

# Staff Summary Report



Hearing Officer Hearing Date: April 7, 2009

Agenda Item Number: 4

**SUBJECT:** This is a public hearing for a request by the THOMPSON PROPERTY (PL090085) located at 1623 East Del Rio Drive for one (1) use permit.

**DOCUMENT NAME:** 20090407dsdp01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the THOMPSON PROPERTY (PL090085) (Robert Thompson, applicant/property owner) located at 1623 East Del Rio Drive in the R1-6, Single Family Residential District for:

**ZUP09045** 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)

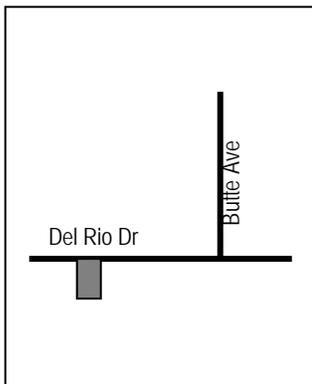
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' text.

**LEGAL 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 1968 with a two (2) vehicle capacity garage, fulfilling the requirement of two (2) off-street parking spaces on the property located at 1623 East Del Rio Drive. The garage was converted into living space without permit. The current situation is a non-conforming use; this use permit is being requested to bring the property into conformance. Staff has received one (1) phone call and one (1) letter of opposition 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(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Letter of Opposition
6. Staff Photograph(s)

## COMMENTS:

The applicant, Robert Thompson, is requesting a use permit to allow parking in the front yard setback due to a two (2) vehicle garage being converted into living space. The non-conforming use was brought to the attention of the city after an inspection complaint of a shade canopy and construction without a permit. The enclosed garage is currently being used as storage/laundry room for the single family residence.

Staff has received one (1) phone call and one (1) letter of opposition to the request. It concerned too many unrelated persons residing at the residence and also the condition of the property.

## Use Permit

The Zoning and Development Code requires use permits 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.

## 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.

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

CONDITION(S)  
OF APPROVAL:

1. The required parking on-site shall be used for single family residence 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. The enclosed area shall be painted to match the existing brick façade of the residence within 60 days (June 7, 2009).
5. 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:

1968 Construction Year

12/8/2008 IPO080158: Inspection, garage converted to livable space without permits. Shade structure on east property line to be removed. Use Permit required for garage conversion to livable space.

DESCRIPTION:

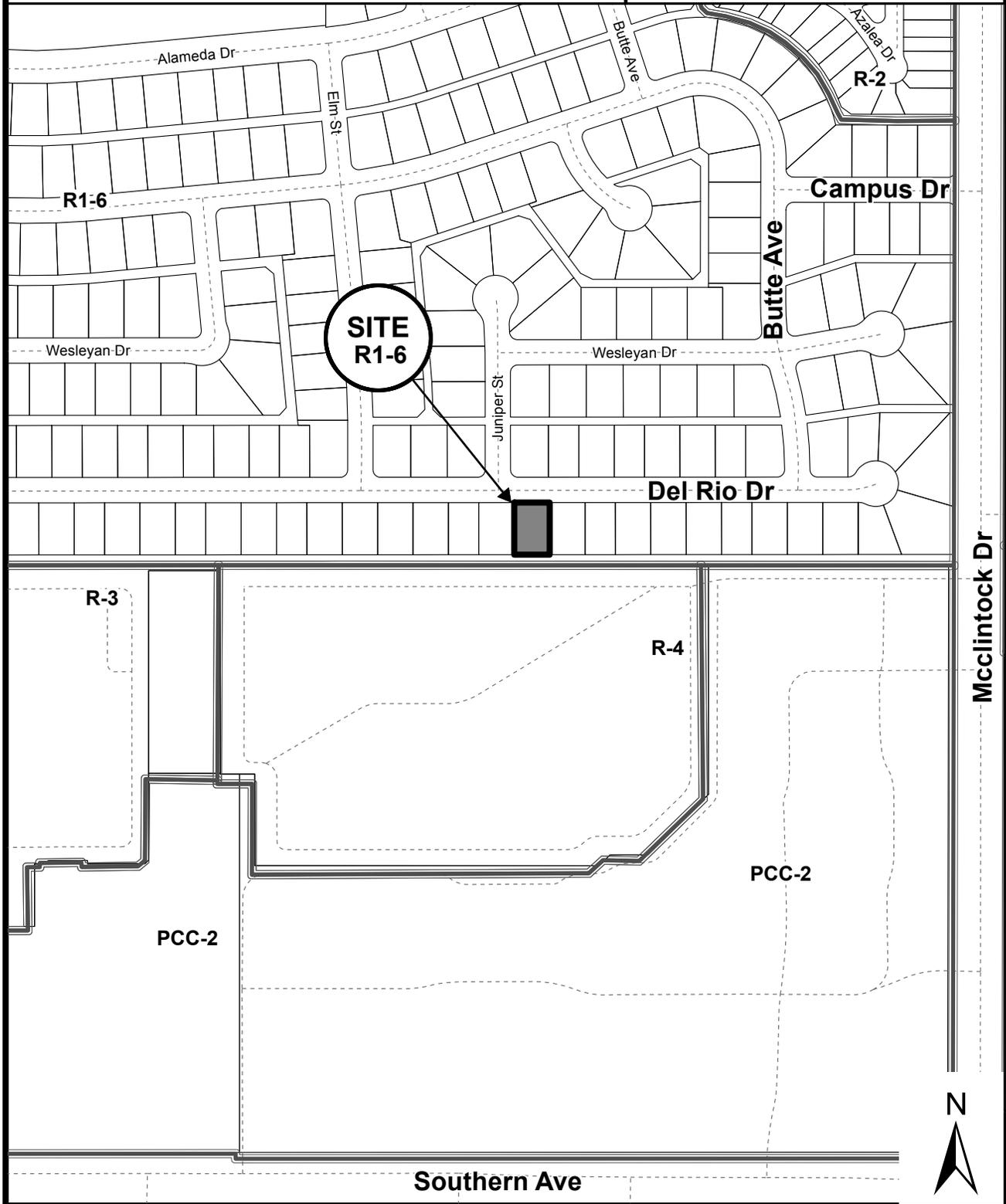
Owner – Robert Thompson  
Applicant – Robert Thompson  
Existing Zoning – R1-6, Single Family Residential District  
Lot Area – 7,688 s.f./18 ac  
Building Area – 2,089 s.f.  
Lot Coverage – 27.2%  
Parking Required – 2 spaces

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

**THOMPSON PROPERTY**

**PL090085**



**Location Map**



**THOMPSON PROPERTY (PL090085)**

February 17, 2009

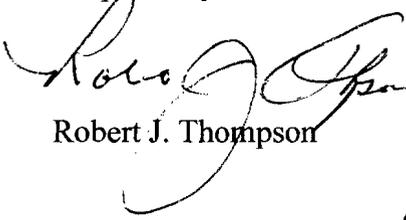
To: City of Tempe

Requested Explanation

I purchased this property approx. 11 years ago. At the time of purchase, the garage was enclosed into an extra family room/ laundry room.

Now, after 11 years, the City of Tempe has requested that I pay \$384 so that the driveway can be used for parking. Even though, it is quite apparent, that numerous neighbors park in their driveways, in the same manner, regardless of whether they have a garage or a carport. Thus, I am required to make this request, in addition to incurring a cost of \$400 to have a side overhang removed that has also been on the house since my purchase. My total cost = \$784 plus considerable time. It appears that in these very difficult times, that the City of Tempe is looking for ways to increase revenue. I feel that I have been made a victim. I have complied, however I will be making a complaint to the Mayor's office. This request is not only unfair, but illogical. I am all for an attractive community, and I do my part to keep my property attractive (It was painted within the last year). Please contact me to schedule inspection of the removal of side overhang.

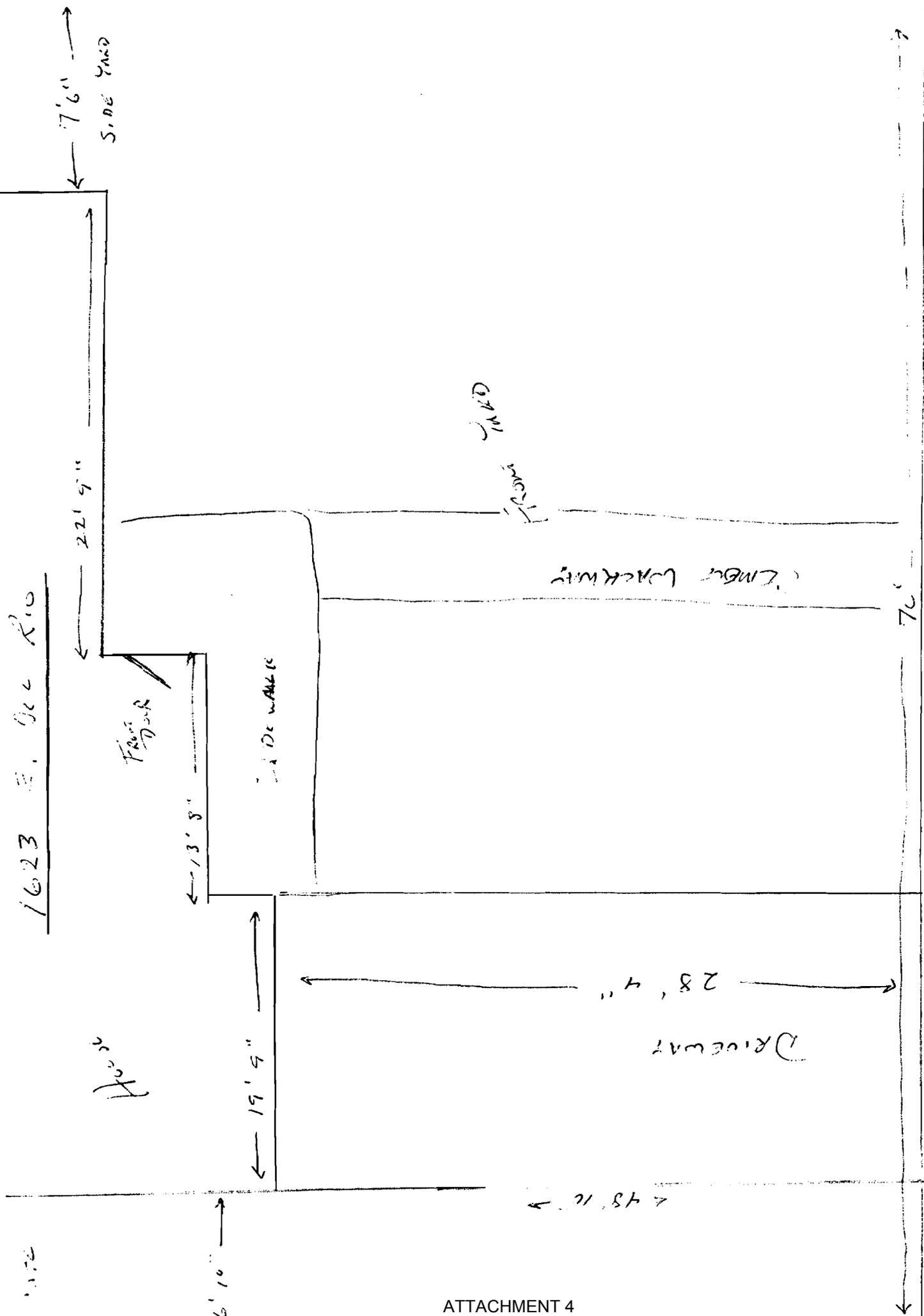
Respectfully submitted,



Robert J. Thompson

NOTICE # 1P080158

1623 E. Dec Rio





Harry Porter

I will be unable to attend this hearing but would like to voice my objection. Too many absentee owners on this street make for too many autos on the street. Drive by on any Sunday morn and you will see evidence of this

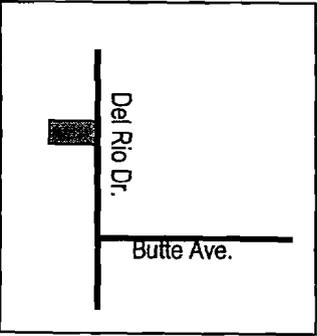
Harry Porter  
1604 E DEL RIO

09 MAR 27 PM 3:11  
SERVICES DEVELOPMENT



# PUBLIC HEARING NOTICE

## Project Vicinity Map



Site Location  
1623 E Del Rio Drive

Case Name  
Thompson Property

Case Number  
PL090085



Dear Community Member:

The request for the THOMPSON PROPERTY is scheduled to be heard by the Hearing Officer:

Tuesday, April 7, 2009 @ 1:30 p.m.  
31 E. 5th Street  
(Tempe Municipal Building, Council Chambers)

The applicant is requesting approval for a use permit to allow parking in the front yard setback.

The agenda, with links to case documents and reports, is available one week prior to the meeting at [www.tempe.gov/planning/BoardsCommission.htm](http://www.tempe.gov/planning/BoardsCommission.htm). For additional info and comments, please contact: Derek Partridge, Planner I, at 480-350-8867 or [derek\\_partridge@tempe.gov](mailto:derek_partridge@tempe.gov)

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. Please call 480-350-8331 (voice) or 480-350-8400 (TCC) to request an accommodation to participate in the Commission meeting.



Mr. Harry L. Porter  
1604 E Del Rio Dr.  
Tempe, AZ 85282

25 MAR 2009 PM 11 T

CITY OF TEMPE DEVELOPMENT SERVICES  
COUNCIL CHAMBERS 31E 5 ST  
TEMPE



**THOMPSON PROPERTY**

**1623 EAST DEL RIO DRIVE**

**PL090085**

**FRONT OF PROPERTY**

