

Staff Summary Report



Hearing Officer Hearing Date: February 2, 2010

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **NYSTROM RESIDENCE (PL100002)** located at 2520 South Cottonwood Drive for one (1) use permit.

DOCUMENT NAME: 20100202dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **NYSTROM RESIDENCE (PL100002)** (Bruce Davis/Bi-Star Construction, applicant; Charles Nystrom, property owner) located at 2520 South Cottonwood Drive in the R1-6, Single Family Residential District for:

ZUP10001 Use permit to allow required parking in the front yard setback.

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

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

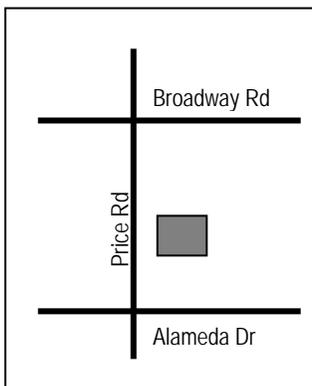
LEGAL REVIEW BY: N/A

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 allow required parking in the front yard setback. The single family residence was originally built in 1976 with a two (2) car garage. One of the previous homeowners converted the garage into livable space without a permit. To date, staff has received one (1) email of inquiry and one (1) email of opposition regarding this request. Staff recommends approval of the proposal as submitted, with conditions.



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
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Front Elevation
6. Side Elevation
7. Applicant Photo
8. Email of Inquiry
9. Email of Opposition
10. Staff Photograph

COMMENTS:

The Nystrom Residence is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1976 with a two (2) car garage. One of the previous homeowners converted the garage into additional livable space without obtaining a permit. Currently, there is enough room in the existing double driveway to park two (2) cars in the front yard setback without hanging over into the right-of-way. To date, staff has received one (1) email of inquiry and one (1) email of opposition regarding this request. Staff recommends approval of the proposal as submitted, with conditions.

Use Permit

The Zoning and Development Code requires a use permit to park in the front yard setback 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 be no significant increase in vehicular or pedestrian traffic in adjacent areas. Parking in the front yard setback would take vehicles off of the street.
- 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 not be any nuisance arising from the emission of odor, dust, gas, noise, vibration, and smoke as the driveway is paved and all parking is to occur on impervious surfaces.
- 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. The use permit to park in the front yard setback would allow for vehicles to be parked on private property.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use permit to park in the front yard setback is compatible with other single-family residences with garages that have been converted into living space.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval. This is a common use permit request for homes constructed during the 1950's through 1970's; these homes are typically smaller in livable space than newer constructed homes and the garage conversion is a viable option for increasing the livable area of the home.

REASONS 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.

CONDITIONS OF APPROVAL:

1. The required parking on-site shall be used for single family residential use only.
2. Parking shall take place on impervious surfaces only.
3. Obtain all necessary clearances from the Building Safety Division.
4. All vehicles parked on the premises must be actively registered and in operable condition at all times.
5. The garage conversion shall match the main residence in color, form, texture, and material.
6. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.

HISTORY & FACTS:

April 12, 1976 Final inspection for a Single Family Residence

DESCRIPTION:

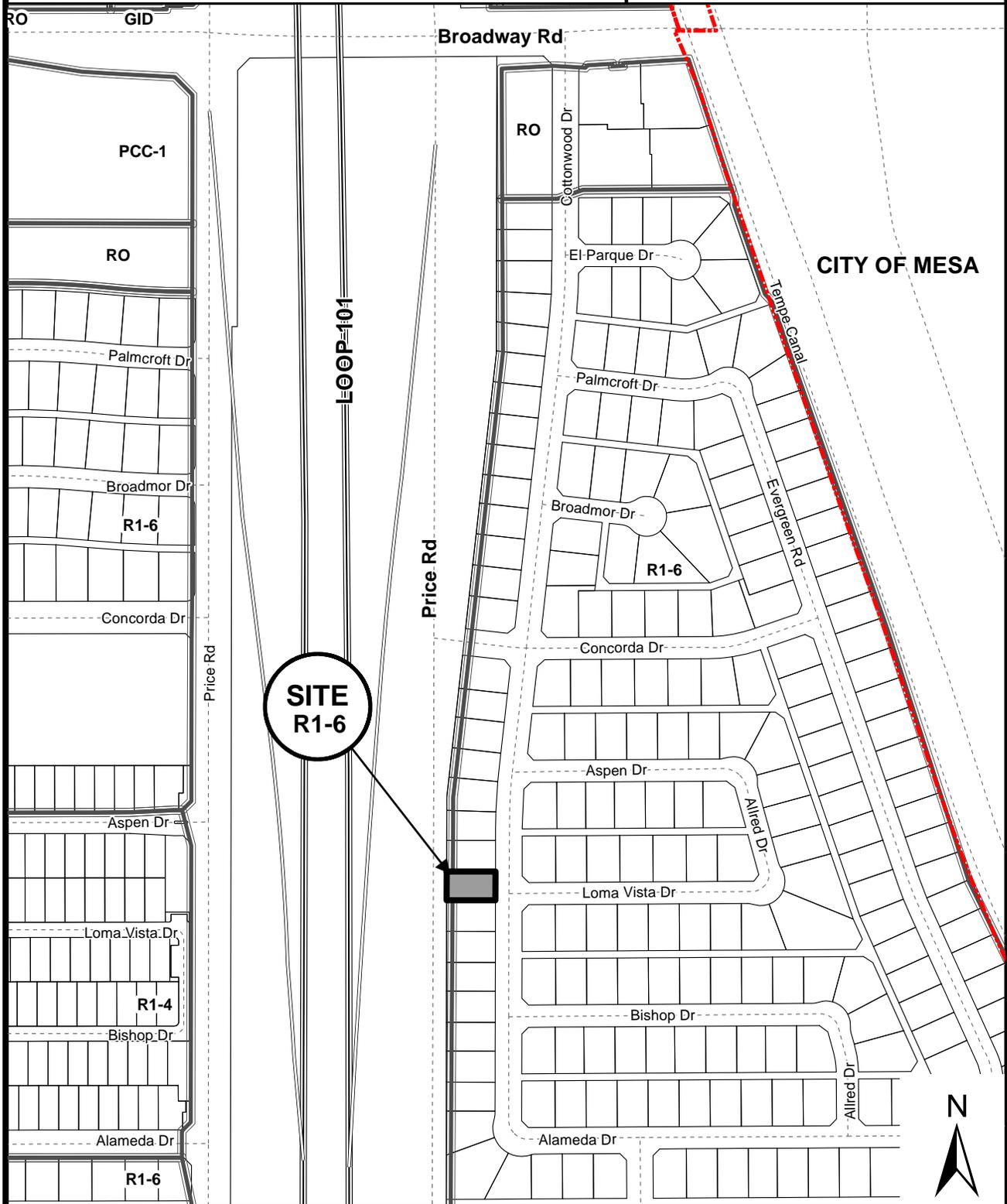
Owner – Charles Nystrom
Applicant – Bruce Davis/Bi-Star Construction
Existing Zoning – R1-6, Single Family Residential District
Lot Size – 7,151 s.f. / .164 acres
Building Area – 1,875 s.f.

ZONING AND DEVELOPMENT

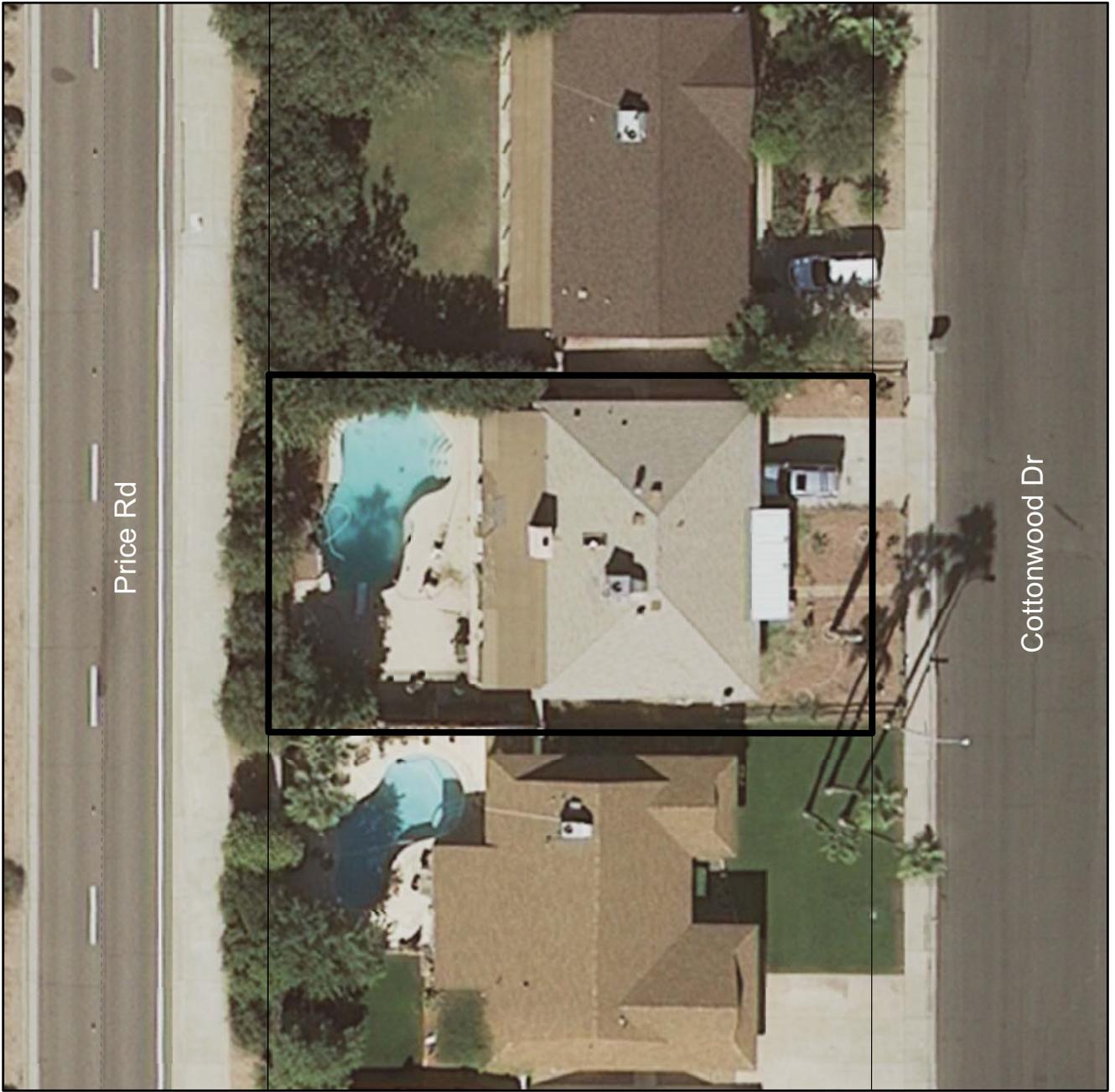
CODE REFERENCE: Part 4, Chapter 5, Section 4-502 – Motor Vehicle Access and Circulation Standards
Part 4, Chapter 6, Section 4-602 – General Parking Standards
Part 6, Chapter 3, Section 6-308 – Use Permit

NYSTROM RESIDENCE

PL100002



Location Map



NYSTROM RESIDENCE (PL100002)

January 4, 2010

Development Services Department
City of Tempe
31 East 5th Street
Tempe, AZ 85281

Ladies and Gentlemen:

Please accept this letter in consideration for a permit at 2520 South Cottonwood Drive, Tempe, AZ 85282. I purchased this property on November 3, 2009. It will be used as my personal residence.

Previously, the property was vacant and in a short sale/pre-foreclosure status. It was in need of numerous repairs. My mortgage lender is requiring that numerous improvements be made to the property and that a permit be obtained for the existing garage that was converted into livable space by one of the previous owners. I agree that it is important to obtain this permit since one was never issued at the time of the conversion.

The existing two-car driveway provides ample off-street parking for two vehicles without any overhang onto the sidewalk, curb, or street. The house, as it currently exists, conforms to the neighborhood, and the garage conversion does not impact the values of the surrounding properties. According to City of Tempe records, no complaints have been filed by the neighbors in connection with the garage conversion.

Currently, I am making approximately \$44,000 of improvements to the property, including a new, permitted front porch cover. These improvements will dramatically improve the condition and appearance of this previously neglected property. Therefore, your consideration and approval of a permit for the previously-constructed garage conversion would be greatly appreciated. If you have any questions or require additional information when considering this request, please contact me at (970) 261-3702.

Respectfully submitted,



Charles Nystrom

Charles.nystrom@asu.edu

31'-0"

47'-6"

10'-6"

20'-0"

64'-0"

24'-0"

EXISTING POOL+SPAS.

6'-0"

POOL EQUIPMENT

EXISTING PATIO ENCLOSURE

APX 1,801 SQ.FT. EXISTING

18'-0"

20'-0"

NEW GARAGE ENCLOSURE

GAS+ELC SERVICE

NEW PATIO

20'-0"

12'-0"

20'-0"

18'-0"

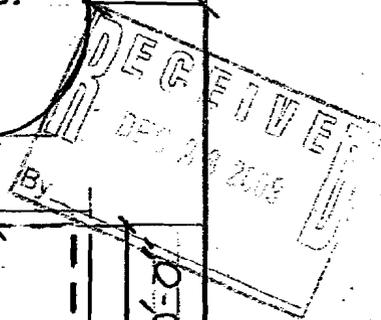
50'-0"

OFF STREET PARKING

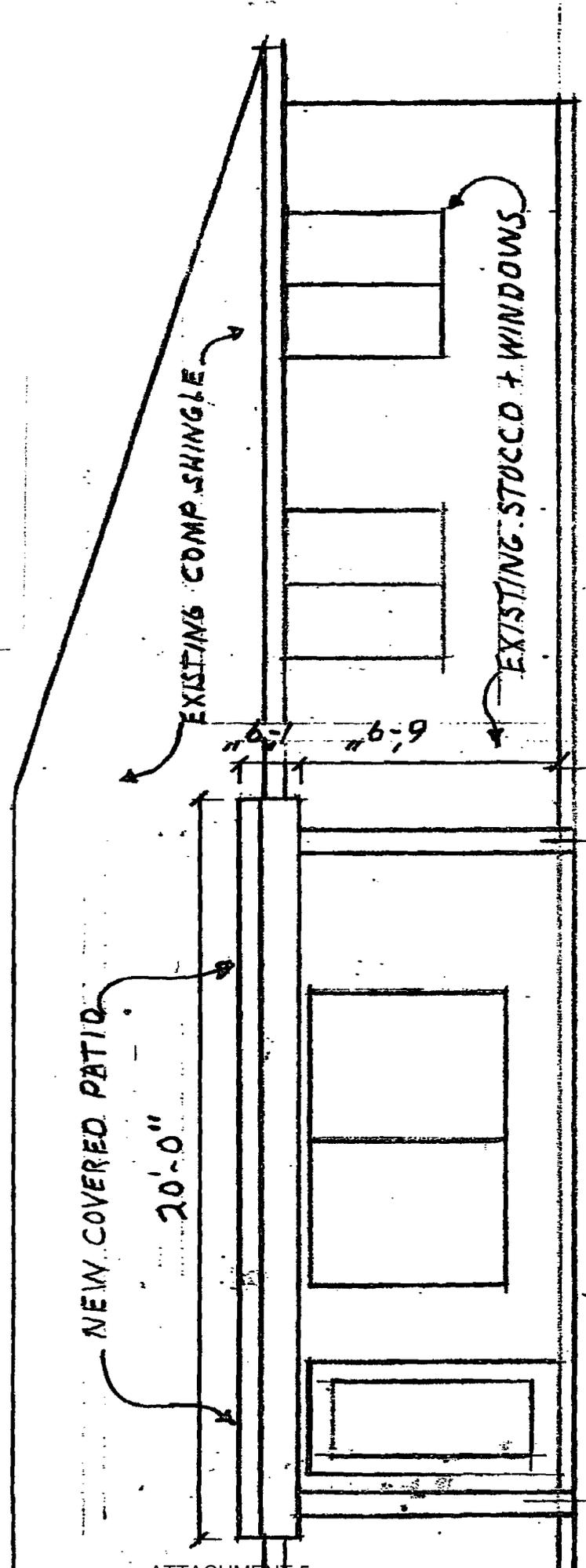
APX 16' X 30'

PROPERTY LINES

NORTH



SITE PLAN 2520 S COTTONWOOD DR. SCALE 3/32 = 1'-0"



NEW COVERED PATIO

20'-0"

EXISTING COMP. SHINGLE

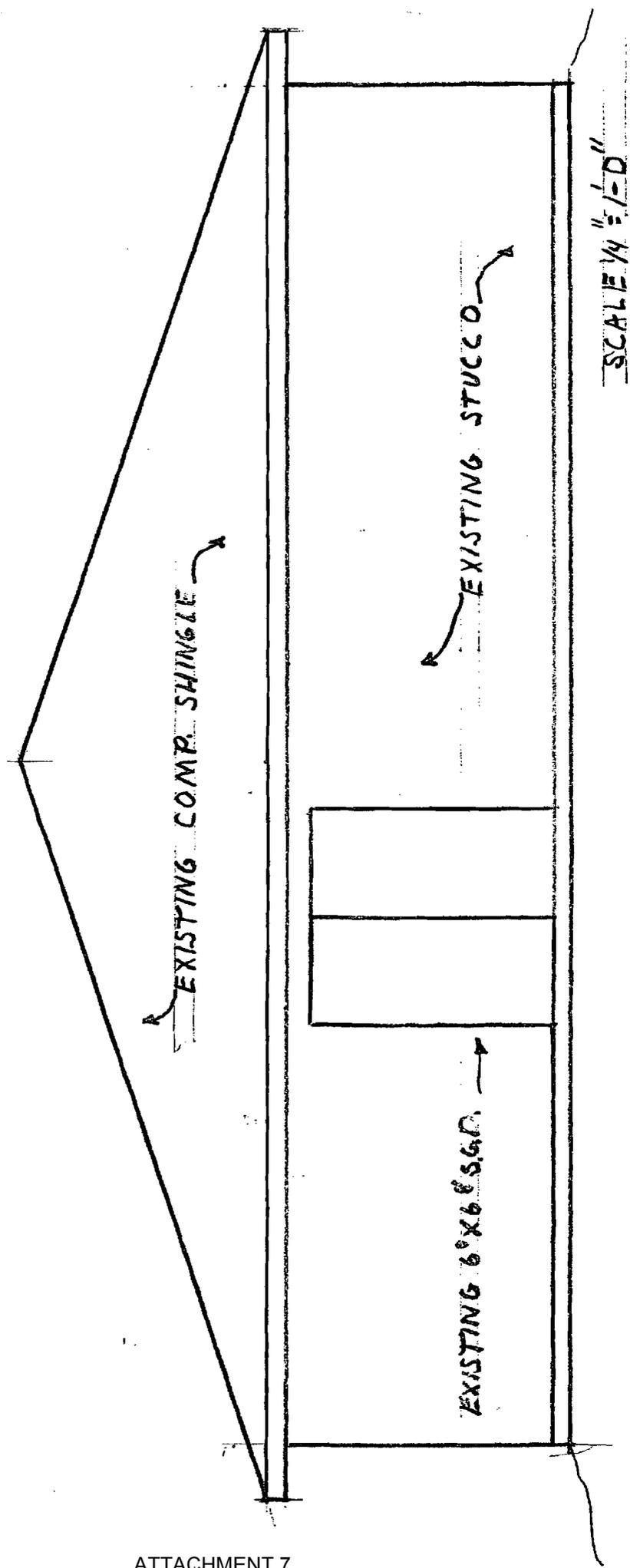
EXISTING STUCCO + WINDOWS

SCALE 1/4" = 1'-0"

FRONT ELEVATION

EXISTING GARAGE CONVERT





SCALE 1/4" = 1'-0"

SIDE ELEVATION EXISTING GARAGE CONVERT

Graves, Nick

From: Wendy Marshall [wendy.marshall@cox.net]
Sent: Thursday, January 21, 2010 9:22 AM
To: Graves, Nick
Subject: FW: Public Hearing Case No. PL100002

From: Wendy Marshall [mailto:wendy.marshall@cox.net]
Sent: Wednesday, January 20, 2010 9:22 PM
To: 'nick_graves@tempe.gov'
Subject: Public Hearing Case No. PL100002

Nick,
 I left you a voice mail on 1/19 regarding the postcard received in the mail announcing a public hearing for a use permit to allow parking in the front yard of 2520 S. Cottonwood Dr. I serve as the liaison to the neighborhood (Broadway Palms Neighborhood Assn.) and need additional information so I can let the neighbors know what is going on, so they can respond.

1. Does this permit allow Mr. Nystrom to pave the entire front yard? Park cars in the entire front yard?
2. Why does Mr. Nystrom need that much additional parking?
3. Is his residence to be a group home or home nursing care facility that would warrant additional parking spaces?
4. Why does he need to park in the yard as opposed to on the public street?
5. How many additional parking spaces will the front setback accommodate?
6. What does the current Tempe City code allow?
7. What is the penalty for parking in the yard/setback?
8. What happens if the use permit is approved?
9. What happens if the use permit is denied?
10. Will this extraordinary use, in any way, enhance or detract from the neighborhood?

Please either call or email in advance of the scheduled public hearing so that the neighbors – particularly those whose property abuts Mr. Nystrom's have an opportunity to express their comments/concerns.

Wendy Marshall
 480-967-7592 Home
 480-206-3500 Cell

Graves, Nick

From: Kathy Adams [mailto:mail4kathy@cox.net]

Sent: Sunday, January 24, 2010 2:51 PM

To: Graves, Nick

Subject: Nystrom residence

Nick,

re: Nystrom residence, Case# PL100002

We own a home on Apsen Drive and are NOT in favor of allowing the residence at 2520 W Cottonwood Dr to have a permit to allow required parking in the front yard setbacks. Due to work we are not able to attend the meeting on Tuesday Feb 2nd.

Thank you,

Greg and Kathleen Adams



NYSTROM RESIDENCE

2520 SOUTH COTTONWOOD DRIVE

PL100002

FRONT OF RESIDENCE

