

# CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 01/10/2023 Agenda Item: 7

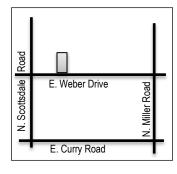
**<u>ACTION</u>**: Request a Use Permit Standard to reduce the side yard setback from 10' to 8' and a Use Permit to allow the required parking in the front yard setback for the SHEPPARD RESIDENCE, located at 936 East Weber Drive. The applicant is Spicegirl, LLC.

FISCAL IMPACT: There is no fiscal impact on City funds.

**RECOMMENDATION:** Approve, subject to conditions

**BACKGROUND INFORMATION:** SHEPPARD RESIDENCE (PL220318) is located on the north side of Weber Drive in the Indian Bend Neighborhood Association. The property is zoned R-2 and has a single-family residence. The proposed project would add a new master bedroom to the north west corner rear of the house and a new bedroom to the south east corner front of the house, removing the existing single-car carport. The total livable area would be 2,382 s.f. as a five-bedroom single-family residence. The master bedroom would be set back 8' from the property line with an off-set from the existing legal non-conforming building footprint. The enclosure of the carport for the front bedroom would require a use permit to allow the required two parking spaces to be located in the driveway on site. The request includes the following:

ZUP220071Use Permit Standard to reduce the side yard setback 20% from 10' to 8'ZUP220076Use Permit to allow required parking to be located in the front yard setback.



Property Owner Applicant Zoning District Gross / Net site area Density / Number of Units Total Bedrooms Total Building Area Lot Coverage Building Height Building Setbacks

Landscape area Vehicle Parking Danielle Sheppard Rosa Sankari, Spicegirl LLC R-2 .167 acres 7,275 s.f. 1 single-family residence (10 du/ac in R-2 district) 5 bedrooms 2,382 s.f. 33% (45% maximum allowed in R-2) 15', 1-story (30' maximum allowed) 20' south front, 8' west side, 8' east side, 15' rear (20', 10', 15' min.) 56% (30% minimum required) 2 spaces in driveway with use permit (2 min. required for single family)

#### ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

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

#### COMMENTS:

Lot 6 of Powell Place Subdivision Plat is located in the Indian Bend Neighborhood Association and the Papago North Tempe Character Area Plan. The site is located on the north side of Weber Drive, just east of Scottsdale Road, west of Miller Road and south of McKellips Road. The property owner is seeking to build a new master bedroom on the north west corner of the house, off-set 1' from the existing building footprint which is 7' from the property line. The new construction is proposed to be off-set to accommodate the side yard setback, with a requested Use Permit Standard for a reduction of the setback from 10' to 8'. The owner is also seeking to enclose the existing single-car carport to add an additional bedroom to the south east corner of the residence, bringing the total number of bedrooms to five within 2,382 square feet. The removal of the primary parking space requires a Use Permit to allow the driveway to function as the primary parking for the house. No structures are proposed over the driveway. The construction would also include a closet addition to the front south west corner of the house within the existing building footprint. This request includes the following:

ZUP220071Use Permit Standard to re to reduce the side yard setback 20% from 10' to 8'ZUP220076Use Permit to allow the required parking to be located in the front yard setback.

The applicant is requesting the Development Review Commission act upon the items listed above. There are no further planning entitlement processes required for this request. The subsequent step would be submittal of building construction documents for plan review and building permitting.

#### **PUBLIC INPUT**

- Neighborhood meeting not required
- Upon completion of this report staff has not received any public input on this request.

#### **PROJECT ANALYSIS**

#### GENERAL PLAN

The site is designated as a Residential Land Use with a density of up to 15 dwelling units per acre. The proposed residential addition conforms to the General Plan and helps implement Neighborhood Revitalization and Housing objectives.

#### CHARACTER AREA PLAN

The site is in the Papago North Tempe Character Area. By retaining the existing house and architecture, the proposed project maintains the existing character of the neighborhood.

#### ZONING

The property was platted and constructed within Maricopa County development standards and annexed into Tempe after completion. The original zoning standards for R-2 established a 7' side yard setback, which was later changed to 10'. The property is legal non-conforming with the existing single-family structure in the R-2 Multi-Family Residential district. The requested addition to the residence requires new construction to comply with current zoning standards, which would be a larger setback than the existing house. With a Use Permit Standard, the new addition can be built 8' from the property line, creating a 1' deviation from the existing building footprint. The applicant chose to apply for the Use Permit Standard and offset the building design rather than apply for a variance to match the existing building footprint, utilizing the allowable 20% reduction from the setback standard. With regard to the second request for a use permit to utilize the driveway as the primary parking spaces, the zoning code requires 2 parking spaces for single-family residences up to 5 bedrooms, the proposed additions are in conformance with the code with use of the driveway for parking two vehicles.

#### **USE PERMIT STANDARD**

The proposed use requires a use permit standard, to reduce the side yard setback from 10' to 8' for the purpose of an addition to the existing house. The applicant has provided a letter of explanation for this request based on Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. Any significant increase in vehicular or pedestrian traffic. The original setback was 7', the proposed reduction from 10' to 8' to accommodate a new master bedroom in the rear yard will not increase 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 site is located less than 400' from Scottsdale Road, a major arterial, and in close proximity to the Sky Harbor flight path. The reduction of the side yard setback for a home addition will not create nuisances exceeding ambient conditions.
- 3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 reduction of the side yard setback for the investment in a home addition will increase the value of the property and not adversely impact those around the area. Providing a livable home will help implement neighborhood revitalization and housing objectives of the General Plan.
- 4. Compatibility with existing surrounding structures and uses. The surrounding area is predominantly R1-6 single-family and R-2 multi-family zoning. The current development standard for R1-6 single family side yard setback is 5'. The existing residence is a single-family house on a multi-family zoned property, requiring a 10' setback which is larger than typical for the surrounding single-family uses. The existing R-2 zoned lots were developed when the side setback was 7', which was later changed creating legal non-conforming structures in this subdivision. An 8' side yard setback allowed by the use permit standard is in character with and compatible with surrounding structures and 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. Reducing the side yard setback from 10' to 8' for construction of a master bedroom and bathroom will not impact behavior on or off site.

## **USE PERMIT**

The proposed use requires a use permit for the driveway to be used as the primary parking spaces for the property in order to allow the enclosure of the existing single-car carport for a livable addition to the existing house. The applicant has provided a letter of explanation addressing Section 6-308 E Approval criteria for Use Permit (*in italics*):

- 1. Any significant increase in vehicular or pedestrian traffic. The proposed additions to the home remove an existing 1 car carport, relying on the 35' deep driveway to provide the required two parking spaces on site. The addition of two more bedrooms to a three-bedroom home may result in more residents who have vehicles. The lot width would allow one vehicle to park on the street without impact to adjacent properties. No more than 35% of the front yard can be used for parking, however there is alley access in the event that additional parking was necessary. If this site were developed as a duplex, the site would be required to provide five parking spaces. The applicant has indicated they owner has two vehicles and the property would remain as a single-family residence. The proposed use of the driveway for two required parking spaces meets the zoning code requirements and is a less intense use than a multi-family use on this site.
- 2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. Vehicles parked in the driveway will not create nuisances beyond typical vehicle operation.
- 3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 of the driveway for parking spaces reduces the available parking and promotes alternative modes of transportation as a less vehicle-dependent residence. Maintaining the single-family use on site while making improvements for enhanced use of the property will help maintain the character of the neighborhood as revitalization in lieu of intensified redevelopment.
- 4. Compatibility with existing surrounding structures and uses. The four residences to the west of this lot and three of the residences east of the lot on the north side of Weber have all enclosed the carports as livable space. The south side of Weber has more variation in the building setbacks, carport and garage configurations, but also has residences with no designated parking space which appear to use the driveway as the primary parking on site. The proposed enclosure of the single-car carport to livable space appears to be a consistent and compatible use and building character for Weber Drive.

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 driveway is more than30' in depth, longer than a standard 20' driveway, and provides sufficient room for on-site parking and maneuvering without impacting the public sidewalk. Parking in the driveway will not impact behavior on or off site.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

### **REASONS FOR APPROVAL:**

- 1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
- 2. The project will meet the development standards required under the Zoning and Development Code.
- 3. The proposed project meets the approval criteria for a Use Permit Standard and Use Permit.

Based on the information provided and the above analysis, staff recommends approval of the requested Use Permit Standard and Use Permit. This request meets the required criteria and will conform to the conditions.

### USE PERMIT 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 Standard and Use Permit are valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed.
- 2. The Use Permit Standard and Use Permit are 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 SHEPPARD 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.
- Any intensification or expansion of use shall require a new Use Permit.
- Table 4-603E: Ratios for Off-Street Parking for single-family residences is 2 spaces for up to 5 bedrooms.

SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

#### STANDARD DETAILS:

- Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <u>http://www.tempe.gov/city-hall/public-works/engineering/standards-details</u> or purchase book from the Public Works Engineering Division.
- Access to refuse enclosure details DS116 and DS118 and all other Development Services forms at this link: <u>http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms</u>. The enclosure details are under Civil Engineering & Right of Way.

BASIS OF BUILDING HEIGHT: Measure height of buildings from top of curb at a point adjacent to the center of the front property line.

HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of ancestral (human) remains or associated funerary objects). Arizona Revised Statutes <u>§ 41-865</u> stipulates that "any landowner with intention to disturb human remains or having unintentionally disturbed human remains shall immediately cease any activity in the vicinity of the remains and shall notify the Arizona State Museum Repatriation Office of the encounter. Any human remains and funerary objects shall not be further disturbed without obtaining written permission from the Repatriation Office." Additional information about requirements related to encountering and disturbing ancestral (human) remains and funerary objects on private land can be found on the Arizona State Museum <u>website</u>. While not required, applicants are encouraged to enlist the services of a qualified archaeological firm to conduct monitoring during ground-disturbing activity on private property that is Archaeologically Sensitive (AS). Contact the Historic Preservation Officer with general questions.

#### TRAFFIC ENGINEERING:

Correctly indicate clear vision triangles at driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed <a href="http://www.tempe.gov/index.aspx?page=801">www.tempe.gov/index.aspx?page=801</a>. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

#### CIVIL ENGINEERING:

- Coordinate site layout with utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
- 100-year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

#### ZONING AND DEVELOPMENT CODE:

 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 <u>www.tempe.gov/zoning</u> or purchase from Community Development.

#### LANDSCAPE:

Trees shall be planted a minimum of 16'-0" from any existing or proposed public utility lines. The tree planting separation requirements may be reduced to no less than 8'-0" from utility lines upon the installation of a linear root barrier. Per Detail T-460, the root barrier shall be a continuous material, a minimum of 0.08" thick, installed to a minimum depth of 4'-0" below grade. The root barrier shall extend 6'-0" on either side of the tree parallel to the utility line for a minimum length of 12'-0". Final approval is subject to determination by the Public Works, Water Utilities Division.

DUST CONTROL: Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at <a href="http://www.maricopa.gov/aq/">http://www.maricopa.gov/aq/</a>.

HISTORY & FACTS: 1930-1955	Historic Aerials indicate this site was used for agricultural purposes.
June 3, 1953	Maricopa County Planning & Zoning approved Powell Place Subdivision Plat, including 17 lots on the north side of Weber Drive, between Scottsdale Road and Harold Street.
1957	The existing residence on Lot 6 was built in 1957.
March 23, 1957	Zoning Ordinance 268 established the R-2 Zoning District with side yard setbacks of not less than 7', this property was in the jurisdiction of Maricopa County at the time of construction.
March 14, 1960	The area was annexed into Tempe with the existing residence on Lot 6.
March 21, 2981	Zoning Ordinance 808 revised the side yard setbacks for the R-2 district to be a minimum of 10', making the existing residence on this lot legal non-conforming.
January 10, 2023	Development Review Commission is scheduled to hear a request for a Use Permit Standard to reduce the side yard setback from 10' to 8' and a Use Permit to allow the required parking in the front yard setback for the SHEPPARD RESIDENCE, located at 936 E. Weber Drive.

# ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-308, Use Permit

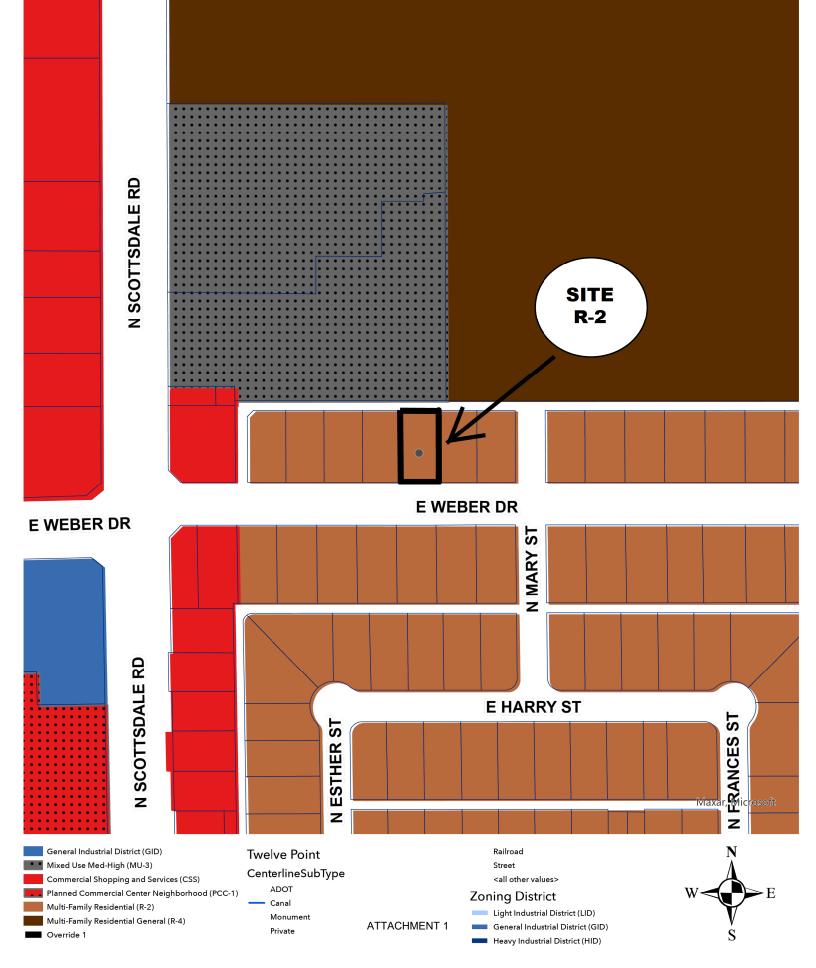


# DEVELOPMENT PROJECT FILE for SHEPPARD RESIDENCE (PL220318)

- 1-5. Site Context (Location Map, Aerial and Site Photos)
- 6-9. Applicant's Letter of Explanation
- 10. Site Design (Site Plan)
- 11-14. Building Design (Existing and Proposed Floorplan, Blackline Elevations)

# SHEPPARD RESIDENCE







# SHEPPARD RESIDENCE

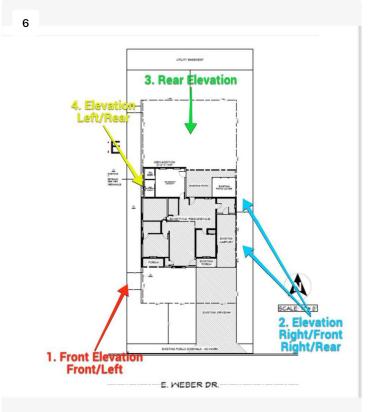


**Aerial Map** 

Ν W Е S



Project: Daniel Sheppard Date: 12/12/2022, 3:49pm Creator: Rosa Sankari



Project: Daniel Sheppard Date: 12/19/2022, 2:49pm Creator: Rosa Sankari



Project: Daniel Sheppard Date: 10/18/2022, 12:46pm Creator: Rosa Sankari

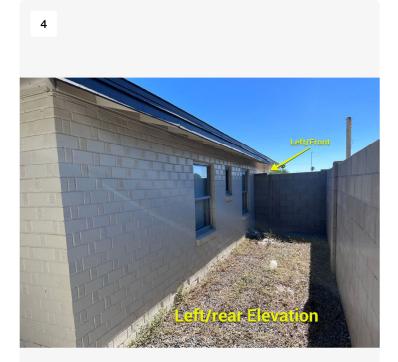
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Project: Daniel Sheppard Date: 10/18/2022, 12:47pm Creator: Rosa Sankari



Project: Daniel Sheppard Date: 10/18/2022, 12:48pm Creator: Rosa Sankari



Project: Daniel Sheppard Date: 10/18/2022, 12:49pm Creator: Rosa Sankari

# Spicegirl Remodeling and Design

7901 E. Thomas Rd Suite #:109 Scottsdale AZ 85251 480-401-1100 rosa@SpicegirlGC.com www.Spicegirl.org



# City of Tempe Community Development Department

31 East 5th Street, Garden Level, Tempe AZ 85281

# **RE: SHEPPARD RESIDENCE**

This project has two objectives. The first objective is to request a **Use Permit Standard** to reduce the side yard setback by 20%. The proposed setback will be reduced from 10 LF to 8 LF. The second objective is to obtain a **Use Permit** to use the driveway as the primary parking space for the residence.

The goal of this remodeling project is to add two bedrooms to the home. The primary bedroom is planned to be added in the rear-left side of the property. Bedroom 4 will be added by enclosing the carport and connecting the bedroom to the home by adding a door into the house by the kitchen area.

The lot is 7,275 SF and the existing house is currently 1,234 SF. The proposed bedroom addition and the in-law suite will increase the house's square footage by a total of 1,195 SF. The proposed additional square footage includes the following:

- 1. A primary bedroom in the back/left area of the housed. The square footage includes the closet and the bathroom.
- 2. Bedroom 4 will be added by enclosing the carport (front/right) and connecting the bedroom through the kitchen.

After the home improvements are completed, the new total square footage of the home will be 2,428 SF approximately. Once additions are fulfilled, the home will cover approximately 33% of the lot.

### **USE PERMIT STANDAR**

The first issue at hand is that the home currently has a setback of 7 LF, and now the setback has changed to 10LF. The homeowner, Danielle Sheppard, will like to request a 20% reduction in order to keep the property in compatibility with the existing surrounding structures and the

uses of the existing dwelling. The **Permit Standard** request will reduce the side yard setback by 20% and the new setback will change from 10 LF to 8 LF.

The addition of a primary bedroom in the rear of the property will not be detrimental to persons\_residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public welfare in general and will conform to the following standards and zoning and development code criteria Section 6-30(8) as applicable:

- a. There will not be any significant vehicular or pedestrian traffic in adjacent areas. The household will not be increasing in size, just creating a more comfortable living space for the homeowner.
- b. There will not be any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. The addition is to the rear of the property and properly planed by architect and build by a license General Contractor.
- c. There will not be any 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. On the contrary, the request for the 20% reduction is to maintain the standard of the current building on the property. The homeowner had hired a General Contractor and Architect in order to ensure that the addition conforms decadently with the current building. The increase on the home's square footage will contribute to the increase of the property value. The home will increase from a 3-bedroom home to a 5-bedroom home.
- d. The changes requested is compatible with existing surrounding structures and uses. The current dwelling is at a 7 LF setback, by getting the setback as close as possible to the current dwelling (8 LF), the home will keep the same appearance as its surrounding structures. The current and future use of the property is for residential purposes only.
- e. The bedroom addition maintains adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.



## **USE PERMIT**

The second issue at hand is that the current property has a one car carport in the front. However, the carport will be enclosed in order to add bedroom 4. Which will connect to the home with a door through the kitchen area. A **Use Permit** is being requested in order to use the driveway as the main parking space for the residence.

The addition of bedroom 4, by enclosing the carport, will not be detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the publie welfare in general and will conform to the following standards and zoning and development code criteria Section 6-30(8) as applicable:

- a. There will not be any significant vehicular or pedestrian traffic in adjacent areas. The property will also have two parking spaces available within the driveway. The two parking spaces on the driveway are out of the public right of way. The driveway is 31' LF long and 20 LF wide.
- b. There will not be any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- c. There will not be any 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 house will have a total of 5 bedrooms and will be architecturally planned and changes will be executed by a General Contractor. The increase on square footage only increases the property's value.
- d. The changes requested will be compatible with existing surrounding structures and uses. The home will still be use for residential purposes only.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public. By enclosing the carport and having the driveway as the main parking space, there will be no nuisance created. With the removal of the carport there will be room for 2 vehicles parked in the driveway and room for 1 vehicle parked on the street. Code will be met for required 2 parking spaces. Currently, the homeowner has 2 cars parked at this location, at any given time.

Finally, the shed int the back will be demolished, and debris will be hauled away from the property.

The goal of the homeowner is to add a primary bedroom in the back of the home and to close the carport and add bedroom 4.

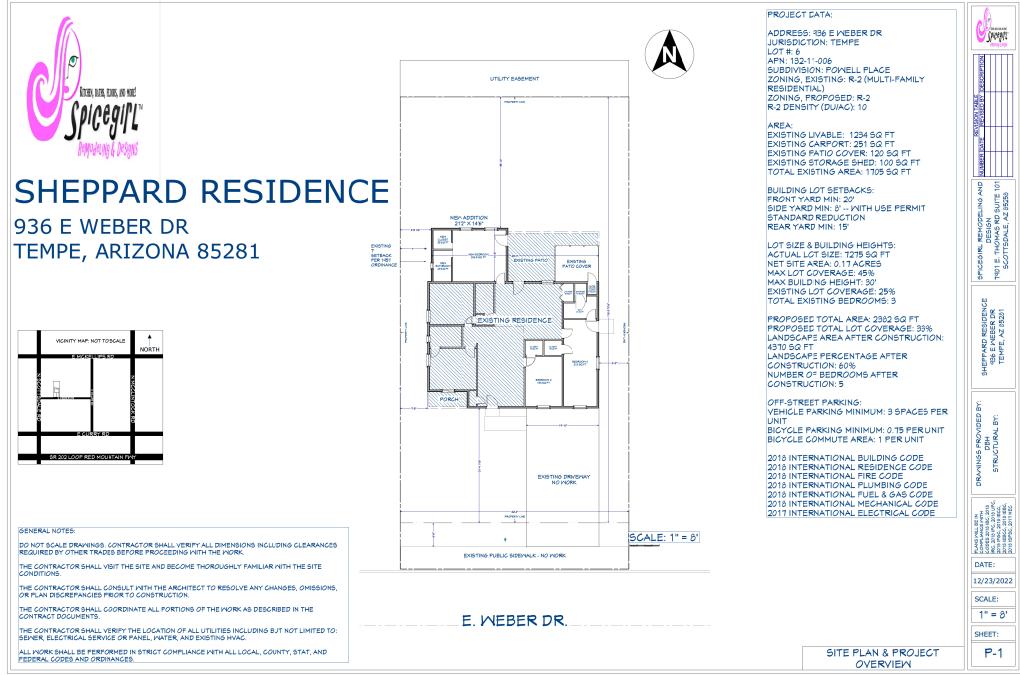
The first objective of this letter is to is to request a **Use Permit Standard** to reduce the side yard setback by 20%. The proposed setback will be reduced from 10 LF to 8 LF. So that one can accommodate a bedroom in the back of the home. And the second objective is to obtain a **Use Permit** to use the driveway as the primary parking space for the residence. In order to close the carport and add an in-law suite which will be connected to the property. The current and future use of the property is for residential purposes only. Neither the new bedroom nor the in-law suite will affect the surrounding areas to the public. The house's alterations will not be detrimental to any of the people residing or working in the vicinity. Because the master bedroom will be added to the rear of the home, and there is enough additional parking space in the driveway for two additional parking spaces as per code requirement. Also, none of the changes to the property will not be creating any significant increase on traffic or pedestrians in the adjacent areas of the neighborhood.

karm regards,

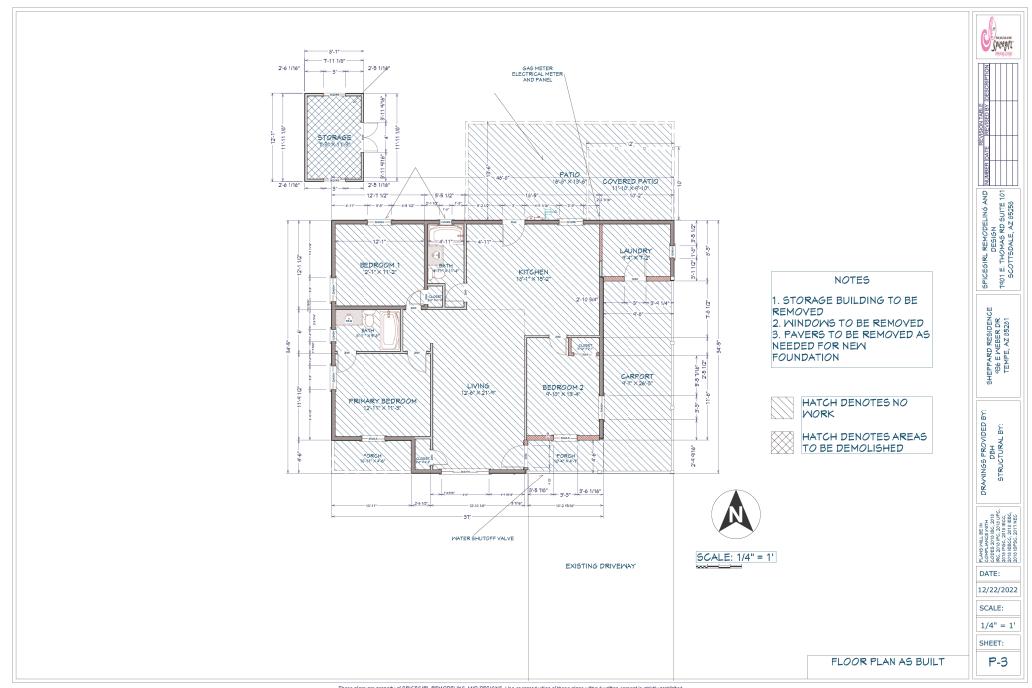
Rosa Sankari, MBA

**CEO of Spicegirl LLC** 

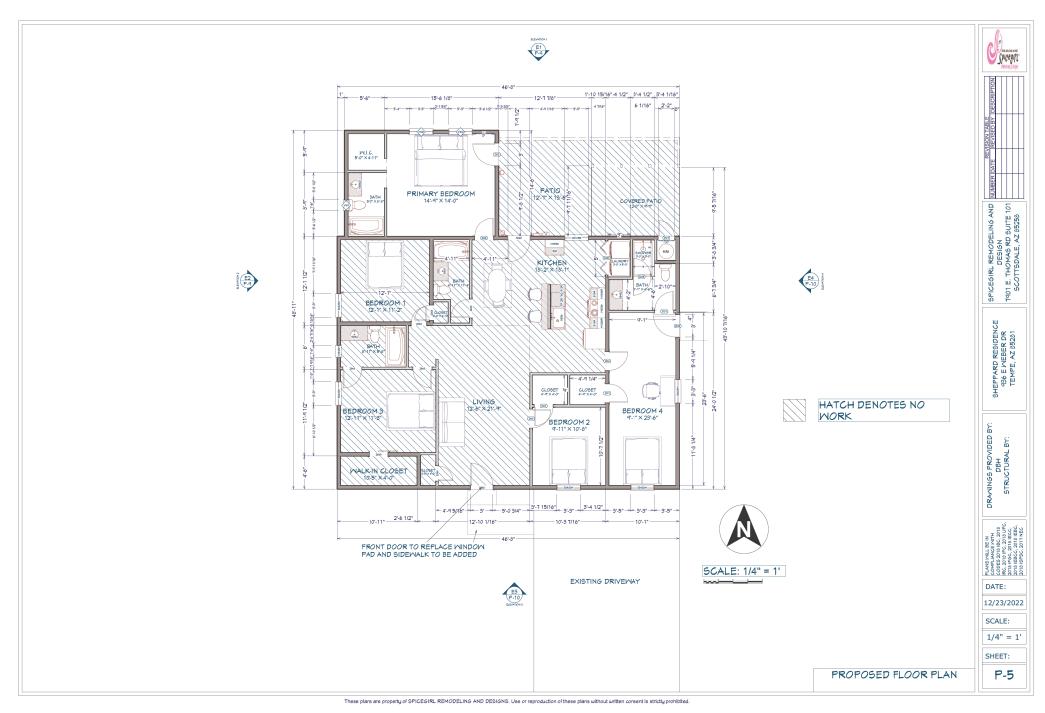


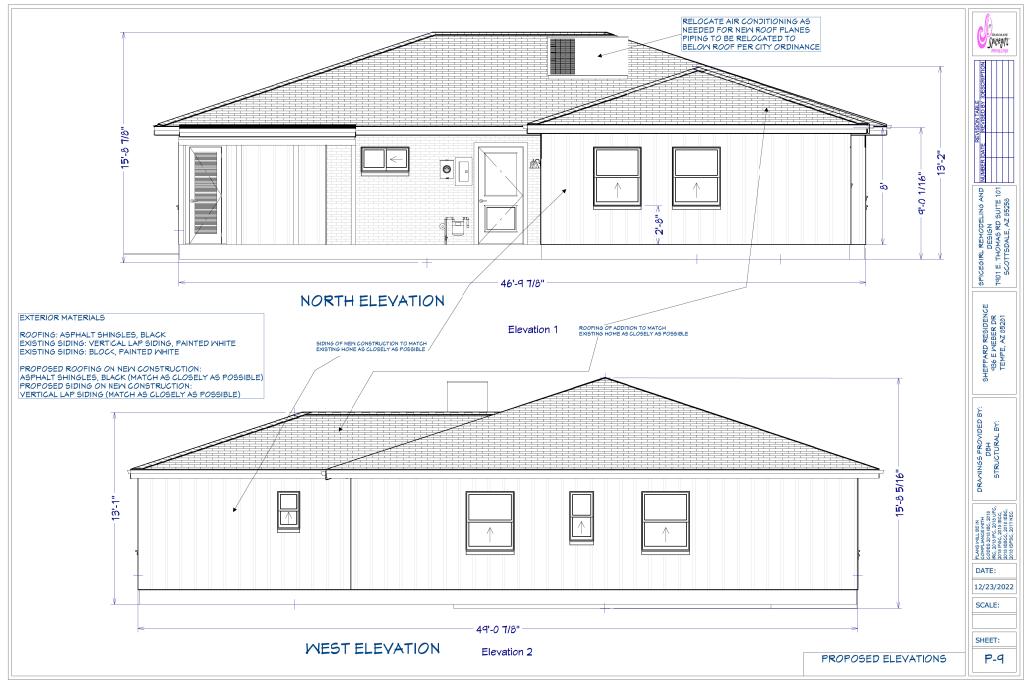


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