

The Yuma County Board of Adjustment met in a regular session on May 19, 2020. The meeting was held via Zoom and opened to the public in Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

**CALL TO ORDER:** At 1:00 p.m., Chairman convened the Board of Adjustment meeting. Board Members present: Tim Eisenmann, Eric Saltzer, Neil Tucker and Rosalie Lines. Board Member Joe Harper was absent. Others present: Planning Director Maggie Castro, AICP; Senior Planner Fernando Villegas; Senior Planner Javier Barraza; 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 April 21, 2020.

MOTION (EISENMANN/SALTZER): Approve as presented.

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

Board Member Rosalie Lines entered the meeting at 1:07 p.m.

**ITEM No. 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.

Senior Planner Fernando Villegas presented the staff report recommending approval of Variance Case No. 20-06 based on:

1. Staff finds 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 the 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.

Board member Tucker inquired about the square footage of the subject property.

Senior Planner Fernando Villegas stated the subject property was 9,583 square feet.

Chairman Tucker opened the public hearing.

Jim Platt, 10444 East Swede Lane, Yuma, Arizona, owner of the subject property, explained he approached the County for guidance in placing a house on the subject property and applied for the variance.

Kevin Dahl, 1560 S. 5<sup>th</sup> Avenue, Yuma, Arizona, agent, stated the owner did not have any other option but to obtain a variance for the setbacks. He explained the lots are tight and constrained. He stated the requested setbacks do not cause any visibility issues.

Board Members reviewed an aerial image of the subject property and the surrounding properties.

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

Board Member Eisenmann inquired about the letter of opposition that was submitted to staff in the morning prior to the meeting.

Senior Planner Fernando Villegas stated staff received two phone calls from the owners of lot 3 and 4 adjacent to lot 2.

MOTION (LINES/EISENMANN): Approve Variance Case No. 20-06 subject to staff recommendations and conditions that are imposed.

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

**ITEM No. 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 4 ½ E and County 13<sup>th</sup> Street, Yuma, Arizona; located in the 65-69 dB noise zone.

Senior Planner Javier Barraza presented the staff report recommending approval of Variance Case No. 20-08 based on:

1. Granting the 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.

Planning Director Maggie Castro, AICP, stated the subject property is located in the old Joint Land Use Planning area. The Joint Land Use Plan was adopted in 1996 by the City of Yuma and Yuma County. She explained that MCAS, the City and the County agreed that a density of 2 acre minimum in a 65 dB noise zone was acceptable. The same designation carried over into the 2020 Comprehensive plan. Therefore, the subject property is in compliance with the goals and objectives of the 2020 Comprehensive Plan and the Joint Land Use Plan.

Chairman Tucker opened the public hearing.

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

MOTION (EISENMANN/LINES): Approve Variance Case No. 20-08 as submitted to include the requirements of the staff.

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

**ITEM No. 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 B ½ and the alignment of County 16 ¾ Street, Somerton, Arizona; located in the arrival and departure corridor but outside the accident potential zone one, two and noise contour lines.

Senior Planner Javier Barraza presented the staff report recommending 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 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.

Board Member Eisenmann inquired about other residences that exist in the subject property area.

Senior Planner Javier Barraza displayed an aerial image and explained the location and lot numbers of the residences in the area.

Chairman Tucker opened the public hearing.

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

MOTION (LINES/SALTZER): Approve Variance Case No. 20-09 as staff recommends and any conditions that staff recommends.

ROLL CALL VOTE: Eisenmann – AYE; Tucker - AYE; Saltzer – 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 1:28 p.m.

Approved and accepted on this 16<sup>th</sup> day of June, 2020.



Neil Tucker, Chairman

ATTEST:



Maggie Castro, AICP, Planning Director