



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

DATE: February 18, 2020
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 21, 2020.**
4. **Variance Case No. 19-21: Greg Villalpando, agent for Foothills Assembly of God, requests a variance from the Yuma County Zoning Ordinance, Section 804.01—Attached Signs, to allow a maximum area of 36 square feet each on two building façades for attached wall signs, and Section 804.02—Freestanding Signs, to allow one freestanding sign five feet in height and nine square feet in size, on a parcel 4.99 acres in size zoned Manufactured Home Subdivision-20,000 square foot minimum (MHS-20), Assessor's Parcel Number 728-04-036, located at 12831 East 41st Street, 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 January 21, 2020. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:00 p.m., Chairman 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; Deputy County Attorney Ed Feheley; Associate Planner Tricia Ramdass; and PZ Commission Admin Specialist Amber Jardine.

PLEDGE OF ALLEGIANCE: Vice Chairman Saltzer led the Pledge of Allegiance.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of December 17, 2019.

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 2020.

MOTION (EISENMANN/SALTZER): Elect Neil Tucker as Chairman for the Yuma County Board of Adjustment for Calendar Year 2020.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.
The motion carried 3-0.

ITEM No. 5: Elect a Vice-Chairman for the Yuma County Board of Adjustment for Calendar Year 2020.

MOTION (EISENMANN/TUCKER): Elect Eric Saltzer as Vice Chairman for the Yuma County Board of Adjustment for Calendar Year 2020.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.
The motion carried 3-0.

ITEM No. 6: Variance Case No. 19-16: House of Contractors LLC requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.0 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 754-18-004, located in the vicinity of Avenue B½ and County 16½ Street, Somerton, Arizona; located in the 65-69 dB noise zone.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-16 based on:

1. Granting this request would not be contrary to the public interest.
2. Granting this request would be in accordance with the spirit of the regulations and the Airport 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 710.08 of the Zoning Ordinance.
2. An Avigation Disclosure Statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.
3. Measures to achieve an outdoor to indoor noise reduction of 25 decibels must be incorporated into the design and construction of the residence, per Yuma County Board of Supervisors Ordinance 02-01—Sound Attenuation Standards for Yuma County and the Yuma County Comprehensive Building and Safety Code.

Board Member Eisenmann inquired if the property was occupied.

Associate Planner Tricia Ramdass stated the property was vacant land.

Chairman Tucker opened the public hearing.

Hector Diaz, 2881 West Cindy Lou Lane, Yuma, Arizona, representative for House of Contractors LLC, stated he was requesting to build a single family home. He explained the property was part of a private subdivision with other properties that have homes built already. He understands it is in the noise zone and requested that the Board approve the Variance.

Mary Ellen Finch, MCAS, stated the parcel lies partially within the 65dB noise contour. She explained the property was rezoned to SSB-2 through Rezoning Case 05-92 in 2005. At that time, MCAS-Yuma staff did not object and cited the Joint Land Use Plan which allows for residential development no greater than SSB-2 if the Military and the political subdivision agree. She stated MCAS will still object to any new residential development within the High Noise Accident Potential Zones and the Noise Contours. However, they would not change their official responses on previous land development cases. She requested for all the conditions in the staff report to be met.

Chairman Tucker closed public meeting.

MOTION (SALTZER/EISENMANN): Approve Variance Case No. 19-16 subject to staff recommendations and The Yuma County Airport Board of Adjustment hereby makes a specific finding that the purpose of military airport compatibility is preserved in accordance with ARS § 28-8481(C).

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

The motion carried 3-0.

ITEM No. 7: Variance Case No. 19-17: Tim Kaiser requests a variance from the Yuma County Zoning Ordinance, Section 609.05—Minimum Lot Width and Principal Buildings Setback Requirements, to allow a side yard setback of three feet and a rear yard setback of four feet on a parcel 6,662 square feet in size

zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 728-48-233, located at 13871 East 50th Drive, Yuma, Arizona.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-17 based on:

1. Staff finds there are peculiar conditions applicable to the property such that strict application of the zoning ordinance may deprive the property of a privilege enjoyed by other property owners in the zoning district.
2. Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property.
3. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of a variance.
4. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
5. Staff finds granting this variance will not confer a special privilege not enjoyed by others in the RVS zoning district and 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 Yuma County 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 applicant will record an Avigation Disclosure Statement and a Range Disclosure Statement within 60 days of approval by the Board of Adjustment.
4. The structure must meet the requirements of the 2018 International Residential Building and Fire Codes.

Board Member Saltzer inquired about the water heater.

Associate Planner Tricia Ramdass explained the water heater was originally inside of the structure which met the required setbacks at the time. The previous owner relocated the water heater without a permit to the outer west side of the garage structure reducing the side yard setback to three feet.

Chairman Tucker opened the public hearing.

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

MOTION (EISENMANN/SALTZER): Approve Variance Case No. 19-17 to include the conditions recommended by staff.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – AYE.
The motion carried 3-0.

ITEM No. 8: Variance Case No. 19-18: Bruce Schmidt, agent for L & R Corporation, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.0 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 747-35-010, located in the vicinity of County 15th Street and Avenue 2½ E, Yuma, Arizona; located in the 65-69 dB noise zone.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-18 based on:

1. Granting this request would not be contrary to the public interest.
2. Granting this request would be in accordance with the spirit of the regulations and the Airport 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 710.08 of the Yuma County Zoning Ordinance.
2. An Avigation Disclosure Statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.
3. Measures to achieve an outdoor to indoor noise reduction of 25 decibels must be incorporated into the design and construction of the residence, per Yuma County Board of Supervisors Ordinance 02-01—Sound Attenuation Standards for Yuma County and the Yuma County Comprehensive Building and Safety Code.

Chairman Tucker opened the public hearing.

Bruce Schmidt, 7862 East 26th Street, Yuma, Arizona, agent, stated he intends to build five residences and the subject lot was within the noise zone. He stated he understands and would comply with the conditions.

Mary Ellen Finch, MCAS, stated that MCAS-Yuma was not in favor of this variance request. However, would not request denial due to previous official response.

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

Board Member Tucker inquired if the easement to the property was documented.

Associate Planner Tricia Ramdass explained improving the road was a condition in Rezoning Case No. 05-55. She stated the road is paved and the condition was met.

MOTION (SALTZER/EISENMANN): Approve Variance Case No. 19-18 following staff's conditions and The Yuma County Airport Board of Adjustment hereby makes a specific finding that the purpose of military airport compatibility is preserved in accordance with ARS § 28-8481(C)..

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

The motion carried 3-0.

ITEM No. 9: Variance Case No. 19-19: Freda White, agent for Dane and Danelle Palmer, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a 2.5 acre portion of a parcel 5 acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), a portion of Assessor's Parcel Number 724-18-004, located in the vicinity of Avenue 4½ E and County 12¾ Street, Yuma, Arizona; located in the 65-69 dB noise zone.

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

1. Granting this request would not be contrary to the public interest.
2. Granting this request would be in accordance with the spirit of the regulations and the Airport 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 710.08 of the Yuma County Zoning Ordinance.
2. The Land Division along with any deficiencies shall be recorded by the owner/agent prior to the issuance of any permits pursuant to Section 507.01(D) of the zoning ordinance.
3. An Avigation Disclosure Statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.
4. Measures to achieve an outdoor to indoor noise reduction of 25 decibels must be incorporated into the design and construction of the residence, per Yuma County Board of Supervisors Ordinance 02-01— Sound Attenuation Standards for Yuma County and the Yuma County Comprehensive Building and Safety Code.

Chairman Tucker opened the public hearing.

Freda White, 6139 East 45th Road, Yuma, Arizona, agent, stated she intends to purchase the property. She stated she understands the conditions and appreciates the Board's consideration.

Mary Ellen Finch, MCAS-Yuma, stated the subject parcel lies fully in the 65 dB noise contour and partially in the 70 dB noise contour. Any new residential development violates the conditions of A.R.S. §28-8481 paragraph J and YCZO Section 706. She stated MCAS-Yuma was not in favor of this variance request and accordingly requests denial.

Board Member Eisenmann inquired about why MCAS's position was different from this case to the prior cases.

Mary Ellen Finch, MCAS-Yuma, explained MCAS staff would not deviate from official responses from the past. The subject property was part of Rezoning Case 19-06 which MCAS staff requested denial. She explained staff is looking at any residential development that lies within the 65-69 dB noise contour.

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

Board Member Saltzer inquired about the "compatibility is preserved" in the statement that was provided.

Planning Director Maggie Castro, AICP, explained the density that was being requested was allowed in the Comprehensive Plan. She stated the subject property used to be in the Joint Land Use and the density that was approved for that area was agreed upon by the MCAS and Yuma County. Therefore, a density of 2-acre minimum was established within the 65dB noise zone.

MOTION (SALTZER/EISENMANN): Approve Variance Case No. 19-19 following staff's conditions and The Yuma County Airport Board of Adjustment hereby makes a specific finding that the purpose of military airport compatibility is preserved in accordance with ARS § 28-8481(C).

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

The motion carried 3-0.

ITEM No. 10: Variance Case No. 19-20: Fowler Malone, agent for Patrick and Sherry Lawrence, requests a variance from the Yuma County Zoning Ordinance, Section 1104.01(A)(2)—Setbacks from Section Line Roads, to allow a setback of 33 feet on a parcel 1.06 gross acres in size zoned Suburban Ranch-1 acre minimum (SR-1), Assessor's Parcel Number 702-02-076, located at 14323 Maria de Fortuna Road, Yuma, Arizona.

Associate Planner Tricia Ramdass presented the staff report recommending approval of Variance Case No. 19-20 based on:

1. Staff finds there are peculiar conditions applicable to the property to warrant granting of a variance such that strict application of the zoning ordinance may deprive the property of a privilege enjoyed by other property owners in the zoning district.
2. Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property.
3. Staff finds approval of this variance may not have an adverse effect on public health, safety, and welfare.
4. Staff finds approval of this will confer a special privilege not enjoyed by others in the zoning district, however, the request does not have a negative impact on the neighborhood.
5. 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 Yuma County Zoning Ordinance.
2. The variance is based on the site plan submitted. Any changes which further reduce the approved front yard setback will require a new variance from the Board of Adjustment.

Board Member Eisenmann inquired about when the subdivision was recorded and if the wash existed at that time.

Associate Planner Tricia Ramdass stated the wash existed when the subdivision was recorded in 1970. She explained that the subdivision was amended to make adjustments for the wash. She reiterated that the original building permit for the house was approved in error with setbacks that did not meet section line road setback requirements. The house burned down and was not rebuilt in the timeframe that would have allowed continued use at the nonconforming setback. As a result, a variance is required for the residence to be reconstructed using the setback of the previous home.

Board Member Saltzer inquired about the regulations from the U.S. waterways for properties the wash runs through.

Associate Planner Tricia Ramdass stated the Flood Control Division reviews permits for buildings in the Flood Plain.

Chairman Tucker opened the public hearing.

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

MOTION (EISENMANN/SALTZER): Approve Variance Case No. 19-20 to include the conditions recommended by staff.

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

The motion carried 3-0.

ITEM No. 11: 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 1:46 p.m.

Approved and accepted on this 18th day of February, 2020.

Neil Tucker, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

DRAFT

Yuma County Board of Adjustment

Item No. 4

AIR-9593

4.

BOA Agenda

Meeting Date: 02/18/2020

Submitted For: Maggie Castro

Submitted By: Tricia Ramdass

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 19-21: Greg Villalpando, agent for Foothills Assembly of God, requests a variance from the Yuma County Zoning Ordinance, Section 804.01—Attached Signs, to allow a maximum area of 36 square feet each on two building façades for attached wall signs, and Section 804.02—Freestanding Signs, to allow one freestanding sign five feet in height and nine square feet in size, on a parcel 4.99 acres in size zoned Manufactured Home Subdivision-20,000 square foot minimum (MHS-20), Assessor's Parcel Number 728-04-036, located at 12831 East 41st Street, Yuma, Arizona.

2. INTENT:

To allow the following deviations from the Zoning Ordinance:

1. A maximum sign area of 36 square feet each of two building façades for attached signs where three square feet is the maximum allowed.
2. A freestanding sign five feet in height where four feet is the maximum height allowed and area of nine square feet in size where two square feet is the maximum area allowed.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 19-21 based on:

1. Staff finds there are peculiar conditions applicable to the property such that strict application of the Zoning Ordinance would deprive the property owner of a privilege enjoyed by other churches located in residential zoning districts.
 2. Staff finds there is a hardship arising from conditions unique to the development of the subject property.
 3. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
 4. Staff finds approval of this variance will not have an adverse effect on public health, safety and welfare.
 5. Staff finds approval of this request does not have a negative impact on the neighborhood.
-

Attachments

Staff Report
Vicinity Map
Site Plan
Sign Plans

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
February 18, 2020
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 19-21

OWNER: Foothills Assembly of God

CASE PLANNER: Tricia Ramdass, Associate Planner

DATE PREPARED: January 27, 2020

DESCRIPTION OF REQUEST: Greg Villalpando, agent for Foothills Assembly of God, requests a variance from the Yuma County Zoning Ordinance, Section 804.01—Attached Signs, to allow a maximum area of 36 feet each on two building façades for attached wall signs, and Section 804.02—Freestanding Signs, to allow one freestanding sign five feet in height and nine square feet in size, on a parcel 4.99 acres in size zoned Manufactured Home Subdivision-20,000 square foot minimum (MHS-20), Assessor's Parcel Number 728-04-036, located at 12831 East 41st Street, Yuma, Arizona.

THE APPLICANT’S REASON FOR REQUESTING THIS VARIANCE: The applicant intends to erect one freestanding office sign five feet in height and nine square feet in size, and to install signs on two building facades having a maximum area of 36 feet each.

APPROVAL OF THIS REQUEST WOULD ALLOW:

To allow the following deviations from the Zoning Ordinance:

1. A maximum sign area of 36 square feet each of two building façades for attached signs where three square feet is the maximum allowed.
 2. A freestanding sign five feet in height where four feet is the maximum height allowed and area of nine square feet in size where two square feet is the maximum area allowed.
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BACKGROUND

The subject property is located within Foothills subdivision in the Foothills Planning Area of the 2020 Comprehensive Plan. The subdivision was recorded on May 10, 1966 and is zoned Manufactured Home Subdivision-20,000 square feet minimum (MHS-20). The subject parcel is 4.99 net acres in size. The parcel is the location of a church built prior to 1985 at which time churches were allowed by right in the MHS zoning district. The subsequent adopted Zoning Ordinance included changes that required a Special Use Permit for churches in the MHS zoning district. In 2001, an addition, which was considered an expansion to a nonconforming use, was approved through Building Permit No. B01-0693. The

expansion was approved under Zoning Ordinance Section 1003.00—Expansion of a Non-conforming Use because the increase in floor area did not exceed 100 percent of the original floor area. In 2006, the church sought to further expand the facilities by constructing a classroom facility and remodeling of the existing church. The expansion exceeded 100 percent of original of the floor area and triggered the requirement for a Special Use Permit for a church in the MHS zoning district. The applicant obtained a Special Use Permit (SUP06-20) and Building Permit No. B07-0367 was issued for the construction of the classroom facilities and remodel. A variance was approved on September 14, 2010 to increase the square footage and height of a freestanding sign located along the Foothills Boulevard frontage of the property through Variance Case No. 14-10.

The intent of this variance application is to allow the church to obtain permits to add signage to clearly identify buildings and guide traffic to the office area. The Zoning Ordinance regulations for signs in the MHS zoning district limit the height and area of signs to a smaller height and size than what the applicant would like to put in place so a variance is required.

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 such that strict application of the Zoning Ordinance would deprive the property owner of a privilege enjoyed by other churches located in residential zoning districts. The church use on the property was established at a time when churches were allowed by right in the MHS zoning district. The expansion of the church in 2006 triggered the need for a Special Use Permit (SUP) under the current zoning ordinance.

In the current Zoning Ordinance, churches are allowed with the approval of a SUP in the Local Commercial (C-1) zoning district and by right in the General Commercial (C-2) zoning district. The sign regulations for these districts would accommodate the applicant's requested sign height and area for both the freestanding and attached signs. The 1977 Comprehensive Plan and Land Use Regulations that were in place when the church was established allowed commercial uses to be permitted on the edges of Mobile Home Districts adjacent to major transportation corridors. The church is located along a major transportation corridor and section line road, specifically Foothills Boulevard. However, even though a SUP was obtained for a church in the MHS zoning district, variances are still required for improvements that exceed the maximum development standards for the zoning 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 unique to the development of the subject property. The changes to the Zoning Ordinance affected the established use as a church and inhibited the ability to develop the church property to standards that are currently allowed by right in the

commercial zoning districts. If the property were zoned C-1 or C-2, the freestanding sign could have a maximum face area of 300 square feet and maximum height of 35 feet and the attached signs would allow a maximum area not to exceed 15 percent of the total façade. When the church was established, commercial uses were allowed at the edges of the mobile home districts adjacent to major transportation corridors. There was a reasonable expectation that the church would have been allowed to develop as a commercial use with zoning requirements more in line with commercial uses, including requirements for signage.

- 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 the granting of a variance. The use as a church was established prior to changes in the Zoning Ordinance that require a Special Use Permit for churches in residential zoning districts. Additionally, the land use regulations in effect at the time of the established use would have allowed for commercial use of the subject property because it is along a major transportation corridor and along the edge of the zoning district.

- 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 an adverse effect on public health, safety, and welfare. Clearly identifying building uses through wall signs and a freestanding office sign will assist with traffic in the parking lot and also reduce accidental traffic flow into the neighborhood to the west of the church along 41st Street.

- 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 commonly enjoyed by others in the MHS-20 zoning district. However, staff finds granting this variance will not have a negative impact on the neighborhood. Identification of buildings with wall signage is a common practice of churches and businesses alike in the commercial zoning districts. Clearly identifying the buildings on the church property will increase the visibility of the facilities. The placement of the larger freestanding sign for the office will help prevent unnecessary flow of traffic into the neighborhood to the west of the property.

- 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. However, the church use on the property was established at a time when said use was allowed by right and the proposed square footage and height would also have been in compliance with the zoning ordinance at that time. The other alternatives are to seek rezoning of the property to the C-2 zoning district or not increasing the area and height for the signage.

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. The following sign variances for churches in residential zoning districts have been approved:

- Variance Case No. 04-10 allowed a freestanding sign 13 feet 5 inches in height and 44 square feet in size on a parcel zoned MHS-20, located at 12831 East 41st Street, Yuma, Arizona.
- Variance Case No. 05-17 allowed a freestanding sign 20 feet in height on a parcel zoned High Density Residential (R-3), located at 12134 East North Frontage Road, Yuma, Arizona. Approximately 2 miles northwest from the subject property.
- Variance Case No. 05-23 allowed a freestanding sign 144 square feet in size on a parcel zoned Low Density Residential-6,000 square foot minimum (R-1-6), located at 12654 East North Frontage Road, Yuma, Arizona. Approximately 1¼ miles north from the subject property.
- Variance Case No. 11-12 allowed a monument sign six feet in height and 64 square feet in size on a parcel zoned Low Density Residential-8,000 square foot minimum (R-1-8), located at 12716 East North Frontage Road, Yuma, Arizona. Approximately 1¼ miles north from the subject property.

ADDITIONAL COMMENTS:

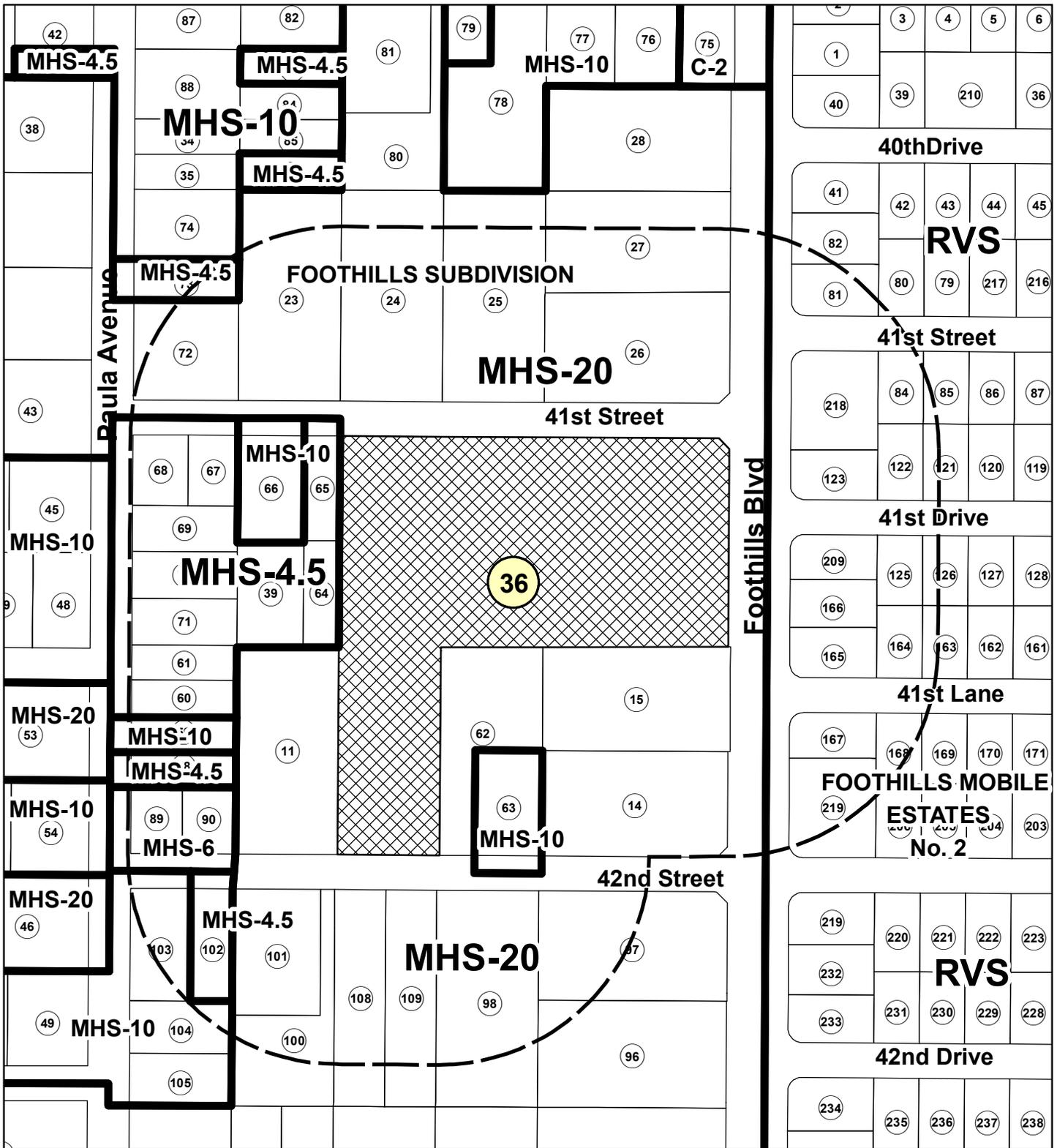
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 19-21 based on:

1. Staff finds there are peculiar conditions applicable to the property such that strict application of the Zoning Ordinance would deprive the property owner of a privilege enjoyed by other churches located in residential zoning districts.
2. Staff finds there is a hardship arising from conditions unique to the development of the subject property.
3. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
4. Staff finds approval of this variance will not have an adverse effect on public health, safety and welfare.
5. 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 conditions:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. Approval of this variance is based on the site plan and proposed sign dimensions submitted. Any deviation from the site plan or increase to sign area or height 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: V19-21
LOCATION: 12831 E. 41st Street
APN: 728-04-036

CASE PLANNER: Tricia Ramdass
DATE DRAWN: 12/30/2019
REVIEWED BY: Juan Leal Rubio



SCALE: 1" = 200'

Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  ZONING



S. FOOTHILLS BLVD. — FOOTHILLS BLVD.



THIS DESIGN IS PROPERTY OF SIGNMASTERS, AND MAY NOT BE REPRODUCED IN ANY MEDIA WITHOUT PRIOR WRITTEN CONSENT OF SIGNMASTERS.

X _____
AUTHORIZED SIGNATURE

DATE: 11-25-19

PREPARED FOR: YUMA COUNTY DEVELOPMENT

FILE NAME: Foothills Assembly of God

Greg Villalpando - Sales Executive
Ph: 928-782-7497 Fax: 928-782-1511
Cell: 928-503-1324
Office: 1165 S. 4th Ave., Yuma AZ





Friday, December 13, 2019

Attention: Yuma County Development Services

Dear Sir/Mam

This narrative letter is to illustrate the request of Foothills Assembly of God Church to be allowed an increase for the signage allowance on Freestanding signage from the current limit to an additional 20 square feet and building wall signage to an additional 80 square feet.

1. There does exist a special circumstance or condition that applies to the property, building or use referred to in the application that does NOT apply to most other properties in the district. The existing zoning is MHS and most other properties in this district are homes, and by no means the size of this property and building. Plus none are a Church.
2. This special circumstance was NOT created or caused by the property owner or applicant.
3. The granting of this variance is necessary for the preservation of substantial property rights enjoyed by other large Church property owners in the vicinity under identical zoning designations.
4. The granting of this variance will NOT be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.

Sincerely,

Greg Villalpando
SignMasters representative