

Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **PARKER RESIDENCE (PL090159)** located at 4814 South Calle Los Cerros Drive for two (2) use permits and two (2) variances.

DOCUMENT NAME: 20090602dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Hold a public hearing for the **PARKER RESIDENCE (PL090159)** (Lawrence Parker, applicant/property owner) located at 4814 South Calle Los Cerros Drive in the R1-6, Single Family Residential District for:

- ZUP09071** Use permit to allow a detached accessory building (storage).
- ZUP09072** Use permit standard to reduce the east front yard setback by twenty percent (20%) from twenty (20) feet to sixteen (16) feet.
- VAR09005** Variance to reduce the on-site driveway length from twenty (20) feet to sixteen (16) feet.
- VAR09006** Variance to reduce the west rear yard setback from twelve (12) feet to three (3) feet.

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: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval – ZUP09071, ZUP09072, VAR09005, subject to conditions
Denial – VAR09006

ADDITIONAL INFO:



The applicant is requesting two (2) use permits to allow a detached accessory building (storage) and to reduce the east front yard setback by twenty (20) percent from twenty (20) feet to sixteen (16) feet. Two (2) variances are also being requested to reduce the on-site driveway length from twenty (20) feet to sixteen (16) feet and to reduce the west rear yard setback from twelve (12) to three (3) feet. The property has a previously approved PAD that reduced the rear yard setback from fifteen (15) to twelve (12) feet. It is located north of Baseline Road along Call Los Cerros Drive, just east of 48th Street. Staff recommends approval of both use permits and the variance to reduce the on-site driveway length, but denial of the variance to reduce the west rear yard setback owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. The applicant held his neighborhood meeting in accordance with the Zoning and Development Code on May 18, 2009; three (3) neighbors attended the meeting. To date, no public input has been received.

PAGES:

1. List of Attachments
2. Comments
3. Reasons for Approval; Reasons for Denial of VAR09006; Conditions of Approval; History & Facts
4. Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Neighborhood Meeting Notification
5. Neighborhood Meeting Minutes
6. Site Plan
7. Foundation Plan
8. Section Details
- 9-11. Applicant Photos
12. Staff Photograph

COMMENTS:

The Parker Residence is requesting two (2) use permits to allow a detached accessory building (storage) and to reduce the east front yard setback by twenty (20) percent from twenty (20) feet to sixteen (16) feet. Two (2) variances are also being requested to reduce the on-site driveway length from twenty (20) feet to sixteen (16) feet and to reduce the west rear yard setback from twelve (12) to three (3) feet. The property is located north of Baseline Road along Call Los Cerros Drive, just east of 48th Street. Staff recommends approval of both use permits and the variance to reduce the on-site driveway length. The front yard property line is about five (5) to six (6) feet west from the back edge of the sidewalk. This allows there to be room for a car to be parked on the driveway without extending onto the sidewalk. The house to the north lies sixteen (16) feet from the property line as well and runs equal to the carport of the house in question.

Staff however, recommends denial of the variance to reduce the west rear yard setback owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. The property would allow for an accessory building perhaps of a different orientation in the yard. The property has a Planned Area Development (PAD) which has reduced the rear yard setback to twelve (12) feet from the property line. This allows for three (3) additional feet then what is currently allowed in the R1-6 Single Family Residential District. Staff notes that the Hearing Officer has modified this rear yard setback variance request to meet the use permit twenty (20) percent standard, which could grant a rear yard setback of nine (9) feet six (6) inches. Staff could support this twenty percent (20%) setback reduction to nine feet (9') six inches (6").

The applicant held his required neighborhood meeting in accordance with the Zoning and Development Code on May 18, 2009 at 5:00pm; three (3) neighbors attended the meeting.

To date, no public input has been received.

Use Permits

The Zoning and Development Code requires a use permit standard for a reduction to the front yard setback up to 20%; the reduced front yard will not create a nuisance or be detrimental to the surrounding area. The use permit complies with the approval criteria for a use permit.

The Code also requires a use permit for a detached accessory building that exceeds eight (8) feet in height and/or two hundred (200) square feet in area. The applicant has constructed a 368 s.f. structure with a height of nine (9) feet. However, a better location for the accessory building might be needed because it does not meet all of the required setbacks. The structure will be compatible with the existing residence, as the applicant intends to repaint both the accessory building and main residence to match, and it complies with the approval criteria for a use permit.

Variances

The Zoning and Development Code requires a variance to reduce the on-site driveway length from twenty (20) feet to sixteen (16) feet. There appears to be special circumstances keeping with the land, building, or use. The front yard property line is about five (5) to six (6) feet west from the back edge of the sidewalk. This allows there to be room for a car to be parked on the driveway without extending onto the sidewalk. The house to the north lies sixteen (16) feet from the property line as well and runs equal to the carport of the house in question.

The Code also requires a variance to reduce the rear yard setback in the R1-6 Single Family Residential District. Under normal circumstances, setbacks for accessory buildings are to be located fifteen (15) feet from the rear property line and five (5) feet from the side property lines. Due to a previously approved PAD the applicant's lot has a twelve (12) foot rear yard setback, a zero (0) foot setback on the side the house is built and a fourteen (14) foot setback on the opposite side. The property would allow for an accessory

building perhaps of a different orientation in the yard. Staff recommends denial of the variance to reduce the west rear yard setback owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights.

Conclusion

Staff recommends approval of both use permits to allow a detached accessory building (storage) and to reduce the east front yard setback by twenty (20) percent from twenty (20) feet to sixteen (16) feet as well as the variance to reduce the on-site driveway length from twenty (20) feet to sixteen (16) feet. Staff however, recommends denial of the variance to reduce the west rear yard setback from twelve (12) feet to three (3) feet owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights.

REASONS FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the use permits and variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the use permits and variance 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.

REASONS FOR DENIAL OF VAR09006:

1. There are no evidence of special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance 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. The owner has created this variance by constructing the accessory building that encroaches into the required rear yard setback so therefore, this is self-imposed by the owner.

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 necessary clearances from the Building Safety Division.
2. The accessory building shall compliment the main residence in color design and material.

HISTORY & FACTS:

May 28, 1976 Final inspection for a single family home

DESCRIPTION:

Owner – Lawrence Parker
Applicant – Lawrence Parker
Existing Zoning – R1-6, Single Family Residential District
Existing Required Front Yard Setback – 20'
Proposed Front Yard Setback – 16'
Existing Required On-Site Driveway – 20'
Proposed On-Site Driveway – 16'
Existing Required Rear Yard Setback – 12' (per PAD)
Proposed Rear Yard Setback – 3'
Existing Residence Area – 2,128 s.f.
Carport Extension Area – 80 s.f.
Accessory Building Area – 368 s.f.
Total Building Area – 2,576 s.f.
Lot Coverage Allowed – 45%
Lot Coverage Proposed – 31%
Lot Area – 8,245 s.f. / .189 acres

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 2, Section 4-201A – Use Permit Standard
Part 4, Chapter 2, Section 4-202 – Development Standards for Residential Districts
Part 4, Chapter 5, Section 4-502F – Access - Ingress and Egress
Part 6, Chapter 3, Section 6-308 – Use Permit
Part 6, Chapter 3, Section 6-309 – Variances

PARKER RESIDENCE

PL090159



Location Map



PARKER RESIDENCE (PL090159)

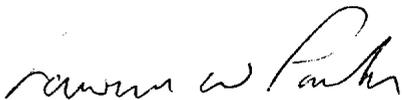
Letter of explanation

I am asking for consideration for a variation of the setback requirements for two projects at my home at 4814 S Calle Los Cerros Dr in Tempe.

First I would like to extend the front of my carport four feet toward the front property line to facilitate the ability to park my pickup fully within the carport and be able to install a rollup garage door for security and aesthetics. Doing so would bring the carport on line with my neighbors house at 4808 Calle Los Cerros which is already four feet closer to the street than any portion of mine. With the neighbors house in the position it is, there is still 46 feet to the center of the street leaving a feeling of openness with a large front yard. Whether this was a mistake at the time of construction or whatever the reason for his house being four feet forward, it doesn't seem to detract at all from the livability of the neighborhood. As things are now, if I were to install a garage door, I would have to park my vehicle outside which tends to make a neighborhood look "junky".

The second variation I am asking for is to be able to build a storage shed in the back yard with a reduced setback to three feet. This would maximize the use of the back yard and still allow space between the back of the shed and the block wall, which sets on the property line. It would not encroach on the neighbors property because of the block wall, nor would he even be able to even see it except for the roof which slopes away from his property. Placing it closer to my house significantly reduces the openness of my yard and creates wasted space behind the shed. Without the shed I have to store tools and other items either in my house or out in the yard, which not only looks terrible but can even be unsafe. Besides my own home I own several rental houses in the valley and am in need of storage space for tools, appliances, and other equipment needed to maintain the houses and work on my vehicles.

Thank You for your consideration,



Lawrence W Parker

Lawrence W Parker
4814 S Calle Los Cerros Dr
Tempe, AZ 85282

(602) 438-9261

Letter of Notification of Neighborhood Meeting

May 2, 2009

Dear Neighbors,

A neighborhood meeting is required by the city of Tempe when a homeowner is applying for variances if the property is located within 300ft of a residential use. The property in question is located at 4814 S Calle Los Cerros Dr. The variance requested will allow for me to extend the front of my carport an additional four feet toward the street enabling me to park my vehicles fully within the carport, with a garage door installed, for security and the aesthetics of the neighborhood. The variance also allows me to build a storage shed in the back yard with reduced setbacks to the rear and north property lines to three feet for much more efficient use of the available space in the back yard.

The meeting date, time, and location are:

Monday May 18, 2009
5:00 pm

4814 S Calle Los Cerros Dr.
Tempe, AZ 85282

Anyone with any questions or concerns are welcome to attend and present them to me personally at the meeting.

Thank you for your consideration of this project designed to enhance the property and neighborhood.

Sincerely,



Lawrence W Parker

Graves, Nick

From: larry parker [lrry_prkr@hotmail.com]
Sent: Tuesday, May 19, 2009 8:32 PM
To: Graves, Nick
Subject: nieghborhood meeting

ref tracking number 080635
4814 S Calle Los Cerros Dr, Tempe 85282

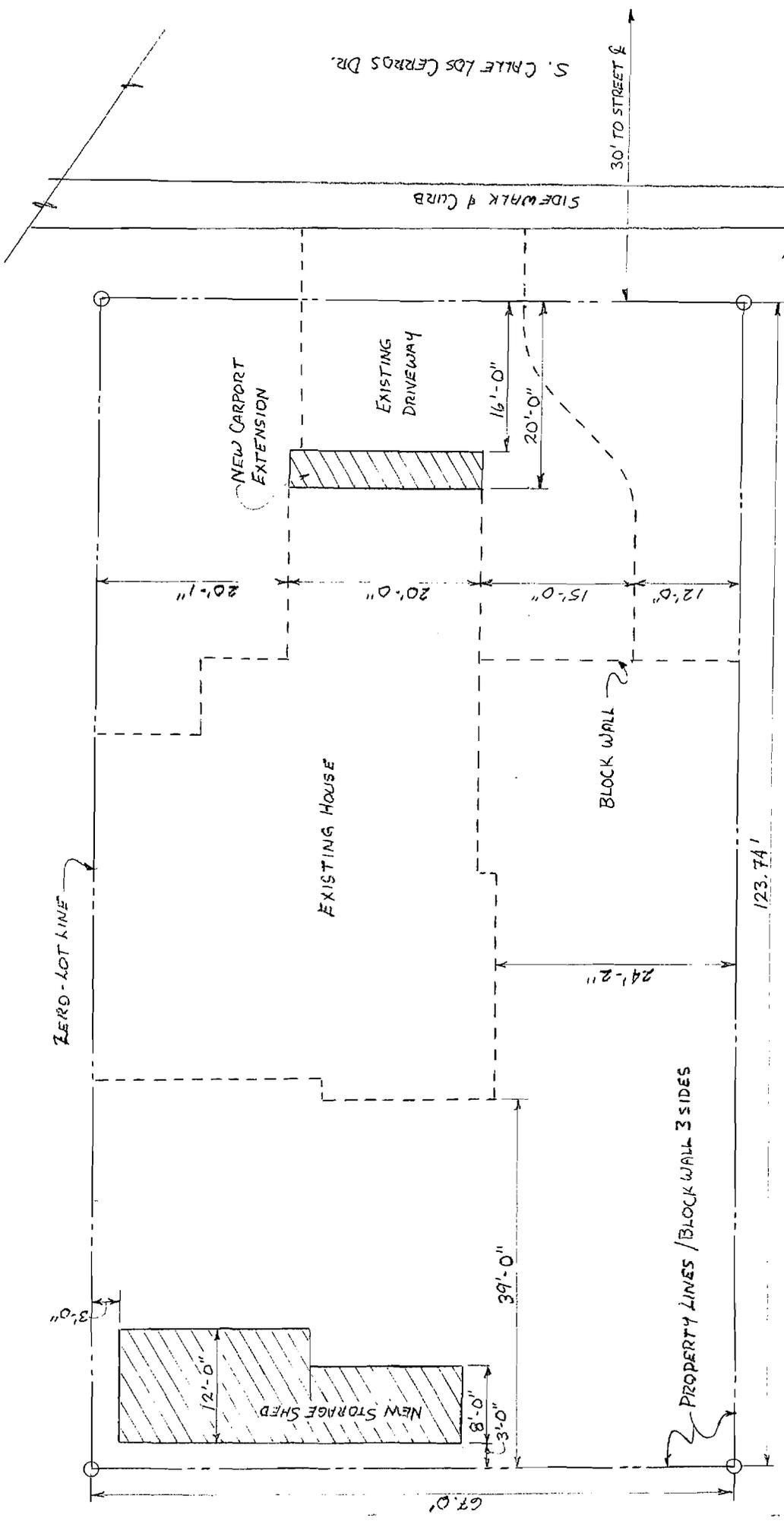
I held the neighborhood meeting yesterday the 18th as required. I was outside at 4:55 PM until a little after 6:00 PM. on the hottest day of the year so far.

Three people showed up. Claire Burnett and Arnie Smith from two doors down and Aileen Chu from Knoell Garden Villas on Carson Dr. All expressed their disbelief that I'm being required to do all this, that everything is done is beautiful and that a 15 ft setback in the back yard is ridiculous; three feet is plenty for a storage shed when there is block wall at the property line. The consensus was that everything should be allowed to remain just the way they are.

There was also much discussion about nothing being done to people who just let their property deteriorate and do nothing to improve it, then people who do try to improve things get harassed and fined for their efforts by the very city government that our taxes go to support.

Lawrence W Parker

Insert movie times and more without leaving Hotmail®. [See how.](#)



S. CALLE LOS CERROS DR.

SIDEWALK & CURB

30' TO STREET

NEW CARPORT EXTENSION

EXISTING DRIVEWAY

EXISTING HOUSE

BLOCK WALL

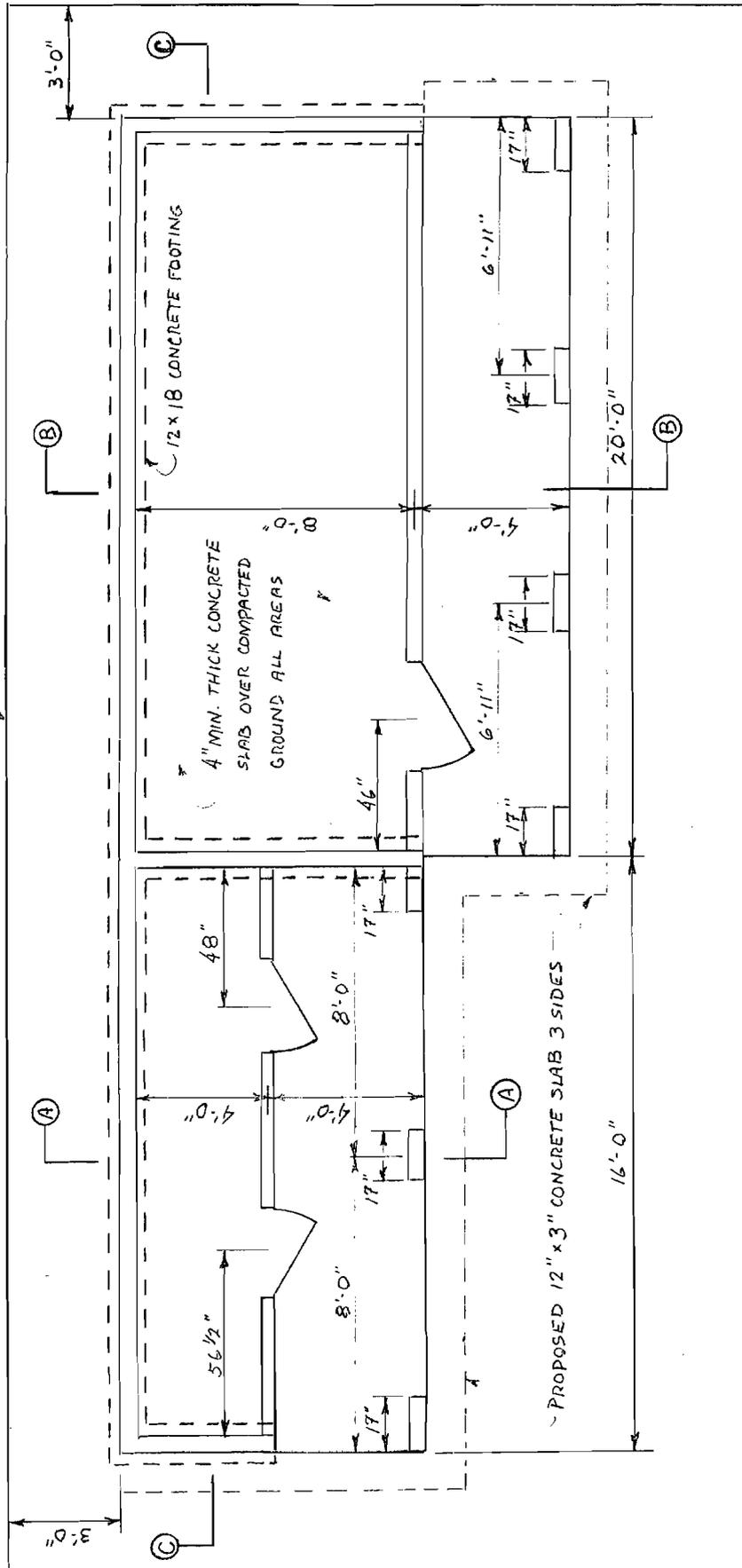
ZERO-LOT LINE

PROPERTY LINES / BLOCK WALL 3 SIDES

SITE PLAN 4814 S. CALLE LOS CERROS DR

SCALE = 1:100

BLOCK WALL ON PROPERTY LINE

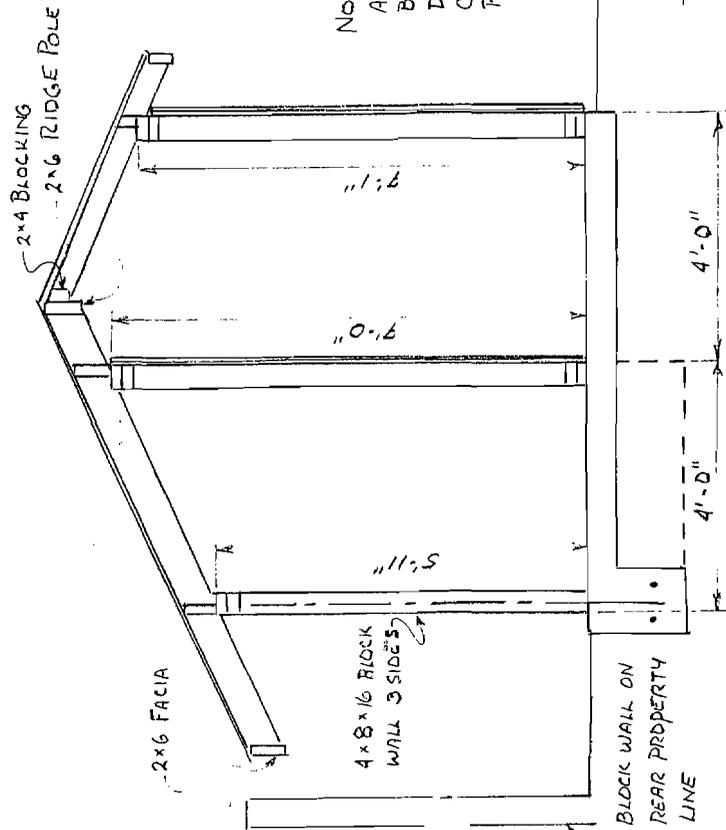


STORAGE SHED WALL & FOUNDATION PLAN

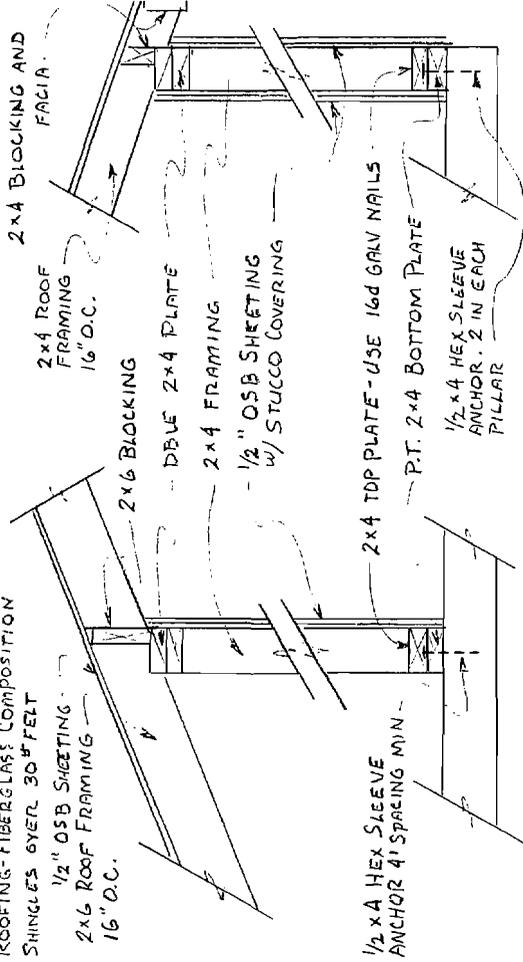
SCALE = 1:30

STORAGE SHED

SECTION A-A SCALE = 1:20

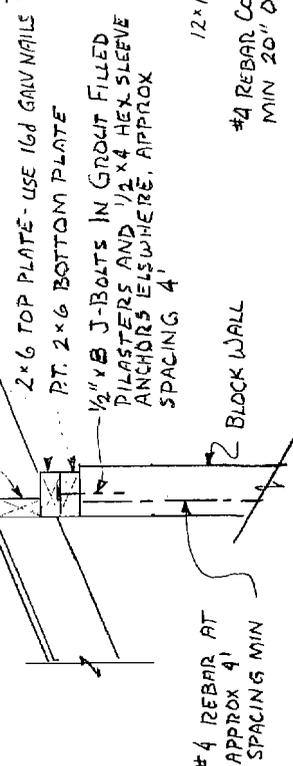
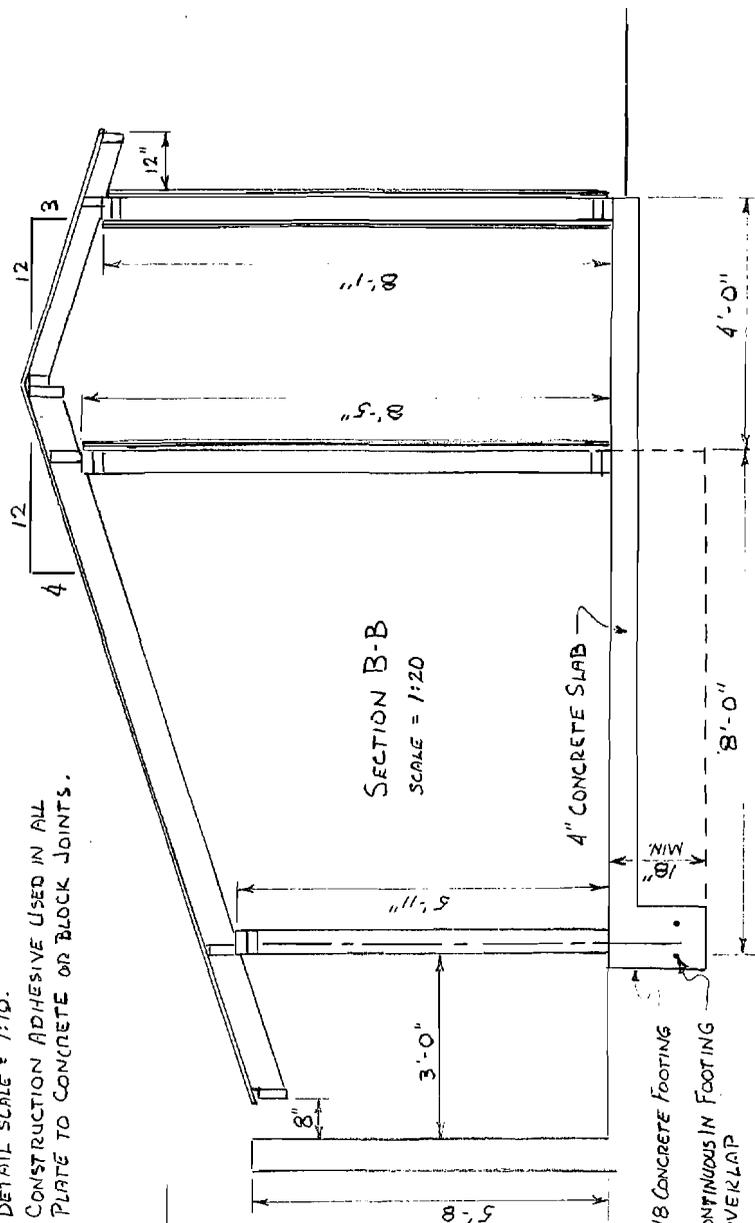


NOTE: ROOFING-FIBERGLASS COMPOSITION SHINGLES OVER 30# FELT
1/2" OSB SHEETING
2x6 ROOF FRAMING 16" O.C.



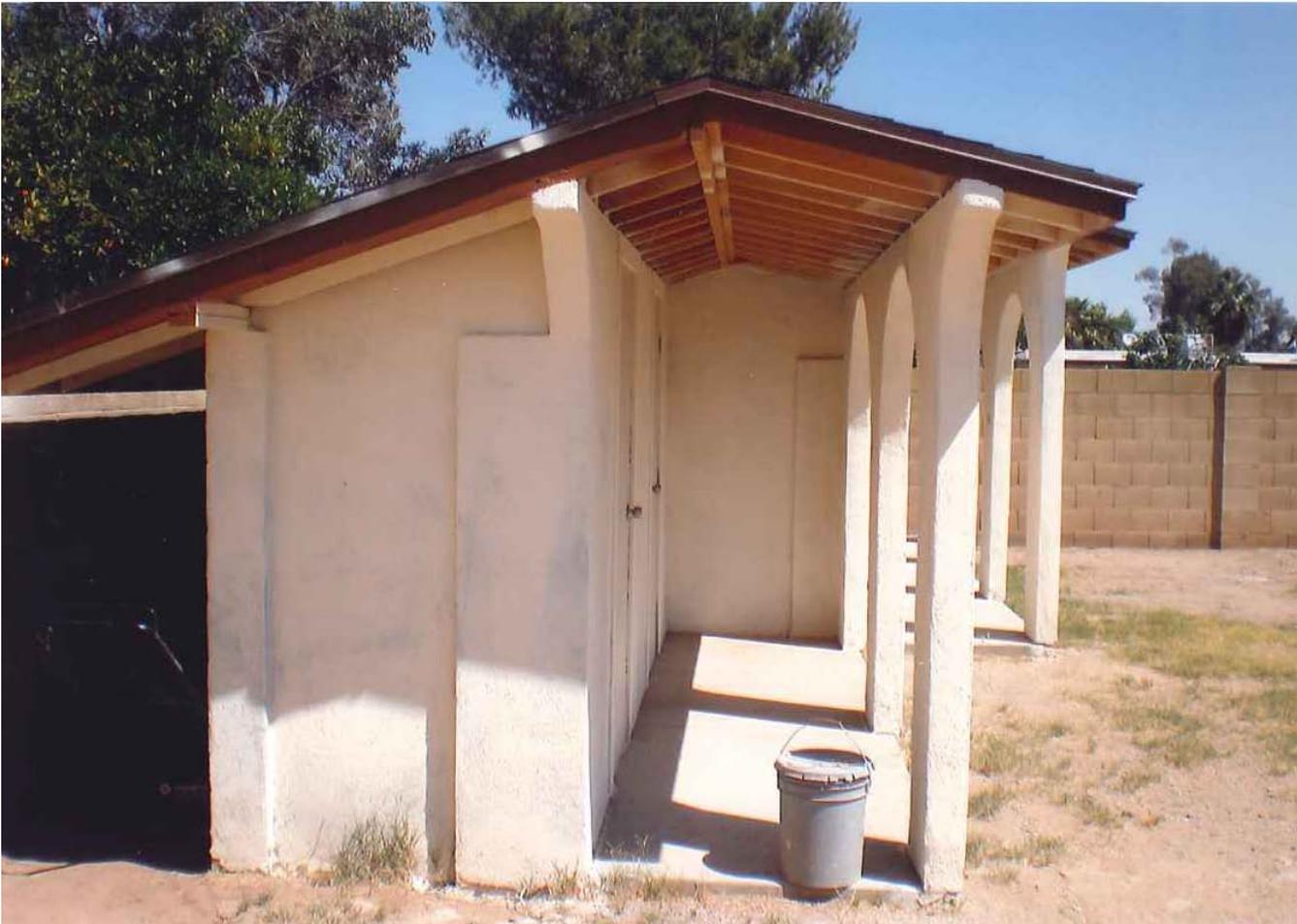
NOTES:
ALL DETAILS APPLY TO BOTH SECTIONS.
DETAIL SCALE = 1:10.
CONSTRUCTION ADHESIVE USED IN ALL PLATE TO CONCRETE OR BLOCK JOINTS.

SECTION B-B SCALE = 1:20











PARKER RESIDENCE

4814 S CALLE LOS CERROS DR

PL090159

FRONT OF RESIDENCE

