

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 3/26/2024  
Agenda Item: 11**

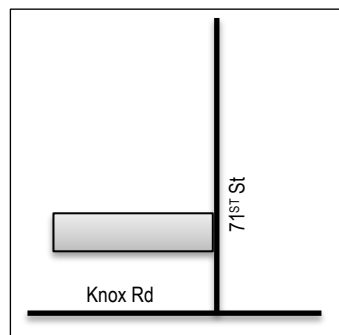
**ACTION:** Request a Use Permit to allow a second story addition and a Use Permit Standard to reduce the side yard setback from 20 feet to 16 feet for **KEEFE JOINT TRUST**, located at 13030 South 71st Street. The applicant is Design Build Architecture.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** KEEFE JOINT TRUST (PL240043) is a single-family residence located on Lot 15 of the Tally Ho Farms subdivision near the northeast corner of Knox Road and 71<sup>st</sup> Street. The property is zoned AG, Agricultural, and has an existing single-family residence with a detached barn. The applicant, Mandel McDonnell of Design Build Architecture is requesting a Use Permit to allow a second story addition and Use Permit Standard to reduce the required south side yard setback from 20 feet to 16 feet to accommodate the remodel and expansion of a Guest Quarters. The request includes the following:

- ZUP240018 Use Permit to allow a second-story addition to a detached Guest Quarters.
- ZUP240020 Use Permit Standard to reduce the required south side yard setback from 20 feet to 16 feet.



Property Owner	Keefe Joint Trust
Applicant	Mandel McDonnell, Design Build Architecture
Zoning District	AG
Site Area	61,855 s.f.
Building Area (Total)	6,233 s.f.
Livable Area	1,732 s.f. (guest quarters) 3,523 s.f. (primary dwelling)
Lot Coverage	9.5 % (25% max. allowed)
Building Height (Guest Quarters)	21' – 1" (30' max. allowed)
Building Setbacks (Guest Quarters)	187' 5" front, 33' 8" side (north), 16' side (south) 382' 6" rear (40', 20', 20', 35' min. required)
Vehicle Parking	8 spaces (3 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 subject property is located on the northeast corner of Knox Road and 71<sup>st</sup> Street on Lot 15 of the Tally Ho Farms Subdivision. The property is zoned AG, Agricultural, and has an existing single-family residence with a detached barn. The existing residence was built in 1968 and subsequently annexed into the City of Tempe in 1993. The existing residence does not meet the front or side yard (south) setback requirements but is exempt as a Legal Non-Conforming Development (Zoning and Development Code Sections 3-502 & 3-503). The project consists of renovating the existing barn into a Guest Quarters. The first floor consists of a 3-car garage, bedroom, bathroom, and kitchen as well as an attached, covered outdoor patio. The second floor consists of a one bedroom and bathroom loft for a total of two (2) bedrooms and two (2) bathrooms. The applicant is requesting a Use Permit to allow a second-story addition to the Guest Quarters and a Use Permit Standard to reduce the south side yard setback from 20 feet to 16 feet. The second story addition is not uncommon in this area of the city with other two-story residence located to the west of the subject property in the Warner Ranch Estates Subdivision and nearby located at:

- 511 East Warner Road
- 545 East Warner Road

## PUBLIC INPUT

Upon completion of this report staff has received two (2) phone calls of general inquiry about the details of the project.

## USE PERMIT AND USE PERMIT STANDARD

The proposed design requires a Use Permit to allow a second story addition to a detached Guest Quarters and a Use Permit Standard to reduce the south side yard setback from 20 feet to 16 feet within the AG zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the eight (8) on-site parking spaces being provided is much higher than the minimum and will accommodate increases to vehicular 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 and design will not create a nuisance outside that of typical activity associated with 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 addition and renovation are expected to positively impact property values and does not conflict with the goals of city adopted plans.
4. *Compatibility with existing surrounding structures and uses*; the proposed renovations and additions are in a similar architectural style to the main residence. The second story addition is oriented east-west, which provide additional setbacks from adjacent properties and the windows facing adjacent property are located in the bathroom areas.
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 will require a restrictive covenant be recorded that restricts the renting of the Guest Quarters independent of the main residence.

Section 3-420(C) Additional approval criteria for Use Permit for a second-story addition (*in italics*):

1. *The proposed second story is designed to be compatible with the architecture of the residence and compatible with the surrounding neighborhood*; the addition and renovation is compatible with the design of the existing residence, the surrounding neighborhood, and the guidelines laid out in the Corona/South Tempe Character Area Plan.
2. *There are design considerations for privacy to adjacent properties and protection of existing solar appurtenances on adjacent lots*; the second-story loft is oriented east-west to provide additional setback from adjacent properties and the only east and west facing windows are in bathroom areas.
3. *There is sufficient parking on site and on the street frontage to accommodate guests. Addition shall be required to meet current single-family parking standards pursuant to section 4-603, parking ratios*; the site shall be adequately parked with eight (8) parking spaces; three (3) in the garage and additional spaces in the driveway.

**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 and 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 and Use Permit Standard are 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 and Use Permit Standard 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.

**HISTORY & FACTS:**

1968                                      Single-family home was built.

April 11, 1993                      The subject property was annexed by the City of Tempe by Ordinance No. 93.02.

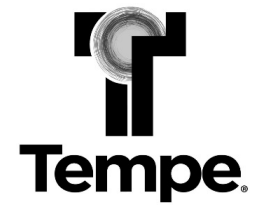
**ZONING AND DEVELOPMENT CODE REFERENCE:**

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

[Section 3-503, Legal Non-Conforming Development](#)

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

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



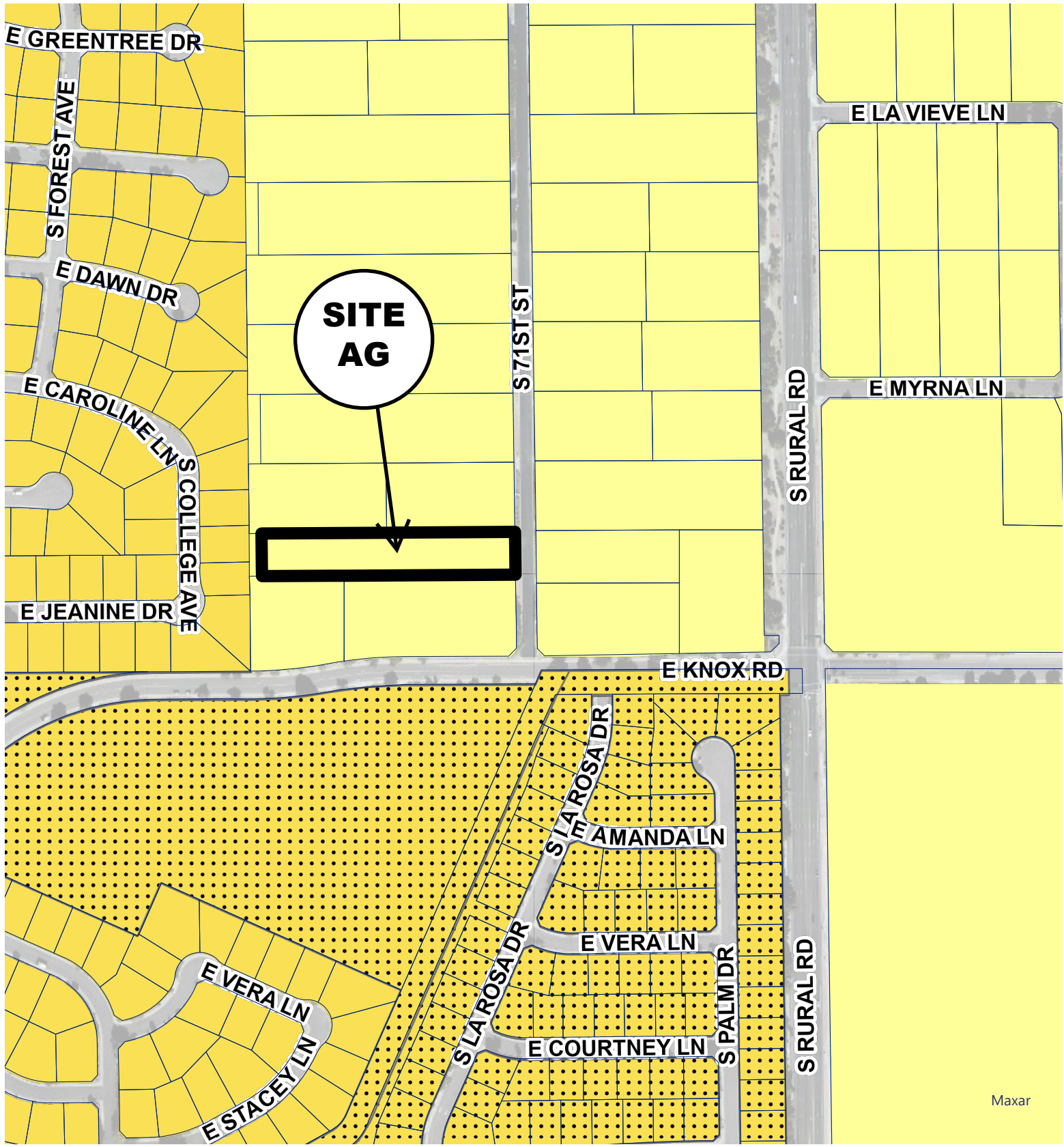
# DEVELOPMENT PROJECT FILE

for

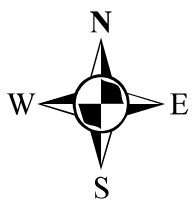
KEEFE JOINT TRUST  
(PL240043)

## ATTACHMENTS:

1. Zoning Map
2. Aerial Map
- 3-7. Applicant's Letter of Explanation (including Context Photos)
8. Site Plan
- 9-10. Blackline Elevations
- 11-12. Floor Plans



- Agricultural (AG)
- Single-Family Residential (R1-8)
- Single-Family Residential (R1-7)

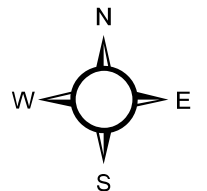




# KEEFE JOINT TRUST



## Aerial Map



02.04.2024

## City of Tempe - Use Permit & Use Permit Standard Application

### Letter of Explanation

The subject property located at 13030 S 71ST ST TEMPE 85284 is an existing single family home with a detached barn within an AG zoning district. The site is 65,169 SF (1.490 Acres). The existing home is a single story building of 3,523 livable square feet with 4 bedrooms and 3-½ bathrooms.

We are working with our client on the design of an adaptive reuse of their existing barn to convert it into a mother-in-law suite with a kitchen, dining room, living room, loft and two full bathrooms. The design also includes the addition of an attached 3 car garage and covered patio.

We are applying for:

1. **Use Permit** to allow a second story addition to an existing structure.
2. **Use Permit Standard** to reduce our side yard set back by the allowable 20% from 20' to 16'.

### 1. Use Permit

The addition of a second story above a portion of the existing barn and the proposed new garage will allow for additional livable square footage, provide views to the surrounding mountains, and additional light into the first floor space.

The conversion of the barn and specifically addition of the second floor will not impact the vehicular or pedestrian traffic in the area. The family is planning this addition to house their aging mother providing the ability to care for her in the future.

The addition will not create any nuisances from the emissions of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. The second story windows are focussed to capture views to the east and west avoiding views towards the direct neighbors on the north and south. This maintains the privacy already provided to the neighboring properties.

The existing barn is over 50 years old and in need of repair. The renovation and upgrade to the barn will positively impact the existing property and adjacent neighborhood. There are many properties in the immediate vicinity with accessory dwelling units (both attached and detached) The direct neighbor to the north completed a large addition with a garage and second story living space in the past few years. (13010 S 71st St, Tempe, AZ 85284)



**Image 1:** Neighbors to the north (left side of image) second story living space above garage adjacent to subject property barn.





**Image 2:** Neighbors second story above garage adjacent to subject property barn.

The barn aesthetic has been further enhanced by the design of the second story loft addition and fits the character of the Agricultural Zoning district that the home is in. The area is residential in nature and the addition of a mother in law suite promotes the multi-generational living movement that is becoming more and more common.

## 2. Use Permit Standard

An existing shade copy to the south of the barn will be removed and replaced with a new covered patio. This location aids in maintaining a connection between the main house and existing back yard (located to the east of the barn) and a proposed garden and sports court to the west. Reducing the side yard setback will allow our shade canopy structural support columns to be located at 16' from the property line, and utilizing an engineered structural cantilever it will extend an additional 10'. This yields a usable area for the family and maintains a 10' setback from the property.

The requested setback change does not have any impact on vehicular or pedestrian traffic in the adjacent area. It will not create any unwanted emissions of odor, dust, gas, noise, vibration, smoke, heat or glare. The structure will be flanked to the north by a free standing television and fire feature wall with a built-in bench. The owner's plan to plant vegetation along the property line to provide further privacy between their property and the adjacent neighbor.



**Image 3:** Proposed covered patio and feature wall. Slim structural columns are placed at the 16' setback line.

The neighbor to the south is not negatively impacted by this setback reduction as they have an existing utility building in that location which backs to the property line. There are no windows or doors that look towards our property.



**Image 4:** Aerial view of the proposed patio location. Showcasing that it will face the back of the neighbors utility building.

We believe the new covered patio improves the overall value of the property and is in line with the general goals of a residentially zoned property. The improvements do not impede any neighbor and are compatible with the neighborhood aesthetics. This patio is deep within the owner's property and will not be visible from a public right of way.

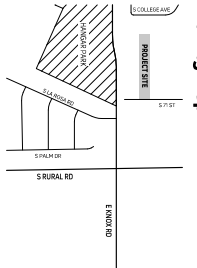


Regards,

*Mandel McDonnell*

Mandel McDonnell  
Architect

### vicinity map



### contact

**OWNER: SHAW & BROWN GREE**  
 8830 S 71ST STREET, APT 505B  
 98003-3101  
 206.254.1234  
 SHAWANDBROWN.COM

**PROJECT ARCHITECT: JAY RESOR**  
 480 3RD AVENUE, SUITE 100  
 SEASIDE, WA 98138  
 206.325.1234  
 JAYRESOR.COM

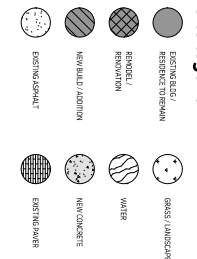
**STRUCTURAL:**  
 JASON WALLACE  
 480 3RD AVENUE, SUITE 100  
 SEASIDE, WA 98138  
 206.325.1234  
 JASONWALLACE.COM

**PLUMBING: GORDON JENSEN**  
 480 3RD AVENUE, SUITE 100  
 SEASIDE, WA 98138  
 206.325.1234  
 GORDONJENSEN.COM

**MECHANICAL: GORDON JENSEN**  
 480 3RD AVENUE, SUITE 100  
 SEASIDE, WA 98138  
 206.325.1234  
 GORDONJENSEN.COM

**ELECTRICAL: MATHIAS**  
 480 3RD AVENUE, SUITE 100  
 SEASIDE, WA 98138  
 206.325.1234  
 MATHIAS.COM

### site legend



### site plan

A. THE CONTRACTOR SHALL LIMIT THE SITE AND BEYOND EXPOSURE OF CONDITIONS THEREON. THE CONTRACTOR SHALL INVESTIGATE, IDENTIFY AND REMOVE ALL HAZARDOUS MATERIALS AND CONTAMINATION BEFORE PROCEEDING WITH THE WORK.

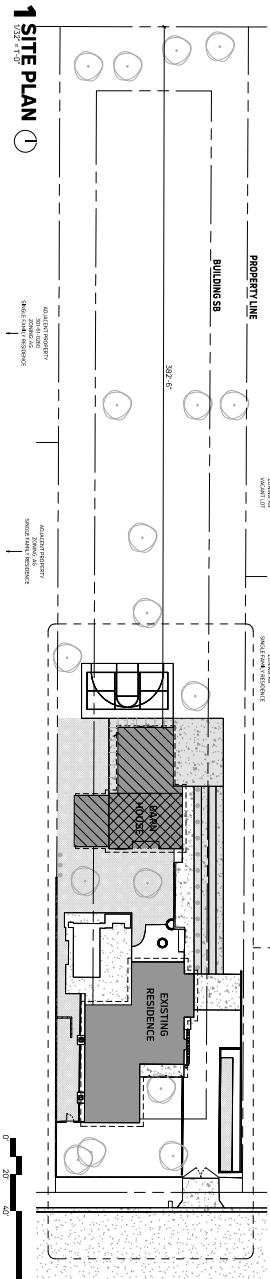
B. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES LOCATED ON THE SITE. ANY UTILITIES NOT IDENTIFIED BY THE CONTRACTOR SHALL BE IDENTIFIED BY THE CONTRACTOR AT HIS OWN RISK.

C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ARCHITECTURAL, STRUCTURAL, CIVIL AND LANDSCAPE FEATURES AND DETAILS. ANY DAMAGE TO EXISTING FEATURES SHALL BE REPAIRED TO ORIGINAL CONDITION.

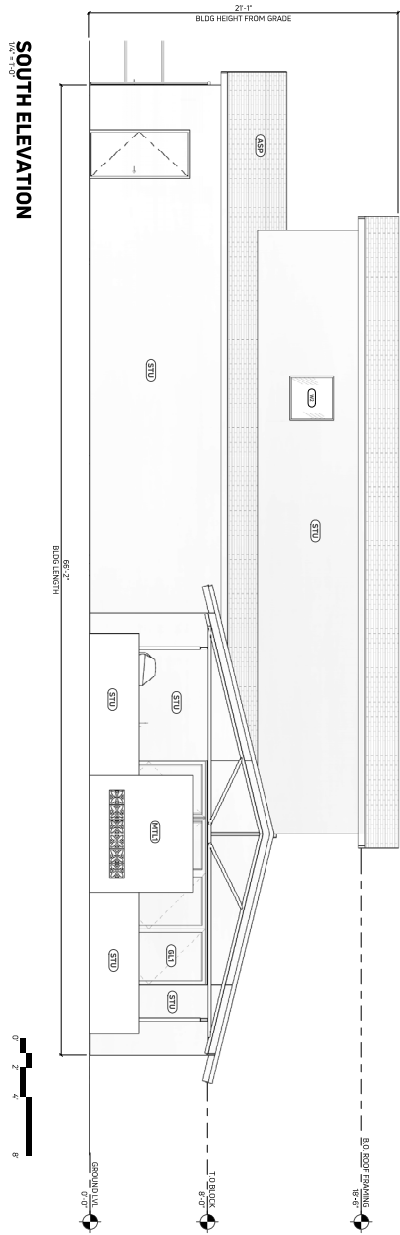
D. BEFORE THE START OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

E. UNLESS OTHERWISE INDICATED, SLOPE ALL EXPOSED AREAS AND MAINTAIN AT A MINIMUM OF 2% IN THE DIRECTION OF GRAVITY. ALL EXPOSED AREAS SHALL BE PROTECTED FROM EROSION AND WEATHER DAMAGE. ALL EXPOSED AREAS SHALL BE PROTECTED FROM EROSION AND WEATHER DAMAGE.

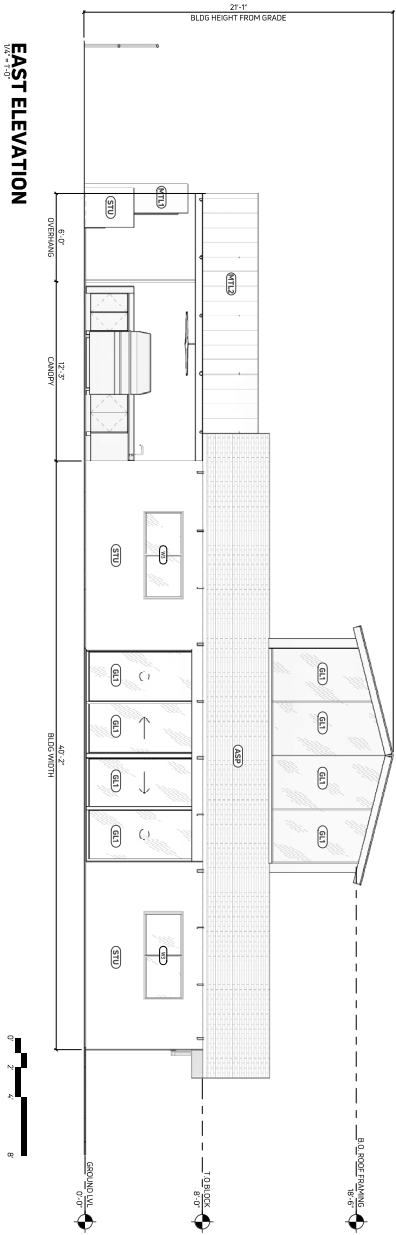
F. ALL VERTICAL BUILDING WALLS SHALL BE FINISHED TO MATCH EXISTING WALLS WITH THE DIMENSIONS AND SPECIFICATIONS.



ITEM	EXISTING	PROPOSED	NET CHANGE
<b>NUMBER OF STORIES:</b>	1	1	0
<b>NUMBER OF RESIDENCES:</b>	1	1	0
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<b>NUMBER OF DECKS:</b>	1	1	0
<b>NUMBER OF PORCHES:</b>	1	1	0
<b>NUMBER OF STAIRS:</b>	1	1	0
<b>NUMBER OF BATHS:</b>	1	1	0
<b>NUMBER OF KITCHENS:</b>	1	1	0
<b>NUMBER OF LIVING AREAS:</b>	1	1	0
<b>NUMBER OF BEDROOMS:</b>	1	1	0
<b>NUMBER OF HALLS:</b>	1	1	0
<b>NUMBER OF CLOSETS:</b>	1	1	0
<b>NUMBER OF TERRACES:</b>	1	1	0
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<b>NUMBER OF TERRACES:</b>	1	1	0
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<b>NUMBER OF BALCONIES:</b>	1	1	0
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<b>NUMBER OF BALCONIES:</b>	1	1	0
<b>NUMBER OF PATIOS:</b>	1	1	0
<b>NUMBER OF DECKS:</b>	1	1	0
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<b>NUMBER OF STAIRS:</b>	1	1	0
<b>NUMBER OF BATHS:</b>	1	1	0
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<b>NUMBER OF TERRACES:</b>	1	1	0
<b>NUMBER OF BALCONIES:</b>	1	1	0
<b>NUMBER OF PATIOS:</b>	1	1	0
<b>NUMBER OF DECKS:</b>	1	1	0
<b>NUMBER OF POR</b>			



**SOUTH ELEVATION**

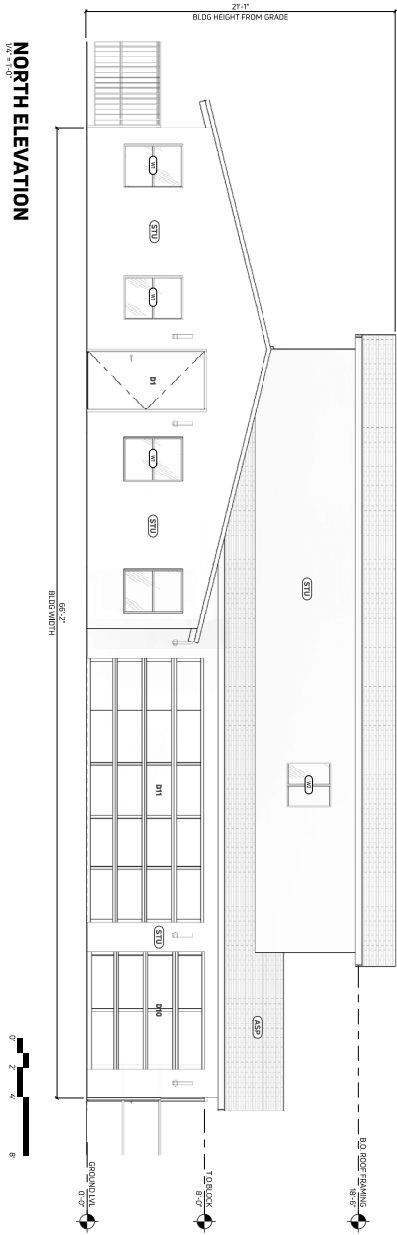


**EAST ELEVATION**

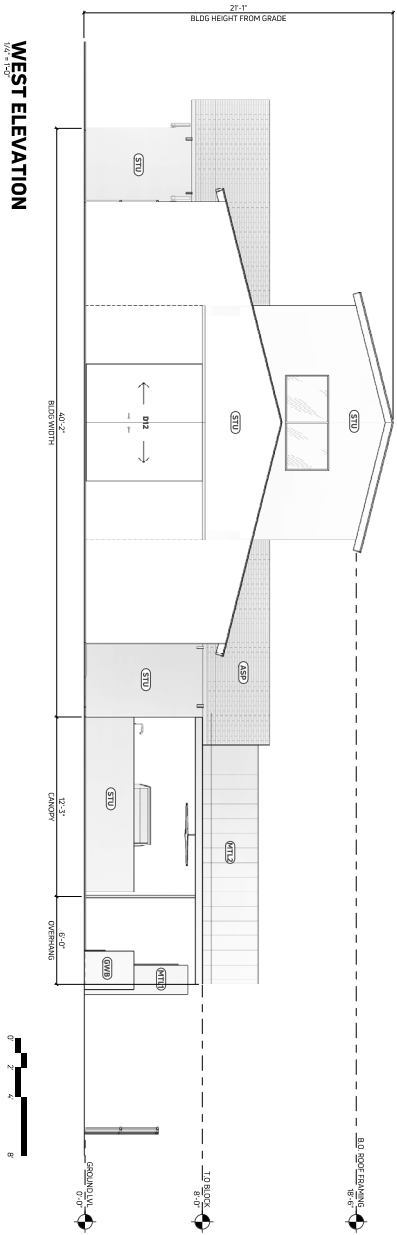
- exterior material legend**
- EXPRESSO METAL DECK
  - DOUBLE PANEL INSULATED GLASS UNIT (IGU)
  - ROOF SWEETS - UNWELDED SHEET TO LAP JOINT
  - GLASS UNIT (IGU)
  - STONE SMOOTH FINISH
  - STONE SMOOTH FINISH
  - STONE SMOOTH FINISH

MARK	DESCRIPTION	FINISH
ASD	ROOF TILES	ASPHALT
GLI	INSULATED GLASS	CLF
GLU	GLASS UNIT (IGU)	CLF
HT1	TRIPLEX HANDSAP FINISH	SLICK
HT2	CONCRETE/HEAVY ROOF PANEL	SLAWMBD
STU	STUCCO FINISH SYSTEM	PTOWHTE

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**NORTH ELEVATION**



**WEST ELEVATION**

**exterior material legend**

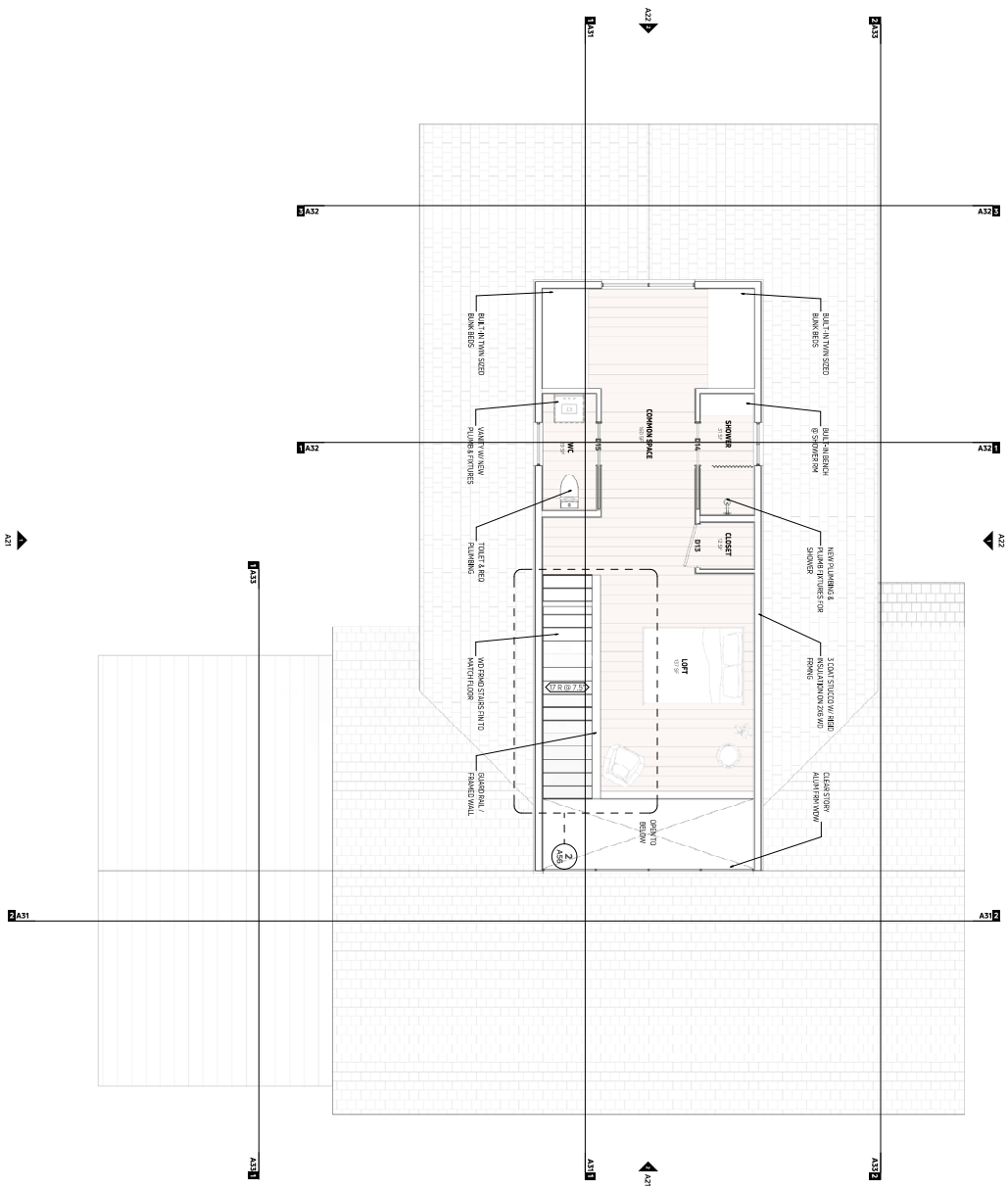
	EXPRESSO METAL DECK		ROOF SMEETS
	DOUBLE PANEL INSULATED FUNCTION PANELS		GLASS SELECT
	STONE SMOOTH FINISH		STONE SMOOTH FINISH
	STONE SMOOTH FINISH		STONE SMOOTH FINISH

**materials**

MARK	DESCRIPTION	FINISH
ASP	ROOF TILES	ASPHALT
GL1	INSULATED GLASS	CLF WHITE
GL2	INSULATED GLASS	CLF WHITE
HT1	STYRENE POLYURETHANE INSULATION	SLICK
HT2	COMBINATION ROOF PANEL	SLAWNER
STU	STUCCO FINISH SYSTEM	PT WHITE

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**Floor plans**

- A. ALL FURTHER DIMENSIONS AND TURNING SPACES WILL BE OWNER SUPPLIED, CONTRACTOR INSTALLED.
- B. ALL INTERIOR WALLS TO BE UNLESS OTHERWISE NOTED.
- C. ALL WALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- D. DIMENSIONS ARE ALIGNED TO FACE OF WORKMAN.
- E. ROOMS OPENING UP TO ROOF IN ATTIC WALLS SHALL BE PERPENDICULAR WALLS AND LOCATED 3' FROM PERIMETER OF ROOF WALL UNLESS OTHERWISE NOTED.
- F. WHERE PARTITION OCCURS IN WALL LOCATION, USE WATER RESISTANT BOARD OVER GYPSUM BOARD.
- G. GENERAL BASE CONDITION BELOW UNDO.

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