

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/8/2020
Agenda Item: 4**

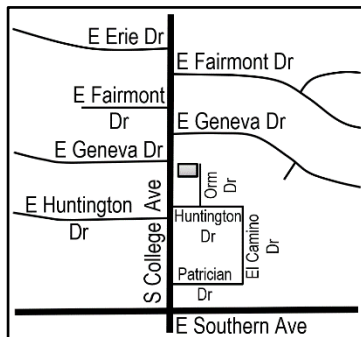
ACTION: Request a Use Permit to increase the maximum height of walls/fencing in the required front yard building setback from 4 feet to 5 feet six inches, and a Use Permit Standard to reduce the required front yard building setback from 20 feet to 16 feet for THE BELEC RESIDENCE, located at 3124 South Orm Drive. The applicant is Eric and Hannah Belec.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: THE BELEC RESIDENCE (PL200229) is an attached single-family home located on Lot 45 of the Patrician Homes subdivision in the R-2, Multi-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 five (5) feet six (6) inches, and a Use Permit Standard to reduce the required front yard by 20% from 20 feet to 16 feet for a ramada structure. The proposed wall/fencing will be constructed of solid CMU block with a stucco finish, matching the existing perimeter walls onsite. The request includes the following:

- ZUP200054 Use Permit to allow to increase the maximum height of walls/fencing within the required front yard building setback from 4 feet to 5 feet 6 inches.
- ZUP200061 Use Permit Standard to reduce the required front yard building setback by 20% from 20 feet to 16 feet.



Property Owner	Eric and Hannah Belec
Applicant	Eric and Hannah Belec
Zoning District	R-2
Site Area	8,677 s.f.
Building Area	1,918 s.f.
Lot Coverage	22% (45% max. required)
Building Setbacks	25' front, 8' north side, 0' south side, 0' rear (20', 10', 0', 15' 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, Planning & Zoning Coordinator

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, no public comments have been received by staff.

USE PERMIT AND USE PERMIT STANDARD

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 five (5) feet six (6) inches, and a Use Permit Standard to reduce the required front yard building by 20% from twenty (20) feet to sixteen (16) feet for a ramada structure.

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 setback reduction 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 setback reduction 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 setback reduction 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 setback reduction 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 setback reduction 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 and Use Permit Standard. These requests 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 and Use Permit Standard are 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 AND USE PERMIT STANDARD:

- The use permit and use permit standard approvals shall be void if the uses are 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 and use permit standard are 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 permits/approvals and that a continuation of the permits/approvals are 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 uses shall require a new Use Permit.

HISTORY & FACTS:

July 24, 1972 Building Inspection Department granted final inspection approval of a new attached single-family residence, located at 3124 South Orm Drive in the R-2, Multi-Family Residential District.

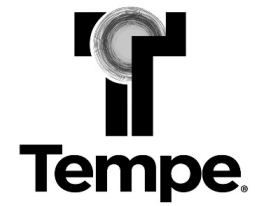
ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 4-201\(A\), Use Permit Standard](#)

[Section 4-202, Development Standards for Residential Districts](#)

[Section 4-706, Screens, Walls and Access Control Landscapes](#)

[Section 6-308, Use Permit](#)



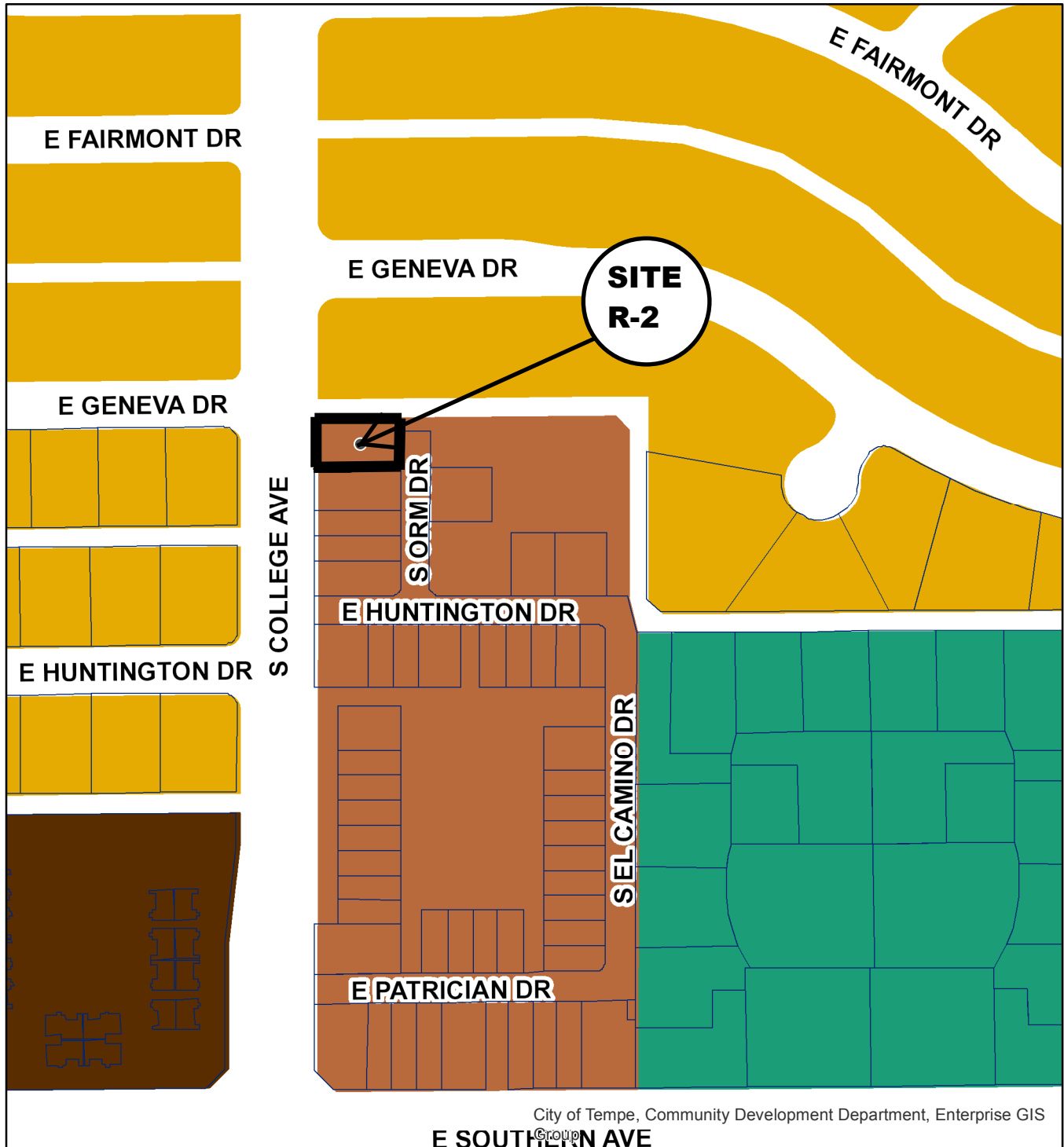
DEVELOPMENT PROJECT FILE
for
THE BELEC RESIDENCE
(PL200229)

ATTACHMENTS:

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

BELEC RESIDENCE

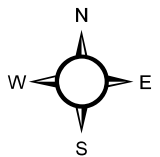
PL200229



City of Tempe, Community Development Department, Enterprise GIS

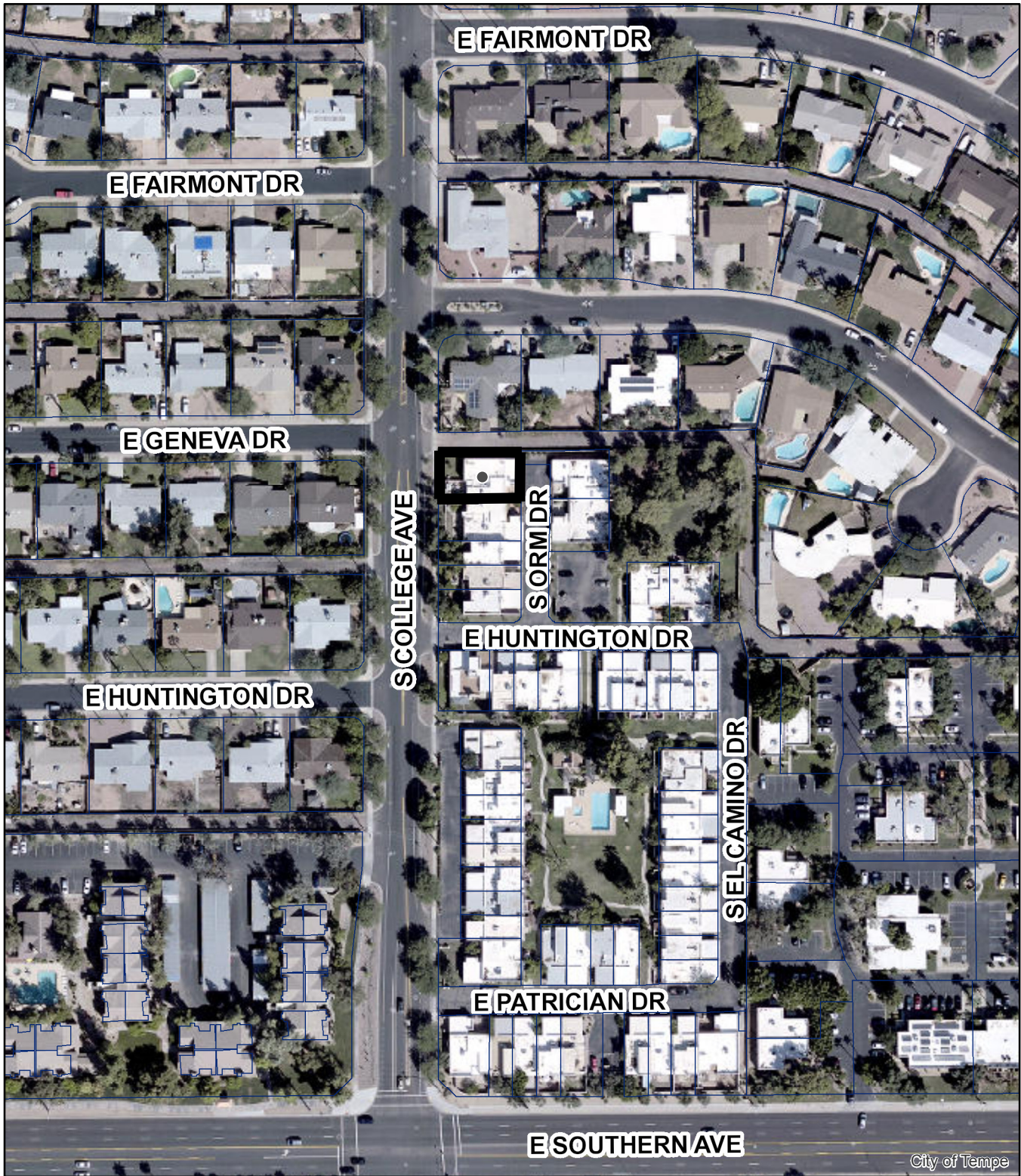
E SOUTHERN AVE

- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Multi-Family Residential (R-2)
- Multi-Family Residential General (R-4)

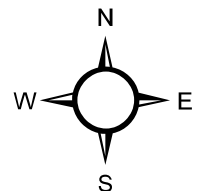


BELEC RESIDENCE

PL200229



Aerial Map



Hannah and Eric Belec
3124 S Orm Dr
Tempe, AZ 85282
November 10, 2020

Subject: Belec Backyard Wall Letter of Explanation

To whom it may concern:

We are submitting the attached use permit application for some modifications we would like to perform on our home. Our house is part of the Villa Patrician townhome community, just north of the intersection of Southern and College Avenues. The goal is to extend the wall that currently encloses our back patio (on the College Ave side) so that it encloses more of our property and creates more useable backyard space for our family.

We propose building this wall extension such that it matches the existing wall. The materials, as with the existing wall, will be concrete block coated with stucco. Its dimensions, as with the existing wall, will be approximately 5 and a half feet in height and 7 inches in width. The lengths of the various sections are noted on the enclosed plans. This requested height of 5 and a half feet does exceed the maximum front yard wall height of 4 feet, but in response to that, we note the following:

- As described, the existing wall (built long before we purchased this house) is already over this height. The new sections of wall will merely match the height of the wall that is already there.
- This side of the house is actually used as the back of the house; our address is on Orm Dr, not College Ave, and it is not our primary access point to the house as we are not able to unlock the door on this side from the outside. As it happens, our Orm Dr “front” wall is underneath the 4-foot limit.

With regards to the standards and Zoning and Development Code Criteria Section 6-308E, we note the following:

- a. Regarding any significant vehicular or pedestrian traffic in adjacent areas – this new construction will be on our private property and will have no effect on nearby vehicular or pedestrian traffic.
- b. Regarding any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions – we do not anticipate the construction causing any such nuisances.
- c. Regarding the contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city’s adopted plans for General Plan – this will not contribute to the deterioration of our neighborhood, as our new backyard wall will match our neighbors’ backyard walls in style and size.

- d. Regarding compatibility with existing surrounding structures and uses – as noted, this new backyard wall construction will be compatible with the backyard walls of surrounding structures (our neighbors) because we are designing it specifically to match their backyards in size and style.
- e. Regarding adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public - since this is a simple outdoor modification to a private residence, there will be no nuisances to the surrounding area or general public. The only people to occupy the newly construction will be those who already live here.

Lastly, we would like request a reduction of our required from yard setback to 16 feet from the current 20-foot setback to give us more flexibility as we organize our back yard.

Please see the attached site plan and context photos for details about our proposed project. Thank you for your time.



Hannah Belec
[Redacted]



Eric Belec
[Redacted]

Belec Backyard Wall Context Photos



Picture 1 of 4: From the northwest corner of the property, facing south. The near side of the patio wall will be altered so that, after going behind the SRP transformer, it extends further north.



Picture 2 of 4: From the northwest corner of the property, facing east. The fence pictured will be removed; the wall that is being extended will meet with the wall on the north side of the property.



Picture 3 of 4: From the northwest corner of the property, facing southeast. The extended wall will go behind (to the east of) the SRP transformer and tree pictured to provide SRP sufficient clearance to access the transformer, then turn east so that it is in line with the east side of the current wall before joining the wall to the north.



Picture 4 of 4: From the northeast corner of the property, facing west. The fence pictured in the background (past the shed) will be removed; a gate will be installed enclosing the shed and back and side yards.

Belec Backyard Wall Site Plan

Address: 3124 S Orm Dr. Tempe, AZ 85282

Contacts: Hannah and Eric Belec

