

Staff Summary Report



Hearing Officer Hearing Date: December 4, 2007

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **FRANZ RESIDENCE (PL070471)** located at 1128 East Concorda Drive for one (1) variance.

DOCUMENT NAME: 20071204dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **FRANZ RESIDENCE (PL070471)** (Kathleen Franz, applicant/property owner) located at 1128 East Concorda Drive in the R1-6, Single Family Residential District for:

VAR07028 Variance to reduce the front yard setback for an open structure (carport) from fifteen feet (15') to seven feet (7').

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

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

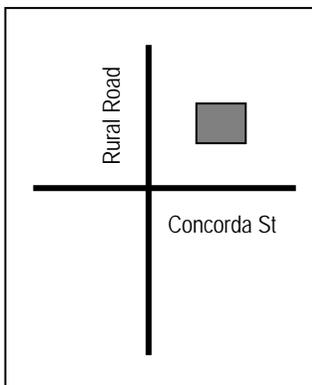
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-2

ADDITIONAL INFO:

The Franz Residence is seeking a variance to reduce the front yard setback for an open structure from fifteen (15) feet to seven (7) feet for a carport addition to the house. The carport is located approximately twelve (12) feet behind the existing sidewalk; which consists of five (5) feet of right-of-way and seven (7) feet of the applicant's property. The structure is attached to the dwelling in front of the existing garage and spans over the driveway. Staff recommends approval of the variance based upon special circumstances regarding the implementation of open structures in the front yard. Two other residences within a block of the Franz Residence, also located on Concorda, have been granted variances for the construction of carport canopies to shade the driveways. Based on previous direction from the Hearing Officer; staff is drafting an ordinance amendment which would allow for carport canopies over driveways through a use permit process. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on November 18, 2007 and has submitted a petition identifying one person in support of the variance request. To date, staff has received no opposition to this request



PAGES:

1. List of Attachments
2. Comments; Reasons 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
- 5-6. Applicant's Photographs
7. Summary of Neighborhood Meeting
- 8-9. Staff Photograph(s)

COMMENTS:

The Franz Residence is requesting a variance to reduce the front yard setback for an open structure from five (15) feet to seven (7) feet for the addition of an attached carport cover over the driveway. The structure was constructed, without benefit of permit, by the property owner's deceased husband in the early 1990's. The need to obtain a variance and/or building permit was not known by the applicant until a violation was issued following an anonymous complaint. The carport canopy is designed to complement the design of the existing dwelling. The carport addition shades the driveway for parking cars, as well as, providing an outdoor patio/recreational area in front of the residence.

Variance

The Zoning and Development Code Development Standards require the setbacks for open structures, in the R1-6 Single Family Residence District, to be located fifteen (15) feet from the front property line. The applicant is seeking a seven (7) foot setback to accommodate an eighteen foot (18') wide by eighteen foot (18') deep carport structure. The proposed carport is located approximately twelve (12) feet behind the existing sidewalk; which consists of five (5) feet of right-of-way and seven (7) feet on the applicant's property.

The Zoning and Development Code was adopted in 2005 to allow open structures closer to the street, within the front yard setback, with the intent to foster a greater sense of community, bring a presence to the street and deter crime by increasing awareness of activity on the street. Staff is drafting an ordinance amendment to allow structures to further encroach into the setback through a use permit process. Since the adoption of the ZDC; similar variances have been granted for carport canopies over driveways, one located on the same street. All the requests have had overwhelming support from the surrounding area.

Conclusion

Staff recommends approval of the front yard setback variance.

REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will not be materially detrimental to persons residing or working within 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 Division.
2. The carport is to remain an open structure; a conversion to a garage is prohibited.

HISTORY & FACTS:

- October 25, 1999. The Hearing Officer granted the following variances for the property located at 1103 East Concorda Dr:
- A. variance to reduce the required front yard setback from the street from 25' to 4'-0" for a new carport cover.
 - B. variance to reduce the required west side yard setback from 7' to 6'-3" for a new carport cover.
 - C. use permit to allow required parking to occupy the front yard setback. (not necessary as long as garage is not modified to a livable area).
- October 16, 2007. The Hearing Officer granted a variance to reduce the front yard setback from the required fifteen (15) feet to two (2) feet five (5) inches for an open structure (carport), subject to conditions.

DESCRIPTION:

Owner – Kathleen Franz
Applicant – Kathleen Franz
Existing Zoning – R1-6, Single Family Residential District
Lot Size- 6653 s.f.
Lot Dimensions- 70' x 95'
Proposed building area- approx. 324 s.f.
Lot coverage allowed- 45%
Required front yard setback- 15'
Proposed front yard setback- 7'

**ZONING AND
DEVELOPMENT**

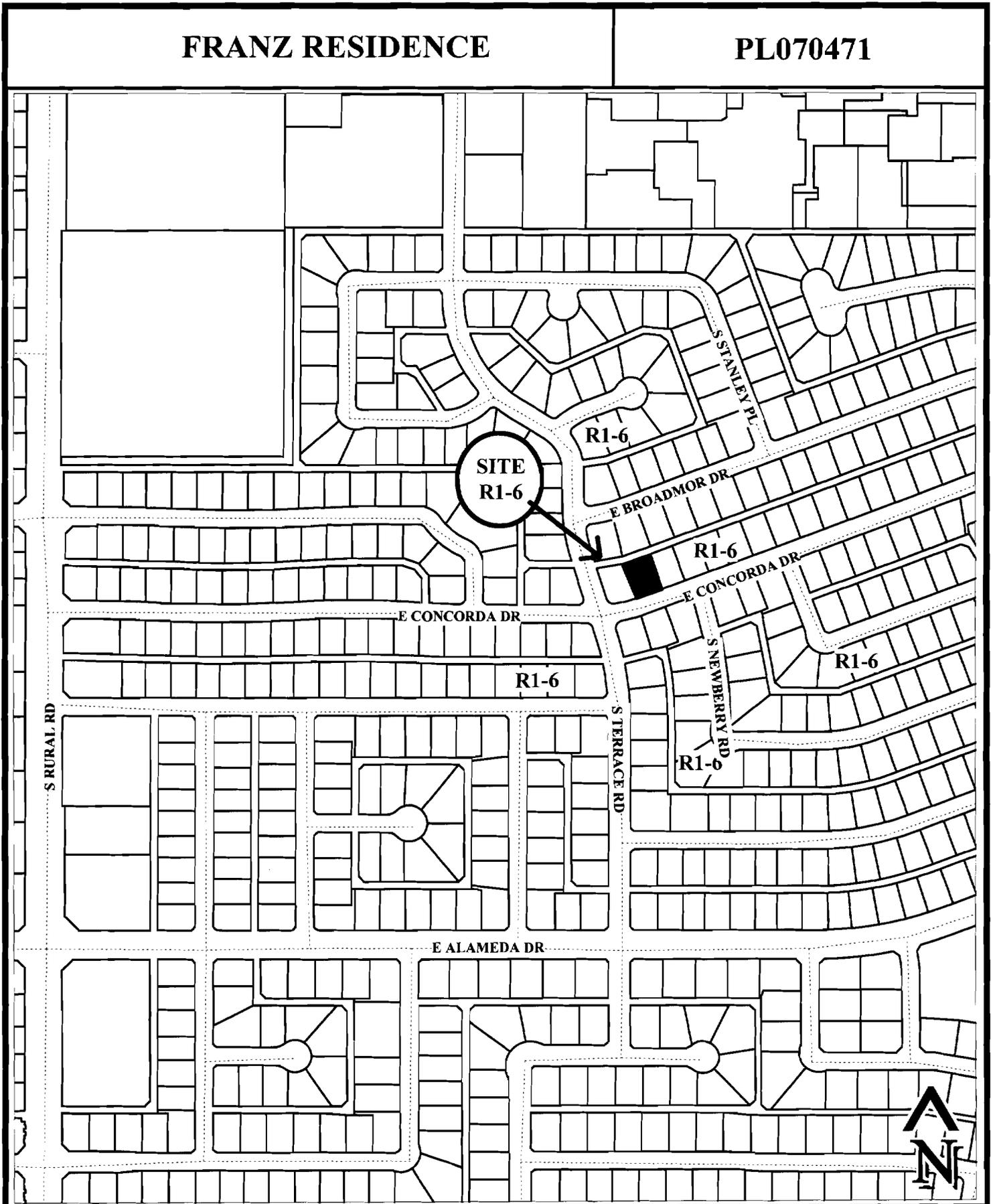
CODE REFERENCE:

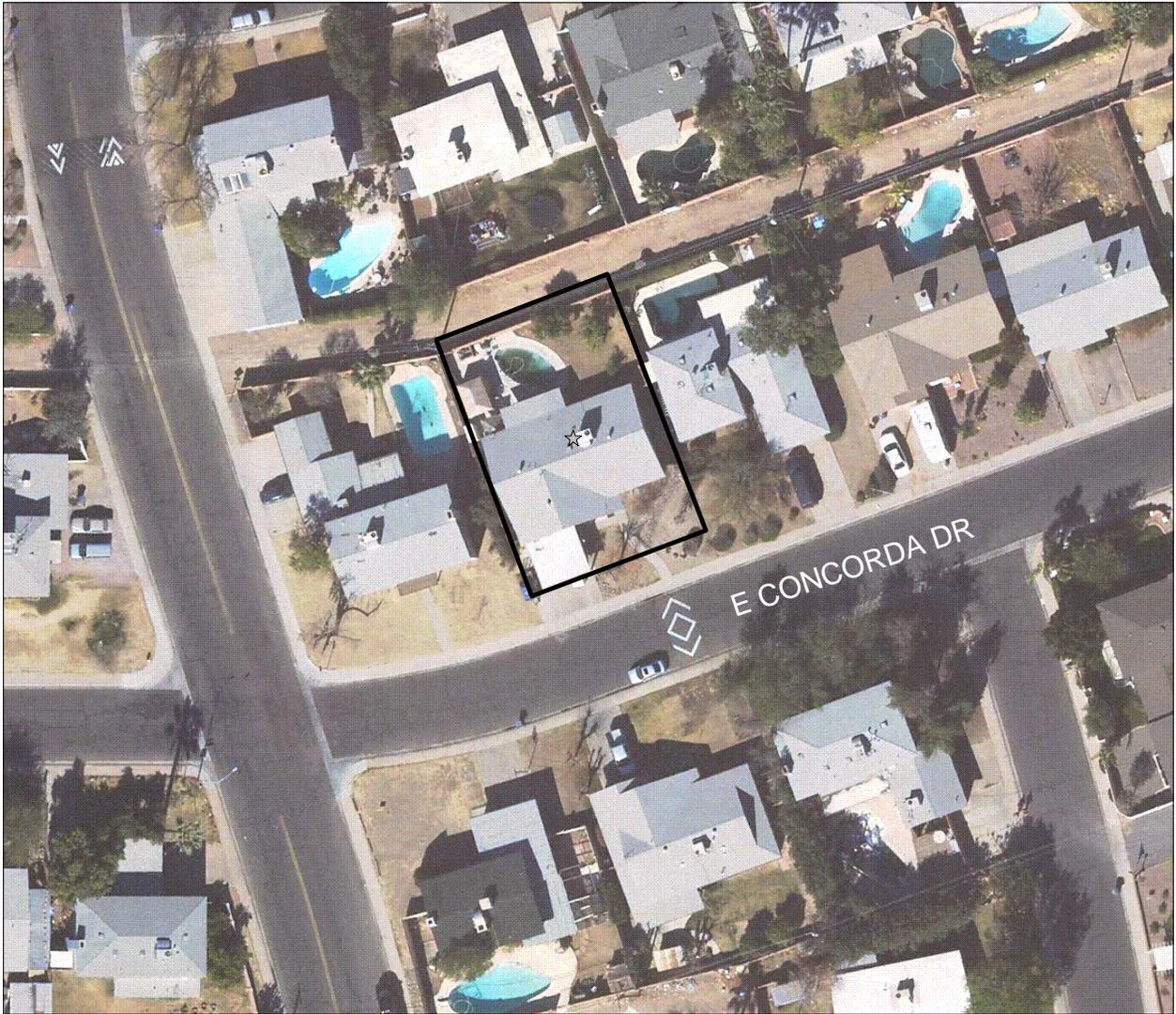
Citations of Code Requiring Use Permit(s) & Variance(s):

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

FRANZ RESIDENCE

PL070471



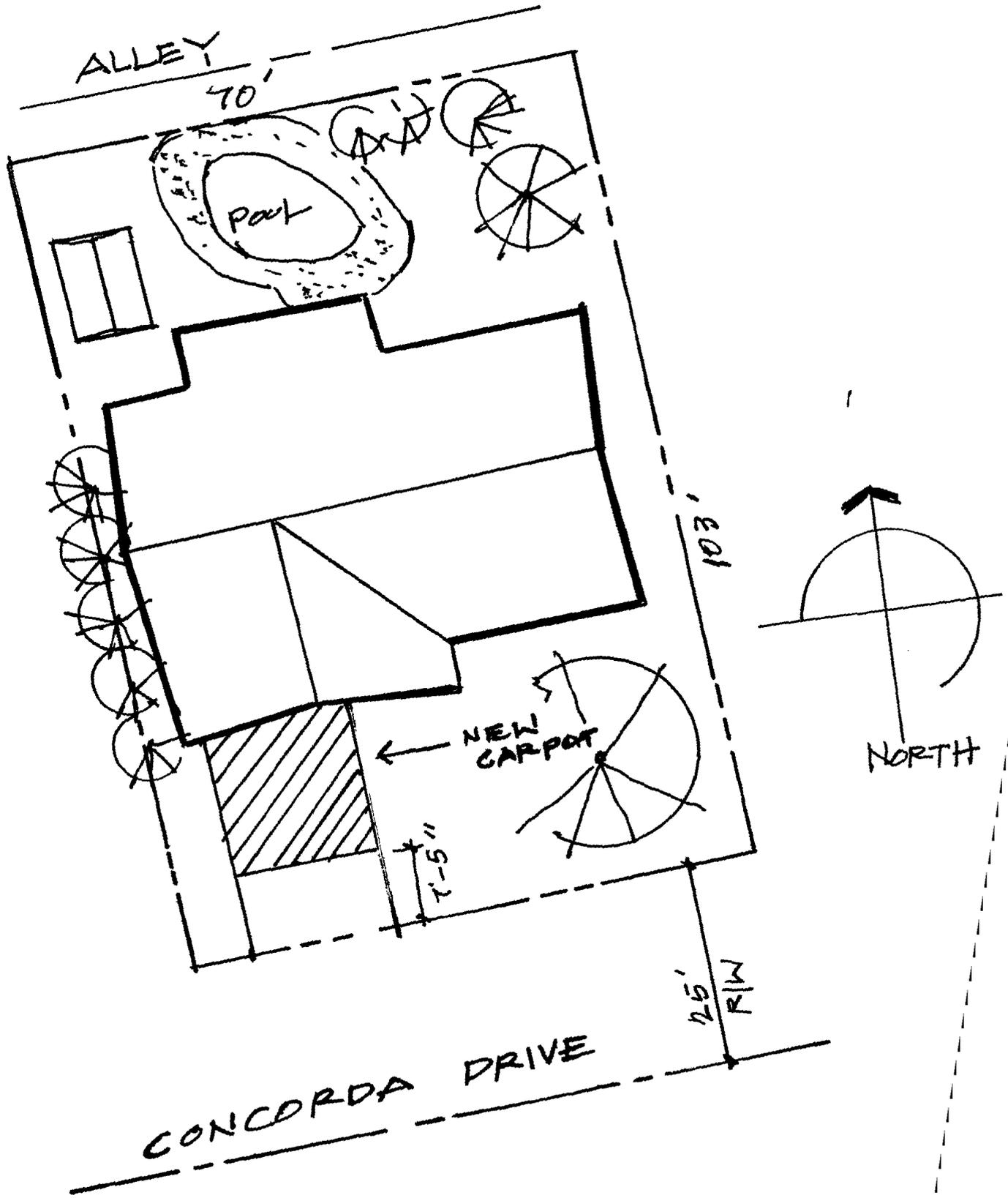


FRANZ RESIDENCE (PL070471)

To Whom It May Concern:

The carport structure in front of my house was constructed by my late husband. I was not aware that we needed a variance or building permit. I use the structure often as a front yard patio area with my adult children. Since the structure was built I personally have had no complaints about the carport.

Kathleen Franz







KATHLEEN FRANZ

1128 E. CONCORDA DR TEMPE AZ 85282

1204-1230 MEETING Sunday November 18, 2007

PEOPLE PRESENT

Helen V. Borling 1121 E. Concorda Dr.

480-363-0521

Tempe Az 85282-2538

I like the airport cover, I might get one myself. Great extra shade & really looks nice

MEETING —

This was the only person in attendance & she added her own comments.

NO OTHER COMMENTS — NO OTHER PEOPLE

Kathleen Franz

1128 E Concorda Dr

Tempe Az 85282

CASE # PLO200971



FRANZ RESIDENCE

1128 E CONCORDA DR

PL070471

FRONT OF RESIDENCE: EXISTING CARPORT.



FRANZ RESIDENCE

1128 E CONCORDA DR

PL070471

**FRONT OF RESIDENCE: EXISTING CARPORT,
VIEW TO EAST.**