

Staff Summary Report



Hearing Officer Hearing Date: November 6, 2007

Agenda Item Number: 16

SUBJECT: This is a public hearing for a request by the **IANNELLA RESIDENCE** located at 641 West La Donna Drive for two (2) use permits.

DOCUMENT NAME: 20071106dsjc02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **IANNELLA RESIDENCE (PL070454)** (Monica Lisa Iannella, applicant/property owner) located at 641 West La Donna Drive in the R1-6, Single Family Residential District for:

ZUP07157 Use permit to allow parking in the front yard setback.

ZUP07158 Use permit to allow the parking of a boat in the front yard setback.

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

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

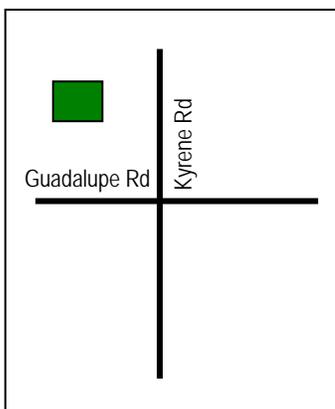
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval of use permit (ZUP07157) to allow parking in front yard setback subject to Conditions 1 – 3.
Staff – Denial use permit (ZUP07158) to allow parking of a boat in the front yard setback.

ADDITIONAL INFO: The applicant is before the Hearing Officer to request two (2) use permits. The first is to allow parking in the front yard setback. The second is to allow a boat (recreation vehicle) to be parked in the front yard setback. The requests are in reaction to code complaints. Staff recommends approval of the request to allow parking in the front yard setback. However, staff is recommending denial of the request to allow the parking of a boat in the front yard setback.



PAGES:

1. List of Attachments
- 2-3. Comments
3. Reason(s) for Approval; Reason(s) for Denial
4. Conditions of Approval; History & Facts/Description
5. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Elevation plan
- 6-8. Staff Photograph(s)

COMMENTS:

The Iannella residence is requesting two (2) use permits. The first request is a use permit to allow parking (vehicles) in the required front yard setback. The second request is a use permit to allow parking for a nineteen foot (19') long boat (recreation / vehicle) in the required front yard setback.

The applicant had enclosed the carport without first obtaining a building permit. In addition, there are Zoning and Development Code violations with vehicles and a boat parking within the required front yard setback without use permits. This has resulted in the present requests.

With respect to the boat parking, from the perspective of maintaining neighborhood character, aesthetics and crime prevention (these vehicles may be viewed as attractive nuisances), staff recommends denial of the use permit.

Staff recommends approval of the use permit to allow vehicles to park in the front yard setback but denial of the nineteen foot (19') long boat to be parked in the required front yard setback.

Use Permit (s)

ZUP07157 Use permit to allow parking in the front yard setback:

The Zoning and Development Code requires use permits 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.

ZUP07158 Use permit to allow the parking of a boat in the front yard setback:

The Zoning and Development Code requires a use permit for boats parked in the front yard setback of the R1-6, Single-family Residential District. The criteria for granting the use permit is based upon a finding that the use covered by the permit, the manner of its conduct, will not be detrimental to persons residing or working in the vicinity, adjacent to the property, to the neighborhood, or the public welfare in general. Other factors include whether or not the use permit would contribute to the deterioration of the neighborhood or to the downgrading of property values, or whether the boat, trailer or RV would be compatible with existing surrounding structures or uses.

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

- a. 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 has the potential to contribute to neighborhood deterioration or downgrade property values. This use permit request is not consistent with the General Plan 2030's Land Use Element. The requested use permit holds the potential to be detrimental to the surrounding area, and may inhibit the General Plan Land Use Element Goals and Strategies.
- b. Compatibility with existing surrounding structures and uses;
 - The proposed use does not appear to be compatible with surrounding residential uses

Conclusion

Staff recommends approval of the uses permit for the vehicles parking in the required front yard set back subject to the attached conditions of approval but denial of the use permit for the nineteen (19') boat (recreation vehicle) to park in the required front yard set back .

REASON(S) FOR APPROVAL:

ZUP07157

Use permit to allow parking in the front yard setback:

1. Use Permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general
2. The use appears to be compatible with building, site and adjacent properties.

REASON(S) FOR DENIAL:

ZUP07158

Use permit to allow the parking of a boat in the front yard setback:

1. Authorization of the use permit(s) will be a materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
2. The denial of the use permit is necessary for the preservation and enjoyment of substantial property rights.

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

**CONDITION(S)
OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Division.
2. Vehicles at anytime shall not park overlapping the sidewalk. (City of Tempe's Code, Chapter 19, Article 1, Definitions, Penalties, Liability; Section 19, and Number 13).
3. Residence front yard landscape shall be maintained at all times based on the City of Tempe's Code (Chapter 21, Article 1 Nuisances; Section 21-1).

HISTORY & FACTS:

July 27, 2004	City of Tempe's City Code violations involved a green pool, unregistered vehicle in driveway, junk and debris in driveway, tall grass and weeds in gravel.
November 8, 2004	City of Tempe's City Code violations based on a vehicle parked on front lawn and miscellaneous debris.
April 19, 2006	City of Tempe's City Code violations based on dead landscape, weeds in the dirt and gravel, junk and debris.
August 21, 2006	City of Tempe's Neighborhood Enhancement Officer inspected the site and found weeds in gravel and landscape debris
September 26, 2007	City of Tempe's Neighborhood Enhancement Officer inspected the site experienced the same issues as from August 21, 2006.
September 27, 2007	City of Tempe's Neighborhood Enhancement Officer inspected site and found the owner had enclosed his carport without a building permit.
October 08, 2007	City of Tempe's Neighborhood Enhancement Officer found a boat parked in the front yard setback and had advised the owner to see the Planning Department.

DESCRIPTION:

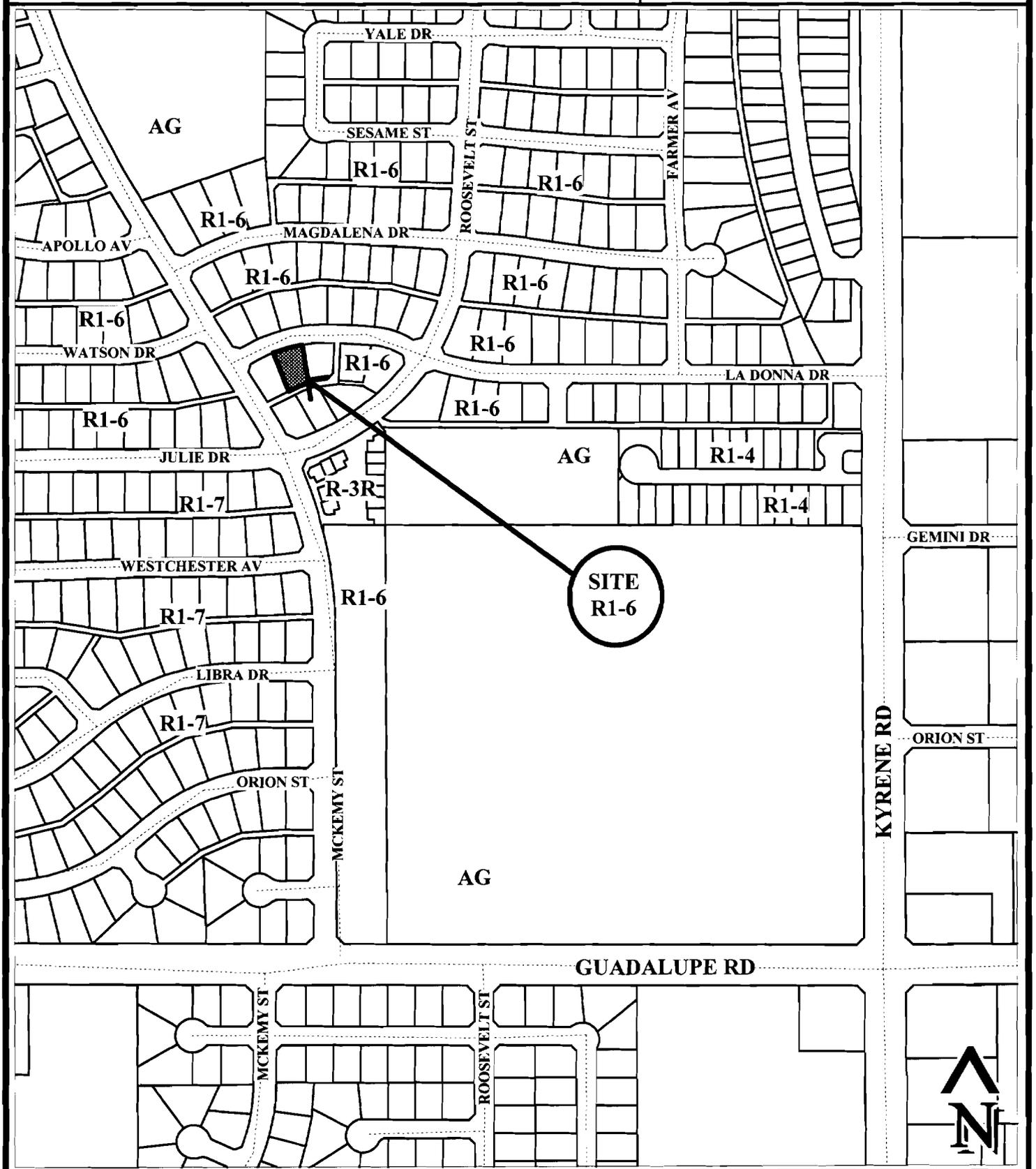
Owner – Monica Lisa Iannella
Applicant – Monica Lisa Iannella
Existing Zoning – R1-6, Single Family Residential District
Building Area – 1,544 s.f.
Font Yard Set Back – 20 feet
Side Yard Set Back – 5 feet

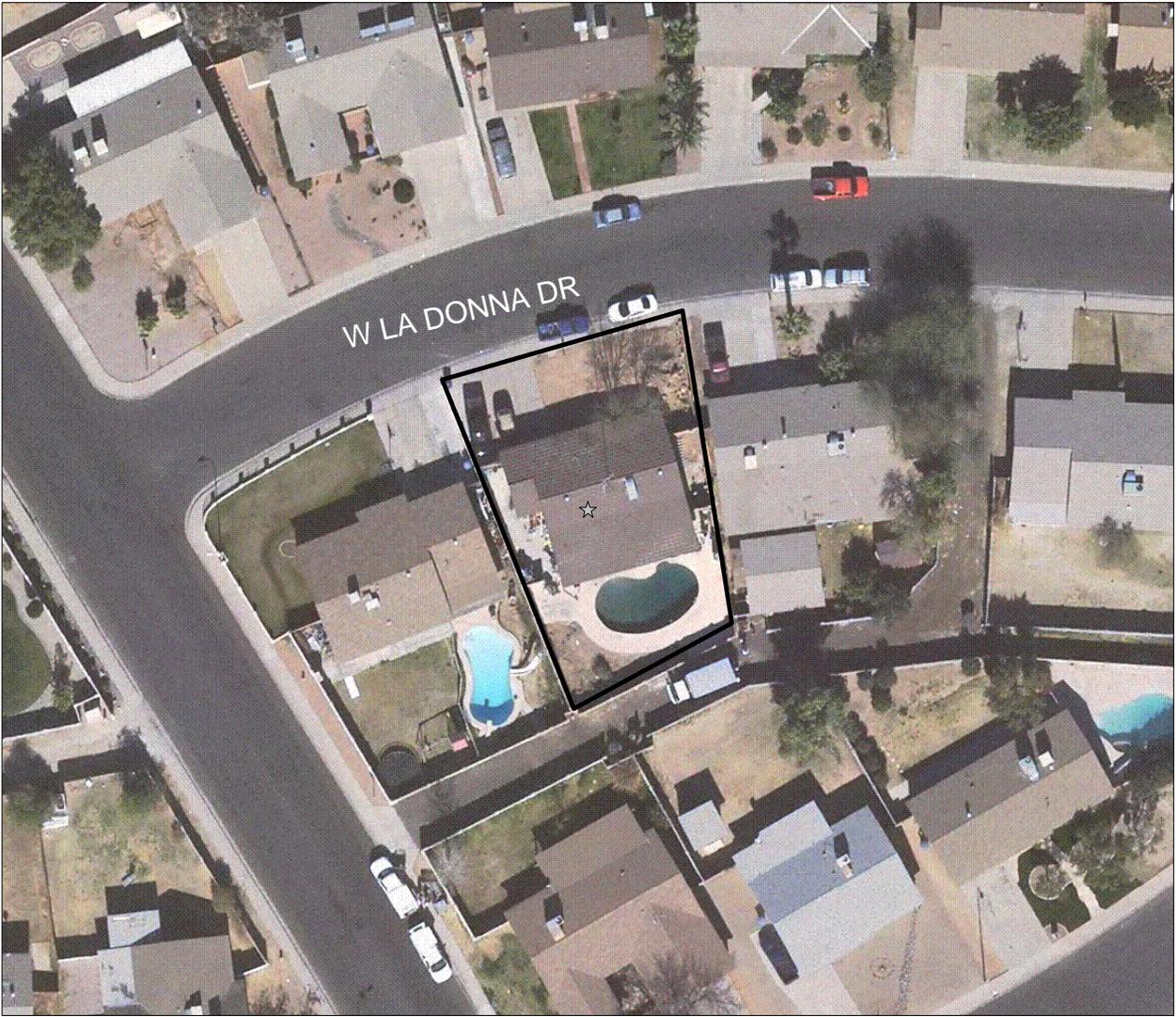
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Zoning and Development Code, Part 6, Section 6-308
Zoning and Development Code, Chapter 6, Section 4-602- B - 7

IANNELLA RESIDENCE

PL070454





IANNELLA RESIDENCE (PL070454)

Christopher, Jon

Subject: FW: Request

Importance: High

From: Iannella, Monica
Sent: Tuesday, October 23, 2007 4:45 PM
To: 'jon-christopher@tempe.gov'
Subject: Request
Importance: High

To whom it may concern:

When I purchase this house 13 years ago, my children were small. They have become great adults. The house was a perfect size when I purchased the home. Now we need more room. I'm in the process for a building permit , to in close the carport into liveable space.

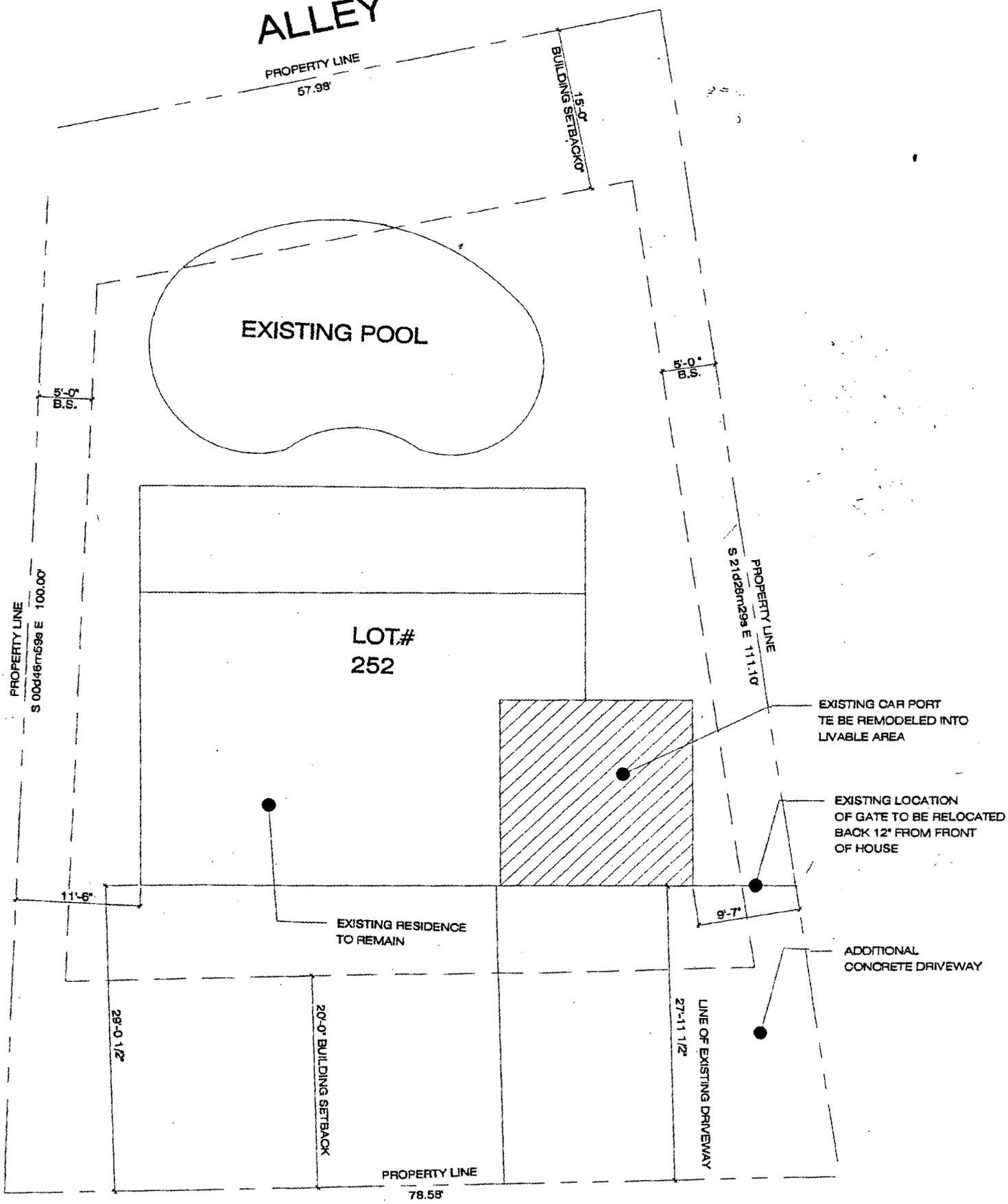
I'm requesting a use permit to park in the front yard set back. Our vehicles are not old beat up cars. They are our transportation for our daily lives.

I'm also requesting a use permit to park my 19 foot long boat, where you will find it's not in the way of the vehicles,nor messy. The boat has a nice cover with no holes or discoloration. The boat and vehicles do not interfere with our landscape.Our house is very well maintained and is one of the best looking in the neighborhood.

Thank You

Monica Iannella

ALLEY



La DONNA DR.

ASSUMED 2x FRAMED WALL AT 16" O.C.
WITH CONTINUOUS O.S.B. SHEATHING PER
PER IRC SECTION R602.10.5 (AT ALL SIDES)

EXISTING TO
REMAIN AS-IS

NEW 1200x800 XOM
WINDOW

8'-0" TO EXISTING PLATE
6'-10" HEADER HT.

WESTERN ONE-COAT
EXT. STUCCO SYSTEM
I.C.C. ESR NO.16407 OR
APPROVED EQUAL

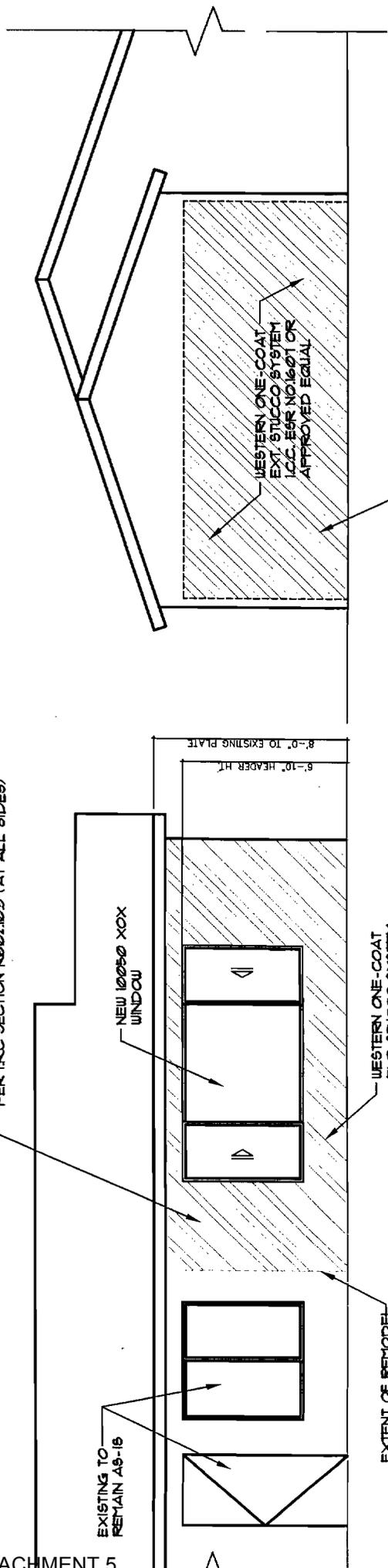
EXTENT OF REMODEL

WESTERN ONE-COAT
EXT. STUCCO SYSTEM
I.C.C. ESR NO.16407 OR
APPROVED EQUAL

ASSUMED 2x FRAMED WALL AT 16" O.C.
WITH CONTINUOUS O.S.B. SHEATHING PER
PER IRC SECTION R602.10.5 (AT ALL SIDES)

EXTERIOR ELEVATION

1/4" = 1'-0"





IANNELLA RESIDENCE

641 W LA DONNA DR

PL070454

FRONT OF RESIDENCE: VIEW TO SOUTH



IANNELLA RESIDENCE

641 W LA DONNA DR

PL070454

FRONT OF RESIDENCE: VIEW TO SOUTH



IANNELLA RESIDENCE

641 W LA DONNA DR

PL070454

REAR OF RESIDENCE