

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 02/09/2021  
Agenda Item: 6**

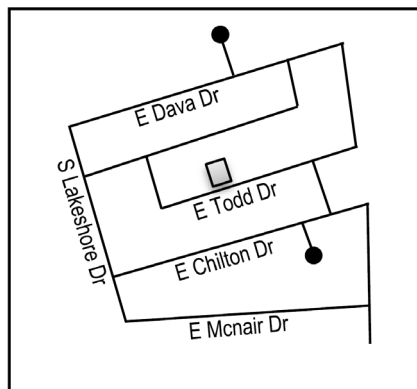
**ACTION:** Request a Use Permit Standard to reduce the side yard setback by 20% from seven (7) feet to five (5) feet seven (7) inches for the **LARSON RESIDENCE**, located at 1408 East Todd Drive.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** The LARSON RESIDENCE (PL200314) is requesting a Use Permit Standard to reduce the side yard setback for an addition to the existing single-family home. The addition is 550 square feet and will include space for a new closet and bathroom. The request includes the following:

ZUP210007 Use Permit Standard to reduce the required side yard setback from 7' to 5'7".



Property Owner	AJ Larson
Applicant	Glenn Crabb, New Area Developers
Zoning District	R1-7
Site Area	8,019 s.f.
Building Area	1,744 s.f.
Lot Coverage	22% (45% max.)
Building Setbacks	5' 7" side, 28' rear (7' side, 15' rear min. required)

**ATTACHMENTS:** Development Project File

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

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

## COMMENTS

The proposed addition will encroach into the required seven (7) foot side yard setback. Therefore, the applicant has requested a Use Permit Standard to reduce the side yard setback by 20%. The design will meet the standards of the R1-7 zone including building height, lot coverage, and setbacks. The proposed addition will match the design of the existing home in material and color. Three properties within the same subdivision received approval to reduce the side yard setbacks.

## PUBLIC INPUT

To date staff has not received any public input.

## USE PERMIT STANDARD

The proposed design requires a Use Permit Standard to reduce the side yard setback by 20% within the R1-7 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic; the use of the property will remain single-family and the addition does not increase the parking demand.*
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 addition of a closet and bathroom is not expected to create a nuisance exceeding the ambient conditions.*
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; a reduction to the required side yard setback is permitted within the R1-7 zoning district subject to a Use Permit Standard approval.*
4. *Compatibility with existing surrounding structures and uses; three properties within the subdivision have received entitlements to reduce the side yard setback. The design of the addition will match the existing home.*
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 addition of a closet and bathroom is not expected to create a nuisance to the surrounding area.*

## 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 Standard. 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 Standard 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 Standard 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 Larson 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:**

- |                   |   |
|-------------------|---|
| May 6, 2003       | Hearing Officer approved a Variance (BA030078) to reduce the side yard setback from 7' to 2' for the OVERHAMM RESIDENCE, located at 1403 East Dava Drive within the R1-7, Single-Family Residential District.                       |
| November 20, 2012 | Hearing Officer approved a Use Permit Standard (PL120363) to reduce the side yard setback from 7' to 5'7" for the CODELL RESIDENCE, located at 1316 East Mcnair Drive within the R1-7, Single-Family Residential District.          |
| May 15, 2018      | Hearing Officer approved a Use Permit Standard (PL180114) to reduce the side yard setback by 20% from 7' to 5'7" for the VILLALOBOS RESIDENCE, located at 1504 East Dava Drive within the R1-7, Single-Family Residential District. |

**ZONING AND DEVELOPMENT CODE REFERENCE:**

- Section 3-102 Permitted Uses in Residential Districts
- Section 4-201A Use Permit Standard
- Section 4-202 Development Standards for Residential Districts



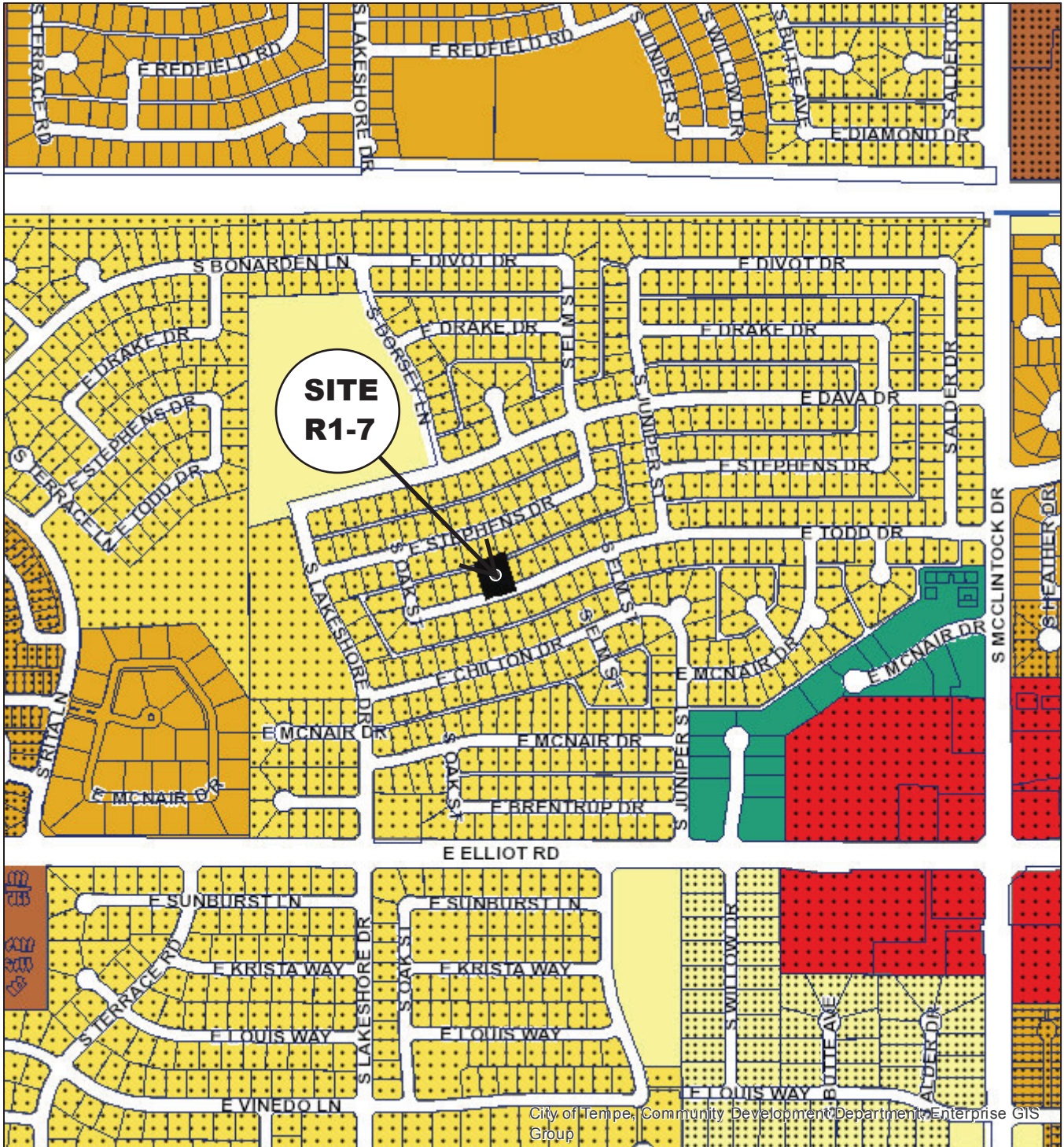
**DEVELOPMENT PROJECT FILE**  
for  
**LARSON RESIDENCE**  
(PL200314)

**ATTACHMENTS:**










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

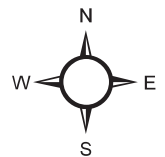
# LARSON RESIDENCE

PL200314



City of Tempe, Community Development Department, Enterprise GIS Group

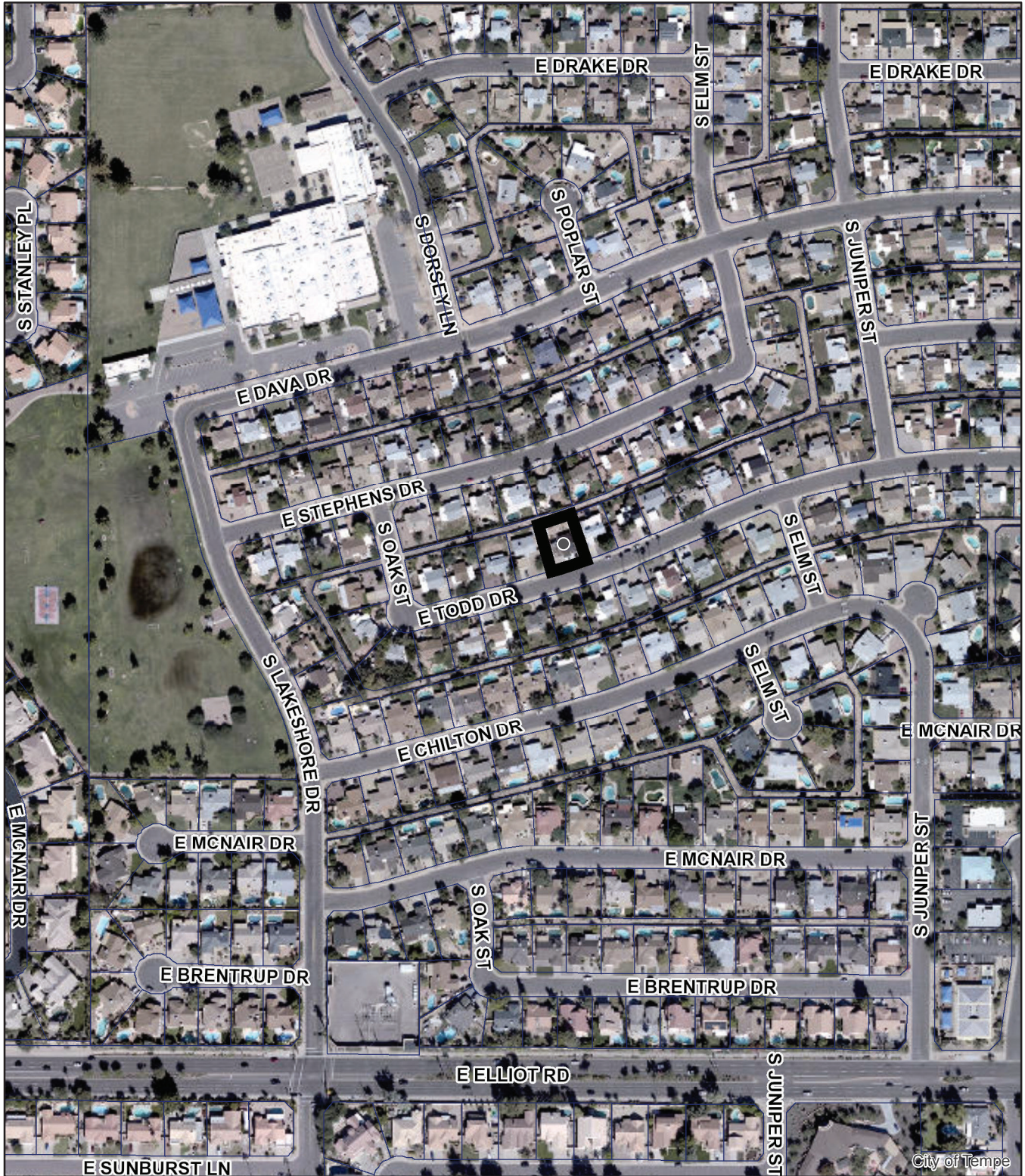
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|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-6)       |
|  Residential/Office (RO)                        |  Single-Family Residential (R1-4)       |
|  Agricultural (AG)                              |  Multi-Family Residential (R-2)         |
|  Single-Family Residential (R1-10)              |  Multi-Family Residential Limited (R-3) |
|  Single-Family Residential (R1-7)               |  |



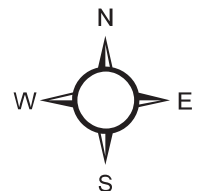


# LARSON RESIDENCE

PL200314



Aerial Map



## LETTER OF EXPLANATION

DESCRIPTION: A request is being made to move the East wall of new construction into the maximum 20% allowed into the setback requirement. Approximately 1.4 feet.

USE: Residential

IMPACT: There is no impact to neighbor such as overhang or water shed because the exterior wall is straight up with a parapet above a flat roof design.

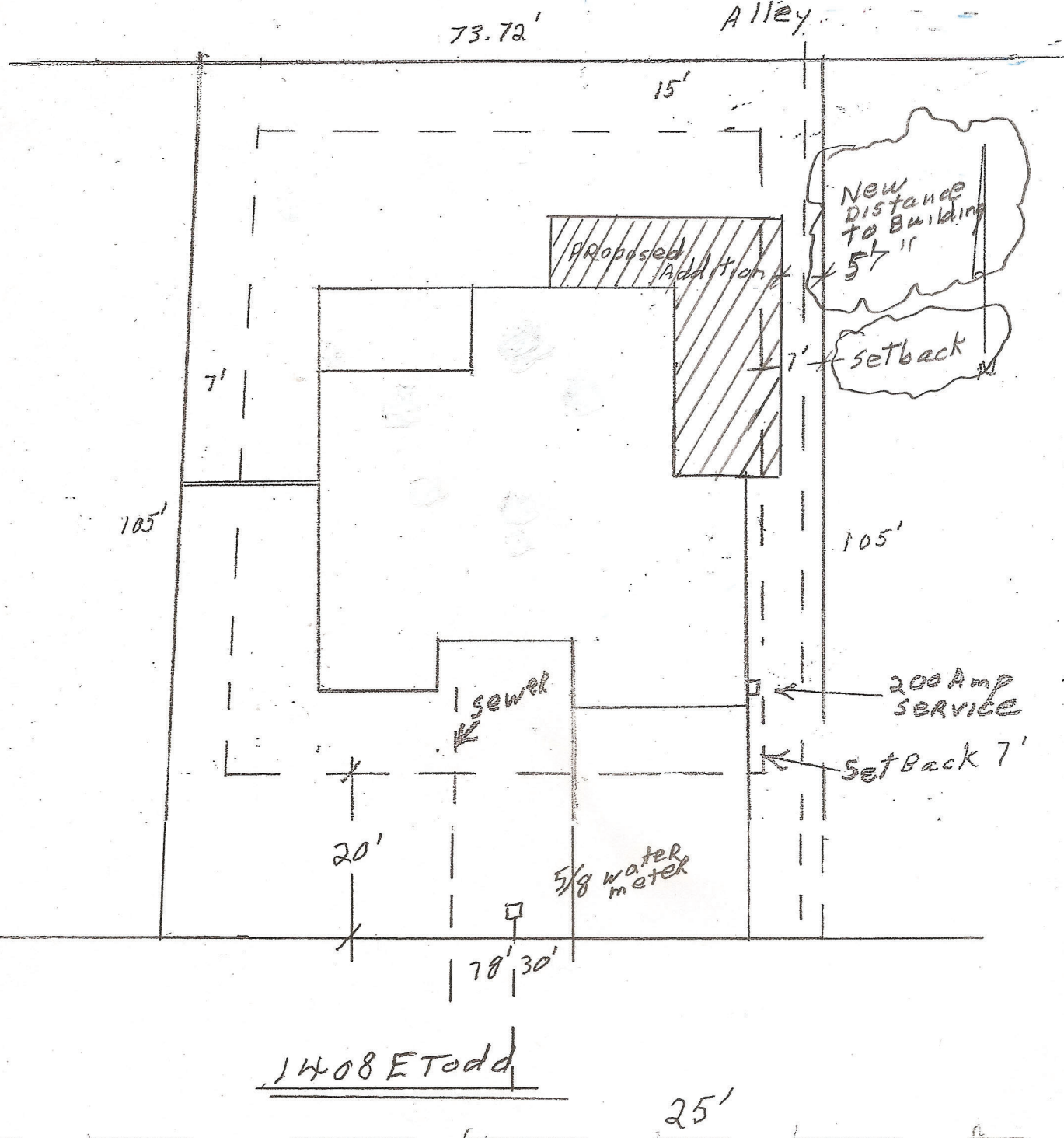
LOCATION: All construction will be in rear yard fenced area.

SCOPE: No pedestrian or vehicle traffic is affected. No heat odor, dust, gas, noise vibration or smoke is affected

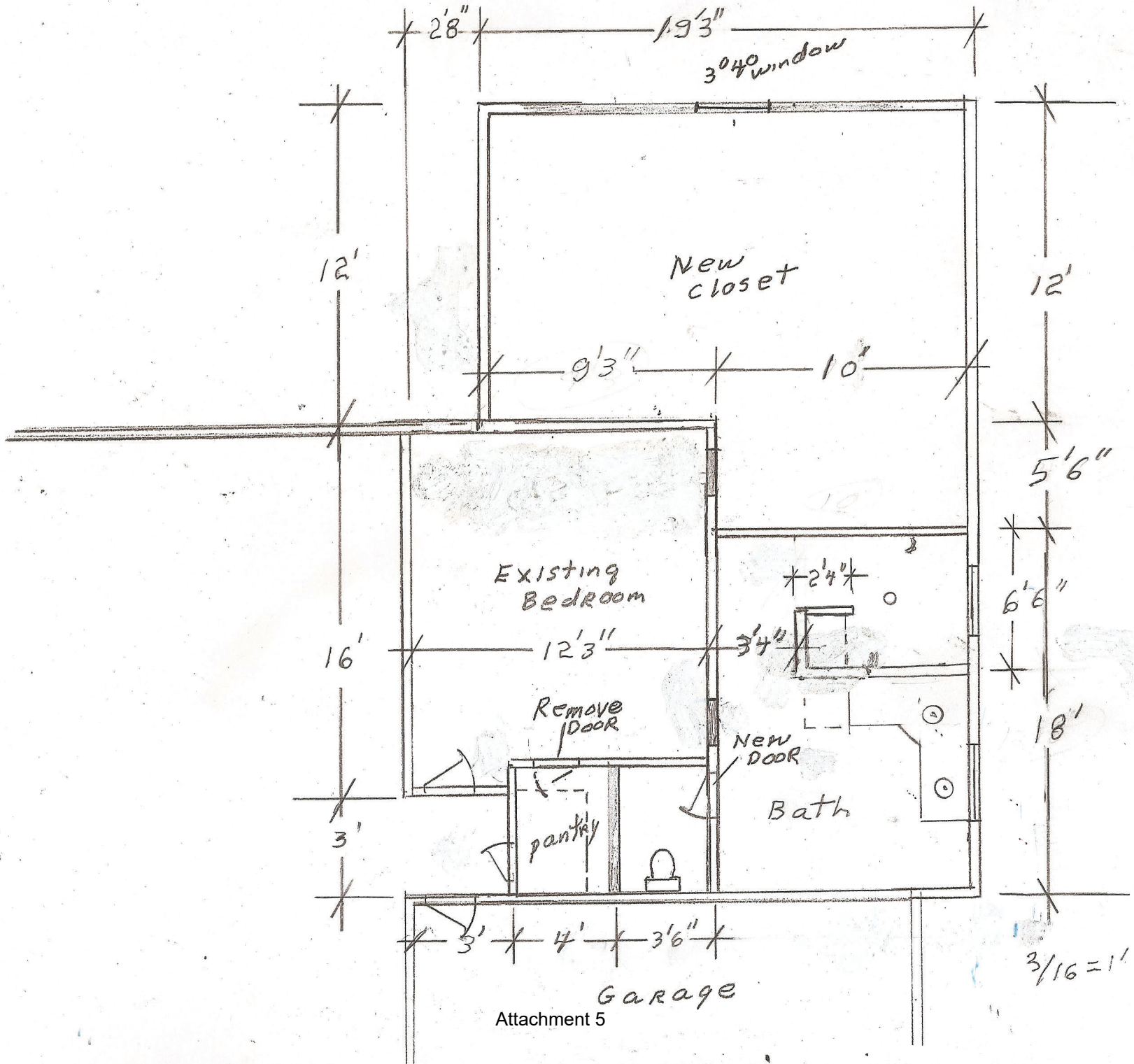
COMPATIBILITY: All design matches front of house with stucco construction.

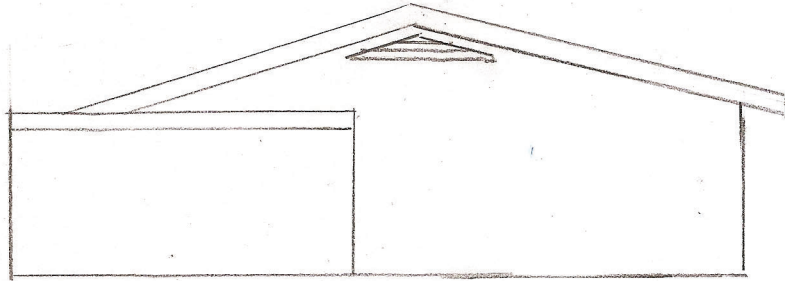
DISRUPTIVE: No effect on surrounding area will be affected by moving the wall.



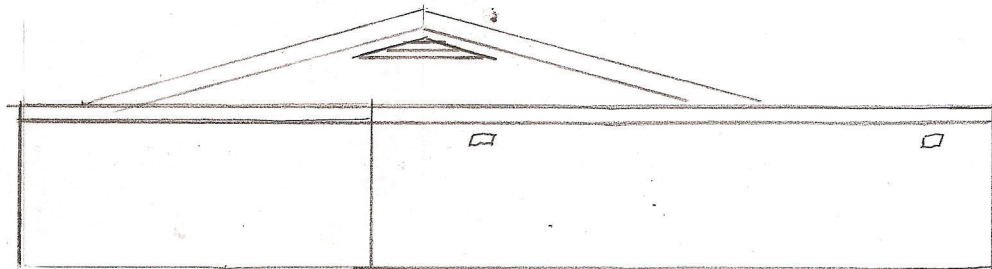




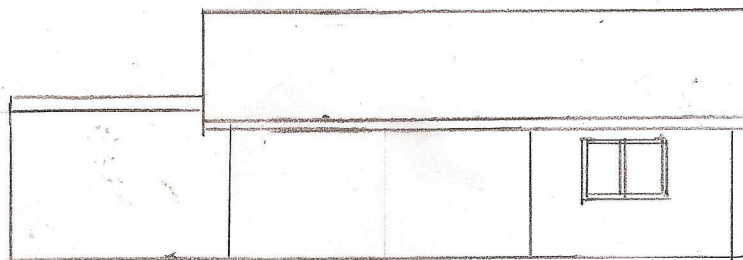




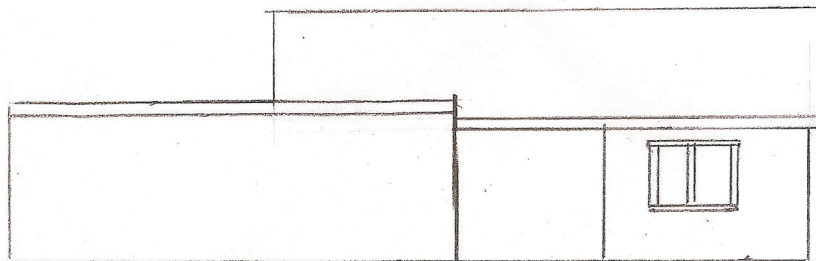
Existing East Elevation



New East Elevation



Existing North Elevation



New North Elevation