

# CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 10/25/2022

Agenda Item: 5

**ACTION:** Request a Use Permit to allow the required parking within the street side setback for the **BUTTE RESIDENCE**, located at 1006 South Butte Avenue. The applicant is Riley Neal.

FISCAL IMPACT: N/A

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

**BACKGROUND INFORMATION:** BUTTE RESIDENCE (PL220191) is a single-family home located within the R1-6, Single-Family Residential District, and is within the Borden Homes Historic District. The request includes the following:

ZUP220036 Use Permit to allow the required parking within the street side setback.



Property Owner O'Connor Michael/Neal Riley

Applicant Riley Neal Zoning Districts R1-6, H Site Area 7,845 s.f.

Building Area 1,131 s.f. (existing) 1,688 s.f. (existing and

addition)

Lot Coverage 25.5% (45% max. allowed)
Building Height 12' 9" (30' max. allowed)

Building Setbacks 24' 9- 3/4" front, 6' side, 13'- 10" street side,

48'- 5" rear (20', 5', 10', 15' min. required)

Vehicle Parking 1 space (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 Butte Residence is located on the west side of McClintock Drive, south of 8<sup>th</sup> Street and north of Lemon Street. The applicant is requesting a use permit to allow the required parking within the street side setback. This would allow for 1 required 8'-6" x 18' parking space on the north side of the property along East Orange. The home was originally constructed in 1950 without a required parking space. The applicant is proposing a new addition to allow a bedroom and bathroom to the northwest corner of the property and the use permit will establish a designated parking space within street side setback.

#### **PUBLIC INPUT**

Staff has received two public comments as of the publishing of this report; one in support and the other was seeking clarification about the request.

## **USE PERMIT**

The proposed use requires a use permit to allow for one (1) required 8' -6" x 18' car parking space within the street side setback along E. Orange St. within the R1-6 zoning district.

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

- 1. Any significant increase in vehicular or pedestrian traffic; the home will remain a single-family residence with no expected 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; there are no anticipated nuisances from the proposed use.
- 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 street side setback is a permitted use subject to a Use Permit.
- 4. Compatibility with existing surrounding structures and uses; the use is compatible with the existing surroundings.
- 5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; parking within the street side setback is not expected to cause 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. 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.

- 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 <a href="http://www.tempe.gov/zoning">http://www.tempe.gov/zoning</a> 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:**

1950 A single-family home was constructed.

September 12, 2022 A Certificate of No Effect was issued by the Historic Preservation Officer.

## **ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 3-102, Permitted Uses in Residential Districts
Section 4-202, Development Standards for Residential Districts
Section 6-308, Use Permit



## **DEVELOPMENT PROJECT FILE**

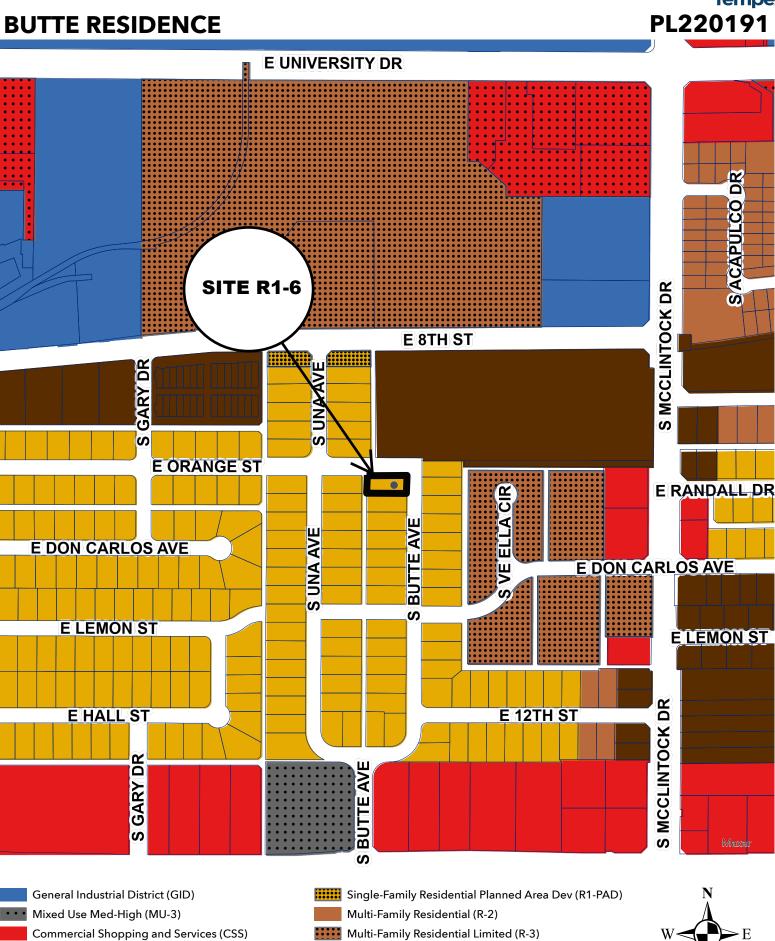
## for BUTTE RESIDENCE (PL220191)

## **ATTACHMENTS**:

1.	Location	Mag

- 2. Aerial
- 3-8. Letter of Explanation
- 9. Certificate of No Effect
- 10. Site Plan
- 11. Floor Plan & Reflected Ceiling Plan
- 12. Roof Plan
- 13. Building Elevations
- 14-19. Context Photos





Multi-Family Residential General (R-4)

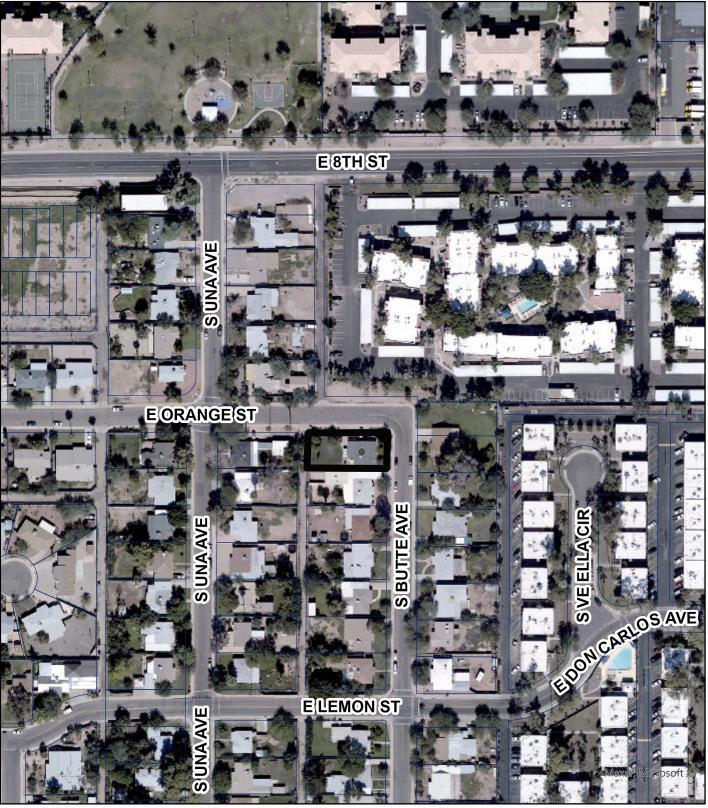
Planned Commercial Center Neighborhood (PCC-1)

Single-Family Residential (R1-6)



## **BUTTE RESIDENCE**

PL220191



**Aerial Map** 



September 11, 2022 rev 2

Development Review Commission Community Development, Planning Division, City of Tempe 31 E. 5th St., Tempe, AZ 85281

Re: Butte Residence Use Permit/Use Permit Standard Letter of Explanation

Dear Ms. Lily Drosos and Development Review Commission,

Attached please find revised plans for consideration for the Use Permit request associated with the Butte Residence. During 2nd review, it was noted that a proposed cantilevered trellis, while eligible for a Use Permit, would be unlikely to receive approval from the Historic Preservation Commission. In response, the proposed steel trellis shade structure has been removed from the scope of this project and one uncovered parking space is proposed.

Enclosed please find an updated narrative and drawings depicting the proposed revisions for consideration. The project revisions have received a Certificate of No Effect.

## **Narrative**

Constructed in 1950 and located on a corner lot within the Borden Homes Historic District, our home currently retains its original 1,131 SF footprint with parking provided at an uncovered driveway overhanging the right of way along the North property line (E Orange Street). To adapt the home to our growing family, we are proposing an addition to the West of the existing structure that would provide 557 livable SF (including a primary suite, small den, and laundry room/closet) and a 193 SF covered patio with entitled on—site parking beyond the historic front setback of the building.

Associated with our proposed addition, this application makes (1) request for parking encroachment along the home's Orange Street side setback. The enclosed request will allow for the building's addition to match the typical parking location seen elsewhere in the neighborhood (see exhibit A) and is triggered by a desire to add onto the home in a manner that is consistent with the historic character of the district.

It is worth noting that the encroachment is mitigated by Orange Street's 60'-0" right-of way width, which exceeds the width of the typical right of way in the district by 10'-0" and creates a substantial landscape buffer between the parking space and the adjacent street/sidewalk.

The project's request is as follows:

I. Use Permit for (1) car parking space within the Street Side Setback.

This request would allow for (1) required 8'-6" x 16'-0" parking space within the street side setback along E. Orange St.

The request will establish an entitled on–site parking space where none currently exists and is triggered by a desire to add onto the home in a manner that is consistent with the historic character of the district. The request conforms with City of Tempe's ZDC 6–308(E) as follows:

- Any significant increase in vehicular or pedestrian traffic;
   The request will remedy an existing traffic/parking deficiency by providing entitled on—site parking. The home will remain a single family residence with no increase in traffic (vehicular or otherwise).
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
   The request will locate parking adjacent to the existing home, which will provide partial shading and reduce glare and reflected heat along the sidewalk and street.
- 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 request will enable the current Owner—Residents to reinvest in and remain in the home, which will positively impact neighboring property values.
- Compatibility with existing surrounding structures and uses; and
   The proposed location of the parking space is consistent with parking locations for other homes in the neighborhood (see exhibit A).
- Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.
   The home will remain a single family residence and the investment will allow the Owner—residents to remain in the home, consistent with surrounding single—family uses.

Thank you again for your consideration. We look forward to speaking with the commission and working together to expand our home.

Best.

Rilev Neal

Michael O'Connor

# **EXHIBIT A-** STREET SIDE ENCROACHMENTS WITHIN BORDEN HOMES HISTORIC DISTRICT



1029 S. BUTTE AVE Carport Addition within Street Side Setback



1106 S. UNA AVE Carport Addition within Street Side Setback



1030 S. UNA AVE Carport Addition within Street Side Setback



April 25, 2022 Rev. September 11, 2022

Zachary Lechner Senior Planner/Historic Preservation Officer Community Development, Planning Division, City of Tempe 31 E. 5th St., Tempe, AZ 85281

zachary\_lechner@tempe.gov

Re: Butte Residence Addition

Dear Zachary and Historic Preservation Commission,

Thank you for your consideration and approval of a Certificate of Appropriateness for a proposed addition to our home at the May 11, 2022 HPC meeting. In the months since, it has been determined by City of Tempe Planning Department that a variance would be required to achieve the carport addition depicted in our original submittal. After much consideration, we have decided to remove the carport and laundry additions from our proposal.

I write to request a Certificate of No Effect for these revised plans considering the following:

- The previously approved material palette and opening types/sizes remain unchanged in the revised proposal.
- The revised proposal shifts the mass of the addition entirely behind the original structure and removes the design elements that previously partially obscured the historic north elevation, resulting in a North elevation that more closely resembles the historic condition.
- The location where the addition adjoins the existing façade is recessed to provide separation between the new and historic facades.
- The overall size and effect of the addition on both frontages has been reduced.

A revised version of the narrative is enclosed below with amended details highlighted for clarity.

Thank you for your consideration of the proposed addition to my home located at 1006 S. Butte Avenue. Constructed in 1950 and located within the Borden Homes Historic District, our home is currently 1,131 SF and one of the relatively few homes in the neighborhood that has yet have received an addition. When we moved into the home in 2015, we were drawn to its simple plan and large lot, the adaptability of which made it the perfect 'starter home' for us as newlyweds. We aspired to expand the home as family grew— much the same as the families who originally purchased here in the post—war period.

It is with this intent in mind that we are proposing a 557 SF attached addition and 193 SF covered patio to replace an existing patio cover. Within the addition a small den, primary bed/bath, and laundry room/closet are proposed. As members of the community for the last 7 years, we aspire to an addition that is sensitive to its surroundings, and which will further enrich the tapestry of the historic district. I've highlighted a few of the features of the layout and design which we hope will make it a valued addition to the community:

## **LOCATION**

Sited on a corner lot, our home is visible from the right—of—way along both Butte Avenue and Orange Avenue, although the latter is a secondary frontage and faces several structures not within the Historic District (Omnia Apartments). Keeping in mind this frontage, the addition is located entirely behind the original structure and maintains visibility from the street of the original East and North façades. Where the new addition adjoins the existing structure the façade is recessed to delineate the separation between the old and new.

Per Borden Homes Historic District Design Guidelines, the location of the proposed building additions are composed in accordance with Section 4.1, with the room addition in a single story structure within the back yard (item 2).

#### **MATERIALITY**

The existing building structure is primarily concrete masonry unit with tongue—and—groove accents at the front porch. Gable ends would have traditionally had a wood siding finish, but that appears to have been replaced with horizontal fiber cement siding at some point in the history of the building.

Fiber Cement vertical siding in a board and batten application is proposed for the building addition's primary material. It was selected for its:

- a) durability- It will resist rot and insect decay.
- b) vertical orientation, which will create a subtle variation separating the new addition from the horizontality of the texture on the original CMU structure
- c) consistency with the district's established language— Wood siding is used extensively
  for building additions and gables ends throughout the district. Board and batten siding
  specifically is observed on several instances
- variability
   The design varies batten spacing to create articulation and subtle changes of texture at the gable end on the West façade for a modern interpretation of a traditional vernacular material.

Fiber Cement Lap siding in a horizontal application is utilized as an accent material within the rear yard.

Asphalt shingle roofing and paint colors are selected to match the existing structure for consistency. Finishes are as follows:

Main Building Walls— Paint, DET637 'Seagull Wail'
Structural columns/beams and sheathing— Paint, DEW338 'White Heat'
Fascia— Paint, DE 6314 'Dark Pewter'
Gable End Accent— Paint, DE5244 'Melted Copper'
Roofing— Owens Corning Oakridge asphalt shingles in 'Driftwood'

### ROOF + SCALE

With a roof height of 12'-9" A.F.F. for the original structure, care has been taken to ensure that all new roof lines are lower than the existing home (12'-3 3/4" for the addition). The low slope roofs of the addition are designed to match the slope of the existing roof. The proposed building additions maintain references to the 8' datum that is seen throughout the historic district, with all gable end material transitions and exterior coverings located at this height.

The footprint of the proposed addition is well under previously approved building additions. For instance, 1010 S Butte Ave (the adjacent home) is comprised of 1986 SF of living space.

## WINDOWS

The proposed design preserves all (7) original steel casement windows, locating the addition adjacent to a solid portion of wall and reusing (1) existing door opening for access. Where new windows are proposed, we have selected aluminum casement and picture windows without grilles in a dark bronze finish which is compatible with existing doors. The intent of this selection is to provide a durable metal finish that is compatible with the existing steel windows while distinguishing the new openings from existing. The dimensions of these windows maintain the proportions and head/sill heights of the original windows and are primarily located in the rear yard behind the site wall.

## **DOORS**

The home has (3) existing door openings which include (2) aluminum clad wood french doors and (1) aluminum sliding glass door (See A4.01 for photos of existing doors). None of the existing exterior doors are original to the home. (1) sliding door is proposed to be relocated from an existing opening to new exterior opening and (1) additional french door is proposed to be added at the rear of the home not visible from the right of way. All exterior doors are to be dark bronze finish.

## MECHANICAL SYSTEMS

The structure, like most within the district, was retrofitted with a rooftop heat pump HVAC system at some point prior to 2003. It is the intent of the proposed work to either (a) remove the existing unit from the roof and replace it with a split system (ground mounted condenser in the rear yard and air handler within the attic) -or- (b) replace the unit 'like for like' in its existing location with a unit capable of conditioning both the original home and the addition. A final determination will be made during Mechanical Engineering (after HP and planning approvals are obtained) based on cost, constructability, and availability concerns. Please note that no additional rooftop units are to be added within the scope of work, and the building addition is located so as to obscure the existing unit's from the street if option b is selected.

Thank you again for your consideration. We look forward to speaking with the commission and working together to expand our home.

Best.

Riley Neal

riley.a.neal@gmail.com

City of Tempe Historic Preservation Office Mail Stop 01-7 PO Box 5002 Tempe, AZ 85280 www.tempe.gov



September 12, 2022

Ms. Riley Neal 1006 South Butte Avenue Tempe, AZ 85281

RE: Revised Addition Plans 1006 South Butte Avenue PL220191/HPO220007

Dear Ms. Neal:

Per §14A-6(a) of the Tempe Historic Preservation Ordinance ("Ordinance"), "When a building permit or other permit or approval is sought from the City to alter, remodel, build or otherwise develop or landscape property designated as a landmark, historic property, or that is located within a designated historic district, issuance of the permit or approval shall be deferred until after approval has been obtained from the Historic Preservation Commission, or in the cases of work obviously minor in nature or of no effect to the property or district, the HPO. The issuance of such approval indicates conformance with the provisions and intent of this chapter only and does not imply approval by other city regulatory agencies."

At its May 2022 meeting, the Historic Preservation Commission approved a Certificate of Appropriateness for carport, laundry, and living space additions to your property. Subsequently, you amended your project plans (see attached) to remove the laundry and carport additions and to revise the details of the living space addition.

Per Condition #4 of the Certificate of Appropriateness approval, "All plans are to be approved as submitted. Any changes to the plans as submitted shall be reviewed by the Historic Preservation Officer for compliance with the Certificate of Appropriateness and issuance of a Certificate of No Effect." Because your plans have changed, the Historic Preservation Office has reviewed them and determined that the changes will not require another review by the Historic Preservation Commission and issuance of a new Certificate of Appropriateness. Because of this, as well as the fact that the updated plans adhere to the *Borden Homes Historic District Design Guidelines*, adopted by the City of Tempe in 2012, the Certificate of Appropriateness dated July 13, 2022, remains valid and your revised project qualifies for a Certificate of No Effect.

Please note that "issuance of [a Certificate of No Effect] indicates conformance with the provisions and intent of [TCC § 14A] only and does not imply approval by other city regulatory agencies," as stated in TCC §14A-6(a).

Should you have any questions or require additional information, please do not hesitate to contact the Tempe Historic Preservation Office via e-mail at zachary\_lechner@tempe.gov.

Sincerely,

Zachary J. Lechner, Ph.D.

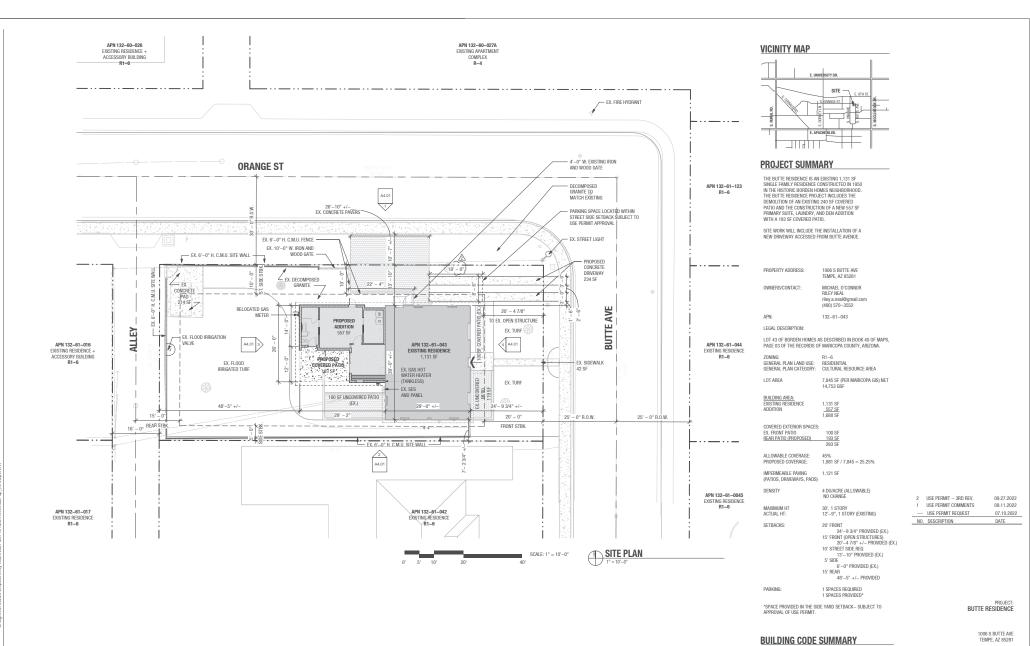
Zachary Lechner

Tempe Historic Preservation Officer

**Attachments** 





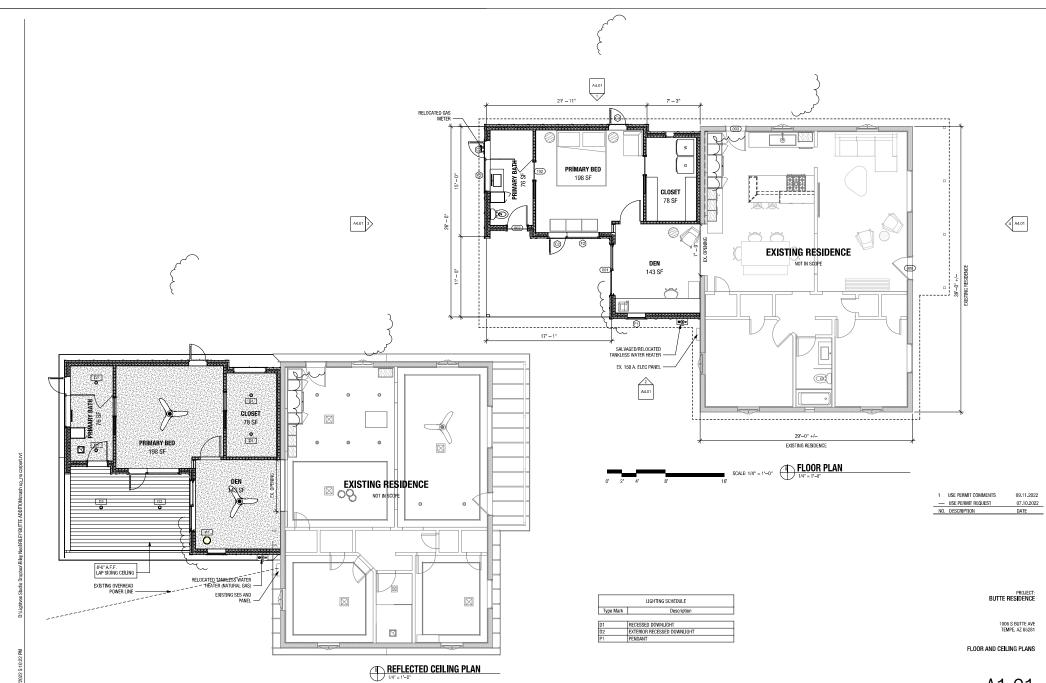


AS1.01

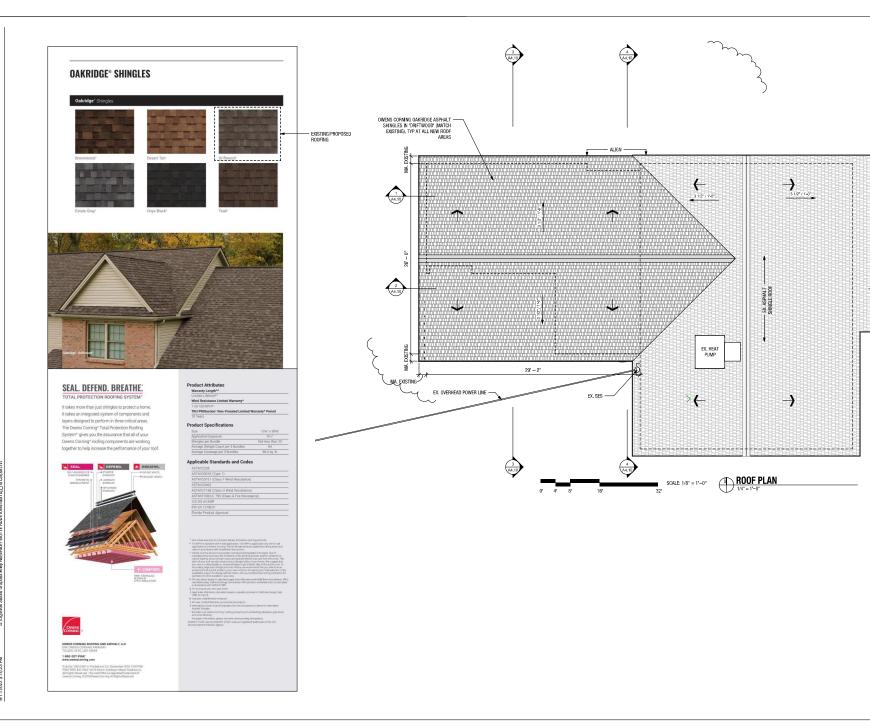
SITE PLAN

CONSTRUCTION TYPE

R-3 NONE EXISTING/ NONE PROVIDED



A1.01



1 USE PERMIT COMMENTS 09.11.2022

— USE PERMIT REQUEST 07.10.2022

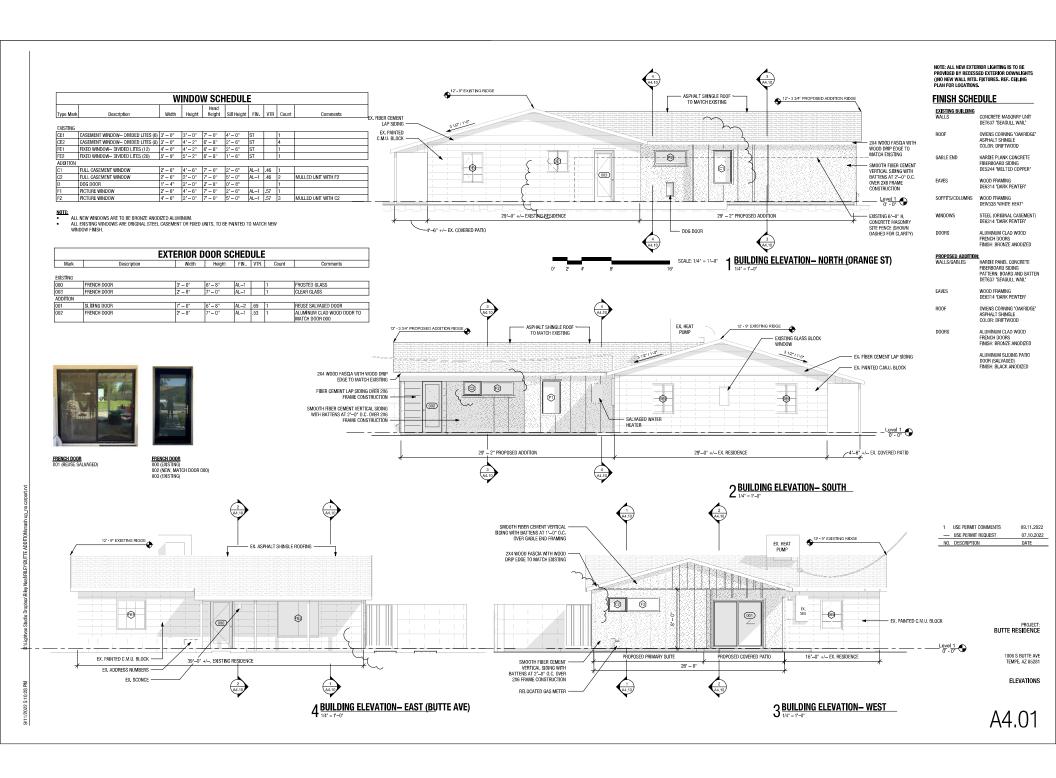
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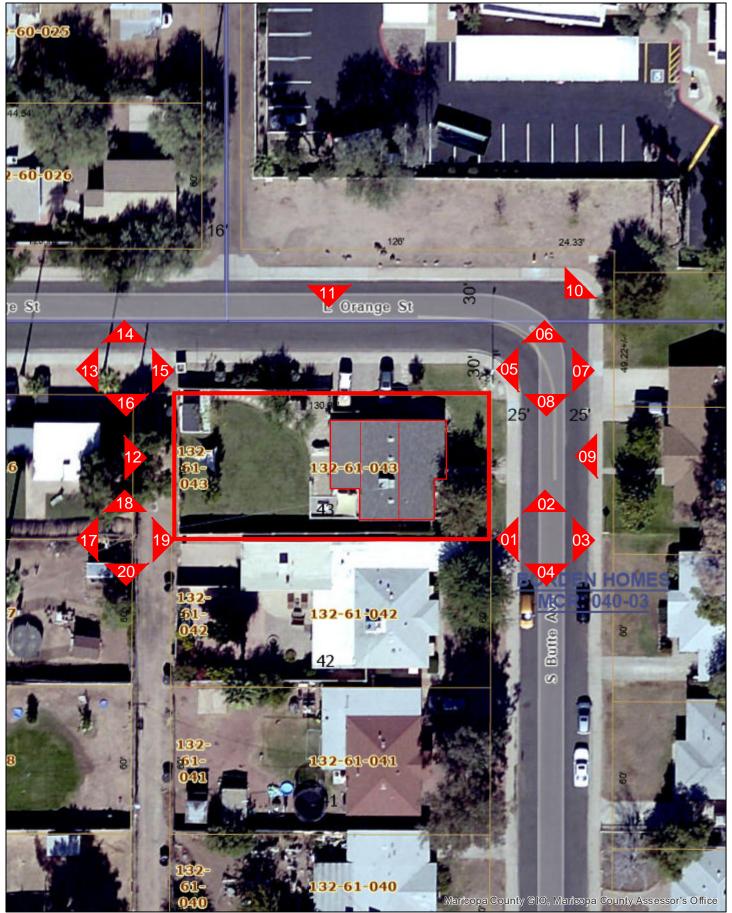
PROJECT: BUTTE RESIDENCE

> 1006 S BUTTE AVE TEMPE, AZ 85281

ROOF PLAN

A2.01



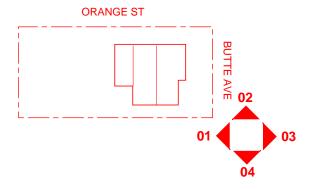






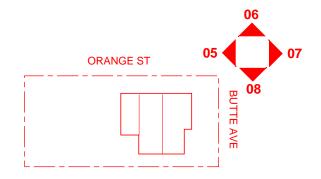


03 04













11 ORANGE ST O9





13 15 ORANGE ST





