

# Staff Summary Report



Hearing Officer Hearing Date: April 1, 2008

Agenda Item Number: 5

**SUBJECT:** This is a public hearing for a request by the **ARMIJO RESIDENCE (PL080077)** located at 1122 East Broadmor Drive for one (1) variance.

**DOCUMENT NAME:** 20080401dssd03

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **ARMIJO RESIDENCE (PL080077)** (Nash & Virginia Armijo, applicant/property owner) located at 1122 East Broadmor Drive in the R1-6, Single Family Residential District for:

**VAR08006** Variance to reduce the east side yard setback from five (5) feet to zero (0) feet

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

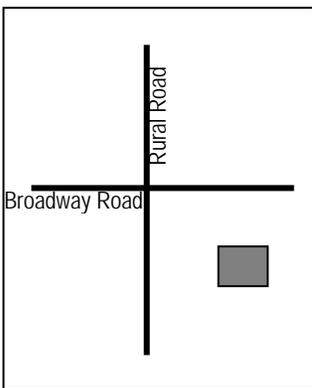
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-2

**ADDITIONAL INFO:** The Armijo Residence is requesting a variance to reduce the east side yard setback from five (5) feet to zero (0) feet for an existing carport. The existing carport was built thirty (30) years ago by a general contractor with the owner's understanding that permits and clearances were issued by the City of Tempe. Staff recommends approval of the variance do to special circumstances or evidence indicating potential loss of substantial property rights. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on February 12, 2008; ten (10) neighbors attended the meeting and all are in favor of the variance to keep the carport. The Armijo's presented staff with a petition signed by seventy-three (73) neighbors that are supporting the variance request.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Neighborhood Meeting Letter
5. Neighborhood Meeting Minutes
6. Site plan
7. Notice to Comply
- 8-12. Petition
- 13-15. Staff Photograph(s)

## COMMENTS:

The Armijo Residence is requesting a variance to reduce the east side yard setback from five (5) feet to zero (0) feet for an existing carport. The carport was built thirty (30) years ago by a general contractor with the owner's understanding that permits and clearances were issued by the City of Tempe. A complaint was filed with the Building Safety Division and the inspections department issued a courtesy notice to obtain a building permit for the carport. No building permit was ever issued for the carport. The Armijo's are working with Mike Williams to obtain the required building permit. In order for a building permit to be issued at a zero (0) foot setback, building code would require a three (3) feet "no build" easement on the property to the east. The property owners to the east, William & Teresa Ingram have already signed the "no build" easement and submitted this declaration to Mike Williams, Building Safety Deputy Director. If the Variance is approved, Mr. Williams would be able to release the building permit, thus approving the existing carport.

Staff recommends approval of the variance, due to special circumstances or evidence indicating potential loss of substantial property rights. The carport was constructed thirty (30) years ago and is compatible with the remainder of residence and does not detract from the character of the neighborhood. The carport provides shade for the driveway and east side of the home and helps reduce the amount of summer heat inside the residence which is a goal listed in General Plan 2030.

## Neighborhood Meeting

Applicant held the Neighborhood Meeting on February 12, 2008 at 7:00PM. Ten (10) neighbors attended the meeting and all were in support of the variance to keep the carport. The Armijo's presented staff with a petition signed by seventy-three (73) neighbors that are supporting the variance request.

## Variance

The Zoning and Development Code requires a variance to reduce the side yard setback from five (5) feet to zero (0) feet in the R1-6, Single Family Residential District

Evaluating the variance, the proposal does appear to meet the criteria for approving the variance:

- a. There are special circumstances or conditions applying to the land, building, or use referred to in the application;
  - The applicant has indicated that the special circumstance is that the carport was built thirty (30) years ago which could be viewed as evidence of special circumstance.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
  - A reduction of the required side yard setback from five (5) feet to zero (0) feet for the existing carport is necessary for enjoyment of substantial property rights. The main residence was built without a carport that covered the main portion of the driveway, thus exposing the east side of the home to summer heat. The carport covers the east side of the home, front door, and provides a shaded driveway, thus helping to insulate the home from summer heat.

## Conclusion

Staff recommends approval of the use permit, subject to conditions of approval

**REASON(S) FOR APPROVAL:**

1. The carport was constructed thirty (30) years ago and matches the existing residence.
2. There appears to be a demonstrated need for the existing carport at the residence.
3. Many neighbors support of variance; they feel the carport adds value to the neighborhood.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S) OF APPROVAL:**

1. The variance is valid for the plans as submitted to and approved by the Hearing Officer.
2. Obtain all necessary clearances from the Building Safety Division.

**HISTORY & FACTS:**

Home built in 1965

November 16, 2007

IP070131: Building Safety Division issued a courtesy notice to obtain a building permit for the carport.

**DESCRIPTION:**

Owner – Nash & Virginia Armijo  
Applicant – Nash Armijo  
Existing Zoning – R1-6, Single Family Residential District  
Lot Area – 5,811 s.f. / .14 acres  
Total Square feet under roof – 1,722 s.f.  
Maximum Lot Coverage – 45%  
Proposed Lot Coverage– 29%

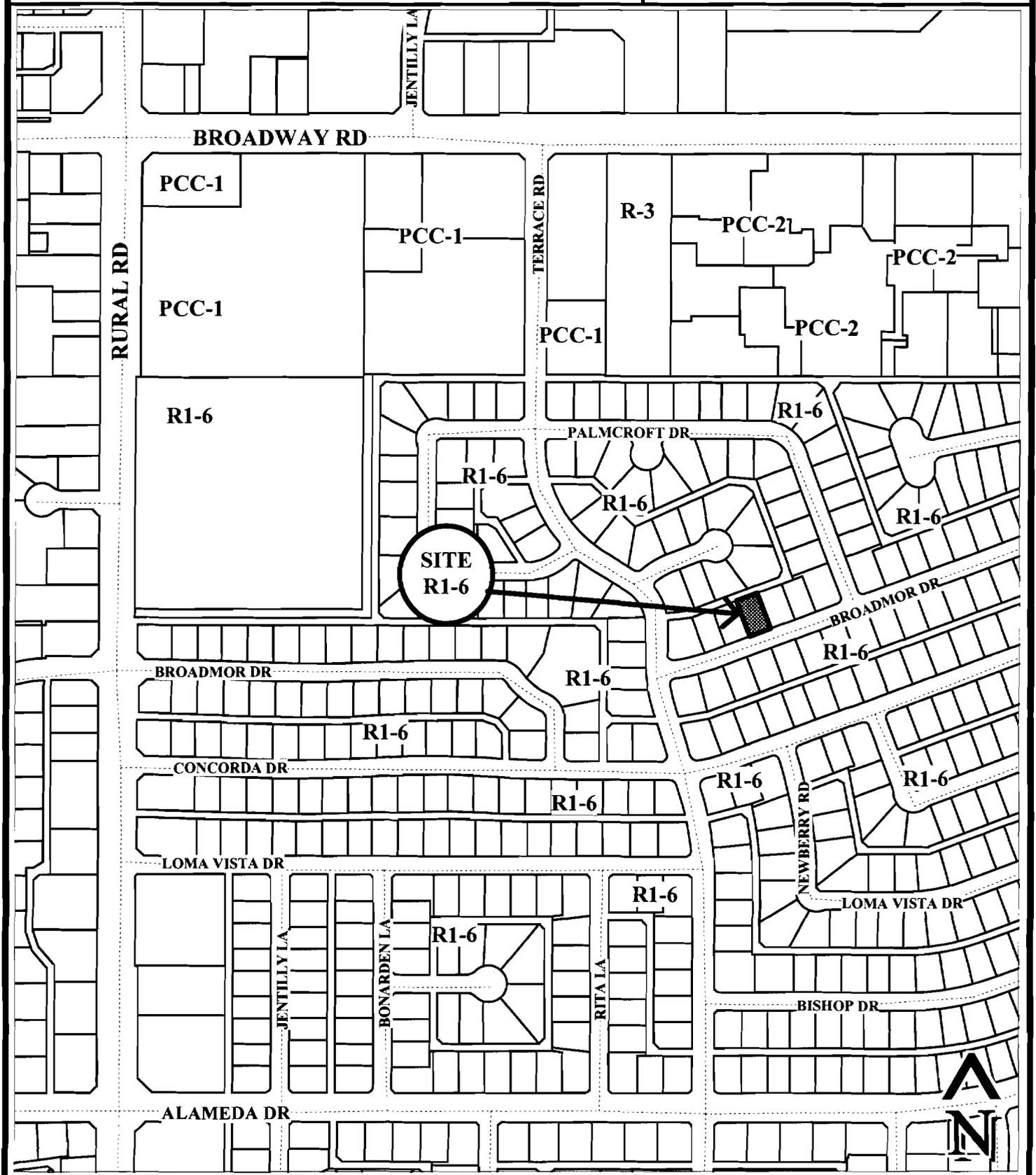
**ZONING AND DEVELOPMENT CODE REFERENCE:**

Part 4, Chapter 2, Section 4-202.

Part 6, Chapter 3, Section 6-309

**ARMIJO RESIDENCE**

PL080077





ARMIJO RESIDENCE (PL080077)

## Letter Of Explanation

**Re: Armijo Carport**

Nash and Virginia Armijo  
1122 East Broadmor Drive  
Tempe, Arizona 85282

This is a "Letter of Explanation" as required by the City of Tempe, Arizona to request the reduction of a side-yard setback from 5 feet to 0 feet.

Nash and Virginia Armijo are the original owners of this property. They are requesting this variance in the hope that they may keep their existing carport which has been a primary feature of their home for over 30 years. Only in Late January of 2008, did they learn that their carport did not have the required permits. The contractor whom they hired was supposed to take care of any required permits at that time, and apparently did not.

As you can see from the attached site plan, the Armijo carport is located in the only possible place on the property large enough to provide shade for their vehicles. The carport also provides shade to the home. It is a well thought out and designed structure. The Armijo's and their neighbors believe their carport in no way compromises the value of their property or those around it, and that it actually adds to the resale value of the property, while enhancing the surrounding area. (See attached site plan and photo.)

The Armijo's held a neighborhood meeting on February 12, 2008, to discuss the carport with their neighbors. Every neighbor who attended was in complete support of the Armijo's keeping their carport, and agreed to send in letters or emails showing their support. (See attached meeting minutes.)

Also at the neighborhood meeting, the neighbors directly to the East of the Armijo's where the carport stands, have shown their support signing a 'Three (3) No Building Easement' in which they agree to never build within 3 feet of the property line for safety reasons such as fire, which should never be a problem because the carport appears to meet any building codes except for side-yard setback, and is a metal structure, and metal does not burn. (See the attached Three (3) No Building Easement.)

The Armijo's have also circulated a petition that neighbors have signed showing their support for the carport. (See attached petition.)

You will also find attached to this letter, photos of other similar carports and structures in the area, showing that a trend has already been established in the neighborhood of having 0 feet side-yard setbacks.

Nash Armijo

Virginia Armijo

Dear Neighbor,

This is a "Letter of Explanation" that is required by the City of Tempe, Arizona to request the reduction of our side yard set back from 5 feet to 0 feet.

The reason we need the variance is to keep our existing carport which has been a primary feature of our home for over 30 years.

This carport is located in the only possible place on our property large enough to provide shade for our vehicles. The carport also provides shade to our home.

We believe our carport in no way compromises the value of our property or those around us, and that they actually add to the resale value of the property. The carport enhances the surrounding areas.

We have spoken with our immediate neighbors, and none wish us to lose our carport, and all are willing to sign a petition that will enable us to receive the variance we need to keep our carport.

Nash and Virginia Armijo  
1122 East Broadmor Drive  
Tempe, Arizona 85282.

Meeting: Tuesday Feb 12, 2008 at 7:00 PM

Location: 1122 E. Broadmor Drive.

## Armijo Neighborhood Meeting - Regarding Carport

Minutes: Armijo Neighborhood Meeting

Date: February 12, 2008

Time: Approx. 7:00 - 7:30 PM

Location: Armijo home at 1122 E. Broadmor Drive, Tempe, AZ 85282

Purpose: To Discuss the Armijo Carport

The meeting was attended by City Employee's: Shawn Daffara and Decima Sever

Shawn Daffara

Planner II

Development Services/Planning

Ph: (480) 858-2284

Fax: (480) 350-8872

Shawn.Daffara@Tempe.gov

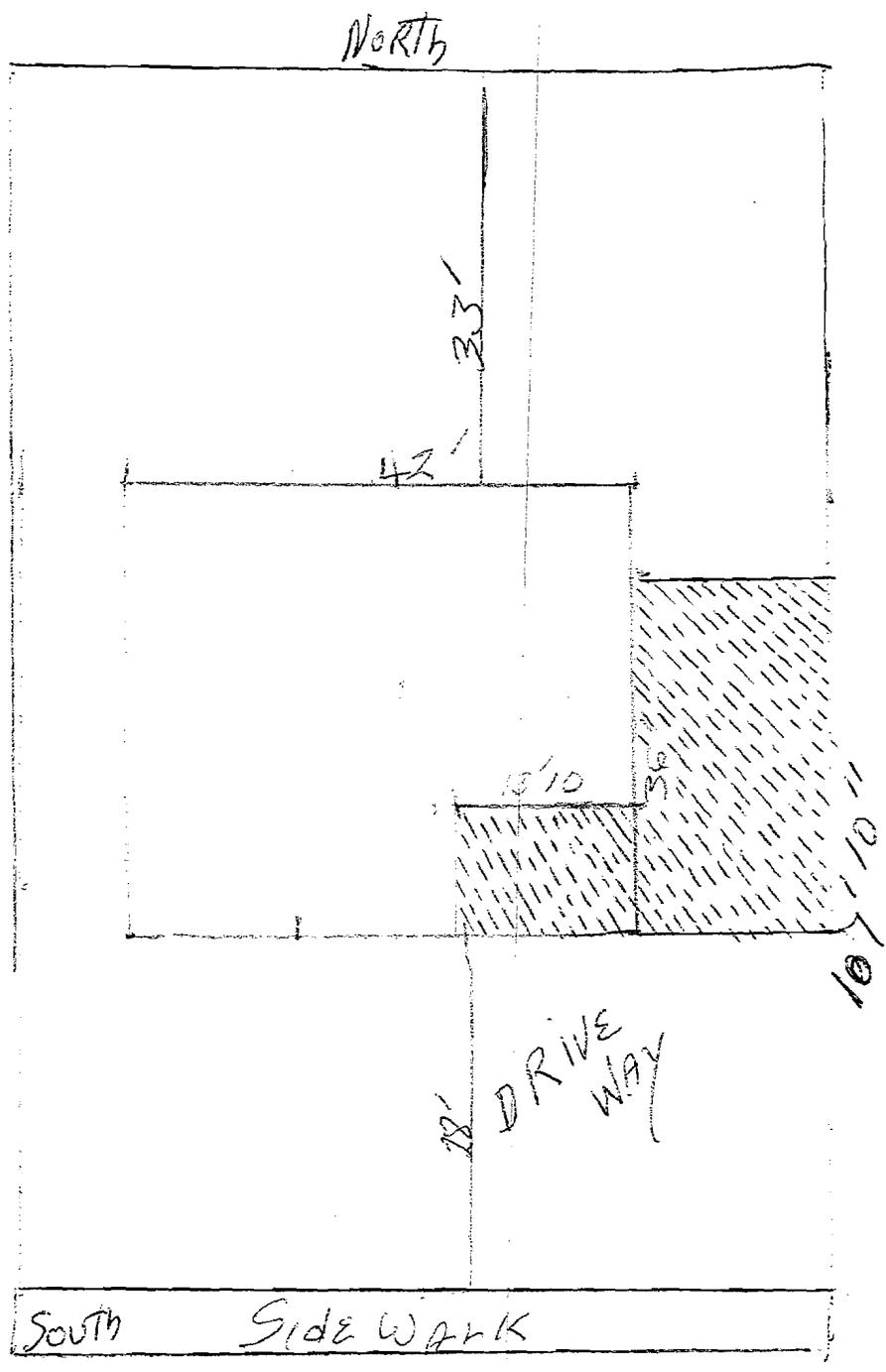
The meeting was also attended by the following Armijo's neighbor's including: Jim and Jaunita Mack, Tim and Veronica Woodward, Kevin and Carol Moriarty, Teresa and Billy Ingram.

- 1) Nash and Virgie Armijo are the original owners of this property. They discussed the fact that their carport has been up for over 30 years, and they only in the past month learned there was no permit. The contractor who built the carport was supposed to take care of any required permits, and apparently did not.
- 2) Neighbors discussed and agreed that the carport was well thought out and designed. Because of the site plan of the property, the place chosen for the carport was the only logical place. The carport provides a shade structure for the Armijo home and automobiles while enhancing the property and the surrounding property values.
- 3) All who attended the meeting were there to show support for the Armijo carport, and wanted to know what they could do to help them keep their structure. Attendee's agreed to show support in whatever ways are necessary to help the Armijo's keep their carport as is.
- 4) City officials explained the safety issue at stake. They stated that the 5' side-yard setbacks are in place because of fire issues. One of the neighbors pointed out that the carport is a metal structure, and as such will not burn, while the neighbor whose property runs along that side signed a "Three (3) No Building Easement", which means they will not build anything within 3 foot of the property line, so it would not be considered a fire hazard.
- 5) Neighbors discussed the many other carports and structures in the surrounding area that have 0' side-yard setbacks, showing a trend has already been established in the neighborhood.
- 6) Neighbors agreed to send in mail or email stating their complete support.
- 7) Neighbors have also helped circulate and signed a petition in the neighborhood showing support for the Armijo carport.

Submitted by: Veronica Woodward

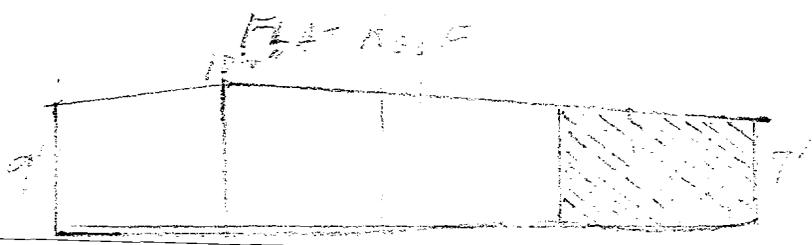
For: Nash Armijo and Virginia Armijo

West



BROADMOR DR. STREET

East





# Notice to Comply

Development Services Department  
Building Safety Division  
31 E 5<sup>th</sup> St  
Tempe, AZ 85281

NTC# IP070131  
Investigation Fee: YES

This notice is to inform you that on Date: 11-16-07  
At: 1122 E BROADWAY DR

Description: CARPORT AWNING + SECURITY BARS @ BDRMS, was inspected and found to be in violation of the following section(s) of the Tempe Administrative and Technical Codes and amendments thereto and/or the Zoning and Development Code. You are hereby notified to comply with the following requirements of the City of Tempe Codes and other laws as specified on or before 2-16-08.

- Tempe Administrative Code Sec. 104.1: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter or the technical codes, or to cause such work to be done, shall first make application to the building official and obtain the required permit or permits.
- Tempe Administrative Code Sec. 109.1: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or building service equipment regulated by this chapter and the technical code, or cause same to be done, in conflict or in violation of the provisions of this chapter and the technical codes.
- Tempe Administrative Code Sec. 108.1: Unsafe structures and equipment.

Zoning Ordinance Violation \_\_\_\_\_

Stop work on this project

**Corrective Action Requires:**

Submit plans for approval and obtain permits for the following:

- Building Code
- Plumbing Code
- Obtain Zoning approval
- Electrical Code
- Fuel Gas Code
- Obtain Design Review approval and/or use permit
- Mechanical Code

Comments/Instructions: CARPORT ALUMINUM AWNING + BEDROOM SECURITY BARS MUST BE MADE COMPLIANT OR REMOVED. SUBMIT PLANS + OBTAIN PERMITS AND INSPECTIONS PRIOR TO ABOVE DATE - PLEASE SEE REVERSE SIDE.

We appreciate your cooperation in this matter. For questions or further information, please contact the Building Safety Division at 480-350-8341, option 1. **Failure to comply within the time frame specified in this notice may result in the City instituting the appropriate proceeding at law (See reverse side).**

Notice delivered to: VIRGINIA ARMISO Date: 11-16-07  
Owner/Agent/Occupant/Contractor

Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_

Without admitting responsibility, I acknowledge receipt of this notice

Signature: Virginia Armiso

Investigator: CLARK BOOTH 480-350-8675 Date: 11-16-07

# Save the Armijo Carport!

This petition is to let the City of Tempe know that the neighbors of Nash and Virginia Armijo, who live at 1122 E. Broadmor Dr., Tempe, AZ. 85282, do not want the Armijo family to remove their carport that has been up for over 30 years.

Signers of this petition hope the City of Tempe will APPROVE the Armijo request for a side-yard set back request to be reduced from 5 feet to 0 feet, so the current carport can remain as it is.

NAME	ADDRESS	CITY	ST	ZIP	PHONE NUMBER	SIGNATURE
Shannon McClary	1116 E. Broadmor Dr.	Tempe	AZ	85282	480 8589885	Shannon McClary
Erin Nicholas	1110 E. Broadmor Dr.	"	"	"	Unlisted	Erin Nicholas
Rick Nicholas	1104 E. Broadmor Dr.	"	AZ	85282	-	Rick Nicholas
Jay Sebastian	1107 E. Broadmor Dr.	"	"	"	480 946 8912	Jay Sebastian
James Mack	1101 E. Broadmor Dr.	Tempe	AZ	85282	480 946 8387	James Mack
Michael Crowell	1101 E. Broadmor Dr.	Tempe	AZ	85282	480 946 8387	Michael Crowell
Chris Wagner	2303 S. Terrace Rd	"	"	85282	480 906 4821	Chris Wagner
Kyle Adelker	1122 E. Concorda Dr	Tempe	AZ	"	(215) 313-7539	Kyle Adelker
Paula Ortel	1122 E. Concorda Dr	Tempe	AZ	"	262 993 5070	Paula Ortel
Ric Dexler	1122 E. Concorda Dr	Tempe	AZ	85282	602 220 4471	Ric Dexler
Charles Rowell	1122 E. Concorda Dr	Tempe	AZ	85282	(701) 644-9090	Charles Rowell
Jimmy Wildman	1134 E. Concorda Dr	Tempe	AZ	85282	(480) 894-0001	Jimmy Wildman
David Wildman	1140 E. Concorda Dr	Tempe	AZ	85282	(480) 908-9453	David Wildman
James Taylor	1141 E. Concorda Dr	Tempe	AZ	85282	(480) 788-9453	James Taylor
Paul Taylor	1146 E. Concorda Dr	Tempe	AZ	85282	480 710 5004	Paul Taylor
Corey James	1146 E. Concorda Dr	Tempe	AZ	85282	480 710 4706	Corey James
Victoria Adams	1152 E. Concorda Dr	Tempe	AZ	85282	480 580 7618	Victoria Adams
Randy Hicks	1158 E. Concorda Dr	Tempe	AZ	85282	480 858 0054	Randy Hicks
Gilbert Mazon	1200 E. Concorda Dr	Tempe	AZ	85282	480 557 7954	Gilbert Mazon
Bill Nash	1206 E. Concorda Dr	Tempe	AZ	85282	480 967 7613	Bill Nash
Chandra-Khalina	1218 E. Concorda Dr	Tempe	AZ	85282	480 966 9312	Chandra-Khalina
	1224 E. Concorda Dr	Tempe	AZ	85282	480 967 0107	

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NAME	ADDRESS	CITY	ST	ZIP	PHONE NUMBER	SIGNATURE
Kevin Moriarty	1140 E. Broadmor	Tempe	AZ	85282	480-967-8338	[Signature]
Juan Mccarthy	1116 E. Broadmor Dr	Tempe	AZ	85282	480-858-9885	[Signature]
Shirley Baxter	1137 E. Broadmor Dr.	Tempe	AZ	85282	480-968-0679	[Signature]
John P. Valencia	1215 E. Broadmor Dr.	Tempe	AZ	85282	480-540-0003	John P. Valencia
Nelson Greene	1834 E. Manhattan	Tempe	AZ	85282	480-251-7362	Nelson Greene
Deek Greene	1314 E. Broadmor Dr.	Tempe	AZ	85282	480-695-6621	[Signature]
Nicole Greene	1214 E. Broadmor Dr.	Tempe	AZ	85282	602-329-6083	N. Greene
Deborah Kaufman	2017 E. Laguna Dr.	Tempe	AZ	85282	480-838-6578	[Signature]
Audrey Peck	2017 E. Laguna Dr.	Tempe	AZ	85282	480-838-6548	Audrey Peck
Eric Iverson	1220 E. Broadmor	Tempe	AZ	85282	480-750-4190	[Signature]
ALAN CHEN	1315 E. Broadmor Dr	Tempe	AZ	85282	480-829-3745	[Signature]
JUSTIN CARREAU	1315 E. Broadmor Dr	Tempe	AZ	85282	603-210-6542	[Signature]
AVA THOMPSON	1355 E. Broadmor Dr	Tempe	AZ	85282	480-829-3941	[Signature]
Teresita Ingram	1128 E. Broadmor Dr	Tempe	AZ	85282	480-491-3905	[Signature]
Billy W. Ingram	1128 E. Broadmor Dr	Tempe	AZ	85282	480-491-3905	Billy W. Ingram
Erin Woodward	1125 E. Broadmor Dr	Tempe	AZ	85282	480-966-0185	[Signature]
Scott Krupinsky	1174 E. Broadmor Dr.	Tempe	AZ	85282	480-755-4174	[Signature]
Andrea Martinez	1115 E. Redondo Cir.	Tempe	AZ	85282	480-966-8147	Andrea Martinez
CAROL MCMURRY	1140 E. Broadmor	Tempe	AZ	85282	480-967-8335	[Signature]
Wynald C. Rockwell	2302 S. TERRACE RD.	Tempe	AZ	85282	480-966-1194	Wynald C. Rockwell

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NAME	ADDRESS	CITY	ST	ZIP	PHONE NUMBER	SIGNATURE
Al Couard	7 W FINE AVE.	Tempe	AZ	85282		<i>Al Couard</i>
ROGER BINLUCKY	3409 S. RURAL RD. #130	TEMPE	AZ	85282		<i>Roger Binlucky</i>
LOUIS A. POPP	1281 E. LOMA VISTA DR.	TEMPE	AZ	85282		<i>Louis A. Popp</i>
PAUL CASPERS	324 E MINTON DR	TEMPE	AZ	85282		<i>Paul Caspers</i>
Andrew Renee	707 E. Billson Dr.	Tempe	AZ	85282		<i>Andrew Renee</i>
Peter Rueda	4255 S Alder Dr	Tempe	AZ	85282		<i>Peter Rueda</i>
ALEX SEPIN	957 W LA SOLA DR	TEMPE	AZ	85282		<i>Alex Sepin</i>
Miguel Gomez	2057 E. Pebble Beach Dr.	Tempe	AZ	85282		<i>Miguel Gomez</i>
Marta Gomez	2057 E. Pebble Beach Dr	Tempe	AZ	85282		<i>Marta Gomez</i>
Manuel Perra	4408 S Alder Dr.	Tempe	AZ	85282		<i>Manuel Perra</i>
John Anthony	211 E FAIRMONT DR	TEMPE	AZ	85282	602 581 9882	<i>John Anthony</i>
Al Newmark	710 W REEFIELD RD	"	"	85283		<i>Al Newmark</i>
Tom O'Donnell	314 W. LAUREL AVE.	Tempe	AZ	85284		<i>Tom O'Donnell</i>
CHARLES SOLIDAY	1003 E. HERMOSA	TEMPE	AZ	85282		<i>Charles Soliday</i>
Sam Digjicis	1409 E. VERNA DR	Tempe	AZ	85282		<i>Sam Digjicis</i>
Robert Somerville	1010 E Loyola D.	"	"	85282		<i>Robert Somerville</i>







## **ARMIJO RESIDENCE**

**1122 E BROADMOR DR**

**PL080077**

**FRONT VIEW: EXISTING CARPORT**



**ARMIJO RESIDENCE**

**1122 E BROADMOR DR**

**PL080077**

**FRONT OF RESIDENCE**



**ARMIJO RESIDENCE**

**1122 E BROADMOR DR**

**PL080077**

**EXISTING CARPORT ON PROPERTY LINE**