

**CITY OF TEMPE  
BOARD OF ADJUSTMENT**

**Meeting Date: 08/24/2016  
Agenda Item: 3**

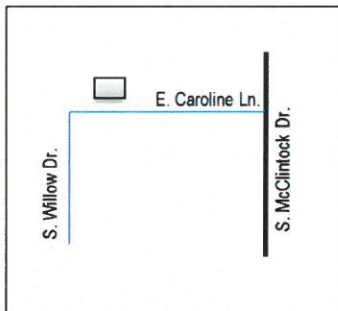
**ACTION:** Appeal of the July 5<sup>th</sup>, 2016 Hearing Officer decision to deny the request for a variance to reduce the east side yard setback from nine (9) feet to six (6) feet for the Miller residence located at 1536 East Caroline Lane. The applicant is Leland Miller.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – No recommendation

**BACKGROUND INFORMATION: Miller Residence (PL160187)** The applicant requested a variance to reduce the east side yard setback from nine (9) feet to six (6) feet to allow the construction of an RV garage. The request included the following:

1. Variance to reduce the east side yard setback from nine (9) feet to six (6) feet.



Property Owner	Leland Miller
Applicant	Leland Miller
Zoning District	R1-15, Single Family Residential District
Lot Size	16,108 square feet
Building Size	Existing Home - 2801 square feet Proposed Garage – 576 square feet

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Dean Miller, Planner II (480) 350-8435

Department Director: Jeff Tamulevich, Interim Community Development Director

Legal review by: N/A

Prepared by: Dean Miller, Planner II

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

## COMMENTS

The City of Tempe Zoning and Development Code allows an accessory building up to nine (9) feet in height to encroach into the side yard setback within three (3) feet of the property line. The Zoning Code requires an additional (1) foot setback for every one (1) foot of additional building height, up to fifteen (15) feet in height. Based on the proposed garage height, a nine (9) foot setback from the property line is required. The applicant requested a variance to reduce the setback requirement to six (6) feet. The applicant held a neighborhood meeting at his home June 17<sup>th</sup> at 5:30 PM. Eight (8) homeowners attended representing five (5) neighborhood homes. The request was denied by the Hearing Officer on July 5, 2016.

## PUBLIC INPUT

The applicant provided staff thirteen (13) letters of support from neighboring homeowners. Staff has received no input representing opposition to the request.

## VARIANCE

Section 6-309 D. Variance Approval Criteria:

1. *Special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings.* The applicant has not demonstrated special circumstances that are applicable to the property. The applicant did identify the lots on the other side of his street are eight (8) feet wider than his property however, his lot width is consistent with the other lots on his side of the street.
2. *The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.* The applicant did point out several nearby properties that received similar variances in the past.
3. *The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.* The applicant did not address how the approval of the variance would not grant special privileges inconsistent with the limitations imposed upon surrounding properties.
4. *A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.* The applicant did not identify special circumstances applicable to his property that would support the variance request.

The Hearing Officer noted this case did not meet the criteria for a variance and the applicant had failed to identify the following:

- The applicant failed to identify special circumstances applicable to the property that would support the approval of the variance.
- The applicant did not address how approval of the variance would not grant special privileges inconsistent with the limitations imposed upon surrounding properties.

## Conclusion

Based on the information provided by the applicant and the above analysis staff recommended denial of the originally requested Variance.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

### CONDITION(S) OF APPROVAL:

1. This Variance is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

### HISTORY & FACTS:

March 4, 1987	A building permit was issued for a swimming pool.
July 5, 2016	The Hearing Officer denied the request for a variance to reduce the east side yard setback from 9ft. to 6ft.

### ZONING AND DEVELOPMENT CODE REFERENCE:

Section 4-202 - Development Standards for Residential Districts  
Section 6-309 - Variances  
Section 6-Chapter 8 - Appeals



## DEVELOPMENT PROJECT FILE

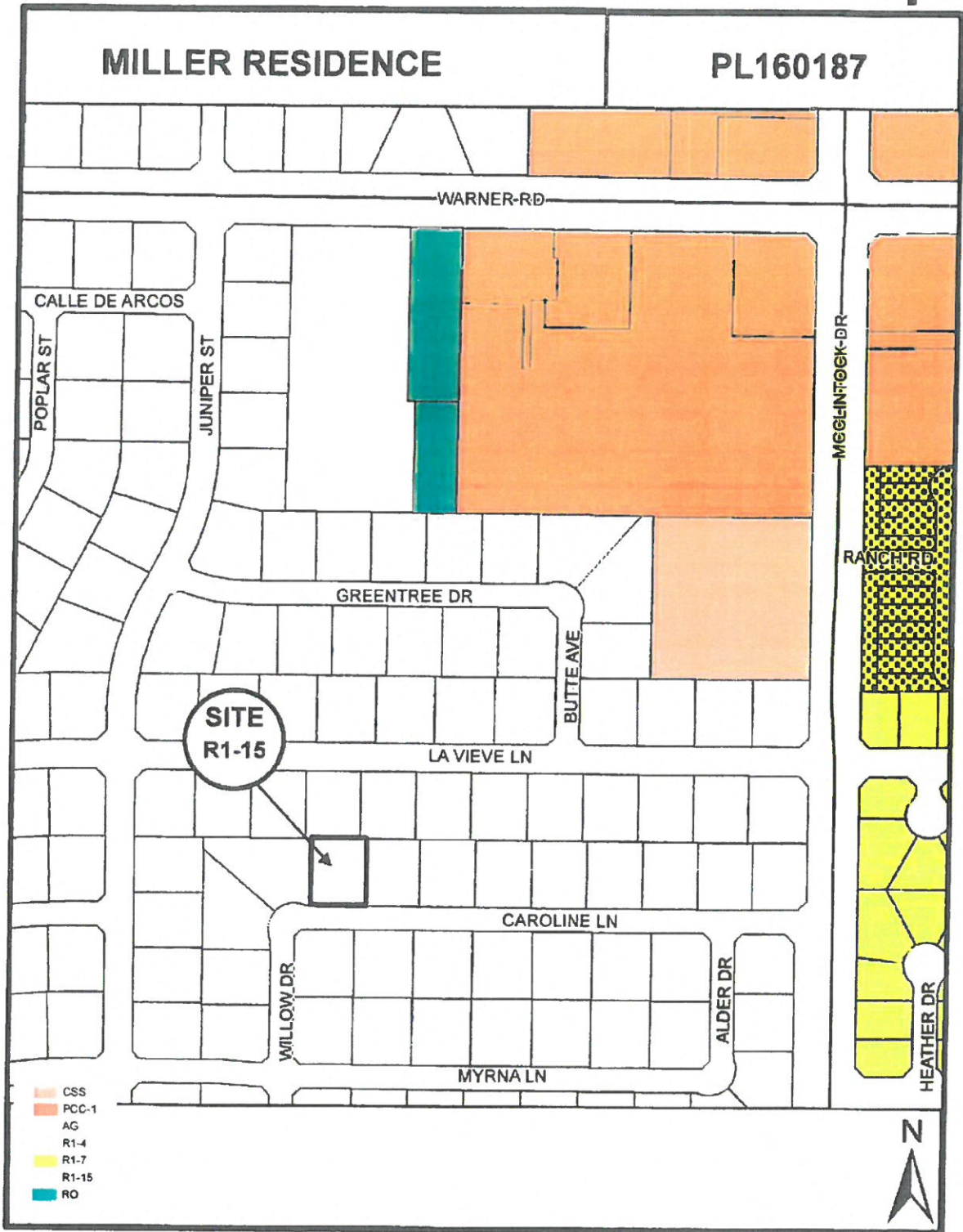
for

MILLER RESIDENCE

PL160187

### ATTACHMENTS:

1. Location map
2. Aerial
- 3-4. Applicant email to staff
- 5-6. Appeal letter
- 7-8. July 5, 2016 City of Tempe letter of resolution
- 9-40. Hearing Officer staff report with attachments



**Location Map**

**MILLER RESIDENCE**

**PL160187**



**Aerial Map**

## McGuire, Diane

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**From:** Leland Miller <lelandmiller@live.com>  
**Sent:** Wednesday, August 03, 2016 10:05 PM  
**To:** McGuire, Diane  
**Cc:** Miller, Dean  
**Subject:** Board of Adjustment Appeal PL160187

To: Diane McGuire

Hello Diane. In our previous correspondence from July 7th, you indicated that you could provide to the members of the Board of Adjustment any additional variance appeal information that I wished to submit to them. I am attaching an email that I would like you to FORWARD to them after you edit off this explanatory paragraph. I need them to get this original email and NOT RECEIVE IT AS AN ATTACHMENT. I need you to do it this way so that the URL that I am including in the information below can just be clicked on by each Board Recipient and allow them to go directly to the portion of the City of Tempe video that I am referencing. If you include this information as an attachment they will not be able to do this. Please let me know if there are any questions. Also if you could just send as "Undisclosed Recipients" by typing all the email addresses in the Bcc address and include my email also, then I will know that it was sent and no one including me will be able to see all the email addresses as was your initial concern. THANKS FOR YOUR SUPPORT!

THANK YOU, Leland Miller

Attn: Board of Adjustment

The applicant on Appeal Case PL160187 has asked me to forward the following email to you separately from the usual information packet so that after reading the contents below that you will have the ability to click on the highlighted URL and easily view the referenced information video.

Thank You,  
Diane McGuire

Dear Board of Adjustment Member,

I have realized that a number of you are driving by properties and doing up front work prior to your Board of Adjustment Hearings. If you are doing any advance preparation work on my appeal to be heard at the August 24th Board of Adjustment Hearing, please read my request below. THANK YOU

#1There were questions at the original Hearing Officer Meeting having to do with the volume of setback variances that had been issued in my neighborhood area. This was mostly due to the knowledge of the Substitute Hearing Officer rather than the usual Hearing Officer but if you will indulge me a few minutes I think that it may help to prevent a repeat of the confusion and establish that several side yard setbacks have been granted in my neighborhood. Public Information requests to the city to provide specific details have been unfruitful in that the files appear to be missing information. A small list of known variance information will be shown at the BOA hearing presentation however the magnitude of information that is missing and the

common place of variances can be validated much better by watching three to five minutes of a Hearing Officer Video dated 7/21/2015 agenda item #4 Crooks/Hackenyos Residence 1327 E. Caroline Lane. [http://tempe.granicus.com/MediaPlayer.php?view\\_id=7&clip\\_id=2141](http://tempe.granicus.com/MediaPlayer.php?view_id=7&clip_id=2141) is the URL that you need to click on and then click on agenda item #4 after the Hearing Officer video begins. This video clearly shows that a list of at least 21 other properties which were granted setback variances in my neighborhood did exist. Specific Public Information Requests could not provide the information or the list. The referenced property variance is for a 11 foot tall storage building with a 4ft 4inch setback and not an RV Garage and I am not indicating specific use applicability. The purpose of viewing the first three minutes of this case is to establish the common place issuing of setback variances in my area [1327 E. Caroline above is less than two blocks away] and to validate my meeting a portion of the Variance criteria. Also you will hear the Regular hearing Officer state "**One of the benefits of having done this hearing officer thing now is I presided over a number of these variances. So even though I didn't have the benefit of the list as I was driving the neighborhood yesterday I was able to recall like oh I granted a variance over there, over there, and over there. So I do thank you for this but I do understand that there have been many variances granted within the area.**" The request to view the video is merely to provide you with the knowledge that many similar variances have been granted.

#2 If you as a board member do drive the neighborhood as I have some board members state in watching BOA on-line videos, Please note that the building outline of where the RV garage would be placed with the variance granted is laid out with Pinkish/Orange colored string and viewable by looking over the fence if you are interested in seeing it. There are no animals in the yard also so if you wish to open the gate to see the layout please feel free to do so or ring the bell and I will be glad to help you.

THANK YOU,  
Leland Miller



## **Basis for Appeal to Board of Adjustment Miller Reduced Size RV Garage [PL160187]**

The regular hearing officer called in ill or absent for the July 5, 2016 Hearing Officer Meeting. Ms. Wendy Springborn was thrown into the hearing at the last minute and is not familiar with the neighborhood area and the previous variances for similar structures that have been granted. Ms. Springborn did not have the opportunity to physically drive by the property to evaluate the actual circumstances as the regular hearing officer always does. Ms. Springborn apparently didn't comprehend or see the relevance of the verbal information that was presented [example 21 previous setback variances referenced in Hearing Officer Report PL150268 07/21/2015 that was entered as proof of existing setback variances] as evidenced by her when trying to explain the reason for variance denial. The clarifying questions and interactive discussion that is typically present with Hearing Officer MacDonald was missing for my hearing. [I state this based on personally reviewing every Hearing Officer Video having to do with setback variances from

2011 through 2016.] Part of the problem is likely my fault in being nervous when presenting and probably not fully making it clear why the verbal information was salient and satisfied certain requirements. I will be providing a supplemental narrative and slides for the Board of Adjustment to hopefully make things easier to understand and keep the presentation time down to a minimum. A complete review of the entire presentation needs to be heard by the Board of Adjustment.

A handwritten signature in blue ink that reads "Leland Miller". The signature is written in a cursive style with a large initial 'L'.

Leland Miller, July 15<sup>th</sup>, 2016

City of Tempe  
P. O. Box 5002  
31 East Fifth Street  
Tempe, AZ 85280  
www.tempe.gov



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Community Development  
Planning  
(480) 350-4311 (Phone)

July 18, 2016

Mr. Leland Miller  
1536 East Caroline Lane  
Tempe, Arizona 85284  
lelandmiller@live.com

RE: **MILLER RESIDENCE  
1536 EAST CAROLINE LANE  
PL160187**

Dear Mr. Miller:

At the public hearing held July 5, 2016, 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:

Denied the request(s) by the **MILLER RESIDENCE (PL160187)** located at 1536 East Caroline Lane in the R1-15, Single Family Residential District for:

1. Variance to reduce the east side yard setback from 9 ft. to 6 ft.

Your appeal of the Hearing Officer's decision has been received and is scheduled to be heard by the Board of Adjustment on **Wednesday, August 24, 2016 at 6:00 PM.** Your attendance at that public hearing is required.

If you have any questions, please contact me at (480) 350-8435.

Sincerely,

A handwritten signature in cursive script that reads 'Dean Miller'.

Dean Miller  
Planner II

DM/dm

cc: File

6. Request approval of a variance to reduce the east side yard setback to allow a RV garage for the **MILLER RESIENICE (PL160187)** located at 1536 East Caroline Lane. The applicant is Leland Miller.

Dean Miller, Planner II, gave an overview of the case noting that the site is located south of Warner Road and west of McClintock Drive in the Mission Ridge Subdivision. The property is within the R1-15, Single Family Residential District which has a 15 ft. side yard building setback requirement. Tempe Zoning Code allows an accessory building up to 9 ft. in height to encroach into the building setback within 3 ft. of the property line. The code requires an additional 1 ft. setback for every ft. in height over 9 ft. up to a maximum 15 ft. in height. Based on the applicant's plan, the setback requirement for this garage is 9 ft. The applicant is requesting a variance to reduce the required 9 ft. setback to 6 ft.

Dean Miller noted that the applicant held a neighborhood meeting on June 17<sup>th</sup> and 8 homeowners were in attendance representing 5 neighborhood homes. The applicant has provided 14 letters of support from neighboring homeowners.

Dean Miller stated that although the applicant has provided significant evidence of support from many of his neighbors, and evidence of similar approved variances, staff is not supporting this request, as the applicant has not demonstrated special circumstances that are applicable to the property and which made it different from the nearby properties or how an approval would not be inconsistent with the limitations upon other properties within the vicinity.

Mr. Leland Miller was present to represent this case. He acknowledged receipt of the Staff Summary Report and presented several photographs and sketches of his home and the proposed garage. He stated that he had endeavored to reduce the height of the garage as low as possible and the current proposal indicates the location of the AC on the side of the building rather than on the top.

Leland Miller explained that moving the structure to the west would place it too close to the existing A/C unit to meet the ADA 4.13.5 Clear Width Opening and the ADA 4.13.6 Minimum Maneuverability requirements. The A/C unit cannot be moved without undue and unreasonable expense due to the fact that the return air system is underground below the house foundation. Mr. Miller stated that the ADA requirements are applicable due to the fact that he would likely have future need of a mobility scooter, walker or possibly wheelchair due to medical conditions.

Mr. Miller stated that the rear of his lot is higher than the rest of the lot and presented photographs depicting mature landscaping and established vegetation. He noted that he felt the only other option was to sacrifice the existing mature palm trees and that, from his perspective, he felt that he meets the criteria for a variance due to the above mentioned reasons as well as the fact that there are several known neighborhood properties with approved variances.

Mr. Miller presented an itemized list of 13 lots/property locations as a point of reference, and indicated that he had done a survey of 39 lots and that 74.35% of the lots are wider than his and only 1 lot is narrower. The average lot size is 130.014 ft. and the average lot without a Cul De Sac included is 120.33 ft. He indicated 7 of the 13 properties on the list were in the immediate vicinity of his property.

Ms. Springborn indicated that she had a speaker request form from Mr. Ben Porritt regarding this case.

Mr. Porritt stated that he was a neighbor of Mr. Leland Miller and was in support of the applicant's request as proposed as he felt it was a valid solution and makes sense.

Mr. Leland Miller returned to the podium and stated that the garage can be moved to the back of the property and still meet the 9 ft. criteria, but that it would necessitate tearing out several established vegetation and landscape areas. He stated that he had spent hours and hours trying to make the design work within the stipulation of the ZDC criteria.

Mr. Leland Miller indicated that he had been informed by Dean Miller that the lot next door is 115 ft. so that the justification was not applicable.

Ms. Springborn stated that based upon the information from the applicant and the report and backup documentation in the Hearing Officer packet, she would uphold the staff recommendation to deny this variance request, based upon the lack of justification for special circumstances. She explained that she did not have all the specifics pertaining to the variances that have been granted as indicated by Mr. Miller.

Ms. Springborn noted that this case does not meet the criteria for a variance and that the applicant had failed to identify the following:

- Special circumstances are applicable to the property, including its size, shape, topography, location or surroundings. The applicant has not demonstrated special circumstances that are applicable to the property.
- The strict application of this code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. The applicant did not address how approval of the variance would not grant special privileges inconsistent with the limitations imposed upon surrounding properties.
- A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner. The applicant did not identify special circumstances applicable to his property that would support the variance request.

Mr. Leland Miller stated that he had spent a great deal of money on this proposed project already. He questioned the absence of the regular Hearing Officer, Vanessa MacDonald and reiterated that he felt his request for a variance should be granted based on the reasons he had voiced.

Steve Abrahamson, Principal Planner, stated that circumstances had prevented Ms. MacDonald's presence at tonight's public hearing. He stated that Ms. Springborn had been with the City for quite a length of time and asked Ms. Springborn how long.

Ms. Springborn stated that she had been a City employee for 10 years.

Mr. Abrahamson stated that he understands that Ms. MacDonald is the regular Hearing Officer, however Ms. Springborn is more than qualified to act as Hearing Officer at tonight's public hearing.

Mr. Abrahamson stated, in response to Mr. Leland Miller's protests, that with all due respect the Hearing Officer's decision had been made to deny this variance request, and that Mr. Miller had the option to appeal that decision with the established 14 day appeal period, by July 19<sup>th</sup>. If appealed the case would then be heard by the Board of Adjustment.

**DECISION:**

Ms. Springborn denied the variance request for the Miller Residence (PL160187).

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 07/05/2016  
Agenda Item: 7**

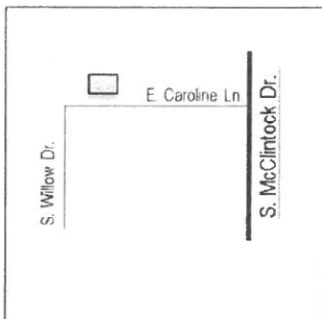
**ACTION:** Request approval for a variance to reduce the east side yard setback from nine (9) feet to six (6) feet for THE MILLER RESIDENCE, located at 1536 East Caroline Lane. The applicant is Leland Miller.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Denial, subject to conditions

**BACKGROUND INFORMATION: Miller Residence (PL160187)** The applicant is requesting a variance to reduce the east side yard setback from nine (9) feet to six (6) feet to allow the construction of an RV garage. The request includes the following:

1. Variance to reduce the east side yard setback from nine (9) feet to six (6) feet.



Property Owner	Leland Miller
Applicant	Leland Miller
Zoning District	R1-15, Single Family Residential District
Lot Size	16,108 square feet
Building Size	Existing Home - 2801 square feet Proposed Garage – 576 square feet

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Dean Miller, Planner II (480) 350-8435

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Dean Miller, Planner II

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

## COMMENTS

The City of Tempe Zoning and Development Code allows an accessory building up to nine (9) feet in height to encroach into the side yard setback within three (3) feet of the property line. The Zoning Code requires an additional (1) foot setback for every one (1) foot of additional building height, up to fifteen (15) feet in height. Based on the proposed garage height, a nine (9) foot setback from the property line is required. The applicant is requesting a variance to reduce the setback requirement to six (6) feet. The applicant held a neighborhood meeting at his home on June 17<sup>th</sup> at 5:30 PM. Eight (8) homeowners attended representing five (5) neighborhood homes.

## PUBLIC INPUT

The applicant has provided staff thirteen (13) letters of support from neighboring homeowners. Staff has received no input representing opposition to the request.

## VARIANCE

Section 6-309 D. Variance Approval Criteria:

1. *Special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings.* The applicant has not demonstrated special circumstances that are applicable to the property. The applicant did identify the lots on the other side of his street are eight (8) feet wider than his property however, his lot width is consistent with the other lots on his side of the street.
2. *The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.* The applicant did point out several nearby properties that received similar variances in the past.
3. *The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.* The applicant did not address how the approval of the variance would not grant special privileges inconsistent with the limitations imposed upon surrounding properties.
4. *A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.* The applicant did not identify special circumstances applicable to his property that would support the variance request.

## Conclusion

Based on the information provided by the applicant and the above analysis staff recommends denial of the requested Variance.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

## CONDITION(S) OF APPROVAL:

1. This Variance is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

**HISTORY & FACTS:**

March 4, 1987                      A building permit was issued for a swimming pool.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 4-202 Development Standards for Residential Districts  
Section 6-309 Variances



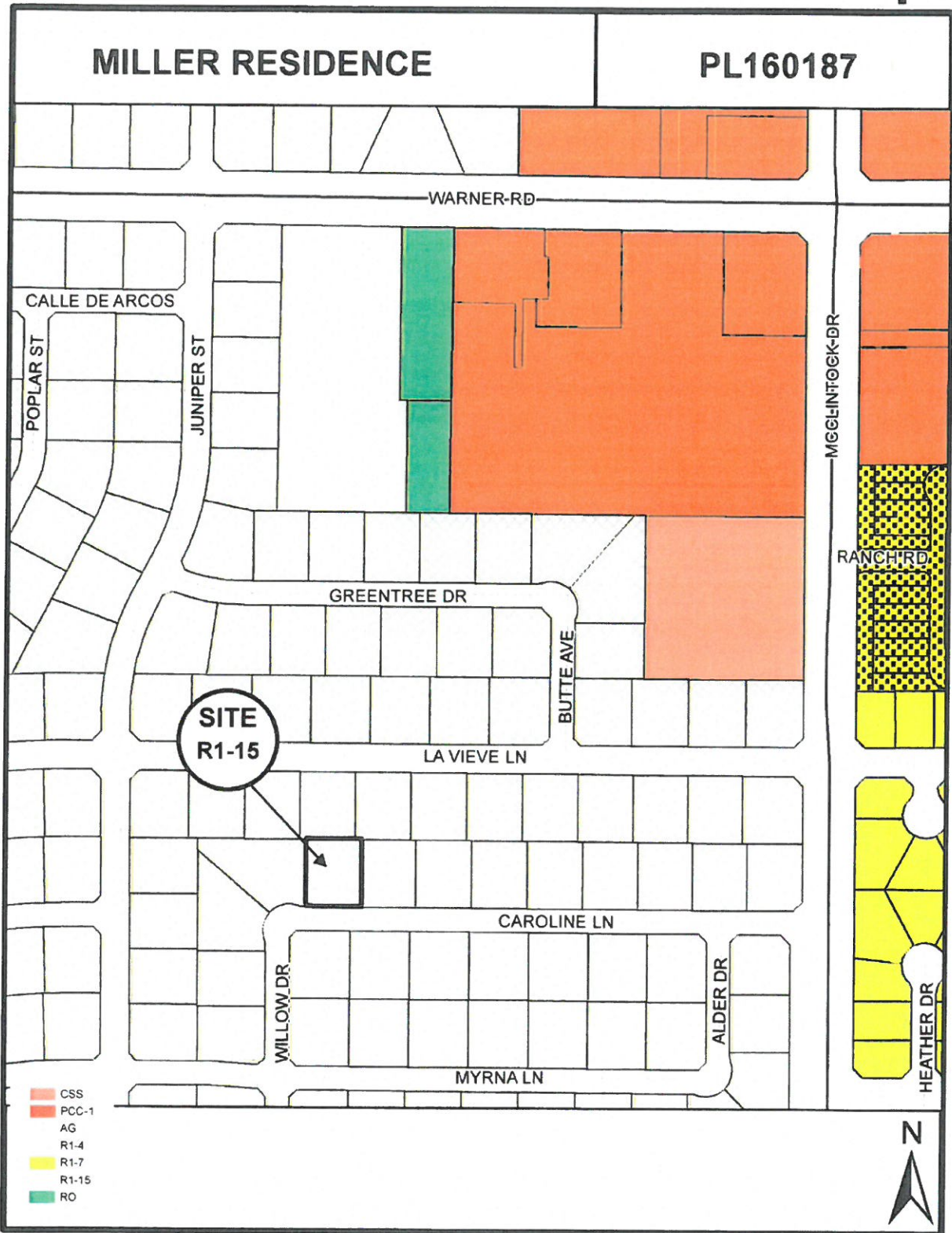


## DEVELOPMENT PROJECT FILE

for  
MILLER RESIDENCE  
PL160187

### ATTACHMENTS:

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
- 5-6. Site Plan
- 7-8. Building Elevations
9. Floor Plan
- 10-11. Photos
- 12-27. Neighborhood Meeting Notice, Minutes, Letters of Support



**Location Map**

**MILLER RESIDENCE**

**PL160187**



**Aerial Map**

Leland Miller  
1536 E. Caroline Lane  
Tempe, AZ 85284

June 17, 2016

City of Tempe Planning Department  
31 E. Fifth Street  
Tempe, AZ 85281

RE: Final Revised Variance Request for Reduced Size RV Garage

To Whom it may concern:

I am writing this letter to request a side yard setback variance to build a reduced size Class C & Trailer size RV Garage. This request is being made under Tempe Code Section 3-401. The code allows accessory buildings to be built as close as 3 feet for a side yard but adds 1 foot to the setback for each additional one foot of height over 9 feet. This Variance request is to reduce the east side setback from the calculated 9 foot side setback for my structure to a 6 foot setback. The size of my garage would be 16X36X14½ feet. The garage would be designed to match the flat roof portion of the existing home structure. Pop outs, Color, Garage door design, and Driveway lighting on the front of the building would all match the existing home for the best possible aesthetics and to preserve the neighborhood desirability. My reduced size garage would need to be 14½ feet tall even with special construction techniques and for aesthetic purposes to match the Architectural aspect ratios required and to keep the neighborhood aesthetics intact.

We purchased our home at the Bank Foreclosure Sale with the intent to build the garage. I had previously built two separate accessory structures in Tempe at 2010 E. Carmen Street. One was a 825 square foot 12½ foot tall garage built in 1991 and the other a 288 square foot free standing patio structure built in 2000 so I was aware of the ability to obtain a 3 foot side setback. I expected that there would not be a problem with building the garage. The calculated 9 foot setback needing to be reduced to 6 foot was not expected.

We do have 30 feet of side yard to place the Reduced Size RV Garage. The 9 foot setback calculated from code 3-401 plus the 5 foot minimum Fire Safety requirement between structures added to the 16 foot width of the garage will fit into the 30 foot space. The problem in placing the garage in that more westerly location can not work. There is virtually no opportunity to build without a variance for east side yard setback. The setbacks for front and rear are not a problem.

Moving the structure to the west would also place it too close to the existing A/C unit to meet the ADA4.13.5 Clear Width Opening and ADA4.13.6 Minimum Maneuverability requirements. The A/C unit can not be moved without undue and unreasonable expense due to the fact that the return air system is underground below the house foundation. The ADA Requirements are applicable due to the fact that I am very likely to have future need for a Mobility Scooter, Walker, or possibly a wheel chair due to Extreme Leg Neuropathy and Polioitis for which I have been diagnosed and which continues to lessen my ability to walk without help.

The reduced size of the Class C & Trailer RV Garage is also as small as can possibly be used as a structure. The interior garage width of 15 foot barely allows for parking a typical 8 foot wide RV and being able to get around it when parked. The 12 foot door height is the minimum required to park most Class C motorhomes so lowering the structure height is not an option. Aligning the garage to the existing RV gate opening does not only keep me from having to rebuild the gates and fencing but incidentally

happens to be the only practical place to place the structure. The requested placement is the only location to place it without undue expense and hardship.

Although the lot is basically rectangular in shape, the width at 115 feet is 8 feet narrower than the typical Mission Ridge Lots across the street which are 123 feet wide or slightly more. [see attachment] That additional 8 foot would have alleviated the special need. The slope of the terrain on the lot becomes progressively higher as the lot goes north. This makes it impractical to build further north even if the hardscape bench, flagstone wall, and boulder features and grass were removed. There is also a 30 year old Southern Live Oak and mature Robellini Palm which would have to be sacrificed to build farther north. Also attempting to move the structure to the west to avoid the variance need would also sacrifice a mature Mexican Fan Palm in order to align a new driveway to the garage.

Not approving this minor variance would also deprive our property of privileges enjoyed by other neighboring properties for similar structures. Some side setbacks have been reduced to as low as 3 feet. Public Information Requests do not provide details on all variances granted but the following properties are examples of neighboring similar structures. [PICTURES INCLUDED AND ATTACHED 1339 E. Caroline Lane, 1748 E. Caroline Lane, 1737 E. Caroline Lane, 1539 E. Caroline lane, 9252 S. Oak.] [WITHOUT PICTURES 1338 E. Calle De Arcos, 1317 E. La Vieve, 1315 E. Caroline, 1343 E. Knox]

Finally I have included a listing of side yard variance which have been granted in my neighborhood and also note those marked with an asterisk\* that are in my immediate block.

There are characteristics of the property validating the issuing of this variance. Physical structures that impede location flexibility do exist. Encroachment of the structure into the side setback is necessary due to the lack of buildable area elsewhere on the site. Forcing placement of the structure to the west would likely reduce overall street curb appeal due to the poor aesthetic appearance. Also approving the variance request for this quality structure would increase neighborhood desirability and increase property values for the entire neighborhood.

THANK YOU FOR YOUR CONSIDERATION

Regards,

Leland Miller  
1536 E. Caroline Lane  
Tempe, AZ 85284

MARICOPA COUNTY  
OFFICIAL PARCEL MAP  
STATE OF ARIZONA

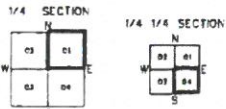
PT. SECTION 23 T01S R04E

MAP ID \* 859 - 23 - 01 - 04

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LOCATOR GRID

08	09	04	03	02	01
07	06	05	10	11	12
16	17	18	15	14	13
18	30	31	32	33	34
36	39	28	37	26	25
31	32	33	34	35	36



ASSESSOR BOOKS & MAPS WITHIN THIS AREA

BOOK: 381 MAP: 63

SUBDIVISIONS

APPLICANT  
LETTERS  
OF  
SUPPORT

SCALE: 1" = 100'



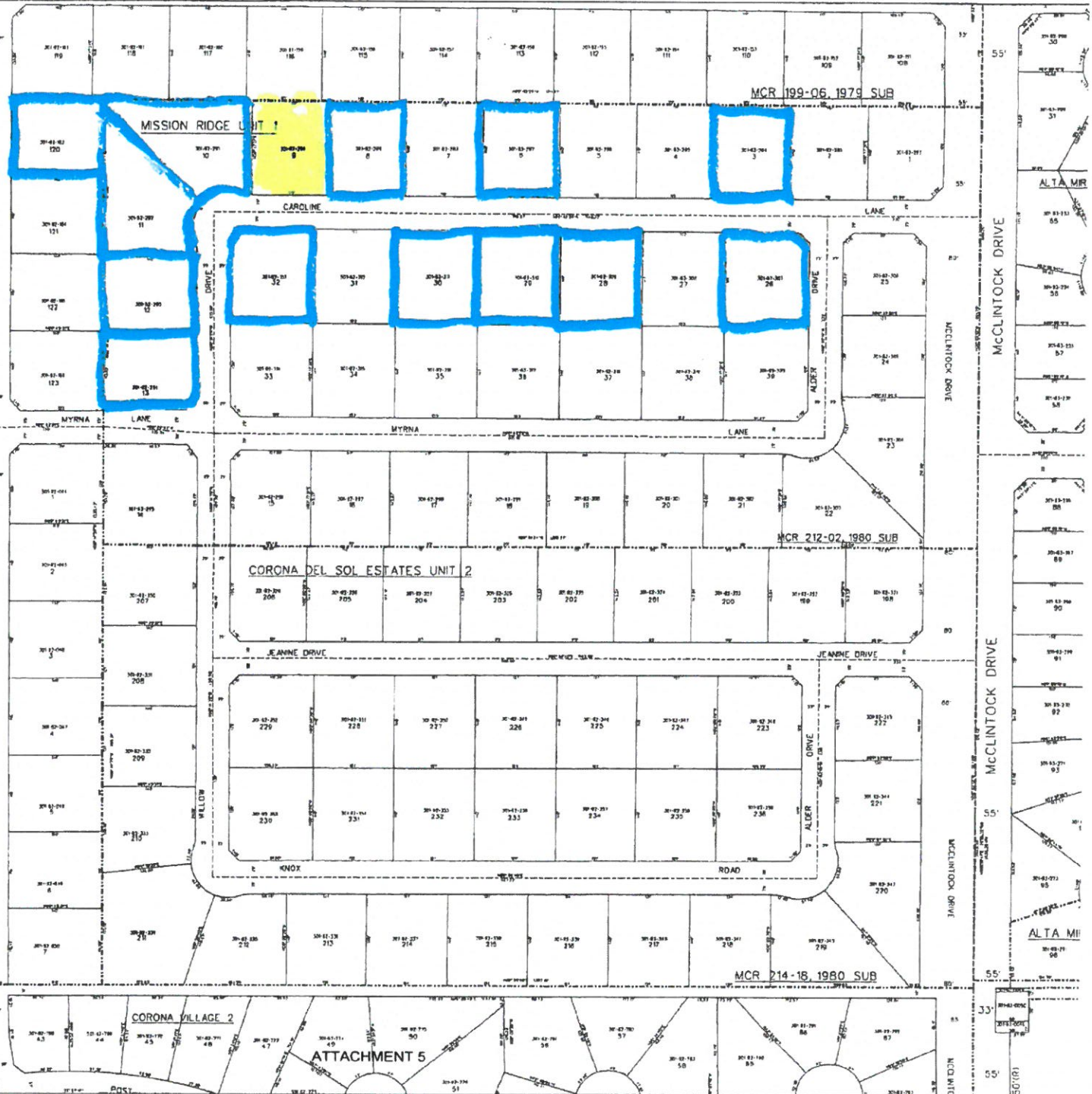
07-06-2011

MARICOPA COUNTY ASSESSOR'S OFFICE  
301 W. JEFFERSON ST  
PHOENIX, AZ 85003  
www.maricopa.gov/assessor

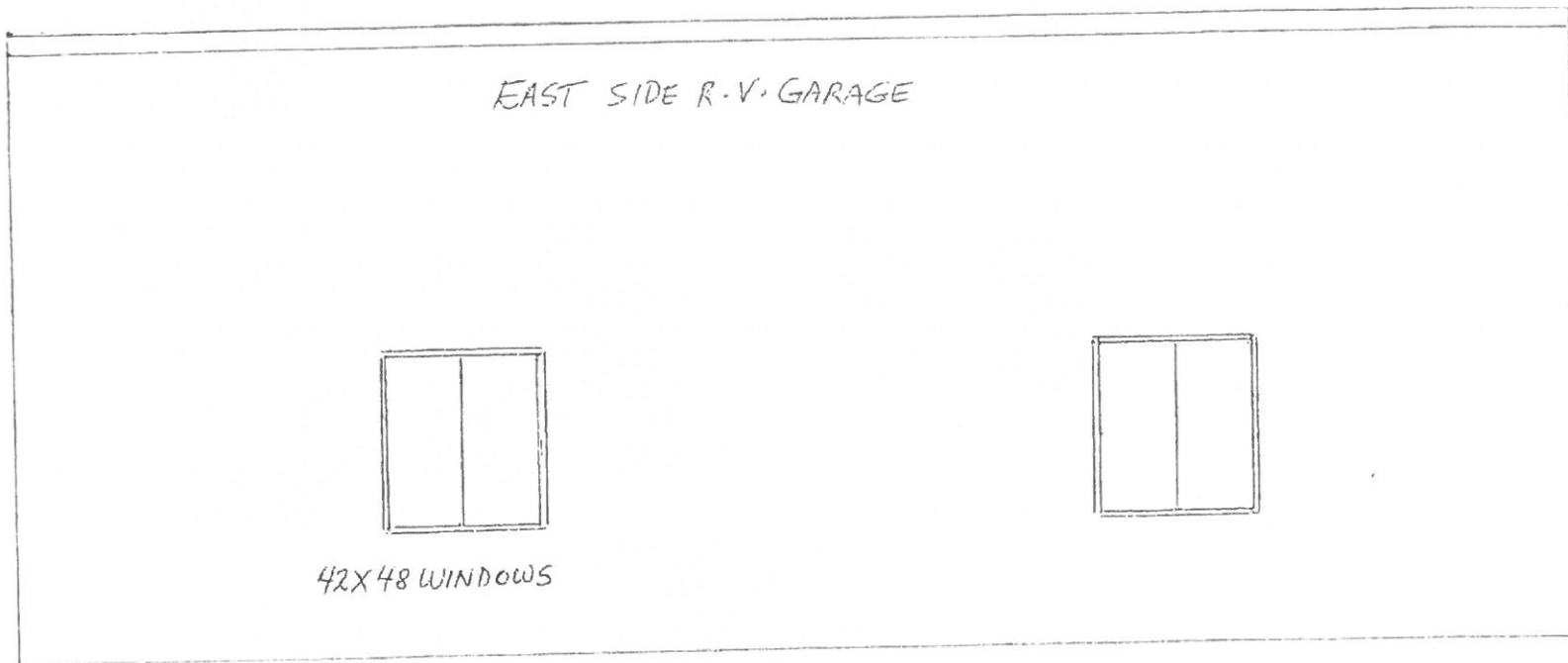
- LEGEND:
- Subdivision Boundary Line
  - Subdivision Boundary Corner
  - Street Centerline
  - Street Centerline Marker
  - Section Corner Marker
  - Indicates change in subdivision boundary
  - Permit Boundary Line
  - Assessor's Line
  - Permit Boundary
  - Permit Boundary Turn

Disclaimer - Identification

The information on this map was prepared by the Assessor's Office for the purpose of providing a general overview of the property. It is not intended to be used as a legal document. The Assessor's Office does not warrant the accuracy of the information on this map. The Assessor's Office is not responsible for any errors or omissions on this map.

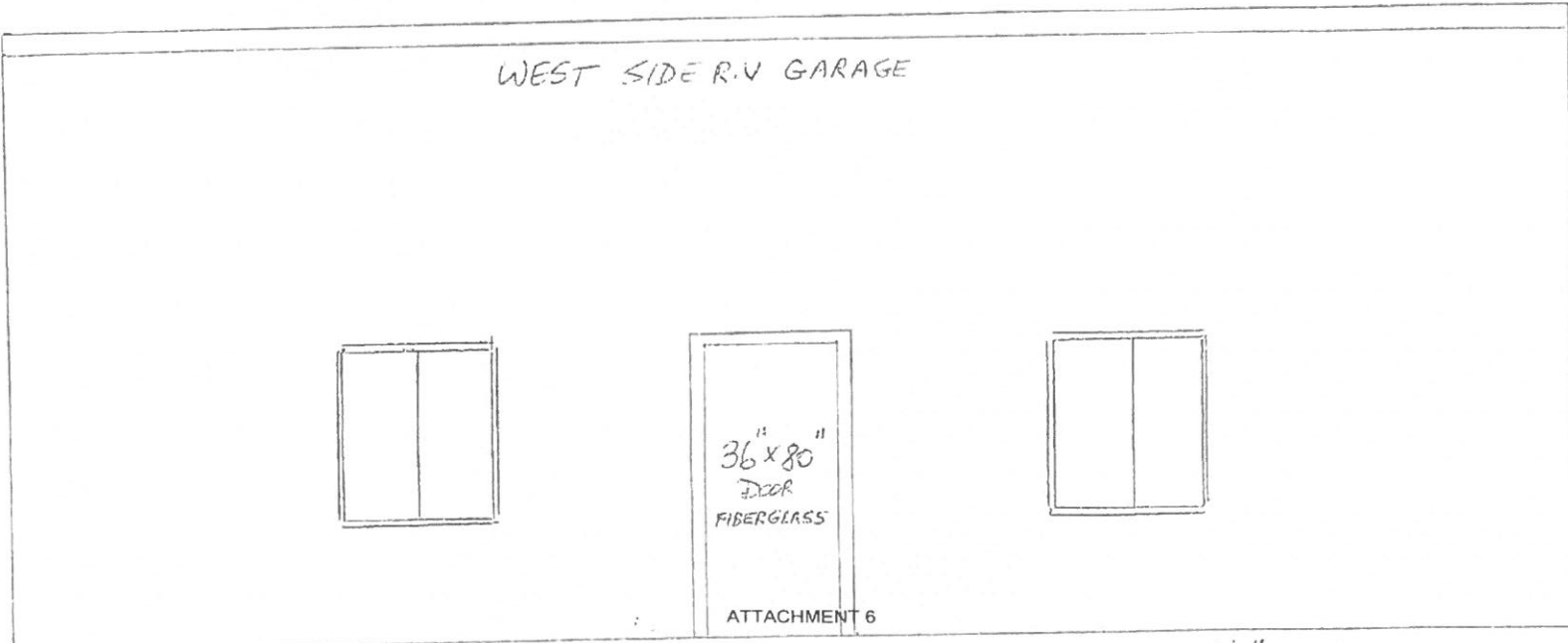


ATTACHMENT 5



14'6"  
(14'11" MAXIMUM)

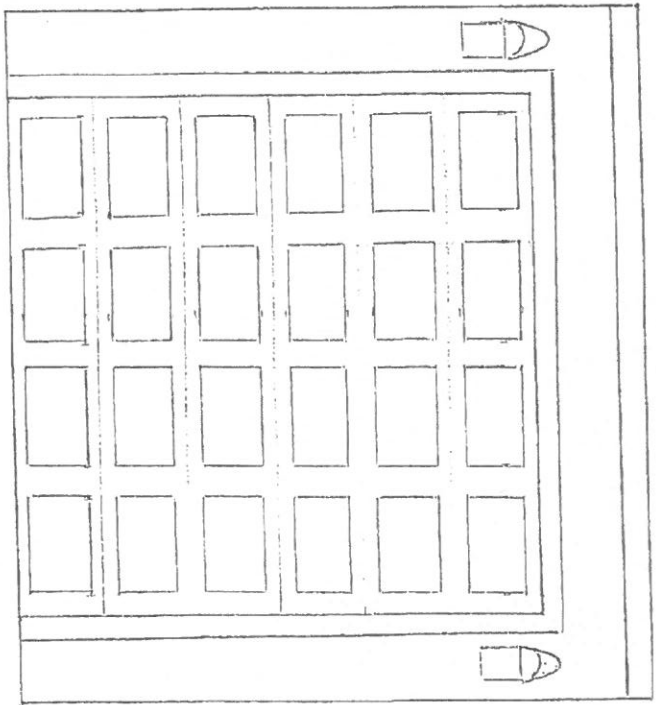
36'



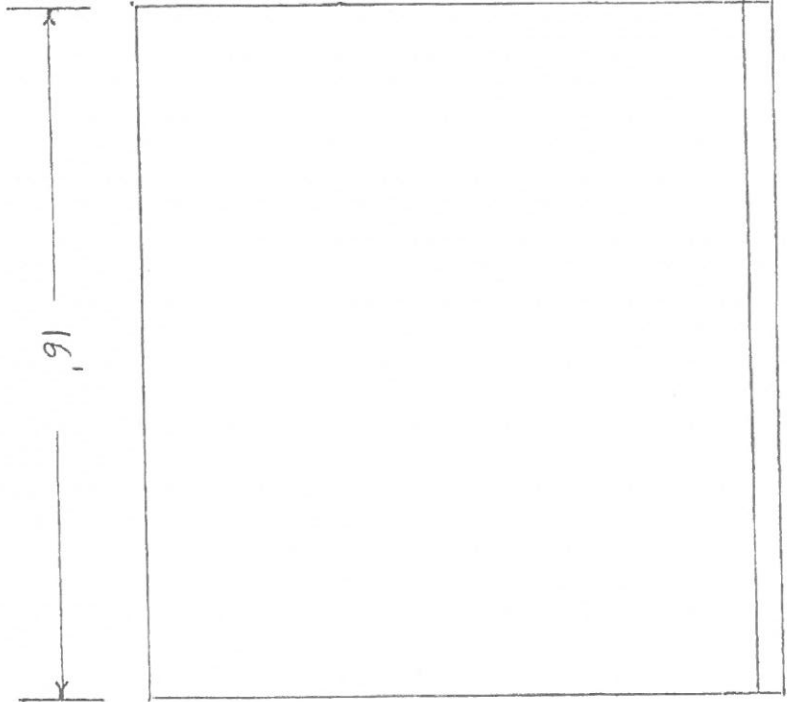
14'6"  
(14'11" MAXIMUM)

1/4" = 1 FOOT

FRONT (SOUTH) 12' X 12' GARAGE DOOR & WALL  
ATTACHMENT 7



14' 6"  
(14' 11" MAXIMUM)



REAR (NORTH) WALL.

16'

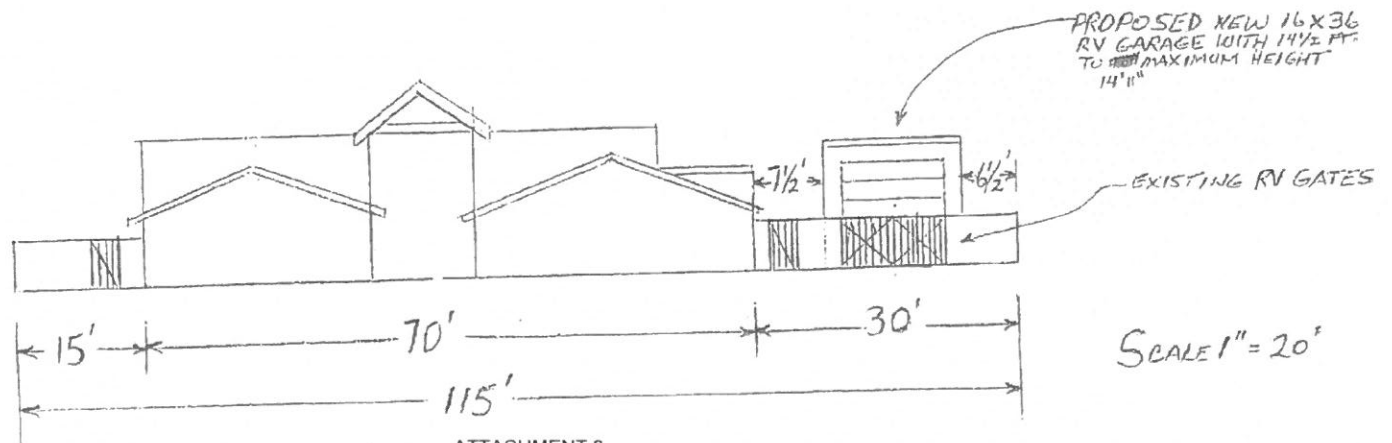
14' 6"  
(14' 11" MAXIMUM)

1/4" = 1 FOOT



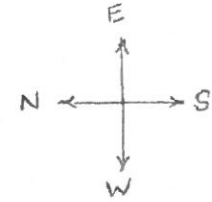
LELAND MILLER  
1536 E. CAROLINE LANE

FRONT ELEVATION WITH PROPOSED R.V. GARAGE



EXISTING PROPERTY LINE FENCE

LELAND MILLER - 1536 E. CAROLINE LANE

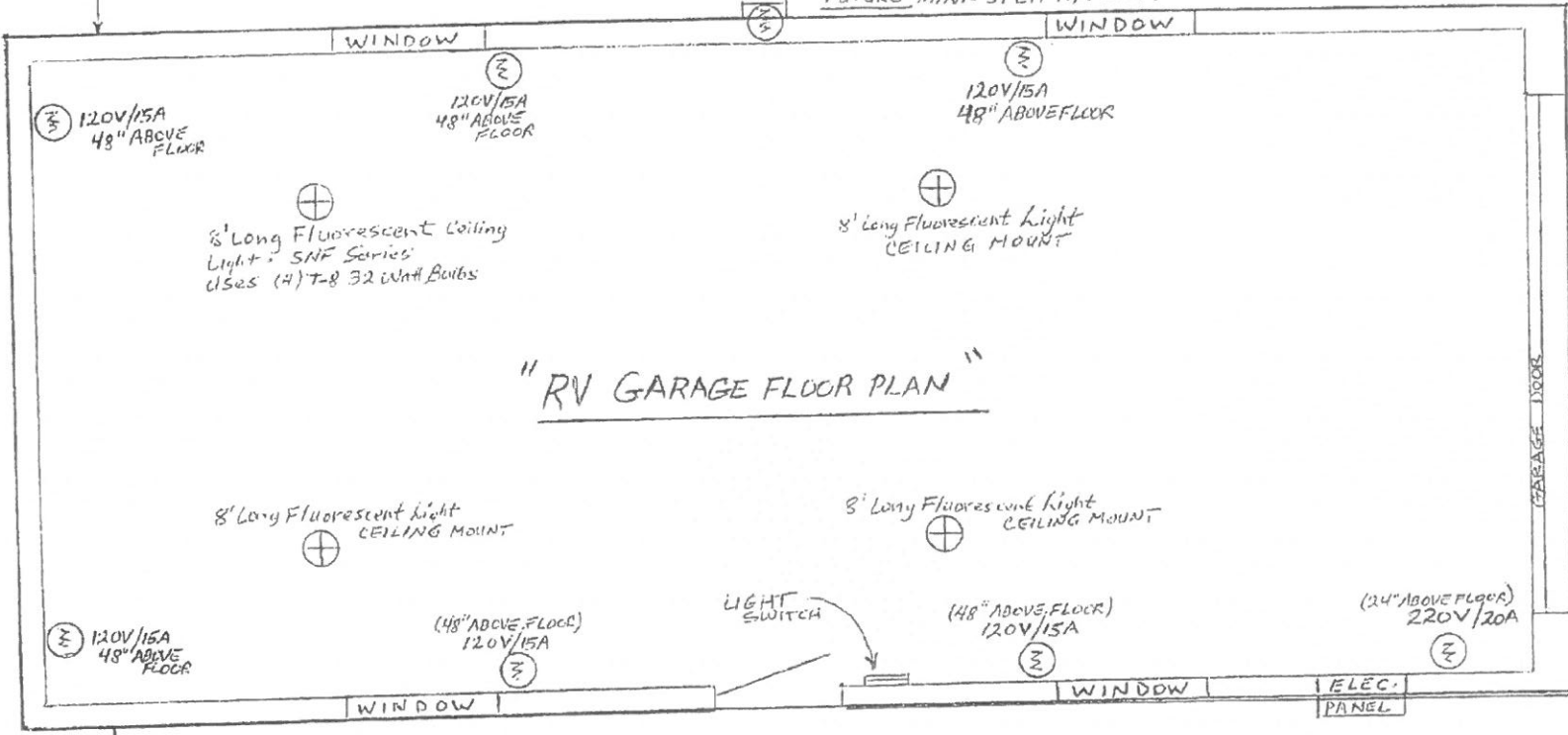


6'7"

36'

EXTERIOR JUNCTION BOX FOR POSSIBLE FUTURE MINI-SPLIT A/C UNIT.

16'



"RV GARAGE FLOOR PLAN"

7'6"



4'1"

ATTACHMENT TO HOME WALL

SCALE 1/4" = 1 FOOT

EXISTING JUNCTION BOX FOR ELEC. SERVICE TO NEW ELECTRIC PANEL



1536



**PUBLIC NOTICE FOR NEIGHBORHOOD MEETING**

**DATE:** 6-17-2016  
**TIME:** 7:00 PM - 8:00 PM  
**PLACE:** 2100 E. Camelot Ave., Tempe, AZ 85284

**SUMMARY OF REQUEST:**  
 A request for a public hearing to be held on the 17th day of June, 2016, at 7:00 PM, at the City of Tempe, Arizona, to discuss the proposed rezoning of the property located at 2100 E. Camelot Ave., Tempe, AZ 85284, from its current zoning of R1-10 to R1-10 (C).

**CONTACT INFO:**  
 CITY OF TEMPE  
 PLANNING DEPARTMENT  
 1000 W. McDowell Ave., Tempe, AZ 85284  
 TEL: 480-977-8000  
 WWW.CITYOFTEMPE.AZ.GOV

**PUBLIC HEARING**

**CASE NUMBER:** P1160137  
**REQUEST:** Request approval of a variance to allow the use of a residential lot for a home-based business.  
 2100 E. Camelot Ave., Tempe, AZ 85284

**DATES:** DECEMBER HEARING BODY TIME  
 7/20/16 Hearing Officer 5:00 PM

**LOCATION:** UNLESS OTHERWISE NOTED, ALL PUBLIC HEARINGS ARE HELD AT TEMPE CITY HALL COUNCIL CHAMBERS, 2100 E. CAMELOT TEMPE, AZ 85284

**QUESTIONS CALL:** 480-977-8000  
**POSTING DATE:** 6/17/16

May 27, 2016

Re: Variance Request

Dear Neighbor,

I am writing this letter to inform you that we are applying for a CITY OF TEMPE variance request to build an RV Garage at our home located at 1536 E. Caroline Lane, Tempe 85284. The variance request is to reduce the east side setback to 6 feet. This would allow the RV Garage door to line up with existing RV Gate fencing. The proposed building has been discussed with neighbors located on the North, South, East, and West sides of our home without any objections by them. The RV Garage would be built to exactly match the stucco pop outs, house coloring, garage doors, and driveway lighting. The flat roof would match the design of our homes patio flat roofing style. In wall scuppers would be used to keep the building height as low as practical and enhance the building aesthetics. The garage size would be 16ft X 36ft X 14 ½ft [14 ft 11 inches maximum] height.

There will be a neighborhood meeting at our home [1536 E. Caroline Lane] on Friday June 17<sup>th</sup> from 5:30PM to 6:30PM. There will be a short presentation at 5:45PM. The purpose of the meeting is to review plans, answer questions, and get your inputs. Please come to the meeting with any questions. Also feel free to call me at 480-897-8262 if necessary.

THANK YOU,



Leland Miller

1536 E. Caroline Lane  
Tempe, AZ 85284  
480-897-8262

## NEIGHBORHOOD MEETING SUMMARY JUNE 17<sup>th</sup>, 2016

The Neighborhood Meeting required for the variance request to reduce east side yard setback from 9 foot to 6 foot to build a reduced size RV garage was held on Friday June 17<sup>th</sup> from 5:30PM to 6:00PM at the Millers home 1536 E. Caroline Lane. Eight homeowners representing five different neighborhood homes were in attendance. Seven of the eight homeowners were from the immediate block of the Miller home. The other homeowner in attendance was from 1537 E. La Vieve which is the home directly behind or north of the Miller residence. Both Benjamin Porritt and Diane Porritt of 1544 E. Caroline Lane, the home to the east and the home most affected by the variance, were in attendance. Dean Miller, planner, from Tempe Community Development was also in attendance. Leland Miller and his wife Cheryl Miller, the homeowners, both were there also.

Leland Miller provided everyone drawings/copies of the garage plans so that they could see what it would look like. Leland answered questions and explained that the pop out design, coloring, and front garage lighting would match the existing home. Leland also explained the need for the building height to not only facilitate proper construction techniques but also to attain good building aesthetics. Dean Miller answered questions from the attendees about various issues with granting the variance. All were satisfied with his complete answers.

All eight attendees were in favor of the variance being granted and felt that they would like to see the garage built versus a carport which could be built without a variance. All eight signed the attendance roster indicating their approval also. Dean Miller was provided with the original copy of the roster. Leland also gave Dean eight additional written Letters of Approval from neighbors which did not attend the meeting. Seven of the eight letters were from the immediate block of the Millers home with one more letter from a resident at 9155 S. Juniper around the corner from the Millers home. Leland also advised Dean that more approval letters would be coming from neighbors who were on vacation and unable to attend the meeting.

SUBMITTED BY LELAND MILLER



NEIGHBORHOOD MEETING JUNE 17<sup>th</sup>, 2016

TO WHOM IT MAY CONCERN:

I HAVE REVIEWED THE REQUEST FOR VARIANCE TO BUILD A RV GARAGE AT THE MILLER RESIDENCE 1536 E. CAROLINE LANE. I UNDERSTAND THE SPECIAL CIRCUMSTANCES WHICH REQUIRE THE REDUCTION TO A 6 FEET SIDE SETBACK AND AM IN FAVOR OF VARIANCE APPROVAL.

NAME	ADDRESS	SIGNATURE	DATE
Nick Bastian	1550 E Caroline Ln Temp	Nick Bastian	6-17-16
Lori Bastian	1550 E Caroline Ln	LBastian	6-17-16
JANICE HUNT	1539 E CAROLINE LN	Jan Hunt	6/17/16
BOB HUNT	1539 E CAROLINE LN	TR Hunt	6/17/16
Nanci Porritt	1544 E Caroline Ln, Temp	Nanci Porritt	6/17/2016
Ben Porritt	1544 E Caroline Ln	Ben Porritt	6/17/16
Paul Harbour	1537 E. LaVie Ln.	R. Paul Harbour	6-17-16
Pam Shaw	1728 E. Caroline Lane	Pam Shaw	6/17/16

# LETTER OF APPROVAL

JUNE 16, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,



---

Richard L. Miller  
9150 S. Willow

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Tempe, AZ 85284

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ADDITIONAL COMMENTS \_\_\_\_\_

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# LETTER OF APPROVAL

JUNE 16, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

Jaye Willman

1701 E. Caroline Ln.

Tempe, AZ 85284

ADDITIONAL COMMENTS

No problem w/ it!!


# LETTER OF APPROVAL

JUNE 16, 2016

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SINCERELY,

  
\_\_\_\_\_

1736 E Caroline Ln  
\_\_\_\_\_

Tempe, AZ 85284  
\_\_\_\_\_

ADDITIONAL COMMENTS \_\_\_\_\_

\_\_\_\_\_

# LETTER OF APPROVAL

JUNE 16, 2016

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SINCERELY,

*Carrie H Sutton*      (*Carrie H. Sutton*)

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*9128 S. Willow Drive*

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*Tempe AZ 85284*

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ADDITIONAL COMMENTS \_\_\_\_\_

\_\_\_\_\_

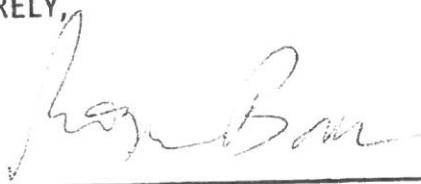
# LETTER OF APPROVAL

JUNE 16, 2016

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SINCERELY,



Roger Baum

1737E Caroline Ln

ADDITIONAL COMMENTS

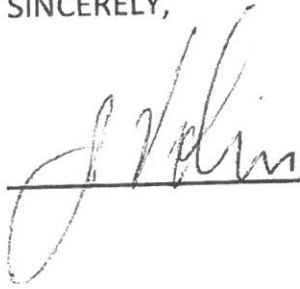
# LETTER OF APPROVAL

JUNE 16, 2016

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SINCERELY,



Joe Volin

1547 E. Caroline Ln

Tempe Az 85244

ADDITIONAL COMMENTS

Looks like a nice plan

# LETTER OF APPROVAL

JUNE 16, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

L. P. Culp

1706 E. Caroline Ln

Tempe, AZ. 85284

ADDITIONAL COMMENTS we are ok

with the enhancement.

5-31-16

Briscoe

OK, so far it.

May 27, 2016

Re: Variance Request

Robert C. Briscoe

Dear Neighbor,

I am writing this letter to inform you that we are applying for a CITY OF TEMPE variance request to build an RV Garage at our home located at 1536 E. Caroline Lane, Tempe 85284. The variance request is to reduce the east side setback to 6 feet. This would allow the RV Garage door to line up with existing RV Gate fencing. The proposed building has been discussed with neighbors located on the North, South, East, and West sides of our home without any objections by them. The RV Garage would be built to exactly match the stucco pop outs, house coloring, garage doors, and driveway lighting. The flat roof would match the design of our homes patio flat roofing style. In wall scuppers would be used to keep the building height as low as practical and enhance the building aesthetics. The garage size would be 16ft X 36ft X 14 ½ft [14 ft 11 inches maximum] height.

There will be a neighborhood meeting at our home [1536 E. Caroline Lane] on Friday June 17<sup>th</sup> from 5:30PM to 6:30PM. There will be a short presentation at 5:45PM. The purpose of the meeting is to review plans, answer questions, and get your inputs. Please come to the meeting with any questions. Also feel free to call me at 480-897-8262 if necessary.

THANK YOU,

Leland Miller

Leland Miller

1536 E. Caroline Lane  
Tempe, AZ 85284

Lee & Cheryl Miller  
1536 E. Caroline Lane  
Tempe, AZ 85284

PHOENIX AZ 852

27 MAY 2016 PM 4 L



Robert & Meryl Briscoe  
9115 S. Juniper Street  
Tempe, Az. 85284

# LETTER OF APPROVAL

JUNE 17, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

  
BENJAMIN ROBERTS  
1544 E CAROLINE LN.

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ADDITIONAL COMMENTS \_\_\_\_\_

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# LETTER OF APPROVAL

JUNE 18, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

Debra Pearson

Debra Pearson

Jay Eaglston

Jay Eaglston

1711 E. Caroline Ln, Tempe 85284

ADDITIONAL COMMENTS \_\_\_\_\_  
\_\_\_\_\_

# LETTER OF APPROVAL

JUNE 22, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

ILAN BALDINGER

1536 E. CAROLINE LN.

TEMPE, AZ 85284

ADDITIONAL COMMENTS \_\_\_\_\_

\_\_\_\_\_

# LETTER OF APPROVAL

JUNE 21, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

ROBERT C. AGELESS 9170 SO. WILLOW DR. TEMPE



ADDITIONAL COMMENTS \_\_\_\_\_

\_\_\_\_\_

# LETTER OF APPROVAL

JUNE 18, 2016

TO WHOM IT MAY CONCERN:

I AM IN FAVOR OF THE "CITY OF TEMPE" GRANTING A VARIANCE TO LELAND AND CHERYL MILLER OF 1536 E. CAROLINE LANE, TEMPE AZ TO BUILD A RV GARAGE. THE BUILDING WOULD BE 16 X 36 X 14 ½ FEET IN SIZE. THE VARIANCE WOULD BE TO REDUCE THE SIDE YARD SETBACK FROM 9 FEET TO 6 FEET. THE BUILDING WOULD BE DESIGNED TO MATCH THE DESIGN AND COLOR SCHEME AND AESTHETICS OF THE EXISTING HOME. THIS BUILDING WILL ONLY SERVE TO INCREASE THE VALUE OF HOMES IN OUR NEIGHBORHOOD AND WILL NOT HAVE A NEGATIVE IMPACT ON MY PROPERTY OR FAMILY.

SINCERELY,

 6/18/2016

1531 E. Caroline Ln.

ADDITIONAL COMMENTS \_\_\_\_\_  
\_\_\_\_\_