

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 11/08/2022
Agenda Item: 2**

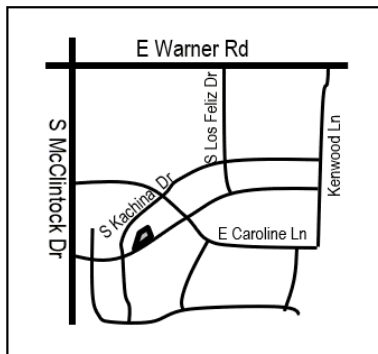
ACTION: Request a Use Permit to allow a five (5) foot tall wall within the front yard setback for SALIM RESIDENCE, located at 1824 East Caroline Lane. The applicant is Sulafa Salim.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: SALIM RESIDENCE (PL220190) is a single-family home located within the R1-7, Single Family Residential District, on Lot 21 of the Alta Mira Subdivision. The request includes the following:

ZUP220038 Use Permit to allow a five (5) foot tall wall within the front yard setback.



Property Owner	SALIM, SULafa A
Applicant	Sulafa Salim
Zoning District	R1-7
Site Area	11,365 s.f.
Proposed Wall Height	5'
Existing Wall Heights	5' along west property line, 6' along rear and east property lines
Minimum Required Building Setbacks	20' front, 7' sides, 15' rear

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 Salim Residence is located in the Alta Mira subdivision on the east side of McClintock Drive and south of Warner Road. The applicant is requesting a Use Permit to allow a five (5) foot tall wall within the twenty (20) foot front yard setback. On the west side of the lot behind the front yard setback, there is an existing 5 foot tall block wall running east to west. This wall extends from the west property line to the single-family residence. This wall shall be demolished, and a new 5 foot tall wall is to be constructed eight (8) feet and seven (7) inches north of the front property line. The applicant is seeking to increase the area of the side yard, as the applicant believes the current layout limits their ability to utilize the backyard space.

PUBLIC INPUT

To date, staff has received one public comment concerning the wall height and obstruction of views.

USE PERMIT

The proposed use requires a Use Permit to allow a five (5) foot tall wall within the front yard setback within the R1-7 zoning district. The proposed wall design incorporates alternating view blocks that satisfy the criteria in Zoning and Development Code Section 4-706, Screens, Walls and Access Control Landscapes. This states that for walls above four (4) feet tall, the use permit shall demonstrate that a natural surveillance to the street will be maintained.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is intended for the single-family residence; therefore, there is no anticipated increase in vehicular or pedestrian 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 exceeding that of ambient conditions expected 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*; the proposed use is not expected to contribute to the deterioration of the neighborhood or to the downgrading of property values, as the construction of a 5 foot tall wall within the front yard setback is a permitted use subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed wall would align with the adjacent neighbor's existing 5 foot tall rear wall and would be aesthetically cohesive with the architectural design of the house. The applicant indicates that the wall will include landscaping that will be aesthetically cohesive with the rest of the front yard and the park across the street.
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 use is not expected to cause any 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.

CONDITIONS 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 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 SALIM 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.
- 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:

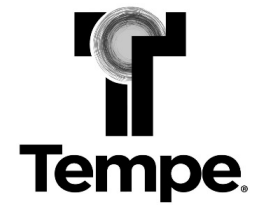
1982 A single-family home was constructed.

ZONING AND DEVELOPMENT CODE REFERENCE:

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

[Section 4-706, Screens, Walls and Access Control Landscapes](#)

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



DEVELOPMENT PROJECT FILE
for
SALIM RESIDENCE
(PL220190)

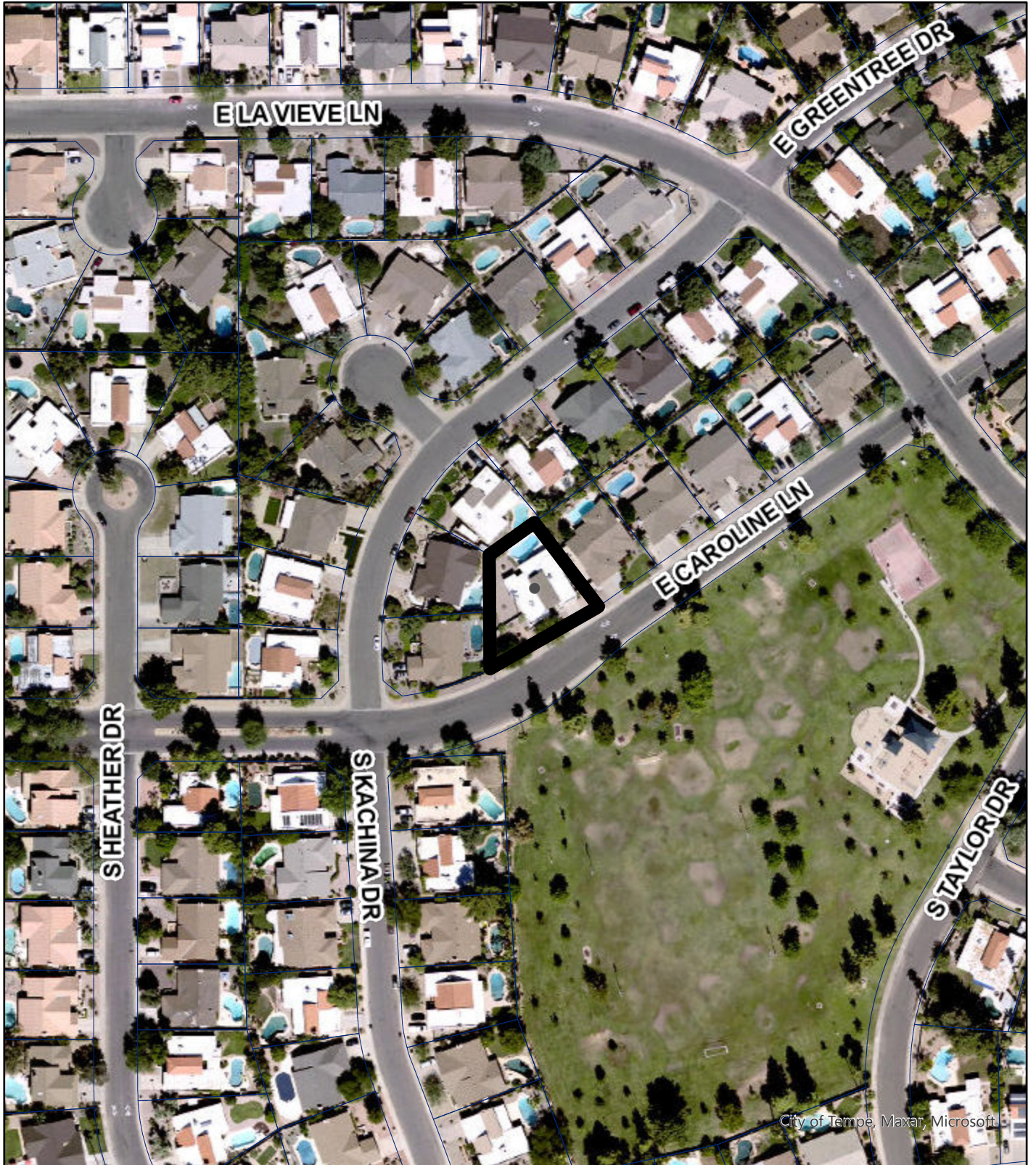
ATTACHMENTS:

1. Aerial Map
2. Location Map
3. Letter of Explanation
4. Site Plan and Wall Elevation
- 5-9. Context Photos

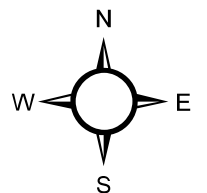


Tempe
PL220190

Salim Residence

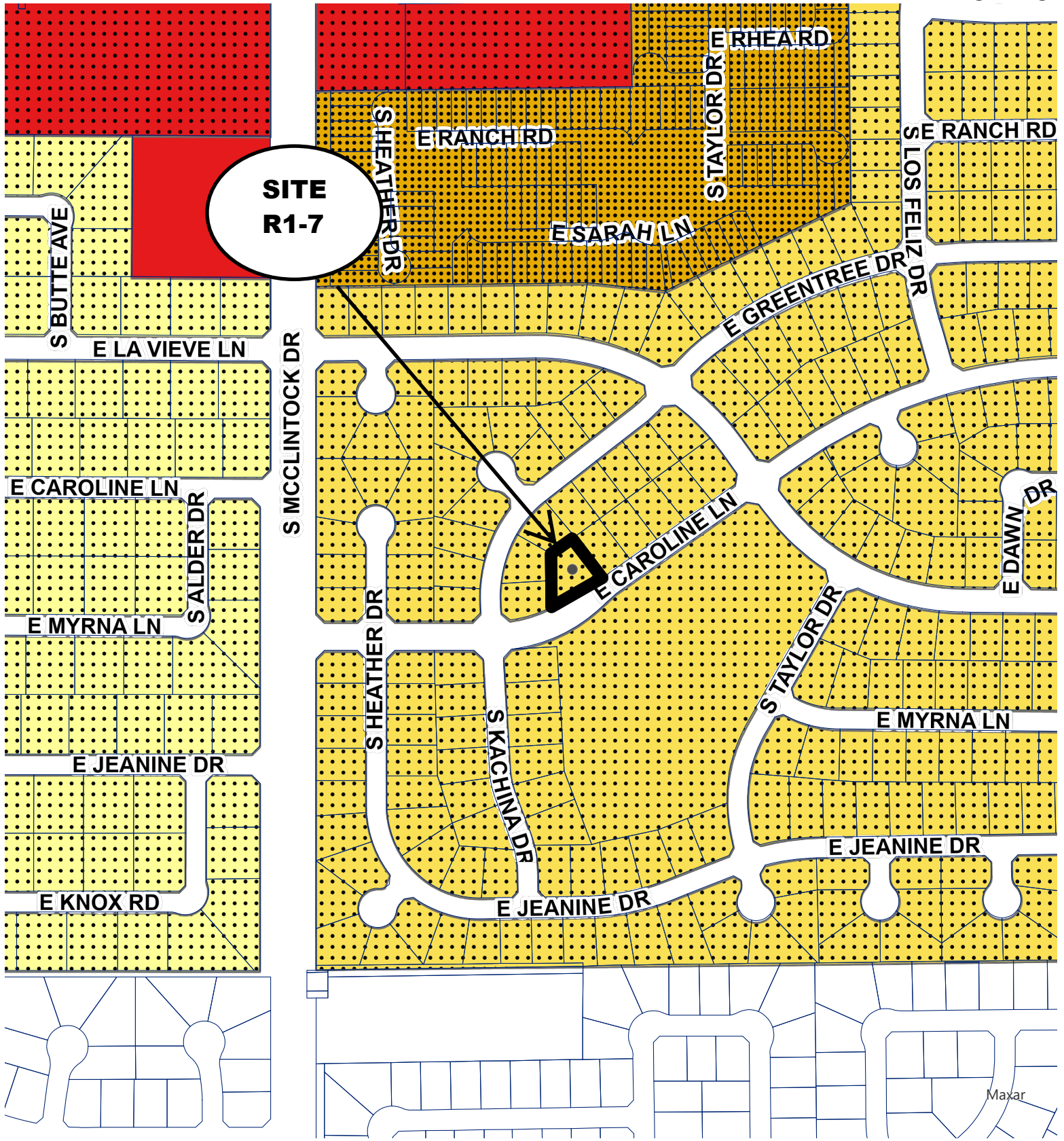


Aerial Map

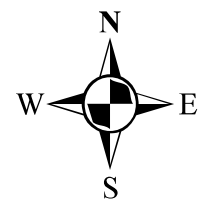


Salim Residence

PL220190



- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Single-Family Residential (R1-15)
- Single-Family Residential (R1-7)
- Single-Family Residential (R1-4)



Sue Salim
1824 E Caroline LN
Tempe, AZ 85284

Greetings,

I would like to request that the City of Tempe grant us a use permit in order to construct a fence on the Southwest corner of the lot. Right now the existing backyard fence ends about 12 feet from the front of the structure/house. We want to move the backyard fence upward/south all the way to the front setback. Currently, the City of Tempe allows a 4 foot fence given the area is technically part of the front yard. We are requesting the ability to build a fence 5 feet on the Southwest corner as outlined on the attached site plan.

I just moved here and this is my first house. Having a private yard with ample space is very important to me. I believe that my request is very reasonable given the unique layout which limits me from utilizing space in my backyard. The yard on the side is shaped like a triangle which causes the space to be unusable considering the existing fence location(s).

The neighbor's house on the West has a backyard that has an approximately 7ft fence on the South East Corner of their property. If I am allowed to bring my fence up to the allowed setback, it would just align with the neighbors yard and would just appear to be an extension which would end where the house begins and it will give an appearance of backyard.

Use permit Criteria:

- A. The fence borders Caroline Ln and is across the street from a park. There is no significant vehicle or pedestrian traffic.
- B. There will be no nuisances arising from odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- C. There will be no contributions to the deterioration of the neighborhood or to the downgrading of property values. The site plan does not conflict with the goals objectives or policies of the City's adopted plan for the General Plan. The Site plan will improve the property and values of the neighborhood.
- D. The fence will be aesthetically pleasing and cohesive with the architectural design of the house and will be cohesive the natural setting of the park across the street. There will be a blend of open spaces and trees and shrubs.
- E. There is adequate control of disruptive behavior both inside and outside the premises. There will be no nuisances created to the surrounding area or general public. There will be plenty of lighting and security cameras alongside the fence. There will be bushes and trees to blend in with the park across the street. This will create a noise/sound buffer between the house/street and park.

CAROLINE LN. NEW BLOCK WALL

PROJECT DESCRIPTION:
 DEMO EXIST. 5' BLOCK WALL & BUILD NEW 5' BLOCK WALL AND 6' BLOCK WALL
 LINEAR FEET OF NEW BLOCK WALL: 68
OWNER INFORMATION:
 SALIM SULAJA A
 1824 E. CAROLINE LN.
 TEMPE, AZ 85284
 A.P.N: #301-63-199
 SUBDIVISION: ALTA MIRA SUBDIVISION UNIT 1
 LOT: #21
PRECISE DRAFTING, LLC
 DRAFTSPERSON: SHAUN MENCER
 (480) 217-3857
 PRECISEDRAFTING@HOTMAIL.COM

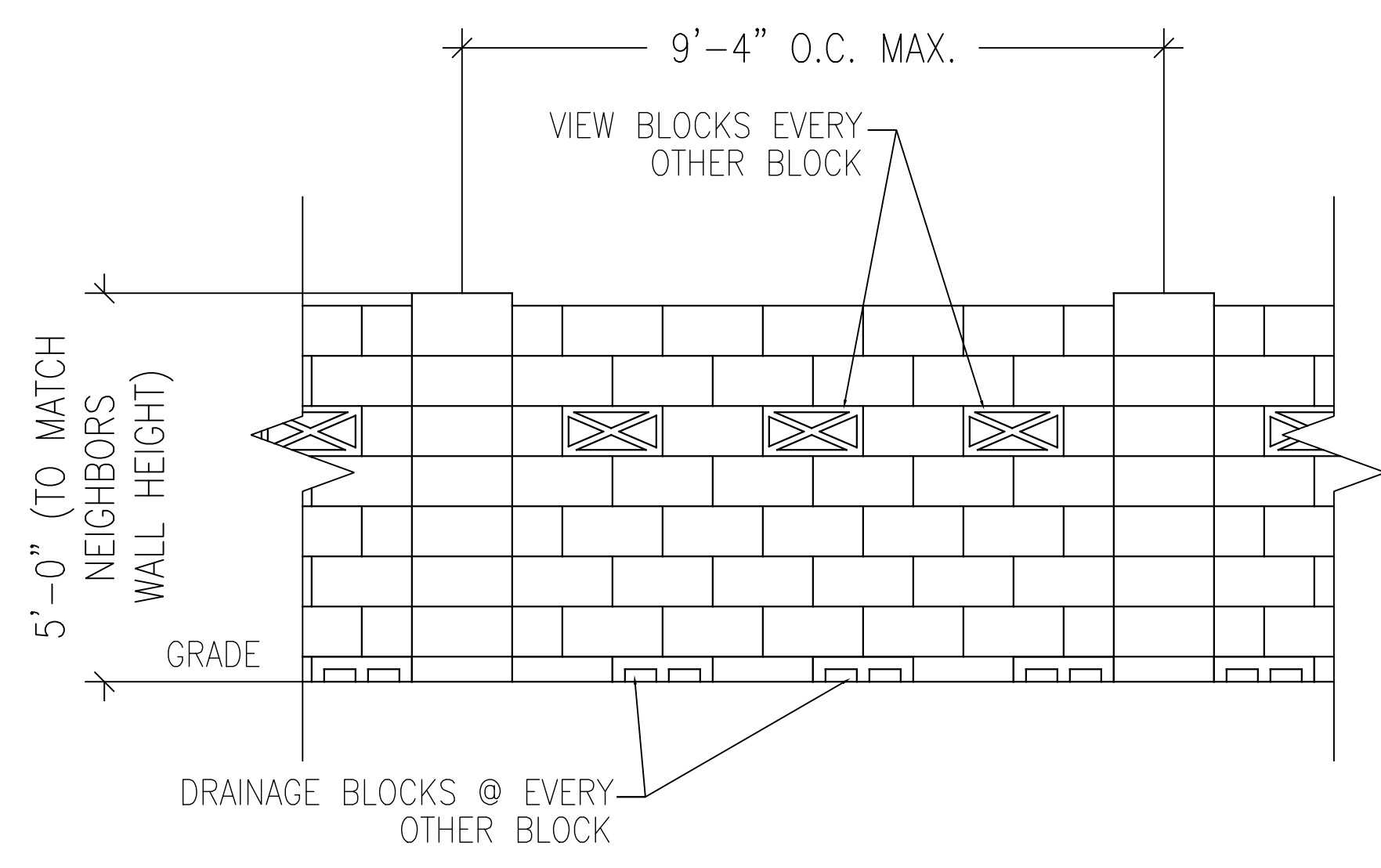
PRECISE DRAFTING LLC
 PRECISEDRAFTING@HOTMAIL.COM
 480-217-3957

DESIGNED	SMM
DRAWN	SMM
DATE	9/22/22
SCALE	SEE PLAN
PROJECT	SEE PLAN
FILE NAME	

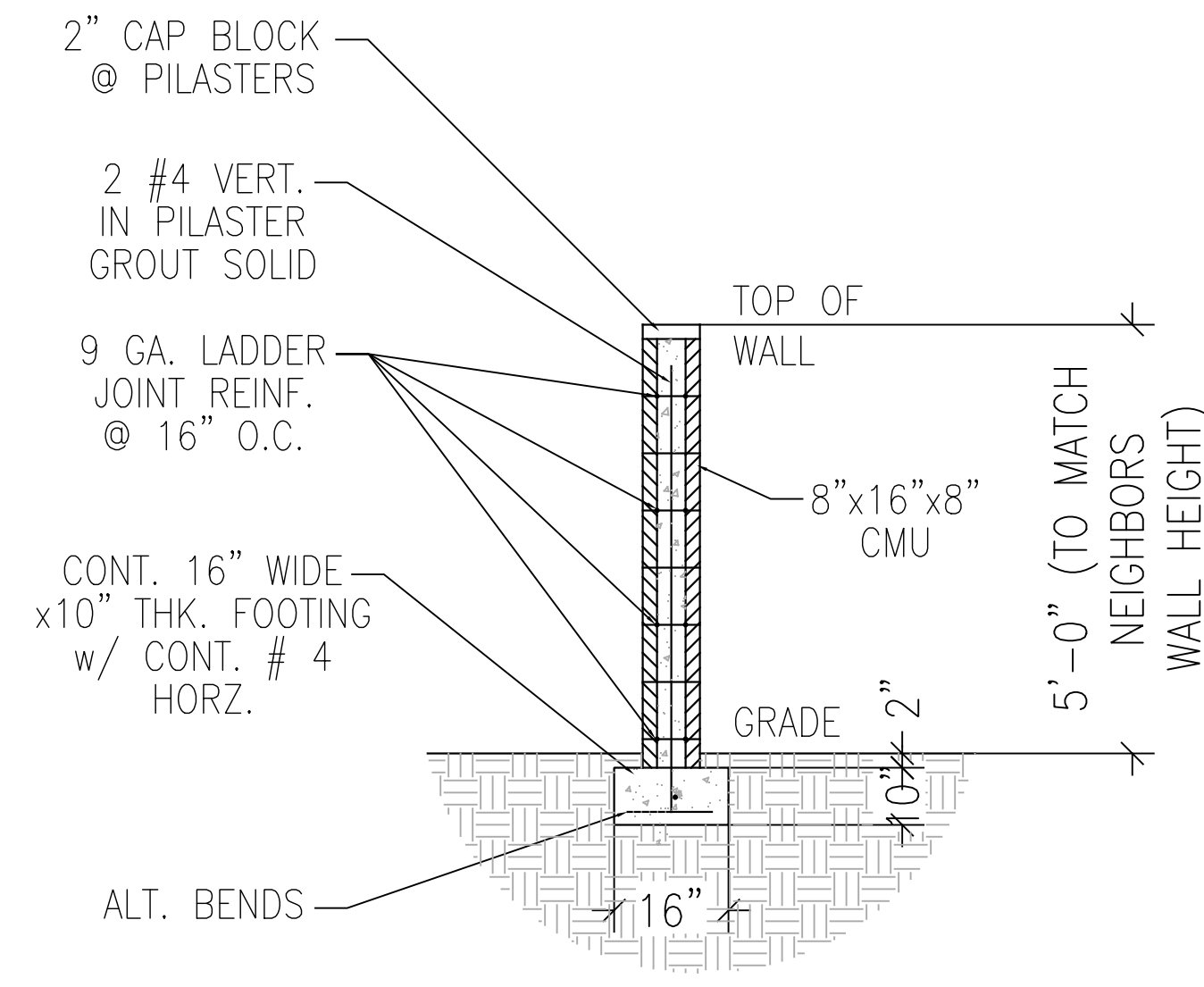
SITE PLAN/ELEVATIONS

CAROLINE LN. NEW BLOCK WALL
 1824 E. CAROLINE LN.
 TEMPE, AZ. 85284

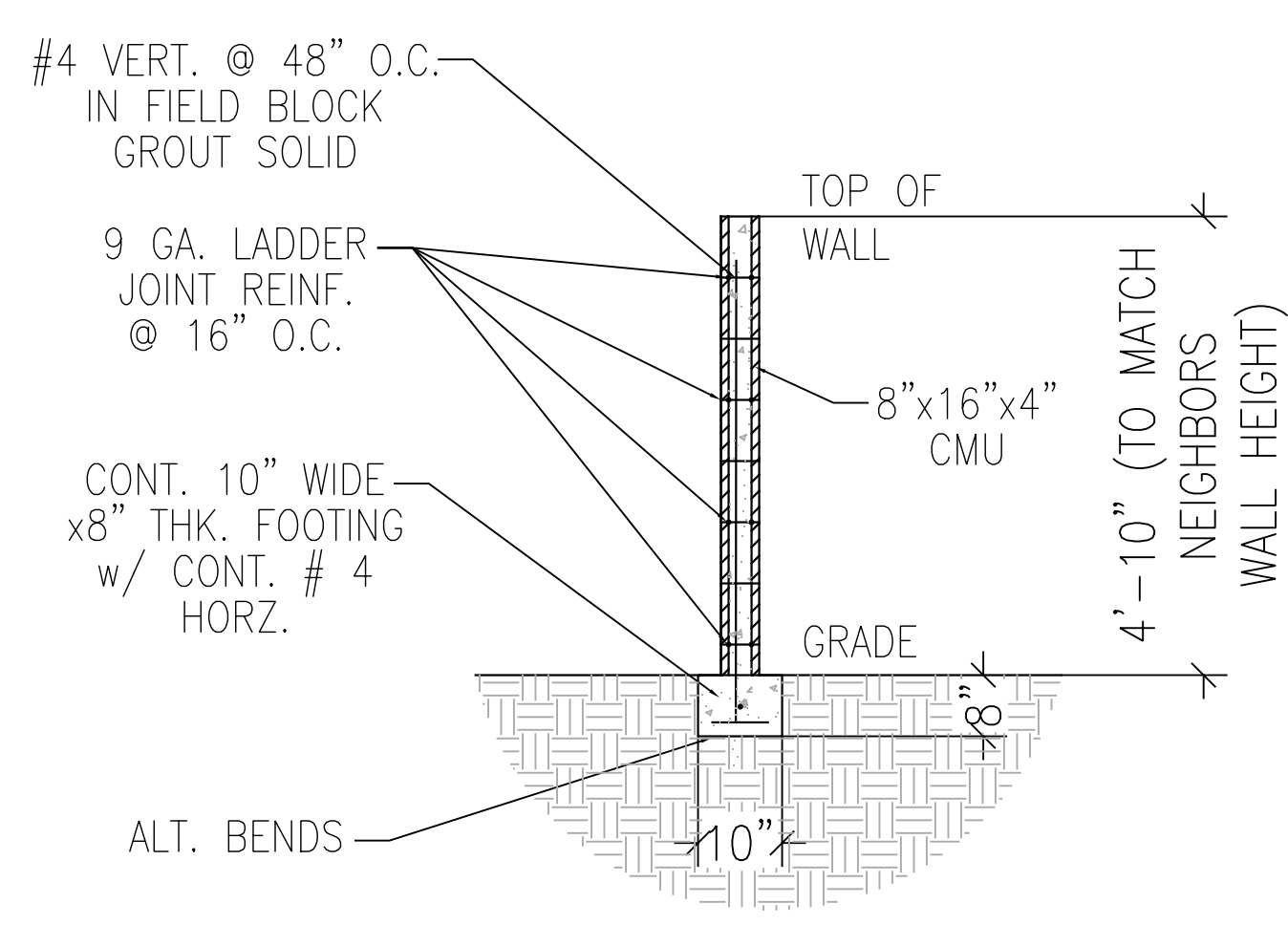
SHEET
 1 OF 1



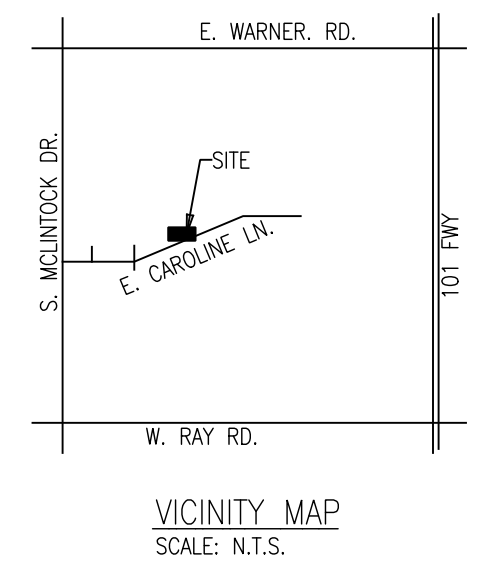
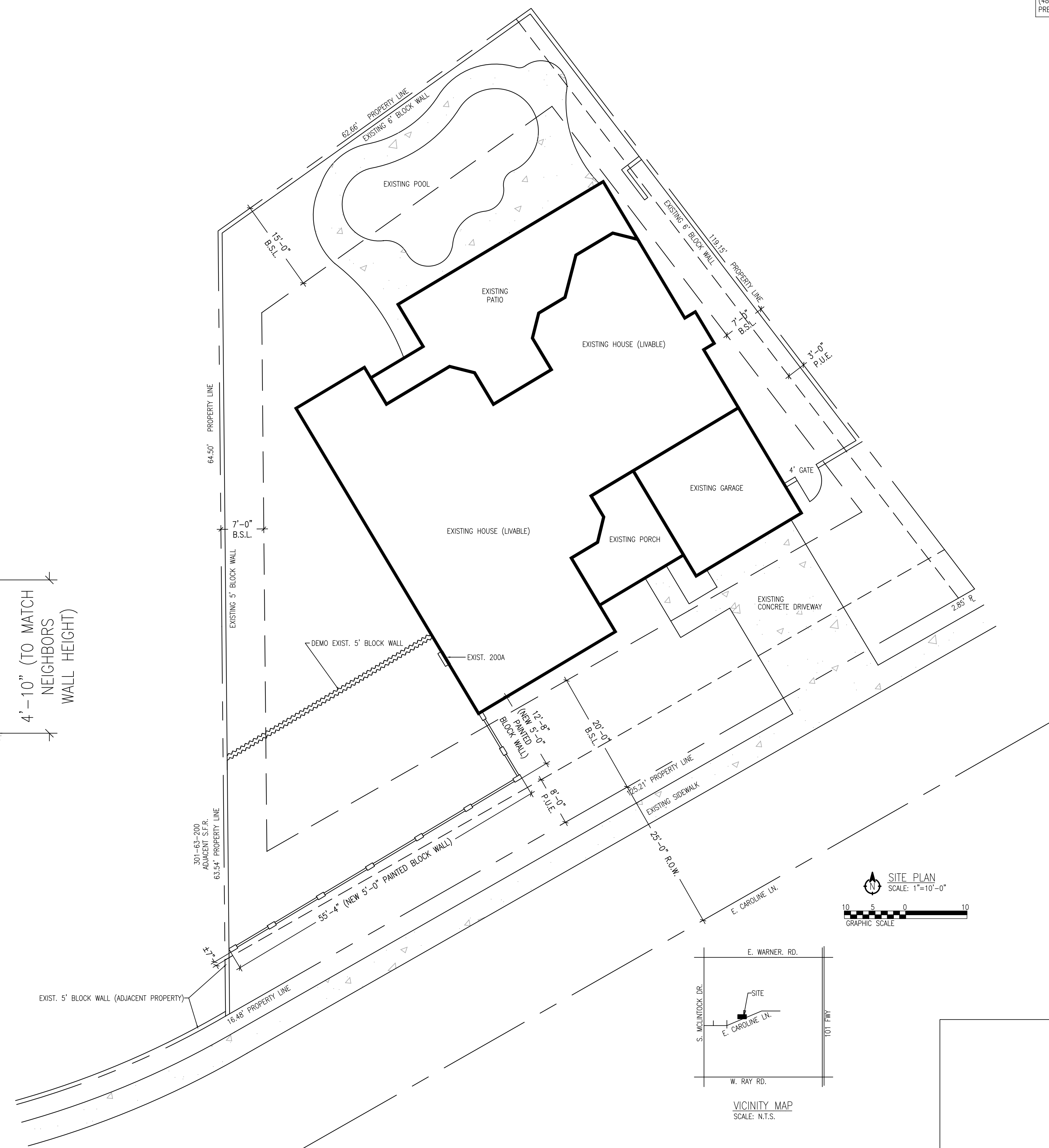
1 BLOCK FENCE ELEVATION
 SCALE: 1/2"=1'



PILASTER DETAIL
 SCALE: 1/2"=1'



FIELD BLOCK DETAIL
 SCALE: 1/2"=1'





Ernstig Fehl



side
fence







REMOVE
FENCE