

Staff Summary Report



Hearing Officer Hearing Date: January 6, 2009

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **HEMMINGS RESIDENCE (PL080432)** located at 5508 South Camino Drive for one (1) use permit and (1) variance.

DOCUMENT NAME: 20090106dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **HEMMINGS RESIDENCE (PL080432)** (David Ulrich/Cornerstone Remodeling Corporation, applicant; Shawn Hemmings, property owner) located at 5508 South El Camino Drive in the R1-6, Single Family Residential District for:

ZUP08187 Use permit to increase the maximum allowable lot coverage by two percent (2%) from forty-five percent (45%) to forty-seven percent (47%).

VAR08024 Variance to reduce the front yard setback for an open structure from fifteen (15) feet to seven (7) feet.

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

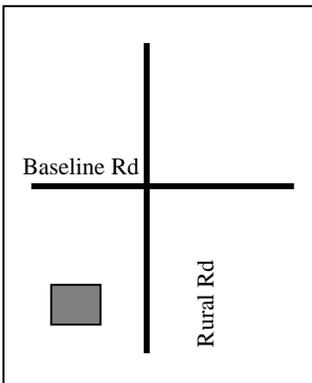
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval of ZUP08187
Denial of VAR08024

ADDITIONAL INFO: The Hemmings Residence is seeking a variance to reduce the front yard setback for an open structure from fifteen (15) feet to seven (7) feet and a use permit to increase the maximum lot coverage by two (2) percent from forty-five percent (45%) to forty-seven percent (47%) for a carport addition to their house. The proposed carport will be located approximately nine (9) feet behind the existing sidewalk; which consists of two (2) feet of right-of-way and seven (7) feet of the applicant's property. The structure will be attached to the dwelling and span over the existing driveway. The existing garage will remain functional on the property; the new carport will provide shade over the driveway. Staff recommends approval of the use permit to increase the maximum lot coverage and denial of the variance owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on December 1, 2008; to date no public input has been received regarding this request.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-6. Letter of Intent
7. Site plan
8. Floor Plan
9. Elevation
10. Staff Photograph(s)

COMMENTS:

The Hemmings Residence is requesting a variance to reduce the front yard setback for an open structure from fifteen (15) feet to seven (7) feet and use permit to increase the maximum lot coverage by 2% or to forty-seven (47) percent for the addition of an attached carport cover over the driveway. The structure will be constructed to complement the design of the existing dwelling.

Use Permit

The Zoning and Development Code requires a use permit for any single family residence to increase the maximum lot coverage up to 10%. This request is to increase the lot coverage by 2% or from 45 ft to 47 ft. 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 increase in coverage will not substantially modify the massing of the structure; it is similar to 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

Variance

The Zoning and Development Code Development Standards require the setbacks for open structures, in the R1-6 Single Family Residence District, to be located fifteen (15) feet from the front property line. The applicant is seeking a seven (7) foot setback to accommodate a twenty foot (20) wide by twenty (20) foot deep carport structure. The proposed carport will be located approximately nine (9) feet behind the existing sidewalk; which consists of two (2) feet of right-of-way and seven (7) feet on the applicant's property. They state in their letter that the encroachment is necessary to shade the driveway and is part of an improvement project to their home. The structure is an investment in their home that enhances and revitalizes the surrounding area. As part of their application; they have provided a photo example of a similar carport structure within the area. Analysis of this request, result in findings that there are no special circumstances or conditions affecting this building, land, or use to warrant approval of the variance. The property is rectangular in shape and is consistent with other properties on this block. Authorizing the variance is not necessary for the enjoyment of substantial property rights. We encourage the applicant to explore other designs that will conform to the setback standards in the R1-6, Single Family Residential District.

Conclusion

Staff recommends denial of the front yard setback variance and approval of the use permit.

REASON(S) FOR DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may 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. The carport is to remain an open structure; a conversion to a garage is prohibited.

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

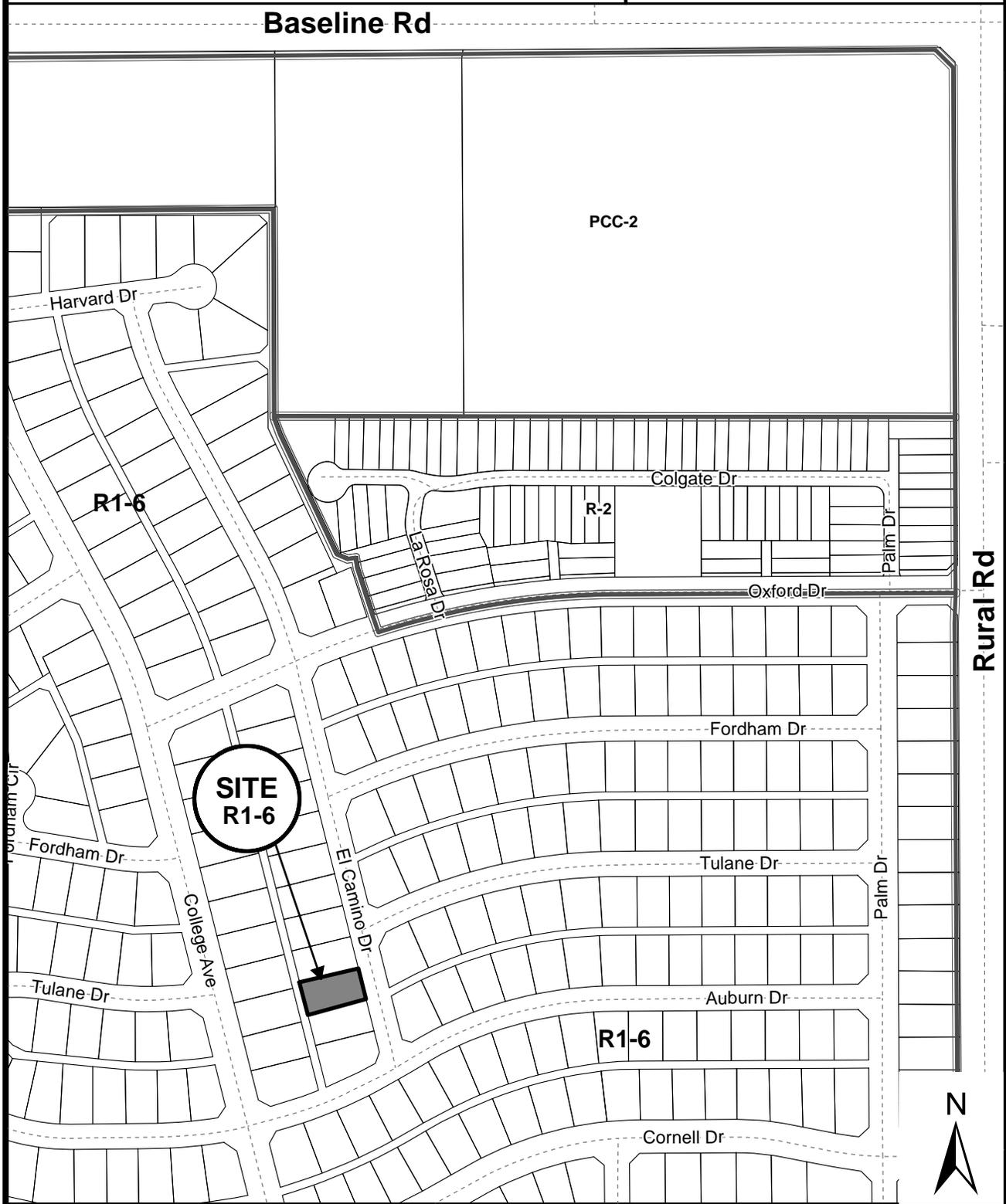
Owner – Shawn Hemmings
Applicant – David Ullrich/Cornerstone Remodeling Corporation
Existing Zoning – R1-6, Single Family Residential District
Lot Size- 7675 s.f.
Lot Dimensions- 64' x120'
Proposed building area- 420 s.f.
Lot coverage allowed- 45%
Lot coverage proposed- 47%
Required front yard setback- 15'
Proposed front yard setback- 7'

ZONING AND DEVELOPMENT CODE REFERENCE:

Citations of Code Requiring Use Permit(s) & Variance(s):
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-308
Part 6, Chapter 3, Section 6-309

HEMMINGS RESIDENCE

PL080432



Location Map



HEMMINGS RESIDENCE (PL080432)

HEMMINGS RESIDENCE

CITY OF TEMPE VARIANCE REQUEST



This area home has a similar look to the proposed request.

**5508 S. El Camino Dr.
Parcel Number: 301-80-245**

Prepared by:

David D. Ullrich, AICP
Ullrich Planning & Development, LLC
14841 S. Foxtail Lane
Phoenix, Arizona 85048-4337
(480) 266-8753
Ullrich_Planning@msn.com

Shawn & Sonya Hemmings Variance Application.

OWNERSHIP VERIFICATION

City of Tempe – Zoning Adjustment Application

It is requested that an application for zoning adjustment be accepted by the Planning Department for property located at:

Post Office Address:
5508 S. El Camino Street
Tempe, Arizona 85283

Said property is owned by:

Shawn & Sonya Hemmings
5508 S. El Camino
Tempe, Arizona 85283

Property is legally described as:

Lot 241, University Royal

Assessor Parcel Number(s):

301-80-245

I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner.

Shawn A. Hemmings
(Applicant)

11-17-08
(Date)

Shawn & Sonya Hemmings Variance Application.

VARIANCE NARRATIVE REQUEST
SHAWN AND SONYA HEMMINGS RESIDENCE
5508 S. EL CAMINO DR., TEMPE, AZ

INTRODUCTION

The variance request involves the structural addition of a front yard carport at the above location in an established and aging neighborhood. Many homes in the area have been in general disrepair. The Hemmings have already received a building permit and finalizing construction of an addition of two bedrooms and a bathroom to the rear portion of their home. They have done this addition to add square footage and value to their home, and increase the long term viability of their investment. The reason for this request is to allow the development of a carport consisting of four slump block columns and carport cover that will be architecturally integrated with the existing home. The enclosed photo is of one of the existing homes that will provide a similar look to what is proposed by the Hemmings request. The variance being requested is necessary in order to modify code requirements, but they do address the General Plan statements regarding revitalization and reinvestment in the community. This was their option of choice rather than purchasing a larger new home in other areas of the community.

BRIEF HISTORY

The University Royal subdivision was originally platted in 1970. The property currently maintains its original lot size of 7,680 sf (64' x 120'). The subdivision was developed in the City of Tempe R1-6 zoning category. Many homes in the area have seen some deterioration in conditions. The Hemmings feel that an investment in their home will help create revitalization for the neighborhood, and not cause concern or provide any division. A neighborhood meeting was held December 1, 2008. No neighbors attended the meeting, nor have any called with any questions or comments regarding the issue to Mr. Hemmings or Mr. Ullrich.

VARIANCE AND USE PERMIT REQUESTED

Most homes in the area were built with a one car carport, while some like the Hemmings home had a two car carport. The subject home has had an enclosure to make it into a garage completed in the past. Some homes have replaced the carport with enclosed livable space. This of course requires that all cars be parked on the street or driveway, which deteriorates the vehicles much faster. The Hemmings desire to have the carport in addition to the garage to help with that idea in mind, while giving a nice finished look to the home. A few people in the area have placed temporary canvas shade structures in the area for shade. The required front yard setback in R1-6 is 20', we are requesting a 7' setback to the front of the post, with a 6' distance to the fascia. With this additional roof area, we also request a Use Permit to slightly exceed the 45% Lot Coverage listed, with 46.33% coverage being requested.

Shawn & Sonya Hemmings Variance Application.

NEIGHBORHOOD PRECEDENT:

There are four homes in the relatively close vicinity that have built carports similar to what the Hemmings propose. One is to the north about a half a block away on a corner lot of the Southeast corner of El Camino and Fordham. Two others are a couple blocks to the south in the 600 block of E. Sesame Street, with another on 5300 block of College Lane just around the corner.

VARIANCE: SECTION 4-202 TABLE A.

REDUCE THE FRONT YARD BUILDING SETBACK FROM 20' TO 7'.

The subject property is located in a subdivision that was built in a very monotone fashion, with very little, if any, variation in the front setbacks. As each of the homes of the area were constructed at the front of the current front setback line, it leaves no capability to do any substantial additions without the approval of a variance. The City and involved people have at various times extended ideas regarding creating varying standards for areas that were built during times such as this property, but no official action has occurred to date. The Hemmings home is across the street from two "side yard" homes that face perpendicular streets to El Camino Drive.

As we have shown above, the authorization of this variance will not be materially detrimental to any persons residing in the vicinity or to the public welfare in general. The authorizations of these variances are necessary in order for the applicant to enjoy reasonable and substantial property rights, while preventing deterioration, encouraging revitalization, thereby promoting neighborhood stability.

CONCLUSION

We firmly believe that any perceived impacts have been resolved through the design proposed. The development standards that the area was built under provided an antiquated and monotonous look. The proposed carport should provide some intended variation in the feel of the area and help begin a revitalization of the neighborhood. When evaluating the setbacks, with the proposed design of the carport we strived to maintain the area's development character and avoid any perceived adverse effect on property values. To that end, we believe the Hennings addition of a carport and home addition is exactly the type and quality of infill development envisioned by the City as it meets many of the goals, objectives, and polices of the General Plan.

The final result will be an owner-occupied housing option on an otherwise nondescript street in a mature area of Tempe. We therefore respectfully request your consideration and approval of this variance and Use Permit for the Hemmings Carport addition. Thank you for your consideration in processing this request.

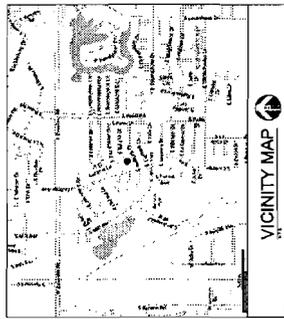
Shawn & Sonya Hemmings Variance Application.

**CORNERSTONE
REMODELING
CORPORATION**
16627 SOUTH 25TH PLACE
PHOENIX, AZ 85048
OFFICE: (480) 706-6906 FAX: (480) 706-1819
cornerstoneremodelingcorp.com

SHAWN & SONYA HEMMINGS
NEW CARPORT ADDITION
LOT #241 SITE PLAN & PROJECT DATA
TEMPLE, ARIZONA 85283
5508 S. EL CAMINO DR.
5508 S. EL CAMINO DR.

NO.	DATE	DESCRIPTION
1	10/10/08	ISSUED FOR PERMITS

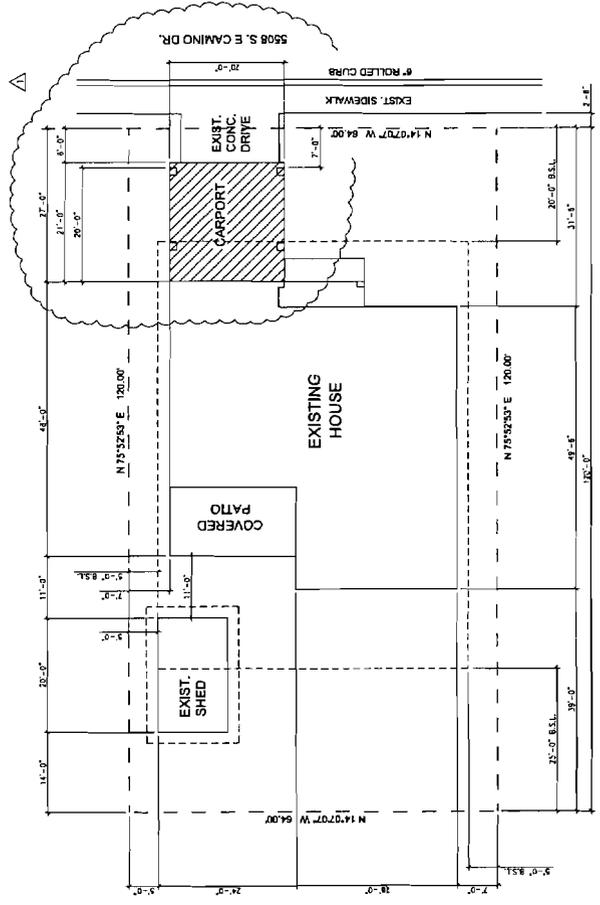
Project Number: 08-100-125
 Date: 10/10/08
 Drawn By: CWN
 Checked By: DS
 Scale: 1" = 10'-0"
 Sheet Number: A1



PROJECT DATA
 OWNER: SHAWN & SONYA HEMMINGS
 ADDRESS: 5508 S. EL CAMINO DR.
 TEMPE, ARIZONA 85283
 LEGAL DESCRIPTION: LOT #241 UNIVERSITY ROYAL
 PARCEL NO.: 301-40-344
 SECTION/TOWNSHIP/RANGE: 3 18 4E
 ZONING: R-1-8
 OCCUPANCY: RESIDENTIAL, R3
 CONSTRUCTION TYPE: P'PAINTED BLOCK

AREA TABULATION:

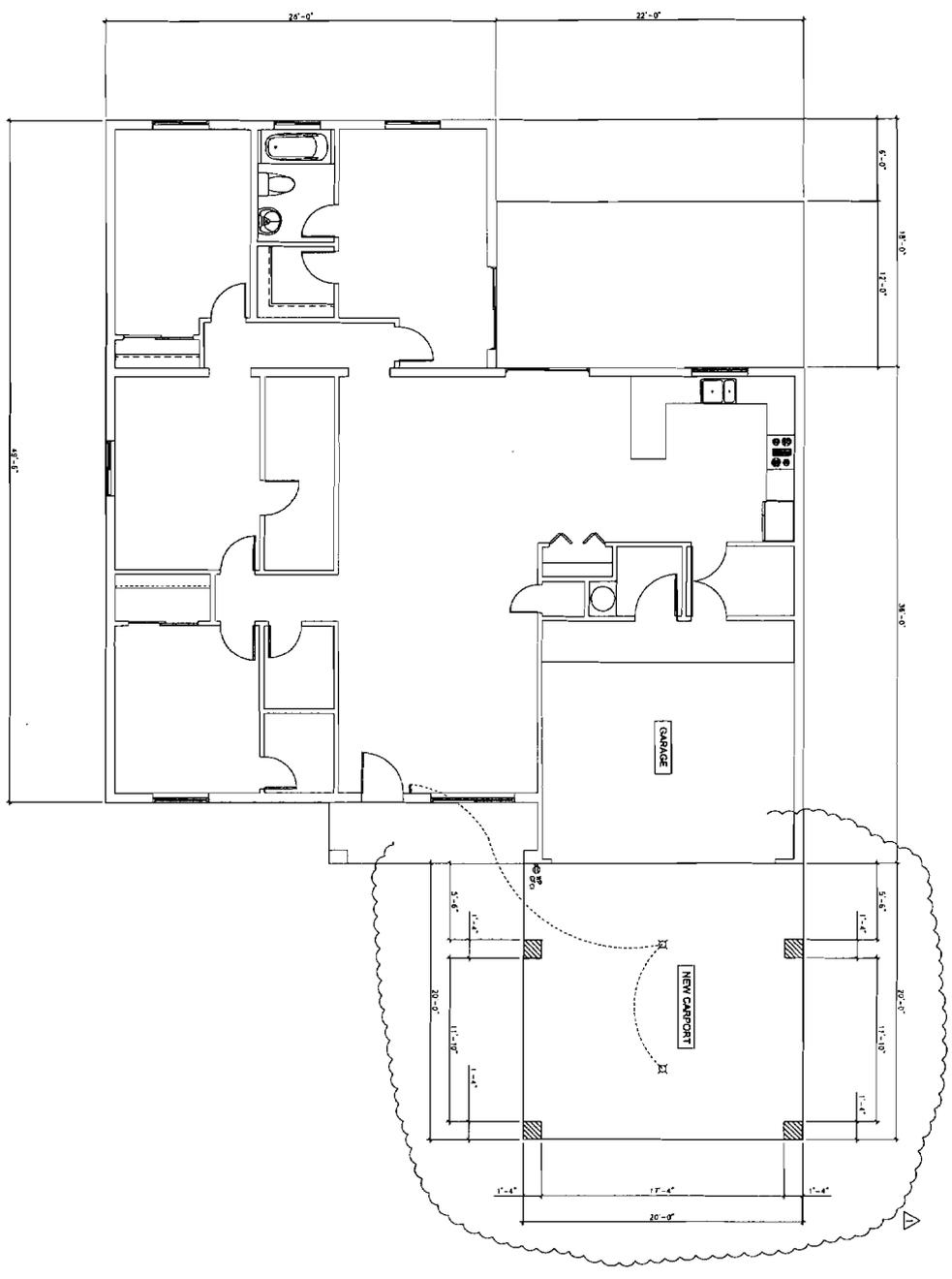
EXIST. LIVABLE AREA	2,171.54 S.F.
EXIST. 2-CAR GARAGE	398.54 S.F.
EXIST. COVERED ENTRY	83.34 S.F.
EXIST. SHED	240.34 S.F.
EXIST. COVERED PATIO	204.34 S.F.
EXIST. TOTAL UNDER ROOF FOOTPRINT	3,128.54 S.F.
NEW CARPORT	420.34 S.F.
NEW TOTAL UNDER ROOF FOOTPRINT	3,548.88 S.F.
EXIST. LOT AREA	7,872.54 S.F.
NEW LOT COVERAGE	46.33%



UNIVERSITY ROYAL LOT #241 SITE PLAN
 SCALE: 1" = 10'-0"

ELECTRICAL SYMBOLS	
⊕	EXISTING ELECTRICAL SYMBOL
⊕	NEW ELECTRICAL SYMBOL
⊕	EXISTING ELECTRICAL SYMBOL
⊕	NEW ELECTRICAL SYMBOL
⊕	EXISTING ELECTRICAL SYMBOL
⊕	NEW ELECTRICAL SYMBOL
⊕	EXISTING ELECTRICAL SYMBOL
⊕	NEW ELECTRICAL SYMBOL

- ELECTRICAL NOTES**
1. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF PHOENIX ELECTRICAL CODE.
 2. EXISTING ELECTRICAL SYMBOLS SHALL BE SHOWN IN ACCORDANCE WITH THE CITY OF PHOENIX ELECTRICAL CODE.
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MODIFIED FLOOR PLAN



SCALE: 1/4" = 1'-0"

REVISIONS	
No.	Description
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
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49	ISSUED FOR PERMIT
50	ISSUED FOR PERMIT

SHAWN & SONYA HEMMING
 5505 S. EL CAMINO DR.
 TEMPE, ARIZONA 85283

NEW CARPORT ADDITION
 EXIST. FLOOR PLAN WITH NEW CARPORT

CORNERSTONE REMODELING CORPORATION
 16827 SOUTH 25TH PLACE
 PHOENIX, AZ 85048
 OFFICE: (480) 706-6506 FAX: (480) 706-4619
 cornerstoneremodelingcorp.com

CORNERSTONE REMODELING CORPORATION
 16627 SOUTH 23TH PLACE
 PHOENIX, AZ 85048
 (602) 798-6008 FAX: (602) 798-1919
 cornerstoneremodeling.com

SHAWN & SONYA HEMMINGS
 5508 S. EL CAMINO DR.
 TEMPE, ARIZONA 85283

NEW GARPORT ADDITION
ELEVATIONS

No.	Description	Date
1	ISSUE FOR PERMITS	7/21/10

Project Number: 08-000-125
 Date: 7/21/10
 Drawn By: GWN
 Checked By: DS
 Scale: 3/16" = 1'-0"

Sheet Number **A3**

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

EAST ELEVATION
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
SCALE: 1/4" = 1'-0"



HEMMINGS RESIDENCE

5508 SOUTH EL CAMINO DRIVE

PL080432

FRONT OF RESIDENCE

