

# Staff Summary Report



Hearing Officer Hearing Date: August 18, 2009

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by the **STAPLEY RESIDENCE (PL090266)** located at 2049 East Orange Street for one (1) use permit.

**DOCUMENT NAME:** 20090818dsdp02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **STAPLEY RESIDENCE (PL090266)** (Tom Stapley, applicant/property owner) located at 2049 East Orange Street in the R1-6, Single Family Residential District for:

**ZUP09112** Use permit to allow required parking in the front yard setback.

**PREPARED BY:** Derek Partridge, Planner I (480-350-8867)

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

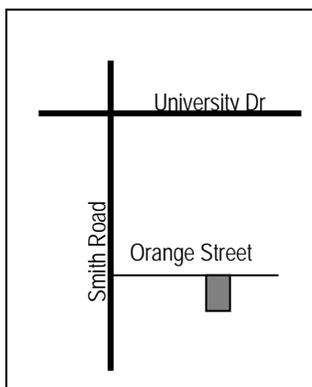
**LEGAL REVIEW BY:** N/A

**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 parking in the front yard setback. The single family residence was originally built in 1952 with a one (1) car carport. The carport has been converted to living space, creating a non-conforming situation on the property. Staff supports approval of this request. 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. Staff Photograph(s)

## COMMENTS:

The applicant is requesting a use permit to allow parking in the front yard setback. The single family residence was originally built in 1952 with a one (1) car carport. The carport has been converted into living space. The added space is to be used as an office/bedroom. The use permit would correct the existing non-conforming situation at the site. Many homes in the neighborhood have undergone similar conversions and this request is not out of character. Staff supports approval of this request. To date, no public input has been received.

## 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.
- 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.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public
  - The proposed use permit for the existing non-conforming condition should not pose any nuisance to the surrounding area.

## Conclusion

Staff recommends approval of the use permit subject to conditions.

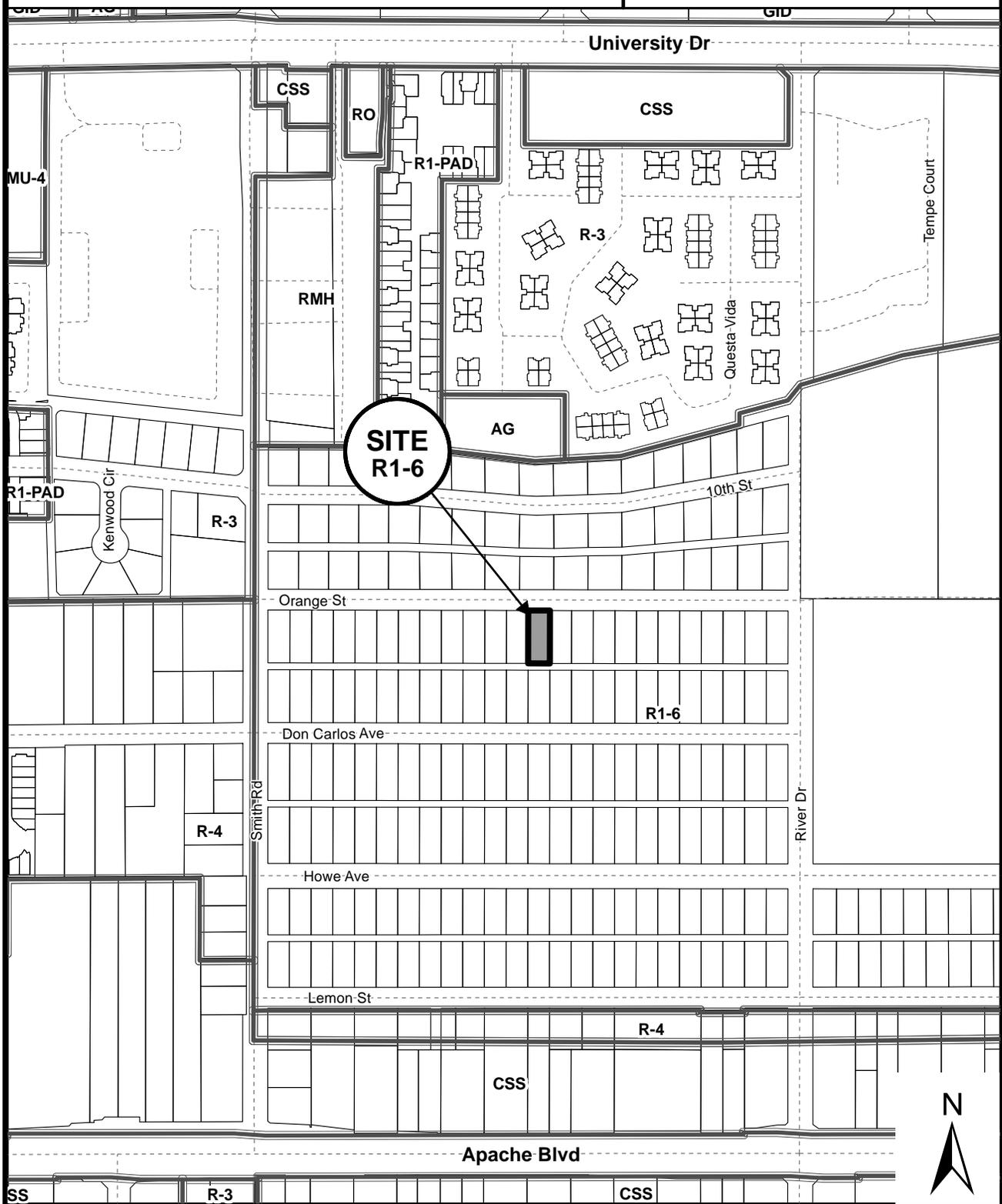
## REASON(S) FOR APPROVAL:

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.



# STAPLEY RESIDENCE

PL090266



Location Map



**STAPLEY RESIDENCE (PL090266)**

**TH HOMES, LLC**

2049 E. Orange St.  
Tempe, AZ 85281

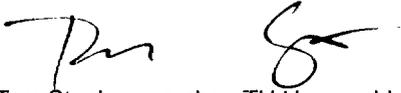
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July 17, 2009  
City of Tempe  
Hearing Officer  
Board of Adjustment  
Development Review Commission  
City Council  
31 East Fifth Street  
Tempe, AZ 85280

Dear Meeting Members,

Please accept this letter as a formal request to use my existing driveway as parking for vehicles. I will be applying for a building permit to enclose the carport and create additional room in my home. I believe that by parking in the existing driveway there will not be any significant change in vehicular or pedestrian traffic. The majority of homes in the neighborhood use their existing driveway for parking because they have enclosed the carport or use it for storage. I believe enclosing the carport will not contribute to neighborhood deterioration and will be very compatible with the existing homes in the area.

Sincerely yours,

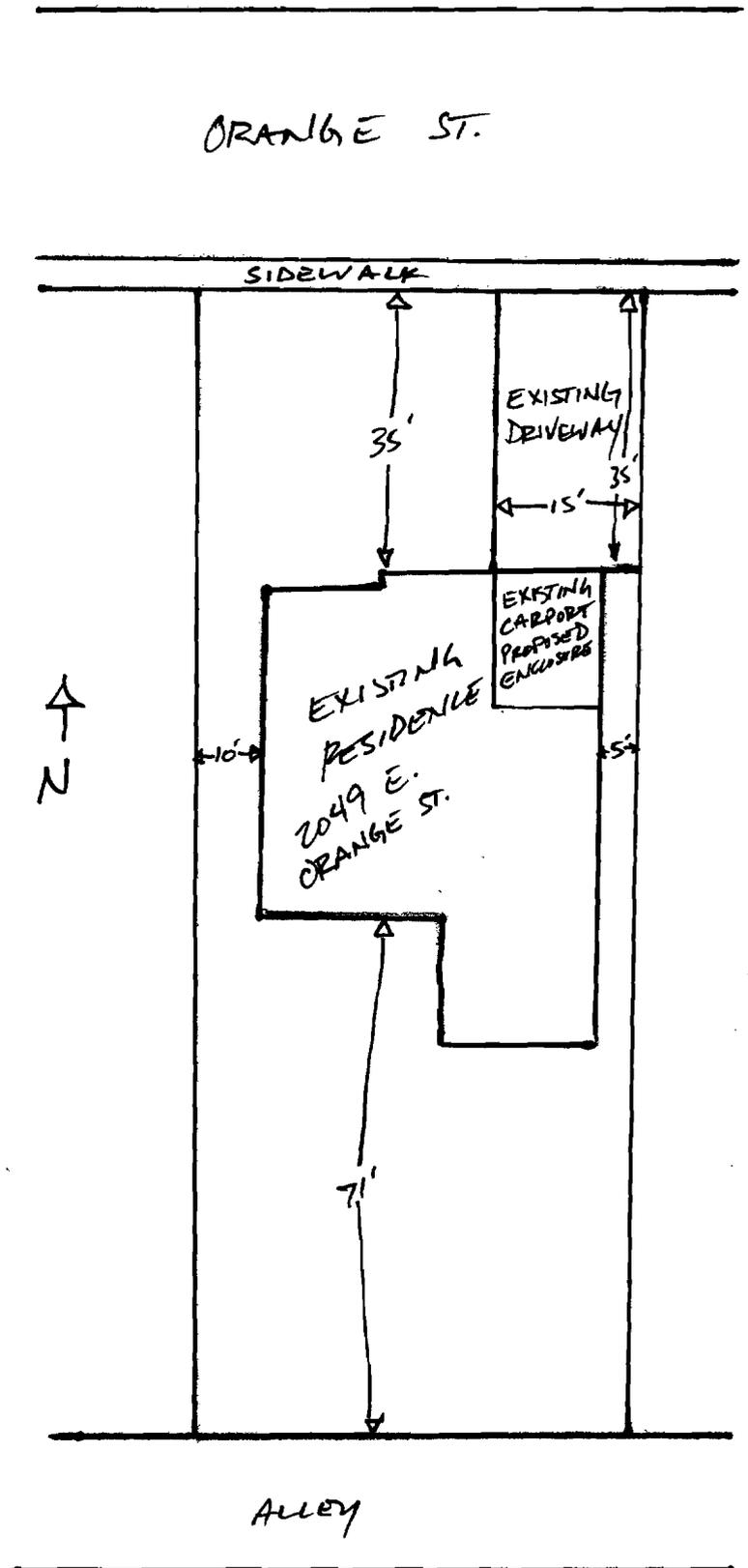


Tom Stapley, member: TH Homes, LLC

SITE PLAN

2049 E. ORANGE ST.  
TEMPE, AZ 85281

TH HOMES, LLC  
STAPLEY RESIDENCE





# STAPLEY RESIDENCE

2049 EAST ORANGE STREET

PL090266

FRONT OF RESIDENCE

