

Staff Summary Report



Hearing Officer Hearing Date: 01/17/12

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **MELIS RESIDENCE** located at 339 East Malibu Drive for one (1) use permit.

DOCUMENT NAME: 20120117cds105 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **MELIS RESIDENCE (PL110449)** (James Trahan/180 Degrees Design Inc., applicant; Gwen Melis, property owner) located at 339 East Malibu Drive in the R1-6, Single Family Residential District for:

ZUP11121 Use permit to allow the required parking space to be located in the front yard setback.

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

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

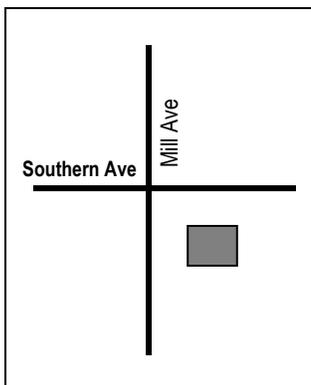
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



The Melis Residence is requesting a use permit to allow the required parking in front yard setback. They are enclosing the existing garage into livable space to include a new bedroom, craft room and laundry room. A double car driveway is available within the front yard setback to park. 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, staff has received two (2) telephone inquiries. After explanation of the request; both callers expressed support of the use permit.

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. North Elevation

COMMENTS:

The Melis Residence is seeking a use permit to facilitate a future home improvement. The use permit is to allow the required parking spaces to be located in the front yard setback. The owner states in their letter of explanation that they rarely use the existing garage to park their vehicles; they predominantly park their vehicles on the driveway in the front yard setback. To date, no public input has been received. To date, staff has received two (2) telephone inquiries. After explanation of the request; both callers expressed support of the use permit.

Use Permit

The Zoning and Development Code requires, in the R1-6 Single Family Residence District, a use permit for designating the on-site required parking spaces to be located in the front yard setback.

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;
- This dwelling is owner occupied and as such 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 subject to conditions

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. Construction of garage enclosure to livable to complement the main dwelling in design, color and materials.

HISTORY & FACTS:

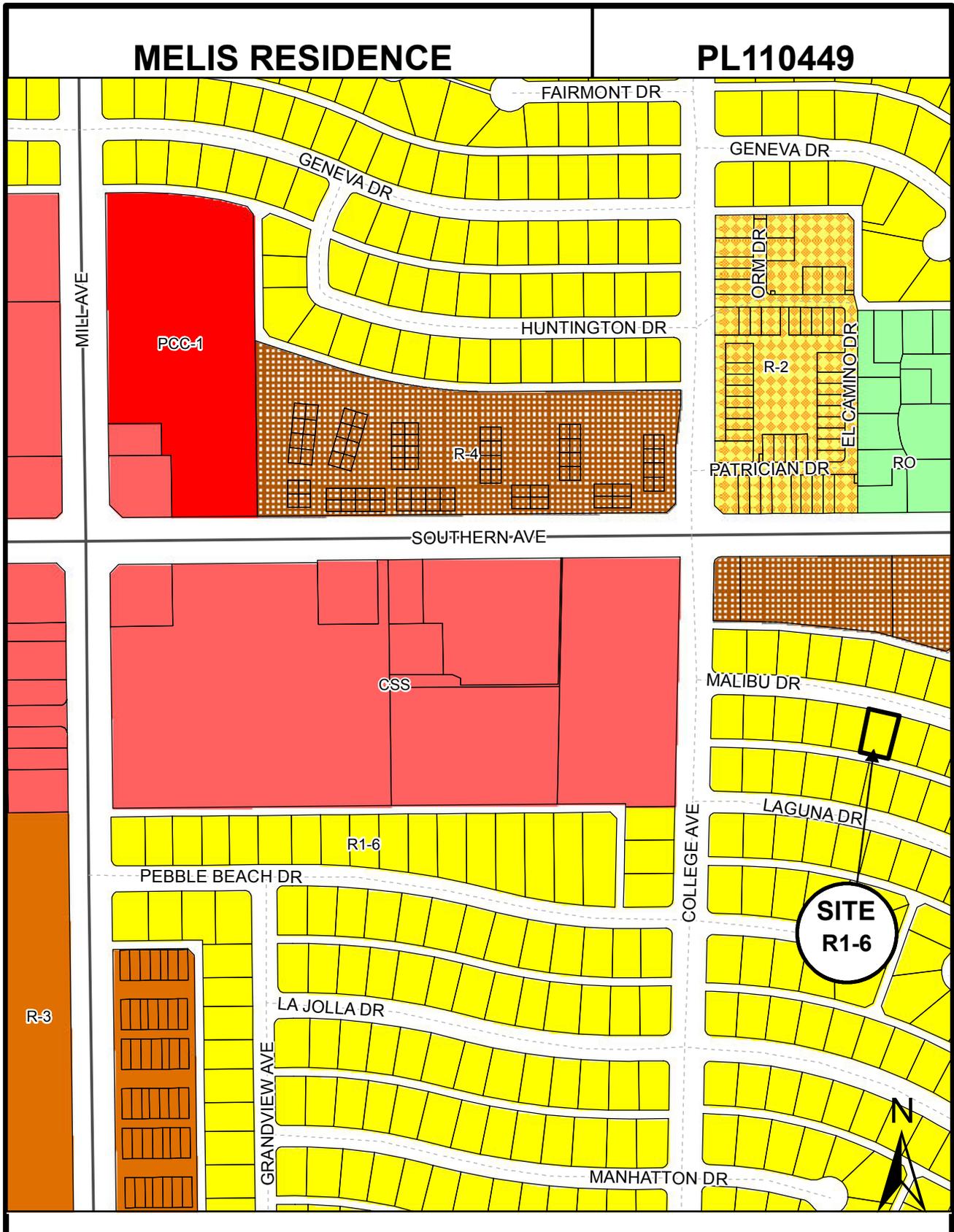
None pertinent to this case.

DESCRIPTION:

Owner – Gwen Melis
Applicant – James Trahan/180 Degrees Design Inc.
Existing Zoning – R1-6, Single Family Residential District

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 6, Section 4-602 (C)-Parking
Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map



MELIS RESIDENCE (PL110449)

Marc and Gwen Melis
339 E Malibu Dr
Tempe, AZ 85282

December 20, 2011

To Whom It May Concern:

We are proposing to enclose our existing attached garage and divide the space into a laundry room, a craft room, and a small bedroom. We do not currently use our garage for parking and only use a fraction of the space in it for storage and laundry. Our existing parking pad provides at least two parking places which is where we currently park our cars. Enclosing the garage would not add any additional traffic or on-street parking to our current situation. In addition, we are not proposing anything that will cause any nuisance or disruptive behavior. Finishing the garage will not increase the number of people inside or coming and going from our home. The proposed changes would not change how we use our house on the exterior, but would allow us to have space to fulfill our needs. We would not be expanding beyond the original footprint of the home and the changes would improve our ability to use the space under the roof and within the existing walls of our house. Also, having a finished room in which to do laundry makes the job much more pleasant in summer and winter. Finishing the garage would add value to the surrounding homes by increasing the square footage of our home. We have purchased our home in order to live in it for many years and need these changes to make the best use of our space.

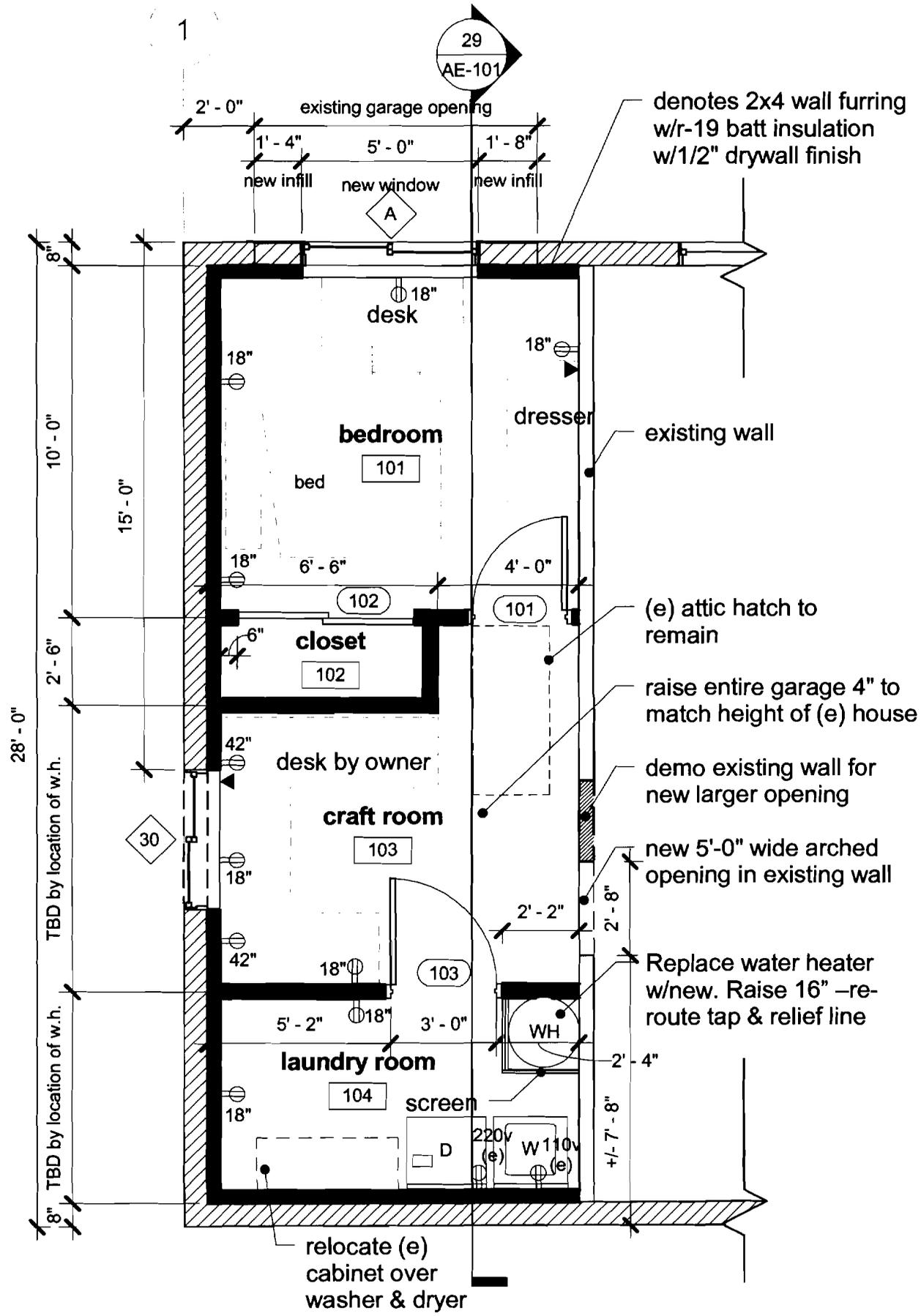
Sincerely,



Marc and Gwen Melis

A

B



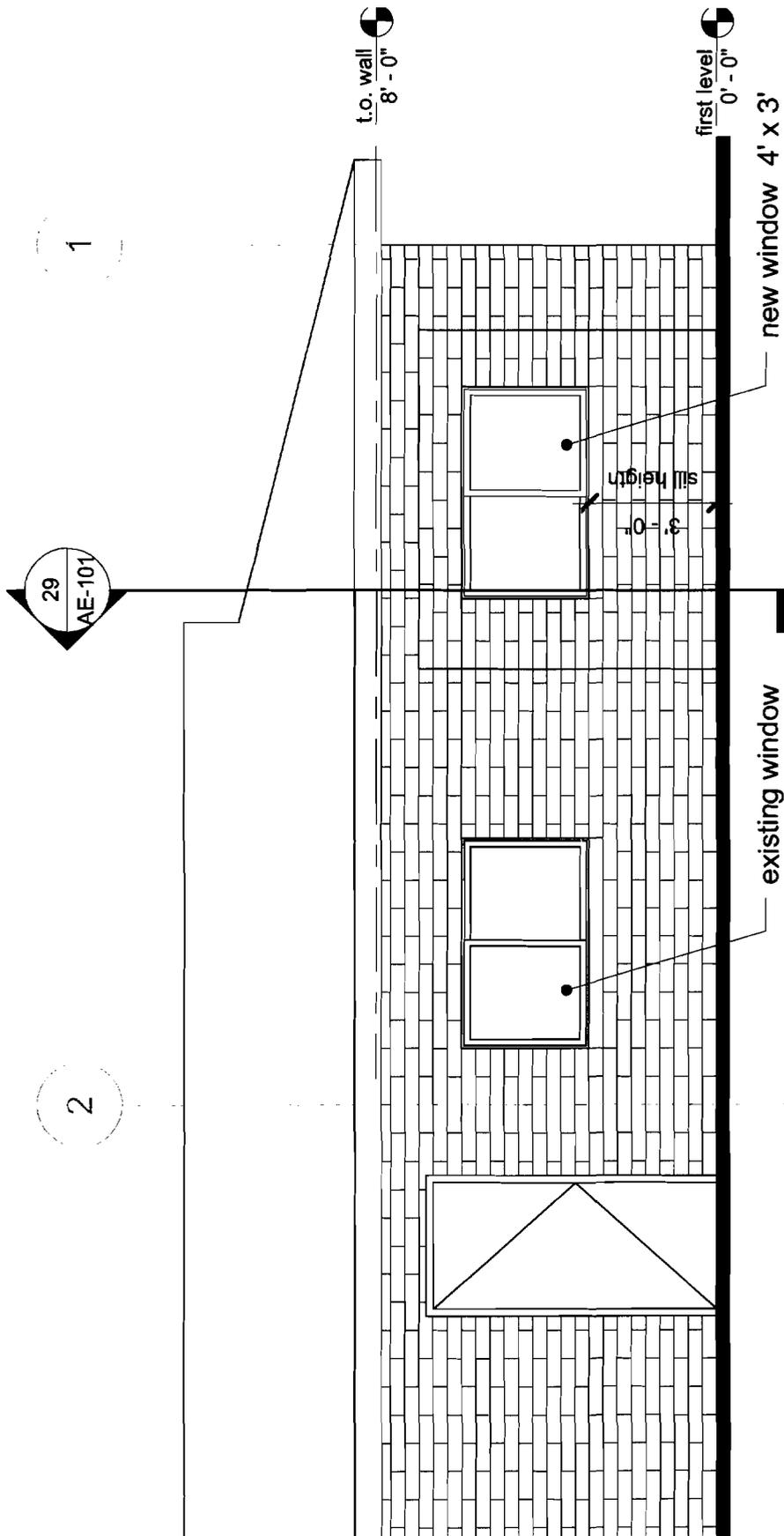
melis residence garage remodel

FLOOR PLAN 180degrees

a design + build company

12/20/11 1/4" = 1'-0"

3149 north 31st avenue 602 288 0138 o
phoenix, arizona 85017 602 272 1166 f
www.180degreesinc.com



melis residence garage remodel

partial north elev

180degrees
a design + build company

12/20/11 | 1/4" = 1'-0"

3149 north 31st avenue 602 288 0138 o
phoenix, arizona 85017 602 272 1166 f
www.180degreesinc.com