

Staff Summary Report



Hearing Officer Hearing Date: March 16, 2010

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **FISCHBECK RESIDENCE** located at 36 East 14th Street for one (1) variance.

DOCUMENT NAME: 20100316dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **FISCHBECK RESIDENCE (PL100029)** (William Dougherty/Citywide Builders Inc., applicant; Mark Fischbeck, property owner) located at 36 East 14th Street in the R1-6, Single Family Residential District for:

VAR10002 Variance to reduce the west side yard setback from five feet (5 ft) to three feet (3 ft) to replace an existing carport.

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

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

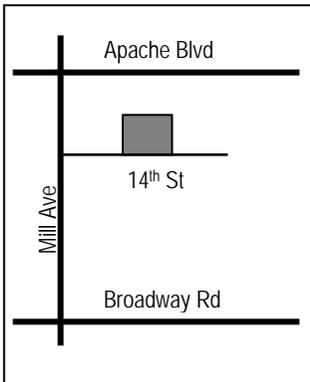
LEGAL REVIEW BY: N/A

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 west side yard setback from five feet (5 ft) to three feet (3 ft) to replace an existing carport. Staff supports the variance finding that there are special circumstances related to existing conditions and the placement of the proposed structure on the lot for which to warrant support of the variance. The applicant held a neighborhood meeting on February 23, 2010; in accordance with the requirements of the Zoning and Development Code. One neighbor attended the meeting and had only positive feedback. To date, staff has received two (2) emails of support from nearby residents concerning this request.

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
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Front Elevation (South)
6. Left Elevation (West)
7. Rear Elevation (North)
8. Right Elevation (East)
- 9-10. Neighborhood Meeting Minutes
- 11-12. E-mails of Support
13. Staff Photograph

COMMENTS:

The Fischbeck Residence is requesting a variance to reduce the west side yard setback from five feet (5 ft) to three feet (3 ft) to replace an existing carport. The home was built in 1959 and according to Mr. Fischbeck; the existing carport was there when he moved to the property in 1984. After many years, he has decided to do several renovations on the home including the replacement of the existing carport in the exact same location. In September of 2009 a building permit was issued to replace the carport, however a property line survey showed that the approved plans placed the supporting posts two (2) feet into the west side yard setback. The carport has a width of nine (9) feet six (6) inches with the support posts being located at the ends to maximize space. Moving the posts back to within the side yard setback of five (5) feet would make a narrow space of seven (7) feet six (6) inches for a car to fit through.

Staff supports the variance finding that there are special circumstances related to existing conditions and the placement of the proposed structure on the lot for which to warrant support of the variance. The applicant held a neighborhood meeting on February 23, 2010; in accordance with the requirements of the Zoning and Development Code. One neighbor attended the meeting and had only positive feedback.

To date, staff has received two (2) emails of support from nearby residents concerning this request.

Variance

The Zoning and Development Code requires that the side yard setback in the R1-6, Single Family Residential District be a minimum of five feet (5'). The applicant is requesting a two foot (2') encroachment for a portion of their structure or approximately sixty (60) s.f. into the side yard setback. The new carport will be located in the exact same location of the existing carport and shall not create a visual nuisance for the property located to the west. In review of this case, staff finds that there is justification for support of the variance. The placement of the structure on the lot and the existing narrow width on the side of the house for a carport 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.

REASONS 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 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.

**CONDITIONS
OF APPROVAL:**

1. The variance is valid for the plans as approved by the Hearing Officer.
2. The carport shall compliment the existing residence in form, color and material.
3. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS:

April 28, 1959 Final inspection for a Single Family Residence.

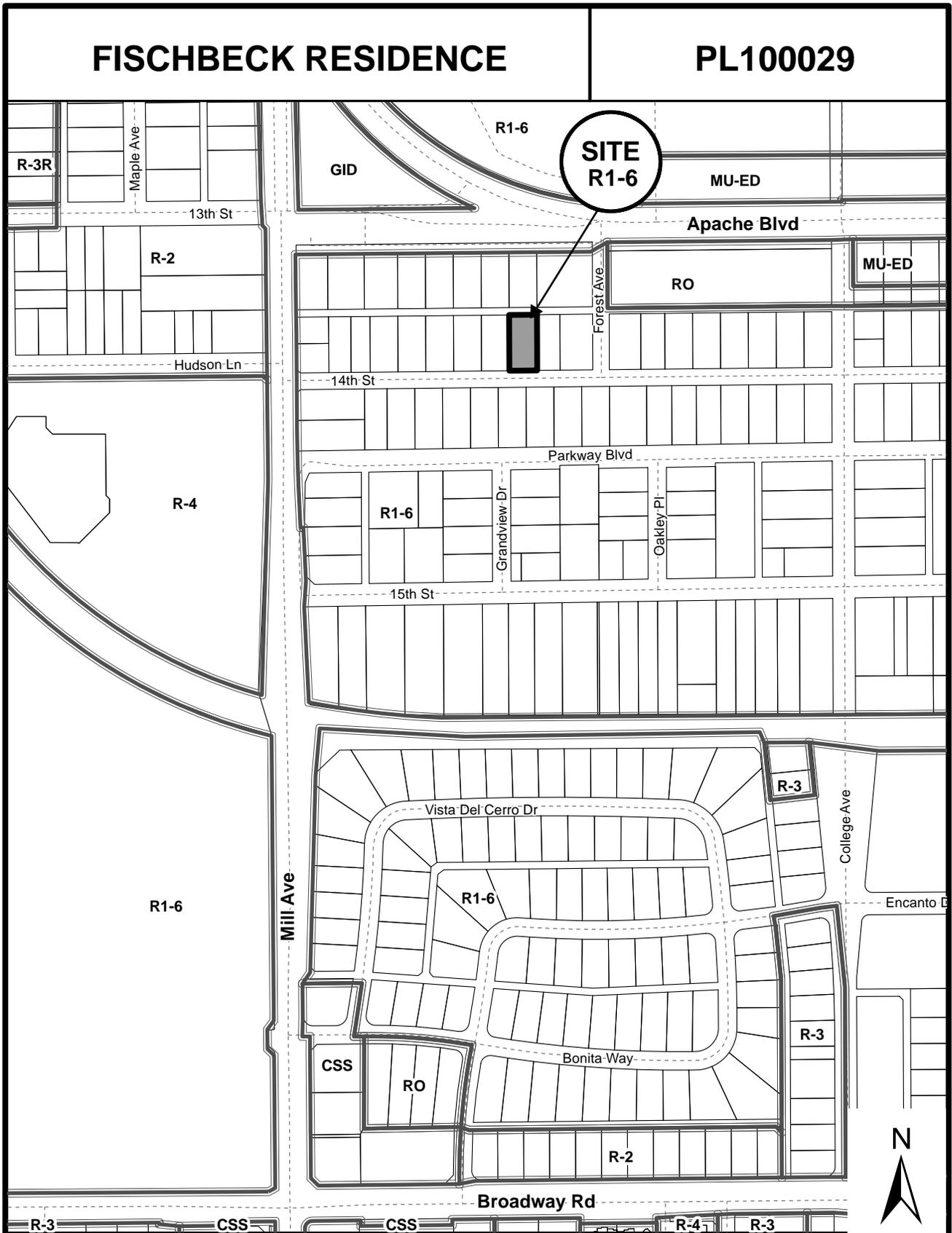
September 28, 2009 BP081583 – Building Permit issued for living room and master bedroom expansions and a new rear covered patio and carport.

DESCRIPTION:

Owner – Mark Fischbeck
Applicant – William Dougherty/Citywide Builders Inc.
Existing Zoning – R1-6, Single Family Residential District
Lot Size- 11,251 s.f. / .258 acres
Required side yard setback- 5'
Proposed side yard setback- 3'
Existing Residence Building Area – 3,652 s.f.
Proposed Carport Building Area – 285 s.f.

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 2, Section 4-202 – Development Standards for Residential Districts
Part 6, Chapter 3, Section 6-309 – Variances



Location Map



FISCHBECK RESIDENCE (PL100029)

TO: Development Services / Planning

Re: Variance / Letter of Explanation

Reference: Permit # BP081583

Property Address:

36 East 14th Street
Tempe, AZ 85281

Property Owner:

Mr. Mark Fischbeck
Phone 3 480-296-5101

Applicant:

William E. Dougherty
Citywide Builders, Inc.
480-775-0100

To Whom It May Concern:

Please consider this request for a variance for the above residential property.

Owner requests to:

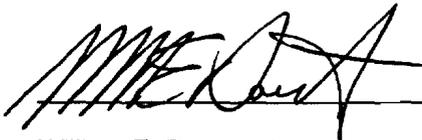
Replace the existing carport which is 2' within the 5' side yard set back with a new carport in the exact same location. The construction of this carport has been permitted by Development Services: Permit # BP081583. However, a property line survey that was ordered by Contractor determined that the position of the existing carport support posts are 2' inside the 5' side lot set back not outside the set back as the approved site plan indicated.

This variance is necessary for the preservation and enjoyment of the property because the rebuilding of the existing carport would be preserving the only off street covered parking accessible from 14th street for this residence.

This variance simply allows the owner to replace an old carport with new one, in the exact same location. Thereby allowing the owner continued enjoyment and use of the property as he has done for many, many years.

Authorizing this variance will not in any way be detrimental neither to neighbors in the area nor to any other persons working in the vicinity. There will be no danger to the public welfare in general.

The applicant, respectfully submits this request for your consideration.

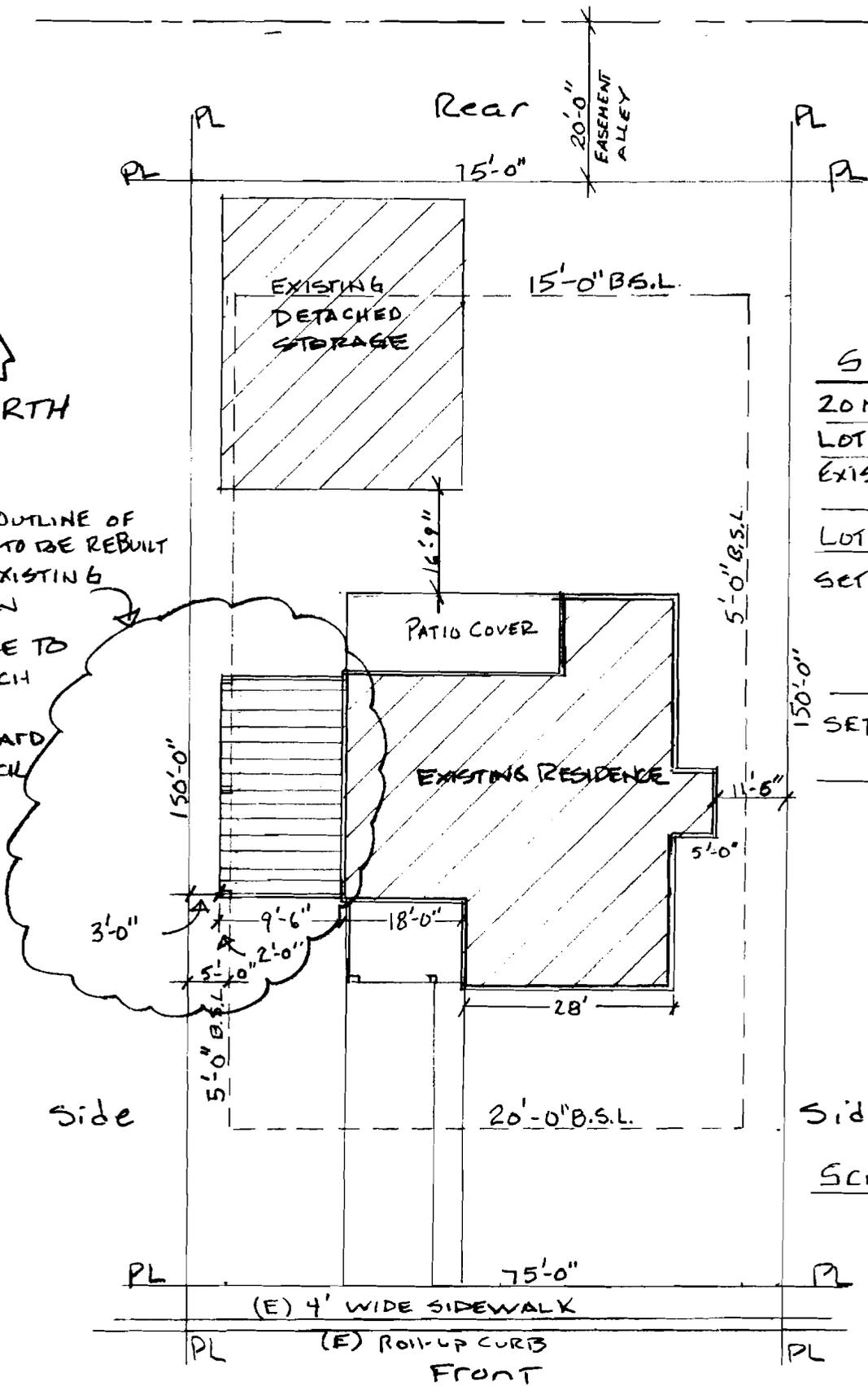


Dated: 2-2-2010

William E. Dougherty
Applicant



EXISTING OUTLINE OF CURBPORT TO BE REBUILT IN ITS EXISTING LOCATION
 VARIANCE TO ENCR OACH 2' INTO SIDE YARD SET BACK



SITE DATA

ZONING	RI-6
LOT AREA	11,247 SQF
EXISTING HOUSE AREA	3652 SQF
LOT COVERAGE	32.47%
SET BACK REQUIRED	5' SIDE 20' FRONT 15' REAR
SET BACK REQUESTED	3' SIDE

SCALE 1" = 20'

14th STREET

36 E. 14th Street
 Tempe, AZ
 85281

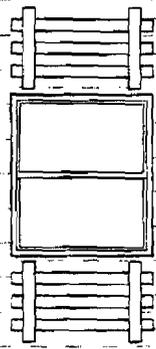
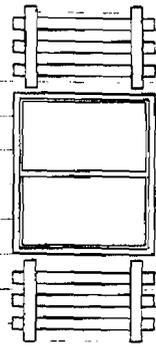
ROOF MOUNTED AC UNIT



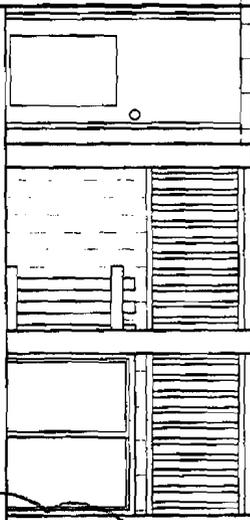
DORMER VENT



CARPET

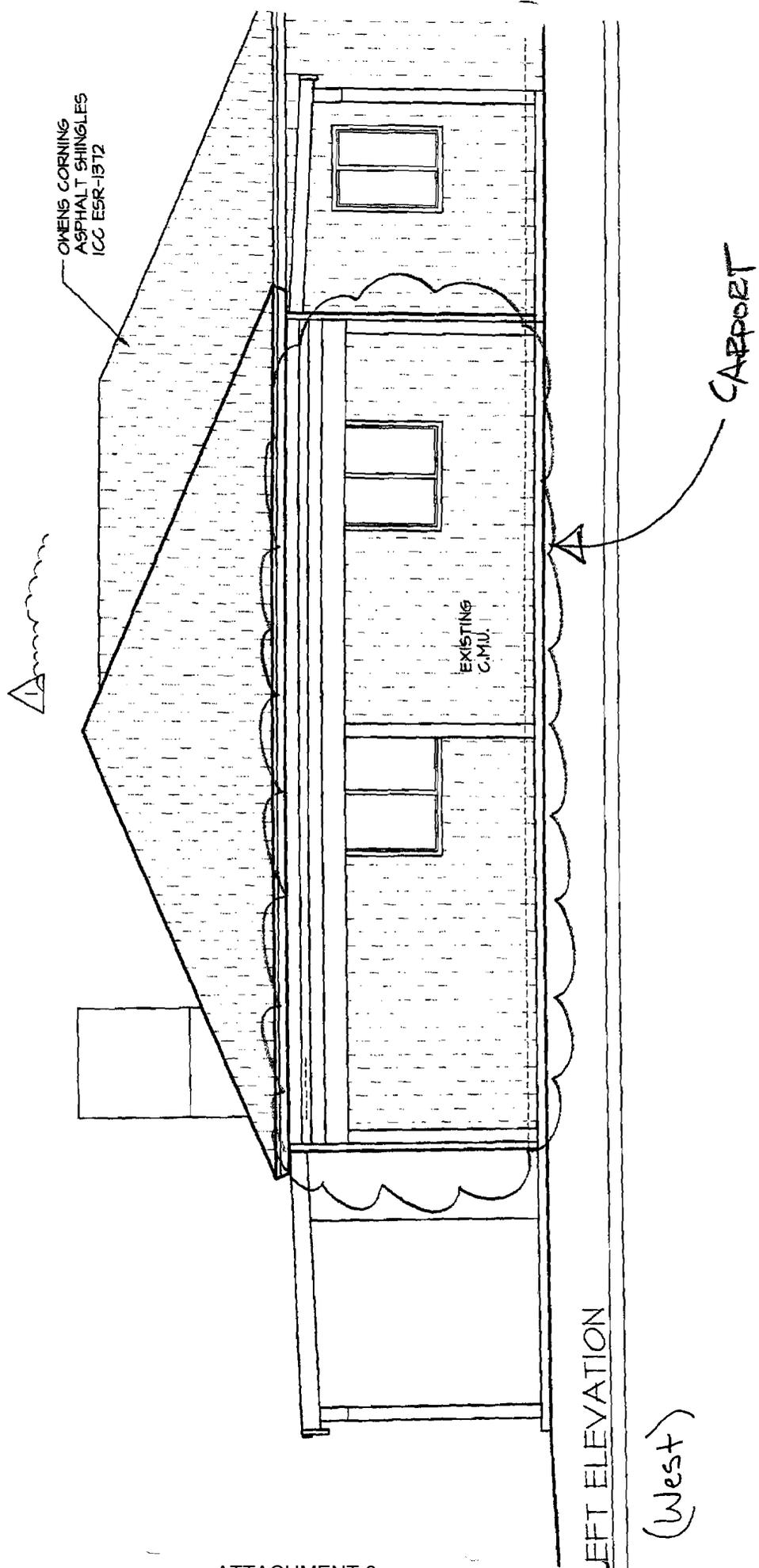


EXISTING C.M.U.



FRONT ELEVATION

(South)



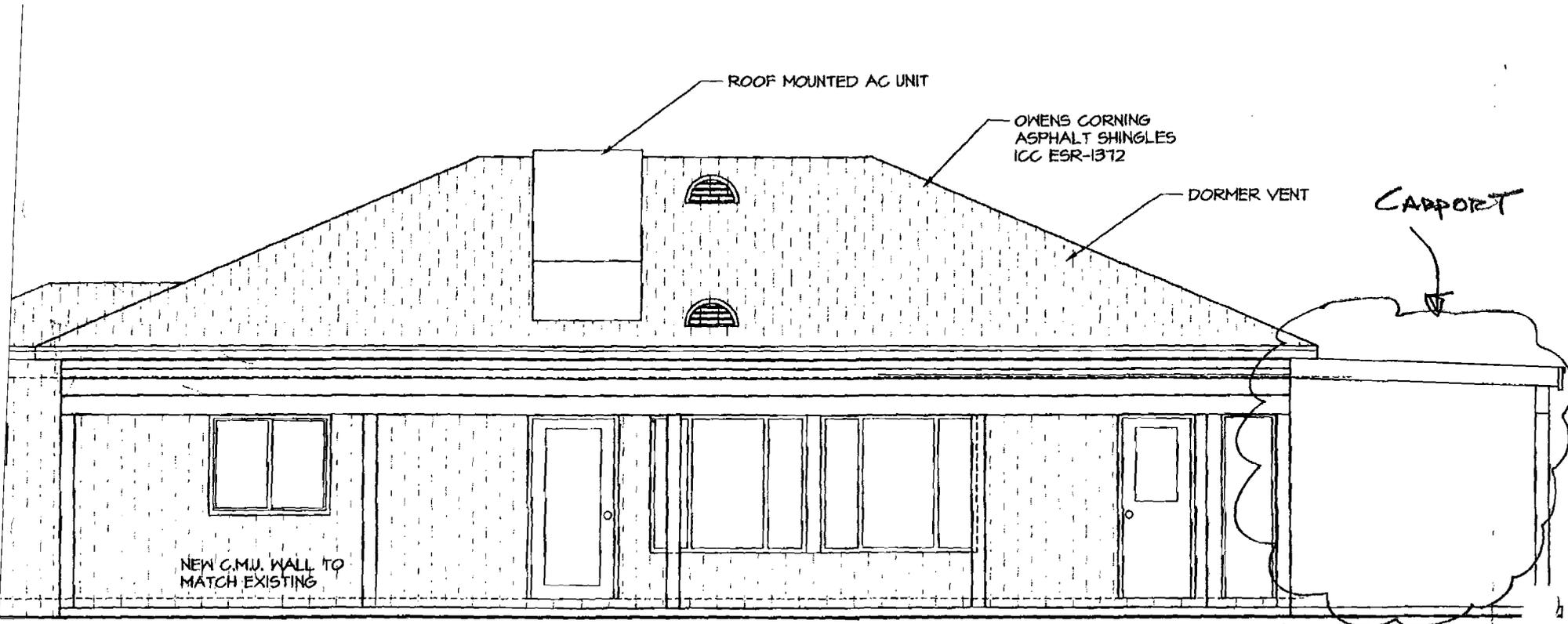
OWENS CORNING
ASPHALT SHINGLES
ICC ESR-1372

EXISTING
C.M.U.

CARPET

LEFT ELEVATION

(West)



ROOF MOUNTED AC UNIT

OWENS CORNING
ASPHALT SHINGLES
ICC ESR-1372

DORMER VENT

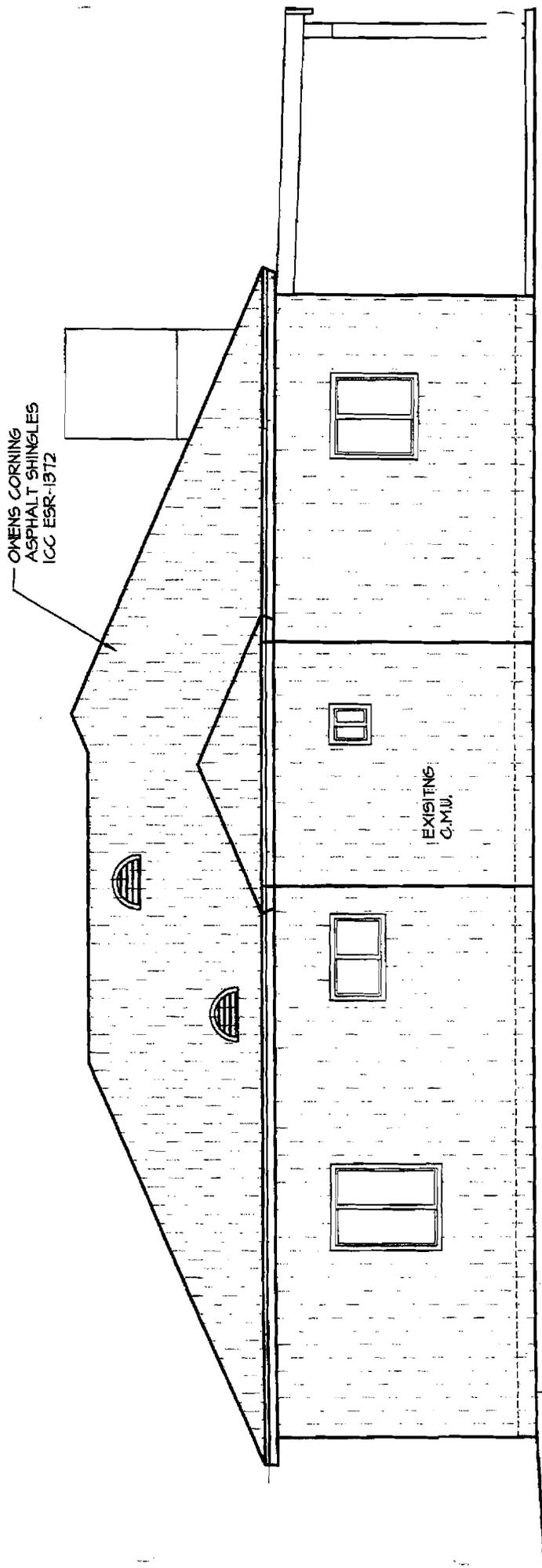
CARPORT

NEW C.M.U. WALL TO
MATCH EXISTING

REAR ELEVATION

(North)

OWENS CORNING
ASPHALT SHINGLES
ICC ESR-1372



EXISTING
C.M.U.

RIGHT ELEVATION

(East)

CARPET NOT VISIBLE

Graves, Nick

From: Bill Dougherty [bill@citywidebuilders.com]
Sent: Wednesday, February 24, 2010 9:52 AM
To: Graves, Nick
Subject: Meeting
Attachments: Fish summary.doc

Nick:
Here is the meeting summary for the neighborhood variance meeting. There was limited turnout. Most people in the neighborhood have seen the construction and are aware of what is being built. I attribute that the closeness and the familiarity of people to each in that area.

Bill

Fischbeck Neighborhood Meeting:
Location: 36 E. 14th Street

Date: February 23rd

In attendance:

Bill Dougherty / Applicant

Mark Fischbeck / Owner

Ed Shipp / Neighbor

Summary of Items Discussed:

- The architectural improvements being made to the structure.
- The fact that the new carport will be in the same location as the old carport.
- A number of anecdotes unrelated to the matter at hand.

Sign in Sheet: Attached

Overview:

Nothing negative was noted only positive.

Graves, Nick

From: Bill Dougherty [bill@citywidebuilders.com]
Sent: Thursday, March 04, 2010 3:31 PM
To: Graves, Nick
Subject: Fw: Fischbeck Residence

----- Original Message -----

From: Sallie Seibert
To: bill@citywidebuilders.com
Sent: Thursday, March 04, 2010 11:12 AM
Subject: Fischbeck Residence

To: Bill Dougherty
Citywide Builders
re:variance request - Fischbeck Residence

From: Sallie Seibert
38 E. 14th St.
Tempe AZ 85281

Hi Bill,

This correspondence is In regards to the variance request to allow a setback reduction from 5 feet to 3 feet to replace an existing carport at the Fischbeck residence. The replacement of the existing carport with a new structure results in a net end result of 'no change'.

I am Mark's direct neighbor to the east, and while unable to attend the Public Hearing, I would like to state my support for granting the variance.

If you have any further questions, please fell free to contact me at 480-350-9583.

Thank you,
Sallie Seibert

Graves, Nick

From: Stanley Williams [stanley.williams@asu.edu]
Sent: Monday, March 08, 2010 2:23 PM
To: Graves, Nick
Subject: Fishbeck 36 E. 14th St. request for variance

Hi Nick,

My wife, Lynda Williams, and I live at 32 E 14th st. immediately adjacent to Mark Fishbeck. His request for a variance is applicable to our shared property line. Lynda and I have absolutely no difficulty with the variance being granted to Mark. As your card notes, he will be replacing an existing carport. That existing carport imposed no inconvenience or potentially negative impact of it being closer than the regulation limit of 5 feet.

With the wonderful new house that Mark is building, a new carport will only add to the overall attractiveness of our property. I am rather confident that there are no neighbors who have any discomfort of his being granted a variance. Our wide area neighbors have very often stopping by to tell us or Mark how much his renovation appeals to them. Given the concern that everyone has these days with respect to the value of their own property, his improvement is a source of confidence that our neighborhood is fortunate to have a long-term stability that is quite special and valuable.

I would be happy to answer any questions that you may have. I am planning to attend the Hearing so that I will be on hand if any discussions are taking place. I want to be supportive of Mark's good efforts.

Thank you,
Stanley

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Stanley N. Williams
Professor of Volcanology
School of Earth and Space Exploration
Arizona State University
Tempe, AZ 85287-1404 USA

office phone: 480 965 1438
office fax: 480 965 8102
e-mail: stanley.williams@asu.edu
cell: 480 688 2729



FISCHBECK RESIDENCE

36 EAST 14TH STREET

PL100029

FRONT OF RESIDENCE

