

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 06/28/2022
Agenda Item: 7**

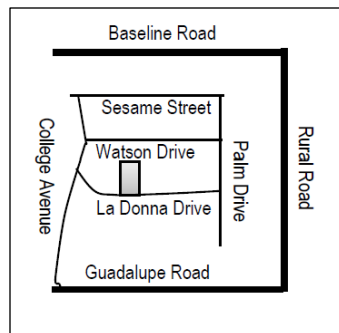
ACTION: Request a Use Permit to allow the required parking within in the front yard setback, for the **SURBER RESIDENCE**, located at 416 East La Donna Drive. The applicant is Ben Surber.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The **SURBER RESIDENCE (PL220073)** is located on lot 526 of the University Royal Unit 2 subdivision in the R1-6, Single-Family Residential District. The request includes the following:

ZUP220029 Use Permit to allow the required parking within the front yard setback.



Property Owner	Surber David Lavaughn/ Dudgeon Jourdan Lindsay
Applicant	Ben Surber
Zoning District	R1-6
Site Area	5,797 s.f.
Building Area	1,266 s.f.
Lot Coverage	29% (45% max. allowed)
Building Height	14'
Building Setbacks	30'- 7" front, 8' west side, 7' east side, 45' rear (20' front, 5' sides, and 15' rear required)
Vehicle Parking	2 spaces (1 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lily Drosos, Planner I (480) 350-8245

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Lily Drosos, Planner I

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The SURBER RESIDENCE is located on the south side of Baseline Road, east of Kyrene Road, west of Rural, and north of Guadalupe Road. The property is located within the R1-6, Single Family Residential District. The applicant is seeking to enclose the carport to allow a 181.33 square-foot bedroom and bathroom addition, which provides ingress from the existing residence. This would remove the one required parking space outside of the front yard setback. The site plan displays an existing 657.47 square-foot cement slab which supports off-street parking for two vehicles.

PUBLIC INPUT

Since the publishing of this report, two public comments have been received by staff by phone. The purpose of both inquiries was to seek general information about the request.

USE PERMIT

The proposed use requires a Use Permit to allow the required parking to be within the front yard setback in the R1-6 zoning district. A carport conversion into a new bedroom and bathroom addition will remove the required parking space outside of the 20-foot front yard setback.

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

1. *Any significant increase in vehicular or pedestrian traffic*; Relocating the required parking from the carport to the driveway is not expected to increase 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*; Nuisances are not expected to arise from moving the required parking from the carport to the front yard setback.
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*; Required parking within the front yard setback is a permitted use subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; The proposed use is compatible with existing uses.
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 is intended for the single-family residence, so disruptive behavior is not expected.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff 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 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.
- 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.

HISTORY & FACTS:

1974 A single family residence was built.

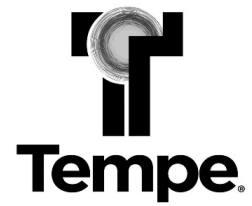
ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-102, Permitted Uses in Residential Districts](#)

[Section 4-201\(A\), Use Permit Standard](#)

[Section 4-202, Development Standards for Residential Districts](#)

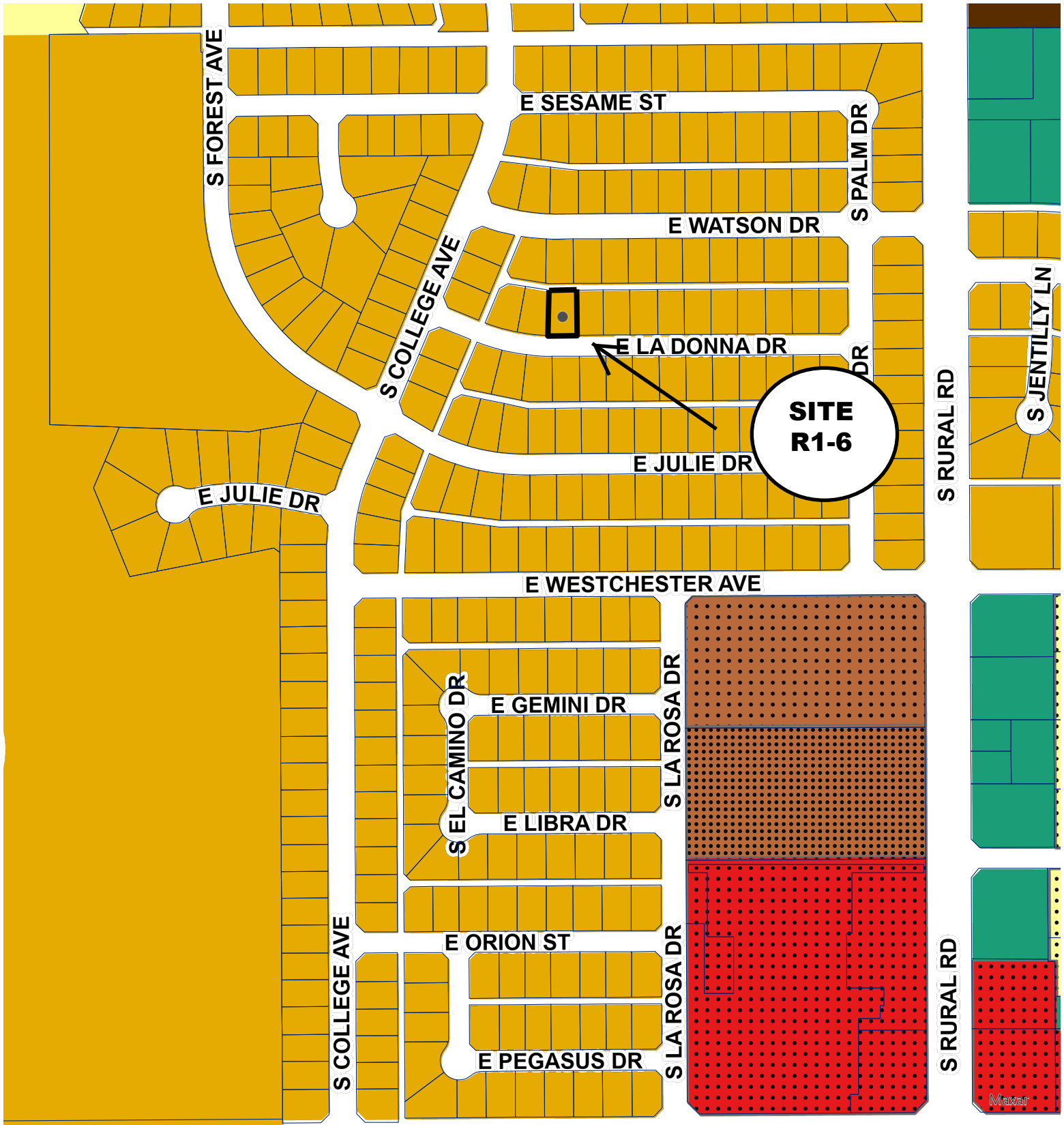
[Section 6-308, Use Permit](#)



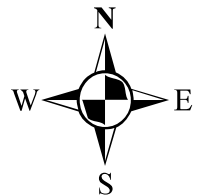
DEVELOPMENT PROJECT FILE
for
SURBER RESIDENCE
(PL220073)

ATTACHMENTS:

1. Location Map
2. Aerial Map
- 3-4. Letter of Explanation
5. Site Plan
- 6-7. Floor Plans
8. Building Elevations
- 9-10. Building Sections
- 11-14. Context Photos



- Planned Commercial Center Neighborhood (PCC-1)
- Residential/Office (RO)
- Agricultural (AG)
- Single-Family Residential (R1-6)
- Multi-Family Residential Restricted (R-3R)
- Multi-Family Residential Limited (R-3)
- Single-Family Residential (R1-15)
- Multi-Family Residential General (R-4)



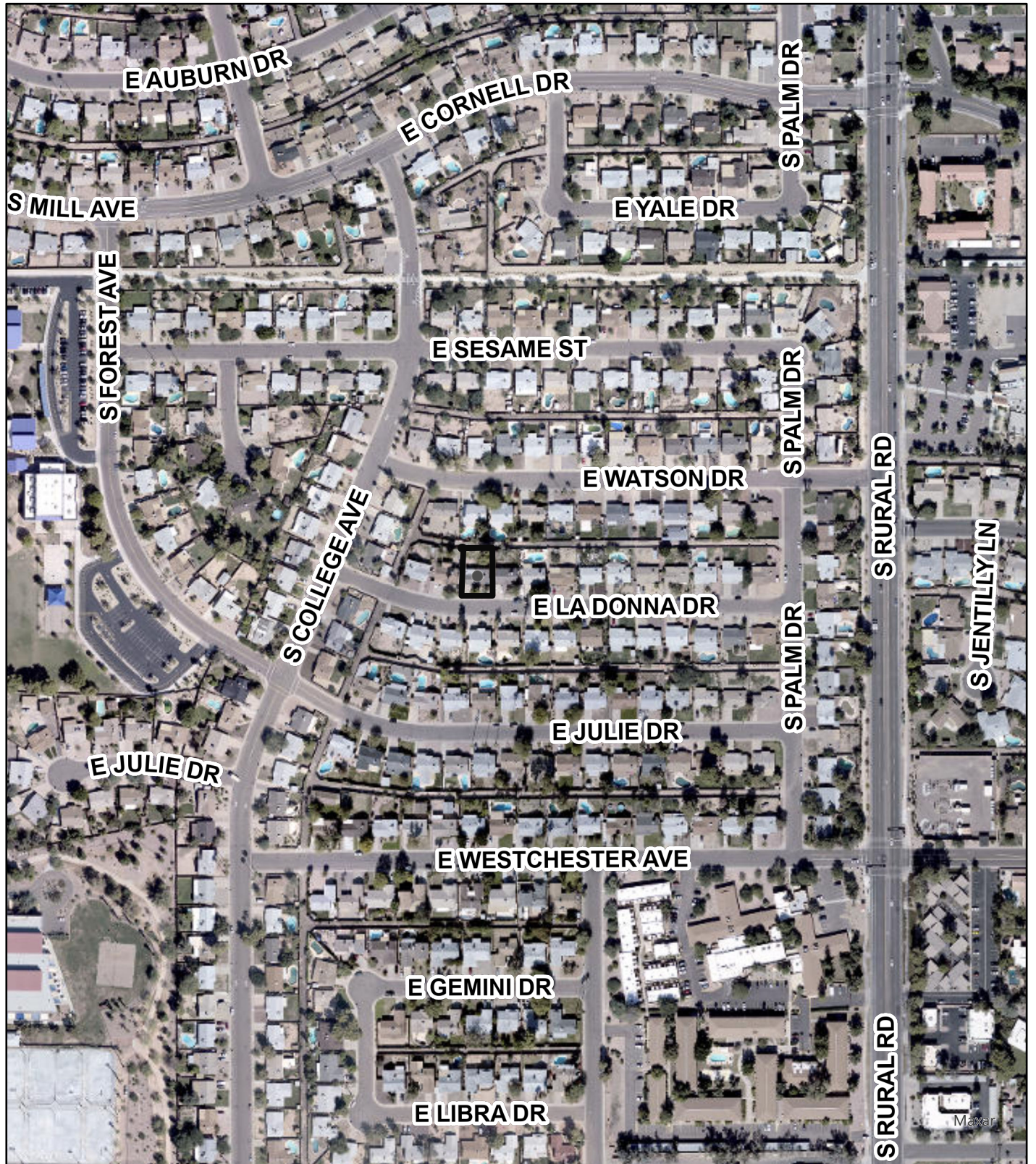
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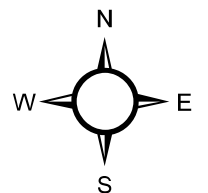
Tempe

PL220073

Surber Residence



Aerial Map



LETTER OF EXPLANATION

From: David Surber
416 E La Donna Dr.
Tempe, AZ, 85283
davesurber@gmail.com
(212) 390-8768

Monday, March 14, 2022 (Revised April 30, 2022)
City of Tempe Planning Division
31 East Fifth Street
Tempe, AZ 85281
(480) 350-4311

My wife and I recently procured this home after relocating from Seattle and we both have jobs that permit us to work from home. We wish to enclose the existing single car carport so we may use it as an office/bedroom. Before I can accomplish this conversion, I have been told that I need to obtain a Use Permit allowing our doublewide driveway to be utilized as the required off street parking area.

According to the "Residential Convert Garage/Carport into Living Area" guide provided on the City of Tempe website, homes built prior to 1976 only require off street parking for one vehicle. Our home was built in 1974 and currently has a cement slab with ample space for two vehicles, exceeding the number of required parking spaces.

We would like to address the five Use Permit approval criteria as follows:

- a. There will be no significant increase in vehicular or pedestrian traffic resulting from converting our single car carport into a bedroom/office space.
- b. Enclosing the carport will not increase the likelihood of a nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- c. We believe the purposed improvements along with the other upgrades we are making to the home's kitchen and bathrooms will raise our property's value as well as the neighborhood's value.
- d. We will be utilizing building materials that will blend the enclosed carport with the existing and surrounding structures as closely as possible. We have no doubt our purposed changes will look as natural as possible.
- e. Enclosing the carport will not increase the likelihood of disruptive behavior inside or outside of our residence.

Attached to this letter is a detailed listing of other homes in our immediate vicinity which have enclosed garages/ carports and park their vehicles in their driveways.

Please let me know if there is any additional information we can provide.

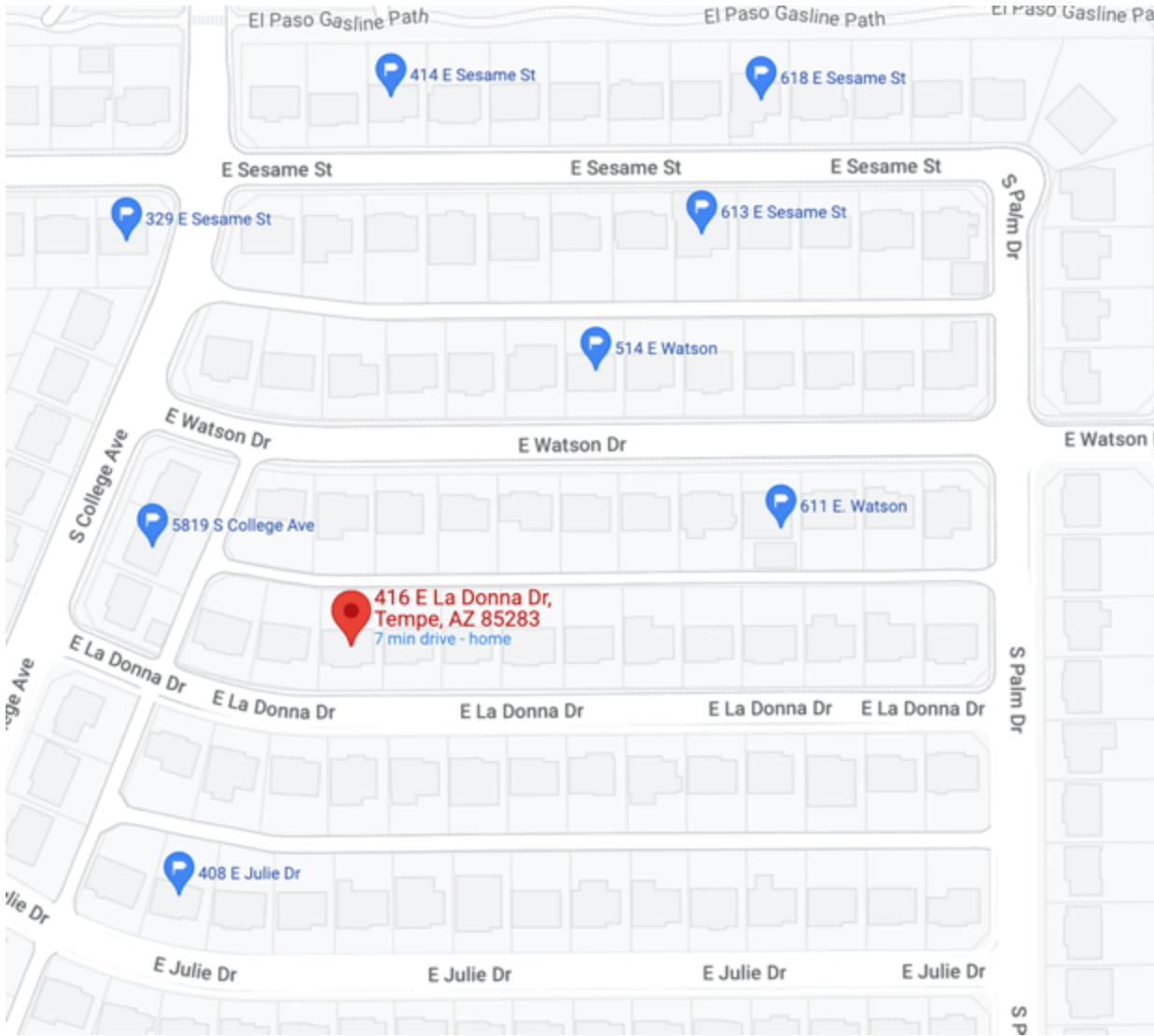
Thank you for your assistance in this matter.

Sincerely yours,

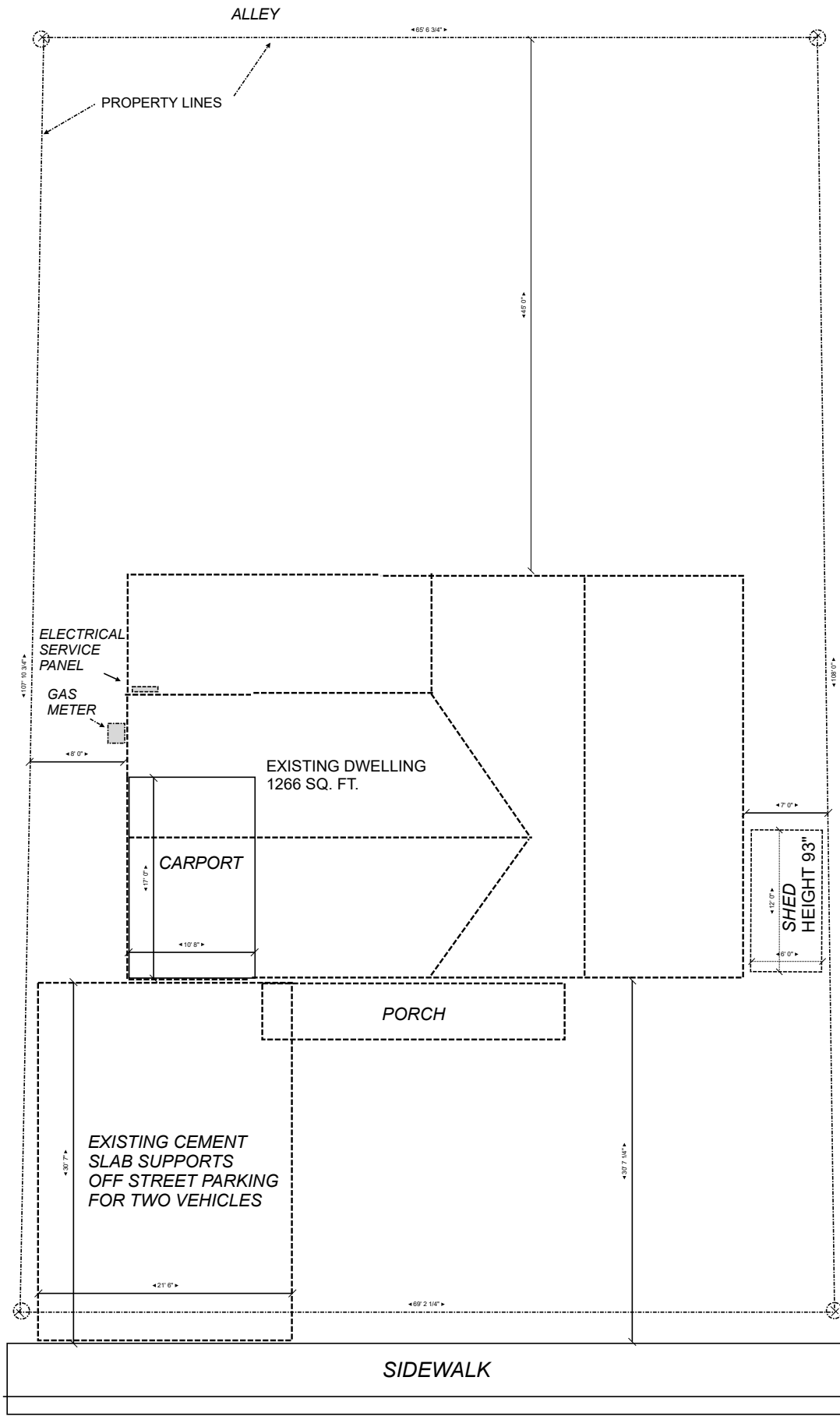


David Surber (property owner)

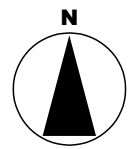
Attachment to Letter Of Explanation



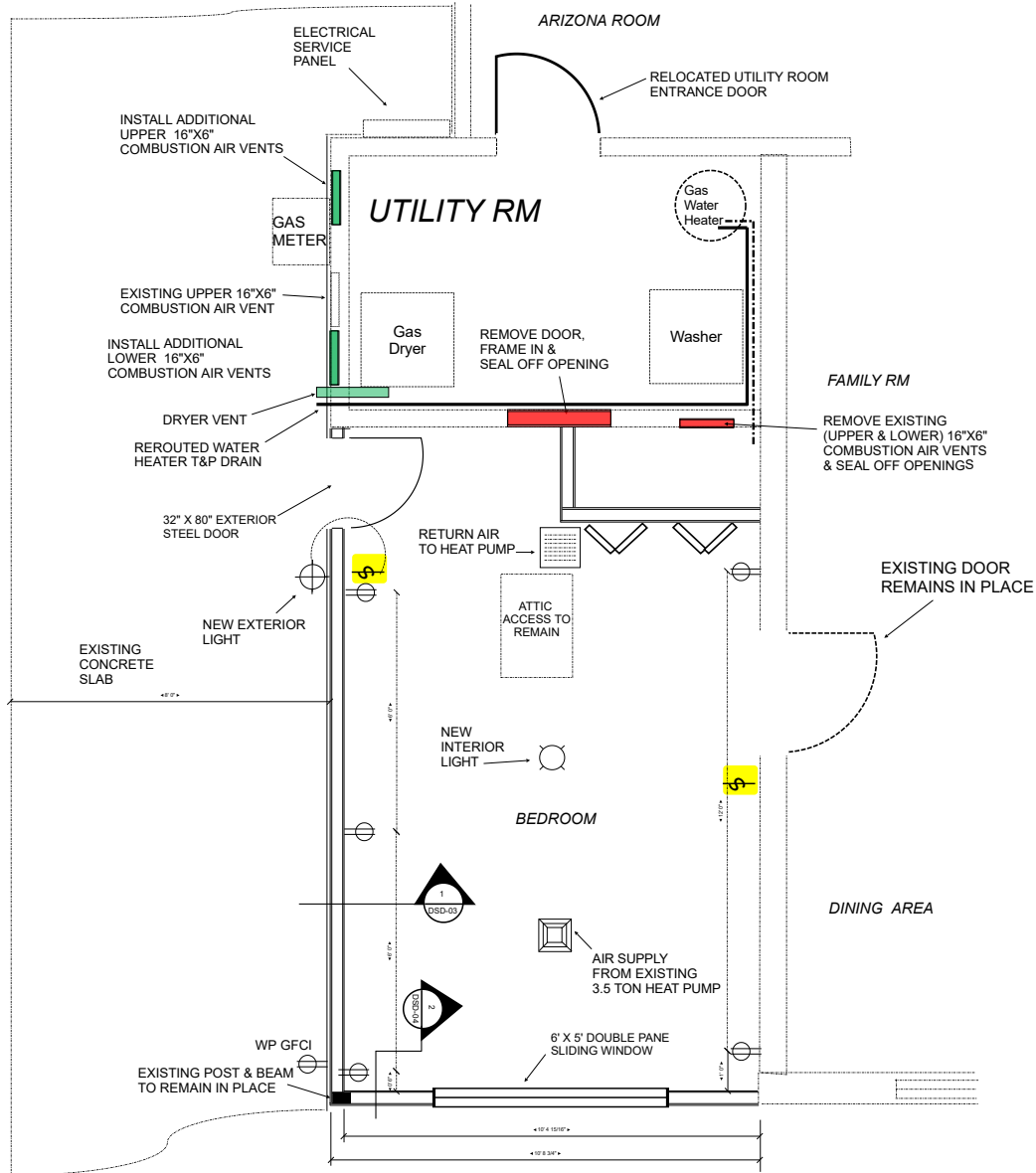
Flags on the map are referenced in the pages below. All of these homes have their carport/garage converted into living space and their parking area is within their front yard setbacks.



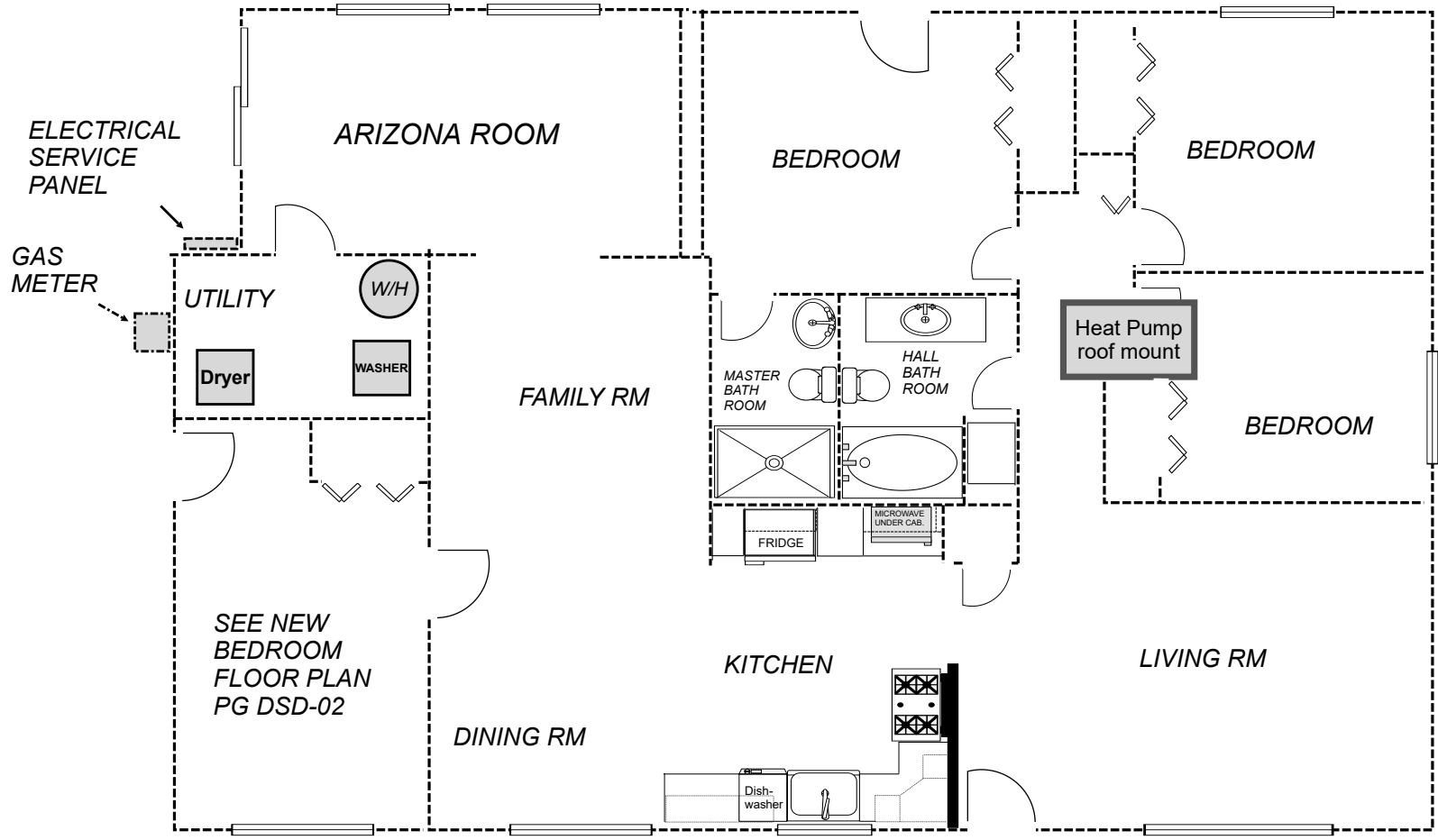
PROJECT DATA TABLE			
CONTACT NAME	David Surber	ADDRESS	416 W. La Donna Dr., Tempe AZ 85283
PHONE NUMBER	(212) 390-8768	EMAIL	davesurber@gmail.com
PROJECT TITLE	Carport to Living Area	SITE ADDRESS	416 W. La Donna Dr., Tempe AZ 85283
LEGAL DESCRIPTION	UNIVERSITY ROYAL UNIT 2	ASSESSOR PARCEL #	301-81-184
ZONING	R1-6	NET SITE AREA	5797 sq feet
SQUARE FOOTAGE	1716	BUILDING HEIGHT	14'
LOT COVERAGE	29% & remains unchanged	BUILDING SETBACK	20'
VEHICLE PARKING	off street requires 1, has 2	BEDROOMS	Increasing from 3 BR to 4 BR



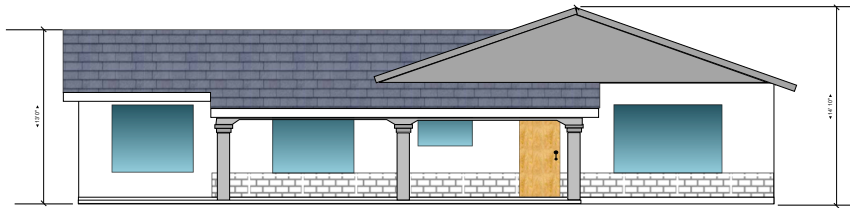
Site: 416 E La Donna, Tempe AZ 85283	Scale: 3/32"=1'0"	Drawn By:	Title: Site Plan
Residential Structures	Date: 02/07/2022	Rev: May 1, 2022	Sheet No. RES-01



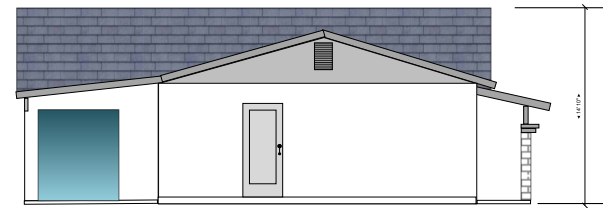
Site: 416 E. La Donna, Tempe AZ 85283	Scale: 3/4"=1'0"	Drawn By:	Title: NEW BED FLOOR PLAN
Carport into Living Area	Date: 02/20/2022	Rev: MAY 1, 2022	Sheet Number: DSD-02



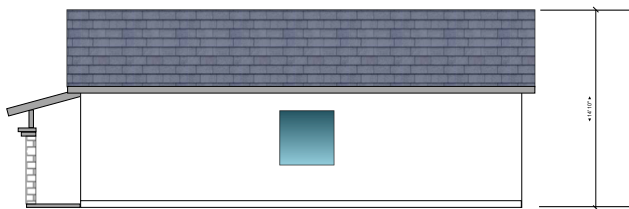
Site: 416 E. La Donna, Tempe AZ 85283	Scale: 1/2":1'0"	Drawn By:	Title: Site Plan
FLOOR PLAN	Date: 03/07/2022	Rev: May 1, 2022	Sheet No. RES-02



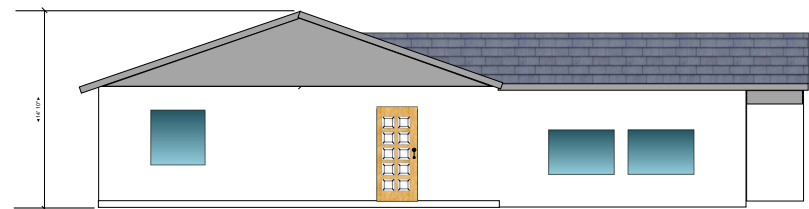
SOUTH ELEVATION



WEST ELEVATION

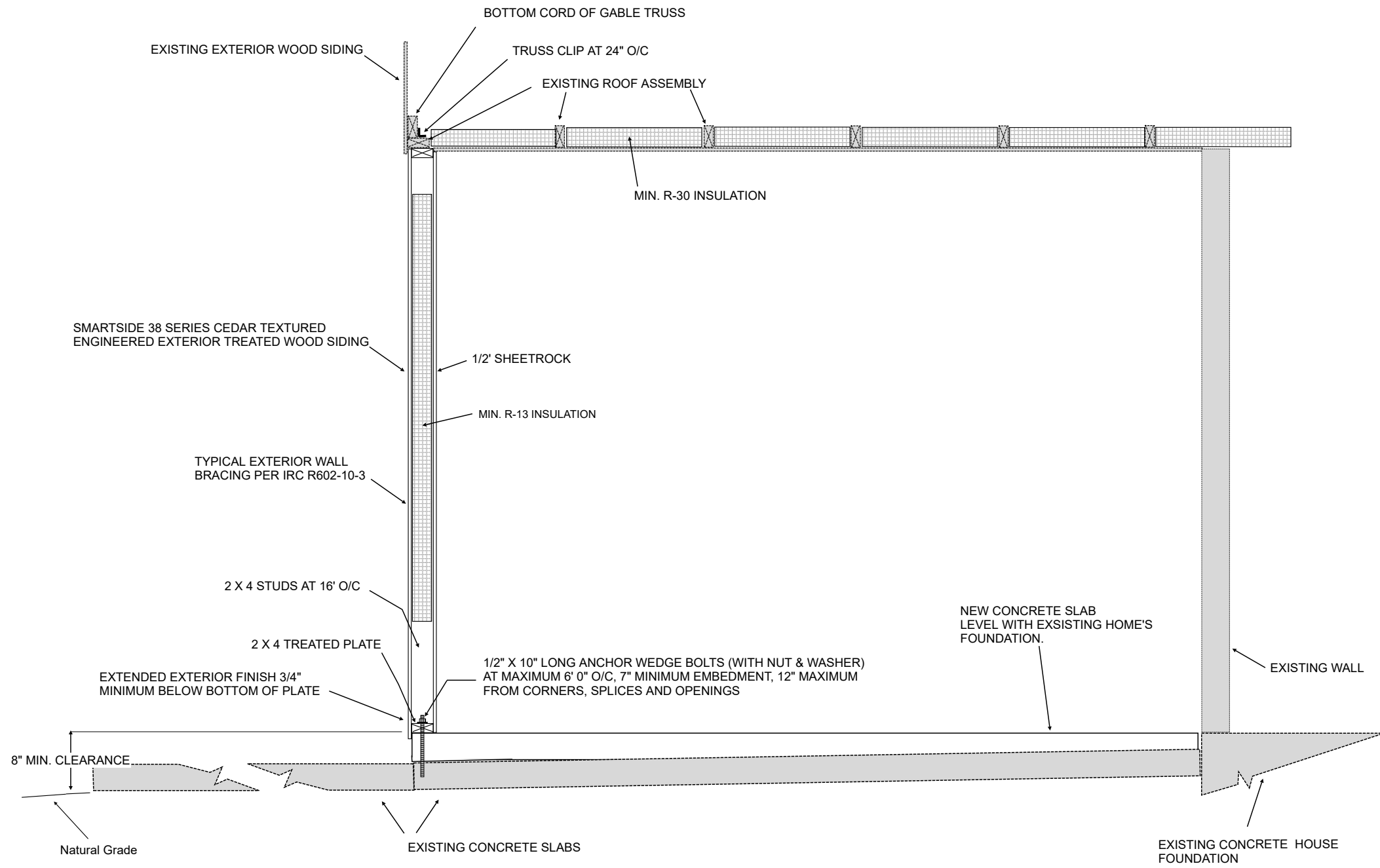


EAST ELEVATION



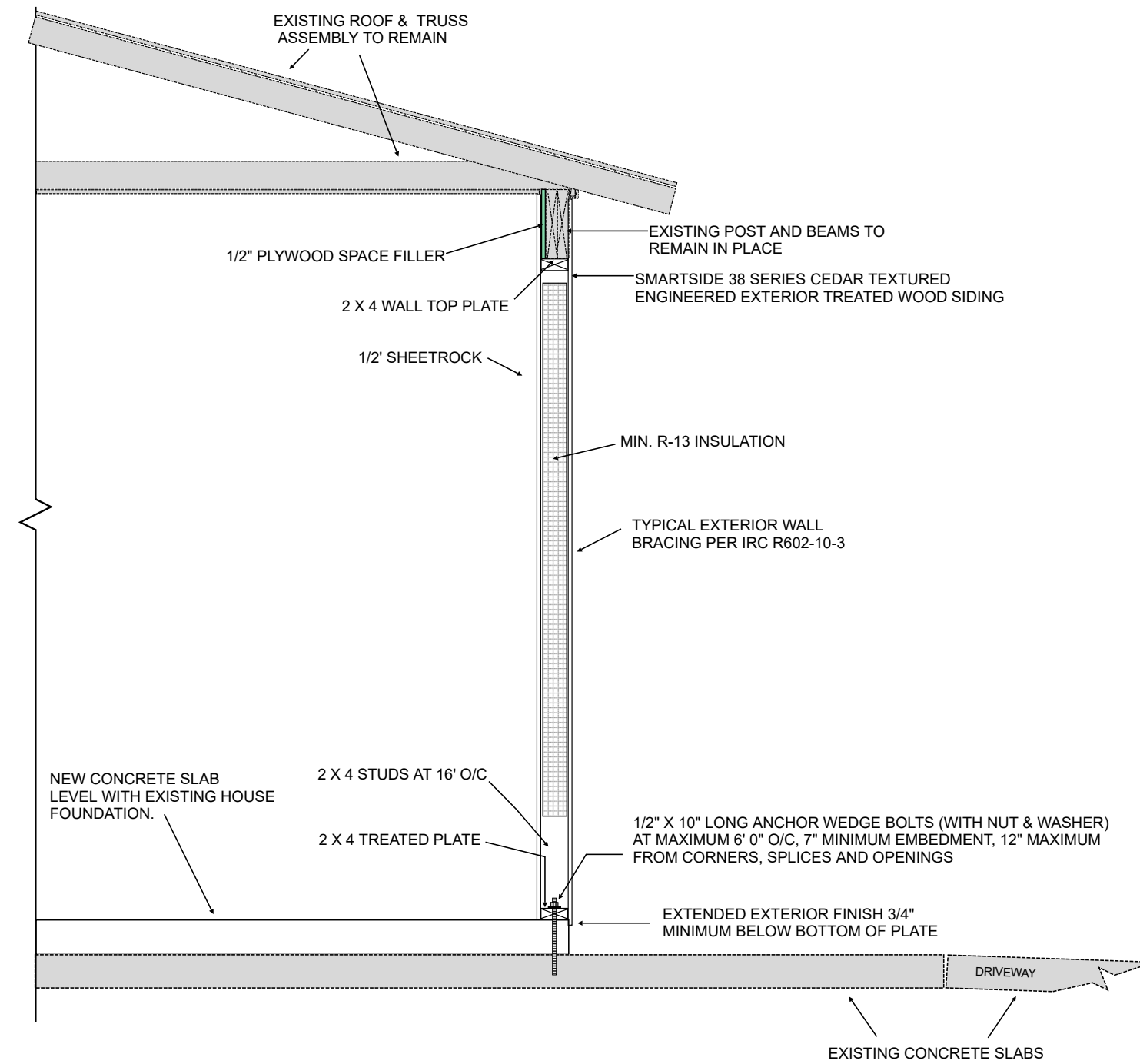
NORTH ELEVATION

Site: 416 E. La Donna, Tempe AZ 85283	Scale: 1/4"=1'0"	Drawn By:	Title: ELEVATIONS
FLOOR PLAN	Date: 05/02/2022	Rev:	Sheet No. ELEV-01



1 CROSS SECTION OF PROPOSED WEST WALL & NEW SLAB

Site:	416 E. La Donna, Tempe AZ 85283	Scale:	1.5":1'0"	Drawn By:		Title:	West Wall Section
	Carport into Living Area	Date:	03/06/2022	Rev:		Sheet Number:	DSD-03



2 CROSS SECTION OF PROPOSED SOUTH WALL & SLAB

Site:	416 E. La Donna, Tempe AZ 85283	Scale:	1.5":1'0"	Drawn By:		Title:	South Wall
	Carport into Living Area	Date:	03/06/2022	Rev:		Sheet Number:	DSD-04

Contex Photos

416 E. La Donna, Tempe 85283

Feature Information

(1 of 1) Clear ?

301-81-184

Owner Information

Owner Name: SURBER DAVID LAVAUGHN/DUDGEON
 JOURDAN LINDSAY

Property Address: 416 E LA DONNA DR TEMPE 85283

Mailing Address: 1906 E LIBRA DR TEMPE AZ 85283

Deed Number: [210646272](#)

Sale Date: 05/1/2021

Sale Price: \$407,000

Property Information

Lat/Long: 33.369156, -111.931638

S/T/R: 3 15 4E

Jurisdiction: TEMPE

Zoning: R1-6

PUC: 0131

Lot Size (sq ft): 5797

MCR #: [156-25](#)

Subdivision: UNIVERSITY ROYAL UNIT 2

Lot #: 526

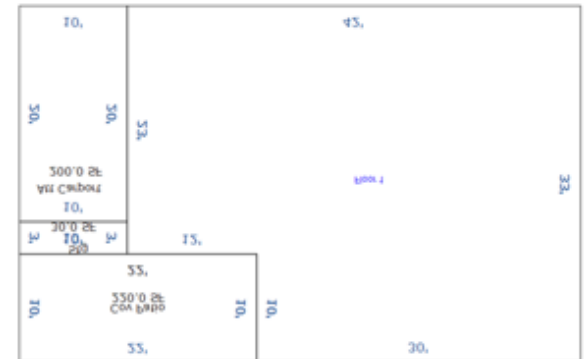
Floor: 1

Construction Year: 1974

Living Space (sq ft): 1,266

Valuation Information

Tax Year:	2023	2022
FCV:	\$316,300	\$232,800
LPV:	\$150,168	\$143,017
Legal Class:	3.1	3.1



FRONT VIEW OF 416 E LA DONNA DR, TEMPE AZ 85283



WEST VIEW FROM 416 E LA DONNA DR, TEMPE AZ 85283



EAST VIEW FROM 416 E LA DONNA DR, TEMPE AZ 85283

