

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/23/2024
Agenda Item: 4**

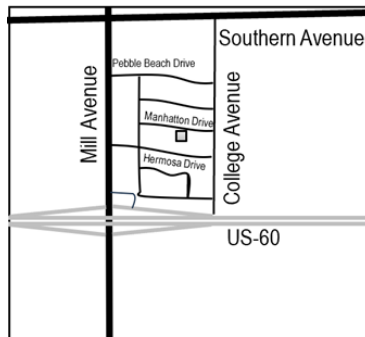
ACTION: Request a Use Permit to allow two (2) required parking spaces within the front yard building setback for **NELSON RESIDENCE**, located at 209 East Manhattan Drive. The applicant is Michael Nelson.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: NELSON RESIDENCE (PL240147) is a single-family residence located within the R1-6 Single Family Residential zoning district. The request includes the following:

ZUP240053 Use Permit to allow two (2) required parking spaces within the front yard building setback.



Property Owner	Michael Nelson and Laura Czarzasty
Applicant	Michael Nelson
Zoning District	R1-6
Site Area	7,954 s.f.
Building Area	1,612 s.f.
Lot Coverage	20.27% (45% max. allowed)
Building Setbacks	26' front, 6' side, 48' rear (20', 15', 15' min. required)
Vehicle Parking	2 spaces (2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Whitney Mayfield, Planner I+ (480) 850-8486

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 subject site is located on the north and east of Mill Avenue and the US-60 highway on Lot 92 of the Tempe Gardens subdivision. Constructed in 1963, 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 yard building setback, to accommodate the enclosure of an existing carport into 160 square feet of new livable space. Specifically, the property owners intend to use this new space as a home office for their corporate day jobs. Sufficient space exists on the driveway to accommodate the two (2) required parking spaces and will not require new paving.

PUBLIC INPUT

Staff has not received any public input since the publishing 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 driveway is intended to service the residents of the single-family residence, thus 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 as the driveway will not require paving.
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*; Similar parking conditions are present in the neighborhood, and the proposed parking configuration is not anticipated to contribute to the deterioration of the neighborhood.
4. *Compatibility with existing surrounding structures and uses*; The enclosure will be compatible with the existing architectural elements of the existing structure, will not exceed the existing footprint of the structure, and similar exterior modifications exist 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 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.
- 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.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to www.tempe.gov/signs.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- If the development includes a use listed in [City Code Section 26-70\(c\)](#), the Owner is required to prepare a security plan with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.

HISTORY & FACTS:

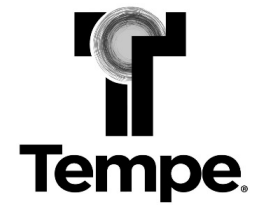
1963 Single-family residence is constructed.

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](#)

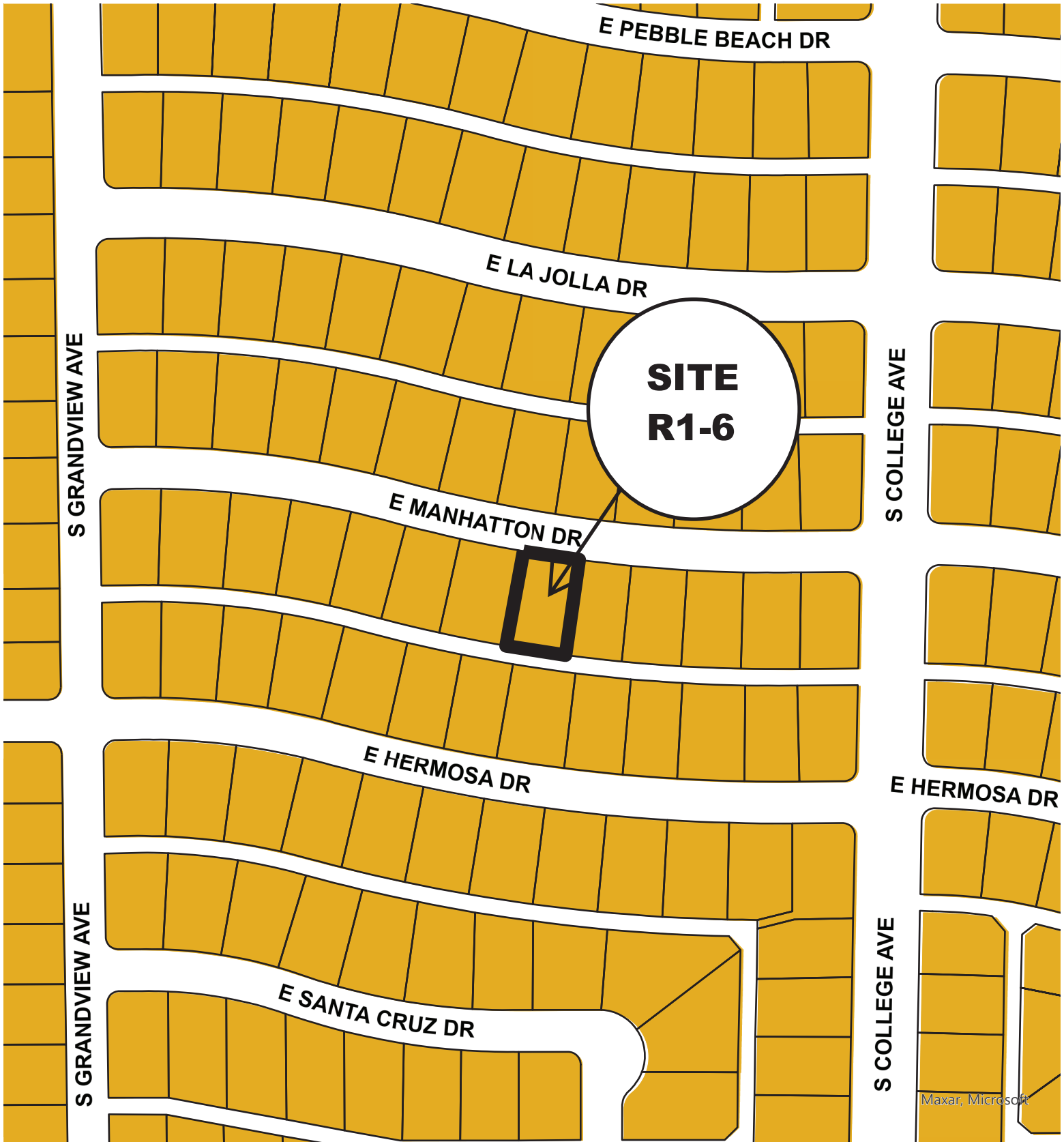


DEVELOPMENT PROJECT FILE
for
NELSON RESIDENCE
(PL240147)

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Letter of Explanation
4. Site Plan
5. Building Elevations
6. Floor Plan
- 7-9. Site Context Photos

Nelson Residence



- Single-Family Residential (R1-6)
 - Override 1
- Twelve Point**
CenterlineSubType
- ADOT
 - Canal

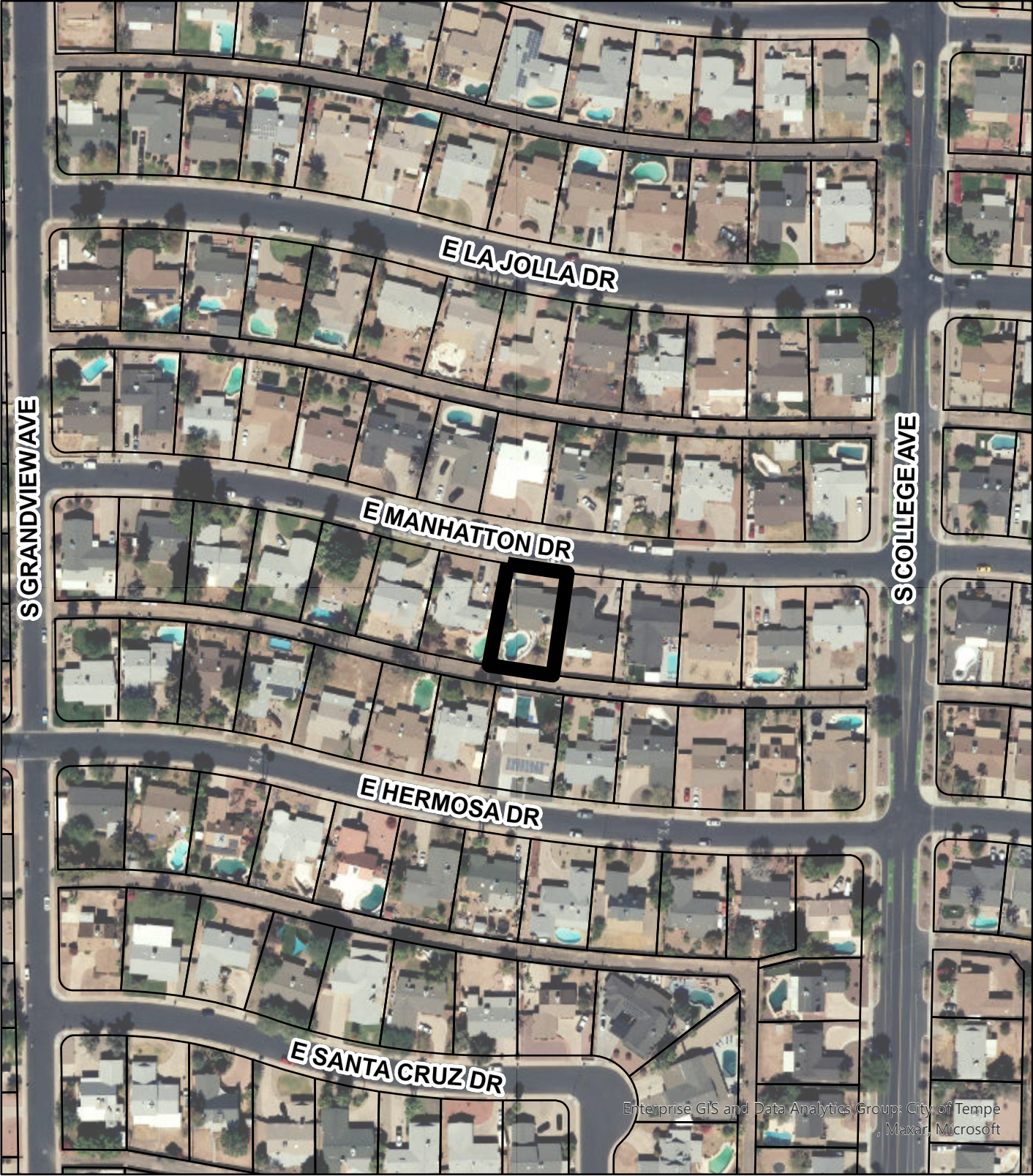
- Monument
- Private
- Railroad
- Street
- <all other values>

- Zoning District**
- Light Industrial District (LID)

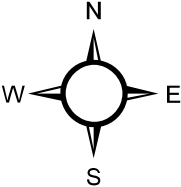
- General Industrial District (GID)
- Heavy Industrial District (HID)
- City Center (CC)
- Mixed Use Med (MU-2)
- Mixed Use Med-High (MU-3)
- Mixed Use High (MU-4)
- Mixed Use Educational (MU-ED)



Maxar, Microsoft



Aerial Map



Letter of Explanation

Permit use application for Czarzasty/Nelson Carport Enclosure - 209 E. Manhattan Dr. Tempe, AZ 85282

To whom it may concern:

We are looking to enclose our carport to serve us as a home office (for our corporate day-jobs). The enclosure of the carport would not extend the footprint of our home, though it would require us to park both of our cars in our driveway. Parking both cars in the driveway would **not** impinge on the use of the sidewalk in any way, and would still leave several feet of clearance between the cars and sidewalks.

We bought our Tempe home in 2020 during the pandemic, and having just had our first child. We love our home and Tempe and wish to stay here long term. Since moving in, both of our positions have become permanent work from home roles, and we have welcomed a second child. This means that our three bedrooms are all now needed as bedrooms, and we aren't able to keep working out of one of them, hence the reason we're looking to enclose our carport.

There would be no impact at all on the surrounding areas in terms of additional cars parking at our home, pedestrian traffic, etc. Our request would not be detrimental in any way to those living in our area and conforms to the standards and Zoning and Development Code Criteria (Section 6-308):

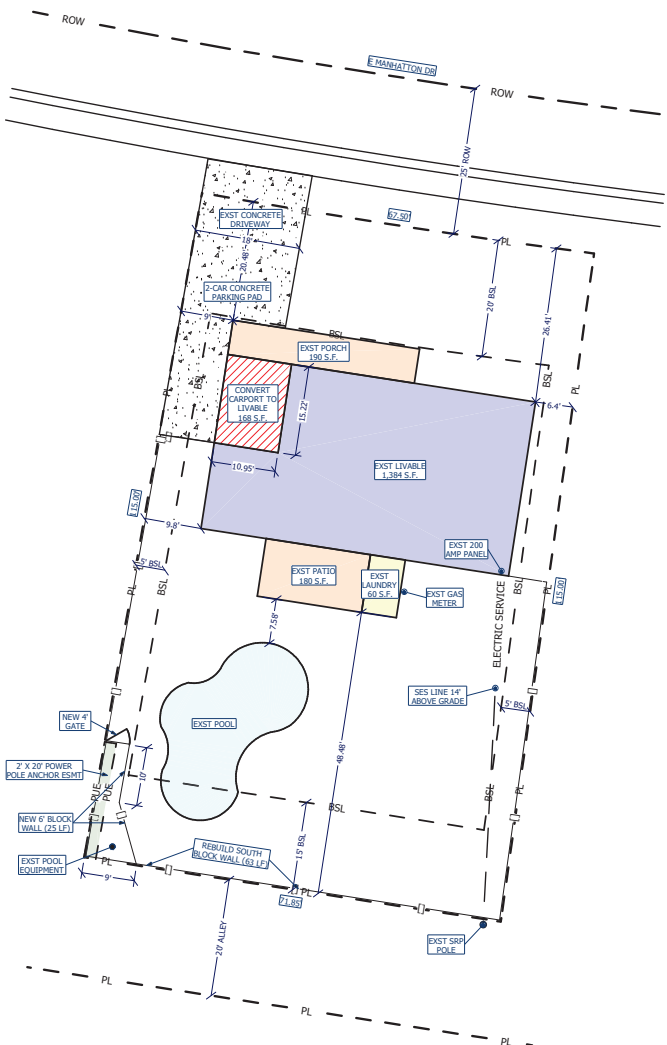
- a. Any significant vehicular or pedestrian traffic in adjacent areas; ***No impact, only homeowners using the driveway.**
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; ***No impact.**
- c. Contribution 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; ***No impact; granting this use permit will benefit a Tempe family who loves their home and community.**
- d. Compatibility with existing surrounding structures and uses; and ***Enclosure will be compatible with existing structures (the contractor has enclosed a garage two doors down, which is compatible with the home (and lovely)), and will not exceed existing footprint of the structure.**
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public. ***Not applicable, as this space will be used for a home office only, and will not have clients/additional people on the premises.**

We love our home and hope that this permit to use our driveway and move forward with creating a home office space will keep us here for many years to come.

Thanks for your consideration,

Laura Czarzasty

Michael Nelson

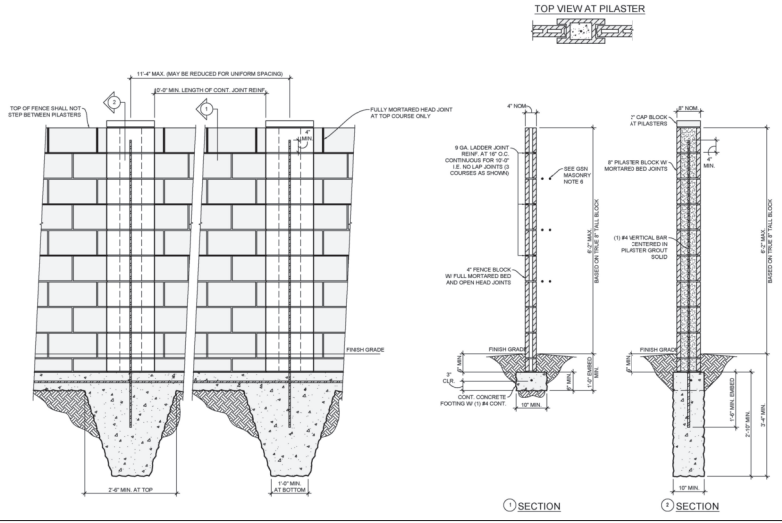


LOT & BUILDING INFO	
APN	133-57-092
ADDRESS	209 E MANHATTAN DR TEMPE, AZ 85282
LOT #	92
SUBDIVISION	34 IN 4E TEMPE GARDENS 1
ZONING	R-2
BUILDING SETBACKS	FRONT/REAR: 20'/15' SIDES: 5'/5'
LOT SIZE (S.F.)	7,654.0 S.F.
LOT COVERAGE	1,383.0 S.F.
	25.89 % USED 45 % MAX
CONSTRUCTION TYPE	V18
EXIST LIVABLE	1,384.0 S.F.
EXIST CARPORT	168.0 S.F.
EXIST PORCH	190.0 S.F.
EXIST PATIO	180.0 S.F.
EXIST LAUNDRY	60.0 S.F.
CONVERTED LIVABLE	168.0 S.F.
OWNER INFO	
NAME	JAMES NELSON
MAILING ADDRESS	209 E MANHATTAN DR TEMPE, AZ 85282
PHONE	
EMAIL	
CONTRACTOR INFO	
COMPANY	M SICHWA CONTRACTING LLC
CONTACT	MARK SICHWA
ADDRESS	1140 E SANDPIPER DR #205 TEMPE, AZ 85283
LICENSE INFO	ROC# 316833 CLASS: B
PHONE	480-318-0125
EMAIL	msichwa@msichwa.com
DESIGN LOADS	
SOIL BEARING PRESSURE	1500 PSF
ROOF LIVE LOAD	20 PSF
ROOF DEAD LOAD	20 PSF
ROOF TOTAL LOAD	40 PSF
CITY CODE DATA	
JURISDICTION:	CITY OF TEMPE
COUNTY:	MARICOPA
	IRC IBC
	IRC IBC
2018	IRC IBC
	IRC IBC
	IRC IBC
2017	NEC
ADOPTED CODED WITH CITY OF TEMPE AMENDMENTS & CURRENT TEMPE ZONING ORDINANCES	

SHEET INDEX	
1	SITE PLAN - PROJECT INFORMATION
2	EXISTING FLOOR PLAN - ADDITION FLOOR PLAN
3	FOUNDATION PLAN - FOUNDATION PLAN
4	ELECTRICAL PLAN - ELECTRICAL PLAN
5	ELECTRICAL PLAN - ELECTRICAL PLAN

NELSON CARPORT CONVERSION
209 E MANHATTAN DR
TEMPE, AZ 85282
133-57-092

PERMIT NUMBER	
PROJECT NUMBER	23065
PRINT DATE	9/13/2023
DRAWN BY	J WARD
SHEET TITLE	
SITE PLAN - PROJECT INFORMATION	
1	
SHEET NUMBER	1 OF 5



SITE PLAN
1" = 10'-0"

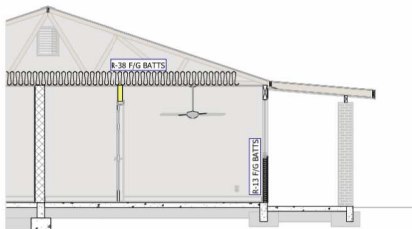
THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF SMALL FISH DRAFTING LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF SMALL FISH DRAFTING LLC IS STRICTLY PROHIBITED.



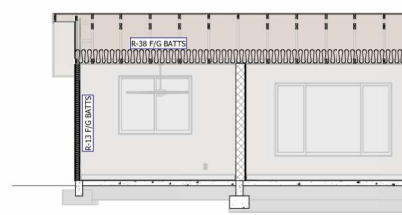
NORTH ELEVATION
1/4" = 1'-0"



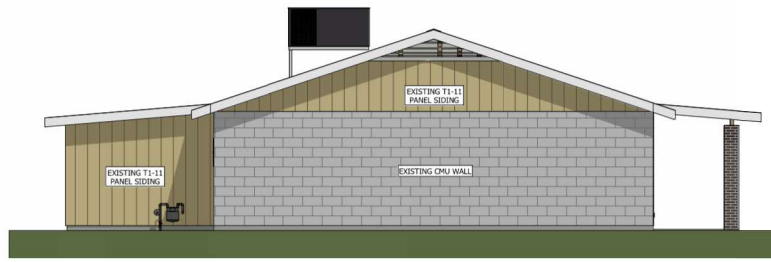
SOUTH ELEVATION
1/4" = 1'-0"



SECTION A-A
1/4" = 1'-0"



SECTION B-B
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"


SMALL FISH DRAFTING LLC
 13305 WARD
 1433 W BUCCYE RD #104-166
 AVONDALE, AZ 85023
 623-212-4131
 www.SmallFishDrafting.com
 jeremiah@smallfishdrafting.com

SHEET INDEX	PROJECT INFORMATION
1	SITE PLAN - PROJECT INFORMATION
2	EXISTING FLOOR PLAN - ADDITION FLOOR PLAN
3	FOUNDATION PLAN - FOUNDATION PLAN
4	ELEVATIONS - SECTIONS - DETAILS
5	ELECTRICAL PLAN - ELECTRICAL CALCS

NELSON CARPORT CONVERSION
 209 E MANHATTAN DR
 TEMPE, AZ 85282
 133-57-092

PERMIT NUMBER

PROJECT NUMBER 23065
 PRINT DATE 9/13/2023
 DRAWN BY J WARD

SHEET TITLE
 ELEVATIONS - SECTIONS - DETAILS

4

SHEET NUMBER 4.OE.5



SMALL FISH DRAFTING LLC
 11435 W BUCKEYE RD #104-166
 AVONDALE, AZ 85023
 623-313-4333
 www.SmallFishDrafting.com
 jeronah@smallfishdrafting.com

SHEET INDEX				
1	EXISTING FLOOR PLAN - ADDITION FLOOR PLAN	2	FOUNDATION PLAN - FRAMING PLAN	3
4	ELECTRICAL PLAN - ELECTRICAL CALLS	5		6

NELSON CARPORT CONVERSION
 209 E MANHATTAN DR
 TEMPE, AZ 85282
 1333-57-092

PERMIT NUMBER

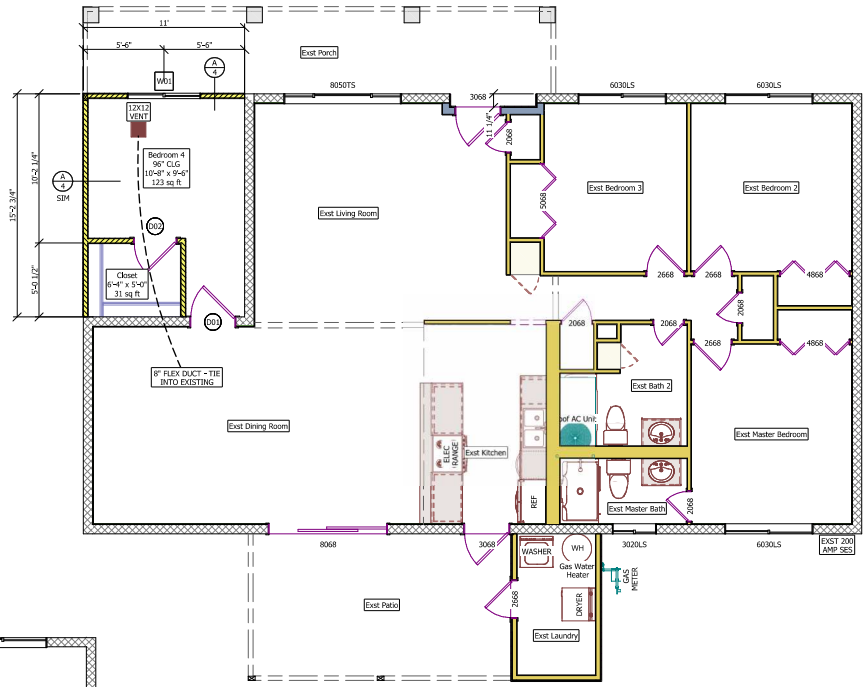
PROJECT NUMBER 23065
 PRINT DATE 9/13/2023
 DRAWN BY J WARD

SHEET TITLE
 EXISTING FLOOR PLAN - ADDITION FLOOR PLAN

2
 SHEET NUMBER 2 OF 5

GENERAL FLOOR PLAN NOTES

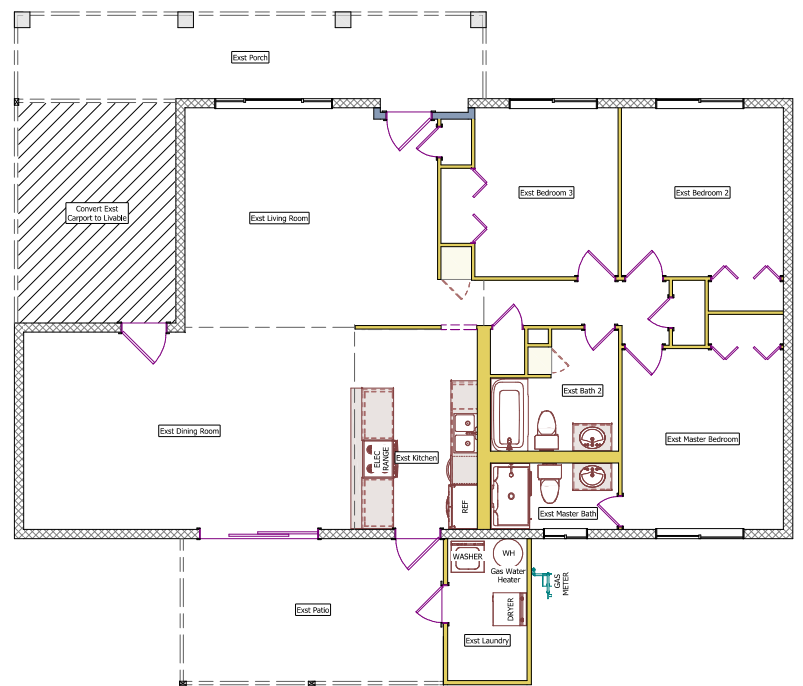
- WALL FRAMING:
 • EXISTING EXTERIOR WALLS 4X8X16 CMU WALL
 • EXISTING INTERIOR WALLS 2X4 @ 24" O.C.
 • NEW EXTERIOR WALLS 2X4 @ 16" O.C.
 • NEW INTERIOR WALLS 2X4 @ 24" O.C.
 • PLUMBING WALLS 2X6 @ 24" O.C.
- ALL MODIFICATIONS TO THE BUILDING ENVELOPE MUST COMPLY WITH THE FOLLOWING: PENETRATION = 0.40 MAX I/F-FACTOR, 0.25 MAX SHGC, MIN R-13 @ FRAME WALLS & FLOORS, 1# @ MASS WALLS OR R-13 IN LOCATED ON INTERIOR SIDE, R-5 @ CEILING, DUCT INSULATION LOCATED OUTSIDE THE BUILDING ENVELOPE REQUIRES MINIMUM R-8 AND #4 WHEN LOCATED IN FLOOR JOIST, MINIMIZE AIR LEAKAGE PER IECC 402.4.
 - WALLS BETWEEN LIVING AREA AND GARAGE MUST BE 1 HOUR FIRE RESISTIVE, USE 5/8" TYPE "X" GYPSUM BOARD ON ALL WALLS AND CEILING.
 - ALL EXITS TO BE OPERABLE FROM THE INSIDE WITHOUT USE OF A KEY OR SPECIAL KNOWLEDGE.
 - ALL GYPSUM BOARD TO BE 1/2" SAG-RESISTANT THROUGHOUT LIVABLE AREA.
 - SMOKE DETECTORS SHALL BE PROVIDED FOR ALL SLEEPING AREAS AT A MINIMUM OF THREE FEET FROM ALL DUCT OPENINGS AND AT THE HIGHEST POINT OF THE CEILING.
 - SMOKE DETECTORS SHALL BE PERMANENTLY WIRED AND INTERCONNECTED WITH A BATTERY BACKUP, AND BE CENTRALLY LOCATED IN HALLWAY OR AREA GAINING ACCESS TO EACH SEPARATE SLEEPING AREAS.
 - GLAZING WITHIN ALL HAZARDOUS LOCATIONS SHALL BE SAFETY GLASS IE.
 - ALL GLAZING IN INGRESS & EGRESS DOORS, ALL GLAZING ADJACENT TO DOORS WITHIN A 24" ARC OF THE DOOR.
 - ALL WINDOWS SHALL BE PROVIDED WITH LOCKING DEVICES THAT WILL PROHIBIT GLAZING AND REMOVING THE SLIDING PANEL WINDOW IN CLOSED POSITION, AND SHALL HAVE LOCKING DEVICES THAT SHALL NOT USE A KEY.
 - BEDROOM EGRESS WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPERABLE AREA OF 5.7 SQUARE FEET AND A MINIMUM HEIGHT OF 24" AND MINIMUM WIDTH OF 20". SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE FINISH FLOOR.



DOOR SCHEDULE (FINISH HEIGHT, DOOR OPENING SIZES)										
NUMBER	NEW/EXIST	QTY	SIZE	WIDTH	HEIGHT	DESCRIPTION	TEMPEREN	EGRESS		
001	REPLACE	1	3'06 1/8 x 6'8 1/2	30 1/2"	68 1/2"	EXT. HINGED DOOR BOB				
002	NEW	1	3'06 1/8 x 6'8 1/2	30 1/2"	68 1/2"	EXT. HINGED DOOR BOB				

WINDOW SCHEDULE (FINISH HEIGHT, DOOR OPENING SIZES)										
NUMBER	NEW/EXIST	QTY	SIZE	WIDTH	HEIGHT	DESCRIPTION	TEMPEREN	EGRESS		
003	EXIST	1	3'00 x 6'0	30"	60"	EXT. HINGED DOOR BOB				

FLOOR PLAN
 1/4"=1'-0"



EXISTING FLOOR PLAN
 1/4"=1'-0"



M2

REPRODUCTIVE
RIGHTS
ARE
HUMAN
RIGHTS



