

Staff Summary Report



Hearing Officer Hearing Date: March 17, 2009

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by **COTTRELL RESIDENCE(PL070162)** located at 923 East Carver Road for one (1) use permit and one (1) variance.

DOCUMENT NAME: 20090317dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **COTTRELL RESIDENCE (PL070162)** (Craig & Andrea Cottrell, applicants/property owners) located at 923 East Carver Road in the AG, Agricultural District for:

ZUP09033 Use permit to allow a second story addition.

VAR09002 Variance to reduce the front yard setback from forty (40) feet to twenty-four (24) feet.

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

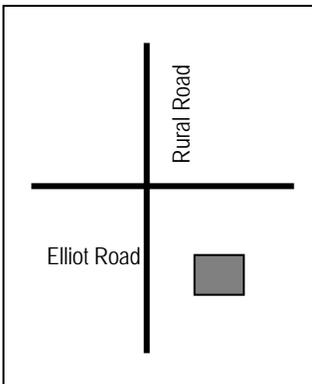
REVIEWED BY: Steve Abrahamson, Senior Planner (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff -Approval

ADDITIONAL INFO: The Cottrell Residence is requesting a variance to reduce the front yard setback from forty (40) feet to twenty-four (24) feet. This variance was granted, on appeal, by the Board of Adjustment on May 23, 2007. The applicant is also requesting approval a second story addition. Staff recommends approval of the variance and use permit. To date, staff has received one correspondence in opposition to this request.



ATTACHMENTS:

1. List of Attachments
 2. Comments;
 3. Reason for Approval; Conditions of Approval; History & Facts; Description; Zoning & Development Code Reference
-
1. Location Map(s)
 2. Aerial Photo(s)
 - 3-5. Letter of Intent
 6. Site plan
 7. Elevation
 8. 1st Floor Plan
 9. 2nd Floor Plan
 10. Building Section
 11. Aerial Site Plan
 12. Staff Photograph(s)
 - 13-14. Letter of Opposition and applicant response

COMMENTS:

The Cottrell Residence is requesting a variance to reduce the front yard setback from forty (40) feet to twenty four (24) feet. The proposed structure will be an attached garage for potential storage of three vehicles with a master bedroom addition on the second floor. The addition will complement the house in design. The structure will be located adjacent to and accessed by an existing circular concrete driveway.

Variance

The Zoning and Development Code Development Standards require the setbacks for dwellings, in the AG- Agricultural District, to be located forty (40) from the front property line. According to the applicant's original letter of explanation; if the garage were to be located on the rear side of the house there would not be sufficient turning radius available on site to access the garage without major modifications to the existing patios. They believe it is important to maintain the openness of the back pasture area to be in character with the surrounding agriculturally zoned properties and that placement of the structure closer to the front property line is not obtrusive or out of character with the R1-7, Single Family Zoned Properties located across the street.

The Board of Adjustment analysis of this request, resulted in findings there were special circumstances or conditions affecting this building, land, or use to warrant approval of the variance. Based on their previous decision, staff is recommending approval of the setback variance.

Use Permit

The Zoning and Development Code requires a use permit for any single-story, single family residence to add, expand, or rebuild for a second story. This use permit request meets all applicable tests in the following manner:

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;
 - This proposed two-story home is unique from others within the neighborhood; there should be no 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 proposal 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.

Public Input

The applicant held a neighborhood meeting April 16, 2007; which is still valid to ZDC requirement for a neighborhood meeting. There was no opposition received with the first request. Staff received an e-mail in opposition which stated that the proposed addition is in violation of the subdivision CCR's.

Conclusion

Staff recommends approval of the front yard setback variance and use permit for second story addition as proposed.

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 in 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 Department.
2. Obtain all necessary clearances from the Public Work Department for on-site retention for expansion of pavement in front yard.
3. Per Tempe City Code; improved paved areas shall not exceed 35% of the front and side areas visible from the street.

HISTORY & FACTS:

April 17, 2007. The Hearing Officer approved a variance for the Cottrell Residence modifying their request to reduce the front setback from forty feet (40) to thirty-two feet (32). The applicant originally requested twenty-four feet (24).

May 23, 2007. The Board of Adjustment approved an appeal of the Hearing Officer Decision and approved a request to reduce the front yard setback from forty (40) feet to twenty-four (24) feet., subject to conditions.

DESCRIPTION:

Owner – Craig & Andrea Cottrell
Applicant – Craig & Andrea Cottrell
Existing zoning – AG, Agricultural District
Lot Size- 42,397 s.f.
Net Acre- .97
Lot Dimensions- 146.22 x 290
Existing residence building area- 2900 s.f.
Proposed building area- 660 s.f.
Lot coverage allowed- 25%
Lot Coverage (proposed)- 8.3%
Required front yard setback- 40'
Proposed front yard setback- 24'
Required maximum building height- 30'
Proposed maximum building height- 21'-8"

ZONING AND DEVELOPMENT

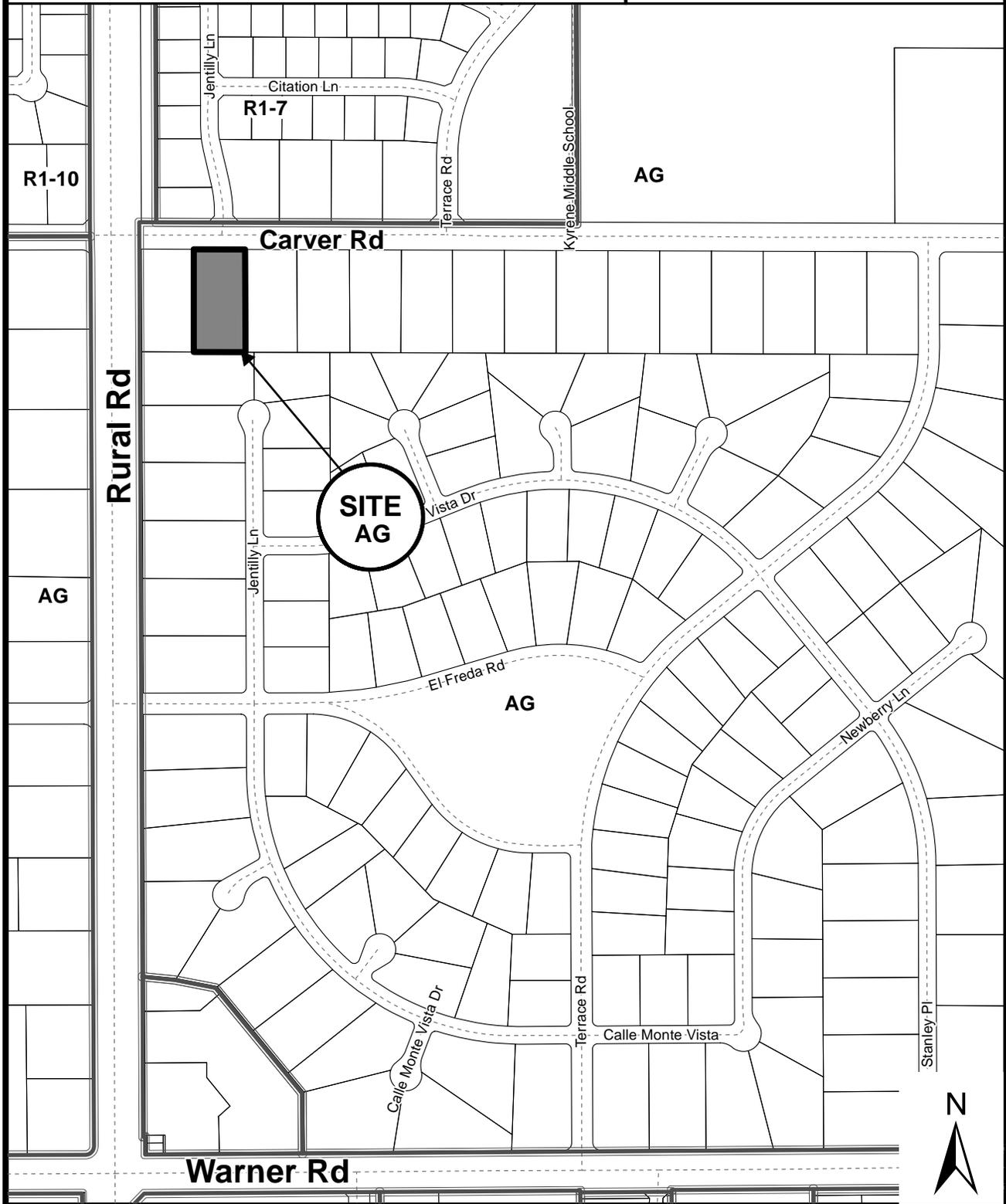
CODE REFERENCE:

Citations of Code Requiring Residential Setbacks & Variance(s):

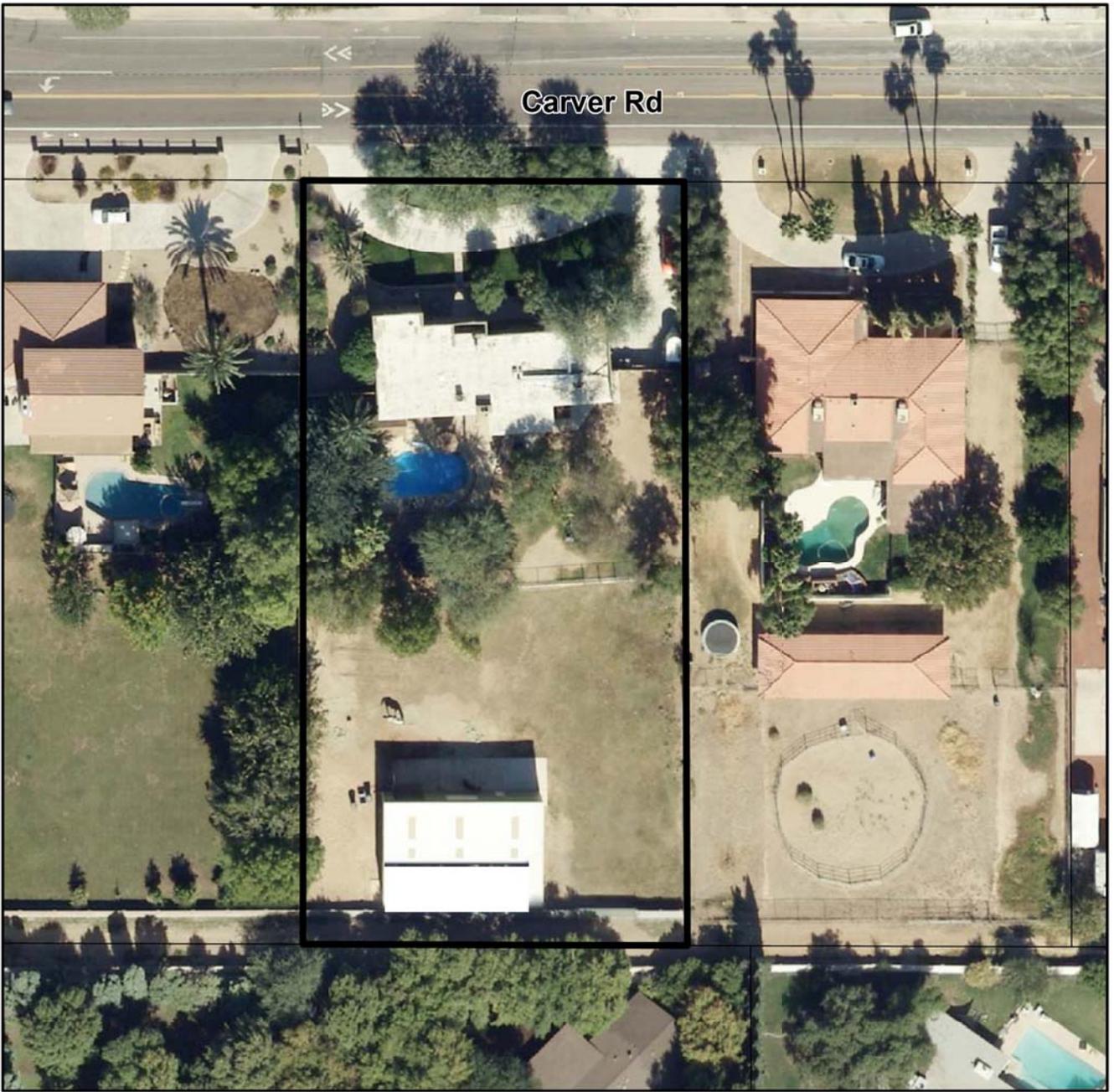
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

COTTRELL RESIDENCE

PL070162



Location Map



COTTRELL RESIDENCE (PL070162)

Craig & Andrea Cottrell
923 E Carver Rd
Tempe, AZ 85284
480.893.1404

City of Tempe
Development Services
31 East Fifth Street
Tempe, Az 85280-5002
480-350-8331

Re: Letter of Explanation for a Variance re-Approval

To The Committee;

We desire to reinstate the variance already approved on June 7, 2007 pertaining to the setback of the front yard. We wish to build a new, attached garage as well as an additional bedroom on the second level. With that, we are also applying for a use permit. We wish to add this structure onto the north east corner of the existing house.

Please find our initial Letter of Explanation attached.

We have spoken with our neighbors who are not in objection to this project. In fact, they welcome the increase in property value that this addition will bring. We were advised that an additional neighborhood meeting was not necessary for this re-approval.

Sincerely,

Handwritten signatures of Craig and Andrea Cottrell in black ink.

Craig & Andrea Cottrell

Craig & Andrea Cottrell
923 E Carver Rd
Tempe, AZ 85284
480.893.1404

City of Tempe
Development Services
31 East Fifth Street
Tempe, Az 85280-5002
480-350-8331

Re: Letter of Explanation for a Variance

To The Committee;

We desire a variance pertaining to the setback of the front yard. We wish to build a new, attached garage. We wish to add the garage onto the north east corner of the existing house. This would infringe slightly upon the 40 foot setback imposed on agricultural properties in Tempe. Specifically, we ask that the variance place the setback at 24 feet.

We feel this is the best option for our property for the following reasons. One; in keeping with the reason this neighborhood was initially established, to maintain as much open, agricultural land as possible behind the residence. We specifically moved into this neighborhood so that we can have our 2 horses on our property. We wish to preserve the pasture land for them and maintain the enjoyment of the property. Two; with residential zoning directly across the street from our property, placing the garage within the 40 foot setback would not stand out in any obtrusive or out-of-the-ordinary way as their setbacks are even less than the 24 feet we are requesting. Our addition would not be out of character for the immediate area. Three; the placement of the current residence on the property would not allow enough turning radius for a garage to be built to the back of the existing home without eliminating most of the patio

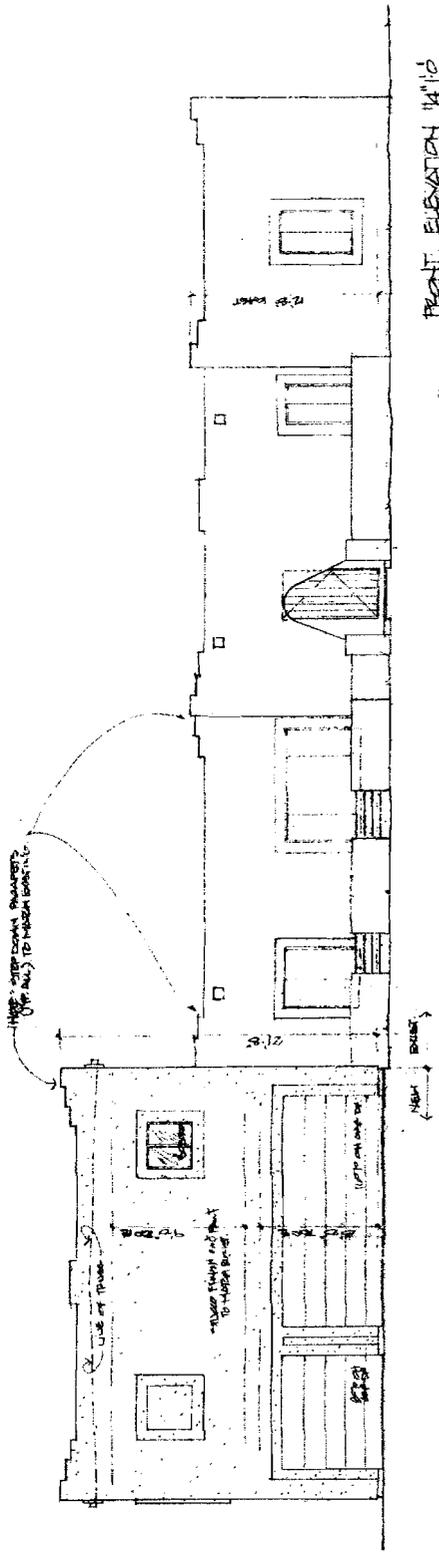
space and reducing significantly the enjoyment of the property. Lastly, we wish to enjoy the same benefit as all our neighbors in having a garage.

We have spoken with our neighbors who are not in objection to this project. In fact, they welcome the increase in property value that this addition will bring.

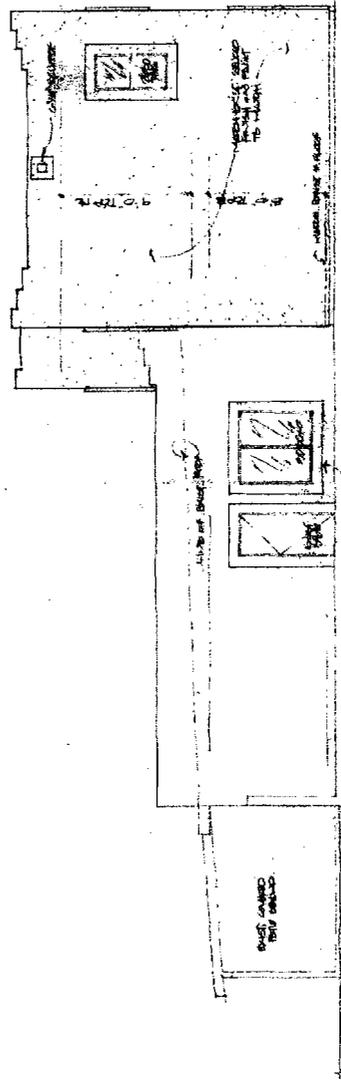
We recently moved into the Buena Vista Neighborhood with our 2 young children. We have anticipated for many years moving into a more rural neighborhood that our children may enjoy the unique aspects of growing up with a more agricultural lifestyle. We hope that you will agree and allow us to preserve our wonderful back yard by granting this request.

Sincerely,

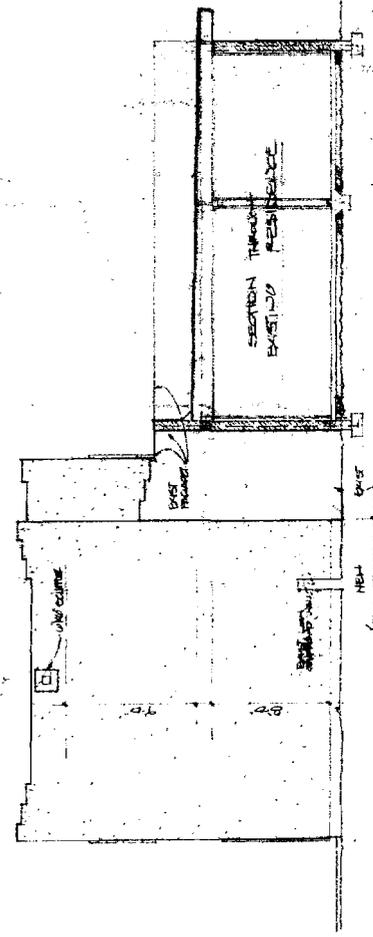
Craig & Andrea Cottrell



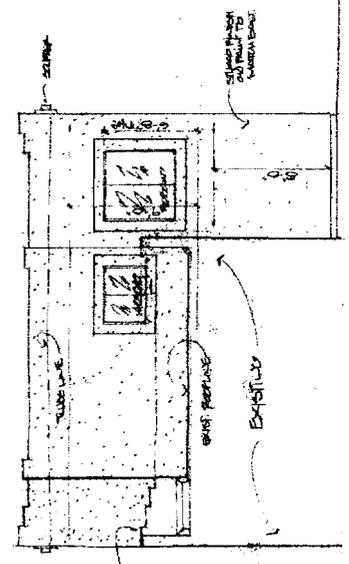
FRONT ELEVATION 1/4" = 1'-0"



EAST SIDE ELEVATION 1/4" = 1'-0"



WEST ELEVATION 1/4" = 1'-0"



SOUTH ELEVATION 1/4" = 1'-0"

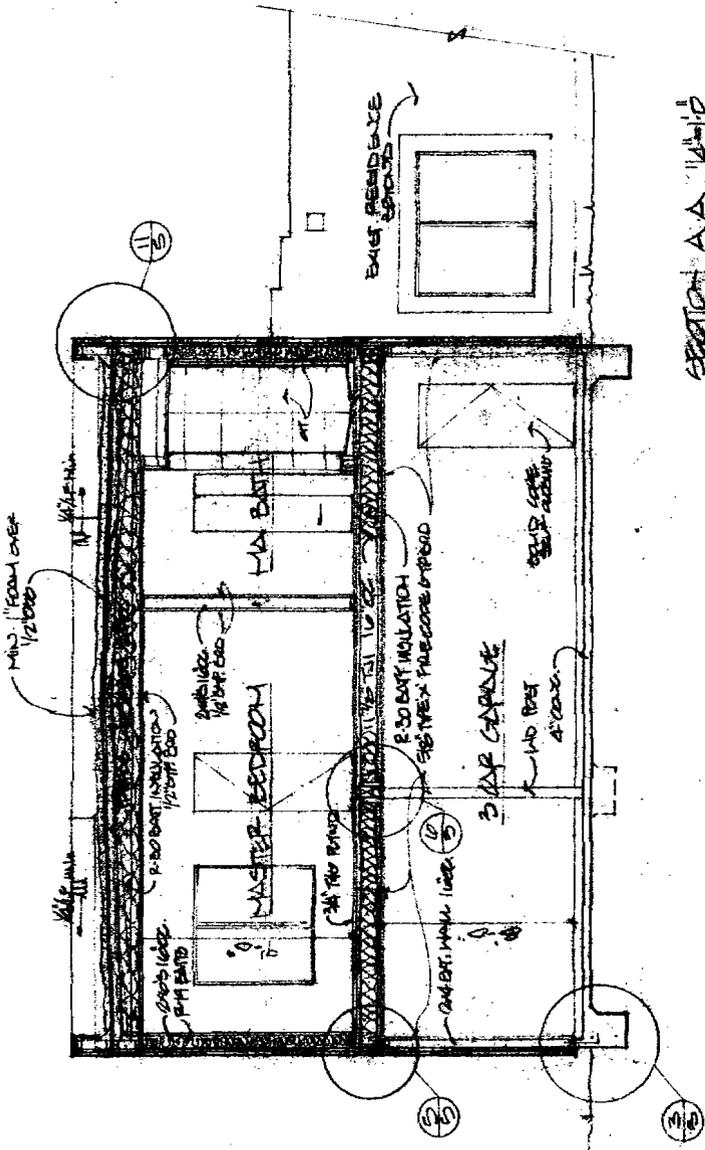
AREA TO BE GRABED (COPPER RESIDUE)
 AREA TO BE GRABED (COPPER RESIDUE)

2 of 6

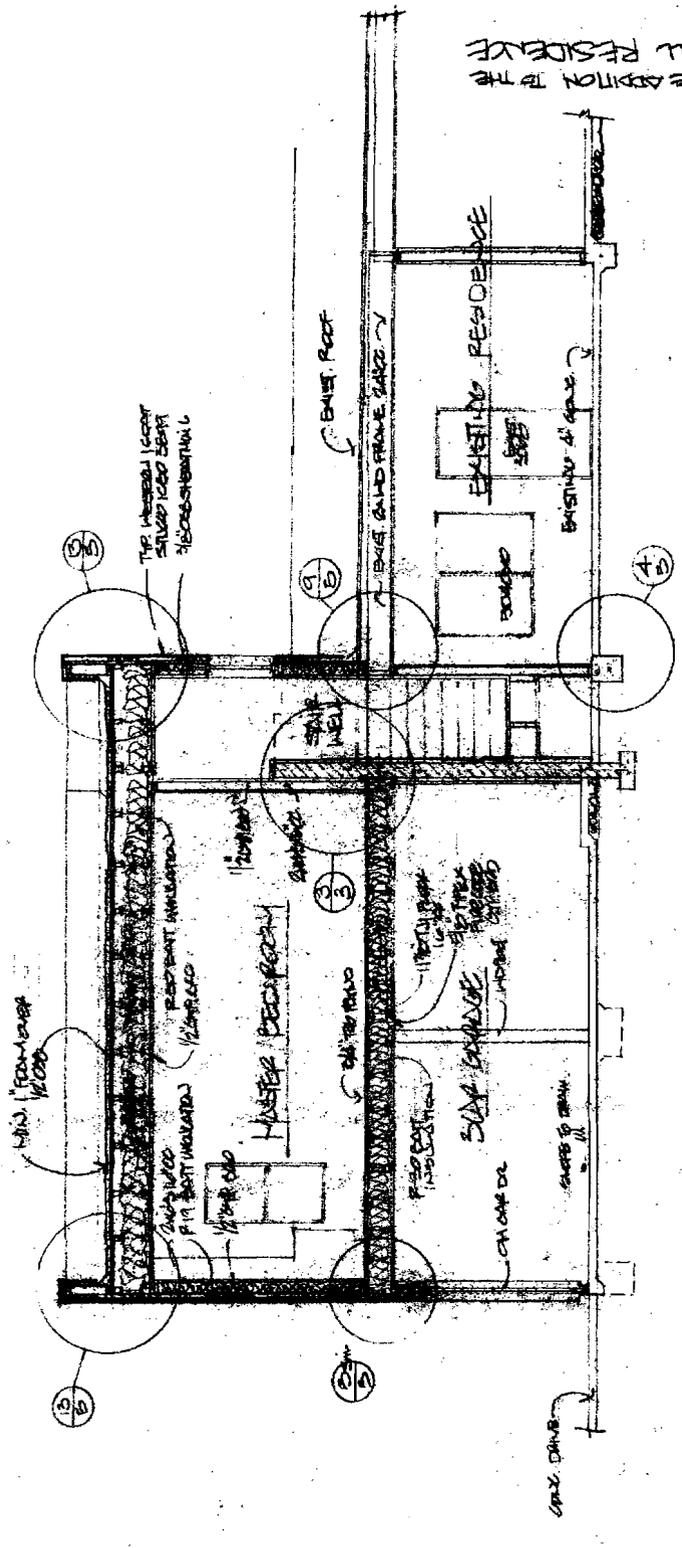
2/10/2017

PREPARED BY:
 J.C. DESIGN
 401 N. WASHINGTON ST.
 CHANDLER, ARIZONA
 480-946-7540

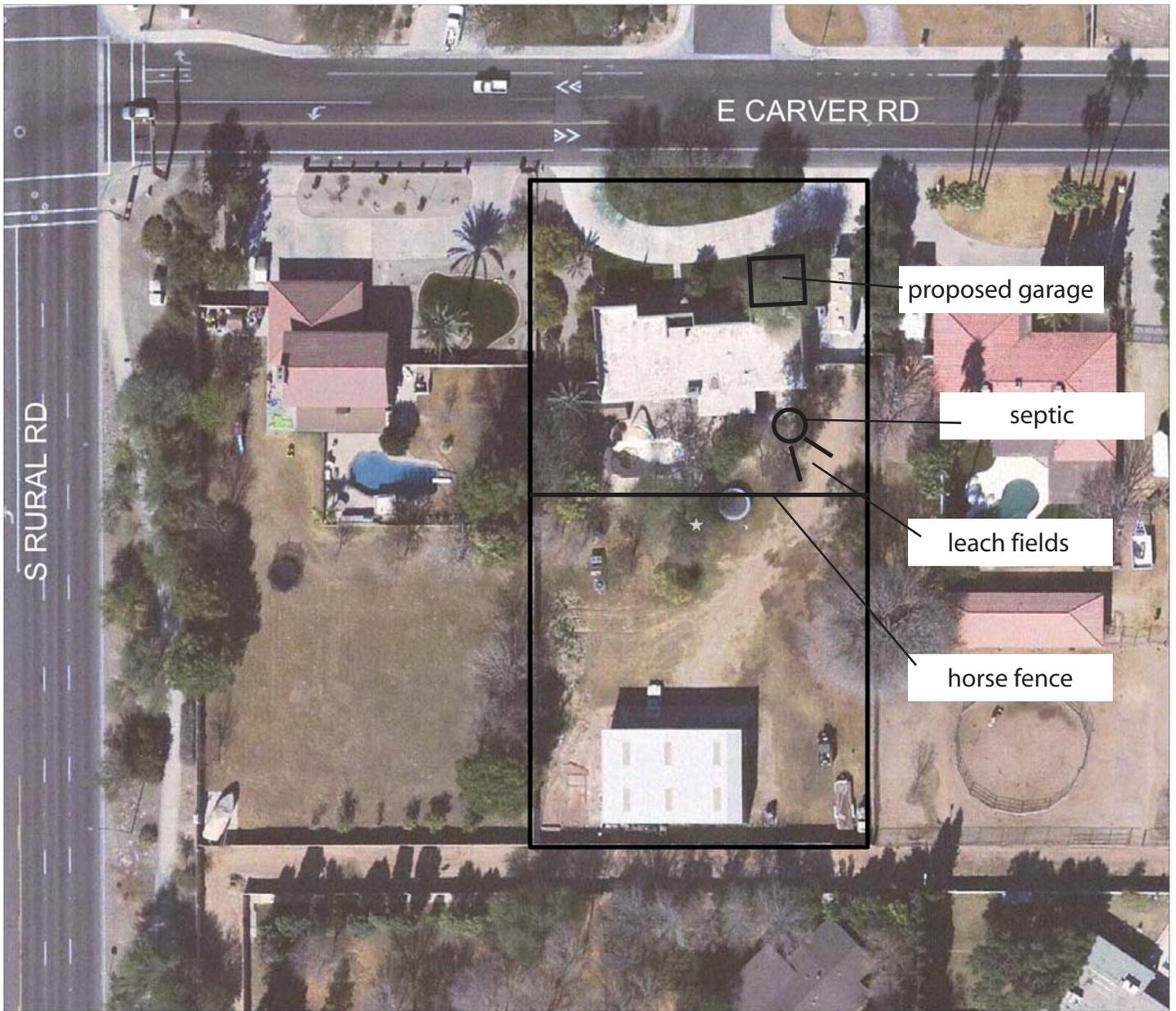
PREPARED BY:
 VC DESIGN
 489 N. WASHINGTON ST.
 CHANDLER, ARIZONA
 480-912-9540



SECTION A-A 1/4" = 1'-0"



SECTION B-B 1/4" = 1'-0"



COTTRELL RESIDENCE (PL070162)



COTTRELL RESIDENCE

923 EAST CARVER ROAD

PL070162

FRONT OF RESIDENCE



Lesser, Sherri

From: Craig & Andrea [cacottrell@cox.net]
Sent: Tuesday, March 10, 2009 5:49 PM
To: Lesser, Sherri
Subject: Re: Cottrell Residence

Thanks for forwarding this on to me, Sherri. I can understand Barb's comments as she lives in the central section of the neighborhood that rings the interior park, pool and equestrian amenities. Preserving the setback there is important to the overall community feel. The same is true for the residence she mentions on El Freda. It is an interior lot as well and the integrity of the agricultural feel is very important. However, our lot is on the exterior, facing another subdivision that has residential setbacks so the preservation of the agricultural neighborhood is already diminished with that fact. The rural character of this section of the neighborhood has already been compromised simply with it's layout of the northern lots facing regular residential homes. In fact, many visitors don't even realize that the homes on Carver Rd do belong to Buena Vista Ranchos.

Also, earlier in the neighborhood CC &R's to what Barb quoted, they acknowledge that the neighborhood is within the jurisdiction of the Cit of Tempe, which has full power and authority to govern.

I hope that you will take this into consideration, as well as what the appeals board concluded last year. That we are outside of the rural feel of the rest of the neighborhood and what we are asking to do is quite normal for our immediate neighbors.

Please include my response with your documentation for the meeting next Tuesday.

Thanks again,

Andrea Cottrell

----- Original Message -----

From: Lesser, Sherri
To: cacottrell@cox.net
Sent: Tuesday, March 10, 2009 5:13 PM
Subject: FW: Cottrell Residence

From: Barbara Ritter [mailto:britter01@live.com]
Sent: Tuesday, March 10, 2009 5:07 PM
To: Lesser, Sherri
Subject: Cottrell Residence

Sherri,

I will be unable to attend the hearing scheduled for Tuesday, March 17, at 1:30 pm for the variance requested by the Cottrells. I oppose the reduction of the front set back from 40 feet to 24 feet. Our CC&R's specifically state

"All structures or buildings located on all Lots must be at least forty (40) feet from the front and twenty (20) feet from the side lot lines, and all barns stables or similar structures or buildings must be built so that the walls are at least forty (40) feet from the single family residence on said lot and at least twenty (20) feet from the rear and side property lines."

We are very liberal with what people can build and have few restrictions; we pretty much go with City of Tempe building codes however the set backs are spelled out quite clearly in our CC&Rs and they are

designed to preserve the rural character of the neighborhood. I appreciate that the Cottrell's are investing in their home however, I feel that the CC&R's should be respected as the Cottrell's agreed to accept them when they moved into the neighborhood.

You might also consider that previously, Cara Lewis, (1057 E. El Freda Rd) applied for a variance to the front set back and she was declined.

Regards,
Barb Ritter
602-284-7962

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