

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 06/09/2020

Agenda Item: 4

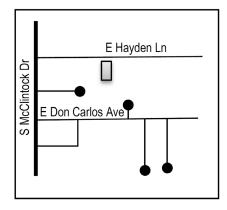
ACTION: Request a Use Permit to allow a second-story addition for the **HALE RESIDENCE**, located at 1849 East Hayden Lane.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Deny

BACKGROUND INFORMATION: The HALE RESIDENCE (PL200064) is requesting a Use Permit to allow a second story to a residence that is partially constructed within the R-4, Multi-Family Residential Zoning District. The single-family residence was demolished in 2009 and a new house is being built with a second story. The applicant is the owner, applicant, and architect who submitted plans for a building permit in November of 2017. Mr. Hale was notified that a Use Permit is required to build a second story for a single-family residence in the first review comments from November 2017. Permits to construct the home without a second story were issued on October 19, 2018. An application for the Use Permit was received in April of 2020 by the Planning Division and construction was on-going until a stop work order was issued for work without permits. The request includes the following:

ZUP200018 Use Permit to allow a second-story addition.



Property Owner Whitney Hale
Applicant Whitney Hale
Zoning District R-4
Site Area 8,000 s.f.
Building Area 3,570 s.f.
Lot Coverage 45% (60% max.)
Landscape Coverage No requirement f

Landscape Coverage No requirement for single-family use Building Height 22'-2" (40' maximum allowed)

Building Setbacks 20' front, 10' side, 44' rear, 20' parking (20' front, 10' side, 10' rear, 20' parking min.

required)

Vehicle Parking 2 spaces (2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Dalton Guerra, Planner I

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The property owner submitted for a building permit to construct a new single-family residence with a second story in November 2017. Building Safety notified the applicant that a Use Permit would be required for the second story during the first review in 2017. The second story was removed from the plans after the first submittal and a building permit was issued in October 2018 for a one-story home. The property owner then began construction of a two-story single-family residence without approved plans for a second story. A stop work order was issued by Building Safety on May 27, 2020.

To the north of Hayden Lane are existing 2 and 3-story apartment buildings in the R-4 zoning district. To the east, south of Haden Lane are existing single-story single-family residences within the R-4 zoning district. To the west, south of Hayden Lane are existing single-story single-family residences within the R-4 zoning district. To the south are existing single-family single-story residences within the R1-6 zoning district.

The building permitted first floor plan of the house has four entrances, there are two identical kitchens, each bedroom or room has a full private bathroom, and both of the living rooms have full bathrooms. With minor interior changes, staff has concerns that the plans could be utilized for multi-family housing. The second story is identified on the plans as a "bedroom" which includes two full bathrooms, a kitchen, and two exits to a viewing deck above the first floor, with access to the backyard. If the owner desires to create a multi-family dwelling, this would be allowed by the R-4 zoning but would require additional planning entitlements (Development Plan Review for design of the building, site and landscape plan). A multi-family development would also be required to comply with the landscape, lighting and parking standards for the Zoning and Development Code. The proposed design is 22 feet in height and meets the development standards for the R-4 district for height, setbacks, and lot coverage.

CHANGES PROPOSED FROM PERMITTED PLANS

Building Permit (BP172184) issued October 19, 2018 for a new single-story single-family residence. On May 27, 2020 a stop work order was issued by Building Safety because upon inspection it was discovered that the owner was constructing a two-story residence. In addition to the construction of a second floor, the first-floor plan was modified from the approved plans by the addition of a third kitchen facility to the first-floor great room.

The proposed second floor plan includes a bedroom, two (2) bathrooms, a laundry room, and a wet bar that is considered to be a kitchen, for a total of four (4) kitchen facilities in the single-family home.

PUBLIC INPUT

Staff received one letter of support on June 2, 2020. The letter is included in the attachments for this report.

USE PERMIT

The proposed design requires a Use Permit to allow a second-story addition for a single-family residence within the R-4 zoning district.

Section 6-308 E Approval criteria for Use Permit (in italics):

- 1. Any significant increase in vehicular or pedestrian traffic; the proposed design includes six (6) rooms between the first and second floor plans with full bathrooms and four (4) kitchen areas, while only two (2) parking spaces are being shown on site. Although this design is being proposed as single-family, there is a potential for increased traffic due to only two on-site parking spaces being provided. The future tenants that live here would be forced to park on Hayden Lane because the site is not providing adequate parking. If each bedroom had a resident with a car, there would be the potential of 6 or 7 vehicles of tenants, plus guest parking which would encumber adjacent property owners with the burden of parking for this lot. This would also generate more pedestrian traffic as residents walked to get to their unit from off-site parking.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions; the second story addition is not expected to create a nuisance exceeding the ambient conditions.

- 3. 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; a two-story single family residence is permitted within the R-4 district subject to a Use Permit. However, the proposed floor plans raise a concern that this property will not function as a single-family home. If the development functions as a multi-family use the project would not meet the parking, landscaping, and lighting requirements of a multi-family use.
- 4. Compatibility with existing surrounding structures and uses; the proposed single-family use is permitted within the R-4 district and the property is surrounded by multi-family zoning and uses. However, a single-family use with the intensification of the number of bedrooms, bathrooms, and kitchens, could exceed the normal amount of occupancy found in a typical single-family property. Nearby properties with multi-family standards are able to accommodate such a use on-site. Therefore, the site will not be compatible with the surrounding sites that have been developed as multi-family uses.
- 5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; the addition of a second story could result in a nuisance to the surrounding area as a result of the potential occupancy intensification of the site, inadequate parking and size of open deck.

REASONS FOR DENIAL:

Based on the information provided by the applicant and the above analysis staff is recommending denial of the requested Use Permit. This request does not meet all approval criteria for a Use Permit because the proposed design and functionality presents a level of intensification beyond the typical single-family use. The number of rooms proposed on the floor plans with full bathrooms and the number of kitchen amenities present a design that is more suited towards a multi-family use. Without being held to the multi-family development standards this residence will not be compatible with the surrounding single-family and multi-family uses with appropriate standards. There is also the potential for an increase in traffic/parking to the area with only two parking spaces being provided on site.

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): (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

- The Use Permit is valid only after a Building Permit has been obtained, 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.
- 2. The Use Permit is valid for the plans as submitted within this application, subject to the conditions set forth. Any additions or modifications may be submitted for review during the building plan check process.
- 3. The additional second bathroom facility on the second story shall be removed from the plans.
- 4. The second story kitchen facilities and proposed great room kitchen shall be removed from the plans.
- 5. The east curb cut on Hayden Lane shall be removed and replaced with curb, gutter, and sidewalk.

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.

USE PERMIT:

- The Use Permit is valid for the Hale Residence and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related
 to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety
 and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of
 the permit.
- 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 http://www.tempe.gov/zoning or purchase from
 Development Services.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS: January 4, 2008	Building Permit (BP080025) issued to Whitney Hale for reconstruction of the single-family residence after a fire (restore to original).
October 18, 2013	Building Permit (BP131719) issued for demolition of building. (Aerial images indicate that the property has been vacant since 2009)
November 15, 2017	Building Permit (BP172184) submitted to Building Safety Division for a new single-family residence with a second story, located at 1849 East Hayden Lane. The applicant was notified that a two-story house would require a Use Permit.
September 25, 2018	2 nd Review of BP172184 submitted and reviewed by Building Safety without a second story.
October 15, 2018	3 rd Review of BP172184 submitted and approved by Building Safety without a second story.
October 19, 2018	Building Permit issued (BP172184) for a new single-family residence without a second story, located at 1849 East Hayden Lane.
April 22, 2020	A Use Permit application was submitted to allow a second-story addition for the Hale Residence, located at 1849 East Hayden Lane.

May 27, 2020 A Stop Work Order was issued as construction continued on site without an approved building

permit.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-102 Permitted Uses in Residential Districts Section 3-420 Single-Family Residential Second Story Addition or Rebuild

Section 4-202 Development Standards for Residential Districts

Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

for HALE RESIDENCE (PL200064)

ATTACHMENTS:

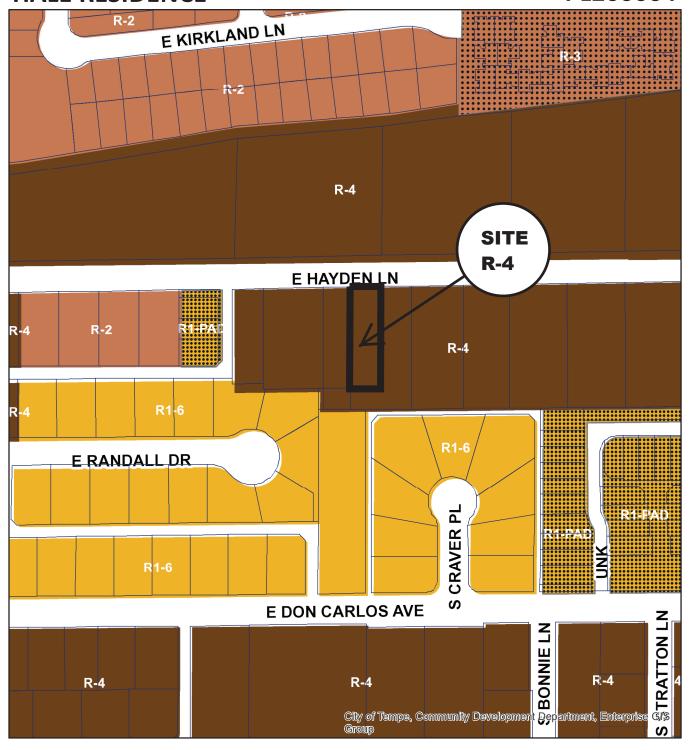
1.	Location	Mag

- 2. Aerial
- 3. Letter of Explanation
- 4. Site Plan
- 5-6. Floor Plans
- 7. Building Elevations
- 8-15. Site Context Photos
- 16. Public Input (Received on June 2, 2020)
- 17-20. Building Safety Approved Plans for BP172184



HALE RESIDENCE

PL200064





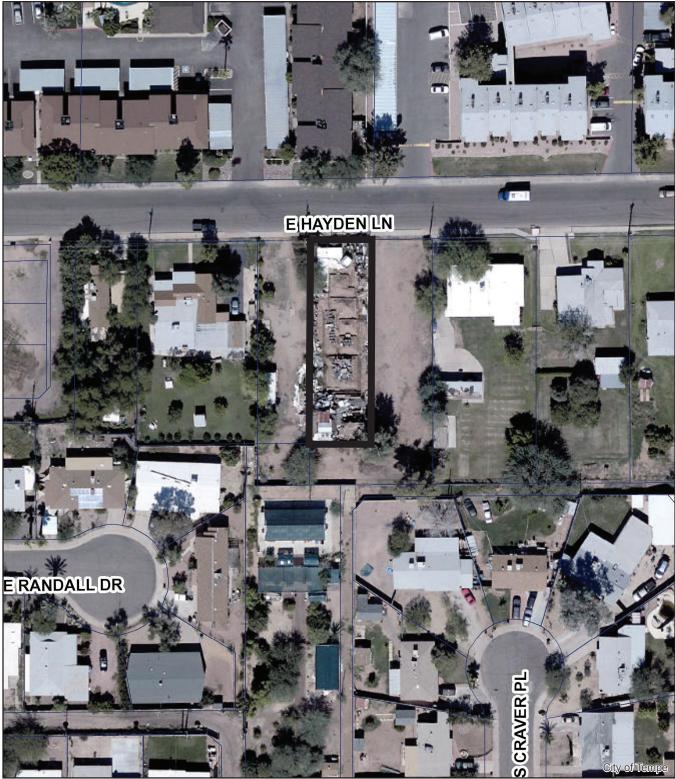
Single-Family Residential Planned Area Dev (R1-PAD) Multi-Family Residential General (R-4)

Multi-Family Residential (R-2)



HALE RESIDENCE

PL200064



Aerial Map



To Whom It May Concern:

I am the property owner. My property is correctly zoned for this use. R-4. I want it to have a second story. I have a current building permit. There are 2 and 3 story multi-family apartments on the North side of Hayden Ln. and other 2 and 3 story multi-family apartments within 500 feet. Please see the attached context photos.

The residence is 2,589 S.F. building foot print, 775 S.F. second floor livable, approximately 22'-2" in height above finish floor.

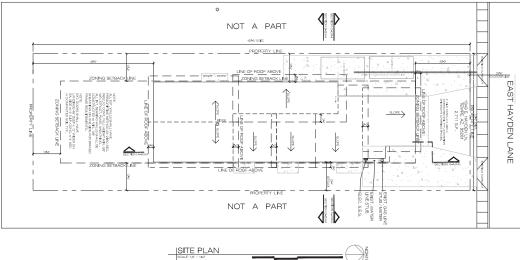
Address all 5 Use Permit Approval Criteria:

In arriving at the above determination, the following factors shall be considered, but not be limited to:

- a. Any significant increase in vehicular or pedestrian traffic; NO
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions; NO
- 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;
- d. Compatibility with existing surrounding structures and uses; YES
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public. NO

Whitney Hale

ALL EXISTING UTILITY SERVICE LOCATIONS WILL REMAIN UNCHANGED. THIS NEW STRUCTURE WILL BE A R-3 OCCUPANCY. ALL SETBACKS MEET OR EXCEED MINIMUM REQUIREMENTS. A NEW STRUCTURE WILL BE BUILT FROM THE GROUND UP. FIRE RATED EXTERIOR WALLS ARE NOT REQUIRED BASED ON SETBACK. TWO OFF STREET PARKING SPACES ARE PROVIDED BEHIND THE REQUIRED FRONT YARD SETBACK. THE BUILDING IS 2,589 S.F. FOOTPRINT W/ AN ADDITIONAL 775 S.F. BEDROOM ON THE SECOND STORY IN THE BACK W/ AN EXTERIOR DECK. ALL WORK SHALL BE DESIGNED AND INSTALLED IN COMPLIANCE WITH THE PRESCRIPTIVE REQUIREMENTS OF THE 2012 IBC.



PROJECT DIRECTORY:

OWNER / ARCHITECT:

HALE FAMILY TRUST ARCHITECTURE EDGE 208 E. PAPAGO CIRCLE S. TEMPE, AZ 85281 T 480 797 9174 F 480 946 3499 ARCHITECTURE EDGE CONTACT: WHITNEY HALE



HALE RESIDENCE

1849 E. HAYDEN LN. FEMPE, ARIZONA 85281

HALE FAMILY TRUST

RECORD DATES 2017 . NOVEMBER . 13

2018.OCTOBER .30 ▲ CITY REVISIONS

PROJECT DATA:

APPLICABLE BUILDING CODE: CONTRACTOR TO ENSURE COMPLETE AND ABSOLUTE COMPLIANCE WITH ALL LOCAL AND NATIONAL CODES AS ADOPTED BY THE AUTHORITY HAVING JURISDICTION INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

2012 IRC w/ MUNICIPAL AUTH, AMENDMENTS 2011 NEC

PROJECT ADDRESS: 1849 E. HAYDEN LANE

TEMPE, AZ. 85281 R-4

ZONING:

LOT AREA: 8,000 S.F.

ALLOWABLE LOT COVERAGE AREA:

4.800 S.F. (60% TDS TABLE 4-202B)

ACTUAL LOT COVERAGE: 2589 S.F. = 32.3%

ALLOWABLE HEIGHT: 40 FT.

OCCUPANCY: GROUP 'R-3'

CONST. TYPE:

FLOOR AREA: 2,589 S.F. (FOOTPRINT)

NON RATED, BASED ON PROXIMITY TO PROP. LINE EXTERIOR WALLS:

WOOD - LIGHT FRAME

OPENINGS: OPENINGS SET BACK 10' MIN.

EXITING CALCULATIONS PER 2012 IRC

ROOF COVERING PER 2012 IRC

PLUMBING FIXTURE CALCULATION: 2012 IRC

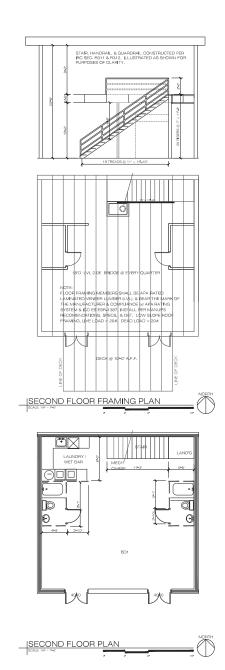
ENERGY CODE COMPLIANCE: 2012 IRC



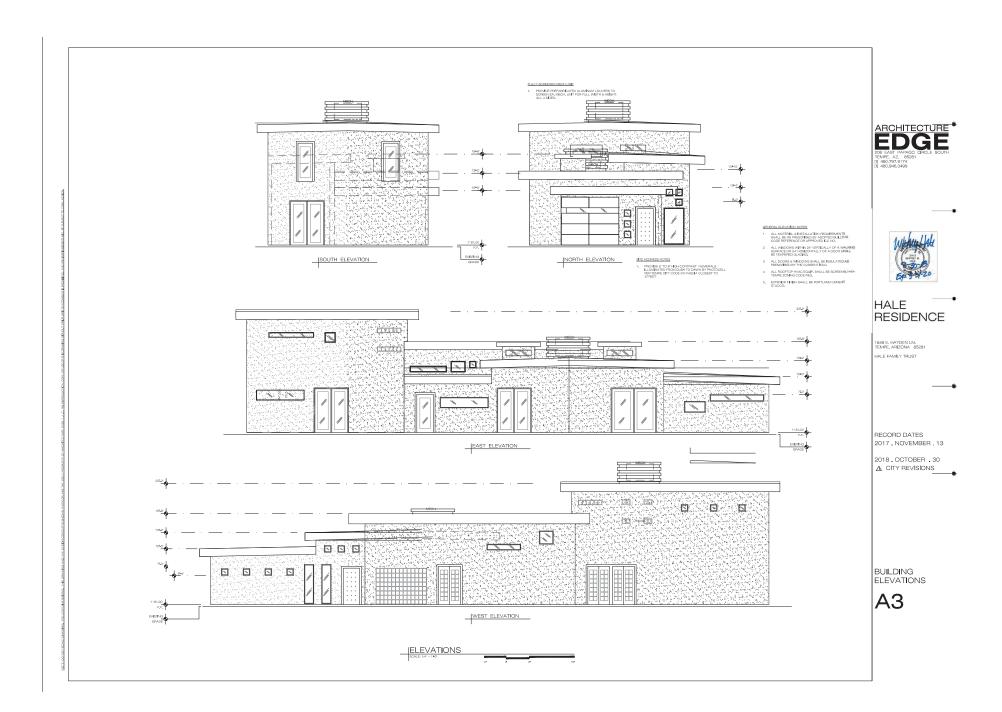


A1

Attachment 4



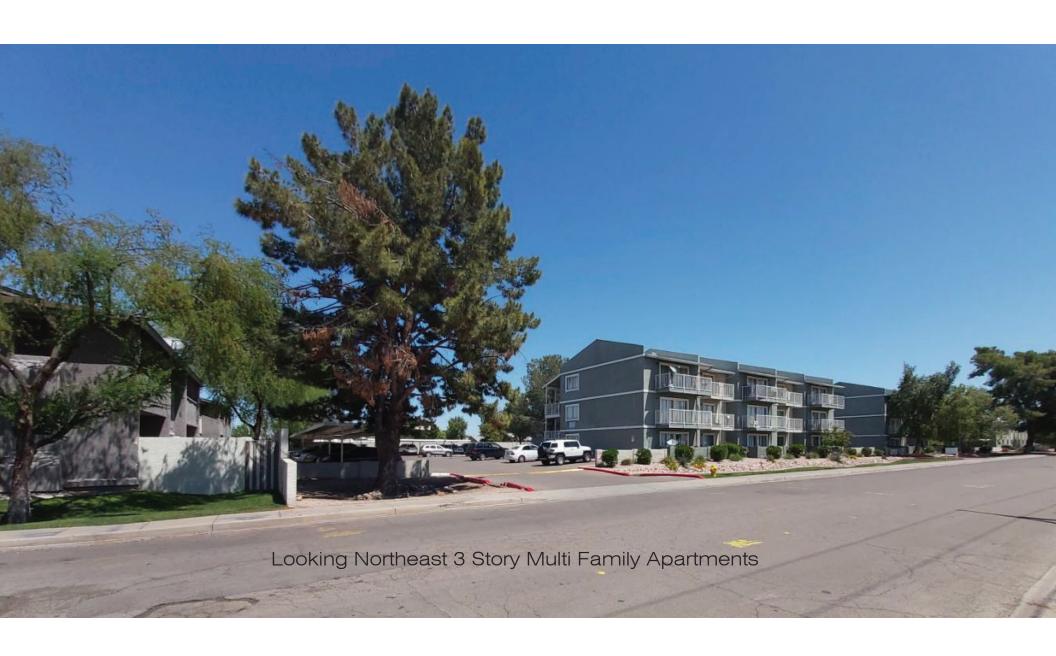




Attachment 7

















Guerra, Dalton

From: Kevin Ivey

Sent: Tuesday, June 02, 2020 10:39 AM

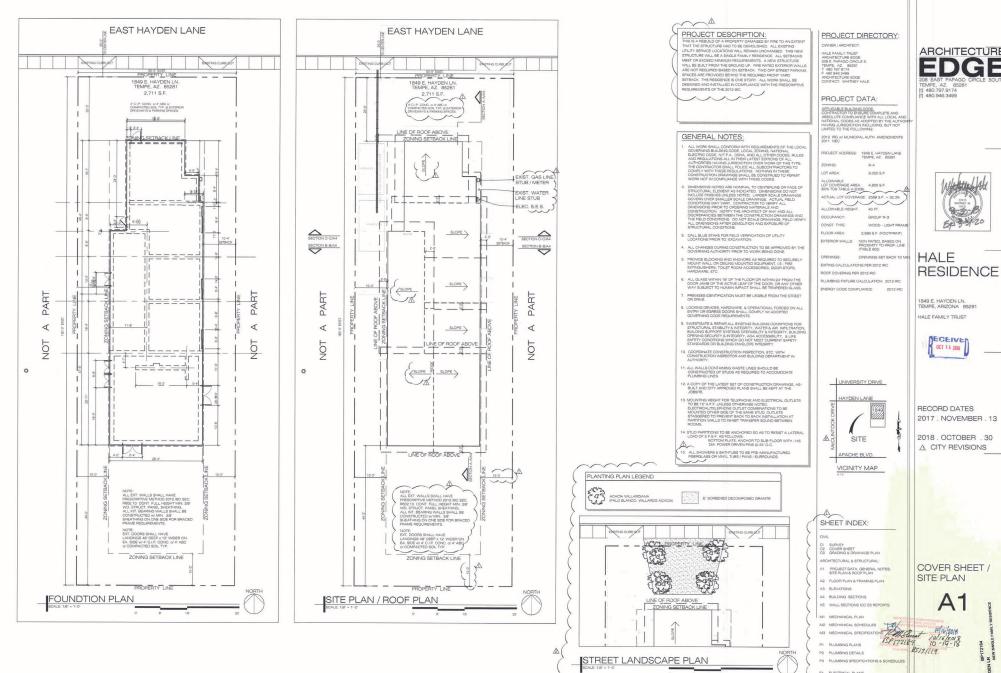
To: Guerra, Dalton **Cc:** Kevin Ivey

Subject: Hale Residence, Development Review Commission, June 9, 2020

Dalton Guerra - I **support** Whitney Hale in her application to approve the addition of a second story to a single family residence on E. Hayden Lane, Tempe, AZ.

I am a neighbor and I own the home at 921 So. Hacienda, Tempe, AZ.

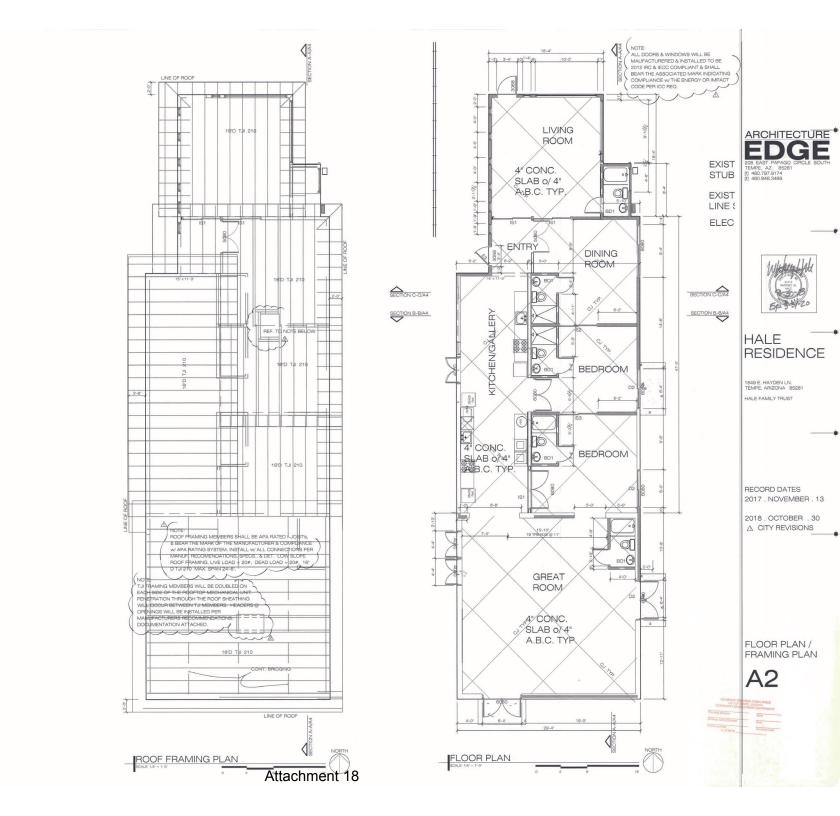
Thank you. Kevin Ivey

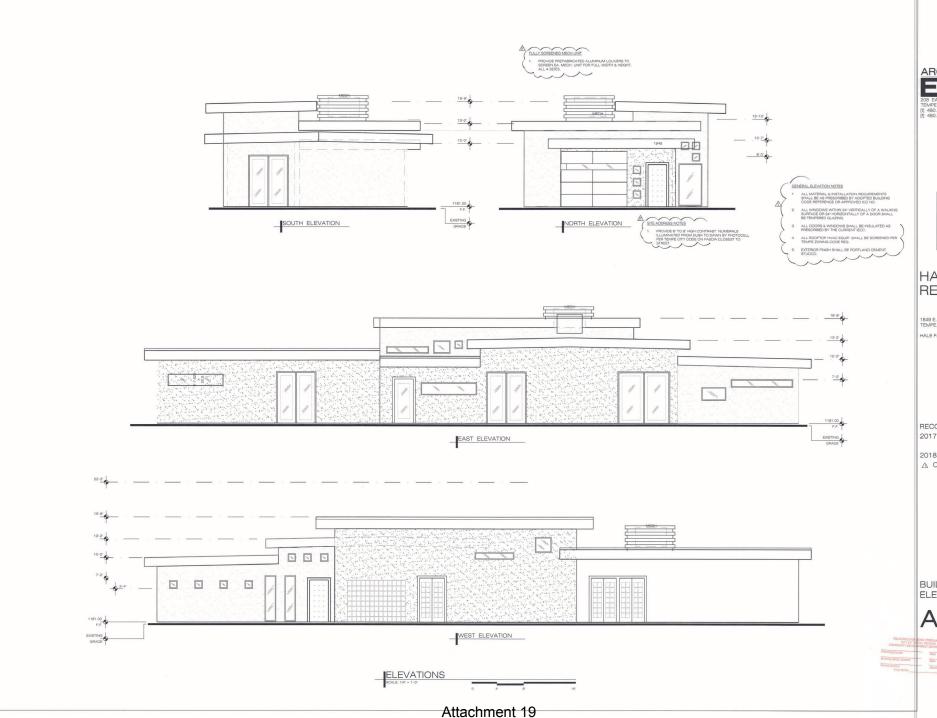


ARCHITECTURE * **EDGE**



E2 ELECTRICAL NOTES & SCHEDULES





ARCHITECTURE*
EDGE
208 BEST PAPAGO CIRCLE SOUTH



HALE RESIDENCE

HALE FAMILY TRUST

RECORD DATES 2017 . NOVEMBER . 13

2018 . OCTOBER . 30 △ CITY REVISIONS

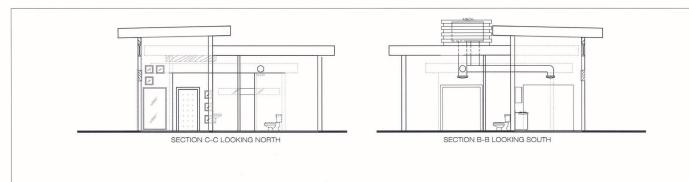
BUILDING ELEVATIONS

A3



HALE RESIDENCE

1849 E. HAYDEN LN. TEMPE, ARIZONA 85281 HALE FAMILY TRUST



2017 . NOVEMBER . 13 2018 . OCTOBER . 30 △ CITY REVISIONS

RECORD DATES

BUILDING ELEVATIONS

SECTION A-A LOOKING WEST

BUILDING SECTIONS
Attachment 20