

Staff Summary Report



Hearing Officer Hearing Date: January 20, 2009

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the **CUEVAS RESIDENCE (PL080469)** located at 1040 East Knox Road for one (1) use permit.

DOCUMENT NAME: 20090120dsdp01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **CUEVAS RESIDENCE (PL080469)** (Edgar Cuevas, applicant/ property owner) located at 1040 East Knox Road in the AG, Agricultural District for:

ZUP08191 Use permit to increase the height of the wall in the front yard setback from four (4) feet to six (6) feet.

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

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

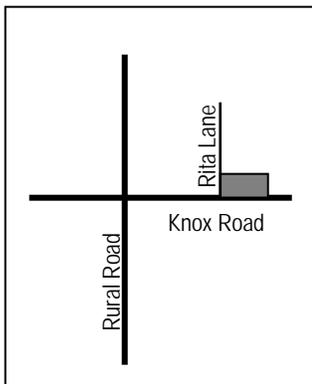
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LEGAL REVIEW BY: N/A

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 northeast corner of Knox Road and Rita Lane; the proposed single family home will face west towards Rita Lane. The applicant is requesting a six (6) foot high masonry wall to secure the required front yard setback along Knox Road. 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)
- 3-4. Letter of Intent
5. Site plan
6. Wall Elevation
7. Staff Photograph

COMMENTS:

The Cuevas Residence is requesting a use permit to allow for the construction of a six (6) foot tall masonry wall in the required front yard setback. The property is a corner lot, located at the northeast corner of Knox Road and Rita Lane. The lot is currently vacant with a proposed single family home to face west towards Rita Lane. The wall is proposed in the required front yard setback along the Knox Road frontage (the south side of the proposed single family residence) and will be located sixteen (16) feet from the property line for both consistency with the residence across the street to the west and to meet vision triangle requirements for the intersection of Rita Lane and Knox Road.

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 home. Given that the home orientation faces west, the new home will have no wall/fence between the front of the home and Rita Lane and allows natural surveillance between the street and the residence. The Development Services Planning Division recently revised the Zoning and Development Code (ZDC) to allow walls in the front yard setback to be taller than four (4) feet in height subject to a use permit rather than a variance. The new code provision was made effective on November 3, 2008; therefore a use permit is required.

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 AG, Agricultural 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. The purpose of the wall is to provide privacy from Knox Road.
- 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 private yard space for the residence, compatible to all other residences in the vicinity.
- 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 in the traditional front yard of the single family residence.

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. The use permit is granted based on the plans submitted and approved by the Hearing Officer.
2. Obtain all necessary clearances from the Building Safety Division.
3. The wall shall be designed to match the existing wall at 1026 East Knox Road in color, form and material.

HISTORY & FACTS:

October 11, 2001

BA010274: Approved by Board of Adjustment, Expired October 11, 2002

- a. Variance to reduce the street side yard setback from 35' to 25' for a 475 s.f. Porte Cochere.
- b. Variance to increase the maximum lot coverage from 20% to 25% for a single family residence.
- c. Variance to increase the maximum height of a perimeter wall from 4' to 6' in the required 40' front yard setback.

DESCRIPTION:

Owner – Edgar Cuevas
Applicant – Edgar Cuevas
Existing Zoning – AG, Agricultural District
Proposed residence – 5,988 s.f.
Lot size – 43,710 s.f.
Lot coverage allowed – 20%
Lot coverage proposed – 13.7%

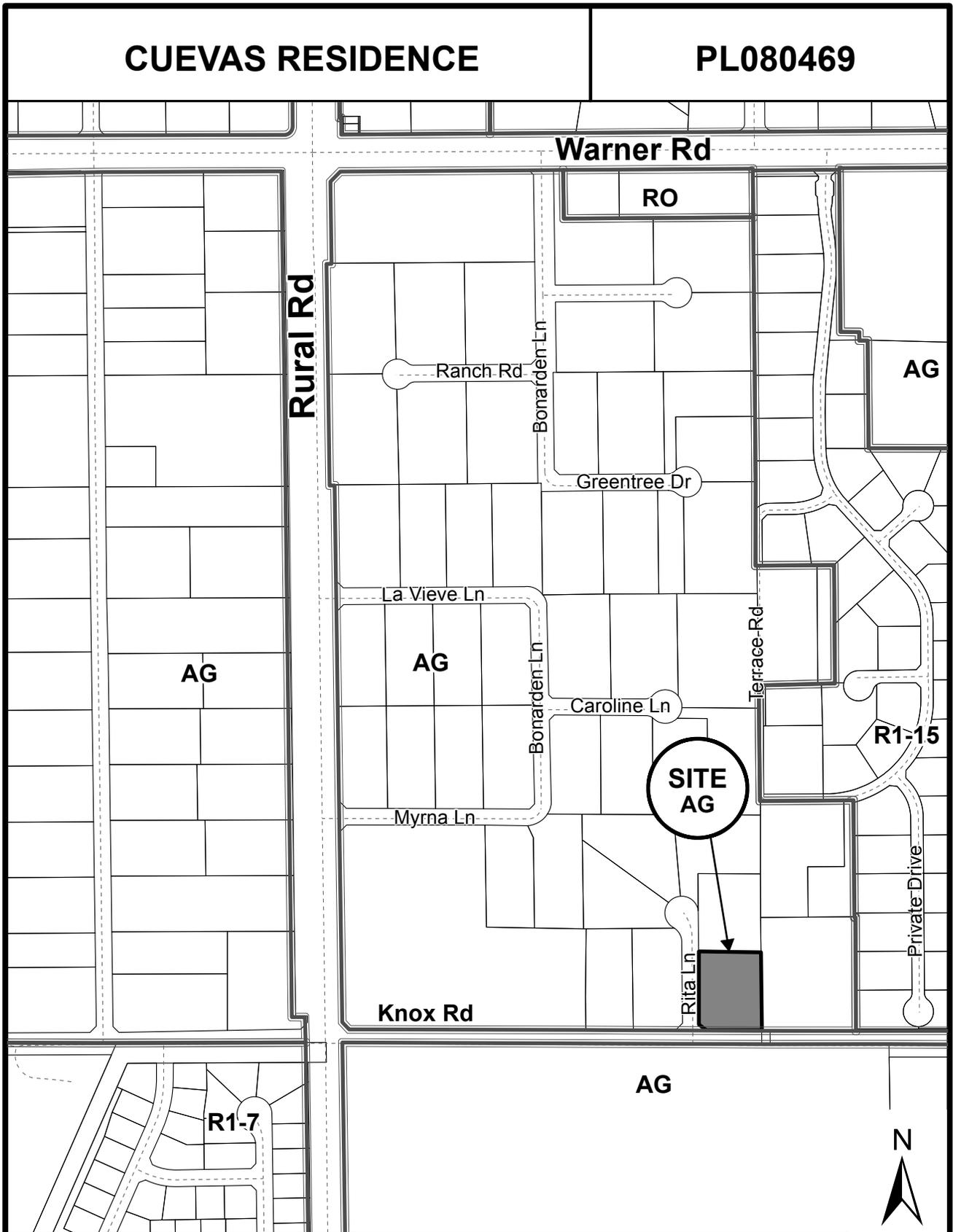
ZONING AND DEVELOPMENT

CODE REFERENCE:

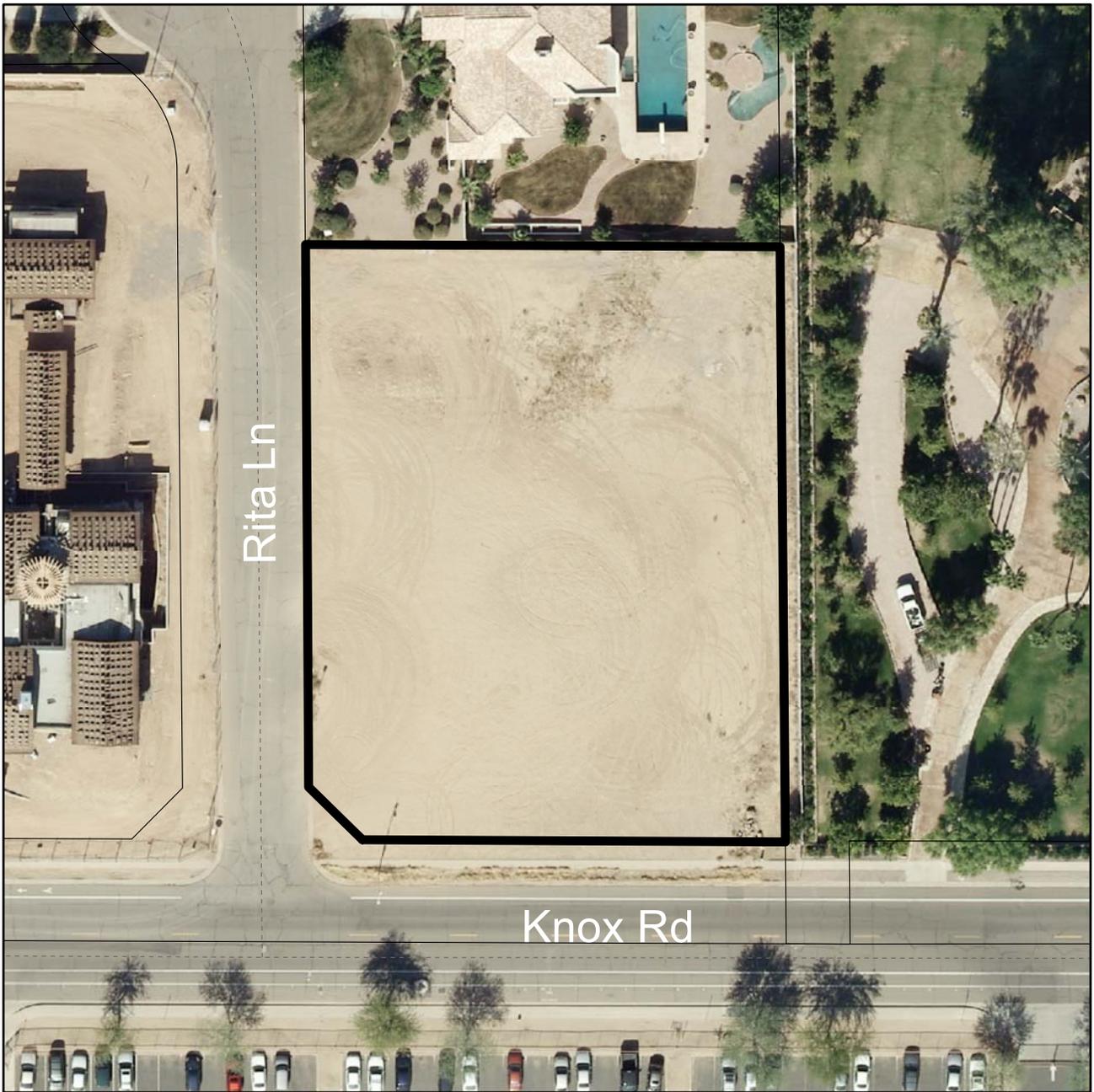
Part 4, Chapter 7, Section 4-706 – General Fence and Wall Height Standards
Part 6, Chapter 3, Section 6-308 – Use Permit

CUEVAS RESIDENCE

PL080469



Location Map



CUEVAS RESIDENCE (PL080469)

12/18/08.

To: Mr. David Williams, hearing officer.

Subject: use permit.

CUEVAS residence, wall distance to the sidewalk.

Use permit request: to increase the maximum allowable height of a screen wall, located within the front yard, from: 4'-0" to 6'-0".

The use permit will have not detrimental impact on the area, no increase of traffic, noise or dust (nuisance) will result in the approval Of this permit, it is our opinion that the new residence will be of benefit to the neighborhood and the scale of the proposed residence is compatible with the surrounding properties.

Thank you in advance for your consideration on this request

Sincerely,

**Edgar Cuevas.
1040 E. Knox.
Tempe, AZ. 85284.**

12/18/08.

To: city of Tempe, AZ.

The present is to request that my fence be allow to be placed 16' from the side walk on Knox rd. (mini attach)

Att'n.

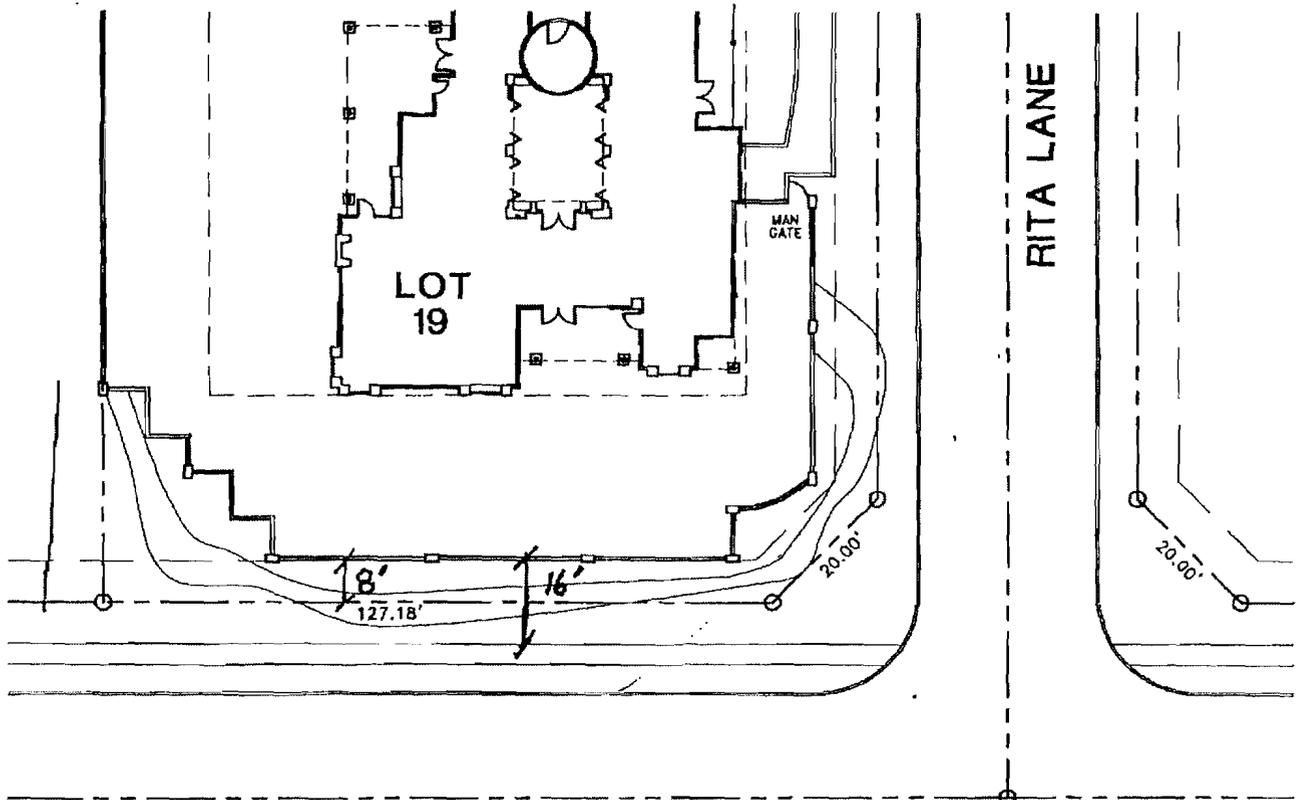
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Edgar Cuevas.

1040 e. Knox.

Tempe, AZ. 85284.

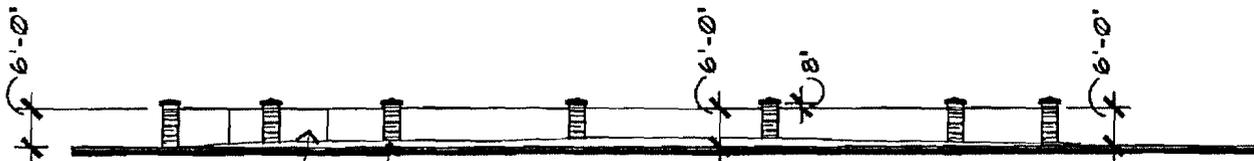
Phone:602-471-3155.



PARTIAL SITE PLAN
NO SCALE



KNOX ROAD

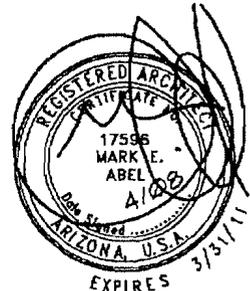


DECORATIVE PILASTER

MASONRY WALL PANEL
PAINTED STUCCO FINISH

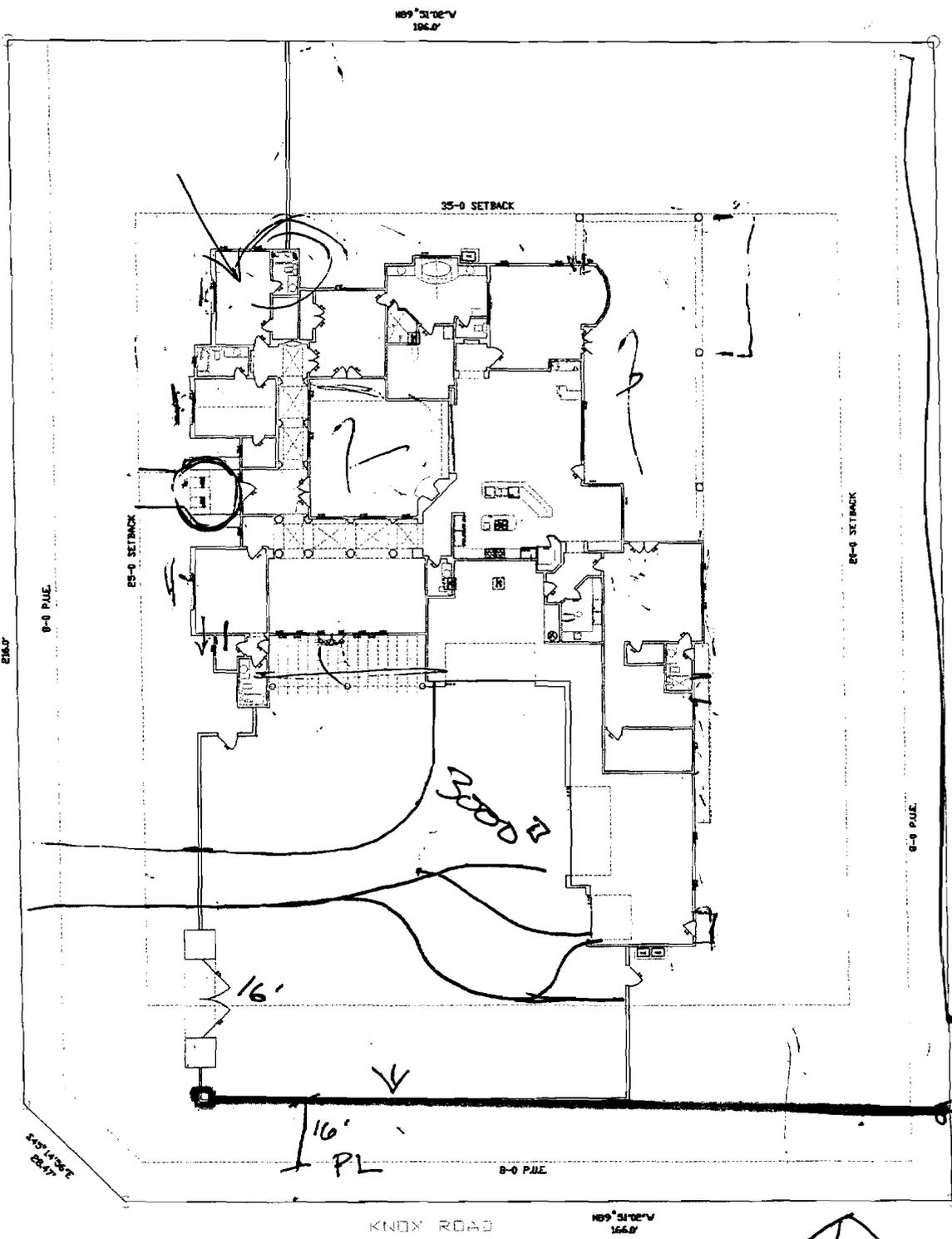
NOTE:
WALL FINISHES TO
MATCH RESIDENCE

SOUTH ELEVATION
NO SCALE



4/22/08

VARIANCE REQUEST
1026 EAST KNOX ROAD, TEMPE, AZ.



RELIN. LOT LINE
 100.57'±
 214.0'

8'-0" P.U.E.

25'-0" SETBACK

35'-0" SETBACK

25'-0" SETBACK

100.57'±
 214.0'

8'-0" P.U.E.

N

16'

16'
 PL

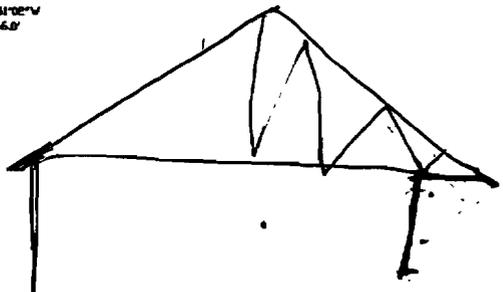
8'-0" P.U.E.

KNOX ROAD

100.57'±
 166.0'

█ = Proposed 6' high masonry wall

NOTE: SEE SLOPE AWAY FROM BLDG FOR 10'-0" EX. THEREAFTER





CUEVAS RESIDENCE

1040 EAST KNOX ROAD

PL080469

SITE PROPERTY – VIEW TO NORTH

