



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

DATE: November 17, 2015
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: Maggie Castro, Planning Director
Marilu Garcia, Associate Planner
Kristen Davalos, Office Specialist II

ADVISORS: Diana Gomez, Director, County Health Director
Ed Fehely, Deputy County Attorney

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of the Board of Adjustment meeting minutes from October 20, 2015.**
4. **Variance Case No. 15-03:** Allan and Mary Felton request a variance from the Yuma County Zoning Ordinance, Section 609.05 - Minimum Lot Width and Principal Buildings Setback Requirements, to allow a rear yard setback of six feet and six inches and a side yard setback of six feet and six inches on a parcel 7,040 square feet in size zoned Recreational Vehicle Subdivision, Assessor's Parcel Number 728-54-098, located at 13347 East 52nd Drive, Yuma, Arizona.
5. **Variance Case No. 15-14:** Harvey R. Campbell, agent for Gerald Lee Thomas, requests a variance from the Yuma County Zoning Ordinance, Section 801.01 - Permitted Districts for Off-Site Signs, to allow the placement of one sign located a distance of approximately 350 feet and 540 feet from two existing signs where 800 feet is required and another sign located a distance of approximately 375 feet from an existing sign where 600 feet is required on a parcel 29.87 acres in size zoned Light Industrial and General Commercial, Assessor's Parcel Number 197-06-002, located south of County 10th Street, approximately 1,000 feet east of Avenue 4E and adjacent to Interstate 8, Yuma, Arizona.
6. **Variance Case No. 15-15:** Christopher Morris of Calculated Designs, agent for Tyrone and Kathryn Northcutt, requests a variance from the Yuma County Zoning Ordinance, Section 601.05-Minimum Lot Width and Principal Buildings Setback Requirements, to allow a side yard setback of zero feet on a parcel 18,295 square feet in size zoned Rural Area-20 acre minimum, Assessor's Parcel Number 459-51-012, located at 10538 Martinez Lake Road, Yuma, Arizona.
7. 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

November 17, 2015

Item No. 3



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2351 West 26th Street, Yuma, Arizona 85364
Phone: (928) 817-5000
Fax: (928) 817-5020

**YUMA COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES**

DATE: Tuesday, October 20, 2015

PLACE: Aldrich Auditorium, 2351 West 26th St., Yuma, AZ

1. Call to Order the Regular Session of the Yuma County Board of Adjustment and roll call to verify quorum.

Chairman Saltzer convened the Board of Adjustment meeting to order at 1:07 p.m. Members present were Chairman Charles Saltzer, Neil Tucker and Tim Eisenmann. Vice-Chairman Joe Harper and Ron Rice were absent.

Others Present: Planning Director Maggie Castro, Associate Planner Marilu Garcia, Deputy County Attorney Ed Feheley and Office Specialist II Kristen Davalos.

2. Pledge of Allegiance.

Chairman Saltzer led the Pledge of Allegiance.

3. Approval of Board of Adjustment regular meeting minutes of July 21, 2015.

Tim Eisenmann made a motion recommending approval of the Board of Adjustment regular meeting minutes of August 18, 2015. Neil Tucker seconded the motion. The motion carried 3-0.

4. Variance Case No. 15-12: Garrett Bair, agent for George and Florence Mezei, requests a variance from the Yuma County Zoning Ordinance, Section 1115.05 (B)—Wireless Communication Facilities Height and Setback Requirements, to allow a reduction of the required side yard setback to six feet on a parcel approximately 9,300 net square feet in size zoned General Commercial (C-2), Assessor's Parcel Number 694-20-005, located at 2868 South Avenue B, Yuma, Arizona.

Marilu Garcia, Associate Planner, presented the staff report recommending denial of Variance Case No. 15-12 based on the following findings:

1. Staff finds approval of this variance may have an adverse effect on public, health, safety, and welfare.
2. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.

3. Staff finds the condition is self-imposed.

If the Board approves this Variance, staff recommends the following conditions:

1. This variance is valid for the time limits outlined in the Section 403.7 of the Zoning Ordinance.
2. All Federal Administration and Federal Communications commission regulations must be complied with including marking, lighting, and notification requirements.
3. 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.

Marilu Garcia stated that staff did not receive any comments or objection to this variance.

Mr. Eisenmann asked staff if the property owner also owns the property to the south. Marilu Garcia responded yes.

Mr. Tucker asked staff what is the likelihood of the 75 foot tower falling and striking another building. Marilu Garcia stated that the distance from another building and the tower is approximately 10 feet. She stated that it has been indicated that towers would fall within a radius of 25 feet, but it is unknown.

Chairman Saltzer opened the public hearing.

Garrett Bair, agent for George and Florence Mezei, 2200 E. Williamsfield Rd. Gilbert, AZ, presented Power Point presentation regarding the purpose of the request. Mr. Bair stated that the main purpose of this request is to provide wireless services, as required by Verizon Wireless' FCC license, to fill a significant "Gap in Service". Mr. Bair discussed the peculiar condition (tree) on the south portion of the site that prevents Verizon from constructing a 60 foot monopole or moving the site further south. Mr. Bair stated that the tree is peculiar because it would block Verizon's signal. He stated that the tower is not able to be placed in the south portion of the site due to the tree blocking the coverage area for cell lines via Verizon Wireless. He discussed the hardship of not being able to meet Verizon's FCC license requirements and the hardship of not being able to provide wireless service to the surrounding areas. Mr. Bair stated that combining two separate parcels is out of the control of Verizon. Mr. Bair stated that he has spent the past two years identifying a feasible property within the Verizon coverage objective. Mr. Bair emphasized that the granting of the variance would not have an adverse effect on public health, safety or welfare.

Mr. Eisenmann asked if the tree will continue to grow. Mr. Bair replied that that is correct and that is another concern. He stated that it will continue to grow and that is why they moved the tower and shifted it north to be higher from than the tree. Mr. Eisenmann commented that if the tree does grow 10 feet higher than it will cover the tower. Mr. Bair stated that he contacted the owner about assisting with trimming the tree. He stated that he doesn't think that the tree will grow as high as 75 feet for some time. Mr. Eisenmann said that the development of the site plan

looks like it would be blocking access to the back of the building and that there would not be any way for emergency vehicles to get to the back of the building. Mr. Bair pointed out that it would be a straight shot in and stated that there is a gate to drive through as well. Mr. Eisenmann explained that the property line is only 6 feet away from the proposed placement of the tower. Mr. Bair explained that Verizon complies with the building codes; if that becomes an issue they would be sure to get the permits. He stated that he is not aware if a truck can get behind the building or not, but that the property to the south is owned by the same individual. Mr. Eisenmann asked the agent what if the property is sold to someone else and they do not allow anyone to go back there. Mr. Bair explained that he thinks it would be part of the sale and that there is typically an easement for access. He further explained that there is a gate there and doesn't see any issues with the property owner providing access in the future. Mr. Eisenmann asked Mr. Bair why the property owner doesn't just combine the two properties into one so there wouldn't be any problems. Mr. Bair explained that he did approach the owner on that and the owner did not want to combine them. He stated that is not in Verizon's control whether the property owner combines the properties or not.

Neil Tucker asked staff what the public safety and wellness concern was that the agent disagrees with. Marilu Garcia explained that the concern was the proximity to the north building and that there is residential usage located to the left of the property.

Chairman Saltzer asked Mr. Bair if it was correct that the tree currently extends over the property line. Mr. Bair replied that it did extend over the property line but that the property owner has told him that it has been trimmed however, he has not seen it. Mr. Bair stated that the height is still on the tree. Chairman Saltzer stated that the tree could be cut back substantially and the tree probably won't grow to be too much taller. Chairman Saltzer said that the information can be provided to the property owner and maybe Verizon can provide some compensation for trimming the tree. Chairman Saltzer asked if they thought about putting in a higher tower at 75 feet. Mr. Bair replied that the intent was to do a 60 foot pole. Mr. Bair spoke to Verizon about the height of the tower and they wanted to keep the height at 60 feet because making the tower higher will not work for the Engineer. Chairman Saltzer also asked if there would be a generator on the site. Mr. Bair answered that there would be one since Verizon has one at every site.

Neil Tucker asked about the 3 boxes on the presentation and if any of the boxes were the generator. Mr. Bair said that the generator is to the east of the radio cabinets.

Chairman Saltzer asked if the placement of the tower will complicate the required parking spaces. Mr. Bair replied that it will not complicate the parking spaces. If the tower were to fall it would fall on the owner's property or structure and that the tower falling over is not a thought and stated that Verizon complies with all the building code regulations. Chairman Saltzer explained that the area is earthquake prone. Chairman Saltzer stated that if there were an earthquake there would be damage to the structure.

Tim Eisenmann made a motion to deny Variance Case No. 15-12. Neil Tucker seconded the motion. The motion carried 2-1, Chairman Salter voting Nay.

- 5. Variance Case No. 15-13:** Juan Mireles, agent for Judy and Gary Gormanson, requests a variance from the Yuma County Zoning Ordinance, Section 609.05 - Minimum Lot Width and Principal Buildings Setback Requirements, to allow a reduction of the required rear yard setback to five feet on a parcel 6,668 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 700-02-055, located at 10296 South Monsoon Avenue, Yuma, Arizona.

Marilu Garcia, Associate Planner, gave the staff report recommending denial of Variance Case No. 15-13 based on:

1. Staff finds there are no peculiar conditions applicable to the property to cause the granting of variance.
2. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
3. Staff finds approval of this variance may have an adverse effect on public health, safety, and welfare.

Staff received four comments with no objections to this Variance.

1. Call, October 15, 2015: Dwain Lish, 10276 South Monsoon Avenue. He stated that the current property owner should not be penalized for this mistake and this request should be granted.
2. E-mail, October 19, 2015: Luke and Lindsey Carter, 10310 South Monsoon Avenue. They wanted to voice their support for their neighbors, Gary and Judy Gormanson in order for them to receive the variance they need. The Gormanson's purchased their property not knowing that the structures were built without proper permits and against variance codes. The Gormanson's moved in, and have been doing great things to improve their property, which helps improve the neighborhood overall. They fully support the Gormansons, and the variance of 5 feet versus the required 10 feet.
3. Letter, October 19, 2015: Hobert & Michele Rinehart, 10287 South Tornado Avenue. We ask that the Board grant this variance. We feel that the building in question is an asset to the neighborhood.
4. Call, October 20, 2015: Patricia Lachance, 10296 South Tornado Avenue. No objection.

If the Board of adjustment approves this Variance, staff recommends the following conditions:

1. This variance is valid for the time limits outlined in the Section 403.7 of the Zoning Ordinance.
2. Permits are required for the existing shed, currently used as an RV Support Structure. All construction shall be verified to be in compliance with the 2012 International Residential Building Code.

Neil Tucker asked what the issue was concerning public health and welfare. Marilu Garcia stated that there is a manufactured home at the rear of the property.

Tim Eisenmann asked staff what was the purpose of the RV support structure is. Ms. Garcia explained that this building gives support to the RV and that they usually have a bathroom facility or plumbing fixtures which is what differentiates it from a storage building.

Neil Tucker stated that he read through the documents and found that the initial permitting structure was used for storage only and that the plumbing was added sometime later.

Chairman Saltzer opened the public hearing.

Garry Gormanson, 10296 South Monsoon Avenue, explained that the RV support building does have plumbing and that the previous owners told him that the structure did have a permit, but was later found out that it did not have a permit. Mr. Gormanson stated that he and his wife want to build a home on the lot and to become residents. He continued that he would like to relocate the storage building (8' X 10' in measurements) to the north. Mr. Gormanson further explained that the existing metal frame structure on the property is a car cover that can be moved as well. Mr. Gormanson wants to be able to obtain proper permits and is willing to do what it takes to bring property to code.

Neil Tucker asked if he is willing to move RV Support Structure. Mr. Gormanson replied that he would like to keep the support structure where it is located and that the shed to the north of the building could be moved. He stated that it would be too difficult to move the support structure.

Tim Eisenmann asked how he would be able to move the shed. Mr. Gormanson answered that it would take four people to move over the shed and that it would not take much to move. He further explained that he can move the shed 5 feet from the building. He spoke to Inspector Ty Martinez that went out to look at the property and they discussed moving the shed.

Chairman Saltzer asked if the RV support building is hooked into the existing sewage system. Mr. Gormanson answered yes it is hooked into the existing sewage system.

Tim Eisenmann asked if the request is for a five foot setback for the RV facility only and not the shed. The applicant asked if it could be permitted to move the two structures to a different location or if he could leave the whole thing it would be great. The applicant stated that he wants to bring the property into compliance and explained he wanted to obtain a certificate of occupancy so he can move on to the property.

Neil Tucker asked if the Board is being asked to provide a five foot setback for that building only. Chairman Saltzer stated that board is also being asked if the other buildings can remain the same.

Maggie Castro replied that the way the variance was worded was to allow a 5 foot rear yard setback. Maggie further explained that it was not specific to the RV

structure and that it is up to the Board if they would want to approve the variance just for the RV support structure or provide a five foot setback for all structures.

Chairman Saltzer asked if a five foot setback for all structures would make them all in compliance.

Maggie Castro replied that the shed located north of the RV support structure would not need to be relocated if there was a 5 foot setback for all structures and that there is another shed located south of the RV support structure that will also not need to be relocated. She explained that both of the sheds are located less than 3 feet from the RV support structure and because of that they are considered to be attached structures and must meet principal building setbacks. She continued that if the variance is granted for five foot setback, all structures can stay as is.

Mr. Gormanson stated that the structure to the south of the building is a canvas top pole structure.

Tim Eisenmann stated that, going back to the site plan, it looks like the carport and the shed are violating the 5 foot setbacks as well. Maggie Castro replied that because the carport is open on all sides it can be 3 feet from the side and rear property lines. She explained that the shed is less than 3 feet from the RV support structure so it must meet principal building setbacks. Maggie stated that it is an enclosed structure.

Chairman Saltzer asked if it only needs a five foot for the left (rear) side and if that would cover the requirements. Maggie Castro answered that the shed located in northwest corner of lot, because it is less than 3 feet from the structure, needs to be 10 feet from the rear and 7 feet from the north. Maggie stated that if the variance is granted to allow a five foot rear yard setback than the shed would still need to meet a 7 foot side yard setback because it is considered attached based on the distance from the RV support structure. Chairman Saltzer stated that the shed is pretty easy to move around, but the one in question is the one with plumbing and electricity and cannot be moved around. Maggie Castro stated that another solution is to remove the plumbing from the RV support structure. Maggie stated that if the applicant removes the plumbing than they do not need the variance.

Chairman Saltzer opened the public hearing

Garry Gormanson, 10296 South Monsoon Avenue came up to speak to the Board. Chairman Saltzer asked Mr. Gormanson if he would consider taking out the plumbing. Mr. Gormanson replied that he would like to keep the plumbing intact.

Neil Tucker referred to the picture of the back of the structure and asked what is behind the structure. Mr. Gormanson stated that there are storage cabinets and a workbench in the back of the building.

Tim Eisenmann made a motion recommending approval of the Variance Case No. 15-12. Neil Tucker seconded the motion. The motion carried 3-0.

6. Adjourn.

The meeting adjourned at 2:16 p.m.

These minutes were approved and accepted on this 17th day of November, 2015.

Witness:
Charles Saltzer
Chairman

Attest:
Maggie Castro
Planning Director

DRAFT

Yuma County
Board of Adjustment

November 17, 2015

Item No. 4

AIR-6602

4.

BOA Agenda

Meeting Date: 11/17/2015

Submitted For: Maggie Castro

Submitted By: Marilu Garcia

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 15-03: Allan and Mary Felton request a variance from the Yuma County Zoning Ordinance, Section 609.05 - Minimum Lot Width and Principal Buildings Setback Requirements, to allow a rear yard setback of six feet and six inches and a side yard setback of six feet and six inches on a parcel 7,040 square feet in size zoned Recreational Vehicle Subdivision, Assessor's Parcel Number 728-54-098, located at 13347 East 52nd Drive, Yuma, Arizona.

2. INTENT:

The intent is to bring the structure into compliance since it meets the definition of RV Support Structure and requires compliance with principal building setbacks.

Approval of this request would allow the existing structure to remain with the following deviations from the Zoning Ordinance:

1. A rear yard setback of six feet and six inches where ten feet is required.
2. A side yard (west) setback of six feet and six inches where seven feet is required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 15-03 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
 2. The condition is not self-imposed.
-

Attachments

V15-03 Staff Report

V15-03 Vicinity Map

V15-03 Site Plan

V15-03 Floor Plan

V15-03 MCAS Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
November 17, 2015
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 15-03
OWNER: Allan and Mary Felton
CASE PLANNER: Marilu Garcia, Associate Planner
DATE PREPARED: October 14, 2015

DESCRIPTION OF REQUEST: Allan and Mary Felton request a variance from the Yuma County Zoning Ordinance, Section 609.05 - Minimum Lot Width and Principal Buildings Setback Requirements, to allow a rear yard setback of six feet and six inches and a side yard setback of six feet and six inches on a parcel 7,040 square feet in size zoned Recreational Vehicle Subdivision, Assessor's Parcel Number 728-54-098, located at 13347 East 52nd Drive, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: At the time of purchase, the current property owners were not aware that the existing structure did not have the proper permits and did not meet the setback requirements. The property owners intend to bring this property into compliance and request a reduction of the rear and side yard setback requirements to convert a RV support structure into a dwelling.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The existing structure with the following deviations from the Zoning Ordinance:

1. A rear yard setback of six feet and six inches where ten feet is required.
 2. A side yard (west) setback of six feet and six inches where seven feet is required.
-

BACKGROUND

The subject property is located within Foothills Mobile Estates No. 20 subdivision. The subdivision was recorded on May 22, 1997 and is zoned Recreational Vehicle Subdivision (RVS). The parcel is the location of a garage and a detached storage shed. The subject parcel is served by sewer and is 7,040 square feet in size.

The subject property currently has the following permits on file: Permit No. PEM97-0570 was issued on July 28, 1997 for new plumbing and electrical for the RV lot. Permit No. B98-1861 was issued on December 30, 1998 for a garage with bath and utilities 576 square feet in size. Lastly, Exempt Permit No. B93-1024 was issued on December 5, 2014 for a detached storage shed 160 square feet in size. The applicant intends to obtain a change of occupancy permit for the garage with bath and utilities structure, which meets the definition of a RV support structure, to be used as habitable space since it was converted into a dwelling without obtaining the required permits.

Assessor's records indicate that the current property owners bought the subject property on January 24, 2014. The applicant indicated that there was one structure that included a garage, a bedroom and a kitchen when the property was purchased through a realtor. The applicant believed that this was a permitted dwelling and was not informed of the issues involved with this property. Plans submitted show that there was no expansion to the existing structure. The applicant tried to apply for a permit to convert the garage area into a livable area and was advised that a change of occupancy was needed to allow for the established use. A dwelling unit is defined in the Yuma County Zoning Ordinance as one or more rooms within a building arranged, designed or used for residential purposes for one family and containing independent sanitary and cooking facilities.

Although the structure was allowed to be built with a setback of six feet and six inches from the rear property line and six feet and six inches from the west side yard at the time of construction, changing the occupancy of the structure to a dwelling unit requires adherence to principal building setbacks. For this reason, the applicant requests that the existing structure be allowed to remain with the existing setbacks to be able to comply with the change of occupancy application and to bring the subject property into compliance with the zoning ordinance.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variances 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 there are no peculiar conditions applicable to the property. The lot is flat terrain and the topography is not unusual. The parcel 7,040 square feet in size. The need for a change of occupancy of the structure to a dwelling unit triggers the need for a variance.

- B. *Variances 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 there is no hardship arising from conditions or circumstances unique to the development of this property. The structure met the required setbacks at the time of construction. However, the current use of the structure as a dwelling triggers setback requirements of ten feet in the rear yard and seven feet in the side yard.

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 there are no specific peculiar conditions applicable to this property to warrant granting of a variance. The property is not of unusual shape or topography. The need for a variance became apparent when the applicant was advised that a change of occupancy was required since the structure was currently being used as a dwelling.

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 may not have an adverse effect on public health, safety, and welfare. Although the potential impact is that the use of the existing building as habitable space may pose a concern in the event of a fire since the rear yard setback will be less than ten feet from the rear property line and less than seven feet from the side, staff believes that concerns on public health, safety and welfare would be satisfactory addressed with the adoption of the attached conditions should this variance request be approved. The parcel to the rear of subject property is the location of a mobile home which is currently located 16 feet from the rear property line. The distance between the two structures is 23 feet. However, the property to the south does have room for expansion and could be built up to the required setback of ten feet. This would leave a combined setback of 17 feet between the two properties. The combined rear yard setback requirement for principal buildings is 20 feet in the RVS district. The property to the west side is the location of a manufactured home which is located ten feet from the west side yard, thereby having the potential to expand three feet. The existing distance between the two structures is 16 feet and six inches. The required combined side yard setback is 14 feet. If this variance is approved, the combined separation between the two structures could be 13 feet six inches. The separations between the structures in the rear and side yard can accommodate access for fire-fighting personnel in the event of a fire. The subject property is also enclosed by a brick wall.

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 allow a reduction of setbacks will confer a special privilege not enjoyed by others in the RVS zoning district. However, the current use of the structure as a dwelling unit is already established and there is a need to bring this property into compliance with the zoning ordinance.

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 of 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.

Staff finds the condition is not self-imposed. The applicant bought the property as a dwelling believing that it was a permitted use for the structure. The alternative is to alter the structure to meet the required setback requirements for the principal building or discontinue the use of the structure for dwelling purposes.

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 uses of neighborhood lands, structures or buildings in the same zoning district. A similar variance request has been approved within the RVS zoning district. Variance Case No. 07-24, 13150 East 53rd Drive, was approved to allow the reduction of the rear yard setback requirement from ten feet to eight feet and west side yard setback requirement from seven feet to four feet for an existing utility structure that was converted into a dwelling without obtaining the required permits. The owner of said property bought the subject property with the existing structure converted into a dwelling. Staff recommended denial of the request, however the variance was approved by the Board of Adjustment.

ADDITIONAL COMMENTS:

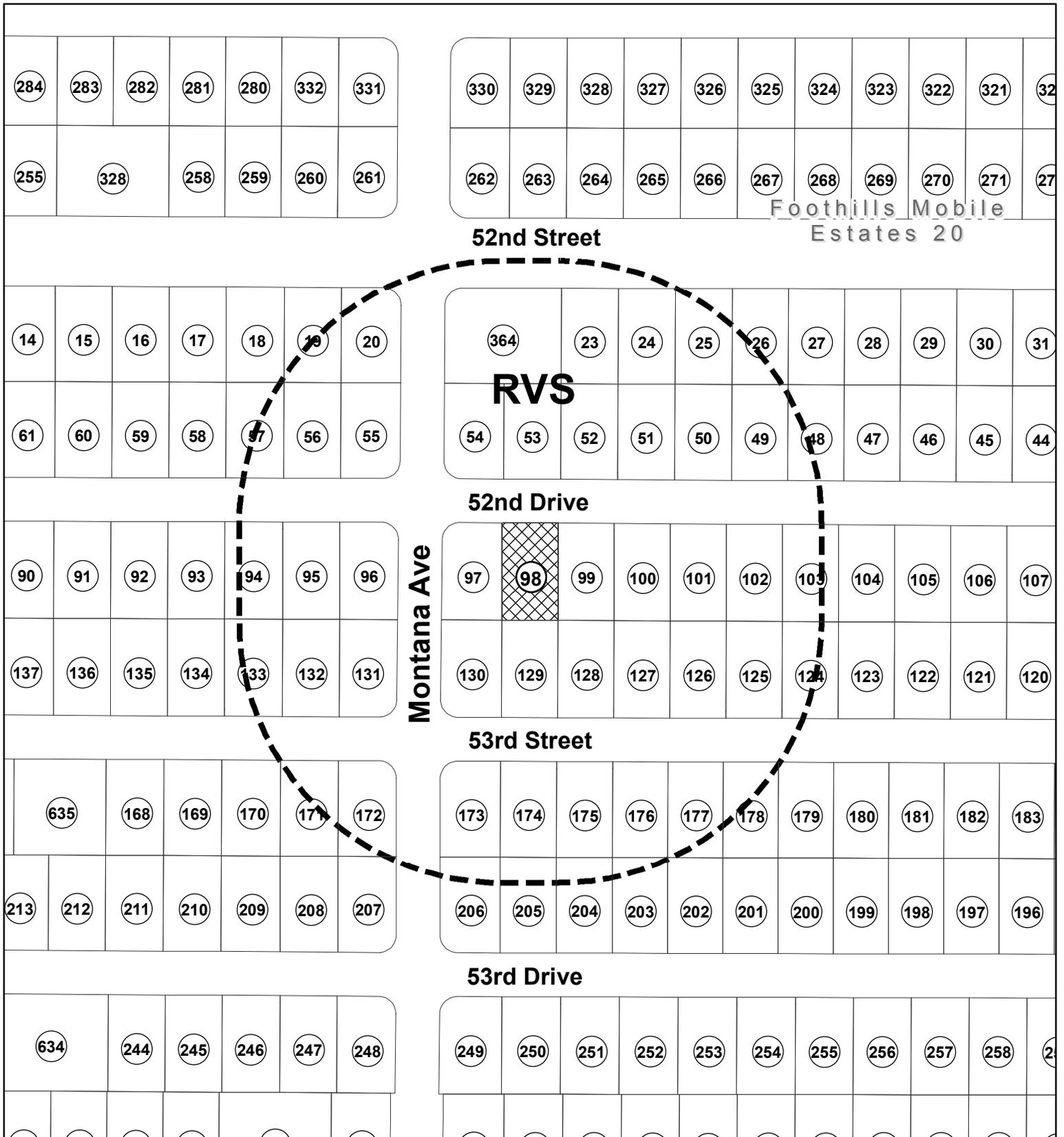
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 15-03 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
2. The condition is not 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. A change of occupancy permit shall be obtained by the owner within 60 days of approval by the Board of Adjustment.
3. A range disclosure and restricted airspace disclosure shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.



Foothills Mobile Estates 20

52nd Street

52nd Drive

53rd Street

53rd Drive

Montana Ave

RVS



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V15-03
LOCATION: 13347 East 52nd Drive
APN: 728-54-098

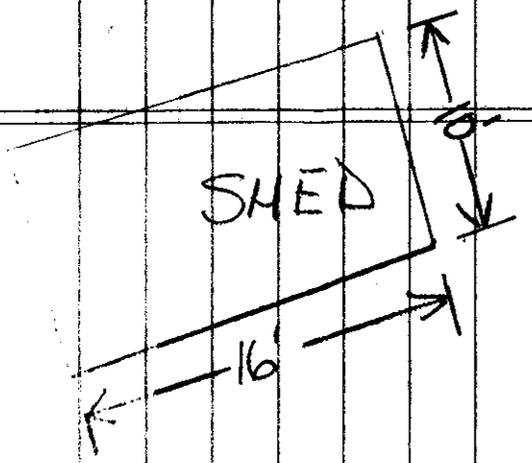
Case Planner: Marilu Garcia
Drawn: 10/05/15
Reviewed: JB 10/05/15

SCALE
 1" = 150'

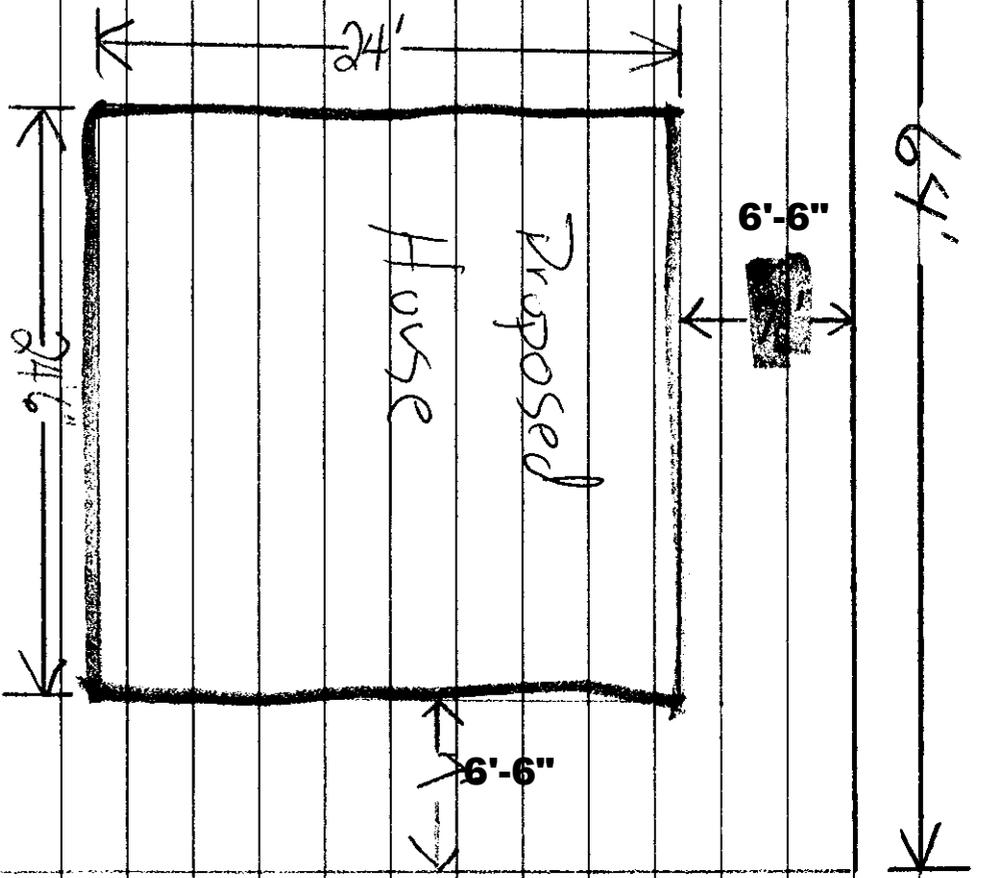


Legend
 Subject Property
 300' NOTIFICATION AREA
 Municipality

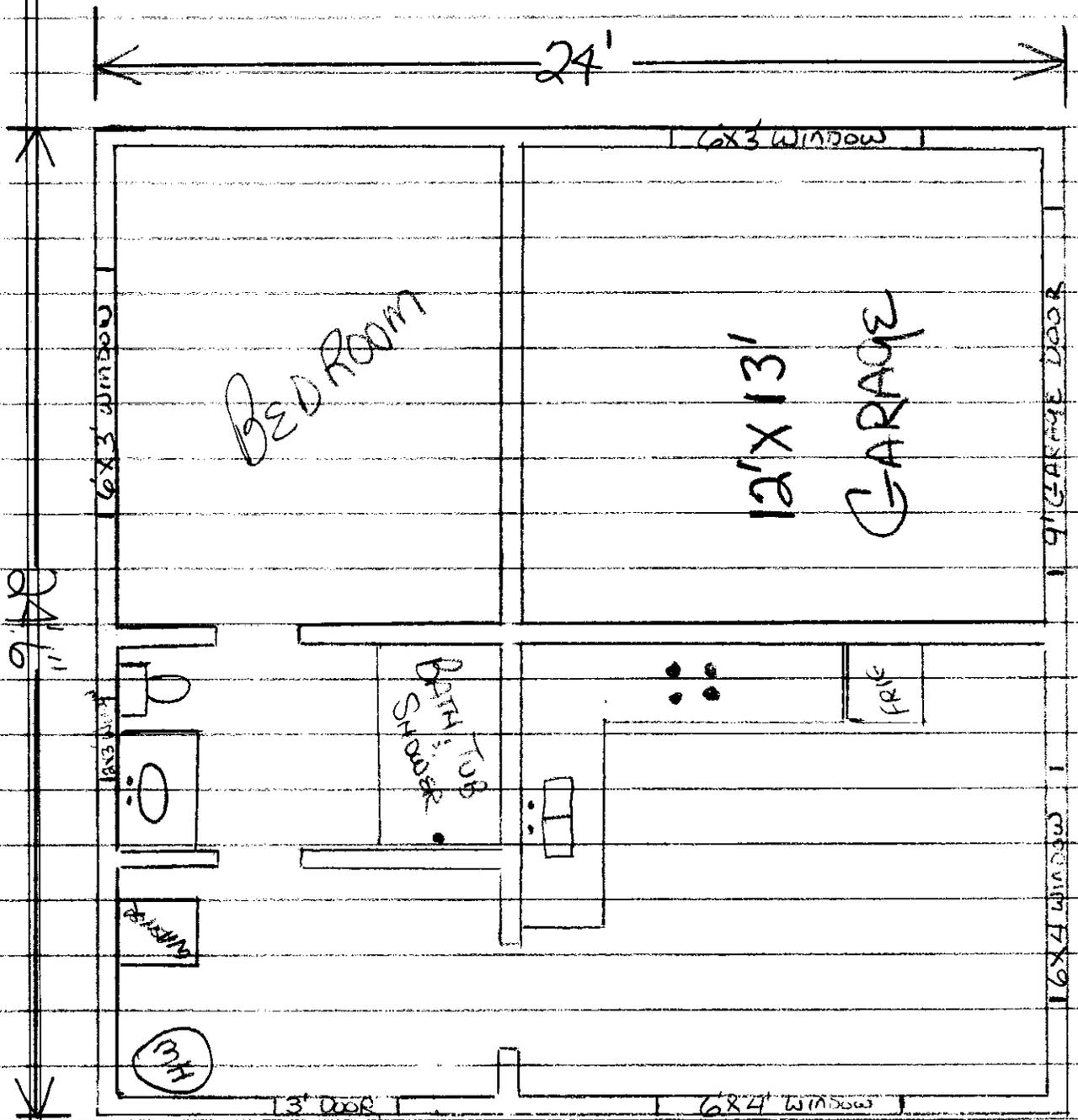
RUIN



CEMENT



64'



590.4 SQUARE FEET

1/4" SCALE



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

October 05, 2015

CASE NUMBER: VARIANCE CASE NO. 15-03:

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a “no comment” response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-03: Allan Felton and Mary Jo Felton requests a Variance from the Yuma County Zoning Ordinance, Section 609.05—Minimum Lot Width and Principal Buildings Setback Requirements, to allow a rear yard setback of six feet and six inches (6'-6") and a side yard setback of six feet and six inches (6'-6") on a parcel 7,040 square feet in size zoned Recreational Vehicle Subdivision, Assessor's Parcel Number 728-54-098, located at 13347 East 52nd Drive, Yuma, Arizona.

The applicant submitted the following intended use in the application: At the time of purchase, the current property owners were not aware that the existing structure did not have the proper permits and did not meet the setback requirements. The current property owners intend to bring this property into compliance and request a reduction of the rear yard setback to 6'-6" where 10' is required and a side yard setback of 6'-6" where 7' is required to convert a RV support structure into a dwelling.

PUBLIC HEARING: November 17, 2015

COMMENTS DUE: October 9, 2015

COMMENT

NO COMMENT

This property is located approximately 1/2 mile from the Barry M. Goldwater Range (BMGR). It is also within the restricted airspace for the BMGR. It is requested that Range Disclosure and Restricted Airspace Disclosure Statements be recorded that recognize the noise, interference, and vibrations that may occur due to aviation activities performed within the BMGR and associated restricted airspace. Please email copies of the disclosure statements to paula.backs@usmc.mil. Thank you for the opportunity to comment.

DATE: 10/6/2015 NAME: Paula L. Backs, MCAS YUMA AZ

Please return your response by 10/9/15 to Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail Marilu.garcia@yumacountyaz.gov

Yuma County
Board of Adjustment

November 17, 2015

Item No. 5

AIR-6601

5.

BOA Agenda

Meeting Date: 11/17/2015

Submitted For: Maggie Castro

Submitted By: Marilu
Garcia

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 15-14: Harvey R. Campbell, agent for Gerald Lee Thomas, requests a variance from the Yuma County Zoning Ordinance, Section 801.01 - Permitted Districts for Off-Site Signs, to allow the placement of one sign located a distance of approximately 350 feet and 540 feet from two existing signs where 800 feet is required and another sign located a distance of approximately 375 feet from an existing sign where 600 feet is required on a parcel 29.87 acres in size zoned Light Industrial and General Commercial, Assessor's Parcel Number 197-06-002, located south of County 10th Street, approximately 1,000 feet east of Avenue 4E and adjacent to Interstate 8, Yuma, Arizona.

2. INTENT:

The proposed structures with the following deviations from the Zoning Ordinance:

- 1) A separation of approximately 350 feet and 540 feet from two existing signs where 800 feet is required.
- 2) A separation of approximately 375 feet from an existing sign where 600 feet is required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends denial of Variance Case No. 15-14 based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
2. Staff finds approval of this variance may have an adverse effect on public health, safety, and welfare.
3. Staff finds granting this variance to allow a reduction of off-site sign separation requirements appears to confer a special privilege not commonly enjoyed by others in the zoning district.

Attachments

V15-14 Staff Report
V15-14 Vicinity Map
V15-14 Applicant Justification
V15-14 Plans
V15-14 Site Plan & Notes
V15-14 MCAS Comments
V15-14 ADOT Comments
V15-14 City of Yuma Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
November 17, 2015
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 15-14
OWNER: Gerald Lee Thomas
CASE PLANNER: Marilu Garcia, Associate Planner
DATE PREPARED: October 14, 2015

DESCRIPTION OF REQUEST: Harvey R. Campbell, agent for Gerald Lee Thomas, requests a variance from the Yuma County Zoning Ordinance, Section 801.01 - Permitted Districts for Off-Site Signs, to allow the placement of one sign located a distance of approximately 350 feet and 540 feet from two existing signs where 800 feet is required and another sign located a distance of approximately 375 feet from an existing sign where 600 feet is required on a parcel 29.87 acres in size zoned Light Industrial and General Commercial, Assessor's Parcel Number 197-06-002, located south of County 10th Street, approximately 1,000 feet east of Avenue 4E and adjacent to Interstate 8, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: The property owner desires to have Del Outdoor Advertising, Inc. erect three billboard structures on subject property located near the Fun Factory and adjacent to Interstate 8. However, two billboard signs have particular circumstances that do not meet the current off-site permitting requirements. The applicant presents three major arguments in support of the variance application. First, ADOT has different distance requirements than the Yuma County Planning and Zoning Division and the signs do not pose a danger to the public's health, safety or welfare. Second, because of the configuration of the site property, the strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district. Third, the applicant would comply with ADOT's criteria to erect and maintain all three off-site billboard structures.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The proposed structures with the following deviation from the Zoning Ordinance:

- 1) A separation of approximately 350 feet and 540 feet from two existing signs where 800 feet is required.
- 2) A separation of approximately 375 feet from an existing sign where 600 feet is required.

BACKGROUND

The agent requests this variance to allow the placement of two off-site signs within the subject property. The signs are proposed to be 33 feet in height and 300 square feet in size facing east and west along Interstate 8 with a separation of 350 feet and 540 feet from two existing signs where a separation of 800 feet is required and another sign with a separation of 375 feet where 600 feet is required. The subject property is vacant and is 29.87 net acres in size. The majority of the property is zoned Light Industrial (LI) with a small triangular portion zoned General Commercial (C-2). The parcel is located within the 70 dB noise zone and about 900 feet south of Accident Potential Zone 2 of the Airport District.

The applicant originally applied for Permit Number PRM15-0787 on May 14, 2015 for one off-site sign. The permit was denied because it did not meet minimum spacing requirements from an existing sign. On July 7, 2015, PRM15-1075 was applied for with modifications to the initial proposal and met the distance requirement. The permit was approved on September 24, 2015.

Two additional signs are being proposed within the subject property. However, there are existing signs located within the City of Yuma less than 600 feet in radius from the proposed signs. One sign is located at 4395 East Gila Ridge Road, which is the location of Taylor Fresh Foods, approximately 350 feet in distance. Another two signs are located at 4457 East Gila Ridge Road, which is the location of the Steinbeck Country Produce, approximately 350 feet and 540 feet in distance. Section 801.01 of the Yuma County Ordinance - Permitted Districts for Off-Site Signs, specifies the following criteria regarding area, height and spacing requirements:

Zoning District	C-1	C-2	LI	LI*	HI/II	HI*/II*	RA
Area (Square feet)	72	300	300	400	300	672	300
Height (feet)	25	35	35	35	35	35	25
Spacing (feet)	600	600	600	800	600	800	1200

*Signs designed to be read from freeways as defined by Arizona Department of Transportation.

The Arizona Department of Transportation allows billboards be erected on properties that are zoned commercial or industrial and at locations that are 500 feet (300 if the sign is on a highway other than a freeway) away from any other billboard on the same side of the highway and be located within 1000 feet of the premises of a commercial or industrial activity that is located on the same side of the Interstate. An Arizona Outdoor Advertising Permit is required before erecting or maintaining a billboard along a regulated highway. This is in addition to any permit that is required by the local governing jurisdiction.

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 there are no peculiar conditions applicable to the subject property. The property has a triangular shape, but meets minimum parcel size requirements. The variance is requested since existing signs are located in the vicinity and impede the separation requirements set forth in the Yuma County Zoning Ordinance.

- 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 there is no hardship arising from conditions or circumstances unique to the development of this property. The terrain is flat and the parcel meets minimum size requirements.

- 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 there are no specific peculiar conditions applicable to this property to warrant granting of a variance. However, the restrictiveness of off-site signs poses a difficulty as signs are erected on a first come, first serve basis and it is difficult to comply with State and local off-site sign separation requirements. Although signs are permitted within the subject property they cannot proceed with their plans since other owners already have signs on their property.

- 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 may have an adverse effect on public health, safety, and welfare. The purpose of off-site sign regulations and separation requirements is to promote traffic safety, protect the character of the area wherein such signs are located and that property values and visual aesthetics are preserved. Reducing the required separation requirements of 600 feet and 800 feet may pose a danger to traffic safety by allowing billboards that are too close to each other, thereby distracting drivers along Interstate 8.

- 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.*

Staff finds granting this variance to allow a reduction of off-site sign separation requirements appears to confer a special privilege not commonly enjoyed by others in the zoning district. Off-site signs are allowed in the C-2 zoning district however, the proposed signs do not meet spacing/separation requirements. Approval of this request may have a negative impact on the neighborhood since it may have an adverse effect on property values, visual aesthetics, and create traffic safety problems.

- 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 of 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.*

Staff finds the condition is self-imposed. The alternative is to place the signs in a different location to meet the separation requirements.

- 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 uses of neighborhood lands, structures or buildings in the same zoning district. A similar case was processed in 1999. Variance Case No. 99-10 was requested to allow a reduction in the minimum required spacing between two offsite signs from 600 feet to 505 feet on a property zoned C-2 located along North Frontage Road and the existing sign was located along South Frontage Road adjacent to Interstate 8. Staff recommended denial, but the variance was approved by the Board of Adjustment.

ADDITIONAL COMMENTS:

Paula Backs, Marine Corps Air Station: This property is located just outside the Accident Potential Zone-2 for Runway 3R-21L, under several flight paths, and within the 70-75 dB noise contour. It is required that any lighting on the sign be aimed downward. It is also requested that the applicant complete an avigation disclosure statement that recognizes the noise, interference, and vibrations that may be generated from aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex.

Robert Blevins, City of Yuma: City Zoning Ordinance Section 154-17.04(B)(4) “Spacing. A minimum of 600 foot distance, measured as a radius, shall be required between off-site sign installations. In addition, no more than four off-site sign installations shall be located within a linear mile measured along the same street, wherein the beginning point and ending point of such mile coincide with a section line.” Since this property is mostly surrounded by the City of Yuma, the Department of Community Development is not in agreement with the sign applicant’s stance on how to measure distances for billboards.

Mike Heedy, ADOT: The regulations require that a billboard located along I-8: Be located on land that is zoned commercial or industrial; Be located so that it is more than 500 feet from any other billboard on the same side of the Interstate; Be located within 1,000 feet of the premises of a commercial or industrial activity that is located on the same side of the Interstate (there is some concern that one of the proposed sign located on the southeast section of the subject property is not within 1000’ of the premises of the Z Fun Factory); Be no larger than 1,200 square feet in area; Have a maximum dimensions of 25’ X 60’.

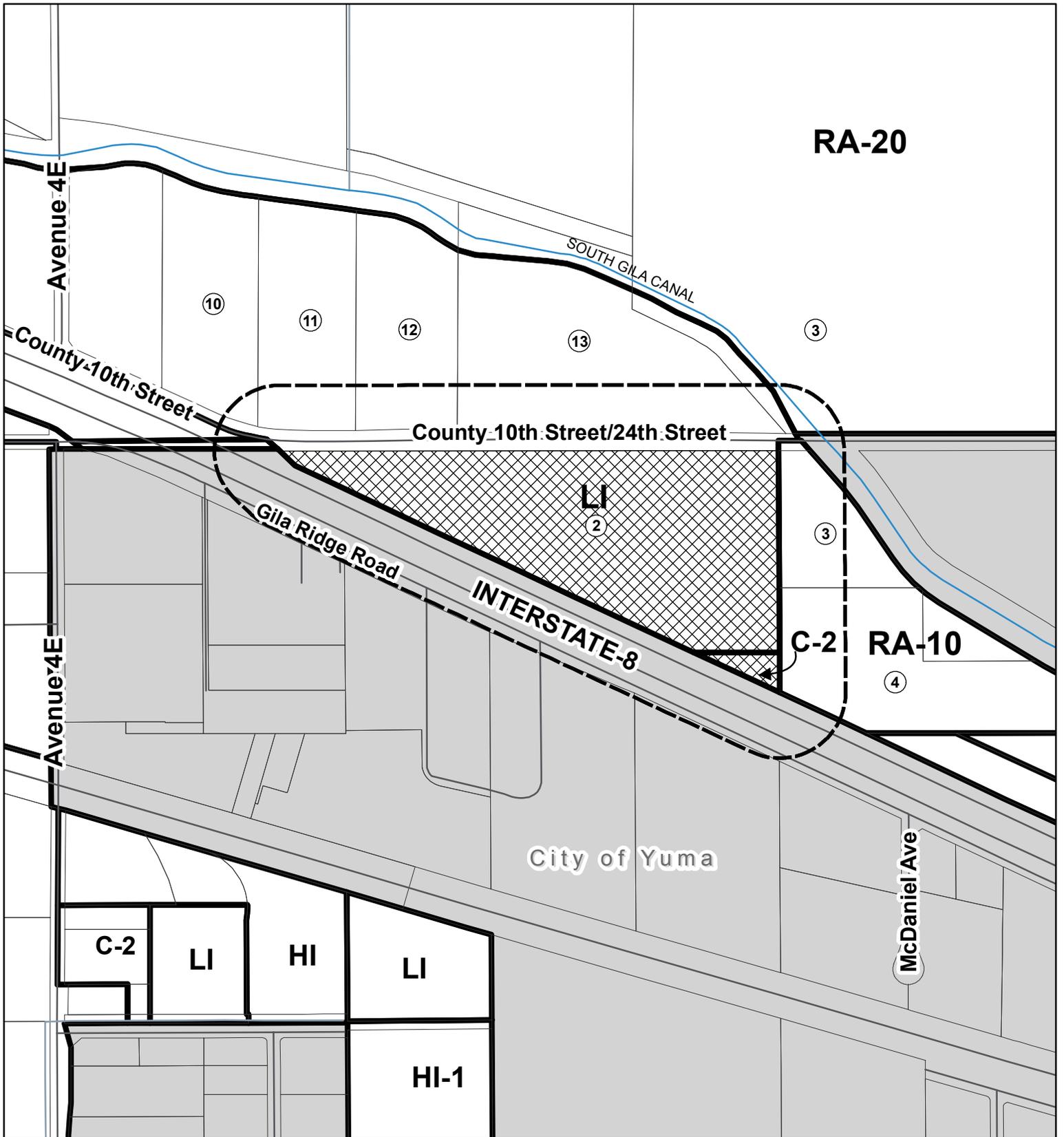
STAFF RECOMMENDATION

Staff recommends denial of Variance Case No. 15-14 based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
2. Staff finds approval of this variance may have an adverse effect on public health, safety, and welfare.
3. Staff finds granting this variance to allow a reduction of off-site sign separation requirements appears to confer a special privilege not commonly enjoyed by others in the zoning district.

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. An avigation disclosure statement shall be recorded by the owner/applicant within 60 days of approval by the Board of Adjustment.
3. Any lighting on the sign shall be aimed downward.



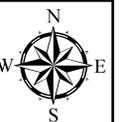
**DEPARTMENT OF
DEVELOPMENT
SERVICES**
PLANNING & ZONING DIVISION
2351 W. 26TH STREET
YUMA, AZ 85364

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO. V15-14
LOCATION: South of County 10th Street
& 1,000 ft. East of Avenue 4E
APN: 197-06-002

Case Planner: Marilu Garcia
Drawn: 10/05/15
Reviewed by: JB 10/05/15

SCALE
1" = 600'



Legend

-  Subject Property
-  300' Notification Area
-  City of Yuma

NARRATIVE TO VARIANCE APPLICATION
EXHIBIT A

Jerry Thomas, the property owner, desires to have Del Outdoor Advertising, Inc., to erect Three (3) billboard structures on subject property located near the Fun Factory and adjacent to Interstate 8. See attached site plan as EXHIBIT A.

Billboard Number One meets all criteria for the applicant's request for a sign permit with the Off-Sign Ordinance for the County of Yuma, Yuma, Arizona. Applicant has received a permit from Planning and Zoning forthwith regarding that application.

However, Billboards Number Two and Three have particular circumstances that do not meet the current off-sign permitting process according to the Planning and Zoning Department for the County of Yuma.

Therefore, applicant has filed an application for a variance pursuant to 403.02-Powers and Duties and 403.03 – Criteria for Variance regarding Billboards Number Two and Three.

The applicant, Del Outdoor Advertising, Inc., presents the three following major arguments in support of their variance application; to wit: sign application is in fact in compliance with the county's ordinance, hardship, and Arizona Department of Transportation requirement compliance.

First, Staff has denied a request for off-site signage because it does not comply with their ordinance. Applicant takes exception to their interpretation. Planning & Zoning Ordinance Section 801.01-Off-Site Sign Regulations states the signs must be 800' in Light Industrial Zoning District *LI. However, Staff has interpreted that a "radius" of 800' is required. No where in the code does the word "radius" appear. It is the applicant's contention that like ADOT, the measurement is 800' linear on the same side of Interstate *. If the Board of Adjustment agrees with this contention, then applicant complies with the sign permitting process.

For sake of argument, assuming the Board agrees with Staff, then applicant would argue that the proposed sites of billboards Number Two and Three do not create a danger to the public's health, safety or welfare. Billboard Number Two and Three are properly spaced on the same side of the freeway over a 27 acre lot, the billboards do not create over concentration, the billboards are not within any residential areas and due to the size of the property with evenly spaced billboards it still allows us to preserve a visual aesthetic overview along Interstate 8. Billboard Number Two would not be in compliance by 450 feet and billboard Number Three would not be in compliance by 225 feet. Yet, if measured by linear feet on the same side of the freeway as indicated by *LI defined by Arizona Department of Transportation the applicant's billboards would comply because they would be within the 800' requirement. Staff has unilaterally interpreted the code, and unlike ADOT's requirements, staff measures billboards that are across Interstate 8 while ADOT does not consider billboards across the freeway in their measurement criteria.

Second, because of the configuration of the site property, strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district. Applicant contends that Section 403.03—Criteria for Variance paragraphs A, B,C, D,E and G are applicable to the variance application.

Third, who is better than ADOT to patrol off-site signage compliance? Applicant's application would comply with ADOT's criteria to erect and maintain all Three off-site billboard structures. ADOT takes into consideration the public's health, safety and welfare of the citizens of Yuma. Staff has recommended a location for billboard Number Three that would not comply with ADOT regulations. ADOT compliance requires that off-site signage be within 1,000 feet from a commercial site. However, staff has placed billboard Number Three 1,200 feet away from the commercial/industrial site. This location creates a hardship, regardless of billboard Number Two being approved or not, Number Three can be placed further to the east on the property. This would meet all spacing requirements but by doing so removes us from being in compliance with ADOT regulations.

Another argument is that ADOT only requires a 500 foot measurement between off-site signage not 800 feet. They also do not consider signage that is across the freeway and they do not utilize the "radius" criteria for signage.

Therefore, applicant respectfully request that the Board of Adjustment consider these arguments and approve applicant's variance application for billboard structures Number Two and Number Three.

10'x30' back to back static full flag off-site sign

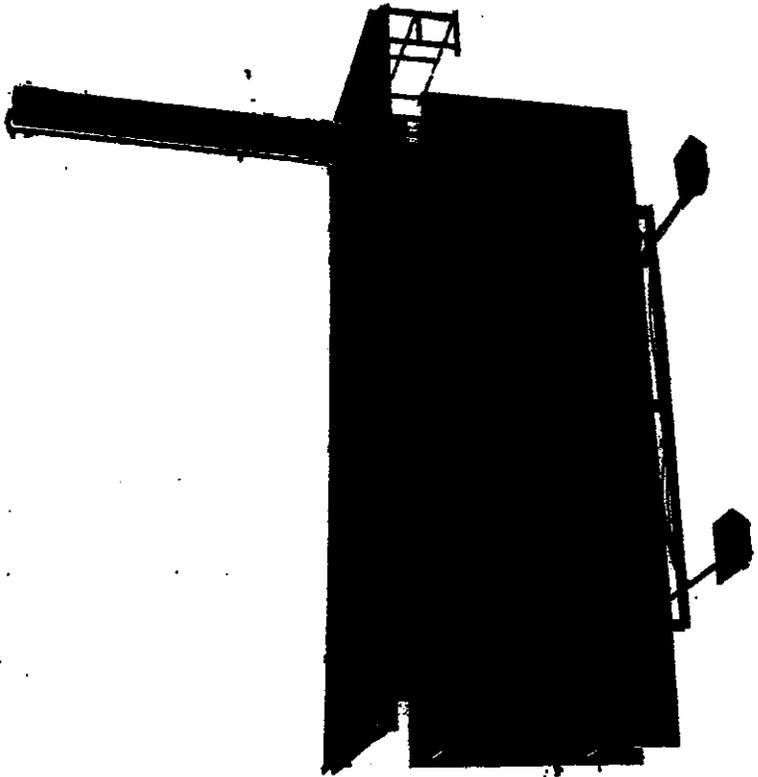
Off-site sign faces will be facing east & west

Flag is north of interstate

2-top mounted lights

20ft' H.A.G.L

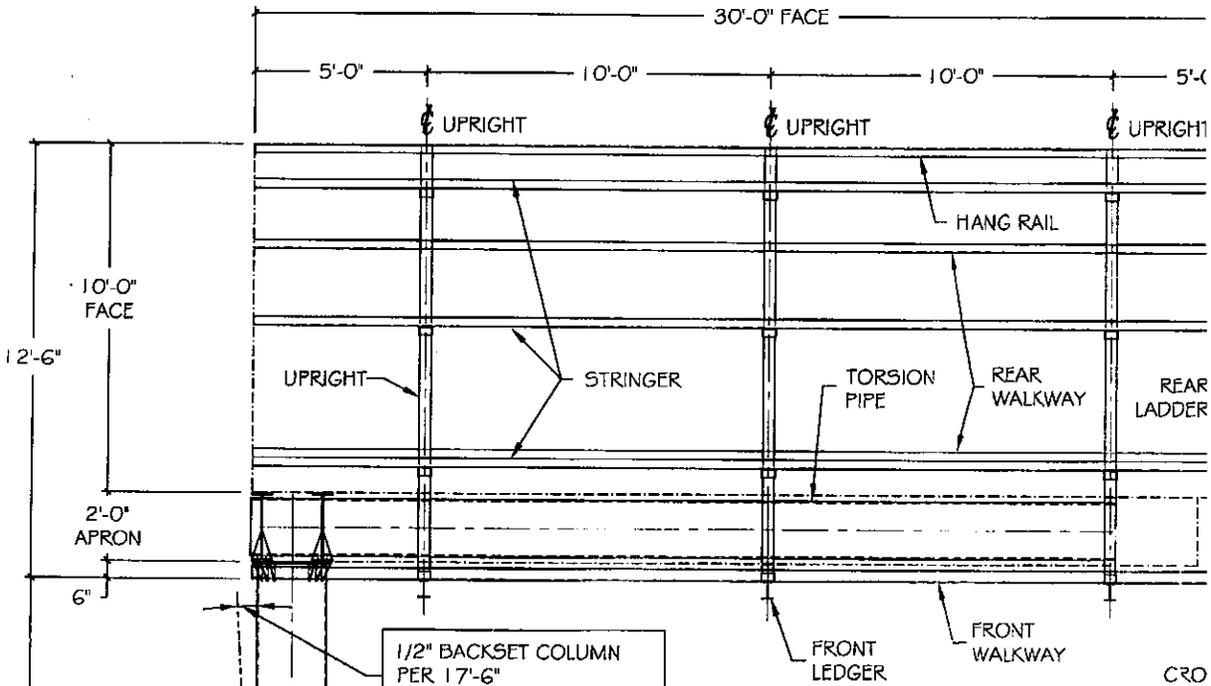
33ft' overall height



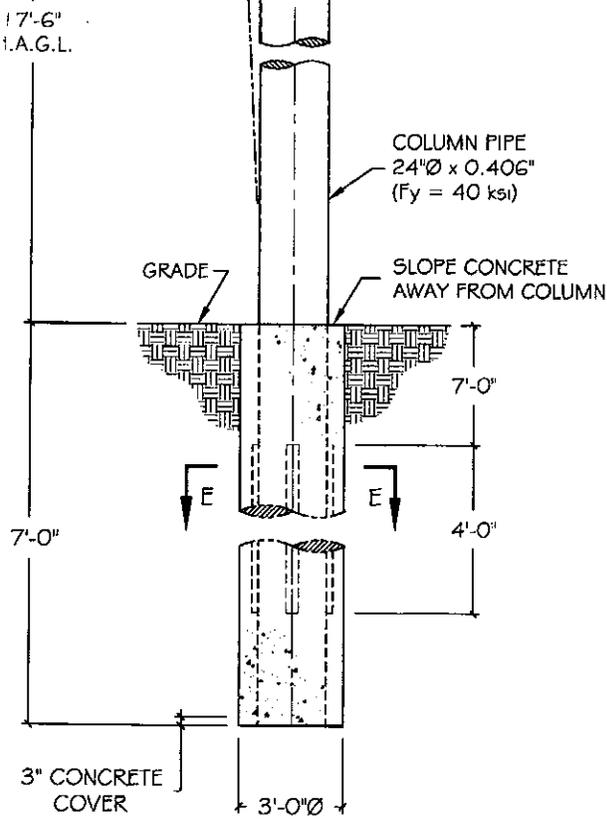
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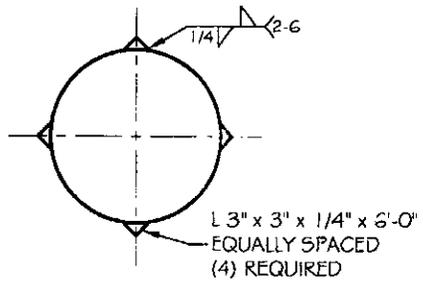
PLAN VIEW



1/2" BACKSET COLUMN
PER 17'-6"
REF. 1/8" PER 4'-0"



COLUMN PIPE
24"Ø x 0.406"
(F_y = 40 ksi)

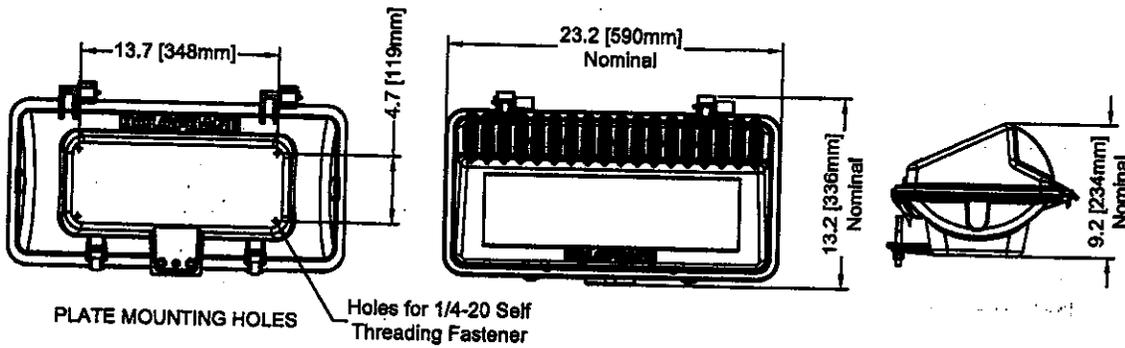
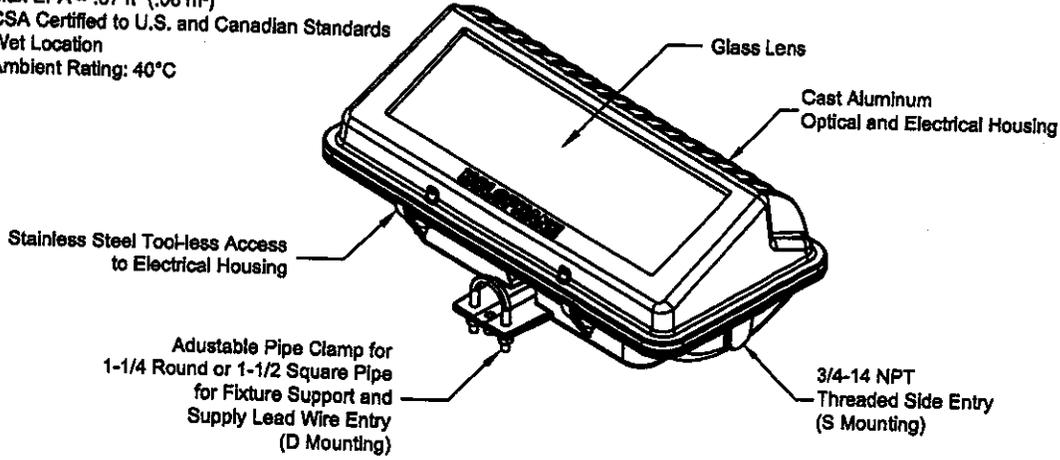


ELEVATION

SECTION E-E

MEDIA

Max Weight = 32 lbs (14.5 kg)
 Max EPA = .67 ft² (.06 m²)
 CSA Certified to U.S. and Canadian Standards
 Wet Location
 Ambient Rating: 40°C



Sign-Vue[®] LED

Infrastructure
Specialty



Customer Preferred: (Most Frequently Ordered Catalog Numbers)
 SVLED 3 5K 7 AS D G

SVLED
 Series
 Sign-Vue LED

Number of LED'S
 3 = 3 Modules

Color Temperature
 5K = 5,000 K CCT

Drive Current
 3 = 350mA Driver
 5 = 525mA Driver
 7 = 700mA Driver

Voltage
 AS = Auto-sensing Voltage (120 thru 277)
 34 = 347v
 48 = 480v

Mounting
 D = Standard Pipe Mount; 1.25" Round, 1.5" Square
 S = Plate Style Mount for Side Entry

Color
 B = Brown
 G = Grey
 H = Graphite
 W = White

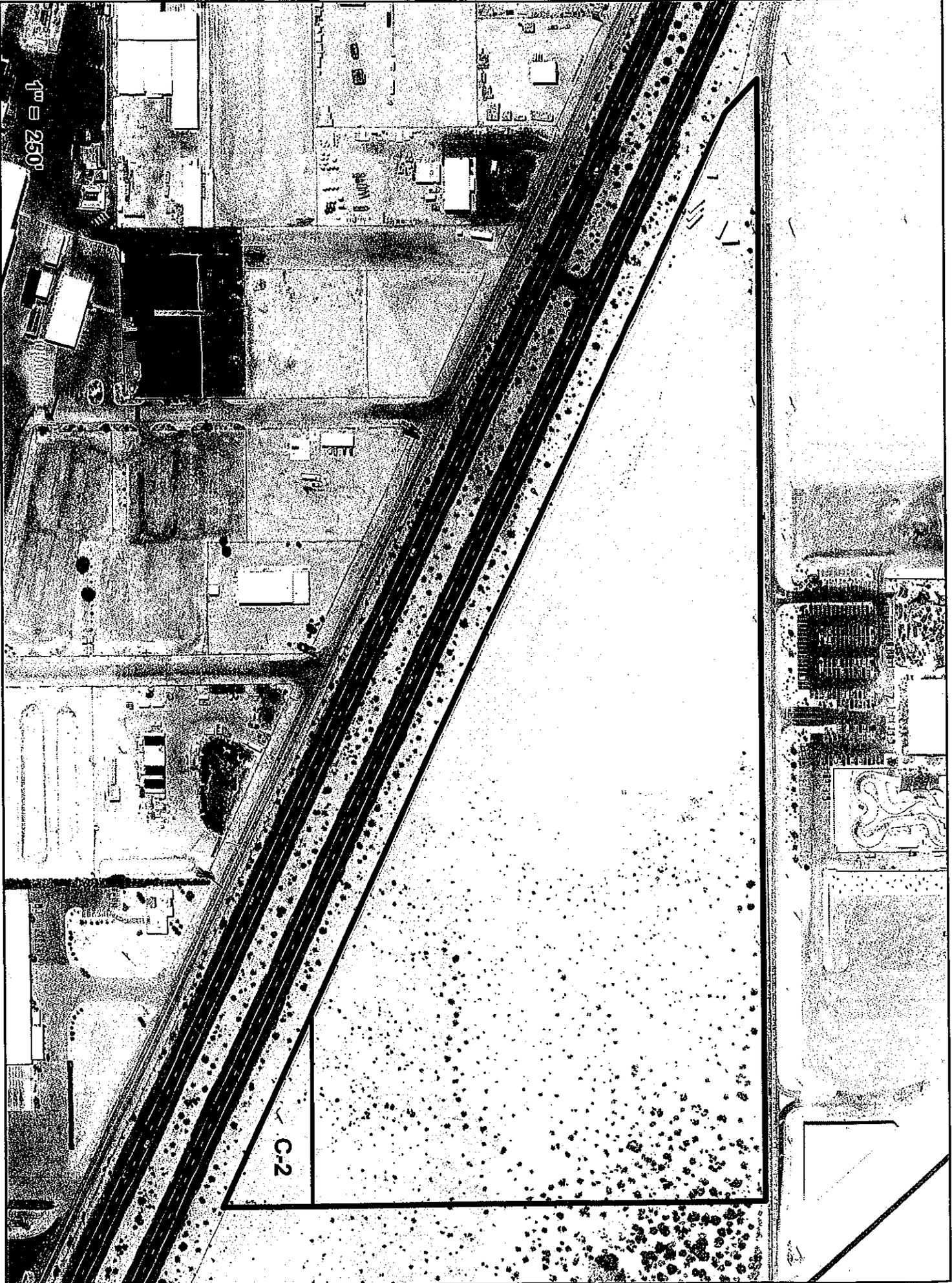
Options
 DF = Defrost Mode for Cold Weather Application
 SP = Single Pack for Express Shipment

Accessories
 SVLEDF1FUS10 = Single Fuse Kit
 SVLEDF2FUS10 = Double Fuse kit

ORDERING INFORMATION:

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE AND EXHAUSTIVE SET OF REQUIREMENTS TO BE FURNISHED BY HOLONIAN TO THE ORDERING PARTY. ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. HOLONIAN SHALL NOT BE RESPONSIBLE FOR THE CUSTOMER'S FAILURE TO FOLLOW THE INSTRUCTIONS AND SPECIFICATIONS PROVIDED HEREON. THE CUSTOMER SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION AND CONNECTION OF THE FIXTURE TO THE ELECTRICAL SYSTEM. HOLONIAN SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE FIXTURE OR TO THE ELECTRICAL SYSTEM CAUSED BY THE CUSTOMER'S FAILURE TO FOLLOW THE INSTRUCTIONS AND SPECIFICATIONS PROVIDED HEREON. HOLONIAN SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE FIXTURE OR TO THE ELECTRICAL SYSTEM CAUSED BY THE CUSTOMER'S FAILURE TO FOLLOW THE INSTRUCTIONS AND SPECIFICATIONS PROVIDED HEREON.

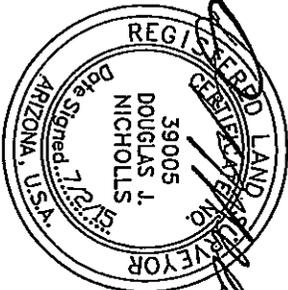
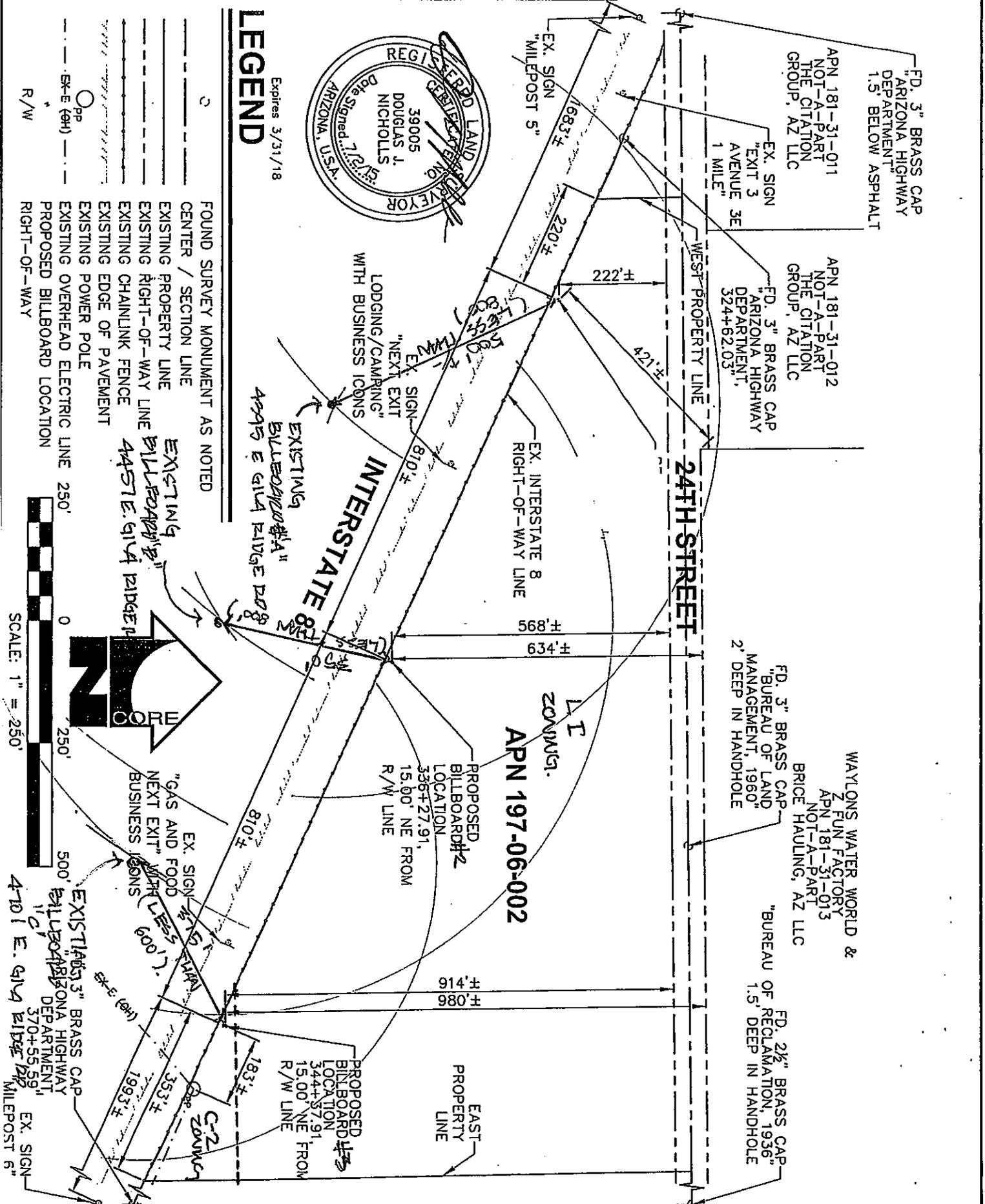
ORDER #:
 TYPE:
 DRAWN: ERM
 DATE: 8/23/12
 DWG #: LUM SVLED



1st @ 250'

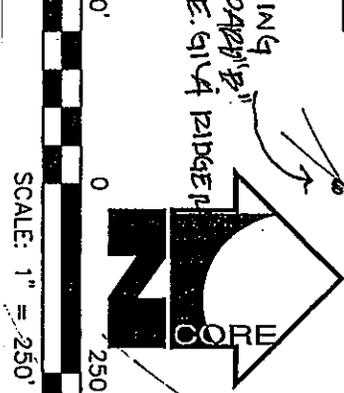
C-2

2 X 1000 1 A



LEGEND
 Expires 3/31/18

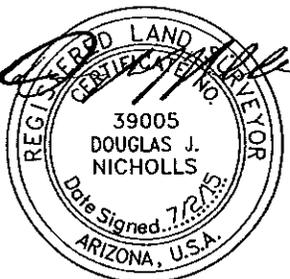
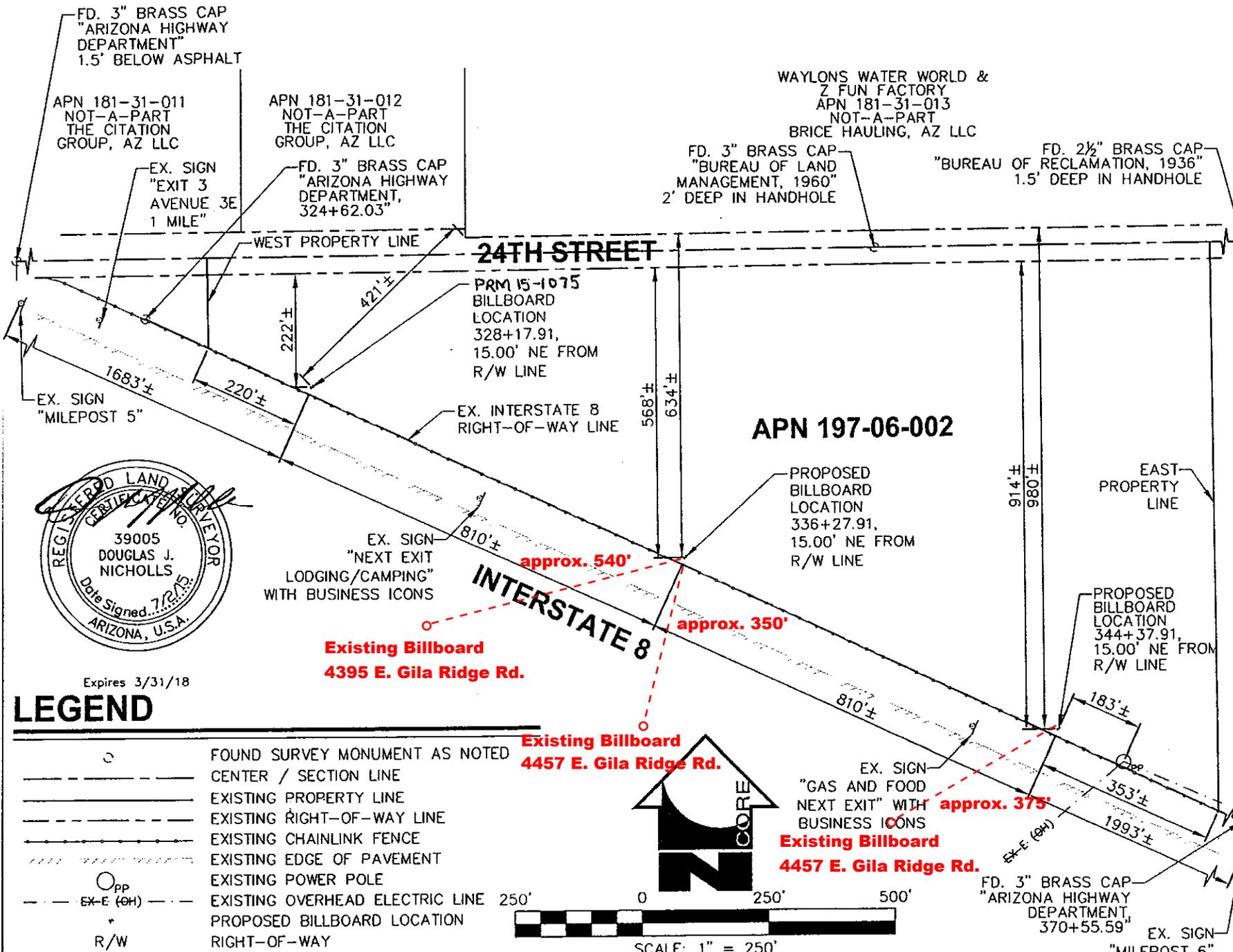
- FOUND SURVEY MONUMENT AS NOTED
- CENTER / SECTION LINE
- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING CHAINLINK FENCE
- EXISTING EDGE OF PAVEMENT
- EXISTING POWER POLE
- EXISTING OVERHEAD ELECTRIC LINE 250'
- PROPOSED BILLBOARD LOCATION
- RIGHT-OF-WAY



I-8 BILLBOARD LOCATION SURVEY
 DELL OUTDOOR ADVERTISING
 1702 ARIZONA AVENUE
 YUMA, AZ 85364
 MILEPOST 5 TO MILEPOST 6

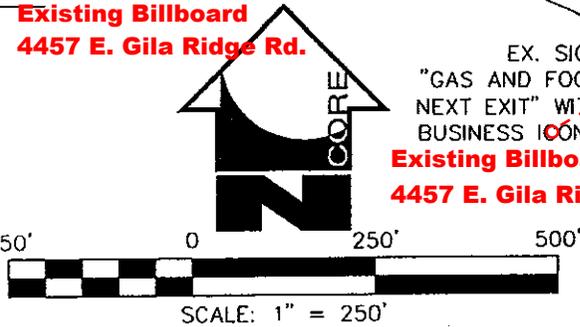
CORE ENGINEERING GROUP, PLLC
 200 East 16th Street, Suite 150
 Yuma, AZ 85364
 V - 928.344.6931 F - 928.344.6932
 www.CoreEngineeringGroup.com
 Core@core-e-g.com

DATE: JULY 2015
 DESIGNED: T.S.L.
 DRAWN: J.R.K.
 CHECKED: D.J.N.
 PROJECT#: 026
 SHEET OF 1 1



LEGEND

- FOUND SURVEY MONUMENT AS NOTED
- CENTER / SECTION LINE
- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING CHAINLINK FENCE
- EXISTING EDGE OF PAVEMENT
- EXISTING POWER POLE
- EXISTING OVERHEAD ELECTRIC LINE
- PROPOSED BILLBOARD LOCATION
- RIGHT-OF-WAY



CORE ENGINEERING GROUP, PLLC
 200 East 18th Street, Suite 150
 Yuma, AZ 85364
 V. 928.344.5931 F. 928.344.5932
 www.CoreEngineeringGroup.com
 Core@core-e-g.com

I-8 BILLBOARD LOCATION SURVEY
 DELL OUTDOOR ADVERTISING
 1702 ARIZONA AVENUE
 YUMA, AZ 85364
MILEPOST 5 TO MILEPOST 6

DATE: JULY 2015
 DESIGNED: T.S.J.
 DRAWN: J.R.K.
 CHECKED: D.J.N.
 PROJECT: 15-026
 SHEET OF
1 1



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

October 5, 2015

CASE NUMBER: VARIANCE CASE NO. 15-14

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a no comment response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-14: Harvey R. Campbell, agent for Gerald Lee Thomas, requests a variance from the Yuma County Zoning Ordinance, Section 801.01 Permitted Districts for Off-Site Signs, to allow the placement of two off-site signs with a reduction of spacing requirements. The first sign is proposed to be located approximately 350 feet and 540 feet from an existing sign where 800 feet is required and the second sign is proposed to be located approximately 375 feet from an existing sign where 600 feet is required on a parcel 29.87 acres in size zoned Light Industrial (LI) and General Commercial (C-2), Assessor's Parcel Number 197-06-002, located south of County 10th Street and approximately 1,000 feet east of Avenue 4E, Yuma County.

The applicant submitted the following intended use in the application: Please see Exhibit A - Narrative

PUBLIC HEARING: November 17, 2015

COMMENTS DUE: October 9, 2015

 X COMMENT NO COMMENT

This property is located just outside the Accident Potential Zone-2 for Runway 3R-21L, under several flight paths, and within the 70-75 dB noise contour. It is required that any lighting on the sign be aimed downward. It is also requested that the applicant complete an avigation disclosure statement that recognized the noise, interference, and vibrations that may be generated from aviation activities performed at the nearby Marine Corps Air Station/Yuma International Airport aviation complex. Please email a copy of the recorded avigation disclosure statement to paula.backs@usmc.mil. Thank you for the opportunity to comment.

DATE: 10/6/2015

NAME: Paula L. Backs, MCAS YUMA AZ

Please return your response by 10/9/15 to: Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail: Marilu.garcia@yumacountyaz.gov

Marilu Garcia

Subject: FW: Request for Comments - Variance Case No. 15-14

From: Michael Heedy [mailto:MHeedy@azdot.gov]
Sent: Tuesday, October 13, 2015 1:53 PM
To: Marilu Garcia
Subject: RE: Request for Comments - Variance Case No. 15-14

Marilu,

You have asked for information on the States Outdoor Advertising regulations as they relate to two proposed billboard site submitted by Del outdoor. The regulations require that a billboard located along I-8:

Be located on land that is zoned commercial or industrial

Be located so that it is more than 500 feet from any other billboard on the same side of the Interstate.

Be located within 1000 feet of the premises of a commercial or industrial activity that is located on the same side of the Interstate. (There is some concern that the proposed sign #2 is not within 1000' of the premises of the Fun Factory)

Be no larger than 1200 square feet in area.

Have a maximum dimensions of 25' X 60'.

Additional information can be found at our web site:

<http://www.azdot.gov/business/Permits/outdoor-advertising-sign-permits>

If you should have any questions concerning the State's regulations, please feel free to call me at 602-712-7386.

Mike Heedy
Consultant, Maintenance Permits Services
1739 W. Jackson, Modular D
Phoenix, AZ 85007
602.712.6911
www.azdot.gov


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Marilu Garcia

From: Blevins, Robert (Bob) - Principal Planner [Robert.Blevins@yumaaz.gov]
Sent: Monday, October 12, 2015 4:44 PM
To: Marilu Garcia
Subject: RE: Request for Comments - Variance Case No. 15-14

Sorry to be late. Our City Zoning Ordinance Section 154-17.04(B)(4) "Spacing. A minimum of 600 foot distance, measured as a radius, shall be required between off-site sign installations. In addition, no more than four off-site sign installations shall be located within a linear mile measured along the same street, wherein the beginning point and ending point of such mile coincide with a section line."

Since this property is mostly surrounded by the City of Yuma, the Department of Community Development is not in agreement with the sign applicant's stance on how to measure distances for billboards.

Thanks for the opportunity to comment.



Robert Blevins, Principal Planner
City of Yuma 928-373-5189 Robert.Blevins@yumaaz.gov | www.YumaAz.gov

From: Marilu Garcia [<mailto:Marilu.Garcia@yumacountyaz.gov>]
Sent: Monday, October 05, 2015 2:10 PM
To: Marilu Garcia
Subject: Request for Comments - Variance Case No. 15-14

Good afternoon,

Please see enclosed documents regarding variance case number 15-14 for any comments you may have.

Thank you in advance for your cooperation.

Sincerely,

Marilu Garcia
Associate Planner
Planning and Zoning Division
Department of Development Services
Office: (928) 817-5072
Marilu.Garcia@yumacountyaz.gov

Yuma County
Board of Adjustment

November 17, 2015

Item No. 6

AIR-6637

6.

BOA Agenda

Meeting Date: 11/17/2015

Submitted For: Maggie Castro

Submitted By: Marilu
Garcia

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 15-15: Christopher Morris of Calculated Designs, agent for Tyrone and Kathryn Northcutt, requests a variance from the Yuma County Zoning Ordinance, Section 601.05-Minimum Lot Width and Principal Buildings Setback Requirements, to allow a side yard setback of zero feet on a parcel 18,295 square feet in size zoned Rural Area-20 acre minimum, Assessor's Parcel Number 459-51-012, located at 10538 Martinez Lake Road, Yuma, Arizona.

2. INTENT:

This variance is requested for a reduction of setback requirements to allow an addition to an existing home.

Approval of this request would allow the construction of the proposed structure with the following deviation from the Zoning Ordinance:

1. A side yard (southwest) setback of zero feet where 50 feet is required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 15-15 based on:

1. Staff finds the irregular shape and topography of the lot are peculiar conditions which deprive the property of privilege enjoyed by other property owners in the zoning district.

2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of a Variance.
3. Staff finds the condition is not self-imposed.

Attachments

V15-15 Staff Report

V15-15 Vicinity Map

V15-15 Site Plan

V15-15 Building Safety Comments

V15-15 Flood Control Comments

V15-15 Environmental Health Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
November 17, 2015
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 15-15
OWNER: Tyrone & Kathryn Northcutt
CASE PLANNER: Marilu Garcia, Associate Planner
DATE PREPARED: October 14, 2015

DESCRIPTION OF REQUEST: Christopher Morris of Calculated Designs, agent for Tyrone and Kathryn Northcutt, requests a variance from the Yuma County Zoning Ordinance, Section 601.05-Minimum Lot Width and Principal Buildings Setback Requirements, to allow a side yard setback of zero feet on a parcel 18,295 square feet in size zoned Rural Area-20 acre minimum, Assessor's Parcel Number 459-51-012, located at 10538 Martinez Lake Road, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE:

This variance is requested for a reduction of setback requirements to allow an addition to an existing home. The addition is proposed to have a zero lot line from the southwest side yard. The property has an irregular shape, size and topography.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The proposed structure with the following deviation from the Zoning Ordinance:

- 1) A side yard (southwest) setback of zero feet where 50 feet is required.

BACKGROUND

The subject property is located within the Rural Areal 20 acre minimum (RA-20) zoning district and is situated along Martinez Lake. The parcel is the location of a dwelling 798 square feet in size and an attached shade structure 1,152 square feet in size. The subject parcel is served by an individual septic system and is 18,295 square feet in size. A 30 foot access easement exists along the northwest side of the

subject property. Permit activity shows that Building Permit Number B10-0510 was issued on July 8, 2010 for the shade structure. The approved site plan for the shade structure indicated a southwest side yard setback of three feet, however, it was constructed with a zero foot setback. Assessor's records indicate that the existing dwelling was built in 1956. The current property owners purchased the subject property on May 11, 2010.

The subject parcel was created by Arizona State Land Lease No. 89512 during the 1950s. The lease was sold by the State in the 1990s and the property became a privately owned parcel. While the property was a lease, it was not required to meet the requirements of the Yuma County Zoning Ordinance and thus, deficient parcels were developed in this area. Due to the reduced parcel size and the lot configuration, the applicant requests a reduction of setback to zero feet from the side property line requirements to allow an addition to the existing residence. The applicant proposes to remove the existing shade structure and replace it with the addition to the residence 1,500 square feet in size. In the future, the applicant intends to demolish the existing dwelling and keep the addition as the main home.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variances 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 there are peculiar conditions applicable to the property. The lot has an irregular shape and there are topographical changes in the area. This variance emerged by the need to modify and improve the existing 1956 home located on the subject property. Setbacks are difficult to be met due to the configuration of the property and large building envelope required by the RA-20 district.

- B. *Variances 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 there is a hardship arising from conditions or circumstances unique to the development of this property. The subject parcel was created as a deficient lot. The parcel is 18, 295 square feet where 20 acres is the minimum parcel size required within the RA-20 zoning district. The large setbacks for dwellings in the RA-20 zoning district, in addition to the topographical characteristics reflected by the Martinez Lake, limit the buildable area of this parcel as compared to other legally created parcels in this zoning district.

- 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 there are specific peculiar conditions applicable to this property to warrant granting of a Variance. The property is of unusual shape and topography. The parcel's small size and shape pose a hindrance to development within the building envelope.

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 would not have an adverse effect on public health, safety and welfare. An older home is intended to be replaced with a new dwelling which is an improvement to the neighborhood. The adjacent property to the southwest is the location of a residence. The residence is approximately located 39 feet away from the southwest property line of subject property leaving sufficient room for fire-fighting personnel to access the building in the event of a fire. A shade structure is located approximately three feet from the southwest property line. Construction of a firewall can be incorporated into the design of the residence should a fire occur. Although the addition would not meet the southwest setback requirement, it meets principal building setbacks for the rest of the sides.

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 allow a setback of zero feet where 50 feet is required does appear to confer a special privilege not enjoyed by others in this zoning district. However, this area contains specific challenging characteristics that may require reduction of setbacks. Many homes in this area do not meet the RA-20 setback requirements and were legally built by obtaining a variance for setback reductions. Staff does not believe that an approval of this request would negatively impact the neighborhood.

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 of 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.

Staff finds the condition is not self-imposed. The parcel size and shape were created by the State of Arizona, not the applicant. There is a sloping topography to the northeast leading to Martinez Lake preventing construction in this area. The alternative is to construct a smaller home and maintain the existing setbacks.

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 uses of neighborhood lands, structures or

buildings in the same zoning district. However, there have been previous cases that have been requested with similar characteristics in this neighborhood. The following cases most resemble this variance case:

- Variance Case No. 04-01 was requested to allow a reduction of the rear yard setback to 27.3 feet and reduction of the side yard setback to three feet for a new residence and a garage on a parcel 21,344 square feet in size zoned RA-20. Staff recommended approval for the reduction of the side yard setback, but denial for the reduction of rear yard setback. The variance was approved as requested by the Board of Adjustment.
- Variance Case No. 02-08 was requested to allow a reduction of the front yard setback to five feet, reduction of the rear yard setback to ten feet and reduction of the side yard setback to seven feet for a new residence on a parcel 13,068 square feet in size zoned RA-20. Staff recommended approval and the case was approved by the Board of Adjustment.

ADDITIONAL COMMENTS:

Flood Control Division: This parcel is located within the Special Flood Hazard Area. New construction and substantial improvements to existing structure require a floodplain use permit

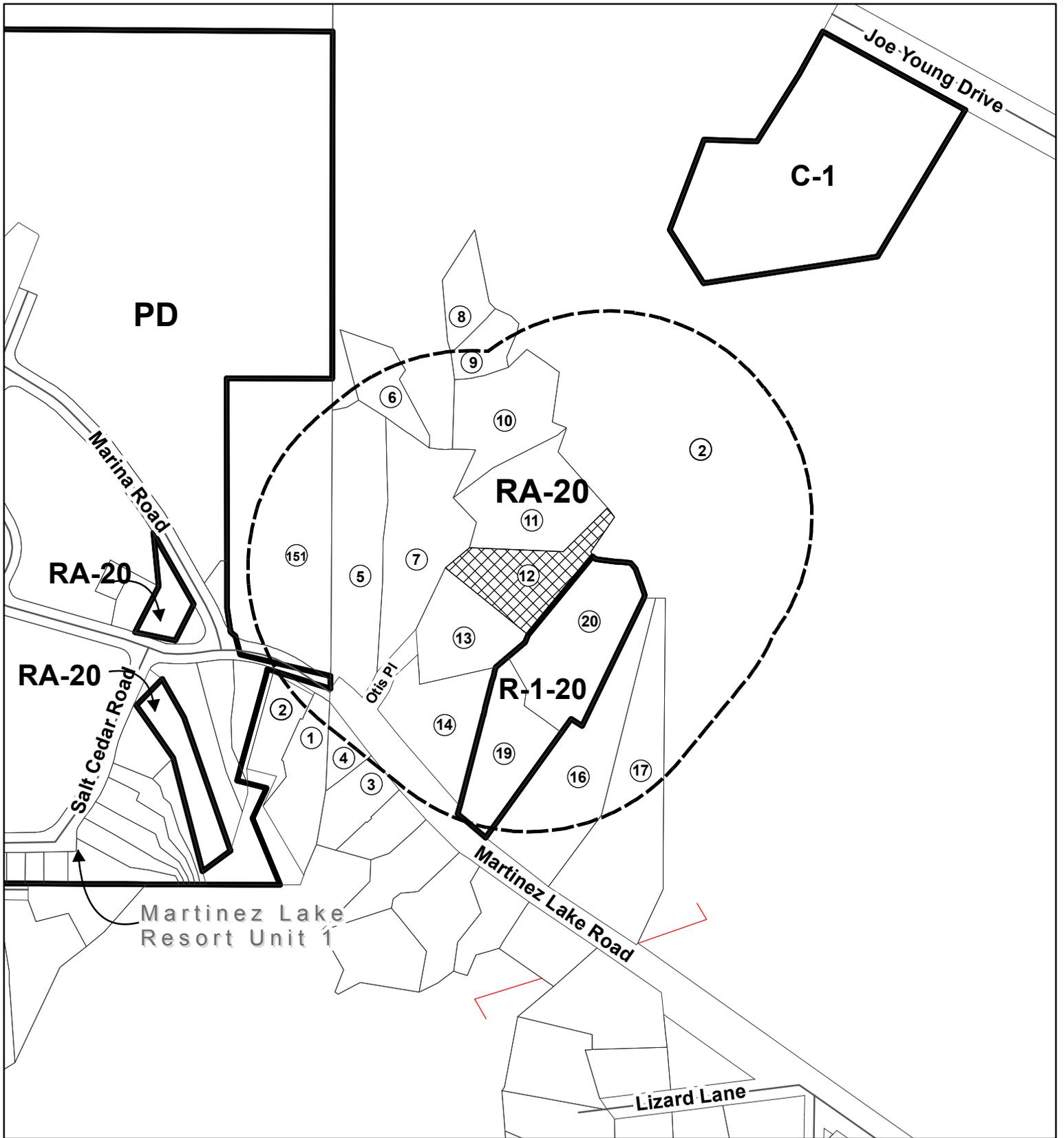
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 15-15 based on:

1. Staff finds the irregular shape and topography of the lot are peculiar conditions which deprive the property of privilege enjoyed by other property owners in the zoning district.
2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of a Variance.
3. Staff finds the condition is not 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. A floodplain use permit shall be obtained.
3. New development will require connection to the existing private sewer line. If connection to sewer system is not feasible, an alternative septic system shall be installed due to the proximity of Martinez Lake.
4. All Construction shall comply with the Yuma County Comprehensive Building Safety Code.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO. V15-15
LOCATION: 10538 Martinez Lake Road
APN: 459-51-012

Case Planner: Marilu Garcia
Drawn: 10/07/15
Reviewed by: JB 10/07/15

SCALE
1" = 200'



Legend

-  Subject Property
-  300' Notification Area
-  City of Yuma

PROJECT FOR:
 MR. & MRS. NORTHCUTT
 NEW ADDITION
 APN # 14-459-51-012
 SITE PLAN

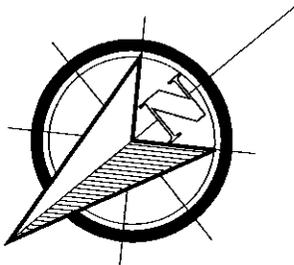
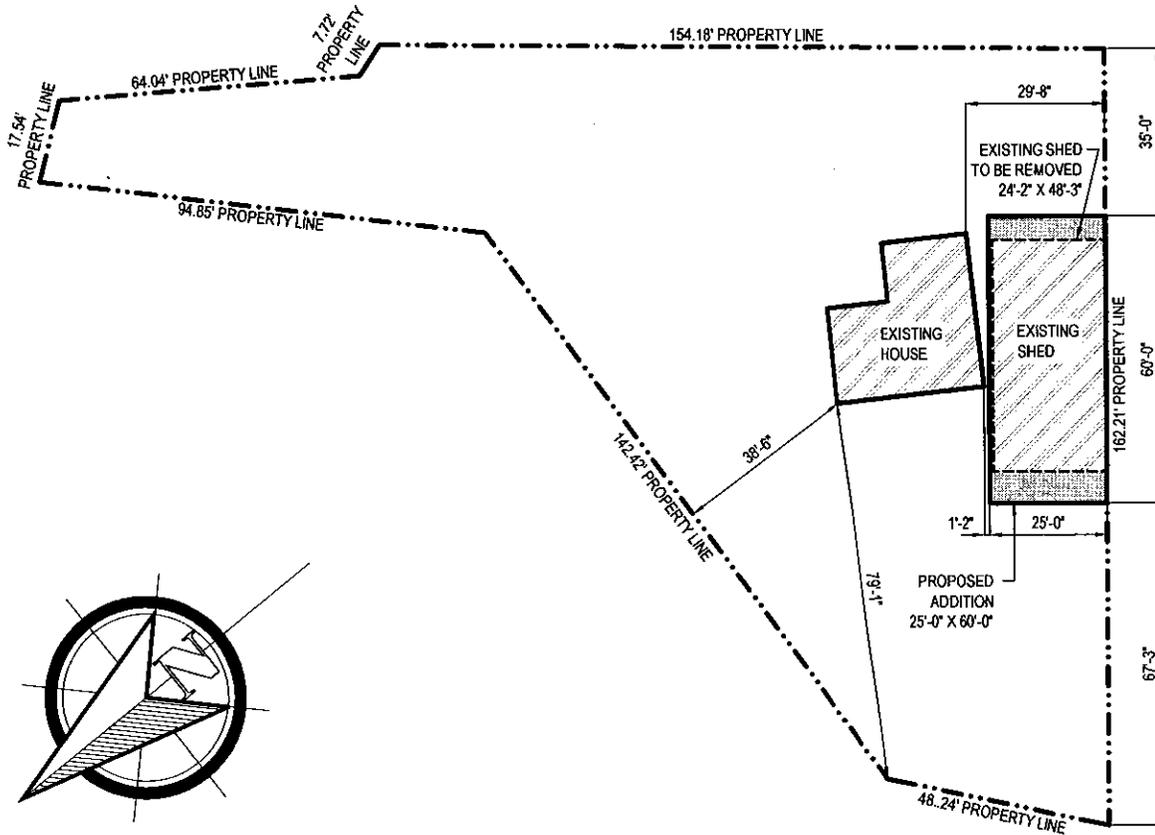


2615 EAST 24TH STREET
 SUITE #5
 YUMA, AZ 85365

OFFICE: 928-726-4600
 CELL: 928-750-1133
 EMAIL: CHRIS@CALCULATEDDESIGNS.COM

SERVICES:
 RESIDENTIAL DRAFTING
 COMMERCIAL DRAFTING
 CONSTRUCTION CONSULTING

CALCULATEDDESIGNS.COM



SITE PLAN

SCALE: 1"=40'

SQUARE FOOTAGE CALCULATIONS

AREA NAME:	SQUARE FOOTAGE
PROPOSED ADDITION	1500.00 SQ. FT.
EXISTING SHED	1166.04 SQ. FT.
EXISTING HOUSE	851.39 SQ. FT.
PROPOSED TOTAL COVERED AREA	2351.39 SQ. FT.



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

October 7, 2015

CASE NUMBER: VARIANCE CASE NO. 15-15

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a "no comment" response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 15-15: Christopher Morris, agent for Tyrone & Kathryn Northcutt, requests a variance from the Yuma County Zoning Ordinance, Section 601.05---Minimum Lot Width & Principal Buildings Setback Requirements, to allow the reduction of the required side yard setback to zero feet on a parcel .42 acres in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 459-51-012, located at 10538 Martinez Lake Road, Yuma County.

The applicant submitted the following intended use in the application: The applicant intends to remove an existing shade and make an addition to an existing house. The addition is proposed to be located along the southwest property line with a zero lot line where 50 feet is required for the RA-20 zoning district. The parcel is considered noncompliant since the parcel was created prior to 2006, specifically in 1985, and as residence was established in the property.

PUBLIC HEARING: November 17, 2015

COMMENTS DUE: October 12, 2015

COMMENT

NO COMMENT

All Construction shall comply with the Yuma County Comprehensive Building Safety Code

DATE: _____

Patrick
NAME: Headington, CBO

Digitally signed by Patrick Headington, CBO
DN: cn=Patrick Headington, CBO, o, ou,
email=pat.headington@yumacountyaz.gov,
c=US
Date: 2015.10.14 16:11:24 -07'00'

Please return your response by 10/12/15 to: Marilu Garcia, Associate Planner, Department of Development Services, 2351 W. 26th Street, Yuma, AZ 85364 or by E-mail: Marilu.garcia@yumacountyaz.gov

Marilu Garcia

From: Craig Sellers
Sent: Thursday, October 08, 2015 3:49 PM
To: Marilu Garcia
Cc: Michael Maisner
Subject: RE: Request for Comments - Variance Case No. 15-15

Follow Up Flag: Follow up
Flag Status: Flagged

The parcel is located within the SFHA. Letter of Map Amendment 14-09-0762A removed a specific structure from the floodplain. New construction and substantial improvements to existing structures require a floodplain use permit.

From: Marilu Garcia
Sent: Wednesday, October 07, 2015 5:01 PM
To: Juli Darantinao; Richard J. Stacks; Backs CIV Paula L; Pat Headington; Cori.Schultz@rmetro.com; Craig Sellers; John Savicky
Subject: Request for Comments - Variance Case No. 15-15

Good afternoon,

Please see enclosed documents regarding Variance Case No. 15-15 for your review.

Thank you,

Marilu Garcia
Associate Planner
Planning and Zoning Division
Department of Development Services
Office: (928) 817-5072
Marilu.Garcia@yumacountyaz.gov



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

October 7, 2015

CASE NUMBER: VARIANCE CASE NO. 15-15

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The applicant submitted the following intended use in the application: The applicant intends to remove an existing shade and make an addition to an existing house. The addition is proposed to be located along the southwest property line with a zero lot line where 50 feet is required for the RA-20 zoning district. The parcel is considered noncompliant since the parcel was created prior to 2006, specifically in 1985, and as residence was established in the property.

PUBLIC HEARING: November 17, 2015

COMMENTS DUE: October 12, 2015

X COMMENT NO COMMENT

New development will require connection to the existing private sewer line. If connection to the sewer system is not feasible, an alternative septic system shall be installed due to the proximity of Martinez Lake.

New development will require connection to the existing private sewer line. If connection to the sewer system is not feasible, an alternative septic system shall be installed due to the proximity of Martinez Lake.

DATE: 10/08/2015

NAME: George Amaya R.S.