

Staff Summary Report



Hearing Officer Hearing Date: April 3, 2007

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **NAISANT RESIDENCE** located at 5521 South Mill Avenue for one (1) use permit.

DOCUMENT NAME: 20070403dssd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a public hearing for a request by request by the **NAISANT RESIDENCE (PL060596)** (Carl Naisant, applicant/property owner) located at 5521 South Mill Avenue in the R1-6, Single Family Residential District for:

ZUP07033 Use permit to allow parking in the front yard setback.

PREPARED BY: Steve Abrahamson, Senior Planner (480-858-2284)

REVIEWED BY: N/A

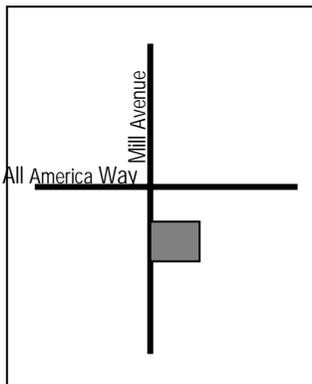
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1 – 3.

ADDITIONAL INFO: The Naisant Residence is requesting a use permit to allow parking in the front yard setback of their existing single-family home property. The proposal includes the enclosure of the existing carport to allow for additional living space as part of a project adding a second story addition. To date, there has been no public input to the request. Staff recommends approval of this use permit as proposed with the attached conditions of approval.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Use Permit, Reason(s) for Approval
 3. Conditions of Approval, History & Facts/Description, Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Intent
 - D. Site Plan
 - E. Floor Plans
 - F. Staff Photograph(s)

COMMENTS:

The Naisant Residence is seeking approval of a use permit to allow the required parking to encroach into the front yard setback. The need for the use permit arises from the applicant's proposal to convert the existing carport to livable space. The carport conversion will incorporate a new, 425 s.f. family room as the livable space.

Similar use permits have been approved in the neighborhood in the past. To date, there has been no public input regarding this request. Staff recommends approval of the use permit as proposed with the attached conditions of approval.

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 the request of the use permit.

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.

**CONDITION(S)
OF APPROVAL:**

1. The use permit is valid for the plans as submitted to and approved by the Hearing Officer.
2. All required permits and clearances shall be obtained from the Building Safety Division.
3. Provide a landscape plan of the front yard showing additional landscape material to screen cars on driveway. Plan to include at least one (1) 24" box tree; details to be approved by staff. Provide plan for use permit file.

HISTORY & FACTS:

June 28, 1972 Certificate of Occupancy issued for a single-family home.

May 14, 1973 Final inspection for a 544 s.f. in-ground pool.

November 7, 2006 The Hearing Officer approved a use permit to allow for a second story addition to a single family dwelling.

DESCRIPTION:

Owner – Carl Naisant
Applicant – Carl Naisant
Existing zoning – R1-6, Single Family Residential District
Lot Size – 6,708 s.f. / .15 Acres
Building Area – 1,397 s.f.
Proposed Additional 1st Floor Area – 425 s.f.
Proposed 2nd Floor Area – 481 s.f.
Proposed Total Floor Area of Home – 2,303 s.f.
Current Lot Coverage – 28%
Proposed Lot Coverage – 34.3%
Maximum Allowable Lot Coverage – 45%
Proposed Building Height – 23'-6"
Maximum Allowable Building Height – 35'-0"

**ZONING AND
DEVELOPMENT**

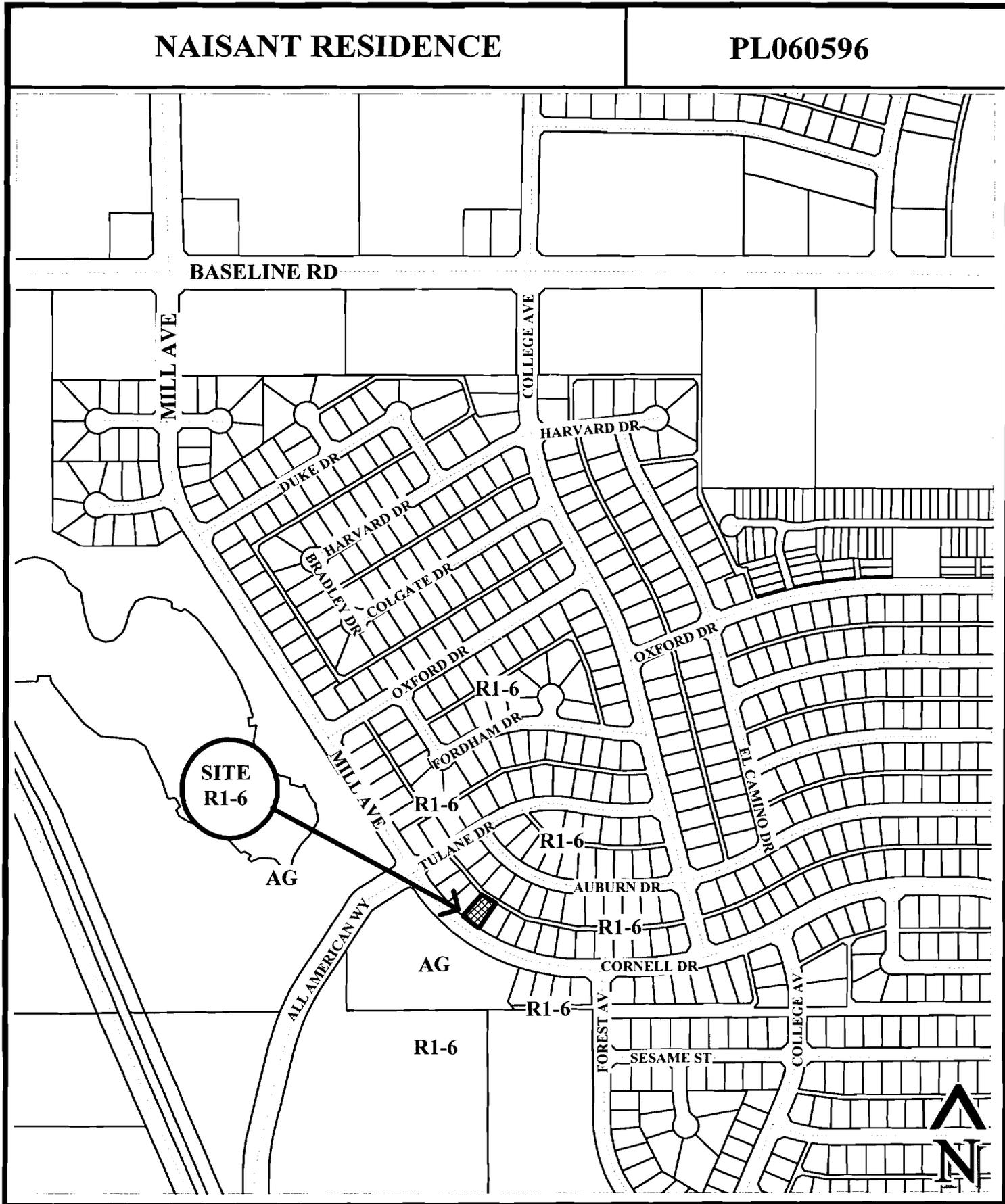
CODE REFERENCE:

Part 4, Chapter 6, Section 4-602 (C):
Required parking spaces may be located in the required front yard setback or street side yard setback subject to a use permit.

Part 6, Chapter 3, Section 6-308
Use Permit.

NAISANT RESIDENCE

PL060596



Location Map



NAISANT RESIDENCE (PL060596)

Request for Use Permit
Letter of Explanation

Date: September 18,2006

This is a residential zoned district. Per section 3-420 of the City of Tempe Zoning and Development Code, it is permitted to improve an existing single family dwelling with a second story addition. There is currently no regulated planning process for enclosing a carport.

This request is for use permit to acknowledge and approve the special limits of a home addition. We desire to improve our existing SFD by adding two bedrooms and a bath above the first level kitchen. We also plan to enclose our carport to become a family room.

My wife and I have lived in this house 17 years. We chose to move to this neighborhood primarily to enjoy the direct proximity to Kiwanis Park. We are both very active and appreciate the outdoors. We both have careers working with special needs children and we work for the Tempe and Gilbert Elementary school districts. We have three young children, two of which are adopted. We obviously have chosen to have modest lives. We need to increase the amount of living space for our family's needs, and rather than move to an existing larger home, we wish to remain in our modest neighborhood and continue to enjoy the amenities of this location.

We have continuously improved our property and this desired addition is further commitment to our desire to stay in this home and neighborhood. Our planned addition, even though not typical of the improvements of many of the properties, will certainly add esthetically to the community. Our property fronts toward Kiwanis park and is viewed by visitors to the park. We are aware of several other properties near the park that have second story additions. We certainly want to be considerate of our neighbors rights and we have a design to our addition that will be as unobtrusive as possible. There is currently considerable mature trees and hedges that also assist in the individual privacy of our neighbors.

We will continue to be respectful to those around us and maintain friendly relationships with our neighbors. We do not consider our project to be detrimental in any way and assure that there will not be any increased vehicular or pedestrian traffic. We are confident that our property will contribute to the stability of property values in our immediate neighborhood and subdivision.

Thank you for your consideration,

Carl and Marla Naisant

Daffara, Shawn

From: Ncmcmc@aol.com
Sent: Thursday, March 15, 2007 11:00 AM
To: shawn_daffara@tempe.org
Subject: Naisant Use Permit

RECEIVED
07 MAR 20 AM 7:39
TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

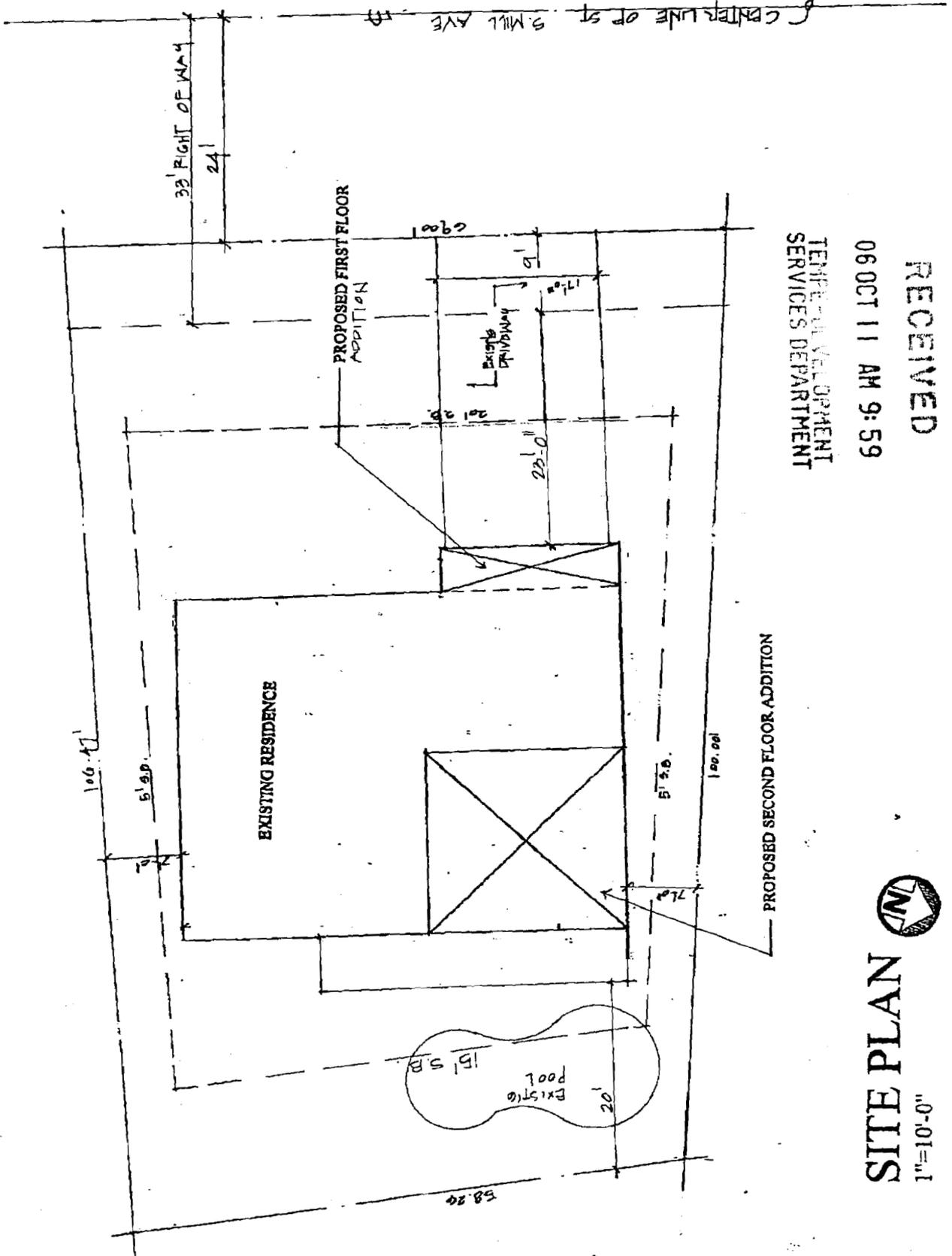
Thank you very much for your immediate response to my agenda--proceeding with building approval of plans to add on to my home, including enclosing the carport to livable area. I appreciate the city acknowledging its responsibility when misinterpreting my application request and the corresponding oversight to inform me of the necessity to receive an additional use permit for property setback parking.

Tempe Hearing Board did approve my request (PL060596) for a use permit (ZUP06059) to allow for a second story addition to my home. This request did also clearly state that the present carport would be converted to a family living space. This statement was either overlooked or misinterpreted by the hearing officer, thus preventing notification to me of the necessity to request a use permit for related setback parking. This could have been done concurrently and most probably approved along with the permit (ZUP 06059).

Again, I appreciate the City's resolution of this matter--in expediting the use permit hearing process and graciously foregoing the fee for the additional permit. My contact with Kevin O'Melia was courteous and I thank him for following through to contact the director on my behalf.

Sincerely,
Carl Naisant

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RECEIVED

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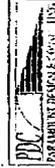
TERRACE DEVELOPMENT SERVICES DEPARTMENT



SITE PLAN

1"=10'-0"

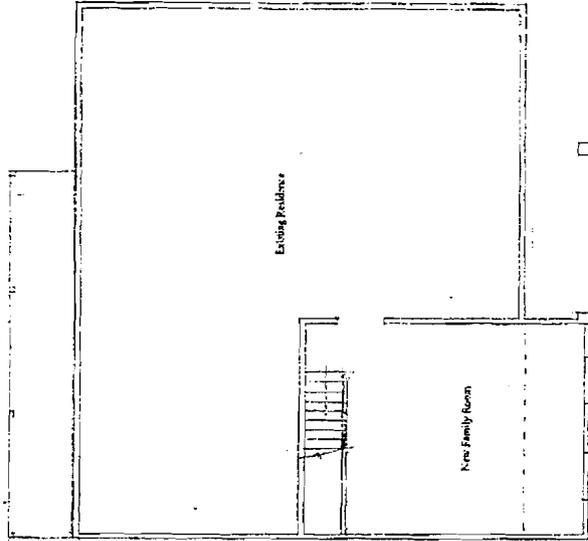
NAISANT RESIDENCE
 ADDITION
 5521 S. MILL AVE.
 TEMPE, AZ, 85283



PROFESSIONAL ARCHITECT

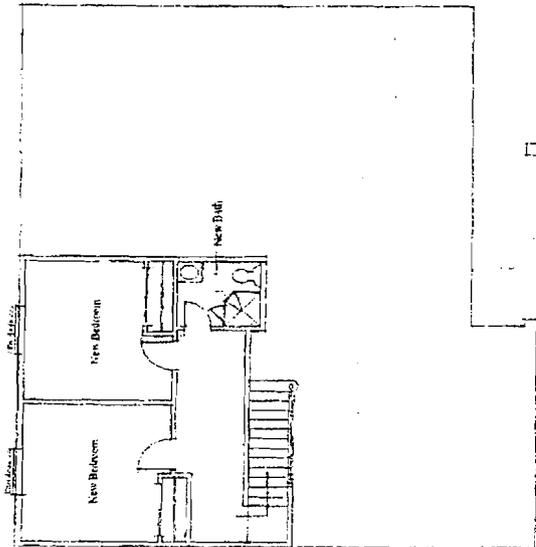
| | |
|-----------|----------------------------|
| DATE | 10/10/08 |
| SCALE | AS SHOWN |
| PROJECT | NAISANT RESIDENCE ADDITION |
| CLIENT | NAISANT RESIDENCE |
| ARCHITECT | PDC ARCHITECTURE |

| | |
|-----------|----------------------------|
| A2 | |
| DATE | 10/10/08 |
| SCALE | AS SHOWN |
| PROJECT | NAISANT RESIDENCE ADDITION |
| CLIENT | NAISANT RESIDENCE |
| ARCHITECT | PDC ARCHITECTURE |



FIRST FLOOR/FLOOR PLAN
 14'-0" x 14'-0"

EXISTING FIRST FLOOR : 1397 S.F.
 FIRST FLOOR ADDITION : 425 S.F.
 SECOND FLOOR ADDITION : 483 S.F.
 TOTAL : 2305 S.F.

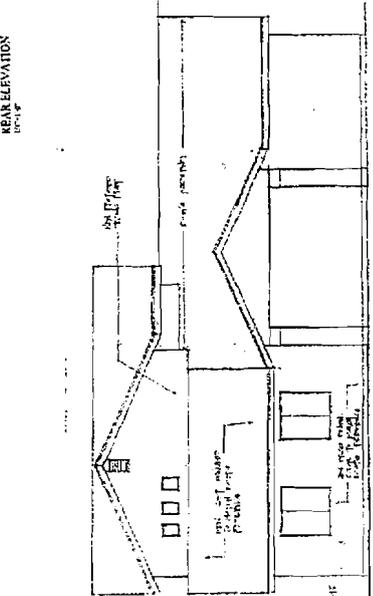
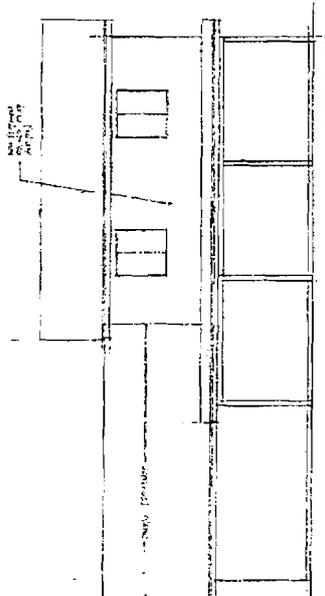
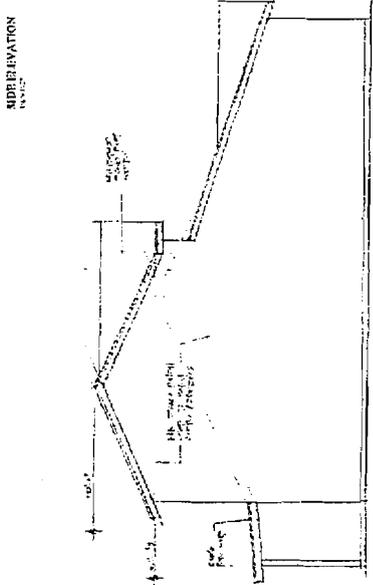
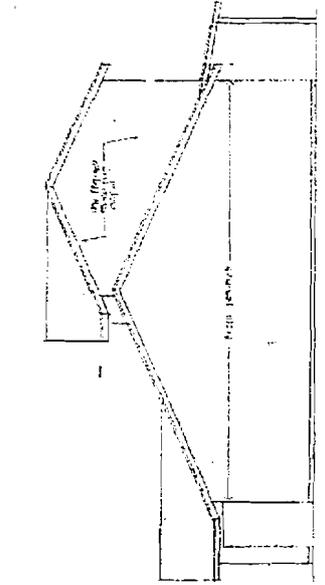


SECOND FLOOR/FLOOR PLAN
 14'-0" x 14'-0"

MAISANT RESIDENCE
 ADDITION
 5521 S. MILL AVE.
 LITTLE ROCK, AR 72205

PDC
 PROJECT DESIGN & CONSULTING
 1000 W. 12TH ST., SUITE 100
 LITTLE ROCK, AR 72205
 (501) 782-1234

A3





NAISANT RESIDENCE

5521 S. MILL AVE

PL060596

FRONT OF HOME: VIEW TO NORTH