

Staff Summary Report



Hearing Officer Hearing Date: July 7, 2009

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the **SMITHERAN RESIDENCE (PL090189)** located at 335 East Loma Vista Drive for one (1) use permit.

DOCUMENT NAME: 20090707dsgk01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **SMITHERAN RESIDENCE (PL090189)** (Eric Stadmiller, applicant; John Smitheran, property owner) located at 335 East Loma Vista Drive in the R1-6, Single Family Residential District for:

ZUP09091 Use permit to park in the front yard setback.

PREPARED BY: Grace Kelly, Planner II (480-350-8369)

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

LEGAL REVIEW BY: N/A

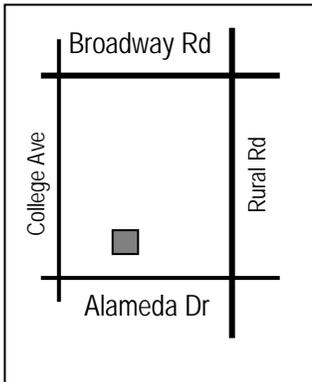
DEPARTMENT REVIEW BY:

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

The applicant is requesting a use permit to allow parking in the front yard setback. The single family residence located was originally built in 1962 with a two (2) car carport. The homeowner wishes to convert the carport into livable space. Staff has received no letters or comments from neighbors on this request to date.



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
2. Aerial Photo
3. Letter of Intent
4. Site plan
- 5-6 Staff Photographs

COMMENTS:

The applicant is requesting a use permit to allow parking in the front yard setback. The single family residence located was originally built in 1962 with a two (2) car carport. The homeowner wishes to convert the carport into livable space for his caretaker. Staff has received no letters or comments from neighbors on this request to date.

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 residences with carports that have been converted into living space for a single-family house.

Conclusion

Staff recommends approval of the use permit subject to conditions.

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. All vehicles parked on the premises must be actively registered and in operable condition at all times.
4. 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:

1962 Construction Year

DESCRIPTION:

Owner – John Smitheran
Applicant – Eric Stadmiller
Existing Zoning – R1-6, Single Family Residential District

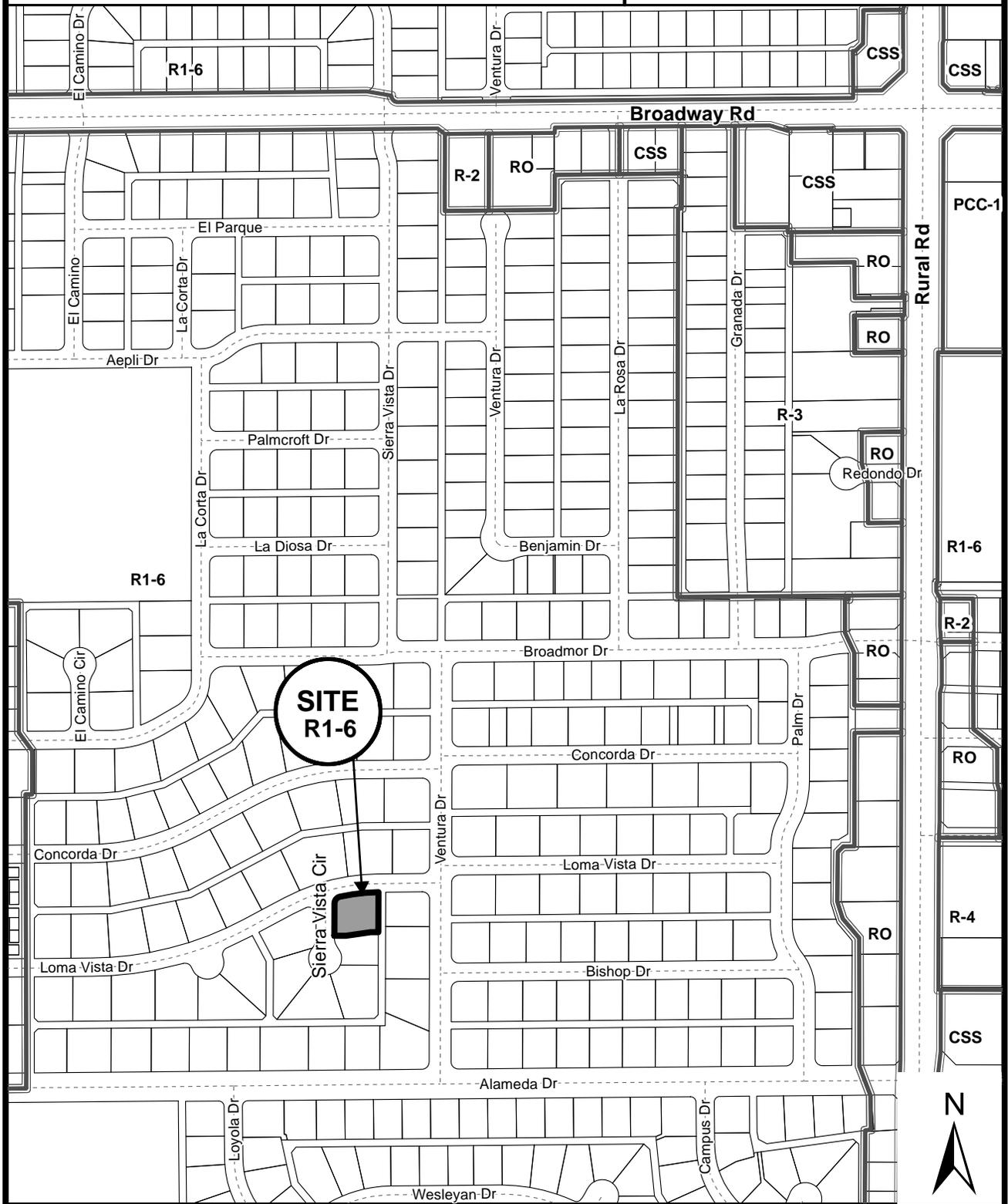
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

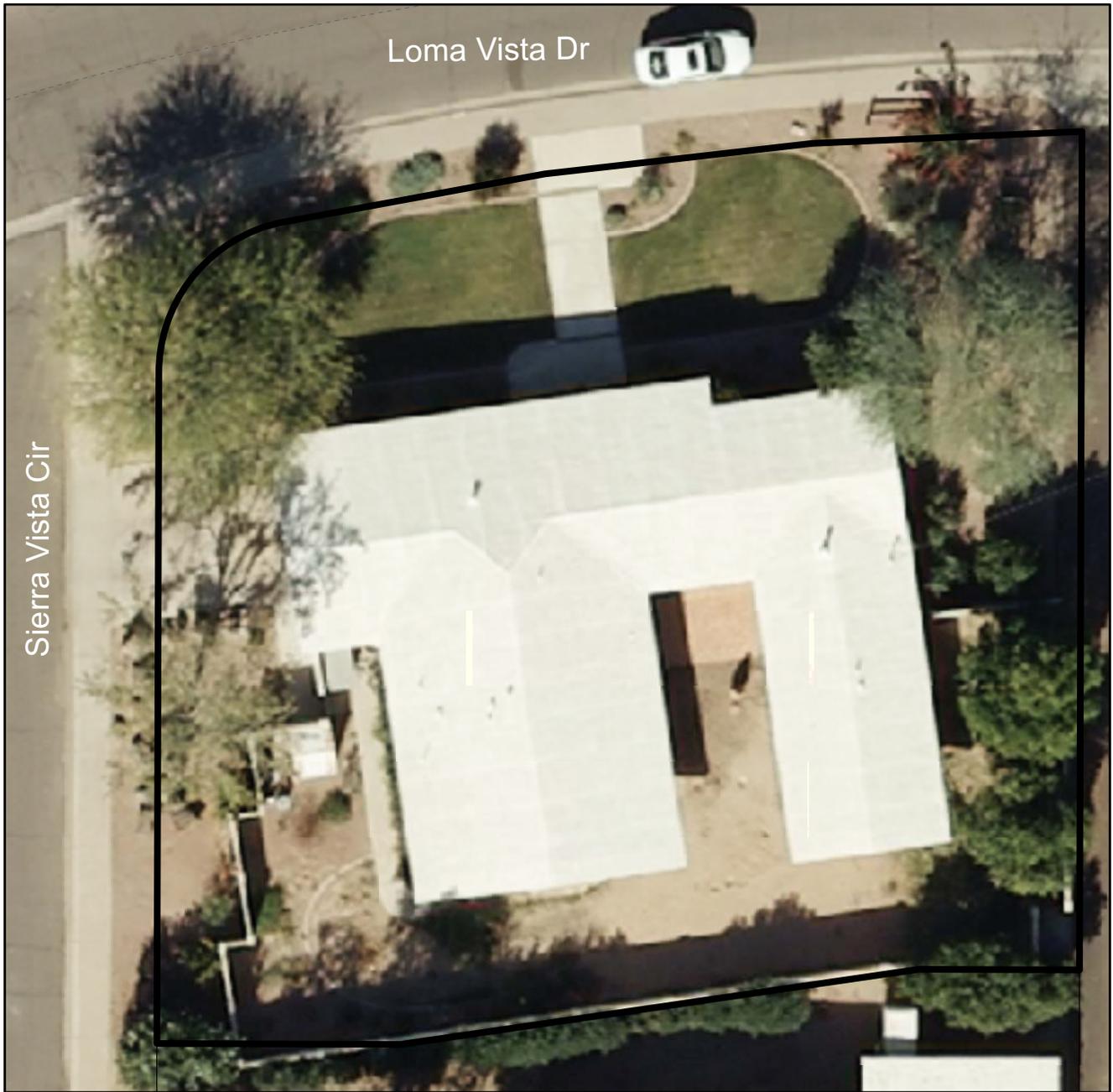
Part 4, Chapter 2, Section 4-202 – Development Standards for Residential Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

SMITHERAN RESIDENCE

PL090189



Location Map



SMITHERAN RESIDENCE (PL090189)

City of Tempe
Hearing Officer
Board of Adjustment
Development Review Commission
And City Council

May 19, 2009

Dear meeting members,

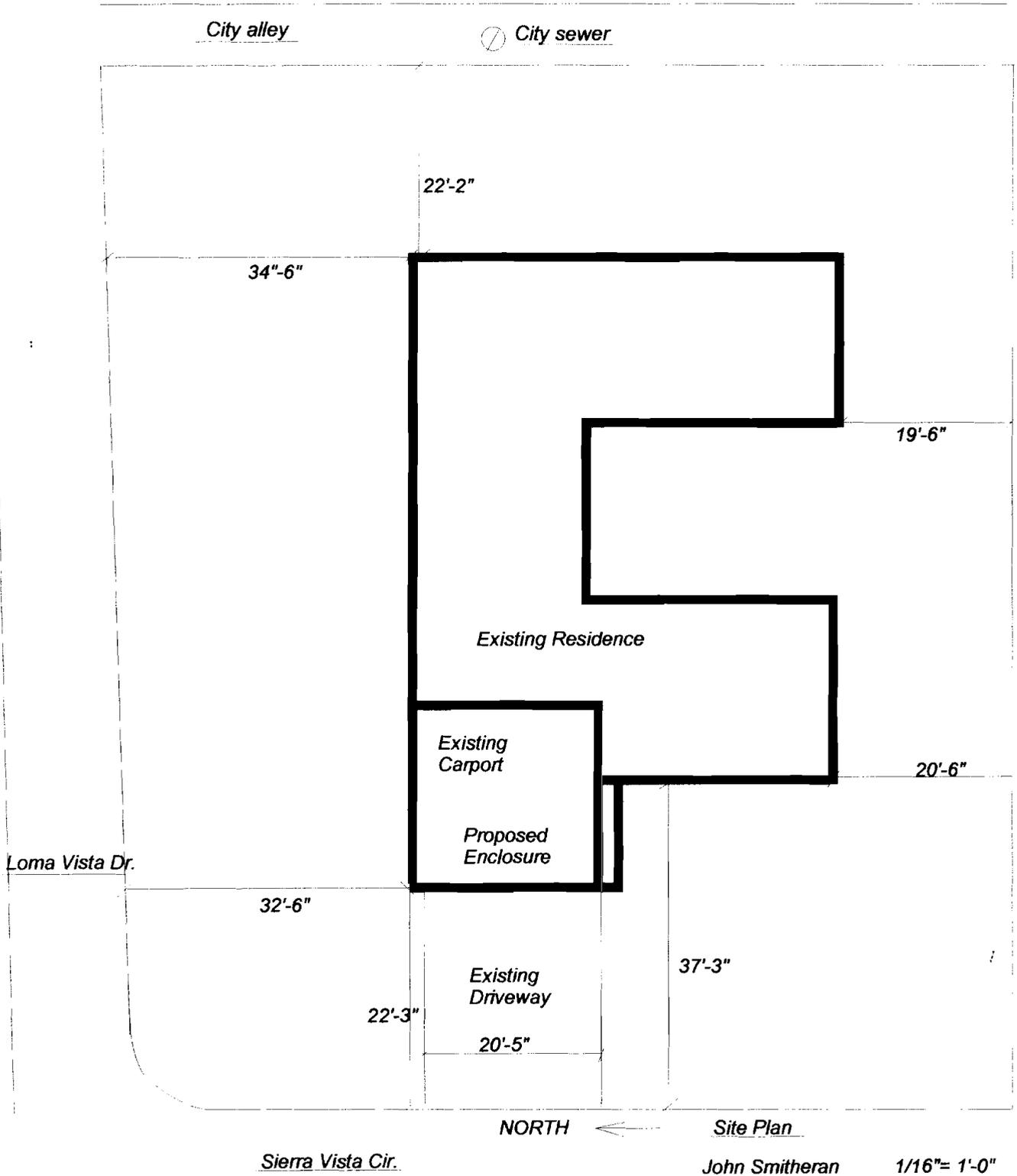
I am requesting the use of my existing driveway as parking for my vehicle.

I am applying for a building permit to enclose my existing carport so that I will have a room to house my caregiver. I've been told that I need special permission to park in my driveway.

The existing driveway is twenty foot five inches wide and twenty two foot three inches deep. As my access into the house is limited to the north entrance and I require a stable surface for my chair to roll on.

I have authorized Eric Stadmler to pursue this matter on my behalf. He will attend the hearing and speak for me regarding this issue.

Thank you,
John Smitheran
335 E. Loma Vista Dr.
Tempe, Az. 85282





SMITHERAN RESIDENCE

335 EAST LOMA VISTA DRIVE

PL090189

**WEST SIDE OF RESIDENCE – PROPOSED
CARPORT TO BE ENCLOSED**





SMITHERAN RESIDENCE

335 EAST LOMA VISTA DRIVE

PL090189

FRONT OF RESIDENCE

