

Staff Summary Report



Hearing Officer Hearing Date: February 19, 2008

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **RICHARDSON RESIDENCE (PL070545)** located at 2006 South El Camino Drive for one (1) variance.

DOCUMENT NAME: 20080219dssd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **RICHARDSON RESIDENCE (PL070545)** (James Richardson, applicant/property owner) located at 2006 South El Camino Drive in the R1-6, Single Family Residential District for:

VAR08001 Variance to increase the wall height to eight feet (8') in the front yard setback.

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

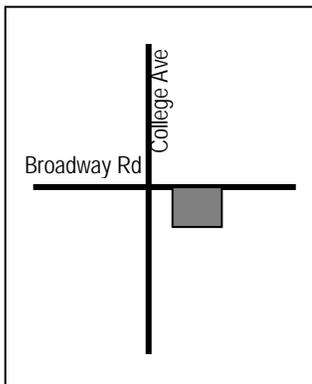
REVIEWED BY: Sherri Lesser, Senior Planner (480-350-8486)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-2

ADDITIONAL INFO: The Richardson Residence is before the Hearing Officer to request a variance to increase the wall height in the front yard setback from four (4) feet to eight (8) feet. The applicant had constructed an eight (8) foot high fence in the front side yard setback uninformed that the Zoning and Development Code limits the wall heights to four (4) feet in the front yard setback. To date, we have received one (1) letter of support for this case. Staff recommends approval of the variance do to evidence of hardship, special circumstances or evidence indicating potential loss of substantial property rights.



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. Neighborhood Meeting Minutes
6. Site plan
7. Letter of Support
- 8-10. Applicant's Photograph(s)
- 11-12. Staff Photograph(s)

COMMENTS:

The Richardson Residence is before the Hearing Officer to request a variance to increase the wall height in the front yard setback from four (4) feet to eight (8) feet. The property is located 2006 South El Camino Drive in the R1-6, Single Family Residential District. The applicant had constructed an eight (8) foot fence in the front yard setback uninformed that the Zoning and Development Code limits wall heights to four (4) feet in the front yard setback. The owner constructed the wall to assist in reducing traffic noise from Broadway Road. The owners constructed the wall on the north side of the front yard, where the wall would be screened by the existing oleanders. The location of the wall on the north side of the property does not cause any surveillance problems with the street. The main residence has an unobstructed view to the street.

To date, staff has received one letter of support on this case.

Variance

The Zoning and Development Code requires a variance for a wall/fence greater than four (4) feet in height that is located in the front yard setback, in the R1-6 Single Family Residential District.

Evaluating the variance, the proposal appears 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;
 - There does appear to be a special circumstance keeping with the land, building or use. The applicant indicates the special circumstance is that the wall is located in the front setback on the north side of the property, immediately adjacent to Broadway Road.
- b. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
 - An eight (8) foot wall may be necessary for enjoyment of substantial property rights by reducing traffic noise from Broadway Road.
- c. That authorizing the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to public welfare in general; and, if applicable
 - The property owner has received a letter of support from a neighbor. As it appears, the fence is not located along the front of the residence, the owner placed the wall to the north of the home to reduce noise from Broadway Road and the wall is screened by existing oleanders. The wall is not visible from the El Camino Drive.

Conclusion

Staff recommends approval of the variance.

Neighborhood Meeting

Applicant had a neighborhood meeting on Saturday, February 2, 2008 at 2:00 PM at the Tempe Public Library.

No neighbors showed up to attend the meeting. The property owner did receive a letter from a neighbor who could not attend the neighborhood meeting, but was supportive of the request.

REASON(S) FOR APPROVAL:

1. There may 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.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. The variance is granted an eight (8) foot wall along the north portion of the front yard; based on the plans reviewed and approved by the Hearing Officer. The variance is not valid for the remainder of the front yard.
2. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS:

Home constructed in 1959

DESCRIPTION:

Owner – James Richardson
Applicant – James Richardson
Existing Zoning – R1-6, Single Family Residential District
Lot Size – 13,527 s.f. / .31 acres
Main Residence Area – 1,660 s.f.
Required Fence Height – 4'
Existing Fence Height – 8'
Front yard Setback– 20'

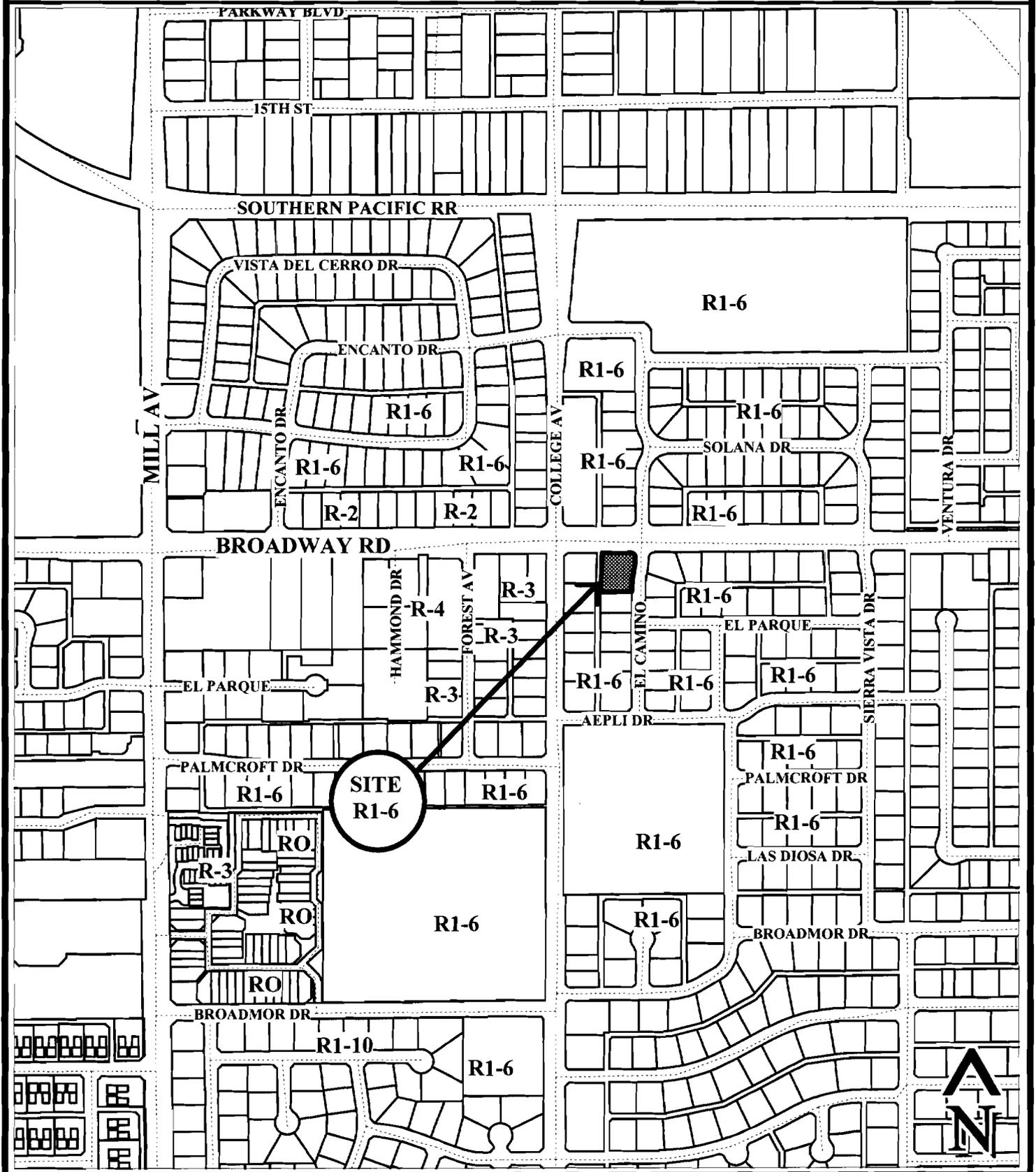
ZONING AND DEVELOPMENT CODE REFERENCE:

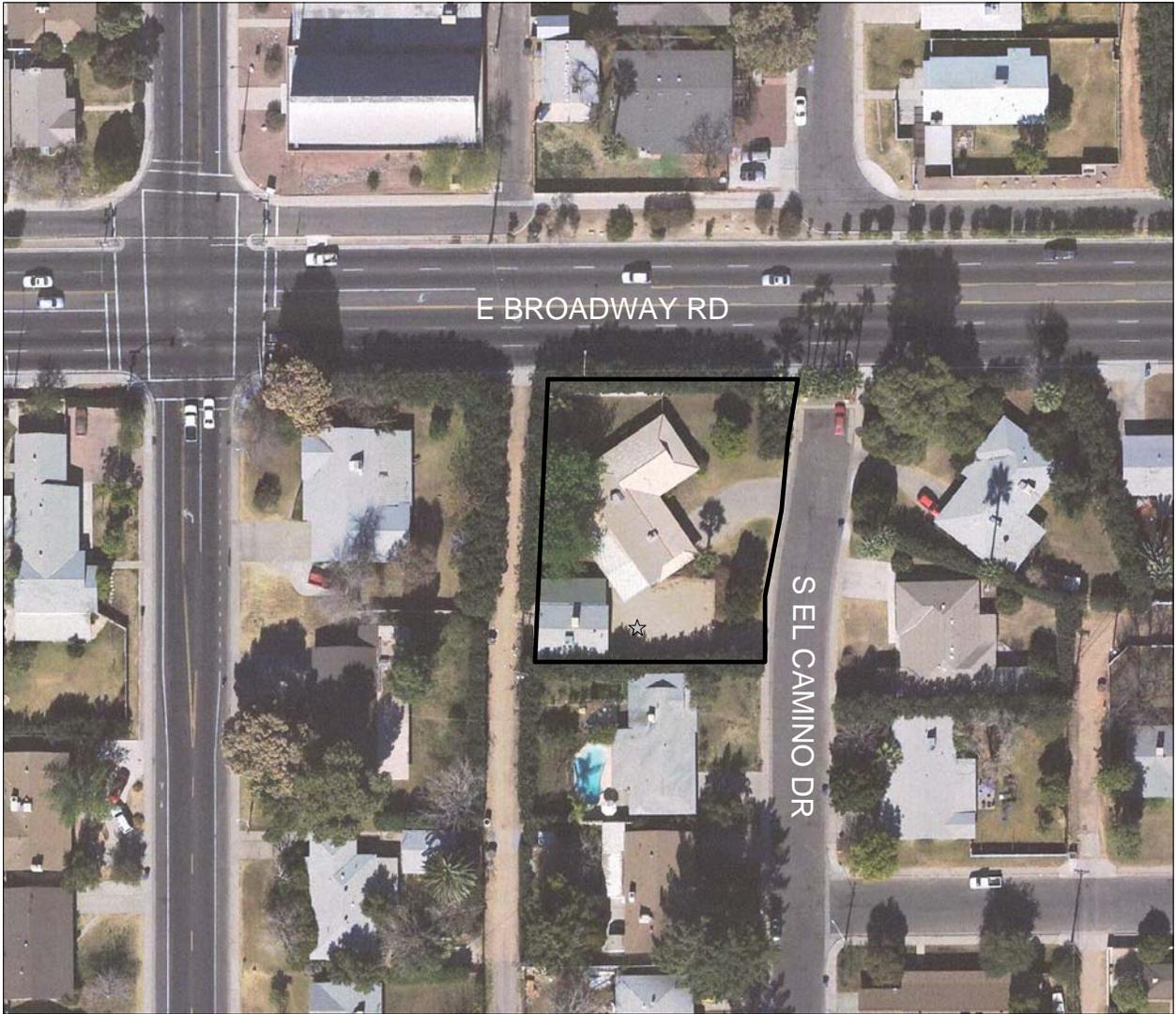
Part 4, Chapter 7, Section 4-706: General Fence and Wall Height Standards

Part 6, Chapter 3, Section 6-309: Variances

RICHARDSON RESIDENCE

PL070545





RICHARDSON RESIDENCE (PL070545)

December 19, 2007

James E Richardson III
2006 S. El Camino Dr.
Tempe, AZ 85282
(602) 743-5758
jerichar@post.harvard.edu

Letter of Explanation

Request: To extend an existing 8-foot high block wall from the backyard into the front yard. Therefore, I am requesting an increase in the maximum height of a wall in the front yard from 4-feet to 8-foot, due to hardship.

As a background, my brother and I purchased this property approximately two years ago, our first home buying experience. It was a great property, but its only significant blemish was its close proximity to a noisy road (Broadway Road). Since our bedrooms face towards Broadway Road, the traffic noise would regularly interrupt our sleep. To alleviate this issue, we replaced the original single-pane windows with noise reducing double-pane windows. This certainly helped reduce the noise, but the traffic noise was still bothersome at times. Our backyard featured an 8-foot high block wall that was effective at reducing noise, so it was decided that extending it along the oleanders into the front of the property would be effective. Once the wall was erected, the results were amazing. For the first time, it was actually quiet in our bedrooms! Both my brother and I can sleep peacefully now, thanks to the noise-abating wall.

A. There are special circumstances or conditions applying to the land, building, or use referred to in the application.

The property in question is adjacent to a major, noisy road (Broadway Road).

B. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.

An 8-foot block wall provides a significant noise reduction from Broadway Road, creating a much quieter and restful living experience in my dwelling. A 4-foot wall, unfortunately, would not be as effective. Also, while hopefully a remote occurrence, the wall also provides a safety barrier should a fast-moving vehicle on Broadway Road errantly drive or swerve on to my property.

C. That the authorizing of the application 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 wall is located on the side of the property and follows the path of existing shrubbery adjacent to Broadway Road. Nearby properties will have minimal visual impact because of the existing shrubbery (in addition, the wall will be stucco-textured and painted). In fact, the wall may slightly reduce noise for my adjacent neighbors, thus enhancing the enjoyment of their properties too.

D. Make any changes in the uses and densities permitted in any zoning classification or zoning district.

Adding an 8' foot high block wall will not make any changes in uses or densities permitted in this zoning district.

E. Be for the purpose of rectifying a special circumstance which was self-imposed by the property owner or applicant.

The lot lines and property location has been unchanged since 1955, therefore the condition was not self-imposed.

F. Allow relief from any item expressly prohibited by this Code.

Adding an 8-foot block wall in the front yard will not provide relief from anything expressly prohibited by this Code.

Thank you for your kind consideration on this matter,


James Richardson
Tempe resident

December 19, 2007

James Richardson
2006 S. El Camino Dr.
Tempe, AZ 85282
(602) 743-5758
jerichar@post.harvard.edu

Dear Neighbor,

A neighborhood meeting is required for variances when the property is located within 300' of a residential use. The property in question is located at **2006 S. El Camino Dr.**

The variance requested is regarding an 8-foot block wall extending into my front yard. This wall is located on the north side of my property, in between my house and Broadway Road (see diagram below). The maximum height of a wall or fence in the front yard (defined roughly as the first 20' from the sidewalk) is 4', unless a variance is granted. The wall's primary purpose is to reduce the noise experienced from Broadway Road.

I have scheduled a neighborhood meeting in a study room of Tempe Library (lower level in the Computer Access Center). The library is located at 3500 S. Rural Road (southwest corner of Rural and Southern). **The meeting is scheduled for X:XXpm on XXXXX, 2008.** All questions and concerns can be presented at the neighborhood meeting. *2:00pm Feb 2,*

Thank you for your consideration.

James Richardson
Tempe resident

New 8' fence (red)



February 7, 2008

James Richardson
2006 S. El Camino Dr.
Tempe, AZ 85282
(602) 743-5758
jerichar@post.harvard.edu

RECEIVED
08 FEB -7 PM 1:00
TEMPLE DEVELOPMENT
SERVICES DEPARTMENT

Neighborhood Meeting Summary for Saturday, February 2nd, 2008

Attendees

Property owner, James Richardson

Discussion

The meeting was held at the Tempe Library at 2:00pm-3:00pm. No one else attended besides property owner.

One property owner, Robert Jones, sent a letter saying he would be unable to attend. In this letter, he stated his support for the variance. This letter will be made available during the public hearing.

No other feedback has been received.

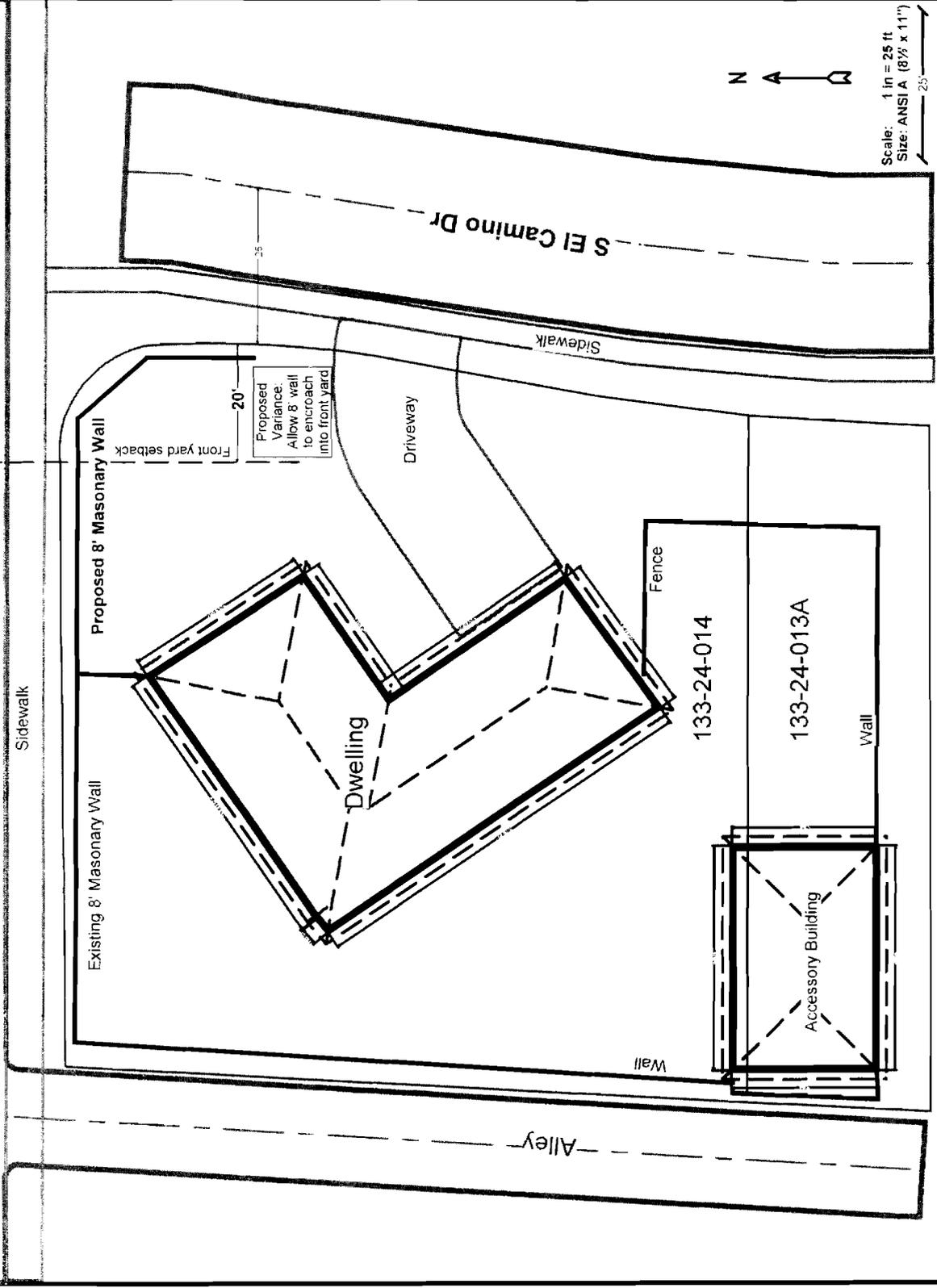
Site Data

Zoning	R1-6
Legal Description	BROADMOR MANOR AMD ALL LOT 16 & N2 LOT 15 BLK 1
Lot Area	13,395 sq. ft. (parcel 133-24-014) 3,499 sq. ft. (parcel 133-24-013A)
Dwelling Area	1,660 sq. ft.
Accessory Bld. Area	~950 sq. ft.
Front Yard Setback	20'
Front Yard Max. Wall Height	4'
Requested Max. Wall Height	8'

Project Information

Project Name	8' freestanding wall
Site Address	2006 S. El Camino Dr.
Submitted by	James E Richardson (owner)
	2006 S. El Camino Dr.
	Tempe, AZ 85282
	(602-743-5758)
	jerichar@post.harvard.edu
Revision Date	12/18/2007

Broadway Rd



COPY

American Alliance

MORTGAGE COMPANY

6139 S. Rural Rd., Bldg. #200-104, Tempe, Arizona 85283-2929

Ph: (480) 775-9000 Fax: (480) 345-1579

BK#18077

January 25, 2008

FILE COPY

Mr. James Richardson
2006 S. El Camino Drive
Tempe, Arizona 85282

Dear Neighbor:

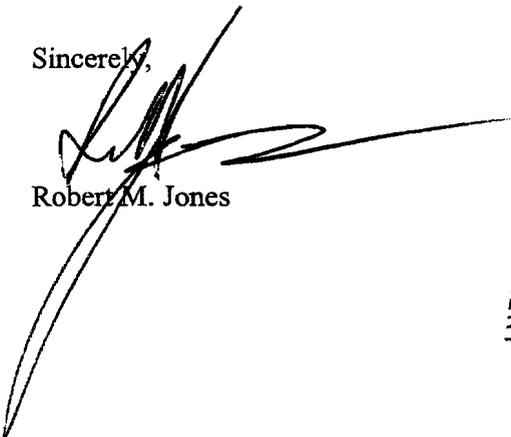
I own the home that is directly behind you. My house faces College and borders on Broadway Road, just as yours does. While I can not attend the meeting that you are having on February 2nd, 2008, at the Tempe Library, I completely support your request to obtain a variance to build an eight (8) foot high fence. I would even support a higher fence of 10 to 12 foot.

I have taken several decimal readings on that street over the past several years, and know that these readings are above the acceptable and healthy levels for a residential area. I have information that tells me that within the next couple of years, there will be a "Broadway Road Improvement Project" started that might encompass some kind of noise barrier, but who knows what that might entail or when. I would like to suggest that the City of Tempe pay for your wall or at least a portion of it, due to traffic volume and sound levels that are unhealthy.

The alternative to this problem might be that we suggest the City rezone this portion of the corridor as "Residential/Office". There are only five (5) houses on the south side of Broadway Road from Phoenix to Apache Junction. All others are multi-family (apartments) or commercial.

If I can help in any way further, please don't hesitate to call me

Sincerely,


Robert M. Jones

RMJ/jr

CC: Hearing Officer
P. O. Box 5002
Tempe, Arizona 85280-5002

RECEIVED
08 JAN 29 AM 8:42
TEMPE ENVIRONMENT
SERVICES DEPARTMENT

Looking north towards the property (Broadway is on the other side of wall/bushes):



Closer view, looking northwest:



Looking northeast, from my driveway. My plan is stucco and paint the wall so it blends well with the surroundings:



Looking west from property directly across the street. The wall is not visible:



Looking west along Broadway Road. The wall is not visible:





RICHARDSON RESIDENCE

2006 S EL CAMINO DR

PL070545

FRONT OF RESIDENCE



RICHARDSON RESIDENCE

2006 S EL CAMINO DR

PL070545

**FRONT OF RESIDENCE: EXISTING WALL IN
FRONT SETBACK.**