

# Staff Summary Report



Hearing Officer Hearing Date: July 15, 2008

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the **CHAVEZ RESIDENCE (PL080218)** located at 5822 South Alder Drive for one (1) use permit.

**DOCUMENT NAME:** 20080715dsac01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **CHAVEZ RESIDENCE (PL080218)** (Richard Chavez, applicant/property owner) located at 5822 South Alder Drive in the R1-6, Single Family Residential District for:

**ZUP08103** Use permit to allow an accessory building (workshop / storage).

**PREPARED BY:** Alan Como, Planner II (480-350-8439)

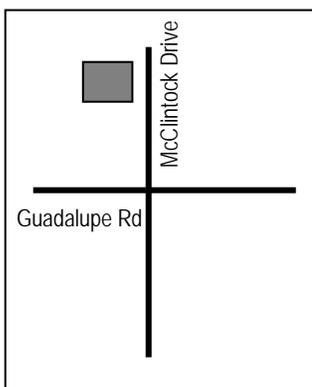
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-6

**ADDITIONAL INFO:** The applicant is requesting approval for an accessory building located in the rear of the property located at 5822 South Alder Drive in the R1-6, Single Family Residential District. To date two (2) phone calls of inquiry and one (1) call of opposition have been received. Staff supports approval of the use permit request for an accessory building, subject to conditions.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
- 5-6. Elevations
- 7-9. Staff Photograph(s)

## COMMENTS:

The applicant is requesting approval for an accessory building located in the rear of the property at 5822 South Alder Drive in the R1-6, Single Family Residential District. The property owner, Mr. Chavez constructed the accessory building before the Zoning Code required a use permit for such structures. However, Mr. Chavez did not receive a final inspection on the plans he had submitted and the approvals have lapsed for the building. Mr. Chavez indicated to staff that the accessory building would be used as a workout room, and may have a storage element included therein.

To date two (2) phone calls of inquiry have been received and one (1) call of opposition. A common concern stated by the callers is that the proposed building will be used to run an automotive repair business as a home occupation. As noted in the history, this site has been inspected numerous times regarding an illegal home occupation use, auto repair, and to date no violation has been found. As previously stated, the applicant will use the structure for a workout room and storage.

Staff supports approval of the use permit request for an accessory building.

## Use Permit

The Zoning and Development Code requires a use permit for a detached accessory building that exceeds eight (8) feet in height and/or two hundred (200) square feet in area. The structure is approximately 425 s.f with a height of fourteen feet (14') to the ridge. The accessory building lies within the property lines but does not meet the current required rear yard setback.

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. The applicant plans to use this building as an exercise room and should not cause additional traffic.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - This use should not create any nuisances.
- 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.

## Conclusion

Staff supports approval of the use permit, subject to conditions of approval.

**REASON(S) FOR APPROVAL:**

1. There will be no significant increase in vehicular or pedestrian traffic in adjacent areas. The use is for a storage space/workshop.
2. This use should not create any nuisances.
3. 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.
4. The proposed use appears to be compatible with surrounding uses

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

**CONDITION(S) OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Division.
2. The climbing structure behind the accessory building shall be removed prior to the issuance of building permits.
3. The accessory structure shall be painted to match the main residence.
4. The detached accessory building shall not be used as a separate living unit/guest quarters (no cooking facilities).
5. The accessory structure shall comply with all regulations regarding home occupations (ZDC Section 3-412).
6. Bring property into compliance with TCC Chapter 21 Nuisance and Enhancement; regarding appearance of property, storage of materials and repairing front and rear gates; car restoration limited to personal vehicles. Auto restoration/repair is not allowed as a home occupation

**HISTORY & FACTS:**

<u>December 21, 1999</u>	CE993829 – Complaint regarding multiple vehicles parked at residence
<u>February 3, 2000</u>	IP000024 – Construction without permit.
<u>February 23, 2000</u>	BP000251 – Building permit for accessory building.
<u>April 18, 2000</u>	CE001438 – Multiple complaints received regarding individuals gathering at the house for work related purposes, work being performed on vehicles at the property, and vehicles arriving at the property to pick up work related supplies.

Beginning with CE993829 in December 1999 and lasting until March 2008 (CE082477), numerous complaints have been received regarding above issues in addition to several other issues. Most of the complaints indicate a perception that a business is being run out of the home, possibly related to automotive repair, possibly related to off-site construction activity.

**DESCRIPTION:**

Owner – Richard Chavez  
Applicant – Richard Chavez  
Existing Zoning – R1-6, Single Family Residential District  
Lot Area – 8,625 s.f.  
Accessory building area – 425 s.f.  
Accessory building height – 14'  
Lot coverage allowed – 45%  
Lot coverage proposed – 23%

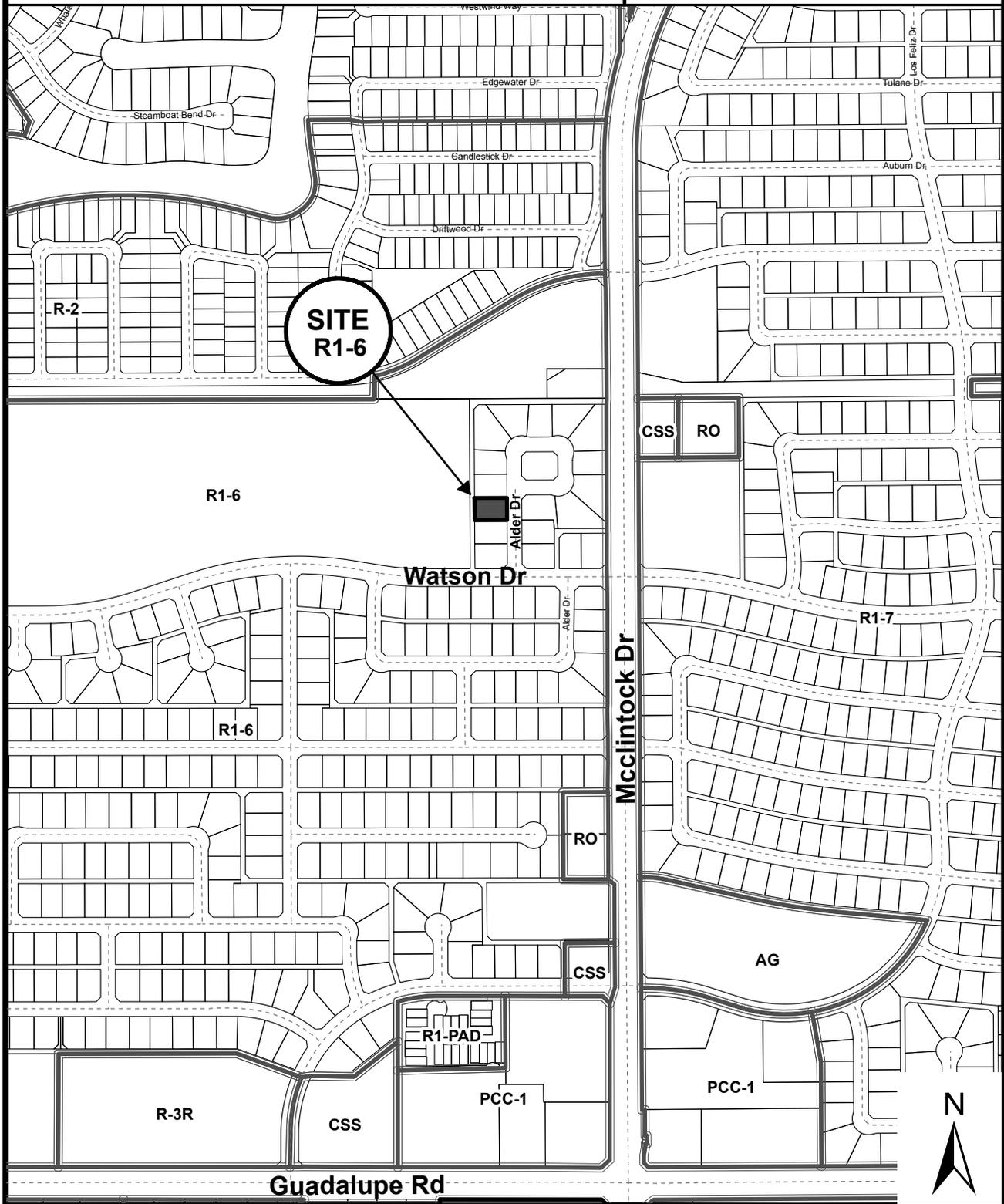
**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

Section 3-401 – Accessory Buildings, Uses and Structures  
Section 4-202 – Development Standards for Residential Districts  
Section 6-308 – Use Permits  
Section 3-412 – Home Occupations

# CHAVEZ RESIDENCE

# PL080218



## Location Map



**CHAVEZ RESIDENCE (PL080218)**

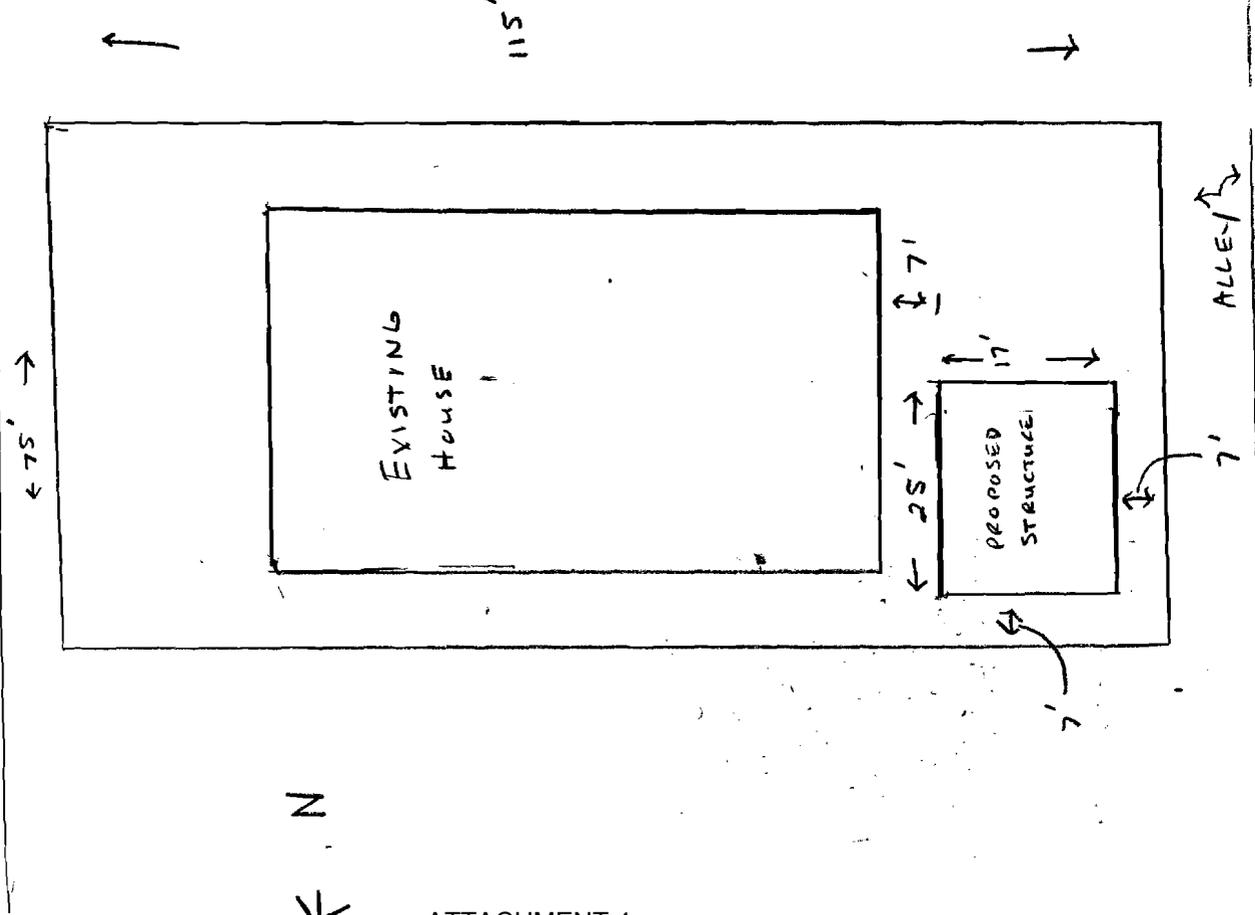
Dear Mr. Williams.

I am requesting a use permit for a detached building at 5822 S. Alder. Tempe. The building is 425 sq ft with a height of 14 feet. I submitted plans in 2000 and they were approved and the structure was built according to all codes. Unfortunately I never received a final inspection. I am requesting the use permit due to the code change in 2005, which requires it. Thank you for your attention to this matter.

Richard Chavez

SITE PLAN 1 = 20

ALDER ST

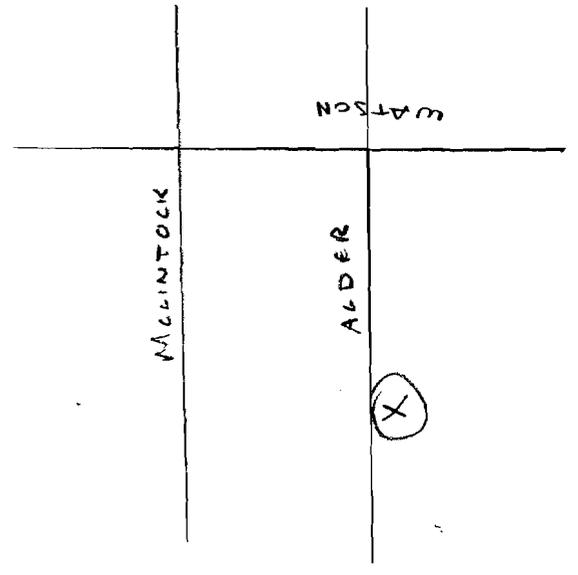


5822 S. ALDER ST  
 TEMPE AZ 8528  
 480-756-8880  
 LEGAL DESCRIPTION  
 LOT 766 TEMPE  
 UNIT 13

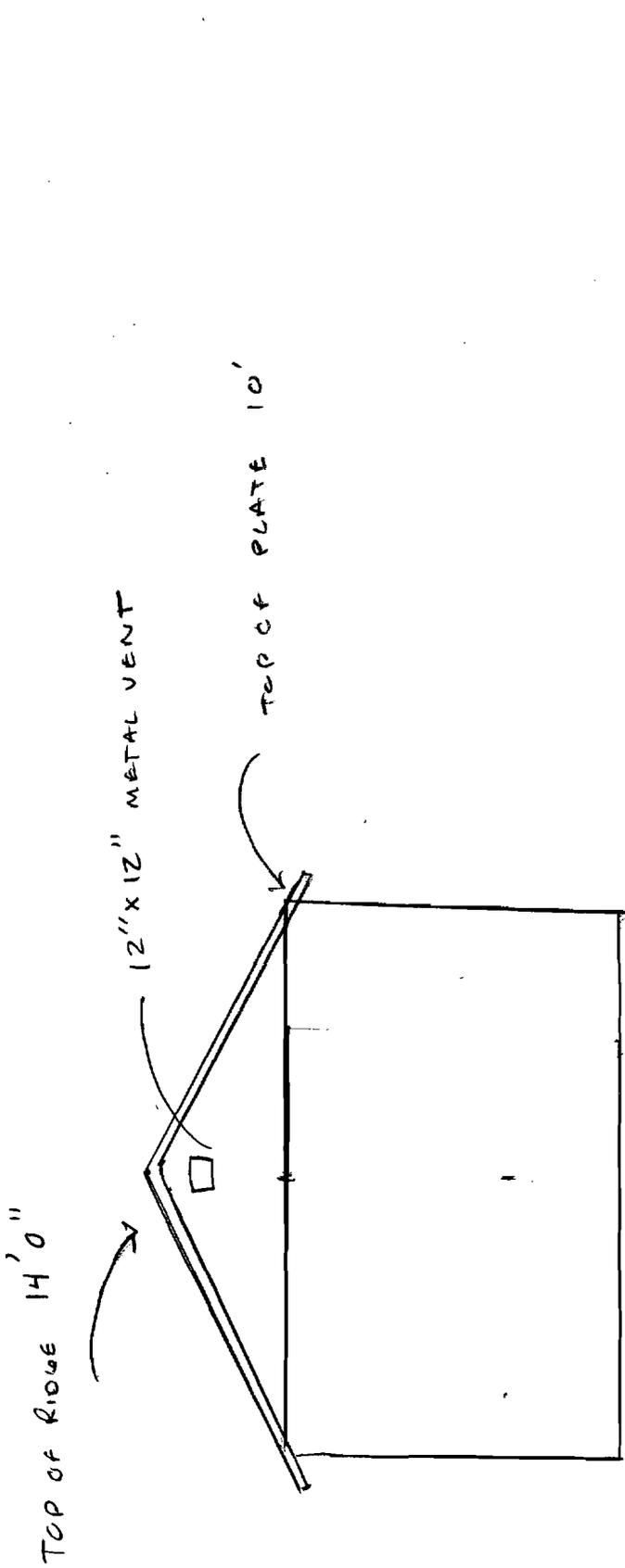
TOTAL SQ FT  
 425

TOTAL SQ FT OF  
 REAR PORTION OF HOUSE  
 IS 2325

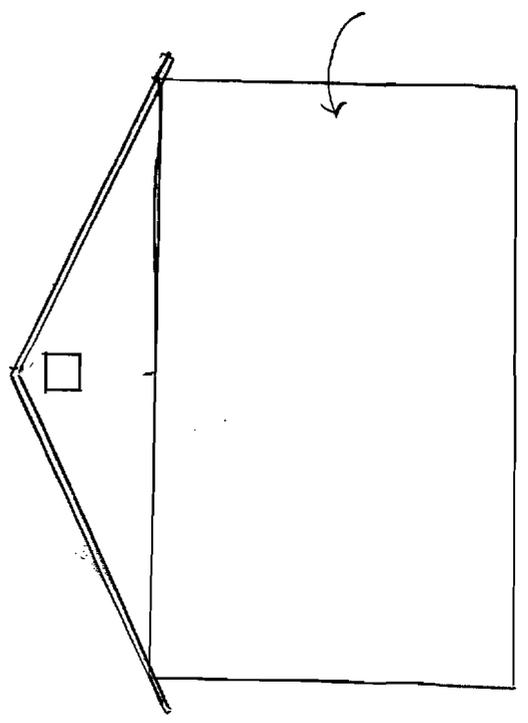
PROPOSED STRUCTURE IS  
 LESS THAN 25% OF TOTAL  
 REAR YARD VIGINITY MAP



ELEVATIONS 14 - 1



NORTH ELEVATION



STUCCO EXT

SOUTH ELEVATION

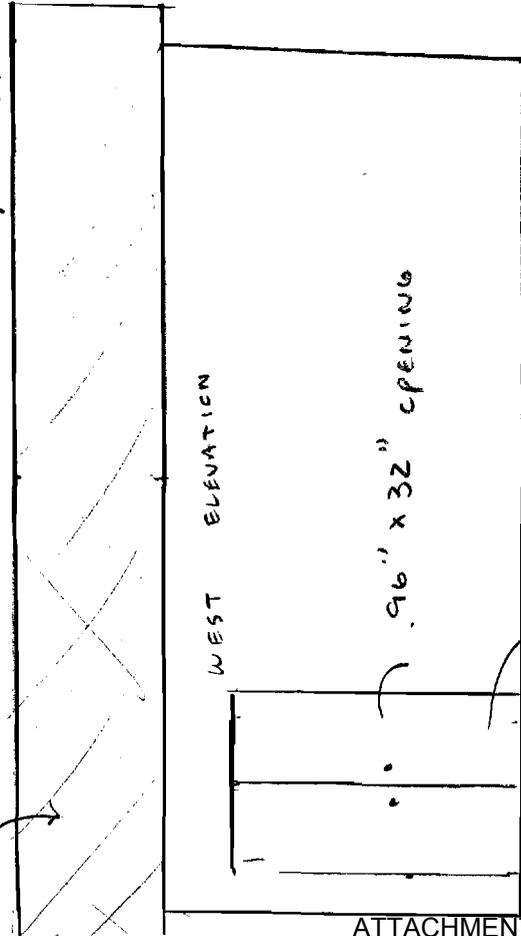
2 LAYERS 15LB FEET PAPER

FASTENED PER MAN. SPECS

ASPHALT SHINGLES ACE CLASS A ASTM D 3462

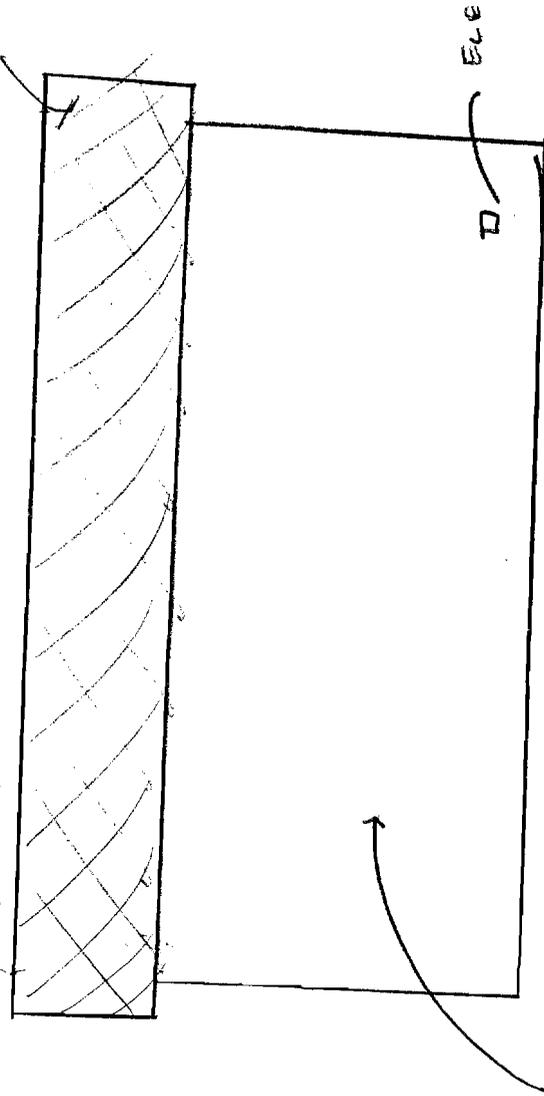
FLAMMABILITY UL 790 WIND RESISTANCE UL 997

ASPHALT SHINGLES



DOUBLE METAL DOORS

WEST ELEVATION



STUCCO EXTERIOR

1 COAT SYSTEM

EAST ELEVATION

011 52 17  
 18 18 74  
 6 04



**CHAVEZ RESIDENCE**

**5822 SOUTH ALDER DRIVE**

**PL080218**

**CLIMBING ROPE – VIEW TO  
SOUTHEAST**



# **CHAVEZ RESIDENCE**

**5822 SOUTH ALDER DRIVE**

**PL080218**

**REAR OF ACCESSORY BUILDING –  
VIEW TO SOUTHEAST**



# **CHAVEZ RESIDENCE**

**5822 SOUTH ALDER DRIVE**

**PL080218**

**NORTH SIDE OF RESIDENCE – VIEW TO WEST**