

Staff Summary Report



Hearing Officer Hearing Date: April 6, 2010

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the **KAVAZANJIAN RESIDENCE** located at 1415 South Oakley Place for one (1) variance.

DOCUMENT NAME: 20100406dssd01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **KAVAZANJIAN RESIDENCE (PL100067)** (Kenny Martin/Martin Construction & Remodeling, applicant; Edward Kavazanjan, property owner) located at 1415 South Oakley Place in the R1-6, Single Family Residential District for:

VAR10003 Variance to reduce the north side yard setback from five feet (5') to three feet two inches (3' 2") for an existing garage/carport extension.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

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

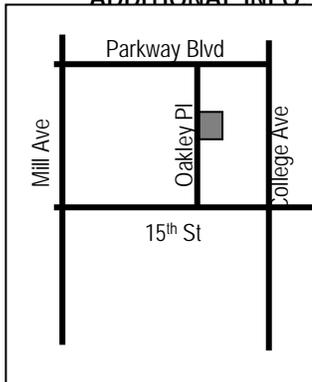
LEGAL REVIEW BY: N/A

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 north side yard setback from five feet (5 ft) to three feet, two inches (3 ft, 2 inches) for an existing legal nonconforming garage and carport extension. Staff supports the request finding there are special circumstances related to existing conditions on the lot. In accordance with the requirements of the Zoning and Development Code; the applicant held a neighborhood meeting on March 21, 2010. Four (4) neighbors attended the meeting and had only positive feedback. To date, staff has received three (3) emails and five (5) phone calls of support and one (1) call in opposition from nearby residents concerning this request.

PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
- 4-6. Neighborhood Meeting Minutes
- 7-9. Letters of Support.
10. Site plan
- 11-12. Staff Photograph(s)

COMMENTS:

The Kavazanjian Residence is requesting a variance to reduce the north side yard setback from five feet (5 ft) to three feet (3 ft) for an existing carport converted to garage and a new carport extension. The home and carport was built in 1955 and development standards (Ord: 209) allowed carports at three (3) foot side yard setback. Mr. Kavazanjian stated the garage was there when he purchased the property in 2004. City of Tempe has no record of when the carport was converted to a garage, in which the setback would have changed to five (5) foot. A month ago he hired a contractor to build a new carport extension to shade the driveway, vehicle and window. The contractor attempted to apply for an over-the-counter permit to start construction and was made aware of setback and variance would be needed before building permits can be approved. Staff conducted a site inspection and the carport to garage conversion appears to have taken place years ago. The age of garage construction and materials appears to match the age of existing home.

Staff supports the variance finding that there are special circumstances related to the existing home and past development standards for this neighborhood. The placement of the proposed carport meets the original development standards for the lot for which to warrant support of the variance.

To date, staff has received three (3) emails and five (5) phone calls of support and one (1) call in opposition 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 three foot, two inch (3'-2") encroachment for the existing carport that had been converted into garage and new carport extension. The new carport will be located with the exact same location of the existing garage and shall not create a visual nuisance for the property. Ordinance 209 adopted in 1951 had a three (3) foot setback for carports in this zoning district (Residence A). In review of this case, staff determined 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 and thus, meeting the original development standards for 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.

Neighborhood Meeting

Applicant held the required neighborhood meeting on March 21, 2010. Four neighbors attended with discussion consisting of the project history and answering neighbor's questions about existing garage and proposed carport. After the meeting, the neighbor opposing the project changed her stand and withdrew her opposition.

Conclusion

Staff recommends approval of the reduced side yard setback.

REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist. Carports were allowed at a three (3) foot setback in side yard when property was first developed.
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.

**CONDITION(S)
OF APPROVAL:**

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

HISTORY & FACTS:

1948 Ordinance.193 and annexation of this neighborhood. "Residence A District"

1951 Ordinance. 209: Residence A District allowed three (3) foot side yard setbacks for carports.

1955 House and carport built in 1955, no record of Tempe Building permit. No records prior to 1979.

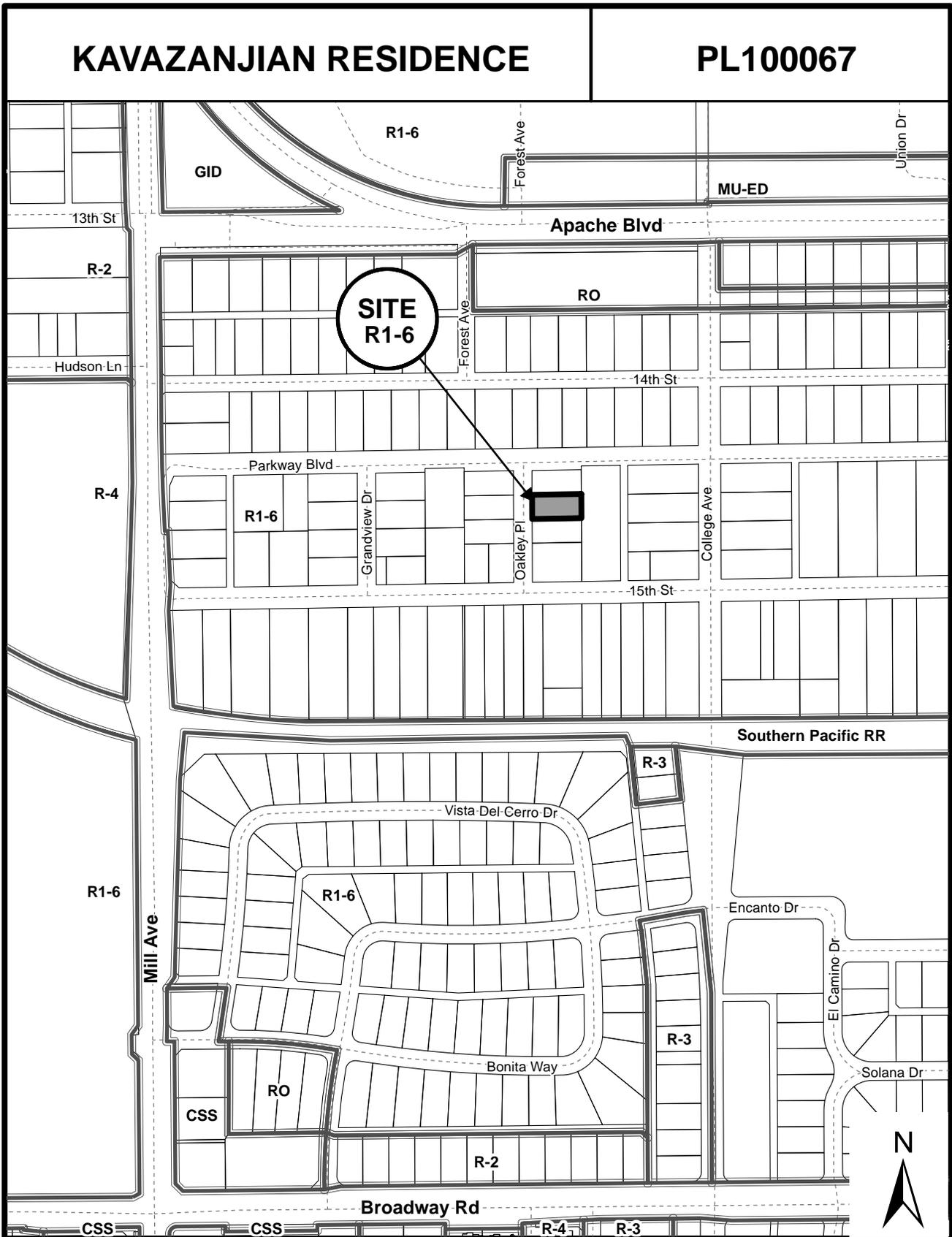
July 2004 Mr. Kavazanjan purchased the home.

DESCRIPTION:

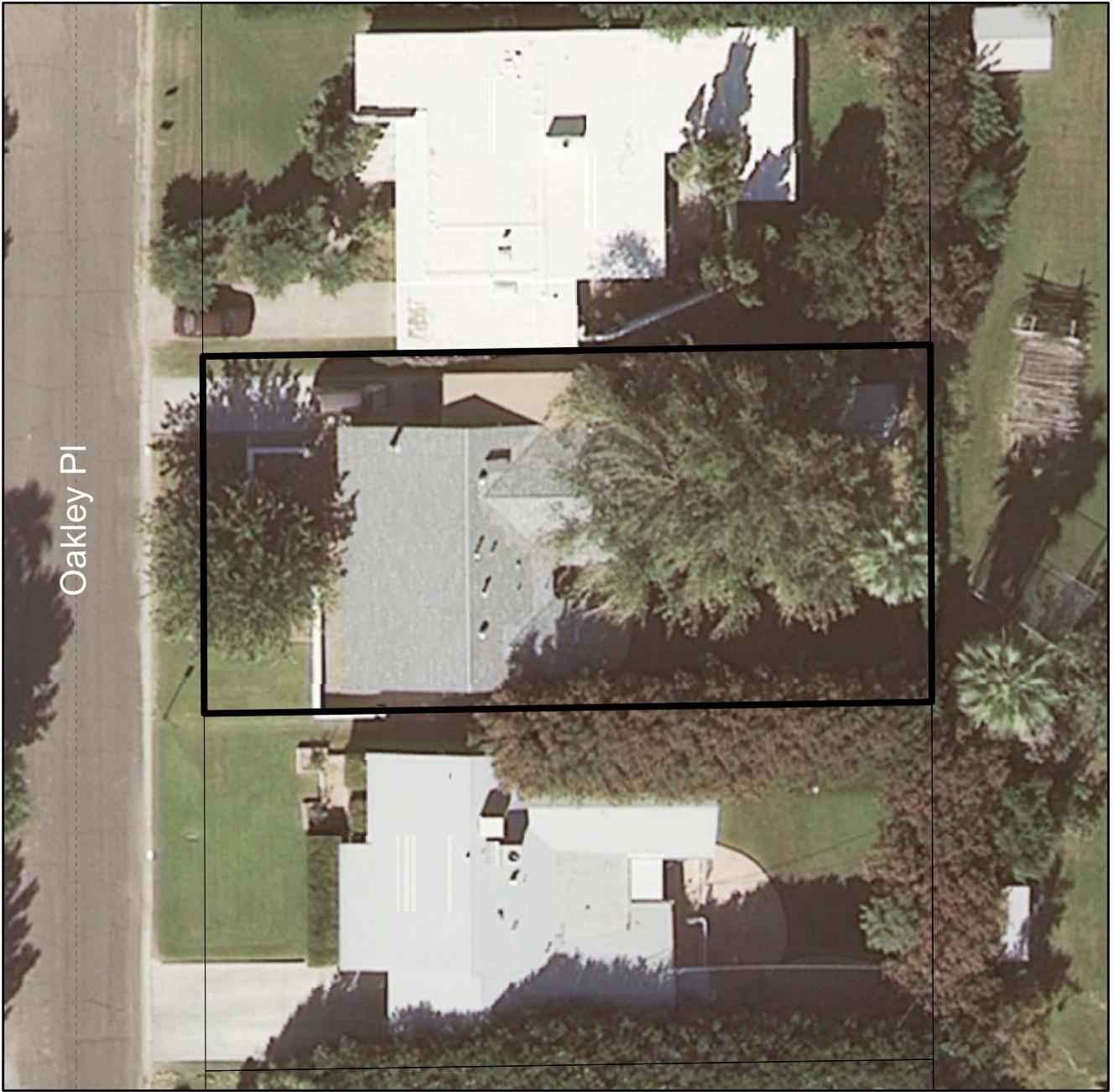
Owner – Edward Kavazanjan
Applicant – Kenny Martin/Martin Construction and Remodeling
Existing Zoning – R1-6, Single Family Residential District
Lot Size- 8,613 s.f. / .19acres
Ord.209: side yard setback for carport – 3'
Required (ZDC) side yard setback- 5'
Proposed side yard setback- 3'-2"
Existing Residence Building Area – 1,778 s.f.
Existing Garage Building Area – 200 s.f.
Proposed Carport Extension – 231 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



KAVAZANJIAN RESIDENCE (PL100067)

March 5, 2010

Dear fellow residents,

I'm sending out this letter to inform you that I am holding a community meeting at my house on 1415 S. Oakley Pl. Tempe, AZ. 85282 on March 21, 2010 at 1pm to answer any questions anyone may regarding my request for a variance on the North setback of my home from 5' down to 3'2". Although the carport on the North side of my home was enclosed many years before I purchased the home, the previous owners never procured a permit for the work they did; consequently, the city of Tempe is requiring me to seek approval from my neighbors to change the set back rules for the North side of my home. After you, my neighbor, give your approval, then the city will be able to approve the existing structure, which will allow me to extend my carport. I truly appreciate any help that you can give me as I try to remedy this issue.

If you are unable to attend the community meeting, then a simple phone call, or email to Shawn Daffara at the City of Tempe Development Services, would be extremely helpful to me. His contact info is:

Shawn Daffara

480-858-2248 OR shawn_daffara@tempe.gov

Thank You,

Edward Kavazanjian

E-mail: EdKavy@asu.edu

COMMUNITY MEETING ON APPLICATION FOR VARIANCE

1415 S. OAKLEY PLACE CARPORT EXTENSION

Date: 21 March 2009

Location: 1415 S. Oakley Place, Tempe, AZ 85281

Time: 1:00 pm

Attending: Ed Kavazanjian (Applicant), Kenny Martin (Applicant's Contractor), Diane Axel (1421 S. Oakley Place), Marie Sevesind (1416 S. Oakley Place), Jo Johnson (1411 S. Oakley Place), Pamela Wessel (1412 S. Oakley Place) [Sign-in sheet attached]

MINUTES

Mr. Kavazanjian started the meeting at 1:10 pm.

Mr. Kavazanjian explained that the purpose of the meeting was to describe the reason for the variance application, including the proposed construction activities, answer any questions about the proposed work, and listen to any concerns his neighbors may have about the proposed work.

Mr. Kavazanjian described the proposed carport extension to the attendees, explaining that it would pick up the roof line of the existing front porch overhang and extend it laterally (northward) to the outside edge of the driveway and back (eastward) to the existing garage roof line. He explained that, because the extension will be attached to the existing garage, which is a non-conforming pre-existing structure, and because the supports for the carport extension will be less than 5 ft from his property line, a variance is need for the proposed work.

Mrs. Johnson asked if there was a drawing of the proposed work.

Mr. Martin showed the plan view of the proposed work he had prepared for the permit application and explained it to the attendees.

Mrs. Johnson asked Mr. Martin if he was a licensed contractor.

Mr. Martin said he was a licensed contractor.

Mrs. Johnson asked in Mr. Martin was licensed for electrical work.

Mr. Martin said he was licensed as a remodeling contractor and therefore was licensed to all work associated with remodeling, including electrical work.

Mrs. Johnson asked Mr. Martin why he had not obtained a permit prior to starting the work.

Mr. Martin explained that he thought he could obtain the permit over the counter after dropping off his crew to begin the work and was on his way to do so when Mrs. Johnson called him on the day the work had started. Mr. Martin said he was not aware the existing garage was non-conforming until informed of this by the City of Tempe building department official who reviewed his permit application.

Mr. Kavazanjian said he was at fault for not telling Mr. Martin that the garage was non-conforming.

Mrs. Johnson explained that, while she was uncomfortable about putting Mr. Martin's crew on the spot by demanding that the work be halted, there had previously been problems with unpermitted work in the neighborhood and she wanted to make sure everything was done properly.

Mrs. Johnson stated that she and the other concerned neighbors wanted to retain the character of the neighborhood and make sure their homes retained their value. She noted that it was a very desirable residential neighborhood and she and the other homeowners just wanted to make sure it stayed that way.

Mr. Martin explained that it was his goal to make the extension look as much like the existing structure as possible.

Mrs. Johnson asked if there would be a window added to the garage.

Mr. Martin said that no window was planned for the garage. He noted that no window was needed because the garage was not a habitable space. Therefore, fire egress laws that required a window or other second route of egress did not apply.

Mrs. Johnson again noted that other unpermitted work had been done in the neighborhood. She noted that this had been an issue with the conversion of the garage at the house owned by Coach Murphy across the street as well as some other properties along Parkway Boulevard. She noted that it was in everyone's best interest for the work to be done properly, with all necessary permits.

The meeting adjourned at 1:35 pm

SIGN-IN SHEET

Community Meeting on 1415 S. Oakley Place variance request

Location: 1415 S. Oakley Place

Time: 1:00 pm

Date: 21 March 2009

Name	Address	Phone/email
Diane Arnd	1421 S. Oakley Place, Og	dkmsma@aol.com
Marie Leonard	1416 S. Oakley Pl, Jeopre	
Jo Johnson	1411 S. Oakley / (P.O. Box 2574)	JHJ51411@aol.com
Patricia Westal	1412 S Oakley Pl	780 966 2432

Daffara, Shawn

From: Ron [pdsfaz@cox.net]

Sent: Sunday, March 21, 2010 9:08 AM

To: Daffara, Shawn

Subject: Edward Kavazanjan property @ 1415 S. Oakley Place, Tempe

I give approval for the setback on his carport.

Ron Hischer

122 E. 15th Street

Tempe, AZ 85281

602-499-6653

Daffara, Shawn

From: Wessel Pamela B [Pamela.Wessel@srpnet.com]

Sent: Thursday, March 11, 2010 7:50 PM

To: Daffara, Shawn

Subject: re 1415 S Oakley Place Ed Kavazanjan

Shawn, thank you for talking with me today. I fully support the carport addition for Ed's house.

I live across the street at 1412. I am planning to attend the neighborhood meeting.

Pamela Wessel

Daffara, Shawn

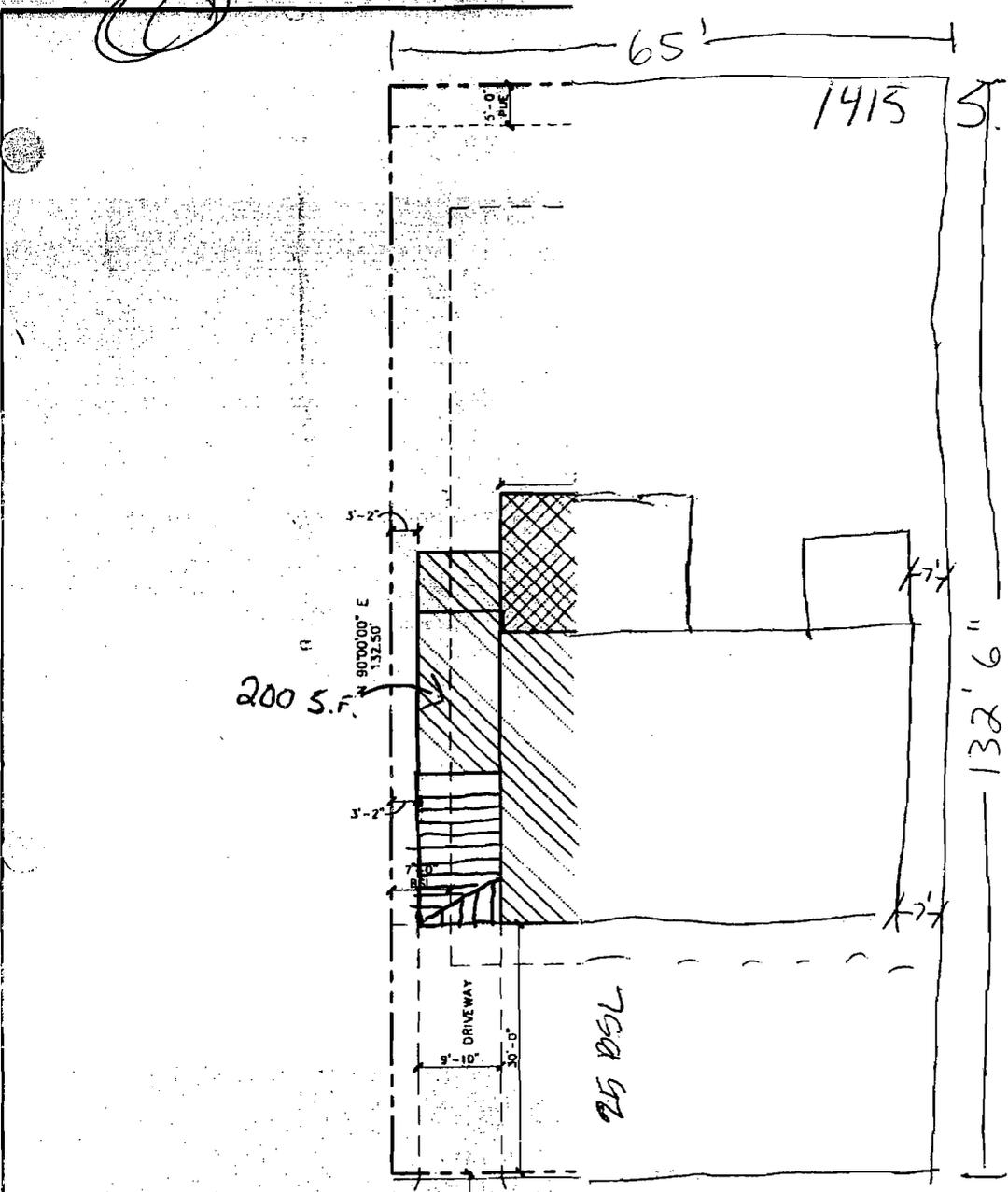
From: Jeff Tice [jstice@hotmail.com]
Sent: Thursday, March 11, 2010 2:26 PM
To: Daffara, Shawn
Subject: 1415 S Oakley Pl, Tempe, Az

Shawn:

On March 21 there will be a variance meeting regarding the setback at 1415 S. Oakley Pl. Please consider this as an endorsement for the project. The neighbor will greatly benefit from the addition.

Jeff Tice
43 East 14th St

602-549-9946



APPROVED

THE CITY OF TEMPE, ARIZONA
DEVELOPMENT SERVICES DEPARTMENT

NWB
Building Safety Division

4-30-02
Date

BP020416
Permit Number

5-7-02 OAKLE
Issuance Date

FILE WITH: _____

1415 S. OAKLEY

ADDRESS: 1415 S. OAKLEY
LOT#: 7
SUBDIVISION:
ZONING: R1-1

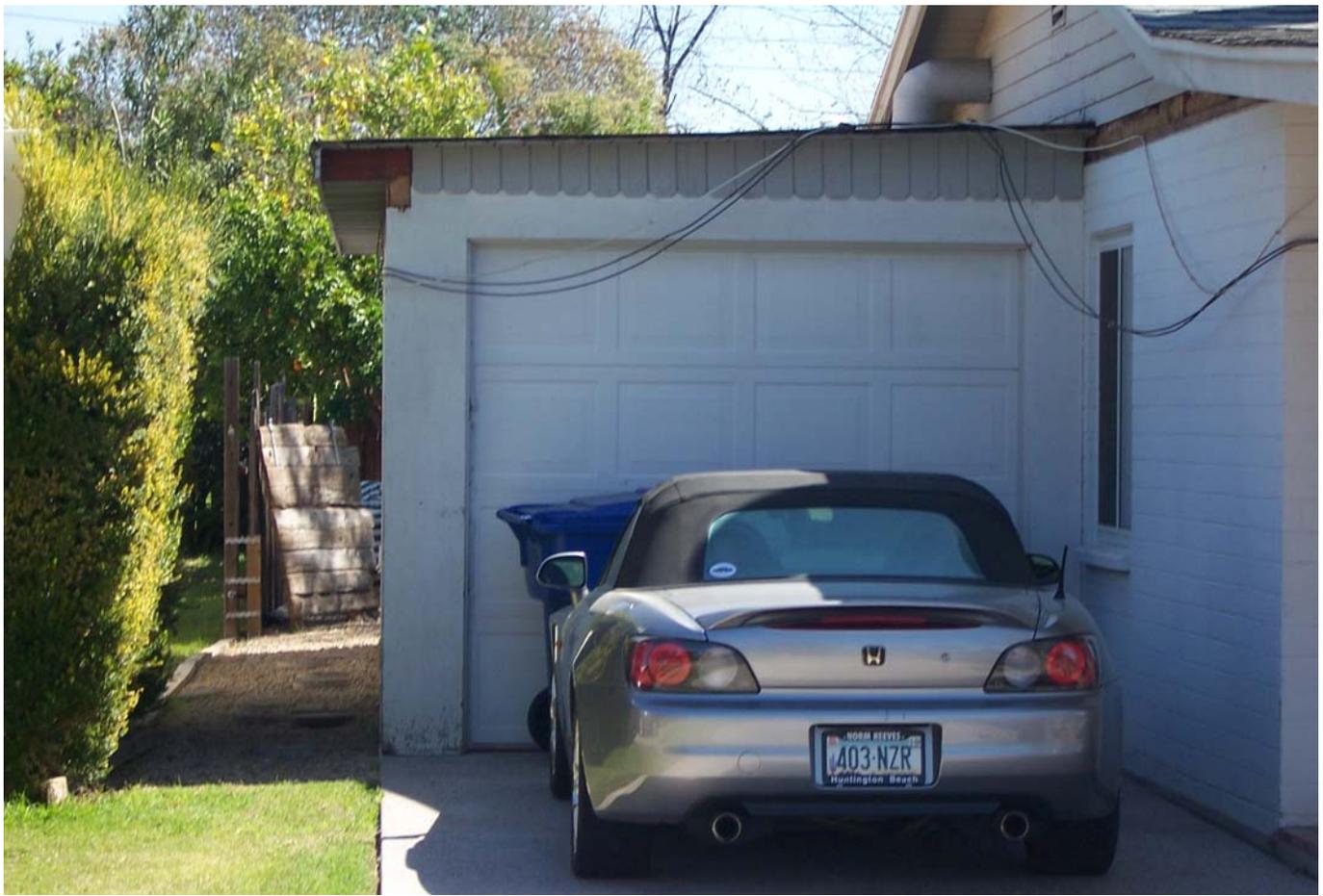


KAVAZANJIAN RESIDENCE

1415 S. OAKLEY PL

PL100067

FRONT OF RESIDENCE



KAVAZANJIAN RESIDENCE

1415 S. OAKLEY PL

PL100067

EXISTING GARAGE