

Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the **WEED RESIDENCE (PL090170)** located at 1111 South Ash Avenue for one (1) use permit.

DOCUMENT NAME: 20090602dsng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **WEED RESIDENCE (PL090170)** (Andrew Weed, applicant/property owner) located at 1111 South Ash Avenue in the R-3R, Multi-Family Residential Restricted District for:

ZUP09076 Use permit to increase the allowable fence height in the front yard setback from four (4) feet to eight (8) feet.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

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

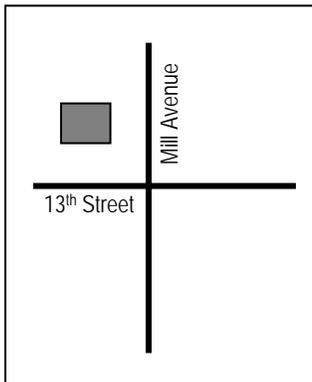
LEGAL REVIEW BY: N/A

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 increase the allowable fence height in the front yard setback from four (4) feet to eight (8) feet. The property is located along Ash Avenue northwest of the intersection of Mill Avenue and 13th Street. All walls or fences located in the front yard must obtain a use permit if they are over four (4) feet in height. The applicant is requesting approval of an eight (8) foot arch and decorative, ornamental, woven screen gate within the existing four (4) foot fence. Staff supports approval of the use permit with conditions. To date, staff has received no public input on this request.

PAGES:

1. List of Attachments
2. Comments
3. Reasons for Approval; 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. West Elevation A
6. West Elevation B
7. Staff Photograph

COMMENTS:

The Weed Residence is requesting a use permit to increase the allowable fence height in the front yard setback from four (4) feet to eight (8) feet. The property is located along Ash Avenue northwest of the intersection of Mill Avenue and 13th Street. The majority height of the fence/wall in the front yard setback is four (4) feet. This use permit would allow an eight (8) foot arch and decorative, ornamental, woven screen gate within the existing four (4) foot fence.

The original intent behind a maximum four (4) foot wall in the front yard setback was to allow visual surveillance between the street and the front yard. The house faces the street and the intent of the wall increase is to provide a gate that is exactly the same form that would align with the west entrance on the main building; the visual surveillance between the street and the residence will be maintained since most of the fence will still be four (4) feet.

To date, staff has received no public input on this request.

Use Permit

The Zoning and Development Code requires a use permit for a wall/fence greater than four (4) feet in height for walls/fences located in the front yard setback for single family dwellings, in the R-3R, Multi-Family Residential Restricted 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 not be 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;
 - The proposed use should not create any nuisances.
- 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 area is in compliance with the General Plan and neighborhood intent.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed wall or arch is intended to provide an aesthetic look and will not create a nuisance for the surrounding area.
- e. Adequate control of disruptive behavior both inside and outside the property, which may create a nuisance to the surrounding area or general public.
 - Visual surveillance will remain available in the front yard of the property.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval.

REASONS FOR APPROVAL:

1. The authorizing of the use permit is necessary for the preservation and enjoyment of substantial property rights.
2. Authorization of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood or to the public welfare in general.
3. The existing wall in the front yard setback will remain at four (4) feet, thus meeting the intent of natural surveillance between the home and the street.

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

CONDITIONS OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. Approval is valid for plans as submitted within this application.

HISTORY & FACTS:

1959 Construction of a single family home.

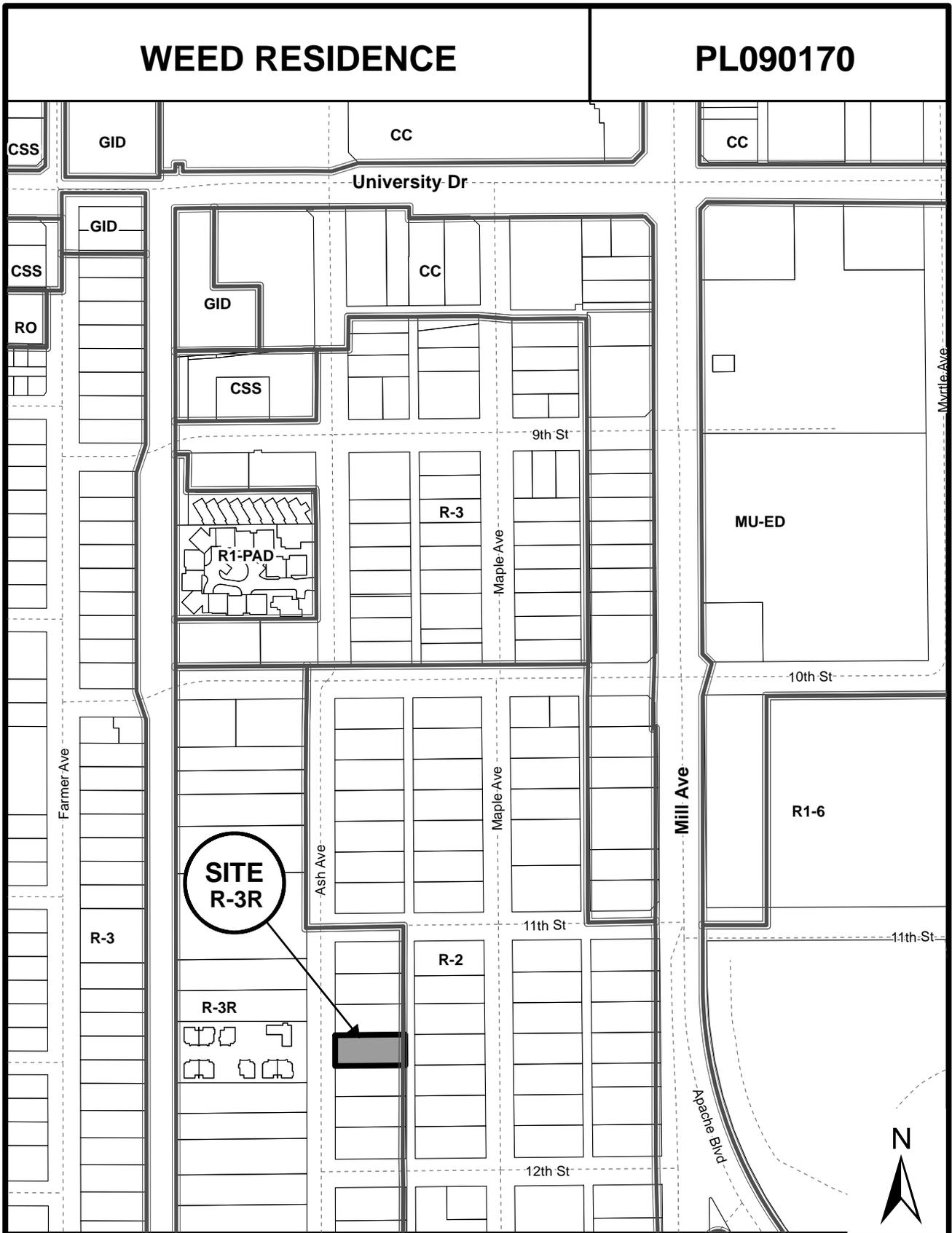
DESCRIPTION:

Owner – Andrew Weed
Applicant – Andrew Weed
Existing Zoning – R-3R, Multi-Family Residential Restricted District
Existing Wall Height – 4'
Proposed Wall Height – 8'

ZONING AND DEVELOPMENT

CODE REFERENCE:

Part 4, Chapter 7, Section 4-706A – General Fence and Wall Height Standards
Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map



WEED RESIDENCE (PL090170)

Tempe,
4 May 2009

To:
Mr. David Williams
Hearing Officer

City of Tempe
Development Services Department
31 E 5th Street, Garden Level
Tempe, Arizona

85281

Dear Mr. Williams:

My wife Erin and I would like to be considered for a Use Permit in order to construct an 8' arch and decorative, ornamental, woven screen gate within the existing 4' fence on the front/west property line at our residence.

The purpose for the gate is as follows: It will exist as both security and as an architectural element.

The architectural features have been drawn directly from the existing elements on the property. The arch is exactly the same material and form as the stem walls of the existing main building and fence. The gate is exactly the same form, and aligns with the west entrance on the main building. The woven screen in the gate will keep the same open feeling as the glass on the building entrance.

Please see the attached site plan and elevations. You can let us know when you have any questions at all...

Sincerely yours,



Andrew Weed
1111 S Ash Avenue
Tempe, AZ 85281
E. andrew.weed@asu.edu
T. (480) 927 9720

WEED RESIDENCE

DATE: 4 MAY 2009

LOT NUMBER: 4

SUBDIVISION: PARK TRACT

ADDRESS: 1111 S ASH AVENUE

ZONING: R-3R

PLANNING USE PERMIT APPLICATION
FOR ARCH AND DECORATIVE ORNAMENTAL WOVEN
SCREENED GATE

TEMPE, AZ 85281-5629

MCR NUMBER: 1327

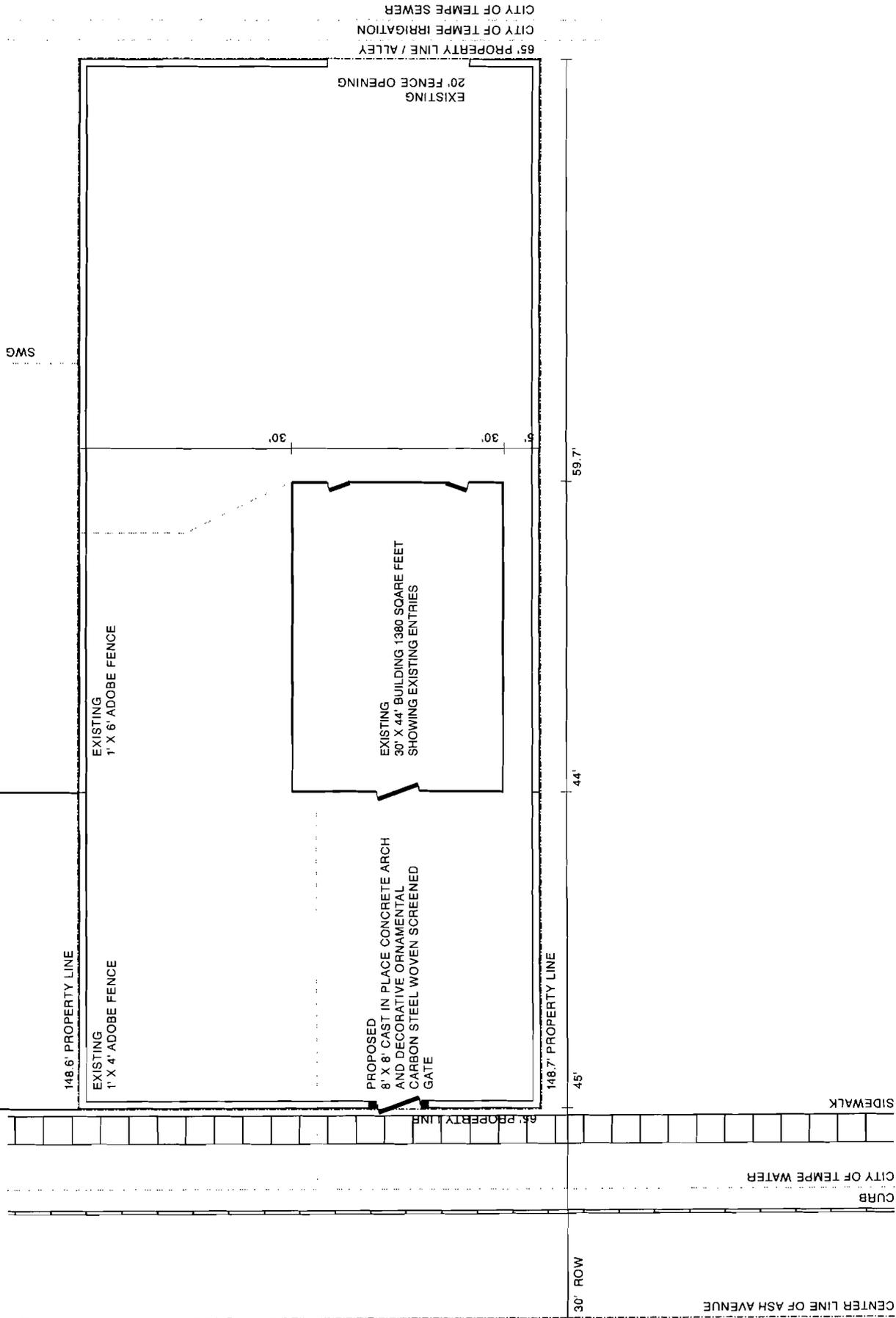
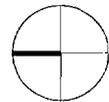
PARCEL: 132-45-061

AREA ACRE: .222

DRAWING: 1/3

SCALE: 1" = 20'

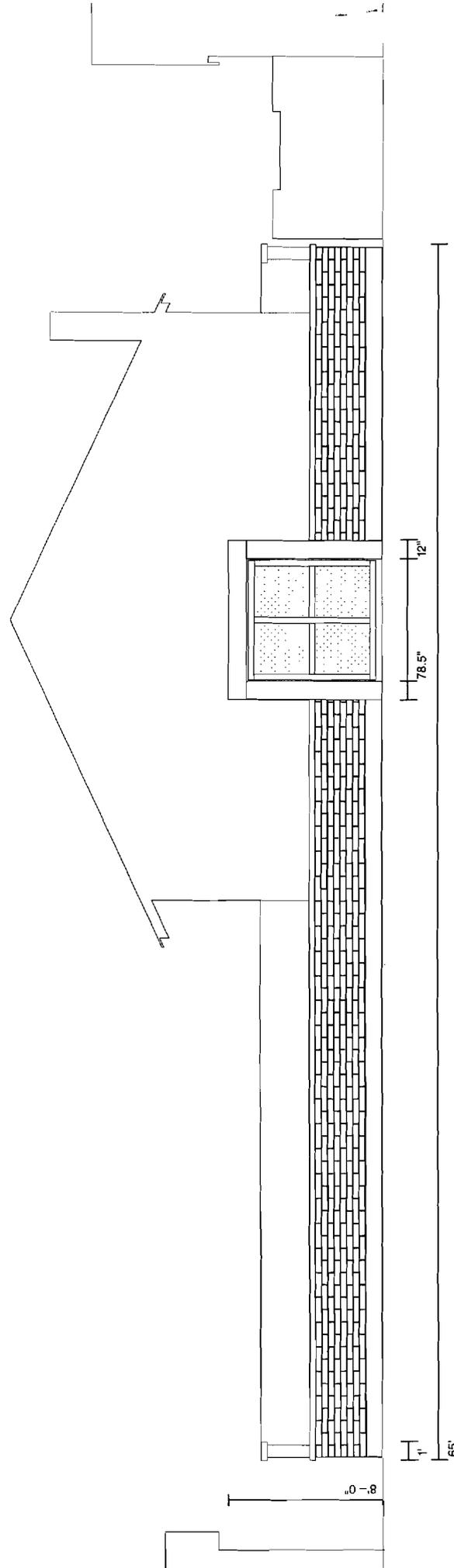
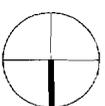
SITE PLAN



WEED RESIDENCE
 DATE: 4 MAY 2009
 LOT NUMBER: 4
 SUBDIVISION: PARK TRACT
 ADDRESS: 1111 S ASH AVENUE
 ZONING: R-3R
 PLANNING USE PERMIT APPLICATION
 MCR NUMBER: 1327
 FOR ARCH AND DECORATIVE ORNAMENTAL WOVEN
 PARCEL: 132-45-061
 SCREENED GATE
 DRAWING: 2/3
 AREA ACRE: .222

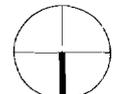
SCALE: .125" = 1'

WEST ELEVATION
 A



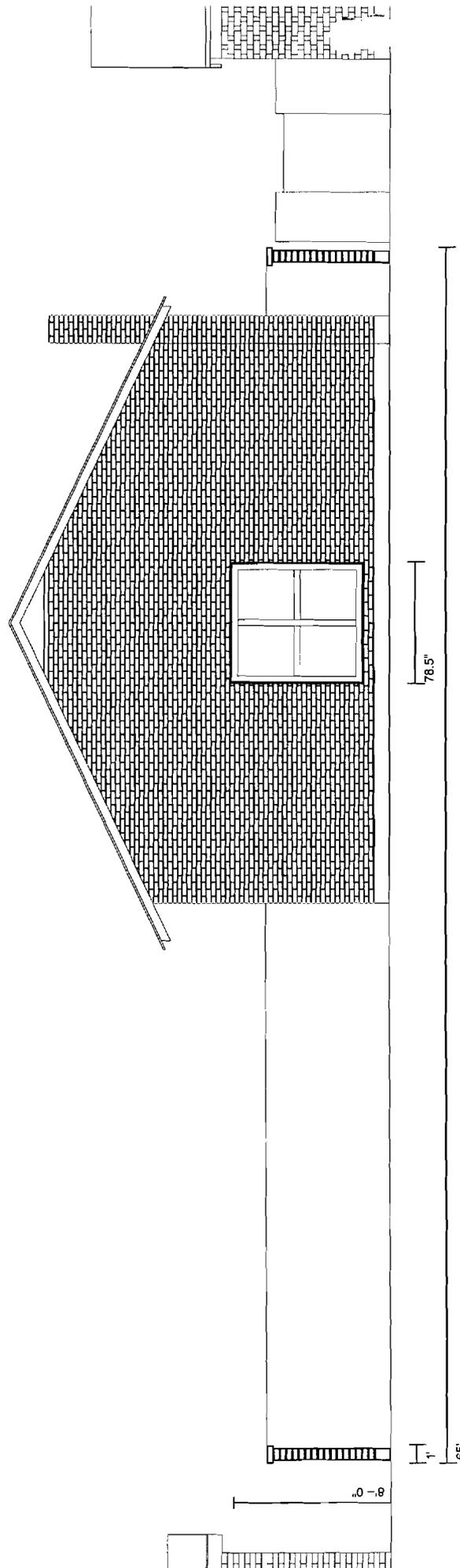
EXISTING	PROPOSED
1' X 4'-0" FENCE ON PROPERTY LINE.	ARCH POSTS AND HEADER TO MATCH EXISTING
ADOBE ON CONCRETE STEM CONSTRUCTION	12" STEM WALLS ON BUILDING AND FENCE.
	SCREENED GATE.
	CARBON STEEL CONSTRUCTION
	CONCRETE CONSTRUCTION

WEED RESIDENCE
 DATE: 4 MAY 2009
 LOT NUMBER: 4
 SUBDIVISION: PARK TRACT
 ADDRESS: 1111 S ASH AVENUE
 ZONING: R-3R
 TEMPE, AZ 85281-5629
 MCR NUMBER: 1327
 PARCEL: 132-45-061
 AREA ACRE: .222
 DRAWING: 3/3



WEST ELEVATION
 B

SCALE: .125" = 1'



EXISTING	EXISTING	EXISTING
1' X 6'-0" FENCE ON PROPERTY LINE.	30' X 44' MAIN BUILDING 1380 SQUARE FEET	WEST ENTRY TO MAIN BUILDING
ADOBE ON CONCRETE STEM CONSTRUCTION	MASONRY ON CONCRETE STEM CONSTRUCTION	WOOD/GLASS CONSTRUCTION



WEED RESIDENCE

1111 SOUTH ASH AVENUE

PL090170

FRONT OF RESIDENCE

