

Staff Summary Report



Hearing Officer Hearing Date: April 6, 2010

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **PIRAINO RESIDENCE** located at 7736 South Willow Drive for one (1) use permit and (2) variances.

DOCUMENT NAME: 20100406dssl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **PIRAINO RESIDENCE (PL090281)** (Robert Klob/Robert Klob Designs Inc., applicant; Chris Piraino, property owner) located at 7736 South Willow Drive in the R1-10, Single Family Residential District for:

- ZUP09121** Use permit to allow an accessory structure (RV garage) above fifteen (15) feet in height (actual structure height is 21 feet 4 inches).
- VAR09010** Variance to reduce the south street side yard setback from fifteen (15) feet to five (5) feet.
- VAR09011** Variance to reduce the on-site driveway length from twenty (20) feet to five (5) feet.

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

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

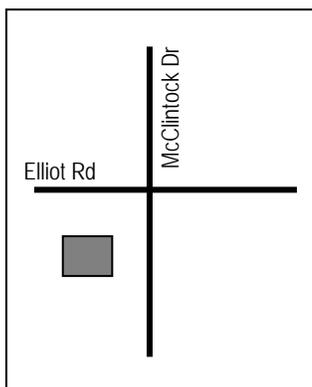
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to modifications and conditions

ADDITIONAL INFO:



The applicant is before the Hearing Officer to request a use permit and two (2) variances to allow for the construction of a freestanding garage and office building. The proposed structure will be located at the southwest corner of the property and will have access to a side street (Louis Way) The use permit is to allow an accessory structure above fifteen (15) feet in height (proposed structure 21'-4") and a variance to reduce the street side yard setback from 15' to 5' and a variance to reduce the required on site driveway length from 20' to 5'. Staff supports the use permit for the increased height of the detached structure with the finding that the proposal meets the criteria to warrant support of a use permit. Staff does not support the street side yard setback variance as proposed but supports a reduction consistent with ZDC use permit standard reductions. Staff supports a modified variance (based on the ultimate setback from the street side yard) for the onsite driveway due to special circumstances relating to the access to the public right of way from side street yard. The applicant held a neighborhood meeting in accordance with the ZDC requirements; to date staff has received no public input regarding this request.

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. Letter of Intent
4. Site plan
5. Floor plan
6. Elevation
7. Elevation
8. Staff Photograph(s)
- 9-13. Applicant Photograph(s)

COMMENTS:

The Piraino Residence is proposing to construct a freestanding building (garage) and office on the west side of their property. The proposed structure is 1578 s.f. in area and 21'-4" feet in height. The structure is designed with stucco and a tile roof to complement the existing house. The applicant is seeking a use permit for the increased height and two variances. The proposed variances are to reduce the street side yard setback from fifteen (15) feet to five feet (5) and the on site driveway length from twenty feet (20) to five (5) feet.

Public Input

The applicant held a neighborhood meeting on 15, 2010. Staff has received no public input to date.

Use Permit

The Zoning and Development Code requires a use permit to allow an accessory structure to exceed fifteen (15') feet in height; not to exceed thirty (30') feet as allowed by the district. The proposed structure will twenty one feet four inches (21'-4") at the highest point: it steps to sixteen (16') feet at the edges of the structure. The site is surrounded by large pine trees that will conceal the height of the structure from surrounding properties.

The use permit request meets all applicable tests in the following manner:

- 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;
 - No potential nuisances.
- 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 use should not contribute to neighborhood deterioration or downgrade property values;
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with the 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

Variance

The Zoning and Development Code requires the setbacks for structures, in the R1-10 Single Family Residential District, to be located fifteen (15) feet from street side yard property line. The applicant is seeking a five (5) foot street side setback to accommodate a 37'6" wide by 48' deep accessory structure. They state in their letter that the variance is necessary to not compromise the structure of the existing pool and provide a viable garage space. Analysis of this request, result in findings that there are no special circumstances or conditions affecting this building, land, or use to warrant approval of the setback variance. The property is rectangular in shape and is consistent with other properties on this block. Authorizing the variance is not necessary for the enjoyment of substantial property rights. It is possible to configure the proposed addition in compliance with current development standards by reducing the depth of the structure. We encourage the applicant to explore other designs that will conform to the setback standards in the R1-10, Single Family Residential District or redesign to utilize the 20% reduction permissible by a use permit. The Zoning and Development allows in the R1-10 Zoning District a reduction of street side yard setback, through a use permit process, by 20% or to twelve (12) feet. Staff supports a variance to reduce of the street side yard setback to twelve (12) feet and a variance to reduce the on site driveway length from twenty (20) feet to twelve (12) feet.

Conclusion

Staff recommends approval of the use permit and variances to reduce the street side yard setback and on site driveway length to twelve (12) feet.

REASON(S) FOR APPROVAL:

1. 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 within the vicinity, to adjacent property, to the neighborhood or to 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. Modify the street side yard setback for the structure to twelve (12) feet.
2. The new structure to complement the main dwelling in material, design, and colors.
3. Obtain all necessary building clearances and permits.

HISTORY & FACTS: None pertinent to this case.

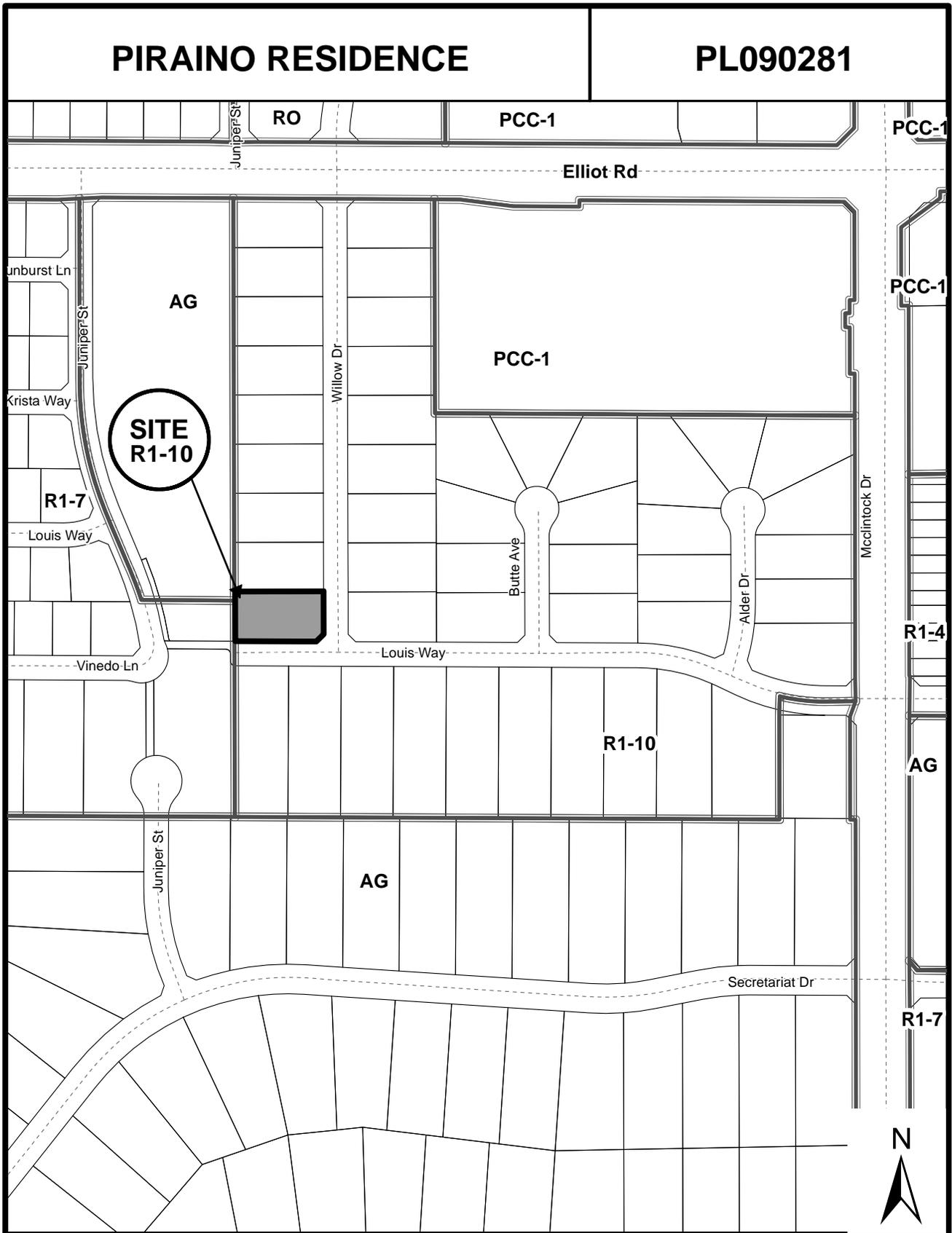
DESCRIPTION:

Owner – Chris Piraino
Applicant – Robert Klob/Robert Klob Designs Inc.
Existing Zoning – R1-10, Single Family Residential District
Proposed Accessory Building- 1578 s.f.
Proposed height of accessory building- 21'-4"
Existing Street side yard setback- 15'
Proposed street side yard setback- 5'

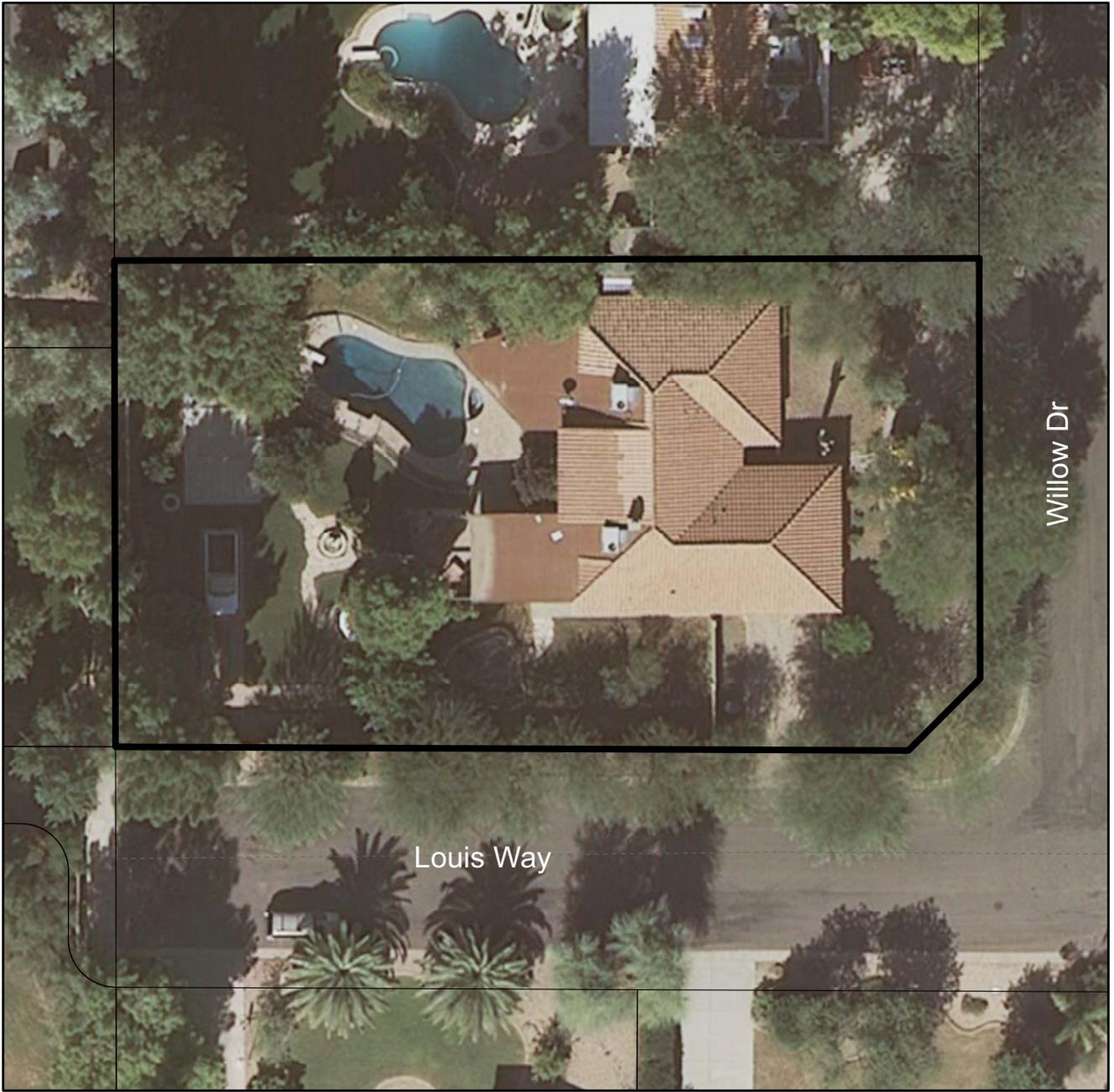
ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 3, Chapter 1, Section 3-102 – Permitted Uses in Residential Districts
Part 3, Chapter 4, Section 3-401 – Accessory Buildings, Uses and Structures
Part 6, Chapter 3, Section 6-308 – Use Permit
Part 4, Chapter 2, Section 4-202 – Single Family Development Standards
Part 6, Chapter 3, Section 6-309- Variances



Location Map



PIRAINO RESIDENCE (PL090281)



August 4, 2009

City of Tempe
Development Services Department
31 E. 5th Street, Garden Level
Tempe, AZ 85281

Re: Variance for 7736 S. Willow Drive

To Whom It May Concern:

We are asking for a variance to construct a new detached RV garage in the rear of the above referenced property. We feel we are justified in the approval of this variance due to the location of existing structures on the property. In order to construct the proposed RV garage in the existing rear and street side setback, it would potentially cause structural failure to the existing pool. We need this variance in order to mitigate this potential failure while keeping viable garage space with appropriate circulation area.

Also, in order to maintain an architecturally sensitive design, we have 2 different roof lines and a wrap around trellis that will be utilized during the use of the pool – this way combining a usable space with a more industrial structure. The design is intended to match the existing architecture thus maintaining continuity on the property.

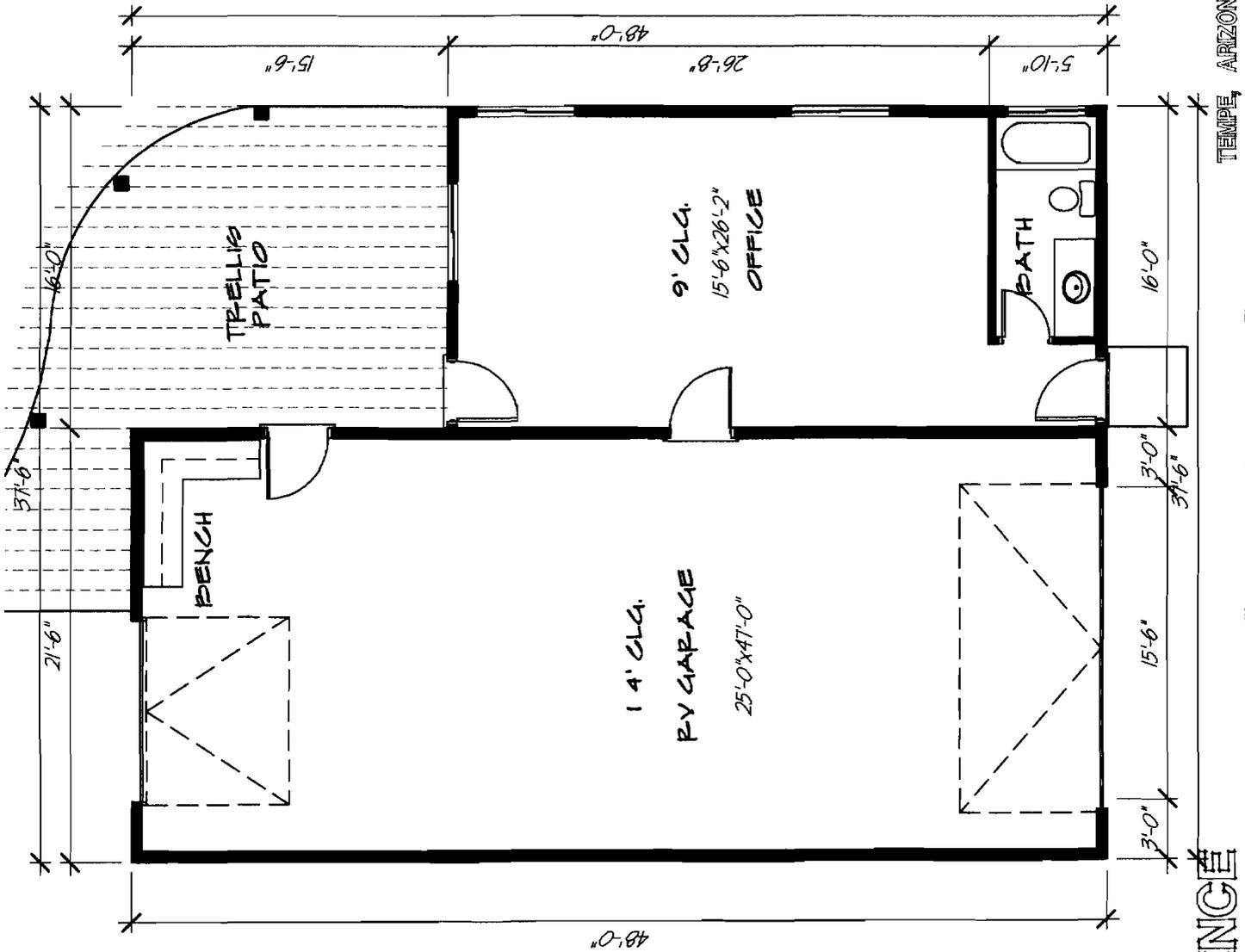
Please do not hesitate to contact me should you have any questions or concerns.

Thank you,

Robert J. Klob
President



Robert Klob Designs, Inc.
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Suite 102
Tempe, AZ 85282
480.968.2474 t
480.968.2524 f
www.rkdzns.com



SQUARE FOOTAGE CALCULATIONS

AREA DESIGNATION	FLOOR AREA
Existing Residence (livable)	2,509.00 SQ. FT.
Livable Addition (Detached office)	516.00 SQ. FT.
Total Livable	3,025.00 SQ. FT.
Existing 2 Car Garage	418.00 SQ. FT.
Exist. Front Porch	42.00 SQ. FT.
Exist. Rear Patio	300.00 SQ. FT.
Proposed Trellis Patio	294.00 SQ. FT.
Proposed RV Garage	1,248.00 SQ. FT.
	0.00 SQ. FT.
TOTAL UNDER ROOF	5,307.00 SQ. FT.

GROSS SITE AREA	10,191.00 SQ. FT.
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LOT COVERAGE THIS SITE	30%
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Zoning Type	RI-10
Lot Coverage Maximum	45%
Front Setback	30.00
Rear Setback	25.00
Side Setback	15/10

12' requested
12' requested @ street

Parcel #	301-51-202
Subdivision	Pheasant Ridge Lot 1-47, TR A
Lot	37
Legal	5-14 T-15 R-4E
MCR	21440



PIRAINO RESIDENCE

TEMPE, ARIZONA

77966 WILLOW DR 05804

014/09

SCALE: 1/8"=1'-0"

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11'-0" PL

10'-0" PL

STUCCO, STYLE & PAINT TO MATCH

CONC. TILE MATCH EXIST

STUCCO, STYLE & PAINT TO MATCH

SOUTH SIDE ELEVATION

CONC. TILE MATCH EXIST

STUCCO, STYLE & PAINT TO MATCH

R.S. TRELLIS

STUCCO ROOFING MATCH EXISTING



2000 S. Rural Rd. Suite 102, Tempe, AZ 85283
480.968.2474, rknob@rkdzma.com, www.rkdzma.com

EAST SIDE ELEVATION

PIRAINO RESIDENCE

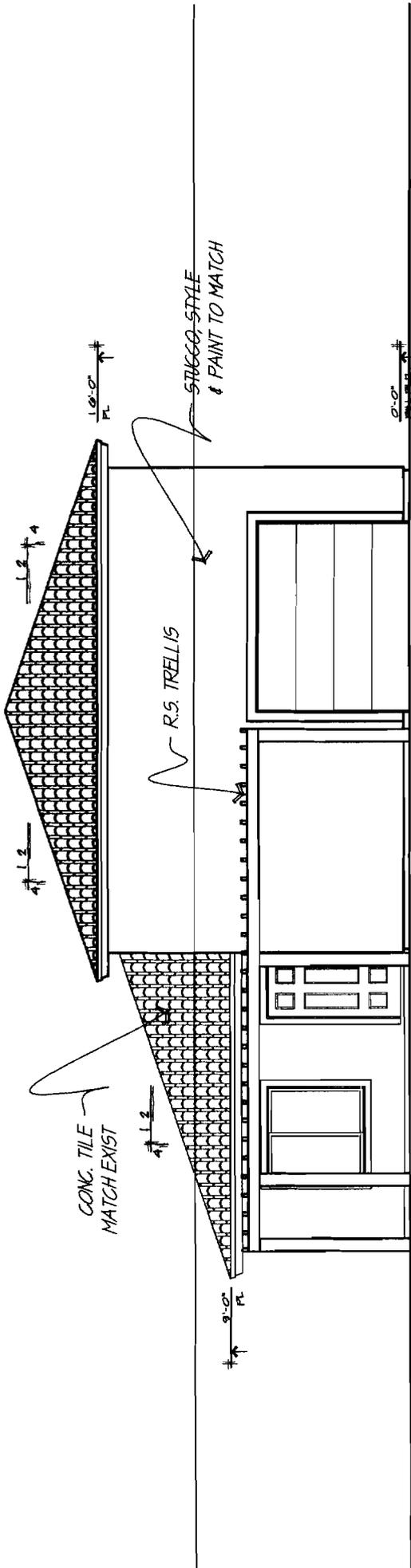
TEMPE, ARIZONA

7796 W. WILLOW DR 05204

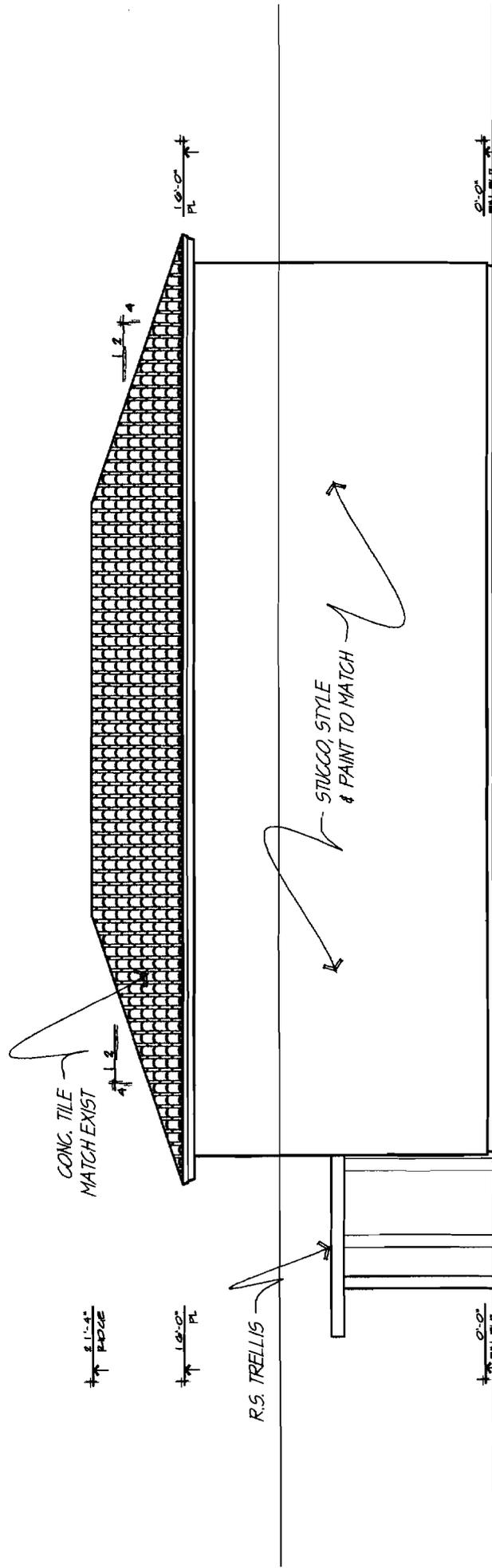
8/4/09

SCALE: 1/8" = 1'-0"

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NORTH SIDE ELEVATION



WEST SIDE ELEVATION

PIRAINO RESIDENCE

TEMPE, ARIZONA

77908 WILLOW DR 05204

01/109

SCALE: 1/8" = 1'-0"

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PIRAINO RESIDENCE

7736 SOUTH WILLOW DRIVE

PL090281

FRONT OF RESIDENCE





