

# Staff Summary Report

Development Review Commission Date: 04/28/09

Agenda Item Number: 3

**SUBJECT:** Hold a public hearing for a Historic Overlay District for ELLIOTT (GARBINSKI) HOUSE.

**DOCUMENT NAME:** DRCr\_ElliottHouse\_042809

**PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request for **ELLIOTT (GARBINSKI) HOUSE (PL090050)** (Justin Garbinski, property owner; Tempe Historic Preservation Office, applicant) consisting of a 1929 Bungalow-style home on approximately 0.22 acres, located at 1010 South Maple Avenue, in the R-2, Multi-Family Residential District. The request includes the following:

**HPO09002 (Ordinance No. 2009.13)** – Historic Designation consisting of one (1) lot.

**PREPARED BY:** Ryan Levesque, Senior Planner (480-858-2393)

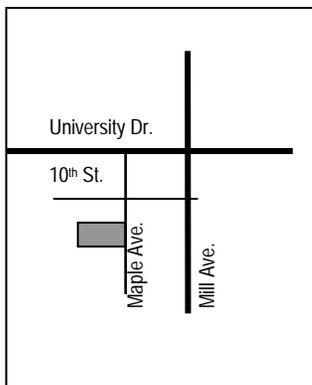
**REVIEWED BY:** Lisa Collins, Development Services Planning Director (480-350-8989) 

**LEGAL REVIEW BY:** Teresa Voss, Assistant City Attorney (480-350-8814)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** **Staff – Approval**  
**Historic Preservation Commission – Approval (6-0 vote)**

**ADDITIONAL INFO:** Net site area 0.22 acres  
Total Lots 1



A neighborhood meeting was held on March 12 and 18, 2009 with this application.

**PAGES:**

1. List of Attachments
- 2-3. Comments
3. Reason for Approval / Conditions of Approval
4. History & Facts / Zoning & Development Code Reference

**ATTACHMENTS:**

1. Ordinance No. 2009.13
- 2-3. Waiver of Rights and Remedies form
4. Location Map
5. Aerial
- 6-8. Photos

**COMMENTS:**

The Elliott (Garbinski) House is located in the neighborhood southwest of the intersection of University Drive and Mill Avenue, within an area known as "Maple-Ash Neighborhood". The proposed Historic Designation of a 1929 Bungalow-style home consists of one (1) lot on approximately 0.22 acres, located at 1010 South Maple Avenue, in the R-2, Multi-Family Residential District. The House occupies Lot 10 of Block 4 of the 1924 "Park Tract" subdivision. The Park Tract subdivision is identified as a Cultural Resource Area in the Tempe General Plan 2030. A nomination for historic designation and listing of the Elliott (Garbinski) House was submitted to the Tempe Historic Preservation Office by the property owner, Justin Garbinski who also provided a waiver of rights and remedies under A.R.S. § 12-1134.

**PUBLIC INPUT**

On March 12, 2009 Tempe Historic Preservation Commission held a neighborhood meeting to notify property owners, residents, owners within 300' and neighborhood/homeowner association representatives within the vicinity of the process and request for historic district designation. At the March 12<sup>th</sup> meeting, Tempe Historic Preservation Commission reached consensus to hold a public hearing, take input from the owners, stakeholders, and interested persons and to make a recommendation regarding the proposed designation. On March 18, 2009 Tempe Historic Preservation staff held another neighborhood meeting to correct a noticing error. No residents were in attendance for this request. To this date, staff has not received any comments on the proposed individual property designation.

**PROJECT ANALYSIS****SIGNIFICANCE –**

The 1929 Elliott (Garbinski) House is significant as one of the best remaining examples of frame bungalow houses in Tempe. The property embodies the distinctive characteristics of the Bungalow House type of construction. The Elliott (Garbinski) House was built during a construction peak in the Park Tract Subdivision from 1928 through 1930. For some time, Tempe had experienced a housing shortage and Park Tract Subdivision was designed to provide relief in the form of comfortable and modern family housing to meet that demand. The bungalow style helped fulfill requirements for economy and efficiency. The Elliott (Garbinski) House is one of only 40 Tempe properties currently listed in the National Register of Historic Places. The property embodies the distinctive characteristics of the Bungalow type of residential construction widely popular from about 1895 until about 1940.

**AGE –**

The Elliott (Garbinski) House is one of only 6 Tempe properties believed by the Tempe Historic Preservation Office to survive from 1929. Based on data from the Maricopa County Assessor's Office and Tempe HPO files, 122 Tempe existing properties are thought to predate the Elliott (Garbinski) House having year-built dates earlier than 1929. The Elliott (Garbinski) House is within the 99<sup>th</sup> percentile of all Tempe properties in terms of age.

**CONDITION –**

The Elliott (Garbinski) House is in excellent condition and retains the original character-defining features of its classic bungalow form intact. The house has changed little from its original configuration when its classic bungalow styling became an important addition to the new neighborhood.

**CHARACTER DEFINING FEATURES -**

Bungalow houses share a conscious search for the supposed simplicity of preindustrial times. Their straight-forward form was meant to counter the excess of the Victorian period and return to a past when the artisan's personal involvement with the work featured prominently. The major character-defining features of the Elliott (Garbinski) House are the shingled medium-pitched central and porch roofs with gables fronting the house and an intersecting perpendicular medium-pitched roof. Other significant character-defining features of the house include open gable eaves that are bracketed and feature lattice vents in the peaks. A short extension of the house to the south also has a medium-pitched roof and bracketed gable eaves. A low addition at the rear of the house has a low-pitched roof with open eaves and is also covered with clapboard siding. The front porch covers a single central entry, which has ten-pane sidelights, characteristic of the bungalow form. The porch roof is supported by two short, tapering pillars, set upon tall, square concrete piers. Two low concrete piers frame the two-step entry to the concrete-floored porch. Windows are double-hung and discretely placed. A single-leaf side entry has a concrete stoop. A clapboard garage also from the period of significance is at the rear of the property.

**INTEGRITY –**

Integrity is the ability of a property to convey its significance and is evaluated according to aspects which must be present in different combinations depending on the criteria from which historic significance is derived. For designation and listing in the Tempe Historic Property Register the Elliott (Garbinski) House must maintain specific aspects of integrity to effectively convey significance. As provided in the research report, the Elliott (Garbinski) House exceeds minimum requirements, retains adequate integrity, and continues to convey significant qualities of design, workmanship, materials, and feeling.

**CONCLUSION –**

The Elliott (Garbinski) House is one (1) of only forty (40) Tempe properties currently listed in the National Register of Historic Places. Biographical information regarding previous owners is not available. The basis for historic designation and listing in the Tempe Historic Property Register is provided by Tempe City Code Sec. 14A-4. Designation of landmarks, historic properties and historic districts –

- (a) The following criteria are established for designation of an individual property, building, structure or archeological site:
  - (1) It meets the criteria for listing on the Arizona or national register of historic places;
  - (2) It is found to be of exceptional significance and expresses a distinctive character, resulting from:
    - a. A significant portion of it is at least fifty (50) years old; is reflective of the city's cultural, social, political or economic past; and is associated with a person or event significant in local, state or national history; or
    - b. It represents an established and familiar visual feature of an area of the city, due to a prominent location or singular physical feature; or
  - (3) If it has achieved significance within the past fifty (50) years, it shall be considered eligible for designation as a landmark if it is an integral and critical part of an historic district or demonstrates exceptional individual importance by otherwise meeting or exceeding the criteria specified in paragraphs (1) or (2) of this subsection above. At such time as a landmark becomes fifty (50) years old, it will automatically be reclassified as an historic property.

The Tempe Historic Preservation Office and Planning staff recommend historic designation and listing in the Tempe Historic Property Register for the historic 1929 Elliott (Garbinski) House consistent with its listing in the National Register of Historic Places and on the basis that the quality of significance in American history, architecture, and culture is present in buildings that possess integrity of design, materials, workmanship, and feeling, which embody the distinctive characteristics of a type or period of construction.

**REASONS FOR APPROVAL:**

- 1. The Elliott (Garbinski) House has met the criteria established in Section 14a-4(a)(1), the property is currently listed on the National Register of Historic Places.
- 2. The location is designated as a "Cultural Resource Area" by the General Plan 2030, with the intent to preserve the underlying zoning and recognize the significance of identified post World War II subdivisions in our community.
- 3. Historic Preservation Commission has recommended approval for this request by a unanimous decision, including support by the current property owner.

**CONDITIONS OF APPROVAL:**

None

**HISTORY & FACTS:**

- November 26, 1894      Location part of Tempe's Original Townsite
- July 10, 1924        Town Council approves the Park Tract Subdivision
- 1929                    Elliot House constructed
- May 7, 1984          Elliott House located at 1010 S. Maple Avenue was listed on the National Register of Historic Places
- March 12, 2009      A neighborhood meeting was scheduled by the Historic Preservation Commission at Hatton Hall, 34 East 7<sup>th</sup> Street, Tempe, AZ at 6 p.m. (unofficial meeting)
- March 18, 2009      A rescheduled neighborhood meeting, complying with all notification requirements, was held by the Historic Preservation Office at Hatton Hall, 34 East 7<sup>th</sup> Street, Tempe, AZ at 6 p.m.
- April 9, 2009        Historic Preservation Commission recommended approval of this request for Elliott (Garbinski) House, for historic designation and placed on Tempe Register.
- April 28, 2009      Development Review Commission scheduled hearing for this request.

**CODE REFERENCE:**

Zoning and Development Code, Section 6-304, Zoning Amendment  
City Code, Chapter 14a, Historic Preservation

ORDINANCE NO. 2009.13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

\*\*\*\*\*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by adding a Historic Overlay to the existing R-2, Multi-Family Residential District and designating it as R-2 (H), Multi-Family Residential District with a Historic Overlay on 0.22 acres.

LEGAL DESCRIPTION

Lot 10, Block 4, PARK TRACT, as recorded in Book 13 of Maps, Page 27, according to Maricopa County Recorder of Arizona

TOTAL AREA IS 0.22 ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of Case # HPO09002 are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**WHEN RECORDED RETURN TO:**  
City of Tempe  
Development Services Department  
31 E. 5<sup>th</sup> Street  
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES  
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by Justin Garbinski  
\_\_\_\_\_  
(Owners).

Owners acknowledge that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owners further acknowledge that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. Pc 090050 to the City requesting that the City approve the following:

- GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT
- PAD OVERLAY
- HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMIT
- VARIANCE
- DEVELOPMENT PLAN REVIEW
- SUBDIVISION PLAT/CONDOMINIUM PLAT
- OTHER \_\_\_\_\_

*(Identify Action Requested))*

for development of the following real property (Property):

1010 S. Maple Ave.  
Tempe, AZ 85281  
\_\_\_\_\_  
\_\_\_\_\_

*(Legal Description and Address)*

By signing below, Owners voluntarily waive any right to claim compensation for diminution in Property value under A.R.S. §12-1134 that may now or in the future exist if the City approves the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

This Waiver shall run with the land and shall be binding upon all present and future owners having any interest in the Property.

This Waiver shall be recorded with the Maricopa County Recorder's Office.

Owner warrants and represents that Owner is the fee title owner of the Property, and that no other person has an ownership interest in the Property.

Dated this 23 day of January, 2008<sup>9</sup>.

[Handwritten Signature]  
(Signature of Owner)

Justin Garbinski  
(Printed Name)

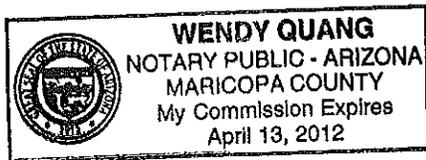
\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Printed Name)

State of Arizona )  
County of maricopa ) ss

SUBSCRIBED AND SWORN to before me this 23 day of 1, 2008<sup>9</sup>, by

Justin Garbinski

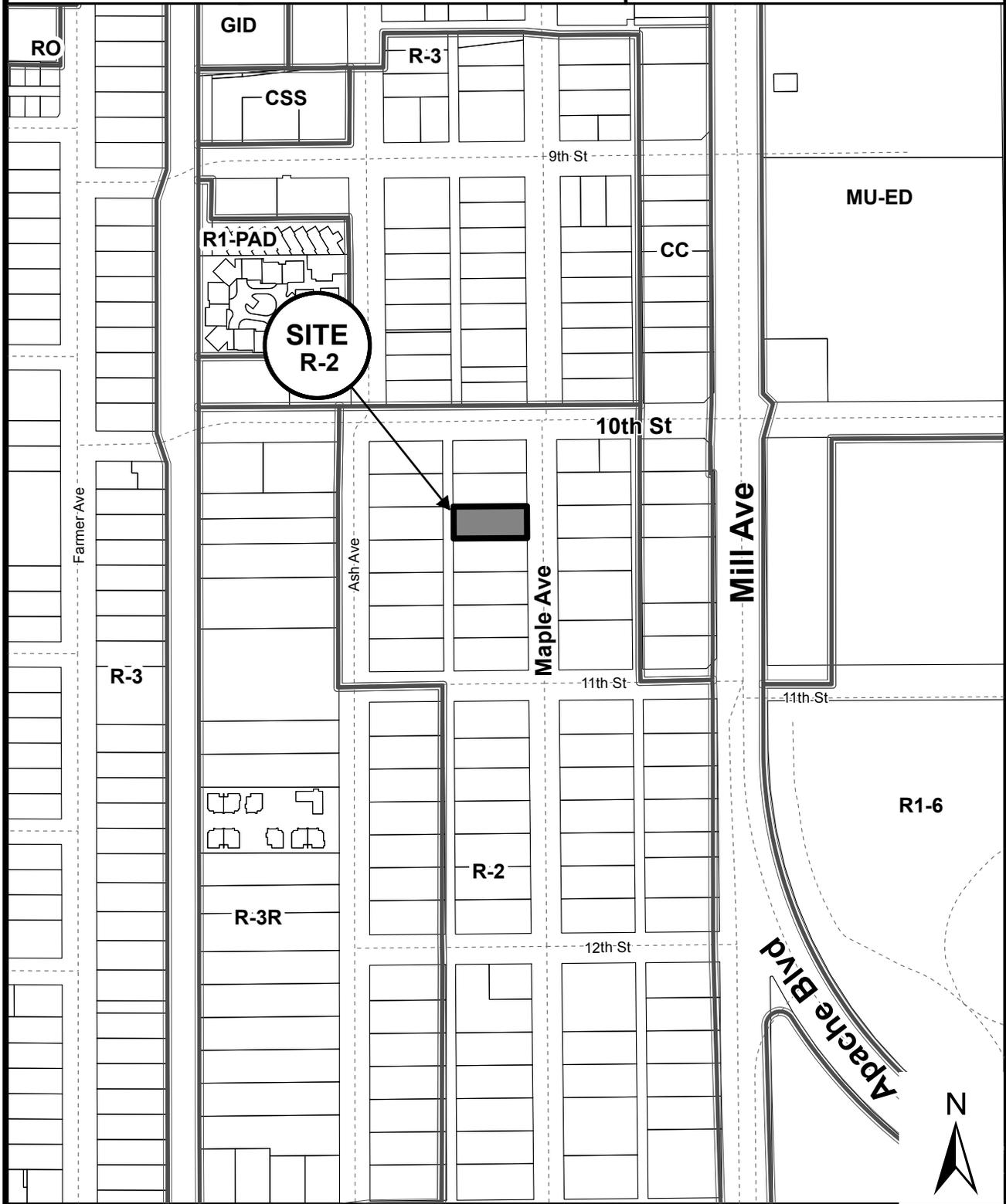


(Notary Stamp)

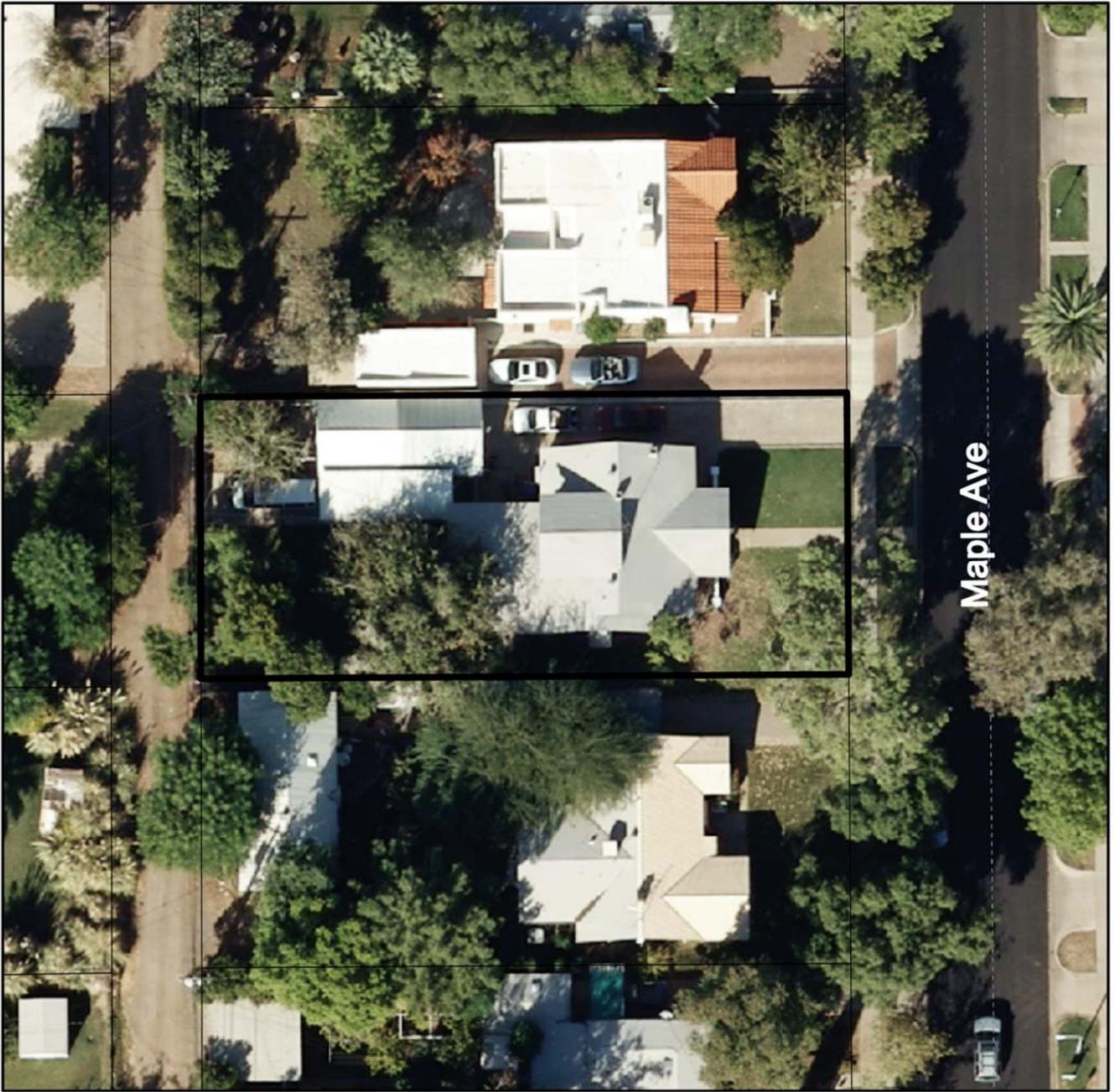
[Handwritten Signature]  
(Signature of Notary)

**ELLIOTT (GARBINSKI) HOUSE**

**PL090050**



**Location Map**



**ELLIOTT (GARBINski) HOUSE (PL090050)**



ATTACHMENT 6



