

Staff Summary Report



Hearing Officer Hearing Date: September 7, 2010

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the **NEAL RESIDENCE** located at 1341 East Don Carlos Avenue for one (1) use permit.

DOCUMENT NAME: 20100907cdng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **NEAL RESIDENCE (PL100251)** (Jeffery Neal, applicant/property owner) located at 1341 East Don Carlos Avenue in the R1-6, Single Family Residential District for:

ZUP10089 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*

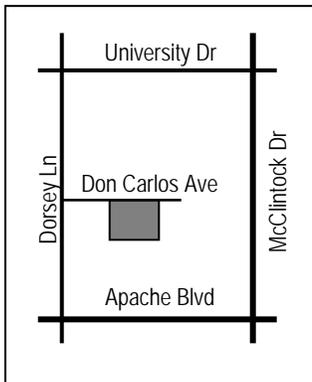
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1958 with a one (1) car carport. The homeowner wishes to convert the carport into livable space. To date, staff has received one (1) phone call of inquiry regarding this request. Staff recommends approval of the proposal as submitted, with conditions.



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
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Existing Dwelling Floor Plan
6. Carport to Living Area
7. Elevations
8. Staff Photograph

COMMENTS:

The Neal Residence is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1958 with a one (1) car carport. The homeowner wishes to convert the carport into livable space for an additional bedroom and a study. Currently, there is enough room in the single driveway to park one (1) car in the front yard setback without hanging over into the right-of-way. Staff notes that according to the site plan that was submitted, a variance was also being requested to reduce the east side yard setback from 5' to 4'-6". However, in 1996 a Zoning Administrator's Opinion was written explaining that if a carport structure and any accompanying storage room are setback from the side property line at a distance less than the current zoning ordinance requires; then the carport may be enclosed as long as the existing legal, non-conforming setbacks are not decreased.

To date, staff has received one (1) phone call of inquiry regarding this request. The neighbor who called also brought up some concerns regarding the condition of the front yard as well as lawn parking. Staff recommends approval of the proposal as submitted, with conditions.

Use Permit

The Zoning and Development Code requires a use permit to park in the front yard setback in the R1-6 Single Family Residential District.

Evaluating the use permit, 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. Parking in the front yard setback would take vehicles off of the street.
- 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 will not be any nuisance arising from the emission of odor, dust, gas, noise, vibration, and smoke as the driveway is paved and all parking is to occur on impervious surfaces.
- 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. The use permit to park in the front yard setback would allow for vehicles to be parked on private property.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use permit to park in the front yard setback is compatible with other single-family residences with carports that have been converted into living space.

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. 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.

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

CONDITIONS OF APPROVAL:

1. The required parking on-site shall be used for single family residential use only.
2. Parking shall take place on impervious surfaces only.
3. Obtain all necessary clearances from the Building Safety Division.
4. All vehicles parked on the premises must be actively registered and in operable condition at all times.
5. One (1) additional tree of a fifteen (15) gallon size shall be planted in the front yard to help screen parking in the front yard setback.
6. The carport enclosure shall be compatible with the main residence in color, form, texture, and material.
7. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.

HISTORY & FACTS:

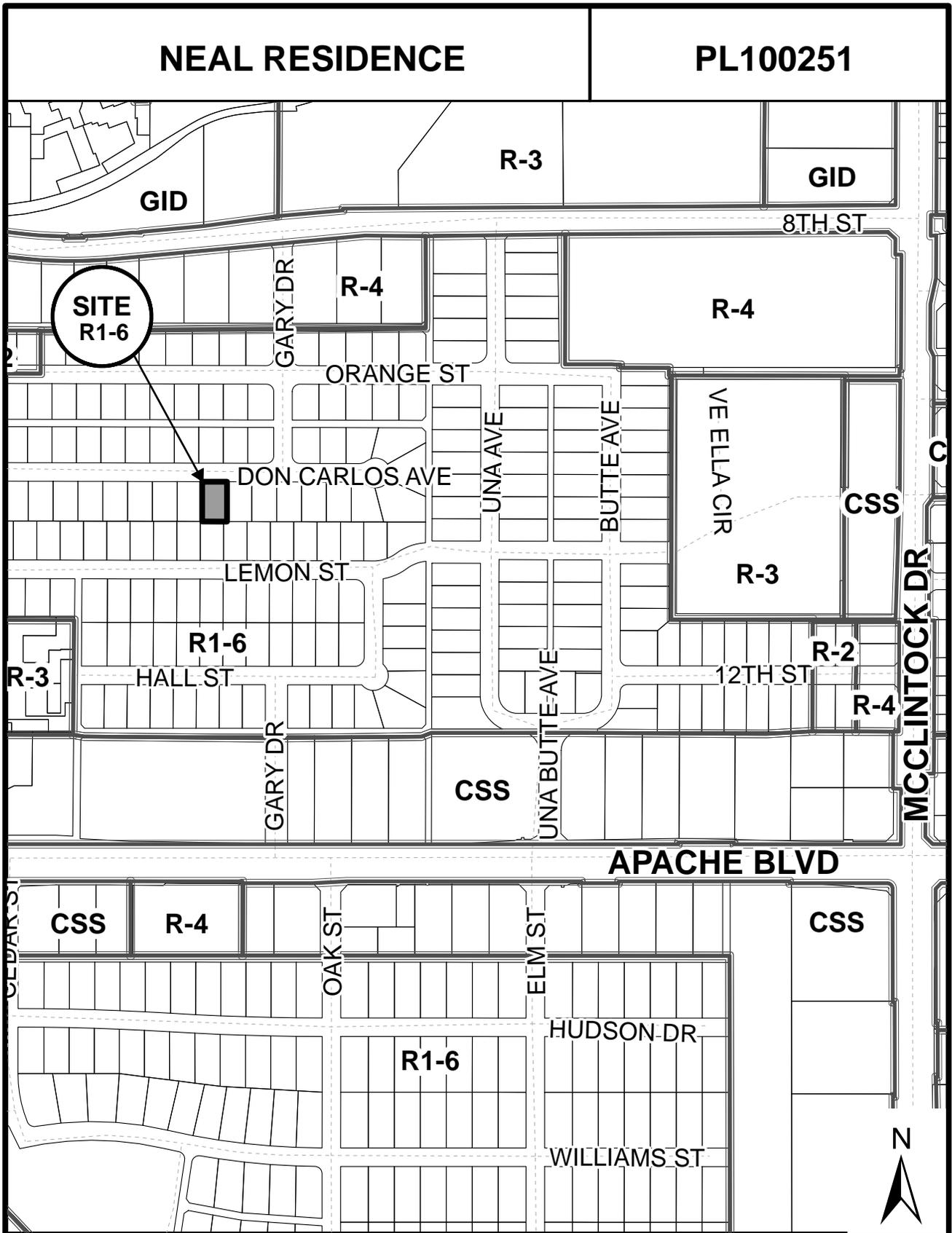
- August 13, 1958 Final inspection of a single family home.
- August 20, 2010 CE102981 – Case reported to the City of Tempe Code Enforcement Division for lawn parking.

DESCRIPTION:

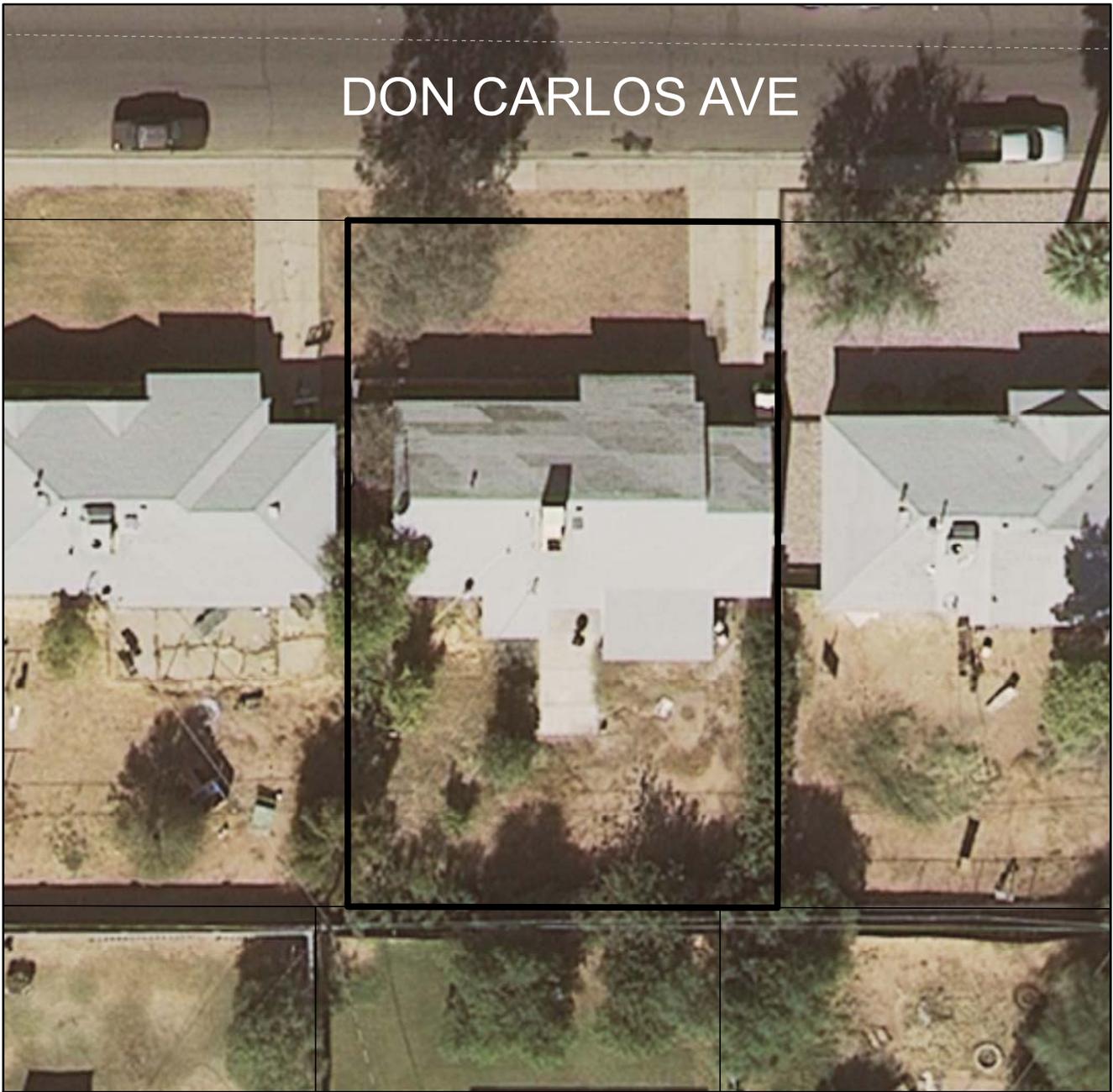
Owner – Jeffery Neal
Applicant – Jeffery Neal
Existing Zoning – R1-6, Single Family Residential District
Lot Size – 7,166 s.f. / .165 acres

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



Location Map



NEAL RESIDENCE (PL100251)

Neal Residence Carport Conversion Use Permit Request

LETTER OF EXPLANATION

The following submittal requests (1) a use permit to locate required off-street parking within the front yard setback and (2) a side yard setback variance for the conversion of an existing covered carport and attached shed to livable space.

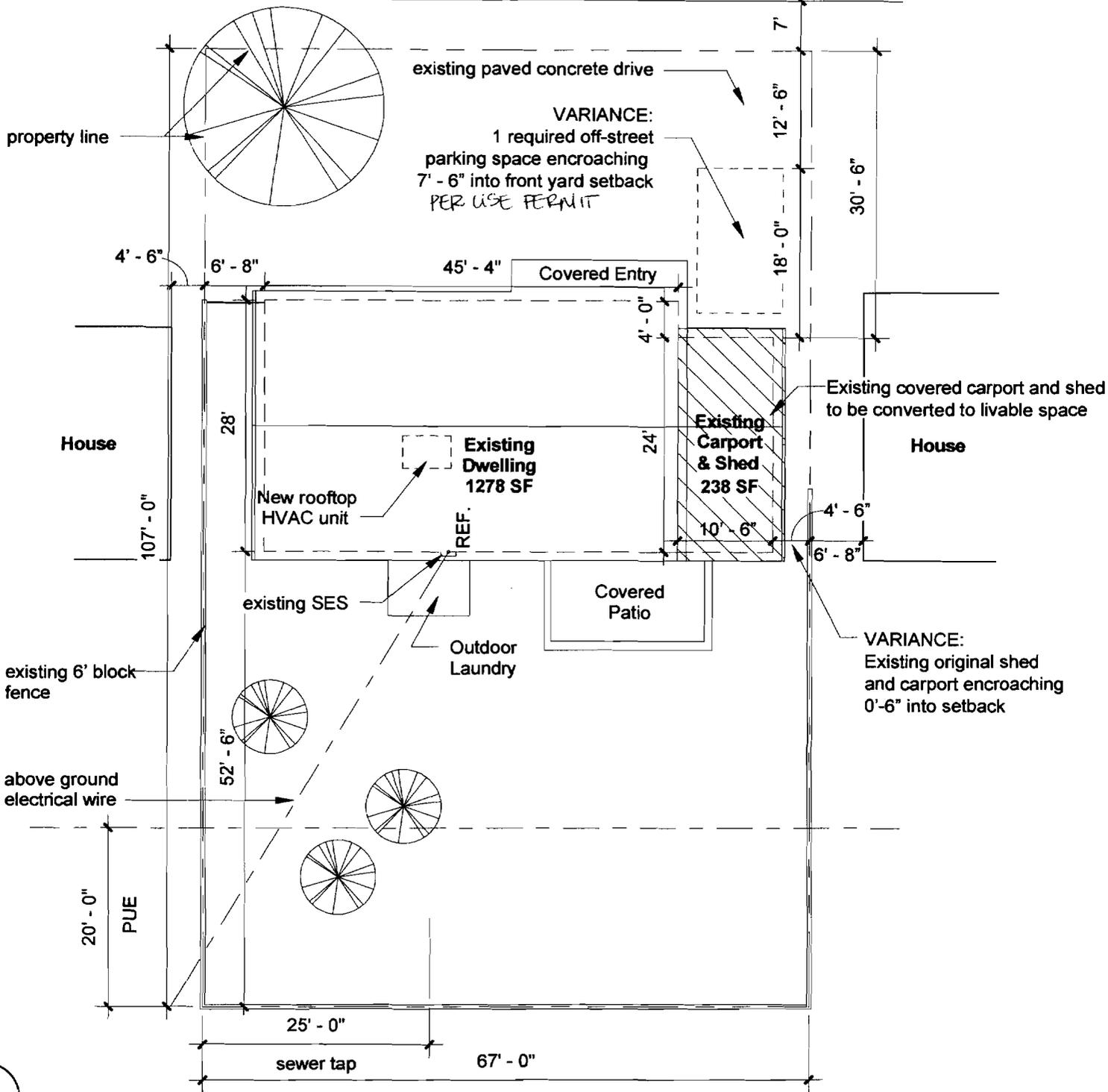
(1) The existing single family dwelling at 1341 E. Don Carlos Avenue, built in 1958 requires one off-street parking space. The owner, Jeffery Neal, requests a Use Permit to allow the location of this parking within the 20' front yard setback. This use permit would allow for the enclosure and conversion of an existing attached carport and shed to livable space.

The use of the existing driveway within the front yard setback to provide the parking requirement will maintain the vehicle away from the sidewalk and street, and will not cause any additional vehicular traffic or burden. The use of the drive way to fulfill the off-street parking requirement within the neighborhood is common, and in line with the current practices and character of the street and neighborhood. We would like to request this use permit as a means of improving the exterior of the existing dwelling in a style compatible with surrounding structures.

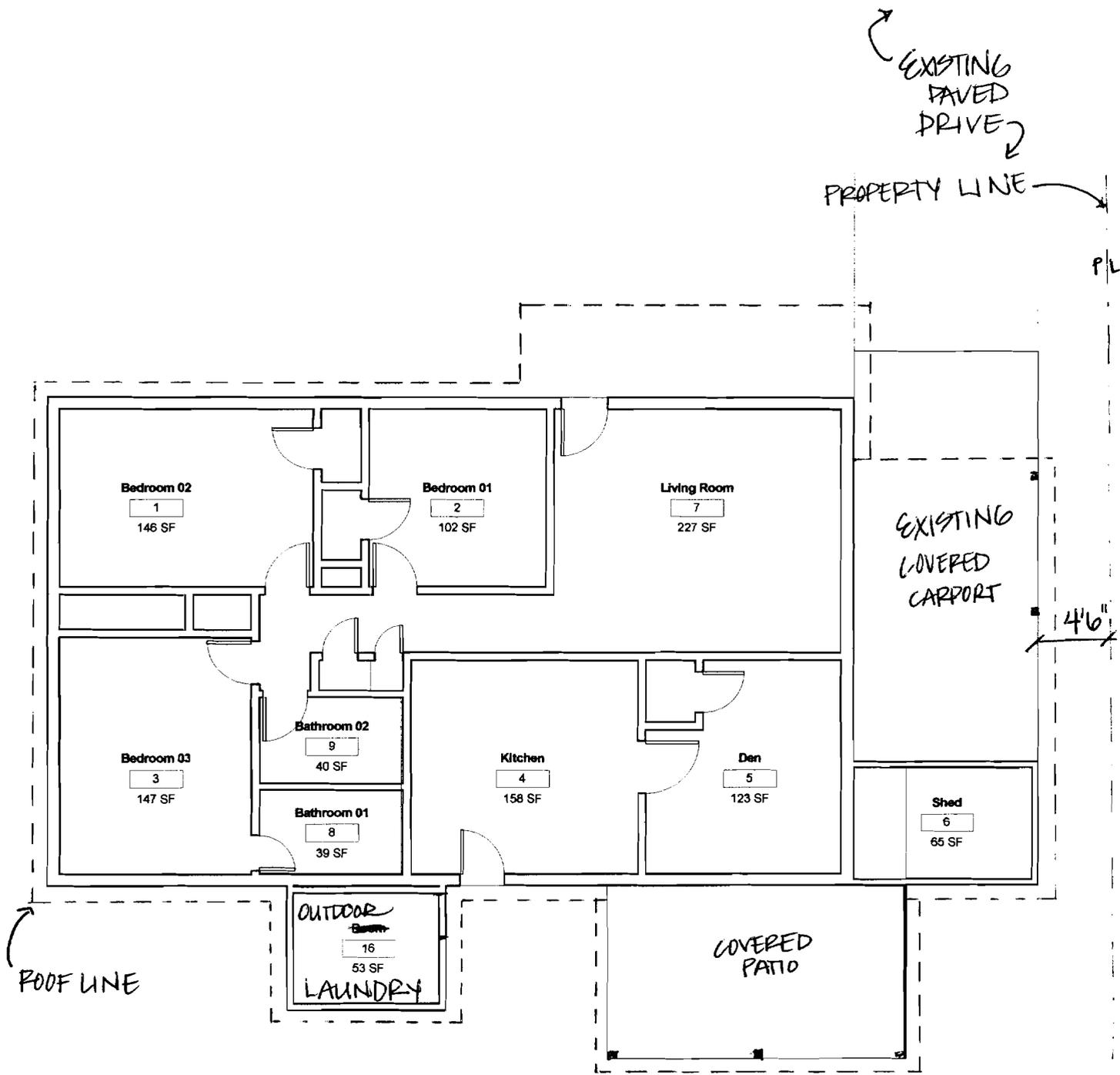
(2) The existing single family dwelling at 1341 E. Don Carlos Avenue requires a 5'-0" side yard setback. The dwelling includes an existing and original attached/covered carport and shed. The existing shed and carport encroach 6" into the 5'-0" setback. A typical home in the neighborhood has a 4'-6" side yard on one side and 6'8" side yard on the other. The owner requests a variance to allow for the enclosure of the carport and shed as livable space in their original location.

The use of the shed and carport structure for the creation of livable space will contribute to the improvement of the neighborhood by providing additional livable space within the home and by keeping in line with the architectural character and use of existing surrounding structures. The enclosure of carports within the area is common and maintains an adequate spacing between structures as the adjacent residence is at a distance of 11' – 2" despite the encroachment.

sidewalk, curb, and gutter



<h1>Site Plan</h1>	Neal Residence Carport Conversion Use Permit Submittal	<h1>A101</h1>
	Jeffery Neal 1341 E. Don Carlos Tempe, AZ 85281	



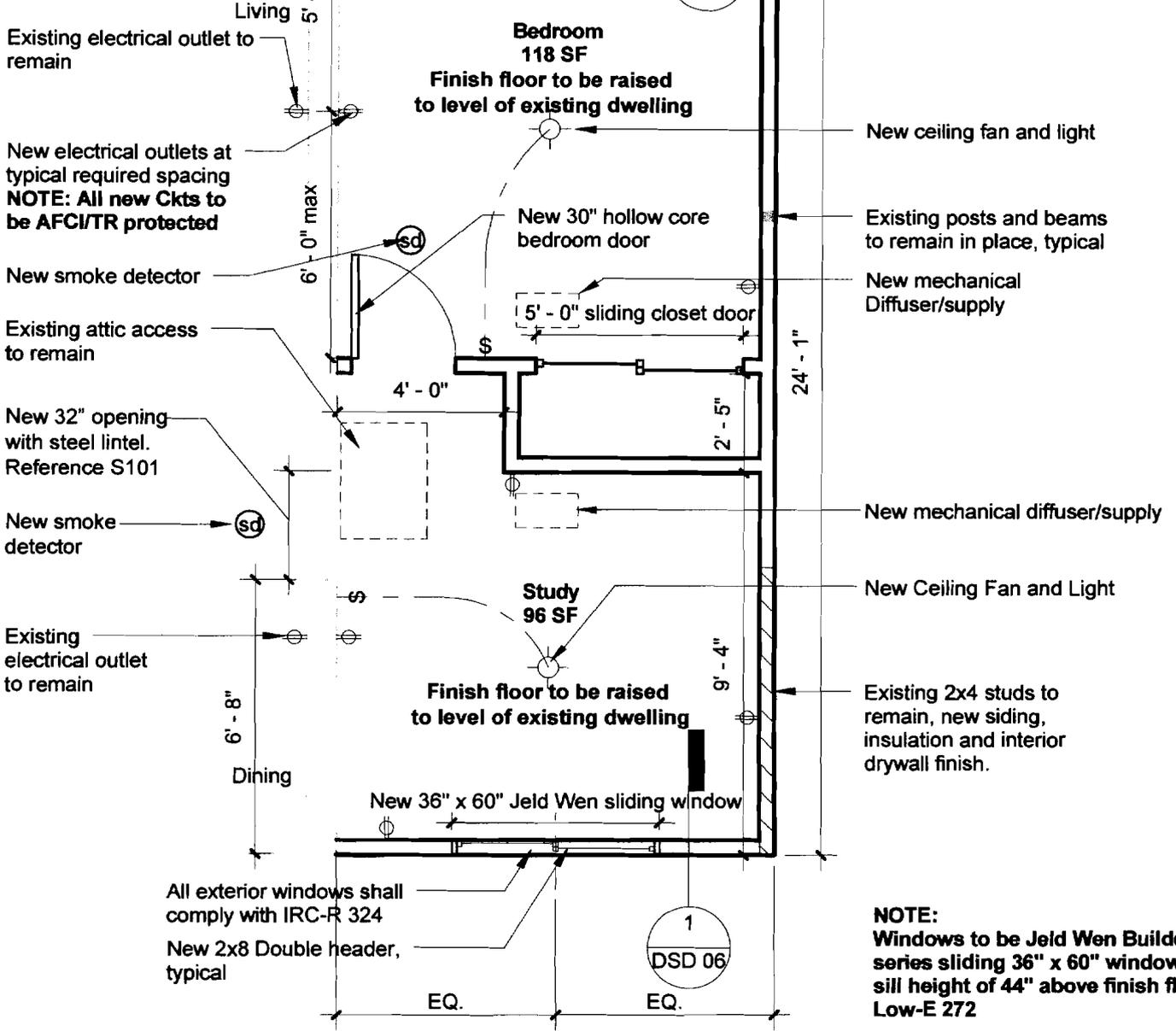
① Existing Dwelling Floorplan

Neal Residence Carport Conversion
 Use Permit Request
 1341 E Don Carlos Ave.

Tempe AZ 85281
 ATTACHMENT 5

A102

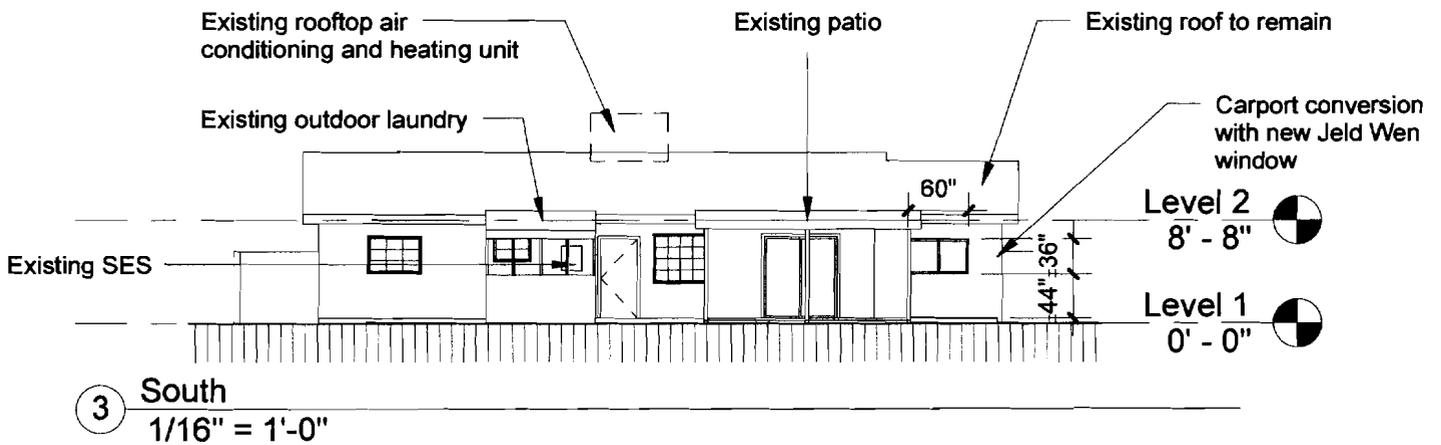
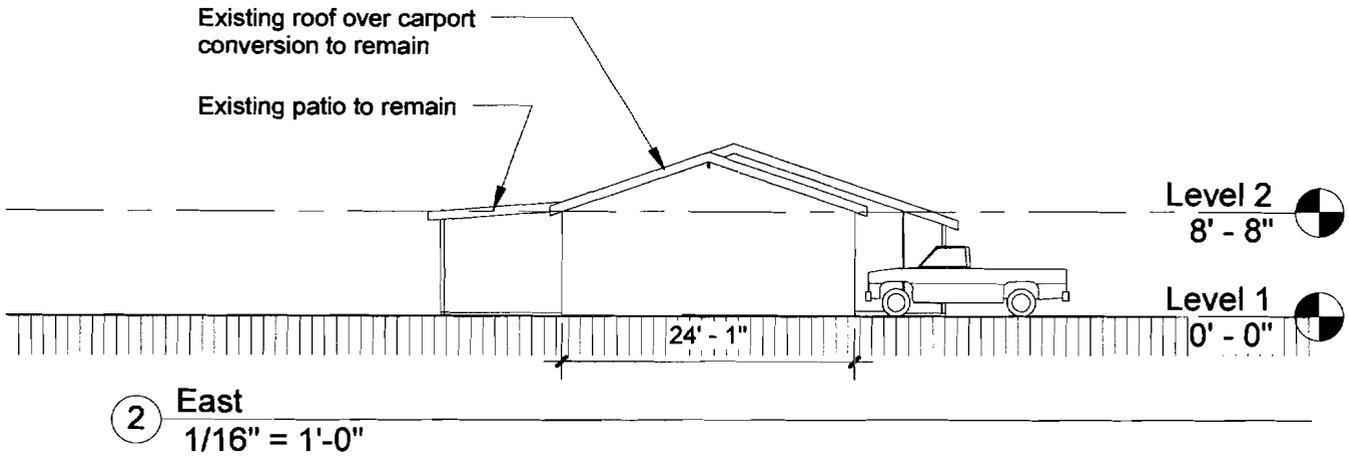
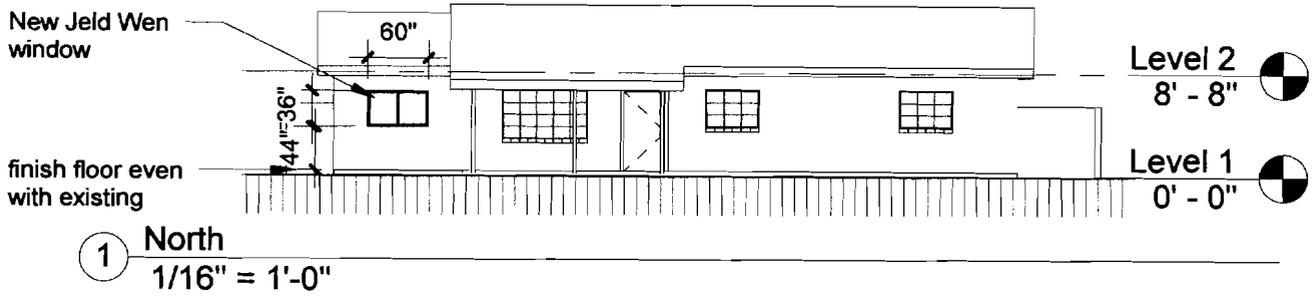
NOTE: Smoke detectors shall be added throughout the existing residence in accordance with IRC R313. Detectors shall be hardwired with battery back-up and interconnected. Reference A105 for smoke alarm plan



NOTE:
 Windows to be Jeld Wen Builder's series sliding 36" x 60" window, with sill height of 44" above finish floor Low-E 272

.34 Window u-Factor
.36 SHGC

<h1>Carport to Living Area</h1>	Neal Residence Carport Conversion	<h1>A103</h1>
	Jeffery Neal 1341 E. Don Carlos Tempe, AZ 85281	
		Scale 1/4" = 1'-0"



Elevations

Neal Residence Carport Conversion
 Jeffery Neal
 1341 E. Don Carlos
 Tempe, AZ 85281

A104

Scale 1/16" = 1'-0"



NEAL RESIDENCE

1341 EAST DON CARLOS AVENUE

PL100251

FRONT OF RESIDENCE

