

**CITY OF TEMPE
BOARD OF ADJUSTMENT**

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

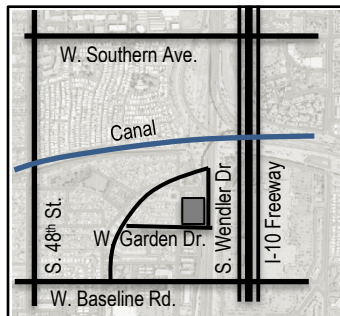
ACTION: Request a variance to reduce the street side yard setback from 10' to 6' in the R1-6 Zoning District for an existing addition to a single-family house for the GIPSON RESIDENCE, located at 2002 West Garden Drive. The applicant is Darryl Sharon.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: GIPSON RESIDENCE (PL220276) is requesting a street side yard setback reduction. The property owner had obtained a variance for an addition to the home in 2009, and construction was not completed on the addition. The variance was previously approved with a condition of approval to obtain necessary clearances from the Building Safety Division, this would include building permits and certificate of occupancy. The contractor hired to obtain permits and construct the addition left the owners with unfinished construction, no building plans or permits, and an expired variance. The applicant had to have plans redrawn for submittal for building permits, and is requesting a variance to comply with the existing setback established by the prior variance and as built with the existing foundation and walls of the unfinished 360 square foot building addition:

VAR220009 Variance to reduce the street side yard setback from ten (10) feet to six (6) feet.



Property Owner	Kathy Gipson
Applicant	Darryl Sharon
Zoning District	R1-6 Single-Family Residential
Site Area	.1976 Acres or 8,607 s.f.
Building Area	1,466 s.f.
Lot Coverage	16% (45% maximum allowed)
Building Setbacks	20' front south, 5' west side, 6' east street side, 15' rear (20', 5', 10', 15' min. in R1-6)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

The site is located south of Southern Avenue and the Western Canal, west of the AZ Mills Mall and I-10 Freeway interchange, east of 48th Street and north of Baseline Road. The property is located on the north west corner of the intersection of South Wendler Drive and West Garden Drive near Svob Park. Lot 231 of the Knoell Gardens Amended Subdivision is located in the Tempe South Mountain Neighborhood Association. According to the Maricopa County Assessor's site, the lot is 8,607 s.f. and the house is 1,466 s.f. The property has no alley access and has residences to the north and west adjacent to the property, residences south on Garden Drive, and an office use to the east on Wendler Drive. The location of the requested setback reduction is adjacent to Wendler Drive and does not about any adjacent properties. The proposed completion of the existing addition would add approximately 360 square feet to the house. The foundation, walls and roof have been constructed, however the interior and electrical work was not completed. Permits were not previously obtained by the contractor, and revisions to the addition may be necessary to comply with current building code regulations.

PUBLIC INPUT

- May 18, 2009 The applicant held a neighborhood meeting at 5:15pm on the subject site with no attendees for the first variance process.
- June 2, 2009 The Hearing Officer heard the request for a variance and had no public input during the hearing process.
- November 14, 2022 the applicant held a neighborhood meeting at 5:30pm on the subject site, staff attended. Two residents attended the meeting, one living north and caddy-corner to the site and another to the south, both on other streets. Both residents questioned why they needed to get the variance again and were supportive of the request.
- Upon completion of this report staff has received no public comments on the requested variance.

VARIANCE

The property owner received a variance in 2009 for a building addition but did not complete construction and the variance expired. Although the Use Permit Standard process would allow a reduction from 10' to 8', the exterior structure was completed with a 6' setback. The applicant is seeking the same variance to reduce the street side yard setback from 10' to 6' to complete construction in conformance to current building standards.

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 located on a corner lot where the street (Wendler Drive) was closed to the south of Garden Drive and makes a 90 degree turn from the south to the west with a corner cut off on this lot, creating an irregularly shaped lot. The right-of-way for Wendler Drive is 33 feet, which is unique to a residential neighborhood; the typical width for a residential street is 25 feet. Lot 231 of Knoell Gardens Amended Plat is one of 61 lots, and one of only five lots that have a street side yard adjacent to a 33' wide street, while other streets within the subdivision are 25' and 30'. Wendler Drive is not a through street, yet it has a larger right of way than the other streets within the area.
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 is one of eight percent of the properties with a larger right of way, if Wendler Drive right of way were 30' wide the site would be 3' wider and have the ability to apply for the Use Permit Standard to meet code, as the remainder of the community can. Because the applicant previously received a variance for this setback, strict application of the code would deprive them of the privileges enjoyed by other properties in the same classification and zoning district and that they have had the right to enjoy for more than a decade if the existing expansion of the home had been completed. The side yard setback in R1-6 was reduced from 7' to 5' in 2005, but the street side yard setback was not changed. The typical character of this district is a 5' side yard setback.
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 8-feet wider than a typical residential street. Approximately 5 properties in this neighborhood have comparable conditions with a similar lot layout. The setback of the comparable properties ranges from approximately 5-feet to 20-feet. The property across the street has GID zoning, which has a 25' setback on the street front facing Wendler and 0' side yard setbacks to the north and south. Applying a 6' street side yard setback to the subject site will not impact any of the residential properties in the vicinity nor the property to the east, which has a 0' side yard setback. Allowing the variance 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.* The applicant previously was granted a variance for this setback reduction and hired a contractor who applied for building permits but did not complete the permitting process prior to starting construction of the addition. After completing foundation, walls and roof but before completing the electrical, dry wall or interior work, the contractor was arrested and the homeowner left without plans, permits or a completed project, which resulted in the variance expiring. The applicant cannot resume construction without new building permits, which will require obtaining updated plans to comply to new building codes. The circumstances leading to the prior construction were caused by the contractor hired to do the construction and were not self-imposed by the property owner. Subsequent to this circumstance, the owner has had a death in the family resulting in the need for this addition to be completed for the safe shelter and care of her grandchildren. The conditions of the neighborhood street right of way was the prior justification for granting the variance and the special circumstances surrounding the homeowner's familial situation and need for the addition are not self-imposed.

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. This Variance is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The building addition and foundation shall be painted to match the existing residence.

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:

1930-1974 Historic Aerial photos indicate this was used for agricultural use.

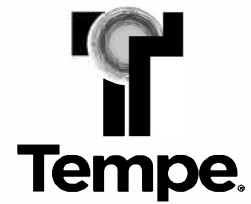
December 23, 1974 The existing house received final inspection for new construction.

June 2, 2009 Hearing Officer approved a variance to reduce the east street side setback from ten (10) feet to six (6) feet with two conditions of approval:
1. Obtain necessary clearances from the Building Safety Division and
2. the building addition and foundation shall be painted to match the existing residence.

December 14, 2022 Board of Adjustment is scheduled to hear the requested variance from ten (10) feet to six (6) feet to allow the existing building addition to be completed.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-309 Variance

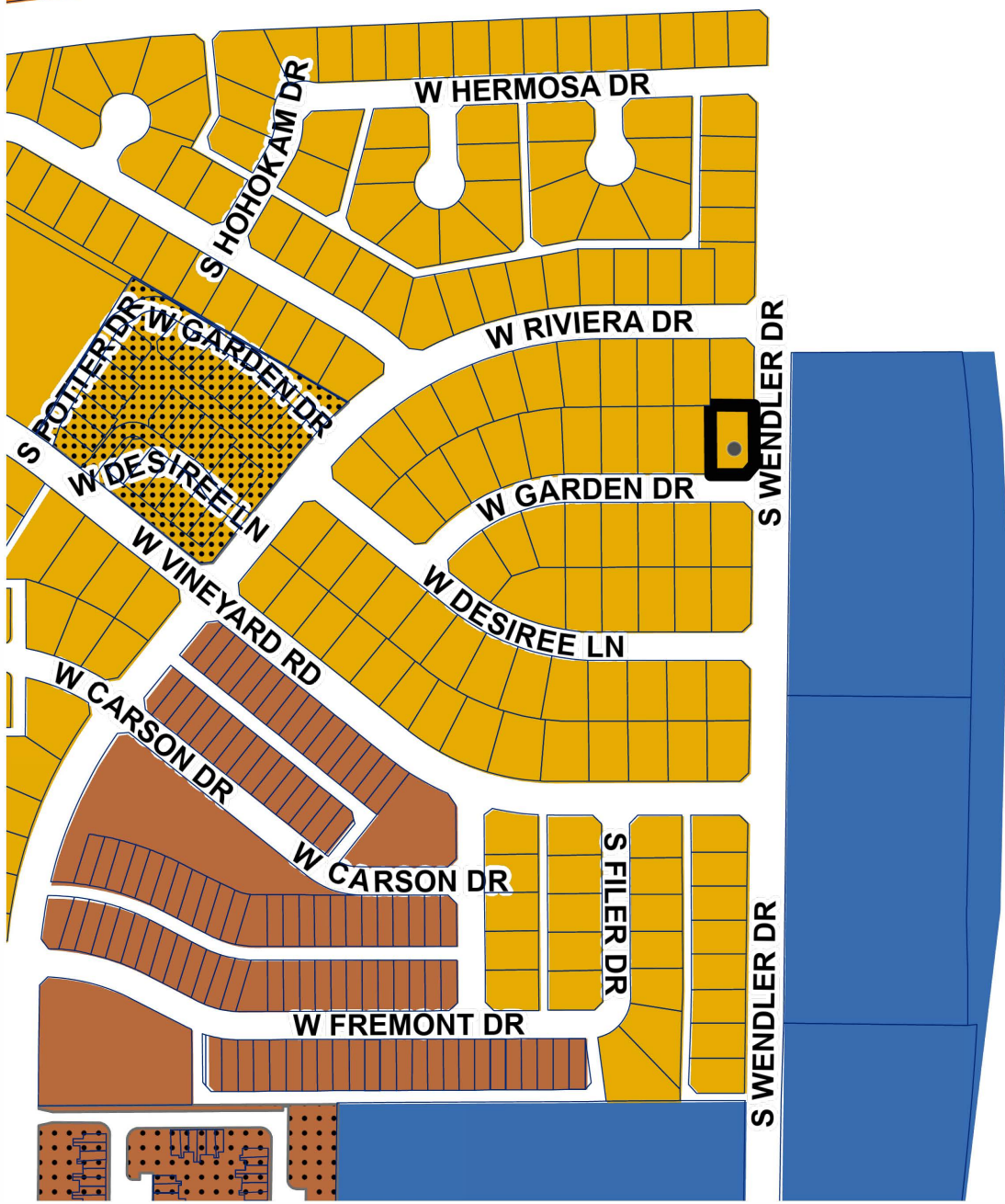
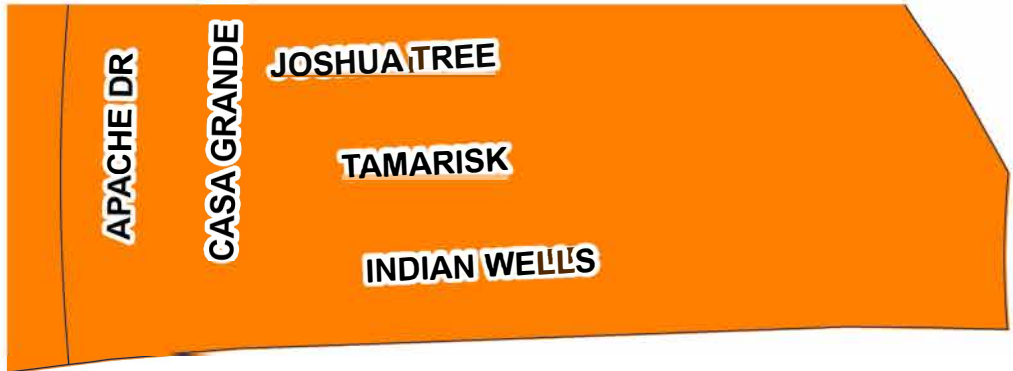


DEVELOPMENT PROJECT FILE
for
GIPSON RESIDENCE
(PL220276)

ATTACHMENTS:

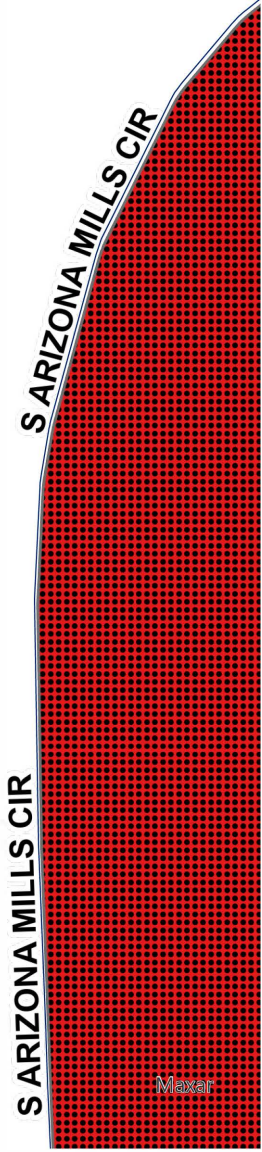
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
- 5-13. Site Context Map and Photos
- 14-16. Site Plan, Elevations & Sections, Floor Plan
17. Neighborhood Meeting Public Involvement Summary Minutes
- 18-19. 2009 Hearing Officer Minutes for Variance and Approval Letter (for reference)

Gipson Residence



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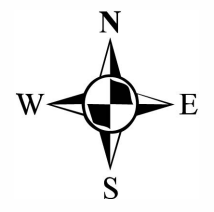


- General Industrial District (GID)
- Regional Commercial Center (RCC)
- Single-Family Residential (R1-6)
- Single-Family Residential (R1-4)
- Multi-Family Residential (R-2)
- Multi-Family Residential Restricted (R-3R)
- Mobile Home Residence (RMH)

- Override 1
- Twelve Point**
- CenterlineSubType**
- ADOT
- Canal
- Monument

- Private
- Railroad
- Street
- <all other values>
- Zoning District**
- Light Industrial District (LID)
- General Industrial District (GID)

ATTACHMENT 1



Maxar



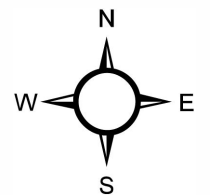
Tempe

PL220276

Gipson Residence



Aerial Map



Kathy J. Gipson
2002 W. Garden Dr.
Tempe, Arizona 85282

Project : Gipson Residence
2002 W. Garden Dr.
Tempe, AZ. 85282

Letter of Explanation

Request: To add room extension to the east exposure of the home, that is located 6 feet from the existing eastern property line. The current square footage of the home is 1466 Sq Ft.. The total square footage after the addition will be 1826 Sq. Ft. ,Therefore we are requesting reduction in required street side setback from 10' to 6'. In 2009 I hired a contractor that assisted in applying for the Variance and was to apply for a permit for the building of the addition. A Variance was approved and a few weeks thereafter the contractor began the construction. The contractor completed the framing and the roof but did not return to complete the project.

After several months of trying to reach the contractor I reached the contractor mother who answered his phone. I was advised that the contractor was incarcerated and have been sent to prison.

To complete the project the electrical, drywall/painting and the flooring need to be completed. This put me in a financial bind and the project sat still. Unfortunately the Variance expired. On January 23, 2022 I hired and had a new set of blueprint drafted (I was not able to obtain the original plans being that the contractor was incarcerated) so that I could complete the addition. On February 28, 2022 my daughter passed and I took in her three children to raise (they are currently living with me). I am in need of finishing the addition to accommodate for the extra space needed to raise my grandchildren.

A. There are special circumstance or condition applying to the land, building or use referred to the application;

The property is located on a corner lot where the street (Wendler Drive) makes a 90 degree turn from the south to the west, which turns into Garden Drive. The right-of way for Wendler Drive is 33 feet, which is unique to a residential neighborhood. The typical width for a residential street is 25 feet.

B. The strict application of the Zoning and Development Code will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district;

The single family home exists with an east street side yard setback of 18'-16"; the proposed addition is a 12 foot extension of the home - suggesting a setback of 6'6". Strict interpretation of the code would allow only an 8'-6" addition, reducing the proposed 360 square foot expansion by more than 100 square feet.

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

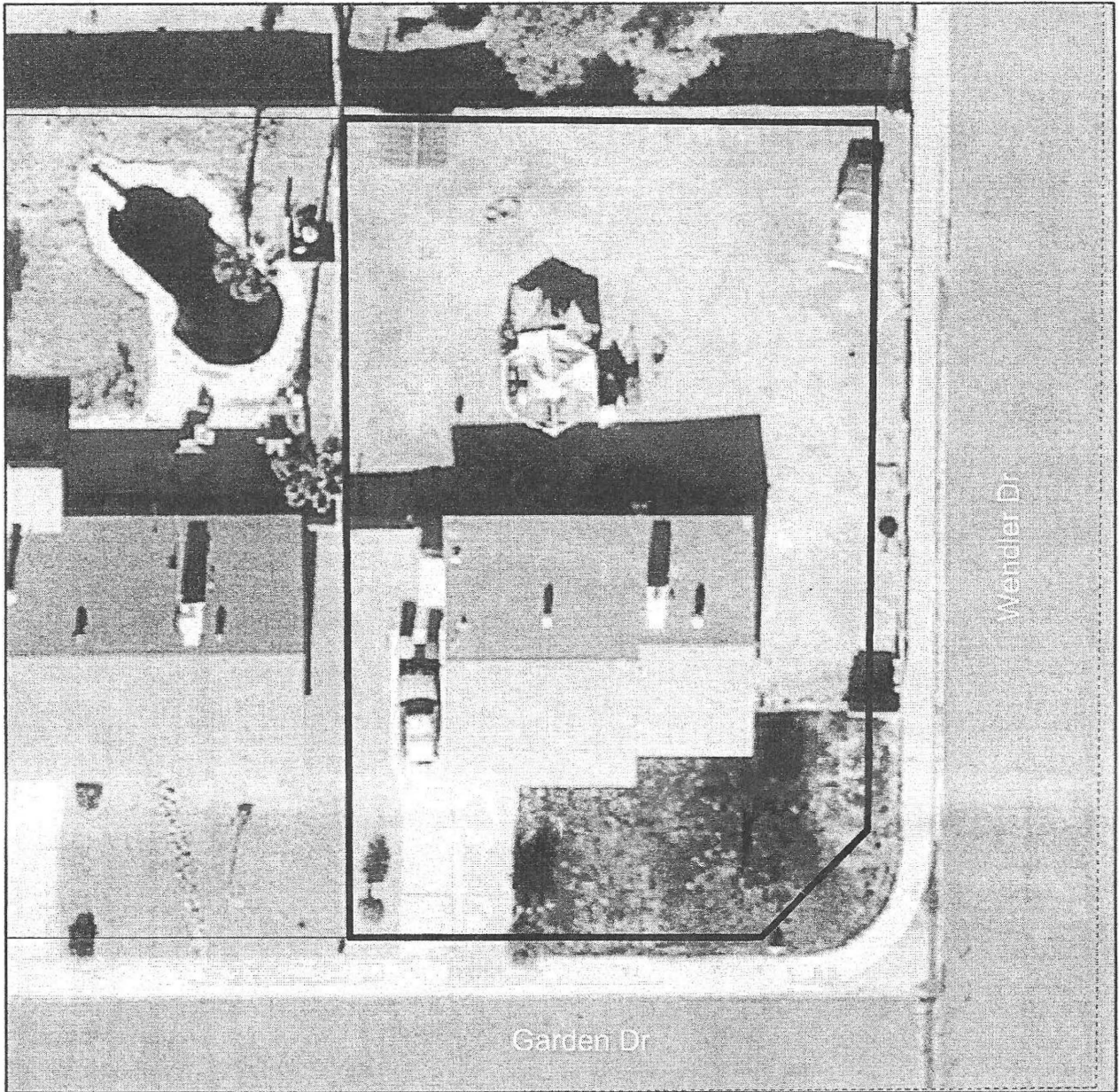
The property is located in a unique situation, whereas the side yard of the single family home is adjacent to a public street that is 8-feet wider than a typical residential street. This situation exists because of the adjacent commercial land use. Approximately 6 properties in this neighborhood have comparable conditions with a similar lot layout. The setback of the comparable properties ranges from approximately 5-feet to 20-feet.

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

The conditions of the neighborhood are not self-imposed by the property owner.

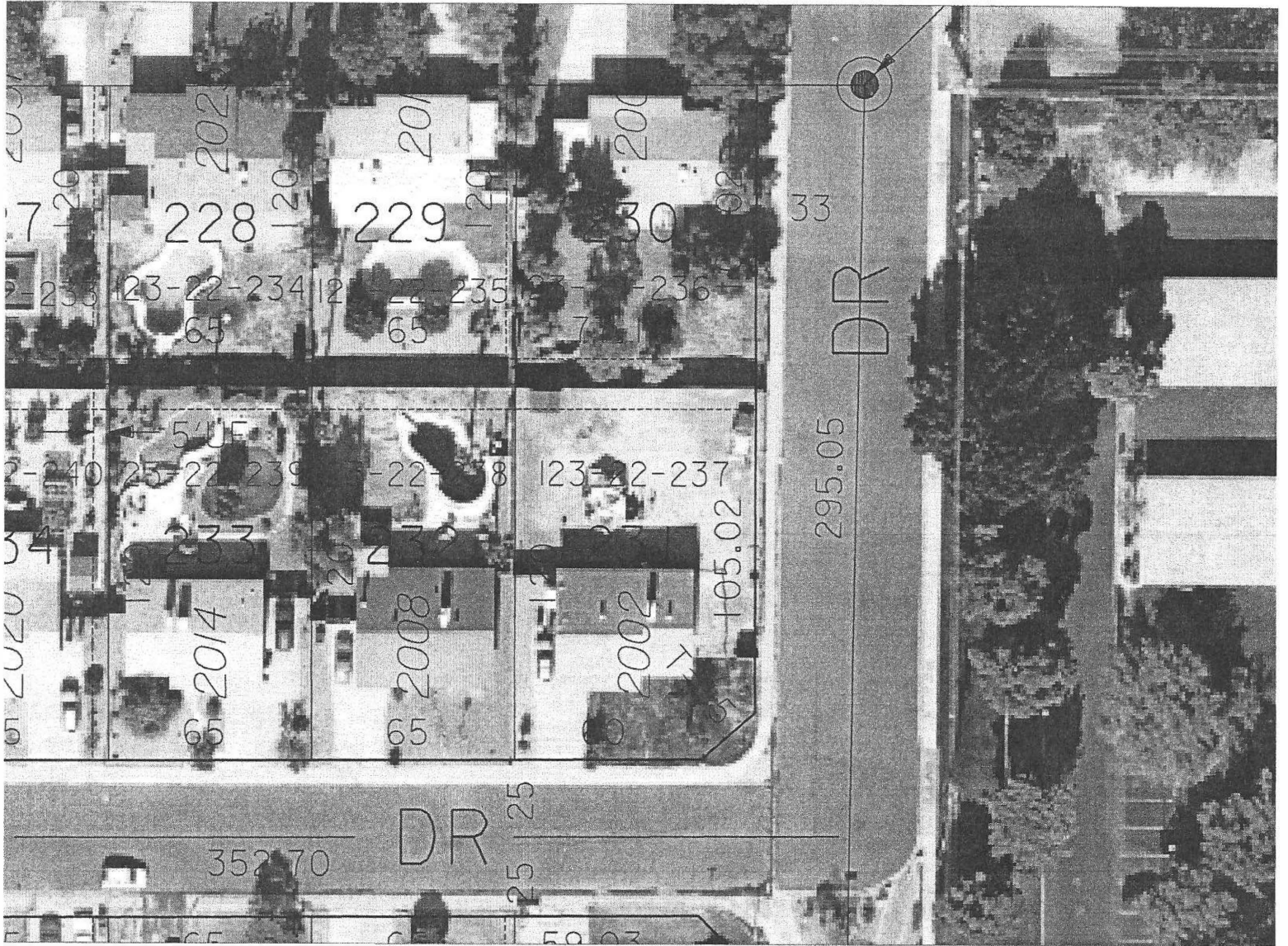
Thank you for your kind consideration on this matter.

Kathy J. Gipson



GIPSON RESIDENCE (PL090164)

↑ Prior Approved VARIANCE



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*Gipson Residence
2002 W. Garden Dr.
Tempe, Az. 85282
(Front View)*



Gipson Residence
2002 W. Garden Dr.
Tempe, Az. 85282
(South/West View)





*Gipson Residence
2002 W. Garden Dr.
Tempe, Az. 85282
(North/West View)*





*Gipson Residence
2002 W. Garden Dr.
Tempe, Az. 85282
(South/West View)*

2018 RESIDENTIAL PLAN CHECK GENERAL NOTES:

1. ALL PRODUCTS LISTED BY AN EVALUATION SERVICE REPORT SHALL BE INSTALLED PER THE REPORT AND THE MANUFACTURER'S WRITTEN INSTRUCTIONS. PRODUCT SUBSTITUTIONS SHALL ALSO BE LISTED BY AND FROM:
2. SUBSTITUTE PERMIT REQUIRED: POOLS, SPAS, FENCES, SITE WALLS, RETAINING WALLS AND SPRINKLE SYSTEMS
3. FOUNDATION FOOTING DEPTH SHALL BE 2 INCHES OR 24 INCHES BELOW GRADE (OR PER PERMITS) SOIL REPORT PROVIDE A MIN OF 4 INCHES CLEARANCE BETWEEN REBAR AND SOIL (TABLE APPROVED)
4. EXTERIOR WALL PENETRATIONS BY PIPES, DUCTS OR CONDUITS SHALL BE SEALED PERMITS
5. EXTERIOR WALL PENETRATIONS BY PIPES, DUCTS OR CONDUITS SHALL BE CALKED PER PERMITS
6. ROOF WALL PLATES SHALL BE PROVIDED WITH AN APPROVED RESISTANT EXTERIOR WALL PLATE SHALL BE INSTALLED PER PERMITS
7. GYPSON BOARD APPLIED TO CEILING SHALL BE 1/2" WHEN PERMITTED AREA IS: C.C. OR 1/4" WHEN PERMITTED AREA IS: O.C. OR USE Labeled "1" SAG-RESISTANT GYPSON BOARD TABLE PERMITS 161
8. SHOWERS AND THE SHOWER COMPARTMENTS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THERMO MIXING VALVE TYPE (PERMITS)
9. SHOWER AREA WALLS SHALL BE PROVIDED WITH AN APPROVED NON-ABSORBENT SURFACE SUCH AS CERAMIC TILE TO A HEIGHT OF NOT LESS THAN 72" ABOVE THE DRAIN FLEET CROWN FLOOR, CORNER OR 48" THAT DRAIN COVERS ARE INSTALLED IN ACCORDANCE WITH PERMITS RECOMMENDATIONS SHALL BE USED AS BACKERS FOR WALL TILE IN TUB + SHOWER AREAS AND WALL PANELS IN SHOWER AREAS (PERMITS)
10. PLUMBING FINISHES SHALL COMPLY WITH THE FOLLOWING CONSERVATION REQUIREMENTS: WATER CLOSET-TANK TYPE 1.6 GAL/FLUSH SHOWER HEADS-2.5 GPM; SINKS-2.0 GPM; LAVATORY CUPBASKETS-2.0 GPM; JACOBI
11. S/CORNER-TANK TYPE WATER HEATERS SHALL BE INSTALLED WITH A DRAIN PAN AND DRAIN LINE (PERMITS)
12. HEATED WATER CIRCULATION SYSTEMS SHALL BE PROVIDED WITH A CIRCULATION PUMP THE SYSTEM SHALL BE A DEDICATED RETURN PIPE OR COLD WATER SUPPLY PIPE (PERMITS) APPROVED
13. PROVIDE MECHANICAL VENTILATION TO ALL APPLIED DUCTS INCLUDING: KITCHEN, BATHROOMS OR ROOF VENTILATION OR THE DISTANCE IS 14" OR LESS BETWEEN THE CEILING AND THE BOTTOM OF ROOF VENTILATION (PERMITS) APPROVED
14. THE BUILDING ENVELOPE SHALL COMPLY WITH CLIMATE ZONE 2. COMPLIANCE SHALL BE ACHIEVED BY THE APPLICABLE PERFORMANCE REPORT OR BY THE FOLLOWING PERFORMANCE VALUES (TABLE PERMITS):
 - A) PRESCRIPTIVE MINIMUM VALUES: CEILING R-38 (WALLS) R-13
 - B) PRESCRIPTIVE MAXIMUM VALUES: FLOOR R-25 (WALLS) R-13
 - C) PRESCRIPTIVE MINIMUM VALUES: FLOOR R-25 (WALLS) R-13
 - D) SUPPLY AND RETURN DUCTS SHALL BE 4" MIN. I.D. DUCTS IN FLOOR TRUSSES, MIN. R-4 (PERMITS)
15. RECEPTACLES AND SWITCHES SHALL BE MECHANICALLY FASTENED TO RIGID SUPPORTS OR CEILING MEMBERS AT A MINIMUM OF 12" FROM THE CENTERLINE
16. EXHAUST APPLIANCE IN BATHROOM, KITCHEN AND TOILET ROOMS SHALL BE EXHAUSTED DIRECTLY TO THE OUTDOORS, NOT RECYCLED OR EXHAUSTED INDOORS (PERMITS) APPROVED
17. PROVIDE A WALL MOUNTED GFCI PROTECTED RECEPTACLE OUTLET WITHIN 36" OF A BATHROOM OR POWEROFF LAVATORY (PERMITS)
18. RECEPTACLES SERVING KITCHEN COUNTERTOPS INSTALLED IN BATHROOMS, GARAGES, UNFINISHED ACCESSORY BUILDINGS, OUTDOORS AND LOCATED WITHIN 8 FEET OF STAIRS SHALL HAVE GFCI PROTECTION FOR PERSONNEL (PERMITS)
19. ALL BATTERY CHARGERS THAT SUPPLY 5- AND 20-AMPERE OUTLETS INSTALLED IN KITCHENS, FAMILY ROOMS, HALLWAYS, LIVING AREAS, BATHROOMS, BEDROOMS, RECREATION ROOMS, GARAGES, HALLWAYS, LAUNDRY AREAS AND BARS OR ROOMS OR AREAS SHALL BE PROTECTED BY A CIRCUITRIP TYPE BREAKER WITH CREDIT INTERRUPTER (CIRCUITRIP) INSTALLED TO PROTECT FROM THE CIRCUIT BREAKER (PERMITS)
20. GENERAL PURPOSE 5- AND 20-AMPERE RECEPTACLES SHALL BE LISTED AS TAPPER-RESISTANT (PERMITS) PER ELECTRICAL
21. PROVIDE MORE ALUMINUM IN NEW AND EXISTING AREAS OF LOTS (PERMITS)
22. APPROVED CARBON MONOXIDE ALARMS SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS OTHER THAN FULL-FREED APARTMENTS ARE INSTALLED AND IN THE DWELLING UNITS THAT HAVE ATTACHED GARAGES (PERMITS)
23. A MINIMUM OF 50 PERCENT OF THE PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL CONTAIN ONE HIGH-CORRELATED COLOR TEMPERATURE (PERMITS)
24. RECEPTACLE OUTLETS SHALL BE INSTALLED SO THAT NO POINT ALONG THE POWER LINE IN ANY WALL SPACE IS MORE THAN 6 FEET BETWEEN HORIZONTAL POINTS ON EITHER SIDE OF THE WALL SPACE OR MORE THAN 6 FEET OR MORE IN SPACING (PERMITS)
25. BOTH NEUTRAL PIPES AND GROUNDING METAL PIPES IN CONTACT WITH THE GROUND ALTHOUGH ASSOCIATED WITH THE INTENDED PASSAGE OF AIR SHALL BE BONDED TOGETHER USING AN INSULATED, COVERED OR BARE SOLID COPPER BONDING WIRE NOT SMALLER THAN 8 AWG (PERMITS)

GENERAL CONDITIONS

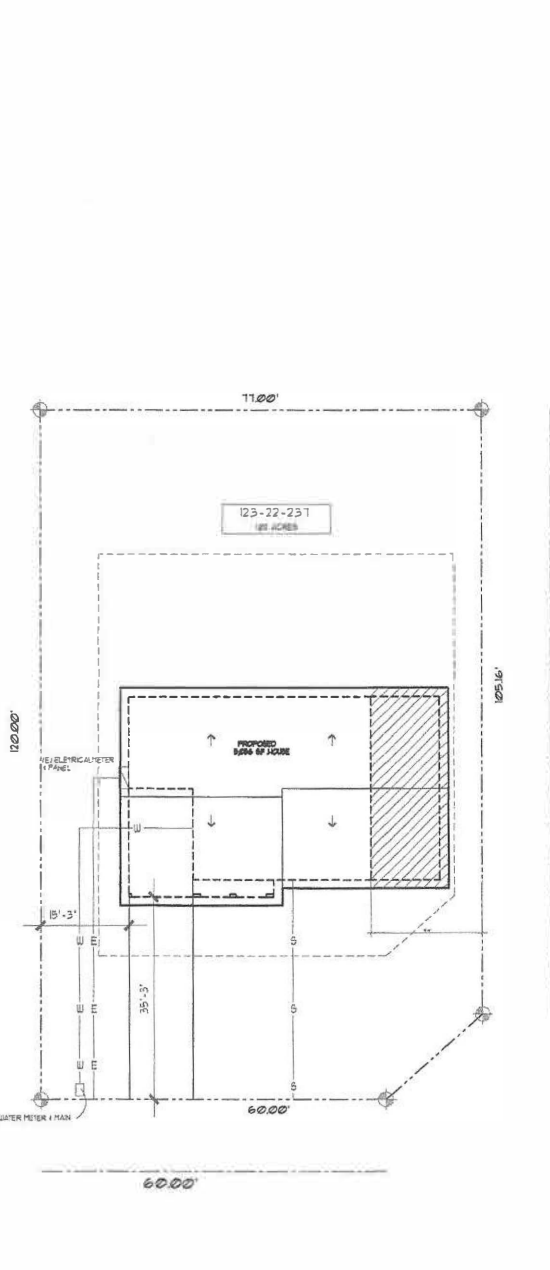
1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES AS PRESCRIBED BY THE GOVERNING AGENCIES
2. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO INSURE THAT THE AREA OUTSIDE OF THE BUILDING ENVELOPE IS NOT DAMAGED
3. THE CONTRACTOR IS RESPONSIBLE TO PAY FOR ALL PERMITS AND FEES AS NECESSARY FOR THE PROPER COMPLETION OF THE WORK AND SHALL OBTAIN ALL PERMITS AS REQUIRED BY THE GOVERNING AGENCIES
4. THE GENERAL CONTRACTOR SHALL PROTECT AND NOTIFY THE DESIGNER OF ANY ADVERSELY AFFECTED AREAS OR EXISTING CONDITIONS THAT MAY AFFECT THE PROGRESS OF THE WORK AND LOCAL ORDINANCES PRIOR TO CONSTRUCTION
5. TO THE EXTENT PERMITTED BY LAW, THE CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS THE OWNER AND DESIGNER AND THEIR AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE WORK, PROVIDED THAT ANY SUCH CLAIM, DAMAGES, LOSS OR EXPENSE IS ATTRIBUTED TO SOCIETY INJURY, SICKNESS, DEATH OR DEATH OR TO ANY WORK CONNECTION OF FAILURE OF CONTRACT (OTHER THAN THE CONTRACT) INCLUDING LOSS OF USE, REVENUE THEREON BUT ONLY TO THE EXTENT CAUSED BY NEGLIGENCE OR WILLFUL MISFEASANCE OF THE CONTRACTOR OR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR. THIS AGREEMENT SHALL NOT APPLY TO ANY DAMAGE, LOSS OR EXPENSE CAUSED IN PART BY A PARTY INDEPENDENT OF THE CONTRACTOR
6. THE DESIGNER WILL HAVE THE RIGHT TO MAKE CONSTRUCTION VISUAL METHODS TECHNIQUES, MODIFICATIONS OR PROCEDURES OF CONSTRUCTION OR THE SAFETY PRECAUTIONS OR PROCEDURES NECESSARY TO PROTECT THE SAFETY OF THE CONTRACTOR OR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR
7. THE GENERAL CONTRACTOR SHALL VERIFY THAT THE SITE IS EXISTING AT A NO LESS THAN DISCREPANCIES
8. ALL UNFINISHED MATERIALS AND EQUIPMENT SHALL BE STORED APPROVED INSTALLED, COVERED, PROTECTED, DUST CLEANED AND COMPLETED IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN INSTRUCTIONS AND NOT TO BE USED UNLESS SPECIFICALLY APPROVED BY THE CONTRACTOR
9. WRITTEN DIFFERENCE MAKE PRECEDENCE OVER SCALE OR CONSTRUCTION DOCUMENTS, COORDINATE ALL DIFFERENCES
10. ALL WORK SHALL BE PERFORMED IN A NEAT AND PROFESSIONAL MANNER. THE JOB SITE SHALL BE MAINTAINED IN CLEAN PROFESSIONAL ORDER
11. WORK NOT SPECIFICALLY CALLED OUT IN THE CONSTRUCTION DOCUMENTS IS REQUIRED TO COMPLETE THE PROJECT. IT SHALL BE PROVIDED AND BE OF THE BEST MATERIALS AND WORKMANSHIP
12. THE CONTRACTOR SHALL GUARANTEE ALL WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF SUBstantial COMPLETION UNLESS OTHERWISE SPECIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE WITH ORIGINAL COPIES OF ALL INVOICES RECEIVED FROM SUPPLIERS AND/OR SUBCONTRACTORS
13. THE WARRANTIES AND/OR GUARANTEES PROVIDED IN THE CONSTRUCTION DOCUMENTS SHALL BE IN ADDITION TO AND NOT IN LIEU OF ANY OTHER WARRANTIES AND/OR GUARANTEES OR PROTECTION REQUIRED BY LAW OR BY ANY APPLICABLE CODES AND ORDINANCES
14. ALL MATERIALS TO BE PROVIDED ARE TO BE THE BEST QUALITY. FREE FROM DEFECTS OR CONTAMINATION AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN INSTRUCTIONS AND/OR DESIGNER AT THE TIME OF THE ORDER

LOCATION FOR REQUIRED FIRESTOPPING & DETAILATIONS

- FIRE BLOCKS AND DRAFT STOPS MUST COMPLY WITH SECTION R602.4 OF 2018 IRC
- CONCEALED SPACES OF STUD WALLS AT CEILING AND FLOOR LEVELS, FURRED SPACES AND SPACES AT 18" LEVELS BOTH VERT. & HORIZ. ALL INTERCONNECTIONS BETWEEN CONCEALED VERT. & HORIZ. SPACES SUCH AS: OCCUR A BRAP OF G.G.S, SOUTHS, 1 COVER CLAS
- BETWEEN STAIR STRINGERS AT TOP / BOTTOM OF RUN & BETWEEN STAIRS ALONG AND IN LINE WITH THE STRINGERS
- BRIDGES AROUND PIPES, DUCTS, VENTS AND CHIMNEYS IN NON-COMBUSTIBLE MATERIALS SUCH AS UNFACED FIBROGLASS INSULATION
- OPENINGS BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS

GENERAL STRUCTURAL NOTES:

- WINDOWS**
- WINDOWS TO COMPLY WITH 2018 IRC SECTION R602.1 (R602.1)
 - ALL EXTERIOR WINDOW OR DOOR UNITS SHALL HAVE A FIN NET CLEAR OPERABLE AREA OF 3" TO 5" TO THE FIN NET CLEAR OPERABLE HEIGHT DIMENSION SHALL BE 24 INCHES THE FIN NET CLEAR OPERABLE WIDTH DIMENSION SHALL BE 20 INCHES UNLESS OTHERWISE PROVIDED AS A PERMITS
 - GLASS OR DOOR UNITS SHALL HAVE A FIN NET CLEAR HEIGHT OF NOT MORE THAN 44 INCHES ABOVE THE FINISHED FLOOR LEVEL & HORIZONTAL DIMENSIONS FOR ALL WINDOWS ARE TO COMPLY WITH 2018 IRC SECTION R602.1 (R602.1) UNLESS OTHERWISE PROVIDED AS A PERMITS
- ATTIC VENTILATION, ACCESS AND VENTS**
- ATTIC ACCESS SHALL NOT BE LESS THAN 22" X 30" FIN CLEAR HEIGHT ABOVE THE ACCESS OPENING ATTIC INSTRUCTIONS
 - ACCESS PANEL SHALL NOT BE LOCATED IN GARAGE IF THIS DOES OCCUR IT SHALL COMPLY WITH 2018 IRC SECTION R602.1 (R602.1)
 - SEE ATTIC VENTILATION CALCULATOR FOR DETERMINATION OF VENTILATION CALCULATIONS
 - ROOF BRACING UNDER COVER PIPING SHALL BE PROVIDED TO ALLOW UNRESTRICTED VENTILATION (PERMITS) APPROVED
 - ATTIC AREA
 - WARE WITHOUT STUCCO IS USED AT ATTIC AREAS, A MINIMUM SHOWER BEHIND THE HEAD OR IN LINE WITH THE FOOT SHALL BE USED - PROVIDE CORROSION RESISTANT METAL FLASH + EXTERIOR VENTS + VENT OPENINGS LESS THAN 1/4"
- LOCATION FOR REQUIRED FIRESTOPPING & DETAILATIONS**
- FIRE BLOCKS AND DRAFT STOPS MUST COMPLY WITH SECTION R602.4 OF 2018 IRC
 - CONCEALED SPACES OF STUD WALLS AT CEILING AND FLOOR LEVELS, FURRED SPACES AND SPACES AT 18" LEVELS BOTH VERT. & HORIZ. ALL INTERCONNECTIONS BETWEEN CONCEALED VERT. & HORIZ. SPACES SUCH AS: OCCUR A BRAP OF G.G.S, SOUTHS, 1 COVER CLAS
 - BETWEEN STAIR STRINGERS AT TOP / BOTTOM OF RUN & BETWEEN STAIRS ALONG AND IN LINE WITH THE STRINGERS
 - BRIDGES AROUND PIPES, DUCTS, VENTS AND CHIMNEYS IN NON-COMBUSTIBLE MATERIALS SUCH AS UNFACED FIBROGLASS INSULATION
 - OPENINGS BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS
- LOCATION OF GULLY, DRAINAGE AND OVERFLOW**
- GULLY SHALL BE A MINIMUM OF 36" TO PROPERTY LINE, SECTION R602.1 (R602.1)
 - FINISH GRADE SHALL BE 1" FOR A DISTANCE OF 10' TO APPROVED WATER DISPOSAL AREA.
- OCCUPANT SEPARATIONS**
- UNDER STAIRS TO COMPLY WITH 2018 IRC SECTION R602.1 (R602.1)
 - PROVIDE 1/2" GTR 80 IN THICKNESS BEHIND ANY STAIR GARAGE WALLS TO HAVE A MIN OF 8" TO PROPERTY LINE, SECTION R602.1 (R602.1)
 - FINISH GRADE SHALL BE 1" FOR A DISTANCE OF 10' TO APPROVED WATER DISPOSAL AREA.
- WATER RESISTANT APPLICATIONS**
- SHOWER AND TUBS WITH CERAMIC TILE OR POLYMER TILE SHALL BE 1/2" ABOVE DRAIN INSTALLED



PROJECT INFORMATION:

OWNER: KATHY GIBSON
PROJECT DESCRIPTION: New 2018 3 Bedroom Addition

PROJECT ADDRESS: 3265 WEST GARDEN DR
 TEMPE, AZ 85281

DATE: JAN 13, 2021
DESIGNER: KATIE GIBSON
PROJECT NO.: 2021-001

LOT AREA: 8,887 Sq. Ft.
LOT COVERAGE: 31% Coverage
ZONE: R-16
BUILDING AREA: (E) RESIDENCE - 1,666 SF (CONDITIONED BY ACES) (N) ADDITION - 382 SF (CONDITIONED BY ACES)

STORIES: 001
HEIGHT: 8'-0"
DESIGN CODES: 2018 IRC
 2018 IBC
 2018 UPC
 2011 NEC
BUILT IN: 1916

DRAWING INDEX:

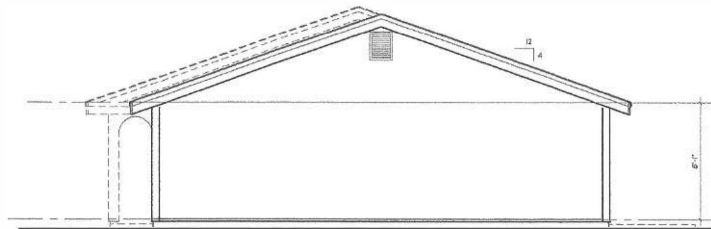
- 11 SITE SHEET
- 12 SITE PLAN
- 13 FLOOR PLAN, ELECTRICAL PLAN, NOTES
- 14 EXTERIOR ELEVATION SECTION
- 15 ROOF PLAN, FRAMING PLAN 1 DETAILS

REVISIONS	NO.



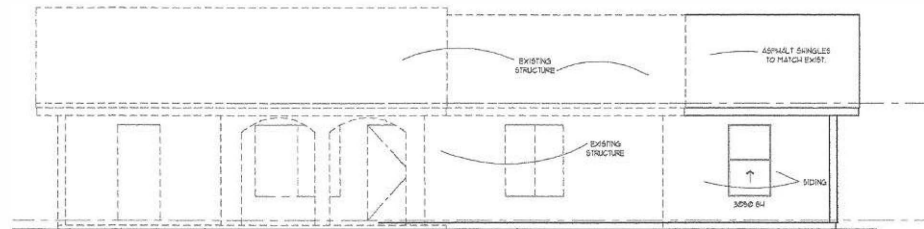
KATHY GIBSON
 3265 WEST GARDEN DRIVE
 PHOENIX, AZ 85281
 TEMPE, MARICOPA COUNTY, ARIZONA 85281

DATE: 1-23-21
SCALE: AS NOTED
DRAWN: KGT
JOB #: GIBSON



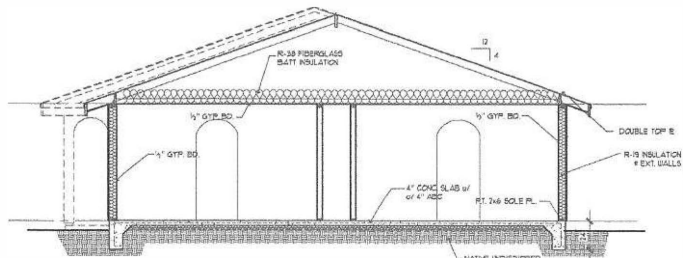
EAST ELEVATION

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



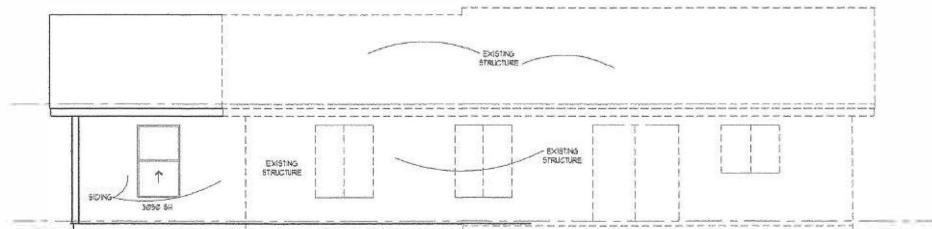
SOUTH ELEVATION

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



BUILDING SECTION 'A'

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



NORTH ELEVATION

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

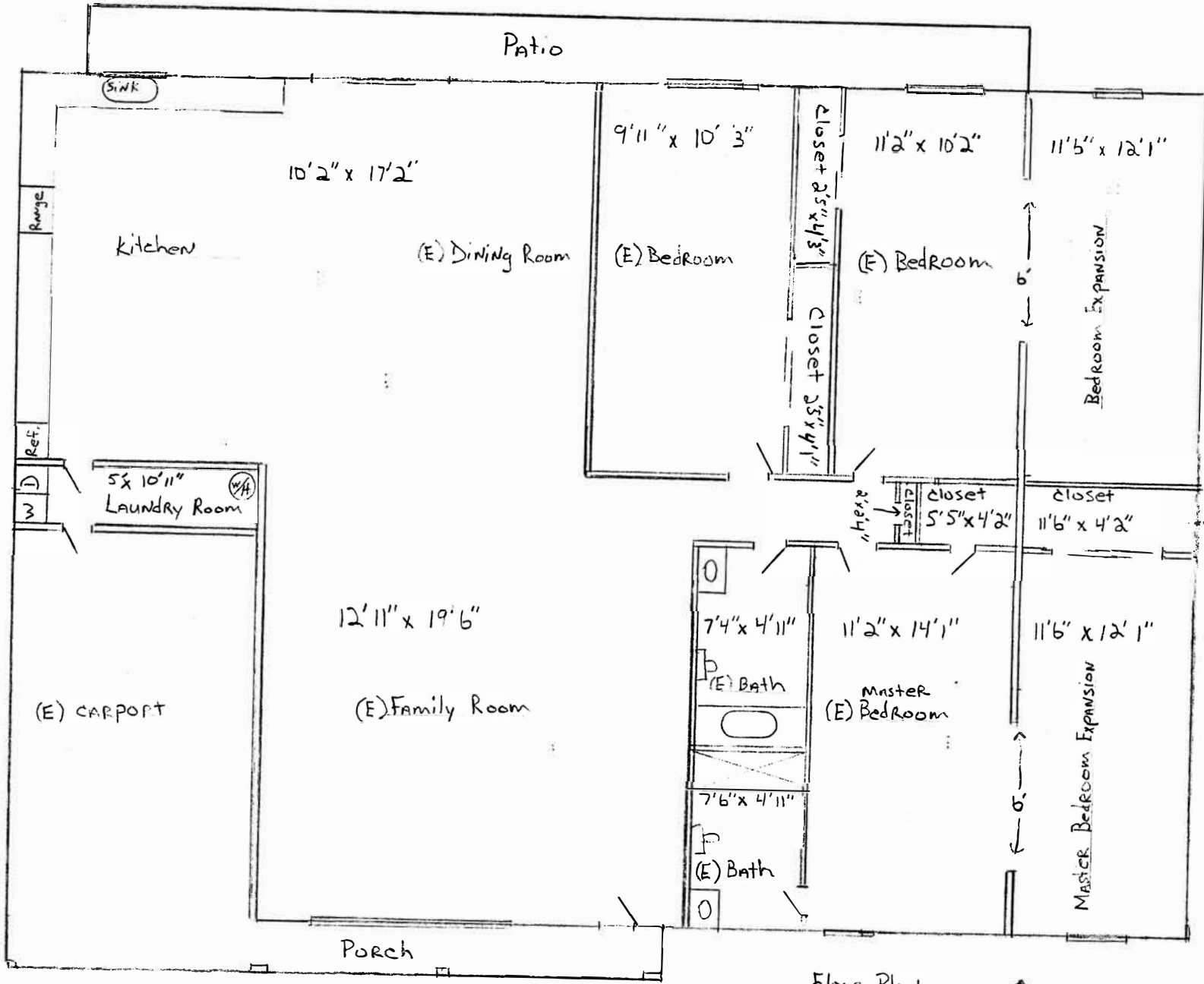
REVISIONS	NO.



KATHY CLIPSON
 2602 WEST GARDEN DRIVE
 PARCEL #13-17-231
 TULSA, HARCOPEA COUNTY, ARIZONA 85022

DATE: 1-23-22
 SCALE: AS NOTED
 DRAWN: KJ
 JOB: CLIPSON





Kathy Giffon
 2002 West Garden Drive
 Parcel # 123-22-237
 Tempe Maricopa County, Arizona 85282

Neighborhood Meeting Notes
November 14, 2022 - 5:30pm

On Monday, November 14, 2022 at 5:30pm a public neighborhood meeting was held in the driveway of 2002 West Garden Drive, Tempe, AZ 85282. A representative from the City of Tempe, Diana Kaminski, was present. The purpose of the neighborhood meeting was to discuss the re-approval of an expired variance.

The following took place:

Two neighbors from the neighborhood showed up for the meeting. A presentation of the site plan was presented to the attendees. The door was opened up for questions and/or discussions. One of the attendees asked why the variance was being reapplied for as opposed to simply re-approving it. It was explained that since the variance had expired, the process had to be started over again for pre-approval.

Both attendees were supportive of the variance and completion of the project.

There were no other questions, other than the attendees were curious as to why a meeting was necessary.

The meeting adjourned at 6:05p.m.

Shawn Daffara, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued.

Pastor John Herman of Desert Palm United Church of Christ spoke in support of this request. He stated that there was strong support from the church congregation for this request.

Mr. Williams asked staff if it was necessary to indicate a benchmark number of students for future reference – at this point it is anticipated by the applicant that there will be a total of sixteen (16) or fewer students. Mr. Daffara responded that it was not necessary as this information was contained in the letter of explanation.

DECISION:

Mr. Williams approved PL090160/ZUP09073 subject to the following conditions of approval:

1. The use permit is valid for the St. Dominic Savio Academy and may be transferable upon Development Services staff review.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. 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.
4. Any expansion or intensification of the use shall require a new use permit to be approved.
5. All business signs shall be approved through Development Review and permits obtained.

-
6. Request by the **GIPSON RESIDENCE (PL090164)** (Kathy Gipson, applicant/property owner) located at 2002 West Garden Drive in the R1-6, Single Family Residential District for:

VAR09007 Variance to reduce the east street side yard setback from ten (10) feet to six (6) feet.

Ms. Kathy Gipson and Mr. Ruben Galan were present to represent this case.

Derek Partridge, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued.

Mr. Williams noted that there were special circumstances unique to this property relating to corner location and the width of the adjacent public right-of-way.

DECISION:

Mr. Williams approved PL090164/VAR09007 subject to the following conditions of approval:

1. Obtain necessary clearances from the Building Safety Division.
2. Building addition and foundation shall be painted to match the existing residence.

-
7. Request by **FLOOR AND DECOR (PL090166)** (David Miller/Floor & Decor, applicant; Jahan Realty Management Corporation, property owner) located at 7500 South Priest Drive in the PCC-1, Planned Commercial Center Neighborhood and Southwest Overlay Districts for:

ZUP09074 Use permit to allow outdoor retail display.

Mr. David Miller was present to represent this case. He explained that the intention is to only have a couple of small displays and there would be no outside storage of materials.

Development Services
Department

(480) 350-8331 (Phone)

June 5, 2009

Ms. Kathy Gipson
2002 West Garden Drive
Tempe, Arizona 85282

RE: GIPSON RESIDENCE

PL090164 / VAR09007

Dear Ms. Gipson:

You are hereby advised that at the hearing held June 2, 2009, the Hearing Officer of the City of Tempe, acting in accordance with Section 1-305, Paragraphs C and D, of the Zoning and Development Code:

Approved the request by the **GIPSON RESIDENCE (PL090164)** (Kathy Gipson, applicant/property owner) located at 2002 West Garden Drive in the R1-6, Single Family Residential District for:

VAR09007 Variance to reduce the east street side yard setback from ten (10) feet to six (6) feet.

Approved subject to the following conditions:

1. Obtain necessary clearances from the Building Safety Division.
2. Building addition and foundation shall be painted to match the existing residence.

Approvals are specifically conditioned upon the applicant proceeding with the proposed use(s) and/or variance(s) within twelve (12) months of the date of the approval by the Hearing Officer and required by the Zoning and Development Code.

In addition to proceeding with the approvals granted, it is understood that any and all conditions as stipulated by the Hearing Officer as indicated above, shall be fully complied with. If the action of the Hearing Officer was required for the purposes of rectifying any violations of the Zoning and Development Code, the violations shall be the responsibility of the applicant/owner to fully correct and achieve conformance.

In sign-related violations, corrections shall be made within five (5) days of Hearing Officer action; in all other matters, corrections shall be made within fifteen (15) days of Hearing Officer action, unless specifically conditioned otherwise by the Hearing Officer. You are further advised that the above does not waive the requirements for obtaining building permits and other clearances as may be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Partridge'.

Derek Partridge
Planner I

DP:dm

cc: File