

The Yuma County Board of Adjustment met in a regular session on June 16, 2020. The meeting was held 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: Joe Harper, Tim Eisenmann, Eric Saltzer, Neil Tucker, and Rosalie Lines. Others present: Planning Director Maggie Castro, AICP; Deputy Attorney Ed Feheley; Senior Planner Juan Leal Rubio; and PZ Commission Admin Specialist Amber Jardine.

**ITEM No. 3:** Approval of the Board of Adjustment regular meeting minutes of May 19, 2020.

**MOTION (EISENMANN/HARPER):** Approve as presented with a minor amendment that has been submitted.

**ROLL CALL VOTE:** Harper – AYE; Eisenmann – AYE; Lines - AYE; Saltzer – AYE; Tucker- AYE.  
The motion carried 5-0.

**ITEM No. 4:** Variance Case No. 20-10: Robert and Judy Satchell request a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to increase the height to 35.5 feet on a parcel 1,620 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-025, located at 10377 East Tule Road, Yuma, Arizona.

Senior Planner Juan Leal-Rubio presented the staff report recommending approval of Variance Case No. 20-10 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 conditions:**

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

Staff reviewed the floor plan and identified the north and east entrance of the garage.

Board Member Eisenman inquired about the name of the streets the subject property intersects.

Senior Planner Juan Leal Rubio explained the subject property is on Tule Road.

Chairman Tucker opened the public hearing.

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

MOTION (LINES/HARPER): Approve Variance Case No. 20-10 subject to staff's recommendations and time limit.

ROLL CALL VOTE: Harper – AYE; Eisenmann – AYE; Lines - AYE; Saltzer – AYE; Tucker- AYE.  
The motion carried 5-0.

**ITEM No. 5:** Interpretation Case No. 20-01: Barry Olsen, agent for Terry W. Cameron, et. al., requests the following interpretations for the property owned by Tony L. & Kathleen Abbott and Bryan L. Abbott, located at 10343 East North Martinez Lake Road, Assessor's Parcel Number 459-50-078, zoned Rural Area-20 acre minimum (RA-20):

- Is the Abbott's proposed "New Garage" actually a dwelling unit, or an assessor dwelling unit, under Section 202.00 of the Zoning Ordinance?
- Is the Abbott's proposed "New Garage" an impermissible expansion of a non-conforming lot/use under Sections 1001.00, et. seq., of the Zoning Ordinance.
- If the Abbott's proposed "New Garage" is permissible under Section 602 and 1001, et. seq., of the Zoning Ordinance, what is the required side yard setback for the "New Garage" per Section 1011 of the Zoning Ordinance?

Planning Director Maggie Castro presented the staff report recommending the Board of Adjustment find that:

- The structure is not intended or permitted for residential purposes.
- The structure permitted with Building Permit No. B17-0377 is an accessory use permitted pursuant to Section 601.02(L) of the Yuma County Zoning Ordinance.
- The parcel is approximately 50 feet in width. Therefore, the setback requirement for the side yards is five feet for any new development on the subject property.

Chairman Tucker opened the public hearing.

Bryan Abbott, 1945 Tavern Road Alpine, California 91901, property owner, explained he has abandoned the new septic system that was shown. He obtained a permit to connect one sewer to both structures.

Barry Olsen, 101 East 2<sup>nd</sup> Street, Yuma, Arizona 85364, agent, explained the property owner was denied a variance for a side yard setback in 2016. The site plan submitted at that time was unclear. In 2017, the property owner submitted detailed plans for a proposed structure. The applicant became aware of the site plan and raised objection to the proposed structure stating it was not a garage, but an accessory dwelling unit. Under RA-20 zoning designation, an accessory dwelling unit requires a Special Use Permit. This was presented to the Superior Court which led to an interpretation from the Board of Adjustment. Mr. Olsen reviewed the plans that were submitted, indicating the areas within the plans that are consistent with a second dwelling/accessory dwelling unit. Mr. Olsen explained the subject area has a Planned Development (PD). However, owners could chose to keep the zoning of RA-20 or follow the PD. He stated the property owners that remained RA-20 have to follow the RA-20 zoning criteria. He explained Section 1011 in the Zoning Ordinance prohibits an enlargement or expansion of a non-conforming use. He stated the subject property

is an impermissible expansion of a non-conforming use. Mr. Olsen discussed the side yard setback calculation would require 6' 7" to 6' 8".

Austin Cameron, 14561 Ranch Trail Drive, El Cajon, California 92021, stated if the garage was not an accessory dwelling unit then why was there sewer connection.

Bryan Abbott, 1945 Tavern Road Alpine, California 91901, property owner, explained part of the interest in building the space above the garage was for a remote office. The garage was not designed with sleeping quarters, a kitchen or an independent sanitary system. He stated the calculations for setbacks measure from the front of the building parallel to the street which makes the setback less than 5 feet. However, the Zoning Ordinance states a minimum of 5 feet for side yard setback.

Board Member Lines inquired if the garage space is used as a professional office, would that require any Special Use Permits.

Planning Director Maggie Castro, AICP, stated the zoning ordinance allows for home occupations. The home occupation is not interfering with the use of the home. She explained the property is non-conforming due to the property being created prior to 1975 and it does not meet the zoning requirements. The zoning requirements are a minimum parcel size of 20 acres and setbacks for the RA-20 zoning district. However, the use of the property is a conforming use. The RA-20 zoning district allows the use of the property for a dwelling unit and accessory structures.

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

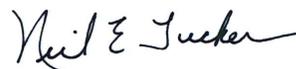
MOTION (EISENMANN/HARPER): Accept Interpretation Case No. 20-01 based on staff recommendations as identified in the staff report: The structure is not intended or permitted for residential purposes. The structure permitted with Building Permit No. B17-0377 is an accessory use permitted pursuant to Section 601.02(L) of the Yuma County Zoning Ordinance. The parcel is approximately 50 feet in width. Therefore, the setback requirement for the side yards is five feet for any new development on the subject property.

ROLL CALL VOTE: Harper – AYE; Eisenmann – AYE; Lines - AYE; Saltzer – AYE; Tucker- AYE.  
The motion carried 5-0.

**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 1:36 p.m.

Approved and accepted on this 21<sup>st</sup> day of July 2020.



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Neil Tucker, Chairman

ATTEST:



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Maggie Castro, AICP, Planning Director