CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 02/11/2020
Agenda Item: 4

ACTION: Request a Use Permit to allow a second-story walk deck addition for a single-family residence for the LEWIS RESIDENCE, located at 921 S Roosevelt Street. The Applicant is Danny Niemela of ArDan Construction. (PL190295)

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: LEWIS RESIDENCE (PL190295) is a proposed single-family second-story walk deck addition on Lot 6 of the Goodwin Homes subdivision, located on the east side of South Roosevelt Street in the R-2, Multi-Family Residential District. The request includes the following:

- ZUP190084 Use Permit to allow a second story walk deck addition for a single-family residence.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Lori B Lewis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Danny Niemela of ArDan Construction</td>
</tr>
<tr>
<td>Zoning District(s)</td>
<td>R-2</td>
</tr>
<tr>
<td>Site Area</td>
<td>10,000 s.f.</td>
</tr>
<tr>
<td>Total Bedrooms</td>
<td>3</td>
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<tr>
<td>Total Bathrooms</td>
<td>2.75</td>
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<tr>
<td>Building Area</td>
<td>961 s.f.</td>
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<tr>
<td>New Addition</td>
<td>1,006 s.f.</td>
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<tr>
<td>Lot Coverage</td>
<td>27% (45% max. required)</td>
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<tr>
<td>Building Height</td>
<td>29'-3 3/8&quot; (30'-0&quot; maximum allowed)</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>30'-0&quot; front, 3'-4&quot; existing north side, 8'-0&quot; existing south side, (20'-0&quot;,5'-0&quot;,5'-0&quot;min. required)</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>2 spaces (2 min. required)</td>
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</tbody>
</table>

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Robbie Aaron, (480) 350-8096

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Robbie Aaron, Planner II
Reviewed by: Steve Abrahamson, Principal Planner
COMMENTS
The ground floor of the residence includes a master bedroom with an ensuite bathroom and closet, two additional bedrooms, two bathrooms, a kitchen, storage areas, a laundry room, a living room, and a great room. The rooftop walk deck will consist of approximately 270 square feet of deck space on the southern portion of the rooftop.

At the January 14, 2020 Development Review Commission meeting the Commission passed a motion allowing a continuance of this case to allow the applicant to work with the surrounding neighbors to address their concerns.

As part of the additions to mitigate the concerns voiced at the January 14, 2020 DRC meeting, as well as in the public comments received the applicant has reduced the size of the proposed walk deck from approximately 511 square feet to approximately 270 square feet. The applicant has also included wood panels as part of the structure increasing the height of the wall around the proposed deck.

PUBLIC INPUT
As of the January 14, 2020 DRC meeting staff had received 12 public comments in opposition to the proposed second story walk deck addition with a concern that privacy will be lost due to the applicant being able to peer into their backyard. Staff has since received an additional 3 comments in opposition to the walk deck which also state concerns that privacy will be lost and increased noise.

At the January 14, 2020 Development Review Commission meeting three people spoke in opposition to the proposed walk deck. The concerns raised at the meeting were a loss of privacy and additional noise as a result of the walk deck.

The applicant was able to meet with one (1) of the adjacent neighbors to discuss design changes for the project. The neighbor stated that the changes that are being made do not change the concerns of loss of privacy and increased noise.

USE PERMIT
The proposed design and use require a Use Permit to allow a second-story walk deck addition to a single-story single-family residence within the R-2, Multi-Family Residential district.

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

1. Any significant increase in vehicular or pedestrian traffic; the proposed second-story use is not expected to increase vehicular or pedestrian traffic more than what is expected from a single-family owner-occupied use which is the intent of this application.

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 second-story use is intended for a walk deck and the home will remain an owner-occupied single-family residence. A single-family residence will not generate emissions greater than ambient conditions that would otherwise case a nuisance to the neighborhood. Furthermore, the applicant plans add additional height to the wall surrounding the roof deck to mitigate any potential nuisance.

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; the addition will provide additional indoor and outdoor living space and is expected to add value to not only the property itself but the surrounding neighborhood as well.

4. Compatibility with existing surrounding structures and uses; the surrounding neighborhood consists of mostly single-story homes with a few multi-story homes scattered throughout. This home will continue to appear as a single-story home.

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 second-story walk deck is intended for a single-family owner-occupied use and is not expected to cause any 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. 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 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 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.

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 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.

- 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 or purchase from Development Services.

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

HISTORY & FACTS:
1951 Building Permit issued for a single-family residence.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 3-102 Permitted Uses in Residential Districts
Section 3-420 Single-Family Residential Second Story Addition or Rebuild
Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit
DEVELOPMENT PROJECT FILE
for
LEWIS RESIDENCE
(PL190295)

ATTACHMENTS:
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
6. Building Elevations
7. Site Context Photos
DEAR DIVISION OF PLANNING,

This property is currently a single-family residence. Lori Lewis is planning on remodeling and updating the home to make it more functional and aesthetically pleasing. Part of the remodel is an addition to the home that will include a 2nd level walkdeck. The purpose of this walkdeck is to allow additional patio/seating area outdoors but still allows for an open and irrigated back yard.

This home is intended as a single family occupied property, and not as a multi-family or student housing.

This addition will not be detrimental to the persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public warfare in general and will conform to the standards and Zoning and Development Code Criteria Section 6-308(e) as applicable.

There are a few other homes in the neighborhood that have 2nd levels including:
1135 S Roosevelt St Tempe AZ 85281
1136 S Roosevelt St Tempe AZ 85281
505 W Howe St Tempe AZ 85281

A few changes that we made to the plans to address some of the concerns we have heard are the following:

- Decrease square footage of the 2nd level walkdeck from 511 sq feet to 270 square feet, which also keeps the walkdeck to the furthest east (rear side) of the home.
- We added metal and wood privacy screening to both the north and south sides of the walkdeck/balcony, as well as around the staircase landing. The overall height from the height of the walkdeck surface to the top of the screening will be approx 72”.
- We are also willing to increase the height of the cinder block perimeter fence by 1 course (approx 8”). We understand that this does not change any viewpoint from
the 2nd story walkdeck, but we have observed when we are standing in Lewis’s back yard, there is limited privacy in the neighboring yards (current height of the site wall is approx 60”)

Thank You for your consideration.

Danny Niemela
ArDan Construction
February 4, 2020