

Staff Summary Report



Hearing Officer Hearing Date: August 19, 2008

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the **BRADLEY PROPERTY (PL080272)** located at 1225 East Warner Road for one (1) use permit.

DOCUMENT NAME: 20080819dsdp03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **BRADLEY PROPERTY (PL080272)** (Gary Bradley, applicant; Ellen Bradley, property owner) located at 1225 East Warner Road, Lot No. 20, in the R1-15, Single Family Residential District for:

ZUP08123 Use permit to allow an accessory building (pool house).

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

SEA

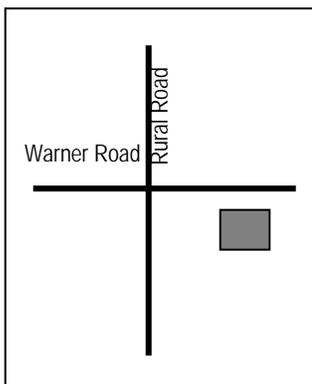
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is requesting a use permit for a 352 s.f. existing non-conforming detached accessory building (pool house) behind the main residence located at 1225 East Warner Road, Lot No. 20, in the R1-15, Single Family Residential District. Staff recommends approval of the use permit subject to conditions. To date, four (4) letters of support have been submitted for this request.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Elevation
6. Floor Plan/Cross Section
- 7-10. Letters of Support
11. Applicant Photographs
12. Staff Photograph(s)

COMMENTS:

The applicant is requesting a use permit for a 352 s.f. existing non-conforming detached accessory building (pool house) behind the main residence located at 1225 East Warner Road, Lot No. 20, in the R1-15, Single Family Residential District. The building was originally constructed in 1998 without a building permit. The building meets all required setbacks and has no plumbing or kitchen facilities and is constructed to match the existing main residence. The height of the structure is eleven feet (11') ten and one-half inches (10½"). To date, four (4) letters of support have been submitted for this request.

Use Permit

The Zoning and Development Code requires a use permit for detached accessory buildings that exceed 8 feet in height and/or 200 square feet in area in all zoning districts.

Evaluating the use permit, the proposal meets the use permit criteria 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;
 - The use should not create any nuisances.
- b. 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 proposed development 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.
- c. Compatibility with surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit subject to conditions.

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.

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 Division.
2. The accessory building shall not be used as a separate living unit/guest quarters (no cooking facilities). Only one residential unit per lot is allowed in the R1-15, Single Family Residence District.

HISTORY & FACTS:

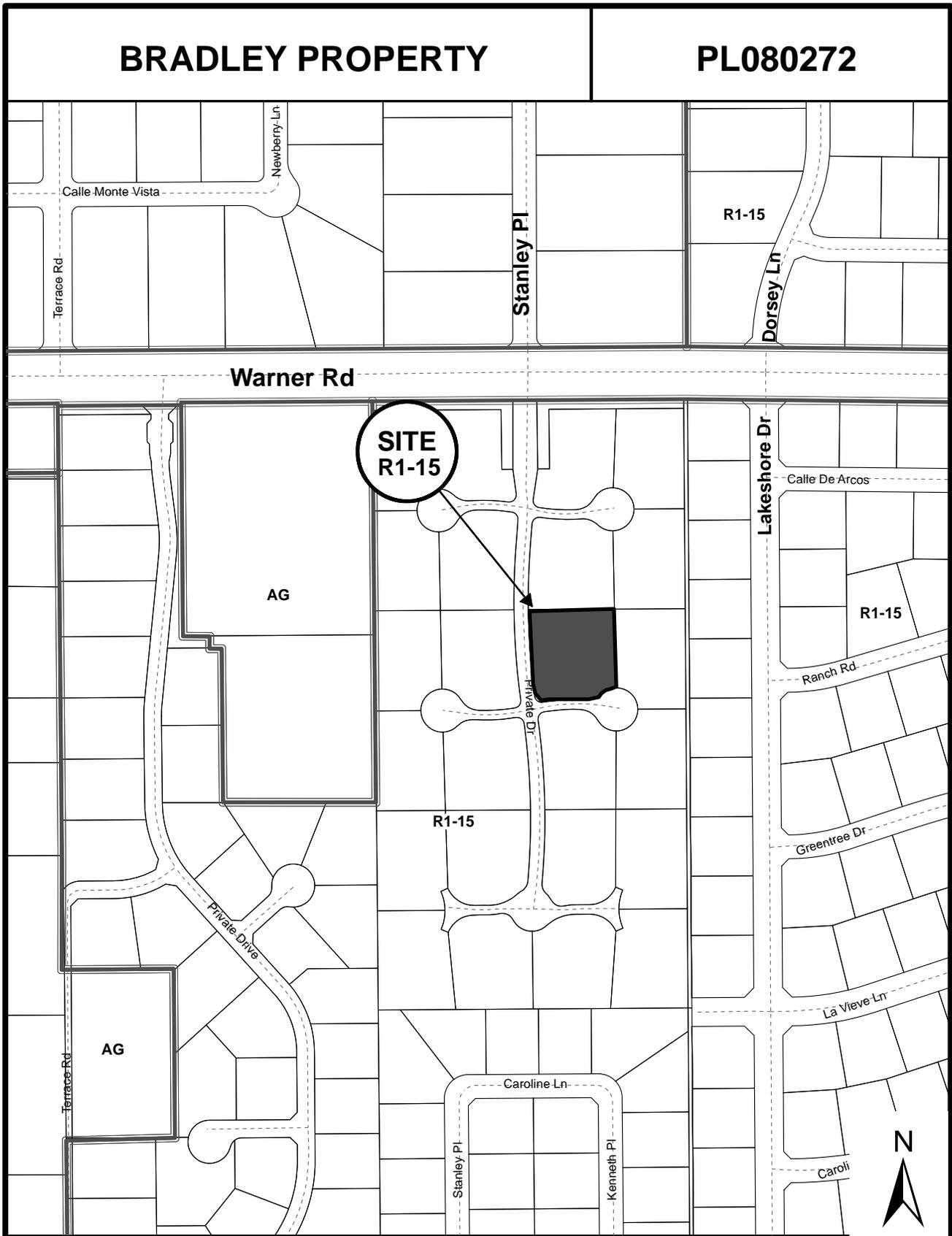
November 25, 1986 BP78717: Building Permit issued for Single Family Residence

DESCRIPTION:

Owner – Ellen Bradley
Applicant – Gary Bradley
Existing Zoning – R1-15, Single Family Residential District
Lot Size – 32,849 s.f. / .75 acres
Existing Home area – 7,307 s.f.
Existing Accessory Bldg. Area - 352 s.f.
Existing Accessory Bldg. Height - 11'- 10½"
Rear Yard Setback - 30 feet
Side Yard Setback - 15 feet
Existing Lot Coverage – 24.9%
Previous Lot Coverage – 23.9%
Lot Coverage Allowed - 45%

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

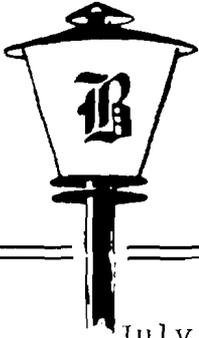
Section 3-401 – Accessory Buildings, Uses and Structures
Section 4-202 – Development Standards for Residential Districts
Section 6-308 – Use Permit



Location Map



BRADLEY PROPERTY (PL080272)



ELMER BRADLEY CONSTRUCTION COMPANY

P. O. Box 26699 • Tempe, Arizona 85285-6699 (480) 838-6951

July 22, 2008

City of Tempe

Re: Permit for pool house
1225 E. Warner Road, Lot #20

Dear Sirs:

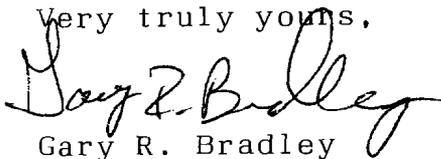
My father, Elmer Bradley, passed away January 24, 2007 and we are in the process of selling the house at 1225 E. Warner, Lot #20. When we were checking to see what we needed to do we discovered that he had not taken out a permit for the pool house.

The pool house was constructed approximately 10 years ago. It resembles the main house - the exterior is the same, paint color and roof tile is the same as the main house, so it conforms to the neighborhood.

It is used as a pool house only. There is no plumbing, and no kitchen facilities. The house contains 352 square feet and is 11 ft. 10½ inches high from the top of the foundation.

I hope this information is sufficient to issue a permit as requested.

Very truly yours,


Gary R. Bradley

GRB/par

Partridge, Derek

From: Daffara, Shawn
Sent: Thursday, August 07, 2008 6:42 AM
To: Partridge, Derek
Subject: FW: Wingfoot Estates-Bradley

Another letter of support

Shawn Daffara
Planner II
Development Services/Planning
Ph: (480) 858-2284
Fax: (480) 350-8872
Shawn_Daffara@Tempe.gov

-----Original Message-----

From: cgasu@sprintpcs.com [mailto:cgasu@sprintpcs.com] On Behalf Of cgasu@cox.net
Sent: Wednesday, August 06, 2008 9:55 PM
To: Daffara, Shawn
Subject: Wingfoot Estates-Bradley

Shawn,
We are residents of Wingfoot Estates located at 122 E. Warner Road in Tempe. Ellen Bradley asked me if the storage shed they built bothered us in any way. We told her that we thought it was done extremely professionally and looked very nice. We have no absolutely no objections whatsoever. If you would like to discuss this further or have any questions, please feel free to contact me at your earliest convenience.
Thanks!

Curt Garrett
602-989-3577

This Message Sent From A Sprint 'Treo Centro Cell Phone

Curt Garrett
"Helping Happy State Farm Clients Since 1980"

This Message Sent From A Sprint 'Treo Centro Cell Phone

Partridge, Derek

From: Daffara, Shawn
Sent: Wednesday, August 06, 2008 7:14 AM
To: Partridge, Derek
Subject: FW: Bradley Property PL080272

Another email of support

Shawn Daffara

Planner II

Development Services/Planning

Ph: (480) 858-2284

Fax: (480) 350-8872

Shawn_Daffara@Tempe.gov

From: Vicky Case [mailto:vcase@cox.net]
Sent: Friday, August 01, 2008 6:57 PM
To: Daffara, Shawn
Subject: Bradley Property PL080272

My husband, Perry A. Case and I live in a home located at Lot 22 in the Wingfoot subdivision located at 1225 E. Warner Road, Tempe, AZ Parcel 308-02-022

We have received notice of the public hearing on the above named property.

We have no objection to the accessory building and do not consider it an eyesore at all.

Should you have further questions, please feel free to contact me at 480-980-0585.

Thank you.

Vicky L. Case
Wingfoot Homeowner

Partridge, Derek

From: Daffara, Shawn
Sent: Wednesday, August 06, 2008 7:13 AM
To: Partridge, Derek
Subject: FW: Bradley residence pool house

Another letter of support!

Shawn Daffara
Planner II
Development Services/Planning
Ph: (480) 858-2284
Fax: (480) 350-8872
Shawn_Daffara@Tempe.gov

-----Original Message-----

From: bgusc@cox.net [mailto:bgusc@cox.net]
Sent: Sunday, August 03, 2008 9:02 PM
To: Daffara, Shawn
Subject: Bradley residence pool house

Dear Mr. Daffara,

We reside at 1225 E. Warner Rd. #24, Tempe. The Bradley residence is in our development, Wingfoot. We have no objection to pool house structure which is in the back yard of 1225 E. Warner Rd #20. If you need any other information please contact me.

Sincerely,

J. Bruce Gerhard
(480)707-3678

Partridge, Derek

From: Daffara, Shawn
Sent: Wednesday, August 06, 2008 7:13 AM
To: Partridge, Derek
Subject: FW: Bradley residence

Letter of support from neighbor.

Shawn Daffara

Planner II

Development Services/Planning

Ph: (480) 858-2284

Fax: (480) 350-8872

Shawn_Daffara@Tempe.gov

From: Jim Hix [mailto:jimhix49@hotmail.com]
Sent: Monday, August 04, 2008 8:54 AM
To: Daffara, Shawn
Subject: Bradley residence

Hi Shawn,

I am a neighbor of Ellen Bradley at 1225 East Warner Road Lot 20. I live at lot 18, in the same cul de sac. I am writing to inform you that the "pool house" structure in her back yard is not objectionable to me. I did not even know it was there until recently informed by a neighbor.

Regards,
Jim Hix

1225 East Warner Road Lot 18, Tempe, AZ 85284
480-820-5800





BRADLEY PROPERTY

1225 EAST WARNER ROAD, LOT NO. 20

PL080272

**FRONT OF RESIDENCE – VIEW TO
NORTHEAST**