

# Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 5

**SUBJECT:** This is a public hearing for a request by the **GIPSON RESIDENCE (PL090164)** located at 2002 West Garden Drive for one (1) variance.

**DOCUMENT NAME:** 20090602dsdp01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Hold a public hearing for the **GIPSON RESIDENCE (PL090164)** (Kathy Gipson, applicant/property owner) located at 2002 West Garden Drive in the R1-6, Single Family Residential District for:

**VAR09007** Variance to reduce the east street side yard setback from ten (10) feet to six (6) feet.

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

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

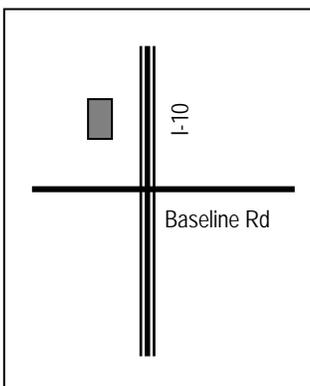
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions

**ADDITIONAL INFO:** The applicant is requesting a variance to reduce the east street side yard setback for a 360 square foot room addition at 2002 West Garden Drive in the R1-6, Single Family Residential District. The property is located on a corner lot adjacent to commercial property. The applicant held a neighborhood meeting on May 18, 2009, but there were no attendees. Staff supports approval of the variance. To date, no public input has been received.



**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(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Neighborhood Meeting Notification Letter
5. Site plan
6. Elevations
7. Floor plan
8. Staff Photograph(s)

## COMMENTS:

The Gipson residence is requesting a variance to reduce the east street side yard setback from ten (10) feet to six (6) feet for a twelve (12) foot eastern addition to the existing single family home. The proposed addition is 360 square feet in area and will provide an extension of two existing bedrooms in the home. The property is located on a corner lot adjacent to commercial office buildings. The property owner held a neighborhood meeting in accordance with the Zoning and Development Code on Monday, May 18, 2009 at 5:15pm on the subject site but there were no attendees. To date, no public input has been received by staff.

## Variance

The Zoning and Development Code requires a variance to allow a reduction in a required setback, where a use permit standard is not applicable.

Evaluating the variance, the proposal appears to meet the terms below:

1. Special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings;
  - a. The property is located on a corner lot where the street (Wendler Drive) makes a 90 degree turn from the south to the west, which turns into Garden Drive. The right-of-way for Wendler Drive is 33 feet, which is unique to a residential neighborhood; the typical width for a residential street is 25 feet.
2. The strict application of the Zoning and Development Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
  - a. The single family home exists with an east street side yard setback of 18'-6"; the proposed addition is a 12-foot extension of the home –suggesting a setback of 6'-6". Strict interpretation of the code would allow only an 8'-6" addition, reducing the proposed 360 square foot expansion by more than 100 square feet.
3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which such property is located;
  - a. The property is located in a unique situation, whereas the side yard of the single family home is adjacent to a public street that is 8-feet wider than a typical residential street. This situation exists because of the adjacent commercial land use. Approximately 6 properties in this neighborhood have comparable conditions with a similar lot layout. The setback of the comparable properties ranges from approximately 5-feet to 20-feet.
4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
  - a. The conditions of the neighborhood are not self-imposed by the property owner.

## Conclusion

Staff recommends approval of the variance subject to conditions.

## REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of this variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance 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 Division.
2. Building addition and foundation shall be painted to match the existing residence.

HISTORY & FACTS:

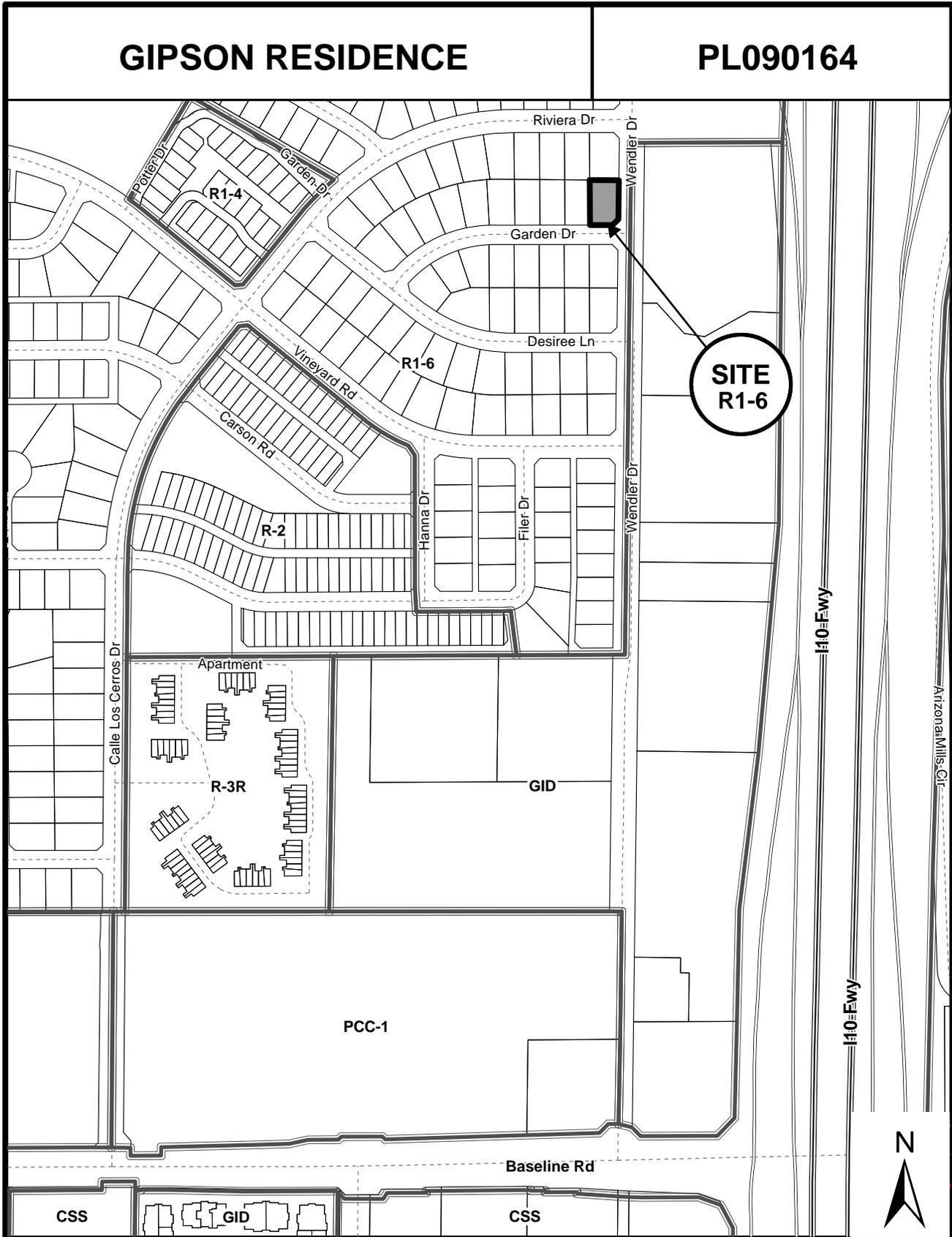
1975 Construction year of residence.

DESCRIPTION:

Owner – Kathy Gipson  
Applicant – Kathy Gipson  
Existing Zoning – R1-6, Single Family Residential District  
Required Setback – 10'  
Proposed Setback – 6'-6"  
Lot Coverage Allowed – 45%  
Lot Coverage Proposed – 17%

ZONING AND  
DEVELOPMENT  
CODE REFERENCE:

Part 4, Chapter 2, Section 4-202 – Development Standards for Residential Districts  
Part 6, Chapter 3, Section 6-309 – Variances



**Location Map**



**GIPSON RESIDENCE (PL090164)**

Kathy J. Gipson  
2002 W. Garden Dr.  
Tempe, AZ 85282

Project @ <sup>2002</sup>  
~~2002~~ W. Garden Dr.  
Tempe, AZ 85282

### Letter of Explanation

**Request:** To add a room extension to the east exposure of the home, that is located 3 feet from the existing eastern property line. Therefore we are requesting a reduction in required street side setback from 10' to 3', due to existing conditions.

A. There are special circumstance or conditions applying to the land, building or use referred to the application.

The special circumstances are the building structure is existing and in it's original position on the property since built in the 1970's.

B. That authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.

Adding a room extension will not only provide a visual improvement to the property, it will also increase the value of the property.

C. Be for the purpose of rectifying a special circumstance which was self-imposed by the property owner or applicant.

The reference line to the property line is not a standard measurement. It larger than most requirements. This condition is not self-imposed.

D. Allow relief from any item expressly prohibited by this Ordinance.

Adding an extension to the building structure will not provide relief from anything prohibited by the ordinance. A neighbor to the North of this property has already extended their home out which would measure out to the same measurement that are being requested.

Thank you for your kind consideration on this matter.

Kathy J. Gipson

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Kathy J. Gipson  
2002 W. Garden Dr.  
Tempe, AZ 85282

**Letter of Notification of Neighborhood Meeting**

May 4, 2009

Dear Neighbors,

A neighborhood meeting is required for variances, when the property is located within 300' of a residential use. The property in question is located at 2002 W. Garden Dr. The variance requested will provide for a home extension on the eastern exposure of the property, 3'-0" from the eastern property line.

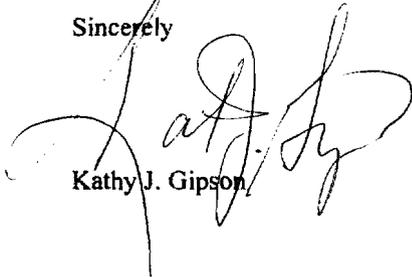
The meeting date, time and location are:

Monday May 18<sup>th</sup>, 2009  
5:15pm

20002 W. Garden Dr.  
Tempe, AZ 85282

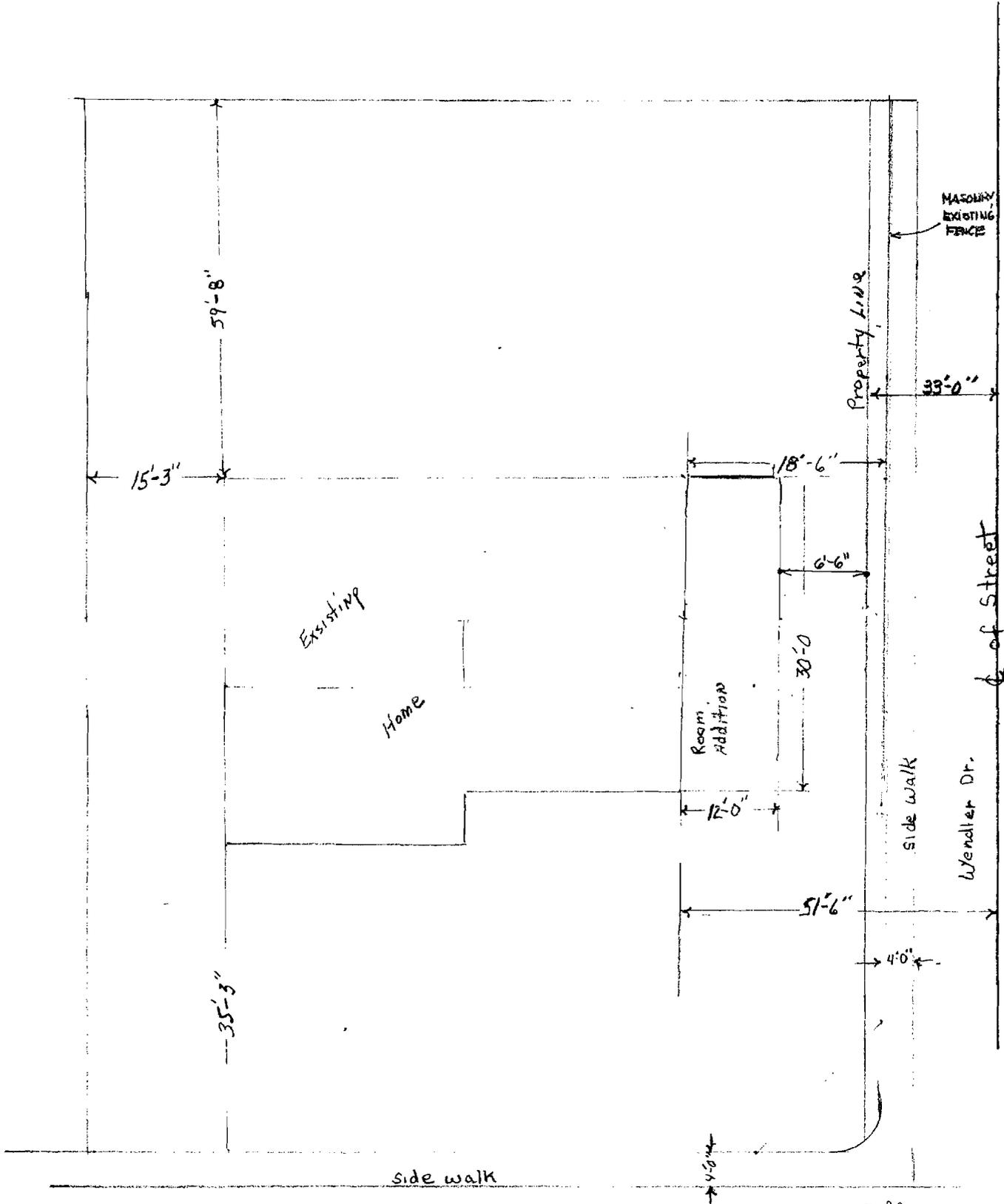
All questions and concerns can be presented at the neighborhood meeting, thank you for your consideration of this project designed to enhance the property and neighborhood.

Sincerely



Kathy J. Gipson

2002 West Garden Dr  
123-22-237



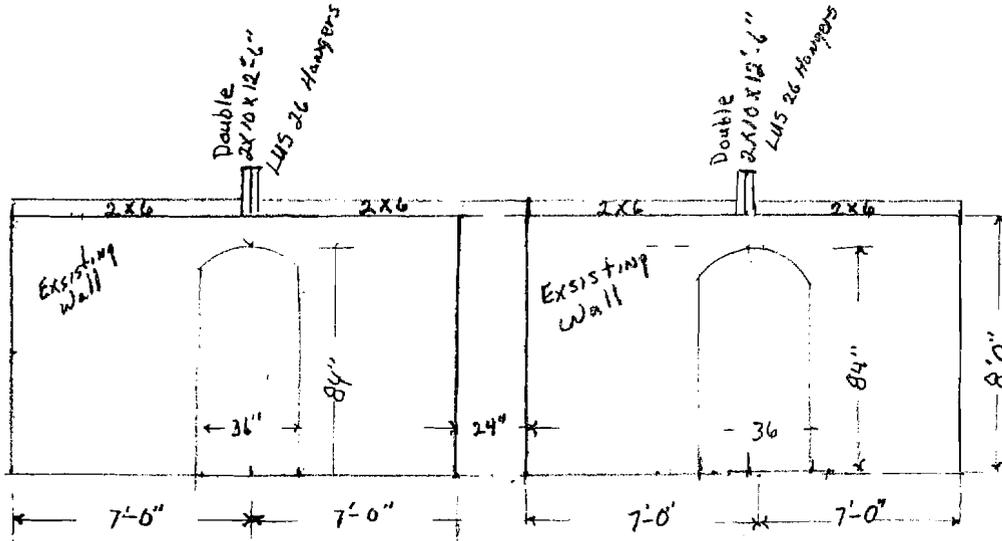
Garden Dr.

ATTACHMENT 5

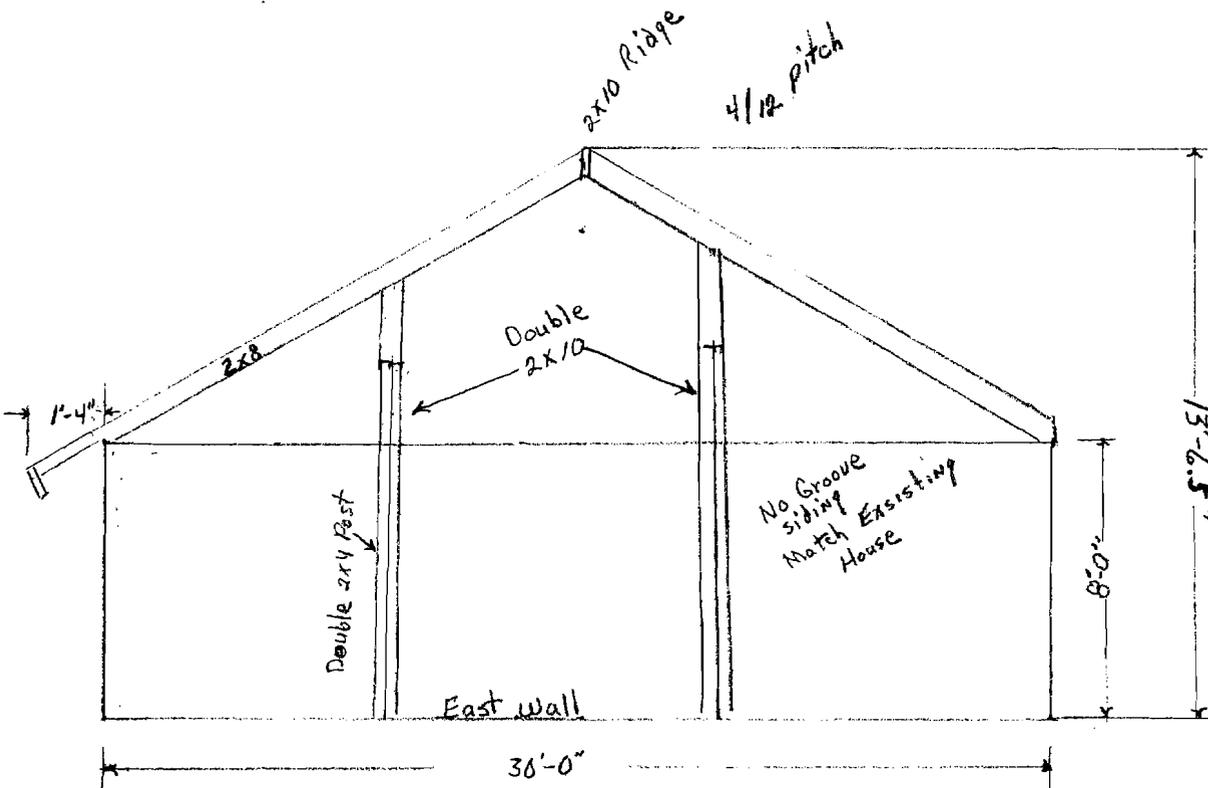
5 of 6

102 W Garden Dr.  
123-22-237

Existing East Wall



1/4" = 1"

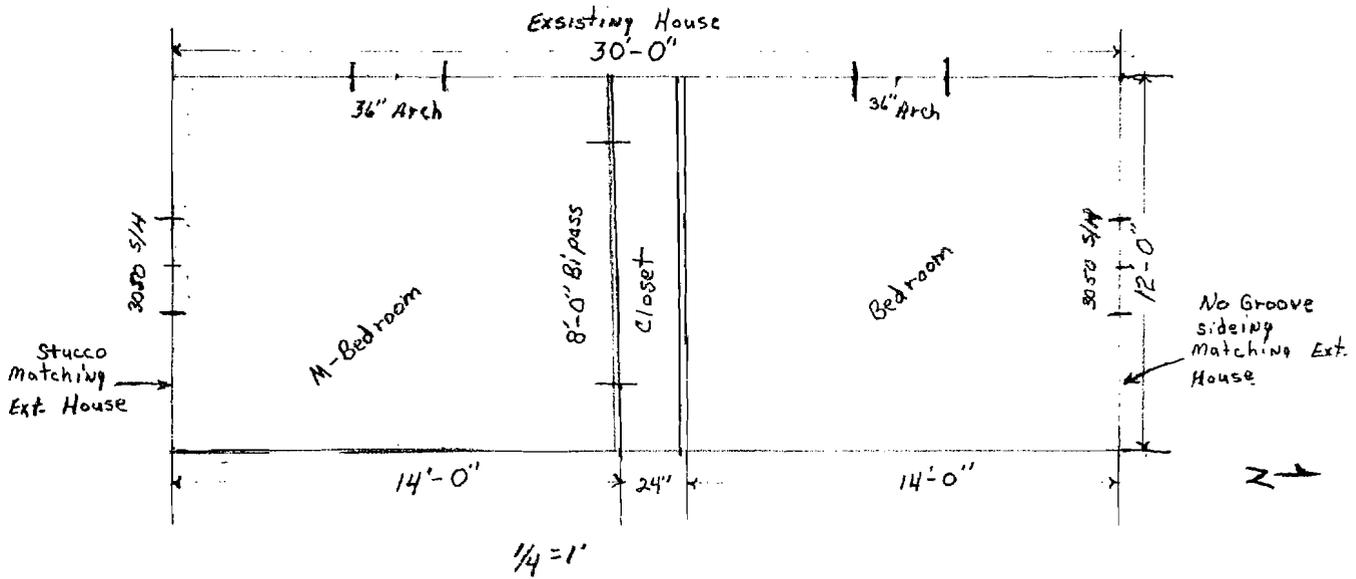
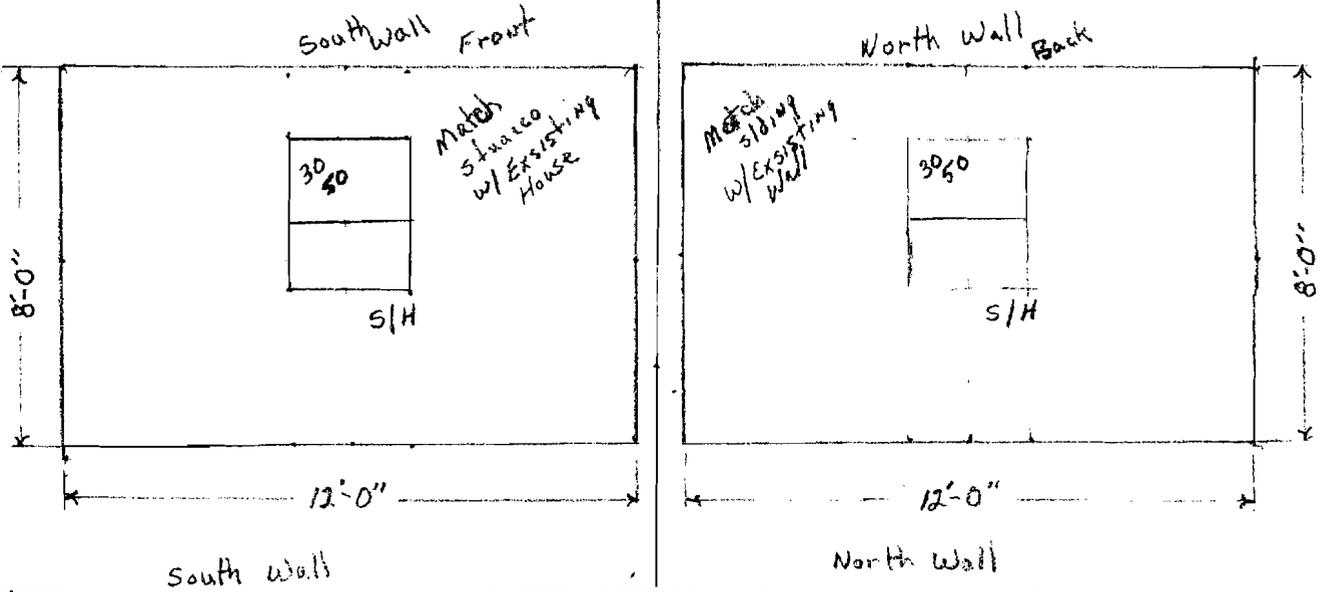


East Wall

Note to scale

3 of 6

$\frac{3}{8} = 1''$



Floor Plan

Gipson Res  
Room Addition

2002 W Garden Dr.  
123-22-237



**GIPSON RESIDENCE**

**2002 WEST GARDEN DRIVE**

**PL090164**

**FRONT OF RESIDENCE**

