

Staff Summary Report



Hearing Officer Hearing Date: January 6, 2009

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **BOWERS RESIDENCE (PL080451)** located at 902 South Farmer Avenue for two (2) use permits and one (1) variance.

DOCUMENT NAME: 20090106dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **BOWERS RESIDENCE (PL080451)** (William Gordon/Desert Rose Architectural Engineering LLC, applicant; Judy Bowers, property owner) located at 902 South Farmer Avenue in the R-3, Multi-Family Residential Limited District for:

ZUP08184 Use permit standard to reduce the west rear yard setback by twenty (20) percent from fifteen (15) feet to twelve (12) feet.

ZUP08185 Use permit to reduce the on site parking setback from twenty (20) feet to sixteen (16) feet.

VAR08027 Variance to reduce the on site driveway length from twenty (20) feet to sixteen (16) feet. (Twenty-two (22) feet available distance behind sidewalk.)

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

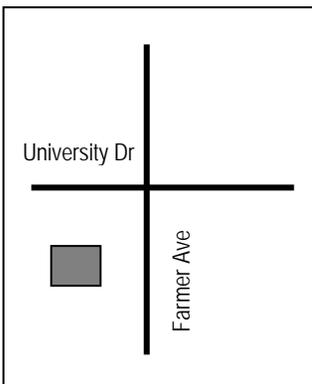
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is before the Hearing Officer to request two (2) use permits and one (1) variance to allow for the construction of a garage with a second-story addition. The proposed garage will replace a dilapidated freestanding garage. A one bedroom guest quarter is proposed for the second floor. This property is zoned multi-family which allows for an additional unit. The use permits are to reduce the rear yard by 20% from 15' to 12'; a use permit to reduce the parking setback by 20% from 20' to 16' and variance to reduce the on-site driveway length from 20' to 16'. The driveway length will be twenty-two (22) feet behind sidewalk; sixteen (16) feet on property and six (6) feet in Right of Way. Staff is recommending approval of the use permits and variance; to date no public input has been received on 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. Letter of Intent
4. Site plan
5. Floor Plan
- 6-7. Elevations
8. Staff Photograph(s)

COMMENTS:

The Bowers Residence is requesting two (2) use permits and one (1) variance to allow for the construction of a garage with a second-story addition. The proposed garage will replace a dilapidated freestanding garage. A one bedroom guest quarter is proposed for the second floor. This property is zoned multi-family which allows for an additional unit. The use permits are to reduce the rear yard by 20% from 15' to 12'; a use permit to reduce the parking setback by 20% from 20' to 16' and a variance to reduce the on-site driveway length from 20' to 16'. The driveway length will be twenty-two feet behind sidewalk; sixteen (16) feet on property and six (6) feet in Right of Way. The property is located at the southwest corner of Farmer Avenue and 9th Street; a corner lot with only two adjacent adjoining properties. The property to the west is a single-family, single story residence. The property to the south is a multi-family residential building.

Use Permit

The Zoning and Development Code requires a use permit to reduce the required west rear yard setback by 20% from 15' to 12' and a use permit to reduce the required parking setback by 20% from 20' to 16' in the R-3, Multi-Family Residence District. These use permit requests meet all applicable tests in the following manner:

- 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;
 - No potential nuisances.
- c. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with the surrounding uses.

Variance

The Zoning and Development Code Development Standards require the on site driveway length to be twenty (20) feet. The applicant is seeking variance to reduce the on site driveway length to sixteen (16) feet. The actual driveway length behind the sidewalk will be twenty-two (22) feet; with sixteen (16) feet of driveway provided on site and six (6) feet in Right of Way. Staff supports the variance to reduce the on site driveway length. The intent of the ordinance requirement is to provide a minimum twenty (20) foot driveway clearance from the garage door to the pedestrian walkway; the 22' foot clearance behind the sidewalk exceeds the intent. Analysis of this request, result in findings that there are special circumstances or conditions affecting this building, land, or use to warrant approval of the variance. Authorizing the variance will not be detrimental to the surrounding area and will not negatively impact surrounding properties.

Conclusion

Staff recommends approval of the use permit(s) and variance for the construction of a freestanding garage.

REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will not be materially detrimental to persons residing or working within the vicinity, to adjacent property, to the neighborhood or to 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 Division

HISTORY & FACTS:

None pertinent to this request.

DESCRIPTION:

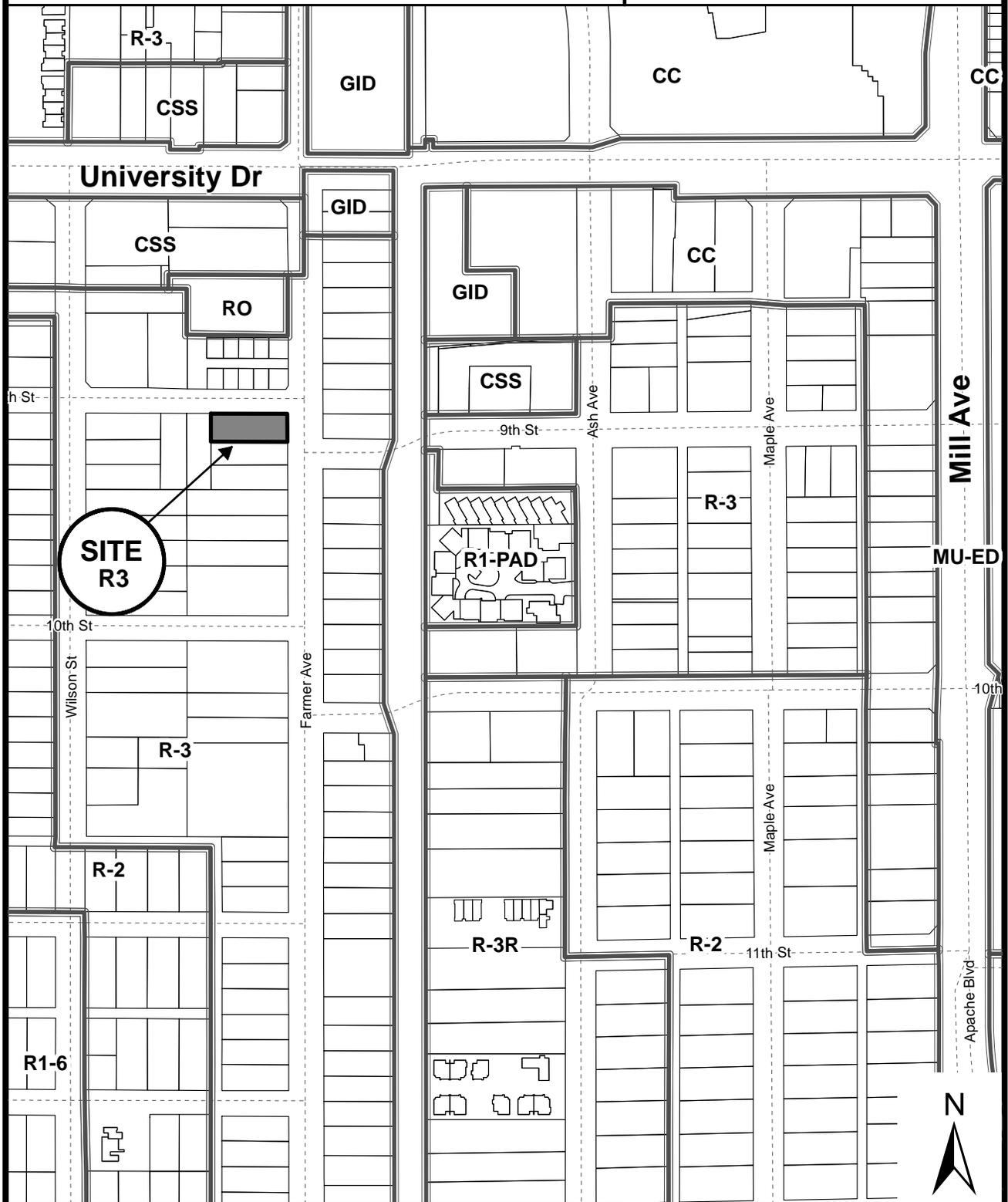
Owner – Judy Bowers
Applicant – William Gordon/Desert Rose Architectural Engineering LLC
Existing Zoning – R-3, Multi-Family Residential District
Required rear yard setback- 15'
Proposed rear yard setback 12'
Required parking setback –20'
Proposed parking setback- 16'

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

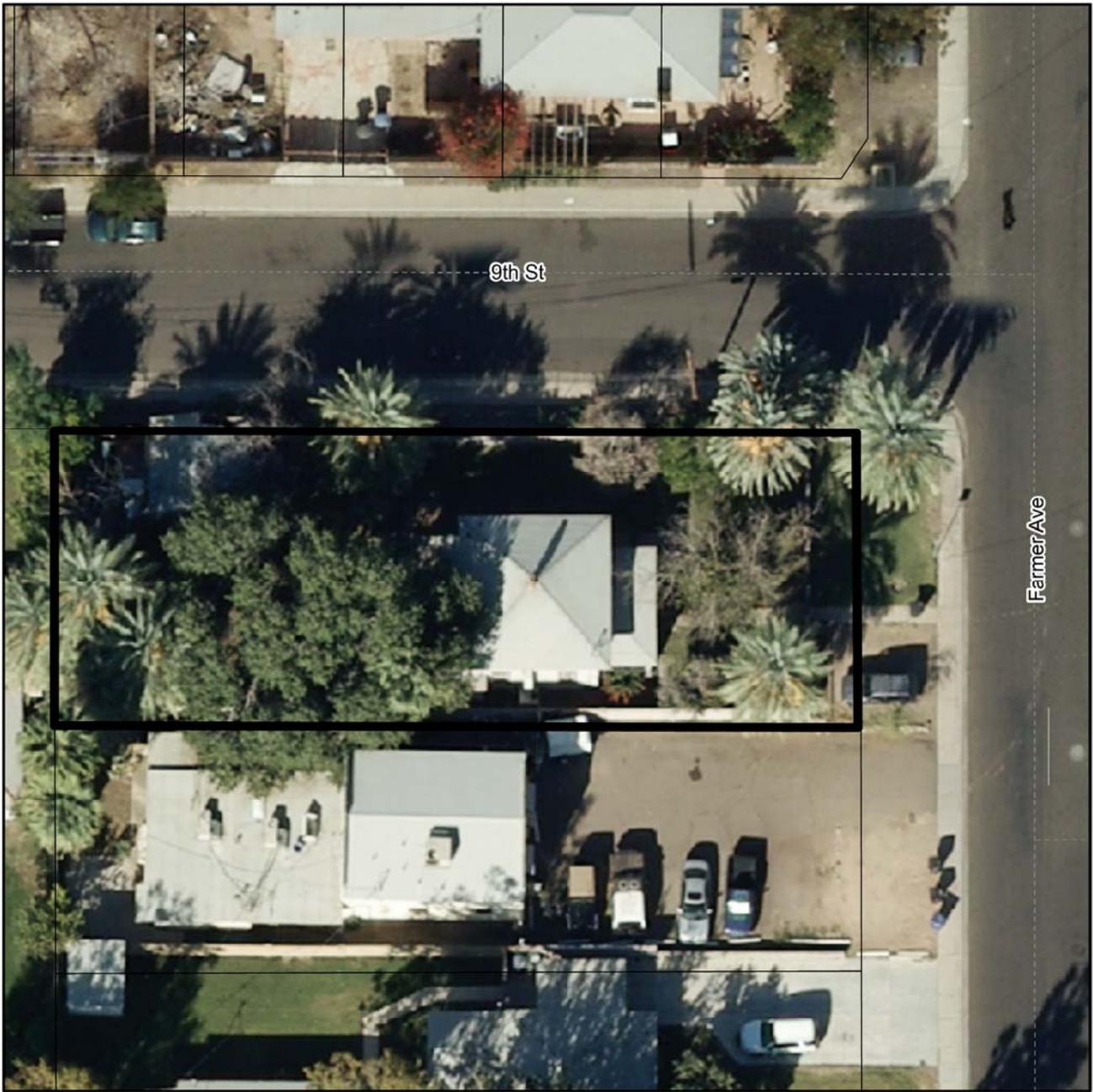
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

BROWERS RESIDENCE

PL080451



Location Map



BROWERS RESIDENCE (PL080451)

Desert Rose Architectural Engineering, LLC

Residential & Commercial
ROC 180748 KB-02
Bonded & Insured

PO Box 1023
Litchfield Park, Arizona 85340

Mobile 602 510-5649
Fax 623 321-7953

Letter of Explanation

RE: Use Permit for the property located at 902 South Farmer Avenue.

Officer, Board, City Council and other members

On behalf of Judy Bowers, I would like to request a use permit for a garage and guest quarters to be built on the above mentioned property. The garage/guest has a foot print of 24ft x 24ft and is a two (2) story building. The bottom floor is a garage and the top floor will be temporary living quarters for guest such as mother and father and friends that would visit on occasion. The greatest benefit to Judy would be the provision of secure parking for her vehicles and a place for her mother and father to stay when visiting from Australia.

The building will be constructed of similar materials to the existing residence. For example; 1) the exterior walls will be wood siding to match and painted the same color as the house, 2) the roof will be ribbed steel to match the roof of the house, 3) the railing on the balcony will match the porch on the house, 4) exterior windows and doors will be trimmed to match the house.

In order to build this garage/guest quarters it would be necessary to demolish an existing garage that is literally being held up by the contents of the building. The garage is up against the fence with the opening directly on the right-of-way with no pavement for a driveway.

We are also requesting a reduction of the rear property setback by 20% (from 15ft to 12ft) so that we can keep the foundation of the garage as far away as possible from a very large tree that is behind the house.

Sincerely,

Desert Rose Architectural Engineering, LLC
By William T. Gordon

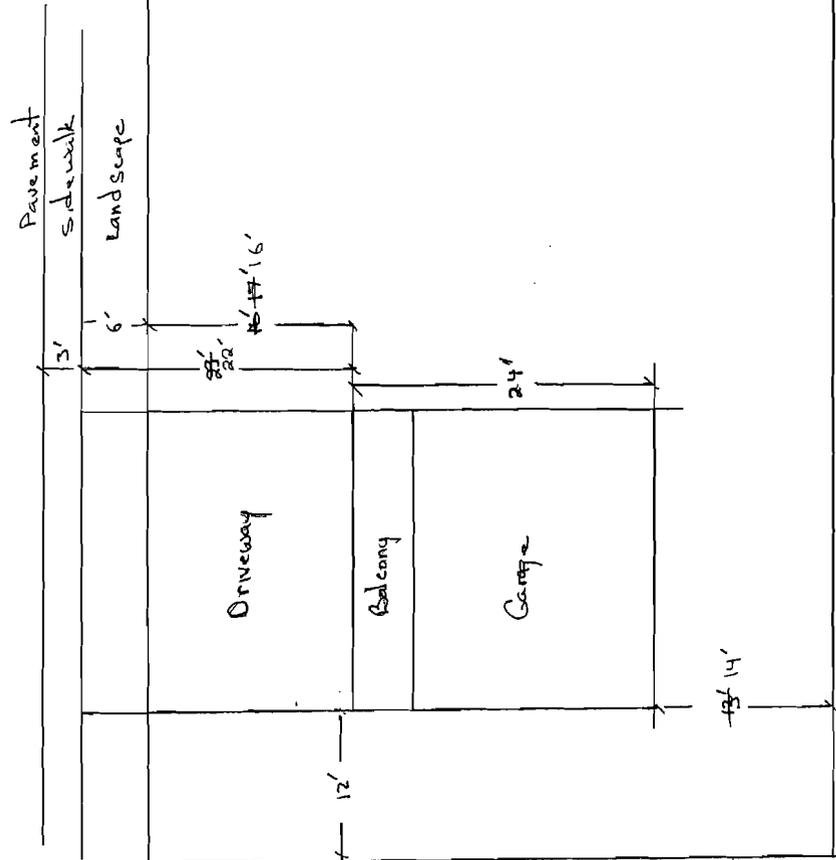
By 
(Managing Member/Statutory Agent)

Date (mm/dd/yyyy)

Judy Bowers
 902 South Farmer Ave
 Tempe, AZ 85281
 Parcel: 124-69-087
 Lot 16
 MCR 00714
 Sec: 21
 TOWN: 1N
 RANG: 4E

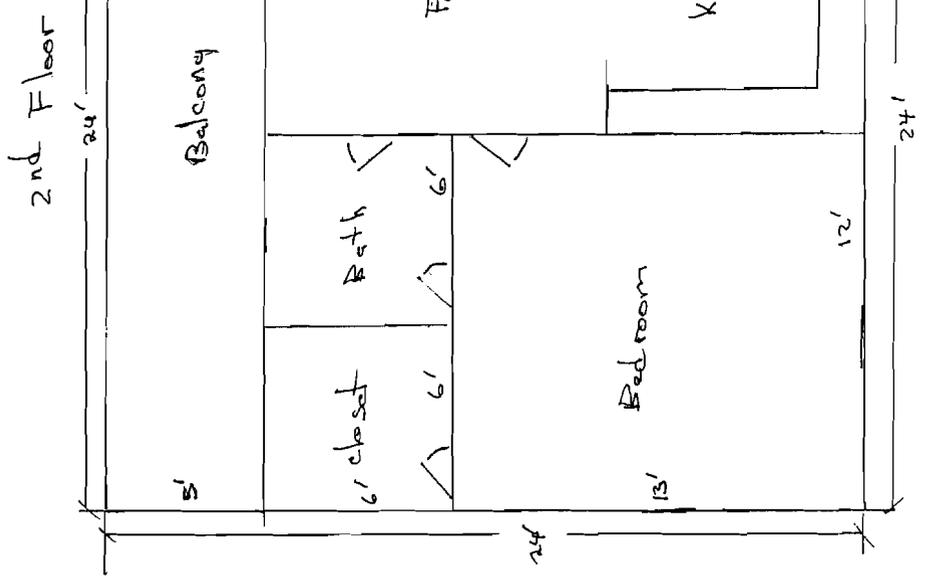
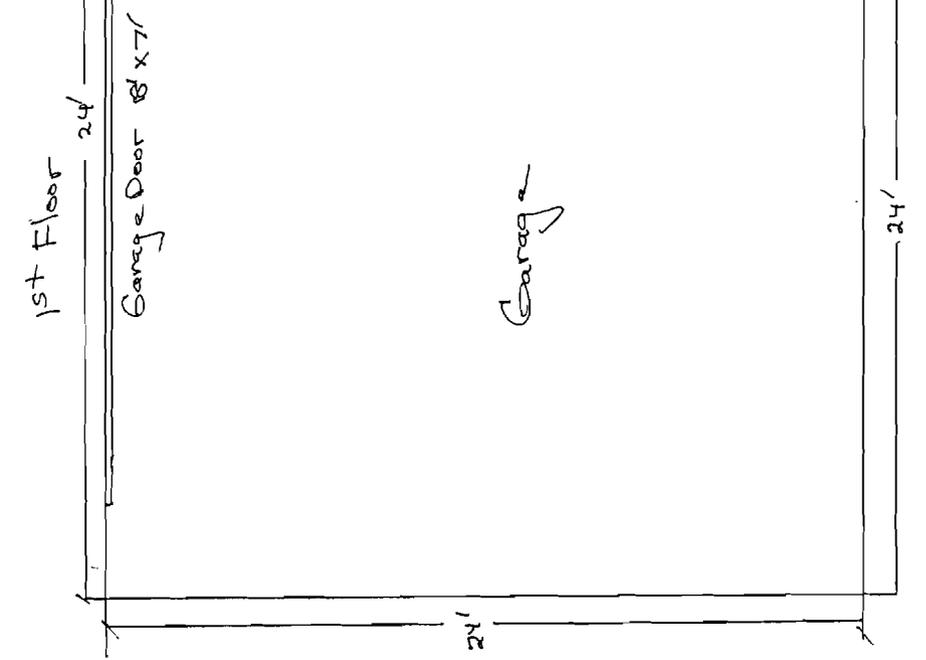
9th Street

↑ N



Farmer Avenue

Site Plan

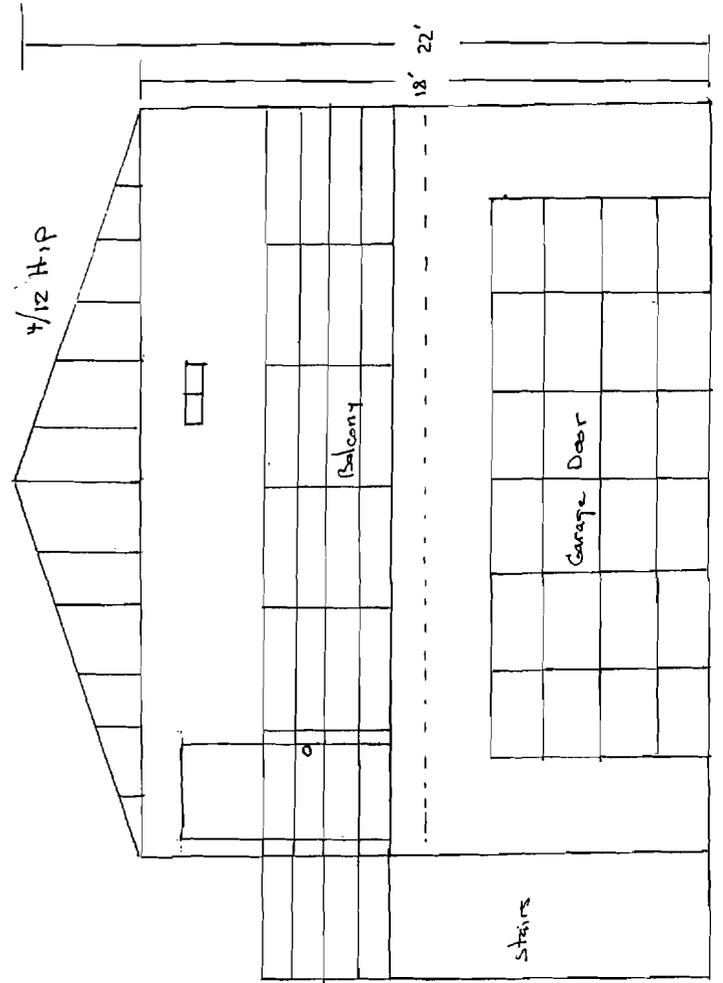


1/4" scale

Floor Plan

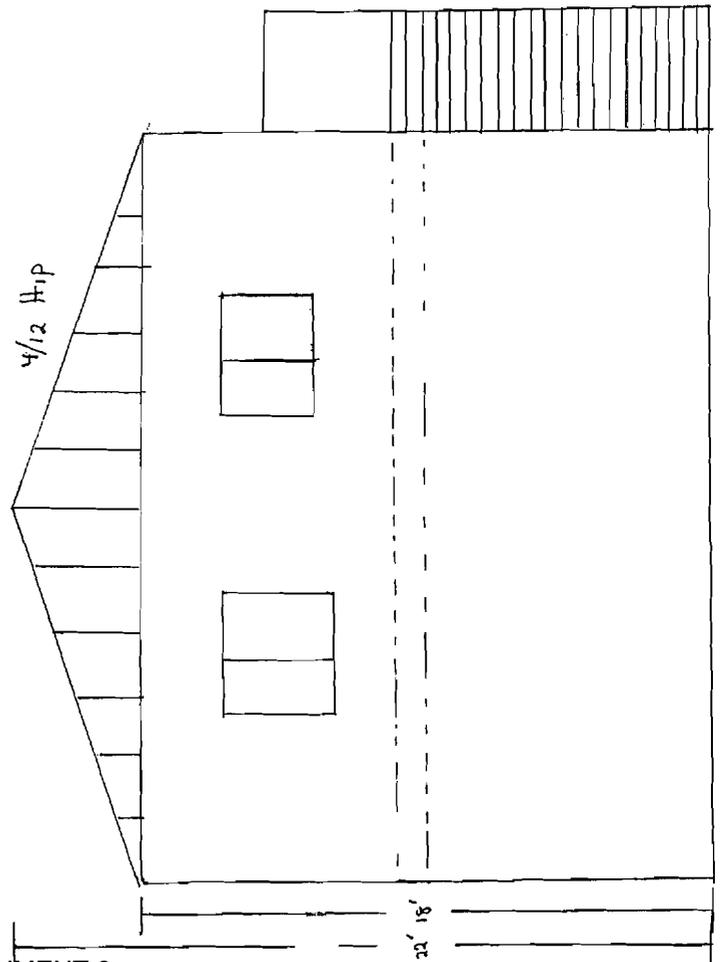
North Elevation

South Elevation

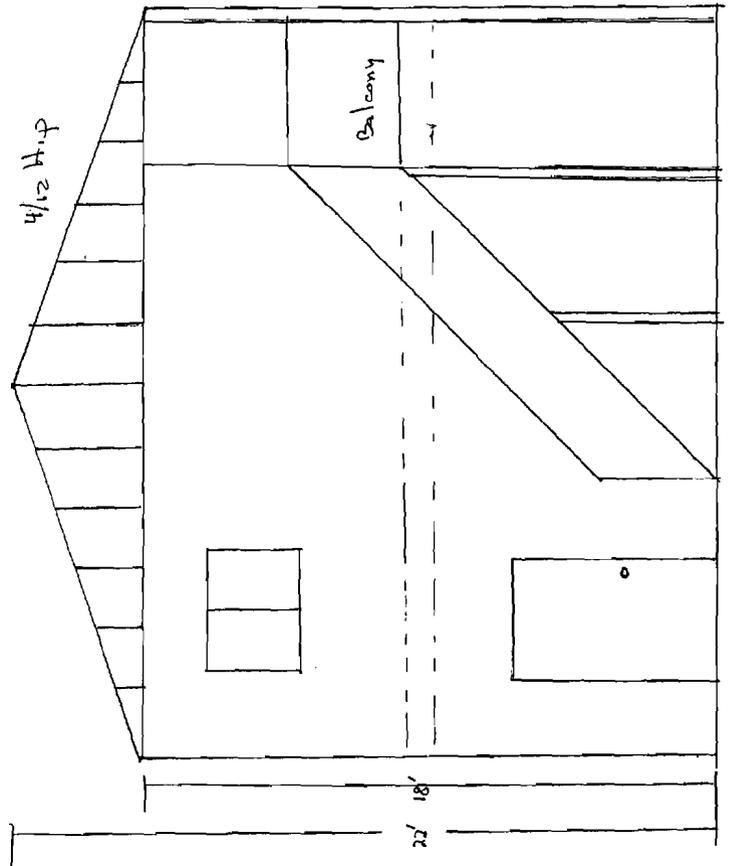


Elevations

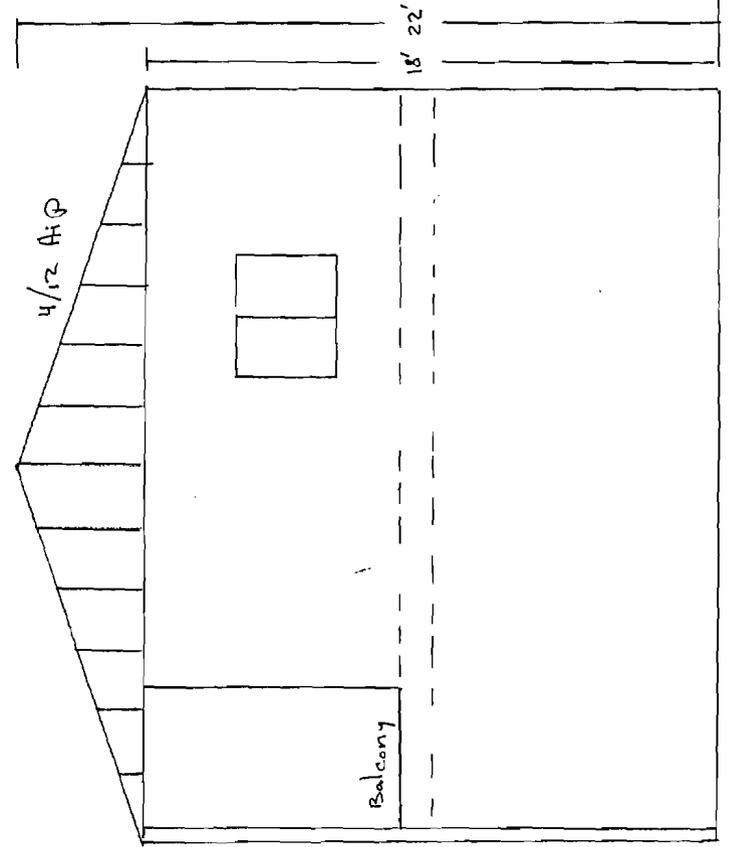
1/4" scale



East Elevation



West Elevation



1/4" Scale

Elevations



BOWERS RESIDENCE

902 SOUTH FARMER AVENUE

PL080451

FRONT OF RESIDENCE

