

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/25/23
Agenda Item: 2**

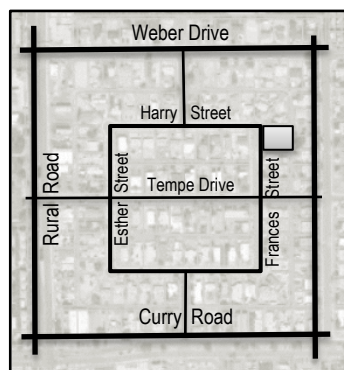
ACTION: Request a Use Permit Standard for front, side and rear yard setbacks for VALENTINE-FRANCES, located at 1309 North Frances Street. The applicant is JCL Design Build

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: VALENTINE – FRANCES (PL220116) the site is located on the north east corner of Harry and Frances streets, originally platted as Lots 78 and 79 of the North Tempe Subdivision Plat. At a later date the lots were combined into one lot, with a single-family residence on the north side, based on historic aerials the south side has never had a house. The current owner wishes to re-establish two lots with an amended plat to allow the existing house to remain and a new house to be added. Due to the location of the existing residence, the original lot line between the lots needs to shift south, making the south lot narrower. To meet setback requirements for both lots and allow new construction, the applicant is seeking use permit standards to reduce the setbacks by 20% pursuant to the Use Permit Standard Section of the Zoning and Development Code. The request includes the following:

- ZUP230011 Use Permit Standard to reduce the required front yard setback from 20' to 16'.
- ZUP230037 Use Permit Standard to reduce the required rear yard setback from 15' to 12'.
- ZUP230038 Use Permit Standard to reduce the required side yard setbacks from 10' to 8'.



Property Owner	Wendy Valentine, R&R7, LLC
Applicant	Jared Lineberger, JCL Design Build
Zoning District	R-2 Multi-Family Residential
Existing APN132-12-078A Area	14,680 s.f.
Proposed Lot A Site Area	8,780 s.f.
Proposed Lot B Site Area	5,900 s.f.
Existing Building Area	2,023 s.f.
Proposed Building Area	2,997 s.f.
Total Building Area	5,020 s.f.
Lot A Lot Coverage	29% (45% max. allowed in R-2)
Lot B Lot Coverage	31% (45% max. allowed in R-2)
Lot A Landscape Coverage	60% (30% min. required)
Lot B Landscape Coverage	65% (30% min. required)
Building Height	26 ft (30 ft max. allowed)
Building Setbacks	16' west front, 8' north and south sides, 12' east rear (20', 10' 15' min. required in R-2 unless use permit granted for 20% reduction)
Vehicle Parking	4 spaces 2 in drive on Lot A and 2 in garage on Lot B (4 min. required for 2 single-family residences)
Building Code Occupancy	Single-Family Residential R-3 Occupancy

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391
Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A
Prepared by: Diana Kaminski, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The project is located in the Papago North Tempe Character Area Plan and North Tempe Subdivision Plat, east of Rural Road, north of Curry Road, south of Weber Drive and west of Miller Road in a block of single-family and multi-family residences built between 1949 and 2019. The site has one existing house that will remain and a second house would be built to the south subject to a lot split. The existing house is single story and the new house is proposed to be two-story to fit within the narrow dimensions of the lot and provide a full livable unit with two-car garage. Use Permit for a second story is not required for the new construction on the south lot; R-2 zoning allows up to 30' building height and Section 3-420 is not applicable per the exceptions in subsection B related to existing vacant parcels without a prior residence.

USE PERMIT STANDARD

The proposed project requires a Use Permit Standard to reduce the front, rear and side yard setbacks by 20% within the R-2 Multi-Family Residential zoning district. The subject site was formerly two lots, 78 and 79 of the North Tempe Subdivision Plat. These lots were later combined into one lot which is approximately 123' wide. The applicant is wishing to split this lot back into two lots that are approximately the same width of the original platted lots to allow each a single-family residence with a single driveway, maintaining the character of the neighborhood. The existing residence to the north has enclosed the former carport into livable space and has room for two vehicles parked in the driveway outside of the 20' parking setback. The front yard setback reduction would allow a future garage addition to this home for parking vehicles in a secured space. The proposed residence to the south would have a driveway of 18' deep leading to a garage to park two vehicles inside. The front yard setback reduction allows the garage to be 18' from the property line and have a projected pop out on the south west corner extend closer to the street, adding depth to the building façade to break up the massing. The existing single-family residence has an 8'6" north side yard setback and a proposed 8' south side yard setback from the new property line. The proposed new single-family residence has a narrower lot configuration and needs an 8' side yard setback on both sides to accommodate a standard building footprint with a two-car garage and front door entryway. The applicant is also requesting a rear yard setback, which would be measured from the center point of the alley, to reduce the eastern setback from 15' to 12' to allow flexibility for the homeowners to provide room for future expansion on either lot.

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

1. *Any significant increase in vehicular or pedestrian traffic*; Each lot has room for one on-street parking space as well as on-site parking. The site is zoned to allow up to 3 multi-family units but is being designed to accommodate 2 single-family residences. Each lot meets the driveway length requirements for parking outside of the front yard setback and provides two on-site parking spaces. The proposed setback reductions do not impact parking or circulation and will not increase 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*; With the exception of construction of the second unit, the proposed setback reductions will not create nuisances once the second residence is built.
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 project adds housing to the area that maintains the street front rhythm and area density, utilizing a parcel that has never been developed. The project implements the neighborhood preservation and revitalization element and the housing element of General Plan 2040. The area will benefit from new housing.
4. *Compatibility with existing surrounding structures and uses*; if this area were zoned R1-6 single-family, the allowed setbacks would be 20' front, 5' side and 15' rear (measured from the centerline of alley). This district would also allow a 20% reduction in setbacks with the exception of the side yard. The proposed reduction of 20' to 16' on the west front, 10' to 8' north and south sides and 15' to 12' east rear yard setbacks is in character with a single-family neighborhood even if zoned for multi-family use. In 2022 a similar request was approved for a Use Permit Standard to reduce the side yard setback from 10' to 8' for the Shepherd Residence, located at 936 East Weber Drive. The proposed setback reductions are compatible with surrounding residential districts and uses in the area.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; Reducing the front, side and rear yard setbacks puts the structures closer to adjacent neighbors, but the use is similar to surrounding uses with residents and guests.*

REASONS FOR APPROVAL:

Based on the information provided by the applicant and the above analysis staff supports approval of the requested Use Permit Standards for reduction of the front, rear and side yard setbacks. 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 Standards are 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 are 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:

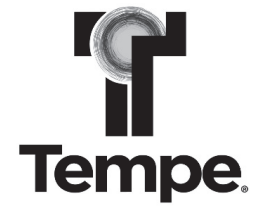
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- Specific requirements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

- 1930-1950 Maricopa County Assessor Historic Aerials indicate the area was native desert, with early development occurring in the area during the early 1950s.
- 1959 A house was located on the north lot 78 while the south lot 79 remained vacant.
- 1970s-1980s Building permits for modifications to the existing house were issued for modifications, including enclosure of the carport to a storage room.
- No further information about this property.

ZONING AND DEVELOPMENT CODE REFERENCE:

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



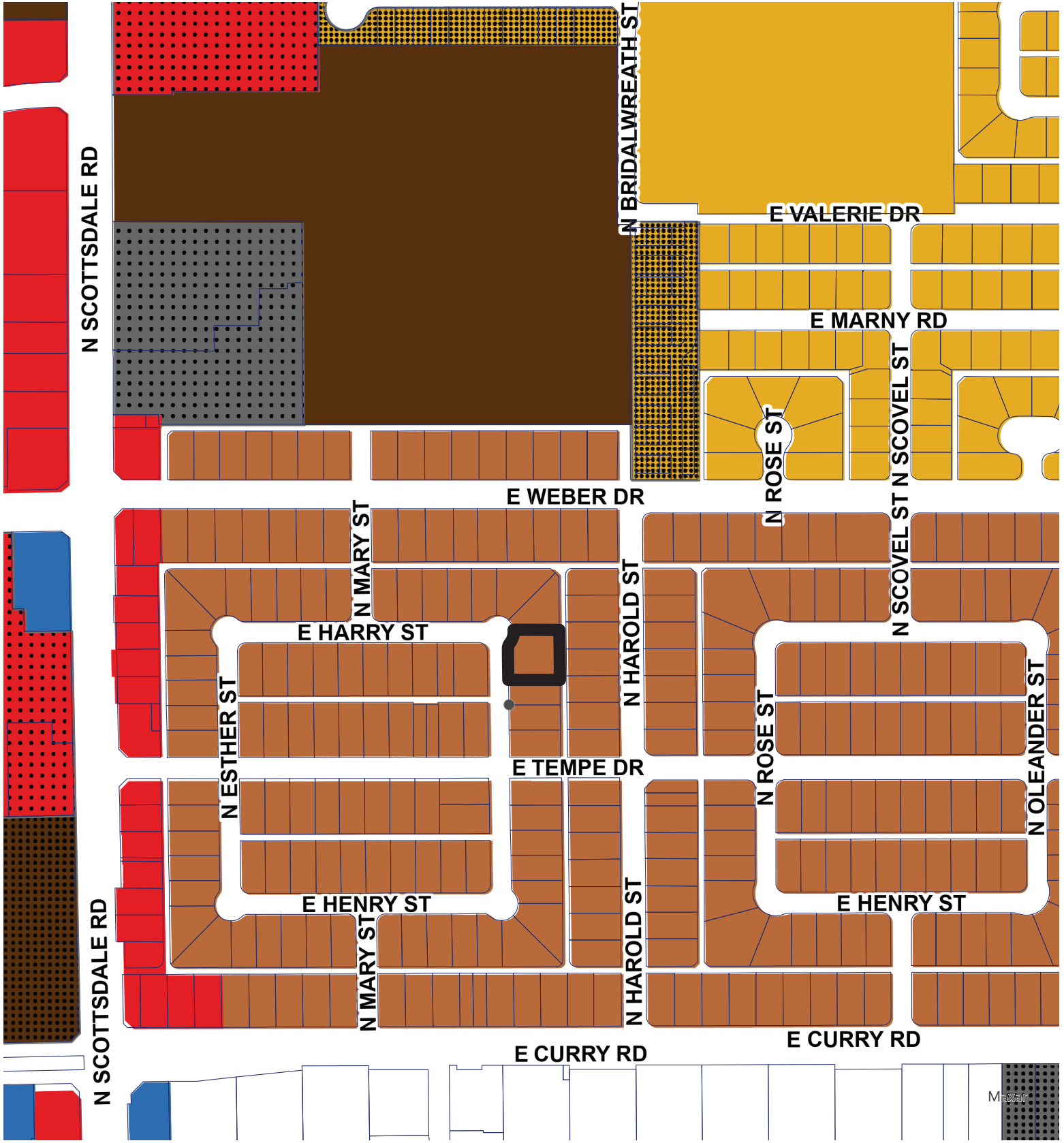
DEVELOPMENT PROJECT FILE

for

VALENTINE-FRANCES
(PL220116)

ATTACHMENTS:

- 1-8. Site Context (Location Map, Aerial and Aerial with Site Plan Overlay, Site Photos)
- 9-10. Applicant's Letter of Explanation
- 11. Site Plan
- 12-13. Building Design (Blackline Elevations and Floor Plans FOR REFERENCE)



- General Industrial District (GID)
- Mixed Use Med-High (MU-3)
- Mixed Use High (MU-4)
- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Single-Family Residential (R1-6)
- Single-Family Residential Planned Area Dev (R1-PAD)

- Multi-Family Residential (R-2)
- Multi-Family Residential General (R-4)
- Multi-Family Residential High (R-5)
- Parcels Parcels

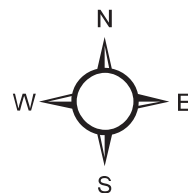
- Twelve Point**
CenterlineSubType
- ADOT
 - Canal
 - Monument
 - Private



1309 N FRANCES ST

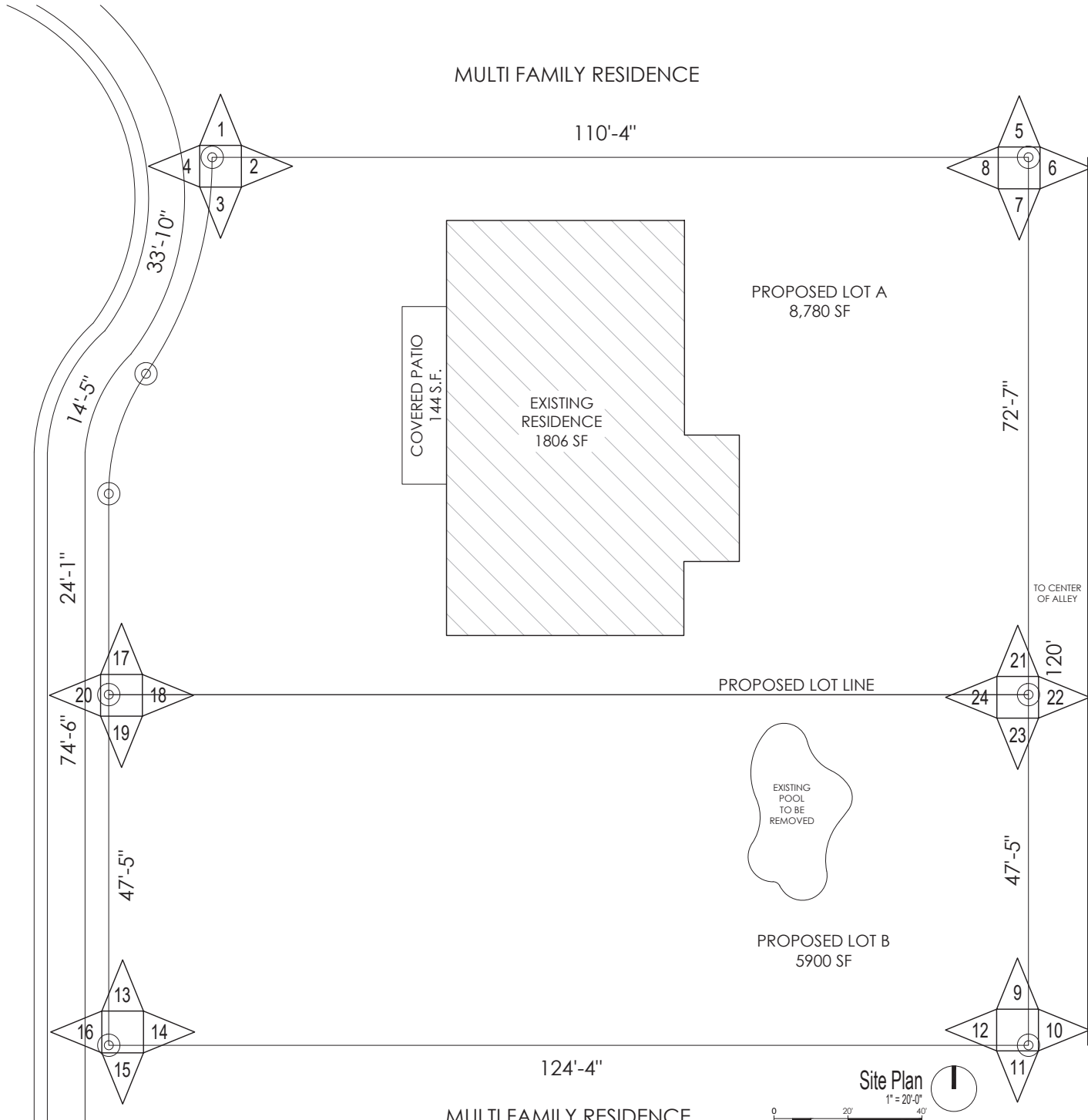


Aerial Map

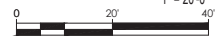


N FRANCES ST

TO CENTER OF ROW



MULTI FAMILY RESIDENCE
ATTACHMENT 3



Site Plan
1" = 20'-0"

MULTI FAMILY RESIDENCE

110'-4"

PROPOSED LOT A
8,780 SF

EXISTING
RESIDENCE
1806 SF

COVERED PATIO
144 S.F.

EXISTING
POOL
TO BE
REMOVED

PROPOSED LOT B
5900 SF

PROPOSED LOT LINE

MULTI FAMILY RESIDENCE
MULTI FAMILY RESIDENCE
MULTI FAMILY RESIDENCE
MULTI FAMILY RESIDENCE

JCL build
design

5440 S Lakeshore Dr.
Suite 101
Tempe, Arizona 85283
submittals@jcldesignbuild.com

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Frances Street
Lot Split & Use Permit
1309 N FRANCES ST
TEMPE, AZ 85281

CPK
Context Photo Key



[Photo 1]



[Photo 2]



[Photo 3]



[Photo 4]



[Photo 5]



[Photo 6]

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[Photo 7]



[Photo 8]



[Photo 9]



[Photo 10]



[Photo 11]



[Photo 12]

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[Photo 13]



[Photo 14]



[Photo 15]



[Photo 16]



[Photo 17]



[Photo 18]

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[Photo 19]



[Photo 20]



[Photo 21]



[Photo 22]



[Photo 23]



[Photo 24]

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[Photo 25]



[Photo 26]

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Frances Street
Lot Split & Use Permit
1309 N FRANCES ST
TEMPE, AZ 85288

Letter of Explanation (Revision 3)

July 3rd, 2023

City of Tempe
Planning Division
31 East Fifth Street
Tempe, Arizona 85281

Re: 1309 N Frances St.
Tempe, Arizona 85281
APN: 132-12-078A

Development Review Commission,

We are requesting three use permit standards for reduction of the front yard, rear yard and side yard setbacks on a development consisting of one existing single-family residence and one new single-family residence after platting into two lots.

It is the intent of the builder to split the lot into two and develop the south lot with a new residence. In order to make both lots viable we need to reduce the side setbacks on both the existing and proposed lot by 20%. The resulting side setback will be 8'-0" on the sides of both lots.

At this time, we are also requesting a reduction of the front setbacks on each lot. On the North lot with the existing home, we are requesting a reduction of the front setback to 18'-0" to accommodate for parking and a potential future garage build out. On the proposed (South) lot a 20% reduction to 16'-0" is necessary to build a suitable structure in the limited space and to accommodate architectural variation.

The proposed use permit exceptions will not be detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public welfare in general and will conform to the following standards and Zoning and Development Code Criteria Section 6-308(E), as applicable:

a. Any significant vehicular or pedestrian traffic in adjacent areas;

The proposed will allow the property to be restored to two properties as originally laid out and add only the traffic necessary to accommodate a single-family residence for which the area was originally designed.

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

As the proposed lot split and subsequent new single-family residence will serve no purpose other than the surrounding homes, there is no cause to believe that any nuisance would be produced beyond that of any typical home in the area.

c. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city's adopted plans for General Plan;

As the proposed lot split and subsequent new single-family home will not be used for any exceptional purposes and will not require the destruction of any resources beneficial to the neighborhood, it poses no threat to property values. Furthermore, the construction of a new home in the area would likely increase the surrounding property values.

d. Compatibility with existing surrounding structures and uses; and

The surrounding homes are overwhelmingly single-family residences, so the proposed structure fits with the uses. The lot being split is approximately twice the size of all neighboring properties and would be more typical after this split has been completed. Additionally, the properties at 1015 E Harry Street and 1004 E Tempe Drive appear to be built within the normal 20' front setbacks and the lot at 1021 E Harry Street appears to be lacking both the required side setbacks and lot width.

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

As the proposed lot split and subsequent new single-family residence will serve no purpose other than the surrounding homes, there is no cause to believe that any disruptive behavior would produce any nuisance beyond that of any typical home in the area.

Thank you,

Jared Lineberger

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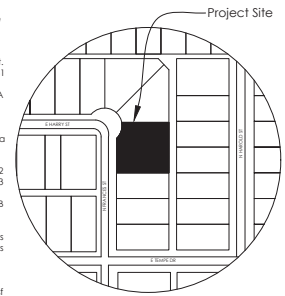
Frances Street Residence

1309 N FRANCES ST
TEMPE, AZ 85281



a0.1
Site Plan

Vicinity Map N.T.S.



Project Data

PROJECT DESCRIPTION:
Lot Split & Use Permit for 20% setback reduction. New single family home to be built on new proposed lot.

PROPERTY INFO:
Property Address - 1309 N Frances St, Tempe, AZ 85281
Parcel Number - 132-12-078A

Legal Description -
Lot 78 and 79 of North Tempe, according to the Plat recorded in book 36 of Maps, Page 50, records of Maricopa County.

Zoning - (Not Changed) R-2
Occupancy Type - (Single Family Residential) R-3

Construction Type - V-B

BEDROOM COUNT:
Lot A - 3 Bedrooms
Lot B - 3 Bedrooms

Project Directory

EXISTING RESIDENCE (Lot A)
Building Size: 1,806 sf
Livable: 137 sf
Laundry: 80 sf
Storage: 355 sf
Patio (Rear): 144 sf
Patio (Front): 144 sf

Total Livable - 2,023 sf
Total Footprint - 2,522 sf

PROPOSED RESIDENCE (Lot B)
Building Size: 1,752 sf
1st Floor Livable: 226 sf
1st Floor Patios - Garage: 523 sf

Total Footprint (1st Floor Only) - 1,752 sf

2nd Floor Livable - 1,023 sf
2nd Floor Patio/Balcony - 137 sf
Total Livable - 2,397 sf

Building Height (From Grade) - (30' Allowed) 26'-11"

DENSITY:
Maximum - 10 DU/AC
Proposed A - 1 DU/AC
Proposed B - 1 DU/AC

LOT SIZE PER DWELLING UNIT:
Minimum - 3,600 sf
Existing - 14,680 sf
Proposed A - 8,780 sf
Proposed B - 5,900 sf

LOT INFO:
COMBINED LOT (Existing): 0.337 acres
Total Lot Area (sf) - 14,680 sf

Governing Building Codes

All construction shall comply with the following codes and City of Tempe amendments:

- 2018 Tempe Building Safety Administrative Code
- 2018 International Energy Conservation Code (IECC)
- 2018 International Residential Code (IRC)
- 2018 International Existing Building Code (IEBC)
- 2018 International Building Code (IBC)
- 2018 International Mechanical Code (IMC)
- 2017 National Electrical Code (NEC)
- 2018 International Plumbing Code (IPC)
- 2018 International Fuel Gas Code (IFGC)
- 2018 International Swimming Pool and Spa Code (ISPSA)
- 2018 International Fire Code (IFC)

Energy Note:

2018 IRC - New and/or remodeled building envelope areas shall comply with the following: Fenestration = 0.40 max U-Factor, 0.25 max SHGC. Min. R-19 @ frame walls & floors, R-4/6 @ Mass wall, R-38 @ ceilings. Duct insulation located outside the building envelope requires minimum R-8 and R-5 when located in floor joists. Minimize air leakage per R602.4.

Building Setbacks:

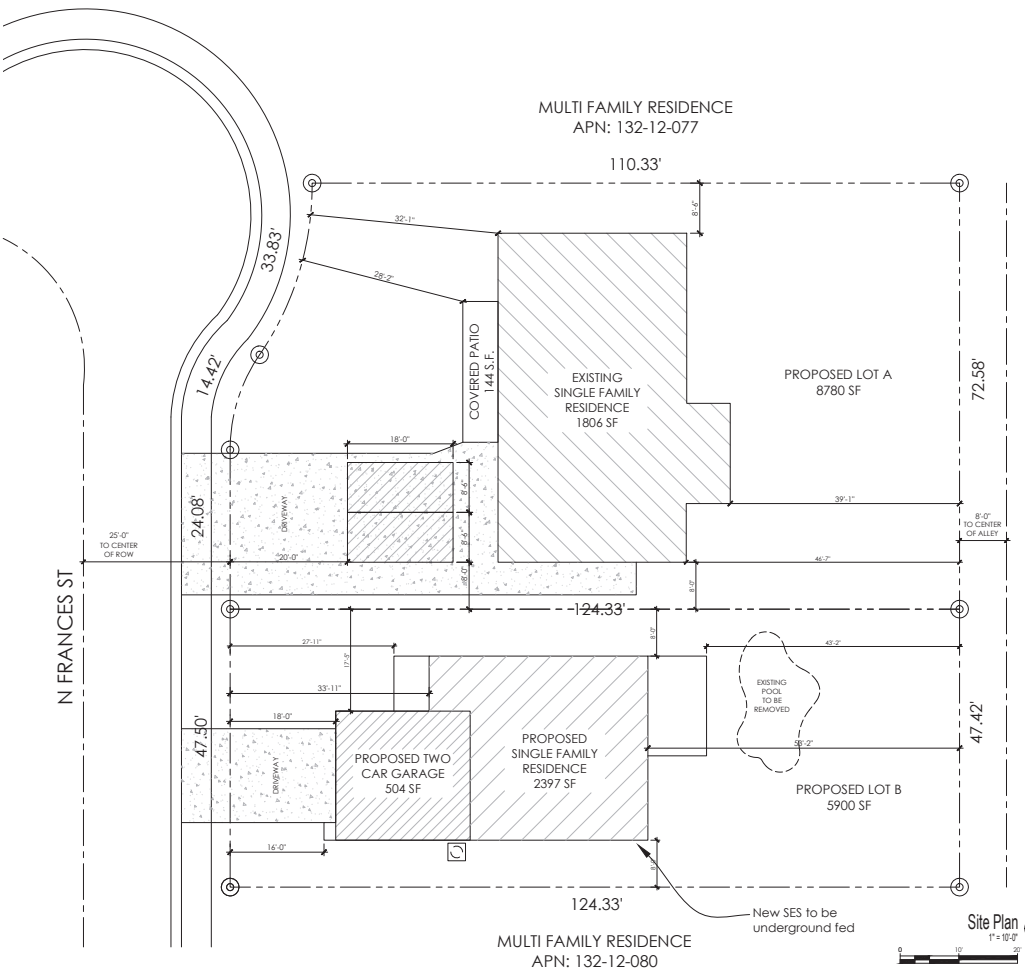
	Required	Use Permit	Provided
Front	20'-0"	16'-0"	28'-2"
Rear	15'-0"	12'-0"	39'-1"
Side (North)	10'-0"	8'-0"	8'-6"
Side (South)	10'-0"	8'-0"	8'-0"

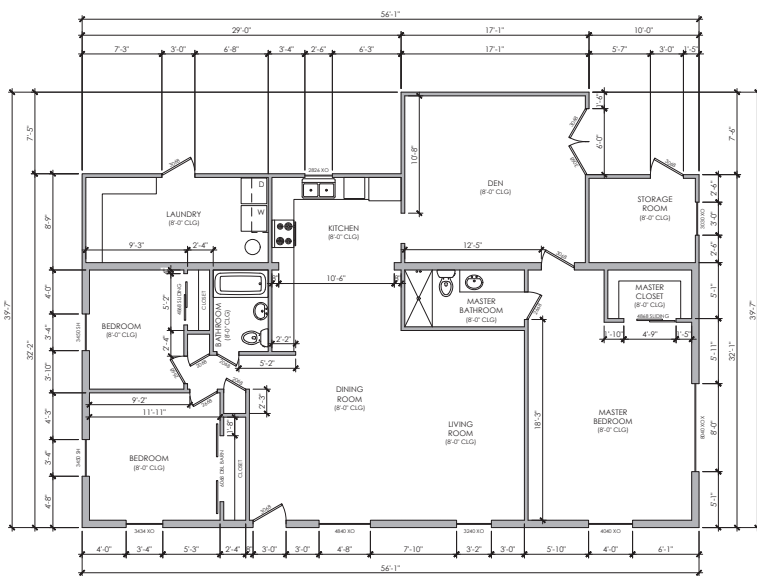
LOT B (Proposed with New Residence):

Total Lot Area (acres) -	0.135 acres
Total Lot Area (sf) - (3,600 Minimum)	5,900 sf
Total Building Footprint -	1,752 sf
Lot Coverage - (45.00% Allowed)	29.69%
Required Landscape Coverage - (30%)	1,770 sf
Proposed Landscape Coverage - (65.25%)	3,850 sf

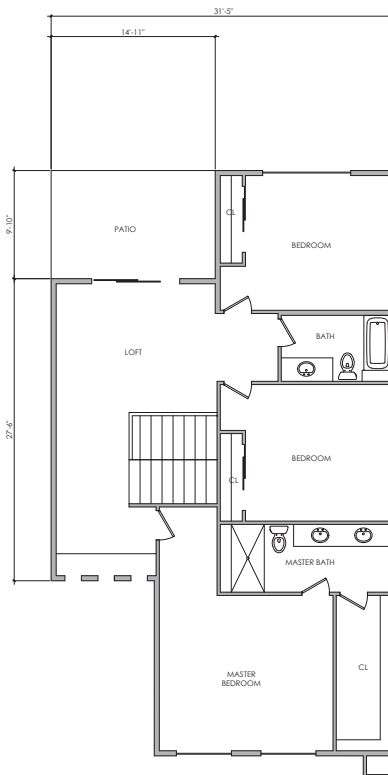
Building Setbacks:

	Required	Use Permit	Provided
Front	20'-0"	16'-0"	16'-0"
Rear	15'-0"	12'-0"	43'-2"
Side (North)	10'-0"	8'-0"	8'-0"
Side (South)	10'-0"	8'-0"	8'-0"

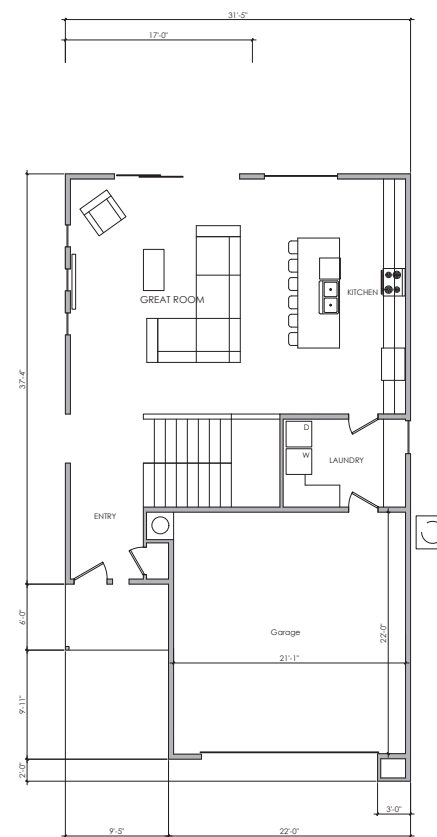




Floor Plan
Existing Residence (North Lot)
318' x 140'

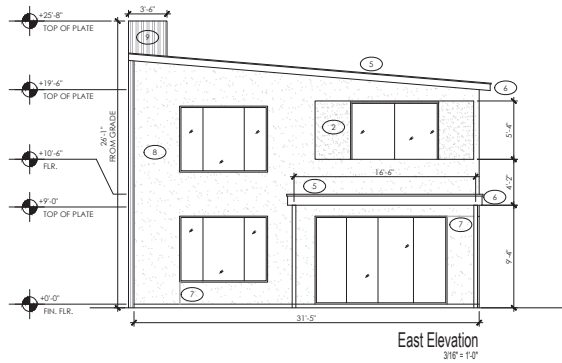


Floor Plan - 2nd Floor
Proposed Residence (South Lot)
318' x 140'

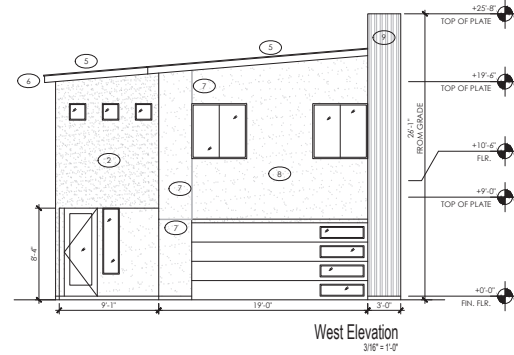


Floor Plan - 1st Floor
Proposed Residence (South Lot)
318' x 140'

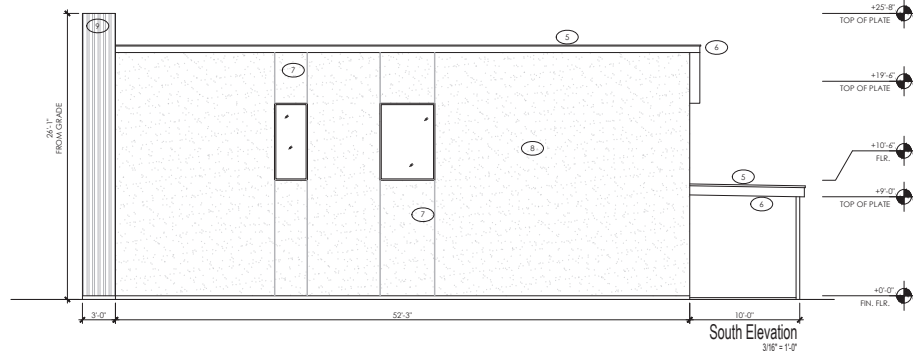




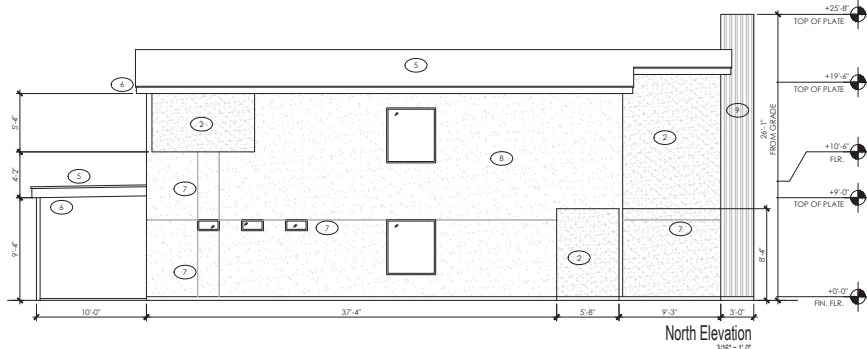
East Elevation
3/16" = 1'-0"



West Elevation
3/16" = 1'-0"



South Elevation
3/16" = 1'-0"



North Elevation
3/16" = 1'-0"

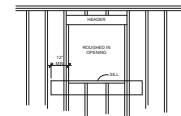
Keynotes

1. Slope grade away from house of a minimum of 6' within 10' (R401.3.1)
2. Smooth coat stucco.
3. All pillars to be weather treated.
4. Provide continuous sealant bead where siding abuts window and doorframes. Use manufacturer's recommended counter-flashing on all penetrations.
5. New metal roof standing seam.
6. 2x8 fascia.
7. Fry Reglet.
8. Sand finish stucco.
9. Metal Panel.

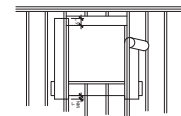
Special Notes

1. PROVIDE WEATHER FLASHING/PROOFING AT EXTERIOR WALL PENETRATIONS, INCLUDING WINDOWS, DOORS, AND VENTS PER R703.8.

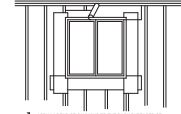
Flashing Details



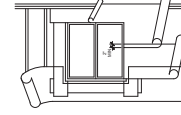
1 - APPLY A BEAD OF SEALANT TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME.



2 - APPLY A BEAD OF SEALANT TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME.



3 - APPLY A BEAD OF SEALANT TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME.



4 - APPLY A BEAD OF SEALANT TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME. THE SEALANT BEAD SHALL BE APPLIED TO THE INSIDE OF THE WINDOW FRAME.

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Residence
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TEMPE, AZ 85281