

Staff Summary Report



Hearing Officer Hearing Date: September 16, 2008

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the **BURCHFIELD RESIDENCE (PL080307)** located at 1539 East El Parque Drive for one (1) variance.

DOCUMENT NAME: 20080916dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **BURCHFIELD RESIDENCE (PL080307)** (David Hamblen/Synectic Design Inc., applicant; Brian & Nancy Burchfield, property owners) located at 1539 East El Parque Drive in the R-2, Multi-Family Residential District for:

VAR08021 Variance to reduce the street (east) side yard setback from twenty-five (25) feet to ten (10) feet (25' setback based on the existing Planned Area Development for the subdivision).

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

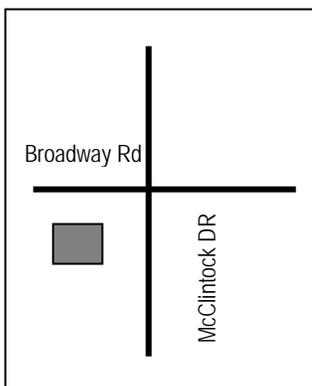
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The Burchfield Residence is seeking a variance to reduce the street side yard setback from twenty-five feet (25'), as required by the original PAD/Plat, to ten feet (10'). The reduced setback is for a new master bedroom addition. A variance is necessary to deviate from the required setback as shown and recorded on the plat for the Knoell Villa Solano Subdivision. In the PAD/ plat, all the corner lots are required to have an additional 15' setback for a total of twenty five (25) feet. The PAD/Plat setback exceeds the allowed Zoning and Development Code requirements for the street side yard setback which is ten (10) feet. The Burchfield variance, if granted, would allow the addition at the ZDC allowed setback of ten (10) feet. Staff recommends approval of the variance based special circumstances affecting this property. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on August 27, 2008 and has submitted a petition identifying four (4) people in support of the variance request. To date, staff has received no opposition to this request.



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. Neighborhood Meeting Minutes
6. Neighborhood Sign In Sheet
7. Petition of Support
8. Map of Residences in Support
9. Subdivision Plat
10. Staff Photograph(s)

COMMENTS:

The Burchfield Residence is seeking a variance to reduce the street side yard setback from twenty-five (25) feet (as required by the original PAD/Plat) to ten (10) feet. The reduced setback is for a new master bedroom addition. The proposed addition is designed to complement the existing residence and will meet the development standards for the R-2, Multi-Family District.

Variance

The Zoning and Development Code Development Standards requires structures to be setback ten (10) feet from the street side yard property line, in the R-2, Multi-Family Residence District. The Knoell Villa Solano PAD/Plat requires corner lots to maintain a twenty-five (25) foot setback. The applicant is seeking a variance to reduce the setback for their lot consistent with what is allowed in the ZDC for R-2 Developments. The City Attorney has previously opined that within a Residential PAD; the recorded development standards could be modified for an individual lot through a variance process versus amending the PAD for the entire subdivision.

Staff recommends approval of the variance based special circumstances affecting this property. The PAD/Plat required 25' setback impacts nine (9) lots within the entire subdivision and is not consistent with what is currently allowed on other sites within the subdivision or within other R-2 Developments. This property is surrounded by R1-6, Single Family zoned properties which allows for a ten (10) foot street side yard setback. The setback of the proposed addition will not be out of character with surrounding residences and will not be detrimental or create a nuisance for surrounding properties.

Public

In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on August 27, 2008 and has submitted a petition identifying four (4) people in support of the variance request. See attached map of residents in support. To date, staff has received no opposition to this request

Conclusion

Staff recommends approval of the street side yard setback variance.

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 within 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. Building addition to match existing dwelling in color, design, and material.
2. Obtain all necessary clearances from the Building Safety Division

HISTORY & FACTS:

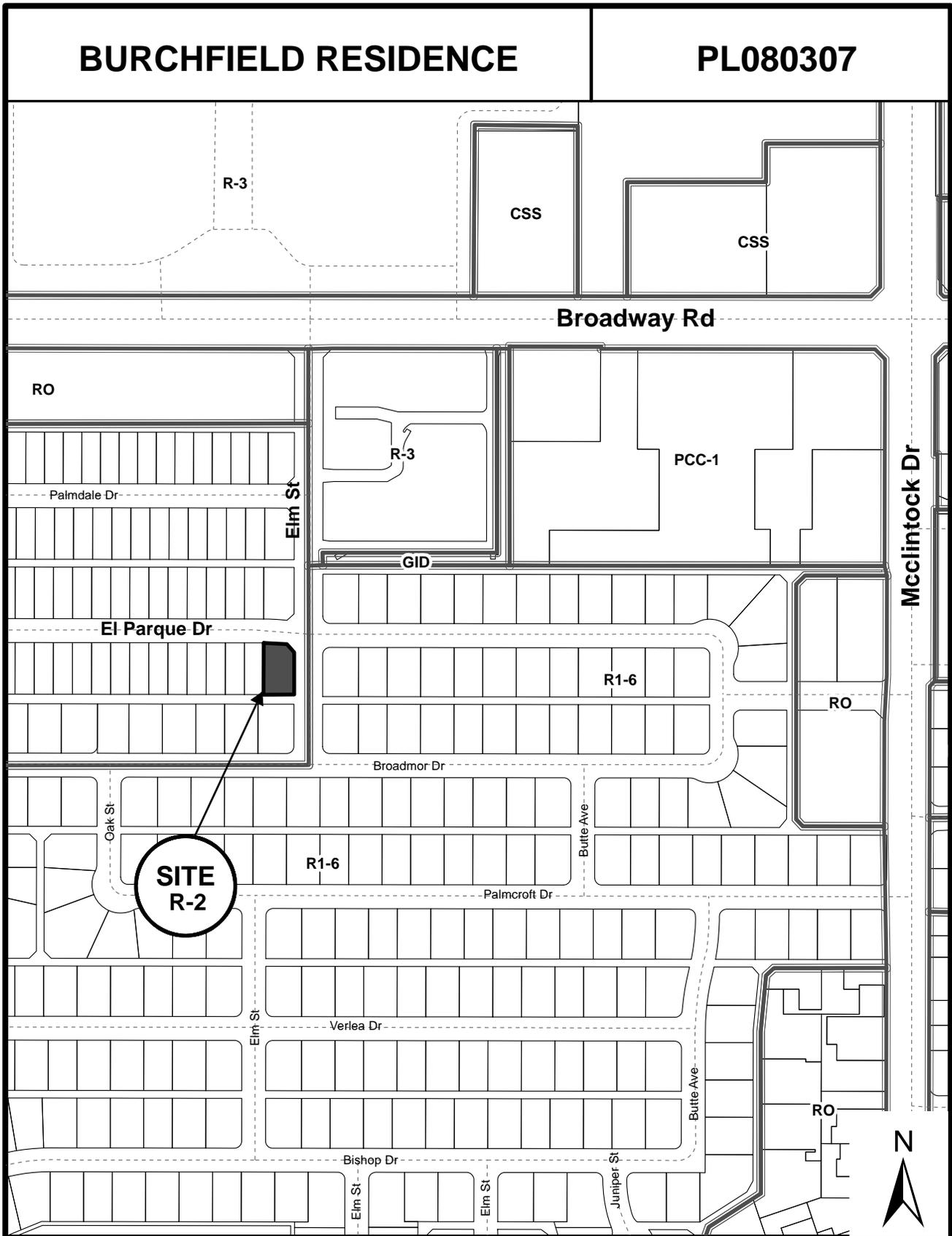
July 6, 1978. The Planning Department recorded the plat for Knoell Villa Solano subdivision

DESCRIPTION:

Owner – Brian & Nancy Burchfield
Applicant – David Hamblen/Synectic Design Inc.
Existing Zoning – R-2, Multi-Family Residential District
Lot Size- 6662 s.f.
Net Acre- .153
Lot Dimensions- 64 x 88
Existing residence building area- 1102 s.f.
Proposed building area- 570 s.f.
Lot coverage allowed- 45%
Lot Coverage (proposed) - 33%
Required street side yard setback for corner lot per PAD- 25'
Proposed street side yard setback- 10'

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

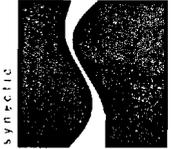
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202B.
Part 6, Chapter 3, Section 6-309



Location Map



BURCHFIELD RESIDENCE (PL080307)



To: City of Tempe

Date: August 13, 2008

Re: 1539 E El Parque, Tempe AZ Variance Request – Letter of Explanation

Summary - The Proposed project is located in a Planned Area Development with underlying R-2 Zoning. The project as currently designed conforms to the Minimum Building Setbacks of the R-2 Zoning with the exception of the West Property Line. This is acceptable due to a variance requested and approved in the PAD Plat. The recorded PAD Plat clearly lists all requested variances. All of the variances listed provide relief from specific requirements of the underlying zoning district. Our interpretation is that any aspect of the R-2 zoning not modified by the variances requested would still be in force. We believe the proposed project complies with the intent and specific requirements of the PAD and the R-2 zoning district. Our non-conformance with the PAD is based on an exhibit also on the recorded PAD Plat. This exhibit is titled "Typical Lot Layout." This diagram shows the Specific Plan that the development was planned around. The diagram show "typical" dimensions of this Specific Plan with respect to property lines. Our belief is that this was an illustration to show the planning department how the typical plan would sit on the property and it does not define Setbacks. On the right side of this diagram there are two dimensions shown from the edge of the Specific Plan to the Property Line. The first states "10' MIN." indicating that there will be a minimum of 10' from the edge of their Specific Plan to the adjacent property line. The second dimension shown, "25' **", illustrates that there will be 25' between the edge of their Specific Plan and the adjacent property line at corner lots. It does not indicate "Building Setbacks" anywhere on this diagram. it just shows how their plan lays out on the lots. If this diagram was intended to record the Typical Setbacks then there would likely have only been a building envelope shown instead of a Specific Plan. In addition, there is no variance request listed modifying the street side setback. The Planning Staff's interpretation is that the diagram does establish a setback even though its not listed in the requested variances for the Subdivision Plat, Therefore we are requesting a variance.

Justifications - We believe the following items further support the granting of a variance for this project:

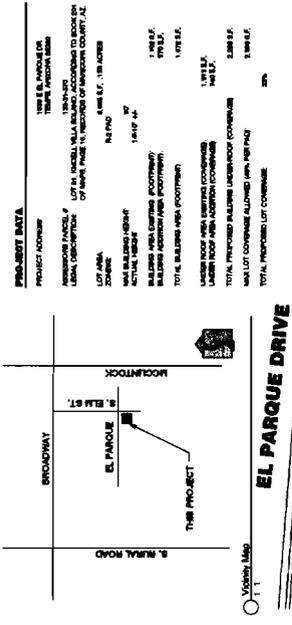
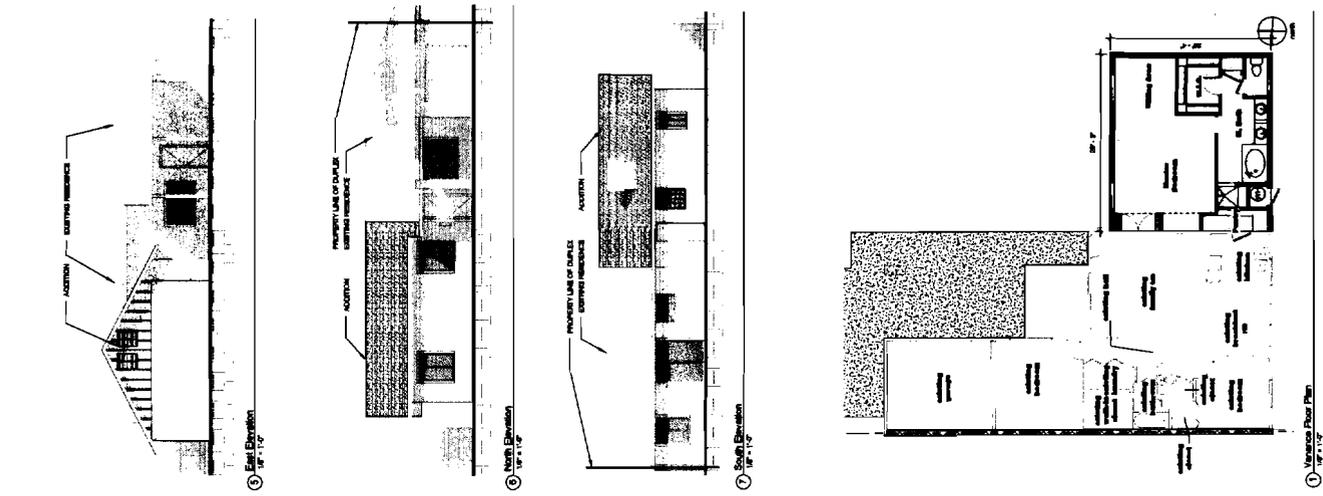
1. The imposition of the 25' "Setback" imposes a restriction greater than that of the underlying zoning district and is not necessarily the intent of the Subdivision Plat since it was not listed as a variance or stipulation at the time of recording.
2. With the setbacks being imposed the Owner cannot realize the full development potential of the lot. The granted lot coverage variance from 40 to 45% as listed and granted under the PAD cannot be attained with the contested 25' requirement imposed.
3. The lot in question is on the perimeter of the PAD development and 4 of 5 of the adjacent corner lots have buildings that are 10' from their street side property line. The property to the north which is in the PAD is the same standard unit unmodified so it is still over 25' from the street side property line. With this considered there is no detriment to adjacent property or the neighborhood in general.
4. The densities and uses of the zoning district and PAD are not modified by the proposed project.
5. The situation was created by the creator of the Subdivision.
6. The Proposed Project Does not allow relief from any item specifically prohibited by the Code.

Thank you,

A handwritten signature in black ink, appearing to read 'D. Hamblen', is written over a white background.

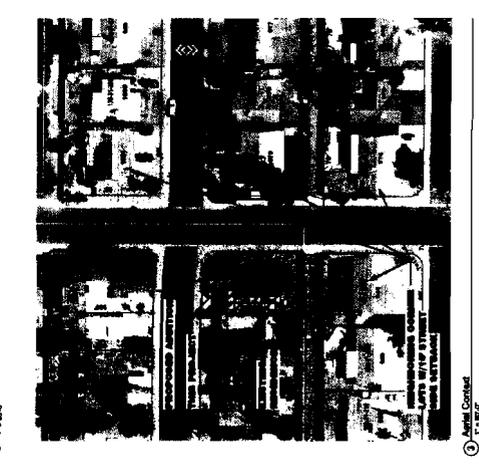
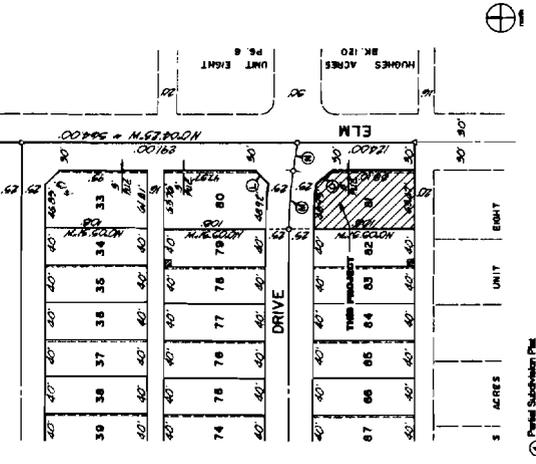
David Hamblen
Project Architect

This drawing is the property of Dynamic Design Group, Incorporated. It is to be used only for the project and site for which it was prepared. Changes, modifications or omissions to any part of this drawing without the written consent of Dynamic Design Group, Incorporated, is prohibited. A revision to any other use is the responsibility of the user.



PROJECT DATA
 PROJECT ADDRESS: 1300 S. EL PARAKE DR., TOWN OF PAROLE
 LOT 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 TOTAL PROJECTED LOT COMBINE: 1.00 ACRES

PROJECT DATA COUNTY
 COUNTY: TOWN OF PAROLE
 ZONING: RESIDENTIAL
 SUBMITTED BY: [Name]
 PROJECT NO: [Number]
 PREPARED BY: [Name]

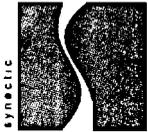


The Burchfield Addition
 1300 S. EL PARAKE DR.
 TOWN OF PAROLE

VR1.0
 Version 1.0

Project No: []
 Drawn By: []
 Prepared By: []
 Date: []





MEETING MINUTES

Job Number: 2605

Job Name: BURCHFIELD RESIDENCE-VARIANCE

Date: 8/27/08

Time: 6:00 PM

Location: 1539 E EL PARQUE DR. TEMPE, AZ 85282

Attendees: Brian & Nancy Burchfield, Dave Hamblen, Melissa Erickson

Item No.	Description	Action By	Date Required
1	Meeting began at 6:00pm outside of the Burchfield residence. Meeting began with introduction of why we are here and what we hope to achieve, We had a few of the neighbors come to the house in support of the Burchfield request for a Variance. The neighbors that did show up to the meeting were very much in favor of the request and signed the petition in support.	Dave	8/27/08
2	Meeting ended at 6:45 pm after 20 minutes passed with no more neighbors coming over. Burchfield's were asked to keep the sign up over night and were told the next sign in place would be from the city of Tempe regarding the Public Hearing.	Dave	8/27/08
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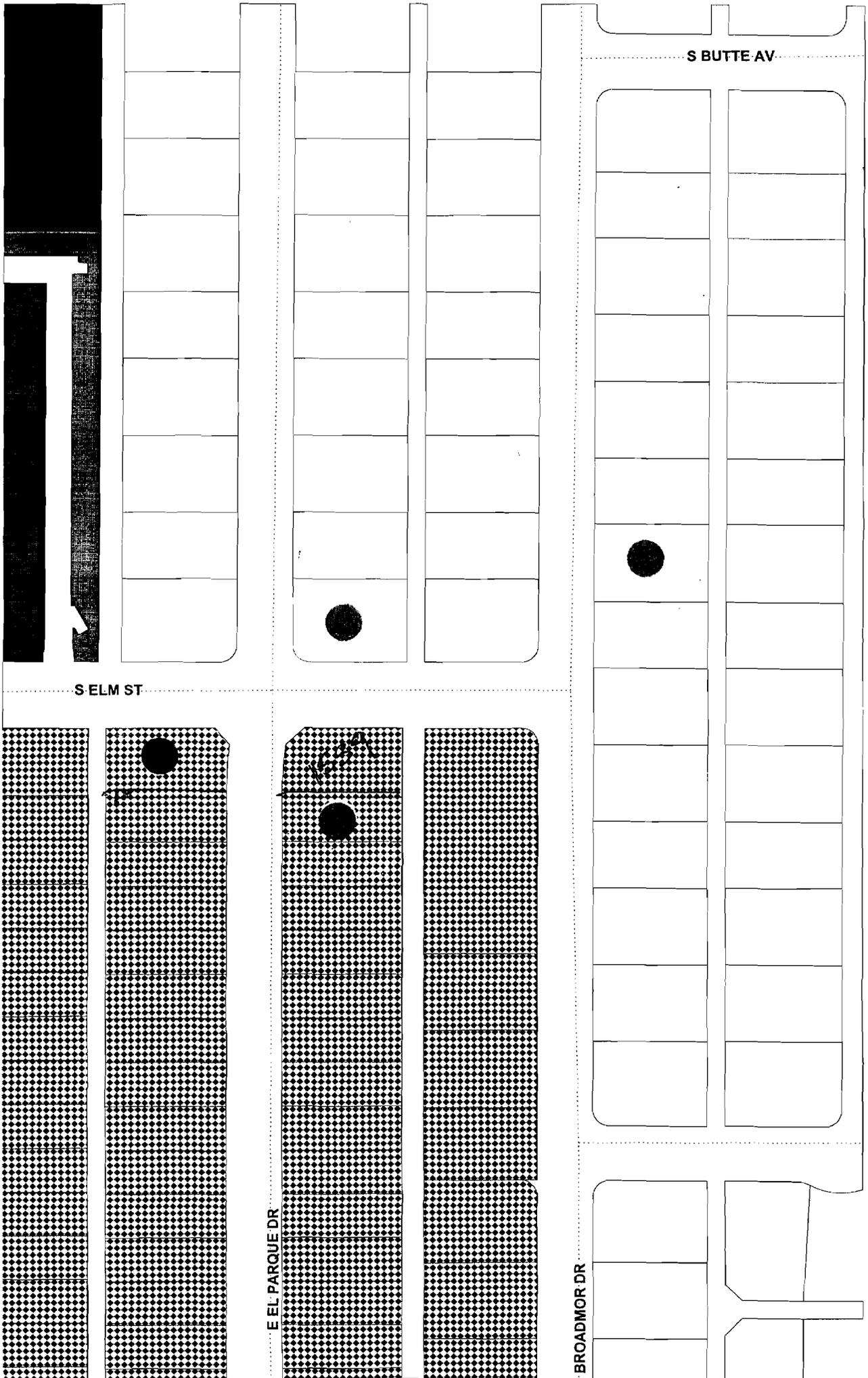
PETITION

1539 El Parque Drive, Tempe Arizona, 85282 Variance Request

We the undersigned, support the reduction of the street side yard building setback from 25' to 10' as requested in the referenced Variance Request and acknowledge that granting of this variance will not be detrimental to adjacent property or neighborhood.

#	Name (printed)	Signature	Address	Date
1	Mike Duncan		1611 E. BROADMOR DR.	8/27
2	Pat Walker	PAT WALKER	1540 E. EL PARQUE DR	8/27
3	LARRY PATTERSON		1605 E. EL PARQUE DR	8/27
4	Mark Keller		1531 E EL Parque Dr	8/27/08
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RESIDENTS IN SUPPORT





BURCHFIELD RESIDENCE

1539 EAST EL PARQUE DRIVE

PL080307

FRONT OF RESIDENCE