

# Staff Summary Report



Hearing Officer Hearing Date: May 20, 2008

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by the **NANNAPANENI RESIDENCE (PL060629)** located at 1026 East Knox Road for one (1) variance.

**DOCUMENT NAME:** 20080520dssd01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **NANNAPANENI RESIDENCE (PL060629)** (Ravi Nannapaneni, applicant/property owner) located at 1026 East Knox Road in the AG, Agricultural District for:

**VAR08009** Variance to increase wall height in the front yard setback from four (4) feet to six (6) feet.

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

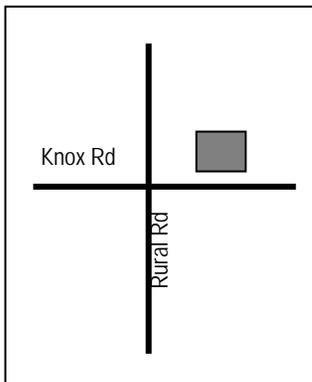
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-3

**ADDITIONAL INFO:** The Nannapaneni Residence is requesting a variance to allow for the construction of a six (6) foot tall fence in the front yard setback. The single family home faces east towards Rita Lane, the master bedroom faces south towards Knox Road and the homeowner requests to have a six (6) foot wall to secure his private side yard that continues into the backyard. Staff supports approval of the variance with conditions. To date, one phone call of opposition has been received. The opposition is from the adjacent property owner to the west of the Nannapaneni Residence.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Property Site plan
6. Enlarged Site Plan, adjacent to Knox Road
7. Neighborhood Meeting Letter (Feb 5, 2007)
- 8-9. Staff Photograph(s)

## COMMENTS:

The Nannapaneni Residence is requesting a variance to allow for the construction of a six (6) foot tall masonry wall in the front yard setback. The single family home faces east towards Rita Lane, the master bedroom faces south towards Knox Road and the homeowner requests to have a six (6) foot wall to secure his private side yard that continues into his backyard. Mr. Nannapaneni has located his proposed wall sixteen (16) feet behind the sidewalk along Knox Road to alleviate any site vision conflicts with Rita Lane and Knox Road. City of Tempe Traffic Engineering staff have reviewed the proposed wall location and determined the wall will not cause conflict with site vision triangles. Mr. Nannapaneni has meet with the concerned neighbor (Dr. Garza) about the wall location and Mr. Nannapaneni agreed to step back the southwest corner of the wall to alleviate Dr. Garza concerns that his driveway is immediately adjacent to a six (6) foot tall wall. With the wall step backed towards the north; Dr. Garza's has increased his vision to Knox Road.

The original intent behind a maximum four (4) foot wall in the front yard setback was to allow visual surveillance between the street and the home. Given that the home orientation faces east, the new home has no fence between the front of the home and Rita Lane and allows natural surveillance between the street and the residence. The Development Services Planning Division is currently revising the ZDC to allow walls in the front yard setback taller than four (4) feet in height subject to a use permit. The new code provision will go before Development Review Commission and City Council over the next couple months. If adopted, any walls above four (4) feet will require a use permit instead of a variance.

To date, staff has received one phone call of opposition. The opposition is from the adjacent property owner to the west of the Nannapaneni Residence.

## Neighborhood Meeting

The applicant held the required neighborhood meeting on Monday February 19, 2007.

## Variance

The Zoning and Development Code requires a variance for a wall/fence greater than four (4) feet in height that is located in the front yard setback, in the AG, Agricultural District.

Evaluating the variance, the proposal appears to meet the criteria for approving the variance:

- a. There are special circumstances or conditions applying to the land, building, or use referred to in the application;
  - There does appear to be a special circumstance keeping with the land, building or use. Applicant located the front of his home towards the east (Rita Lane). Due to the residence facing east, part of his private backyard extends to the Knox Road frontage.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
  - A six (6'-0") foot wall is necessary for enjoyment of substantial property rights. (Ex: privacy and security)
- c. That authorizing the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to public welfare in general.
  - The property owner designed the fence to match the existing residence. The owner also placed the wall sixteen (16) feet behind the sidewalk along Knox Road.
  - City of Tempe Transportation planners have reviewed the fence location and it does not cause conflict with vision triangles for Knox Road.

## Conclusion

Staff recommends approval of the variance, subject to the conditions of approval.

**REASON(S) FOR APPROVAL:**

1. There are special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) 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.
4. City of Tempe Transportation planners have reviewed the proposed fence location and determined it does not conflict with vision triangles for Knox Road.
5. The orientation of the home is east, the east (front) yard has no walls in the front of the home facing Rita Lane, thus meeting the intent of natural surveillance between the home and the street.

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

**CONDITION(S) OF APPROVAL:**

1. The variance is granted based on the plans submitted and approved by the Hearing Officer.
2. Obtain all necessary clearances from the Building Safety Division.
3. The wall shall be designed to match the existing residence in color, form and material.

**HISTORY & FACTS:**

December 19, 2006      ZUP06069: Use Permits approved for two (2) accessory buildings.

**DESCRIPTION:**

Owner – Ravi Nannapaneni  
Applicant – Ravi Nannapaneni  
Existing Zoning – AG, Agricultural District  
Lot Area/Acre– 43,915 S.F. / 1.08 ac  
New Main Residence: 5,857 S.F.  
Proposed Wall Height– 6’

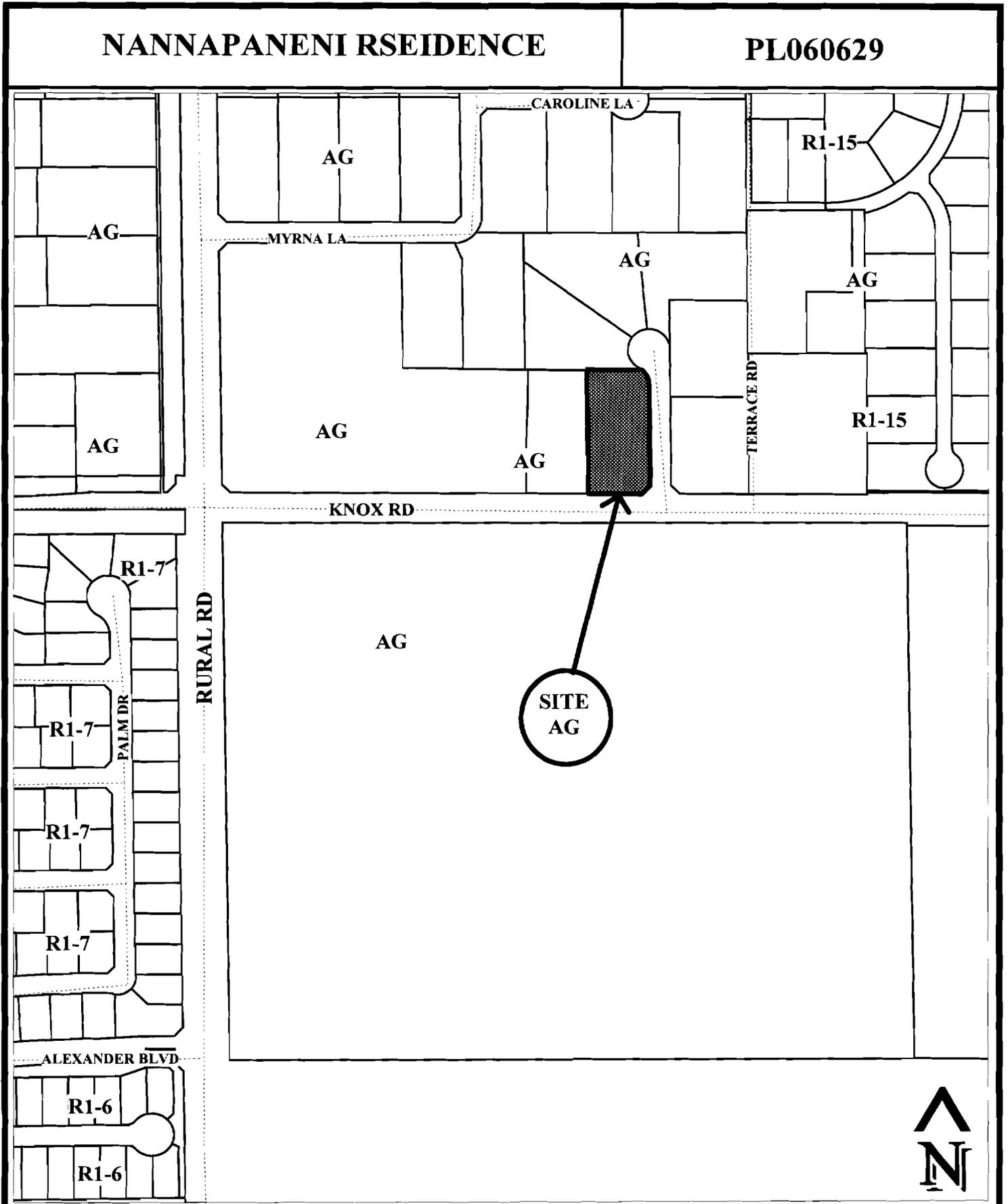
**ZONING AND DEVELOPMENT CODE REFERENCE:**

Part 4, Chapter 7, Section 4-706: General Fence and Wall Height Standards

Part 6, Chapter 3, Section 6-309: Variances

NANNAPANENI RESIDENCE

PL060629





**NANNAPANENI RESIDENCE (PL060629)**

**SUBJECT: VARIANCE REQUEST**

**April 22, 2008**

**NANNAPANENI RESIDENCE SCREEN WALL  
LOT 19, CORONA ESTATES, TEMPE, ARIZONA**

**Variance Request:**

Variance request to increase the maximum allowable height of a screen wall, located within the front yard, from: 4'-0" height, to: 6'-0".

**Screen Wall Description:**

The property owner residing in the Corona Estates Subdivision is proposing to construct a new screen wall along the Knox Road street frontage. The proposed screen wall will also include landscape and berming enhancements.

**Variance Justification**

Shape of Property, Lot 19: Lot 19 is rectangular running north and south, with the long side of the lot opening up to Rita Lane. The longer side of the property at Rita Lane is the natural 'front' orientation of the property. The Knox Road front yard designation, contradicts the logical front yard orientation, and exists at Knox Road only because the Tempe Zoning Ordinance defines the front yard as the shorter side of a corner Lot.

Community Considerations, Corona Estates: Rita Lane cul-de-sac functions as a small cluster of lots within the Corona Estates subdivision. Lot 19 is an integral part of the community cluster of lots formed by the Rita Lane cul-de-sac. Therefore from a design sensitivity perspective, it is the applicant's belief that Lot 19 should be configured with the functioning front entry side of the property facing Rita Lane, not Knox Road.

Traffic and Safety Considerations: Knox Road serves as a feeder to public parking at Corona High School, for staff, visitors, and special events parking. Additionally Knox Road serves as a major drop off location for students who are driven to school by parents. Due to the proximity of Corona High School, traffic at Knox Road is extremely congested. Location of the entry front side of Lot 19 at Knox Road would add to the traffic congestion and the traffic hazard existing at Knox Road currently. Therefore it is logical to locate the entry front side of Lot 19 towards Rita Lane.

The hearing office should also be aware that my son has a special needs challenge, and the increased wall height is an important consideration for his safety.

Zoning Ordinance Revision:

It is my understanding that the zoning ordinance is currently being changed to allow this same request to be considered under Use Permit Submittal. It is understood that this change will go into effect within the next four months. The applicant could have waited for the zoning ordinance change to go into effect but due to the safety concern of my son, we are making this request under the current variance requirement.

Variance Request  
Page 2

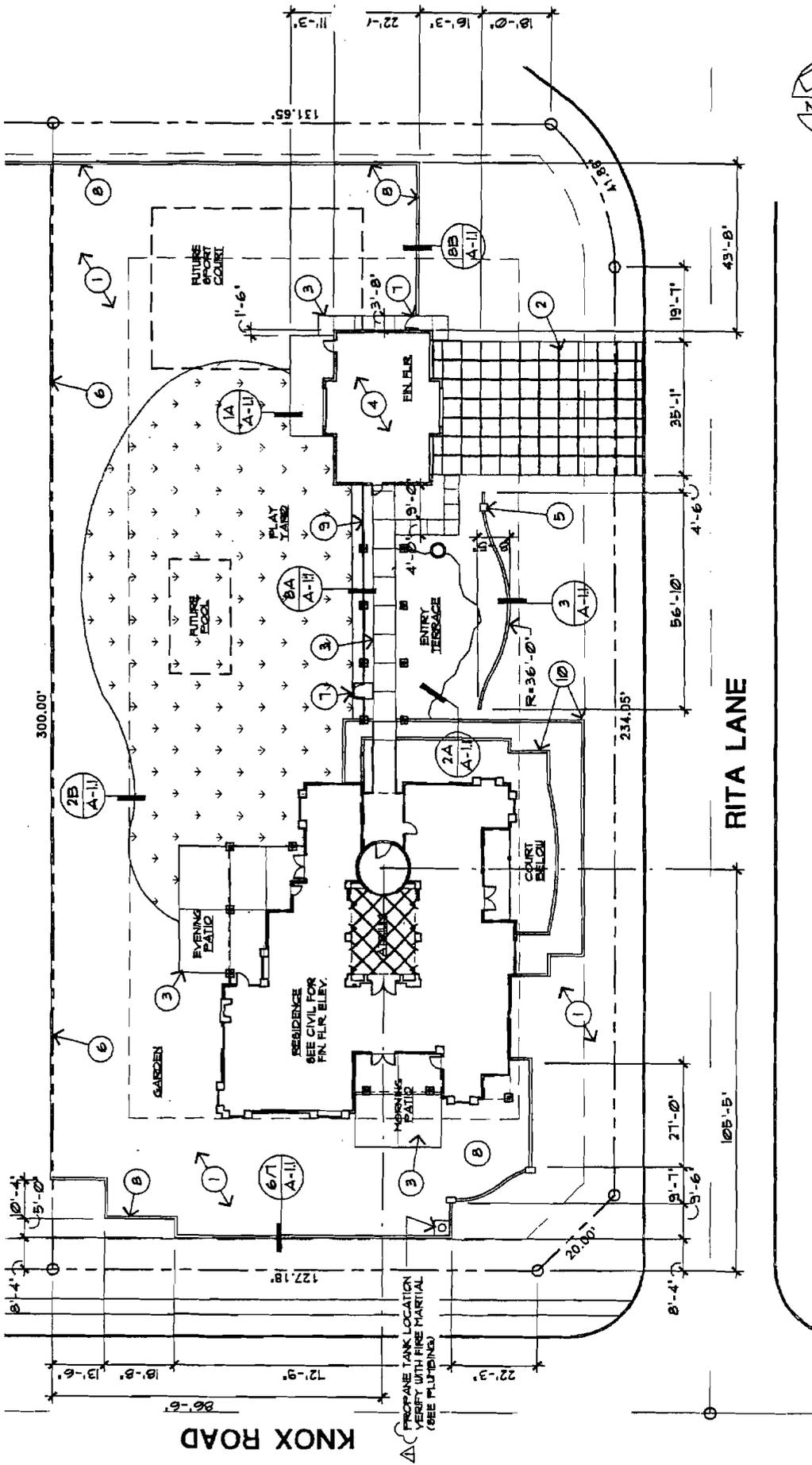
Corona Estates, Lots 19

**Conclusion:** Approval of the requested Variance will not adversely affect the surrounding property owners or adjacent property users, in any significant way. Approval of the requested variance will allow the property Owner of Lot 19 to enjoy the intended property rights, and property values, of the Corona Estates sub-division community.

Approval of the increased wall height at Knox Road will have the effect of allowing Lot 19 to function with the Knox Road frontage as a street side yard. Further, approval of the requested Variance will serve to reduce traffic hazards and traffic congestion at Knox Road, by the effective conversion of the Knox Road frontage, from a front yard, to a street side yard.

Your consideration of this request is very much appreciated.

Ravi Nannapaneni  
Owner of Lot #19

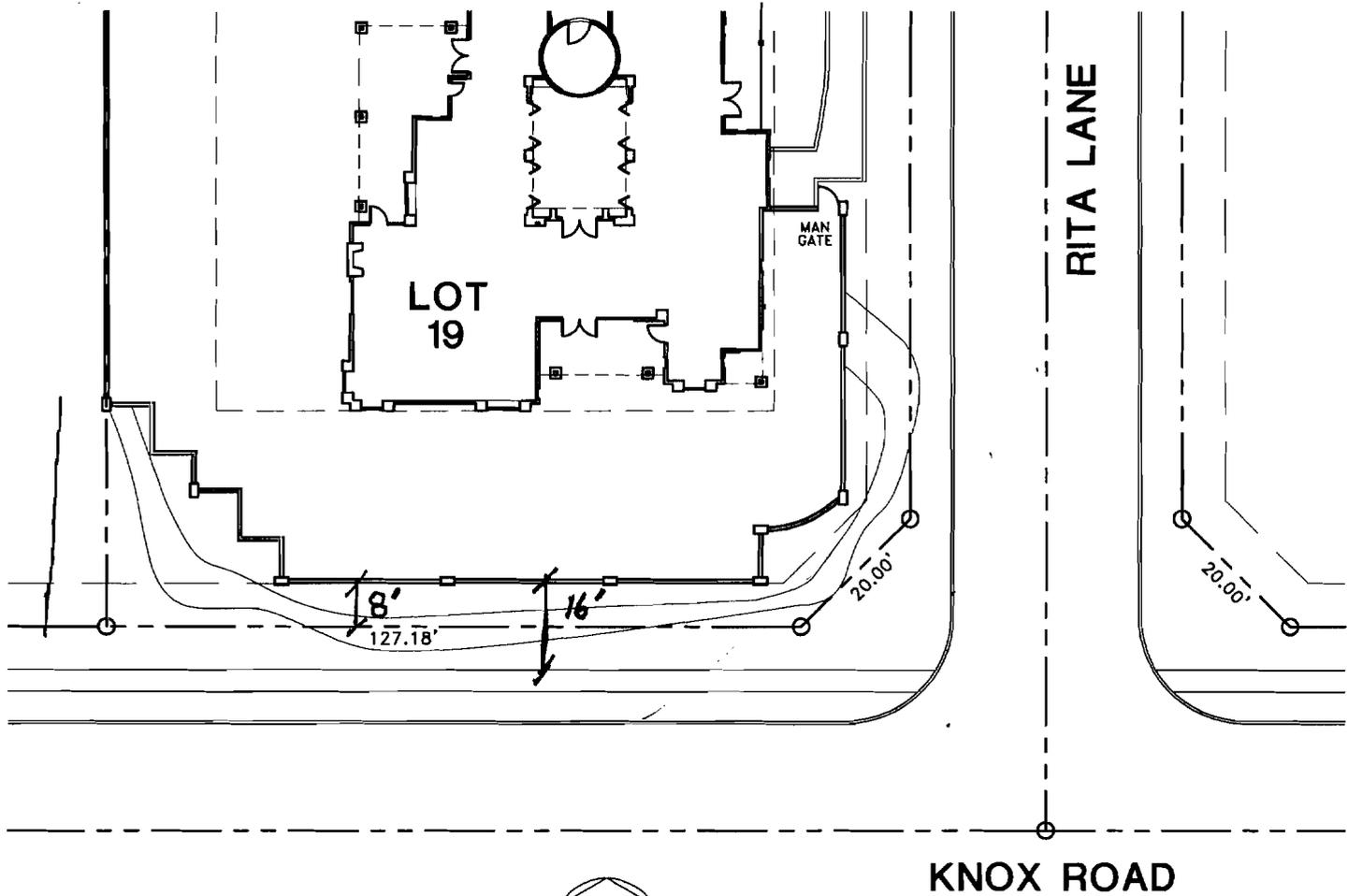


1" = 20'-0"

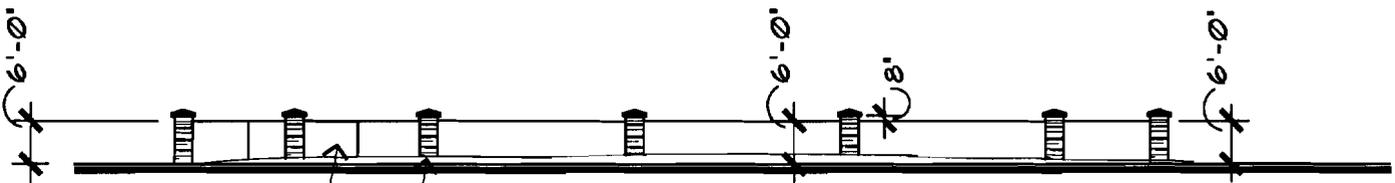
RITA LANE

KNOX ROAD

SITE PLAN



**PARTIAL SITE PLAN**  
NO SCALE

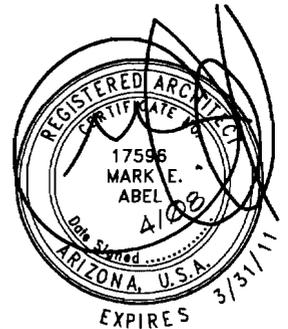


**SOUTH ELEVATION**  
NO SCALE

DECORATIVE PILASTER

MASONRY WALL PANEL  
PAINTED STUCCO FINISH

**NOTE:**  
WALL FINISHES TO  
MATCH RESIDENCE



4/22/08

VARIANCE REQUEST  
1026 EAST KNOX ROAD, TEMPE, AZ.



February 5, 2007

Dear Neighbor,

We are sending you this letter to notify you of a street frontage enhancement project, proposed to be constructed in your vicinity. The proposed project will require a public hearing for consideration of a Zoning Variance.

The subject property is located at Lots 19 and 20 of Corona Estates. Both Lots are located at the intersection of Knox Road and Rita Lane. The proposed project will include construction of a screen wall, along with berming and landscape enhancements, to be located within the front yard setback of each Lot, along the Knox Road frontage. The proposed Zoning Variance would allow the maximum height of the proposed screen wall to be increased from 4'-0" to 8'-0". The proposed screen wall design for this project is described on the attached site plan and wall elevation exhibit.

A neighborhood meeting will be held, to discuss this proposal and to answer any questions you may have. The meeting is scheduled for Monday, February 19th, 2007, at 5:30 p.m., at the project site, 1026 E. Knox Road. If the property Owners elect to proceed with the variance request, there will be a future required public hearing before the City of Tempe Hearing Officer. The property will be posted with notification information for the public hearing.

This letter is being sent to you as part of the notification procedure. Should you have any questions or input regarding this matter, you may contact me by telephone or e-mail, (see below). All input received from you will be presented to the City of Tempe, for consideration and discussion at the Variance Hearing. If you have any questions regarding the public hearing, please contact the City of Tempe Planning Department at 480-350-8872.

Sincerely,

Mark Abel  
Mark Abel Architects P.C.

Phone: 480-838-3374  
Fax: 480-838-1694  
e-mail: [MAbelArch@cisaz.com](mailto:MAbelArch@cisaz.com)

**M A R K A B E L A R C H I T E C T S P . C .**  
21 EAST SIXTH STREET, SUITE 320, TEMPE, ARIZONA 85281 480-838-3374



# **NANNAPANENI RESIDENCE**

**1026 EAST KNOX ROAD**

**PL060629**

**FRONT OF RESIDENCE- VIEW TO NORTHWEST**



# **NANNAPANENI RESIDENCE**

**1026 EAST KNOX ROAD**

**PL060629**

**FRONT OF RESIDENCE- VIEW TO WEST**