ACTION: Request two Use Permit Standards

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: DEDIC RESIDENCE (PL190271) is requesting two (2) Use Permit Standards to reduce the required front yard setback and the required setback for an accessory building within the R1-6, Single-Family Residential district. The applicant is constructing a new detached garage and is requesting the Use Permit Standards to accommodate the footprint of the new building. The request includes the following:

ZUP190078 Use Permit Standard to reduce the required front yard building setback from 20 feet to 16 feet.
ZUP190081 Use Permit Standard to reduce the setback requirement for an accessory building to the minimum district standard of 5 feet.

Property Owner: Suad Dedic
Applicant: Suad Dedic
Zoning District: R1-6
Site Area: 9,326 s.f.
Proposed Building Area: 500 s.f.
Lot Coverage: 21% (45% max.)
Accessory Building Setbacks: 16’ front, 5’ side (20’ front, 5’ side min. required)

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 applicant is proposing a new 2-car garage in the southeast area of the lot. For the proposed location of the garage to work, the required front yard and accessory building setbacks need to be reduced. Therefore, the applicant is requesting two Use Permit Standards to reduce the respective setbacks. The proposed design meets all other development standards for the R1-6 zoning district including lot coverage and building height.

PUBLIC INPUT
To date, staff has not received any public input.

USE PERMIT STANDARD
The proposed design requires two Use Permit Standards to reduce the required front yard building setback and reduce the required setback for an accessory building within the R1-6 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic;* the proposed building is within the R1-6, Single-Family zoning district and is intended for vehicle and general storage.

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 proposed new garage is for additional parking and storage.

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;* accessory buildings are an allowed use within the R1-6 zoning district and are subject to the provisions in Section 3-401 of the Zoning and Development Code.

4. *Compatibility with existing surrounding structures and uses;* the proposed design fits within the allowable building setbacks and does not exceed the maximum allowable height for an accessory building.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* the new garage is for parking and storage for the homeowner.

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(s). 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(s) are 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(s) are 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.
CODE/ORDINANCE REQUIREMENTS:
The bullet 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.

USE PERMIT:
- The Use Permit is valid for the Dedic Residence and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- 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.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

HISTORY & FACTS:
None pertinent to this case.

ZONING AND DEVELOPMENT CODE REFERENCE:
- Section 3-102 Permitted Uses in Residential Districts
- Section 3-401 Accessory Buildings, Uses and Structures
- Section 4-201A Use Permit Standard
- Section 4-202 Development Standards for Residential Districts
DEVELOPMENT PROJECT FILE
for
DEDIC RESIDENCE
(PL190271)

ATTACHMENTS:
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Building Elevations
7-11. Site Context Photos
Aerial Map
October 16, 2019

City of Tempe
Community Development Dept.
31 E.S. St. Tempe,
AZ 85281

RE: New Garage
1030 E, Carson Dr.
Tempe, AZ 85282

LETTER OF EXPLANATION
Use Permit requesting two use permits to reduce the front yard setback and to reduce the setback for an accessory building. (Two Car Garage)

A. The proposed structure is intended to accommodate two standard height vehicles. The proposed new garage location will also serve to increase driveway. This will create longer distance from roadway creating more open space. It will not increase either pedestrian or vehicular traffic.

B. The proposed structure will not create any nuisance odors, dust, gas, noise, vibration, smoke, heat or glare. The garage will allow for cars to be parked out of roadway and out of sight of neighbors.

C. The proposed structure will provide an amenity to the home and will add value to the property. Such an enhancement is in keeping with the objectives of the city’s General Plan to encourage neighborhood engagement and long-term owner-occupation, increase shade, and enhance a neighborhood of aging homes.

D. The proposed structure is designed to match the existing house and site walls, entry canopy columns, and trim color. The proposed use is no different than the existing use, which is a driveway providing the required off-street parking for two vehicles, only secured.

E. The garage is for use by the residence only and will therefore have adequate control of disruptive behavior on the property.

Suad Dedin, owner-occupant