

Staff Summary Report



Hearing Officer Hearing Date: 11/16/10

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **PAPPANO RESIDENCE** located at 207 West Alameda Drive for one (1) variance.

DOCUMENT NAME: 20101116cdsl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **PAPPANO RESIDENCE (PL100322)** (Michael Pappano, applicant/property owner) located at 207 West Alameda Drive in the R1-6, Single Family Residential District for:

VAR10010 Variance to reduce the front yard setback from 15 ft to 7 ft for an open structure (carport). **MODIFIED BY APPLICANT**

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

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

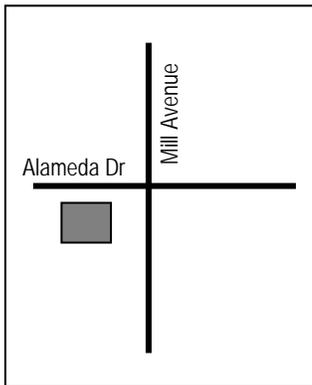
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact on City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The Pappano Residence is seeking a variance to reduce the front yard setback for an open structure from fifteen (15) feet to seven (7) feet for a carport addition to the house. After discussion with the neighbor, the applicant modified their request and proposes to move the canopy support structure further on to his property thus requiring a seven (7) foot setback instead of six (6) feet. The carport will be located in front of the existing garage and spans over the driveway. Staff recommends approval of the variance based upon special circumstances regarding the location of property and the privileges enjoyed by other properties of the same classification in the same zoning district. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on October, 4, 2010 and submitted meeting minutes identifying one other neighbor and staff in attendance.

PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Justification for Variance
5. Site plan
6. Sample of Neighbors Carport Photo
7. Neighborhood Meeting Minutes
8. Staff Photograph(s)

COMMENTS:

The Pappano Residence is requesting a variance to reduce the front yard setback for an open structure from five (15) feet to seven (7) feet for the addition of a freestanding carport cover over the driveway. The original advertised request was for a six (6) foot setback but modified after input from the neighbor across the street. The design of the structure is based on an existing carport located on the same street. The applicant has provided photos of the existing carport that he wishes to replicate on his property. The construction and installation will be completed by the same company. The colors will be a beige scheme to complement the house color palette. The carport addition will provide shade on the driveway for parking cars, as well as, provide protection from landscape debris created by the mature tree located next to the driveway. The existing garage will remain functional.

Variance

The Zoning and Development Code Development Standards require the setbacks for open structures, in the R1-6 Single Family Residence District to be located fifteen (15) feet from the front property line; the applicant is seeking a reduction to an seven (7) foot setback to accommodate an eighteen foot (18') wide by eighteen foot (18') deep carport structure. The proposed carport will be located approximately ten feet ten inches (10'-10") behind the existing sidewalk; which consists of approximately four (4) feet of right-of-way and seven (7) feet on the applicant's property.

Since the adoption of the ZDC; the Hearing Officer has granted similar variances for carport canopies over driveways for other properties in the R1-6 Zoning District (see history). In 1993, the Board of Adjustment approved a front yard setback variance for a carport with a four (4') foot setback, located in the same neighborhood on Del Rio Drive, one block south of Alameda Drive. All previous requests had overwhelming support from the surrounding area.

Per the Zoning and Development Code variance(s) shall not be authorized unless the decision-making body finds upon sufficient evidence of the following:

1. That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings; and
 - *The property is located adjacent to a railroad right-of-way and at the dead end of a street; the encroachment into setback will have limited visibility from three surrounding neighbors versus a property which is located mid-block with the greatest visibility; surrounded by several neighbors.*
2. The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
 - *A windshield survey of the neighborhood located five (5) other freestanding carport structures encroaching within the front yard setback. One legally obtained a setback variance and building permit. To date, since the ZDC was adopted at least four similar variances have been granted; for similar properties in size, within the R1-6 Zoning District.*
3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
 - *Shall not be considered a special privilege inconsistent with other R1-6 zoned properties.*
4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
 - *The location of the property next to a railroad right of way is special circumstance not self imposed.*

Conclusion

Staff recommends approval of the setback variance with the finding that the uniqueness of the remote location of the property and historical privilege of variances granted to other properties within the same zoning classification as justification to warrant approval of the variance with a minor modification to the setback from six (6) feet to seven (7) feet minimum. The Zoning and Development Code was adopted in 2005 to allow open structures closer to the street, within the front yard building setback, with the intent that when open structures are closer to the street; that brings people closer to the street; foster a greater sense of community, bring a presence to the street and deter crime by increasing awareness of activity on the street. Additionally, the General Plan 2030 goal for the Ambient Temperature Element cites minimizing the heat island impacts from asphalt and concrete by developing standards which create

opportunities for shade and reduce heat. Due to repeat requests for variances to allow open shade structures closer to the street front; the previous Hearing Officer, directed staff to investigate drafting an ordinance amendment to allow open structures to further encroach into the setback through a use permit. We will resume research for future consideration by the Hearing Officer, Board of Adjustment, DRC, City Council and the public.

REASON(S) 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(s) 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. Obtain all necessary clearances from the Building Safety Division.
2. The carport is to remain an open structure; a conversion to a garage or an enclosure of any side or the addition of storage space or the storage of materials other than vehicles is prohibited.
3. Color scheme of carport to match the main dwelling trim color.
4. The setback variance is approved for the leading support post to be located at least seven (7) feet from the property line (or ten feet ten inches behind the sidewalk).

HISTORY & FACTS:

- October 27, 1993. The Board of Adjustment approved for the Nunley Residence located at 107 W. Del Rio in the R1-6, Single Family District, a variance to reduce the front yard setback for a carport structure over the driveway from 25' to 4', subject to conditions.
- October 22, 2007 The Hearing Officer approved for the Hoffman Residence located at 1111 East Concorda in the R1-6, Single Family District, and a variance to reduce the front yard setback for an open structure from 15' to 2'-5"; subject to conditions.
- December 14, 2007 The Hearing Officer approved for the Franz Residence located at 1128 East Concorda in the R1-6, Single Family District, and a variance to reduce the front yard setback for an open structure from 15' to 7'; subject to conditions.
- January 14, 2009 The Hearing Officer approved for the Hemming Residence located at 5508 S. El Camino Dr. in the R1-6, Single Family District, and a variance to reduce the front yard setback for an open structure from 15' to 7'; subject to conditions.
- November 5, 2010 Planning Staff noted these encroaching carports within the vicinity of the Pappano Residence at the following addresses:
- 28 West Alameda Drive with a 9' setback from property line (no variance or permit on file) - (example property).
 - 35 West Erie Drive with a 5' setback from property line (no variance or permit on file)
 - 107 West Del Rio with a 4' setback from property line (variance and use permit)

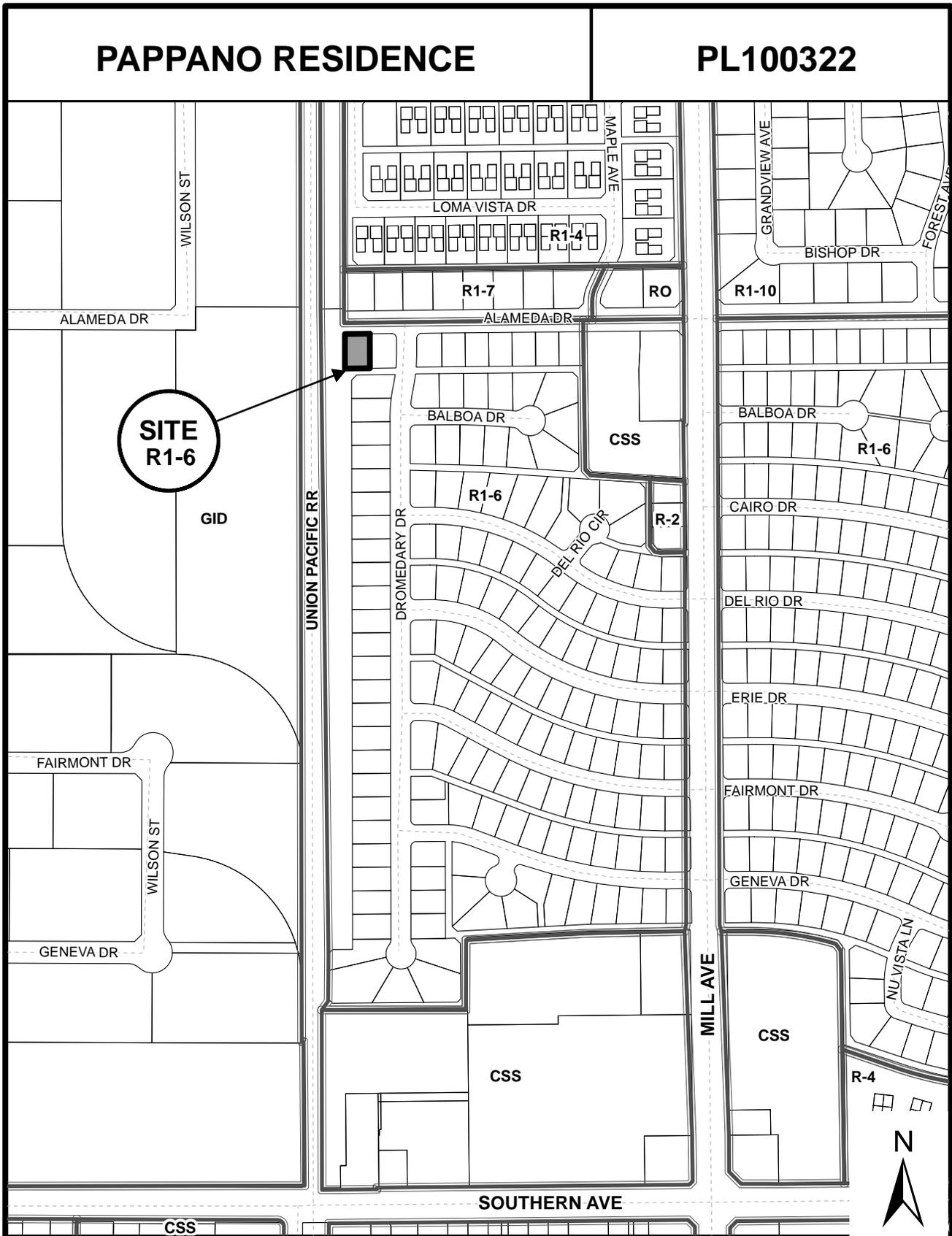
DESCRIPTION:

Owner – Michael Pappano
Applicant – Michael Pappano
Existing Zoning – R1-6, Single Family Residential District
Required setback for an open structure- 15'
Proposed setback – 8'

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309



Location Map



PAPPANO RESIDENCE (PL100322)

Michael & Ruth Pappano

207 W. Alameda Drive

Tempe, AZ 85282

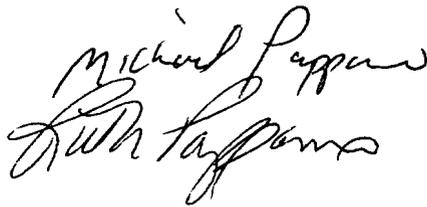
October 05, 2010

Requesting permission for installation of carport awning in the driveway for the purpose of protecting vehicles from tree sap, bird dropping and sun.

regards,

Michael Pappano

Ruth Pappano

Handwritten signatures of Michael Pappano and Ruth Pappano. The signature for Michael Pappano is written above the signature for Ruth Pappano.

Pappano Residence
207 W Alameda Drive

Per the City of Tempe Zoning and Development Code our variance must satisfy the following criteria:

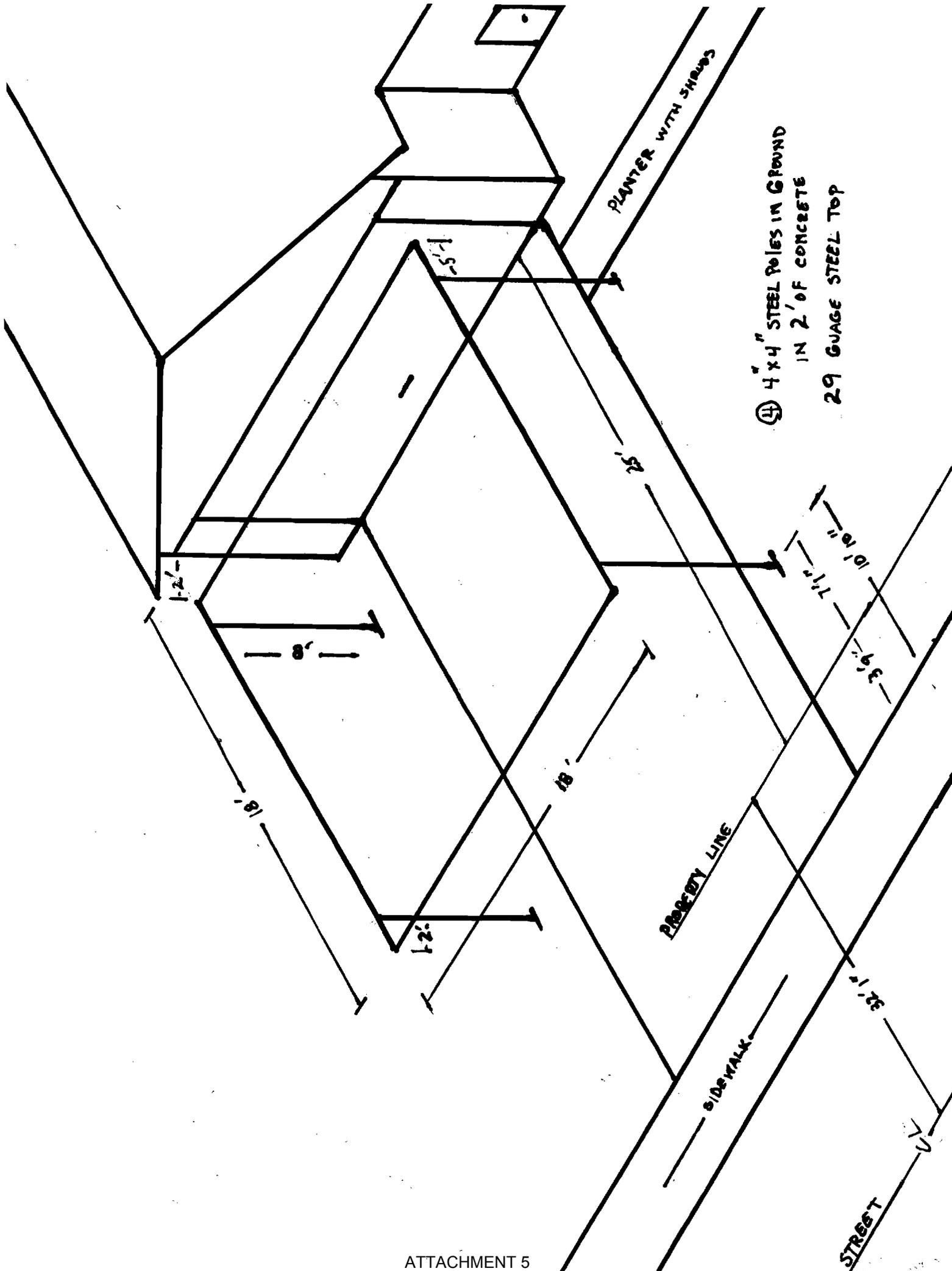
1. That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings;
 - Our property is located at the end of a dead end street; next to the railroad tracks with only one neighboring property. The location is a special circumstance for support of the variance.
2. The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
 - There are several other carport structures existing within the neighborhood at a similar setback.
3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;
 - No special privilege
4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner
 - Location of the property as a special circumstance is not self-imposed.

Regards,

Michael Pappano

Ruth Pappano





④ 4" x 4" STEEL POLES IN GROUND
 IN 2' OF CONCRETE
 29 GAUGE STEEL TOP

28 W. ALAMEDA DR.



EXISTING

SAMPLE

October 04, 2010

Neighborhood Meeting Minutes

Regarding: Installation of Carport Awning

Meeting to be held at:

4:00pm - 6:00pm

207 W. Alameda Drive, Tempe AZ 85282

Attendees:

SHERRI LESSER

STEVE MCFARLAND

Meeting Discussions:

AWNING DIMENSIONS

Sincerely,

Michael & Ruth Pappano

Handwritten signatures of Michael and Ruth Pappano. The signature for Michael is written above the signature for Ruth. Both are in cursive script.



PAPPANO RESIDENCE

207 WEST ALAMEDA DRIVE

PL100322

FRONT OF RESIDENCE

