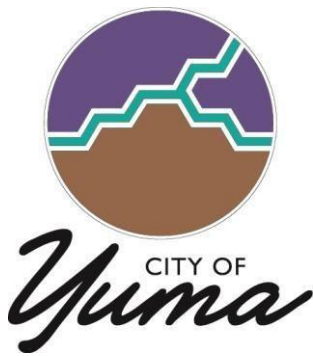




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TO: City Council
FROM: Joshua Darrow, Assistant Planner
DATE: July 7, 2026
RE: **Appeal of the May 28, 2026, Hearing Officer Denial of VAR-45199-2026 for the property located at 1921 S. 6th Avenue, Yuma, Arizona.**

Executive Summary

This appeal concerns Mr. Leonard and Mrs. Ana Manos's ("Property Owners") variance application. The Property Owners sought the Hearing Officer's approval of VAR-45199-2026 to increase the allowable maximum size of a large accessory structure from 50 percent of the primary building to 94 percent of the primary building, to increase the allowable maximum height of a large accessory structure from the total height of the primary residence, 14 feet, to 18 feet, and reduce the side yard setback from 5 feet to 3 feet for a large accessory structure in the Low Density Residential (R-1-6) District for the property located at 1921 S. 6th Avenue ("Property"). Within this zoning district, the maximum height of an accessory structure is the height of the principal building. The accessory structures code ensures accessory buildings or structures are incidental to the principal residential use on the property. The Property is located within the La Mesa Hermosa Unit No. 3 Subdivision.

On May 28, 2026, the Hearing Officer held a hearing on the Property Owners' request for a variance. City Staff filed a report with the Hearing Officer and recommended denial of the height and size request, but approval of the side yard setback aspect. City staff noted that the Property Owners' requested variance for the height and size of the structure failed to meet the criteria of §154-03.04(D) of the Yuma City Code. After taking testimony on the variance application, the Hearing Officer denied the height and size variance request, and approved the side yard setback variance request after determining that the first two requests did not meet the required findings for approval under A.R.S. § 9-462.06 and Y.C.C. § 154-03.04(D). Specifically, no special circumstance unique to the property was identified that would warrant relief from the zoning code accessory structure height and size requirements as the variance request is based on a design preference rather than the physical characteristics of the property such as size, shape, topography, or location.

Pursuant to Yuma City Code § 154-02.02(C) the Property Owners appeal the Hearing Officer's denial of the variance request.

Timeline of Events

Oct. 28, 2025	A Pre-Development Meeting (“PDM”) was held with applicant.
Nov. 10, 2025	PDM notes and Variance application were emailed to leonardmanos@gmail.com.
Mar. 10, 2026	The applicant applied for a Variance to increase the allowable size of an accessory structure, and to reduce the required side yard setback.
Apr. 16, 2026	The applicant withdraws their request. The applicant applies for a new variance, increasing the allowable size aspect of the request, and adding the height aspect.
May 28, 2026	The hearing for the new Variance is held
Jun. 1, 2026	The Property Owner appeals against their request.

Argument

State law and City Code require four conditions for a variance. See A.R.S. § 9-462.06 and Y.C.C. § 154-03.04(D) Specifically, Y.C.C. § 154-03.04(D)(1) states that the Hearing Officer:

. . . shall grant a variance(s) *only when* findings of fact are made that *all of the following conditions exist*:

- (a) There is a special circumstance(s) or conditions(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.
- (b) The special circumstance was not created or caused by the property owner or applicant.
- (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.
- (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.

Each of the four (4) criteria required for the approval of a variance application must be answered in the affirmative. The inability to answer any one of the four (4) criteria in the affirmative, as a matter of law, must result in the denial of the variance application.

In this case, Staff determined the Property Owners failed to meet three of the four required conditions.

I. Is there a special circumstance that does not apply to most other properties in the district?

Staff’s Position:

Staff was unable to find a 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 of

this variance request. The maximum allowable height for an accessory structure on this property is the height of the principal residential building – 14 feet, and the maximum allowable size for an accessory structure is 50 percent of the principal residential building – 560 square feet. Accessory structures are required to be designed with a logical hierarchy of masses regarding height, size, and volume, and the proposed structure would not meet the accessory structures development standards for this zoning district.

Staff found that an existing accessory structure that maintains a 3-foot setback on the property, as well as the accessory structures within the subdivision with reduced setbacks, constituted a special circumstance satisfying the side yard setback element of the request.

Hearing Officer's Finding:

Hearing Officer Urias identified the existing structure as a special circumstance regarding the side yard setback aspect of the request. However, after considering typical special circumstances, such as lot shape or typography, he was unable to identify a special circumstance that would apply to the height and size request.

II. Was the “special circumstance” created by the property owner or applicant?

Staff's Position:

Staff analysis determined that 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 18-foot tall, 1,056 square foot garage/workshop proposed by the Property Owners. The Property Owners have an alternative solution in the form of constructing the garage/workshop to be the same height as the home and within 50 percent of the primary building's square footage.

Regarding the side yard setback, the special circumstance was not created by the Property Owners as the residence and surrounding neighborhood was developed prior to the current owner's purchase of the property.

Hearing Officer's Finding:

Hearing Officer Urias found the special circumstance for the side yard setback request to not be created by the Property Owners. For the other aspects of the request, he was unable to identify a special circumstance.

III. Would denying the variance prevent the applicant from enjoying substantial property rights enjoyed by other property owners in the vicinity?

Staff's Position:

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 amended and approved by City Council in 2025. There are existing accessory structures on the

neighboring properties, identified by the Property Owners, that were either constructed without a building permit or prior to the adoption of the accessory structures code. A similar structure to the proposed garage was constructed to the north of the subject property and was granted a Variance to allow its size.

Hearing Officer's Finding:

The Hearing Officer stated he does not know the circumstances of the other structures, but that there is no precedent set by other Variances, and that each Variance must stand on its own satisfaction with the four criteria. The Hearing Officer found that denying this request would be preventing the substantial property right of a garage and found this criterion to be met, but reiterated the lack of special circumstance allowing the approval of this request.

IV. Would granting the variance be materially detrimental to other people residing or working in the area?

Staff's Position:

Granting the variance will not be materially detrimental to any person residing or working in the vicinity, as the proposed garage/workshop meets the minimum lot coverage, and front and rear yard setback requirements in the Low Density Residential (R-1-6) District. The request for the side yard setback Variance satisfies all four criteria and will be constructed with a comment from Building Safety to accommodate for the setback's reduction.

Hearing Officer's Finding:

Hearing Officer Urias stated that, although there is neighboring opposition, this criterion was met.

Conclusion

The requirements for approval of a variance application required by Yuma City Code § 154-03.04(D) have not been satisfied by the Property Owners. The Property Owners failed to demonstrate a special circumstance applies to the Property in regard to the size and height aspect of the request. Therefore, the Property Owners are not eligible for a variance for those aspects of the request under State Law or City code. As such, the variance application for the Property must be denied.

The Property Owners have noted their intent to provide supplemental material to the Council during the meeting. Having not received these materials, staff cannot address their relevance to the case.