

Staff Summary Report



Hearing Officer Hearing Date: December 15, 2009

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by the **WEILER RESIDENCE (PL090382)** located at 1929 East Apollo Avenue for one (1) use permit.

DOCUMENT NAME: 20091215dssl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **WEILER RESIDENCE (PL090382)** (Robert Weiler, applicant/property owner) located at 1929 East Apollo Avenue in the R1-7, Single Family Residential District for:

ZUP09145 Use permit to allow a recreational vehicle to be parked in the front yard setback.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

LEGAL REVIEW BY: N/A

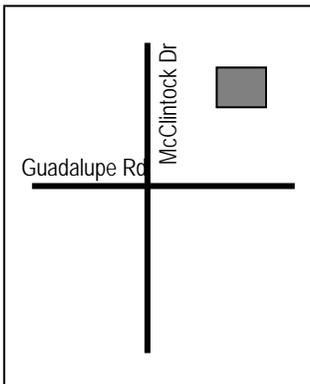
DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO:

The Weiler 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 18 signatures supporting the RV Trailer use permit request



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-5. Letter of Intent
6. Site plan
7. Applicant Photo
- 8-9. Staff Photograph(s)
10. Petition of Support
11. Neighborhood Enhancement Notice

COMMENTS:

The Weiler 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 the trailer has been parked in the same location for the past ten (10) years. When they purchased the trailer they state that they received verbal clearance from the City of Tempe to park the trailer in the front yard setback as long as it did not encroach into the sidewalk. They cannot access the rear yard from the side of the house or the alley to store the trailer behind the front yard setback. They like the convenience of having the RV trailer available from their driveway and they use it often during the summer months. 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 18 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.
3. Plant a tree in the front yard to soften or detract from the appearance of the trailer in the front yard setback; tree to be planted by 06/01/10.

HISTORY & FACTS:

September 18, 2009

CE095332: Neighborhood Enhancement Division received a complaint about a RV trailer parked in the front yard setback.

DESCRIPTION:

Owner – Robert Weiler
Applicant – Robert Weiler
Existing Zoning – R1-7, Single Family Residential District
RV Trailer Length – 23 feet 11 inches

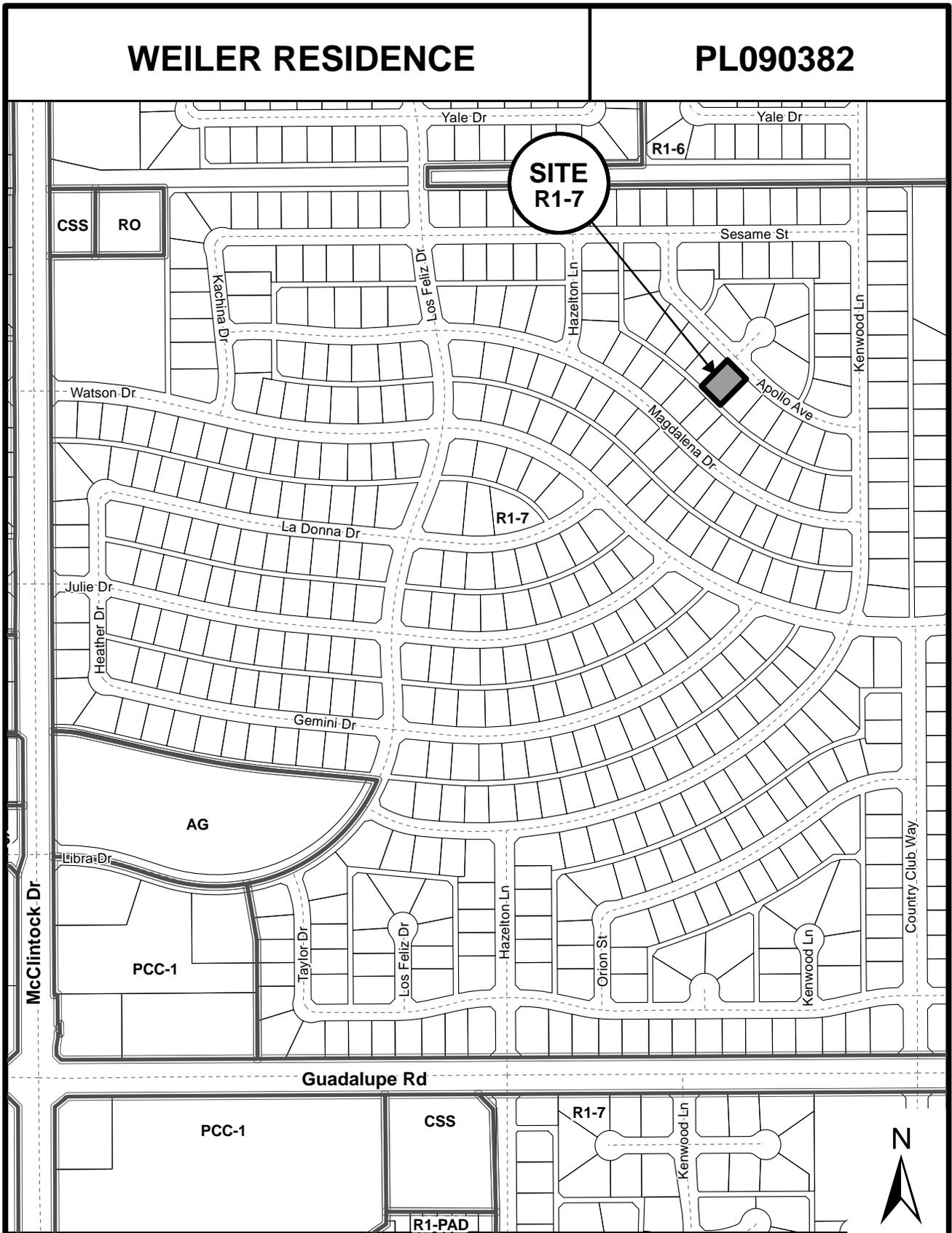
ZONING AND DEVELOPMENT

CODE REFERENCE:

Zoning and Development Code, Part 6, Section 6-308
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

WEILER RESIDENCE

PL090382



Location Map



WEILER RESIDENCE (PL090382)

Robert and Barbara Weiler
1929 E. Apollo Ave.
Tempe, AZ 85283-2304

Home Phone: 480-839-4209
Cell Phone: 602-478-3796
Email: rweiler@covad.net

September 29, 2009

City of Tempe
Code Enforcement Division
31 East Fifth Street
Tempe, AZ 85281

PURPOSE

Request the City of Tempe issue a use permit to park my travel trailer, a 1999 Arctic Fox, model 22H, in my driveway located at 1929 E. Apollo Ave., Tempe, AZ 85283.

JUSTIFICATION FOR A USE PERMIT

The presence of the trailer parked in the driveway does in no way impact the general appearance of the home, its landscaping, or the surrounding area. It does not present a safety risk and is accessible from all sides.

Also, the trailer:

- does not sit on the dirt. The parking area is constructed of concrete.
- is currently licensed and registered in the State of Arizona.
- does not contribute to the deterioration of the neighborhood, such as disabled or junk cars parked in the driveway or yard.
- does not overhang the sidewalk or curb and does not interfere with normal pedestrian and/or vehicular traffic.
- is kept in a safe and presentable manner and in a usable condition.
- is parked in a manner to not obstruct or pose a hazard to persons having rightful access to my property.
- is equipped with propane gas appliances and storage tanks that meet federal and state standards for such equipment.
- produces no odor, dust, gas, noise, vibration, smoke, heat or glare.
- is not gaudy or unsightly and does not distract from my front yard landscaping.
- has used the driveway as a parking area for 10 years with no complaints from my neighbors.

JUSTIFICATION FOR A USE PERMIT (Continued)

I contacted my neighbors to see if they had any objections to the travel trailer being parked in the driveway.

There are 19 homes on my street – Apollo Ave. The results of my poll:

- 17 - signed my petition stating they had no objections. The signed petition is attached.
- 1 - didn't want to sign the petition. The home is a rental.
- 1 - currently living with his sister. He broke back his back in an ATV accident.

TRAILER DESCRIPTION

The trailer is a 1999 Arctic Fox travel trailer, model 22H. The overall length of the trailer is 23 feet 11 inches from the end of the back bumper to the tip of the front hitch. The actual living area of the trailer is 20 feet 9 inches. If the code applies only the living area, the trailer is well within the 21 feet as prescribed in the code. The trailer has a current Arizona license – licensed through August 2011. It is insured by Farmers Insurance.

Please note the length of the driveway from the house to the edge where the side walk starts is 27 feet 10 inches. This permits the trailer to be parked in an area where the hitch does not extend onto the sidewalk plus allows for room to move behind the trailer.

BACKGROUND

My wife and I have been residents of Tempe for more than 30 years. We own our home and have lived in it since we moved to Tempe.

My wife and I purchased the trailer new in August of 1998. The current trailer is a replacement for a smaller one we had for many years. At the time of purchase I contacted the City of Tempe. They stated at that time that I could park my trailer in the driveway as long as it didn't interfere with pedestrian traffic, extend onto city property and was on a concrete slab. We had the driveway widened to accommodate the trailer plus give more room for vehicles in the driveway. The trailer has been on the driveway, other than when we are using it, since it was purchased – approximately 10 years ago. I have talked to the neighbors over the years and none of them have ever expressed an objection to the trailer. In some cases, I have given them tours of the trailer. When we return from trips and park the trailer, they ask where we have been.

The side yards are too narrow to park the trailer next to the house behind the fence. The alley is too narrow to place the trailer in the back yard.

BACKGROUND (Continued)

We use the trailer a minimum of at least one weekend a month plus all summer long. We use it to visit my daughter in Minnesota a minimum of one month in the summer. The other trips we take are within in the state of Arizona – examples include but are not limited to Big Lake in the White Mountains and Alamo State Park. I am retired and my wife will be retiring from teaching in June 2010. When my wife retires, we will be using the trailer more.

No one lives in the trailer. The only storage in the trailer is what we use when we travel, bedding, dishes, etc.

I also need it to perform maintenance, clean and keep the tires inflated. To keep the batteries charged we must plug it into the house power. Once every 6 months, we have to service and seal the roof. These tasks extend over a period of days and would be very difficult to complete if the trailer was stored in an offsite location.

Also because of its location on the driveway, we are able to insure it isn't vandalized and is secured at all time.

SUMMARY

I would appreciate your approval of my application for a use permit.

Thank you very much for your review.

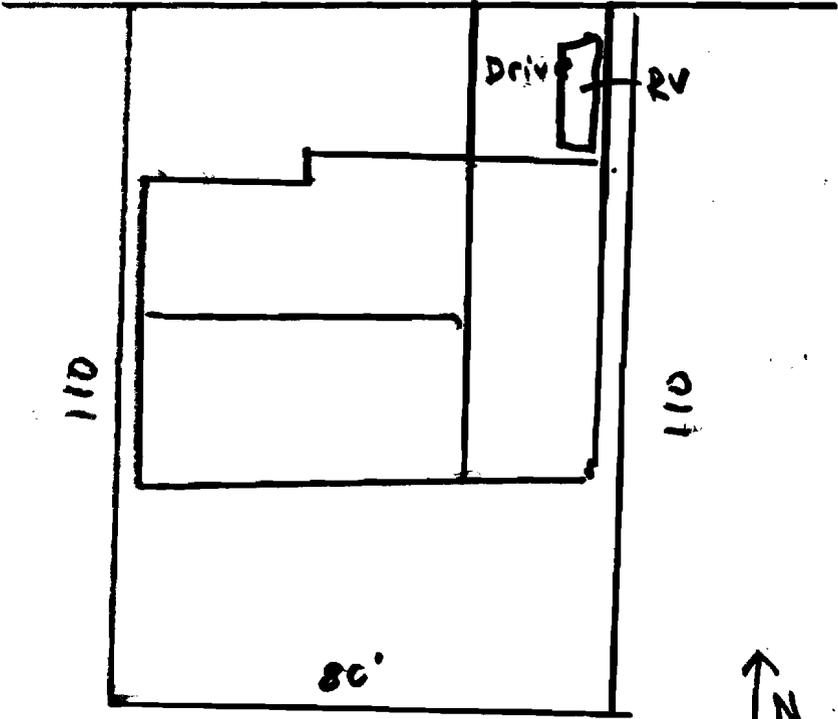
Respectfully submitted

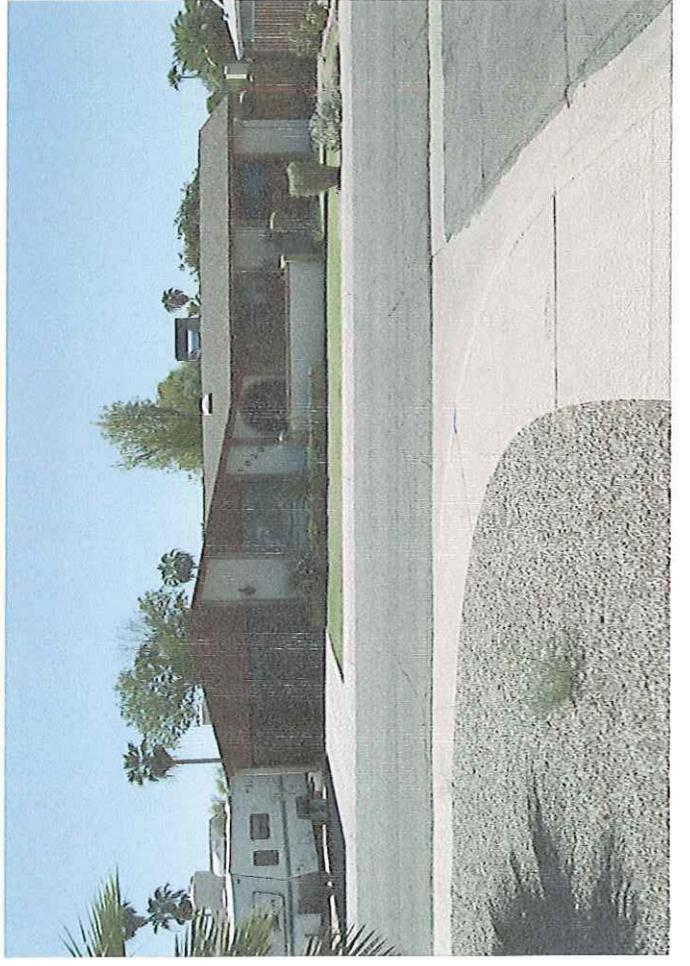
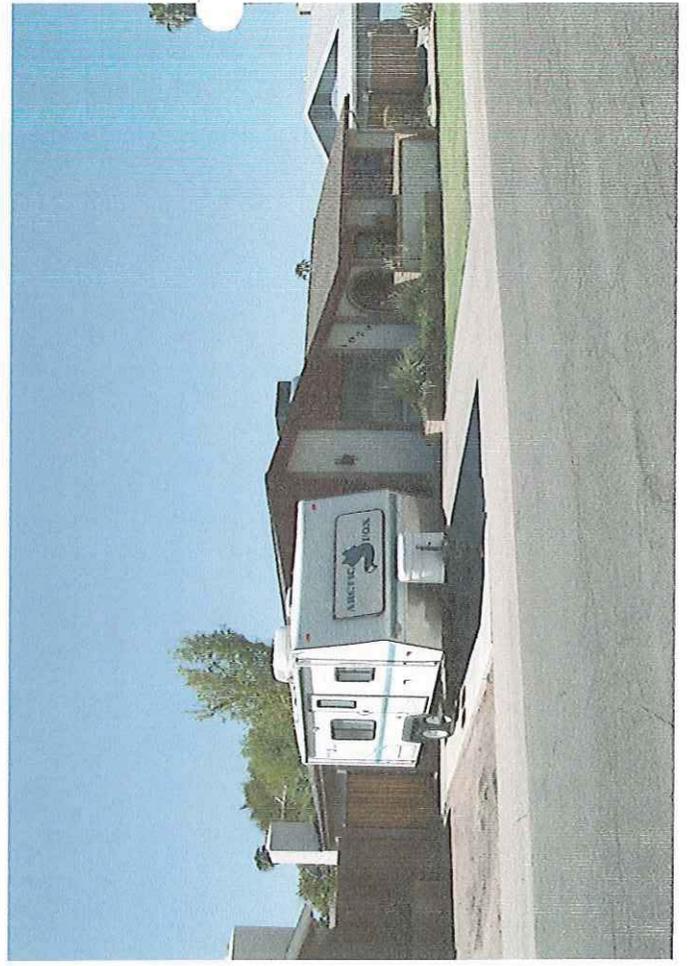
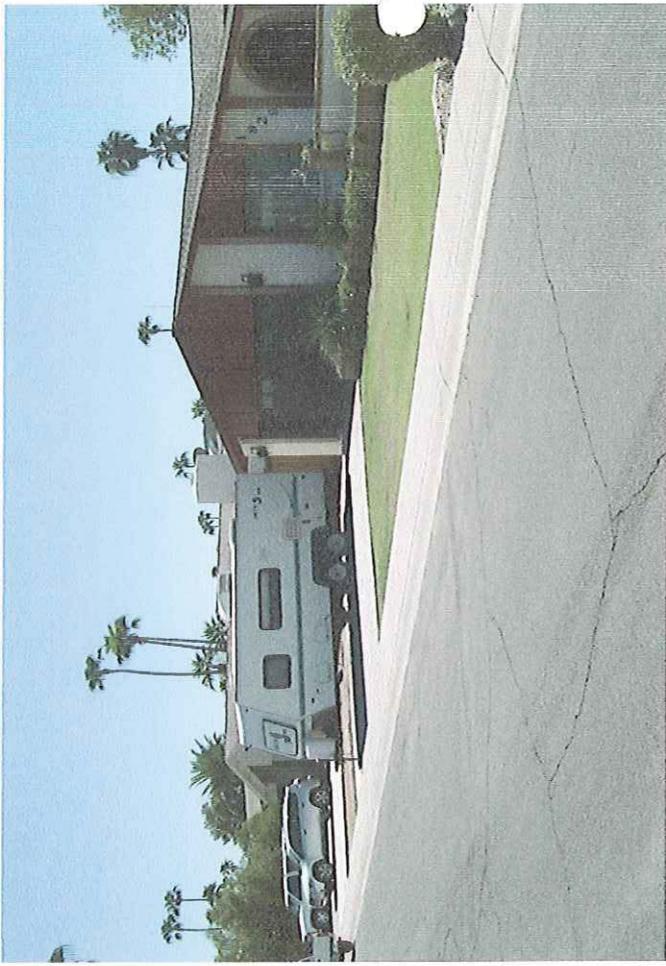


Robert W. Weiler

APOLLO AVE.

80'





ATTACHMENT 7



WEILER RESIDENCE

1929 EAST APOLLO AVENUE

PL090382

FRONT OF RESIDENCE





WEILER RESIDENCE

1929 EAST APOLLO AVENUE

PL090382

RECREATIONAL VEHICLE



I, THE UNDERSIGNED, HAVE NO OBJECTIONS TO ROBERT AND BARBARA WEILER'S TRAVEL TRAILER PARKED IN THE DRIVEWAY OF THEIR HOME AT 1929 E. APOLLO AVE, TEMPE, AZ 85283

DATE	SIGNATURE	ADDRESS	ZIP CODE	PHONE
9/27/09	MIKE O'HANEN	1912 E APOLLO AVE	85283	730-8983
9.27.09	Rene Lopez	1916 E. Apollo Ave	85283	7474741
9/27/09	Jerry Coddington	1919 E. APOLLO AVE	85283	480 839-9055
9/27/09	Sam Savana	1921 E APOLLO AVE	85283	345-9064
9/27/09	Christine L. Newell	1922 E Apollo Ave	85283	345 7712
9/27/09	David L. Thorne	1924 E Apollo Ave	85283	480.897.7644
9/27/09	Navalinda	1926 E APOLLO AVE	85283	480 909 3367
9/27/09	John A. Stearns	1931 E Apollo Ave	85283	480 820 8388
9.27.09	Wendy Ann	1933 E Apollo Ave	85283	480 217-3479
9.27.09	Arnold K. H. Adams	1939 E Apollo Ave	85283	480.897.219
9-27-09	Doula Whitfield	1925 E Apollo Ave	85283	480 413-5089
9/27/09	William Whitfield	1925 E APOLLO AVE	85283	480 413-2089
9/27/09	[Signature]	1913 E Apollo Ave	85283	(480) 838-4415
9/27/09	[Signature]	1930 E Apollo Ave	85283	480 831-0991
9/28/09	Martha Corbett	1937 E Apollo Ave	85283	480-839-6861
9.28.09	Donna	1915 E Apollo Ave	85283	480.756.6999
9.29.09	DEBORAH	1935 E. APOLLO AVE	85283	480-345-1721
9-30-09	Christine	1929 E. APOLLO AVE	85283	480-859-4269

CASE # CE095332



CODE INSPECTOR DONALD ALEXANDER
480-350-8077
E-MAIL: donald_alexander@tempe.gov
Date Mailed: 9/18/09

ROBERT WEILER
1829 E APOLLO AVE
TEMPE, AZ 85283

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 9/17/09, 1929 E APOLLO AVE 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 10/1/09 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.

7. Recreational vehicles exceed twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard building or required street side yard, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading, and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a use permit; and

Please take the following corrective action by:

Required Correction(s):

- **PLEASE REMOVE THE CAMPER/TH5WHELL PARKED WITHIN THE FRONT YARD SETBACK (FRONT DRIVEWAY) TO AVOID A \$120.00 TICKET/CITATION.**

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.