

Staff Summary Report



Hearing Officer Hearing Date: May 5, 2009

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **LITZINGER RESIDENCE (PL090132)** located at 12439 South 71st Street for one (1) use permit and one (1) use permit standard.

DOCUMENT NAME: 20090505dssl02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Hold a public hearing for the **LITZINGER RESIDENCE (PL090132)** (Bill Cantieri/Piazza, applicant; Daniel Litzinger, property owner) located at 12439 South 71st Street in the AG, Agricultural District for:

ZUP09056 Use permit to allow an accessory building (ramada/exercise room).

ZUP09057 Use permit standard to allow a reduction of the north side yard setback by twenty percent (20%) from twenty (20) feet to sixteen (16) feet.

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

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

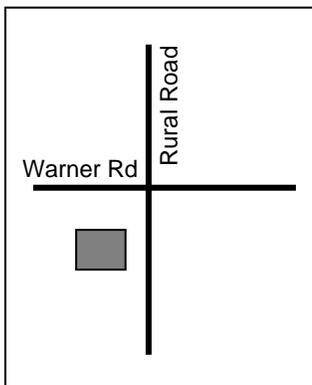
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The Litzinger Residence is requesting two (2) use permits, one to reduce the required side yard setback by twenty percent (20%) from twenty feet (20') to sixteen feet (16') to allow for an addition to the rear of their home and a second use permit to allow an accessory building to be used as a exercise room. Staff recommends approval of the use permit(s) as they meet the conditions set forth in the Tempe Zoning and Development Code. No public input has been received to date.

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. Floor plan
- 6.-7. Building Elevations
8. Staff Photograph(s)

COMMENTS:

The Litzinger Residence scope of work includes an addition to the existing residence consisting of a new laundry room, dining room, master bathroom with a private courtyard and fireplace. A freestanding accessory building will be located next to the outdoor courtyard and will be used as an exercise room. The proposed addition is designed to complement the existing residence in color, form and material. To date no public input has been received.

Use Permit

The Zoning and Development Code requires use permits to reduce the front yard setback by twenty percent (20%) and use permit for accessory buildings which exceed eight (8) feet in height and two (200) hundred square feet in area.

Evaluating the use permit(s), the proposal appears to pass the use permit tests 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;
 - There is no apparent nuisance involved from this request.
- 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. The use permit 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.

Conclusion

Staff recommends approval of the use permit(s), subject to conditions.

REASON(S) FOR APPROVAL:

1. The use appears to be compatible with the building, site and adjacent property.
2. Accessory buildings may be used for exercise rooms.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Accessory building shall not be used for sleeping or living purposes and shall have no cooking facilities.
2. Addition to compliment the existing residence is color, form or material.
3. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS:

May 21, 2002.

The Hearing Officer approved a request for the following by LITZINGER RESIDENCE located at 12439 South 71st Street in the AG, Agricultural District:

- a. Variance to reduce the required front yard setback from 40' to 38' from the west property line to accommodate a 593 s.f. building addition.
- b. Variance to reduce the required side yard setback from 20' to 17'-10" from the south property line.
- c. Variance to reduce the required side yard setback from 20' to 18' from the north property line.

DESCRIPTION:

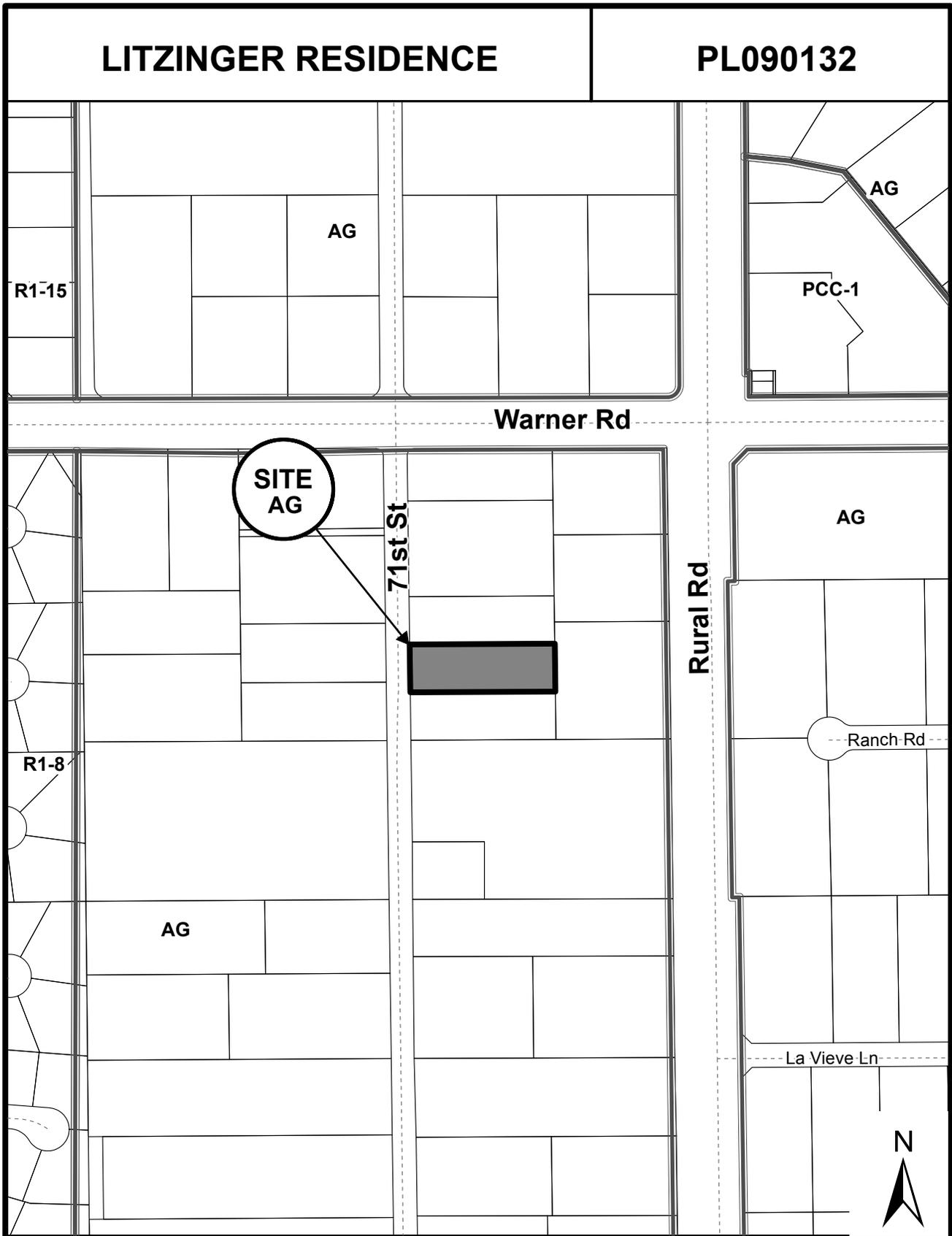
Owner – Daniel Litzinger
Applicant – Bill Cantieri/Piazza
Existing Zoning – AG, Agricultural District
Lot Size –30,472 s.f.
Existing building area- 5686 s.f.
Accessory Bldg. Area - 877 s.f.
Accessory Building Height - 12'
Required side yard setback- 20'
Provided side yard setback – 16 '
Proposed Lot Coverage –21.5%
Lot Coverage Allowed - 25%

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 2, Section 4-202, Table 4-202A – Development Standards

Part 6, Chapter 3, Section 6-308 – Use permits



Location Map



LITZINGER RESIDENCE (PL090132)

April 7, 2009

City of Tempe
Development Services
31 East Fifth Street
Tempe, AZ 85280-5002
480-350-8331

**RE: LETTER OF EXPLANATION FOR USE PERMIT
Addition to Existing Residence at 12439 S. 71st Street**

This letter is being written to accompany an application for a Use Permit at the abovementioned residential address.

The subject residence is in the Tally Ho Farms subdivision. It is zoned agricultural and currently consists of a house and freestanding garage comprising 5,686 SF on a 30,472 SF lot.

The owners, Mr. & Mrs. Litzinger, wish to construct an addition onto the rear of the house. This new addition will include a laundry room, dining room, master bath room with private courtyard, outdoor fireplace with lattice covered patio area, and freestanding exercise room.

Due to the configuration of this addition, the homeowners are requesting Use Permits for the following two reasons:

1. A 20% reduction in the side lot setback from 20' to 16', and
2. A freestanding building (exercise room) greater than 8' tall

The construction of this addition, totally 877 SF, will increase the total building coverage of the lot to 21.5% of the lot which is still well beneath 25% allowed by code.

Proposed Use:

This addition is designed for private use by the owner's and their children.

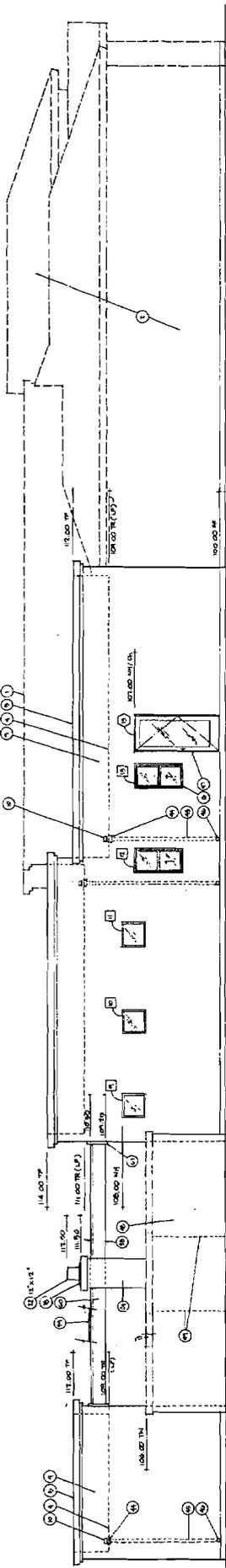
As this addition is for the family:

It will therefore not cause an increase in pedestrian nor vehicular traffic. It will not be any nuisance exceeding that of ambient conditions. It will not be any contribution to the deterioration of the neighborhood nor to the goals of the City of Tempe. The addition may serve to enhance the value of the neighborhood because it is compatible with the existing surrounding structures. And finally, this addition will not result in any disruptive behavior that would create a nuisance.

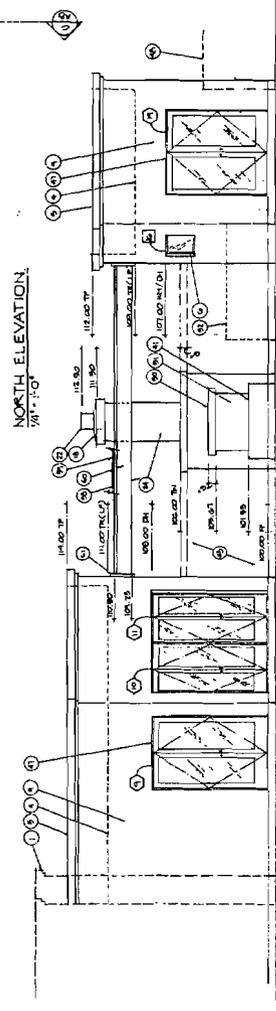
Respectfully Submitted,



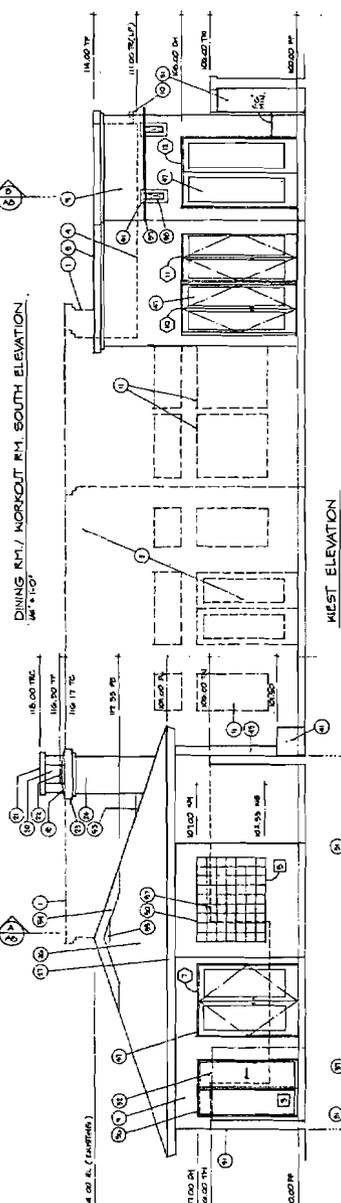
Bill Cantieri
PIAZZA
325 N. Austin Drive, Ste 3
Chandler, AZ 85226
602-606-7546 office
602-476-7276 fax
480-818-9736 mobile



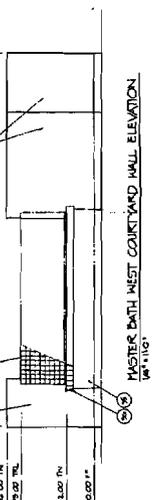
NORTH ELEVATION
1/4" = 1'-0"



DINING RM / NOOKOUT RM SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



MASTER BATH WEST COURTWARD WALL ELEVATION
1/4" = 1'-0"

- Notes:**
1. See Section 01050 - Interior Finishes
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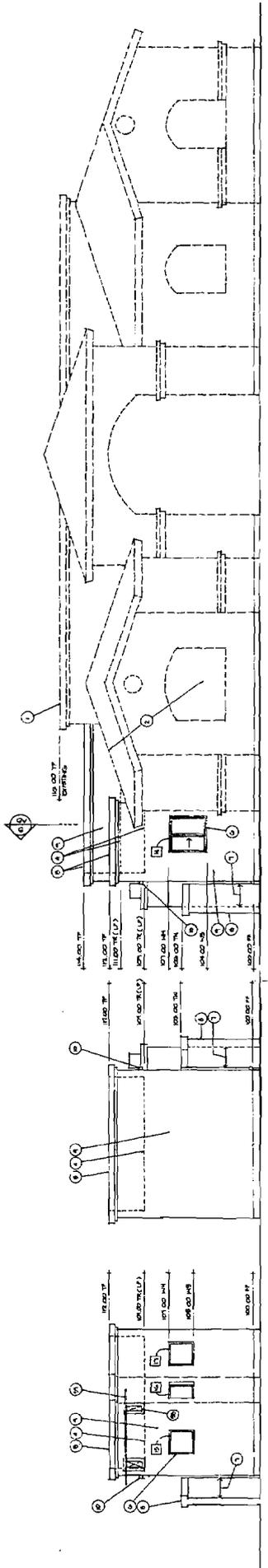
Project Information:

Project No. 0441
Date: 3.18.09
Sheet No. A6

UTZINGER RESIDENCE
DASH SQUARE STREET

Bain Architecture
Architectural Firm
2024 East Park Avenue
West Salem, OH 45375
Phone: (513) 835-0211

NOTE: SEE SHEET A6 FOR DOOR AND WINDOW SCHEDULES.

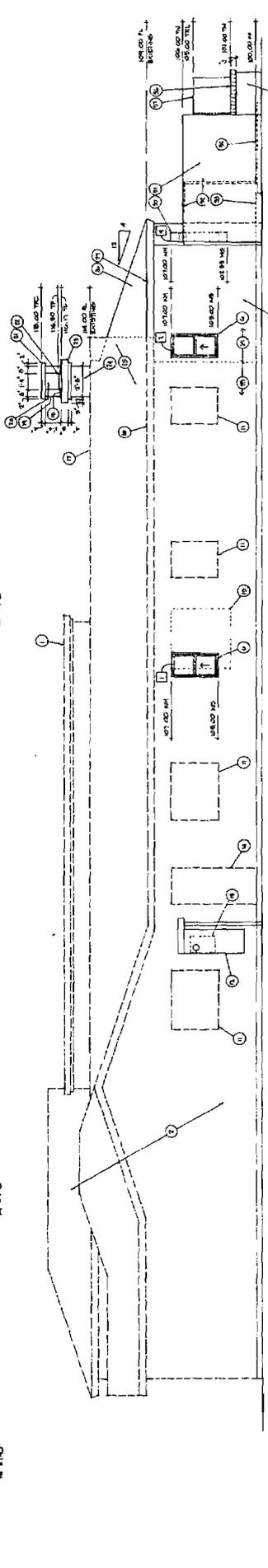


EXISTING WEST ELEVATION
1/4" = 1'-0"

EXISTING EAST ELEVATION
1/4" = 1'-0"

EXISTING SOUTH ELEVATION
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EXISTING NORTH ELEVATION
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Bain Architecture
2100 East Camelback Road
Suite 100 Phoenix, AZ 85016
Phone: (602) 998-5547
Fax: (602) 998-5548

UTZINGER RESIDENCE
11217 SOUTH 71ST STREET
SCOTTSDALE, ARIZONA
Project No. 0841
Date: 2.10.08
Sheet No.



LITZINGER RESIDENCE

12439 SOUTH 71ST STREET

PL090132

FRONT OF RESIDENCE

