

Staff Summary Report



Hearing Officer Hearing Date: September 4, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **TRICK RESIDENCE (PL070298)** located at 304 East 5th Street for one (1) use permit.

DOCUMENT NAME: 20070904dssa01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **TRICK RESIDENCE (PL070298)** (Stan Patton, applicant; Robert Trick, property owner) located at 304 East 15th Street in the R1-6, Single Family Residential District for:

ZUP07093 Use permit to allow an accessory building (pool cabana).

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

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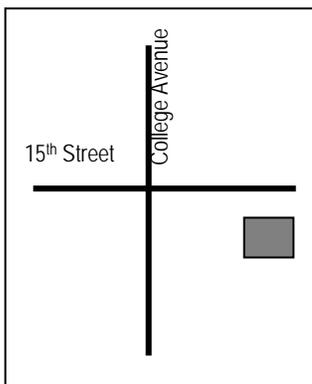
REVIEWED BY: N/A

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 - 3).

ADDITIONAL INFO: The Trick Residence is requesting a use permit allow a detached accessory building (pool house) located behind the main residence along the west property line. On August 7, 2007, the Hearing Officer continued the request because the applicant indicated the sign had been blown-down during a storm. Staff recommends approval of the use permit; it is compatible with the existing residence and complies with the approval criteria for a use permit. To date, no public input has been submitted for this request.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Intent
5. Letter to Applicant from Staff Indicating Continuance
6. Site Plan
7. Floor Plan(s)
8. Elevation(s)
- 9.-10. Staff Photograph(s)

COMMENTS:

The Trick Residence is requesting a use permit to allow a detached accessory building (pool house) located behind the main residence along the west property line. The building includes an entertainment/game room, a storage room (basement), a bathroom (including a shower only) and a service bar area. The bathroom has a direct entry from the proposed pool deck area. Discussion with the contractor noted that the service bar area will not include cooking amenities/facilities (as indicated in the conditions of approval). The site is located mid-block at 304 East 15th Street in the R1-6, Single Family Residential District.

On August 7, 2007, the Hearing Officer continued the request because the applicant indicated the sign had been blown-down during a storm.

To date, no public input has been submitted for this request.

Use Permit

The Zoning and Development Code requires a use permit for a detached accessory building that exceeds eight (8) feet in height and/or two hundred (200) square feet in area in the R1-6, Single-Family Residential District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test 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.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is an accessory building use in single family residential district; there should be no nuisances within this residential zoned area.
- 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 proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request 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.
- 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 of approval.

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.

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. Detached structure to be compatible in design, materials and color with main (existing) dwelling.
3. The detached accessory building shall not be used as a separate living unit (no cooking facilities). Only one residential unit allowed in the R1-6 single family zoning district.

HISTORY & FACTS:

- November 27, 2001 Final inspection of master bedroom, bath, kitchen, utility room and covered entry additions.
- March 21, 2002 Final inspection of a 576 s.f. workshop on the northeast corner of the property.
- November 19, 2002 The Hearing Officer approved the following requests:
- a. Variance to reduce the east side yard set back from 7' to 3' to allow a detached carport/storage structure.
 - b. Variance to reduce the eave overhang set back on the proposed carport/storage structure from 3' to 2'.
 - c. Variance to allow the proposed carport/storage structure to encroach into the front one-half of the lot.
- June 17, 2004 Final inspection of a 460 s.f. carport.
- August 7, 2007 The Hearing Officer continued the current request because the sign posting on-site had been blown-down by a storm.

DESCRIPTION:

Owner – Robert Trick
Applicant – Stan Patton
Existing Zoning – R1-6, Single Family Residential District
Lot Area – 38,760 s.f. / .89 acres
Total Building Area – 4,474 s.f. (existing)
Proposed Building Area – 1,480 s.f. (includes basement)
Present Lot Coverage – 8.25%
Proposed Lot Coverage – 14.3%

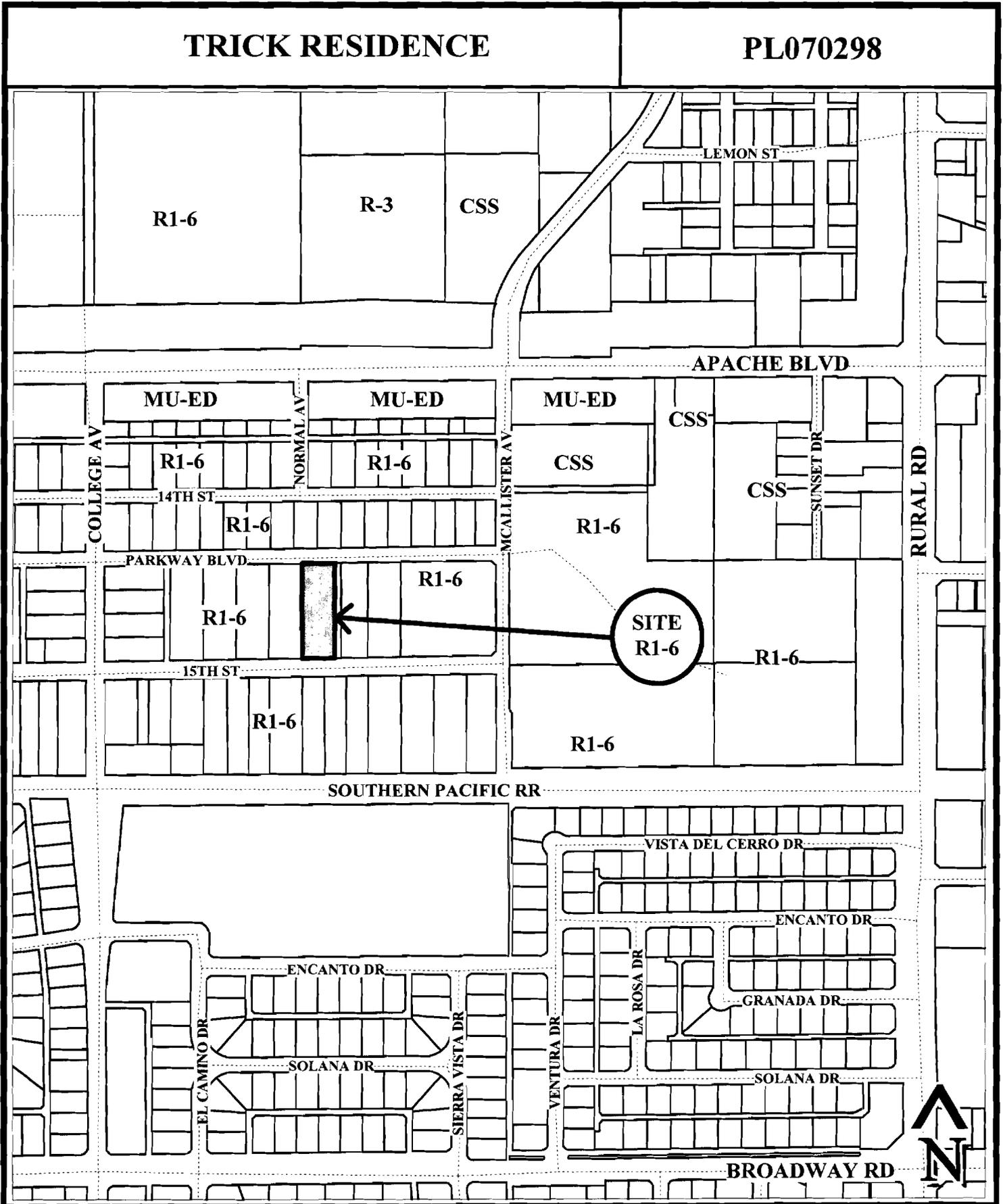
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Section 3-401- Accessory Buildings, Uses and Structures
Section 6-308 – Use Permits

TRICK RESIDENCE

PL070298





TRICK RESIDENCE (PL070298)

July 09, 2007

Hearing Officer
Board Of Adjustment
City of Tempe
30 East Fifth Street
Tempe, Arizona 85281

Re: 304 East 15th. Street
Trick Residence

Use permit request to allow a detached accessory structure in the rear yard
to be used as a pool cabana

Dear Sir,

I am proposing to add a detached accessory structure to an existing residence within the University Park neighborhood. The proposed structure will used as a pool cabana building.

The existing residence has been highly upgraded during the past few years and has had a very positive impact in rejuvenating the surrounding neighborhood. The proposed pool cabana building will allow the property to be enhanced even further. The proposed pool cabana building will be constructed in the rear yard, near the west property boundary. The structure will be behind all required setback zones (5' from the west property line and approx 105' from the rear property line, see attached site plan) The proposed pool cabana building will be constructed in a similar fashion to the existing residence, using similar details and materials. The proposed pool cabana structure will be used for quiet family and neighborhood gatherings.

I am requesting a use permit to allow the following:

To allow a detached accessory structure in the rear yard to be used
as a pool cabana and equipment building

The proposed structure will be of wood frame construction, with cement fiber board siding, with matching batten strips. The roof structure will be composed of pre-engineered wood trusses, with composite 3 tab fiberglass shingles. All construction will match the existing residence in materials and style.

The structure I am proposing would greatly enhance both the subject property and the neighborhood as a whole.

Page two

Trick use permit letter of explanation

There are similar type structures on adjacent properties that have been constructed over the years without any adverse conditions.

We do not expect any added vehicular or pedestrian traffic to occur due to this structure. The structure will not cause any nuisances exceeding that of the ambient conditions, nor will it result in any disruptive behavior to the surrounding area.

The owner would like to enjoy the full benefit of the value of the property and asks that you approve this use permit request.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Patton", with a stylized, sweeping flourish extending to the right.

Stan Patton

Agent for the owners, Robert and Robin Trick

Development Services
Department
(480) 350-8331 (Phone)

August 9, 2007

FILE COPY

Mr. Stan Patton
Patton Johnson
104 East Concorda Drive
Tempe, Arizona 85282

**RE: TRICK RESIDENCE
PL070298 / ZUP07093**

Dear Mr. Patton:

You are hereby advised that at the hearing held August 7, 2007, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code:

Continued the request by the **TRICK RESIDENCE (PL070298)** (Stan Patton, applicant; Robert Trick, property owner) located at 304 East 15th Street in the R1-6, Single Family Residential District for:

ZUP07093 Use permit to allow an accessory building (pool cabana).

This case is scheduled to be reheard at the **September 4, 2007 Hearing Officer hearing** which will be held in the Council Chambers, 31 East Fifth Street, at 1:30 PM.

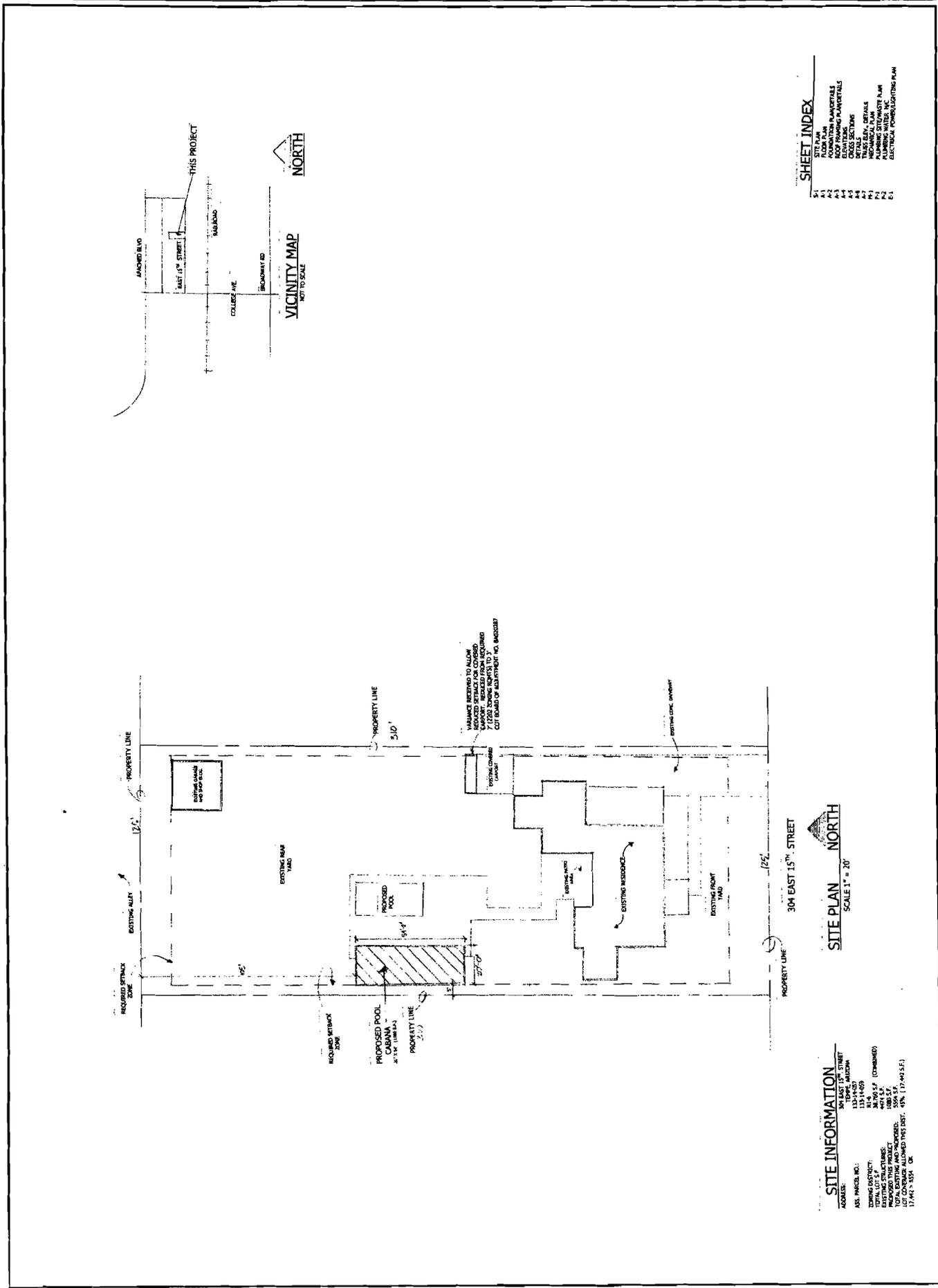
Sincerely,



Steve Abrahamson
Planning and Zoning Coordinator

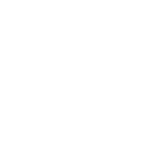
SA:dm

cc: Robert and Robin Trick
File



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E-1	ELECTRICAL POWER/LIGHTING PLAN



SITE PLAN NORTH
 SCALE 1" = 20'

SITE INFORMATION

ADDRESS: 304 EAST 15TH STREET
 133-14-000 ALDHOV

ASL PARCEL NO.: 133-14-000

ZONING DISTRICT: R1-100 S.F. (CHANGED)

EXISTING STRUCTURE: 444 S.F.

PROPOSED STRUCTURE: 200 S.F.

TOTAL FOOTING AND FINISHED: 500 S.F.

LOT COVERED ALLOWED THIS DIST. 45% (17,941 S.F.)

17,941 - 50% = 8,970 S.F.



TRICK RESIDENCE

304 E. 15TH ST

PL070298

FRONT OF HOUSE: VIEW TO NORTH



TRICK RESIDENCE

304 E. 15TH ST

PL070298

REAR OF PROPERTY: VIEW TO SOUTH