

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 03/23/2021 Agenda Item: 3

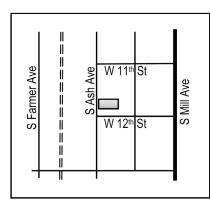
<u>ACTION</u>: Request a Use Permit Standard to reduce the required setback for an accessory building from nine (9) feet to eight (8) feet for the **PEBLER RESIDENCE**, located at 1121 South Ash Avenue.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The PEBLER RESIDENCE (PL210012) is requesting a Use Permit Standard to reduce the required setback for a detached accessory building. The detached accessory building will be used as an Accessory Dwelling Unit (ADU) within the R-3R, Multi-Family Residential Restricted zoning district. The request includes the following:

ZUP210009 Use Permit Standard to reduce the required setback from 9' to 8'.



- Property Owner Applicant Zoning District Site Area Accessory Building Area Lot Coverage Accessory Building Height Building Setbacks
- Zachary Pebler Zachary Pebler, Zachary A Pebler, PLLC. R-3R 9,667 s.f. 1,661 s.f. 28.9% (45% max.) 14' 11" (15' maximum allowed) 8' side, 15' rear (9' side, 9' rear min. required)

ATTACHMENTS: Development Project File

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

Department Director: Shelly Seyler, Interim 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 reduction in the required setback for a detached accessory building. The accessory building is being proposed as an Accessory Dwelling Unit (ADU) and is subject to the provisions in Section 3-402 of the zoning code. The site will maintain its single-family use and meet all standards as set forth in Section 3-402.

PUBLIC INPUT

To date, staff has not received any public input. It is a requirement for properties within the Maple Ash Neighborhood boundaries that are requesting planning entitlements such as Use Permits, Variances, and Subdivisions to hold a neighborhood meeting prior to the public hearing. A neighborhood meeting was held virtually via ZOOM on February 19, 2021. There were two neighbors in attendance, and both spoke in support of the project.

USE PERMIT STANDARD

The proposed design requires a Use Permit Standard to reduce the required setback for a detached accessory building within the R-3R zoning district.

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

- 1. Any significant increase in vehicular or pedestrian traffic; a reduction of the required setback is not expected to increase traffic in an area with existing multi-family properties.
- 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 design is for a detached accessory building and is intended for residential living space.
- 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 reduction of required setbacks for detached accessory buildings is permitted subject to a Use Permit Standard. The required neighborhood meeting was held to address any potential concerns from the Maple Ash neighbors.
- 4. Compatibility with existing surrounding structures and uses; there are several properties in the area with multiple dwelling units and/or detached accessory buildings.
- 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 use of the detached accessory building is residential and will not change the residential character of the property.

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 Pebler 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.
- SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions
 arise related to specific comments, they should be directed to the appropriate department, and any necessary
 modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents
 submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design
 Review approval prior to issuance of building permits
- 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:

None pertinent to this case.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-102 Permitted Uses in Residential Districts Section 3-401 Accessory Buildings, Uses and Structures Section 3-402 Accessory Dwelling Units Section 4-201A Use Permit Standard Section 4-202 Development Standards for Residential Districts

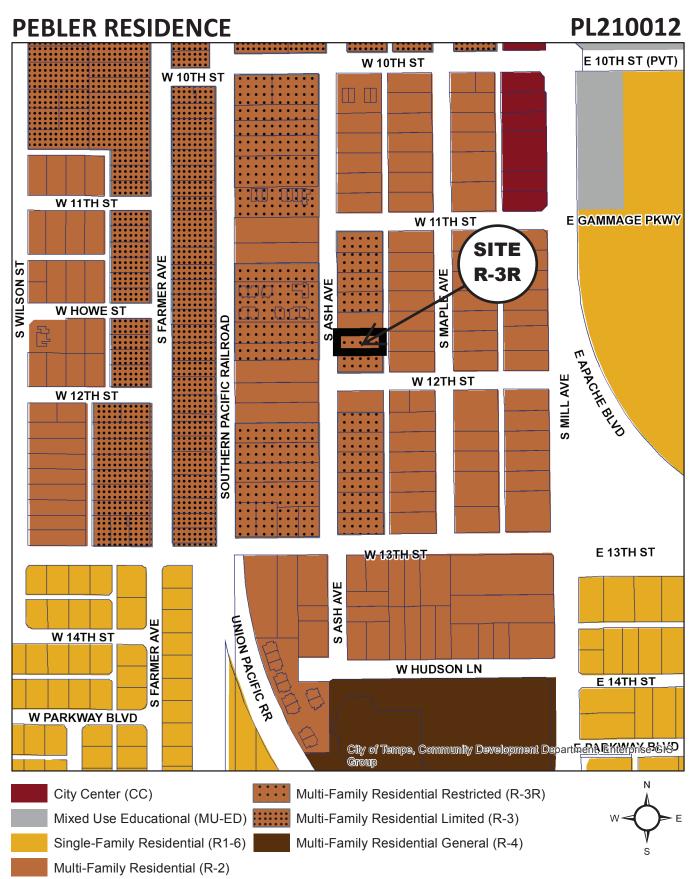


DEVELOPMENT PROJECT FILE for PEBLER RESIDENCE (PL210012)

ATTACHMENTS:

- 1. Location Map
- 2. Aerial
- 3-5. Letter of Explanation
- 6-7. Neighborhood Meeting Summary
- 8. Site Plan
- 9. Floor Plan
- 10. Elevations
- 11-18. Context Photos

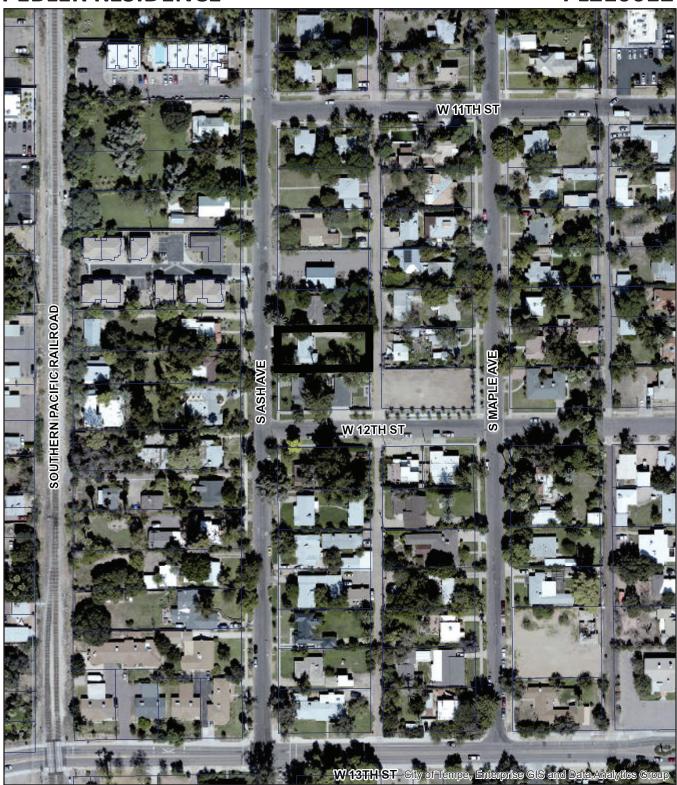






PEBLER RESIDENCE





Aerial Map



APPLICATION NARRATIVE -USE PERMIT STANDARD REQUEST-

PEBLER GARAGE & GUESTHOUSE

1121 S. ASH AVE. TEMPE 85281 PARCEL #: 132-45-059 ZONING: R-3R PRELIMINARY CASE # SPR20073 CASE #: TBD

Prepared by: Zachary Pebler

January 17th, 2021

2141 E. Broadway Rd. #101 Tempe, AZ. 85282 480-321-8149 ZAPEBLER@AOL.COM Attachment 3

Project Description:

Zachary A Pebler, PLLC, on behalf of our client Zachary Pebler and family, is pleased to present a garage and guest-house project, and support of a variance through the Use Permit Standard. The existing home is located at 1121 S. Ash Avenue in an R-3R zoning classification. The home built in 1945 is 1,135 sq.ft., with a 216 sq.ft. accessory building used as storage; the accessory building is currently 3 feet off the property line. The variance request, if approved, will allow for a 2-car tandem garage and an 800 sq.ft. guesthouse at the back-end of the property.

Variance Requests:

1. Side Yard Setbacks - Owner requests a variance to reduce the north and south side yard setback from 10 feet to 8 feet.

We reduced the roofline to less than 15 feet and seek to borrow R1-6 setback standards for the project as the uniqueness of the property possesses a narrow lot.

Adjacent Properties:

North – A single family residence with multi-family zoning. This request would permit a two-foot encroachment to the existing side yard setback of 10 feet. However, since at least 2012 there has been an accessory building three feet from the property line. This was built prior to the current ownership. This structure would be demolished and removed in exchange for the new garage and guest house at a setback of 8 feet instead of 3 feet.

South - A single family residence with a guest house on multi-family zoning. Their lot is slightly wider and with dual-street frontage which makes planning easier for this application.

The above neighbors will be the only ones directly impacted by the variance request. To reduce the side yard setbacks from 10 feet to 8 feet in a multi-family zoned area still creates a significant buffer. Above that, lower density single family residential zoning classifications (R1-6), possess setbacks in which match the submitted request.

East - Alleyway separation, a single family residence with a guest house on multi-family zoning.

2141 E. Broadway Rd. #101 Tempe, AZ. 85282 480-321-8149 ZAPE**A**Hash@ent/A.COM

The request creates no new vehicle traffic in the area and only blocks the expansion of that problem by creating a long-term family home. The only nuisance this creates will be temporary in the form of project construction.

Overall Neighborhood:

The request in no way would be a detriment to the overall neighborhood from a macro level. The approval of the request would further bring diversity to the housing stock in the Northwest Neighborhoods and further, the Maple Ash Neighborhood while preserving its character. The construction of a garage and guest house in no way affects the overall historic aspects of the neighborhood and specifically has no repercussions on the historic homes in the area.

Maple-Ash is a neighborhood the homeowner truly loves as a resident and business owner in Tempe for 15 years and a resident of Maple-Ash for 7 years. We seek to preserve and strengthen the very foundational objective of Maple-Ash by maintaining a viable single-family home in a multi-family zoned area. The design intent of the project is meant to be minimally invasive to the neighborhood as possible and keeping the focus on the main home while keeping the streetscape the same. Due to increased crime in the area, a garage is critical to the needs of the homeowners growing family. With this, a small guest house allows for aging family members to come enjoy the Maple-Ash family.

The Northwest Neighborhood Overlay Plans seek to create distinctly authentic homes. With the approval of this variance, the owner will be able to further progress this vision. The property will see a "Past + Present" flavor. Historic, old and new homes make-up Maple-Ash, 1121 S. Ash seeks to be a distinctly authentic home in the neighborhood and one all neighbors will be proud of. A "Point of Pride" as cited in the Overlay achievements is for the owner to build a family in an established community where diverse family units are appreciated.

Thank you,

Zachary Pebler

Zachary A. Pebler Zachary A. Pebler, PLLC. 2141 E. Broadway Rd. #101 Tempe, AZ. 85282

2141 E. Broadway Rd. #101 Tempe, AZ. 85282 480-321-8149 ZAPEBLER@AOL.COM Attachment 5 Sunday, February 7, 2021

Karyn Gitlis email – plans to attend ZOOM meeting. Emails on her family behalf and Maple Ash Neighborhood Association (MANA) chair. Seems to support the proposal.

My suggestion is to meet in small group prior to ZOOM meeting to mitigate any issues.

Karyn Gitlis – Invited me to the MANA zoom meeting 2/14/21 for a presentation and support letter.

Wednesday February 10, 2021

Karyn Gitlis email alerting me of a re-schedule in MANA ZOOM call because Sunday is Valentines Day.

Joan Bahamonde – 480-272-2203 / Joan58@cox.net – 1223 S. Ash Ave. supports project and to send Letter of Support. Suggests no need to attend the neighborhood ZOOM call. (Husband – Richard Hervig)

Christy Weiser – 1130 S. Ash (directly across the street) reach out via email to be invited on the ZOOM call. I responded in order to keep ZOOM participants to a minimum, if I can answer any questions up front.

Christy Kimball (adjacent neighbor to south) emailed MANA group and a few other neighbors on our block to confirm her and Jason's support for the project. Alerted the group they wouldn't need to be on the MANA call as their support was already garnered.

Thursday, February 11, 2021

Christy Weiser – 1130 S. Ash Ave – emails a support memo stating no issues. I invite her to the upcoming MANA presentation if she still wants to attend.

Emily Matyas – emails the MANA Group support for the project.

AS OF TODAY, NO OBJECTION TO THE PROJECT.

Friday, February 12, 2021

UNDELIERVABLE MAILERS:

 Roger & Mary Tomalty – 1205 S. Maple Ave. Mailing Address: HC 74 Box 4136, Mayer, AZ. 86333.

- 2. Brett Womack 1211 S. Farmer Ave.
- 3. Gerald & Jeanette Oniell 1114 S. Ash Ave. remailed...error on mailing label
- 4. Ash Court HOA Jim Cordalis 942 S. Ash Ave. #111 same as above
- 5. Bellington Family Trust 1020 S. Maple Ave. same as above

Saturday, February 13, 2021

Attended the MANA ZOOOM call. Only Karyn Gitlis and Lattended. Support from Karyn was given. We agreed to try and fit in another call prior to the neighborhood meeting.

Sunday, February 14, 2021

Meeting with Jenny Lucier at her home at 1104 S. Ash to discuss her property because she wants to do a similar concept.

Tuesday, February 16, 2021

ZOOM link emailed out to Dalton Guerra, Virginia Sandstedt (adjacent north neighbor), Christy Weiser (neighbor) and Karyn Gitlis (MANA chair, neighbor) for the Friday neighborhood meeting.

UNDELIVERABLE MAILERS RECEIVED

- 1. Kathryn & Anne Medill 1028 S. Ash Ave. #1
- 2. Frank & Stacy Gerber 8606 E. San Jacinto Dr. Scottsdale, AZ. 85258 Found alternative mailing address – new mailer sent
- 3. Boxwell Southwest, LLC. 514 W. Mariposa St. Phoenix, AZ. 85013
- 4. Rad Properties, Inc. PO Box #82605 Phoenix, AZ. 85071
- 5. Suzanne & Peter Piper 4725 N. 33rd St. Phoenix, AZ. 85018

Friday, February 19, 2021

ZOOM Meeting

6:00 – Steve Abrahamson, Dalton Guerra, Karyn Gitlis (1206 S. Ash), and myself in attendance.

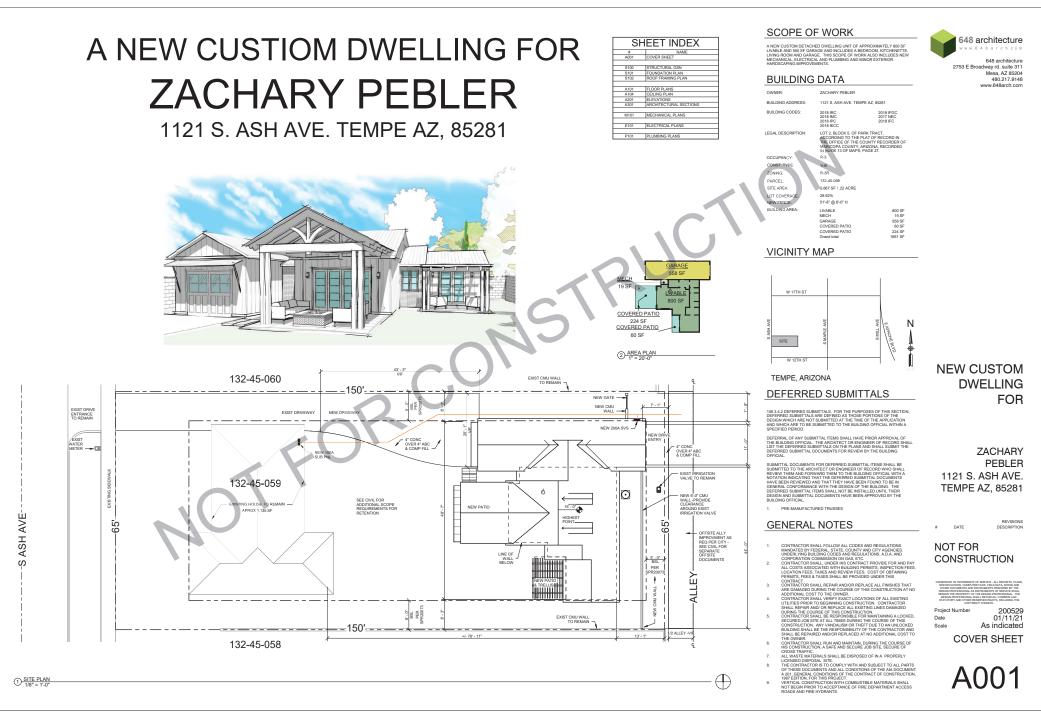
6:01 – Introductions of the group.

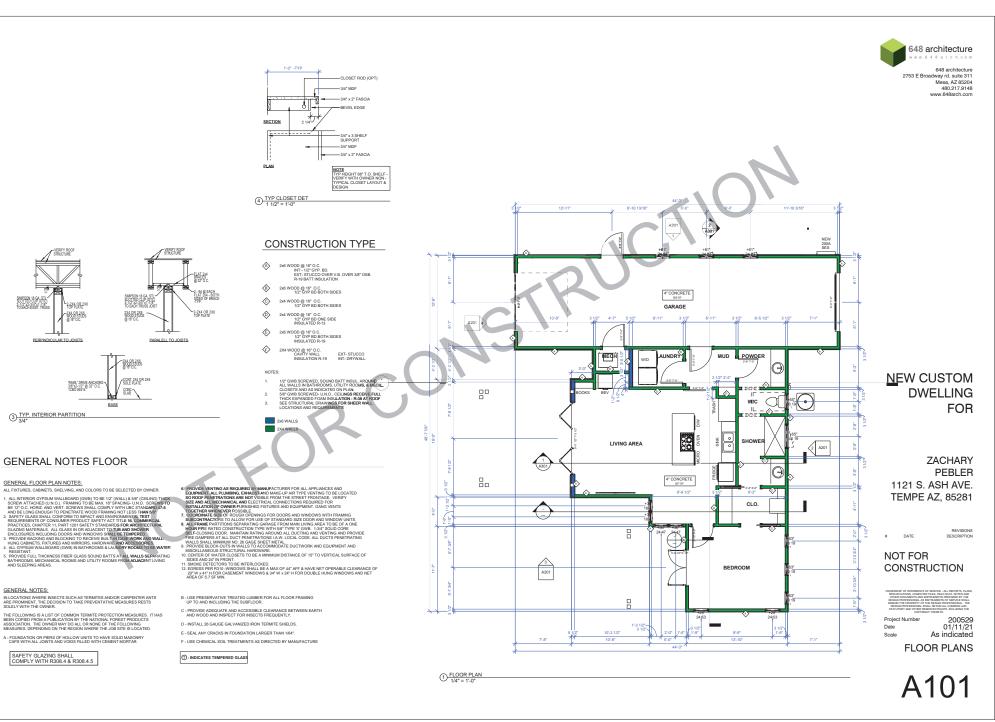
6:03 – Formal presentation of the request by myself.

6:05 - 6:20: Karyn is in support as a neighbor and is seeking MANA support Sunday as the chair of the group.

6:21 – Wrapping up meeting and Virginia Sandsted (adjacent north neighbor) enters call. Is in support but mentions she would like her pecan tree to be as little harmed as possible. We all agree a 14-foot roofline will do little to no reasonable hard.

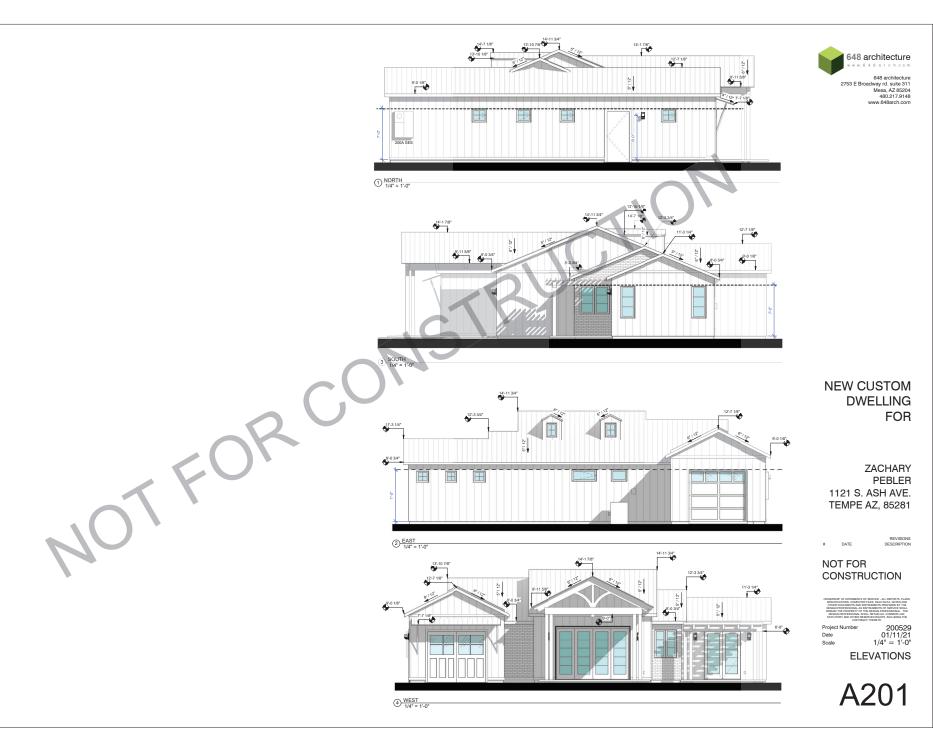
6:25 – Meeting adjourned.





SIMPSON 18 GA ST SLOTTED CLIP (DT) 4:1123/42:341341-74

GENERAL NOTES:



-USE PERMIT STANDARD REQUEST- CONTEXT PHOTOS



PEBLER GARAGE & GUESTHOUSE

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Perimeter Curb North View (NC-1) South View (SC-1)

Alley View North View - AVN #1 South View - AVS #1

Northwest Corner Directional (NW #1N), (NW#2E), (NW#3S), (NW#4W) Attachment 12

Northeast Corner Directional (NE#1N), (NE#2E), (NE#3S), (NE#3W)

Southeast Corner Directional (SE#1N), (SE#2E), (SE#3S), (SE#4W)

Southwest Corner Directional (SW#1N), (SW#2E), (SW#3S), (SW#4W)

PERIMETER PHOTOS FRONT OF HOME



Curb Photo - North View (NC-1) Proposed construction, wont disturb or change street side frontage.



Curb Photo - South View (SC-1) Proposed construction wont disturb or change street side frontage.

PERIMETER PHOTOS BACK OF PROPERTY



ALLEY VIEW- NORTH (AVN #1) Primitive exterior fencing w/ vegetation and brush. The project will enhance alley safety



ALLEY VIEW - SOUTH (AVS #1) Primitive exterior fencing w/ vegetation and brush. The project will enhance alley safety Attachment 14

NORTHWEST Property Corner (NW #1-4)



NW Corner - Looking North NW#1N



NW Corner - Looking East NW#2E





NW Corner - Looking South NW#3S

NW Corner - Looking West NW#4W

NORTHEAST Property Corner (NE#1-4)



NE Corner - Looking North NE#1N



NE Corner - Looking East NE#2E





NE Corner - Looking South NE#3S Attachment 16

NE Corner - Looking West NE#4W

SOUTHEAST Property Corner (SE#1-4)



SE Corner - Looking North SE#1N



SE Corner - Looking East SE#2E



SE Corner - Looking South SE#3S

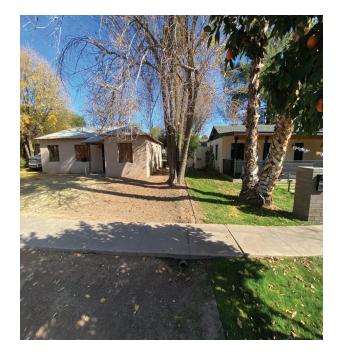


SE Corner - Looking West SE#4W

SOUTHWEST Property Corner (SW#1-4)



SW Corner - Looking North SW#1N



SW Corner - Looking East SW#2E





SW Corner - Looking West SW#4W

SW Corner - Looking South SW#3S