ACTION:  Request approval for a Use Permit Standard to reduce the side yard setback by 20% from twenty (20) feet to sixteen (16) feet for the WULBRECHT-JOHNSON RESIDENCE, located at 7918 South Juniper Street. The applicant is the Pharmacy.

FISCAL IMPACT:  N/A

RECOMMENDATION:  Staff – Approve, subject to conditions

BACKGROUND INFORMATION:  The WULBRECHT-JOHNSON RESIDENCE (PL190062) is requesting a Use Permit Standard to reduce the side yard setback to accommodate additions being made to the existing single-family home within the AG, Agricultural District. The request includes the following:

ZUP190025  Use Permit Standard to reduce the required side yard setback from 20’ to 16’.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Brent Wulbrecht &amp; Jody Johnson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Tessa Jones-Dailey, the Phactory</td>
</tr>
<tr>
<td>Zoning District</td>
<td>AG</td>
</tr>
<tr>
<td>Site Area</td>
<td>41,334 s.f.</td>
</tr>
<tr>
<td>Building Area</td>
<td>6,469 s.f.</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>16% (25% max.)</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>42’-8” front, 16’ sides, 230’ rear (40’ front, 20’ side, 35’ rear min. required)</td>
</tr>
<tr>
<td>Building Height</td>
<td>21’-4” (30’ max.)</td>
</tr>
</tbody>
</table>

ATTACHMENTS:  Development Project File

STAFF CONTACT(S):  Dalton Guerra, Planner I (480) 350-8652

Department Director:  Chad Weaver, Community Development Director
Legal review by:  N/A
Prepared by:  Dalton Guerra, Planner I
Reviewed by:  Steve Abrahamson, Principal Planner
COMMENTS
The Wulbrecht-Johnson Residence is requesting a Use Permit Standard to reduce the side yard building setback by 20% for additions to the north and south of the existing home. The garage addition to the south will be 21'4" in height which is taller than the existing home at 15'4". The AG Zoning District allows a thirty (30) foot maximum. The other additions to the home will match the existing building in height and design.

PUBLIC INPUT
To this date, no public input has been received.

USE PERMIT STANDARD
The proposed design requires a Use Permit Standard to reduce the side yard setback by 20% within the AG zoning district.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. *Any significant increase in vehicular or pedestrian traffic;* the proposed design is for a single-family home and is not expected to create an increase in vehicular or pedestrian traffic.

2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;* the additions are for a single-family use and is not expected to create a nuisance exceeding the existing conditions.

3. *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;* a 20% reduction in the side yard setback is permitted within the AG Zoning District subject to a Use Permit Standard.

4. *Compatibility with existing surrounding structures and uses;* there are many large lots in the surrounding area with similar building footprints to the proposed design. Additionally, there have been six (6) entitlements approved for reductions in the side yard setback for neighboring properties.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* this is an addition to an existing single-family home and is not expected to create disruptive behavior.

REASONS FOR APPROVAL:
Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit Standard. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. The Use Permit Standard is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit Standard is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.
4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney’s office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

5. Any intensification or expansion of use shall require a new Use Permit.

**CODE/ORDINANCE REQUIREMENTS:**
THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for the Wulbrecht-Johnson Residence and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [http://www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchase from Development Services.

**HISTORY & FACTS:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 19, 2000</td>
<td>Hearing Officer approved (BA000254) a variance to reduce the side yard setback from 20’ to 12’ for the Keegan Residence, located at 1325 East Secretariat Drive within the AG, Agricultural District. (100 feet from the subject property)</td>
</tr>
<tr>
<td>January 24, 2002</td>
<td>Board of Adjustment approved (BA010330) a variance to reduce the side yard setback from 20’ to 12’ for a covered porch addition for the Harrison/Fewell Residence, located at 1710 East Secretariat Drive within the AG, Agricultural District. (1,170 ft. from subject property)</td>
</tr>
<tr>
<td>May 7, 2002</td>
<td>Hearing Officer approved (BA020078) two variances to reduce the side yard setbacks from 20’ to 11’-6” and 20’ to 19’ for the Varhol Residence, located at 1317 East Secretariat Drive within the AG, Agricultural District. (200’ from the subject property)</td>
</tr>
<tr>
<td>May 6, 2003</td>
<td>Hearing Officer approved (BA030084) a variance to reduce the side yard setback from 20’ to 12’ for the Keegan Residence, located at 1325 East Secretariat Drive within the AG, Agricultural District. (100 feet from subject property)</td>
</tr>
<tr>
<td>August 16, 2005</td>
<td>Hearing Officer approved (BA050121) a variance to reduce the side yard setback from 20’ to 10’ for the Owens Residence, located at 1309 East Secretariat Drive within the AG, Agricultural District. (350 feet from the subject property)</td>
</tr>
<tr>
<td>August 15, 2006</td>
<td>Hearing Officer approved (PL060368) a variance to reduce the side yard setback from 20’ to 7’-6” for the Coady Residence, located at 1408 East Secretariat Drive within the AG, Agricultural District. (145 feet from subject property)</td>
</tr>
</tbody>
</table>

**ZONING AND DEVELOPMENT CODE REFERENCE:**
Section 4-201A Use Permit Standard
Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit
DEVELOPMENT PROJECT FILE
for
WULBRECHT-JOHNSON RESIDENCE
(PL190062)

ATTACHMENTS:
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Building Elevations
7. Public Input
Aerial Map
March 25, 2019

Project: Wulbrecht-Johnson Residence
7918 S. Juniper Street
Tempe, Arizona 85284

Use Permit Request:
Reduce the side yard setback by 20%, from 20' to 16'.

The owners are proposing an addition to their home to accommodate their family of 6. Due to the odd shape of the lot (pie shape), located on a corner lot & the location of the existing pool, the only areas for the addition are to the sides. With 4 kids, additional bedrooms & garage space are needed. We will be keeping the single story ranch style design with upgraded materials & porch to enhance the exterior elevations.

a. Any significant vehicular or pedestrian traffic in adjacent areas.
The addition will make no changes to the amount of traffic in the area. The house will remain a single family home.

b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
The addition will not produce any nuisance to surrounding properties. The home will remain a single family home.

c. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city's adopted plans for General Plan.
The owners are investing a significant amount into their home. The addition will help to enhance property values and improve the aesthetic of the existing home.

d. Compatibility with existing surrounding structures and uses.
The home will remain single family & single story ranch style which is in keeping with the neighborhood.

e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.
Granting the use permit will not cause any disruptive behavior. The home will remain single family.

Thank you for your kind consideration

Tessa Jones-Dailey

Attachment 3
PROJECT DATA

Owner: BRENT WULBRECHT & JODY JOHNSON
2303 W. BRIGGS WAY
CHANDLER, ARIZONA 85226
TEL: 602-672-5772

Designer: THE PHACTORY, LLC
2475 S. PALM WAVE
TEMPLE, ARIZONA 85282
CONTACT: JESSA JONES-DALEY
TEL: 480.282.1190

Parcel Number: 301-31-192
Zoning: AG

Legal Description: SUNBURST FARMS TEMPE — LOT #21
Lot Area: 41,334 S.F.
Building sq. ft.: EXIST. HOUSE: 2,494 S.F.
NEW ADDITIONS: 1,532 S.F.
EXIST. GARAGE: 421 S.F.
NEW GARAGE: 992 S.F.
EXIST. PATIO/PORCH: 628 S.F.
NEW PATIO: 355 S.F.
TOTAL: 2,436 S.F.

Coverage: ALLOWED 6,469 S.F./41,334 S.F. = 16%

Setbacks: ALLOWED PROVIDED
FRONT 25' 25'-11
STREET SIDE 25' 25'-11
SIDE (NORTH) 20' 16'-0" USE PERMIT +203'-0"
SIDE (SOUTH) 20' 16'-0" USE PERMIT
REAR 30' 10'-4" EXIST.

Max Bldg. Height: 30' (10'-4" EXIST.)

VICINITY MAP

Wulbrecht-Johnson Residence
7918 S. Juniper Street, Tempe, Arizona 85284

SITE PLAN
SCALE: 1"=20'0"

Attachment 4
the PHACTORY
architecture
design
fabrication

480.921.9500
2417 s. palm drive
tempe, arizona 85282
thephactory@cox.net

Project: Wulbrecht-Johnson Residence
7918 S. Juniper Street
Tempe, Arizona 85284

Use Permit:
1. To reduce the side yard setback by 20% from 20'-0" to 16'-0".

I have reviewed the drawings and I am in support of the project.

Name       Signature              Address
Kevin Atwood          [Signature]        1442 E. Coronado
Donna Proct          [Signature]        1442 E. Citation Lane
Mike Knaack           [Signature]        1442 E. Citation Lane
Matt Schmehl         [Signature]        1217 E. Knight Ln.
Nancy Schmehl         [Signature]        7910 S. Juniper
Mamie Schmehl        [Signature]        1320 E. Secretariat Dr.