

Hearing Officer Meeting Minutes
May 9, 2024

A meeting of the City of Yuma Hearing Officer was held on Thursday, May 9, 2024, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Ray Urias.

CITY OF YUMA STAFF MEMBERS present included Alyssa Linville, Director of Planning and Neighborhood Services; Jennifer Albers, Assistant Director of Planning; Jenn Reichelt, Deputy City Administrator; Isaiah Kirk, Chief Information Officer; Amelia Dombay, Senior Planner; Meredith Burns, Assistant Planner; John LeSueur, Assistant City Attorney; Lizbeth Sanchez, Administrative Specialist and Alejandro Marquez, Administrative Specialist.

Hearing Officer Ray Urias called the meeting to order at 9:30 a.m.

CONSENT CALENDAR

Hearing Officer Ray Urias approved the minutes of April 11, 2024.

PUBLIC HEARINGS

VAR-42508-2024: *This is a request by Robin and Ronda Varner for a Variance to reduce the side periphery setback from 7 feet to 3 feet 3 inches to allow for a shed and carport in the Manufactured Housing Park (MHP) District for the property located at 9351 E. 28th Street, Lot 186, Yuma, AZ.*

Meredith Burns, Assistant Planner, summarized the staff report and recommended **APPROVAL**.

QUESTIONS FOR STAFF

Hearing Officer Ray Urias summarized the four criteria of the Yuma City Code, and then asked staff if any of the criteria had been met. **Burns** replied yes, all four had been met. **Hearing Officer Urias** then asked if there had been any comments in opposition to the Variance request. **Burns** replied no.

APPLICANT/APPLICANTS REPRESENTATIVE

Ronda Varner, 9351 E. 28th Street Lot 186, Yuma, AZ, stated she was not made aware of the City's codes and regulations, and that she did not mean to disturb any of the neighboring homeowners with the building of the storage shed.

Robin Varner, 9351 E. 28th Street Lot 186, Yuma, AZ, stated that the realtor had notified him that there were similar homes with similar setbacks with sheds in the neighborhood, and he thought that the shed was in compliance with those setbacks.

PUBLIC COMMENT

Connie Moore, 9351 E. 28th Street Lot 170, Yuma, AZ, commented that the applicant's shed matches others in the neighborhood, and that she was not opposed to the Variance.

DECISION

Hearing Officer Ray Urias granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

VAR-42542-2024: This is a request by Mohamad Hasan, for a Variance to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

Amelia Dombly, Senior Planner, summarized the staff report and recommended **DISAPPROVAL**.

QUESTIONS FOR STAFF

Hearing Officer Ray Urias referred to a yellow sheet that was presented to him prior to the beginning of the hearing, and then asked if staff was aware of the letter. **Dombly** replied yes, the letter was emailed after the Final Report had been distributed.

Hearing Officer Ray Urias summarized the four criteria of the Yuma City Code, and then asked staff if any of the criteria had been met. **Dombly** replied that none of the criteria had been met. **Hearing Officer Urias** then asked if three of the four criteria are not met the variance could not be granted. **Dombly** replied correct.

APPLICANT/APPLICANTS REPRESENTATIVE

Mohamad Hasan, 9616 E. 33rd Lane, Yuma, AZ, stated the reason why he kept building the wall after the stop construction notice was issued was because he did not think that the wall was in violation. **Hasan** went on to say that he was under the impression that the wall could be constructed up to a certain height if it was not a solid wall. **Hasan** then stated that a majority of the surrounding homes have walls that exceed thirty inches and should also be in violation. **Hasan** then stated that the neighbors in close vicinity of his home are in favor of the variance, because they have no issues with visibility of street signs.

Hearing Officer Ray Urias commented he was aware that there is an active code enforcement case for this property and then stated the purpose of this type of hearing was to verify that the four criteria of the Yuma City Code are met so that a variance could be granted.

Hearing Officer Ray Urias wanted to put on record that a letter was submitted regarding the case that has signatures of other neighbors that are in opposition.

PUBLIC COMMENT

Mike Hoyos, 9577 E. 33rd Place, Yuma, AZ, stated that the wall does not cause visibility issues and that he was in favor of the variance.

Margene Harrell, 9617 E. 33rd Lane, Yuma, AZ, stated she was in favor of the variance.

Jessica LaValle, 9577 E. 33rd Place, Yuma, AZ, stated she was in favor of the variance.

Susan Green, 11459 S. Ave. 9E, Yuma, AZ, stated that the only visibility issues were the vehicles that were parked on the street. **Green** then commented that a wall could not be constructed over thirty inches and could staff confirm if the proposed project was considered a wall or a fence, because it is actually a see-through wrought iron fence. **Jennifer Albers, Assistant Director of Planning** replied that the request was to raise the fence height more than thirty inches, and then stated that a fence could be a brick wall, wrought iron or chain link.

Dora Hammond, 9656 E. 33rd Lane, Yuma, AZ, was opposed to the variance.

Roseanna Trickett, 9673 E. 34th Place, Yuma, AZ, was opposed to the variance.

DECISION

Hearing Officer Ray Urias denied the request to increase the allowable fence height in the front yard setback from 30 inches to 7 feet, in the Recreation Vehicle Subdivision (RVS) District, for the property located at 9616 E. 33rd Lane, Yuma, AZ.

Hearing Officer Ray Urias then stated that the applicant has the right to appeal the decision.

John LeSueur, Assistant City Attorney, commented that the appeal would go in front of the City Council.

Hasan then asked what type of action would be taken if City Council denies the appeal. **LeSueur** answered that the applicant can meet with staff after the hearing to discuss those types of questions.

Hearing Officer Ray Urias adjourned the meeting at 10:23 a.m.

Minutes approved and signed this 11 day of July, 2024.



Hearing Officer