

Staff Summary Report



Development Review Commission: 06/12/2012

Agenda Item Number: 2

SUBJECT: Hold a public hearing for an appeal of the previously approved Use Permits for **CASA DE SMITH** located at 1703 South Ventura Drive.

DOCUMENT NAME: DRCr_CasaDeSmith_061412 PLANNED DEVELOPMENT (0406)

COMMENTS: Request an appeal of **CASA DE SMITH (PL120053)** (W. Brent Armstrong, ISOS Architecture, Dave Smith, property owner) located at 1724 S. Ventura Drive in the R1-6, Single Family Residential District for:

UPA12021 (ZUP12021) – Use Permit standard to reduce the rear yard setback by twenty percent (20%) from 15 feet to 12 feet (as measured from midpoint of alley).

UPA12007 (ZUP12022) – Use Permit to allow a second story addition

UPA12008 (ZUP12023) – Use Permit to increase the allowable wall height within the front yard setback from 4' to 6

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

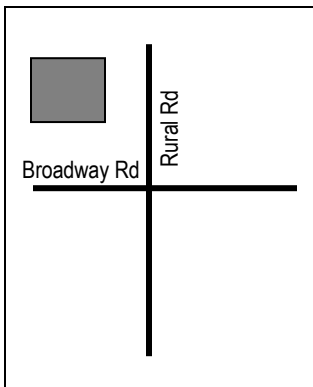
REVIEWED BY: Lisa Collins, Interim Community Development Department Director (480-350-8989)

LEGAL REVIEW BY: N/A

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: Staff has no recommendation

ADDITIONAL INFO:



Owner – Dave Smith
Applicant – W. Brent Armstrong- ISOS Architecture
Existing Zoning – R1-6 Single Family
Lot area- 20343
Lot Coverage- 15%
Building Area- 5900 sf.

The Daley Park Neighborhood Association et al is requesting an appeal of the March 20, 2012 Hearing Officer Decision to approve three (3) use permits for the Casa De Smith. The Hearing Officer reviewed the application and approved the requests with the finding that the use permit requests met the ZDC criteria for approval of a Use Permit. The Case was continued to the 6/12 agenda .

- PAGES:**
1. List of Attachments
 2. Comments; Reasons for Approval; Conditions of Approval; History & Facts; Description; Zoning & Development Code Reference

- ATTACHMENTS:**
1. Location Map(s)
 2. Aerial Photo(s)
 - 3-6. Letter of Appeal
 - 7-10. Petition of Appeal
 11. Letter of Intent
 12. Site plan-SP1
 13. East Elevation
 14. North Elevation
 15. West Elevation
 16. South Elevation
 17. Northeast/Southeast View
 18. Basement floor plan
 19. First floor plan
 20. Second floor plan
 21. Sundeck plan
 - 22-25. 03/20/2012 Hearing Officer Staff Report
 - 26-31. Hearing Officer Minutes
 - 26-41. Correspondence from public

COMMENTS:

The appellants are before the Development Review Commission to appeal the decision by the Hearing Officer to approve three (3) use permits for Casa De Smith. The requests were made to facilitate an addition/remodel of their residence. The Use Permits were to reduce the west rear yard setback by 20% from 15 ft to 12 ft (as measured from the midpoint of the alley); a Use Permit to allow a second story addition and a Use Permit to increase the allowable wall height in the front yard from 4' to 6'. The home owner proposed an alley accessible garage with a second story addition above. In addition, a roof deck was proposed above the second floor roof. The Hearing Officer, by condition, eliminated the roof deck from the proposal. The third use permit requested an increase of the allowable wall height in the front yard setback from 4' to 6'. The proposed wall will be located along the front property line on the south portion of their lot. It will provide a screen for an area currently used as additional parking surface.

See the attached March 20th Hearing Officer staff report for the evaluation of Use Permit, reasons for approval and conditions of approval.

Public Input

The Daley Park Neighborhood Association et al has provided a letter identifying their reasons for appeal of the March 20, 2012 Hearing Officer Decision.

CONDITIONS OF APPROVAL (as approved by Hearing Officer 03/20/2012)

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

ZUP11116 CONDITIONS OF APPROVAL

1. Obtain all necessary clearances from the Building Safety Division.
2. Building addition to match existing residence in color, form and material.
3. ~~Reorient the second story balcony to either the north or east elevation.~~ **(deleted by Hearing Officer).**
4. Provide landscape between the wall and sidewalk at street front.
5. Wall to be located per a survey to determine the front property line.
6. Process a legal subdivision plat for this property prior to issuance of building permits
7. Remove sundeck and revise elevation to a pitched roof not to exceed 30'. **(added by Hearing Officer).**
8. Remove or opaque windows on the second story west elevation. **(added by Hearing Officer).**

HISTORY & FACTS:

- | | |
|------------------|--|
| March 20, 2012 – | The Hearing Officer approved the request by Casa De Smith for three (3) Use Permits including a reduction of the rear yard setback, a second story addition and a wall to exceed four (4) feet in height in the front yard, subject to conditions. |
| May 8, 2012 | The Development Review Commission continued the appeal of the request by Casa De Smith to the May 22, 2012 hearing. |
| May 22, 2012 | The Development Review Commission continued the appeal of the request by Casa De Smith to the June 12, 2012 hearing |

ZONING AND DEVELOPMENT CODE REFERENCE:

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts

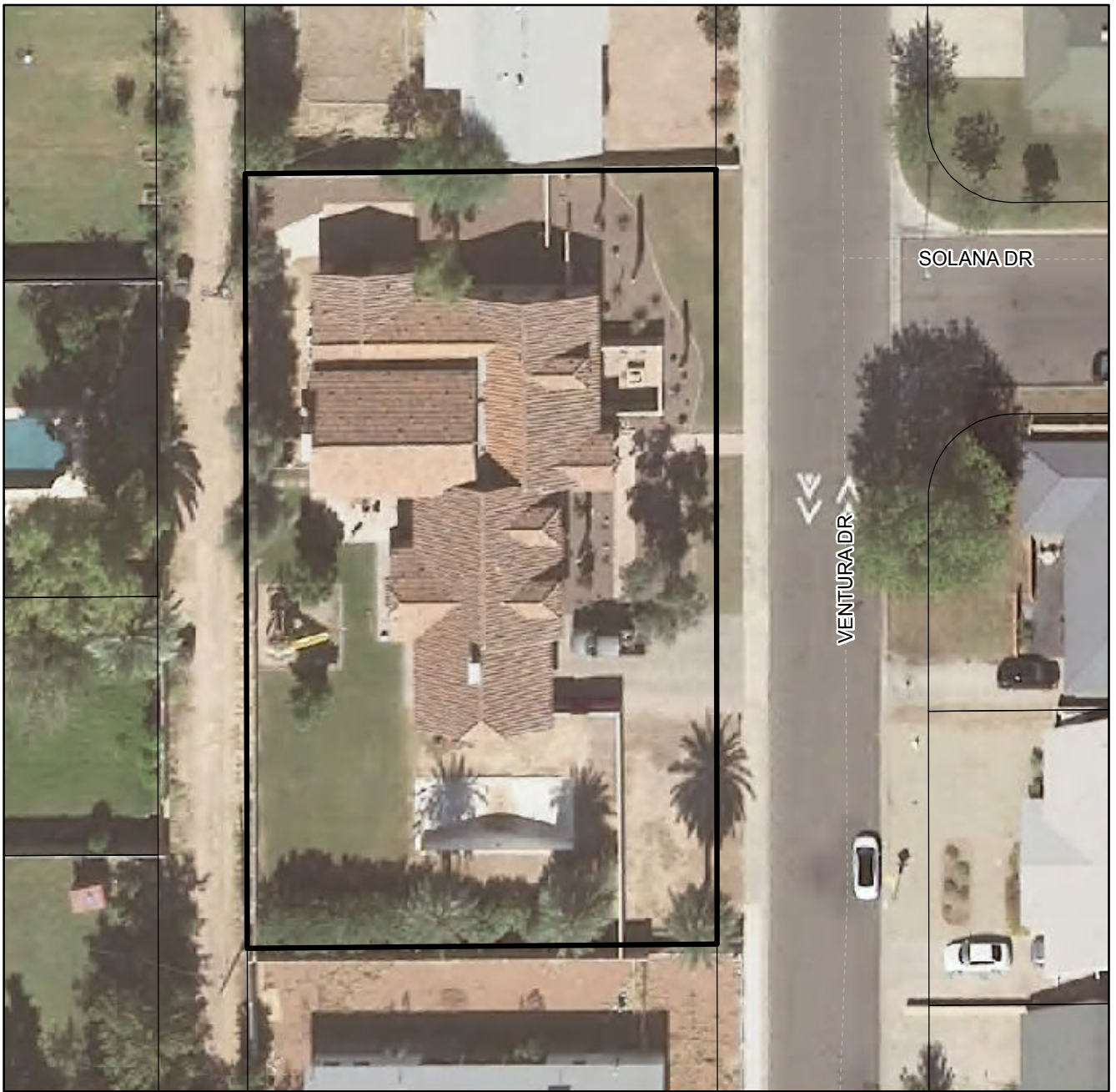
Part 6, Chapter 3, Section 6-308 – Use Permits

CASA DE SMITH

PL120053



Location Map



CASA DE SMITH (PL120053)

Date: March 27, 2012

To: City of Tempe
Board of Adjustment
Development Review Commission

Regarding:

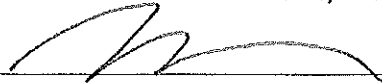
Appeal of Public Hearing held Tuesday March 20, 2012 @ 1:30 pm:
Casa de Smith
1724 S. Ventura Dr.
Case Number PL.120053

Petitioners:

Daley Park Neighborhood Association et al

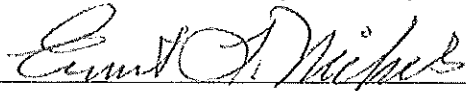
Present Chairman Daley Park Neighborhood Association and Property Owner:
Ruben Valenzuela 618 E Solana Dr, Tempe, 85281

Signature



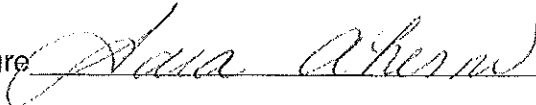
Past Daley Park Neighborhood Association Chairman and Property Owner:
Ernest Nickels 322 E Broadway Ln, Tempe, AZ 85282

Signature



Property Owner: Sara Ahern 1749 S Sierra Vista Dr, Tempe, AZ 85281

Signature



Grounds for Appeal:

The Public Hearing held Tuesday March 20, 2012 @ 1:30 pm did not fairly air the concerns of the neighborhood as a whole. Rules of protocol regarding the opportunities for rebuttal were not upheld in this conference. The neighbors were only allowed their initial statements while Mr. Smith was allowed continued comments and rebuttal without such favor granted to others with previous statements. Comments made by the hearing officer such as "it's a great house" and the admission of touring the house with the previous owner showed lack of understanding for the gravity of the situation and hinted towards bias.

In evaluating the Use Permit, the proposal does not pass the Use Permit test listed below:

- a) Any significant increase in vehicular or pedestrian traffic in adjacent areas;

There will be significant increase in vehicular and pedestrian traffic in adjacent areas. This property is one lot north of Broadway Road effecting the existing egress plans to the Broadway Road Improvement plans already in existence. The planned garage facility will cause undue wear, erosion and maintenance issues on the shared alleyway causing dust and noise to adjacent properties. Extensive use of said alleyway and individual entitled use will jeopardize the safety of neighbors due to the constant traffic from the additional individual use and possible blockage of emergency access.

- b) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

This will create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, and glare to neighboring properties.

- 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;

The proposed development would contribute to neighborhood deterioration and downgrade property values. This Use Permit request is not consistent with the General Plan 2030's Land Use Element.

Section 6-302 General plan Amendment

A. Purpose. *The General Plan is an evolving document that is designed to change based on community needs. The purpose of a General Plan amendment is to facilitate reasonable changes in effort to maintain a livable and sustainable urban environment that is sensitive to issues that impact where people live, learn, work and play.*

This lot already contains a single level structure 2 to 3 times the size of such structures in the surrounding community, as such; expanding the structure to a proportional 4 to 5 times the overall size would be a blight on the character of the neighborhood and be a detriment to surrounding property values and quality of neighborhood.

This is a private single family neighborhood, an asset to the city of Tempe because of its character and its historic value. These are 192 single family homes built in the 1950's with an average size of 1,000 to *extensively remodeled* 3,000 square foot homes. Each home is for an individual private family residence. A quiet urban oasis epitomizing the marketed dream of the hometown charm of Tempe.

d) Compatibility with existing surrounding structures and uses;

The proposed use is incompatible with surrounding uses. The private owner has stated the reasons for the massive expansion is to accommodate hosting events associated with his affiliation to ASU and extreme extended family housing.

The second story addition is not similar to other second story additions previously approved in the neighborhood. The addition of the party deck creates a nuisance and lack of privacy for all the surrounding neighbors.

The owner enclosed (not expanded) an existing multi car garage in order to expand on the 5,000 plus square footage of the standing residence. Thus removing the on site enclosed parking accommodations. The variances requested to the property are for reasons self-imposed by the property owner.

Mr. Smith stated that the enclosed parking area requested would also be used for entertaining space. The variance for the front enclosed parking lot and additional parking reinforces the questionable use of said property.

Mr. Smith admitted that the basement addition would also be used for sleeping quarters thus increasing the overall occupancy.

The use of windows proposed in the second story expansion directly overlooking the property to the west destroys any privacy for the neighboring homeowner. This will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

Records do not indicate any formal lot ties or subdivision plat to create the lot within the subdivision.

e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;

Through the owners statements regarding the use of the property for extended large family events and events via his association with ASU the property, he has already defined is a disruptive influence on the neighborhood peace and traffic

flow. The traffic issues will not be resolved by accommodating parking for 9 cars (said property has improved parking for 7 as it stands). The additional parking garage is an extension of ulterior use of the property.

This residence has been a destination for the ASU Fraternity Rush Schedule of the Lambda Chi Alpha chapter. Due to the extreme over flow of party goers, their guests have been directed to use Daley Park parking lot. This also increases noise and trash generated from parties held at this residence.

The addition of structures to enclose noise and nuisance to the surrounding area is not an answer.

If allowed, this will cause the deterioration of a 192 home neighborhood creating a viral impact destroying one of the few truly family oriented neighborhood areas of the city that Tempe is so proud of.

REQUEST TO APPEAL USE PERMIT FOR CASA DE SMITH, 1724 S. Ventura Drive, Tempe AZ

We, the undersigned neighbors request that the City of Tempe Development Review Commission overturn the Use Permit for Casa de Smith PL 120053, approved March 20, 2012 by the Hearing Officer. Approving the Casa De Smith project will have the following negative impacts on the Daley Park single-family R1-6 neighborhood of 192 homes.

1. The hearing officer stated unprofessional and biased opinions in favor of the applicant.
2. The use of this house for fraternity activities is incompatible with the existing single-family Daley Park Neighborhood, as per the 2020/2030 General Plan.
3. There will be a significant increase in neighborhood vehicular traffic.
4. The resulting dust, traffic and noise will be an intolerable nuisance to the neighbors.
5. The use of this house for fraternity activities will contribute to the deterioration of the neighborhood and will decrease property values.
6. Inadequate supervision of disruptive behavior involving alcohol will create a nuisance on and off the premises of trash and impaired drivers in the neighborhood.
7. Increasing this house from 4000 SF (4 bedroom/4 bath) to 7000 SF (6 bedroom/7 bath) will compound the problems of noise, traffic, trash, etc.

Name	Printed Name	Address	Date
<i>Ernst D. Dinkels</i>	ERNEST L. DINKELS	322 E. BROADWAY, TEMPE, AZ	3/26/12
<i>John S. Montgomery</i>	JOHN S. MONTGOMERY	316 S. BROADWAY, TEMPE, AZ	3/26/12
<i>Dale Cady</i>	DALE CRESSMAN	1755 S. EL CAMINO DR. TEMPE	3/26/12
<i>Nancy Lesko</i>	Nancy C. Lesko	323 E. Solana Dr. Tempe	3/26/12
<i>Gene Corno</i>	GENE CORNO	334 E. SOLANA DR. TEMPE	3/26/12
<i>Joan Eaton</i>	Joan Eaton	340 E. Solana Dr. Tempe	3/26/12
<i>Charlotte Hoagland</i>	CHARLOTTE HOAGLAND	346 E. SOLANA DR. TEMPE	3/26/12
<i>Tom Shankes</i>	Tom Shankes	1749 S. Sierra Vista Dr	3/26/12
<i>Wini Newell</i>	WINI NEWELL	353 E. SOLANA DR.	3/26/12
<i>Greta M Campbell</i>	GRETA CAMPBELL	341 E. Encanto Dr. Tempe	3-26-12

Z

REQUEST TO APPEAL USE PERMIT FOR CASA DE SMITH, 1724 S. Ventura Drive, Tempe AZ

We, the undersigned neighbors request that the City of Tempe Development Review Commission overturn the Use Permit for Casa de Smith PL 120053, approved March 20, 2012 by the Hearing Officer. Approving the Casa De Smith project will have the following negative impacts on the Daley Park single-family R1-6 neighborhood of 192 homes.

1. The hearing officer stated unprofessional and biased opinions in favor of the applicant.
2. The use of this house for fraternity activities is incompatible with the existing single-family Daley Park Neighborhood, as per the 2020/2030 General Plan.
3. There will be a significant increase in neighborhood vehicular traffic.
4. The resulting dust, traffic and noise will be an intolerable nuisance to the neighbors.
5. The use of this house for fraternity activities will contribute to the deterioration of the neighborhood and will decrease property values.
6. Inadequate supervision of disruptive behavior involving alcohol will create a nuisance on and off the premises of trash and impaired drivers in the neighborhood.
7. Increasing this house from 4000 SF (4 bedroom/4 bath) to 7000 SF (6 bedroom/7 bath) will compound the problems of noise, traffic, trash, etc.

Name	Printed Name	Address	Date
	Keri Rth	1720 S El Camino Dr Tempe AZ 85281	March 26 2012
	Chris Cunningham	334 E. Broadway Ln. Tempe AZ	March 27, 2012
	JUNE TRIMBLE	346 E. BROADWAY LN Tempe AZ	MARCH 27 2012
	Chris Ryne	347 E. Solana Dr Tempe AZ	March 27, 2012
	CHARLENE VESTER	1715 S. SIERRA Vista	85281 3/27/12
	PETER KULEV	1620 S VENTURA DR TEMPE 85281	27 March 2012
	DAN ABBOTT	509 E. Encanto	85281 3/27/12
	Christopher Carr	601 E Encanto Tempe 85281	3/27/12
	MARY ANN KISIEL	1748 S. Sierra Vista Dr 85281	3/28/12
	Bob Newberry	409 E Solana dr	85281 3/28/12

REQUEST TO APPEAL USE PERMIT FOR CASA DE SMITH, 1724 S. Ventura Drive, Tempe AZ

We, the undersigned neighbors request that the City of Tempe Development Review Commission overturn the Use Permit for Casa de Smith PL 120053, approved March 20, 2012 by the Hearing Officer. Approving the Casa De Smith project will have the following negative impacts on the Daley Park single-family R1-6 neighborhood of 192 homes.

- 1. The hearing officer stated unprofessional and biased opinions in favor of the applicant.
- 2. The use of this house for fraternity activities is incompatible with the existing single-family Daley Park Neighborhood, as per the 2020/2030 General Plan.
- 3. There will be a significant increase in neighborhood vehicular traffic.
- 4. The resulting dust, traffic and noise will be an intolerable nuisance to the neighbors.
- 5. The use of this house for fraternity activities will contribute to the deterioration of the neighborhood and will decrease property values.
- 6. Inadequate supervision of disruptive behavior involving alcohol will create a nuisance on and off the premises of trash and impaired drivers in the neighborhood.
- 7. Increasing this house from 4000 SF (4 bedroom/4 bath) to 7000 SF (6 bedroom/7 bath) will compound the problems of noise, traffic, trash, etc.

Name	Printed Name	Address	Date
<i>[Signature]</i>	PATI VESTER	1715 S. SIERRA VISTA	3/27/12
<i>[Signature]</i>	Robert H. Fenschel	508 E. Solana Dr.	3/27/12
<i>[Signature]</i>	Jean Sabo	1712 S Ventura Dr.	3/27/12
<i>[Signature]</i>	Russell Miller	514 E. ENCANTO DR.	3-22-12
<i>[Signature]</i>	RICHARD KITTLE	711 E ENCANTO DR.	3/28/12
<i>[Signature]</i>	Ruben Valenzuela	618 E Solana Dr	3/29/2012
<i>[Signature]</i>	KEN LIKEWISE	1706 S GRANADA	3/29/2012
<i>[Signature]</i>	Rebecca Ewan	1608 S. Ventura Dr.	3-29-12
<i>[Signature]</i>	ANDY CECILAYA	6615 S. VENTURA DR	3-29-2012
<i>[Signature]</i>	ANONYM DELANE	315 E. SOLANA DR	3-29-2012

REQUEST TO APPEAL USE PERMIT FOR CASA DE SMITH, 1724 S. Ventura Drive, Tempe AZ

We, the undersigned neighbors request that the City of Tempe Development Review Commission overturn the Use Permit for Casa de Smith PL 120053, approved March 20, 2012 by the Hearing Officer. Approving the Casa De Smith project will have the following negative impacts on the Daley Park single-family R1-6 neighborhood of 192 homes.

1. The hearing officer stated unprofessional and biased opinions in favor of the applicant.
2. The use of this house for fraternity activities is incompatible with the existing single-family Daley Park Neighborhood, as per the 2020/2030 General Plan.
3. There will be a significant increase in neighborhood vehicular traffic.
4. The resulting dust, traffic and noise will be an intolerable nuisance to the neighbors.
5. The use of this house for fraternity activities will contribute to the deterioration of the neighborhood and will decrease property values.
6. Inadequate supervision of disruptive behavior involving alcohol will create a nuisance on and off the premises of trash and impaired drivers in the neighborhood.
7. Increasing this house from 4000 SF (4 bedroom/4 bath) to 7000 SF (6 bedroom/7 bath) will compound the problems of noise, traffic, trash, etc.

Name	Printed Name	Address	Date
<i>[Signature]</i>	Justin Roth	1731 S. Sierra Vista Dr Tempe, AZ 85281	3/29/12
<i>[Signature]</i>	Ed. Shankrey	322 E. Salacis Dr. Tempe, AZ 85281	3/29/12
<i>[Signature]</i>	Wynning Feilstickon	304 E Solana Dr, Tempe AZ 85281	3/29/12
<i>[Signature]</i>	Keri Roth	1730 S El Camino Dr Tempe AZ 85281	3/29/12
<i>[Signature]</i>	Michael Gomez	711 E. Encanto Dr. Tempe AZ 85281	3/29/12
<i>[Signature]</i>	Thomas Hartman	718 E Encanto Dr 85281	3/29/12
<i>[Signature]</i>	Dorothy Collins	739 E Solana Dr, 85281	3-29-12
<i>[Signature]</i>	SRI DAR MAWASKITA	719 E. Encanto Dr, Tempe, AZ 85281	3/29/12
<i>[Signature]</i>	Norm Baker	325 E. Encanto Dr Tempe AZ 85281	3/30/12
<i>[Signature]</i>	Sue Lewenstein	350 E BROADWAY LN TEMPE AZ 85282	3/30/12

21. Feb. 2012
Casa de Smith
1724 S. Ventura Drive
Tempe, AZ 85281

Letter of Explanation
Use Permit

We are requesting three (3) use permits for the property located at 1724 S. Ventura Drive, in Tempe, Arizona, a single family detached residence.

The first use permit is a request to decrease the rear yard setback to thirteen feet (13'0") from the required fifteen feet (15'0"), which is within the Use Permit Standard of twenty percent (20%) reduction per Table 4-202. The ground level addition at the rear setback is for a two-car garage, allowing the owners to park in a garage, which is not currently available on the property alleviating parking in the front yard. The garage is to be built with the same finish details of the main house including stucco and tiled roof with metal and wood accents. The request is similar to a nearby property, allowing access to the garage from the same existing twenty foot (20'0") alley located at 1715 S. Sierra Vista Dr.

The second Use Permit is to allow a second story addition above the new garage mentioned above, for a new master bedroom suite, per Section 3-420. The addition is within the required R1-6 height requirements of thirty feet (30'0"). This addition will also match the existing house details of stucco, stone and tiled roof with steel and wood details. The use is still single family residential, so there is no additional nuisance due to the use permits. The two-story use permit is also similar to the following nearby lots that also have a second story. Like most of these lots, our proposal is to locate the second story in the rear of the property, preserving the lower building elevations near the street. We also plan on placing the second story at the center of the lot, keeping the height as far from neighboring lots as possible. The addition of the second story adds views, live-able square footage, and preserves the lots open space. Additionally, the context of the existing neighborhood is not significantly impacted, as evidence by the following list of similar two story structures:

1715 S. Sierra Vista Dr.
1731 S. Sierra Vista Dr.
502 E. Vista del Cerro Dr.
715 E. Granada Dr.
718 E. Encanto Dr.

The third Use Permit is for the site wall in a front yard setback, requesting an increased height from the allowed four feet (4'0") to six feet (6'0") in height. The area that we are asking for the increased height is actually to the side of the house, not in front of it. The adjacent neighbor at 1736 S. Ventura Dr. has an existing four foot wall on the side yard (of a corner lot) which becomes our front yard. We would continue this wall along the front of our property until it reaches the house, where it will return to the house. We are proposing that we place the wall just inside the front yard setback, which gives us about four feet for planting landscape between the proposed wall and the existing sidewalk. The wall will have a stucco finish to match the house on both sides. The location of this wall will prevent parking in the front yard setback (with the garage parking mentioned above) which will enhance the overall look of the property. The property located at 410 E. Encanto Dr. has a similar six foot wall in the front and side (facing street) yards, also indicating that such examples already exist in the

PROJECT INFORMATION

PROJECT NARRATIVE
 THIS PROJECT IS FOR A NEW SINGLE UNITS BUILDING AND STORAGE WITH ACCESS FROM THE EXISTING ALLEY WAY.

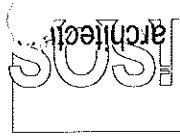
PROJECT ADDRESS: 1724 S. VENTURA DR., TEMPE, ARIZONA 85281

PROJECT OWNER: 1724 S. VENTURA DR., OWNER, MELISSA J. CHAMBERLAIN / AMERMAN PROPERTY MANAGEMENT, 480 S. 24TH AVENUE, SUITE 100, PHOENIX, ARIZONA 85018
 SMALL: DAVID@SMITHARCHITECT.COM

PROJECT CONTRACTOR: CASA DE SMITH ARCHITECTS
OCCUPANCY: RESIDENTIAL - SINGLE FAMILY
USE: RESIDENTIAL - SINGLE FAMILY
MAX BUILDING HEIGHT ALLOWED: 30'-0" (VIA DISTRICT (NOT APPROVED))
BUILDING HEIGHT PROVIDED: 20'-0"
NUMBER OF STORIES: 2 STORY
OVERSIGHT SIZE: 20'-0" x 20'-0"
NET LOT SIZE: 20,000 SQ. FT.
LOT AREA: 13,500 SQ. FT.
NUMBER OF UNITS: 2
BUILDING LOT COVERAGE: 20%
BUILDING SET AREA: 20,000 SQ. FT.
SETBACK TO FIRE HYDRANT: 15'-0"
LANDSCAPING ON SITE %: 2
MAINTENANCE SPACES REQUIRED: 2
MAINTENANCE SPACES PROVIDED: 2

USE PERMIT:
 ASSESS THE SETBACK REDUCTION OF 2'-0" FROM THE EXISTING WALL TO THE PROPOSED FRONT WALL AND WALL HEIGHT INCREASE FROM 10'-0" TO 20'-0"

3633 N. 34th Ave. #2070
 www.smitharchitecture.com
 Brent Armstrong 480 323 8928
 Rey Baigiano 480 720 3070
 Brent@smitharchitecture.com
 Rey@smitharchitecture.com



CASA DE SMITH ARCHITECTS
 1724 S. Ventura Dr. Tempe, Arizona 85281

PROPOSED SITE PLAN
 1/8" = 1'-0"

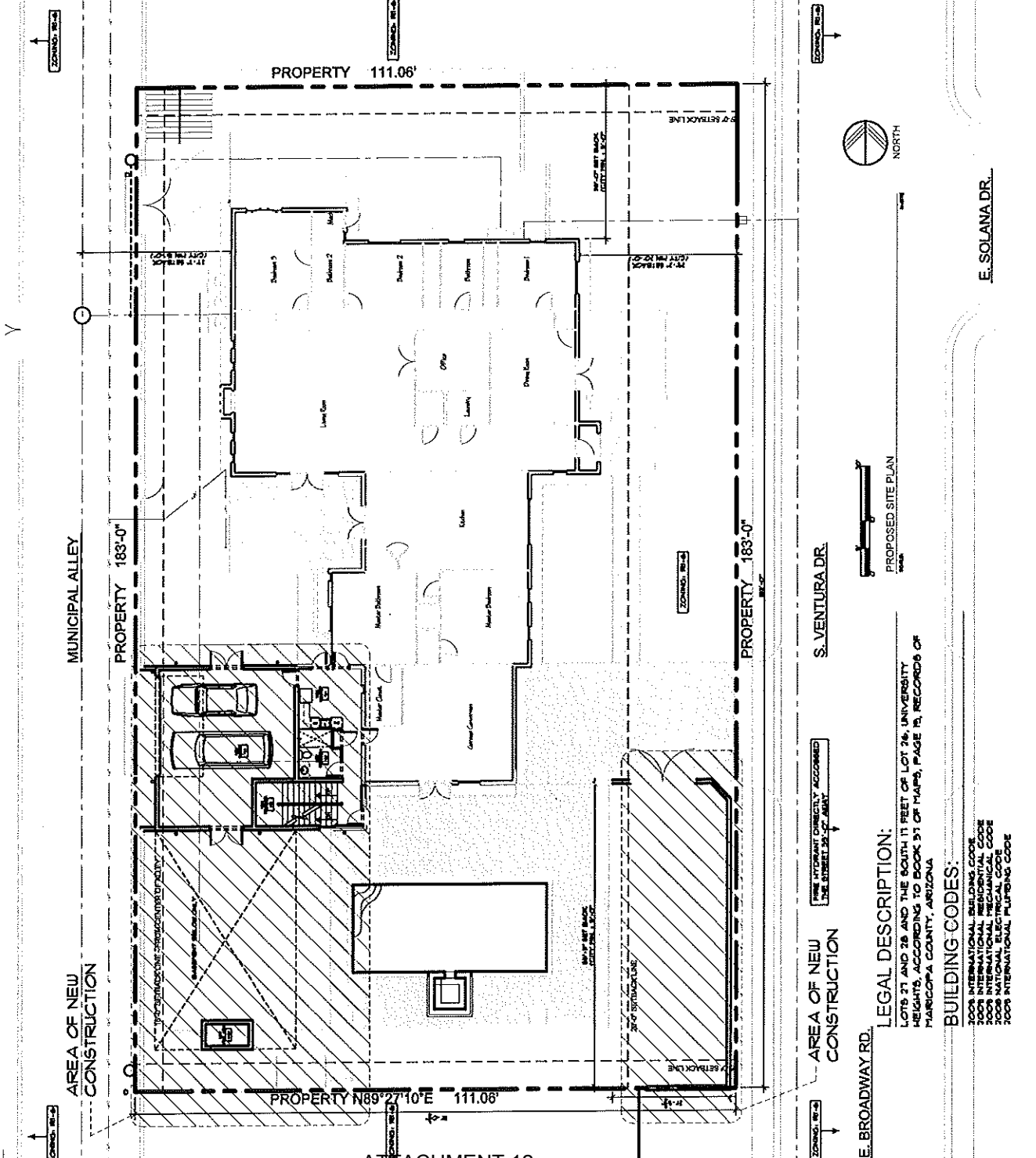
NOT FOR CONSTRUCTION

21 FEB 2012

SP1.0



TENANT IMPROVEMENT:
 1724 S. VENTURA DR.
 TEMPE, ARIZONA 85281



AREA OF NEW CONSTRUCTION

MUNICIPAL ALLEY

PROPERTY 183'-0"

PROPERTY 111.06'

PROPERTY 183'-0"

S. VENTURA DR.

E. SOLANA DR.

AREA OF NEW CONSTRUCTION

LEGAL DESCRIPTION:
 LOTS 27 AND 28 AND THE SOUTH 11 FEET OF LOT 26, UNIVERSITY HEIGHTS, ACCORDING TO BOOK 51 OF MAPS, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA

BUILDING CODES:
 2008 INTERNATIONAL BUILDING CODE
 2008 INTERNATIONAL RESIDENTIAL CODE
 2008 INTERNATIONAL MECHANICAL CODE
 2008 INTERNATIONAL PLUMBING CODE

3633 N. 3rd Ave. #2070
 Phoenix, Arizona 85013
 www.lisosarchitecture.com
 Brent Armstrong 480 323 6928
 brent@lisosarchitecture.com
 Ray Besignano 480 720 3070
 ray@lisosarchitecture.com

architecture

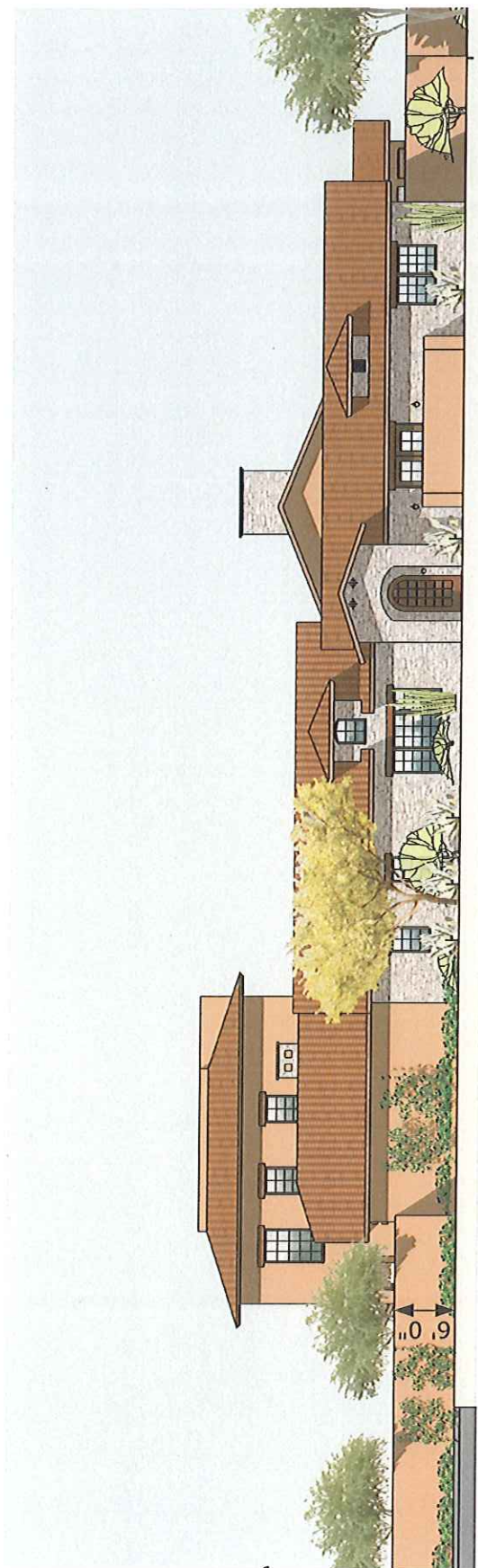
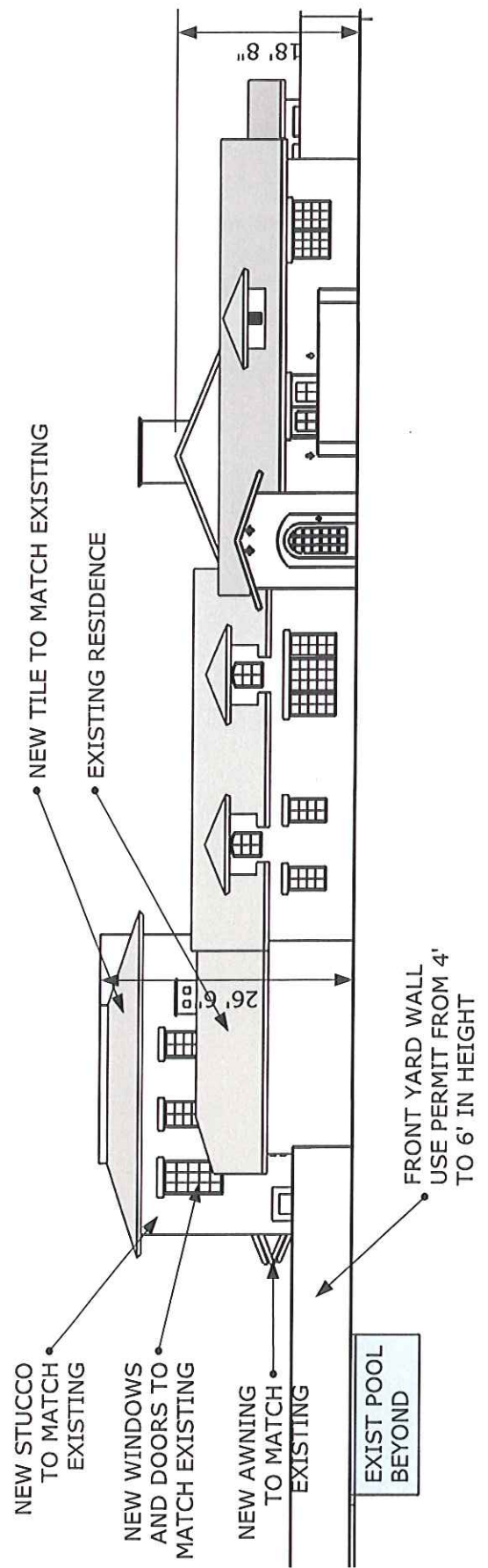
CASA DE SMITH
 1724 S. Verlora Dr. Tempe, Arizona 85281

EXTERIOR ELEVATION
 1/16" = 1'-0"

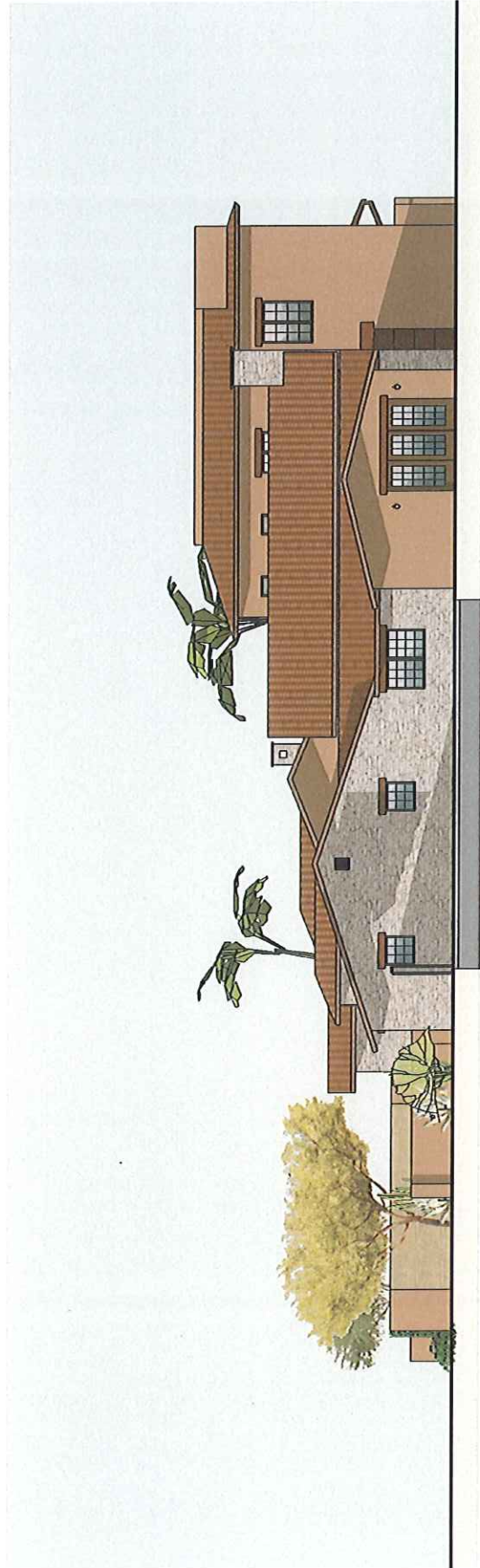
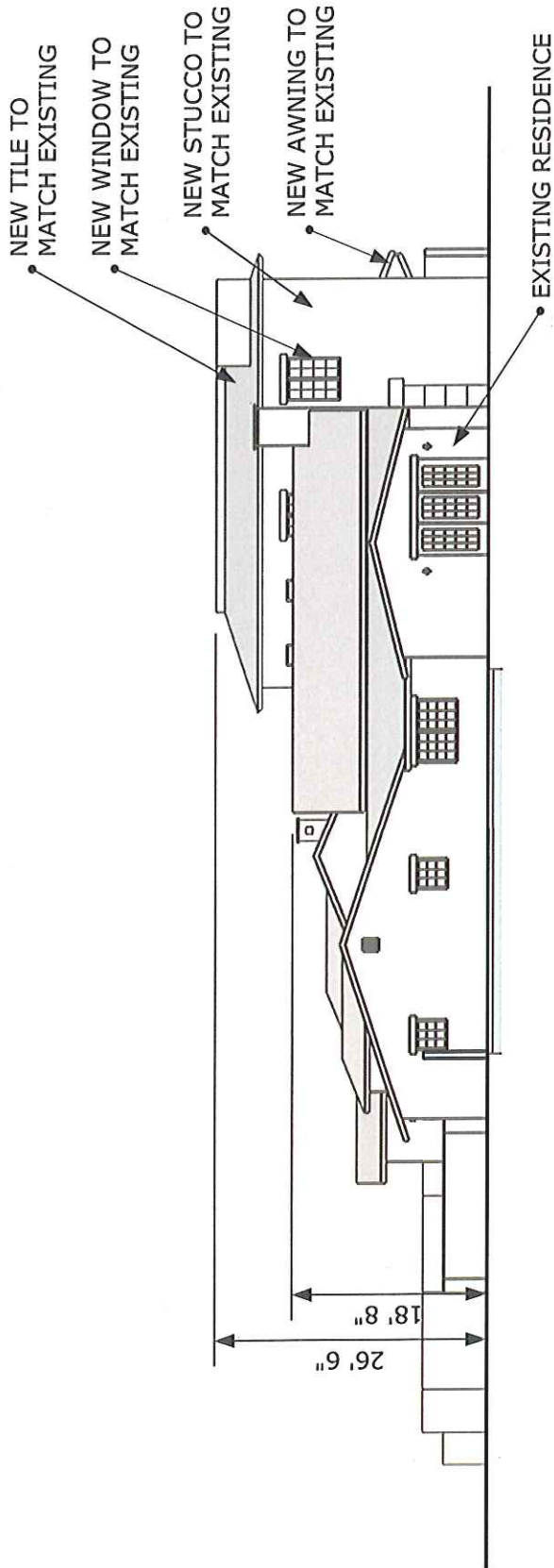
NOT FOR CONSTRUCTION

21.FEB.2012

A:2.0



EAST ELEVATION - STREET



NORTH ELEVATION

1724 S. Veverka Dr. Tempe, Arizona 85281
CASA DE SMITH

EXTERIOR ELEVATION
 1/16" = 1'-0"

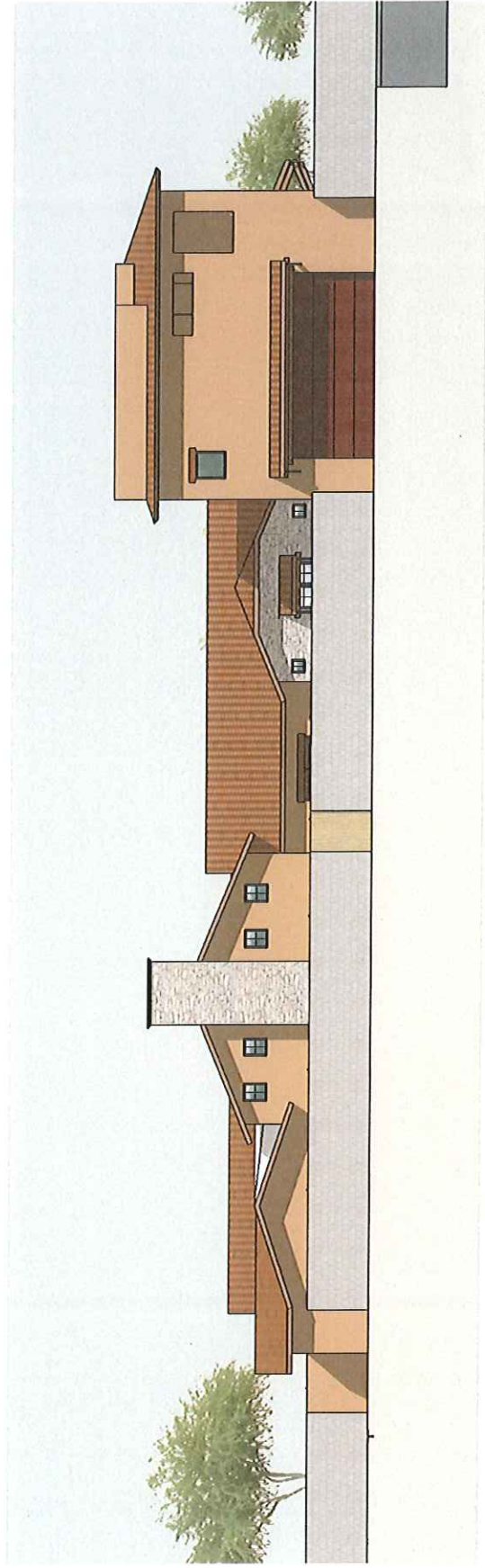
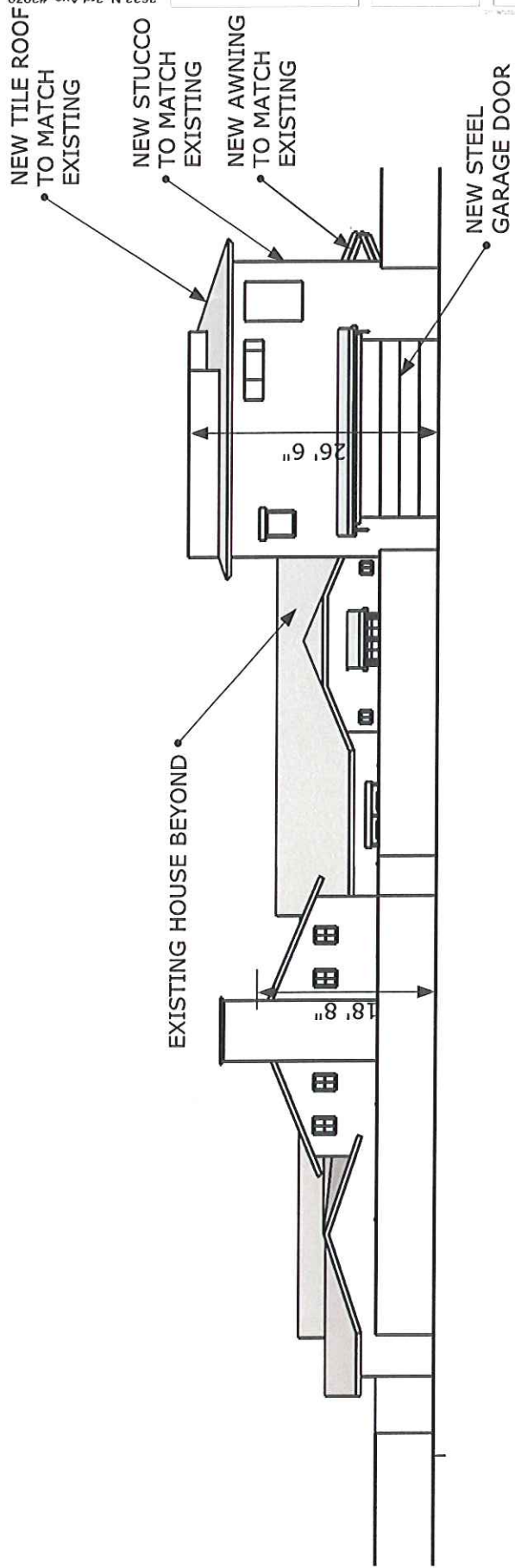
DATE: 02/21/2012
 DRAWN BY: D.P.H.

NOT FOR CONSTRUCTION

21.FEB.2012
 A:2.0

3633 N. 3rd Ave. #2070
 Phoenix, Arizona 85013
 www.laosarchitecture.com
 Brent Armstrong 480 323 6928
 brent@laosarchitecture.com
 Ray Besignano 480 720 3070
 ray@laosarchitecture.com





WEST ELEVATION - ALLEY

3633 N. 3rd Ave. #2070
 Phoenix, Arizona 85013
 www.leoarchitecture.com
 Brent Armstrong 480 323 6928
 Brent@leoarchitecture.com
 Ray Besignano 480 720 3070
 ray@leoarchitecture.com



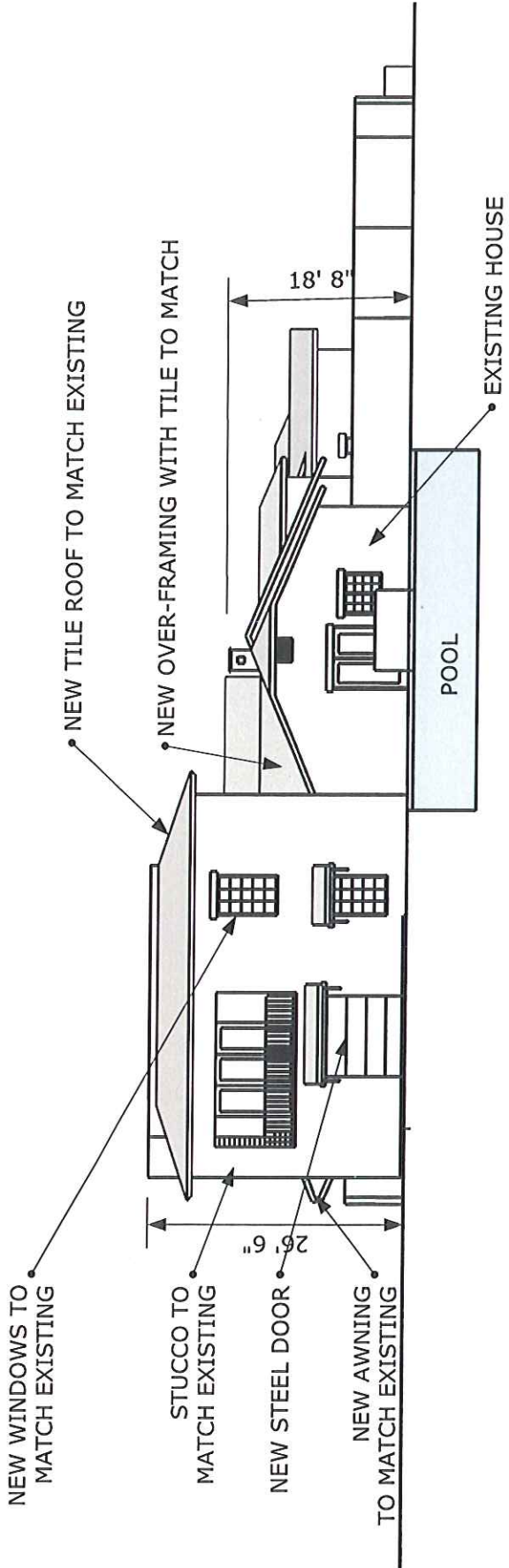
CASA DE SMITH
 1724 S. Verdura Dr. Tempe, Arizona 85281

EXTERIOR ELEVATION
 1/16" = 1'-0"

NOT FOR CONSTRUCTION

21.FEB.2012

A:2.0



SOUTH ELEVATION



NORTHEAST VIEW

SOUTHEAST VIEW

1724 S. Ventura Dr. Tempe, Arizona 85281
CASA DE SMITH

EXTERIOR PERSPECTIVE
 NTS

NOT FOR CONSTRUCTION

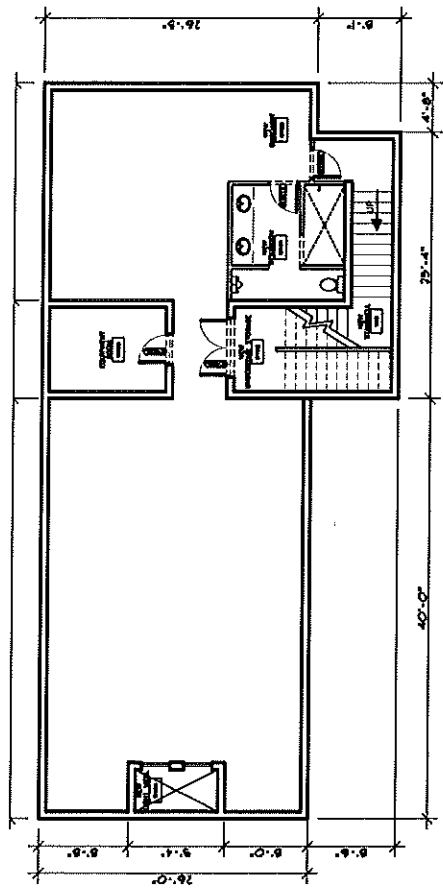
21.FEB.2012

A:2.0

3633 N. 3rd Ave. #2070
 Phoenix, Arizona 85013
 www.isosarchitecture.com
 Brent Armstrong 480 323 6928
 brent@isosarchitecture.com
 Ray Besignano 480 720 3070
 ray@isosarchitecture.com

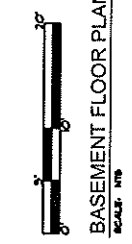


NOTE:
 ALL SCREENED ELEMENTS INDICATE
 EXISTING CONSTRUCTION TO REMAIN.



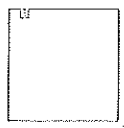
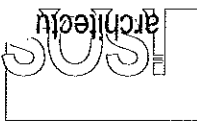
WALL LEGEND

- EXISTING EXTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING INTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING GLAZING SYSTEM TO REMAIN
- NEW TYPICAL WOOD STUD WALL WITH 3/8" GYP DO 4
- ACoustIC FIBER BATT INSULATION
- NEW CTU EXTERIOR WALL WITH STUCCO FINISH AND PAINT TO MATCH EXISTING BUILDING



- SYMBOLS LEGEND:**
- INDICATES ROOM NAME AND NUMBER
 - INDICATED DOOR NUMBER

3833 N. 3rd Ave. #2070
 Phoenix, Arizona 85013
 www.lbsaarchitecture.com
 Brent Armstrong 480 223 6928
 Brent@lbsaarchitecture.com
 Ray Bealmano 480 720 2070
 ray@lbsaarchitecture.com



CASA DE SMITH
 1724 S. VICTORIA DRIVE, AVONDALE 85311

BASEMENT FLOOR PLAN
 1/8" = 1'-0"

Date: 02/21/2012
 02/21/2012

NOT FOR CONSTRUCTION

21 FEB 2012
A:1.0

3633 N. 3rd Ave., #2070
 Phoenix, Arizona 85018
 www.lisaarchitecture.com
 Brent Armstrong 480 923 9928
 brent@lisaarchitecture.com
 Ray Basigiano 480 720 3070
 ray@lisaarchitecture.com

architects

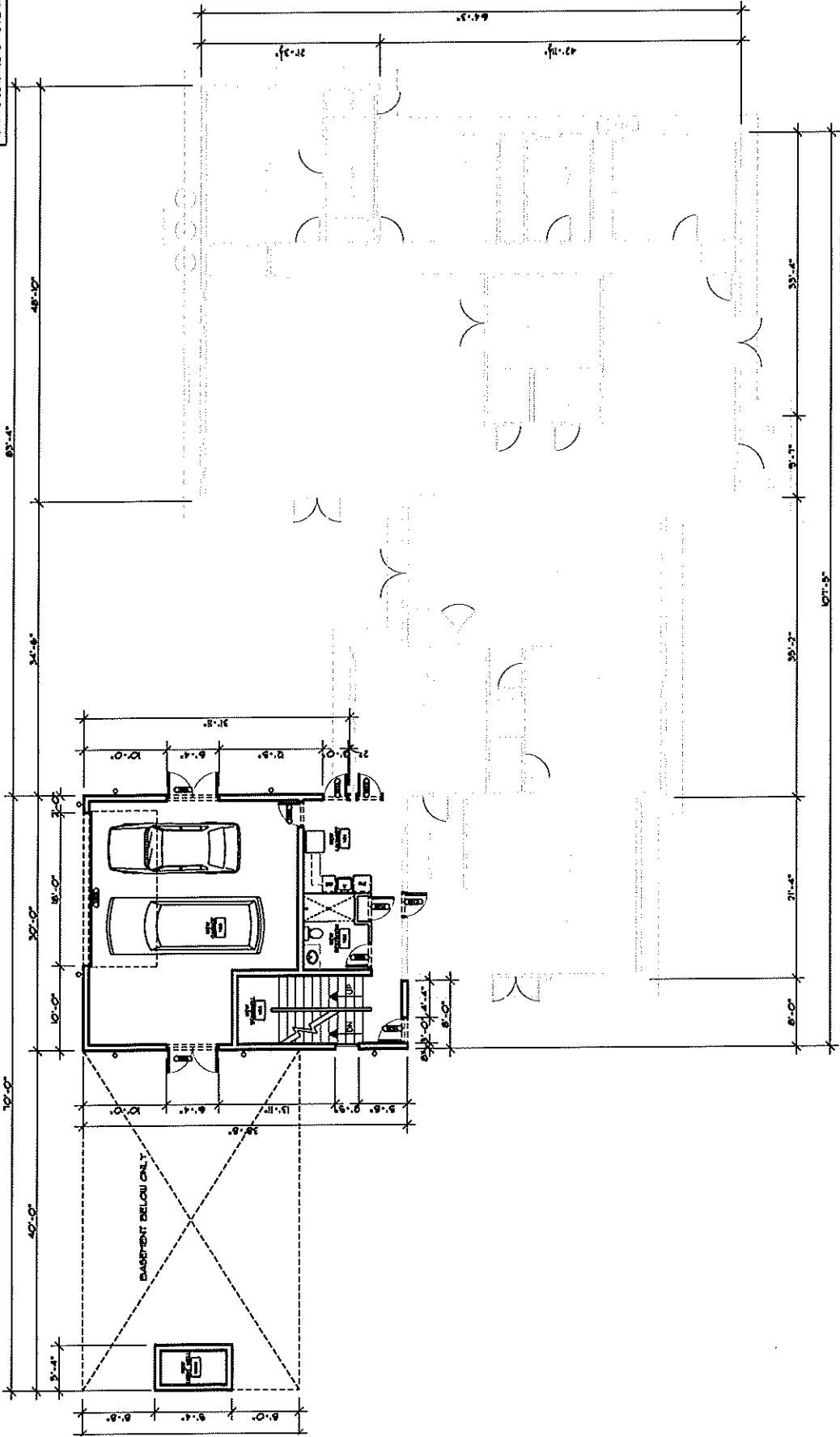
CASA DE SMITH
 1721 S. Verde Dr. Tempe, Arizona 85281

FIRST FLOOR PLAN
 1/8" = 1'-0"

NOT TO SCALE
 21 FEB 2012

A:1.1

NOTE: UNFINISHED SUBFLOOR LOCATED EXISTING CONSTRUCTION TO REMAIN



WALL LEGEND

- EXISTING EXTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING INTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING GLAZING SYSTEM TO REMAIN
- NEW TYPICAL WOOD STUD WALL WITH 5/8" GYP BO #
- ACQUISITE FIBER BATT INSULATION
- NEW GYU EXTERIOR WALL WITH STUCCO FINISH AND PAINT TO MATCH EXISTING BUILDING

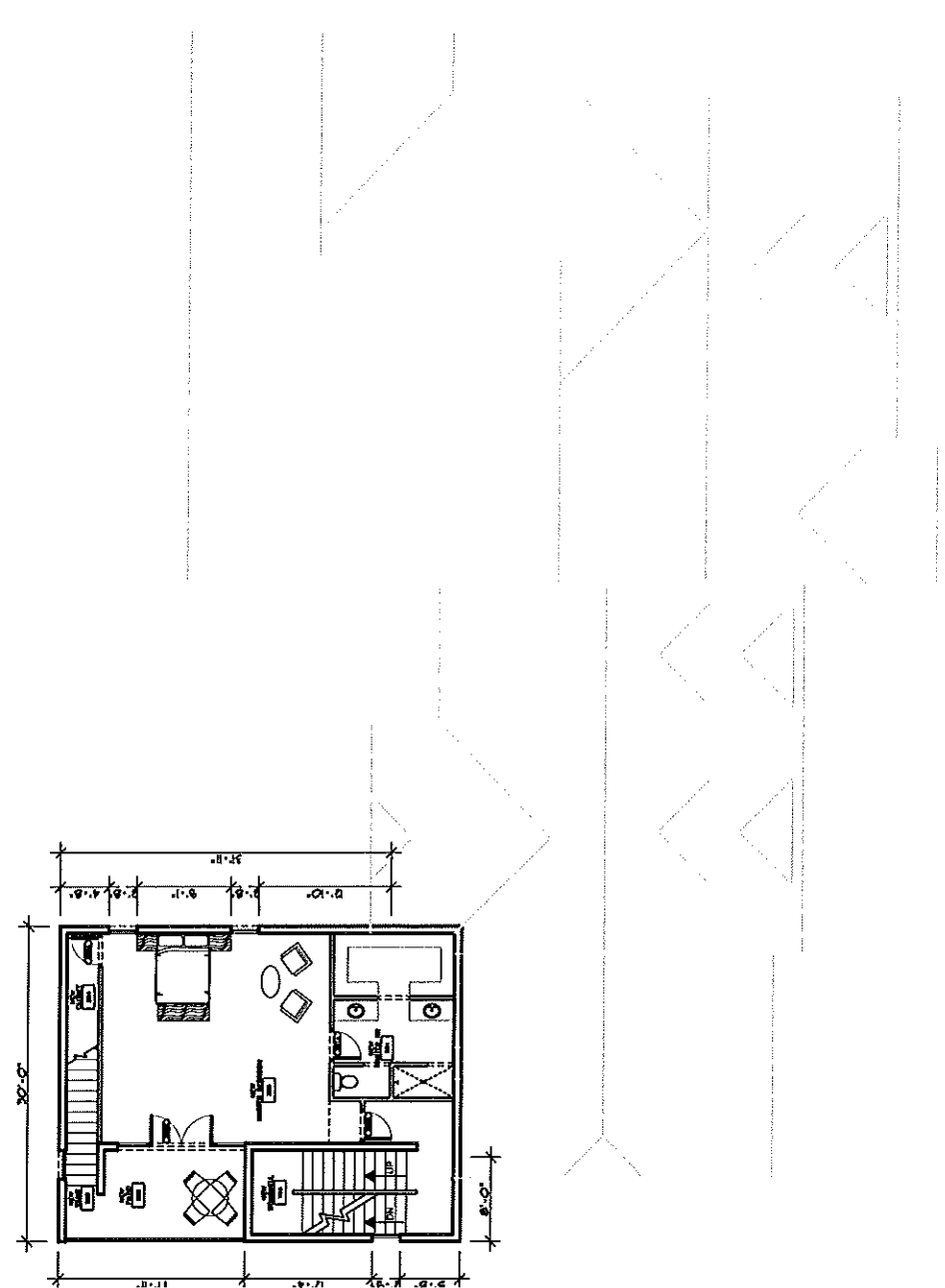


FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

SYMBOLS LEGEND:

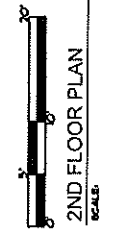
- RECEIPT. 101 INDICATES ROOM NAME AND NUMBER
- 000000 INDICATES DOOR NUMBER

NOTE:
ALL SCREENED ELEMENTS INDICATE
EXISTING CONSTRUCTION TO REMAIN.



WALL LEGEND

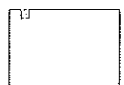
- EXISTING EXTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING INTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING GLAZING SYSTEM TO REMAIN
- NEW TYPICAL WOOD STUD WALL WITH 5/8" GYP BO & ACOUSTIC FIBER BATT INSULATION
- NEW ORL EXTERIOR WALL WITH STUCCO FINISH AND PAINT TO MATCH EXISTING BUILDING



SYMBOLS LEGEND:

- INDICATES ROOM NAME AND NUMBER
- INDICATES DOOR NUMBER

3633 N. 2nd Ave. #2070
Phoenix, Arizona 85013
www.fsoarchitecture.com
brent@fsoarchitecture.com
480 323 8928
Roy Baughman 480 720 3070
roy@fsoarchitecture.com



CASA DE SMITH
1724 S. Ventura Dr. Tempe, Arizona 85281

SECOND FLOOR PLAN
1/8" = 1'-0"

Sheet No.	1
Date	1/27/12
Drawn	CS/MLP
Checked	

NOT FOR CONSTRUCTION

21.FEB.2012
A:1.2

3633 N. 3rd Ave. #2070
 Phoenix, Arizona 85018
 www.lisaarchitecture.com
 Brent Armstrong 480 923 8928
 Brent@lisaarchitecture.com
 Ray Bergano 480 720 3070
 ray@lisaarchitecture.com



CASA DE SMITH
 1124 S. Verdura Dr. Tempe, Arizona 85281

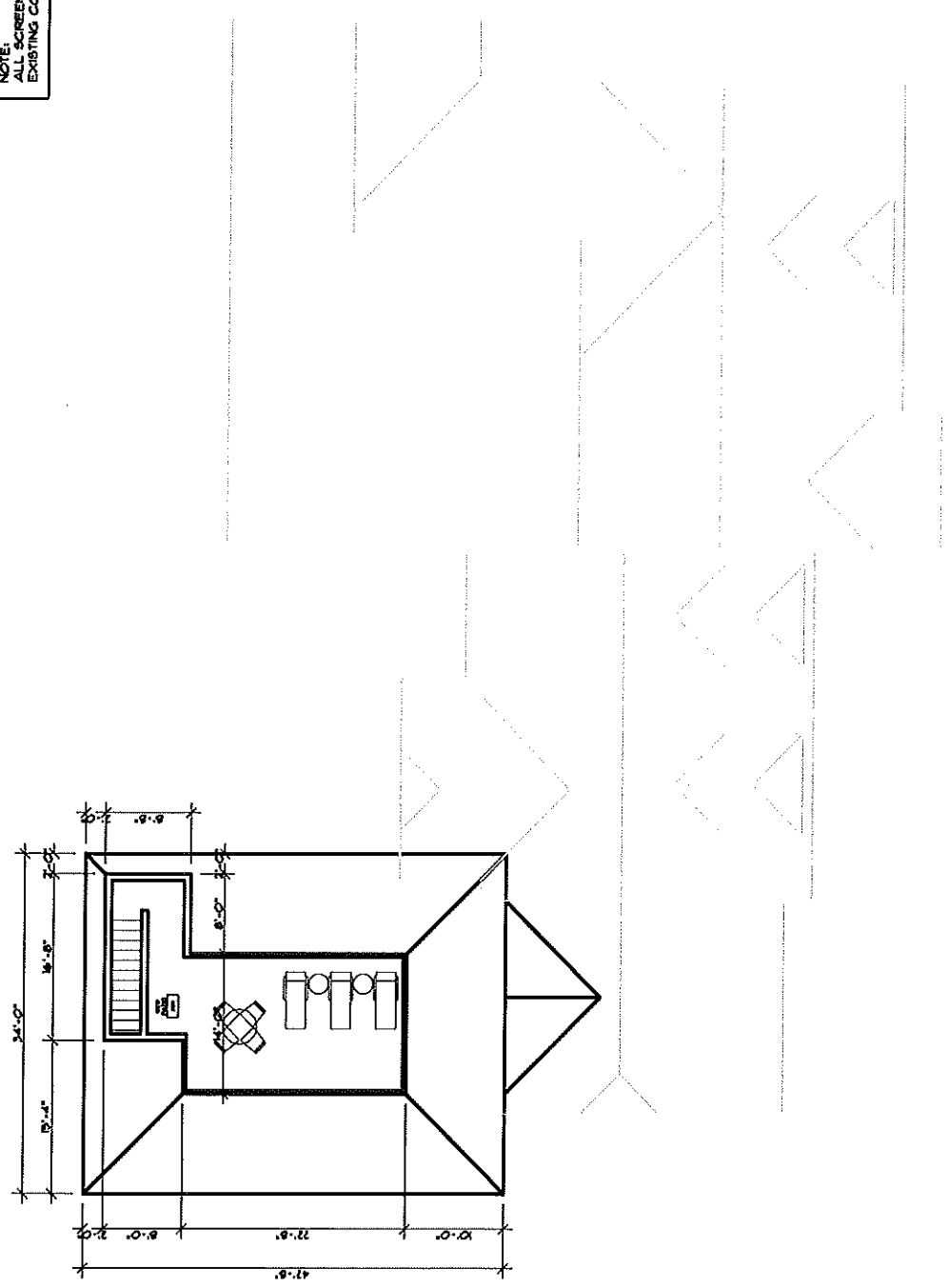
ROOF PLAN
 Scale: 1/8" = 1'-0"

NOT FOR CONSTRUCTION

21.FEB.2012

A:1.3

NOTE:
 ALL SCREENED ELEMENTS INDICATE
 EXISTING CONSTRUCTION TO REMAIN.



WALL LEGEND

- EXISTING EXTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING INTERIOR WALL CONSTRUCTION TO REMAIN
- EXISTING GLAZING SYSTEM TO REMAIN
- NEW TYPICAL WOOD STUD WALL WITH 5/8" GYP BO 4
ACoustic FIBER BATT INSULATION
- NEW CMU EXTERIOR WALL WITH STUCCO FINISH AND
PAINT TO MATCH EXISTING BUILDING



ROOF PLAN
 SCALE

- SYMBOLS LEGEND:**
- INDICATES ROOM NAME AND NUMBER
 - INDICATES DOOR NUMBER

Staff Summary Report



Hearing Officer Hearing Date: 03/20/2012

Agenda Item Number: __

SUBJECT: This is a public hearing for a request by the **CASA DE SMITH** located at 1703 South Ventura Drive for three (3) Use Permits

DOCUMENT NAME: HOr_CasaDeSmith_032012 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **CASA DE SMITH (PL120053)** (W. Brent Armstrong, ISOS Architecture, Dave Smith, property owner) located at 1724 S. Ventura Drive in the R1-6, Single Family Residential District for:

- ZUP12021** Use Permit standard to reduce the rear yard setback by twenty percent (20%) from 15 feet to 12 feet (as measured from midpoint of alley).
- ZUP12022** Use Permit to allow a second story addition
- ZUP12023** Use Permit to increase the allowable wall height within the front yard setback from 4' to 6'

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

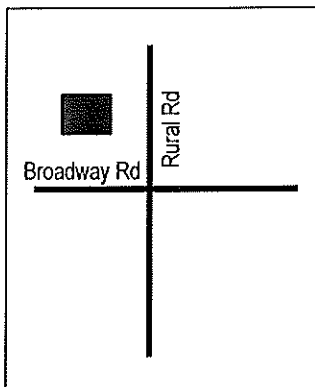
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is seeking three (3) Use Permits to facilitate an addition/remodel of their residence. The Use Permits are to reduce the west rear yard setback by 20% from 15 ft to 12 ft (as measured from the midpoint of the alley); a Use Permit to allow a second story addition and a Use Permit to increase the allowable wall height in the front yard from 4' to 6'. Staff recommends approval of the three Use Permit requests with the finding that they meet the Zoning and Development Code criteria to warrant support of the requests. To date, staff has received many telephone inquiries, one letter in support and one letter in opposition.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts; Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan-SP1
5. East Elevation
6. North Elevation
7. West Elevation
8. South Elevation
9. Northeast/Southeast View
10. Basement floor plan
11. First floor plan
12. Second floor plan
13. Sundeck plan

COMMENTS:

Casa De Smith is located in the Daley Park Neighborhood on South Ventura Drive, one lot north of Broadway Road. The property owner is seeking three (3) Use Permits to facilitate construction of a garage with a second story addition above the garage, located adjacent to the alley. The proposed second story addition is for a bedroom and will allow access to the roof for a sun deck. All additions to the residence will have integral access to the main residence. They are also seeking a Use Permit to increase the allowable height of a wall in the front yard setback from 4' to 6'. The proposed wall will be located along the front property line on the south portion of their lot. It will be a screen for an area currently used as additional parking surface. It will not block the view of the front entrance.

Public Input

To date, staff has received numerous telephone inquiries regarding their proposal. One email in opposition was received and one email in support.

Use Permit

In the R1-6, Single Family Residence, the Zoning and Development Code allows through the Use Permit process a reduction of the rear yard setback, second story additions and wall to exceed four (4) feet in height in the front yard.

Evaluating the Use Permit, the proposal appears to pass the Use Permit test listed below:

- a) Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas. This property is one lot north of Broadway Road. Access to the garage should have minimal impact to the surrounding area.
- b) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - Will not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.
- 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;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This Use Permit request is consistent with the General Plan 2030's Land Use Element. The requested Use Permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
 - This lot within the subdivision is larger than others within the neighborhood, as such; it can accommodate the proportion of addition without detriment to surrounding property values.
- d) Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses. The second story addition is set to the back of the lot, similar to other second story additions previously approved in the neighborhood.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
 - Not applicable to this residential request.

Conclusion

Staff recommends approval of the Use Permits subject to conditions. To minimize the potential for creating nuisance to surrounding properties; staff will condition that the balcony on the second floor to be reoriented to another elevation not overlooking another property.

If located on the north elevation or east elevation; it would be at a substantial distance to minimize exposure to neighboring

properties. The location of the property line at street front must be verified by survey to ensure non encroachment into right of way. Staff recommends the addition of landscape material planted between the wall and the sidewalk to soften the appearance from the street. Finally, our records do not indicate any formal lot ties or subdivision plat to create the lot within the subdivision. This addition is a substantial improvement to warrant a formal subdivision plat be processed to legalize the lot.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the Use Permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. Building addition to match existing residence in color, form and material.
3. Reoriented the second story balcony to either the north or east elevation.
4. Provide landscape between the wall and sidewalk at street front.
5. Wall to be located per a survey to determine the front property line.
6. Process a legal subdivision plat for this property prior to issuance of building permits

HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner – Dave Smith
Applicant – W. Brent Armstrong- ISOS Architecture
Existing Zoning – R1-6 Single Family
Lot area-20343
Lot Coverage- 15%
Building Area- 5900 sf.

ZONING AND DEVELOPMENT

CODE REFERENCE: Part3, Chapter 4, Section 3-420.
Part 4, Chapter 2, Section 4-202.
Part 4, Chapter 7, Section 4-706
Part 6, Chapter 3, Section 6-308 – Use Permit

**Minutes
HEARING OFFICER
MARCH 20, 2012**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Diana Kaminski, Senior Planner

Number of Interested Citizens Present: 23

Meeting convened at 1:35 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by April 3, 2012 at 3:00 PM, to the Community Development Department.

Ms. MacDonald noted that the Hearing Officer Minutes for March 6, 2012 had been reviewed and approved.

-
3. Hold a public hearing for a request by **MIDNIGHT HOOKAH (PL110015)** (Nader Yousif, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite Nos. 103-104, in the CSS, Commercial Shopping and Services District within the Transportation Overlay District Corridor for:

ZUP11007 Use Permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products and live indoor entertainment (dj and live music, dancing, and lingerie modeling). **This is a review of Use Permit compliance as assigned by the Hearing Officer at the March 1, 2011 Hearing.**

Ms. McDonald indicated that this is a review of a Use Permit that had been previously granted to this applicant. This Use Permit had a stipulation that the applicant shall come back to the Hearing Officer after being open for six months.

Diana Kaminski gave an overview of this case which included a brief history since this establishment has been open. Ms. Kaminski indicated that she received one call from a citizen who wished to remain anonymous. This caller stated there was an issue with loud music being played, often until early morning hours but asked if music could be turned off by 2:00 a.m. on weekends, which is a condition of approval. There were no complaints in regards to vehicular traffic, only to cars possibly being parked on an adjacent property and loitering during late night hours.

Ms. Kaminski stated that there are also concerns with trash and debris being left around the site and fights occurring in the parking lot, which could be indications that the security plan and operations proposed in their original application are not being adhered to. Ms. Kaminski indicated that staff is recommending that they get the security plan finalized and another review take place in 6 months and they come back before the Hearing Officer. She also indicated that a representative from the Police Department is available as well to answer any questions.

Ms. McDonald had asked staff if they had a copy of the original letter of explanation and if it addressed their intended hours of operation.

Ms. Kaminski stated that the letter of explanation states their hours of operation will be Sunday through Thursday from 5:00 p.m. to 1:00 a.m. and Friday and Saturday from 7:00 p.m. to 3:00 a.m. She indicated that the stipulation stated that music needed to end by 2:00 a.m.

Nader Yousif, owner/applicant and Joseph Johnson, contractor spoke to address concerns raised. Mr. Johnson indicated that sound proofing measures had been taken in all of the walls and the ceiling.

Ms. McDonald questioned Mr. Yousif as to the hours of operation. Mr. Yousif stated that he has been open until 3:30 or 4:00 a.m.

Ms. McDonald stated that she would like to add the stipulation, based on the original letter of explanation, that the establishment will be open Sunday-Thursday from 5:00 p.m. to 1:00 a.m., music being turned off at midnight. On Friday and Saturday, hours shall be 7:00 p.m. to 3:00 a.m. with music being turned off at 1:55 a.m.

Mr. Yousif indicated that he only has music on Friday and Saturdays and asked if the hours during the weekdays could be extended.

Ms. McDonald stated that she would like applicant to follow through on the original request.

Mike Fleming, Tempe Police Department, spoke in regards to the security plan and how important it is to have that finalized because it will address parking lot, noise and general security issues associated with this establishment.

Ms. Kaminski stated that the deadline for the previous security plan was April 1, 2011, possibly a deadline could be placed on the security plan for April 1, 2012. Mr. Yousif agreed to that stipulation.

There was no public input.

Ms. MacDonald noted that this request meets the criteria for Use Permits:

1. It will not contribute to a significant increase in vehicular or pedestrian traffic
2. It will not create a nuisance arising from the omission of odors, dust, gas, noise vibration or smoke.
3. It will not contribute to the deterioration of the neighborhood.
4. It is compatible with existing uses and structures.
5. The applicant will have control over behavior inside and outside of the establishment.

DECISION:

Ms. MacDonald reaffirmed PL110015/ZUP11007 subject to the following conditions:

1. The applicant is required to return in 6 months for review.
2. The Use Permit is valid for Midnight Hookah and may be transferable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff for review of the business operation.
3. All business signs shall be Development Review approved and permits obtained.
4. 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.

5. Obtain all necessary clearances and permits for the occupancy from the Building Safety Division.

2. Hold a public hearing for a request by **ATC GUADALUPE - CRICKET COMMUNICATIONS - PHX 232 (PL110405)** (Doug Kearney, applicant; City of Tempe, property owner) located at 735 West Carver Road in the GID, General Industrial and SWOD, Southwest Overlay District for:

ZUP11108 Use Permit to increase the height of an existing monopole from 85 ft. to 95 ft.

CONTINUED FROM DECEMBER 6, 2011 HEARING OFFICER BY COMMUNITY DEVELOPMENT

Sherri Lesser gave a brief overview of this case.

Doug Kearney, American Tower (applicant) stated he would be happy to answer any questions and is in agreement with the Conditions of Approval.

There was no public input.

Ms. MacDonald noted that this request meets the criteria for Use Permits:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration or glare.
2. Traffic generated by this use should not be excessive.
3. The use appears to be compatible with the building, site and adjacent property.
4. It will not contribute to the deterioration of the neighborhood or downgrade property values.
5. There will be adequate control of behavior both inside and outside the premises.

DECISION:

Ms. MacDonald approved the modification to PL110405/ZUP11108 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division of the Community Development Department.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new Use Permit.
3. The proposed antennas shall match in color the existing antennas on the site.
4. Antenna and rad center appurtenance may not extend higher than 98' maximum.
5. The wireless device shall be removed within 30 days of discontinuance of use.

4. Hold a public hearing for a request by the **CASA DE SMITH (PL120053)** (W. Brent Armstrong, ISOS Architecture, Dave Smith, property owner) located at 1724 S. Ventura Drive in the R1-6, Single Family Residential District for:

ZUP12021 Use Permit standard to reduce the rear yard setback by twenty percent (20%) from 15 feet to 12 feet (as measured from midpoint of alley).

ZUP12022 Use Permit to allow a second story addition

ZUP12023 Use Permit to increase the allowable wall height within the front yard setback from 4' to 6'

Sherri Lesser gave a brief overview of this case. Ms. Lesser indicated they have received several emails in regards to this case, both in support and opposition. Staff is recommending approval based on the Use Permit criteria. A condition has been added to provide landscaping between the wall and the City sidewalk.

Dave Smith, property owner and Brent Armstrong, architect, spoke in reference to the Use Permits. Mr. Armstrong first addressed the wall and stated that the additional two feet will help screen the parking area. He stated that the reduced setback in the rear yard will allow for a garage and will hopefully alleviate any parking concerns. He indicated that the second story is similar to others in the neighborhood where it is set to the rear of the home and with the large lot, it is more centered and not directly near the property lines.

Ms. Lesser indicated that she had requested the balcony to be relocated from the south side so that it either overlooks the applicants property to the east or to the north where there is more foliage for screening.

Mr. Smith indicated that it their intention to have planter boxes with citrus and avocado trees to address screening concerns on the south.

Ms. McDonald stated that she has a concern with the sundeck and would have issue approving the application with the deck included.

Ms. McDonald opened hearing for public input and read into the record that she received emails from staff in regards to this case from Mr. Smith (applicant), Hill family (opposed), Cunningham family (opposed), Gerber family (opposed), Brown (inquiry), Kershot (support), Kisiel and Bane families, who did not indicate support or opposition.

Ms. Mary Ann Kisiel spoke in support of the case but had a concern in regards to the sundeck and the windows on the west side.

Mr. Ian Shoemaker, spoke in opposition and does not feel the structure in the rear will be used as it is being portrayed in this application.

Mr. David Crenshaw spoke in opposition of this case.

Mr. Ernie Nickels stated that the neighborhood has been impacted by fraternities and party houses. He also stated concerns with the windows on the west side of the garage and the parking area.

Ms. Sara Ahern spoke in opposition in regards to the addition and size of the home, alley access and the impact of these modifications to the surrounding neighborhood.

Ms. McDonald questioned staff as to the size of the lot. Ms. Lesser indicated that in the City's GIS system and in aerial photos, it is shown as one lot although recorded documents could not be found. She also stated that a Condition of Approval is that a Subdivision Plat shall be processed, prior to the issuance of Building Permits.

Mr. Ruben Valenzuela spoke in regards to the house not being used as a family residence. He indicated that Mr. Smith's two sons are the only family residing at that address and he believes they are in violation of the City's code that allows for no more than three unrelated people to reside at one address. He also stated concerns regarding the vehicular traffic in the alley and the possibility of dust due to the increased traffic. He also indicated that he feels the neighbors are in opposition of these requests because the home is not being used as a single family residence.

Ms. Miriam Gilbert spoke in opposition of this case as it related to the size and existing vehicular traffic.

Mr. Russ Plieseis spoke to his concern regarding the use of the property.

Ms. Barbara Rentz stated that she feels the house is well kept up but there is concern in regards to the number of people and vehicles.

Ms. McDonald closed the hearing to public input.

Mr. Smith and Mr. Armstrong returned to address concerns. Mr. Armstrong addressed the windows on the west elevation and indicated with the elimination of the roof deck, the windows opening into the stairwell on the west elevation will also be eliminated. He also indicated that with the roof deck being eliminated, the roof height may be increased 12 to 18" due to the pitch of the roof. Mr. Armstrong also indicated that there hasn't been much dialogue in reference to the basement because it isn't part of the Use Permit.

Mr. Smith stated that he felt he had been as open to the neighbors as much as possible. He indicated that with the home being built in the 1950's, the garage was too small and therefore closed it in, in an effort to make the space more functional. He also stated it was their intention from the very beginning to build a garage at the back of the property.

Mr. Smith indicated there are two additional boys living in the house with his two sons and there are four cars registered to that address.

One additional citizen, Rudy Campbell, spoke in opposition of this case.

Ms. MacDonald indicated that she heard no opposition to reduction of the rear yard setback and thanked the applicant for clarification on the front yard wall as to location. Ms. MacDonald also stated that there are several second story additions in the neighborhood and does not feel it's out of character for the area, although she cannot approve the sundeck and it will need to be eliminated from the application. She also indicated that the applicant appeared to be in agreement with removing the windows on the garage on the west elevation as well.

Ms. MacDonald also commented on the issue of ownership of the property. She indicated that the home is owned by a family and it is being lived in by the two sons and that she had gone onto one of the son's Facebook page and had seen photos of past parties that had been posted on that site and it appeared that the party was in control and the property cleaned up afterward.

Ms. MacDonald stated that she basis her decision on the Use Permit criteria below and feels this case meets the criteria:

1. Will not create increase in vehicular or pedestrian traffic.
2. Will not create a nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
4. The use appears to be compatible with the building, site and adjacent property.
5. There will be adequate control of disruptive behavior both inside and outside the premises.
6. Will not contribute to the deterioration of the neighborhood or down grade property values.

DECISION:

Ms. MacDonald approved the modification to PL120053/ZUP12021/12022/12023 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Building addition to match existing residence in color, form and material.
3. ~~Reoriented the second story balcony to either the north or east elevation.~~ (deleted by Hearing Officer)
4. Provide landscape between the wall and sidewalk at street front.
5. Wall to be located per a survey to determine the front property line.
6. Process a legal subdivision plat for this property prior to issuance of building permits
7. Remove sundeck and revise elevation to a pitched roof not to exceed 30'. (added by Hearing Officer)
8. Remove or opaque windows on the second story west elevation.

-
5. Hold a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **HAZELTON PROPERTY (PL120057/ABT12010/CE120510)** (Shawn Daffara, Inspector; Patrick Hazelton, property owner) located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District.

Shawn Daffara, Code Inspector, gave a brief overview on this case. Mr. Daffara indicated that staff has made several attempts to contact the owner but has not been successful since 1994.

Ms. MacDonald noted that this request meets the criteria for properties in disrepair.

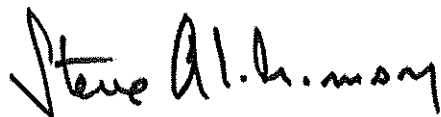
DECISION:

Ms. MacDonald approved abatement proceedings for PL120057 /ABT12010 /CE120510 for an open period of 180 days.

The next Hearing Officer public hearing will be held on April 3, 2012.

There being no further business the public hearing adjourned at 3:20 PM.

Prepared by: Lisa Novia, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:in

Lesser, Sherri

From: Alexandra Hill <hill.alexandraleigh@gmail.com>
Sent: Tuesday, May 08, 2012 4:08 PM
To: Lesser, Sherri
Cc: rvalenzuela@terranodesign.com
Subject: RE: Casa de Smith
Attachments: photo (1).JPG; photo (2).JPG

Sherri,

Last Friday morning, Casa de Smith was responsible for broken glass in the middle of Ventura as well as visible trash in their driveway. I would like to reiterate that I am not far removed from these students' age, having just turned 25, and I am completely appalled by their behavior. I view it as a privilege to be so young and to live in such a great neighborhood and do not believe that they should be allowed to continue with the addition to their home. The parties and amount of visitors will only escalate with the neighborhood bearing the burden.

Respectfully,

Alexandra Hill

Lesser, Sherri

From: Betsy Rosenmiller <betsymetro@gmail.com>
Sent: Monday, May 21, 2012 11:15 AM
To: Lesser, Sherri
Subject: Casa de Smith case

Dear Ms Lesser,

I was sorry to hear that the Casa de Smith case has been continued again. I am not sure that I will be able to attend the new date, so I thought I would send my opinion in writing. I am a long time resident of the Daley park neighborhood, we purchased our current home in 1992. We love our home, and used to love the area, and have put a substantial amount of time and money into improving the home and yard. In spite of this, we are now looking to move out of the neighborhood.

Over the past two years I have noticed the college student situation get substantially worse. I feel that the Casa de Smith is being misrepresented by the owner as a family home. Every morning there are between 6 and 8 cars in front of the house either on the street or in their extended parking area. I have witnessed vans full of college students being dropped off to enter their house. Once when I was driving home with my children, a horde of about 20 scantily clad girls were walking down the street to enter their home. They would not move out of the street and we were forced to stop the car and wait for them to all walk past. My small boys were in the back seat. There is another house further down Solana that I believe is part of the same fraternity because often we have groups walking past our home to go from one of these houses to the other. On the way by they throw beer bottles in our yard, urinate in our bushes, and curse loudly. It seems clear to me the Smiths do not need to build a two story addition with a roof top deck to accommodate their "grandmother" in this "family" home.

regards

Betsy

--
Betsy Rosenmiller
606 E. Solana Dr
Tempe, AZ 85281

Metropolitan Arts Institute
1700 N. 7th Avenue
Phoenix, AZ 85007
602-258-9500 ex 14

May 4, 2012

Re: Casa de Smith, 1724 S. Ventura, Tempe AZ Case# PL120053

ZUP 12021 Use Permit request for rear yard setback
ZUP 12022 Use Permit request for second story addition
ZUP 12023 Use Permit request for front wall height

TO: Sherri Lesser, Senior Planner
FROM: Ernie Nickels, Daley Park resident for 45 years

I strongly oppose these requests from the owner of the above-referenced residence for the following reasons.

Mr. Smith began his management of this property by hosting fraternity parties in September 2011 and filling in the existing garage ILLEGALLY without a building permit. So now he needs to build a garage to replace it but this is a SELF-IMPOSED situation.

This is already the biggest house in the neighborhood with 4000 SF (4 bedroom/4 bath). Expanding to almost double in size to 7000 SF (6 bedroom/7 bath) for his large extended family is excessive and totally out of character with the surrounding modest homes(1200 – 2500 SF) in Daley Park. There already are usually 6 - 8 vehicles parked in the front yard and on the street most days and nights of the week, and even more for special events that have prompted neighbors to call Tempe Police in the past and resulted in trash in the street and in neighbors' yards. But Mr. Smith tries to refute those facts and even blames the street parking on "other rentals in the area".

According to published ASU Fraternity activities from the Fall of 2011 and subsequently, this address is listed as a venue for Lambda Chi Alpha official activities. One of the Smith sons (also an owner) is listed as an officer in this fraternity.

- a) Contrary to the original staff evaluation of the original Use Permit, there WILL be additional vehicular or pedestrian traffic in adjacent areas. Access to the proposed garage off the alley will NOT have minimal impact to the surrounding area (see next item b).
- b) Emission of odor, dust, gas, noise, vibration, etc., WILL create a serious nuisance with alley access to the proposed multi-car garage.
- c) Expanding this already large property to almost double its current size and its use as a fraternity event venue is in CONFLICT with the General Plan 2020 land use and the Tempe Zoning and Development Code. Section 3-102, Table 3-102 shows that fraternity and sorority houses are NOT permitted land uses in single-family R1-6 residential areas with NO exceptions and NO use permits. Excessive traffic, parking and party events at this house have already downgraded the value of surrounding properties and have even caused some people to move out of the neighborhood.
- d) The proposed use for the Smith extended family IS definitely detrimental to the surrounding homes. Adding even more living space and a second story will generate even more vehicles to create even more problems, regardless of the larger size of this property. The second story above the garage is NOT compatible with the rest of the neighborhood because it has a roof deck and balcony which means essentially a third story in usage, and windows that look down into surrounding neighbors' property.
- e) This intersection of Ventura and Broadway Road is a major entrance into the Daley Park neighborhood, creating traffic safety issues. Adequate control of disruptive behavior outside the premises IS applicable to this request because of the extra traffic and trash generated by frequent parties and daily on-street parking of 6 – 8 vehicles.

I am especially sensitive to this house as a fraternity party house because, directly across the street from my house, on Broadway Road is another fraternity house. An investor bought up 3 residential lots (2 existing houses and one vacant lot) and it is officially listed as the Sigma Phi Epsilon Broadway House. Also at one end of my street Broadway Lane, there is another "family owned" house for the owner's ASU student and apparently many of his friends, with up to 9 vehicles parked both sides of the street and sometimes obstructing a public pedestrian and bike path. Parties at this house also negatively impact nearby neighbors who have to deal with the extra traffic and frequent trash.

Every City Council candidate has run their campaign on some version of "preserving" or "saving" Tempe neighborhoods. Yet zoning regulations are watered down or ignored in favor of investors and landlords rather than property owners of owner-occupied homes who make up the backbone of any neighborhood. Tempe needs to make a stand before all the older, mature neighborhoods around ASU and downtown degenerate into slums and student ghettos.

Lesser, Sherri

From: Lesser, Sherri
Sent: Tuesday, May 29, 2012 10:40 AM
To: davidbsmith@cox.net
Subject: FW: Casa de Smith

From: LESLIE SANTOLLA [<mailto:lasantolla@msn.com>]
Sent: Thursday, May 24, 2012 5:49 PM
To: Lesser, Sherri
Subject: Casa de Smith

Dear Ms. Lesser,

My name is Leslie Santolla and I live in the Daley Park neighborhood. I am writing to you in regards to the Smith house and the plans that will increase the size of the structure on the property. I am not in favor of the projected enlargement of this house because it does seem to be in the best interest of the neighborhood and the community as a whole. This "home" seems to be inhabited by a large group of male ASU students in what appears to be a "frat house". On any given day there is at least eight cars parked on the property and many more parked on the street with people going in and out of the dwelling. This sort of commotion is much more indicative of a type of dormitory and/or gathering place for many students rather than a familial habitat as what the owner desires to impress upon the neighborhood.

It is my understanding that a woman bought the property for her two grandsons while they attended the university. That would be an agreeable arrangement for this established neighborhood so near the campus, but that does not seem to be the outcome as evident by the activity and the proposed additions to the home. The said additions seem to be nothing more than preparation to add more living quarters to the building making it an off campus residence hall/ fraternity house. Although the property is very well tended by hired landscapers and the house is an architectural statement in this vicinity, it is a house that eludes a party atmosphere not in keeping with this mature neighborhood. If the family of these two students is truly concerned about the education of their sons, I would think they would want them in a much more composed atmosphere conducive to their academic pursuits rather than a house full of boisterous guys.

I am a 30 year resident of the city of Tempe, 16 of which have been in my current home on Solana Dr. where I have raised two, now teen-aged sons. I am also a proud graduate of Arizona State University with fond memories of my undergraduate days. I have lived in several rental properties near the school with one or two fellow students and I am well aware of what life is like in off campus housing. What I have witnessed at the Smith house on a daily basis does not appear to be a typical student domicile, but rather a very nice party house in a very well-located area. The grounds of the university is land-locked within the city of Tempe and much has been done to provide housing for the student population and although I am an ASU alumni, I do not wish to see this neighborhood encroached upon by more and more students. This will no doubt decrease the value of the homes in this area and possibly set a precedent for similar housing arrangements.

I sincerely hope you will take into consideration the thoughts and concerns of myself and two sons to reject the plans to square footage to the structure. It is our wish to retain a more family type environment in this neighborhood.

Many thanks,

Leslie Sanolla
Jeaden King
Colton King

Lesser, Sherri

From: Lesser, Sherri
Sent: Tuesday, May 29, 2012 10:40 AM
To: davidbsmith@cox.net
Subject: FW: BINGO! Underage drinking, loud parties, street parking
Attachments: VenturaAreaParties.pdf

From: Ernie Nickels [<mailto:ernie@erniesartwork.com>]
Sent: Saturday, May 26, 2012 8:28 AM
To: ruben valenzuela; Lesser, Sherri
Subject: Fw: BINGO! Underage drinking, loud parties, street parking

I thanked him & also asked for records for Vista del Cerro & Encanto. Are we losing this fight to save our neighborhood or what?!

Ernie

----- Original Message -----

From: Hale, Kim
To: 'ernie@erniesartwork.com'
Cc: Cobbs, Charles
Sent: Friday, May 25, 2012 6:35 PM
Subject: FW: Underage drinking, loud parties, street parking

Mr. Nickels,

Attached are some party/loud music/fight calls in the Ventura area. I included addresses on Solana and La Rosa as well. Sometimes it is hard to pin point a party so we get different addresses that might be close to the area. In the cases of Solana and La Rosa I think these are also locations where some parties were/are occurring and perhaps so close they are feeding into each other.

I have asked Lieutenant Jim Peterson to brief the Sergeants and Officers regarding the issues you have been experiencing and included this same Pdf file. We will be taking a firmer stance on the parties/loud music occurring in your area and insuring documentation is in order. I have also asked that those addresses where a problem has been, or can be identified, that we make contact with the titled home owners and work with them on the issue(s).

Thank you for bringing this to our attention. I hope the information is what you were looking for. Please feel free to contact me if you have any further concerns or questions.

Cmdr. Kim Hale
North Patrol
480-350-8322

From: Cobbs, Charles
Sent: Wednesday, May 23, 2012 3:59 PM
To: 'Ernie Nickels'
Subject: RE: Underage drinking, loud parties, street parking

Mr. Nickels,

I have forwarded your concerns to Commander Kim Hale for his review and consideration. He or a designee should be contacting you in the near future. In the meantime, if you have any questions, please feel free to contact me at 480-350-8691.

Sincerely,

Charles

From: Ernie Nickels [<mailto:ernie@erniesartwork.com>]
Sent: Wednesday, May 23, 2012 3:26 PM
To: Cobbs, Charles
Subject: Underage drinking, loud parties, street parking

On April 29, 2012 the following article appeared in the Arizona Republic re: underage drinking problems at The Vue (off-campus apartment housing) and I read many similar reports at other times.
<http://www.azcentral.com/community/tempe/articles/2012/04/29/20120429tempe-police-cracking-down-underage-drinking.html>

We have our very own problems in the Daley Park Neighborhood (single-family residences) due to fraternity parties at 1724 S Ventura Drive. There have been numerous calls for service at this address but the Police Dept claims to have no record of these calls. We are trying to get information on the number of these calls from last July 2011 to the present. ASU also claims no responsibility AND they say that they cannot provide copies of these police reports because of "FERPA", The Family Educational Rights and Privacy Act. Something is very fishy here. Can you please help us out? Thank you.

Ernie Nickels, resident
Daley Park Neighborhood
322 E Broadway Lane
Tempe AZ 85282
480-966-5214

Event ID	Case #	Entry Date	Address	Event Type
TE11000149147	11-149147	09/17/2011 23:33	1627 S VENTURA DR	LOUD PARTY IN PROGRESS
TE12000037982	12-37982	03/24/2012 23:35	1702 S LA ROSA DR	LOUD PARTY IN PROGRESS
TE11000166260	11-166260	10/23/2011 2:16	1708 S LA ROSA DR	FIGHT
TE11000169206	11-169206	10/29/2011 0:03	1708 S LA ROSA DR	LOUD PARTY IN PROGRESS
TE11000186284	11-186284	12/04/2011 0:20	1708 S LA ROSA DR	LOUD PARTY IN PROGRESS
TE11000138826	11-138826	08/27/2011 1:30	1712 S VENTURA DR	FIGHT
TE11000142441	11-142441	09/04/2011 3:15	1715 S LA ROSA DR	LOUD PARTY IN PROGRESS
TE12000056126	12-56126	05/04/2012 0:10	1715 S LA ROSA DR	LOUD PARTY IN PROGRESS
TE11000165777	11-165777	10/22/2011 2:25	1724 S VENTURA DR	LOUD PARTY IN PROGRESS
TE12000005696	Dec-96	01/13/2012 22:59	1724 S VENTURA DR	LOUD PARTY IN PROGRESS
TE12000054063	12-54063	04/29/2012 2:53	1726 S LA ROSA DR	LOUD PARTY IN PROGRESS
TE11000148577	11-148577	09/17/2011 0:23	1727 S VENTURA DR	SUBJECT DISTURBING/HARASSING
TE11000148664	11-148664	09/17/2011 2:08	1727 S VENTURA DR	FIGHT
TE11000154847	11-154847	09/28/2011 23:42	1727 S VENTURA DR	SUBJECT DISTURBING/HARASSING
TE11000134759	11-134759	08/19/2011 2:05	612 E SOLANA DR	FIGHT
TE11000145614	11-145614	09/11/2011 0:12	612 E SOLANA DR	LOUD PARTY IN PROGRESS
TE11000151568	11-151568	09/22/2011 22:58	612 E SOLANA DR	LOUD PARTY IN PROGRESS
TE12000000606	12-606	01/02/2012 3:33	612 E SOLANA DR	LOUD PARTY IN PROGRESS
TE12000002665	Dec-65	01/06/2012 23:47	612 E SOLANA DR	LOUD PARTY IN PROGRESS
TE12000009317	Dec-17	01/21/2012 21:27	612 E SOLANA DR	LOUD PARTY IN PROGRESS
TE12000041150	12-41150	03/31/2012 23:31	612 E SOLANA DR	LOUD MUSIC/NOISE
TE12000061445	12-61445	05/15/2012 2:14	612 E SOLANA DR	LOUD PARTY IN PROGRESS
TE12000000591	12-591	01/02/2012 2:12	616 E SOLANA DR	LOUD MUSIC/NOISE
TE11000126945	11-126945	08/02/2011 8:10	621 E SOLANA DR	LOUD PARTY IN PROGRESS
				LOUD MUSIC/NOISE

Lesser, Sherri

From: Africa Espina <africaespina@yahoo.com>
Sent: Monday, May 14, 2012 3:06 PM
To: Lesser, Sherri
Cc: rvalenzuela@terranodesign.com
Subject: Smith house incident

Dear Sherri,

My name is Africa Espina and I have lived at 507 E. Solana Dr in Tempe for two years. I'm writing to express my disapproval of the Smith house expansion and understand you will be making a decision on the permit shortly. The main reason for my disapproval is attributed to an incident that occurred a little over a week ago. However that was not the first time my partner and I have been disturbed by the social activities stemming from the Smith house, located less than a block from our residence, since he moved into the neighborhood this past fall.

At about 5:00 the afternoon of May 5th 2012, cinco de mayo, I was sitting on the front patio of the house when I heard a male voice yell, "Look guys, I'm making a road block", coming from the west side of the property. This was repeated a couple times enthusiastically, and curious as to what was developing, I got up and walked towards the voice. What I found was a young man removing stones from the side of our driveway and placing them in the street, next to line of other stones he had already removed and made into a "roadblock". His friends, who were walking down the street behind him and to whom were the subject of his yelling I presume, turned around sheepishly and walked the other direction as they saw me approaching. Turning my attention to the hunched over young man, tall and skinny with brown hair, I kindly asked him to please put the stones back. I explained to him that the stone "road block" would ruin our car or others going down the

street. Without looking at me, still hunched over, the young man complied and excused himself because his friends had given him too much tequila. His slurred speech and stumbling hunched state corroborated his drunkenness. By the time all the stones were back, I saw in the background that his friends had returned to the place of origin, the front door of the Smith house. The young man then followed his friends, but stopped at the corner of the lawn next door, fumbling for his phone. As I was watching him, I called my partner to come outside and explained to him what had just occurred. Seeing our eyes were still on him, the young man yelled at us "I can kick the #@2 out of you", or something of that nature a couple of times. We had not said anything to provoke him. Seeing that the situation had suddenly turned hostile, my partner sent me inside and continued to watch the young man on the corner until he was picked up by a vehicle. A couple minutes

later and feeling confident again, his friends left the front door and continued on their original path east on Solana, passing our house to get to their vehicles parked a few houses down the street from "Casa de Smith". An odd place to park, since there was plenty of room on Solana closer to the house, where we were accustomed to seeing many other vehicles.

After this incident, two things were strikingly apparent to me:

1) Smith's friends and/or roommates are getting intoxicated to such a state in that house that they are creating potentially dangerous and hostile situations 2) Smith's friends and/or roommates have been directed to park away from his house

Of the two, the only violation with a slight chance of legal standing is public intoxication and threatening nature of the young male. However I also believe that Smith is deliberately trying to minimize the attention drawn to his house, at least temporarily, for purposes of the permit approval. The number of cars currently parked on his property does not accurately reflect the number of people living or spending time in his house. We have seen groups of well dressed young males entering his house, as if it were a fraternity. This past fall, we were unpleasantly awakened a numerous times by slamming car doors directly in front of our house and loud jubilant young people walking down the street for the next big party. Overall, ever since Smith moved to the neighborhood, the disturbances have augmented past uncomfortable to unsafe levels. I should have called the police to officially complain, but never did.

My partner and I are now moving from the neighborhood, for reasons other than this incident. But because we are both professionals, we will be avoiding the Tempe party neighborhoods. We liked the feel of the Daley Park area, being close to the ASU workplace with an eclectic mix of professional, students, and retirees. Approving the expansion of an already large house with multiple young tenants will make the neighborhood more even more prone to parties and disturbances than it already is. I hope this opinion and incident report convinces you that issuing an permit for the "Casa de Smith" expansion is not a good choice for the well being of the neighborhood and its residents.

Regards,
Africa A. Espina, P.E.