

Staff Summary Report



Hearing Officer Hearing Date: September 7, 2010

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **KELLER RESIDENCE** located at 1031 South Una Avenue for one (1) use permit standard.

DOCUMENT NAME: 20100907cdsl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **KELLER RESIDENCE (PL100231)** (Ron Keller, applicant; Katherine Keller, property owner) located at 1030 South Una Avenue in the R1-6, Single Family Residential District for:

ZUP10087 Use permit standard to reduce the street side yard setback by 20% from 10 ft to 8 ft for an open structure.

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

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

LEGAL REVIEW BY: N/A

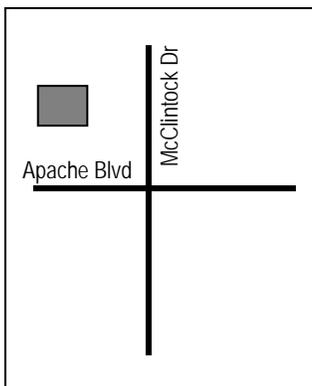
DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

The applicant is seeking a use permit standard to reduce the street side yard setback, for an open structure, by 20% from ten (10) feet to eight (8) feet. The structure is an existing double car carport over the driveway. Staff is in support of this use permit request with the finding that it meets the Zoning and Development Code criteria for approval of a use permit. To date, one phone call was received in support of this request.



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. Site plan
5. Staff Photograph(s)

COMMENTS:

The Keller Residence is seeking a use permit to legalize an unpermitted structure existing on their property. The double carport, attached to the house, was constructed over thirty years ago. According to city records, the structure never received formal approval. The current home owner is making improvements to the interior of the property which requires this structure to be permitted as part of the improvements. The existing structure has entry from the street side yard and is located eight (8) feet from the street side yard property line. The use permit is for the reduction of the street side yard setback by 20% from ten (10) feet to eight (8) feet. The carport design complements the existing structure in color, form and material. To date, staff received one phone call in support of this request.

Use Permit

The Zoning and Development Code requires the setbacks for structures, in the R1-6 Single Family Residence District, to be located ten (10) feet from the street side yard property line. A use permit standard may be used to reduce the setback by 20% to eight (8) feet.

Evaluating the use permits, 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;
Will not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.
- 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 proposed development 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.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
Not applicable to this residential request.

Conclusion

Staff recommends approval of the use permit.

REASON(S) 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.
- 5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or 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. Structure to remain open; enclosure to a garage not permissible.

HISTORY & FACTS:

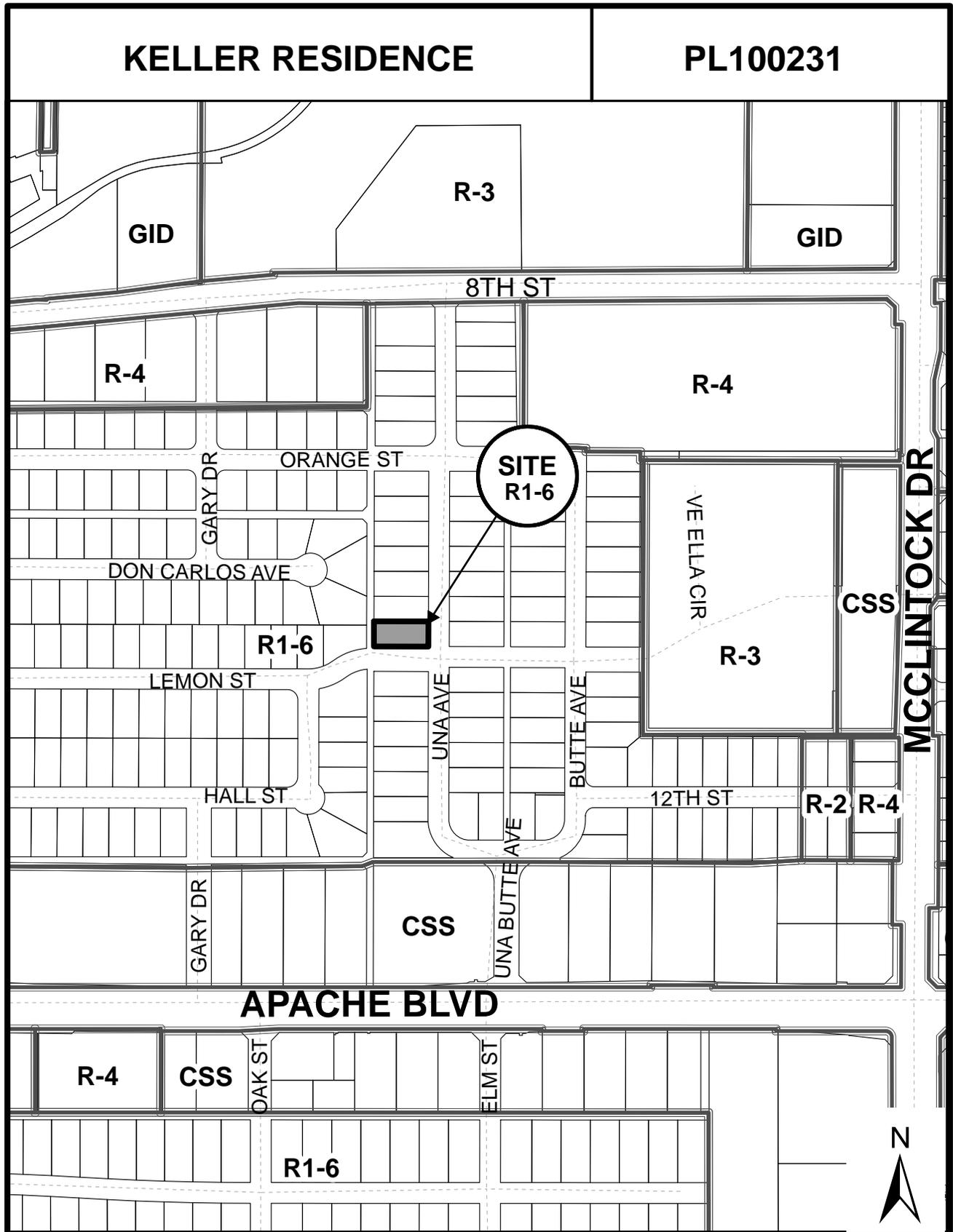
None pertinent to this case.

DESCRIPTION:

Owner – Katherine Keller
Applicant – Ron Keller
Existing Zoning – R1-6, Single Family Residential District

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-308 – Use Permit



KELLER RESIDENCE

PL100231

**SITE
R1-6**

Location Map



KELLER RESIDENCE (PL100231)

Hearing Officer
City of Tempe
31 E. Fifth Street
Tempe, AZ 85281

To Whom it May Concern:

My name is Ronald Keller, and I am currently engaged in work on a remodel for a house at 1030 S. Una Avenue in Tempe. The home is owned by my daughter, Kathrine, a student at ASU, who hopes to move in before the end of the month. In the process of applying for the permit for this kitchen and laundry room remodel, we have been informed that the 30-40 year old carport structure has a support post that is only eight feet from the property line. The structure has not been moved or altered in any way: it remains in the same place as when the home was purchased. We would like to receive a use permit for this support post so that we can continue work on our remodeling project.

I can be contacted via email at rask183@hotmail.com, or by cell phone at 602 295-8032. Thank you for your time and consideration.

Sincerely,



Ronald A. Keller
4017 E. Vernon Avenue
Phoenix, AZ 85008



Kathrine Keller
1030 S. Una Avenue
Tempe, AZ 85281



KELLER RESIDENCE

1030 SOUTH UNA AVENUE

PL100231

FRONT OF RESIDENCE

