

Staff Summary Report



Hearing Officer Hearing Date: July 21, 2009

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **KARSTEN RESIDENCE (PL090232)** located at 5751 South Wilson Street for one (1) use permit.

DOCUMENT NAME: 20090721dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **KARSTEN RESIDENCE (PL090232)** (Ed Karsten, applicant/property owner) located at 5751 South Wilson Street in the R1-6, Single Family Residential District for:

ZUP09103 Use permit to allow a six (6) foot masonry wall within the front yard setback.

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

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

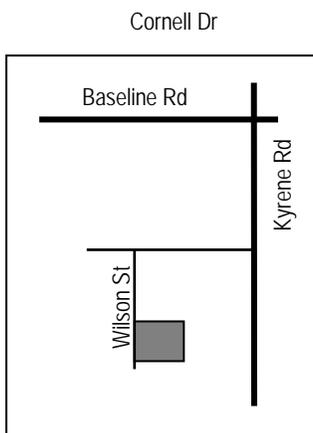
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to increase the wall height in the front yard setback from four (4) feet to six (6) feet. The property is located southwest of the intersection of Baseline Road and Kyrene Road, at the corner of Wilson Street and a public alley. The applicant is requesting a six (6) foot high masonry wall to secure the required front yard setback for a separate tract of land that he owns adjacent to his main property. Staff supports approval of the use permit with conditions. To date, staff has received one (1) phone call of inquiry 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. Elevation / Section
6. Applicant Photos
7. Staff Photograph

COMMENTS:

The Karsten Residence is requesting a use permit to allow for the construction of a six (6) foot tall masonry wall in the required front yard setback. The property is located southwest of the intersection of Baseline Road and Kyrene Road, at the corner of Wilson Street and a public alley. Mr. Karsten is requesting a six (6) foot high masonry wall to secure the required front yard setback for a separate tract of land that he owns adjacent to the main property. Originally, this property had a six (6) foot tall wooden fence similar to the like of the property directly west of this property and across the street, which still maintains the original six (6) foot tall wooden fence. After several years the applicant decided to replace it with a more secure enclosing. Upon completion of the wall he was cited by Neighborhood Enhancement for having a wall taller than four (4) feet in the front yard setback.

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 home. Given that the wall is on a separate tract of land, there is no home or front yard to provide surveillance for as the tract acts as a side yard to the main property. The property in question also borders a public alley allowing enough distance from disturbing the property to the south.

To date, staff has received one (1) phone call of inquiry 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 R1-6, 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 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 current wall will extend the existing line of block wall along the alley 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 main 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 current wall is in the front yard setback of a separate tract of land, the main residence has no walls in front of it; 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.

HISTORY & FACTS:

November 28, 1979 Final inspection of a Single Family Residence.

May 12, 2009 Complaint reported by Neighborhood Enhancement for a six (6) foot wall in the front yard setback.

DESCRIPTION:

Owner – Ed Karsten
Applicant – Ed Karsten
Existing Zoning – R1-6, Single Family Residential District
Allowed Wall Height in the Front Yard Setback – 4'
Existing Wall Height in the Front Yard Setback – 6'

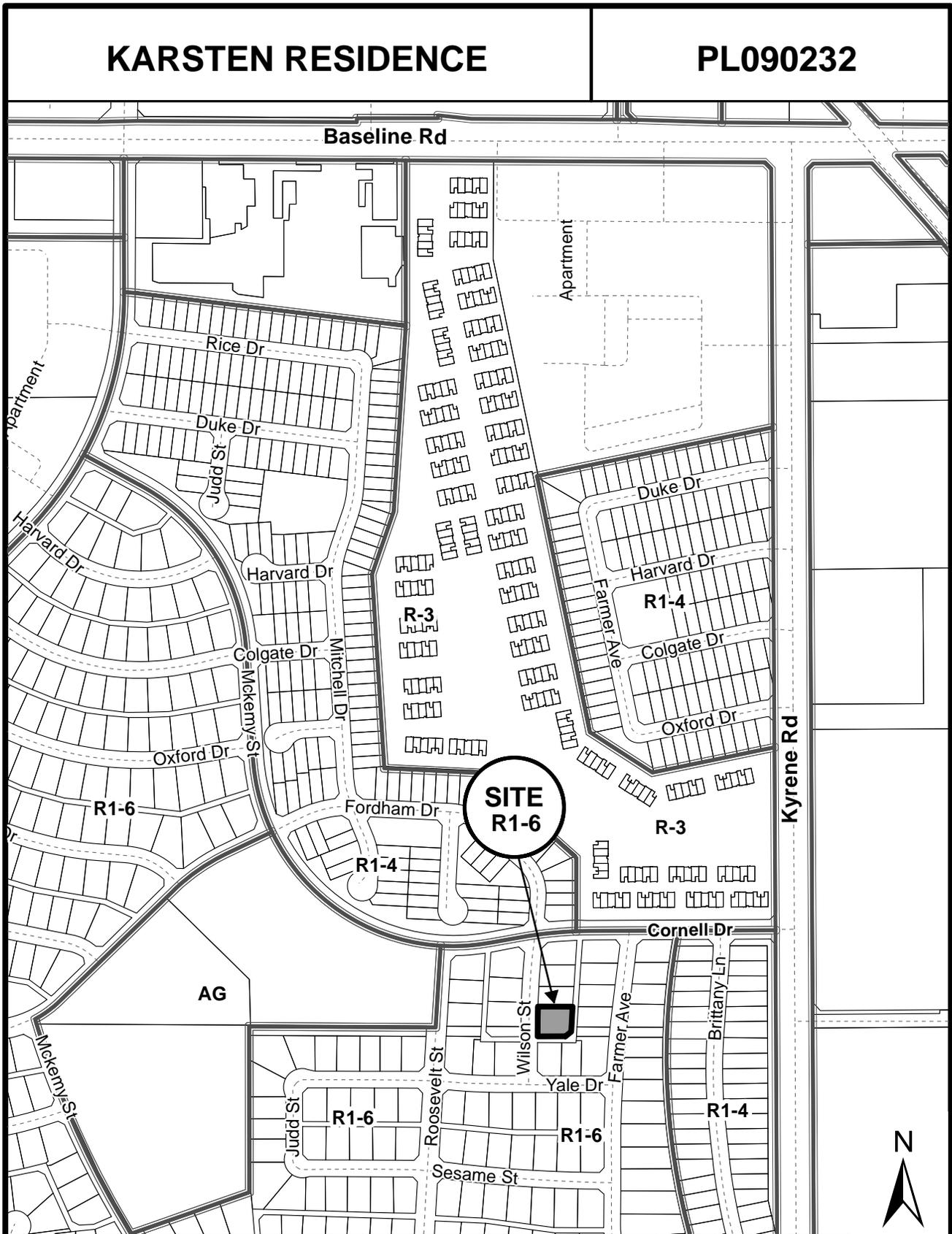
ZONING AND DEVELOPMENT

CODE REFERENCE:

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

KARSTEN RESIDENCE

PL090232



Location Map



KARSTEN RESIDENCE (PL090232)

KARSTEN

This Use permit request is being submitted to allow a 6-foot wall along the front yard setback of TRACT C ONLY (see drawing). The 6-foot wall replaces a pre-existing 6-foot wooden fence. This request is the direct result of a "Notice to Comply" issued by a City Inspector (Case #CE093207).

The reason for replacing the wooden fence is that the wooden fence, over the years, has become unsightly and unstable. Some of the fence replaced is original fence from when I took possession of the home in 1984. Wooden fence repairs have taken place nearly every year for the past several years, adding to its unsightliness and instability.

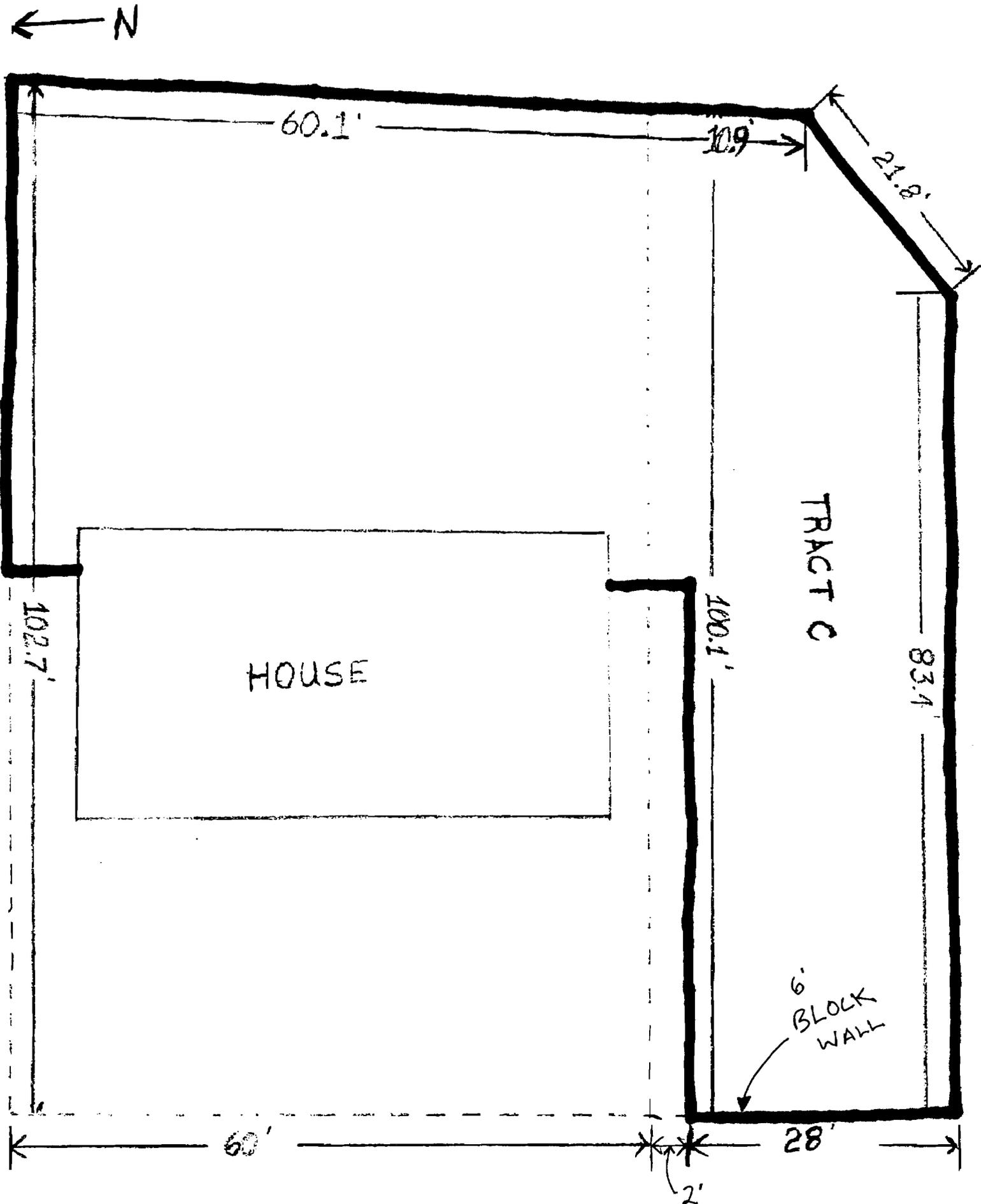
The catalyst for replacing the fence at this time was that two 8-foot sections of fence collapsed in early April. The block wall construction was completed in mid-May. Prior to beginning construction, the fence contractor contacted the City about the need for a permit and was not made aware of the need for a Use permit for a fence over 4-feet along the front property line. Since the fence company has done very little work in Tempe, I am not holding them liable for this oversight.

The block wall has an equal number of access points (gates) as the previous wooden fence and offers a greater margin for security and safety and does not, in any way, impede the natural surveillance to the street from the residence.

The new block wall, which is already in place, is consistent in color and height with an adjacent block wall of the home to north and is lower than the fence of the home to the Southwest (same color). I believe that this block wall not only provides safety and security, but that it is a more aesthetic barrier than the wooden fence.

The drawing shows the location of the block wall along the property line around the north and east side of the main property and then it encloses the bulk of TRACT C property. The solid line in the drawing is the fence. The dashed line indicates a property line with no fence. The property dimensions were obtained from the Maricopa County GIS maps.

KARSTEN



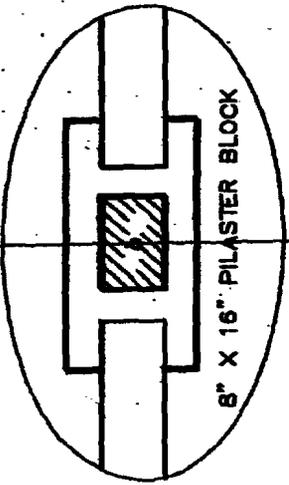
4" MASONRY FENCE

(DOOLEY FENCE)

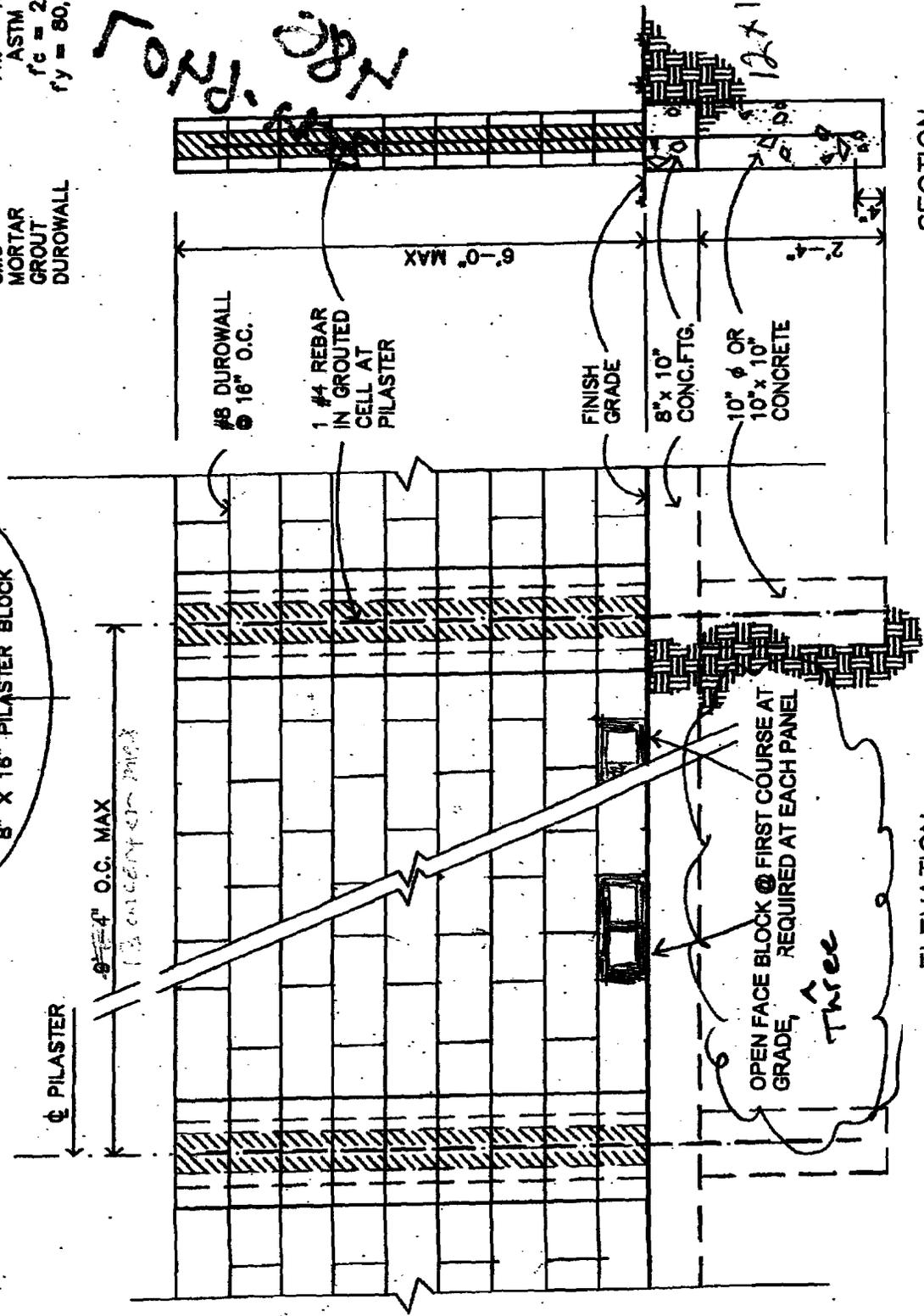
MATERIALS :

- CONCRETE $f_c = 2500$ psi
- REINFORCING $f_y = 40,000$ psi
- CMU $f_m = 1350$ psi
- MORTAR ASTM TYPE S
- GROUT $f_c = 2000$ psi
- DUROWALL $f_y = 80,000$ psi

NO. 10

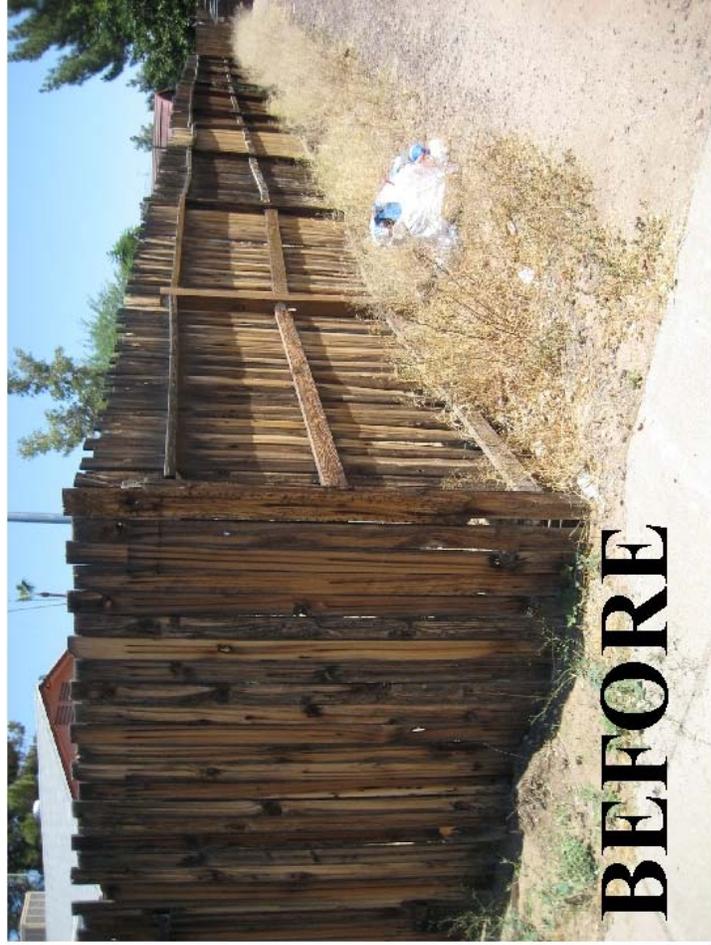


DETAIL AT PILASTER



SECTION

ELEVATION

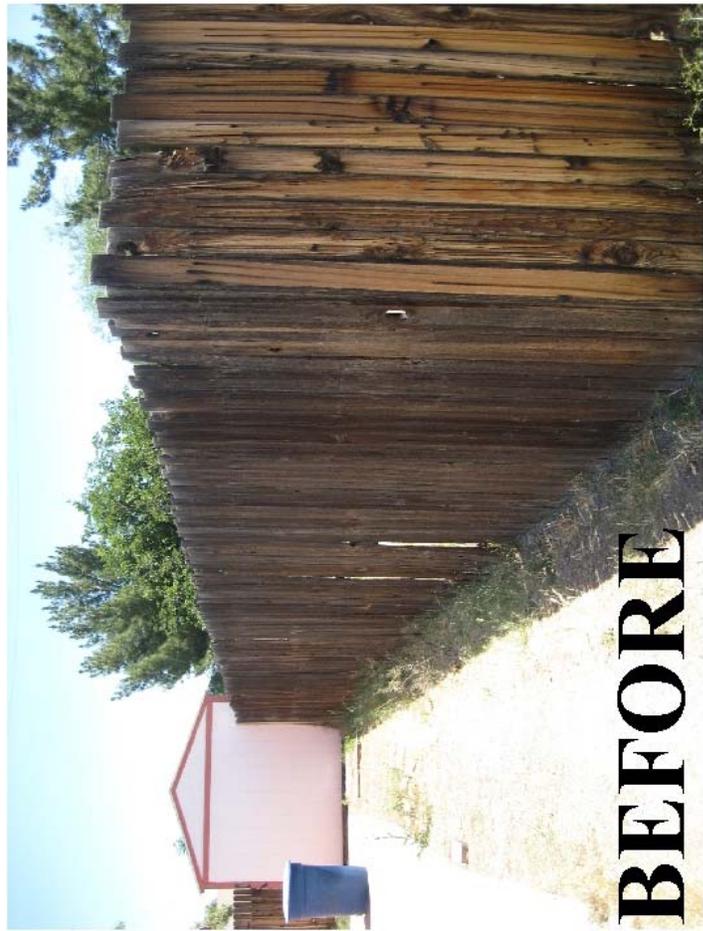


BEFORE

SOUTH ALLEY



AFTER



BEFORE

DRIVEWAY



AFTER



KARSTEN RESIDENCE

5751 SOUTH WILSON STREET

PL090232

FRONT OF RESIDENCE

