

# Staff Summary Report



Hearing Officer Hearing Date: May 19, 2010

Agenda Item Number: 5

**SUBJECT:** This is a public hearing for a request by the **BALKEN RESIDENCE** located at 2082 East Minton Drive for one (1) use permit.

**DOCUMENT NAME:** 20100519dssl02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **BALKEN RESIDENCE (PL100113)** (Nicholas Balken, applicant/property owner) located at 2082 East Minton Drive in the R1-6, Single Family Residential District for:

**ZUP10038** Use permit standard to reduce the required front yard setback by twenty percent (20%) from 20 feet to 16 feet for a carport to garage conversion.

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

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

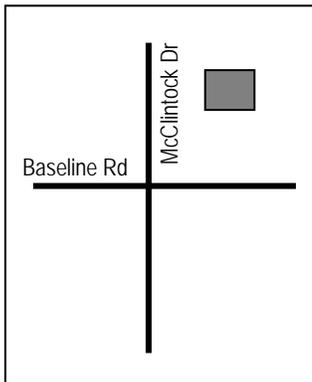
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions

**ADDITIONAL INFO:**



The applicant is seeking a use permit standard to reduce the front yard setback by 20% from twenty (20) feet to sixteen (16) feet. The existing open structure (double car carport) received a reduced setback variance in 1981 to sixteen (16) feet. The use permit will allow the conversion of the open structure to an enclosed building at the reduced setback. The double carport is to be converted to garage with the door facing the east. Staff is in support of this use permit request with the finding that they meet the Zoning and Development Code criteria for approval of a use permit.

**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. Letter of Intent
4. Site plan
5. Elevation
6. Floor Plan
7. Staff Photograph(s)

The Balken Residence is seeking a use permit to facilitate a future home improvement. The use permit is for a reduction of the front yard setback for a building structure by 20% from twenty (20) feet to sixteen (16) feet. The applicant is converting an existing carport into a garage. The entrance to the garage will be perpendicular to the street facing to the east. They are proposing to demolish the existing driveway in front of the new structure and expand the driveway to the east. The addition complements the existing structure in color, form and material. To date, no public input has been received.

### Use Permit

The Zoning and Development Code requires the front yard setback for enclosed building structures, in the R1-6 Single Family Residence District, to be located twenty (20) feet from the front property line. A use permit standard may be used to reduce the setback by 20% to sixteen (16) feet.

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a) Any significant increase in vehicular or pedestrian traffic in adjacent areas;  
There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;  
Will not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.
- c) Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;  
The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d) Compatibility with existing surrounding structures and uses;  
The proposed use appears to be compatible with surrounding uses.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;  
Not applicable to this residential request.

### Conclusion

Staff recommends approval of the use permits.

### REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

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

**CONDITION(S)  
OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Department.
2. The existing driveway to be demolished and removed prior to "Final" inspection of building permit.
3. Obtain all necessary clearances from the Engineering Department for on-site retention for expansion of building area and pavement in front yard.
4. Per Tempe City Code; improved paved areas shall not exceed 35% of the front and side areas visible from the street.
5. The enclosed carport to match the existing dwelling in color, form and material

**HISTORY & FACTS:**

June 24, 1981. The Board of Adjustment approved a request by the Johnson Residence located at 2082 E. Minton Drive, in the R1-6 District for a variance to reduce the front yard setback for an open carport structure from 20' to 16', subject to conditions.

**DESCRIPTION:**

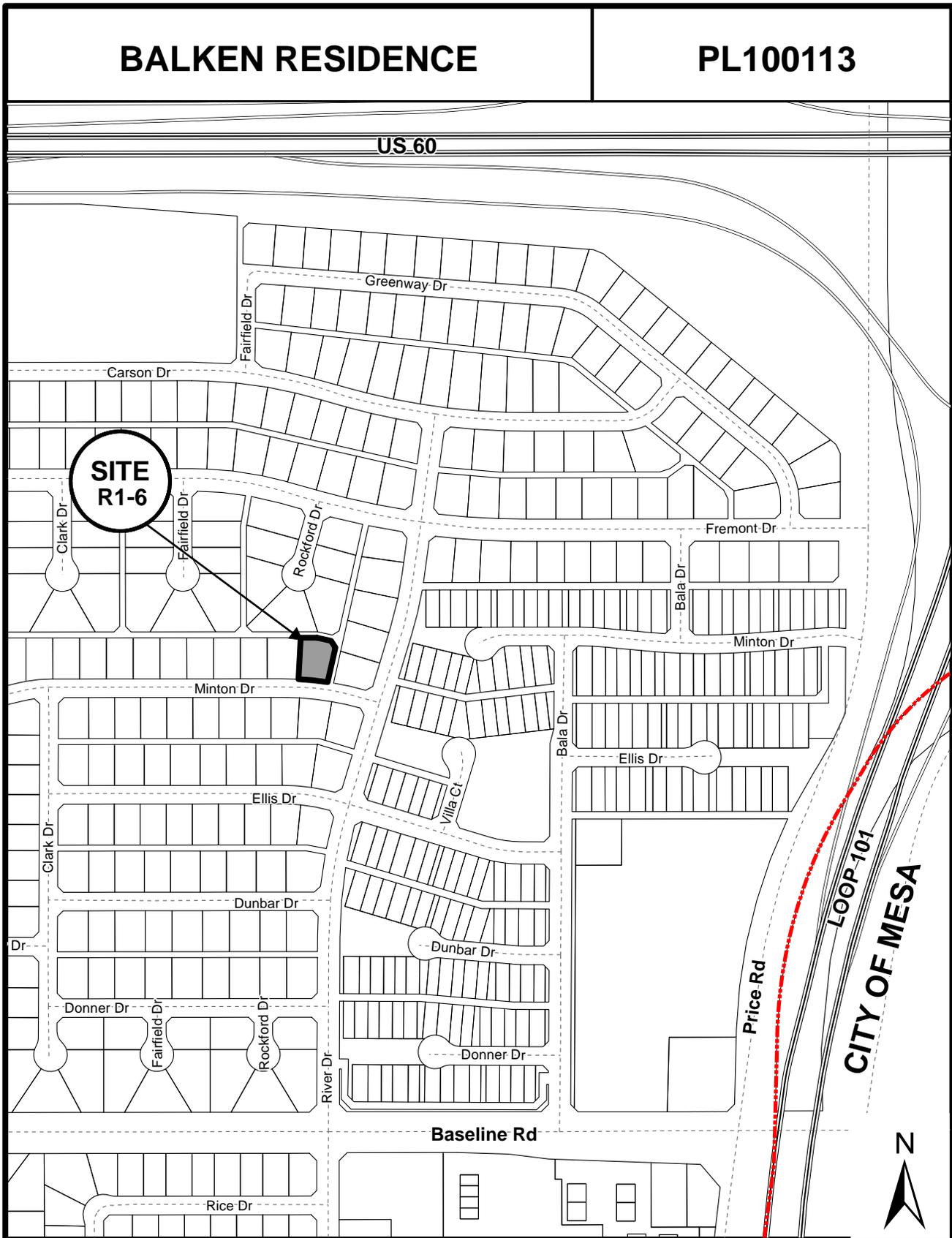
Owner – Nicholas Balken  
Applicant – Nicholas Balken  
Existing Zoning – R1-6, Single Family Residential District  
Lot area- 9780 sf

**ZONING AND  
DEVELOPMENT:**

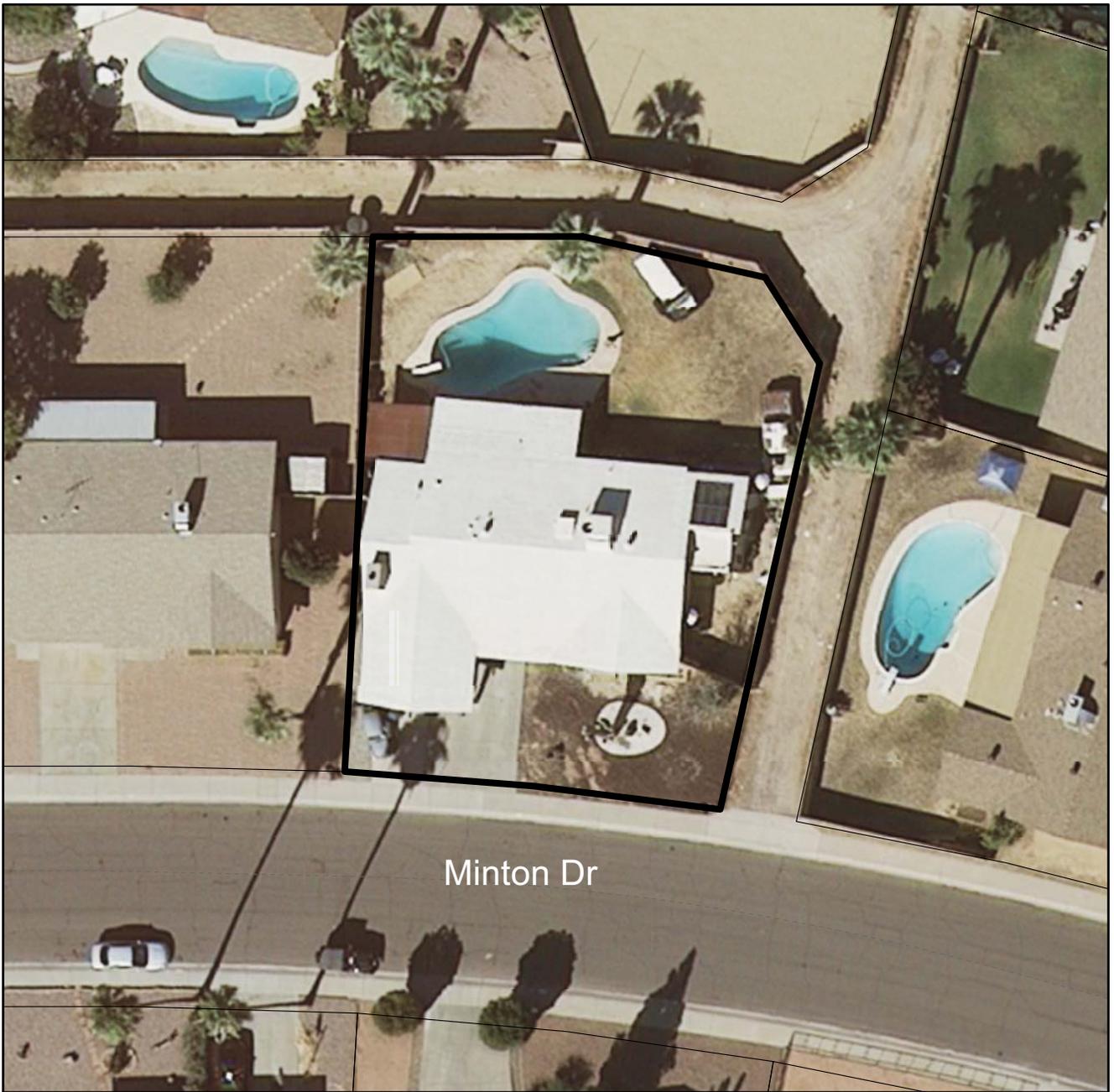
Part 4, Chapter 2, Section 4-202.  
Part 6, Chapter 3, Section 6-308 – Use Permit

# BALKEN RESIDENCE

PL100113



## Location Map



Minton Dr

**BALKEN RESIDENCE (PL100113)**

City of Tempe  
Development Services Department  
Planning and Zoning

I am requesting a permit and variance adjustment for my property at 2082 E. Minton Drive, Tempe Az. R1-6 , One Family Residence District

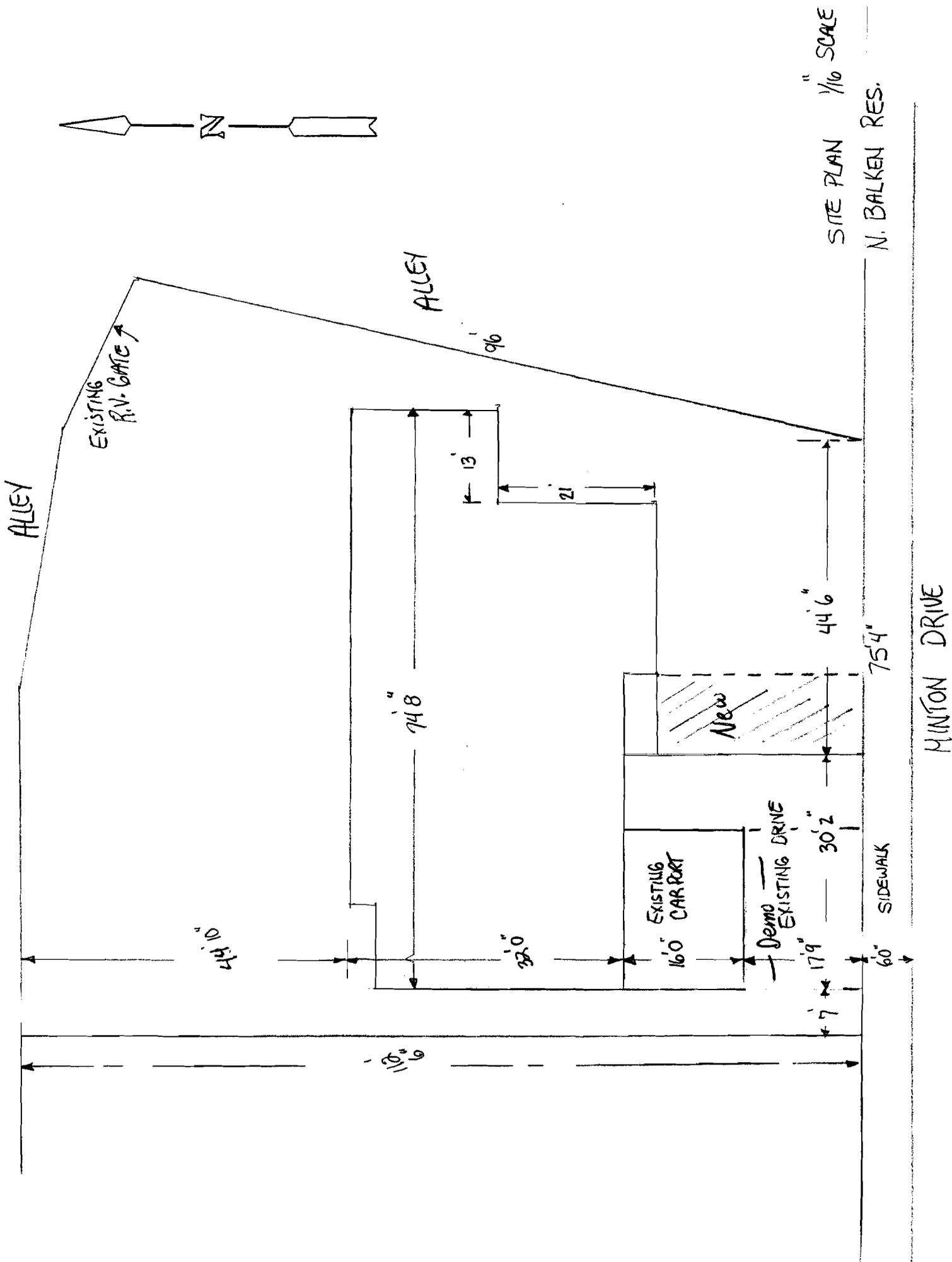
I would like to enclose my existing carport into a workshop, with a rollup door facing East, rather than facing the street (Minton Dr.) The variance in place approved for in 1981 was to add the carport and an additional space for a driveway.

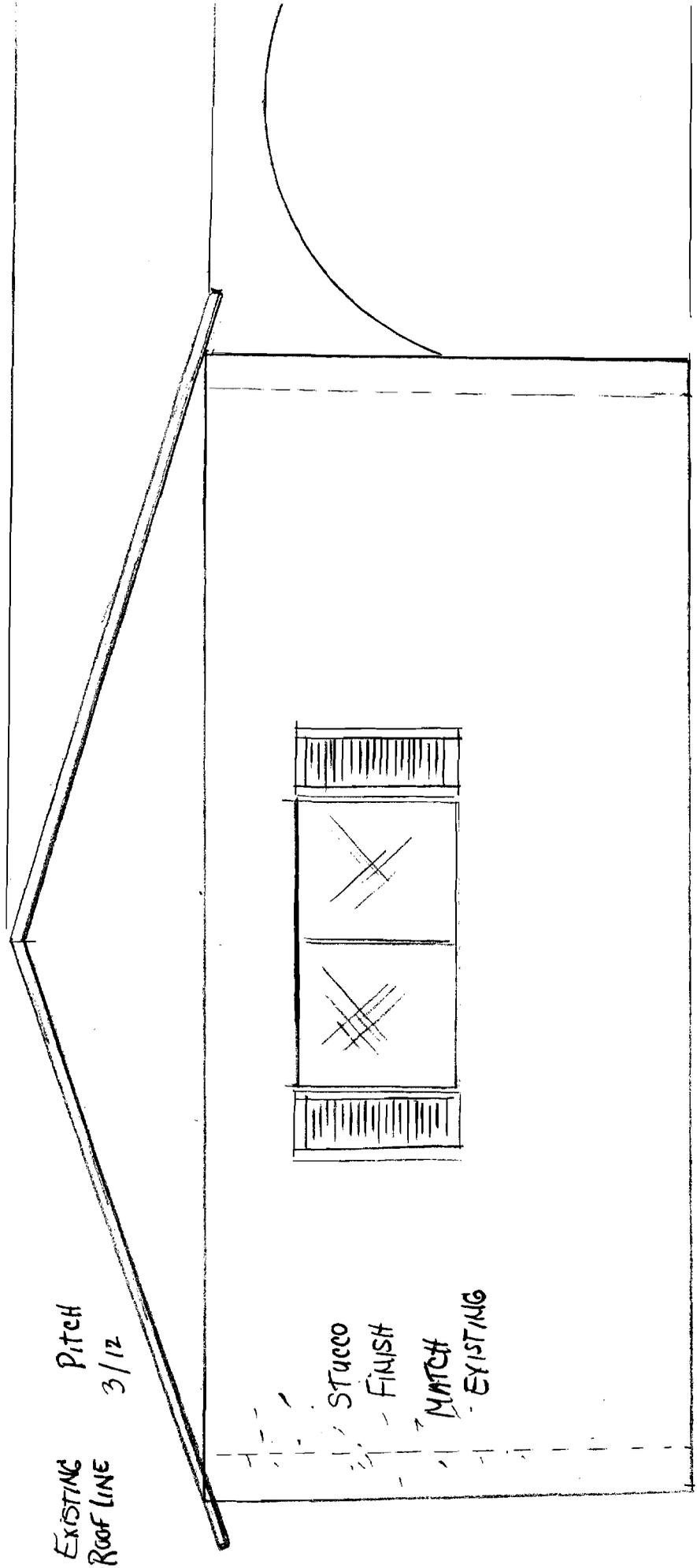
I would like to demo the driveway spaces immediately in front of the existing carport and add a secondary driveway to the East of the existing one. Thereby allowing for 2 driveway spaces in front, as well as 1 space in the converted carport/garage.

If the additional driveway is not acceptable to you, then option B, would be add a parking area where my current R.V. gate is, in my back yard, (the N.E. corner)

Thank you

Nick Balken





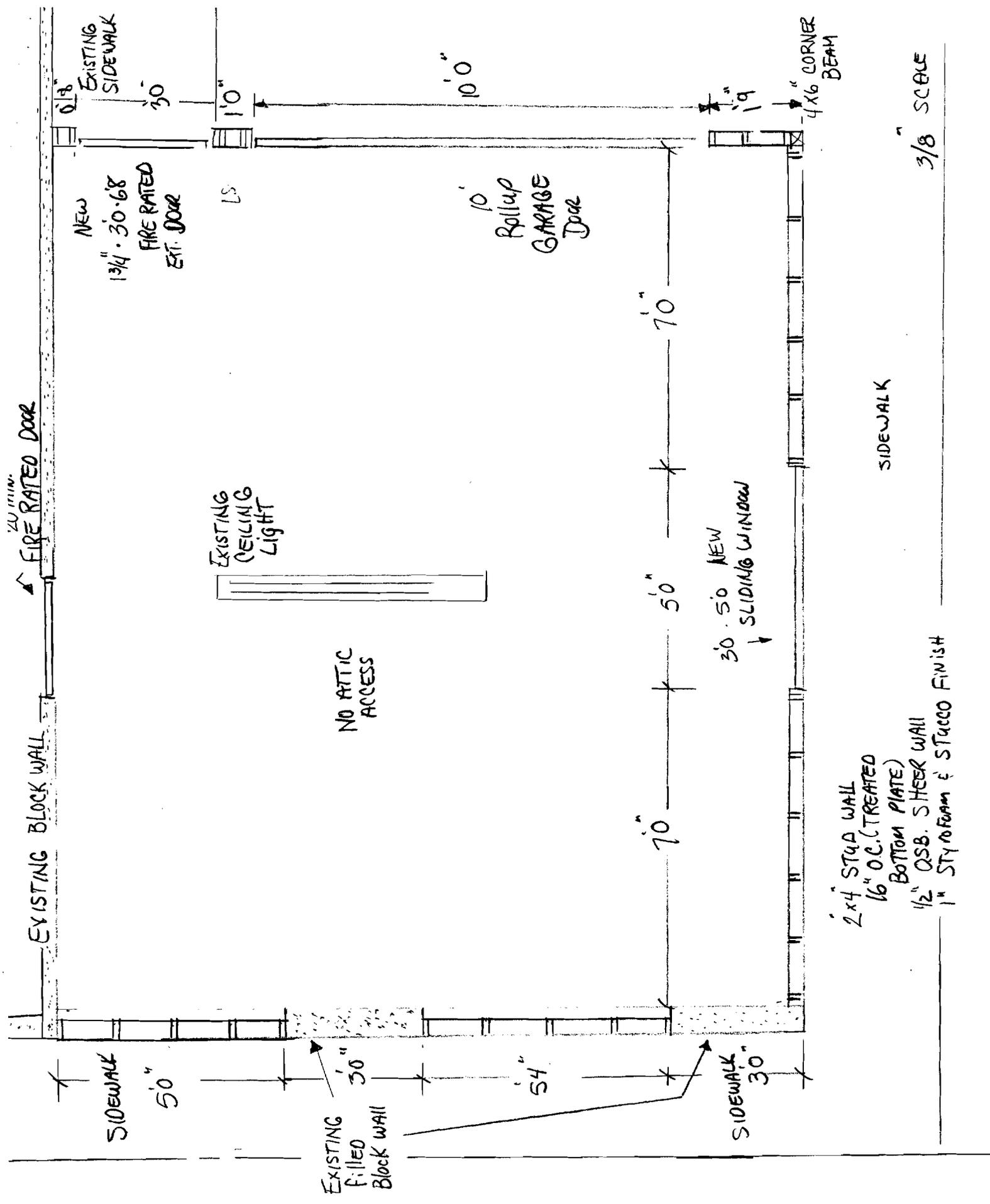
EXISTING  
ROOF LINE

Pitch  
3/12

STUCCO  
FINISH  
MATCH  
EXISTING

ELEVATION  
N. BALKEN

3/8" SCALE



2x4 STUD WALL  
 16" O.C. (TREATED  
 BOTTOM PLATE)  
 1/2" OSB. SHEER WALL  
 1" STYROFOAM & STUCCO FINISH

SIDEWALK  
 3/8" SCALE



**BALKEN RESIDENCE**

**2082 EAST MINTON DRIVE**

**PL100113**

**FRONT OF RESIDENCE**

