



**CITY OF TEMPE
BOARD OF ADJUSTMENT**

**Meeting Date: 12/14/2022
Agenda Item:**

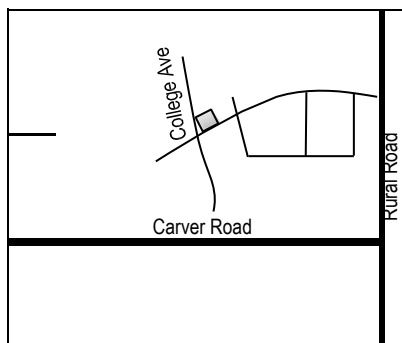
ACTION: Request a variance to reduce the street side yard setback from 15’ to 8’ in the R1-10 Zoning District for an addition to a single-family house for the HLADIK RESIDENCE, located at 8017 South College Avenue. The applicant is Michael Hladik.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: HLADIK RESIDENCE (PL220165) is requesting a street side yard setback reduction to construct a 131 s.f. addition to an existing home, and is requesting a variance to comply with the Zoning and Development Code Development Standards.

VAR220008 Variance to reduce the street side yard setback from fifteen (15) feet to eight (8) feet.



Property Owner	Michael Hladik
Applicant	Michael Hladik
Zoning District	R1-10 Single-Family Residential
Site Area	.37 Acres or 16,130 s.f.
Building Area	3,332 s.f., Requested Addition 131 s.f. Finished total. 3,463 s.f.
Lot Coverage	21% (45% maximum allowed)
Building Setbacks	30’ front west, 5’ west side, 15’ south street side, 10’ north side 25’ rear

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Steve Abrahamson, Principal Planner (480) 350-8359

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Steve Abrahamson, Principal Planner
Reviewed by: Ryan Levesque, Deputy Director of Community Development - Planning

COMMENTS

The site is located north of Carver Road and east of Rural Road. The property is located on the northeast corner of the intersection of South College Avenue and East Secretariat Drive. There is a neighborhood association but, no homeowners Association for the Raintree Estates Neighborhood. According to the Maricopa County Assessor's site, the lot is 16,330 s.f. and the house is 3,332 s.f. The property has no alley access and has residences to the north and east adjacent to the property, additional residences west side of College Avenue and the south side of Secretariat Drive. The proposed addition to the home would add approximately 131 square feet to the house for a total 3,463 s.f..

PUBLIC INPUT

- January 23, 2022 The applicant held a neighborhood meeting at 6:00 pm on the subject site with three (3) neighbors in attendance.
- Upon completion of this report staff has received no public comments on the requested variance.

VARIANCE

A. The applicant is seeking the same variance to reduce the street side yard setback from 15' to 8' to allow for a 131 s.f. addition to an existing home.

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

1. *That special circumstances are applicable to the property, including its size, shape, topography, location, or surroundings;*
The property is of an irregular shape with the street side yard setback tapering in width from west to east.
and
2. *The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.* The property side yard street has a wider than usual right of way. Secretariat Drive right of way were 30' wide instead of the actual 35', the setback would be 5' wider and have the ability to apply for the Use Permit Standard to meet code.
and
3. *The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;*
The property is located in a unique situation, whereas the side yard of the single-family home is adjacent to a public street that is 5 feet wider than a typical residential street. Additionally, there is an example of similar variance permitted. 531 East Secretariat Drive was approved for a reduction in the street side yard setback to 9'. Allowing this variance request is consistent with the allowed privileges of side yard setbacks within the vicinity.
and
4. *A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.* As the home placement at this corner lot is such that there is less backyard, more front yard space than other properties within Raintree Estates. Through established Development Standards, the applicant is limited in feasible building space for the addition. This is not a self-imposed condition.

REASONS FOR APPROVAL:

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

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

CONDITIONS OF APPROVAL:

1. The building addition shall complement the existing residence in color and materials.

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.

- Approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months of the approval or within the time stipulated by the hearing body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the variance.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.

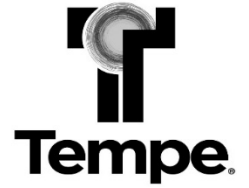
HISTORY & FACTS:

1985 Construction and Final Inspection of a wood-framed Single-Family Residence.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-309 Variance

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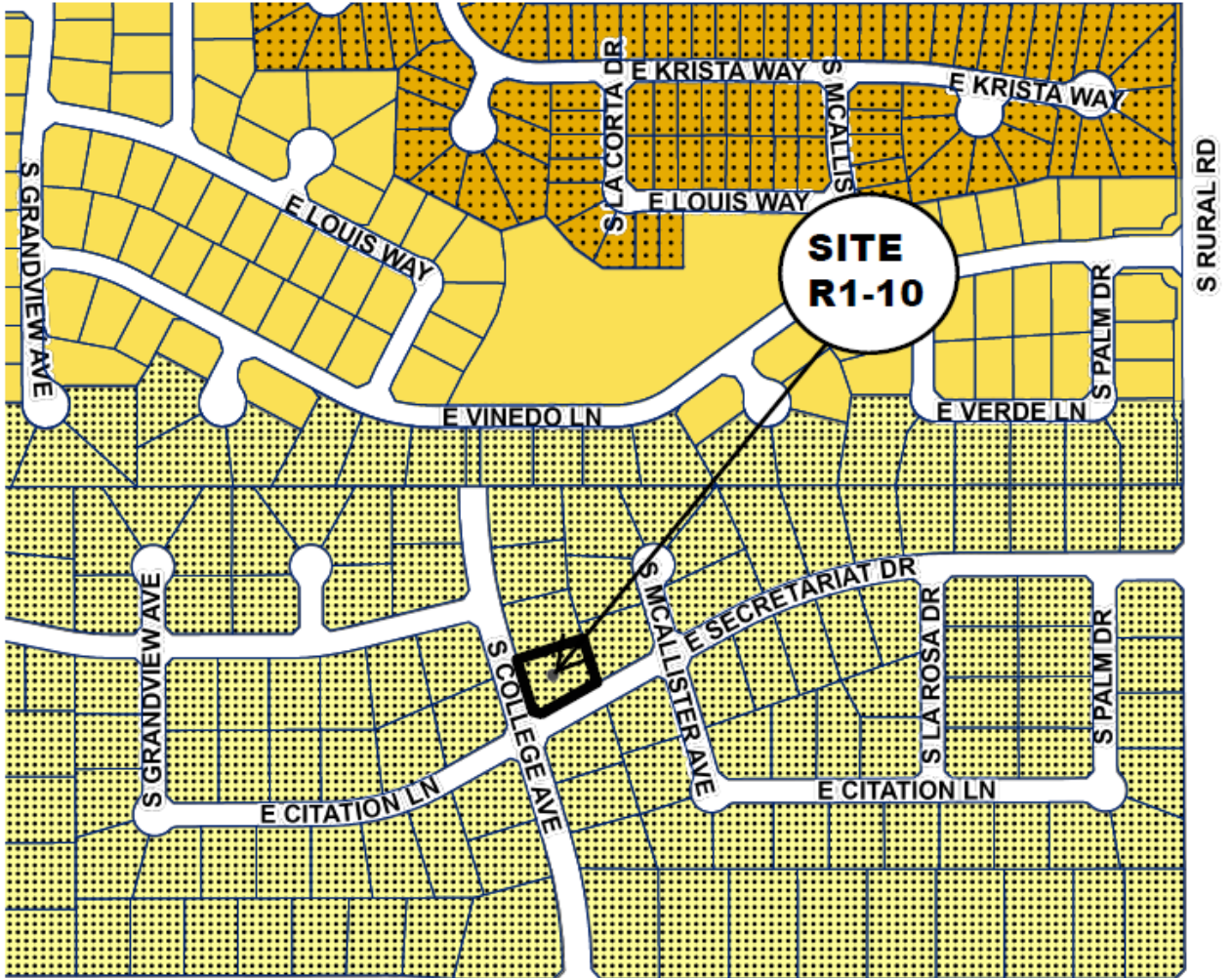


DEVELOPMENT PROJECT FILE
for
HLADIK RESIDENCE
(PL220165)

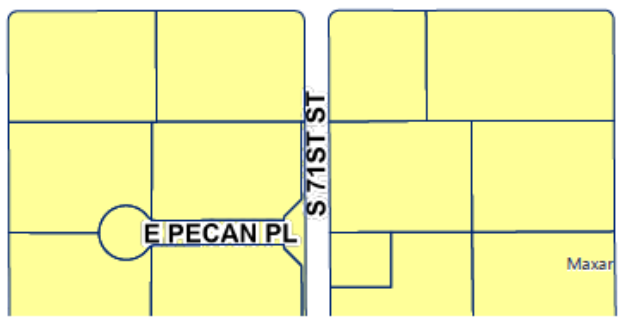
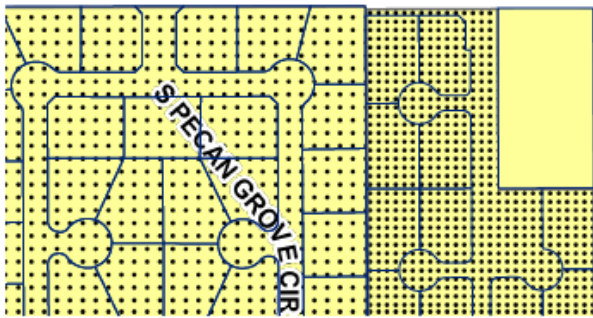
ATTACHMENTS:

1. Location Map
2. Aerial Image
- 3-4. Letter of Explanation
- 5-9. Site Plan, Elevations & Sections, Floor Plan
- 10-12 Neighborhood Meeting Public Involvement Summary Minutes

Hladik Residence



**SITE
R1-10**



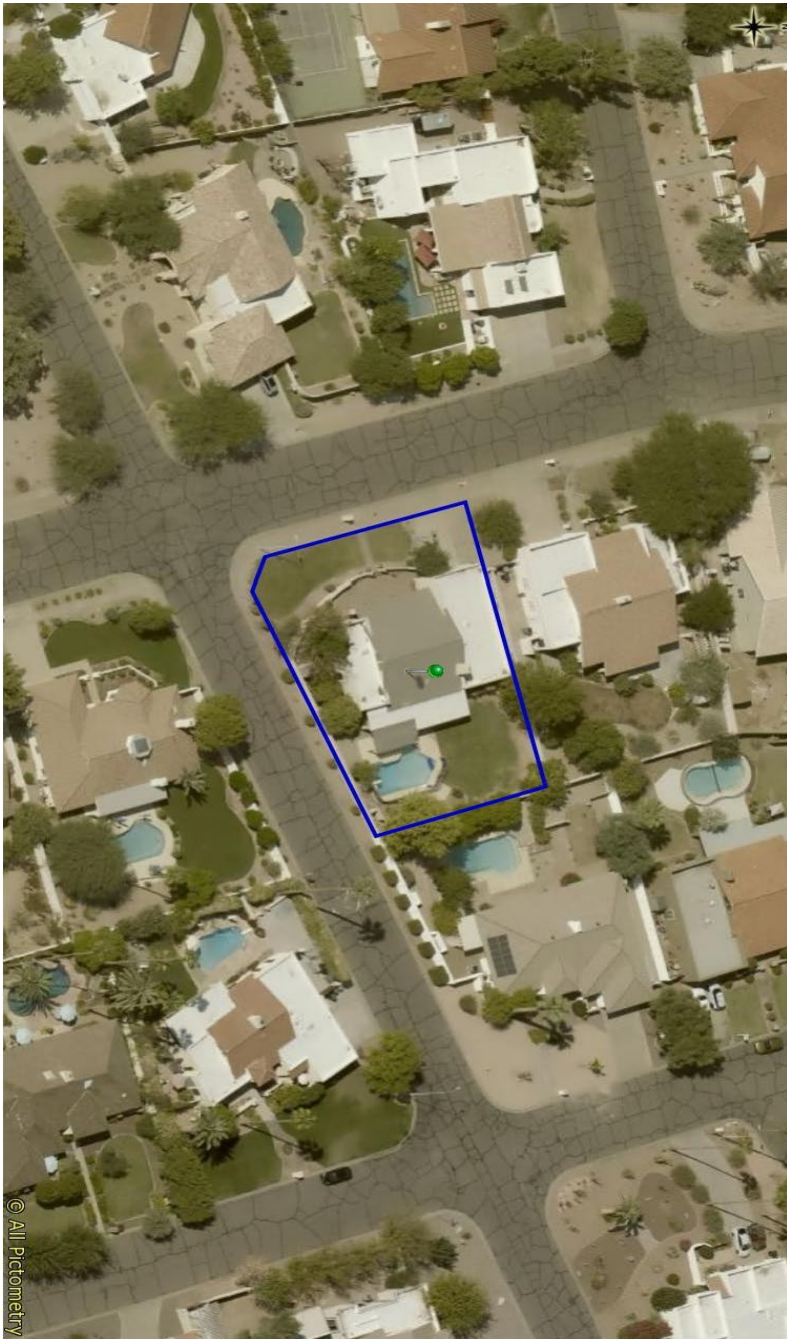
- Agricultural (AG)
- Single-Family Residential (R1-15)
- Single-Family Residential (R1-10)
- Single-Family Residential (R1-8)
- Single-Family Residential (R1-7)
- Single-Family Residential (R1-5)
- Override 1

- Twelve Point**
CenterlineSubType
- ADOT
 - Canal
 - Monument
 - Private

- Zoning District**
- Light Industrial District (LID)
 - General Industrial District (GID)
 - Heavy Industrial District (HID)



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September 11, 2022

To Whom It May Concern,

This is a letter of explanation for the proposed residential addition to our home at 8017 S. College Avenue, Tempe Az, 85284. Our home is located in Raintree Estates. Per our plans, the proposed addition would require our set back on the south side of our home to be reduced from 15 feet to 8 feet. Below, please find how our proposed addition meets all the setback criteria set by the City of Tempe.

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

As mentioned, our home is located in Raintree Estates. It is a hidden treasure in south Tempe. Large lots, mature vegetation and no formal HOA make it a very desirable neighborhood to live in. Our lot is unique with it being a corner lot with the front on the east side of College Avenue and the south side along Secretariat. The immediately nearby houses on Secretariat do not have fronts on Secretariat, but rather, likewise have side yards (walls). We are one of the original lots developed in the neighborhood and since it is a large corner lot with substantial visibility, we have substantial grass on the front of the house and the lot narrows as it extends east to the back of the house. As such, the south side of the house is not parallel to the wall along Secretariat. As such, the southeast corner is just under 15ft from the wall (property line) and any addition to the south and east corner of the house would encroach on the 15ft setback requirement. The positioning of the house on the lot leaves virtually no room for an addition except for the south side of the house.

B. "The strict application of this Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district."

As mentioned, we are a corner lot with the side of the house targeted for the addition behind the walled property line along Secretariat with no adjacent houses facing it, only walls and a garage entry. There would be no impact to curb appeal for any neighboring homes. The City of Tempe recently approved a variance for a 9' setback for the Ingram property at 531 E. Secretariat Drive for which their addition is directly across from the front entry of multiple houses on South LaRosa Drive. Also, the corner lot at 142 Secretariat also appears to have been granted a variance for a garage build several years ago along the side street. And, corner lot 7922 S. McAllister has the corner of its house apparently within normal setback requirements as well. Our proposed addition will maintain our home in line with the other lots that have the same zoning that we do. Covid 19 has caused the need for both my fiancée (now wife) and myself to work from home, and much of the times, the children were also attending school from home. We have not had a proper workspace and still do not without an office. Although our kids are now in school, both parents are still required to work from home.

C. "The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located"

[Type here]

Our home is currently 3,300 square feet with 4 bedrooms and a 2 car garage. While 3300 sq ft is by no means small, large hallways take away from usable living space (rooms). The average home in our subdivision is ~2,900 sq ft with most homes having at least 4 bedrooms and many of them over well over 3,000 square feet and with 3 car garages. Our plan is to add an office off the master bedroom to facilitate our work from home jobs while also allowing existing space for the 4 children that occupy the other 3 bedrooms. An office will make this home not only perfect in size and functionality but also maintain comparable living space to other similar floor plans in the neighborhood with 3 car garages and less wasted side yard space. The proposed addition will not give us any special privilege or advantage in the neighborhood that has not already been extended to other homes in the neighbor including the ones previously mentioned. Additional square footage will only keep us comparable with much of the rest of the neighborhood and adjacent neighborhoods.

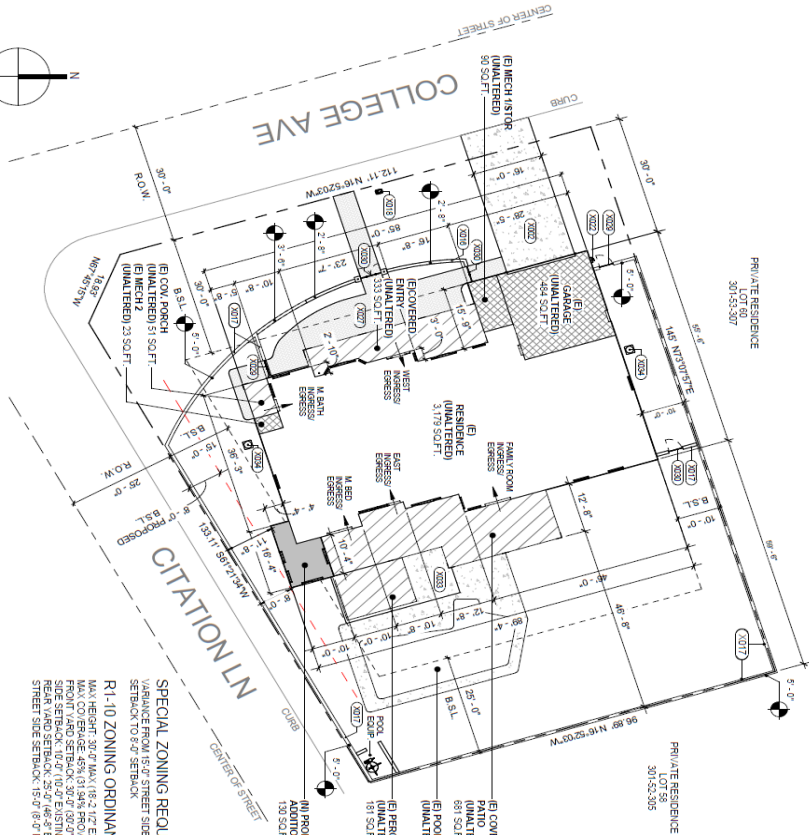
D. "A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner."

The special circumstances applicable to our property have in no way been self-imposed by us. Our home sits on our lot differently than some other properties in our neighborhood, especially those located on corner lots. We have more front yard and less backyard than other homes located in Raintree estates. None of the circumstances are self-imposed and our proposed changes will only be a benefit to home values in our neighborhood. This addition will not infringe on any of our neighbor's homes, curb appeal or lifestyle and will greatly enhance our living situation along with adding value to the home, which will help our neighborhood as well. The plan is for the addition to complement the existing home in style, roof line, color and materials. Our house sits differently on our lot than many of the other homes, so the only place we can add square feet is on the south side of the home. The strict application of the current zoning code makes us unable to add square footage without a variance. This addition will allow us the same privileges as most of the other homes in our neighborhood while not giving us any special privileges that others do not have. Our family loves living in Tempe and our family of 4 is growing to include my fiancé and her daughter. Both my fiancé and I have the opportunity to work from home after Covid and have been "required" to work from home since March 2020 without a proper office space (without the addition). A home office space is imperative as all the bedrooms are occupied by 4 kids and 2 adults. Thank you for your consideration. We feel that doing this addition will be a benefit not only to our family, but also to our Raintree Estates neighborhood and our Tempe community.

Sincerely,

Michael Hladik (and Trevor Hladik, Jessica Hladik, Alex Hladik, Allison Pogas, and Kenna Phillips)

PROPOSED SITE PLAN
1" = 20'-0"



SPECIAL ZONING REQUEST
SETBACK TO 8'-0" SETBACK
R1-10 ZONING ORDINANCE
MAX HEIGHT: 32'-0" MAX (18'-2" EXISTING)
FOOTING SETBACK: 30'-0" EXISTING
SIDE SETBACK: 10'-0" (10'-0" EXISTING)
FRONT YARD SETBACK: 35'-0" (46'-2" EXISTING)
STREET SIDE SETBACK: 15'-0" (16'-0" EXISTING)

KEYNOTES	
NO.	DESCRIPTION
0002	(E) CONCRETE DRIVEWAY (UNALTERED)
0018	(E) CONCRETE DRIVEWAY (UNALTERED)
0019	(E) CONCRETE DRIVEWAY (UNALTERED)
0020	(E) CONCRETE DRIVEWAY (UNALTERED)
0021	(E) ELECTRICAL SERVICE PANEL AND METERS
0022	(E) CONCRETE PAVEMENT (UNALTERED)
0023	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
0024	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
0025	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
0026	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
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0091	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
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0098	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
0099	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)
0100	(E) WALL GATE 5'-0" HIGH SELF-CLOSING (UNALTERED)

DESCRIPTION OF WORK
ATTACHED HOME OFFICE ADDITION

OWNER INFORMATION
MICHAEL HLADIK TRUST
8017 S COLLEGE AVE TEMPE 85284
480-244-2073
mhladik@whoo.com
PROJECT NAME: HLADIK HOME OFFICE ADDITION
PROJECT ADDRESS: 8017 S COLLEGE AVE TEMPE 85284
APN #: 301-45-5306
N. LOT SIZE: 16,130 SQ FT
ZONING: R1-10
SPEED VISION PAINT/PEEL UNIT 2
LOCAL JURISDICTION: TEMPE
CONTRACT NUMBER: 22-003
OWNER CONTACT: MICHAEL HLADIK TRUST
BUILDING AREA DATA
MULTIHOUSE
EXISTING UTILITY: 3,179 SQ FT
EXISTING GARAGE: 484 SQ FT
EXISTING MECH: 1,316 SQ FT
EXISTING MECH 2: 1,316 SQ FT
EXISTING COVERED PORCH: 1,333 SQ FT
EXISTING COVERED PORCH 2: 1,333 SQ FT
EXISTING PERGOLA: 181 SQ FT
EXISTING PERGOLA 2: 181 SQ FT
PROPOSED ADDITION: 1,030 SQ FT
TOTAL UNDER ROOF: 5,192 SQ FT

LOT COVERAGE
LOT SIZE: 16,130 SQ FT
TOTAL COVERAGE: 31.54%

VICINITY MAP
E LINDROD
S MILL AVE
S COLLEGE AVE
S RURAL RD
W CARL EHR RD
SECRETARIAT
SITE

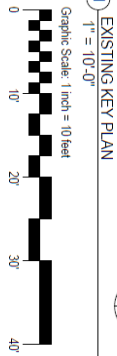
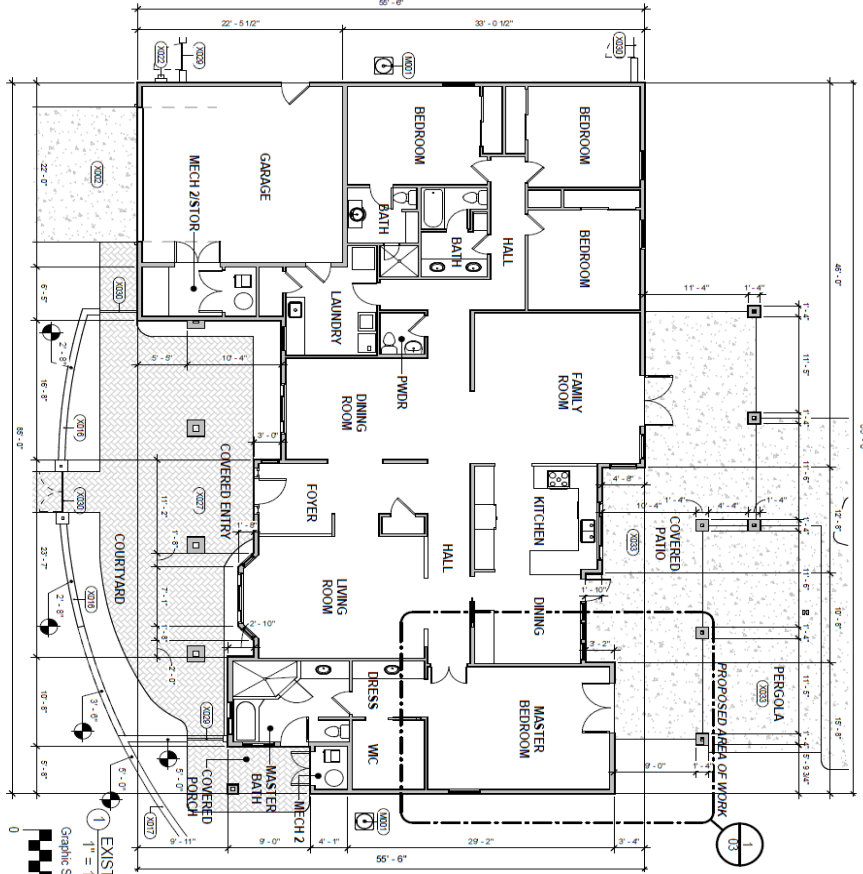
LUNDSTROM DESIGN, LLC
3744 W AMBER NICKOLE CT
ANTHEM, AZ 85086
602-577-5523

PROPOSED SITE PLAN
HLADIK ADDITION
8017 S COLLEGE AVE, TEMPE AZ 85284

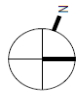
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EXISTING KEY PLAN



NO.	DESCRIPTION
M001	A/C CONDENSING UNIT PER MECHANICAL ROOM 12\"/>
X002	E/C CONCRETE DRIVEWAY
X016	E/C CONCRETE DRIVEWAY
X017	E/C CONCRETE DRIVEWAY
X022	E/E ELECTRICAL SERVICE PANEL AND
X027	E/C CONCRETE PATIERS (UNALTERED)
X029	E/V L/SATE 6'-0\"/>
X030	E/V L/SATE (UNALTERED)
X032	E/C CONCRETE SLAB (UNALTERED)

EXISTING BUILDING AREA SUMMARY
 EXISTING LIVING: 3,179 SQ.FT.
 EXISTING GARAGE: 444 SQ.FT.
 EXISTING MECH: 2,733 SQ.FT.
 EXISTING COVERED ENTRY: 333 SQ.FT.
 EXISTING COVERED PORCH: 51 SQ.FT.
 EXISTING PERIGOLA: 181 SQ.FT.
 TOTAL UNDER ROOF: 8,022 SQ.FT.

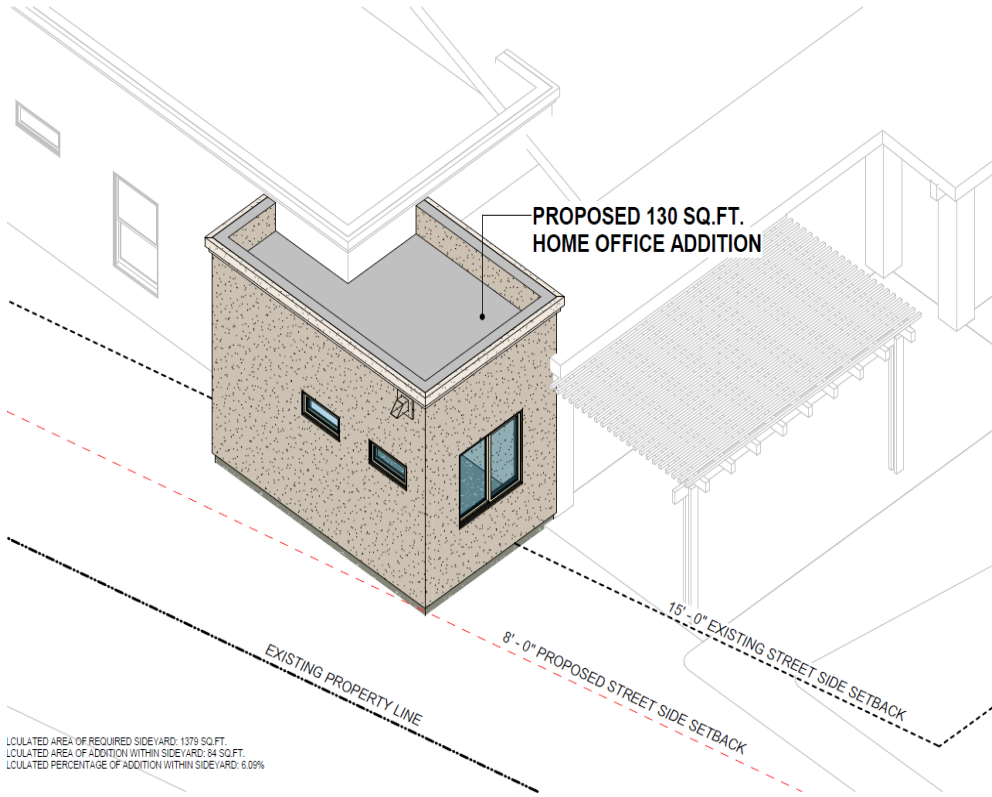


LUNDSTROM DESIGN, LLC
 3744 W AMBER NICKOLE CT
 ANTHEM, AZ 85086
 602-577-9523

EXISTING KEY PLAN
HLADIK ADDITION

8017 S COLLEGE AVE, TEMPE AZ 85284

Date: 9/7/22 Job #: 22-003 Drawn by: Author Sheet: 02



CALCULATED AREA OF REQUIRED SIDEYARD: 1379 SQ.FT.
 CALCULATED AREA OF ADDITION WITHIN SIDEYARD: 84 SQ.FT.
 CALCULATED PERCENTAGE OF ADDITION WITHIN SIDEYARD: 6.09%

D ISOMETRIC AT SOUTH (STREET) SIDE SETBACK

222 by Lundstrom Design LLC

**PROPOSED 130 SQ.FT.
 HOME OFFICE ADDITION**

EXISTING PROPERTY LINE

8'-0" PROPOSED STREET SIDE SETBACK

15'-0" EXISTING STREET SIDE SETBACK



**LUNDSTROM
 DESIGN, LLC**

3744 W AMBER NICKOLE CT
 ANTIHEM, AZ 85086
 602-377-9623

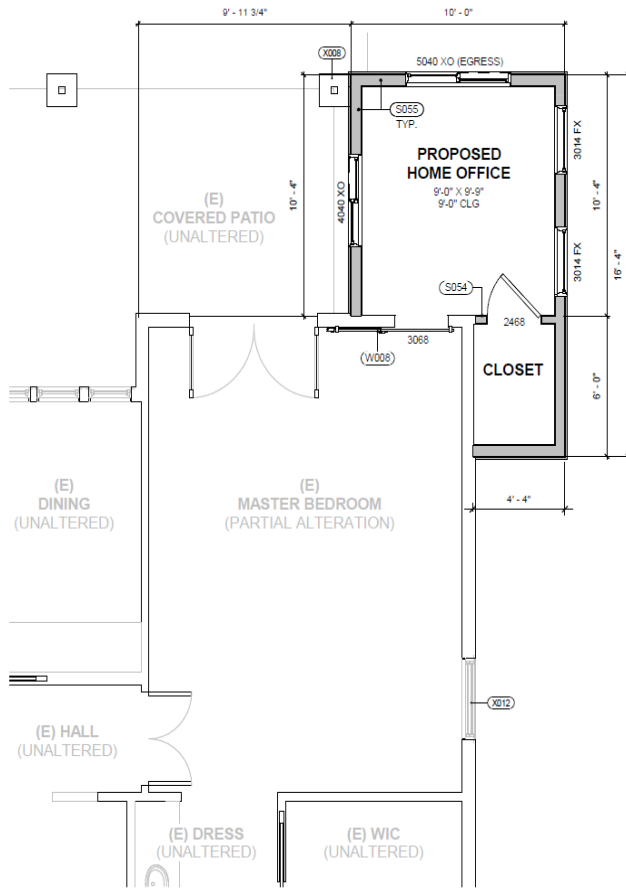
SD - EXTERIOR SE ISOMETRIC VIEW

HLADIK ADDITION

8017 S COLLEGE AVE, TEMPE AZ 85284

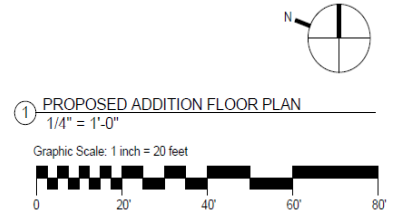
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 Author: 08

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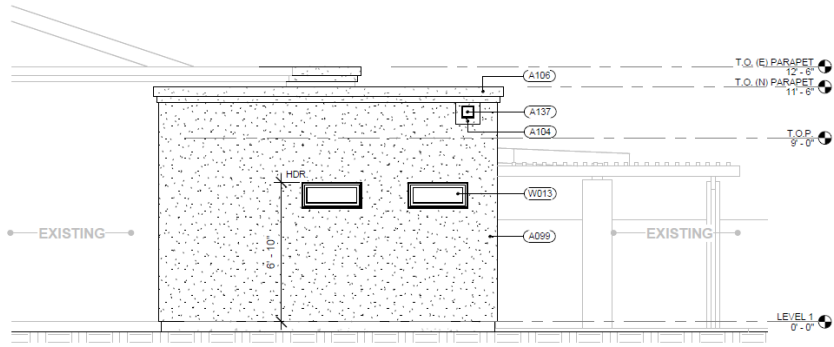
KEYNOTES	
NO.	DESCRIPTION
S054	NEW 2x4 @ 16" O.C. INTERIOR WALL
S055	NEW 2x8 @ 16" O.C. EXTERIOR WALL(S)
W008	NEW INTERIOR SLIDING DOOR
X008	EXISTING CMU COLUMN(S)
X012	EXISTING EGRESS WINDOW

PROPOSED BUILDING
AREA SUMMARY
PROPOSED HOME OFFICE : 130 SQ.FT.



1 PROPOSED ADDITION FLOOR PLAN
1/4" = 1'-0"

Graphic Scale: 1 inch = 20 feet



1 PROPOSED SOUTH ELEVATION
1/4" = 1'-0"

KEYNOTES	
NO.	DESCRIPTION
A099	NEW STUCCO TO MATCH EXISTING
A104	NEW STUCCO SCUPPER POP-OUT TO MATCH EXISTING
A100	NEW STUCCO CORNICE TO MATCH EXISTING
A137	NEW SCUPPER TO MATCH EXISTING
W013	NEW WINDOW(S) PER PLAN

LUNDSTROM DESIGN, LLC
 3744 W AMBERNICKOLECT
 ANTHEM, AZ 85086
 602.977.8523

PROPOSED ADDITION ELEVATION
 HLADIK ADDITION
 8017 S COLLEGE AVE, TEMPE AZ 85284

Date: 9/7/22 Job #: 22-003 Drawn by: Sheet: 06 Author:

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Hi Raintree residents:

Mike Hladik will be holding a neighborhood meeting at his residence (8017 S. College Avenue) on January 23rd, 2022, from 6:00-6:45 PM to share his idea for an office addition that will require a setback variance for the side of the house along Secretariat.

The meeting will be held in the front courtyard for social distancing. Mike will be wearing a mask and is fully vaccinated and boosted.

Thanks,

Michael Hladik
8017 S. College Avenue
480-292-2873

Please Sign In

1/23

Name

Address

① Walt Dai 143 E. Citata Ln.

② Ken Sait 130 E Citata Ln

③ Novi Wong 501 E. Secretariat

④

⑤

⑥

⑦

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Public Meeting Explanation:

My intent was to send out a flyer to meet all the requirements for the public meeting to include:

- Notification of properties within 600ft, January 8th
- Notification of communities within ¼ mile, January 8th, 9th, 10th
- Notification to all of Raintree, January 8th
- A public meeting notice sign was also displayed prominently at the residence starting January 8th through January 25th.

Because of some difficulty getting contact info for a one or two neighboring community groups/associations, it took an extra day or two to collect the contact info. As such, I had to add a 2nd public meeting for the 25th to meet the 15 day prior notification requirement for one or two nearby communities.

Flyer 1 for public meeting was had delivered to all properties within 600ft as indicated by utilizing the tools on the City of Tempe site. (See “Hladik Flyer Invite ... 1”, “map 600ft” and “neighborhood within quarter mile” attachments.) Flyer 1 was also emailed to all of Raintree on Jan 8th by our community representative that retains the community email distribution list. Three people attended the meeting and several others stopped me throughout the time that I had the meeting announcement signs displayed to just ask questions about my plans. (See “jan23 sign in sheet” attachment)

Flyer 2 for the 2nd public meeting was emailed to all the community representatives for neighborhoods within a quarter mile as required. (See “ Hladik Flyer Invite ... 2”). Nobody attended the Jan 25 meeting.

Thanks,

Michael Hladik