

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 06/13/23
Agenda Item: 5**

ACTION: Request a Use Permit to allow a 5' 6" decorative screen wall in the front yard setback for the **GILMORE RESIDENCE**, located at 326 East Broadmor Drive. The applicant is Jack Gilmore.

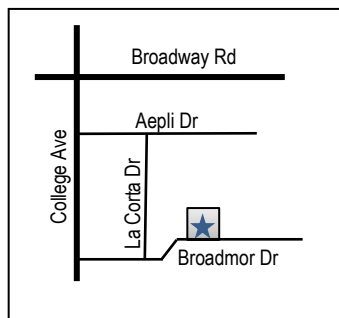
FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions.

BACKGROUND INFORMATION: **THE GILMORE RESIDENCE** (PL230091) is located on lot 5 within the Broadmor Manor subdivision. The applicant was notified of an illegally constructed screen wall in the front yard setback during an inspection of an addition to the main residence. Upon notification, the applicant applied for the Use permit. The request includes the following:

ZUP230027 Use Permit to allow a 5' 6" decorative screen wall in the front yard setback.

Project Vicinity Map



Property Owner	Jared Gilmore
Applicant	Jack Gilmore, Gilmore Planning and Landscape Architecture
Zoning District	R1-6
Site Area	11,047 s.f.
Building Area	2,157 s.f.
Lot Coverage	19.5% (45 max. allowed)
Building Setbacks	Required: 20' front, 5' west side, 5' east side, 15' rear

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Ty Templeton, Planning Technician, (480) 350-8690

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Ty Templeton, Planning Technician

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

During a routine building inspection for an interior remodel, it was noted that the home owner had constructed a 5'-6" decorative screen wall that includes a landscape planter. As per the Tempe Zoning and Development Code, any wall located within the front yard setback cannot exceed 4'-0" without a use permit. The applicant is seeking to remedy the violation through the application and approval of a use permit.

PUBLIC INPUT

To date, Staff has not received any public input.

USE PERMIT

The proposed design requires a Use Permit to allow a 5'- 6" decorative screen wall within the required front yard setback in the R1-6 zoning district, per ZDC Section 4-706.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed design will not have an impact on 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*; no nuisance will arise from the proposed 5' 6" decorative screen wall.
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*; no deterioration of the neighborhood is anticipated as the design will contribute to enhanced aesthetics within the neighborhood.
4. *Compatibility with existing surrounding structures and uses*; the design is compatible with the main residence and provides adequate sight lines and protection from the street.
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 design will not contribute to disruptive behavior within the neighborhood.

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 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 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:

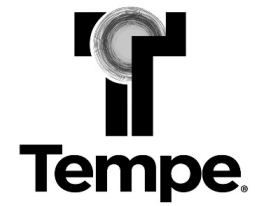
2022 Illegally constructed decorative screen wall was noticed in conjunction with home addition inspection.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

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

[Section 6-308, Use Permit](#)

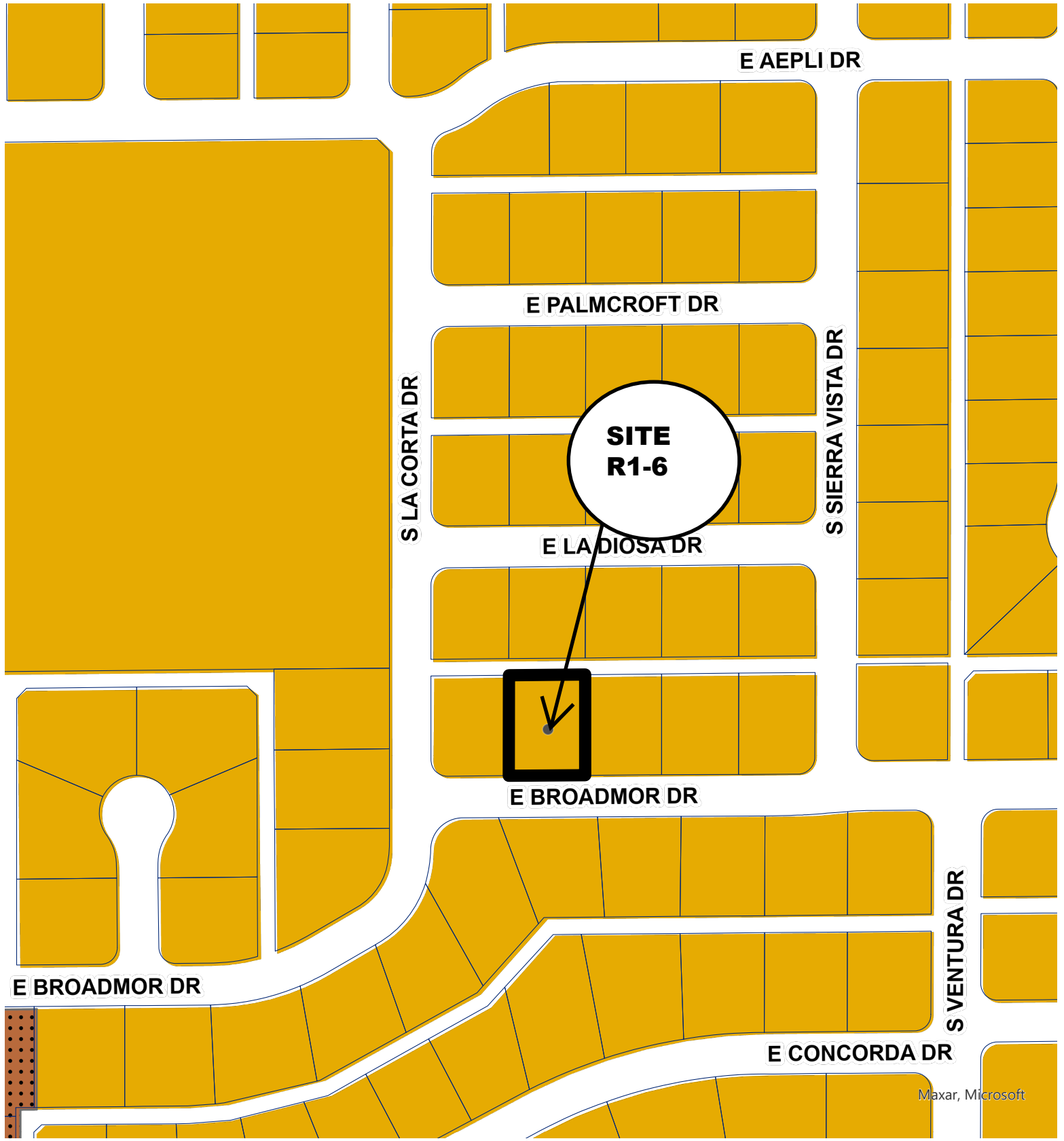




DEVELOPMENT PROJECT FILE
for
THE GILMORE RESIDENCE
(PL230091)

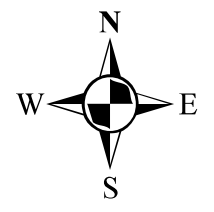
ATTACHMENTS:

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

THE GILMORE RESIDENCE



-  Single-Family Residential (R1-6)
-  Multi-Family Residential Restricted (R-3R)

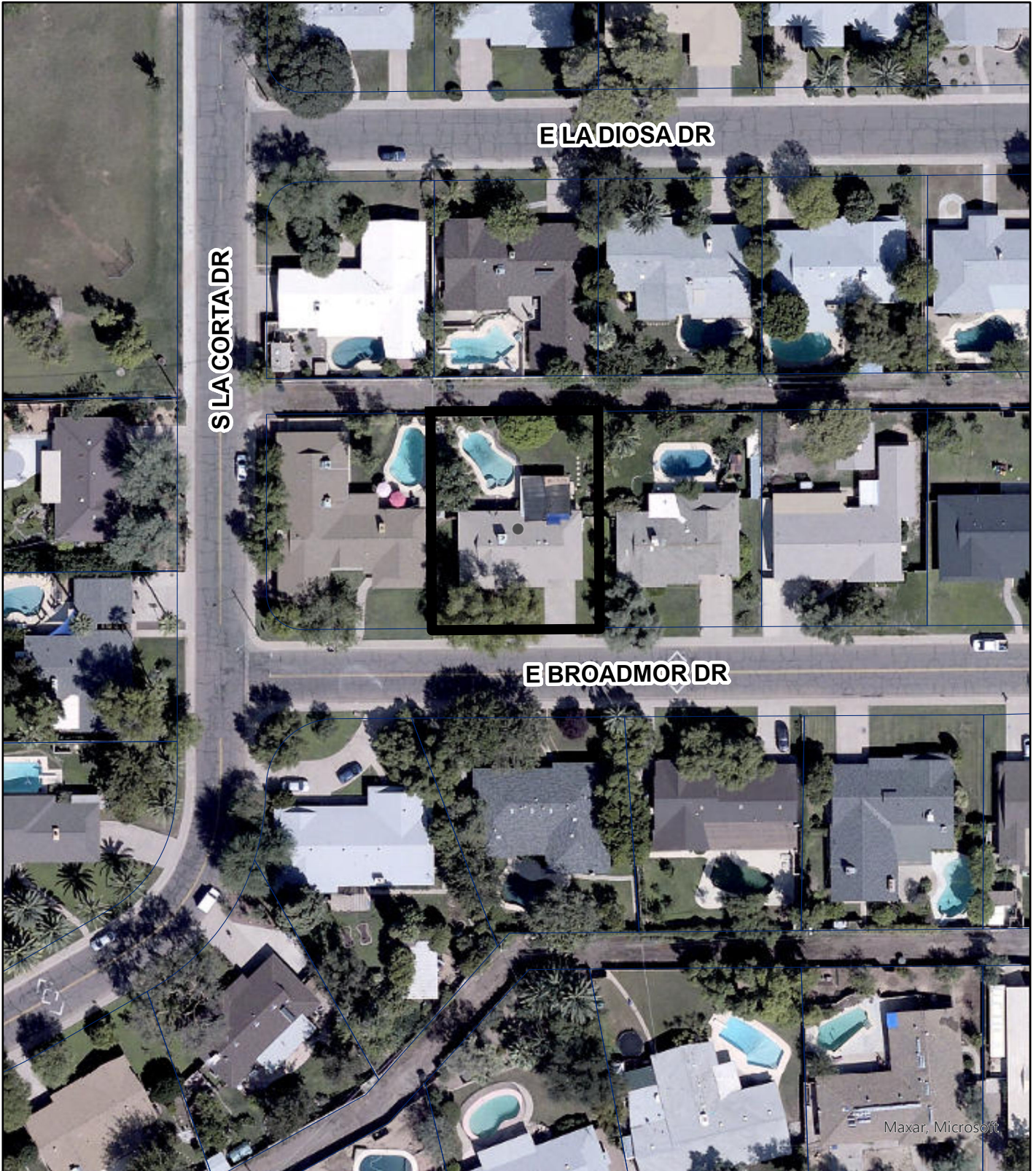




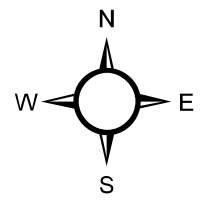
Tempe

PL230091

THE GILMORE RESIDENCE



Aerial Map



March 30, 2023
Revised April 24, 2023

City of Tempe
Community Development Department
31 East 5th Street, Garden Level
Tempe, AZ 85281



Re: Letter of Explanation - Use Permit
Front Yard Screen Wall
326 E. Broadmor Dr.

Community Development Staff:

This letter is prepared to accompany a request for a Use Permit for the installation of a 5'-6" decorative screen within the front yard setback of a single-family residence at 326 E. Broadmor Dr. This home was purchased in 2021 and recently completed a significant remodel to renovate the interior including; a new kitchen, family room, new bathroom upgrades, and a master bedroom addition. The Homeowners moved in last summer 2022 and are excited to be part of the neighborhood and developing relationships with their neighbors, most of whom have been watching/observing the renovation for some time.

Goals & Objectives: Creating a front yard patio was always a part of the ultimate plan, with the goal to enhance the front yard experience with a new patio that incorporated a 2' raised planter and built-in seat wall. To create some sense of privacy, a partial decorative screen wall was planned to separate street traffic from the seating area. Through a series of discussions with their contractor and based on the availability of material, the final design evolved to construct a decorative screen wall that is 5'-6" above the adjacent sidewalk. The screen wall is constructed with two layers of CMU block. The lower raised planter uses 4x8x16 CMU to match the home. The north side of the raised planter is two courses in depth to provide a base for the seating. The upper portion that is the view wall above the planter uses 8x8x16 CMU block turned on-side to expose the cells. This feature addresses the Tempe Ordinance – Section 4-706; A-2 that requires screen walls above 4' located within the front yard setback to incorporate openings that provides transparency, please refer to the attached photos.

The front yard building setback in the R1-6 zoning district is 20'. For accessory structures, the front yard setback is 15'. The maximum height for a screen wall is 4' within the 15' setback. The existing screen wall is 5'-6" in height and setback 4'-6" from the front property line, and the basis for this use permit request. The separation between the front sidewalk and the screen wall is 10' that will be landscaped to include groundcovers not-to-exceed 2' in height to maintain site visibility adjacent to the driveway. The attached site plan and photos provide both locations and front elevation views.

In accordance with the application, the following items address the potential impacts with the neighbors:

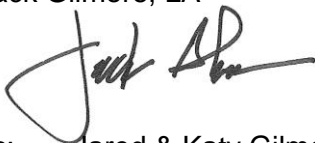
- a.) Significant vehicular or pedestrian traffic. As an existing single-family home within an established neighborhood, this new patio and screen wall will not create any impacts to either the existing pedestrian or vehicular circulation along Broadmor Dr. The 14'

separation from the back of curb provides adequate site visibility for the driveway. Groundcovers are intended for the front planter that will not exceed 2 feet in height.

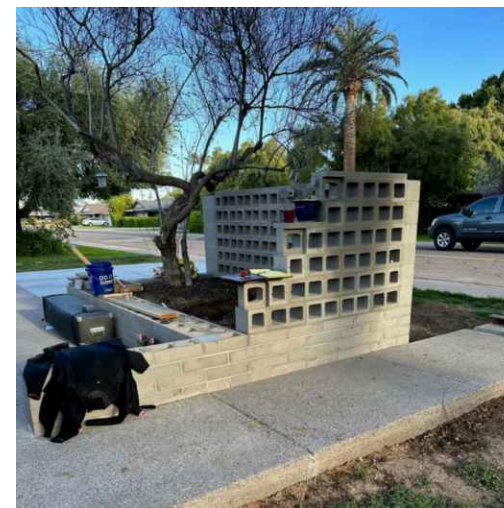
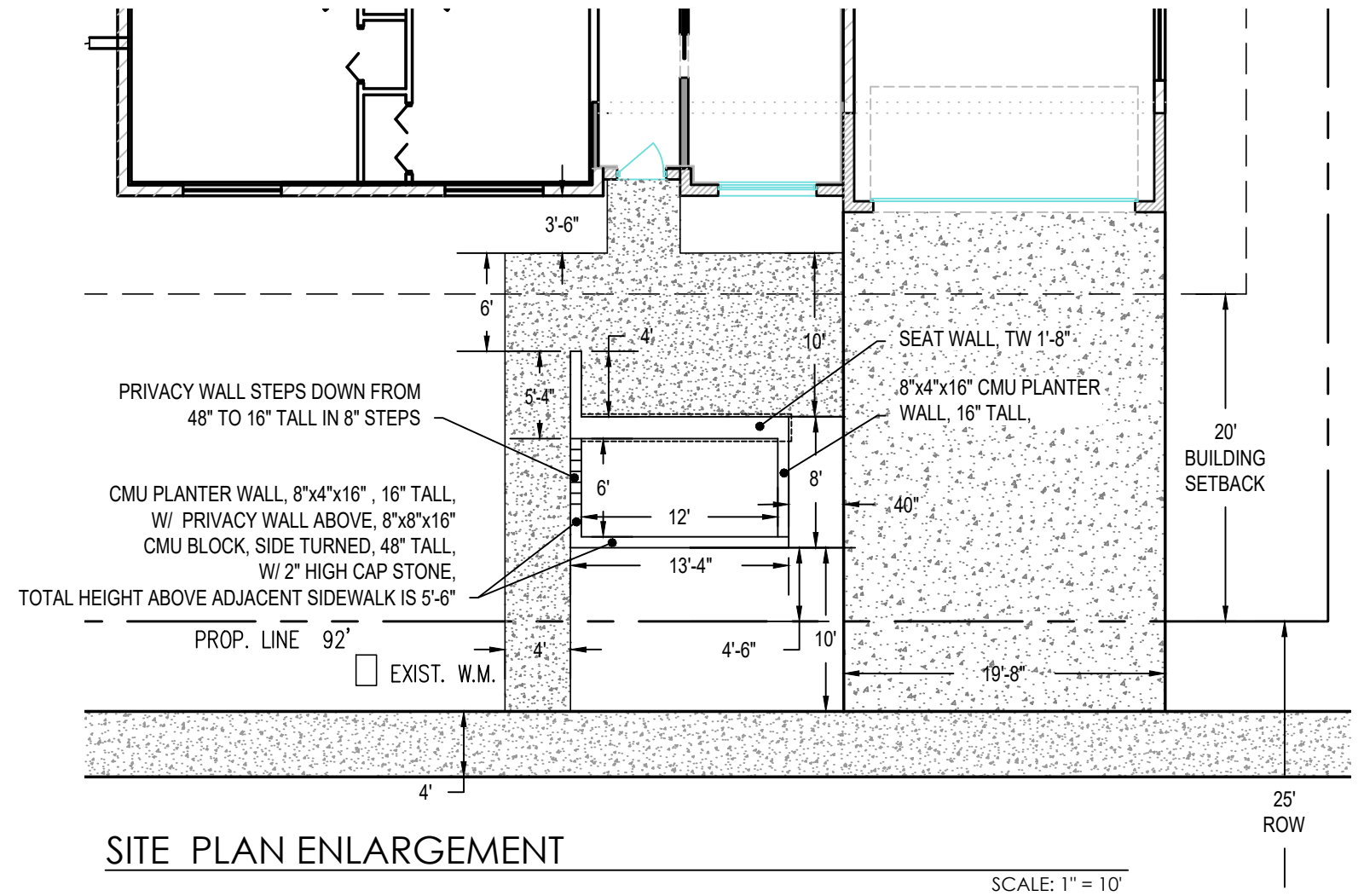
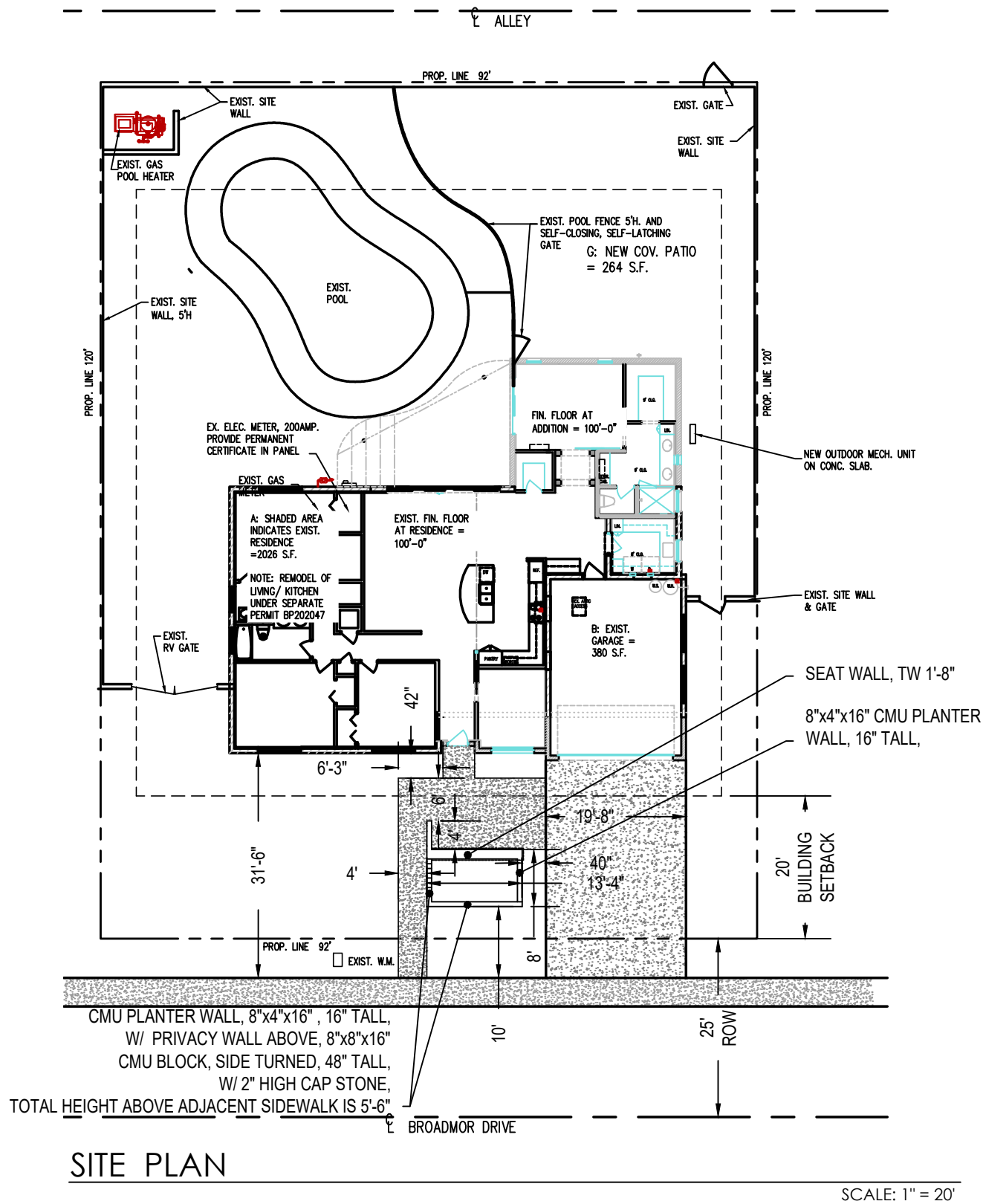
- b.) Nuisance from odors, dust, noise, smoke, etc. that may exceed ambient conditions: As a front yard patio with a partial decorative screen wall, the homeowners cannot envision any activities that would create odors, noise, heat, or glare that will exceed the existing ambient conditions along this street frontage.
- c.) Contribution to the deterioration of the neighborhood. To the contrary, the homeowners believe that the new patio space will complement the substantial investment in the home renovation. These types of front yard improvements are becoming more common to homeowners who appreciate the benefits of comfortable outdoor living and who seek to improve connectivity with their neighbors.
- d.) Compatibility with existing surrounding structures and uses: The Broadmor Manor No4 subdivision was platted in August of 1959, and the majority of the homes date back to the early 1960's. Many of these homes have not experienced the type of major renovation as this residence, but all appear to be well maintained. The architectural façade associated with the remodel purposefully retained the original front elevation features, but added a new front door and windows, a front picture window to the patio, and new roof. The existing CMU structure was sandblasted to establish a more contemporary finish, which has occurred on many of the remodeled homes in the surrounding neighborhood. This front patio uses the same CMU material and will be sandblasted to compliment the appearance of the front elevation. A new landscape will be installed between the screen wall and the sidewalk as well as a foundation landscape across the front of the home. The flood irrigation will be retained for the front yard turfed area and drip irrigation installed for the non-turfed areas. The Gilmore's want this finished patio and landscape to be the show piece for this portion of Broadmor Dr.
- e.) Adequate control of disruptive behavior which may create a nuisance: Beyond the chaos and turmoil associated with their two children aged 7 and 9, and their playmates, this new patio will be a refuge for the parents, neighbors, and friends who want to sit and visit and casually observe neighborhood activity.

Please call with any questions or if any additional site information will assist in this request.

Respectfully,
Jack Gilmore, LA



cc: Jared & Katy Gilmore
File



SITE PHOTO 1



SITE PHOTO 2

GILMORE RESIDENCE - 326 E. BROADMOR DR.

TEMPE, AZ

SITE PLAN

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF GILMORE PLANNING & LANDSCAPE ARCHITECTURE. THIS DRAWING MAY NOT BE REPRODUCED OR ANY REPRODUCTION HEREOF USED, WITHOUT THEIR WRITTEN PERMISSION. © COPYRIGHT 2023

SCALE: 1" = 20'
DATE: 3.30.23





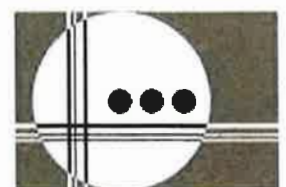
Top of wall
5'6"
above sidewalk

GILMORE RESIDENCE 326 E. BROADMOR DR.

TEMPE, AZ
PREPARED FOR: J. GILMORE

SITE PHOTOS

DATE: 3,30,23
GPLA JOB# 23---



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