

Staff Summary Report



Hearing Officer Hearing Date: April 15, 2008

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **TURLEY RESIDENCE (PL070232)** located at 947 East Carver Road for two (2) use permits.

DOCUMENT NAME: 20080415dsng01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **TURLEY RESIDENCE (PL070232)** (Neal Sheiner/Sheiner & Associates, LLC, applicant; Tom Turley, property owner) located at 947 East Carver Road in the AG, Agricultural District for:

ZUP08043 Use permit standard to reduce the west side yard setback by twenty percent (20%) from twenty (20) feet to sixteen (16) feet.

ZUP08049 Use permit standard to reduce the east side yard setback by twenty percent (20%) from twenty (20) feet to sixteen (16) feet.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

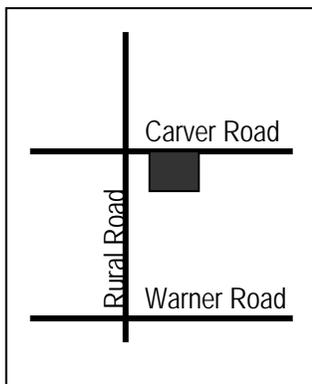
REVIEWED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-4

ADDITIONAL INFO: The applicant is requesting two (2) use permit standards to reduce the west and east side yard setbacks by twenty percent (20%) from twenty (20) feet to sixteen (16) feet for attached additions to the main residence located at 947 East Carver Road. The Turley Residence had previously been approved by the Hearing Officer in June of 2007 for a variance to reduce the east side yard setback from twenty (20) feet to sixteen (16) feet (after the original request was modified from a reduction to fourteen (14) feet eight (8) inches). Staff notes that a building permit applied for on May 21, 2007 has not been obtained. Since the time limitation of twelve (12) months has almost expired, a use permit standard is requested to reduce the east side yard setback, as mentioned above.



The Turley Residence also had an appeal denied by the Board of Adjustment in August of 2007 for a variance to reduce the east side yard setback from 20' to 14'- 8".

PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval; Conditions of Approval
3. History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. West Addition Floor Plan
6. East Addition Floor Plan
7. North Elevation
8. West Elevation
9. Right Elevation
- 10-11. Staff Photograph(s)

COMMENTS:

The Turley Residence, located in the Buena Vista Estates subdivision, is requesting two (2) use permit standards to reduce the west and east side yard setbacks by twenty percent (20%) from twenty (20) feet to sixteen (16) feet. The proposed 1,102 sf. structure on the east side will be an attached garage and game room. The addition will be attached by a portico structure. In order to be considered attached, interior access from the main house to the game room is required. This may be accomplished by adding a door through the garage to the game room. Staff notes that the allowance of guest quarters in the AG, Agricultural District has been placed on reserve in the Zoning and Development Code. The proposed game room may not include cooking or bathing facilities. The applicant may redesign the spaces and use as an extra bedroom if direct access from the main dwelling to the livable space is provided.

The proposed 592 sf. addition on the west side will be attached and will include three (3) new bedrooms branching off from a common playroom at the northwest corner of the main residence. Both the east and west side additions will match the existing residence in materials, color, and design. To date, no public input has been submitted for this request. Staff recommends approval of the request subject to conditions.

Use Permit

The Zoning and Development Code requires a use permit to reduce the required west and east side yard setbacks by 20% in the AG, Agricultural District. These use permit requests meet 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. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with the surrounding uses.

Conclusion

Staff recommends approval of the use permits.

REASON(S) FOR APPROVAL:

1. The use appears to be compatible with the building, site, and adjacent property.
2. The use permit requests meet applicable tests in the Zoning and Development Code.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. The use permits are valid for the plans as submitted within this application.
3. The game room portion shall have no bathing or cooking facilities and must have interior access to the main residence through garage to be considered attached.
4. The proposed additions shall match the existing residence in materials, color, and design.

HISTORY & FACTS:

February 6, 1978 Final inspection for a single family home.

June 27, 2007 VAR07017 – The Hearing Officer approved a variance to reduce the east side yard setback from twenty (20) feet to sixteen (16) feet. The Hearing Officer modified the original request from fourteen (14) feet eight (8) inches to the approved sixteen (16) feet.

August 22, 2007 VRA07002 – The Board of Adjustment denied the applicant’s appeal of the 06/27/07 Hearing Officer decision stating that there was no hardship to grant the variance to reduce the east side yard setback by twenty percent (20%) from twenty (20) feet to fourteen (14) feet eight (8) inches.

DESCRIPTION:

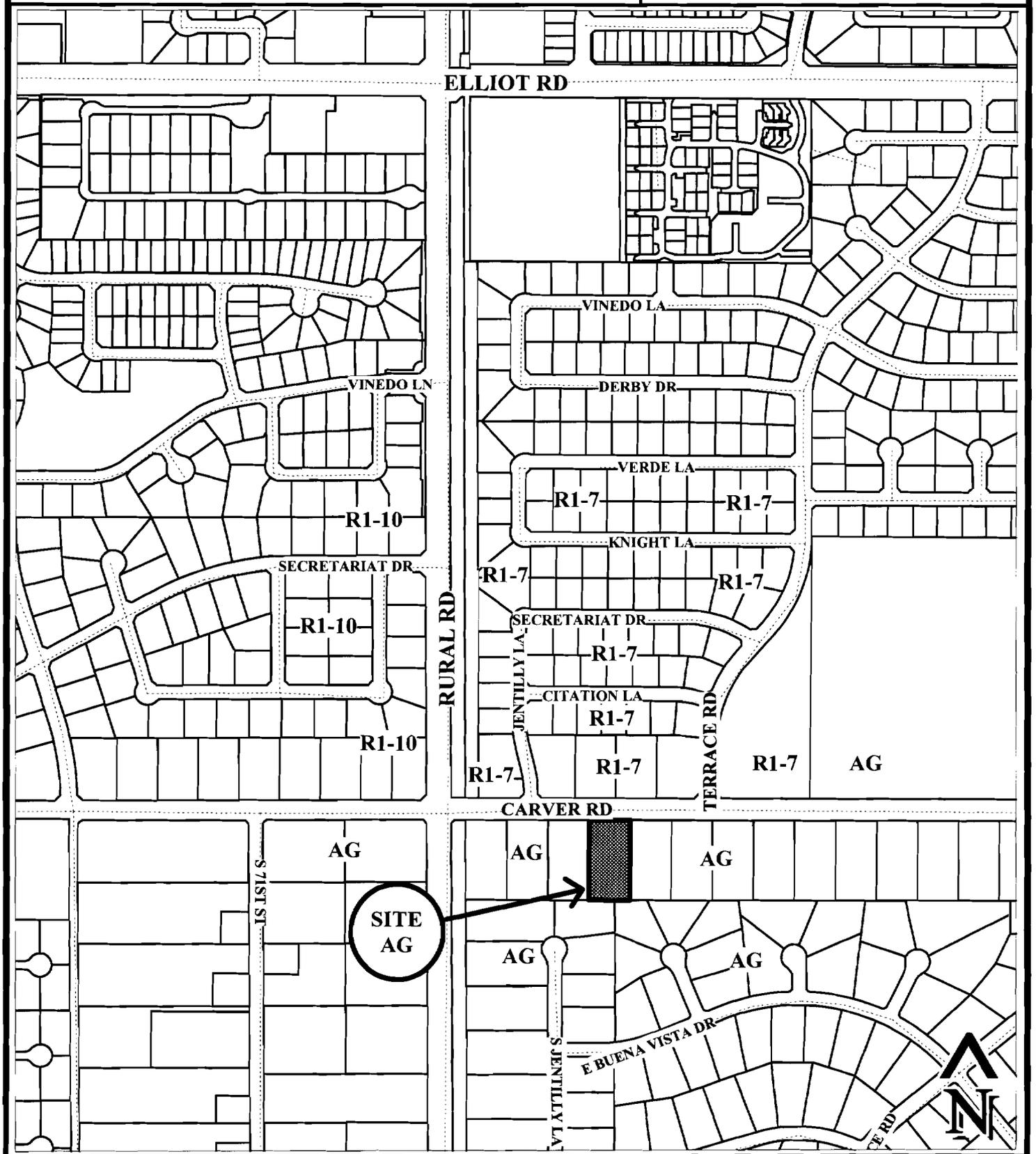
Applicant – Neal Sheiner
Owner – Tom Turley
Existing zoning – AG, Agricultural District
Lot Size - 42,414 sf./.97 acres
Existing Main Residence Area - 4,268 sf.
Existing Accessory Building Area - 1,260 sf.
Existing Total Building Area - 5,528 sf.
Proposed Building Area - 7,222 sf.
Lot Coverage (allowed) - 25%
Lot Coverage (proposed) - 17%
Required Side Yard Setback - 20’
Proposed Side Yard Setback - 16’

**ZONING AND
DEVELOPMENT**

CODE REFERENCE: Part 4, Chapter 2, Section 4-202 – Development Standards for Residential Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

TURLEY RESIDENCE

PL070232



Location Map



TURLEY RESIDENCE (PL070232)

neal sheiner
sheiner & associates, LLC
104 west Missouri avenue, # - 8
phoenix, arizona 85013

March 29, 2008

Sherri Lesser
City of Tempe
Development Services Department
31 East 5th Street, Garden Level
Tempe, Arizona 85181

Re: Turley Residence Use Permit (revised)
947 east Carver Road

Sherri:

This is our letter of explanation for an application for the following:

-A Use Permit for a residential addition to 947 East Carver Road.

- Use Permit to reduce the **west side yard** setback from twenty (20) feet to sixteen (16) feet to add 592 sq.ft. livable to the residence.
- Use Permit to reduce the **east side yard** setback from twenty (20) feet to sixteen (16) feet to add 1,102 sq.ft. livable to the residence.

The existing livable sq.ft is 2,754 sq.ft

If you have any questions please feel free to contact me at 602-799-8080.

Sincerely,

Neal Sheiner

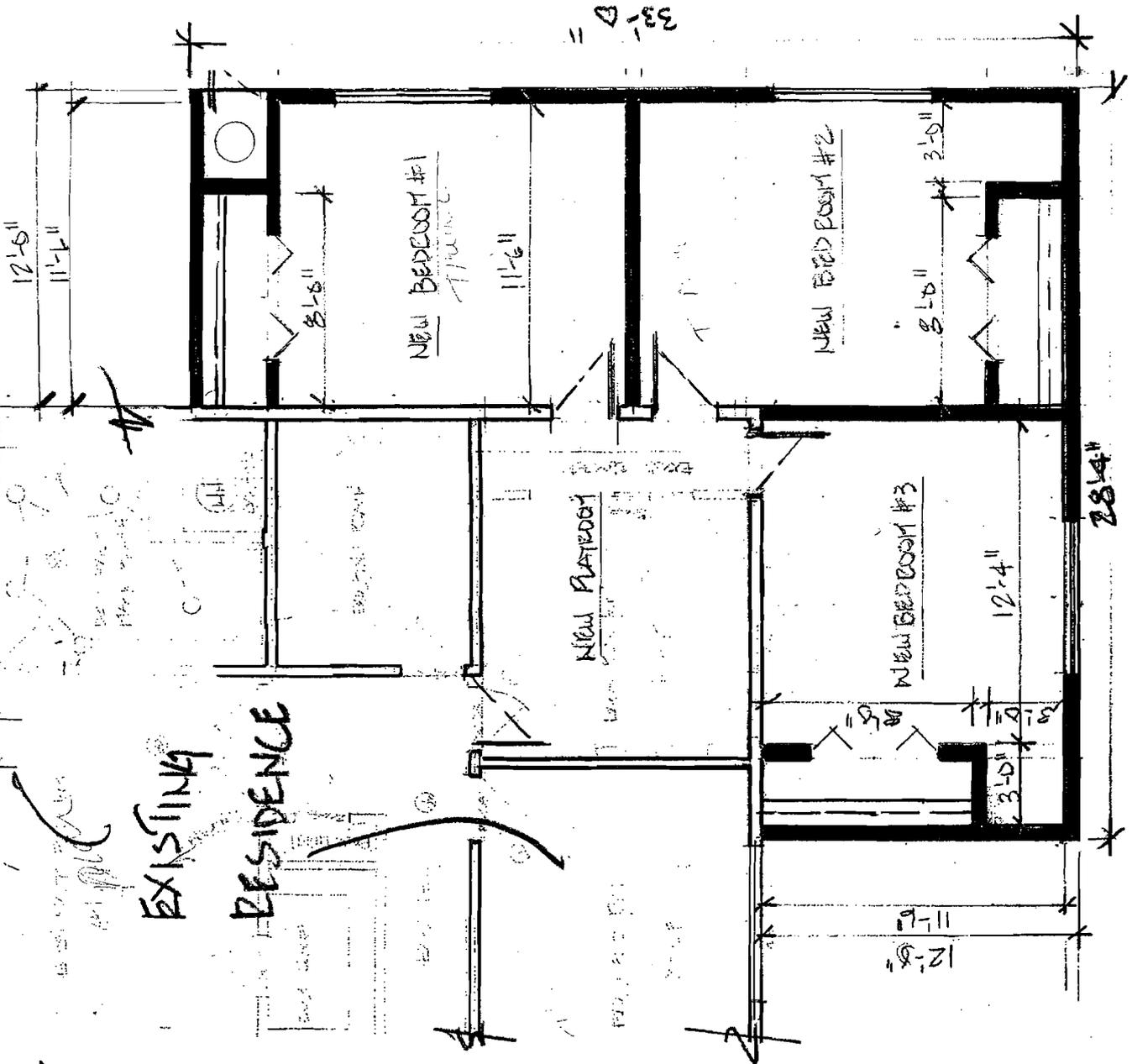
|
File: Turley use permit - revised

NORTH
↑

SIZE: 110 S.F.
CEILING: 8'-0"
FLOORING: CARPET

EXISTING
RESIDENCE

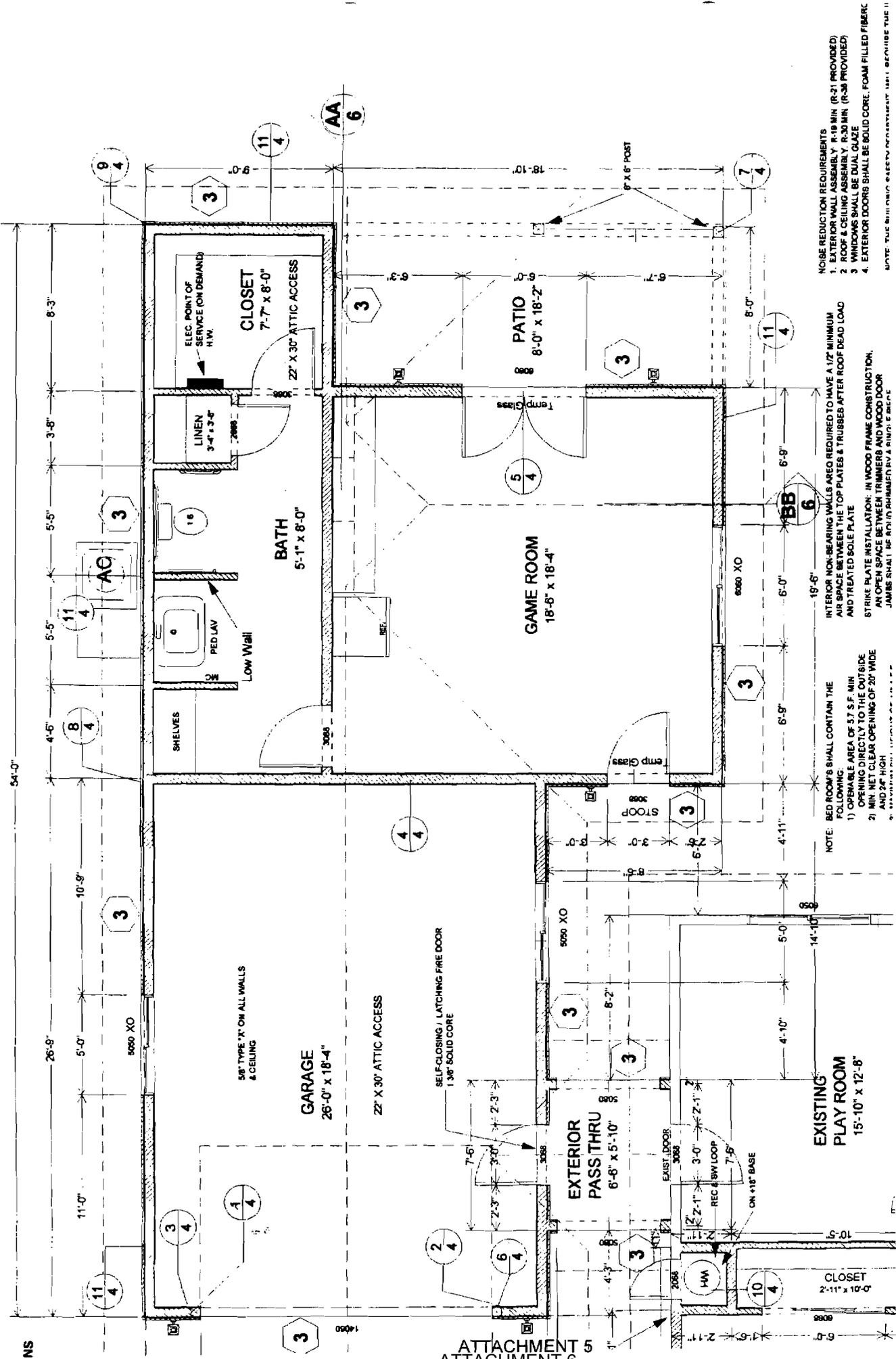
West Addition



33'-0" =

TURLEY RESIDENCE
947 EAST CARVER RD

FLOOR PLAN NTS 3/08



NOISE REDUCTION REQUIREMENTS
 1. EXTERIOR WALL ASSEMBLY R-19 MIN (R-31 PROVIDED)
 2. ROOF & CEILING ASSEMBLY R-30 MIN (R-39 PROVIDED)
 3. WINDOWS SHALL BE DUAL GLAZE
 4. EXTERIOR DOORBS SHALL BE SOLID CORE. FOAM FILLED FIBERIC

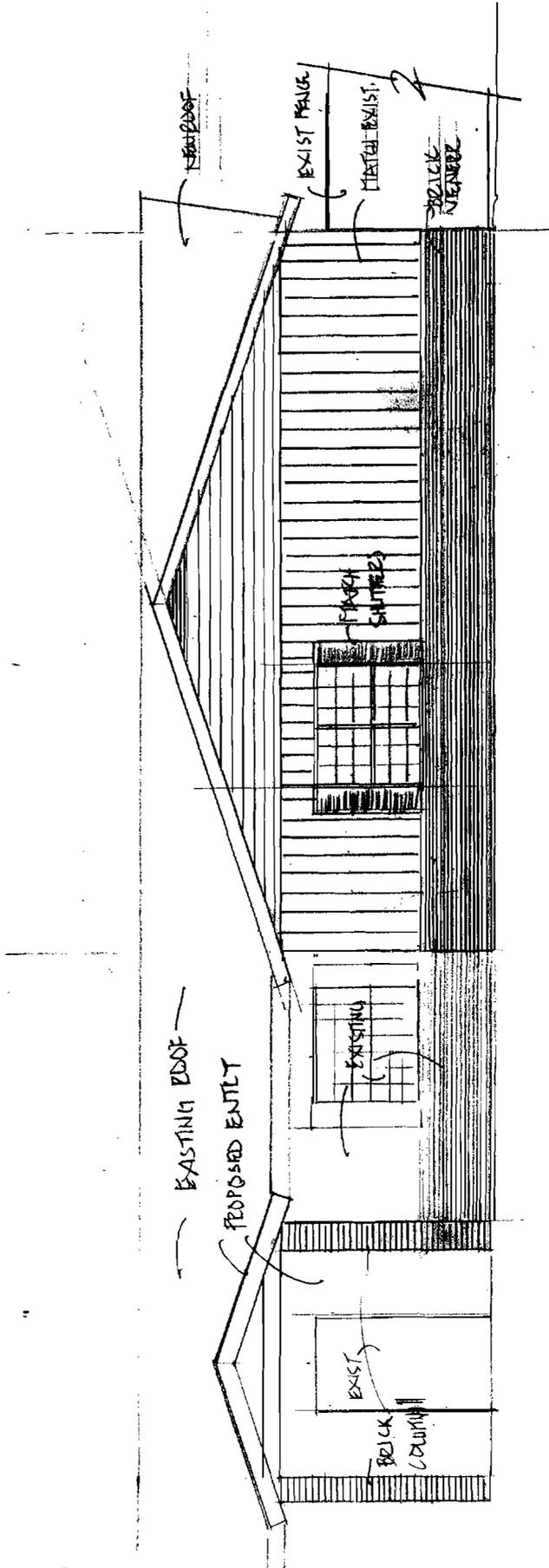
NOTE: BED ROOM'S SHALL CONTAIN THE FOLLOWING:
 1) OPENING AREA OF 57 S.F. MIN
 2) MIN. NET CLEAR OPENING OF 20" WIDE AND 24" HIGH

INTERIOR NON-BEARING WALLS ARE REQUIRED TO HAVE A 1/2" MINIMUM AIR SPACE BETWEEN THE TOP PLATES & TRUSSES AFTER ROOF DEAD LOAD AND TREATED SOLE PLATE

STRIKE PLATE INSTALLATION: IN WOOD FRAME CONSTRUCTION, AN OPEN SPACE BETWEEN TRIMMERS AND WOOD DOOR JAMB SHALL BE 1/4" MIN. SPACED BY A 1/4" RING & SPACER

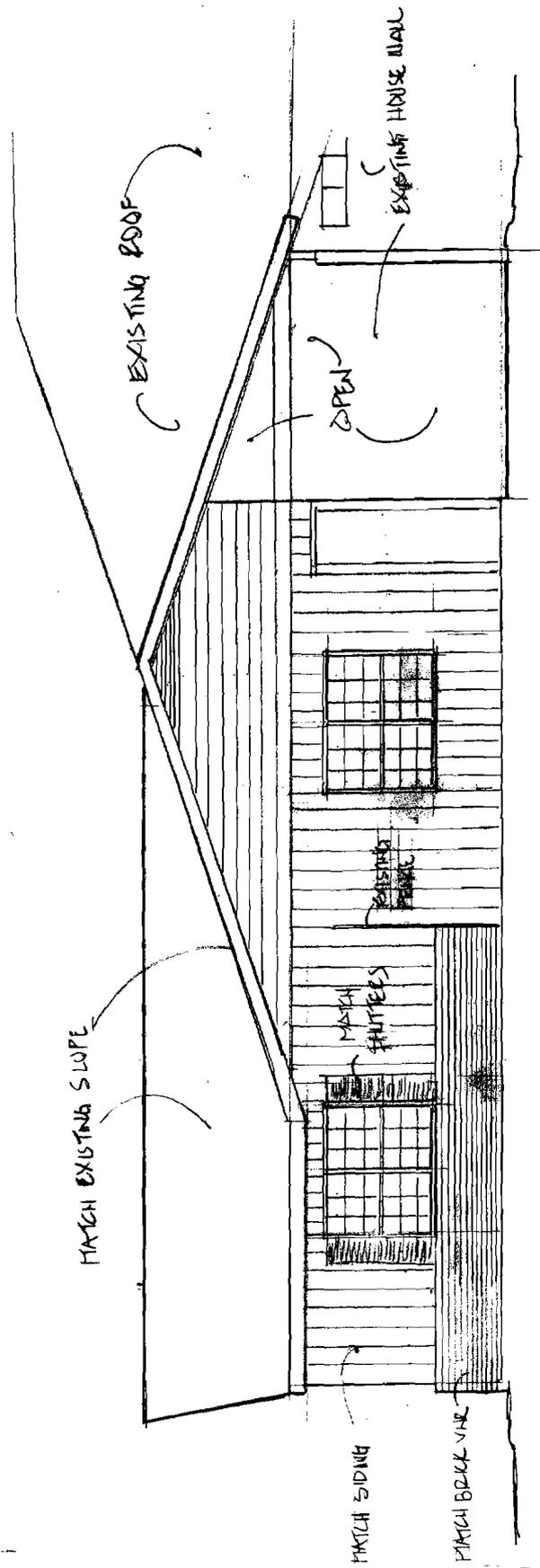
East Addition

ATTACHMENT 5
 ATTACHMENT 6



NORTH ELEVATION 3/08

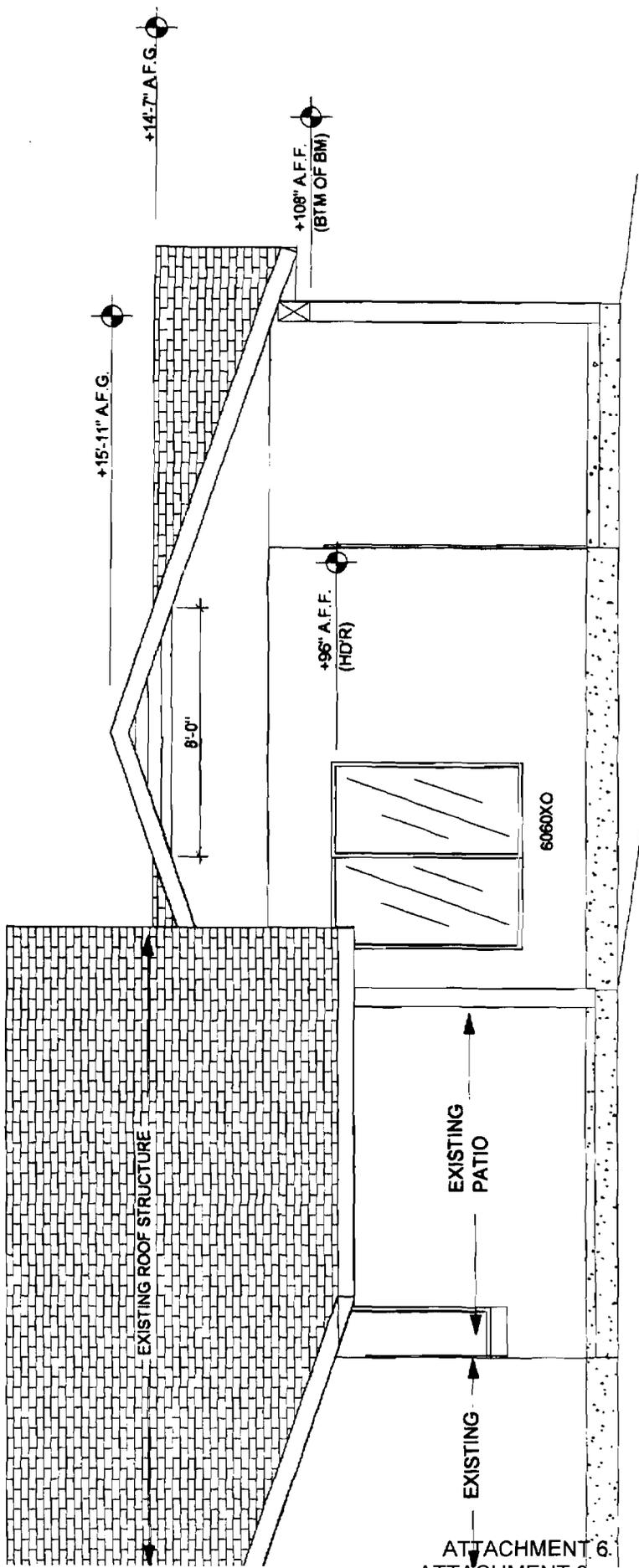
TULLEY RESIDENCE



3/08

TULLEY RESIDENCE

WEST ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



TURLEY RESIDENCE

947 E CARVER RD

PL070232

FRONT OF RESIDENCE: WEST SIDE





TURLEY RESIDENCE

947 E CARVER RD

PL070232

FRONT OF RESIDENCE: EAST SIDE

