



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

DATE: March 17, 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
Javier Barraza, Senior Planner
Fernando Villegas, Senior 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 February 18, 2020.**
- 4. Variance Case No. 19-02:** In accordance with the Yuma County Zoning Ordinance, Section 403.07(B), Severiano Gonzalez requests an extension of time for Variance Case No. 19-02 for 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:** In accordance with the Yuma County Zoning Ordinance, Section 403.07(B), Ibrahim Osman, agent for agent for Pedro and Bertha Lugo, requests an extension of time for Variance Case No. 19-03 for 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. **Variance Case No. 20-01:** Christopher Robins, agent for Steve Olafson and Shannon Mason, requests a variance from the Yuma County Zoning Ordinance, Sections 302.02(H)(8) and 302.02 (H)(14), to eliminate the requirement for providing curbs and gutters on a private driveway access and to eliminate the requirement for providing a paved surface on the private driveway access in a hillside development having a natural slope of fifteen percent or greater on parcels 2.0 and 5.0 gross acres in size zoned Suburban Site Built-2 acre minimum and Rural Area-10 acre minimum, Assessor's Parcel Numbers 702-03-002, -008 and -012, located east of the intersection of Avenue 14½ E and Pamela de Fortuna Road, Yuma, Arizona.

7. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**

8. **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 February 18, 2020. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

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

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

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of January 21, 2020.

MOTION (EISENMANN/LINES): Approve as presented.

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

ITEM No. 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.

Associate Planner Tricia Ramdass presented the staff report recommending 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.

Staff reviewed the aerial image that indicated the placement of the proposed signs.

Board Member Lines inquired about the time limits outlined in Section 403.07 of the Zoning Ordinance.

Associate Planner Tricia Ramdass explained that pursuant to Section 403.07 of the Zoning Ordinance, the time limit of one year was standard for all variance permits that were not subject to the Airport District. If the applicant could not meet the criteria outlined in the section to demonstrate substantial construction within the time limit, there was a provision for the applicant to request an extension.

Chairman Tucker opened the public hearing.

Greg Villalpando, agent for the applicant, 1165 South 4th Avenue, 85364, explained the purpose of the signs. He stated he was present to answer any questions.

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

MOTION (EISENMANN/LINES): Approve Variance Case No. 19-21 to include the conditions recommended by staff.

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

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 1:18 p.m.

Approved and accepted on this 17th day of March, 2020.

ATTEST:

Neil Tucker, Chairman

Maggie Castro, AICP, Planning Director

Yuma County Board of Adjustment

Item No. 4

AIR-9661

4.

BOA Agenda

Meeting Date: 03/17/2020

Submitted For: Maggie Castro

Submitted By: Tricia Ramdass

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 19-02: In accordance with the Yuma County Zoning Ordinance, Section 403.07(B), Severiano Gonzalez requests an extension of time for Variance Case No. 19-02 for 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:

The intent is to obtain an extension of time of one year for Variance Case No. 19-02 which was approved by the Board of Adjustment on March 19, 2019 and expires on March 19, 2020.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends the Board of Adjustment grant an extension of time of one year for Variance Case No. 19-02.

Attachments

Staff Report

Request for Extension

Vicinity Map

Site Plan



MEMORANDUM

TO: Yuma County Board of Adjustment

FROM: Tricia Ramdass, Associate Planner

RE: Extension of time for Variance Case No. 19-02

DATE: February 19, 2020

Severiano Gonzalez requests an extension of time for Variance Case No. 19-02 which was approved by the Board of Adjustment on March 19, 2019. The expiration date is March 19, 2020. As of February 19, 2020, substantial construction has not commenced on the subject property.

Background

Variance Case No. 19-02 allowed 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.

Current Status

The expiration date for Variance Case No. 19-02 is March 19, 2020. Staff conducted a site visit on January 30, 2020 and confirmed that the manufactured home was moved to the property, however, it has not been installed. As of February 19, 2020, there are no applications on file for installation of the manufactured home and substantial construction has not commenced on the subject property. The applicant stated that he has not been able to move forward with the project due to reasons beyond his control. Additionally, no complaints have been received on the subject property regarding the condition of the property or the manufactured home. Granting the request for extension would provide the property owners with additional time to mitigate their extenuating circumstances and move forward with the project.

The Yuma County Zoning Ordinance, Section 403.07 states as follows:

- A. *A variance shall expire and shall be void one (1) year following the date on which the variance became effective unless, prior to the expiration of one (1) year, substantial construction is commenced. Substantial construction shall be defined as:*
 1. *Having submitted plans for construction,*

2. *Building permit issued and paid for,*
 3. *Having installed utilities such as electric, sewer, water and/or gas lines on the site,*
 4. *Having foundation or footings inspected and finished floor for at least the first floor of a building poured and laid, and,*
 5. *That no lapse of construction has occurred for more than sixty (60) days from any time point of the items 1-4 above.*
- B. A variance approval may be extended provided that, not earlier than thirty (30) days prior to the expiration date, a written request is made and presented at the next available Board of Adjustment meeting.*
- C. The Board of Adjustment may grant, deny, or modify an application for extension of a variance.*

Staff Recommendation:

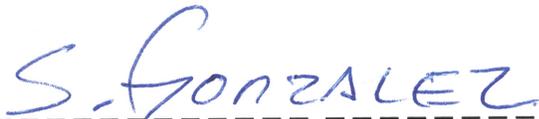
Staff recommends the Board of Adjustment grant an extension of time of one year for Variance Case No. 19-02.

February 18, 2020

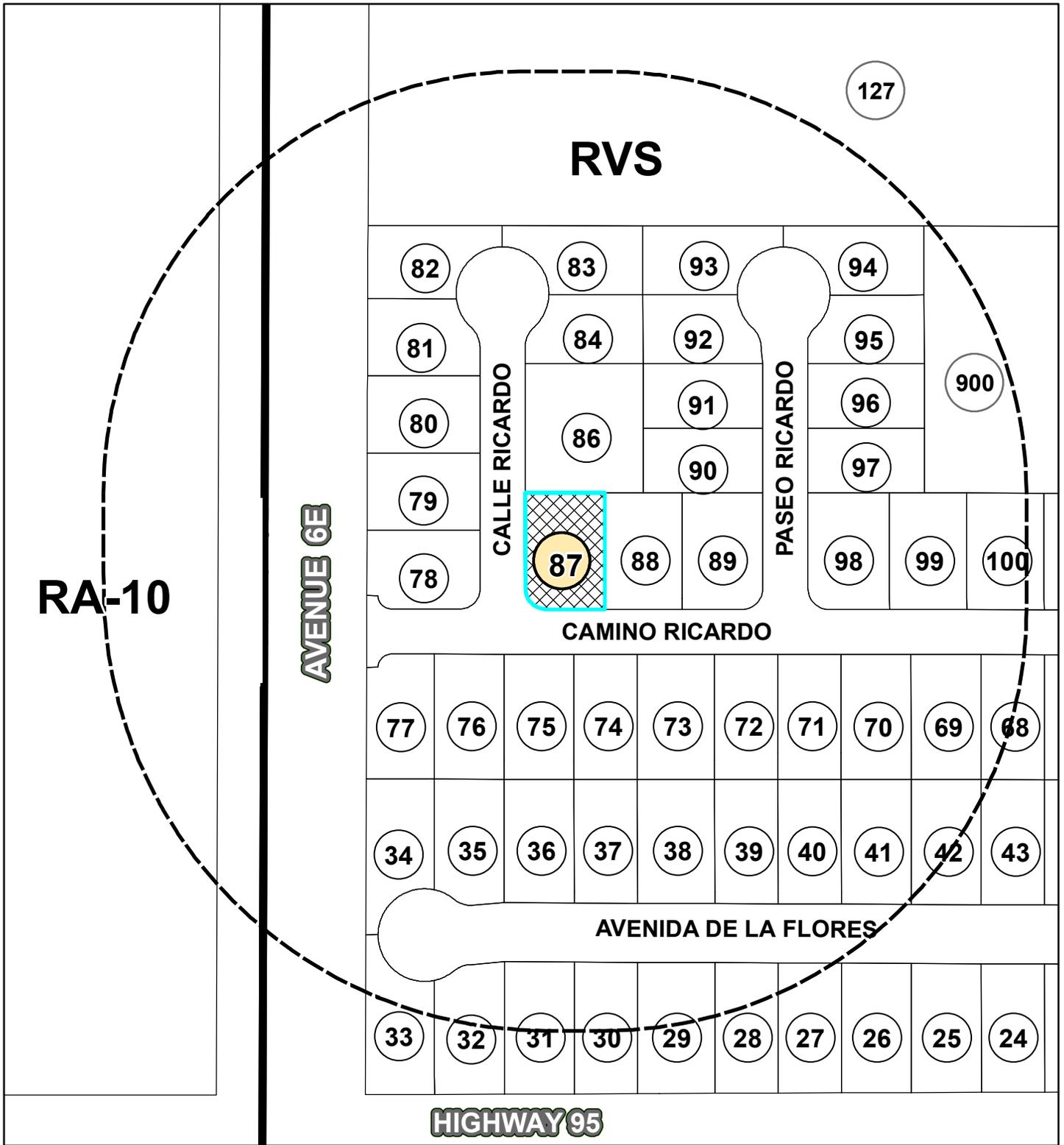
To the Honorable Board of Adjustment;

I, hereby request an extension of time for Variance Permit Number 19-0002. Due to reasons beyond my control, I have not been able to complete the project, therefore I'm seeking an extension of time of one year to complete the project.

Sincerely,

A handwritten signature in blue ink that reads "S. GONZALEZ". The signature is written in a cursive style with a large, looped "S" and the name "GONZALEZ" in all caps. Below the signature is a horizontal dashed line.

Severiano Gonzalez




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

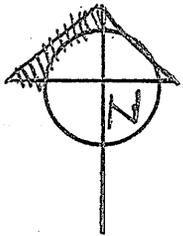
CASE PLANNER: TRICIA RAMDASS
DATE DRAWN: 02-01-2019
REVIEWED BY: JAVIER BARRAZA

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 Board of Adjustment

Item No. 5

AIR-9662

5.

BOA Agenda

Meeting Date: 03/17/2020

Submitted For: Maggie Castro

Submitted By: Tricia Ramdass

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 19-03: In accordance with the Yuma County Zoning Ordinance, Section 403.07(B), Ibrahim Osman, agent for agent for Pedro and Bertha Lugo, requests an extension of time for Variance Case No. 19-03 for 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:

The intent is to obtain an extension of time of one year for Variance Case No. 19-03 which was approved by the Board of Adjustment on March 19, 2019 and expires on March 19, 2020.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends the Board of Adjustment grant an extension of time of one year for Variance Case No. 19-03.

Attachments

Staff Report

Request for Extension

Vicinity Map

Site Plan



MEMORANDUM

TO: Yuma County Board of Adjustment

FROM: Tricia Ramdass, Associate Planner

RE: Extension of time for Variance Case No. 19-03

DATE: February 19, 2020

Ibrahim Osman, agent for agent for Pedro and Bertha Lugo, requests an extension of time for Variance Case No. 19-03 which was approved by the Board of Adjustment on March 19, 2019. The expiration date is March 19, 2020. As of February 19, 2020, substantial construction has not commenced on the subject property.

Background

Variance Case No. 19-03 allowed 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.

Current Status

The expiration date for Variance Case No. 19-03 is March 19, 2020. Building Permit No. B19-0898 was issued on May 7, 2019 to convert the use of the property and patio structure from an outdoor taco stand to a restaurant. The applicant was given an extension of time for the building permit on November 18, 2019 by Chief Building/Fire Code Official Pat Headington. The engineer/agent for the project confirmed that the applicant had not started construction due to modifications to building plans that needed to be completed. As of February 19, 2020, substantial construction has not commenced on the subject property. Additionally, the unpermitted storage has not been removed or brought into compliance pursuant to condition number two.

The Yuma County Zoning Ordinance, Section 403.07 states as follows:

- A. *A variance shall expire and shall be void one (1) year following the date on which the variance became effective unless, prior to the expiration of one (1) year, substantial construction is commenced. Substantial construction shall be defined as:*
 1. *Having submitted plans for construction,*

2. *Building permit issued and paid for,*
 3. *Having installed utilities such as electric, sewer, water and/or gas lines on the site,*
 4. *Having foundation or footings inspected and finished floor for at least the first floor of a building poured and laid, and,*
 5. *That no lapse of construction has occurred for more than sixty (60) days from any time point of the items 1-4 above.*
- B. A variance approval may be extended provided that, not earlier than thirty (30) days prior to the expiration date, a written request is made and presented at the next available Board of Adjustment meeting.*
- C. The Board of Adjustment may grant, deny, or modify an application for extension of a variance.*

Staff Recommendation:

Staff recommends the Board of Adjustment grant an extension of time of one year for Variance Case No. 19-03.

From: [Ibrahim Osman](mailto:ibrahim@osmanengineering.com)
To: ibrahim@osmanengineering.com; [Tricia Ramdass](mailto:Tricia.Ramdass@yumacountyaz.gov)
Subject: Re: Variance Case 19-03 Expiring March 19, 2020
Date: Friday, February 7, 2020 11:05:32 AM

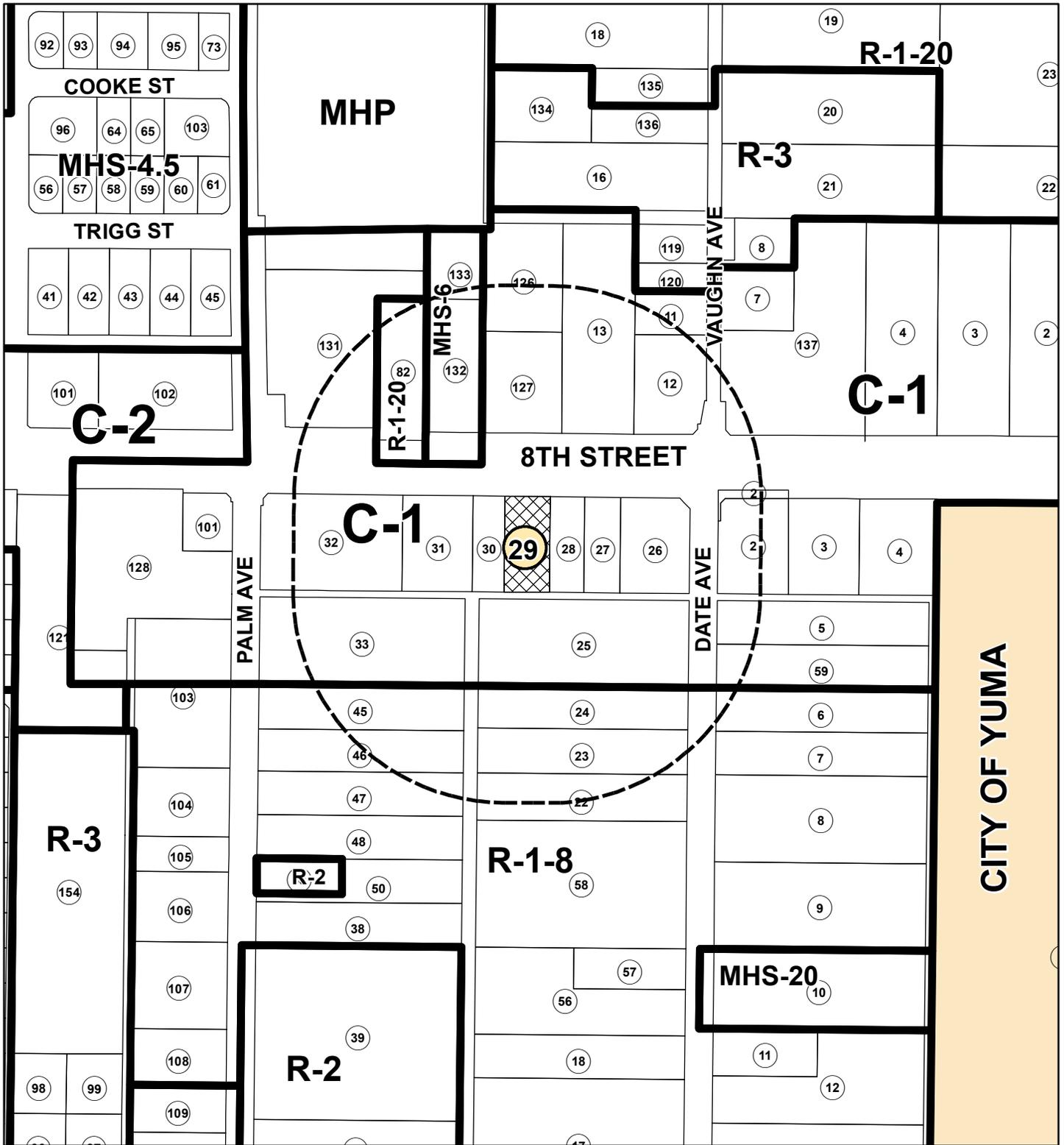
Hello Tricia:

Yes, on behalf of my customer, we're requesting an extension for Variance Case 19-03 due to some modifications in building plans as required by the owner. Thanks.

Ibrahim Osman, P.E.
Member/Principal Engineer
Osman Engineering PLLC
V: (928) 314-1737
F: (928) 314-1738
Visit us @ www.OsmanEngineering.com

On Fri 02/07/20 10:33 AM , Tricia Ramdass Tricia.Ramdass@yumacountyaz.gov sent:

> Good morning Ibrahim,
> As a courtesy, I am notifying you that Variance Case 19-03 for
> Taqueria San Pedro (APN 66402029) will expire on March 19, 2020.
> Please let me know if you would like to request an extension of the
> Variance so I can place it on the BOA agenda for March 17, 2020 before
> the expiration. You may reply by e-mail with the request; you may
> want to include an explanation as to why the extension is being
> requested so I can provide that information for the Board of
> Adjustment to consider. Please see the attached certificate for the
> variance that was approved.
> Please let me know if you have any questions.
> Thank you,
>
> Tricia
> _TRICIA RAMDASS, ASSOCIATE PLANNER/DEPUTY ZONING INSPECTOR_
>
> Planning & Zoning Division
>
> Department of Development Services
>
> 2351 W. 26th Street Yuma, AZ 85364
>
> (928) 817-5072 |Fax (928) 817-5020
> _If you would like to provide comments regarding the service you
> received, please click the following link: Yuma County : Customer
> Survey [2]____
>
>
> Links:
> -----
> [2]
> <https://www.yumacountyaz.gov/government/development-services/customer-survey>
> y
>



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

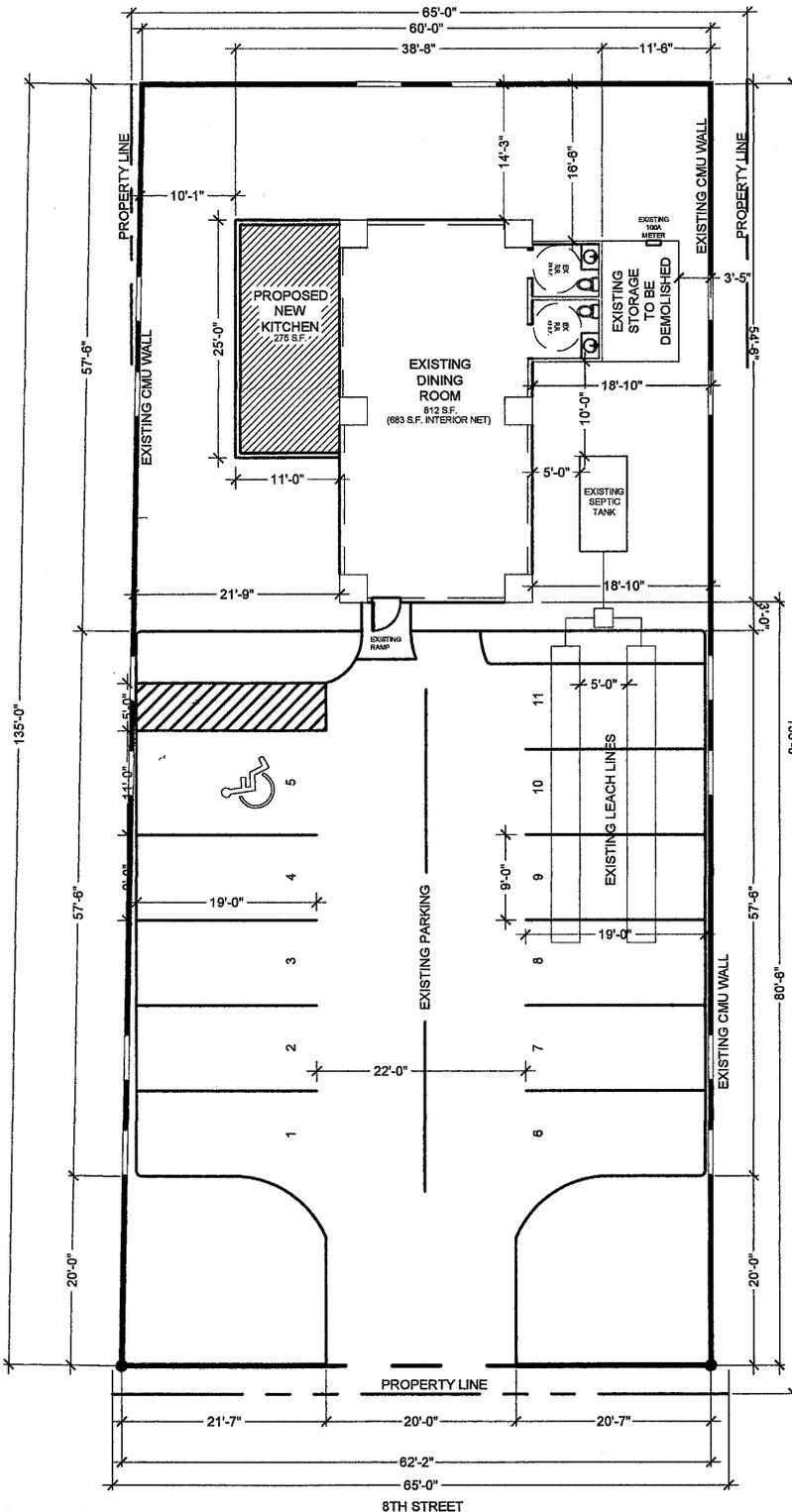
CASE PLANNER: TRICIA RAMDASS
DATE DRAWN: 02-12-2019
REVIEWED BY: FERNANDO VILLEGAS



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 Board of Adjustment

Item No. 6

AIR-9679

6.

BOA Agenda

Meeting Date: 03/17/2020

Submitted For: Maggie Castro

Submitted By: Fernando Villegas

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-01: Christopher Robins, agent for Steve Olafson and Shannon Mason, requests a variance from the Yuma County Zoning Ordinance, Sections 302.02(H)(8) and 302.02 (H)(14), to eliminate the requirement for providing curbs and gutters on a private driveway access and to eliminate the requirement for providing a paved surface on the private driveway access in a hillside development having a natural slope of fifteen percent or greater on parcels 2.0 and 5.0 gross acres in size zoned Suburban Site Built-2 acre minimum and Rural Area-10 acre minimum, Assessor's Parcel Numbers 702-03-002, -008 and -012, located east of the intersection of Avenue 14½ E and Pamela de Fortuna Road, Yuma, Arizona.

2. INTENT:

Approval of this request will allow the following deviations from the Zoning Ordinance:

1. Eliminate the requirement for providing curbs and gutters on private driveway access in a hillside development having a natural slope of fifteen percent (15%) or greater.
2. Eliminate the requirement for providing a paved surface on the private driveway access in a hillside development having a natural slope of fifteen percent (15%) or greater.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends denial of Variance Case No. 20-01

Attachments

Staff Report

Vicinity Map

Site Plan

Narrative

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
March 17, 2020
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 20-01

OWNER: Steve Olafson and Shannon Mason

CASE PLANNER: Fernando Villegas, Senior Planner

DATE PREPARED: February 28, 2020

DESCRIPTION OF REQUEST: Christopher Robins, agent for Steve Olafson and Shannon Mason, requests a variance from the Yuma County Zoning Ordinance, Sections 302.02(H)(8) and 302.02 (H)(14), to eliminate the requirement for providing curbs and gutters on a private driveway access and to eliminate the requirement for providing a paved surface on the private driveway access in a hillside development having a natural slope of fifteen percent or greater on parcels 2.0 and 5.0 gross acres in size zoned Suburban Site Built-2 acre minimum and Rural Area-10 acre minimum, Assessor's Parcel Numbers 702-03-002, -008 and -012, located east of the intersection of Avenue 14½ E and Pamela de Fortuna Road, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: The applicant believes that the costs associated with the extensive construction of a private paved road with curb and gutter would be better spent toward any future, necessary, routine maintenance of the driveway.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The following deviations from the Zoning Ordinance:

1. Eliminate the requirement for providing curbs and gutters on private driveways access in a hillside development having a natural slope of fifteen percent (15%) or greater.
2. Eliminate the requirement for providing a paved surface on the private driveway access in a hillside development having a natural slope of fifteen percent (15%) or greater.

BACKGROUND

The private driveway access is located east of the intersection of Avenue 14½E and Pamela De Fortuna in the Foothills Planning Area of the 2020 Comprehensive Plan. The property owners own four parcels in the vicinity and the private driveway access will be used by the four parcels and any future lot splits adjacent to the private driveway. On July 1, 2019 the Board of Supervisors approved Rezoning Case No. 19-04 to allow the rezoning of Parcel 8 from Rural Area-10 acre minimum (RA-10) to Suburban Site Built-2 acre minimum (SSB-2) with the condition that within two years of approval, the owners

must submit certification from a licensed engineer that the private roadway was constructed in accordance with the Yuma County Zoning Ordinance (YCZO) and the 2003 International Fire Code (IFC).

Before the approval of Rezoning Case No. 19-04, the owners applied for Land Division Permit No. 19-07 (LDP19-07) for parcel 702-04-001 which is located east of parcel 012. Parcel 702-04-001 is a parcel 40 acres in size zoned RA-10 and SR-2. As part of the land division review, staff requested a private access roadway built in accordance with the YCZO and the 2003 IFC for access to the north portion of the parcel. This variance request will not apply to the 40 acre parcel, however, the private roadway could be used to access a portion of the 40 acre parcel and any future lot splits.

The property owners have also submitted LDP19-10 to split parcel 8 as allowed by Rezoning Case No. 19-04. The private access easement has the potential to be used by five parcels. However, more parcels could use the private roadway if parcels get rezoned or land division continue to occur in the area.

The intent of this variance application is to allow the property owners to construct a gravel private access roadway and to eliminate the requirement for providing a paved roadway with curbs and gutters.

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 no peculiar conditions applicable to the properties such that strict application of the Zoning Ordinance would deprive the property owner of a privilege enjoyed by other property owners located with a hillside development. The Hillside Development Standards of the YCZO apply to those portions of properties having a natural slope of fifteen percent (15%) or greater.

- 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 are no hardships arising from conditions unique to the development of the subject property. The property owners are applying for this variance for personal convenience and financial hardship as stated on the narrative submitted with the application.

- 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 these properties to warrant the granting of a variance. The property owners own 52 gross acres in a hillside area. The Board of Supervisors approved Rezoning Case No. 19-04 with the condition that within two years of approval, the owners must submit certification from a licensed engineer that the private roadway is constructed

in accordance with the YCZO and the 2003 IFC.

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 have an adverse effect on public health, safety, and welfare because the proposed compacted aggregate base course will not allow access by emergency vehicles under all weather conditions. The purpose of the hillside development standards is to allow and support reasonable use and development of hillside areas while promoting the public health, safety, convenience and general welfare of the citizens of Yuma County and maintaining the character, identity, and image of hillside areas.

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 to the properties using the private access roadway and granting this variance will have a negative impact on the neighborhood for emergency vehicles.

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. Currently, the private access roadway provides access to two existing homes. With the approval of Rezoning Case No. 19-04, two more homes can be built if the conditions of approval are met. The proposed private access roadway will provide access to two additional properties that have the potential to be rezoned or request land division permits.

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:

STAFF RECOMMENDATION

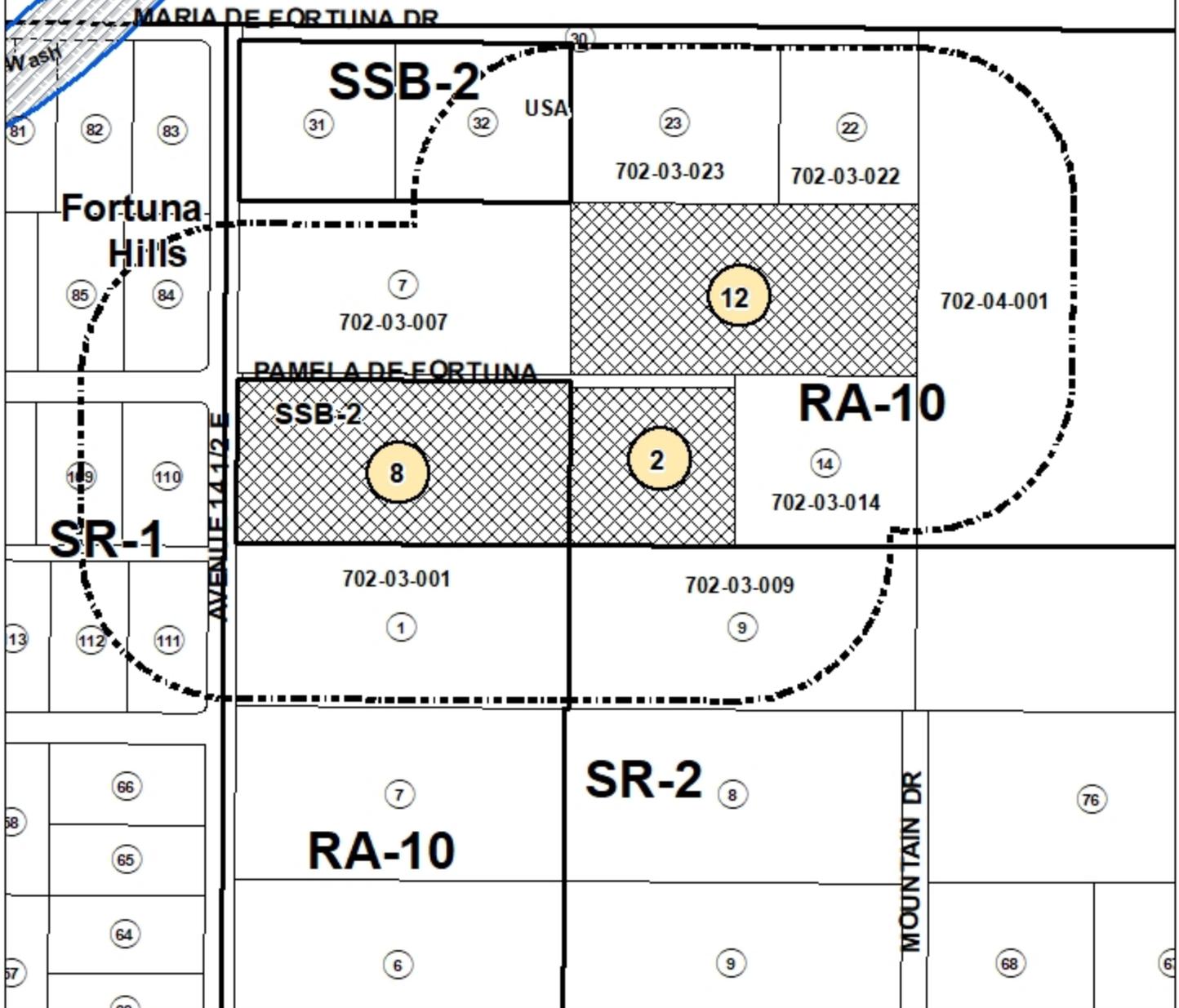
Staff recommends denial of Variance Case No. 20-01 based on:

1. Staff finds there are no 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 property owners located with a hillside development.
2. Staff finds there is no hardship arising from conditions unique to the development of the subject properties.
3. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of this variance.
4. Staff finds approval of this variance will have an adverse effect on public health, safety and welfare.
5. Staff finds approval of this request does 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. Private driveway access must comply with the 2003 International Fire Code.

RA-10



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V20-01
LOCATION: West of Ave.14 1/2E and Pamela De Fortuna
APN(s): 702-03-002, 008 amd 012

CASE PLANNER: FERNANDO VILLAGA S
DATE DRAWN: 02-13-2020
REVIEWED BY: JAVIER BARRAZA

SCALE: 1"= 300'

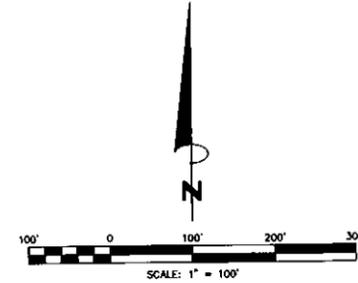
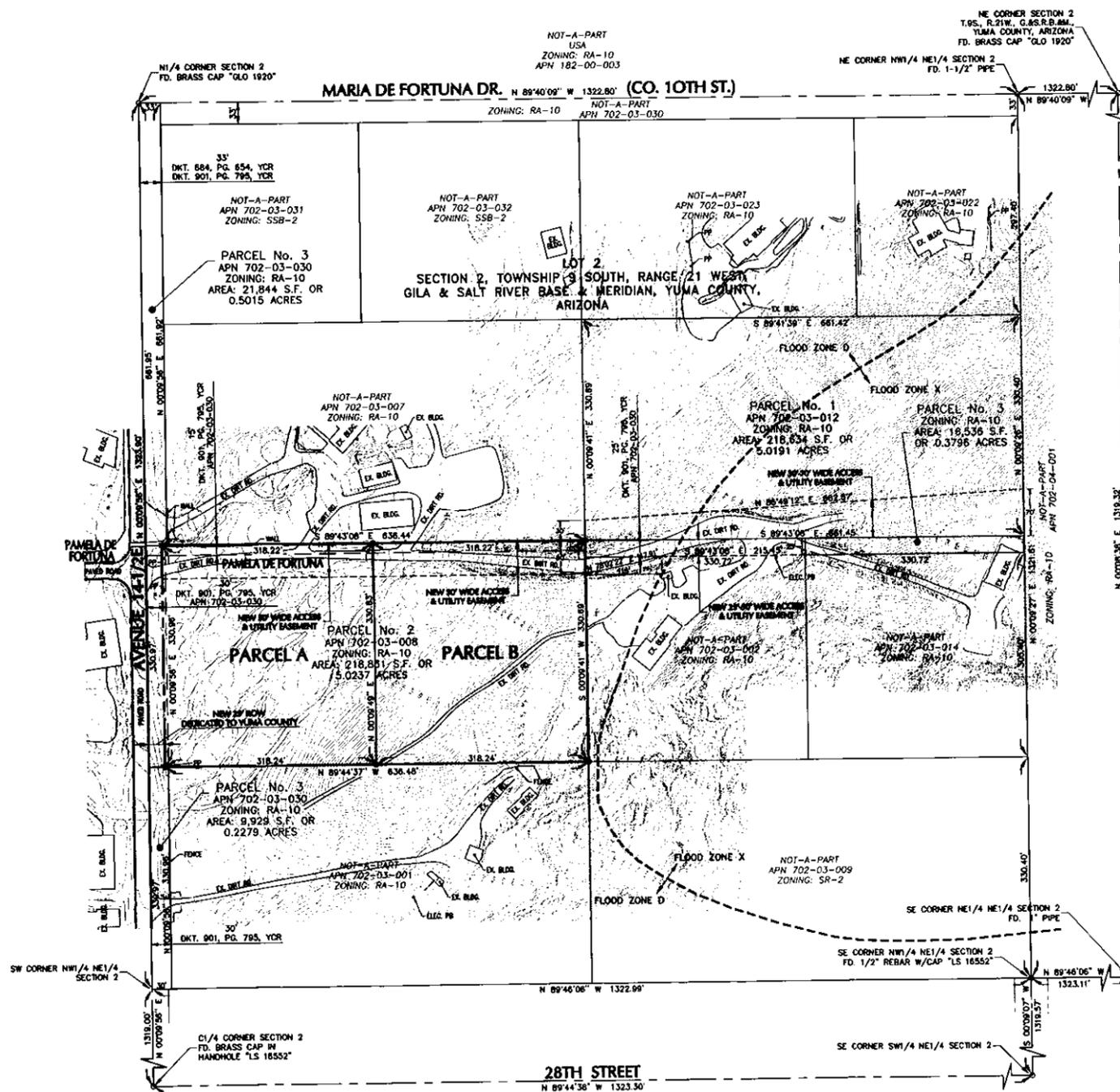


Legend

- 300' BUFFER
- SUBJECT PROPERTY
- Zoning Boundary
- Flood Zone AO

PAMELA DE FORTUNA LAND DIVISION (LDP19-XX)

A LAND DIVISION OF ASSESSOR'S PARCEL NUMBER 702-03-008, BEING IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 9 SOUTH, RANGE 21 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA CREATING PARCEL A AND PARCEL B



LEGAL DESCRIPTIONS

EXISTING PARCEL NO. 2:
The North half of the Southwest quarter of Lot 2, Section 2, Township 9 South, Range 21 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

PARCEL A

That portion of the North half of the Southwest quarter of Lot 2 of Section 2, Township 9 South, Range 21 West, Gila and Salt River Base and Meridian, Yuma County, Arizona more particularly described as follows:

Beginning at the northeast corner of said Lot 2 of Section 2;

Thence South 00°09'56" West along the West line of Lot 2 of said Section 2 a distance of 661.95 feet to the northeast corner of the Southwest quarter of Lot 2 of said Section 2;

Thence South 89°43'08" East along the North line of the Southwest quarter of Lot 2 of said Section 2 a distance of 25.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 89°43'08" East along the North line of the Southwest quarter of Lot 2 of said Section 2 a distance of 318.22;

Thence South 00°09'49" West a distance of 330.83 feet to the South line of the North half of the Southwest quarter of Lot 2 of said Section 2;

Thence North 89°44'37" West along the South line of the North half of the Southwest quarter of Lot 2 of said Section 2 a distance of 318.24 feet to a point which lies 25.00 feet from the southwest corner of the North half of the Southwest quarter of Lot 2 of said Section 2;

Thence North 00°09'56" East parallel with and 25.00 feet easterly of the West line of Lot 2 of said Section 2 a distance of 330.88 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 2.4174 acres, more or less.

PARCEL B

That portion of the North half of the Southwest quarter of Lot 2 of Section 2, Township 9 South, Range 21 West, Gila and Salt River Base and Meridian, Yuma County, Arizona more particularly described as follows:

Beginning at the northeast corner of said Lot 2 of Section 2;

Thence South 00°09'56" West along the West line of Lot 2 of said Section 2 a distance of 661.95 feet to the northeast corner of the Southwest quarter of Lot 2 of said Section 2;

Thence South 89°43'08" East along the North line of the Southwest quarter of Lot 2 of said Section 2 a distance of 343.22 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 89°43'08" East along the North line of the Southwest quarter of Lot 2 of said Section 2 a distance of 318.22 feet to the northeast corner of the Southwest quarter of Lot 2 of said Section 2;

Thence South 00°09'41" West along the East line of the Southwest quarter of Lot 2 of said Section 2 a distance of 330.89 feet to the southeast corner of the North half of the Southwest quarter of Lot 2 of said Section 2;

Thence North 89°44'37" West along the South line of the North half of the Southwest quarter of Lot 2 of said Section 2 a distance of 318.24 feet;

Thence North 00°09'49" East a distance of 330.83 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 2.4164 acres, more or less.

| LEGEND | |
|--------|-------------------------------------|
| ○ | FOUND MONUMENT (TYPE AS NOTED) |
| ● | SET 1/2" REBAR W/CAP "LS 31018" |
| — | CENTERLINE |
| - - - | RIGHT-OF-WAY LINE |
| --- | PROPERTY LINE |
| FD | FOUND |
| ROW | RIGHT-OF-WAY |
| USBR | UNITED STATES BUREAU OF RECLAMATION |
| BLM | BUREAU OF LAND MANAGEMENT |
| BK. | BOOK |
| PG. | PAGE |
| DWG. | DRAWING |
| YCR | YUMA COUNTY RECORDS |
| APH | ASSESSOR'S PARCEL NUMBER |

DATE OF PREPARATION

JUNE 2019

BASIS OF BEARING

BEARINGS ARE RELATIVE TO NAD 83 ARIZONA WEST STATE PLANE COORDINATE SYSTEM. ALL SURVEY POINTS WERE MEASURED BY GPS KINEMATIC SURVEY AS OBSERVED CONTROL POINTS. USC & GS CONTROL POINTS "MISSION" AND "MARN" WERE MEASURED AND USED FOR REFERENCE POINTS FOR THIS SURVEY.

CURRENT ZONING

RURAL AREA ZONING DISTRICT (RA-10) 10 ACRE MINIMUM

BUILDING SETBACKS
 MINIMUM FRONT YARD SETBACK - 50 FEET
 MINIMUM SIDE YARD SETBACK - 20 FEET
 MINIMUM REAR YARD SETBACK - 34 FEET

MAXIMUM BUILDING HEIGHT
 STRUCTURES SHALL NOT EXCEED SIXTY FEET (60') IN HEIGHT EXCEPT AS PROVIDED IN SECTION 110.3 OF THE YUMA COUNTY ZONING ORDINANCE.

PARCEL AREA

PARCEL A 105,300 S.F. OR 2.4174 ACRES
 PARCEL B 105,256 S.F. OR 2.4164 ACRES

SITE CONSTRAINT

DRIVEWAY ACCESS TO ALL PARCELS SHALL BE IN ACCORDANCE WITH YUMA COUNTY PUBLIC WORKS STANDARDS VOLUME 1 SECTION 7.2.3

OWNER OF RECORD

STEVEN OLAFSON
 10225 S. AVENUE 14 1/2 E
 YUMA, ARIZONA 85367

STEVEN OLAFSON _____ DATE _____

ACKNOWLEDGMENT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2019 BY STEVEN OLAFSON

NOTARY PUBLIC _____

MY COMMISSION WILL EXPIRE _____

APPROVED

LAND DIVISION APPROVED IN ACCORDANCE WITH YUMA COUNTY ZONING ORDINANCE SECTION 507.00

MAGGIE CASTRO, ACP, PLANNING DIRECTOR _____ DATE _____

FRANK SANCHEZ, P.E., INTERM COUNTY ENGINEER _____ DATE _____

PAMELA DE FORTUNA LAND DIVISION LDP19-XX

LAND SURVEYOR

DAH, ROBINS & ASSOCIATES, INC.

1500 S. 56th Avenue
 Yuma, AZ 85364
 Phone: (928) 819-0825
 Fax: (928) 819-0826
 www.darobins.com

z:\dra2019\19102\drahga\19102 preliminary ldp.dwg
 March 8, 2019

REGISTERED LAND SURVEYOR
 3888
 CHRISTOPHER S. ROBINS
 YUMA, ARIZONA, U.S.A.

In accordance with the Variance Checklist the following requests have been addressed and constitute the written narrative statement portion of the application:

1. Yuma County Zoning Ordinance Section 302.02—Hillside Development Standards

302.02.H.8 - Request elimination of the requirement to provide curbs and gutters on the Private Access Easement.

This project involves the extension of an existing private, gravel driveway that serves very few single family residential properties. It is our belief that the costs associated with extensive construction of concrete curbs and gutters would be better spent towards any future, necessary, routine maintenance of the driveway. If the following request, to eliminate the requirement of an asphalt paved surface is granted, in lieu of an Aggregate Base Course (ABC) driveway, the concrete curbs and gutters would be less appropriate in construction.

2. Yuma County Zoning Ordinance Section 302.02—Hillside Development Standards

302.02.H.14 - Request elimination of the requirement to provide an asphalt paved surface on the Private Access Easement.

This project involves the extension of an existing private, gravel driveway that serves very few single family residential properties. It is our belief that the costs associated with extensive construction of an asphalt paved surface would be better spent towards any future, necessary, routine maintenance of the driveway.