

Staff Summary Report



Hearing Officer Hearing Date: December 18, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **FITZHUGH RESIDENCE (PL070485)** located at 2059 East La Vieve Lane for two (2) use permits.

DOCUMENT NAME: 20071218dssd02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **FITZHUGH RESIDENCE (PL070485)** (Edward Fitzhugh, applicant/property owner) located at 2059 East La Vieve Lane in the AG, Agricultural District for:

ZUP07177 Use permit standard to reduce the west side yard setback by twenty percent (20%) from twenty feet (20') to sixteen feet (16').

ZUP07190 Use permit to allow a second story addition (Sports/Recreation Room).

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

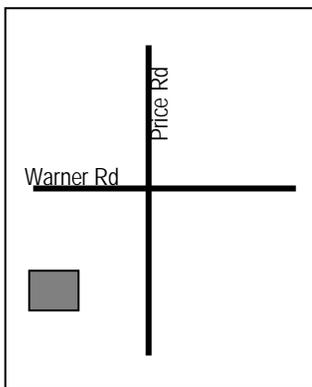
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-3

ADDITIONAL INFO: The Fitzhugh Residence is requesting approval of two (2) use permits. The first use permit is to reduce the west side yard setback by 20%; respectively from 20 feet to 16 feet and a second use permit to allow a second story for the new building addition at rear of the existing residence. The reduced setback and use permit will accommodate the expansion of a new entertainment, home office, and exercise room. To date, no public input has been received.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval; Conditions of Approval;
3. History & Facts; 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. Elevations
- 7-8. Staff Photograph(s)

COMMENTS:

The Fitzhugh Residence is requesting approval of two (2) use permits. The first use permit is to reduce the west side yard setback by 20%; respectively from 20 feet to 16 feet and a second use permit to allow a second story for the new building addition at rear of the existing residence. The homeowner is proposing to construct a two (2) story addition at the rear of the existing single story home that would include a new home office, sports/entertainment room and a home gym. The property is located at 2059 East La Vieve Lane in the AG, Agricultural District. The lot is bordered by single family residences to the east and west and an equestrian training track to the south. The design of the addition will complement the existing residence in color, form and material. The applicant has informed staff that the east and west neighbors are aware of the second story addition and are in support of the request. Staff has not received comments from the adjacent homeowners.

Use Permit

The Zoning and Development Code requires use permits for a reduction of the side setback up to 20% and a second story addition; The use permit(s) comply with the approval criteria for a use permit.

- 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;
 - No potential nuisances.
- c. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding the uses.

Conclusion

Staff recommends approval of the use permit(s)

REASON(S) FOR APPROVAL:

1. The use appears to be compatible with the building, site and adjacent property
2. There appears to be a demonstrated need for this use at the proposed location.
3. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood or 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 Division.
2. The addition shall be compatible with the existing dwelling in design, colors and materials.
3. If Building Code allows, the second story windows shall be of clear story design.

HISTORY & FACTS:

April 17, 1979 Building Permit issued for Single Family Residence

DESCRIPTION:

Owner – Edward Fitzhugh
Applicant – Edward Fitzhugh
Existing Zoning – AG, Agricultural District
Lot Size – 38,544 s.f. / .88 acres
Required Side yard setback- 20'
Proposed Side yard setback- 16'
Existing Residence – 4,481 s.f.
Proposed Addition – 2,150 s.f.

**ZONING AND
DEVELOPMENT
CODE REFERENCE**

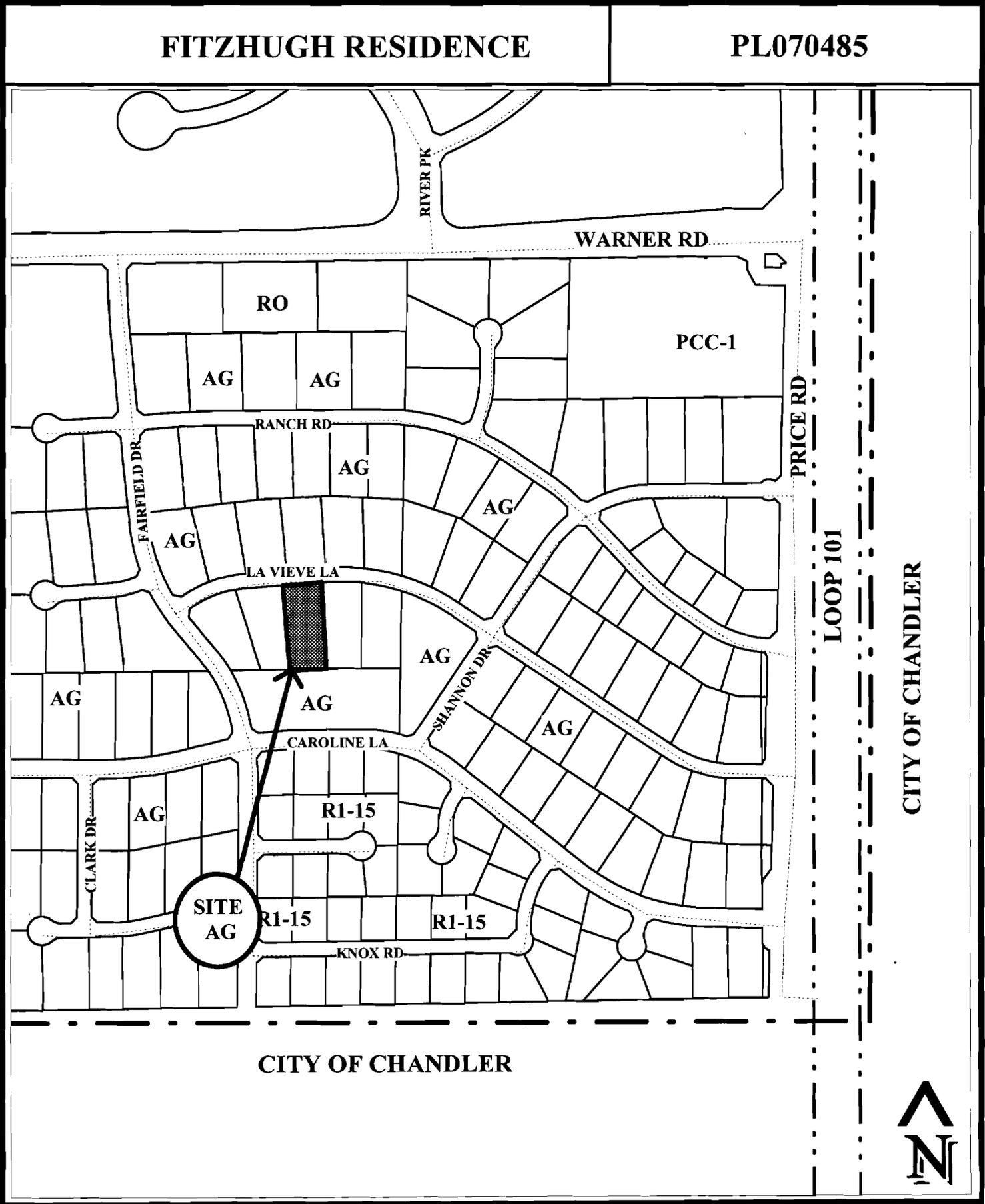
Part 3, Chapter 4, Section 3-420

Part 4, Chapter 2, Section 4-202.

Part 6, Chapter 3, Section 6-308

FITZHUGH RESIDENCE

PL070485





FITZHUGH RESIDENCE (PL070485)

**LAW OFFICE OF
EDWARD D. FITZHUGH**

P.O. BOX 24238
TEMPE, AZ 85285-4238
OFFICE - (480) 752-2200
FAX- (480) 752-2112

Via Facsimile

November 8, 2007

City of Tempe
31 E. 5th Street
Tempe, Arizona 85281

RE: Fitzhugh Residence-new addition

To Whom It May Concern:

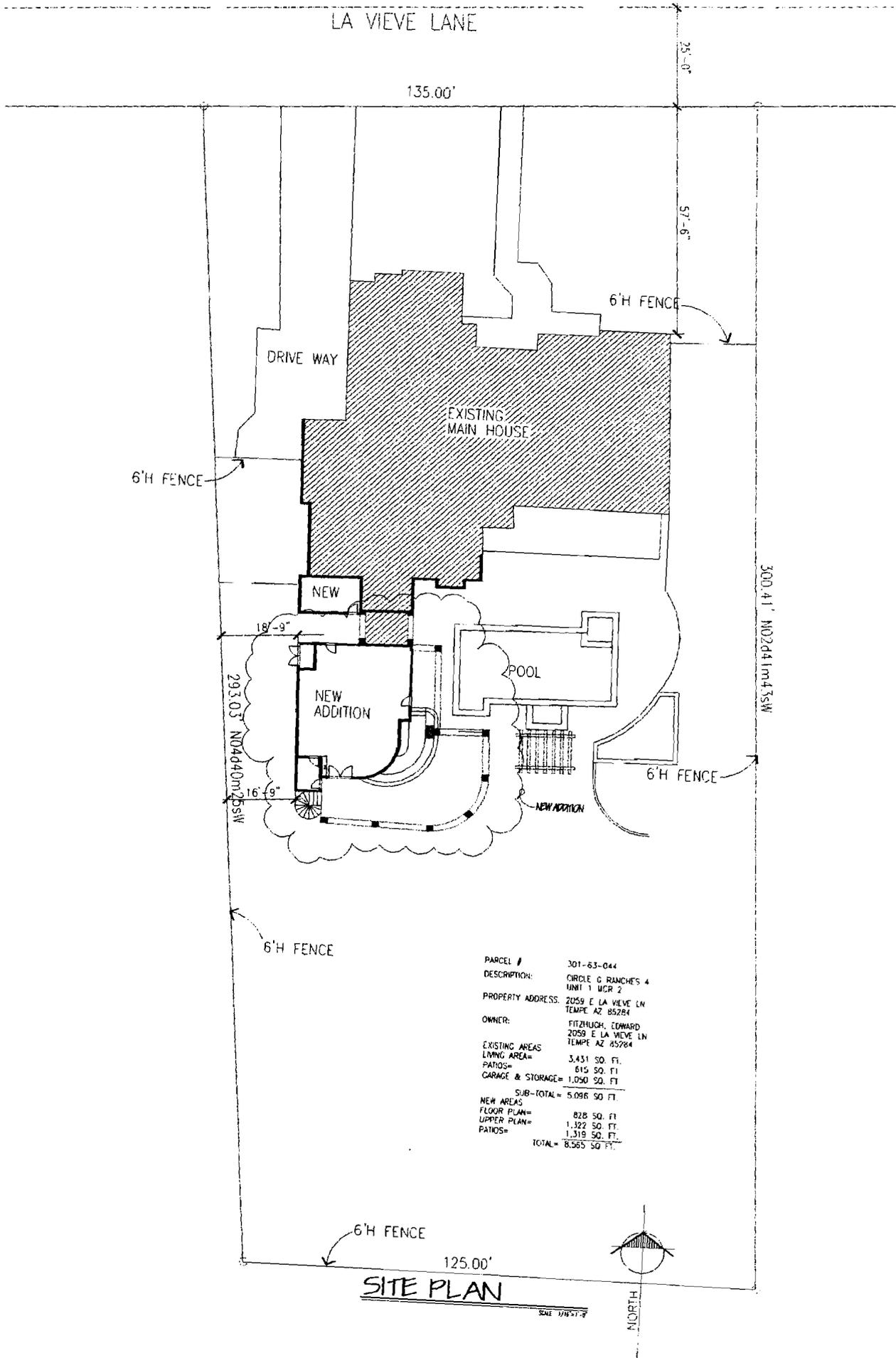
The new addition will consist of an office, entertainment room, and gym. The office area is attached to the sports room (upstairs). The downstairs is a workout room and entertainment/pool room, which also has the access to the pool and BBQ area.

Sincerely,



Edward D. Fitzhugh

EDF/bkd





FITZHUGH RESIDENCE

2059 E LA VIEVE LN

PL070485

FRONT OF RESIDENCE



FITZHUGH RESIDENCE

2059 E LA VIEVE LN

PL070485

FRONT OF RESIDENCE: SIDE YARD.