

Hearing Officer Meeting Minutes July 11, 2024

A meeting of the City of Yuma Hearing Officer was held on Thursday, July 11, 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 Jennifer Albers, Assistant Director of Planning; Amelia Dombay, Principal Planner; Erika Peterson, Associate Planner; Guillermo Moreno-nunez, Assistant Planner; Zenia Fiveash, Assistant Planner; John LeSueur, Assistant City Attorney 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 May 9, 2024.

CONTINUANCES

VAR-42700-2024: *This is a request by Dahl, Robins & Associates on behalf of Jim Smith, for a Variance to reduce the minimum street side yard setback along 28th Street from 15 feet to 0 feet and along Avenue B from 15 feet to 8 feet to allow the construction of new offices, parking, and a warehouse, in the Limited Commercial (B-1) District. The property is located at the northwest corner of 28th Street and Avenue B, Yuma, AZ. (Continued to August 8, 2024).*

Hearing Officer Ray Urias approved the continuance of VAR-42700-2024 to the next Hearing Officer Meeting of August 8, 2024.

PUBLIC HEARINGS

VAR-42764-2024: *This is a request by Mario and Concepcion Polanco, for a Variance to reduce the minimum front yard setback from 20 to 8 feet to allow the installation of a metal shade structure, in the Low Density Residential (R-1-6) District. The property is located at 963 S. Latisha Way, Yuma, AZ.*

Guillermo Moreno-nunez, Assistant Planner, summarized the staff report and recommended **DENIAL**.

QUESTIONS FOR STAFF

Hearing Officer Ray Urias summarized the four criteria of the Yuma City Code then referred to the site plan, and asked if the front yard of the home was located off of Latisha Way. **Moreno-nunez** replied yes. **Hearing Officer Urias** then asked if the front of the home required a twenty-foot setback. **Moreno-nunez** answered correct. **Hearing Officer Urias** asked where on the property does the setback fall. **Moreno-nunez** answered the setback ends at the front of the garage. **Hearing Officer Urias** then asked if the garage was built as part of the building. **Moreno-nunez** replied yes. **Hearing Officer Urias** asked were the sides of the home located on the north and south of the property and then asked what were the side and rear yard setbacks. **Moreno-nunez** replied yes, the side yards were located on the north and south of the home. **Moreno-nunez** went on to say that the side yard setback to the north was seven feet, and the side that faces Vicky Lane and the rear yard were ten feet.

Hearing Officer Urias asked could a legal carport be built on the property. **Moreno-nunez** replied yes. **Hearing Officer Urias** asked if that area was located on the southwest part of the property. **Moreno-nunez** replied yes. **Hearing Officer Urias** commented according to the pictures in the staff report it would be difficult to build on that part of the property because of the landscaping. **Moreno-nunez** answered, that is correct.

APPLICANT/APPLICANTS REPRESENTATIVE

Mario Polanco, 963 S. Latisha Way, Yuma, AZ, stated that the purpose of building the shade structure was to help alleviate some of the cooling cost for the home, and that he was not made aware that permits were required prior to construction. **Polanco** went on to say that there are other similar shade structures in the neighborhood so he thought it was allowed, and that he had considered to build on other areas of the property, but the landscaping is uneven and would have been difficult to build there.

Hearing Officer Urias asked if the other area was located by the bedroom side of the home. **Polanco** answered yes, then stated that the area slopes down, and has shade trees along with other types of landscaping. **Polanco** then stated that the only other option to place the shade was at the current location.

Vanessa Polanco, 963 S. Latisha Way, Yuma, AZ, stated that the reason this type of shade was chosen was because for safety reasons, and that the other shades in the neighborhood were not constructed well and would break apart and damage the neighbor’s vehicles and property.

Hearing Officer Urias commented that the criteria for a variance is very strict, and then stated that criteria numbers three and four had been met, but numbers one and two had not.

Polanco commented the side of the home that the twenty-foot setback is located faces Latisha Way is the hottest part of the home, so that was the reason for placing the shade at its current location.

PUBLIC COMMENT

None

DECISION

Hearing Officer Ray Urias denied the request to reduce the minimum front yard setback from 20 to 8 feet to allow the installation of a metal shade structure, in the Low Density Residential (R-1-6) District. The property is located at 963 S. Latisha Way, Yuma, AZ.

Hearing Officer Ray Urias adjourned the meeting at 9:49 a.m.

Minutes approved and signed this _____ day of _____, 2024.

Hearing Officer