



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

DATE: November 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 October 15, 2019.**
4. **Variance Case No. 19-14:** DLG Contractors Inc., requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow a building height of 36 feet on one parcel 2,885 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-117, located at 10380 East Blue Gill Lane, Yuma, Arizona.
5. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**
6. **Adjourn.**

The Committee may vote to hold an Executive Session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda, pursuant to Arizona Revised Statute §38-431.03(A)(3).

Persons with disabilities may request reasonable accommodations by contacting Shannon Gunderman, ADA Coordinator at 928.373.1137 or by email at shannon.gunderman@yumacountyaz.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

Yuma County Board of Adjustment

Item No. 3

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

CALL TO ORDER: At 1:00 p.m., Chairman Tucker convened the Board of Adjustment meeting. Board Members present: Joe Harper, Tim Eisenmann, Eric Saltzer, and Neil Tucker. Board Member Rosalie Lines was absent. Others present: Planning Director Maggie Castro, AICP; Associate Planner Tricia Ramdass; and PZ Commission Admin Specialist Amber Jardine.

PLEDGE OF ALLEGIANCE: Chairman Tucker led the Pledge of Allegiance.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of August 20, 2019.

MOTION (EISENMANN/SALTZER): Approve as presented.

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

ITEM No. 4: Variance Case No. 19-10: Graciela Shields requests a variance from the Yuma County Zoning Ordinance, Section 606.05—Minimum Lot Width and Principal Buildings Setback Requirements, to allow a side street setback of one foot six inches on a parcel 9,500 square feet in size zoned General Commercial/High Density Residential (C-2/R-3), Assessor's Parcel Number 700-52-162, located at 10809 East 37th Street, Yuma, Arizona.

Associate Planner Tricia Ramdass Presented the staff report recommending denial of Variance Case No. 19-10 based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
2. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance.
3. Staff finds granting this variance will confer a special privilege not enjoyed by others in the R-1-8 zoning district.
4. 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. A permit must be obtained for the storage that was constructed without a permit.
3. All required permits must be issued and finalized according to adopted building and fire code requirements of Yuma County.
4. 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.

Chairman Tucker opened the public hearing.

Graciela Shields, 10809 East 37th Street, Yuma, Arizona, owner of the subject property, stated she would like to install solar panels. The shed was placed by her late husband and she did not know it needed a permit. She added that the shed was secure and removing the shed would be a hardship for her.

Board Member Saltzer inquired if the shed had concrete foundation.

Graciela Shields stated that it was concrete. She explained the shed was a building.

Board Member Eisenmann asked what the building was used for and inquired about the entry way of the shed.

Graciela Shields explained the shed was accessed from the outside and that her late husband stored his items in the shed. She added that she did not know what was inside and did not use the shed.

There being no one else to come forward, Chairman Tucker closed public meeting.

Board Member Eisenmann inquired about the reason of having a setback of 10 feet.

Staff provided information about the setbacks.

Planning Director Maggie Castro, AICP, further clarified setbacks were also required for aesthetic purposes to provide some uniformity within a subdivision.

Board Member Harper asked if there had been any complaints from neighbors.

Associate Planner Tricia Ramdass stated she had not received any complaints and no complaints had been received by the zoning division. She explained the shed was discovered during a review of a solar panel permit. The solar panel permit was issued with a condition that a variance must be obtained due to the violation of the Yuma County Zoning Ordinance.

Board Member Tucker inquired if there was a permit for storage shed.

Staff informed board members that the location of the shed is not compliant with the requirements of the Zoning Ordinance so it would not have been permitted without a variance being obtained.

Board Member Saltzer inquired if the concrete foundation would have to be removed.

Associate Planner Tricia Ramdass explained only the unpermitted storage shed would need to be removed.

Graciela Shields explained she was unaware the storage shed was not legal until she applied for the solar panel permit.

MOTION (EISENMANN/HARPER): Deny Variance Case No. 19-10 subject to staff recommendations.

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

ITEM No. 5: Variance Case No. 19-11: Frank and Emily Roberts request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow a building height of 36 feet on a parcel 2,283 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-128, located at 10388 East North Martinez Lake Road, Yuma, Arizona.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-11 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
2. Staff finds there are specific peculiar conditions applicable to these properties to warrant granting of this variance.
3. Staff finds the approval of this request does 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 Yuma County Zoning Ordinance.

Chairman Tucker opened the public hearing.

Najeh K. Edias, 3075 South Avenue 4E, Yuma, Arizona, agent for the property owner, explained the planned development and stated he was present to answer any questions.

Board Member Saltzer inquired if the fire suppressant systems would be required.

Associate Planner Tricia Ramdass stated staff did not require fire sprinkling systems as a condition. According to the revised CC&Rs, the fire sprinkler system is determined during the building safety review.

There being no one else to come forward, Chairman Tucker closed public meeting.

MOTION (HARPER/EISENMANN): Approve Variance Case No. 18-12 based on the variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.

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

ITEM No. 6: Variance Case No. 19-12: Ian and Brandi Kubasiewicz request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow a building height of 36 feet on a parcel 1,306 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-018, located at 10421 East Tule Road, Yuma, Arizona.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-12 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
2. Staff finds there are specific peculiar conditions applicable to these properties to warrant granting of this variance.
3. Staff finds the approval of this request does 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 Yuma County Zoning Ordinance.

Chairman Tucker opened the public hearing.

Board Member Eisenmann asked about setbacks required in the Martinez Lake Resort planned development.

Staff explained the setbacks of the Martinez Lake Resort Unit 1 Planned Development.

Chris Morris, 1258 West 18th Street, Yuma, Arizona, agent for the property owner, explained why the home needed to be constructed at 36 feet instead of 32 feet.

There being no one else to come forward, Chairman Tucker closed public meeting.

MOTION (SALTZER/HARPER): Approve Variance Case No. 18-12 following staff recommendations.

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

The motion carried 4-0.

ITEM No. 7: Variance Case No. 19-13: Ronald Contreras of Penn Sign Company, agent for MMPR Yuma Holdings LLC, requests a variance from the Yuma County Zoning Ordinance, Section 809.02—Freestanding Signs, to allow a freestanding on-site sign 60 feet in height and 253 square feet in size on a parcel 16,660 square feet in size zoned General Commercial (C-2), Assessor's Parcel Number 700-36-033, located at 11280 South Fortuna Road, Yuma, Arizona.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-13 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
2. Staff finds there are specific peculiar conditions applicable to these properties to warrant granting of this variance.
3. Staff finds the approval of this request does 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 Yuma County Zoning Ordinance.
2. 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.

Chairman Tucker opened the public hearing.

Ron Contreras, 707 West 8th Street, Yuma, Arizona, agent for the property owner, further explained the issues with the visibility of the sign and why the additional height was necessary.

Board Member Eisenmann asked if visibility would be improved if the sign was angled differently.

Ron Contreras stated the contractors tried all possibilities and determined the current configuration provided the most visibility to travelers along Interstate 8 and Fortuna Road.

Board Members reviewed the aerial picture that showed non-conforming signs in the area which included signs constructed prior to the zoning ordinance and signs constructed at taller heights allowed through variances approved by the Board of Adjustment.

There being no one else to come forward, Chairman Tucker closed public meeting.

MOTION (EISENMANN/SALTZER): Approve Variance Case No. 19-13 based on staff recommendations.

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

ITEM No. 8: 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 1:35 p.m.

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

Neil Tucker, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

DRAFT

Yuma County Board of Adjustment

Item No. 4

AIR-9407

4.

BOA Agenda

Meeting Date: 11/19/2019

Submitted For: Maggie Castro

Submitted By: Tricia Ramdass

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 19-14: DLG Contractors Inc., requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow a building height of 36 feet on one parcel 2,885 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-117, located at 10380 East Blue Gill Lane, Yuma, Arizona.

2. INTENT:

To build one residence 36 feet in height to accommodate ground level parking and living space on the additional levels.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 19-14 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
 2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
 3. Staff finds approval of this request does not have a negative impact on the neighborhood.
-

Attachments

Staff Report

Vicinity Map

Site Plan

Elevation Plan

Building Safety Comments

STAFF REPORT
Yuma County Planning and Zoning Division

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

CASE NUMBER: Variance Case No. 19-14
OWNER: DLG Contractors Inc.
CASE PLANNER: Tricia Ramdass, Associate Planner/DZI
DATE PREPARED: October 14, 2019

DESCRIPTION OF REQUEST: DLG Contractors Inc., requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow a building height of 36 feet on one parcel 2,885 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-117, located at 10380 East Blue Gill Lane, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: The intent is to build one residence 36 feet in height to accommodate ground level parking and living space on the additional levels.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The following deviation from the Martinez Lake Resort Unit No. 1 Planned Development:

1. A maximum building height of 36 feet where 32 feet is the maximum allowed.

BACKGROUND

The subject property is located within Martinez Lake Resort Unit No. 1 Planned Development consisting of 140 single family residential lots and 21 tracts. Additionally, the property is located in the Martinez Lake Planning Area of the 2020 Comprehensive Plan. The property was rezoned to PD with Rezoning Case No. 02-39 (RZ02-39) on January 18, 2005. Structures have been removed from the subject property for the construction of new site built single family dwelling.

The purpose of the PD district is to encourage imaginative and innovative planning, particularly with respect to diversification in the land use and flexibility in site designs, respect to various features, including, but not limited to, spacing, heights, density, open space, circulation, preservation of natural features, and innovative development that results in the availability of a variety of residential/commercial/industrial

opportunities. Martinez Lake Resort Unit No. 1 subdivision was rezoned to PD due to the unusual shape, topography, and configuration of the lots. The development standards allow for development of the lots with a setback of zero feet in the side and rear yards provided construction of dwelling units complies with the adopted fire code.

The Yuma County Zoning Ordinance, Section 616.07, states that any minor extensions, alterations or modifications of existing buildings, structures or elements of the plan may be authorized by the Planning Director if they are consistent with the purposes and intent of the plan. All other changes in the Development Plan must be approved under the procedures authorized by the Zoning Ordinance.

The Board of Adjustment approved Variance Case No. 17-06 (05/16/17), Variance Case No. 18-03 (03/20/18), Variance Case No. 18-10 (07/17/18), Variance Case No. 18-13 (08/21/2018), Variance Case No. 19-11 (10/15/2019) and Variance Case No. 19-12 (10/15/2019) allowing a height of 36 feet for six properties in the same subdivision.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variations 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 subject property. The development standards allow for development of the lots with a maximum height of 32 feet which does not provide enough room for three floors. The applicant is requesting a maximum height of 36 feet for the dwelling unit in order to accommodate ground level parking and two levels of habitable space.

- B. *Variations 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 hardship arising from conditions or circumstances unique to the development of this property. The development standards of the PD limit development of the properties to units with parking on the ground floor and the dwelling above the parking. However, the maximum height of 32 feet does not allow construction of three floors. Increasing the maximum height by four feet will enable the construction of a unit with three floors.

- 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 this variance. The unique characteristics in the Martinez Lake Resort Unit No. 1 PD require that parking be provided on the first level of each unit thereby limiting the number of floors that can be used for habitable area. Increasing the maximum height to 36 feet will enable the construction of two floors above the parking area dedicated to habitable space.

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

Staff finds approval of this request will not have adverse effects on public health, safety, and welfare. The increase in the maximum height will allow the property owner to improve the property with the ground floor used solely for parking and two floors for livable area. The intent is to remove the existing recreational vehicle from the subject property thereby improving the physical condition of the subject 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 does not appear to confer a special privilege since increasing the maximum height to 36 feet will facilitate the construction of a unit with the ground floor used solely for parking and two floors above the parking area for livable space.

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 amend the entire Martinez Lake Resort Unit No.1 Planned Development to allow a maximum height of 36 feet.

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 Chief Building/Fire Code Official Pat Headington stated that rated construction shall be incorporated into the structure in accordance with the 2018 International Residential Code and sprinklers shall be installed in accordance with the 2018 International Residential Code (NFPA 13D).

STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 19-14 based on:

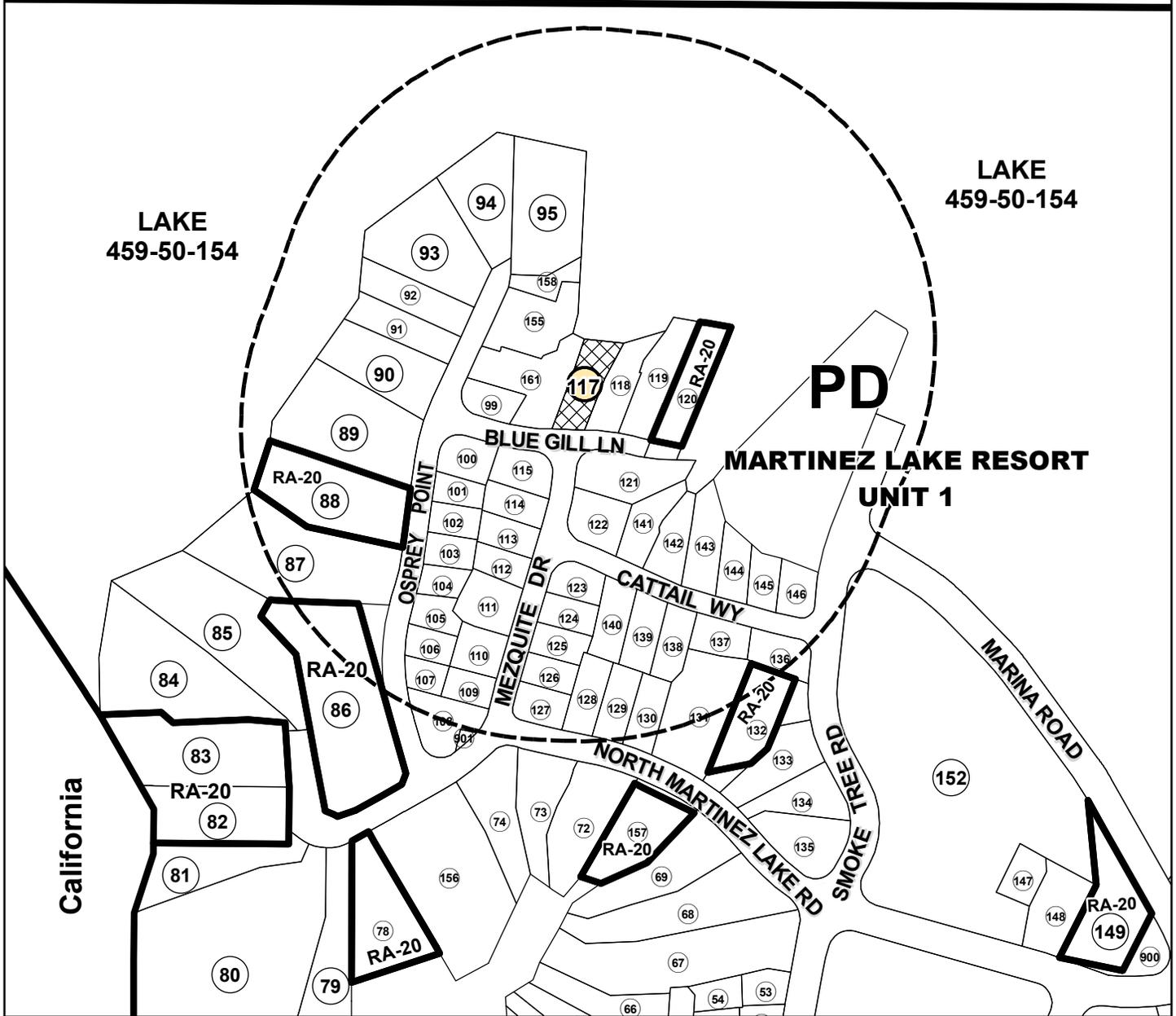
1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
3. Staff finds approval of this request does not have a negative impact on the neighborhood.

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

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

RA-20

143-19-001



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO:
LOCATION:
APN(s):

V19-14
10380 Blue Gill Lane
459-50-117

CASE PLANNER: TRICIA RAMDASS
DATE DRAWN: 10-01-2019
REVIEWED BY: JAVIER BARRAZA

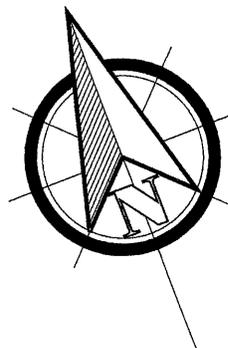
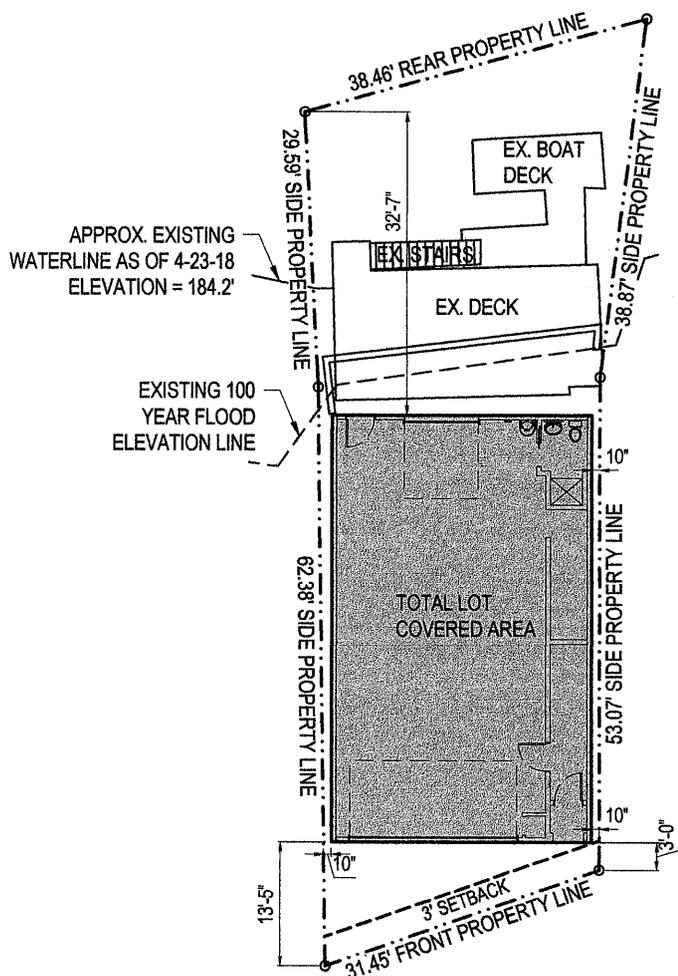
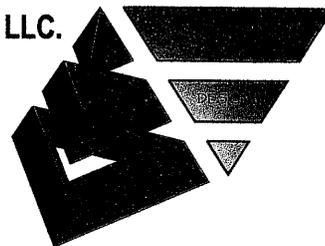
SCALE: 1" = 150'



- ### Legend
- 300' BUFFER
 - SUBJECT PROPERTY
 - Zoning Boundary

PROJECT	NEW RESIDENCE
NAME:	GRANT
ADDRESS	10380 E. BLUEGILL LN.
APN#	14-459-50-117

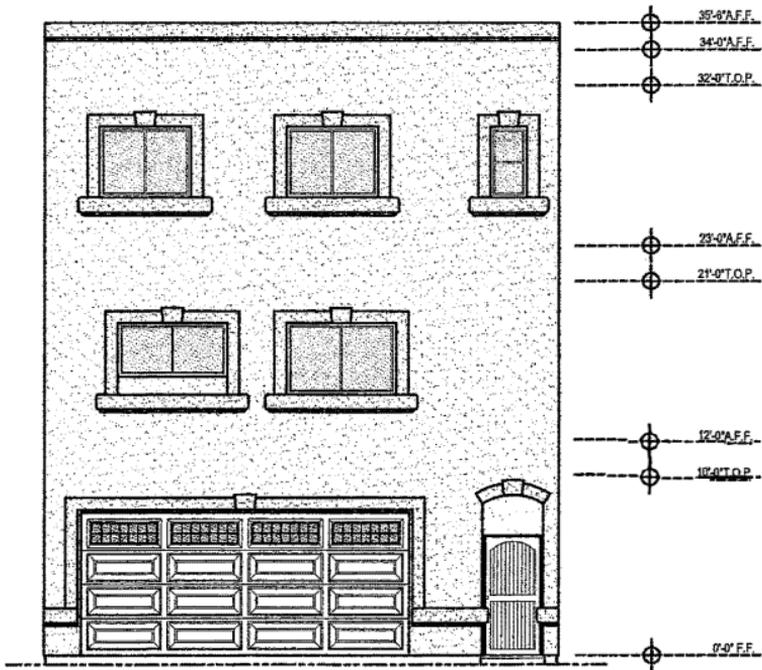
CALCULATED DESIGNS LLC.
 2615 E. 24TH ST. STE.5
 PHONE: 928.726.4600



SITE PLAN

SCALE: 1"=20'

SQUARE FOOTAGE CALCULATIONS	
1ST FLOOR	
AREA NAME:	SQUARE FOOTAGE
GARAGE	1208.67 SQ. FT.
ENTRY	18.00 SQ. FT.
1ST FLOOR STAIRS	69.00 SQ. FT.
2ND FLOOR	
AREA NAME:	SQUARE FOOTAGE
2ND FLOOR LIVING AREA	980.67 SQ. FT.
REAR COVERED BALCONY	253.50 SQ. FT.
2ND FLOOR STAIRS	61.50 SQ. FT.
3RD FLOOR	
AREA NAME:	SQUARE FOOTAGE
3RD FLOOR LIVING AREA	1149.29 SQ. FT.
REAR COVERED WINDOW WELL	84.50 SQ. FT.
TOTAL LIVING AREA	2129.96 SQ. FT.
TOTAL LOT COVERED AREA	1295.67 SQ. FT.



FRONT ELEVATION

SCALE:

$1/4" = 1'-0"$



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

October 9, 2019

CASE NUMBER: VARIANCE CASE NO. 19-14

CASE SUMMARY: CLG Contractors Inc., requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development (PD) to allow a building height of 36 feet on one parcel 2885 square feet in size zoned Planned Development, Assessor’s Parcel Number 459-50-117, located at 10380 East Blue Gill Lane, Yuma, Arizona.

Intent: To build one residence 36 feet in height to accommodate ground level parking and living space on the additional levels.

PUBLIC HEARING: Tentatively scheduled for November 19, 2019

COMMENTS DUE: October 15, 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