

Staff Summary Report



Hearing Officer Hearing Date: 9/06/11

Agenda Item Number: 12

SUBJECT: This is a public hearing for a request by the **ROSEN PROPERTY** located at 1229 West 10th Street for one (1) use permit.

DOCUMENT NAME: 20110906cdsl012 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **ROSEN PROPERTY (PL110305)** (Robert Rosen, applicant/property owner) located at 1229 West 10th Street in the R1-6, Single Family Residential District for:

ZUP11081 Use permit to increase the maximum allowable height of a wall in the front yard setback from 4 ft. to 6 ft.

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

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

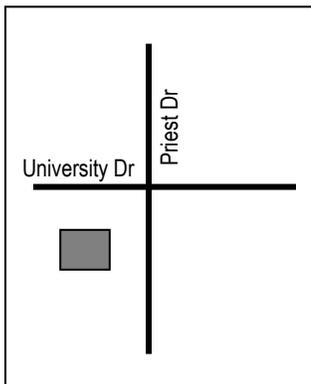
LEGAL REVIEW BY: N/A

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

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

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

ADDITIONAL INFO:



The applicant is requesting approval of a use permit to allow the increase in the maximum allowable height of a wall located in the front yard setback from 4 ft. to 6 ft. The use permit will allow for the creation of a courtyard in the front of the house along the street front. Staff is in support of the use permit request with the finding that they meet the Zoning and Development Code criteria for approval of a use permit

PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Staff Site plan
5. Applicant Site Plan
6. Wall Elevation

COMMENTS:

The Rosen Residence is requesting a use permit to allow the maximum height for a wall in the front yard setback to be increased from 4 ft. to 6 ft. (actual height 5 ft. 8 inches). The wall will create a courtyard which located in the front yard but technically serves as a side yard courtyard due to the location of the front door on the side of the dwelling. Staff supports a courtyard at the front of residence. The front yard is usually a passive inactive area; a courtyard will provide a patio bringing people closer to the street; fostering a greater sense of community, bring a presence to the street hopefully to deter crime by increasing awareness of activity on the street.

Use Permit

The Zoning and Development Code requires a use permit to increase the maximum allowable height of a wall in the front yard setback from 4' to 6'.

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 proposed wall or arch is intended to provide an aesthetic look 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.
 - People presence at the street will aide in controlling disruptive behavior in the surrounding area.

Conclusion

Staff recommends approval of the use permit

REASON(S) 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 wall in the front yard setback will provide a presence at the street.

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 any necessary clearances from Building Safety Division for wall construction and Public Works Department regarding on site retention.

HISTORY & FACTS:

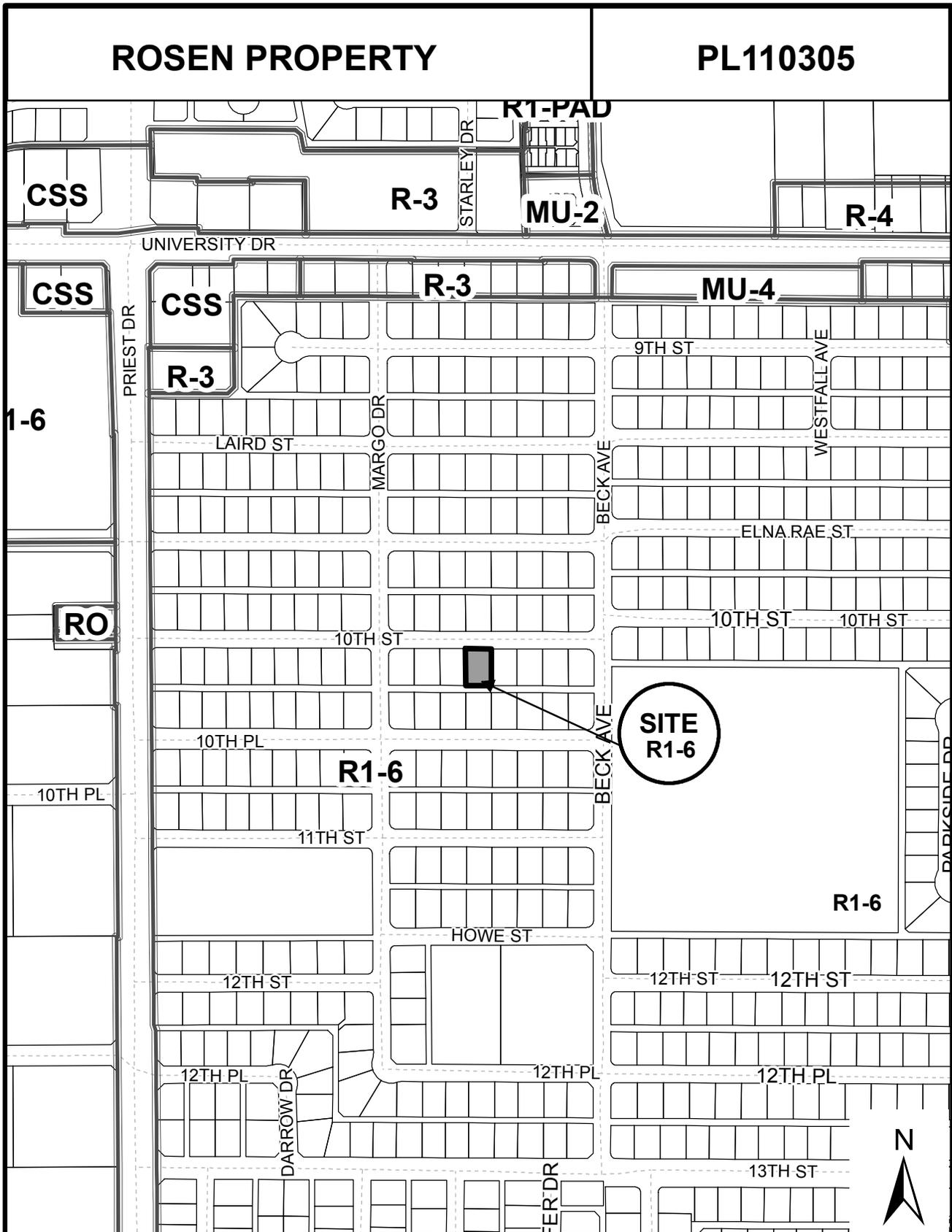
None pertinent to this case.

DESCRIPTION:

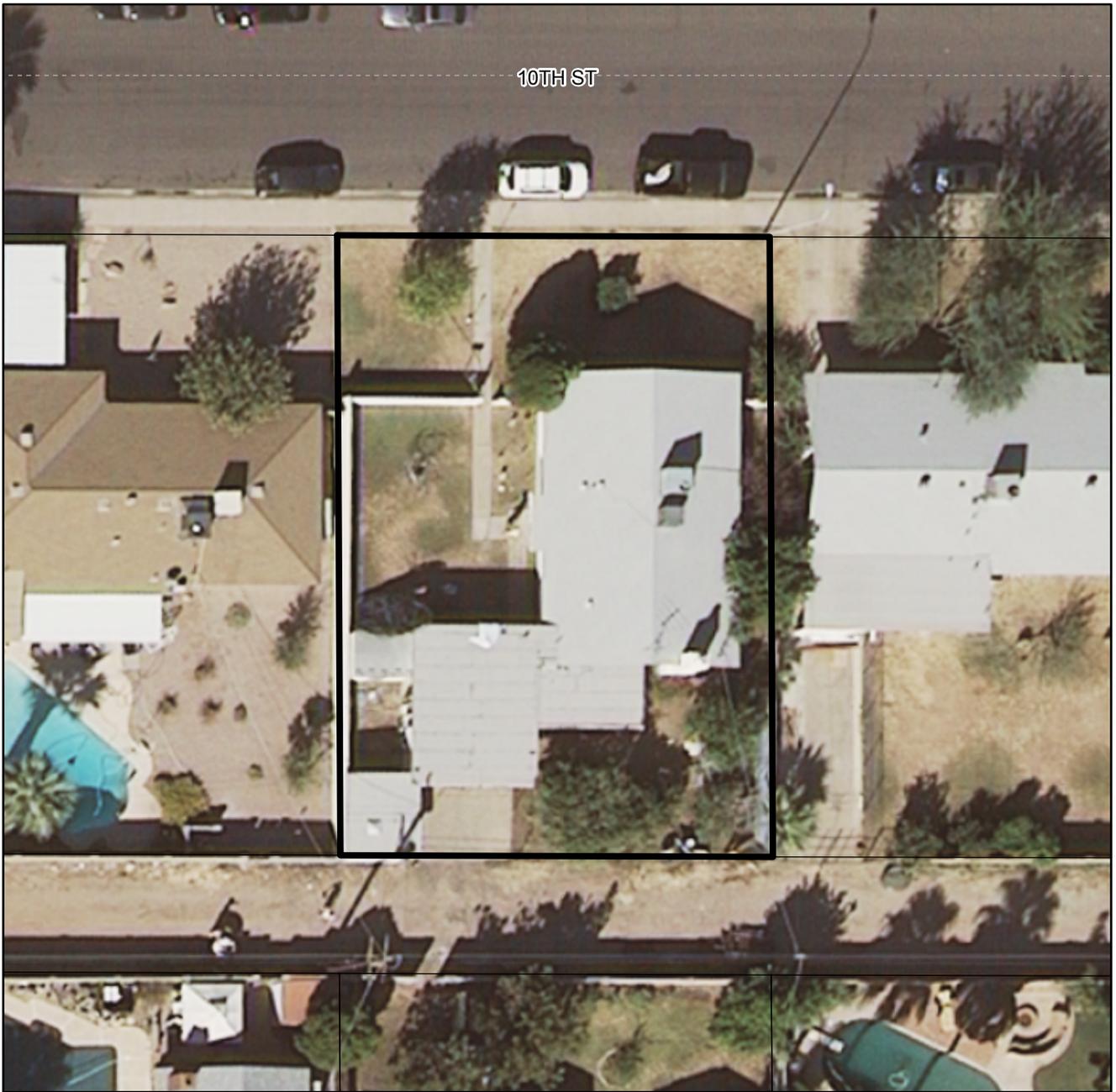
Owner – Robert Rosen
Applicant – Robert Rosen
Existing Zoning – R1-6, Single Family Residential District

**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



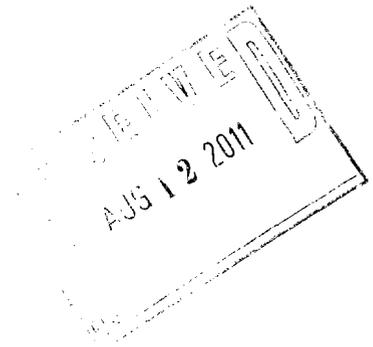
Location Map



ROSEN PROPERTY (PL110305)

Robert Rosen
1229 W 10th St
Tempe, AZ 85281

TO: City of Tempe



LETTER OF EXPLANATION

Request: Use permit for a front yard fence.

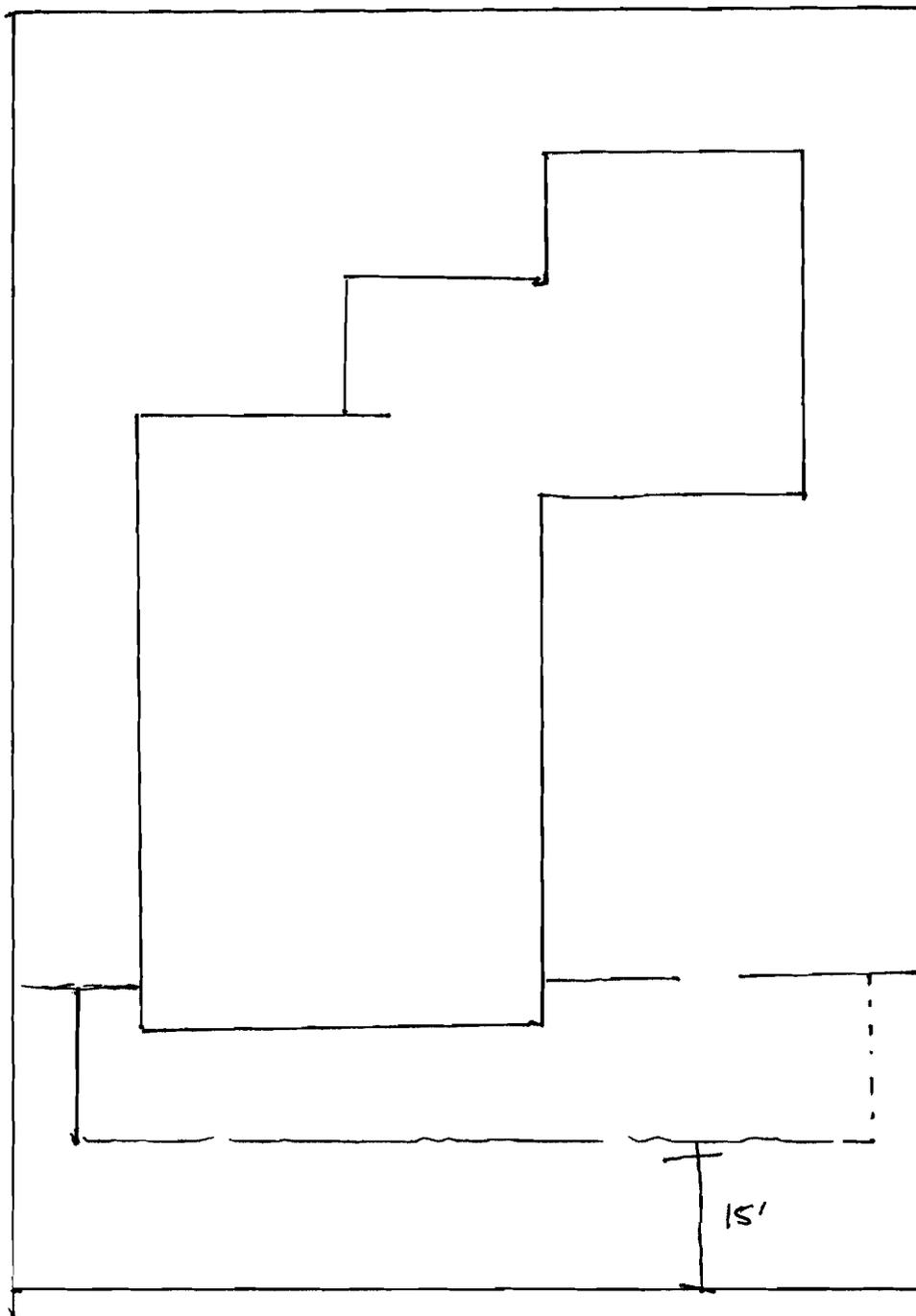
Motivation is to create a private and secure courtyard. The house is unusual in that the front/door faces the side of the lot resulting in a side courtyard. The house is of typical neighborhood design except it is turned sideways on the lot.

The design of the fence would be of the same height as the existing west property line block wall (approx. 5'8"). The posts would be 5" wide flange beams. Wire mesh to be fastened between posts and the resulting narrow gabion would be filled with rock and /or broken block. The gabion to be filled, in such a manner and/or height, to comply with the "Clear Vision Requirements".

Any further questions, please contact me.

Sincerely,

Robert Rosen



W. 10th Street

ROBERT ROSEN
1229 W 10th S

TYPICAL SECTION OF FRONT YARD FENCE

