

Staff Summary Report



Hearing Officer Hearing Date: September 18, 2007

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the **VULLO RESIDENCE (PL060722)** located at 2034 South College Avenue for one (1) variance.

DOCUMENT NAME: 20070918dssd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **VULLO RESIDENCE (PL060722)** (Curt Wilt/Architect, applicant; Rick Vullo, property owner) located at 2034 South College Avenue in the R1-6, Single Family Residential District for:

VAR07019 Variance to reduce the rear yard setback from the required fifteen (15) feet to two (2) feet.

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

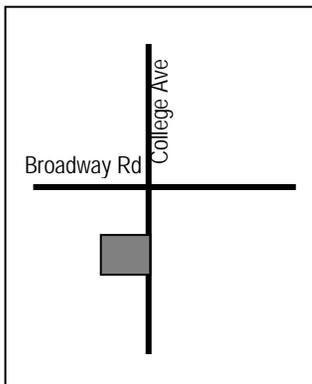
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The Vullo Residence is requesting a variance to reduce the west rear yard setback from fifteen (15) feet to two (2) feet for a proposed addition of additional living space and a garage. Staff recommends denial of the variance owing to lack 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 August 28, 2007. To date staff has received no public input to this request.



PAGES:

1. List of Attachments
2. Comments; Reason(s) 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. Neighborhood Meeting Letter
- 5-6 Neighborhood Meeting Summary and Roster
7. Site plan
8. Floor Plan and Elevations
9. Staff Photograph(s)

COMMENTS:

The Vullo Residence is requesting a variance to reduce the west rear yard setback from fifteen (15) feet to two (2) feet. The proposed addition is for additional living space and a single car garage. Staff notes the allowance for a reduction of rear yard setback to two (2) feet could be supportable if the proposed addition was a detached building. The property has a twenty (20) foot wide rear alley and with a use permit standard to reduce the setback by 20%, the end result would be twelve (12) foot rear setback which can be measured from the midpoint of the alley. This would result in a two (2) foot setback from the rear property line.

Variance

The Zoning and Development Code Development Standards require the rear setback for dwellings, in the R1-6- Single Family Residential District, to be located fifteen (15) feet from the rear property line. If the proposed addition was a detached building, the addition could be located at a two (2) foot setback. According to the applicant's letter of explanation; they are proposing an addition that will add a new master bedroom and a single car garage that will be accessed by the alley.

Analysis of this request, result in findings that there are no special circumstances or conditions affecting this building, land, or use to warrant approval of the variance. The property is rectangular in shape and is consistent with other properties on this block. Authorizing the variance is not necessary for the enjoyment of substantial property rights. Staff notes the allowance for a reduction of rear yard setback to two (2) feet could be supportable if the proposed addition was a detached building. The property has a twenty (20) foot wide rear alley and with a use permit standard to reduce the rear setback by 20%, the end result would be twelve (12) foot rear setback which can be measured from the midpoint of the alley. This would result in a two (2) foot setback from the rear property line. It is possible to configure the proposed addition in compliance with current development standards by detaching the structure abutting the main residence.

Conclusion

Staff recommends denial of the rear yard variance as proposed.

REASON(S) FOR DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may 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. Obtain all necessary clearances from the Building Safety Department.
2. The proposed structure shall match the existing residence in materials, color and design.
3. The west elevation of the garage shall have address numbers, visible from the alley.

HISTORY & FACTS:

September 1959 Single Family Residence constructed.
February 6, 2007 ZUP07001: Use Permit approved for a second story addition

DESCRIPTION:

Owner – Rick Vullo
Applicant – Curt Wilt, Architect
Existing Zoning – R1-6, Single Family Residential District
Lot Size- 8,930 s.f./ .21 acres
Existing Residence Area – 2,060 s.f.
Proposed building area– 822 s.f.
Lot coverage allowed- 45%
Lot Coverage (proposed)- 32%
Required rear yard setback- 15'
Proposed rear yard setback- 2'

**ZONING AND
DEVELOPMENT**

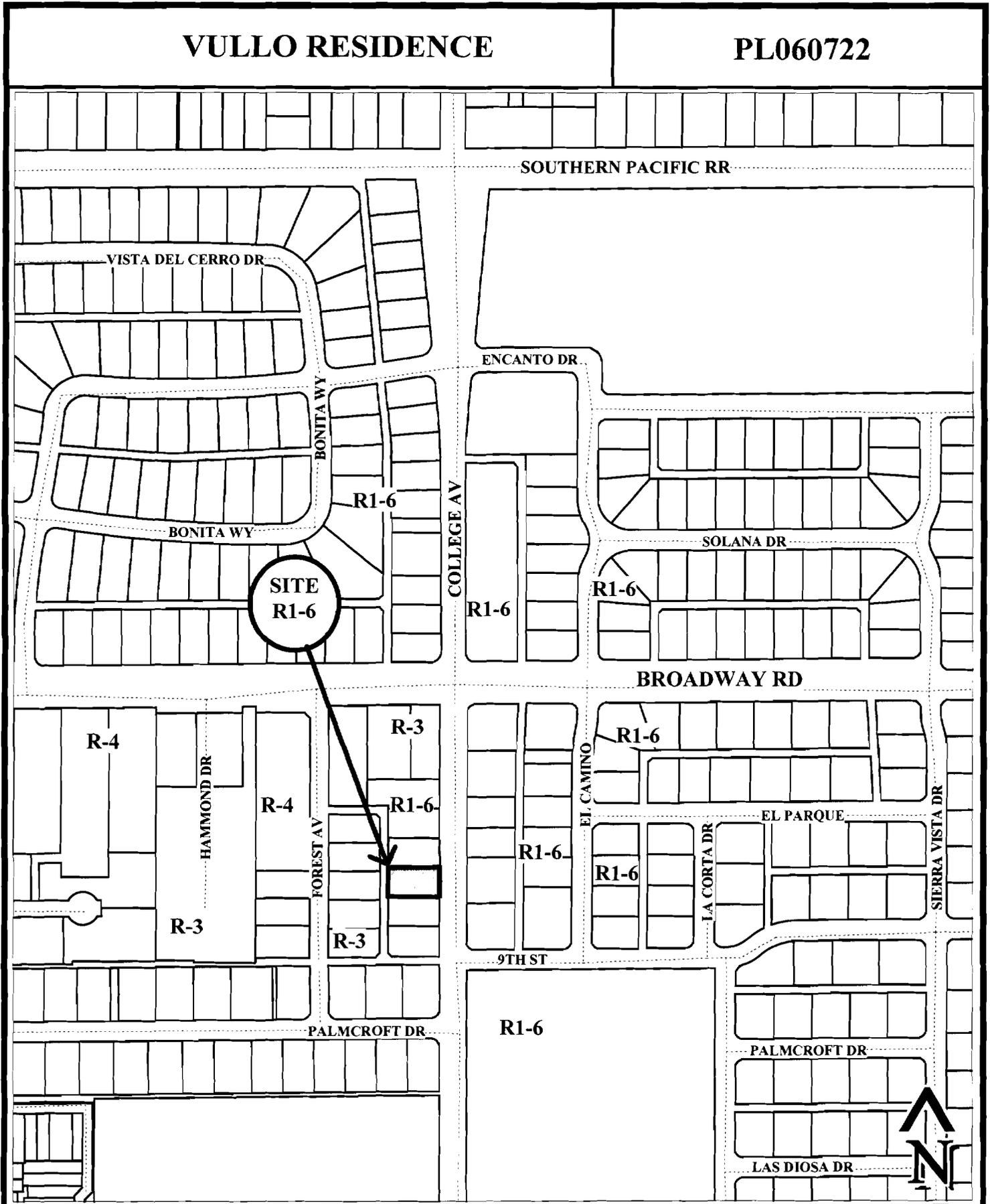
CODE REFERENCE:

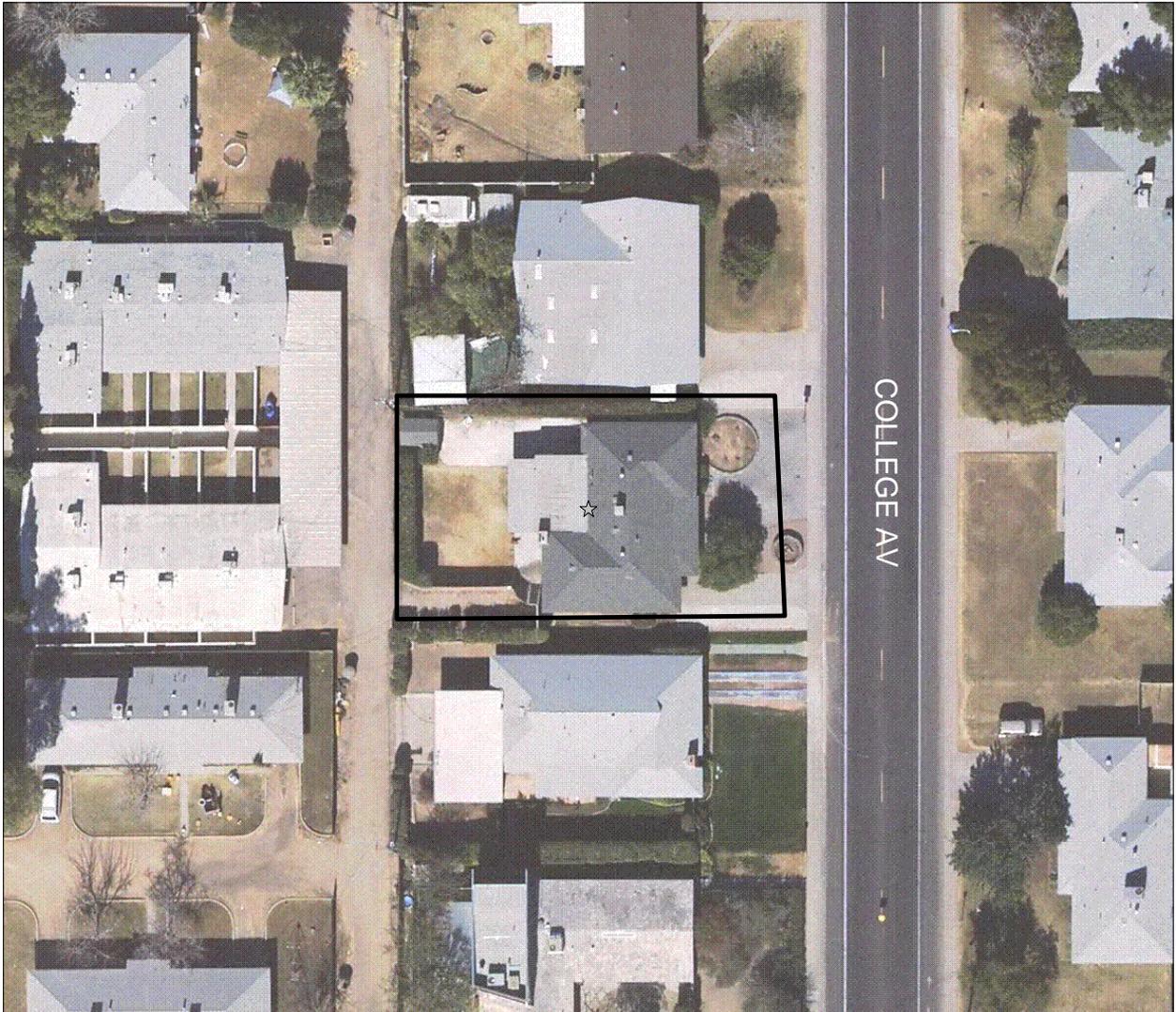
Citations of Code Requiring Residential Setbacks & Variance(s):

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

VULLO RESIDENCE

PL060722





VULLO RESIDENCE (PL060722)

LETTER OF EXPLANATION

City of Tempe
Development Services
Planning Department
I.E. Use Permit Application

June 17, 2007

To the Officer / Board / Commission:

The intent of this project is simple. It is simply a need for more space. A growing family would like to improve their property and make their permanent home more functional. Due to a shallow back yard and no available street parking the family is requesting a standard use permit 20% reduction of a rear setback of 15 ft. to 2 ft. Due to plumbing issues and fire egress codes the proposed plan is an ideal solution in regards to the existing floor plan design as well as working within budget constraints. The design of the structure is tied into the current look of the dwelling as well as within the surrounding neighborhood content. There will be no disruption to vehicular or pedestrian traffic.

Thank you for your time and consideration,

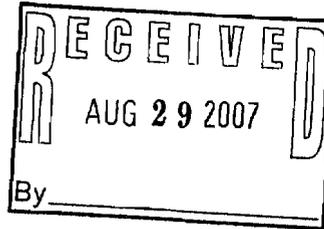
Signed,



Applicant.

August 12, 2007

Evergreen Pines LLC
3302 E. Tonto
Phoenix, AZ 85044



Dear Sir or Madam:

The purpose of this letter is to inform you of a neighborhood meeting I must have for a variance request I have made through the City of Tempe. Enclosed is a sketch of the proposed addition. With an ever expanding family we have a need for more space. My architect has come up with a plan which we like that requires a variance because of the rear set back.

I have scheduled a neighborhood meeting at the Tempe Library in one of the study rooms on the lower level in the Computer Access Center. The library is located at 3500 S. Rural road, at the southwest corner of Rural and Southern. Please bring any questions or concerns you may have. The meeting will be held at 5:30 pm on August 28th, 2007.

Sincerely,

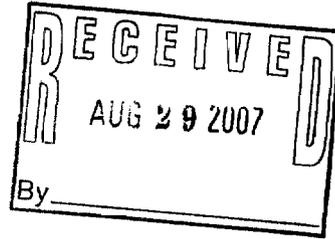
A handwritten signature in black ink, appearing to read 'RVullo'.

Rick Vullo, M.B.A.
Tempe resident

To: Development Services Department
Shawn Daffara

From: Rick Vullo
2034 S. College Ave.
Tempe, AZ 85282

Re: Neighborhood Meeting Summary



My meeting was held last night, August 28th, 2007 at 5:30pm at the Tempe Public Library in Study Room E. The room had twelve chairs and a dry erase board for illustrations and to help aid in discussion.

I had one property owner show up. We had a pleasant discussion and I explained to her the scope of work I had hoped to have done and I explained to her why I needed to have the meeting. I also explained the rear setback and the need for a variance. She did not voice any concern over the proposed changes. She did mention that she thought it would be safer for my family to park off the alley because of all the traffic we have on College.

I shared with her drawings of the overall proposed project. She did not object or seem uncomfortable to any changes I hope to have done.

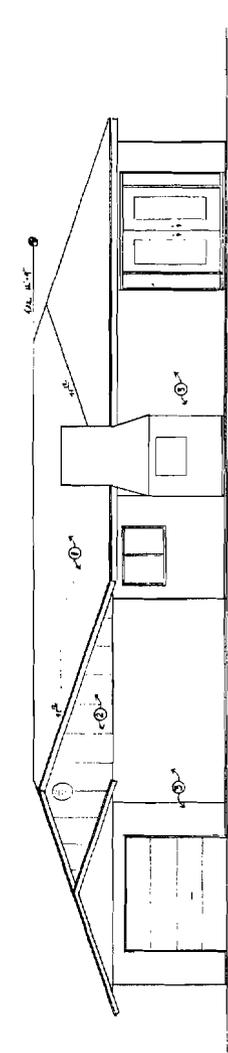
Her property is located just across the street from mine and she was familiar with my property. Her daughter who attends ASU lives in the house with some roommates. We also spoke about Tempe in general and she shared with me her wisdom about raising children.

If there are any further questions please contact me at 602-299-3000.

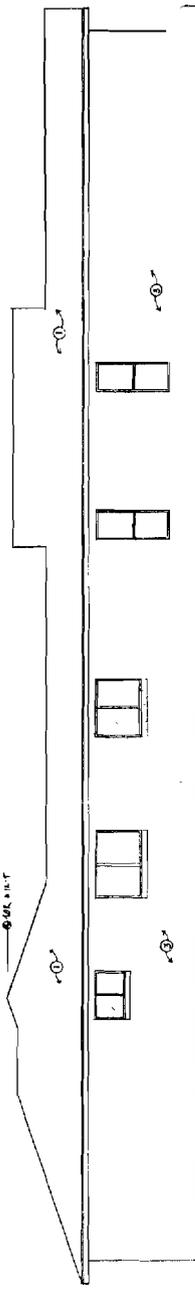
Regards,

Rick Vullo

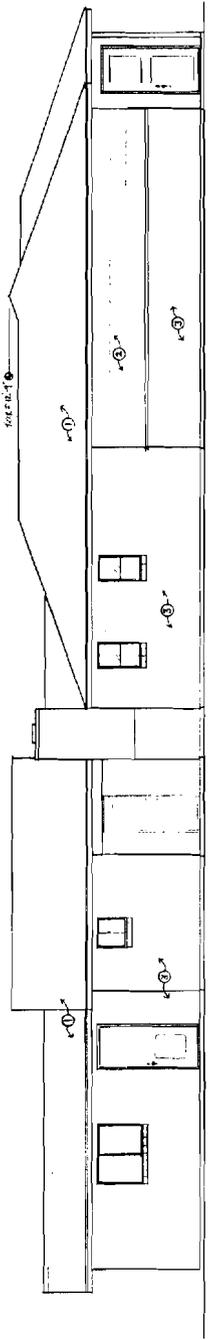
<p>KEYNOTES:</p> <p>① 3' 0" INTERIOR WALLS - BRICK - 1/2" GROUT</p> <p>② 4" x 4" POSTS - 1/2" GROUT - 1/2" GROUT</p> <p>③ 2" x 4" STUDS - 1/2" GROUT - 1/2" GROUT</p>
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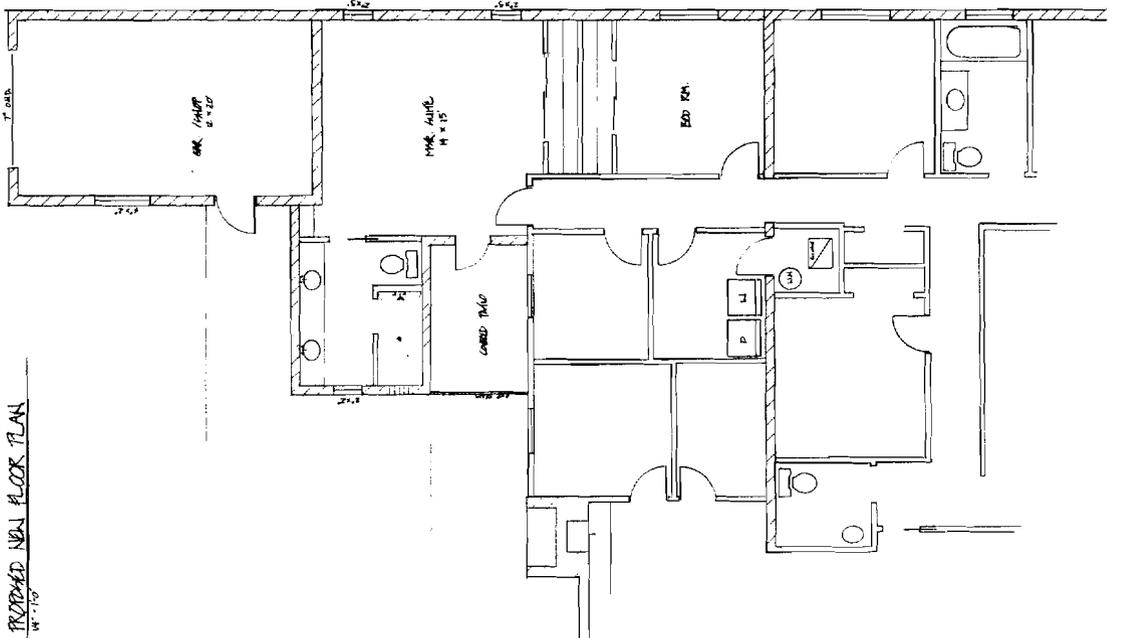
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



PROPOSED NEW FLOOR PLAN



VULLO RESIDENCE

2034 S COLLEGE AVE

PL060722

FRONT OF RESIDENCE: VIEW TO WEST