



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 7/28/2020
Agenda Item: 7**

ACTION: Request a Use Permit Standard to reduce the side yard setback for a fifteen-foot high accessory building from nine (9) feet to the district standard of five (5) feet for the **MENDIVIL GARAGE**, located at 507 West Manhattan Drive. The applicant is Rita Mendivil. **(PL200102)**

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: MENDIVIL GARAGE (PL200102) is proposing to reduce the side yard setback for a fifteen-foot high accessory building from nine (9) feet to the district standard of five (5) feet on Lot 7 of the Hermosa Tracts Lots 7 & 8 subdivision located in the R1-6, Single-Family Residential District. The request is a result of a Code Violation (CE202158). The request includes the following:

ZUP200021 Use Permit Standard to reduce the side yard setback for a fifteen-foot high accessory building from nine (9) feet to the district standard of five (5) feet



Property Owner	David M. Mendivil / Rita D Mendivil
Applicant	Rita Mendivil
Code Compliance Inspector	Ashley Nichols, Code Inspector
Zoning District(s)	R1-6
Site Area	18,012 s.f.
Building Area	2,565 s.f
Lot Coverage	14% (45% max.)
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): 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

The proposed accessory building will be for an RV garage and some workshop/storage space, as well as a small pool bathhouse on the outside of the building to allow access when swimming.

PUBLIC INPUT

To date staff has received one public comment in support and one comment in opposition of the proposal.

USE PERMIT

The proposal requires a Use Permit Standard to reduce the side yard setback for a fifteen-foot high accessory building from nine (9) feet to the district standard of five (5) feet for a single-family residence within the R1-6, 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 proposal 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 proposal 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 proposal will not contribute to the deterioration of the neighborhood or to the downgrading of property values and will not be in conflict with the goals, objectives or policies of the City's adopted General Plan.
4. *Compatibility with existing surrounding structures and uses*; Upon a visual survey of the neighborhood staff noted several accessory structures and buildings of various heights and setbacks throughout the area. 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 proposal 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.

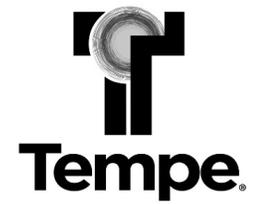
HISTORY & FACTS:

1973 Building Permit issued for a single-family residence.

March 03, 2020 Violation issued for unpermitted Accessory Building in backyard (CE202158)

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



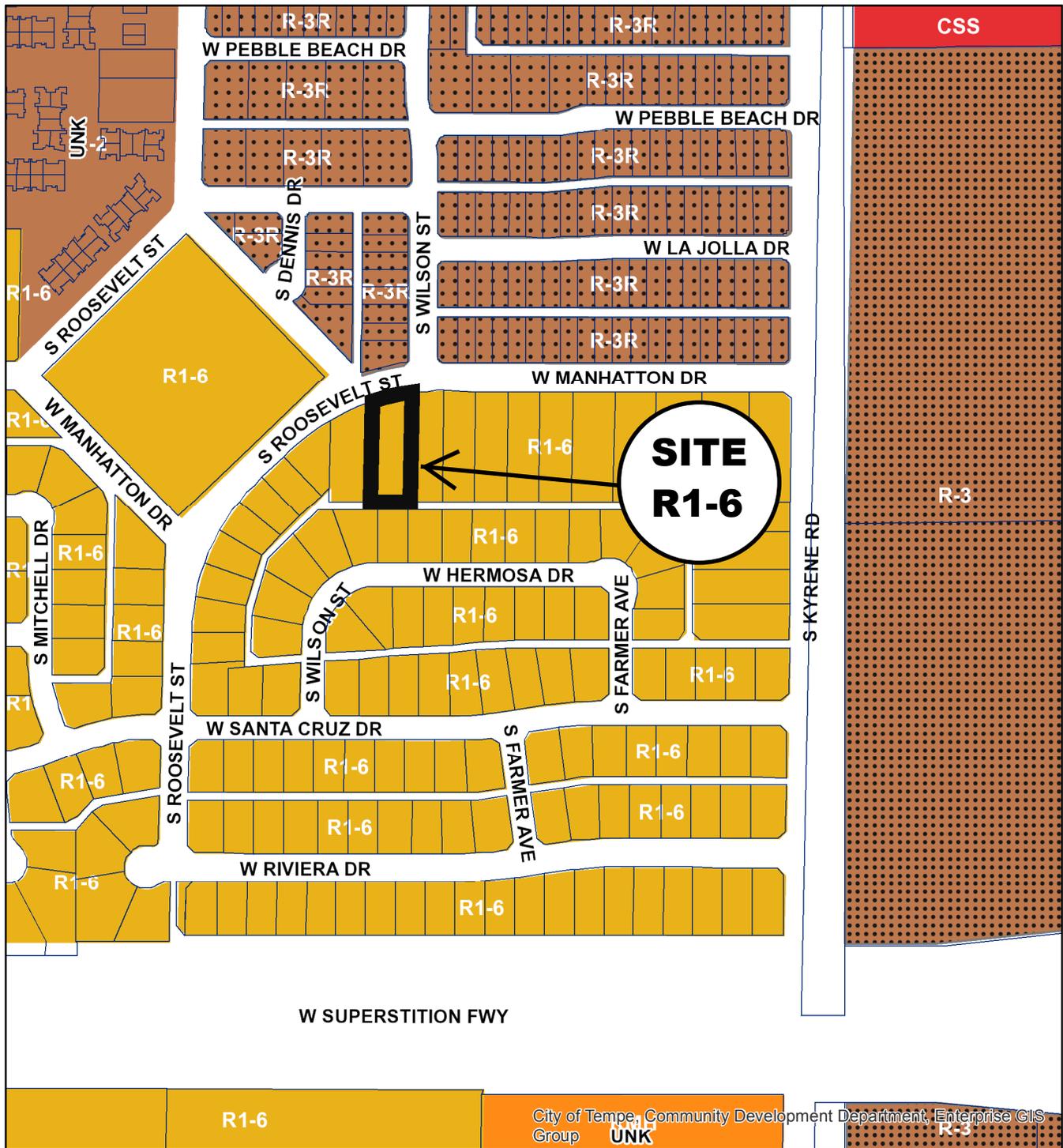
DEVELOPMENT PROJECT FILE
for
MENDIVIL GARAGE
(PL200102)

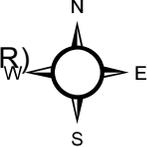
ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Elevations & Floor Plan
- 6-15. Site Context Photos

MENDIVIL GARAGE

PL200102



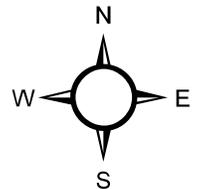
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|---|--|---|--|---|
|  | Commercial Shopping and Services (CSS) |  | Multi-Family Residential Restricted (R-3R) |  |
|  | Single-Family Residential (R1-6) |  | Multi-Family Residential Limited (R-3) | |
|  | Multi-Family Residential (R-2) |  | Mobile Home Residence (RMH) | |
| | | | | |

MENDIVIL GARAGE

PL200102



Aerial Map



May 14, 2020

City of Tempe

Building/Planning/Zoning

Dear Sirs:

Our names our David and Rita Mendivil.

We are the owners and reside at 507 W. Manhattan Dr. Tempe, AZ 85282.

We are seeking a use permit to allow construction of a freestanding garage in the back yard.

The building will be for an RV garage and some workshop/storage space. We are also are building a small pool bathhouse on the outside of the building to allow access when swimming.

Proposed site of garage requires allowance for setback of 6 feet on the East side of the building/yard and 1 foot higher use permit from the main residence.

There will not be any potential impacts to adjacent properties. The building will not be detrimental to persons residing or working in the vicinity, to adjacent properties to the neighborhood or the public welfare in general and will conform to the following standards/zoning and development code criteria.

A. There will not be any significant vehicular or pedestrian traffic in adjacent areas.

B. There will not be any nuisance arising from the emission of odor, dust, gas, noise vibration, smoke heat or glare at a level exceeding that of ambient conditions.

C. The building will not contribute to the deterioration of the neighborhood or to the downgrading of property values. The building will not be in conflict with the goals, objectives or policies of the City's adopted plans for General Plan.

D. The building will be compatible with existing surrounding structures and uses.

E. There will be adequate control of/and no disruptive behavior both inside and outside the premises that would create a nuisance to the surrounding area or General Public.

Thank you for your consideration in this matter.

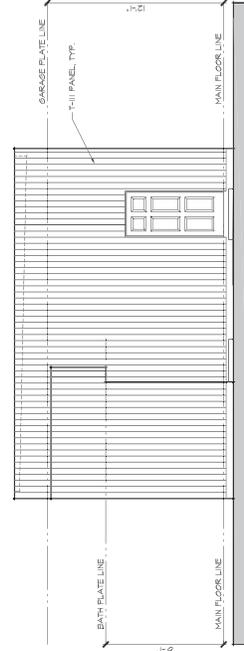
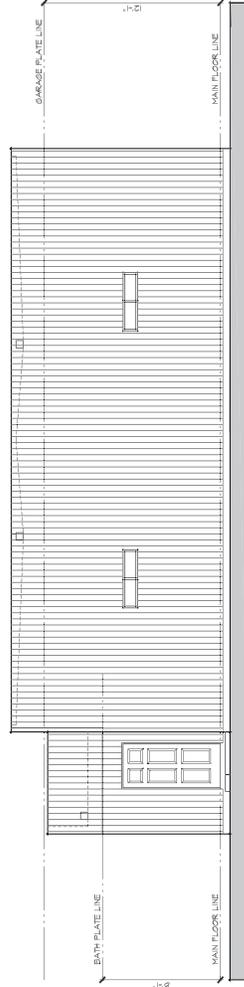
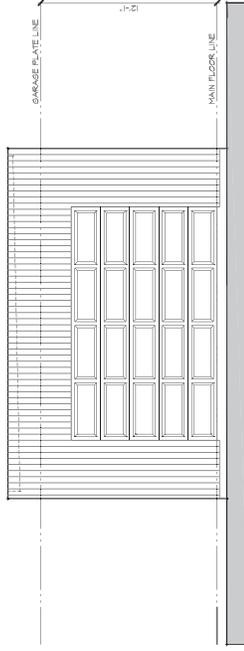
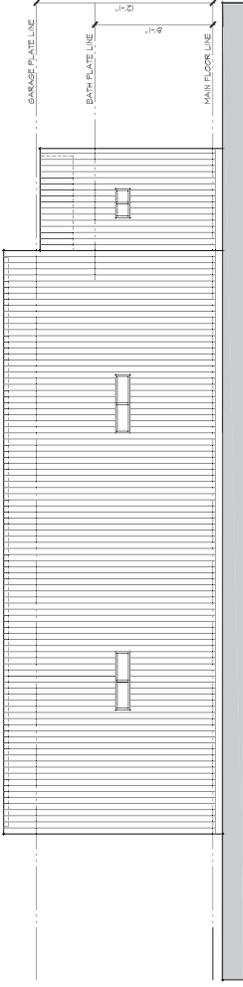
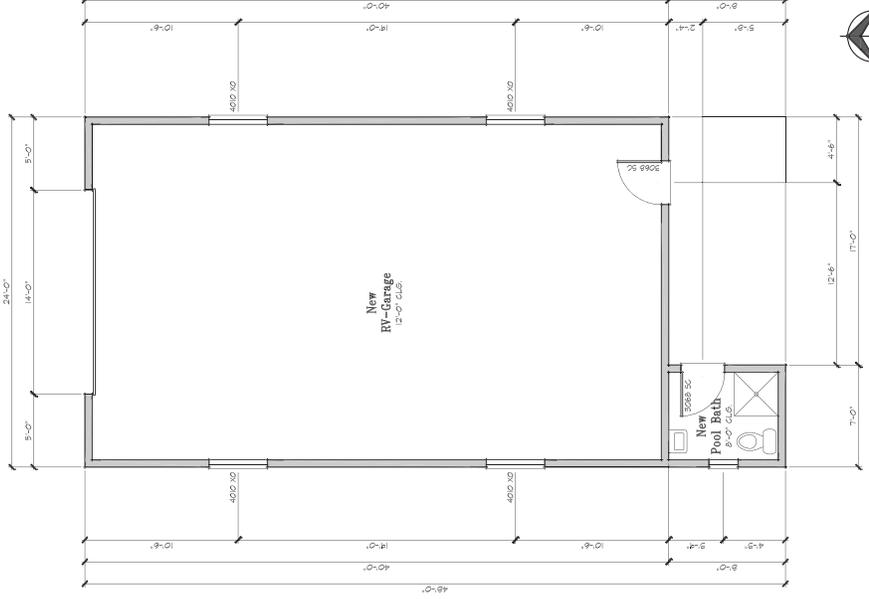
Sincerely,

David and Rita Mendivil
507 W. Manhattan Dr
Tempe, AZ 85282
480-250-2827
mendivil5@cox.net

Revisions	00-000-000



EXISTING RESIDENCE REAR ELEVATION
 SCALE: 1/8" = 1'-0"



MENDIVIL RESIDENCE

507 W. MANHANTTON DR, TEMPE, AZ 85282

APN 123-46-001N

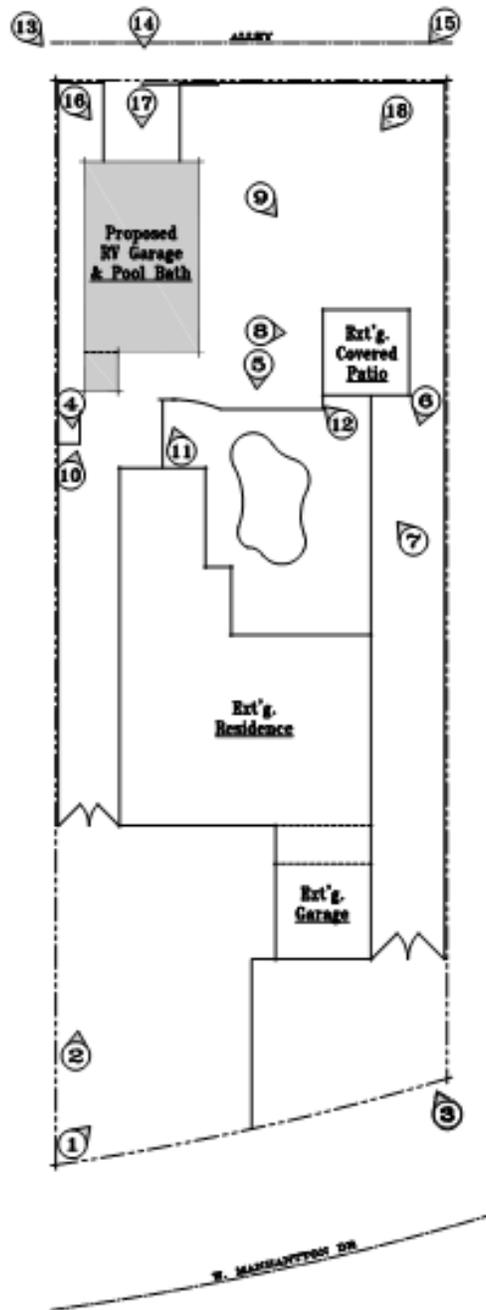




PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6



PHOTO 7



PHOTO 8



PHOTO 9



PHOTO 10



PHOTO 11



PHOTO 12



PHOTO 13



PHOTO 14



PHOTO 15



PHOTO 16



PHOTO 17



PHOTO 18