

Staff Summary Report



Hearing Officer Hearing Date: December 4, 2007

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the **CHENEY RESIDENCE (PL070483)** located at 1325 West 6th Street for one (1) use permit.

DOCUMENT NAME: 20071204dsjc01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **CHENEY RESIDENCE (PL070483)** (Kelly Cheney, applicant/property owner) located at 1325 West 6th Street in the R1-6, Single Family Residential District for:

ZUP07176 Use permit to allow parking in the front yard setback.

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

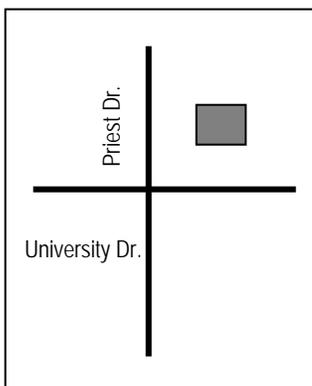
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to one (1) Condition

ADDITIONAL INFO: The Cheney Residence is before the Hearing Officer to request a use permit to allow parking in the required front yard setback. The carport has been enclosed into livable space prompting the need to request the use permit. To date, opposition has not been received to this request. Staff supports the use permit as proposed in this application.



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. Site plan
5. Floor plan
- 6-7. Staff Photograph(s)

COMMENTS:

The Cheney residence is located north of University Drive and east of Priest Drive on 1325 West 6th Street. The owner of the property had enclosed the carport into livable space without obtaining a building or use permits. Vehicles are presently parked within the required front yard setback.

The owner has indicated the carport was enclosed to provide additional living space. Many of the homes within the neighborhood have enclosed carports with either a workshop or liable space.

Use Permit

The Zoning and Development Code requires a use permit to park in the required setback. The applicant has enclosed has carport for liable space therefore need a use permit. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test 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;
 - This use, with conditions, should not create nuisances within this single family or surrounding neighborhood zoned area.
- 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 enclose carport 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. It was common for homes that were built during 1950' thru 1970's to convert their homes in livable space or workshops.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

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

REASON(S) FOR APPROVAL:

1. The uses are compatible with the building, site and adjacent property.
2. There appears to be a demonstrated need for this use at the proposed location.

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

**CONDITION(S)
OF APPROVAL:** 1. Obtain all necessary clearances from the building safety division.

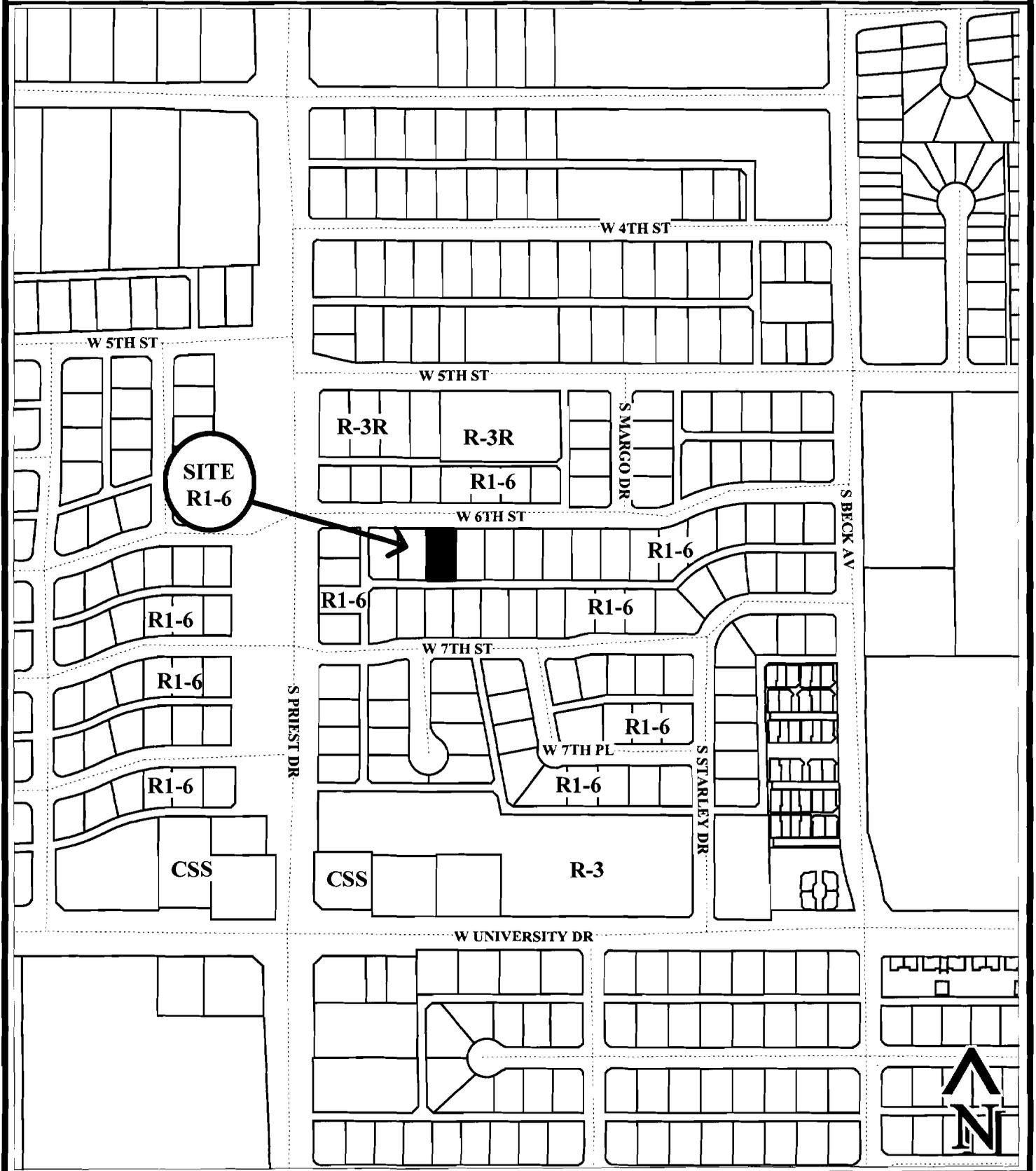
HISTORY & FACTS: Single family home constructed in February 18, 1959.

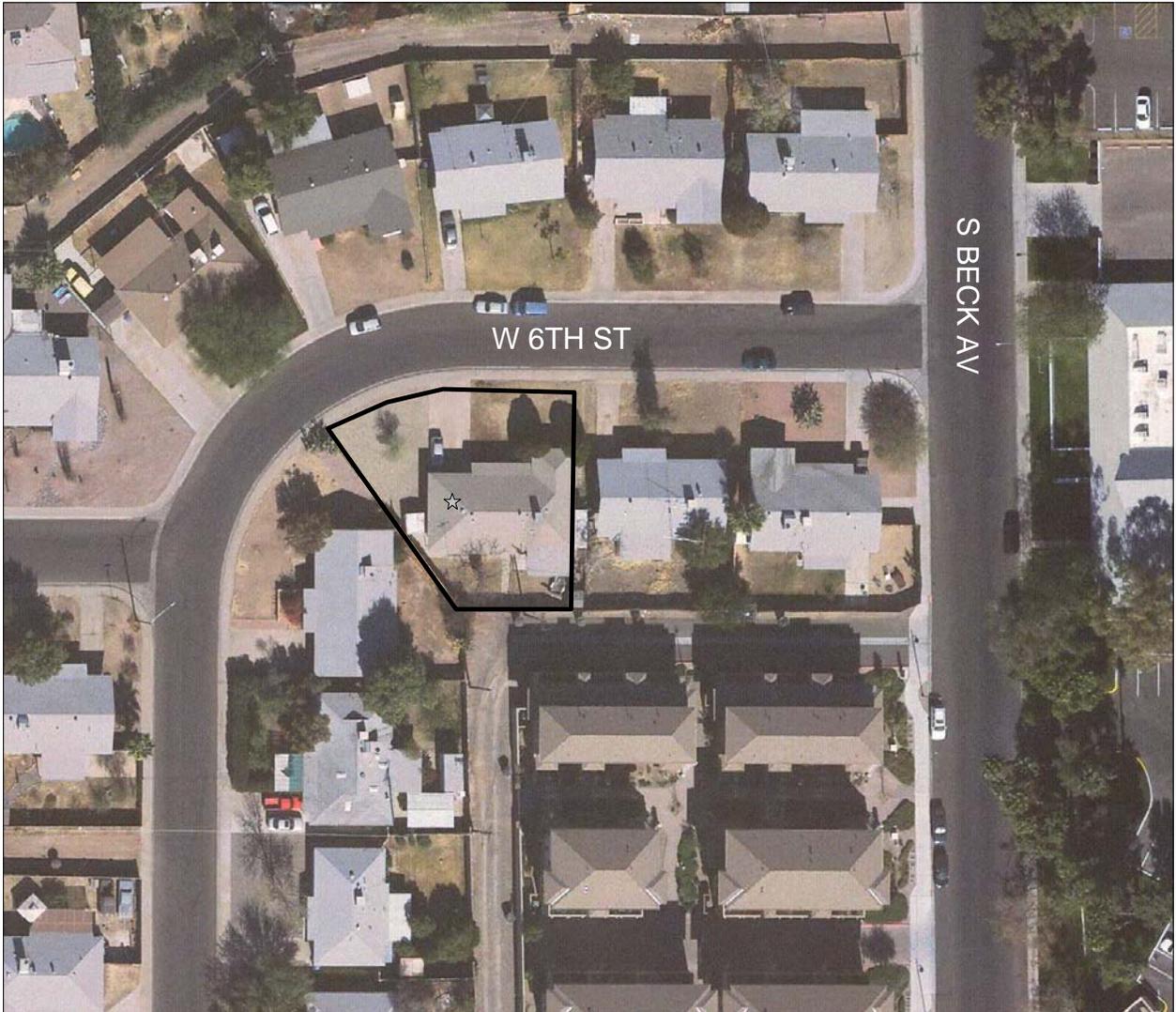
DESCRIPTION: Owner – Kelly Cheney
Applicant – Kelly Cheney
Existing Zoning – R1-6, Single Family Residential District
Existing home area - 1,302 s.f.
Lot area – 8,085 s.f.
Lot acres - .19 acres
Year built - 1959

**ZONING AND
DEVELOPMENT
CODE REFERENCE:** Part 4 Chapter 2, Section 4-202 – Development Standards to Residential Districts

CHENEY RESIDENCE

PL070483





CHENEY RESIDENCE (PL070483)

Kelly Cheney
1325 W. 6th St
Tempe, Arizona, 85281
November 20th, 2007

To Whom It May Concern,

We have converted our carport into livable space for visiting parents and a study room. I would like request a use permit to park our vehicles in the required front yard set-back.

Moving the parking spaces into the front yard set-back would not hinder the use of the sidewalk. Also, this adjustment would be compatible in our neighborhood. Our surrounding neighbors also have enclosed carports thus we would be compatible with the neighbors.

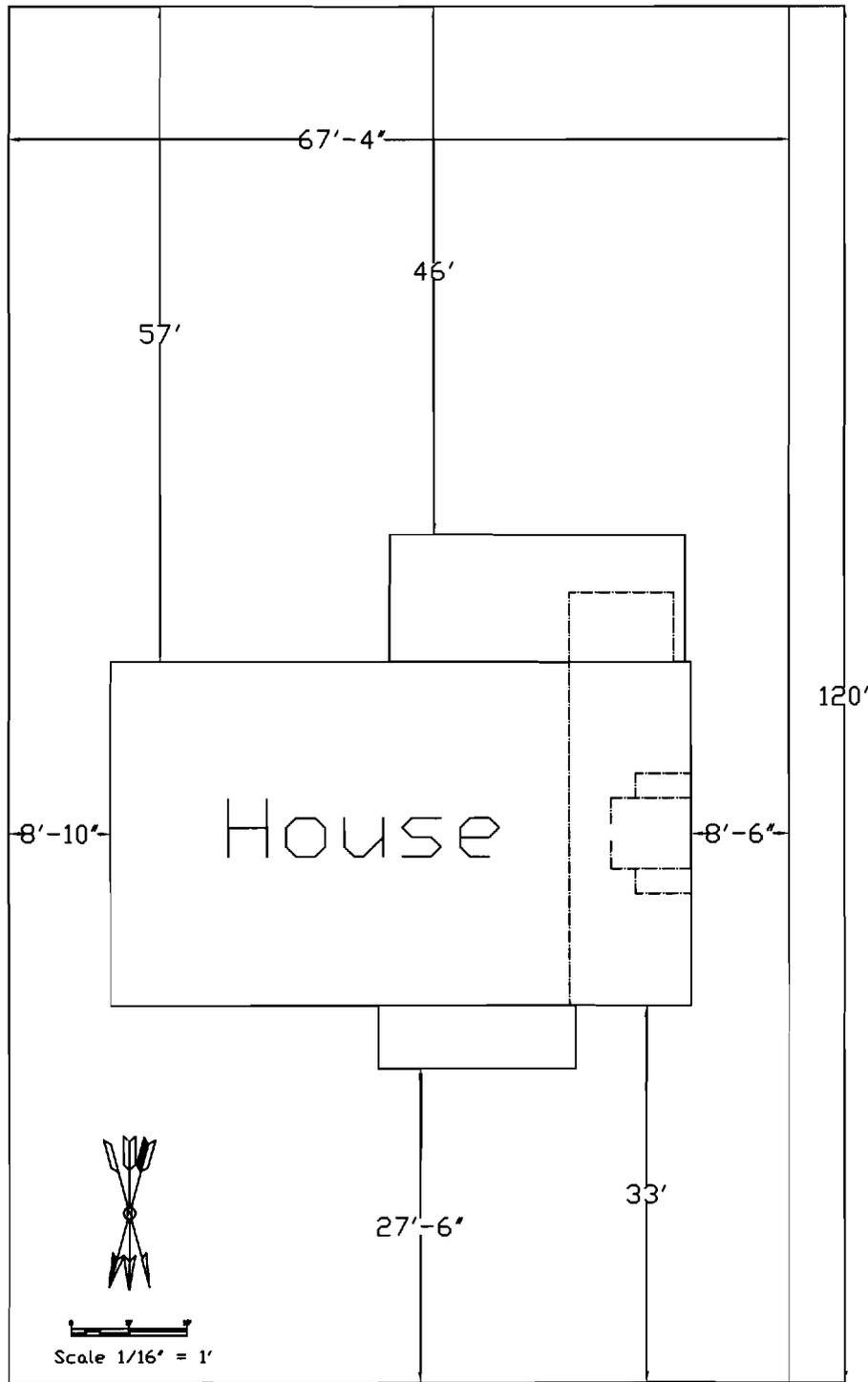
Thank you for your consideration in this matter.

Regards,

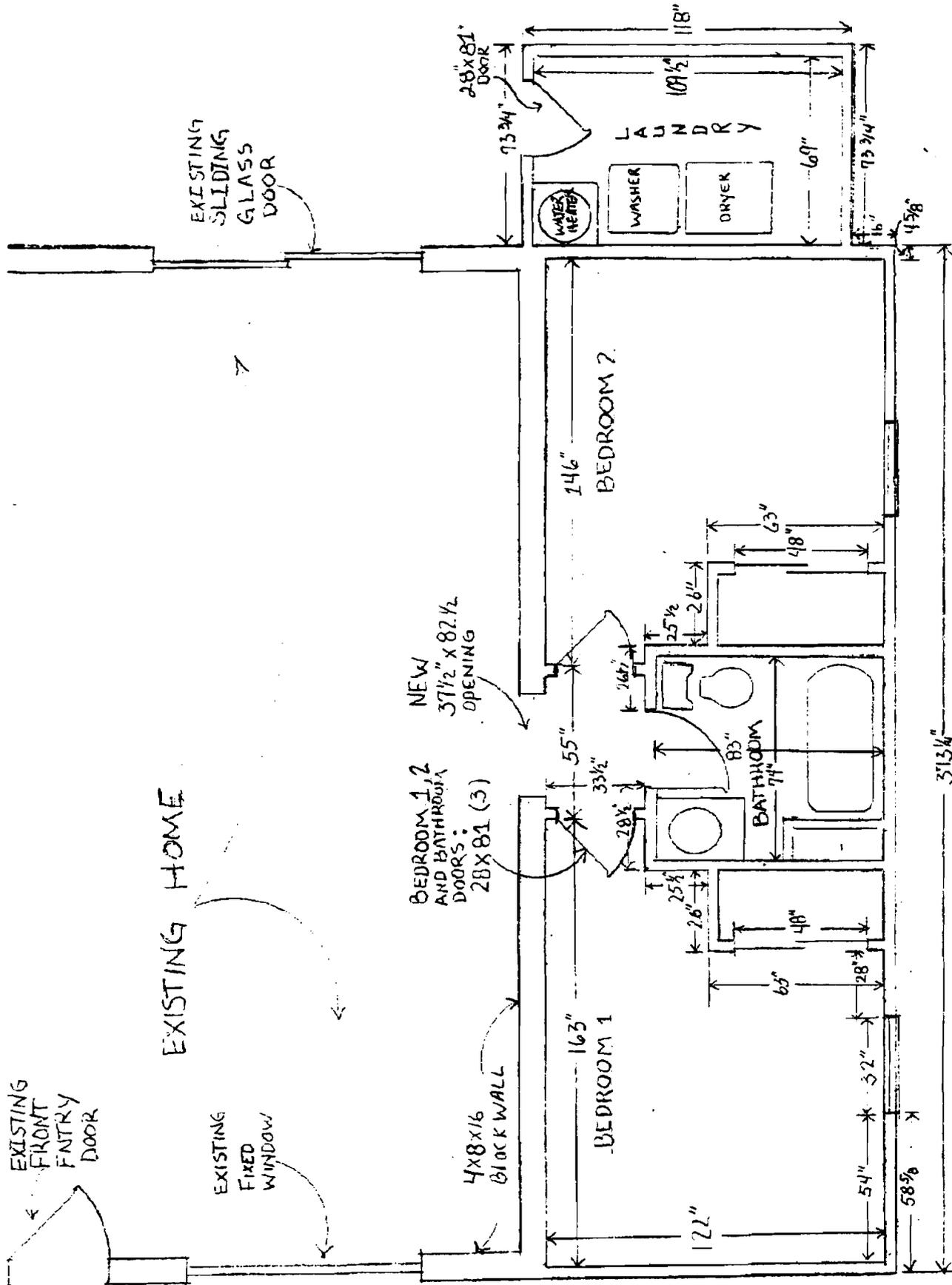
A handwritten signature in cursive script that reads "Kelly Cheney".

Kelly Cheney

Site Plan



6th Street



NEW ADDITION (BEDROOMS 1 + 2 / BATHROOM / LAUNDRY)

APPROX 58 FT. 3" 10
SCALE 1/4" = 12 INCHES



CHENEY RESIDENCE

1325 W 6TH ST.

PL070483

FRONT OF RESIDENCE: ENCLOSED GARAGE.



CHENEY RESIDENCE

1325 W 6TH ST.

PL070483

**FRONT OF RESIDENCE: ENCLOSED GARAGE.
VIEW TO EAST**