



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/8/2020
Agenda Item: 3**

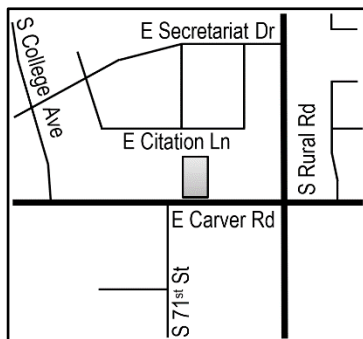
ACTION: Request a Use Permit to increase the maximum height of walls/fencing within the required front yard building setback from 4 feet to 6 feet for THE ANTONIELLO RESIDENCE, located at 616 East Carver Road. The applicant is Beus Gilbert McGroder, PLLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: THE ANTONIELLO RESIDENCE (PL200209) is located on Lot 3 of the Raintree Unit 2 subdivision in the R1-10, Single-Family Residential District. The applicant is requesting a Use Permit to increase the maximum four (4) foot height for walls within the required front yard building setback up to six (6) feet. The proposed wall/fencing will be constructed of solid 8" CMU block with brick veneer and provided with decorative Victoria wrought iron view fencing on top. A total of four (4) gates will be provided of the same style of wrought iron as the view fence. The request includes the following:

ZUP200050 Use Permit to allow to increase the maximum height of walls/fencing within the required front yard building setback from 4 feet to 6 feet.



Property Owner	Ashley Antonello
Applicant	Traci Goy, Beus Gilbert McGroder, PLLC
Zoning District	R1-10
Site Area	32,687 s.f.
Building Area	5,055 s.f.
Lot Coverage	17% (45% max. required)
Building Setbacks	64' front-building, 50' front-porch, 10' east side, 33' west side, 50' rear (30', 25', 10', 10', 25' 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

In accordance with City of Tempe Zoning and Development Code Section 4-706, Screens, Walls and Access Control Landscapes, walls or fences in a required front yard building setback shall be four (4) feet maximum in height. An increase in the maximum four (4) foot height may be permitted subject to a Use Permit. With a Use Permit, the maximum height may be up to six (6) feet. Additionally, for all heights above four (4) feet, the use permit shall demonstrate that a natural surveillance street will be maintained by incorporating openings, proving transparent materials, or varying height/materials.

PUBLIC INPUT

As of the publishing date of this staff summary report, staff received one (1) public inquiry. The inquiry was initially in opposition to the request but eventually changed to support after staff shared wall/fencing design details with the inquirer.

USE PERMIT

The proposed design requires a Use Permit to increase the maximum height of wall/fencing within the required front yard building setback from four (4) feet to six (6) feet.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed fence height and design will not generate additional 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 fence height and design will not generate emissions.
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 proposed fence height and design will provide additional privacy and security, increasing the property value and property values throughout the neighborhood.
4. *Compatibility with existing surrounding structures and uses*; the proposed fence height and design is complimentary to surrounding structures and 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*; the proposed fencing height and design will not cause disruptive behavior.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, and the above analysis staff supports 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: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

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.
2. **If building permits are not required, once the site improvements are complete, please schedule the Final Planning Inspection. Call the City Inspections Line IVR at 480-350-8072, option #6, and using the PL number, schedule the Planning Inspection #699.**

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.

USE PERMIT:

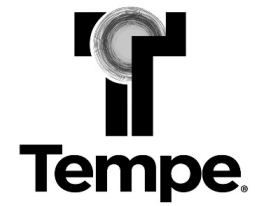
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- 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:

October 28, 1988 Building Safety Department granted final inspection approval of a new single-family residence, located at 616 East Carver Road in the R1-10, Single-Family Residential District.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 4-202, Development Standards for Residential Districts](#)
[Section 4-706, Screens, Walls and Access Control Landscapes](#)
[Section 6-308, Use Permit](#)



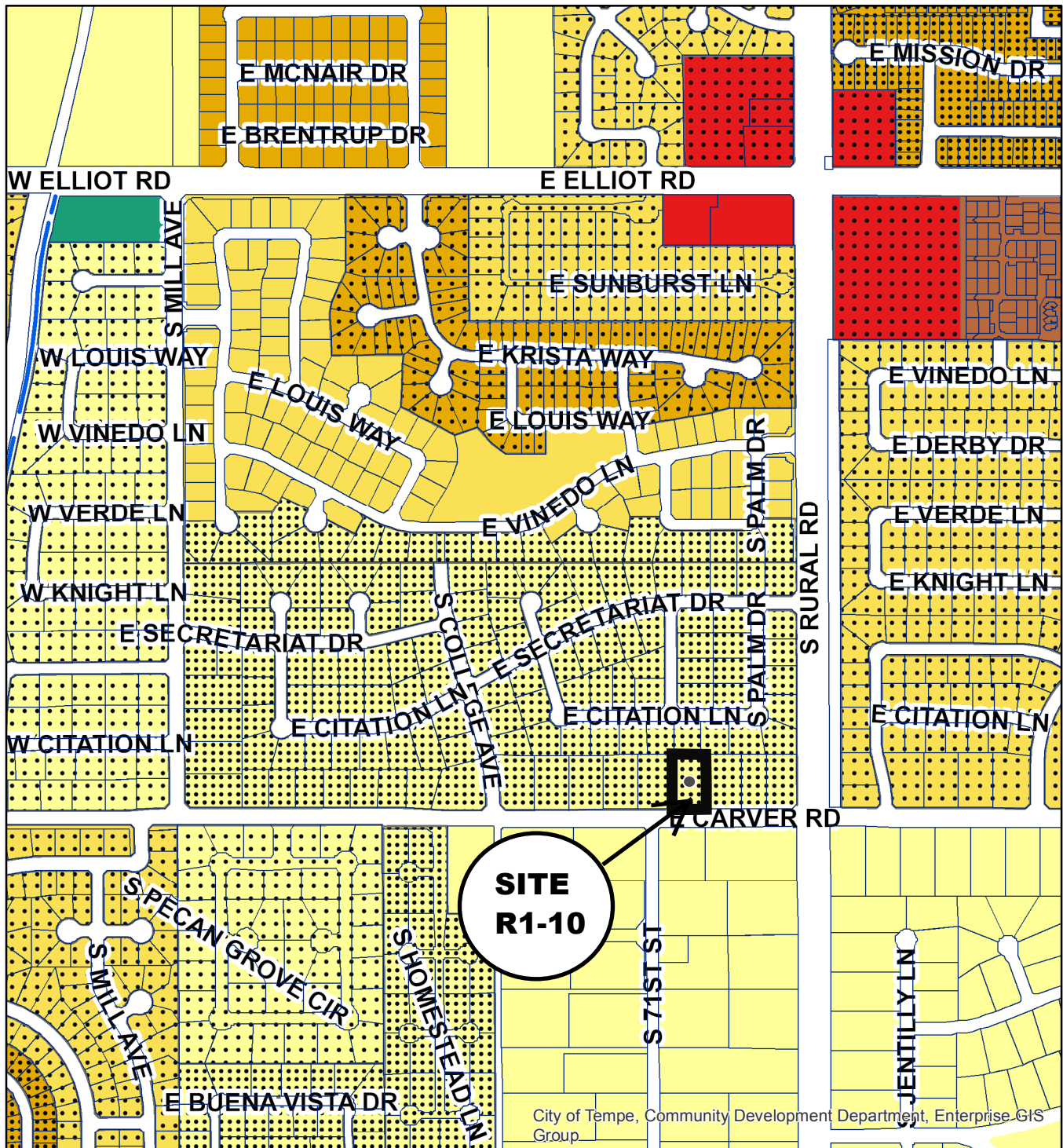
DEVELOPMENT PROJECT FILE
for
THE ANTONIELLO RESIDENCE
(PL200209)













ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Explanation
- 4-9. Site Context Photos and Nearby Example
10. Site Plan and Wall/Fence Details
11. Public Comments

ANTONIELLO RESIDENCE

PL200209



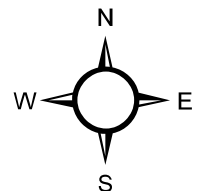
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|--|---|--|
|  Commercial Shopping and Services (CSS) |  Single-Family Residential (R1-10) |  Single-Family Residential (R1-4) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-8) |  Multi-Family Residential (R-2) |
|  Residential/Office (RO) |  Single-Family Residential (R1-7) | |
|  Agricultural (AG) |  Single-Family Residential (R1-6) | |
|  Single-Family Residential (R1-15) |  Single-Family Residential (R1-5) | |

ANTONIELLO RESIDENCE

PL200209



Aerial Map



LETTER OF EXPLANATION

We are requesting a Use Permit for an increase to the allowed maximum height of 6' for a front yard and side yard wall. Craver Road is a busy street and the fence will provide a buffer from the road for ourselves and our pets.

The proposed wall will be constructed of a solid screen wall with brick veneer and decorative Victoria wrought iron view fencing on top. There will be (4) gates made of the same style of wrought iron as the fence. The front yard gate will be approximately 5' wide and 6' tall and the side yard gate will be approximately 3.5' wide and 6' tall. The driveway will have (2) wrought iron gates approximately 10' feet wide and 6' tall and positioned approximately 2' inside the driveway and attached to the block post. They will automatically open from the middle and swing into the driveway.

The development will conform to the Zoning and Development Code Criteria Section 6-308E as follows:

a. Significant vehicular or pedestrian traffic in adjacent area;

The fence will not cause any significant vehicular or pedestrian traffic in the adjacent area.

b. Nuisance arising from the emission of odor, dust gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;

The fence will not cause any of the above nuisances as it is constructed out of cement block and wrought iron. The automatic gates will not cause additional noise or vibration to the surrounding residences.

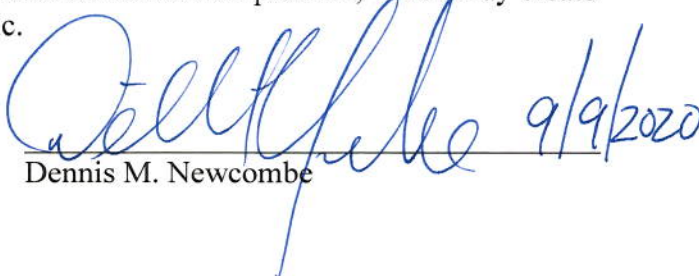
c. Contribution to the deterioration of the neighborhood or downgrading of property values, which is conflict with the goals, objectives or policies of the city's adopted plans for General Plan;

The construction of the upscale fence will only visually enhance the look of the neighborhood and blend cohesively with the architecture of the Victorian style of the residence. The use is in compliance with the General Plan.

d. Compatibility with existing surrounding structures and uses; and

The area is made up of custom homes and no residence looks the same. Many of the neighbors have constructed fences in their front yard to enrich the look of their homes. The residence at 11616 S. Rural Road, which is located across the street on the southeast side of Craver Road already has a 6' block and wrought fence on the property.

e. Adequate control of disruptive behavior both inside and outside the premise, which may create a nuisance to the surrounding area or general public.

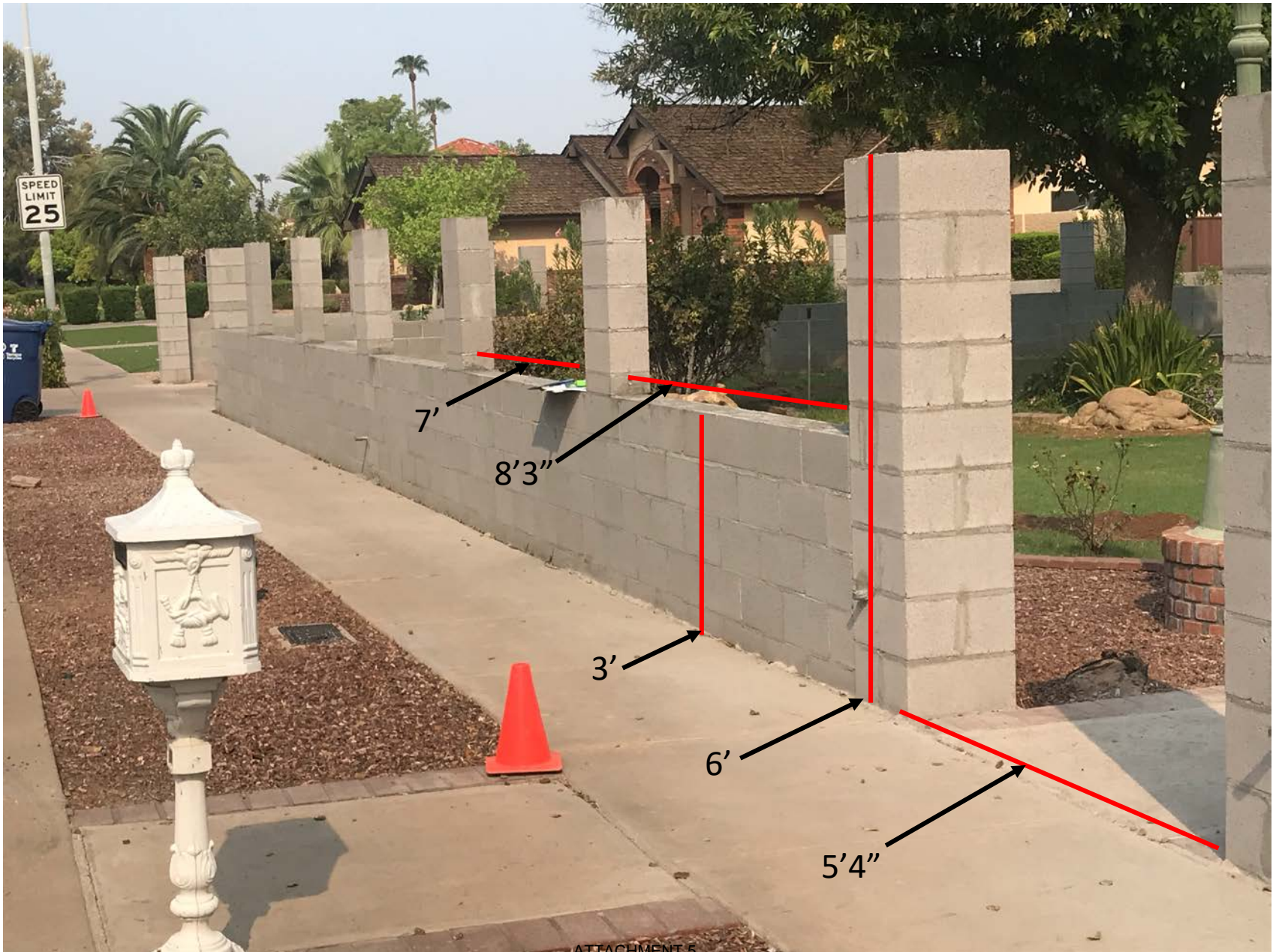
 9/9/2020
Dennis M. Newcombe



ATTACHMENT 4

East View

Exhibit 1



ATTACHMENT 5

West View

Exhibit 2



3'7"
ATTACHMENT 6

Southeast View from Driveway

Exhibit 3



ATTACHMENT 7

West View from Driveway

Exhibit 4



ATTACHMENT 8

Overall View of the Fence and Residence

Exhibit 5



ATTACHMENT 9

Sample of Fence (11616 S. Rural Road)

Exhibit 6

Jimenez, Lee

From: Mark Penman <mpenman1@cox.net>
Sent: Monday, November 30, 2020 2:39 PM
To: Jimenez, Lee
Subject: RE: PL200209

Hello Mr. Jimenez,

Thanks for the additional clarity. The “view fence” approach works way better!

Regards, Mark Penman

From: Jimenez, Lee
Sent: Monday, November 30, 2020 9:52 AM
To: mpenman1@cox.net
Subject: RE: PL200209

Hello Mr. Penman,

Thank you for sharing your comments. To clarify, it’s a view fence consisting of a 3-foot high solid base topped with 3-foot of wrought iron, and 1-foot wide columns every 10 feet. Attached is the site plan and fence details.

Sincerely,

Lee Jimenez



LEE JIMENEZ
Senior Planner
Community Development, Planning Division
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Direct Phone: 480.350.8486 Email: Lee_Jimenez@tempe.gov
Web: <http://www.tempe.gov/planning>

From: Mark Penman <mpenman1@cox.net>
Sent: Monday, November 30, 2020 9:41 AM
To: Jimenez, Lee <Lee_Jimenez@tempe.gov>
Subject: PL200209

Hello Mr. Jimenez,

Thank you for the “Public Hearing Notice” regarding the Antoniello residence.

My preference for “cosmetic” reasons would be to maintain the 4 feet maximum height, as I believe that having 6’ walls in the front yard would set an un-pleasant precedent.

Regards, Mark Penman