

Staff Summary Report



Hearing Officer Hearing Date: February 19, 2008

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **STEWART RESIDENCE (PL080013)** located at 1903 East Citation Lane for one (1) use permit.

DOCUMENT NAME: 20080219dsac02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **STEWART RESIDENCE (PL080013)** (William & Cinderella Stewart, applicants/property owners) located at 1903 East Citation Lane in the R1-7, Single Family Residential District for:

ZUP08012 Use permit standard to reduce the west street side yard setback by twenty percent (20%) from ten feet (10') to eight feet (8').

PREPARED BY: Alan Como, Planner II (480-350-8439)

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

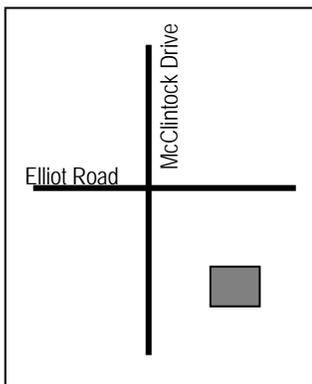
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1)

ADDITIONAL INFO: The Stewart residence is requesting a use permit to reduce the required west street side yard setback by twenty percent (20%) from ten feet (10') to eight feet (8') to allow for an addition to their home. Staff recommends approval of the use permit as it meets the conditions set forth in the Tempe Zoning and Development Code.



PAGES:

1. List of Attachments
2. Comments; Reason 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
- 4-5 Site plan
- 6-7. Staff Photograph(s)

COMMENTS:

The Stewart residence is requesting a use permit to reduce the required west street side yard setback by twenty percent (20%) from ten feet (10') to eight feet (8') to allow for an addition to their home. The proposed addition would encroach approximately two feet (2') into the required ten foot (10') side yard setback. The Zoning and Development Code allows for a reduction of a required setback by twenty percent (20%) in the R1-7 Single Family Residential district. Staff has not received any neighborhood input on this request.

Use Permit

The Zoning and Development Code requires a use permit to reduce a side yard setback by twenty percent (20%) in the R1-7 Single Family 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 is no apparent nuisance involved from this request.
- 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, 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.

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.
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 related to this case.

DESCRIPTION:

Owner – William & Cinderella Stewart
Applicant – William & Cinderella Stewart
Existing Zoning – R1-7, Single Family Residential District
Required street side yard setback – 10'
Proposed side yard setback – 8'

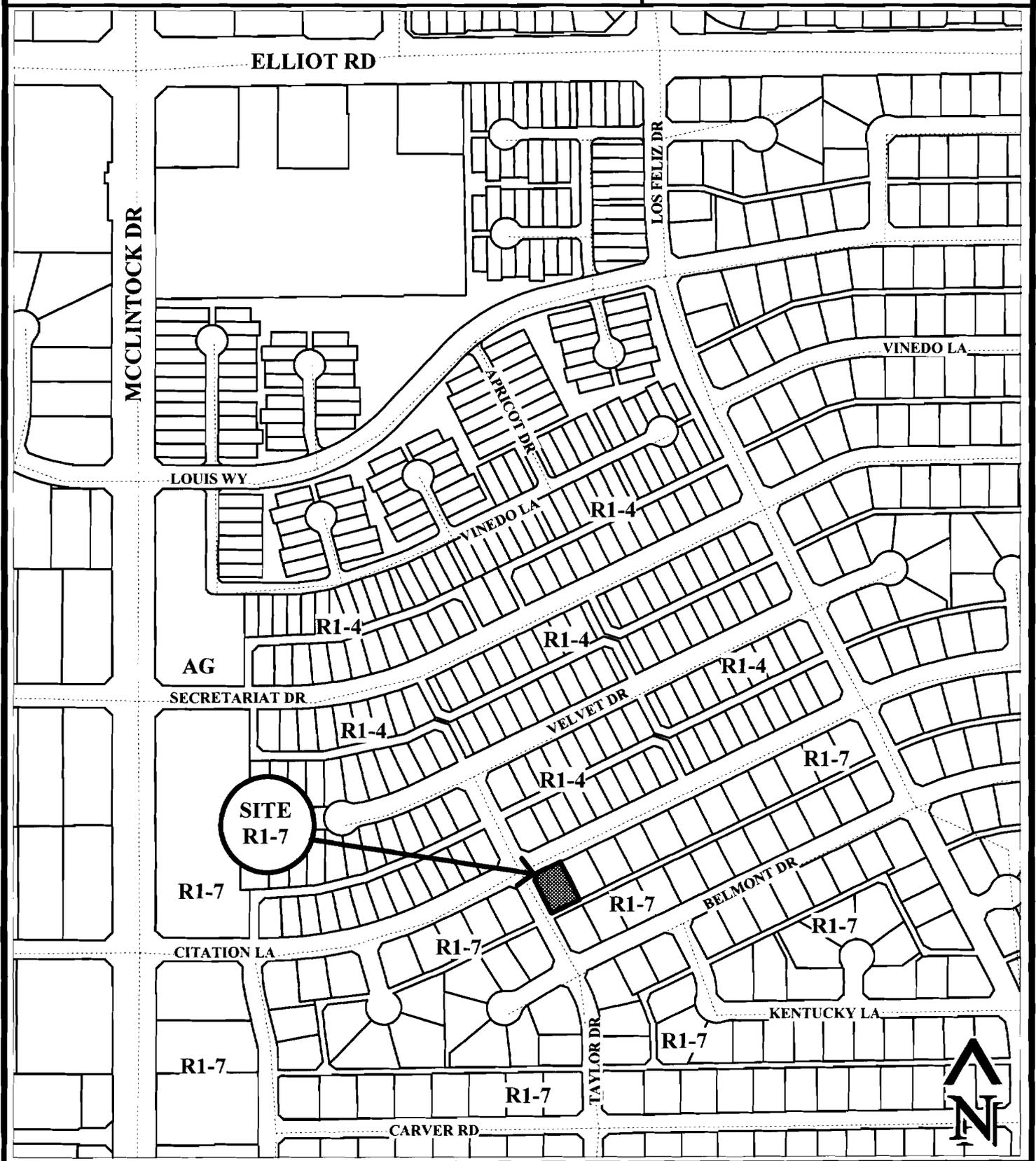
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

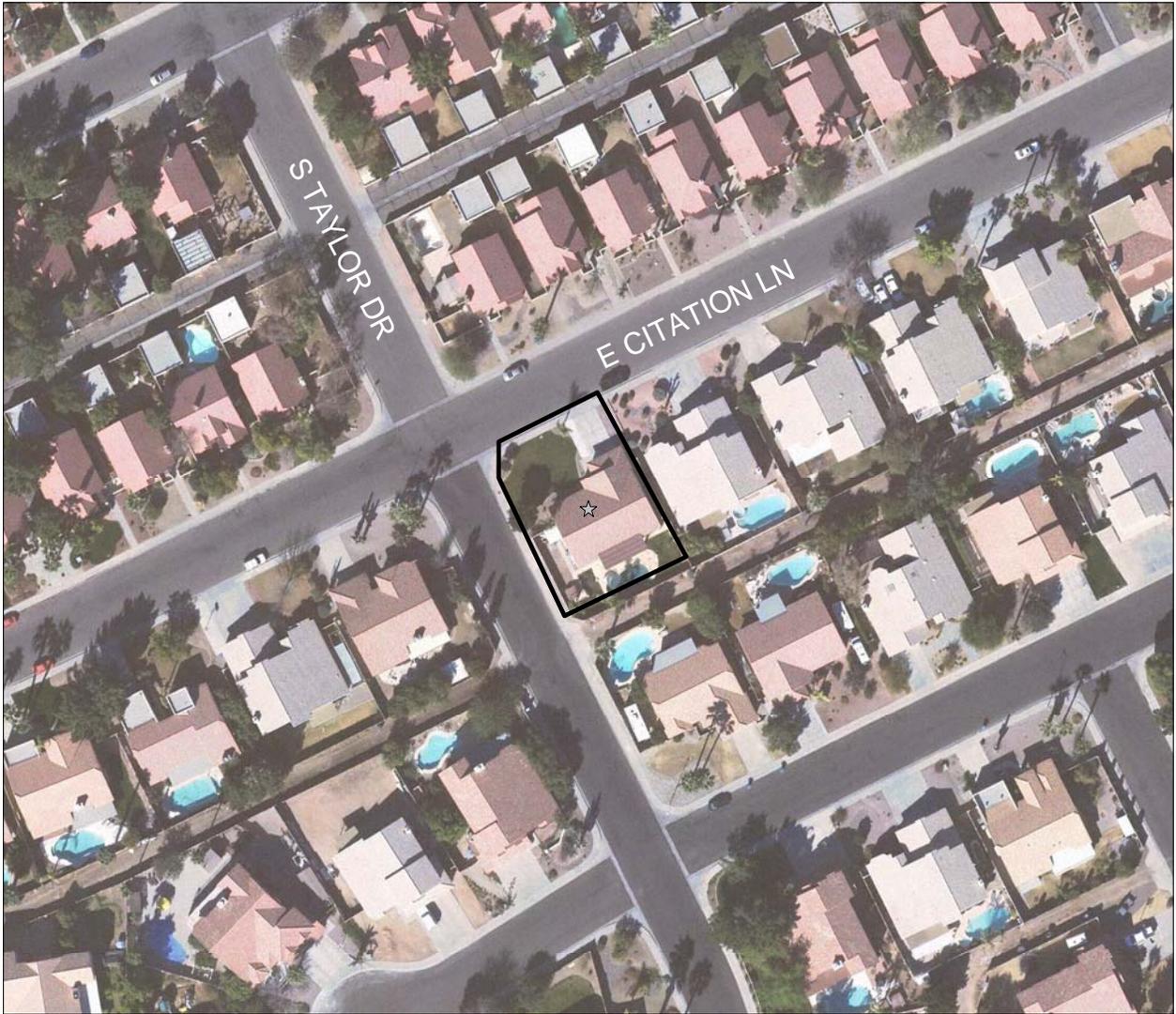
Part 4, Chapter 2, Section 4-202, Table 4-202A - Development Standards
Part 6, Chapter 3, Section 6-308 - Use permits

STEWART RESIDENCE

PL080013



Location Map



STEWART RESIDENCE (PL080013)

City of Tempe
Development Services Department
Development Division/Planning
31 East Fifth Street
Tempe, AZ 85281

Re: Use Permit

Letter of Explanation:

We have lived in our home for 20 years and would like to stay in the Tempe area. The area is convenient and maintains a high standard within the subdivision even though there are limited HOA's. We have decided to add on to our existing structure for that reason as well as the growth within the Phoenix area.

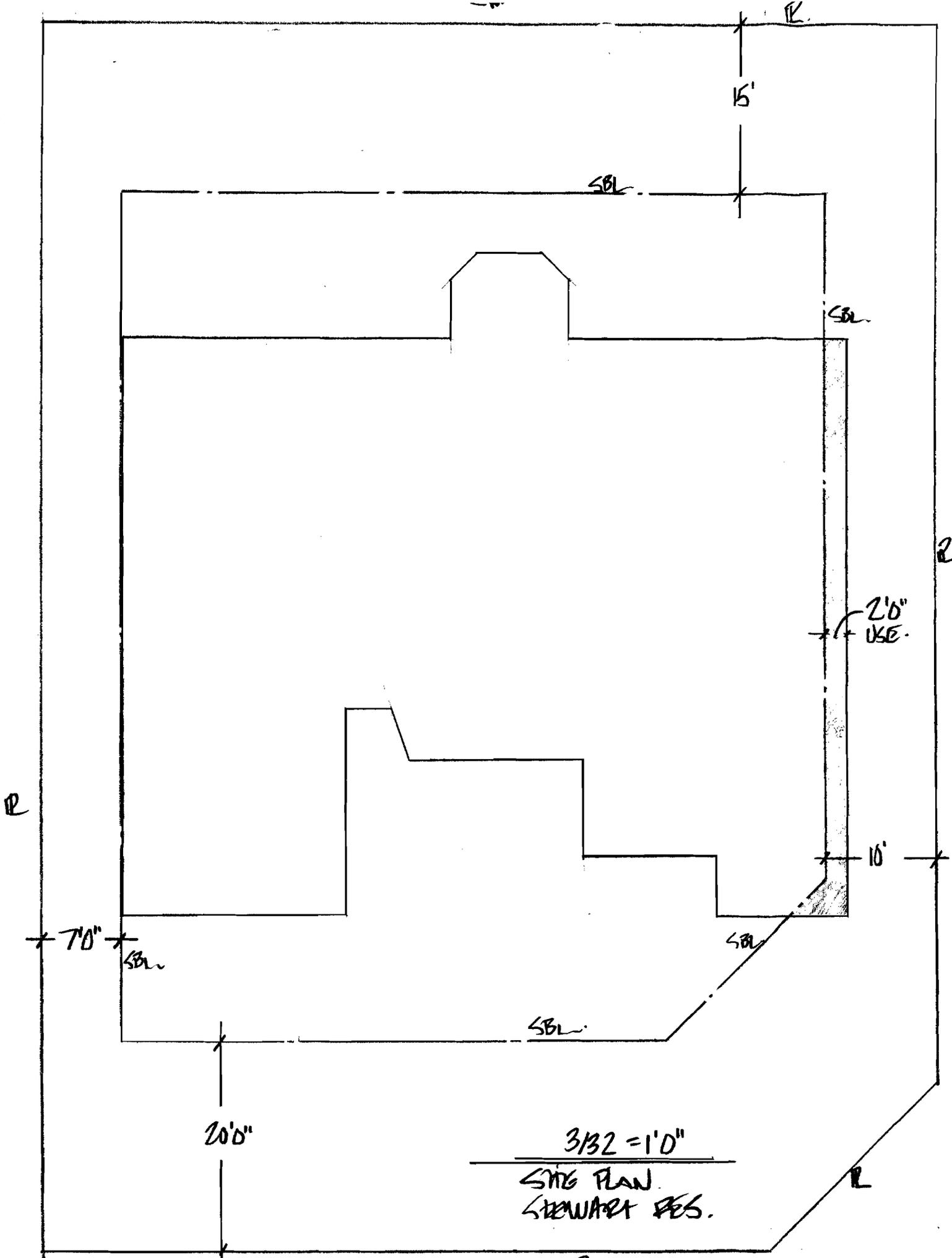
Due to the easements on the west side of the structure, we require a use permit. This is because the planned addition will violate the easement boundary by two (2) feet. The proposed structure will add an entertainment room, garage and extend the front bedroom forward to line up with the existing garage on the east side of the structure. Since we are on a corner lot, there will be no affect to the neighboring homes and will not cause any structure interference within the subdivision. The main roofline will be extended while the roofline for the extension will mirror the other side. The addition will be similar to the home located at 1903 Calle De Caballos with the same setback.

The addition and re-landscaping will be professional and maintain the standard of the subdivision. It will be compatible with the surrounding structures; will not cause any additional vehicular or pedestrian traffic. It will not be a nuisance to the public or cause any additional environmental conditions.

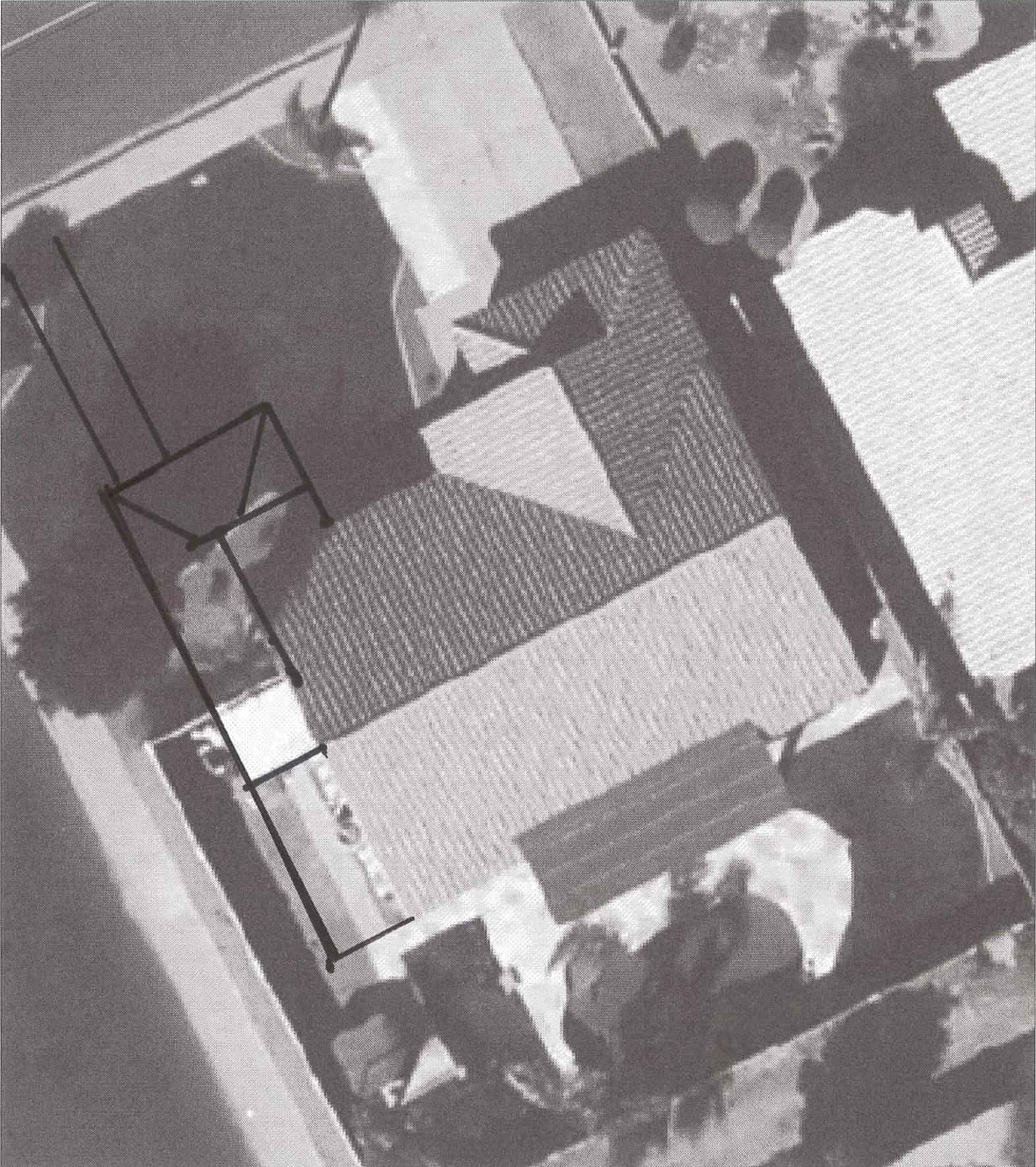
This will also allow for a vehicle to be retained in the garage and not in front of the house. Over the last year, our vehicles have been vandalized and there was an attempted theft of one of them. With the addition, we will not have any vehicle exposed during the evening hours.

Thank you for your time and consideration,

William & Cinderella Stewart



County Parcels





STEWART RESIDENCE

1903 E CITATION LN

PL080013

FRONT OF RESIDENCE



STEWART RESIDENCE

1903 E CITATION LN

PL080013

STREET SIDE OF RESIDENCE