

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 7/9/2019
Agenda Item: 5**

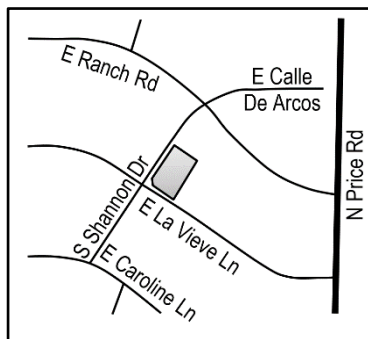
ACTION: Request a Use Permit Standard to reduce the rear building setback from 35 feet to 28 feet for the YIN RESIDENCE, located at 2124 East La Vieve Lane. The applicant is Allen Custom Builders, Inc.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The YIN RESIDENCE (PL190122) is located on lot 127 of the Circle G Ranches 4 Unit 3 Amended Subdivision in the AG, Agricultural District, and within the Circle G Ranches 4 Unit 3 Amended Planned Area Development Overlay District. The applicant, Lonnie Braithwaite of Allen Custom Builders, Inc., is requesting a Use Permit Standard to reduce the required rear building setback by 20% from 35 feet to 28 feet to allow for a detached accessory building which will be used as a pool house. The request includes the following:

ZUP190038 Use Permit Standard to reduce the rear building setback from 35 feet to 28 feet.



Property Owner	Yin Family Real Estate, LLC
Applicant	Lonnie Braithwaite, Allen Custom Builders, Inc.
Zoning & Overlay Districts	AG (Circle G 4 Ranches Unit 3 Amended PAD)
Site Area	30,755 s.f.
Existing Building Area	6,612 s.f.
New Building Area	1,080 s.f.
Proposed Lot Coverage	25% (25% max. required)
Proposed New Building Height	18'-8" (30' max. required)
Building Setbacks	40' front, 20' side, 25' street side, 86' rear (40', 20', 25', 35' min. required)
Proposed Setback	28' rear
Vehicle Parking	3 spaces (2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

This site is located between East Ranch Road, East La Vieve Lane, North Price Road, and South Shannon Drive and is located within the Circle G Ranches 4 Unit 3 Amended Planned Area Development Overlay District. Guest quarters are permitted on the subject property pursuant to standards set forth in the City of Tempe Zoning and Development Code Section 3-411, Guest Quarters, of which the pool house will conform to all applicable standards.

PUBLIC INPUT

As of the publishing of this staff summary report, no public comments have been received by staff.

USE PERMIT

The proposed design requires a Use Permit Standard to allow the reduction of the required rear building setback by 20% from 35 feet to 28 feet within the AG, Agricultural District.

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

1. *Any significant increase in vehicular or pedestrian traffic*; no significant increase in traffic is anticipated as the proposed pool house is intended for the single-family residence. Nevertheless, as required by Code, a real covenant will be recorded with the land restricting the use of the guest quarters from being rented or leased independent from the main building. The covenant will be binding to all subsequent owners.
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 pool house will not generate emissions that would otherwise be considered a nuisance. The pool house is intended for the single-family residence.
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 pool house will likely increase the value of the property and the surrounding neighborhood.
4. *Compatibility with existing surrounding structures and uses*; the proposed pool house will be constructed using like materials and finishes of the existing home; and the use is compatible with single-family 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*; aside from construction of the pool house, no disruptive behavior is anticipated inside and outside the premises as the pool house is intended for the single-family residence.

REASONS FOR APPROVAL:

Based on the information provided by the applicant 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, 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 the building plan check process.
3. There shall be no separate metering for utility services (unless authorized by the Building Official and the Zoning Administrator) and no separate mailing address.

4. Prior to issuance of a building permit, a real covenant shall be recorded with the land restricting the use of the guest quarters from being rented or leased independent from the main building. Such covenant shall be binding to all subsequent owners.
5. Any accessory building (pool house) additions that encroach into required setbacks shall require a new Use Permit Standard.

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.

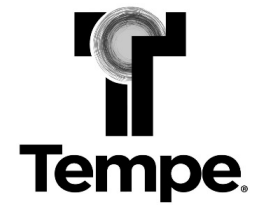
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Pursuant to ZDC Section 3-411, Guest Quarters, guest quarters are permitted in single-family residential districts when a property contains a minimum net site area of eight thousand (8,000) square feet, subject to the following standards:
 - Only one (1) guest quarters is permitted on a single lot;
 - The gross floor area shall be no greater than fifty (50) percent of the main building's gross floor area at or above grade;
 - When attached to the main building, guest quarters shall conform with the development standards set forth in Table 4-202A;
 - When detached from the main building, guest quarters shall conform with the standards set forth in Section 3-401;
 - There shall be no separate metering for utility services (unless authorized by the Building Official and the Zoning Administrator) and no separate mailing address; and
 - Prior to issuance of a building permit, a real covenant shall be recorded with the land restricting the use of the guest quarters from being rented or leased independent from the main building. Such covenant shall be binding to all subsequent owners.

HISTORY & FACTS:

April 7, 1986 Building Safety Department approved the final inspection of a new single-family residence, located at 2124 East La Vieve Lane in the R1-15, Single-Family Residential District.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-102 Permitted Uses in Residential Districts
Section 3-401 Accessory Buildings, Uses and Structures
Section 3-411 Guest Quarters
Section 4-201A Use Permit Standard
Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

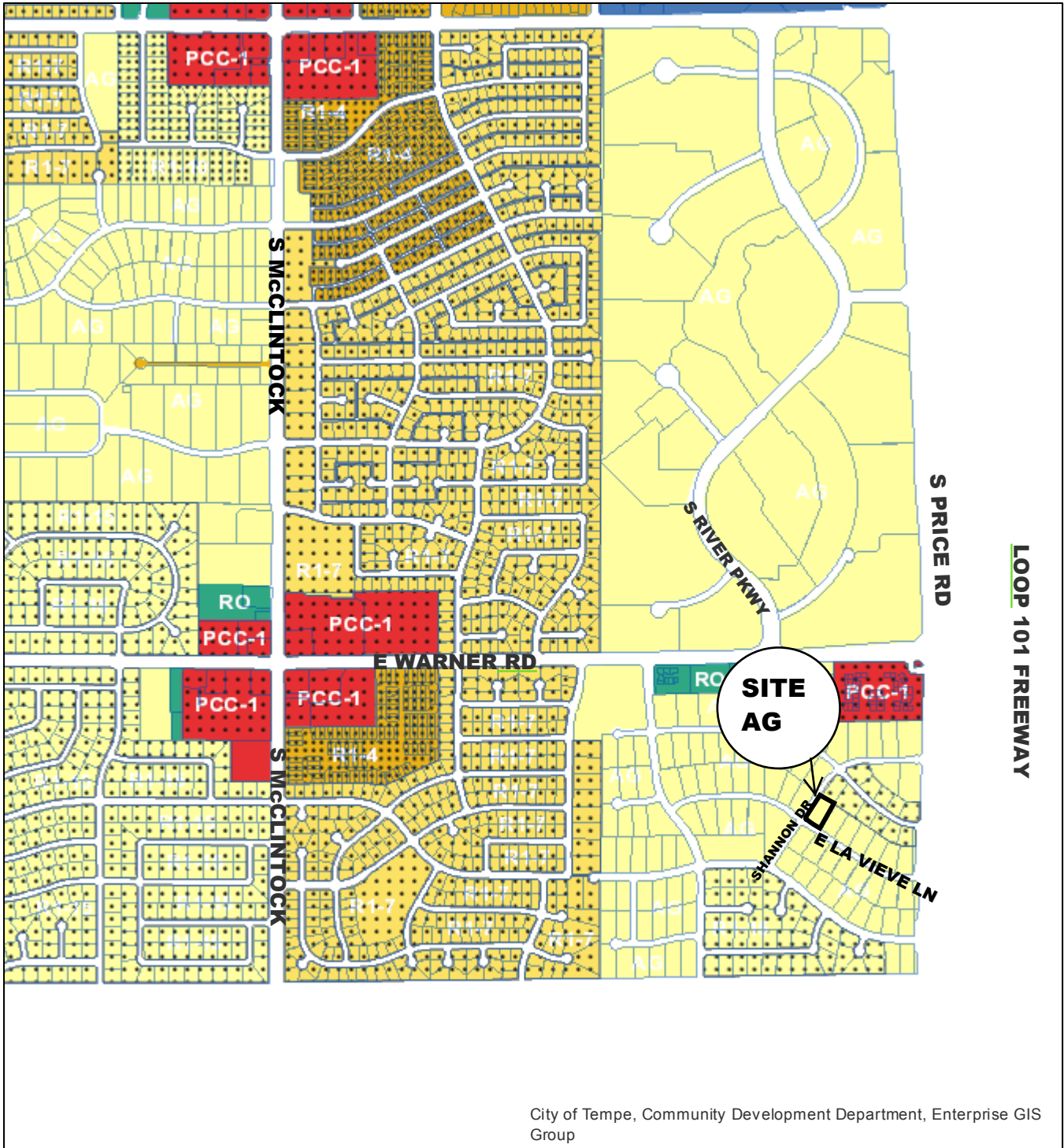
for
YIN RESIDENCE
(PL190122)

ATTACHMENTS:











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

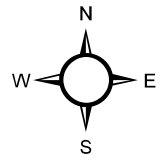
YIN RESIDENCE

PL 190122



City of Tempe, Community Development Department, Enterprise GIS Group

- | | |
|--|---|
|  General Industrial District (GID) |  Single-Family Residential (R1-15) |
|  Commercial Shopping and Services (CSS) |  Single-Family Residential (R1-10) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-7) |
|  Residential/Office (RO) |  Single-Family Residential (R1-6) |
|  Agricultural (AG) |  Single-Family Residential (R1-4) |

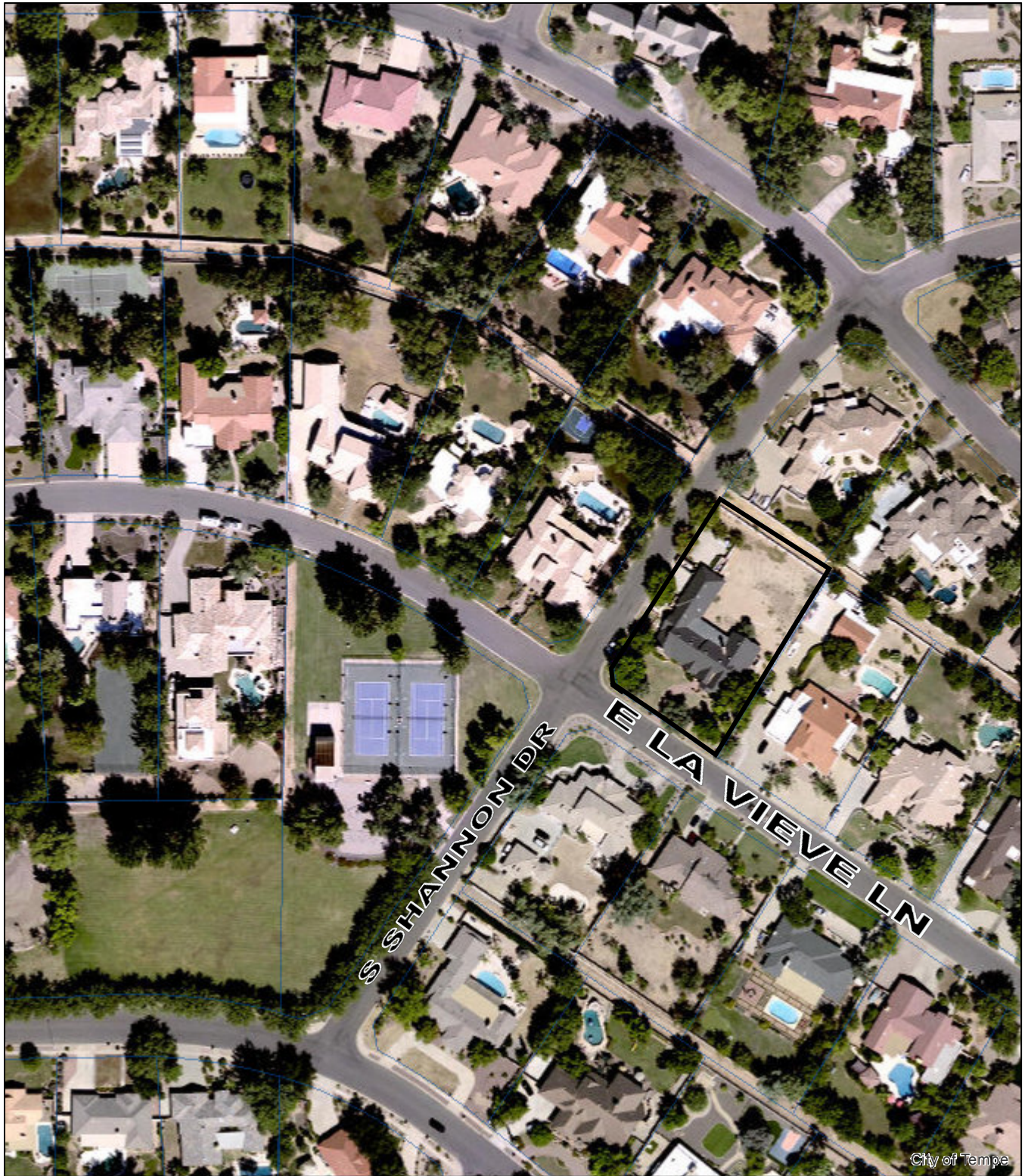




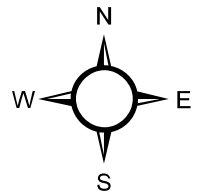
Tempe

YIN RESIDENCE

PL 190122



Aerial Map





Allen Custom Builders, Inc
19184 E Canary Way
Queen Creek, AZ 85142
ROC# 204915

May 20, 2019

RE: 2124 E La Vieve Lane, Tempe, AZ 85284
APN- 301-63-352
Use Permit Standard Request

To Whom It May Concern:

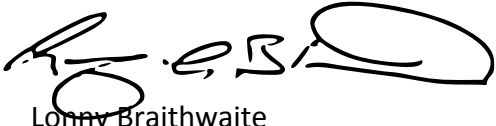
We are requesting a Use Permit Standard to reduce the required rear yard building setback by 20% from 35 feet to 28 feet in order to accommodate a proposed pool house. Due to the location of the septic tank, which is on the east side of the rear yard, sewer lines running from the septic tank to the existing home and the location of the existing home, we are limited as to where a lap pool can be located. The location of the proposed pool house is further limited by the location of the proposed lap pool and the northeast corner of the existing garage roof.

1. There will be no significant vehicular or pedestrian traffic in adjacent areas because of the Use Permit Standard, it is intended for single family use. There will be a real covenant recorded with the land restricting the use of the pool house/guest quarters from being rented or leased independent from the main building. Such covenant shall be binding to all subsequent owners.
2. The Use Permit Standard will not create a nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions because it is intended solely for single family use.
3. This Use Permit Standard will not contribute 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; The lot in question is a corner lot and the side yard setbacks substantially exceed the minimum required. Also, there is a horse trail along the rear yard setback that adds an additional buffer to adjacent properties. The proposed pool house will have a finished roof height that will be substantially lower than the existing home as it will be only 18' 8" above finished grade. The pool house will increase the value of the property and thereby help to also increase value for surrounding properties.
4. The Use Permit Standard will maintain compatibility with existing surrounding structures and uses as it will be constructed using like materials and finishes to the existing home.

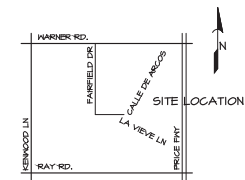
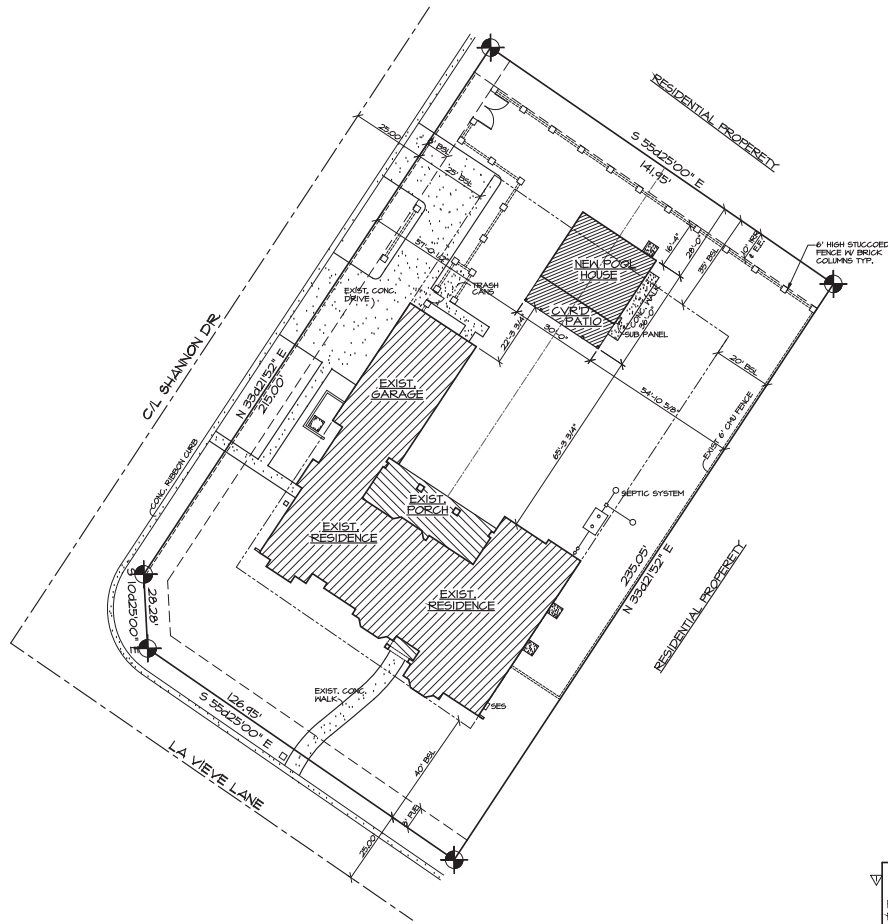
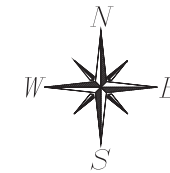
5. There will be adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public. Upon completion of construction, the pool house is intended for single family use only.

Please feel free to reach out with any questions.

Sincerely,

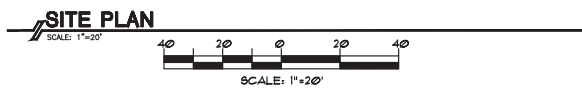
A handwritten signature in black ink, appearing to read 'Lonny Braithwaite', with a large, stylized flourish at the end.

Lonny Braithwaite
Vice-President
Allen Custom Builders, Inc
480-227-6603
lonny@allencustombuilders.com



VICINITY MAP
SCALE N.T.S.

Circle G Ranches 4, Unit 3
LOT #121
2124 E. LA VIEVE LANE
TEMPE, AZ 85284
PARCEL ID No.
301-63-352



SITE PLAN
SCALE: 1"=20'

PROVIDED SETBACKS	REQUIRED SETBACKS	ROOFING TYPE
FRONT = 40'	FRONT = 40'	TYPE: TILE
REAR = 28'	REAR = 35'	TYPICAL OVERHANG
ST. SIDE = 25'	ST. SIDE = 25'	12" @ FASCIA
SIDE = 20'	SIDE = 20'	12" @ GABLE
EXISTING HOUSE HEIGHT 24'-4" ABV NAT GRD		
POOL HOUSE HEIGHT 18'-0" ABV NAT GRD		
GRADING ELEVATIONS		
FIN. FLR. = 100.00		
PAD = 94.33		
FENCING TYPE/IN/A	ZONING AG	
LOT COVERAGE		
LOT AREA = 30,755 sq.ft.		
EXIST. HOUSE = 6612 sq.ft.		
NEW POOL HOUSE = 1080 sq.ft.		
PERCENTAGE = 25%		

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ARCHITECTURAL
DESIGNS
DRAFTING
EST. 1987
dsk_arch@msn.com
(o) 480.888.1336 (c) 480.518.0006

No.	DATE	REVISIONS
1	11 JUNE 19	CITY REVISIONS
2	-	-
3	-	-
4	-	-

GENERAL NOTES:

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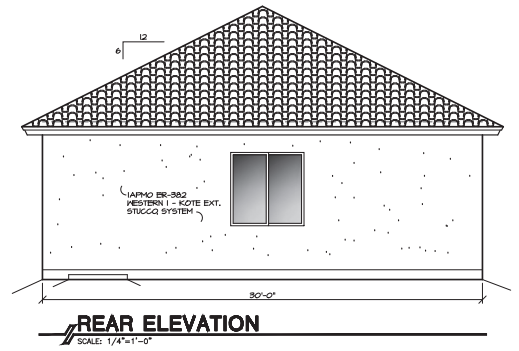
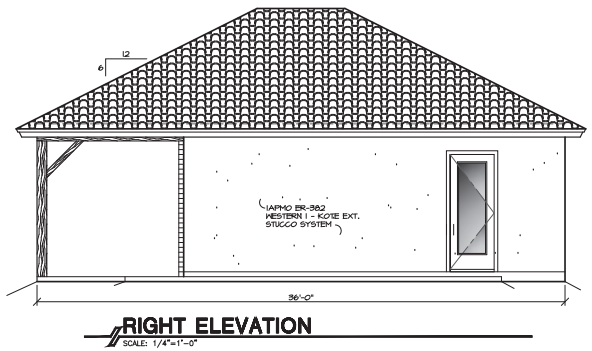
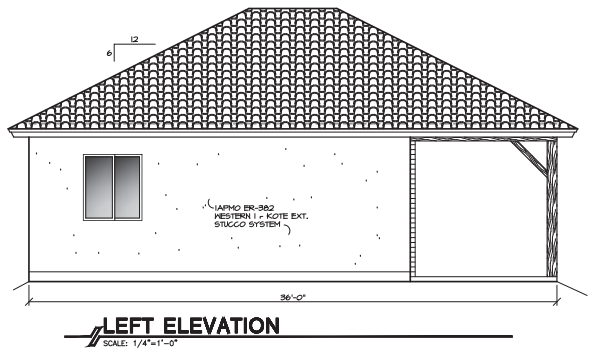
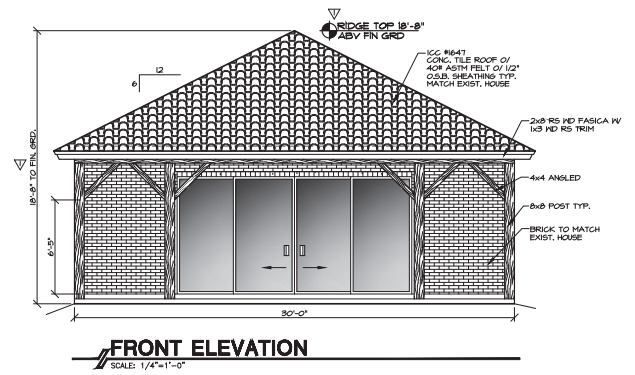
YIN POOL HOUSE
2124 E. LA VIEVE LANE
TEMPE, AZ 85284
ALLEN CUSTOM BUILDERS INC.
19184 E. CANARY WAY
QUEEN CREEK, AZ 85142
480-227-6603

SITE PLAN
Project No: 1080 Sheet No:
Date: JUNE 2019
Scale: SEE PLAN
Drawn: DSK

S1

No.	DATE	REVISIONS
1	11 JUNE 19	QTY REVISIONS
2	-	-
3	-	-
4	-	-

GENERAL NOTES:



- ELEVATION NOTES**
1. PROVIDE (2) LAYERS 5/8" FELT OVER WOOD BASED SHEATHING, INCLUDING ALUF BOARD, IRC R190.12
 2. WEEP SCREED IS TO HAVE A 3/4" VERT. LEG
 3. ALL SHEAR PANELS PER SCHEDULE BUT ALL
 4. PROVIDE JAPMO FIRE BLOCKING IN WALLS AT 18" INTERVALS BOTH HOR. & VERT.
 5. THE EXT. SIDE OF ALL EXT. FRAMED WALLS SHALL BE BRACED AT EACH END OF INSIDE AND OUTSIDE CORNERS, ALONG WITH BEING BRACED AT LEAST EVERY 30' ALONG WALL IN PER IRC
 6. WHERE 3/4" DIAM. LET-IN BRACERS OR METAL 2x4 BRACINGS CANNOT BE UTILIZED DUE TO OPENINGS, PROVIDE A MIN. OF 2x6 CDX FLOORING OR 2x10 (RATED OSB) SHEATHING FROM THE CORNER TO 4'-0" BEYOND OPENING (OR TO THE NEXT CORNER (WHICHEVER COMES FIRST), WALL WITH 8" x 4" O.C. AT ALL EDGES AND 8" x 12" O.C. IN FIELD. BLK. ALL EDGES OR CDX OR OSB WITH 2x BRKING.
 7. VENT. CALLOS PER IRC R609
 8. STONE VENEER ANCHORS SHALL BE MORTAR ON/O BRICK COAT STUCCO SYSTEM.

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YIN POOL HOUSE
 2124 E. LA VIEVE LANE
 TEMPE, AZ 85284
 ALLEN CUSTOM BUILDERS INC.
 19184 E. CANARY WAY
 QUEEN CREEK, AZ 85142
 480-227-6603

ELEVATIONS

Project No: 1080 Sheet No:
 Date: JUNE 2019
 Scale: SEE PLAN
 Drawn: DSK

A4