

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/14/2023
Agenda Item: 1**

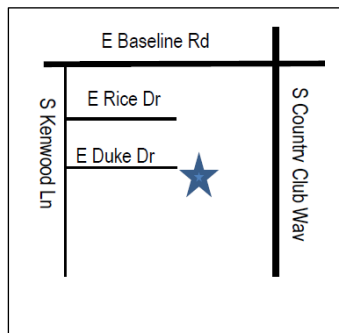
ACTION: Request a Use Permit to allow two (2) required parking spaces within the front yard setback for **CAZIER RESIDENCE**, located at 1969 East Duke Drive. The applicant is Joseph Cazier.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: CAZIER RESIDENCE (PL220357) is a single-family home located within the R1-6, Single-Family Residential District. The request includes the following:

ZUP230001 Use Permit to allow two (2) required parking spaces within the front yard setback.



Property Owner
Applicant
Zoning District
Site Area
Building Area
Lot Coverage
Vehicle Parking

Risa Enterprise Trust
Joseph Cazier
R1-6
11,273 s.f.
2,455 s.f. (existing residence and converted detached garage)
21.7% (45% max. allowed)
3 spaces (3 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lily Drosos, Planner I (480) 350-8245

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

COMMENTS

The Cazier Residence is located on the south side of Baseline Road, east of McClintock Drive, and west of Country Club Way, on Lot 995 of the Knoell Tempe Unit 5 Subdivision. The existing, detached accessory building in the rear was built in 1975 as a two-car garage to serve the property. The applicant is seeking to convert the accessory building into a guest quarters with two bedrooms, and the building footprint will remain the same. The primary residence has five bedrooms, and the garage conversion will create the need for three required parking spaces on the property. The Use Permit would allow two, 8'-6" x 18' parking spaces in the driveway, and the third space is shown on the southwest portion of the property in the rear yard.

PUBLIC INPUT

Staff has not received any public comments since the publishing of this report.

USE PERMIT

The proposed use requires a Use Permit to allow the two required parking spaces within the front yard setback within the R1-6 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the use is intended for the single-family residence, therefore parking in the front yard setback is not expected to cause any significant 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*; no nuisances are anticipated 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*; allowing the required parking within the front yard setback is a permitted use in the R1-6 zoning district, subject to a Use Permit. Therefore, the use is not expected to cause any deterioration of the neighborhood or downgrading of property values.
4. *Compatibility with existing surrounding structures and uses*; the existing, detached accessory building that is to be converted to a guest quarters shall maintain the same building footprint. Therefore the use is compatible with the existing conditions on site and in the neighborhood.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; disruptive behavior is not anticipated as the use is intended for the single-family residence.

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. 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 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 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:

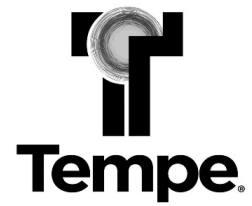
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, 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:

1972 The single-family home was built.
1975 The detached, two-car garage in the rear yard was built.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-102, Permitted Uses in Residential Districts](#)
[Section 3-401, Accessory Buildings, Uses and Structures](#)
[Section 3-411, Guest Quarters](#)
[Section 4-202, Development Standards for Residential Districts](#)
[Section 4-602, General Parking Standards](#)
[Section 4-603, Parking Ratios](#)
[Section 6-308, Use Permit](#)



DEVELOPMENT PROJECT FILE
for
CAZIER RESIDENCE
(PL220357)

ATTACHMENTS:

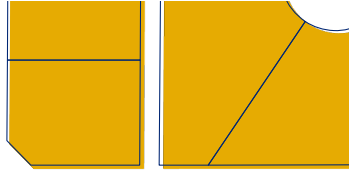
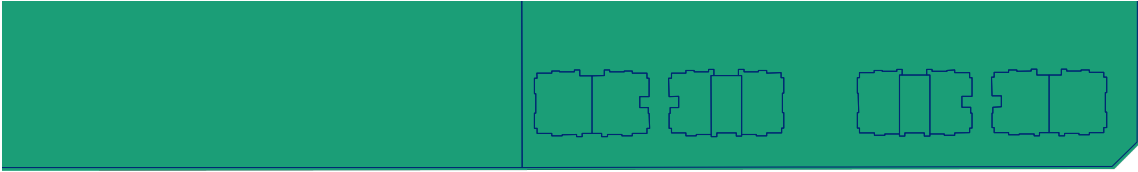
1. Location Map
2. Aerial Map
3. Letter of Explanation
4. Site Plan
- 5-6. Floor Plans
- 7-10. Building Elevations
- 11-15. Context Photos



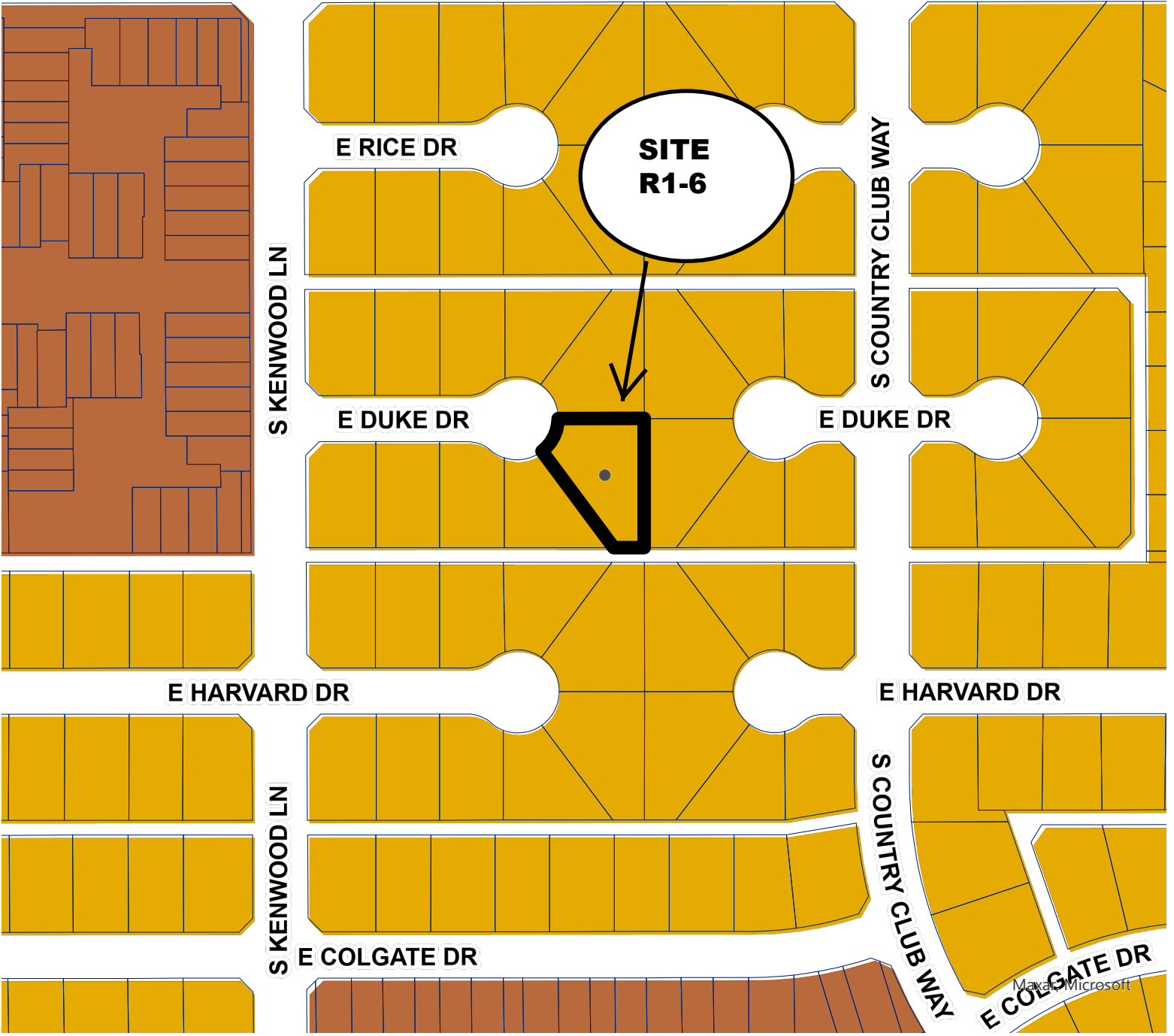
Tempe

PL220357

CAZIER RESIDENCE



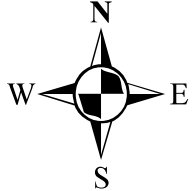
E BASELINE RD



- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Multi-Family Residential (R-2)
- Parcels

- 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)

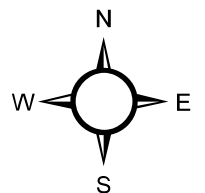


CAZIER RESIDENCE

PL220357



Aerial Map



1/16/2023

Dear Tempe Planning Division,

Please accept this letter of explanation for our use permit request for 1969 E. Duke Dr in Tempe. We would like to convert an existing detached garage into a mother-in-law's apartment for my mother-in-law to live in. To do this, we need a use permit to change the primary parking from the detached garage to our existing driveway with an additional parking spot in the rear.

We address each of the five Use Permit approval criteria below.

a. Will the use permit cause any significant increase in vehicular or pedestrian traffic?

No! We have an existing 5-bedroom multi-generational house. **No new structures are being built**, just the conversion of an existing garage to a mother-in-law suit. Additionally, my mother-in-law does not drive. We expect no change in traffic due to this change.

b. Will the use permit create nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions?

No! The structure has been in place for 50 years. The proposed change would just modify the inside of the existing garage. There will be no change to the layout or footprint of the property or anything that could be deemed a nuisance.

c. Will the use permit contribute 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?

No! The conversion of the garage to a mother-in-law suite will add value to the property value.

d. Will the proposed use of the guest quarters be compatibility with existing surrounding structures and uses?

Yes! The outside structure has been present on the property for decades with a garage and attached Den built in 1983. The inside will be refreshed and updated.

e. Will there be adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public?

Yes! This is a family home, with the addition updated for our family. We will ensure that the property is well maintained and used consistent with traditional neighborhood uses.

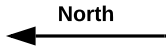
Thank you for considering this use permit adjustment request!



Joseph Cazier,
1969 E. Duke Dr, Tempe AZ 85283
(828) 406-9908
josephcazier@gmail.com

Cazier Residence Site Map
 1969 E. Duke Dr, Tempe AZ 85283
 Joseph Cazier, (828) 406-9908, josephcazier@gmail.com

140'



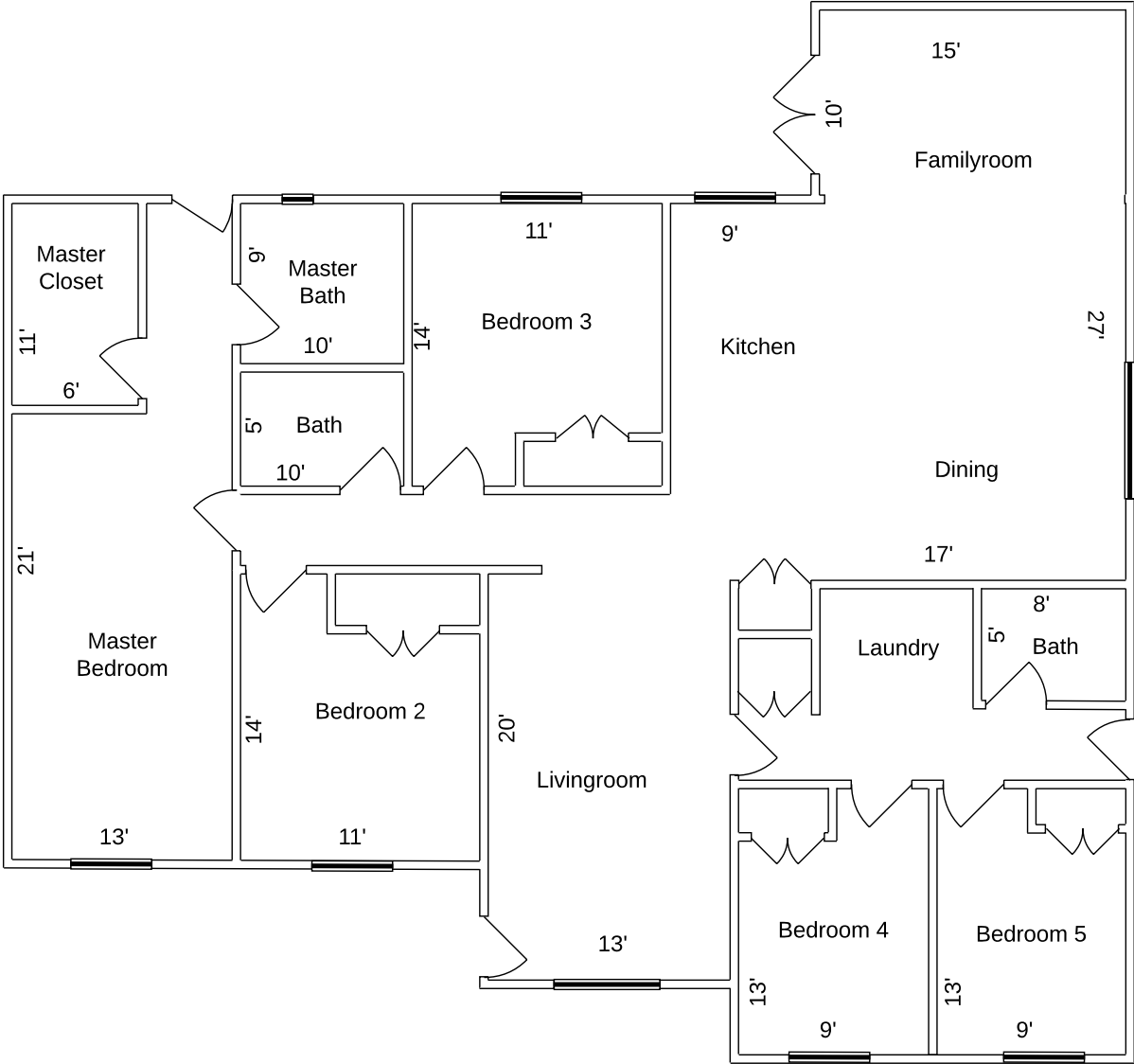
Scale
 1' = 10'



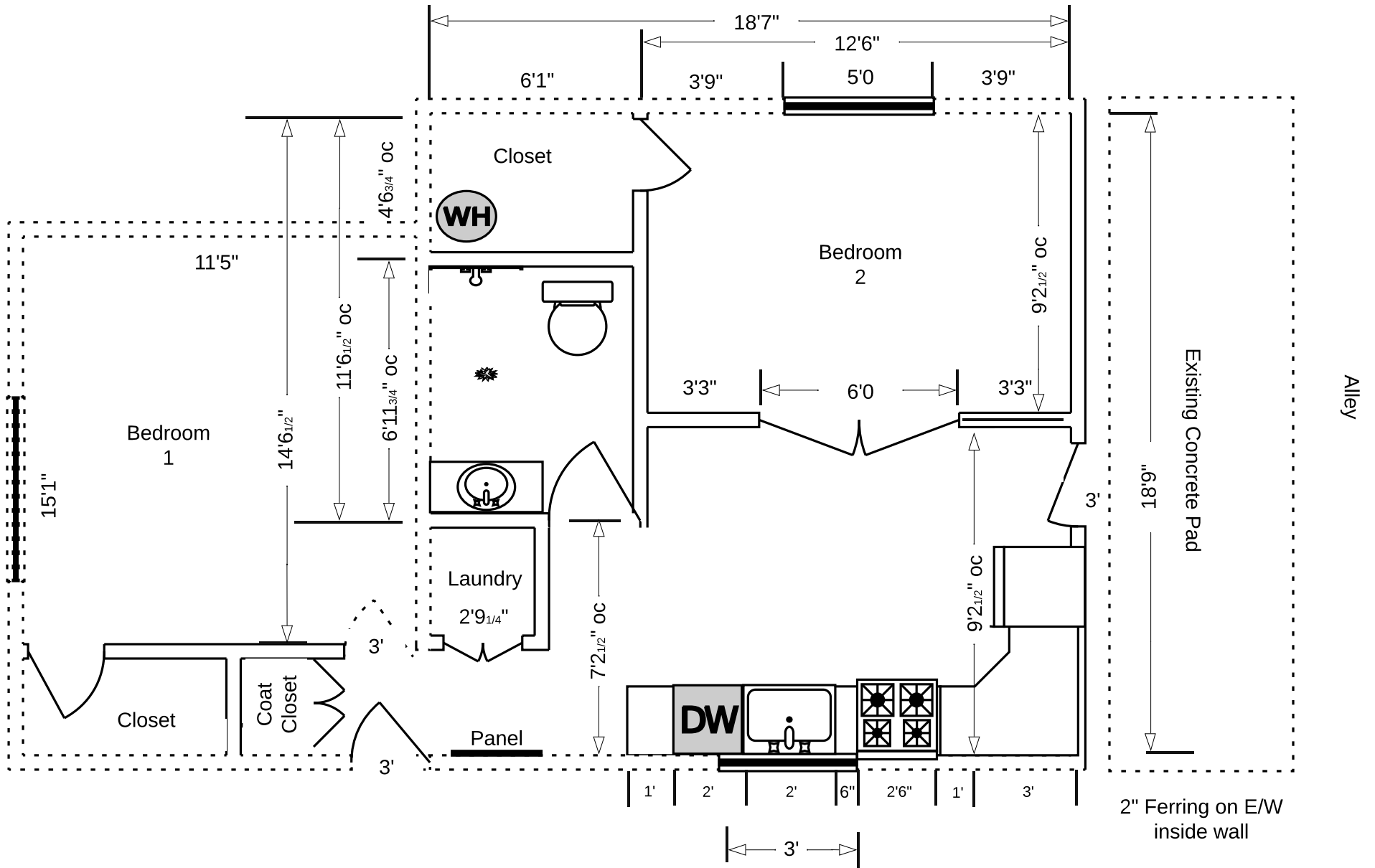
Project Data Table

- Parcel ID 30101656
- R1-6 Zoning
- Net Site Area 11,330 Sqr Feet
- Total Structure Area 2,455 Sqr Feet
- 21.7% coverage
- No change in structures or setbacks
- Two primary parking spots on existing front driveway
- Additional parking on gravel in rear off alley through existing drive gate

Cazier Residence Main House Plan
1969 E. Duke Dr, Tempe AZ 85283
Joseph Cazier, (828) 406-9908, josephcazier@gmail.com



Cazier Residence Guest House Plan
 1969 E. Duke Dr, Tempe AZ 85283
 Joseph Cazier, (828) 406-9908, josephcazier@gmail.com



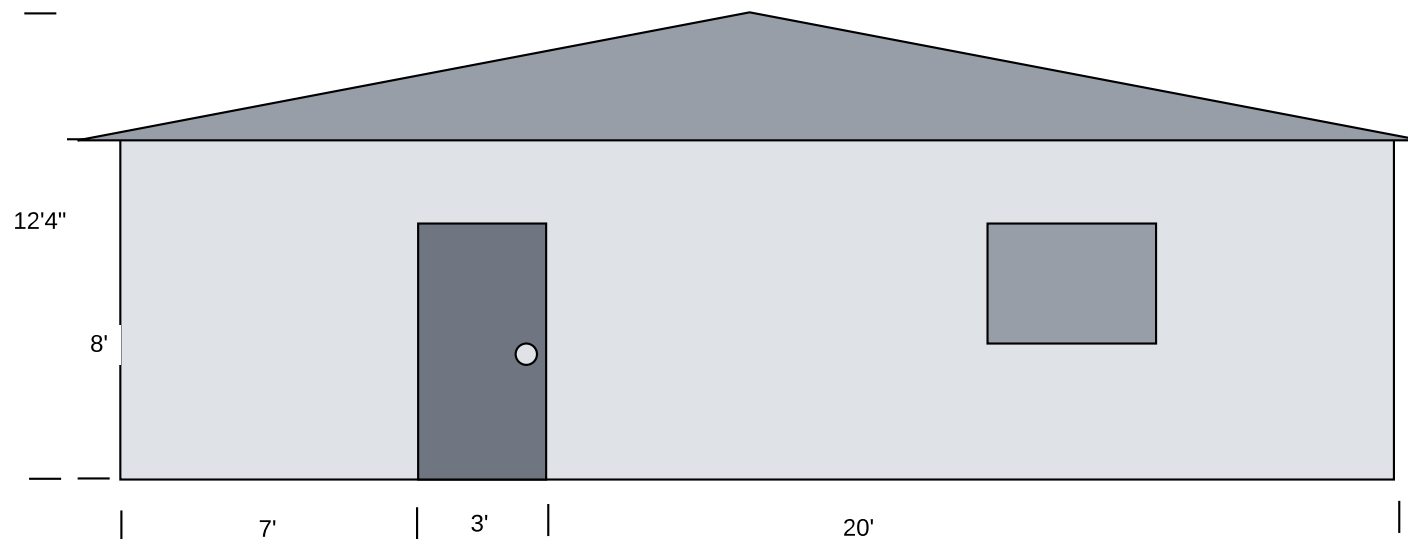
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Cazier Residence West Side

1969 E. Duke Dr, Tempe AZ 85283

Joseph Cazier, (828) 406-9908, josephcazier@gmail.com

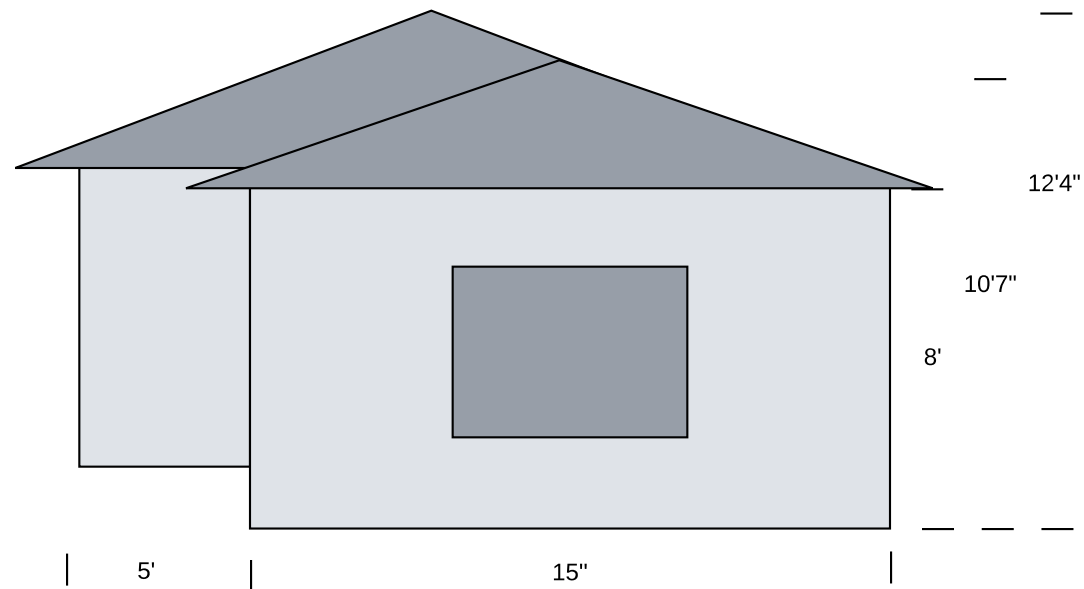


Note: Existing building with no structural change in footprint. Adding window and moving existing door.

Cazier Residence North Side

1969 E. Duke Dr, Tempe AZ 85283

Joseph Cazier, (828) 406-9908, josephcazier@gmail.com

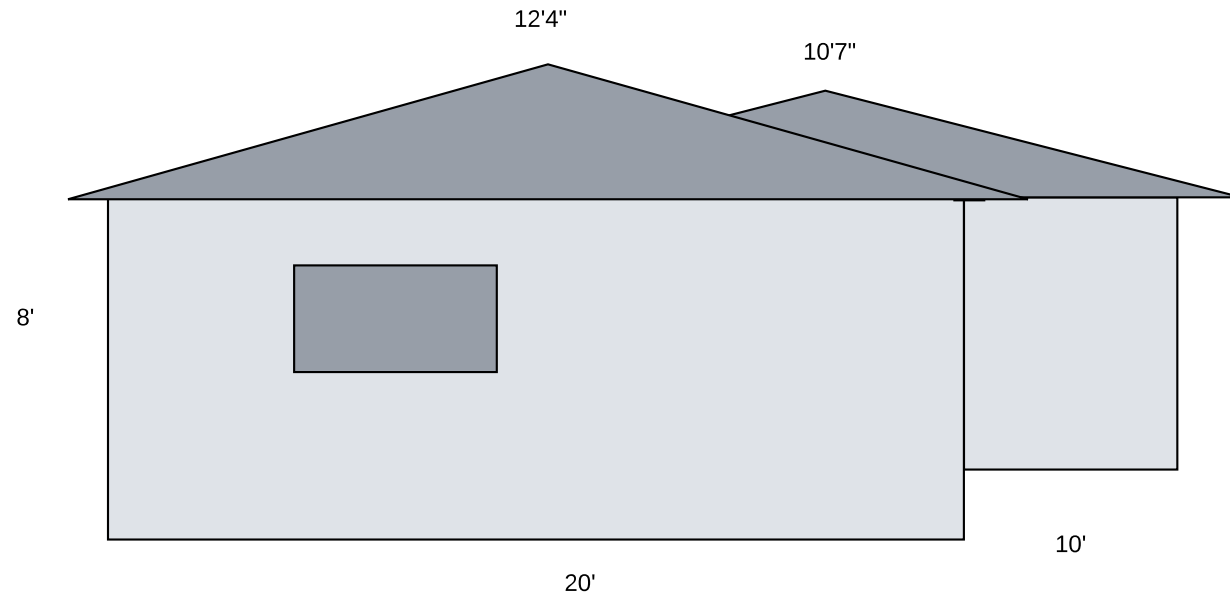


Note: Existing building with no outside structural change in footprint.

Cazier Residence East Side

1969 E. Duke Dr, Tempe AZ 85283

Joseph Cazier, (828) 406-9908, josephcazier@gmail.com

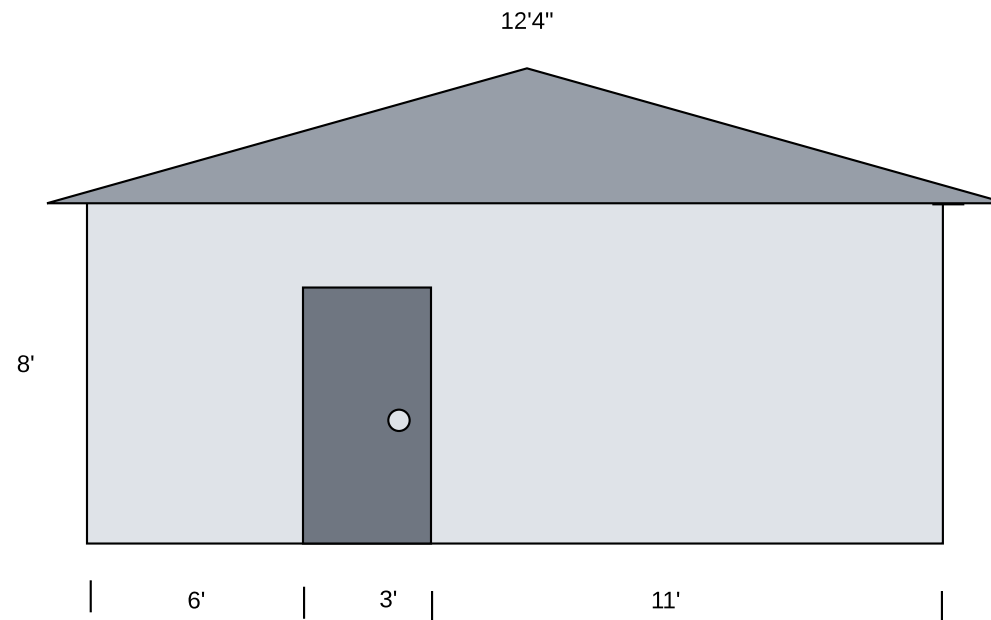


Note: Existing building with no outside structural change in footprint.

Cazier Residence South Side

1969 E. Duke Dr, Tempe AZ 85283

Joseph Cazier, (828) 406-9908, josephcazier@gmail.com



Note: Existing building with no outside structural change in footprint.









