

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/12/2019  
Agenda Item: 6**

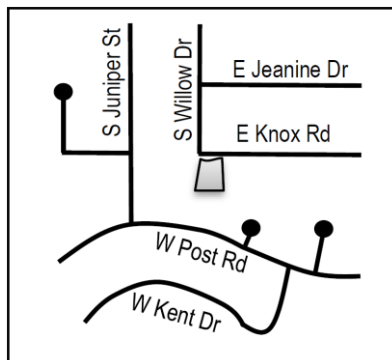
**ACTION:** Request approval for a Use Permit Standard to reduce the required front yard setback from thirty-five (35) feet to twenty-eight (28) feet for the SWINDLE RESIDENCE, located at 1527 E Knox Rd. The applicant is Construction Services, Inc.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** The SWINDLE RESIDENCE (PL190022) is requesting a Use Permit Standard to reduce the required front yard setback by 20% (7 feet) to expand the existing garage within the R1-15, Single Family Residential District. The request includes the following:

ZUP190008 Use Permit Standard to reduce the required front yard setback from 35' to 28'



Property Owner	Carol Swindle
Applicant	Rhett Turner, Construction Services
Zoning District	R1-15
Site Area	18,199 s.f.
Existing Building Area	3,642 s.f.
Proposed Garage Addition	425 s.f.
Total Building Area	4,067 s.f.
Lot Coverage	22% (45% max.)
Building Setbacks	38' front, 18' side (east), 21' side (west), 45' rear (35' front, 15' side, 35' rear min.)

**ATTACHMENTS:** Development Project File

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

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 a Use Permit Standard to reduce the required front yard setback by 20% for a garage expansion in the front of the existing building. There are also plans for additions on the rear and sides of the existing house that do not require planning entitlements. These additions meet the required setbacks and the development standards for the R1-15 zone. The garage expansion is the only part of the home additions that requires a Use Permit Standard.

## PUBLIC INPUT

To date, no public input has been received.

## USE PERMIT STANDARD

The proposed design requires a Use Permit Standard to reduce the required front yard setback by 20% within the R1-15 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the garage expansion will not encroach into the right of way and will provide one more parking space on site.
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 design is not expected to create a nuisance exceeding that of the ambient conditions.
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*; in the R1-15 zone, a 20% reduction in the required front yard setback can be accomplished through a Use Permit Standard process.
4. *Compatibility with existing surrounding structures and uses*; there are a number of different properties on E Knox Rd with three-car garages.
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 proposed expansion is not expected to create a nuisance to the surrounding area or general public.

## 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:

1. The Use Permit Standard 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 Standard 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.

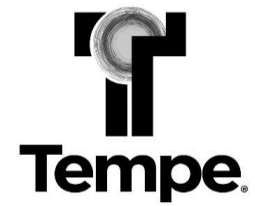
- The Use Permit is valid for the Swindle Residence and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval,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

February 17, 1987            A single-family home was constructed passed final inspection on lot 212 of the Corona Del Sol Estates Unit 2 Lot Subdivision.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 4-201A Use Permit Standard  
Section 4-202 Development Standards for Residential Districts



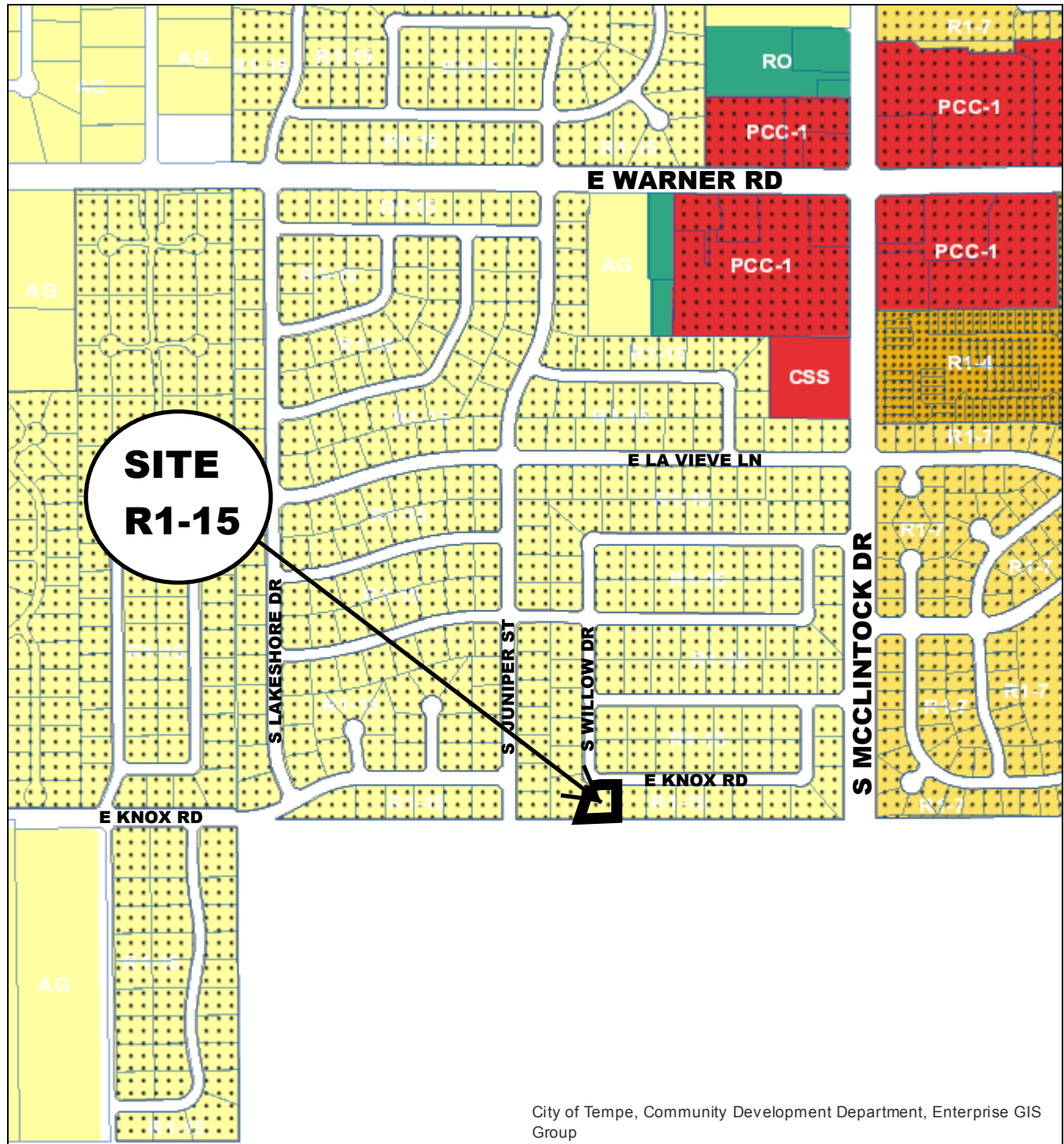
**DEVELOPMENT PROJECT FILE**  
for  
**SWINDLE RESIDENCE**  
(PL190022)

**ATTACHMENTS:**








1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Building Elevations

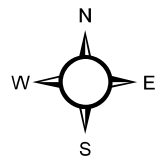
# SWINDLE RESIDENCE

PL 190022



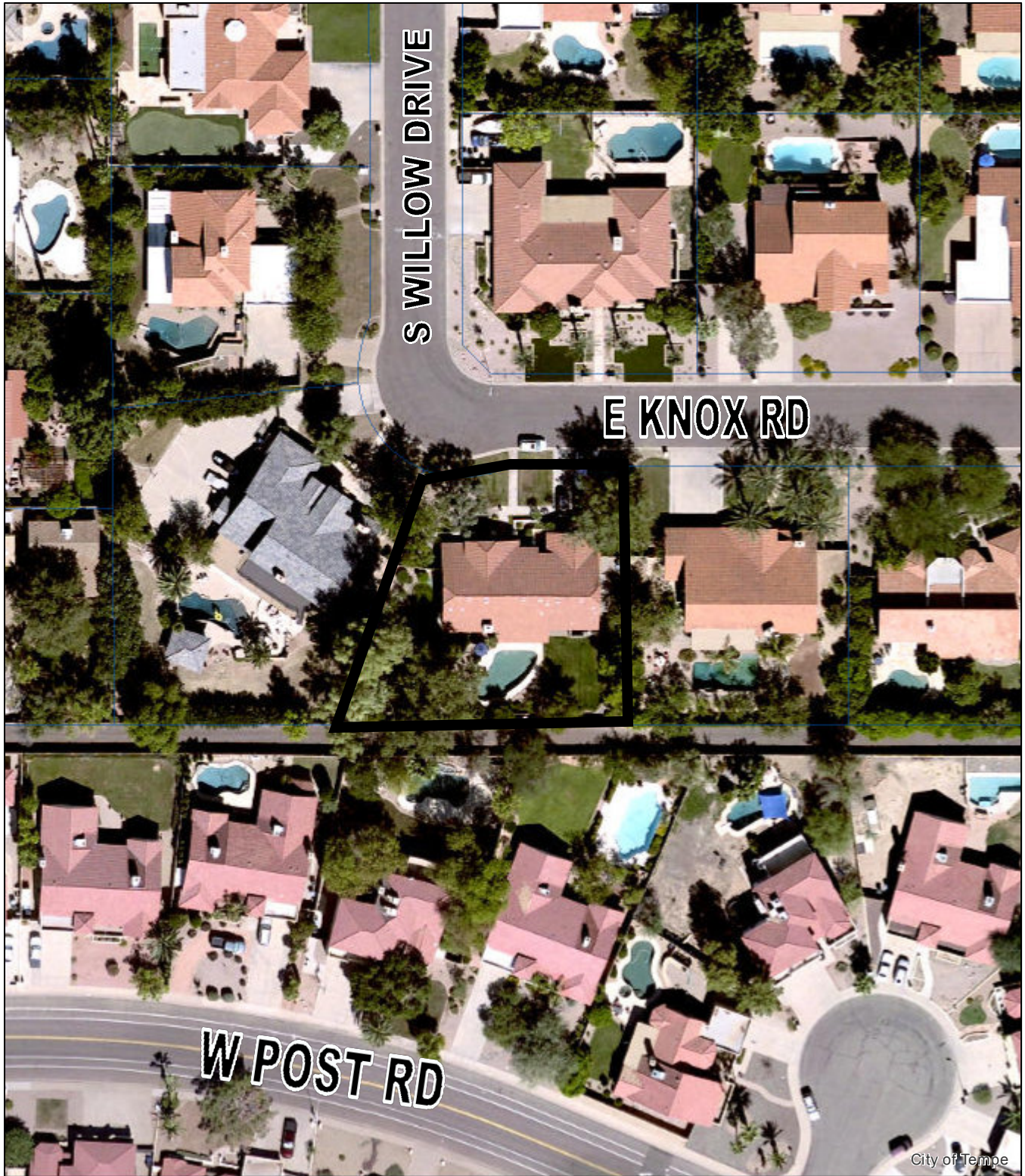
City of Tempe, Community Development Department, Enterprise GIS Group

- |   |  |   |                                   |
|---|--|---|-----------------------------------|
|  | Commercial Shopping and Services (CSS)         |  | Single-Family Residential (R1-15) |
|  | Planned Commercial Center Neighborhood (PCC-1) |  | Single-Family Residential (R1-7)  |
|  | Residential/Office (RO)                        |  | Single-Family Residential (R1-4)  |
|  | Agricultural (AG)                              |   |                                   |

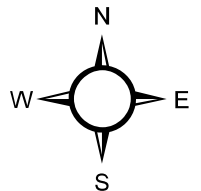


# SWINDLE RESIDENCE

PL 190022



Aerial Map





February 4<sup>th</sup>, 2019

City of Tempe  
Use Standards Permit Letter of Explanation

Construction Services, Inc. has been retained to submit a Use Standards Application for the Garage Extension at the Swindle residence located at 1527 E. Knox Road in Tempe, AZ 85284. This letter is an explanation identifying the goal and objectives of the project.

The Swindle's are remodeling and update their residence at 1527 E. Knox Road. Part of the remodel to update the look and function of the home will necessitate extending the front of the garage and encroaching in to the front yard building setback. The current set back is 35 feet. The desired set back will be 28 feet. We would like to encroach in to the existing set back by 7 feet. We appreciate your approval of this request.

In evaluating the potential impact this 7 foot encroachment might have on adjacent properties, we have determined that the impact will not be significant as the adjacent homes are spaced a good distance from the garage extension area. For example, 30 feet from the garage extension area on the east side to the east home and over 100 feet from the garage extension area on the west side to the west home. Further evaluation has determined that the garage extension will conform to the standards and Zoning and Development Code Criteria Section 6-308E, as applicable. The following factors are addressed: In regards to factor A, the garage extension will be for residential use only and there will not be any increase in vehicular traffic or pedestrian traffic. There currently is not significant vehicular traffic or pedestrian traffic in adjacent areas. In regards to factor B, the garage extension will be for residential use only and factor B is not applicable. In regards to factor C, the garage extension will be an upgrade to the neighborhood and property values. In regards to factor D, the garage extension will be compatible with existing homes and structures in its design and through obtaining a building permit. In regards to factor E, the garage extension will be for residential use only. The garage extension will not create a nuisance to the surrounding area or general public.

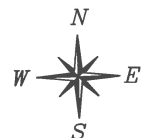
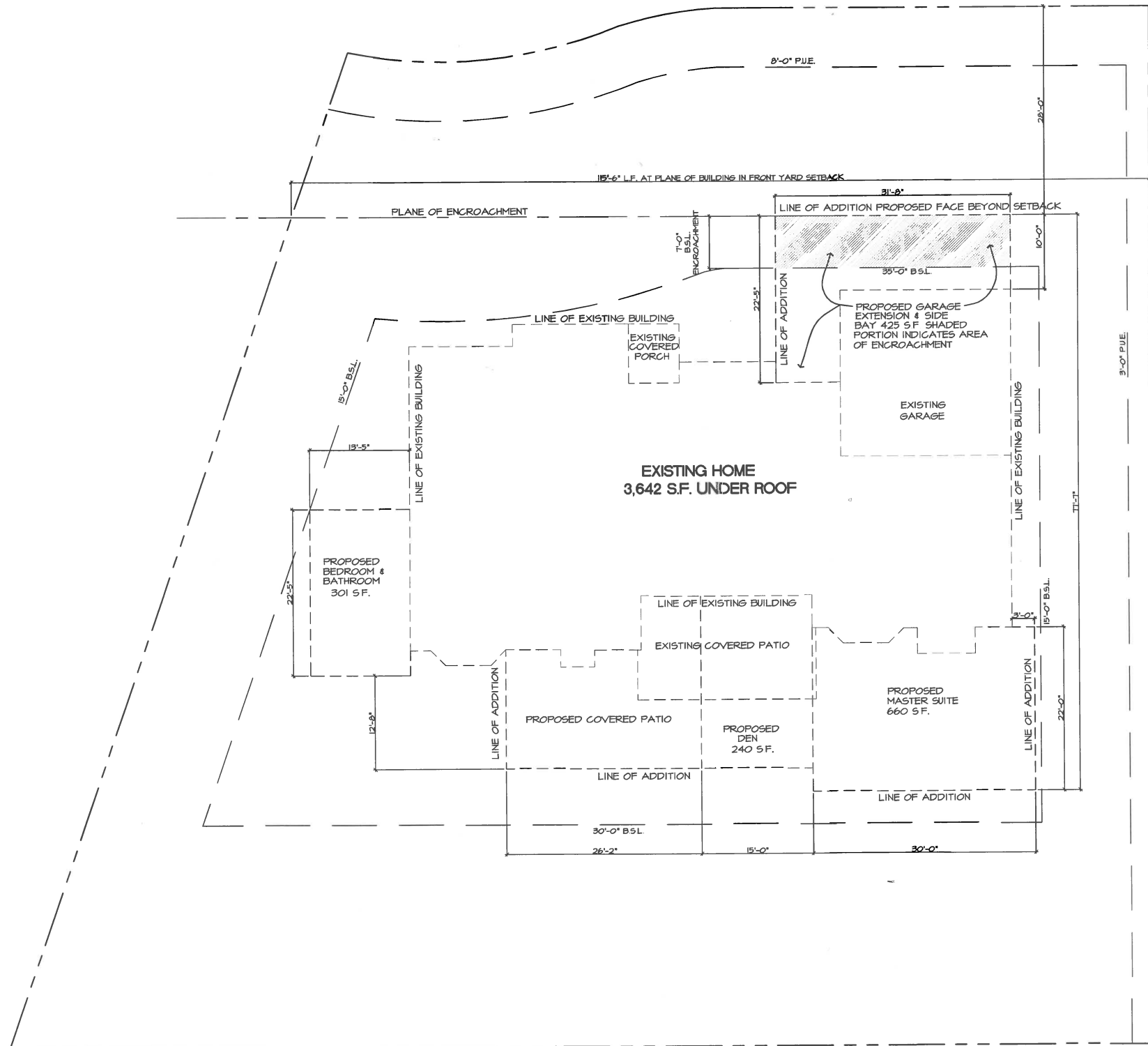
Sincerely,

Construction Services, Inc.

A handwritten signature in blue ink, appearing to read 'Rhett Turner', is written over a light blue horizontal line.

Rhett Turner, CEO

E. KNOX ROAD



ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"

PROJECT INFORMATION

STREET ADDRESS 1521 E KNOX RD  
TEMPE, ARIZONA 85284

OWNER SHANE & CAROL SWINDLE

ZONING RI-15

LOT AREA: 18,199 SF

TAX ASSESSORS PARCEL # 301-62-335

LEGAL DESCRIPTION LOT 212 CORONA DEL SOL  
ESTATES UNIT II MCR 214-18

SETBACKS  
FRONT: 35' B.S.L.  
REAR: 30' B.S.L.  
SIDES: 15' B.S.L.

CONSTRUCTION TYPE V - NON SPRINKLED  
OCCUPANCY R-3

EXISTING LIVEABLE AREA 2,744 SF  
PROPOSED LIVEABLE AREA 1,201 SF  
TOTAL LIVABLE 3,945 SF.

EXISTING HOUSE UNDER ROOF 3,642 SF  
PROPOSED HOUSE UNDER ROOF 1,229 SF  
TOTAL PROPOSED UNDER ROOF 5,471 SF.

LOT COVERAGE 40%  
ALLOWABLE PER RI-15 ZONING 45% 18,199 x .45 = 8,194 SF.

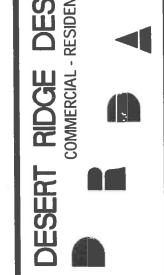
VARIANCE DATA  
LINEAR FOOTAGE BEYOND FRONT SETBACK - 31.66 L.F.  
LINEAR FOOTAGE OF FRONTAGE AT PROPOSED FACE - 115.5 L.F.  
PERCENTAGE OF PROPOSED PROJECTION - 27%  
PROPOSED AREA BEYOND FRONT SETBACK - 222 SF.

SWINDLE RESIDENCE  
1527 E. KNOX RD.  
TEMPE, ARIZONA 85284

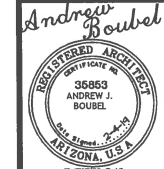
ARCHITECTURAL  
SITE PLAN

REV.

DESERT RIDGE DESIGN ARCHITECTS  
COMMERCIAL - RESIDENTIAL - FORENSIC ARCHITECTURE  
4008 E. CRENSHAW DR.  
CAVE CREEK, ARIZONA 85331  
PHONE: (480) 215-4951  
desertridgedesignllc@gmail.com  
DESERT RIDGE DESIGN LLC - AN ARIZONA CORPORATION

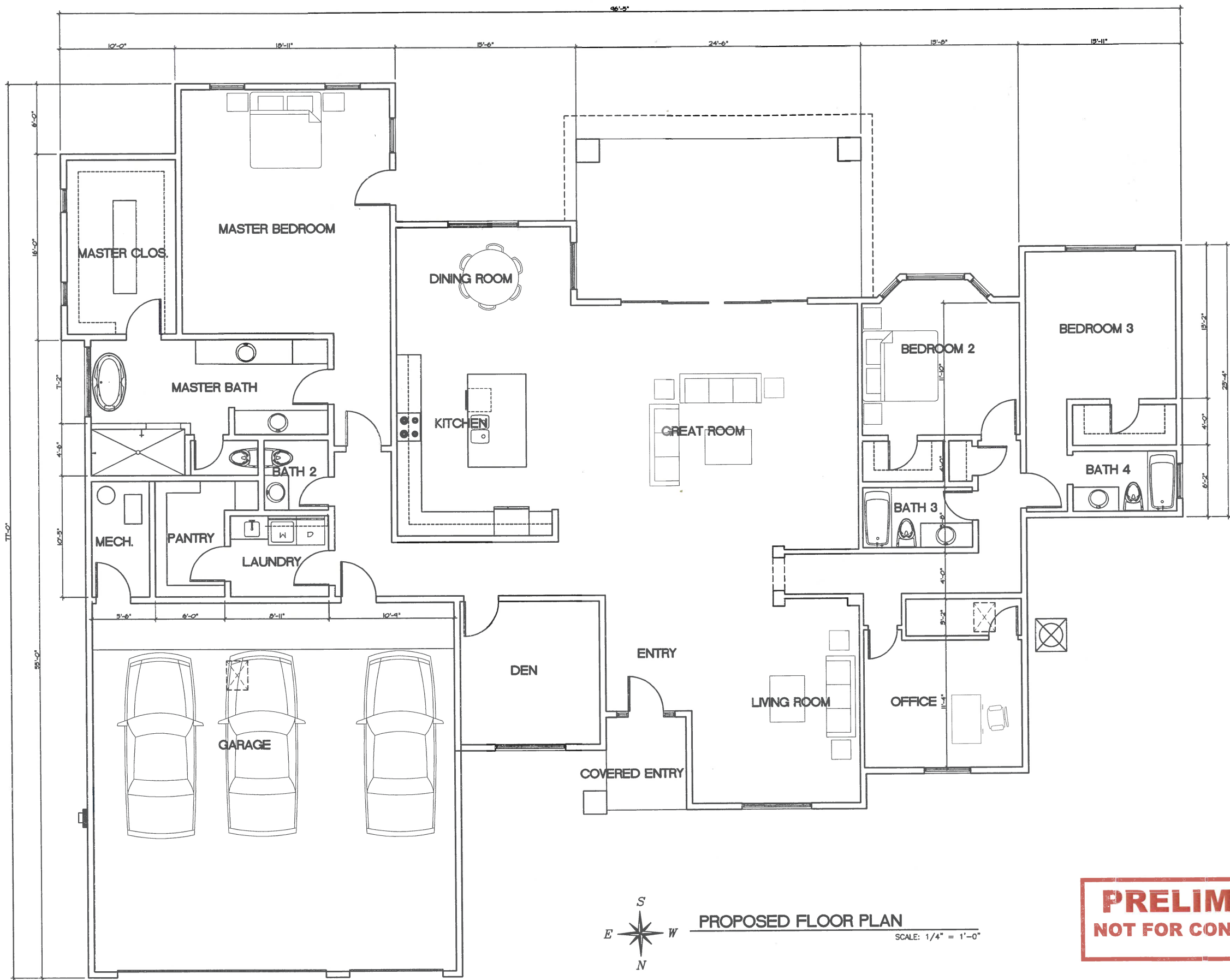


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A10  
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**PROPOSED FLOOR PLAN**
  
 SCALE: 1/4" = 1'-0"

PRELIMINARY  
 NOT FOR CONSTRUCTION

**SWINDLE RESIDENCE**  
 1527 E. KNOX RD.  
 TEMPE, ARIZONA 85284

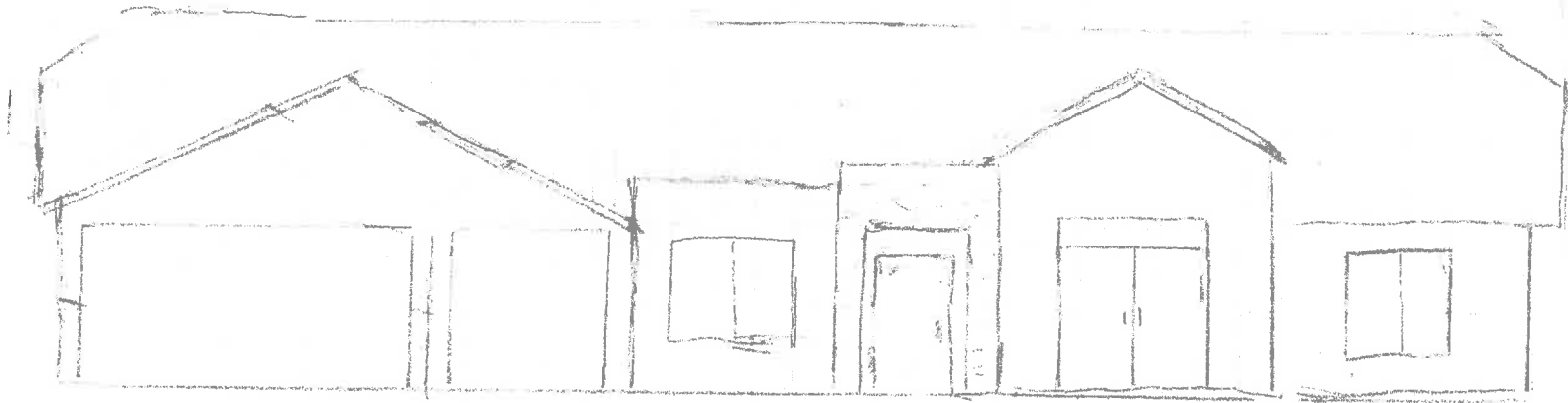
**RECORD FLOOR PLAN**

REV.
▲
▲

**DESERT RIDGE DESIGN ARCHITECTS**  
 COMMERCIAL - RESIDENTIAL - FORENSIC ARCHITECTURE  
 4008 E. Crosscut Dr.  
 Cave Creek, AZ 85331  
 Phone: (480) 215-1901  
 desertridgearchitects@gmail.com  
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**A2.1 No.**



1527 E. Knox Rd.  
Tempe, AZ 85284