

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 5/26/2020  
Agenda Item: 8**

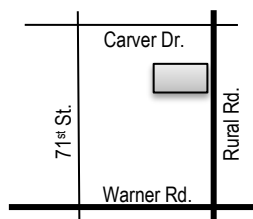
**ACTION:** Request a Use Permit to increase the maximum wall height in the required front yard building setback from four (4) feet to six (6) feet for **LOUKOTA RESIDENCE**, located at 11802 South Rural Road. The Applicant is Rick Loukota. (PL200063)

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** LOUKOTA RESIDENCE (PL200063) is proposing to increase the maximum wall height in the required front yard building setback from four (4) feet to six (6) feet on Lot 21 of the Tally Ho Farms 2 subdivision, located on the south side of South Rural Rd in the AG, Single-Family Residential District. The request includes the following:

ZUP200016 Use Permit to increase the maximum wall height in the required front yard building setback from four (4) feet to six (6) feet



Property Owner	Loukota Family Revocable Living Trust
Applicant	Rick Loukota
Zoning District(s)	AG
Site Area	65,340 s.f.
Building Area	1,843 s.f
Lot Coverage	3% (25% max. required)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Robbie Aaron, (480) 350-8096

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Robbie Aaron, Planner II

Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

As originally platted, the front property line of the Loukota Residence would have been the rear property line of the original property with the front property line being along 71<sup>st</sup> Street. The request is to increase the allowable height of a wall in the front yard setback from four (4) feet to six (6) feet in order to provide extra security and noise reduction along Rural Road.

## PUBLIC INPUT

To date staff has received no public comments on the proposal.

## USE PERMIT

The proposal requires a Use Permit to increase the maximum wall height in the required front yard building setback from four (4) feet to six (6) feet for a single-family residence within the AG, Single-Family Residential district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed wall height increase will not increase vehicular or pedestrian traffic more than what is expected from a single-family owner-occupied use.
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 wall height increase will not generate emissions greater than ambient conditions that would otherwise cause a nuisance to the neighborhood.
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 additional wall height will provide a barrier between the single-family residence and the noise coming from travel along Rural Road and is expected to add value to not only the property itself but the surrounding neighborhood as well.
4. *Compatibility with existing surrounding structures and uses*; other properties in the surrounding neighborhood also have a six (6) foot wall adjacent to Rural Road. This home will continue to be a single-family home.
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 increase in the wall height to six (6) feet is intended for a single-family owner-occupied use and is not expected to cause any 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 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.

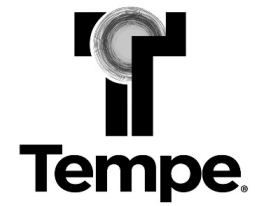
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- Specific requirements 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.

**HISTORY & FACTS:**

1973 Building Permit issued for a single-family residence.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 3-102 Permitted Uses in Residential Districts  
Section 4-706 Screens, Walls and Access Control Landscapes  
Section 6-308 Use Permit



**DEVELOPMENT PROJECT FILE**  
for  
**LOUKOTA RESIDENCE**  
(PL200063)

**ATTACHMENTS:**

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

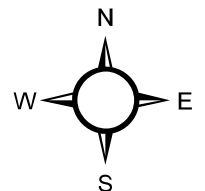
# LOUKOTA RESIDENCE

PL200063



City of Tempe

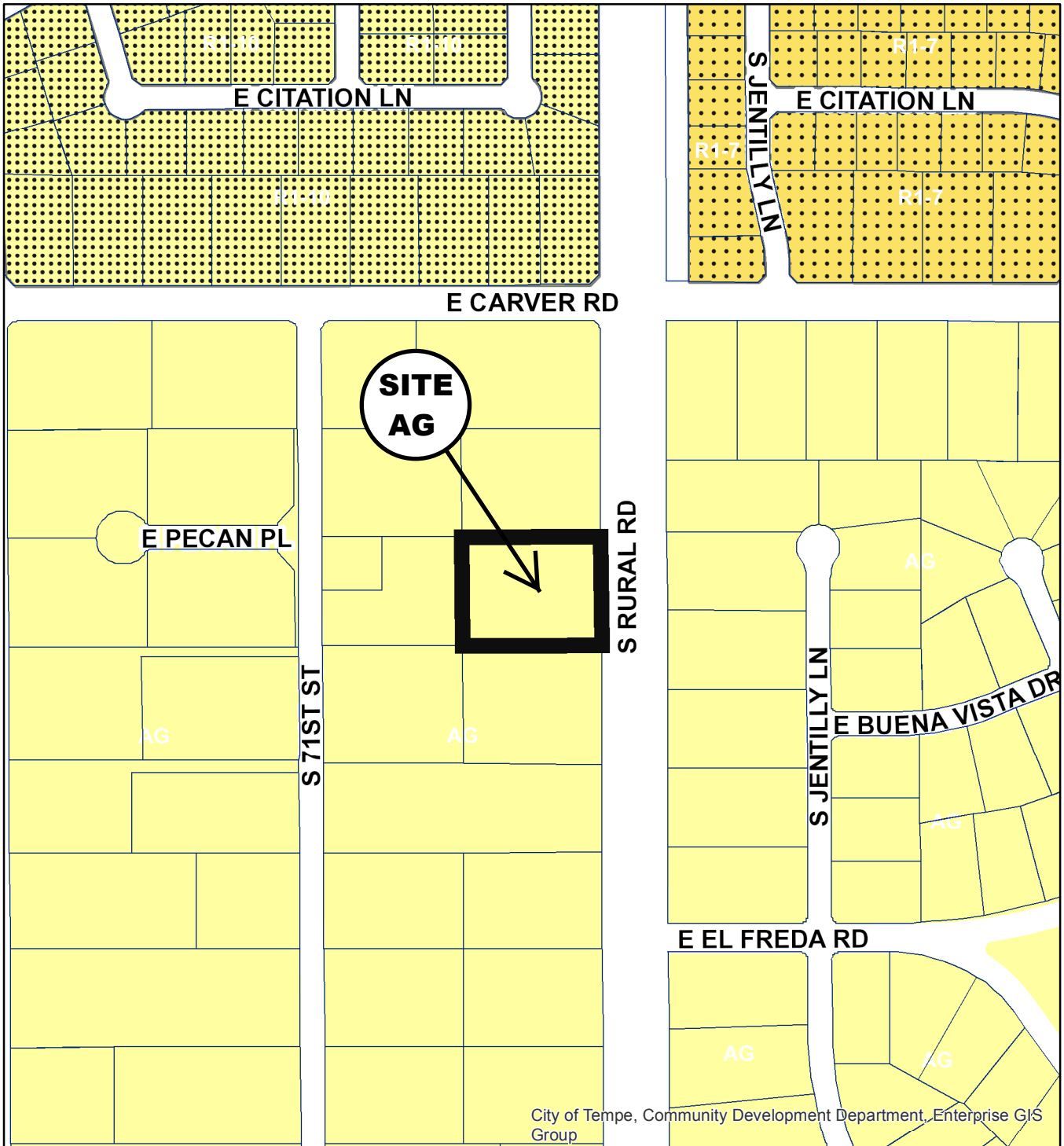
Aerial Map






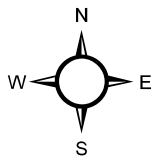


# LOUKOTA RESIDENCE

PL200063



-  Agricultural (AG)
-  Single-Family Residential (R1-10)
-  Single-Family Residential (R1-7)



Rick Loukota  
The Loukota Family Revocable Living Trust  
11802 S Rural Rd  
Tempe AZ 85284

April 12, 2020

City of Tempe  
Community Development Department  
31 E 5th St, Garden Level  
Tempe, AZ 85281

To Whom It May Concern:

We are asking the City of Tempe for a Use Permit to increase the height of our property front wall to 6ft. This will not only enhance the view from Rural Rd but provide us with security while reducing traffic noise. Our wall height we are proposing matches 2 neighbors just 5 houses South also in *Tally Ho Farms* (parcels 301-52-022D and 301-52-020B – see EXHIBIT A) Our block wall will feature an angled wall to incorporate a planter box on the North entrance that will include green plants native to Arizona. Both North and South gates will be inset 20ft from our property line to allow vehicles to be completely off of the road when entering and leaving the property. The request is not detrimental to neighbors or adjacent properties and matches several walls in *Tally Ho Farms* with Rural frontage.

Thank you for your consideration in this manner.

Sincerely,

A handwritten signature in cursive script that reads "Rick Loukota".

Rick Loukota  
Property Owner

Enclosures: EXHIBIT A

Rick Loukota  
The Loukota Family Revocable Living Trust  
11802 S Rural Rd  
Tempe AZ 85284

May 13, 2020

City of Tempe  
Community Development Department  
31 E 5th St, Garden Level  
Tempe, AZ 85281

To Whom It May Concern:

We are supplementing our original request with further information.

- a. This project does not affect vehicular or pedestrian traffic.
- b. This project 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.
- c. This project will increase property value and contributes to the aesthetics of the neighborhood.
- d. Project is compatible and similar to other homes in Tally Ho Farms with Rural access/frontage.
- e. Project will not create or change any situation which would cause disruptive behavior inside or outside the premises.

Thank you for your consideration in this manner.

Sincerely,



Rick Loukota





\*  
Attachment 5

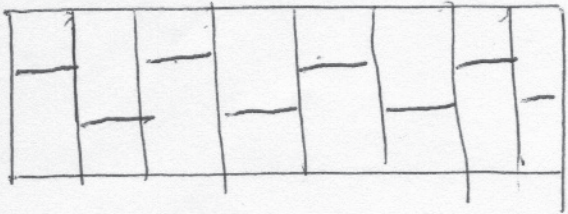




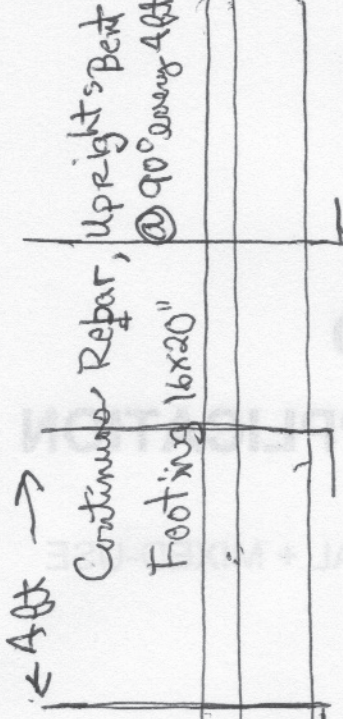
# EXHIBIT A



Stucco - Sanded  
Finish

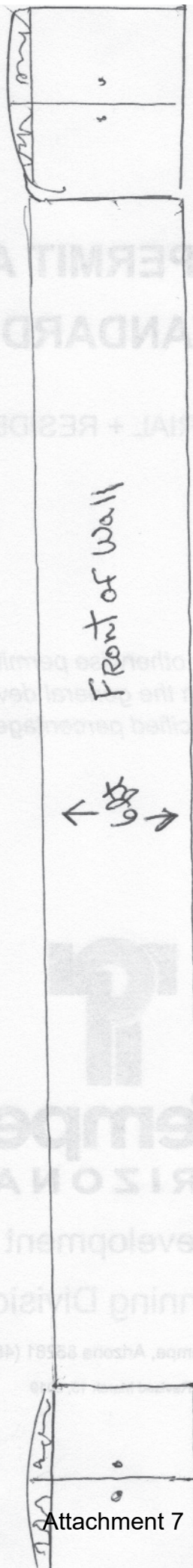
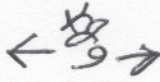


24x24 column



← Footing 24x24

Front of Wall



Top View

