

# Staff Summary Report



Hearing Officer Hearing Date: August 18, 2009

Agenda Item Number: 4

**SUBJECT:** This is a public hearing for a request by the **COLE RESIDENCE (PL090252)** located at 1112 East Malibu Drive for one (1) use permit.

**DOCUMENT NAME:** 20090818dsdp01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **COLE RESIDENCE (PL090252)** (Joseph Cole, applicant/property owner) located at 1112 East Malibu Drive in the R1-6, Single Family Residential District for:

**ZUP09110** Use permit to allow required 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*

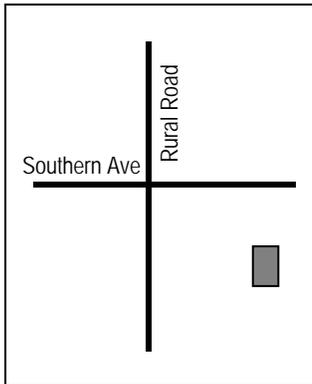
**LEGAL REVIEW BY:** N/A

**DEPARTMENT 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 1965 with a one (1) car garage. The homeowner wishes to convert the garage into an office for a home occupation business. Staff supports approval of this request. To date, no public input has been received.

**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. Letter of Intent
4. Site plan
5. Floor plan
6. Staff Photograph(s)

## COMMENTS:

The applicant is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1965 with a one (1) car garage. The homeowner wishes to convert the garage into an office for a residential construction business. The proposed garage conversion will result in interior changes only, no changes to the exterior elevations are proposed. Staff supports approval of this request. To date, no public input has been received.

## Use Permit

The Zoning and Development Code requires a use permit 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.
- 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.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public
  - The proposed use should not pose any nuisance to the surrounding area.

## 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. Parking shall take place on impervious surfaces only.
- 2. All vehicles parked on the premises must be actively registered and in operable condition at all times.
- 3. Add two (2) 24" box trees to the front yard, east of the driveway with the intent to shade vehicles parked on the driveway within **sixty (60) days, October 18, 2009**.
- 4. 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:

1965 Construction Year

DESCRIPTION:

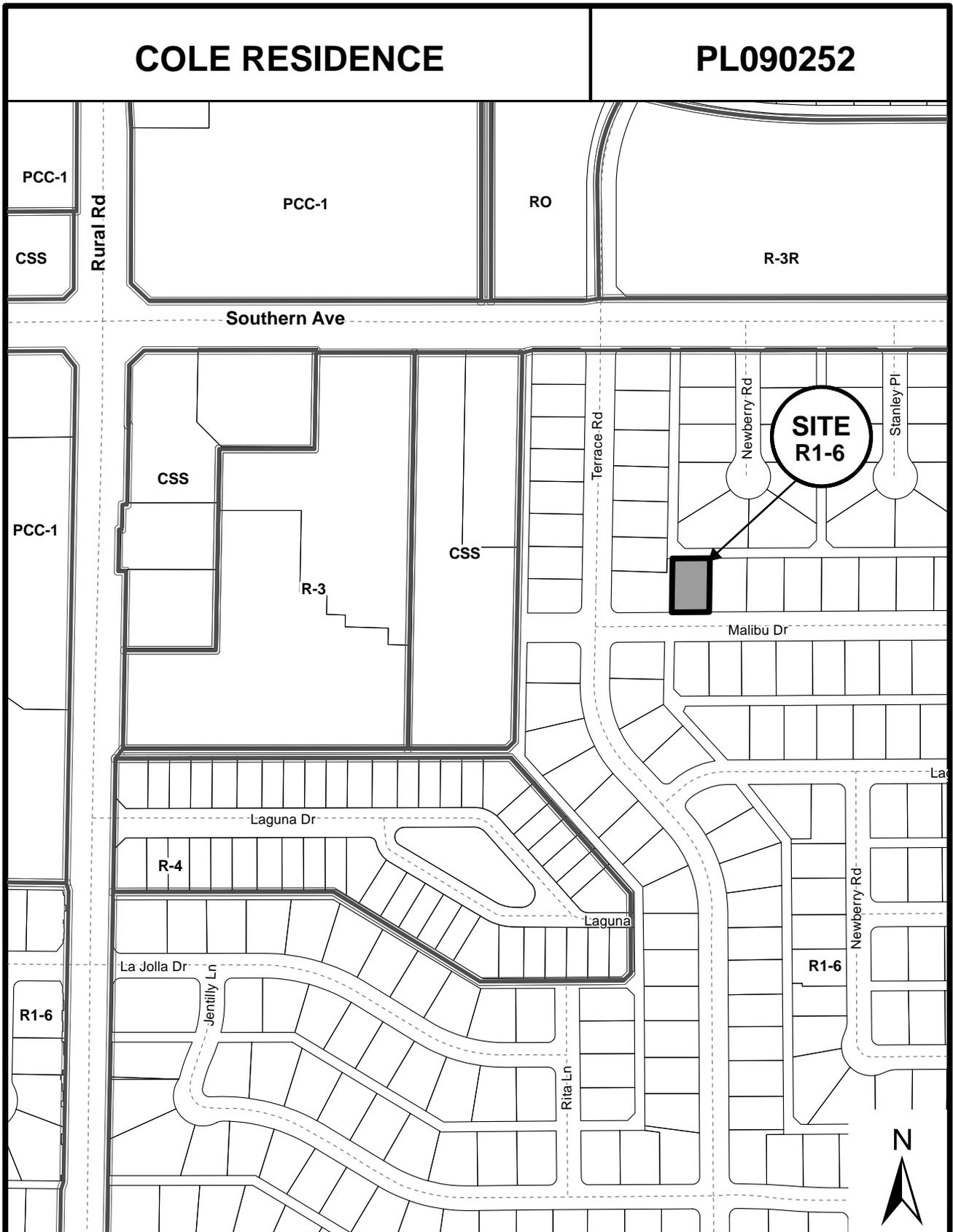
Owner – Joseph Cole  
 Applicant – Joseph Cole  
 Existing Zoning – R1-6, Single Family Residential District  
 Lot size – 8,364 s.f.  
 Building Area – 1,419 s.f.  
 Lot Coverage – 16.9%

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

**COLE RESIDENCE**

**PL090252**



**Location Map**



**COLE RESIDENCE (PL090252)**

July 17, 2007

By: Joseph T. Cole  
1112 E. Malibu Dr.  
Tempe, AZ. 85282.  
480-216-3580 (cell).

To: City of Tempe - Planning Dept.

For: Residential Use Permit for Off Street Parking

Good Morning,

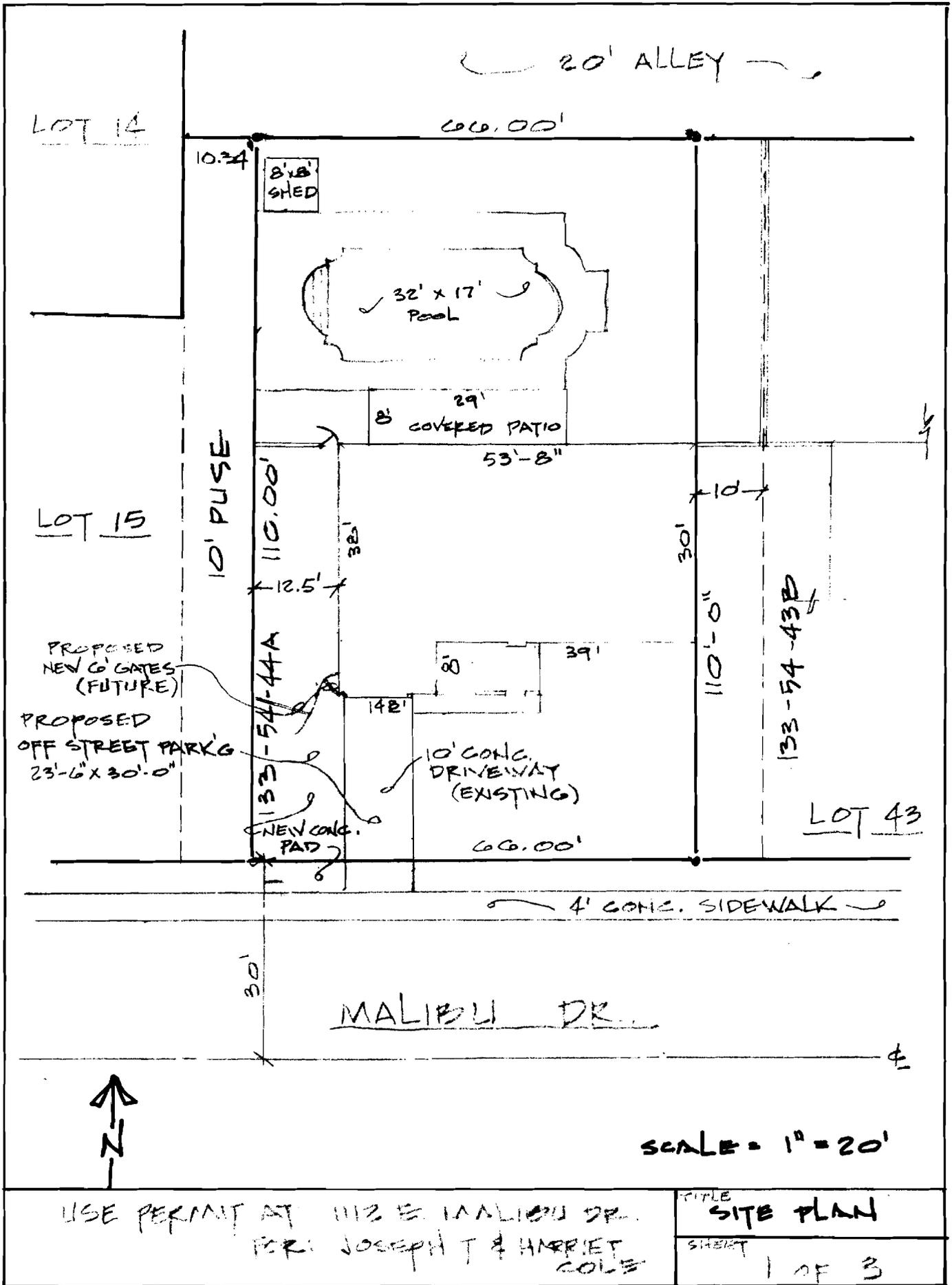
I am requesting your consideration and approval for this permit for the following reasons.

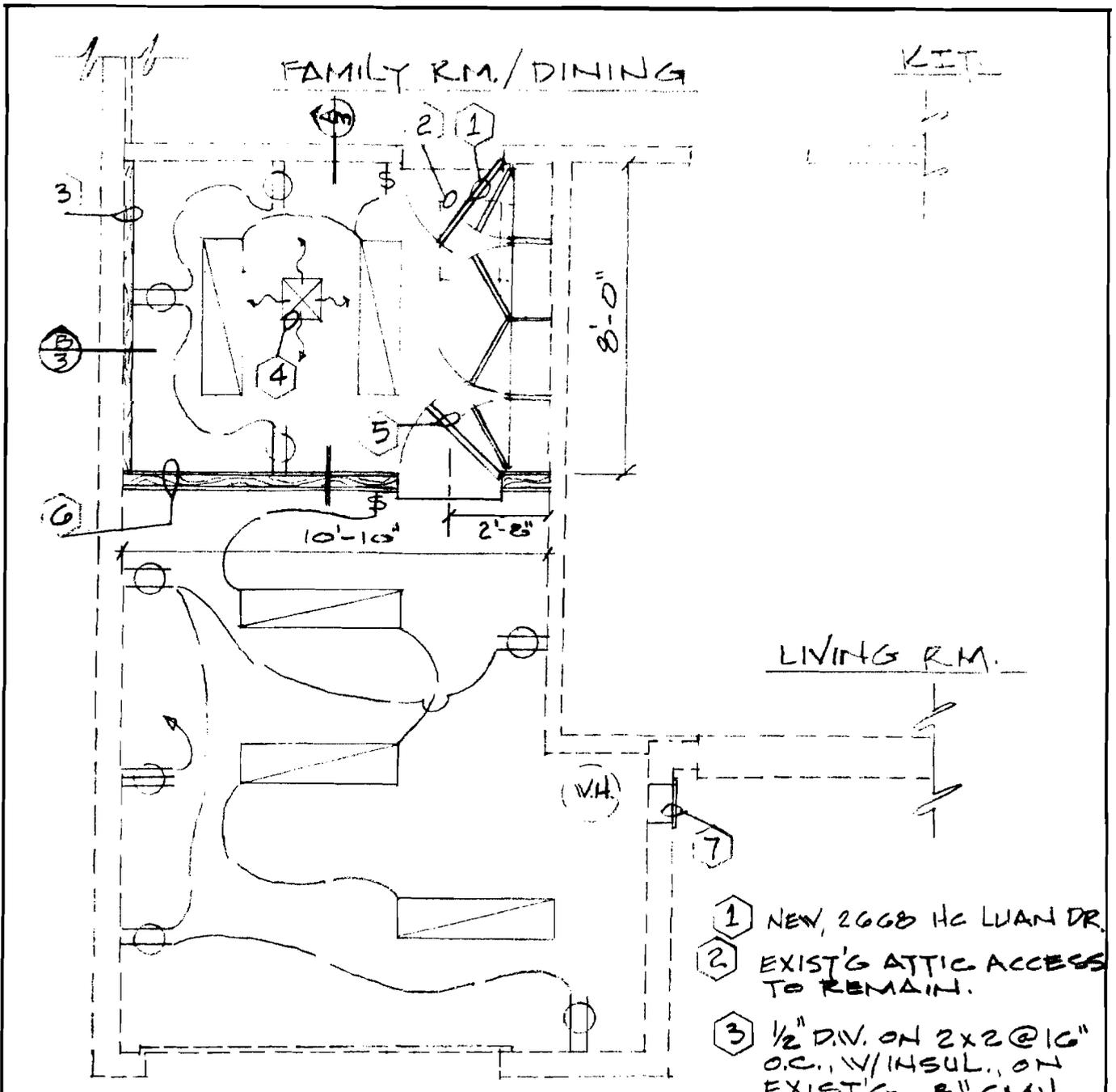
1. I am currently taking the necessary steps to form a Residential Construction company to be run from my home.
2. The home has a single car garage which I would like to convert to an office and work area as shown on the attached drawings.
3. I have also acquired a vehicle to be used by the business.
4. Because of the proposed garage conversion, there would be no space available for either the personal or the business vehicles, other than the driveway or the street.

I ask that you please approve the Use Permit. I am available for any questions at the phone number listed.

Thank you.

Joseph T. Cole ..





GARAGE PLAN  
SCALE 3/8" = 1'-0"

- ① NEW, 20GB HC LUAN DR.
- ② EXIST'G ATTIC ACCESS TO REMAIN.
- ③ 1/2" D.W. ON 2x2 @ 16" O.C., W/ INSUL., ON EXIST'G. 8" CMU.
- ④ 12" CLG. VENT W/ 8" Ø FLEX-DUCT
- ⑤ NEW 20GB SC LUAN DOOR W/ 3/4" THRESHOLD
- ⑥ NON-LOAD BEAR'G 2x4 STUD WALL @ 16" O.C. W/ R-11 INSUL. & 1-1/2" D.W. EA. SIDE.
- ⑦ 2EA. 8x12 VENT FOR W.H., NEW.

GARAGE CONVERSION FOR -	Joseph & Harriet Cole 112 E MALIBU DR. TEMPE AZ 85282	TITLE FLOOR PLAN
		SHEET 2 OF 3



# COLE RESIDENCE

1112 EAST MALIBU DRIVE

PL090252

FRONT OF RESIDENCE

