

Staff Summary Report



Hearing Officer Hearing Date: November 4, 2009

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **ZUST RESIDENCE (PL090387)** located at 243 West Jeanine Drive for one (1) variance.

DOCUMENT NAME: 20091104dssl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **ZUST RESIDENCE (PL090387)** (Fred Zust, applicant/property owner) located at 243 West Jeanine Drive in the R1-15, Single Family Residential District for:

VAR09013 Variance to reduce the east side yard setback from fifteen feet (15' 0") to eight feet (8' 0") for a garage addition.

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

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

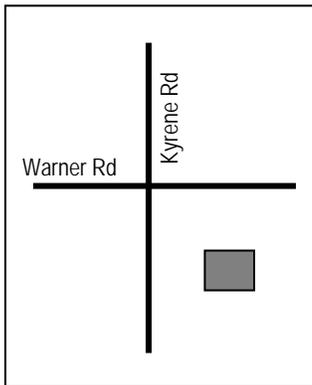
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is requesting a variance to reduce the side yard setback from 15' to 8' to construct a 372 s.f. garage addition to their residence. This property was previously granted a variance to reduce the side yard setback to eleven (11) feet for a home addition.

For their current proposal a portion of the garage addition, approximately 12 s.f., will encroach into the eleven (11) foot side yard setback. Staff supports the variance finding that there are special circumstances related to the configuration of the lot and the placement of the existing structure on the lot for which to warrant support of the variance. The applicant held a neighborhood meeting on October 12, 2009; in accordance with the requirements of the Zoning and Development Code. No neighbors attended the meeting. To date, we have received one letter in support and one petition with two (2) signatures; no other public input has been received.

PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Partial Site Plan
6. Elevations
7. Letter of Support
8. Petition of Support
9. Staff Photograph(s)

COMMENTS:

The Zust Residence is seeking a variance to reduce the side yard setback from fifteen (15) feet to eight (8) feet. The variance is to accommodate a garage expansion in the front of the house. The future garage connects to the existing garage along the east property line. The addition will have an architecturally similar appearance to the existing residence. According to the applicant's letter, three feet at the northeast corner of the new structure will encroach into the setback. The proposed garage, with an eight (8) foot side yard setback, will provide a more generous turning and maneuvering radius to park a vehicle in the garage and allow them to maintain a mature tree located in front of the garage.

Public Input

The applicant held a neighborhood meeting on October 12, 2009 with no one in attendance. To date, we have received one letter in support and one petition with two (2) signatures; no other public input has been received.

Variance

The Zoning and Development Code requires that the side yard setback in the R1-15, Single Family Residential District be a minimum of fifteen (15) feet; the applicant is requesting a seven (7) foot encroachment for a portion of their structure or approximately twelve (12) s.f. at the corner. This property was previously granted a variance to reduce the setback to eleven (11) feet due to the irregular shape of the lot. The addition will align with the existing residence and shall not create a visual nuisance for the property located to the east. In review of this case, staff finds that there is justification for support of the variance. The unique lot configuration and placement of the structure on the lot are considered special circumstances that apply to the land which warrants support of the variance. The authorizing of the variance will not be materially detrimental to the adjacent property or the surrounding area. The encroachment into the setback is for only a minor portion of total addition.

Conclusion

Staff recommends approval of the reduced side yard setback.

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 in 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. The variance valid for the plans as approved by the Hearing Officer.
2. The addition to match the existing residence in form, color and material.
3. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS: April 26, 1989. The Board of Adjustment approved a request for a new home by the Schlaiss Residence for the following at 243 W. Jeanine Drive:

- a. variance to reduce the required front yard setback from 35' to 27'
- b. variance to reduce the required rear yard setback from 30' to 25'

October 30, 1998. The Hearing Officer approved the following for the Schlaiss Residence located at 243 W. Jeanine Drive:

- a. variance to reduce the east side yard setback from 15' to 11'
- b. variance to reduce the south rear yard setback from 30' to 28'

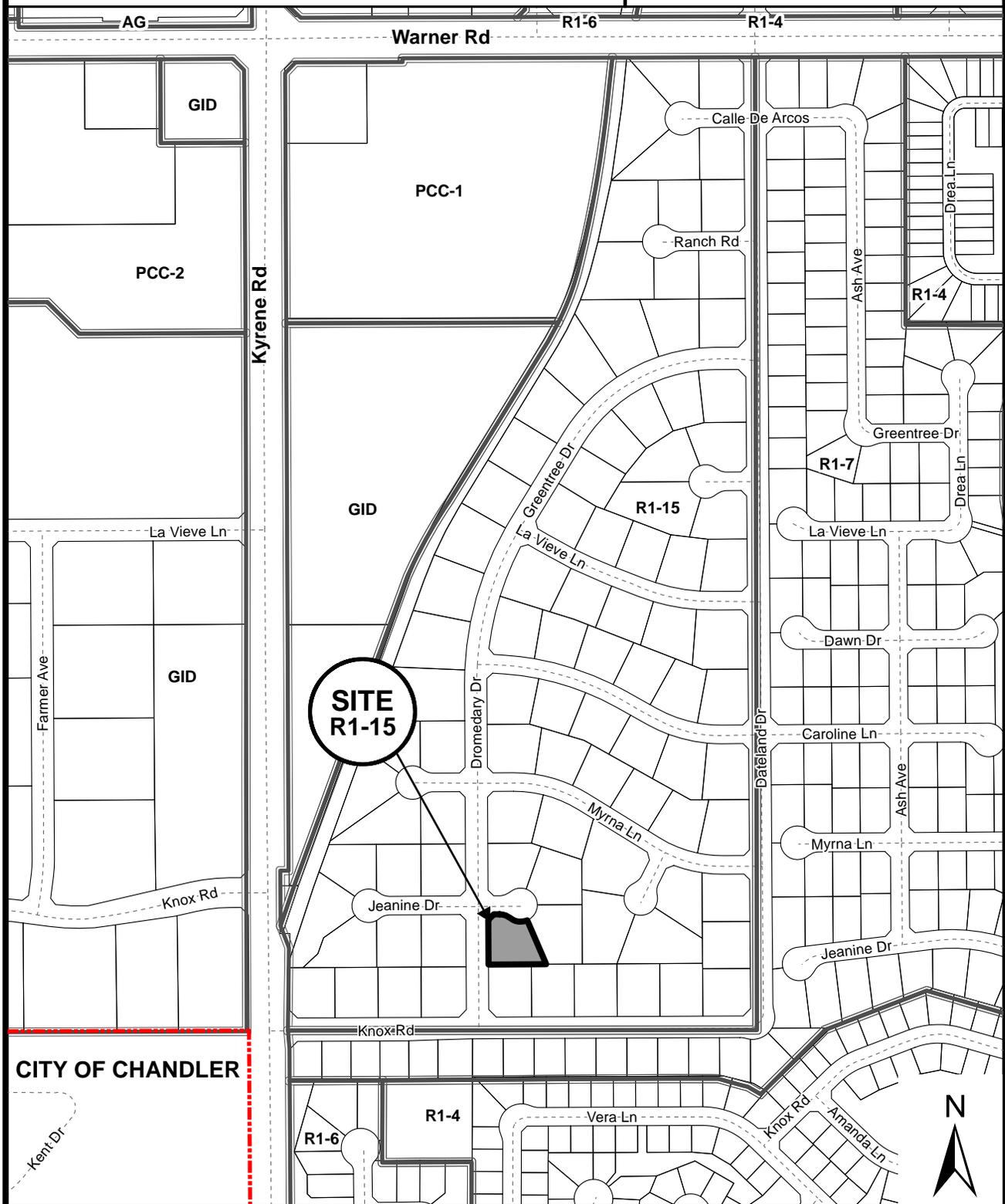
DESCRIPTION: Owner – Fred Zust
Applicant – Fred Zust
Existing Zoning – R1-15, Single Family Residential District
Lot Size- 16,039 s.f.
Required side yard setback- 15'
Proposed side yard setback- 8'

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

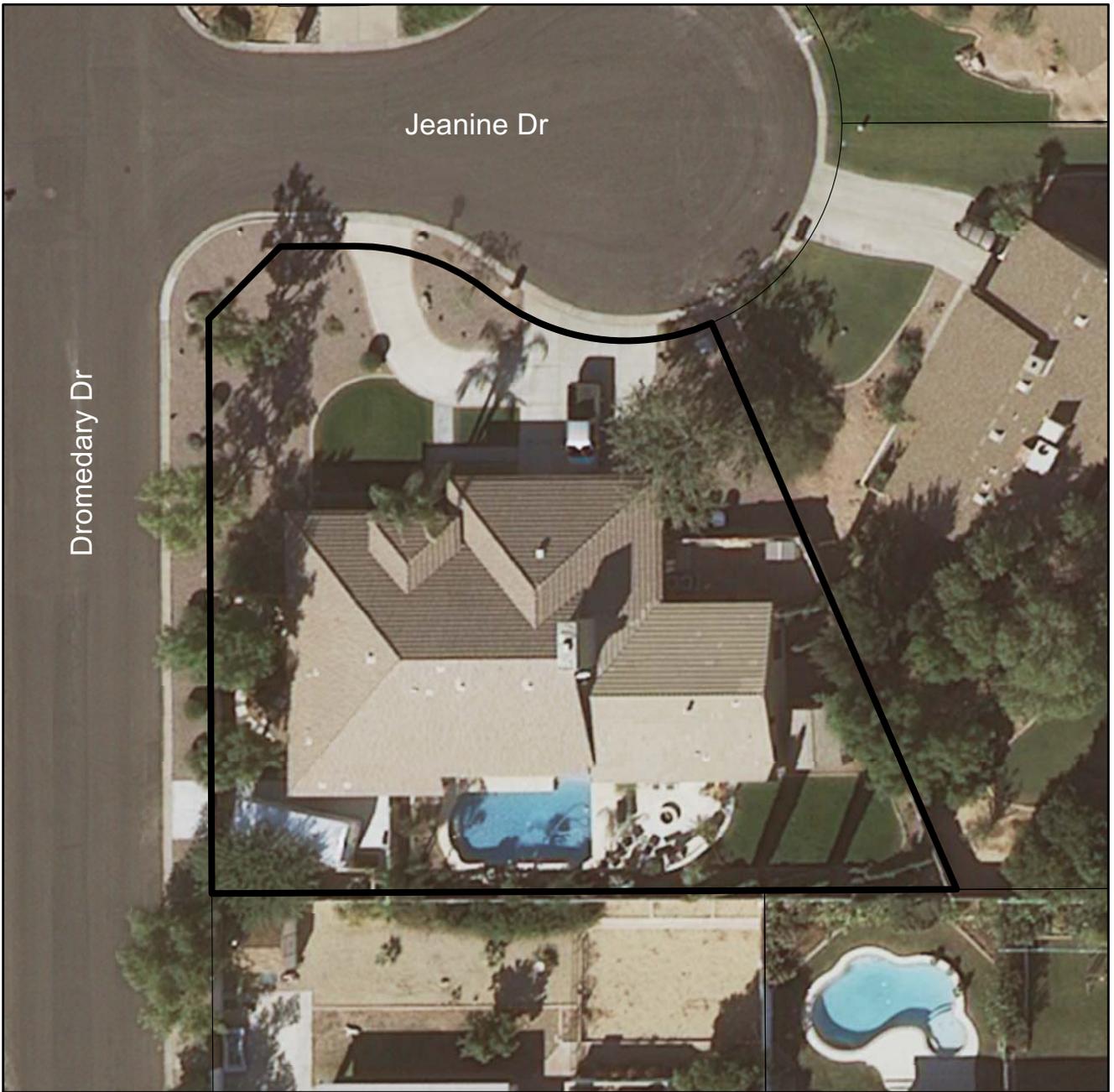
Citations of Code Requiring Residential Setbacks & Variance(s):
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

ZUST RESIDENCE

PL090387



Location Map



ZUST RESIDENCE (PL090387)

October 6, 2009

Mr. Abrahamson,

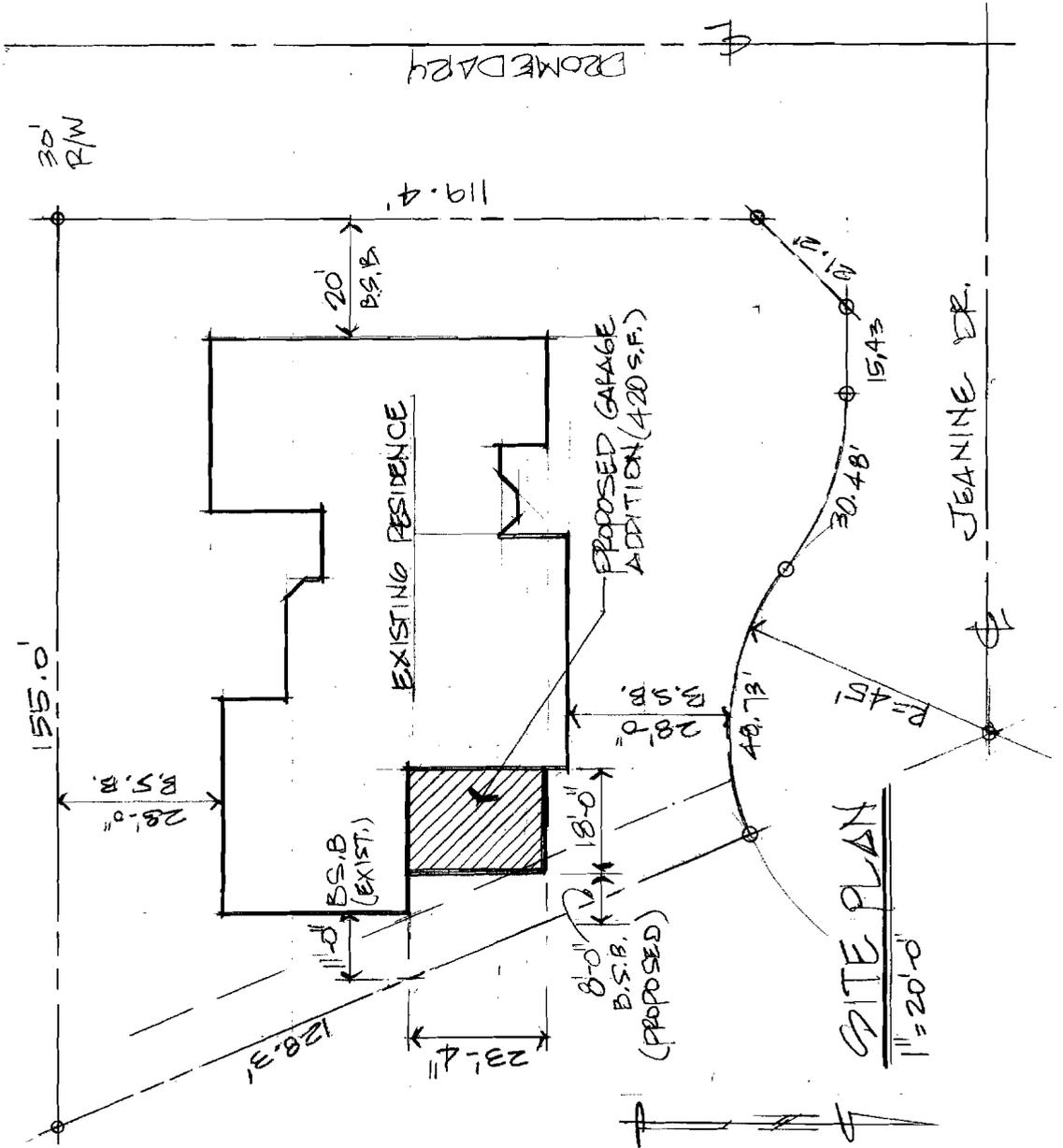
I am writing concerning a variance request PF 090402. Below is my explanation for the request for variance. I have also attached the reasoning in a Word Document.

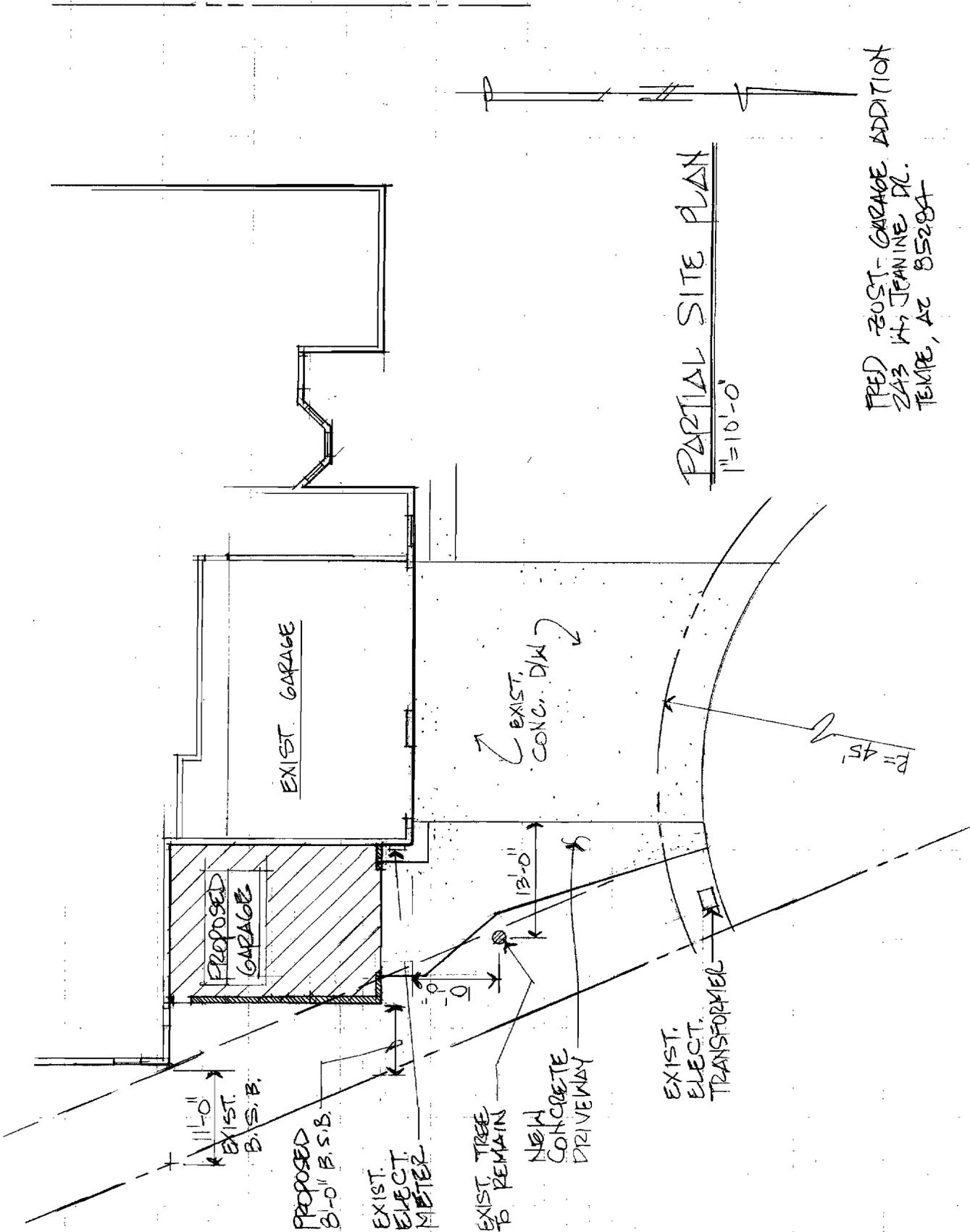
I currently have 1 racing car, 1 truck, and 2 cars for me and my fiancé. Racing is our hobby and I spend quite a lot of time in the garage keeping the car working. I place a high value on the appearance of the neighborhood and I would like to be able to park cars off the street, thus improving the appearance in front of my house. Currently, 1 vehicle is parked outside at all times. I have been looking at moving outside of Tempe to find more land to be able to have a larger garage, however, I really like Tempe, and my neighborhood(duskfire). I have great neighbors and the streets are attractive and quiet. As Mr. Jimenez, my builder can attest, my #1 concern is having a well-integrated addition that does not look out of place or de-value the property. I realized by adding an additional garage in a well-integrated and tasteful way, I can stay in Tempe and beautify my yard by getting the cars out of the front drive. The proposed variance allows me to keep a straight roofline that blends perfectly with the rest of roof of the house and looks like it was there from the beginning. Additionally, I plan to keep the mature tree in the front yard that will hide most of the addition. Removing the tree would be easier, however it will look the better if I keep it. Lastly, this variance is 3' only on one corner. The rest of the structure recedes from the setback. It could be bigger if I followed the setback, however this approach with the variance will provide the best appearance and integration into the house and neighborhood.

Thank you,

Fred Zust
243 W. Jeanine Dr.
Tempe, AZ 85284

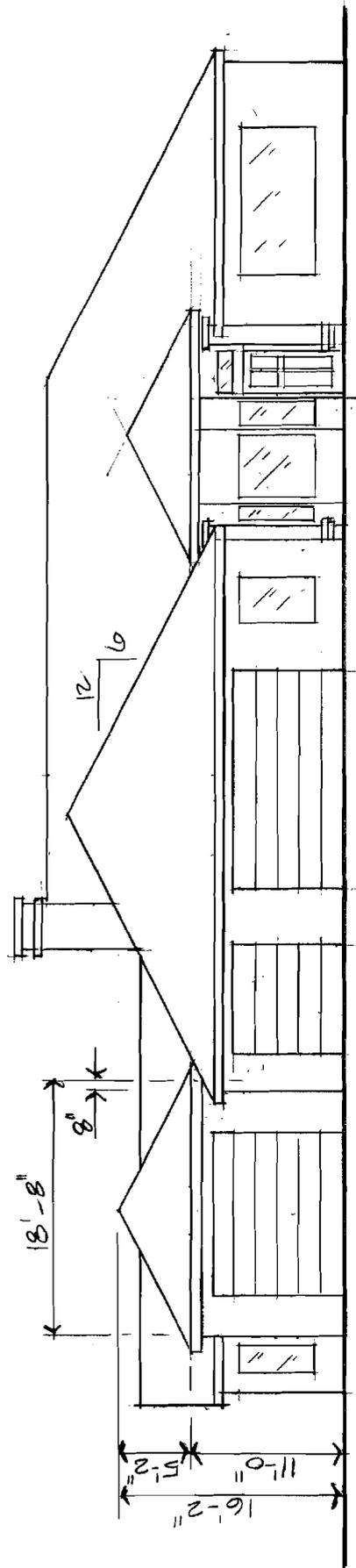
FRED ZUST - GARAGE ADDITION
 243 W. JEANINE DR
 TEMPE, AZ 85284



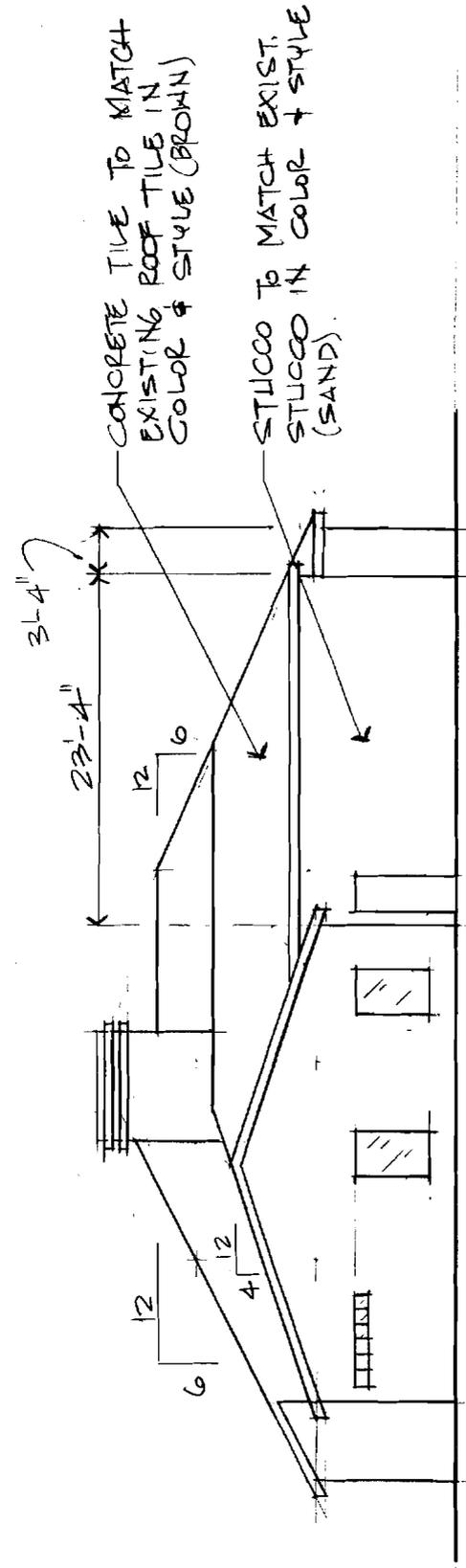


PARTIAL SITE PLAN
 1" = 10'-0"

FRED ZOST - GARAGE ADDITION
 243 W. JEANINE DR.
 TEMPE, AZ 85284



NORTH ELEVATION
 $\frac{1}{8}'' = 1'-0''$



EAST ELEVATION
 $\frac{1}{8}'' = 1'-0''$

Date: October 21, 2009

To: City of Tempe Development Services
31 E. 5th Street
Tempe, AZ 85280

From: Wade & Cheri Roberts
238 W. Jeanine Drive
Tempe, AZ 85284

Due to a conflict in our schedules we will be unable to attend the public hearing and want to let it be known that we support the approval of the variance request, PL090387 at the Zust residence, 243 W. Jeanine Dr., Tempe, AZ 85284.

Two handwritten signatures in black ink. The signature on the left is 'Wade Roberts' and the signature on the right is 'Cheri Roberts'. Both are written in a cursive, flowing style.

Subject: 301-61-77 PF 090402

Date:

Location 243 W. Jeanine Drive (Fred Zust)

Approve of setback variance from 11' to 8' on east corner for garage addition.

Name	Address	Phone/Email
Bill Ermit	235 W. Jeanine	623 363 9198
Dave Zabor	246 W. JEANINE	480-889-4676



ZUST RESIDENCE

243 WEST JEANINE DRIVE

PL090387

FRONT OF RESIDENCE

