

# Staff Summary Report



Hearing Officer Hearing Date: 04/03/12

Agenda Item Number 5

**SUBJECT:** This is a public hearing for a request by the **RUKAVINA RESIDENCE** located at 1140 South Farmer Ave

**DOCUMENT NAME:** HOr\_RukavinaRes\_040312 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **RUKAVINA RESIDENCE (PL120058)** (Mark Rukavina, applicant/property owner) located at 1140 South Farmer Ave in the R-3 Multi-Family Residential District for:

**ZUP12013** Use Permit to allow the increase of the wall height, located in the front yard setback, from 4 ft. to 6 ft.

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

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

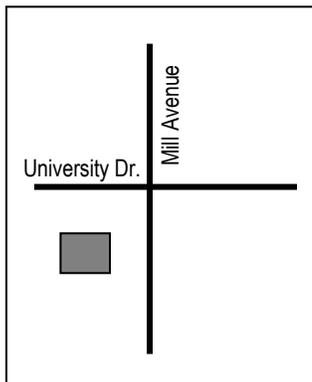
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** There is no fiscal impact to City funds.

**RECOMMENDATION:** **Staff – Approval**

**ADDITIONAL INFO:**



The applicant is requesting a Use Permit to increase the allowable fence height in the front yard setback from four (4) feet to six (6) feet. The Zoning and Development Code requires all walls or fences located in the front yard to obtain a Use Permit if they are over four (4) feet in height. The wall or fence height is measured from the highest adjacent surface of the ground, paving, or sidewalk within twenty (20) feet. The applicant is requesting approval of a six (6) foot high decorative wrought iron located within the front yard setback. The wrought iron fence will replace the existing chain link fence surrounding the front yard. Staff is in support of this Use Permit request with the finding that it meets the Zoning and Development Code criteria to warrant an approval. To date, staff has received no public input on this request.

**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

## COMMENTS:

The Rukavina Residence is requesting a Use Permit to allow the maximum height for a wall in the front yard setback to be increased from 4 ft. to 6 ft. The new wrought iron will replace the existing chain link surrounding the front yard. Staff supports walls/fences in front yard if they allow for visibility to the street or create a courtyard in the front of a residence. The front yard is usually a passive inactive area; a courtyard in the front yard brings people closer to the street, fostering a greater sense of community and may serve as a crime deterrent by increasing awareness of activity on the street.

### Use Permit

The Zoning and Development Code requires a Use Permit to increase the maximum allowable height of a wall in the front yard setback from 4' to 6'.

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 not be 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;
  - The proposed use should not create any 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 area is in compliance with the General Plan and neighborhood intent.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed wall is intended to provide an aesthetic look and will not create a nuisance for the surrounding area.
- e. Adequate control of disruptive behavior both inside and outside the property, which may create a nuisance to the surrounding area or general public.
  - People presence at the street will aid in controlling disruptive behavior in the surrounding area.

### Conclusion

Staff recommends approval of the Use Permit, subject to conditions.

### REASON(S) FOR APPROVAL:

1. The authorizing of the Use Permit is necessary for the preservation and enjoyment of substantial property rights.
2. Authorization of the Use Permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood or to the public welfare in general.
3. The wall in the front yard setback will provide a presence at 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 wrought iron fence to complement the residence in color and design.
2. The fence approved in the location of the existing chain link fence.

**HISTORY & FACTS:**

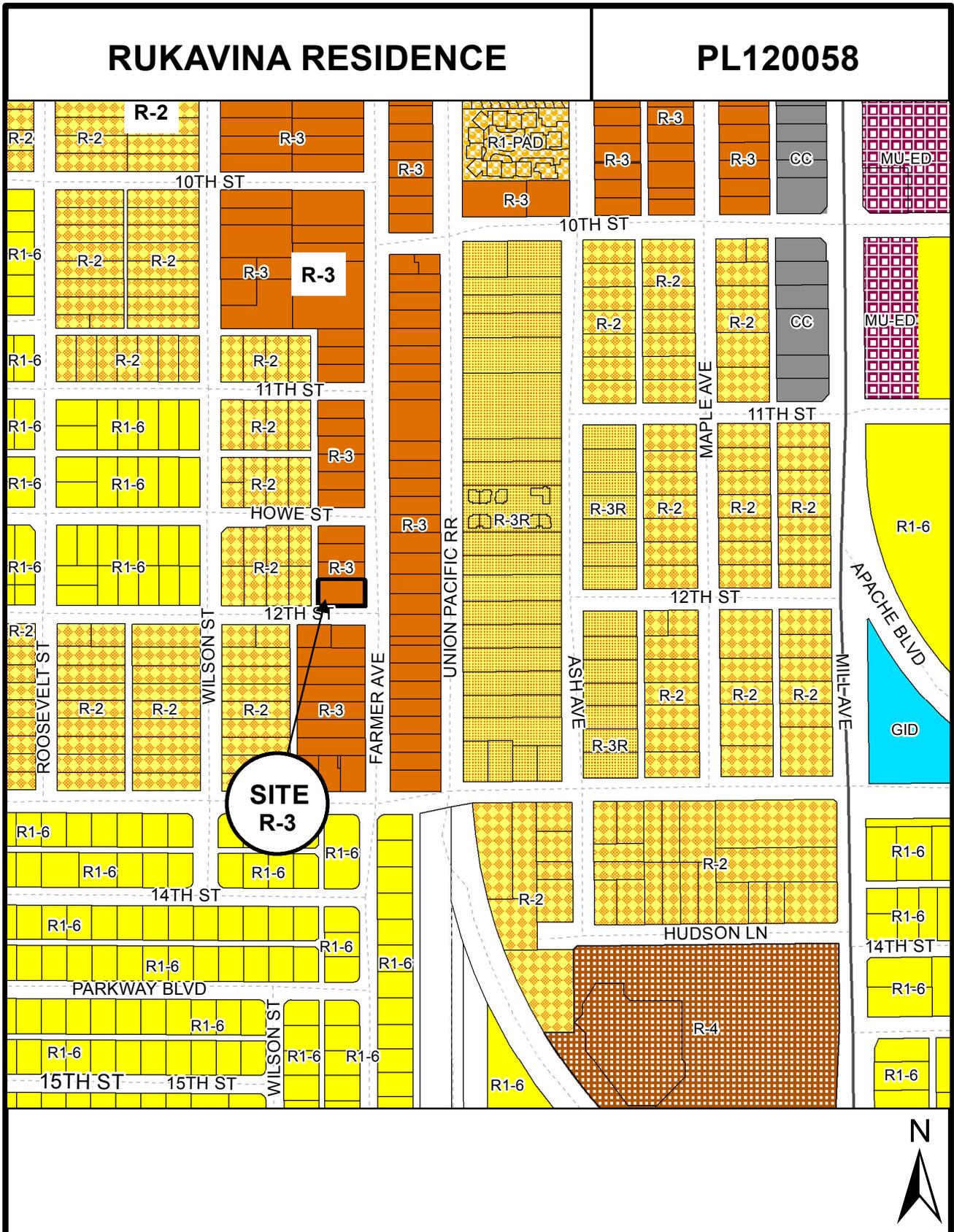
None pertinent to this case.

**DESCRIPTION:**

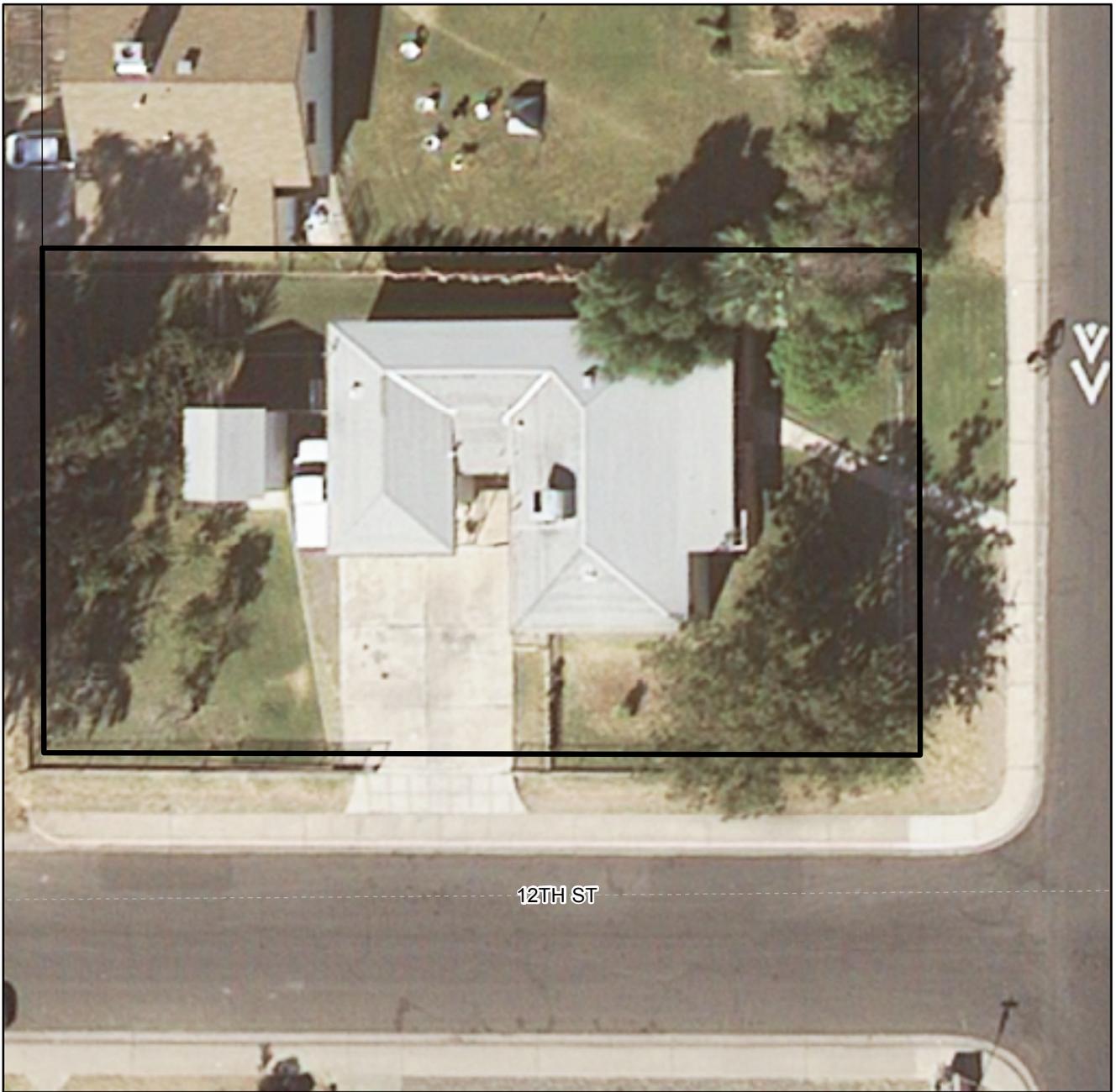
Owner – Mark Rukavina  
Applicant – Mark Rukavina  
Existing Zoning – R-3, Multi Family Residential

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

Part 4, Chapter 7, Section 4-706A – General Fence and Wall Height Standards  
Part 6, Chapter 3, Section 6-308 – Use Permit



**Location Map**



**RUKAVINA RESIDENCE (PL120058)**

Dear Planning Commission,

We would like to remove the existing 3-1/2 foot chain link fence which is deteriorating with two trees growing through the links and breaking down the fence.

We would like to replace the fence with a 6ft, see through, wrought iron decorative replacement.

We have already painted the house, trimmed most of the trees, installed a sprinkling system, and added pavers to the driveway. We have already replaced the existing, deteriorating fence in the backyard with a block wall that is within the city's restrictions. We have also installed a 6ft wrought iron gate for the driveway portion of the property.

With the city's permission we would replace the existing fence with a new community enhancing improvement. It would help to beautify the residential community and at the very least help improve existing property values in the area.

We have included 10 different types of fences and hedges which block the views of various corners and could ultimately cause pedestrian and traffic problems. We could have included more pictures, however these should serve as sufficient examples. Also included are the site plans as requested.

Kindest Regards,

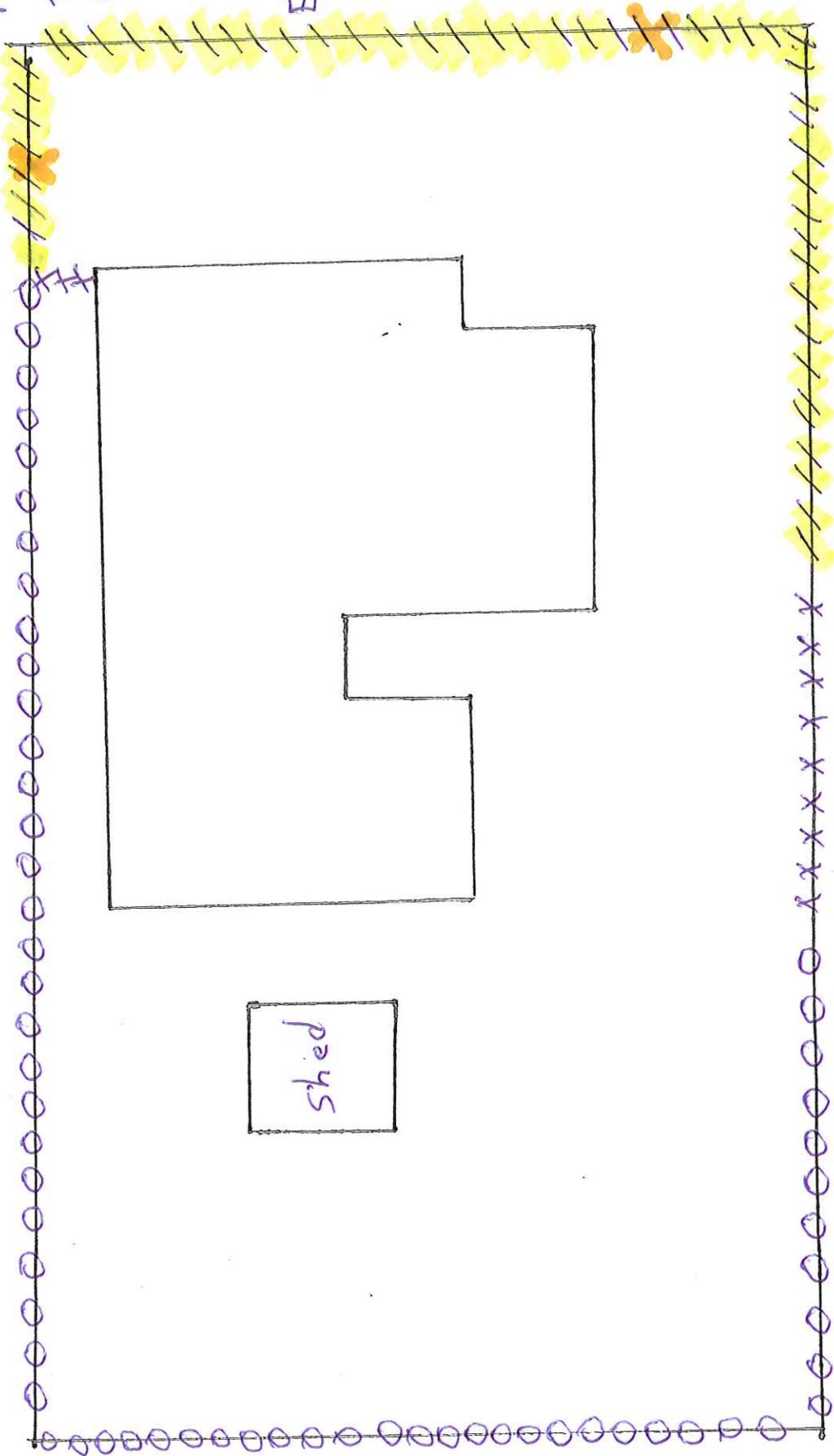


Mark Rukavina

Former Ave.

E

N.



X trees breaking down fence

O 6' cinder Block Fence

X 6' wrought iron gate

EXISTING deteriorating chain link fence 12th St, So.

Alley