

Staff Summary Report



Hearing Officer Hearing Date: January 20, 2009

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **COREY RESIDENCE (PL080446)** located at 1425 East Bell De Mar Drive for one (1) use permit.

DOCUMENT NAME: 20090120dssd02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **COREY RESIDENCE (PL080446)** (Tom Corey, applicant/property owner) located at 1425 East Bell De Mar Drive in the R1-6, Single Family Residential District for:

ZUP08183 Use permit to allow RV parking in the front yard setback.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

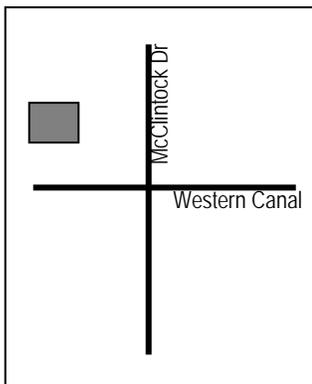
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The Corey Residence is before the Hearing Officer to request a use permit to allow an RV Trailer to be parked in the front yard setback. The applicant received a courtesy notice from our Neighborhood Enhancement Division to remove the RV trailer or obtain a use permit to park the trailer in the front yard setback. Staff does not support the use permit as proposed in this application. The applicant submitted a petition with 20 signatures supporting the RV Trailer use permit request.



PAGES:

1. List of Attachments
2. Comments; Reasons for Denial; Conditions of Approval; History & Facts
3. Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
- 4-6. Applicant's Petition of Support
7. Site plan
8. Applicant Photograph(s)
9. Neighborhood Enhancement Courtesy Notice CE087816 (11/13/08)
- 10-11. Staff Photograph(s)

COMMENTS:

The Corey residence is requesting a use permit to allow a recreation vehicle (trailer) to be parked in the front yard setback. The applicant states in their letter of explanation; that they use the trailer as often as possible. They like the convenience of having the RV trailer available from their driveway. If they were to park the RV Trailer in the rear yard continuously, during the time it was not being used, the RV trailer would be away from the street which would meet city code requirements. They state that the RV trailer is kept clean and clear from the sidewalk; so as to not impede pedestrian traffic. The applicant submitted a petition with 20 signatures supporting the RV Trailer use permit request.

Use Permit

The Zoning and Development Code requires a use permit for a recreational vehicle to be parked in the front yard setback. .

Conclusion

Staff recommends denial of the use permit request. Staff acknowledges the convenience for the applicant to store their recreational vehicle trailer on the driveway, at the same time the sensitivities of other residences should also be considered. The granting of this use permit would contribute to the long term deterioration of the neighborhood and is not consistent with the existing surrounding structures or uses.

REASON(S) FOR DENIAL:

1. The RV trailer would contribute to the deterioration of the neighborhood and potentially may negatively impact property values.
2. The RV trailer would contribute to the visual deterioration of the neighborhood and is contrary to the goals of General Plan 2030.
3. The recreational vehicle trailer poses a potential to negatively impact the character of the neighborhood.
4. The use does not appear to be compatible with the existing surrounding residential structures and uses.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. The RV trailer shall be parked, at all times, on paved driveway; clear of public sidewalk.
2. The recreation vehicle shall have current registration.

HISTORY & FACTS:

November 10, 2008

CE087816: Neighborhood Enhancement Division received a complaint about a RV trailer parked in the front yard setback.

DESCRIPTION:

Owner – Tom Corey
Applicant – Tom Corey
Existing Zoning – R1-6, Single Family Residential District
RV Trailer Length – 22'- 5"

**ZONING AND
DEVELOPMENT**

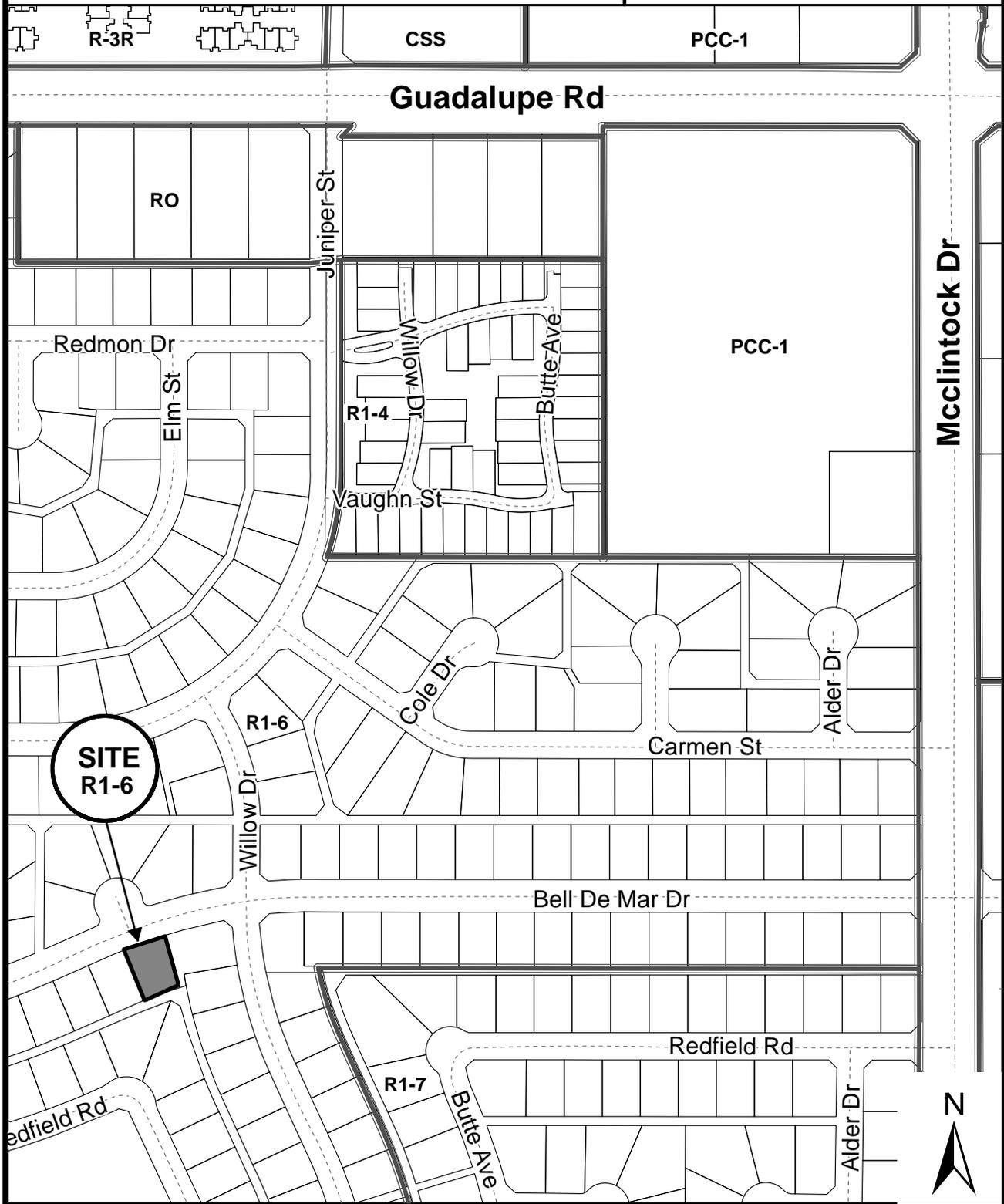
CODE REFERENCE:

Zoning and Development Code, Part 6, Section 6-308

Zoning and Development Code, Chapter 6, Section 4-602- B - 7

COREY RESIDENCE

PL080446



Location Map



COREY RESIDENCE (PL080446)

Development Services Planning

City of Tempe
Development Services
31 East Fifth Street
Tempe, AZ 85280-5002
480-350-8331 TDD 480-350-8400

LETTER OF EXPLANATION for USE PERMIT

December 1, 2008

This letter is to request a Use Permit for the ability to park a 2001 Trail Lite Travel Trailer in the front driveway of our residence located at 1425 E. Bell de Mar Drive, Tempe, Az. The overall length is 22' 5". It is located on a concrete paved driveway. The trailer will be visible to vehicular & pedestrian traffic.

The above trailer will be parked 24 hours per day in the driveway unless we are using it for offsite recreation.

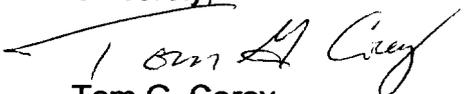
It does not extend into any public sidewalk or street area. The end of the tongue at the hitch as it is parked now is 43" behind the edge of the sidewalk.

There are no anticipated nuisance's expected (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions

It will not contribute to the deterioration of the neighborhood or conflict with the city goals because it is in like new condition. Our property has some of the nicest landscaping on our street. We have kept our property in the best possible condition by installing a new roof and garage door. We maintain the curb appeal by keeping it freshly painted. We have received numerous compliments from passersby about how nice everything looks. Our automobiles are all 2005 or newer.

All consideration in this matter will be greatly appreciated.

Sincerely,



Tom G. Corey
1425 E. Bell De Mar Dr.
Tempe, Az. 85283

RE: Case # CE087816

By signing below we acknowledge that we live in the immediate area and have been made aware that Tom G. Corey of 1425 E. Bell De Mar Dr. Tempe, Az. has a Travel Trailer parked in his driveway which exceeds the zoning requirements as defined in the City of Tempe Zoning & Development Code. Reference Chapter 6, Section 4-602.B.7 which states that trailers over 21' not be parked at the front or side of a residence. This trailer is 22'5" long. We do not in any way find that the above mentioned trailer being parked in this location causes any nuisance or property deterioration. We recommend that The Corey's be granted a use permit to allow continued parking of this trailer at this location.

Print Name:	Signature:	Address:	Date:
<u>MIKE EINSPAHR</u>	<u>Mike Einspahr</u>	<u>1422 E. BELL DEMAR</u>	<u>11/23/08</u>
<u>Holly Einspahr</u>	<u>Holly L. Einspahr</u>	<u>1422 E. Bell de Mar</u>	<u>11/23/08</u>
<u>RICHARD J. SKALITZKY</u>	<u>Richard J. Skalitzy</u>	<u>6818 S. Lakeshore</u>	<u>11/23/08</u>
<u>Russ Shuey</u>	<u>Russell Shuey</u>	<u>1414 E BELL DEMAR</u>	<u>11/23/08</u>
<u>Shelly Johnston</u>	<u>Shelly Johnston</u>	<u>1419 E. Bell de Mar</u>	<u>11/23/08</u>
<u>Kim Shuey</u>	<u>Kim Shuey</u>	<u>1414 E. BELL DEMAR</u>	<u>11/23/08</u>
<u>JERRY BUENA</u>	<u>Jerry Buena</u>	<u>1401 E BELL DEMAR</u>	<u>11/13/08</u>
<u>Carl Wood</u>	<u>CARL WOODS</u>	<u>6800 S. WILLOW</u>	<u>11/23/08</u>

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Print Name:

Signature:

Address:

Date:

Terrance Paine

Terrance Paine

6806 S. Willow Dr.

11-22-08

Bethany Pierce

Bethany L. Pierce

1430 E. Bell De Mar Dr

11-22-08

MARY Donohue Mary Donohue 1426 E Bell De Mar 11/22/08

DEAN McNEIL

Dean McNeil

1413 E. Bell De Mar

11/28/08

Lisa McNeil

Lisa McNeil

1413 E. Bell De Mar

11/28/08

JEFF JOHNSON

Jeff Johnson

1109 E. REDFIELD

11-28-08

GAYLON JOHNSON

Gaylon Johnson

1109 E. Redfield Dr

11-28-08

Jennie Cohen

Jennie Cohen

1407 E. Bell De Mar

11/29/08

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Print Name:

Signature:

Address:

Date:

William Johnson

[Signature]

1419 E Bell De Mar

11/29/08

Brian KRAFT

[Signature]

6855 S Willow Dr

11/29/08

Sheryl D. Corey

Sheryl D. Corey

1425 E. Bell de Mar

12/1/08

Tom G. Corey

Tom G. Corey

1425 E. BELL DE MAR

12/1/08

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

County Parcels 2008 Aerial View

APPLICANT SITE PLAN

Travel Trailer Location in Driveway in place of smaller trailer





CASE # CE08781



CODE INSPECTOR DONALD ALEXANDER
480-350-8077

E-MAIL: donald_alexander@tempe.gov

Date Posted: 11/13/08

NOTICE TO COMPLY

City of Tempe Code Enforcement Division Notice to Comply: Zoning and Development Code

This notice to comply is to inform you that on 11/13/08, 1425 E BELL DE MAR DR was inspected and found to be in violation of the following subsection(s) of the Zoning and Development Code of the Tempe City Code. A re-inspection will be conducted on 12/2/08 or after the date indicated to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

4-602 General Parking Standards.

B. Parking Standards Applicable in All Zoning Districts.

Please take the following corrective action by:

Required Correction(s):

- PLEASE REMOVE THE CAMPER/TRAILER PARKED WITHIN THE FRONT YARD SETBACK, I.E., FRONT DRIVEWAY BY 12/2/08 TO AVOID A \$120.00 CITATION/FINE. OBTAIN A USE PERMIT BY CONTACTING A DEVELOPMENT PLANNER AT (480) 350-8331.
- PARKING THE CAMPER/TRAILER WITHIN THE REAR YARD AREA WOULD TO BRING THE PROPERTY INTO COMPLIANCE WITH THIS ORDINANCE.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation or criminal charges against the property owner or responsible party.

Civil and Criminal Penalties

Section 1-201A: 1st occurrence \$120 dollars per violation, 2nd occurrence \$320 dollars per violation, 3rd occurrence \$770 dollars per violation.

Default Amounts: 1st occurrence \$170 dollars per violation, 2nd occurrence \$420 dollars per violation, 3rd occurrence \$820 dollars per violation.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this code.



COREY RESIDENCE

1425 EAST BELL DE MAR DRIVE

PL080446

VIEW: LOOKING SOUTHWEST



COREY RESIDENCE

1425 EAST BELL DE MAR DRIVE

PL080446

FRONT OF RESIDENCE

