

Staff Summary Report



Hearing Officer Hearing Date: July 7, 2009

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **MCCALL RESIDENCE (PL090198)** located at 543 West 17th Street for one (1) use permit.

DOCUMENT NAME: 20090707dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **MCCALL RESIDENCE (PL090198)** (Jeff McCall, applicant/property owner) located at 543 West 17th Street in the R1-6, Single Family Residential District for:

ZUP09090 Use permit to allow parking in the front yard setback.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

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

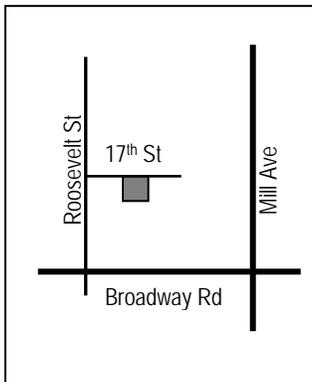
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY:

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is before the Hearing Officer to request a use permit to allow required parking in the front yard setback. The applicant recently purchased the residence in question, which had its carport converted to a bedroom in 2000 without a permit, and therefore needs to locate the required parking in the front yard setback. To date, staff has received no public input on this request. Staff supports the use permit as proposed in this application.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan, Floor Plan, Elevation, etc.
5. Enlarged Site Plan
- 6-7. Applicant Photos
8. Staff Photograph

COMMENTS:

The McCall Residence is located northwest of the intersection of Broadway Road and Mill Avenue. Mr. McCall recently purchased the residence in question, which had its carport converted to a bedroom without a permit in 2000, and therefore needs to locate the required parking in the front yard setback. Currently, there is enough room in the double driveway to park two (2) cars in the front yard setback without hanging over into the right-of-way. To date, staff has received no public input on this request.

Use Permit

The Zoning and Development Code requires a use permit for the required parking to be located within the front yard setback. This use permit request meets all applicable tests in the following manner:

- 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;
 - No potential 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 residence is in compliance with the General Plan and neighborhood intent.
- d. Compatibility with existing surrounding structures and uses;
 - The residence is compatible with surrounding structures and uses.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval. This is a common use permit request for homes constructed during the 1950's through 1970's; these homes are typically smaller in livable space than newer constructed homes and the carport conversion is a viable option for increasing the livable area of the home.

REASONS FOR APPROVAL:

1. Use Permit 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.

CONDITIONS

OF APPROVAL:

1. Obtain all the necessary clearances from the Building Safety Division.
2. The converted carport shall be compatible with the principal residence in color, form, texture, and material.
3. The enclosed bedroom shall not be converted into or used as a separate living unit.

HISTORY & FACTS:

1956 Construction of a Single Family Residence.

January 16, 2009 IP090025 – A violation of the Tempe Administrative Code was observed – carport to livable without permits.

January 27, 2009 IP090025 – Notice to comply was sent.

DESCRIPTION:

Owner – Jeff McCall
Applicant – Jeff McCall
Existing Zoning – R1-6, Single Family Residential District

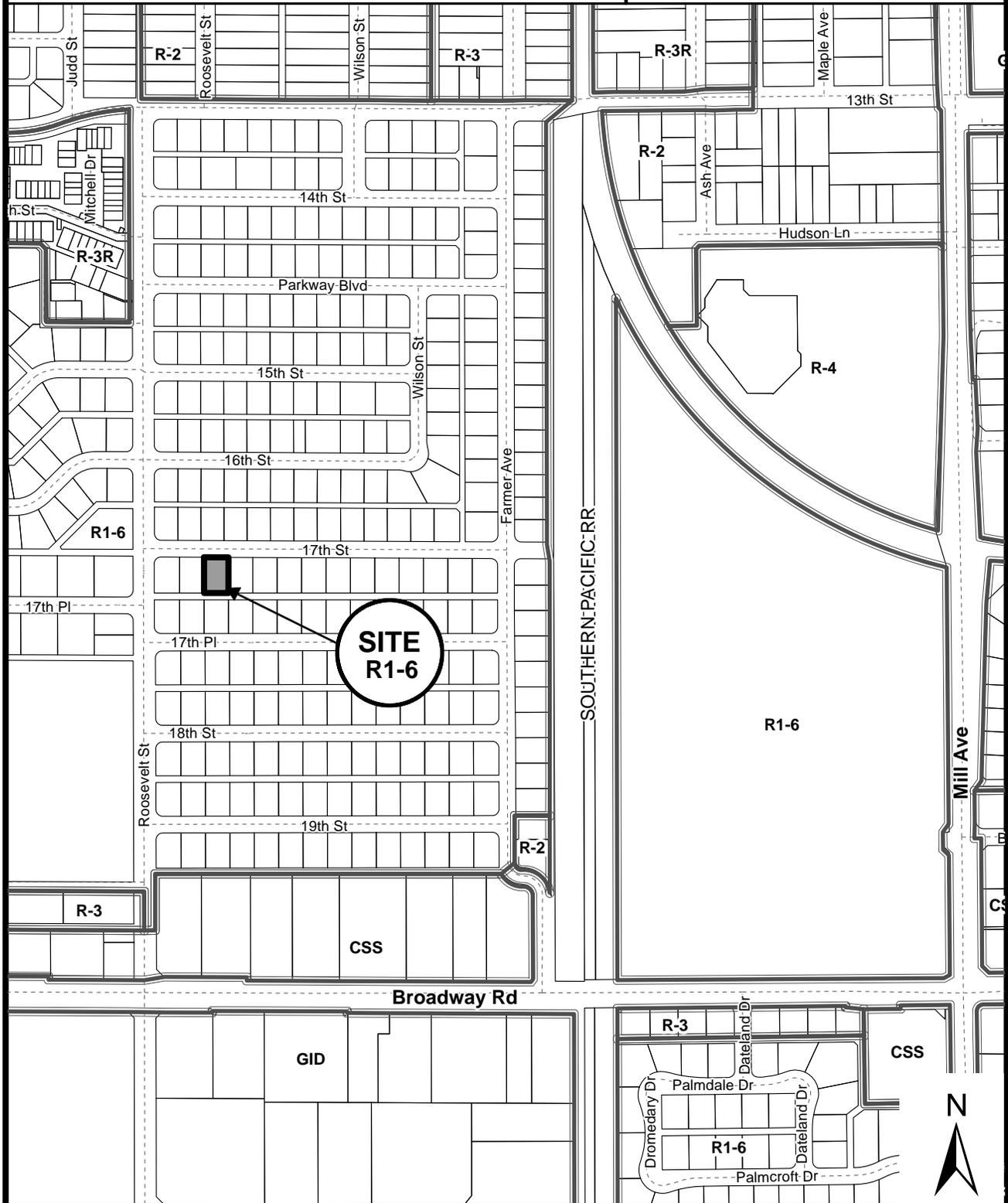
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 5, Section 4-502 – Motor Vehicle Access and Circulation Standards
Part 4, Chapter 6, Section 4-602 – General Parking Standards
Part 6, Chapter 3, Section 6-308 – Use Permit

MCCALL RESIDENCE

PL090198



Location Map



MCCALL RESIDENCE (PL090198)

LETTER OF EXPLANATION

June 3, 2009

Zoning Hearing Officer
City of Tempe

Re: 543 West 17th Street
Request for Use Permit to allow parking in front yard

Gentlemen:

Acquired subject property on 5/29/2009 and found out there was an outstanding violation for not acquiring a permit to convert a carport into a livable space. The Construction is of older vintage and was completed at an unknown date in the past. The infilled carport has caused a violation in the parking setback requirements necessitating a Use Permit.

We are filing for the Use Permit because there is not adequate space between the 20' front yard parking setback and front of dwelling to meet the ordinance requirement. See the attached site plan.

The ordinance can be met by removing the mature ficus nitida, (6-7" caliper), tree shown on the attached photos. But, it is our request for consideration to preserve the tree. The driveway was widened at an unknown time in the past, permits two vehicles to be parked side by side, and has been in continuous use for some time. The tree enhances the property and the neighborhood.

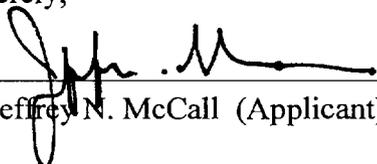
To the best of our knowledge there is no opposition to the infilled carport as constructed.

There have been other carport infills in the immediate neighborhood.

To the best of our knowledge the infill was performed in conformance with the building code. The attached site/floor/elevation plan will be submitted to the Building Department upon result of this Use Permit Action. Any and all corrective action will be identified/completed as part of the permit and approval process.

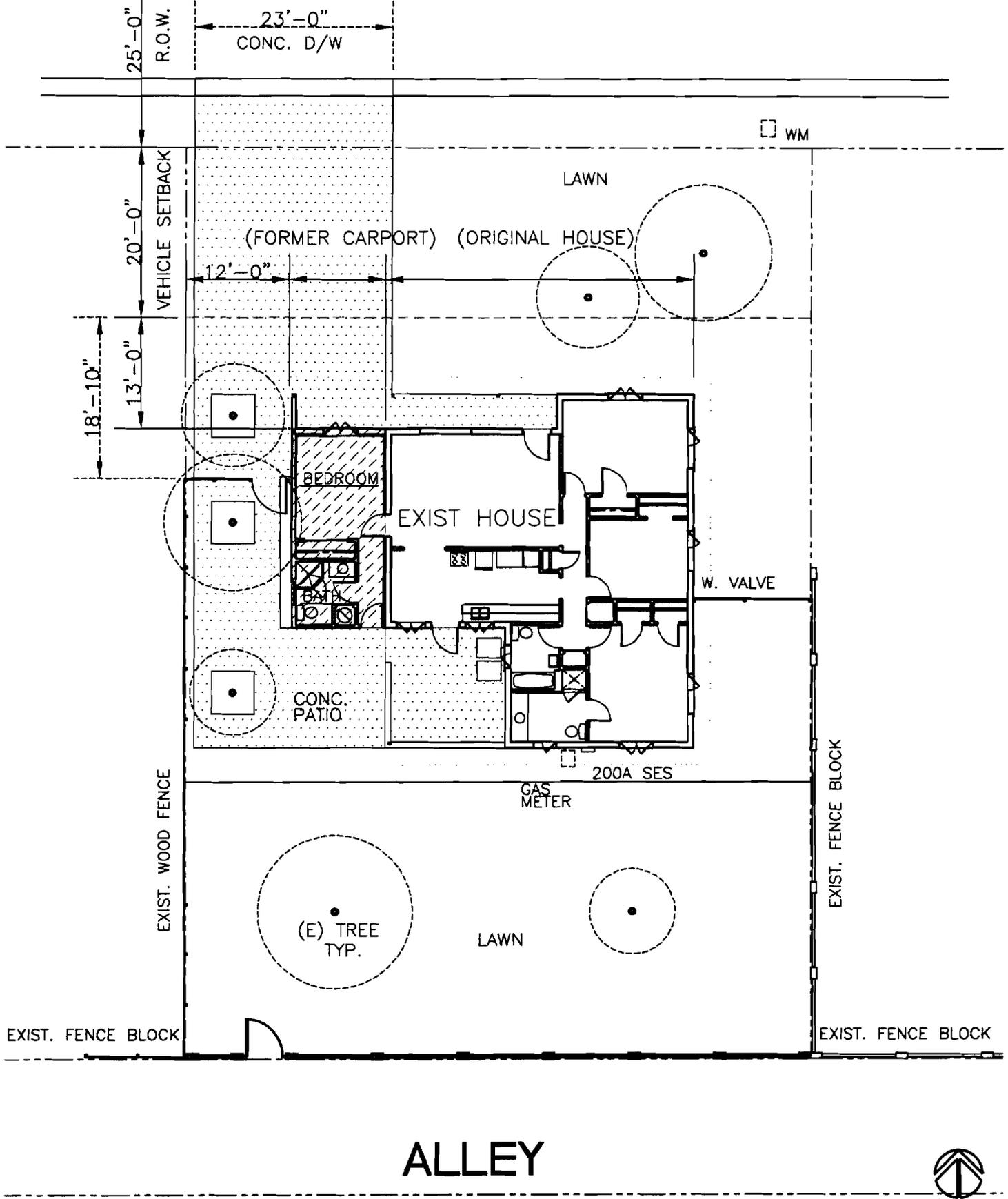
We have been working with staff members of both Planning and Building Departments to meet the conditions of the Zoning Code and Building Codes respectively

Sincerely,

By: 
Jeffrey N. McCall (Applicant)

17TH STREET

543 W. 17TH STREET



ALLEY



SITE PLAN

ATTACHMENT 5

SCALE : 1"=10'-0"







MCCALL RESIDENCE

543 WEST 17TH STREET

PL090198

FRONT OF RESIDENCE

