



YUMA COUNTY BOARD OF ADJUSTMENT MEETING PUBLIC NOTICE & AGENDA

Due to COVID-19 concerns, the meeting will be conducted remotely through technological means. The intent is to reduce the number of individuals at Aldrich Hall to the greatest extent possible. Board members, staff, and applicants will discuss their zoning cases by remote technological means, principally ZOOM.

While Aldrich Hall will be open for public participation, members of the public are encouraged to:

- 1. Send written comments to ddsplanning@yumacountyaz.gov no later than 45 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.*
- 2. Arrange to participate remotely by contacting the following email address: ddsplanning@yumacountyaz.gov.*

If you do appear at Aldrich Hall, you must maintain social distancing. The podium will have a laptop connected to the meeting through ZOOM. When the item you are appearing for is opened for public comment, you may proceed to the podium and participate by ZOOM.

DATE: April 21, 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
Fernando Villegas, Senior Planner
Juan Leal-Rubio, 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 March 17, 2020.**
- 4. Variance Case No. 20-04:** Najeh Edais agent for Ronald Luctticke, request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to increase the height to 36 feet and to reduce the amount of parking spaces to two on a parcel 1,137 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-023, located at 10393 South Tule Road, Yuma, Arizona.

5. **Variance Case No. 20-05:** Bruce Schmidt, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.64 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-017, located on the east side of Avenue 4¼ E approximately 475 feet south of County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.
6. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**
7. **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 March 17, 2020. The meeting was held in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:05 p.m., Chairman Tucker convened the Board of Adjustment meeting. Board Members present: Tim Eisenmann, Eric Saltzer, Neil Tucker and Rosalie Lines. Board Member Joe Harper was absent. Others present: Planning Director Maggie Castro, AICP; Deputy County Attorney Ed Feheley; Senior Planner Javier Barraza; Senior Planner Fernando Villegas; Chief Building/Fire Code Official Pat Headington; 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 February 18, 2020.

MOTION (EISENMANN/SALTZER): Approve as presented.

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

ITEM No. 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.

Senior Planner Javier Barraza presented the staff report recommending an extension of time of one year for Variance Case No. 19-02.

Chairman Tucker opened the public hearing.

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

MOTION (LINES/SALTZER): Approve an extension of time for Variance Case No. 19-02 as presented by staff.

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

ITEM No. 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.

Senior Planner Javier Barraza presented the staff report recommending an extension of time of one year for Variance Case No. 19-03.

Chairman Tucker opened the public hearing.

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

MOTION (EISENMANN/LINES): Approve an extension of time for Variance Case No. 19-03 as submitted.

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

ITEM No. 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.

Senior Planner Fernando Villegas presented the staff report recommending 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 Yuma County Zoning Ordinance.
2. Private driveway access must comply with the 2003 International Fire Code.

Board members reviewed the site plan.

Board member Eisenmann inquired about the location of the required paved road.

Senior Planner Fernando Villegas explained the variance was 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 for parcels 8, 2 and 12.

Planning Director Maggie Castro, AICP, explained the variance was for parcels 8, 2 and 12. She explained there would be other parcels in the future they may utilize the access road.

Chairman Tucker opened the public hearing.

Christopher Robins, 1560 South 5th Avenue, Yuma, Arizona, agent, gave details of the properties and the process that triggered a variance. He questioned the staff report and clarified that Rural Metro's requirement for all weather access was at a grade of less than 12%. He stated the driveway grade would be between 10% and 12%.

Planning Director Maggie Castro, AICP, explained to board members that the Chief Building/Fire Code official retracted comments that were not reflected on the staff report.

Board member Lines inquired about when the requirement for curb and gutters went into effect.

Maggie Castro, AICP, stated the hillside development standards became effective in 2006 when the Zoning Ordinance was adopted. She stated there were some homes in that area that existed prior to 2006.

Steve Olafson, 10235 South Avenue 14 1/2E Yuma, Arizona, applicant, explained the backstory of the properties. He stated he was assured that they would not need to pave the road and explained the financial hardship paving the road would create. He explained his plan to sell the other properties that he is not residing in.

Chief Building and Fire Code Official Pat Headington clarified that he retracted his comment of recommending denial and explained a grade of 12% or less would meet requirements.

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

Board members and staff discussed the grading and paving requirements.

MOTION: (LINES): approve Variance Case 20-01 to include a 12% or less grade. The motion failed due to lack of a second.

Planning Director Maggie Castro, AICP, explained the purpose of the Variance to Board members.

MOTION (SALTZER/LINES): Approve Variance Case No. 20-01 following the elimination of the requirement for curb and gutters and paved surface with the contingency that the grade is 12% or less for the access road and to include the staff conditions.

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

ITEM No. 7: 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 1:44 p.m.

Approved and accepted on this 21st day of April, 2020.

Neil Tucker, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

DRAFT

Yuma County Board of Adjustment

Item No. 4

AIR-9764

4.

BOA Agenda

Meeting Date: 04/21/2020

Submitted For: Maggie Castro

Submitted By: Fernando Villegas

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-04: Najeh Edais agent for Ronald Lutticke, request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to increase the height to 36 feet and to reduce the amount of parking spaces to two on a parcel 1,137 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-023, located at 10393 South Tule Road, Yuma, Arizona.

2. INTENT:

The intent is to build one residence 36 feet in height to accommodate two ground level parking spaces and living space on the additional levels.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of this request subject to the following condition:

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

Attachments

Staff Report

Vicinity Map

Floor Plan

Elevation

Applicant Letter

Building Safety Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
April 21, 2020
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 20-04
OWNER: Ronald Luctticke
CASE PLANNER: Fernando Villegas, Senior Planner
DATE PREPARED: April 1, 2020

DESCRIPTION OF REQUEST: Najeh Edais, agent for Ronald Luctticke, request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to increase the height to 36 feet and to reduce the amount of parking spaces to two on a parcel 1,137 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-023, located at 10393 South Tule Road, Yuma, Arizona.

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

APPROVAL OF THIS REQUEST WOULD ALLOW:

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

1. A maximum building height of 36 feet where 32 feet is the maximum allowed.
2. Two parking spaces where four parking spaces are required.

BACKGROUND

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

The purpose of the PD district is to encourage imaginative and innovative planning, particularly with respect to diversification in the land use and flexibility in site designs, respect to various features, including,

but not limited to, spacing, heights, density, open space, circulation, preservation of natural features, and innovative development that results in the availability of a variety of residential/commercial/industrial opportunities. Martinez Lake Resort Unit No. 1 subdivision was rezoned to PD due to the unusual shape, topography, and configuration of the lots. The development standards allow for development of the lots with a setback of zero feet in the side and rear yards provided construction of dwelling units complies with the adopted fire code.

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

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 subject property. The development standards allow for development of the lots with a maximum height of 32 feet and other property owners have been granted variances to increase the height to 36 feet. The subject property is 1,137 square feet in size which does not allow the property owner to accommodate four parking spaces on the ground floor.

- 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 hardship arising from conditions or circumstances unique to the development of this property. The development standards of the PD limit development of the properties to units with parking on the ground floor and the dwelling above the parking. However, limited square footage of the parcel does not allow four parking spaces on the ground floor. Additionally, the maximum height of 32 feet does not allow construction of two floors above the parking area with a roof terrace.

- C. *Any motion to grant a Variance by the Board of Adjustment shall include specific peculiar conditions applicable to the property, which exist to cause granting of a Variance.*

Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance. The unique characteristics in the Martinez Lake Resort Unit No. 1 PD require that four parking spaces to be provided on the first level of each unit thereby limiting the number of floors that can be used for habitable area. Reducing the amount of parking spaces and increasing the maximum height to 36 feet will enable the construction of two floors above the parking area dedicated to habitable space with a roof terrace.

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

Staff finds approval of this request will not have adverse effects on public health, safety, and welfare. The increase in the maximum height and the reduction of parking spaces will allow the property owner to improve the property with the ground floor used solely for parking and two floors for livable area with a roof terrace.

E. A variance shall not be granted if, in granting the variances a special privilege not commonly enjoyed by others in the zoning district will be conferred, or have a negative impact on the neighborhood.

Staff finds granting this variance does not appear to confer a special privilege since reducing the amount of parking spaces and increasing the maximum height to 36 feet will facilitate the construction of a unit with the ground floor used solely for parking and two floors above the parking area for livable space with a roof terrace.

F. The Board of Adjustment may require appropriate conditions or safeguards on any granted variances so that public health, safety and welfare are not compromised.

Staff is recommending that if approved, this variance include the attached conditions as a means of addressing concerns of public health, safety, and welfare.

G. Variances shall not be granted if the condition is self-imposed or if a reasonable use of the land can be made in an alternative development scheme without the variance.

Staff finds the condition is self-imposed. The alternative is to amend the entire Martinez Lake Resort Unit No.1 Planned Development to reduce the parking spaces and allow a maximum height of 36 feet.

H. The fact that there are non-conforming uses of neighborhood lands, structures or buildings, in the same zoning district shall not be considered grounds for issuance of a variance.

Staff's recommendation is not based on non-conforming uses of neighborhood lands, structures or buildings in the same zoning district. The Board of Adjustment approved the following variances allowing a height of 36 feet in the Martinez Lake Resort PD subdivision:

- Variance Case No. 17-06 (05/16/17)
- Variance Case No. 18-03 (03/20/18)
- Variance Case No. 18-10 (07/17/18)
- Variance Case No. 18-13 (08/21/2018)
- Variance Case No. 19-11 (10/15/2019)
- Variance Case No. 19-12 (10/15/2019)
- Variance Case No. 19-14 (11/19/2019)

ADDITIONAL COMMENTS:

Yuma County Chief Building/Fire Code Official Pat Headington stated that 1-hour construction shall be incorporated into the construction of the building and an approved fire sprinkler system shall be installed in accordance with the 2018 International Residential Code (NFPA 13D).

General Manager Elston Grubaugh, Wellton-Mohawk Irrigation and Drainage District, stated that electric service was now all underground and there were no overhead wire concerns.

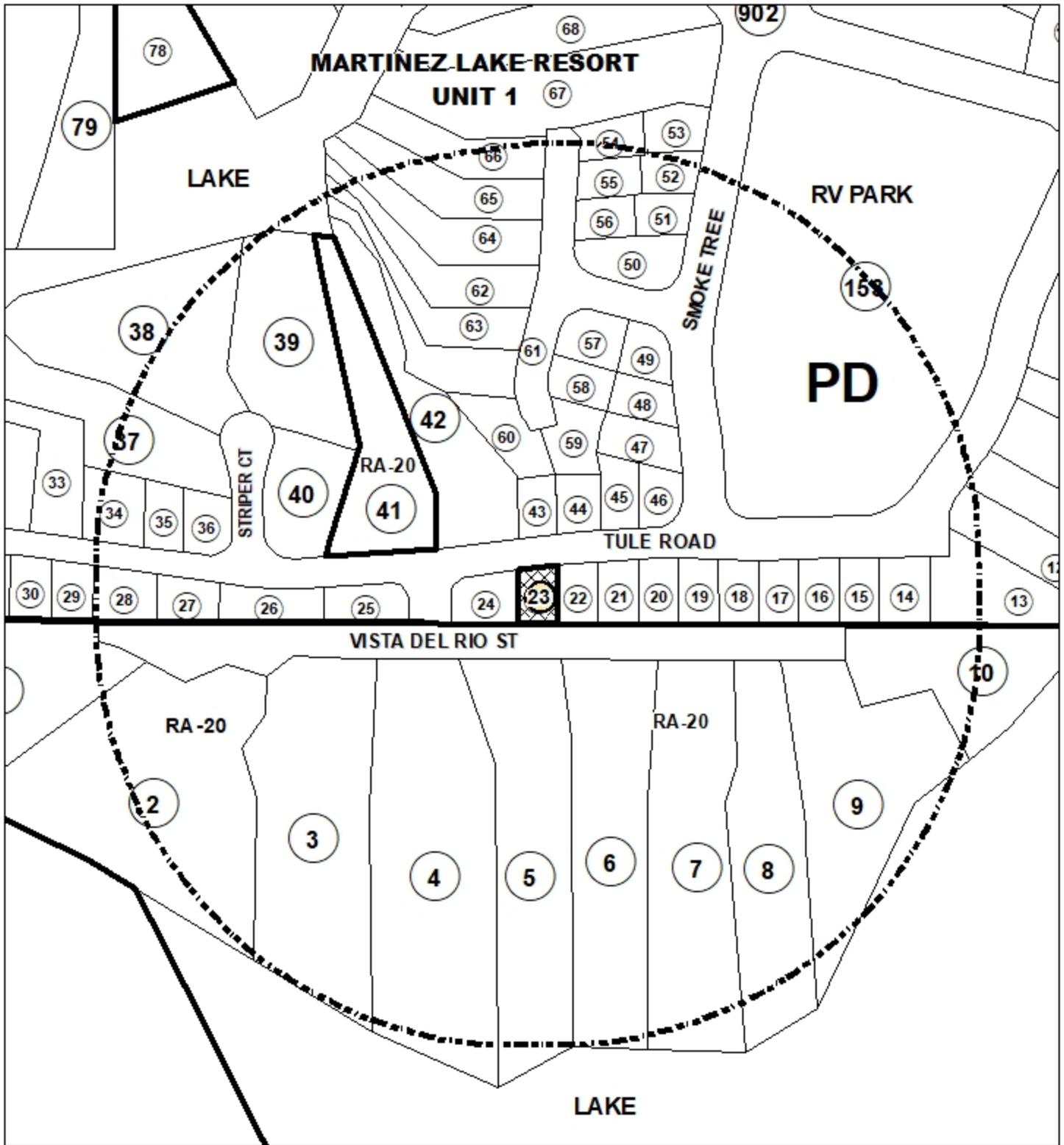
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 20-04 based on:

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

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

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




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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V20-04
LOCATION: 10393 E. Tule Road
APN(s): 459-50-023

CASE PLANNER: FERNANDO VILLAGA S
 DATE DRAWN: 03-18-2020
 REVIEWED BY: JUAN LEAL RUBIO

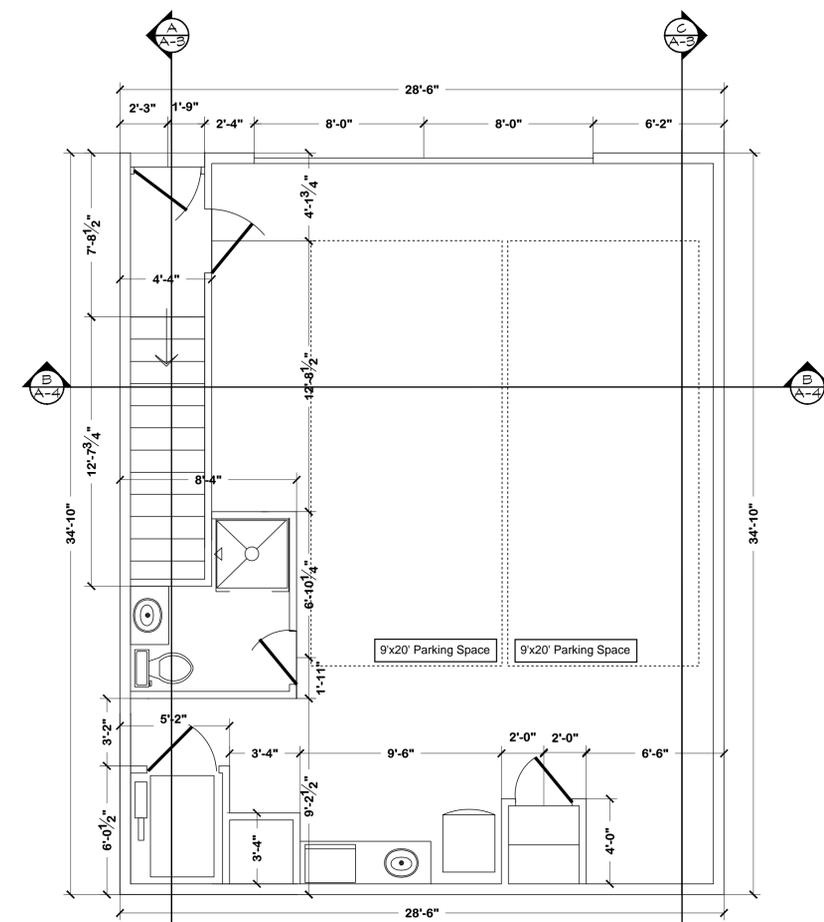
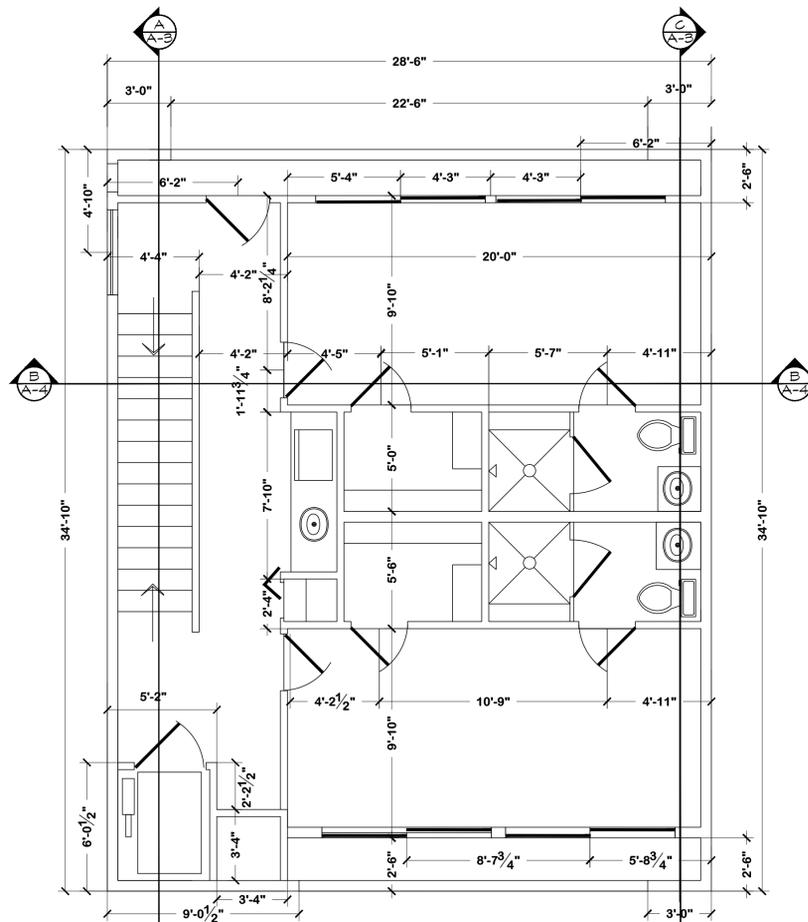
SCALE: 1" = 100'



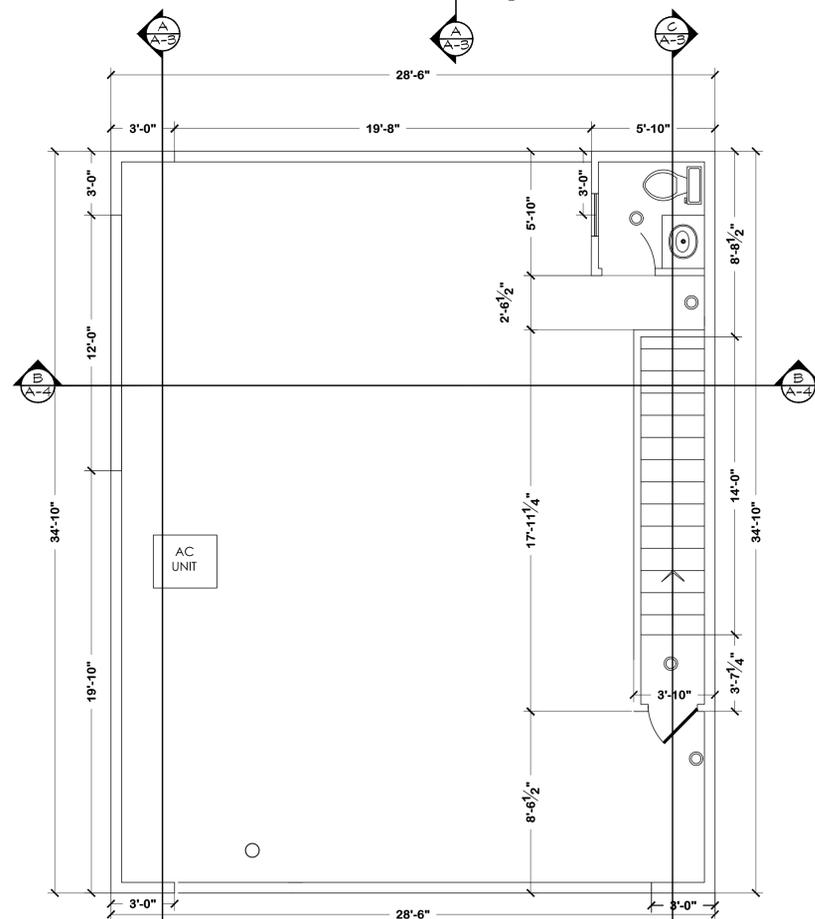
Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary

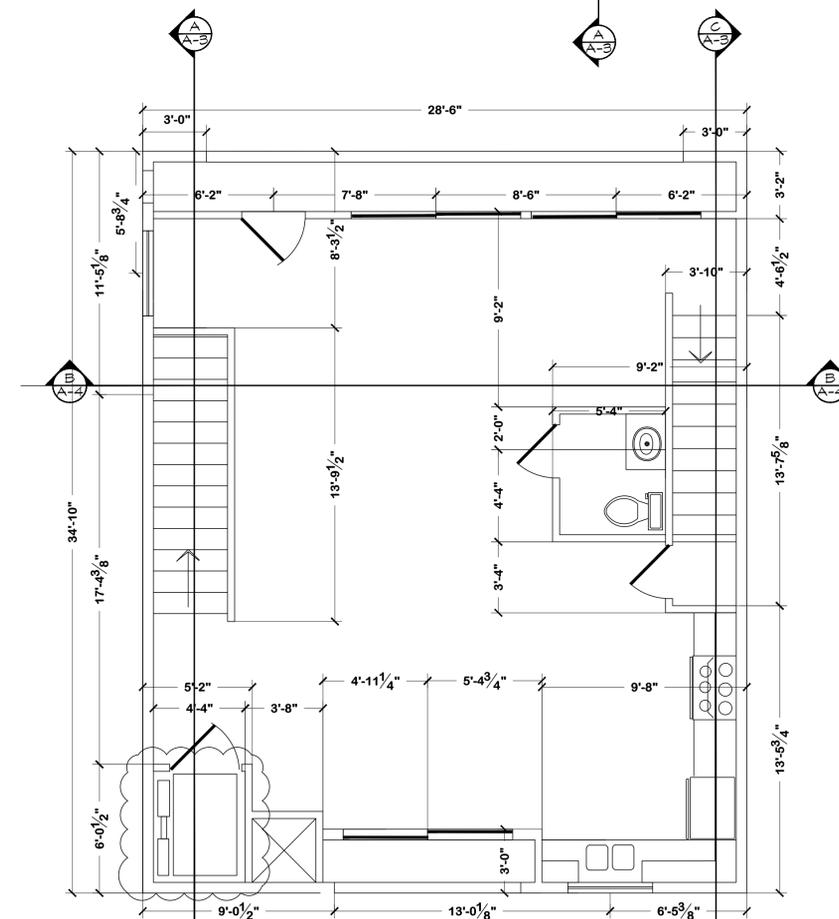
SECOND FLOOR PLAN
1/4" = 1'-0"



FIRST FLOOR PLAN
1/4" = 1'-0"



ROOF FLOOR PLAN
1/4" = 1'-0"



THIRD FLOOR PLAN
1/4" = 1'-0"

**YUMA COUNTY ZONING ORDINANCE
FOR HEIGHT RESTRICTIONS**
BUILDING HEIGHT: THE VERTICAL DISTANCE TO THE LEVEL OF THE HIGHEST POINT OF A BUILDING WALL, IF THE BUILDING HAS A FLAT ROOF, OR TO THE HIGHEST POINT OF THE ROOF IF THE ROOF IS OF ANY OTHER TYPE, MEASURED FROM THE ESTABLISHED GRADE OF THE CURB, OR FROM THE AVERAGE LEVEL OF THE FINISHED GRADE SURFACE ACROSS THE FRONT OF THE BUILDING



DIMENSIONAL FLOOR PLANS
1/4" = 1'-0"

REVISIONS

DIGITAL DRAFTING AND DESIGN
QUALITY ARCHITECTURAL CONSTRUCTION DOCUMENTS
10882 N. FISHERS LANDING RD YUMA, AZ 85365
alstace@yahoo.com / (303) 242-1650 c

**AN EXCLUSIVE RESIDENCE FOR
RONALD LUETTICK**
10930 N. MARTINEZ ROAD YUMA, AZ.

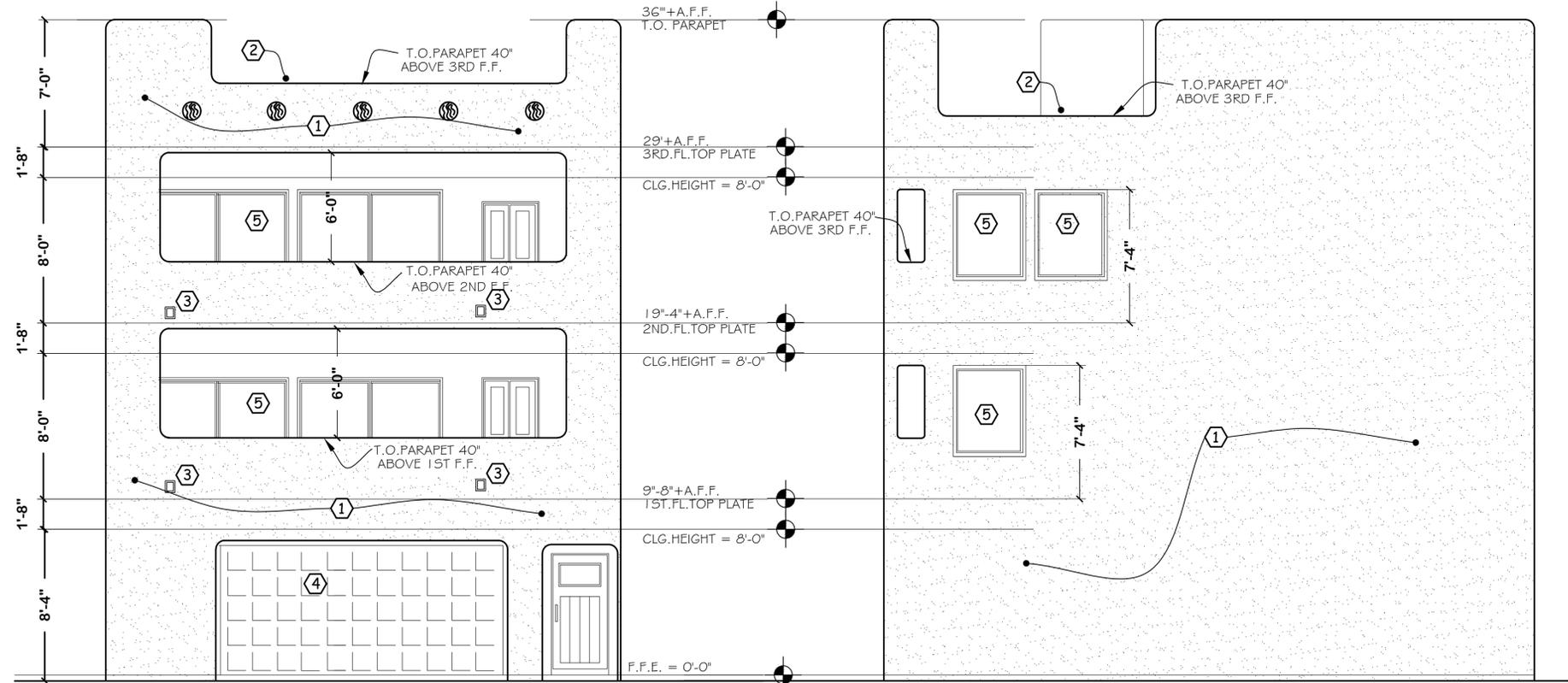
DIMENSIONAL FLOOR PLAN

DRAWN: AFS
CHK'D: AFS
DATE: 12/13/19
SCALE: 1/4" = 1'-0"
JOB: RONNIE LUETTICKE

SHEET
A-2
OF SHEETS

ELEVATION KEYNOTES

1. WESTERN ONE-KOTE STUCCO SYSTEM ON 2 x 6" WOOD STUDS, 16" O.C. @ BRG., 24" O.C. @ NON-BRG. FRAME WALL SYSTEM w/ 3/8" PLYWOOD SHEATHING. VERIFY STUCCO FINISH. SEE STRUCTURAL DETAILS.
2. 3 PLY B.U. ROOFING SYSTEM PER CONTRACT SPECS ON 1/2" OSB ROOF SHEATHING.
3. SHEET METAL SCUPPER LINER & FLANGES. VERIFY SCUPPER COVER w/ BUILDER.
4. INSULATED, OVERHEAD GARAGE DOOR w/ AUTOMATIC OPENER. VERIFY STYLE.
5. VERIFY SIZE, TYPE AND LOCATIONS WITH BUILDER PRIOR TO ORDERING WINDOWS. VERIFY R.O.'s, INCLUDING ANY 2x WOOD STUD WINDOW BUCKS THAT WOULD AFFECT THE ROUGH OPENINGS.

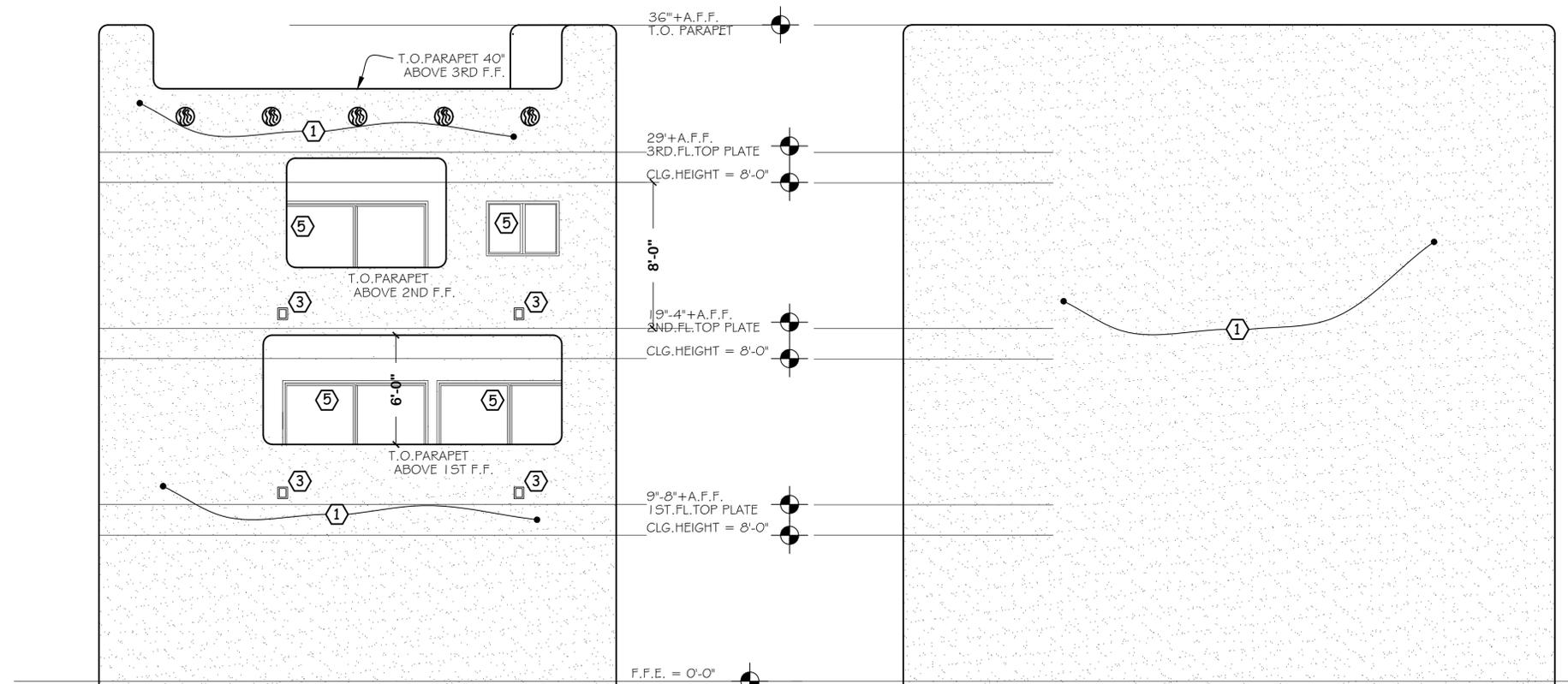


A FRONT ELEVATION

1/4" = 1'-0"

B SIDE ELEVATION

1/4" = 1'-0"



C REAR ELEVATION

1/4" = 1'-0"

D SIDE ELEVATION

1/4" = 1'-0"

REVISIONS

DIGITAL DRAFTING AND DESIGN
 QUALITY ARCHITECTURAL CONSTRUCTION DOCUMENTS
 10882 N. FISHERS LANDING RD YUMA, AZ 85365
 alstace@yahoo.com / (903) 242-1650 c

AN EXCLUSIVE RESIDENCE FOR
 RONALD LUETTICK
 10930 N. MARTINEZ ROAD YUMA, AZ.

EXTERIOR ELEVATIONS

DRAWN : AFS
 CHK'D : AFS
 DATE : 12/13/19
 SCALE :
 JOB : RONNIE
 LUETTICKE

SHEET
A-4
 OF SHEETS



3075 S. Avenue 4E. Yuma AZ 85365 (928) 344-3566 Ph. (928) 341-1075 Fx.
E-mail: Najeh@Edalsgroup.com

March 10, 2020

Yuma County
Department of Development Services
Planning and Zoning Department
2351 West 26th Street
Yuma, Arizona 85364

RE: Variance Request

Dear Sr./Madame:

Ronald Luctticke 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 1147 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-023 located at 10393. E Tule Road, Yuma, Arizona.

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

Approval of this request would allow deviation from the Martinez Lake Resort Unit No.1 Planned development maximum building height of 36 feet where 32 feet is the maximum allowed.

There are peculiar conditions applicable to the subject property. The development standards allow for development of the lots with the maximum height of 32 feet which does not provide enough room for three floors. The applicant is requesting a maximum height of 36 feet for the dwelling unit in order to accommodate ground level parking and additional levels of habitable space.

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

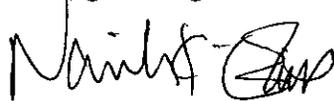
There are specific peculiar conditions applicable to this property to warrant granting of this variance. The unique characteristics in the Martinez Lake Resort Unit No.1 PDD require that parking be provided on the first level of each unit thereby limiting the number of floors that can be used for habitable area. Increasing the maximum height to 36 feet will enable the construction of two floors above the parking area dedicated to habitable space.

Approval of this request will not have adverse effects on public health, safety, and welfare. The increase in the maximum height will allow the property owner to improve the property with ground floor used solely for parking and two floors for livable area. The intent is to remove the existing recreational vehicle from the subject property thereby improving the physical condition of the subject properties.

Granting this variance does not appear to confer a special privilege since increasing the maximum height to 36 feet will facilitate the construction of a unit with the ground floor used solely for parking and two floors above the parking area for livable space.

Should you have any questions or need additional information please contact my office.

Best Regards,
Edais Engineering, Inc.

A handwritten signature in black ink, appearing to read 'Najeh K. Edais', with a stylized flourish at the end.

Najeh K. Edais, P.E.



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 19, 2020

CASE NUMBER: VARIANCE CASE NO. 20-04

CASE SUMMARY: Najeh Edais agent for Ronald Luctticke, 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 one parcel 1,137 square feet in size zoned Planned Development, Assessor’s Parcel Number 459-50-023, located at 10393 South Tule Road, Yuma, Arizona.

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

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: March 25, 2020

COMMENT NO COMMENT

townhouse separations shall comply with the 2018 IRC; sprinklers shall be installed in accordance with 2018 IRC or NFPA 13R

DATE: PRINTED NAME: _____

AGENCY/DIVISION: _____

RETURN TO: Fernando Villegas, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5072
Fernando.Villegas@yumacountyaz.gov

Attachments: Case Map, Site Plan

Yuma County Board of Adjustment

Item No. 5

AIR-9739

5.

BOA Agenda

Meeting Date: 04/21/2020

Submitted For: Maggie Castro

Submitted By: Juan Leal-Rubio

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-05: Bruce Schmidt, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.64 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-017, located on the east side of Avenue 4¼ E approximately 475 feet south of County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

2. INTENT:

To allow the construction of a single family residence in the 65-69 dB noise zone.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 20-05 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.

Attachments

Staff Report

Case Map

Site Plan

Internal Comments

External Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
April 21, 2020
Yuma County Airport Board of Adjustment

CASE NUMBER: Variance Case No. 20-05

OWNER: Pamela Lee Crowe

CASE PLANNER: Juan Leal Rubio, Senior Planner

DATE PREPARED: March 18, 2020

DESCRIPTION OF REQUEST: Bruce Schmidt, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.64 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor’s Parcel Number 724-34-017, located on the east side of Avenue 4¼ E approximately 475 feet south of County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

THE APPLICANT’S REASON FOR REQUESTING THIS VARIANCE: To construct a single family residence in the 65-69 dB noise zone.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The construction of a single family residence in the 65-69 dB noise zone.

BACKGROUND

The subject property is zoned SSB-2. The zoning became effective on October 6, 2017 with Rezoning Case No. 17-11. The intent is to construct a site built single family residence on the parcel. The Airport District of the Yuma County Zoning Ordinance does not allow new residential development in 65-69 dB noise zone unless it was the subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less. Since the rezoning occurred after December 31, 2000, construction of a single family residence requires approval of a variance by the Board of Adjustment.

Arizona Revised Statutes (ARS) § 28-8471(A) states: A person who wants to erect or increase the height of a structure, permit the growth of a tree or otherwise use the person's property in violation of an airport zoning regulation adopted under this article may apply to the board of adjustment for a variance from the airport zoning regulation in question. Additionally, pursuant to ARS § 28-8473(C)(2), the concurring vote of a majority of the members of the board of adjustment is sufficient to approve this variance request.

Arizona Revised Statutes § 28-8481 requires that Yuma County and Marine Corps Station-Yuma (MCAS-Yuma) mutually agree that the proposed use is compatible and consistent with the high noise and accident potential zones of the military airport. The property was rezoned from RA-10 to SSB-2 with Rezoning Case No. 17-11 wherein a determination of compliance was made by Marine Corps Air Station-Yuma stating that MCAS does not object to the rezoning with the condition that an aviation disclosure statement is recorded.

STAFF ANALYSIS

Section 710.03 of the Zoning Ordinance:

- A. *"A person who wants to erect or increase the height of a structure, permit the growth of a tree or otherwise use the person's property in violation of an airport zoning regulation adopted under this article may apply to the Board of Adjustment for a variance from the airport zoning regulation in question."*

The Airport District does not allow residential development other than single family residential development that was the subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less and single family residential development that is the primary residence for persons engaging in agricultural use. Although the SSB-2 zoning falls within the established residential density requirements of no more than one dwelling unit per acre, the zoning was approved after December 31, 2000. The SSB-2 zoning for this parcel became effective on October 6, 2017, therefore a variance is required for the construction of a single family residence.

- B. *A variance shall be allowed if a literal application or enforcement of the regulation would result in a practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, would do substantial justice and would be in accordance with the spirit of the regulation and this article."*

Staff finds approval of this variance would not be contrary to the public interest, would be justified, and would be in accordance with the spirit of the regulation and the Airport District. The purpose of the Airport District is the encouragement of compatible land uses in the vicinity of airports and the promotion of the general public health, safety and welfare of airport users. The subject property is located in the Yuma Mesa Planning Area of the 2020 Comprehensive Plan. The land use designation is Rural Density Residential which allows a maximum density of one dwelling unit per two acres. Approval of this variance is in compliance with the range of identified uses, densities and intensities of the Yuma County 2020 Comprehensive Plan. The proposed single family residence is consistent and compatible with the high noise zone of the military airport.

- C. *"A variance may be allowed subject to any reasonable conditions the board of adjustment deems necessary to fulfill the purposes of this article."*

Staff is recommending that, if approved, this variance include the attached conditions as a means of addressing any concerns on public health, safety and welfare.

ADDITIONAL COMMENTS:

The following comments were received from the United States Marine Corps-Yuma in a memo dated March 20, 2020: MCAS-Yuma has reviewed the case for APN 724-34-017 and we are not in favor of this Special Use Permit. Please see the forthcoming letter from Col Suggs with our official response and request for Denial.

The following comments were received from the Yuma County Airport Authority in a memo dated March 18, 2020: The proposed property is located within the 65-70 dB noise zone. Per FAA Order 1050-1E land use and residential structures are not compatible and should be prohibited...”.

The following comments were received from Yuma County Chief Building/Fire Code Official Pat Headington in a letter dated March 18, 2020: Construction shall comply with the adopted noise reduction standards.

STAFF RECOMMENDATION

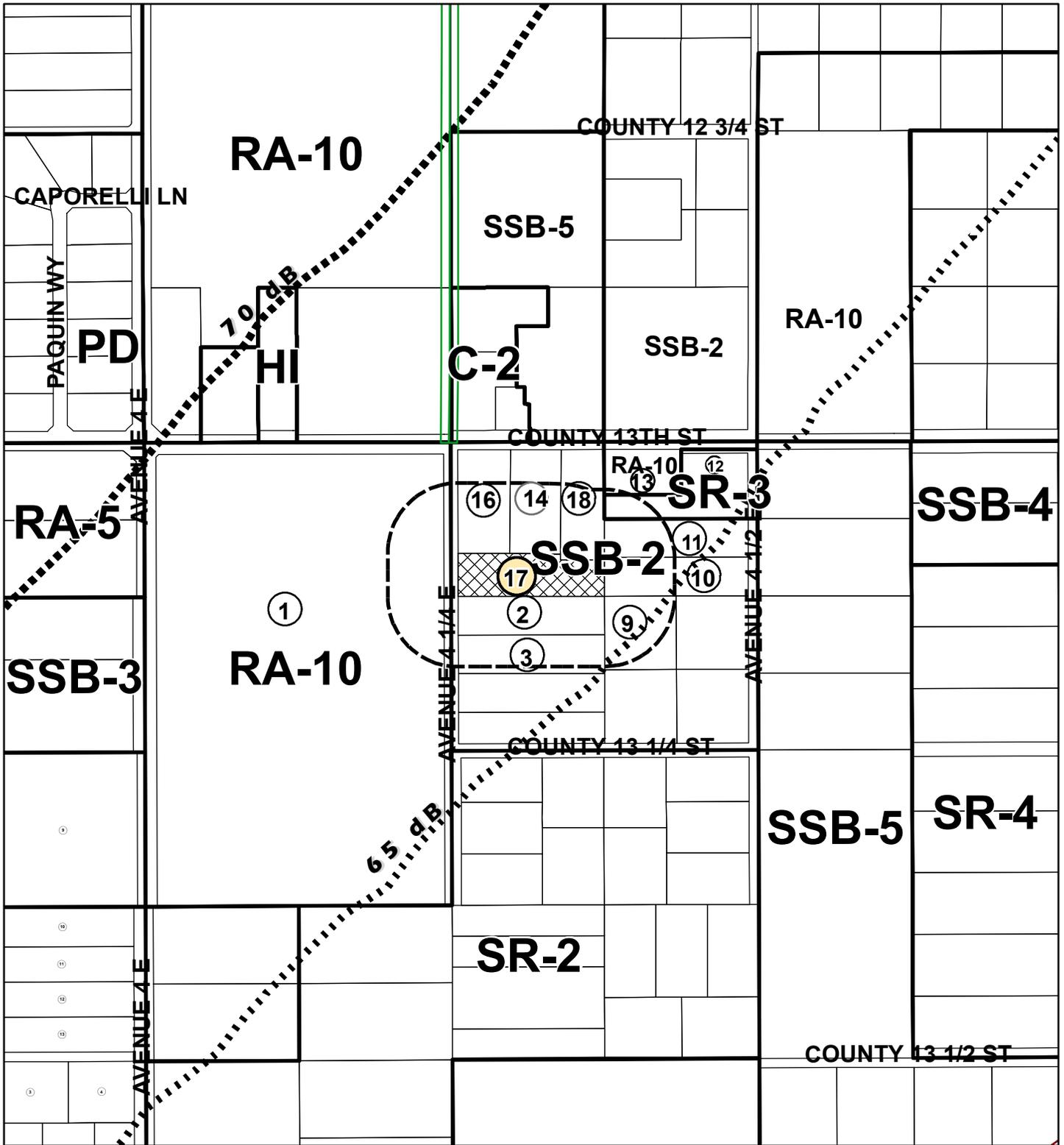
Staff recommends approval of Variance Case No. 20-05 based on:

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.

Findings: 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).




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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO: V20-05
LOCATION: Vicinity/SW Corner Ave 4-1/4E & Co.13thSt
APN(s): 724-34-017

CASE PLANNER: J. Leal Rubio
DATE DRAWN: 3-18-2020
REVIEWED BY: N/A

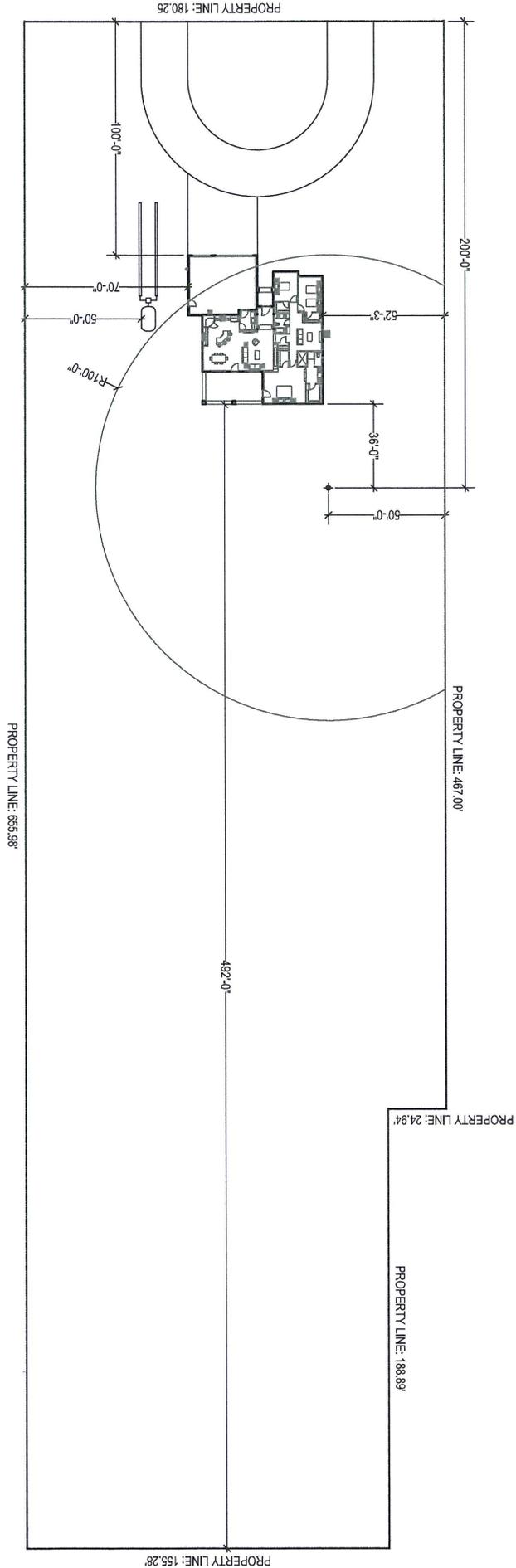
SCALE: 1"= 600'



Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary

AVENUE 4 1/4 E





YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

CASE NUMBER: VARIANCE CASE NO. 20-05

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a “no comment” response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 20-05: Bruce Schimdt, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.64 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 the southwest corner of Avenue 4¼E and County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

COMMENT NO COMMENT

DATE: 03/19/2020 PRINTED NAME: George Amaya, R.S.

AGENCY/DIVISION: DDS/Environmental Programs

RETURN TO: Juan Leal Rubio
 2351 West 26th Street
 Yuma, Arizona 85364
 Fax: (928)817-5157
 Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan

From: Rachel Stallworth
Sent: Wednesday, March 18, 2020 12:55 PM
To: Juan Leal Rubio
Subject: RE: RFC- Variance Case No. 20-05

No Comment on this one, Juan.

Rachel Stallworth

Improvement Districts

rachel.stallworth@yumacountyaz.gov

4343 S. Avenue 5 1/2E

Yuma,AZ 85365

Office: (928) 341-2500

Direct Line: (928) 341-2511

Mobile: (928) 581-5889

From: Juan Leal Rubio

Sent: Wednesday, March 18, 2020 12:47 PM

To: Anne.camacho@aps.com; grcopeland@antelopeunion.org; Wellton@town.wellton.az.us; BKnowles@azgfd.gov; rjism09@msn.com; Bfenske@azdot.gov; chuck.wullenjohn@us.army.mil; bkleee@craneschools.org; agui2400@yahoo.com; Gen@yumaairport.com; gramirez@azdot.gov; IGarcia@azdot.gov; Jeff_humphrey@fws.gov; jennifer.albers@yumaaz.gov; esperodriguez@ssd11.org; jcampa@cityofsanluis.org; JTHEidrich@aol.com; mstraub@wmidd.org; sjohnson@mohawk17.org; MCASYUMA_CPLO@usmc.mil; rmolenar@yumasun.com; Rick.rohrick@swgas.com; bryank@unitBIRR.com; ttyree@apscc.org; yid@mindspring.com; Pmorgan@ymidd.org; gthompson@yumaunion.org; Cgutierrez@ympo.org; daniel.m.steward.civ@mail.mil; Stephanie.Laborin@aps.com; Joe Wehrle <Joe.Wehrle@yumacountyaz.gov>; jmacdona@blm.gov; judith.e.movilla.civ@mail.mil; lkillman@town.wellton.az.us; info@ssd11.org; Robert.blevins@yumaaz.gov; sfajardo@mohawk17.org; tony.lomboy@charter.com; usarmy.ypg.atec.list.public-affairs-office@mail.mil; openunuri@ycwua.org; golivas@yumaunion.org; stephen.eckert@azwestern.edu; Javier Barraza <Javier.Barraza@yumacountyaz.gov>; Fernando Villegas <Fernando.Villegas@yumacountyaz.gov>; Arturo Alvarez <Arturo.Alvarez@yumacountyaz.gov>; Pat Headington <Pat.Headington@yumacountyaz.gov>; Rachel Stallworth <Rachel.Stallworth@yumacountyaz.gov>; George Amaya <George.Amaya@yumacountyaz.gov>; joseph.a.garcia46.civ@mail.mil; bobette.m.bauermann.civ@mail.mil; Mary.e.finch@usmc.mil; jperez@cityofsanluis.org; kleonard@azstateparks.gov; Ed.Alupay@CenturyLink.com; contact@ngvidd.com; egrubough@wmidd.org; LCVALDEZ@UP.COM; carmenjuarez@somertonaz.gov; antonio.martinez1@usmc.mil

Subject: RFC- Variance Case No. 20-05

Please review the attached variance request and let me know if you have any comments, questions or concerns,

Be safe,

Juan Leal Rubio, Senior Planner

Department of Development Services/Planning & Zoning Division

From: Joe Wehrle
Sent: Wednesday, March 18, 2020 1:08 PM
To: Juan Leal Rubio
Subject: RE: RFC- Variance Case No. 20-05

Juan,

The Assessor's Office has no comments or concerns for the proposed variance.

Joe Wehrle
Yuma County Assessor
192 South Maiden Lane
Yuma, AZ 85364
Joe.wehrle@yumacountyaz.gov
(928) 373-6073

From: Juan Leal Rubio
Sent: Wednesday, March 18, 2020 12:47 PM
To: Anne.camacho@aps.com; grcopeland@antelopeunion.org; Wellton@town.wellton.az.us; BKnowles@azgfd.gov; rjism09@msn.com; Bfenske@azdot.gov; chuck.wullenjohn@us.army.mil; bkleee@craneschools.org; agui2400@yahoo.com; Gen@yumaairport.com; gramirez@azdot.gov; IGarcia@azdot.gov; Jeff_humphrey@fws.gov; jennifer.albers@yumaaz.gov; esperodriguez@ssd11.org; jcampa@cityofsanluis.org; JTheidrich@aol.com; mstraub@wmidd.org; sjohnson@mohawk17.org; MCASYUMA_CPLO@usmc.mil; rmolenar@yumasun.com; Rick.rohrick@swgas.com; bryank@unitBIRR.com; ttyree@apscc.org; yid@mindspring.com; Pmorgan@ymidd.org; gthompson@yumaunion.org; Cgutierrez@ympo.org; daniel.m.steward.civ@mail.mil; Stephanie.Laborin@aps.com; Joe Wehrle <Joe.Wehrle@yumacountyaz.gov>; jmacdona@blm.gov; judith.e.movilla.civ@mail.mil; lkillman@town.wellton.az.us; info@ssd11.org; Robert.blevins@yumaaz.gov; sfajardo@mohawk17.org; tony.lomboy@charter.com; usarmy.ypg.atec.list.public-affairs-office@mail.mil; openunuri@ycwua.org; golivas@yumaunion.org; stephen.eckert@azwestern.edu; Javier Barraza <Javier.Barraza@yumacountyaz.gov>; Fernando Villegas <Fernando.Villegas@yumacountyaz.gov>; Arturo Alvarez <Arturo.Alvarez@yumacountyaz.gov>; Pat Headington <Pat.Headington@yumacountyaz.gov>; Rachel Stallworth <Rachel.Stallworth@yumacountyaz.gov>; George Amaya <George.Amaya@yumacountyaz.gov>; joseph.a.garcia46.civ@mail.mil; bobette.m.bauermann.civ@mail.mil; Mary.e.finch@usmc.mil; jperez@cityofsanluis.org; kleonard@azstateparks.gov; Ed.Alupay@CenturyLink.com; contact@ngvidd.com; egrubaugh@wmidd.org; LCVALDEZ@UP.COM; carmenjuarez@somertonaz.gov; antonio.martinez1@usmc.mil
Subject: RFC- Variance Case No. 20-05

Please review the attached variance request and let me know if you have any comments, questions or concerns,

Be safe,

Juan Leal Rubio, Senior Planner

Department of Development Services/Planning & Zoning Division



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

CASE NUMBER: VARIANCE CASE NO. 20-05

Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a "no comment" response. If you cannot respond by the deadline, please contact me.

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Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

<input checked="" type="checkbox"/> COMMENT	<input type="checkbox"/> NO COMMENT
construction shall comply with the adopted noise reduction standards	

DATE: PRINTED NAME: Pat
 AGENCY/DIVISION: BS

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5157
Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

CASE NUMBER: VARIANCE CASE NO. 20-05

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Intent:

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PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

COMMENT

NO COMMENT

DATE: 3/19/20 PRINTED NAME: Isabell Garcia

AGENCY/DIVISION: ADOT Southwest District

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5157
Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

CASE NUMBER: VARIANCE CASE NO. 20-05

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Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

COMMENT

NO COMMENT

DATE: 03/19/20

PRINTED NAME: Robert M. Blevins

AGENCY/DIVISION: City of Yuma, Community Planning

RETURN TO:

Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5157
Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

CASE NUMBER: VARIANCE CASE NO. 20-05

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Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

 X COMMENT NO COMMENT

The proposed property is located within the 65-70 dB noise zone. Per FAA Order 1050-1E land use and residential structures are not compatible and should be prohibited. Please see attached.

DATE: 3/18/20 PRINTED NAME: Gladys Brown, Airport Director

AGENCY/DIVISION: Yuma County Airport Authority

RETURN TO: Juan Leal Rubio
 2351 West 26th Street
 Yuma, Arizona 85364
 Fax: (928)817-5157
 Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND

Land Use	Yearly day-night average sound level (L _{dn}) in decibels					
	< 65	65-70	70-75	75-80	80-85	> 85
Residential						
Residential, other than mobile homes and transient lodgings	Y	N (1)	N (1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N (1)	N (1)	N (1)	N	N
Public Use						
Schools	Y	N (1)	N (1)	N	N	N
Hospitals, nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Government services	Y	Y	25	30	N	N
Transportation	Y	Y	Y (2)	Y (3)	Y (4)	Y (4)
Parking	Y	Y	Y (2)	Y (3)	Y (4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail- building materials, hardware and farm equipment	Y	Y	Y (2)	Y (3)	Y (4)	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y (2)	Y (3)	Y (4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y (2)	Y (3)	Y (4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y (6)	Y (7)	Y (8)	Y (8)	Y (8)
Livestock farming and breeding	Y	Y (6)	Y (7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y (5)	Y (5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N
Numbers in parenthesis refer to notes; see continuation of Table 1 for notes and key.						
The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute Federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.						
(more)						

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS (CONTINUED)

Key to Table 1	
Y (YES)	Land Use and related structures compatible without restrictions.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 dB must be incorporated into design and construction of structure.
Notes for Table 1	
(1)	Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
(2)	Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(3)	Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(4)	Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(5)	Land use compatible provided special sound reinforcement systems are installed.
(6)	Residential buildings require an NLR of 25.
(7)	Residential buildings require an NLR of 30.
(8)	Residential buildings not permitted.
(end of Table 1)	

From: YCWUA Planning <planning@ycwua.org>
Sent: Thursday, March 19, 2020 7:06 AM
To: Juan Leal Rubio
Cc: planning@ycwua.org
Subject: Re: RFC- Variance Case No. 20-05

Good morning Juan,

The YCWUA has no comments regarding this case.

Thanks!

Omar Peñuñuri
Yuma County Water Users' Association
On 3/18/2020 12:47 PM, Juan Leal Rubio wrote:

Please review the attached variance request and let me know if you have any comments, questions or concerns,

Be safe,

Juan Leal Rubio, Senior Planner
Department of Development Services/Planning & Zoning Division
2351 W. 26th Street Yuma, AZ 85364
(928) 817-5176 | 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](#)





YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

CASE NUMBER: VARIANCE CASE NO. 20-05

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Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

COMMENT

NO COMMENT

DATE: 19 March 2020 PRINTED NAME: Bobette Bauermann

AGENCY/DIVISION: YPG - Master Planning

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5157
Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

March 18, 2020

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Attached for your consideration is a **Variance**. The Planning & Zoning staff would appreciate your review of this proposal and any comments you may have. Please check the applicable response below and return this form to me along with your comments (if applicable) by the deadline below. You may also provide your response and comments (if any) by e-mail. If you have no comment, please provide a "no comment" response. If you cannot respond by the deadline, please contact me.

CASE SUMMARY: Variance Case No. 20-05: Bruce Schimdt, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.64 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-017, located in the vicinity of the southeast corner of Avenue 4¼E and County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

Intent:

To allow the construction of a single family residence in the 65-69 dB noise zone.

PUBLIC HEARING: Tentatively scheduled for April 21, 2020

COMMENTS DUE: ASAP

COMMENT NO COMMENT

MCAS Yuma has reviewed the case for APN 724-34-017 and we are not in favor of this Special Use Permit. Please see the forthcoming letter from Col Suggs with our official response and request for Denial.

DATE: 20 March 2020 PRINTED NAME: Antonio Martinez *A. Martinez*

AGENCY/DIVISION: MCAS Yuma

RETURN TO: Juan Leal Rubio
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5157
Juan.Leal-Rubio@yumacountyaz.gov

Attachments: Case Map and Site Plan



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION YUMA
BOX 99100
YUMA AZ 85369-9100

5726
CP&L
VAR 20-05
March 23, 2020

Mr. Juan Leal Rubio
Yuma County Development Services
2351 W. 26th Street
Yuma, AZ 85364-6902

Dear Mr. Leal Rubio:

We have received the Request for Comments for Variance Case No. 20-05. This is a request by Bruce Schmidt, agent for Pamela Lee Crowe for Assessor parcel number 724-34-017 located in the vicinity of the southeast corner of Avenue 4 ½ E and County 13th Street. The applicant's intent is to allow a single family residence on a parcel 2.64 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2). We offer the following comments.

The subject parcel lies fully in the 65dB Noise Contour and as such is part of the High Noise Accident Potential Zone. Any new residential development violates the conditions of A.R.S. §28-8481 paragraph J and the Yuma County Zoning Ordinance Section 706. In addition, Marine Corps Order 11010.16 Air Installations Compatible Use Zones discourages residential development in the 65dB. The requested development lies fully within the 65-69dB Noise Contour and thus residential is an incompatible development.

The intent of the High Noise Accident Potential Zones and the associated Noise Contours are to protect public health/safety and reduce incompatible development, which may hinder military operations. Therefore, Marine Corps Air Station (MCAS) Yuma is not in favor of this variance request and accordingly requests denial by the Yuma County Board of Adjustment and Board of Supervisors.

The MCAS Yuma point of contact is Mr. Antonio Martinez at (928) 269-2103 or MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

Sincerely,

D. A. SUGGS