

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/08/2020
Agenda Item: 5**

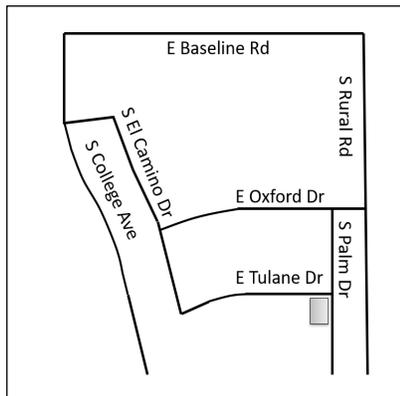
ACTION: Request a Use Permit to allow required parking within the front yard setback for the ROBERTSON RESIDENCE, located at 737 East Tulane Drive.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: THE ROBERTSON RESIDENCE (PL200234) is proposing to convert the garage to livable space which will relocate the required parking from within the garage to the required front yard setback in the R1-6, Single Family Residential District. The request includes the following:

ZUP200055 Use Permit to allow required parking within the front yard building setback.



| | |
|-------------------|---|
| Property Owner | Trevor Robertson |
| Applicant | Trevor Robertson |
| Zoning District | R1-6 |
| Site Area | 6,433 s.f. |
| Building Area | 1,308 s.f. |
| Lot Coverage | 20% (45% max. required) |
| Building Setbacks | 30' front, 8' side, 37' rear (Required: 20' front, 5' side, 15' rear) |
| Vehicle Parking | 1 space (1 min. required) |

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
 Legal review by: N/A
 Prepared by: Dalton Guerra, Planner I
 Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is proposing one required parking space in the front yard setback for the existing single-family home in the R1-6 zoning district. The garage will be converted to livable space which will require the off-street parking to be relocated. The required off-street parking is being proposed within the front yard setback, thus requiring a Use Permit. There is no proposed expansion of the building footprint which means the existing setbacks will not be impacted. There are three properties within the subdivision of the subject property that have been granted Use Permits for parking in the required front yard setback.

PUBLIC INPUT

To date, staff has received one email from the public in support of this Use Permit. The letter of support is provided within the attachments.

USE PERMIT

The proposed design requires a Use Permit to locate the required parking in the front yard setback within the R1-6, Single Family Residence zoning district. Parking in the required front yard setback is an allowed use in the R1-6 zoning district, subject to a Use Permit.

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

1. *Any significant increase in vehicular or pedestrian traffic; providing off-street parking within the front yard setback for a single-family home would not produce an increase in traffic, vehicular or pedestrian.*
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 would not create emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level beyond that of the ambient conditions. The proposed parking area is located on an improved surface.*
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; providing parking within the front yard setback for a single-family home is permitted within the R1-6 zoning district subject to a Use Permit.*
4. *Compatibility with existing surrounding structures and uses; there are three residences within the University Royal subdivision with approved Use Permits to park 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 use is non-disruptive in nature and would not create detriment to the surrounding area or general public.*

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: (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 only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. 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.

USE PERMIT:

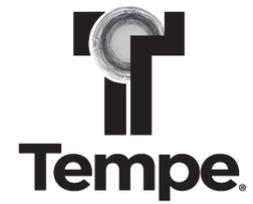
- The Use Permit is valid for the Robertson Residence and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit 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.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

| | |
|-------------------|--|
| June 27, 2002 | Hearing Officer approved (BA020103) the request for a Use Permit to allow the required parking within front yard setback for BINGER RESIDENCE located at 618 East Sesame Street in the R1-6 Single Family Residential zoning district. |
| February 19, 2003 | Hearing Officer approved (BA030009) the request for a Use Permit to allow the required parking within front yard setback for CHAVEZ RESIDENCE located at 613 East Sesame Street in the R1-6 Single Family Residential zoning district. |
| January 18, 2006 | Hearing Officer approved (BA050188) the request for a Use Permit to allow the required parking within front yard setback for ADAMS RESIDENCE located at 716 East Auburn Drive in the R1-6 Single Family Residential zoning district. |

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-102 Permitted Uses in Residential Districts
Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit



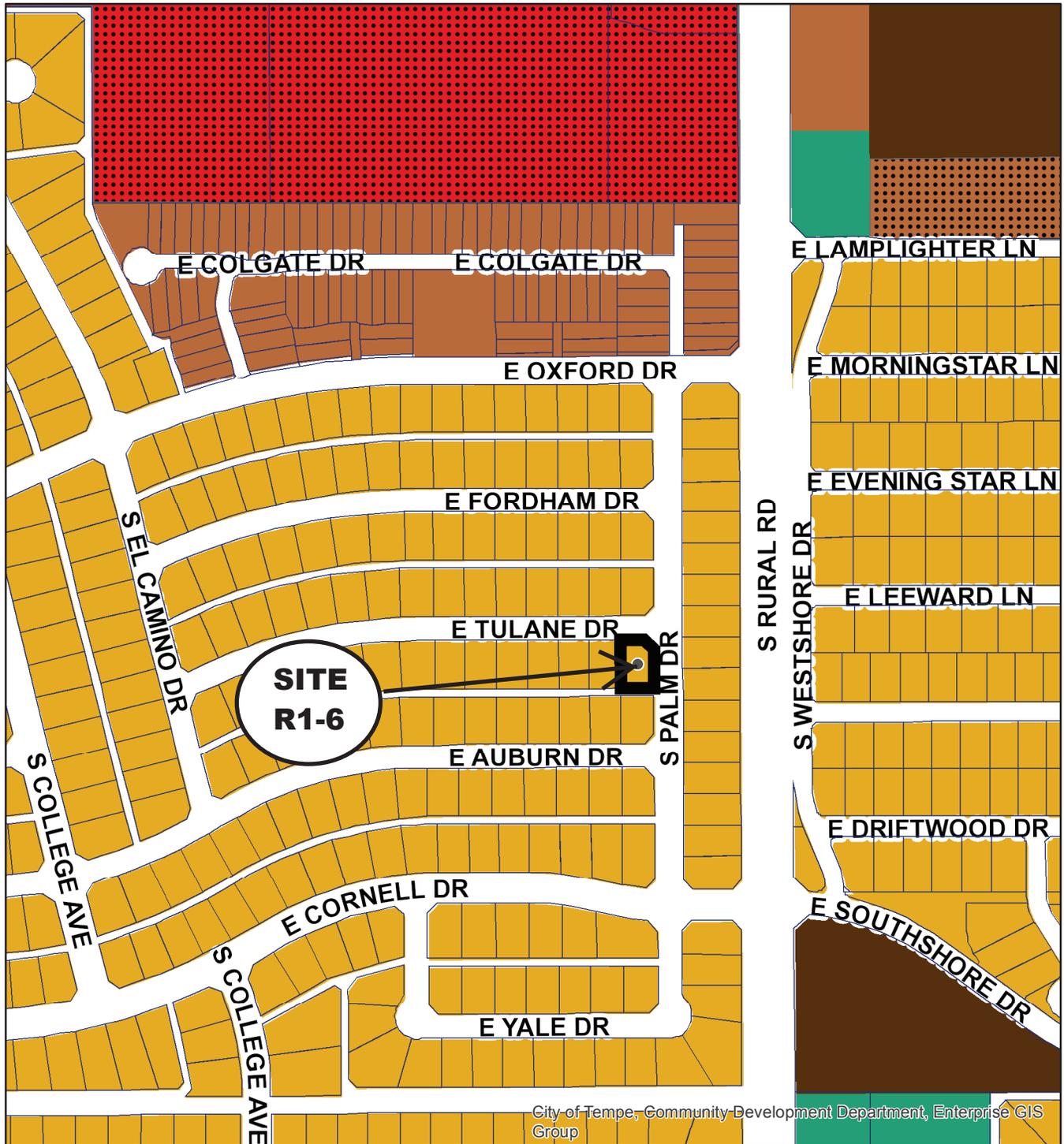
DEVELOPMENT PROJECT FILE
for
ROBERTSON RESIDENCE
(PL200234)

ATTACHMENTS:

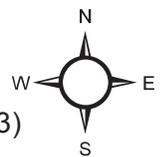
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Elevations
6. Floor Plan

ROBERTSON RESIDENCE

PL200234

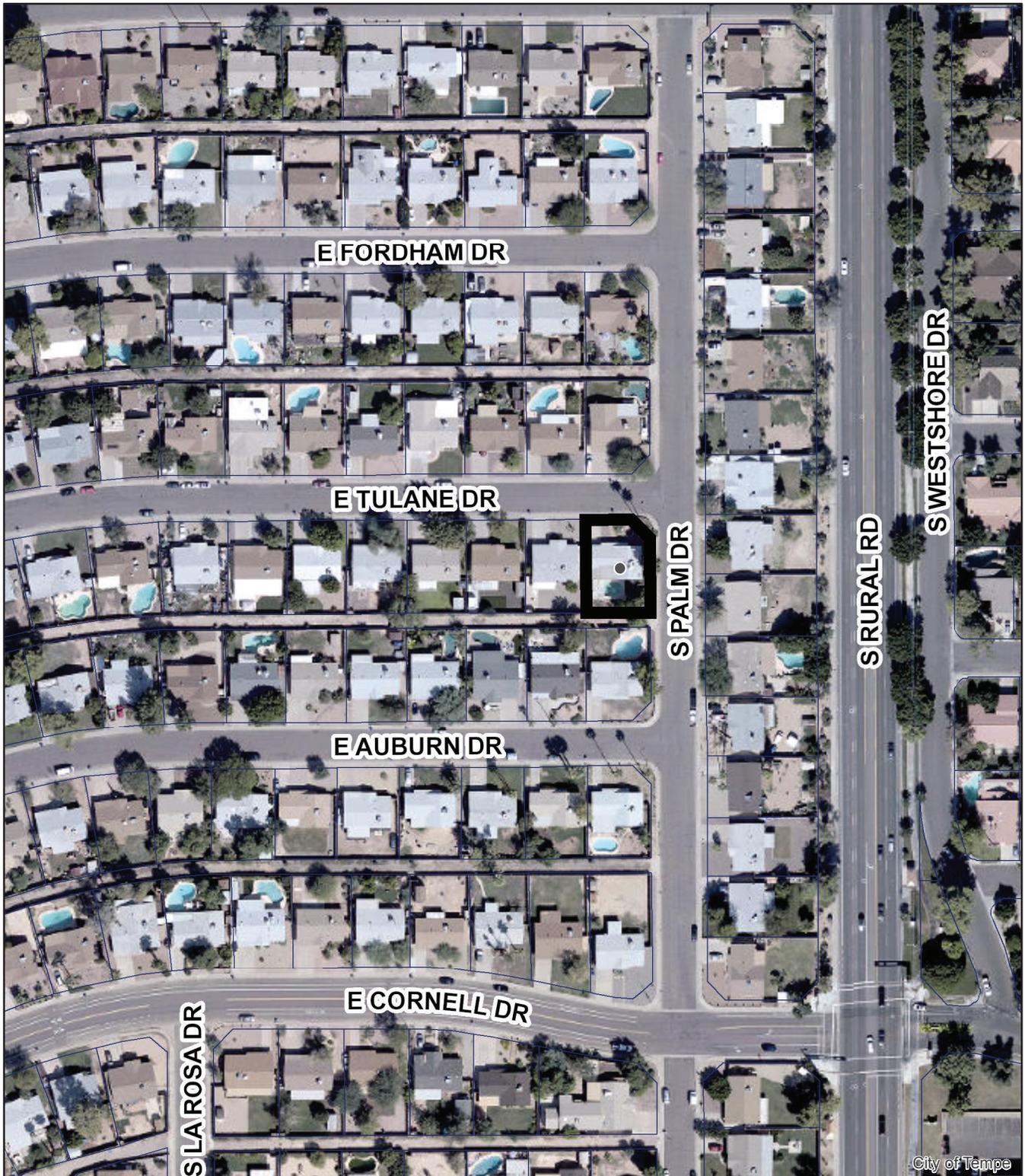


- | | | | |
|---|---|---|--|
|  | Planned Commercial Center General (PCC-2) |  | Multi-Family Residential (R-2) |
|  | Residential/Office (RO) |  | Multi-Family Residential Limited (R-3) |
|  | Single-Family Residential (R1-6) |  | Multi-Family Residential General (R-4) |

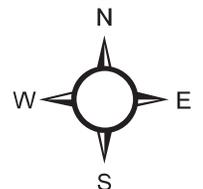


ROBERTSON RESIDENCE

PL200234



Aerial Map



Letter of Explanation

To whom it may concern,

As we will be repurposing our Carport space, we will be parking in our current driveway. We are requesting a use-permit to allow for this.

We are looking to convert our single-car carport space in to a home office. Since the start of COVID-19, my business has changed operational model from having a central office to work-from-home computing model. Our home requires an additional dedicated space for our office workspace.

I am a partner in a small IT Consulting business, from home I support hundreds of business users by providing desktop and server technical support, all of which is phone/internet driven. There is no additional traffic or parking demands as our home office is only for our private use.

No additional vehicular or pedestrian traffic will result in this change, this space is for private use only.

There will be no change in nuisances in the course of normal use of this space, in fact, some hobby activities currently being performed outside the house will be contained within this space, thus reducing cases of nuisance to our neighbors.

Many neighbors in our area have already completed similar carport enclosures, increasing living space. We believe this is an improvement on the existing property and increases the tax-base for the city.

This project takes existing structures and encloses the space, therefore not changing the actual footprint of our structure. This in itself has minimal impact on our surroundings.

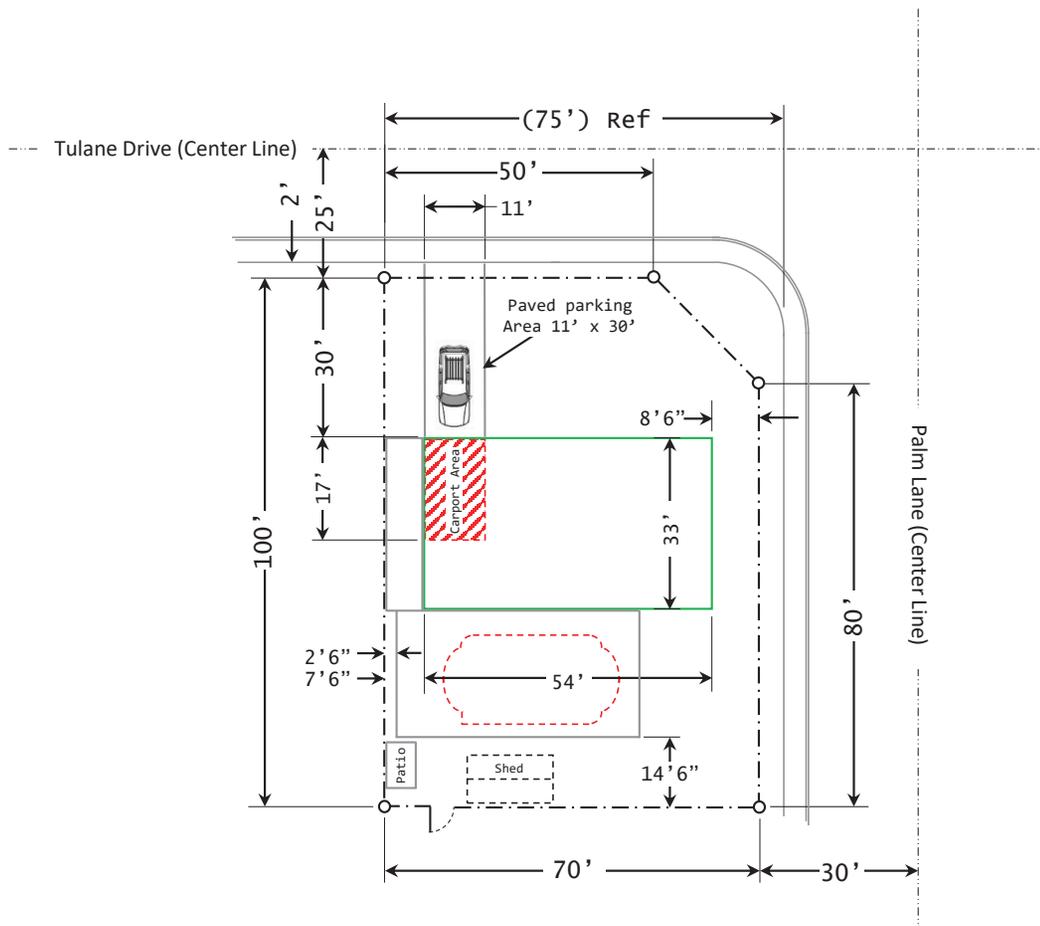
No disruptive behavior will be will be caused or enhanced as a result of this project, as mentioned before, by enclosing this open space, occasional hobby activities that already cause any nuisance, will be done within this enclosed space which will reduce their effect on our neighbor.

Thank you for taking the time to consider our request,

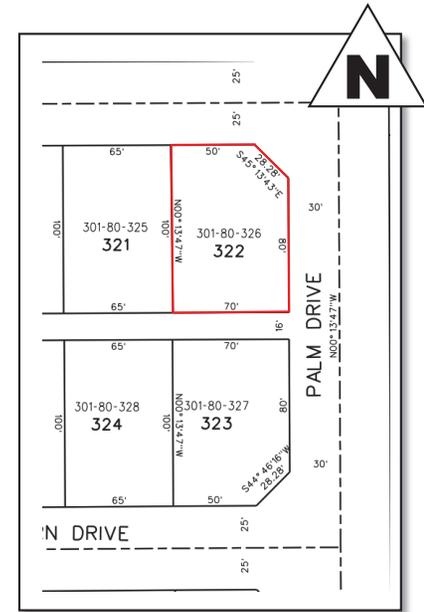
Trevor Robertson

11/22/2020





- Sidewalk/Curb/Patio/Concrete
- Existing Structure Boundary
- - - Property Line



Parcel
301-80-326

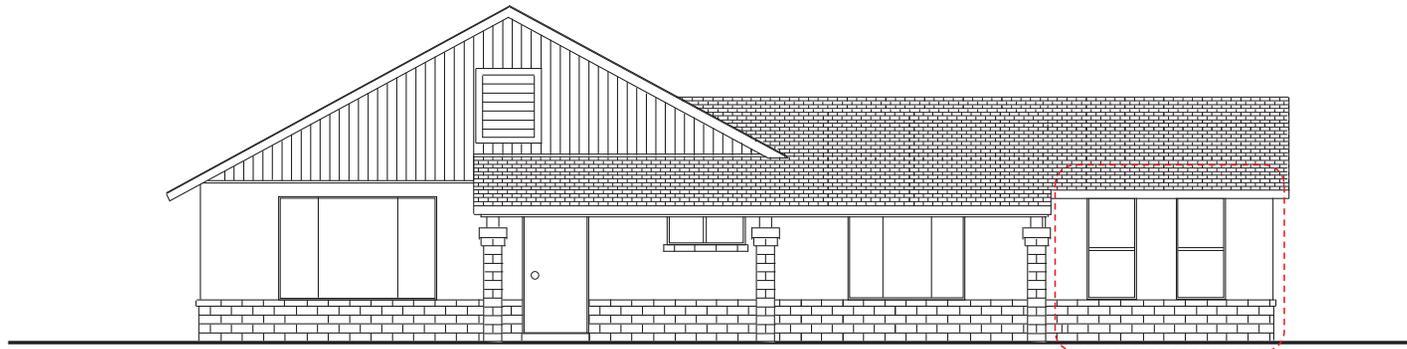


Site Plan

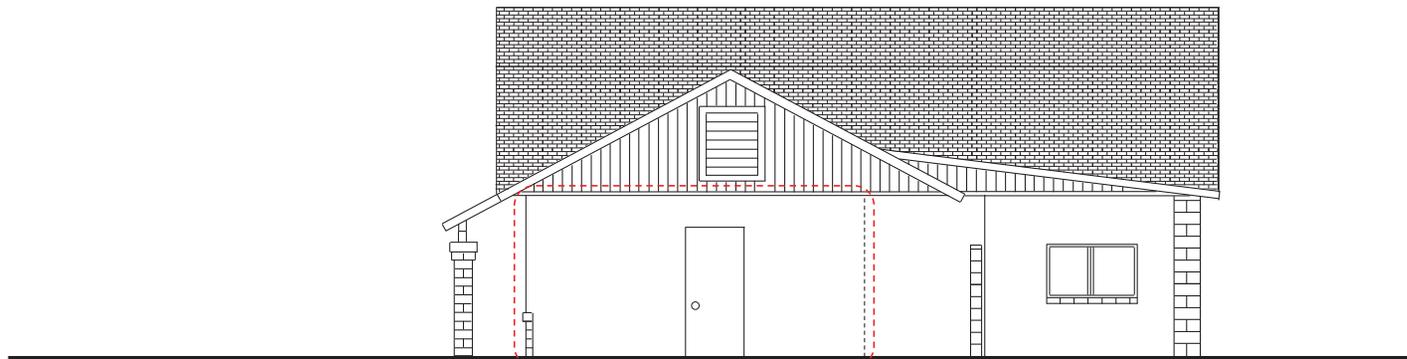
Robertson -01

Carpport Conversion
Home Office Plan

Trevor and Jaime Robertson
737 East Tulane Drive
Tempe AZ, 85283
602-430-5651



NORTH FACING ELEVATION



WEST FACING ELEVATION



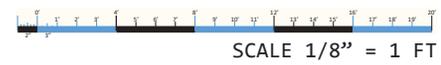
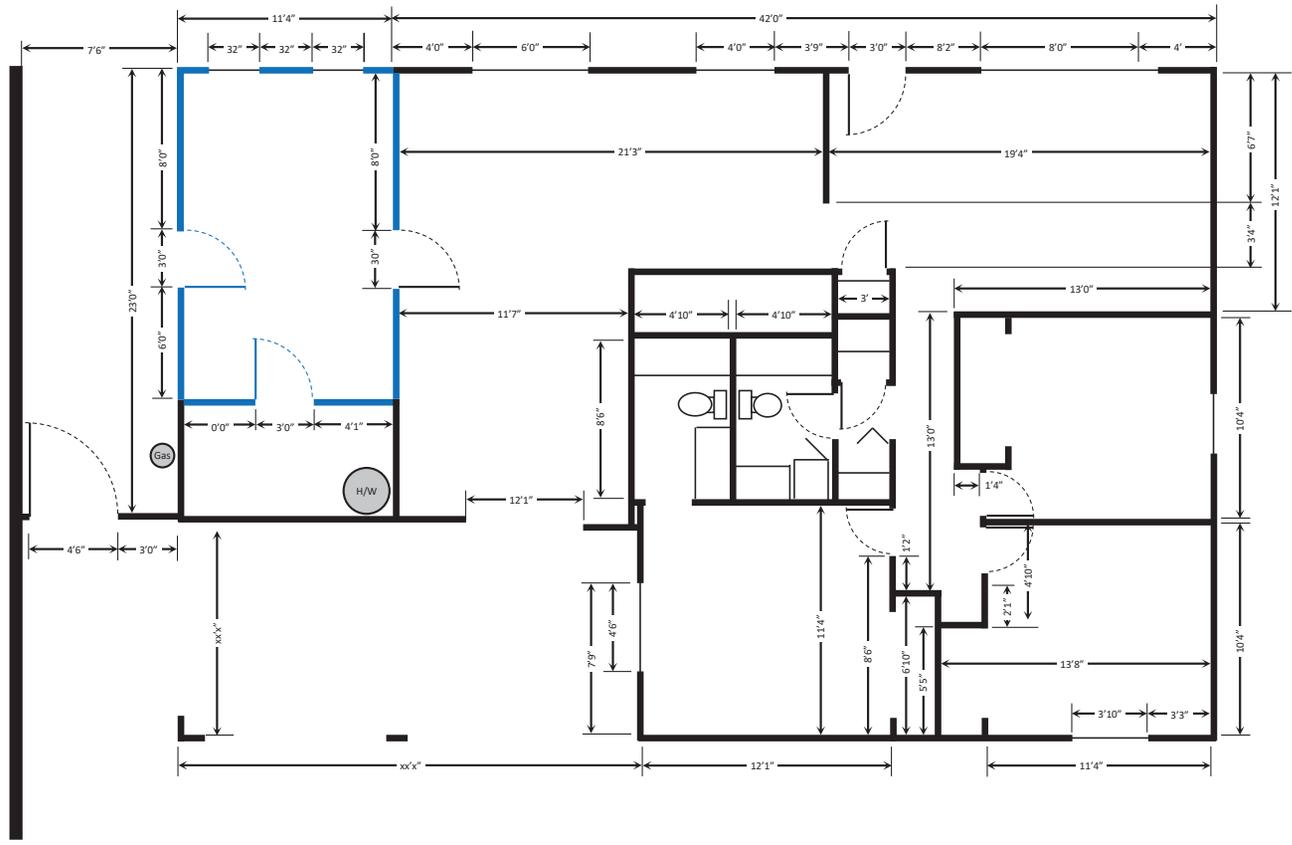
SCALE 1/8" = 1 FT

Front Elevation

Robertson-02

Carpport Conversion
Home Office Plan

Trevor and Jaime Robertson
737 East Tulane Drive
Tempe AZ, 85283
602-430-5651



| | | |
|------------------|--------------------------------------|--|
| House Floor Plan | Carpport Conversion Home Office Plan | Trevor and Jaime Robertson 737 East Tulane Drive Tempe AZ, 85283 602-430-5651 |
| | | Robertson-03 |