

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/23/2023
Agenda Item: #3**

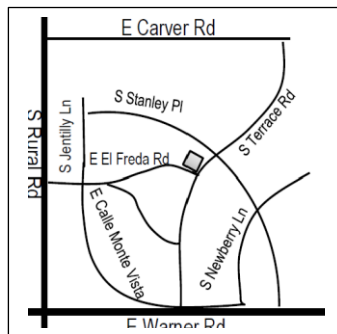
ACTION: Request a Use Permit Standard to allow a 20% reduction in the rear yard setback from 35 feet to 28 feet for SCHEMBER RESIDENCE, located at 1068 East El Freda Road. The applicant is Designitechs LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: SCHEMBER RESIDENCE (PL220260) is a single-family home located within the AG zoning district. The applicant is proposing an attached garage addition that would encroach 7 feet into the rear yard setback. The request includes the following:

ZUP220051 Use Permit Standard to allow a 20% reduction in the rear yard setback from 35 feet to 28 feet.



Property Owner	SCHEMBER MICHAEL C/SHEARER LISA Y
Applicant	Kendall Baxley, Designitechs LLC
Zoning District	AG
Site Area	26,737 s.f.
Building Area	3,287 s.f. (existing livable) 6,079 s.f. (existing and proposed garage addition)
Lot Coverage	23% (25% max. allowed)
Building Height	22' - 11 1/2" (30' max. allowed)
Building Setbacks	25' street side, 28' rear (25' street side, 35' rear min. required)
Vehicle Parking	6 spaces (2 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 Schember Residence is located on the east side of Rural Road and north of Warner Road on Lot 23 of the Buena Vista Ranchos Subdivision. The applicant is seeking to build a 1,434 square-foot, 4-car tandem garage that would be attached to the home. The proposed garage design creates the need for a 20% reduction in the rear yard setback from 35 feet to 28 feet.

PUBLIC INPUT

Staff has not received any input at the time of writing this report.

USE PERMIT STANDARD

The proposed design requires a Use Permit Standard to allow a 20% reduction to the required rear yard setback from 35 feet to 28 feet within the AG zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed design of the garage is not expected to cause a significant increase in vehicular or pedestrian 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*; the proposed garage is intended for use by the single-family residence and is not expected to create any nuisances exceeding that of ambient conditions.
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 design conforms with the development standards in the AG zoning district, and the 20% reduction in the rear yard setback is permitted upon the approval of the Use Permit Standard.
4. *Compatibility with existing surrounding structures and uses*; the design is compatible with the existing surrounding uses and structures within the AG zoning district.
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 proposed garage is intended to be used solely by the single-family residence, therefore disruptive behavior is not anticipated.

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:

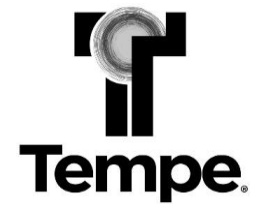
1974 A single-family home was constructed.

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
SCHEMBER RESIDENCE
(PL220260)

ATTACHMENTS:

1. Aerial Map
2. Location Map
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Building Elevations
- 7-12. Context Photos



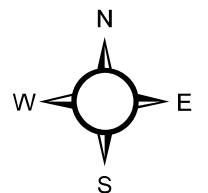
Tempe

PL220260

Schember Residence

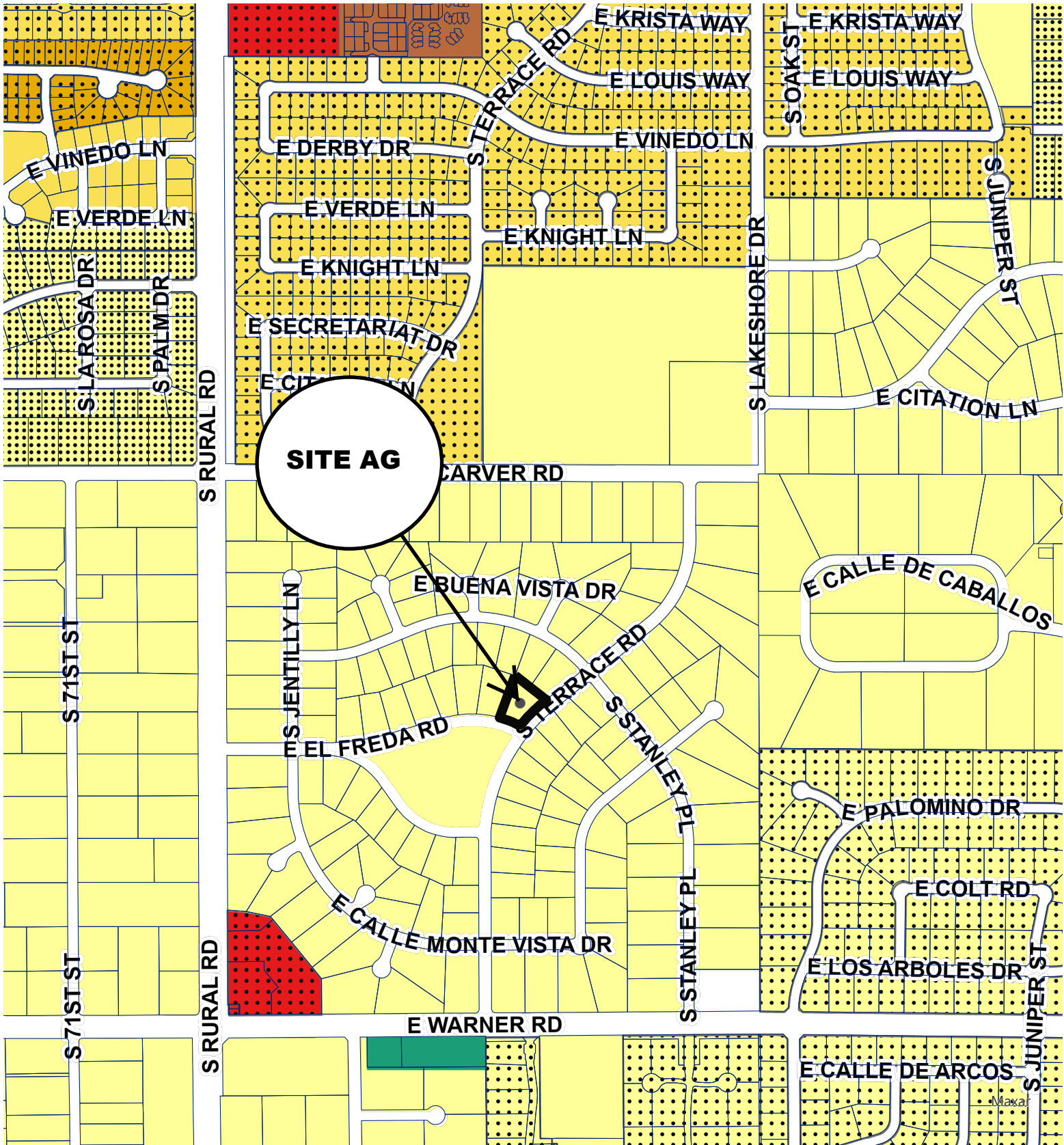


Aerial Map

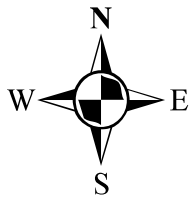


Schember Residence

PL220260



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|--|--|--|----------------------------------|
| | Planned Commercial Center Neighborhood (PCC-1) | | Single-Family Residential (R1-8) |
| | Residential/Office (RO) | | Single-Family Residential (R1-7) |
| | Agricultural (AG) | | Single-Family Residential (R1-6) |
| | Single-Family Residential (R1-15) | | Single-Family Residential (R1-5) |
| | Single-Family Residential (R1-10) | | Multi-Family Residential (R-2) |





SCHEMBER RESIDENCE
1068 E El Freda Road
Tempe, Arizona 85284

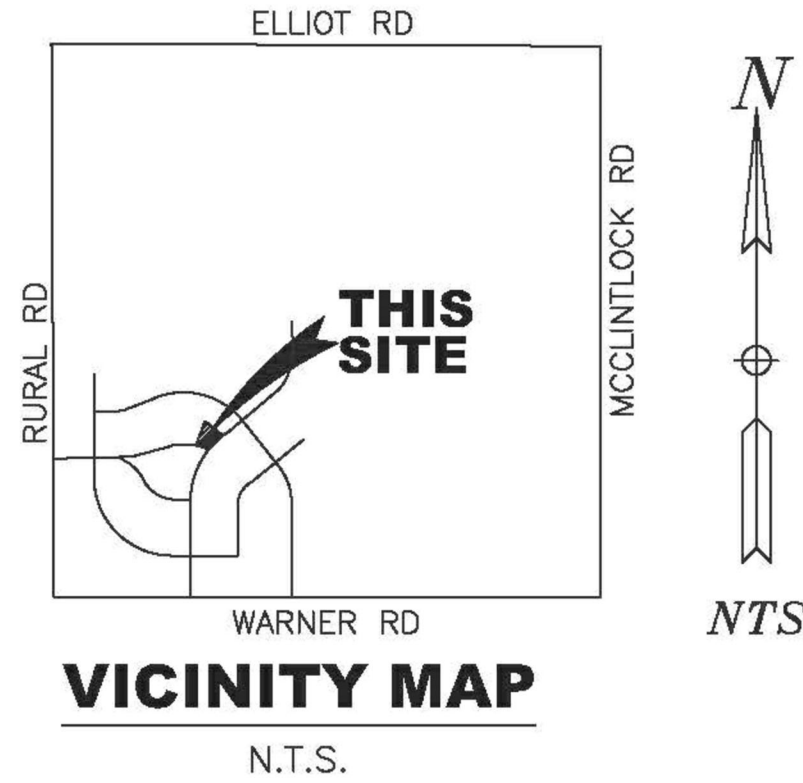
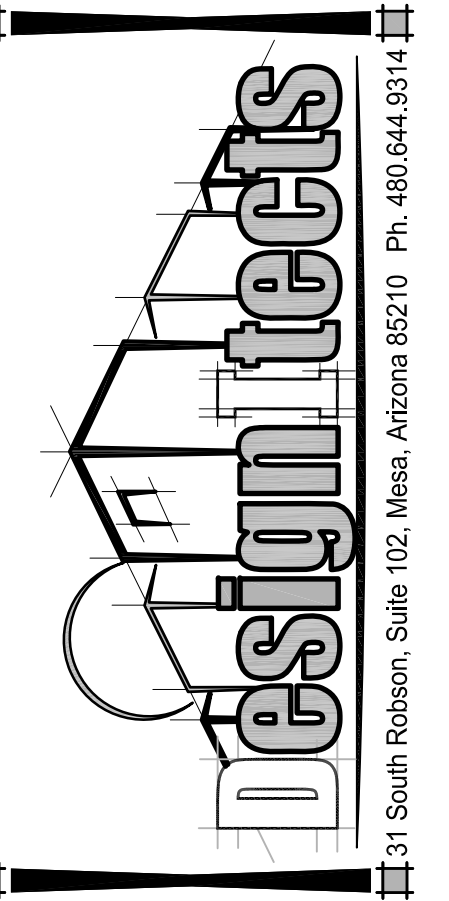
LETTER OF EXPLANATION:

We are requesting a Use Permit Standard to reduce the rear yard setback from 35 feet to 28 feet, and the design of the proposed garage addition meets the required zoning criteria.

- A. No significant vehicular or pedestrian traffic within this residential neighborhood.**
- B. No nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.**
- C. This project will enhance the neighborhood and surrounding property values juxtaposed to deterioration of the neighborhood or downgrading of values.**
- D. The improvement is compatible with existing structures and uses evidenced by examples of attached RV garages throughout the neighborhood.**
- E. We are proposing construction of an attached RV garage to the primary residence within the Buena Vista Ranchos community. The possibility of disruptive behavior both inside and outside the premises thereby creating a nuisance to the surrounding area is inapplicable.**

Kendall T Baxley
Principal
Designitects, LLC

A PORTION OF THE SOUTH WEST QUARTER SECTION 14, TOWNSHIP 01 SOUTH, RANGE 04 EAST OF THE G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA. BUENA VISTA RANCHOS - LOT 23



OWNER

SCHEMBER MICHAEL
C/SHEARER LISA Y
1068 E EL FRED A RD
TEMPE AZ USA 85284
(480) 570-0681
Lawber@mac.com

SITE DATA

APN: 301-51-039
ZONING: AG
TOTAL AREA = 26,595.55 SF
0.61 AC
SETBACKS: FRONT- 40'
REAR- 35' SIDES- 20'
STREET SIDE- 25'

LEGAL DESCRIPTION

LOT 23, OF BUENA VISTA RANCHOS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 146 OF MAPS, PAGE 17. TOGETHER WITH AN UNDIVIDED 1/151ST INTEREST IN TRACTS B AND D, BUENA VISTA RANCHOS; AND TOGETHER WITH AND UNDIVIDED 1/64TH INTEREST IN TRACT C.

BASIS OF BEARINGS

THE NORTH EAST PROPERTY LINE BEARS SOUTH 51°11'19" EAST AS SHOWN HEREON.

BENCHMARK

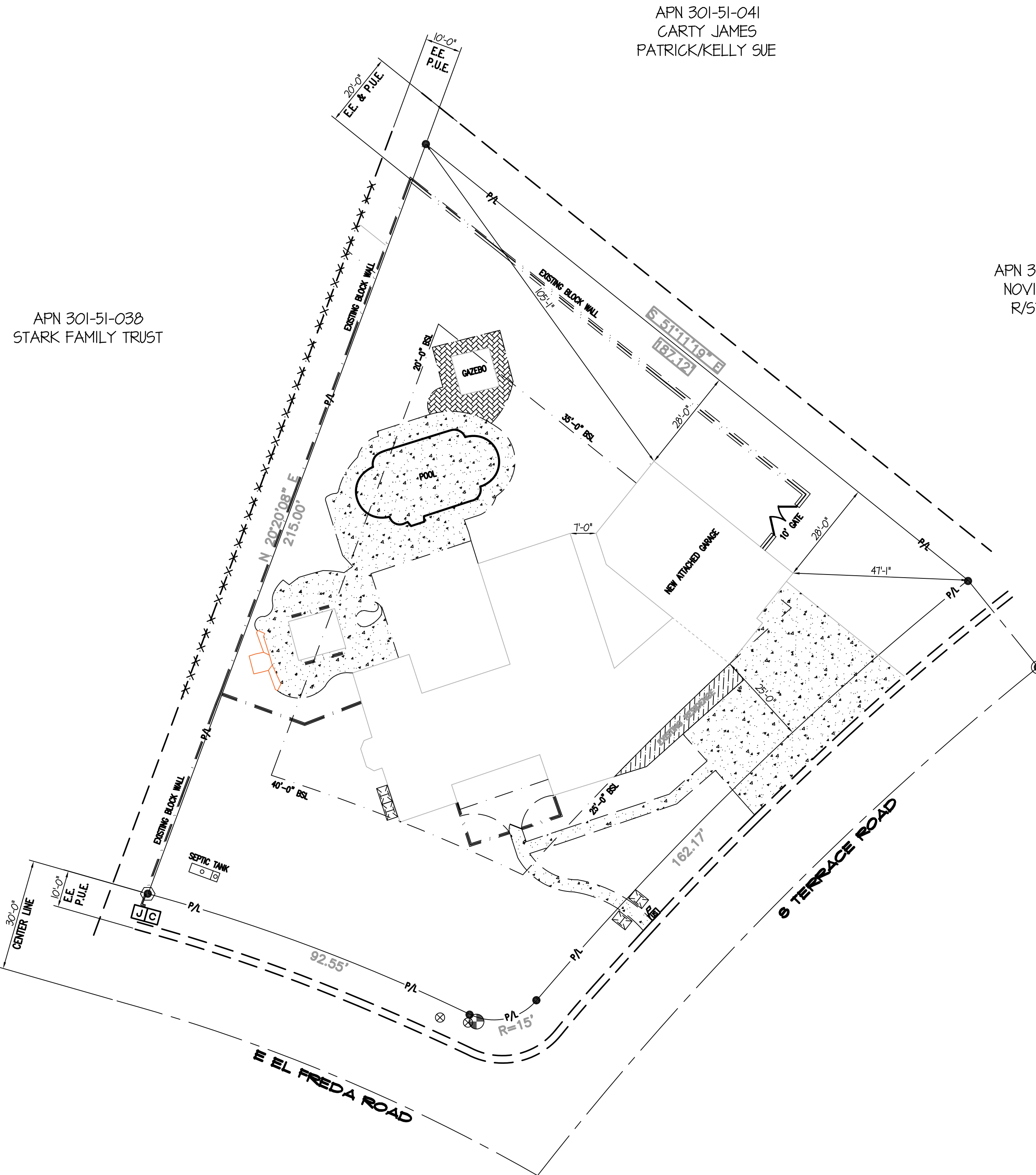
CITY OF TEMPE DATA #2332
BCHH FOUND AT INTERSECTION OF WARNER & RURAL
ELEVATION= 1177.17(NAVD88 DATUM)

REFERENCE DOCUMENTS

1. WARRANTY DEED #20180137585, M.C.R.
2. BUENA VISTA RANCHOS, BOOK 146 PAGE 17

NOTE

- 1.- THIS SURVEY IS BASED ON BOOK 146, PAGE 17, RECORDS OF MARICOPA COUNTY ARIZONA AND ON OTHER INFORMATION AS PROVIDED BY THE CLIENT. NO CURRENT TITLE REPORT/SEARCH WAS PROVIDED. ANY OTHER EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS OR OTHER MATTERS OF RECORD THAT MAY AFFECT THIS SITE ARE NOT SHOWN HEREON.
- 2.- IT IS THE OPINION OF THE UNDERSIGNED THAT THE FOUND MONUMENTS NOT ACCEPTED. DO NOT BEST REPRESENT THE DEED CORNER (OR RIGHT-OF-WAY/EASEMENT) LOCATIONS.
- 3.- FOR COMPUTATION PURPOSES, THE PARCEL AREA LISTED HEREON WAS COMPUTED WITHOUT REGARD TO THE POSSIBLE ENCROACHMENTS OR FENCE LOCATIONS SHOWN.
- 4.- BUILDING SETBACK LINES ARE PROVIDED FROM PRELIMINARY RESEARCH ONLY. SETBACK MAY VARY BASED ON HOA CC&R DOCUMENTS AND/OR MUNICIPAL ZONING CASES. VERIFICATION OF BUILDING SETBACK LINES MUST BE PERFORMED BY THE ARCHITECT AND/OR BUILDING DESIGN PROFESSIONAL PRIOR TO BUILDING DESIGN.



NOTES:
EXISTING STORAGE SHED AT NORTH EAST CORNER TO BE REMOVED AND REPLACED WITH NEW DETACHED GARAGE.

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



PROPERTY INFO.	
BUENA VISTA RANCHOS 1068 E EL FRED A ROAD TEMPE, ARIZONA 85284 PARCEL: 301-51-039 ZONING: AG	
ZONING SETBACKS	
FRONT:	40 FT
REAR:	35 FT
SIDES: (20% Reduction)	28 FT
STREET SIDE:	25 FT
MAX. LOT COVERAGE %	25 %
MAX.BUILDING HEIGHT	30 FEET
EXISTING SQUARE FOOTAGE	
LIVABLE:	3,287
GARAGE:	600
TOTAL ENCLOSED EXISTING:	3,887
COVERD PORCH:	155
COVERD PATIO:	318
RAMADA:	285
TOTAL UNENCLOSED EXISTING:	758
NEW SQUARE FOOTAGE	
DETACHED GARAGE:	1,434
NEW GARAGE FOOTPRINT:	1,434
FOOTPRINT COMBINED:	6,079
LOT AREA	26,737
LOT COV. %	23 %

DRAWING TITLE:
ARCHITECTURAL SITE PLAN

DRAWN BY:
KTB
DATE:
04.25.22

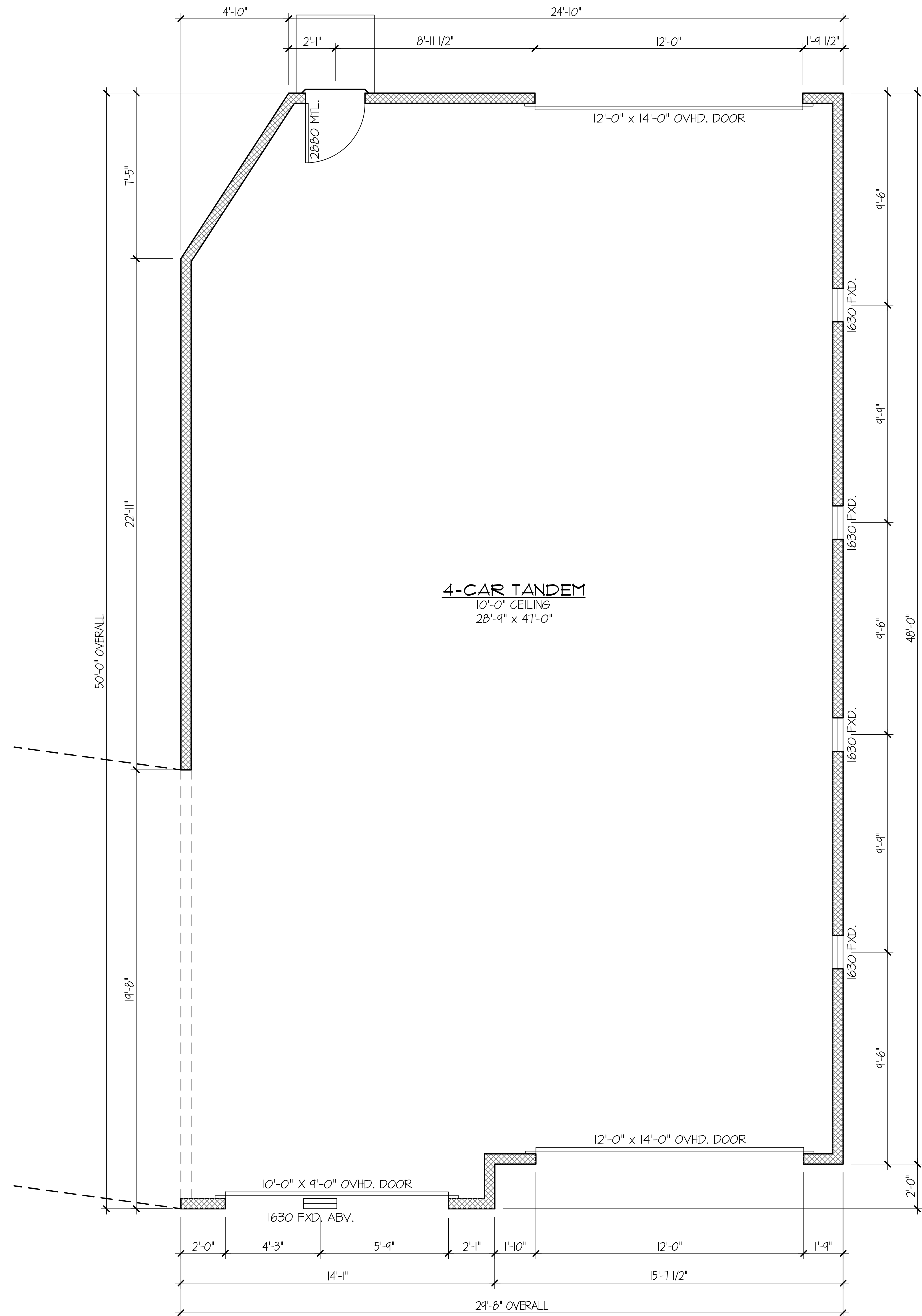
REVISION	
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PLAN:
Schember Attached Garage
ASSESSOR PARCEL #:
301-51-039



SHEET NO.
SP1

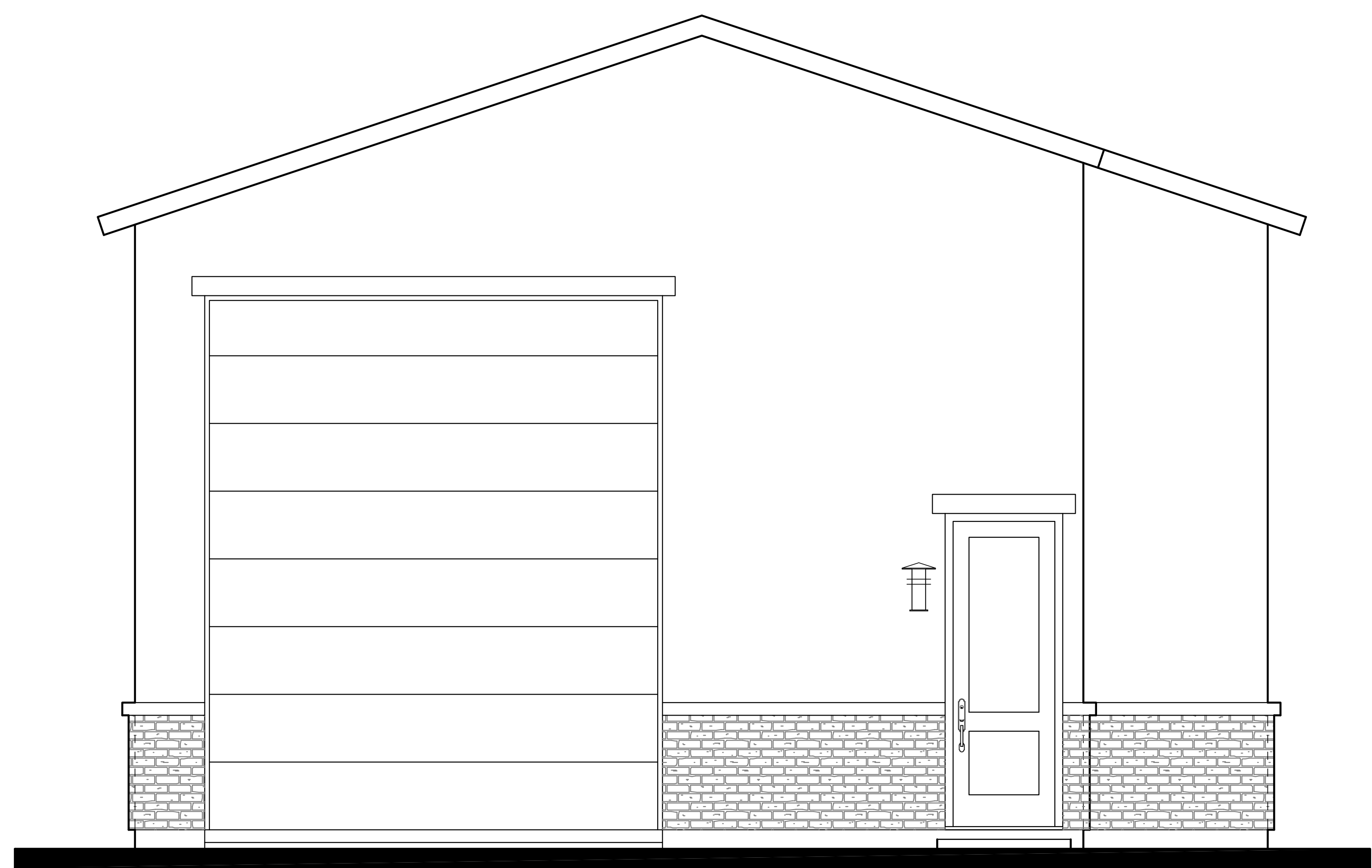
CITY OF TEMPE



TOTAL SQ. FT. : 1,434 S.F.

SCHEMBER ATTACHED GARAGE
1068 E EL FREDA ROAD
 CITY OF TEMPE, ARIZONA





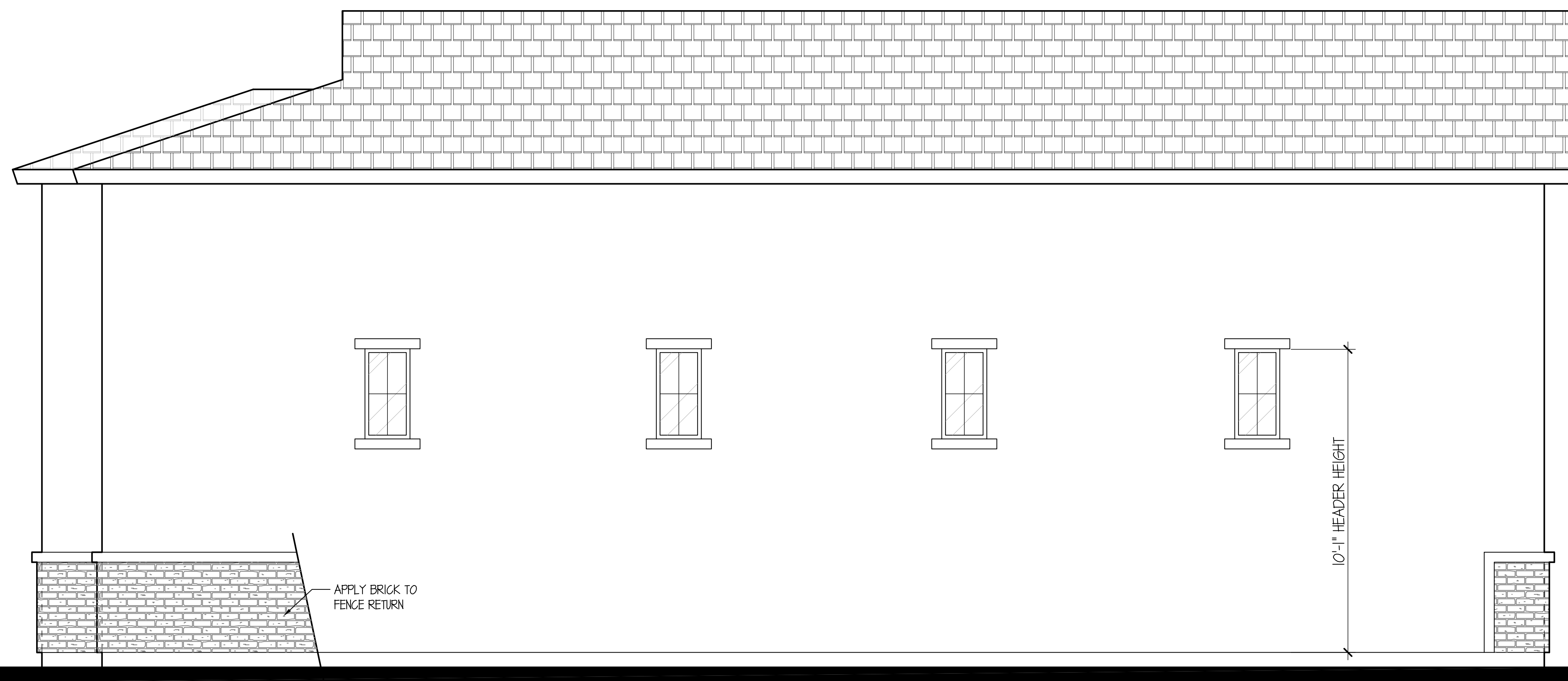
NORTH ELEVATION



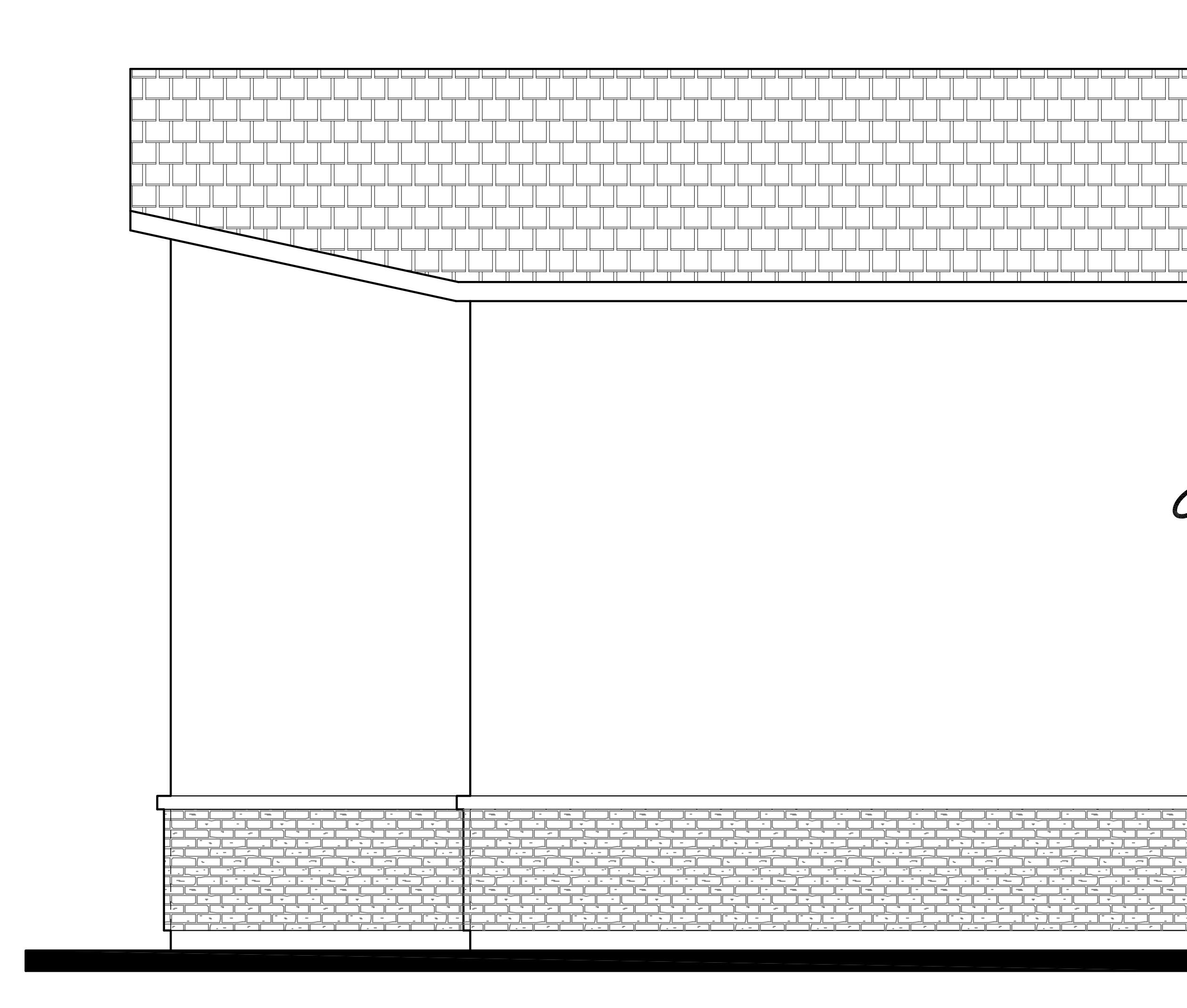
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

GRADE - 0'-0"
GRADE DEFINED AS TOP OF CURB, OR TOP
OF CROWN OF A STREET WHERE NO CURB
EXISTS, AS ESTABLISHED AT THE MIDPOINT
OF THE FRONT OF THE LOT (El Freda).



WEST SIDE ELEVATION



EAST SIDE ELEVATION

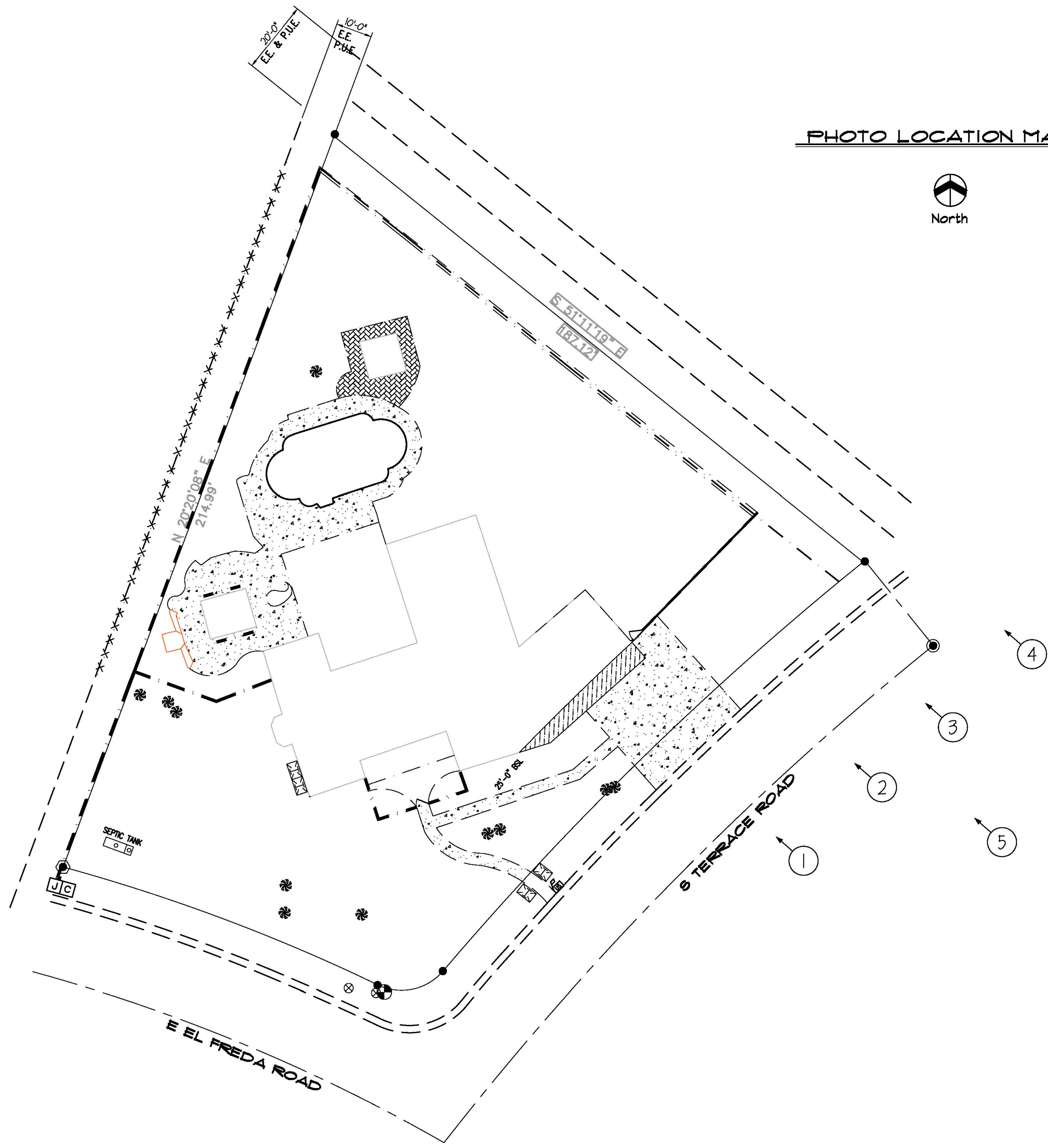
SCHEMBER ATTACHED GARAGE
1068 E EL FRED A ROAD
CITY OF TEMPE, ARIZONA



PHOTO LOCATION MAP



North



One



Two



Three



Four



Five

