



**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 8/11/2020  
Agenda Item: 4**

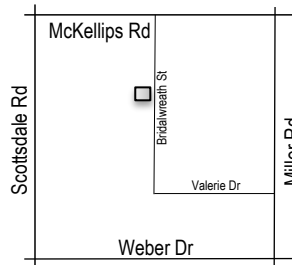
**ACTION:** Request a Use Permit to increase the maximum wall height in the required front yard building setback from four (4) feet to six (6) feet for **OWEN RESIDENCE**, located at 1712 North Bridalwreath Street. The Applicant is Justin Owen. (PL200045)

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** OWEN RESIDENCE (PL200045) 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 132 of the Papago Gardens subdivision, located on the west side of South Bridalwreath Street in the R1-6, Single-Family Residential District. The request is a result of a Code Violation (CE200190). The request includes the following:

ZUP200033 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	Justin Owen
Applicant	Justin Owen
Code Compliance Inspector	Hector Heredia Jr., Code Inspector
Zoning District(s)	R1-6
Site Area	6,843 s.f.
Building Area	1,612 s.f.
Lot Coverage	24% (45% 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

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 additional outdoor living space and noise reduction along Bridalwreath Street. Staff has worked with the applicant to add visual surveillance openings to the wall design.

## PUBLIC INPUT

To date staff has received one phone call in support of 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 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 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 additional outdoor living space and the noise coming from travel along Bridalwreath Street 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*; This home maintains the overall look and feel of a single-family structure and will continue to be a single-family use.
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.

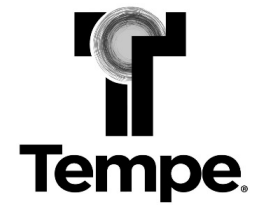
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- Specific requirements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



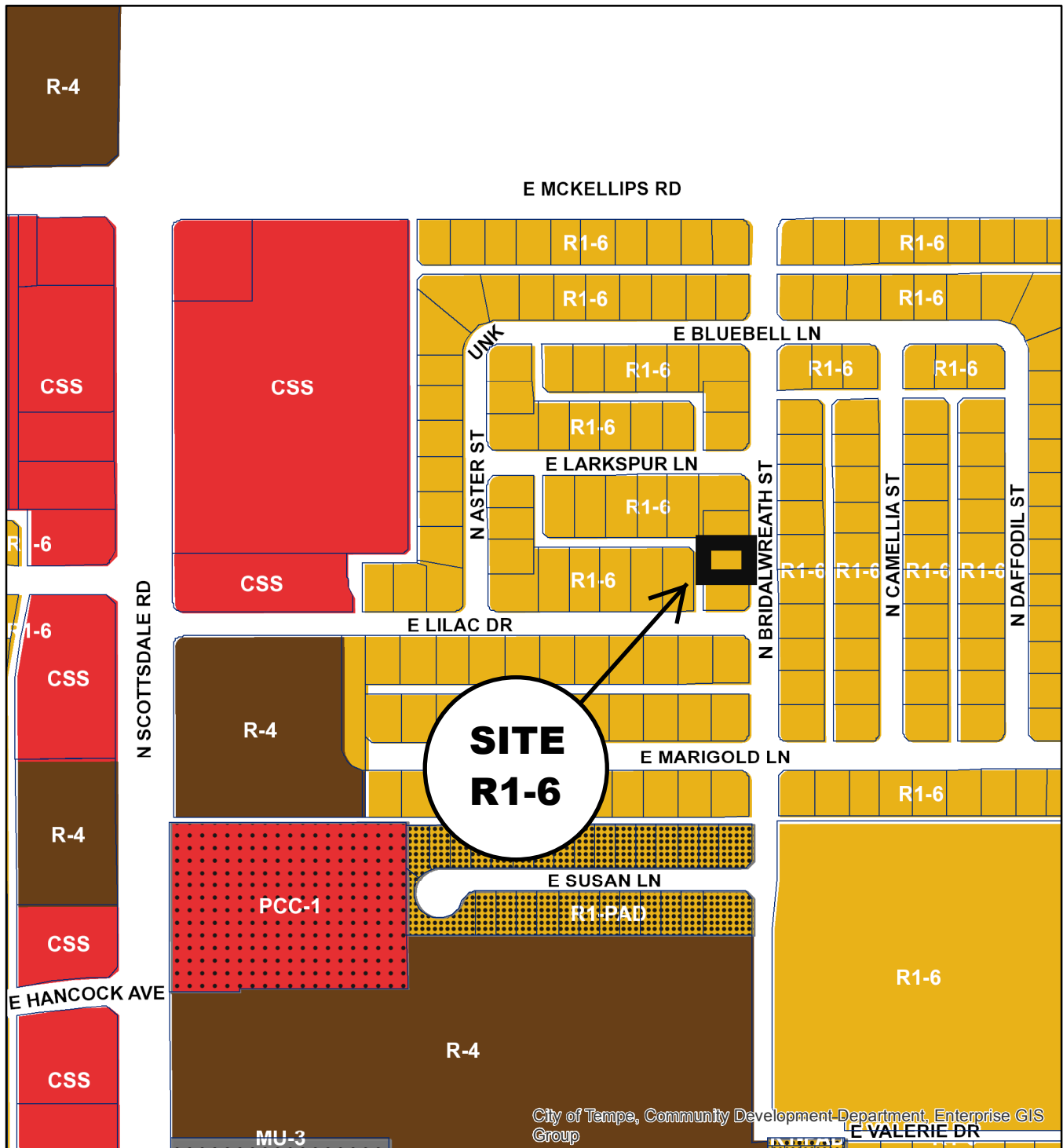
**DEVELOPMENT PROJECT FILE**  
for  
**OWENS RESIDENCE**  
(PL200045)

**ATTACHMENTS:**







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

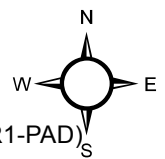
# OWEN RESIDENCE

PL200045



City of Tempe, Community Development Department, Enterprise GIS Group

- |  |   |
|--|---|
|  Mixed Use Med-High (MU-3)                      |  Single-Family Residential (R1-6)                    |
|  Commercial Shopping and Services (CSS)         |  Single-Family Residential Planned Area Dev (R1-PAD) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential General (R-4)              |

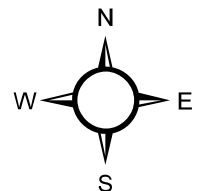


# OWEN RESIDENCE

PL200045



Aerial Map





**Justin Owen**  
**1712 North Bridalwreath Street**  
**Tempe, AZ 85281**

February 18, 2019

Dear City of Tempe Use Permit Team:

I am writing you today regarding our Use Permit for an increase to the allowed maximum height of 6' for a wall in a front yard setback. We recently built the wall unaware of the zoning information requiring a Use Permit. We had found the building code information that stated block walls were allowed up to 6' without a permit, but not the zoning information.

As it has been built, we can assure you that it matches the architectural design of our neighborhood and matches the height of our side yard walls and the height of both of our neighbors' side yard walls. We specifically matched the block style to the same as the house to compliment the design. We are currently having a custom gate fabricated to match the exact height and design. The front wall of the patio is back 14' from the property line and sidewalk, so it does not pose any issues for sight lines when entering or exiting the driveway. As well, the wall is centered in our yard and only spans 22' of the full front property exposure of 75'. We have included a breeze walls with six openings to the north and two openings to the south.

We are requesting the increase to maintain our private front patio at our home. We have lived in this home for almost 10 years and have not been able to enjoy our front yard due to the amount of traffic that utilizes Bridalwreath Street. Bridalwreath is a public bus route and the main arterial road from the north to both the North Tempe Multi-Generational Center/Boys & Girls Club and the Laird Elementary School.

This front patio upgrade greatly enhances and improves our neighborhood and will likely encourage surrounding neighbors to upgrade their homes. We have had multiple neighbors and realtors stop by and say how good it looks and how it complements the home. In fact, we have already had 3 neighbors begin landscaping projects since we started ours.

The approval of this use permit will not make any change to the zoning classification for our property or increase densities. There will not be a significant increase to vehicular or pedestrian traffic in adjacent areas. The use will not create any nuisances and the use is in compliance with the General Plan and neighborhood intent.

Thank you for your consideration regarding our permit.

Sincerely,



Justin Owen









ATTACHMENT 5