the property, which exist to cause granting of a variance.*

Staff finds the specific peculiar conditions applicable to the subject property is the location of the existing dwelling, existing septic and leach field, cactus, and the irregular shape and size of the parcel. Granting this request would allow the homeowner to construct the accessory structure while maintaining

a 13 foot setback to the existing leach field and preserving an area for a driveway to and from the home without having to remove or relocate the cactus or encroach into the septic and leach line setback. The reduction of the setback would allow the owner to continue with the current drainage and water retention plan. The 20 foot private easement is located on the west side of the property were the request is being made for the reduction of the setback. This easement will establish additional separation between structures and needed access for residents and emergency vehicles and/or personnel if required.

D. A variance shall not be granted which will have an adverse effect on public health, safety and welfare.

Staff finds approval of this variance will not have an adverse effect on public health, safety and welfare. The proposed side yard setback of five feet will not encroach into the 20 foot private easement. The 20 foot private easement will establish additional separation between structures and needed access for emergency vehicles and/or personnel if required.

E. A variance shall not be granted if, in granting the variances a special privilege not commonly enjoyed by others in the zoning district will be conferred, or have a negative impact on the neighborhood.

Granting this variance to reduce the required minimum side yard setback will not confer a special privilege not commonly enjoyed by other property owners or negatively impact the neighborhood. Many of the surrounding lots in the Martinez Lake area have approved variances for setbacks and lot coverage due to the unusual shape, size, or other unique conditions attributable to the lots.

F. The Board of Adjustment may require appropriate conditions or safeguards on any granted variances so that public health, safety and welfare are not compromised.

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

G. Variances shall not be granted if the condition is self-imposed or if a reasonable use of the land can be made in an alternative development scheme without the variance.

Although an alternative development scheme may be to reduce the size of the proposed structure and/or remove or relocate the cactus, the reduced structure may not be large enough to store a boat and recreational vehicle as intended by the owner. If the building is constructed with the 13 foot side yard setback requirement, the proposed structure will be approximately 8 feet to the leach line where a 10 setback is required. Additionally, an alternative scheme may require a new drainage and water retention plan to redirect water flow to the west side of the subject parcel rather than the east side as it is approved.

H. The fact that there are non-conforming uses of neighborhood lands, structures or buildings, in the same zoning district shall not be considered grounds for issuance of a variance.

Staff's recommendation is not based on non-conforming use of neighborhood lands, structures or buildings in the same zoning district.

ADDITIONAL COMMENTS:

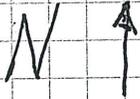
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 14-01 to allow a side yard setback of five feet.

1. Staff finds approval of this request will not have an adverse effect on public health, safety and welfare.
2. A hardship does exist from circumstances unique to the development of this property because of the parcel's small size, shape and existing structures and the location of the cactus.
3. The condition is not self-imposed, as the parcel is a nonconforming parcel in terms of minimum parcel size and width.

If the Board of Adjustment approves this variance, staff suggests attaching the following condition:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.



10520 MARTINEZ LAKE Rd.
MARTINEZ LAKE, AZ 85365

A.P. # 459-51-007

ZONE: RA-20

Lot: 64

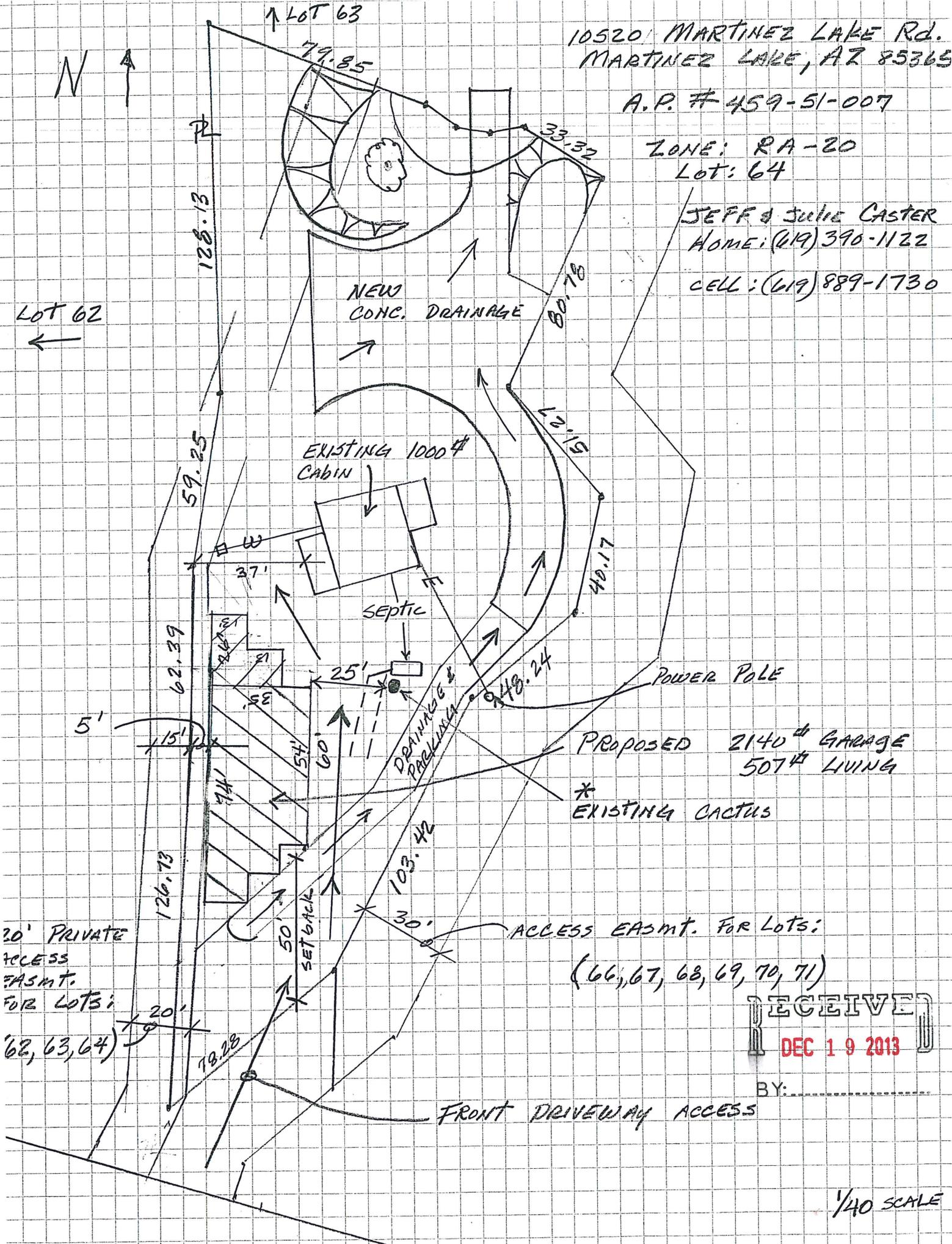
JEFF & JULIE CASTER

HOME: (619) 390-1122

CELL: (619) 889-1730

LOT 62
←

↑ LOT 63



EXISTING 1000[#] CABIN

SEPTIC

POWER POLE

PROPOSED 2140[#] GARAGE
507[#] LIVING

* EXISTING CACTUS

DRAINAGE & PARKING

ACCESS EASMT. FOR LOTS:

(66, 67, 68, 69, 70, 71)

20' PRIVATE ACCESS EASMT. FOR LOTS: (62, 63, 64)

RECEIVED
DEC 19 2013

BY:

FRONT DRIVEWAY ACCESS

1/40 SCALE