

REVISED

CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 08/11/2020
Agenda Item: 6

ACTION: Request approval to park a travel trailer in the required front yard building setback for the WINFREY TRAILER, located at 2439 East Geneva Drive. The applicant is Pamela Winfrey.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Deny

BACKGROUND INFORMATION: The WINFREY TRAILER (PL200112) is requesting a Use Permit to allow a travel trailer to be parked within the required front yard building setback within the R1-6, Single Family Residential District. The request is a result of a Code Violation (CE202961). The request includes the following:

ZUP200022 Use Permit to allow a travel trailer to be parked within the required front yard building setback.



Table with 2 columns: Property Owner, Applicant, Code Compliance Inspector, Zoning District, Site Area, Building Area, Lot Coverage, Required Building Setbacks, Vehicle Parking. Values include Scott Gibbs & Pamela Winfrey, Pamela Winfrey, Michael Glab, Code Inspector, R1-6, 8,790 s.f., 1,846 s.f., 21% (45% max.), 20' front, 5' side, 15' rear, 15' front (open structure), 2 spaces (2 min. required).

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Robbie Aaron, Planner II (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 applicant is proposing to park a travel trailer in the required twenty (20) foot front yard building setback. The trailer is 15' in length and 8' in width. There are three proposed parking spots for the trailer two of which are already paved and one unpaved. All the proposed spaces are within the property lines.

At the July 28, 2020 Development Review Commission meeting the Commission passed a motion allowing a continuance of this case to allow the applicant to time to find a solution for storage or a buyer for the trailer.

PUBLIC INPUT

To date, staff has received one phone call and two comments in support and seven comments in opposition of the Use Permit request.

USE PERMIT

The proposed design requires a Use Permit to park a boat in the required front yard building setback within the R1-6, Single Family Residential zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed design is not expected to create a significant increase in vehicular or pedestrian traffic.
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 generate emissions that would become a nuisance.
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*; approval of the proposed design may set precedence for other neighbors in the area to park recreational vehicles in the front yard setback. The subdivision was designed to provide required off-street parking in garages/carports or backyards for properties with alley or street side access.
4. *Compatibility with existing surrounding structures and uses*; there are no other approved use permits in the neighborhood which allow a small recreational vehicle to be parked within the front yard setback.
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 design is not expected to create a nuisance to the surrounding area or general public.

REASONS FOR DENIAL:

Based on the information provided by the applicant and the above analysis staff cannot support approval of the requested Use Permit.

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 building plan check process.
2. 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.

3. Any intensification or expansion of use shall require a new Use Permit.
4. The travel trailer shall be operable and have current registration.

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.

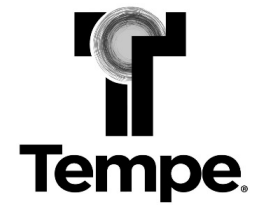
- The Use Permit is valid for the Winfrey Trailer and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but 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.
- Any intensification or expansion of use shall require a new Use Permit.

HISTORY & FACTS:

- | | |
|-------------------|---|
| February 20, 1970 | Permit for the construction of a new Single-Family home located at 2439 East Geneva Drive was issued. |
| May 01, 2020 | Violation for a Trailer in the Front Yard Setback issued (CE202961) |
| July 28, 2020 | Development Review Commission continued case to 8/11/20 DRC hearing. |

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit



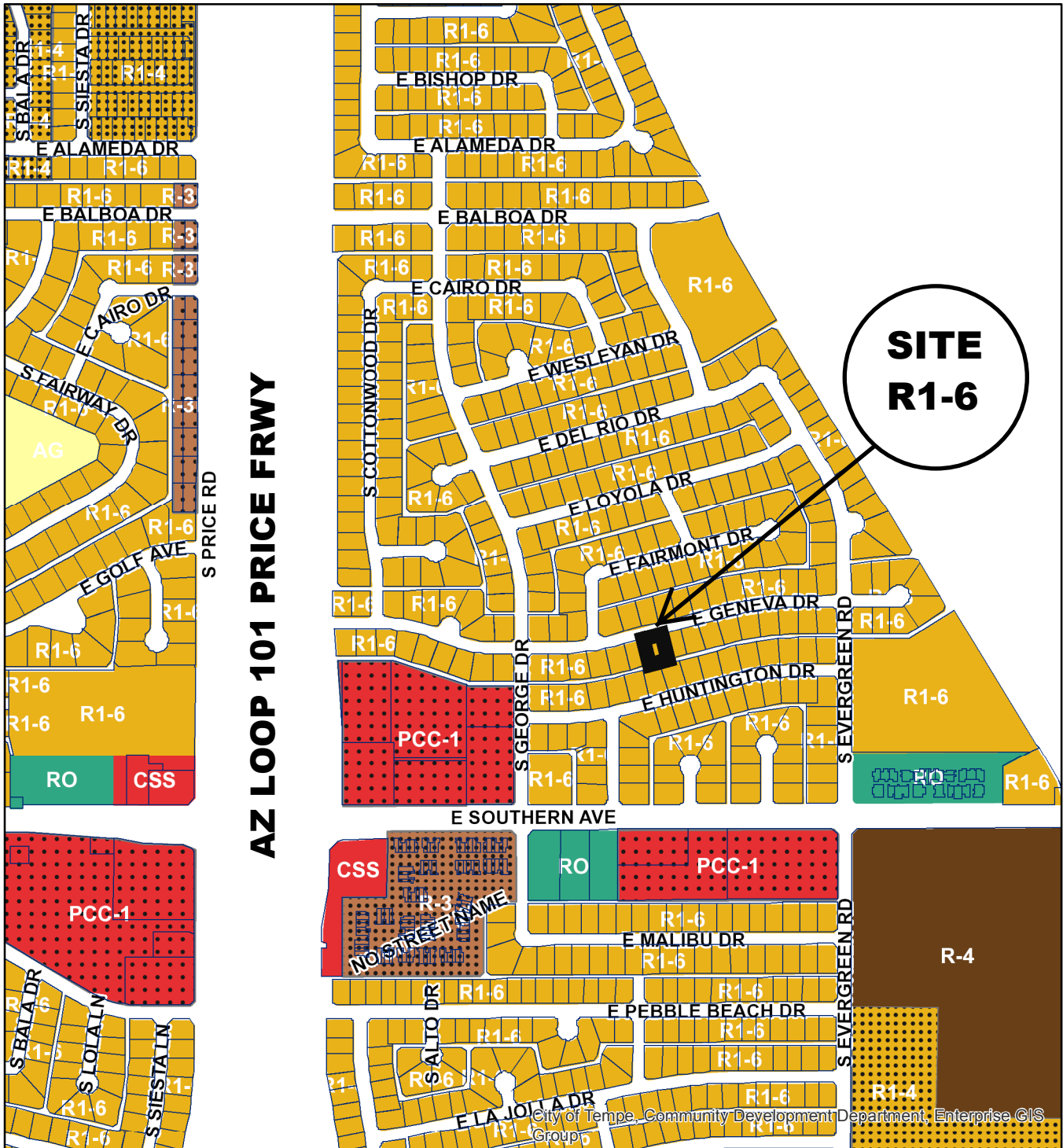
DEVELOPMENT PROJECT FILE
for
WINFREY TRAILER
(PL200112)

ATTACHMENTS:

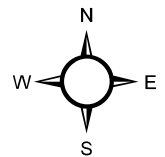
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
- 6-9. Site Context Photos
- 10-20. Public Comments as of July 24, 2020

WINFREY TRAILER

PL200112



- | | |
|--|--|
| Commercial Shopping and Services (CSS) | Single-Family Residential (R1-4) |
| Planned Commercial Center Neighborhood (PCC-1) | Multi-Family Residential Restricted (R-3R) |
| Residential/Office (RO) | Multi-Family Residential Limited (R-3) |
| Agricultural (AG) | Multi-Family Residential General (R-4) |
| Single-Family Residential (R1-6) | |

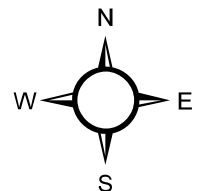


WINFREY TRAILER

PL200112



Aerial Map





Letter of Explanation – Use Permit

Dear City, I have had a vintage 1959 Aloha trailer in mint condition in my front yard for almost two years. (We have lived there for three.) I would like to continue to have this 15' by 7' foot trailer in my front yard (that measurement includes the hitch.) It has always been fully licensed and operable. In the summer (during a non covid19 summer) I frequently take it up to the mountains and use it for four day writing retreats.

a) This vintage trailer is completely off the street and sidewalk and does not pose any barriers or inconvenience to vehicles or pedestrians.

b) This trailer does not represent additional noise or disruptive behavior. In fact, I use it as a home writing office which requires concentration and quiet. (My husband's Chicago blues does not mesh well with 16th century Venice.) I am the Scientific Research Curator for two labs at Arizona State University; one lab researches cancer and the other cooperation. I am also an award winning playwright, screenwriter and novelist. I frequently work on novels, screenplays, blogs, grants, and other essential writing assignments. See www.pamelawinfrey.com for additional information) At times, this is the only place I can go to write.

When I use the trailer, it is generally during the day between 8:00 am - 5:00 pm. I don't use a radio or anything else that makes noise. I don't invite anyone to visit as that defeats the purpose of solitude and quiet. It does not represent any additional vehicular or pedestrian traffic. There are no dangerous emissions, no smells (it does not have a bathroom.)

c) This fifteen foot trailer does not contribute to the deterioration of the neighborhood. In fact I have invested quite a bit of time and money making sure that it is in great condition and looks well cared for.

d) The visual impact of this trailer is no greater than many of the trucks and vans parked along our street. It is no larger than my next door neighbor's van to the east. It is tucked in under my neighbor's tree to the west which further obscures it from

view. We are in the process of designing a landscaping plan for the front yard which will further visually obscure it.

e) This trailer does not represent any disruptive behavior. As stated above, it is used as a quiet space.

Other Information that might be of use to you:

1) I have unofficially polled most of my close neighbors (by talking to them from across the street) and they do not have any issues with it. Under normal circumstances, I would go door to door and poll them officially but because of the covid19 crisis I don't want to put them or myself in danger.

2) Initially, before buying this trailer I called up the city and inquired about the law. I was told that as long as it is under 18 feet, I would have no issues. I believe I described it to the city representative as a vintage Aloha trailer but that was several years ago and it is possible that I used the word RV instead of trailer.

3) The only way that I can continue to have this trailer is to continue to have it in my front yard. I have looked at my backyard as a possible place to put it but the angle of the alleyway makes that prohibitive. If I can't keep it in my front yard I believe I will have to sell it.

4) This trailer is important to me as a creative person living in Tempe. I use it as a writing studio not only here in Tempe but up in the mountains. I have used a tent in the past but I bought this trailer because I needed a water proof space because of my laptops, books, etc.

If you need more information about me, please go to www.pamelawinfrey.com. If you have any more questions, please feel free to contact me at 415-948-6436.

Thank you very much,

Pamela Winfrey
Property Owner
2439 E Geneva Dr.
Tempe, AZ 85282

WINFREY TRAILER

AERIAL VIEW OF PLAN. I AM FLEXIBLE AND CAN PUT IT IN A CHOICE OF THREE POSITIONS.



Images for Winfrey Trailer



If it would be useful, I can repark the trailer in my driveway like this. (From Google Maps.)



Top View. The alley, which is the only access to the backyard, is prohibitive due to turning radius.



Current view from the north



Current view looking from northeast



Current view from the west



Current view from the east.



Current view from northwest



From: [R.Thomas](#)
To: [Aaron, Robbie](#)
Subject: 2439 E. Geneva Drive
Date: Tuesday, July 21, 2020 11:29:25 AM

Mr. Aaron,

As a member of the Evergreen Neighborhood, my family is OPPOSED to the use permit to allow for the storage of a travel trailer in front of the setback at 2439 E. Geneva Drive. The reason for the existing rule is that trailers in this portion of the property are UNSIGHTLY and DIMINISH surrounding PROPERTY VALUES. If you were a property owner next to or near this house, would you want to look at a stored trailer and know that it would affect your home's value?

Interestingly, this particular property is not well maintained, and it appears the trailer is rarely moved or used – although we would be opposed to the variance even if this were not the case.

A concerned Evergreen neighbor





From: [Kathy Fryhoff](#)
To: [Aaron, Robbie](#)
Subject: PL 200112 Winfrey Trailer 2439 E Geneva Drive, Tempe,
Date: Friday, July 17, 2020 5:23:30 PM

I am against the trailer in the front yard for any length of time.

The purpose of these regulations is to establish standards for the parking and storage of recreational vehicles, boats, truck camper, and trailers as an accessory use in residential zones in order to protect the integrity, value and character of residential neighborhoods along with public health and safety.

Most homes have an RV gate in the rear and I strongly suggest that the homeowners utilize that for their storage.

From: [William Goodenberger](#)
To: [Aaron, Robbie](#)
Cc: [William Goodenberger](#)
Subject: Public Hearing - Case number PL200112
Date: Wednesday, July 15, 2020 1:37:53 PM

Dear Mr. Aaron:

I'm writing to side with Pamela Winfrey and to express my opinion that she should be allowed to store her trailer in her yard as stated in the Case number (PL200112) documentation.

I live across the street from Ms. Winfrey and the trailer does not bother me, is not in a traffic area or on the sidewalk. She should be allowed to keep it there.

Thanks for your consideration.

Bill Goodenberger


From: [Edward and Jane Toaspern](#)
To: [Aaron, Robbie](#)
Subject: Winfrey trailer 2439 E. Geneva Dr.
Date: Tuesday, July 21, 2020 6:05:38 PM

I oppose this request for this variance

Ed Toaspern

From: [kirtis baxter](#)
To: [Aaron, Robbie](#)
Subject: winfrey trailer 2439 e. geneva
Date: Tuesday, July 21, 2020 12:26:15 PM

I am in opposition to this trailer, I'm afraid it would set a precedent in the neighborhood.

thank you
[REDACTED] e. huntington dr.

From: [Robert D. Reynolds](#)
To: [Aaron, Robbie](#)
Subject: Winfrey Trailer, 2439 E. Geneva Dr.
Date: Tuesday, July 21, 2020 12:41:47 PM

I am opposed to allowing people to park trailers in front of the setback on their property in this otherwise nice neighborhood. It is opening a can of worms for others to park boats, advertising trucks, etc. until the whole neighborhood is ruined. Please vote NO.

^^^^^^^^^^^^^^

Robert D. Reynolds
[REDACTED] E. Huntington Drive
Tempe, Arizona

From: [Patrick Orr](#)
To: [Aaron, Robbie](#)
Subject: Winfrey Trailer, 2439 East Geneva Dr
Date: Tuesday, July 21, 2020 12:19:37 PM

Have not received notice of this but was informed by a neighbor. Hopefully this email will suffice a an opposing vote. The trailer should not be allowed to park in the front setback. If this email doesn't suffice, please advise on how I can submit my vote against the trailer being allowed to park in the front yard.

My address: [REDACTED] e Huntington dr. Tempe 85282
Ownership of home can be verified at the county assessor website (owner: patrick orr)

I can be reached on my cell if necessary: [REDACTED]

Thanks,

Patrick Orr

Sent from my iPhone

From: [Greg Thirkhill](#)
To: [Aaron, Robbie](#)
Subject: Winfrey Trailer, 2439 East Geneva Dr
Date: Tuesday, July 21, 2020 12:25:49 PM

I try to be as neighborly as much as possible. I sometimes have trailer for construction on short term basis. Wherever possible behind the "set back" but as a permanent spot I would not be able to support that. Also as a Realtor / Investor (40 yrs) I would strongly recommend against it.

If they were to trim the tree, move it behind the set back and throw up a (\$200) gate fine but not in front of the set back. Not in the best interest of the neighborhood both aesthetics and values.. It sets a very dangerous precedent....

Thank you for your service to our community...

Make it a Great Day!

The Thirkhill Team

Greg Thirkhill Realtor, CRS, ABR, CSSPE



RE/MAX Fine Properties



IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

From: [Susan Goodenberger](#)
To: [Aaron, Robbie](#)
Subject: Winfrey Trailer
Date: Wednesday, July 15, 2020 12:12:58 PM

Dear Mr. Aaron,

I live across the street from the Winfrey's at [REDACTED] E Geneva. I support Pamela Winfrey in the approval of a Use Permit to allow the travel trailer in the front yard building setback located at 2439 East Geneva.

Sincerely,
Susan Goodenberger
[REDACTED] E Geneva Dr
Tempe, AZ 85282

[REDACTED]