

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/12/2023
Agenda Item: 5**

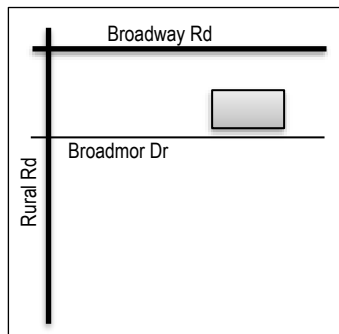
ACTION: Request a Use Permit to allow two (2) required parking spaces in the front yard building setback for the KELLER RESIDENCE, located at 942 East Broadmor Drive. The applicant is Nicholas Keller.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve

BACKGROUND INFORMATION: The KELLER RESIDENCE (PL230309) is located on the east side of Rural Road in a single-family neighborhood. The site is an existing single-family detached residence and is requesting a use permit to allow two parking spaces in the front yard setback. The request includes the following:

ZUP230073 Use Permit to allow two parking spaces in the front yard setback.



Property Owner	Nicholas and Shannon Keller
Applicant	Nicholas Keller
Zoning District	R1-6
Site Area	7,331 s.f
Building Area	2,369 s.f.
Lot Coverage	32% (45% max. allowed)
Building Height	16' (30 max. allowed)
Building Setbacks	24' front, 7' east side, 7'3" west side, 19'6" rear (20', 5', 10', 15' min. required)
Vehicle Parking	2 spaces (2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Whitney Mayfield, Planner I+, (480) 350-8486

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Whitney Mayfield, Planner I+,
Reviewed by: Michelle Dahlke, Principal Planner

COMMENTS

The site is located between Rural and Terrace Roads and Broadway Road and Broadmor Drive in the Hughes Acres subdivision and in the Alameda Character Area Five. The existing residence has four bedrooms and two bathrooms. The owners are converting the two-car garage into a fifth bedroom with a bathroom and adding a bonus room. Due to the addition, the owners are seeking a use permit to satisfy the two parking spot requirements within the front yard setbacks, which had originally been planned to occur off the alley and at the time did not necessitate a use permit. The building plans also provided external access on the east side of the new addition. Currently, the Tempe Zoning and Development Code does not permit a separate dwelling from the main residence. As such, this addition is to be a part of the main residence, accessible from the interior, and not a separate dwelling. To this effect, special condition number two has been included.

PUBLIC INPUT

- Neighborhood meeting was not required for this request

USE PERMIT

The proposed use requires a Use Permit to allow parking within the front yard building setback in the R1- zoning district. The applicant has provided a letter of explanation for this request.

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

1. *Any significant increase in vehicular or pedestrian traffic*; Granting this use permit would not result in any additional vehicular nor pedestrian traffic as the conversion of the garage to additional living space will allow the owner's family to expand.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; There would be no nuisance arising from granting permission to parking in the driveway.
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 granting of the use permit is compatible with existing surrounding structures and uses as the vast majority of residents on east Broadmor utilize the driveway as dedicated parking. In addition, many residents utilize street parking as they are rentals with multiple tenant vehicles and have enclosed their garages for living space.
4. *Compatibility with existing surrounding structures and uses*; The addition to the residence will result in significant improvements to the physical property by improving surrounding property values. The added space allows for a long-term family plan to age in place at the current residence and accommodate growing children. Additionally, the addition to the residence is in line with the stated goals of the City's General Plan.
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 granting of this use permit is not expected to result in any disruptive behavior inside, outside, or create a general nuisance to any of the surrounding area or general public.

REASONS FOR APPROVAL

Based on the information provided by the applicant 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 and as conditioned within this application. Any additions or modifications may be submitted for review during the building plan check process.

2. **Prior to certificate of occupancy, a real covenant shall be recorded with the land restricting the use of the home addition from being rented or leased independently from the main residence. Such covenant shall be binding to all subsequent owners.**

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.

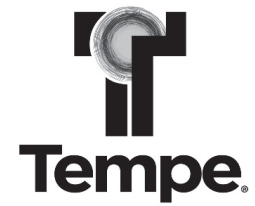
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body,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

1959	A single-family residence was built.
October 26, 2022	Use permit application for parking in the front yard setback.
April 12, 2023	Application for use permit withdrawn, as parking requirements were met in the rear off the alley.
May 5, 2023	Building Permit issued for garage to livable space.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 4-602, General Parking Standards](#)
[Section 6-308, Use Permit](#)



DEVELOPMENT PROJECT FILE

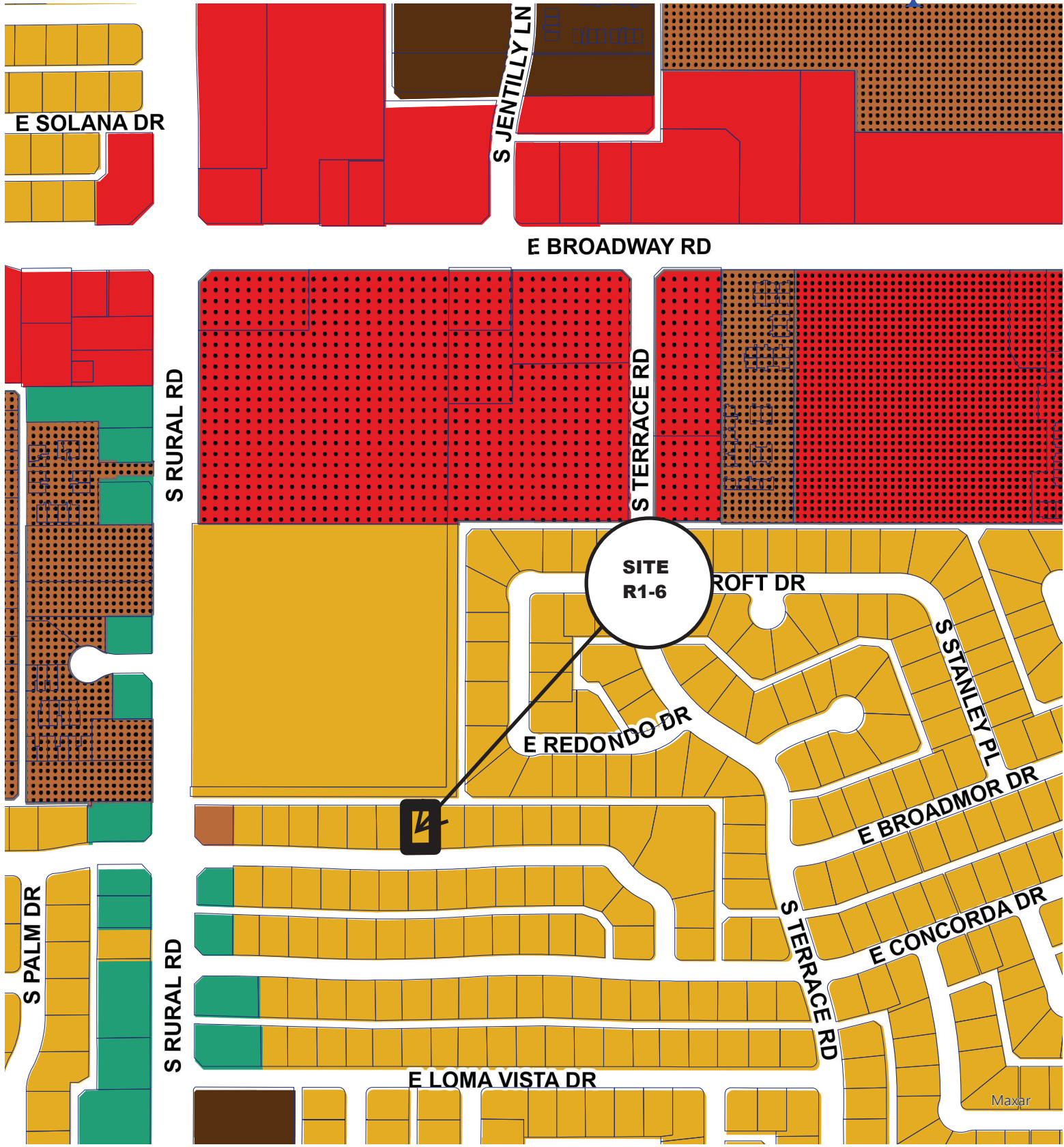
for

KELLER RESIDENCE
(PL230309)

ATTACHMENTS:

1. Site Context (Location Map, Aerial and Site Photos)
2. Applicant's Letter of Explanation
3. Site Design (Site Plan)
4. Building Design (Blackline/Color Elevations and Floor Plans)

KELLER RESIDENCE



- | | | | |
|--|------------------------------------------------|--|----------------------------------------|
| | Commercial Shopping and Services (CSS) | | Single-Family Residential (R1-6) |
| | Planned Commercial Center Neighborhood (PCC-1) | | Multi-Family Residential (R-2) |
| | Planned Commercial Center General (PCC-2) | | Multi-Family Residential Limited (R-3) |
| | Residential/Office (RO) | | Multi-Family Residential General (R-4) |

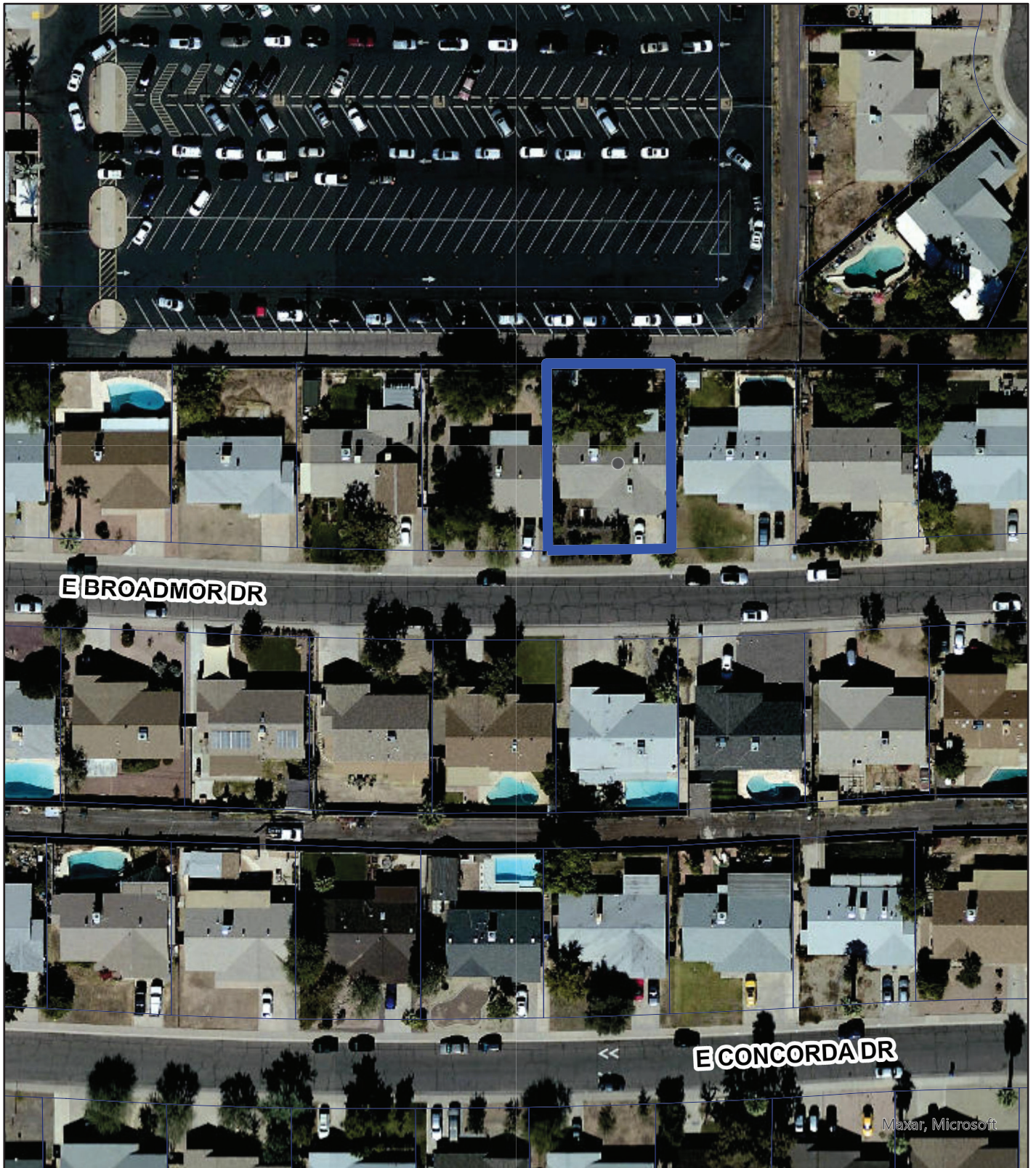




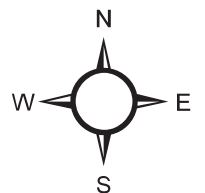
Tempe

PL230309

KELLER RESIDENCE



Aerial Map





SUBJECT PROPERTY 942 E Broadmor



1000 E Broadmor



1013 E Broadmor

1007 E Broadmor





1001 E Broadmor



931 E Broadmor

Keller Residence

942 E. Broadmor Parcel 133-42-072 Garage to Livable + Bonus Room

To whom it may concern:

I would like to request a Use Permit allowing for the ability to park in the existing driveway which is within the mandatory 20 foot setback.

Almost every resident on E Broadmor utilizes their driveway rather than their garage as daily parking. Our family has always parked in the driveway, the garage was not utilized as parking, so nothing would be changing in that respect.

The property is and will continue to be utilized as an owner occupied single family home. Our household has two vehicles which both fit in the existing driveway without impeding pedestrian traffic and meet the required dedicated parking size minimums.

East Broadmor Dr has several rental properties, which are occupied above the allowable limit of unrelated tenants. They all have cars, so it is not unusual for these rentals to have 5+ cars at the property at any given time, including parking in their uncontained gravel yard.

The purpose of the Use Permit is to park in the driveway due to the fact that we enclosed/converted the garage to livable space. We have added an additional bedroom, bathroom and laundry room. This additional living space is to allow for our family to grow in place. I am a lifelong resident of the street and purchased the home from my grandparents which I have been improving for several years now.

The requirement to add parking in the rear of the property would come a detriment to our family. Any parking required in the rear of the property would take away from a usable, safe, contained play environment for my children. Adding vehicle traffic to the rear of the property would pose additional risk to children in an otherwise contained play area.

I am asking to park in a driveway that has always been used as our household parking. I have excellent relationships with my long term neighbors, who all support my ability to park in the driveway and it will not negatively affect their enjoyment of their property. The neighbors have been pleased with the financial commitment and improvements to the property as it has improved their property values.

A – Granting this use permit would not result in any additional traffic or vehicular traffic, now would it impact pedestrian traffic the surrounding/adjacent area.

B – There would be 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- The addition/conversion of the garage resulted in significant improvements to the physical property to include which improve the surrounding property values. That added space allows for a long term family plan to age in place at the current residence and accommodate growing children. It is in line and does not conflict with the stated goals of the city's adopted plans for General Plan.

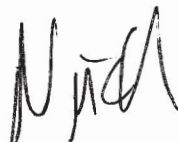
D – The granting of the use permit is compatible with the existing surrounding structures and uses. The vast majority of every resident on E Broadmor Dr utilizes the driveway as dedicated parking. In addition, many residents utilize street parking as they are rentals with multiple tenant vehicles. Additionally, a large number of residents also have enclosed their garages for living space.

E – The granting of this use permit will not result in any disruptive behavior either inside or outside, or create a general nuisance to any of the surrounding area or general public.

Nick Keller

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 11/01/23

