

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:

A handwritten signature in blue ink, appearing to read 'M. Castro', is written over a horizontal line.

Maggie Castro, AICP, Planning Director