

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/14/2018  
Agenda Item: 4**

**Q.J.**

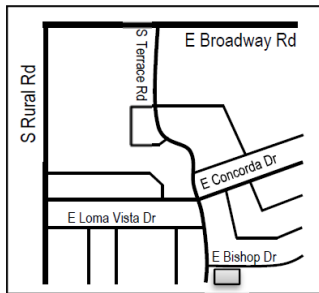
**ACTION:** Hold a public hearing for an appeal of the Hearing Officer decision to deny a Use Permit to allow a recreational vehicle to be parked in the required front yard setback for the GARCIA RESIDENCE, located at 1125 East Bishop Drive. The appellant is Patrick Garcia.

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

**RECOMMENDATION:** Not applicable.

**BACKGROUND INFORMATION:** The GARCIA RESIDENCE (PL180159) is located on lot 174 of the Hughes Acres Unit Two Subdivision located south of East Broadway Road and east of South Rural Road in the R1-6, Single Family Residential District. The applicant is proposing to park a recreational vehicle in the required front yard setback of an existing single-family residence. The use permit request was a result of a code violation (CE182922) of Section 4-602(B)(7) of the Zoning and Development Code – “Recreational vehicles and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard building setback or required street side yard setback , except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a use permit”. On June 19, 2018, the Hearing Officer heard and denied a Use Permit to allow a recreational vehicle to be parked in the required front yard setback. On June 29, 2018, an appeal to the Hearing Officer’s decision was submitted by appellant, Patrick Garcia. \*NOTE: THIS ITEM IS A QUASI-JUDICIAL MATTER. PRE-MEETING CONTACT WITH THE COMMISSION ON QUASI-JUDICIAL MATTERS IS PROHIBITED. ANY MATERIALS OR CONVERSATION CONCERNING THE ITEM SHALL ONLY BE PRESENTED TO THE COMMISSION AT THE SCHEDULED PUBLIC HEARING. The request includes the following:

ZUPA180005 Appeal of denied Use Permit (ZUP180057) to allow a recreational vehicle to be parked in the required front yard setback

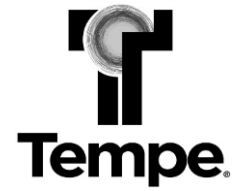


Existing Property Owner	Patrick Garcia
Applicant of Entitlement	Patrick Garcia
Appellant	Patrick Garcia
Zoning District	R1-6
Site area	7,209 s.f.
Total Building Area	1,536 s.f.
Building Setbacks	(20' front, 5' side, 15' rear, 15' front (open structure) Min.)
Vehicle Parking	2 spaces (2 min. required)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director  
 Legal review by: N/A  
 Prepared by: Dalton Guerra, Planner I  
 Reviewed by: Suparna Dasgupta, Principal Planner



**DEVELOPMENT PROJECT FILE**  
for  
**GARCIA RESIDENCE**  
**(PL180159)**

**ATTACHMENTS:**

- 1-2. Letter of Appeal, dated June 29, 2018
- 3-10. Draft minutes of the June 19, 2018 Hearing Officer
- 11-13 Staff report from the June 19, 2018 Hearing Officer (in original order and pagination)
- 14-21. Original Development Project File

**To: The community Development Department**

**From: Patrick Garcia, Tempe resident since 1995.**

Garcia project, Parcel #133-56-034 for **an appeal** on a variance for parking in front yard setback

On June 19<sup>th</sup> 2018 I had a hearing with Hearing officer Vanessa McDonald. She denied the variance based on:

1. *What she stated was her lack of knowledge as to what she had the authority to grant, because she stated part of the setback is in the public right of way.(On what by appearance to the average person is within my property line).*

Which being a pre-scheduled hearing, she should have been prepared and knew what she could or could not do, that is the reason for a hearing. I have since spoken to Lee Jimenez (Senior Planner) who researched and stated the right of way in the setback would not be an issue. The right of way section in question is part of my RV parking slab between my house and the house to the west which was build that way in 1963. This slab has never had to be accessed by the city since it was poured because there is nothing critical under and if it were to be, an RV is mobile. I have never had anyone walk or need to walk on or through my parking slabs since there is an open sidewalk for the public to use. What is the difference in parking an RV or a vehicle of any size in the same area within the set back? Parking is parking.

2. *Lack of compatibility, That, no one else has applied for a permit to park in the front yard setback.*

My reply to that is: No one else in this non-HOA neighborhood purchased their house with a letter of restrictions nor does zoning add or send any information out on what can or cannot be done. So nobody applies for a permit and just parks what needs to be parked on their properties. To include setbacks which by perception is within their property. Only a zoning inspector or a Contractor who needs to build on properties would know anything about setbacks. The general public or citizen/home owner does not.

I have up-kept my Rv and had it parked there for almost a decade. So it has become a common sight, is not lived in or in disrepair and has never been the issue of a complaint up to this point. I have seen trailers, RV's, boats and even a small plane on a trailer in my neighborhood since I have lived here and never seen anyone living in them. While doing some research I found within my own neighborhood there are two Tempe council people and a Tempe Chief Finance officer who live close and my Rv, other trailers, boats or RVs have not been an issue. One council person Robin Arredondo even had a boat with trailer parked in their front yard which is captured on google maps. I took a small drive around my area looking for trailers, boats and RV's and located more than 22 such Compatibilities as they are referred to, so they are there, just without permits or should I say complaints. The City manager who lives in Tempe even has a RV parked across the street from him which appears to be in the front yard setback.

3. *The third reason mentioned was neighborhood downgrade.*

As I stated since I parked my trailer in that very spot 9 years ago. My neighborhood has not fallen apart. Property values have gone up not down and more homes have been bought by investors who do not live in the neighborhood but rent the houses to anyone (non-family, frat type house etc..), I have remained. Even one of the councilman and the city finance officer have purchased in my neighborhood within the years of my trailer being parked in its current spot. Trailers are nothing new, they have been around for **years**. I have not seen a rash of new trailer ownerships. As I stated there have always been people with trailers for varied reasons, work, hauling, boats, Atvs or RV's for recreation. It is not a new phenomenon. The owners of said trailered items have not had the need to apply for permits or variances, and in all the time I have lived in Tempe I have never seen anyone living in a trailer in their front parking slab.

4. *I believe she did mention one other reason, which would be setting precedence by granting a variance.*

This would simply not happen. As I stated, RV's are not a new thing, some people have them some do not. There is not going to be a trailer purchase explosion in Tempe due to one variance. Most do not have people that complain about the RVs near them, so a variance is never needed or requested. Not to mention it has been a time consuming ordeal and costly. For a variance without knowing you need one is \$451.00, double if you get a notice. Now with an appeal cost, it is a grand total or \$1,023.00. Most people will never put in for one since they will not have a complaint. Others are going to opt just to move the trailer and not put in for a variance because they do not wish to deal with the hassle of the time and money loss or are afraid of government. If there ever arises an issues for a variance permit granted, it is well known the city has the right to revoke, revisit the issue or deal with any issues by other means. So I think this is a non-issue and is a poor excuse not to mention an ignorant statement.

MINUTES  
HEARING OFFICER  
JUNE 19, 2018

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

**STUDY SESSION 4:30 PM**

**Present:**

Vanessa MacDonald, Hearing Officer  
Suparna Dasgupta, Principal Planner  
Lee Jimenez, Senior Planner  
Dalton Guerra, Planning Technician  
Cynthia Jarrad, Administrative Assistant II

There were 6 interested citizens present at the study session.

- Staff and Hearing Officer discussed overview of the scheduled cases.

**REGULAR SESSION 5:10 PM**

**Present:**

Vanessa MacDonald, Hearing Officer  
Suparna Dasgupta, Principal Planner  
Lee Jimenez, Senior Planner  
Dalton Guerra, Planning Technician  
Cynthia Jarrad, Administrative Assistant II

There were 9 interested citizens present at the regular session.

Meeting convened at 4:59 PM and was called to order by Ms. MacDonald. She stated that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) calendar days, by July 3, 2018 at 3:00 PM, to the Community Development Department.

1. The following was noted:

- **Agenda Item No. 1**

**June 5, 2018 Hearing Officer Minutes**

Vanessa MacDonald, Hearing Officer, stated that the June 5, 2018 Hearing Officer Minutes had been reviewed and were approved.

- 2) Request approval to abate public nuisance items at the **CHUNXIANG XU** property, located at 2244 East Apache Boulevard. The applicant is the City of Tempe. **(CM180206)**

Marvin White, Code Compliance, gave the following overview of the case:

- This property has been an ongoing problem for the city. The property was abated 3 years ago for trash, graffiti, etc.
- He visited the property today and the property is still not in compliance.
- No action has been taken by the applicant besides a small amount of graffiti that has been removed.

Mr. White showed pictures of the property and pointed out the items that are not in compliance.

Ms. MacDonald mentioned that she has also visited the property.

Mr. White stated that he attempted to contact the property owner numerous times for correspondence but never got a response.

Ms. Macdonald asked if there were any members of the audience who wished to address this request. There was no one.

**DECISION:**

Ms. MacDonald approved the request (CM180206) to abate public nuisance items at the CHUNXIANG XU property, located at 2244 East Apache Boulevard.

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- 3) Request a Use Permit to allow a recreational vehicle to be parked in the required front yard setback for the **GARCIA RESIDENCE**, located at 1125 East Bishop Drive. The applicant is Patrick Garcia. **(PL180159)**

Dalton Guerra, Planning Technician, gave the following overview of the case:

- The Garcia Residence is located on lot 174 of the Hughes Acres Unit Two Subdivision located south of East Broadway Road and East of South Rural Road in the R1-6, Single Family Residential District.
- The applicant, Patrick Garcia, is requesting a Use Permit to allow a recreational vehicle to be parked in the required front yard setback.
- To date, staff has received three (3) phone calls, two in opposition and one in support. The two phone calls that were in opposition expressed concern that approval of this Use Permit will set precedence for other property owners to park recreational vehicles in the front yard. One caller stated that he doesn't want the neighborhood to end up looking like a trailer park as a result. He is also concerned that people will use the recreational vehicles as a living space. The caller in support stated that the Recreational Vehicle being parked in the front yard does not bother her and the property owner keeps the front yard and the RV clean.
- Based on the information provided by the applicant, the public input received, and the analysis provided in the staff report, staff cannot support approval of the requested Use Permit.

Ms. MacDonald asked Mr. Guerra if he had an aerial photo of the property with the property lines visible.

Mr. Guerra showed an aerial photo with the property lines and pointed out that the trailer extends about 5 or 6 feet beyond the property line.

Ms. Macdonald clarified that the property line does not begin at the back of the sidewalk, but rather at the property line itself, which Mr. Guerra had just displayed.

Ms. MacDonald asked Mr. Guerra to confirm that the trailer was actually encroaching into the public Right of Way.

Mr. Guerra responded in agreement.

Mr. Garcia, the property owner, stated that he has lived there for 26 years and uses the recreational vehicle strictly for recreational purposes, and no one lives in it when it is not in use. He stated that he cannot park the RV further back because it would hit the overhang of his house. He mentioned that it would be too expensive to park the RV in the rear of the property because of the costs associated with knocking the wall down and putting a gate up. He stated that the RV being parked in the front yard does not obstruct anyone's view, does not obstruct the sidewalk, does not block his neighbor's driveway.

Ms. MacDonald asked Mr. Garcia to confirm the length of the RV at 30 feet.

Mr. Garcia responded that the RV is 21 feet plus an attached 9 foot flatbed trailer that cannot be removed, therefore the RV is 30 feet in total. He mentioned that it is strictly for recreational use and if he cannot obtain the Use Permit he may need to sell it or move because he cannot afford to pay to store it elsewhere.

Ms. MacDonald read a letter from Ronald Brinkman, a neighbor across the street, in support of approval of the requested Use Permit.

Ms. MacDonald asked if there were any members of the audience who wished to address this request.

Mr. James Wasson, Tempe Resident, spoke in support of the requested Use Permit. He mentioned that the property owner is in good standing with him and that the RV does not create an issue.

Mr. Robert Cray, Tempe resident, spoke in support of the requested Use Permit. He mentioned that there is no problem with the RV being there, it does not look trashy, and it is well kept.

Mr. Guerra reviewed the reasons for denial which included lack of compatibility, potential for living in the RV, and potential for nuisance.

Ms. MacDonald stated that she empathizes with the applicant but she has a duty to implement the Zoning and Development Code. She referenced Section 4-602 of the City of Tempe Zoning and Development Code, an RV exceeding 21' in length cannot be in the front yard setback for more than 48 hours at a time within 7 days. She stated that she cannot grant the Use Permit to park on public property. She stated that the application meets 3 of the 5 Use Permit criteria, but 2 of the criteria are not met. She mentioned that staff had done their research on the area and did not find any prior approved Use Permits for a similar request.

**DECISION:**

Ms. MacDonald denied a Use Permit (PL180159) to allow a recreational vehicle to be parked in the required front yard setback for the **GARCIA RESIDENCE**, located at 1125 East Bishop Drive.

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- 5) Review of Compliance with assigned conditions of approval for a Use Permit to allow a massage establishment for **GRACE FOOT REFLEXOLOGY**, located at 6456 South Rural Road. The applicant is Kevin Wu. (PL160424)

Lee Jimenez, Senior Planner, gave the following overview of the case:

- Grace Foot Reflexology operates a reflexology business in the Marcos de Niza Plaza located on the southwest corner of East Guadalupe Road and South Rural Road in the PCC-1, Planned Commercial Center Neighborhood District.
- At the hearing held on January 3, 2017, the Hearing Officer approved a Use Permit to allow a massage establishment for the business.
- Approval conditioned the operator to return to the Hearing Officer for a review of compliance with assigned conditions of approval after six months of operating.
- Since the Use Permit became effective, there have been no police calls for service nor commercial complaints against the applicant.
- To date, one phone inquiry was received by staff.
- Based on the information provided by the operator and the police input received, staff supports the continuation of the approved Use Permit. Staff believes the operation conforms to the required criteria and complies with conditions of approval.

Ms. MacDonald asked if there were any members of the audience who wished to address this request. There were none.

Mr. Jimenez stated that there was a caller who thought this business was requesting another Use Permit. Mr. Jimenez informed her that this was a review of compliance with assigned conditions of approval of an existing Use Permit.

Ms. Macdonald asked if the applicant was present. They were not.

**DECISION:**

Ms. Macdonald stated that the business is in compliance with the assigned conditions of approval for a Use Permit to allow a massage establishment for Grace Foot Reflexology, located at 6465 South Rural Road. (PL160424)

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- 6) Request a Use Permit (ZUP180052) to allow an amusement business (escape room) for **INFERNO ESCAPE ROOM, LLC**, located at 1415 East University Drive, Suite 105. The applicant is Dustin Schodt. (PL180132)



Dalton Guerra, Planning Technician, gave the following overview of the case:

- Inferno Escape Room is proposing to operate in Suite No. 105 of University Plaza located south of East University Drive and west of South McClintock Drive within the GID, General Industrial District.
- The applicant, Dustin Schodt, explains that the nature of the business is for family entertainment, amusement, and team building experiences. The objective is for participants to solve clues to accomplish a certain task in one of three rooms within 60 minutes. The maximum number of occupants for one room is 8 persons.
- Two employees will be on hand during any shift and the proposed hours of operation are 12 pm to 10 pm on Monday-Thursday / 10 am to 12 am Friday-Sunday.
- To date, no public input has been received by staff.
- Based on the information provided by the applicant and the analysis provided in the staff report, staff supports this request and believes that the application meets the required criteria and will conform to the conditions provided in the staff report.

Ms. MacDonald read the applicant the conditions of approval.

The applicant agreed to the conditions of approval

Ms. MacDonald asked if there were any members of the audience who wished to address this request. There were none.

Ms. MacDonald noted that this request meets the criteria of the Zoning and Development Code, Section 6-309 D, Use Permit Criteria (in italics):

1. *Any significant increase in vehicular or pedestrian traffic*; Ms. MacDonald stated that this would not create an 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*; Ms. MacDonald did not believe that the project would create a nuisance from any of the items listed.
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*; Ms. MacDonald did not believe that this project would deteriorate the neighborhood or downgrade property values.
4. *Compatibility with existing surrounding structures and uses*; Ms. MacDonald did believe that the use would be compatible with existing 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*; Ms. MacDonald did believe that the property owners would have adequate control of behavior.

**DECISION:**

Ms. MacDonald approved the Use Permit (ZUP180052) to allow an amusement business (escape room) for **INFERNO ESCAPE ROOM, LLC**, located at 1415 East University Drive, Suite 105, subject to the assigned Conditions of Approval as follows:

1. The Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.
4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.
6. Live entertainment requires a separate Use Permit.
7. The amusement use shall take place inside only. No amusement use will be allowed outside.
8. Update the data for parking file for this building prior to the Use Permit becoming effective. Provide information within 14 days or by (insert date).

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- 4) Request two (2) Use Permit Standards to reduce the required rear and south side yard setbacks by no more than 20% for a sunken ramada for the **CALHOUN RESIDENCE**, located at 11640 South 71st Street. The applicant is Josh Sherwood of Sherwood Outdoors. **(PL180142)**

Lee Jimenez, Senior Planner, gave the following overview of the case:

- The Calhoun Residence is located on Lot 3 of the Saylor Estates subdivision near the southwest corner of south 71st Street and East Carver Road in the AG, Agricultural District.
- The applicant, Josh Sherwood of Sherwood Outdoors, is requesting reductions to the required rear and south side yard setbacks to accommodate the construction of a new sunken ramada adjacent to the proposed swimming pool.
- The ramada will stand 14 feet tall above grade and cover 1,032 square-feet.
- Should the Use Permit Standards be approved, the required rear yard setback will be reduced by 7 feet from 35 feet to 28 feet, and the required south side yard setback will be reduced by 4 feet from 20 feet to 16 feet.
- To date, staff has received one inquiry by phone. The caller lives south of the Calhoun Residence and has no concerns with the Use Permit Standard requests.
- Based on the information provided by the applicant, the public input received, and the analysis provided in the staff report, staff supports this request and believes the application meets the required criteria and will conform to the conditions provided in the staff report.

Mr. Jimenez stated that this request began as a variance but it was withdrawn and the applicant applied for two Use Permits. He stated that there was no opposition at the neighborhood meeting. He showed aerial photos and a site plan to explain the setbacks and scope of work. He explained that variance criteria are more difficult to meet so the Use Permit Standards were a better route for the project.

Mr. Sherwood spoke on behalf of the property owner. He stated that he has been working closely with Planning staff to make both the owner and the City happy.

Ms. Macdonald asked Mr. Sherwood if he had read the conditions of approval. Mr. Sherwood stated he had, and agreed with them.

Ms. MacDonald asked if there were any members of the audience that wished to address this request.

Mr. Praveen Jain, Tempe resident, is the neighbor directly to the west. He stated that he has met with the property owner and has welcomed them into the neighborhood. He hopes they will comply with city requirements and keep the area nice.

Ms. MacDonald noted that this request meets the criteria of the Zoning and Development Code, Section 6-309 D, Use Permit Criteria (in italics):

1. *Any significant increase in vehicular or pedestrian traffic;* Ms. MacDonald stated that this would not create an 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;* Ms. MacDonald did not believe that the project would create a nuisance from any of the items listed.
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;* Ms. MacDonald did not believe that this project would deteriorate the neighborhood or downgrade property values.
4. *Compatibility with existing surrounding structures and uses;* Ms. MacDonald did believe that the structure would be compatible with existing structures.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* Ms. MacDonald did believe that the property owners would have adequate control of behavior.

#### DECISION:

Ms. MacDonald approved both Use Permit Standards to reduce the required rear and south side yard setbacks by no more than 20% for a sunken ramada for the **CALHOUN RESIDENCE**, located at 11640 South 71st Street, subject to the assigned Conditions of Approval as follows:

1. The Use Permit Standards are valid only after a Building Permit has been obtained and 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 Standards are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.

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**ANNOUNCEMENTS**

- Ms. MacDonald noted that the next Hearing Officer public hearing is scheduled for Tuesday, July 3, 2018 at 5:00 PM with a Study Session scheduled for 4:30 PM.
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With no further business, the public hearing adjourned at 5:49 PM.

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Prepared by: Dalton Guerra, Planning Technician  
Reviewed by:

A handwritten signature in cursive script, appearing to read 'Suparna Dasgupta', written in black ink.

Suparna Dasgupta, Principal Planner  
For Vanessa MacDonald, Hearing Officer

SD:dg

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 06/19/2018  
Agenda Item: 3**

**ACTION:** Request approval for a Use Permit to allow a recreational vehicle to be parked in the required front yard setback for the GARCIA RESIDENCE, located at 1125 East Bishop Drive. The applicant is Patrick Garcia.

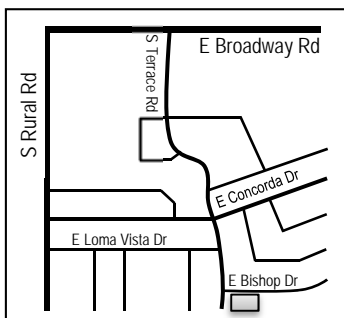
**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Deny

**BACKGROUND INFORMATION:** GARCIA RESIDENCE (PL180159) is located on lot 174 of the Hughes Acres Unit Two Subdivision located south of East Broadway Road and east of South Rural Road in the R1-6, Single Family Residential District. The applicant, Patrick Garcia, is requesting a Use Permit to park a recreational vehicle in the required front yard setback of an existing single-family residence. The request includes the following:

ZUP180057 Use Permit to allow a recreational vehicle to be parked in the required front yard setback.

**Project Vicinity Map**



Property Owner	Patrick Garcia
Applicant	Patrick Garcia
Code Compliance Inspector	Julie Scofield, Code Inspector
Zoning District	R1-6
Site Area	7,209 s.f.
Building Area	1,536 s.f.
Lot Coverage	21.3% (45% max. required)
Required Building Setbacks	20' front, 5' side, 15' rear, 15' front (open structure)
Vehicle Parking	2 spaces (2 min. required)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Dalton Guerra, Planning Technician (480) 350-8652

Department Director: Chad Weaver, Community Development Director  
 Legal review by: N/A  
 Prepared by: Dalton Guerra, Planning Technician  
 Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

The applicant is requesting a Use Permit to park a recreational vehicle in the required front yard setback. The length of the trailer is 30 feet (30') and extends beyond the property line by 6 feet (6'). However, it does not encroach onto the sidewalk. There are no existing Use Permits to allow a recreational vehicle to be parked in the required front yard setback within this subdivision.

## PUBLIC INPUT

To date, staff has received one (1) phone call in opposition from a property owner that lives in the neighborhood. He is concerned that approval of this request will set precedence for other property owners in this neighborhood to park recreational vehicles in their front yard setback. He is also concerned for the aesthetics of the neighborhood as well as the potential for people living in the recreational vehicles.

## USE PERMIT

The proposed use requires a Use Permit to park a recreational vehicle in the required 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 proposed use is not expected to create 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 expected to generate emissions that would become a nuisance
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*; approval of the proposed use may set precedence for other neighbors in the area to park recreational vehicles in the front yard setback. The subdivision was designed to provide required off street parking in garages/carports or backyards for properties with alley or street side access.
4. *Compatibility with existing surrounding structures and uses*; there are no existing Use Permits in the neighborhood to allow a recreational vehicle to be parked in the front yard setback. Therefore, the use would not be compatible with the existing structures and uses. According to the most recent Google Street View, there is a recreational vehicle parked in the front yard setback on a property in the area. However, there is no way to verify how long the recreational vehicle has been there and there is no existing Use Permit for this property that allows a recreational vehicle to be parked in the front yard setback.
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 recreational vehicle is intended for recreational use and there is no intention for it to be used as a living space.

## REASONS FOR DENIAL:

Based on the information provided by the applicant, the public input received and the above analysis staff cannot support approval of the requested Use Permit.

**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:

1. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process
2. Any intensification or expansion of use shall require a new Use Permit.

3. The recreational vehicle shall not be used as habitable space when parked in the designated parking area.

**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.

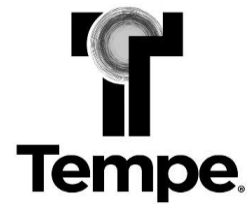
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.

**HISTORY & FACTS:**

October 4, 1963                      Construction of a single-family residence at 1125 East Bishop Road passed final inspection

**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  
**GARCIA RESIDENCE**  
(PL180159)

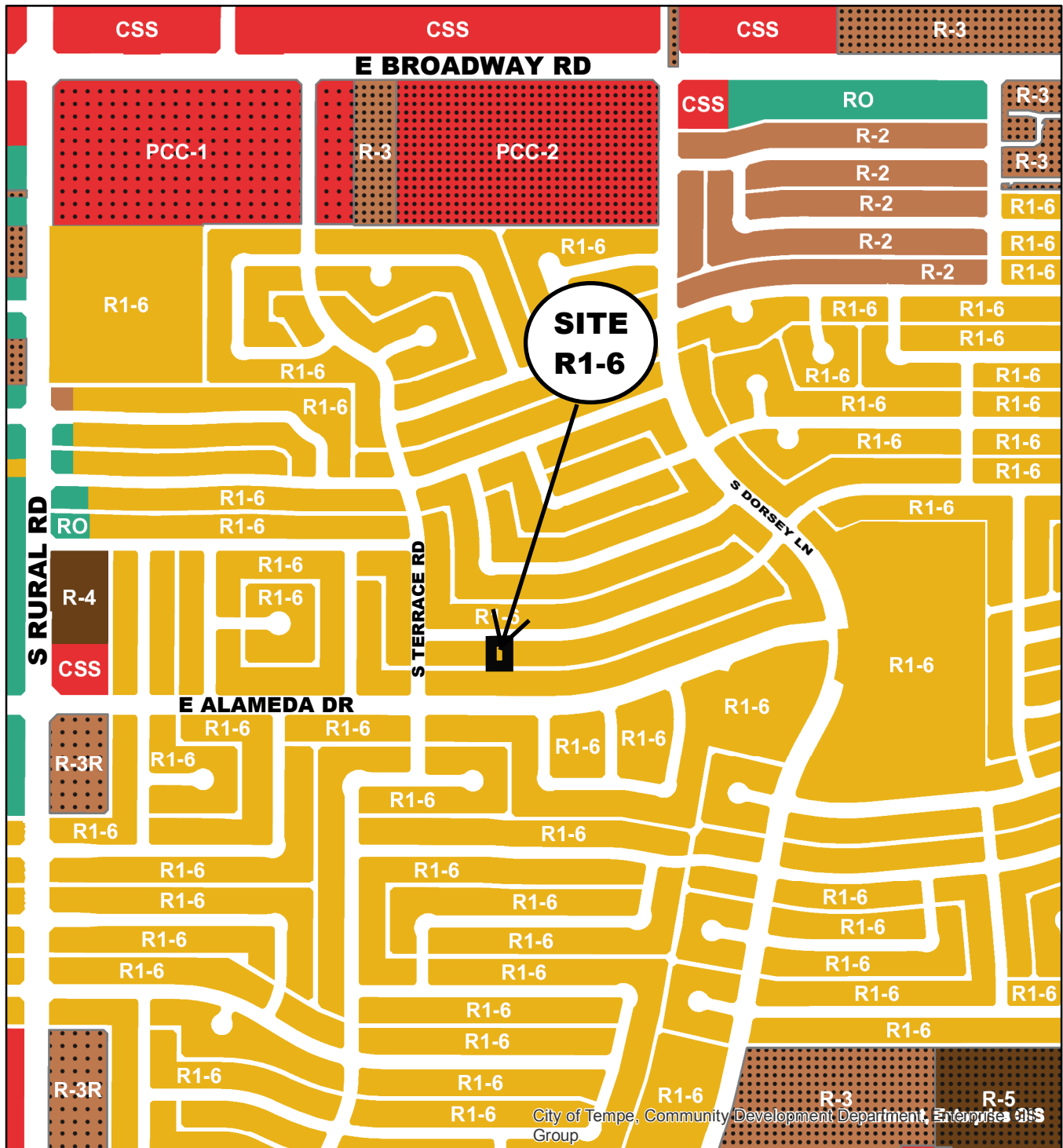
**ATTACHMENTS:**











1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
- 5-7. Site Context Photos

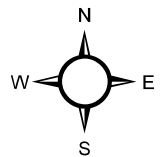


# Garcia Residence

PL 180159



- |  |  |
|--|--|
|  Commercial Shopping and Services (CSS)         |  Multi-Family Residential (R-2)             |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential Restricted (R-3R) |
|  Planned Commercial Center General (PCC-2)      |  Multi-Family Residential Limited (R-3)     |
|  Residential/Office (RO)                        |  Multi-Family Residential General (R-4)     |
|  Single-Family Residential (R1-6)               |  Multi-Family Residential High (R-5)        |

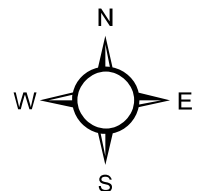


# Garcia Residence

PL 180159



Aerial Map

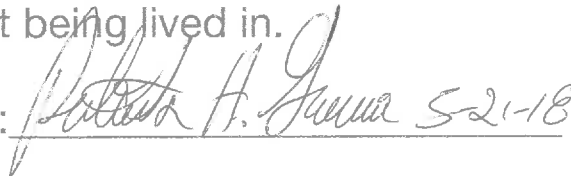


Zoning permit application for 1125 E Bishop Drive Tempe, Az  
85282

I am applying for a parking permit for my residence for a camping trailer to the front section of my Rv parking area, *within* the front setback. This is how it would conform to Zoning standard 6-308E:

- a. It would not interfere with pedestrian or vehicular traffic. As it is not on the public street or sidewalk.
- b. It would not be a Nuisance by emission oder, dust (being parked on a concrete slab), gas, noise, vibration, smoke, heat or glare. It is not a motor vehicle and does not have or produce any of the above items.
- c. It would not contribute to the deterioration of the neighborhood or the downgrading of the property value. In fact not getting the permit would bring my property value down since I would have to cut the existing overhang of my home to get the trailer into the side parking of my house affecting my homes value.
- d. Having it parked on the RV slab is comparable with existing surrounding structures (as my home was built in 1963 with RV use in mind) and other homes in the area also have similar structure / use issues.
- e. There are no disruptive behavior issues, inside, outside the premises which would create a nuisance to the surrounding area or public. This is a parking permit application that does not have anything to do with disruptive behavior and the trailer is for recreational use not being lived in.

Resident/owner of property:

 Patricia A. Garcia 5-21-18

GARCIA PROJECT Parcel # 133-56-034

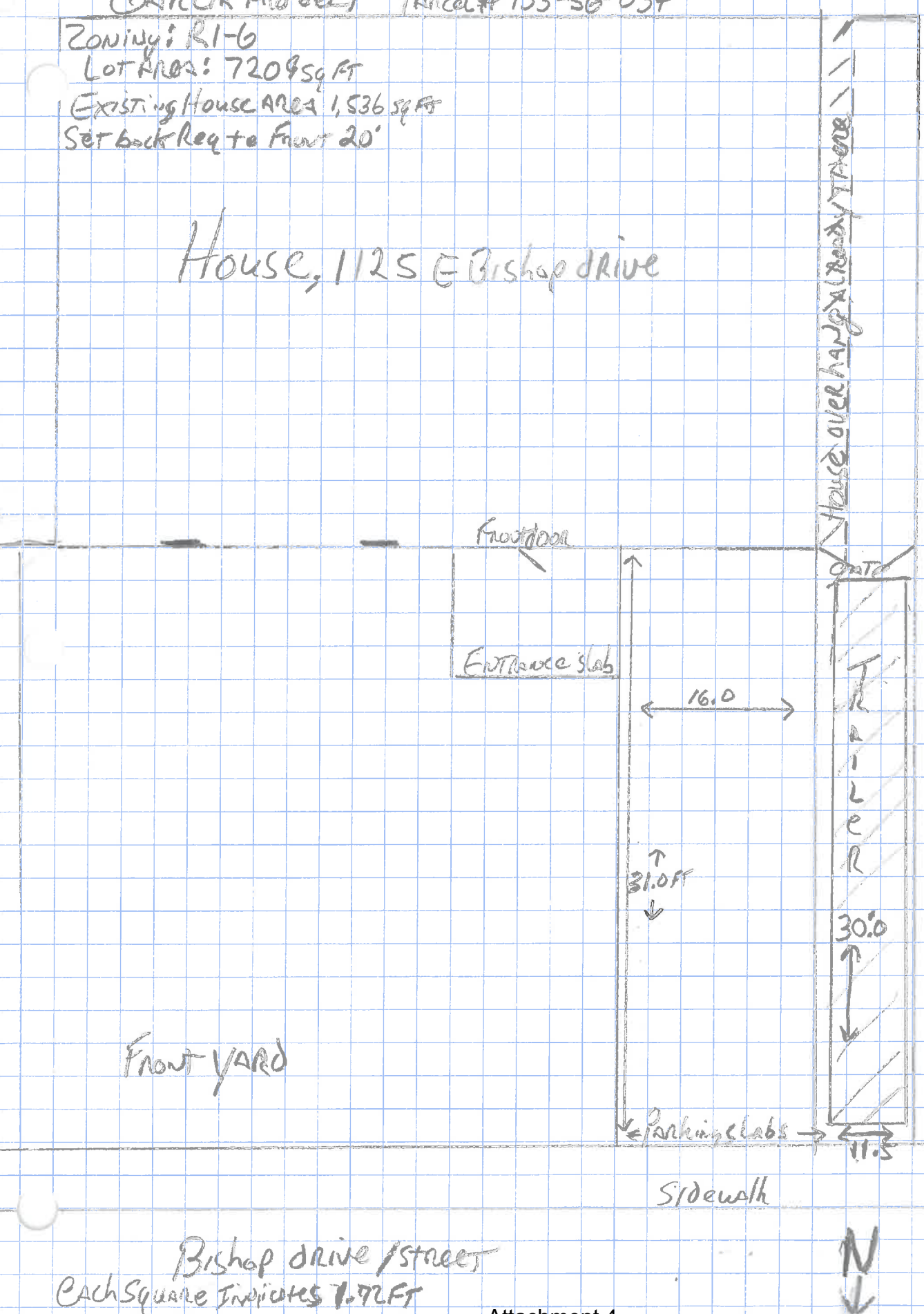
Zoning: R1-6

Lot Area: 7209 sq ft

Existing House Area 1,536 sq ft

Setback Req to Front 20'

House, 1125 E Bishop Drive



Bishop drive / street  
Each Square Indicates 7.92 FT





