

**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

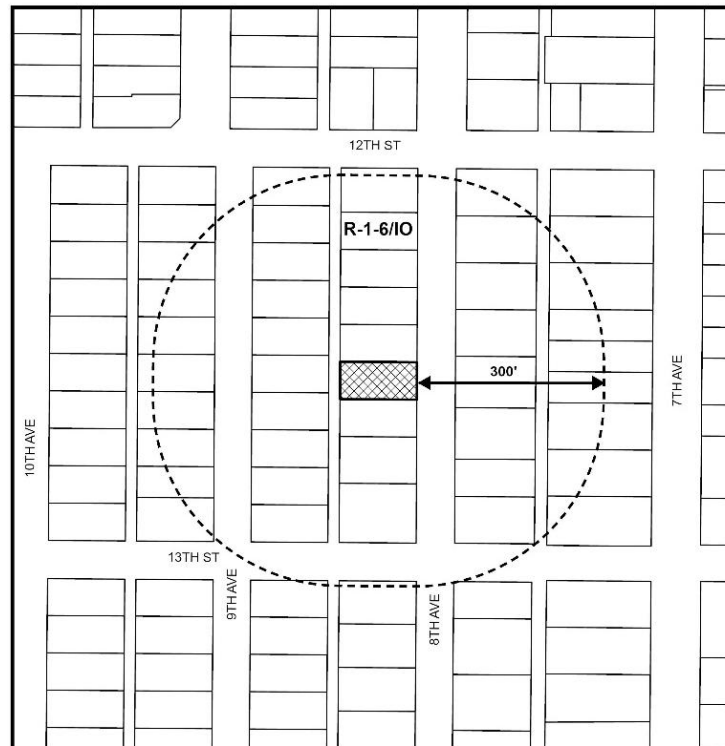
Case Number: VAR-44509-2025

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 |
| F | G | H | I | J |
| 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
Zenias.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:

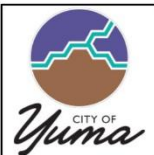
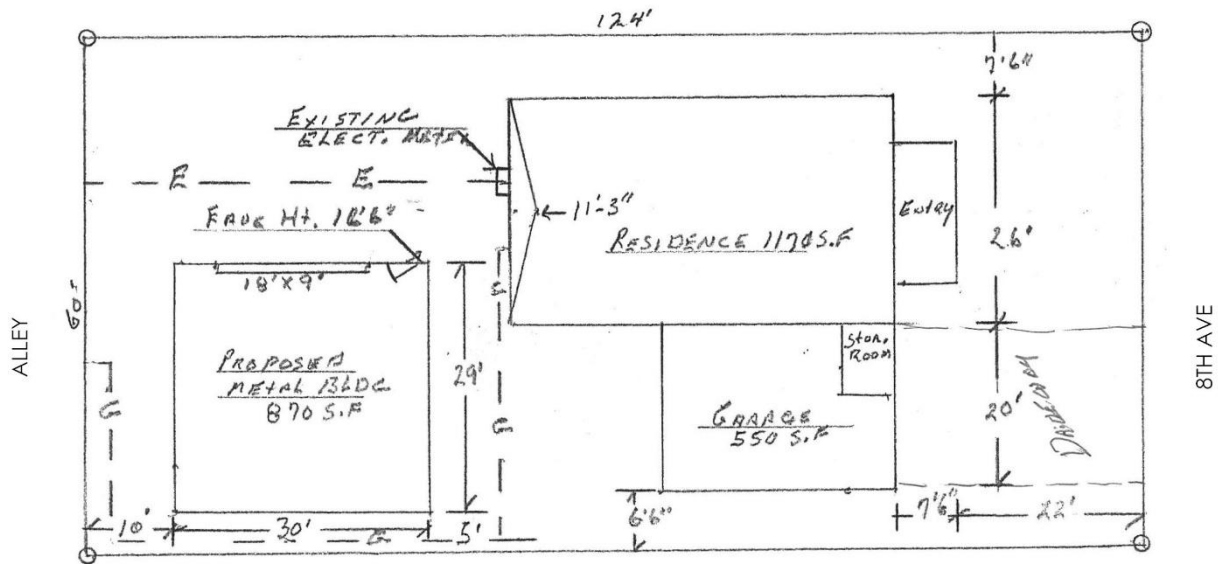
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

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
- 300' Vicinity Mailing: 9/24/25
- Site Posted on: 9/24/25
- 34 Commenting/Reviewing Agencies Noticed: 10/06/25
- Neighborhood Meeting Date: 10/01/25
- Hearing Date: 10/23/25
- Comments Due: 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 ELIANNA | 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-1-6/10) 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

