

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/12/2023
Agenda Item: 4**

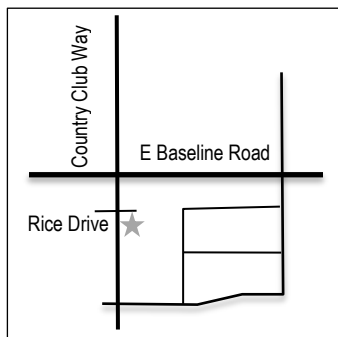
ACTION: Request a Use Permit to allow two (2) required parking spaces in the required front building setback for ATIKUZZAMN RESIDENCE, located at 2003 E Rice Drive. The applicant is Syed Atikuzzaman.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: ATIKUZZAMAN RESIDENCE (PL230305) is a single-family residence located within the R1-6 Single Family Residential zoning district. The request includes the following:

ZUP230069 Use Permit to allow required parking in the front setback.



Property Owner	Syed Atikuzzaman and Jahan Rowshon
Applicant	Syed Atikuzzaman
Zoning District	Single-Family Residential (R1-6)
Site Area	8,294 s.f.
Building Area	2,027 s.f.
Lot Coverage	24.44% (45% max. allowed)
Building Height	14'4" (30' max. allowed)
Building Setbacks	30'6" front, 5' side, 15' street side, 38' rear (20', 5', 10', 15' min. required)
Vehicle Parking	2 spaces (2 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 subject site is located at the southeast corner of E Rice Drive and S Country Club Way, on Lot 1042 of the Knoell Tempe subdivision. Constructed in 1990, the residence includes three (3) bedrooms and two (2) bathrooms. The applicant is requesting a Use Permit to allow two (2) required parking spaces, both measured at 8 feet, 6 inches in width and 18 feet in length, within the 20-foot required front yard setback, to accommodate the enclosure of an existing two-car garage into 418 square feet of new livable space. The proposed enclosure includes the addition of a fourth bedroom and third bathroom. Sufficient space exists on the driveway to accommodate the two required parking spaces, and the applicant is proposing to install pavers on either side of the driveway in addition to the interior improvements.

PUBLIC INPUT

- A neighborhood meeting was not required for this project
- Staff has not received any public comments since the publication of this report

USE PERMIT

The proposed use requires a Use Permit to allow the 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 parking area is intended to serve the residents of the single-family residential home, and thus parking in the front yard setback is not anticipated to generate 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 use is not anticipated to generate environmental nuisances in excess of existing 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*; Parking in the front yard setback is permitted in the R1-6 zoning district, subject to the approval of a Use Permit. Similar parking conditions are present elsewhere in the neighborhood, and the proposed parking configuration is not anticipated to cause or contribute to the deterioration of the neighborhood..
4. *Compatibility with existing surrounding structures and uses*; The exterior modifications to the building are minor in nature and consistent with the building's architectural style, and will not result in any changes to the building footprint. The use is compatible with all surrounding structures, uses, and conditions 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(s) [or Use Permit Standard(s)] [is or 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.

- 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.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

1990 Single-family residential home is constructed.

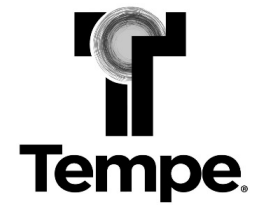
December 12, 2023 Use Permit request is scheduled to be heard by the Development Review Commission.

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](#)



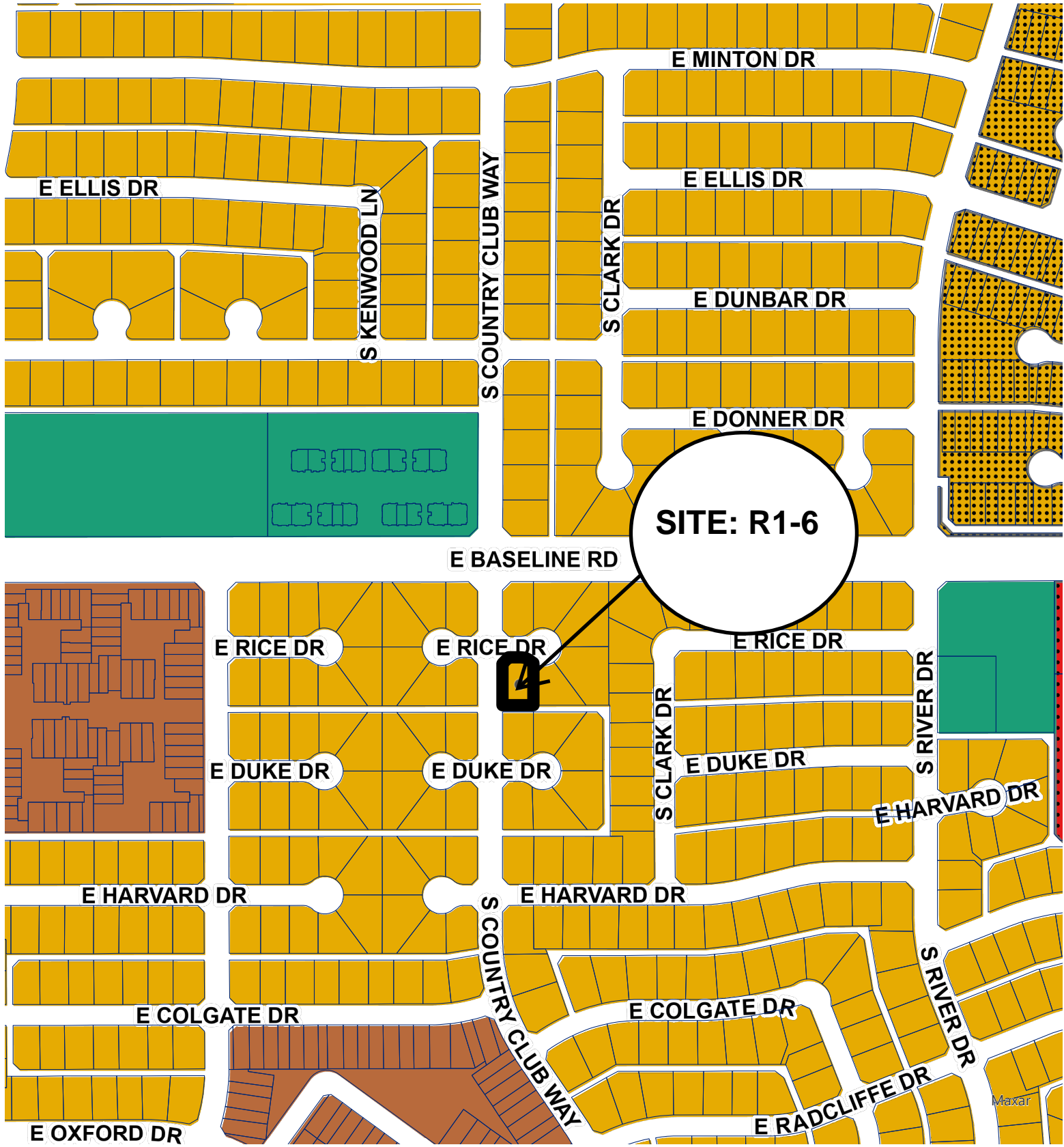
DEVELOPMENT PROJECT FILE
for
ATIKUZZAMAN RESIDENCE
(PL230305)

ATTACHMENTS:

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

ATIKUZZAMAN RESIDENCE

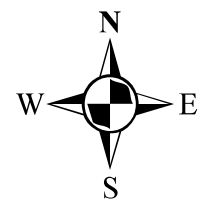
PL230305



- Planned Commercial Center Neighborhood (PCC-1)
- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Single-Family Residential (R1-4)
- Multi-Family Residential (R-2)
- Parcels

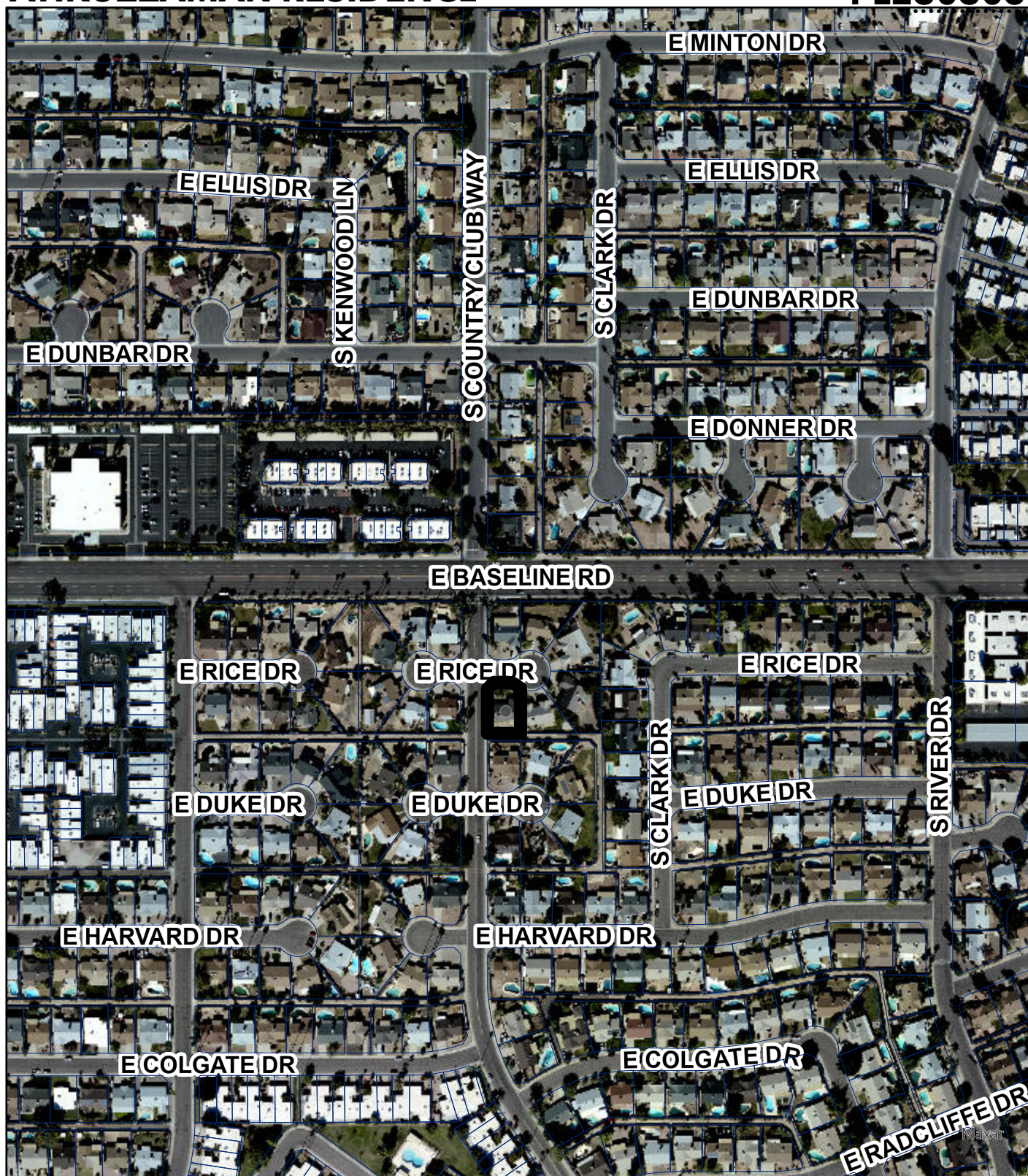
- Twelve Point**
CenterlineSubType
- ADOT
 - Canal
 - Monument
 - Private

- Railroad
Street
<all other values>
- Zoning District**
- Light Industrial District (LID)
 - General Industrial District (GID)
 - Heavy Industrial District (HID)

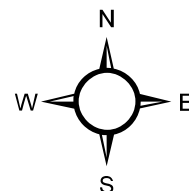


ATIKUZZAMAN RESIDENCE

PL230305



Aerial Map



Letter of Explanation

To Whom It May Concern

Date: 09/26/2023

Property located at '2003 E RICE DR, Tempe AZ 85283' needs an expansion to its livable space by converting garage to an additional room and an attached bath. Our 14 years old daughter is a special need with a diagnosis of spastic quadriplegic cerebral palsy. Her extensive round the clock care involves nurses, therapists, caregivers, and various lifesaving equipment at home. Most of the spaces of our home are being used for my disabled daughter only. Therefore, as she is growing up, more space is necessary to adapt to her continuously increasing needs.

The expansion (garage modification) is exclusively for my family use, therefore:

- a. It is not anticipated to increase or create any significant vehicular or pedestrian traffic in adjacent areas;
- b. It is not anticipated to increase or create any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;
- c. It is not anticipated to contribute to the deterioration of the neighborhood or to the downgrading of property values, which conflicts with the goals, objectives or policies of the city's adopted plans for General Plan.
- d. Architecture will be similar to the existing architecture, and the affected area is only the garage space, thus, there will be no compatibility issue with the existing surrounding structures and uses.
- e. This project will not cause any disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.



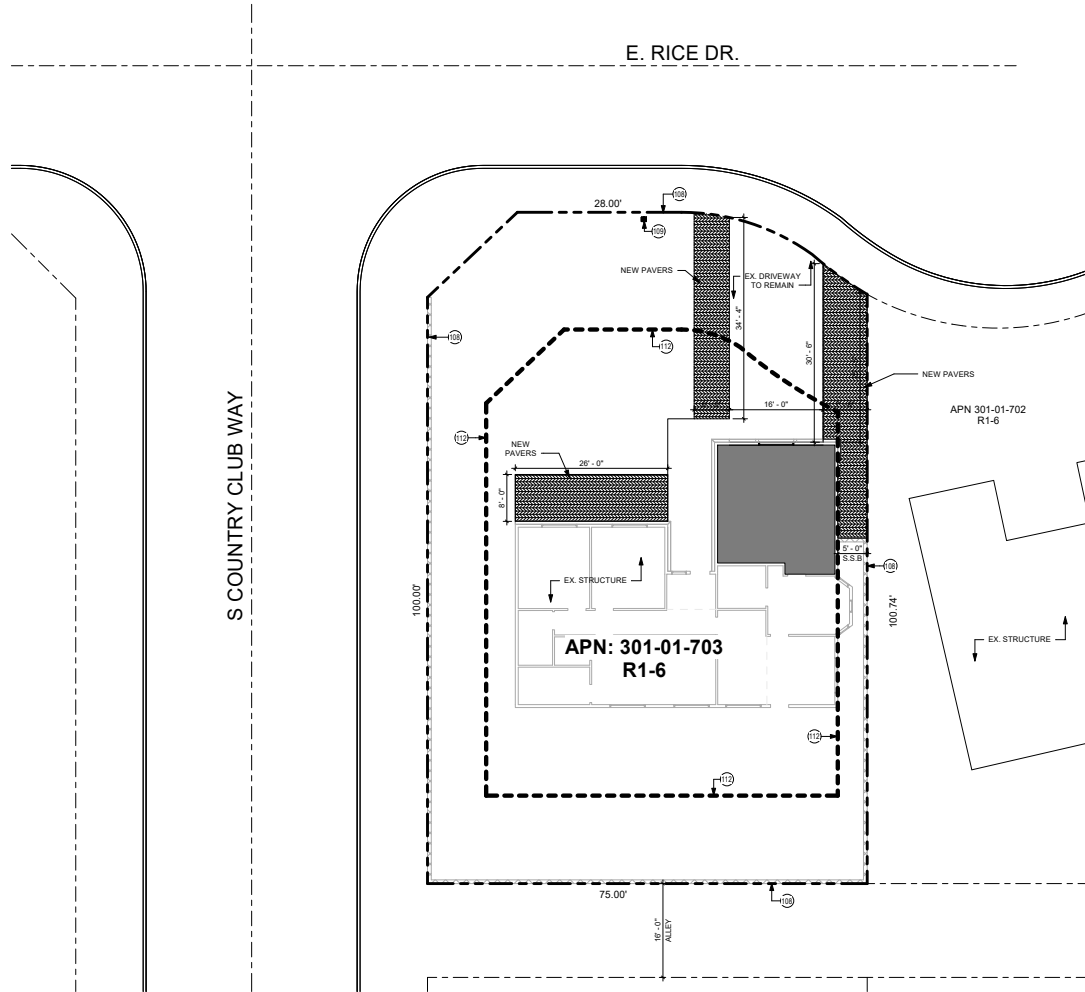
Regards,

Syed Atikuzzaman
2003 E RICE DR
Tempe AZ 85283

ATIKUZZAMAN RESIDENCE - CONVERSION

2003 EAST RICE DRIVE TEMPE, ARIZONA 85283

USE PERMIT PACKAGE 09.21.2023



1 SITE PLAN
1" = 10'-0"

PROJECT INFO AND SITE DATA

PROJECT ADDRESS:
2003 EAST RICE DRIVE
TEMPE, AZ 85283

LEGAL DESCRIPTION:
CONVERTING EXISTING 2-CAR GARAGE INTO AN ACCESSIBLE BEDROOM WITH CLOSET AND BATHROOM.
LOT 1042, OF KNOLLE TEMPE UNIT FIVE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE
RECORDERS OF MARICOPA COUNTY, ARIZONA, IN BOOK 148 OF MAPS, PAGE 28 AND AMENDED IN BOOK 150 OF
MAPS, PAGE 9.

PROJECT DESCRIPTION:
CONVERTING EXISTING 2-CAR GARAGE INTO AN ACCESSIBLE BEDROOM WITH CLOSET AND BATHROOM.

TOTAL NEW LIVABLE: 998 S.F.

PROJECT DATA:
ZONING: R1-6
APN: 301-01-703
LOT: 1042
MCR: 15009
STR: 1-15-4E
OCCUPANCY: SINGLE FAMILY RESIDENCE
SUBDIVISION: KNOLLE TEMPE UNIT 5

AREA CALCULATIONS (NET):
LOT SIZE: 8,294 SF
EXISTING LIVABLE AREA: 1,609 SF
NEW LIVABLE AREA: 418 SF
TOTAL LIVABLE AREA: 2,027 SF

TOTAL FLOOR AREA (GROSS): 2,027 S.F.

NET SITE AREA (WITHIN PROPERTY LINES): 8,294 S.F.
GROSS SITE AREA (INCLUDES RIGHT OF WAY): 14,902 S.F.

TOTAL SITE: 8,294 SQ.FT. = 0.190 AC.

FLOOR AREA COVERAGE: 2,027/8,294 = 24.44%

MAX. BLDG. HEIGHT ALLOWED: 30'-0" @ 2 STORIES
BLDG. HEIGHT PROPOSED: 14'-4" @ 1 STORY

BEDROOM COUNT
EXISTING: 3
PROPOSED: 1
TOTAL: 4

APPLICANT/DESIGN PROFESSIONAL:
VALENCIA ARCHITECTURA
T: (480)-231-5388
SERGIO VALENCIA
VALENCIA.ARQUITECTURA@HOTMAIL.COM

OWNER / DEVELOPER:
ATIKUZZAMAN SYED / JAHAN ROWSHON
2003 E. RICE DR.
TEMPE, ARIZONA 85283
T: (480)-220-1674
syed.atikuzzaman@gmail.com

ADOPTED CODES:
2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL RESIDENTIAL CODE
2018 INTERNATIONAL FIRE CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2018 INTERNATIONAL FUEL AND GAS CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2017 NATIONAL ELECTRICAL CODE

SHEET INDEX:

NO.1	SITE PLAN
NO.2	CONTEXT SITE PLAN
NO.3	CONTEXT PHOTOS
NO.4	FLOOR PLAN
NO.5	EXTERIOR ELEVATIONS
NO.6	EXTERIOR ELEVATIONS

KEYNOTES:

108	PROPERTY LINE
109	EXISTING WATER METER
112	BUILDING SETBACK

AREA CALCULATION:

	EXISTING TO REMAIN 1,609 SQUARE FEET
	NEW LIVABLE 418 SQUARE FEET

ICC 2018 CHAPTER 11

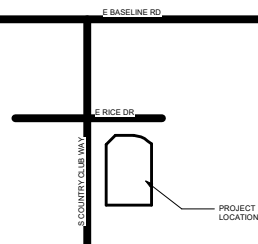
- ALL NEW GLAZING TO HAVE A U-VALUE OF .35.
- ALL NEW GLAZING TO HAVE A U-VALUE OF .35.
- NEW WALLS TO HAVE A MIN. R-19 INSULATION.
- NEW CEILING TO HAVE A MIN. R-38 INSULATION.
- 90% OF NEW LIGHTS TO BE HIGH-EFFICACY LAMPS.
- NEW DUCTS TO HAVE AN R-8 INSULATION IN
- UNCONDITIONED SPACE AND R-6 IN CONDITIONED
SPACE.

PROJECT TEAM

Owner		Architect/MEP	
Company	Atikuzzaman Syed	Company	Valencia Arquitectura
Address	2003 E. Rice Dr. Tempe, AZ 85283	Address	3008 W. Glass Ln. Phoenix, AZ 85041
Phone Number	(480) 220-1674	Phone Number	480.231.5386
Fax Number	-	Fax Number	-
Contact	Syed Atikuzzaman	Contact	Sergio Valencia

VICINITY MAP

SCALE: NTS



ARCHITECT



VALENCIA ARQUITECTURA
SERGIO VALENCIA

480.231.5386
valencia.arquitectura@hotmail.com

CONSULTANT

OWNER

ATIKUZZAMAN SYED

2003 E Rice Dr
Tempe, Arizona 85283

PROJECT DESCRIPTION

ATIKUZZAMAN RESIDENCE -
CONVERSION
2003 East Rice Drive
Tempe, Arizona 85283

REVISIONS

ISSUED FOR	NO.	DATE

SCALE

NOTES

DRAWING TITLE

SITE PLAN

As indicated

SCALE 22-001

PROJECT NUMBER

A0.1

DRAWING NUMBER

