

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 3/26/2024  
Agenda Item: 7**

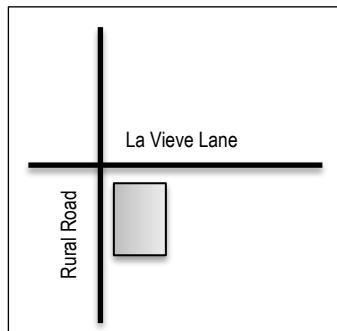
**ACTION:** Request a Use Permit Standard to reduce the required street side setback from 25 feet to 20 feet for **RICHARDSON RESIDENCE**, located at 903 East La Vieve Lane. The applicant is Lavender Landscape.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** RICHARDSON RESIDENCE (PL240011) is a single-family residence located on Lot 1 of the Corona Vista subdivision at the southeast corner of Rural Road and La Vieve Lane. The property is zoned AG, Agricultural, and has an existing single-family residence. The applicant, James Roche of Lavender Landscape, is requesting a Use Permit Standard to reduce the street side yard setback from 25 feet to 20 feet for a proposed ramada. The proposed ramada is 13 feet 6 inches tall and covers approximately 1,037 square feet. The request includes the following:

ZUP240011      Use Permit Standard to reduce the required rear yard setback from 25 feet to 20 feet.



Property Owner	Keith Richardson
Applicant	James Roche, Lavender Landscape
Zoning District	AG
Site Area	43,477 s.f.
Building Area	3,383 s.f.
Lot Coverage	7.8 % (25 % max. allowed)
Building Height (proposed ramada)	13'-6" (30' max. allowed)
Building Setbacks	63'-10" front, 20' side, 20' street side, 142'-10" rear (40', 20', 25', 35' min. required)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Lucas Jensen, Planner I (480) 350-8023

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Lucas Jensen, Planner I

Reviewed by: Michelle Dahlke, Principal Planner

## COMMENTS

The Richardson Residence is located on the southeast corner of Rural Road and La Vieve Lane on Lot 1 of the Corona Vista Subdivision. The applicant is requesting a Use Permit Standard to reduce the required street side yard setback from 25 feet to 20 feet for the addition of a ramada. The proposed ramada is approximately 1,037 square feet and contains a fireplace and will serve as an outdoor seating and entertainment area for guests.

## PUBLIC INPUT

Upon completion of this report staff has not received any public comments or inquiries regarding this request.

## USE PERMIT STANDARD

The proposed design requires a Use Permit Standard to reduce the required street side yard setback from 25 feet to 20 feet within the AG, Agricultural, zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic; the property is retaining its single-family use which will not create additional 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 ramada includes a fireplace and outdoor kitchen which will not exceed that of ambient conditions typical of single-family uses and is being located on the street side (west) of the property not adjacent to other single-family uses.*
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 outdoor ramada is expected to increase the visual appeal of the home and does not conflict with objective or goals in city adopted plans of the General Plan.*
4. *Compatibility with existing surrounding structures and uses; the proposed ramada structure aligns with typical backyard single-family uses.*
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 addition of a proposed ramada will not create a nuisance outside that of typical single-family uses.*

## 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 Standard. 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 Standard 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 Standard 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.

**USE PERMIT:**

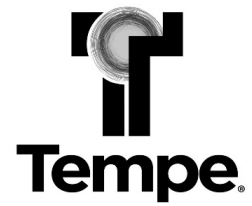
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body,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

**HISTORY & FACTS:**

1981                                      A single-family home was built.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

[Section 4-201\(A\), Use Permit Standard](#)



# DEVELOPMENT PROJECT FILE

for

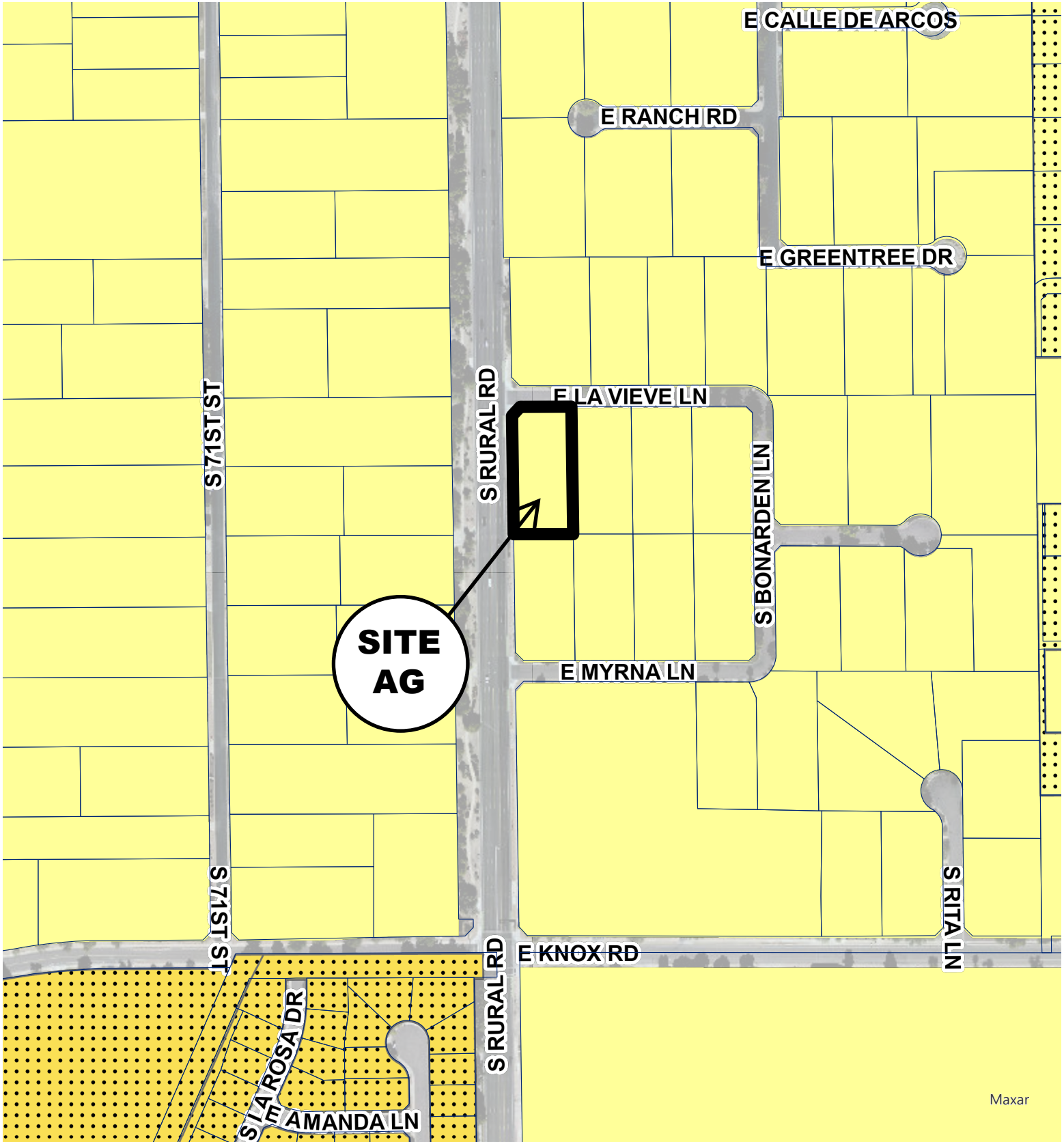
RICHARDSON RESIDENCE  
(PL240011)




## ATTACHMENTS:

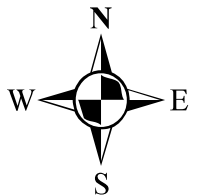
1. Zoning Map
2. Aerial Map
- 3-4. Context Photos
- 5-6. Applicant's Letter of Explanation
7. Site Plan
8. Blackline Elevations

# Richardson Residence

## PL240011



-  Agricultural (AG)
-  Single-Family Residential (R1-15)
-  Single-Family Residential (R1-7)



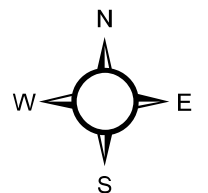
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# Richardson Residence



## Aerial Map



**CONTEXT PHOTOS:**



**PHOTO TOWARDS NORTH**



**PHOTO TOWARDS WEST SHOWING WHERE PAVILION WILL BE LOCATED**



**PHOTO TOWARDS SOUTH SHOWING PROPOSED PAVILLION LOCATION**





14 February 2024  
ATTN: Tempe Community Development Department, Planning Division  
31 E 5<sup>th</sup> St, Garden Level East  
Tempe, AZ 85281

## Letter of Explanation

To Whom It May Concern,

Reference: **BP232176**

Lavender Landscape is pleased to present this letter of explanation for the work to be performed at the Residential property located at 903 E La Vieve Ln., Tempe, AZ 85284, Parcel # 301-62-015. This letter is to accompany the Use Permit Standard Application submitted by Lavender Landscape for this residential property.

We have been contracted by the Richardson family to design and construct a new Pavilion structure in their backyard. This structure will be a pavilion with fireplace entertainment wall to provide shade for a future BBQ island and outdoor kitchen. The dimensions of the new structure are 30'L x 25' x 8'H with an attached structure of dimensions: 18'L x 11'6" W. The existing lot coverage for this residential property zoned AG will remain the same at 7.8 % (3383 SF) if the new open structure is not included as part of the lot coverage.

The Richardson family would like to request a Use Permit from the City of Tempe to allow them to build the structure within the 25' setback from the sideyard property boundary. We are requesting reducing the standard setback by 20% (5 feet) as allowed with a Use Permit and per the homeowner's request. The structure will be at a 20' setback from the property boundary.

We would like to address the criteria in terms of the potential impacts to adjacent properties. This letter will also explain how our proposed use permit request will not be detrimental to any persons residing 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. This is a residential property and there will be no impact on any significant vehicular or pedestrian traffic in adjacent areas;



- b. The proposed structure will not 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. The proposed structure will not contribute 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;
- d. The proposed structure is compatible with neighboring properties outdoor structures and with the existing surrounding structures and uses;
- e. Since the proposed structure is for private use on a residential property, the proposed structure will have adequate control of disruptive behavior both inside and outside the premises will not create a nuisance to the surrounding area or general public.

Per city comments received on 7 Feb 2024, the following updates were made to the CAD plans:

- 1) Added required and provided setback information to notes section .
- 2) Added setback dimension of structure to all sides of the property on the CAD plan.
- 3) Removed covered patios from lot coverage calculations. Left new pavilion in lot coverage calculations until determination is made from city of Tempe as to whether it can be removed.

All of this planned construction work is depicted on our construction documents (site plan, site detail sheets, structural engineering reports) that we have submitted along with our permit application. This work will be performed under permit application: BP232176.

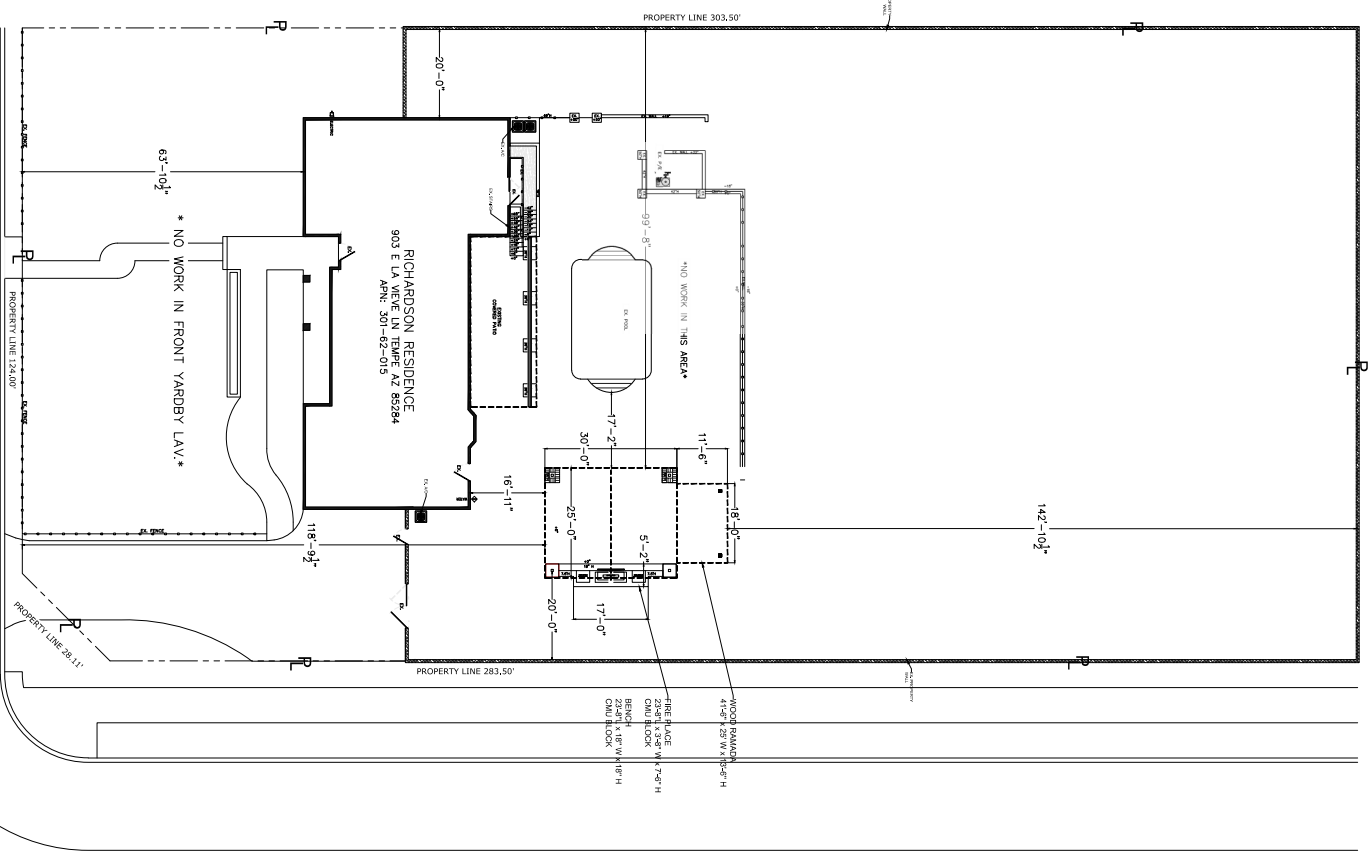
If you have any questions concerning this letter of explanation or require additional information concerning this use permit standard application, please contact us at the following phone number or email address:

Phone: 480-241-0307

Email: [permits@lavenderlandscape.com](mailto:permits@lavenderlandscape.com)

Regards,

James Roche  
Permitting Department



**PROPERTY INFORMATION**  
 PARCEL NUMBER: 301-62-015  
 OWNER: KEITH AND CHRISTINA RICHARDSON FAMILY TRUST  
 ADDRESS: 903 E LA VIEVE LN TEMPE 85284  
 S/T/R: 23 1S 4E  
 JURISDICTION: TEMPE  
 ZONING: AG  
 PUC: 0151  
 LOT SIZE (SQ. FT.): 43477  
 MCR #: 192-23  
 SUBDIVISION: CORONA VISTA  
 LOT #: 1  
 FLOOR: 1

**REQUIRED SET BACK INFORMATION:**  
 FRONT: 40' L OR 35' L FOR OPEN STRUCTURES  
 SIDE YARD: 20' L  
 STREET SIDE YARD: 25' L  
 REAR: 35' L

**PROPOSED SET BACK INFORMATION:**  
 FRONT: 118' L  
 SIDE YARD: 99'-8" L  
 STREET SIDE YARD: 20' L  
 REAR: 142'-10" L

**STRUCTURE INFORMATION**  
 EXISTING LOT COVERAGE: 3,383 SF OR 7.8%  
 EXISTING LIVEABLE AREA: 2,783 SF  
 EXISTING GARAGE: 600 SF

NEW WOOD RAMADA: 41'-6" L x 25' W x 13'-6" H  
 NEW LOT COVERAGE: 3,383 SF OR 7.8%  
 WOOD FIRE PLACE INFORMATION  
 23'-8" L x 3'-4" W x 7'-6" H  
 CMU BLOCK  
 WITH CMU BLOCK BENCH  
 23'-8" L x 18" W x 18" H

\*THE PERMIT IS FOR STRUCTURE ONLY. ELECTRIC WILL BE APPLIED FOR SEPARATELY\*  
 PLEASE SEE THE ATTACHED STRUCTURAL CALCULATION OF WOOD RAMADA PER ENGINEER.  
 ALL FOUNDATION AND CROSS-SECTIONAL DETAILS ARE PROVIDED.

TABLE R302.1 (1) FROM SOURCE: INTERNATIONAL RESIDENTIAL CODE (IRC)

EXTERIOR WALL ELEMENT	FIRE RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
WALLS	1-HOUR TESTED IN ACCORDANCE WITH ASTM E 119 EXPOSURE FROM BOTH SIDES	< 5 FEET
	(NOT FIRE-RESISTANCE RATED)	≥ 5 FEET
PROJECTIONS (NOT FIRE-RESISTANCE RATED)	1 HOUR ON THE UNDERSIDE (A-B)	≥ 2 FEET TO 5 FEET
	(NOT ALLOWED)	< 3 FEET
OPENINGS IN THE WALLS	25% MAXIMUM OF WALL AREA PER STORY	0 HOURS
	UNLIMITED	3 FEET
PENETRATIONS	ALL	0 HOURS
		3 FEET
		< 3 FEET
		5 FEET

FIG. S. 1 (09-2016) MIN. 1/4" SCALE PERMANENT  
 THE DATE OF THE PERMIT IS THE DATE OF THE PERMIT. THE PERMIT IS VALID FOR 180 DAYS FROM THE DATE OF THE PERMIT. ANY WORK NOT COMPLETED BY THE END OF THE PERMIT TERM WILL BE DEEMED TO BE ABANDONED BY THE OWNER OF THE SITE.

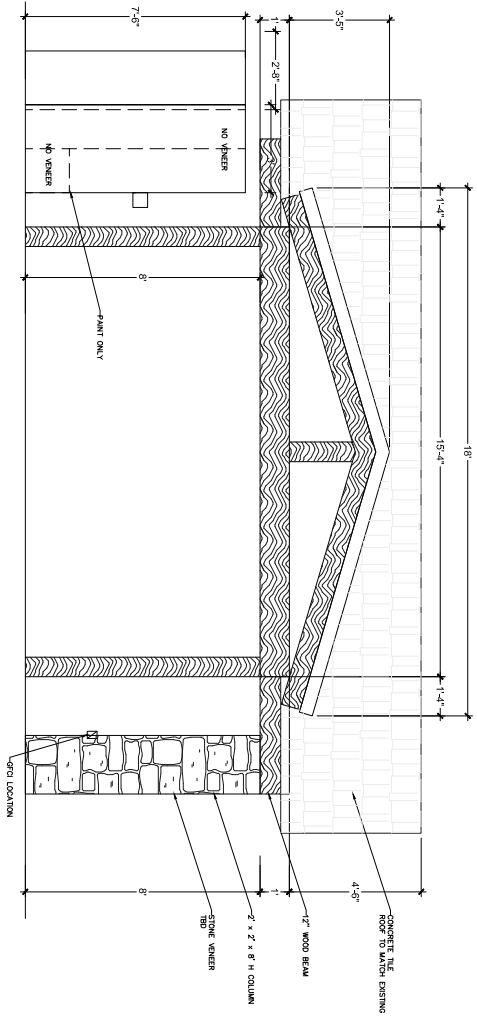
**SITE PLAN**  
SCALE: 1/4" = 1'-0"

SEAL  
 STATE OF ARIZONA  
 COUNTY OF MARICOPA  
 SUPERVISOR OF RECORDS

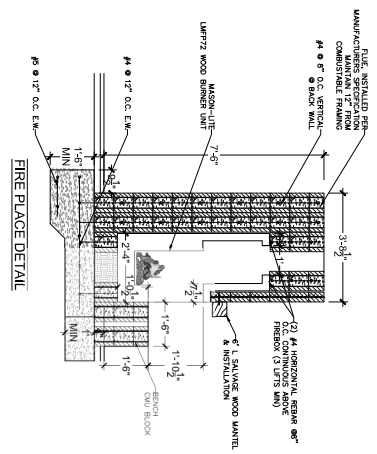
SHEET  
 STRUCTURE PERMIT  
 1-1 of 1

**RICHARDSON RESIDENCE**  
 903 E LA VIEVE LN TEMPE AZ 85284  
 APN: 301-62-015

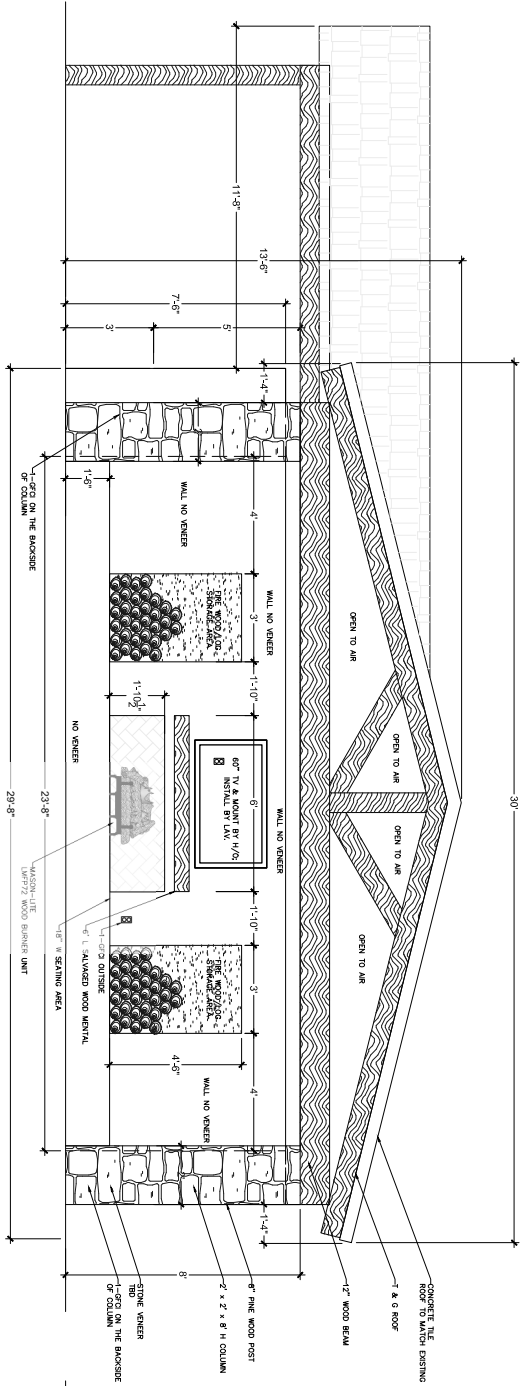
**LAVENDER**  
 LANDSCAPE DESIGN CO



**2** WOOD FIRE PLACE DETAIL  
SCALE: 1/2"=1'



NOTE:  
 1. DIMENSIONS TO BE 8" x 8" x 8" QU  
 2. O.C. VERTICAL, & #4 @ 8" O.C.  
 3. #4 @ 12" O.C. HORIZONTAL  
 4. #4 @ 12" O.C. HORIZONTAL  
 5. CHIMNEY TO BE SOLID GRANITE



**1** WOOD PAVILION DETAIL  
SCALE: 1/2"=1'

Any unnoted specifications, notes or conditions of finish shall be as indicated by published industry standards. Lavender Landscape Co. is the owner. Unnoted specifications shall be as indicated by standard practice.



DATE: 11-14-2022 LINGVU

DESIGN MEMPHIS

0001122 02/2021

SHEET

details

L-3 of 3

**RICHARDSON RESIDENCE**  
 903 LA VIEVE LN TEMPE AZ 85284  
 Attachment 8

