



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: May 19, 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
Javier Barraza, 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 April 21, 2020.**
- 4. Variance Case No. 20-06:** Kevin Dahl, agent for James and Lavina Platt, requests a variance from the Yuma County Zoning Ordinance, Section 601.05—Principal Building Setbacks, to allow a front yard setback of 3 feet, a rear yard setback of 2 feet, and a side yard setback of 3 feet on a parcel 9,583 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 470-02-001, located at 10444 East Swede Lane, Yuma, Arizona.

5. **Variance Case No. 20-08:** Guillermina Fuentes, of A & F Homebuilders, LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E and County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.
6. **Variance Case No. 20-09:** Kevin Dahl, agent for TDI Holdings LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.0 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 754-18-009, located 875 feet west of the intersection of Avenue B½ and the alignment of County 16¾ Street, Somerton, Arizona; located in the arrival and departure corridor but outside the accident potential zone one, two and noise contour lines.
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 April 21, 2020. The meeting was held via Zoom and opened to the public in the Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:00 p.m., Chairman Neil 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; Senior Planner Juan Leal-Rubio; Senior Planner Fernando Villegas; Deputy County Attorney Ed Feheley; and PZ Commission Admin Specialist Amber Jardine.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of March 17, 2020.

MOTION (LINES/SALTZER): Approve as presented.

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

ITEM No. 4: Variance Case No. 20-04: Najeh Edais, agent for Ronald Luctticke, requests 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.

Senior Planner Fernando Villegas presented the staff report recommending 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.

Chairman Tucker opened the public hearing.

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

MOTION (SALTZER/LINES): Approve Variance Case No. 20-04 in accordance with the stipulations that staff recommended.

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

ITEM No. 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.

Senior Planner Juan Leal-Rubio presented the staff report recommending 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 Yuma County Zoning Ordinance.
2. An Avigation Disclosure Statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.
3. Measures to achieve an outdoor to indoor noise reduction of 25 decibels must be incorporated into the design and construction of the residence, per Yuma County Board of Supervisors Ordinance 02-01—Sound Attenuation Standards for Yuma County and the Yuma County Comprehensive Building and Safety Code.

Board Members received clarification on the sound attenuation standards.

Chairman Tucker opened the public hearing.

Mary Ellen Finch, Marine Corp Air Station representative, stated MCAS was requesting the Board to deny Variance Case 20-05. The requested development is within the 65-69 dB noise contour. She explained MCAS had not requested denial to new residential development in the past. However, there was an increase sound event within noise contours with the new aircraft F-35.

Board Member Lines asked for clarification on what the applicant was requesting a variance for.

Planning Director Maggie Castro, AICP, explained the applicant needs a variance to build a single family residence within the noise zone.

Board Member Lines inquired about what uses were allowed on the subject parcel.

Senior Planner Juan Leal Rubio stated the subject property was rezoned to SSB-2 in 2017. He listed all the permitted uses allowed in the SSB-2 zoning district.

Board Member Saltzer inquired about the agreement between the Marine Base and the County.

Senior Planner Juan Leal Rubio stated the subject property was rezoned to SSB-2 which allows parcels no less than 2 acres. In 2017, when the property was rezoned staff did not receive opposition comments from MCAS in regards to splitting the parcel with the intent to build a single family residence.

Planning Director Maggie Castro, AICP, explained MCAS was not in opposition to the property being rezoned to SSB-2 in 2017. The Joint Land Use Plan which was adopted in 1996 allowed a 2 acre minimum density that was agreed upon by MCAS-Yuma. That density was carried into the 2010 and 2020 Yuma County Comprehensive Plan.

Board Member Saltzer clarified that MCAS recently took a firmer stance on densities and new residential development due to the new aircraft F-35.

Board Member Eisenmann inquired about residential facilities on adjacent parcels.

Senior Planner Juan Leal-Rubio stated there were several homes adjacent to the parcel.

Board Member Lines inquired about the effect that granting future variances would cause in the noise zones if the thresholds were exceeded.

Planning Director Maggie Castro, AICP, explained the noise zones were established through an Air Installation Compatible Use Zone study that was adopted by the Board of Supervisors in the 1970's. That noise study is still in effect. In order for the noise zones to be amended, it would require a change in state law and adoption of revised noise contours. The noise level reduction standard is referenced for the construction of the home.

Deputy County Attorney Ed Feheley explained the thresholds are a guide to planning. The additional construction standards are in place to ensure complaints are not filed with the military.

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

MOTION (SALTZER/EISENMANN): Approve Variance Case No. 20-05 in accordance with staff's recommendations still being mindful and respectful of MCAS' position.

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

ITEM No. 6: 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 1:30 p.m.

Approved and accepted on this 19th day of May, 2020.

Neil Tucker, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

DRAFT

Yuma County Board of Adjustment

Item No. 4

AIR-9824

4.

BOA Agenda

Meeting Date: 05/19/2020

Submitted For: Maggie Castro

Submitted By: Fernando Villegas

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-06: Kevin Dahl, agent for James and Lavina Platt, requests a variance from the Yuma County Zoning Ordinance, Section 601.05—Principal Building Setbacks, to allow a front yard setback of 3 feet, a rear yard setback of 2 feet, and a side yard setback of 3 feet on a parcel 9,583 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 470-02-001, located at 10444 East Swede Lane, Yuma, Arizona.

2. INTENT:

To allow the following deviations from the Zoning Ordinance:

- 1) A front yard setback of 3 feet where 50 feet is required.
- 2) A side yard setback of 3 feet where 50 feet is required and
- 3) A rear yard setback of 2 feet where 34 is required.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recomemnds approval of this variance request.

Attachments

Staff Report

Vicinity Map

Site Plan

Owner Letter

Building Safety comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
May 19, 2020
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 20-06

OWNER: James F. Platt and Lavina S. Platt Revocable Trust

CASE PLANNER: Fernando Villegas, Senior Planner

DATE PREPARED: April 24, 2020

DESCRIPTION OF REQUEST: Kevin Dahl, agent for James F. Platt and Lavina S. Platt Revocable Trust, requests a variance from the Yuma County Zoning Ordinance, Section 601.05—Principal Building Setbacks, to allow a front yard setback of three feet, a rear yard setback of two feet, and a side yard setback of three feet on a parcel 9,583 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 470-02-001, located at 10444 East Swede Lane, Yuma, Arizona.

THE APPLICANT'S REASON FOR REQUESTING THIS VARIANCE: This variance is requested for a reduction of setback requirements to allow the construction of a new residence.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The proposed structure with the following deviations from the Zoning Ordinance:

- 1) A front yard setback of 3 feet where 50 feet is required.
 - 2) A side yard setback of 3 feet where 50 feet is required and
 - 3) A rear yard setback of 2 feet where 34 is required.
-

BACKGROUND

The subject property is located in the Rural Area-20 acre minimum (RA-20) zoning district and is situated on Martinez Lake. The parcel is 9,583 square feet in size and access to the property is by the Fisher's Landing concession lease.

The subject parcel was created by Arizona State Land Lease No. 89512 during the 1950s. The lease was sold by the State in the 1990s and the property became a privately owned parcel. While the property was a lease, it was not required to meet the requirements of the Yuma County Zoning Ordinance and thus, deficient parcels were developed in this area. Due to the reduced parcel size and the lot configuration, the applicant requests a reduction of setbacks to allow the construction of a new residence.

STAFF ANALYSIS

Section 403.03 of the Zoning Ordinance:

- A. *Variiances under section 403.02 shall be granted only when, because of peculiar conditions applicable to the property, the strict application of the Zoning Ordinance deprives such property of privilege enjoyed by other property owners in the zoning district.*

Staff finds there are peculiar conditions applicable to the property. The lot has an irregular shape and there are topographical changes in the area. Setbacks are difficult to be met due to the configuration of the property and large building envelope required by the RA-20 district.

- B. *Variiances are available only in cases where there is a hardship arising from conditions or circumstances unique to the development of a particular piece of land, not from personal considerations, personal convenience or financial hardships.*

Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property. The subject parcel was created as a deficient lot. The parcel is 9,583 square feet where 20 acres is the minimum parcel size required by the RA-20 zoning district. The large setbacks for dwellings in the RA-20 zoning district, in addition to the topographical characteristics reflected by the Martinez Lake, limit the buildable area of this parcel as compared to other legally created parcels in this zoning district.

- 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 a Variance. The property is of unusual shape and topography. The parcel's small size and shape pose a hindrance to development within the building envelope.

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

Staff finds approval of this variance would not have an adverse effect on public health, safety and welfare. The new dwelling will be an improvement to the neighborhood. There are no other residences currently located adjacent to the subject property.

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.*

Granting this variance does appear to confer a special privilege not enjoyed by others in this zoning district. However, this area contains specific challenging characteristics that may require reduction of setbacks. Many homes were built during the State lease in this area and do not meet the RA-20 setback requirements. Other parcels was obtained variances to reduce the setbacks. Staff does not believe that an approval of this request would negatively impact the neighborhood.

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

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

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

Staff finds the condition is not self-imposed. The parcel size and shape were created by the State of Arizona, not the applicant.

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. However, there have been previous cases that have been requested with similar characteristics in this neighborhood. The following cases most resemble this variance case:

- Variance Case No. 15-15 was requested to allow a side yard setback of zero feet on a parcel 18,295 square feet in size zoned RA-20. Staff recommended approval and the case was approved by the Board of Adjustment.
- Variance Case No. 04-01 was requested to allow a reduction of the rear yard setback to 27.3 feet and reduction of the side yard setback to three feet for a new residence and a garage on a parcel 21,344 square feet in size zoned RA-20. Staff recommended approval for the reduction of the side yard setback, but denial for the reduction of rear yard setback. The variance was approved by the Board of Adjustment as requested.
- Variance Case No. 02-08 was requested to allow a reduction of the front yard setback to five feet, reduction of the rear yard setback to ten feet and reduction of the side yard setback to seven feet for a new residence on a parcel 13,068 square feet in size zoned RA-20. Staff recommended approval and the case was approved by the Board of Adjustment.

ADDITIONAL COMMENTS:

Building Safety Division: Rated construction shall be incorporated into the construction in accordance with the 2018 IRC.

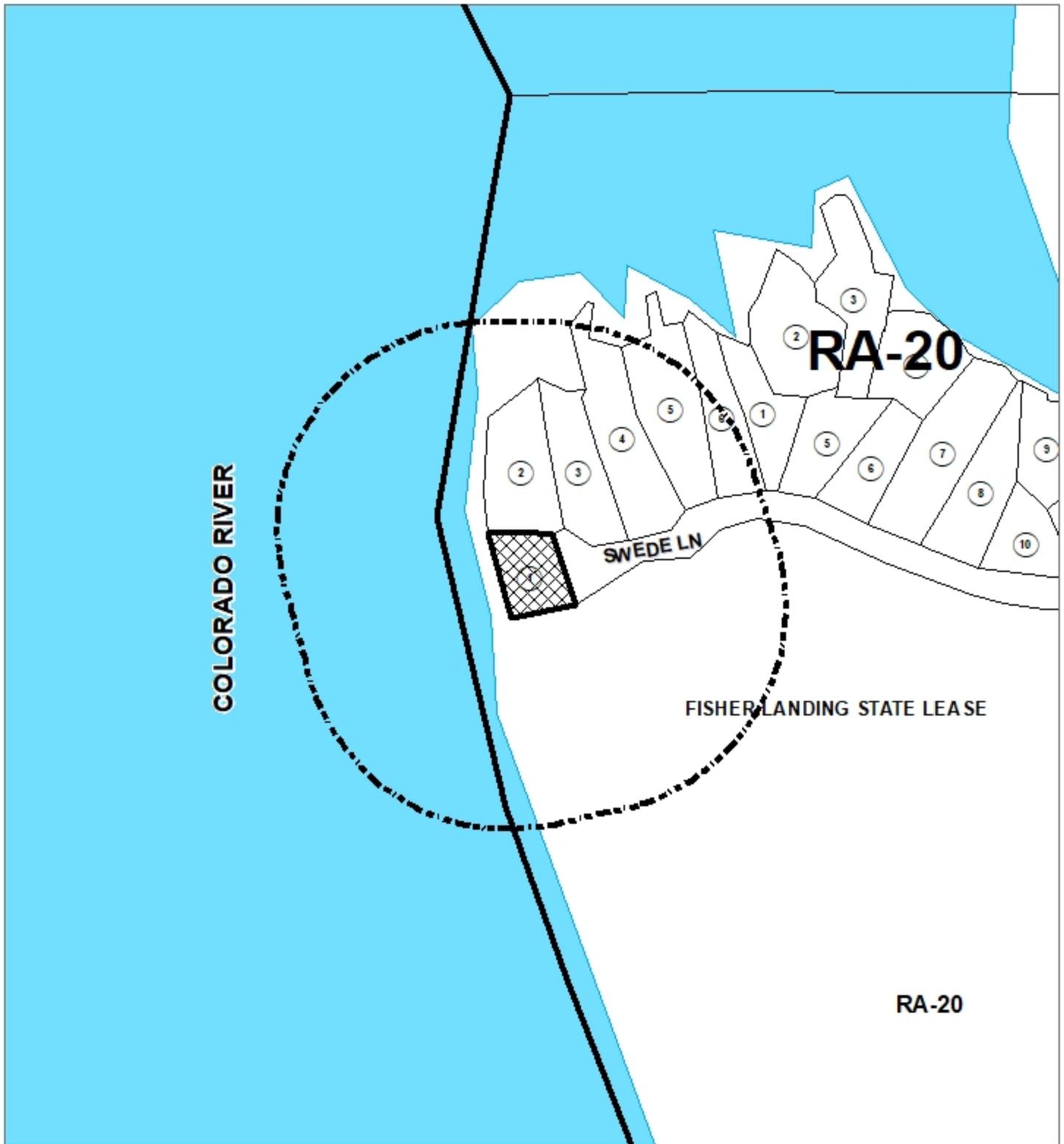
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 20-06 based on:

1. Staff there are peculiar conditions which deprive the property of privilege enjoyed by other property owners in the zoning district.
2. Staff finds there are conditions or circumstances unique to the development of this property to warrant granting of a variance.
3. Staff finds the condition is not self-imposed.

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

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



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

FOR INFORMATION ONLY - NO LIABILITY ASSUMED

CASE NO:
LOCATION:
APN(s):

V20-06
10444 E. SWEDE LN
470-02-001

CASE PLANNER: FERNANDO VILLEGAS
DATE DRAWN: 05-06-2020
REVIEWED BY: JAVIER BARRAZA



SCALE: 1" = 200'

Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary

Yuma County Development Services

2351 W. 26th Street

Yuma, Arizona 85364

March 27, 2020

By introduction, my name is James Platt. I am both the applicant/property owner of 10444 E. Swede Lane and owner of the neighboring property to the North, 10454 E. Swede Lane. It is our intent to build a visually appealing home on the subject property. We are asking for a Variance at this time, and at some point in the future, build another home on our other property. Both of these homes will be used for and by our family. We have no interest in making either one of them into a rental.

It is important to us that we ensure the property is esthetically appealing since we will be the ones who will be looking at it. We are not wanting to build a home to the height limit of 32 feet or ask for a Variance for 36 feet. We are asking for a Variance to build close to the lot line in order to fit a home on this irregular lot.

Thank you for your consideration.

Respectfully,


James Platt

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 601.05—Minimum Lot Width & Principal Buildings Setback Requirements

Request reduction in Minimum Front, Rear and South Side Setbacks under current code.

Due to the fact that this property is considered a legal nonconforming parcel due to its zoning and size, setback variances are necessary to allow for construction of a new residence on this property. Additionally, these circumstances were not created by the Property Owner.

Zoning:

RA-20 Zoning requires very large front and rear yard setbacks such that without a variance, no building could be constructed on this lot. Even after applying the allowed reductions to ten percent (10%) in the side yard setback, the owner seeks a reduction of the south side yard setback to three feet at its closest point to the property line to be able to maximize the useable area on the north side of the lot. The majority of the setback along the south side would be in compliance with the 5-foot requirement, only a very small portion requires less than 5 feet.

Lot Size:

With the size of this lot being approximately 8,000 square feet, these variances are necessary to allow construction of a residence that can provide for a living area, garage and patio to take advantage of the water side view.

Lot Configuration:

This irregularly shaped lot makes it difficult to be able to fit a residence without these variances. The front setback will not be noticeable as it is at the end of Swede Lane, The rear setback will not be noticeable as it is on the water side of the lot and the south setback will not be noticeable as there are no other structures in this vicinity.

The establishment the requested Variances are not detrimental to the health, safety or general welfare of the neighboring residences or General Public.

This height and/or bulk of this residence will be compatible with the general character of existing development in the area.

Approval of these variances will afford this property owner the same rights granted others along Swede lane and other lots within Fisher's Landing.



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

April 9, 2020

CASE NUMBER: VARIANCE CASE NO. 20-06

CASE SUMMARY: Kevin Dahl agent for James and Lavina Platt, request a variance from the Yuma County Zoning Ordinance, Section 601.05—Principal Building Setbacks, to allow a front yard setback of 3 feet, a back yard setback of 2 feet and a side yard setback of 3 feet on a parcel 9,583 square feet in size zoned Rural Area-20 acre minimum (RA-20), Assessor's Parcel Number 470-02-001, located at 10444 East Swede Lane, Yuma, Arizona.

Intent: To allow the following deviations from the Zoning Ordinance:

1. A front yard setback of 3 feet where 50 feet is required.
2. A back yard setback of 2 feet where 34 feet is required.
3. A side yard setback of 3 feet where ~~50~~ feet is required.

PUBLIC HEARING: Tentatively scheduled for May 18, 2020

COMMENTS DUE: April 16, 2020

COMMENT NO COMMENT

Rated Costs shall be incorporated into the construction in accordance w/ 2018 TRC

DATE: 4/9/20 PRINTED NAME: [Signature]
AGENCY/DIVISION: Building Safety

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-9781

5.

BOA Agenda

Meeting Date: 05/19/2020

Submitted For: Maggie Castro

Submitted By: Javier Barraza

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-08: Guillermina Fuentes, of A & F Homebuilders, LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E and County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

2. INTENT:

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. 20-08 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

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: All Comments

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
May 19, 2020
Yuma County Airport Board of Adjustment

CASE NUMBER: Variance Case No. 20-08

OWNER: Guillermina Fuentes of A & F Homebuilders LLC

CASE PLANNER: Javier Barraza, Senior Planner

DATE PREPARED: April 15, 2020

DESCRIPTION OF REQUEST: Guillermina Fuentes of A & F Homebuilders, LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor’s Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E and 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.

There is an active building permit for a new site built residence (B20-0265) under review, pending the outcome of this variance. Permits for a well (W20-0012) and septic system (H20-0031) have been approved.

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 (MCAS)-Yuma in a memo dated April 13, 2020: D. A. Suggs from MCAS-Yuma: The subject parcel lies fully in the 65 dB 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 65 dB. The requested development lies fully within the 65-69 dB Noise Contour and thus residential is an incompatible development. The intent of the High noise Accident Potential Zones and the associated Noise Contour are to protect public health/safety and reduce incompatible development, which may hinder military operations. Therefore 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 following comments were received from the Yuma County Airport Authority in a memo dated April 13, 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 April 14, 2020: Sound attenuation requirements of the Yuma County Comprehensive Building Safety Code shall be incorporated into the construction of the dwelling

STAFF RECOMMENDATION

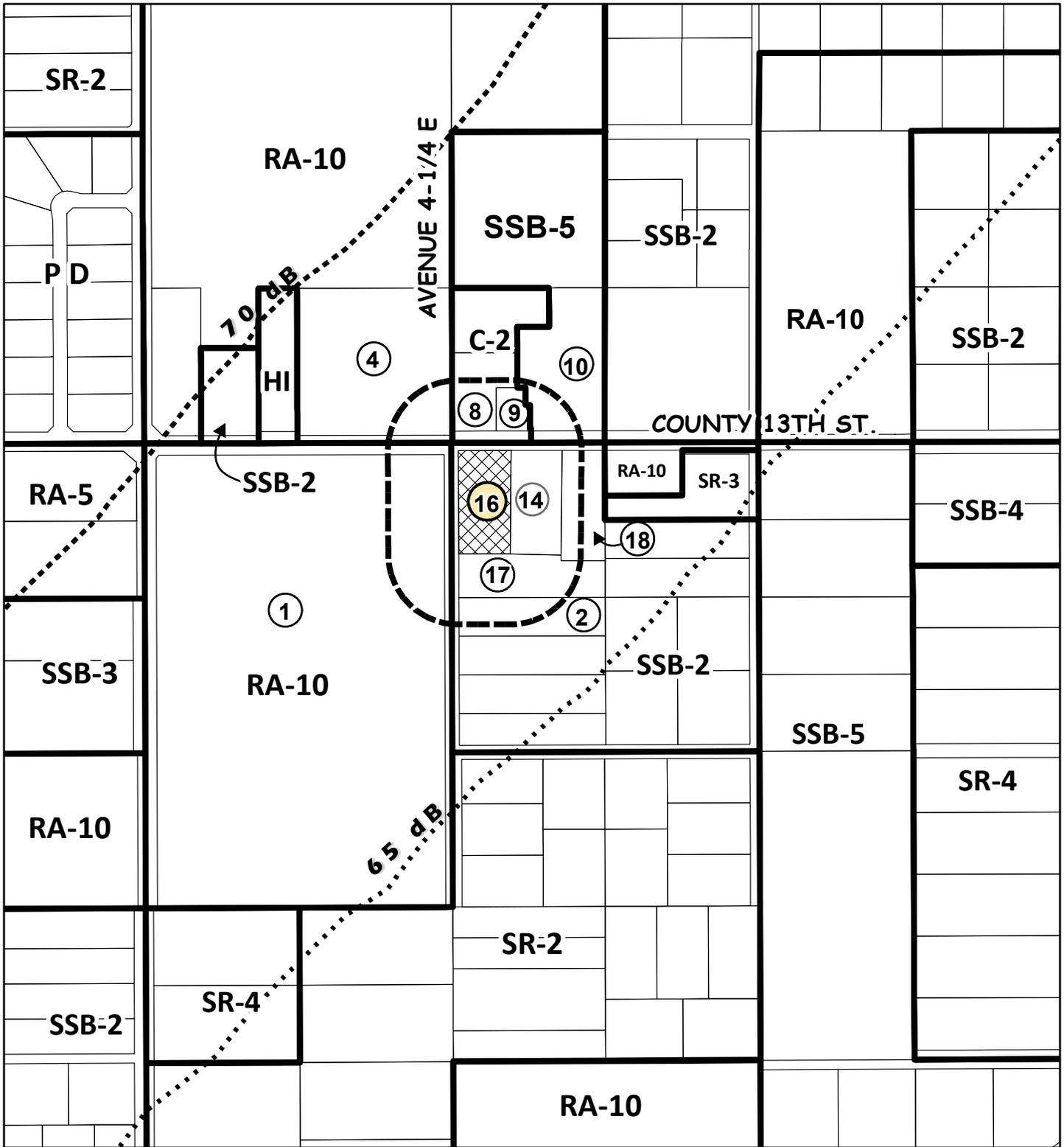
Staff recommends approval of Variance Case No. 20-08 based on:

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: V20-08
LOCATION: Vicinity/SW Corner Ave 4-1/4E & Co.13thSt
APN(s): 724-34-016

CASE PLANNER: JAVIER BARRAZA
DATE DRAWN: 04-13-2020
REVIEWED BY: JAVIER BARRAZA

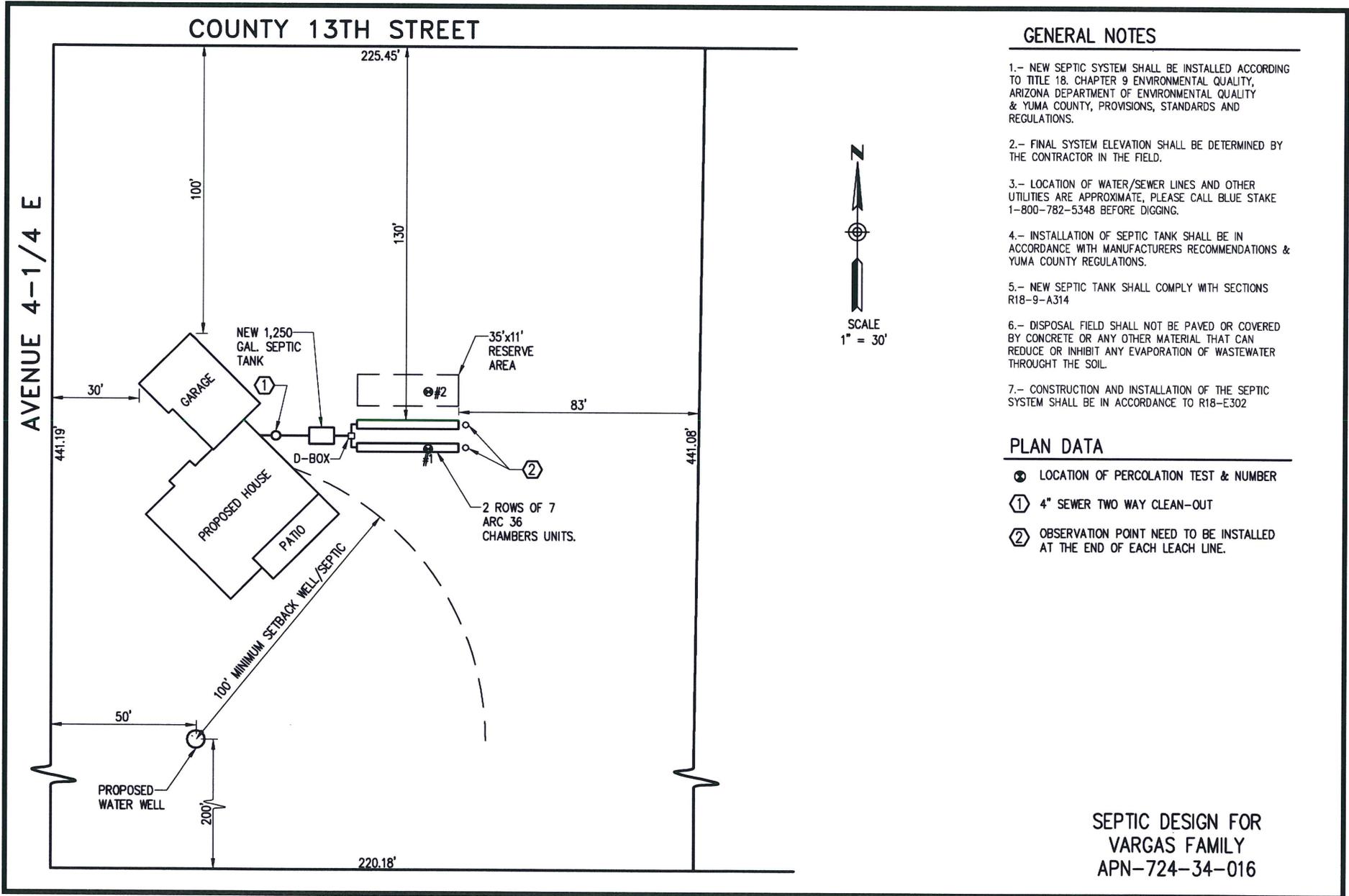
SCALE: 1" = 600'



Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary

EXHIBIT "A"



INTERNAL COMMENTS FROM YUMA COUNTY DDS SECTIONS

BUILDING AND SAFETY:

PAT HEADINGTON

BUILDING
TECHNICAL

Sound attenuation requirements of the Yuma County Comprehensive Building Safety Code shall be incorporated into the construction of the dwelling

4/14/2020 12:44:05 PM

FLOOD CONTROL (ENGINEERING DEPARTMENT)

DAVID RUVALCABA

FLOODPLAIN TECHNICAL

I have uploaded the form stating that Flood Control has no conflict.

4/14/2020 2:28:27 PM

Javier Barraza

From: Carlos Gonzalez
Sent: Monday, April 13, 2020 10:09 AM
To: Javier Barraza
Subject: RE: A new review has been added to Project VAR20-0008

Javier, no cases or issues were found on parcel # 724-34-016 (VAR20-0008)

Thank you

Carlos

-----Original Message-----

From: JAVIER BARRAZA [mailto:javier.barraza@yumacountyaz.gov]
Sent: Monday, April 13, 2020 10:01 AM
To: Carlos Gonzalez <Carlos.Gonzalez@yumacountyaz.gov>
Subject: A new review has been added to Project VAR20-0008

The following review for Project VAR20-0008 has been added:

PZ TECHNICAL (CARLOS GONZALEZ)



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

April 13, 2020

CASE NUMBER: VARIANCE CASE NO. 20-08

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. 20-08: Guillermina Fuentes from A & F Homebuilders LLC., requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor’s Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E 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 May 19, 2020

COMMENTS DUE: ASAP

COMMENT

NO COMMENT

DATE: 04/13/2020

PRINTED NAME: George Amaya, R.S.

AGENCY/DIVISION: Environmental Programs

RETURN TO: Javier Barraza, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5150
Javier. Barraza@yumacountyaz.gov

Attachments: Case Map and Site Plan

Javier Barraza

From: Joe Wehrle
Sent: Monday, April 13, 2020 10:48 AM
To: Javier Barraza
Subject: RE: Variance 20-08 Request for comments

Javier,

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: Javier Barraza
Sent: Monday, April 13, 2020 10:15 AM
To: Anne.camacho@aps.com; grcopeland@antelopeunion.org; Wellton@town.wellton.az.us; BKnowles@azgfd.gov; rjms09@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; rmolenaar@yumasun.com; Rick.rohrick@swgas.com; bryank@unitBIRR.com; ttyree@apsc.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.lombay@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>; Juan Leal Rubio <Juan.Leal-Rubio@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
Cc: Javier Barraza <Javier.Barraza@yumacountyaz.gov>
Subject: Variance 20-08 Request for comments

Hello,
Please review the attached documents and provide comments as needed.
Your comments will help us and will be included in our report to the Board of Adjustments.

Thanks



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

5726
CP&L
VAR 20-08
April 13, 2020

Mr. Javier Barraza
Yuma County Development Services
2351 W. 26th Street
Yuma, AZ 85364-6902

Dear Mr. Barraza:

We have received the Request for Comments for Variance Case No. 20-08. This is a request by Guillermina Fuentes from A & F Homebuilders LLC. for Assessor parcel number 724-34-016 located in the vicinity of the southeast corner of Avenue 4 ¼ E and County 13th Street. The applicant's intent is to allow a single family residence on a parcel 2.74 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,

A handwritten signature in black ink, appearing to read "D. A. SUGGS".

D. A. SUGGS



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

April 13, 2020

CASE NUMBER: VARIANCE CASE NO. 20-08

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. 20-08: Guillermina Fuentes from A & F Homebuilders LLC., requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor’s Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E 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 May 19, 2020

COMMENTS DUE: ASAP

COMMENT

NO COMMENT

DATE: 13 April 2020 PRINTED NAME: Bobette Bauermann

AGENCY/DIVISION: YPG - Master Planning

RETURN TO: Javier Barraza, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5150
Javier. Barraza@yumacountyaz.gov

Attachments: Case Map and Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

April 13, 2020

CASE NUMBER: VARIANCE CASE NO. 20-08

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. 20-08: Guillermina Fuentes from A & F Homebuilders LLC., requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor’s Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E 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 May 19, 2020

COMMENTS DUE: ASAP

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: 4/13/20 PRINTED NAME: Gladys Brown, Airport Director

AGENCY/DIVISION: Yuma County Airport Authority

RETURN TO: Javier Barraza, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5150
Javier. Barraza@yumacountyaz.gov

Attachments: Case Map and Site Plan



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

April 13, 2020

CASE NUMBER: VARIANCE CASE NO. 20-08

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. 20-08: Guillermina Fuentes from A & F Homebuilders LLC., requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.74 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor’s Parcel Number 724-34-016, located on the southeast corner of Avenue 4¼ E 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 May 19, 2020

COMMENTS DUE: ASAP

COMMENT

NO COMMENT

DATE: 14/14/20 PRINTED NAME: Robert M. Blevins

AGENCY/DIVISION: City of Yuma, Community Planning

RETURN TO: Javier Barraza, Senior Planner
2351 West 26th Street
Yuma, Arizona 85364
Fax: (928)817-5150
Javier. Barraza@yumacountyaz.gov

Attachments: Case Map and Site Plan

Javier Barraza

From: YCWUA Planning <planning@ycwua.org>
Sent: Tuesday, April 14, 2020 7:17 AM
To: Javier Barraza
Cc: planning@ycwua.org
Subject: Re: Variance 20-08 Request for comments

Good morning Javier,

The YCWUA has no comments about this case. Thanks for your request!

Omar Peñuñuri
Yuma County Water Users' Association
On 4/13/2020 10:14 AM, Javier Barraza wrote:

Hello,
Please review the attached documents and provide comments as needed.
Your comments will help us and will be included in our report to the Board of Adjustments.

Thanks

Yuma County Board of Adjustment

Item No. 6

AIR-9811

6.

BOA Agenda

Meeting Date: 05/19/2020

Submitted For: Maggie Castro

Submitted By: Javier Barraza

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-09: Kevin Dahl, agent for TDI Holdings LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.0 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 754-18-009, located 875 feet west of the intersection of Avenue B½ and the alignment of County 16¾ Street, Somerton, Arizona; located in the arrival and departure corridor but outside the accident potential zone one, two and noise contour lines.

2. INTENT:

The construction of a single family residence in the arrival and departure corridor but outside the accident potential zone one, two and noise contour lines.

3. For detailed analysis see attached staff report

4. STAFF'S RECOMMENDATION:

Staff recommends approval of Variance Case No. 20-09 subject to the conditions listed in the attached staff report.

Attachments

Att: Staff Report

Att: Zoning Map

Att: Exhibit A Site Plan

Att: MCAS Comments

Att: YCAA comments

Att: Internal comments

STAFF REPORT
Yuma County Planning and Zoning Division
Prepared for the Hearing of
May 19, 2020
Yuma County Airport Board of Adjustment

CASE NUMBER: Variance Case No. 20-09
OWNER: TDI Holdings, LLC
CASE PLANNER: Javier Barraza, Senior Planner
DATE PREPARED: April 29, 2020

DESCRIPTION OF REQUEST: Kevin Dahl, agent for TDI Holdings LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.0 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor’s Parcel Number 754-18-009, located 875 feet west of the intersection of Avenue B½ and the alignment of County 16¾ Street, Somerton, Arizona; located in the arrival and departure corridor but outside the accident potential zone one, two and noise contour lines.

THE APPLICANT’S REASON FOR REQUESTING THIS VARIANCE: To construct a single family residence.

APPROVAL OF THIS REQUEST WOULD ALLOW:

The construction of a single family residence in the arrival and departure corridor but outside the accident potential zone one, two and noise contour lines.

BACKGROUND

The subject property is zoned SSB-2. The zoning was approved January 7, 2006 and became effective on February 7, 2006 with Rezoning Case No. 05-58. The intent is to construct a site built single family residence on the parcel. The Yuma County Zoning Ordinance, Section 706.00, does not allow residential development in the 65-69 dB noise zone other than single family residential that is subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less and single family residential that is the primary residence for persons engaging in agricultural use and ancillary residential buildings incidental to the primary agriculture use. Pursuant to Arizona Revised Statutes (ARS) § 28-8461(9) (c), the subject property is located in the high noise or accident potential zone since it is under the arrival and departure corridor. Development of the property requires compliance with the Land Use Matrix in Airport District which does not allow new residential development in the 65-69 dB noise zone pursuant

to ARS § 28-8481(J). 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 § 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(J) 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 to SSB-2 with Rezoning Case No. 05-58, wherein a determination of compliance was made by MCAS-Yuma Community Planner T. A. Manfredi stating that the subject property is located within the High Noise or Accident Potential Zone and should be treated as if it were within the 65 dB noise zone. MCAS did not object to the rezoning with the conditions that construction is subject to noise reduction standards and the recordation of an aviation disclosure statement.

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 was approved January 7, 2006, 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 (R-RD) 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.

Additionally, the subject property was located in the Joint Land Use Plan (JLUP) adopted on September 12, 1996 by Yuma County and the City of Yuma and the densities it established were subsequently incorporated into the 2020 Comprehensive Plan. The JLUP was a combined effort by Yuma County and the City of Yuma to achieve the following:

- A common “blue print” of land uses and land use development policies for the future economic growth and development of lands within the incorporated and unincorporated areas around the City of Yuma.
- A foundation for the compatibility of land use activities in the vicinity of the Marine Corps Air Station – Yuma/Yuma International Airport. The primary economic assets of the area (agriculture, the air station and tourism) are protected, reinforced and supplemented by the expansion of industrial sector opportunities that will provide more year-round employment prospects.

The JLUP was developed with two principal objectives:

- To plan for land uses in the vicinity of Marine Corps Air Station (MCAS) Yuma and the Yuma International Airport that will be compatible with airfield operations, and
- To plan for other land uses meeting City and County growth objectives within a study area that extends beyond the immediate airfield environment.

At the time of adoption, MCAS-Yuma agreed that the R-RD land use designation, which allows a residential density of one dwelling unit per two acres, was compatible with airfield operations.

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 Yuma County Airport Authority in a letter dated April 29, 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. As per attachment provided by YCAA: Residential other than mobile homes is not allowed under the 65-70 dB noise zone. However, 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.

The following comments were received from the United States Marine Corps Air Station-Yuma in a letter dated May 1, 2020: It is still the intent to object to any new residential development within the High Noise Accident Potential Zones and the associated Noise Contours which are designated to protect public health/safety and reduce incompatible development which may hinder military operations. However, we will not change our official opinions on previous land development cases the landowner has the expectation of building incompatible development due to MCAS Yuma’s response. Therefore, MCAS

Yuma while not in favor of this variance request will not object and will continue to request the same conditions as set forth in V20-09 RFC.

The following comments were received from Yuma County Chief Building/Fire Code Official Pat Headington on April 30, 2020: The sound attenuation requirements of the Yuma County Comprehensive Building Safety Code shall be incorporated into the construction of the residence.

STAFF RECOMMENDATION

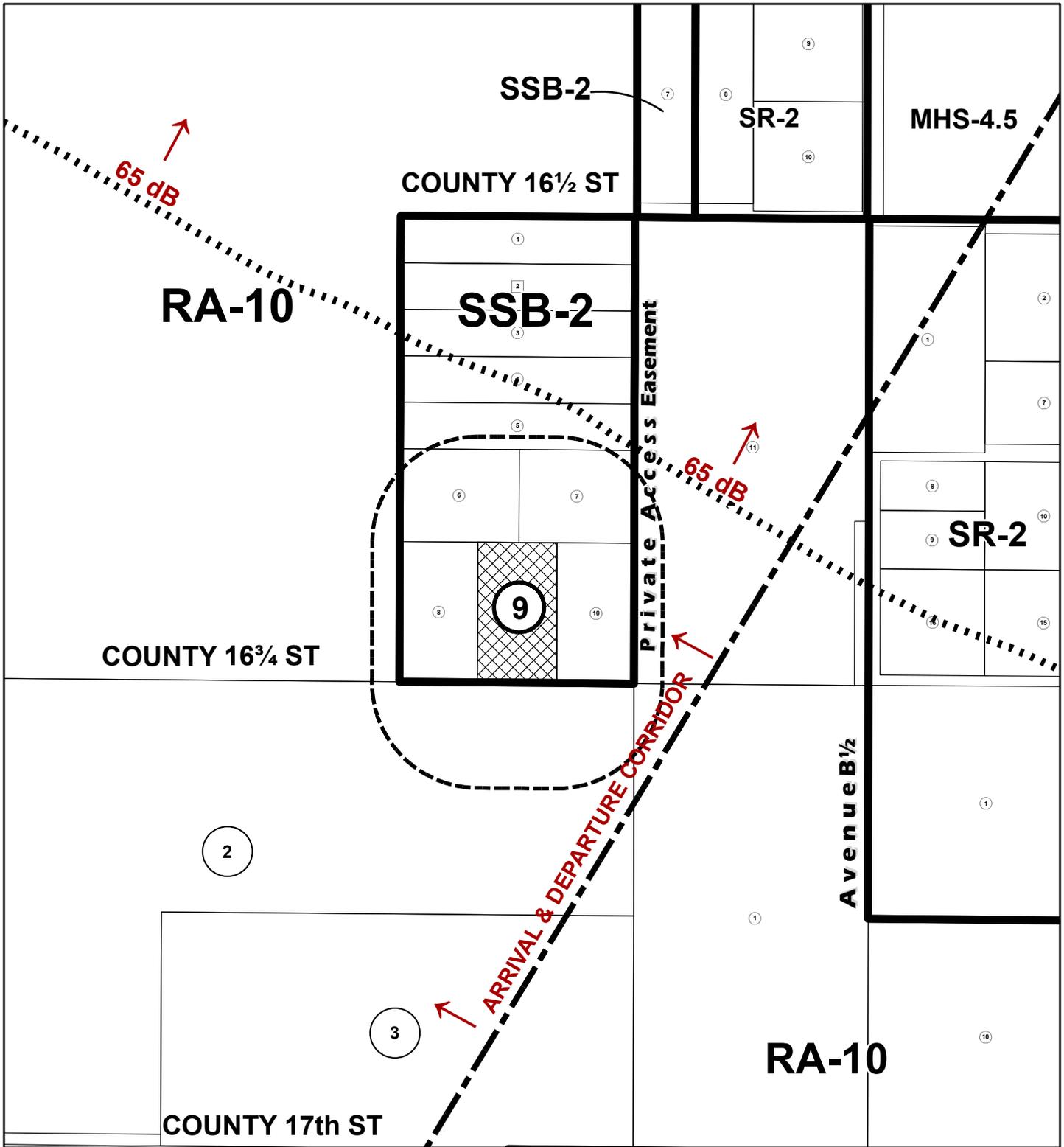
Staff recommends approval of Variance Case No. 20-09 based on:

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.

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: V20-09
LOCATION: West 875' of Avenue B 1/2 and County 16 3/4 Street
APN(s): 754-18-009

CASE PLANNER: JAVIER BARRAZA
DATE DRAWN: 04-29-20
REVIEWED BY: JAVIER BARRAZA

SCALE: 1" = 400'



Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary

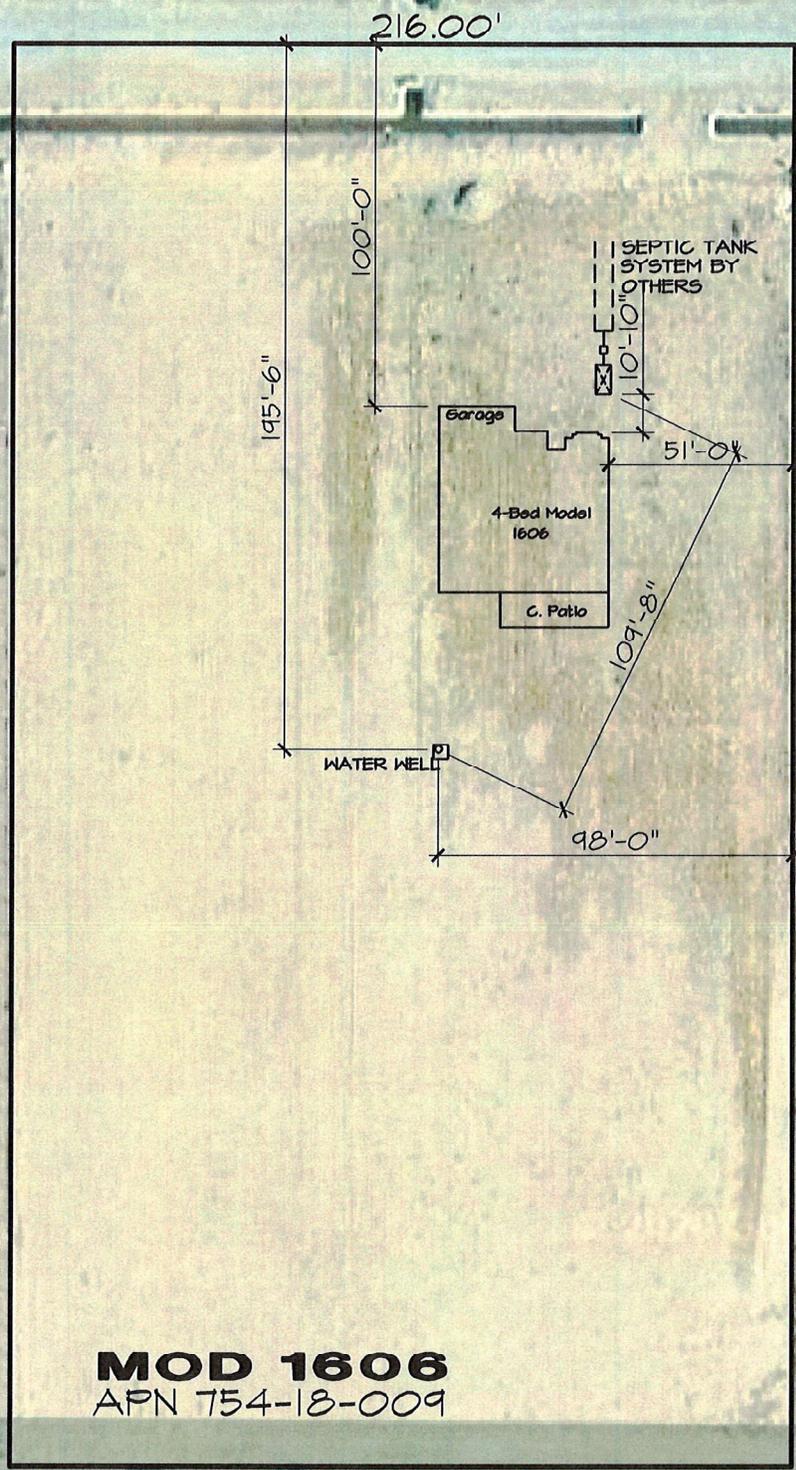
FJVC MAGE



SITE PLAN

Scale: 1"=50'-0"

West County
1/2 Street



MOD 1606
APN 754-18-009

216.00'



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

5726
CP&L
VAR 20-09
May 1, 2020

Mr. Javier Barraza
Yuma County Development Services
2351 W. 26th Street
Yuma, AZ 85364-6902

Dear Mr. Barraza:

We have received the Request for Comments and Determination of Compliance for Variance Case No. 20-09. This is a request by TDI Holdings LLC, to build a single family residence on a 2.0 gross acre parcel zoned Suburban Site Built 2 acre (SSB-2) minimum, Assessor parcel number 754-18-009 located 875 feet west of intersection of Avenue B $\frac{1}{2}$ and the alignment of County 16 $\frac{1}{4}$ St, Somerton, AZ.

The subject parcel lies in the arrival and departure corridor, but outside the accident potential zone one, two, and noise contour lines. This parcel was rezoned from Rural Area- 10 Acre minimum to SSB 2 through Rezoning case 05-58 in 2006. Arizona Revised Statute 28-8481 and the Yuma County Zoning Ordinance do not allow new residential development within the noise zones. At the time our Community Planning staff did not object and cited the Joint Land Use Plan which allows for residential development no greater than SSB-2 if the Military airport and the political subdivision agreed. MCAS Yuma staff required the sound level reduction standards be followed as set forth in the Yuma County Zoning ordinance along with requesting an Avigation Disclosure Statement be recorded for the parcels. After further review we offer the following: It is still our intent to object to any new residential development within the High Noise Accident Potential Zones and the associated Noise Contours which are designed to protect public health/safety and reduce incompatible development which may hinder military operations. However, we will not change our official opinions on previous land development cases the landowner has the expectation of building incompatible development due to MCAS Yuma's response. Therefore, Marine Corps Air Station Yuma while not in favor of this variance request will not object and will continue to request the same conditions as set forth in V20-09 RFC.

The MCAS Yuma point of contact is Ms. Mary Ellen Finch at (928) 269-2047 or MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ellen Finch".

M. E. FINCH



YUMA COUNTY
Planning & Zoning Division
REQUEST FOR COMMENTS

April 29, 2020

CASE NUMBER: VARIANCE CASE NO. 20-09

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. 20-09: Kevin Dahl agent for TDI Holdings LLC, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.0 gross acres in size zoned Suburban Site Built-2 acre minimum, Assessor’s Parcel Number 754-18-009, located 875 feet west of the intersection of Avenue B½ and the alignment of County 16¾ Street, Somerton, 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 (Arrival and Departure Corridor).

PUBLIC HEARING: Scheduled for May 19, 2020

COMMENTS DUE: ASAP

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: 4/29/20 PRINTED NAME: Gladys Brown, Airport Director

AGENCY/DIVISION: Yuma County Airport Authority

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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)	

PAT HEADINGTON

BUILDING
TECHNICAL

The sound attenuation requirements of the Yuma County Comprehensive Building
Safety Code shall be incorporated into the construction of the residence

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