

Staff Summary Report



Hearing Officer Hearing Date: April 1, 2008

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the **MURPHY PROPERTY (PL080089)** located at 1420 South Oakley Place for one (1) use permit.

DOCUMENT NAME: 20080401dsac01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **MURPHY PROPERTY (PL080089)** (Patrick Murphy, applicant/property owner) located at 1420 South Oakley Place in the R1-6, Single Family Residential District for:

ZUP08036 Use permit to allow parking in the front yard setback.

PREPARED BY: Alan Como, Planner II (480-350-8439)

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

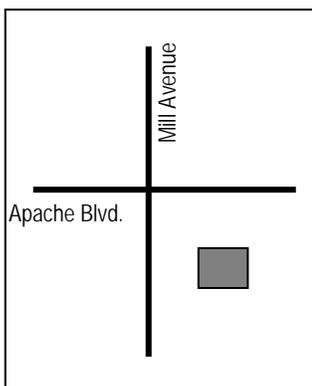
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-4

ADDITIONAL INFO: The Murphy property is requesting a use permit to allow parking in the front yard setback. The applicant has enclosed the carport and converted it to livable space. As a result, they are requesting a use permit. One letter of opposition has been received from a nearby property owner. Staff supports the request for a use permit as it meets the criteria in the Tempe Zoning and Development Code.



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. Letter of Opposition
6. Staff Photograph(s)

COMMENTS:

The Murphy property is requesting a use permit to allow parking in the front yard setback. The applicant has enclosed their carport and converted the space to livable quarters for a master bedroom. The required front yard setback in an R1-6, Single Family residential district is twenty feet (20'). At this time the applicant is not planning on building a shade structure/carport over the driveway. Staff has received one letter of opposition to this request.

Use Permit

The Zoning and Development Code requires a use permit to park in the front yard setback in the R1-6 Single Family Residential District.

Evaluating the use permit, the proposal appears to pass the use permit tests 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. Parking in the front yard setback would take vehicles off of the street.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - There will not be any emission of odor, dust, gas, noise, vibration, and smoke from the use.
- c. 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 proposal would not contribute to neighborhood deterioration or downgrade property values. The use permit is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies. The use permit to park in the front yard setback would allow for vehicles to be taken off the street and placed in the driveway.
- d. Compatibility with existing 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.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to 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. Add a twenty-four inch (24") box tree adjacent to driveway to help screen parking.
3. Carport conversion to match existing house in color and materials.
4. Parking only on improved surface will be allowed, no lawn parking will be permitted.

HISTORY & FACTS:

October 23, 1989: B8901511 – In-ground pool permit issued.

September 27, 1995: CP952390 – Detached structure converted to livable without permits. Abated (date unknown).

June 6, 2007: CE073025 – Complaint regarding parking on the lawn. Corrected July 3, 2007

July 24, 2007: CE074104 – Complaint regarding parking on the lawn. Corrected July 31, 2007

January 28, 2008: IP080017 – Carport enclosure without a permit

DESCRIPTION:

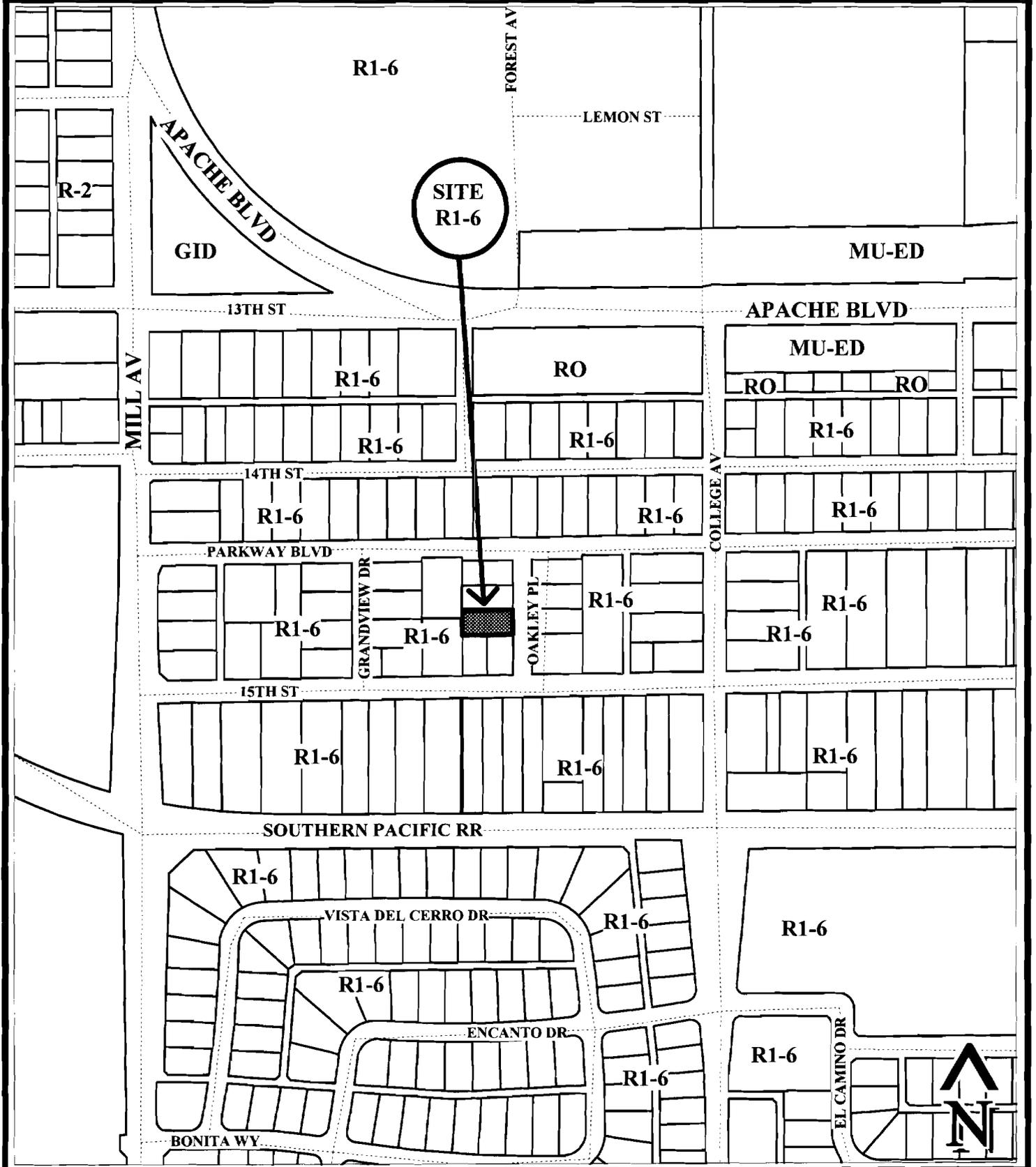
Owner – Patrick Murphy
Applicant – Patrick Murphy
Existing Zoning – R1-6, Single Family Residential District
Area of House – 1,678 s.f.
Required front yard setback – 20'

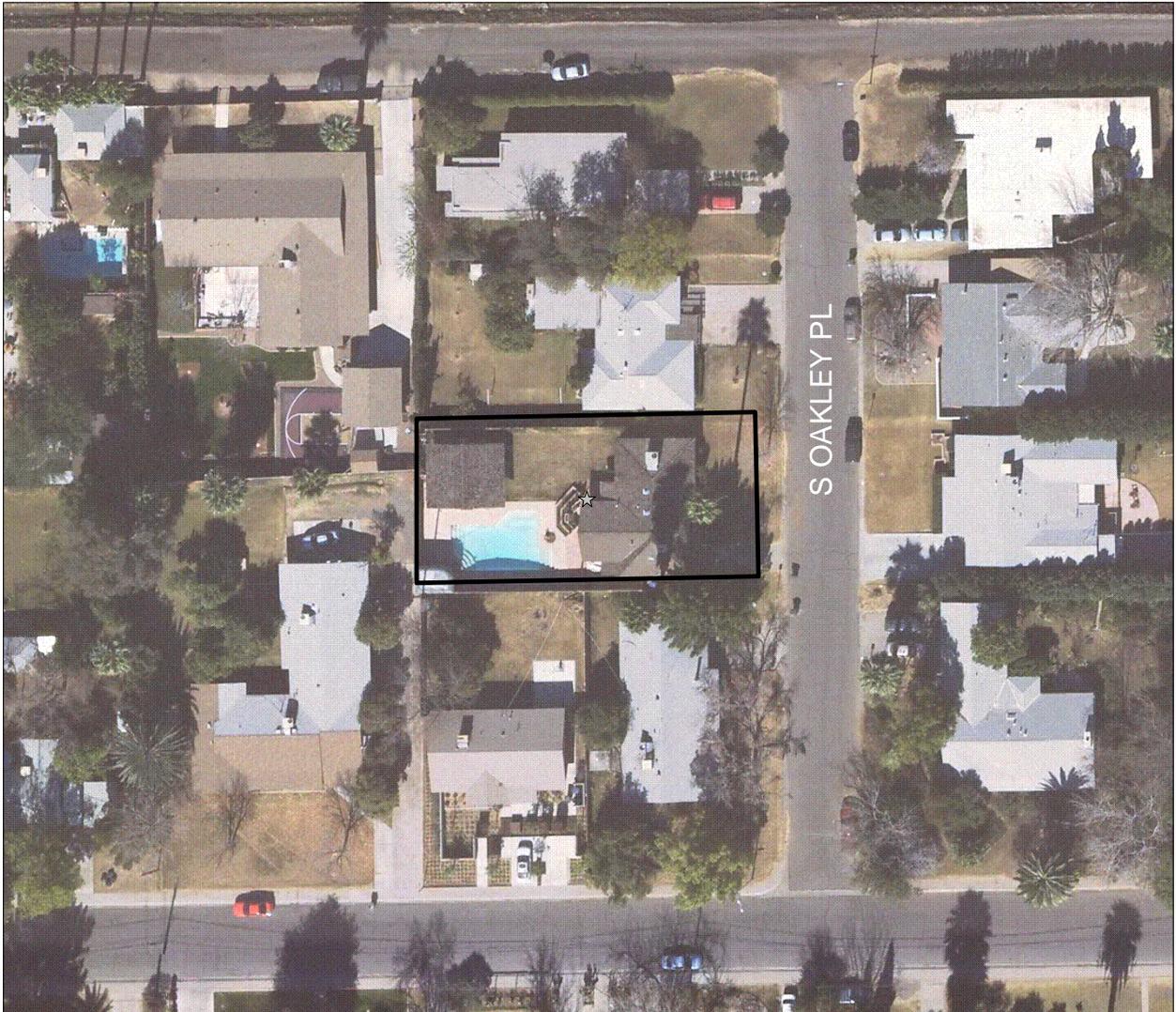
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 2, Section 4-202, Table 4-202A - Development Standards
Part 6, Chapter 3, Section 6-308- Use permits

MURPHY PROPERTY

PL080089





MURPHY PROPERTY (PL080089)

Letter of Explanation- for Parking Use Permit at 1420 South Oakley Place

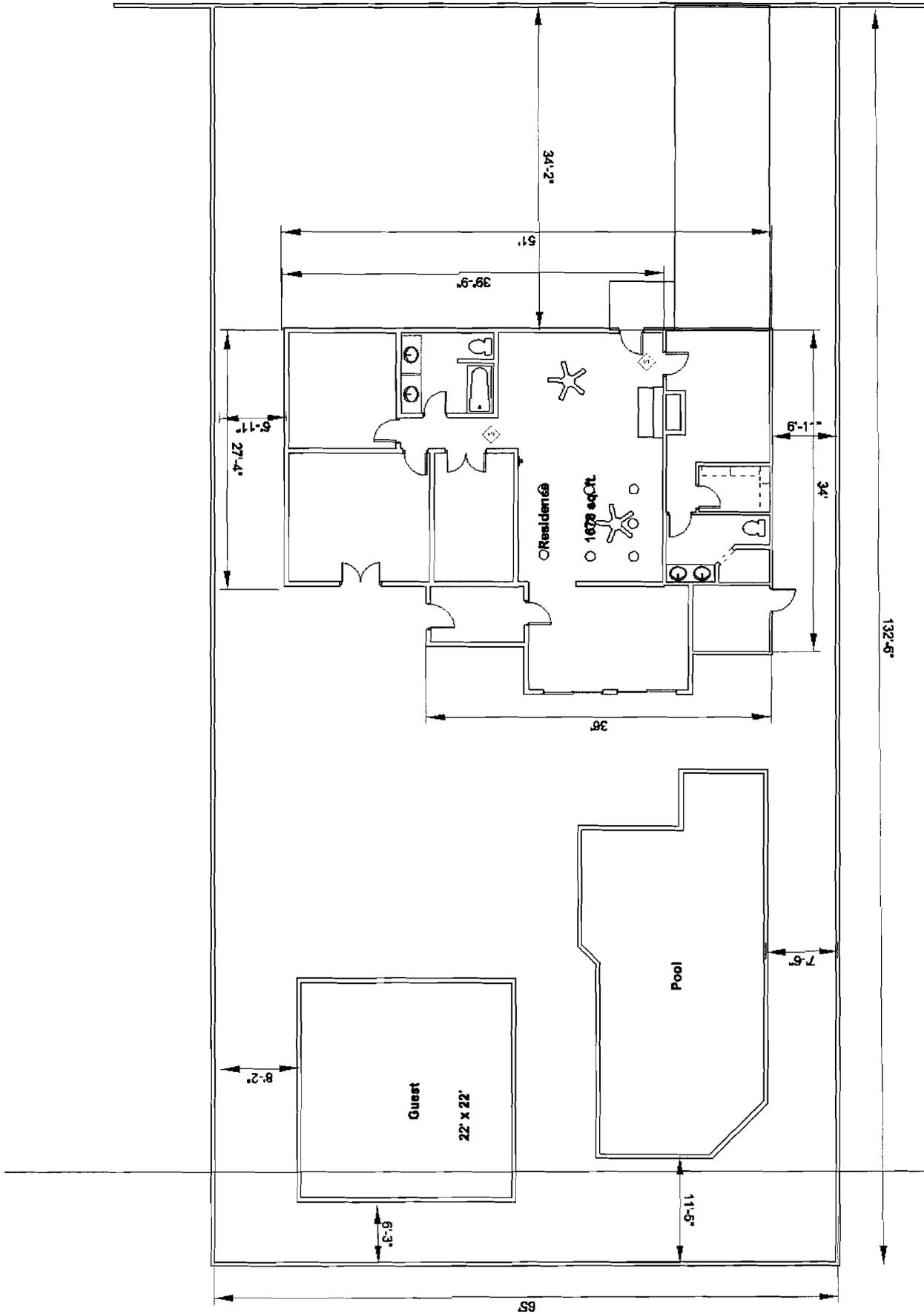
The request is for a use permit to park in the driveway and front yard setback. This will accommodate a carport conversion to living space.

It will not cause any significant increase in vehicular traffic or parking changes. There will be no creation of physical or environmental nuisances.

The residence shall contribute to the good image of the neighborhood and shall not create any disruptive behavior or situations and shall be maintained in good condition at all times, under my direction.

Patrick T. Murphy
43 E Parkway Blvd.
Tempe, AZ 85281

1420 South Oakley Place
Lot 3 Oakley Place
MCR Book 50 Pg. 18
AKA 133-17-015



SCALE: 1/4 inch equals 15 feet

To whom it may concern:

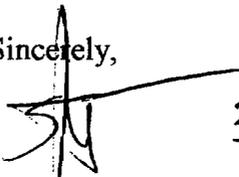
This letter is in regard to the public hearing scheduled for the Murphy property.
(PL080089)

Mr. Murphy has obviously converted his garage, or carport, to livable space, at 1420 South Oakley Place. It was his choice to trade garage parking space for living space.

I also live in zone one, and I'm sure he has the same access to resident and guest parking permits for on street parking, the same as the rest of us.

Apparently, that isn't enough for him.

I strongly oppose his request to turn his front yard into a parking lot.

Sincerely,
 3/19/08

Steve Metzler
39 East 15th Street
Tempe, Az 85281

RECEIVED
08 MAR 21 PM 12:50
TEMPERANCE DEPARTMENT
SERVICES DEPARTMENT



MURPHY PROPERTY

1420 S OAKLEY PLACE

PL080089

FRONT OF RESIDENCE: ENCLOSED CARPORT