

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 1/12/2021
Agenda Item: 3**

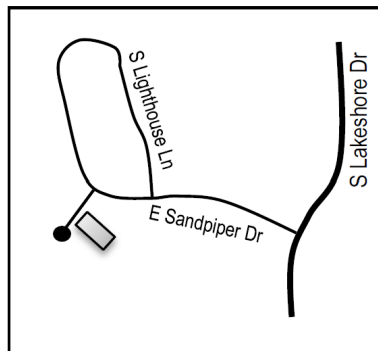
ACTION: Request a Use Permit to allow a two-story single-family residence for the **RAO RESIDENCE**, located at 5509 South Waverly Place.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The RAO RESIDENCE (PL200266) is requesting a Use Permit to allow a new two-story single-family residential home. A demo permit was issued for the existing single-story home in August 2020. The new proposed home will have a second story and thus requires an approved Use Permit. The request includes the following:

ZUP200063 Use Permit to allow a two-story single-family home.



Property Owner	John Rao
Applicant	Jared Lineberger, JCL Design Build
Zoning District	R1-6
Site Area	10,202 s.f.
Building Area	2,970 s.f.
Lot Coverage	35% (45% max.)
Building Height	30 ft. (30 ft. max.)
Building Setbacks	25' front, 5' side, 47' rear (20', 5', 15' 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 requesting a Use Permit to build a new two-story single-family home in place of the demolished single-story residence. There are several existing two-story homes in this neighborhood and three (3) approved Use Permit requests to add or expand a second story to an existing single-story residence. All three of these approved Use Permit requests are within the same subdivision as the subject property (see attachment 7).

PUBLIC INPUT

To date, staff has not received any public input.

USE PERMIT

The proposed design requires a Use Permit to allow a two-story single-family residence 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 will not change the use of the property from single-family.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; a two-story single-family residence is not expected to create a nuisance exceeding that of the ambient conditions of the existing 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*; two-story residences are permitted within the R1-6 zoning district with an approved Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the surrounding neighborhood has several existing two-story residences as well as three previously approved Use Permit requests within the same subdivision.
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 will not change the use of the property and is not expected to create 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: (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:

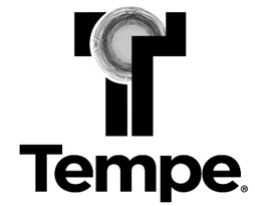
- The Use Permit is valid for the RAO RESIDENCE and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not 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 Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

August 21, 2001	Hearing Officer approved (BA010197) a Use Permit to allow a second story addition to an existing single-family residence for the QUITQUIT RESIDENCE, located at 5408 South Marine Drive within the R1-6, Single-Family Residential District.
January 4, 2005	Hearing Officer approved (BA040248) a Use Permit to allow a two-story home addition for the NARVAIZ RESIDENCE, located at 1417 East Steamboat Bend Drive within the R1-6, Single Family Residential District.
July 17, 2007	Hearing Officer approved (PL070259) a Use Permit to allow a second-story modification for the MOFFIT RESIDENCE, located at 1309 East Steamboat Bend Drive in the R1-6, Single-Family Residential District.
August 12, 2020	Building Permit issued (BP201521) to demolish a single-story single-family residence, located at 5509 South Waverly Place.
November 20, 2020	Submittal accepted (PL200266) by the Planning Division requesting a Use Permit to allow a new two-story single-family residence for the RAO RESIDENCE, located at 5509 South Waverly Place.

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 3-102 Permitted Uses in Residential Districts
- Section 3-420 Single-Family Residential Second Story Addition or Rebuild
- Section 4-202 Development Standards for Residential Districts
- Section 6-308 Use Permit



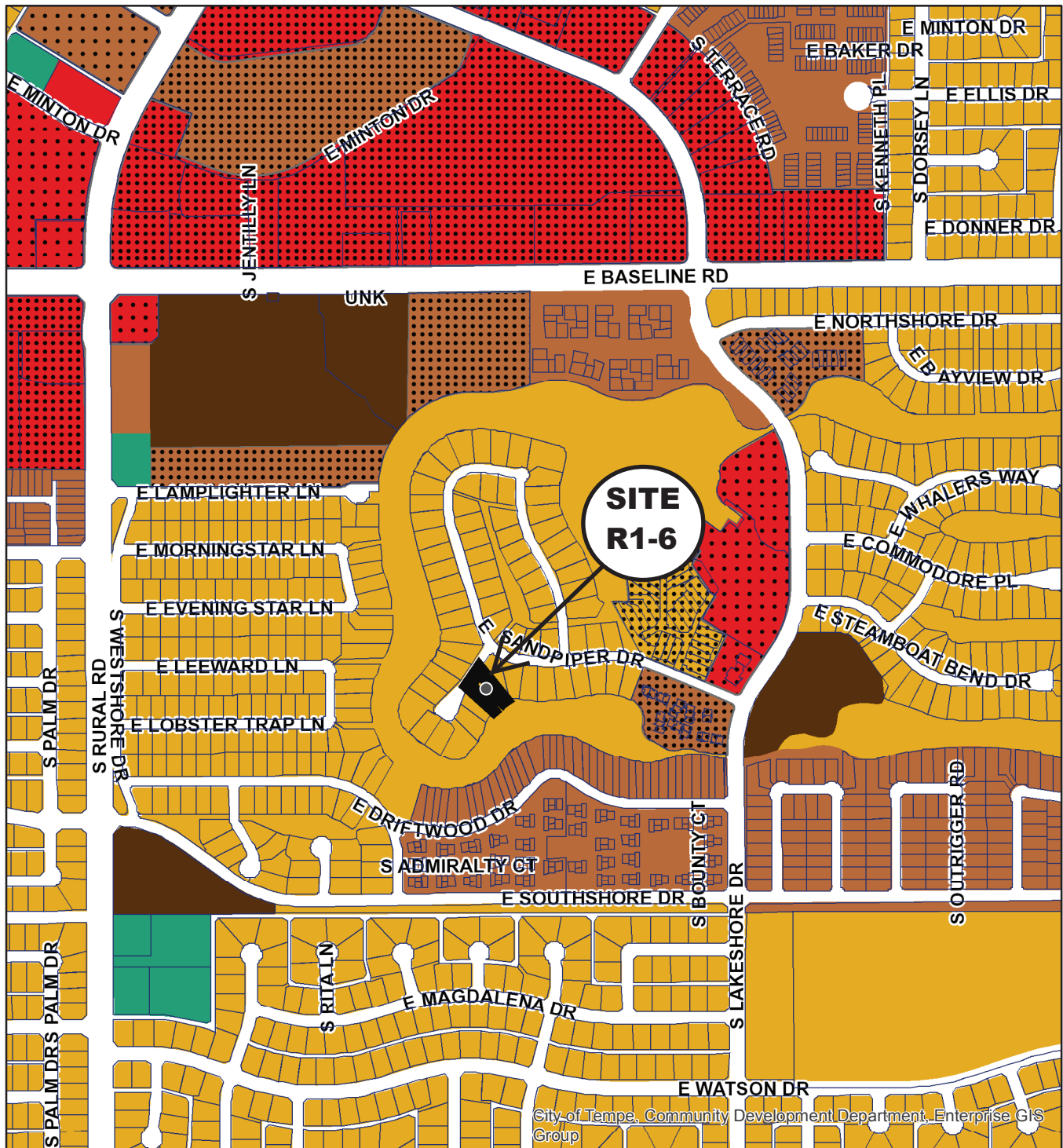
DEVELOPMENT PROJECT FILE
for
RAO RESIDENCE
(PL200266)











ATTACHMENTS:

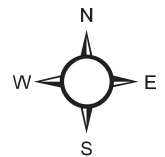
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Sections
6. Elevations

RAO RESIDENCE

PL200266



- | | |
|--|--|
|  Commercial Shopping and Services (CSS) |  Single-Family Residential (R1-4) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential (R-2) |
|  Planned Commercial Center General (PCC-2) |  Multi-Family Residential Restricted (R-3R) |
|  Residential/Office (RO) |  Multi-Family Residential Limited (R-3) |
|  Single-Family Residential (R1-6) |  Multi-Family Residential General (R-4) |





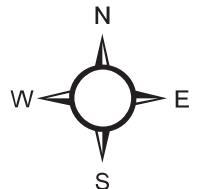
Tempe

RAO RESIDENCE

PL200266



Aerial Map



Letter of Explanation – Use Permit Application

Rao Residence
5509 S Waverly Way
Tempe, AZ 85283

November 6th, 2020

To whom it may concern:

This application is for a Use Permit to allow for a two-story home to be built at the above address despite R1-6 zoning.

The home will remain a single-family home with comparable capacity, despite additional livable space and, as such, will have no significant impact on the vehicular or pedestrian traffic on the street or in the neighborhood. (a)

This home is being built as a primary residence. Its uses and the activities therein will be typical of the other residences in the neighborhood. It is not being built as a rental property and all uses and activities must comply with HOA policies. As such, there are no concerns about uncontrolled disruptive behavior. (e)

The design of the home is consistent with common building materials and finishes that will need to be approved by the HOA, and, therefore, should cause no nuisance to neighbors or the surrounding neighborhood. (b)

Two-story homes are increasingly typical of the homes on the neighboring properties and this use permit would allow a home of comparable size and value to be constructed. The proposed home is expected to increase the value of the property on which it is built and the neighboring properties. (c) (d)

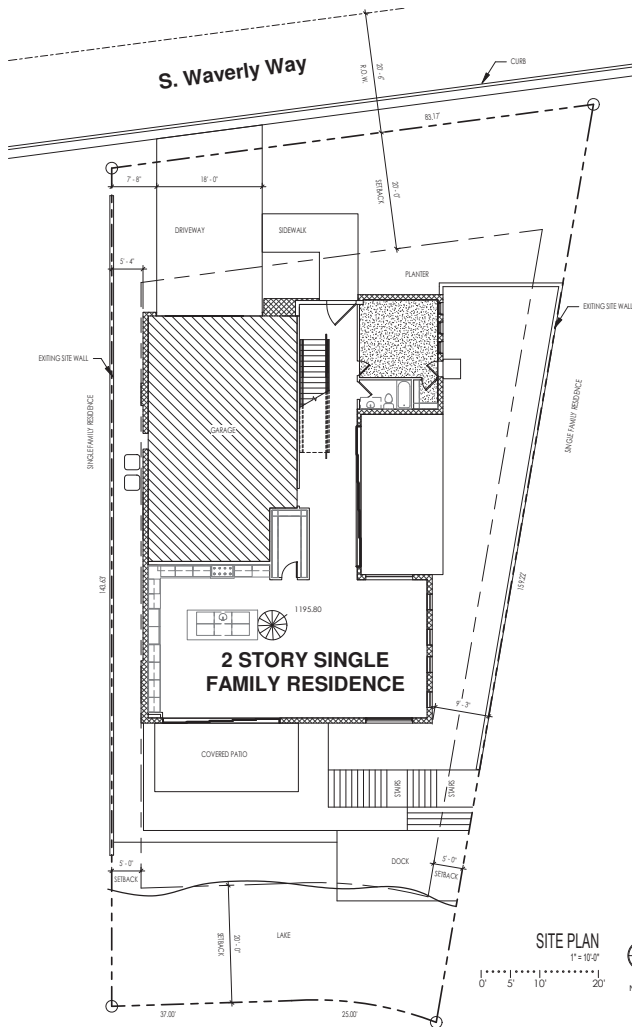
Thank you,

Jared Lineberger
jcl design build llc
480.734.0094
solidrock15@yahoo.com

General Builder's Notes

- All work shall comply with all applicable codes and ordinances.
- The Contractor shall verify all dimensions and conditions in the field. If a dimensional error occurs or a condition not covered in the drawings is encountered, the Contractor shall notify the architect before commencing that portion of the work.
- The Contractor shall notify the architect if discrepancies are noted in these Contract Documents, in sufficient time as to not cause delay.
- Dimensions take precedence over scale on the Construction Documents.
- Details, notes, and finishes shall be applicable to all typical conditions whether or not referenced at all places on these plans.
- The Contractor shall verify all existing grades and shall review all grading conditions prior to commencement of work.
- The Contractor shall take all necessary precautionary measures to protect the public and adjacent properties from damage throughout construction.
- The Contractor shall verify all equipment loads and notify the architect of any changes in size, weight, and location, or additional load to those indicated on the drawings.
- The Contractor shall supervise and direct the work, using the best skill and attention. He shall be solely responsible for all methods, techniques, sequences, and procedures, and for coordinating all portions of the work under the contract.
- All manufactured articles, material, and equipment shall be applied, installed, connected, erected, used, cleaned, and conditioned in accordance with the manufacturer's written specifications or instructions unless hereafter specified to the contrary.
- The Contractor shall verify the location of existing utilities and protect them.
- The starting of work by any contractor or subcontractor shall be considered prima facie evidence that he has inspected and accepted all conditions involved in his work and finds them satisfactory.
- The Contractor shall be responsible for safety in the area of work in accordance with all applicable safety codes.
- Each Contractor is responsible for any damage to adjacent work and is responsible for the repair and said damage at his own expense.
- These drawings are for permit only. The Contractor is responsible for any standards or special detailing not specified herein.

PLEASE NOTE: OUTDOOR LIGHTING TO COMPLY WITH DARK SKY ORDINANCE.



Landscape area

LOT SIZE: 0.23± Acres (10,202 S.F. Gross Area)

Sheet Index

CIVIL
C1 GRADING & DRAINAGE PLAN

ARCHITECTURE
a0 GENERAL INFORMATION

S SITE PLAN

ARCHITECTURE
a1.0 FLOOR PLAN

a1.1 FLOOR PLAN

a1.2 FLOOR PLAN

a2 ELEVATIONS/ROOF PLAN

a3 BUILDING SECTIONS

a4 DETAILS

a5 INTERIOR ELEVATIONS

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STRUCTURAL
S1.1 GENERAL STRUCTURAL NOTES

S1.2 TYPICAL DETAILS

S1.3 TYPICAL DETAILS

S2.1 FOUNDATION AND WINE CELLER PLANS

S2.2 FLOOR FRAMING PLAN

S3.1 ROOF FRAMING PLAN

S4.1 FOUNDATION DETAILS

S5.1 FRAMING DETAILS

S5.2 FRAMING DETAILS

S5.3 FRAMING DETAILS

S6.1 FRAMING DETAILS

S6.2 FRAMING DETAILS

MECHANICAL
M-1 MECHANICAL GROUND FLOOR

M-2 MECHANICAL SECOND FLOOR

Governing Building Codes

All construction shall comply with the following codes and Tempe city amendments:

Administrative 2018 Tempe Building Safety Administrative Code
Residential 2018 International Residential Code (IRC)
Electrical 2017 National Electrical Code (NEC)

Energy Note:

2018 IECC - New and/or remodeled building envelope areas shall comply with the following: fenestration = 0.40 max U-Factor, 0.25 max SHGC, Min. R-13 @ frame walls & floors, R-4 @ Mass wall, R-38 @ ceilings. Duct insulation located outside the building envelope requires minimum R-8 and R-6 when located in floor joists. Minimize air leakage per IECC402.4.

Special Notes:

- The area around the structure must be graded to drain 4-inches down for the first 10-feet from the structure.



VICINITY MAP

Project Directory

OWNER:
John/Cathy Rao
5509 S. Waverly Way Tempe, AZ 85283
Tel #
Email

DESIGN FIRM:
JCL Design Build
4500 S. Lakeshore dr. Tempe, AZ 85282
480.734.0094
solidrock15@yahoo.com

STRUCTURAL ENGINEER:
Simply Structural
730 N. 52nd Street, Suite 105 Phoenix, AZ 85008
602.443.0303
mmlado@simplystructural.com

CIVIL ENGINEER:
Topcal Engineering
N/A
423.341.3380
thoscheb@hotmail.com

MECHANICAL:
Mechanical Design Services, LLC
19716 W. Arroyo Ave. Buckeye, AZ 85396
602.428.2041
chickline@comcast.net

Project Data

PROJECT DESCRIPTION: SINGLE FAMILY HOME, NEW BUILD

PROPERTY ADDRESS: 5509 S WAVERLY WAY, TEMPE, AZ 85283

PARCEL NUMBER: 301-02-161

ZONING: R1-4

OCCUPANCY TYPE: R-3 (Single Family Residential)

CONSTRUCTION TYPE: V-8

FIRE SPRINKLERS: Not Required

BUILDING SIZE:

Cellar - 170 sf

Ground floor - 1,919 sf

Second floor - 2,534 sf

Total Footprint - 4,623 sf

Total Overall 2061 sf

LOT SIZE: 0.23± Acres (10,202 S.F. Gross Area)

Total % COVERAGE: 2,970 sf 35%

BUILDING SETBACKS

Front 20'-0"

Sides 5'-0"

Rear 20'-0"

BUILDING HEIGHT: 30'-0" standard

JCL ^{to build}
design

4500 S. Lakeshore dr.
Suite 280
Tempe, Arizona 85282
solidrock15@yahoo.com

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RAO RESIDENCE

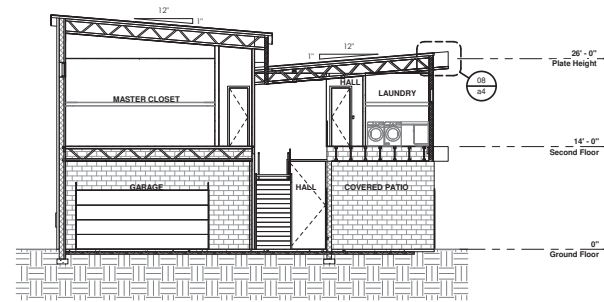
5509 S Waverly Way
Tempe Arizona 85253

Oct 30, 2020

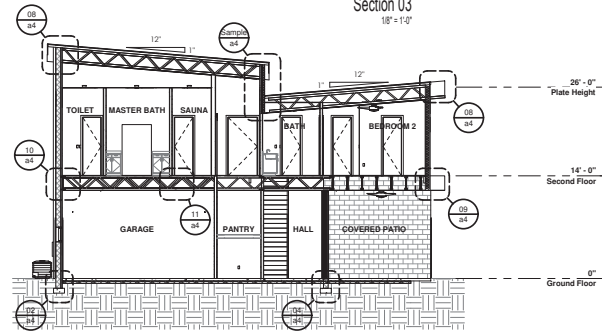
S
SITE PLAN

Keynotes

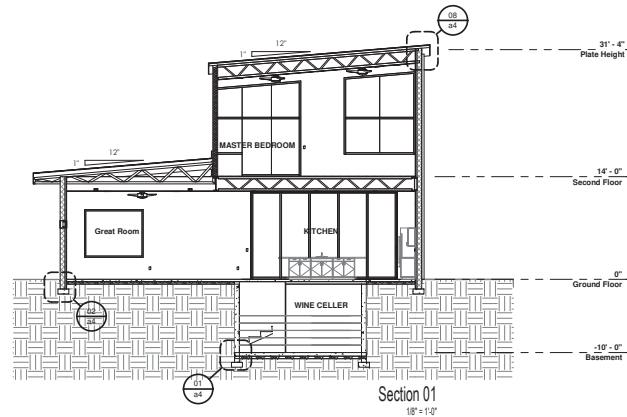
1. 4" concrete slab
2. Structural element. See structural drawings.
3. Concrete footing: see structural drawings for more information.
4. Concrete slab and base: see structural drawings.
5. Exposed rafters, tails and fascia, finished per Owner's requirements.
6. Pre-manufactured truss: see structural drawings.
7. Provide R-21 insulation at all exterior walls
8. Provide R-30 insulation at ceiling
9. N/A.
11. Structural wood column.
12. Box out truss for attic storage



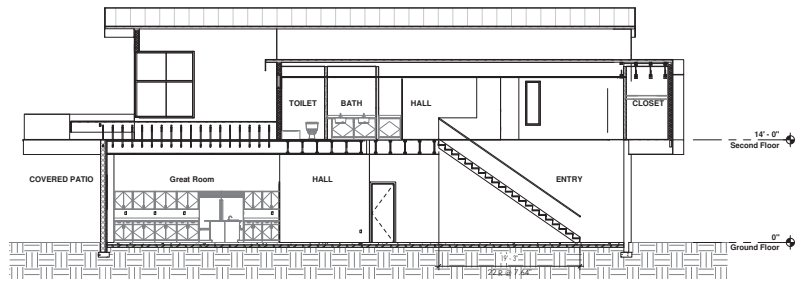
Section 03
18' x 1'-0"



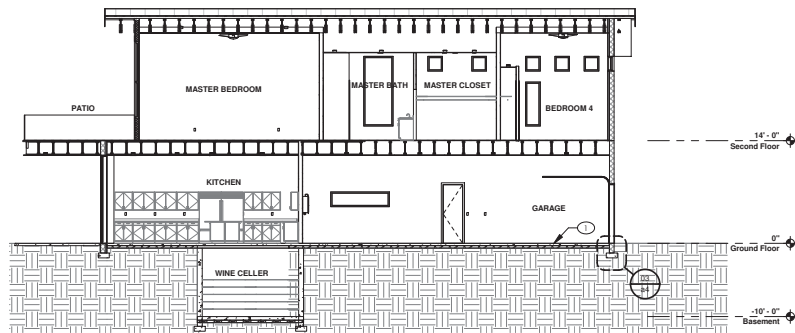
Section 02
18' x 1'-0"



Section 01
18' x 1'-0"



Section 05
18' x 1'-0"



Section 04
18' x 1'-0"

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RAO RESIDENCE

5509 S Waverly Way
Tempe Arizona 85253

Oct 30, 2020

5509 S Waverly Way – Nearby Second Story Use Permits



Subject Property



Properties with Approved Two-Story Use Permits