

Staff Summary Report



Hearing Officer Hearing Date: November 3, 2010

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **DARNELL RESIDENCE** located at 1850 East Carver Road for one (1) use permit.

DOCUMENT NAME: 20101103cdng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **DARNELL RESIDENCE (PL100299)** (Lyle Leslie/Leslie Custom Homes, applicant; David Darnell, property owner) located at 1850 East Carver Road in the R1-7, Single Family Residential District for:

ZUP10120 Use permit to allow an increase in the maximum allowable wall height within the front yard setback from 4 ft to 6 ft.

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

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

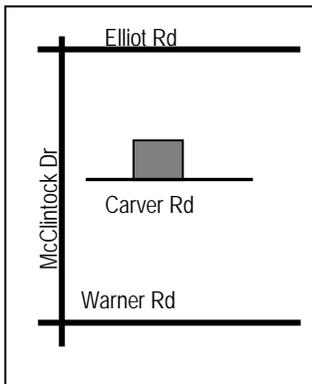
LEGAL REVIEW BY: N/A

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

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

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow an increase in the maximum allowable wall height within the front yard setback from four (4) feet to six (6) feet. The property is located along Carver Road, east of McClintock Drive. All walls or fences located in the front yard must obtain a use permit if they are over four (4) feet in height. The applicant is requesting approval of various height increases to six (6) feet within a proposed four (4) foot patio screen wall. Staff supports approval of the use permit with conditions. To date, staff has received no public input on this request.



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 / Elevations
6. Staff Photograph

COMMENTS:

The Darnell Residence is requesting a use permit to allow an increase in the maximum allowable wall height within the front yard setback from four (4) feet to six (6) feet. The property is located along Carver Road, east of McClintock Drive. The majority height of the fence/wall in the front yard setback is four (4) feet. This use permit would allow various height increases up to six (6) feet within a proposed four (4) foot patio screen wall (see elevations for more details). According to the applicant and the elevations submitted, the actual maximum height of the wall will be five (5) feet.

The original intent behind a maximum four (4) foot wall in the front yard setback was to allow visual surveillance between the street and the front yard. The house faces the street and the intent of the wall increase is to provide some privacy for the front patio that will be widened; the visual surveillance between the street and the residence will still be maintained since most of the fence will be four (4) feet.

To date, staff has received no public input on this request.

Use Permit

The Zoning and Development Code requires a use permit for a wall/fence greater than four (4) feet in height for walls/fences located in the front yard setback for single family dwellings, in the R1-7, 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 not be 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;
 - The proposed use should not create any nuisances.
- 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 area is in compliance with the General Plan and neighborhood intent.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed wall is intended to provide an aesthetic look and will not create a nuisance for the surrounding area.
- e. Adequate control of disruptive behavior both inside and outside the property, which may create a nuisance to the surrounding area or general public.
 - Visual surveillance will remain available in the front yard of the property.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval.

REASONS FOR APPROVAL:

1. The authorizing of the use permit is necessary for the preservation and enjoyment of substantial property rights.
2. Authorization of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood or to the public welfare in general.
3. The proposed patio screen wall in the front yard setback will for the main part be at four (4) feet, thus meeting the intent of natural surveillance between the home and the street.

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

CONDITIONS OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. Approval is valid for plans as submitted within this application.
3. Obtain all necessary clearances from the Public Works Department for on-site retention and paving. Design patio to conform to Tempe Engineering Standards.

HISTORY & FACTS:

January 31, 1980 Final approval of a single family home

October 19, 2010 PL100299 – Case was continued due to the lack of a Hearing Officer to take action on agenda items.

DESCRIPTION:

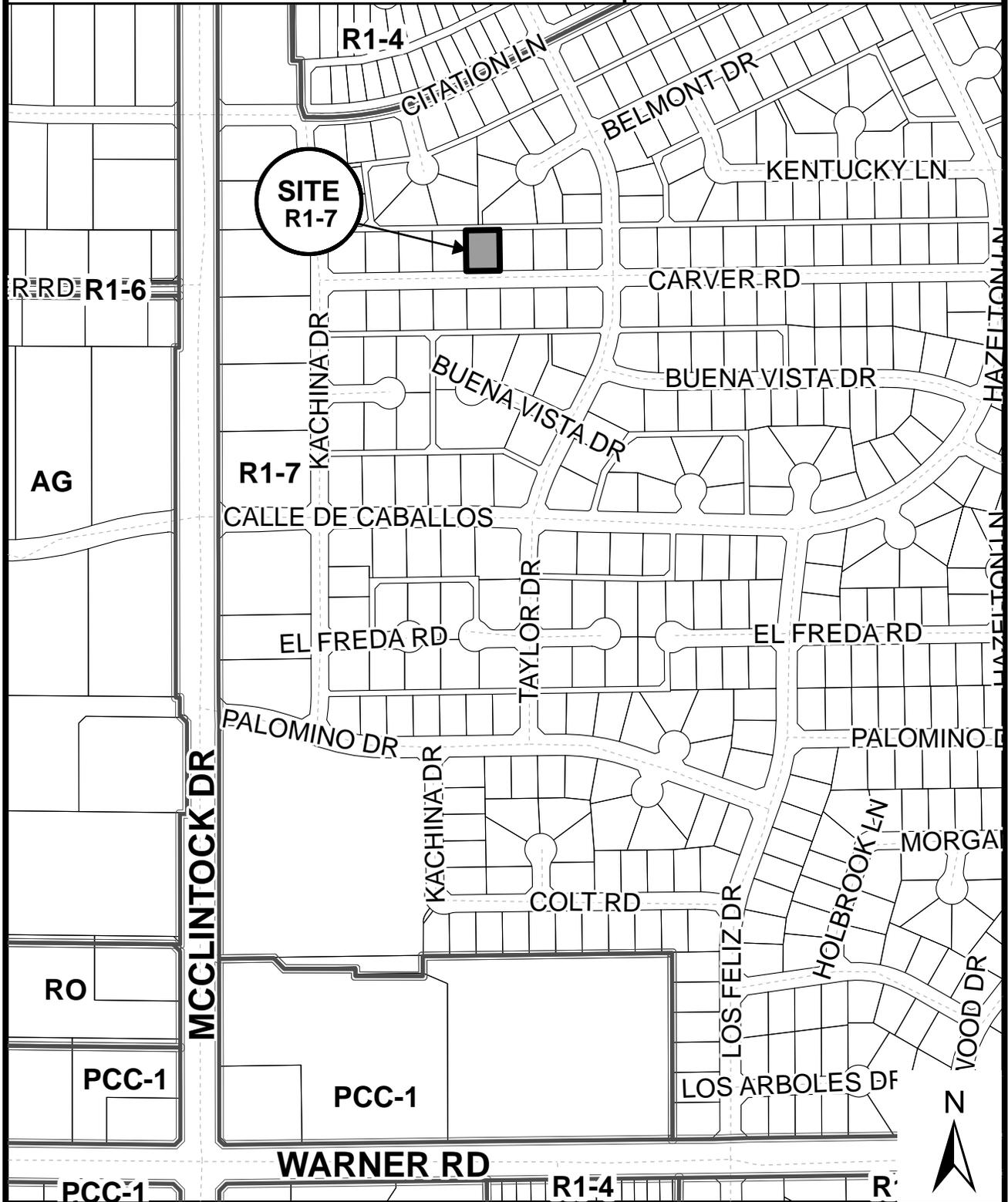
Owner – David Darnell
Applicant – Lyle Leslie/Leslie Custom Homes
Existing Zoning – R1-7, Single Family Residential District
Existing Wall Height – 4'
Proposed Wall Height – 6'

ZONING AND DEVELOPMENT

CODE REFERENCE: Part 4, Chapter 7, Section 4-706A – General Fence and Wall Height Standards
 Part 6, Chapter 3, Section 6-308 – Use Permit

DARNELL RESIDENCE

PL100299



Location Map



DARNELL RESIDENCE (PL100299)

October 5, 2010

City of Tempe
Development Services
31 East Fifth Street
Tempe, AZ 85280-5002
480-350-8331 TDD 480-350-8400

Re: Letter of Explanation for Use Permit
1850 E. Carver Dr, Tempe, Arizona 85284
Lot 8, Estate La Colina, MCA Parcel #301-50-014, MCR #20541

Dear Sir or Madame:

I'm writing this letter of explanation in compliance with City of Tempe Use Permit requirements.

The Darnell private residence on Lot 8 at 1850 E. Carver in the Estate La Colina neighborhood is almost 30 years old. The inside of the residence was remodeled and recently upgraded with replacement of appliances, hot water heater, water filtration equipment, air conditioning, lighting fixtures, and major electrical wiring. The roof was recently refinished. The backyard was recently landscaped at considerable expense, and the old outdated pool replaced with a state of the art pool package aimed at energy savings and safety.

This is an application for a Use Permit exception to build a "Wall" in the front yard which exceeds the 4' limit restrictions of neighborhood zoning. The front yard of this residence will be upgraded with desert landscaping to use less water and support a beautiful green environment. The existing patio will be replaced with a slightly wider patio enclosed by the Wall. The Wall will not exceed 6' in height.

1. This upgrade to the front of the Darnell residence will greatly enhance and improve the Estate La Colina neighborhood and likely encourage surrounding neighbors to upgrade their own homes which are also almost 30 years old. Area property values will increase.
2. There will be no vehicular or pedestrian traffic problems as a result of this upgrade.
3. There will be no nuisance in air, smell, vibration, temperature, or glare exceeding ambient conditions in the neighborhood.
4. There will be no conflict with the appearance of other homes throughout the neighborhood.
5. Several homes in the area already have walls far exceeding the 4' limit.
6. Quality contractors will be used to upgrade the front yard of this residence.

Thank you for your time and consideration.

Sincerely yours,



David C. Darnell | Home Owner
1850 E. Carver Rd., Tempe, Az. 85284
Phone: 480-897-8479 | Fax: 480-452-1715



DARNELL RESIDENCE

1850 EAST CARVER ROAD

PL100299

FRONT OF RESIDENCE

