

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 01/24/2023  
Agenda Item: 5**

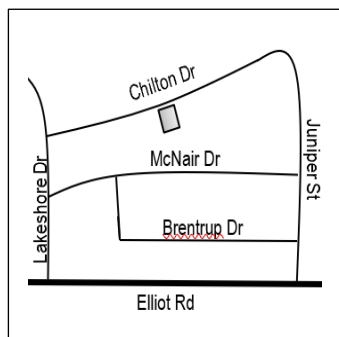
**ACTION:** Request a Use Permit Standard to allow a 20% reduction to the required side yard setback from 7 feet to 5 feet 7 inches for the Barrett Residence, located at 1405 East Chilton Drive. The applicant is Effie Barrett.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** BARRETT RESIDENCE (PL220312) is a single-family home located within the R1-7, Single-Family Residential District. The request includes the following:

ZUP220074 Use Permit Standard to (reduce the required side yard setback from 7' to 5'-7").



Property Owner	Barrett Effie E/Tyson O
Applicant	Effie Barrett
Zoning District	R1-7
Site Area	8,032 s.f.
Building Area	2,548 s.f. (existing) 2,649 s.f. (existing and addition)
Lot Coverage	32.98% (45% max allowed)
Building Height	15' 4" (30' max. allowed)
Building Setbacks	27'-8" front, 5-7" side(east), 7'-1" side(west), 26'-1" rear (20', 7', 15' min. required min. required)
Vehicle Parking	2 space (2 min. required)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Mike Scarpitta, Planner I (480) 350-8435

Department Director: Jeff Tamulevich, Community Development Director  
 Legal review by: N/A  
 Prepared by: Mike Scarpitta, Planner I  
 Reviewed by: Steve Abrahamson, Principal Planner

**COMMENTS**

The Barrett Residence is located on lot 92 of the Knoell Tempe Unit 9 subdivision, west of McClintock Drive, north of Elliot Road. The applicant is requesting a use permit standard to reduce the side yard setback by 20%. This would allow for a setback reduction from 7 feet to 5 feet 7 inches on the east side of the property. The applicant is proposing a 6'-4" x 16' walk-in closet addition to provide additional storage for family members moving into the house.

## **PUBLIC INPUT**

Staff has received one public comment as of the publishing of this report seeking clarification about the request.

## **USE PERMIT STANDARD**

The proposed design requires a Use Permit Standard to reduce the side yard setback by 20% within the R1-7 zoning district. The walk-in closet addition will require a setback reduction from the minimum required 7 feet to 5 feet 7 inches.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic; the home will remain a single-family residence with no expected increase in traffic.*
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; there are no anticipated nuisances from the proposed use.*
3. *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 proposed addition should not contribute to the deterioration of the neighborhood or downgrading of property values.*
4. *Compatibility with existing surrounding structures and uses; the use is compatible with existing surroundings.*
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; the building addition is not anticipated to lead to disruptive behavior.*

## **REASONS FOR APPROVAL:**

Based on the information provided by the applicant, the public input received, and the above analysis staff supports approval of the requested Use Permit Standard. This request meets the required criteria and will conform to the conditions.

## **SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

### **CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit Standard is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit Standard is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

### **CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

### **USE PERMIT:**

- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.

**HISTORY & FACTS:**

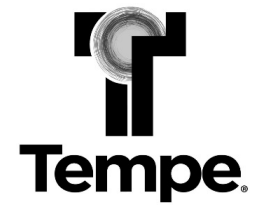
1982                      A single-family home was constructed.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

[Section 3-102, Permitted Uses in Residential Districts](#)

[Section 4-201\(A\), Use Permit Standard](#)

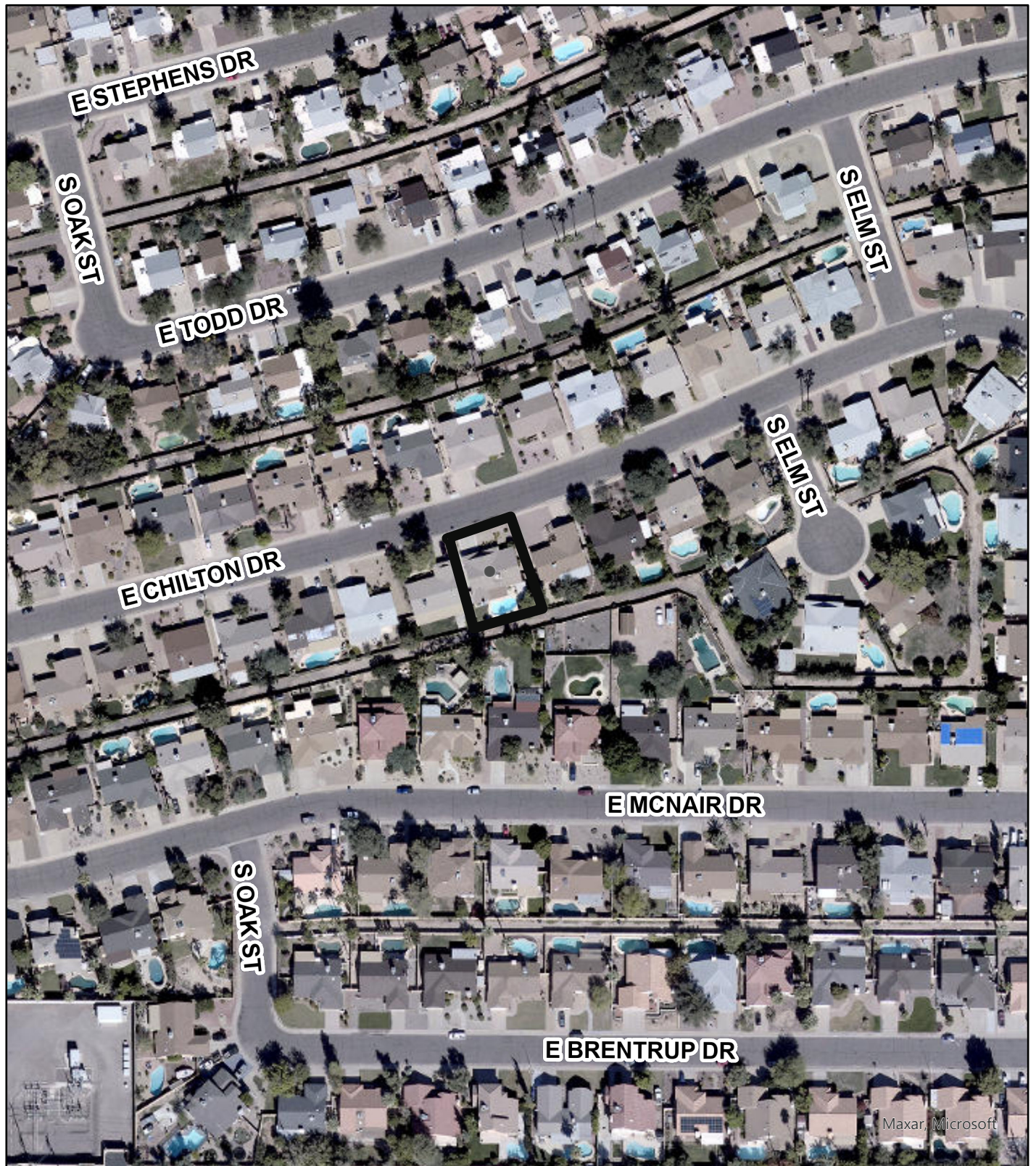
[Section 4-202, Development Standards for Residential Districts](#)



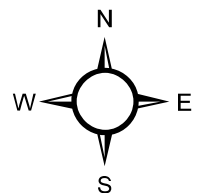
**DEVELOPMENT PROJECT FILE**  
for  
**BARRETT RESIDENCE**  
(PL220312)

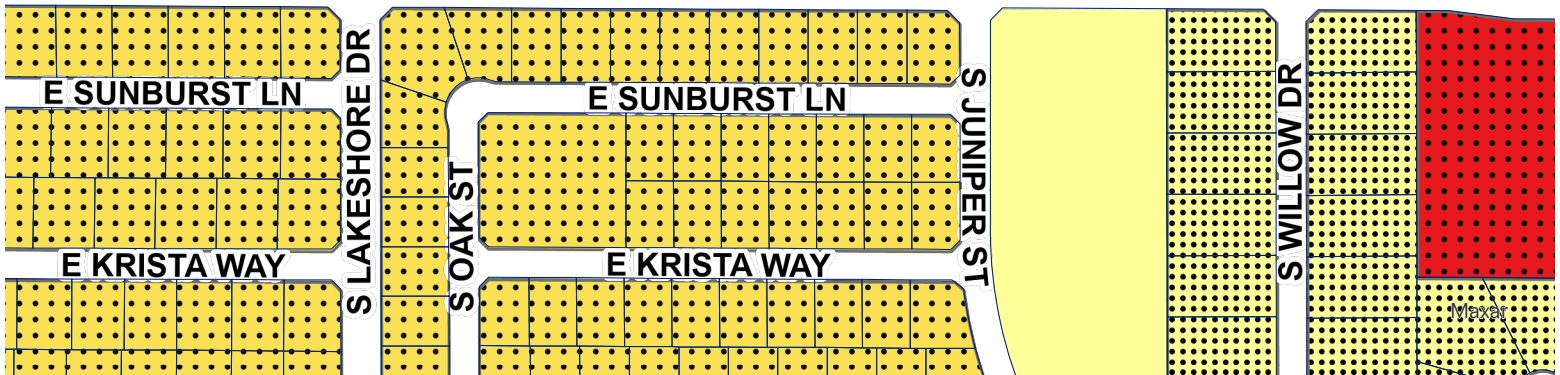
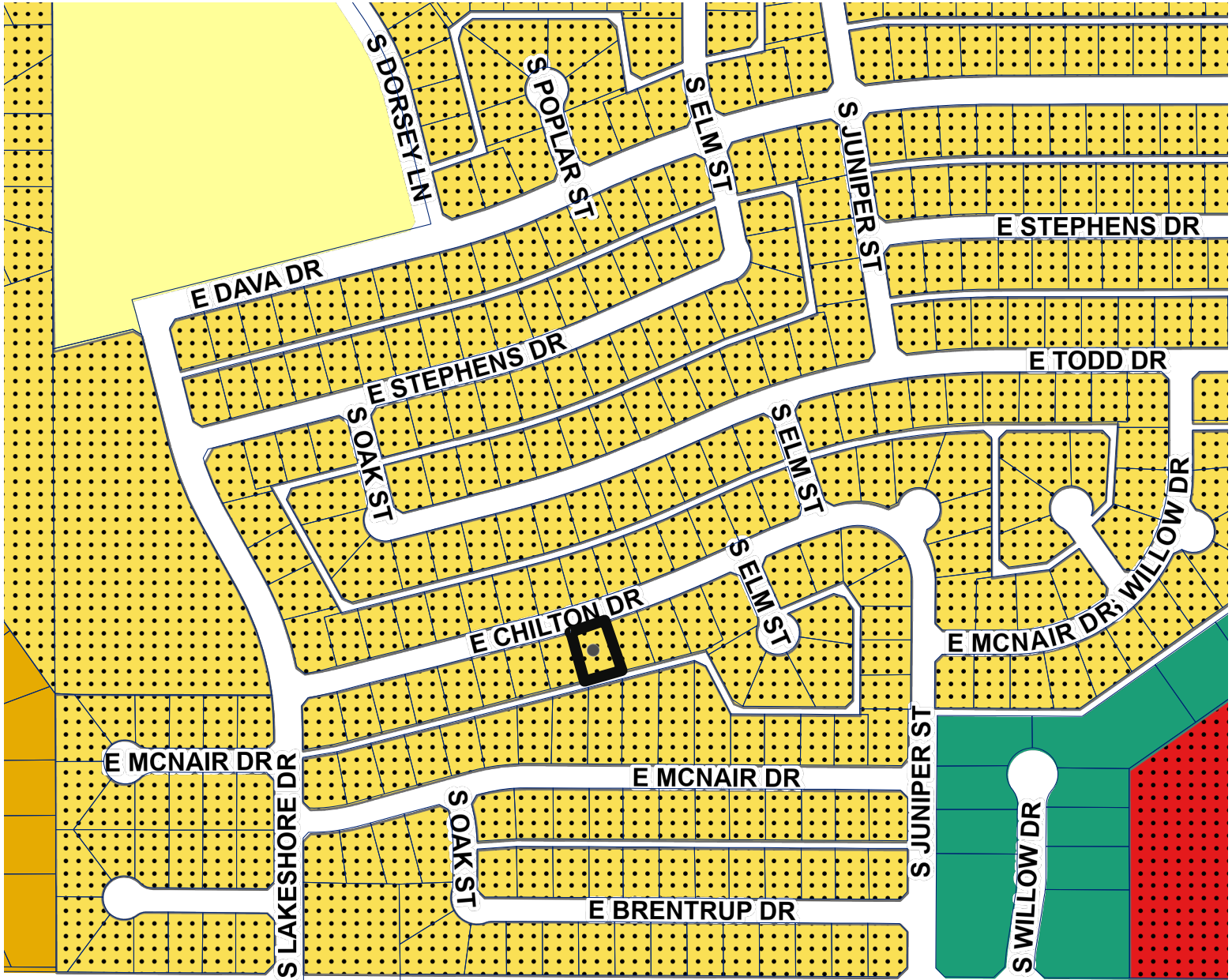
**ATTACHMENTS:**

1. Aerial Map
2. Location Map
3. Letter of Explanation
- 4-5. Context Photos
- 6-8. Site Plan, Elevations, Floor Plan



Aerial Map





- Planned Commercial Center Neighborhood (PCC-1)
- Residential/Office (RO)
- Agricultural (AG)
- Single-Family Residential (R1-10)
- Single-Family Residential (R1-7)
- Single-Family Residential (R1-6)
- Override 1

- Twelve Point**  
CenterlineSubType
- ADOT
  - Canal
  - Monument
  - Private

- Railroad
  - Street
  - <all other values>
- Zoning District**
- Light Industrial District (LID)
  - General Industrial District (GID)
  - Heavy Industrial District (HID)



# EFFIE BARRETT

**1405 E.CHILTON DRIVE  
TEMPE, AZ 85283  
480-233-1122**

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Tempe Development Review Commission  
31 E. 5<sup>th</sup> Street, Garden Level  
Tempe, AZ 85281

Re: Letter of Explanation

A. Any significant vehicular or pedestrian traffic in adjacent areas:

This addition will not create any additional traffic, either pedestrian or vehicular in the neighborhood.

B. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke heat or glare at a level exceeding that if ambient conditions.

I anticipate the project that take 25 days of actual work, excluding down time for permit review. There may be some noise from saws and hammers, but it will not be after hours and will even be above ambient conditions.

C. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or polices of the city's adopted plans for General Plans.

My addition will be beautify and add to the value of my home. The color scheme and material used with match the existing home. When finish, one will not be able to tell it was an addition, unless they knew the structure prior to building.

D. Compatibility with existing surroundings structure and uses; and

The addition will match my existing home in color and materials used

E. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area.

There will not be any disruptive behaviors.

To summarize, I am in need of a use permit reducing the side yard setback 20% from 7' to 5'7" to allow an office addition. The addition is needed because due to rent increases, it became necessary for my daughter and two grandchildren to move in thus creating a need for additional space. I need to vacate my bedroom/office to allow for the kid(s) to occupy this bedroom (my current office).

Thank you for your time and consideration and I am hopeful this additional space will be granted.

Sincerely,

A handwritten signature in cursive script that reads "Effie Barrett". The signature is written in black ink and is positioned above the printed name.

Effie E. Barrett







# BARRETT ADDITION

1405 E. CHILTON DR.  
TEMPE, AZ. 85283

APPLICANT: EFFIE BARRETT  
 APPLICANT ADDRESS: 1405 E. CHILTON DR.  
 TEMPE, AZ. 85283  
 APPLICANT PHONE: (480) 233-1122  
 APPLICANT EMAIL: EFFIE@COX.NET  
 PROPERTY OWNER(S): BARRETT EFFIE E/TYSON O  
 ADDRESS: 1405 E. CHILTON DR.  
 TEMPE, AZ. 85283

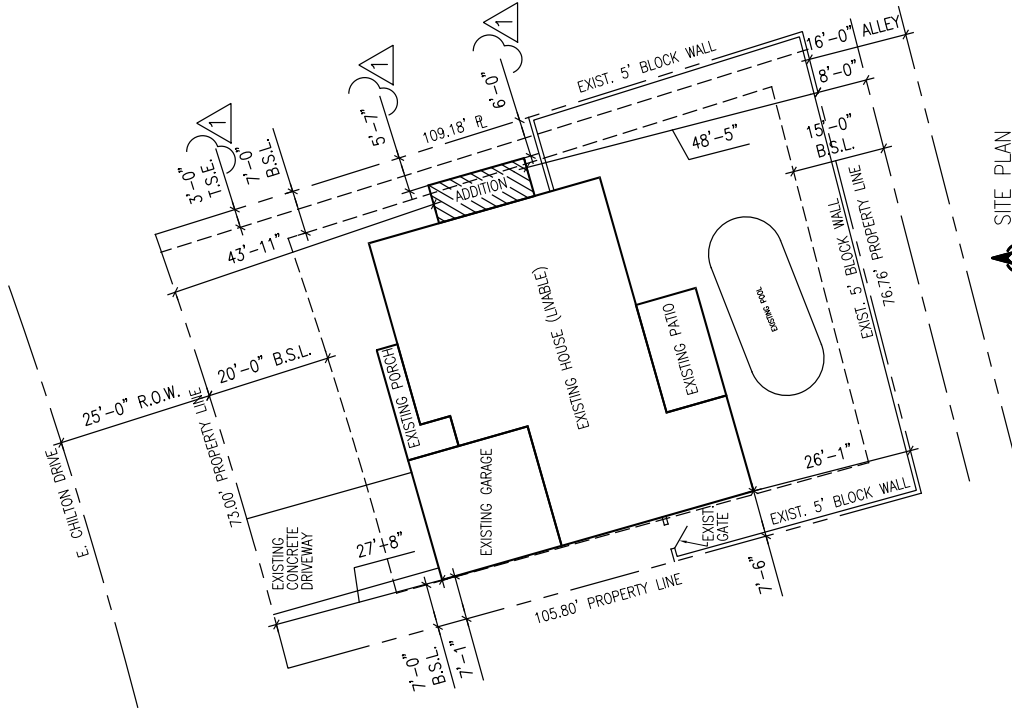
PARCEL NUMBER: 301-92-509  
 LEGAL DESCRIPTION: LOT 92, KNOELL TEMPE UNIT NINE  
 ACCORDING TO PLAT OF RECORDS IN THE  
 OFFICE OF THE COUNTY RECORDER OF  
 MARICOPA COUNTY, ARIZONA, IN BOOK 218  
 OF MAPS, PAGE 27.

EXISTING & PROPOSED GENERAL PLAN PROJECTED USE: RESIDENTIAL  
 GENERAL PLAN LAND USE CATEGORY: LOW-TO-MODERATE DENSITY  
 ZONING DISTRICT: R1-7

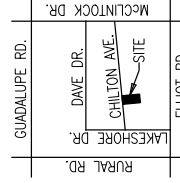
MAXIMUM DENSITY: 3.75  
 SITE AREA: 8,032 S.F.  
 EXISTING TOTAL BUILDING AREA: 2,548  
 NEW TOTAL BUILDING AREA: 2,649 S.F.  
 EXISTING LOT COVERAGE: 31.72% (45% MAX.)  
 NEW LOT COVERAGE: 32.98% (45% MAX.)  
 LOT COVERAGE INCREASE: +1.26%  
 REQUIRED SETBACKS: 20' FRONT, 7' SIDE, 15' REAR

PROPOSED SETBACKS: 5'-7" SIDE

EXISTING LIVABLE: 1,878 SQ. FT.  
 EXISTING GARAGE: 400 SQ. FT.  
 EXISTING PORCH: 90 SQ. FT.  
 EXISTING PATIO: 180 SQ. FT.  
 ADDITION (NEW LIVABLE): 101 SQ. FT.  
 TOTAL NEW FOOTPRINT: 2,649 SQ. FT.  
 CONSTRUCTION TYPE: V-B (NON-SPRINKLERED)



SITE PLAN  
SCALE: 1"=20'-0"



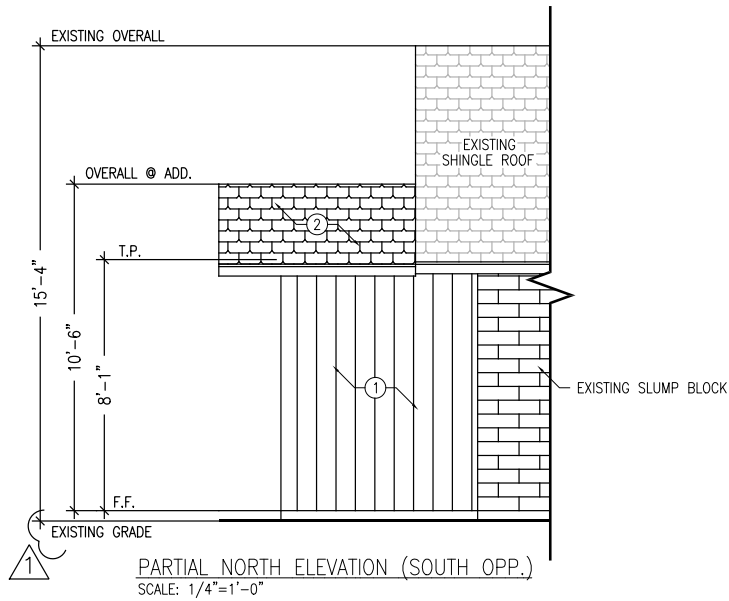
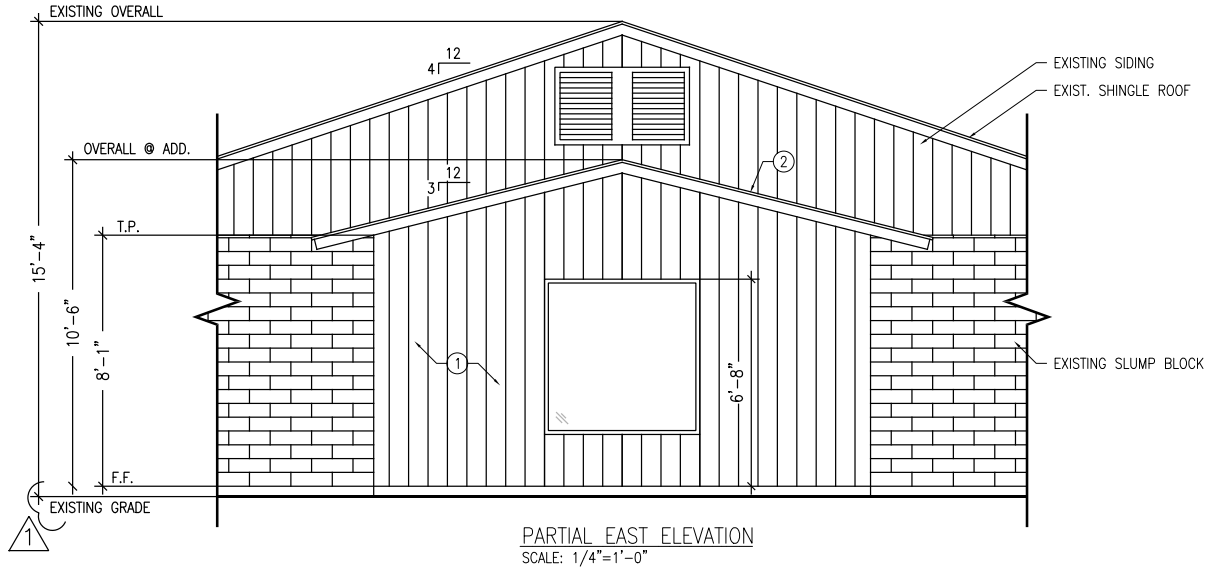
VICINITY MAP  
SCALE: N.T.S.

# BARRETT ADDITION

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TEMPE, AZ. 85283

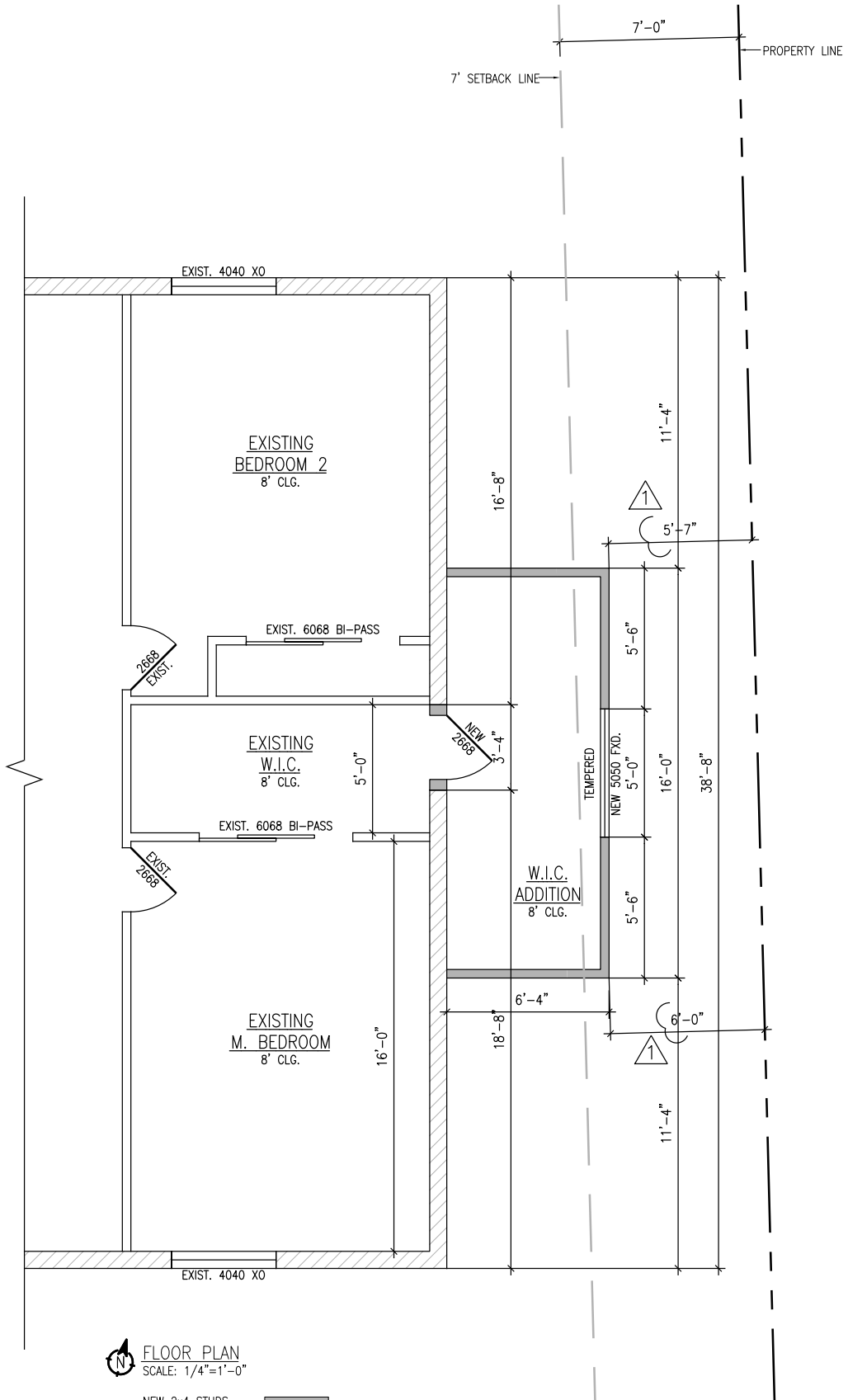
ELEVATION MATERIALS	
①	HARDIPANEL VERTICAL SIDING SELECT CEDERMILL BOARD - MASONRY PRODUCT
②	ASPHALT SHINGLES MFG.: GAF ICC-ES ESR-1475

NOTE: BODY COLOR TO BE NEUTRAL w/  
WHITE ACCENT/TRIM



# BARRETT ADDITION

1405 E. CHILTON DR.  
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**FLOOR PLAN**  
SCALE: 1/4"=1'-0"

- NEW 2x4 STUDS =
- EXISTING STUD WALL =
- EXISTING BLOCK WALL =