

Staff Summary Report



Hearing Officer Hearing Date: 12/21/10

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **BOYETT RESIDENCE** located at 8526 South Newberry Lane for one (1) use permit standard.

DOCUMENT NAME: 20101221cdr101 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **BOYETT RESIDENCE (PL100332)** (Katrina Boyett, applicant/property owner) located at 8526 South Newberry Lane in the AG, Agricultural District for:

ZUP10148 Use permit standard to reduce the required side yard setback by twenty percent (20%) from 20 ft. to 16 ft. to allow an additional ~~35~~ **20** ft. extension to the previous garage addition approval. **CORRECTED BY STAFF**

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

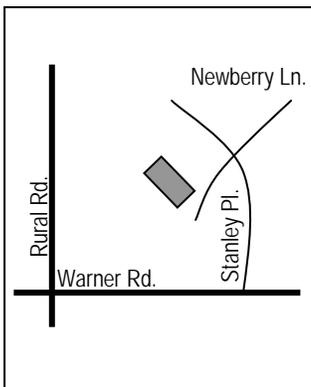
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: On November 16, 2010, the Hearing Officer approved a request to reduce the required side yard setback by twenty percent (20%) from 20 ft. to 16 ft.



After reviewing the proposal with the contractor, the applicant wishes to enlarge the previous proposed building, extending the garage approximately 20 feet towards the street, from the original location, for that portion of the project to reduce the setback from 20 ft. to 16 ft. The addition will allow the resident to re-orient the two-door garage facing the street instead of the side yard and provide additional garage space and an interior game room. There has been no public input to date regarding this request. Staff recommends approval with conditions.

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. Letter of Intent
5. Previous Approval Letter
- 6-7. Existing/Proposed Site plan
- 8-9. Existing/Proposed Floor plan
- 10-11. Existing/Proposed Elevation
- 12-13. Staff Photographs

COMMENTS:

The property is located northeast of Warner Road and Rural Road, within the Buena Vista Ranchos neighborhood. The site is accessible from Stanley Place off of Newberry Lane on the north side of the road. The site consists of a single family residence constructed in 1994. The property is accessible from a decomposed granite circular drive, extending to the northeast side of the property to a side accessed garage.

On November 16, 2010, the Hearing Officer approved a request to reduce the required side yard setback by twenty percent (20%) from 20 ft. to 16 ft.

The applicant is before the Hearing Officer to request approval of a use permit standard to reduce the required side yard setback from 20 ft. to 16 ft. for an additional 20 ft. proposed extension of the previously approved garage. After reviewing the proposal with the contractor, the applicant wishes to enlarge the proposed building with a request that the new portion of the project reduce the side setback from 20 ft. to 16 ft. (same distance as previous approval). The addition will allow the resident to re-orient the two-door garage facing the street instead of the side yard and provide additional garage space and an interior game room. This addition will comply with the property's front yard building setback (40 ft.). There has been no public input to date regarding this request. Staff recommends approval with conditions.

Use Permit

The Zoning and Development Code requires a use permit standard to reduce the setbacks for a single family residence by up to 20%. The property is zoned AG, Agricultural District. The single family zoning designation requires the greatest setbacks for a residential home, which may include uses for agricultural or horse keeping.

This use permit standard request meets 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. The garage addition will maintain access from the existing circular driveway and relocate the existing circulation from the adjacent neighbor's property.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - The garage addition will not cause any nuisances exceeding that of existing conditions.
- 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 addition would not contribute to neighborhood deterioration or downgrading of property values. The site will increase the total livable floor area, which in turn, will increase the value of the property. The proposed use is consistent with the City's adopted plans and supports reinvestment or revitalization into our existing neighborhoods through minor modifications of standards through a use permit process.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed addition appears to be compatible with surrounding uses. Most garages in this neighborhood are oriented towards the street with multiple garage doors.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public:
 - The proposed use will not create a nuisance. The design will also encourage parking within the garage with the additional space provided as a part of this addition.

Conclusion

Staff recommends approval of the requested use permit standard with the proposed conditions of approval.

REASON(S) FOR APPROVAL:

1. The addition will be compatible with the surrounding areas and with the neighboring property.
2. The reduction in the standard setbacks is appropriate for this use.
3. The approval criteria for a use permit has been satisfied.

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

CONDITION(S) OF APPROVAL:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit standard becoming effective.
2. The use permit standard is granted based on the plans as submitted for this request. The 16'-0" side setback is applicable only to the proposed garage addition and shall not encroach within the required front yard building setback.
3. The roof design shall be maintained, utilizing the existing "hip roof" detail for the addition.

HISTORY & FACTS:

March 1, 1994	Building Permits issued for the construction of a new single family residence at 8526 South Newberry Lane.
November 16, 2010	Hearing Officer approved a request for a Use Permit Standard to reduce the required side yard setback by twenty percent (20%) from 20 ft. to 16 ft. for a garage addition. <i>(The approval was for the plans as submitted)</i>

DESCRIPTION:

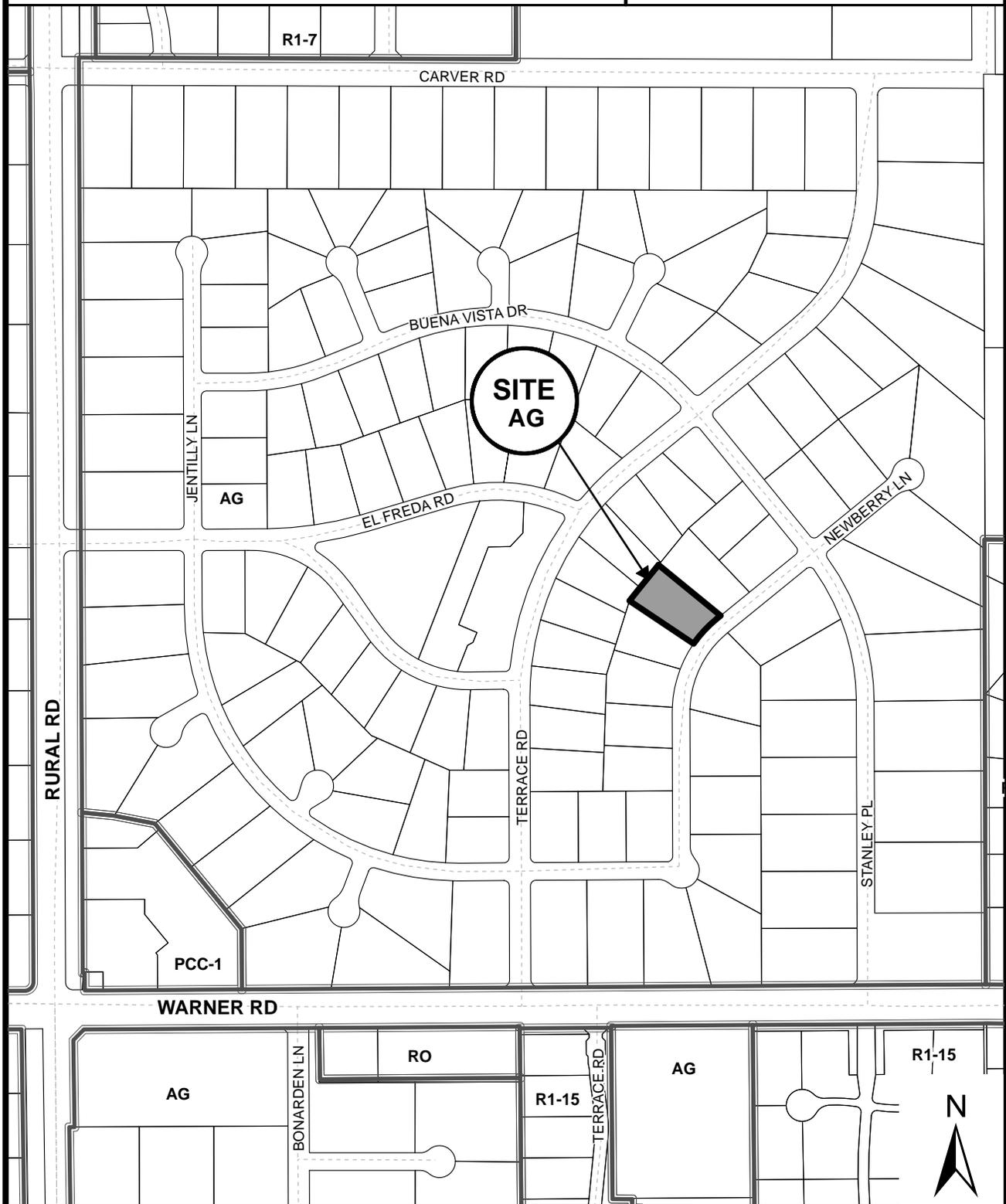
Owner – Katrina Boyett
 Applicant – Katrina Boyett
 Existing Zoning – AG, Agricultural District

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-308 Use Permit

BOYETT RESIDENCE

PL100332



Location Map



BOYETT RESIDENCE (PL100332)

December 6, 2010

Property Address: 8526 South Newberry Lane, Tempe, AZ 85284

Re: Permit to increase the depth of garage within the 40 foot front variance

Introduction and Background

My name is Katrina Boyett and I am a lifelong Tempe resident. I am seeking permission to increase the depth of the garage portion of my house, staying within the 40 foot front variance.

Approved Variance

All conditions and restrictions pertaining to the approved use permit standard to reduce the side yard setback by 20% to 16 feet will be respected.

Permit Request

This request is for additional garage depth along the new NE side setback (items 2 and 4 on the attached approval), while still respecting the 40 foot deep front yard setback. I have provided current and proposed measurements for clarity:

<u>Katrina Boyett</u>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>
Newberry frontage: garage width	30	30	0 (received in approved variance)
Newberry frontage: front yard depth*	60	40	(-20)
Distance to NE property line	16	16	0 (received in approved variance)

My neighbors most directly affected by this request, Fred and Linda Gagel (8518 South Newberry Lane), are in agreement with this proposal. The Gagel's increased the size of their garage several years ago, bringing it closer to the front property line. With their permission, for comparison purposes, the measurements of their current garage are as follows:

<u>Fred and Linda Gagel</u>	<u>Current</u>
Newberry frontage: garage width	23
Newberry frontage: front yard depth*	38
Distance to SE property line	22

The Newberry frontage: front yard depth () was determined by measuring from the center of Newberry Lane to 25 feet on the property then calculating the depth to the home from that point.*

Proposed Garage and Game Room

One 58 foot deep and one 34 foot deep (approx) garage bays facing Newberry Lane, each with an 8 x 12 decorative garage door. The remaining space from the current garage will be turned into a game room (tiled and air conditioned). The game room will be approximately 34 x 14 feet. The remainder of the space will be designated as garage.

Proposed Building Material

All building materials (slump block, roofing material, garage doors, and finishing touches) will be of the same style, quality, theme and design of the current home so that it will appear that the addition and modifications were original to the home.

The roof line continues to utilize the existing 'hip roof' detail.

All work will be done through a reputable General Contractor in accordance with all the City Permit and Building Code processes.

Front Yard Changes

This request will not create any new, exposed concrete in the front yard. The gravel driveway and circular drive will remain as is around the proposed change.

I appreciate your consideration. This addition will be a blessing to our expanding family☺

Any improvements I am authorized to make will be done with a forever, quality, and proud-to-own mindset on my part.

Thank you for your consideration and your ongoing efforts to keep our city lovely.

Katrina Boyett
8526 South Newberry Lane
Tempe, AZ 85284

602 620 4464
Katrinagirl@cox.net

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

November 22, 2010
Ms. Katrina Boyett
8526 South Newberry Lane
Tempe, Arizona 85284
katrinagirl@cox.net

RE: BOYETT RESIDENCE PL100332 / ZUP10125 / DS101063

Dear Ms. Boyett:

You are hereby advised that at the hearing held November 16, 2010, 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:

Approved the request by the **BOYETT RESIDENCE (PL100332)** (Katrina Boyett, applicant/property owner) located at 8526 South Newberry Lane in the AG, Agricultural District for:
ZUP10125 Use permit standard to reduce the required side yard setback by twenty percent (20%) from 20 ft. to 16 ft. for a garage addition.

Approved subject to the following conditions:

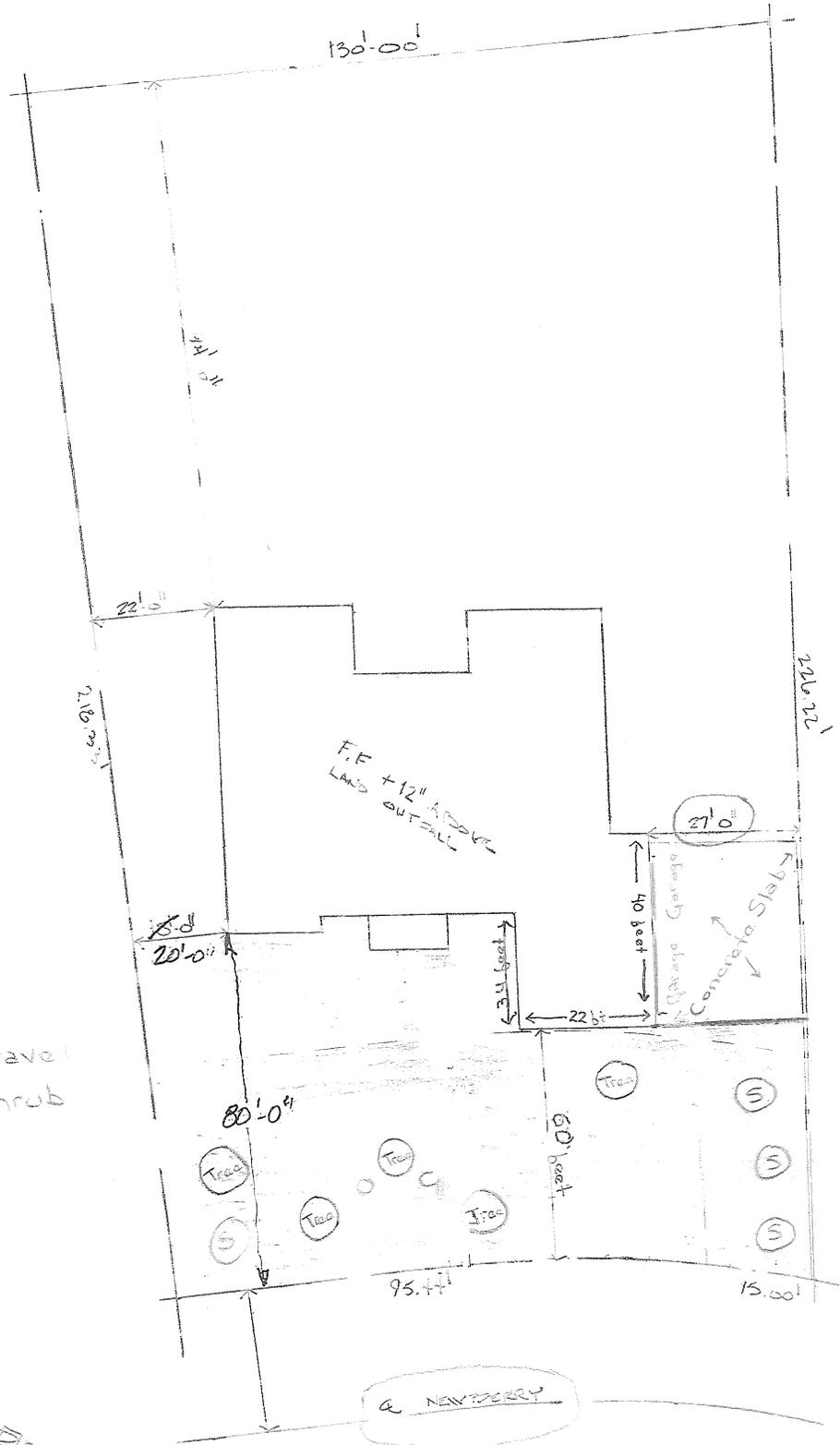
1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit standard becoming effective.
2. The use permit standard is granted based on the plans as submitted for this request. The 16' - 0" side setback is applicable only to the proposed garage addition.
3. The roof design shall be maintained, utilizing the existing 'hip roof' detail for the addition.
4. Any intensification or expansion of use beyond that presented, including additional length along the new setback will require a new use permit standard.

Approvals are specifically conditioned upon the applicant proceeding with the proposed use(s) and/or variance(s) within twelve (12) months of the date of the approval by the Hearing Officer and required by the Zoning and Development Code.

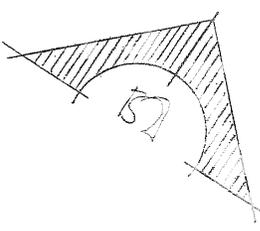
In addition to proceeding with the approvals granted, it is understood that any and all conditions as stipulated by the Hearing Officer as indicated above, shall be fully complied with. If the action of the Hearing Officer was required for the purposes of rectifying any violations of the Zoning and Development Code, the violations shall be the responsibility of the applicant/owner to fully correct and achieve conformance. You are further advised that the above does not waive the requirements for obtaining building permits and other clearances as may be necessary. If you have any questions, please contact me at (480) 858-2393.

Sincerely,

Ryan Levesque, Senior Planner
RL/dm cc: File



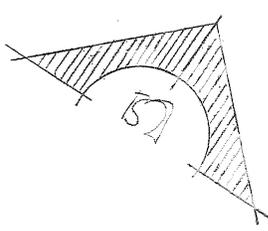
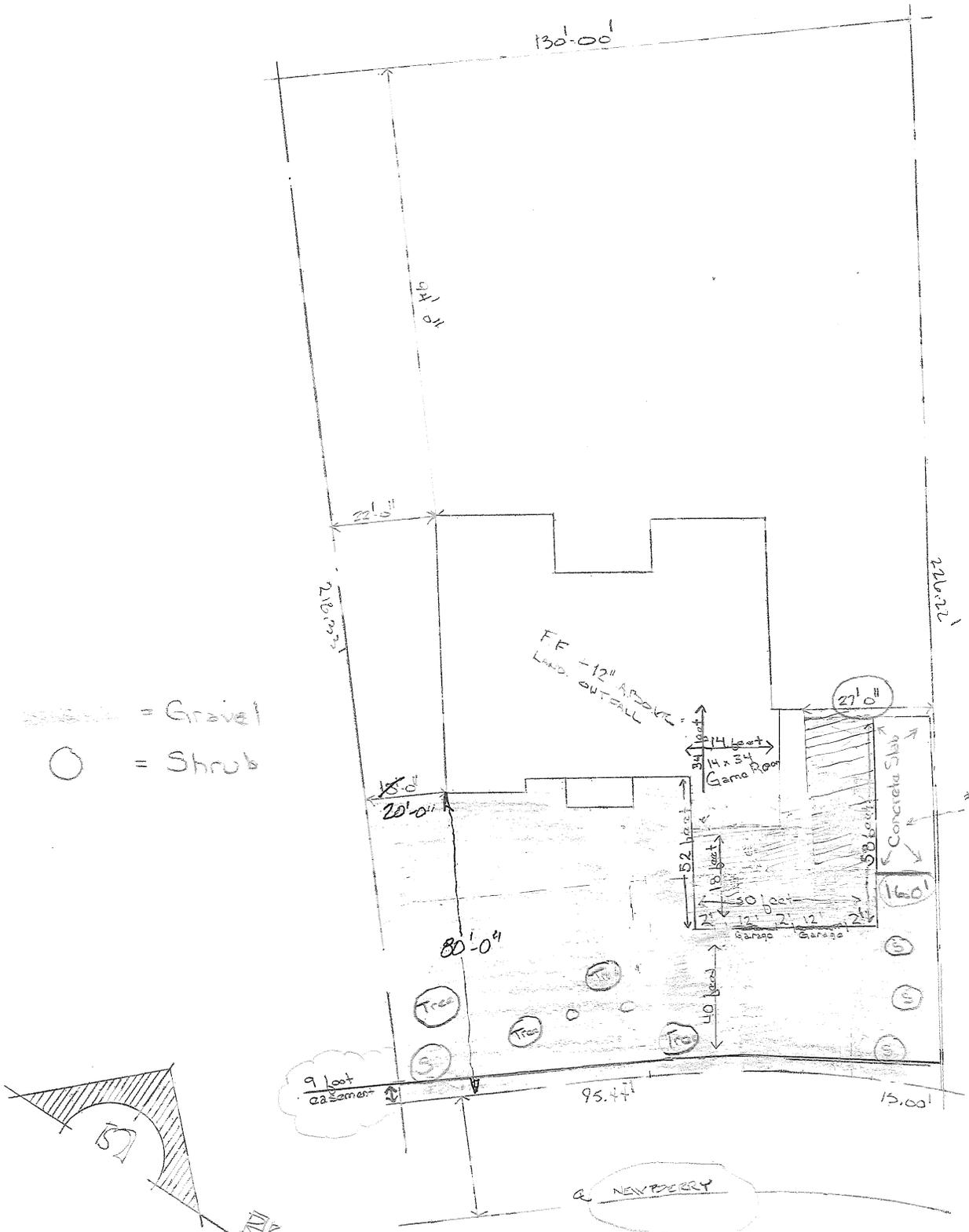
-  = Gravel
-  = Shrub



PLOT PLAN
 1/2" = 1'-0"
 OWNER: MICHAEL MIKE HUBBARD
 ADDRESS
 LOT: 51
 NEAR: BILLYA VISTA TRAIL

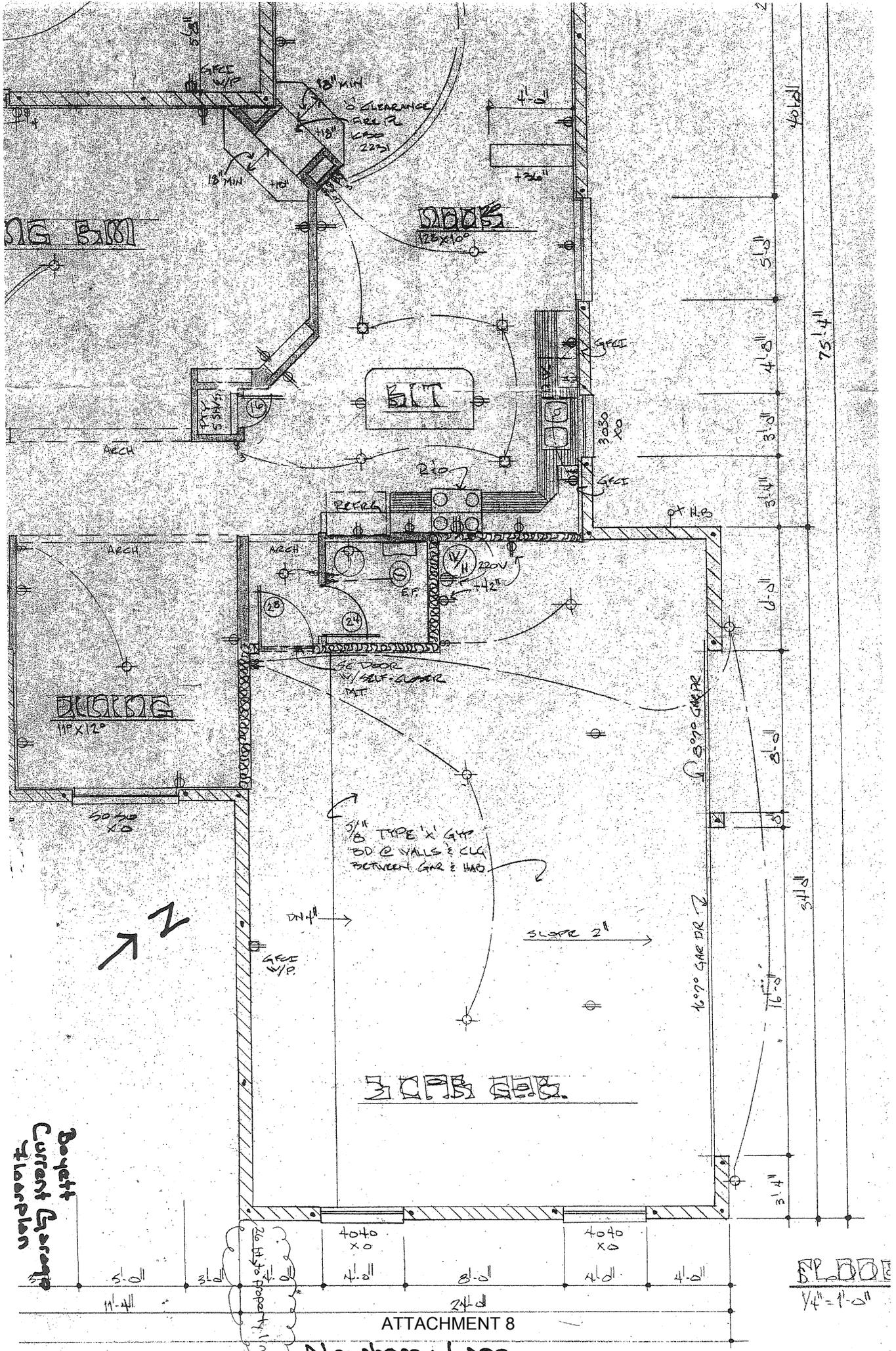
**Bozett
 Current
 Plot Plan and
 Landscape**

[Hatched Area] = Gravel
 ○ = Shrub



PLOT PLAN
 V20' = 1'-0"
 OWNER: MR. & MRS. MIKE NEUBAUER
 ADDRESS: EDEN VISTA RANCH
 LOT: 51
 LEGAL: EDEN VISTA RANCH

Boyett
 Proposed
 Plot Plan and
 and landscape



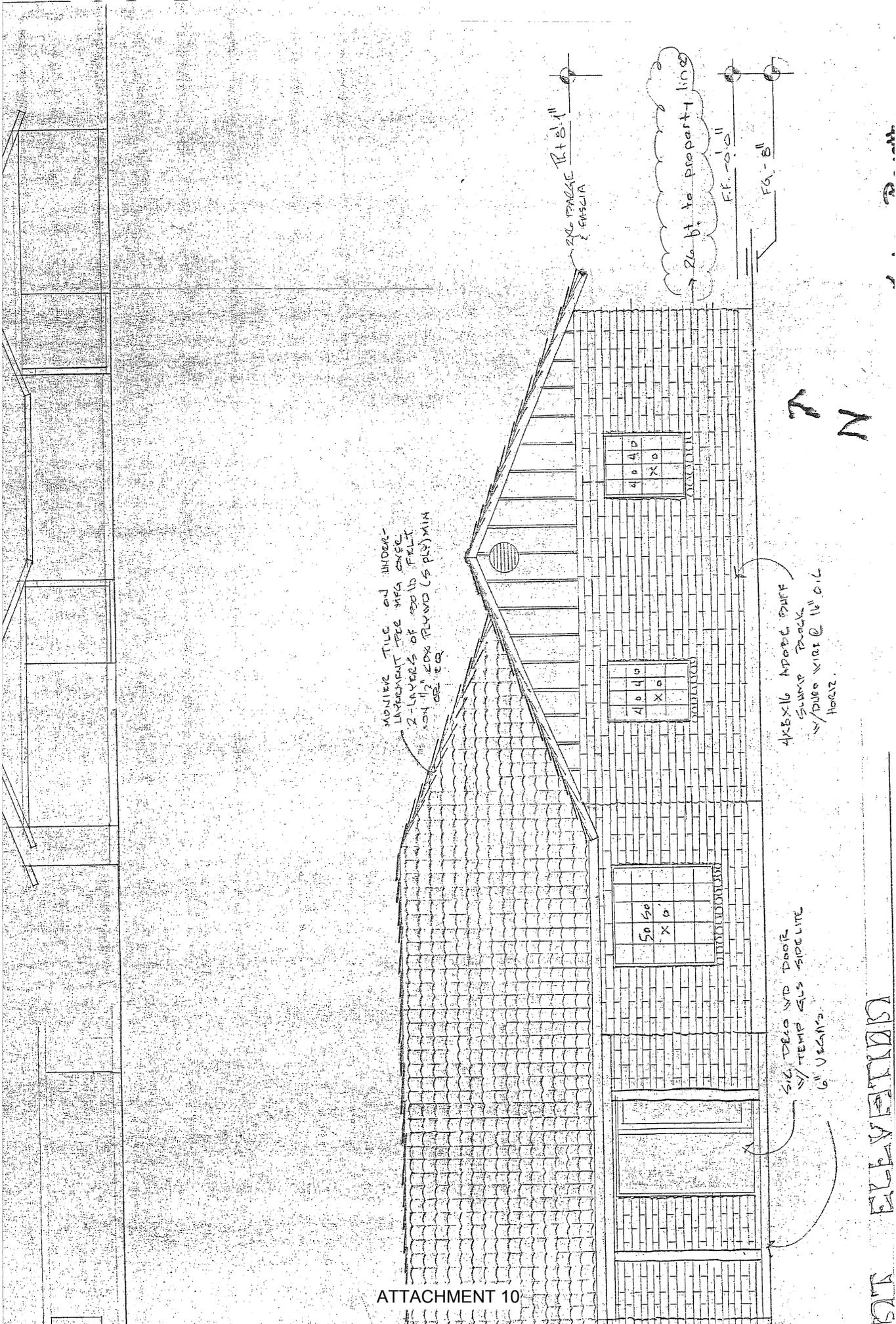
Boylett
Current Garage
Floorplan



ATTACHMENT 8

Newberry Lane

FLOOR
1/4" = 1'-0"



ATTACHMENT 10

MONIERE TILE and UNDER-LAYMENT SEE MFG. GUIDE
2-LAYERS OF 30 LB FELT
1/4" 1/2" GOR PLYWD (5 PLY) MIN
OR EQ.

2x6 FASCIA R+2x1"

26 ft to property line

FR-0-0"

FR-8"

4X6X16 APERTURE BUFF
SUMMIT BOARD
1/2" SUBO WIRE @ 16" O.C.
HORIZ.

5/8" DECK WD DOOR
TEMP GLS SIDE LITE
6" UEGAN'S

N

WEST ELEVATION

