

Staff Summary Report



Hearing Officer Hearing Date: October 2, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **BUETI RESIDENCE (PL070399)** located at 407 East Garfield Street for one (1) use permit.

DOCUMENT NAME: 20071002dsjc01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **BUETI RESIDENCE (PL070399)** (Giuseppe Bueti, applicant/property owner) located at 407 East Garfield Street in the R1-6, Single Family Residential District for:

ZUP07140 Use permit to allow required parking in the front yard setback.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

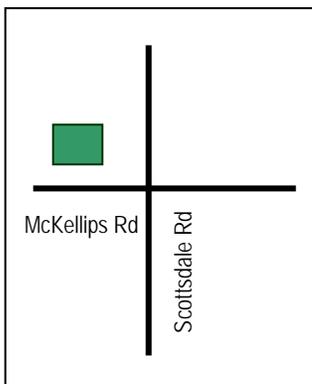
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to no conditions.

ADDITIONAL INFO: The Bueti Residence is before the Hearing Officer to request a use permit to allow the required parking to be located in front yard setback. The property's previous owner had enclosed the carport into livable space without a use permit to allow to park in the required front yard setback therefore, the present owner is requesting the use permit. To date, no opposition has been received to the request. Staff supports the use permit as proposed in this application.



PAGES:

1. List of Attachments
2. Comments; Reason(s) 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. Site plan
5. Floor Plan
6. Staff Photograph(s)
- 7-8. Applicant Photograph (s)

COMMENTS: The Bueti residence is located south of Continental Drive, West from College Avenue and within the vicinity of the center block of Garfield Street. The original carport for the house was enclosed into livable space and consequently, the vehicles are parked in the required front yard setback.

The building permit was obtained in July 22, 1975 for the enclosure of the carport for livable space. According to the applicant, they have two vehicles and they would like to park in the drive instead of the street.

Use Permit

The Zoning and Development Code requires a use permit for vehicle parking located in the required front yard setback in the R1-6, Single Family Residential District.

Evaluating the use permit, the proposal appears to pass the use permit tests listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - No potential nuisances.
- c. 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 proposal would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses

Conclusion

Staff recommends approval of this request. This is common use permit request for homes constructed during the late 1950's and 1970's; these homes are typically smaller in livable space than newer constructed homes and the carport enclosure is a viable option for increasing the livable area of the home. This home was built in July 30, 1959.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

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

**CONDITION(S)
OF APPROVAL:**

1. None pertinent to this case.

HISTORY & FACTS:

July 30, 1959 The building permit was issued

DESCRIPTION:

Owner – Giuseppe Bueti
Applicant – Giuseppe Bueti
Existing Zoning – R1-6, Single Family Residential District
Existing Home Area – 1,414 s.f.
Enclosed carport Area – 202.3 s.f.
Required front yard setback – 20 feet

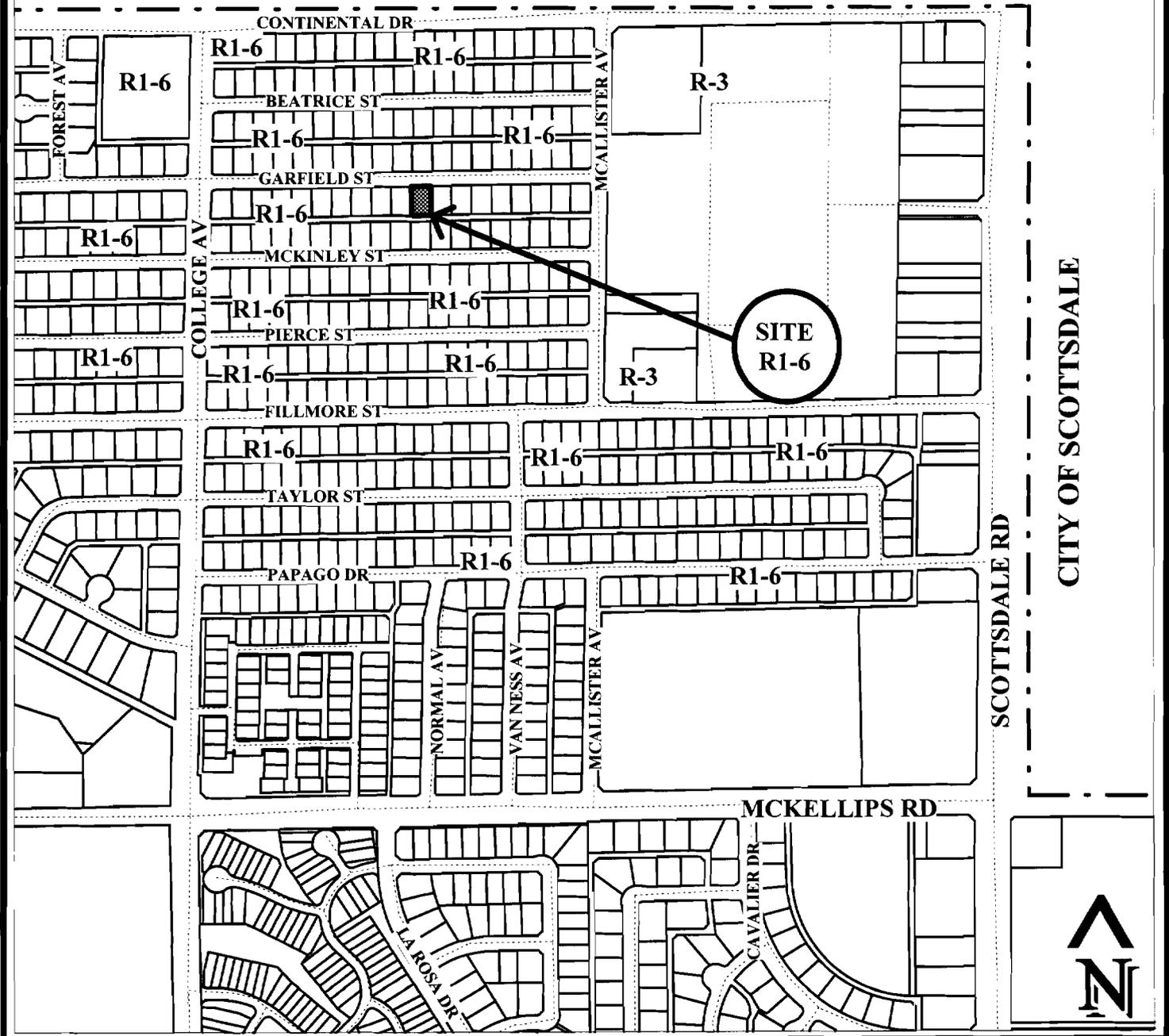
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

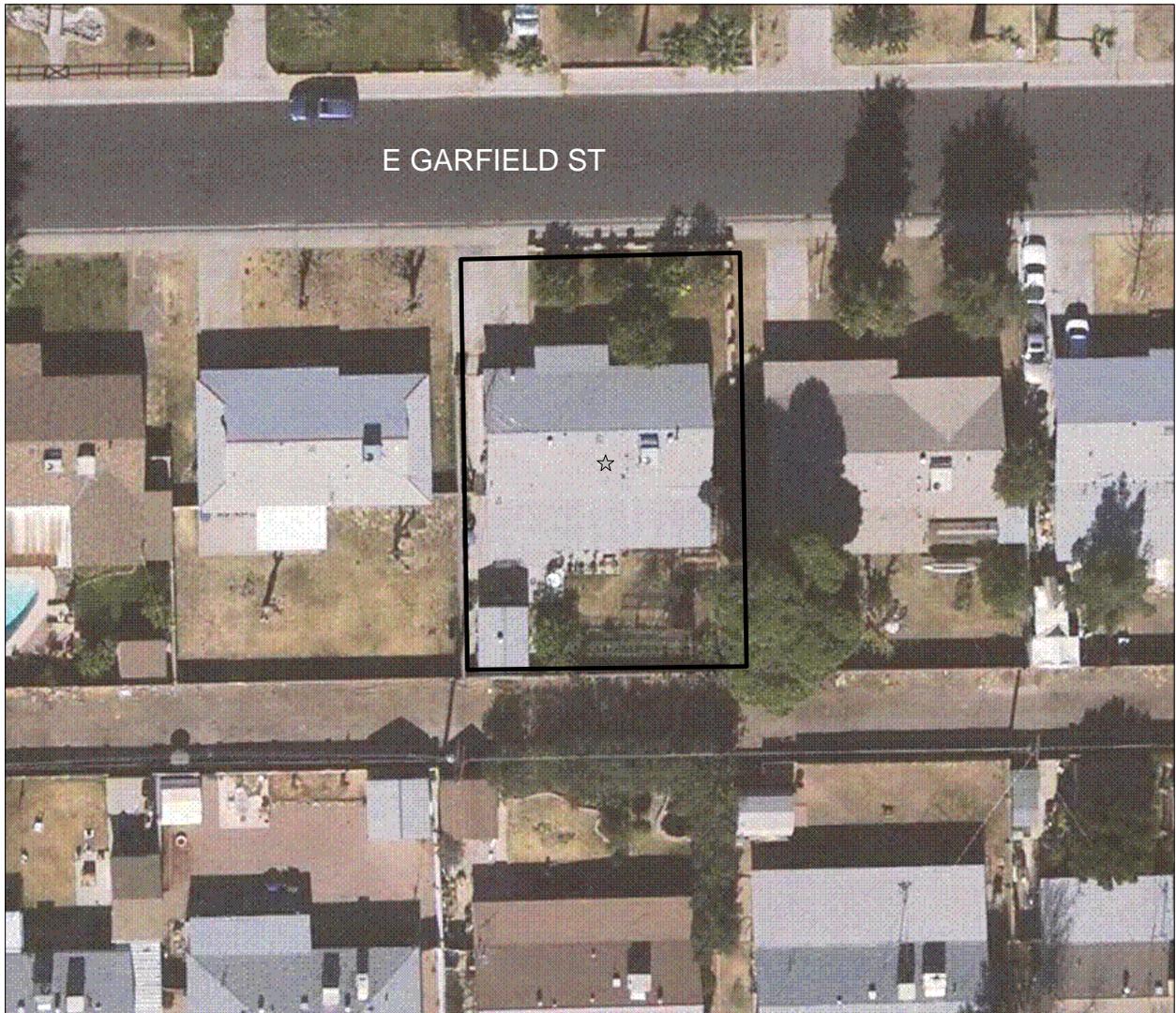
Zoning and Development Code, Part 6, Section 6-308
Zoning and Development Code, Chapter 6, Section 4-602- B

BUETI RESIDENCE

PL070399

CITY OF SCOTTSDALE





BUETI RESIDENCE (PL070399)

CITY OF TEMPE
Development Services
31 East 5th Street
TEMPE, AZ 85280-5002

Re: USE PERMIT to Park in Driveway

To whom it may concern:

Greetings.

The purpose of this letter is to ask that the City of Tempe grant us a Permit to be able to use the driveway at our residence at 407 East Garfield St. as our primary parking place for our vehicles.

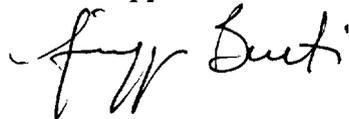
The carport was permitted by the City of Tempe to be enclosed, and the driveway remains the only alternative other than parking in the street.

The proposed use of such, as stated above, will comply with the guidelines set forth by the City:

- a. *It will not impact vehicular traffic in a negative way:* parking in the driveway will actually keep the street free for active traffic.
- b. *It will not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions.* Conditions will rather improve by lessening the probability of possible fuel or oil leaks in the street.
- c. *It will not contribute to the deterioration of the neighborhood nor will it be in conflict with the goals, objectives and policies of the City.* It can be seen from the attached photos that in our neighborhood it is customary for residents to park in driveways and in the street. These photos were taken by day: as people return home from work the driveways and the street are usually crowded with vehicles.
- d. *It will be compatible with the existing conditions of the neighborhood (see attached photos), (also see section "c" above).* .
- e. *It will not result in any disrupted behavior that may create a nuisance to the surrounding area or general public.* As one photo may show there is plenty of space between the vehicles parked in the driveway and the sidewalk for people to walk by without any interference.

Confident that all the above positive circumstances will be found acceptable by our neighbors and by the City of Tempe, we ask that the requested Permit be granted to us in a timely manner according to City Policy.

Sincerely,
Giuseppe Bueti



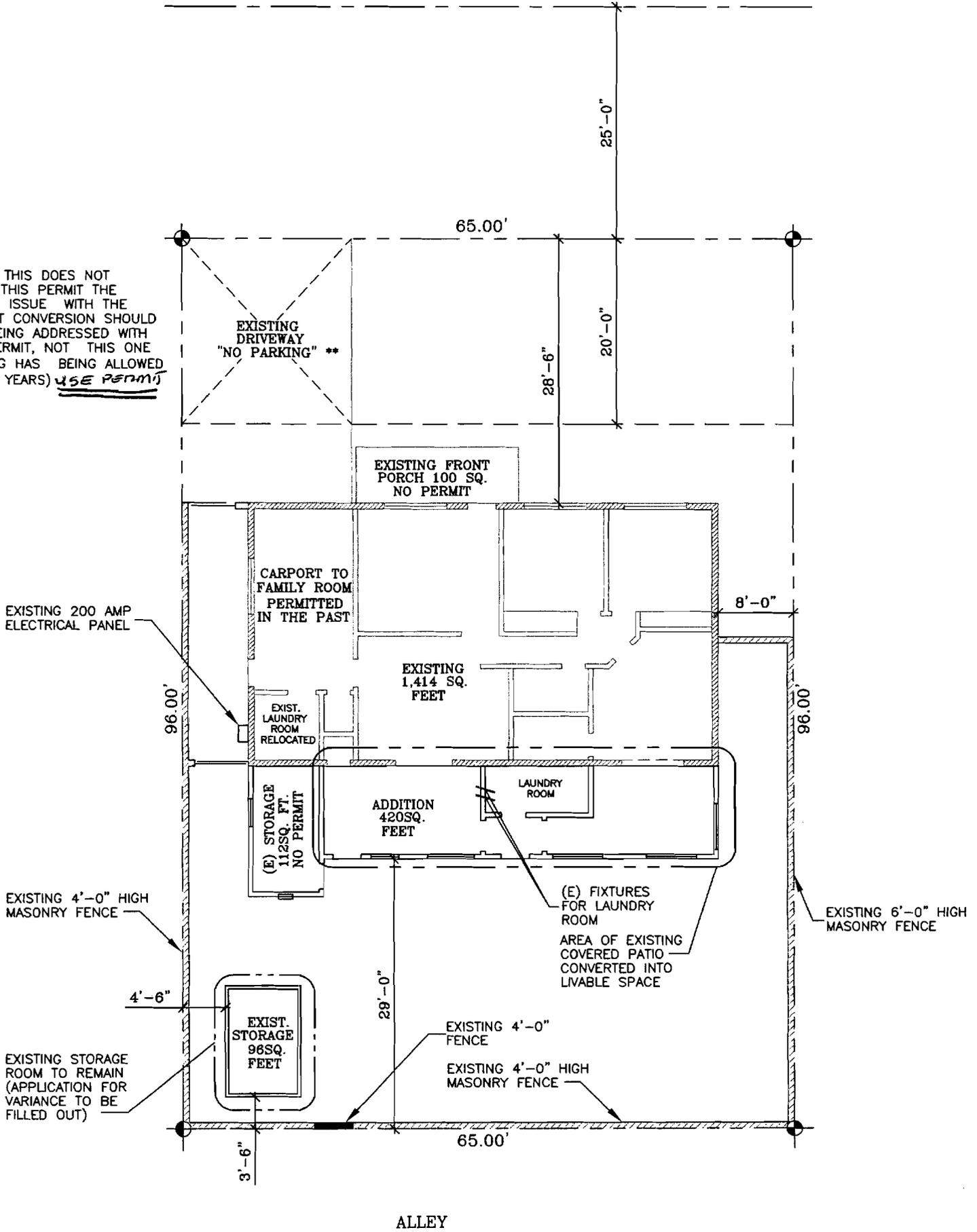
Encarnacion Bueti



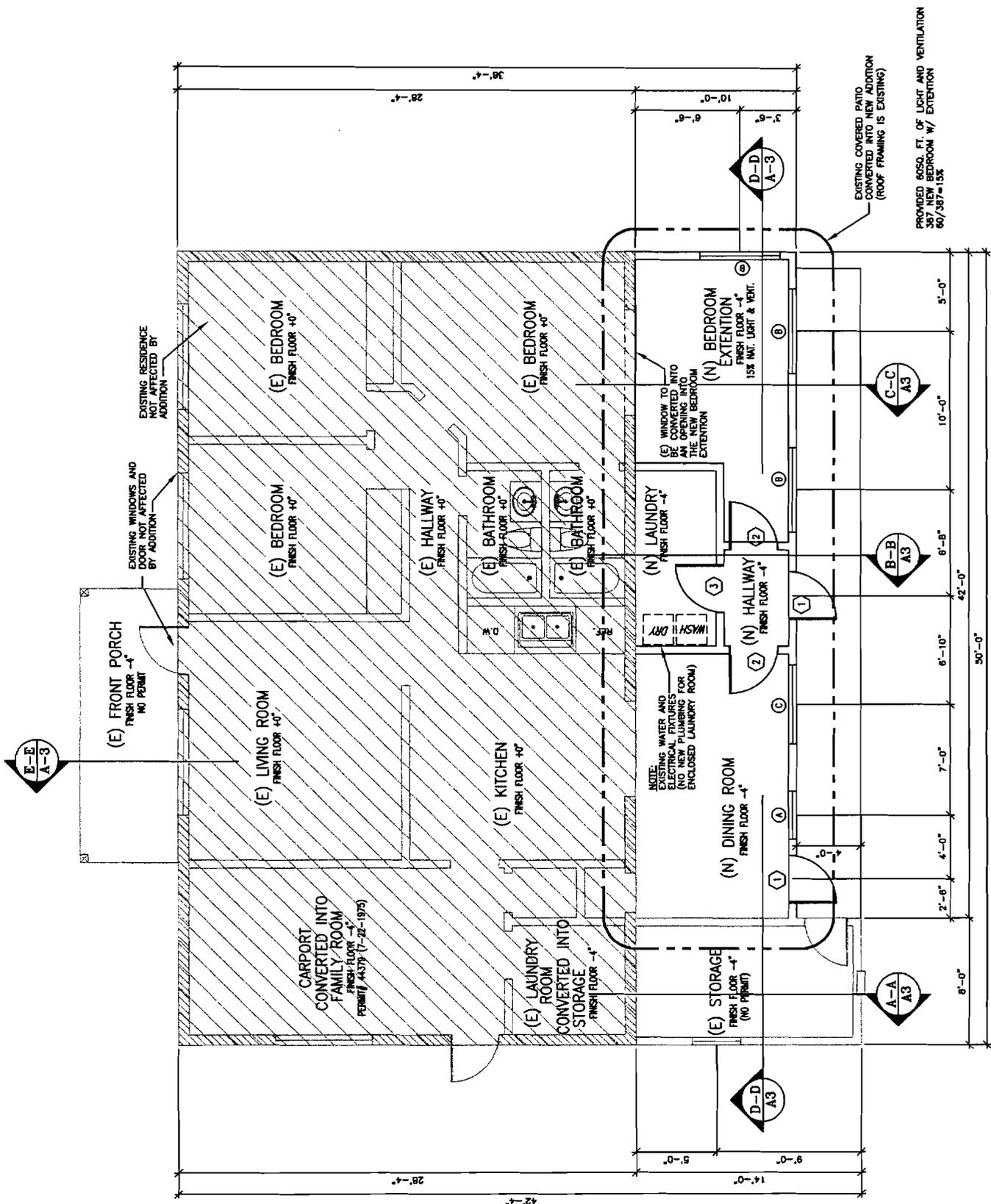
Tempe 9/04/07

GARFIELD

NOTE:** THIS DOES NOT AFFECT THIS PERMIT THE PARKING ISSUE WITH THE CARPORT CONVERSION SHOULD HAVE BEING ADDRESSED WITH THAT PERMIT, NOT THIS ONE (PARKING HAS BEING ALLOWED FOR 20 YEARS) USE PERMIT



SITE PLAN





BUETI RESIDENCE

407 E GARFIELD ST

PL070399

FRONT OF RESIDENCE: VIEW TO SOUTH



