

**CITY OF TEMPE
BOARD OF ADJUSTMENT**

**Meeting Date: 2/27/2019
Agenda Item: 2**

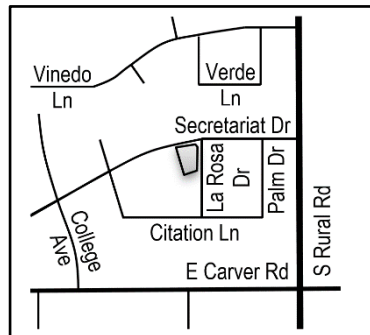
ACTION: Request a variance to reduce the street side building setback from 25 feet to 9 feet for the **INGRAM RESIDENCE**, located at 531 East Secretariat Drive. The applicants are Matt and Margo Ingram.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: The **INGRAM RESIDENCE (PL180335)** is located on the southwest corner of East Secretariat Drive and South La Rosa Drive on Lot 35 of the Raintree Unit 2 subdivision in the R1-10, Single-Family Residential District. The applicants, Matt and Margo Ingram, are requesting a setback reduction for a new addition consisting of two bedrooms and a bathroom along the east end of the home. The required street side building setback in the R1-10 zoning district is 15'-0"; however, a key lot is adjacent to the south which increases the setback by 10'-0", resulting in a total required street side setback of 25'-0". The request includes the following:

VAR180010 Variance to reduce the street side building setback from 25' to 9'.



Property Owner	Matthew and Margo Ingram
Applicant	Matthew and Margo Ingram
Zoning District	R1-10
Site Area	17,193 s.f. (0.39 ac)
Building Area	3,373 s.f. (3,806 s.f. including patio)
Lot Coverage	19.6% (45% maximum allowed)
Building Setbacks	±23' front, ±10' side, ±25' street side, ±71' rear (30', 10', 25', 25' min.)
Proposed Setbacks	9' street side
Vehicle Parking	2 spaces (2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

According to Section 7-113, "L" Definitions, of the Zoning & Development Code (ZDC), a corner lot means a lot abutting on two (2) or more intersecting streets where the interior angle does not exceed one hundred thirty-five degrees (125°). An interior lot means a lot having one (1) side abutting on a street. A key lot means an interior lot, one (1) side of which is contiguous, or separated only by an alley, to the rear line of a corner lot. See Figure 1 for an illustration of these definitions.

PUBLIC INPUT

A neighborhood meeting was held twice; the first took place on December 12, 2018 at 6 p.m., and the second occurred on January 7, 2019 at 5 p.m. Both meetings were held at the INGRAM RESIDENCE. A second meeting was required because the first meeting did not conform with the neighborhood meeting notification requirements per Section 6-402, *Neighborhood Meetings*, of the ZDC. A summary of both meetings is provided in Attachment 10. One written public comment was received by the applicant after the first neighborhood meeting. The comment did not oppose the request but suggested that no perimeter wall be added to the east of the addition and that installation of landscape would soften the encroaching addition. To date, no public comment was received by staff throughout the public hearing advertisement.

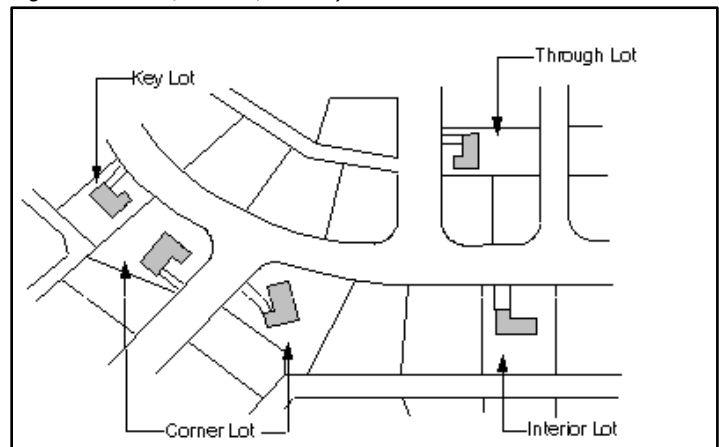
VARIANCE

The proposed design of the attached home addition requires a variance to reduce the required street side building setback from 25'-0" to 9'-0" in the R1-10 zoning district. The property is a corner lot with a key lot adjacent to the south. The base street side building setback is 15'-0"; however, the adjacency to a key lot increases this setback by another 10'-0", resulting in a total required street side setback of 25'-0".

Section 6-309 D. Variance Approval Criteria (*in italics*):

1. *That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings;* the special circumstances applicable to the property is its location and irregular shape. The property is an irregular shaped corner lot with the widest portion along the front that tapers towards the rear. Additionally, the property is adjacent to a key lot which requires increased building setbacks along the street side.
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 combination of the applicable special circumstances limits the amount of living area that may be provided on the lot when compared to similar sized corner lots in the subdivision. The property located at 7921 South McAllister Avenue is comparable to the INGRAM RESIDENCE being that it is located on a corner lot and is adjacent to a key lot. The comparable property provides an approximate 13'-0" setback from the street side where 25'-0" would typically be required. There are other comparable property examples; however, none of the others provide street side setbacks less than 13'-0". There is no record of a granted variance to the comparable example or others. According to historic aerial photography, the comparable property and other similar lots were initially constructed with a setback reduction from the street sides.
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;* Although the INGRAM RESIDENCE is requesting a greater setback reduction than the comparable property, the adjustment does not allow for additional living area that would be inconsistent with the limitations upon other properties in the vicinity and zone. Furthermore, the irregular shape of the lot further diminishes the ability to provide additional living area because of the required street side building setback and the tapering width towards the rear.

Figure 1 - Corner, Interior, and Key Lots



4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner; the key lot location and irregular shape of the property is a result of the subdivision platting process which is out of the property owner's control.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, and the above analysis staff recommends approval of the requested Variance. This request meets the required criteria and will conform to the conditions.

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.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

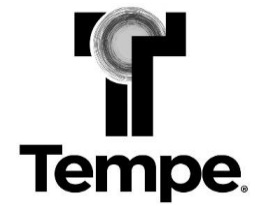
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.

HISTORY & FACTS:

May 21, 1981	Building Safety Department passed the final inspection of a single-family residence located at 531 East Secretariat Drive in the R1-10, Single-Family Residential District.
January 24, 1983	Building Safety Department passed the final inspection of a single-family residence located at 531 East Secretariat Drive in the R1-10, Single-Family Residential District.
December 12, 2018	First neighborhood meeting held at the INGRAM RESIDENCE (PL180335).
January 7, 2019	Second neighborhood meeting held at the INGRAM RESIDENCE (PL180335).

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-309 Variance

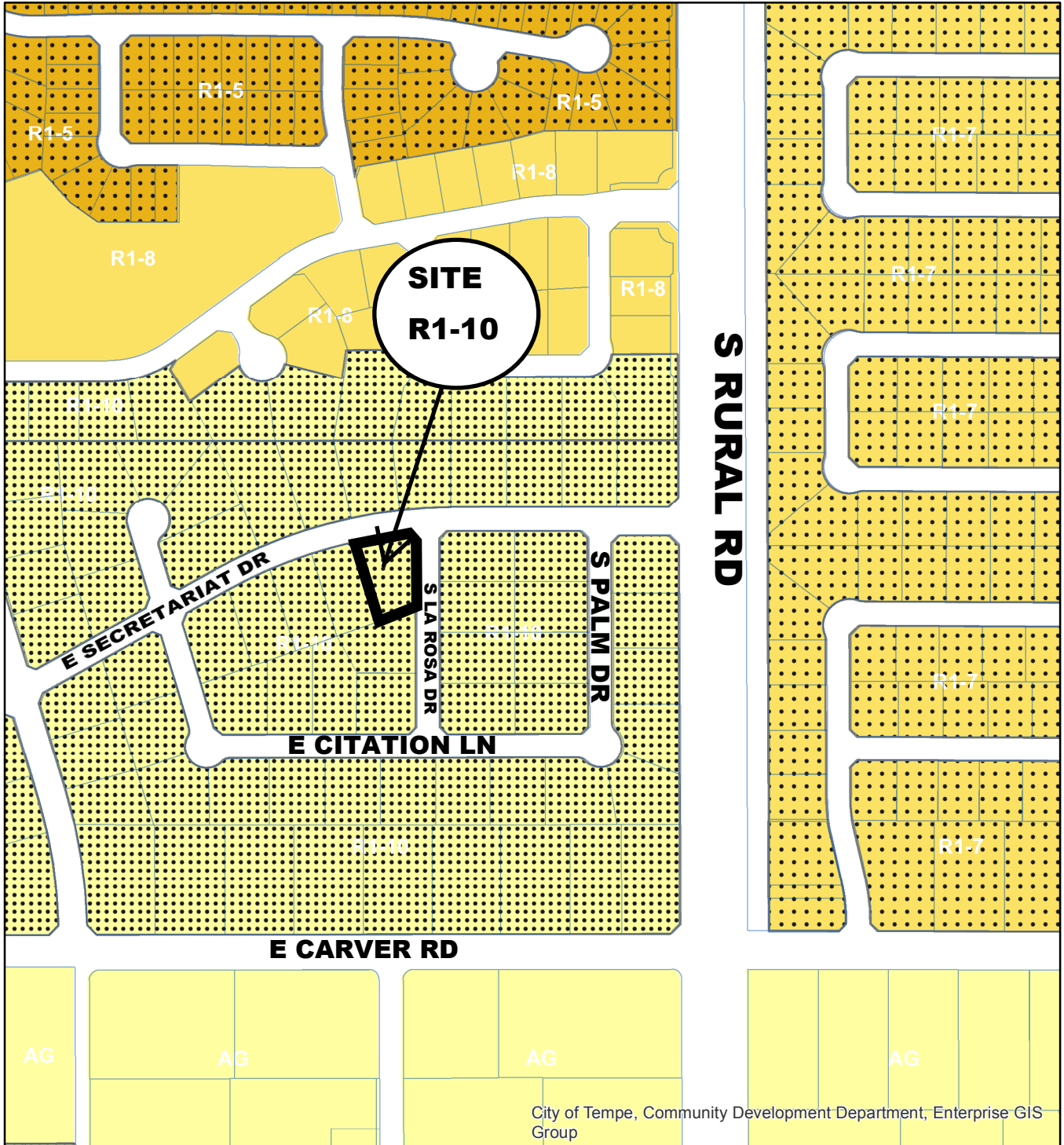


DEVELOPMENT PROJECT FILE
for
INGRAM RESIDENCE
(PL180335)

ATTACHMENTS:

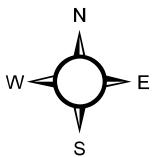
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan
7. Building Elevations
8. Building Section
9. Roof Plan
10. Neighborhood Meeting Summary
- 11-12. Public Input

Ingram Residence



City of Tempe, Community Development Department, Enterprise GIS Group

- Agricultural (AG)
- Single-Family Residential (R1-10)
- Single-Family Residential (R1-8)
- Single-Family Residential (R1-7)
- Single-Family Residential (R1-5)

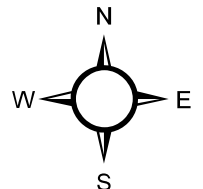


INGRAM RESIDENCE

PL 180335



Aerial Map



January 17, 2019

To Whom It May Concern,

This is a letter of explanation for the proposed residential addition to our home at 531 E Secretariat Drive, Tempe Az, 85284. Our home is located in Raintree Estates. Per our plans, this project will require a 16-foot variance to the east side setback of our property. The proposed addition would require our set back on the east side of our home to be reduced from 25 feet to 9 feet. Below, please find how our proposed addition meets all of the set criteria set by the City of Tempe.

- A. "That special circumstances are applicable to the property, including its size, shape, topography, location or surroundings."

As mentioned, our home is located in Raintree Estates. It is a hidden treasure in south Tempe. Large lots, mature vegetation and no formal HOA make it a very desirable neighborhood to live in. Our lot is unique with large pine trees and an oversized front and side yard area. We are one of the original lots developed in the neighborhood and since it is a large corner lot with substantial visibility, we have substantial grass on both the front (north) side of the property and along the east side of our property. Our home appears to have more front and side yard than almost any of the other homes in the subdivision.

- B. "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."

As mentioned, we are a large corner lot and in addition, we have a home to our south that is considered a "key lot" This changes our set back on the side of our home to 25 feet where most of the other corner lot homes in the subdivision do not sit adjacent to a key lot. They gain 10 feet for their side setback at 15 feet. This gives the properties without a key lot adjacent to their property additional square footage available to build that we do not have. In addition, many of the other corner lots, have side yards with a wall at the property line. Ours does not, rather, we have a huge amount of grass along the east side of our home and our backyard wall sits about 10 feet from the property line. The curb appeal is great but there seems to be a lot of wasted space that requires huge amounts of water to maintain. There are two additional corner lots in our neighborhood that sit next to a "key lot" and they have over 3000 square feet of livable space 7921 S McAllister, is 3,128 square feet and sits next to a "key lot" The south side of the property has a wall at the property line however the structure is built well within the 25 foot set back. 8102 S College has 3,302 square feet and the east side of their property also looks to sit within a 25 foot setback. We currently have less livable square footage than both of these. It again does appear that two of these properties have built into the normal side set back area leading us to believe that at some point they were granted a variance into the side setback. Our proposed addition will make our home more in line with the other lots that have the same zoning that we do.

- C. "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"

Our home is currently just 2,261 square feet with 3 bedrooms and a den. As mentioned, the average home in our subdivision is 2,892 with most homes having at least 4 bedrooms and many of them are over 3,000 square feet. Our plan to add 2 bedrooms and a bathroom will make this home not only perfect in size for our family, but also will increase our square footage to be more in line with the homes in our neighborhood. The proposed addition will not give us any special privilege or advantage in the neighborhood because at this point we are living with less square footage than all but one lot in the subdivision that is on a corner. Additional square footage will only put us in line with the rest of the neighborhood.

- D. "A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner."

The special circumstances applicable to our property have in no way be self-imposed by us. Our home sits on our lot differently than the other properties in our neighborhood, especially those located on corner lots. We have more front and side yard than any of the other homes located in Raintree estates and our home has less square footage than almost any of the other corner lot properties. None of the circumstances are self-imposed and our proposed changes will only be a benefit to our neighborhood.

This addition will not infringe on any of our neighbor's homes or lifestyle and will greatly enhance our living situation along with adding substantial value to the home, which will help our neighborhood as well. Our house sits differently on our lot than any of the other homes, so the only place we can add square feet is on the east side of the home. The strict application of the current zoning code makes us unable to add square footage to our oversized side yard without a variance. This addition will allow us the same privileges as most of the other homes in our neighborhood while not giving us any special privileges that others do not have.

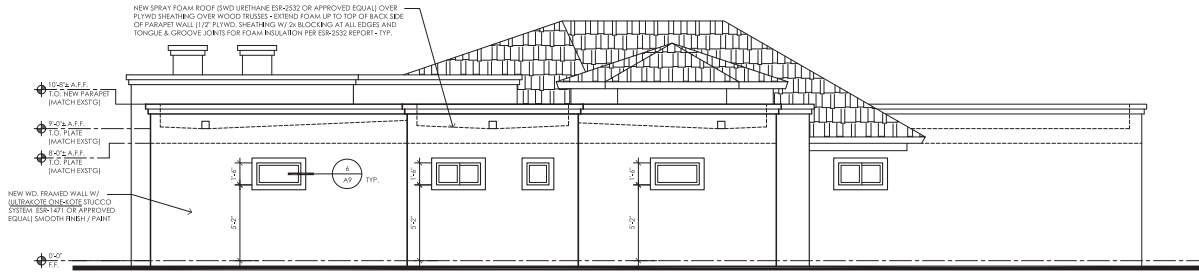
This proposed project will also allow us to change some of the landscaping in our side yard. Currently, we have more grass than any of the lots in our subdivision. This addition would allow us to eliminate some of the grass in the side yard and this would help with our water usage and overall sustainability.

Our family loves living in Tempe and most of our extended family lives in Illinois. We have frequent visitors and with two young daughters, having the additional bedrooms and space will not only allow our family to have the space we are looking for but also will provide a great place for our friends and family to stay when they visit. This is something that is very challenging for us with our current livable space. Thank you for your consideration. We feel that doing this addition will be a benefit not only to our family, but also to our Raintree Estates neighborhood and our Tempe community.

Sincerely,

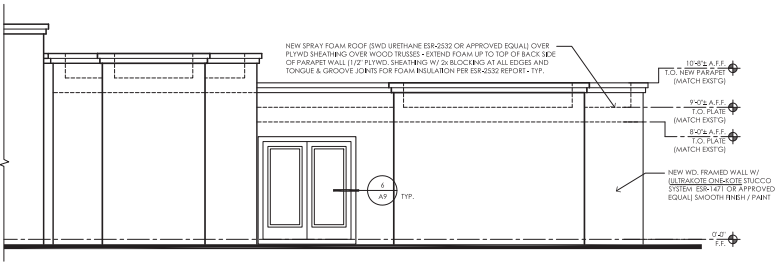
Matt and Margo Ingram

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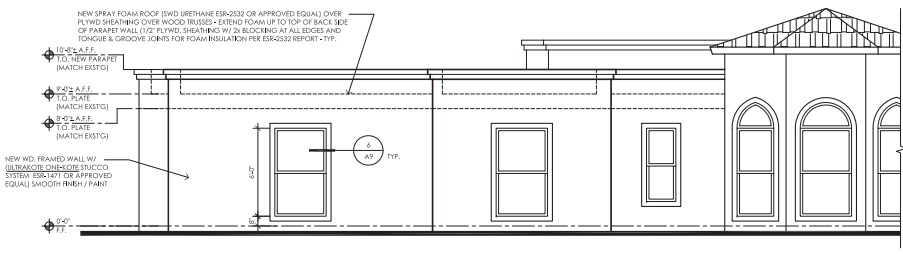
EAST ELEVATION

scale: 1/4"=1'-0"



SOUTH ELEVATION

scale: 1/4"=1'-0"



NORTH ELEVATION

scale: 1/4"=1'-0"

- BUILDING ELEVATION GENERAL NOTES:**
(SEE MARKED AREAS)
1. ALL DIMENSIONS FROM INTERIOR FINISH FLOOR.
 2. ALL NEW DIMENSIONS PERTAINING TO METEOROLOGICAL REQUIREMENTS.
 3. ALL EXISTING DIMENSIONS TO EXISTING ROOF TO BE REVERSED PER PER SECTION EDGE.
 4. EXISTING ROOF SHALL BE REVERSED AND FLUSH.
 5. NEW GRADE SHALL HAVE MINIMUM 5% SLOPE TO A MINIMUM DISTANCE OF 10' FROM BUILDING TO BE APPROVED BY THE LOCAL HEALTH DEPARTMENT. GRADING AND CONCRETE FLOOR SHALL NOT BE BEING DRAINAGE CONCERN ON THE.
 6. EXISTING (STANDARD BOARD) GIBBS, PLYWOOD, WATER BOARD, STRUCTURAL PARTICLE BOARD AND COMPOSITE BOARD SHALL COVER WITH NEW 1/2\"/>

Owner:
MATHEW & MARGO INGRAM

LOT 35 OF
RAINTREE UNIT 2 LOT 1-42
531 EAST SECRETARIAT DRIVE
TEMPE, AZ 85284

chohnard design studio

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480 | 947 | 4092 f

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suite 7
tempe, az | jstern@cdsdesign.com

www.chohnarddesign.com



project no.:	750-18
date:	01/07/19
drawn by:	JC
checked by:	JC

REV.	DATE	DESC.

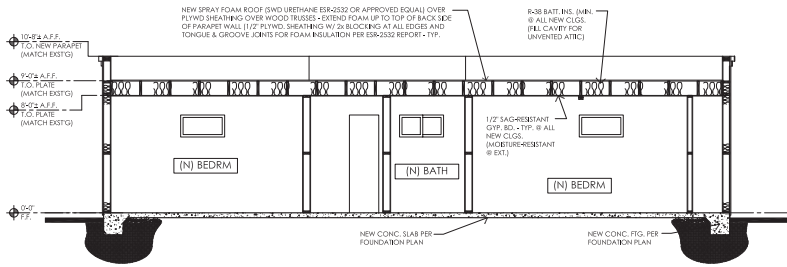
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elevations
CONSTRUCTION DOCUMENTS

531 e secretariat dr / tempe / az

INGRAM RESIDENCE - ADDITION & REMODEL

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SECTION AA

scale: 1/4"=1'-0"

- BUILDING ELEVATION GENERAL NOTES:**
(ALL MAY NOT APPLY)
1. ALL DIMENSIONS FROM INTERIOR FINISH FLOOR.
 2. ALL NEW EXTERIOR FINISHING TO MEET LOCAL AUTHORITY REQUIREMENTS.
 3. ALL DOORS AND ADJACENT TO OPERABLE DOORS TO BE TEMPERED PER BC SECTION 1008.
 4. EXTERIOR CORNERS AND BESSURES AND FLUSH.
 5. FINISH GRADE SHALL SLOPE MINIMUM 1% FOR A MINIMUM DISTANCE OF 10'-0" FROM EXTERIOR TO THE APPROVED RESIDENTIAL DRAINAGE GRADING AND DRAINAGE PLAN OR SHALL NOT ALTER EXISTING DRAINAGE CONDITIONS ON SITE.
 6. EXTERIOR STAIR BOARD (OSB), PLYWOOD, WATER BOARD, STRUCTURAL PARTICLE BOARD AND COMPOSITE BOARD SHALL COMPLY WITH NATIONAL PRODUCT MANUFACTURER AND SPECIFIC CONTROL JAMBES STRUCTURE AND MANUFACTURER RECOMMENDATIONS.
 7. PROVIDE WATERPROOFING BELOW GRADE AT ALL EXTERIOR WALL PLUMBING LOCATIONS AS OCCURS.
 8. PROVIDE TWO (2) LAYERS GRADE TO BUILDING PAPER OVER ALL WOOD BASED WALL SHEATHING.
 9. EXTERIOR CORNER BOARD BY COPOLYMER ASSOCIATED PER ROCKER #138 AND LABELED AS HP TYPE.
 10. ALL EXPOSED EXTERIOR FINISH TO BE FILLED AND SMOOTH ON ALL JOBS AND PREPARED TO RECEIVE APPROVED PAINT.
 11. HANDOUT FINISH TO BE FINISHED PER EXISTING OR APPROVED EQUAL TRUSS MANUFACTURER TO MEET VERT. ALL EXTERIOR CORNERS, EXTERIOR ROOF SCOFFS, ETC. PER EXISTING ROOF TRUSSES. NEW ROOF SLOPE TO MATCH EXISTING ROOF SLOPE.

OWNER:
MATHEW & MARGO INGRAM

LOT 35 OF
RAINTREE UNIT 2 LOT 1-62
531 EAST SECRETARIAT DRIVE
TEMPE, AZ 85284



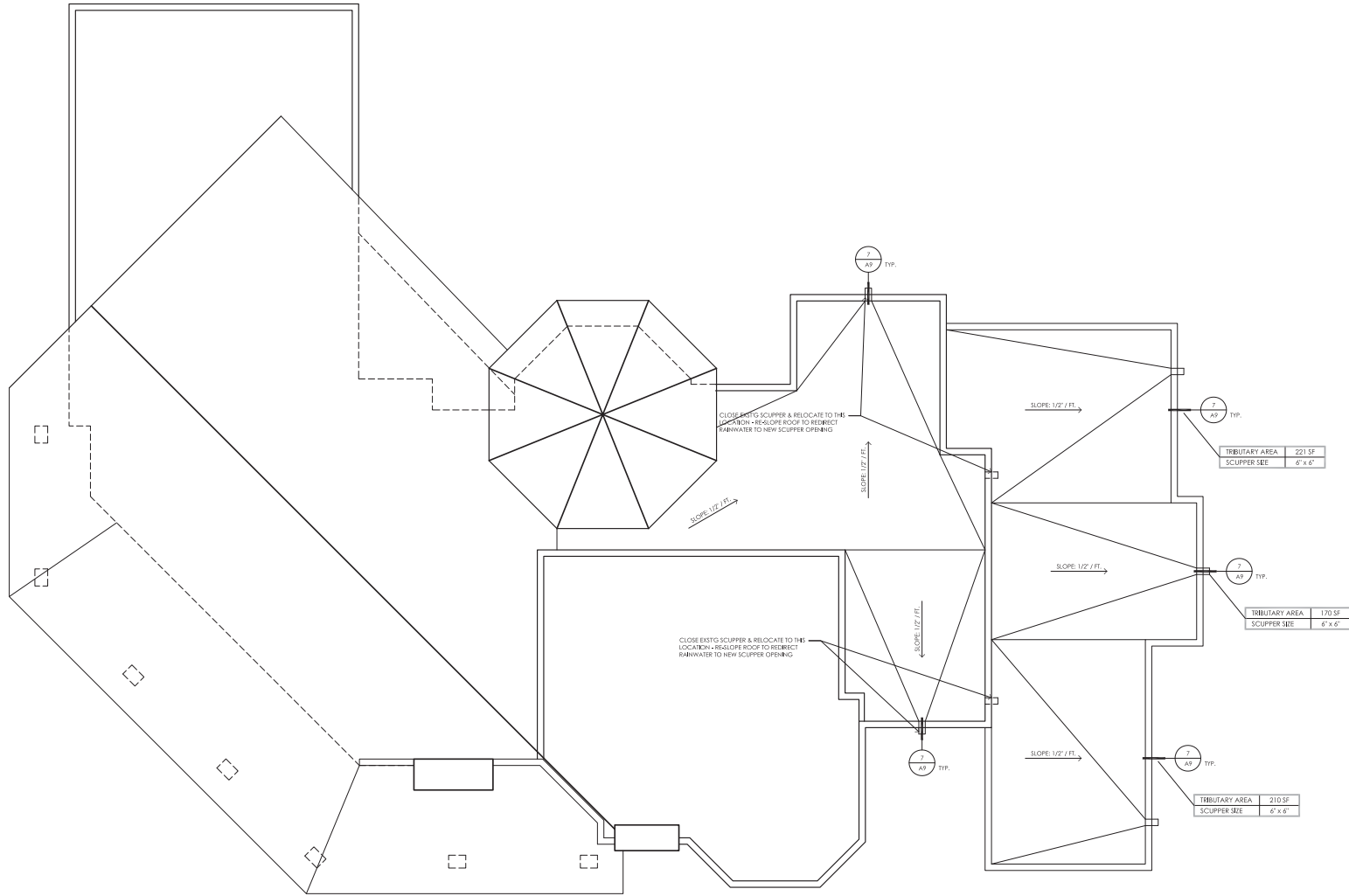
project no.:	750-18
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drawn by:	JC
checked by:	JC
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A7.1

elevations / section
CONSTRUCTION DOCUMENTS

INGRAM RESIDENCE - ADDITION & REMODEL 531 e secretariat dr / tempe / az

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ROOF PLAN

scale: 1/4"=1'-0"



owner:

MATHEW & MARGO INGRAM

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RAINTREE UNIT 2 LOT 1-42
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project no.: 750-18
date: 01/07/19
drawn by: JC
checked by: JC

rev.	date	desc.
rev.	date	desc.
rev.	date	desc.
rev.	date	desc.

A4.2

roof plan
CONSTRUCTION DOCUMENTS

531 e secretariat dr / tempe / az

INGRAM RESIDENCE - ADDITION & REMODEL

Public Meeting Summary

Meeting Dates: Wednesday, December 12, 2018 - 6:00 pm
Monday, January 7, 2019 - 5:00 pm

Meeting Summary:

We hosted two public meetings at our home located at 531 E Secretariat Dr, Tempe regarding our proposed home addition and the required variance that the project will need in order to be completed. Overall, the attendees of each meeting seemed to feel that the addition would be a benefit to our family and to our community. A number of items were brought to our attention and provided good discussion. First, the question of exact measurements from the street itself were clarified. A common question that came up at both meetings involved our landscaping, primarily on the east side of our home. Our neighborhood prides itself on large open lots with mature landscaping. We explained our intention to keep our landscaping very consistent with what we have now. Although one of the goals of this project is to eliminate some of the grass on our property for sustainability purposes, we will include a mature tree and large bushes to our new landscaping so that flow of our side and front yard continues to be consistent. After all of the feedback, it is very clear that this is an essential piece of our project and we have hired a landscape architect to help with our general design and tree/plant choices.

In addition, we were asked if there would be windows along the east side of our home and we showed that there would be a total of 4 windows along the addition, making for a nice curbside appeal. We were also informed by a neighbor about the drainage requirements for our property. Since this proposed addition would not enter the downslope or drainage area, this proposed addition should not pose any problem with drainage requirements. Elevation also came up. Neighbors wondered if we planned to keep a flat roof or have vaulted. Our current plans stay consistent and will have a flat roof throughout.

We received a letter from someone in one of our neighboring communities who is also an architect. He expressed positive feedback for our current plan and felt that it would be doable and acceptable as long as we did not move our east wall out from its current location. His letter will be attached to our file for review.



Margo Ingram <margoingram@ubgrealestate.com>

Variance request at 531 Secretariat

1 message

Tom Brown [redacted]

Thu, Dec 13, 2018 at 10:48 AM

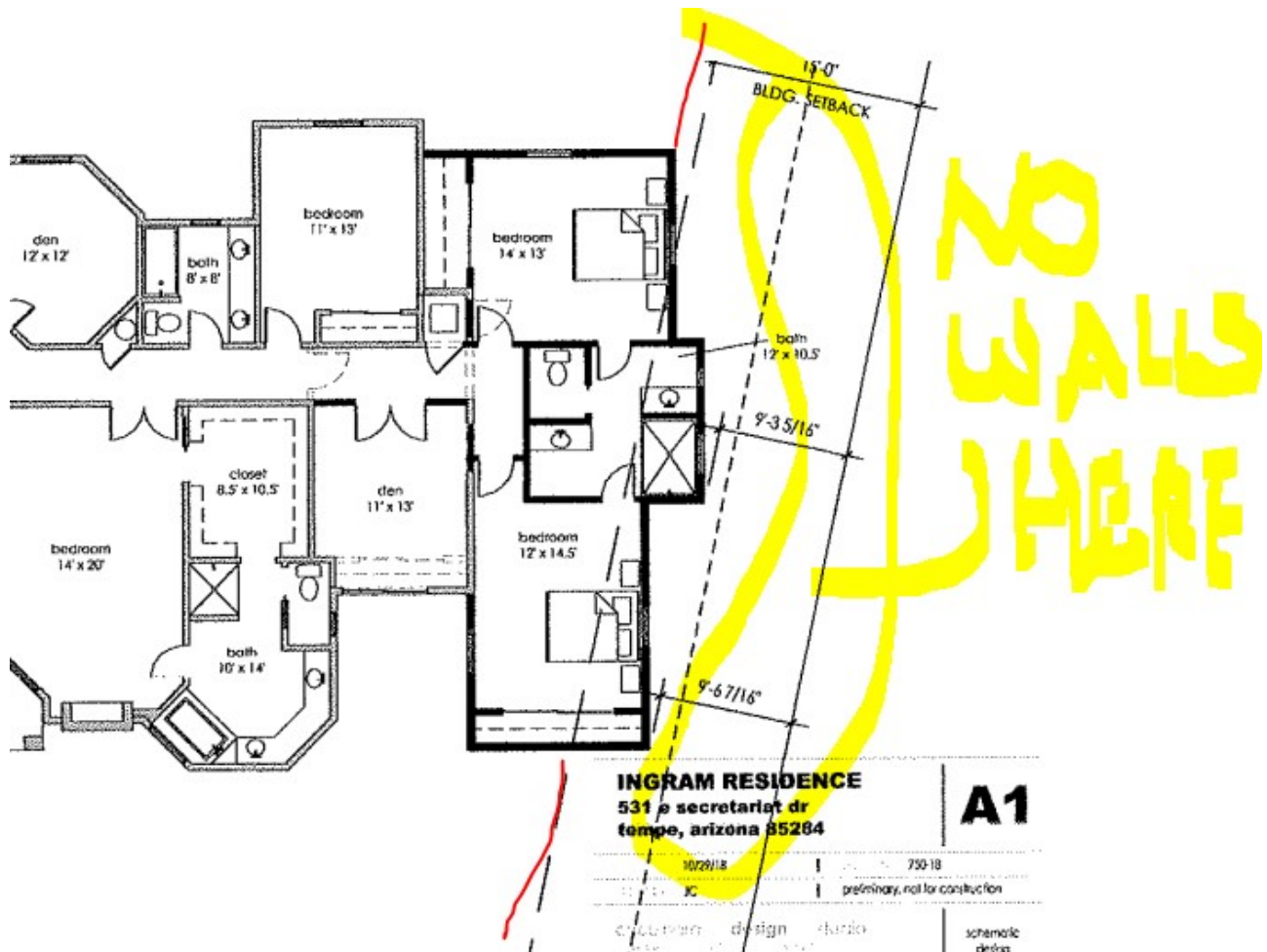
To: "margoingram@ubgrealestate.com" <margoingram@ubgrealestate.com>

Cc: "Jimenez, Lee" <Lee_Jimenez@tempe.gov>, Brad Curtis [redacted], Dennis Clevenger [redacted]

Hi Margo:

Good lunch with your project, I looked at the context after meeting you and I agree the nice landscaping on TWO sides of your home and the undiminished width of street-side landscaping south of your proposed addition makes it pretty much acceptable IF no screen walls are built east of the addition. Any walls there would be a negative for the neighborhood. Can you clarify this when you apply for your hearing ? The plans do not show any walls there, so adding them later would be something we see happening in Mesa or Chandler and not good.

Your landscaping is very nice, that is what the neighbors like to see. You could soften and screen with plant materials , that would be esthetically superior.



The two new bedrooms each have a window facing east. I would design those as higher windows , like at the shower and make the north and west windows the type that meets the direct egress code requirement.

I am forwarding your site plan and these comments to my Neighbors and Lee Jimenez. We live a 1 /4 mile away but many of us enjoy your pleasant streets twice or more a day.

Regards,

-Tom

Tom Brown RA, LEED AP BD+C

Senior Associate

ARCHITEKTON

464 S. Farmer Ave., Suite 101, Tempe, AZ 85281



www.architekton.com



 **Ingrams site plan.pdf**
1353K