

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 06/08/2021
Agenda Item: 4**

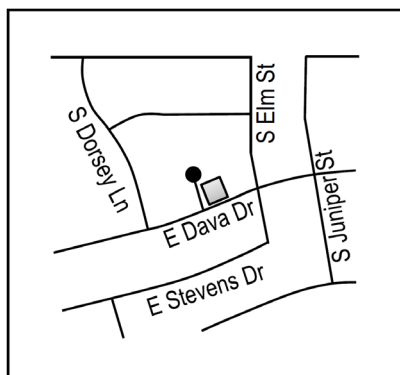
ACTION: Request a Use Permit Standard to allow a 20% reduction in the required street side yard setback from twenty (20) feet to sixteen (16) feet.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: SMITH RESIDENCE (PL210147) is requesting to reduce the street side yard setback for an addition to the west side of the property. The addition will be attached to the existing home and will include a new bedroom, bathroom, and office for the single-family residence within the R1-7, Single-Family Residential zoning district. The request includes the following:

ZUP210046 Use Permit Standard to reduce the required street side yard setback from 20' to 16'.



Property Owner(s)	Maria and Matthew Smith
Applicant	Brandan Millan, Reef Builders
Zoning District	R1-7
Site Area	10,307 s.f.
Building Area	2,866 s.f.
Lot Coverage	28% (45% max.)
Building Setbacks	23'-5" front, 7' side, 16'-2" street side, 42' rear (20' front, 7' side, 20' street side, 15' 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 Smith Residence is requesting a reduction in the street side yard setback to accommodate an addition to the existing home. Under a normal circumstance the street side setback in the R1-7 district is 10 feet. However, the subject property is a corner lot that is adjacent to a key lot. This means an additional 10 feet must be added to the street side setback per Section 4-202 of the zoning code. As a result, the street side setback for the subject property is 20 feet. A 20% reduction in this setback will allow the property owner to build their addition on the west side of the property.

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 street side yard setback 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 is not expected to create a significant increase in 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 addition is not expected to create a nuisance that exceeds 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 20% reduction in the street side yard setback is permitted subject to a Use Permit Standard. The proposed design meets all standards for the R1-7 zoning district.
4. *Compatibility with existing surrounding structures and uses*; the addition will be one-story and will match the existing house in design and material.
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 property owner is expected to have adequate control of any potential 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 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 Smith 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:

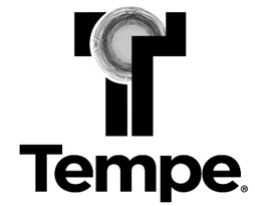
None pertinent to this case.

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



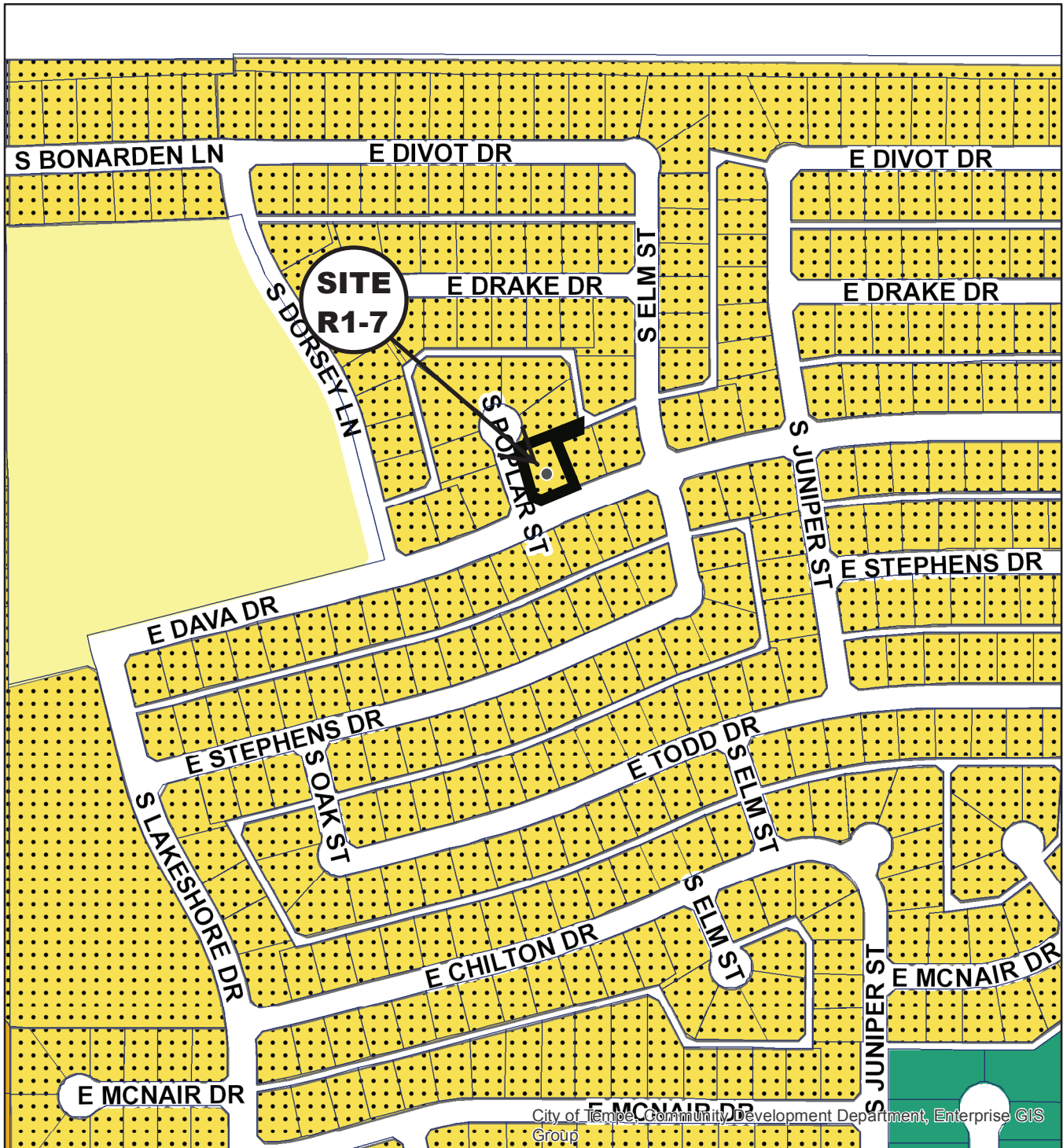
DEVELOPMENT PROJECT FILE
for
SMITH RESIDENCE
(PL210147)

ATTACHMENTS:

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

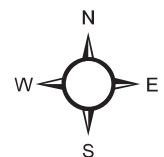
Smith Residence

PL210147



City of Tempe, Community Development Department, Enterprise GIS Group

- Residential/Office (RO)
- Agricultural (AG)
- Single-Family Residential (R1-6)
- Single-Family Residential (R1-7)



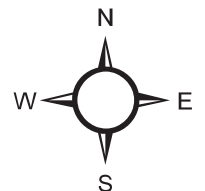
Smith Residence

PL210147



City of Tempe, Enterprise GIS and Data Analytics Group

Aerial Map



LETTER OF EXPLANATION

I am a lifelong resident and native to Tempe. 1436 E Dava Dr was the first home I ever purchased and have lived there 11 of the 18 years I have owned it. My family currently lives just East of the subject property in the Oasis subdivision. We have seen the recent park and playground project as well as upgraded and remodeled homes in the Dava neighborhood have really enhanced the aesthetics of the area. Our intent is to remodel and upgrade the Dava property to accommodate our family and make it our long term residence. A critical part of this plan is expansion of the house which will require your approval of the use permit we have submitted. In my brief research I have discovered that several properties in the immediate vicinity of our home have been approved for use permits almost identical to our request. These properties are:

1408 E Todd Drive

1403 E Dava Dr

1316 E McNair Drive

1504 E Dava Dr

The addition we are proposing would require a reduction of the 20' setback from 20' to 16'-2" on the west side of the property.

Any significant vehicular or pedestrian traffic in adjacent areas;

The renovation will not have any impact on traffic vehicular or traffic.

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 renovation and expansion will be constructed in the same manner as the existing home. As residential property these nuisances will not be present.

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;
The proposed construction and renovation will enhance and assist in revitalization of the neighborhood and have a positive effect on property values.

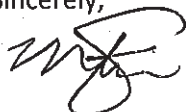
Compatibility with existing surrounding structures and uses

The proposed upgrades will be residential use and compatible with the surrounding structures.

Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

This expansion and renovation is for residential use. My family will be making this our permanent home to raise our kids in. We love the neighborhood and have many friends living there. My family will not in any way present a nuisance or partake in disruptive behavior.

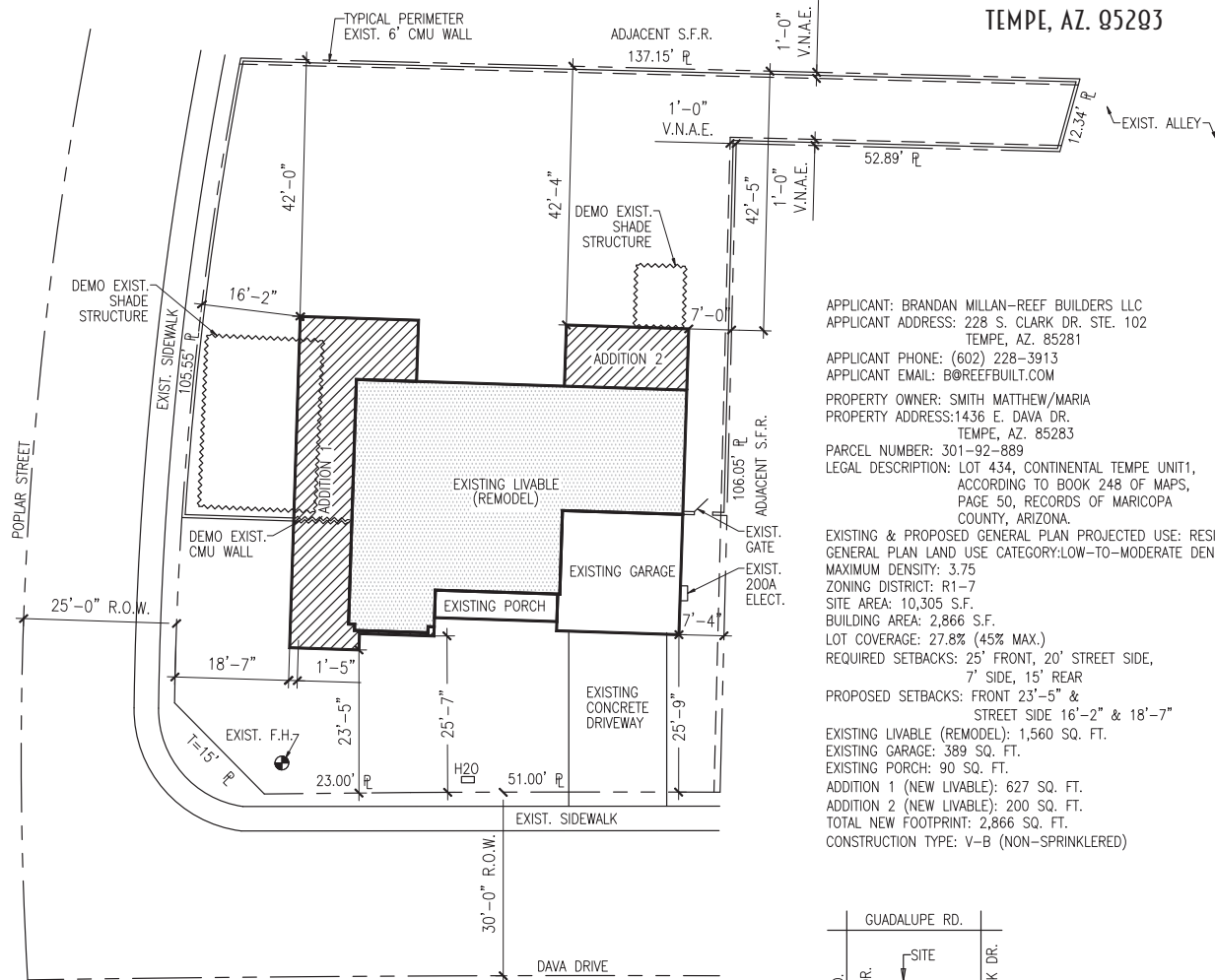
Sincerely,



Matthew A. Smith

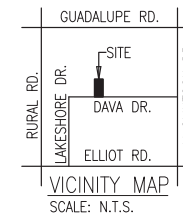
SMITH ADDITION/REMODEL

1436 E. DAVA DR.
TEMPE, AZ. 85283



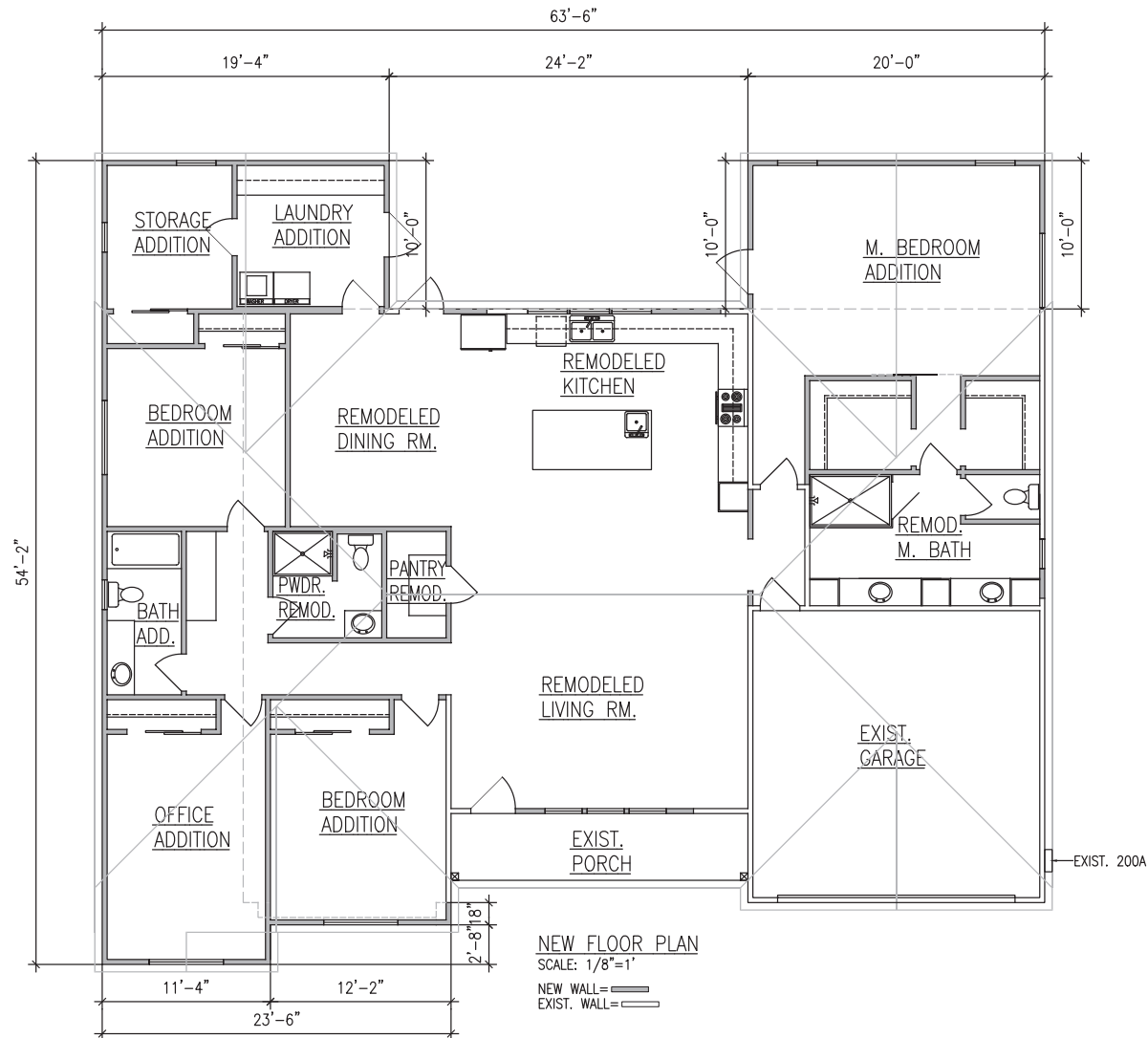
APPLICANT: BRANDAN MILLAN-REEF BUILDERS LLC
 APPLICANT ADDRESS: 228 S. CLARK DR. STE. 102
 TEMPE, AZ. 85281
 APPLICANT PHONE: (602) 228-3913
 APPLICANT EMAIL: B@REEFBUILT.COM
 PROPERTY OWNER: SMITH MATTHEW/MARIA
 PROPERTY ADDRESS: 1436 E. DAVA DR.
 TEMPE, AZ. 85283
 PARCEL NUMBER: 301-92-889
 LEGAL DESCRIPTION: LOT 434, CONTINENTAL TEMPE UNIT1,
 ACCORDING TO BOOK 248 OF MAPS,
 PAGE 50, RECORDS OF MARICOPA
 COUNTY, ARIZONA.

EXISTING & PROPOSED GENERAL PLAN PROJECTED USE: RESIDENTIAL
 GENERAL PLAN LAND USE CATEGORY: LOW-TO-MODERATE DENSITY
 MAXIMUM DENSITY: 3.75
 ZONING DISTRICT: R1-7
 SITE AREA: 10,305 S.F.
 BUILDING AREA: 2,866 S.F.
 LOT COVERAGE: 27.8% (45% MAX.)
 REQUIRED SETBACKS: 25' FRONT, 20' STREET SIDE,
 7' SIDE, 15' REAR
 PROPOSED SETBACKS: FRONT 23'-5" &
 STREET SIDE 16'-2" & 18'-7"
 EXISTING LIVABLE (REMODEL): 1,560 SQ. FT.
 EXISTING GARAGE: 389 SQ. FT.
 EXISTING PORCH: 90 SQ. FT.
 ADDITION 1 (NEW LIVABLE): 627 SQ. FT.
 ADDITION 2 (NEW LIVABLE): 200 SQ. FT.
 TOTAL NEW FOOTPRINT: 2,866 SQ. FT.
 CONSTRUCTION TYPE: V-B (NON-SPRINKLERED)



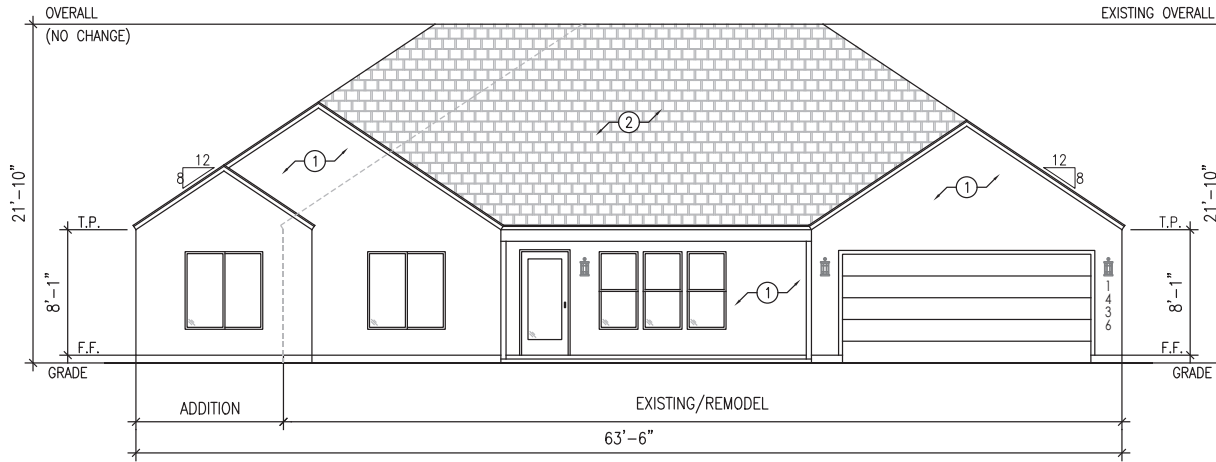
SMITH ADDITION/REMODEL

1436 E. DAVA DR.
TEMPE, AZ. 85283



SMITH ADDITION/REMODEL

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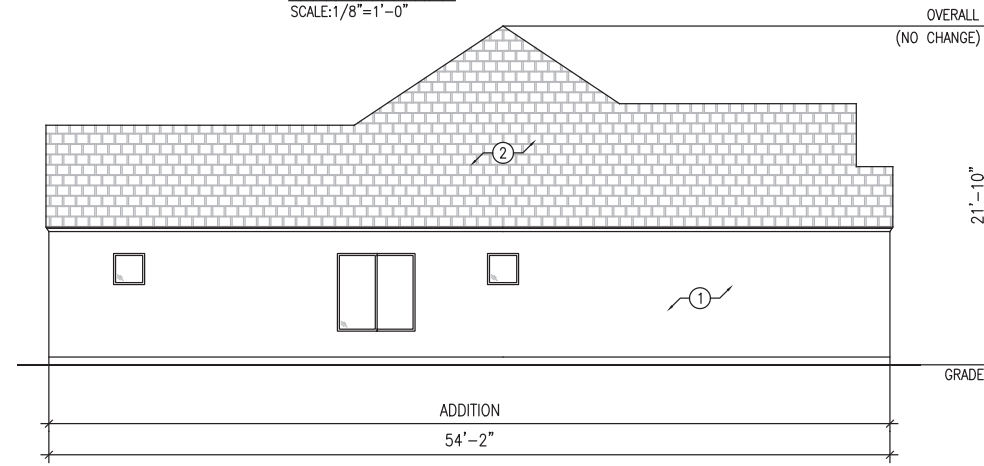
ELEVATION MATERIALS	
①	ULTRAKOTE ONE-KOTE STUCCO ICC-ES ESR-1471 OVER 1" E.P.S. BOARD.
②	ASPHALT SHINGLES MFG.: GAF ICC-ES ESR-1475

NOTE: BODY COLOR TO BE NEUTRAL w/
WHITE ACCENT/TRIM

NOTE: NO MECHANICAL EQUIPMENT ON
ROOF

☒ = FULLY SHEILDED WALL SCOSCE

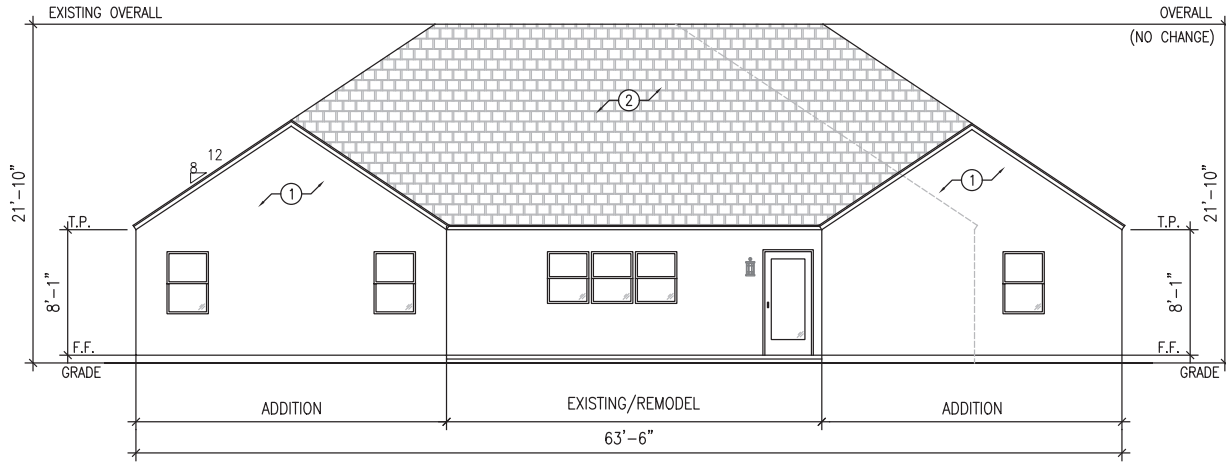
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

SMITH ADDITION/REMODEL

1436 E. DAVA DR.
TEMPE, AZ. 85283



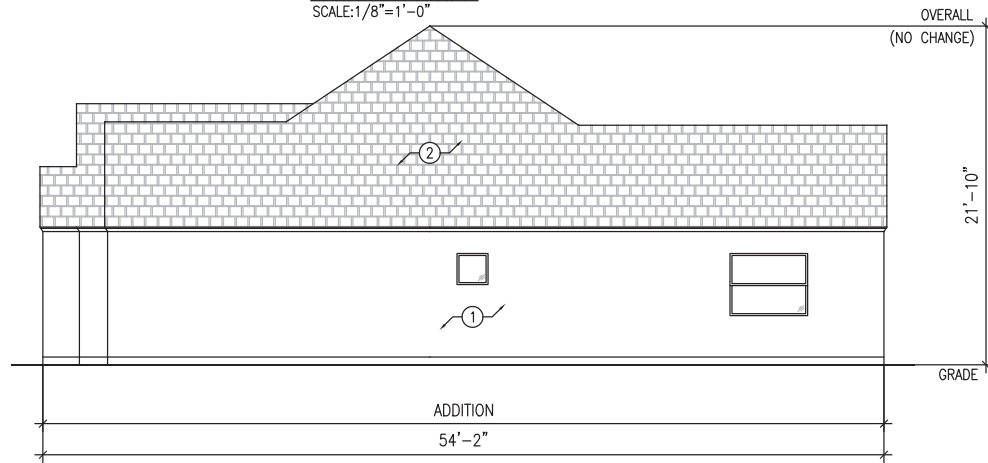
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NOTE: BODY COLOR TO BE NEUTRAL w/
WHITE ACCENT/TRIM

NOTE: NO MECHANICAL EQUIPMENT ON
ROOF

☒ = FULLY SHEILED WALL SCOSCE

NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"