

Staff Summary Report



Hearing Officer Hearing Date: March 3, 2009

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **JOHNSON RESIDENCE (PL090055)** located at 2136 East Carson Drive for one (1) use permit.

DOCUMENT NAME: 20090303dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **JOHNSON RESIDENCE (PL090055)** (Kenneth & Terri Johnson, applicants/property owners) located at 2136 East Carson Drive in the R1-6, Single Family Residential District for:

VAR09001 Variance to reduce the west side yard setback from five (5) feet to three (3) feet.

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

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

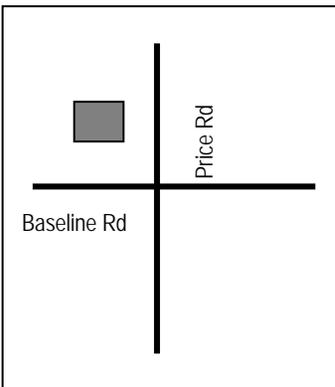
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is before the Hearing Officer to request a variance to reduce the side yard setback from five (5) feet to three (3) feet. The Johnson Residence is proposing to construct a 350 s.f. master bedroom addition to their residence. Staff supports the variance finding that there are special circumstances related to the configuration of the lot and the placement of the existing structure on the lot for which to warrant support of the variance.

The applicant held a neighborhood meeting on February 18, 2009; in accordance with the requirements of the Zoning and Development Code. Three neighbors attended the meeting and the applicant received four (4) phone calls and three (3) visits from neighbors prior to the meeting. There was no opposition expressed from the neighbors. To date no other public input has been received.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor plan
6. Elevation
7. Neighborhood Meeting Minutes
8. Staff Photograph(s)

COMMENTS:

The Johnson Residence is seeking a variance to reduce the west side yard setback from five (5) feet to two (2) feet. The variance is to accommodate a 350 s.f. expansion of the master bedroom with a new closet. The addition has an architecturally similar appearance to the existing residence; there will no windows added to the west elevation. According to the applicant's letter, the expansion is the most cost effective way to achieve a larger bedroom without moving from their mortgage free house and the larger spaces are needed to provide for future wheel chair access in the home.

Variance

The Zoning and Development Code requires that the side yard setback in the R1-6, Single Family Residential District be a minimum of five (5) feet; the applicant is requesting a two (2) foot encroachment of their structure into the side yard setback. In review of this case, staff finds that there is justification for support of the variance. The unique lot configuration and placement of the structure on the lot are considered special circumstances which apply to the land and warrant support of the variance. The lot is not a traditional rectangular shaped lot. A majority of the buildable space is located in the front half of the lot, along the alley property line, which is the opposite side of the existing bedrooms. This site has only one abutting neighbor which is to the west; the other three sides abut an alley or the street. The property located to the west will be the most impacted by the proposed addition. According to the applicant's neighborhood meeting minutes, that property owner is not opposed to the variance. The authorizing of the variance will not be materially detrimental to the adjacent property or the surrounding area. The encroachment into the setback is for only a minor addition to the total residence.

Conclusion

Staff recommends approval of the variance as requested in this application.

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. The variance valid for the plans as approved by the Hearing Officer.
2. The addition to match the existing residence in form, color and material.
3. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS:

October 4, 1993- The Hearing Officer approved a variance to allow an accessory building to be located in the front half of the lot., subject to conditions.

DESCRIPTION:

Owner – Ken and Terri Johnson

Applicant –Ken and Terri Johnson
Existing Zoning – R1-6, Single Family Residential District
Lot size- 14,131 s.f.
Lot coverage- 17.47 %
Required side yard setback- 5'
Proposed side yard setback- 3'

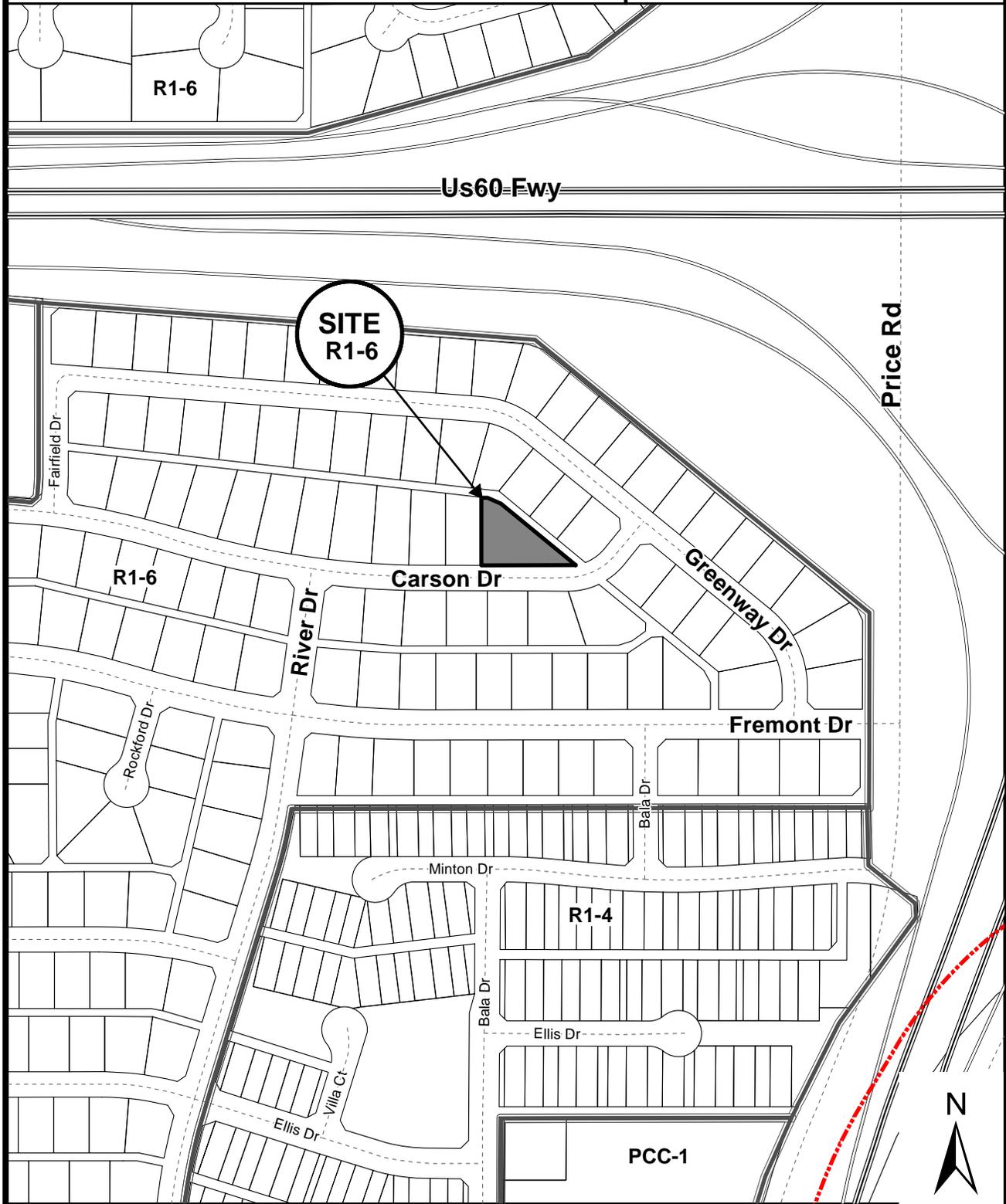
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 2, Section 4-202A- Development Standards
Part 6, Chapter 3, Section 6-309- Variances.

JOHNSON RESIDENCE

PL090055



Location Map



JOHNSON RESIDENCE (PL090055)

2/1/09

LETTER OF EXPLANATION

JOHNSON RESIDENCE

Ken & Terri Johnson
2136 E. Carson Drive
Tempe, AZ 85282

Lot 584 Continental East # 5

MASTER BEDROOM EXTENSION

We desire to extend our Master Bedroom seven feet to the west of the existing building.

In doing so we will then be 3 feet from the existing block wall.

The setback requirements for a residence zoned as R1-6 is 5 feet.

We are applying for a Set back variance.

We are asking to do this extension for two reasons.

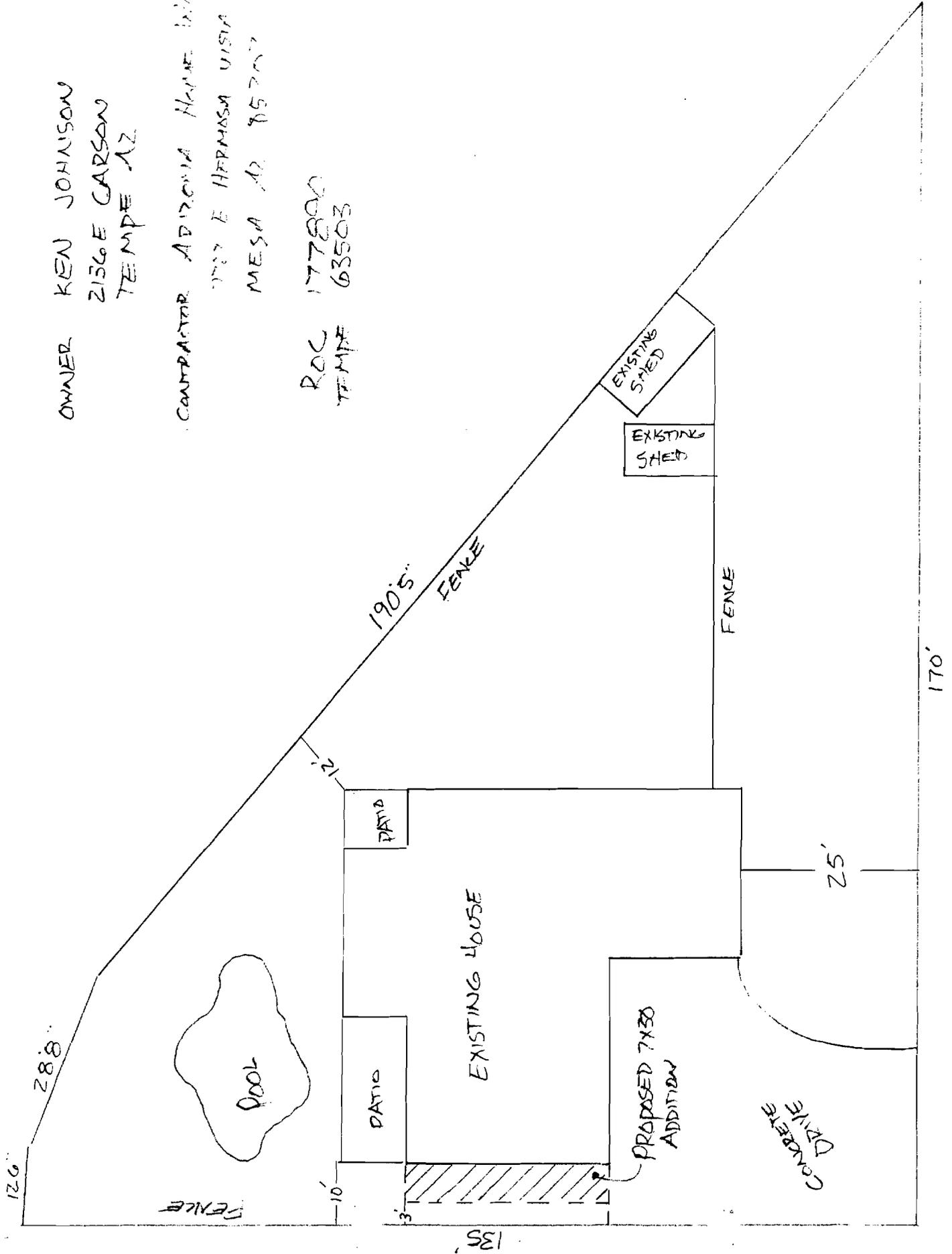
1. Extension of our debt free (no mortgage) residence is the most cost effective way to get the desired increase area/ size for our master bedroom. We have looked for a new house in the area and can not find an adequate home/adequate sized bedroom that can be bought without a significant new mortgage.
2. The existing master bedroom is too small to allow for wheelchair access for Ken. Ken has a rare Muscular Dystrophy and we are planning for his eventual confinement to a wheelchair. The room needs to be expanded so that >3 foot pathways can be made around our bed, to and from the closet areas and to and from the bathroom.

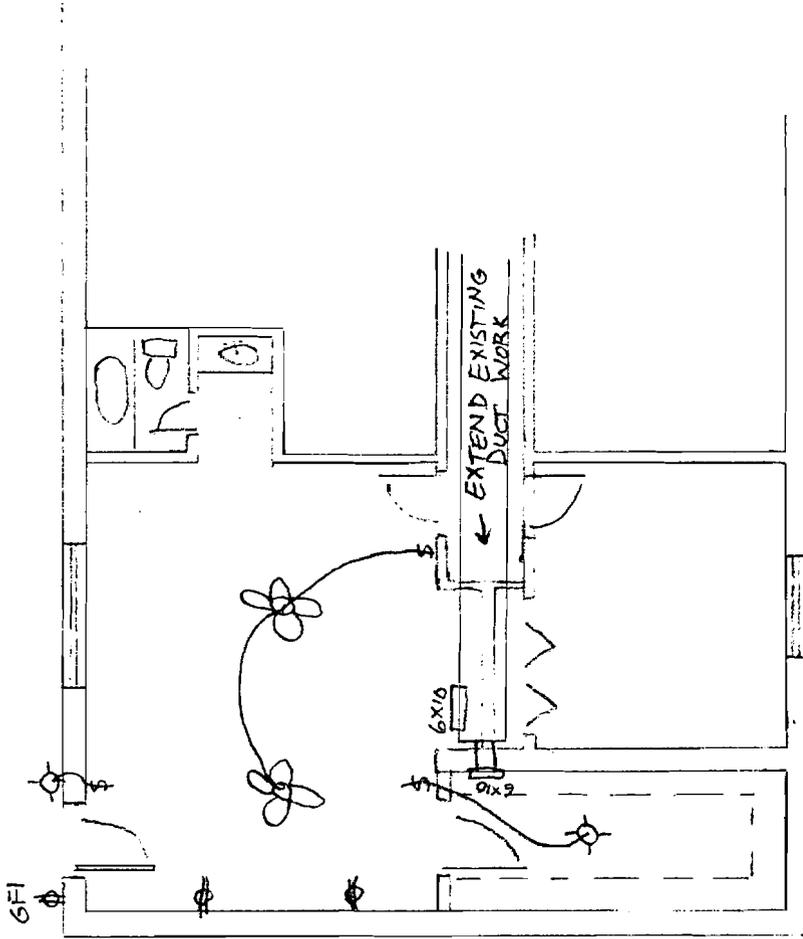
This extension will be built with no windows on the west wall (as is the existing wall) such that the new room should not be materially detrimental to persons/neighbors residing in the vicinity, to adjacent property or to the public welfare in general.

OWNER KEN JOHNSON
2136 E CARSON
TEMPE AZ

CONTRACTOR ADRIANA HOME IMPROVEMENT
1727 E HERMOSA VISTA DR
MESA AZ 85207

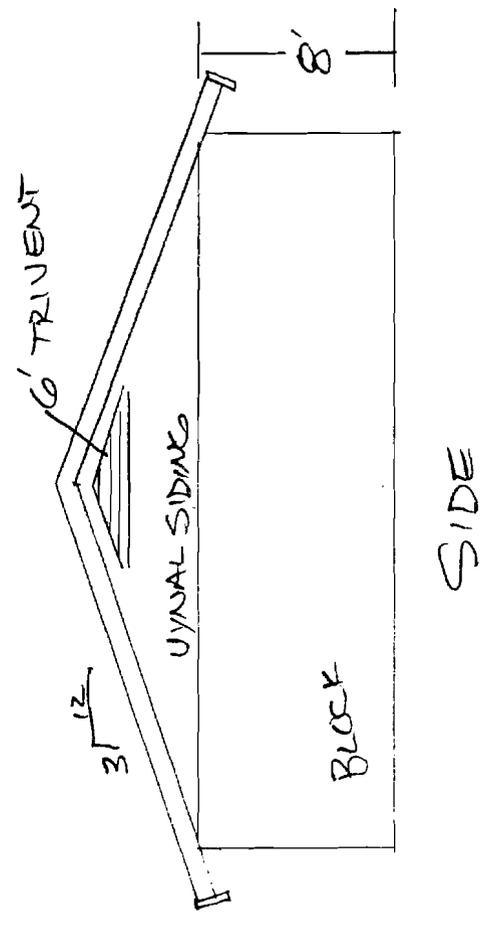
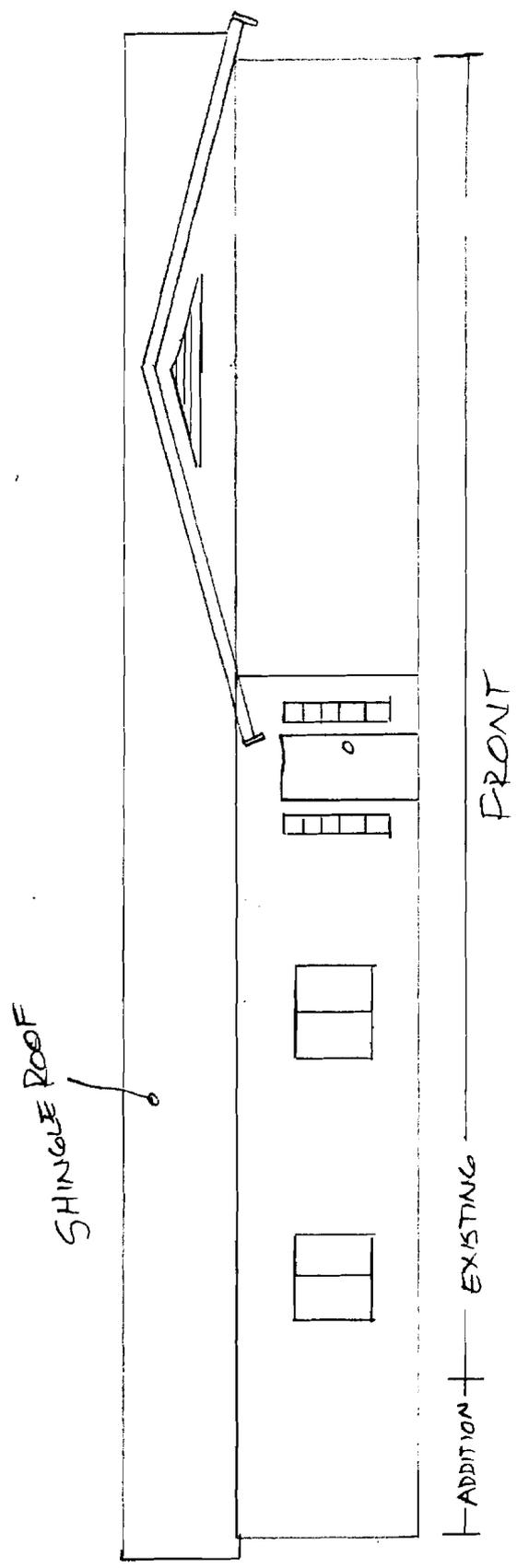
ROC 177800
TEMPE 63503





ELECTRIC & HVAC

(2)



Lesser, Sherri

From: Ken and Terri JOHNSON [kenandterri@msn.com]
Sent: Wednesday, February 18, 2009 8:22 PM
To: Lesser, Sherri
Cc: Ken & Terri Johnson
Subject: RE: Setback Variance Case # PL090055

Sherri-

We have held our neighborhood meeting on the above subject and am sending you the details.

We sent out 45 letters for the meeting from the list you provided.

Two letters came back as "Not Deliverable As Addressed"

1. GARY & LINDA KOLLOFSKY PARCEL # 133-35-041
2. LAURENCE/LAURETTA DALLACHIE PARCEL 133-35-015

We got 4 phone calls prior to the meeting and there were no objections voiced.

1. Jon & Brenda Padilla Parcel 133-35-045
2. Valerie Provenzano Parcel 133-35-040
3. Jennifer Stobo/Luke Jeffrey Parcel 133-35-080
4. Neil/Melissa Prator Parcel 133-35-044

We had 3 visits prior to the meeting and there were no objections voiced.

1. Ron Zimmerman Parcel 133-35-076
2. Gabriel Romero Parcel 133-35-043
3. Thomas Slattery Parcel 133-35-074

Note: These three people are directly adjacent to our property.

We held our meeting from 545 to 645 PM on 18 Feb 2009.

Three people showed up and there were no objections voiced

1. Carlota Delacruz Parcel 133-35-009
2. David Ellig Parcel 133-35-079
3. Harry Zegerson Parcel 133-35-039

Is this email sufficient to meet the requirements for the meeting minutes and notes as spelled out in your

"Neighborhood Meeting Requirements" directive?

We have the Public Hearing Notice meeting of 3 March 09 on our calendar and will be there at 1:30PM.

Ken & Terri Johnson
480 897-8627



JOHNSON RESIDENCE

2136 EAST CARSON DRIVE

PL090055

FRONT OF RESIDENCE

