

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/10/2023  
Agenda Item: 3**

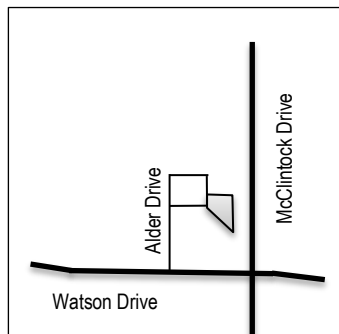
**ACTION:** Request a Use Permit to allow a second-story addition to a single-story, single-family residence for CLOUD RESIDENCE, located at 5817 S Alder Drive (PL230204). The applicant is Marshall Cloud.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** CLOUD RESIDENCE (PL230204) is a proposed 1,850 square foot second-story addition to an existing single-family residence. The project includes the construction of an attached garage for recreational vehicles and an attached, two-story livable area. The project also includes an expanded driveway in the front yard. The request includes the following:

ZUP230049 Use Permit to allow a second story addition to an existing single-family residence.



Property Owner	Marshall Cloud, Chelsey Lou Cloud
Applicant	Marshall Cloud
Zoning District	R1-6
Site Area	12,985 s.f.
Building Area	3,986 s.f.
Lot Coverage	31 (45 max. allowed)
Building Height	26' (30' max. allowed)
Building Setbacks	24' front, 5' south side, 12' north side, 15' rear (20', 5', 5', 15' min. required)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Chris Jasper, Senior Planner (480) 350-8096

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Chris Jasper, Senior Planner

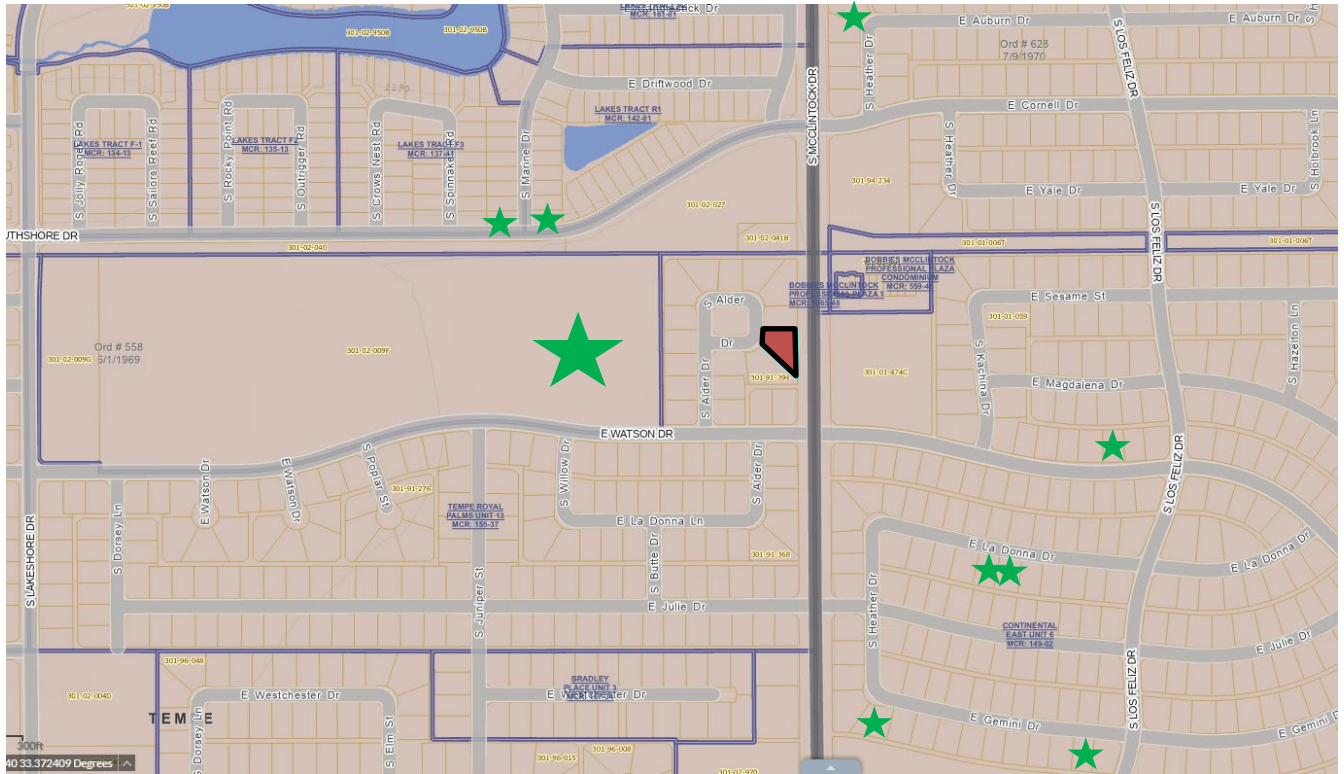
Reviewed by: Mailen Pankiewicz, Principal Planner

**COMMENTS**

The second-story building addition will allow an 1,850 square foot structure to be added to the side of the existing single-family residence. The addition includes a 997 square-foot RV garage and 1,279 square feet of livable area, split between two floors. The livable space will include one bedroom and two bathrooms. The livable space will be accessible from the primary residence through the RV garage and through an enclosed stairway on the north side of the building. To protect the privacy of the neighboring single-family residence to the south, staff has introduced a condition of approval that would require all windows on the second story of the southern elevation to be installed with a frosted privacy film or equivalent material.

There are nine (9) properties within the general vicinity of the site that feature two-story buildings:

- 1600 E Watson Drive (Fees College Preparatory Middle School)
- 5637 S Marine Drive
- 5634 S Marine Drive
- 1839 E Julie Drive
- 1845 E Julie Drive
- 1815 E Gemini Drive
- 1871 E Gemini Drive
- 1866 E Watson Drive
- 5504 S Heather Drive



**PUBLIC INPUT**

A neighborhood meeting was not required for this request. As of the completion of this staff report, staff has not received any public input.

**USE PERMIT**

The proposed use requires a Use Permit to allow for a second story addition to an existing single-story residence 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 proposed second story addition is intended for use in conjunction with a single-family residence and is not expected to significantly increase vehicular or pedestrian traffic. By code, a minimum of two off-street vehicle parking spaces are required outside of the front building setback, and the plan provides for two spaces in the existing garage, as well as additional parking in the RV garage.
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 addition is not expected to generate emissions at levels exceeding those 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 addition is not anticipated to contribute to deterioration of the neighborhood or downgrading of property values. The addition is not in conflict with the Tempe 2040 General Plan; and*

4. *Compatibility with existing surrounding structures and uses; the second story addition is unlike surrounding structures directly adjacent to the site; however the Fees College Preparatory Middle School is located west of the single-family homes on the west side of Alder Drive, and there are numerous two-story buildings in The Lakes subdivision to the northwest.*
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 addition is not expected to create a nuisance to the surrounding area or general public.*

#### **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 or 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.
3. **All viewing windows on the south façade of the building addition second story shall be installed with a frosted privacy window film or equivalent material, to be evaluated with the Building Permit submittal, that shall impede views into the neighboring yard.**

#### **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.

#### **HISTORY & FACTS:**

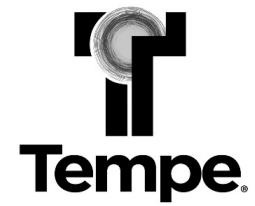
December 1, 1976            Single-family residence constructed on the subject site.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

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

[Section 3-420, Single-Family Residential Second Story Addition or Rebuild](#)

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



# **DEVELOPMENT PROJECT FILE**

for

**CLOUD RESIDENCE  
(PL230204)**

## **ATTACHMENTS:**

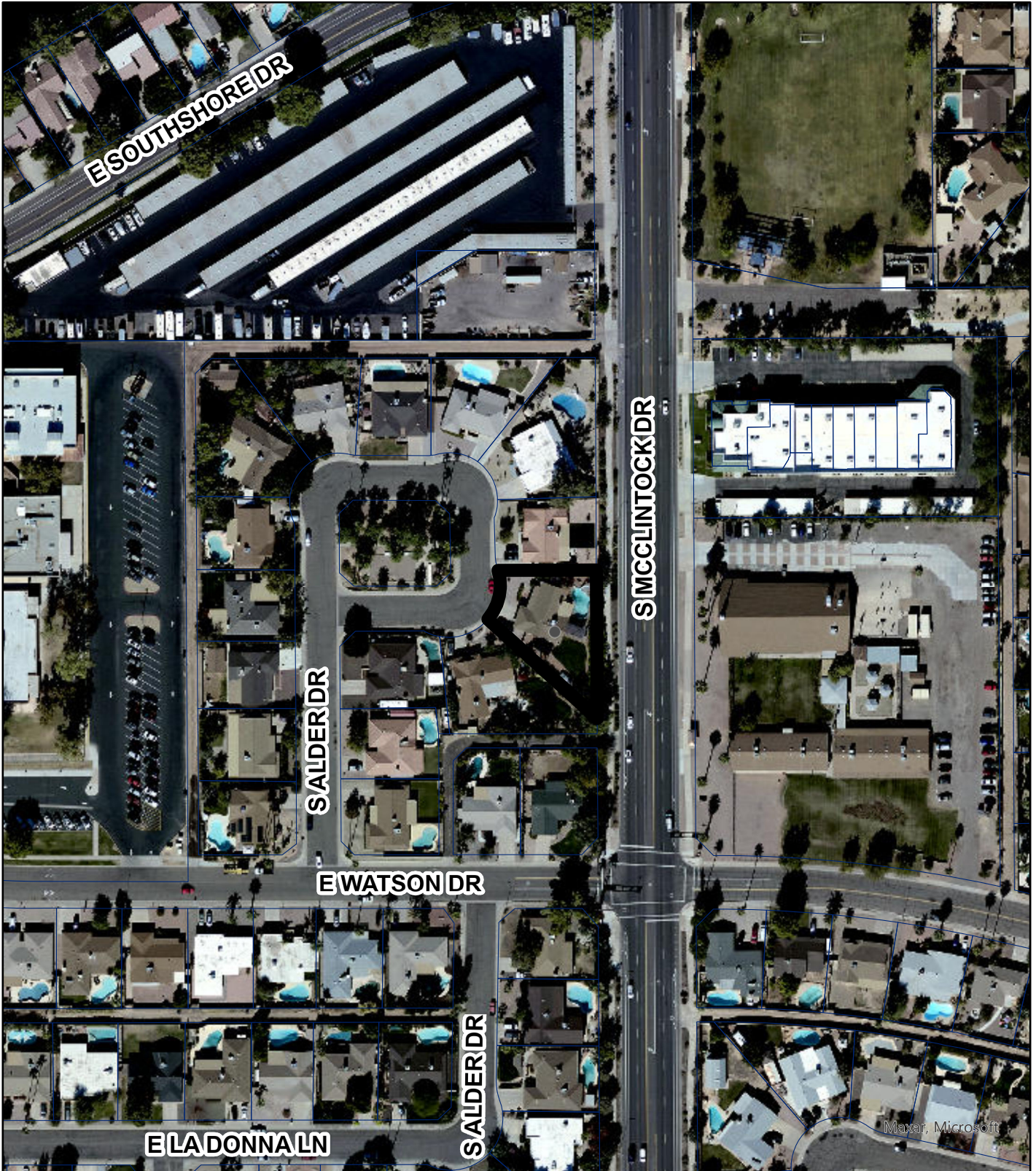
- 1-6. Site Context (Location Map, Aerial Map, Site Photos)
- 7. Applicant's Letter of Explanation
- 8-10. Site Design and Building Design (Site Plan and Blackline Elevations)



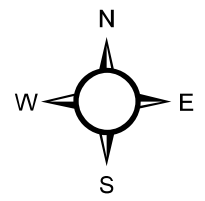
Tempe

5817 S Alder Drive

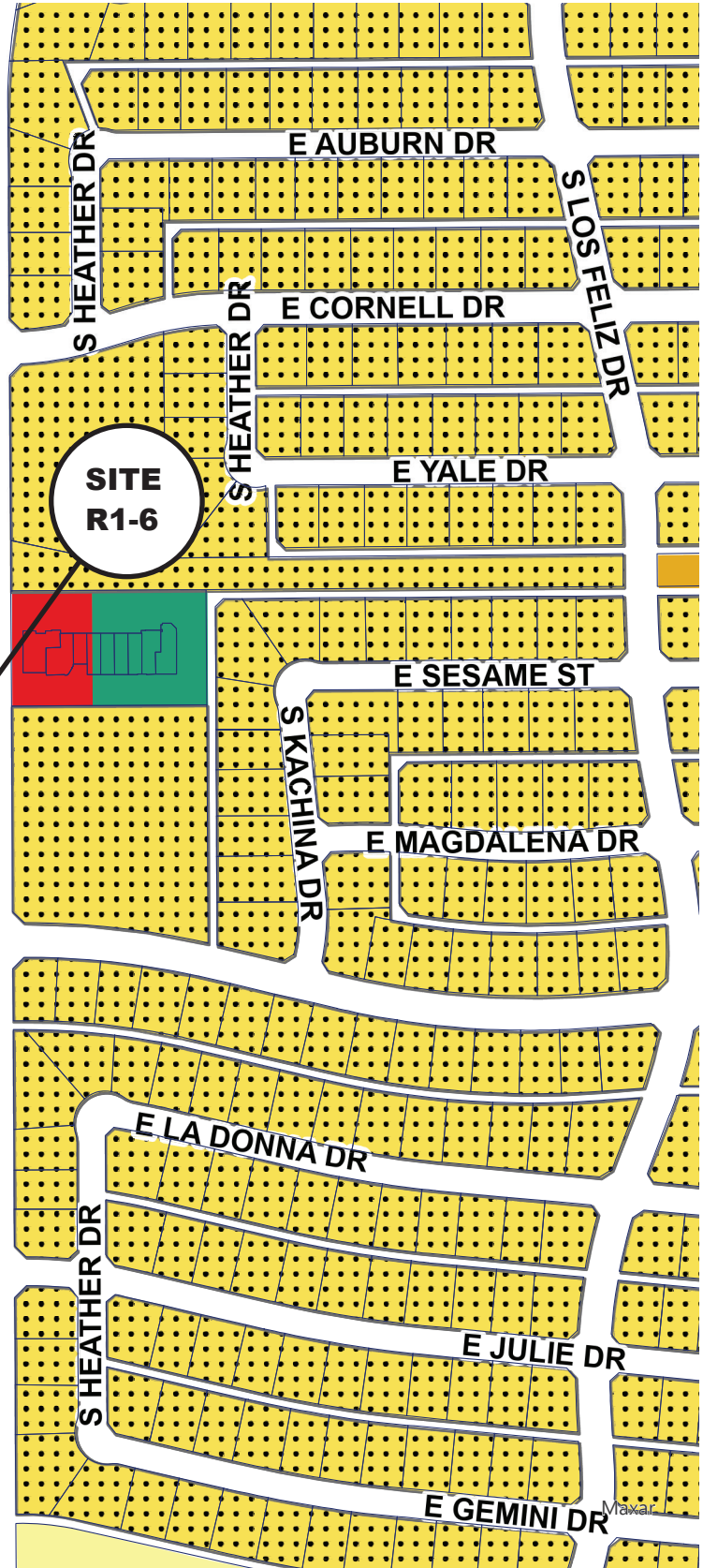
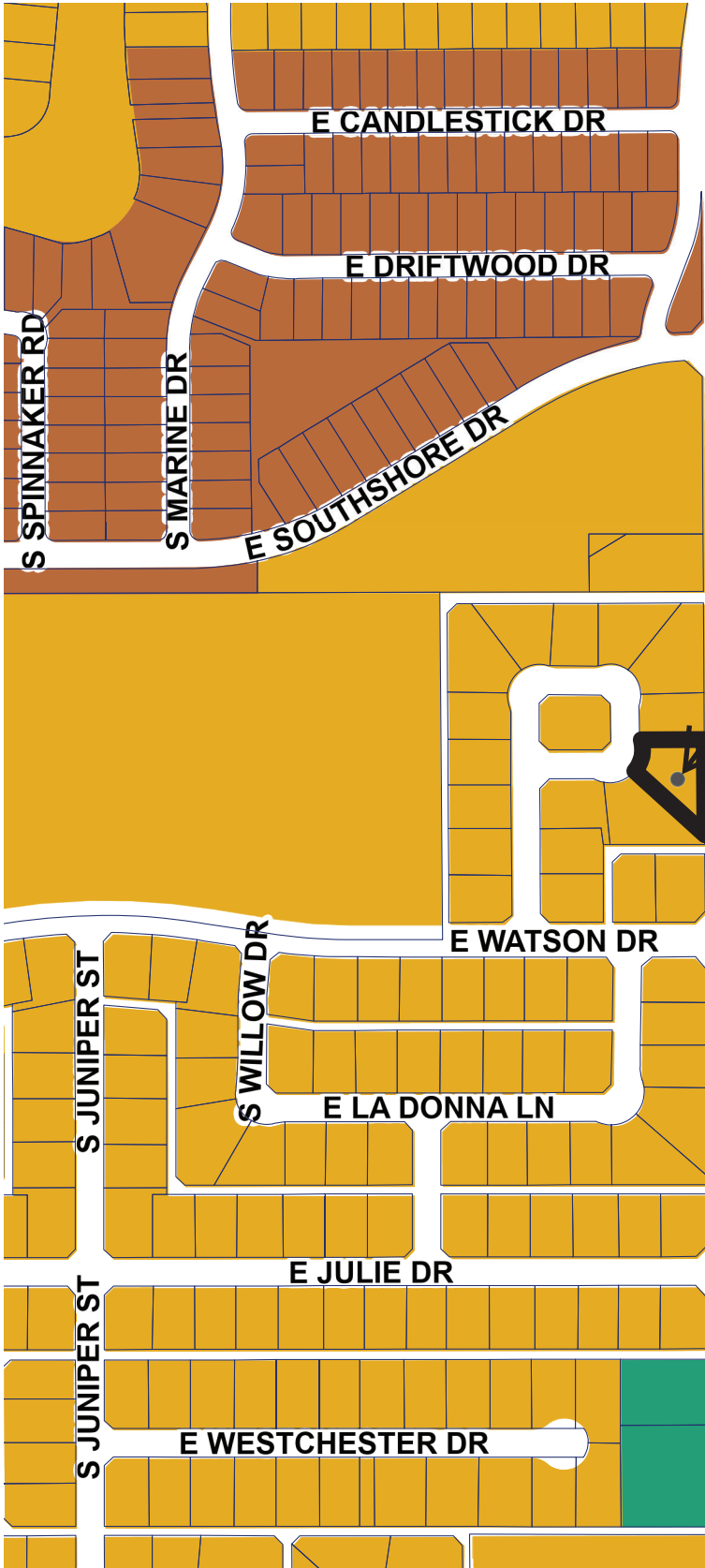
PL230204



Aerial Map



# 5817 S Alder Drive



- Commercial Shopping and Services (CSS)
- Residential/Office (RO)
- Agricultural (AG)
- Single-Family Residential (R1-7)
- 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)

ATTACHMENT 2





ATTACHMENT 3





ATTACHMENT 4



ATTACHMENT 5



ATTACHMENT 6

Regarding: Building and special use permit for second story addition for Cloud residence:

Marshall and Chelsey Cloud  
5817 S. Alder Drive  
Tempe, AZ 85283

We bought this property in Tempe about five years ago because of the close proximity to work and family. My wife and I grew up in Tempe as well as our four children. All of us are graduates of Tempe and McClintock high schools.

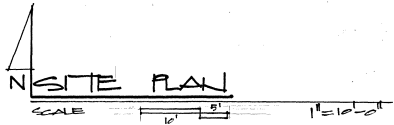
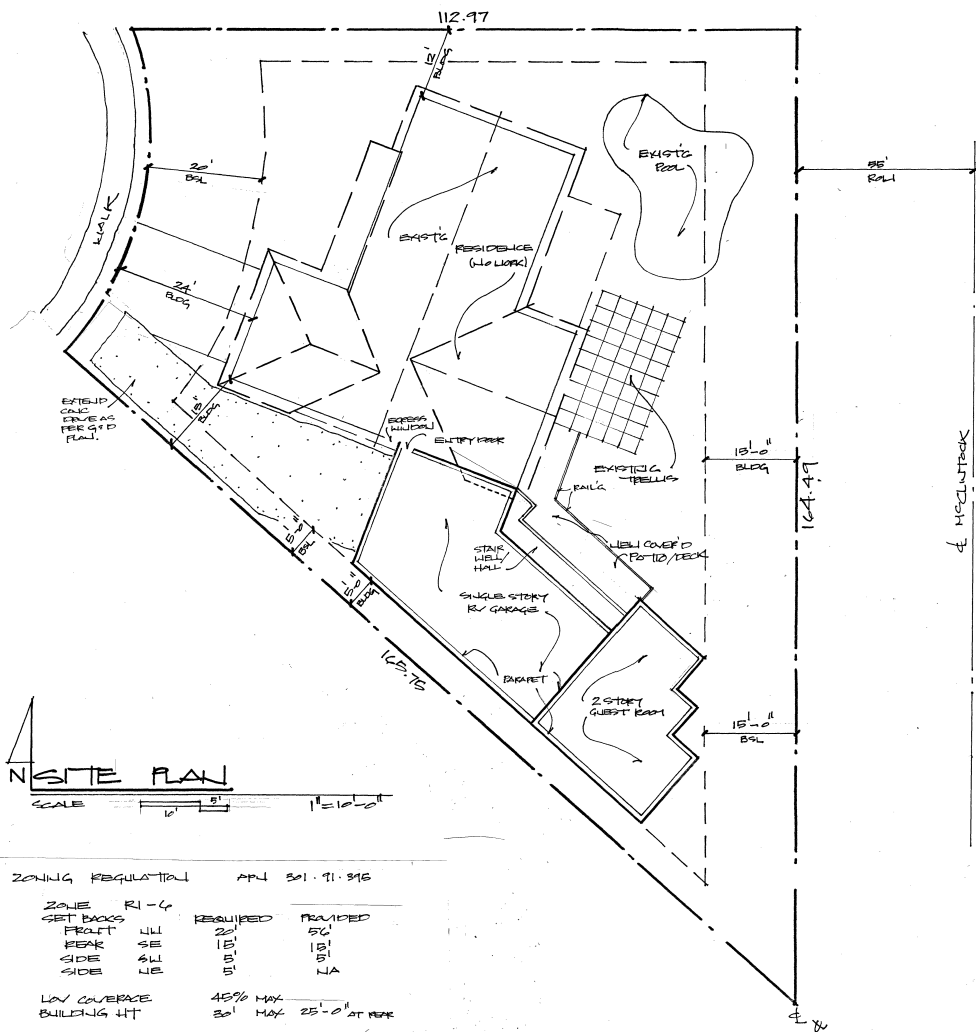
We also took into consideration the large size of the lot for a future addition of a R/V garage with a guest house in the back. My in-laws jokingly kidded about mother-in-law quarters. It is now five years later and with funds secured, we have decided to add the R/V garage and guest house in the back for family and friends when they visit.

It has been a grueling year-and-a-half of planning and, re-planning with two different architects however, we now have a solid plan. Our hope is that we can get a use permit for the second story that will allow us to use a smaller footprint to avoid losing the backyard where our grandchildren play.

The plan includes the use of 2x6 constructed exterior walls, siding and insulation that will help conserve energy and be a greener structure. Also included is an on-demand water heater and mini-split A/C units. In an effort to conceal the A/C units and other items, we will build a 42" tall parapet around the back of the addition to conceal the mechanical units.

- a) Any significant increase in vehicular or pedestrian traffic: there will be no significant increase to vehicular or pedestrian traffic. In the event that an additional car or two is parked at the residence, the new garage will be used as off-street parking.
- b) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions: there will be no increase in odor, dust, gas, noise, vibration, smoke, heat or glare exceeding existing ambient conditions.
- c) 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: there will be no elements in this project that will decrease the value of the property.
- d) Compatibility with existing surrounding structures and uses; and: development of this property will be within the allowed zoning guidelines. The second story addition will have windows sensitive to the privacy of the neighbor to the south. McClintock Drive is to the east and will not be applicable to the criteria of this section.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surroundings are or general public: there will be no nuisances to the adjoining properties from this renovation.

ALKER



ZONING REGULATIONS APD 801.11.316

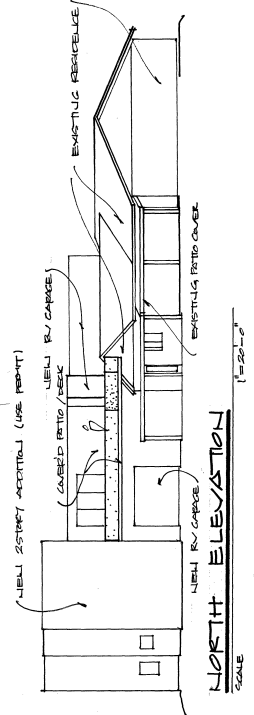
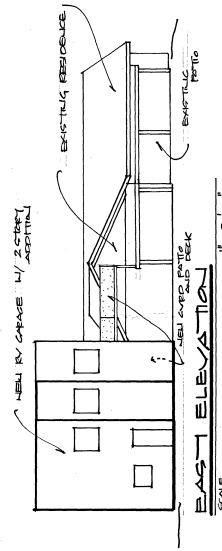
ZONE	R1-G	REQUIRED	PROVIDED
SET BACKS			
FRONT	LLI	25'	50'
REAR	SEE	15'	15'
SIDE	SLI	5'	NA
SIDE	LSI		
LVN COVERAGE		45% MAX	
BUILDING HT		30' MAX	25'-0" AT REAR
LOT SIZE		12,185	

BUILDING DATA

EXISTING UNDER REEF	2130	11
EXISTING UNABLE	1730	11
NEW ADDITIONAL UNDER REEF	1850	11
NEW ADDITIONAL UNABLE (GUEST QUART)	1271	11
NEW ADDITIONAL RV GARAGE	917	11
TOTAL UNDER REEF	2130+1850	23
TOTAL UNABLE	1730+1271+917	23
31% OK		

USE PERMIT: 2ND LEVEL UNABLE

NOTE  
 50% RULE DOES NOT APPLY TO NEW VS UNABLE SPACE. THESE 2 AREAS ARE COLLECTED BY AG SPACE  
 THE INCORRECT DRAWINGS WERE REVIEWED THRU THE PERMIT  
 LATEST PERMIT IS 240123  
 ATTACHMENT 8 A2, A3  
 DATE 7/21/23

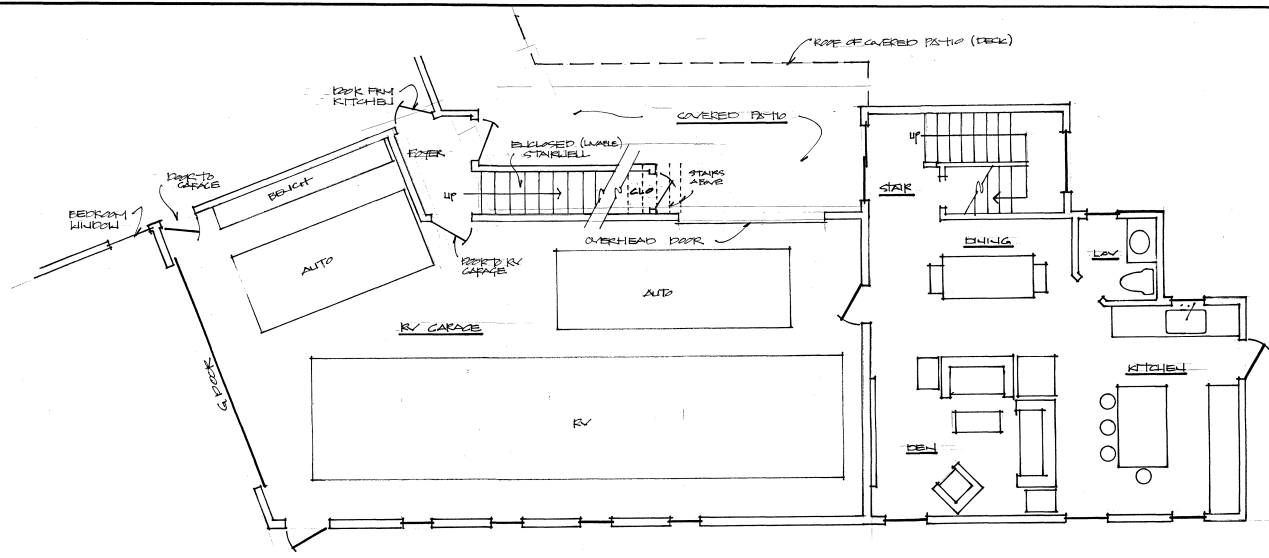


SULLER / LPS SITE  
 MARSHAL CLAUD  
 8817 S ALDER  
 TEMPE AZ

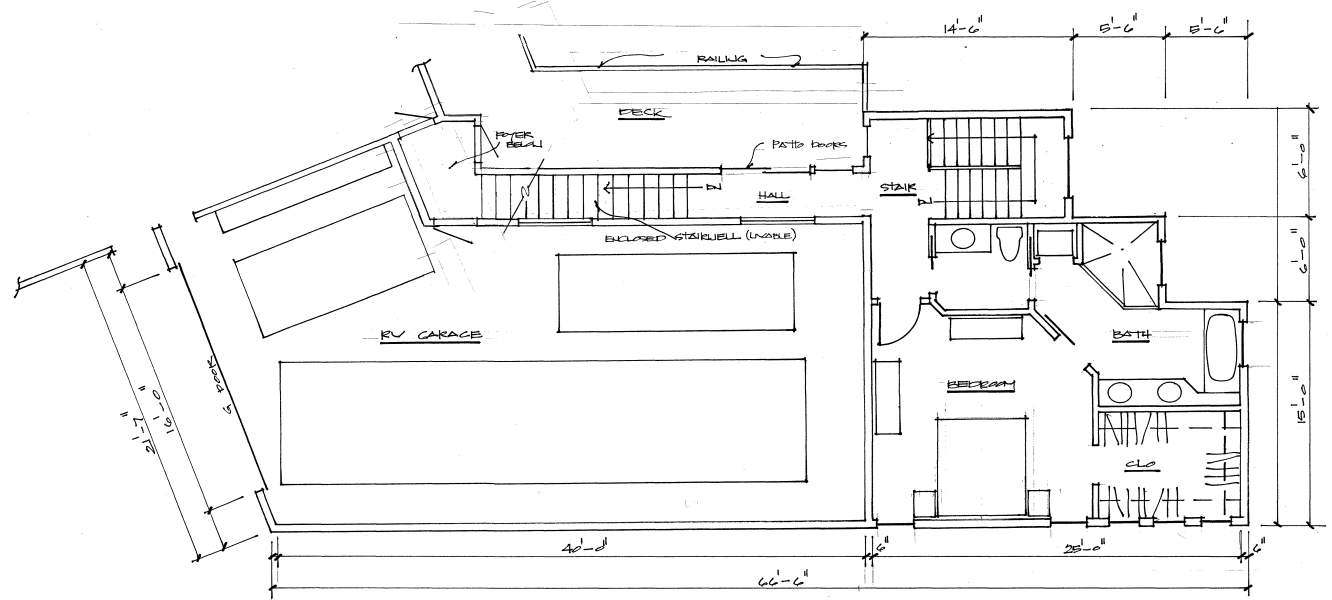
PLANNING  
 SITE PLAN  
 FOR USE PERMIT #117  
 DATE JULY 25 2023  
 REVISED 8.21.23

SHEET  
 A1  
 of  
 THREE

PLANNING / DESIGN  
 AN ULTIMATE APPROACH...  
 ...IT, DESIGN IS CONSTRUCTION  
 VITO PASCAL AIA  
 480.241.5180  
 VDPASCAL@GMAIL.COM



**FIRST FLOOR PLAN**  
 REVISED 7/10/23  
 SCALE 1/4" = 1'-0"



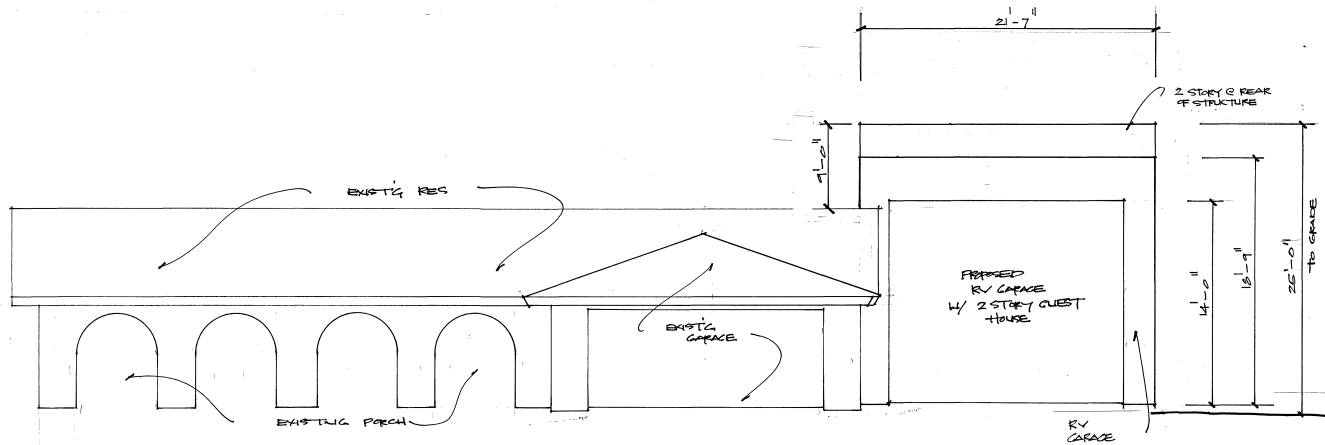
**SECOND FLOOR PLAN**  
 ATTACHMENT 9  
 REVISED 7/10/23  
 SCALE 1/4" = 1'-0"

PLANNING & DESIGN  
 VAN ULMISTE APPROACH...  
 ...TO DESIGN & CONSTRUCTION  
 VITO BASCALI ARCH  
 1400 24th SW  
 VANOCOR CORP. WEST

SHEET  
**AZ**  
 of  
 THREE

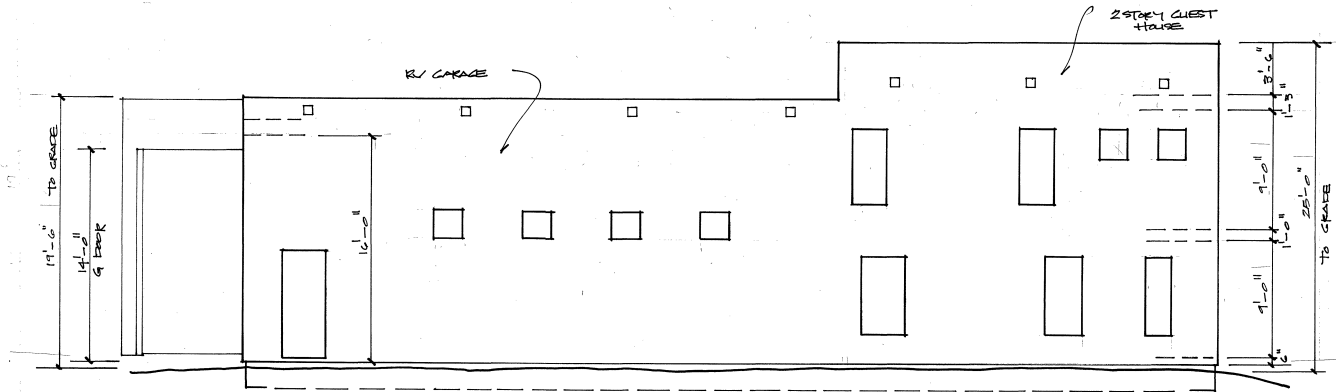
PLANNING  
**FLOOR PLANS**  
 for USE PERMIT APP  
 DATE JULY 25, 2023  
 REVISED 5.21.23

OWNER / JOB SITE  
 MARSHAL CLAUD  
 3317 S ALDER  
 TEMPE AZ



**FRONT ELEVATION**  
SCALE

REVISED 7/16/23  
1/4" = 1'-0"



**BUILDING ELEVATION**  
SCALE

REVISED 7/16/23  
1/4" = 1'-0"

PLANNING & DESIGN  
 YOUR ULTIMATE APPROACH...  
 ...to design's construction  
 VITO PASCALI AIA  
 480.241.5160 VITOPASCALI@GMAIL.COM

SHEET  
**A3**  
 THREE

DRAWING  
**ELEVATIONS**  
 FOR USE PERMIT APP  
 DATE JULY 25 2023  
 REVISED 8-21-23

OWNER/LEASER  
**MARSHAL CLAUD  
 5817 S ALDER  
 TEMPE AZ**