

# Staff Summary Report



Hearing Officer Hearing Date: January 4, 2011

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the **MURDOCK RESIDENCE** located at 1894 East Magdalena Drive for one (1) use permit standard.

**DOCUMENT NAME:** 20110104cdsl02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **MURDOCK RESIDENCE (PL100412)** (Steve Johnson/Scrivner Design Group, applicant; Dennis Murdock, property owner) located at 1894 East Magdalena Drive in the R1-7, Single Family Residential District for:

**ZUP10160** Use permit standard to reduce the street side yard setback by twenty percent (20%) from 10 feet to 8 feet to allow for an accessory building.

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

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

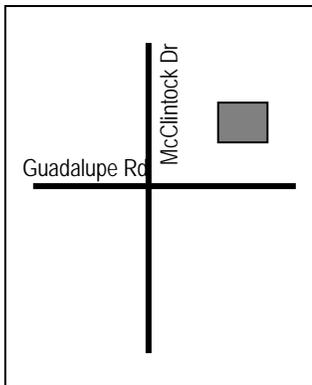
**LEGAL REVIEW BY:** N/A

**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 by 20% from ten (10) feet to eight (8) feet . The encroachment into the setback is for a portion of a freestanding double car garage. A twenty-four (24) foot long portion, at the southeast side of the garage, will be located within the 10' street side yard setback. Staff is in support of the use permit request with the finding that it meets the Zoning and Development Code criteria for approval of a use permit. To date, no public input has been received

**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/Building Elevation

**COMMENTS:**

The Murdock Residence is seeking a use permit to facilitate a future home improvement. The use permit is for a reduction of the street side yard setback by 20% from ten (10) feet to eight (8) feet. The proposed structure is a freestanding double car garage located next to the main residence. A portion of the garage will encroach into the street side yard setback. The garage design complements the existing structure in color, form and material. The garage access will be via an extension of the existing driveway. To date, no public input has been received.

**Use Permit**

The Zoning and Development Code requires the setbacks for structures, in the R1-7 Single Family Residence District, to be located ten (10) feet from the street side yard setback. 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 standard.

**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. Building addition to match existing residence in color, form and material.

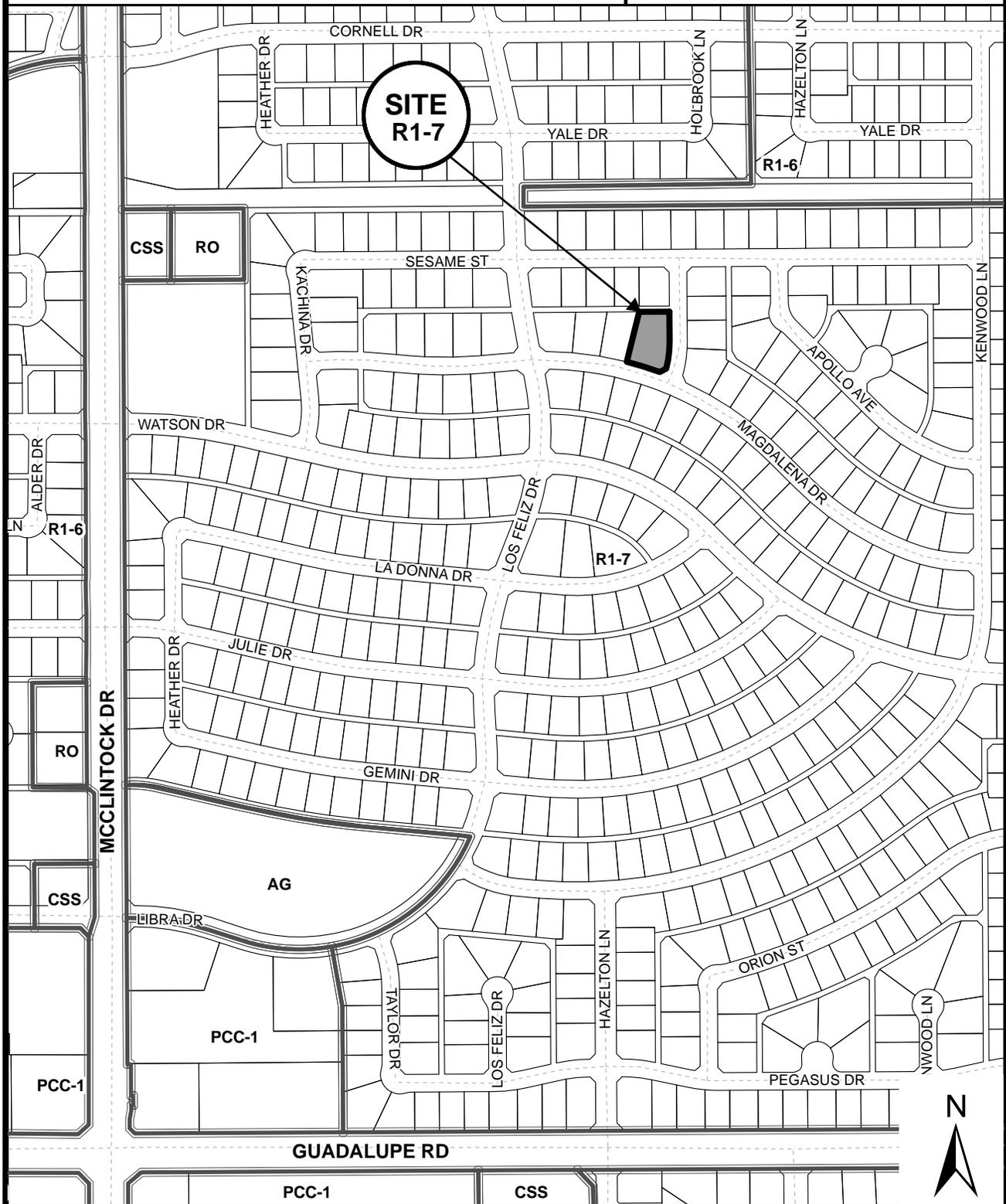
**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:** Owner – Dennis Murdock  
Applicant – Steve Johnson, Scriver Design Group  
Existing Zoning – R1-7, Single Family Residential District  
Lot area- 16196 sf  
Existing Building Area- 2360 sf.  
Proposed addition- 828 sf

**ZONING AND DEVELOPMENT:** Part 4, Chapter 2, Section 4-202.  
Part 6, Chapter 3, Section 6-308 – Use Permit

# MURDOCK RESIDENCE

# PL100412



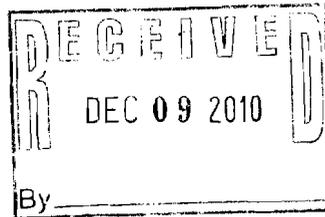
## Location Map



**MURDOCK RESIDENCE (PL100412)**

December 9, 2010

City of Tempe  
31 E. Fifth Street  
Tempe, AZ 85281  
Attn: Sherri Lesser  
PL100412



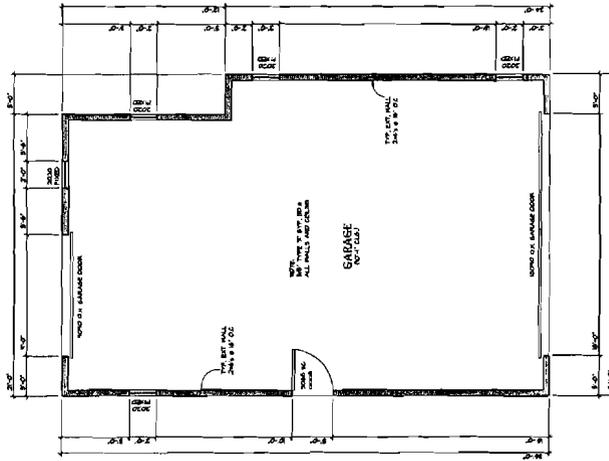
Re: 1894 E. Magdalena Drive, Tempe, AZ  
Accessory Building Use Permit 100393

Dear Sherri,  
I am requesting a reduction of the required street side yard setback for accessory buildings per the development standards for residential districts by 20%. If any other items are needed please contact me.

Sincerely,

Steve Johnson  
480-874-2696  
steve@scrivnerdesign.com

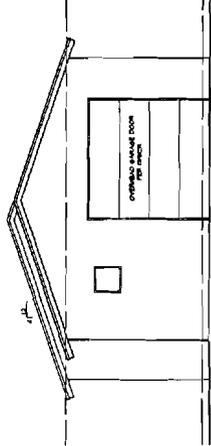
PROJECT #1711  
 DATE 05-10-10  
 REVISION: A  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



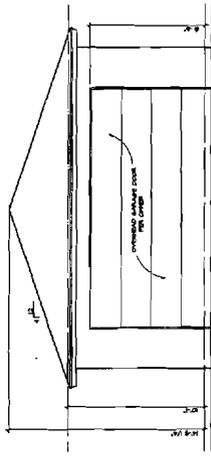
**FLOOR PLAN** 1/4" = 1'-0"  
 828 S.F.

OWNER:  
 DENNIS MURDOCK  
 1894 E. MAGDALENA DR.  
 BOULDER, CO 80501  
 ARCHITECT:  
**SCRIVNER**  
 DESIGN GROUP  
 7000 E. UNIVERSITY BLVD. SUITE 100  
 BOULDER, CO 80501  
 (303) 440-8899 FAX (303) 440-8877

1894 E. MAGDALENA DR.  
 FLOOR PLAN  
 EXTERIOR ELEVATIONS  
 A-1

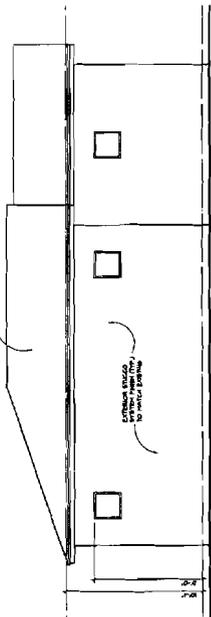


REAR

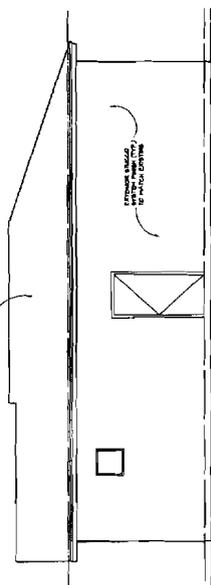


FRONT

**EXTERIOR ELEVATIONS** 1/4" = 1'-0"



RIGHT



LEFT

PROJECT DATE: 04-18-10  
 DATE: 04-18-10  
 REVISION: A

263-1100

**SITE ADDRESS**  
 1894 E. MAGDALENA DRIVE  
 DENVER, CO 80202

**OWNER**  
 DENNIS MURDOCK  
 1894 E. MAGDALENA DRIVE  
 DENVER, CO 80202

**DESIGNER**  
 SCRIVNER DESIGN GROUP  
 7201 S. SHOGAN LANE SUITE 200  
 SOUTHDALE, ARIZONA 85085  
 (480) 949-7000 FAX(480) 949-7001

**SITE INFORMATION**  
 1894 E. MAGDALENA DRIVE  
 DENVER, CO 80202



**OWNER:**  
 DENNIS MURDOCK  
 1894 E. MAGDALENA DRIVE  
 DENVER, CO 80202

**DESIGNER:**  
 SCRIVNER DESIGN GROUP  
 7201 S. SHOGAN LANE SUITE 200  
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1894 E. MAGDALENA DR.  
 SITE PLAN  
 SP-1

