

HEARING OFFICER MINUTES

**Hearing Officer Meeting Minutes
August 10, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, August 10, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

HEARING OFFICER in attendance was Sonia Ramirez.

CITY OF YUMA STAFF MEMBERS present included Jennifer Albers, Assistant Director of Planning; Amelia Dobby, Senior Planner; Zenia Fiveash, Assistant Planner; Guillermo Moreno-nunez, Assistant Planner; Emily Hart, Assistant City Attorney and Alejandro Marquez, Administrative Specialist.

Hearing Officer Sonia Ramirez called the meeting to order at 9:31 a.m.

CONSENT CALENDAR

Hearing Officer Sonia Ramirez approved the minutes of July 27, 2023.

PUBLIC HEARINGS

VAR-41468-2023: *This is a request by Antonio Alcocer II for a variance to reduce the side yard setback from 6 feet to 3 feet 9 inches and the rear yard setback to legalize the placement of an accessory structure 11 feet in height within the Low Density Residential (R-1-6) District. The property is located at 1819 W. 17th Place, Yuma, AZ.*

Zenia Fiveash, Assistant Planner, summarized the staff report and recommended **Denial**.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Antonio Alcocer, 1819 W. 17th Pl., Yuma AZ, stated that he had already invested a considerable amount of money, and that he would like to be able to keep the storage shed.

Hearing Officer Sonia Ramirez asked how long had the shed been there. **Alcocer** replied eight months. **Hearing Officer Sonia Ramirez** then asked if **Alcocer** had anything more to add. **Alcocer** stated he hopes that an agreement can be made so that he may be able to keep the shed. **Hearing Officer Sonia Ramirez** then asked if there were other similar types of sheds in the neighborhood. **Alcocer** answered yes. **Hearing Officer Sonia Ramirez** asked if the other sheds are in close proximity to the wall. **Alcocer** replied yes.

Fiveash stated that there were other similar types of sheds constructed in the neighborhood, and that they were not in compliance.

Hearing Officer Sonia Ramirez stated that she did not see many Conditions in Attachment A other than the time limitation, then asked if that was correct. **Fiveash** answered yes, and that the Building Safety Department may add other requirements at a later time because the shed is in a flood zone, but those requirements will not be included until the applicant applies for the building permit.

Hearing Officer Sonia Ramirez then asked **Alcocer** if he had seen and understood the time restriction condition located in Attachment A. **Alcocer** replied yes.

PUBLIC COMMENT

None

DECISION

Hearing Officer Sonia Ramirez 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-41582-2023: *This is a request by Wilson C. Okwuobu, for a Variance to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.*

Amelia Dombay, Senior Planner, summarized the staff report and recommended Denial.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Wilson C. Okwuobu and Katie Sass, on behalf of Legacy Healthcare, were available for questions.

Hearing Officer Sonia Ramirez asked if they had any questions or comments. Okwuobu gave a brief presentation about his company. Okwuobu then stated that he was not aware that there was another care facility close to the proposed project, and that the two facilities would not congest the community because the other facility is not located on the same street.

Hearing Officer Sonia Ramirez asked if there was any more comments.

Sass commented that the other facility was a care home not a substance abuse recovery facility, so it was not the same type of population.

Hearing Officer Sonia Ramirez asked if the facilities would be able to function without a variance. Okwuobu replied yes, if it was a five bed facility but since it is a ten bed a variance would need to be granted. Okwuobu went on to say that these types of facilities are very discreet and private, and that the neighbors most likely would not realize the facility is there.

PUBLIC COMMENT

None

DECISION

Hearing Officer Sonia Ramirez denied the request to reduce the required distance between Residential Care Facilities from 1,320 feet to approximately 67 feet in the Low Density Residential (R-1-6) District, for the property located at 2475 S. 43rd Trail, Yuma, AZ.

VAR-41566-2023: *This is a request by Heather King, for a Variance to increase the allowable fence height in the front yard setback from 3' to 6', in the Low Density Residential (R-1-8) District. The property is located at 4638 S. Marlin Dr., Yuma, AZ.*

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

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANTS REPRESENTATIVE

Heather King, 4638 S. Marlin Dr., Yuma AZ, stated the reason for the request was that they would not be able to utilize either side of the house for accessibility to the backyard only from the front because of the shape of the lot, and that all of the other homes in the subdivision were rectangle and can use either side to access their back yard. King went on to say that their home only has two side walls and a front with no back wall, that's why they want to build the wall across the front so high.

PUBLIC COMMENT

None

DECISION

Hearing Officer Sonia Ramirez 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.

Hearing Officer Sonia Ramirez adjourned the meeting at 9:46 a.m.

Minutes approved and signed this _____ day of _____, 2023.

Hearing Officer