

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 3/26/2024
Agenda Item: 5**

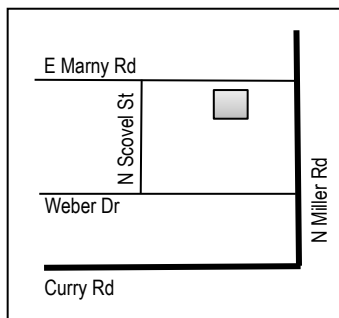
ACTION: Request a Use Permit to allow two (2) required parking spaces within the front yard building setback for the SOTO RESIDENCE, located at 1215 East Marny Road. The applicant is Canterra Construction.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: SOTO RESIDENCE (PL230411) is located on the northeast corner of Marny Road and Miller Road in the My-O-My Estates subdivision. The property is zoned R1-6 and has an existing three-bedroom single-family residence. The proposed project would convert an existing carport into 192 square feet of new livable space adding a fourth bedroom to the residence. The applicant is requesting a Use Permit to allow two (2) parking spaces in the front yard building setback. The request includes the following:

ZUP240004 Use Permit to allow two (2) parking spaces in the front yard setback.



Property Owner	Matthew Soto
Applicant	Elias Barajaz, Canterra Construction
Zoning District	R1-6
Site Area	6,774 s.f.
Building Area	1,438 s.f.
Lot Coverage	24.7% (45 % max. allowed)
Building Height	13'7" (30' max. allowed)
Building Setbacks	20' front, 5' side, 10' street side, 15' rear (20', 15', 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 on the north side of Weber Drive, east of Scovel Street, south of Marny Road, and west of Miller Road in the My-O-My Estates Subdivision and the Papago/North Tempe Character Area one. The applicant is requesting a Use Permit to allow two (2) required spaces in the front yard building setback. The existing residence has three bedrooms and two bathrooms. The owners are converting the carport into a fourth bedroom and relocating the laundry room within the new addition. Due to the addition, the owners are seeking a Use Permit to satisfy the two (2) parking spot requirement within the front yard setback. 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.

PUBLIC INPUT

A neighborhood meeting was not required for this request.

USE PERMIT

The proposed use requires a Use Permit to allow two (2) required parking spaces within the front yard building setback in 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*; Granting this Use Permit would not result in any additional vehicular nor pedestrian traffic as the conversion of the carport to additional livable space will allow the owner to grow in place.
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 park 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 this Use Permit is compatible with existing surrounding structures as residents on east Marny Road utilize the driveway as dedicated parking. In addition, increasing the livable area can increase the value of the home.
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 the owner to grow in place and 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, or 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, 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 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.

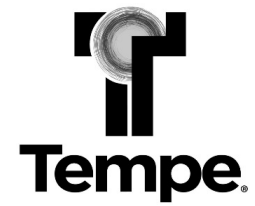
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body,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

October 31, 1969 A single-family was built.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

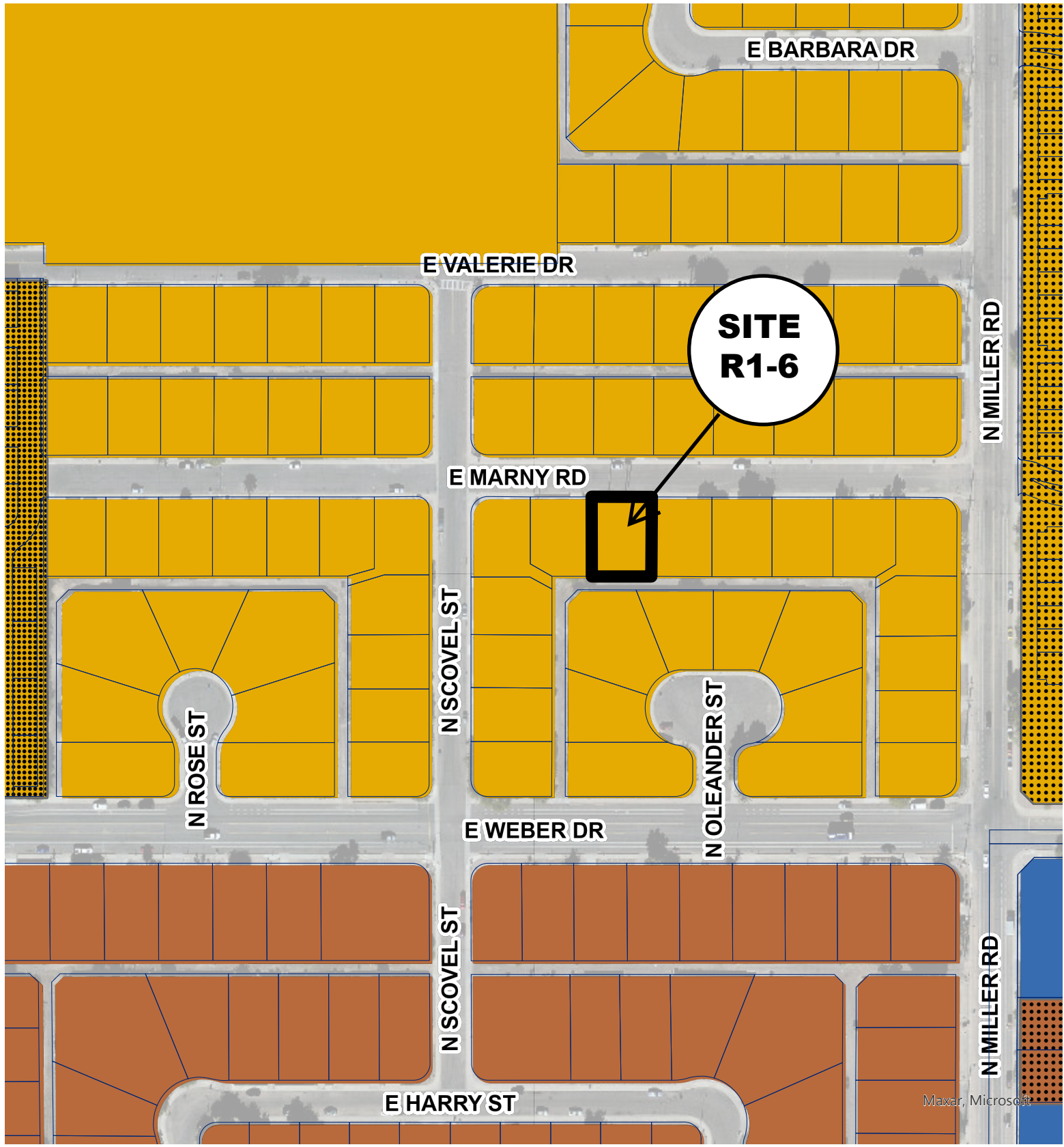


DEVELOPMENT PROJECT FILE
for
SOTO RESIDENCE
(PL230411)

ATTACHMENTS:

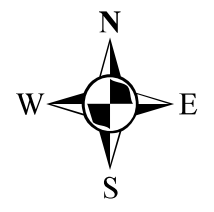
1. Zoning Map
2. Aerial Map
3. Site Photos
4. Letter of Explanation
- 5-6. Site Plan & Floor Plans
7. Blackline Elevations

Soto Residence



- General Industrial District (GID)
- Single-Family Residential (R1-6)
- Single-Family Residential (R1-4)

- Single-Family Residential Planned Area Dev (R1-PAD)
- Multi-Family Residential (R-2)
- Multi-Family Residential Limited (R-3)

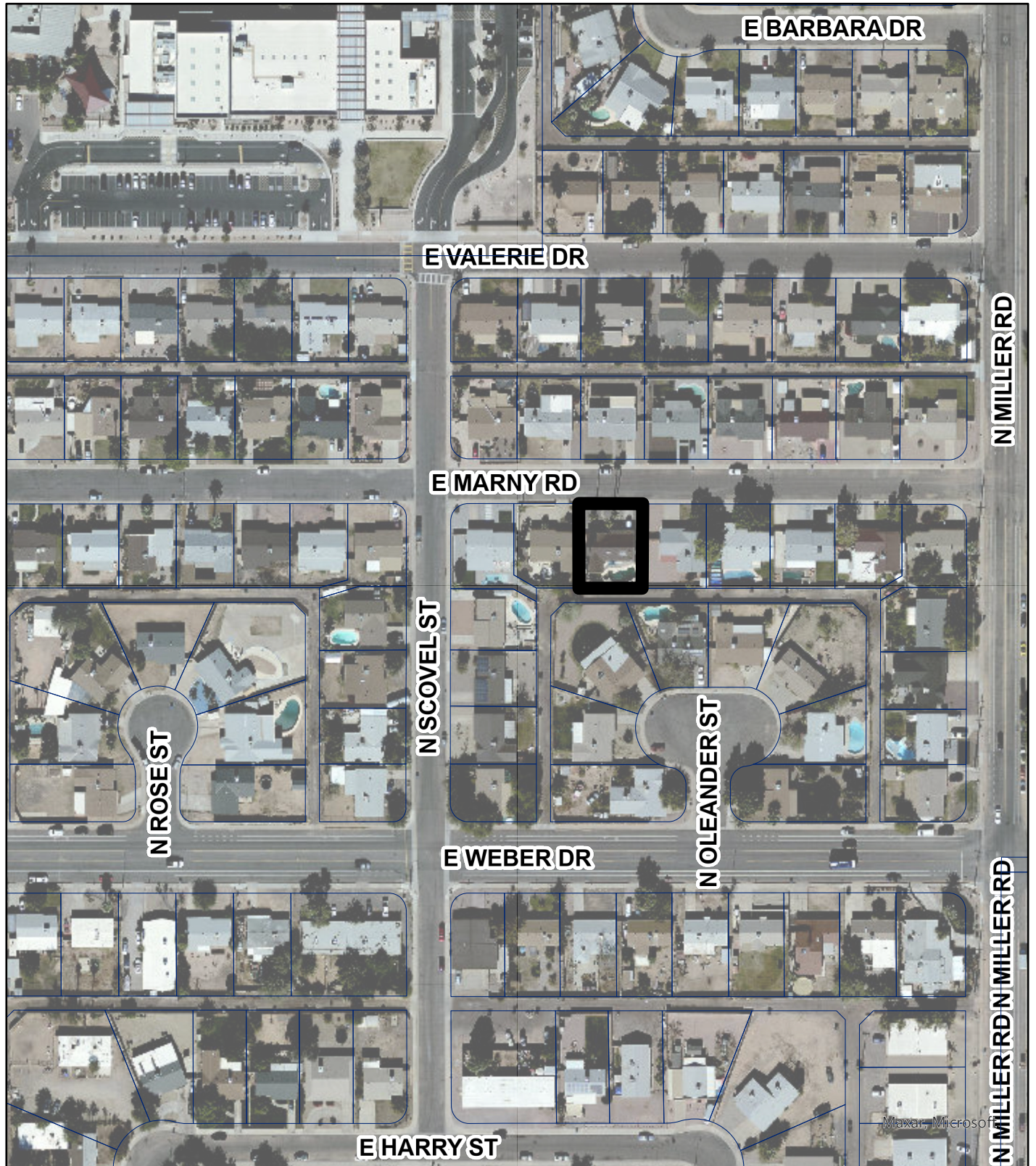


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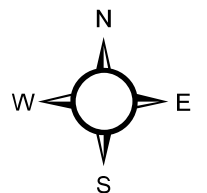


Tempe
PL230411

Soto Residence



Aerial Map





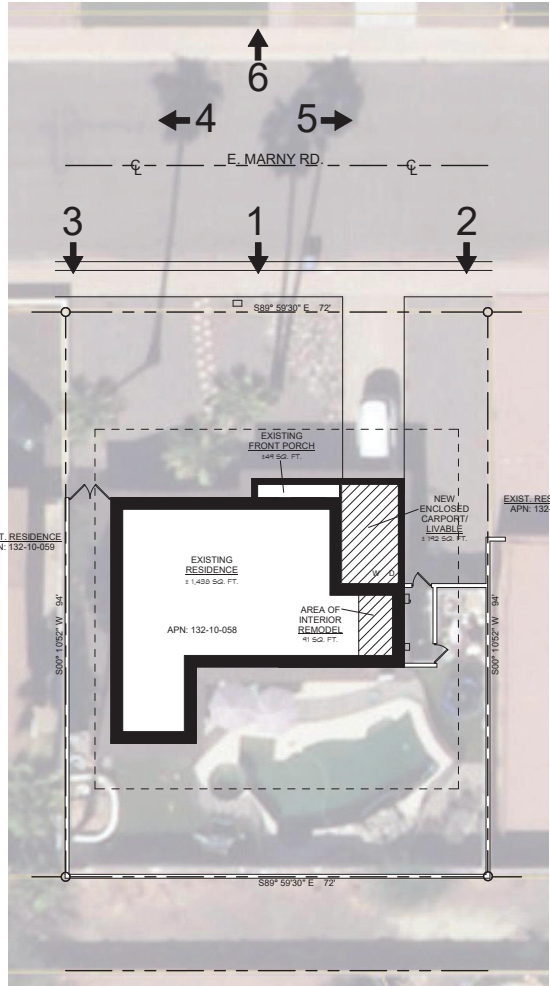
1



2



3



EXISTING SITE PLAN



4



5



6

A CARPORT ENCLOSURE FOR THE
SOTO RESIDENCE
1215 E. MARNY RD., TEMPE, AZ 85288



REVISIONS		
No.	Description	Date

CONTEXT PLAN / PHOTOS

PROJECT NUMBER	
DATE	12/2/23
DRAWN BY	
CHECKED BY	
SCALE	As indicated

SHEET NUMBER

A-4

OF

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT BUILDING BEFORE PROCEEDING WITH THIS WORK

1/20/2024 8:15:23 PM



Canterra Construction LLC
1525 S. Higley Rd., Suite 104
Gilbert, AZ 85296

Letter of Explanation

Project Name: A Carport Enclosure for the Soto Residence

The property owners, Ashley and Matthew Soto, would like to enclose their carport and convert it into a new bedroom, thus increasing their livable square feet. They hired Canterra Construction LLC to complete the job. Plans are attached with the submittal form.

The carport conversion adds a fourth bedroom. Code requires two parking spaces for single-family residences of 5 rooms or less. The two parking spaces will be met in the front yard setback, requiring a Use Permit for the proposal.

We are seeking a use permit to park in the front yard building setback as shown on the updated plans. This will create a new driveway for the owners. It will not create significant vehicle or pedestrian traffic in adjacent areas. We do not anticipate a nuisance arising from emissions. It will not create a deterioration of the neighborhood or property values. On the contrary, it will help increase the value of the home.

Project Goal: To enclose carport, convert to a new bedroom, and create new driveway

Project Objectives: Enclose carport; new livable area; build driveway

The property address is:

1215 E. Marny Rd.
Tempe, AZ 85288

Applicant Name: Elias Barajaz

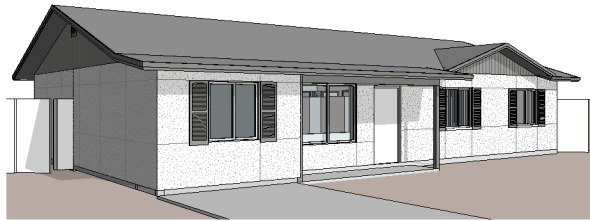
Applicant Signature: *Elias Barajaz*

BLDG. DATA

OWNER:	MATTHEW C. SOTO
TELEPHONE:	
BUILDING ADDRESS:	1215 E. MARNY RD. TEMPE, AZ 85288
BUILDING CODES:	2018 I.R.C. / I.B.C.
PARCEL NO.:	132-10-058
ZONING:	R1-6
OCCUPANCY GROUP:	R-3
CONSTRUCTION TYPE:	V-8
EXISTING SITE AREA:	±6,774 SQ. FT.
BUILDING AREA:	
EXISTING RESIDENCE/LIVABLE	±1,459 SQ. FT.
EXISTING FRONT PORCH	±1,494 SQ. FT.
EXIST. GARPORTY ENCL./GARAGE/NEW LIVABLE	±1,192 SQ. FT.
TOTAL UNDERROOF:	±1,674 SQ. FT.
LOT COVERAGE:	1,679 SF / 6,774 SF = 24.7% (MAX LOT COVERAGE: 45%)
PARKING:	2 PARKING SPACES REQUIRED 2 PARKING SPACES PROVIDED (8.5'X12')
SETBACKS:	
REQUIRED:	PROVIDED:
FRONT: 20'-0"	FRONT: 20'-0"
REAR: 15'-0"	REAR: 15'-0"
SIDES: 5'-0"	SIDES: 5'-0"

A CARPORT ENCLOSURE FOR THE SOTO RESIDENCE

1215 E. MARNY RD. TEMPE, AZ 85288



3D ISO

GENERAL NOTES

- CONTRACTOR SHALL FOLLOW ALL CODES AND REGULATIONS MANDATED BY FEDERAL, STATE, COUNTY AND CITY AGENCIES. UNLESSING BUILDING CODES AND REGULATIONS. A.D.A. AND CORPORATION COMMISSION ON GAS, ETC.
- CONTRACTOR SHALL REPAIR AND/OR REPLACE ALL FINISHES THAT ARE DAMAGED DURING THE COURSE OF THIS CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
- CONTRACTOR SHALL VERIFY EXACT LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL REPAIR AND/OR REPLACE ALL EXISTING LINES DAMAGED DURING THE COURSE OF THIS CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOCKED, SECURED, JOB SITE AT ALL TIMES DURING THE COURSE OF THIS CONSTRUCTION. ANY VANDALISM OR THEFT DUE TO AN UNLOCKED BUILDING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE REPAIRED AND/OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.
- CONTRACTOR SHALL RUN AND MAINTAIN, DURING THE COURSE OF THIS CONSTRUCTION, A SAFE AND SECURE JOB SITE, SECURE OF CROSS TRAFFIC.
- ALL WASTE MATERIALS SHALL BE DISPOSED OF IN A PROPERLY LICENSED DISPOSAL SITE.
- THE CONTRACTOR IS TO COMPLY WITH AND SUBJECT TO ALL PARTS OF THESE DOCUMENTS AND ALL CONDITIONS OF THE AIA DOCUMENT A201 - GENERAL CONDITIONS OF THE CONTRACT OF CONSTRUCTION, 2017 EDITION, FOR THIS PROJECT.

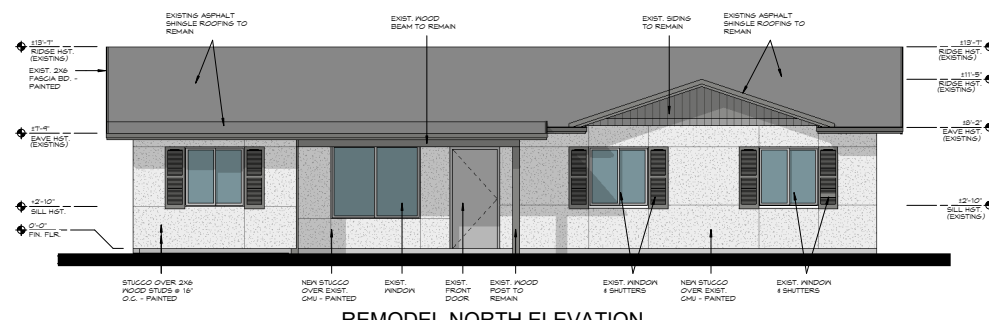
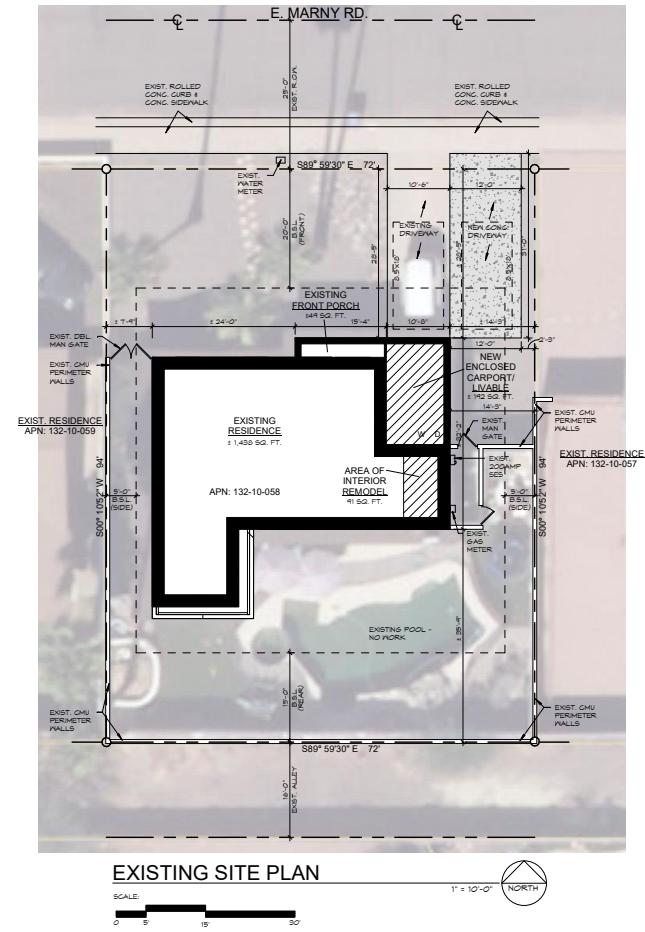
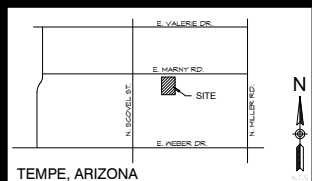
SYMBOLS

- 1000 ROOM IDENTIFICATION**
- WINDOW TYPE**
- DOOR NO. **DOOR TYPE**
- HARDWARE GROUP **TYPE**
- SECTION **BLDG. SECTION**
SHEET NO.
- SECTION **WALL SECTION**
SHEET NO.
- DETAIL **DETAIL**
SHEET NO.
- FINISH ELEV.**
- INTERIOR ELEVATION**

SHEET INDEX

A-1	1	SITE PLAN COVER SHEET
A-2	2	DEMOLITION PLAN, REMODEL, FLOOR PLAN, ELEC./PLUMB
A-3	3	FOUNDATION PLAN, WALL SECTION, DETAILS

VICINITY MAP



A CARPORT ENCLOSURE FOR THE

SOTO RESIDENCE

1215 E. MARNY RD. TEMPE, AZ 85288



REVISIONS		
No.	Description	Date

SITE PLAN COVER SHEET

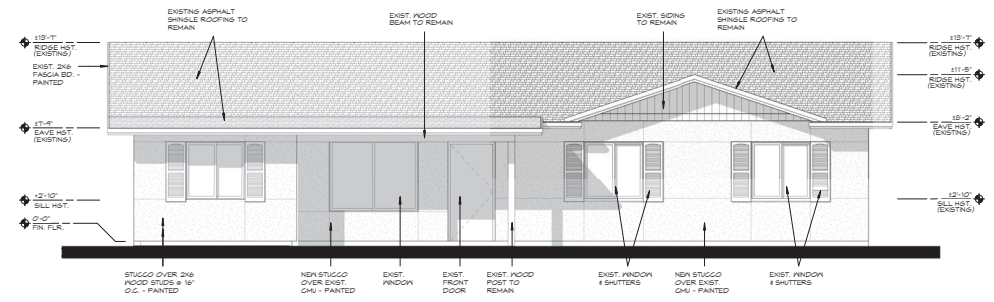
PROJECT NUMBER	
DATE	03/01/24
DRAWN BY	
CHECKED BY	
SCALE	As indicated

SHEET NUMBER 1

A-1

OF 3

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT BUILDING BEFORE PROCEEDING WITH THIS WORK



REMODEL NORTH ELEVATION
 1/4" = 1'-0"



3D ISO



REVISIONS		
No.	Description	Date

ELEVATION

PROJECT NUMBER	
DATE 12/2/23	
DRAWN BY	
CHECKED BY	
SCALE 1/4" = 1'-0"	

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT BUILDING BEFORE PROCEEDING WITH THIS WORK