

# Staff Summary Report



Hearing Officer Hearing Date: March 16, 2010

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by the **GREENHALGH-WALKER RESIDENCE** located at 1868 East La Donna Drive for one (1) use permit.

**DOCUMENT NAME:** 20100316dssl02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **GREENHALGH-WALKER RESIDENCE (PL100049)** (Barry Flemming/Kirk Development Company, applicant; Robert Greenhalgh & Mary Walker, property owners) located at 1868 East La Donna Drive in the R1-7, Single Family Residential District for:

**ZUP10014** Use permit standard to reduce the west side yard setback by twenty percent (20%) from seven feet (7 ft) to five feet six inches (5 ft 6 inches) to allow a garage addition.

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

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

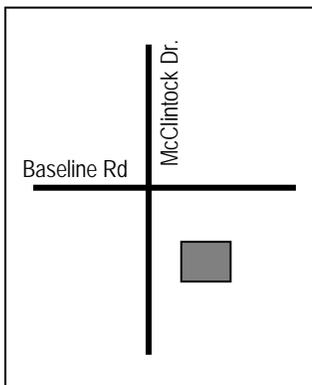
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

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

**ADDITIONAL INFO:** The Greenhalgh-Walker Residence is requesting approval of a use permit standard to reduce the west side yard setback by 20% from seven (7) feet to five feet six inches (5'-6"). The reduced setbacks will accommodate the expansion of a third car garage with a new patio cover addition. To date, no public input has been received.



**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. Elevations
6. Staff Photograph(s)

**COMMENTS:**

The Greenhalgh-Walker Residence is proposing to construct an addition to their home consisting of a new third car garage with a covered patio area. The new garage will share driveway access with the existing garage. The design of the addition will complement the existing residence in color, form and material. They are seeking the use permit standard to reduce the required side yard setback by 20% or from 7' to 5'-6".

**Use Permit**

The Zoning and Development Code requires a use permit for a reduction of the side setback up to 20%; the reduced side yard setbacks will not create a nuisance or be detrimental to the surrounding area. The use permit complies with the approval criteria for a use permit.

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 be no emission of odor, dust, gas, noise, vibration, and smoke from the two (2) building additions.
- 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, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding uses.

**Conclusion**

Staff recommends approval of the use permit.

**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. Obtain all necessary clearances from the Building Safety Division.

2. Addition to match the main residence in design, color and materials.

**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:** Owner – Robert Greenhalgh & Mary Walker  
Applicant – Barry Flemming/Kirk Development Company  
Existing Zoning – R1-7, Single Family Residential District  
Required Side yard setback- 7'  
Proposed Side yard setback- 5'-6"

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

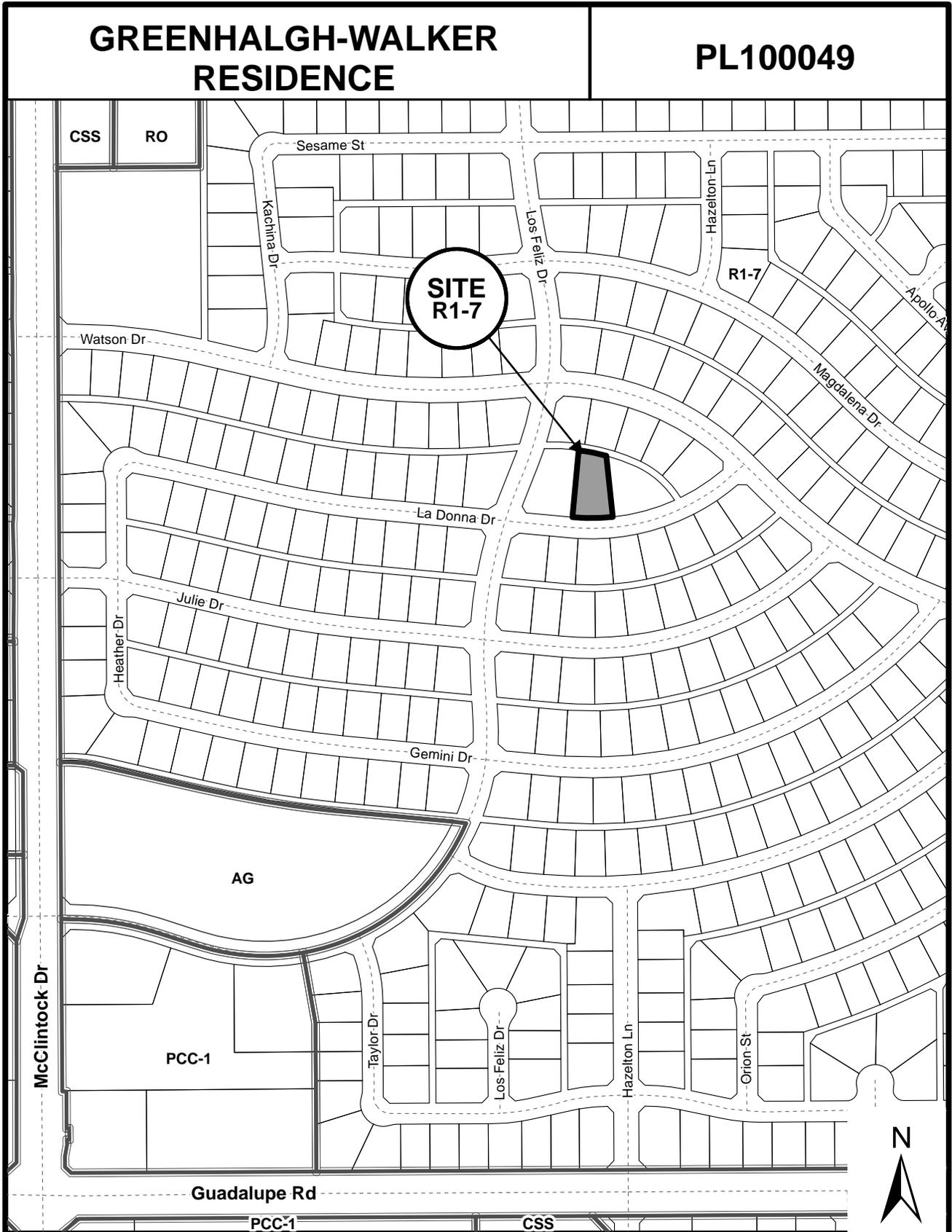
**Citations of Code Requiring Use Permit(s):**

Part 4, Chapter 2, Section 4-202.

Part 6, Chapter 3, Section 6-308

# GREENHALGH-WALKER RESIDENCE

PL100049



Location Map



La Donna Dr

**GREENHALGH-WALKER RESIDENCE (PL100049)**



340 East Caron Street  
 Phoenix, Arizona 85020  
 (602) 944-3658  
 Fax (602) 944-3948

TOM W. SERTICH, CGR, CR, CAPS  
 BARRY L. FLEMMING, CGR, CR, CKBR  
 GEORGE A. KIRK, CGR, CR, CAPS  
 GARY A. TOMICH, CGR, CAPS  
 FRED W. WARREN III, CR, CAPS  
 GARY WHEAT, CR, CAPS

*NARI National Contractor of the Year*

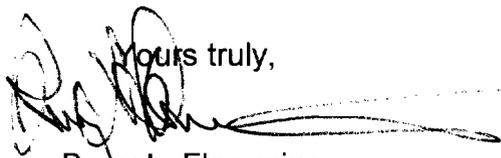
*Remodeler of the Year National Homebuilders Association*

*Big 50 Remodeler by Remodeling Magazine*

Dear City of Tempe (Planning),

The following is to serve as a "Letter of Explanation" for a "Use Permit" for:  
 Robert Greenhalgh/Mary Walker  
 1868 E. La Donna  
 Tempe, AZ. 85283

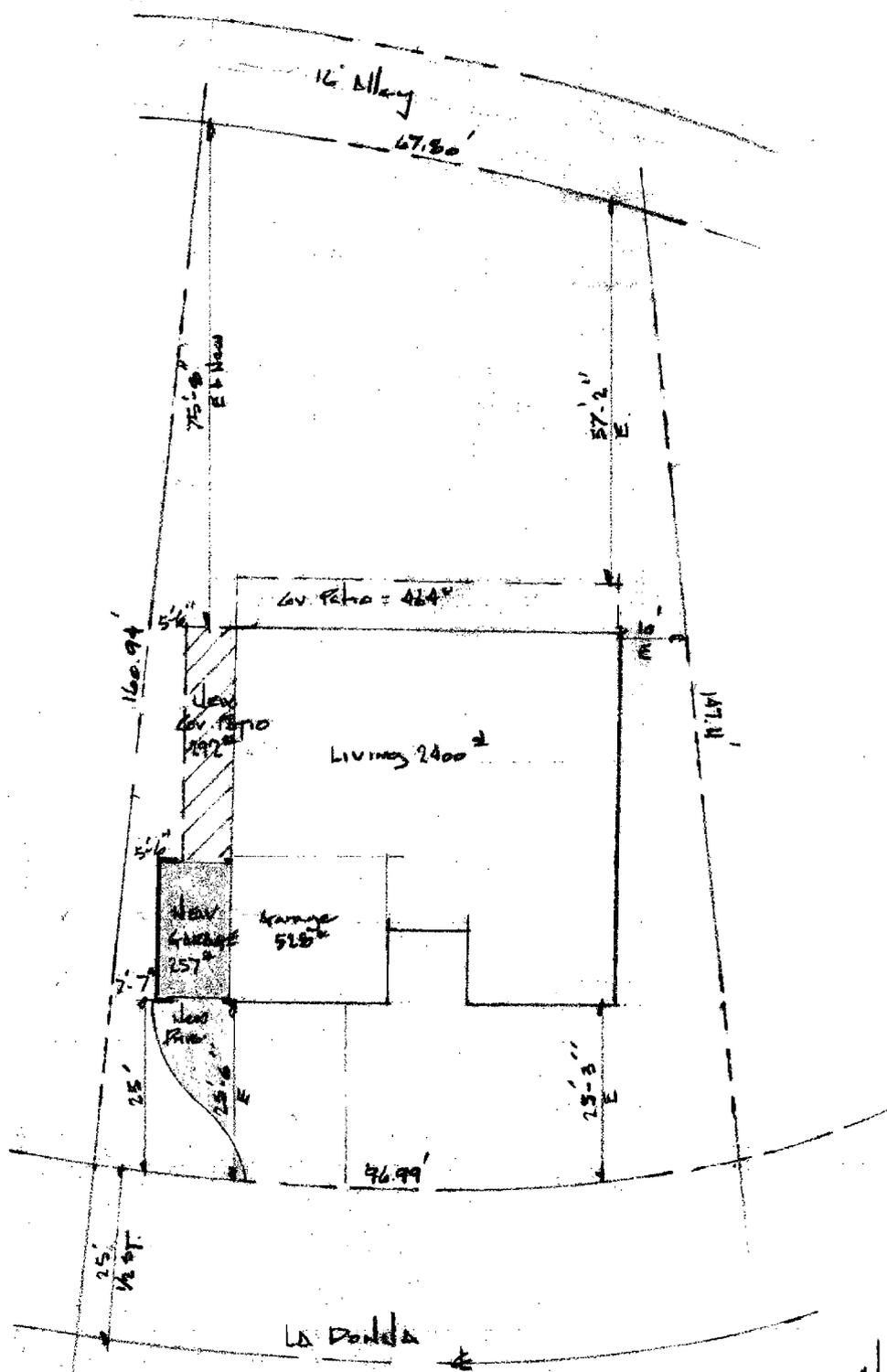
The Owners wish to reduce the sidelot setback from the required seven (7') feet (R1-7) to five foot six inches (5'-6") to allow for a single car garage to be added to the West side of the house. The 7' setback would limit the garage width to less than 9' inside which will not allow access to the vehicle through the vehicle door. A 5'-6" sidelot would allow a garage to be built with a 10' inside width allowing access to the vehicle.

Yours truly,  
  
 Barry L. Flemming  
 Kirk Development Co.



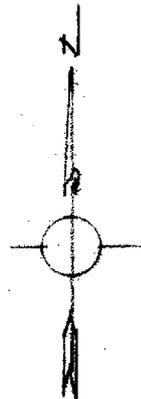
**"Performance... Not Promises"**  
 ROC 057434 • ROC 072088  
 www.kirkdevco.com • E-mail: designbuild@kirkdevco.com





Legal: Lot 994, Continental East 6.  
 Zoning: R1-10  
 Lot Cov:  $\frac{2400 + 164 + 518 + 157 + 292}{12,576} = \frac{3392 + 549}{12,576} = 30\% < 40\%$

**SITE PLAN**  
 Scale ————— 1" = 20'-0"







# **GREENHALGH-WALKER RESIDENCE**

**1868 EAST LA DONNA DRIVE**

**PL100049**

**FRONT OF RESIDENCE**

