

The Yuma County Board of Adjustment met in a regular session on November 18, 2025. The meeting was held at Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:02 p.m., Chairman Saltzer convened the Board of Adjustment meeting. Board members present: Eric Saltzer, Mike Pancrazi, Randy Ferguson. Board members Joe Harper and Rosalie Lines were absent. Others present: Planning Director Maggie Castro, AICP; Deputy County Attorney Minda Davy, Associate Planner Amber Kelly, Associate Planner Roxanna Sanchez and PZ Commission Administrative Specialist Heidi Ramirez.

PLEDGE OF ALLEGIANCE: Chairman Saltzer led the Pledge of Allegiance.

ITEM No. 3: Approval of the Board of Adjustment Regular meeting minutes of October 21, 2025.

MOTION (FERGUSON/ PANCRAZI): Approve as presented.

ROLL CALL VOTE: Saltzer- AYE; Pancrazi- AYE; Ferguson- AYE

The motion carried 3-0.

ITEM No. 4: Variance Case No. 25-20: William Ferro, agent for Foothills Water & Sewer LLC, requests a variance from the Yuma County Zoning Ordinance, Section 1108.03--Fences, Walls and Hedges, to allow a chain link fence eight feet in height topped with barbed wire one foot in height for a total height of nine feet along the perimeter of the property on a parcel 1.91 acres in size zoned Recreational Vehicle Subdivision, Assessor's Parcel Number 701-57-900, located at the northeast corner of Avenue 12 E and 40th Street, Yuma, Arizona.

Roxanna Sanchez, Associate Planner, presented Variance Case No. 25-20 recommending approval based on:

1. Staff finds there are peculiar conditions applicable to the property to cause the granting of a variance.
2. Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property.
3. Staff finds that the approval of this variance will not have an adverse effect on public health, safety and welfare.

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.

Chairman Saltzer opened the discussion to the public.

Eric Ott, 7885 39th Place, Yuma Arizona, General Manager for Foothills Utilities, stated that Foothills Utilities purchased Far West Utilities about three years ago and has since made significant improvements. The company currently operates 19,000 water connections and 9,000 wastewater connections, serving

approximately 30,000–35,000 residents. In the past two years, Foothills Utilities has invested \$30 million in infrastructure improvements and plans an additional \$40 million in improvements in the next two years. While many assets (like pipelines) are underground, the most vulnerable assets are above ground, including water pumping stations, water treatment plants, chemical storage areas and as these projects are upgraded, physical security improvements are also being made like barriers and fencing to meet federal EPA mandates. Utilities serving over 3,300 people must complete risk assessments and emergency response plans. Foothills meets this requirement and updates these plans every five years. Due to security requirements—both physical and cybersecurity—details cannot be publicly discussed. Foothills Utilities is requesting a variance to enhance physical barriers (such as fencing and barbed wire), which is directly tied to meeting federal security mandates.

William Ferro, 10371 South Del Rico, Yuma Arizona, Water Treatment Manager for Foothills Utilities, reported recent vandalism at the 40th Street site about a year ago. Individuals hopped on the existing fence and spray-painted both the facility walls and the storage tank. Mr. Ferro emphasized that these sites are critical infrastructure and therefore require stronger protection. Mr. Ferro also noted that the location at 40th Street and 12 E experiences high traffic and activity, increasing security risks and concluded that enhanced physical security measures, such as improved fencing or barriers, are necessary to deter future vandalism.

There being no one else to come forward, Chairman Saltzer closed the discussion to the public.

MOTION (FERGUSON/ PANCRAZI): Approve as presented.

ROLL CALL VOTE: Saltzer- AYE; Pancrazi- AYE; Ferguson- AYE

The motion carried 3-0.

ITEM No. 5: Variance Case No. 25-21: William Ferro, agent for Foothills Water & Sewer, LLC, requests a variance from the Yuma County Zoning Ordinance, Section 1108.03--Fences, Walls and Hedges, to allow a chain link fence eight feet in height topped with barbed wire one foot in height for a total height of nine feet along the perimeter of three adjacent properties totaling 5.37 acres in size zoned Rural Area- 10 acre minimum (RA-10) and Recreational Vehicle Subdivision (RVS), Assessor's Parcel Numbers 701- 42-143, -144, and 701-50-297, located at the southeast corner of Far West Avenue and 36th Street, Yuma, Arizona.

Roxanna Sanchez, Associate Planner, presented Variance Case No. 25-21 recommending approval based on:

1. Staff finds there are peculiar conditions applicable to the property to cause the granting of a variance.
2. Staff finds there is a hardship arising from conditions or circumstances unique to the development of this property.
3. Staff finds that approval of this variance will not have an adverse effect on public health, safety and welfare.

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.

Chairman Saltzer opened the discussion to the public.

There being no one else to come forward, Chairman Saltzer closed the discussion to the public.

MOTION (FERGUSON/ PANCRAZI): Approve as presented.

ROLL CALL VOTE: Saltzer- AYE; Pancrazi- AYE; Ferguson- AYE

The motion carried 3-0.

ITEM No. 6: Variance Case No. 25-22: Alfredo Bustos, Jr., requests a variance from the Yuma County Zoning Ordinance, 609.05--Minimum Lot Width and Principal Buildings Setback Requirements, to allow a front yard setback of zero feet on a parcel 6,600 square feet in size zoned Recreational Vehicle Subdivision (RVS), Assessor's Parcel Number 728-35-130, located at 12635 East 49th Street, Yuma, Arizona.

Amber Kelly, Associate Planner, presented Variance Case No. 25-22 recommending denial based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
2. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance.
3. Staff finds the conditions self-imposed.

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

1. Approval of this variance is based on the site plan submitted. Any deviation from the site plan will require approval of a new variance by the Board of Adjustment.

Chairman Saltzer opened the discussion to the public.

Alfredo Bustos, 12635 East 49th Street, Yuma Arizona, applicant, stated the awning was not built due to land or terrain hardship, but out of necessity due to extreme heat and medical reasons affecting him and his family. Mr. Bustos stated his medical concerns include his own sensitivity to sun exposure and history of kidney issues and heat exhaustion, low vitamin D levels, and has a child in the home with autism who needs shaded outdoor recreation and a daughter with Graves disease. Mr. Bustos emphasized the need for a shade to maintain health and allow safe outdoor time, especially for his children. He explained reducing the awning's length would significantly reduce the shaded area, especially since the sun shifts throughout the day, making the awning less effective. Mr. Bustos noted his property is small and is doing his best to maximize usable shade space.

Mr. Bustos explained that the awning extends approximately 10 to 12 inches into the setback based on his measurements. He provided photos showing the awning posts relative to the setback line and referenced nearby properties with similar front-yard structures, including a ramada at Foothills Boulevard and 36th Street. Another awning down the street that appears close to or beyond setback limits. He described the stress caused by his health concerns and reiterated that shade is crucial for preventing further medical decline and allowing his family to be safe outdoors.

Vice-Chairman Pancrazi asked the applicant if the garage was empty except for the vehicles.

Mr. Bustos stated the garage was not empty, there were household items and two vehicles, and the other vehicles are parked under the awning, so they do not overheat and it's easier to adjust the temperature and travel, whereas they must be out in the sun.

Thor Toepfer, 12623 East 49th Street, Yuma Arizona, member of the public, responded to the applicant's testimony, calling it an emotional plea and stating that, in his view, the awning is primarily used to protect vehicles, not for personal or medical protection. He noted that he observed the children playing in the front yard unshaded, contradicting the claim that the awning is needed for outdoor recreation. Mr. Toepfer noted when Mr. Bustos approached him for a petition signature, he reportedly expressed concern only about shading his cars, not medical or personal needs. Mr. Toepfer expressed surprise that so many neighbors supported the petition, noting that many homes in the area are now rentals, which he believes might affect responses.

Mr. Toepfer stated his main concern is that approving the variance would set a dangerous precedent, encouraging others to build similar structures in violation of setback rules. He referenced that the neighborhood CC&Rs require a 20-foot setback, consistent with typical residential garage placement; however, enforcement is not possible because no homeowner's association was ever established and pointed out that a neighbor across the street attempted a similar awning but was issued a cease and desist because she did not have a permit. Mr. Toepfer stated that although the structure is not unattractive, it was built without a permit, which he believes would have prevented the issue and added that the awning blocks a view that was one of the reasons he purchased his home.

Mr. Bustos, applicant, stated that he collected signatures from neighbors within a 300-foot radius, and nearly everyone he spoke with who was home signed the petition. He noted that although the neighborhood has CC&Rs, several nearby properties have features, such as yard structures or awnings that do not fully comply with those CC&Rs. He clarified that when gathering signatures, he did not disclose his personal medical history, as he preferred to keep that private until presenting it to the Board. He affirmed his right to disclose medical information only to those he feels appropriate. Mr. Bustos explained that his grandchildren do play in the shaded area under the awning, though not always. When temperatures drop, they move vehicles and use the space for outdoor play. He also noted that Mr. Toepfer's own grandson plays outside, suggesting the shade could benefit multiple children. He emphasized that the purpose of the meeting is the variance itself, and his request remains simply to have the awning approved due to the circumstances he previously detailed.

Board member Ferguson asked the applicant if he hired a contractor to build the structure.

Mr. Bustos acknowledged that the awning was built without a permit and that he was unaware of the permit requirement and the need to use a licensed contractor. He clarified that although the person who built the awning is skilled, he is not a licensed contractor and stated that if the variance is approved, he understands he must hire an engineer to evaluate the structure and follow any professional recommendations to ensure the awning meets all structural and safety requirements. Mr. Bustos noted that the awning has proper footings and recently withstood a strong storm without any issues.

Mr. Bustos added that many properties throughout the Foothills area have similar awnings and shade structures, as it is a recreational community and stated that homeowners have the right to make improvements if they do so legally and request permission when required. He emphasized that he was unaware of the rules, not intentionally trying to bypass them and clarified that he is a homeowner, not a renter, addressing a comment raised earlier.

There being no one else to come forward, Chairman Saltzer closed the discussion to the public.

Vice-Chairman Pancrazi expressed concern about the awning being built without a permit and by someone who is not a licensed contractor and stated this same builder has constructed similar unpermitted awnings elsewhere in the area, and in past cases, those structures had to be taken down. He emphasized that the builder should already know the permitting requirements. Board member Pancrazi also noted that if shade for recreation is the purpose, there is additional yard space available on the property that could have been used without violating setback requirements.

Board member Saltzer also stated it did meet the size requirement, but it is off by 10 feet and the front setback flexibility is difficult.

They reiterated that their main issue is the lack of a permit and professional oversight, even if the awning appears well-built and meets size requirements.

MOTION (PANCRAZI/ SALTZER): Deny.

ROLL CALL VOTE: Saltzer- AYE; Pancrazi- AYE; Ferguson- AYE

The motion carried 3-0.

ITEM No. 7: Variance Case No. 25-23: Mark Scalise requests a variance from the Yuma County Zoning Ordinance, Section 1106.00--Accessory Buildings, to allow an accessory structure before establishing the principal residential building on a parcel 6,115 square feet in size zoned Manufactured Home Subdivision 4,500 square feet minimum, Assessor's Parcel Number 685-35-109, located at 9236 Citrus Circle NW, Tacna, Arizona.

Amber Kelly, Associate Planner, presented Variance Case No. 25-23 recommending denial based on:

1. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of this variance.
2. Staff finds there is no hardship arising from conditions or circumstances unique to the development

of this property.

3. Staff finds the condition is self-imposed.

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

1. All required permits must be issued and finalized according to adopted Building and Fire Code requirements of Yuma County.

Associate Planner Amber Kelly informed the Board the applicant was not present, but presented a hardship letter provided to Board members.

Chairman Saltzer inquired staff if there had been similar cases where there had been a structure before the primary home was built.

Associate Planner Amber Kelly stated there had been two cases. One approved and the other denied.

Chairman Saltzer asked if the case denied was because there was electricity on the structure.

Associate Planner Amber Kelly stated the case was denied due to the structure having electricity.

Vice Chairman Pancrazi asked staff whether allowing the variance now would limit the property owner's ability to build future structures such as an addition or new building and expressed concern whether the owner might later build up to the new edge created by the variance, potentially causing further setback issues and also questioned if there is any way to restrict future construction to prevent additional violations or complications.

Associate Planner Amber Kelly stated that when the applicant is ready to establish and submit the permit for the principal residence, it would be reviewed and staff would let him know of lot coverage.

Board member Ferguson asked staff if the structure was already built.

Associate Planner Amber Kelly stated the structure was already built.

Vice-Chairman Pancrazi asked if the applicant thought about acquiring a property adjacent to his property.

Associate Planner Amber Kelly stated the applicant had talked about looking into purchasing or different options.

Chairman Saltzer asked staff if the case was denied, would the applicant be required to remove the structure.

Associate Planner Amber Kelly stated that was correct.

Planning Director Maggie Castro, AICP, stated that the applicant would have to establish a principal dwelling.

Chairman Saltzer commented the applicant was required to establish a principal dwelling and it would push him to do so since it is a requirement of the property zoning.

Chairman Saltzer opened the discussion to the public.

There being no one to come forward, Chairman Saltzer closed the discussion to the public.

Chairman Saltzer asked staff that if the applicant didn't have electricity for the principal dwelling, if it would or could be finalized.

Planning Director Maggie Castro, AICP, explained the applicant would have options like establishing a solar system or supplemental power.

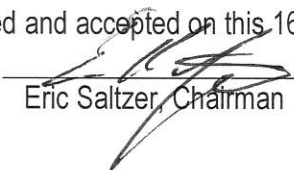
MOTION (SALTZER/ FERGUSON): Deny.

ROLL CALL VOTE: Saltzer- AYE; Pancrazi- AYE; Ferguson- AYE

The motion carried 3-0.

There being no further business to come before the Board, the Chairman adjourned the meeting at 1:37 p.m.

Approved and accepted on this 16th day of December, 2025.


Eric Saltzer, Chairman

ATTEST:



Maggie Castro, AICP, Planning Director