

Staff Summary Report



Hearing Officer Hearing Date: 8/02/11

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **CONCORDA HOUSE** located at 1880 East Concorda Drive for one (1) use permit.

DOCUMENT NAME: 20110802cdng06 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **CONCORDA HOUSE (PL110261)** (Guy Martinez/Executive Living LLC, applicant/property owner) located at 1880 East Concorda Drive in the R1-6, Single Family Residential District for:

ZUP11065 Use permit to allow required parking in the front yard setback.

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

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

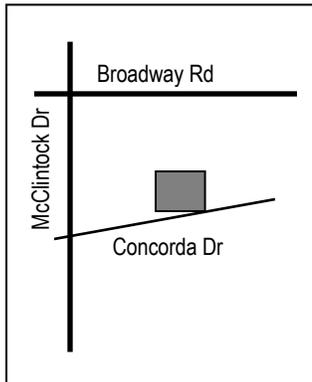
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



The applicant is requesting a use permit to allow required parking in the front yard setback. The single family residence was originally built in 1966 with a single carport. In 1967 construction was done on the home to convert the carport into a garage. Sometime after 1967 the garage was converted into livable space without permits unbeknownst to the current homeowners when they bought the home over a year ago. To date, staff has received three (3) phone calls of inquiry regarding this request. All three neighbors had questions regarding the reason for the use permit request, but after an explanation was given they all seemed to have no issues. Staff recommends approval of the proposal as submitted, with conditions.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
6. Staff Photograph

COMMENTS:

The Concorda House is requesting a use permit to allow required parking in the front yard setback. The single family residence was originally built in 1966 with a single carport. In 1967 construction was done on the home to convert the carport into a garage. Sometime after 1967 the garage was converted into livable space without permits unbeknownst to the current homeowners when they bought the home over a year ago. Currently, there is enough room in the single width driveway to park one (1) car in the front yard setback without hanging over into the right-of-way. Staff notes that the additional living space that was added to the home was +/- 390 square feet.

To date, staff has received three (3) phone calls of inquiry regarding this request. All three neighbors had questions regarding the reason for the use permit request, but after an explanation was given they all seemed to have no issues. Staff recommends approval of the proposal as submitted, with conditions.

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. 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 single-family residences with carports and garages that have been converted into living space.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
 - Not applicable to this residential request.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval. This is a common use permit request for homes constructed during the 1950's through 1970's; these homes are typically smaller in livable space than newer constructed homes and the carport conversion is a viable option for increasing the livable area of the home.

REASONS 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.

CONDITIONS OF APPROVAL:

1. The required parking on-site shall be used for single family residential use only.
2. Parking shall take place on impervious surfaces only.
3. Obtain all necessary clearances from the Building Safety Division.
4. All vehicles parked on the premises must be actively registered and in operable condition at all times.
5. 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:

- July 8, 1966 Certificate of Occupancy was issued for a single family home.
- August 15, 1966 Docket No. 66-8.2 – The Board of Adjustment approved a variance to reduce the side yard setback requirement from 7 s.f. to 5 s.f. to permit the conversion of a carport into a garage located at 1880 E Concorda Dr.
- September 19, 1967 Building Permit # 16794 – Final inspection on garage completed.

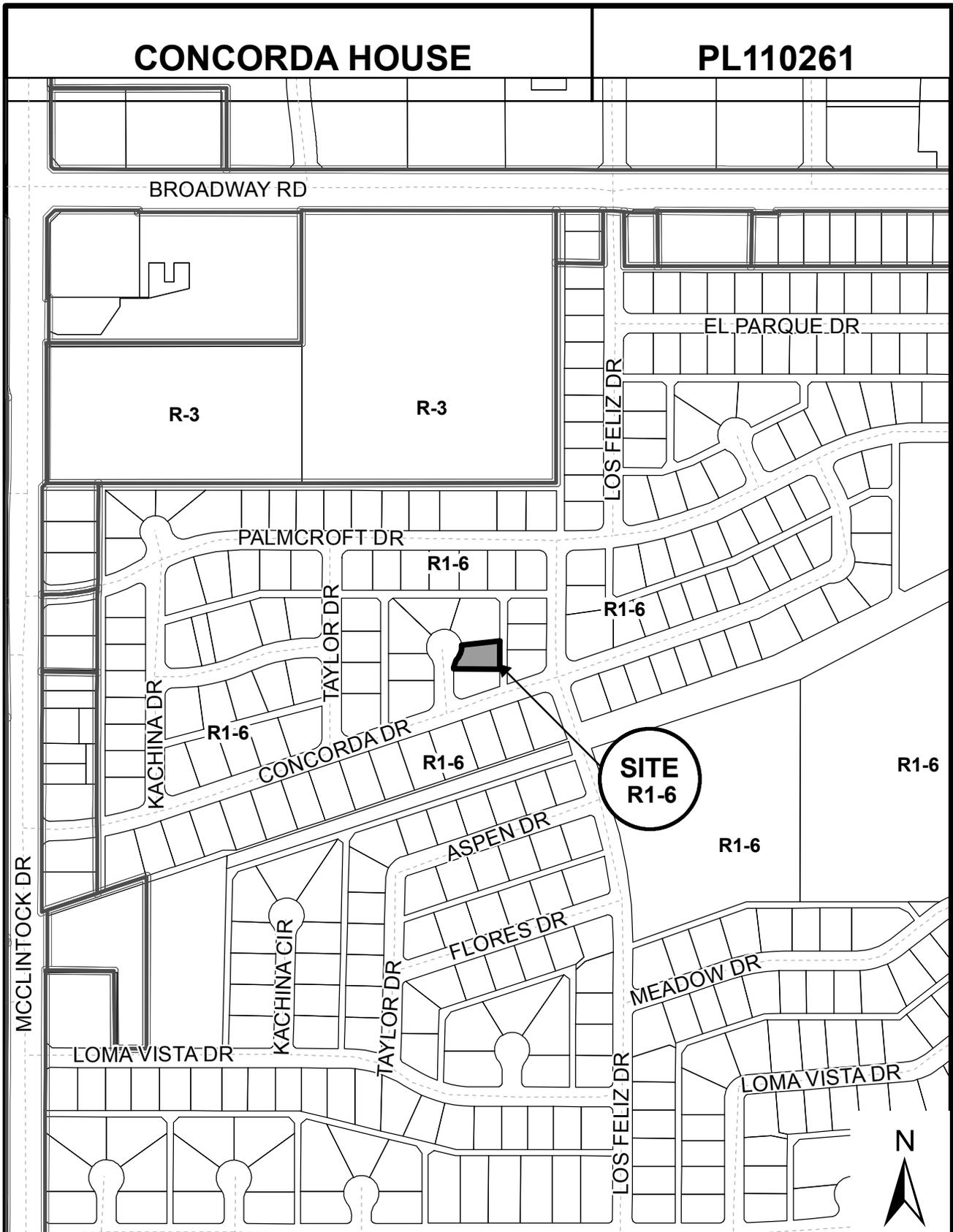
DESCRIPTION:

Owner – Guy Martinez/Executive Living LLC
Applicant – Guy Martinez/Executive Living LLC
Existing Zoning – R1-6, Single Family Residential District
Lot Size – 7,145.68 s.f. / .164 acres
Existing Building Area – 1,956 s.f.

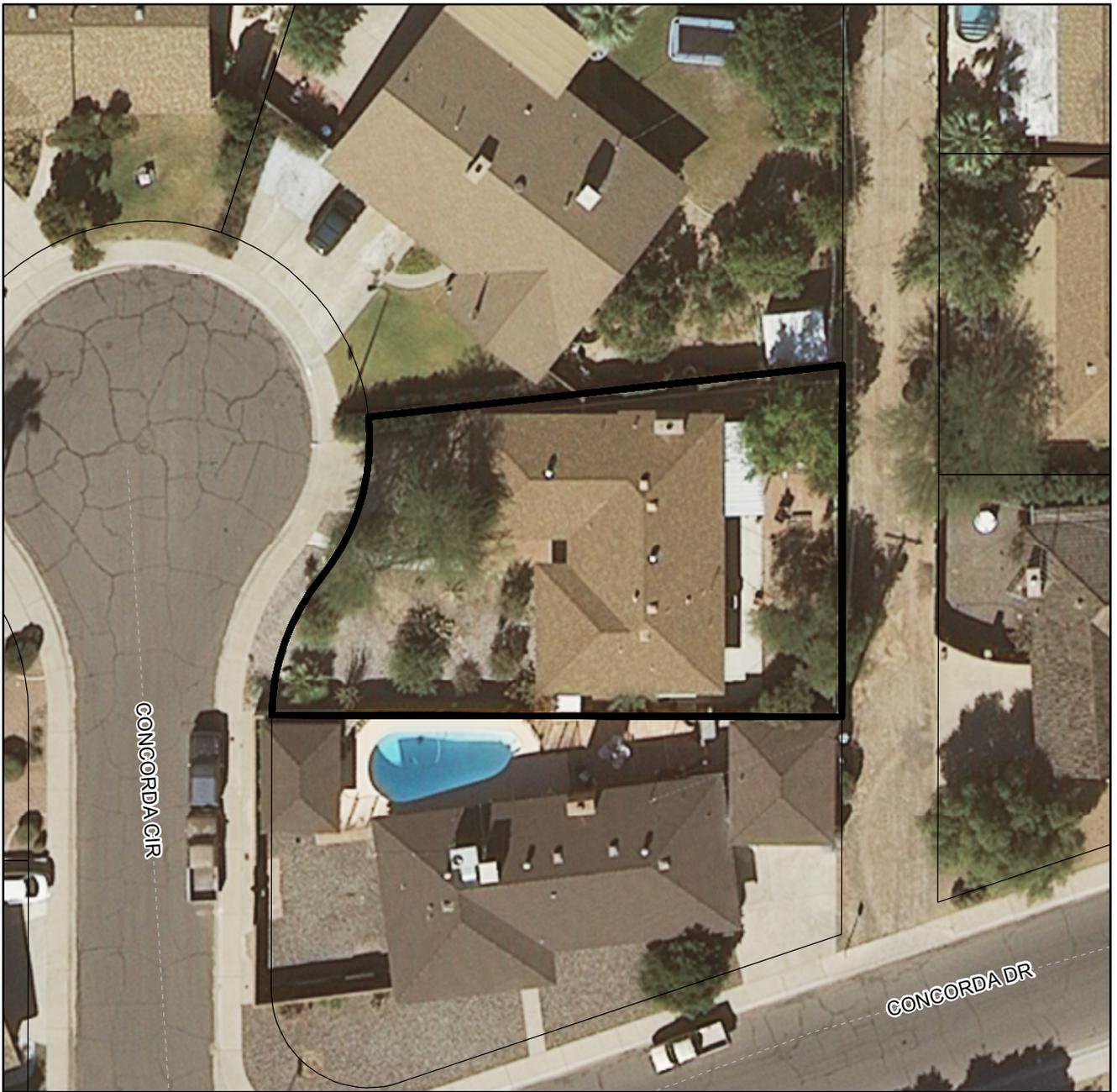
ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 4, Chapter 5, Section 4-502 – Motor Vehicle Access and Circulation Standards
Part 4, Chapter 6, Section 4-602 – General Parking Standards
Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map



CONCORDA HOUSE (PL110261)

Subject: 1880 E Concorda parking use permit

From: guy <gmartinez20@cox.net>

Date: 10:44 AM

To: steve_abrahamson@tempe.gov

Attention: Steve Abrahamson
City of Tempe

RE: 1880 E. Concorda, Tempe, AZ 85282

To Whom It May Concern:

We purchased the property at 1880 E. Concorda, Tempe AZ over a year ago. The garage had been converted to a bedroom without permits and without our knowledge of non permits. Prior to purchase, we checked with the City of Tempe and were told that there were no citations or violations with the home. Maricopa County tax records also showed the home as 1956 square feet at time of purchase, which includes the square footage of the non permitted garage conversion. A home inspector home also inspected the home prior to purchase and we were not made aware of any concerns pertaining to the room conversion. We were just made aware of the non permitted room a week ago.

We also have been informed this week that the parking spaces in the driveway are also in the setback. The home is located in a cult de sac and all he neighbors have garages with the exception of our home.

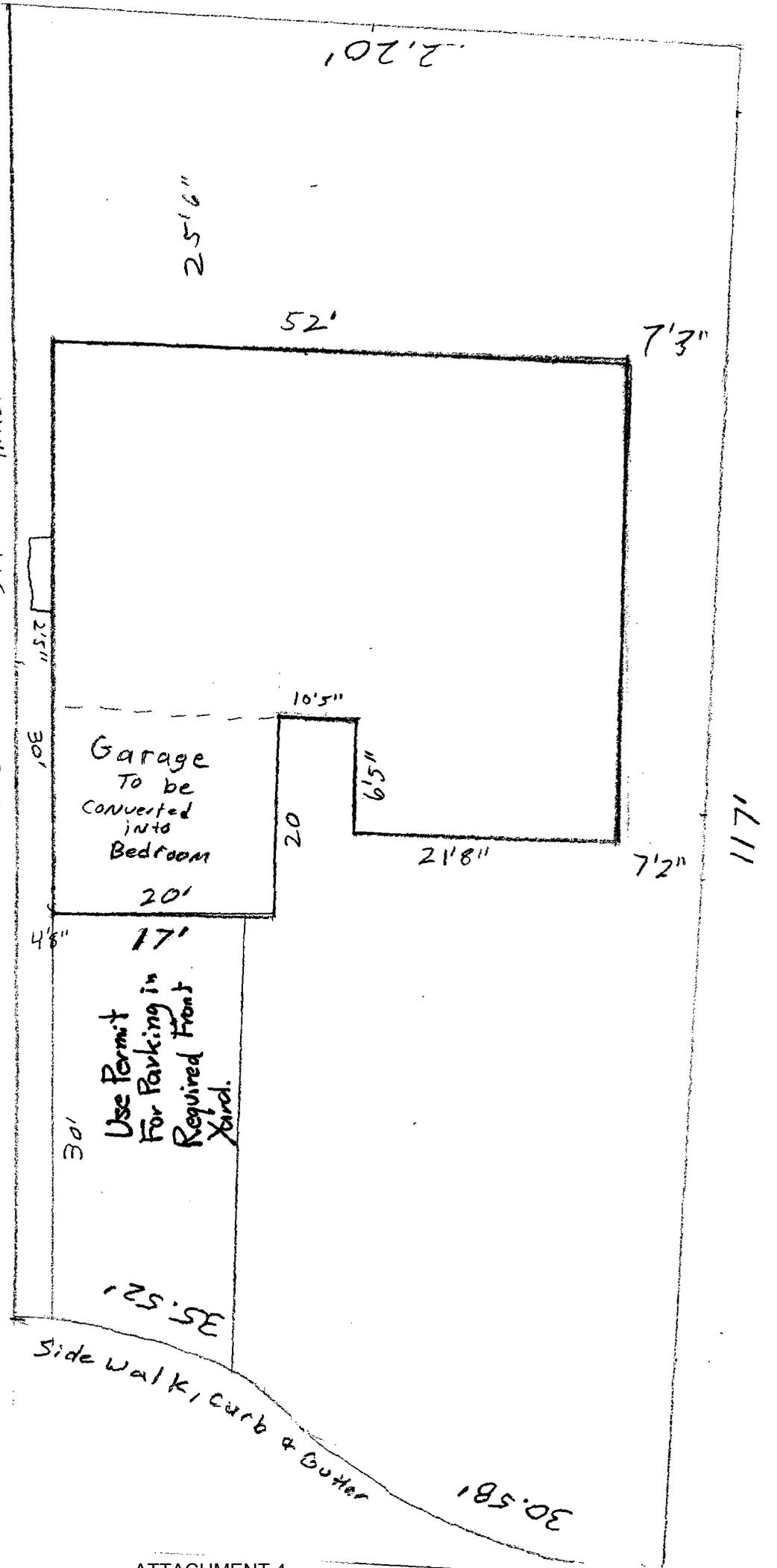
We would like to pull a permit for the enclosed garage to livable square footage. But, we were told we need a use permit first, which we can't get until Aug. 2.

We are suppose to close on this property on July 14, 2011. We are requesting a building permit first, while we are waiting for use permit.

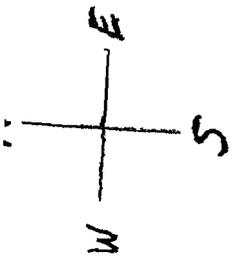
Sincerely,

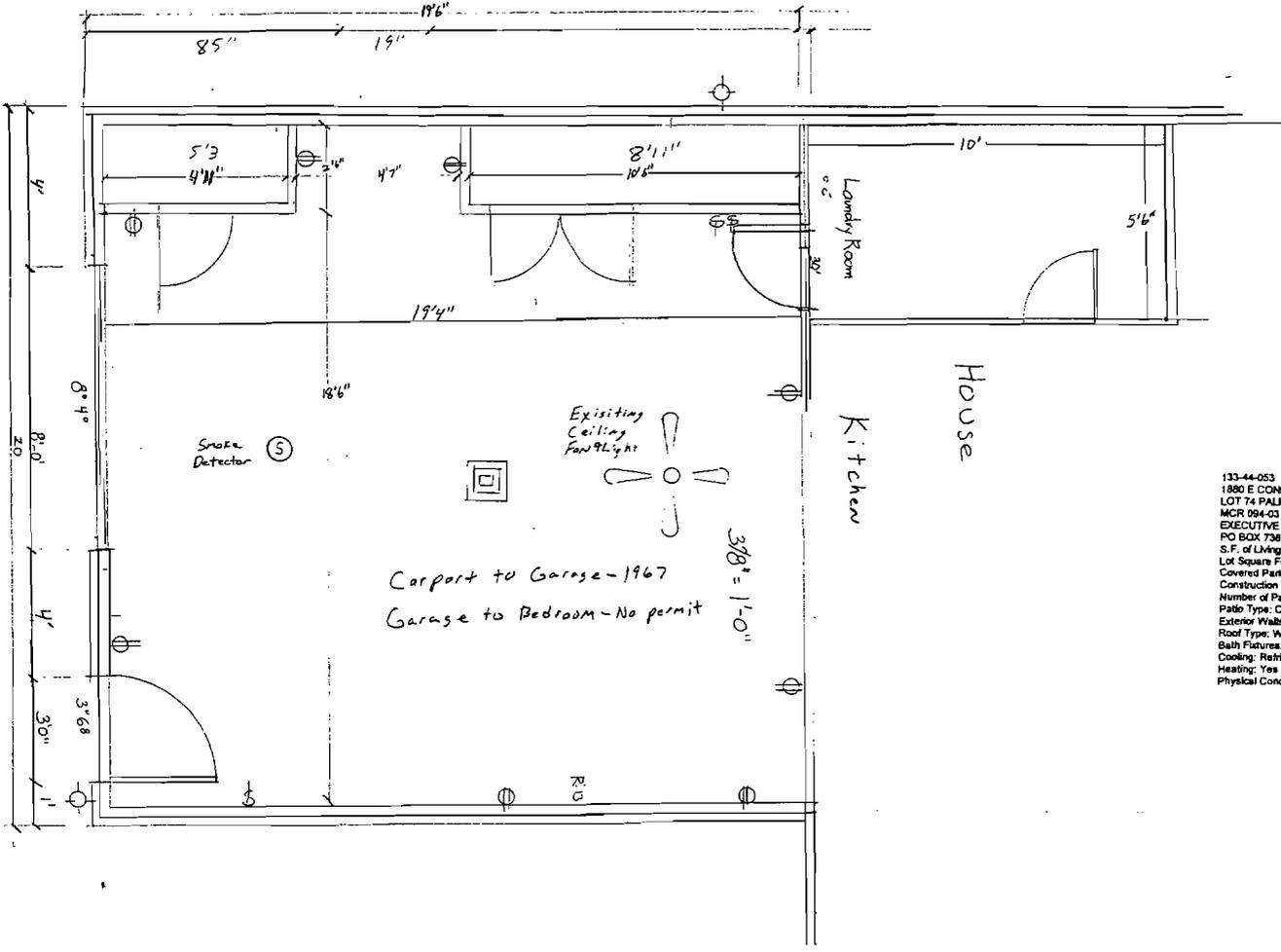
Guy Martinez
602 615 2727 Phone
623 201 2084 Fax

Alley



133-44-053
 1880 E CONCORDA DR TEMPE 85282
 LOT 74 PALMCROFT MANOR 2 LOTS 30-37, 58-78
 MCR 094-03 25 1N 4E
 EXECUTIVE LIVING LLC
 PO BOX 7387 CHANDLER AZ 85246 USA
 S.F. of Living Space: 1,956
 Lot Square Footage: 8,205
 Covered Parking: 0 None
 Construction Year: 1965
 Number of Patios: 1
 Patio Type: Covered
 Exterior Walls: Slump Block
 Roof Type: Wood
 Bath Fixtures: 6
 Cooling: Refrigeration
 Heating: Yes
 Physical Condition: Average





133-44-053
1880 E CONCORDIA DR TEMPE 85282
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CONCORDA HOUSE

1880 EAST CONCORDA DRIVE

PL110261

FRONT OF RESIDENCE

