

Staff Summary Report



Hearing Officer Hearing Date: May 1, 2007

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by COTTRELL RESIDENCE(PL070162) located at 923 East Carver Road for one (1) variance.

DOCUMENT NAME: 20070501dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the COTTRELL RESIDENCE (PL070162) (Craig & Andrea Cottrell, applicants/property owners) located at 923 East Carver Road in the AG, Agricultural District for:

VAR07015 Variance to reduce the front yard setback from forty (40) feet to twenty-four (24) feet to allow for a garage.

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

REVIEWED BY: Steve Abrahamson, Senior Planner (480-350-8359)

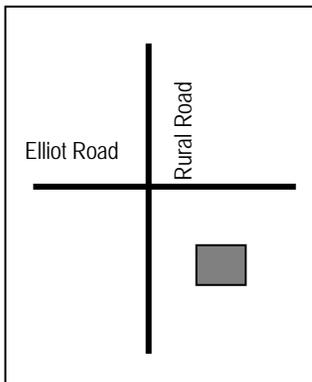
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The Cottrell Residence is requesting a variance to reduce the front yard setback from forty (40) feet to twenty-four (24) feet. Staff recommends denial of the variance owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on April 16, 2007 and to date staff has received no opposition to this request.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Reason for Approval; Conditions of Approval; History & Facts
 3. Description; Zoning & Development Code Reference
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- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Intent
 - D. Site plan
 - E. Elevation
 - F. Floor Plan
 - G. Building Section

COMMENTS:

The Cottrell Residence is requesting a variance to reduce the front yard setback from forty (40) feet to twenty four (24) feet. The proposed structure will be an attached garage for potential storage of three vehicles. The addition will complement the house in design. The structure will be located adjacent to and accessed by an existing circular concrete driveway.

Variance

The Zoning and Development Code Development Standards require the setbacks for dwellings, in the AG- Agricultural District, to be located forty (40) from the front property line. According to the applicant's letter of explanation; if the garage were to be located on the rear side of the house there would not be sufficient turning radius available on site to access the garage without major modifications to the existing patios. They believe it is important to maintain the openness of the back pasture area to be in character with the surrounding agriculturally zoned properties and that placement of the structure closer to the front property line is not obtrusive or out of character with the R1-7, Single Family Zoned Properties located across the street.

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 on the rear side of the residence and reducing the size of the addition to accommodate a turning radius. Alternatively, if the addition was designed with a thirty- two (32) foot setback; it could be supported by staff. A thirty-two foot setback is consistent with the twenty (20%) percent reduction allowed through the use permit process. We encourage the applicant to explore other designs that will conform to the setback standards in the AG, Agricultural District.

Conclusion

Staff recommends denial of the front yard setback variance as proposed.

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. Obtain all necessary clearances from the Public Work Department for on-site retention for expansion of pavement in front yard.
3. Per Tempe City Code; improved paved areas shall not exceed 35% of the front and side areas visible from the street.

HISTORY & FACTS: None pertinent to this request.

DESCRIPTION:

Owner – Craig & Andrea Cottrell
Applicant – Craig & Andrea Cottrell
Existing zoning – AG, Agricultural District
Lot Size- 42,397 s.f.
Net Acre- .97
Lot Dimensions- 146.22 x 290
Existing residence building area- 2900 s.f.
Proposed building area- 660 s.f.
Lot coverage allowed- 25%
Lot Coverage (proposed)- 8.3%
Required front yard setback- 40'
Proposed front yard setback- 24'

**ZONING AND
DEVELOPMENT**

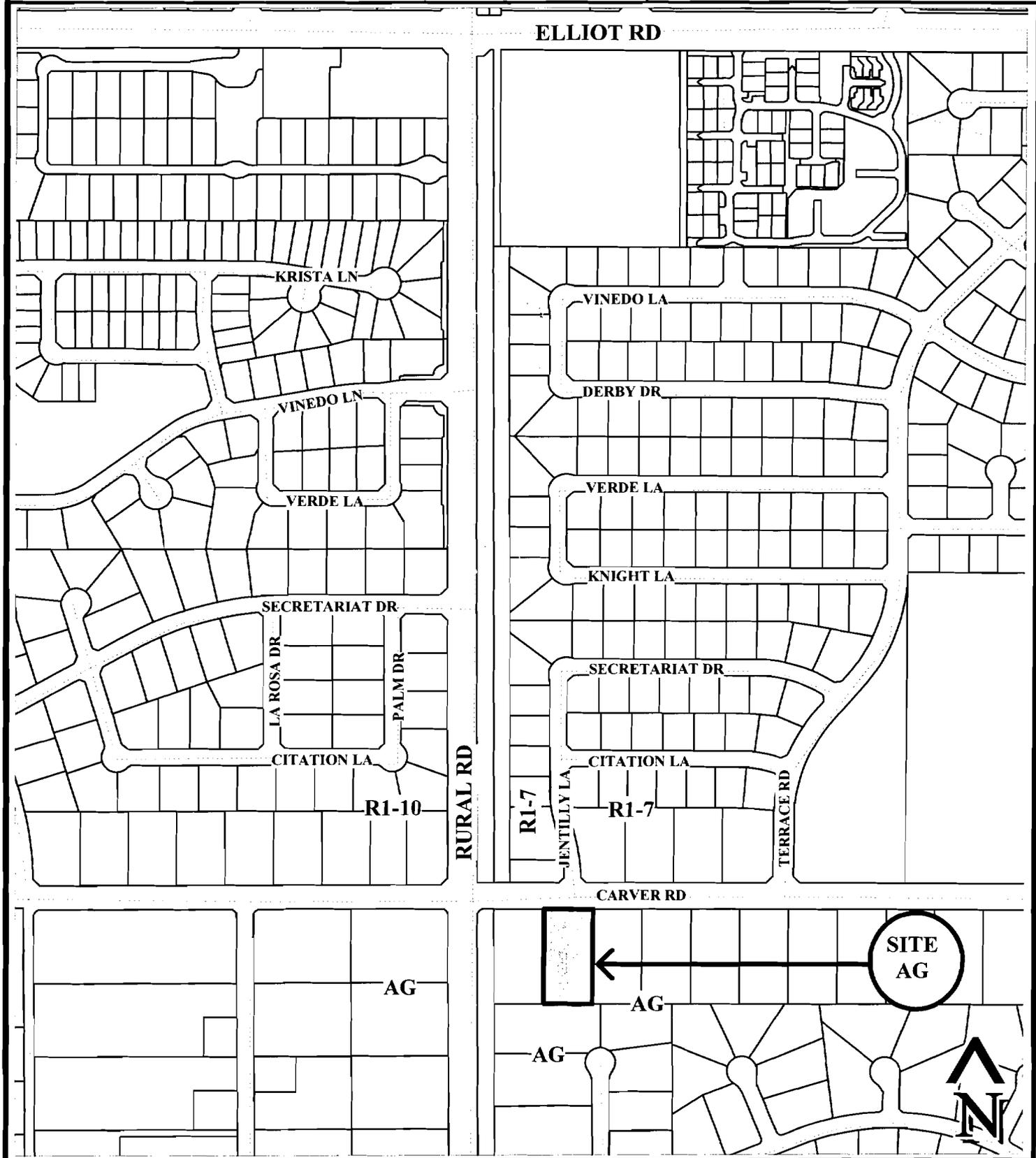
CODE REFERENCE:

Citations of Code Requiring Residential Setbacks & Variance(s):

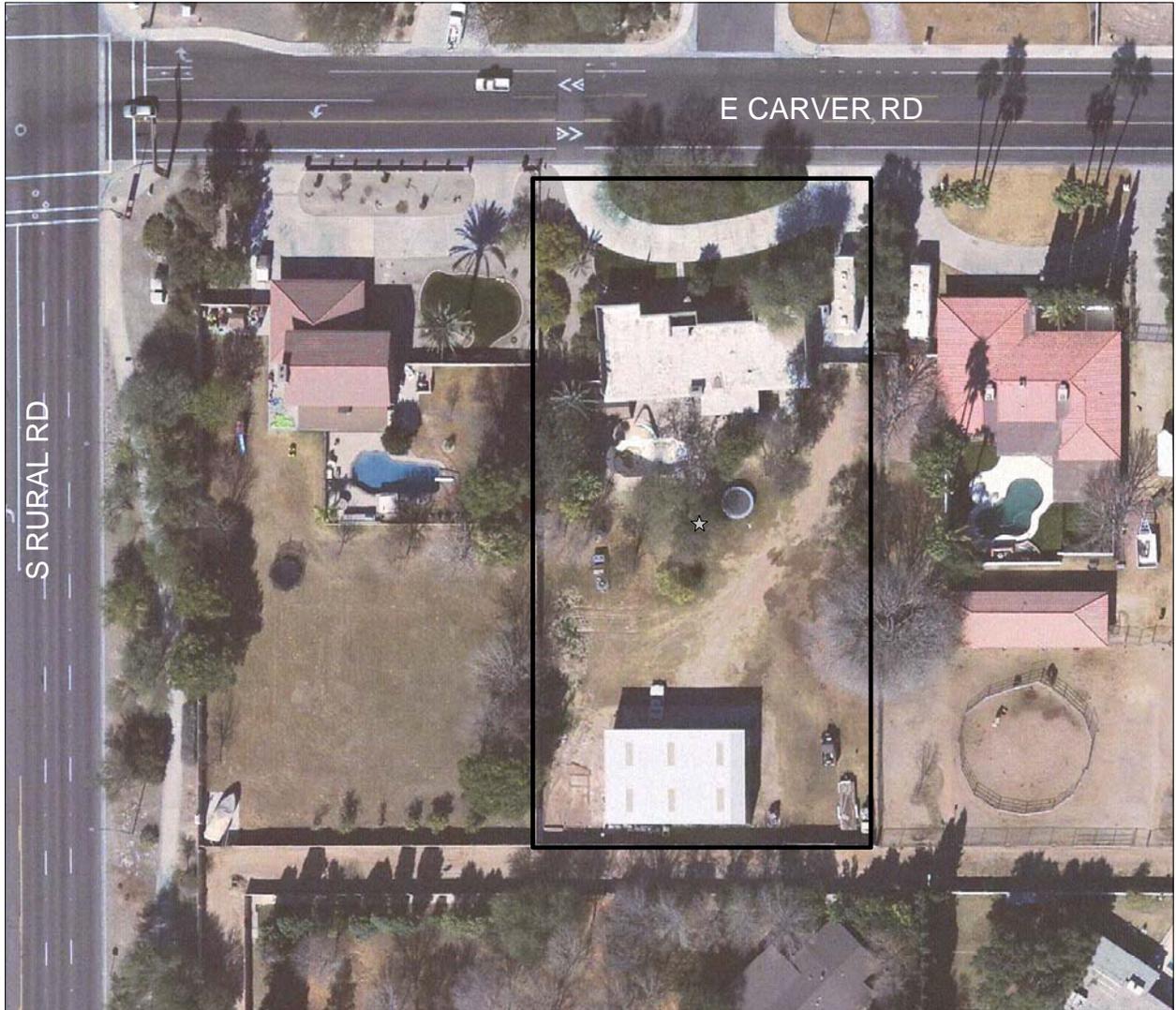
Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

COTTRELL RESIDENCE

PL070162



Location Map



COTTRELL RESIDENCE (PL070162)

Craig & Andrea Cottrell
923 E Carver Rd
Tempe, AZ 85284
480.893.1404

City of Tempe
Development Services
31 East Fifth Street
Tempe, Az 85280-5002
480-350-8331

Re: Letter of Explanation for a Variance

To The Committee;

We desire a variance pertaining to the setback of the front yard. We wish to build a new, attached garage. We wish to add the garage onto the north east corner of the existing house. This would infringe slightly upon the 40 foot setback imposed on agricultural properties in Tempe. Specifically, we ask that the variance place the setback at 24 feet.

We feel this is the best option for our property for the following reasons. One; in keeping with the reason this neighborhood was initially established, to maintain as much open, agricultural land as possible behind the residence. We specifically moved into this neighborhood so that we can have our 2 horses on our property. We wish to preserve the pasture land for them and maintain the enjoyment of the property. Two; with residential zoning directly across the street from our property, placing the garage within the 40 foot setback would not stand out in any obtrusive or out-of-the-ordinary way as their setbacks are even less than the 24 feet we are requesting. Our addition would not be out of character for the immediate area. Three; the placement of the current residence on the property would not allow enough turning radius for a garage to be built to the back of the existing home without eliminating most of the patio

space and reducing significantly the enjoyment of the property. Lastly, we wish to enjoy the same benefit as all our neighbors in having a garage.

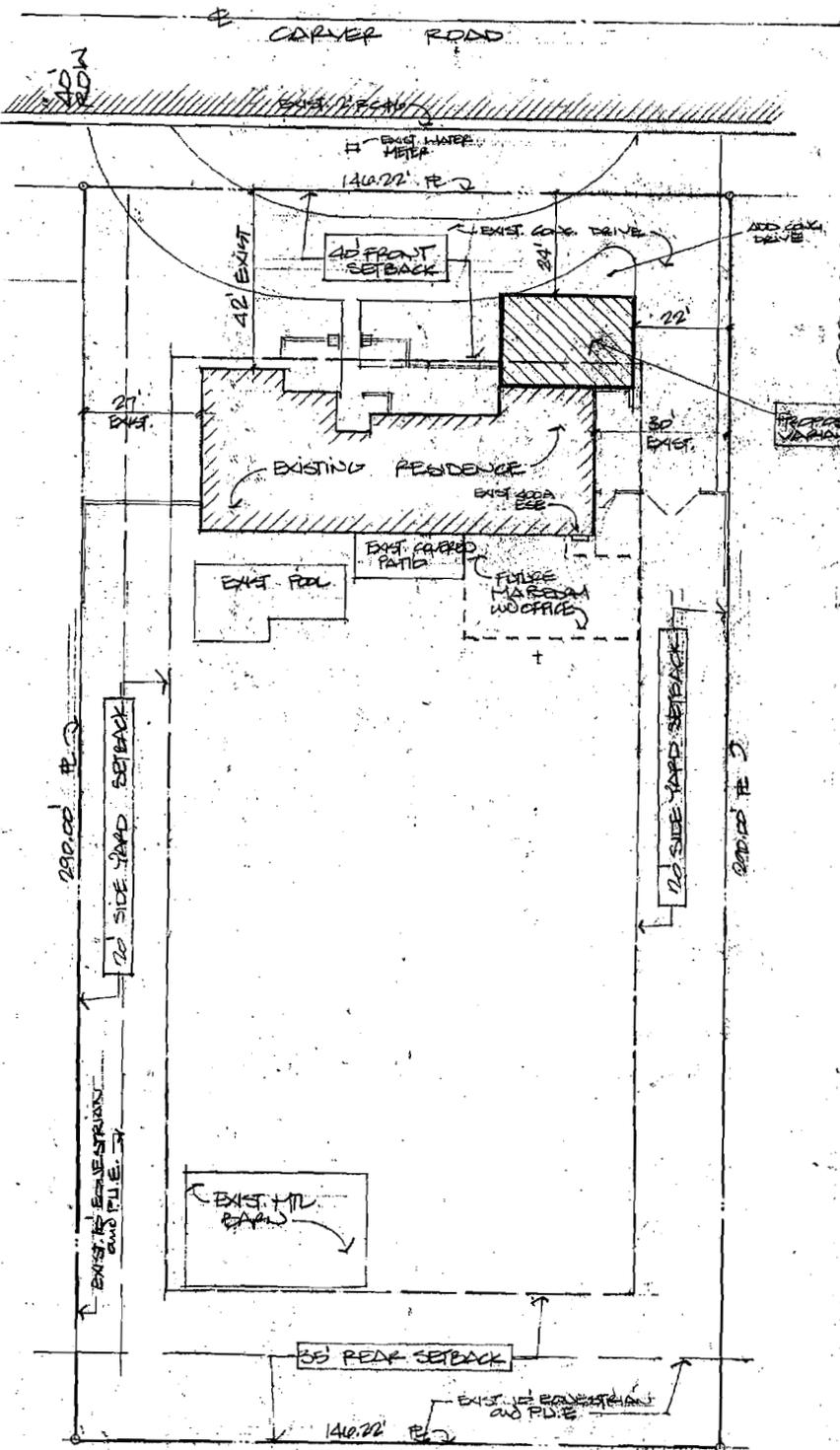
We have spoken with our neighbors who are not in objection to this project. In fact, they welcome the increase in property value that this addition will bring.

We recently moved into the Buena Vista Neighborhood with our 2 young children. We have anticipated for many years moving into a more rural neighborhood that our children may enjoy the unique aspects of growing up with a more agricultural lifestyle. We hope that you will agree and allow us to preserve our wonderful back yard by granting this request.

Sincerely,

Craig & Andrea Cottrell

Craig & Andrea Cottrell



PREPARED BY
J.C. DESIGN
 3111 SHERIDAN ST
 CHANDLER, ARIZONA
 480-415-7140

PROPOSED SIDE YARD SETBACKS
 12' SIDE YARD SETBACK

ANDREW and GAIL COTTRELL RESIDENCE
 700 E CORNER ROAD
 TEMPE, AZ



SITE PLAN 1"=20'

LEGAL DESCRIPTION:
 Q135 E. CORNER ROAD TEMPE AZ
 LOT 101 BUENA VISTA RAYGARD TEMPE AZ
 PARCEL NO. APPROX # 31-01-120

ZONING: AG1

AREA: 42,377 SF

LOT COVERAGE: 25% ANCHOR



