



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

DATE: March 19, 2019
TIME: 1:00 P.M.
PLACE: Aldrich Auditorium, 2351 West 26th Street, Yuma, Arizona

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

STAFF: Maggie Castro, AICP, Planning Director
Tricia Ramdass, Associate Planner
Amber Jardine, PZ Commission Admin Specialist

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

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Approval of the Board of Adjustment meeting minutes from January 15, 2019.**
4. **Variance Case No. 19-02:** Severiano Gonzales and Juana Varela 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 on a parcel 6,662 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 668-25-087, located at 8816 South Avenida Del Prado No. 87, Yuma, Arizona; located in the 65-69 dB noise zone.

5. **Variance Case No. 19-03:** Ibrahim Osman, agent for Pedro and Bertha Lugo, requests a variance from the Yuma County Zoning Ordinance, Section 903.00—Parking Space Dimensions, Section 904.00—Required Widths of Parking Area Aisles and Driveway, and Section 909.00—Parking for Handicapped, to allow parking spaces 19 feet in length, a handicapped parking space 19 feet in length, and a two-way traffic aisle 22 feet in width, on a parcel 8,970 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-02-029, located at 3445 West 8th Street, Yuma, Arizona.
6. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**
7. **Adjourn.**

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

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

Yuma County Board of Adjustment

Item No. 3

The Yuma County Board of Adjustment met in a regular session on January 15, 2019. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:07 p.m., Vice Chairman Neil Tucker convened the Board of Adjustment meeting. Board Members present: Tim Eisenmann, Eric Saltzer, and Neil Tucker. Board Members Joe Harper and Rosalie Lines were absent. Others present: Planning Director Maggie Castro, AICP; Associate Planner Tricia Ramdass; and PZ Commission Admin Specialist Amber Jardine.

PLEDGE OF ALLEGIANCE: Board Member Eric Saltzer led the Pledge of Allegiance.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of December 18, 2018.

MOTION (EISENMANN/SALTZER): Approve as presented.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.

The motion carried 3-0.

ITEM No. 4: Elect a Chairman for the Yuma County Board of Adjustment for Calendar year 2019.

Board Members discussed different nominations.

MOTION (SALTZER/EISENMANN): Elect Neil Tucker as Chairman for the Board of Adjustment for Calendar Year 2019.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.

The motion carried 3-0.

ITEM No. 4: Elect a Vice Chairman for the Yuma County Board of Adjustment for Calendar year 2019.

MOTION (EISENMANN/SALTZER): Elect Joe Harper as Vice Chairman for the Board of Adjustment for Calendar Year 2019.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - NAY; Saltzer – NAY.

The motion failed 1-2.

MOTION (TUCKER/SALTZER): Elect Eric Saltzer as Vice Chairman for the Board of Adjustment for Calendar Year 2019.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.

The motion carried 3-0.

ITEM No. 6: Variance Case No. 18-17: Gilbert and Rashell Garcia 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 five feet on a parcel 6,793 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 701-49-129, located at 12185 East 36th Way, Yuma, Arizona.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 18-17 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
2. Staff finds that granting this variance will not confer a special privilege not enjoyed by other in the RVS zoning district.
3. Staff finds the approval of this request does not have a negative impact on the neighborhood.
4. 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. The applicant/owner shall obtain a change of occupancy permit within 60 days of approval by the Board of Adjustment.
3. The sheds shall be relocated to meet the requirement of Section 1106.02 of the Zoning Ordinance or be removed.

Board Members viewed the aerial image of the subject property.

Chairman Tucker opened the public hearing.

Miriam Lukas, 12154 East 36th Way, Yuma, Arizona, stated she had no objections to Variance Case No. 18-17.

Leland Smith, 12174 East 36th Way, Yuma, Arizona, stated he had no objections to Variance Case No. 18-17.

Gil Garcia, 12185 East 36th Way, Yuma, Arizona, property owner, explained that he purchased the property through a private sale without the knowledge that the property was not in compliance. He added that no changes were made to the property other than removing a park model.

Board Member Eisenmann inquired if the property owners occupied the existing structure and if the property had two dwellings.

Mr. Garcia stated that the existing structure was primarily used as overflow to house his family when they visit during the holidays. Both he and his spouse reside in their fifth wheel because they travel frequently throughout the winter months due to his wife's work.

Associate Planner Tricia Ramdass clarified to Board Members that the property is over 6,000 square feet in the RVS district which allows two dwellings on the property as long as the setback requirements are met.

Chairman Neil Tucker closed public meeting.

MOTION (EISENMANN/SALTZER): Approve Variance Case No. 18-17 to include the recommendations of the staff.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.

The motion carried 3-0.

ITEM No. 7: Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.

There being no further business to come before the Board, the Chairman adjourned the meeting at 1:22 p.m.

Approved and accepted on this 19th day of March, 2019.

Neil Tucker, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

Yuma County Board of Adjustment

Item No. 4

AIR-8953

4.

BOA Agenda

Meeting Date: 03/19/2019

Submitted For: Maggie Castro

Submitted By: Tricia Ramdass

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 19-02: Severiano Gonzales and Juana Varela 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 on a parcel 6,662 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 668-25-087, located at 8816 South Avenida Del Prado No. 87, Yuma, Arizona; located in the 65-69 dB noise zone.

2. INTENT:

Approval of this request will allow the following deviation of the Zoning Ordinance:

- A rear yard setback of six feet where ten feet is required.

The intent is to install a 16 foot by 67 foot manufactured home on the property.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 19-02 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
 2. Staff finds that approval of this variance may not have a negative impact on the neighborhood.
-

Attachments

Staff Report

Vicinity Map

Site Plan

MCAS-Yuma Comments

YCAA Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
March 19, 2019
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 19-02
OWNER: Severiano Gonzalez & Juana M. Varela
CASE PLANNER: Tricia Ramdass, Associate Planner
DATE PREPARED: February 25, 2019

DESCRIPTION OF REQUEST: Severiano Gonzales and Juana Varela 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 on a parcel 6,662 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 668-25-087, located at 8816 South Avenida Del Prado No. 87, Yuma, Arizona; located in the 65-69 dB noise zone.

THE APPLICANT’S REASON FOR REQUESTING THIS VARIANCE: To install a 16 foot by 67 foot manufactured home on the property.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The following deviation from the Zoning Ordinance:

1. A rear yard setback of six feet where ten feet is required.

BACKGROUND

The subject property is lot 87 in El Prado Mobile Estates Unit 1 Amend subdivision and is located in the Gila Valley Planning Area of the 2020 Comprehensive Plan. The subject parcel is 6,662 square feet in size. The subdivision was rezoned from Manufactured Home Park to Recreational Vehicle Subdivision (RVS) with Rezoning Case No. 87-32 approved by the Board of Supervisors on August 17, 1987. The subdivision was recorded on November 21, 1988. The area regulations at that time for the RVS district allowed a separation of 15 feet between “mobile homes and recreational vehicles” and required a setback of three feet to the lot line for unenclosed patios and carports.

The Board of Adjustment approved Variance Case No. 18-02 on March 20, 2018 to allow a rear yard setback of eight feet where ten feet is required to install a manufactured home measuring 16 feet by 65 feet on the subject property. However, the applicant submitted a site plan for the installation permit with the manufactured home measuring 16 feet by 67 feet which encroaches two feet into the rear yard setback of eight feet previously approved by the Board of Adjustment. The certificate of title indicates that the

manufactured home is 16 feet by 70 feet, however the applicant stated the hitch would be removed after placement and installation, leaving the body of the home at a length of 67 feet.

An eight foot utility easement runs along the west and south side of the property. Additionally, there is a septic/water utility easement that runs along the north 16 feet of the property. The easement was established when the manufactured home park was originally developed to provide a community septic system and private water. However, the properties in this subdivision are no longer using a community septic system and the water line appears to be in the northeast corner of the property. Reducing the setback would allow development to encroach into the septic/water utility easement. Staff was unsuccessful in contacting a representative for the El Prado Water Company to confirm whether or not the easement is still in place. As such, the applicant would need to sign a Public Utility Easement Encroachment Acknowledgement in order to place the home over the easement.

The applicant purchased and relocated the manufactured home after obtaining approval of the previous variance for a rear yard setback of eight feet. However, the installation permit could not be approved because the home is larger than indicated on the site plan submitted with V18-02. The manufactured home is vacant and is not hooked up to any utilities.

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 property. The lot is flat terrain and the topography is not unusual. The lot measures 56.5 feet by 83 feet. The parcel is 6,662 square feet in size and meets the minimum parcel size for the RVS zoning district. The subdivision was recorded on November 21, 1988. The area regulations for the RVS district at that time allowed a separation of 15 feet between “mobile homes and recreational vehicles.” The property directly to the north is the location of a manufactured home that is located approximately 42 feet north of the subject property’s rear lot line.

- 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 manufactured home that was purchased by the owners is too long to fit within the building envelope required by the RVS 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 no specific peculiar conditions applicable to this property. The property is not of

unusual shape or topography. However, the subdivision was recorded on November 21, 1988. The area regulations for the RVS district at that time allowed a separation of 15 feet between “mobile homes and recreational vehicles.”

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. The property directly to the north is the location of a manufactured home that is located approximately 42 feet north of the subject property’s rear lot line. The proposed rear yard setback of six feet is adequate for fire and emergency personnel access. There is a utility easement for the septic leach lines and water lines that runs along the entire north 16 feet of the property. However, the properties in the subdivision are now hooked up to sewer.

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 will confer a special privilege not enjoyed by others in the RVS zoning district. All of the properties within El Prado Mobile Estates Unit 1 Amend, with the exception of Assessor’s Parcel Number 668-25-122, meet the required rear yard setback of ten feet. Other variances for a reduction of the front yard setback have been approved in this subdivision due to the utility easements that existed in the rear yards. Staff finds that approval of this variance may not have a negative impact on 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 self-imposed. The owners could install a manufactured home with different dimensions that would comply with the principal dwelling setback requirements. There is no alternative development scheme that will accommodate the applicants’ current manufactured home. However, the area regulations that were in effect when the subdivision was recorded in 1988 for the RVS district allowed a separation of 15 feet between “mobile homes and recreational vehicles” and required a setback of three feet to the lot line for unenclosed patios and carports. If the same area regulations were in effect today, a variance would not be needed.

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.

ADDITIONAL COMMENTS:

Gen Grosse, Yuma County Airport Authority, requested that an aviation disclosure statement be recorded.

Mary Ellen Finch, Marine Corps Air Station-Yuma, stated that subject parcel is located in the High Noise Accident Potential Zone and an aviation disclosure has already been recorded for this parcel.

The Yuma County Building Safety/Fire Code Division, Environmental Programs Section, Flood Control District and Engineering Division provided no comments.

The Yuma County Assessor's Office provided the following comment: The Yuma County Assessor's Office has no objection to the proposed variance.

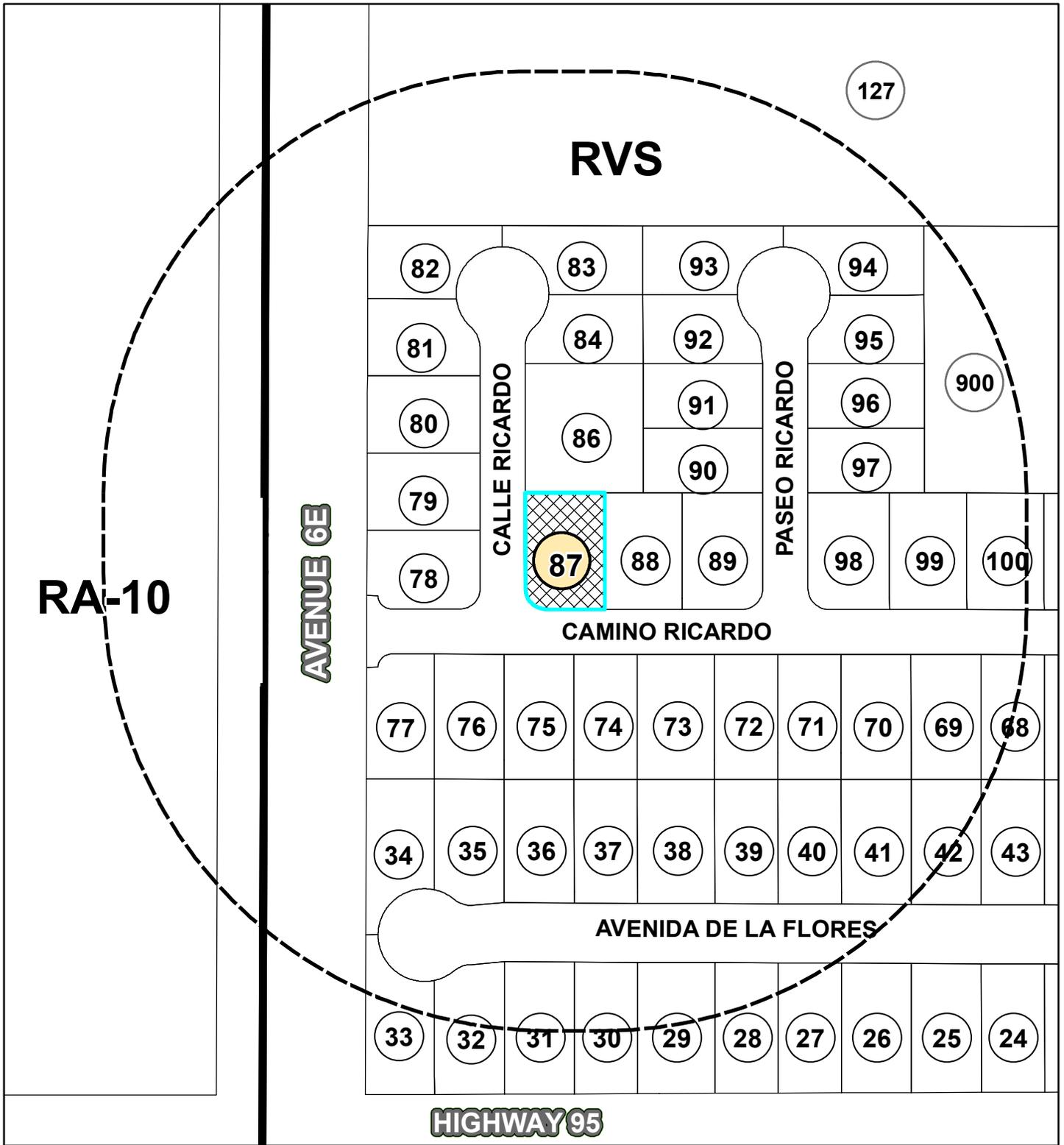
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 19-02 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
2. Staff finds that approval of this variance may not have a negative impact on the neighborhood.

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

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. The applicant/owner shall sign and submit a Public Utility Easement Encroachment Acknowledgement form upon application for the manufactured home installation permit.
3. Approval of this variance is based on the site plan submitted. Any deviation from the site plan will require approval of a new variance by the Board of Adjustment.




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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V19-02
LOCATION: 8816 South Avenida Del Prado #87
APN(s): 668-25-087

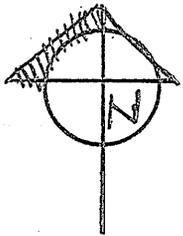
CASE PLANNER: TRICIA RAMDASS
DATE DRAWN: 02-01-2019
REVIEWED BY: JAVIER BARRAZA

SCALE: 1" = 100'



Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary



68'-0"

56'-6"

10'-0"

6'-0"

4'-0"

7'-0"

83'-0"

12'x6"
M.H.

15'-0"

10'-0"

41'-6"

SITE PLAN:
SCALE 1"=10'-0"

APN: 608-26-087
8816 S. AVENIDA DEL PRADO.

APPROVED BY: SEVERIANO GONZALEZ x S. GONZALEZ.
01-30-2019



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

February 5, 2019

CASE NUMBER: VARIANCE CASE NO. 19-02

CASE SUMMARY: Severiano Gonzalez & Juana M. Varela 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 on a parcel 4,633 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 668-25-087, located at 8816 South Avenida del Prado #87, Yuma, Arizona.

Intent: To allow a rear yard setback of six feet where ten feet is the minimum allowed to accommodate a manufactured home.

PUBLIC HEARING: Tentatively scheduled for March 19, 2019

COMMENTS DUE: February 11, 2019

____COMMENT

____NO COMMENT

DATE:_____ PRINTED NAME:_____

AGENCY/DIVISION:_____

RETURN TO: Tricia Ramdass, Associate Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5072
Tricia.Ramdass@yumacountyaz.gov

Attachments: Case Map, Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

February 5, 2019

CASE NUMBER: VARIANCE CASE NO. 19-02

CASE SUMMARY: Severiano Gonzalez & Juana M. Varela 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 on a parcel 4,633 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 668-25-087, located at 8816 South Avenida del Prado #87, Yuma, Arizona.

Intent: To allow a rear yard setback of six feet where ten feet is the minimum allowed to accommodate a manufactured home.

PUBLIC HEARING: Tentatively scheduled for March 19, 2019

COMMENTS DUE: February 11, 2019

____COMMENT

____NO COMMENT

DATE:_____ PRINTED NAME:_____

AGENCY/DIVISION:_____

RETURN TO: Tricia Ramdass, Associate Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5072
Tricia.Ramdass@yumacountyaz.gov

Attachments: Case Map, Site Plan

Yuma County Board of Adjustment

Item No. 5

AIR-8954

5.

BOA Agenda

Meeting Date: 03/19/2019

Submitted For: Maggie Castro

Submitted By: Tricia Ramdass

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 19-03: Ibrahim Osman, agent for Pedro and Bertha Lugo, requests a variance from the Yuma County Zoning Ordinance, Section 903.00—Parking Space Dimensions, Section 904.00—Required Widths of Parking Area Aisles and Driveway, and Section 909.00—Parking for Handicapped, to allow parking spaces 19 feet in length, a handicapped parking space 19 feet in length, and a two-way traffic aisle 22 feet in width, on a parcel 8,970 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-02-029, located at 3445 West 8th Street, Yuma, Arizona.

2. INTENT:

To allow the following deviations from the Zoning Ordinance:

- Parking space length of 19 feet where 20 feet is required,
- Handicapped parking space length of 19 feet where 20 feet is required, and
- Two-way traffic aisle width of 22 feet where 24 feet is required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends denial of Variance Case No. 19-03 based on:

1. Staff finds there are no peculiar conditions applicable to the property.
 2. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
 3. Staff finds granting this variance will confer a special privilege not enjoyed by others in the C-1 zoning district.
 4. Staff finds that the condition is self-imposed.
-

Attachments

Staff Report

Vicinity Map

Site Plan

City of Yuma Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
March 19, 2019
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 19-03
OWNER: Ibrahim Osman/Pedro & Bertha Lugo
CASE PLANNER: Tricia Ramdass, Associate Planner
DATE PREPARED: February 27, 2019

DESCRIPTION OF REQUEST: Ibrahim Osman, agent for Pedro and Bertha Lugo, requests a variance from the Yuma County Zoning Ordinance, Section 903.00—Parking Space Dimensions, Section 904.00—Required Widths of Parking Area Aisles and Driveway, and Section 909.00—Parking for Handicapped, to allow parking spaces 19 feet in length, a handicapped parking space 19 feet in length, and a two-way traffic aisle 22 feet in width, on a parcel 8,970 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-02-029, located at 3445 West 8th Street, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: To allow a change of occupancy permit to convert the use of the property from an outdoor taco stand to a restaurant.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The following deviation from the Zoning Ordinance:

1. Parking space length of 19 feet where 20 feet is required,
2. Handicapped parking space length of 19 feet where 20 feet is required, and
3. Two-way traffic aisle of 22 feet where 24 feet is required.

BACKGROUND

The subject property is located within Welter's subdivision in the Northwest Yuma Planning Area of the 2020 Comprehensive Plan. The subdivision was recorded on June 24, 1927 and is zoned Local Commercial (C-1). The subject parcel is 8,970 square feet in size. The property is served by City of Yuma water and an on-site septic system.

The following permits are on file for the subject property: Permit No. B06-0279 was issued on March 10, 2006 for a 20 foot by 40 foot open air patio and Permit No. B05-1974 was issued on March 14, 2006 for bathroom facilities. The addition of the storage to the west side of the bathrooms was constructed without a permit by the previous owners. The current owners were not aware that the storage was built

without permits and intend to remove the unpermitted storage. The intent is to enclose the patio and construct a new kitchen to convert the taco stand to a restaurant.

The Board of Supervisors approved Special Use Permit Case No. 04-17 (SUP04-17) on October 4, 2004 to allow food service as an outdoor activity per Section 611.03(F) of the Yuma County Zoning Ordinance. The schedule for development included a condition to construct site-obstructing walls on the east and west of the property within three months of county road improvement as a buffer to the residential uses of the parcels directly to the east and west of the subject property. The dimensions and distances on the site plan submitted with SUP04-17 were sufficient to accommodate the six required spaces and a 24 foot two-way traffic aisle. However, it appears that the block walls along the west and east were not constructed in complete alignment with the property lines. The wall constructed by the previous owner resulted in varying widths between the walls from the front to the rear of the subject property which decreased the space available to accommodate the required parking spaces and aisle width.

The applicant believes that due the close proximity of the subject property to the City of Yuma boundaries, a reduction of the parking space length and aisle width mirroring parking regulations of the Yuma City Code would be acceptable for the subject property. Staff has not receive any information or documentation showing that the applicant has entered into a pre-annexation agreement or scheduled predevelopment conferences regarding annexation. The City of Yuma Zoning Ordinance allows a parking space length of 19 feet and requires 16 parking spaces for the proposed use. Additionally, the traffic aisle also meets with City's requirement which states as follows:

- Each required off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to said space.

The 2010 ADA Standards for Accessible Design requires a minimum width of eight feet for accessible parking spaces and 11 feet for van-accessible spaces. The standards do not specify a requirement for parking space length. The site plan depicts one accessible parking space in compliance with ADA requirements.

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 property. The lot is flat terrain and the topography is not unusual. The lot measures 65 feet wide by 138 feet deep. The parcel is 8,790 square feet in size and meets the minimum parcel size and lot width for the C-1 zoning district. The need for this variance is due to the fact that the block wall around the perimeter of the property was built inside the property lines which only provides 62 feet in which to accommodate the parking spaces and two-way traffic aisle.

- 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 previous owner of the parcel reduced the width of the lot to 62 feet because the block wall around the perimeter of the property was built inside the property lines. This left insufficient space to meet the requirements of the zoning ordinance for the parking space dimensions and two-way traffic aisle to allow the change of occupancy of the structure to a restaurant.

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. The dimensions of the parcel can accommodate the required the parking space length and two-way traffic aisle. However, because the block wall along the perimeter of the property was built inside the property lines, it does not allow the requirements to be met.

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 provided that vehicles exit the establishment without backing onto 8th Street. The parking on the property met the requirements for the activity approved with SUP04-17 which allowed food service as an outdoor activity. However, changing the occupancy of the building to a restaurant requires additional parking spaces and a two-way traffic aisle which cannot be accommodated due to the block wall along the perimeter of the property.

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 will confer a special privilege not enjoyed by others in the C-1 zoning district. No other properties within the C-1 district have received a reduction in parking space length or traffic aisle width. Provided there is sufficient aisle space to prevent vehicles from backing into the street, staff finds that approval of this variance may not have a negative impact on 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 self-imposed. The owners could remove and reconstruct the block wall along the property lines to accommodate parking requirements or continue the special use as an outdoor taco stand instead of converting the structure to a restaurant.

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.

ADDITIONAL COMMENTS:

Yuma County Building Safety/Fire Code Division, Environmental Programs Section, Flood Control District and Engineering Division had no comments.

Principal Planner Robert Blevins, City of Yuma, stated that a predevelopment meeting is required if the applicant/owner intends for the subject property to be hooked up to City sewer.

The Yuma County Assessor's Office provided the following comment: The Yuma County Assessor's Office has no objection to the proposed variance.

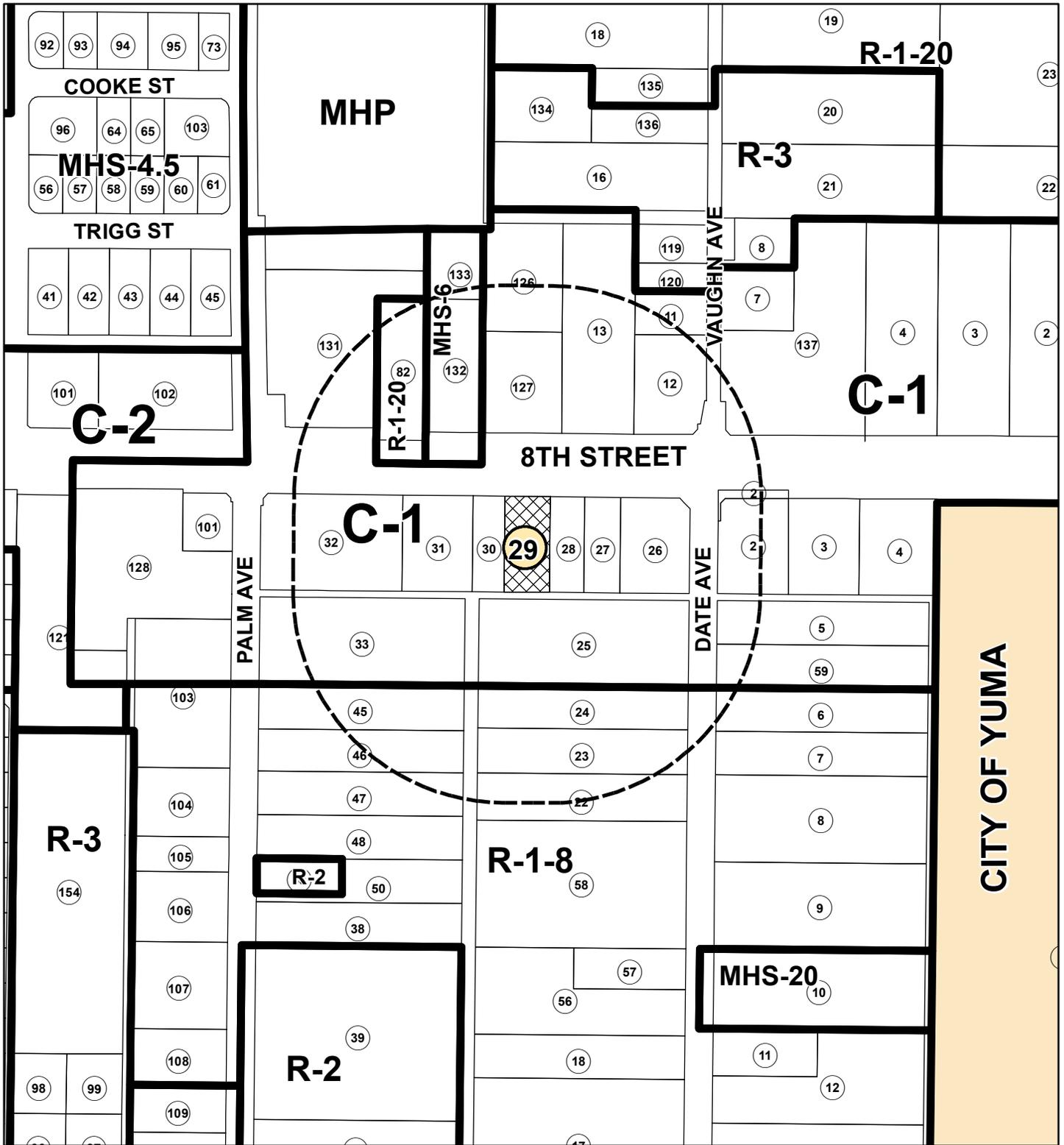
STAFF RECOMMENDATION

Staff recommends denial of Variance Case No. 19-03 based on:

1. Staff finds there are no peculiar conditions applicable to the property.
2. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
3. Staff finds granting this variance will confer a special privilege not enjoyed by others in the C-1 zoning district.
4. Staff finds that the condition is self-imposed.

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

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. The applicant/owner shall remove the unpermitted storage from the west side of the bathroom facility or bring it into compliance with the Zoning Ordinance and Building Code.
3. Approval of this variance is based on the site plan submitted. Any deviation from the site plan will require approval of a new variance by the Board of Adjustment.



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V19-03
LOCATION: 3445 West 8th Street
APN(s): 664-02-029

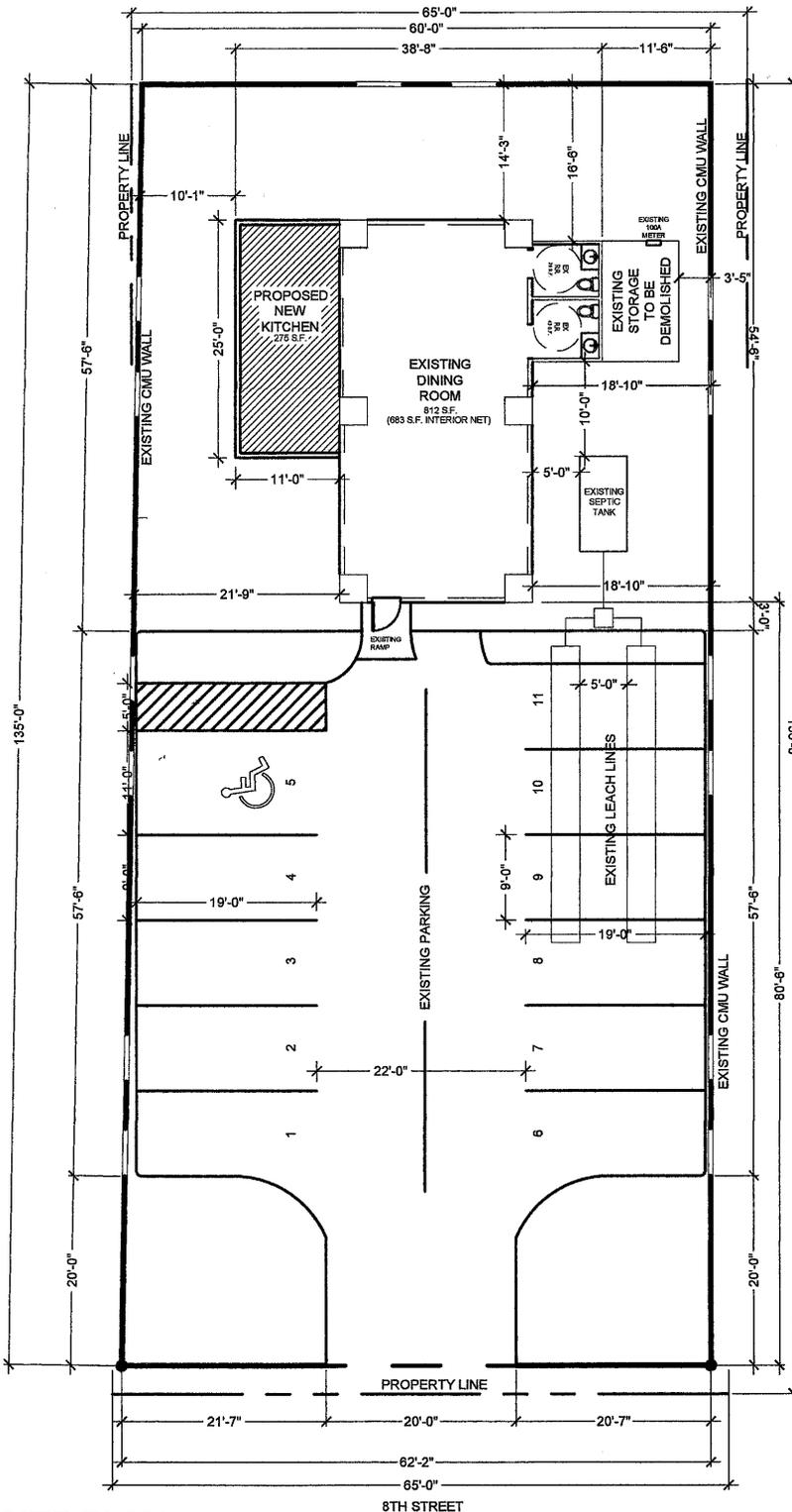
CASE PLANNER: TRICIA RAMDASS
DATE DRAWN: 02-12-2019
REVIEWED BY: FERNANDO VILLEGAS



SCALE: 1" = 200'

Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary



SITE PLAN

SCALE: 1" = 20'



TAQUERIA SAN PEDRO
3445 W 8TH ST
YUMA ARIZONA, 85364

SITE PLAN

DATE
02/05/2019

PROJ:
SD 61-17

SCALE
AS SHOWN

OSMAN ENGINEERING PLLC

183 E 24TH STREET, SUITE 6 YUMA, AZ 85364
Tel: (928) 314-1737 FAX: (928) 314-1738



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

February 13, 2019

CASE NUMBER: VARIANCE CASE NO. 19-03

CASE SUMMARY: Ibrahim Osman, agent for Pedro and Bertha Lugo, requests a variance from the Yuma County Zoning Ordinance, Section 903.00—Parking Space Dimensions, Section 904.00—Required Widths of Parking Area Aisles and Driveway, and Section 909.00—Parking for Handicapped, to allow parking spaces 19 feet in length, a handicapped parking space 19 feet in length, and a two-way traffic aisle 22 feet in width, on a parcel 8,970 square feet in size zoned Local Commercial (C-1), Assessor's Parcel Number 664-02-029, located at 3445 West 8th Street, Yuma, Arizona.

Intent: To allow parking space length of 19 feet where 20 feet is required, a handicapped parking space length of 19 feet where 20 feet is required, and a two-way traffic aisle of 22 feet where 24 feet is required, to accommodate parking required by a change of occupancy from an outdoor taco stand to a restaurant. The change of occupancy was triggered by the permit application to construct a new kitchen and enclosure of the outdoor patio area for use as a restaurant.

PUBLIC HEARING: Tentatively scheduled for March 19, 2019

COMMENTS DUE: February 19, 2019

____COMMENT

____NO COMMENT

Mike Tapia had recently inquired about City Sewer. A predevelopment meeting with the City of Yuma is required.

DATE:_____ PRINTED NAME:_____

AGENCY/DIVISION: Community Planning, City of Yuma

RETURN TO: Tricia Ramdass, Associate Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5072
Tricia.Ramdass@yumacountyaz.gov

Attachments: Case Map, Site Plan