

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 18<sup>th</sup> 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 8<sup>th</sup> 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 19<sup>th</sup> day of November, 2019.



Neil Tucker, Chairman

Eric Sattzer, Vice chairman

ATTEST:



Maggie Castro, AICP, Planning Director