

Staff Summary Report



Hearing Officer Hearing Date: December 15, 2009

Agenda Item Number: 19

SUBJECT: This is a public hearing for a request by the **GERSTEN RESIDENCE (PL090452)** located at 227 East Taylor Street for one (1) use permit.

DOCUMENT NAME: 20091215dsng04 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **GERSTEN RESIDENCE (PL090452)** (David Gersten, applicant/property owner) located at 227 East Taylor Street in the R1-6, Single Family Residential District for:

ZUP09167 Use permit to allow parking in the front yard setback.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

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

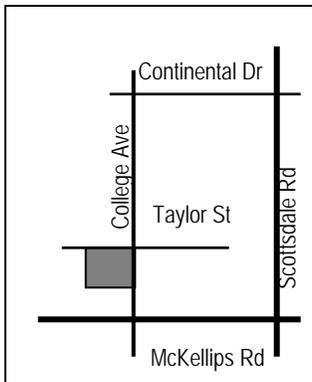
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1959 with a single car garage. The homeowner wishes to convert the garage into livable space. To date, staff has received no public input regarding this request. Staff recommends approval of the proposal as submitted, 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
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
6. Enlarged Floor Plan
7. West Elevation
8. North Elevation
9. Staff Photograph

COMMENTS:

The Gersten Residence is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1959 with a single car garage. The homeowner wishes to convert the garage into additional livable space. Currently, there is enough room in the existing double driveway to park two (2) cars in the front yard setback without hanging over into the right-of-way. To date, staff has received no public input regarding this request. Staff recommends approval of the proposal as submitted, with conditions.

Use Permit

The Zoning and Development Code requires a use permit to park 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 be no significant increase in vehicular or pedestrian traffic in adjacent areas. Parking in the front yard setback would take vehicles off of the street.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - There will not be any nuisance arising from the emission of odor, dust, gas, noise, vibration, and smoke as the driveway is paved and all parking is to occur on impervious surfaces.
- 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. The use permit is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area. The use permit to park in the front yard setback would allow for vehicles to be parked on private property.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use permit to park in the front yard setback is compatible with other single-family residences with garages that have been converted into living space.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval. This is a common use permit request for homes constructed during the 1950's through 1970's; these homes are typically smaller in livable space than newer constructed homes and the garage conversion is a viable option for increasing the livable area of the home.

REASONS FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE

FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITIONS
OF APPROVAL:**

1. The required parking on-site shall be used for single family residential use only.
2. Parking shall take place on impervious surfaces only.
3. Obtain all necessary clearances from the Building Safety Division.
4. All vehicles parked on the premises must be actively registered and in operable condition at all times.
5. The garage conversion shall match the main residence in color, form, texture, and material.
6. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.

HISTORY & FACTS:

March 18, 1960 Final inspection for a Single Family Residence

DESCRIPTION:

Owner – David Gersten
Applicant – David Gersten
Existing Zoning – R1-6, Single Family Residential District
Lot Size – 6,920 s.f. / .159 acres

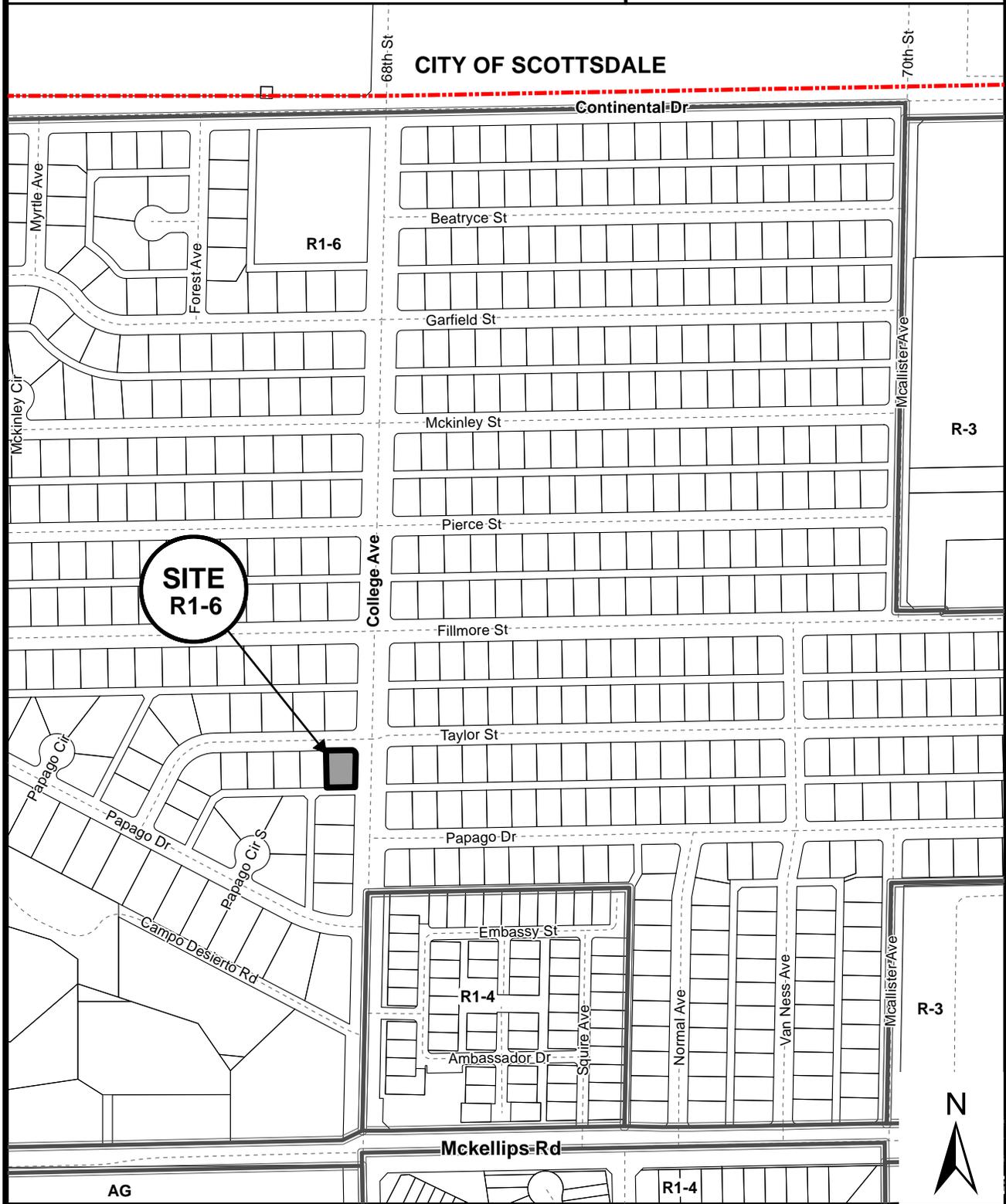
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 5, Section 4-502 – Motor Vehicle Access and Circulation Standards
Part 4, Chapter 6, Section 4-602 – General Parking Standards
Part 6, Chapter 3, Section 6-308 – Use Permit

GERSTEN RESIDENCE

PL090452



Location Map



GERSTEN RESIDENCE (PL090452)

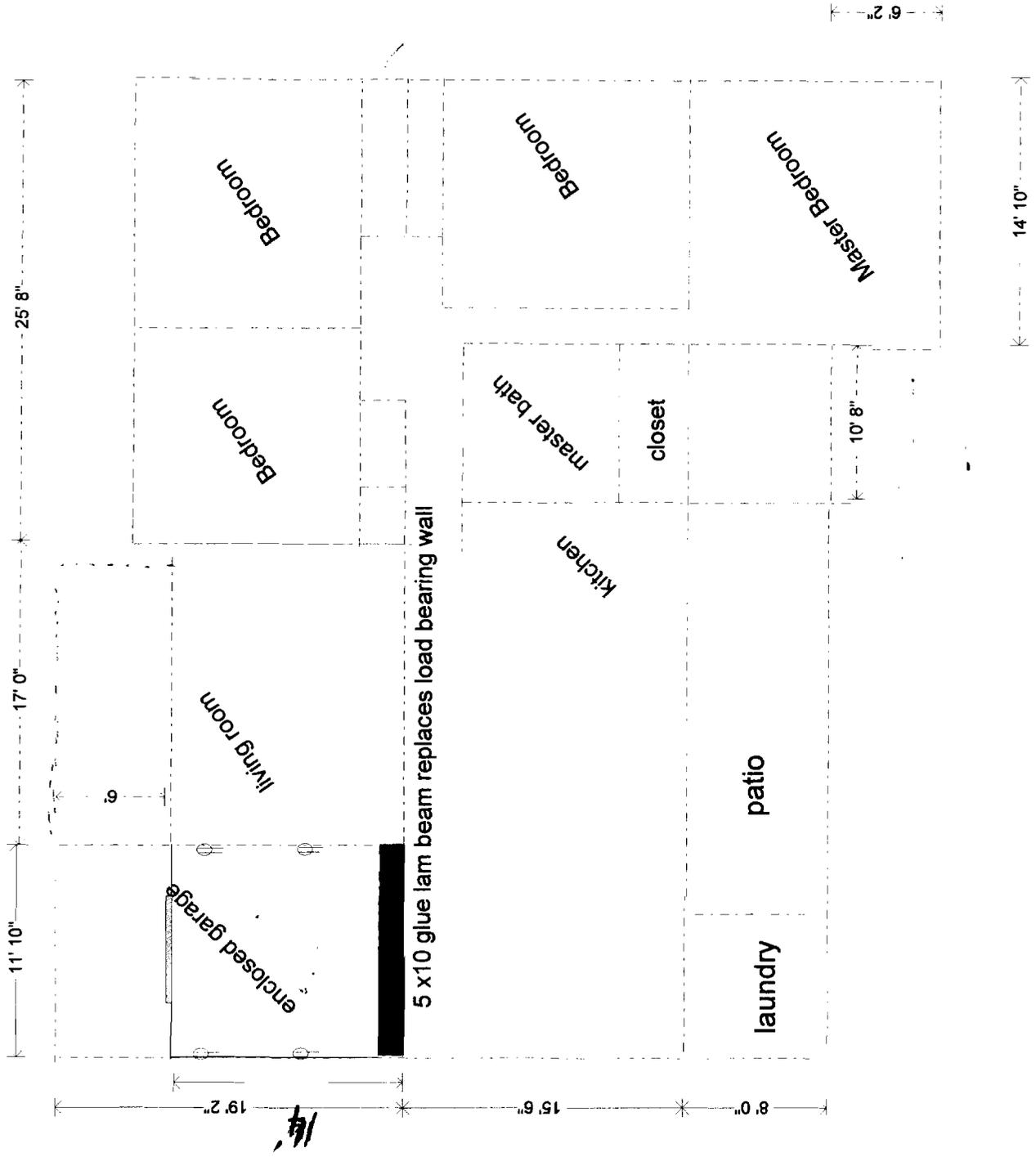
David Gersten
227 E Taylor St.
Tempe , Ariz.
85281

To whom it may concern:

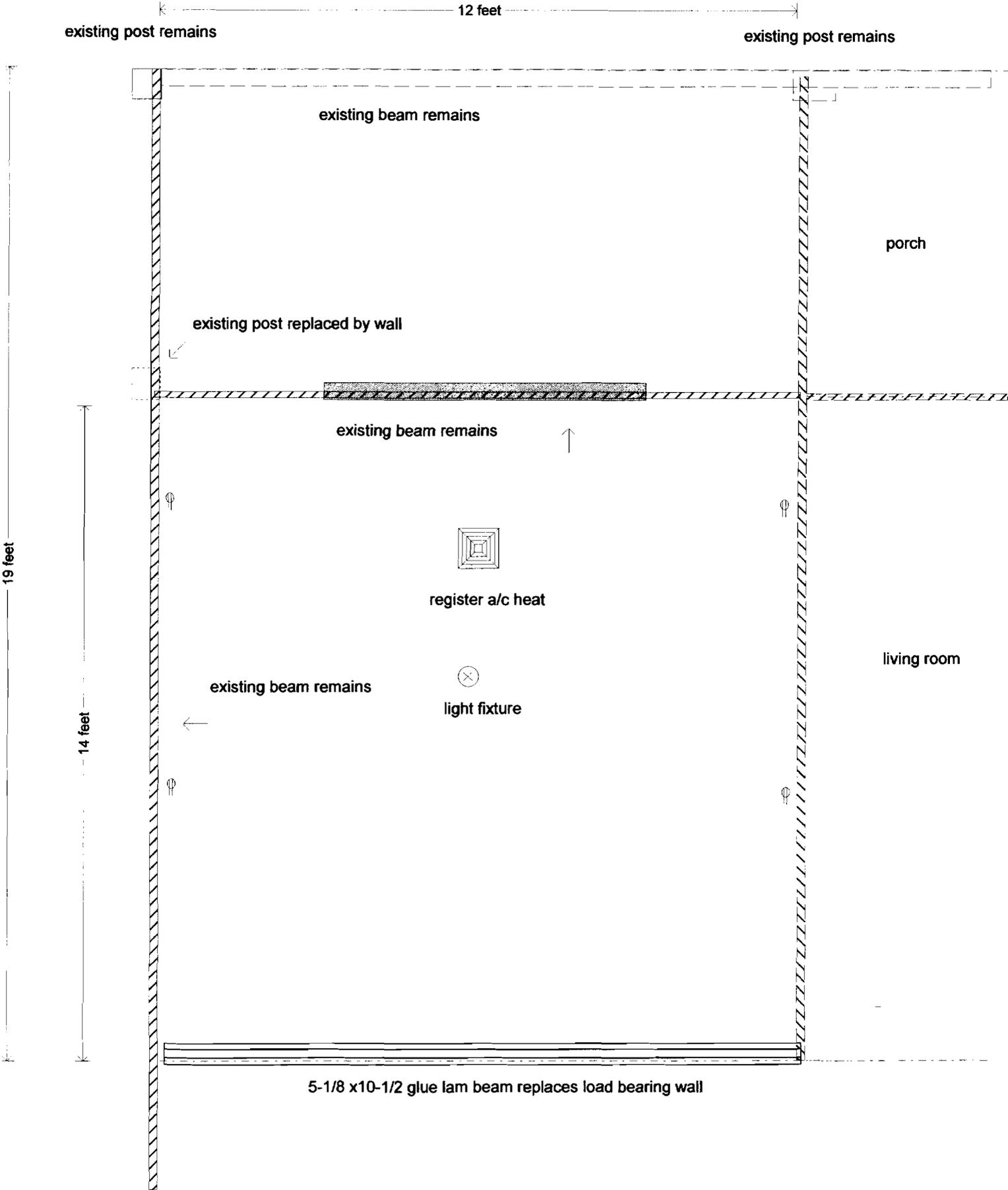
I, David Gersten, wish to obtain a use permit to use my drive way as a parking space on my property, so that I may convert the garage into livable space.

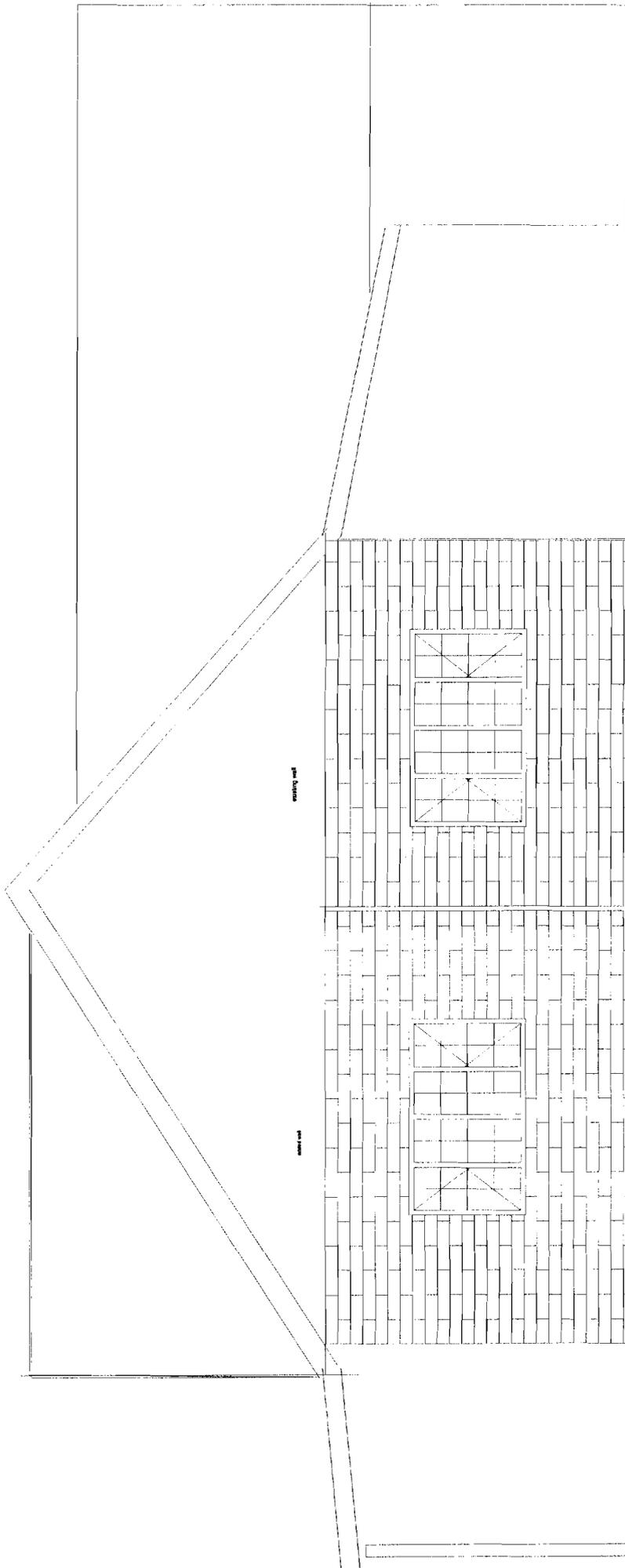
Thank you,

David Gersten



Gersten House 227 E Taylor st





WEST ELEVATION



NORTH ELEVATION



GERSTEN RESIDENCE

227 EAST TAYLOR STREET

PL090452

FRONT OF RESIDENCE

