

Staff Summary Report



Board of Adjustment Hearing Date: 8/24/11

Agenda Item Number: 2

SUBJECT: This is a public hearing for an appeal of the July 19, 2011 Hearing Officer's decision to deny the request by the Brown Residence located at 12244 South 71st Street for one (1) variance.

DOCUMENT NAME: 20110824cdsl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Appeal of the July 19, 2011 Hearing Officer's decision to deny the request by the **BROWN RESIDENCE (PL110239/VRA11001)** (Douglas Brown, applicant and property owner) located at 12244 South 71st Street, in the AG, Agricultural District for:

VAR11004 Variance to reduce the street side yard setback from 30 ft. to 0 ft. for a detached accessory building (garage).

Note: The applicant has modified his request to reduce the street side yard setback from 30 ft. to 10 ft.

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

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

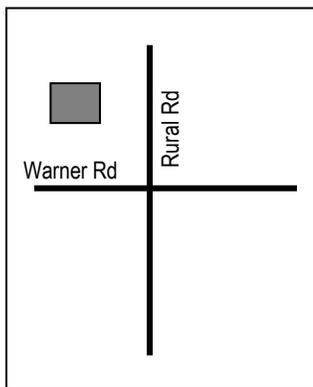
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO:



The Brown Residence is requesting an appeal of the July 19, 2011 Hearing Officer decision to deny a street side yard setback variance from 30' to 0'. The applicant is seeking a variance to construct a detached garage. The proposed structure is approximately two thousand nine hundred and ten (2910 s.f.) square feet in area and fourteen (14') feet in height. The building materials will be split face CMU with exterior stucco surface designed to complement the house. The applicant has modified the drawings to the ten (10) foot setback. Staff does not support the street side yard setback variance as proposed or modified but supports a reduction consistent with ZDC use permit standard reductions allowed for a standard street side yard (not adjacent to a key lot). Simply put we would recommend support a twenty foot (20) setback. The applicant held a neighborhood meeting in compliance with the Zoning and Development Code. Since the appeal advertisement, staff received one letter in opposition to the request and numerous calls from surrounding neighbors, one expressed support of this request.

PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Applicant Original Letter of Intent
5. Neighborhood Meeting summary (original request)
- 6-7. Opposition email to original request
- 8-9. Hearing Officer Minutes from 7/19/11
10. Hearing Officer Letter of Resolution from 7/19/11
11. Applicant's Letter of Appeal to Board of Adjustment
- 12-24. Applicant's Memorandum of Justification, dated 8/12/11.
- 25-26. Exhibit 1 – Applicant's Zoning Map
- 27-30. Exhibit 2 – Applicant's Aerial Site Location Maps
- 31-34. Exhibit 3 – Applicant's Context Photograph(s) – Exhibit 3
- 35-37. Exhibit 4 – Applicant's Revised Site Plan(s) and Elevations
- 38-40. Exhibit 5 – Applicant's Photo Montage
- 41-45. Exhibit 6 – Applicant's Support Map and Signatures
- 46-47. Exhibit 7 – Applicant's Surrounding Setback Encroachments (aerial)

COMMENTS:

The Brown Residence is proposing to construct a freestanding building (garage) on the south side of their property. The proposed structure is 2910 s.f. in area and fourteen feet (14') in height. The structure is designed with block stucco finish to complement the existing house. The applicant is seeking a street side yard setback variances. The proposed variance is to reduce the street side yard setback from thirty feet (30) to ten (10) feet. In 1996, the applicant was granted two variances by the Hearing Officer. The first variance was granted to orient the setbacks on the lot so that the front yard was on the 71st St side and the Warner Road side would become the street side yard. The new orientation of the setbacks created a lot adjacent to a "key" lot requiring a 10 ft. additional setback on the street side yard. The required street side yard was 35 feet, which included the ten (10') additional feet required adjacent to a key lot. A second variance was granted to reduce the street side yard setback from 35 ft. to 30 ft. The applicant is also proposing to add trees to the Warner Road street frontage to buffer the building.

Public Input

The applicant held a neighborhood meeting on July 2, 2011. A summary of the meeting was provided by the applicant. Since the appeal was advertised, staff received one letter in opposition of the request. Staff has received numerous telephone inquiries regarding the request; only one expressed support of proposed street side yard reduction.

Variance

The Zoning and Development Code requires the setbacks for structures, in the AG, Agricultural District, to be located twenty-five (25) feet from street side yard property line with an additional ten (10) foot setback if the lot is adjacent to a "key" lot. The premise for the additional setback is that the side of the structure will align with the front yard setback of house for which the lot abuts. This property is located within the Tally Ho Farms Subdivision. Tally Ho Farms Subdivision is a unique residential development that is characterized by large lots and custom homes. The Brown Residence lot is typical of the lots within the subdivision in shape and size with a majority of the lots. The house placement is toward the "front of the lot" on the 71st Street frontage.

Since this lot is adjacent to a key lot, due to the reorientation of the lot through a variance, the existing setback is thirty feet (30) from the Warner Road property line. There is approximately twenty feet (20) of right of way between the south wall and the curb along Warner Road. In a field visit, staff observed the pattern established of the existing dwellings to the west along Warner Road. There exists a pattern of structures closer to Warner Road than the existing 30 ft. setback. The structure setbacks vary from 10 ft. to 40 ft. for several properties to the west. A structure placed at a zero or a ten foot setback is not supportable. A provision exists within the ZDC which allows all setbacks within the AG- Agricultural District to considered for a reduction by 20% through a use permit standard process; when the standard is applied to this request the street side yard may be reduced to twenty four (24) feet (if approved by use permit). Staff does not support the street side yard setback variance as proposed but supports a reduction consistent with ZDC use permit standard reductions allowed for a "standard" street side yard (not adjacent to a key lot). Simply put we would recommend support for a twenty foot (20) setback. Should the Hearing Officer concur with staff findings for an alternative concession to reduce the setback; a different variance may be granted by condition of approval.

Per the Zoning and Development Code variance(s) shall not be authorized unless the decision-making body finds upon sufficient evidence of the following:

1. That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings; and
Although this property is slightly smaller than one acre; it is not substantial enough to not comply with the setbacks.
2. The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
During a windshield survey of the area; staff did not locate a similar building or situation with a zero setback on a major arterial within AG Zoning Classification. Staff notes that some buildings in area may be closer to the ten (10) foot setback.
3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
May be considered a special privilege inconsistent with other AG zoned properties.

4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
May be considered a self-imposed hardship since it was a vacant lot prior to 1996.

Conclusion

Staff recommends denial of the street side yard setback as proposed in this application. Staff recommends support of a modified setback variance reduction similar to what could be granted with a use permit on a standard street side yard In AG, Agricultural District.

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

**CONDITION(S)
OF APPROVAL:**

1. Modify the street side yard setback to twenty (20) feet.
2. Obtain all necessary clearances and permits from Building Safety and Engineering.
3. Trees to be planted in ROW as proposed, a maintenance agreement with the City of Tempe may be required for tree maintenance.

HISTORY & FACTS:

- July 10, 1996 The Hearing Officer approved two variances for the Brown Residence located at 12244 South 71st Street in the AG, Agricultural District
- a. Variance to allow the legal front lot line to be adjacent to and parallel with 71st St.
 - b. Variance to reduce the required street side yard setback if a. above is approved to 30' (key lot) to 30'.
- July 19, 2011 The Hearing Officer denied the variance request by the Brown Residence located at 12244 South 71st Street in the AG, Agricultural District, to reduce the street side yard setback from 30 ft. to 0 ft. for a detached accessory building (garage).

DESCRIPTION:

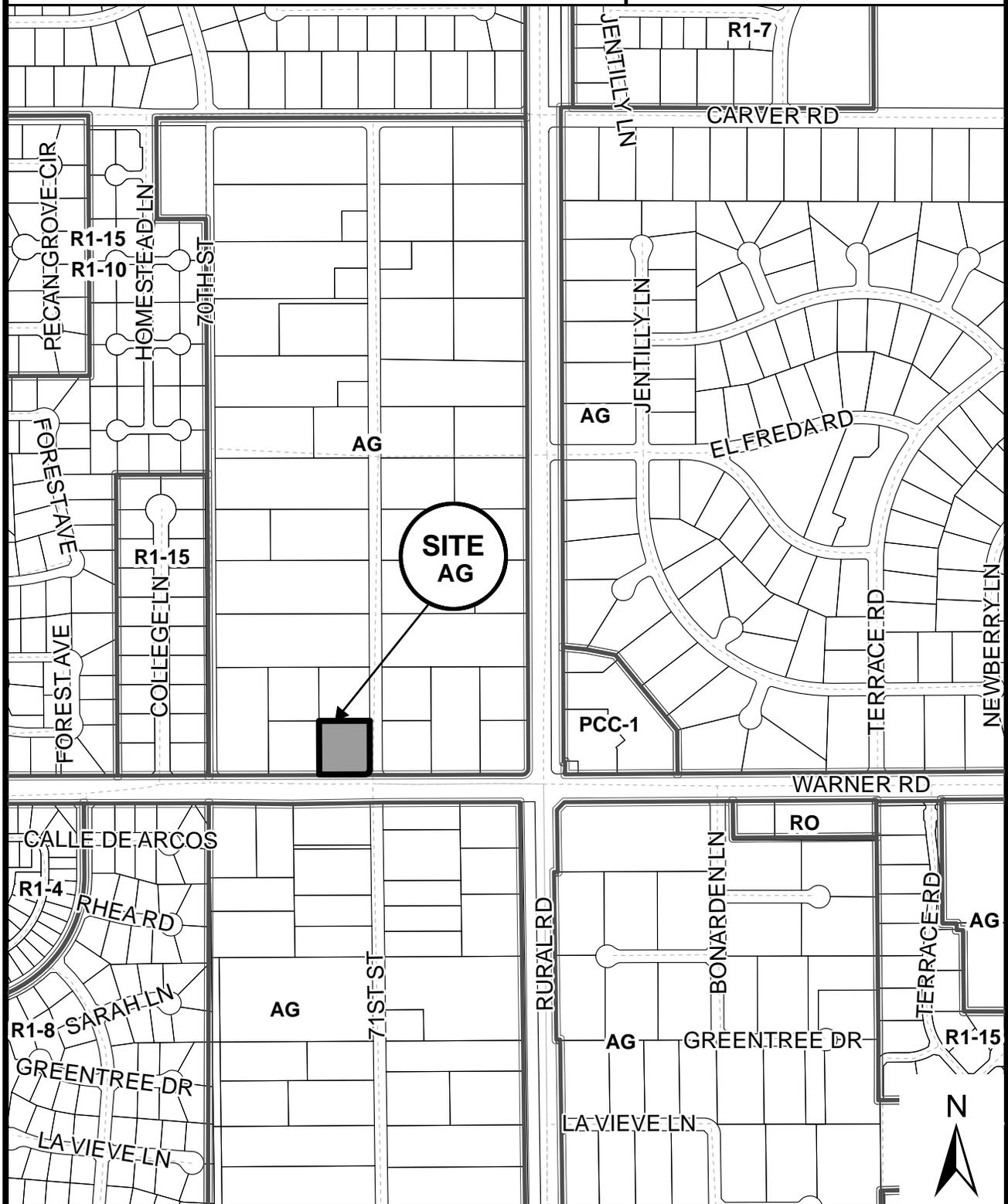
Owner – Douglas Brown
Applicant – Douglas Brown
Existing Zoning – AG, Agricultural District
Existing Lot Size-42100 safe
Proposed Accessory Building- 2910 safe
Existing Street side yard setback- 30'
Proposed street side yard setback- 10'

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 2, Section 4-202 – Single Family Development Standards
Part 6, Chapter 3, Section 6-309- Variances

BROWN RESIDENCE

PL110239



Location Map



BROWN RESIDENCE (PL110239)

June 20, 2011

Hearing Officer
City of Tempe
Development Services
31 East Fifth Street
Tempe, Arizona 85280-5002

Ref: **Letter of Justification for Variance Request**
Brown Residence
12244 S. 71st Street
Tempe, Arizona 85284

Sirs,

In 1996 we met with the City of Tempe's planning staff and requested several variances for our lot, in anticipation of building our new home. At that time I informed them I planned to build a garage and shop in the future and I sited the future garage against Warner Road. I was informed that I would need an additional variance for this garage, but must request it at the time I intended to build the garage. They saw no reason the request would not be granted, due to my location adjacent to a major street. With this assurance, we finished our home design and incorporated only a two-car garage into the house. The time has arrived to build this additional garage for the storage and protection of our autos.

We would like to formally request a variance to our side yard setback on Warner Road from 30 feet to 0 feet to build a multi-car garage and a gardening room. As part of our original house construction, we built a curved 8-foot high split-face block site wall against Warner Road. We built this wall with the anticipation of incorporating it into the design of the future garage. The curved site wall, at its south most tangent point, is located on the south property line and from this point it curves away from the property line, to approximately 3 feet north of the property lines. Thus, the majority of the garage would be in fact be 3 feet from the south property line. (See the attached plans.)

Special Circumstance:

When we bought the property, in the mid 90's, Warner Road was a lightly used street and the road noise was bearable. The explosion of development in south Tempe and Chandler during the last 15 years has created a constant source of unwanted noise, far greater than we could have imagined when we bought the land. This new building will help deflect a great deal of the noise from our back yard.

Although we have a large property, we are the smallest of the lots in our neighborhood. We located our home as far as possible to the north, away from the Warner and to integrate with the neighborhood. This left a great deal of unused land on the south third of our property. We have filled a portion of this land with a garden and orchard at the southwest corner of the site. And now we would like to build our garage in the remainder of the south frontage.

Preservation and Enjoyment:

The requested variance will allow us to enjoy the full extent of our property.

The only reasonable function for this area of the site is for vehicle parking and storage. Thus, we are currently parking several vehicles in this area. Unfortunately, they have been vandalized on several occasions in this location. This garage will allow us to securely store these vehicles and protect them from vandalism and the elements.

As mentioned above, the amount of traffic noise generated by this major thoroughfare is deafening at times. We originally designed the house in such a way as to help protect the home's patio area from road noise. But once we are away from the protection of the house structure, in the lawn area of our back yard, we are subjected to the full impact of the road noise. We are hoping this additional structure will help deflect a greater portion of this noise away from the yard.

Not Detrimental:

We do not have any neighbors with properties that look upon this area of our site. The only persons that see this portion of our property are driving past at 45 miles an hour. This structure will have no impact on the uses or views on Warner Road.

As mentioned above, we currently store several of our vehicles in this area and persons can see these vehicles from 71st Street. By allowing us to build this garage, these vehicles will be out of sight to the neighborhood.

The requested variance will not make any changes in the uses and densities permitted in our zoning. The variance is not to rectify any conditions that we have created. It will not afford us relief from any item expressly prohibited by ordinance.

If you have any questions or need additional information please contact me.

Thank you,

A handwritten signature in black ink, appearing to read 'DRB', with a long horizontal line extending to the right.

Douglas R. Brown

Attachments:

Site Plan; Floor Plan; Elevations

Lesser, Sherri

From: Doug Brown <dougbrown@architekton.com>
Sent: Wednesday, July 06, 2011 8:49 AM
To: Lesser, Sherri
Subject: Brown Residence Case PL110239

Sherri,

Wanted to let you know the posted sign blow away last night in the storm. It's probably in someone's pool.

We had our neighborhood meeting on Saturday and only had one person attend, the gentleman across the street. He has no objection to the project.

I spoke to my adjacent neighbors and all have offered their support. The only adjacent neighbor I was unable to talk to is directly to the west. The house is up for sale and he has taken a job in Oakland, Ca.

Thanks

Douglas R. Brown AIA CSI LEED AP
architect *principal*

ARCHITEKTON

464 S Farmer Ave, Suite 101, Tempe, AZ 85281
T 480 894 4637 F 480 894 4638 C 480 229 4237
www.architekton.com

Lesser, Sherri

From: Alan <bartretd@cox.net>
Sent: Wednesday, July 13, 2011 10:05 AM
To: Lesser, Sherri
Subject: Case PL110239 protest revised

July 13, 2011

To: Sherri Lesser

Re: Case # PL110239, Brown Residence

As we have been out of town, it has belatedly come to our attention that the Doug & Dorothy Brown family at 12244 S. 71st Street, on the northwest corner of the intersection of 71st Street and Warner Road, is asking for a variance **to reduce the setback requirements for a building on their lot from 30 feet to O (zero) feet.**

What is intended is a building **16 ft. tall, 97 ft. long, by 30 feet wide (figures obtained from the Tempe hearing officer).** This means, should a variance be granted for this building, it would stretch about 20 to 30 ft. along the 8 1/2 foot wall that is there now, and would stick approximately 8 ft. above it. Then it would continue to run about 60 or more feet along a 6 foot high wall and would stick 10 feet above that wall. It would have a 30 foot end facing 71st Street, going from the wall toward the house. This building would sit just 20 to 22 feet (depending which wall you are considering) off the edge of Warner Road.

Our stated distances here are estimates taken with a tape measuring from Warner Road. We cannot tell from the picture supplied us exactly where the building starts relative to the two differing outside walls and the oblong shown for the building. **In any case, there would be a building sticking from 8 to 10 feet above the existing fence running along the Brown property for 97 feet to be seen off Warner Road, with a 30 foot end facing 71st St.**

Tally Ho Farms---71st Street, is a residential-agricultural street. We do not know what the use of the large building will be. If it is for animals, there are rules for the number of farm animals allowed per available land. The rules for housing farm animals also carries required distances the buildings must be set back from the lot line.

Regardless of the building's use, we feel that such a large building this close to Warner Road at the neighborhood's entry corner constitutes a threat to the desired aesthetics of our agricultural/ residential neighborhood. For many of us this is our largest lifetime investment as well as it is our loved neighborhood for over 45 years.

We feel that having such a large building butted right up against the wall and showing 8 to 10 feet above the wall would detract from the general area. The houses across Warner road would have it to look at and it would be an obvious sight to those traveling that section of Tempe's Warner road. This would include those residents of College Lane, Greystone, Warner Ranch, etc.

Tally Ho Farms is an old neighborhood. It is one of the last pieces Tempe has of Old Kyrene. We have lots of joggers, walkers, bicycle riders and families come along our street every day to see the animals, the fruit growing on the trees, the irrigation running, what a tractor looks like and to enjoy the country setting the street provides. We are often told how much they like coming and seeing the farm street. To have such a large

building, running 97 feet and sticking up 16 feet, right at the beginning of our street would look like a barricade and detract from the neighborhood's open rural character.

There are good reasons for setback restrictions. Tempe has setback limits for purposes, such as separation between properties and maintenance of rights of way. **The fact that this building would require a variance says that Tempe's regulations have already determined that a building there, so close to Warner Road, needs to be set back a minimum of 30 feet from the property line.**

It would seem to us there is nothing in this request that merits a change in requiring a 30 foot setback which has already been set by Tempe. And we feel there is much that would have negative impact if a variance were to be allowed.

If the owners want such a building on their property, we ask that they comply with Tempe's setback laws and any attending restrictions without any variance and put it 30 foot inside their line as now required.

Alan & Vanice Bartlett
12209 South 71st Street
Tempe, AZ 85284

ACB
It's a dry heat!

-
8. Request by the **BROWN RESIDENCE (PL110239)** (Douglas Brown, applicant and property owner) located at 12244 South 71st Street, in the AG, Agricultural District for:

VAR11004 Variance to reduce the street side yard setback from 30 ft. to 0 ft. for a detached accessory building (garage).

Mr. Doug Brown was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She noted that the applicant proposes a detached accessory building (garage) that is approximately 2,910 s.f. in area and 16 ft. in height on the south side of the property. Although staff does not support the street side yard setback as proposed, a recommendation for a 20 ft. setback consistent with ZDC use permit standard reductions allowed for a standard street side yard setback (not adjacent to a key lot) has been made. Staff has received one (1) letter in opposition to this request, as well as e-mails and numerous calls from surrounding neighbors, one of which expressed support of this request. Previous variances granted by the Hearing Officer in 1996, oriented the setbacks to create a lot adjacent to a 'key' lot requiring an additional 10 ft. setback on the street side yard. The second variance granted at that time reduced the street side yard setback from 35 ft. to 30 ft. The applicant held a neighborhood meeting on July 2, 2011. In response to a question from Ms. MacDonald, Ms. Lesser confirmed that it is within the Hearing Officer's authority to approve the 20 ft. setback should the applicant agree.

Mr. Brown presented enlarged color-coded drawings of the proposed plan(s). He stated that presently Warner Road is like living near a freeway due to the amount of traffic. He explained that his hobby is antique cars and the proposed design allows for this activity. His property is only an acre in size, he noted. The house is very contemporary architecture and the proposed building would blend in with the existing design. The dimensions of the curved block wall was discussed. He proposes to adjust the height of the proposed garage from 16 ft. to 14 ft. to accommodate the neighbors' desires but that is as low as the height can be decreased and still allow for an interior garage lift. This request would affect no utilities or existing landscaping.

Mr. Brown presented several enlarged photos that depicted his home, the block wall and surrounding area, including existing vegetation. Additional photos on the surrounding neighborhood properties were also presented by Mr. Brown. This request would increase the functionality of his property, he explained. A large garden area, small orchard and chicken area on the property are enjoyed by his wife.

Mr. Brown presented a petition of support that was obtained after meeting with neighbors in the area.

Mr. Brown referred to the requirement of special circumstances that would permit the granting of a variance. He stated that the Zoning Ordinance should allow for the difference of a home being located next to a quiet residential street as opposed to one being located to a street with heavy traffic similar to a freeway. Cars go thru this area at 45 to 50 miles an hour. This circumstance does not allow for enjoyment of his property and there is no other function for the proposed space that makes any sense due to the nearby traffic and congestion.

Mr. Todd Stevens, spoke in opposition, stating that as a career home builder and built over 6,000 homes. During that period he only found it necessary to request one (1) setback variance. Special circumstances are those over which someone has no control over, he stated that this variance request is based on a self-imposed hardship.

Mr. Glenn Gittos, spoke in opposition, stating that he worked in the building trades for 35 yrs. and his experience is that there are very few allowable variances. This residence is located on Warner Road and there is potential for expansion. In his opinion, this is a self-imposed hardship. The structure looks like a warehouse and the modern design provides greater emphasis on this appearance. He has no issues with the vegetation but there are alternatives to the design as proposed. Less than 50% of the residents signed the support petition circulated by Mr. Brown. Some of those depicted as being in support, are actually vacant lots whose land owners signed it.

Mr. Gittos feels that the location of the proposed building could be re-configured to accommodate the existing circumstances and property area.

Mr. Jim Arneson, spoke in opposition, stating that he has been a homebuilder for 35 yrs. Himself, and as Mr. Stevens indicated earlier, he has never seen a variance granted due to a self-imposed hardship such as this request. He explained that several years ago a program was utilized that buried all the utility lines so that no exposed poles or utilities were present. This enhanced the area along Warner Road for the residents. This variance is unadvisable as the resulting structure would be aesthetically unpleasing and look like a commercial bank or similar structure. The applicant is an architect, but if there was an architectural committee or homeowners association for the neighborhood, they would probably have not approved the plans because there should never be a zero lot line variance granted. Mr. Brown is an architect, Mr. Arneson noted, and if he had visions of this type of structure he should have allowed for it when he made the original plans for the home. This is a self-inflicted problem due to the original design of the applicant.

Mr. Michael Myrick, spoke in opposition, noting that he had sought a variance 4 yrs. ago. Although he had 100% support of his neighbors he was not able to obtain approval of this request, and had to start over with his design. He does not like a zero lot line setback. He does like modern architecture and feels that Mr. Brown did an appealing home design.

Mr. John Hodgson, spoke in opposition to this request. He stated that this is a very special development area. He feels that this design is visually intrusive. To inject this warehouse type of design into this very special neighborhood is visually unpleasing. He suggested the possibility of creating a sunken structure to reduce the visibility massing. He emphasized that he just learned of this proposed project this morning from his neighbors, and would have like to have been notified in advance. He objected strenuously to this proposed structure and the lack of advance notification, including having the neighborhood meeting on a 4th of July holiday. This is an extremely intrusive proposal, he stated.

Mr. Dennis Cling, spoke in opposition, indicating his opinion that the location and size of this proposed structure has massing similar to huge billboards and the setback is too much.

Mr. Harold Waits, spoke in opposition, stating that he was in agreement with all of the neighbors comments who had spoken and asked that this request be denied.

Mr. Brown returned to the podium. He stated that the City of Tempe officials had led him to believe 10 yrs. ago that this proposed plan would be feasible. He explained that the remainder of the property would not allow for a structure of this type.

Ms. MacDonald thanked those present for attending today's hearing. She clarified that today's hearing was to consider the request for the setback variance not whether the design is aesthetically pleasing or not. Her responsibility is to review the requirements of the Zoning and Development Code for variances in relation to this request.

DECISION:

Ms. MacDonald denied PL110239 /VAR11004 stating that this is a self-imposed hardship and that this denial would not result in any reduction of property rights for the applicant. There are no special circumstances and to approve this request would set precedence for special privileges, Ms. MacDonald noted.

Ms. MacDonald noted that staff has indicated that a modification to allow a 20 ft. setback could be allowed. Ms. Lesser explained the particulars of that modification. Mr. Brown returned to the podium and requested a continuance to allow him to work with the neighbors and perhaps resolve the issues presented and determine what they would support.

Mr. Brown was strongly encouraged to work with his neighbors to resolve these issues as presented. It was noted that Mr. Brown does have the opportunity to appeal this decision by the Hearing Officer to deny this request to the Board of Adjustment by August 2, 2011.

City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
www.tempe.gov



Community Development
Planning
(480) 350-8331

July 21, 2011

Mr. Douglas R. Brown
12244 South 71st Street
Tempe, Arizona 85284
dougbrown@architekton.com

RE: BROWN RESIDENCE
12244 South 71st Street
PL110239 / DS110650 / PL110239

Dear Mr. Brown:

You are hereby advised that at the hearing held **July 19, 2011**, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code:

Denied the request by the **BROWN RESIDENCE (PL110239)** (Douglas Brown, applicant and property owner) located at 12244 South 71st Street, in the AG, Agricultural District for:

VAR11004 Variance to reduce the street side yard setback from 30 ft. to 0 ft. for a detached accessory building (garage).

Any appeal of the Hearing Officer's decision on a variance must be made within fourteen (14) days of the hearing. You have until **August 2, 2011** to file a formal appeal **in writing** to the Board of Adjustment if you so desire.

Any existing condition for which a variance was denied must be corrected to comply with the Zoning and Development Code. If you have any questions, please contact me at (480) 350-8486.

Sincerely,

A handwritten signature in black ink that reads 'Sherri Lesser'.

Sherri Lesser
Senior Planner

SL/dm

cc: File

August 1, 2011

City of Tempe
Development Services
31 East Fifth Street
Tempe, Arizona 85280-5002

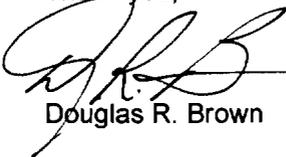
Ref: **Letter of Variance Request Appeal**
PL110239 / DS110650 / PL110239
Brown Residence
12244 S. 71st Street
Tempe, Arizona 85284

Sirs,

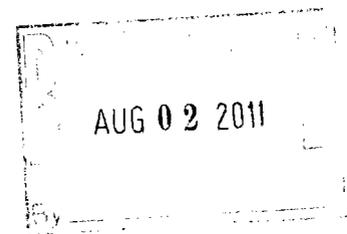
As the applicant and the property owners of 12244 S. 71st Street, we would like to appeal the decision of the Hearing Officer, at the July 19th hearing. We are aggrieved by the denial for our variance request to reduce our side yard setback against Warner Road, and thus would like to appeal the decision to the Board of Adjustment.

If you have any questions or need additional information please contact me.

Thank you,



Douglas R. Brown



1 This document is respectfully presented to the City of Tempe Board of Adjustment in
2 support of the appeal of case VAR11004 related to 12244 South 71st Street.

3
4 **I. INTRODUCTION**

5 Doug and Dorothy Brown respectfully request this appeal from the Hearing Officer's
6 decision denying a variance to reduce the required street side-yard setback for construction of a
7 14 foot tall detached garage with a gardening room in the AG (Agricultural) zoning district.
8 (Please see Exhibit 1, Zoning Map.) Their property is located along a busy arterial street,
9 Warner Road, at the northwest corner of 71st Street and Warner Road, 12244 South 71st Street.
10 (The "Brown Property") (Please see Exhibit 2, Aerial Maps; and Exhibit 3, Context Photos.)
11 The Brown's original request was to reduce the required street side yard setback along Warner
12 Road (a major arterial street) from 35 feet to 0 feet. The Browns have subsequently reduced
13 that request to ask for a 10 foot setback instead of a 0 foot setback in order to permit the
14 construction of their garage.

15 This garage was included as a future phase on the Brown's original site plan submitted
16 to the city in 1996 when the home and site was approved for construction by the city, and when
17 other variances were approved for this property. At that time, the city asked the Browns to
18 come back for this variance when the garage was ready to be built, and informed the Browns
19 that the garage variance would have the city's support. The Browns are ready to construct the
20 garage and have now come back to the city requesting this variance. (Please see Exhibit 4, Site
21 Plans & Elevations.) However, inexplicably, the city has changed its position regarding this
22 variance even though the reasons for allowing this variance are even stronger than before.

23 Overall, it only makes sense to permit the construction of this garage in the requested
24 location along Warner Road, a major arterial street. This is especially true since the nearest
25 neighbor's home encroaches into the Warner Road setback itself, and the surrounding
26 neighborhood includes many structures encroaching within setbacks, setting the tone for
27 development in this area. Further, the Browns could construct this garage at a height of 30 feet
28 if located elsewhere on their property, but they are choosing to maintain a lower height of 14
29 feet and locate it in the most unobtrusive location possible. As you can see from the attached
30 photo montage, this garage will not have any negative visual impact and only makes sense to
31 place it along Warner Road. (Please see Exhibit 5, Photo Montage.)
32

1 **A. Brown Property Location and Context**

2 The Brown Property is approximately 600 feet west of the northwest corner of Rural
3 and Warner Roads within the Tally Ho Farms Unit Two Subdivision, a residential subdivision
4 annexed into the City of Tempe in 1993, and is currently zoned AG (Agricultural). AG zoning
5 was the default zoning district upon annexation pursuant to an annexation development
6 agreement and the Tempe Zoning Ordinance.

7 The Brown Property directly abuts Warner Road along its entire south property line, the
8 area for which this variance is sought. The area surrounding the Brown Property is
9 predominantly large lot residential, with neighborhood commercial and churches along Warner
10 Road. The Brown Property is surrounded on the north, east, and west by the Tally Ho Farms
11 Unit Two subdivision, and the first Tally Ho Farms subdivision is south of the Brown Property
12 across Warner Road. Although the area is primarily residential, both Warner and Rural Roads
13 are highly-used major arterial streets, a condition which has a significant impact on the
14 residential character along these thoroughfares. The intersection of these two major arterial
15 streets is just 600 feet east of the Brown Property. The northwest and southwest corners of
16 Warner and Rural remain vacant, mainly because deed restrictions for both Tally Ho Farm
17 subdivisions limit those areas to residential use only. And, since Warner and Rural Roads have
18 high amounts of traffic which is not conducive to residential uses, those two corners have not
19 developed. The northeast corner of Warner and Rural Roads includes a Circle K, Countryside
20 Animal Hospital, and other neighborhood retail uses. A church is located at the southeast
21 corner of Warner and Rural Roads.

22
23 **B. Appeal - Variance Request - (as amended) - ZDC, 4-202, Table 4-202A**

24 The Brown's original request was to reduce the required street side yard setback in the
25 AG district from 35 feet to 0 feet to allow construction of a 16 foot tall detached garage with a
26 gardening room. Since that hearing, the Browns have reduced the height of the garage to 14
27 feet, and reduced the setback request to 10 feet.

28 On July 19, the Hearing Officer denied Mr. Brown's original request for a 0 foot
29 setback. After the hearing, Mr. Brown met again with his neighbors to discuss his request and
30 provide more details about the proposed garage. He went door to door and made multiple
31 efforts to reach any neighbor that was unavailable on his first attempts, and to clarify the scope
32 of the proposal. After receiving additional input from his neighbors, Mr. Brown modified his

1 plans to increase the setback of his proposed garage from 0 feet to 10 feet. Mr. Brown
2 therefore respectfully requests that the Board grant his amended request for a variance from a
3 35-foot street-side yard setback to a 10-foot street-side yard setback.

4 5 **C. Background and History**

6 The planned location of this detached garage with gardening room dates back to 1996
7 when the Brown's first presented their request to the city to build a home and future garage. At
8 that time, Mr. Brown met with planning staff to discuss several variances that were needed for
9 development of the property, including the variance at issue here. He presented his proposed
10 site plan design for the new home and future garage along Warner Road, including the 0 foot
11 setback. The design was intended to maximize the functionality of the Brown Property while
12 minimizing the impact of the traffic on Warner Road. The design also ensured that the
13 detached garage would have the least impact on the adjacent residential properties as possible,
14 while at the same time buffering them from the noise and other impacts of Warner Road.
15 Planning Staff informed Mr. Brown that in addition to the variance to orient the front yard
16 along 71st street, he would also need a variance to locate the garage along Warner as his plans
17 indicated.

18 Although staff asked that he not request the variance until he was ready to build the
19 garage, they assured him it would not be a problem when that time came. Mr. Brown would
20 have preferred to obtain the variance at that time. However, relying on Planning Staff's
21 assurances, Mr. Brown waited to request this variance for the detached garage until now. His
22 reliance was reasonable because he was not only told by Planning Staff that the detached
23 garage variance would be supported by the city, but this garage was also shown on the site
24 plans submitted to the city for the Brown Property building permits.

25 Ready to complete his original plans, Mr. Brown returned this year to the city to request
26 the necessary variance. In direct conflict with the prior assurances of Planning Staff and the
27 1996 site plan that indicated a future detached garage, Planning Staff then indicated they would
28 not support the request and the Hearing Officer denied the variance. Mr. Brown is now
29 appealing that decision, with a modified request for a 10 foot setback.

1 **D. Support and Surrounding Neighborhood**

2 Prior to the Hearing Officer hearing, Mr. Brown held a neighborhood meeting to
3 introduce this request to his neighbors. After that meeting, he took the time to go door to door
4 and contact as many of his surrounding neighbors as possible. Mr. Brown obtained 27 support
5 signatures representing 24 different properties in the surrounding area, of which 5 were within
6 the 300 foot radius of the Brown Property.

7 At the Hearing Officer hearing, 7 people appeared to speak and 2 letters were submitted
8 against the variance request. Of those 9 property owners, 3 were within the 300 foot radius of
9 the Brown Property (1 north of Warner, and 2 south of Warner). The other 6 property owners
10 are located further south of Warner, down to Knox Road ½ mile south. After the Hearing
11 Officer hearing, Mr. Brown again went door to door to speak to his neighbors and show them
12 his plans.

13 Inside the 300 foot radius, and as a result of Mr. Brown’s additional discussions, 2 of
14 the 3 property owners inside that radius changed their positions from opposed to “neutral” and
15 “unsure”, and the 1 property owner south of Warner approximately 270 feet from the Brown
16 Property was not home when Mr. Brown tried to contact them, but possibly remains opposed.
17 (Please see Exhibit 6, Support Map & Signatures.) Therefore, as of today, of the 15 properties
18 within the 300 foot radius of the Brown Property, there are: 7 support, 2 “neutral”, 3 not
19 reachable, 1 “unsure”, 1 uncontacted, and 1 not home, but presumed remains opposed.

20 Outside of the 300 foot radius, 5 of the 6 property owners changed their minds away
21 from direct opposition after Mr. Brown spoke to them. 1 of the property owners changed their
22 position to “support”, 4 to “neutral”, 1 to “unsure” and 1 property owner south along Knox
23 Road presumably remains opposed.

24 Overall, throughout both Tally Ho Farms subdivisions, there are currently 28 properties
25 in support of this variance request. Only 1 property owner remains (presumably) opposed to
26 this request within the 300 foot radius, and only 1 other property owner outside of the 300 foot
27 radius (1/2 mile south by Knox Road) possibly is in opposition.

28 As you can see, the substantial outreach and resulting modifications of the building
29 height (from 16’ to 14’) and setback request (from 0’ to 10’) by the Browns have significantly
30 increased the already sizeable amount of support for this variance.

1 **II. REQUEST MEETS ALL REQUIRED VARIANCE CRITERIA**

2 A variance is a tool that provides relief from the standards of the Zoning and
3 Development Code. Pursuant to section 6-309.D, a variance shall be authorized if the
4 following criteria are met:

- 5 1. *That special circumstances are applicable to the property, including its size, shape,*
- 6 *topography, location, or surroundings;*
- 7 2. *The strict application of this Code will deprive such property of privileges enjoyed*
- 8 *by other property of the same classification in the same zoning district;*
- 9 3. *The adjustment authorized shall not constitute a grant of special privileges*
- 10 *inconsistent with the limitations upon other properties in the vicinity and zone in*
- 11 *which such property is located; and*
- 12 4. *A variance may not be granted if the special circumstances applicable to the*
- 13 *property are self-imposed by the property owner.*

14 As you will see from the following discussion, this request fully meets the above
15 variance criteria.

16 **A. That special circumstances are applicable to the property, including its size,**
17 **shape, topography, location, or surroundings;**

18 There are many special circumstances applying to the Brown Property which support
19 approval of this variance:

20 1. Special Circumstance: Detrimental Reliance Upon Staff Assurances in 1996.

21 The Brown's obtained a variance in 1996 to re-orient the lot toward 71st Street, and had
22 also asked Planning Staff for a 0 foot street side yard setback variance for this detached garage
23 - the variance at issue here today. However, Planning Staff requested that the Brown's wait to
24 file this garage variance until they were ready to build the garage, while at the same time
25 assuring them that the variance would be approved when the time came. The Browns obtained
26 easy approval from the city of the first variance shortly after filing in 1996, but waited to file
27 this garage variance until this year.

28 The Browns also obtained approval of a site plan from the city in 1996 which indicated
29 a future detached garage at the location being requested today. This further solidified the
30 Browns' reasonable reliance on the Planning Staff's assurances that a variance for the garage
31 would be approved when they were ready to build. The Brown's reasoned that if the garage
32

1 was shown on the approved site plan, then its location adjacent to Warner Road was also
2 approved by Planning Staff, and the variance was a technical requirement that Planning Staff
3 assured them would be granted later. The Browns also obtained permits to stub-out electrical
4 conduit to the garage during the site and house construction, upon reliance of Planning Staff's
5 assurances.

6 Without the assurances of Planning Staff in 1996, the Browns would not have designed
7 their home and site as they did. Staff's request to wait on filing this variance, and their
8 assurances that the future detached garage would have no problem receiving the necessary
9 variance was the driving factor behind building the structures as they are currently configured.
10 The Brown's placed their home, garden, retention areas, and accessory structures in relation to
11 the future garage location. The southern section of the Brown Property along Warner remained
12 unused, saved for the proposed detached garage as presented to the city in 1996.

13 Also as part of their house construction, the Browns built a curved 8-foot high split-face
14 block wall against Warner Road in anticipation of incorporating it into the design of the future
15 garage. At its south most tangent point, the curved wall is located on the south property line.
16 From that point it curves away from the property line to approximately 3 feet north of the
17 property line.

18 If not for the city's prior assurances, the Brown's would have requested this garage
19 variance at the same time as the first variance was approved by the city. This reliance caused
20 the Brown Property to be developed around the future detached garage for which this variance
21 is being requested today.

22
23 2. Special Circumstance: Due to Retention Areas, This Is The Only Location
24 Available On The Brown Property To Locate This Detached Garage.

25 Large retention areas on the Brown Property preclude the construction of this detached
26 garage in any other location but along Warner Road. The retention areas would appear to be
27 locations where the Browns could build this garage, however, their use for retention precludes
28 such construction. Additionally, the placement of these retention basins was due to the
29 Brown's prior reliance on Planning Staff's assurances that the garage could be constructed
30 along Warner Road, as well as the site plan showing a future garage at this location. As a result
31 of these assurances, the Brown's placed all of their on-site retention basins in the west and
32 northwest portions of their backyard, retaining the southern portion of their property for this

1 garage. This special circumstance precludes construction of this garage in another location on
2 the Brown Property.

3
4 3. Special Circumstance: This 35 Foot Street Side Yard Setback Is Unique
5 Circumstance Of The Zoning Ordinance.

6 Side yard setbacks for properties in the AG zoning district are 20 feet. Street side yard
7 setbacks in the AG zoning district are 25 feet. However, the zoning ordinance here requires a
8 35 foot setback - not because of Warner Road - but because the Brown Property is a “corner lot
9 adjacent to a key lot”. This is a very unique circumstance applying to the Brown Property that
10 does not apply to many other lots.

11 By comparison, other street side yard setbacks in residential zoning districts abutting
12 Warner Road range from 10 to 20 feet, and the rear setbacks for those districts range from 15
13 to 30 feet. (Many of the newer residential subdivisions along Warner Road are designed such
14 that the rear yard is adjacent to Warner Road.)

15 As a result, this unique setback configuration is very unique to the Brown Property and
16 is a special circumstance that approval of this variance as modified will alleviate.

17
18 4. Special Circumstance: AG Zoning District Setbacks Are Much More Onerous
19 When The Property Is Used For Residential, Not Agricultural, Purposes.

20 Large setbacks within the AG zoning district are meant to buffer adjacent land uses
21 from the impacts of agricultural development. However, this is a residential, not agricultural,
22 subdivision (even though the zoning district permits some agricultural use). It is zoned AG
23 because it was annexed from the county with that zoning district many years ago. Even though
24 this subdivision is not used for agricultural purposes such as farming or livestock, the city’s
25 zoning ordinance requires large setbacks for all AG zoned property regardless of actual use.
26 Again, street side yard setbacks in residential zoning districts abutting Warner Road range
27 from 10 to 20 feet.

28 Due to the large AG zoning setbacks and the current development of the Brown
29 Property, the requested location along Warner Road is the most appropriate place to construct
30 this detached garage. In addition, this structure will buffer the neighborhood to the north from
31 the impacts of Warner Road far better than any open setback area could.

1 5. Special Circumstance: The Brown Property is Smaller than the Required One
2 Acre for AG Zoned Properties.

3 Although the Brown Property is large, it is the smallest of the lots in the Tally Ho
4 Farms subdivision. The Brown Property is 1,300 square feet smaller than the minimum size
5 required for an AG zoned lot, a condition that existed at the time of annexation. Although that
6 seems like a minor amount, the compounding effects of larger setback requirements and traffic
7 impacts have a significant effect on the usable size of the property. AG zoning districts call for
8 larger setbacks than other residential districts. When a required street-side yard setback in a
9 district is as much as 6,300 square feet of property, every remaining square foot is essential.
10 With a shortage of 1,300 square feet, the Brown Property has less space in which this
11 accessory structure can be built.

12 With the noise from Warner constructively impairing the use and functionality of the
13 area along Warner as a yard, the smaller size of the lot is further aggravated. A variance to
14 reduce the side yard setback along Warner presents a reasonable solution to the effects of these
15 hardships on the property. This would effectively make the Brown Property more compatible
16 with other AG zoned lots, while providing space for an accessory building.

17
18 6. Special Circumstance: The Brown Property Is A Residentially Developed
19 Property Located On A Corner Along A Major Arterial Street.

20 Due to deed restrictions in effect before Tempe annexed this subdivision, the Brown
21 Property must be developed as residential. Residential property abutting a major arterial street
22 with a front or side yard is a very unique circumstance that does not apply to other similarly
23 zoned properties. In fact, the Brown Property received a variance in 1996 to re-orient the front
24 yard away from Warner Road onto 71st Street so they could access their property more safely
25 from 71st Street. Still, the side yard still abuts Warner Road and remains a unique
26 circumstance. By granting of that variance in 1996, the city acknowledged special
27 circumstances applied to the Brown Property. This garage variance should have been granted
28 at that same time, but as mentioned above, the Browns were asked to wait.

29 While the Brown Property endures the unique circumstance of being a corner lot along
30 a major arterial road. This configuration creates increased burdens for the Brown Property that
31 do not affect other similarly zoned and classified properties. For example, the use and
32 enjoyment of a corner lot on a major arterial street is subject to more noise, litter, and

1 trespassing than other properties. This is especially burdensome for a residential lot. Traffic at
2 high speed is constantly passing the Brown Property; stranded or lost motorists often seek
3 assistance from the property owners; vehicles use the Brown's driveway as a turnaround; and
4 the Brown Property is a more convenient target to vandals.

5 The Brown Property has the additional burden of being the buffer from Warner Road
6 for its neighbors to the north. Construction of this garage was, and still is, intended to further
7 buffer those neighbors as well as the Brown's home. The other properties do not bear the same
8 burdens of noise and activity because they are not located directly adjacent to Warner Road.
9 However, the Brown Property has for years buffered those properties from the noise and
10 activity of that major arterial, and is proposing to increase its buffering of those properties by
11 constructing this garage along Warner Road. As a residential property with its side yard along
12 Warner Road, the Brown Property is situated in a unique circumstance that approval of this
13 variance will relieve.

14
15 As you can see, there are many special circumstances applying to the land, including its
16 size, shape, topography, location, or surroundings, not applying generally to other properties in
17 the same zoning district. The Brown Property therefore meets the first, and most significant,
18 test of variance criteria.

19
20 **B. The strict application of this Code will deprive such property of privileges**
21 **enjoyed by other property of the same classification in the same zoning district.**

22 The strict application of this Code will significantly deprive the Browns of privileges
23 enjoyed by other residentially used, AG zoned properties. Most of the AG properties in Tempe
24 are used for farms, open space, parks, golf courses, schools, or churches. While the larger
25 setbacks are more appropriate for these other AG uses, they can create burdensome restrictions
26 on residentially developed properties. The small percentage of AG zoned properties in Tempe
27 that are used for residential purposes can be found in the same south Tempe area as the Brown
28 Property. These properties are subdivisions that were platted in the county, subsequently
29 annexed to Tempe, and zoned AG by default. In these subdivisions, many properties have
30 structures within the required setbacks. However, few of the properties actually experience the
31 same burdens that the Brown Property faces - few are actually located along major arterial
32 streets and even fewer are corner lots.

1 The strict application will deprive the Browns use of their property for accessory
2 structures that many of the neighbors enjoy. There are many accessory structures encroaching
3 into setbacks throughout the residential AG zoned properties in the two Tally Ho Farms
4 subdivisions. (Please see Part C below for more detail.) The requested variance would allow
5 the Brown's to use their property in a similar manner and ensure them the full enjoyment of
6 their property without taking away from the overall intent and objectives behind the
7 regulations.

8
9 **C. The adjustment authorized will not constitute a grant of special privileges**
10 **inconsistent with the limitations upon other properties in the vicinity and zone**
11 **in which such property is located.**

12 Granting of this variance will insure the Brown Property is developed consistently with
13 the rest of their subdivision and will not constitute a grant of special privileges. The prevailing
14 character of the area includes many structures encroaching into setbacks: (Please see Exhibit 7,
15 Surrounding Setback Encroachments.)

- 16
17 • Of the 93 lots in both Tally Ho Farms subdivisions, 45 lots (approx. 50%) have some
18 sort of structure encroaching into a setback - many of those lots have multiple
19 encroaching structures.
- 20 • The other 50% of the lots in the Tally Ho Farms subdivisions (48 lots) do not have
21 structures encroaching into a setback; however, 16 of those lots (33%) are vacant.
- 22 • So, of the 77 lots in both Tally Ho Farms subdivisions that have structures on them,
23 58% (45 lots) have structures encroaching into a setback.
- 24 • Overall, there are 72 structures encroaching into a setback in both Tally Ho Farms
25 subdivisions.
- 26 • Most importantly, the home directly adjacent to the west of the Brown Property has a
27 main structure significantly encroaching into its setback along Warner Road at the same
28 distance as that requested here. (Please See Exhibit 2, Aerial Maps, page 2.)

29
30 These numbers clearly illustrate the prevailing character of the surrounding
31 neighborhood. Whether or not these are legal encroachments from the annexation is not the
32 issue. The sheer number of structures located in the setbacks within these AG zoned

1 subdivisions proves that granting this variance will definitely not be a grant of any special
2 privileges inconsistent with the surroundings. Rather, this variance will permit the Browns to
3 conform to the character of the surrounding neighborhood.

4
5 **D. The special circumstances applicable to the property are not self-imposed by**
6 **the property owner.**

7 The Browns did not create the special circumstances that apply to the Brown Property.
8 The Brown Property was established as a residential lot in 1965 as party of Tally Ho Unit Two,
9 long before the surrounding area was developed. The Tally Ho deed restrictions applicable to
10 the entire subdivision require the lots to be used for residential purposes only. The subsequent
11 incorporation and development of the surrounding area began a pattern of development in the
12 mid-seventies that changed the rural character of the area. This led to increased traffic and
13 noise along Warner Road. By 1996 Warner Road had become a major arterial with heavy
14 traffic, yet the Brown Property remained legally limited to residential development. Thus, the
15 special circumstances had been established and attached to the Brown Property. It did not
16 matter who purchased the lot, any owner of the Brown Property would be limited to residential
17 development and challenged by the conditions thereof. The Brown Property would either
18 remain vacant, as some of the Tally Ho Lots have, or be developed by someone who would
19 need to address the special circumstances.

20 Faced with that challenge, the Browns created a plan for their home that was
21 thoughtfully designed to mitigate the effects on the lot and adapt to the character of the
22 surroundings. And in 1996 when they presented that plan to the City, they were assured that
23 when the time came to seek the variance, it would be granted.

24
25 **IV. CONCLUSION**

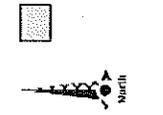
26 As mentioned above, the Brown Property faces many special circumstances that create
27 a hardship on the property for which this variance is the proper remedy. In 1996 the Browns
28 created a plan that proactively addressed the unique situation they faced with their property, in
29 reliance on planning Staff assurances. The Warner Road frontage is the best possible location
30 for this garage as it will not impact any neighbors. In fact, the closest neighbor to where this
31 garage will be placed has a building within 8 feet of the Warner Road right-of-way,
32 encroaching into the setback by 2 feet more than proposed here.

1 Due to many factors including retention areas, current usage and development of the
2 property in reliance on prior Planning Staff assurances, the size of the lot, and the use of the
3 land, there is truly no other reasonable location for the garage on the Brown Property. The
4 Browns have respectfully integrated this structure into its surroundings by keeping the height
5 down to 14 feet instead of the 30 feet height allowed in this zoning district, and have reduced
6 their setback request from 0 feet to 10 feet in order to maintain a respectful distance from the
7 Warner Road right-of-way.

8 Finally, the overriding context in this area of both Tally Ho Farms subdivisions
9 includes many properties with structures encroaching into setbacks. Granting of this variance
10 would only permit the Browns to enjoy the same rights as those properties in their subdivision.

11
12 The Browns therefore respectfully request approval of this variance.
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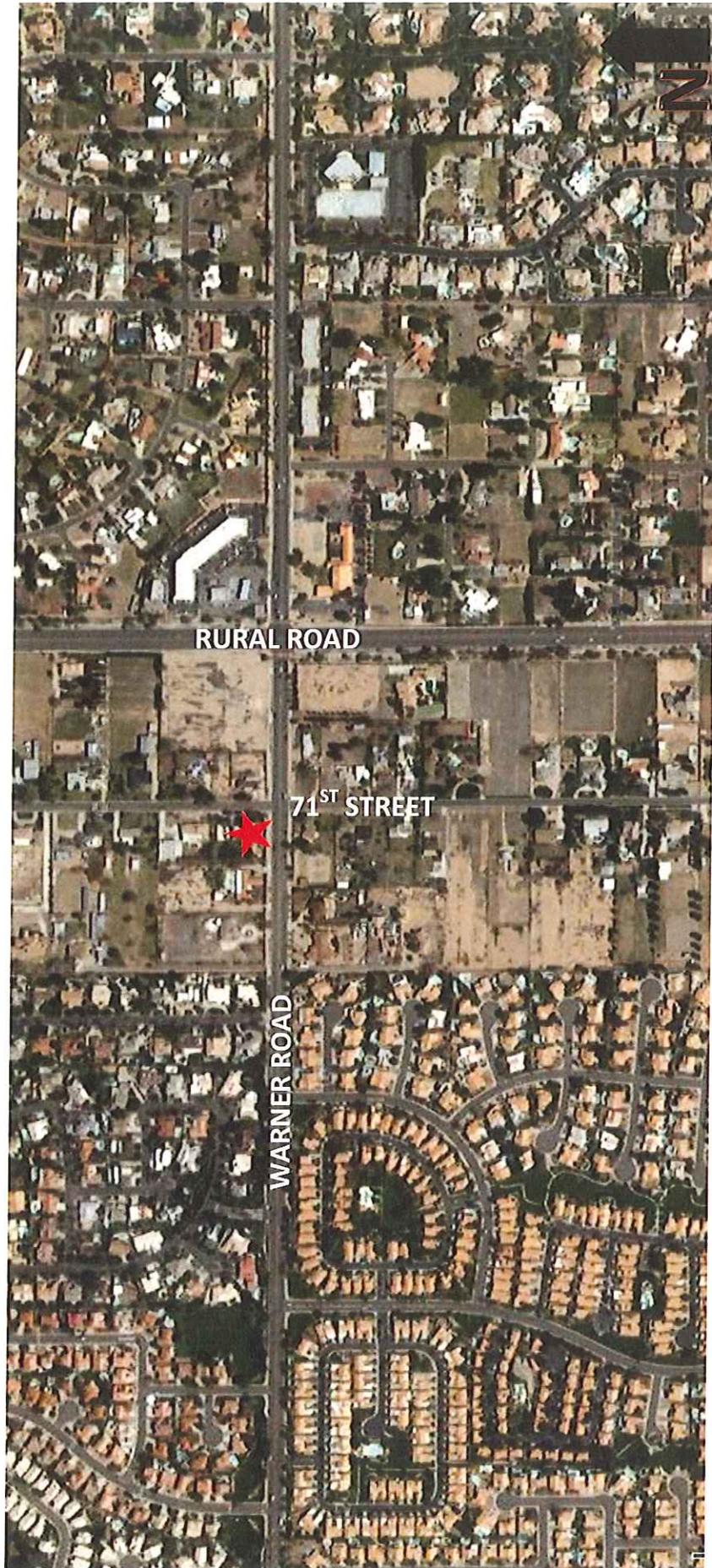
EXHIBIT 1
ZONING MAP



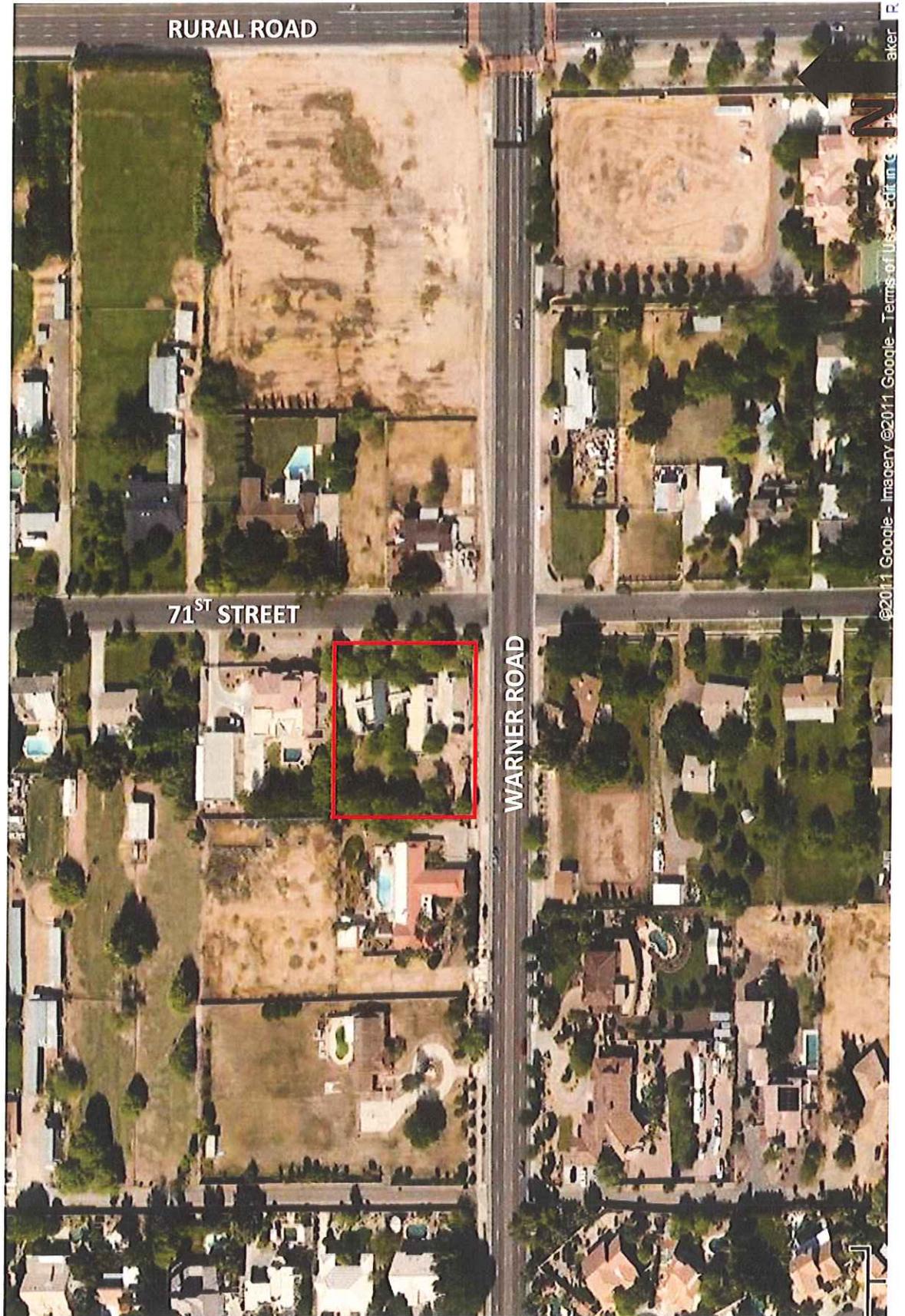
- INDUSTRIAL**
- I-1 Heavy Industrial
 - I-2 Medium Density Industrial
 - I-3 Light Industrial
 - I-4 Office/Professional
 - I-5 Business Professional
 - I-6 Office/Professional
 - I-7 Office/Professional
 - I-8 Office/Professional
 - I-9 Office/Professional
 - I-10 Office/Professional
 - I-11 Office/Professional
 - I-12 Office/Professional
 - I-13 Office/Professional
 - I-14 Office/Professional
 - I-15 Office/Professional
 - I-16 Office/Professional
 - I-17 Office/Professional
 - I-18 Office/Professional
 - I-19 Office/Professional
 - I-20 Office/Professional
- COMMERCIAL**
- C-1 Neighborhood Commercial
 - C-2 Neighborhood Commercial
 - C-3 Neighborhood Commercial
 - C-4 Neighborhood Commercial
 - C-5 Neighborhood Commercial
 - C-6 Neighborhood Commercial
 - C-7 Neighborhood Commercial
 - C-8 Neighborhood Commercial
 - C-9 Neighborhood Commercial
 - C-10 Neighborhood Commercial
 - C-11 Neighborhood Commercial
 - C-12 Neighborhood Commercial
 - C-13 Neighborhood Commercial
 - C-14 Neighborhood Commercial
 - C-15 Neighborhood Commercial
 - C-16 Neighborhood Commercial
 - C-17 Neighborhood Commercial
 - C-18 Neighborhood Commercial
 - C-19 Neighborhood Commercial
 - C-20 Neighborhood Commercial
- RESIDENTIAL**
- R-1 Single-Family Detached
 - R-2 Single-Family Detached
 - R-3 Single-Family Detached
 - R-4 Single-Family Detached
 - R-5 Single-Family Detached
 - R-6 Single-Family Detached
 - R-7 Single-Family Detached
 - R-8 Single-Family Detached
 - R-9 Single-Family Detached
 - R-10 Single-Family Detached
 - R-11 Single-Family Detached
 - R-12 Single-Family Detached
 - R-13 Single-Family Detached
 - R-14 Single-Family Detached
 - R-15 Single-Family Detached
 - R-16 Single-Family Detached
 - R-17 Single-Family Detached
 - R-18 Single-Family Detached
 - R-19 Single-Family Detached
 - R-20 Single-Family Detached
- Other Zoning Districts**
- AG Agricultural
 - PCC-1 Professional Center
 - R1-1 Single-Family Detached
 - R1-2 Single-Family Detached
 - R1-3 Single-Family Detached
 - R1-4 Single-Family Detached
 - R1-5 Single-Family Detached
 - R1-6 Single-Family Detached
 - R1-7 Single-Family Detached
 - R1-10 Single-Family Detached
 - R1-15 Single-Family Detached
 - R2 Single-Family Detached
 - R3 Single-Family Detached
 - R4 Single-Family Detached
 - R5 Single-Family Detached
 - R6 Single-Family Detached
 - R7 Single-Family Detached
 - R8 Single-Family Detached
 - R9 Single-Family Detached
 - R10 Single-Family Detached
 - R11 Single-Family Detached
 - R12 Single-Family Detached
 - R13 Single-Family Detached
 - R14 Single-Family Detached
 - R15 Single-Family Detached
 - R16 Single-Family Detached
 - R17 Single-Family Detached
 - R18 Single-Family Detached
 - R19 Single-Family Detached
 - R20 Single-Family Detached

EXHIBIT 2
AERIAL MAPS

SITE LOCATION
Northwest Corner of Warner Road & 71st Street



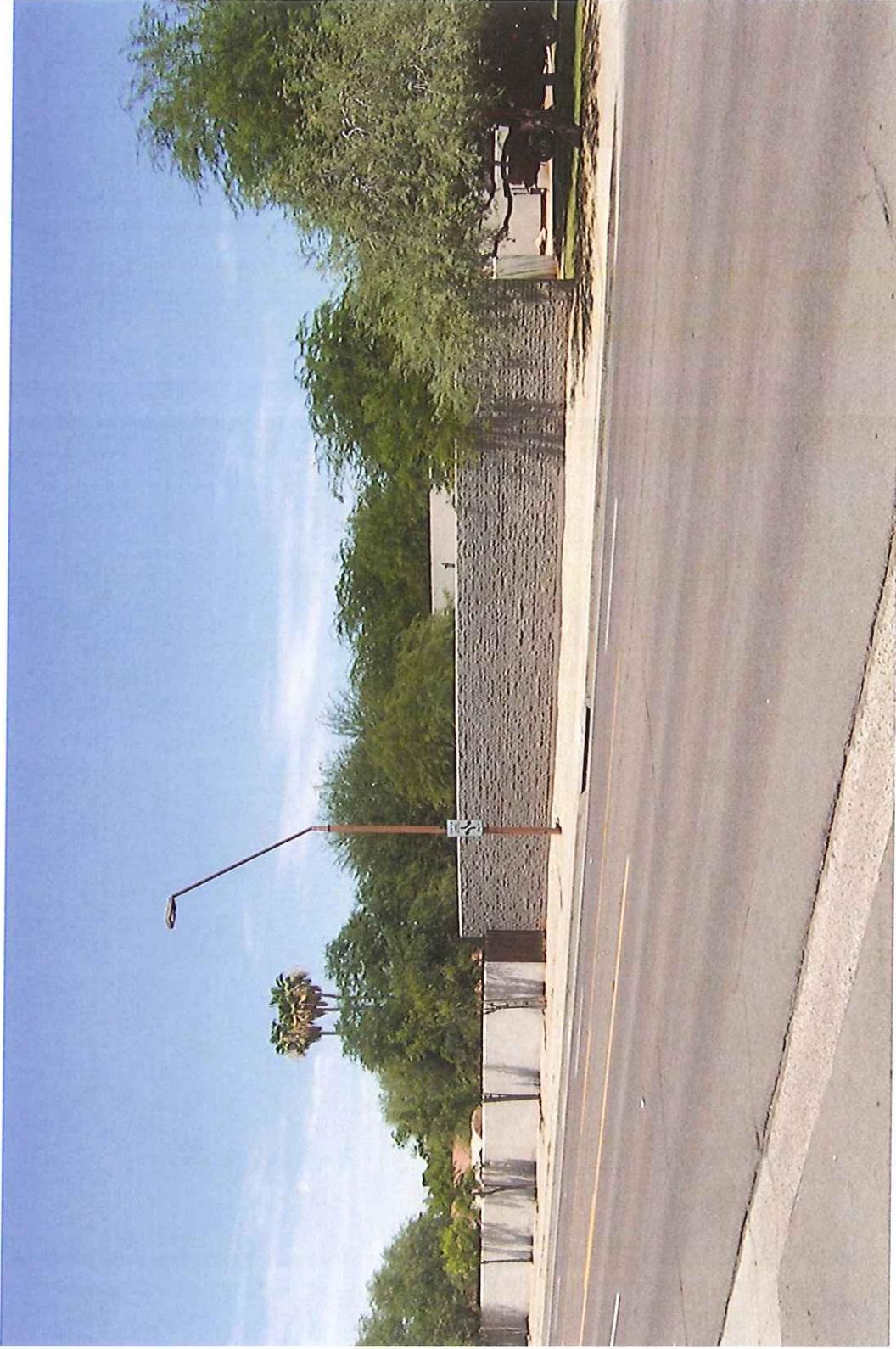
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Northwest Corner of Warner Road & 71st Street



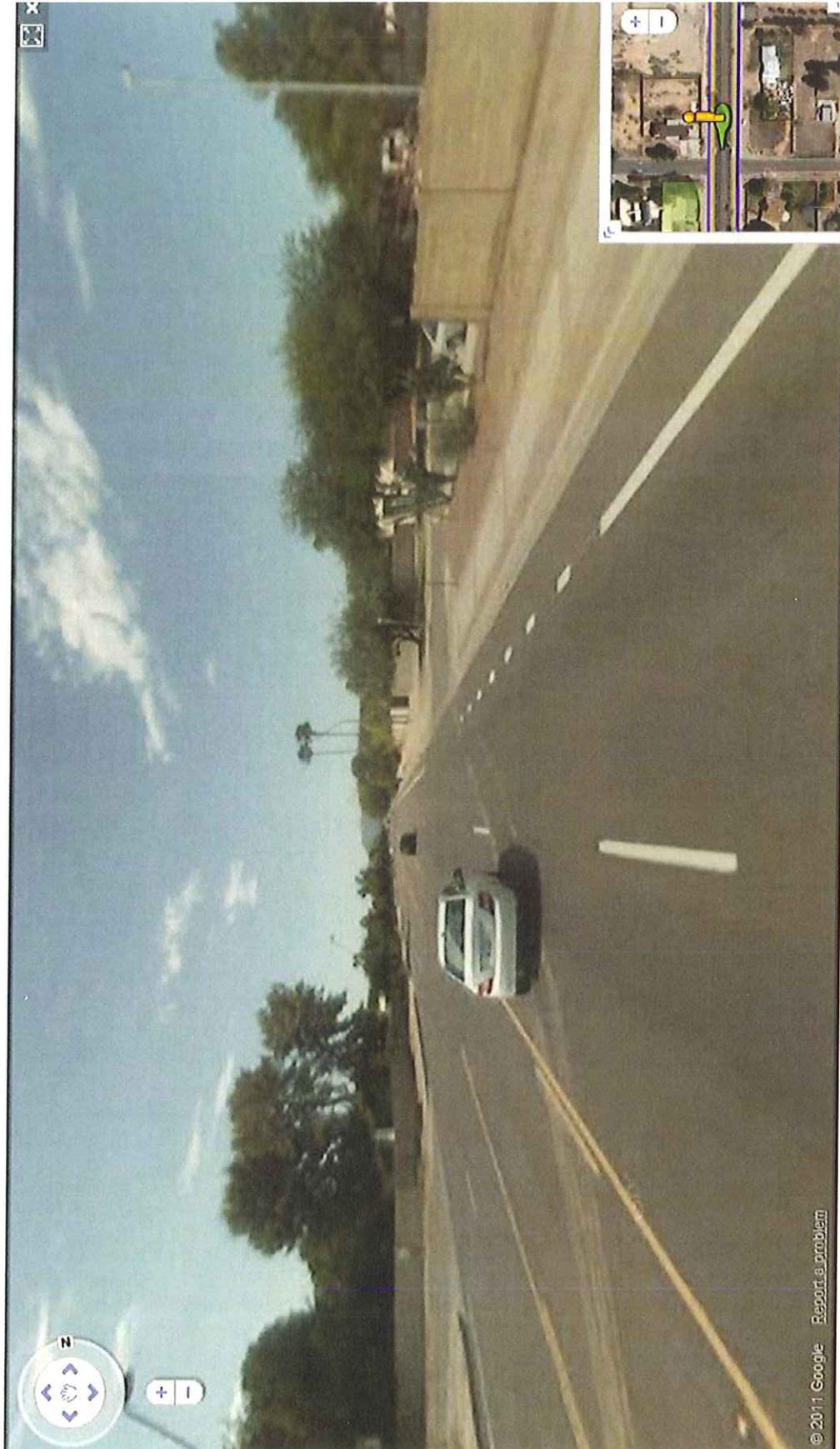
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Northwest Corner of Warner Road & 71st Street



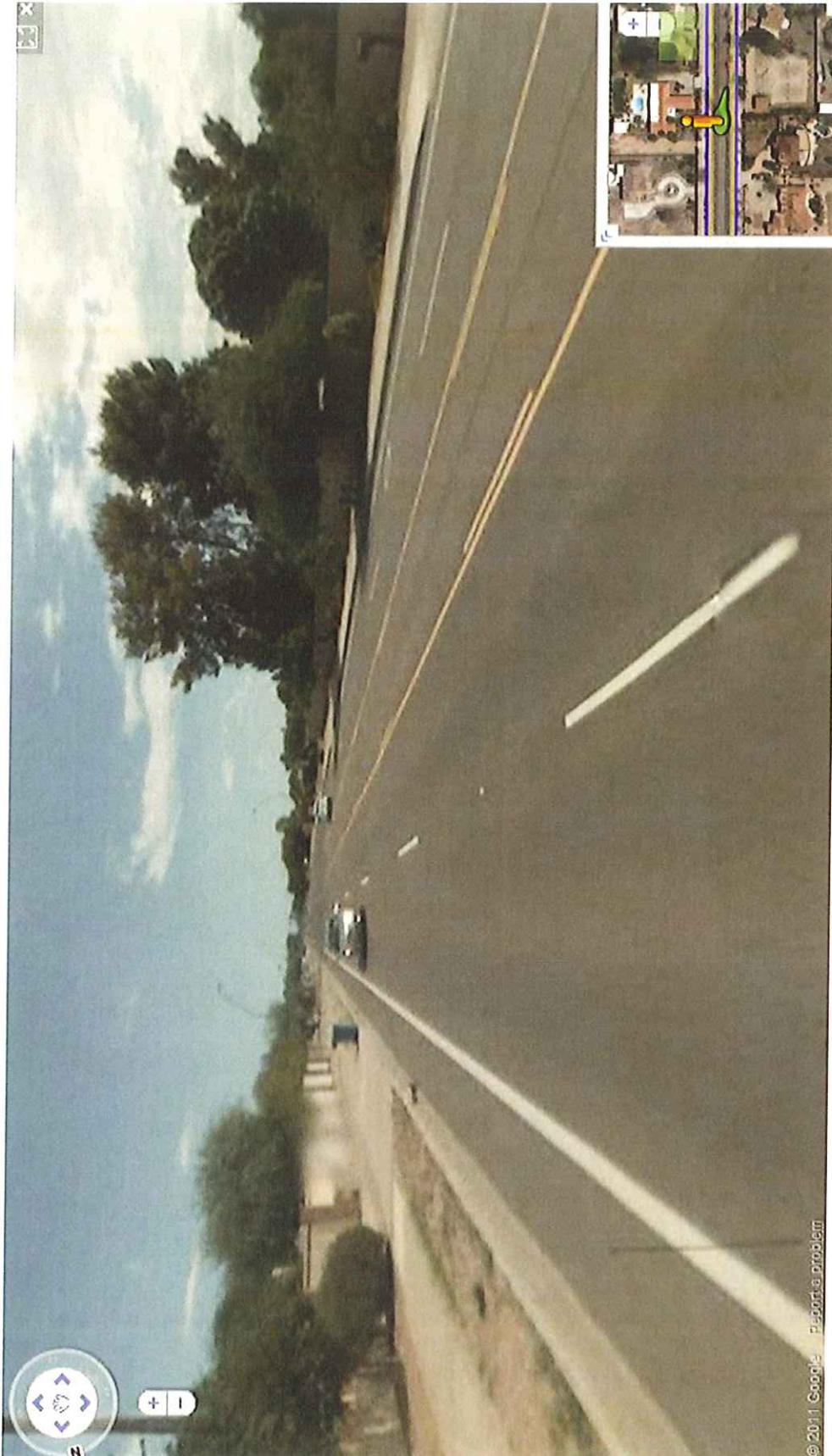
EXHIBIT 3
CONTEXT PHOTOS



View of Brown Property from south across Warner

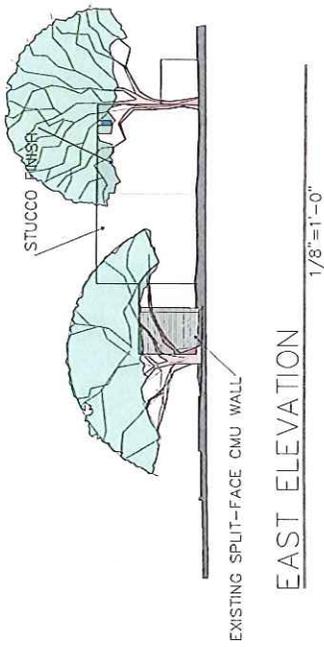


View of Warner Road looking west, from east of the Brown Property

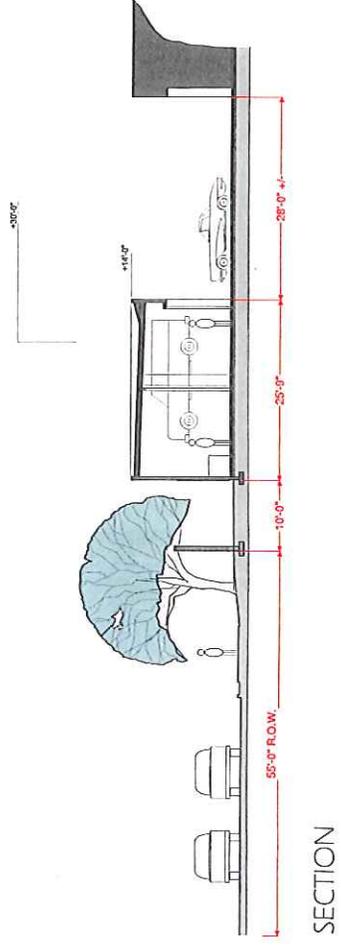


View of Warner Road looking east, from west of the Brown Property

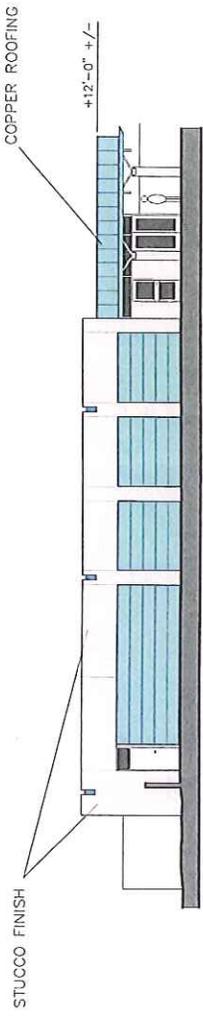
EXHIBIT 4
SITE PLANS AND ELEVATIONS



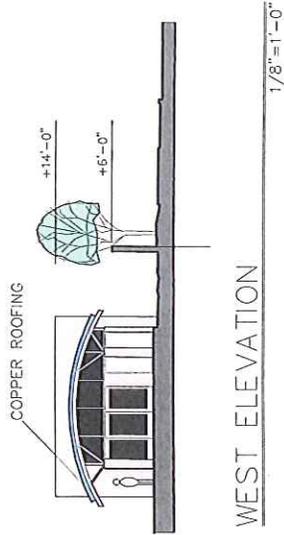
EAST ELEVATION



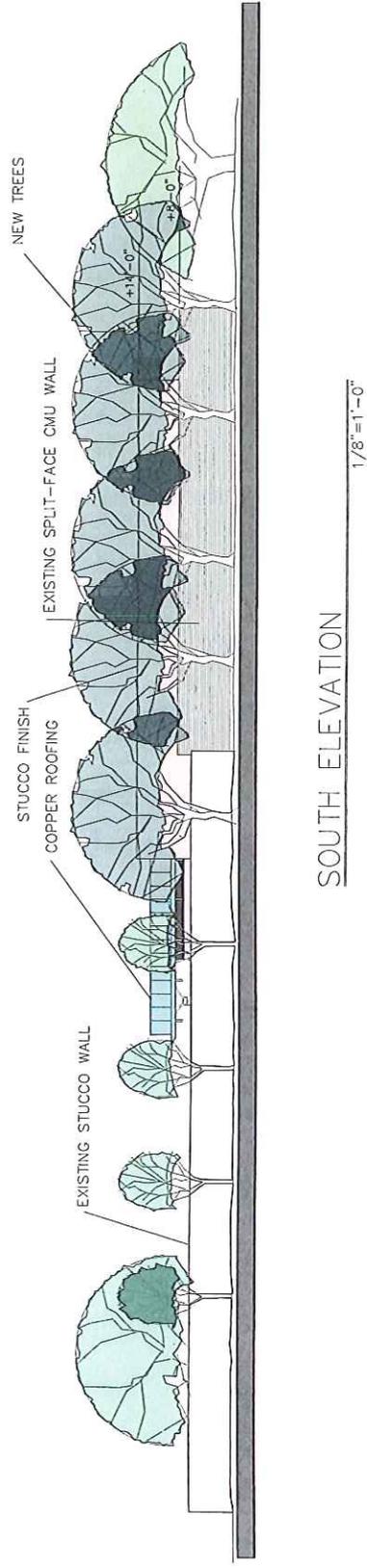
SECTION



NORTH ELEVATION



WEST ELEVATION

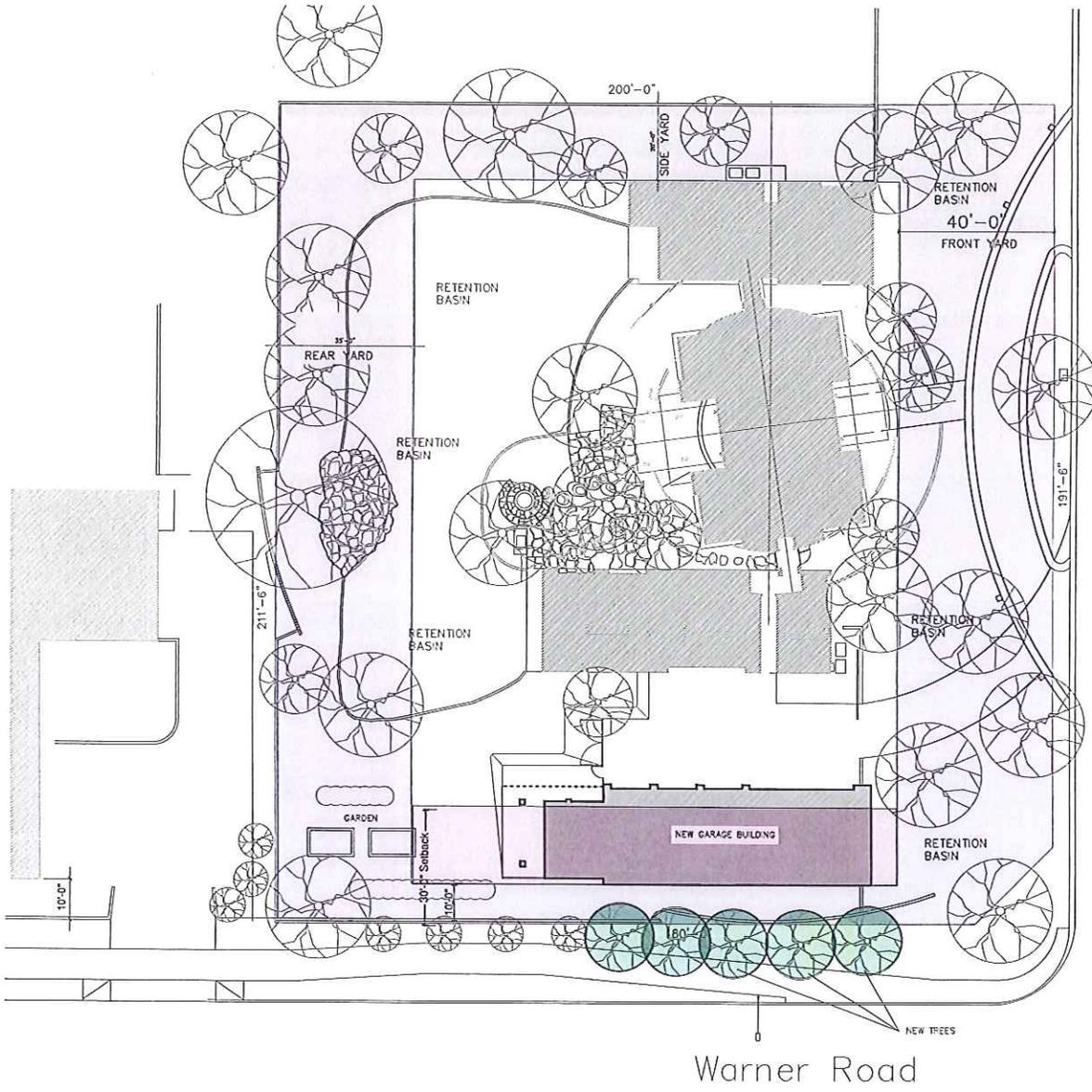


SOUTH ELEVATION

BROWN
RESIDENCE
1234 S. 1ST STREET
TAMPA, FL 33604



464 S. BRUNN AVE.
TAMPA, FL 33604
TEL: 813.288.1111
WWW.BROWNARCHITECTS.COM
ARCHITECTURAL PLANNING
07/20/11



SITE PLAN

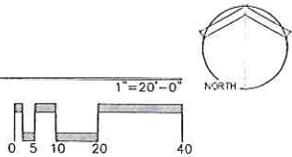


EXHIBIT 5
PHOTO MONTAGE



New Trees



3-5 Years Growth

EXHIBIT 6
SUPPORT MAP AND SIGNATURES



- Support was
- Not Home
- Support
- Neutral
- Not Home
- Support was
- Opposed was
- Neutral
- Opposed was
- Unsure was
- Opposed was
- Not Home was
- Opposed was

300 Foot Radius



Knox

Warner Rd

Carver

Rural

To City of Tempe
Hearing Officer

Ref. Case #PL110239,
Brown Residence Variance Request

We would like to go on record in support of the Brown's request to reduce their southern building setback from 30 feet to zero feet. Mr. Brown has reviewed the drawings of the intended structure with us and we have no objections to their request.

Respectfully,

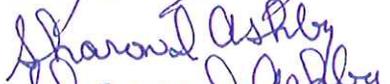
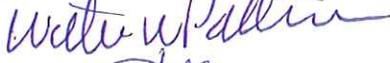
Name:	Signature:	Address:
TONI DAVIS	Toni Davis	12245 S 71 st St Tempe AZ
JEFF SANDY	Sandy	Same
Lee Albertson	L.A. Albertson	12219 S. 71st St Tempe, AZ
Ralph Neese	Ralph Neese	12046 S 71 st St
BILL FADTSCH	Bill Fadtsch	12016 S. 71 st St
JANET MOFFETT	Janet Moffett	12015 S 71 st St.
KEITH MOFFETT	Keith Moffett	12015 S 71 st St
Tim Neese	Tim Neese	12045 S 71 st St
Ricky Gomez	Ricky Gomez	11901 S 71 st St
(Would suggest additional trees along Warner Rd)		
MICHAEL OWENS	Michael Owens	12020 S 71 st St
Bob Runion	Bob Runion	7121 E, WARNER RD
Barbara J. Shelton	Barbara J. Shelton	11639 S. 71 st St.
Joe Crabbs	JOE CRABBS	11621 S. 71 st Street
Dana Christy	Dana Christy	11621 S 71 st Street

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Name:	Signature:	Address:
Ray Jagger		11616 97th St
Sharon Ashby		11650 S. 71st St,
Sharon Ashby		11636 S. 71st St,
Nancy Shelton		11812 S 71st St.
James Flanagan		12424 S. 71st.
CARL HEUTZENROEDER		12423 S. 71st
WALTER W PATTERSON		12431 S 71st
Brenda Litinger		12439 S 71st Dr.
PAUL LINES		12630 S. 71st St.
Gary Hatch		12801 S. 71st St
Troy Bashford		12825 S. 71st St.
Laurie Doren		12930 S. 71st

June 24, 2011

To: Doug and Dorothy Brown

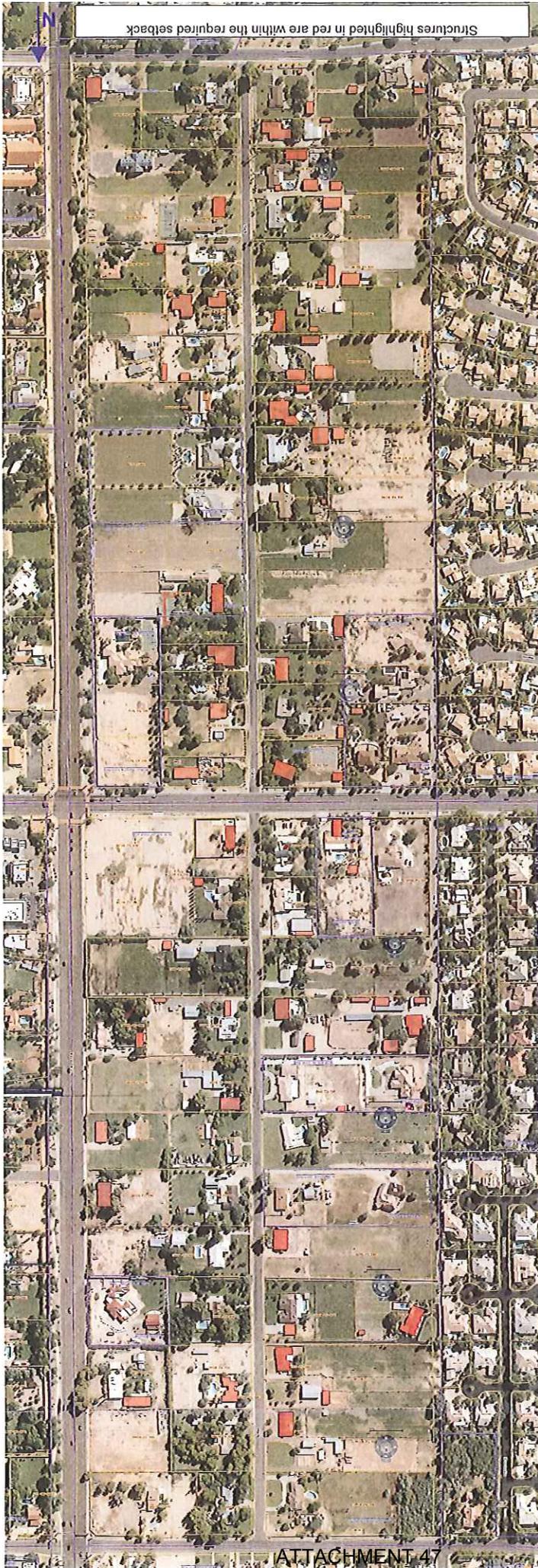
This letter is state that the Garrisons at 12220 S. 71st Street Tempe, Az. 84284 have no issue with the proposed plan to build a detached garage on your property. We may not be able to attend the meeting on July 2nd, but wanted to document our support for your plans.



Nelson and Meredith Garrison

12220 S. 71st Street Temp, Az. 85284

EXHIBIT 7
SURROUNDING SETBACK ENCROACHMENTS



Structures highlighted in red are within the required setback