

# Staff Summary Report



Hearing Officer Hearing Date: February 17, 2009

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by the **CHURCH OF CHRIST (PL080474)** located at 1967 East Palmcroft Drive for one (1) use permit.

**DOCUMENT NAME:** 20090217dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **CHURCH OF CHRIST (PL080474)** (Abed Danganan, applicant; Church of Christ, property owner) located at 1967 East Palmcroft Drive in the R1-6, Single Family Residential District for:

**ZUP09001** Use permit to increase the allowable maximum fence height in the front yard setback from four (4) feet to six (6) feet.

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

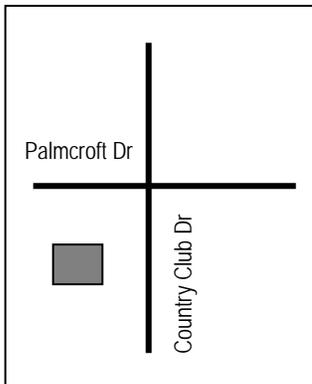
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions

**ADDITIONAL INFO:** The applicant is requesting a use permit to increase the wall height in the front yard setback from four (4) feet to six (6) feet. The property is situated on a corner lot located at the southwest corner of Palmcroft Rd and Country Club Drive. Although the existing church is addressed and fronts Palmcroft Drive; the actual front yard is on the Country Club Drive street front which is the narrowest portion of the lot. All walls or fences located in the front yard must obtain a use permit if they are over four (4) feet in height. The applicant is requesting approval of a six (6) foot wrought iron fence to secure the perimeter of the property and will encroach into the required front yard setback along Country Club Drive. Staff supports approval of the use permit with conditions. To date, staff has received no public input on this request.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Site plan
4. Applicant Photo
5. Staff Photograph(s)

## COMMENTS:

The Church of Christ is requesting a use permit to allow a six (6) foot tall ornamental iron in the required front yard setback. The property is a corner lot, located at the southwest corner of Palmcroft Drive and Country Club Drive. The fence was installed for the church by a contractor that was commissioned to obtain all clearances prior to installation. The contractor neglected to obtain all necessary approvals, so the congregation is seeking approval of the fence after installation. The fence was installed to provide security to the site when the church is not occupied.

The original intent behind a maximum four (4) foot wall in the front yard setback was to allow visual surveillance between the street and the front yard. The church building orientation faces the side street and the intent of fence is to provide a security barrier; the visual surveillance between the street and the church will be maintained since the barrier is not a solid surface.

To date, staff has received no public input on this request.

## Use Permit

The Zoning and Development Code requires a use permit for a wall/fence greater than four (4) feet in height for walls/fences located in the front yard setback, in the R1-6, Single Family Residential District

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

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will not be 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;
  - The proposed 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 area is in compliance with the General Plan and neighborhood intent.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed wall is intended to provide a security barrier for the church and will not create a nuisance for the surrounding area.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.
  - Visual surveillance will remain available in the front yard of the property.

## Conclusion

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

**REASON(S) FOR APPROVAL:**

1. The authorizing of the use permit is necessary for the preservation and enjoyment of substantial property rights.
2. Authorization of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood or to the public welfare in general.
3. The proposed fence location does not conflict with vision triangles for Knox Road.
4. The orientation of the home is west, the west yard has no walls in the front of the home facing Rita Lane, thus meeting the intent of natural surveillance between the home and the street.

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

**CONDITION(S) OF APPROVAL:**

1. Approval is valid for plans as submitted within this application.
2. Install a lock on the gate that allows for fire personnel access during non-business hours; contact Jim Walker, Tempe Fire Inspector at (480) 350-8341.

**HISTORY & FACTS:**

None pertinent to this case.

**DESCRIPTION:**

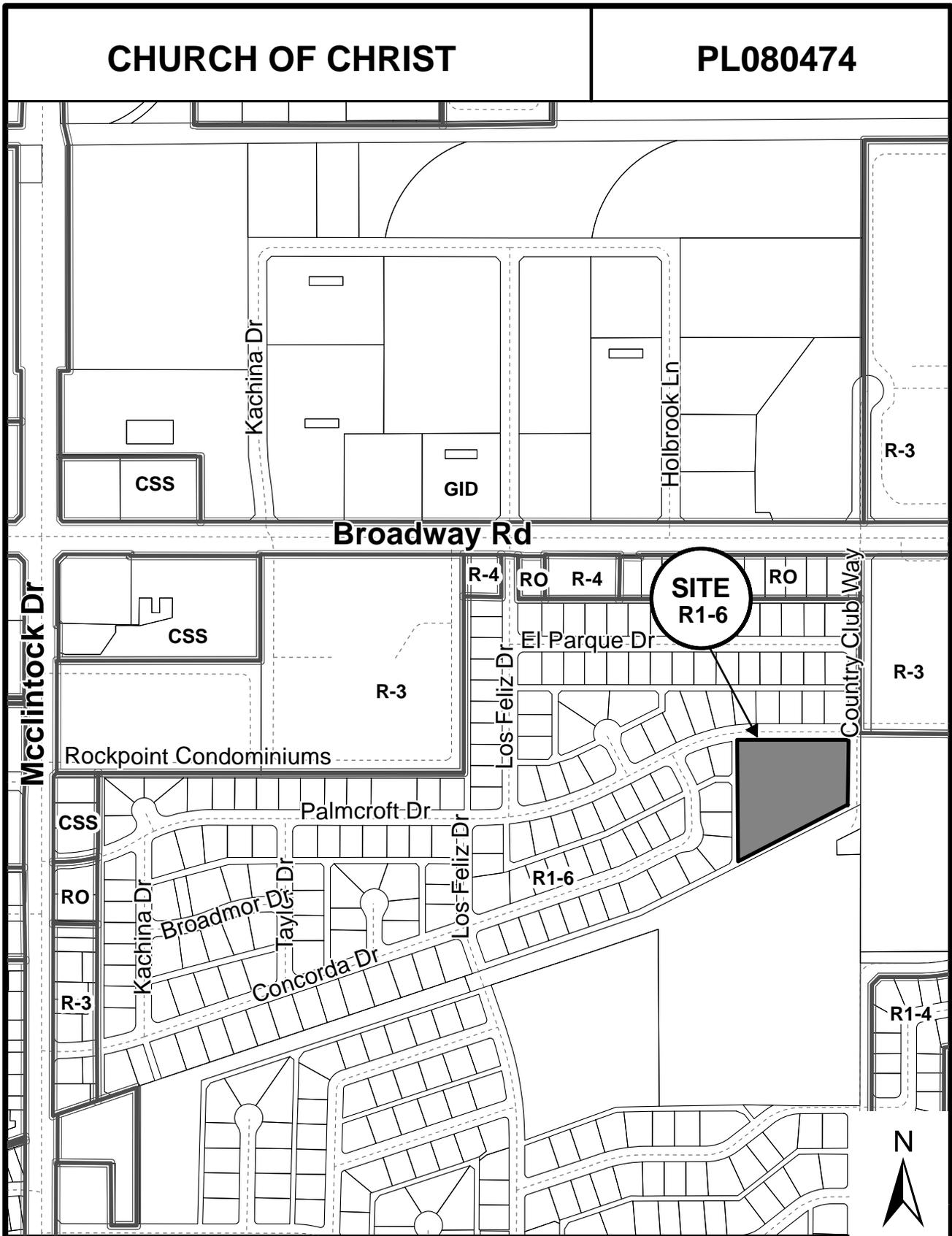
Owner – Church of Christ  
Applicant – Abed Danganan  
Existing Zoning – R1-6, Single Family Residential District

**ZONING AND DEVELOPMENT CODE REFERENCE:**

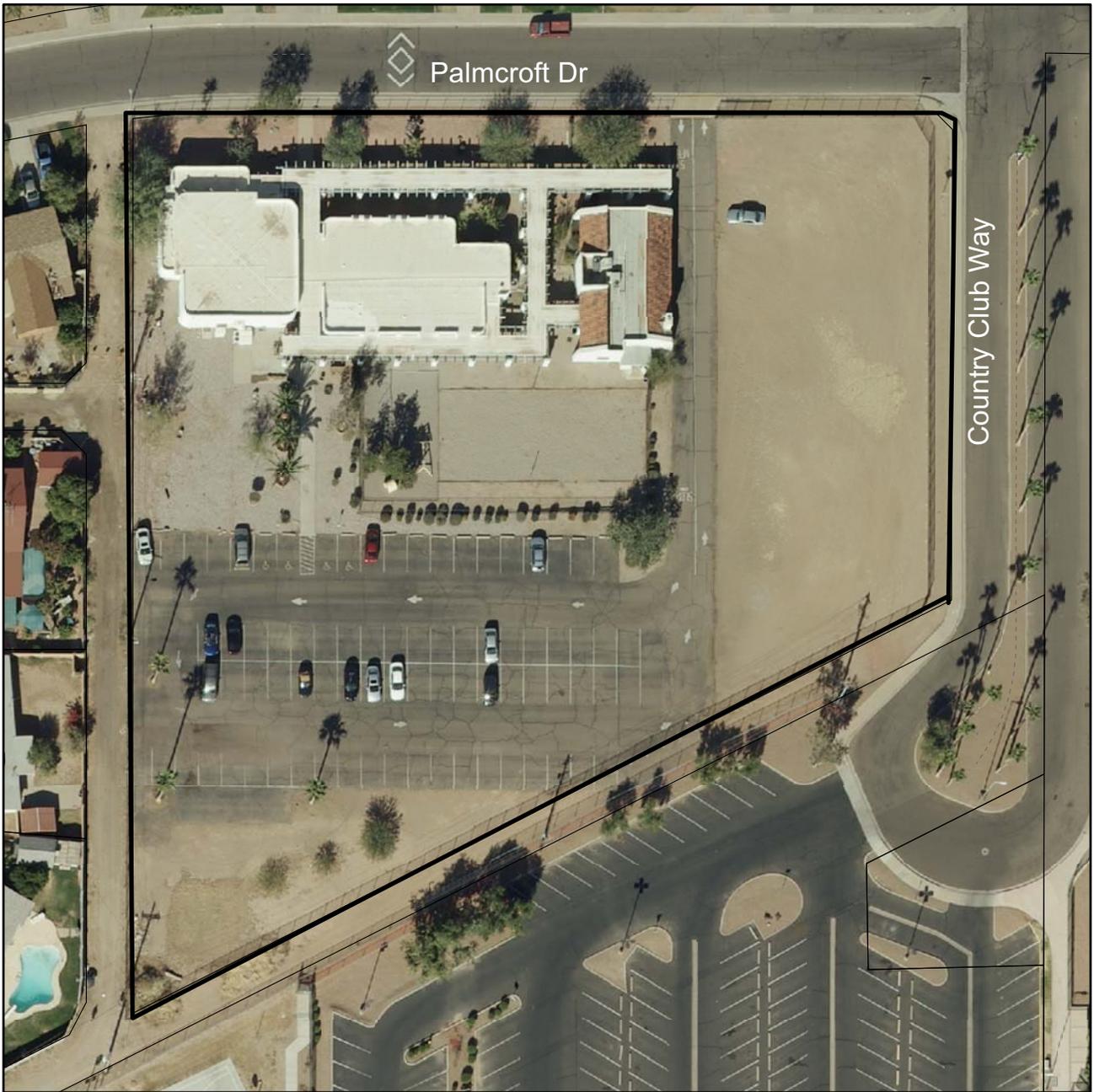
Part 4, Chapter 7, Section 4-706 – General Fence and Wall Height Standards  
Part 6, Chapter 3, Section 6-308 – Use Permit

**CHURCH OF CHRIST**

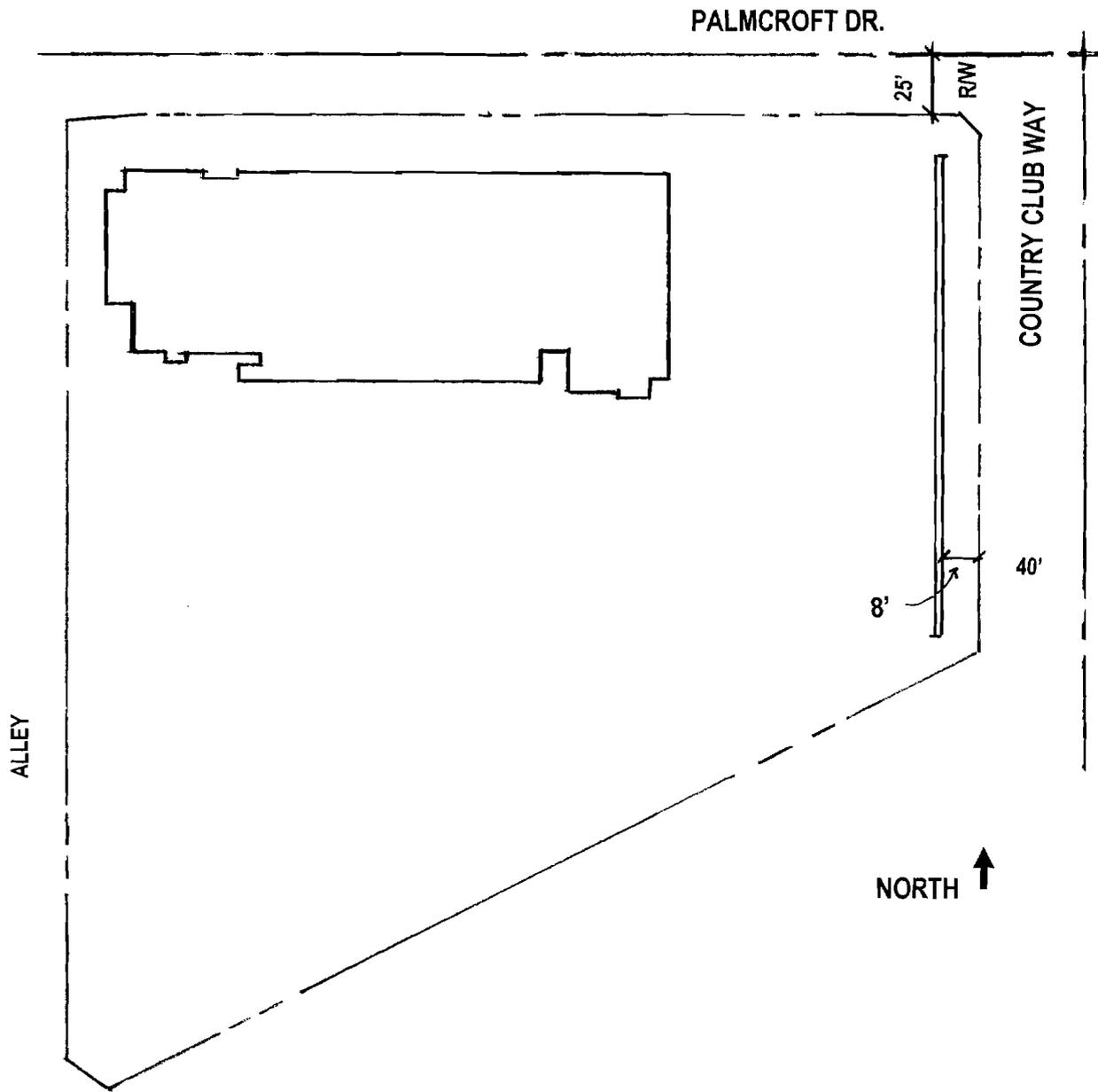
**PL080474**

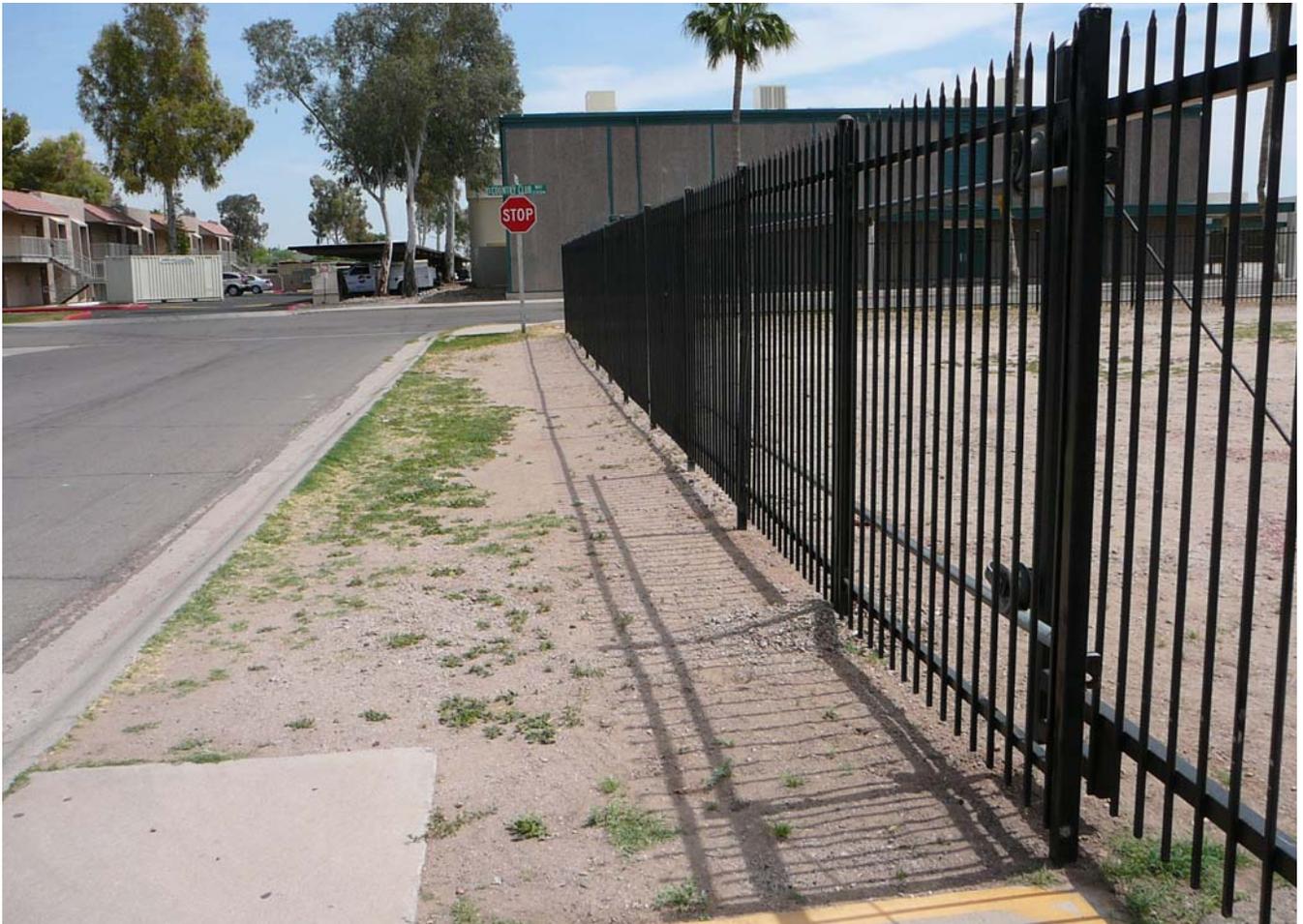


**Location Map**



**CHURCH OF CHRIST (PL080474)**







**CHURCH OF CHRIST**

**1967 EAST PALMCROFT DRIVE**

**PL080474**

**FRONT OF CHURCH**

