

# Staff Summary Report



Hearing Officer Hearing Date: February 17, 2009

Agenda Item Number: 3

**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:** 20090217dsdp01

**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)

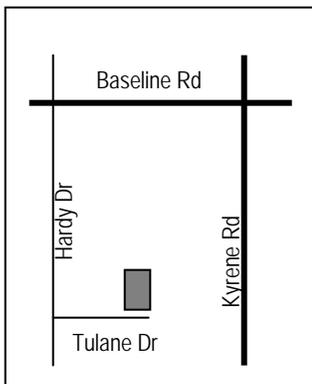
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**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. This request was continued from the February 3, 2009 meeting at the request of the Hearing Officer. Staff has received two (2) phone calls 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)
7. Hearing Officer Continuance Letter (February 5, 2009)

## 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 two (2) phone calls 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
February 3, 2009	<u>ZUP09004</u> : Continued by Hearing Officer to February 17, 2009 meeting, requesting applicant to address conditions 4 and 5.

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

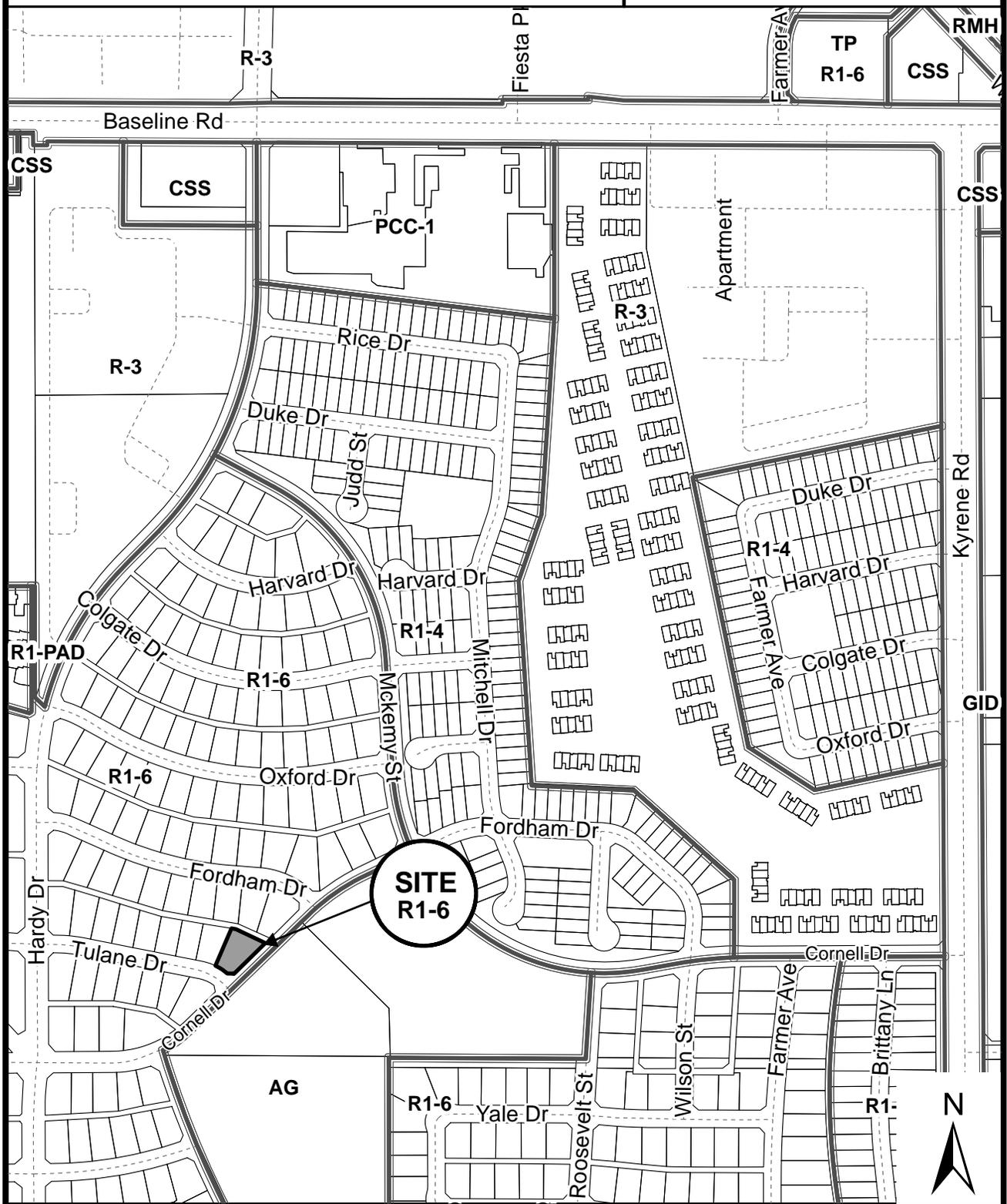
ZONING AND  
DEVELOPMENT

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

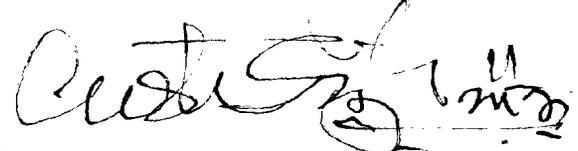
To the officer / Board / Commission

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,

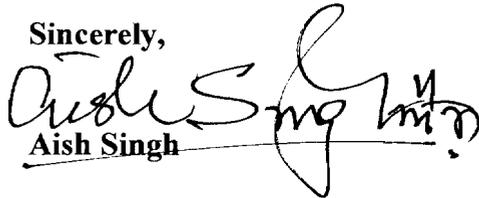
  
AISH SINGH  
828 W Wilcox DR.  
Tempe, AZ 85283

**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**



City of Tempe  
P.O. Box 5002  
31 East Fifth Street  
Tempe, AZ 85280  
480-350-8872 (FAX)



Development Services  
Department

(480) 350-8331 (Phone)

February 5, 2009

Mr. Aish Singh  
820 West Tulane Drive  
Tempe, Arizona 85283

**RE: SINGH RESIDENCE  
PL080475 / ZUP09004**

Dear Mr. Singh:

You are hereby advised that at the hearing held February 3, 2009, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code continued the following:

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.

This request will be reheard by the Hearing Officer on **February 17, 2009** at 1:30 PM in the Council Chambers located at 31 East Fifth Street, Tempe, Arizona. Please plan to attend.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Partridge'.

Derek Partridge  
Planner I

DP:dm

cc: File