

Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the **SHAVIN PROPERTY** located at 9245 South Terrace Road for one (1) use permit standard.

DOCUMENT NAME: 20120103cds107 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **SHAVIN PROPERTY (PL110438)** (Alan Shavin, applicant/property owner) located at 9245 South Terrace Road in the R1-15, Single Family Residential District for:

ZUP11117 Use permit standard to reduce the east side yard setback by 20% from 15 feet to 12 feet for wider turning radius to garage entrance.

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

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

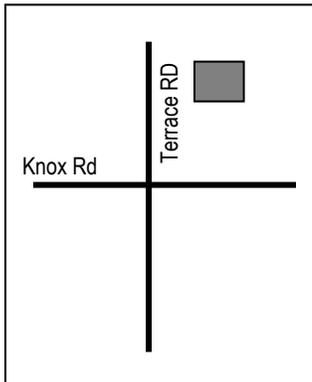
LEGAL REVIEW BY: N/A

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 seeking a use permit standard to reduce the east side yard setback by 20% from fifteen (15) feet to twelve (12) feet to facilitate the construction of a new residence on a vacant lot. The reduced setback on the east side will allow for a greater turn radius area on the west side driveway entrance. Staff is in support of the use permit request with the finding that it meets the Zoning and Development Code criteria for approval of a use permit. To date, no public input has been received.

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. Site plan
5. Floor plan
6. Elevation

COMMENTS:

The Shavin Residence is seeking a use permit to facilitate construction of their future home on a vacant lot. . The use permit is for a reduction of the side yard setback by 20% from fifteen (15) feet to twelve (12) feet. The placement of the new structure closer to the east property line will provide greater turn radius area for the garage on the west side of the residence. Staff supports the request. To date, no public input has been received.

Use Permit

The Zoning and Development Code allows through a use permit standard a reduction of a required setback by 20%; in this case the east side yard setback from fifteen (15) feet to twelve (12) feet. for a new home construction in the R1-15, Single Family Residence District.

Evaluating the use permits, the proposal appears to pass the use permit test 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.

- b) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
Will not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.

- 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 proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.

- d) Compatibility with existing surrounding structures and uses;
The proposed use appears to be compatible with surrounding uses.

- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
Not applicable to this residential request.

Conclusion

Staff recommends approval of the use permit standard.

REASON(S) 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.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general

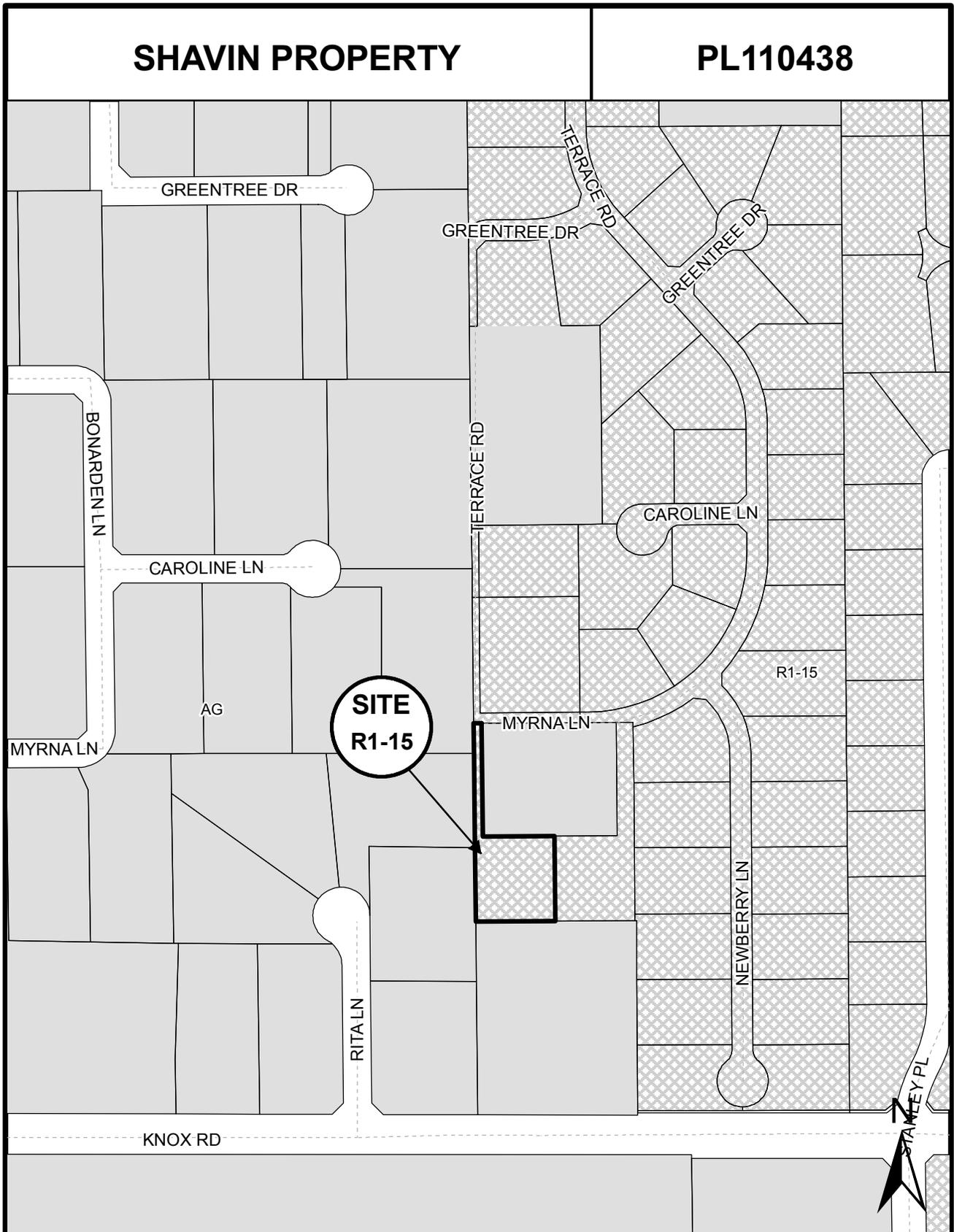
SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:** 1. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner – Alan Shavin
Applicant – Alan Shavin
Existing Zoning – R1-15, Single Family Residential District

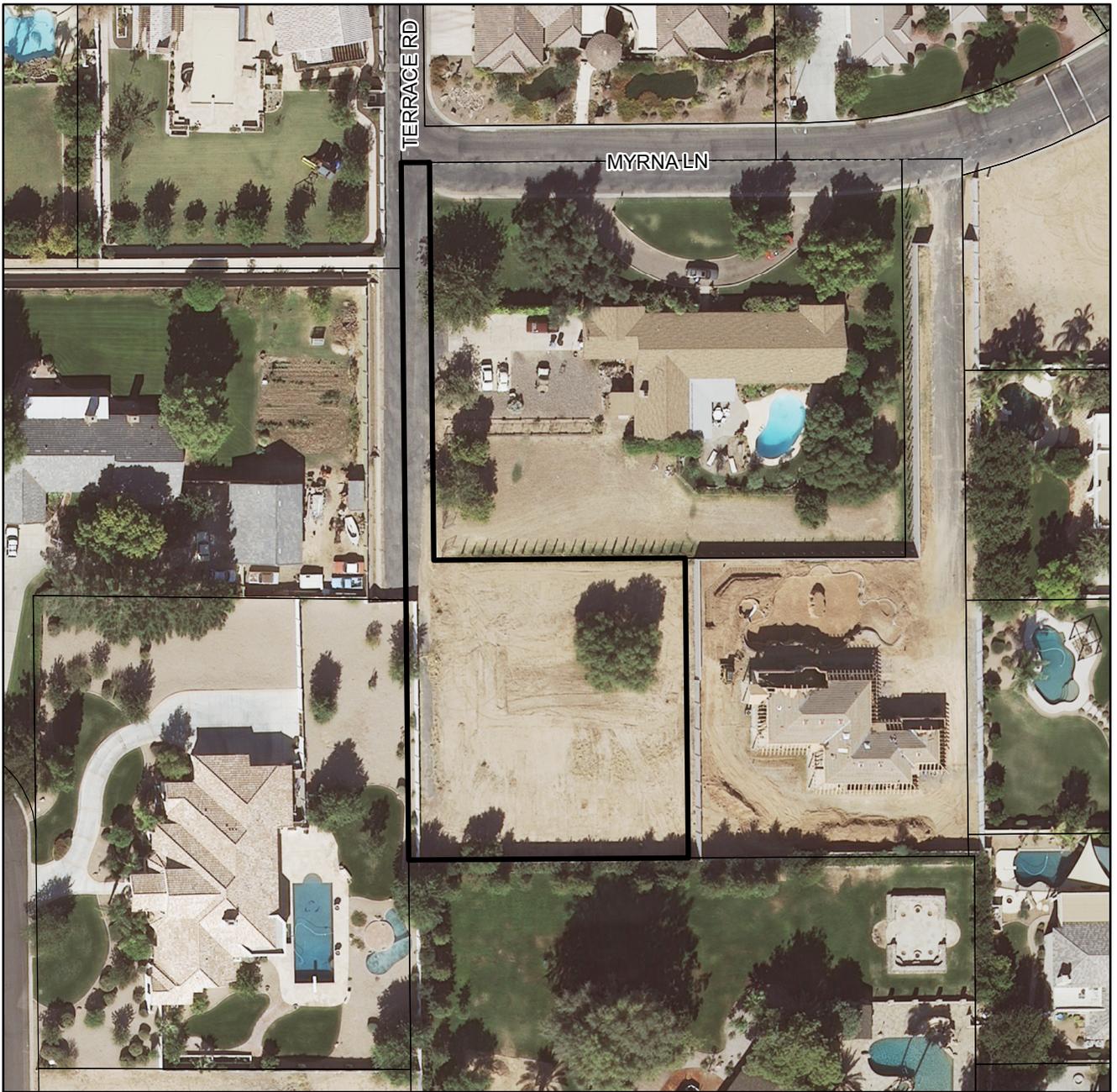
**ZONING AND
DEVELOPMENT
CODE REFERENCE:** Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-308 – Use Permit



SHAVIN PROPERTY

PL110438

Location Map



SHAVIN PROPERTY (PL110438)

December 12, 2011

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

RE: 9245 S. Terrace Rd, Tempe 85284
Parcel #308 02 163

Dear Committee:

I am planning on building a home at 9245 S. Terrace Rd in Tempe 85284. I have enclosed the following items as requested:

1. Site Plan
2. Floor Plan
3. Building elevation

Also included are the Project Submittal Form, and this Letter of Explanation.

use permit standard reduction request (AS)

I would like to apply for a three (3) foot ~~width~~ on the East side of the plan for the home. This would take it from 15 feet to 12 feet. By doing this, it will allow me more turn radius on the West side entrance into the garages, by moving the house to the East three (3) feet.

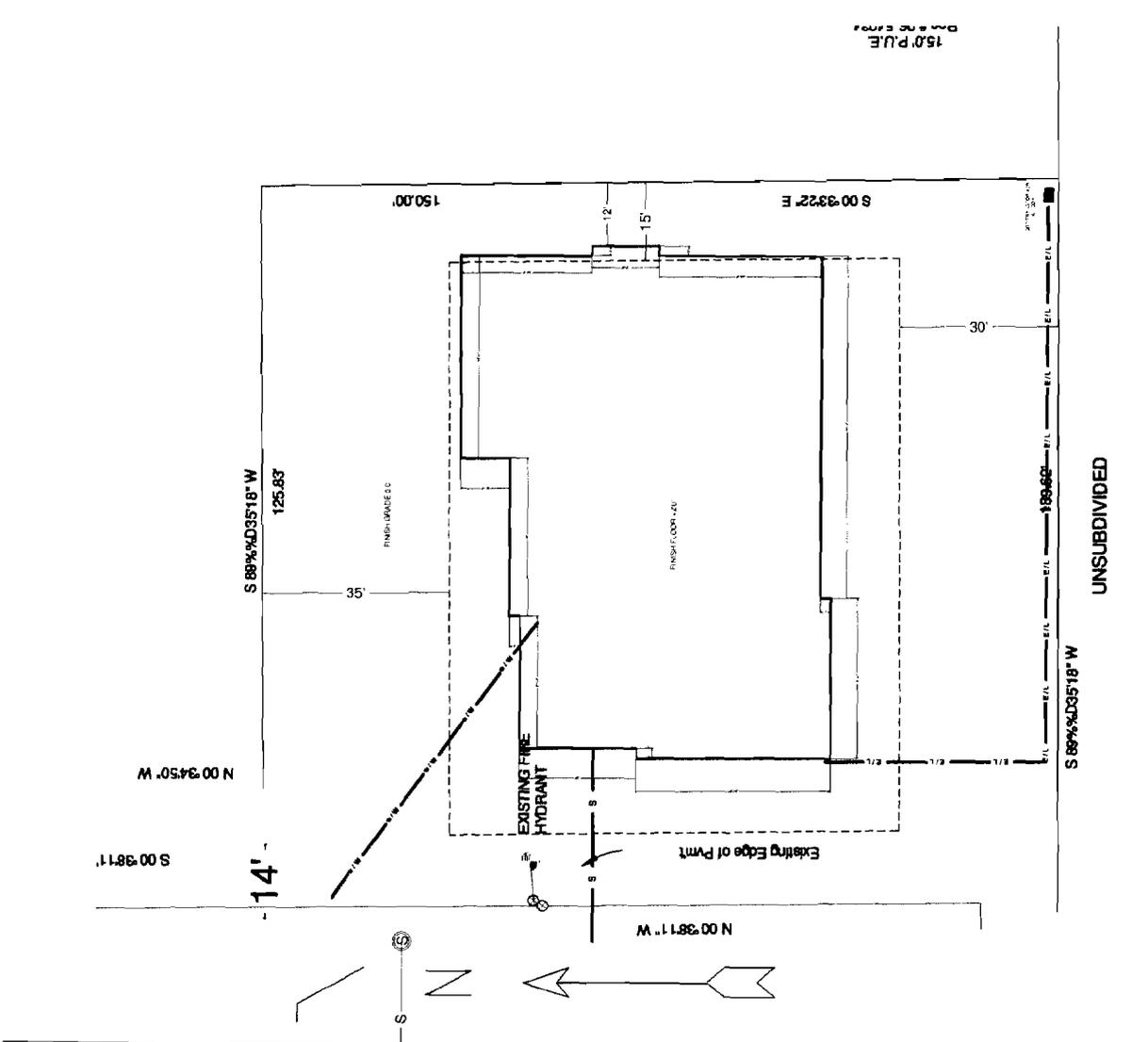
Thank you for your attention to this matter. Please call if there are any questions at (602) 738-7401.



Alan Shavin
930 East Knight Lane
Tempe, AZ 85284

Enc. \$400 fee (Check #102)

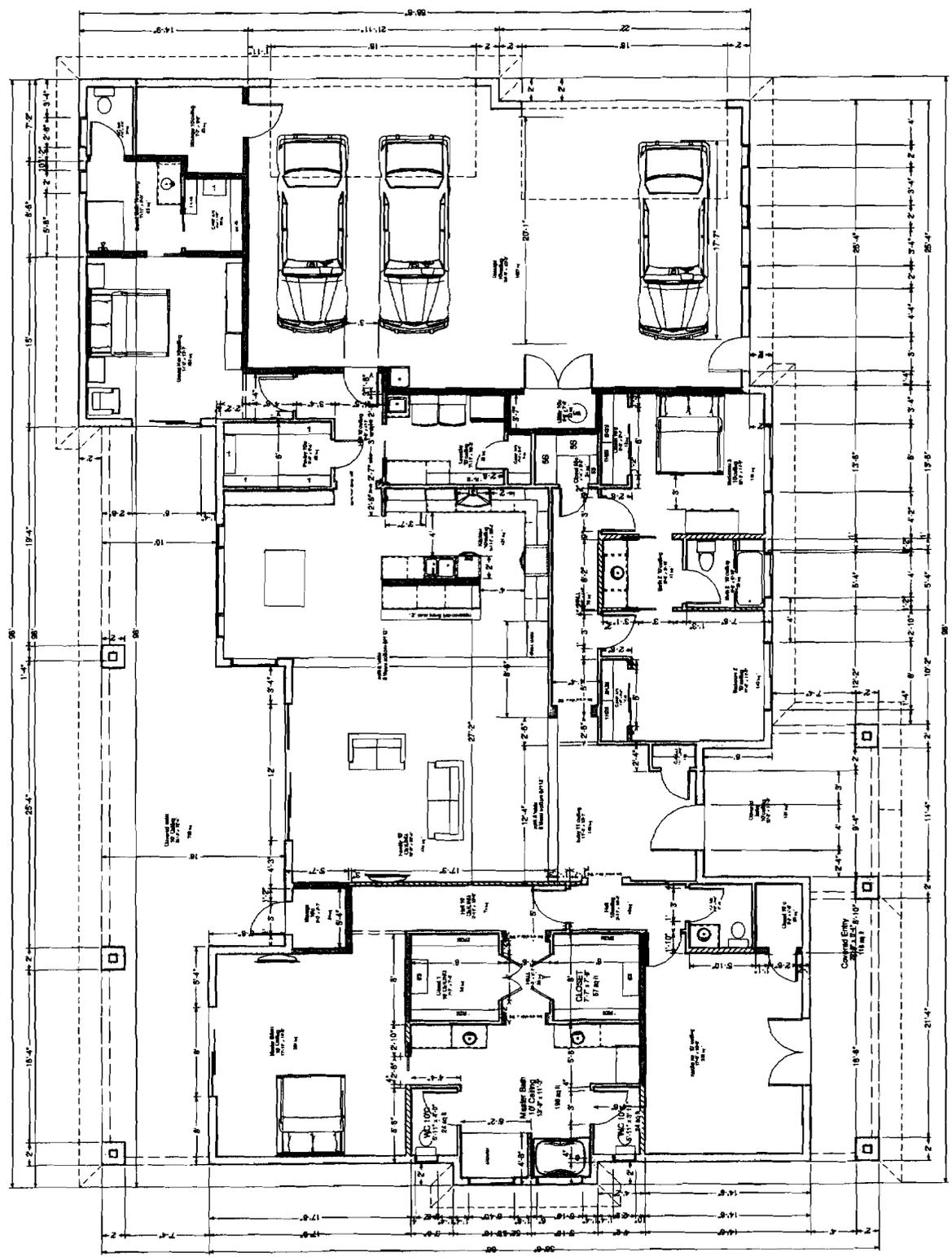
<p>MORRIS ARCHITECTS 811 E. Van Buren Ave. Paradise Valley, AZ 85246 Phone: 480.774.7777 Fax: 480.774.7777 Top@MorrisArchitects.com</p> <p>© All New Additions. All new construction shall be in accordance with the applicable building codes and ordinances of the City of Phoenix, Arizona. The architect shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect shall not be responsible for the accuracy of the information provided by the owner or other third parties. The architect shall not be responsible for the accuracy of the information provided by the owner or other third parties. The architect shall not be responsible for the accuracy of the information provided by the owner or other third parties.</p>	 <p>OWNER: Ian Tuckler 811 E. Van Buren Ave. Paradise Valley, AZ 85246 PHONE: 480.774.7777 E-MAIL: ian@morrisarch.com</p>	<p>PROJECT TYPE: RESIDENTIAL</p> <p>PROJECT LEGAL: LOT: 12583 SUBDIVISION: 12583</p> <p>PROJECT ADDRESS: 811 E. VAN BUREN RD. TEMPE, ARIZONA</p>	<p>INDEX:</p> <p>PAGE DESCRIPTION</p> <p>A-1 GENERAL NOTES</p> <p>A-2 FOUNDATION/PLUMBING</p> <p>A-3 STRUCTURAL DETAILS</p> <p>A-4 FLOOR PLAN FINISHES</p> <p>A-5 ROOF FRAMING</p> <p>A-6 ROOF FINISHES</p> <p>A-7 STRUCTURAL DETAILS</p> <p>A-8 MECHANICAL</p> <p>A-9 HVAC</p> <p>A-10 ELECTRICAL</p> <p>A-11 PLUMBING</p> <p>CIVIL PAGE 1</p> <p>CIVIL PAGE 2</p>	<p>DATE: Dec 1, 2011</p>	<p>PAGE: A-2</p>
--	---	--	--	--	--------------------------------------



1"=10'

UNSUBDIVIDED

Any field changes require owners written approval including any additional charges if applicable, prior to contractor commencing work



1/4" = 1'

