

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/09/2022
Agenda Item: 4**

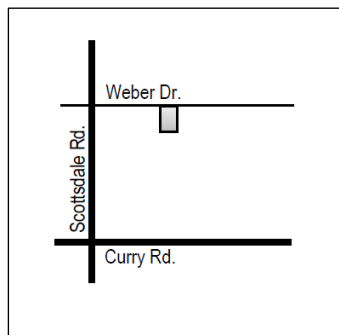
ACTION: Request a Use Permit to allow a second story addition to an existing single-family residence for ABDELMALAK RESIDENCE, located at 931 East Weber Drive. The applicant is Eduardo Galindo, Architect LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: ABDELMALAK RESIDENCE (PL220171) is a proposed 1,280 square-foot second story addition to an existing-single family residence. The project also includes expanding the first floor to add new living areas and bedrooms, returning the existing garage (enclosed without permit) to its original carport design, and applying for permits for an expansion on the west side of the house and a patio on the front of the house, which were also built without permits. The request includes the following:

ZUP220030 Use Permit to allow a second story addition to an existing single-family residence.



| | |
|-------------------|--|
| Property Owner | Aied Abdelmalak |
| Applicant | Eduard Galindo, Eduardo Galindo, Architect LLC |
| Zoning District | R-2 (Multi-Family Residential) |
| Site Area | 8,242 s.f. |
| Building Area | 4,050 s.f. |
| Lot Coverage | 34% (45% max. allowed) |
| Building Height | 26' (30' max. allowed) |
| Building Setbacks | 32' front building, 20' front open structure, 11' west side, 10' east building, 2' east side open structure (legal non-conforming), 21' rear (20', 15', 10', 10', 5', 15' min. required) |
| Vehicle Parking | 2 spaces (2 min. required) |

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Karen Stovall, Senior Planner (480) 350-8432

Department Director: Jeff Tamulevich, Community Development Director
 Legal review by: N/A
 Prepared by: Karen Stovall, Senior Planner
 Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The second story addition will allow 1,280 square feet to be added to the house, including four (4) bedrooms, two (2) bathrooms, and a living area. To retain privacy for the dwellings to the west and east of the site, second story windows on the west and east elevations are clerestory. Regular-height windows are provided on the north and south elevations.

There are seven (7) other multi-story properties in the vicinity of the subject site and another approved, not yet constructed:

- 1415 N. Scottsdale Road (Hampton Inn and Suites)
- 1535 N. Scottsdale Road (The Palms on Scottsdale Apartments)
- 915 E. Weber Drive (entitled, not yet constructed)
- 1004 E. Tempe Drive
- 1016 E. Tempe Drive
- 1018 E. Tempe Drive
- 1024 E. Curry Drive
- 1028 E. Curry Drive

The map below shows these properties highlighted in orange.



PUBLIC INPUT

A neighborhood meeting was not required for this request. As of completion of this report, staff has not received any public input.

USE PERMIT

The proposed use requires a Use Permit for a second story addition to an existing single-story residence within the R-2 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed second story addition is intended for use a single-family residence and is not expected to significantly increase vehicular or pedestrian traffic. By code, a minimum of two off-street vehicle parking spaces are required out of the front building setback, and the plan provides for two spaces under a carport.
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 generate emissions at levels exceeding those of 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*; the addition should not contribute to deterioration of the neighborhood or downgrading of property values. The addition is not in conflict with the Tempe 2040 General Plan and
4. *Compatibility with existing surrounding structures and uses*; the second story addition is unlike surrounding structures directly adjacent to the site; however, just north of the houses on the north side of Weber is a four-story hotel and two-story apartment complex. Two streets east, on the east side of Harold Street, is a two- and three-story single-family development constructed between 2015 and 2018.
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 addition is not expected to create a nuisance to the surrounding area or general public.

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:

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.

- 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.

HISTORY & FACTS:

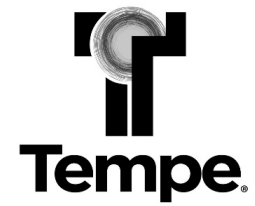
March 13, 1960 North Tempe subdivision was annexed into the City of Tempe.

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 6-308, Use Permit](#)

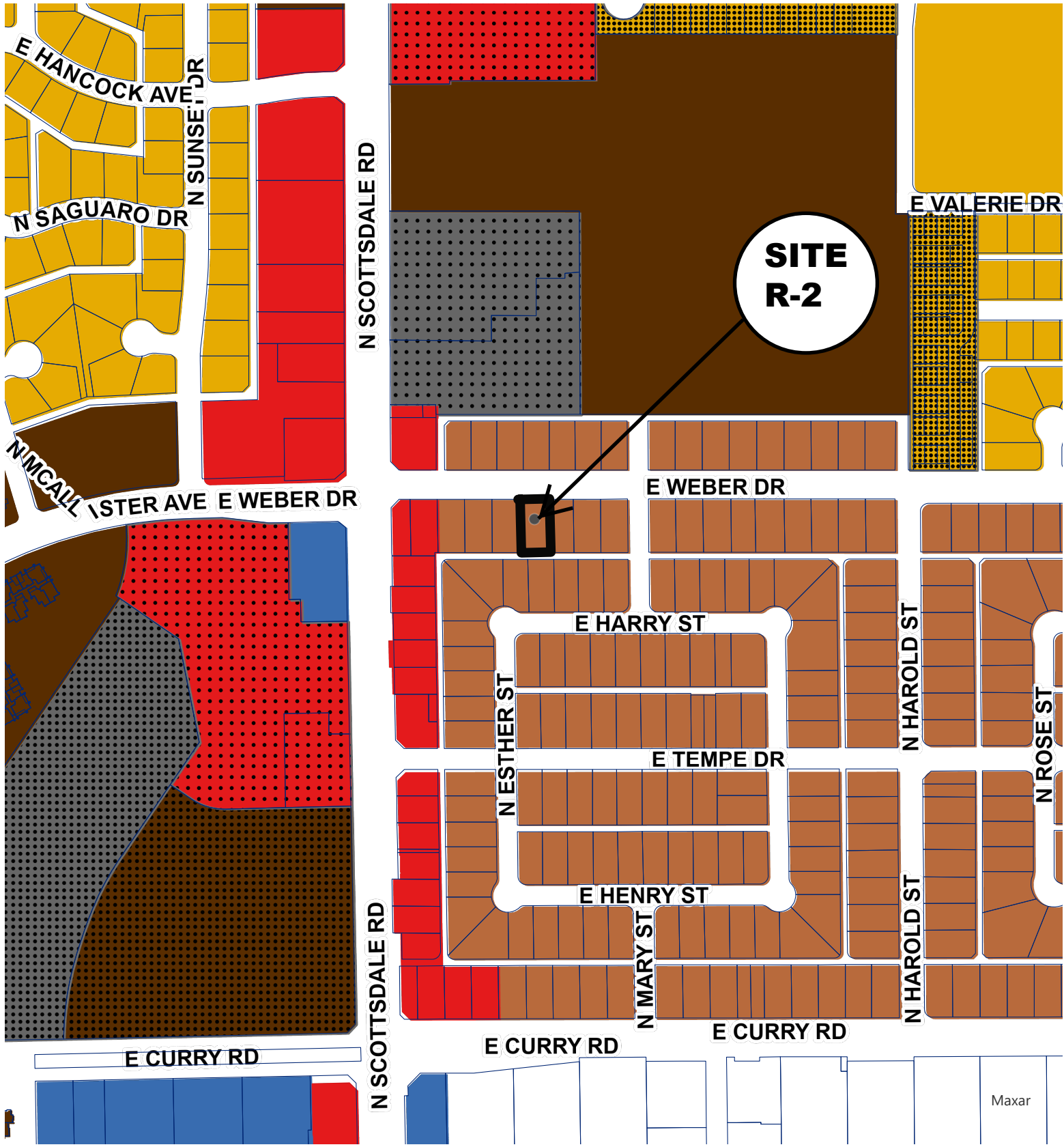


DEVELOPMENT PROJECT FILE
for
ABDELMALAK RESIDENCE
(PL220171)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-5. Letter of Explanation
6. Existing Site Plan
7. Proposed Site Plan and Photos
8. Building Elevations and Section
9. Floor Plans

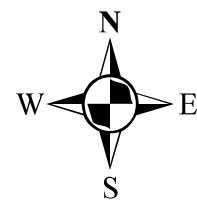
Abdelmalak Residence



- General Industrial District (GID)
- Mixed Use Med-High (MU-3)
- Mixed Use High (MU-4)
- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Single-Family Residential (R1-6)
- Single-Family Residential Planned Area Dev (R1-PAD)

- Multi-Family Residential (R-2)
- Multi-Family Residential General (R-4)
- Multi-Family Residential High (R-5)
- Override 1

- Twelve Point**
CenterlineSubType
- ADOT
 - Canal
 - Monument
 - Private



Maxar



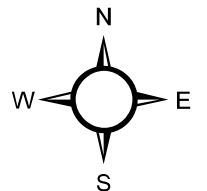
Tempe

PL220171

Abdelmalak Residence



Aerial Map





EDUARDO GALINDO, ARCHITECT LLC

9733 W. SUNNYSLOPE LANE
480. 751. 8780

PEORIA, ARIZONA 85345
ed@egadesign.net

July 12, 2022

City of Tempe
Community Development Department
Planning Division
31 East 5th Street
Tempe, Arizona 85281

re: ZUP220030 / PL220171/ SPR21110
Use Permit for Second Level
Residential Property
931 E. Weber Drive
Tempe, Arizona 85281
APN 132-12-006

Aied Abdelmalak, the Owner of 931 E. Weber Drive, Tempe AZ 85281, is requesting a Use Permit to allow him to build a two(2) story addition to his home. The residence he purchased was a modest 1,700SF. He would like to expand his home, to provide more bedrooms for his growing, *and extended*, family.

Mr. Abdelmalak had commenced the Permit Process working with an Engineer that was not familiar with residential design, construction, or codes. Together, they had developed a cumbersome plan that had raised concerns in the course of a Preliminary Site Plan Review.

I am an Architect and was recommended to Mr. Abdelmalak, by a Contractor who attends the same Church as Mr. Abdelmalak. I had been retained by that Church, Saint Mark Coptic Orthodox Church, in Scottsdale, to assist them with an expansion project.

Working closely with Mr. Abdelmalak, I reworked the expansion plans for his Family's Home. We determined that, due to the size of his family, a second floor-level would be required to meet their needs. However, Section 3-420 (*Single-Family Residential Second Story Addition or Rebuild*) of the Zoning and Development Code City of Tempe, Arizona, states that, "A use permit is required for any single story, single-family residence to add, expand, or rebuild for a second story." Hence this request.

This statute is understandable and reasonable in a more central and conventional neighborhood in Tempe, south of the river. Mr. Abdelmalak's home is three, similarly sized, lots away from a very busy intersection of E. Weber Drive and Scottsdale Road. Proximity to Scottsdale Road, coupled with the 50' ROW width of E. Weber Drive, does not engender a 'neighborhood environment.'

It is our understanding that the factors enumerated below are considered, by the City of Tempe, in arriving at a determination whether to grant a use permit. Consequently, we would like to address them individually, to facilitate a positive determination.

a. Any significant increase in vehicular or pedestrian traffic;

- No significant increase in vehicular or pedestrian traffic should result from the Use Permit being granted for the addition of a second level to the Home.
- Mr. Abdelmalak and his wife have three children and are expecting a fourth, as his wife is pregnant.
- They own a car and a truck, and do not anticipate acquiring another vehicle.
- Mr. Abdelmalak is the sole driver in the family, and drives to work daily. His wife is a homemaker, and does not drive. His three children walk to the local school.
- Mr. Abdelmalak's parents, along with his younger brother and older sister, will be immigrating from Egypt, and will be living in Mr. Abdelmalak's home. Hence the need for the expansion.
- Mr. Abdelmalak's parents are elderly and do not drive.
- Mr. Abdelmalak's younger Brother will be working with Mr. Abdelmalak and will ride with him to work daily. Mr. Abdelmalak's Brother does not drive and, at this time, does not speak English. So he will not be venturing out on his own.
- Mr. Abdelmalak's older sister is widowed, has no children, and has been living with and caring for their parents. She will continue to do so in Mr. Abdelmalak's home. She will also assist her Sister-in-law care for the Children, which will be welcomed when the new Baby arrives. Mr. Abdelmalak's sister does not drive, and like her Brother, does not speak English.

b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

- Mr. Abdelmalak works outside of the Home. Consequently, there is nothing done at the home that would create odor, dust, gas, noise, vibration, smoke, heat, or glare.
- Mr. Abdelmalak's family may occasionally grill dinner outdoors, but are not 'party' people.
- Other than the laughter and 'noise' children make while playing outside, no extraordinary noise or loud music will be heard emanating from their Home.

c. 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;

- As noted above, the Abdelmalak Residence is three lots east of Scottsdale Road.
- Proximity to Scottsdale road, coupled with the width of E. Weber Drive, is not conducive to a Neighborhood environment.
- Mr. Abdelmalak's investment in his home, *(and expansion, if allowed)*, will increase the value of the property. This, in turn, will increase the property values of surrounding properties.

- Mr. Abdelmalak has a goal of improving his Home and yard for use by his Family. This is already evident, in comparison to adjacent properties. Rather than diminishing the value of, and negatively impacting, the Neighborhood, it may encourage adjacent property owners to clean up and improve their own properties.
- Mr. Abdelmalak has spoken with his immediate Neighbors, to apprise them of his wish to expand his home. They have indicated their support and have 'no issue' with the undertaking.

d. *Compatibility with existing surrounding structures and uses;*

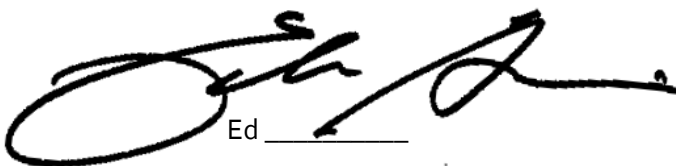
- In the Plan review process, it was noted that one of the reasons for Section 3-420, of the Zoning and Development Code was to provide "visual privacy" between neighbors. To that end, windows on the east and west elevations, that might overlook a neighboring property, have been reconfigured into a clerestory format. Although, neither of the neighbors on either side of 931 E. Weber Drive have any significant outdoor areas.
- A four-story Hampton Inn & Suites is located immediately behind the home, directly, across the Street from 931 E. Weber.
- Immediately east of the Hampton Inn is a large, two-story Apartment Complex.
- As noted above, Mr. Abdelmalak has spoken with his immediate Neighbors, to apprise them of his need to add a second level expansion to his home. They voiced their support and stated that they have 'no issue' with the undertaking.

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

- As noted above, other than the laughter and 'noise' children make while playing outside, no extraordinary noise or loud music will be heard emanating from the Abdelmalak Home.
- With elderly parents and, soon, a new born in the Abdelmalak Home; it is doubtful that disruptive behavior will be found in this Home.

Given this perspective, we request your consideration in approving a Use Permit for this Project.

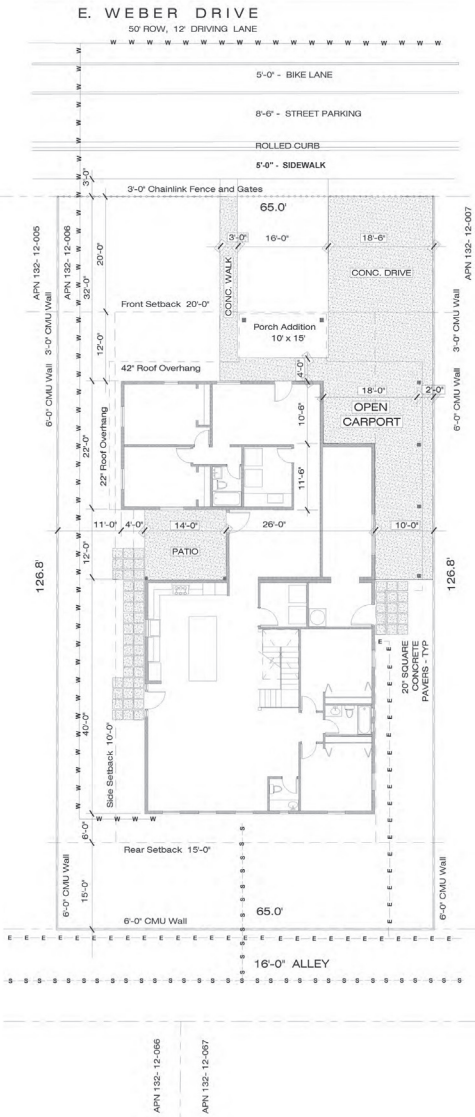
Respectfully submitted.



Ed _____

Eduardo Galindo, Architect

Proposed Site Plan



3.

The open Carport was enclosed to create an enclosed Garage, primarily used as a workshop and material storage area. Expanding the Home will require an additional parking space. Parking has a required Setback of 20'. The enclosure will be removed, reverting to a Carport. This will allow the, two, required parking spaces to not compromise the setback.

1.

An 10' x 15' roof supported, at its exterior edge, by a pair of 8' x 8' columns was added to provide protection to the relocated Front Door. The intent was to add interest to the home, and provide a place to sit, as is evidenced by the chairs and children's toys.

2.

The modest approx. 8' x 10' Bedrooms were expanded by relocating the exterior wall, westward, by 4'. This slight increase in space allows the rooms to more adequately function. The extension remains 1' short of the sideyard setback.

The two images above show the distinct contrast resulting from non-permitted construction, which this project seeks to rectify. Three items will be incorporated into the Construction Documents, seeking to legitimize their Permit status. The Three items include:

1. 8' x 15' Entry Porch addition
2. 4' extension, of 22' western wall
3. The open Carport was enclosed. This will be reopened to provide required parking and preclude the need to obtain a variance.



PARKING Zoning and Development Code, Tempe, Arizona

Sec. 2-102
Table 4-603E
Sec. 4-606.A.1.
Table 4-202B

R-2, Multi-Family Residential
Single Family, 2 per Unit
Parking Spaces, 8'-6" x 18'-0"
Front, Parking Setback, 20'

Parking Area Two (2) spaces, 8'-6" x 18'-0" 17'-0" wide x 18'-0" long

Site Plan shows required area available (not compromising setback).

Requires removal of (existing) Garage enclosure.

Photo image of property, with open Carport, can accommodate two cars.

SITE DATA

| | |
|-------------------------------------|-----------------|
| SITE AREA | 8,242 SF |
| Max. Allowable | 3,709 SF |
| Site Coverage (45%) | |
| Original Structure | 1,100 SF |
| Permitted Addition | 600 SF |
| Original Footprint | 1,700 SF |
| Existing Structure | 1,700 SF |
| Bdrm Extension | 88 SF |
| Porch | 150 SF |
| Current Footprint | 1,938 SF |
| Proposed Additions | |
| Grade Level | 1,600 SF |
| Second Level | 1,280 SF |
| Total Additions | 2,880 SF |
| Additional Footprint | 1,280 SF |
| Proposed | |
| Total Footprint | 3,538 SF |
| TOTAL PROPOSED SITE COVERAGE | 43% |

ZONING

| | |
|--|---|
| Zoning and Development Code, Tempe, Arizona | |
| Sec. 2-102 | Residential Districts |
| 2-102. | Multi-Family Residential (R-2) |
| Table 4-202B | Development Standards in Multi-Family Districts |
| Max. Height | 30 feet |
| Lot Coverage | 45%, maximum (net Site area) |
| Landscape | 30% minimum (net Site area) |
| Setbacks | 20 feet, Front 10 feet, Side 15 feet, Rear |
| Sec. 4-205 | EXCEPTIONS |
| 4-205.B.1. | "Eaves...overhangs and similar architectural features, as determined by the Zoning Administrator, may encroach into 'setbacks' provided that applicable Building Codes are met." |
| Sec. 7-113 | DEFINITIONS "LOT COVERAGE - The area of a lot covered by a building ... expressed as a percentage of the net lot area, ... and not including the sum of the several floors of a multistory building or canopies...or similar unenclosed structures." |



EDUARDO GALINDO ARCHITECT

9733 W. SUNNYSLOPE LANE
PEORIA ARIZONA 85345

480. 751. 8780
ed@gagedesign.net
egagedesign.net

ABDELMALAK RESIDENCE
931 WEBER DRIVE TEMPE, AZ 85281

APN 132 -12 -006

SPR21110

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| ISSUED | REV | DATE |
| SUBMITTAL | | 06.06.2022 |



SITE PLAN

SCALE

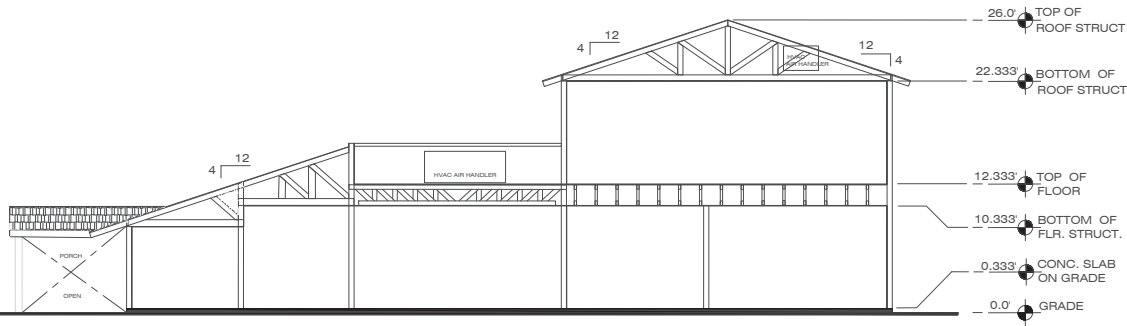
PROJECT NUMBER
SP-A-100

DRAWING NUMBER

Plot Date:

1

SITE PLAN

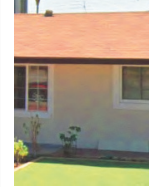


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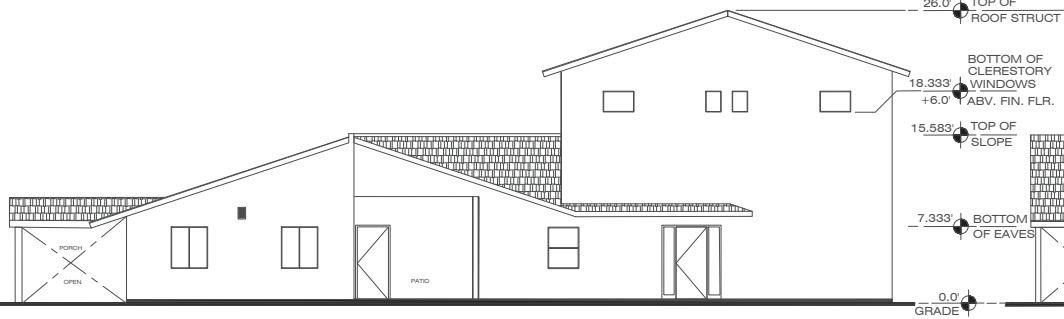
MATERIALS

- Construction shall be comprised of the following:
- Concrete slab on grade, with spread footings
 - Wood framed construction - Perimeter Walls and Interior partitions
 - Pre-engineered floor and roof trusses
 - Exterior walls - Three coat, PC Plaster (stucco), over 3/4" moisture, vapor barrier/ rigid insulation, over 1/2" wood sheathing.
 - Roofing - Three tab, asphalt shingles over synthetic underlayment.
 - Insulation - R20 Batt-Insulation at perimeter walls, R-40 Blankets in attic.
 - Windows- Double glazed, thermally broken single hung.

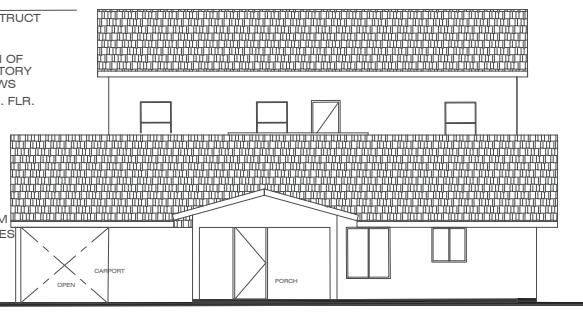
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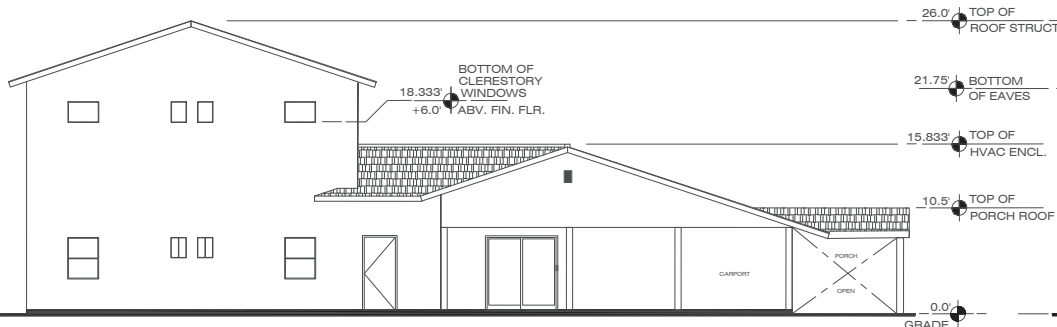
Match Existing, (pictured at left)



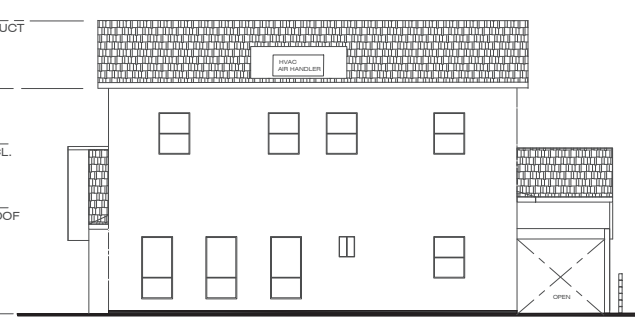
2 WEST ELEVATION



1 NORTH ELEVATION



4 EAST ELEVATION



3 SOUTH ELEVATION



EDUARDO GALINDO
ARCHITECT

9733 W. SUNNYSLOPE LANE
PEORIA ARIZONA 85345

480. 751. 8780
ed@egadesign.net

egadesign.net

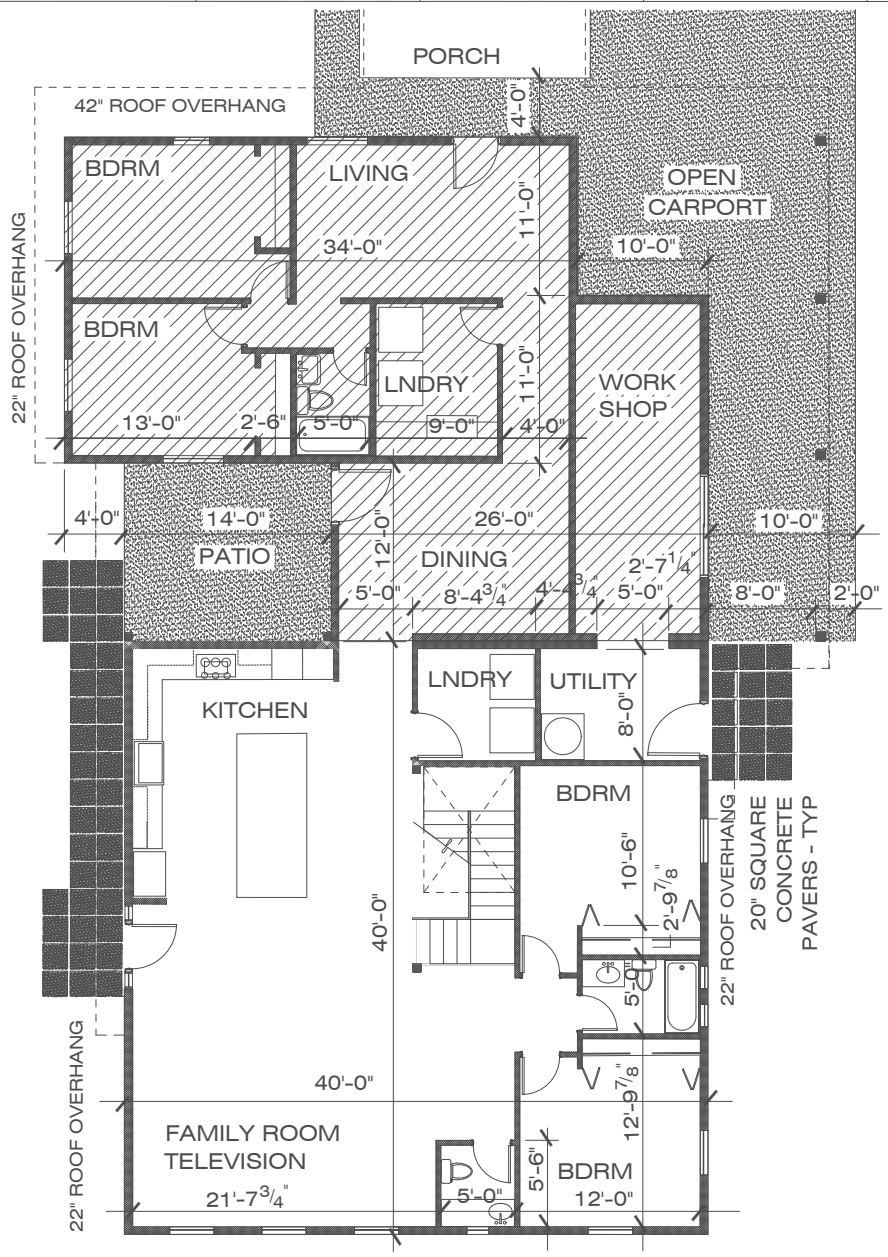
ABDELMALAK RESIDENCE
931 WEBER DRIVE TEMPE, AZ 85281
APN 132 - 12 - 006
SPR 21110

| ISSUED | REV | DATE |
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| SUBMITTAL | | 06.06.2022 |

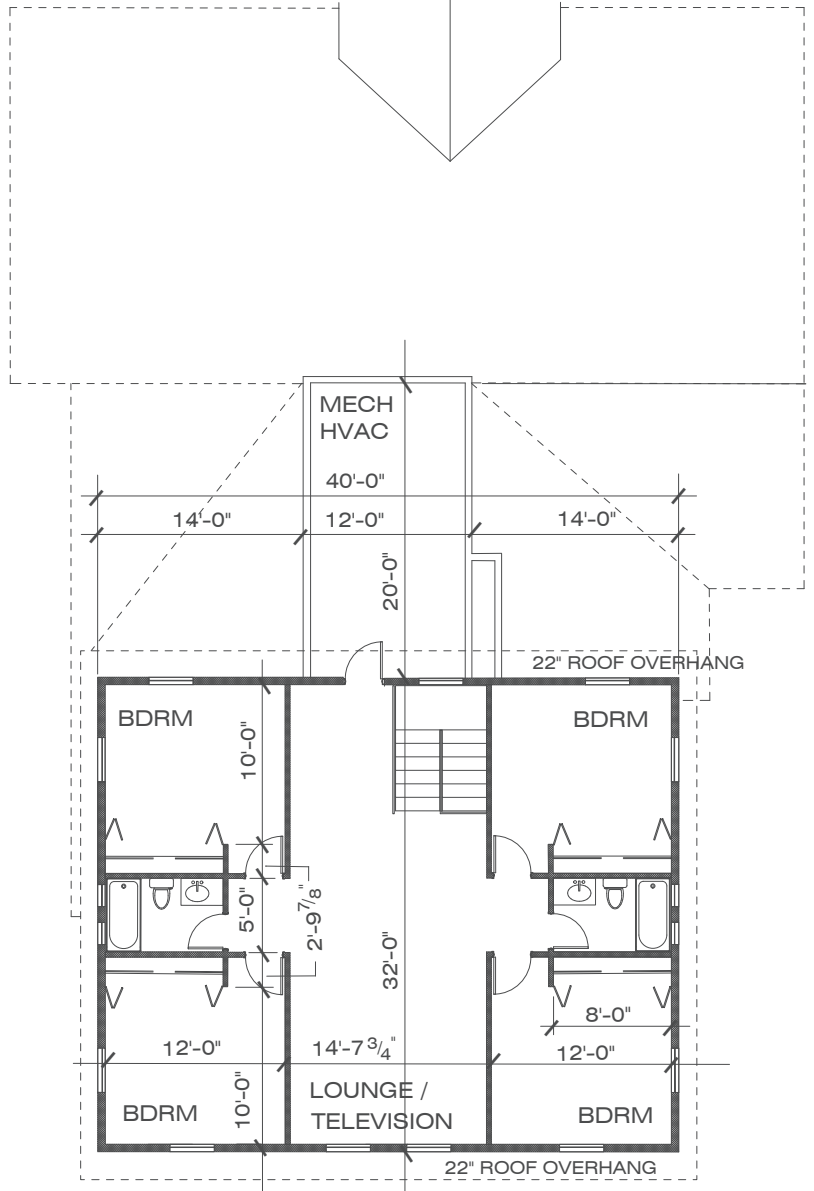
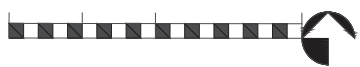


BUILDING SECTION / ELEVATIONS

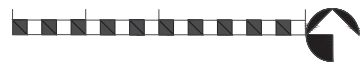
SCALE
PROJECT NUMBER
A -200
DRAWING NUMBER



1 FIRST FLOOR - PLAN



2 SECOND FLOOR - PLAN



EDUARDO GALINDO ARCHITECT

9733 W. SUNNYSLOPE LANE
PEORIA ARIZONA 85345

480.751.8780
ed@egadesign.net

egadesign.net

ABDELMALAK RESIDENCE
931 WEBER DRIVE TEMPE, AZ 85281

SPR 21110

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FLOOR PLAN

SCALE
PROJECT NUMBER
DRAWING NUMBER

A - 100