

**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Zenia Fiveash**

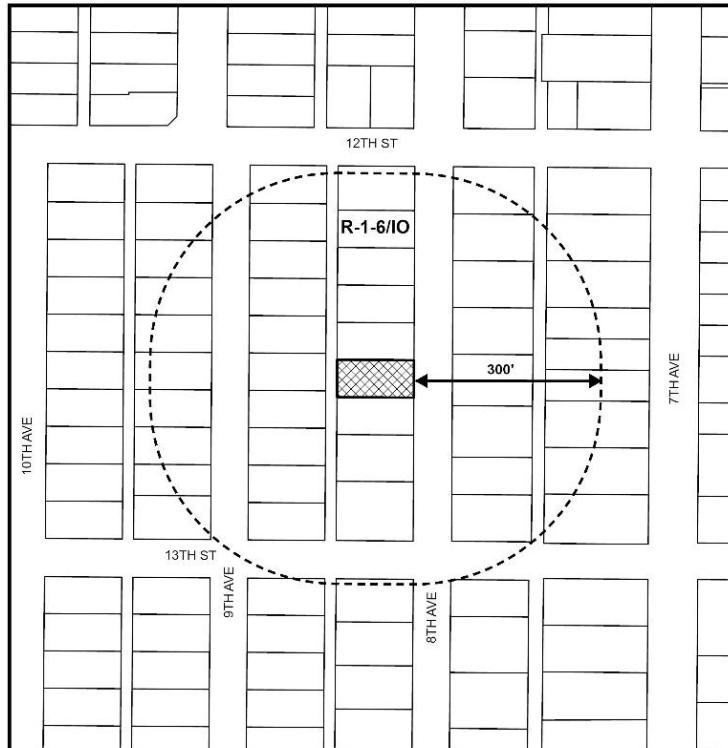
Hearing Date: OCTOBER 23, 2025

Case Number: VAR-44509-2025

Project Description/Location: This is a request by Whitey Wiles Construction on behalf of Raul & Esmeralda Estrada for a variance to increase accessory structure height 4 feet 3 inches taller than the principal building of 11 feet 3 inches to allow the construction of a new garage/workshop in the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1220 S. 8th Avenue, Yuma, AZ

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential/ Infill Overlay(R-1-6/IO)	Single Family Residence	Low Density Residential
North	Low Density Residential/ Infill Overlay(R-1-6/IO)	Single Family Residence	Low Density Residential
South	Low Density Residential/ Infill Overlay(R-1-6/IO)	Single Family Residence	Low Density Residential
East	Low Density Residential/ Infill Overlay(R-1-6/IO)	Single Family Residence	Low Density Residential
West	Low Density Residential/ Infill Overlay(R-1-6/IO)	Single Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance 592, (August 22, 1953); Subdivision: White's Addition Subdivision (August 22, 1905); Pre-development meeting: PDM-44327 (July 10, 2025)

Staff recommendation: Staff recommend **DENIAL** of the request to increase accessory structure height 4 feet 3 inches taller than the principal building of 11 feet 3 inches to allow the construction of a new garage/workshop in the Low Density Residential/Infill Overlay (R-1-6/IO) District. Although Staff is not recommending approval of the request, if a variance is granted Staff recommends that the variance be conditioned to include those conditions listed in Attachment A.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)			Yes
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
VAR-41741-2025	Increase Height & Reduce side yard setback for ADU	Denial	Approved
VAR-31753-2020	Reduce front yard setback	Approval	Approved

Staff Analysis: The subject property, located at 1220 S. 8th Avenue, is within the White's Addition Subdivision and is zoned Low Density Residential/Infill Overlay (R-1-6/IO) District. The setbacks for Low Density Residential/Infill Overlay (R-1-6/IO) District are as follows: the front yard setback is 20 feet, the side yard setback is 5 feet, and the rear yard setback is 10 feet. In addition, the Low Density Residential/Infill Overlay (R-1-6/IO) District allows accessory structures, which are subject to the development standards outlined in section § 154-15.15 of the zoning code.

The property is approximately 7,123 square feet in size and has an existing 1,775 square foot single-family residence, garage and porch. The existing residence on the property is 11 feet 3 inches tall.

The applicant is requesting a variance to increase the allowable accessory structure height. The applicant is proposing a new 16 foot 6 inch tall 870-square-foot garage/workshop in the rear of the property, which will exceed the height of the primary residence by 4 feet 3 inches. The neighborhood is a mix of single-story, low pitch and flat roof line homes, typical for a midcentury modern style built around 1955.

After analyzing the subject property, it has been determined that a special circumstance does not apply to the property that does not apply to most other properties within the district and surrounding residential development in regard to allowable accessory structures, size, layout, or shape of the property. The maximum allowable building height for accessory structures on this property is the height of the principal building. In addition, accessory structures are required to be designed with a logical hierarchy of masses regarding height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood. The new 16 foot 6 inch tall accessory structure would not be in character with the existing residential structure on the property.

1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?

A) *“There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”*

Is this statement correct for this application?

Yes No

Applicant Response: *“There are not special circumstances that apply to the property, but the building's eave height is the concern for the use of the building for the property owner, which could apply to other properties in the district”.*

Staff Analysis: There is no special circumstance or condition that applies to the property that does not apply to most other properties in this district. After researching the property, staff was unable to identify a special circumstance that relates to the size, shape or layout of the property which satisfies the need to recommend approval for this variance request. The maximum allowable building height for accessory structures on this property is the height of the principal building. In addition, accessory structures are required to be designed with a logical hierarchy of masses regarding height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood. The new 16 foot 6 inch tall accessory structure would not be in character with the existing residential structure on the property and does not meet the accessory structures development standards for this zoning district.

B) *“The special circumstance was not created or caused by the property owner or applicant.”*

Is this statement correct for this application?

Yes No

Applicant Response: *“The circumstances describe above is not and was not created by the owner or applicant”.*

Staff Analysis: As indicated in the staff analysis and by the applicant, there is no special circumstance that relates to this property, building, or use that does not apply to most other properties in the district. This is a new 16 foot 6 inch tall garage/workshop proposed by the property owner. The property owner has an alternative solution in the form of making the garage/workshop the same height as the home at 11 feet 3 inches.

The placement of the proposed accessory structure is behind the existing garage along the southern boundary of the property. The garage is lower in height than the peak of the primary building at 11 feet 3 inches, which will make the proposed accessory structure seem much taller than the primary building height and make it the primary focus of the property, not an accessory structure.

C) *“The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”*

Is this statement correct for this application?

Yes

No

Applicant Response: *"The granting of this variance will not affect the property rights enjoyed by other property owners in the vicinity and should not affect property values to the surrounding property owners. List of properties that have high structures in this general area:*

1213 S. 8th Avenue

1305 S. 8th Avenue

1234 S. 7th Avenue

1302 S. 9th Avenue"

Staff Analysis: The granting of the variance is not necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations. The accessory structures code was adopted in 2014 and recently updated in 2025. The accessory structures on the properties identified by the applicant were constructed without building permits or prior to the adoption of the accessory structures code. In addition, the structure located at 1305 S. 8th Avenue is an accessory dwelling unit and a variance was granted to increase the allowable height of the new accessory dwelling unit. Attachment H identifies four neighboring properties with accessory structures including two with approved variances 1311 and 1305 S. 8th Avenue.

D) "The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare."

Is this statement correct for this application?

Yes No

Applicant Response: *"The granting of the variance will not be detrimental to any persons residing or working in the vicinity to the adjacent property, neighborhood, or the health, safety and general welfare of the surrounding properties."*

Staff Analysis: The granting of this variance will not be materially detrimental to the neighbors and general public traveling near this property. The proposed garage/workshop will meet the required setbacks and lot coverage requirements for the Low Density Residential/Infill Overlay (R-1-6/IO) District.

2. Are any of the adjacent property owners opposed to this request? No.

External Agency Comments: None

Neighborhood Meeting Comments: Attachment D

Proposed conditions delivered to applicant on: October 3, 2025

Final staff report delivered to applicant on: October 13, 2025

Applicant agreed with all of the conditions of approval on: October 3, 2025

Attachments

A	B	C	D	E
Conditions of Approval	Site Plan	Agency Notifications	Neighborhood Meeting Comments	Site Photo
Neighbor Notification List	Neighbor Postcard	Neighboring Property Photos	Neighboring Variance Cases	Aerial Photo

Prepared By: *Zenia Fiveash*

Date: 10/13/25

Zenia Fiveash
Assistant Planner
Zenia.Fiveash@YumaAZ.gov

(928) 373-5000, x3040

Approved By: *Jennifer L. Albers*

Date: 10/9/25

Jennifer L. Albers
Assistant Director of Planning

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director (928) 373-5000, x 3037:

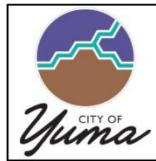
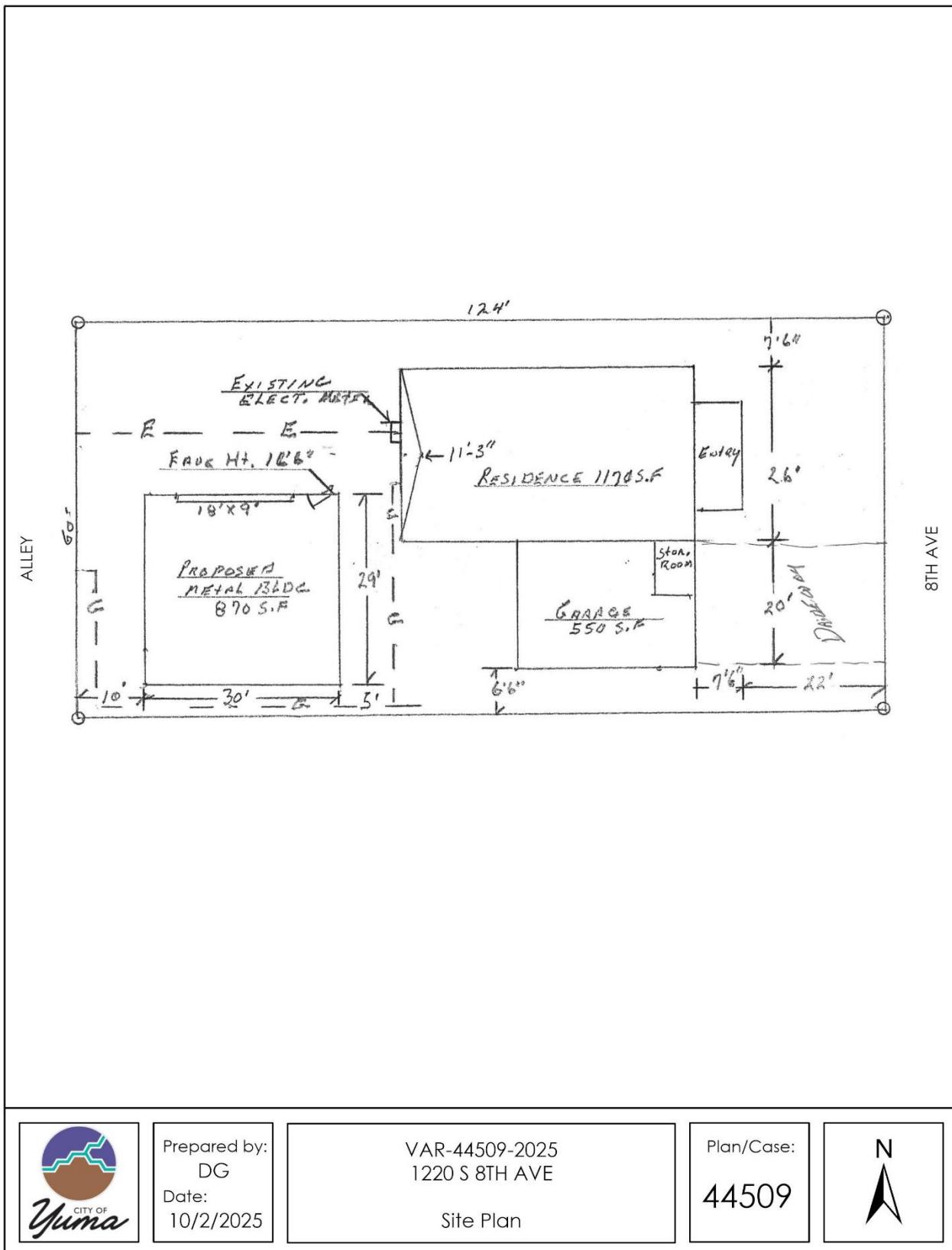
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Zenia Fiveash, Assistant Planner, (928) 373-5000 x3040

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
SITE PLAN



Prepared by:
DG
Date:
10/2/2025

VAR-44509-2025
1220 S 8TH AVE
Site Plan

Plan/Case:
44509



ATTACHMENT C
AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 10/03/25
- Neighborhood Meeting Date: 10/01/25
- 300' Vicinity Mailing: 9/24/25
- Hearing Date: 10/23/25
- Site Posted on: 9/24/25
- Comments Due: 10/06/25
- 34 Commenting/Reviewing Agencies Noticed: 10/06/25

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	9/24/25	X		
Yuma County Planning & Zoning	YES	9/24/25	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	9/24/25	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	9/25/25	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	9/25/25	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
NEIGHBORHOOD MEETING COMMENTS

Attendees:

Neighbor: None

Applicant: Bob Wiley, Raul Estrada, & Esmerelda Estada

Staff: Zenia Fiveash

Summary of Attendee(s') Comments Related to the Project:

- Applicant wants to get variance approval.

ATTACHMENT E
SITE PHOTOS



ATTACHMENT F
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code
ANAYA RUBEN &	1237 S 8TH AVE	YUMA AZ 85364
ANGUIANO JORGE L	1946 W 13TH LANE	YUMA AZ 85364
BACA ALICE	1210 S 9TH AVE	YUMA AZ 85364
BENITEZ ESTHER U	1288 S 7TH AVE	YUMA AZ 85364
BRIDGEMAN MICHAEL S	1220 S 9TH AVE	YUMA AZ 85364
CABRERA DAVID AND	1205 S 8TH AVE	YUMA AZ 85364
CABRERA RUDOLF V & MAGDALENA B	1221 S 9TH AVE	YUMA AZ 85366
CANO STEVEN O III & GUIADALUPE TRUST 12-2-14	996 W 35TH ST	YUMA AZ 85365
CHAVEZ JOSUE JESUS	1246 S 7TH AVE	YUMA AZ 85364
CHAVIRA MAYRA N	1220 S 7TH AVE	YUMA AZ 85364
COMSTOCK TRUST 1-2-2024	1216 S 9TH AVE	YUMA AZ 85364
DELGADO THOMAS & ROSIE JT	1230 S 9TH AVE	YUMA AZ 85364
ESTRADA RAUL L & ESMERALDA TRUST 1-29-2013	1224 S 8TH AVE	YUMA AZ 85364
FARIS PATRICIA A	1300 S 8TH AVE	YUMA AZ 85364
FLEISHER MARTIN	5750 W 8TH ST	YUMA AZ 85364
FREEMAN DEBORAH	558 SKYVIEW ST	EL CAJON CA 92020
GARCIA DAVID J IV & CRYSTAL R	PO BOX 1797	YUMA AZ 85366
GHIOTTO 2010 FAMILY TRUST 6-8-10	39167 LOS GATOS DR	MURRIETA CA 92563
GONZALEZ ERIKA GUADALUPE	1204 S 8TH AVE	YUMA AZ 85364
JOBE DONALD W	1238 S 9TH AVE	YUMA AZ 85364
JUAREZ ODETTE ELIANNIA	1232 S 7TH AVE	YUMA AZ 85364
LECHUGA JOSEPH G	1240 S 8TH AVENUE	YUMA AZ 85364
LEIBLY JERRY	1301 S 9TH AVE	YUMA AZ 85364
LOPEZ HECTOR O & ALMA Y	799 W 13TH ST	YUMA AZ 85364
MACAZAN EDUARDO A & YOLANDA E JT	1270 S 7TH AVE	YUMA AZ 85364
MARTIN JAMES ALLEN	2666 S LA CRUZ AVE	YUMA AZ 85365
MASSARO JAMES	1214 S 9TH AVE	YUMA AZ 85364
MEDINA MARIA D	1232 S 9TH AVE	YUMA AZ 85364
MILLS SHERYL E	1228 S 7TH AVE	YUMA AZ 85364
MORENO ELENA	1211 S 9TH AVE	YUMA AZ 85364
NGUYEN LOC HOANG 2014 TRUST	1376 S HETTEMA ST	YUMA AZ 85364
ORDAZ ALEJANDRA	1205 S 9TH AVE	YUMA AZ 85364
SAGUARO FOUNDATION COMMUNITY LIVING PROGRAM AZ CORP	PO BOX 5869	YUMA AZ 85366
SALGADO ROBERT	790 W 13TH ST	YUMA AZ 85364
SCHUMAN PERRY L & BETTY J TRUST 9-25-86	1229 S 8TH AVE	YUMA AZ 85364
SOTO SALVADOR & MAYTE G	1934 S 7TH AVE	YUMA AZ 85364
SPAIN DOROTHY J	890 W 13TH ST	YUMA AZ 85364
SPRINGER ROYEN V & MEGAN E JT	9681 E 38TH ST	YUMA AZ 85365
STEWART MARK H & SHIRLEY A TRUST 2-19-2013	1312 S 7TH AVE	YUMA AZ 85364
VERDIN SUZANNA	1217 S 8TH AVE	YUMA AZ 85364
VILLA MARCO A JR	1213 S 8TH AVENUE	YUMA AZ 85364
WALLIS JAMES A & DARLENE	1231 S 9TH AVE	YUMA AZ 85364
WILCOX KRISTIE	1216 S 8TH AVE	YUMA AZ 85364
WILLIAMS KENNY LIVING TRUST 10-9-2017	12188 E 36TH ST	YUMA AZ 85367
YABO DAMON & CHRISTY JT	1484 S 8TH AVE	YUMA AZ 85364

ATTACHMENT G NEIGHBOR MAILING

This is a request by Whitey Wiles Construction on behalf of Raul & Esmeralda Estrada for a variance to allow an accessory structure height 4 feet 3 inches taller than the principal building of 11 feet 3 inches for the construction of a new garage/workshop in the Low Density Residential/Infill Overlay (R-1-6/IO) District, for the property located at 1220 S. 8th Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION**
FOR CASE #
VAR-44509-2025

NEIGHBORHOOD MEETING
10/01/2025 @ 5:00PM
ON-SITE

PUBLIC HEARING
10/23/2025 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1220 S. 8th Avenue, Yuma, AZ., you are invited to attend the neighborhood meeting and public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Zenia Fiveash by phone at (928) 373-5000 ext. 3040 or by email at Zenia.Fiveash@YumaAz.gov.

ATTACHMENT H
NEIGHBORING PROPERTY PHOTOS



1311 S. 8th Avenue (VAR-31573-2020)



1305 S. 8th Avenue (VAR-41741-2024)



1302 S. 9th Avenue (Not permitted)



1100 S. 8th Avenue (Not permitted)

ATTACHMENT I
NEIGHBORING VARIANCE CASES



ATTACHMENT J
AERIAL PHOTO

