

Staff Summary Report



Hearing Officer Hearing Date: March 4, 2008

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **HANSEN RESIDENCE (PL080022)** located at 8445 South College Lane for one (1) use permit and one (1) variance.

DOCUMENT NAME: 20080304dsac01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **HANSEN RESIDENCE (PL080022)** (Jason Lofgreen/Encore Design Group, applicant; Robert and Susan Hansen, property owners) located at 8445 South College Lane in the R1-15, Single Family Residential District for:

ZUP08015 Use permit to allow the expansion of a second story.

VAR08003 Variance to reduce the front yard setback from thirty-five (35) feet to twenty-five (25) feet to intensify use by adding a second story.

PREPARED BY: Alan Como, Planner II (480-350-8439)

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

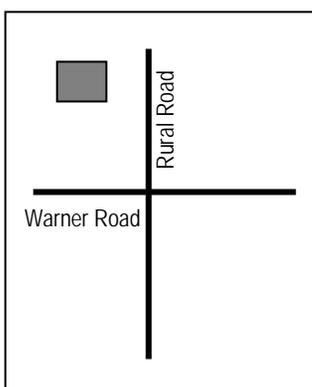
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1-2)

ADDITIONAL INFO: The Hansen Residence is requesting a use permit to allow the expansion of a second story on an existing two story home, and a variance to intensify the use in a previously approved setback variance, by adding a second story. That variance, approved in 1991, reduced the required front yard setback from thirty-five feet (35') to twenty-five feet (25') for the garage portion of the home. The present request would add a second story above the garage for additional livable space. Staff recommends approval of the use permit and the variance. A petition was received, signed by neighboring homeowners, in favor of adding a second story above the garage in the setback variance.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
- 5-8. Elevations
- 9-10. Petition of support
11. Notes from neighborhood meeting
- 12-13. Staff Photograph(s)

COMMENTS:

The Hansen residence is requesting a use permit to expand the second story of an existing two-story home, as well as a variance to intensify the use in an area of the lot which previously obtained a setback variance. The variance approved in 1991 reduced the required front yard setback from thirty-five feet (35') to twenty-five feet (25'), which allowed for the garage portion of the home to be built. This request is to add second story livable space above that garage, which is an intensification of the use previously approved. The original home owner that requested the variance cited the dimensions of the cul-de-sac as the special circumstance that necessitated the variance. The radius of this cul-de-sac is approximately sixty-five feet (65'), whereas normal cul-de-sacs within the City have a forty-five foot (45') radius. Several of the surrounding neighborhoods have cul-de-sacs that have forty-five feet (45') to fifty feet (50') radii, as do other neighborhoods that have the same zoning as this property.

The use permit is required when a second story home expands; in this case increasing the footprint of the existing home. In addition to the new livable space proposed above the existing garage, the applicant proposes to construct a new two-car garage on the south side of their home and build second story livable space above that. The total proposed addition amounts to approximately 1,475 square feet; of which approximately 1,283 square feet will be the second story. The new two-car garage and second story addition that extends southward from the existing home would be approximately eighteen feet (18') from the south property line. The home to the south that would be most impacted by this expansion is a single-story home; however, the homeowner is head of the Architectural Committee of the Homeowner's Association and is in support of this application. There are other existing two-story homes in the neighborhood, including the home directly to the north and the home directly to the east. Staff recommends approval of the use permit and the variance requests.

Neighborhood Meeting

The applicant held a neighborhood meeting on February 18 at 6:00 pm at their house where they displayed the site plan and elevations of the proposed addition. Approximately eleven neighbors attended, and all of them were in support of the variance and use permit request. Nine of the eleven neighbors signed a petition for approval of the variance request.

Use Permit

The Zoning and Development Code requires a use permit for any single family residence to add or expand for a second story. 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 proposed two story home is similar to others within the neighborhood; there should be no 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

Variance

The Zoning and Development Code requires a variance to reduce the front yard setback from thirty-five feet (35') to twenty-five feet (25') to intensify use by adding a second story in the R1-15, 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 original homeowner applied for and received a variance to reduce the required front yard setback for their proposed garage. The reason cited for the variance was that the cul-de-sac this lot is located on was built with a radius of sixty feet (60') as opposed to normal cul-de-sacs within the City which have a forty-five foot (45') radius. This lot continues to meet the special circumstances test.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
 - Reducing the setbacks for a proposed intensification is necessary for enjoyment of substantial property rights as other homes in the neighborhood are able to expand for a second story, or already have two story homes.
- c. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
 - The owner has created a self-imposed condition by requesting to intensify the use by adding a second story in this location.

Conclusion

Staff recommends approval subject to conditions.

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.

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.
2. Additions to be compatible in design, materials and color with existing dwelling

HISTORY & FACTS:

BA910061 May 21, 1991

Hearing Officer approved a variance request at 8445 South College lane (for the Dunham Residence) to reduce required front yard setback from thirty-five feet (35') to twenty-five feet (25').

February 18, 2008

Applicant held a neighborhood meeting to present their request to the surrounding residents. All eleven in attendance were in favor of the request.

DESCRIPTION:

Owner – Robert and Susan Hansen
Applicant – Jason Lofgreen/Encore Design
Existing Zoning – R1-15, Single Family Residential District
Existing Livable Square Feet – 3,979 s.f.
Proposed additional square feet – 1,475 s.f.
Footprint Area – 4,157 s.f.
Lot Area – 15,588 s.f.
Max Lot Coverage allowed – 45%
Lot Coverage proposed – 27%
Max building height allowed – 30 feet
Total building height proposed – 22 feet

**ZONING AND
DEVELOPMENT**

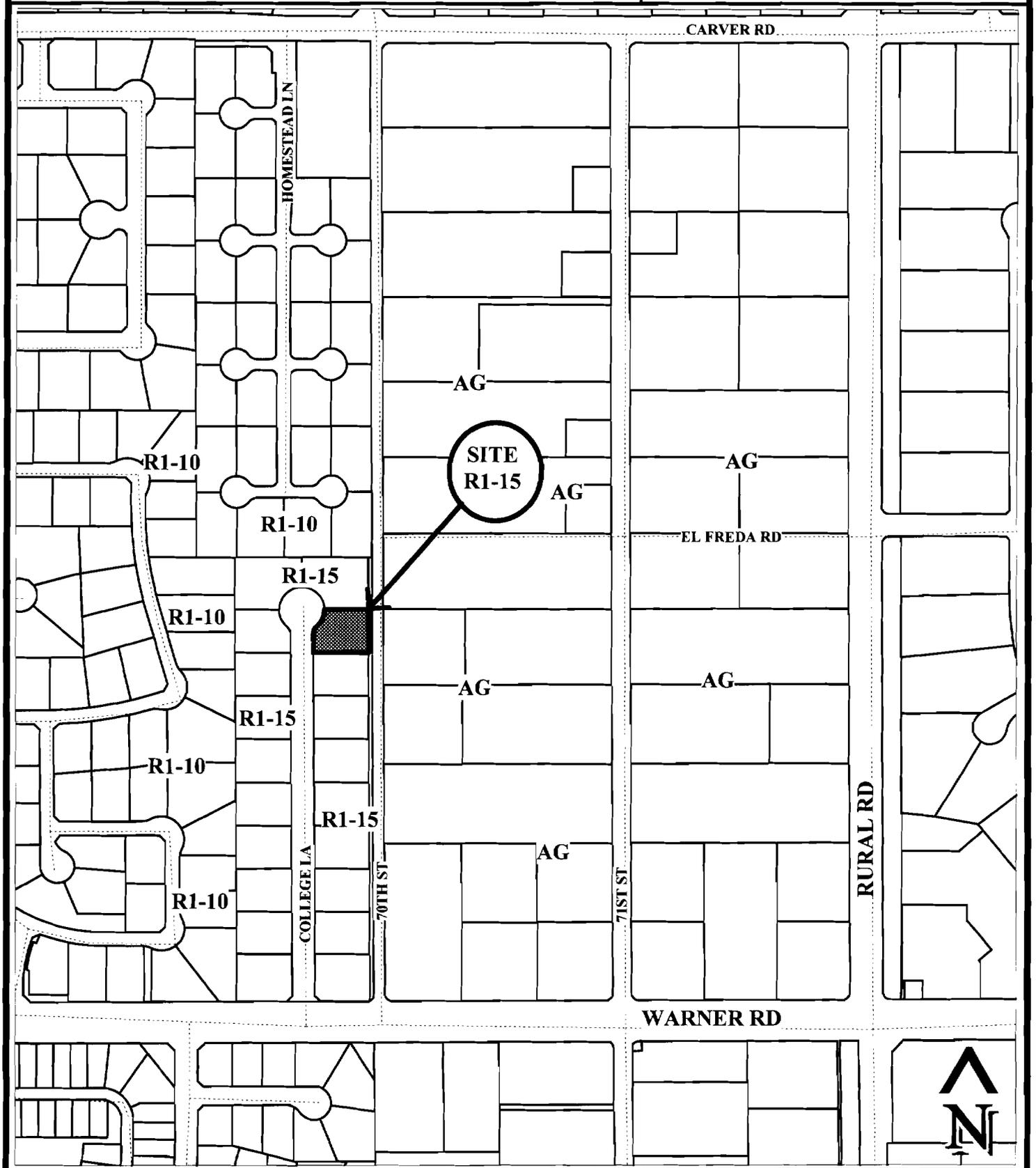
CODE REFERENCE:

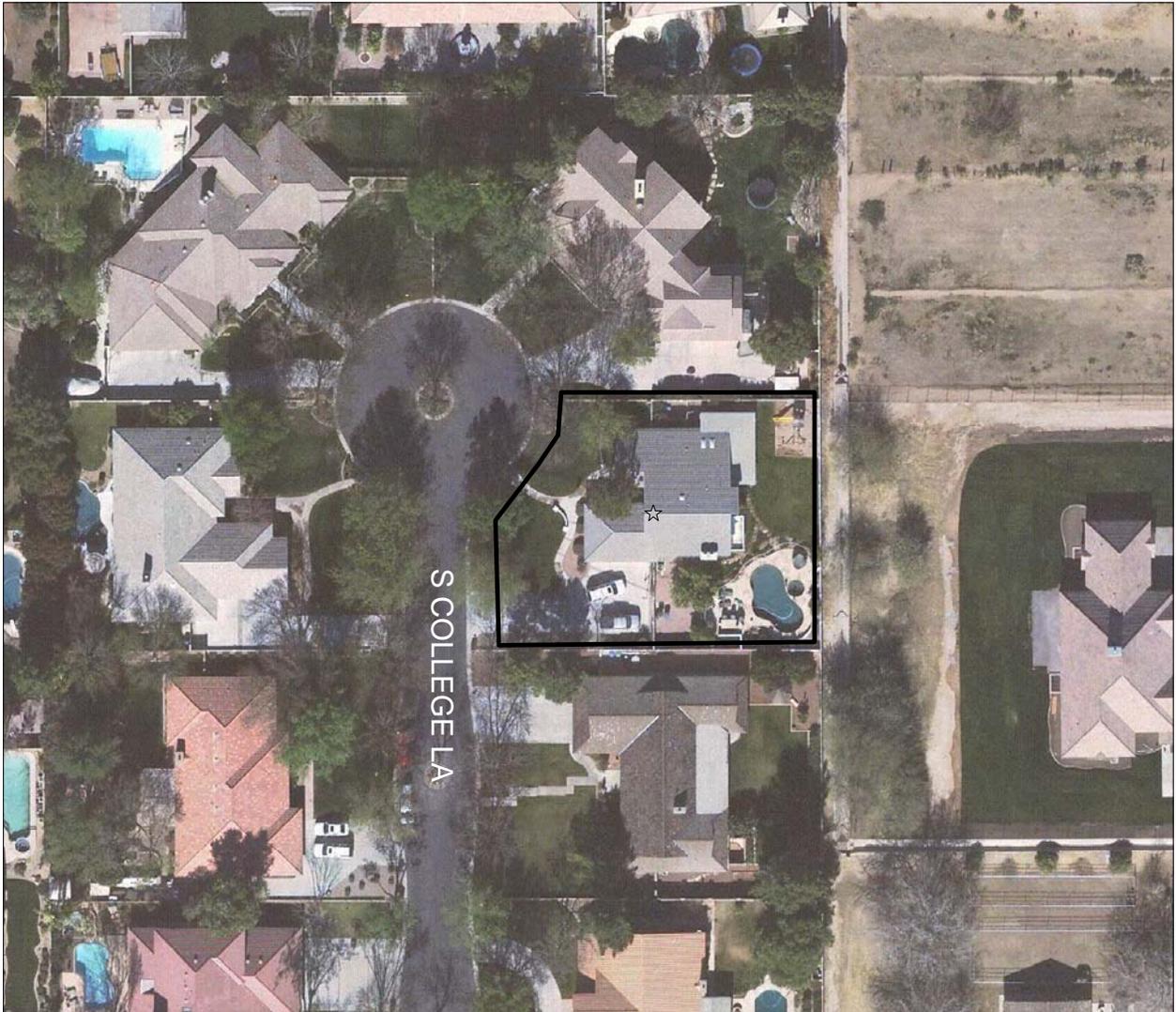
Citations of Code Requiring Use Permit(s) & Variance(s):

Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

HANSEN RESIDENCE

PL080022





HANSEN RESIDENCE (PL080022)



Encore Design Group LLC.
1550 East McKellips Road, Suite 101 Mesa, Arizona 85203
480-835-8227 Fax 480-835-8228

Hansen Project Variance Request

To City of Tempe Development Services Planning:

We are writing in concern of 8445 S. College Lane as we are designing the addition and remodel of this residence. Upon receipt of the comments from the first city review, we were informed that our proposed design did not meet City of Tempe Development Standards. This residence received a variance in 1991 allowing a 10'-0" encroachment into the front yard 35'-0" setback, thus making it a 25'-0" setback. We submitted a proposed second story above the existing garage and are not adding to the existing footprint that encroaches into the 35'-0" setback.

We also were informed that we did not meet the City of Tempe Development Standards with our proposed entry design. The existing entry currently encroaches 6'-0"± into the 35'-0" setback. Our proposed entry is pulled back so that it only encroaches 4'-0"± into the 35'-0" setback. The existing entry height is at 15'-4"±. The proposed entry height is 17'-6"±.

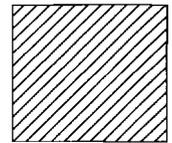
The applicant is requesting a use permit variance for the second story addition above the existing garage and the height change of the entry.

Granting the applicant this variance will not be detrimental to any adjacent homeowners or to the neighborhood, and will enhance the appearance of the home.

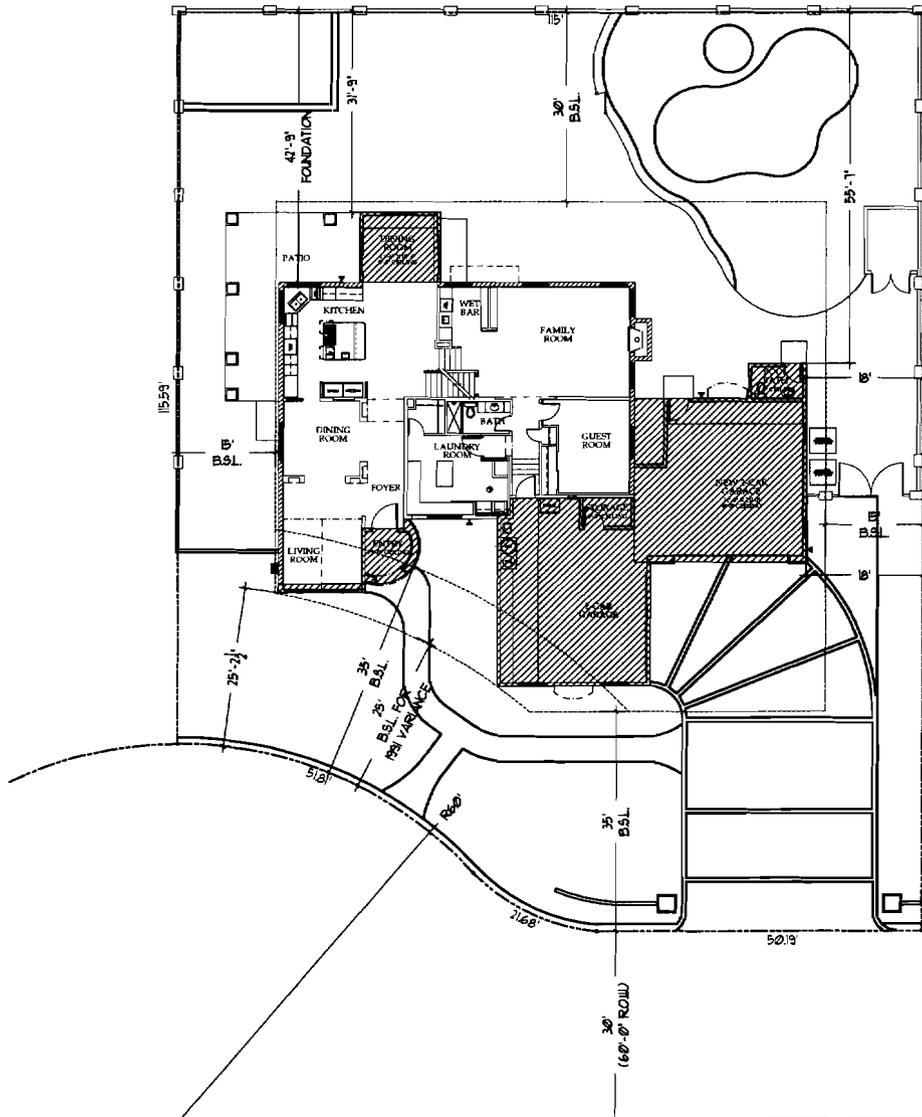
DATE: 02/08/08 PAGE: 1 OF 8
 ENCORE JOB NO: D07-021
 ADDRESS: 8445 S. COLLEGE LANE
 TEMPE, ARIZONA



RAWN BY: LD
 DESCRIPTION: VARIANCE REQUEST
 SITE PLAN



INDICATES
 BUILDING
 ADDITION



ZONING = R-15
 LOT AREA = 15,588 S.F.
 EXIST. HOUSE = 5,251 S.F.
 PROPOSED ADDITION = 2,173 S.F.
 STREET R/W = 60'-0"
 SETBACK REQUIRED
 FRONT = 35'-0"
 FRONT 1991 VARIANCE = 25'-0"
 SIDE YARDS = 15'-0"
 REAR YARD = 30'-0"
 ALLEY WIDTH = N/A



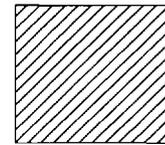
NORTH

SCALE: 1" = 30'-0"

DATE: 02/08/08 PAGE: 5 OF 8
ENCORE JOB NO: D07-021
ADDRESS: 8445 S. COLLEGE LANE
TEMPE, ARIZONA



RAWN BY: LD
DESCRIPTION: VARIANCE REQUEST
FRONT ELEVATION



INDICATES
BUILDING
ADDITION

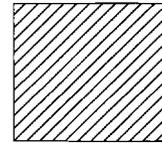


SCALE: 1/16" = 1'-0"

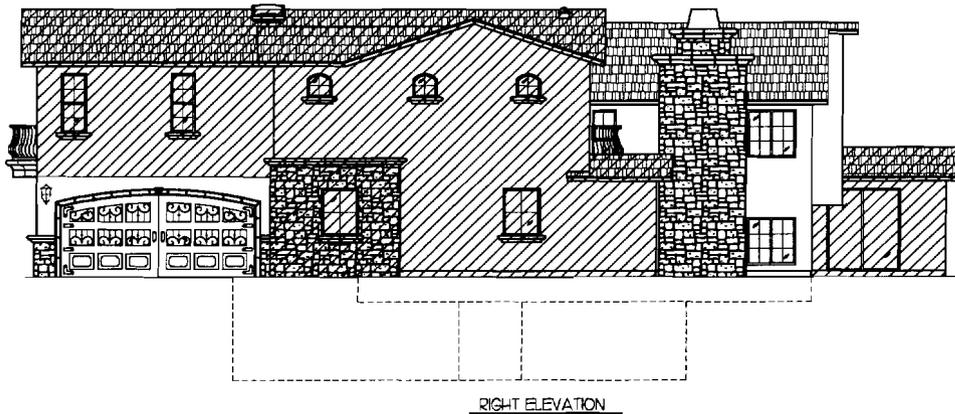
DATE: 02/08/08 PAGE: 6 OF 8
ENCORE JOB NO: D07-021
ADDRESS: 8445 S. COLLEGE LANE
TEMPE, ARIZONA



RAWN BY: LD
DESCRIPTION: VARIANCE REQUEST
RIGHT ELEVATION



INDICATES
BUILDING
ADDITION

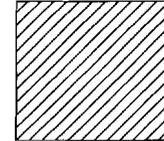


SCALE: 1/16" = 1'-0"

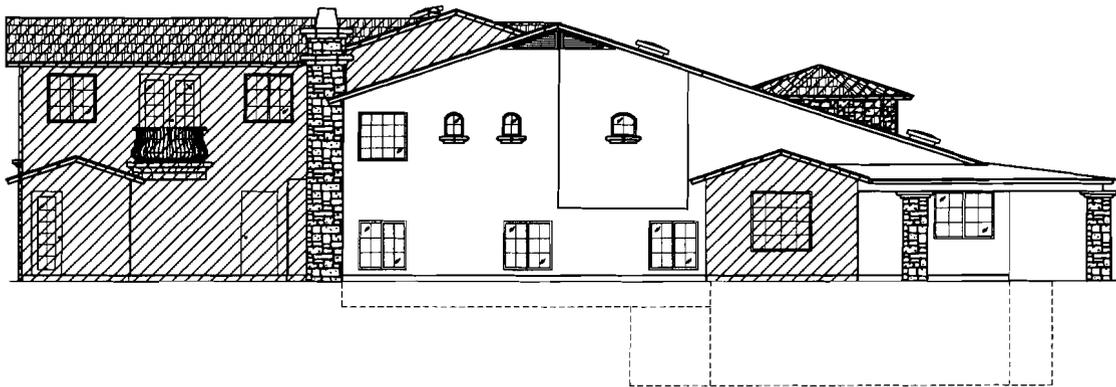
DATE: 02/08/08 PAGE: 7 OF 8
ENCORE JOB NO: D07-021
ADDRESS: 8445 S. COLLEGE LANE
TEMPE, ARIZONA



DRAWN BY: LD
DESCRIPTION: VARIANCE REQUEST
REAR ELEVATION



INDICATES
BUILDING
ADDITION



REAR ELEVATION

SCALE: 1/16" = 1'-0"

DATE: 02/08/08 PAGE: 7 OF 8

ENCORE JOB NO: D07-021

ADDRESS: 8445 S. COLLEGE LANE
TEMPE, ARIZONA



ARCHITECTURE
DESIGN • DRAFTING
RENDERING • ENGINEERING

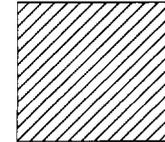
ENCORE DESIGN GROUP

Encore Design Group LLC.
1550 East McKellips Road Suite 101
Mesa, Arizona 85203
Office 480-835-8227 Fax 480-835-8228
mail@encoredg.com

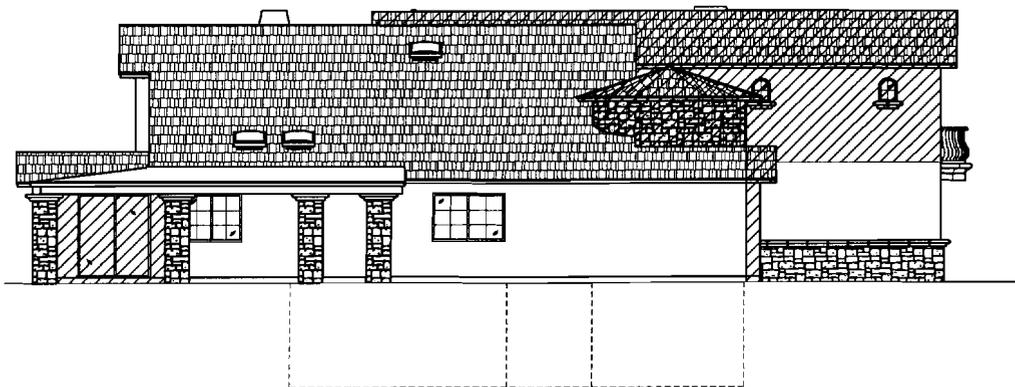
RAWN BY: LD

DESCRIPTION: VARIANCE REQUEST

LEFT ELEVATION



INDICATES
BUILDING
ADDITION



LEFT ELEVATION

SCALE: 1/16" = 1'-0"

2/18/08

PETITION FOR APPROVAL OF VARIANCE AT THE HANSEN RESIDENCE AT
8445 S. COLLEGE LANE
TEMPE, AZ

I support the proposed variance to put a 2nd story above the existing garage at 8445 S. College Lane in Tempe, Arizona. I have seen the plans for the addition and I support them.

PLEASE SIGN YOUR NAME, ADDRESS AND PHONE NUMBER IF YOU SUPPORT THE VARIANCE FOR THE HANSEN RESIDENCE.

1. John MATTESON
Name

8515 S. College Ln 480-216-3493
Address and Phone Number

2. [Signature]
Name

8460 S College Ln
Address and Phone Number

3. ERICH LAU
Name

8400 S. College Lane
Address and Phone Number

4. Wally Skene
Name

8446 S College Lane
Address and Number

5. Bess Berger
Name

8625 S. College Ln
Address and Phone Number

2/18/08

PETITION FOR APPROVAL OF VARIANCE AT THE HANSEN RESIDENCE AT
8445 S. COLLEGE LANE
TEMPE, AZ

I support the proposed variance to put a 2nd story above the existing garage at 8445 S. College Lane in Tempe, Arizona. I have seen the plans for the addition and I support them.

PLEASE SIGN YOUR NAME, ADDRESS AND PHONE NUMBER IF YOU SUPPORT THE VARIANCE FOR THE HANSEN RESIDENCE.

1. DENNIS H. BRADY
Name

8465 S. College Lane (480) 820-1443
Address and Phone Number

2. JACK KOEHLER
Name

8620 S COLLEGE LANE 480 897-2131
Address and Phone Number

3. J. Scott Conlon
Name

8755 S. College Ln. (480) 832 1705
Address and Phone Number

4. GEORGE VASQUEZ
Name

8405 S. COLLEGE LN, TEMPE 480 801 0436
Address and Number

5. _____
Name

Address and Phone Number

MEETING NOTES FROM THE PUBLIC MEETING AT
THE HANSEN RESIDENCE HELD ON 2/18/08 6:00 P.M. – 7:15 P.M
REGARDING A VARIANCE AND USE PERMIT REQUEST FOR
8445 S. COLLEGE LANE TEMPE, AZ

February 20, 2008

A public meeting was held regarding the request for a variance and use permit for the property located at 8445 S. College Lane, Tempe, AZ. The meeting was held at the property on 2/18/08 starting at 6:00 P.M. and ending approximately 7:15 P.M..

The homeowners, Robert and Susan Hansen, attended as did Jonathan Stuart of Stuart Luxury Homes LLC, the general contractor, and Chris Chloupek, the project manager, for this proposed project. We provided elevation drawings and a site plan of the project for the neighbors to review. We also spent time with some of the neighbors outside the property showing them what was proposed.

Neighbors who attended included: Russ Boeger, Jo Ellen, Bill Fouch, Walley S., Mark T., Dennis Brady, Scott Lonlon, John Maddison, Jack Koehler, George Vasquez and Eric Lau. We attempted to get the names of all who attended but did not get the full names of everyone.

The homeowners on both sides of the property were able to attend. They are George Vasquez and Dennis Brady and both supported the proposal. Dennis Brady is also the head of the Architecture committee for the College Lane neighborhood.

All people who attended were in support of the variance. The main issue that was discussed was that they misunderstood the letter from the city of Tempe that was sent to the residents. The homeowners interpreted it as if the variance being requested was going to move the front setback an additional ten feet closer to the street rather than just intensifying the usage within the previously approved variance.

Once the neighbors understood this they all were in support of the variance. Nine of them signed a petition in support of this proposed variance and use permit.

If there are any questions regarding the public meeting please contact Jonathan I. Stuart of Stuart Luxury Homes LLC at 480-797-1300. Thank you

Jonathan I. Stuart
Managing Member
STUART LUXURY HOMES LLC



HANSEN RESIDENCE

8445 S COLLEGE LN

PL080022

FRONT OF RESIDENCE



HANSEN RESIDENCE

8445 S COLLEGE LN

PL080022

FRONT/SIDE OF RESIDENCE