

Staff Summary Report



Hearing Officer Hearing Date: February 3, 2009

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by **SINGH RESIDENCE (PL080475)** located at 820 West Tulane Drive for one (1) use permit.

DOCUMENT NAME: 20090203dsdp01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **SINGH RESIDENCE (PL080475)** (Aish Singh, applicant/property owner) located at 820 West Tulane Drive in the R1-6, Single Family Residential District for:

ZUP09004 Use permit to allow parking in the front yard setback.

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

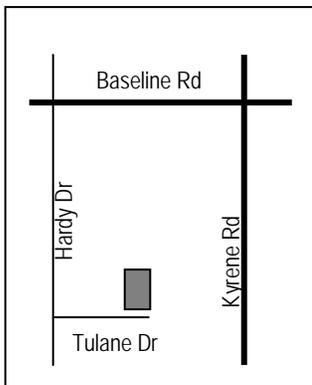
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

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 1977 with a two (2) vehicle capacity carport, fulfilling the requirement of two (2) off-street parking spaces on the property located at 820 West Tulane Drive. The carport was converted into living space without permit before the current property owners purchased the property. The current situation is a non-conforming use; this use permit is being requested to bring the property into conformance. Staff has received one (1) phone call of concern on this request to date.



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)
- 3-4. Letter of Intent
5. Site plan
6. Staff Photograph(s)

COMMENTS:

The applicant, Aish Singh, is requesting a use permit to allow parking in the front yard setback due to a two (2) vehicle carport being converted into living space before the applicant purchased the property. The non-conforming use was brought to the attention of the city after the applicant attempted to obtain a building permit after a small fire at the residence.

Staff has received one (1) phone call of interest in the request. It concerned parking at/near the residence on Sundays potentially due to the residence being utilized as a place of worship. In addition to concerns of parking, there are maintenance issues related to landscaping and an inoperable vehicle parked partially in the front yard on the property.

Use Permit

The Zoning and Development Code requires use permits 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 residences with carports that have been converted into living space for a single-family house.

Conclusion

Staff recommends approval of the use permit subject to conditions.

REASON(S) 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.

**CONDITION(S)
OF APPROVAL:**

1. The required parking on-site shall be used for single family residence use only.
2. Parking shall take place on impervious surfaces only.
3. All vehicles parked on the premises must be actively registered and in operable condition at all times.
4. Existing inoperable vehicle (ice cream truck) with Arizona license plate number 617-ZKP must be removed within thirty (30) days (March 3, 2009).
5. Weeds in visible yard area shall be removed within thirty (30) days (March 3, 2009).
6. Landscaping in yard shall be properly maintained and dead landscaping shall be removed and replaced.
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:

1978	Single Family Residence certificate of occupancy issued
Pre-2003	Two (2) vehicle carport converted into living space without a building permit or zoning clearance.
November 13, 2003	<u>CE034323</u> : Yellow sign posted, weekend inspection to determine activity.
March 12, 2003	<u>CE041226</u> : Weeds in grass and gravel areas
March 27, 2007	<u>CE071373</u> : Weeds
April 24, 2007	<u>CE072030</u> : White Chevy Ice Cream Truck 012MGW on rock yard, east side of house.
August 14, 2008	<u>CE085903</u> : Weeds/high grass

DESCRIPTION:

Owner – Aish Singh
Applicant – Aish Singh
Existing Zoning – R1-6, Single Family Residential District
Lot Area – 9,710 s.f.
Building Area – 1,416 s.f.
Lot Coverage – 14.6%
Parking Required – 2 spaces

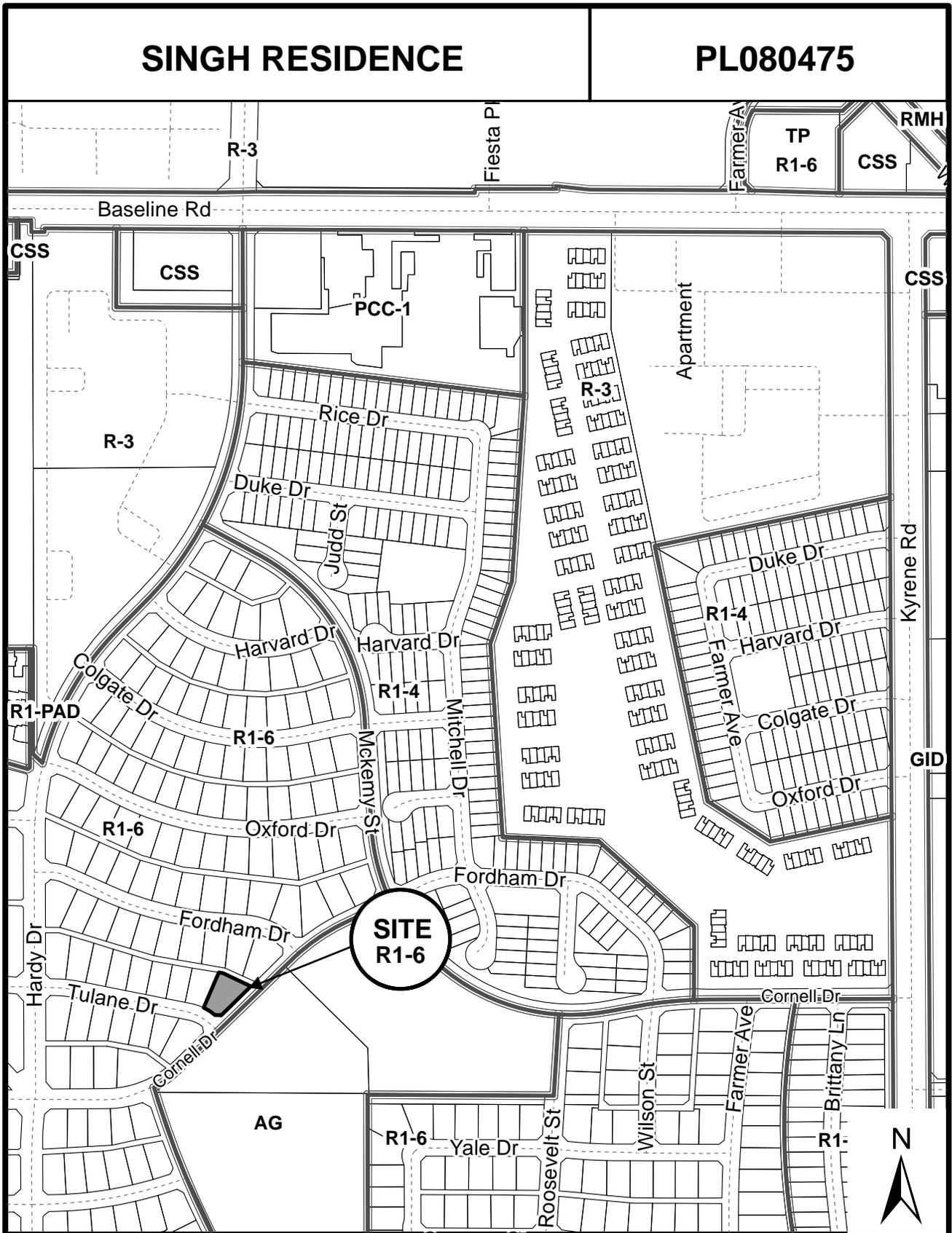
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 2, Section 4-202, Table 4-202A – Development Standards
Part 6, Chapter 3, Section 6-308 – Use Permits

SINGH RESIDENCE

PL080475



Location Map



SINGH RESIDENCE (PL080475)

The City of Tempe

Dec 29, 2008

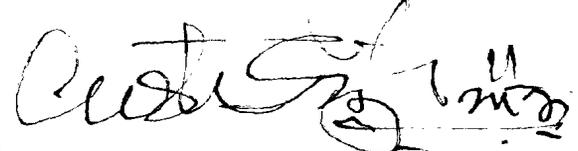
To the officer / Board / Commission

The intent of this project to enclose the carport to use as living Room. This was done by the previous owner which I was not aware. I am requesting use permit to park in front yard setback. I will highly appreciate your help to use as requested.

Thank you for your time and consideration

Thanking you

Sincerely,

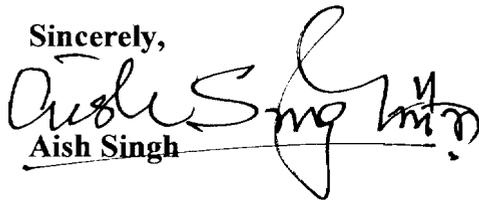

AISH SINGH
828 W Wilcox DR.
Tempe, AZ 85283

LETTER OF EXPLANATION

January 02, 2009

To whom it may concern:

The property I purchased had already enclosed the carport. However, I would like to correct the problem by obtaining a use permit to park in the front yard setback. The proposed place will be use as a living / worship room.

Sincerely,

Aish Singh



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SINGH RESIDENCE

820 WEST TULANE DRIVE

PL080475

FRONT OF RESIDENCE

