



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/11/18
Agenda Item: 5**

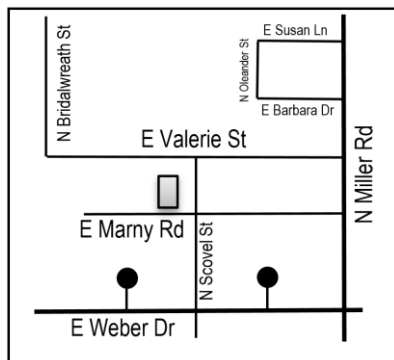
ACTION: Request approval for a Use Permit to allow off-street parking within the required front yard setback for the TOLMAN RESIDENCE, located at 1146 East Marny Road. The applicant is Brett Tolman.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The TOLMAN RESIDENCE (PL180323) is requesting a Use Permit to allow parking within the required front yard setback due to a prior enclosure of the garage. The garage was enclosed and converted to livable space prior to the current owner of the property. The applicant is also proposing a carport that meets the front setback standard. The request includes the following:

ZUP180107 Use Permit to allow off-street parking within the required front yard setback.



| | |
|--------------------------|---|
| Property Owner | Brett Tolman |
| Applicant | Brett Tolman |
| Zoning District | R1-6 |
| Site Area | 6,020 s.f. |
| Building Area | 1,438 s.f. |
| Lot Coverage | 24% (45% max.) |
| Building Setbacks | 25' front, 5' side (20' front, 5' side min. required) |
| Proposed Carport Setback | 15' front (15' front (open structure) min. required) |
| Vehicle Parking | 2 spaces (1 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: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is requesting the use permit as a result of a garage enclosure completed by the previous owner without a permit. The applicant is proposing to relocate the required off-street parking within the front yard setback, which requires a use permit. There is also a proposed carport in the front of the existing enclosed garage that will meet the required setbacks.

PUBLIC INPUT

To date, staff has not received any public input.

USE PERMIT

The proposed design requires a Use Permit to allow off-street parking in the required front yard setback within the R1-6, Single Family Residential zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; relocating the off-street parking to the front yard setback is not expected to create an increase in 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 parking space is on an improved surface and is not expected to create 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*; the proposed design is permitted within the R1-6 zoning district with approval of a use permit.
4. *Compatibility with existing surrounding structures and uses*; describe any part of the use applicable to conformance with this; parking in the front yard setback is a common practice in single-family neighborhoods and therefore the proposed use will be compatible with surrounding 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*; relocating the off-street parking is not expected to create disruptive behavior.

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:

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. 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 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.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

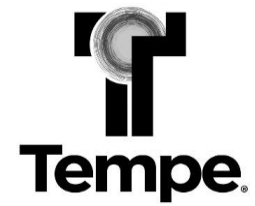
- The Use Permit is valid for the Tolman Residence and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but 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:

November 20, 1969 Construction of a single-family home on lot 24 of the My-O-My Estates Subdivision passed final inspection, located at 1146 East Marny Road.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE
for
TOLMAN RESIDENCE
(PL180323)

ATTACHMENTS:









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

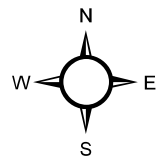
Tolman Residence

PL180323



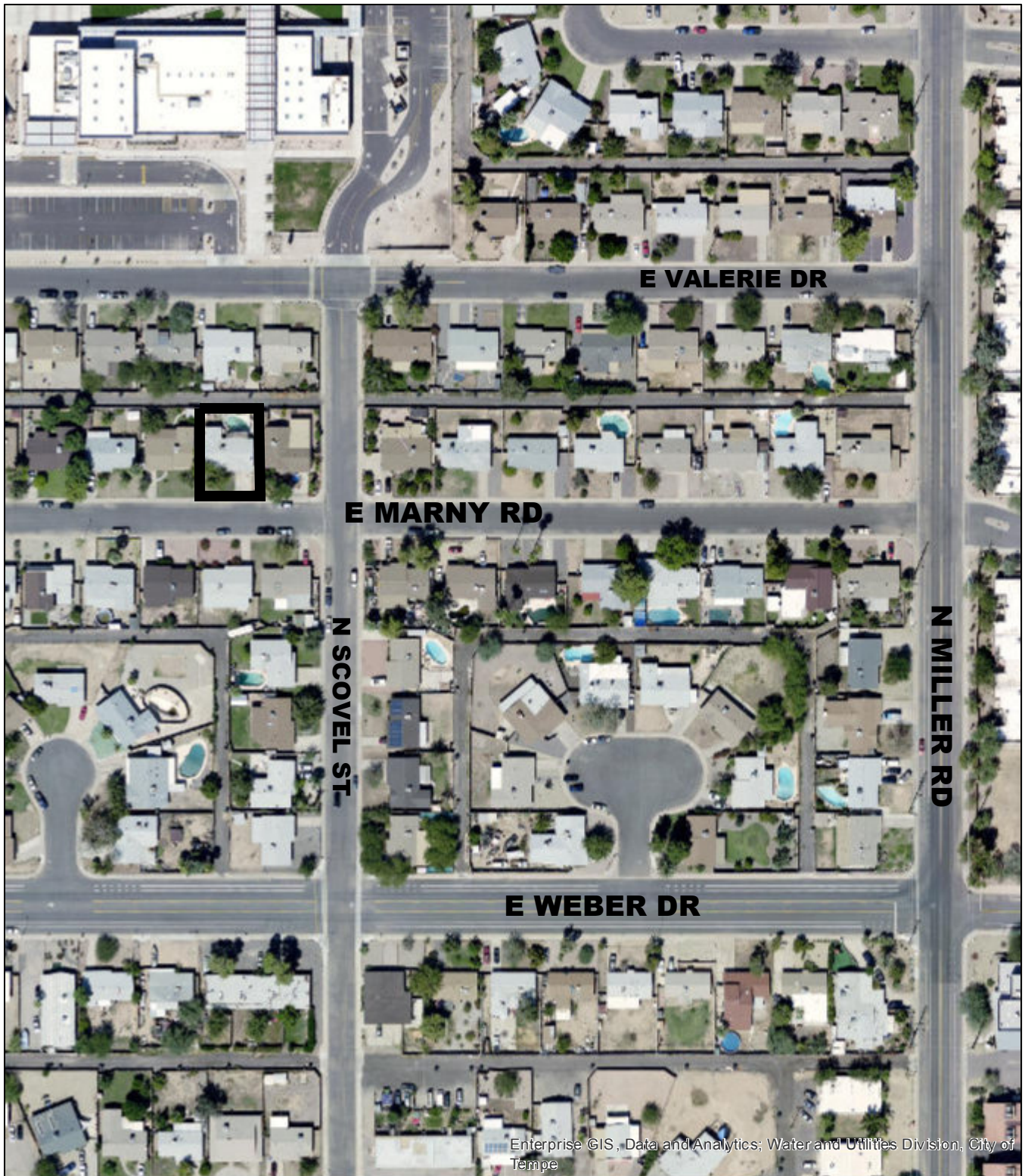
City of Tempe, Community Development Department, Enterprise GIS Group

- | | | | |
|---|-----------------------------------|---|---|
|  | General Industrial District (GID) |  | Single-Family Residential Planned Area Dev (R1-PAD) |
|  | Agricultural (AG) |  | Multi-Family Residential (R-2) |
|  | Single-Family Residential (R1-6) |  | Multi-Family Residential Limited (R-3) |
|  | Single-Family Residential (R1-4) |  | Multi-Family Residential General (R-4) |

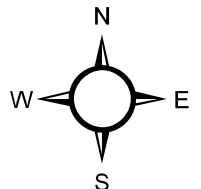


Tolman Residence

PL180323



Aerial Map



City of Tempe
Planning
Dalton Guerra

Re: Letter of Explanation for Use Permit

Mr. Guerra,

We have recently purchased the residence at 1146 E. Marny Rd. with the intent to repair and improve the property for resale. A prior owner has enclosed the carport and incorporated in to the interior living area. The walls are not build to Tempe code and the installed work was not permitted. I intend to make the repairs to meet code and receive permit approval. Prior to receiving Building Permit approval, the Use Permit is required. I will also submit to add a carport directly off the previously enclosed carport, extending to toward the road. The parking space will encroach on the Planning requirement of a 20' parking setback.

Please review the following responses to the City Use Permit Requirements:

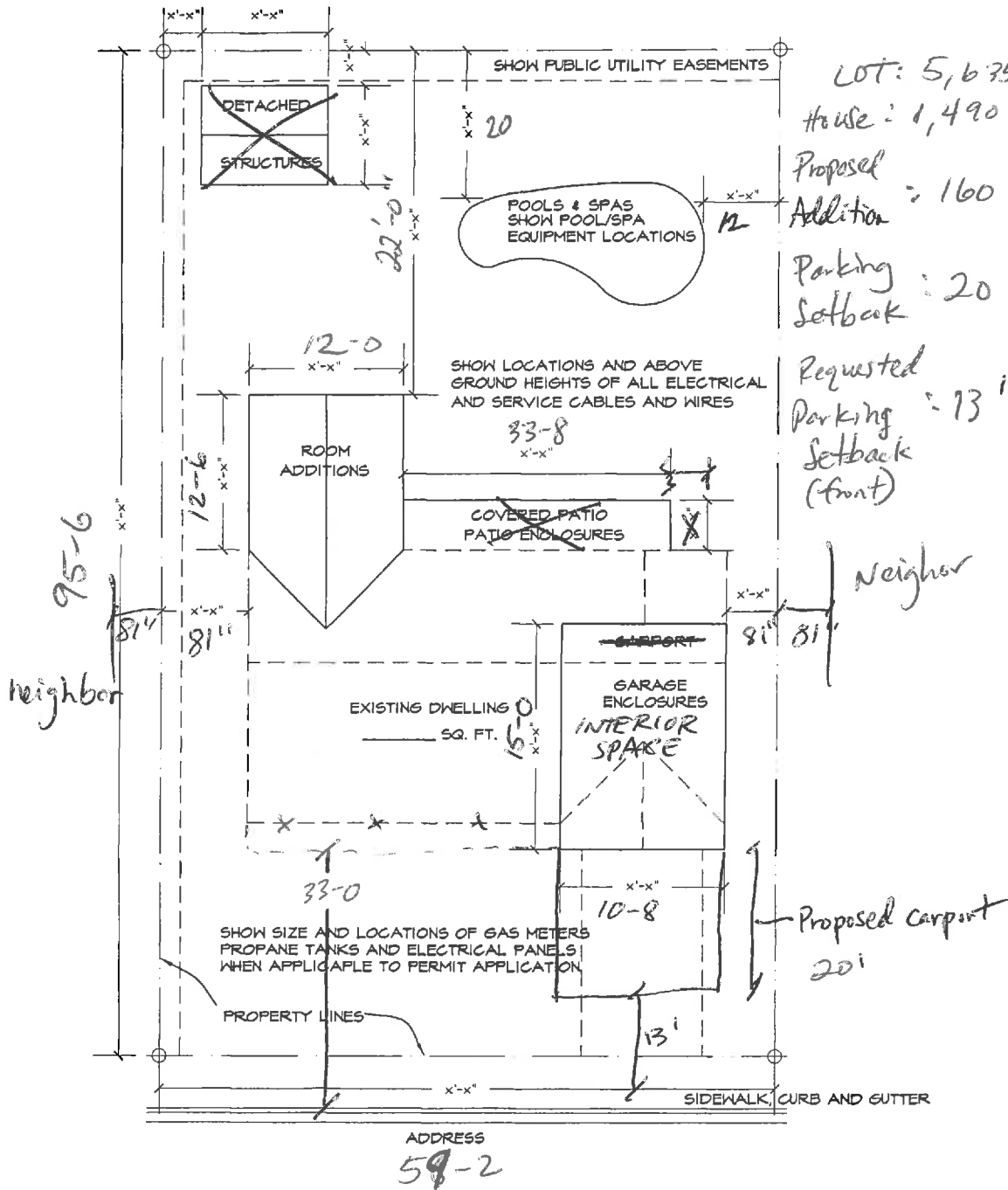
- A. The residence has other residences on each side, no significant traffic. Normal residential area traffic is in front of the house.
- B. Additional nuisance is not anticipated other than a car starting and running. This would be expected if the car was parked in the road.
- C. In my opinion, this improvement will positively contribute to the upgrading of the neighborhood. The property currently is in disrepair and the approval of this permit will allow us to stucco the enclosed carport to match the existing house and look original. The carport is a nice addition and adds approximately \$2,500 in property values according to Scott Cook (licensed AZ realtor) at Remax.
- D. The existing enclosure and additional carport will receive new stucco and roofing along with the rest of the house to match.
- E. The addition of the carport will provide a logical and organized place to park the vehicle.

Thank you for your consideration.

Brett Tolman
Tolray Realty
602-622-5608

SHOW EXISTING ALLEYS

SHOW PROPERTY LINES WITH LOT DIMENSIONS



- GIVE DIMENSIONS REPRESENTED BY x'-x' WHEN APPLICABLE TO PERMIT APPLICATION
- SHOW SIZE AND LOCATIONS OF ALL EXISTING STRUCTURES, POOLS AND SPAS
- SHOW SIZE AND LOCATION OF OFF STREET PARKING WHEN GARAGE/ CARPORT IS ENCLOSED INTO LIVABLE AREA

↑ NORTH

SCALE _____ " = _____'

For Reference Only

Residential Structures (Example)

Title

Site Plan

Sheet No.

RES - 01



Proposed carport and parking location request for Use Permit.

