



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: August 18, 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
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 July 21, 2020.**
- 4. Variance Case No. 20-12:** Najeh Edais, agent for Tyler and Marsha Poppert, requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow habitable area on the first floor and a building height of 36 feet on a parcel 5,575 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-013, located at 10441 East Tule Road, Yuma, Arizona.

5. **Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**
6. **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 July 21, 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 and Neil Tucker. Board Member Joe Harper was present, but unable to participate in the meeting due to technical difficulties. Board Member Rosalie Lines was absent. Others present: Planning Director Maggie Castro, AICP; Deputy Attorney Ed Feheley; Senior Planner Javier Barraza; and PZ Commission Admin Specialist Amber Jardine.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of June 16, 2020.

MOTION (EISENMANN/SALTZER): Approve as presented.

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

ITEM No. 4: Variance Case No. 20-11: Israel Galvez, 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 2.13 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-018, located on the south side of County 13th Street approximately 475 feet east of Avenue 4¼ E, Yuma, Arizona; located in the 65-69 dB noise zone.

Senior Planner Javier Barraza presented the staff report recommending approval of Variance Case No. 20-11 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.

Chairman Tucker opened the public hearing.

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

MOTION (EISENMANN/SALTZER): Approve Variance Case No. 20-11 subject to the conditions recommended by staff.

ROLL CALL VOTE: Eisenmann – AYE; Saltzer – AYE; Tucker- AYE.

The motion carried 3-0.

ITEM No. 5: 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 1:08 p.m.

Approved and accepted on this 18th day of August 2020.

Neil Tucker, Chairman

ATTEST:

Maggie Castro, AICP, Planning Director

Yuma County Board of Adjustment

Item No. 4

AIR-10032

4.

BOA Agenda

Meeting Date: 08/18/2020

Submitted For: Maggie Castro

Submitted By: Fernando Villegas

Department: Planning & Zoning Division - DDS

Information

1. REQUESTED ACTION:

Variance Case No. 20-12: Najeh Edais, agent for Tyler and Marsha Poppert, requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow habitable area on the first floor and a building height of 36 feet on a parcel 5,575 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-013, located at 10441 East Tule Road, Yuma, Arizona.

2. INTENT:

The intent is to build a residence 36 feet in height with habitable area along with parking on the ground level 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 attached condition.

Attachments

Vicinity Map

Staff Report

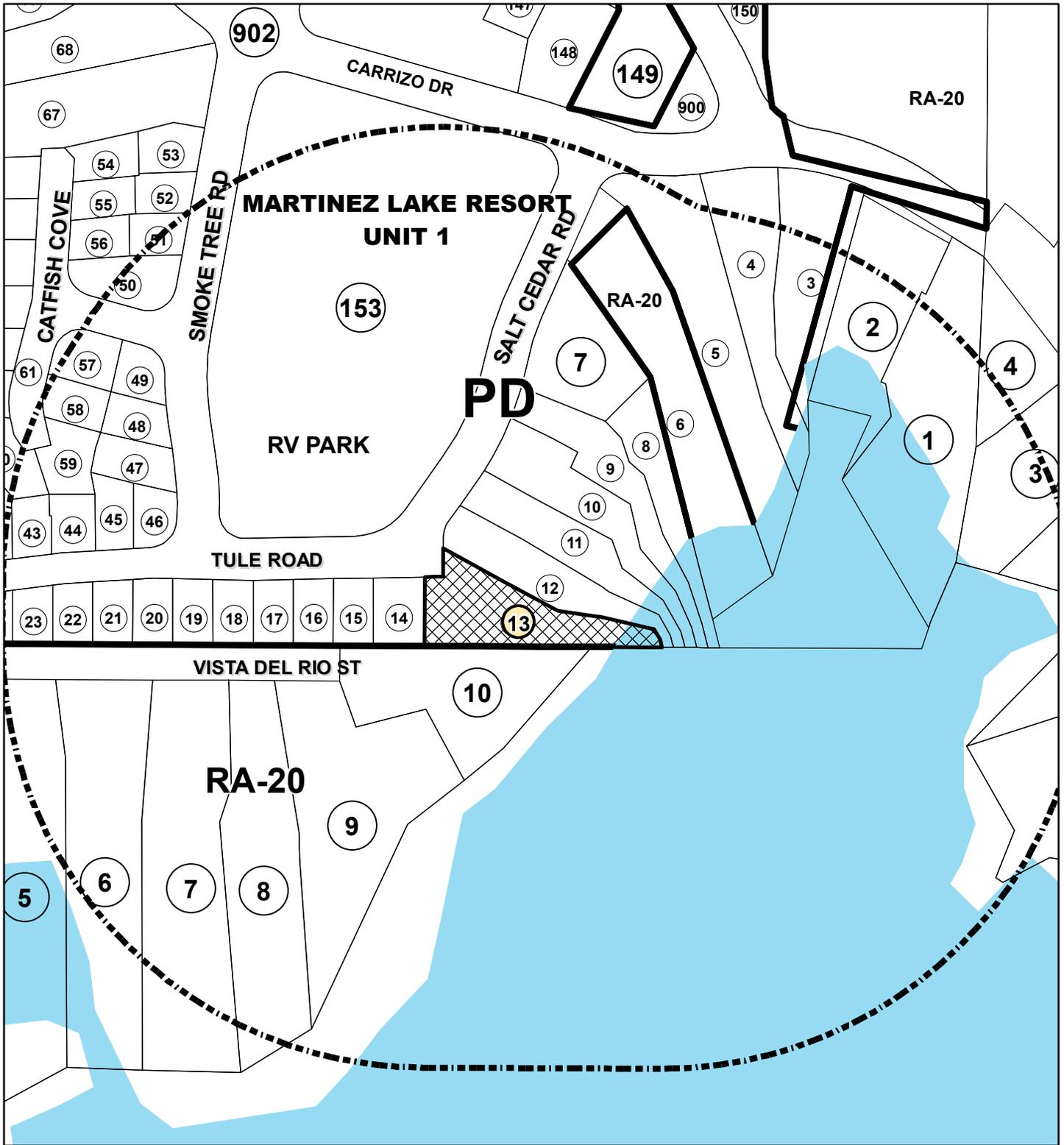
Site Plan

Ground Floor Floor Plan

Front Elevation

Applicant Letter

Building Safety Comments



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):

V20-12
10441 E. Tule Road
459-50-013

CASE PLANNER: FERNANDO VILLEGAS
DATE DRAWN: 07-15-2020
REVIEWED BY: N/A

Legend

-  300' BUFFER
-  SUBJECT PROPERTY
-  Zoning Boundary



SCALE: 1"= 100'

STAFF REPORT
Yuma County Planning and Zoning Division

Prepared for the Hearing of
August 18, 2020
Yuma County Board of Adjustment

CASE NUMBER: Variance Case No. 20-12
OWNER: Tyler and Marsha Poppert
CASE PLANNER: Fernando Villegas, Senior Planner
DATE PREPARED: July 28, 2020

DESCRIPTION OF REQUEST: Najeh Edais, agent for Tyler and Marsha Poppert, requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to allow habitable area on the first floor and a building height of 36 feet on a parcel 5,575 square feet in size zoned Planned Development (PD), Assessor’s Parcel Number 459-50-013, located at 10441 East Tule Road, Yuma, Arizona

THE APPLICANT’S REASON FOR REQUESTING THIS VARIANCE: The intent is to build a residence 36 feet in height with habitable area along with parking on the ground level 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 building height of 36 feet where 32 feet is the maximum height allowed.
2. Habitable area on the first floor.

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 of the PD allow for development of the lots with a maximum height of 32 feet which does not provide enough room for three floors. In addition, the development standards do not allow habitable area on the ground floor. The subject property is 5,575 square feet in size which can accommodate four parking spaces and habitable area on the ground floor and two additional stories as living area.

- 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 area above the parking. The subject property has enough area to accommodate parking and living area on the ground floor. Additionally, the maximum height of 32 feet does not allow construction of two floors above the parking area. Increasing the maximum height to 36 feet will enable the construction of two floors above the parking area dedicated to habitable space.

- 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. The subject property has enough square footage to accommodate habitable area and parking on the ground floor. Increasing the maximum height to 36 feet will enable the construction of two floors above the parking area dedicated to habitable space.

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 allowing habitable space on the ground floor will allow development of the property with three floors.

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 allowing habitable space and increasing the maximum height to 36 feet will facilitate the construction of a unit with the ground floor used with parking and habitable space and two floors above for additional living space.

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 allow habitable space on the ground floor and to 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)
- Variance Case No. 20-04 (05/04/2020)
- Variance Case No. 20-10 (06/16/2020)

ADDITIONAL COMMENTS:

Yuma County Chief Building/Fire Code Official Pat Headington stated that construction shall meet the requirements of the 2018 International Residential Code and a fire sprinkler system shall be installed in accordance with the 2018 International Residential Code or NFPA 13D.

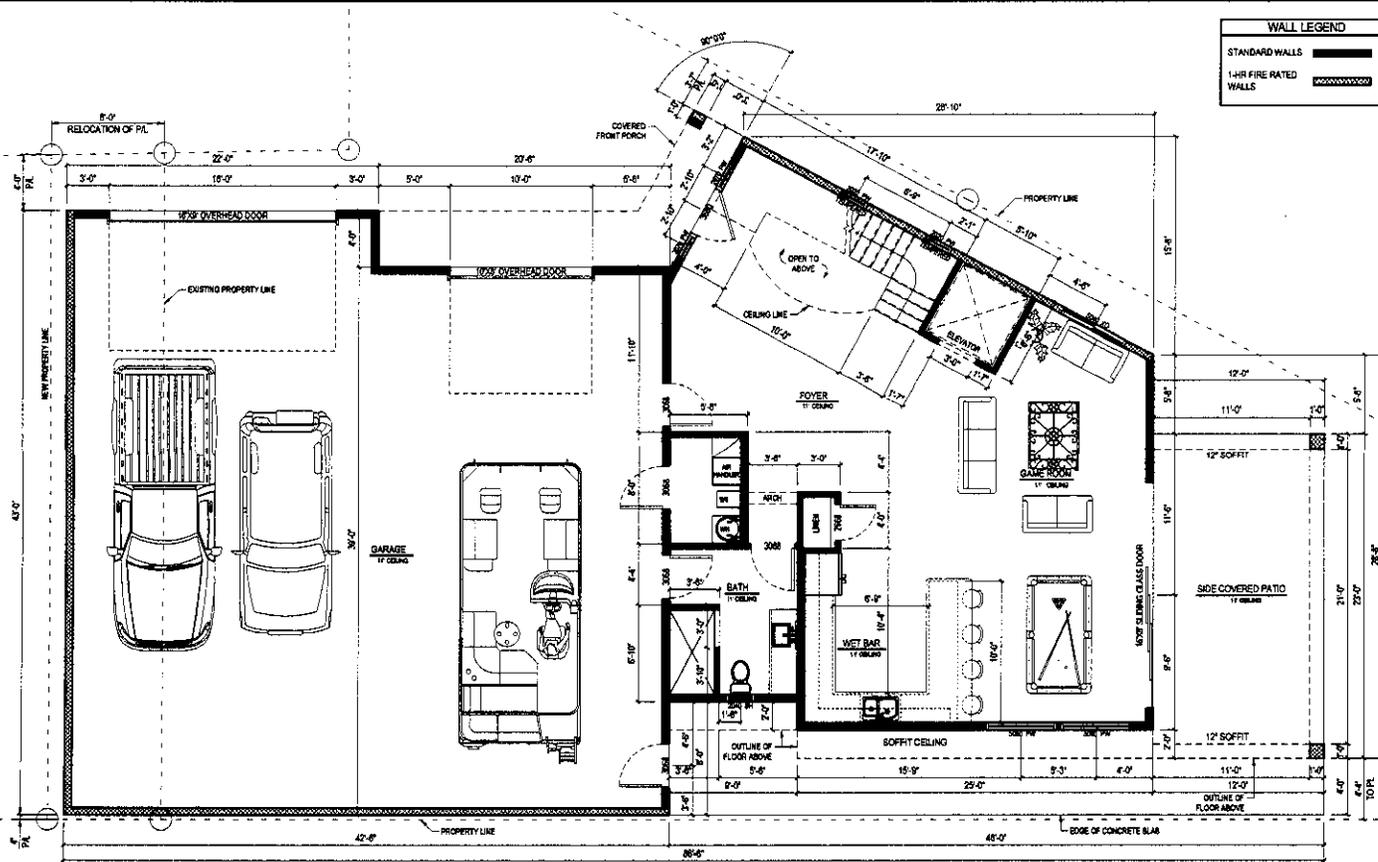
STAFF RECOMMENDATION

Staff recommends approval of Variance Case No. 20-12 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.



WALL LEGEND

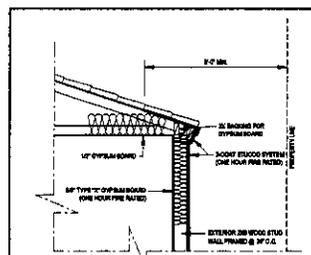
STANDARD WALLS [Symbol]

1-HR FIRE RATED WALLS [Symbol]

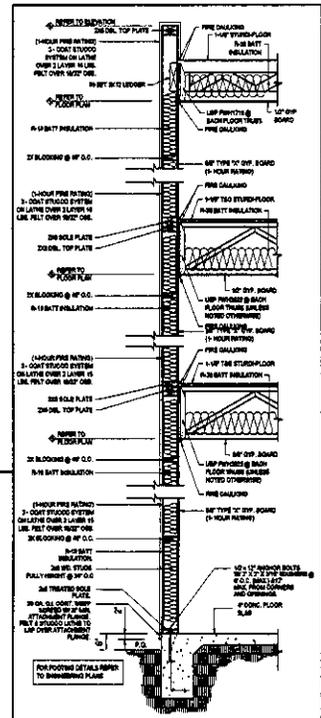
SQUARE FOOTAGE CALCULATIONS

AREA NAME	SQUARE FOOTAGE
1ST FLOOR	
LIVING AREA	1170.92 SQ. FT.
GARAGE	1745.50 SQ. FT.
FRONT COVERED PORCH	1115.35 SQ. FT.
COVERED PATIO	574.33 SQ. FT.
TOTAL COVERED AREA	3597.77 SQ. FT.
2ND FLOOR	
LIVING AREA	2414.92 SQ. FT.
COVERED BALCONY	278.00 SQ. FT.
TOTAL COVERED AREA	2690.92 SQ. FT.
3RD FLOOR	
LIVING AREA	1712.75 SQ. FT.
SIDE COVERED BALCONY #1	285.87 SQ. FT.
SIDE COVERED BALCONY #2	217.09 SQ. FT.
TOTAL COVERED AREA	2220.48 SQ. FT.
TOTAL LIVING AREA	5298.58 SQ. FT.
TOTAL COVERED AREA	8224.18 SQ. FT.
TOTAL LOT COVERED AREA	3316.77 SQ. FT.

FLOOR PLAN 1ST FLOOR
SCALE: 1/4" = 1'-0"



FIRE WALL SECTION
SCALE: 1/2" = 1'-0"



FIRE WALL SECTION
SCALE: 1/2" = 1'-0"

REVISIONS

FLOOR PLAN - 1ST FLOOR

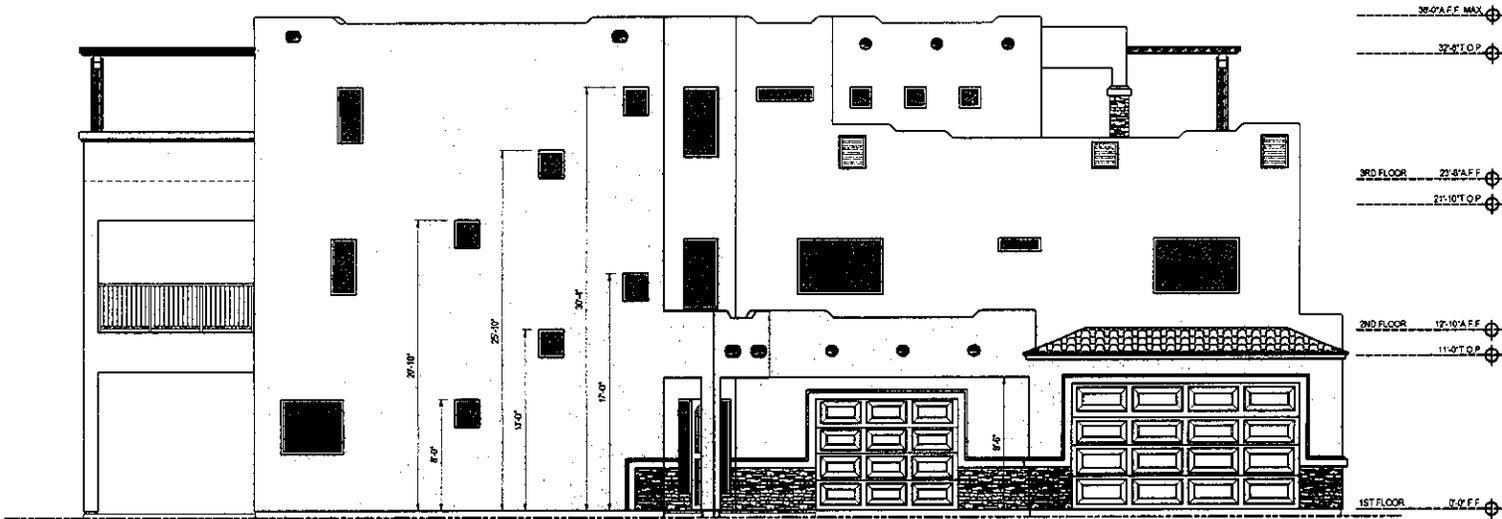
NEW PROJECT FOR: POPPERT
PROJECT ADDRESS: 10441 E. TULE RD.
DRAWN BY: LC
APN: 14-439-30-013
COMPLETED: 06-25-2020
REVIEWED BY: STAFF
LAST REVISION: NA

NEW RESIDENCE FOR:
POPPERT
10441 E. TULE RD.
YUMA, ARIZONA
APN: 14-439-30-013

CALCULATED DESIGNS LLC
291 S. MAIN STREET STE. E1
OFFICE: 928-726-4600

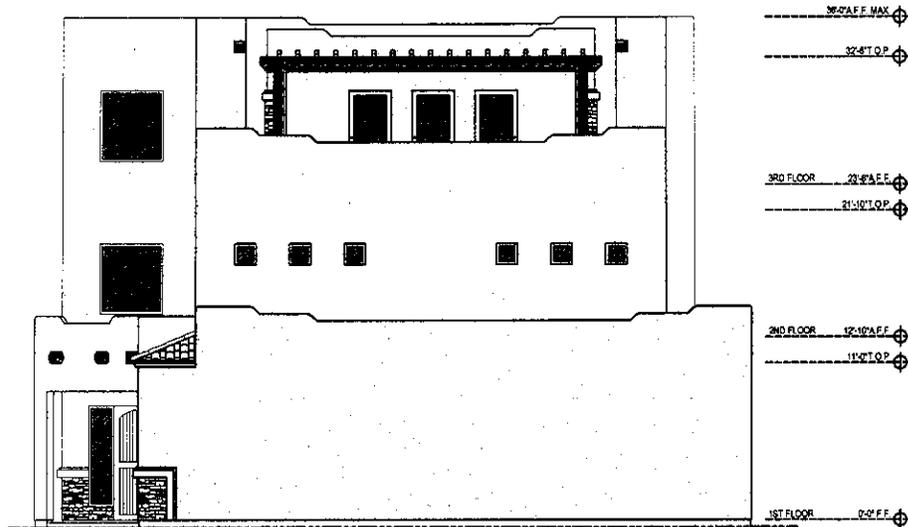


3 OF 16 SHEETS



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

REVISIONS	

ELEVATIONS

NEW PROJECT FOR: POPPERT
 PROJECT ADDRESS: 10441 E. TULE RD.
 DRAWN BY: LC
 APN: 14-459-50-013
 COMPLETED: 06-25-2020
 REVIEWED BY: STAFF LAST REVISIONNA

NEW RESIDENCE FOR:
POPPERT
 10441 E. TULE RD.
 YUMA, ARIZONA
 APN: 14-459-50-013

**CALCULATED
 DESIGNS LLC**
 291 S. MAIN STREET STE. E1
 OFFICE: 928-728-4600





June 30, 2020

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

RE: Variance Request

Dear Sr./Madame:

Tyler and Marsha Poppert 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 parcels 7293 square feet in size zoned Planned Development (PD), Assessor's Parcel Numbers 459-50-013 located at 10441 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.

Najeh K. Edais, P.E.

VAR20-0012

Pat Headington comments

7/15/2020 2:33:47 PM (PAT HEADINGTON)

1. Construction shall meet the requirements of the 2018 International Residential Code. 2. Sprinklers shall be installed in accordance with the 2018 International Residential Code or NFPA 13D.