

Staff Summary Report



Hearing Officer Hearing Date: February 5, 2008

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the **MCCURDY RESIDENCE (PL070553)** located at 1709 South La Rosa Drive for one (1) variance.

DOCUMENT NAME: 20080205dssd02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **MCCURDY RESIDENCE (PL070553)** (Brad McCurdy, applicant/property owner) located at 1709 South La Rosa Drive in the R1-6, Single Family Residential District for:

VAR07032 Variance to reduce the rear yard setback from fifteen (15) feet to five (5) feet.

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

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

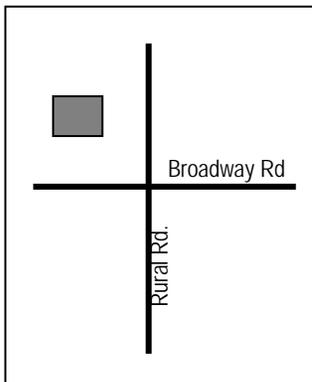
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to the conditions 1-3

ADDITIONAL INFO: The McCurdy Residence is requesting a variance to reduce the east rear yard setback from fifteen (15) feet to five (5) feet for a building addition. The new building addition consists of a new garage. Staff recommends approval of the variance owing to proof 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 January 19, 2008; nine (9) neighbors attended the meeting and the property owner claims he has received ten (10) letters of support that he will present at the hearing.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Neighborhood Meeting Letter
- 5-6. Copy of Quick Claim Deed to purchase part of Alley dated April 3, 2007
7. Site plan
8. Garage Floor Plan
- 9-12. Elevation(s)
- 13-15. Applicants Photograph(s)
- 16-17. Staff Photograph(s)

COMMENTS:

The McCurdy Residence is requesting a variance to reduce the east rear yard setback from fifteen (15) feet to five (5) feet for a building addition. The new building addition consists of a new garage. The McCurdy Family is asking for the new 468 s.f. garage so they can enclose the existing garage into a new master bedroom while keeping the required parking spaces. Should the new garage addition be approved, they could apply for a building permit to enclose the carport to additional living space. The reason the homeowner is asking for the variance is due to the sixteen (16) foot wide easement on the north side of the property. Therefore, the garage must be located adjacent to the easement to utilize the alley corner for maneuvering. If the garage were located to the south, the maneuvering from the alley to the garage would become less than the required 23'. The owner believes the easement creates a hardship, in which that portion yard is non-buildable, adjacent to the alley where maneuvering to the garage is acceptable.

Staff recommends approval of the variance owing to proof of hardship, special circumstances or evidence indicating potential loss of substantial property rights. If the garage was detached the owner could locate the garage fifteen (15) feet the center of the alley; which would be seven (7) from the rear property line and with a use permit standard reduce the setback to twelve (12) feet; which would be four (4) feet from rear property line. The Zoning and Development Code does not allow a building addition to measure the setback from the midpoint of the alley. By comparison the owner is requesting a five (5) foot setback, but ordinance could allow a rear setback to four (4) feet. A one (1) foot difference has been supported in similar home additions.

In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on January 19, 2008. Nine (9) neighbors attended the meeting and the property owner claims he has received ten (10) letters of support that he will present at the hearing.

Variance

The Zoning and Development Code requires a variance to reduce the rear yard setback from fifteen (15) feet to five (5) feet in the R1-6, Single Family Residential District

Evaluating the variance, the proposal does not appear to meet the criteria for approving the variance:

- a. There are special circumstances or conditions applying to the land, building, or use referred to in the application;
 - The applicant has indicated that the special circumstance is the sixteen (16) foot wide easement on north property line. There may be evidence of special circumstance keeping with the land, building or use.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
 - A reduction of the required rear yard setback from fifteen (15) feet to five (5) feet for a building addition is not necessary for enjoyment of substantial property rights. The addition to the home might be able to reconfigured.
- c. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.
 - The owner has requested the variance due to the easement in relationship to the alley maneuvering area. The easement therefore, is not a self-imposed condition.

Conclusion

Staff recommends approval of the variance.

REASON(S) FOR APPROVAL:

1. There appears to be 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 in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. The applicant has received ten (10) letters of support.

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 match the existing residence in color, form and material.
3. The east elevation of the garage shall have address numbers installed. Address Numbers to contrast with the garage color.

HISTORY & FACTS:

None Pertinent to the request

DESCRIPTION:

Owner – Brad McCurdy
Applicant – Brad McCurdy
Existing Zoning – R1-6, Single Family Residential District
Lot Area – 8,845 s.f. / .20 acres
Main Residence Area – 1,738 s.f.
New Garage Area – 468 s.f.
Required Rear Yard setback: 15'-0"
Proposed Rear Yard setback: 5'-0"

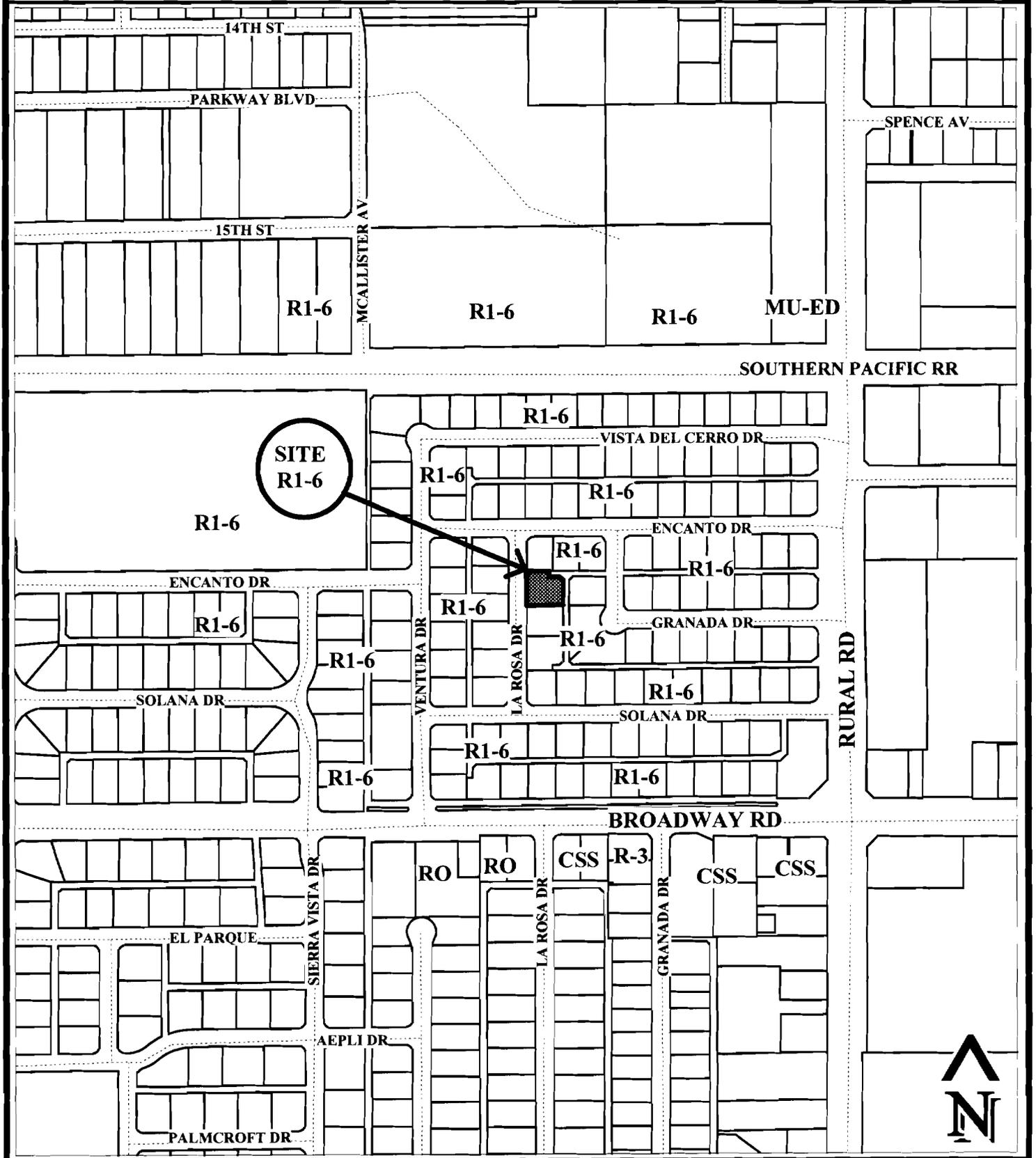
ZONING AND DEVELOPMENT CODE REFERENCE:

Part 4, Chapter 2, Section 4-202.

Part 6, Chapter 3, Section 6-309

MCCURDY RESIDENCE

PL070553





MCCURDY RESIDENCE (PL070553)

McCurdy

1709 S La Rosa Drive
Tempe, AZ 85281

APN 133-12-084 A
S.E. 22 N.4

December 24, 2007

Dear Hearing Officer and Board of adjustment,

We need to add a garage at our place.

We are requesting a rear lot set back limit reduced from 15 feet to 5 feet. This garage addition will be built in conjunction w/ another project to convert our existing garage into a master suite.

This variance is a make or break situation , if we can't build this garage in order to add a master suite we will be forced to sell a home that my Grandfather built in 1955. We do not want to move but we now need a new bedroom at our 2 bedroom house due to the recent birth of our second son. As the records state a 240 square foot parcel of Alley Right of Way land was Quit Claimed, at considerable cost from the City of Tempe to our Parcel in order to address previous issues regarding set backs. This project has been long in the making and planning process. We are now ready to move forward on the build.

These projects are planned to match the style and vintage of original construction, block walls and conventional trusses, add modern double pane windows and perhaps some "glass block" panels adjacent to the existing easement.

Another issue to consider in this matter is the restriction of 23 feet minimum from garage door to the fence on the far side of the alley. This plan has 16 feet of alley add 5 feet of set back to make 21 feet. These measurements do not take into account the 15 foot "cut back" across the alley nor the fact that the alley continues in an East West alignment which makes for a nearly straight shot in and out. Believe it or not, a childhood memory is of my Grandfather keeping his boat in this same location. Backing that trailer in without trouble and he only had one eye.

This variance is a reasonable request. Please consider allowing us to move forward with our plan.

Sincerely
Brad and Gigi McCurdy



McCurdy

1709 S La Rosa Drive
Tempe, AZ 85281

December 22, 2007

Dear Neighbor,

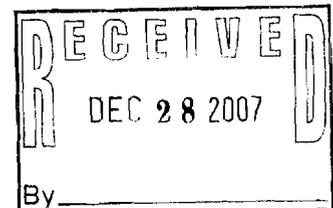
We would like to invite you to a Neighborhood Meeting at our residence. January 1st 2008 @ 12 Noon. In order for us to apply for a variance from the city regarding an addition we would like to have done to our home, we are required to have a neighborhood meeting so you can come over and see what the plan is and review the project site. We are requesting a variance of the 15 foot rear of lot, building set . We will be submitting an application to the City of Tempe for said Variance.

In Order to construct an attached garage 26 feet in length plans require the structure to be within 5 feet of the rear lot line (alley right of way). Without this variance the garage could only be 16 feet deep/long. This length would be far too short for most vehicles on the road today. We have tried to make other configurations of this plan but, this is the best fit for our family at this time.

Sincerely,

The McCurdys
Brad, Gigi and Sons

Post Script Update 12 26 2007; a second meeting has been added to the agenda Saturday January 19th 2008 at 10:00 A.M. At the same location.



Recorded at the request of CITY OF TEMPE

MA

201

When recorded, return to:

City of Tempe Basket

AFFIDAVIT AND FEE EXEMPT PURSUANT TO ARS SECTION 11-1134.A-3.

SE 22 N4 133-12-084

1709 South La Rosa Dr. Ordinance No. 2007.12

QUIT-CLAIM DEED

For valuable considerations, I or we,

CITY OF TEMPE, a municipal corporation

Hereby called grantor(s), hereby convey to BRADFORD ALLEN MCCURDY and GEORGIA AIDA MCCURDY, husband and wife, all right, title, or interest in the following real property situated in Maricopa County, Arizona:

SEE EXHIBITS "A" AND "A-1" ATTACHED HERETO AND BY REFERENCE INCORPORATED HEREIN

This Quit-Claim Deed is granted pursuant to the authority provided by Ordinance 2007.12 which was introduced to the Tempe City Council on February 1, 2007.

There is hereby reserved to the benefit of the City of Tempe and others, as an exception to this Quit-Claim Deed, a Public Utility Easement over a portion of the property conveyed as shown in the attached Exhibit "A-1".

Dated this 3rd day of April, 2007

CITY OF TEMPE

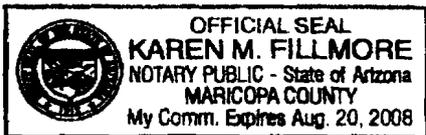
By: [Signature] Mayor

STATE OF ARIZONA) County of Maricopa) ss

The foregoing instrument was acknowledged before me this (Date) April 3, 2007 by Mayor Hugh Hallman

My commission Expires: 8/20/08

[Signature] Notary Public



Request Variance of 15' Rear Set Back
Reduce Rear Set Back to 5'

McCurdy Residence

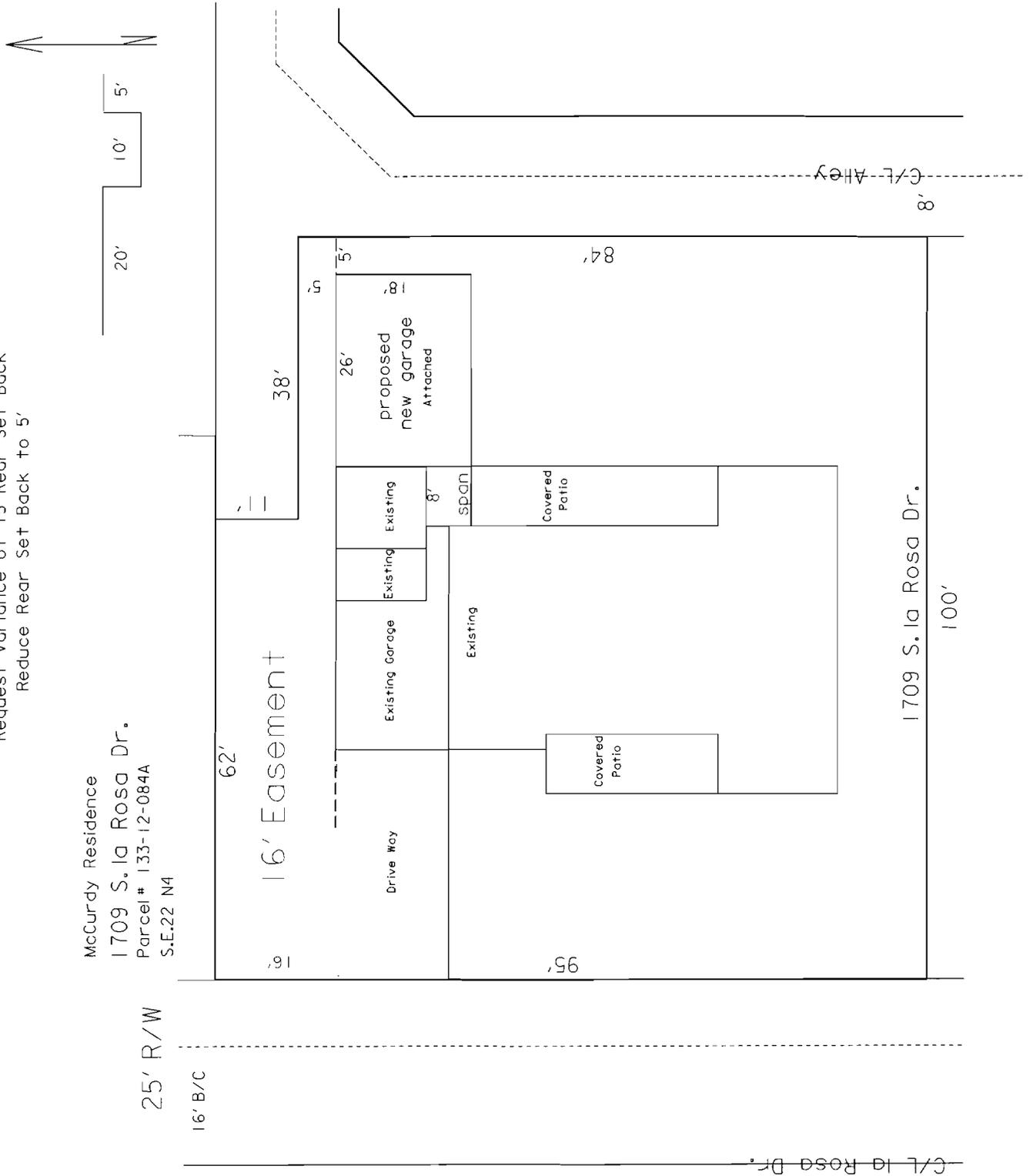
1709 S. la Rosa Dr.

Parcel # 133-12-084A

S.E.22 N4

25' R/W

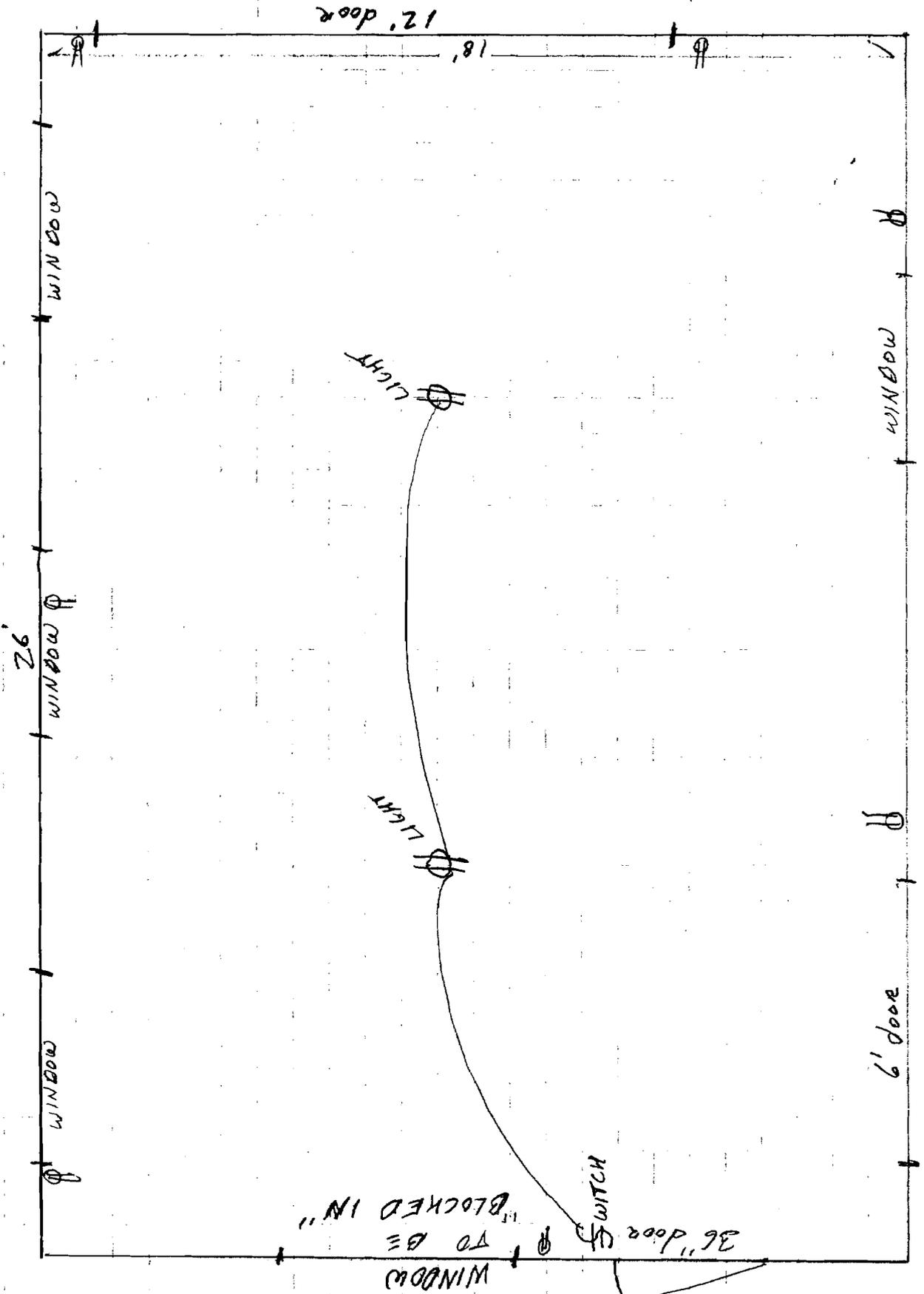
16' B/C



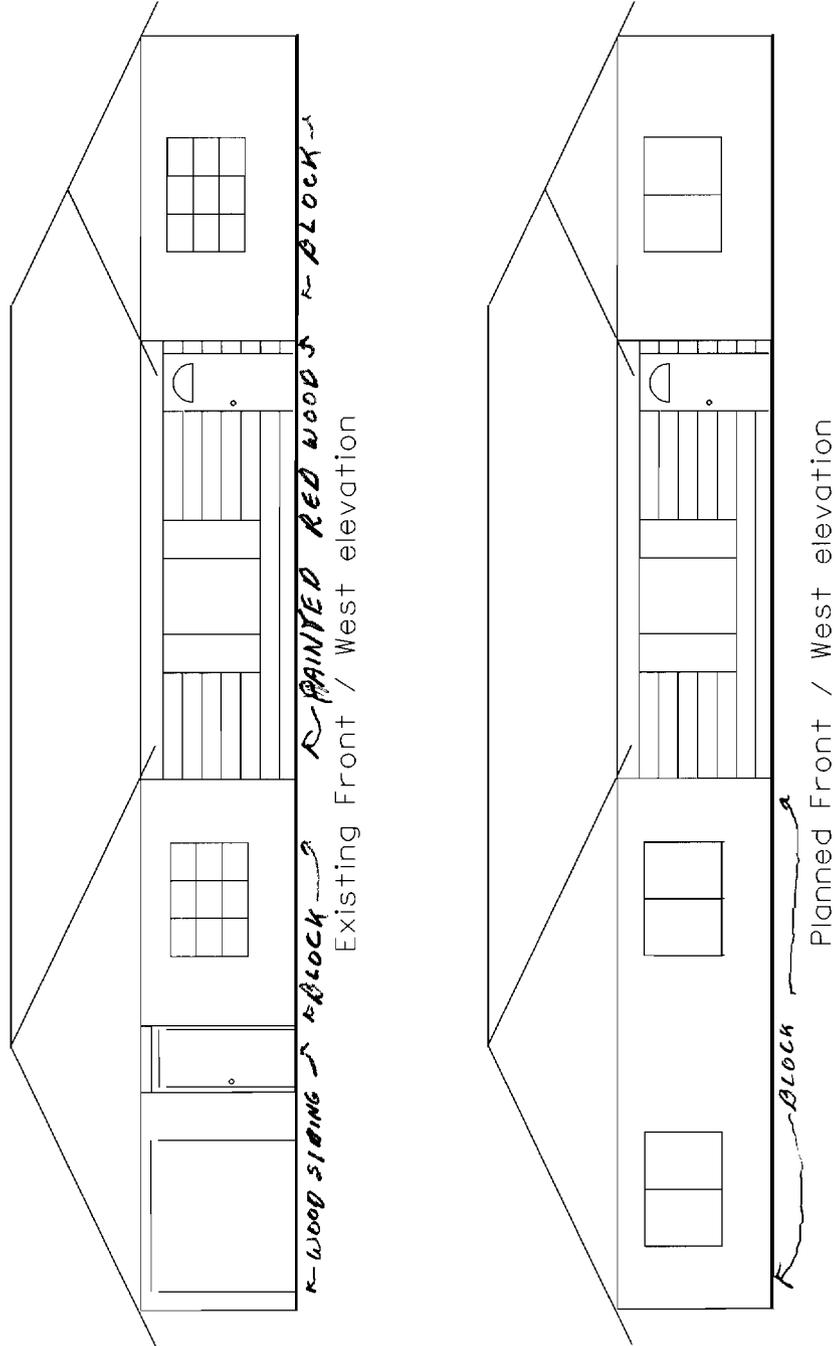
Brack's Garage

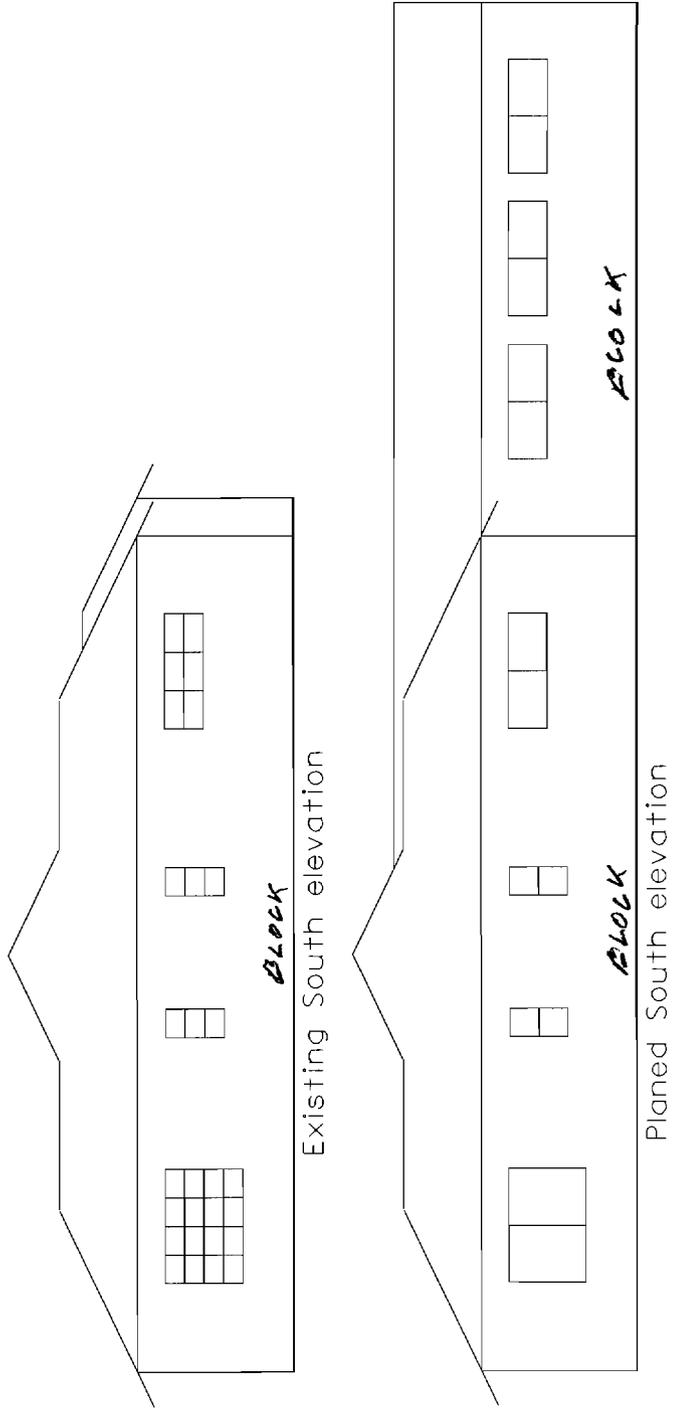
N. 30 SCALE

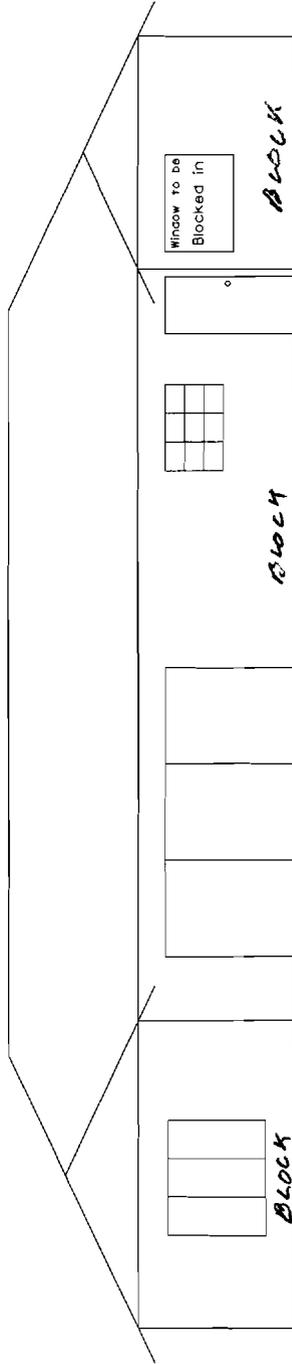
⊕ = OUTLET



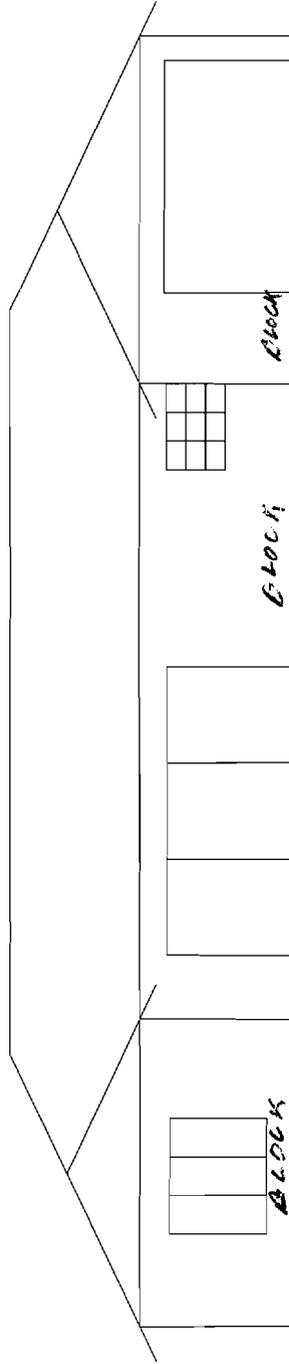
McCurdy Residence
1709 S. Ia Rosa Dr.
Parcel # 133-12-084 A
S.E. 22 N4





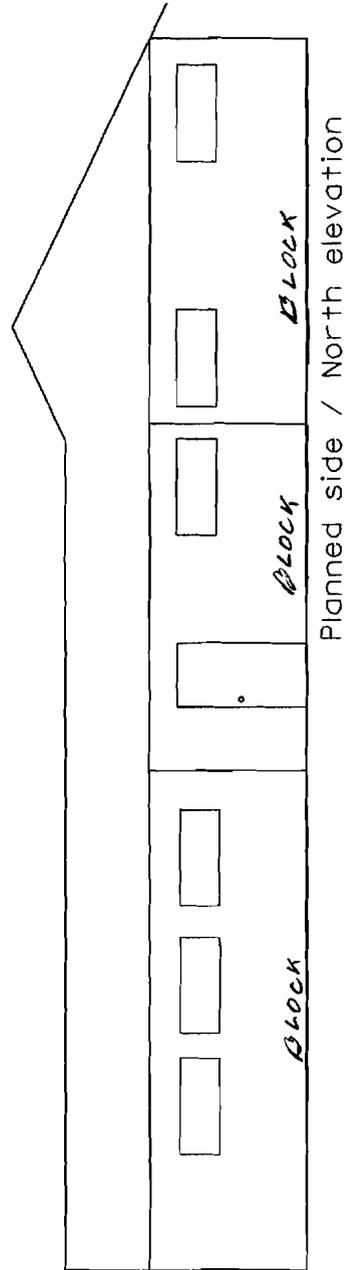
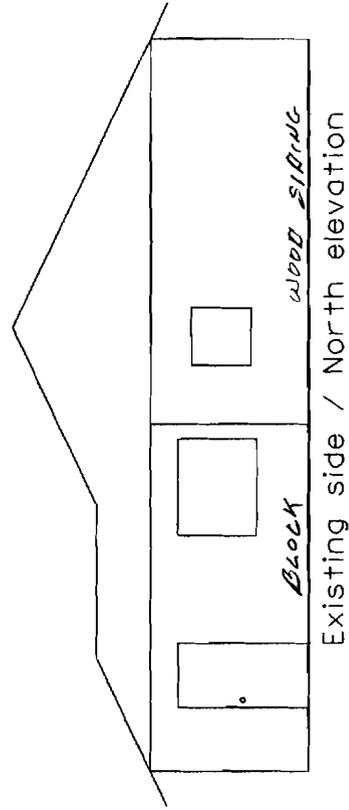


Existing Rear / East elevation

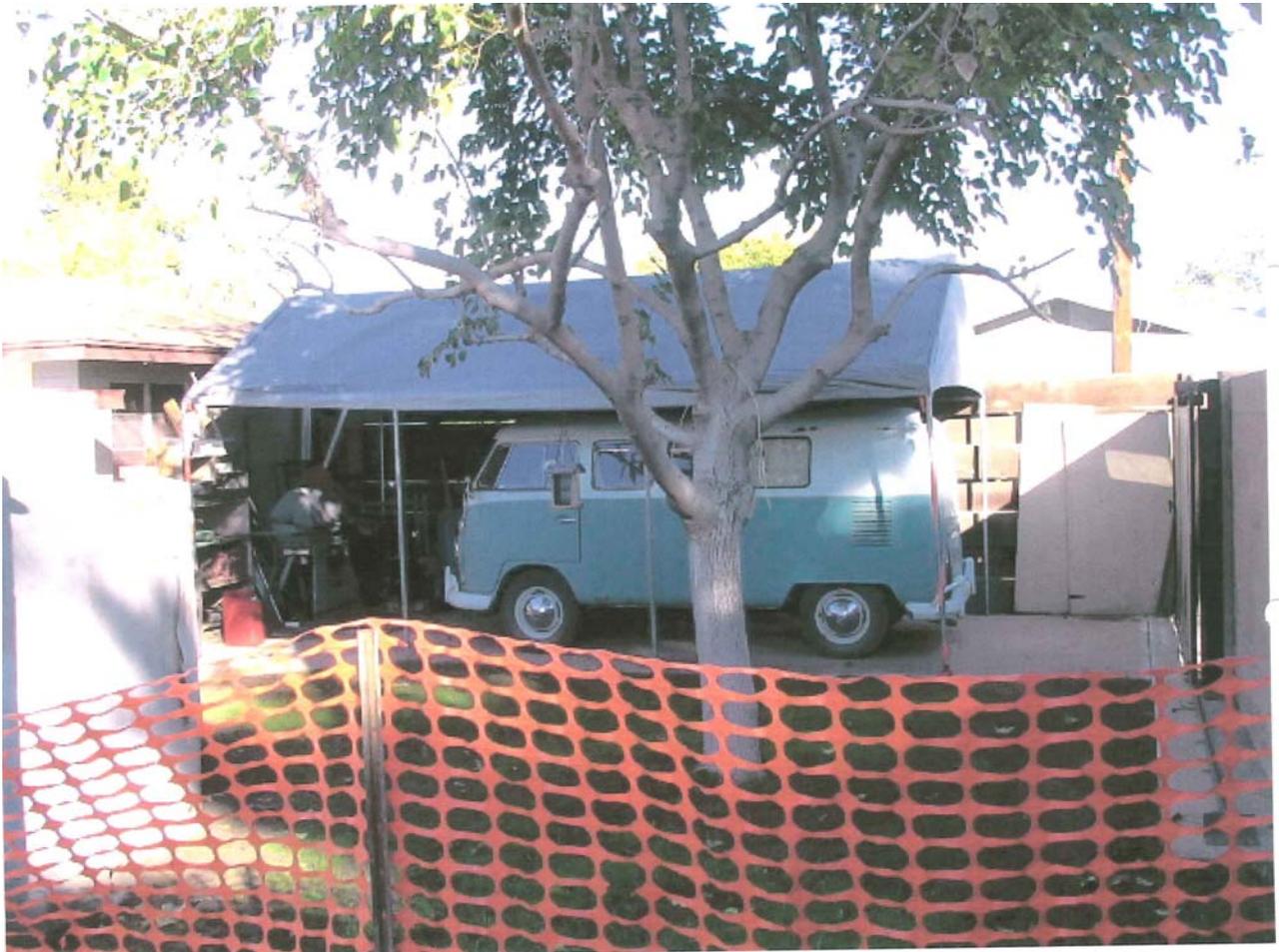


Planned Rear / East elevation

McCurdy Residence
1709 S. Ia Rosa Dr.
Parcel # 133-12-084 A
S.E.22 N4











MCCURDY RESIDENCE

1709 S LA ROSA DR

PL070553

FRONT OF RESIDENCE



MCCURDY RESIDENCE

1709 S LA ROSA DR

PL070553

REAR OF RESIDENCE