

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 07/28/2020
Agenda Item: 8**

ACTION: Request approval to park a travel trailer in the required front yard building setback for the WINFREY TRAILER, located at 2439 East Geneva Drive. The applicant is Pamela Winfrey.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Deny

BACKGROUND INFORMATION: The WINFREY TRAILER (PL200112) is requesting a Use Permit to allow a travel trailer to be parked within the required front yard building setback within the R1-6, Single Family Residential District. The request is a result of a Code Violation (CE202961). The request includes the following:

ZUP200022 Use Permit to allow a travel trailer to be parked within the required front yard building setback.



Property Owner	Scott Gibbs & Pamela Winfrey
Applicant	Pamela Winfrey
Code Compliance Inspector	Michael Glab, Code Inspector
Zoning District	R1-6
Site Area	8,790 s.f.
Building Area	1,846 s.f.
Lot Coverage	21% (45% max.)
Required Building Setbacks	20' front, 5' side, 15' rear, 15' front (open structure)
Vehicle Parking	2 spaces (2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Robbie Aaron, Planner II (480) 350-8096

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Robbie Aaron, Planner II

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is proposing to park a travel trailer in the required twenty (20) foot front yard building setback. The trailer is 15' in length and 8' in width. There are three proposed parking spots for the trailer two of which are already paved and one unpaved. All the proposed spaces are within the property lines.

PUBLIC INPUT

To date, staff has received three comments in support and six comments in opposition of the Use Permit request.

USE PERMIT

The proposed design requires a Use Permit to park a boat in the required front yard building setback within the R1-6, Single Family Residential 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 is not expected to create a significant increase in vehicular or pedestrian traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;* the proposed design is not expected to generate emissions that would become a nuisance.
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;* approval of the proposed design may set precedence for other neighbors in the area to park recreational vehicles in the front yard setback. The subdivision was designed to provide required off-street parking in garages/carports or backyards for properties with alley or street side access.
4. *Compatibility with existing surrounding structures and uses;* there are no other approved use permits in the neighborhood which allow a small recreational vehicle to be parked within the front yard setback.
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 proposed design is not expected to create a nuisance to the surrounding area or general public.

REASONS FOR DENIAL:

Based on the information provided by the applicant and the above analysis staff cannot support approval of the requested Use Permit.

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. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
2. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
3. Any intensification or expansion of use shall require a new Use Permit.
4. The travel trailer shall be operable and have current registration.

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.

- The Use Permit is valid for the Winfrey Trailer and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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.

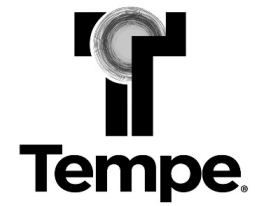
HISTORY & FACTS:

February 20, 1970 Permit for the construction of a new Single-Family home located at 2439 East Geneva Drive was issued.

May 01, 2020 Violation for a Trailer in the Front Yard Setback issued (CE202961)

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 4-202 Development Standards for Residential Districts
Section 6-308 Use Permit



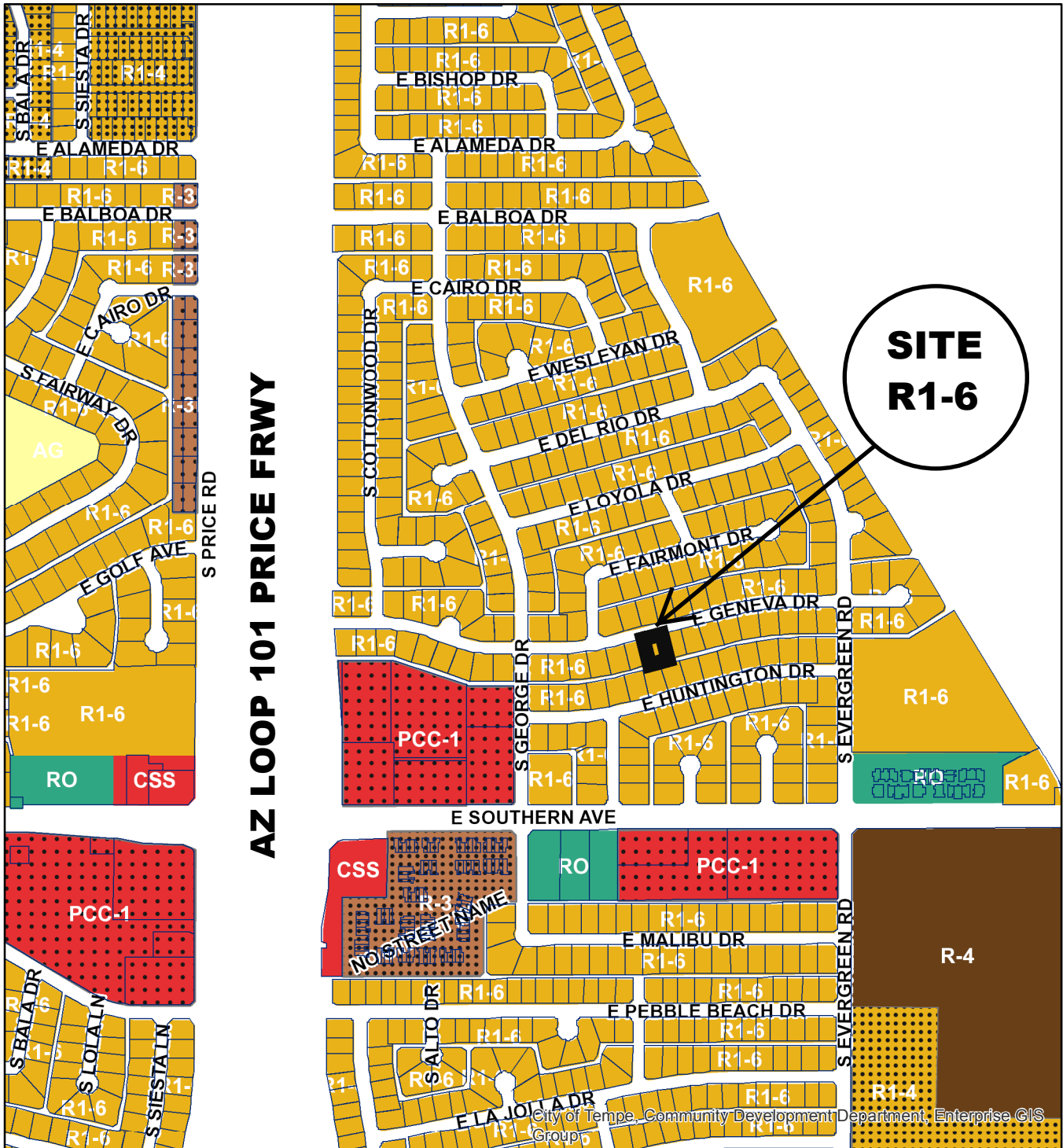
DEVELOPMENT PROJECT FILE
for
WINFREY TRAILER
(PL200112)










ATTACHMENTS:

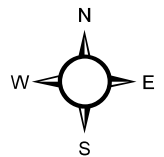
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
- 6-9. Site Context Photos

WINFREY TRAILER

PL200112



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|--|--|
|  Commercial Shopping and Services (CSS) |  Single-Family Residential (R1-4) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential Restricted (R-3R) |
|  Residential/Office (RO) |  Multi-Family Residential Limited (R-3) |
|  Agricultural (AG) |  Multi-Family Residential General (R-4) |
|  Single-Family Residential (R1-6) | |

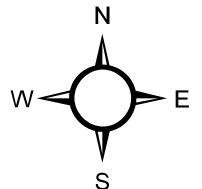


WINFREY TRAILER

PL200112



Aerial Map





Letter of Explanation – Use Permit

Dear City, I have had a vintage 1959 Aloha trailer in mint condition in my front yard for almost two years. (We have lived there for three.) I would like to continue to have this 15' by 7' foot trailer in my front yard (that measurement includes the hitch.) It has always been fully licensed and operable. In the summer (during a non covid19 summer) I frequently take it up to the mountains and use it for four day writing retreats.

a) This vintage trailer is completely off the street and sidewalk and does not pose any barriers or inconvenience to vehicles or pedestrians.

b) This trailer does not represent additional noise or disruptive behavior. In fact, I use it as a home writing office which requires concentration and quiet. (My husband's Chicago blues does not mesh well with 16th century Venice.) I am the Scientific Research Curator for two labs at Arizona State University; one lab researches cancer and the other cooperation. I am also an award winning playwright, screenwriter and novelist. I frequently work on novels, screenplays, blogs, grants, and other essential writing assignments. See www.pamelawinfrey.com for additional information) At times, this is the only place I can go to write.

When I use the trailer, it is generally during the day between 8:00 am - 5:00 pm. I don't use a radio or anything else that makes noise. I don't invite anyone to visit as that defeats the purpose of solitude and quiet. It does not represent any additional vehicular or pedestrian traffic. There are no dangerous emissions, no smells (it does not have a bathroom.)

c) This fifteen foot trailer does not contribute to the deterioration of the neighborhood. In fact I have invested quite a bit of time and money making sure that it is in great condition and looks well cared for.

d) The visual impact of this trailer is no greater than many of the trucks and vans parked along our street. It is no larger than my next door neighbor's van to the east. It is tucked in under my neighbor's tree to the west which further obscures it from

view. We are in the process of designing a landscaping plan for the front yard which will further visually obscure it.

e) This trailer does not represent any disruptive behavior. As stated above, it is used as a quiet space.

Other Information that might be of use to you:

1) I have unofficially polled most of my close neighbors (by talking to them from across the street) and they do not have any issues with it. Under normal circumstances, I would go door to door and poll them officially but because of the covid19 crisis I don't want to put them or myself in danger.

2) Initially, before buying this trailer I called up the city and inquired about the law. I was told that as long as it is under 18 feet, I would have no issues. I believe I described it to the city representative as a vintage Aloha trailer but that was several years ago and it is possible that I used the word RV instead of trailer.

3) The only way that I can continue to have this trailer is to continue to have it in my front yard. I have looked at my backyard as a possible place to put it but the angle of the alleyway makes that prohibitive. If I can't keep it in my front yard I believe I will have to sell it.

4) This trailer is important to me as a creative person living in Tempe. I use it as a writing studio not only here in Tempe but up in the mountains. I have used a tent in the past but I bought this trailer because I needed a water proof space because of my laptops, books, etc.

If you need more information about me, please go to www.pamelawinfrey.com. If you have any more questions, please feel free to contact me at 415-948-6436.

Thank you very much,

Pamela Winfrey
Property Owner
2439 E Geneva Dr.
Tempe, AZ 85282

WINFREY TRAILER

AERIAL VIEW OF PLAN. I AM FLEXIBLE AND CAN PUT IT IN A CHOICE OF THREE POSITIONS.



Images for Winfrey Trailer



If it would be useful, I can repark the trailer in my driveway like this. (From Google Maps.)



Top View. The alley, which is the only access to the backyard, is prohibitive due to turning radius.



Current view from the north



Current view looking from northeast



Current view from the west



Current view from the east.



Current view from northwest

