

Staff Summary Report



Hearing Officer Hearing Date: August 22, 2007

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **TURLEY RESIDENCE (PL070232)** located at 947 East Carver Road for one (1) variance.

DOCUMENT NAME: 20070822dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for an appeal of the ~~June~~ April 27, 2007 Hearing Officer's decision to modify the request by the **TURLEY RESIDENCE (PL070232/VRA07002)** (Tom Turley, applicant/property owner) located at 947 East Carver Road in the AG, Agricultural District for:
Corrected by DSD Staff

VAR07017 Variance to reduce the east side yard setback from twenty (20) feet to ~~fourteen~~ (14) feet eight (8) inches **sixteen (16) feet. MODIFIED BY HEARING OFFICER**

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

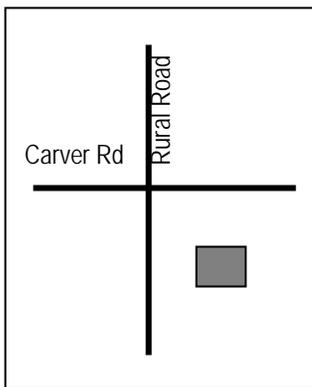
REVIEWED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The Turley Residence is appealing the Hearing Officer decision which modified their requested variance and approved a reduction of the side yard setback from twenty feet (20) feet to sixteen (16) feet. The applicant was originally seeking a variance to reduce the side yard setback from twenty (20) feet to fourteen feet six inches (14'-6"). The applicant has provided updated information in their letter of appeal stating that the additional reduction of setback is necessary to allow for wheelchair and rehab equipment access to the proposal addition. They would like to construct their addition at fourteen foot six inches (14'-6"). Staff recommends upholding the modified variance approved by the Hearing Officer.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Denial; Conditions of Approval; History & Facts
3. Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor Plan
6. Elevation
7. Letter of Support
8. Letter of Opposition
- 9-11. Staff Photographs
12. Applicant's letter date 7/10/07

COMMENTS:

The Turley Residence is requesting a variance to reduce the east side yard setback from twenty (20) feet to fourteen feet eight inches (14'-8"). The proposed structure will be an attached garage and game room. The addition will be attached by a portico structure. In order to be considered attached, an access from the main house to the game room will be required. This may be accomplished by adding a door through the garage to the game room. Staff notes that the allowance of guest quarters, in the AG-Agricultural Zoning District, has been placed on reserve in the Zoning and Development Code; the proposed game room may not include cooking or bathing facilities. The applicant may redesign the spaces and use as an extra bedroom if providing direct access from the main dwelling to the livable space.

Variance

The Zoning and Development Code Development Standards require the setbacks for dwellings, in the AG- Agricultural District, to be located twenty (20) feet from the side property line. According to the applicant's letter of explanation; they are enclosing their existing garage and creating a new garage with a new game room (as shown on building safety plans).

Analysis of this request, result in findings that there are no special circumstances or conditions affecting this 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. Authorizing the variance is not necessary for the enjoyment of substantial property rights. It is possible to configure the proposed addition in compliance with current development standards by locating the structure abutting the main residence without the portico separation.

The Hearing Officer granted this applicant's variance based a (20%) percent reduction of the setback which would be allowed through the use permit process. We encourage the applicant to explore other designs that will conform to the Hearing Officer approved setback standard.

Conclusion

Staff recommends denial of the appeal of the side yard setback variance.

REASON(S) FOR DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may 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 game room portion to have no bathing or cooking facilities and must have access to main residence through garage to be considered attached. If the future use is other than game room (as shown on Building Safety plan) and will be alternatively a bedroom; then the floor plan must be redesigned to provide direct access from the livable area to the main residence.
3. The proposed structure shall match the existing residence in materials, color and design.

HISTORY & FACTS: None pertinent to this case.

DESCRIPTION:

Applicant – Tom Turley
Owner – Tom Turley
Existing zoning – AG, Agricultural District
Lot Size- 42,414 s.f.
Net Acre- .974
Lot Dimensions- 146.22 x 290
Proposed building area-4834 s.f.
Lot coverage allowed- 25%
Lot Coverage (proposed)- 11.4%
Required side yard setback- 20'
Proposed side yard setback- 14'-8"

**ZONING AND
DEVELOPMENT**

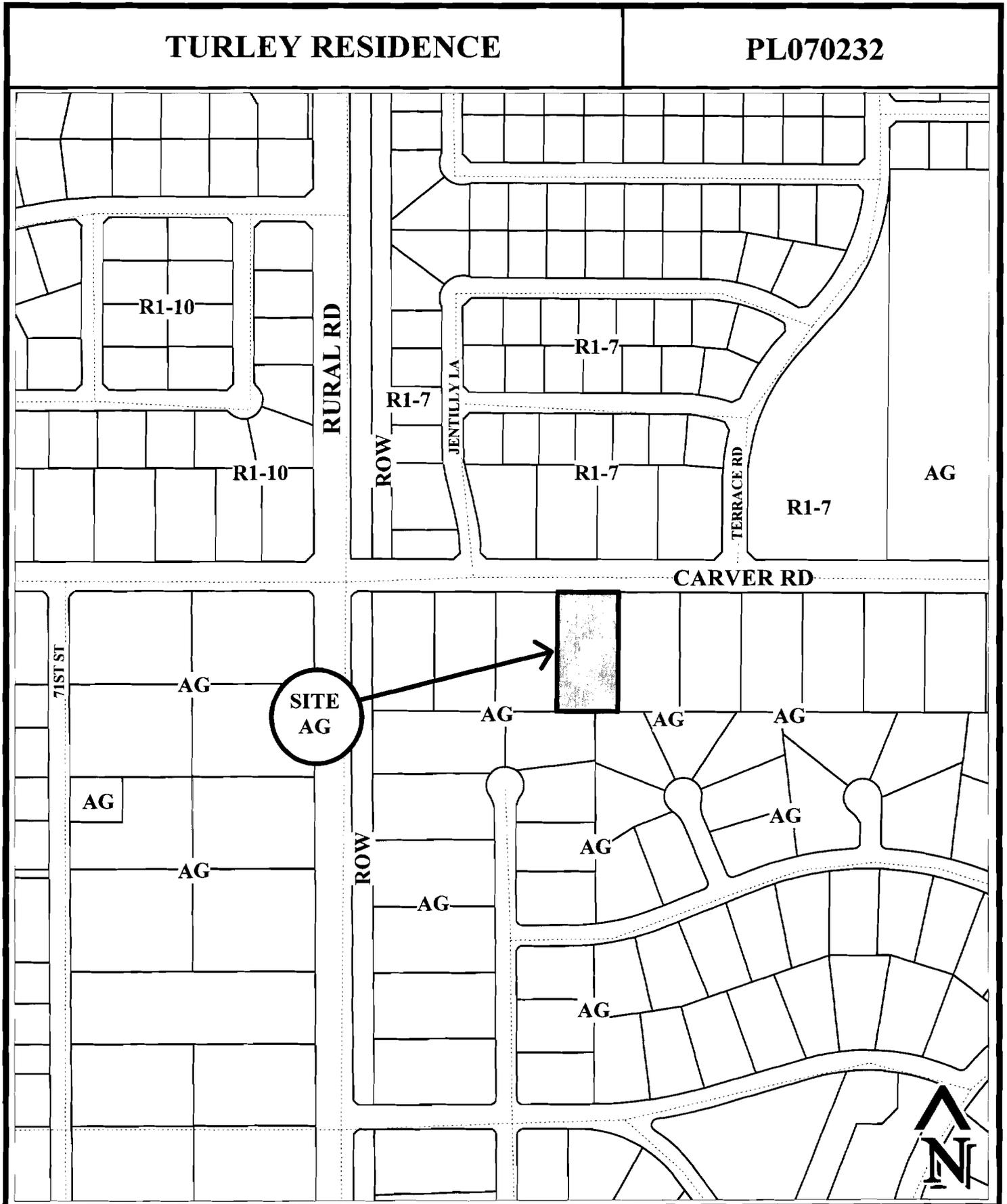
CODE REFERENCE:

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

TURLEY RESIDENCE

PL070232





TURLEY RESIDENCE (PL070232)

Tom & Maria Turley
947 E. Carver Road
Tempe, AZ 85284
480-756-1670

May 21, 2007

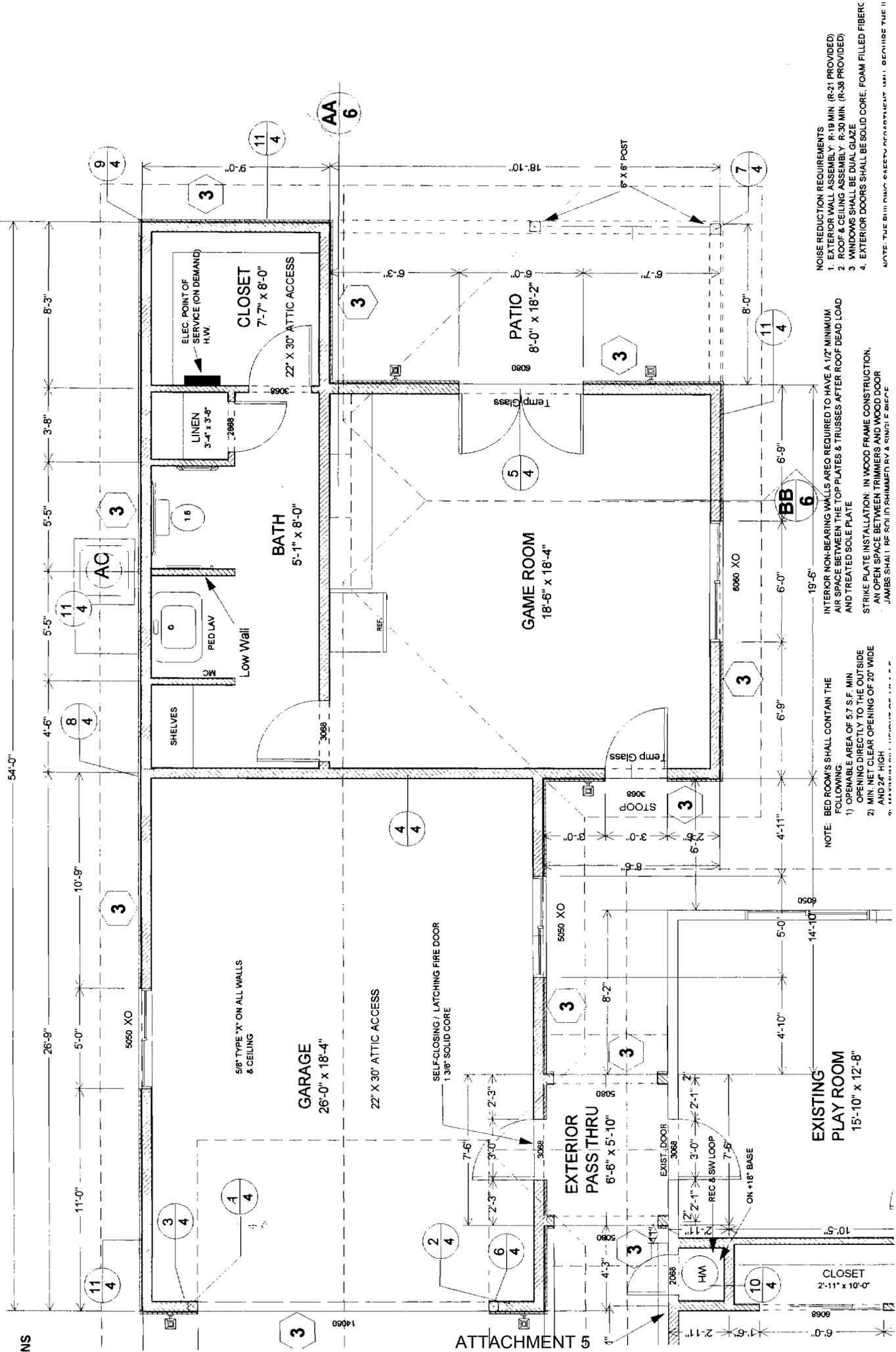
City of Tempe
115 E. 5th St., Ste. 2
Tempe, AZ 85281

We am submitting plans to add a detached garage to replace our existing garage and enclosing my existing garage to create livable main house space.

This will increase our home & value to reflect a five (5) bedroom – four (4) bath residence.

Respectfully submitted,

Tom & Maria Turley



NOISE REDUCTION REQUIREMENTS

1. EXTERIOR WALL ASSEMBLY: R-19 MIN. (R-21 PROVIDED)
2. ROOF & CEILING ASSEMBLY: R-30 MIN. (R-38 PROVIDED)
3. WINDOWS SHALL BE DUAL GLAZE
4. EXTERIOR DOORS SHALL BE SOLID CORE, FOAM FILLED FIBER

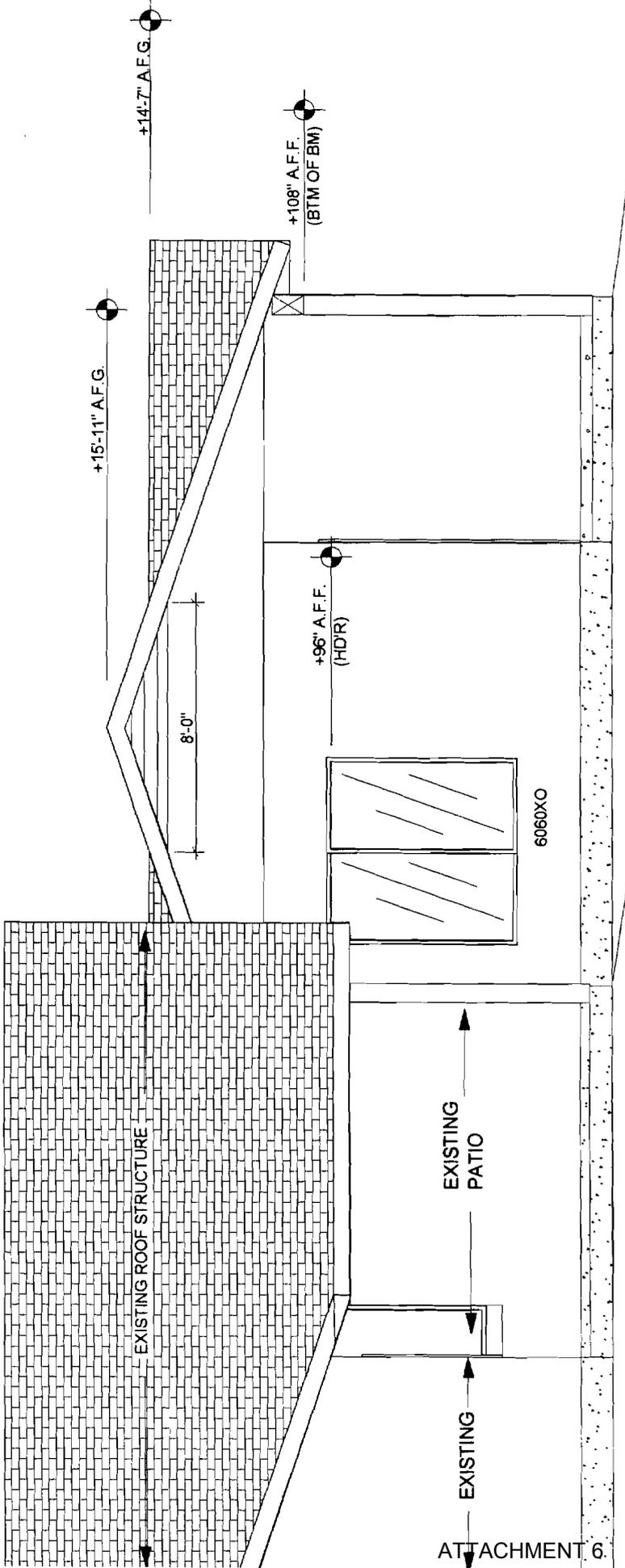
NOTE: THE BATH SAFETY ENCLOSURE SHALL BE DETAIL TO THE II

INTERIOR NON-BEARING WALLS ARE REQUIRED TO HAVE A 1/2" MINIMUM AIR SPACE BETWEEN THE TOP PLATES & TRUSSES AFTER ROOF DEAD LOAD AND TREATED SOLE PLATE

STRIKE PLATE INSTALLATION: IN WOOD FRAME CONSTRUCTION, AN OPEN SPACE BETWEEN TRIMMERS AND WOOD DOOR JAMBS SHALL BE SOLID SHIMMED BY A SINGLE BRACE

NOTE: BED ROOM'S SHALL CONTAIN THE FOLLOWING:

- 1) OPENABLE AREA OF 5.7 S.F. MIN
- 2) MIN. NET CLEAR OPENING OF 20" WIDE AND 24" HIGH



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

6/14/07

To the Hearing Officer:

RECEIVED

We are responding to your public hearing notice for the Turkey Residence located @ 947 East Carver Road, Tempe.

07 JUN 15 PM 1:26

TEMPE DEVELOPMENT SERVICES DEPARTMENT

We wish to say that we give full approval for the variance + addition.

Thank you!

Barbara and Greg J
934 E. Carver Road
602-705-4774

Jay and Cheri Elston
1016 East Buena Vista Drive
Tempe, AZ 85284
June 10, 2007

Hearing Officer
City of Tempe
P.O. Box 5002
Tempe, AZ 84280-5002

RE: TURLEY RESIDENCE (PL070232)

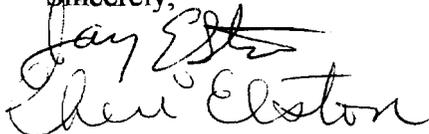
We are homeowners and residents of Buena Vista Ranchos. We would like to comment on this variance request.

While we sympathize with Mr. Turley, we would like to state our disagreement with the proposed variance.

The setbacks in our neighborhood require that houses be at least 40 feet apart. This has preserved a wide-open feeling to the neighborhood. One reason we moved into this neighborhood was to live in a neighborhood where houses were not built right up against each other.

Finally, the lot in question is rectangular, similar in size and shape as many other lots in our neighborhood. The setbacks are not unreasonable for this size of lot. Every house on this street is currently in compliance with these setbacks.

Sincerely,



Jay and Cheri Elston



Jay and Cheri Elston
1016 E. Buena Vista Dr.
Tempe, AZ 85284

RECEIVED
07 JUN 20 AM 11:26
TEMPLE DEVELOPMENT
SERVICES DEPARTMENT



TURLEY RESIDENCE

947 E. CARVER RD.

PL070232

FRONT OF HOME: VIEW TO THE SOUTH



TURLEY RESIDENCE

947 E. CARVER RD.

PL070232

REAR OF PROPERTY: VIEW TO THE NORTH



TURLEY RESIDENCE

947 E. CARVER RD.

PL070232

REAR OF PROPERTY: VIEW TO THE NORTHWEST

Tom & Maria Turley
947 E. Carver Road
Phoenix, AZ 85284
480-756-1670

July 10, 2007

City of Tempe
Development Services
31 East Fifth Street
Tempe, AZ 85280-5002

Re: Letter of Explanation for a Variance

To The Committee:

We desire a variance pertaining to the setback of the side yard. We wish to build a new attached garage. We wish to add the garage onto the east side of the existing house. This would infringe slightly upon the 20 foot setback imposed on agricultural properties in Tempe. Specifically, we ask that the variance place the setback at 14 feet 8 inches.

We feel this is the best option for our property for the following reasons:

- 1. Elderly parent with wheelchair and rehab equipment access to vehicle and home. (Hospital bed, exercise equipment, etc.)*
- 2. Area in question is one level to assist with movement of all equipment needed to aid parent.*
- 3. Width is needed for two (2) or more persons and equipment to pass thru without difficulty.*

Respectfully submitted,

Tom & Maria Turley