

Staff Summary Report



Hearing Officer Hearing Date: March 17, 2009

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **KIM RESIDENCE (PL090077)** located at 724 West 10th Street for one (1) use permit.

DOCUMENT NAME: 20090317dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **KIM RESIDENCE (PL090077)** (Joochul Kim, applicant/property owner) located at 724 West 10th Street in the R1-6, Single Family Residential District for:

ZUP09039 Use permit to allow an accessory structure (storage building).

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

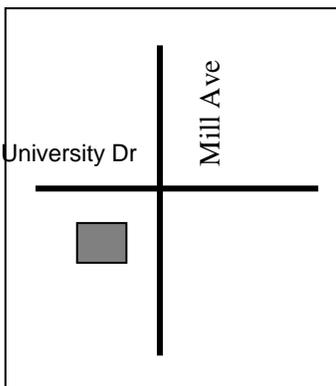
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow an accessory building (storage building). This residence is located south of University Drive and west of Mill Avenue. The freestanding structure is located at the north side of the lot with a building area of 672 s.f. The applicant began construction of the garage and then became aware of the use permit requirement. Staff supports the use permit request with the finding that the request meets the criteria for approval of a use permit. To date, staff has received one telephone inquiry and four letters in support.



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. Elevation
6. Floor Plan
- 7-8. Staff Photograph(s)
- 9-12. Letters of Support

COMMENTS:

The Kim Residence is proposing to construct a freestanding building on the north side of their property. The proposed structure is approximately 672 s.f. in area and ten feet (14') in height. The structure will complement the existing residence in design, color and material. The applicant states in his letter that the structure replaces another storage shed recently demolished. The proposed accessory building is constructed five feet (5') from the north rear yard property line. Per the Zoning and Development Code the rear yard setback in the R1-6 zoning district is fifteen feet (15'); however, if the lot is adjacent to a dedicated public alley, the setback may be measured from the midpoint of the alley. The applicant's property is adjacent to a dedicated public alley to the north, therefore; the setback requirements may be measured from the centerline of the alley, which would place the proposed structure approximately fifteen feet (15') from the centerline for the north rear yard setback. Staff recommends approval of the use permit as the structure meets the conditions set forth in the Zoning and Development Code for accessory buildings. To date, staff has received one telephone inquiry and four letters in support.

Use Permit

The Zoning and Development Code requires a use permit for an outdoor accessory structure in the Single-Family, R1-6 zoning district. 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 use, with conditions, should not create nuisances within the residential area.
- 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 accessory building would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed accessory building use appears to be compatible with surrounding uses. The requested use permit will not be detrimental to the surrounding area.

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. The use appears to be compatible with the site and adjacent properties.
3. There appears to be a demonstrated need for this accessory building.

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 and permits from the Building Safety Division.
2. Accessory building (garage) to complement the main residence in color, form and material.
3. The alley shall be maintained in a dust free condition per City Code, Chapter 29-3.
4. Process a lot tie with Building Safety Division to create one property.

HISTORY & FACTS:

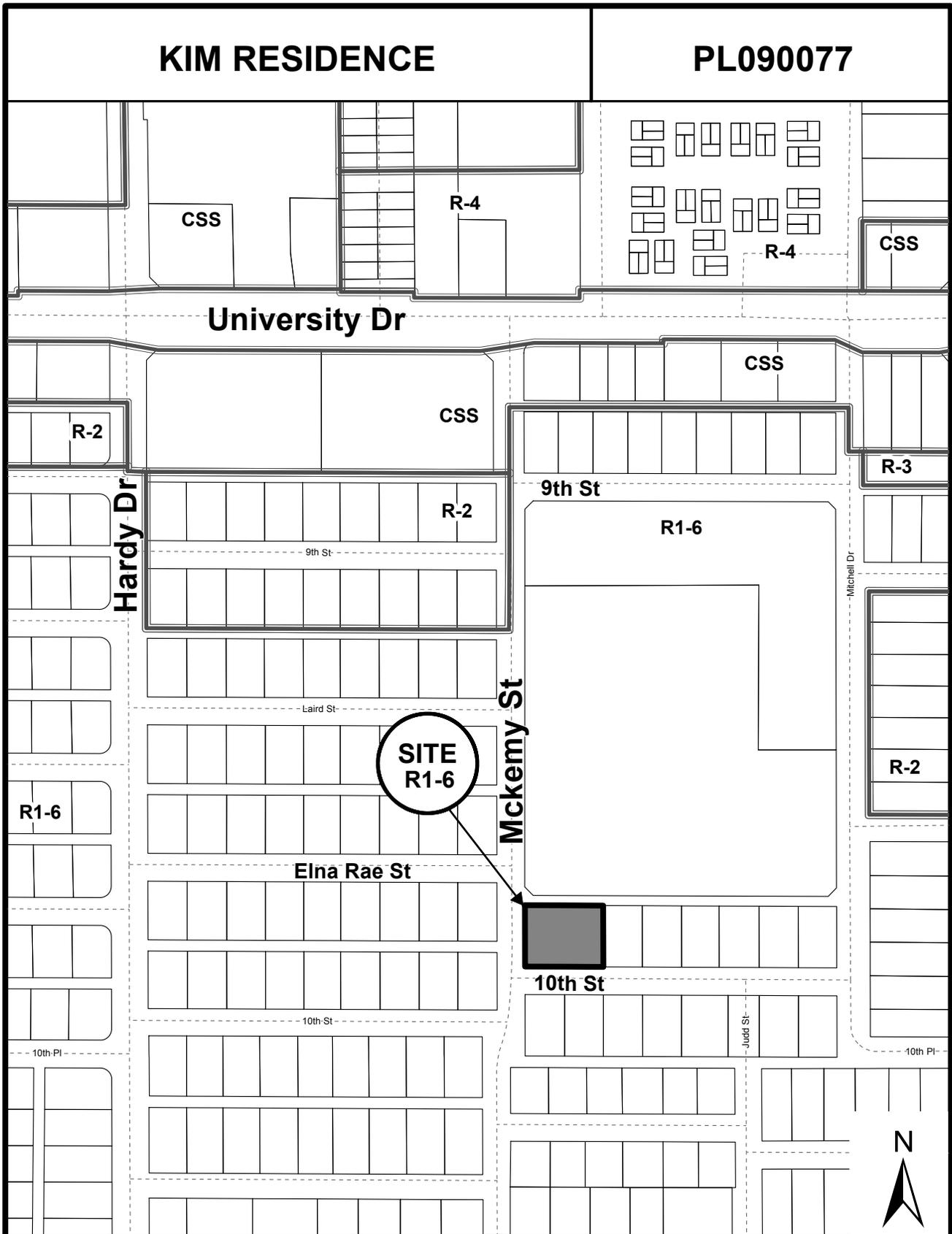
February 4, 2009. IP090035 – Building Safety complaint received concerning an illegal structure under construction at 724 W. 10th Street.

DESCRIPTION:

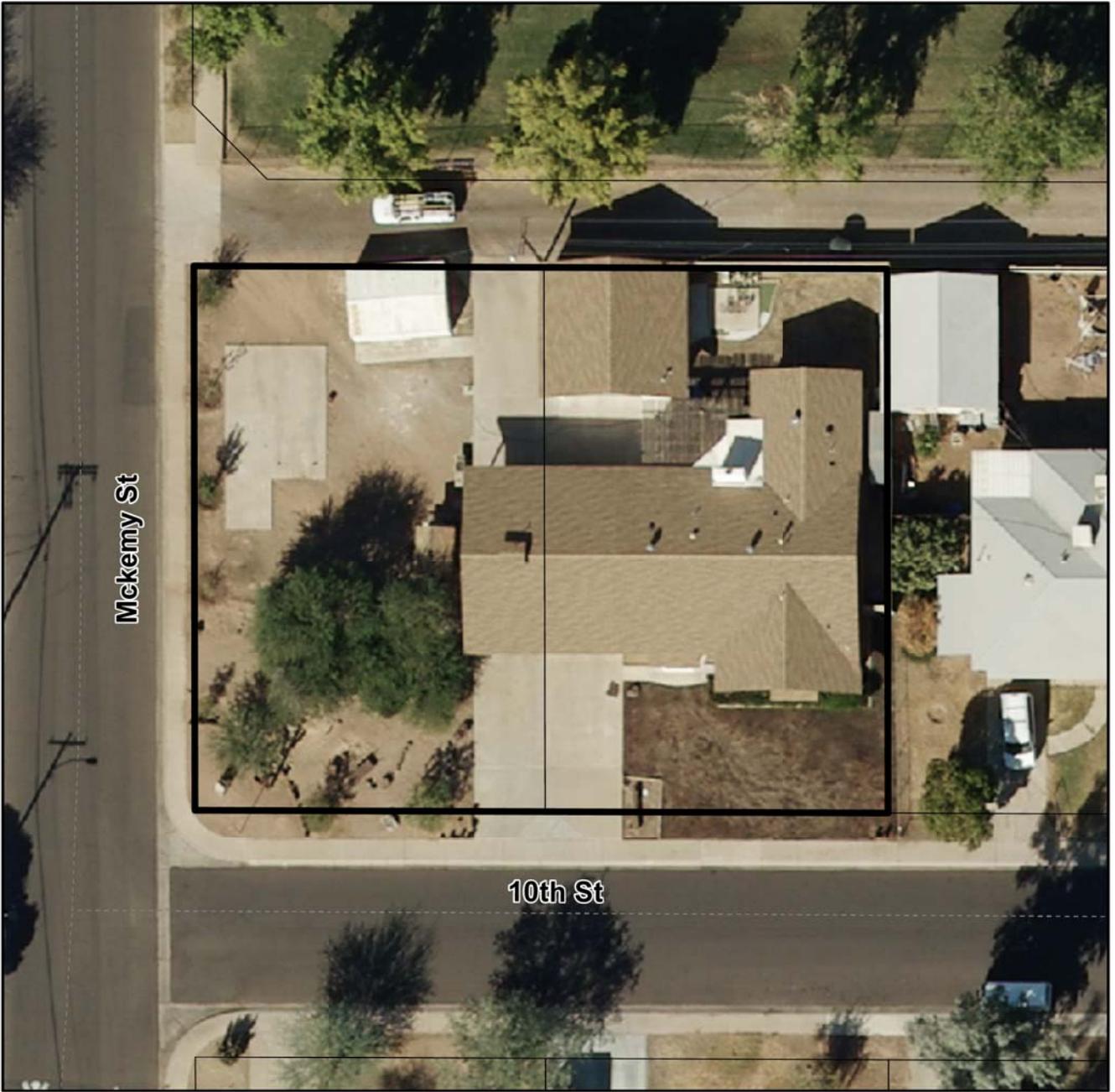
Owner – Joochul Kim
Applicant – Joochul Kim
Existing Zoning – R1-6, Single Family Residential District
Lot Size –15403.3 s.f. / .354 acres
New Accessory Building Area –672 s.f.

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 1, Section 3-102 – Permitted Uses in Residential Districts
Part 3, Chapter 4, Section 3-401 – Accessory Buildings, Uses and Structures
Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map

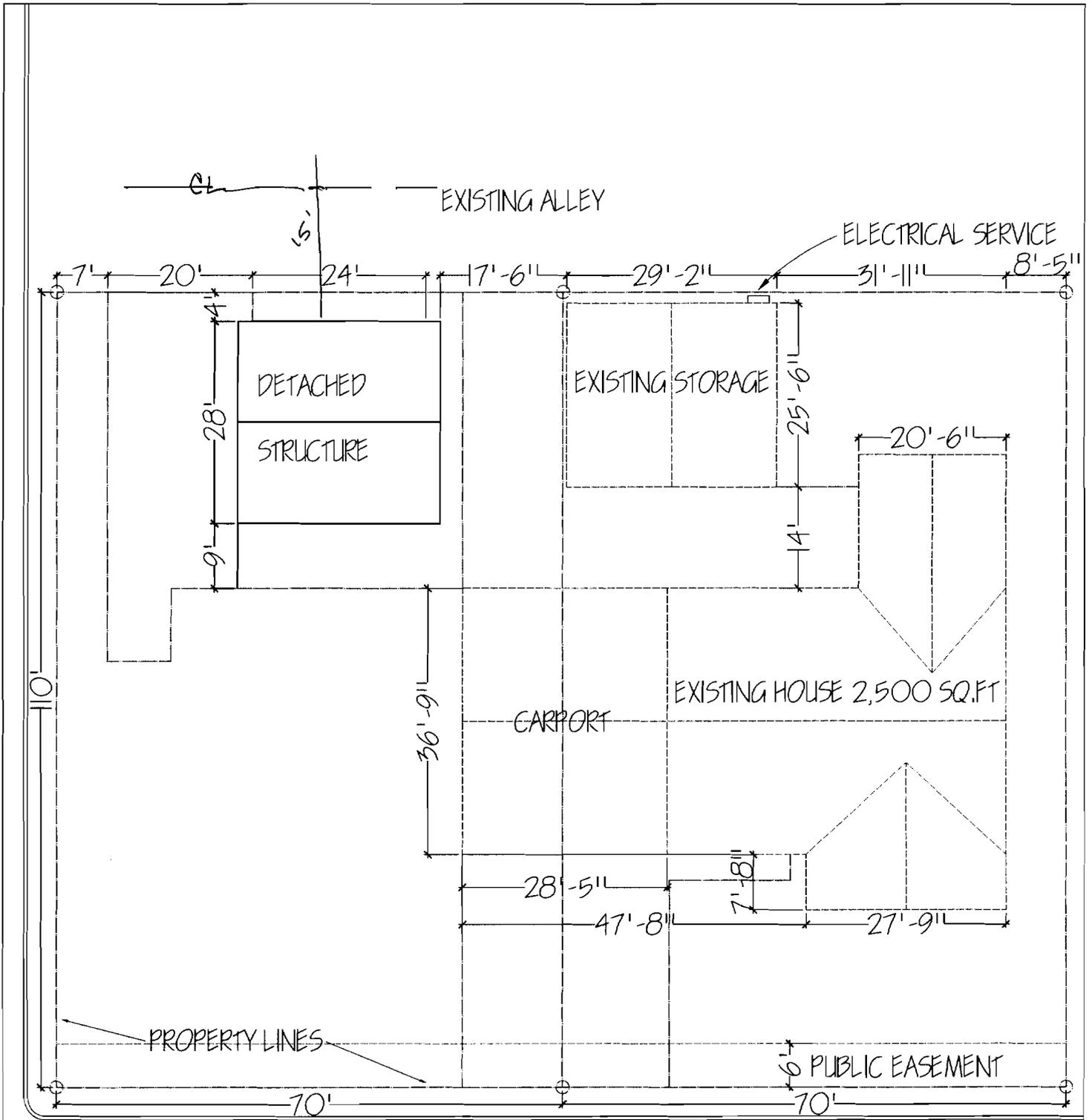


KIM RESIDENCE (PL090077)

We are replacing and building a shed. It will be built with wood frame (2x6) construction. It will be stucco finished to match the house. The primary use will be for storage.



2-23-09
JOOCHUL KIM



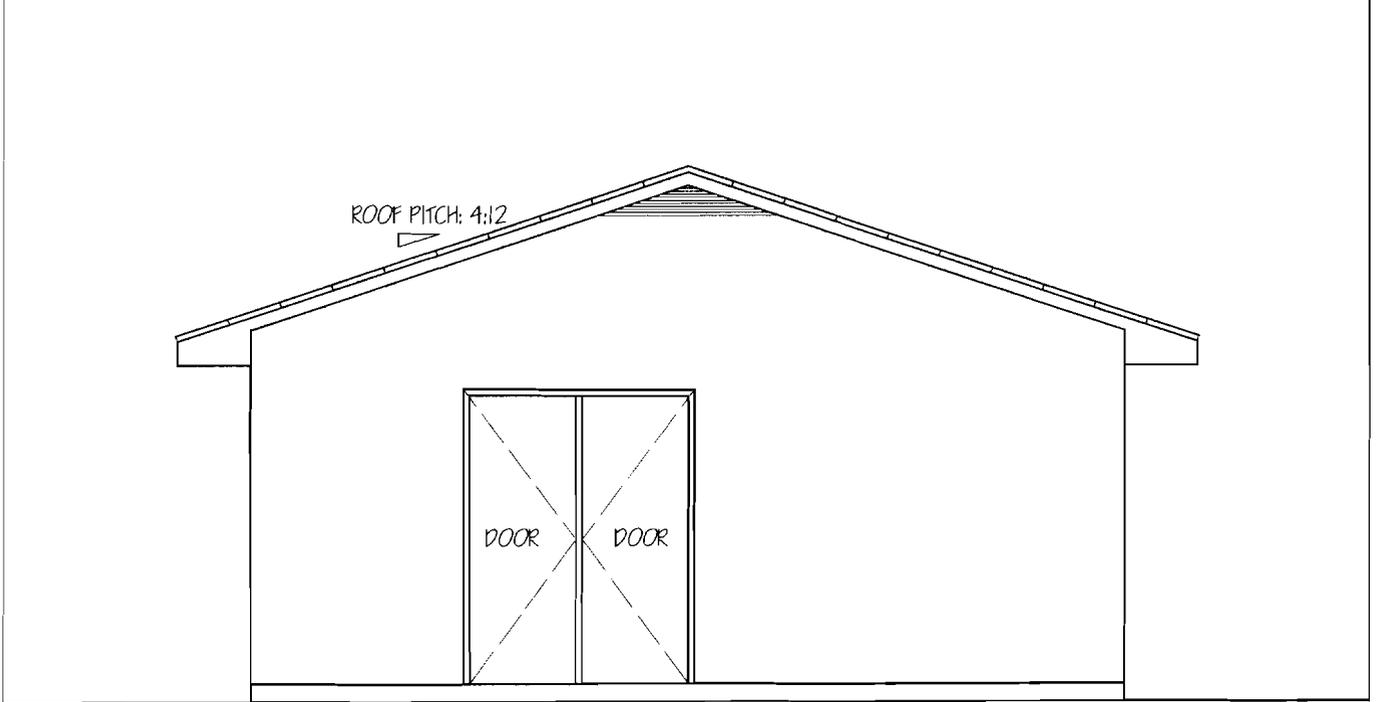
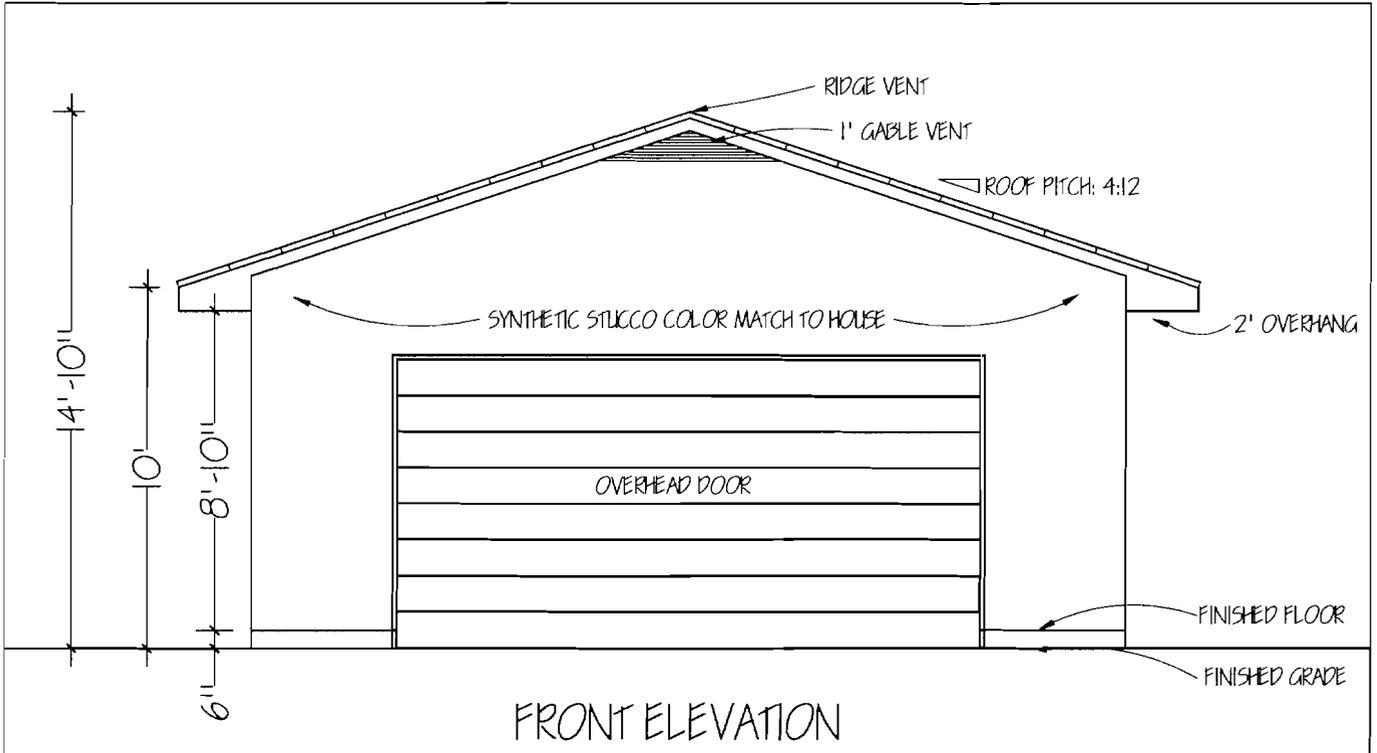
724 W 10TH ST / TEMPE, AZ 85281



DETACHED RESIDENTIAL ACCESSORY
STRUCTURE

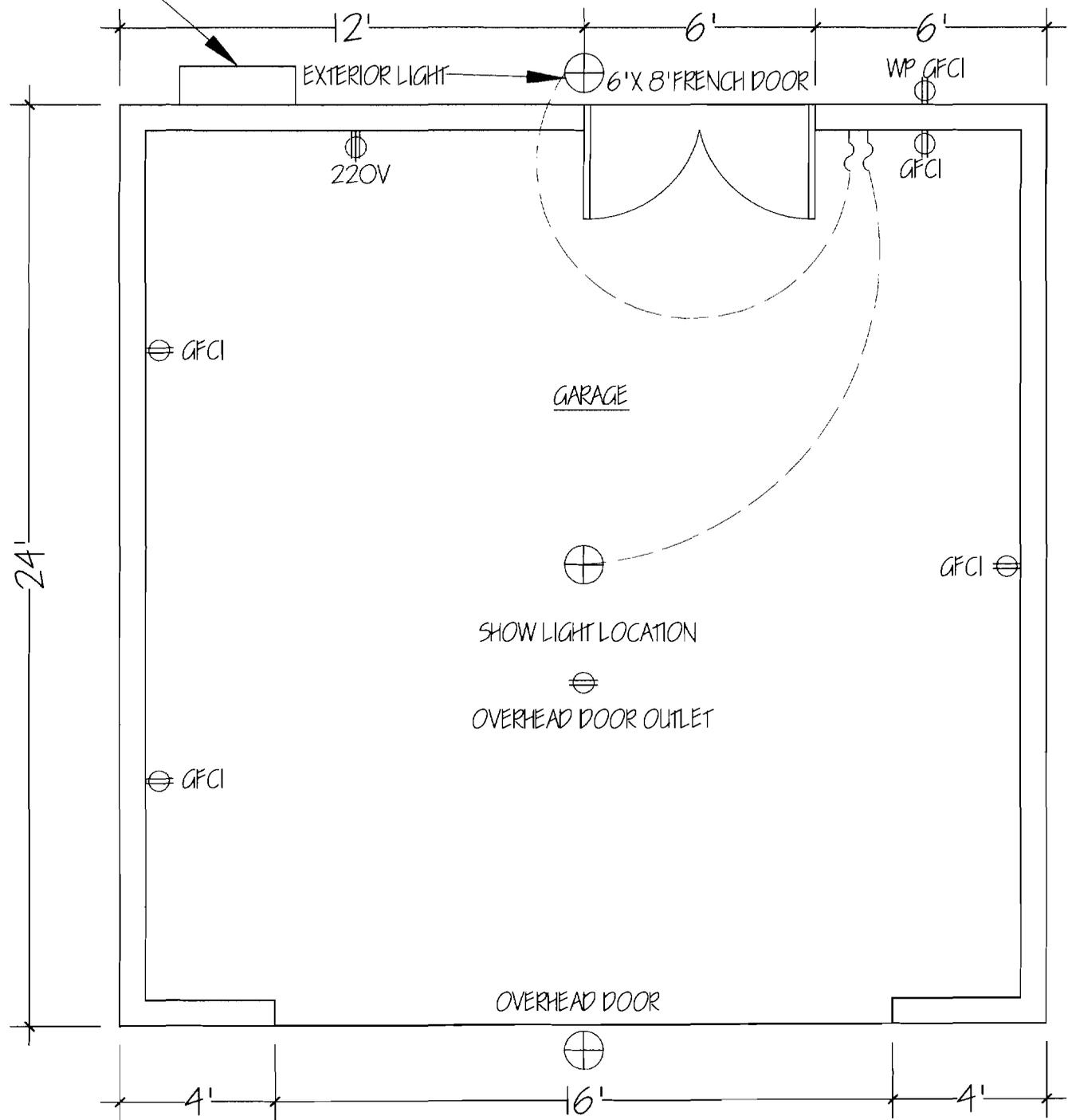
SITE PLAN 1" = 20'

DRS-01



DETACHED RESIDENTIAL ACCESSORY STRUCTURE	ELEVATIONS $\frac{3}{16}'' = 1'$
	DRS-07

ELECTRICAL SUB-BOX



DETACHED RESIDENTIAL ACCESSORY
STRUCTURE

FLOOR PLAN $\frac{1}{4}'' = 1'$

DRS-02



KIM RESIDENCE

724 WEST 10TH STREET

PL090077

FRONT OF RESIDENCE





KIM RESIDENCE

724 WEST 10TH STREET

PL090077

**LOCATION OF ACCESSORY BUILDING –
VIEW TO EAST**



February 26, 2009

To Whom It May Concern,

I am writing this memo as a member of the Mitchell Park Neighborhood. It has been brought to the attention of my husband and I, that some objections may have been made in regards to a garage type structure being built on the corner of McKemy and Tenth Street in Tempe. We live one house in from the corner and across the street from this structure and consider it to be unobtrusive and well placed on the lot. We consider this structure to be a welcome improvement over a metal shed that was previously located on the lot. That metal shed was picked up and blown into the middle of McKemy Street with the force of 80 mile an hour winds in the fall of 2008. We have lived here for 30 yrs and have observed this lot to be well maintained and have no objections to the new permanent structure or where it is placed on the on the property.

Respectfully

David L. May
Hayla L May

727 W. 10th St.
Tempe, AZ 85281

February 27th, 2009

Raquel Sprague
803 W. Elva Road
Tempe AZ 85281

To whom it may concern,
This is a letter written on behalf of
my neighbors new shed at 724 W. 10th St.
It is a good addition to both
the property and the neighborhood.
It looks great and I have no
complaints.

Raquel Sprague

I live directly across the street,
I can see the shed from my window,
and it looks nice.

February 27, 2009

Christine Duplissa
822 W. 10th St.
Tempe, AZ 85281

To Whom It May Concern:

This letter is written in support of the garage/shed that is being built on my neighbor's property, 724 W. 10th St. I have seen the structure and think that it is a great addition to the neighborhood. It will add value to the neighborhood. I believe that the structure is being built with high quality materials and will only enhance the aesthetics of the neighborhood. It is a welcome change to the old metal shed that was on the property. That metal shed was blown away in the August storm.

Sincerely,

A handwritten signature in cursive script that reads "Christine Duplissa".

Christine Duplissa

March 6, 2009

To Whom It May Concern:

I am writing this letter in support of the shed/garage that is being built at 724 W. 10th Street, Tempe. I have lived in the Mitchell Park Neighborhood for over 40 years. I have seen how this neighborhood changed over the years.

I walk in the neighborhood every day and chat with some of my neighbors including Mr. Kim at 724 W. 10th Street. I believe that the structure being built is a positive addition not only to Mr. Kim's own residence but also to this neighborhood. It is an absolutely beautiful building and I admire it every day on my walks.

The original metal shed was blown away during the storm last August, and I am glad that Mr. Kim has decided to replace it with this wonderful permanent structure with high quality materials. Mr. Kim, a good neighbor, told me that the exterior of the shed will be a stucco finish matching his house. I only wish that we have more neighbors like Mr. Kim who cares about and maintains their property. We have too many absentee landlords who do not properly take care of their properties, thus contributing to a slum like environment in the neighborhood.

By the way, every spring, wild flowers at Mr. Kim's property attracts many photographers for its beauty. If you have any questions about my comments, please feel free to contact me.

Sincerely,

Ruben Martinez

A handwritten signature in cursive script that reads "Ruben Martinez". The signature is written in black ink and is positioned to the right of the printed name.

721 W. 11th Street

Tempe, AZ. 85281