

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 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.

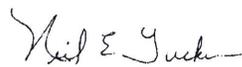
MOTION (SALTZER/LINES): Approve Variance Case No. 20-01 following the elimination of the requirement for curb and gutters and paved surface with the contingency that the grade is 12% or less for the access road and to include the staff conditions.

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