

Staff Summary Report



Hearing Officer Hearing Date: November 6, 2007

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **LEWIS PROPERTY** located at 241 East 15th Street for two (2) variances.

DOCUMENT NAME: 20071106dssd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **LEWIS PROPERTY (PL070403)** (Joseph Lewis, applicant/property owner) located at 241 East 15th Street in the R1-6, Single Family Residential District for:

VAR07024 Variance to reduce the front yard setback from twenty (20) feet to ten (10) feet two (2) inches.

VAR07025 Variance to reduce the required driveway from twenty (20) feet to ten (10) feet two (2) inches.

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

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

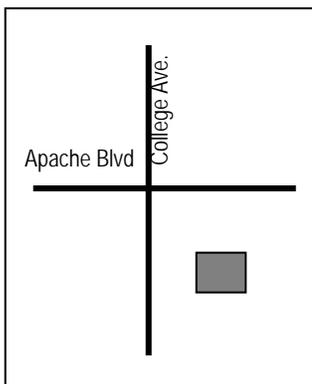
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions 1-3

ADDITIONAL INFO: The Lewis Residence is requesting two (2) variances; One to reduce the front yard setback from twenty (20) feet to ten (10) feet, two (2) inches and a second variance to reduce the required driveway length from twenty (20) to ten (10), two (2) inches for a proposed garage addition. Staff recommends approval of both variances due to the right-of-way along 15th Street is not equitable. It would qualify as a hardship by creating a 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 October 9, 2007. To date staff has received no public input to this 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
- 5-6. Neighborhood Minutes/ Attendance Roster
7. Site plan
8. Floor Plan/Elevations
- 9-10. Staff Photograph(s)

COMMENTS:

The Lewis Residence is requesting two (2) variances; One to reduce the front yard setback from twenty (20) feet to ten (10) feet, two (2) inches and a second variance to reduce the required driveway length from twenty (20) feet to ten (10) foot, two (2) inches for a proposed garage addition. The neighborhood street has a thirty (30) foot half width right-of-way. 15th Street had been designed differently along the north and south side of 15th Street. The north side of 15th Street the right-of-way extends to the back edge of the sidewalk; the south side of 15th Street the right-of-way extends twenty (20) feet beyond the sidewalk. Therefore the properties along the south side of 15th Street have a portion of the front yard that can't be developed equally compared to the properties along the north side of 15th Street. If the variances for the proposed garage addition were approved, this new garage would be located twenty feet, four inches (20'-4") from back edge the sidewalk.

Neighborhood Meeting

The applicant had his required neighborhood meeting on Tuesday, October 9, 2007 at 6:00 PM. Two (2) neighbors were in attendance and were in support of the request.

Variance

The Zoning and Development Code Development Standards requires the front setback for dwellings, in the R1-6- Single Family Residential District, to be located twenty (20) feet from the front property line. The ZDC also requires on site driveways to be twenty (20) feet in length.

Analysis of this request, result in findings that there are special circumstances or conditions affecting the proposed building, land, or use to warrant approval of the variance. The property is rectangular in shape and is consistent with other properties on this block. The thirty (30) foot half width right-of-way along the south side of 15th Street (Lewis Residence) extends twenty (20) feet beyond the back edge of sidewalk. The north side of 15th Street, the thirty (30) foot right-of-way extends to the back edge of sidewalk. The properties along the south side have a twenty (20) foot of there front yard that is unusable, creating a hardship for property owners along the south side of 15th street. Given the right of way discrepancy, the proposed garage would "appear visually" to be twenty feet, four inches (20'-4") from the back edge of the sidewalk.

Conclusion

Staff recommends approval of the variances as proposed.

REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) 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.

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 Department.
2. The proposed structure shall match the existing residence in materials, color and design.
3. The north elevation of the garage shall have address numbers, visible from 15th Street.

HISTORY & FACTS:

May 23, 1990

BA900093: The Hearing Officer denied two variances for the Posten Residence at 125 East 15th Street.

- a) Variance to reduce front yard setback from 25' to 12' for a proposed carport.
- b) Variance to reduce sideyard setback from 7' to 3' for proposed carport.

September 27, 2000

BA000251: The Hearing Officer approved a variance for the Furnish Residence at 212 East 14th Street to reduce east side yard setback from 7' to 3'

November 19, 2002

BA020287: The Hearing Officer approved three variances for the Trick Residence located at 304 East 15th Street.

- a) Variance to reduce east side yard from 7' to 3' for a detached carport
- b) Variance to reduce eave overhang from 3' to 2' for a detached carport.
- c) Variance to allow the proposed carport to encroach into the front half of the lot.

DESCRIPTION:

Owner – Joseph Lewis
Applicant – Joseph Lewis
Existing Zoning – R1-6, Single Family Residential District
Lot Size– 33,186 s.f. / .76 acres
Existing Residence Area – 4,381 s.f.
Proposed garage area – 830 s.f.
Lot coverage allowed- 45%
Lot Coverage (proposed)- 15.7 %
Required front yard setback- 20'
Proposed front yard setback- 10'- 2"

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

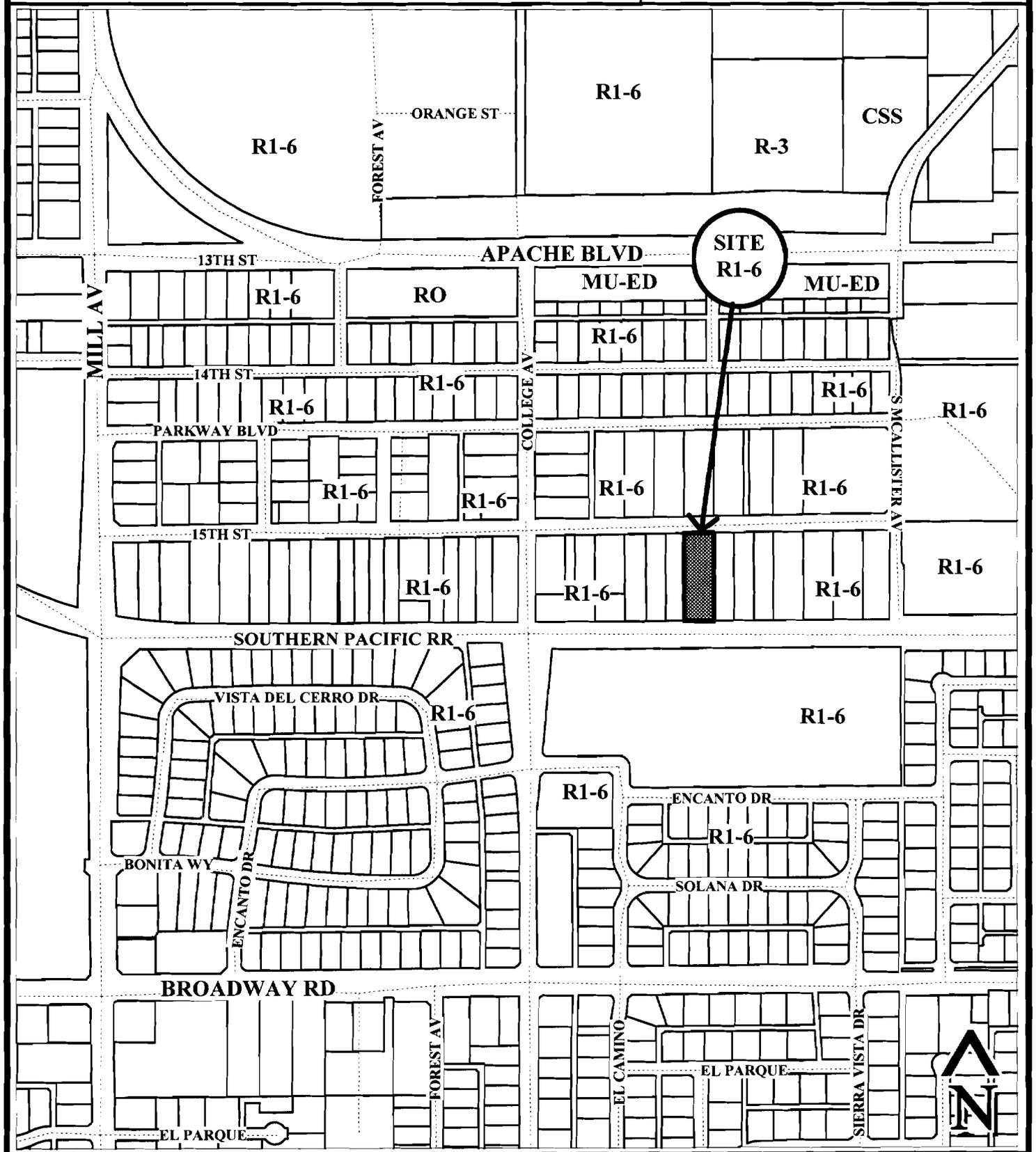
Citations of Code Requiring Residential Setbacks & Variance(s):
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309



LEWIS PROPERTY (PL070403)

LEWIS PROPERTY

PL070403



September 5, 2007

City of Tempe
Board of Adjustment / Hearing Officer

Site Address: 241 E. 15th St. Tempe, AZ 85281

I hereby request a Use Permit to allow for a two car garage to extend into the setback.
Please note the justification bellow for approval.

1. The garage is remaining a two car garage and therefore will not cause "significant vehicular or pedestrian traffic...."
2. The garage is to be extended to allow vehicles to fit inside thus eliminating the nuisance of parking on the street.
3. The garage extension will enhance the neighborhood for the reason stated in number two.
4. The design remains compatible with the surrounding structures.
5. The proposed use permit will not disrupt the general public or the surrounding area.

Thank you, for your consideration.



Joseph Lewis
241 E. 15th St.
Tempe, AZ 85281
602-740-3916

September 20, 2007

FILE COPY

Dear Neighbor:

We have submitted plans to the City of Tempe to extend our garage approximately fifteen feet towards the street. As part of the application process we have been asked to hold a neighborhood meeting so that we may answer and questions that you may have. This meeting will be held on October 9th at 6:00 pm at 241 E. 15th St. Tempe, AZ 85281.

If you have any questions prior to the meeting please feel free to give Joseph Lewis a call at 602-740-3916.

Sincerely Yours,

The Lewis Family

RECEIVED
07 SEP 26 PM 1:32
TEMPE PUBLIC DEVELOPMENT
SERVICES DEPARTMENT

RECEIVED
07 SEP 26 PM 1:32
TEMPE PUBLIC DEVELOPMENT
SERVICES DEPARTMENT

RECEIVED

Neighborhood Meeting Notes
Extension of garage 15' towards the street.

TEMPORARY DEVELOPMENT
SERVICES DEPARTMENT

October 9, 2007 6:00 PM

Mr. Lewis began the meeting by giving a history of why the request was being made to extend the garage. He stated that in the two years that the Lewis's have lived on 15th Street that one vehicle has been stolen from the driveway and the other one has been broken into on three occasions by breaking the windows. Mr. Lewis then when on to open the garage door and point out that there is currently not the depth to park a vehicle within the garage.

Mary Trick asked if there was a way to bring the autos around the side of the house? Mr. Lewis pointed out that the house was built approximately 7ft from the lot line on either side and that it would not be practical to park the cars on either side of the house. Mr. Hertenstein stated that he had the same problem and wished that the City would improve the alley on the S side of 15th St. homes.

Mary Trick also asked about the design of the garage. Mr. Lewis said that the design would follow the same lines and materials as the existing garage. He said that he wanted the garage addition to "look like it had always been there".

The meeting ended at approximately 6:15 pm

North York or Meeting

10/9/07

RECEIVED

07 OCT 18 PM 1:25
Mary M. [unclear]
CARE & CONCHAS

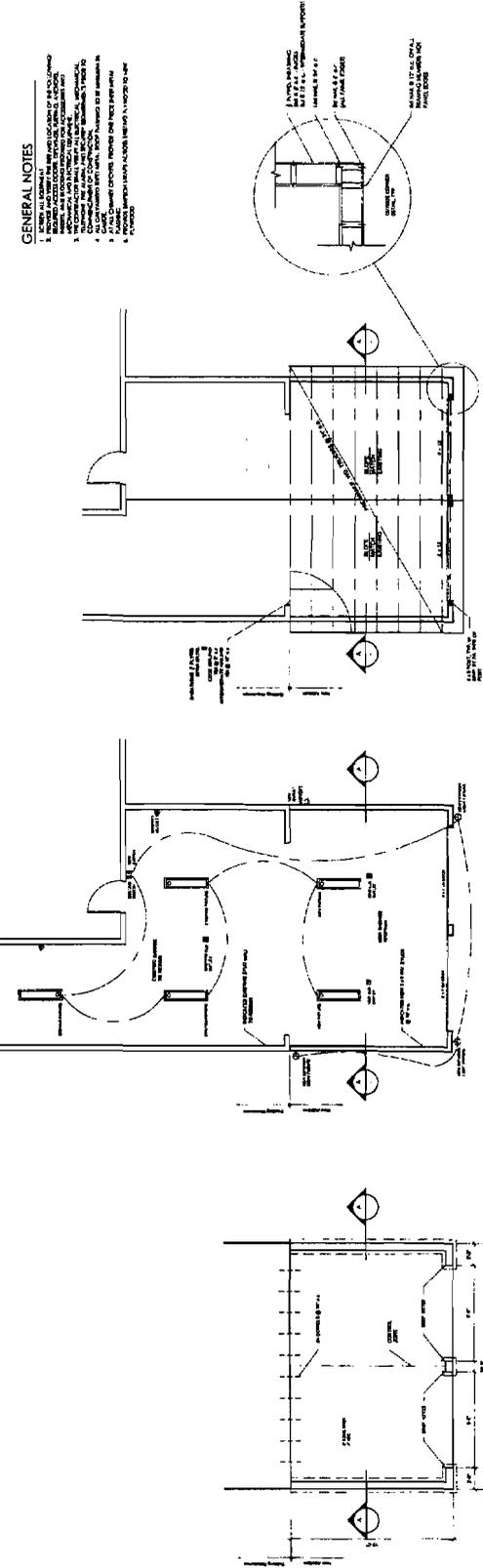
TERRE-DEVELOPMENT
SERVICES DEPARTMENT

HERZENSTEIN

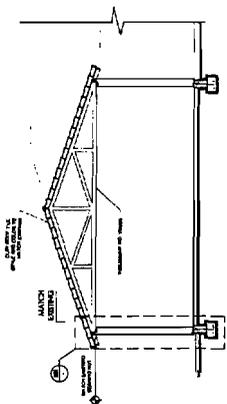
| NO. | REVISIONS | DATE |
|-----|-----------------------------|----------|
| 1 | ISSUED FOR PERMITS | 10/15/10 |
| 2 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 3 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 4 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 5 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 6 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 7 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 8 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 9 | REVISED PER PERMIT COMMENTS | 11/10/10 |
| 10 | REVISED PER PERMIT COMMENTS | 11/10/10 |



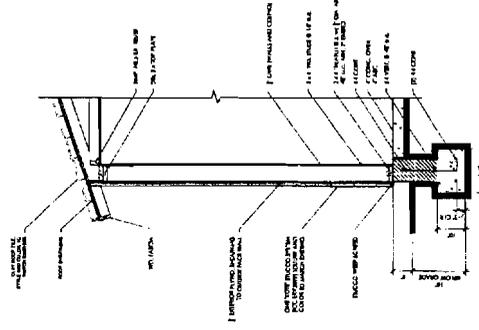
- GENERAL NOTES**
1. REFER TO DRAWING FOR SPECIFICATIONS AND CONDITIONS.
 2. REFER TO SPECIFICATIONS FOR MATERIALS AND METHODS.
 3. REFER TO SPECIFICATIONS FOR FINISHES AND DETAILS.
 4. REFER TO SPECIFICATIONS FOR EQUIPMENT AND FIXTURES.
 5. REFER TO SPECIFICATIONS FOR MECHANICAL, ELECTRICAL AND PLUMBING.
 6. REFER TO SPECIFICATIONS FOR STRUCTURAL AND FOUNDATION.
 7. REFER TO SPECIFICATIONS FOR ROOFING AND CLADDING.
 8. REFER TO SPECIFICATIONS FOR INTERIORS AND EXTERIORS.
 9. REFER TO SPECIFICATIONS FOR SPECIALTIES AND ARTS.
 10. REFER TO SPECIFICATIONS FOR SITES AND LANDSCAPE.



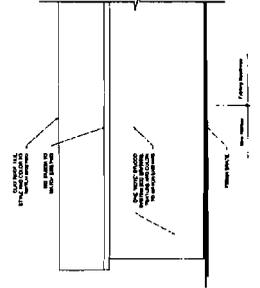
Foundation Plan SCALE 1/8"=1'-0"
 Garage Addition Plan SCALE 1/8"=1'-0"
 Framing Plan SCALE 1/8"=1'-0"



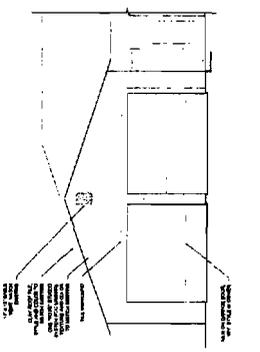
SECTION SCALE 1/8"=1'-0"



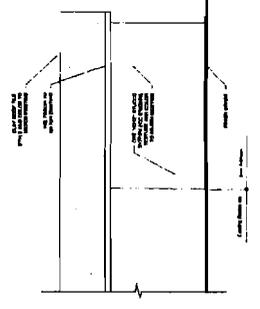
WALL SECTION 1 SCALE 1/8"=1'-0"



WEST ELEVATION SCALE 1/8"=1'-0"



NORTH ELEVATION SCALE 1/8"=1'-0"



EAST ELEVATION SCALE 1/8"=1'-0"

Lewis Addition
 241 East 15th Street Tampa, AZ 85282
 Garage Sheet

A2.0



LEWIS RESIDENCE

241 E 15TH ST

PL070403

FRONT OF RESIDENCE: VIEW TO SOUTH



LEWIS RESIDENCE

241 E 15TH ST

PL070403

DRIVEWAY: VIEW TO SOUTH